

The Kid Factor

A recent study suggests that both men and women lawyers are committing more time to child care. It's affecting their careers—but they're happier for it.

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FOR AMBITIOUS LAWYERS WHO HAVE A family, the problem of how to have a successful and fulfilling career while still raising happy, well-adjusted children is paramount. There are only so many hours in a day, and as U.S. Supreme Court Justice Joseph Story once said, "The law is a jealous mistress." Nor is the problem merely one of a simple trade-off of hours between work and child care, since a certain amount of career success, and income, is necessary to raising and educating successful children. Men and women in the law have traditionally dealt with the challenge of balancing work and family differently: Male lawyers usually focused more on career and income; female lawyers generally devoted more time to family.

Yet our recent work suggests that although these traditional patterns persist, both male and female lawyers are committing more time and effort to child rearing than they have in years past, perhaps reflecting greater acceptance of these responsibilities among the members of the profession. Our analysis—in which we examined responses to annual surveys of University of Michigan Law School alumni, questioned 15 years after graduation—compared survey results from 1996 to 2000 (law school classes of 1981–85) with results from 1981 to 1991 (graduates from 1966–76).

We also found that when men and women lawyers make similar child care and career choices, they tend to experience surprisingly similar effects with respect to income and promotion. And perhaps most significantly, our analysis showed that the most satisfied lawyers, among both men and women, are those who make some career sacrifices to balance their work and family lives.

Traditional family and work patterns still hold true among the Michigan graduates who participated in the annual surveys. Fifteen years out of law school, male lawyers are more likely to have a spouse at home (31.5 percent for men, 2.4 percent for women), while women lawyers (55 percent) are more likely than men (34.4 percent) to be married to a lawyer or another high-earning professional. (Husbands of women who responded to the survey earned an average income of \$145,994; the men's wives averaged \$41,231.) As a result, on average the male lawyers are significantly more concerned with making money for their family. They work longer hours—on average 2,471 hours a year for men, compared to 1,861 hours a year for women—and are far less likely to take time off from paid work, formal or informal leave, to care for children. Almost 40 percent of the women who responded to the survey took leave. Only 3.2 percent of the men did.

In comparison with results from the same survey from the late 1980s, the differences between male and female respondents are narrowing slightly, largely because the wives of the male attorneys are now more likely to themselves be high-paid professionals. But even as the percentage of male attorneys who have missed paid work to care for children has increased from 0.8 percent in the late 1980s to 3.2 percent more recently, female lawyers have outpaced men in the growth of their commitment to child care. Not only has the percentage of female attorneys who have taken child care leave increased more in absolute terms over the same period (from 31.9 percent in the late 1980s to 39.6 percent of late), but the average length of time that women spend on leave has increased from 46.1 months to 57.6 months. When they



return to work, the women who have taken child care leave work far fewer hours a year (1,598) than the men who have taken leave (2,186), and even less than their female colleagues who have kids but have not taken child care leave (2,088). Perhaps most tellingly, women lawyers are having more children than they did in the 1980s. Despite a national trend toward smaller families and a significant decrease in the average number of children of male lawyers over the last 20 years (from 2.3 to 1.9), women lawyers in the survey modestly increased their average number of children, from 1.4 to 1.5.

Even in large private firms, those bastions of hard work, lawyers today—and in particular women lawyers—are making a greater commitment to child care. Examining the Michigan alumni who work in firms of more than 100 attorneys, we found that 1 percent of men and 33.9 percent of women had taken time away from paid work to care for children. The average time these lawyers spent either not working or working reduced hours was 7.5 months for men and 66.6 months for women. Once they return to work, the women in large firms who have taken child care leaves average 1,942 hours a year, while the men who have taken leaves average 2,605 hours a year. (The women who have kids but have not taken leaves average 2,283 hours a year.) The average number of hours worked by men in large firms who have taken child care leaves exceeds the number of hours worked by men with kids who have not taken leaves (2,521), but this difference is not statistically significant. Since the late 1980s the number of children of male attorneys in large firms has decreased from an average of 2.03 to an average of 1.93. But female attorneys in large firms, perhaps reflecting their increased willingness to devote time to their families, have increased their average number of children from 1.13 to 1.55.

The decision to commit significant time to child care can have an enormous impact on an attorney's career—more of an impact, in fact, than gender alone. Both men and women who take time away from paid work to care for children are less likely to enter private practice, less likely to stay in private practice, and less likely to become a partner if they do stay. Child care, according to our study, is actually a much more important predictor of monetary success in the practice of law than gender. Indeed, we found that men actually fared worse than women among those who took time away from work to care for children. Of the men who took child care leaves, only 16.7 percent were in private practice 15 years after graduation, and only 28.5 percent of those were partners. Among the women who took leave, 35.2 percent were in private practice. Of them, 54 percent were partners. An even greater percentage of

women with children who did not take leave were in private practice (43.8 percent), with fully 81 percent of them partners.

Research by Marc Galanter and Indiana University School of Law professor William Henderson shows a recent increase in the hours required to become a partner in a large firm, so a commitment to child care is probably least consistent with being a partner in such a firm. And indeed, men and women in our study who took time away from their careers to care for children are disproportionately found in nonpartnership positions in big firms or in government, academia, or other nonpractice positions. Overall, men and women who have made a commitment to child care also undertake significantly fewer hours of paid work in a year than their colleagues, with the men who care for chil-

A DELICATE BALANCE

Highlights from the University of Michigan Law School alumni surveys

- Both men and women who graduated between 1981 and 1985 devoted more time to caring for children than their counterparts from the classes of 1966–76.

- Women continue to take child care–related leave in drastically higher numbers than men. Almost 40 percent of the women who responded to the alumni surveys from 1996 to 2000 took time off to care for children. Only 3.2 percent of the men did.

- Women in firms of more than 100 lawyers are making a greater commitment to child care than their predecessors. More than 33 percent took time off, with leaves averaging 66.6 months. When they return to work at large firms, women who have taken leave average 1,942 hours per year, compared to 2,605 for men who have taken leave.

- Child care is a much more important indicator of monetary success in the practice of law than gender. Both men and women who have taken child care–related leaves are less likely to enter private practice, to stay in private practice, or to become partners if they do stay.

- At large firms, women who have taken child care leave earn \$54,000 less than men, on average. Men who have taken leave earn \$29,000 less than the men's average.

- Despite the costs to their careers, men and women who have committed time to child care are significantly happier with their families and the balance between their work and home lives. Women lawyers who have taken child care leaves are actually happier with their careers than men.

dren working on average 2,092 hours a year, as compared with 2,520 hours for men with kids who have not missed paid work for child care. The women who care for children work on average 1,386 hours a year, as compared with 1,908 hours for women with kids who have not missed work for child care.

These differences in type of practice, status in firms, and hours worked lead to substantial disparities in income between attorneys who take time off to care for children and those who don't. In general, men in the survey reported a significant advantage over women in income, earning on average \$229,529 a year 15 years out of law school, compared to the women's reported average of \$132,170 a year. In private firms of more than 100 attorneys, men average \$301,288 a year, while women average \$222,903 a year. But that difference, we found, is largely due to the income disadvantage suffered by women who have missed work for child care. When we accounted for such variables as type of practice and hours worked, we found that only women who have missed paid work to care for children earn significantly less—\$54,010 a year—than men. Moreover, men who have taken child care leave suffer a similar income disadvantage—\$29,734 a year—when compared to men on average, given that they typically miss less paid work for child care.

By analyzing separate variable means and income regressions for men and women, we can discern whether men's income advantage over women is because men bring different assets, such as longer work hours or better grades, to their jobs; or because men are simply paid more for any given asset. Our analysis shows that men's primary advantages arise from placing a higher priority on earning income, going into high-income types of practice, working more hours, and, of course, spending much less time on child care. Women in large private firms actually receive higher compensation than men for good grades, judicial clerkships, and long hours, but on average these advantages are not significant enough to make up for the reduced hours and pay that accompany women's greater commitment to child care. On the other hand, for accomplished women who forsake child care to dedicate themselves to large-firm practice, there are significant financial rewards.

But the reward for lawyers who make a commitment to their family may be something money can't buy: greater satisfaction with their family and their career. In our analysis, men and women who have children are significantly happier with both their family situation and their careers. Men with children ranked on average 20 percentiles higher in their family satisfaction than similarly situated men without children. Among women, those with children ranked an aver-

age of 25 percentiles higher than their childless counterparts.

Perhaps more surprisingly, both men and women with children reported more satisfaction with their careers than those without children. In fact, after controlling for such variables as type of practice, income, and hours worked, we found that women lawyers are actually happier with their careers than men—and that this greater happiness was centered largely among the women who had taken time away from paid work to care for children. Men who took child care leaves did not consistently show this increased satisfaction with their career. Comparing the average satisfaction levels of large-firm attorneys with those for other attorneys, we found that it may be necessary for attorneys to leave the large-firm environment to realize increased satisfaction with their careers, since large-firm attorneys who took child care leaves and remained in large firms when they returned to work did not seem to enjoy the same bump in satisfaction. However, the real payoff for lawyers who make a commitment to child care comes in much greater satisfaction with the balance of their work and family. This is true across the profession—including at large firms. Both men and women who have taken child care leave are on average 26 percentiles higher in the distribution of happiness with

respect to the balance of work and family than their colleagues who didn't take such leaves.

Like almost all decisions in life, the decision to commit time to either career or family

The most satisfied lawyers, among both men and women, are those who balance their work and family lives.

has its costs and rewards. Lawyers who dedicate themselves to their career can generally expect higher levels of achievement and financial reward, but lower levels of satisfaction, especially in the balance of career and family. Lawyers who make career sacrifices in favor of a greater commitment to family can generally expect to pay a substantial price in terms of opportunities for advancement and income, but they're rewarded with greater family and career satisfaction. Although these choices are undoubtedly still highly influenced by differences in personal char-

acteristics and social expectations between men and women, the profession seems to be producing a greater number of lawyers who are making significant commitments to child care at the expense of their careers. Which decision should you make? One of the most interesting findings in our study was that the women who chose to take leaves from paid work to care for children had significantly higher grades and LSAT scores than those who didn't. Perhaps these smart women have something to teach the profession about the appropriate balance of work and family.

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