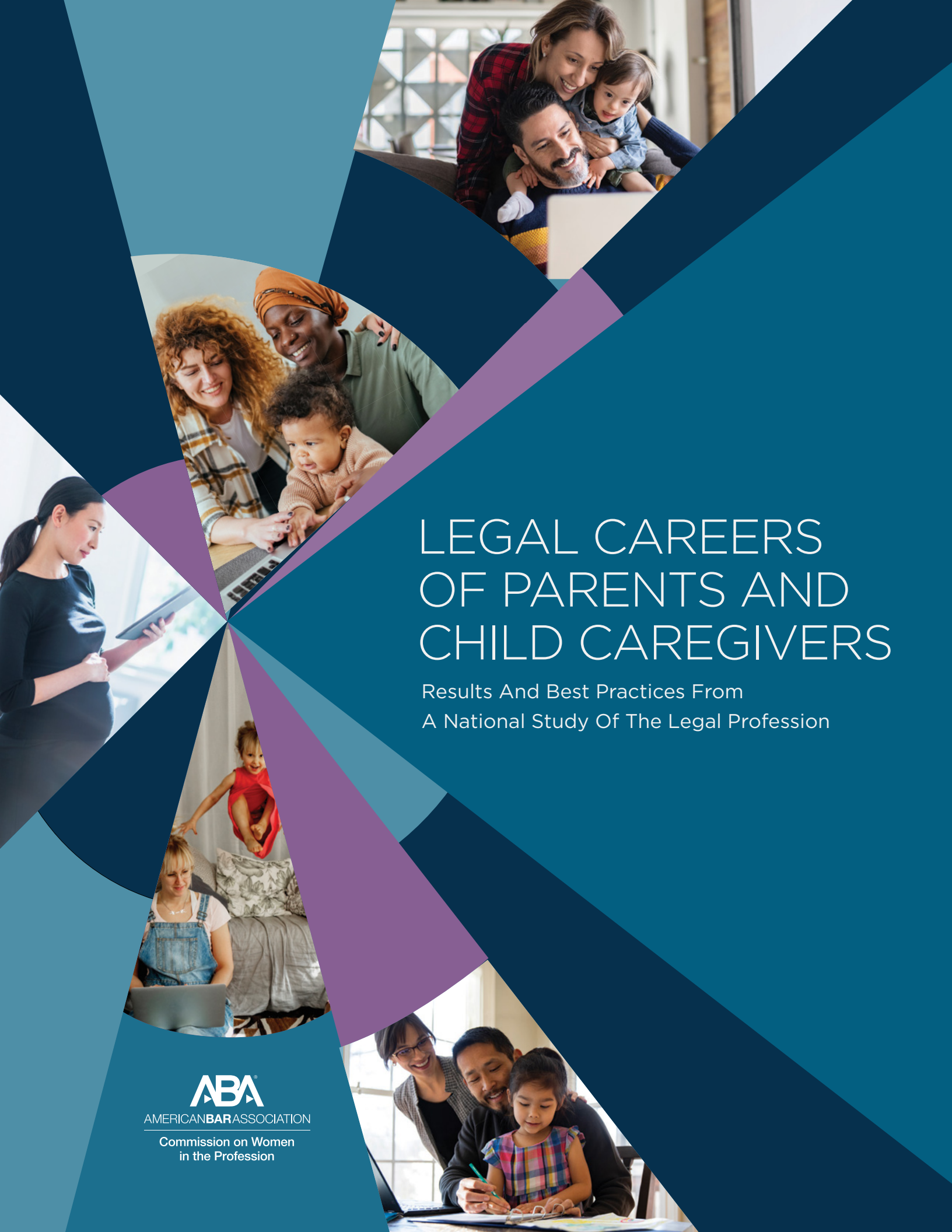




LEGAL CAREERS OF PARENTS AND CHILD CAREGIVERS

Results And Best Practices From
A National Study Of The Legal Profession



AMERICANBARASSOCIATION

Commission on Women
in the Profession

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A National Study Of The Legal Profession

Prepared and written for the
ABA Commission on Women in the Profession
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In memory of JoAnne A. Epps
1951–2023

*JoAnne inspired all of us to find the path to inclusion,
equity and belonging in everything we do.*

*She was brilliant, passionate, and authentic, and her tireless
commitment to racial and gender equality was unparalleled.*

*JoAnne touched countless lives and had a profound impact
on the legal profession and society at large. She will be
missed but never forgotten.*

Contents

Foreword from 2020–2023 Chair of the Commission on Women in the Profession	vi
Letter from the Project Co-Chairs	viii
Foreword by the Authors	x
National Survey on Legal Careers of Parents and Child Caregivers	1
Introduction	1
The “Motherhood Penalty”	3
Women in the Legal Profession	3
Brief Synopsis of Survey Findings	5
Presentation of Survey Analyses and Results	11
Basic Demographics	12
Gender Differences in Income, Household Composition, and Employment	19
Why Are Mothers Committed to the Practice of Law? For the Same Reasons as Fathers	28
Mothers Overwhelmingly Are the Parents Who Do Double Duty with Respect to Child Care and Household Responsibilities	30
Women Postpone Having Children Significantly More Often Than Men Because of Career-Related Reasons	38
Mothers Are Far More Likely Than Fathers to Have Negative Experiences at Work	42
The Push–Pull of Balancing Work and Family Creates Substantial Levels of Stress for Mothers	49

Mothers Do Not Reach the Same Levels of Seniority as Fathers	53
Mothers and Fathers Welcome Remote and Hybrid Work Policies	56
Availability of Paid Parental Leave	74
Workplace Policies and Practices That Support Long-Term Careers for Mothers	78
Success of Employer Policies and Resources for Advancing Mothers	83
Reasons for Mothers to Leave or Stay at Their Law Firms	92
Reasons Why Lawyers Work Reduced Hours	93
National Set of Focus Groups about Motherhood and Careers in Law	96
Background	96
Methodology	98
Common Themes	102
Findings	104
Best Practices and Policies for the Retention and Advancement of Women Lawyers with Children	114
Conclusion	145
Acknowledgments	146
Research Advisory Council	146
Sponsors of Commission on Women in the Profession 2022-2023	147
Appendix: Survey Design and Methods	148
Endnotes	153

Foreword from 2020–2023 Chair of the Commission on Women in the Profession

The Commission on Women in the Profession is excited to share this important and timely report on the prevalence and impact of parenting and child caregiving on legal professionals: *Legal Careers of Parents and Child Caregivers: Results and Best Practices from a National Study of the Legal Profession*.

In March 2021, the Commission on Women in the Profession laid the groundwork for a study assessing the prevalence and impact of the motherhood penalty and other caregiver bias on the advancement and retention of women lawyers. Through this study, the Commission sought to achieve three key goals: (i) gather and analyze current data about biases faced by mothers and caregivers of children practicing law across various types and sizes of legal practice, with critical consideration of how these biases are further impacted by race, ethnicity, and other intersectional factors; (ii) prepare and provide evidence-based policy and practice recommendations that may be implemented by law firms, in-house legal departments, state and local bar associations, and other organizations employing or supporting women lawyers; and (iii) develop educational materials/toolkits for use by such organizations. This report addresses the first two goals, and the third goal will be achieved during the 2023-2024 bar year. We invite you to consider how you might utilize these tools in your organization and on your teams.

As part of this study, the Commission welcomed 50 stakeholders from various work settings across the nation to participate in the Parenthood and Child Caregiver Summit at Northwestern University Pritzker School of Law in Chicago. During the Summit attendees were presented with initial results from the research, and the Summit participants provided insightful feedback and brainstormed on various topics and recommendations related to the study. The valuable insights received during the Summit were an integral part of this project.

This work would not have happened without the hard work and commitment of our skilled researchers and partners: Paulette Brown, Roberta Liebenberg, and Stephanie Scharf; the Project Co-Chairs, Michelle Browning Coughlin and Juanita Harris; and the carefully selected expert Advisory Council, who are all listed in this report.

I know the lawyers in your organizations will find this work to be a helpful resource in retaining, advancing, and supporting legal professionals that are parents and caregivers of children.



Hon. Maureen Mulligan
Chair, 2020–2023
Commission on
Women in the Profession

Letter from the Project Co-Chairs

Working on this very important project with immediate past Commission Chair Hon. Maureen Mulligan, Commission on Women in the Profession staffers, the esteemed members of the Advisory Council, and the expert researchers—Paulette Brown from MindSet Power and Roberta (Bobbi) Liebenberg and Stephanie Scharf of The Red Bee Group—has been an honor. We extend a heartfelt thanks to all who participated in the research project, including the numerous focus groups, and to all who attended the Parenthood and Child Caregiver Summit or the special program at the 2023 ABA Annual Meeting. We were dogged in our determination that this research project would encompass a broad range of voices, experiences, and input from diverse attorneys across the United States from all spheres of the legal profession, because we must all work together to address the issues that are adversely impacting the career trajectory of attorneys who are child caregivers, particularly the biases that continue to be directed at mothers in the workforce (often called the “motherhood penalty”).

We cannot afford to pretend that this bias towards mothers and other child caregivers does not exist in the legal profession, or that it is solely a Big Law problem. The data show that mothers, in particular, face biases and challenges in all types of roles within the legal profession, and belies the often-shared advice that “the grass is greener” in-house or in some other legal employment settings. Nor can we continue to invest in solutions to “motherhood penalty” and caregiver bias that are one-size-fits-all, or worse, stand by silently when legal employers engage in “window dressing” solutions that look pleasant on a website but do little or nothing to address the underlying issue and the impact on retention and promotion of women in the law.

The evidence in this study reveals that the “motherhood penalty”, a pervasive bias directed at mothers in the workplace, is not a generalized societal issue from which the legal industry is immune. Rather, the biases directed at mothers, and to some extent all child caregivers, is seen in all types of legal workplaces throughout

our nation, and the economic and social impact is spilling over onto our families and businesses. Our noble profession should and can be the gold standard for how to achieve equity and equality in the workplace for the betterment of our families, businesses, and society in general.

Therefore, we challenge and implore all attorneys to take a deep dive into this report with an open mind and ask yourself for the benefit of your family and clients what can you individually do to help ameliorate the biases and penalties that are being imposed upon child caregivers in the legal profession. Galvanize and collaborate with cross-functional teams and organizations that are in different legal work settings, geographic locations, family dynamics, and socio-economic backgrounds to develop an action plan, and get to work. Together, we can and we will make a positive difference by leading our country in the effort to create more equitable work places for mothers and all child caregivers.



Michelle Browning
Coughlin
Co-Chair



Juanita Harris
Co-Chair

Foreword by the Authors

Although there have been countless articles, reports, and surveys over many years concerning the status of women in the profession, until now there has not been any comprehensive empirical national study focused specifically on the career experiences of lawyers with children, particularly women. We are pleased to present this first-of-its-kind national study, which carefully examines the daunting challenges and hurdles faced by women lawyers who are parents or caregivers of children. Women lawyers with children work in all practice settings and, too often, face numerous negative workplace experiences on an everyday basis, impeding their advancement and success and contributing to disproportionately high rates of attrition.

The authors of this Report have each practiced law for several decades and have held leadership roles in bar associations and other organizations where they have worked to increase diversity, equity, and inclusion in the profession. We have participated in extensive research, writing, and many national programs and initiatives concerning the myriad issues confronting women in the law. At the same time, we have collectively raised six children and know from first-hand experience how difficult it is to balance the competing demands of a legal career and raising children.

Both mothers and fathers struggle to attain full and satisfying legal careers while at the same time trying to achieve work-life balance. As our research makes clear, however, this struggle is particularly difficult for women with children. Many mothers pursuing legal careers have been subjected to unfounded stereotypes, implicit biases, and unwarranted criticisms about their competence and commitment to the practice of law. We are now in an era where the number of women law school graduates exceeds the number of male graduates, and clients are demanding that law firms maintain a pipeline of experienced women and diverse lawyers who not only handle their matters but lead them. There is a need for employers to hire the best available talent and create a workplace culture in which both women and men with children feel valued and included, and have equal opportunities to advance and succeed.

In short, the time has come to implement new approaches, new ways of thinking, and new workplace policies and practices that recognize the considerable talent and skills that women with children can bring to the workplace and help ensure that they will stay in the profession and also thrive.

To study this broad range of issues, we conducted two types of research, reaching lawyers in virtually every practice setting, including law firms, corporate law departments, public interest and not-for-profit organizations, the judiciary, the military, and academia. First, we designed, implemented, and analyzed a Survey of over 8,000 respondents. The Survey provides systematic data on a wide range of issues around how legal careers develop for lawyers with children, especially mothers, and what employers can do to assure that mothers attain meaningful careers and opportunities. Second, we designed and implemented a national set of ten focus groups, conducted in-person and virtually, which provided in depth and nuanced information about the experiences of mothers as they pursue legal careers, where help is needed, and how legal employers can do better to support women with children.

We then used the research results as the basis for our recommended best practices and policies for retaining and advancing women with children. We are hopeful that by implementing these suggested best practices and policies, employers can take advantage of the tremendous pool of talent that women with children represent. These best practices also provide guidance for individual lawyers to help them more successfully navigate the difficult journey to achieve both personal and professional fulfillment.

This Foreword would not be complete without thanking the many people who contributed to the vision and results of this study. The Commission on Women in the Profession has been consistently in the forefront with innovative research and policies for advancing women in the legal profession, and this project is the latest manifestation of that critical role. Commission Chair Hon. Maureen Mulligan and Project Committee Co-Chairs Michelle Browning Coughlin and Juanita Harris showed an extraordinary commitment to the goals of the research and made many creative suggestions for honing in on critical issues. We are very appreciative of the contributions made by the Advisory Committee, especially for their suggestions and comments about the draft Survey questionnaire, pretesting the questionnaire, assisting with identifying participants for the focus groups, and then taking the time to comment on and offer suggestions for this final Report. Advisory Committee members included Aurora Austriaco, Josephine Bahn, Michelle Budig, Shavonnie Carthens, Cyndie Chang, F. John Garza, Hon. Ernestine Gray, Gabrielle Kohlmeier, Emily Martin, Michele Coleman Mayes, Sulema Medrano Novak, Mark Palmer, and Anne-Marie Slaughter. We also appreciate the assistance provided by Melissa Wood and Ashleigh Hill of the Commission on Women in the Profession.

We also wish to thank our stalwart project associates. Megan Bonham, M.A., offered a steadfast and creative approach to all aspects of this project, including helping with the questionnaire design and the approach for large-scale distribution, making sure that the work product was in order and on point, keeping us on the necessary schedule, and serving as a consummate editor of this Report. Elizabeth Dworak, Ph.D., helped to implement the very extensive data analyses, with accuracy and patience throughout the many approaches we used for digging into the data. Altheria Merricks organized the records of the numerous hours of the focus groups and created common themes. The members of the Association of Law Firm Diversity Professionals generously provided space for the focus groups. In addition, thanks to administrative assistant Elaine Bianculli for her tireless help.

We treasure the opportunity to have conducted this groundbreaking research and make recommendations for moving forward. Please feel free to reach out to us with any questions, additional ideas, or to give us your reactions.

Stephanie A. Scharf, Roberta D. Liebenberg, and Paulette Brown¹



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National Survey on Legal Careers of Parents and Child Caregivers

Introduction

For the past 25 years, women and men have entered the legal profession in roughly equal numbers. Despite the steady influx of women lawyers, they continue to be much less likely to attain the top levels of leadership in their organizations and the most powerful, prestigious, and highly compensated positions. This lack of real progress is not the result of any inherent gender differences or a lack of ambition

or talent. Rather, as highlighted by this Report, women, and especially women with children, face unique biases and obstacles in the workplace that impede their advancement as compared to their male colleagues.

These challenges are exacerbated by policies and practices used by many legal employers that are too inflexible to accommodate the child care and home life responsibilities that mothers disproportionately bear compared to fathers. Indeed, in our 2019 national study of long-term careers for women in law, we found that family caretaking commitments were the primary reason why women leave law firms, followed closely by the level of stress at work and a lack of work-life balance.² In a parallel national study focused on women of color, we found that while women of color thought of leaving the legal profession, they did not leave primarily because of financial and familial reasons.³

Women lawyers who are mothers all too often face the conflicting societal and cultural demands of being a “good” mother who always puts her children and family first, while at the same time striving to be an “ideal” lawyer who has undivided career focus and a 24/7 commitment to her work. Women with children are confronted with unfair and unwarranted criticisms, biases, and stereotypes about their competence and career commitment. This “maternal wall” bias can be triggered when women get pregnant, return from maternity leave, or avail themselves of part-time, flex time, or hybrid work arrangements.⁴

The time has come for a comprehensive understanding of how and why the everyday work experiences of women lawyers with children differ from men with children, and from lawyers who are not responsible for raising children. With a better understanding of the everyday experiences of lawyers with children, and the impact of children on legal careers, employers can create effective policies and practices to ameliorate the “maternal wall” bias, and support mothers at all stages of their careers.

The new and unique research presented here demonstrates an urgent need to change the paradigm. Indeed, if law firms, corporations, government agencies, and other legal employers do not meaningfully address the unique challenges that have long impeded the retention and advancement of women lawyers with children, they will continue to lose out in the war for talent and find themselves at a competitive disadvantage in the legal marketplace. We are hopeful that this Report will encourage employers to revise their workplace culture, policies, and practices so they can become more successful at retaining and advancing women lawyers with children, and women will be armed with more and better resources to help balance the competing demands of work and family.

The “Motherhood Penalty”

Research has consistently shown that employed mothers across all professions and industries incur a “motherhood penalty” in terms of their career opportunities, compensation, and advancement.⁵ In fact, it appears that the “motherhood penalty” may be more pervasive in highly-skilled professions and jobs dominated by men that require long hours and constant availability.⁶ One well-known seminal study found that women suffer a 5% reduction in wages for each child they have,⁷ and another study found that mothers continue to experience a significant pay gap into their 50s compared to fathers.⁸ Conversely, men with children experience a “fatherhood bonus,” as their compensation typically increases after having children.⁹ The motherhood penalty has remained virtually unchanged for the past 25 years, and particularly so among higher earners.¹⁰

Undergirding the motherhood penalty is differential treatment of women based on parental status. Numerous studies have found that mothers are perceived as less committed to their jobs and less competent than other workers, regardless of their actual performance, further impeding their career advancement.¹¹ The motherhood penalty affects a mother’s hiring prospects,¹² assignments, earnings, evaluations, and promotions.¹³ There are implicit biases and unfounded assumptions by supervisors and employers that mothers are unwilling or unable to travel or work long hours, and are less willing than fathers to make sacrifices in support of their careers.¹⁴

Mothers frequently experience difficulty in returning to work after staying at home to raise children because they are perceived by prospective employers as riskier hires.¹⁵ Even when they return to the workforce, their income, seniority, and advancement are adversely affected by their time off for child-rearing, and many mothers face unwarranted criticisms of their abilities, commitment, and work ethic that they did not experience before having children.

Women in the Legal Profession

Historically, the legal profession has been overwhelmingly dominated by men, with women grossly under-represented at senior levels. While women have made strides in recent years, leadership positions in the legal profession are still primarily held by men. Women now account for 49.4% of all associates at law firms, but only 32.7% of non-equity partners and 22.6% of equity partners.¹⁶ Women of color represent only 16.5% of associates and 4.39% of all partners.¹⁷ Only 33% of the General Counsel of Fortune 1000 companies are women and only 7.6% are women of color.¹⁸ At the same time, women, especially those who practice in law firms, are much more likely to have negative experiences in the workplace that diminish feelings of inclusion and belonging.¹⁹

There is a longstanding gender pay gap in the profession that increases with seniority.²⁰ These economic consequences particularly affect women lawyers of color, who are more likely to be both the primary caregivers and breadwinners in their families.²¹ The motherhood penalty also has negative effects on work-life balance and mental health. Women in the legal profession report higher levels of anxiety, depression, and stress than their male counterparts,²² which are exacerbated by their caregiving responsibilities. Indeed, during the pandemic, mothers, particularly those with young children, reported higher levels of stress and burnout.²³ Although women lawyers who are mothers often experience demeaning comments about their commitment and competence, the reality is that many women report that motherhood frequently makes them better lawyers. Mothers often describe themselves as being laser-focused on what is important and relying on their grit, resilience, and perseverance to overcome challenges. Motherhood and caregiving also necessitate patience, compassion, and empathy, and frequently result in mothers who are extremely effective team leaders, as well as cooperative team players.²⁴ With these and other concepts in mind, we organized this study around three core issues:

1. What is the impact of parenthood and child caregiving on the careers of lawyers?
2. What information is important for legal employers to know about the everyday experiences of parents and caregivers of children?
3. What are the best policies, practices, and training to ensure that parents and caregivers of children at all levels and in law firms and other practice settings have opportunities to succeed?

To answer these questions, we conducted research through a large national survey of the legal profession, with a total of 8,168 Survey participants, and a series of national focus groups.

We hope that readers of our Report will recognize the significant contributions that lawyers who are mothers make to the profession, their employers, and their clients, and will redouble their efforts to ensure that they remain in the profession so that increasing numbers of women will become leaders and rainmakers in the years to come.



Brief Synopsis of Survey Findings

This Report sets forth a multitude of data gleaned from thousands of Survey participants, along with many narrative comments provided by respondents to the Survey and by participants in the focus groups. Summarized below are highlights from the Survey. We encourage you to read the entire Report, including our suggested best practices and policies.

***Mothers Are Far More Likely to Face
Negative Experiences at Work
Than Fathers***

- ▶ Regardless of practice setting, mothers were far more likely than fathers to face negative experiences at work, including disparaging comments about their ability and ambition, less access to business development and other career opportunities, lower compensation, lack of advancement, and other actions that sidelined their careers.
- ▶ A much higher percentage of mothers compared to fathers experience demeaning comments about being a working parent (61% of mothers vs. 26% of fathers in law firms; 60% of mothers vs. 30% of fathers in other settings).
- ▶ A much higher percentage of mothers compared to fathers felt they were perceived as less committed to their careers (60% of mothers vs. 25% of fathers in law firms; 59% of mothers vs. 30% of fathers in other settings).
- ▶ A much higher percentage of mothers compared to fathers lacked access to business development opportunities (43% of mothers vs. 20% of fathers in law firms; 33% of mothers vs. 20% of fathers in other settings).
- ▶ A much higher percentage of mothers compared to fathers felt they were viewed as less competent (41% of mothers vs. 15% of fathers in law firms; 48% of mothers vs. 23% of fathers in other settings).
- ▶ A higher percentage of mothers compared to fathers were denied a salary increase or bonus (37% of mothers vs. 22% of fathers in law firms; 36% of mothers vs. 26% of fathers in other settings).
- ▶ A higher percentage of mothers compared to fathers were denied or overlooked for advancement or promotion (36% of mothers vs. 22% of fathers in law firms; 43% of mothers vs. 33% of fathers in other settings).
- ▶ A much higher percentage of mothers compared to fathers experienced a lack of access to sponsors or mentors (33% of mothers vs. 14% of fathers in law firms; 38% of mothers vs. 19% of fathers in other settings).
- ▶ A much higher percentage of mothers compared to fathers had trouble being assigned to important matters (25% of mothers vs. 9% of fathers in law firms; 25% of mothers vs. 16% of fathers in other settings).

- ▶ After having a child, a much higher percentage of mothers compared to fathers were advised by colleagues to stay home or put their career on hold (22% of mothers vs. 3% of fathers in law firms; 27% of mothers vs. 5% of fathers in other settings).
- ▶ More mothers than fathers were not asked to work on matters that required travel (17% of mothers vs. 5% of fathers in law firms; 15% of mothers vs. 7% of fathers in other settings).

Mothers Are Much More Likely Than Fathers to Experience Tensions between Parenting and Their Legal Careers

- ▶ Mothers are more than twice as likely as fathers (48% vs. 21%) to feel that having children had a negative impact on their career. Conversely, a substantially higher percentage of fathers than mothers (33% vs. 19%) feel that having children had a positive impact on their career.
- ▶ Mothers of dependent children who work in law firms are far more likely than fathers to feel guilty about working full time (45% of mothers compared to 17% of fathers).
- ▶ Almost half of all women lawyers (48%) reported postponing having a child because of career concerns (compared to 26% of men).

Mothers Are Far More Likely to Carry the Double Duty of Child Care and Household Responsibilities

A much higher percentage of mothers compared to fathers are solely responsible for:

- ▶ Arranging for child care (65% of mothers vs. 7% of fathers)
- ▶ Leaving work for children's needs (47% of mothers vs. 17% of fathers)
- ▶ Looking after children during daytime hours (25% of mothers vs. 7% of fathers)
- ▶ Looking after children during evening hours (22% of mothers vs. 8% of fathers)
- ▶ Helping children with homework (41% of mothers vs. 12% of fathers)
- ▶ Arranging children's medical care (71% of mothers vs. 9% of fathers)
- ▶ Attending children's extracurricular events (28% of mothers vs. 8% of fathers)
- ▶ Cooking meals (41% of mothers vs. 16% of fathers)

Mothers Have Higher Levels of Stress and Burnout Than Fathers

- ▶ Mothers in all practice settings are much more likely than fathers to experience stress and burnout because of the tension between the demands of work and family/home responsibilities.
- ▶ Among lawyers practicing in law firms, mothers are much more likely than fathers to “almost always” or “often”:
 - ▶ Feel overwhelmed with all the things they have to do (70% of mothers compared to 41% of fathers)
 - ▶ Feel their day never seems to end (65% of mothers compared to 41% of fathers)
 - ▶ For parents of dependent children, experience stress about parenting demands (74% of mothers compared to 54% of fathers)
- ▶ Fathers are more than twice as likely as mothers to feel that they are “almost always” or “often” doing a good job balancing work and home responsibilities (40% of fathers compared to 17% of mothers in law firms; 40% of fathers vs. 23% of mothers in other settings).

Reasons That Mothers Would Leave or Stay at Their Law Firms

- ▶ 42% of mothers report that the number of required hours is a reason to leave.
- ▶ 34% of mothers report that work-life balance is a reason to leave.
- ▶ 34% of mothers of dependent children would leave for more time to spend with their children.
- ▶ 60% of mothers of dependent children would stay at a law firm that allows them to have a schedule that fits their caretaking commitments.
- ▶ A substantial percentage of mothers of dependent children report that they would leave their current job for one that offers a greater ability to work remotely (reported by 37% of mothers in law firms and 51% of mothers in other settings).

Many Parents Have Had Positive Experiences with Hybrid/Remote Work

- ▶ A large majority of both mothers and fathers in law firms and in other settings reported that hybrid/remote working either increased or had no impact on work productivity, number of hours worked, or quality of work product.
- ▶ A large majority of parents of dependent children, especially mothers, reported that hybrid/remote work increased their ability to balance work and family obligations.
- ▶ A substantial percentage of parents also reported that hybrid/remote work increased the quality of their mental health and decreased stress levels.
- ▶ At the same time, more than half of fathers and nearly half of mothers reported that hybrid/remote work led to increased feelings of isolation, decreased quality of relationships with colleagues and co-workers, and decreased professional networking.

Intentional Policies for Advancing Mothers Have a Positive Impact on How Women View Their Employer

- ▶ When employers implement policies with the goal of advancing mothers into high-level positions, women in general have significantly more positive views of their employer.
- ▶ As just a few examples, women in firms are far more likely to view their firm as successful at promoting mothers into equity partner and leadership roles when their firms have such policies as:
 - ▶ Mentorship or sponsorship for women lawyers with children
 - ▶ Leadership/management training for women lawyers
 - ▶ Implicit bias training about women lawyers with children
 - ▶ Monitoring gender metrics of women with children
 - ▶ Written standards and procedures for client succession
 - ▶ Part-time work credited for promotion to partner

***There Is a Noticeable Income Gap
between Mothers and Fathers
in the Legal Profession***

- ▶ Except at the lowest income levels, mothers earn substantially less than fathers, whether the comparison is between mothers and fathers of dependent children or parents of older, non-dependent children.
- ▶ As one example, among parents of dependent children earning \$200,000–\$299,999, 37% are mothers and 63% are fathers. There is an even greater gap among parents of grown children, where 24% at that level are mothers and 76% are fathers.
- ▶ Far more women than men (42% vs. 29%) do not view their income as commensurate with their education and experience. This opinion held true regardless of whether women had children or whether women were parents of younger or older children.

***Mothers of Dependent Children
Are Less Likely to Work
in Large Firms***

- ▶ Fathers of dependent children are far more likely than mothers to work in large firms (63% of fathers vs. 44% of mothers).
- ▶ Mothers of dependent children were significantly more likely than fathers to work at a small firm (44% of mothers vs. 31% of fathers) or work as a solo practitioner (12% of mothers vs. 6% of fathers).



Presentation of Survey Analyses and Results

We were fortunate to obtain participation by a very large number of respondents from many different groups, which enhanced our ability to assess the general effect of motherhood and to analyze various career paths and subgroups before and after women lawyers become mothers.

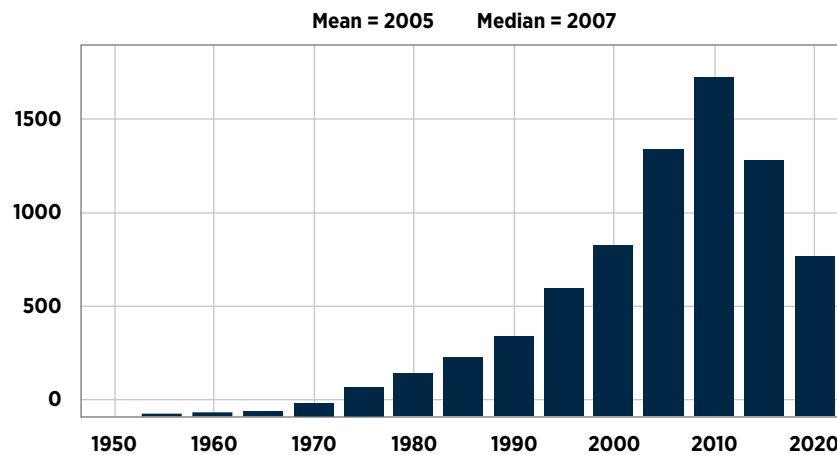
Around 99% of respondents answered every demographic question reported in this section, an extraordinarily high response rate that reinforces the reach of the Survey. Below are the demographic contours of Survey participants.

Basic Demographics

Year of Law School Graduation

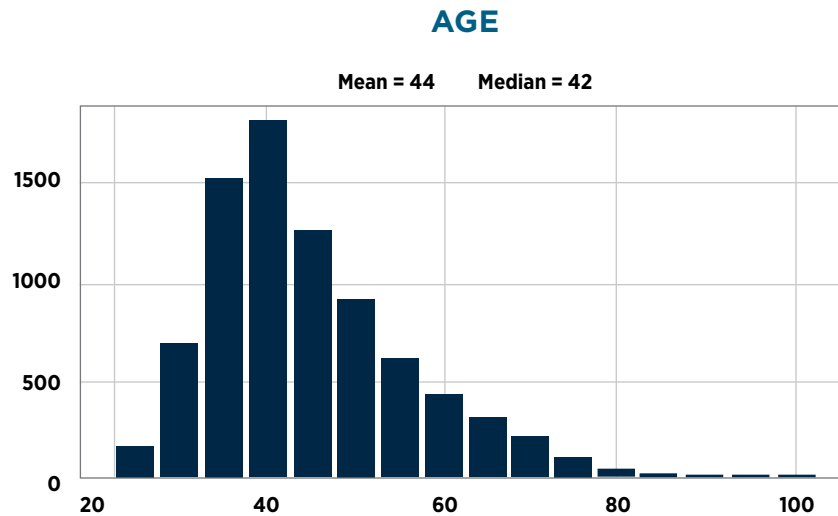
Respondents reported graduating from law school between 1956 and 2022, with a mean graduation year of 2005 and a median graduation year of 2007, representing 15 years of practice. Those statistics reinforce the viability for this sample of questions about the relationship between parenting and careers, as so many of the Survey sample are in the age group where they are likely to be making decisions about becoming a parent and undertaking childcare responsibilities.

GRADUATION YEAR



Age of Respondents

Respondents were between 24 and 99 years old, with a mean age of 44. Men (average age 49) were significantly older than women (average age 43) ($p < 0.0001$).



Not unexpectedly, parents of non-dependent children were on average 61 years old while parents of dependent children were on average 42 years old. Fathers of non-dependent children (average age 66) and dependent children (average age 43) were significantly older than mothers of non-dependent children (average age 59) and dependent children (average age 41) ($p < 0.0001$). Men and women who were not parents, however, were younger and not significantly different in age (average age 38).

Gender Identity

Over 99% of respondents (n = 8,115) identified as either male or female. Women accounted for 77% of the sample (6,263 respondents), a not-surprising distribution given the subject of the Survey. Men accounted for 23% of the sample, with a robust 1,852 respondents. A very small number of people preferred not to answer or responded with a different gender identity.

Gender Identity	% (n)
Female	77% (6,263)
Male	23% (1,852)
Prefer not to answer	0% (23)
Non-binary	0% (18)
Femme-ish	0% (1)
Genderqueer	0% (1)
Transgender female	0% (1)
TOTAL	100% (8,159)

Because nearly 100% of respondents identified as male or female, the gender analyses focused on male respondents compared to female respondents. There was not enough statistical power to accurately make comparisons or draw conclusions for those few respondents who fall outside these two categories.

Sexual Orientation

Virtually all respondents answered this question: 93% identified as heterosexual and 5% identified as bisexual, gay, or lesbian. Only a very small percentage of the sample identified with other sexual orientations, and 1% did not answer the question.

Sexual Orientation	% (n)
Heterosexual	93% (7,550)
Bisexual	3% (253)
Gay or lesbian	2% (169)
Prefer not to answer	1% (118)
Queer	0% (17)
Asexual	0% (9)
Pansexual	0% (9)
Questioning	0% (2)
Heteroflexible	0% (1)
Omnisexual	0% (1)
Poly	0% (1)
Transgender	0% (1)
Two Spirit	0% (1)
TOTAL	100% (8,132)

Race/Ethnicity

This table shows the distribution of race and ethnic identities among Survey respondents, which roughly parallels the racial and ethnic identities reported generally in the legal profession.²⁵

Race/Ethnicity	% (n)
African American/Black	5% (435)
American Indian/Alaska Native	1% (71)
Asian/Asian American	4% (319)
Hispanic/Latino/a/x/e	4% (317)
Middle Eastern/North African	1% (61)
Multiracial	3% (243)
Native Hawaiian/Pacific Islander	0% (24)
Race or ethnicity not listed here	1% (73)
White/Caucasian	81% (6,586)
TOTAL	100% (8,129)

As shown in the two tables below, among Survey respondents, the distributions of women and men do not vary significantly by racial or ethnic group, and the distributions of mothers and fathers do not vary significantly by racial or ethnic group.

LEGAL CAREERS OF PARENTS AND CHILD CAREGIVERS

Race/Ethnicity	Women	Men
African American/Black	84% (366)	16% (69)
American Indian/ Alaska Native	87% (62)	13% (9)
Asian/Asian American	85% (270)	15% (48)
Hispanic/Latino/a/x/e	82% (258)	18% (58)
Middle Eastern/ North African	84% (51)	16% (10)
Multiracial	79% (189)	21% (50)
Native Hawaiian/ Pacific Islander	92% (22)	8% (2)
Race or ethnicity not listed here	66% (43)	34% (22)
White/Caucasian	76% (4,981)	24% (1,576)

Race/Ethnicity	Mother	Father
African American/Black	83% (281)	17% (59)
American Indian/ Alaska Native	92% (47)	8% (4)
Asian/Asian American	86% (223)	14% (36)
Hispanic/Latino/a/x/e	83% (211)	17% (44)
Middle Eastern/ North African	84% (36)	16% (7)
Multiracial	77% (139)	23% (42)
Native Hawaiian/ Pacific Islander	95% (21)	5% (1)
Race or ethnicity not listed here	63% (34)	37% (20)
White/Caucasian	76% (4,153)	24% (1,337)

Disability Identity and Need for Accommodation(s)

Among all working lawyers who responded to the Survey, 5% reported they have a disability. In the group identifying as disabled, 29% reported that they need an accommodation to work.

All Survey Respondents Whose Job Requires a Law Degree	% (n)	If Identify as Disabled, % Who Require an Accommodation to Work
Identify as disabled	5% (335)	29% (97)
Do not identify as disabled	95% (6,998)	Not applicable

Looking at parents who are working lawyers, 4% of mothers identify as disabled and 4% of fathers identify as disabled.

PARENTS WORKING AS LAWYERS WHO IDENTIFY AS DISABLED/HAVE A DISABILITY

	% of Mothers	% of Fathers
Identify as disabled	4% (182)	4% (60)
Do not identify as disabled	96% (4,424)	96% (1,374)

Among disabled parents, 29% of mothers and 15% of fathers require an accommodation to work.

Mothers with Disability: % Who Require an Accommodation to Work	Fathers with Disability: % Who Require an Accommodation to Work
29% (52)	15% (9)

These Survey results illustrate that in the legal profession, there are a number of practicing lawyers, including parents, who have a disability and that accommodations are needed for a substantial number of them to be able to do their jobs.

Marital Status

It is noteworthy that 84% (n = 6,855) of respondents reported being married and/or living with a committed partner.

Marital Status	% (n)
Married/living with a committed partner	84% (6,855)
Divorced or separated	7% (606)
Single, never married	7% (582)
Widowed	1% (84)
Other	0% (10)
TOTAL	100% (8,137)

Gender Differences in Income, Household Composition, and Employment

Income of Women and Men/Mothers and Fathers Working in the Legal Profession

As shown in the charts below, gender has a significant impact on annual income.²⁶ The higher the income level, the greater the likelihood that men predominate at that level. Meaningful gender differences begin to appear at the higher levels, starting with the \$150,000–\$199,000 level: of all lawyers at that level, 60% are men and 40% are women. Further up the ladder, the gender differences consistently widen. For example, among lawyers earning \$300,000 to \$499,999, 71% are men and 29% are women. The highest income level is over \$1 million, and while a small percentage (7%) of lawyers reported income at that level, 81% of those earners are men and 19% are women.

Income Level	% at That Level Who Are Men	% at That Level Who Are Women
Less than \$50,000	49%	51%
\$50,000–\$99,999	47%	53%
\$100,000–\$149,999	51%	49%
\$150,000–\$199,999	60%	40%
\$200,000–\$299,999	65%	35%
\$300,000–\$499,999	71%	29%
\$500,000–\$749,999	78%	22%
\$750,000–\$1,000,000	76%	24%
Over \$1,000,000	81%	19%

As shown in the tables below, the income gap between mothers and fathers exists regardless of whether the comparison is between mothers and fathers of dependent children or parents of older, non-dependent children. Thus, 37% of parents of dependent children earning \$200,000–\$299,999 are mothers and 63% are fathers. Further up the income ladder, those percentage gaps are even wider between mothers and fathers of dependent children. Similar gender gaps exist among parents of older, non-dependent children: 24% of parents of non-dependent children earning \$200,000–\$299,999 are mothers and 76% are fathers; and the gender gap widens in higher income levels.

ANNUAL INCOME LEVELS FOR MOTHERS AND FATHERS OF DEPENDENT CHILDREN

Income of Parents of <i>Dependent</i> Children	% at That Level Who Are Mothers	% at That Level Who Are Fathers
Less than \$50,000	77%	23%
\$50,000–\$99,999	65%	35%
\$100,000–\$149,999	54%	46%
\$150,000–\$199,999	46%	54%
\$200,000–\$299,999	37%	63%
\$300,000–\$499,999	32%	68%
\$500,000–\$749,999	23%	77%
\$750,000–\$1,000,000	26%	74%
Over \$1,000,000	23%	77%

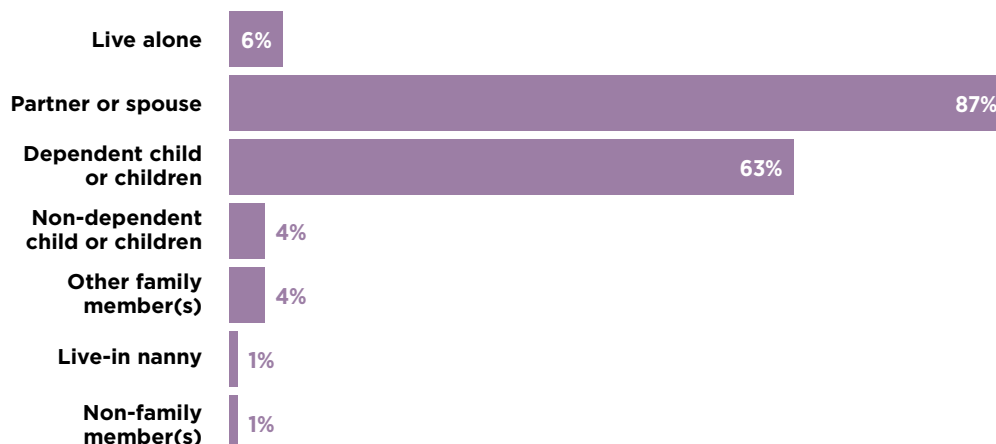
ANNUAL INCOME LEVELS FOR MOTHERS AND FATHERS OF NON-DEPENDENT CHILDREN

Income of Parents of <i>Non-Dependent</i> Children	% at That Level Who Are Mothers	% at That Level Who Are Fathers
Less than \$50,000	22%	78%
\$50,000–\$99,999	29%	71%
\$100,000–\$149,999	36%	64%
\$150,000–\$199,999	21%	79%
\$200,000–\$299,999	24%	76%
\$300,000–\$499,999	13%	87%
\$500,000–\$749,999	16%	84%
\$750,000–\$1,000,000	14%	86%
Over \$1,000,000	10%	90%

These findings are consistent with the statistics over many years showing a gender pay gap in the legal profession that increases with seniority. For example, a 2022 Major, Lindsey, and Africa Partner Compensation Survey found that male partners (equity and non-equity) earned 34% more than female partners in 2021.²⁷ Likewise, while there were many factors that lead to decisions by experienced women lawyers practicing 15 or more years to leave law firms, unfairness in the distribution of compensation, bonuses, and origination credit was a critical deal-breaker for many of these women.²⁸

Household Composition

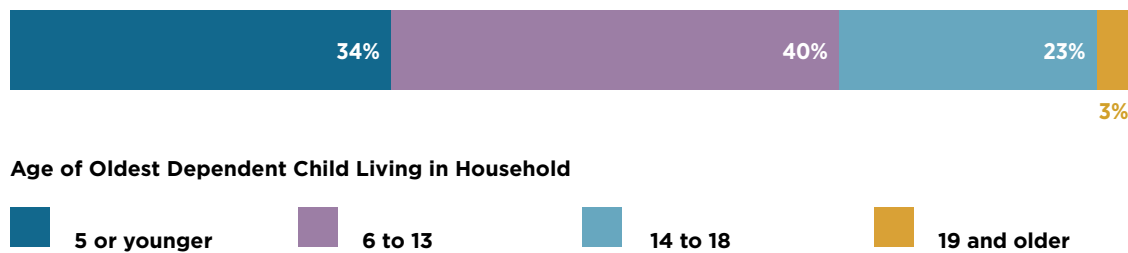
Looking at all respondents, regardless of parental status, the vast majority—94%—do not live alone. Respondents live with one or more other people, most frequently other family members. Thus, the overwhelming majority of respondents (87%) live with an adult partner or spouse. The majority of respondents also live in a household with one or more dependent children (63%). A small percentage of respondents live with one or more non-dependent children, and/or other family members who are not partners, spouses, or children. Only 1% report living with a non-family member or a live-in nanny.



Of those respondents living with dependent children, 91% are living with a partner or spouse.

Over one-third of parents with dependent children in the household (34%) live with young children (age 5 or younger). Another 40% live in homes where the oldest dependent child was between ages 6 and 13. And, virtually all of the remaining respondents (23%) live in a household where the oldest dependent child is in the age range of 14–18. In addition, 3% of the sample reported living with a dependent child age 19 or older.

DISTRIBUTION OF PARENTS LIVING WITH DEPENDENT CHILDREN



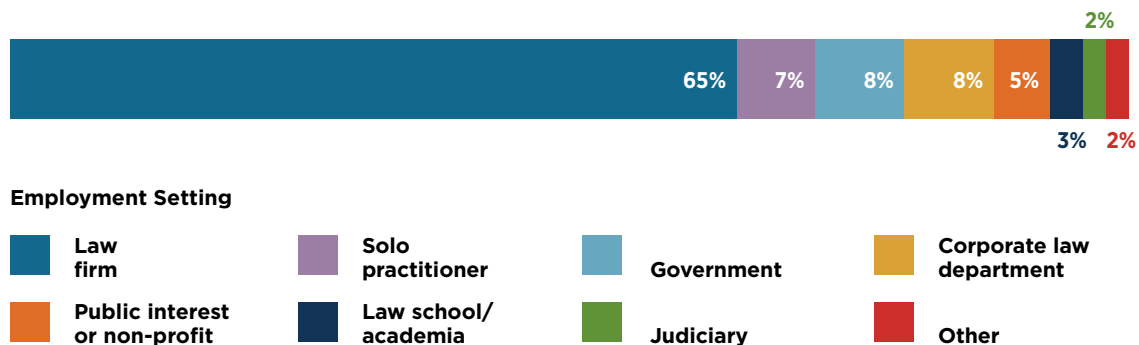
Employment

Almost 92% of respondents reported that they are currently employed in a job that requires a law degree. Five percent of respondents reported that they are working in non-legal jobs, and 4% are not employed. We note that these statistics are not representative of the population of law school graduates, for whom the rates of continued practice are much lower, especially for those who have graduated from law school more than 10 years ago.²⁹ We believe our sample had a high percentage of practicing lawyers because of the very successful outreach that was made to law firms and various bar associations and affinity bar groups to participate in the Survey.

As mentioned above, women have been graduating from law schools in numbers roughly equal to men for approximately the past 25 years. However, state bar registration statistics show that only 38% of practicing attorneys are women, which represents just a 4% increase in the percentage of women lawyers over the past ten years (from 34% in 2013 to 38% in 2023).³⁰

Over 70% of respondents were lawyers in private practice: 65% were in firms, and 7% were solo practitioners. The balance of the respondents (28%) worked in government, corporate law departments, non-profits, academia, and the judiciary, with a scattering in the military and other settings. The table below shows the distributions of employment settings. (The military, mediation business, or other work settings for lawyers each accounted for virtually 0% of respondents.)

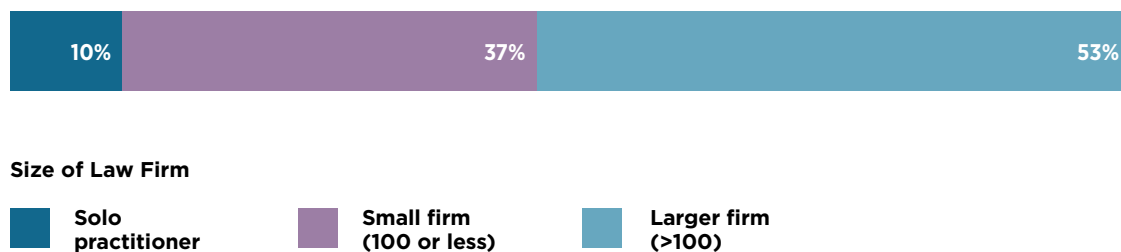
WHERE LAWYERS RESPONDING TO THE SURVEY WORK



Consistent with other reported statistics,³¹ male lawyers in the Survey were significantly more likely than female lawyers to report working at a firm ($p < 0.0001$) and white lawyers were significantly more likely than lawyers in other ethnic/racial groups to report working at a firm ($p < 0.0001$).³² Regarding the percentage of respondents in solo practice, there were no significant differences based on gender or race/ethnicity.

Among those currently employed in private practice, 10% were solo practitioners, 37% worked in firms of 100 lawyers or fewer, and 53% worked in larger firms of more than 100 lawyers.

WHERE LAWYERS IN PRIVATE PRACTICE WORK



The rigorous billable hour demands of large firms take a toll on lawyers who are mothers. As the charts below show, the percentage of fathers of dependent children in large firms is approximately 50% higher than the percentage of mothers of dependent children in large firms (63% vs. 44%). Conversely, mothers of dependent children were significantly more likely than fathers to report working at a small firm (44% vs. 31%) or as a solo (12% vs. 6%).

GENDER AND PARENTAL DISTRIBUTIONS IN LAW FIRMS AND SOLO PRACTICE

Women in Law Firms	Solo	Small Firm (100 or Less)	Large Firm (More Than 100)
Women non-parent	9%	41%	50%
Mothers of dependent child(ren)	12%	44%	44%
Mothers of non-dependent child(ren)	25%	40%	35%

Men in Law Firms	Solo	Small Firm (100 or Less)	Large Firm (More Than 100)
Men non-parent	6%	38%	56%
Fathers of dependent child(ren)	6%	31%	63%
Fathers of non-dependent child(ren)	16%	40%	44%

The Survey data show that solo practitioners are less likely to work a very high number of hours and thus are able to avoid the onerous billable hour requirements typical of large law firms.

About 78% of lawyers in firms who are not solos report working 41 or more hours per week. In contrast, the majority of solos (close to 60%) report working 40 hours a week or less, with over 25% of solos reporting that they work 30 hours a week or less.

AVERAGE HOURS WORKED PER WEEK: SOLOS VS. NON-SOLOS

Weekly Hours	Solo Practice	In Firm
Up to 10 hours	4%	1%
11-20 hours	8%	2%
21-30 hours	15%	3%
31-40 hours	32%	16%
41-50 hours	25%	45%
51-60 hours	12%	26%
Over 60 hours	4%	7%
TOTAL	100%	100%

When these data are broken down by gender, we see that the median number of hours worked weekly by solo women and solo men is 31–40 hours; and for both women and men in firms the median number of hours worked weekly is 41–50 hours.

Weekly Hours	Solo Practice		In Firms	
	Women	Men	Women	Men
Up to 10 hours	5%	4%	1%	1%
11-20 hours	12%	5%	1%	2%
21-30 hours	17%	13%	5%	3%
31-40 hours	28%	35%	21%	13%
41-50 hours	26%	25%	47%	44%
51-60 hours	9%	14%	19%	29%
Over 60 hours	3%	4%	6%	8%
TOTAL	100%	100%	100%	100%

Other settings show similar results, with the median number of hours for lawyers at 41–50 hours per week for both women and men.

AVERAGE HOURS WORKED PER WEEK: OTHER SETTINGS

Weekly Hours	Women	Men
Up to 10 hours	1%	1%
11–20 hours	1%	1%
21–30 hours	2%	2%
31–40 hours	35%	28%
41–50 hours	46%	49%
51–60 hours	11%	13%
Over 60 hours	3%	6%
TOTAL	100%	100%

Solo practice affects a lawyer’s level of income, business generation, and types of experiences at work. Solo practice also affords a greater opportunity for control over one’s work schedule. Indeed, a number of Survey respondents explained that they chose to open a solo practice in order to gain more autonomy and work-life balance.

“The reason I went into solo practice was to have more control over my schedule. I was never afforded control or the ability to truly balance work and family responsibilities when I worked for someone else.”

African American/Black mother of dependent children working as a solo practitioner

“I started my own firm because I was unable to support my family and personal health otherwise.”

White mother working at a law firm of 2–10 lawyers

“I am currently pregnant and decided to open my law firm because I didn’t think anyone would be interested in hiring me or accommodating my family obligations (as a new mother).”

Multiracial mother-to-be opening a solo practice

“I became a solo practitioner because there are so few good part-time options for women with children and caretaking responsibilities. It meant I made significantly less money, but I wanted to spend time with my kids while keeping up my legal skills. It has been a hard road, but it was the best option for me.”

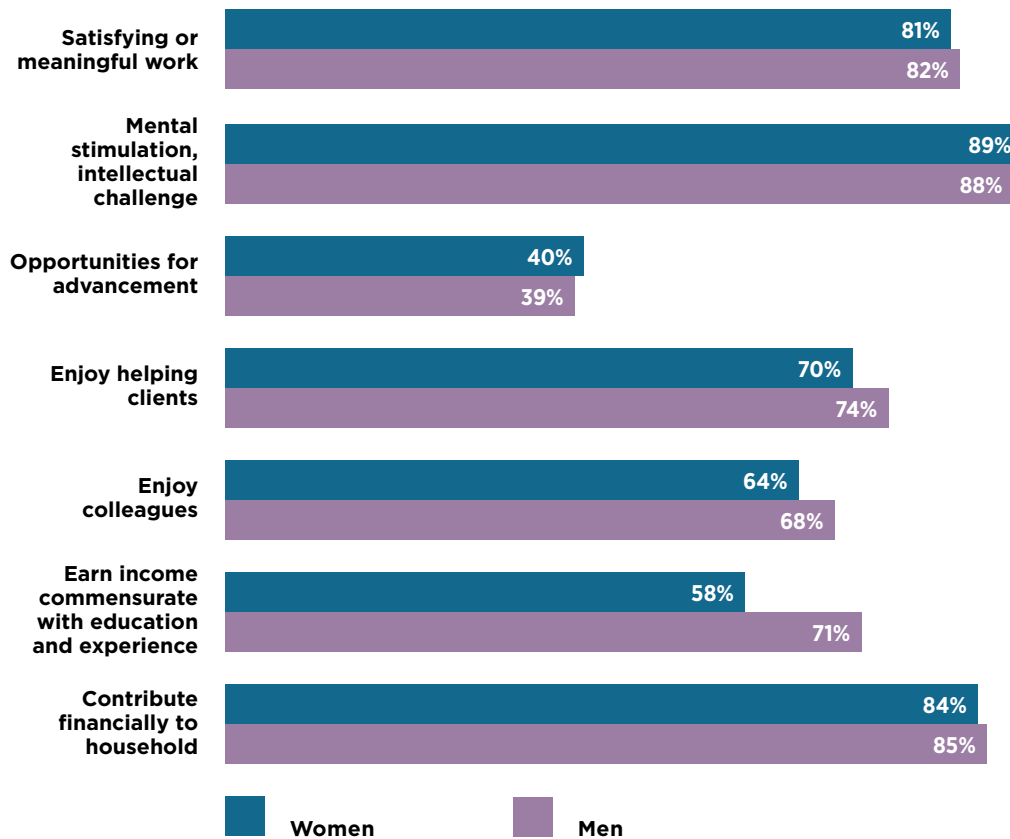
Asian/Asian American mother of dependent children
working as a solo practitioner



Why Are Mothers Committed to the Practice of Law? For the Same Reasons as Fathers

A noteworthy finding is that both women and men like practicing law for very similar reasons. A large majority of women who are lawyers report that the work is satisfying or meaningful (81%); provides mental stimulation (89%); allows the opportunity to contribute financially to their household (84%); helps clients (70%); and they enjoy working with colleagues (64%). All of these factors are viewed as positive aspects of practicing law and are very similar to the responses of lawyers who are men. These results are consistent with other prior research by the Commission.³³

WHAT FACTORS DO LAWYERS LIKE ABOUT THE PRACTICE OF LAW?



However, one significant area of gender divergence among lawyers is with respect to compensation. Distressingly, 42% of women (compared to 29% of men) do not view their income as commensurate with their education and experience. That view is held regardless of whether women have children, or whether their children are young or grown—in other words, at all stages of women’s careers.



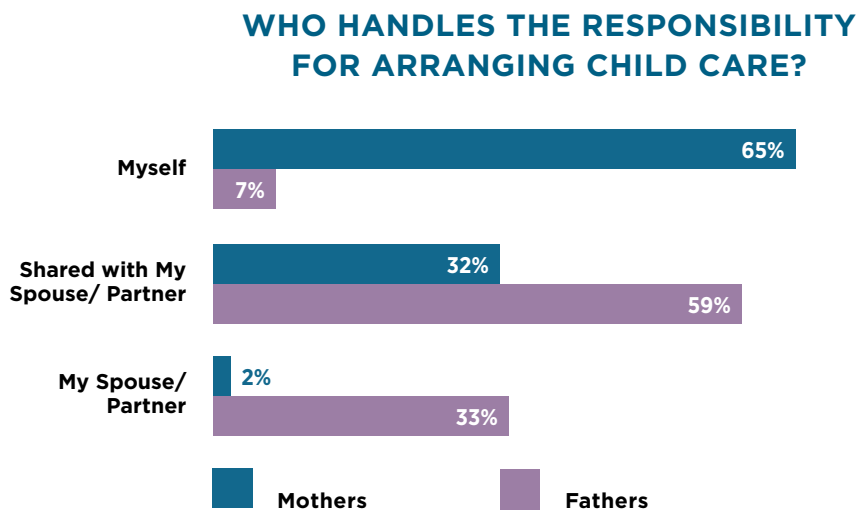
Mothers Overwhelmingly Are the Parents Who Do Double Duty with Respect to Child Care and Household Responsibilities

We conducted a ranges of analyses about the extent to which mothers compared to fathers are responsible for the care of their dependent children and household tasks. The results were striking, both when we compared mothers and fathers generally and when we looked at whether parental responsibilities differed by stage of child-rearing.

Arranging for Child Care

We looked at the extent to which mothers of dependent children have to arrange for child care on their own, regardless of age of child. The result was that there is a significant difference ($p < .0001$) between mothers and fathers: mothers are significantly more likely to report arranging for child care by themselves. Interestingly, even though the majority of fathers of dependent children (59%) say that they shared responsibility for arranging child care with their spouse or partner, only 32% of mothers of dependent children say that this responsibility is shared with their spouse or partner.

This significant disparity exists regardless of the age of the children, and suggests a very different perception of how these tasks are accomplished, what we have previously termed in our research, the “men are from Mars, women are from Venus” dichotomy.³⁴ For the most part, mothers are responsible for arranging child care. As children grow older, fathers take on a little more responsibility for arranging child care. But mothers nevertheless overwhelmingly continue to remain primarily responsible for arranging child care.

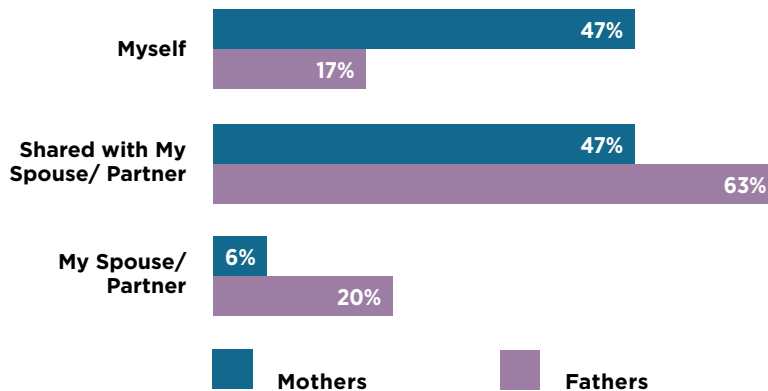


Leaving Work for Children's Needs

This question was asked only of parents of dependent children. We looked at the extent to which respondents have to leave work to take care of their children's needs on their own, or share this responsibility with their spouse or partner, or if this responsibility is handled by a spouse or partner.³⁵ That task is overwhelmingly in the hands of mothers compared to fathers. Mothers were nearly three times more likely to report leaving work for their children's needs.

Not only are mothers significantly more likely than fathers to bear the responsibility to leave work early on account of their children's needs, our analyses showed that the likelihood of mothers handling this aspect of child care actually increases as the children get older. Once again, far more fathers (63%) than mothers (47%) say they share the responsibility with their spouse/partner.

WHO LEAVES WORK TO TAKE CARE OF CHILDREN'S NEEDS? (PARENTS OF DEPENDENT CHILDREN)

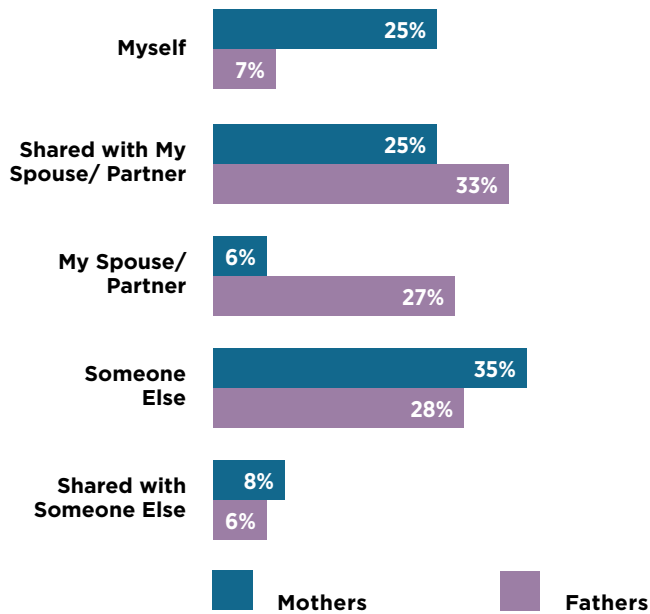


Looking After Children during Daytime and Evening Hours

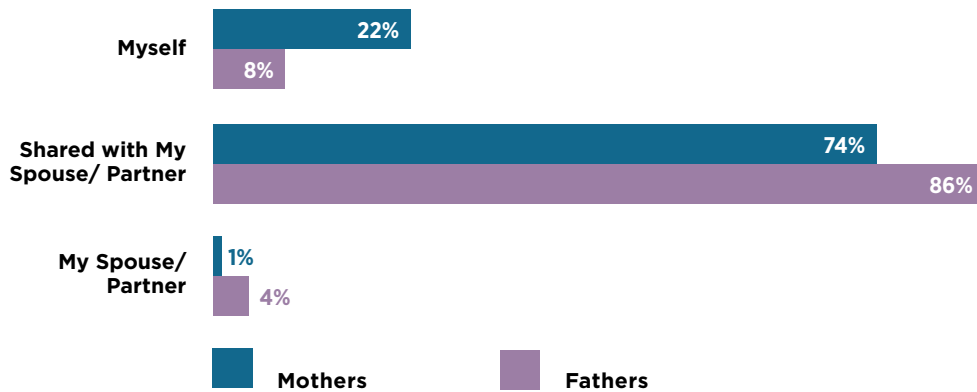
We found that mothers were significantly more likely than fathers to report looking after their children during daytime hours by themselves ($p < .0001$). For 35% of lawyer mothers, someone else looks after their children during daytime hours, as many are in school, after-school programs and daycare, or have family members or nannies providing assistance.

Mothers are not only significantly more likely to have the major responsibility during daytime hours, their responsibilities also continue into evening hours ($p < .0001$), although there is more sharing of that responsibility between spouses/partners.

WHO LOOKS AFTER CHILDREN DURING DAYTIME HOURS?



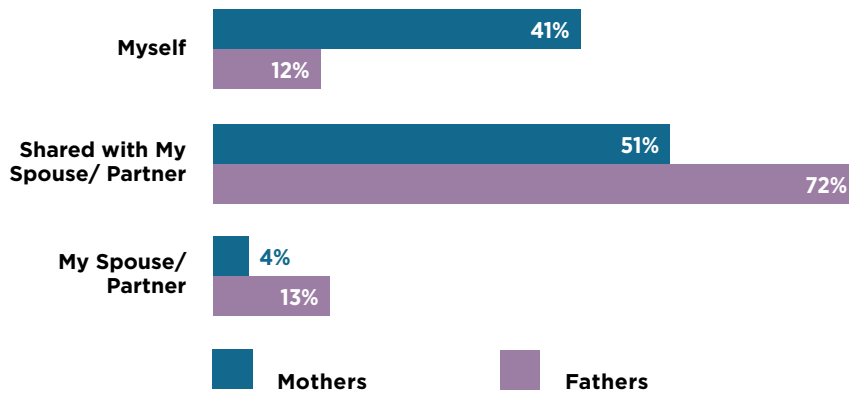
WHO LOOKS AFTER CHILDREN DURING EVENING HOURS?



Helping Children with Homework

Just as was the case with other responsibilities, mothers are significantly more likely to help children with homework by themselves ($p < .0001$).

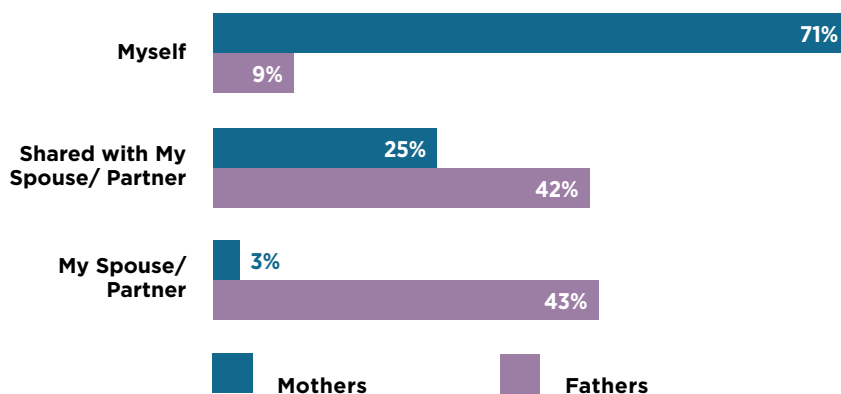
WHO HELPS CHILDREN WITH HOMEWORK?



Arranging Children's Medical Care

With respect to arranging medical care, there is once again a significant difference ($p < .0001$) based on gender, as mothers are significantly more likely to report arranging children's medical care by themselves.

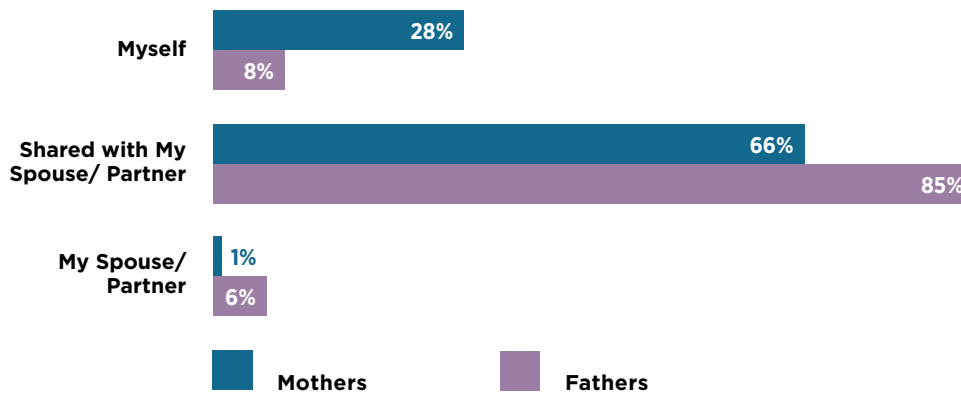
WHO ARRANGES CHILDREN'S MEDICAL CARE?



Attending Children's Extracurricular Events

Mothers are significantly more likely than fathers to attend children's extracurricular events (athletic, music, drama, etc.) by themselves ($p < .0001$).

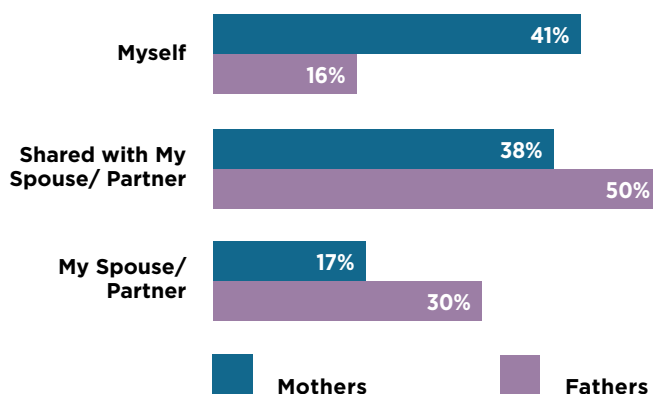
WHO ATTENDS CHILDREN'S EXTRACURRICULAR EVENTS?



Cooking Meals

There is a significant difference ($p < .0001$) in the responsibility for cooking meals based on gender, as mothers are far more likely to cook meals by themselves.

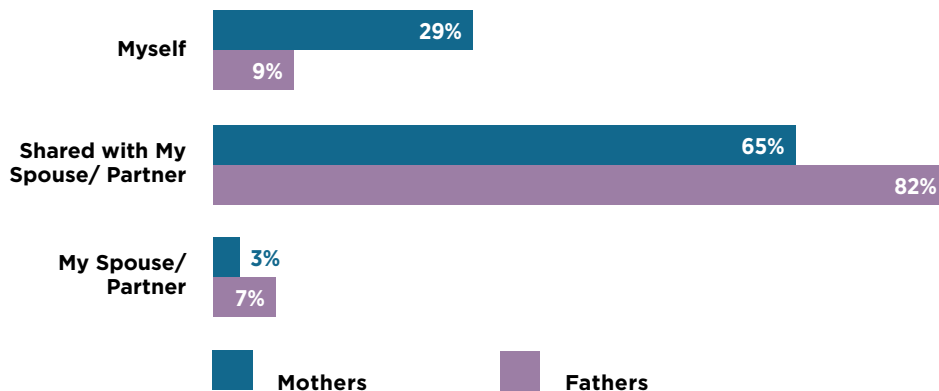
WHO COOKS YOUR FAMILY'S MEALS?



Other Household Responsibilities

With respect to other household responsibilities, there is a clear difference based on gender, as mothers are significantly more likely than fathers (29% vs. 9%, $p < .0001$) to take care of such responsibilities by themselves. We also note that this is yet another area where fathers are more likely than mothers (82% vs. 65%) to report they share the responsibilities with their spouse/partner.

WHO TAKES CARE OF OTHER HOUSEHOLD RESPONSIBILITIES?



Clearly, having children creates a time-consuming set of responsibilities outside of work which has a far greater impact on women lawyers than men. It's not simply the fact of having children that takes time away from work, it is the fact that mothers have a far more time-consuming "double duty" or "second shift" than fathers. That second shift cuts into the time and energy needed for legal work and for other activities that are the foundation of successful careers, such as time to develop business, network inside and outside the firm, and learn new skills. And, even when child and home responsibilities are shared, women are still more likely to take on daily tasks that need to be done at certain times like preparing meals, attending school events or meetings, calling for medical appointments, or arranging for daycare.

These results are consistent with findings in other research, showing that women are primarily responsible for the planning and organizational details for their families, which requires considerable time and imposes additional stress and pressure on them, resulting in more of a mental load.³⁶ Indeed, men continue to spend significantly more leisure time on weekends, while women do more child care and housework.³⁷ Research during the pandemic revealed that while men picked up some of this load, women still bore the primary responsibility for arranging child

care, home schooling, cooking, and other housework.³⁸ A 2020 McKinsey/Lean In Study found that although 72% of men believed they were splitting household labor equally with their partner during the pandemic, just 44% of women agreed with that assertion.³⁹

In order for women lawyers with children to secure advancement in their jobs, parity in compensation, and leadership roles, many of our Survey respondents expressed the view that they needed their husbands/partners to step up to share more of the childcare and household responsibilities:

“The factor that would have the single greatest impact on my career opportunities/success would be an increase in my spouse’s availability and interest in parental and household responsibilities.”

White mother of dependent children working at a law firm with
250+ lawyers

“If a household/child related responsibility is shared with my husband, I am doing most, even if he does some.”

Multiracial mother of dependent children working at a law firm

“I joined my law firm with two extremely young kids during the height of the pandemic. While I had powered through for the better part of two years, eventually the stress was too much. Like many women, I was unable to ensure my husband appropriately shared in our household responsibilities.”

Asian American mother of dependent children

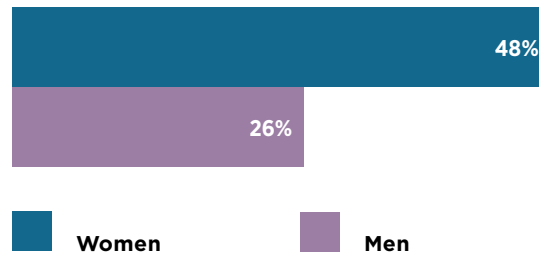
The allocation of child care and household responsibilities needs to be equally shared by both parents. In some instances, a single parent is fully responsible for the family. In other cases, both parents have intense jobs which do not leave enough time to “do it all,” no matter what is feasible to share. That is why employers need to provide the types of resources, policies, and practices that support women lawyers during their parenting years. That kind of support will pay dividends for the employer, as further explained in our recommended best practices. *See pp. 114–144.*



Women Postpone Having Children Significantly More Often Than Men Because of Career-Related Reasons

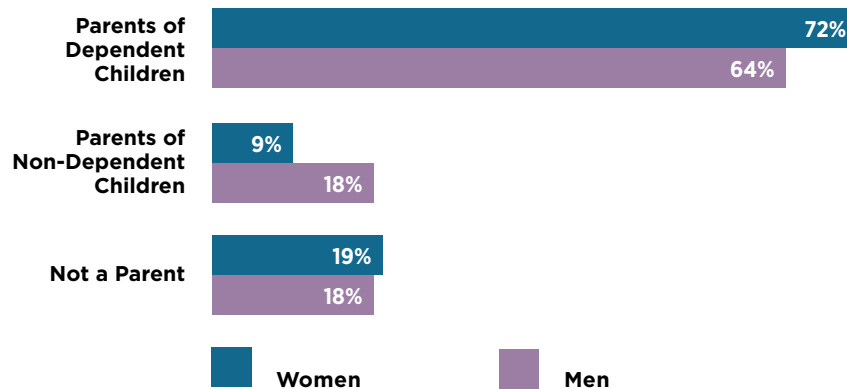
Both women and men postpone having children for career-related reasons but women are significantly more likely to do so than men ($p < 0.0001$). Women are almost twice as likely as men to postpone children based on career concerns (48% of women compared to 26% of men).

PERCENTAGE OF RESPONDENTS WHO POSTPONED HAVING CHILDREN FOR CAREER-RELATED REASONS

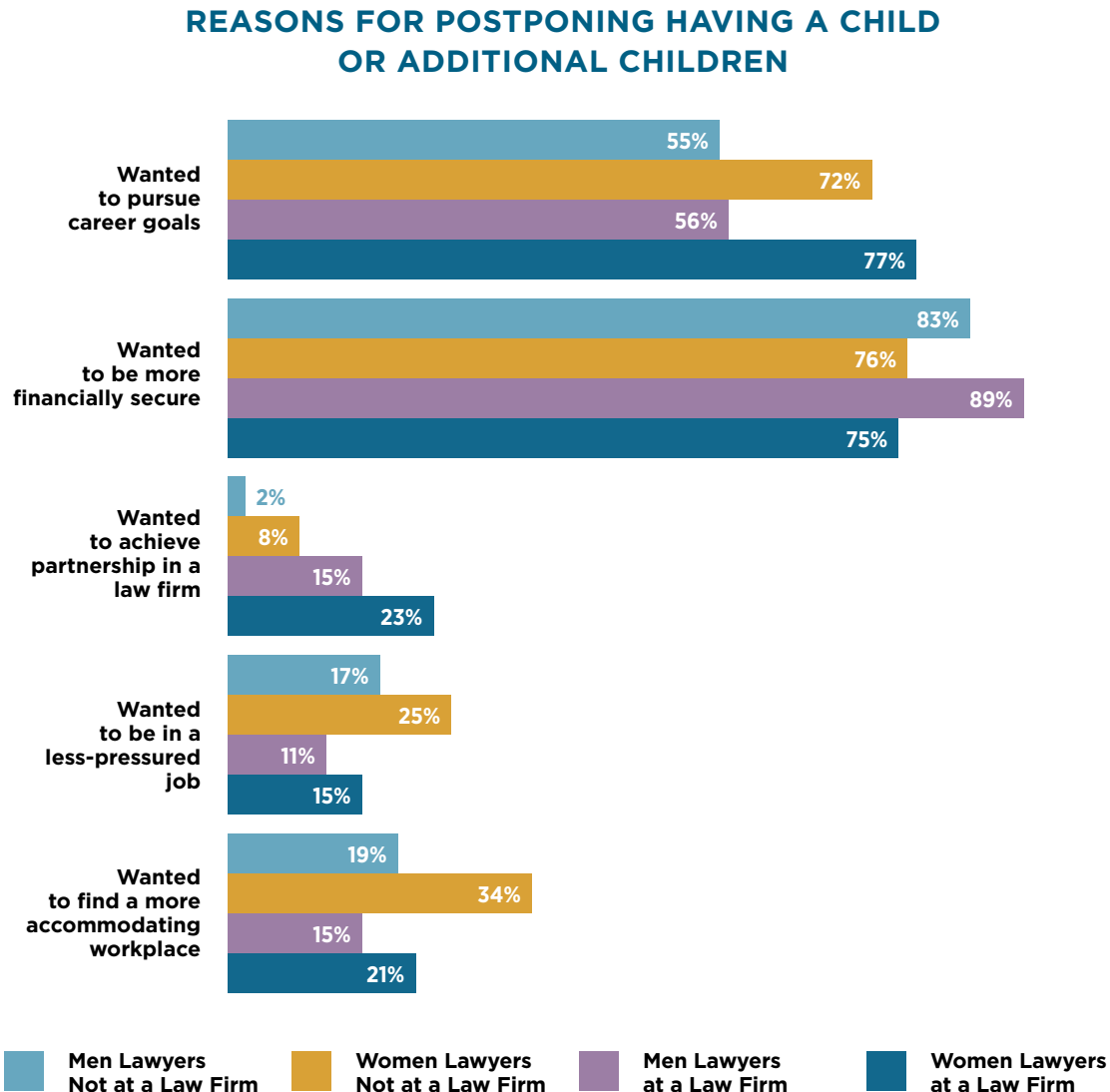


Putting off having a child or additional children because of career concerns was most frequently reported by mothers of dependent children (72%).

RESPONDENTS WHO POSTPONED HAVING A CHILD OR ADDITIONAL CHILDREN BECAUSE OF CAREER CONCERNS



In contrast, a higher percentage of fathers than mothers stated that a desire to be more financially secure was their reason to postpone having children.⁴⁰ The chart below, which shows more specific reasons why lawyers made the decision to postpone having a child or additional children, also shows significant gender effects on these other reasons.



Some women lawyers, although just a small percentage (2%), indicated they were waiting or had waited until they were eligible for paid leave to have a child.

We received many candid comments in open-ended responses about postponing having children. These poignant responses describe the pressure that women experience when they are developing a career while considering having children, and the difficult calculus that goes into the decision to delay having children.

“I waited to have kids because of wanting to feel secure at work and financially secure. Ultimately, I was unable to have children.”

White woman working in the judiciary

“I postponed having children for 7 years after marriage so that I could be established in my career before taking time off to have children.”

African American/Black mother working as a solo practitioner

“I want to wait until a time when my stress level is more conducive to taking on the additional stress of parenting.”

White woman working at a law firm with 51–100 lawyers

“It [having children] was discouraged in our office because it impacts productivity.”

Multiracial woman working in education/legal education

“Student loans needed to be forgiven to afford childcare.”

Hispanic/Latina mother of dependent children working in corporate law

“I wanted to work long enough at a new firm to qualify for maternity leave.”

Hispanic/Latina mother of dependent children working at a law firm with 11–50 lawyers

“I felt I would be iced out by partners, and my work would dry up.”

Asian/Asian American mother of dependent children working at a law firm with 250+ lawyers



Mothers Are Far More More Likely Than Fathers to Have Negative Experiences at Work

Looking at the everyday experiences of mothers and fathers, mothers are significantly more likely than fathers to have negative work experiences in many different aspects of their careers. For example, as shown below:

- ▶ 61% of mothers in firms compared to 26% of fathers in firms experienced demeaning comments about being a working parent, and there is a similar gender disparity between mothers and fathers in other settings (60% v. 30%);
- ▶ 60% of mothers in firms felt they were perceived as less committed to their careers compared to only 25% of fathers in firms, and the disparity between mothers and fathers in other settings is 59% v. 30%;

- ▶ 43% of mothers in firms experienced a lack of access to business development opportunities compared to 20% of fathers in firms, and in other practice settings the disparity between mothers and fathers is 33% v. 20%; and
- ▶ 41% of mothers in firms felt they were viewed as less competent, compared to just 15% of fathers in firms, and there is a similar gender disparity in other settings (48% v. 23%).

The differences between what mothers and fathers have experienced at work are staggering. Looking first at mothers in law firms, for every negative experience listed in the table below, mothers were significantly more likely to have had that experience than fathers, including: denied a salary increase or bonus; denied/overlooked for advancement or promotion; experienced a lack of access to sponsors or mentors; missed out on a desirable assignment; had a colleague, supervisor, or client request someone else to handle a matter; had trouble being assigned important matters; had colleagues advise them to stay at home or put their career on hold; were not asked to work on matters that required travel; or were denied a request for a reduced workload.⁴¹ Consistent with those results, only 14% of mothers in firms and 13% of mothers in other settings did not have at least one of these negative experiences compared to more than twice as many fathers who did not have any such experience.

The results for mothers and fathers working in settings other than law firms were similar, with a much greater percentage of mothers than fathers reporting having each of these negative experiences (with the sole exception of a request for someone else to handle a matter).⁴²

NEGATIVE EXPERIENCES REPORTED BY PARENTS IN LAW FIRMS AND OTHER SETTINGS

Experience	Law Firm		Other Settings	
	Mothers	Fathers	Mothers	Fathers
Received demeaning comments about being a working parent	61%	26%	60%	30%
Felt you were perceived as less committed to your career	60%	25%	59%	30%
Experienced a lack of access to business development opportunities	43%	20%	33%	20%
Felt you were perceived as less competent	41%	15%	48%	23%
Was denied a salary increase or bonus	37%	22%	36%	26%
Was denied/overlooked for advancement or promotion	36%	22%	43%	33%
Experienced a lack of access to sponsors or mentors	33%	14%	38%	19%
Missed out on a desirable assignment	30%	21%	32%	24%
Had a colleague, supervisor, or client request someone else handle a matter	30%	23%	22%	25%
Had trouble being assigned important matters	25%	9%	25%	16%
Had colleagues advise me to stay home or put my career on hold	22%	3%	27%	5%
Not asked to work on matters that required travel	17%	5%	15%	7%
Was denied a request for a reduced workload	10%	4%	15%	9%
None of the above	14%	31%	13%	27%

We had hypothesized there would be intersectionality between gender and race/ethnicity with respect to the types of negative experiences reported by women. However, the number of respondents for specific racial and ethnic groups (other than white) was not large enough to do a full comparative analysis for each group.

There was some variation among mothers working in law firms based on their race or ethnicity, although there were no statistically significant differences on a group-by-group basis. Nor were there any statistically significant differences between white mothers and mothers in all other race/ethnicity groups combined.⁴³

NEGATIVE EXPERIENCES REPORTED BY MOTHERS IN LAW FIRMS BY RACE AND ETHNICITY⁴⁴

Mother's Race/Ethnicity	Negative Experience	
	Felt You Were Perceived as Less Competent	Experienced a Lack of Access to Sponsors or Mentors
African American/Black	49%	48%
American Indian/Alaska Native	50%	33%
Asian/Asian American	44%	40%
Hispanic/Latino/a/x/e	44%	30%
Middle Eastern/North African	46%	15%
Multiracial	45%	32%
Native Hawaiian/Pacific Islander	33%	0%
Race or ethnicity not listed here	64%	43%
White/Caucasian	41%	33%

In settings other than law firms, mothers in two large ethnic/racial groups (African American/Black and Asian/Asian American) compared to white mothers are less likely to feel perceived as less committed to their career and also less likely to receive demeaning comments about being a working parent. While the size of most ethnic/racial groups was too small to generate statistically significant differences, when we compared white respondents to respondents in all other ethnic groups, the results were significant (feeling perceived as less committed to their career, $p = 0.001$, and receiving demeaning comments about being a working parent, $p = 0.04$).

NEGATIVE EXPERIENCES REPORTED BY MOTHERS WORKING IN OTHER SETTINGS BY RACE AND ETHNICITY

Mother's Race/Ethnicity	Negative Experience	
	% Who Felt They Were Perceived as Less Committed to Their Career	% Who Received Demeaning Comments about Being a Working Parent
African American/Black	50%	53%
American Indian/Alaska Native	61%	56%
Asian/Asian American	49%	48%
Hispanic/Latino/a/x/e	58%	59%
Middle Eastern/North African	71%	60%
Multiracial	60%	48%
Native Hawaiian/Pacific Islander	44%	50%
Race or ethnicity not listed here	42%	60%
White/Caucasian	61%	62%

The substantial differences between mothers and fathers in the frequency of negative everyday workplace experiences discussed above are dramatic and distressing. It is clear that women's careers are adversely impacted by motherhood, and negative perceptions about their commitment and competence have a domino effect on their business development opportunities, compensation, advancement, ability to be assigned to important matters, and their access to mentors and sponsors. The combination of these negative experiences and inequitable treatment amounts to a "death by a thousand cuts" and helps to explain why women are not advancing at the same rate as men and have higher rates of attrition. These alarming data further underscore the importance of implementing effective policies and practices to directly address and ameliorate the many workplace biases and impediments that mothers often face on an everyday basis in their legal careers.⁴⁵

Our data show that mothers continue to face enormous pressure to simultaneously achieve two very challenging and time-consuming goals: being the ideal lawyer, committed and available 24/7 to her employer and clients, and the ideal mother, always available to her children. Given the high incidences of negative workplace experiences faced by mothers who are lawyers, it is no wonder that so many women decide it would be better to stop practicing, reduce their workload, or remove themselves from the partnership track in law firms.⁴⁶

The Survey data show the need for employers to both understand the negative experiences that mothers face in their workplace and to be proactive in deciding

how policies and practices will change to overcome these experiential barriers to success.

Qualitative data in the form of comments we received in response to open-ended questions in the Survey dramatically illustrate the bias and inequitable treatment that many mothers perceived they had experienced at work after having or adopting their children.

“Older, mostly male attorneys in our program made uncomfortable comments to me while I was pregnant and shortly after my daughter was born. One attorney said we needed to settle a major case because I wouldn’t have as much time for it, even though I had been by far the most committed to the case and done the vast majority of the productive work on it. A male colleague also asked me once if I was pregnant again and expressed delight that I wasn’t because I’d ‘have more time for work.’”

White mother of dependent children working at a law firm

“I’ve received commentary from firm leadership that I seem mentally checked out since becoming a mother.”

White mother of dependent children working at a law firm of
11–50 lawyers

“When I returned to law firm practice after the birth of my first child, a colleague asked me point blank: ‘Does having a child make you want to work less?’ to which I replied, ‘Having a child makes me want to work more efficiently.’”

White mother who is currently not in the paid workforce

“As a dual big law couple, when we went through the infancy phase for our children, the treatment of my husband vs. myself was marked, despite me being an even more senior associate than he. He was expected to work harder and was denied a request to work part time, while I was cut out of demanding assignments that I wanted and expected to go part-time. I constantly had to fight bias to signal I was not part-time and wanted assignments requiring travel for trial.”

Asian/Asian American mother of dependent children
working at a law firm

“I was at two other different firms when I took maternity leave for my two kids. At one firm, I was welcomed back but some of my cases were never returned to me, so I couldn’t make my billable hours, which impacted my review and compensation. At the other firm, I returned to all of my work, but wasn’t provided adequate support to transition back. I wasn’t even asked by my supervisor how I was doing or how my child was doing. I was made to feel like I wasn’t as valuable as before adding a new baby with comments by my supervisor, almost mocking that I needed help or support to transition back. He wasn’t willing to support me or give me the support I needed. I left within the next year or so.”

Hispanic/Latina mother of dependent children working at a law firm
with 250+ lawyers

“I was fired from a position after sharing that I was pregnant and requesting a reduced workload or to be able to work from home. I made the request after being told by my OBGYN that my workload and stress level was having a negative effect on my pregnancy.”

African American/Black mother of dependent children working as a
solo practitioner

“My daughter had emergency surgery and I was told she was a ‘distraction,’ and I wasn’t committed to my job, even though my work was consistently praised. It was incredibly demeaning and destroyed my experience as a practicing attorney. I wish they had instead provided support and flexibility.”

White mother of dependent children working in a job that does not
require a law degree

“I left private practice 17 years ago, after having my first child, because I was forced to prove whether I would prioritize work over being a mom. After having my baby, I was ‘tested’ repeatedly to see where my loyalty lay. I left and went in-house for a governmental entity where I can better balance my work and family needs and where I’m not tested on my loyalty.”

Hispanic/Latina mother of dependent children working at a law firm



The Push-Pull of Balancing Work and Family Creates Significant Levels of Stress for Mothers

The Survey findings discussed above show that, in all types of practice settings, mothers experience more negative experiences at work than fathers. Therefore, it is no wonder that mothers feel more added pressure in the workplace, contributing to stress and burnout.

We measured the extent of stress and burnout through a set of questions that examine the frequency of stress, feeling overwhelmed, and related feelings around managing work, family, and home. Among lawyers in law firms, the responses to every question showed a significant difference between the percentage of mothers and fathers who reported these experiences. In other settings, the responses have a significant mother/father difference except two (trouble taking time off from work and think it would be better to leave the paid workplace). The table below shows the percentages of mothers and fathers who said they either “almost always” or “often” experienced the following.

STRESS AND BURNOUT AMONG LAWYERS

	Law Firm ⁴⁷		Other Settings	
	% of Mothers	% of Fathers	% of Mothers	% of Fathers
Feel disengaged from your workplace	21%	14%	19%	14%
Feel overwhelmed with all the things you have to do	70%	41%	62%	38%
Experience stress about work	69%	52%	51%	41%
Experience stress about parenting demands ⁴⁸	74%	57%	73%	56%
Feel your day never seems to end	65%	41%	60%	43%
Feel you are doing a good job balancing work and home responsibilities	17%	40%	23%	46%
Have trouble taking time off from work	52%	47%	37%	33%
Think it would be better to find a job with fewer hours	34%	20%	22%	16%
Think it would be better to stop working in private practice ⁴⁹	25%	14%	NA	NA
Think it would be better to stop working as a lawyer	20%	11%	17%	12%
Think it would be better to stop working and leave the paid workforce	8%	5%	8%	8%

Interestingly, regardless of practice setting, fathers were twice as likely as mothers to report “almost always” or “often” feeling that they were doing a good job balancing work and home responsibilities ($p < 0.0001$). It may be that the generally lower level of home responsibilities reported by fathers contributes to their more positive self-assessment.

When we created a “Stress and Burnout Index” based on these questions, the result was that mothers of dependent children have a significantly higher mean level of stress and burnout than fathers ($p < 0.0001$). That result occurs in both law firms and other work settings.

We also looked at the possible impact of race and ethnicity, and whether there were intersectionality effects, for example, if mothers of a certain racial/ethnic group have higher levels of stress and burnout than others. However, there were no significant differences on the basis of race/ethnicity for either mothers or fathers on the Stress and Burnout Index: regardless of race/ethnicity, mothers have much higher levels of stress and burnout than fathers.

As shown in the chart below, higher levels of stress and burnout contribute to feelings of guilt about working full-time by mothers more often than fathers, particularly in law firm practice. Interestingly, 45% of mothers in law firms, compared to 17% of fathers, reported experiencing guilt about working full-time. In other settings, about the same percentage of mothers and fathers (around one-third) reported they felt guilty about working full time. One author has written about the “motherhood squeeze,” describing the pressures faced by mothers which often lead to feelings of guilt.⁵⁰

In addition, more than twice as many mothers as fathers reported that having children had a negative impact on their careers, regardless of practice setting. Conversely, higher percentages of fathers than mothers reported that having children had a positive impact on their careers.

FEELINGS OF GUILT AND IMPACT OF CHILDREN ON CAREER

	All Lawyers		Law Firm		Other Settings	
	Mothers	Fathers	Mothers	Fathers	Mothers	Fathers
Feel guilty about working full time	43%	19%	45%	17%	31%	33%
Feel that having children had a negative impact on my career	48%	21%	48%	21%	47%	21%
Feel that having children had a positive impact on my career	19%	33%	20%	32%	17%	36%

These Survey findings demonstrate the importance of implementing meaningful workplace policies and practices that address the challenges faced by women lawyers with children and provide an inclusive and welcoming culture that will be more successful in retaining and advancing them. Many mothers in our Survey reported feeling guilty and stressed about working:

“I feel extremely guilty and sad all the time. I have moments where I feel I’m a great lawyer and some where I feel like a decent parent but not nearly as many as I would hope to have for either. I just don’t see a solution to any of this until my child is older.”

White mother of dependent children working at a law firm

“As a new mother, I am having to navigate between wanting to be the primary caretaker for my child and wanting to maintain experience in the law for the future. I am also experiencing guilt for wanting to go home after a full workday, instead of putting in extra time, and wanting more flexibility in the day-to-day work schedule (hybrid/wfh).”

Hispanic/Latina mother of dependent children working at a law firm
with 2–10 lawyers

“I feel guilty when I need to work late hours and can’t play with my baby.”

Asian American mother of dependent children working at a law firm
with 250+ lawyers

“The stress of being the only care provider for my child when she is sick or when her daycare shuts down is extreme and majorly detrimental to my career.”

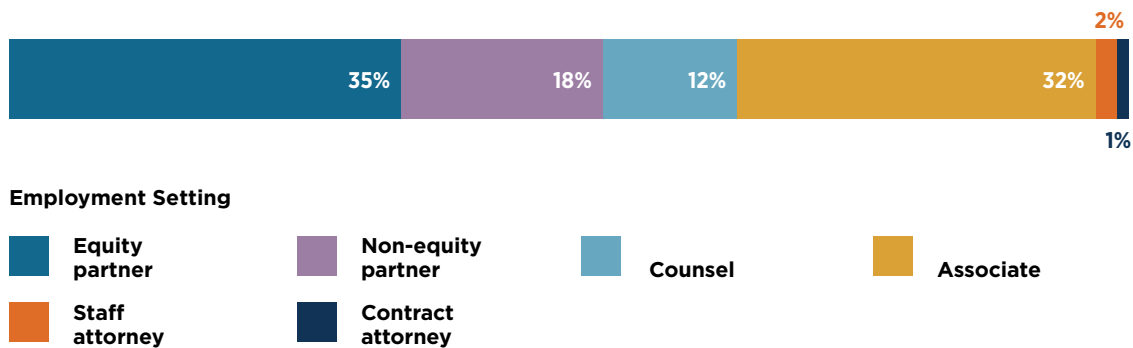
White mother of dependent children working at a law firm with
11–50 lawyers



Mothers Do Not Reach the Same Levels of Seniority as Fathers

Of the Survey respondents working in private practice (not including solo practitioners), 32% were associates, 12% were counsel, 18% were non-equity partners, 35% were equity partners, and 3% were staff attorneys or contract attorneys (positions that typically limit advancement).

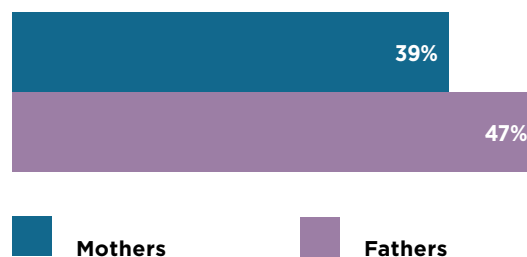
POSITION OF RESPONDENTS IN PRIVATE PRACTICE (NOT COUNTING SOLO PRACTITIONERS)



Although, as discussed in an earlier section, mothers enjoy the practice of law for the same reasons as fathers, they do not achieve the same levels of seniority as fathers. For law firms, we define seniority as someone who is either an equity partner, managing partner, chair of the firm, member of the management committee, office managing partner, practice group leader, member of the compensation committee, or member of a committee that determines partnership promotions and/or partner hires.

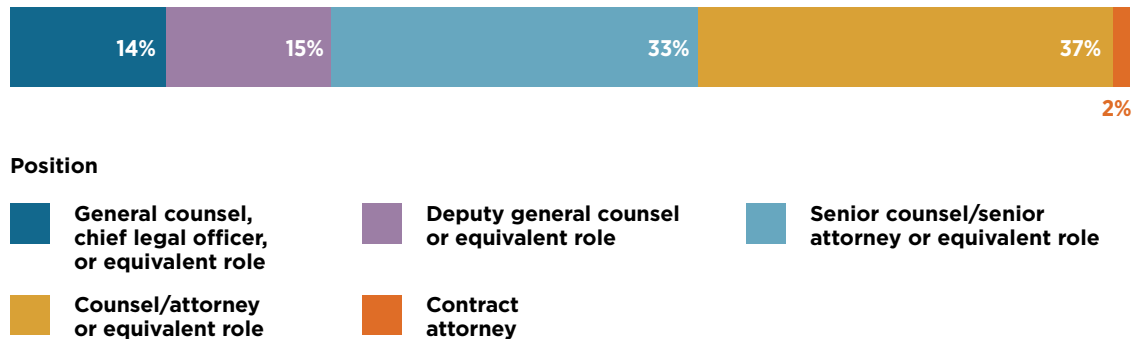
Our data showed that fathers in law firms are more likely than mothers (47% compared to 39%) to report being in a senior role within their law firm ($p < 0.0001$).

SENIOR ROLES IN LAW FIRMS



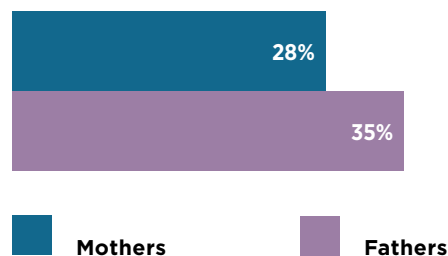
Turning to other work settings, of those employed in a corporate law department, government, public interest or non-profit, or military, 29% were in senior roles (either general counsel, chief legal officer, or deputy general counsel or their equivalent).

POSITION OF RESPONDENTS IN NON-LAW FIRM PRACTICE SETTINGS



As in law firms, fathers were significantly more likely than mothers (35% compared to 28%) to report being in a senior role (general counsel or deputy general counsel or an equivalent role) within their organization ($p = 0.006$).

SENIOR ROLES IN NON-LAW FIRM PRACTICE SETTINGS



In short, regardless of workplace setting, fathers were more likely than mothers to be in senior roles, suggesting that having children adversely impacts the attainment of more senior roles by mothers.



Mothers and Fathers Welcome Remote and Hybrid Work Policies

Remote working, or a combination of remote and in-office work (“hybrid work”), has become a norm for many law firms, corporate law departments, and other settings.⁵¹ While the pros and cons of lawyers not coming to the office on a daily basis have been the subject of many conversations, articles, and CLE programs,⁵² employment policies that consistently allow at least some remote work have become prevalent in many firms, law departments, and other practice settings.

The Survey culled data from lawyers in many different workplace settings about two main topics: (1) the status of their employer’s remote work policies and (2) the impact of remote and hybrid work policies on lawyers who are mothers.

What Are Current Norms about Remote Working?

The overwhelming majority of lawyers (89%) reported that their organization allows them to work remotely. Organizations from which at least 90% of respondents reported that remote working is allowed included public interest/not for profits (94%), law firms (92%), and corporate law departments (90%). A smaller percentage of government employees (82%), the judiciary (70%), and lawyers in academia (61%) reported that remote working is allowed. Military lawyers were least likely to report the ability to work remotely (12%).

At the time the Survey was fielded, in September and October of 2022, the minimum number of required in-office days varied widely, as shown in the chart below, for all lawyers (excluding solo practitioners), but a three-day in office requirement appears to be most common. In firms, 12% of lawyers reported they can work 100% remote, with 45% having the flexibility to choose their own schedule. A greater percentage of members in corporate law departments reported that they can work 100% remotely if they choose (25%), and 26% said they have the flexibility to choose their own schedule. About the same percentage of corporate law department members (22%), as lawyers in firms (20%), lawyers in government (21%), and lawyers in academia (22%) reported three days a week as the required number of in-office days. Except for government lawyers, a substantial number of lawyers in other practice settings also reported the ability to work either 100% remote or the flexibility to choose their own schedule.

EMPLOYER POLICIES CONCERNING REMOTE AND HYBRID WORK

Type of Legal Organization	100% Remote If I Choose	Flexibility for Me to Choose My Own Schedule	In Office 1 Day a Week	In Office 2 Days a Week	In Office 3 Days a Week	In Office 4 Days a Week	In Office 5 Days a Week
Law firm	12%	45%	4%	10%	20%	3%	6%
Corporate law department	25%	26%	6%	13%	22%	2%	6%
Government	10%	12%	16%	19%	21%	6%	16%
Public interest or non-profit	22%	21%	9%	23%	18%	2%	5%
Judiciary	9%	29%	6%	6%	15%	7%	28%
Law school/academia	2%	42%	5%	14%	22%	8%	7%

Regardless of the level of flexibility that exists, 82% of lawyers are spending at least some time in the office. Among lawyers across all types of employers, 26% reported that they work 5 days a week at the office; with another 31% working at the office 3 or 4 days a week. The remaining 42% are spread among working 2 days a week at the office (13%), 1 day a week at the office (11%), or 0 days at the office (18%).

APPROXIMATE NUMBER OF DAYS OF THE TYPICAL WEEK SPENT IN THE OFFICE



These general statistics, however, vary greatly by type of employer, as shown below. Lawyers in law firms, government, the judiciary, and academia are most likely to be in the office on a given day. On the other hand, those in corporate law departments and public interest/not-for-profit work settings are most likely to work from home.

HOW OFTEN DO LAWYERS WORK IN THE OFFICE?

Type of Employer	Days a Week in the Office					
	5 days a week	4 days a week	3 days a week	2 days a week	1 day a week	0 days a week
Law firm	26%	16%	16%	13%	11%	17%
Corporate law department	11%	8%	22%	12%	14%	33%
Government	31%	12%	19%	15%	11%	12%
Public interest or non-profit	17%	9%	18%	20%	11%	25%
Judiciary	53%	10%	11%	11%	6%	8%
Law school/academia	30%	21%	27%	13%	5%	5%

For law firms, size of firm makes a difference in terms of the amount of time spent working at the office. Lawyers in firms of 50 or fewer lawyers are substantially more likely to work in the office than those in larger firms. In fact, there is a direct correlation between size of firm and working five days in the office, with those in the larger firms much less likely to work in the office as often. In part, this finding may be a result of location of larger firms, with lawyers at those firms having longer commutes and thus an increased desire to work from home.

Firm Size	Days a Week in the Office					
	5 days a week	4 days a week	3 days a week	2 days a week	1 day a week	0 days a week
2-10	48%	17%	8%	7%	5%	15%
11-50	40%	18%	13%	9%	6%	15%
51-100	25%	21%	18%	8%	12%	14%
101-249	23%	18%	19%	15%	10%	14%
250 or more	15%	14%	20%	16%	15%	19%

These results concerning remote and hybrid work show that enormous changes have emerged from the COVID pandemic, which lead to a number of challenges for creating and maintaining a cohesive and inclusive workplace culture that takes account of the many different ways in which lawyers are now working.

How Do Hybrid/Remote Work Policies Affect the Work and Personal Well-Being of Mothers and Fathers?

Although there have been a number of articles and studies concerning the utilization and impact of hybrid/remote work policies implemented by legal employers during the pandemic, this Survey is unique because it provides an analysis of how such policies have specifically affected lawyers with children. As discussed below, we conducted this assessment separately for lawyers working in law firms and in other settings.

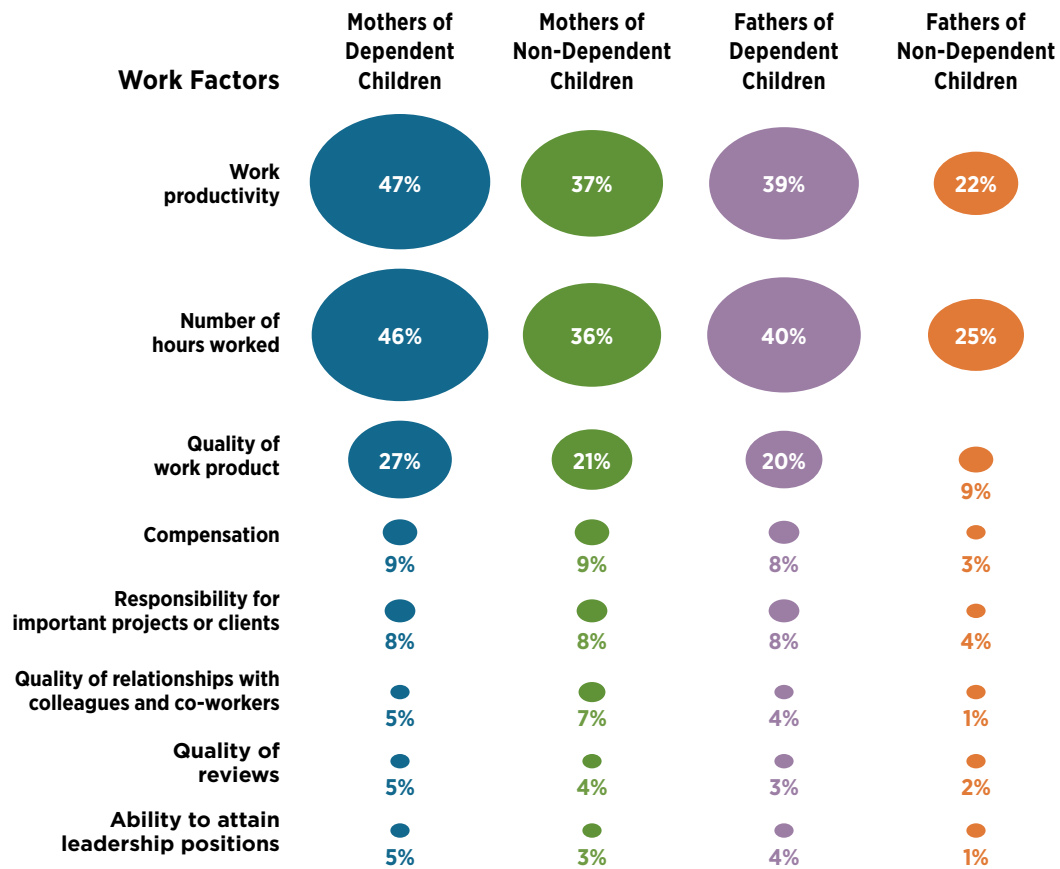
Reactions of Mothers and Fathers in Law Firms to Remote or Hybrid Working

Our Survey examined how remote or hybrid programs affect the work of lawyers who are parents: their productivity, number of hours worked, quality of work product, responsibility for important projects or clients, compensation, reviews, ability to gain leadership positions at work, and quality of relationships with colleagues and co-workers.

Focusing on the reactions of parents in law firms,⁵³ the results were striking: the large majority of parents viewed hybrid/remote working as having either a positive impact on their work or no impact either way. Only a minority of parents viewed hybrid/remote working as having a negative impact on their work.

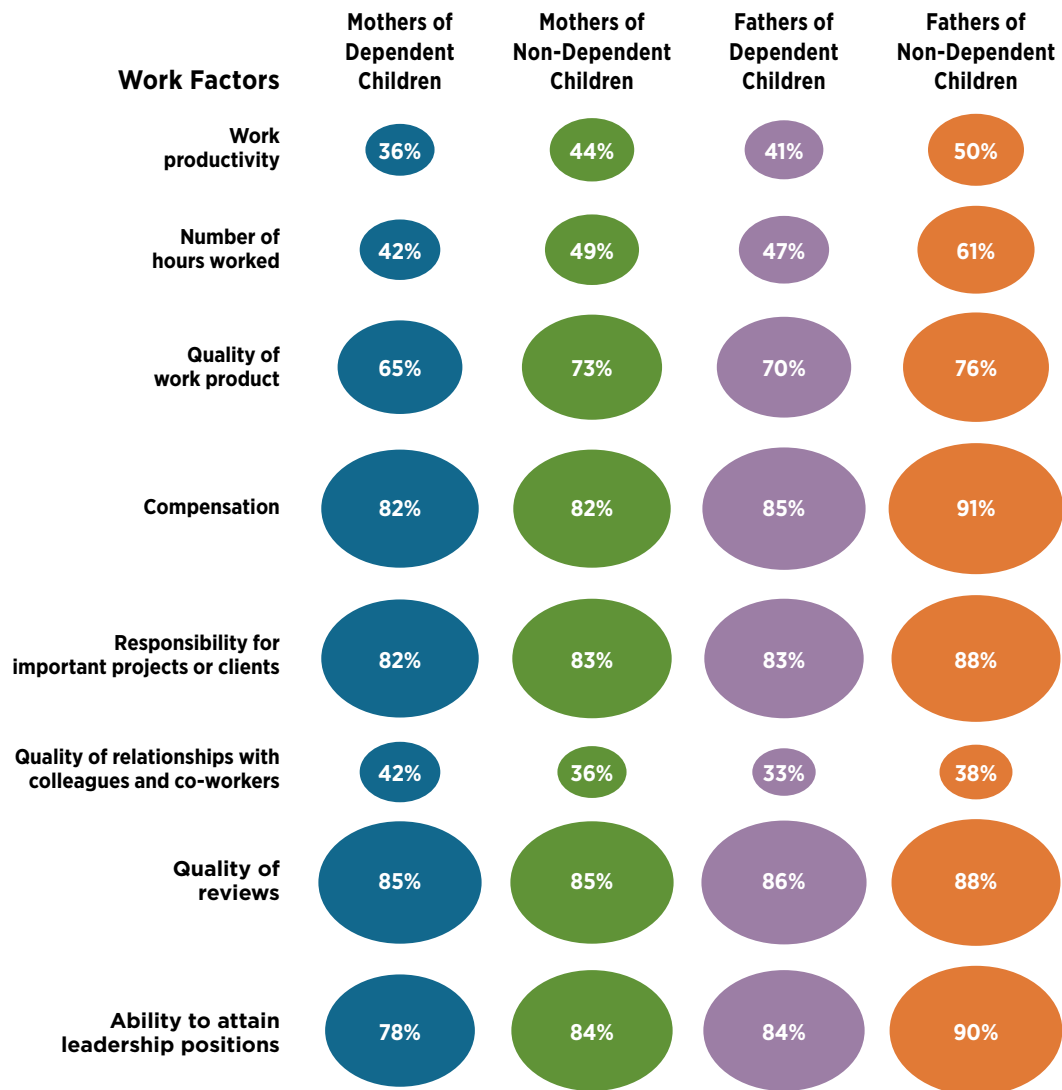
Many firm lawyers viewed hybrid/remote working as increasing their work productivity, the number of hours they worked, and the quality of their work product. Mothers and fathers of dependent children were especially likely to hold those views.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING POSITIVE IMPACT OF HYBRID/REMOTE WORKING ON LEGAL WORK: LAW FIRMS



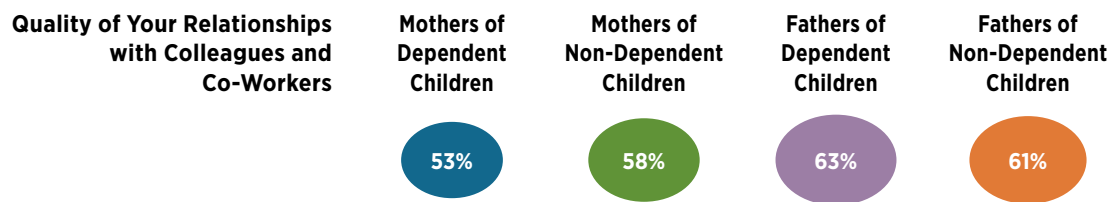
Even more striking, as shown below, large percentages of lawyers in firms reported that hybrid/remote working had no impact one way or the other on these same work factors.

**PERCENTAGE OF MOTHERS AND FATHERS REPORTING
NO IMPACT OF HYBRID/REMOTE WORKING ON
LEGAL WORK: LAW FIRMS**



Overall, only a minority of respondents practicing in firms—typically 15% or less—reported that hybrid/remote working had a negative impact on work factors. The exception was when respondents were asked about the quality of relationships with colleagues and co-workers: between 53% and 63% of respondents reported a decrease on that factor caused by hybrid/remote working.

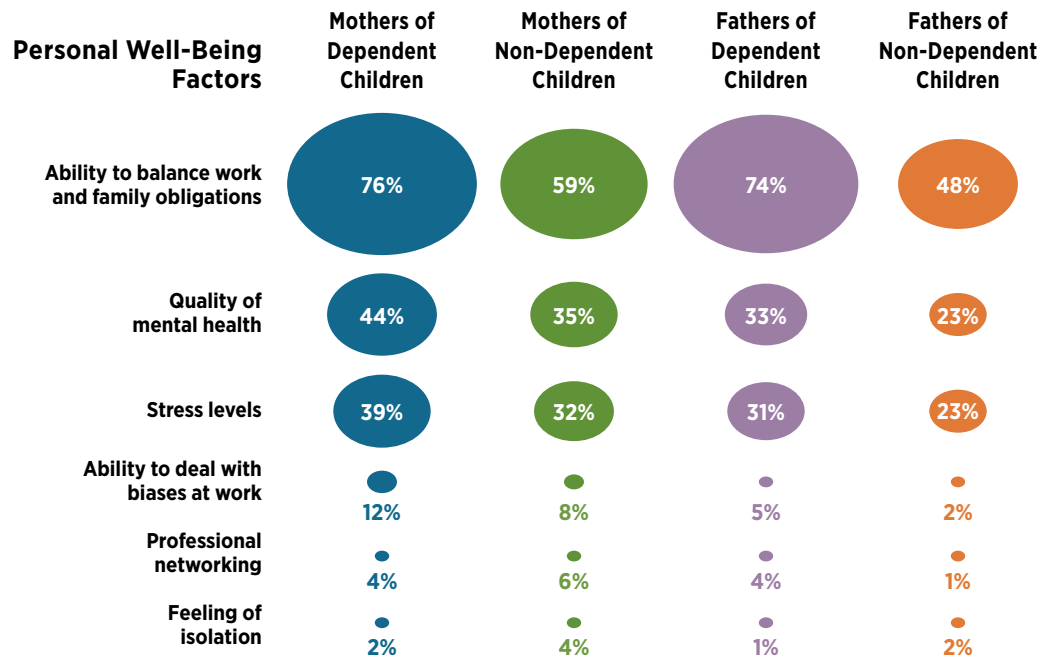
**PERCENTAGE OF MOTHERS AND FATHERS REPORTING
NEGATIVE IMPACT OF HYBRID/REMOTE WORKING ON
QUALITY OF RELATIONSHIPS WITH COLLEAGUES
AND CO-WORKERS: LAW FIRMS**



We note that law firm leaders continue to struggle with framing enforceable remote working policies.⁵⁴ The data here about the rather broad acceptance of hybrid/remote working should help to inform firm leaders about the viability and popularity of remote working options.

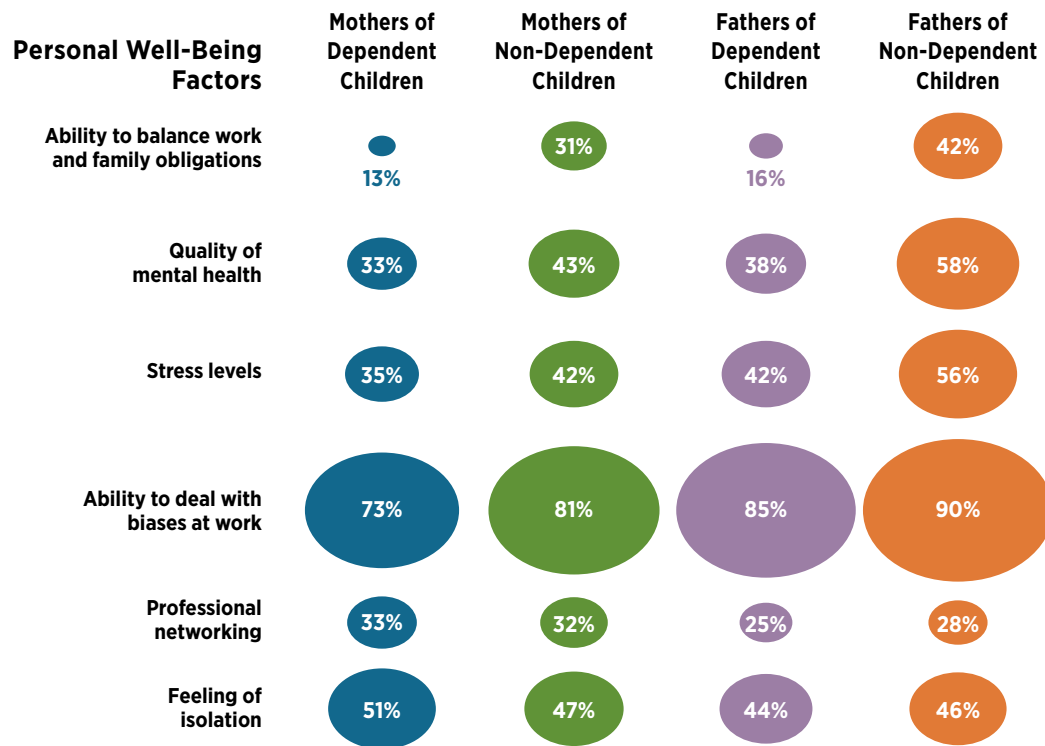
There were equally striking results around the social and psychological impact of hybrid/remote work. As shown below, a substantial percentage of both mothers and fathers reported that hybrid/remote working led to a greatly increased ability to balance work and family obligations, increased quality of their mental health, and decreased stress levels. These results were especially high among parents of dependent children for work/family balance, where 76% of mothers of dependent children and 74% of fathers of dependent children—basically, three quarters of those surveyed – reported their increased ability to balance work and family obligations.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING POSITIVE IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: LAW FIRMS



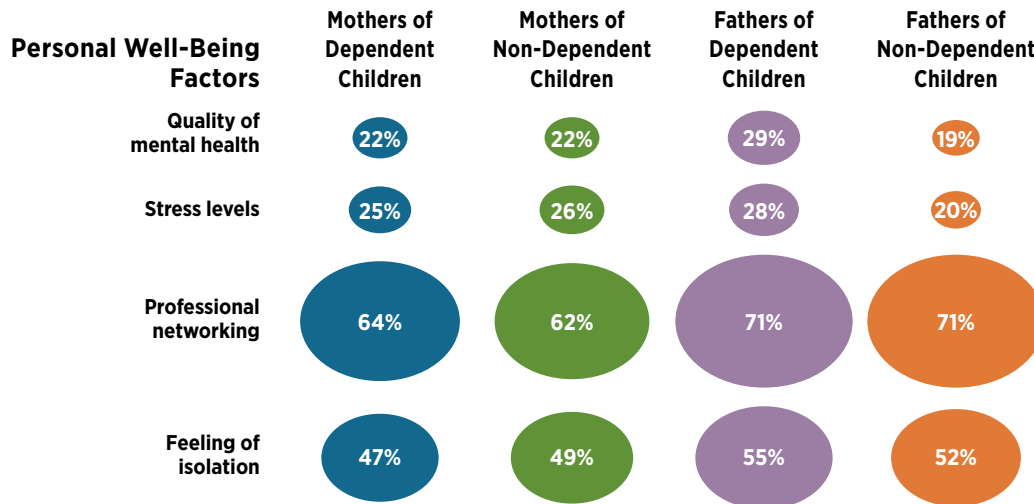
The percentages of respondents who reported no social or psychological impact from hybrid/remote work are shown below.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING NO IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: LAW FIRMS



On the other hand, as shown below, high percentages of respondents (both mothers and fathers) reported decreases in professional networking and an increased feeling of isolation. A sizeable minority of both mothers and fathers also reported increased stress levels and decreased quality of mental health.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING NEGATIVE IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: LAW FIRMS

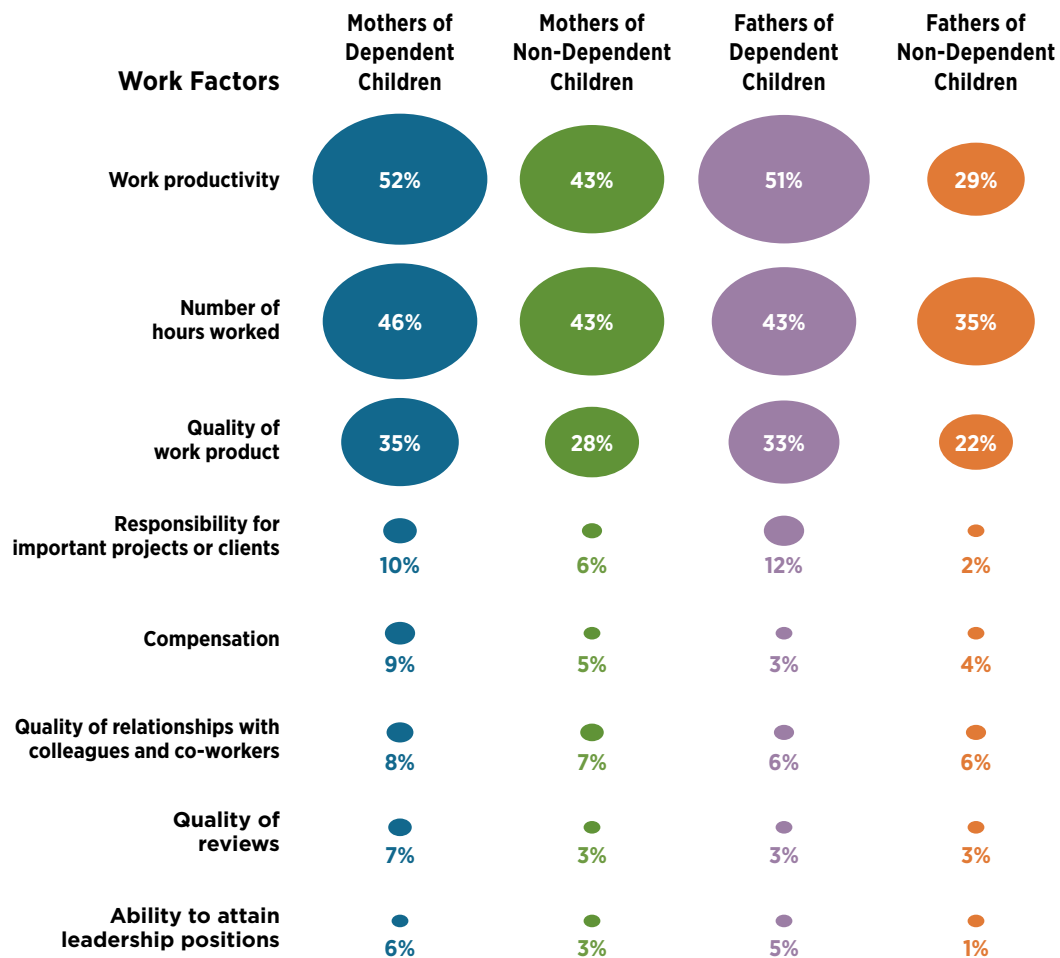


In short, the overall results among those practicing in firms suggest that the option for hybrid or remote work is welcomed by a significant segment of parents for its positive impact on the ability to be productive and to balance work and family needs. That said, there are a meaningful number of lawyers in firms that experienced negative impacts of hybrid or remote work because of much reduced professional networking and interactions with colleagues and co-workers. There are clearly a number of factors about work and personal well-being to consider in framing remote work policies that are effective and widely accepted within a given firm.

Reactions of Mothers and Fathers in Other Settings to Remote or Hybrid Working

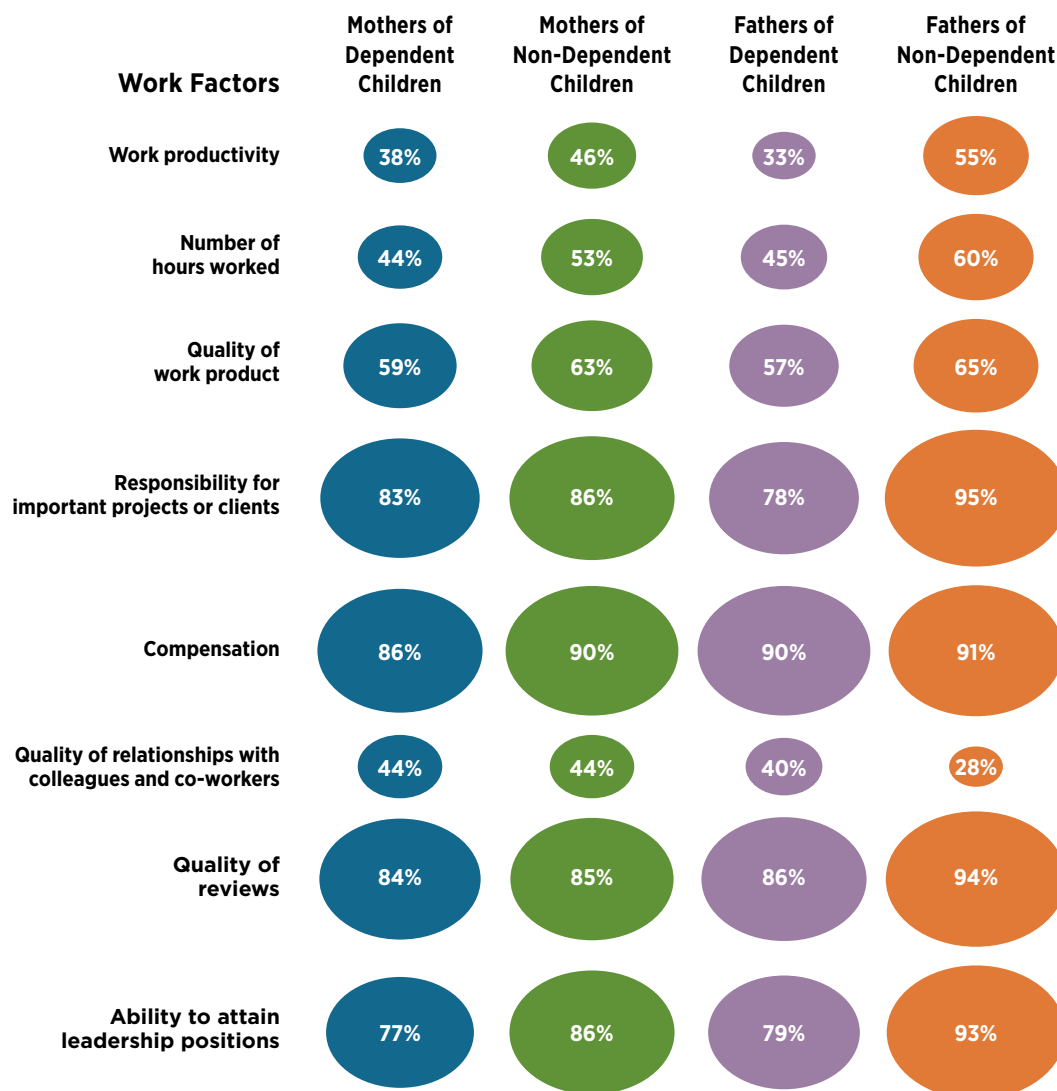
In other settings, mothers and fathers are also likely to report a positive impact of hybrid/remote work on their productivity, the number of hours worked, and the quality of their work product. There are not large differences between mothers of dependents, fathers of dependents, and mothers of non-dependents. The group that stands out as having fewer lawyers with positive reactions on these factors is older fathers.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING POSITIVE IMPACT OF HYBRID/REMOTE WORKING ON LEGAL WORK: OTHER SETTINGS



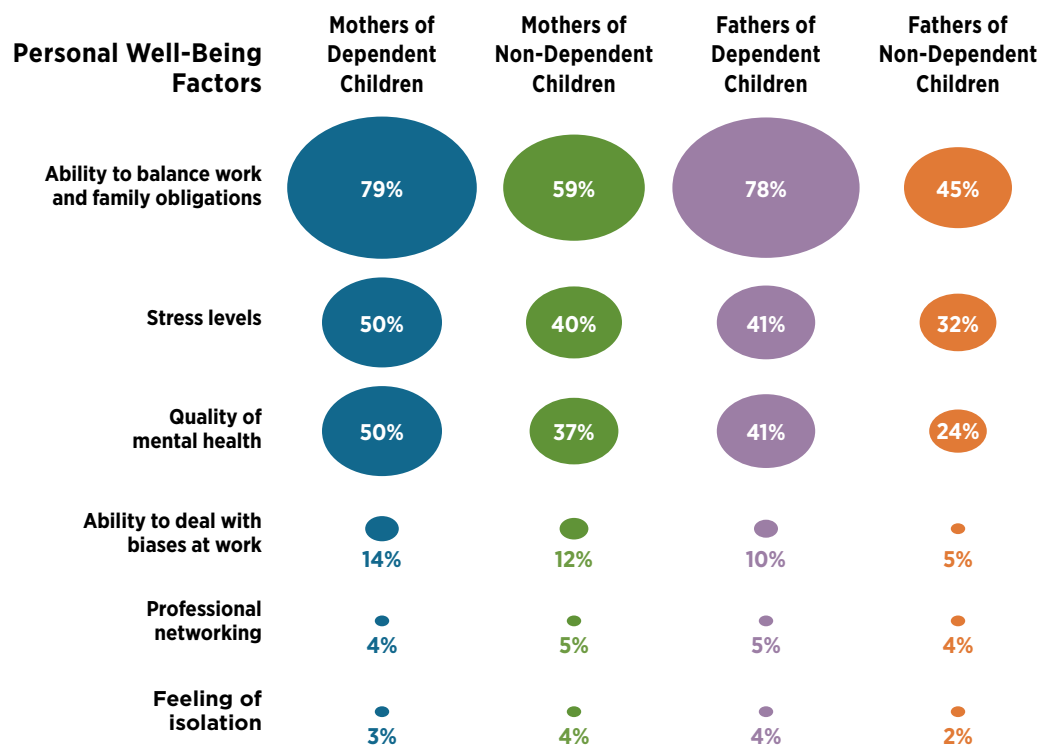
Many lawyers in other settings report “no impact” with respect to these same factors, especially for such key factors as compensation, responsibility for important projects or clients, quality of reviews, and the ability to attain leadership positions.⁵⁵

**PERCENTAGE OF MOTHERS AND FATHERS REPORTING
NO IMPACT OF HYBRID/REMOTE WORKING ON
LEGAL WORK: OTHER SETTINGS**



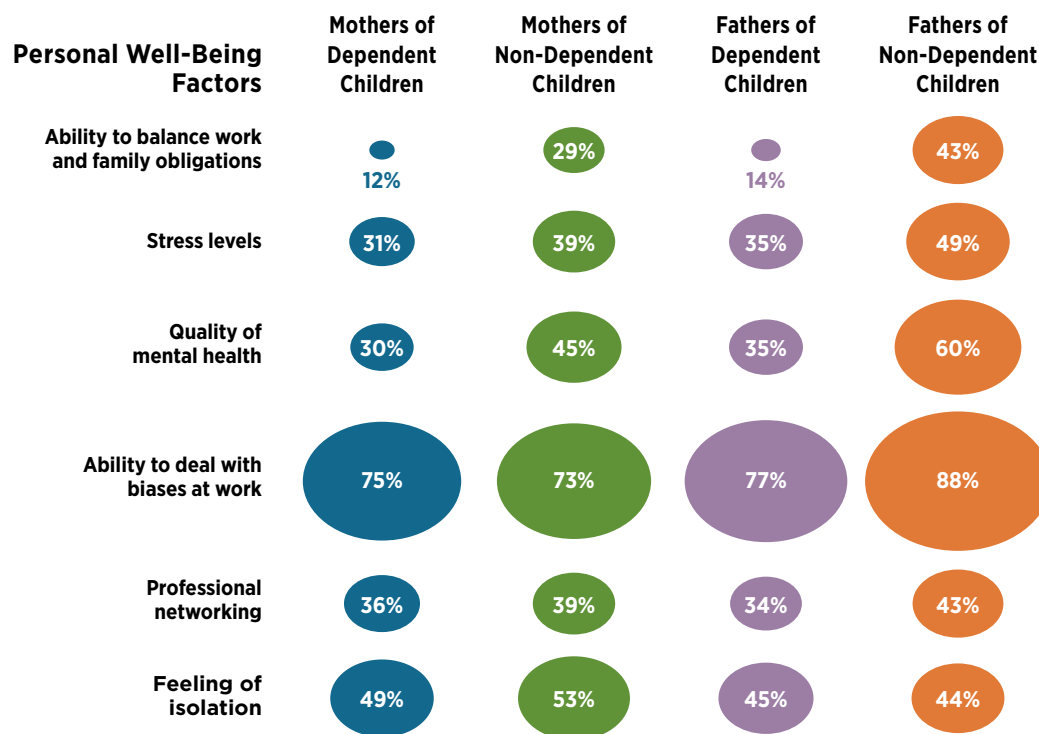
Turning to attorney well-being in connection with hybrid/remote work, lawyers in other settings had similar reactions to those practicing in firms. Nearly 80% of mothers and fathers of dependent children reported that hybrid/remote work enhanced their ability to balance work and family obligations. A substantial percentage of parents of dependent children reported that hybrid/remote working had a positive impact on their stress levels and quality of mental health. Parents of older, non-dependent children also had positive reactions on these factors, although to a lesser extent.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING POSITIVE IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: OTHER SETTINGS



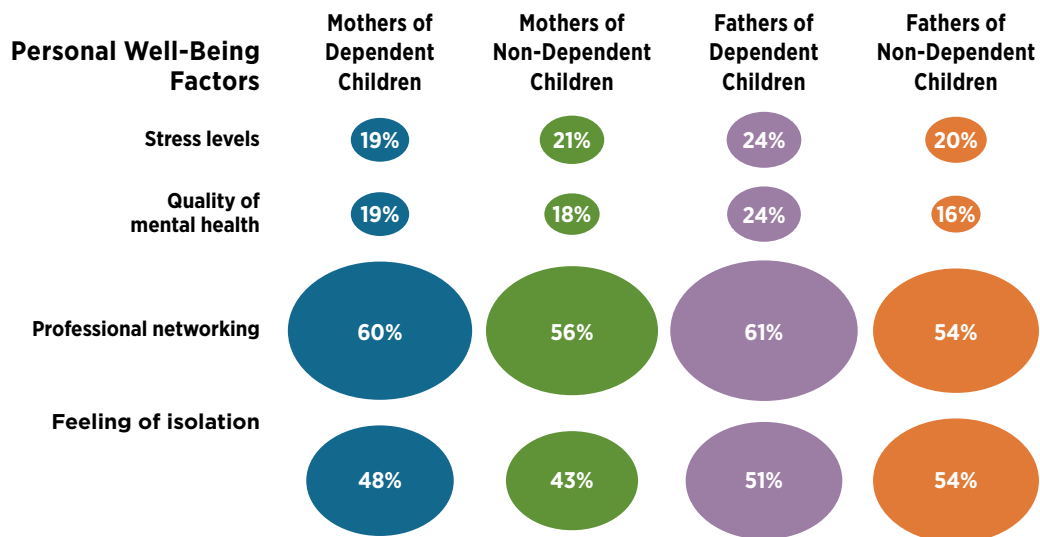
Parents in other settings who did not report a positive impact were likely to report that hybrid/remote working had no impact with respect to most of these factors. In essence, the large majority of both mothers and fathers had either a positive view or a neutral view of whether hybrid/remote working affected factors important to their personal well-being, with the notable exceptions of professional networking and a feeling of isolation.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING NO IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: OTHER SETTINGS



As with parents practicing in firms, parents in other settings also reported negative impacts of hybrid/remote work on professional networking and a feeling of isolation. To a somewhat lesser but nonetheless noticeable extent, approximately 20% of parents also cited increased stress and a negative impact on quality of mental health traced to hybrid/remote working. These figures do not reflect significant gender differences, or significant differences between parents of dependent children and parents of non-dependent children.

PERCENTAGE OF MOTHERS AND FATHERS REPORTING NEGATIVE IMPACT OF HYBRID/REMOTE WORKING ON PERSONAL WELL-BEING: OTHER SETTINGS



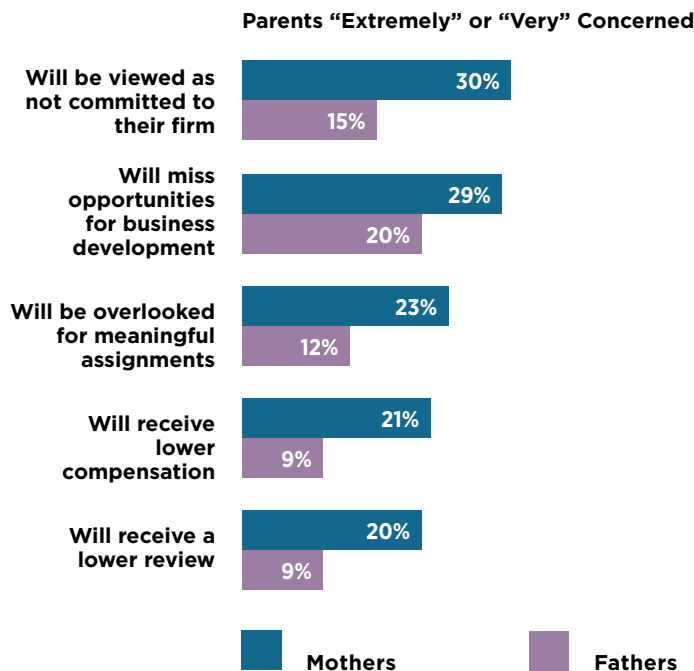
In sum, the impact of hybrid and remote working on work performance and personal well-being was, for many parents, either positive or neutral for the majority of measures. To the extent that there are some negative effects, particularly with respect to professional networking, feelings of isolation, stress levels, and quality of mental health, we believe they can be ameliorated by employment policies and practices that are intentional, transparent, and maintain increased engagement and connectivity for all lawyers, whether working remotely, in the office, or on a hybrid basis. Suggested best practices are discussed below at pp. 114–144.

Concerns about the Consequences of Not Working in the Office When Asked to Do So

As useful as hybrid and remote working can be for mothers (and fathers), it is also the case that parents worry that hybrid and remote working may have negative consequences for their careers, and those concerns are particularly felt by mothers.

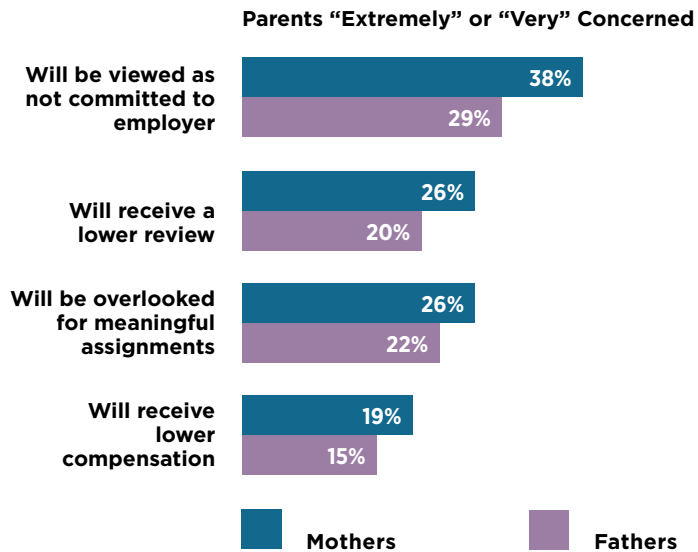
In law firms, a fair number of both mothers and fathers were “extremely” or “very concerned” about career consequences if they do not work in the office when asked, and there is a significantly greater level of concern among mothers than fathers.

CONCERNS ABOUT NOT WORKING IN THE OFFICE WHEN ASKED (LAW FIRMS)



In other practice settings, there were somewhat different results. Mothers and fathers are even more concerned that if they do not work in the office when asked, they will be viewed as not committed to their employer or overlooked for meaningful assignments. The results also show less of a gender gap than in law firms with respect to these concerns.

CONCERNS ABOUT NOT WORKING IN THE OFFICE WHEN ASKED (OTHER WORK SETTINGS)



Even with those downsides, there is still a marked preference for the ability to work remotely. A meaningful number of both mothers and fathers of dependent children reported that they would leave their job for one that offers a greater ability to work remotely, and that view is held to an even greater extent by mothers. Among lawyers working in law firms, mothers of dependent children (37%) were significantly more likely than fathers of dependent children (26%) to report they would leave their job for one that offers greater ability to work remotely. The desire for remote work is even stronger for parents in other practice settings. Over half (51%) of mothers of dependent children in other settings would leave their job for one that offers a greater ability to work remotely, and nearly the same number of fathers of dependent children (47%) would, as well.

PERCENTAGE OF PARENTS OF DEPENDENT CHILDREN WHO WOULD LEAVE THEIR JOB FOR ONE THAT OFFERS A GREATER ABILITY TO WORK REMOTELY

Category by Gender and Parental Status	Where Lawyers Work ⁵⁶	
	Law Firm	Other Work Settings
Mothers of dependent children	37%	51%
Fathers of dependent children	26%	47%



Availability of Paid Parental Leave

A substantial majority (69%) of practicing lawyers in all settings reported that their current employer provides paid parental leave. Notably, 15% of respondents reported no paid parental leave, and another 16% of respondents did not know whether their employer provided paid parental leave.

For lawyers whose employers provide paid parental leave, nearly three-quarters (74%) reported that birth mothers receive three months or longer for paid parental leave—and certain employers provide up to 20 weeks of paid leave. A far smaller percentage, 14%, reported two months of leave for birth mothers and 12% reported one week to one month of leave for birth mothers. In essence, the data show that three months or more has become a common and likely expected benefit for birth mother leave in the legal profession.

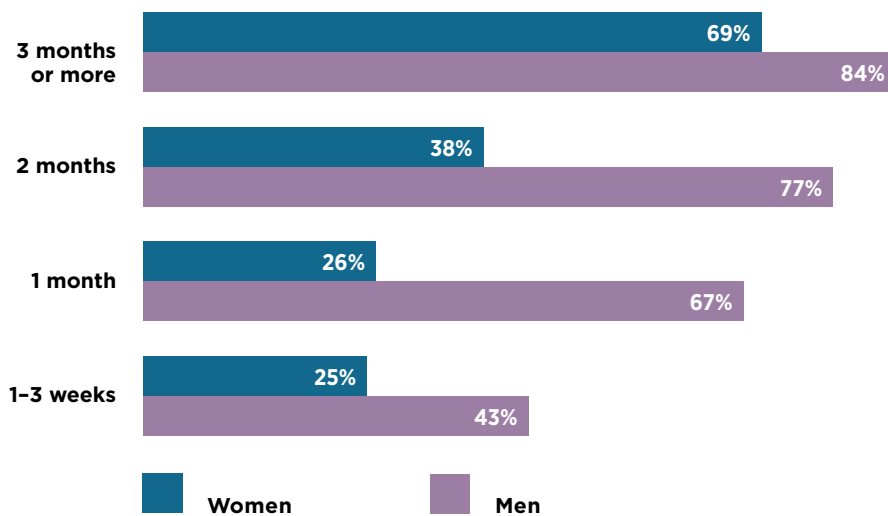
Paid Leave	Birth Mother	Non-Birth Mother	Father
None	0%	7%	4%
1–3 weeks	3%	5%	10%
1 month	9%	11%	19%
2 months	14%	15%	18%
3 months or more	74%	61%	49%

Fewer lawyers reported that their workplace provides three months or more of parental leave to non-birth mothers or fathers: 61% of respondents reported that non-birth mothers receive three months or more of paid leave, and 49% of respondents reported that fathers receive three months or more of paid leave. Typically, while respondents reported at least some paid leave for non-birth mothers and fathers, the duration of leave is not as lengthy as it is for birth mothers.

Lawyers' Reactions to Their Employer's Paid Parental Leave Policies

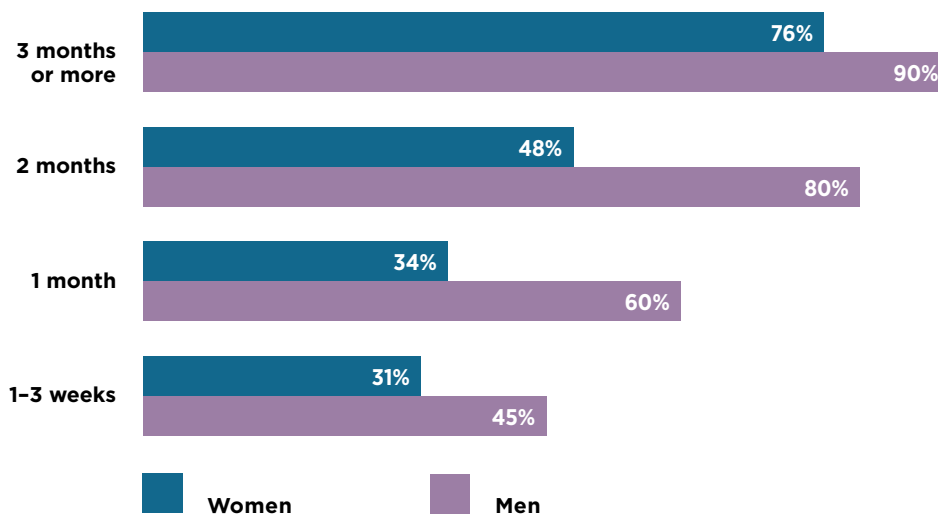
It is clear that women are less satisfied than men with each level of their employer's birth mother leave policies. Both men and women are most satisfied with a policy of three months or more leave, with a drop-off at each level below. However, we note that for each level of leave, fathers are more satisfied with the amount of leave than mothers. That difference should not be a surprise, given the much greater adjustments that women make for a newborn than men.

PERCENTAGE OF LAWYERS SATISFIED WITH PARENTAL LEAVE POLICY FOR BIRTH MOTHERS

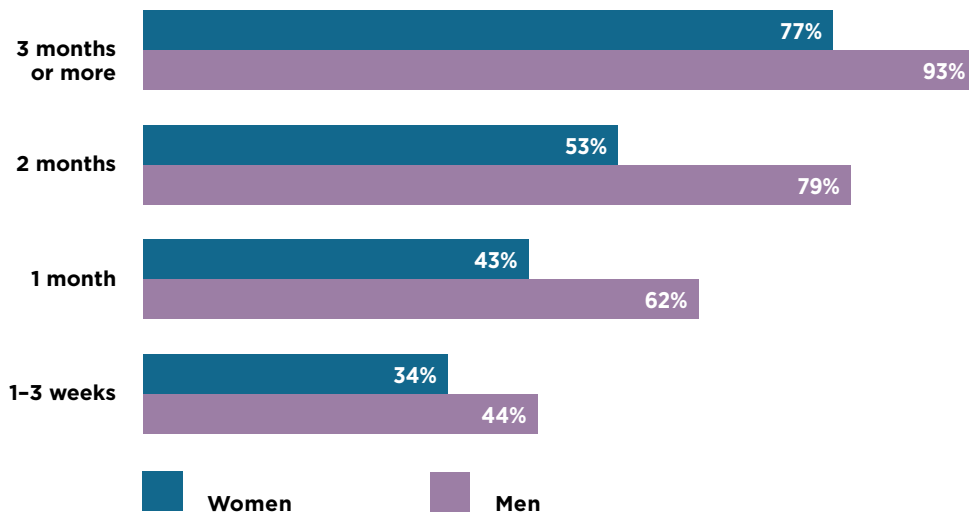


Regarding the three months or more leave policy for non-birth mothers, an additional 7% of women are satisfied with that policy for non-birth mothers as compared to the three months of leave for birth mothers; and for the two months of leave policy, an additional 10% of women are satisfied. Regarding parental leave for fathers, there is an 8% higher rate of satisfaction with the three months or more leave policy for fathers among women compared to the same length of time for birth mothers; and there is a 15% higher rate of satisfaction for the two months leave policy for fathers among women compared to that same duration of leave for birth mothers. That said, as with leave policies for birth mothers, men are more likely to be satisfied with a given leave policy than women.

PERCENTAGE OF LAWYERS SATISFIED WITH PARENTAL LEAVE POLICY FOR NON-BIRTH MOTHERS



PERCENTAGE OF LAWYERS SATISFIED WITH PARENTAL LEAVE POLICY FOR FATHERS



Parental leave, and satisfaction with parental leave, seems to be based on concepts tied to physical recovery from birth and the early months after a birth. But parents who are not birth mothers also want to spend time bonding and caring for a new baby or child. Fathers receiving less paid parental leave than mothers runs counter to the modern view of parenting. Family compositions are different today from years ago, with more people identifying as LGBTQ+ parents, for example. In addition, both mothers and children benefit when fathers take parental leave.⁵⁷ Reduced leave for non-birth mothers and fathers is at odds with today's greater reliance on surrogacy and adoption.⁵⁸

In sum, there is room for more enhanced parental leave in several respects: (1) by providing paid parental leave that is satisfactory to almost all lawyers in the workplace, which means a minimum of three months; and (2) by extending the same amount of leave to non-birth mothers and fathers as is provided to birth mothers. We also note that “parental leave” policies typically apply only to parents with newly born or adopted children. They do not generally apply when there may be other particularly sensitive times in the family where leave is needed.



Workplace Policies and Practices That Support Long-Term Careers for Mothers

Lawyers work in many different settings, with many different policies providing support for women with children. We asked Survey respondents about a range of possible policies and resources to understand which ones were most commonly offered by employers.⁵⁹ Because the dynamics of law firm culture differ from corporate settings and other non-law firm workplaces, we analyzed the responses about policies and resources separately for those two groups.

Law Firm Policies and Resources Supportive of Mothers

In the table below, we show the extent to which lawyers in firms reported that specific policies and resources supportive of mothers are offered in firms.

Law Firm Policy or Resource That Supports Mothers	% of Lawyers Who Report Their Law Firm Provides the Specific Policy or Resource
Family health insurance	90%
Ability to work flexible hours	82%
Wellness resources	70%
Allow part-time work	70%
Provide designated lactation rooms	47%
Emergency childcare resources	32%
Part-time work credited for promotion to partner	31%
Implicit bias training about women lawyers with children	21%
Mentoring or sponsorship programs for women lawyers with children	21%
An affinity group for mothers and fathers	16%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	16%
Subsidy for childcare or tutoring or family care	12%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	12%
An affinity group only for mothers	7%
Written policy that discourages emails, calls, and meetings during evenings and weekends	5%
On-site childcare	3%

As shown above, the large majority of respondents are in firms with these parent-friendly policies: family health insurance (90%), ability to work flexible hours (82%), wellness resources (70%), and ability to work part-time (70%). Designated lactation rooms (47%), emergency childcare resources (32%), and part-time work credited for promotion to partner (31%) are three other policies and resources that are provided by a number of law firms.

There is a second set of policies and resources that earlier studies and anecdotal discussion show are important to long-term careers for women generally, regardless of whether they have children.

Law Firm Policy or Resource That Impacts Women Generally	% of Lawyers Who Report Their Law Firm Provides the Specific Policy or Resource
Written standards and procedures for evaluations	60%
Written policy that allows more than one person to share credit for client matters	50%
Written standards and procedures for determining compensation	49%
Written standards and procedures for promotion to equity partnership	39%
Business development training for women lawyers	36%
Leadership/management training for women lawyers	33%
Written standards and procedures for succession	26%
Written policy to add more women to workplace leadership roles	18%
Goal of hiring 50% or more female associates	14%

As shown above, the majority (60%) of respondents are in firms that provide written standards and procedures for evaluations. Written policies that allow sharing of client credit are available to 50% of respondents, and written standards and procedures for determining compensation are available to 49%.

Policies and Resources Supportive of Mothers in Settings Other Than Law Firms

A substantial percentage of lawyers in settings other than law firms, such as corporate law departments, not-for-profits, and government, reported the availability of family health insurance (96%), wellness resources (84%), and ability to work flexible hours (73%). Written standards and procedures for evaluations (66%) and for compensation (56%) are also reported by the majority of respondents in these other settings. Allowing part-time work is not as prevalent as it is in law firms.

Policy or Resource in Other Settings That Supports Mothers	% of Lawyers Who Report Their Workplace Provides the Specific Policy or Resource
Family health insurance	96%
Ability to work flexible hours	73%
Wellness resources	84%
Allow part-time work	41%
Provide designated lactation rooms	42%
Emergency childcare resources	16%
Implicit bias training about women lawyers with children	12%
Mentoring or sponsorship programs for women lawyers with children	8%
An affinity group for mothers and fathers	8%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	9%
Subsidy for childcare or tutoring or family care	10%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	3%
An affinity group only for mothers	4%
Written policy that discourages emails, calls, and meetings during evenings and weekends	8%
On-site childcare	7%

Lawyers in work settings other than firms reported roughly the same types of resources that are also available in firms. However, lawyers in firms are twice as likely to report the availability of leadership/management training (33%) than lawyers in other settings (16%), and twice as likely to report a written policy to add more women to leadership roles (18% vs. 9%).

Policy or Resource in Other Settings That Impacts Women Generally	% of Lawyers Who Report Their Workplace Provides the Specific Policy or Resource
Written standards and procedures for evaluations	66%
Written standards and procedures for determining compensation	56%
Leadership/management training for women lawyers	16%
Written standards and procedures for succession	21%
Written policy to add more women to workplace leadership roles	9%



Success of Employer Policies and Resources for Advancing Mothers

A question of particular interest is whether specific policies are successful for advancing women lawyers with children. We recognize that workplace cultures vary and not every policy is a good fit for every workplace. However, the Survey provides useful guidance as to which types of policies may be especially impactful for the retention and advancement of mothers.

Law Firm Policies That Have Been Successful at Promoting Mothers into Leadership Roles and Equity Partnership

The table below shows the extent to which women in firms with the following mother and women-friendly policies believe that their workplace has been successful at promoting mothers into leadership roles. The differences are striking: for each and every policy, women in firms with that policy are significantly more likely to agree that their firm has been successful at promoting mothers into leadership roles than women in firms without that policy. The ability of a firm to implement a set of effective strategies that are “mother-friendly” goes a long way towards creating a gender-diverse culture and boosting women’s confidence in the firm’s commitment to support their careers.

PERCENTAGE OF WOMEN WHO AGREE THAT THEIR FIRM HAS BEEN SUCCESSFUL AT PROMOTING MOTHERS INTO LEADERSHIP ROLES

Nature of Policy	In Firms <i>with</i> a Given Policy:	In Firms <i>without</i> a Given Policy
Mentoring or sponsorship programs for women lawyers with children	74%	48%
Written standards and procedures for succession	72%	46%
Leadership/management training for women lawyers	72%	45%
Implicit bias training about women lawyers with children	71%	49%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	71%	46%
Part-time work credited for promotion to partner	70%	43%
Business development training for women lawyers	70%	45%
Written policy to add more women to workplace leadership roles	70%	47%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	69%	48%
Goal of hiring 50% or more female associates	69%	48%
Written policy that discourages emails, calls, and meetings during evenings and weekends	68%	52%
Written standards and procedures for promotion to equity partnership	67%	45%
An affinity group only for mothers	66%	51%
Written standards and procedures for determining compensation	64%	45%
Written standards and procedures for evaluations	63%	44%
An affinity group for mothers and fathers	62%	50%
Written policy that allows more than one person to share credit for client matters	62%	47%
On-site childcare	61%	54%
Subsidy for childcare or tutoring or family care	61%	51%
Provide designated lactation rooms	61%	47%
Wellness resources	59%	45%
Allow part-time work	59%	40%
Emergency childcare resources	58%	51%
Ability to work flexible hours	57%	35%
Family health insurance	55%	45%
Required billable hours/required workload	55%	50%

It is notable that a large number of women, regardless of parental status, feel strongly that certain policies are effective in advancing mothers into leadership roles. One of the reasons why younger women leave firms is their sense that there is not a pathway for them to succeed at the same time that they are beginning the stage of life when they are planning or having children. The data here show that there are in fact policies that firms can adopt that will be recognized by women at all stages of their careers as effective for advancing women lawyers.

Similar results are seen when women in law firms were asked about their law firm's success in promoting mothers into equity partnership. The table below lists, for all women with a given policy in their firm, the percentage who "agree" that their firm has been successful at promoting mothers into equity partnership, and it compares that to the percentage of women in firms without that policy who believe their firm has been successful in promoting mothers into equity partnership.

Once again, women in law firms believe that the presence of these policies has a significant impact in advancing mothers into equity partnership.

PERCENTAGE OF WOMEN WHO AGREE THAT THEIR FIRM HAS BEEN SUCCESSFUL AT PROMOTING MOTHERS TO EQUITY PARTNERS

Nature of Policy Impacting Promotion to Equity Partner	In Firms <i>with</i> a Given Policy	In Firms <i>without</i> a Given Policy
Mentoring or sponsorship programs for women lawyers with children	62%	38%
Implicit bias training about women lawyers with children	61%	39%
Written standards and procedures for succession	61%	36%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	61%	37%
Leadership/management training for women lawyers	59%	36%
Written policy that discourages emails, calls, and meetings during evenings and weekends	58%	42%
Part-time work credited for promotion to partner	58%	32%
Written standards and procedures for promotion to equity partnership	57%	35%
Written policy to add more women to workplace leadership roles	56%	37%
Business development training for women lawyers	55%	36%
Goal of hiring 50% or more female associates	54%	38%
Written standards and procedures for determining compensation	53%	36%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	52%	39%
An affinity group for mothers and fathers	51%	40%
Written standards and procedures for evaluations	51%	34%
On-site childcare	50%	43%
Subsidy for childcare or tutoring or family care	50%	41%
Provide designated lactation rooms	50%	37%
An affinity group only for mothers	50%	41%
Written policy that allows more than one person to share credit for client matters	50%	36%
Allow part-time work	48%	31%
Emergency childcare resources	47%	41%
Wellness resources	47%	36%
Ability to work flexible hours	47%	27%
Family health insurance	44%	38%

***Employer Policies and Practices in
Other Work Settings That Have Been Successful
at Promoting Mothers into Leadership Roles***

Comparable results were found in responses by women lawyers who work in settings other than law firms, such as corporate law departments, not-for-profits, government, and other settings.

**PERCENTAGE OF WOMEN WHO AGREE THAT THEIR WORKPLACE
HAS BEEN SUCCESSFUL AT PROMOTING MOTHERS INTO
LEADERSHIP ROLES**

Nature of Policy	Employers with a Given Policy	Employers without a Given Policy
Leadership/management training for women lawyers	76%	53%
On-site childcare	74%	58%
Mentoring or sponsorship programs for women lawyers with children	74%	56%
Written policy that discourages emails, calls, and meetings during evenings and weekends	74%	57%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	74%	55%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	71%	53%
Written policy to add more women to workplace leadership roles	70%	54%
Emergency childcare resources	69%	56%
Written standards and procedures for succession	69%	52%
An affinity group for mothers and fathers	67%	56%
Written standards and procedures for determining compensation	66%	47%
Subsidy for childcare or tutoring or family care	65%	57%
Written standards and procedures for evaluations	65%	42%
Allow part-time work	65%	53%
An affinity group only for mothers	64%	57%
Provide designated lactation rooms	63%	52%
Ability to work flexible hours	63%	49%
Implicit bias training about women lawyers with children	62%	57%
Wellness resources	62%	43%
Family health insurance	59%	46%

The foregoing charts clearly show that the existence of policies and resources intended to support the advancement of women and women with children make a demonstrable impact, both in law firms and in other practice settings.

***Policies That Offer the
Opportunities and Support Needed
for Mothers to Succeed***

We also measured the extent to which a given policy in a law firm results in mothers feeling they have the support of their firms. The results demonstrate that mothers who work in law firms with “mother-friendly” policies are substantially more likely to feel that their firm offers them the opportunities and support they need to be successful at work than those who work in firms without these policies.

PERCENTAGE OF MOTHERS WHO FEEL THEIR FIRM OFFERS THE OPPORTUNITIES AND SUPPORT NEEDED TO SUCCEED

Nature of Policy	In Firms <i>with</i> These Policies:	In Firms <i>without</i> These Policies:
Written policy that discourages emails, calls, and meetings during evenings and weekends	72%	47%
Mentoring or sponsorship programs for women lawyers with children	70%	43%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	70%	44%
Implicit bias training about women lawyers with children	69%	45%
On-site childcare	68%	49%
Leadership/management training for women lawyers	68%	40%
Business development training for women lawyers	64%	40%
Goal of hiring 50% or more female associates	63%	45%
Written policy to add more women to workplace leadership roles	62%	44%
Subsidy for childcare or tutoring or family care	61%	47%
Written standards and procedures for succession	60%	43%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	60%	44%
Part-time work credited for promotion to partner	58%	43%
Written standards and procedures for determining compensation	57%	43%
Written policy that allows more than one person to share credit for client matters	56%	45%
An affinity group only for mothers	55%	47%
Written standards and procedures for evaluations	55%	43%
Written standards and procedures for promotion to equity partnership	55%	46%
Allow part-time work	55%	34%
Ability to work flexible hours	54%	27%
An affinity group for mothers and fathers	53%	46%
Provide designated lactation rooms	52%	45%
Wellness resources	52%	45%

In workplaces other than law firms that have policies supportive of women and women with children, a substantially greater percentage of mothers believe that they have opportunities and support needed to be successful at work.

PERCENTAGE OF MOTHERS WHO FEEL THEIR EMPLOYER OFFERS THE OPPORTUNITIES AND SUPPORT NEEDED TO SUCCEED

Nature of Policy	In Non-Firm Workplaces <i>with</i> the Policy	In Non-Firm Workplaces <i>without</i> the Policy
Leadership/management training for women lawyers	72%	39%
Written policy to add more women to workplace leadership roles	68%	40%
Mentoring or sponsorship programs for women lawyers with children	65%	43%
On-ramping or on-boarding programs for lawyers who have left the profession after having children	61%	43%
On-site childcare	60%	46%
Implicit bias training about women lawyers with children	59%	44%
Monitoring gender metrics of women with children (e.g., attrition, promotion, salary, bonuses, work assignments)	58%	39%
Written policy that discourages emails, calls, and meetings during evenings and weekends	57%	45%
Written standards and procedures for succession	57%	39%
Emergency childcare resources	56%	44%
An affinity group only for mothers	55%	45%
Subsidy for childcare or tutoring or family care	53%	45%
Written standards and procedures for determining compensation	53%	37%
Allow part-time work	53%	40%
Written standards and procedures for evaluations	52%	33%
Ability to work flexible hours	52%	31%
Provide designated lactation rooms	51%	41%
An affinity group for mothers and fathers	50%	44%
Wellness resources	50%	32%
Family health insurance	47%	33%

Overall, these data show that when legal employers implement policies focused on supporting women, and mothers in particular, those policies make a positive and meaningful impact. They instill in women a belief that their employer provides the opportunities and resources they need to succeed, help women to advance, and create a sense of belonging that should lead to enhanced retention of mid-level and senior women. Equally striking, employers with policies focused on supporting mothers are more successful at advancing mothers into leadership roles and into equity partnership.



Reasons for Mothers to Leave or Stay at Their Law Firms

As discussed above, mothers are far more likely than fathers to experience multiple stresses caused by the competing needs of work and family. Consequently, and not surprisingly, mothers are more likely than fathers to leave their firms. The Survey shows these reasons why:

- ▶ 42% of mothers report that the number of required hours is a reason to leave.
- ▶ 34% of mothers report that work-life balance is a reason to leave.
- ▶ 34% of mothers of dependent children, in particular, would leave for more time to spend with children.
- ▶ 19% of mothers would leave for a work schedule that fits their caretaking commitments.

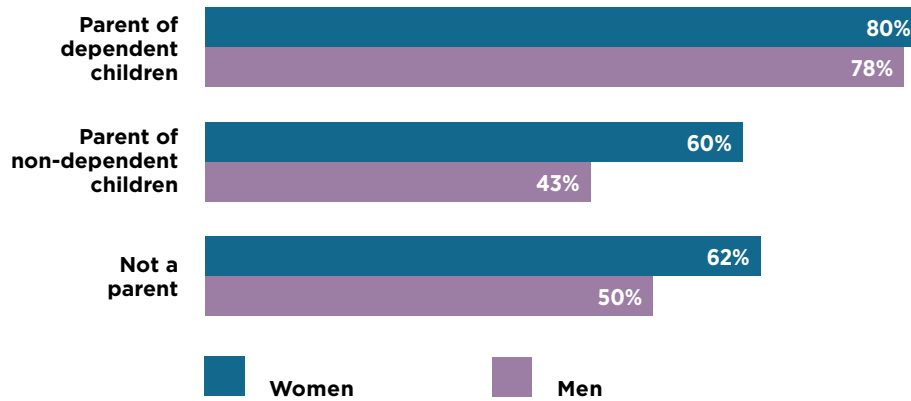
Conversely, having a work schedule that fits their caretaking commitments for children was a reason for 60% of mothers of dependent children to stay at their firm. Mothers seeking fewer required hours for a better work-life balance, more time to spend with children, and a schedule that fits their caretaking commitments, may look elsewhere for an opportunity to work reduced hours.



Reasons Why Lawyers Work Reduced Hours

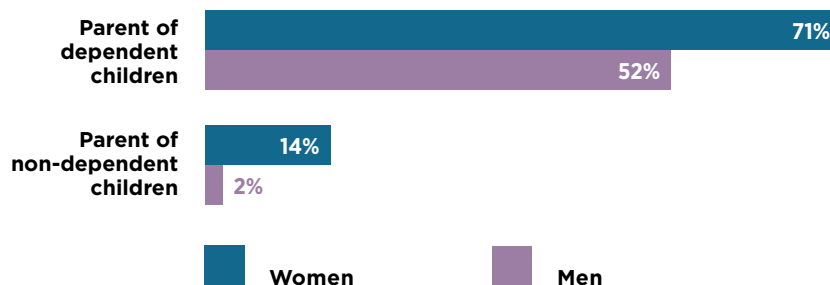
Respondents who are working as lawyers were asked if they are working reduced hours, defined as 30 hours or less per week, and, if so, the reasons why.⁶⁰ Among all lawyers working reduced hours, a major reason for doing so is to attain better work-life balance. At least 60% of women and men with children at all parental stages responded that work-life balance was a reason for their reduced hours, with the exception of fathers of non-dependent children. Women are more likely than men to report that wanting a better work-life balance is their reason to work reduced hours ($p < 0.0001$). And parents of dependent children are far more likely than non-parents or parents of older children to seek reduced hours for purposes of work-life balance ($p < 0.0001$).

WORK-LIFE BALANCE IS A REASON TO WORK REDUCED HOURS



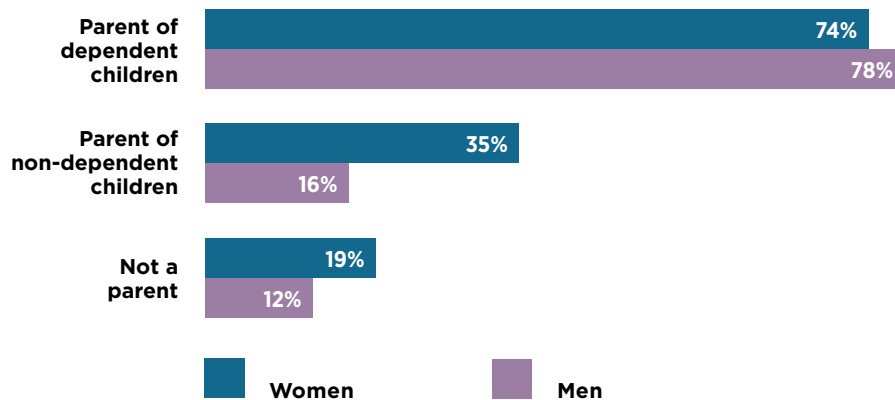
Child care is a strong reason for parents working reduced hours, especially for mothers: 71% of mothers of dependent children working reduced hours said they did so because of child care responsibilities, compared to 52% of fathers of dependent children working reduced hours. (A small portion of mothers of non-dependent children also cite this as a reason, which suggests that various activities around young adult children or grandchildren may be a factor.) This finding is consistent with other survey results that show that mothers have significantly more child care responsibilities.⁶¹

CHILD CARE IS MY REASON TO WORK REDUCED HOURS



Similarly, approximately three-quarters of both women and men with dependent children reported that a desire for more time with family was the reason for working reduced hours. Even parents of older, non-dependent children—especially mothers—work reduced hours to spend more time with their family. These data have important implications as to where and how lawyers will want to practice in the future.⁶²

THE DESIRE FOR MORE TIME WITH FAMILY IS MY REASON TO WORK REDUCED HOURS



Taken together, these results show that many mothers of dependent children leave their jobs because of onerous billable hour requirements, and they choose to work reduced hours to achieve better work-life balance, to care for their children, and to spend more time with their family. Legal employers which recognize the need to align their billable hour policies with mothers' childcare and family obligations can be highly rewarded with the commitment and retention of experienced lawyers, especially mothers, who over the long-term can be expected to grow in their practice and in the value they bring to the workplace.



National Set of Focus Groups about Motherhood and Careers in Law

Background

Focus groups were held in connection with research conducted to determine the impact of caregivers of dependent children in the legal profession. The focus groups were held to supplement, amplify, and potentially support the data obtained through the online survey conducted as a part of this research.

The goal of the focus groups was to gather data to determine whether there is bias against caregivers of dependent children, particularly among women caregivers; how the bias manifests itself; whether there are common themes across the various sectors of the legal profession affecting caregivers; the impact on men vs. women who are caregivers; and best practices using existing policies impacting caregivers and recommendations made by the participants in the focus groups. The strategy for the focus groups was to ensure that data was gathered in a confidential and comprehensive manner.

The data obtained from the focus groups was rich and insightful. While every experience shared is significant, unfortunately, every singular experience cannot be captured in this Report. However, there were common themes, noted below, which capture the essence of all experiences shared during the focus groups.



Methodology

Ten focus groups were conducted, six of which were held virtually and four of which were held in person. The four focus groups that were held in person were in New York, NY; Atlanta, GA; Los Angeles, CA; and Chicago, IL. Although all groups could have been held virtually, it was important to have in-person focus groups in the four primary regions of the United States to have more intimate conversations without the potential for distractions. It was the thought that there would possibly be a richer exchange of information with participants knowing exactly who was in the room. It was important to have a personal connection that may not have been possible virtually. There were, however, very important advantages to having both in person and virtual focus groups. Virtual focus groups allowed for the opportunity for individuals to participate no matter the participant's location and also provided an opportunity for several women to care for their children while simultaneously participating in the focus group. This highlighted the need for flexibility in the work environment.

Confidentiality was crucial to this process. There were 8–14 participants in each focus group. Participants in the focus groups represented every geographic area in the United States. There were participants from Hawaii to Massachusetts and California to Florida and most states in between. Participants were from rural, suburban, and urban areas.

Participation in the focus groups was not limited to members of the American Bar Association but was open to all who identified as attorneys. Participants were not required to be caregivers, either currently or at any time in their careers. To ensure that experiences, thoughts, and opinions were captured across as many demographics as possible, participants of focus groups were recruited by a number of means.

As a part of this research, there was an active Advisory Committee whose co-chairs and members provided resources, sources, and conducted personal outreach to prospective focus group participants. Additionally, invitations to participate in focus groups were sent to a wide swath of bar associations, including but not limited to local and national women's bar associations, ethnic and racially diverse national and local bar associations, LGBTQA+ local and national bar associations, as well as predominantly white local and national bar associations. Invitations were also extended to individuals who did not identify as a member of any bar association. Invitations were sent to law schools, the judiciary, and various governmental entities.

Confidentiality was and remains crucial to the process of removing inhibitions to participation in the focus groups. After invitations were sent to potential participants, if interested, participants would register through a secure portal where the identity of the participant was only known (at the time of registration) to the ABA team member assisting in the coordination of the focus groups. Each participant was asked to sign a confidentiality agreement, affirming that they would not discuss anything anyone said outside of the confines of the focus group. In the case of the in-person focus groups, the location of the focus group was not revealed unless and until registration for the focus group was complete.

To ensure that there was a good cross-section of practice areas and components of the legal profession, certain audiences were targeted for participation. For example, additional recruiting efforts were made for law professors and or people who worked in academia, those who worked in the judicial system, and those who worked in government. In that regard, there was intensive reach out to individuals who had contacts within those particular disciplines. The methods used to recruit individuals to participate in the focus groups were varied and expansive.

Virtual focus groups were held on the following dates:

- ▶ December 1, 2022: This virtual focus group was geared towards attorneys who work in-house. Of the ten individuals who participated in this focus group, nine of them were currently working in-house. Several of those participating previously were employed in a large law firm environment and stated that the primary reason for going in-house was a result of caregiving responsibilities. There was one man who participated in this focus group and one military spouse.
- ▶ December 6, 2022: This virtual focus group had eight participants, all of whom were women (and one infant). Everyone in this focus group

was engaged in private practice. There were women in this group who left their law firms and started their own firms because they worked in an environment that was not supportive of women with dependent children or went to smaller firms which they believed were more accommodating to women who are caregivers of dependent children.

- ▶ December 9, 2022: There were nine people who participated in this virtual focus group, most of whom were judges or retired judges. There was no one in private practice. This group had participants from every geographic region of the United States, had a participant who identified as LGBTQ+, and every race and ethnicity was represented. There was one man in this focus group.
- ▶ December 13, 2022: The legal academy was targeted for this focus group. There were eight participants in this focus group. Most of the participants are in the academy with the exception of one person who is employed by the federal government. One man participated in this focus group.
- ▶ December 16, 2022: This focus group focused on attorneys who worked in not-for-profit organizations currently or at some point in their careers. There were eight participants in this focus group, one of whom was a man. The biases experienced by women who are caregivers is more subtle and nuanced according to the participants. Members of this focus group were not as talkative as some of the other groups but nevertheless had thoughts that the legal profession could be more accommodating to women who are caregivers of children.
- ▶ December 20, 2022: Most of the 12 participants in this focus group work in the public sector and federal, state, and county government. There were two participants who are in the legal academy and one associate in a large law firm. There was one man who participated in this focus group and several of the participants are from what is considered to be a rural area. Prior to going to the government, several participants worked in law firms.

Four in-person focus groups were held:

- ▶ New York, NY, January 26, 2023: In the New York focus group, there were 12 participants. Of that 12, two of them were men. There was one participant who identified as LGBTQ+ and another who was a judge. There was also one law professor and one participant who worked for the federal government. There were two participants who owned their own small firms and the remaining participants were private practitioners in large firms.
- ▶ Atlanta, GA, February 15, 2023: The Atlanta focus group had more participants than any other focus group. In fact, registration was sus-

pendent about two weeks prior to the focus group. This focus group had two men and 12 women. There were judges, government employees, and large firm, small firm, and solo practitioners.

- ▶ Chicago, IL, February 28, 2023: In the Chicago focus group, there were nine participants. There was one man who participated in this focus group and one person who identified as LGBTQ+. Most of the participants were in private practice, either in small firms or very large firms. There was one person who had retired from a not-for-profit organization.
- ▶ Los Angeles, CA, March 8, 2023: In the Los Angeles focus group, there were 12 participants. The group included judges, solo practitioners, large firm practitioners, small firm practitioners, and government lawyers. Two men participated in the Los Angeles focus group. While invitations went to lawyers of all races and ethnicities, everyone who participated in the Los Angeles focus group was a lawyer of color.

Each focus group had an average of ten participants and each focus group had at least one male participant. With respect to the first three focus groups, efforts were made to concentrate on a specific segment of the legal profession. For example, the first focus group attempted to focus on the in-house community, and while all of the participants were not in-house, the majority of them were. Others included academia and the judiciary. By the conclusion of the focus groups, all sectors of the legal profession were represented and provided input. It is also important to note that members of the focus group seemed to create a “bond” as a result of participation in the focus groups. Virtual participants made comments such as, “I wish we could go for drinks now” and many of the participants in the in-person focus groups sought to exchange contact information to continue the discussion and generally to have someone with whom they could commiserate.

There was a common set of approximately 14 questions posed to the members of each focus group. On occasion, follow-on questions were necessary based upon some of the responses from the participants to a previous question. More specifically, the questions were designed to elicit experiences of women who are caregivers, and observations and perceptions of women who are caregivers, without regard to whether the participant was either. Additionally, there were questions focused on various sectors of the legal profession, i.e., in-house, judiciary, government (other than the judiciary), large firms, small and medium-size firms, not-for-profit organizations, and the legal academy. Additionally, there were also targeted questions based upon the demographics of the participants. Focus group members were invited to speak freely and reminded of the confidentiality of the process of the focus groups. What generated the most animated discussions in the focus groups was when participants were asked about the advantages and disadvantages facing women and men, the experiences of single women, and unsolicited advice.



Common Themes

Data analysis gleaned from the focus groups revealed several common themes:

- ▶ Both women and men believe women who are caregivers of dependent children experience disadvantages in their careers. When the question was posed in each of the focus groups concerning the experience of women and whether opportunities to advance or succeed are impeded by being a caregiver of a dependent child, the reaction was immediate and, in some instances, visceral. There was a nodding of heads and everyone wanted to be the first to speak out about the impact and the types of disadvantages. Participants discussed the impact on women from the time they were in law school. Participants in the legal academy reported that they frequently provide counsel and advice to women concerning the impact of having children on their careers.

- ▶ A significant number of women who participated in the focus groups made at least one change in their career to obtain more flexibility with caregiving responsibilities. While none of the focus group participants left the legal profession because of caregiving responsibilities, numerous participants changed sectors or employers because of caregiving responsibilities. The one person who thought of actually leaving the profession worked in a family-owned law firm. When she was pregnant with her first child, she had to make a decision as to whether she would continue practicing because of a lack of benefits. She ultimately made a decision to continue to practice law but in a different environment. Some thought that working for government was a good alternative to firm life and in some ways it is but, most government roles require you to be physically present from 9 a.m. to 5 p.m. Thus, whereas in the law firm environment where far more hours are required, sometimes there is flexibility to leave for an emergency in the middle of the day and return to the office.
- ▶ More seasoned women when counseling younger mothers use their own experiences when providing advice, and or when there is a reporting relationship between more seasoned women who have adult children and more junior women who still have dependent children. Many people reported that they thought other women would be natural allies and they are not. More seasoned women take the view that “I did it . . .”
- ▶ There is an additional “tax” on women of color. There is an additional layer of bias concerning capabilities while simultaneously having additional expectations and responsibilities. This is consistent with the findings in the research conducting, resulting in the Report, “Left Out and Left Behind.”⁶³
- ▶ There was overwhelming consensus that women who are single and caregivers of dependent children experience more disadvantages than any other cohort, no matter what sector of the legal industry they are in.
- ▶ Men are applauded when they have any level of caregiving responsibilities. In the experience of most caregivers, both men and women, especially women, there is the perception that while women have an expectation to be “present,” the same expectation is not required for men. When men have caregiving responsibilities, even if on a random basis, they are applauded and sometimes given advantages as a result.
- ▶ Participants reported there are either no written policies specifically designed for caregivers or they are not aware of such policies.
- ▶ There is no advantage to women with dependent children having part-time status, particularly in law firms.
- ▶ Men who are caregivers are not disadvantaged in their careers.
- ▶ There is no fundamental understanding of how hard the pandemic has been for women with small children.



Findings

The focus groups identified clearly that there is an overall bias against women who are caregivers or are perceived as women who may become caregivers of dependent children persists in the legal profession. This qualitative finding was the consensus across all sectors of the legal profession, race, ethnicity, gender, gender identity, and sexual orientation. The focus groups revealed how women who are caregivers are treated differently from men and from women who are not caregivers, and the additional efforts women with dependent children must undertake to be successful in their particular organizations.

The focus groups revealed that for single mothers, there is a very steep hill to climb to be successful. The extra burdens placed on single women is palpable according to the participants in the focus groups. One person commented that after she became a single parent following a tragic situation, she realized how much she took shared responsibilities for granted. Another in a two-parent household, although the primary caregiver expressed empathy and support for single mothers, indicating she did know how it was possible.

While the belief was not universal, it is worth noting that there is an additional burden on women of color. In addition to their billable hour requirements, they are generally “voluntold” to serve on committees such as diversity, equity, and inclu-

sion, recruiting, and other committees that are not considered for compensation or promotion purposes.

Even women with children sometimes expressed that they did not like to hear children in the background when business was being discussed. Women who are caregivers expressed the belief that they must always be over-prepared and have the capacity to work from anywhere at any time to be successful. The same is true for same-sex couples and there is always a “default” primary caregiver.

There were many focus group participants, both men and women, who did not know what policies are currently in place at their place of employment or did not know what was available to them beyond the Family and Medical Leave Act.

Some men described the decision by their wives to place their careers on hold in order to care for children as a “joint decision.” Some participants believe that if more men took advantage of parental leave, it would be more normalized, and as a result, a culture change would occur such that women who are caregivers would be treated more fairly. Research shows that when men contribute more as caregivers, both women and society in general benefit.⁶⁴

“The perception is that I am negatively seen because I have extra responsibilities. I am not taken seriously. I am told we can only give you projects that are local because you can’t travel.”

Woman caregiver of dependent child, large law firm

“My manager has a one-month-old and regularly comes to meetings late and his explanation is, he has to care for the baby. Sometimes, he has the baby in zoom meetings. Everyone laughs and thinks it is wonderful and cute. I would never do that.”

Woman caregiver of a dependent child, recently in-house

“I tried to advocate for myself prior to going on maternity leave.”

“If more men took advantage of parental leave, it would become more normalized. Men generally do not take parental leave and when they do, they don’t take enough of the leave available to them. If men took leave, it would make it easier for women.”

These statements were made by several women across legal sectors

“If I say I am working remotely, I have to prove I have a full-time caregiver. Otherwise, it is assumed that I am not working. If more men took advantage of working remotely then they will understand what goes on when people are out on parental leave.”

Women caregivers who are in-house and at large law firms

“Most men have full time help with their wives having taken a back seat in her career but, I am expected to do everything he does. I do it because I have to play the game like they (men) do in order to succeed.”

Woman litigator in a large firm

“As a litigator, I never wanted to say that I was pregnant for fear that I would be taken off of a case because the perception would be that I could not participate in a trial. I would wait until the last minute when it was obvious that I was pregnant before I would say anything. I didn’t want there to be a perception that I could not perform at high levels during my pregnancy and after I returned from leave.”

Woman caregiver of two dependent children, currently in-house

“As an associate, caregiving did not exist. I was put on ‘mommy track’ at several firms. That does not exist for men. There is no ‘daddy track.’”

Woman dependent caregiver, associate at a large firm

“Men are compensated better because they are perceived as the major breadwinner. When the wife of a male litigator left him with four children, he was praised and given a promotion. No one thought that because he was the caregiver of four dependent children, he would not be able to fulfill his responsibilities for the firm.”

Woman dependent child caregiver, in-house

“Women with children have to work extra hard to prove themselves.”

Male equity partner in AmLaw 100 law firm

“Advancement opportunities are hindered by what sacrifices you are willing to make and your partner is willing to make. My job would be impossible if I had the primary responsibility of ensuring that my children got to school on time, were fed on time, picked up from school on time. The only reason why I am capable of advancing in my career is because I have a very supportive wife. We made the decision that after our first son was born, that my wife would be the full-time caregiver during the week.”

Male owner of his own law firm

“I am married to a woman who is also a lawyer and we have had dramatically different experiences. She made a decision that she did not see a path forward as a full-time lawyer and take the role of parenting that she wanted to have. She scaled back and sought remote work.”

Male with dependent children, legal academy

The response was visceral from women in the focus groups who are caregivers of dependent children or are in what is considered their children-bearing years when asked about unsolicited advice from colleagues, family members, and individuals to whom they report. Without exception, everyone in this demographic had received such advice.

“After I had my second child, a male partner told me that I should not have any more children.”

Woman caregiver of dependent children, associate at a large firm

“I was told by the same person that I needed to keep my eye on the ball (at work) and you need to be more involved with your children.”

Woman judge and former prosecutor

“Don’t let family issues get in the way of your advancement. If you want to play with the big boys, you will make certain that it does not happen.”

Woman who had dependent children at the time the comment was made, government

“I was told that I was doing too much work at work and too much work at home. My mother gifted me a housekeeper.”

Woman caregiver, large law firm

“I have found that sometimes the advice is not given to me directly. My husband has been asked whether I would be returning to work full-time and whether he thinks it is a good idea.”

Woman caregiver, large law firm

Single mothers have additional burdens placed on them because they are the plan and the backup plan. It should be noted that although there was no plan or design, those who identified as single parents, either through birth, adoption, divorce, or as a result of becoming a widow, were all women of color. During one of the focus groups, a single mother had to leave the group because she received a call that her child was sick at school. There was no one else to go, reinforcing the point that often single mothers are both the plan and the backup plan.

Previous research by Catalyst in 2009 found that women of color are more likely to be single than white women lawyers (43% vs. 32%), and women of color reported having different work-life needs and challenges than white women, which created difficulties for the women because these different needs and challenges did not fit law firm expectations about family obligations and life outside the law firm. For example, women of color were more likely than white women and men to report having extended family responsibilities. Black women in particular were more likely to report that participating in community activities was a personal responsibility. Women of color were less likely than white women to use a babysitter for childcare, and they were the least likely to cite a spouse/partner as a resource for childcare compared to white women and men. They were also less likely to employ service providers for domestic help compared to white women.⁶⁵

Women who are caregivers, particularly members of the bench, can have additional challenges when there are requirements to do activities that are not within the 9 a.m. to 5 p.m. time frame.

“There is no flexibility when it comes to networking events. Moving to the bench, there are many requirements that have nothing to do with your day job.”

Woman judge with dependent children

“There is a double whammy placed on women who are caregivers of children. In addition to the challenges imposed by requirements to attend post-5 p.m. events, there is a culture of women having to do more of the work at home.”

Male, legal academy

“There is an expectation that you are always available when you are in the academy. When I adopted my child, I was ultimately forced out of the office. Since I did not have care, I could no longer work in the office. Felt like I was banished, although I was still expected to do work. There was no infrastructure to have someone cover for me. Could not pick up my child when first notified she was available. If I had been pregnant and had to deliver a child, there would have been no issue. No one would question why I was not available.”

Woman adoptive caregiver, legal academy

“Started my own firm to ensure there is flexibility. I have brought lawyers and children into a designed law firm that is flexible. Geography does not make a difference. Everyone in my firm is a mom. We make it work.”

Woman caregiver of four dependent children, previous plaintiffs' firm

“I’m not proud of all of the decisions I made as a single mom. I voluntarily became a single mom through adoption. I worked very long hours both when I was in a large law firm and when I worked in the attorney general’s office. Because I was single I was told not to adopt any more children.”

Woman caregiver of dependent children, administrative law judge

“Being a single mom influences decision making. Need to understand limitations. What is really important in role as a mother. Had to stop comparing myself to stay-at-home moms.”

Woman caregiver, state government

“Working for the State I thought that there was an ability to maintain balance until I assumed my current role as an Administrative Law Judge. Now, I have less control over my schedule.”

Woman, former Public Defender who became a State
Administrative Law Judge

There are other experiences of participants that are worth noting.

“Shortly after I started working at this firm, I was invited to a firm retreat. I was told that the firm is very family oriented and therefore I should bring my child and spouse to the retreat. It was assumed I was married but I was not. I was then told that while I was required to bring my child to the retreat, I should also bring my nanny because children were not welcomed to participate in any of the activities, including the meal functions. I was told although I was invited it was not optional as to whether I should attend if I want to be successful at that firm. It was reiterated that this was a very family-oriented firm.”

Woman caregiver, currently a partner at a different firm

“I applied to be a professor at a local university. The interviewer and decision maker knew I was a single parent and had been for several years. She was very familiar with the trial schedule I maintained as a single parent and asked me whether I was certain I could fulfill the responsibilities as a full-time professor, without referencing my status. I did not get the position. The position was granted to a woman with no children.”

Woman caregiver, currently a judge

“Judges should be more flexible with caregivers of dependent children. Fines should not be imposed if an attorney with caregiving responsibilities is between 1 and 5 minutes late for court even if the caregiver is not the first on the docket.”

Woman caregiver who had dependent children, currently a judge

“Judges should be mindful of attorneys who schedule return dates of motions and other hearings at a time when they know the woman on the other side will be out on maternity leave.”

Woman caregiver, solo practitioner

“Whether you have flexibility to assume your responsibilities as a caregiver is dependent upon who you work for. I have a great deal of flexibility in my current organization. I attribute it to the fact that my manager is a woman.”

Woman caregiver, currently in-house

“For a long time, I could not understand why younger women complained about needing more flexibility because they have children. I made it work and didn’t understand why they could not. I am evolving and now more flexible when considering the needs of mothers who are caregivers.”

Woman who had dependent children, partner in a law firm

“My manager embraced flexibility. I was asked, tell me in your heart of hearts what it is you really want to do. It mattered that a woman asked me that question. A man never asked me that question.”

Woman caregiver, in-house

“Other women don’t want to see younger women getting any breaks. I have been told don’t let anyone perceive that anything has changed as a result of having a child. This was not helpful. I did not want to pretend that I didn’t have children.”

Woman who previously worked in a large law firm

“Sometimes more senior women counsel you to do what they did when they have children because they believe it is how you become successful.”

Woman caregiver, associate in large firm

“No decision makers look like me.”

Associate, large law firm

“Male partners ‘patrol’ the halls and floors of the firm under the pretext of just checking to see how you are doing and to say hello. What they are really doing is checking to see who is still physically in the office at 5 p.m., creating a burden on women who have childcare responsibilities. I have to pick up my child from daycare by 6 p.m., or I will be fined.”

Woman caregiver, large law firm

“A construct has been built in the legal profession that in order to advance to leadership, you must be single with no children or if you are married with children, the spouse stays at home.”

Male with dependent children (not primary caregiver),
partner at a large firm

Focus group participants had ideas about what they would change or include as policies (written or otherwise) in their organizations if they had the power to do so. It is important to note these thoughts as they can possibly be used as a basis to develop best practices within legal organizations.

- ▶ Postings of legal positions should remove all restrictive language that would prevent caregivers from applying, e.g., “required participation in evening meetings.”
- ▶ Get rid of the billable hour method for compensation and promotion purposes. This was number one on the list for most participants. Some spoke of the relative newness of the billable hour requirement.
- ▶ Those in positions of authority should lean into how to make it easier for parents.
- ▶ Allow remote work at least for the first year after birth.
- ▶ In considering promotion metrics, take into account a fuller picture, e.g., what else does a caregiver of dependent children contribute other than billable hours?
- ▶ Require an assessment of what is needed of a caregiver.
- ▶ Remove the requirement that a woman who is a caregiver be a superhero.
- ▶ Decisions about a woman who is a caregiver should be merit-based and only on whether the work product is what is expected in both quality and timeliness.

- ▶ Focus should be on whether the work gets done and done well, not where it is done.
- ▶ The question should always be, what is the work and how well are you able to do the work?
- ▶ What does the person need? When a person returns from parental leave, ensure she is not penalized for taking leave, in terms of promotion, etc.
- ▶ Part-time or independent contract work should not be held against you and if the organization has agreed to a certain number of hours to be worked, there should be no attempts to increase that number.
- ▶ A huge difference can be made if policies are written. If policies are not written, you can't talk about it or advocate for yourself.
- ▶ Parental leave should not be held against you.
- ▶ Merit is based on what you are capable of doing, meeting the needs no matter what time it is done.
- ▶ Billable hour credit should be given for counseling for caregivers, marriage counselors, and/or career counseling.
- ▶ Mandatory parental leave. At least one person who participated in a focus group works for an organization that requires such leave for both men and women. This removes the stigma of taking parental leave.



Best Practices and Policies for the Retention and Advancement of Women Lawyers with Children

The Survey responses and focus group participant comments show that women lawyers with dependent children face substantial roadblocks in their legal careers which are not experienced to the same extent by fathers and lawyers without children. These impediments are in addition to the biases and negative experiences that women lawyers routinely face at work, which adversely affect their hiring, evalua-

tions, assignments, compensation, promotion, and their ability to attain leadership roles in their places of employment. Both in the Survey responses and in the focus groups, mothers reported their personal experiences dealing with the inequitable treatment they encountered or witnessed happening to other mothers, including implicit biases and unfounded assumptions that mothers are less dedicated and ambitious after having children.

Mothers who participated in our Survey and in the focus groups also described the frustrations, lack of employer support, and workplace obstacles that they must deal with on an everyday basis.

“While previously working in big law, I was told I would need to choose the firm or my family in assessing my priorities—I could not be a dedicated lawyer and a hands-on mother.”

White mother of dependent children now working as a
solo practitioner

“[In my prior law firm,] I regularly had to sacrifice sleep and work on legal matters late into the night, pull overnights, and work on the weekends at night or pulling overnights to complete work assignments in order to be available to my children’s needs during the evenings or on weekend days.”

White mother of dependent children now working as a
solo practitioner

“[After I became a mother, I was] advised by colleague[s] to slow down and go part-time. Workflow disappeared. Left off of client emails despite request to be included. Position not eliminated, but male juniors were hired that appeared favored. Previously stellar evaluations turned negative and respectful explanations or conversations were labeled as ‘unable to take criticism.’ Onus for lack of integration following maternity leave was placed squarely on person returning.”

Asian/Asian American mother of dependent children working at a law
firm of 250+ lawyers

“My position at work and how I am treated by my bosses have changed drastically since I had a child. Before having a child, I only had positive reviews and was given ample opportunities for advancement. Since having a child, I have gotten several negative reviews about me taking him to medical appointments and not working weekends. My coworkers do not work weekends and do not work as many hours as I do during the week, but they are held to a different standard than I am. I am no longer given opportunities for advancement, and my workload has decreased. The way I have been treated after having a child has made me actively look for new employment and consider leaving the law profession altogether. I am heartbroken because I love being a lawyer, and I love my clients, but I don’t think I can continue being treated less [fairly] just because I have a child.”

White mother of dependent children working at a law firm with
2–10 lawyers

“At one point I was offered a job over the telephone as a judicial law clerk by a then–sitting circuit court judge. He scheduled a meeting that he referred to as a ‘meet and greet’ to get to know each other and talk about a start date. When I arrived for the meet and greet (visibly pregnant) he took one look at me and informed me that there must have been some sort of mistake because the position had already been filled (as he quickly ushered me out of his office.) When I said ‘Yes, I know, by me, you offered me the job and I accepted,’ he assured me that I was not the person he had hired.”

White mother of dependent children working at a law firm of
2–10 lawyers

“I was told by a male partner ‘I know you are on a part-time basis, and you are only scheduled to work 20 hours a week, but you should really increase your hours to at least 25 to 30 hours a week.’ I then asked whether I would be compensated for working the additional hours and was told no and again it was reiterated that although I negotiated to work part-time after the birth of my second child for 20 hours a week, I was strongly encouraged to increase my number to give the appearance that I was a team player and really interested in the firm.”

White mother of dependent children currently working at a law firm of
35–40 lawyers

Our findings discussed above make it crystal clear that legal employers have the ability to positively impact the retention and advancement of their women lawyers with children. There is a strong business case to do so and thereby reduce the longstanding and disproportionately high rate of attrition of mothers from the profession, particularly from law firms. Women will very soon represent more than 50% of both summer and full-time associates,⁶⁶ and it will become critical for law firms to retain this strong and growing talent base in order to maintain a pipeline of senior women lawyers who can serve as leaders, rainmakers, role models, and mentors. Increasing numbers of law firm clients are now expressly demanding that women lawyers at all levels play meaningful roles on their matters, including serving as first chairs at trial and leads on deals. Clients are demonstrating a willingness to send business to firms that meet their diversity goals and to take business away from firms which do not. The retention and advancement of women, including women lawyers with children, is a business imperative for all legal employers, not just for law firms.

Below we discuss a set of suggested policies and best practices that we believe will help foster an inclusive culture for women lawyers with children and stem the tide of attrition that has long plagued the profession. Of course, not every recommended policy or practice will be a good fit for every legal employer. The retention and advancement of women lawyers with children at substantially higher rates than occurs today requires a thoughtful and intentional approach and innovative policies that can finally move the needle and effectuate real and meaningful change, which is long overdue.



1. Leadership Should Establish and Fully Support Family-Friendly Policies

Leaders should develop policies that will help to ameliorate the “motherhood penalty” and advance the careers of women lawyers with children. To do so, input should be sought from a wide spectrum of parents in the organization as to what they believe will help them be successful. Far too often, policies are set unilaterally by leaders of legal organizations without taking into consideration the experiences and viewpoints of the women who will be affected by them. As a result, these policies, though well-intentioned, are often unsuccessful in meeting women’s needs.

Once consensus has been reached about future steps, leaders ought to be transparent and set forth a clear-cut statement of the strategies, benchmarks, and timelines for the achievement of the organization’s goals. There must be accountability for the failure to achieve them. Progress can only be achieved if there is buy-in from leadership and effective follow-up after adoption of the policies.



2. Implement Flexible Work Policies

Our Survey results demonstrate that workplace flexibility is critical to the career success of women lawyers with children. Such flexibility includes not only the ability to work on a part-time or flex-time basis, but also to work remotely.

It is essential that the lawyers who use flexible work arrangements, particularly women lawyers with children, are not disadvantaged in terms of their assignments, compensation, advancement, mentorship, and networking and marketing opportunities. In addition, in formulating part-time policies, time boundaries should be established and adhered to so that part-time work does not morph into full-time schedules.

It is also imperative that legal employers de-stigmatize the use of flex time, part-time, and hybrid work policies. In fact, prior to the pandemic, almost every law firm had implemented some type of part-time or flex-time policy, but only 6% to 7% of lawyers availed themselves of those policies and the overwhelming majority of them were women with young children.⁶⁷ Flex-time and part-time policies have not been successful in the past because women correctly believed that their use would lead to a perception that they lack dedication and commitment; result in more negative evaluations; and mean fewer opportunities to work on major matters for important clients, all of which are critical to success and advancement. In fact, in the 2008–2009 economic recession, the first lawyers laid off were part-time lawyers, the vast majority of whom were women.⁶⁸

During the past three years, all lawyers, regardless of gender or seniority, have worked remotely for considerable periods of time. The widespread adoption of remote work policies has not diminished productivity or the quality of lawyers' work. To the contrary, both our Survey results and prior research found that many lawyers, both men and women, reported that the quality of their work, productivity and number of hours worked actually increased when working remotely or on a hybrid basis.⁶⁹ Similarly, 76% of mothers of dependent children in law firms and 79% of mothers of dependent children in other practice settings reported that flexible work arrangements increased their ability to balance work and family obligations.⁷⁰

With these positive views about hybrid and remote work, it should not be surprising that 37% of mothers of dependent children in law firms and 51% of mothers of dependent children in other practice settings would leave their places of employment for ones that offer a greater ability to work remotely.⁷¹ Thus, legal employers should provide meaningful flex-time and remote work options that do not derail the careers of women lawyers with children in order to prevent them from leaving. These are women in whom legal employers have made substantial investments of time, money, and effort and who have developed important relationships with clients and others, both in and outside of their organizations. Employers can ill afford to keep losing them in large numbers.

As many of our respondents reported, flexible, remote, and part-time policies can be successful if done correctly. Indeed, 70% of Survey respondents who are working in law firms that have been successful at promoting mothers into leadership roles reported that their firms give credit for part-time work in making partnership promotion decisions.⁷²

Survey respondents explained the importance of flexible work arrangements:

“My firm has a meaningful part-time policy. I went part-time when my first child was three months old. I was up for partner. I still made partner. I worked 60% for several years until I felt I wanted to move to 80% and then full time. The flexibility without changing jobs or roles was great.”

White mother of dependent children working at a large law firm

“The firm needs to implement better guidelines for part-time roles rather than placing the burden of setting boundaries exclusively on the attorney.”

White mother of dependent children working at a large law firm

“Flexibility and ‘permission’ to prioritize my family over work. Good role-modeling of this from both men and women in leadership positions at work.”

African American/Black mother of dependent children working in corporate law

“Allow me flexibility without making me feel guilty about taking advantage of that flexibility.”

White mother of dependent children working at a small law firm

“I want a full life outside of work and that is not possible at most law firms which want the firm to be your whole life. I am certain they lose many talented lawyers that way. I question my ability to continue in the profession given these demands ... The less flexibility I have, the more likely I will simply have to leave.”

White mother of dependent children working at a law firm of 11–50 lawyers

Flexible work policies are beneficial to both women and men. In today’s world, we believe that many men, particularly younger men, would welcome the opportunity to utilize flexible work arrangements if they, too, were confident that there would be no adverse consequences. Like women, men often also face backlash when they work on a hybrid or flex-time basis, and therefore they too suffer in both

their performance evaluations and compensation. The increased use of flex time and remote work by men will hopefully normalize the use of such policies by all lawyers and eliminate the pre-pandemic stigma that had been associated with the utilization of these policies, particularly by women.

As noted above, while remote work has many benefits for mothers who are lawyers, there are also potential downsides. For example, a recent study of engineers at a large technology company by three economists found that while remote work enhanced the productivity of senior engineers, it led to less feedback and on-the-job training for female engineers and young engineers.⁷³ Thus, remote work could result in a career penalty for women, younger employees, and employees of color, who often value flexible arrangements the most. Therefore, legal employers must be intentional about creating a workplace culture that supports hybrid/remote work while at the same time ensuring that lawyers who avail themselves of those work arrangements are receiving adequate supervision, feedback, training, and networking opportunities.

In short, leaders of legal employers should not only adopt flexible work policies that allow lawyers to choose how and where they want to work and be most productive, but also take concrete steps to ensure that those who utilize such policies can advance and succeed and are not treated any differently than their colleagues.



3. Offer Comprehensive Family Health Insurance, Generous Parental Leave Policies, and Child Care Resources

Survey respondents stated that having comprehensive family health insurance that also provides sufficient sick leave and family leave was important to support parents in their workplaces. Specifically, legal employers should consider offering a sufficient number of months of paid parental leave to both mothers and fathers which can be taken flexibly to cover child care gaps and add more personal time so that lawyers with children can take time off if a child becomes sick or they need to handle other family emergencies—and men as well as women should be encouraged to take such leave. In particular, mothers of color often have more multi-generational family care responsibilities and are more likely to be single parents.⁷⁴ Likewise, leaders need to understand the challenges for single mothers, who may face greater pressures in securing back-up child care. Thus, leave policies should address the demands of all lawyers with children, but especially women with children.

Legal employers should encourage all lawyers to take allotted parental leave. In recent years, a growing number of states have enacted laws requiring employers to provide paid parental leave, and even in states without such laws, an increasing number of employers are expanding their paid parental leave policies.⁷⁵ As a result, record numbers of parents, both men and women, are now taking parental leave, and the duration of parental leave is longer than in the past. This culture change is significant, as there is now much greater support for fathers to take parental leave—indeed, it has been reported that the number of men on parental leave has tripled from just five years ago.⁷⁶ Given these trends, we will have to see whether this will result in leaders in the legal industry implementing more generous parental leave policies in their organizations.

It is also critical that lawyers, men and women, who take parental leave are not penalized in their assignments, evaluations, compensation, bonuses, or promotion opportunities once they return to the workplace.

In addition, there is an array of other friendly-family resources that could be considered, such as on-site and emergency child care, and tutoring stipends or bonuses to help defray child care costs. Designated lactation rooms should be provided, given that over 60% of the women Survey respondents in both law firms and other settings believed that such a resource contributes to their success in the workplace.

Respondents to the Survey expressed their thoughts about the need for PTO days and effective parental leave policies:

“I get unlimited PTO which gives me a really positive perspective on my job. If I need a break, I can take one. I’m not chained to my desk with only 14 days of PTO to be used sparingly. This does wonders for my mental health.”

White mother of dependent children working at a law firm but
not practicing law

“I wish that when we used paid sick time, we did not have to make up the billable hour requirement, because it is always hanging over my head, and my kids being daycare kids get sick a lot, so I have to take a lot of sick time compared to other associate attorneys without kids or other health problems.”

White mother of dependent children working at a large law firm

“I have worked with sick children under my desk because I was expected to be at my desk at my office. It sucked.”

Multiracial mother of dependent children working in
public interest/non-profit

“Often, partners (90% male) undermine the firm’s “official” policies, for example, by discouraging associates from taking [parental] leave. They also have the ability to avoid staffing associates who have taken parental leave on their matters.”

White mother of dependent children working at a large law firm

“Things are difficult for single mothers such as me who want to work and build successful careers. There is a constant tug to improve as a parent and professional and not enough hours in the day to do either 100%. Childcare, subsidy programs, flex scheduling options, better vacation options, and remote/hybrid options would help in reducing expenses, balancing it all, and staying emotionally/mentally healthy.”

African American/Black mother of dependent children
working at a law firm

“It would be great if having flexible hours for appointments or childcare from time to time felt better (as opposed to feeling guilty for taking that time).”

White mother of dependent children working at a law firm with
51-100 lawyers

“Better organization around parental leave—I am in my third trimester of pregnancy and am still very unsure about how things will be handled leading up to, during, and immediately after I take leave for childbirth.”

White mother of dependent children working at a small law firm

In order to create a more family-friendly workplace, social events should be planned with a recognition of parents' child care responsibilities. For example, dinners and happy-hour events on school nights can be very difficult for mothers with young children. Lawyers should also avoid scheduling meetings early in the morning, at mealtimes, or during late afternoons or early evenings when parents, especially women with children, are dropping off or picking up their children at school, daycare facilities, or babysitters. Likewise, employers should establish time boundaries designed to avoid, reduce, or minimize, where possible, evening meetings and phone calls, late night emails, and also seek to limit work intrusions on weekends and vacations.

Policies that help support families will demonstrate a legal employer's commitment to creating a workplace culture that is inclusive and supportive of mothers and will pay substantial dividends by attracting and retaining mothers and improving their productivity, morale, and engagement in the workplace.



4. Strengthen Wellness and Mental Health Resources

The Survey results show that mothers are experiencing more stress and burnout than fathers. Mothers also reported feelings of guilt about working full-time (43%) far more often than fathers (19%).⁷⁷ A large percentage of mothers, across multiple practice settings, agree that access to wellness resources is a meaningful factor in supporting successful careers for mothers.⁷⁸

Legal employers need to take a holistic approach and explore creative wellness solutions to support the well-being of all their lawyers, especially mothers with children. Such resources can help to create workplace environments that are more inclusive and welcoming, promote engagement, and reduce stress, anxiety, burnout, and depression for women lawyers with children.⁷⁹

Some legal organizations are implementing mindfulness and meditation programs, counseling services, and sabbaticals during which lawyers can recharge their batteries and come back to work more refreshed, focused, and productive. Legal employers should encourage lawyers to take allotted vacation days, and leaders should model that behavior themselves, which sends a strong message that they and the organization are dedicated to their lawyers' personal well-being.

Additional support for mothers with children can include workshops or lectures by specialists in techniques for well-being, platforms for working parents to share ideas and group-solve problems, normalizing conversations around stress and burnout in team meetings, one-on-one pulse checks, and the creation of parent affinity groups and mothers-only affinity groups. Having more senior women

lawyers with children serve as mentors to younger mothers can be very impactful in ensuring their retention and advancement. Mentors can provide concrete strategies for mothers as to how best to strategize career goals and objectives, navigate returning to practice after parental leave, and even how to make breast pumping work at the office. In addition, mentors can serve as role models, allowing younger women lawyers with children to see that balancing work and family obligations can be accomplished.

These efforts will go a long way in helping to attract, engage, and retain women with children, and enhance the reputation of the organization as a leader in gender diversity. As explained by our Survey respondents:

“My workplace allows me to talk about personal issues that may interfere with my job performance, and that is not stigmatized (e.g., mental health needs, physical health needs, sick kid or parent).”

White mother of dependent children working at a law firm

“Leadership showing examples of healthy work life balance and importance of non-monetary priorities in life.”

White mother of dependent children working in a job that does not require a law degree

“Allow long-term attorneys with the firm to take sabbaticals of 3, 6, or 9 months every 4 to 8 years with reduced pay (but some type of pay) to avoid burnout, promote creativity and overall wellness.”

White mother of dependent children working at a law firm of 51-100 lawyers

“[I wish my employer had] supported my mental health needs; when I burned out at my job, my superiors weren’t very understanding of my need to scale back.”

African American/Black mother of dependent children working in a job that does not require a law degree

“The addition of things like wellness programs and affinity/support groups for working parents (which my firm has done more recently) will help working moms.”

White mother working in the government



5. Adjust Compensation and Billable Hours Policies

Our Survey found that reduced billable hour requirements and workload are viewed as important by more mothers than fathers.⁸⁰ This is particularly true for lawyers in law firms, where the number of billable hours has long been a key factor, sometimes the only factor, in determining compensation, and onerous billable hour requirements add to the considerable stress and pressures already faced by women lawyers with children, often resulting in attrition. As a result, law firms should consider adopting compensation models that evaluate performance on a broader basis than just billable hours. The efficiency and the quality of work are also important

factors to consider. For example, some firms have prioritized alternative billing arrangements and dispensed with or greatly relaxed billable hour requirements. They have found that such arrangements provide greater flexibility and job satisfaction for their women lawyers, especially those with children.⁸¹ Overwhelmingly, participants in the focus groups also stated that placing great emphasis on billable hours to determine an attorney's productivity and compensation is detrimental to women and, in particular, women who are mothers.

Additionally, firms may consider giving credit for such "non-billable" contributions as holding teams together, creating supportive office environments, serving on firm committees, and helping to maintain morale and organizational well-being. Such "office work," which usually is delegated to women,⁸² is rarely considered in performance evaluations, much less counted towards billable hour requirements or credited when determining compensation or bonuses.

In addition, our Survey results reflect the need for law firms to establish written, transparent guidelines with respect to compensation. For law firm partners, such guidelines should clearly describe how origination credit is determined, the circumstances under which origination credit is to be shared, and appeal policies if disputes arise about origination credit.⁸³ In addition, women need to be treated more equitably in client succession and inheritance decisions, so that retiring male partners do not simply bequeath their clients to their male protégés on an ad hoc basis, disadvantaging the women lawyers who have also worked on the client's matters.

The comments of Survey respondents and focus group participants further demonstrate why law firms would be well-advised to take steps to de-emphasize billable hours and ensure equitable compensation if they want to attract, retain and advance women lawyers, especially women with children:

"Evaluate me on my work accomplishments and not my face time or desk time. I can accomplish more in fewer hours because of my time management skills which have been honed as a primary caregiver."

Multiracial, nonbinary parent of dependent children working in a
law school/academia

"Switching from a time-based structure to a task-based structure. Since Covid, we are not held to specific times we must be working (with some exceptions, i.e., docket days). This allows me time to be more present in my family's life and work when they are sleeping. This switch, which my employer intends to keep in place, has been an extraordinary retention tool for me."

White mother of dependent children working in judiciary

“Change from a weekly hours requirement to bi-weekly or monthly hours requirement, so there is more flexibility to adapt to variations in workload.”

White, nonbinary parent of dependent children working in
public interest/non-profit

“Credit nonbillable time spent on firm support (recruiting, management, etc.). Compensation does not include credit for that time, and not everyone pitches in.”

White mother of dependent children working at a
mid-size law firm

“When promotion and pay increase decisions are based in part on the total number of hours billed to clients, a primary caregiver simply cannot compete with a non-primary caregiver who has unlimited time to devote to work. The stress of constant struggle to meet a standard that is impossible to meet while caring for an infant/young child is extremely demoralizing and negatively impacts both my work and my parenting.”

White mother of dependent children working at a law firm with
101–250 lawyers

“A male who was hired for the same role less than a year after I joined the company started at over \$20K more annually. Once my child goes off to college, I will begin actively searching.”

Hispanic/Latina mother of dependent children working in
corporate law

“As recently as six years ago I had a partner of a different firm tell me that he was giving a younger male associate a raise (and not me) because ‘he has a family to support.’ I asked him what he called those people that lived with me at my house (my husband and daughter), and he said, ‘you know what I mean.’”

White mother of dependent children working at a law firm of
2–10 employees

“Drop the billable hour, or at least any expectations related to it, and really mean it. As a parent, if you have a slow day, it’s almost impossible to make it up. I cannot just bill more on the weekends or work through the evening like I could as a childless person. Now, working to make up lost hours means taking time away from my family/shirking my parental duties . . . Billable hour minimums disproportionately impact women because many men have stay-at-home wives, but almost no women have stay-at-home husbands to allow them to bill as the work comes.”

White mother of dependent children working at a law firm of
250+ lawyers



6. Utilize Metrics to Track Progress

We cannot emphasize too strongly the importance of utilizing metrics whenever a legal employer implements new policies or practices intended to effectuate change. Metrics are key for tracking the current status and experiences of mothers, and the only meaningful way to assess whether or not a new strategy or policy for retaining and advancing women lawyers with children is succeeding. It bears emphasis that 71% of Survey respondents in both law firms and other practice settings reported that monitoring metrics of women with children had been successful in promoting mothers into leadership roles.⁸⁴

In our experience, metrics that answer these questions are especially useful:

- ▶ What is the rate of attrition of women with children?
- ▶ What percentage of women and men who are eligible to take parental leave take the leave and for how long?

- ▶ What percentage of women and men choose not to return to the firm after taking parental leave?
- ▶ If women take parental leave, how are they being treated in terms of assignments, compensation, and partnership eligibility after they return compared to others in the firm who have not taken such leave?
- ▶ How are women and men who utilize part-time, flex-time, and hybrid work policies faring?
- ▶ What types of assignments are being given to women with children? Are they being kept off matters that may entail travel or long hours?
- ▶ Do evaluations of women lawyers with children reflect implicit bias or unwarranted criticisms?
- ▶ How are women with children faring in terms of compensation and promotion?
- ▶ Are women with children being invited to participate in client pitches and other business development opportunities?

There is no one set of metrics that fits all workplaces. Employers should determine what metrics will enable them to ascertain which policies and practices work best and what types of specific training are necessary to address and ameliorate gender stereotypes and biases against women lawyers with children.



7. On-Ramp Programs Can Help Mothers

All too often, after women take time off to have children, they decide not to return to practicing law in order to accommodate their childcare responsibilities. These decisions are not made lightly, given that there will be a loss of income, and women will be leaving a career in which they have invested so much time, energy, and money.

For many women lawyers, a career path may not be a straight line, but instead may often look more like a lattice than a ladder. Women lawyers who have taken a break from their careers to focus on family often have a difficult time returning to the practice of law. As a result, some legal employers are offering on-ramp programs, including several law firms.⁸⁵ These employers recognize that there is a pool of talented and experienced women lawyers who put their careers on hiatus when their children were young, but who are now eager to resume practicing as their children are older and their childcare responsibilities have diminished.

The adoption of such programs can provide a structured path for re-entry, along with training and networking opportunities. Legal employers can enhance the process by maintaining a connection with women who leave after having children, conveying a message to them that “the door will always be open” when they are ready to re-start their career. Doing so will be a win-win for both organizations and women lawyers with children—employers are able to tap into the considerable talent and experience of women who want to resume practicing, while women with children are able to return to their careers without being marginalized.

Our Survey respondents reported that on-ramping or on-boarding programs contributed significantly to the promotion of mothers into leadership positions in law firms and other practice settings. Comments from focus group participants and Survey respondents confirm that on-ramp policies are particularly effective in the retention of women lawyers with children:

“Create on-ramp policies for mothers to return to the practice of law. The inability to re-enter the workforce, in a comparable position as the one a woman lawyer had prior to staying home with children, disincentivized women from returning to practice.”

White mother of dependent children who is not
in the paid workforce

“Our managing partner has been exceptionally supportive of attorneys at our firm during pregnancy, maternity leave, and upon return to work. Her philosophy is that if women are not supported during these times, they will leave the profession. Her outlook and support has made all the difference in making the transitions related to having children while making a career feasible.”

White mother of dependent children working at a
small law firm



8. Implement Training and Development Programs to Advance Careers for Women with Children

The empirical results of the Survey demonstrate that legal employers that are successful in promoting mothers into leadership roles in their organizations have several types of specific training and development programs in common, including:

- ▶ Mentoring or sponsorship programs specifically aimed at women with children;
- ▶ Written standards and procedures for succession;
- ▶ Leadership/management programs; and
- ▶ Written policies specifically designed to add more women to workplace leadership roles

There were several additional types of programs that were reported as successful for advancing mothers into leadership roles at law firms, including:

- ▶ Business development training; and
- ▶ Written and transparent standards for promotion to equity partnerships, as well as for decisions around compensation and evaluations

These types of intentional and transparent policies not only ensure the retention and engagement of women and women with children, but clearly can help to promote women into leadership roles in their organizations and should be a priority for all legal employers. While each legal employer will have to implement the particular policies that best fit its workplace culture, the data show that training and development programs can go a long way towards leveling the playing field for women generally, and for mothers specifically.



9. Encourage Sharing of Child Care Responsibilities

In an interview with NPR, former Supreme Court Justice Ruth Bader Ginsburg once spoke about being called into her younger son's school several times to deal with his disciplinary problems. At the time, she was a law professor at Columbia University and litigating cases around the country. She told the school that she could not keep leaving her office to deal with her son. She informed the school administrators: "This child has two parents. Please alternate calls. It's his father's turn." Justice Ginsburg often attributed her success to her supportive husband and emphasized that "women will have achieved true equality when men share with them the responsibility of bringing up the next generation."

A significant number of the mothers who responded to the Survey and participated in the focus groups reported that they were the ones primarily responsible for arranging child care in their families. In a prior study, more than 54% of experienced women lawyers with children reported that they were fully responsible for arranging child care, compared to just 1% of fathers.⁸⁶ Like Justice Ginsburg,

women lawyers with children need to encourage their spouses and partners to step up and share the burden of taking care of their children's needs. Several men in the focus groups spoke about the need for them to share child care and household responsibilities in order for their female spouses/partners to have career success. For example:

"I was in private practice which required me to work long and irregular hours. I became a parent later in life. My wife had a very promising career, and I knew she could not advance to the highest levels of her profession if I was not actively involved with caregiver responsibilities. I decided to forego my private practice and seek a position on the bench, which required less hours away from home."

Black man working as a Superior Court judge

In addition, the data from our Survey and other studies demonstrate that legal employers should make fundamental structural changes to ensure access to reliable and affordable child care and family care. Unfortunately, our country lags behind other wealthy industrialized countries in this area. In 2021, the ABA House of Delegates adopted a resolution (Resolution 300B) urging Congress and local legislatures to enact legislation and provide funding for affordable and high-quality child care and family care.⁸⁷ This resolution also encouraged bar associations, legal employers, and law schools to develop policies and best practices regarding access to and support of child care and family care for all in the legal profession.

The bottom line is that women lawyers with children need much more support from their employers, spouses and partners with child care, and they also need more child care resources in order to better balance their professional and family obligations. For far too long, the onerous burden of such obligations has impeded and, in many circumstances, derailed the careers of mothers in the profession. Fundamental change is clearly necessary to enable them to advance and succeed.



10. Design More Inclusive Job Descriptions

Some participants in the focus groups stated that job postings can sometimes be written in such a way that women who are mothers are discouraged from applying because there are requirements that the lawyer has to have the “ability to be on call as needed” or be “available to attend evening and weekend functions.” Ensuring that job postings in fact relate to job function will make it more likely that women with children will apply.



11. Work with Mothers to Plan for Parental Leave and Their Return to Work

Focus group participants with children, particularly those who work in law firms, shared strategies they used to ensure they were not forgotten while on parental leave and not overlooked when they returned from leave. One law firm partner, who had been the partner in charge of her firm's office when she had a dependent child, said she would counsel a lawyer expecting a child to:

“Connect with each partner with whom she worked in her office and other partners throughout the firm, [advise them of] the date she would be leaving for parental leave and the date she would return and, as she provided this information, assure the partners that until such time as she left, she was available for all assignments within her practice area.”

She would also advise women lawyers with children to:

“Let partners know in advance of her leave that she would be coming back to the firm on a full-time basis with the ability to handle the same level of complex matters that she handles currently.”



12. All Lawyers Should Familiarize Themselves with Their Employers' Parental Leave Policies

As shown in the data, some Survey respondents do not even know the specifics of their employer's parental leave policies. Focus group participants emphasized the importance of understanding the parameters of parental leave policies, both formal and informal, and whether, for example, the benefits would extend beyond what was required under the law. In addition, it was noted that policies are not always formalized in writing and, as a result, informal leave practices could essentially become a *de facto* policy. Therefore, it is imperative for all lawyers, but particularly women who are expecting or who have children, to be cognizant of the organization's formal and informal policies and practices to ensure that available benefits are received.



13. Mothers Should Seek Out Support from Other Organizations or Affinity Groups

Many focus group participants recommended that mothers seek out organizations that can provide additional support beyond what they receive from their employer. Such groups can be very helpful for networking purposes and can also provide important strategies and resources for addressing how to navigate one's career while at the same time meeting family obligations. Focus group participants recommended the following organizations as being very collaborative and beneficial: MothersEsquire, National Conference of Women's Bar Associations, Military Spouse JD Network, and, in general, local and national women's and affinity bar associations.



Conclusion

In the absence of effective family-friendly written policies and practices by legal employers, women lawyers with children will continue to struggle in attempting to balance their careers and their family responsibilities, and presented with this seemingly binary choice, many will continue to vote with their feet by leaving their jobs.

Women should not be forced to choose between being a good mother and fulfilling their career potential and ambitions. And men should likewise be able to freely engage in their caregiver roles without fear of negative repercussions at work. The policies and practices we recommend can benefit both women and men, allowing mothers and fathers to participate more fully in family life and at the same time be valued and advance at work.

With this set of proposed policies and best practices, we can ameliorate the gender stereotypes, implicit biases, and inequitable treatment that have adversely affected the careers of countless women lawyers with children, and instead enable them to remain and succeed in the profession and achieve both personal and professional fulfillment.

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Appendix:

Survey Design and Methods

The Survey was fielded online using a Qualtrics platform from September 7, 2022, until October 18, 2022. A total of 8,613 individuals responded to the Survey. Respondents came through a range of sources, including American Bar Association members; members of multiple regional, local, and affinity bar associations; and lawyers practicing in law firms or corporations that distributed the Survey to their constituents. Of the initial 8,613 respondents, 445 were not included in the analyses because they either never held a job that required a law degree or did not respond to the required questions about work as a lawyer.

We obtained statistics about the legal profession with regard to gender and race and ethnicity. We did so in order to understand the extent to which the Survey respondents had similar distributions on those factors as the legal profession as a whole, and so we could make appropriate statistical adjustments to the survey data in order to improve the accuracy of population estimates. Thus, in performing data analyses,⁸⁸ we weighted responses by gender to enhance our ability to draw conclusions representative of the legal profession. We based gender weighting on a set of national statistics about gender collated by state bar registration authorities. (See https://www.americanbar.org/content/dam/aba/administrative/market_research/2022-national-lawyer-population-survey.pdf.) When weighting the data, we accounted for the small number of people that identified as a gender other than male or female (even though the number of other gender identities was too small to make comparisons of group differences [$n = 18$]).

With respect to race and ethnicity, the percentage of Survey respondents approximated the national statistics reported by state bar registration authorities. *Id.* Therefore, we did not weight these variables.⁸⁹

Consistent with a common approach to data analyses, we did not weight the core demographic variables, thereby providing the reader an understanding of who took the Survey. Those core variables are gender, sexual orientation, race/ethnicity, disability, age, graduation year, and marital status. Note that each question is

analyzed based on all respondents who responded to the question, allowing more robust analyses.⁹⁰

We used several types of statistical tests including:

- ▶ Proportion z-tests: Used when the dependent variable had only one option (like a checkmark yes or when we focused on a single scale response (e.g., “very important”).
- ▶ Chi-square test of independence: Used when both the independent and dependent variables had multiple categories.
- ▶ General linear regression models: Used when the dependent variable was continuous/in scale form and the independent variable was either categorical or continuous.
- ▶ T-tests: Used occasionally for analyses when age was an independent variable.

We present data in whole percentages. When rounding partial percentages, we use the following rules to avoid rounding bias: when the number to the right of the decimal point is 4 or less, we round down; and when the number to the right of the decimal point is 5 or greater, we round up. Occasionally, rounding resulted in percentages that did not total exactly 100%.

In the course of the Survey, we asked several open-ended questions in order to get more information from respondents about particular experiences and reactions. In this report of Survey results, we have presented a number of those open-ended responses to particular questions, to provide additional insights from Survey respondents. In addition to narrative responses from the Survey, we also obtained further anecdotal information from participants in ten focus groups that were conducted both in-person and virtually, which likewise shed light on the experiences of women and men with children.

Constructed Variables

Construction and Distribution Data about Parents, Child Caregivers, and Non-Parents

We constructed four parental types to use in various analyses:

1. Parent (birth/step/adopted) of dependent child/children. Within this group we could differentiate age of the child or life-cycle stage of the family.

2. Parent of non-dependent child/children.
3. Non-parent caregivers of dependent child/children (in household).
Note that in the entire Survey, only 24 respondents were non-parental caregivers of dependent children, which is not enough to generate reliable analyses based on that category. In order not to lose the experiences of these 24 respondents, data from this group were included as responses of parents of dependent children.
4. Non-parent.

Construction of these variables depended on combinations of responses on Q18 (parental status), Q19 (who lives in the household), Q21 (age and relationship with child), and Q23 (who performs certain childcare activities). In our sample, 98% (n = 8,006) of respondents answered all relevant questions used in this analysis.

We did not construct a variable for non-parental caregivers of non-dependent children because it is not a focus of the research (and the n's would be tiny). Any such respondents (n = 4) were excluded from analyses to avoid misclassifying these individuals.

Parental Status	Youngest Dependent Child	%
Not a parent	NA	15%
Other caregiver of dependent	5 or younger	0%
Other caregiver of dependent	6 to 13	0%
Other caregiver of dependent	14 to 18	0%
Other caregiver of dependent	19 and older	0%
Parent of dependent	5 or younger	33%
Parent of dependent	6 to 13	21%
Parent of dependent	14 to 18	7%
Parent of dependent	19 and older	1%
Parent of non-dependent	NA	23%
TOTAL		100%

Life Stage of Children in Household

For some questions we were interested in the impact of family life stage. Based on the age of the youngest and oldest children in the family, we created a variable that captured three groups: (a) those with children ages 5 or younger; (b) those with children age 6 through 13; and (c) those with children age 14 through 18. These constructed variables of “life stage of children in household” do not cover all respondents⁹¹ but give us a clear answer about whether the prime child-rearing years of a family’s stage (family with pre-school age children; with school-aged children 6 through 13; and with teenagers 14 through 18) has an impact.

	Age of Youngest Child: 5 or Younger	Age of Youngest Child: 6 to 13	Age of Youngest Child: 14 to 18
Mothers	46%	39%	16%
Fathers	53%	30%	17%

Relationship to Dependent Children

We took an inclusive view of parental status and included all lawyers who reported that they were a birth parent, adoptive parent, or step-parent. Nearly all parents of dependent children (96%) reported being the birth parent. The next most frequently reported relationship with a dependent child was adoptive parent (3%) and step-parent (1%). As explained above, there were very few non-parental caregivers of children in this sample, and not enough to analyze that role as a separate category.

Seniority in the Legal Profession

Seniority is another constructed variable, defined as follows:

1. In a senior position in a law firm (excluding solo practitioners):
 - a. Equity Partner or having at least one senior management role.
2. In a senior position in a corporate law department, government position, public interest or non-profit, or military:
 - a. General Counsel or Chief Legal Officer or Equivalent Role or Deputy General Counsel or Equivalent Role.

3. Not in a senior position:
 - a. In a law firm: neither an Equity Partner nor in a senior management role.
 - b. In a corporate law department, government position, public interest or non-profit, or military: not a General Counsel or Chief Legal Officer or Equivalent Role or Deputy General Counsel or Equivalent Role.
4. Those not working in a law firm, corporate law department, government position, public interest or non-profit, or military were not coded.

82% (n = 6135) of respondents who were currently employed in a job that required a law degree were in applicable work settings and responded to the seniority questions. Of these, 34% of (n = 2,088) respondents reported being in senior positions while the remainder (4,047 or 66%) were not in a senior position.

There was a somewhat greater percentage of senior lawyers in these work settings—corporate law departments, government, public interest or non-profit employers, or the military—than in private firms (again, not including solos).

Seniority Status in Law Firms	Weighted %
Not in a senior position	60%
Senior position	40%

Seniority Status Outside of Law Firms	Weighted %
Not in a senior position	71%
Senior position	29%

Endnotes

1. Roberta D. Liebenberg is a Partner at Fine, Kaplan and Black, R.P.C. and Stephanie A. Scharf is a Partner at Scharf Banks Marmor LLC. Ms. Liebenberg and Ms. Scharf are each former Chairs of the ABA Commission on Women in the Profession and are also Principals of The Red Bee Group, LLC, www.theredbeegroup.com, a consulting firm that advises corporations, law firms, and not-for-profits. about growth and innovation using data-based strategies with diverse and inclusive solutions for talent development and leadership.

Paulette Brown is a past President of the American Bar Association and the National Bar Association. Prior to founding MindSetPower LLC, which focuses on building intrinsically inclusive business cultures, she was the Chief Diversity & Inclusion Officer at an AmLaw 100 firm.

2. Roberta D. Liebenberg and Stephanie A. Scharf, *Walking Out the Door: The Facts, Figures and Future of Experienced Women Lawyers in Private Practice*, American Bar Association (2019) (*Walking Out the Door*), at 12. https://www.americanbar.org/groups/diversity/women/initiatives_awards/long-term-careers-for-women/walking-out-the-door/.

3. Destiny Peery, Paulette Brown, and Eileen Letts, *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-term Legal Careers for Women of Color*, American Bar Association (2020) (*Left Out and Left Behind*), at 13. <https://www.americanbar.org/content/dam/aba/administrative/women/leftoutleftbehind-int-f-web-061020-003.pdf>.

4. Joan C. Williams, Marina Multhaup, Su Li, and Rachel Korn, *You Can't Change What You Can't See, Interrupting Racial and Gender Bias in the Legal Profession* American Bar Association Commission on Women in the Profession and the Minority Corporate Counsel Association (2018) (*You Can't Change What You Can't See*), at 8, 32 <https://mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>.

5. Michelle J. Budig and Paula England, "The Wage Penalty for Motherhood." *American Sociological Review* (2001) 66(2):204–25; Chonce Maddox, "The Motherhood Penalty Affects Everything from a Woman's Wages to Hiring and Promotions after Having a Child," *Business Insider* (March 10, 2022) <https://www.businessinsider.com/personal-finance/motherhood-penalty>; Shelley Zalis, "The Motherhood Penalty: Why We're Losing Our Best Talent to Caregiving," *Forbes* (Feb. 22, 2019) <https://www.forbes.com/sites/shelleyzalis/2019/02/22/the-motherhood-penalty-why-were-losing-our-best-talent-to-caregiving/>; Clair Cain Miller, "The Gender Pay Gap Is Largely Because of Motherhood," *New York Times* (May 13, 2017) <https://www.nytimes.com/2017/05/13/upshot/the-gender-pay-gap-is-largely-because-of-motherhood.html>; Gulbrandsen, Rachael, "I Try to Take the Whole Family Thing Out of the Picture: How Professionals Navigate Motherhood Bias at Work" (Master's Thesis, Utah State University, 2022), <https://digitalcommons.usu.edu/etd/8442>.

6. Stephen Benard and Shelley Correll, "Normative Discrimination and the Motherhood Penalty," *Gender & Society* (2010) 24:616 at 621, 632–33; Mary Blair-Loy, *Competing Devotions: Career and Family among Women Executives* (2003) Harvard University Press; Scott Coltrane, "Elite Careers and Family Commitment: It's (Still) about Gender," *Annals of the American Academy of Political and Social Science* 596: 214–20.

7. Michelle J. Budig and Paula England, “The Wage Penalty for Motherhood.” *American Sociological Review* (2001) 66(2): 204–25.
8. Seth Murray, Danielle Sandler, and Matthew Staiger, *Female Executives and the Motherhood Penalty* (Jan. 2021) at 2, 8–9, <https://www2.census.gov/ces/wp/2021/CES-WP-21-03.pdf>.
9. Budig, Michelle J., “The Fatherhood Bonus and the Motherhood Penalty: Parenthood and the Gender Gap in Pay,” *Third Way* (Sept. 2, 2014) <https://www.thirdway.org/report/the-fatherhood-bonus-and-the-motherhood-penalty-parenthood-and-the-gender-gap-in-pay>.
10. Eunjung Jee, Joya Misra, and Marta Murray-Close, *Motherhood Penalties in the U.S. 1986–2014* (March 2018) <https://equitablegrowth.org/wp-content/uploads/2018/03/0313018-WP-motherhood-penalties.pdf>.
11. Fuegen, K., Biernat, M., Haines, E. L. and Deaux, K., “Mothers and Fathers in the Workplace: How Gender and Parental Status Influence Judgments of Job-Related Competence,” *Journal of Social Issues* 60(4), 737–54, (2004); Correll, S. J., Benard, S., and Paik, I. “Getting a Job: Is There a Motherhood Penalty?” *American Journal of Sociology* 112(5), 1297–1338 (2007).
12. One oft-cited study concerning the hiring bias faced by mothers asked participants to review the job resumes of two women that were identical except that one listed membership in the Parent Teacher Association (PTA), while the other did not. The applicant with the PTA membership on her resume was 79% less likely to be hired. Correll, S. J., Benard, S., and Paik, I. “Getting a Job: Is There a Motherhood Penalty?” *Am J. Sociology* 112 (5): 1297–1338 (2007). See also supra note 4, *You Can’t Change What You Can’t See*, at 31.
13. Chonce Maddox, “The Motherhood Penalty Affects Everything from a Woman’s Wages to Hiring and Promotions after Having a Child,” *Business Insider* (March 10, 2022) <https://www.businessinsider.com/personal-finance/motherhood-penalty>; Alise Henry, *The Motherhood Penalty: Alive and ‘Well’ or on Its Way Out?*, ABA Litigation Section (June 29, 2018) <https://www.americanbar.org/groups/litigation/committees/woman-advocate/practice/2018/motherhood-penalty/>.
14. Joan Williams, “The Maternal Wall,” *Harvard Business Review* (Oct. 2004) <https://hbr.org/2004/10/the-maternal-wall>.
15. For example, employers fear that women of childbearing age may eventually choose to stay at home. See Peterson Gloor, Jamie L., Okimoto, Tyler G., and King, Eden B. “‘Maybe Baby?’ The Employment Risk of Potential Parenthood,” *Journal of Applied Social Science* (August 2022) <https://onlinelibrary.wiley.com/doi/full/10.1111/jasp.12799>. Employers perceive mothers as less competent and less committed to their jobs compared to non-mothers and fathers. See Correll, Benard and Paik, supra note 12 at 1298. See also <https://gap.hks.harvard.edu/getting-job-there-motherhood-penalty>: Mothers were 6 times less likely than childless women and 3.35 times less likely than childless men to be recommended for hire.
16. *2022 Report on Diversity in U.S. Firms*, National Association for Law Placement (Jan. 2023), https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf. Women make up only 12% of firm managing partners, 28% of governance committee members, and 27% of practice group leaders. Thus, law firms resemble an inverse pyramid: the higher up you climb, the fewer women you will find. National Association of Women Lawyers, 2021 Report (Apr. 18, 2022) https://issuu.com/nawl1899/docs/2021_nawl_survey_report.
17. *2022 Report on Diversity in U.S. Firms*, supra n.16.
18. *2022 Fortune 1000 GC Survey*, Minority Corporate Counsel Association (Jan. 31, 2022) https://mcca.com/wp-content/uploads/2022/12/2022_MCCA-Fortune-1000-GC-Survey.pdf.
19. Liebenberg, Roberta D. and Scharf, Stephanie A., *Where Does the Legal Profession Go from Here?: Lawyers Tell Us How and Where They Want to Work*, at 22–24, American Bar Association(2022).
20. Lauren Stiller Rikleen, *Closing the Gap: A Road Map for Achieving Gender Pay Equity in Law Firms*, at 10–12 (citing data from the NAWL Annual Surveys on the Retention and Promotion of Women in Law Firms and compensation data from Major, Lindsey and Africa), American Bar Association (2013); *Walking Out the Door*, at 7.

21. Hegewisch, A., Williams, C., and Henderson, A., (2019) *The Gender Wage Gap: 2018*. Washington, DC: National Women's Law Center (2019); Gans Epner, J. E., *Visible Invisibility: Women of Color in Law Firms*, American Bar Association (2006) at 42.
22. Justin Anker and Patrick Krill, "Stress, Drink, Leave: An Examination of Gender-Specific Risk Factors for Mental Health Problems and Attrition among Licensed Attorneys," *PLOS One* (May 12, 2021) <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0250563>. Thomas, K.M., Krygsman, K., and Burchell, B., "The Impact of Family Status on Lawyers' Work and Well-Being," *International Journal of Law and Psychiatry*, 58, 1–11 (2018).
23. Stephanie Scharf and Roberta Liebenberg, *Practicing Law in the Pandemic and Moving Forward—Results and Best Practices from a Nationwide Survey of the Legal Profession (Practice Forward)*, American Bar Association, April 26, 2021 at 16–18, <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf>.
24. Brittany Johnson, "Being a Parent Can Also Make You a Better Lawyer—Here's Why," *Bloomberg Law* (Mar. 28, 2023) <https://news.bloomberglaw.com/business-and-practice/being-a-parent-can-also-make-you-a-better-lawyer-heres-why>; Victoria Pynchon, "Becoming a Mom Made Me a Better Lawyer," *Forbes* (May 10, 2012) <https://www.forbes.com/sites/shenegotiates/2012/05/10/becoming-a-mom-made-me-a-better-lawyer/>; Valerie Bolden-Barrett, "What the Motherhood Penalty Is, and How to Combat It," *Zenefits* (Jun. 15, 2022) <https://www.zenefits.com/workest/what-the-motherhood-penalty-is-and-how-to-combat-it/>.
25. See Appendix 1 for sources of information about race and ethnicity in the population of lawyers. Virtually all Survey respondents reported their race/ethnicity. Only 21 women and 8 men did not answer that question.
26. We received a high number of responses to the income question: 96% of women and 91% of men answered this question.
27. Major, Lindsey, and Africa, *2022 Partner Compensation Survey*, (Oct. 18, 2022) <https://www.mlglobal.com/en/insights/research/2022-partner-compensation-survey>.
28. *Walking Out the Door*, at 7–8, 11.
29. *After the JD III: Third Results from a National Study of Legal Careers*, at 21, American Bar Foundation and NALP Foundation for Law Career Research and Education (2014), finding that 12 years after graduating from law school, 81% of law school graduates are still practicing law.
30. ABA National Lawyer Population Survey (2022), <https://www.americanbar.org/news/abanews/aba-news-archives/2022/06/aba-lawyers-survey/>.
31. E.g., "2022 Report on Diversity in U.S. Firms," National Association for Law Placement (Jan. 2023) https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf.
32. *Id.*
33. Joyce Sterling and Linda Chanow, *In Their Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession* (2021), at 6–7, https://www.americanbar.org/groups/diversity/women/initiatives_awards/long-term-careers-for-women/in-their-own-words/.
34. *Walking Out The Door*, at ii, 15.
35. In the series of questions about responsibility for children and household chores, there were fewer than 1% of respondents who reported that they shared household or child care responsibilities with someone else or someone else had the responsibility, so those responses could not be meaningfully analyzed.
36. Claire Cain Miller, "Why Unpaid Labor Is More Likely to Hurt Women's Mental Health Than Men's," *N.Y. Times* (Sept. 30, 2022) <https://www.nytimes.com/2022/09/30/upshot/women-mental-health-labor.html>
37. *Id.* See also Richard Fry, Carolina Aragão, Kiley Hurst, and Kim Parker, *In a Growing Share of U.S. Marriages, Husbands and Wives Earn About the Same*, Pew Research Center (April 13, 2023) <https://www.pewresearch.org/social-trends/2023/04/13/in-a-growing-share-of-u-s-marriages-husbands-and-wives-earn-about-the-same/>.
38. In a 2020 Morning Consult Survey for the *New York Times*, nearly half of men claimed they did most of the home schooling, but just 3% of women said that their spouse is doing more of the home schooling. Claire Cain Miller, "Nearly Half of Men Say They Do Most of the Home Schooling, 3 Percent of Women

Agree,” *N.Y. Times* (May 6, 2020) <https://www.nytimes.com/2020/05/06/upshot/pandemic-chores-home-schooling-gender.html>.

39. McKinsey & Company and LeanIn.org, “Women in the Workplace” (2020) <https://leanin.org/women-in-the-workplace/2020>.

40. This result is consistent with older research showing that male lawyers are often the primary or sole breadwinner in the family, particularly those who are partners in large law firms. According to a 2013 NALP Survey, 87% of law firm partners are supported by a stay-at-home spouse. *See also* Oct. 21, 2013 *National Law Journal*, “Diapers, Laundry and a Legal Practice.” By way of contrast, a PAR/MCCA/ABA Commission Report found that only 15% of women partners had a spouse at home full-time, while just 10% had a spouse at home part-time. *New Millennium, Same Glass Ceiling; The Impact of Law Firm Compensation Systems on Women*, 62 *Hastings L.J.* 597, 620 (2011).

41. For each experience, $p < .0001$

42. For each experience, $p < .0002$.

43. That result is consistent with prior research. *See, e.g.*, Correll, S. J., Benard, S., and Paik, I. “Getting a Job: Is There a Motherhood Penalty?,” *American Journal of Sociology*, 112(5) (2007), at 1324 (finding that African-American women and white women both experience a motherhood penalty, and the magnitude of that penalty is largely the same for both groups); *You Can’t Change What You Can’t See* at 39 (regression analysis in the Survey confirmed that women with children reported more bias than men regardless of race and other factors). *See also* ABA Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* at 33–34 (2006), showing that 72% of women of color and white women but only 9% of white men and 15% of men of color thought that their colleagues doubted their career commitment after they had or adopted children.

44. This chart excludes solo practitioners.

45. Joan C. Williams, Marina Multhaup, Su Li, and Rachel Korn, *You Can’t Change What You Can’t See, Interrupting Racial and Gender Bias in the Legal Profession*, American Bar Association Commission on Women in the Profession and the Minority Corporate Counsel Association (2018) at 31, 39, <https://mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf>.

46. *You Can’t Change What You Can’t See*, at 31; Joan C. Williams and Rachel Dempsey, “What Works for Women at Work: Four Patterns Working Women Need to Know” (2014) at 132–38.

47. Solos were excluded because they have better control over their workplace schedules.

48. Only asked of parents of dependent children.

49. Only asked of lawyers working in law firms.

50. Michelle Browning Coughlin, “How Forces within and Outside the Workplace Shape Gender Inequity for Mothers in the Law,” *Law.com* (March 21, 2022) <https://www.law.com/pro-mid-market/2022/03/21/how-forces-within-and-outside-the-workplace-shape-gender-inequity-for-mothers-in-the-law/>.

51. Liebenberg, Roberta D. and Scharf, Stephanie A., *Where Does the Legal Profession Go from Here?: Lawyers Tell Us How and Where They Want to Work*, at 10–12 (2022).

52. Hudgins, Victoria, “Hybrid Work Is Here to Stay: Can Firms Sustain Its Success over the Long Term?,” *Law.com* (May 9, 2022) <https://www.law.com/international-edition/2022/05/09/hybrid-work-is-here-to-stay-can-firms-sustain-its-success-over-the-long-term/>; Harris, Joanne, *Law Firms in the Era of Remote Working*, International Bar Association (July 26, 2022) <https://www.ibanet.org/Law-firms-in-the-era-of-remote-working>.

53. Excluding solos.

54. Smith, Patrick, “How Will Law Firms Enforce Their Office Returns in the Fall? Very Carefully,” *Law360*, September 9, 2022; Chen, Vivia, “Lawyers Are Flouting the Return-to-Office Mandate,” *Bloomberg Law*, October 24, 2022.

55. Only a minority of both mothers and fathers reported that hybrid/remote working led to “decreases” in these same work factors that were the subject of the Survey questions.

56. Excluding solo practitioners.

57. See, e.g., McKinsey & Co., “A Fresh Look at Paternity Leave” (Mar. 5, 2021) <https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/a-fresh-look-at-paternity-leave-why-the-benefits-extend-beyond-the-personal>.

58. Centers for Disease Control and Prevention, “Infertility FAQs” (Apr. 26, 2023) <https://www.cdc.gov/reproductivehealth/infertility/index.htm>.

59. Technically, these data show which policies and resources are most commonly reported by individuals in firms or other work settings.

60. A respondent could select as many reasons as applied to them.

61. See pp. 30–37, *supra*. See also *Walking Out the Door* at 12. https://www.americanbar.org/groups/diversity/women/initiatives_awards/long-term-careers-for-women/walking-out-the-door/.

62. See, e.g., Gretchen Livingston and Kim Parker, *8 Facts about American Dads* (June 12, 2019) <https://www.pewresearch.org/fact-tank/2019/06/12/fathers-day-facts/>; Rachel Minkin and Juliana Menasce Horowitz, *Gender and Parenting* (Jan. 24, 2023) <https://www.pewresearch.org/social-trends/2023/01/24/gender-and-parenting>; Qi Lia, Chris Knoester, and Richard J. Petts, “Attitudes about Paid Parental Leave in the United States,” *Sociological Focus*, 55:1, 48–67 (2022) <https://www.tandfonline.com/doi/epub/10.1080/00380237.2021.2012861>.

63. *Left Out and Left Behind*, <https://www.americanbar.org/content/dam/aba/administrative/women/leftoutleftbehind-int-f-web-061020-003.pdf>.

64. Robert Wood Johnson Foundation, “Normalizing Men As Caregivers Helps Families and Society” Gina Hijjawi, PhD, senior program officer, Research-Evaluation-Learning.

65. Deepali Bagati, “Women of Color in U.S. Law Firms” (2009), available at https://www.catalyst.org/wp-content/uploads/2019/01/Women_of_Color_in_U.S._Law_Firms.pdf.

66. *2022 Report on Diversity in U.S. Firms*, National Association for Law Placement (Jan. 2023), https://www.nalp.org/uploads/Research/2022NALPReportonDiversity_Final.pdf; S. Scharf and R. Liebenberg, “Law Firm Talent Must Reflect Shifting US Demographics,” *Law360* (June 16, 2021).

67. 2018 Vault/MCCA Law Firm Diversity Report at 17. <https://mcca.com/wp-content/uploads/2018/11/2018-Vault-MCCA-Law-Firm-Diversity-Survey-Report.pdf>.

68. S. Scharf and B. Flom, *Report of the Fifth Annual NAWL National Survey on Retention and Promotion of Women in Law Firms* (November 2010), <https://www.nawl.org/p/cm/ld/fid=2019>.

69. See pp. 61, 67, *supra*. See also R. Liebenberg and S. Scharf, *Where Does the Legal Profession Go from Here? Lawyers Tell Us How and Where They Want to Work*, American Bar Association (2022), at 16–17, <https://www.american.bar.org/content/dam/aba/administrative/law-practice-division/practice-forward/2022-practice-forward-report.pdf>.

70. See pp. 64, 69, *supra*.

71. See p. 73, *supra*. As one Respondent noted: “I asked to work part-time 9–6, five days a week for 80% pay when my child was born. After six months, employer told me that this was ‘too high maintenance,’ and I either had to return to unlimited travel and hours or become a contractor without benefits or overtime. As a result, I left the profession.” See also Major, Lindsey, and Africa, “Searching for Balance: Millennial Lawyers’ Perspectives on the Legal Industry,” *Above the Law* (2023) (53% of millennial women were willing to give up some compensation in exchange for reduced billable hours and 40% of millennial women were willing to trade off lower compensation for more flexibility in the workplace). <https://info.abovethelaw.com/searching-for-balance-millennial-lawyers-perspectives-on-the-legal-industry>.

72. See p. 84, *supra*.

73. Natalia Emanuel, Emma Harrington, Amanda Pallais, *The Power of Proximity: Training for Tomorrow or Productivity Today?* (April 24, 2023) https://nataliaemanuel.github.io/ne_website/EHP_Power_of_Proximity.pdf; Emma Goldberg and Ben Casselman, “What Young Workers Miss Without the ‘Power of Proximity,’” *New York Times* (April 24, 2023) <https://www.nytimes.com/2023/04/24/business/remote-work-feedback.html>; See Liebenberg and Scharf, *Where Does the Legal Profession Go from Here?* at 34–36 for specific best practices to foster successful hybrid work policies.

74. *Left Out and Left Behind*, at 13–14 and 17–19.

75. Gwynn Guilford, “More Workers Take Parental Leave as States, Employers Expand Eligibility,” *Wall Street Journal* (April 8, 2023) <https://www.wsj.com/articles/more-workers-take-parental-leave-as-states-employers-expand-eligibility-8eaf8e3a>.

76. *Id.*

77. See p. 51, *supra*.

78. See pp. 79–81, *supra*.

79. Our Survey found that the provision of wellness resources is very important to the promotion of mothers into leadership roles in both law firms and other practice settings. See pp. 79, 81, *supra*.

80. These results are also consistent with our prior research. For example, a survey of nearly 900 experienced women lawyers practicing 15 years or more found that 50% of them listed “billable hours requirements” as a “very important” or “somewhat important” reason why experienced women leave their firms. *Walking Out the Door* at 12. A subsequent survey of approximately 1,800 women lawyers found that 25% of respondents and 34% of respondents with children reported that a lower billable hours requirement was “extremely” or “very important” to them. S. Scharf and R. Liebenberg, *Practicing Law in the Pandemic and Moving Forward: Results and Best Practices from a Nationwide Survey of the Legal Profession*, American Bar Association (2021) at 46. <https://www.americanbar.org/content/dam/aba/administrative/digital-engagement/practice-forward/practice-forward-survey.pdf>.

81. Vivia Chen, “Beth Wilkinson’s Insider View of Women in—and Out—of Big Law,” Bloomberg Law (Mar. 24, 2023) <https://news.bloomberglaw.com/privacy-and-data-security/beth-wilkinsons-insider-view-of-women-in-and-out-of-big-law>.

82. Williams, J.C., M. Multhaup, S. Li, and R. Korn. *You Can’t Change What You Can’t See: Interrupting Racial and Gender Bias in the Legal Profession*, American Bar Association Commission on Women in the Profession and the Minority Corporate Counsel Association (2018); U.S. Ninth Circuit Judge Margaret McKeown and Roberta Liebenberg, “The Hazards of Female Lawyers Being Office Moms,” Law360 (Nov. 12, 2021) <https://www.law360.com/articles/1439423/the-hazards-of-female-lawyers-being-office-moms->

83. Likewise, women lawyers with children reported that it is important for their success at law firms to have written standards with respect to evaluations, promotions to equity partnership, how part-time or flex-time work will be credited in promotion decisions, and written standards and procedures around succession and how clients will be inherited when a partner retires.

84. See pp. 84, 87, *supra*.

85. For one example of an on-ramping program, see <https://onrampfellowship.com>.

86. *Walking Out the Door*, at 12.

87. American Bar Association, “Resolution 300B” (Feb. 22, 2021) <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2021/300b-midyear-2021.pdf>.

88. All analyses were conducted using the statistical computing language R.

89. We note that while weighting can correct certain aspects of oversampling, it is not a corrective to biases based on self-selection. The Survey was completed by far more women than men and also was completed by a more senior level of lawyer than we expected. Thus, the responses to certain variables (e.g., percentage in a senior role) may be biased in one direction or another simply on the basis of who chose to respond to the Survey.

90. Every respondent did not necessarily answer every question. In addition, there were several “skip” patterns in the questionnaire so that respondents received only those questions that applied to their situation. As examples, certain questions not appropriate to solo practitioners, or respondents without dependent children living at home, were not directed to those respondents.

91. Some respondents have children in more than one of these age groups.