



LITMUS TEST

The Female Lawyer Exodus

8 hours ago - by [Marlisse Silver Sweeney](#)

Even though they earned half of all law degrees in 2012, women are still leaving the legal profession in droves later on in life. Former lawyer Marlisse Silver Sweeney investigates the lack of work-life balance in the industry.

Share

I sat across the white-linen table from my mentor, hands clasped over my gray Calvin Klein suit, sweating. She had worked at the corporate law firm for more than 25 years, starting as a summer student like myself at the time. She became one of two female equity partners in a firm of close to 80 lawyers, had a husband, two kids, and was consistently named a top lawyer in the field I wanted to practice in.

She was a perfect role model on paper. But as she told me, over whipped chocolate mousse—even though she had a nanny, a cook, a husband with an opposite work schedule, parents and in-laws to help out—that it wasn't until her children reached high school that she finally had time for a hobby. She said—in “can-do” tones—how exhausting it is to be a lawyer and a mother, but that it “can be done.” I started to panic.

I'm not the only one panicking.

[According to statistics](#) released in September 2012 by the American Bar Association, women comprise only 33 percent of the legal profession. However, females were awarded 47 percent of law degrees in 2012 and women held 45 percent of associate positions in private practices. At the partnership level, only about 20 percent are women. And at the equity-partner level—the highest position at a law firm where partners have actual ownership of the firm, a share in the profits, and a hand in managing—only 15 percent are women.

So where are all the women going?

Well, for one thing, it's not just women who are leaving private practice, says Suzanne Goldberg, a professor at Columbia Law School and the Director of the Center for Gender and Sexuality Law. "Plenty of people drop out of law practice," she said. "It can be quite tedious for many years."

In fact, about 57 percent of lawyers leave private firms before their fifth year of practice, according to a study by the National Association for Legal Professionals.

In private practice, lawyers bill clients for every minute of work, which promotes spending as much time as possible on one project. Time targets for associates create pressure and decrease efficiency. Under this model, a lawyer who takes four hours to draft a short contract could theoretically be favored over a lawyer who takes only two, even if the end product is equal.

Additionally, the large lawsuits and deals that big firms work on take years or teams of people to complete. The workload is often unpredictable. Since law is a service-oriented profession, lawyers are at the mercy of their clients. A client can email a lawyer on a Friday night about a legal issue and expect an answer back Saturday morning. The nature of the litigation process means that during a trial, lawyers are in court all day and then at their offices all night, prepping for the next day in court and catching up on all the work they missed on other files while in court.

Within the first few weeks that I worked at my firm (I was there for a summer and then a year) I was put on a large insurance defense lawsuit. My day would start at 6 a.m., as I groggily clawed for one of eight new suits in my closet (my new uniform), tied my hair in some sort of professional knot or bun, and grabbed anything I could find in my fridge for breakfast, lunch, and dinner—all would be eaten at the firm. Then I would walk the three miles downtown—my only time I spent outdoors that summer—and inhale the fresh air greedily before the recycled air of the office set in.

By 8 a.m., I would be in front of my double-monitor computer, in my private office, pouring over the minutiae of case law, trying to decipher whether the agreement in one clause was akin to the wording of another, or whether the case tried by this court had been overturned by that court—constantly tracing and tracking and keeping it altogether in the road map of my mind.

Lunch would be spent huddled over my desk, by myself, or at a firm-wide training session where we'd watch a video about the intricacies of transferring titles to land and smiling at each other over firm-supplied tuna sandwiches, only to return immediately to my desk and continue. Redact. Analyze. Repeat.

The monotony of the day would be punctuated only by the "bing" of an e-mail asking me to take on another assignment, or the knock on my door, telling me to redo, rewrite, relearn—or worse—cancel my long-weekend plans. It was lonely. I wasn't working in teams or for clients like I had envisioned my legal career. I was hunching alone at a desk for 10, 13, even 16 hours a day. It was equal parts boring and academic. Cooking, exercise, even time for doctors' appointments became a luxury.

Goldberg said she views people who move on from law practice into something they are more interested in as a positive. But law firms are not family-friendly, she says, and there are subtle ways in which they can be hostile to females, contributing to the exodus of women in the legal profession.

“The legal environment in which women practice is one that has been designed in a male model. It’s a model that works best when you have somebody at home taking care of all the details of your life,” says Deborah Epstein Henry, a former lawyer and author of the book *Law & Reorder: Legal Industry Solutions for Restructure, Retention, Promotion & Work/Life Balance*.

Henry found that even in firms that are rated highly for equality among the sexes, there is only a 20 percent representation of women on the important boards such as executive and compensation committees. “Until you have 30 percent representation of women on influential committees and boards—a critical mass—women are not comfortable voicing their opinions,” Henry says.

When female lawyers become pregnant and come back from maternity leave, they encounter a “maternal wall bias,” says Roberta Liebenberg, a senior partner at Fine, Kaplan and Black in Philadelphia, the chair of the American Bar Association Gender Equity Task Force, and a mother with three children. Even if an associate was a star before she left, Liebenberg says, benevolent paternalism begins to play a role into the assignments she is given. Partners will assume that the young mother won’t be interested in cases that take travel or more time away from the house. But the same assumptions often are not made about new fathers, Liebenberg says.

These types of implicit biases between men and women are constantly at play in law firms. I witnessed this firsthand when my firm held a poker and billiards recruiting event for law students—and then wondered why the five new students they hired were only male.

“The personality traits ascribed to a good lawyer (competent, confident, and assertive) are culturally associated with masculinity,” according to a guide about gender bias from the American Bar Association Commission on Women in the Profession. These associations can affect women in their evaluations, which in turn directly dictate the success of a career, according to the guide.

Sometimes gender bias is not as subtle. Sexual harassment is a problem everywhere, but it’s “better hidden in law firms,” according to Patricia Gillette, a partner in employment law at Orrick in San Francisco and a commissioner on the ABA Commission on Women in the Profession. As an employment lawyer, Gillette is acutely aware of this issue and sees very few claims against law firms.

Gillette says that women who are victims of sexual harassment may think, “I better be careful. I don’t want to screw myself for the rest of my career.” She says that if a woman made a claim of sexual harassment against her firm, it would be difficult for her to be hired at another corporate law firm.

According to [a report](#) conducted by the Women Lawyers of Utah in 2010, 37 percent of women in firms said that they experienced verbal or physical behavior that created an unpleasant or

offensive work environment, with 27 percent of those women feeling the situation was serious enough that they felt they were being harassed. And a whopping 86 percent felt that the basis for the harassment was their sex. The numbers for males were much lower, with only 22 percent reporting an unpleasant work environment and only 4 percent feeling it rose to levels of harassment.

For me, the sexual harassment was subtle, but it was there. A partner would touch me on the waist as I passed him in the hall, or guide my friend by the small of her back at a luncheon. My male colleague's mentor, who was a leading partner at the firm, sent him an email asking if he was "tapping that little thing," referring to a young staff member.

When I went to lunch a few times with one of the firm's partners, I'd expect the conversation to turn inappropriate: He'd ask whether I liked to dress my boyfriend or make a remark about the waitresses' chests. He was so notorious for these lunches that at our Christmas-party skit, all the female students dressed up in tight black outfits, parodying the waitresses at the restaurants he took us to.

It wasn't just the men displaying unprofessional behaviors. Before my last firm retreat, I received an email from the only other female equity partner at the firm besides my mentor. It was an enumerated list of the tasks that students had to fulfill at the firm retreat, which included stocking the hospitality suites (which are the students' rooms), keeping everything clean, and putting "away your underwear (worn or unworn)." It went on to say that failure to comply with the tasks would impact my student record at the firm and that "this is conveyed with a wink but has a tone of seriousness."

It may not have been a reason to leave. But it certainly wasn't a reason to stay. And I knew, as Gillette confirmed, that my career as a corporate lawyer would be over if I dared open my mouth to object.

Gillette started [The Opt-In Project](#) in 2007, which brought together more than 900 people from industries such as investment banks, accounting firms, and law practices to discuss how to retain women in leadership positions. Specific suggestions included: valuing productivity over billable hours, creating no-fault flex time, putting messages on emails coming into and leaving the office system after 7 p.m. on Fridays stating, "Are you sure you want to send this message or can it wait until Monday morning?," on-site child care, and using webcasts to keep employees connected who are working from home. Gillette said that some firms have adopted the suggestions.

These suggestions aren't just valuable to women. Goldberg said that more of her male students are becoming increasingly worried about work-life balance.

An MIT study of law firms suggested 31 percent of female associates left private practice entirely once leaving their law firm, compared with 18 percent of male associates. [The ABA report](#) indicated that roughly equal numbers of women and men are entering large firms, which means that the estimated \$400,000 cost to a firm when an associate leaves, as evaluated by the

Opt-In Project, is amplified by the fact that so many more woman are leaving their firms. It's not just a social issue for the firms, but a financial one as well.

In the end, it wasn't bias, sexual harassment, or even work-life balance that caused me to quit. I simply didn't like the job. I spent days at my desk, often depressed, staring outside and visualizing my escape, which came the day I was accepted to the Columbia Graduate School of Journalism. "I love being a lawyer," Liebenberg said to me. "I love my work. If you don't like it and you have these problems, why would you stick it out?" I couldn't agree more.