Shattering the Hire Ceiling: Why Disproportionately Few Women are Partners at Large Law Firms

Eryn M. Hughes
University of Pennsylvania, erynmari@gmail.com

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Abstract
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Keywords
law, women, gender gap, legal profession, Dawn Teele, Teele, Dawn, Social Sciences, Political Science

Disciplines
American Politics | Law and Gender | Legal Profession

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Shattering the Hire Ceiling: Why Disproportionately Few Women are Partners at Large Law Firms

By

Eryn Hughes

Advisor: Dawn Teele

This thesis is submitted in fulfillment of

Bachelor of Arts Degree
Department of Political Science with Distinction
College of Arts and Sciences
University of Pennsylvania

2017
Acknowledgements

First and foremost, I’d like to thank my parents. Dad, your unfaltering faith in my abilities has given me the sense of confidence and capability to get through these four years at Penn. You are my foundation. Mom, your constant reminder to laugh until it hurts is always playing in my head and keeps me from taking life too seriously. Your warm energy and exuding love has provided me with comfort in every and any moment of self-doubt. Thank you both for always being on my side, for trusting me, and for giving me endless opportunities to be who I want to be. You are the best cheerleaders I could ask for. I would not be where I am today without you.

Dawn, thank you for your dedication to this project. Thank you for pushing me to think harder, for trusting my abilities, and for helping me to produce a product I am truly proud of. I could not be more grateful that Dr. Doherty-Sil told me to take your seminar just over a year ago, knowing we would get along. Your energy and mentorship have been a highlight of this past year. I am lucky to leave Penn having gotten to establish a relationship with you.

To the over 400 male and female attorneys who participated in my research, your responsiveness and dedication drastically exceeded my expectations. Without you, this project would not have been possible. Granted, it would be a privilege to be half the attorney you all are one day. But I also hope to be as ready and willing as you were to pause my day to further an undergraduate’s research.

And finally, thank you to the professional women who have inspired me both in real-time and through their stories. Throughout my life, I have looked to your examples for guidance, inspiration, and confidence. You have never let me down and have existed as a constant reminder to never settle for less than you deserve. I hope to follow in your footsteps.
“...the anecdote I tell everyone is that when I started at the firm we had twice as many partners named David as we did female partners. We now have more women than Davids. That’s saying something.”

– Interviewee G, Male, Partner
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Abstract

Despite graduating from top law schools and getting hired as associates at competitive law firms at the same rate as men, women are still disproportionately underrepresented in partnership positions in Big Law. This paper investigates supply-side and demand-side explanations for this phenomenon. Through interview-based research and a survey of 437 attorneys, I identify the major contributing factors to this persistent gender gap. My research shows that while women are taking on more at home with regard to childcare and housework than their male colleagues, they are not significantly more interested than men in leaving large law firms despite extant scholarship’s focus on attrition. Instead, my findings provoke two alternative explanations for the gender gap: First, implicit bias makes it more difficult for women to network with predominantly male clients in an increasingly competitive legal environment that emphasizes client generation and retention. Thus, interpersonal dynamics inhibit their ability to bring in business, and in turn, push them off the partnership latter. Second, female associates identify finding a mentor as a key problem they have encountered. Meanwhile, senior women do not recognize a lack of mentorship as a major obstacle they have faced. This disconnect in experiences between entry-level and senior-level attorneys suggests that young women are struggling to find mentors amongst experienced attorneys who do not realize the importance of having one.
I. Introduction

In a quiet revolution, young women’s perceptions of their future have begun to change. While after World War II only one-third of women worked outside of the home, today nearly 60 percent of American women are in the workforce (U.S. Bureau of Labor Statistics 2015). Younger generations are constantly, and justifiably, reminded of the breakthroughs that have paved the way for them to become doctors, bankers, academics, etc. Economist Claudia Goldin identified a shift, explaining in an interview that, over the past few decades, women have begun to invest in themselves, their education, and their career goals without the expectation that their aim is a suitable spouse (qtd. in Econ Focus 2014). Yet, women who reach the top of their industries are still considered the exception, because there are not only disproportionately few females in the highest ranked positions of economics, politics, and society, but the numbers are also not improving. In 2016, the percentage of female CEOs in Fortune 500 companies dropped to 4 percent; of the twenty-nine companies who joined the list that year, only one had a female CEO (Zarya 2016). Also in 2016, a woman lost the bid for presidency, the number of female governors fell from six to five, and the amount of women in the United States Congress stood statically at 19.4 percent (Center for American Women and Politics 2017). Are women not investing enough in themselves, or is society investing too little in women?

Early theorists focused on the “pool” of female applicants, arguing that that problem, potentially due to societal pressures to keep women out of the workforce, was that women often did not have the right credentials, experience, or pedigree to get top positions in most industries. However, there is an increasing amount of data that demonstrates in many field this theory is no longer the reality (Kay and Hagan 1998). In fact, more women than men are now graduating from college, and nearly the same amount of men and women are graduating from top graduate
school programs. Goldin (1990) analyzes the implications of this phenomenon in the American workforce more generally. She traces the history of the labor force to prove that men and women have converged in education and nearly converged in occupation; yet, past conceptions of female workers remain, which results in a persistent gender gap that reinforces the current economic status of women. She maintains that occupational segregation is less important than industry mix within occupations. While women are breaking into previously male-dominated fields, they are staying low on the hierarchy within many of them. In a subsequent project, Goldin found that the corporate sector, consisting of fields such as finance and law, has the largest occupational gap (2014: 1102). Accordingly, this thesis uses the legal profession to critically investigate persistent gender inequality.

Law has gradually become seen as a successfully feminized industry. Women are now graduating at the top of the class at top ten law schools at nearly the same rate as men (Noonan and Corcoran 2004: 131). For the first time in fall of 2017, Harvard Law School’s incoming class will have more women than men, and this ratio is not unique to Harvard (see Figure 1). Yet, there is still an immense problem with women’s underrepresentation in the most prestigious, highest paying legal roles. While the proportion of female lawyers has significantly increased over the last twenty years, between February 1, 2014, and January 31, 2015, only 24 percent of newly elected equity partners – partners who have a share in the firm’s profits – were women. Among the non-equity partners who graduated from law school in 2004 and later, 38 percent were women and 62 percent were men. Plus, 100 percent of coed firms report that their top paid partner is male (Rikleen 2015: 3). The American Bar Association found that as of May 2016, women make up more than 44.7 percent of associates in the country’s leading, largest law firms.
However, only 21.5 percent of income partners and 18 percent of equity partners in these same firms are women (2).

Figure 1: Percent of Women in the US’s Top Ten Law Schools’ Incoming Classes

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1 Percentages of women taken from the 2016 published incoming class profiles on individual university websites. List of top ten law schools taken from the US News ranking as of 2017.
Figures 1 and 2 clearly demonstrate that men become partners at the nation’s leading law firms disproportionately more often than women, even though their degrees are the same upon graduation from law school. Women receive nearly the same number of associate roles at these firms; hence, they are beginning their professional trajectories on the same footing as men. This discrepancy has initiated a recent surge in attention paid to the gender gap within leadership in the field. The legal field is high earning, commonly practiced, and has long been considered more numerically equal in regards to sex than other industries. Yet, there is a striking gap among

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men and women in the most prestigious positions within the occupation. This disconnect raises
the question: what are the sources of female underrepresentation?

In fact, research has found that women are disadvantaged at nearly every stage of the path
to becoming partner. And then further disadvantaged if they make partner. Much of the literature
argues that women are constantly faced by the tension of long hours; they either leave the partner
track due to the competing demand of practice and family, or are never put on the track due to
the stereotype that this tension exists (Hull and Nelson 2000; Donovan 1990; Kay and Hagan
1998). Extant research focuses on the time intensive nature of law firms and argues the lack of
flexibility for mothers, or women who are streamlined into that category because of their gender,
keeps many women out of the running for the most prestigious positions. Granted, this paper will
address the effects of this gender-based bias and showcase how women typically have more
home front obligations than men. However, the chief intent of my research is to look more
closely at informal networks existent within firms that benefit qualified men more than equally
qualified women. Instead of solely focusing on female attrition, I am going investigate the
interpersonal relationships among lawyers and with clients that prevent women with the intent of
staying at their firm from being promoted or excelling as much as their male colleagues if
promoted.

I begin by reviewing the available theoretical explanations for the partnership gender gap
and presenting the hypotheses I developed from this literature. Past research frequently omits
personal testimonies from attorneys and brushes over nuances specific to the legal field that
further complicate the challenges women face in the workforce more broadly. To close this
research gap, I conducted thirteen interviews – twelve of which were with attorneys at top law
firms who differ in regards to gender, geography, and years of experience. I then empirically
investigated the hypotheses the literature as well as my interviews provoked by surveying over 430 attorneys. This paper examines how the personal testimonies I acquired from my interviews and the quantitative data from my surveys interact and help identify the key barriers for women in law.

My findings show that while women at all professional levels do in fact take on more at home than their male colleagues, this dichotomy is not the main contributor to the gender gap. Instead, the difficulty female associates have acquiring mentors and senior advocates provides a major barrier to advancement. There is a gap in viewpoints between associates and partners that deepens this problem, because partners do not recognize a lack of mentorship as a barrier for advancement at nearly the same rates as associates. This disconnect is problematic, because these partners are the individuals who would act as mentors and advocates. My other major finding highlights the importance of networking outside the firm for career advancement. As my interviews will demonstrate, over the past ten years, success in private law firms has largely depended on client generation and retention. However, my research shows that women struggle with networking more than men do due to a male-dominated cliental base. Although men and women are entering large law firms equally qualified, interpersonal dynamics that are integral to success disproportionately advantage men over women.
II. Women are Stepping Off the Ladder

Upon starting work at large firms, it often takes from seven to nine years for someone to become a partner. Arguing that women are more likely than men to leave their firms, scholars have provided supply-side explanations for the partnership gender gap. Between 1980 and 1990, there was a surge of women in law, and scholars of the time (i.e. Bielby & Bielby 1982) subscribed to the theory of gender assimilation and argued that women would eventually break into partnership roles; they just needed more time in the profession. However, various reports from the National Association of Women Lawyers (NAWL) over the past ten years show that the nation’s largest firms have made virtually no progress in advancing female employees into the highest ranks. Accordingly, recent scholars have rejected gender assimilation theory and begun subscribing to another supply-side explanation for the phenomenon (Hull and Nelson 2000: 231).

Citing human capital theory, scholars look to the interaction of career investment, firm dedication, and overall productivity as an explanation for an employer rewarding one employee over another with status attainment (Kay and Hagan 1998: 729). It is often assumed that women’s investments in their homes and children inherently interfere with their investment in their career. Moreover, it is conceived that women consciously make the decision to lessen their workload in order to find a balance between domestic and career goals (Hull and Nelson 2000: 232). Using interview data on 788 lawyers in Chicago, sociologists Kathleen E. Hull and Robert L. Nelson found that female attorneys’ career preferences diverge from male preferences due to their experiences in the field; as a result, they leave large law firms more often than men (2000: 232).

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3 Human capital theory was popularized by Economist Gary Becker in the 1960s
Consequently, firms’ decision makers infer that rewards, such as promotion to partner, should go to more committed, male lawyers.

Stagnation in the number of women on the partner pipeline could also indicate that women are choosing alternative career paths due to the perception that law firms have fewer opportunities for advancement (Rikleen 2015: 4). A study done on graduates from The University of Michigan Law School found the following: Female graduates were slightly less likely than men to venture into private practice (82 vs. 87 percent); women who entered private practice were 1.8 times as likely as men to leave within four years (18 vs. 10 percent). And among those who remained for four or more years, men were 1.6 times more likely to be promoted to partner (65 vs. 40 percent). Even among the select group of those who made partner, men's average annual earnings were 32 percent higher than those of women (Noonan and Corcoran 2004: 146). A similar dynamic played out with Harvard Law graduates. “Although Harvard [Law] women were more likely than Harvard men to begin working at large elite firms, 10 years later less than one-quarter of these women were partners, compared with more than one-half of the men. The implication is that many women either step off, or are pushed off, the partnership ladder” (Kay and Hagan 1998: 729).

Admittedly, women are statistically more likely than men to leave large law firms. Nevertheless, scholars emphasize that characterizing high female attrition rates as choice wrongly assumes that women are opting out instead of being pushed out (Wald 2010: 5). The line between personal choice and institutional barriers easily becomes blurred. “Because women generally are more involved than men in childcare and domestic work, they may be willing, or forced, to forego advancement so as to have more flexible work hours, reasonable maternity leave, proximity to home, and so on” (Kay and Hagan 1998: 729). Female associates may
“choose” to work less time than their male colleagues, which reduces their chances of becoming partner. However, this choice could be a response to institutional discrimination within a firm making it impossible for women to pursue another option while raising children. Scholars hypothesize that the “choice” itself may be “strongly conditioned by the expectations of others – family, colleagues, the larger culture – expectations that do not constrain men’s labor supply choices” (Noonan 2004: 132). Forms of bias may mask themselves as self-selection.

**Hypothesis 1, Self Selection:** Women are self-selecting out of the partnership track.

**Prediction:** Women are more involved than their partners in childcare and household work; thus, they find the time intensity of the legal field to be incompatible with their personal lives and opt out.

### III. Women are Being Pushed Off of It

Other scholars focus on demand-side explanations for sex-based differences in career hierarchies and analyze the choices and behaviors of employers. An alternative explanation to the emerging preferences hypothesis, this view argues that while the effect of gender is limited when women first enter the legal field, they are eventually pushed out of the most lucrative practice contexts, such as partnership (Hull and Nelson 2000: 237). This push can often be attributed to statistical discrimination. When employers statistically discriminate, they assess the value of employees based off stereotypes, or easily observable variables such as gender (Altonji and Pierret 2001: 313). Gender stereotypes prohibit women from being viewed as devoted and competitive: “The particular stereotypes that inhibit their progress - lack of commitment and
insufficient loyalty to the firm and its clients and prioritizing family over work - have harsh consequences” (Wald 2010: 15). Multiple studies have found that taking time to attend to childcare responsibility lowers women’s promotion chances (and earnings if they do become partners). Not surprisingly, many women have reported being assigned less important cases and being labeled as less motivated due to being a mother (Phillips 2005: 443). Specific studies in law firms have revealed that due to these assumptions about women, they are denied vital social networks and access to cases that place attorneys on the path to become partners.

Assumptions about women’s dedication to work is not unique to law. In December of 2014, the Harvard Business Review surveyed more than 25,000 Harvard Business School Graduates to analyze their experiences in the workplace. The study found that these ambitious, highly educated men and women wanted roughly the same things. Both sexes mentioned prioritizing professional titles, prestige, and achievements at nearly the same rate. The study found that 77 percent of HBS graduates – 73 percent of men and 85 percent of women – believe that “prioritizing family over work” is the leading barrier for women in career advancement. Yet, the study found that it frankly is not the case that a large proportion of HBS women have opted out of the workforce to care for their children. In fact, only 11 percent were out of the workforce to be a primary caregiver. Furthermore, most of the 11 percent reported that they did not opt out of the workforce completely by choice but found their advancement opportunities diminishing and thus chose to take time off. When the study dove further into looking at the professional trajectory of women who took time off, they found that both men and women in top management positions were often more likely to have taken time off at some point in their career than employees lower on a firm’s hierarchy. However, HBS alumnae have not achieved senior management positions at the same rates as men. The implications of this conclusion are clear: it
would be misguided to assume that highly ambitious and highly educated women in any field, including business or law, are simply opting out of powerful management positions. Still, statistical bias persists.

### A. Implicit Bias

As the legal field gets increasingly more competitive, perception is key. Some scholars cite this newfound prevailing hyper-competitiveness ideology as the source of female lawyers facing seemingly innumerable and insurmountable hurdles (Wald 2010: 1). To put it frankly, they have found that people who are made partners look like existing partners – a predominantly male group, – because gender stereotypes suggest that men are better lawyers and more worthy of a firm’s financial and temporal investment. Women are less likely to emulate the prevailing male model of success due to societal and firm based factors rooted in stereotypes and, in turn, institutionalized bias (Kumra and Vinnicombe 2008: S71).

When an individual’s behavior is consistent with the stereotypes that align with their sex, they are considered to have a stable personality. However, stereotype-inconsistent behavior is often associated with unreliable responses to situations. In general, characteristics such as decisiveness and assertiveness are considered predominantly masculine, while cooperativeness and indecisiveness are considered feminine. As a result, men are given the benefit of the doubt for jobs that require assertiveness such as being a partner in a large firm – a phenomenon scholars call role-incumbent schema (Gorman 2005: 704). In addition, it often goes unrecognized when women excel, because gender-stereotypes regulate what is perceived as excellence:

Role congruity theory, which has been primarily applied to women in leadership roles, posits that even when female leaders display high levels of performance, their efforts may be discounted by their peers and/or supervisors. This theory recognizes that culturally
shared beliefs about the appropriate roles and abilities of men and women in society have widespread effects in the workplace. (Joshi et. al 2014: 1519)

Whereas gender stereotypes permeate at a societal level, role-incumbent schemas pervade at an organizational level. Bureaucratic structures, such as law firms, develop categories of people and schemas that characterize successful role-incumbents (Gorman 2005: 704). These successful role-incumbents are typically male.

**Hypothesis 2, Male Preferences:** Men are more likely to promote other men.

*Prediction:* Because an overwhelming number of high-level attorneys are male, employers are more likely to promote more men into these positions, due to assumptions about women’s priorities and personal attributes.

**B. Institutionalizing Bias**

Extant literature emphasizes that implicit bias can be institutionalized in a way that leads to persistent inequalities in the workplace (Hull and Nelson 2000: 233). Traditional corporate structures often disadvantage females by nature. Law firms in particular are bureaucratic and stratified, providing for multiple layers of institutional barriers for women.

*i. Billable Hours*

Billable hours are seen as a significant and targetable barrier for women. A report in the Harvard Law Review (1996) suggested reducing "billable hours" requirements, and implementing billing approaches that move away from reliance on billable hours to other indicators of performance, officially counting part-time work toward partnership, developing a work climate in which individuals who work part-time and take family leaves are not
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stigmatized, part-time partnership, employer-assisted emergency day care, and mixed compensation (compensation consisting partly of time and partly of money) (Noonan 2004: 148). The study went on to argue in favor of family-friendly policies and in-house daycares as ways to change the law firm culture to make having a family a non-issue – as even male attorneys who take family leave see a reduction in pay.

Other research has found that women who have already pursued partnership may not benefit from flexibility in billable hours, because the institution itself is inherently discriminatory. In one study of highly prestigious occupations, such as the law, women were found to perform at the same, if not higher levels, than men; yet, men were remunerated significantly higher than women (Joshi et. al 2014: 1533). In these environments, it is important to separate performance evaluation from reward allocation. While billable hours are considered a form of objective criteria, “reward allocation decision making is highly subjective, opaque, and adversarial, and often involves high stakes” (2014: 1533). The NAWL 2015 Survey found that even though there is a gender gap in revenue generation from client billings, women often report higher working hours. While they report only 78 percent of what a male equity partner usually bills, the median hours reported for women were 2,224 while, for men, it was 2,198 hours. This “data raises questions about whether committee assignments, hourly billing rates, and the distribution of pro bono hours contribute to disparities in client billings” (Rikleen 2015: 3).

\textit{ii. Tiered Partnership Structures}

In her research, Goldin (1990) stresses the significance of occupational segregation. The stratification she identifies within occupations exists within individual law firms as well. Most major firms are now further segregating the partnership position by distinguishing between a partner and an equity partner. While an equity partner shares in the profits of the firm, consistent
with the common definition of a partnership role in the corporate world, normal partners are simply salaried attorneys with management responsibilities. The 2015 NAWL Survey found that in firms with a single-tiered partnership track, meaning equity partnership was the only option, 20 percent of the partners were women and 80 percent were men. However, in firms that had a two-tier partnership structure, 16 percent of the equity partners were women and 84 percent were men. These results could indicate that providing tiers within partnership positions allows firms another opportunity, either implicitly or explicitly, to keep women out of the most influential positions.

The problem persists when looking at the representation of women on firms’ highest governance committees. In 2012, only 4 percent of firms had a woman as their firm-wide managing partner (NAWL 2012 Report). As of 2015, only 22 percent of the partners on governance committees in general were women and 78 percent were men (Rikleen 2015: 11). When the seats of decision-making bodies in large firms are predominantly male, it is difficult to imagine that women’s issues or their unique experiences within the firm are being considered to an adequate degree.

iii. Rainmaking

Rainmaking – a colloquial name for always generating business – is another way in which bias can inhibit a woman’s ability to succeed. At the most basic level, compensation and business generation within law firms are thoroughly intertwined. It is often argued that fewer women are partners, because they just do not bring in enough clients. However, there are many factors that play into this phenomenon. First, female attorneys often take on more pro-bono work and projects of a service-like nature (Rikleen 2015: 10). Moreover, there is a problem with attribution concerning who gets credit for bringing in clients and who inherits accounts. As
Rikleen suggests, to achieve gender parity, law firms need a system that “ensures rainmaking opportunities and pitch teams are inclusive of women; fairly allocates credit among teams; offers a process for resolving credit disputes among partners, removes decision about the ‘inheritance’ of client credit from the individual partners; and develops a system that systematically involves clients, firm leadership, and the partner who services the work in credit succession decisions” (2015: 9). That way, the system for crediting client generation would be more objective and provide a more accurate depiction of what promotions female attorneys deserve.

iv. Women’s Networks

As a part of the larger movement of diversity programs within the corporate sphere, women’s initiatives have become a staple in law firm culture. These initiatives are often the only formal networks in place for women to gather insight, perspective, and mentorship from other female colleagues. Moreover, women’s networks exist to identify and tackle women’s barriers in the field whether that be finding a flexible time work arrangement or networking with potential male clients. Unfortunately, without the right direction, these women’s networks can fail to serve an instructive and inclusive purpose.

In 2012, the NAWL conducted a specific Women’s Initiative Survey that found these initiatives generally lack a specific mission or set of goals and are particularly underfunded. A 2015 NAWL survey followed up with these firms. All seventy of them responded saying they had a Women’s Initiative. However, only 75 percent – a decrease from 80 percent in 2012 – said they had a formal budget. Moreover, when asked to state the strategic purpose of their Women’s Initiative, “the results reveal a substantial disconnect between the potential and the reality of women’s affinity groups” (Rikleen 2015: 12). Women’s Initiatives can and should “provide an important opportunity to assess internal structural and cultural barriers that prevent women from
succeeding into leadership roles and equity partner positions” (2015: 12). However, the research shows they are often falling short.

Hypothesis 3, Institutionalized Bias: Firm-wide institutions disadvantage women.

Prediction: Structures such as billable hour requirements, tiered partnership, and rainmaking discriminate against women. Women’s networks are not sufficiently assisting women in overcoming these disadvantages.

v. Mentorship

There are an insufficient number of female role models available for associates due to the ratio of female associates to female partners. Mentors improve women’s access to important work and clients, provide legitimacy to the woman, and enhance women’s overall socialization (Epstein et. al 1995 qtd. in Phillips 2005: 443). Scholars find the mentorship discussion particularly interesting, asserting that more exposure to successful female attorneys would ultimately make it easier to evaluate female attorneys solely based off performance. The aforementioned University of Michigan Law School study found that mentorship significantly predicted partnership for both men and women. Not having a mentor reduced a “base” prediction of becoming a partner from 58 to 51 percent for men and from 35 to 24 percent for women (Noonan and Corcoran 2004: 143). Clearly, mentorship within firms is key for woman’s upward mobility. However, as long as institutional barriers keeping women from reaching these powerful positions persist, exposure to female partners will continue to be unlikely.
**Hypothesis 4, Lacking Mentorship:** Women have a more difficult time finding mentors, which are essential to promotion.

**Prediction:** While women need mentorship to help them navigate the nuances of firms that were created and are sustained by men, they have a harder time finding relatable mentors due to the limited number of women in the highest positions within their firms.

The extant literature I have synthesized adequately demonstrates how gender stereotypes permeate law firm culture resulting in implicit bias that complicates women’s chances of becoming partner due to a combination of self-selection, statistical bias, and institutional barriers. The research asks the obvious questions about attrition, discrimination, and women’s networks, but it does not paint a thorough picture of the interpersonal dynamics that affect success on a daily basis. Through interview-based research, I sought to fill in the omitted parts of the story.

**IV. Qualitative Data Analysis**

“There's all these little things that you don't read in any of the studies, because I don't know how they'd make it there.” - Interviewee C, Female, Partner

Through qualitative data, I brought to my research something extant literature overlooks: testimony. Even the literature that does utilize interview data (i.e. Hull and Nelson 2000) fails to directly engage with personal experiences of male and female partners at the law firms they scrutinize. Implicit bias is nuanced, prevalent, and often subtle. Yet, it can derail a career. By
allowing men and women alike an unbridled forum to elaborate on their experiences, I was able to more thoroughly understand law firm culture.

A. Research Design

For both the qualitative and quantitative aspects of my research, I used participants who worked in one of the AM Law 200 firms, nicknamed “Big Law.” Big Law firms are full service firms headquartered in major cities. They employ large numbers of attorneys, pay top-market salaries, are ranked as the most profitable firms in the nation, recruit from top tier law schools, and commonly merge with or acquire one another. I am focusing my research on these firms for multiple reasons: Primarily, they are the same law firms that the NAWL surveys have used over the past ten years. Since I have relied on many of the NAWL’s findings for the foundation of this project, I wanted to keep the sample standardized. Second, these firms attract many of the most well-educated, highly qualified law students. Their associate classes are nearly split between men and women; yet, a severe gender gap exists in the higher rankings. Finally, these firms have similar economic priorities, ways of doing business, and organizational structures in place, making it acceptable to analyze them individually as part of a larger group.

i. Interview Participants

Having secured approval from the Institutional Review Board at the University of Pennsylvania in December of 2016, I reached out to fourteen Big Law partners via email from January through February of 2017 – seven males and seven females. Most of the people I contacted were alumni from UPenn. In the email, I told them I was investigating “organizational structures and institutions that affect the path to partnership at large law firms” and attached a

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4 See Appendix A for a brief demographic breakdown of interviewees.
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consent form that assured firm and name anonymity. I purposefully refrained from mentioning gender-based research in my email for two main reasons: First, so I would not isolate men from wanting to participate. Second, so the interviewees would not feel compelled to include gender in their responses and instead would organically incorporate gendered experiences. Nine of the people I emailed responded and agreed to be interviewed. Through one of the female interviewees, I was put in contact with a woman who runs an empowerment forum for women in Big Law, who I later interviewed. Moreover, at the end of my survey which was inspired by and sent out after my first nine interviews, I asked respondents to email me if they felt compelled to participate in an interview. I followed through with three people who wanted to partake and who offered unique perspectives: one retired male partner, one male first-year associate, and one woman who took a fourteen-year hiatus from the practice of law to raise a family and has since returned as an associate through a trial program within her old firm.

I ended up interviewing seven females and six males. I purposefully chose geographically diverse interviewees. The cities represented are New York, San Diego, Chicago, Dallas, and Washington DC. The interviewees also run the gamut of age and experience. The two youngest interviewees were both promoted to partner at the same firm in 2016, but one is a man and one is a woman. Of the more experienced attorneys, some have worked in one firm their entire career and others have switched around either between firms or between the private and public sector. My participants also have diverse home lives: some have children, others have no children, some are married, one is gay, and one is transsexual. I sought to access different perspectives in order to focus on the commonalities among the interviews as well as to identify differences between the men and women. I asked about their personal trajectories, opinions on the most significant factors firms consider when choosing partners, opinions of controversial institutions such as
billable hours and the women’s network, and I encouraged them to provide as many anecdotes as they felt compelled to share. My shortest interview lasted fourteen minutes, and my longest lasted forty-eight minutes.

B. Findings

This section showcases my most insightful qualitative findings. The quotes I have chosen illustrate trends in my interviews and demonstrate the benefit of personal testimony and candid anecdotes. I then present two new hypotheses that my interviews provoked. My findings demonstrate that while women have to juggle their familial obligations and careers more than men, many of them manage to find a way to make it work. However, as law firms are increasingly focused on generating business, women struggle when it comes to networking with clients. While tiered partnership structures exacerbate the challenges, billable hours were found to be less controversial than the literature depicts. I used these findings to inspire my survey and shape the questions I asked.

i. Work/Life Integration

As the extant literature emphasizes (i.e. Hull and Nelson 2000; Donovan 1990; Kay and Hagan 1998), women often take on more work at home than men, which makes it more difficult for them to solely focus on career development. It can also reaffirm the stereotype that women are less likely to stay at the firm, or just have a harder time balancing work with their personal lives, even if the woman herself is ready and willing to take on the challenge. One recently promoted male partner could not help but sympathize with the societal pressure women face while trying to excel in their careers:
It's still really terrible to be a mom and be a partner at this firm. It's a lot of work. And it's bad to be a dad too, if you're going to actually do half the work, which I think there's a lot of folks who don't. For whatever it's worth, it seems like there's a hell of a lot of societal pressure on women to be the primary caretaker or at least the primary of the two natural parent caretakers and it puts women at a disadvantage because they have far more work to do between their professional careers and their personal lives.

– Interviewee G, Male, Partner

While this interviewee’s comment is valid and well-intentioned, it introduces a key problem:

when the conversation surrounding women in law focuses on how difficult it is to be a woman in the industry, men and women alike are more likely to see women as less capable of assuming partnership positions. This is how statistical bias occurs (Wald 2010: 15). However, there are countless cases of women who find a way to make it work. When I asked the chair of the women’s empowerment forum how she coaches female attorneys on striking a work/life balance, she quickly corrected me, claiming the goal should be work/life integration: “They're not sacrificing the fact that they want to be mommies. They're doing it, and they're practicing law. It's work/life integration. They figured out a way.” The female partners I interviewed are highly qualified, highly pedigreed, and just also happen to be mothers. Granted, all the mothers admitted that navigating their careers with children at home was a challenge.

One female partner, who was promoted after having three kids and assuming a less-demanding Counsel position while they were babies, explained that even if men and women are both being offered and taking advantage of flexible work schedules, it does not mean childbirth will affect them in the same way:

[There’s this] belief that if you don't provide the same opportunities to the men as to the women, then women will always be marginalized because they will always be viewed as the ones who have that need to take the time off and the men don't. There's a lot of validity to that argument, but it's much more complicated than that in a law firm context, because if you are not physically giving birth to a child then there's a difference... I mean I can tell you right now as a woman who's had three children and nursed them, it's just not the same. It's never going to be the same. – Interviewee B, Female, Partner
Women will always be the ones having children. While it is important to acknowledge the biological differences between fathers and child-rearing mothers are not going away, this fact does not have to keep women from moving up in the workforce. Many professional women manage to balance work with their personal life, because they have to – whether that be with external help, a temporary flexible work arrangement, a steadfast mentality, or all of the above. For instance, one of the women I interviewed was promoted to partner in a male-dominated practice group a year after returning from maternity leave. She discussed the importance of mentorship in that process:

*I would say that there was a senior partner in my group that, from the work point of view, was very much my mentor. He had not worked with many women who had become senior, or any before, and certainly had never thought about dealing with a woman coming back from maternity leave and that whole issue before. Then, there was a senior woman in my group and a senior woman outside of my group who, while their life and practice was very different than me, they still made themselves available to me and let me know I had support for some of the other things that I was facing as well.*

– Interviewee C, Female, Partner

Interviewee C admitted that she was very lucky to find herself in a situation where she had understanding mentors who served distinct but equally necessary purposes. Other female partners are not as lucky and end up sacrificing, purposefully or incidentally, personal aspects of their lives. Some female associates choose not to make those sacrifices and opt out. One partner I interviewed felt as though life happened while she was concerned with building a career:

*I know a lot of women litigators, in particular, who don't have kids. I do not have children. I basically focus so much on working so many hours and on my career. My 30s disappeared and I don't know where they went. They're gone. I met my fiancée late in life, I was 42 and he was 44. As we grew together I realized that kids weren't going to be an option because of time, the timing.*

– Interviewee D, Female, Partner

Undoubtedly, managing a personal life and a career that requires constant responsiveness is challenging for anyone; but it is especially challenging for women who want to, or feel like they
have to, contribute at home as well – particularly when it comes to childcare. It is imperative to recognize that many women want to be the go-to person for their children at home; thus, they have to find a way to integrate their work and personal lives.

**ii. The Formula for Success**

One of the biggest takeaways from my interviews is that becoming a partner at a law firm is more formulaic than most scholarship depicts. This has become increasingly true over the last decade (Wald 2010: 1). Law firms are businesses. Thus, when looking to promote partners, firms’ governance bodies focus on business generation – the profitability of the promotion. This means the candidate has to prove they have clients and could continue to grow that cliental base. Numerous interviewees, regardless of gender, elaborated on the prevalence of their firm’s focus on rainmaking:

...make no mistake, the way to be successful in a big law firm is to have a big book of business. You can do a lot of public speaking, you can teach, you can be really instrumental in a firm administratively, but the way to be successful is to have a big book of business. – Interviewee B, Female, Partner

I mean the old adage of keep your head down, do good work and stick around long enough and you'll make partner doesn't exist anymore. - Interviewee F, Male, Partner

Eryn, the big law firms, it's a very simple formula. Work hard and bring in business and you'll be successful. That's all it is. Very simple formula...2500 hours, plus a book of business, equals success. – Interviewee L, Female, Empowerment Forum Chair

Implicit bias and gender-based societal pressures complicate this goal for women. Thus, it is imperative to analyze potential mechanisms for bias through the lens that a woman’s ultimate goal when seeking a promotion in Big Law is to appear profitable. One female interviewee could not pinpoint why women struggle with this more than men, but she felt its effects:
Certainly internally within the firm, with every firm I've been in, I've never felt that being female drew up any obstacles to me, ever. I've never felt that, internally. There is something different about, I think ... I don't know if it's personality or ... Honestly, I don't know what it is, but there is a thing about men that I think puts them in a better position to generate the business. – Interviewee D, Female, Partner

As she explains, the problem is not that women feel different internally, which makes them less effective rainmakers. There is something about the way women are perceived that makes it more likely for clients and governance bodies alike to see men as the revenue generators. The intent of my research is to figure out “what it is” that Interviewee D could not pinpoint.

iii. A Client-Driven Industry

Law is a client-driven industry. Attorneys in Big Law firms are expected to provide the best legal service possible. Consequently, clients have high expectations. Many of these clients are conditioned to believe that high expectations are met by men. One female interviewee, who had been partner for less than two weeks at the time of our interview, revealed she did not understand the extent of this pressure until she began practicing at her firm after law school:

Many times I've felt that, especially working with another guy on my team ... Many times it's crossed my mind, "You just go in there, and people just assume you're an idiot." You have to work twice as hard to actually prove otherwise, if you will, or other people are just more likely to listen to the guy that's on your team just because he's a guy. I think that really does totally happen. – Interviewee A, Female, Partner

The majority of firms’ clients are male, because men are overly represented in the corporate sector and make up the board of most Fortune 500 companies. Many of these men have been in business for a long time and are still not used to seeing a woman at the table. Female partners notice this tension:

... many people who make the decisions are of an older generation still. You then do face more interactions where you're not necessarily viewed the same way as guys, because the CEO or CFO of a company isn't used to being faced with a woman in that situation. That's not a law firm's fault. It's not in the law firm. It's in the client. But it does impact your career. – Interviewee C, Female, Partner
The only way to make male clients more comfortable with female attorneys, and the quality of their legal work, is through exposure. However, women face a major barrier on the quest to acquire and retain big-name clients: networking. While the literature briefly discusses this issue, all of my female interviewees harped on the importance of networking, and the way the process systematically disadvantages women (Kumra and Vinnicombe 2008: S70). They explained that, in many ways, the corporate world is still a “boys club,” and there is not a lot of room for women to enter it:

*If you're in a practice area like many corporate practice areas where the majority of people out there that are involved and have the business to give are male, it is much more challenging for you. I don't go out golfing with the guys. I don't go out drinking scotch and smoking cigars with the guys. It's not how I'm going to get business. You face this is what's going on around me and what's working for my peers, and it doesn't work for me. What am I going to do that will lead to success with that?*

– Interviewee C, Female, Partner

Interviewee C elaborated on this problem with an anecdote.\(^5\) When on a business trip to New York, she was explaining to a male colleague that there is a whole world of contacts she will never reach because, as a woman, it is uncomfortable for her to make dinner plans with a male client, due to the way it could be perceived. Her coworker thought she was being dramatic.

However, a month later, he called her from New York when trying to arrange a meeting with a senior woman at a firm. While sending times they could meet, he realized he had automatically left off the dinner option in order to avoid discomfort. She quickly reminded him, “But that’s the only person it impacts your ability to get together with. For me it’s like 80 percent, 90 percent of the people I try to get together with.” This anecdote demonstrates why interviews are necessary to truly, personally depict what it’s like to be a woman in Big Law. There are often instances in which men are networking amongst themselves and women see no other option but to tap out.

\(^5\) See Appendix C for full transcript of this anecdote.
iv. Firm-Wide Institutions

I asked my interviewees about two institutions the NAWL 2015 Survey thoroughly scrutinized: billable hours and tiered partnership structures. Going into the conversations, influenced by the academic research I had read, I anticipated that many attorneys were going to cite billable hours as a deeply embedded institutional problem that is detrimental to firm culture. I particularly expected many of the women to argue that billable hours adversely affect them more than men. Surprisingly, none of my interviewees expressed a serious concern with billable hours and depicted the billable hour requirement as a box that most dedicated associates would be able to check off:

_I always feel like if you're an associate and you're on the path towards partnership and your billable hours are reasonable, you know you're above your minimum, they do not need to be astronomical if you're contributing financially in another way through generating work._ – Interviewee F, Male, Partner

In fact, many attorneys appreciated a quantitative checkpoint of their dedication. They found it to be an effective, objective measurement of commitment, assuming it is not the sole factor in decision-making.

_So, having at least that quantitative measure of contribution as one component of the decision, I think it would be a mistake to eliminate it, but I do think like I hope I've illustrated, it should only be one component. There should be other things that are taken into account, and I think, you know, here at [firm name] that is the way it works._ – Interviewee B, Female, Partner

Although I grant that the NAWL Surveys are correct in finding that women are often not adequately credited through billable hours, the interviewees expressed that billing time does not make or break someone’s chances of becoming partner, because most qualified attorneys meet the minimum and are judged on business generation and overall excellence within the firm. In fact, one woman pointed out that even people who are on a flexible work arrangement end up working a lot of hours when and if they are staying on the partnership track. The client-driven
nature of law makes the job constantly demanding, because you cannot just clock in and clock out at the end of the day – ignoring your clients the times you are not actively working. One interviewee’s firm does not often use a billable hour structure and typically opts for billing transactionally like investment banks do; yet, he felt the firm’s distinct billing structure did not truly affect how long he or any of his colleagues were working. As made clear through the interviews, practicing Big Law is intensely time consuming as clients demand the utmost attentiveness. Thus, the nature of the field makes it difficult to ever truly “clock out.” This pressure is admittedly more difficult to manage for women who are also the primary contributor at home. However, it is not billable hours as an institution creating this pressure nearly as much as it is clients and the fast-paced nature of certain types of lawsuits.

While billable hours may not be inherently detrimental to women’s chance of advancement, other firm-wide institutions were more heavily criticized by interviewees – particularly two-tier partnership structures. It is becoming more common for law firms to break partnership up into two categories: equity and non-equity (income) partners. Tellingly, most interviewees brought up tiered partnership before I even inquired about their opinion on this relatively new institution. The chair of the female empowerment forum explained how the further stratification of partnership roles adversely affects women. Frankly, those in firms’ highest ranks do not want to keep splitting the pie. Through tiered partnership, they can check off the diversity box without further dividing profits:

...when they make the announcement, they say, "So and so and so and so has become a partner in our firm." Then you find out that they're non-equity. I have always believed that women have been, that that number affects women more than men. There are many more women that become non-equity partners than men...I'm sure you found this as you go through your studies. It's just a fact. – Interviewee L, Female, Empowerment Forum Chair
From Interviewee L’s vantage point, women are often too quick to accept non-equity partnership. She explains that some women, as well as men, do not mind going to work without having extensive administrative responsibility. However, as an income partner, attorneys have much less of a voice in the firm and are typically uninvolved in decision making – key areas that lack female voices. Thus, Interviewee L encourages women in her empowerment group to reflect on the difference and not be as quick to accept a lower tiered partnership position.

There are a lot of women and men that are more interested in equity. You're an owner. You have a voice in what the firm does. At the end of the day, and I hate that expression, but it works here, when people really, when men or women really think about it, they would prefer to be an equity partner.- Interviewee L, Female, Empowerment Forum Chair

Lateral hiring between firms makes it even more difficult for attorneys to achieve equity partnership. A retired partner, who was originally promoted in the 80s, explains the process:

You're adding a significant number of partners there along with partners that come along with that headhunter, sorry, with that lateral partner. That takes away a lot of spaces for your ingrown people. It doesn't take away a space that a Rainmaker is going to take. It is going to take away spaces for mid-level partners and new partners. – Interviewee K, Male, Retired Partner

The data does not show these consequences changing any time soon. Lateral hiring – firm to firm hiring – at the partnership level continues to favor men. Thus, the ratio of men and women equity partners is likely to stay the same – overwhelmingly male – for the foreseeable future (The NAWL Foundation 2014: 4). The two-tiered partnership structure provides an avenue for firms to broadcast diversity among their partners while keeping their most powerful partners primarily male either through home-growing successful men or poaching them from elsewhere.

Women’s networks are intended to provide a space for women to share experiences and advice on how to navigate Big Law. However, the interviewees had mixed responses over the effectiveness of their firm’s network. Interviewee C appreciated the community the network
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provided - a group of people to share the challenges with. Interviewee A touched on her firm’s more recent dedication to making women’s events more exciting, because attendance was suffering as many women found the network’s events to be time-consuming and boring.

Interviewee M is against the idea of a formal group altogether, asking, “Where’s the men’s group?” While the interviewees had varying opinions on their network’s effectiveness, none of them seemed to believe that the solution to women’s underrepresentation in high ranks of the legal field could be solved through existent firm-wide women’s initiatives.

**Hypothesis 5, Double Standard Discrimination:** Women face double standard discrimination and must work harder than men to receive the same level of recognition.

**Prediction:** Both employers and clients carry assumptions about women. Women must be exceptional in order to overcome the effects of this bias.

**Hypothesis 6, Networking Barriers:** Due to the predominantly male clientele base, women have a harder time acquiring and retaining clients. This is becoming increasingly problematic as firms are putting more emphasis on an attorney's’ ability to generate business when considering promotions.

**Prediction:** Networking is a bigger challenge for women than men due to gender-based constraints.
V. Quantitative Data Analysis

My qualitative data inspired the content of my quantitative research. After revisiting the extant scholarship and my interview transcripts, I generated survey questions to address my six hypotheses. This section presents my major quantitative findings. I first describe the process through which I acquired participants. I then analyze the representativeness of this sample when considered against national averages of attorneys from AM Law 200 firms. I then summarize the main demographic characteristics of survey respondents, address my supply-side hypothesis, and then address my demand-side hypotheses. The picture that emerges is one in which male and female attorneys, and particularly partners, have very different perspectives on the obstacles they face and the main contributing factors to promotion. However, the results also demonstrate that while women have more responsibilities at home, their career goals are not significantly divergent from those of men.

A. Research Design

I sent out my survey in three waves starting in late February and ending in early March of 2017. I chose fifteen law firms who fell in different tiers of the AM Law 200 group. Using the email addresses available on firm websites, I emailed attorneys of all ranks and all geographic locations asking them to complete my survey in order to further research for my senior thesis on “organizational and institutional structures at large law firms that affect the path to partnership.” The survey included seventeen questions, some of which were only prompted if a respondent indicated they were married or had children. It took approximately three minutes to complete. I received 437 responses, providing for an 8 percent response rate.

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6 See Appendix D for full survey contents.
B. Findings

B1. Demographics

The respondents to my survey are adequately representative of the gender breakdown of AM Law 200 firms at large. In my survey, 48 percent of the associates and 28 percent of the partners who responded are women. Similarly, the 2015 NAWL data reported that 44 percent of associates and 28 percent of partners in these firms are women. Table 1 presents the breakdown of respondents’ demographics by gender, in terms of position within their firm, years of experience, marital status, and parental status.
Table 1: Demographic Breakdown of Survey Respondents by Gender, Position within the Firm, Years of Experience, Marital Status, and Parental Status\textsuperscript{7}

<table>
<thead>
<tr>
<th></th>
<th>Male</th>
<th>Female</th>
<th>NR</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Position within Firm</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Associate</td>
<td>113 (44.31)</td>
<td>101 (57.06)</td>
<td>2 (40)</td>
<td>216 (49.43)</td>
</tr>
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<td>Counsel</td>
<td>23 (9.02)</td>
<td>27 (15.25)</td>
<td>0 (0)</td>
<td>50 (11.44)</td>
</tr>
<tr>
<td>Partner</td>
<td>102 (40)</td>
<td>41 (23.160)</td>
<td>3 (60)</td>
<td>146 (33.41)</td>
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<tr>
<td>Other</td>
<td>17 (6.67)</td>
<td>8 (4.52)</td>
<td>0 (0)</td>
<td>25 (5.72)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>255 (100)</td>
<td>177 (100)</td>
<td>5 (100)</td>
<td>437 (100)</td>
</tr>
<tr>
<td><strong>Years of Experience</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1-5 years</td>
<td>83 (32.55)</td>
<td>68 (38.42)</td>
<td>2 (40)</td>
<td>153 (35.01)</td>
</tr>
<tr>
<td>5-10 years</td>
<td>36 (14.12)</td>
<td>35 (19.77)</td>
<td>0 (0)</td>
<td>71 (16.25)</td>
</tr>
<tr>
<td>10-20 years</td>
<td>45 (17.65)</td>
<td>30 (16.95)</td>
<td>1 (20)</td>
<td>76 (17.39)</td>
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<tr>
<td>20+ years</td>
<td>91 (35.69)</td>
<td>44 (24.86)</td>
<td>2 (40)</td>
<td>137 (31.35)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>255 (100)</td>
<td>177 (100)</td>
<td>5 (100)</td>
<td>437 (100)</td>
</tr>
<tr>
<td><strong>Marital Status</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single</td>
<td>53 (20.78)</td>
<td>53 (29.94)</td>
<td>1 (20)</td>
<td>107 (24.49)</td>
</tr>
<tr>
<td>Married</td>
<td>170 (66.67)</td>
<td>95 (53.67)</td>
<td>4 (80)</td>
<td>269 (61.56)</td>
</tr>
<tr>
<td>Divorced</td>
<td>5 (1.96)</td>
<td>6 (3.39)</td>
<td>0 (0)</td>
<td>11 (2.52)</td>
</tr>
<tr>
<td>Divorced and remarried</td>
<td>11 (4.31)</td>
<td>4 (2.26)</td>
<td>0 (0)</td>
<td>15 (3.43)</td>
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<td>In a long-term relationship</td>
<td>16 (6.27)</td>
<td>19 (10.73)</td>
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<td>35 (8.01)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>255 (100)</td>
<td>177 (100)</td>
<td>5 (100)</td>
<td>437 (100)</td>
</tr>
<tr>
<td><strong>Parental Status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>No, but I want them in the future</td>
<td>72 (30.77)</td>
<td>58 (34.73)</td>
<td>1 (33.33)</td>
<td>131 (32.43)</td>
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<td>No</td>
<td>18 (7.69)</td>
<td>27 (16.17)</td>
<td>1 (33.33)</td>
<td>46 (11.39)</td>
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<td>No, but my significant other does</td>
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<td>2 (1.2)</td>
<td>0 (0)</td>
<td>3 (0.74)</td>
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<tr>
<td><strong>Total</strong></td>
<td>234 (100)</td>
<td>167 (100)</td>
<td>3 (100)</td>
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\textsuperscript{7} Percentages calculated by column
B2. Testing the Supply-Side Hypothesis

Two aspects of my survey were intended to address hypothesis 1, a self-selection explanation for the gender gap: First, a series of questions about the home front concerning marital status, spousal work flexibility, childcare, and housework contributions. Second, a question at the end of the survey which asked participants if they had ever considered leaving their firm, and if so, for what type of professional opportunity. The results show that regardless of equally demanding careers, women are less likely than their male colleagues to have a spouse with a flexible work schedule. They contribute disproportionately more than men to childcare and overall housework. However, associate-level women are not considerably more interested than men in leaving their firms. Thus, I reject hypothesis 1. As my analysis below will illustrate, most women are not simply opting out of the partnership track in order to manage their familial obligations due to the time intensive nature of Big Law.

B2a. Marital Status In general there is a high rate of marriage among all attorneys in the sample, though this varies based on the age of the respondent and their gender. Only 107 respondents identify as being single. Of those respondents, 70 of them have only been practicing law for one to five years; thus, they are probably in their twenties or thirties. Although the majority of both male and female attorneys are married, marriage is more frequent for men than for women. However, there is over a 15 percentage point difference in that number between men and women when just looking at partners. While 54 percent of female respondents are married, 67 of male respondents are married. This suggests that women who make partners may have seen a trade-off between family life and a prominent career that did not influence men in the same way. These numbers could indicate a few things: female attorneys, especially those dedicated enough to achieve partnership, are less interested in marriage than their male colleagues; female
attorneys have a harder time finding spouses than their male colleagues; or more females are coming into the legal field single than their male colleagues and then finding it harder to pursue a dating life once beginning to practice. Regardless of the root cause, the implication is clear: high achieving females are more likely to be single than high achieving males.

**B2b. Two-Worker Flexibility** The struggles of work-life integration also appear when we consider the flexibility of work schedules. Although only 62 percent of female partners said their significant other’s hours are more flexible than theirs, 81 percent of male partners said their significant other had more flexibility with their work schedule. In regards to overall household income, on average, female partners said they contribute 73 percent of the household income, while male partners said they contribute 92 percent of it. Thus, it appears that while most male partners are the primary breadwinners with a spouse with flexible schedules, female partners still do the majority of the breadwinning but may not be able to fall back on a spouse with flexibility. Even the female partners who have managed to balance having children and working in a high-pressure environment have less help at home than their male counterparts.

**B2c. Childcare & Housework Contributions** The gap between male and female partners becomes more striking when looking at parental status. While 77 percent of female partners have children, 93 percent of male partners have them. Of the women with children, 20 percent said a significant other is typically at home to help take care of the children. For men, 42 percent of partners said their significant other takes care of the kids during the day. The survey also asked respondents to indicate what percentage of household work they contribute in regards to childcare, cleaning, cooking, and bills and arrangements. In Figure 3 below, I present the results for men and women at all levels within the firm. See Figure 4 for the results specifically for partners.
Figure 3: The Breakdown of Household Work Contributed by Male and Female Attorneys of all Positions Within the Firm
While associate-level women are taking on more at home than men, the same is true when looking at women who have achieved partnership status. This indicates that while having more to handle at home could make their lives more stressful, it does not necessarily prevent women from becoming partners. Admittedly, female partners take on less household work in all categories compared to women overall. This could indicate that either women who have achieved partnership status were able to do slightly less work at home than some of their colleagues or they had to stop contributing as much at home once they got the promotion. Regardless of the reason they are taking on slightly less, it is still notably more than their male coworkers.
**B2d. Attrition** Due to the demanding nature of the career, law firms struggle with attrition rates. More specifically, women’s networks focus heavily on keeping the firms’ female lawyers. Yet, associates notoriously leave for a smaller, less bureaucratic firm or for an in-house legal role. The survey results did not display a stark difference between male and female associates’ desire to leave their firms. See Figure 5 below.

Figure 5: The Percentage of Male and Female Associates Considering Leaving Their Firm and For What Reason
The results show that 38 percent of male associates and 31 percent of female associates said they have not considered leaving their firm. Interestingly, only 6 percent of men and 2 percent of women said they would stop practicing law altogether. Moreover, only 3 percent of women and 1 percent of men said they’d leave to become a primary caregiver. While slightly more women than men indicated an interest in moving to an in-house legal capacity (33 percent compared to 24 percent), more men than women indicated a desire in moving to a smaller firm (13 percent of men compared to 8 percent of women). The results are not strikingly different between genders. Granted, more female than male associates want to leave their large firms; yet, the difference is not nearly large enough to account for the partnership gender gap.

B3. Testing the Demand-Side Hypotheses

Hypotheses 2 through 6 are addressed in three main survey questions: “What would you say is the biggest obstacle you’ve faced at your firm or at a previous one?;” “Please rank the importance of [listed factors] in determining promotion to partnership at your firm;” and [if your firm has a women’s network] “Would you deem it successful?” This section will confirm my male preferences hypothesis (H2), which argues that men are more likely to promote men. My survey results indicate that while female partners identify having a senior partner as an advocate as the most important contributing factor to partnership, men do not find that factor to be notably more important than other factors such as billable hours or overall excellence, which could suggest organic advocacy by men for other men. This section will also confirm my institutionalized bias hypothesis (H3) and networking barriers hypothesis (H6), by demonstrating that networking makes rainmaking more difficult for women, and women’s initiatives are not as effective as they could be in assisting with this dynamic. Then, my findings will confirm my
lacking mentorship hypothesis (H4), by demonstrating that female associates are in fact the group most concerned with finding a mentor. By inquiring about contributing factors to promotion, my survey also addresses my double standard discrimination hypothesis (H5). Female partners claim senior advocates are necessary to promotion significantly more often than male partners, insinuating that they recognize talent can go unnoticed and suggesting an existent double standard. Below, I will more thoroughly analyze the results of these survey questions and how they interact with my hypotheses generated from the available scholarship and my own interviews.

B3a. Primary Contributing Factors to Promotion

One of the main goals of my research was to gain insight into what factors are at play when firms’ governance bodies decide who gets promoted to partner every year. More specifically, I sought out to analyze any differences in perception about the contributing factors between men and women as well as between associates and current partners. Drawing on previous research and information garnered from my interviews, I chose the following factors for respondents to rank: billable hours, having a book of clients, having a senior partner as an advocate, and having clients passed down from a current partner. I also left an option to write in a “other” factor. Figure 6 illustrates the results.

---

See Appendix B for overall rankings of factors
Male and female associates alike indicated most frequently that they believed having a senior partner as an advocate was the most important contributing factor for promotion: 49 percent of men and 56 percent of women put the option as first. Similarly, 43 percent of female partners chose having a senior partner advocate as the most important factor. Yet, only 27 percent of male partners ranked this factor first. Almost the same amount, 24 percent, chose having their own book of clients as the primary factor, compared to 23 percent of female partners. Interestingly, 31 percent of male partners wrote in an “other” option as their first ranking compared to only 11 percent of female partners, 12 percent of male associates, and 4 percent of female associates. Most of the male partners wrote in options relating to high quality of work: “quality of
lawyering,” “being an extremely good lawyer,” “outstanding legal ability.” Meanwhile, multiple associates simply wrote in: “I don’t know.”

Undoubtedly, being a top contributor and becoming a partner in a law firm requires an attorney to excel in all areas. Yet, the respondents’ opinions on the most important factors contributing to partnership revealed an interesting dichotomy between the male and female partners’ perspectives. These results have thought-provoking implications. Either men do not need advocates as much as women do to get promoted, or they receive advocacy significantly more easily than women due to the male-dominated nature of the field. Therefore, over 30 percent of male partners have the luxury of commenting on quality of work product as being the main reason they were promoted. Meanwhile, most associates, men and women, disagree. This disconnect is troublesome, because male partners are not recognizing that those associates producing “quality work” also have advocates to draw decision makers’ attention to that extraordinary work product. This finding confirms hypotheses 2 and 6, by showcasing that men are less concerned with having advocates for promotion, which, in turn, advances the argument that double standard discrimination requires women to be exceptional in order to be noticed enough to get the advocacy they need for a promotion.

**B3b: Obstacles to Advancement** The respondents were also asked to choose the biggest obstacle they had faced at their firm, choosing from: finding a mentor, finding a work/life balance, networking with clients, billing enough hours, working with their colleagues, other, or none in particular. Figures 7 and 8 below show the results for associates and partners:
Figure 7: The Percentage of Male and Female Associates Who Ranked Each Obstacle as The Biggest Obstacle They Have Faced at Their Firm
Overall, 50 percent of men indicated that finding a work/life balance was their biggest obstacle, one respondent elaborating with, “You cannot have it all. There just aren’t enough hours in the day.” When breaking this number down to associates and partners, 63 percent of male associates said this was their biggest obstacle and 40 percent of male partners indicated the same. On average, 45 percent of women cited a work/life balance as their biggest challenge – 43 percent of partners but only 48 percent of associates. While female partners were slightly more likely than
their male counterparts to indicate work/life balance as their largest struggle, female associates were significantly less likely than male associates to choose that option.

Instead, 17 percent of female associates said finding a mentor was their biggest obstacle compared to only 6 percent of male associates. While these results confirm hypothesis 4 at the associate level, this gendered pattern attenuated at the partner level, where only 6 percent of female partners reported mentorship as their biggest obstacle, compared with 7 percent of male partners. In addition, 11 percent of female associates said networking with clients was their biggest obstacle compared to only 3 percent of male associates. On the other hand, 20 percent of female partners said networking with clients was their biggest challenge compared to only 7 percent of male partners, which empirically confirms hypothesis 6, which was provoked by my interviewees’ challenging experiences with networking. In general, 22 percent of men said they had not faced any particularly large obstacle at their firm compared to only 9 percent of women.

**B3c: The Success of Women’s Networks** I ended the survey by asking respondents about their firm’s women’s network. While women were almost split on whether they deem the network successful or not, nearly 80 percent of men think it has been effective at their firm. Non-partners were more critical of the network than partners: 67 percent of male non-partners and 47 percent of female non-partners deemed the network successful compared to 93 percent of male partners and 74 percent of female partners. This disconnect in perception between partners and the rest of the firm could indicate a problem. If partners are not facing or acknowledging gender-based issues to the same degree as the rest of their firm’s attorneys, it will be challenging for them to lead the women’s network in the direction associates desire and need. See these results in Figure 9 below.
As the interview results advanced, tiered partnership structures disadvantage women while billable hours are less of a concern. On balance, the results confirm hypothesis 3, which finds that firm-wide institutions disadvantage women, since women in both the interviews and the survey confirmed that women face difficulty rainmaking due to gendered networking barriers. Meanwhile, women’s initiatives are not decidedly assisting women in these arenas.
VI. Integrating Qualitative and Quantitative Data

Law firms are businesses. At the end of the day, their main goal is to generate revenue. The intention of my research was to figure out how and where women fit into this equation in the status quo. Extant research is right to emphasize the complicated interplay between the time intensive nature of law, pressure on women to be the primary caregiver and homemaker, and attrition rates (Kay and Hagan 1998: 729). It is true that women are conditioned to believe that there is an inherent conflict between work and child rearing – that they can either be a good mother or have a good job. However, as made clear by my survey and interview results, even among female partners, women take on more at home when it comes to housework and childcare. Many of the women I interviewed had children of their own and managed to make it work; granted, they never failed to acknowledge the difficult decisions they face on a daily basis:

*There's a challenge. Do I go home and have dinner with my kids or do I go out to an event? All the men I work with, they have a wife at home. It makes it very different, both in terms of what my own interests are and who I want to be as a mother, and then also just in terms of how my home front looks.* – Interviewee C, Female, Partner

Admittedly, there will always be women who choose, either on their own or due to societal pressure, to focus on their home life. There will also be women who prioritize their careers and do not have children. That being said, my survey results show that most women do not want to leave the legal field, many do not want to leave the big firm life, and almost none want to become a primary caregiver. My interviews prove through personal testimony that there are women who can and do manage both. Consequently, self-selection is likely not the main contributor for the gender gap in partnership.

Still, these results do not indicate that barriers, including assumptions about familial obligations, do not push women off the partnership track. When synthesizing my quantitative and qualitative findings, it becomes clear that difficulty networking, which in turn affects
business generation, is a major barrier women currently face in Big Law. The NAWL 2015 Survey argued that women get less credit for rainmaking (9). While this is probably true, my interviewees advanced the idea through focusing on the interaction of business generation and networking. At one level, male attorneys are introduced to clients more often than women. On another level, when women are in front of clients, it is often assumed they are not as qualified as men to be there:

*I think there is an inherent bias towards men at the partnership level, with introducing people to clients. Often women are included because you, quote, need a woman, not because she's really good. That attitude hinders everybody, or hurts, all the other women.*

– Interviewee M, Female, Partner

Moreover, as aforementioned interview testimony explains, women have a harder time networking with clients, because they face a large barrier to entry into the “boys club.” My survey results empirically supported this idea by showing that women at all levels, but particularly at the partnership level, were significantly more likely than men to indicate that networking with clients was an obstacle to advancement they faced.

Finally, my findings bring the importance of mentorship to the forefront. Previous scholarship has found that having a mentor statistically improves a female attorney’s chances of becoming partner (Noonan and Corcoran 2004: 143). Many interviewees indicated having a mentor that helped them on the path to partnership, either within their practice group or within their firm. My survey presented a complication. By the time attorneys were partners, neither the men nor women who “made it” thought that finding a mentor was their biggest hurdle. However, when lowering down the ranks, female associates have a very different experience and indicate finding a mentor as a major obstacle. In addition, women in all positions indicated that having a senior partner as an advocate was the most important contributing factor to promotion. This suggests that a detrimental disconnect exists within Big Law. While entry-level women are
troubled by a lack of mentorship, experienced men nor women recognize this tension. They do, however, recognize the importance of advocates – having people not just talking to you, but about you. It is difficult to acquire an advocate without a mentor to either be that advocate or introduce you to someone else who can be one. It puts the burden on associates to find their own supporters amongst a sea of experienced attorneys who do not see a lack of mentorship as a major obstacle to advancement. In addition, male partners were the only group who did not find a senior advocate as the most important consideration for partnership. Since partners are disproportionately male, this adds another layer of complication. Either men do not need senior allies as much as women, or their experience with advocacy has happened organically, – men promoting men – so they have not identified it as a major component to their success.

VII. Conclusion

Many of my interviewees were hopeful for the future of law. For one, they have found millennials – both as attorneys and clients – are less tolerant of outward gender-based discrimination and less likely to be taken aback by a female in a position of power. However, implicit bias often informs the subconscious. Thus, time alone is not going to result in gender equity among lawyers in the highest ranks. Technology was another source of hope. Partners who have been practicing law for decades pointed out that the increasing ability to be on line without being in the office has allowed for greater flexibility, which will only get better with time as technology matures and lawyers and clients alike become more comfortable with being able to maintain a personal life while still excelling professionally. While these organic sources
of change will widen the path for women, it requires deliberateness and discipline to overcome the effects of pervasive stereotypes.

A. Remedies

Since firms started implementing them, women’s networks have focused on the retention of their female lawyers. My research shows that while women are slightly more likely than men to leave Big Law, female attrition is no longer the crux of the partnership gender gap problem. Women are mothers, women are also lawyers, and many young women intend on keeping both titles. Thus, the question remains: how do women climb the ranks within their firms? Granted, there are embedded institutional barriers to overcome such as tiered partnership structures and predominantly male decision-making bodies that law firms would have to scrutinize with the goal of greater gender equity. However, a major aspect of the solution lies in mentorship. This requires two layers: First, closing the gap in understanding between entry-level and experienced attorneys. Second, closing the gap in understanding between men and women. Women’s networks should focus on educating attorneys of all ranks and identities about biases they hold and ways to overcome them instead of solely focusing on women. As Interviewee C explained, educating male lawyers on the way they perceive women in conjunction with educating female lawyers on how they are perceived can help bridge this disconnect. At the very least, it will make professionals more aware of gender-based assumptions and perceptions. Moreover, women’s networks should be more deliberate with providing young women with mentors and urging firms to reward senior attorneys, potentially through billable time, for dedication to grooming associates. Informal mentorship is also necessary to drive the change. As Interviewee M stressed,
sometimes being an advocate for another female attorney can be as simple as deliberately calling another woman when you need more people on a case.

Finally, instead of simply providing outward-facing networking events, women’s initiatives should focus on having women in senior ranks provide advice to young, female attorneys on the challenges they will face when networking in male-dominated spaces. Interviewee L explained that her empowerment forum for women focuses on teaching young female attorneys how to effectively network by deliberately choosing what types of networking events to prioritize based on personal attributes instead of simply robotically engaging with potential clients at any opportunity. Young female attorneys must be made aware that even in the intensive work environment, they must remember to take time to nurture the worthwhile relationships both within their firms and outside, because they will need them to succeed.

**B. Why should men care?**

Admittedly, there are justice-based arguments for gender equity in the workplace. In an increasingly competitive legal environment, morality is often not enough to get firms to focus on inclusion beyond checking off the diversity box. One interviewee explains the tension:

*In the 21st century Big Law has understood in a deeper way that you don't advance diversity simply by having a good attitude and having your heart in the right place, because there is implicit bias and there are business imperatives and the ultimate goal of every law firm is to make a profit.* - Interviewee B, Female, Partner

However, research has begun to show that equity and inclusion have quantifiable benefits. A global survey of more than 22,000 companies found a positive correlation between women in corporate leadership and profitability. The study found that in a firm with no female leaders, an increase to 30 percent representation was associated with a 15 percent increase in net revenue (Noland et. al 2016: 17). Moreover, another study of Fortune 500 companies found that when
comparing companies, those in the bottom fourth for female board representation had a 9.1 percent return on equity. Meanwhile, companies in the top quartile of female board representation had a 13.9 percent annual return (Catalyst 2006). Integrating gender equity into the cultural fabric of law firms could have an empirical benefit on revenue generation. This fact aligns with the interests of male and female attorneys within all ranks and amongst all firms.

C. Limitations & Implications for Future Research

Admittedly, my study simplifies the divisions within law firms with regards to practice groups in order to look at the gender gap more broadly within Big Law. In reality, persistent gender gaps intensify when looking at different practices within law firms. For instance, comparing the gender breakdown in a litigation group compared to family law would display another layer of gender inequality within firms. Occupational segregation in the legal field is more widespread than this research begins to cover. Thus, future research could benefit from comparing types of legal practices and the schema that governs who they attract, retain, and promote.

D. Closing Remarks

The NAWL 2015 survey fairly asserts, “When a women’s initiative focuses primarily on female skill development, it unfairly assumes that women themselves are the barrier to their own achievement of parity. Decades of research prove otherwise” (Rikleen 2015: 15). Women do not need to be educated on how to become better lawyers. They need assistance navigating a professional environment that was set up by men before they can break into decision-making positions and alter that environment. In order for this change to occur, scholars, attorneys, and
equity consultants must begin to personally engage with people who exist within gendered legal institutions and structures:

> It is interesting. We all have so many stories of the strangest little things that you realize have this impact that people don't write about because you can't study it.
> - Interviewee C, Female, Partner

Gender-based research on professional environments must focus on the little things that permeate society and make it challenging to both be a woman and excel as a professional. Otherwise, occupational segregation will continue to persist and prevent women and firms alike from actualizing on their potential.
VIII. Bibliography


"Women in the U.S. Congress 2017." Women in the U.S. Congress 2017 | CAWP. Center for American Women and Politics at Rutgers University.

IX. Appendices

Appendix A: Brief Interviewee Demographics

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Appendix B: Full Rankings of Factors Contributing to Partnership Promotions

**B1. Male Associates Full Rankings**

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**B2. Female Associates Full Rankings**

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### B3. Male Partners Full Ranking

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### B4. Female Partners Full Rankings

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Appendix C: Networking Anecdote, Interviewee C

Speaker 2: “It is interesting. We all have so many stories of the strangest little things that you realize have this impact that people don't write about because you can't study it. Actually I'm out of the office today going on a new business pitch actually with one of my partners. It's a guy who I have worked with, I don't know, since the day I got to the firm. We are very open. We discuss these issues regularly because we're close friends. The number of times where we've had these aha-moments, just silly things.

Most of my contacts and his are in New York. I go out to New York for business development and I'll stay an extra day to catch up with people. I said to him once, "It's very hard, because I can make breakfast plans and I can make lunch plans with people. But there's a whole universe of contacts that I won't reach out to to make dinner plans with." He said, "Why?" I'm like, "Because it's just weird to reach out to these people that I don't know that well. I have ended up in one or two very uncomfortable situations since I've been practicing and doing this." He was like, "That's crazy." I'm like, "It's not crazy. It doesn't work." He debated it with me.

About a month later he called me from New York. There was one very senior woman at a firm we work with. He was in New York. He wanted to get together with her. He was sending her an e-mail trying to figure out when they could catch up. He was typing the times that he was available, and he realized that he left off the dinner option. It suddenly hit him that he does it unconsciously. I'm like, "But that's the only person it impacts your ability to get together with. For me it's like 80 percent, 90 percent of the people I try to get together with. It's when I can." I've done odd things like gone to a dinner where I'm okay reaching out to the person and going to the dinner or they reach out to me, but I've arranged for a car service to meet me at the restaurant afterwards to take me back to my hotel, just to eliminate.

There's all these little things that you don't read in any of the studies, because I don't know how they'd make it there. But that's part of what the networking group at our firm and I think all the firms, that's where we can benefit the people who are coming up after us. Just those little things where you're like, "Okay. Here's how you deal with this, and here's how you make the best of it or use it to your benefit," or whatever we've learned from our odd experiences over the years.”
Appendix D: Survey

Q1. What position are you at your firm?
   - Associate
   - Senior Associate
   - Counsel
   - Partner
   - Other

Q2. How long have you been practicing law?
   - 1-5 years
   - 5-10 years
   - 10-20 years
   - 20+ years

Q3. Gender
   - Male
   - Female
   - Prefer not to say

Q4. What is your marital status?
   - Single
   - Married
   - Divorced
   - Divorced and remarried
   - In a long-term relationship
Q5 Are your significant other's hours more flexible than yours?
- Yes
- No
- The same

Q6 What is their occupation?

Q7 What percent of the household income do you contribute?

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<thead>
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<th>% of Household Income</th>
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Display This Question:
If What is your marital status? Married Is Selected
Or What is your marital status? Divorced and remarried Is Selected
Or What is your marital status? In a long-term relationship Is Selected

Q9
What percent of the household work do you do?

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Q10
- Do you have children?
  - Yes
  - No, but I want them in the future
  - No
  - No, but my significant other does

Q11
- How many children?

Q12
- What are their ages? Select all that apply.
  - 0-2
  - 3-6
  - 7-10
  - 11-15
  - 16-18
  - 19-22
  - 23+
Display This Question:
If Do you have children? Yes Is Selected

Q13
Do you/did you have someone to help take care of the kids when you are working? Select all that apply.
- Yes, a nanny/babysitter
- Yes, a significant other
- Yes, another family member
- Yes, daycare or school's aftercare program
- No
Q14

Please rank the importance of these factors in determining promotion to partnership at your firm.

1. Billable hours
2. Having your own book of clients
3. Having a senior partner as an advocate
4. Having clients handed down from a current partner
5. Other

Q15

Does your firm have a women's network?
- Yes
- No
- ☒ I don't know

Q16

Would you deem it successful?
- Yes
- No
- ☒ I don't know

Q17

Please elaborate on why or why not.