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WHY ARE SEEMINGLY SATISFIED FEMALE LAWYERS RUNNING FOR THE EXITS? RESOLVING THE PARADOX USING NATIONAL DATA

JONI HERSCH* & ERIN E. MEYERS**

Despite the fact that women are leaving the practice of law at alarmingly high rates, most previous research finds no evidence of gender differences in job satisfaction among lawyers. This Article uses nationally representative data from the 2015 National Survey of College Graduates to examine gender differences in lawyers' job satisfaction, and finds that any apparent similarity of job satisfaction between genders likely arises from dissatisfied female JDs sorting out of the legal profession at higher rates than their male counterparts, leaving behind the most satisfied women. This Article also provides a detailed examination of the specific working conditions that are associated with dissatisfaction for female lawyers before this sorting occurs, and compares job satisfaction of lawyers to that of other professions. The resulting analysis shows that recently graduated female lawyers have lower average satisfaction with their salaries relative to male lawyers, but that this result is likely due to differences in employer types. The data further indicates that a male–female satisfaction gap exists only among JDs, and not among those with bachelor's as the highest degree or other professional or graduate degrees. This finding suggests that comparing lawyers to those in other professions could help to pinpoint unique characteristics of the legal profession that create dissatisfaction among women at the outset of their careers and causes them to exit the profession.

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I. INTRODUCTION

Studies consistently find that female lawyers experience worse working conditions than male lawyers, including lower salaries,¹ worse opportunities for advancement,² and a higher frequency of discrimination and harassment.³ Further, women are exiting the legal profession at alarmingly high rates.⁴ These long-recognized, related concerns led to an ABA Presidential initiative that has generated new survey data documenting vastly inferior experiences among women in law firms relative to men and has proposed initiatives to improve retention of female lawyers.⁵

Yet, despite overwhelming evidence of women's inferior experiences on the job and exodus from the profession, there is mixed evidence regarding gender differences in lawyer satisfaction. In fact, most research examining the issue finds that female and male lawyers are equally satisfied.⁶ Even the survey

1. Joyce S. Sterling & Nancy Reichman, *Navigating the Gap: Reflections on 20 Years Researching Gender Disparities in the Legal Profession*, 8 FIU L. REV. 515, 515 (2013).

2. *Id.* at 517.

3. See Fiona Kay & Elizabeth Gorman, *Women in the Legal Profession*, 4 ANN. REV. L. & SOC. SCI. 299, 305 (2008).

4. Lee Rawles, *Why Are Women Lawyers Leaving the Profession Mid-Career? ABA Initiative Takes Up Issue*, A.B.A. J. (Nov. 15, 2017, 7:00 AM), http://www.abajournal.com/news/article/why_are_women_lawyers_leaving_the_profession_mid_career_aba_initiative_hope [https://perma.cc/23NH-BBLT].

5. See Liane Jackson, *Why Do Experienced Female Lawyers Leave? Disrespect, Social Constraints, ABA Survey Says*, A.B.A. J. (Aug. 3, 2018, 7:50 PM), http://www.abajournal.com/news/article/why_do_experienced_female_lawyers_leave_disrespect_social_constraints_ABA [https://perma.cc/3P9E-MFH4].

6. See *infra* Appendix Table A1.

associated with the recent ABA Presidential initiative on women in the law reflects this, finding that the only “common denominator” between male and female lawyers is their level of career satisfaction.⁷

However, these studies often include mid- to late-career lawyers, a population in which the most dissatisfied female JDs are likely no longer practicing law. This may artificially inflate women’s relative satisfaction by comparing male lawyers’ satisfaction to that of only those female lawyers who experience enough job satisfaction to remain in the profession. Furthermore, the majority of studies on gender differences in satisfaction among JDs are not based on nationally representative data and are often limited to either lawyers practicing in a specific city or graduates of specific law schools.

If one looks to nationally representative studies, the findings are sparse, but actually appear to support a male–female satisfaction disparity that favors men. To our knowledge, only two nationally representative datasets have been used to study gender differences in JDs’ job satisfaction.⁸ Both of these datasets offer limited insight to understanding job satisfaction among currently employed lawyers: one was undertaken before the influx of women into the legal profession,⁹ while the other is restricted to recent law graduates and lacks a question on overall job satisfaction.¹⁰ Despite the fact that analyses based on

7. Jackson, *supra* note 5.

8. The National Survey of Lawyers’ Career Satisfaction (NSLCS) surveyed lawyers in 1984 and 1990, and was undertaken by Ronald L. Hirsch for the American Bar Association. See Ronald L. Hirsch, Am. Bar Found., *National Survey of Lawyers’ Career Satisfaction, Wave I, 1984, and Wave II, 1990 (ICPSR 8975)*, NAT’L ARCHIVE CRIM. JUST. DATA (Nov. 4, 2005), <https://www.icpsr.umich.edu/icpsrweb/NACJD/studies/8975> [<https://perma.cc/LG5K-JPYD>] [hereinafter *National Survey of Lawyers’ Career Satisfaction*]. The After the JD (AJD) was launched in 2000 by the American Bar Foundation to study career outcomes for new lawyers. The study was conducted in three waves and followed the class of 2000 for the first ten-plus years of their careers. See Bryant G. Garth et al., *After the JD*, AM. BAR FOUND., <http://www.americanbarfoundation.org/research/project/118> [<https://perma.cc/QB2E-JZK7>] (last visited Aug. 7, 2018) [hereinafter *After the JD*].

9. See *National Survey of Lawyers’ Career Satisfaction*, *supra* note 8. Although 42.5% of students enrolled in a JD program in academic year 1990–1991 were women, by 2000, women comprised only 28.9% of U.S. lawyers. See *A Snapshot of Women in the Law in the Year 2000*, AM. BAR ASS’N, <https://www.americanbar.org/content/dam/aba/marketing/women/snapshots.authcheckdam.pdf> [<https://perma.cc/6GAH-TXX7>] (last visited Jan. 12, 2019). To calculate enrollment statistics for 1990–1991, see https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/enrollment_degrees_awarded.pdf [<https://perma.cc/4QXW-CSXB>] (last visited Jan. 12, 2019).

10. See *After the JD*, *supra* note 8.

both of these national datasets indicate important disparities in female satisfaction among new lawyers,¹¹ the literature on female lawyers' job satisfaction has surprisingly adhered to the unintuitive consensus that women do not experience lower job satisfaction than men.¹² For instance, Jerome M. Organ writes in his 2011 meta-analysis on lawyer satisfaction, "Data related to gender issues in the legal profession has failed to identify any significant differences in levels of satisfaction between men and women."¹³

This Article uses the 2015 National Survey of College Graduates (NSCG) to examine whether there are gender differences in overall job satisfaction—as well as in nine separate individual components of job satisfaction—for lawyers. The NSCG provides extensive demographic, employment, and job satisfaction information for a nationally representative sample of 91,000 college graduates, and includes a large sample of lawyers across a wide range of law school graduation dates.¹⁴ Furthermore, because the NSCG is not limited to lawyers, it allows the unique opportunity to directly compare gender differences in job satisfaction among lawyers to gender differences in job satisfaction among those with highest degree bachelor's or with other graduate or professional degrees using the same measures of job satisfaction.

We begin by examining the employment distribution of JDs, grouped by elapsed time since earning a JD. This initial analysis confirms the well-known finding that among recent law graduates, women are employed as lawyers at rates comparable to men, but women are less likely to be practicing law by the time they reach mid-career.¹⁵ Drawing on this distinction, the analysis stratifies the sample of lawyers by graduation cohort to identify the career stage at which gender differences in job satisfaction arise. The data indicate that for recently

11. See *infra* Section II.B.3.

12. GITA Z. WILDER, NAT'L ASS'N FOR LAW PLACEMENT, WOMEN IN THE PROFESSION: FINDINGS FROM THE FIRST WAVE OF THE AFTER THE JD STUDY 19 (2007), http://nalp.org/assets/863_ajdgendermonograph2007.pdf [<https://perma.cc/4DJF-76JP>] ("Other studies of satisfaction with the legal profession among its practitioners have shown . . . *similar levels of satisfaction among women and men*. The AJD data add support to these findings, in spite of women's greater perception of discrimination.") (emphasis added); Jerome M. Organ, *What Do We Know About the Satisfaction/Dissatisfaction of Lawyers? A Meta-Analysis of Research on Lawyer Satisfaction and Well-Being*, 8 U. ST. THOMAS L.J. 225, 265–66 (2011); Kay & Gorman, *supra* note 3, at 323 ("[C]areer satisfaction levels appear similar between women and men.").

13. Organ, *supra* note 12, at 265.

14. See *National Survey of College Graduates*, NAT'L SCI. FOUND., <https://ncesdata.nsf.gov/datadownload/> [<https://perma.cc/6HNV-XYH9>] (last visited Apr. 7, 2018).

15. See *Achieving Long-Term Careers for Women in Law*, AM. BAR ASS'N (2017), https://www.americanbar.org/content/dam/aba/administrative/office_president/Initiative_Overview.pdf [<https://perma.cc/8NW7-EKRB>] (noting that while 45% of law firm associates are women, only 19% of equity partners are women).

graduated lawyers, there is a substantial difference in overall job satisfaction between men and women, but no gender disparity for more-experienced lawyers. Statistics that combine lawyers across all experience levels will therefore tend to mute any actual gender disparities, as the bulk of any sample will be comprised of lawyers with more experience who have selected to remain as lawyers because they are satisfied.

We further find that no similar disparity exists between recently graduated men and women with other professional or graduate degrees, suggesting that women's on-the-job experiences may be uniquely dreary as law school graduates. Given this finding, we discuss unique characteristics of the legal profession that may drive female lawyers' dissatisfaction relative to their male counterparts.

This Article proceeds as follows. Part II surveys two bodies of literature: (a) documented disparities between men's and women's experience practicing law and (b) gender differences in job satisfaction, with a focus on differences in job satisfaction among lawyers and JDs. In particular, Part II proposes reasons for inconsistent but generally limited evidence of gender differences in job satisfaction in the legal profession. Part III provides a summary of our data and variable definitions. Part IV discusses our empirical findings, presenting evidence not only that female lawyers are dissatisfied compared to men at the outset of their careers, but that this disparity is unique to the legal profession. Part IV further examines possible explanations for this finding, and Part V concludes.

II. BACKGROUND

A. *Gender and the Legal Profession*

The rate at which women leave careers in the law is startling enough to have recently garnered attention from the American Bar Association (ABA).¹⁶ In 2017, the ABA hosted a national summit on "Achieving Long-Term Careers for Women in Law," the first event in a planned initiative to tackle the issue of women exiting the profession.¹⁷ Notably, concerns about retaining female lawyers dates back to long before the 2017 summit.¹⁸ For instance, at the American Bar Association's Annual meeting in 1988, Patricia M. Wald, Chief Judge of the United States Court of Appeals of the District of Columbia, asked,

Are women dropping out of legal careers just because of

16. See Rawles, *supra* note 4.

17. *Id.*

18. See Ronald Leslie Hirsch, *Will Women Leave the Law?*, 16 BARRISTER 22 (1989).

inability to manage career and family simultaneously, or for more profound reasons: disenchantment with the law as it is practiced today, doubts as to whether it is worth making the superhuman effort, skepticism as to what values our profession nowadays projects and perpetuates?¹⁹

Mirroring concerns about female exits are the marked differences in experiences and outcomes between male and female lawyers. Researchers have documented gender differences that persist throughout lawyers' careers. Studies on career outcomes indicate gender disparities in pay²⁰ and opportunities for advancement,²¹ which appear to favor men. Commentators regularly highlight the issue that women are underrepresented in positions of power within law firms: less than twenty percent of law firm equity partners are women.²² Furthermore, the legal workplace is no exception to the rule that women are often forced to deal with discrimination and sexual harassment at higher rates than men.²³

Thus, in light of the substantial evidence that women have far inferior experiences within the legal profession, it is all the more surprising that most studies find no difference in job satisfaction between male and female lawyers. We next summarize research on gender differences in job satisfaction at both a general level and as applied to the legal profession specifically.

B. *Job Satisfaction in the Legal Profession: Paradox or Not?*

Worker satisfaction is important in its own right,²⁴ and can also shed light on other worker behaviors, such as future quits, absenteeism, and

19. Marilyn Tucker, Laurie A. Albright & Patricia L. Busk, Report, *Whatever Happened to the Class of 1983?*, 78 GEO. L.J. 153, 164 n.41 (1989) (citing Remarks of Chief Justice Patricia M. Wald at American Bar Association's Annual Meeting in Toronto, Canada 16–17 (Aug. 1988) (copy on file with the *Georgetown Law Journal*)).

20. Ronit Dinovitzer, Nancy Reichman & Joyce Sterling, *The Differential Valuation of Women's Work: A New Look at the Gender Gap in Lawyers' Incomes*, 88 SOC. FORCES 819, 819 (2009).

21. Kay & Gorman, *supra* note 3, at 323.

22. *A Current Glance at Women in the Law: January 2017*, AM. BAR ASS'N 2 (2017) https://www.americanbar.org/content/dam/aba/marketing/women/current_glance_statistics_january2017.authcheckdam.pdf [<https://perma.cc/HVE4-VW9R>].

23. See David N. Laband & Bernard F. Lentz, *The Effects of Sexual Harassment on Job Satisfaction, Earnings, and Turnover Among Female Lawyers*, 51 INDUS. & LAB. REL. REV. 594, 597 (1998).

24. Andrew E. Clark, *Job Satisfaction and Gender: Why Are Women So Happy at Work?*, 4 LAB. ECON. 341, 344 (1997) (noting that satisfaction “may be as close as we are likely to come to a proxy measure of utility at work, upon which a great deal of microeconomics is based”).

productivity.²⁵ As such, it comes as no surprise that job satisfaction is studied extensively in the social sciences. Many studies have focused specifically on whether a satisfaction disparity exists between male and female labor market participants.²⁶

Given women's historically disadvantaged position in the labor market,²⁷ one might hypothesize that women experience corresponding lower levels of job satisfaction across all occupations. However, research has found that this is largely not the case.²⁸ Indeed, women tend to report higher levels of job satisfaction compared to men—commonly referred to as the “paradox of the contented female worker”²⁹—with researchers offering various explanations to explain this phenomenon. Among the most widely discussed explanations are lower expectations³⁰ and diverging values.³¹ To the extent that women enter the labor market with lower expectations than men, they may feel satisfaction when their experiences exceed expectations despite their outcomes falling short of men's.³² These lower expectations may arise from either a lower sense of entitlement than male counterparts or a tendency to compare themselves to own-gender reference groups.³³ Diverging values may also contribute to a satisfaction paradox, as women appear to place lower value on extrinsic job aspects—such as pay and opportunities for advancement—in which they traditionally experience disparities.³⁴

In the legal profession specifically, most studies find no gender differences in job satisfaction among JDs or lawyers, although there are some studies that do.³⁵ We summarize thirteen prior studies on gender differences in job

25. *Id.* at 343–44.

26. For example, see Joni Hersch & Jean Xiao, *Sex, Race, and Job Satisfaction Among Highly Educated Workers*, 83 S. ECON. J. 1, 1 (2016), for a summary of the literature and new evidence.

27. Clark, *supra* note 24, at 342.

28. *Id.*

29. *Id.*; Jo Phelan, *The Paradox of the Contented Female Worker: An Assessment of Alternative Explanations*, 57 SOC. PSYCHOL. Q. 95, 95–96 (1994).

30. Clark, *supra* note 24, at 342.

31. Phelan, *supra* note 29, at 96.

32. *Id.*

33. *Id.*

34. *Id.* at 96–97; Clifford Mottaz, *Gender Differences in Work Satisfaction, Work-Related Rewards and Values, and the Determinants of Work Satisfaction*, 39 HUM. REL. 359, 366–68 (1986) (noting that in upper level occupations, men valued promotional opportunities more than women, while women valued task involvement and friendly and supportive supervision more than men).

35. Organ, *supra* note 12, at 265–66 (“Data related to gender issues in the legal profession has failed to identify any significant differences in levels of satisfaction between men and women.”).

satisfaction in Appendix Table A1.³⁶ This list is not meant to be exhaustive, but rather to provide an overview of the range of results that exist in the literature. Further, we focus on explaining potential reasons for prior inconsistent results, in which more studies than not find no gender difference in job satisfaction. We consider three explanations for why prior studies differ in their conclusions; this discussion also motivates the advantages of—and need for—the analysis conducted in the current paper. These reasons include the rapidly shifting gender makeup of the legal profession, varying definitions of satisfaction, and samples drawn from dissimilar populations—samples that often include mid- to late-career lawyers after many women have left the profession.

1. Change in the Gender Makeup of the Legal Profession

Results from older studies may no longer be relevant due to the rapidly shifting landscape of the legal profession. The period between the 1970s and early 2000s marked a drastic change in the gender composition of the legal profession.³⁷ In 1971, only 3% of lawyers were women.³⁸ Today, women make up 36% of the legal profession's workforce.³⁹ Given this drastic shift in the gender composition of the legal profession from the 1970s onward, results from older studies likely provide an outdated snapshot of lawyers' outcomes. As shown in Appendix Table A1, many of the studies focusing on gender differences in lawyer job satisfaction were undertaken in the 1980s and 1990s.

2. Variations in Definitions of Satisfaction

Further explaining discrepancies in prior results are the variations both in scales used and measures reported. Almost all studies that include a measure of job satisfaction use a Likert scale, which asks survey respondents to rate satisfaction on a four, five, or seven point numerical scale.⁴⁰ Some studies focus on the means of these Likert scales, some compare proportions that answered either favorably or unfavorably, and some compare extremes.⁴¹

Table 1 gives a simplified example of a distribution that would provide drastically different answers depending on the measure of satisfaction chosen.

36. *See infra* Appendix Table A1.

37. Joni Hersch, *The New Labor Market for Lawyers: Will Female Lawyers Still Earn Less?*, 10 CARDOZO WOMEN'S L.J. 1, 1 (2003).

38. *Id.*

39. *A Current Glance at Women in the Law: January 2017*, *supra* note 22, at 2.

40. *See infra* Appendix Table A1, column (6).

41. *See infra* Appendix Table A1, column (7).

Suppose a survey asks individuals to rate their job satisfaction on a scale of 1–7, with 7 being extremely satisfied and 1 being extremely dissatisfied. The responses are distributed as follows, with 100 male respondents and 100 female respondents:

TABLE 1: SAMPLE JOB SATISFACTION DISTRIBUTION⁴²

Response	Men	Women
1 (highly dissatisfied)	0	0
2 (dissatisfied)	0	50
3 (mildly dissatisfied)	0	0
4 (neither satisfied nor dissatisfied)	50	0
5 (mildly satisfied)	50	0
6 (satisfied)	0	0
7 (highly satisfied)	0	50

If researchers focus on either (a) the mean response or (b) the proportion of individuals who feel positively about their job (those who selected 5, 6, or 7), it would appear that there is no difference between men and women's job satisfaction.⁴³ However, if researchers were concerned about either (a) the proportion of individuals who had negative feelings about their job (those who selected 1, 2, or 3), or (b) the proportion who gave answers at either end of the extreme (those who answered either 1 or 2, or 6 or 7), they would conclude that men and women experience extremely different job satisfaction.⁴⁴

Illustrating the importance of varying measures in practice is the Tucker et al. study of 1983 graduates from twenty different law schools.⁴⁵ This study asked respondents to report their overall job satisfaction, giving respondents the option to choose satisfied, neutral, or dissatisfied.⁴⁶ Tucker et al. found no difference in overall job satisfaction if the measure of interest was the proportion of satisfied men (67%) and women (65%), but a drastic difference

42. This corresponds to the scale used in the *After the JD* survey. See *After the JD*, *supra* note 8.

43. (A) The mean response for men in this example is calculated as $(0.5 * 4) + (0.5 * 5) = 4.5$. The mean response for women would be identical: $(0.5 * 2) + (0.5 * 7) = 4.5$. (B) Similarly, if researchers defined satisfaction as the collective proportion who answered they were either mildly satisfied, satisfied, or highly satisfied, 50% of both men and women would be categorized as satisfied.

44. (A) This calculation would indicate that 50% of women are dissatisfied, while 0% of men are dissatisfied. (B) This calculation would show that 50% of women are highly dissatisfied, 50% of women are highly satisfied, and 0% of men fall into either extreme.

45. Tucker et al., *supra* note 19, at 154.

46. *Id.* at 184.

in men (15%) and women (26%) who answered that they were dissatisfied with their jobs.⁴⁷

Now, consider the fact that many studies do not employ the same scale,⁴⁸ which potentially further exacerbates the lack of consistent findings. What is the equivalent answer on a 7-point scale for individuals who answer 4 (“very satisfied”) on a 4-point scale? Is it the combination of those who answered 6 or 7 (“extremely satisfied” and “satisfied”), or simply those who answered 7 (“extremely satisfied”)?) Column 6 of Appendix Table A1 illustrates the varying scales used by prior studies, while Column 7 illustrates the varying measures. In sum, the use of both varied scales and metrics across studies may help explain some of the inconsistency in prior results.

3. Samples Drawn from Dissimilar Populations

Studies differ on whether they focus on the population of individuals who have earned a JD or those who are currently practicing law. These populations are intrinsically different, where the group of practicing lawyers is a subset of the population of JDs as a whole.⁴⁹ Many studies that survey JDs’ satisfaction characterize themselves as studies of lawyers’ satisfaction.⁵⁰ However, if respondents who have left the profession for other careers are included in the data analyzed, these studies are capturing something other than the satisfaction of lawyers.

Further, studies differ in the restrictions placed on the amount of time since JD attainment. Because dissatisfaction is highly predictive of worker quits,⁵¹ female lawyers who are the most dissatisfied are likely the ones who exit the profession, leaving those who are relatively more satisfied behind. As men do not leave the law at the same rate as women, prior studies that include mid- to late-career lawyers likely inflate women’s satisfaction levels relative to

47. *Id.*

48. See *infra* Appendix Table A1, column (6).

49. This statement does not account for the small percentage of lawyers who practice law without attending law school in Virginia, Vermont, Washington, and California. See Sean Patrick Farrell, *The Lawyers’ Apprentice*, N.Y. TIMES (July 30, 2014), https://www.nytimes.com/2014/08/03/education/edlife/how-to-learn-the-law-without-law-school.html?_r=0 [https://perma.cc/DF8N-3YNE].

50. For example, see David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 LAW & SOC. INQUIRY 251, 251 (1989). The title of this study indicates it tells the reader something about lawyers specifically. Yet, it represents a population of JDs regardless of whether they are practicing law. *Id.* at 262 (noting that 15% of women and 9% of men surveyed were not practicing law).

51. George A. Akerlof et al., *Job Switching and Job Satisfaction in the U.S. Labor Market*, 1988 BROOKINGS PAPERS ON ECON. ACTIVITY 495, 559 (1988).

men's.⁵² This issue arises in prior studies regardless of whether they include the population of JDs or the more limited population of practicing lawyers. Studies that include all JDs regardless of employment type include data on job satisfaction of individuals who are working in non-legal jobs. If women are dissatisfied with practicing law at a higher rate than men, and in turn move to careers that bring them greater satisfaction, their job satisfaction with other non-legal careers would be captured in the survey results. Studies that include only practicing lawyers suffer from a similar problem. These studies would not include women who leave the law, thereby only accounting for the relatively most satisfied female lawyers. Both scenarios would overinflate the relative satisfaction of women to men.

Finally, most prior studies represent either school-specific or city-specific populations, and any findings from limited populations may not be nationally representative of the broader population of lawyers.⁵³ Column 5 of Appendix Table A1 provides information on prior studies' geographic and school restrictions. As noted earlier in the Introduction, to our knowledge, only two nationally representative datasets have been used to study gender differences in JDs' job satisfaction: the National Survey of Lawyers' Career Satisfaction (NSLCS) and, more recently, the After the JD (AJD).

The NSLCS was undertaken in two waves—1984 and 1990⁵⁴—at a time when the gender makeup of the legal profession was still evolving.⁵⁵ Studies using NSLCS data find a significant difference in overall job satisfaction between male and female lawyers. For instance, Chiu uses the 1990 wave of the NSLCS to study gender satisfaction differences among private-practice lawyers who graduated from 1980 to 1990.⁵⁶ Notably, Chiu's study captured only lawyers at the outset of their careers.⁵⁷ Indeed, she finds that women have significantly lower job satisfaction than men, driven by a perceived lack of influence and promotional opportunity.⁵⁸

The more recent AJD was designed to be representative of lawyers first admitted to the bar in 2000 and sought to understand career outcomes for new

52. See Kay & Gorman, *supra* note 3; *infra* Appendix Table A1.

53. For example, see Tucker et al., *supra* note 19.

54. See *National Survey of Lawyers' Career Satisfaction*, *supra* note 8.

55. See *supra* Section II.B.1.

56. Charlotte Chiu, *Do Professional Women Have Lower Job Satisfaction Than Professional Men? Lawyers as a Case Study*, 38 *SEX ROLES* 521, 526, 528 (1998).

57. *Id.* at 527–28.

58. *Id.* at 521.

lawyers.⁵⁹ The AJD followed a group of lawyers for the first ten years of their careers and occurred in three waves: three years after passing the bar, six years after passing the bar, and finally, ten years after passing the bar.⁶⁰ Although this AJD provides extensive detailed information, it does not provide a question on overall job satisfaction (which is the usual outcome analyzed in other surveys), but instead asks about respondents' satisfaction with their decision to become a lawyer.⁶¹ While satisfaction with the decision to become a lawyer is an important metric in its own right, it does not provide information on respondent's overall satisfaction with his or her current job.

Dinovitzer et al. provides a comprehensive report on each wave of the survey and discusses gender differences in satisfaction with the decision to become a lawyer, as well as with sixteen specific job aspects.⁶² In addition, Dinovitzer et al. examines intention to quit within the next two years, which is related to job satisfaction.⁶³ In the first wave, Dinovitzer et al. found men and women who had passed the bar three years prior were equally as likely to report satisfaction with their decisions to become lawyers.⁶⁴ However, upon examining specific measures of job satisfaction, the study found that women reported being more satisfied with the substance of their work, while men were more satisfied with power track, job setting, and social index—three categories that cumulatively include 11 of the 16 specific job aspects.⁶⁵ Finally, women were more likely to report an intention to leave their job within the next two years.⁶⁶ Thus, while the AJD does not include a single direct measure of overall job satisfaction, more specific satisfaction questions indicate that women may be less satisfied than men.

59. *After the JD*, *supra* note 8.

60. RONIT DINOVTIZER ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., *AFTER THE JD: FIRST RESULTS OF A NATIONAL STUDY OF LEGAL CAREERS* 10, 13 (Janet E. Smith et al. eds., 2004).

61. *Id.* at 47.

62. *Id.* at 47–50.

63. *Id.* at 58.

64. *Id.*

65. *Id.* Satisfaction with substance includes the substantive area of work, tasks performed at work, intellectual challenge, and opportunities for building skills. Power track satisfaction combines satisfaction with compensation and satisfaction with opportunities for advancement. Job setting satisfaction includes satisfaction with recognition received at work, level of responsibility, performance evaluation process, relationships with colleagues, control over work, and job security. Finally, satisfaction with social index reflects satisfaction with workplace diversity, ability to perform pro bono work, and social value of the work. *Id.* at 47–48.

66. *Id.* at 58 (noting that 48% of women reported an intention to quit, compared to only 38% of men).

Dinovitzer et al.'s report corresponding to Wave II does not discuss satisfaction with specific job aspects or intention to quit in the context of gender, but rather only discusses gender differences in satisfaction with the decision to become a lawyer.⁶⁷ Unsurprisingly, those who had left the practice of law were the least satisfied with their decision to become lawyers.⁶⁸ More interestingly, men's satisfaction with their decision to become a lawyer generally exceeds women's for those working in private practice.⁶⁹ Likewise, Dinovitzer et al.'s Wave III report does not discuss gender in the context of specific job aspects, but does find some differences in overall job satisfaction across practice setting, with men being more satisfied in some settings and women being more satisfied in others.⁷⁰ However, women in Wave III were more likely to report they were looking for another job, with this effect most pronounced among large firms and state and local government positions.⁷¹

III. EMPIRICAL MOTIVATION AND DATA

Our analysis uses the 2015 wave of the National Survey of College Graduates (NSCG), which, starting in 2013, is a biennial survey of college graduates conducted by the National Science Foundation for inclusion in its Scientists and Engineering Statistical Data System (SESTAT).⁷² The 2015 NSCG contains 91,000 observations, with 1,928 having earned a JD.⁷³ Our analysis sample includes respondents with a JD who are not retired and do not also have a PhD or MD.⁷⁴ The resulting number of observations is 1,770. The

67. RONIT DINOVTIZER ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* 70 (2009).

68. *Id.*

69. *Id.*

70. RONIT DINOVTIZER ET AL., NALP FOUND. FOR LAW CAREER RESEARCH & EDUC. & AM. BAR FOUND., *AFTER THE JD III: THIRD RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* 70 (2014).

71. *Id.* at 69.

72. The NSCG surveyed all college graduates in 1993, 2003, and 2010, with their surveys in other years prior to 2013 restricted to those employed in STEM occupations or with degrees in STEM fields. The 2015 wave of the NSCG is representative of non-institutionalized individuals living in the United States who earned at least a bachelor's degree prior to January 1, 2014 and were under the age of 76 as of the survey reference date (February 1, 2015). *National Survey of College Graduates*, *supra* note 14.

73. *Id.*

74. We define JDs as those who reported earning a professional degree in "Law/PreLaw/Legal Studies." There are fifty-eight individuals who also earned a PhD and two individuals who also earned an MD.

NSCG provides detailed data on demographic characteristics, job characteristics, and job satisfaction, including a direct measure of overall job satisfaction.⁷⁵ As the NSCG oversamples groups of special interest to the SESTAT program, the NSCG sampling weights are used for all calculations so that the estimates are representative of the entire college-graduate population.⁷⁶

The primary outcome of interest is overall job satisfaction. The NSCG asks respondents to rate nine individual aspects of their job on a four-point scale, with 1 being “very satisfied,” 2 being “somewhat satisfied,” 3 being “somewhat dissatisfied,” and 4 being “very dissatisfied.”⁷⁷ The job aspects include opportunities for advancement, benefits, intellectual challenge, degree of independence, location, level of responsibility, salary, job security, and contribution to society.⁷⁸ After asking about satisfaction with specific job characteristics, the NSCG asks respondents to rate their overall job satisfaction on the same four-point scale.⁷⁹ We create separate indicator variables⁸⁰ for overall job satisfaction and each of the nine job satisfaction categories. We define indicator variables equal to 1 if the respondent answered “very satisfied” to the relevant question, and 0 otherwise.

We define satisfaction in this way for two reasons. First, the vast majority of respondents in job satisfaction surveys place themselves above the midpoint, and therefore there is little variation in individuals who answered negatively.⁸¹ Further, David L. Chambers points out the following in the context of lawyers’ job satisfaction: “To include the barely positive in a larger group and characterize them as ‘satisfied,’ as many researchers have done, may well misrepresent how the barely positive would have described themselves.”⁸²

75. See *2015 National Survey of College Graduates*, U.S. CENSUS BUREAU (2015), <https://www.census.gov/content/dam/Census/programs-surveys/nscg/Questionnaires/2015/2015%20NSCG%20New%20Respondents.pdf> [<https://perma.cc/K89S-32RC>].

76. This is due to the stratified sampling frame design of the NSCG. See *National Survey of College Graduates*, *supra* note 14 (“The NSCG uses a stratified sampling design to select its sample from the eligible sampling frame. . . . The final sample weights enable data users to derive survey-based estimates of the NSCG target population.”).

77. See *2015 National Survey of College Graduates*, *supra* note 75, at 4.

78. *Id.*

79. *Id.*

80. Indicator variables are also referred to as binary variables or dummy variables. WILLIAM H. GREENE, *ECONOMETRIC ANALYSIS* 106 (6th ed. 2008).

81. See *infra* Appendix Figure A1.

82. David L. Chambers, *Overstating the Satisfaction of Lawyers*, 39 *LAW & SOC. INQUIRY* 313, 317 (2014).

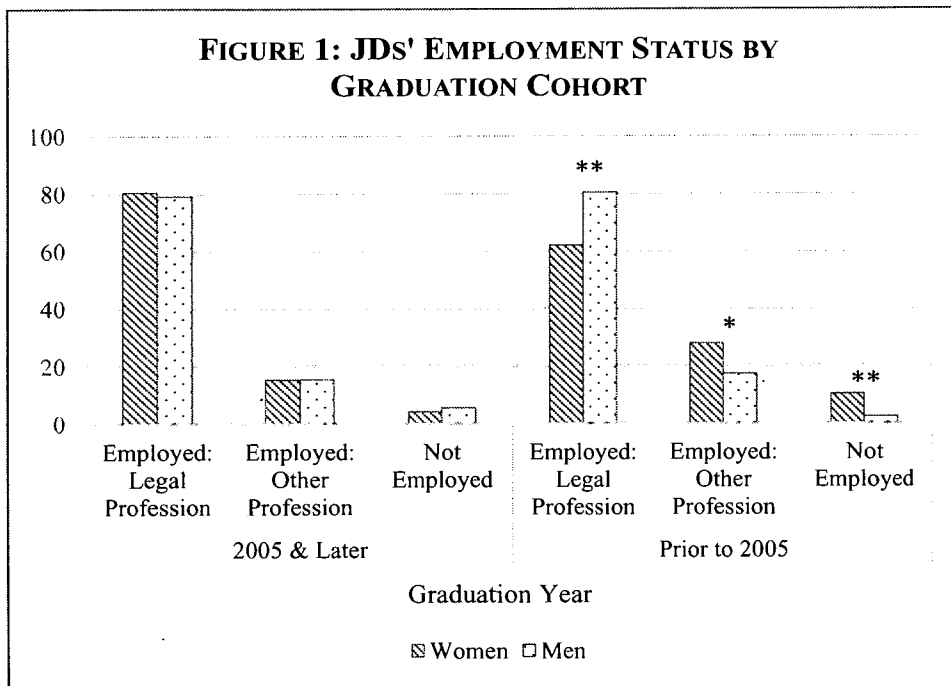
IV. FINDINGS

A. Sorting Out of the Profession

This section examines the employment distribution among the 1,770 JDs in our analysis sample. Those reporting that their occupation is in the category of “lawyers and judges” are classified as currently working in a legal occupation. Further, the sample is stratified into those who earned their JD prior to 2005 (hereinafter, non-recent graduates) and those who earned their JD in 2005 or later (hereinafter, recent graduates); the latter group corresponds to both Chiu’s study using the NSLCS data and the AJD sample of JDs in their first 10 years after earning the JD.⁸³

As demonstrated in Figure 1, our data reflects the ongoing concerns about women exiting the legal profession: among those who graduated more than ten years ago, female JDs are less likely to be working in the legal profession than male JDs, as well as less likely to be employed at all. In contrast, recently graduated male and female JDs show little difference in the probability of employment as a lawyer or in another occupation, with women only slightly less likely than men to be employed. In contrast to the almost 20 percentage point difference between recent and non-recent female JDs, the share of men employed in the legal profession shows little difference between the cohorts, with a consistent 80% of male JDs employed in the legal profession.

83. Further, the cohort of lawyers graduating in 2005 and later is contained within the current era in which women attend law school at similar rates to men.



This figure represents the percentage of non-retired JDs by gender and cohort with each employment status as of February 1, 2015. Values are calculated using the NSCG sample weights. Asterisks above the bars indicate gender differences in that category. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level.

B. Overall Satisfaction

As mentioned above, worker dissatisfaction is highly predictive of worker quits.⁸⁴ Furthermore, it is likely that those non-recent graduates who are not working as lawyers are those who experienced the most dissatisfaction while working as lawyers.

Given this hypothesis, we begin by presenting descriptive statistics in Table 2 on overall job satisfaction for lawyers, stratified by gender and by cohort (recent vs. non-recent graduates), in order to illustrate the likely effects of self-selection out of the profession. We find that for lawyers overall, and for recently graduated lawyers, men report a greater level of overall job satisfaction than women. As indicated in column (3), the disparity is by far the most pronounced for recent graduates, with male lawyers 20 percentage points more likely to feel very satisfied with their job than women.

84. See Akerlof et al., *supra* note 51, at 559.

**TABLE 2: LAWYERS' OVERALL JOB SATISFACTION
BY GENDER & COHORT**

Cohort	Men	Women	Unadjusted Difference (Women – Men)	Regression- Adjusted Difference	N (% Women)
	(1)	(2)	(3)	(4)	(5)
All	54.9	41.8	-13.0*	-3.2	1,184 (37.3%)
Recent Graduates	49.0	29.2	-19.8*	-19.0*	436 (51.2%)
Non-Recent Graduates	56.6	50.6	-6.0	4.3	748 (31.4%)

This table represents the percentage of respondents who stated they were “very satisfied” with their jobs. It is limited to those who were employed as lawyers during the week of February 1, 2015 and reported a non-zero salary. Values are calculated using the NSCG sample weights. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level. Positive values in columns (3) and (4) indicate women are more satisfied than men.

A number of other characteristics have been shown to influence job satisfaction, including compensation, tenure, hours worked, and whether an individual is in a supervisory role. To isolate the effect of gender on satisfaction, we conducted a multiple regression analysis,⁸⁵ which accounts for individual,⁸⁶ job,⁸⁷ and employer characteristics⁸⁸ that may vary systematically between male and female lawyers.⁸⁹ The regression analysis allows us to isolate the relationship between gender and satisfaction.⁹⁰ Column (4) of Table 2 summarizes the gender disparity derived from the regression analysis.

85. Specifically, we use probit regression, but get similar results using ordinary least squares regression. For more information on regression estimation when the outcome is binary, see GREENE, *supra* note 80, at 772–75.

86. Individual characteristics included in the regression include race and ethnicity, marital status, and presence of children in the household.

87. Job characteristics included in the regression include salary, hours, tenure, and supervisory status.

88. Employer characteristics included in the regression include employer type, size, and location.

89. For a detailed summary of the characteristics of the sample, stratified by gender, see *infra* Appendix Table A3.

90. GREENE, *supra* note 80, at 10 (“One of the most useful aspects of the multiple regression model is its ability to identify the independent effects of a set of variables on a dependent variable.”).

Notably, as the adjusted differences reported in column (4) indicate, controlling for other characteristics associated with job satisfaction statistically eliminates the overall gender satisfaction differential, supporting a sorting explanation of the absence of an overall gender satisfaction gap in some previous research, wherein those least satisfied leave the legal profession, and those women who stay in legal jobs sort into work environments in which they are relatively satisfied. However, and importantly, controlling for extensive characteristics associated with satisfaction does not explain *any* of the satisfaction gap for new lawyers: the regression analysis indicates that recently graduated female lawyers are 19 percentage points less likely to state that they are very satisfied with their current job compared with their male counterparts, which is almost identical to the gender gap in satisfaction observed in the average, unadjusted satisfaction levels.⁹¹

C. Explaining the Satisfaction Gap

We next look to satisfaction with individual job aspects in order to investigate what is driving women's relative overall dissatisfaction at the outset of their legal careers. The ABA summit on "Achieving Long-Term Careers for Women in the Law" suggests three possible explanations for women's exodus from the legal profession: the gender pay gap, dissatisfaction with work/life balance, and unconscious bias.⁹² Given that the exodus from the legal profession is likely linked with the satisfaction gap, we investigate each of these hypotheses as they relate to satisfaction. Drawing on our findings that the gender disparity is present only for recent graduates, the remaining analysis is limited to lawyers who earned a JD within the past ten years.⁹³

As discussed in Section III, the NSCG asks about satisfaction with nine specific job characteristics.⁹⁴ Table 3 presents gender differences in satisfaction with individual job aspects in both unadjusted mean and regression-adjusted form.

Beginning with the unadjusted differences reported in column (3), with the exception of satisfaction with salary, there is surprisingly no statistically significant unadjusted difference between men and women. Perhaps most notably, there is no disparity in satisfaction with opportunities for advancement, despite women being disadvantaged in this area relative to men.⁹⁵ While both men and women experience low satisfaction with salary when compared to

91. See *infra* Appendix Table B1.

92. Rawles, *supra* note 4.

93. Appendix Table A2 explains the construction of our sample for the following analyses.

94. See *2015 National Survey of College Graduates*, *supra* note 75, at 4.

95. See Sterling & Reichman, *supra* note 1, at 517.

other job aspects, women's satisfaction is strikingly low, with only approximately 18% of recently graduated female lawyers stating that they are very satisfied with their current job's salary.

**TABLE 3: LAWYERS' SATISFACTION BY JOB ASPECT:
RECENT GRADUATES**

Job Aspect	Men (N = 200)	Women (N = 236)	Unadjusted Difference (Women – Men)	Regression- Adjusted Difference
	(1)	(2)	(3)	(4)
Opportunities for Advancement	16.7	21.2	4.5	3.8
Benefits	36.4	40.4	4.0	9.4
Intellectual Challenge	52.8	47.1	-5.7	16.0+
Independence	58.8	61.6	2.8	12.3
Location	58.7	55.5	-3.2	5.4
Level of Responsibility	51.8	48.3	-3.5	13.5
Salary	36.0	17.6	-18.3*	-6.0
Security	43.6	38.4	-5.2	-1.5
Contribution to Society	47.4	42.4	-5.0	7.5

This table represents the proportion of each group that answered "very satisfied" to the question "How satisfied are you with [each aspect of] your current job?" It is limited to those who earned a JD in 2005 or later, were employed as lawyers during the week of February 1, 2015, and reported a non-zero salary. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level. Positive values in columns (3) and (4) indicate women are more satisfied with that job aspect than men.

This approximately 18 percentage point disparity in satisfaction with salary provides some initial support that the gender pay gap may be driving women's dissatisfaction with and exit from legal practice. However, column (3) of Table 3 only captures a difference in means between male and female satisfaction, and does not account for individual, job, and employer characteristics that may vary systematically between male and female lawyers. Column (4) makes that adjustment.

As introduced above, we again use a regression analysis to isolate the relationship between gender and satisfaction with salary. In contrast to the findings on overall job satisfaction, regression results for salary satisfaction yield no significant relationship between gender and satisfaction with salary.⁹⁶ Thus, it appears that other characteristics—which systematically vary between male and female lawyers—can account for the entirety of the 18 percentage point difference in means. Perhaps this is not surprising, given that women work in relatively low-paid government and public interest positions at higher rates than men.⁹⁷ In sum, for similarly situated male and female lawyers, there is no disparity in satisfaction with salary, indicating that the gender pay gap is not driving female dissatisfaction.

The ABA's second possible explanation for the female exodus from the law is dissatisfaction with work/life balance.⁹⁸ There is no direct NSCG question regarding satisfaction with work/life balance.⁹⁹ However, the NSCG provides respondents' hours worked per week and the number of children, along with their ages, living in the respondent's household.¹⁰⁰ We create an indicator variable for any respondent who has a child under the age of nineteen living in his or her home. This variable, along with hours worked per week, can provide some idea of the effect that work/life balance has on female satisfaction. If relative female dissatisfaction is driven by an undesirable work/life balance, one would expect women who are working the longest hours or have children to bear the brunt of this dissatisfaction. A regression is again used—limited to the population of recently graduated female lawyers—to examine whether working longer hours or having a child under nineteen negatively impacts satisfaction. Notably, we do not find a negative effect of hours worked or having a child under nineteen on females' job satisfaction, as shown in Appendix Table B2. In fact, women who work longer hours are actually more satisfied than women who work fewer hours, even after controlling for salary, supervisory status, and employer type. We can thus conclude that it is unlikely that long hours and a lack of work/life balance is driving women's lower job satisfaction when compared to men.

Finally, there is no way to measure the effects of unconscious bias from the NSCG data. However, given the lack of explanatory power that the pay gap

96. See *infra* Appendix Table B2.

97. See, e.g., Kathleen E. Hull & Robert L. Nelson, *Assimilation, Choice, or Constraint? Testing Theories of Gender Differences in the Careers of Lawyers*, 79 SOC. FORCES 229, 240 (2000).

98. See 2015 National Survey of College Graduates, *supra* note 75, at 4.

99. See *id.*

100. See *id.* at 5, 13.

and satisfaction with work/life balance provide, unconscious bias may be the most likely of the three explanations set forth by the ABA. This explanation also aligns with media reports,¹⁰¹ lawsuits,¹⁰² and surveys¹⁰³ alleging mistreatment of women.

In sum, by ruling out dissatisfaction with the nine NSCG job characteristics and work/life balance, we find that women's relative dissatisfaction is driven by either bias, or something more complicated. We investigate by comparing satisfaction of recently graduated JDs with other degree types.

D. Comparison to Other Professionals

This section compares the state of women's satisfaction in the legal profession with satisfaction among other professionals. We separate respondents into mutually exclusive categories based on each individual's highest degree: JD, MBA, MD, non-business MA, PhD, and BA.¹⁰⁴ This allows us to determine whether the gender disparity in satisfaction is unique to new lawyers, or reflective of recently graduated women as a whole.

Whereas we limit our sample to employed lawyers for the bulk of our analysis, we cannot define a comparable sample for other degree types. Of the degree types listed above, only MDs map onto a specific job (doctors) in the same way that JDs map to lawyers. Thus, we instead use the NSCG question on the extent that a respondent's job relates to his or her highest degree to create an analogous group.

Each respondent is asked the following: "To what extent was your work on your principal job related to your highest degree?"¹⁰⁵ We restrict the analysis to those who report that their job is "closely related" to their highest degree. For comparability purposes, in Table 4 we also include JDs defined using the "closely related" criterion instead of those working as lawyers or judges, as

101. See, e.g., Sara Randazzo & Nicole Hong, *At Law Firms, Rainmakers Accused of Harassment Can Switch Jobs with Ease*, WALL ST. J. (July 30, 2018, 11:38 AM), <https://www.wsj.com/articles/at-law-firms-rainmakers-accused-of-harassment-can-switch-jobs-with-ease-1532965126> [<https://perma.cc/8PP9-SNT6>].

102. See, e.g., Erik Larson & Rebecca Greenfield, *Ogletree Law Firm Accused of Gender Pay Gap in \$300 Million Suit*, BLOOMBERG (Jan. 16, 2018, 12:55 PM), <https://www.bloomberg.com/news/articles/2018-01-16/ogletree-law-firm-accused-of-gender-pay-gap-in-300-million-suit> [<https://perma.cc/V35Y-EHD6>].

103. See, e.g., Jackson, *supra* note 5 (noting that the preliminary results of a survey of 1,300 respondents from the 350 largest US law firms finds that 81% of women report having been mistaken for a lower level employee).

104. A small handful of respondents report other professional degrees, but are excluded from the analysis.

105. See *2015 National Survey of College Graduates*, *supra* note 75, at 3.

restricted above. Notably, when we restrict the sample in this way instead of only including lawyers, we still find that female JDs are statistically significantly less satisfied than their male counterparts, with the magnitude of the disparity similar to the results reported in Table 2.

We do not find a satisfaction disparity by gender for any other degree type, indicating that the experiences of women working in jobs related to their JD after graduation is particularly unattractive when compared with men in the profession. This holds true both in comparison of means, as shown in column (3) of Table 4, and in a regression, as shown in column (4).

**TABLE 4: OVERALL JOB SATISFACTION OF RECENT GRADUATES
BY GENDER & DEGREE TYPE**

Degree Type	Men	Women	Unadjusted Difference (Women – Men)	Regression-Adjusted Difference	N
	(1)	(2)	(3)	(4)	(5)
JD	50.6	32.6	-18.0+	-17.3*	473
MD	51.6	40.9	-10.8	-4.9	462
MBA	44.0	44.6	0.7	5.3	1,288
MA (Non-Business)	49.3	46.4	-3.2	-1.5	10,971
PhD	53.2	53.3	0.1	1.1	2,397
BA	45.0	47.7	2.8	1.1	8,245

This table represents the percentage of respondents who stated they were “very satisfied” with their jobs. It is limited to those who earned their highest degree in 2005 or later, were employed in a job that was “closely related” to their highest degree during the week of February 1, 2015, and reported a non-zero salary. Values are calculated using the NSCG sample weights. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level. Positive values in columns (3) and (4) indicate women are more satisfied than men.

This finding is puzzling, and prompts consideration about the unique qualities of the legal profession that are driving women’s dissatisfaction. If bias is to blame, this finding would indicate either that bias towards women in the legal profession is particularly brutal, or that women in the legal profession’s satisfaction is especially susceptible to bias. Given women’s relatively late

entrance into the legal profession in comparison to other careers,¹⁰⁶ the idea that they may experience more pervasive bias than other professionals is entirely possible. However, to our knowledge, there is currently no evidence comparing experiences of discrimination and harassment between lawyers and other professionals. This represents an important area for future research.

Another possible explanation for the unique situation of women practicing law may stem from the high debt that often accompanies law school attendance.¹⁰⁷ Recently graduated JDs, along with MDs, are uniquely burdened with extremely high debt.¹⁰⁸

For instance, approximately 53.4% of JDs who graduated within the past ten years have more than \$90,000 of debt, compared to 66.6% of MDs.¹⁰⁹ In contrast, of the remaining highest degree types—BAs, MAs (non-business), MBAs, and PhDs—the percentage of individuals with more than \$90,000 of debt ranges from only 3.4% to 7.6%.¹¹⁰

While medical students accrue debt at a similarly high rate as JDs, they do not face a similar decision after medical school and residency. In terms of salary, no jobs in the medical field are comparable to public interest law jobs.¹¹¹ Regardless of the specialty chosen, medical students are likely to make enough money to pay off medical school debt.¹¹² In contrast, any government or not for profit job will pay drastically less than a job in a firm setting for young lawyers.¹¹³

106. For example, when women constituted only 3% of lawyers in 1971, they made up approximately 30% of the workforce and 16% of managers overall. See Hersch, *supra* note 37, at 1; *Women in the Workforce*, U.S. CENSUS BUREAU, https://www.census.gov/newsroom/pdf/women_workforce_slides.pdf [<https://perma.cc/KDP4-XU6D>] (last visited Aug. 13, 2018).

107. See *Which Law School Graduates Have the Most Debt?*, U.S. NEWS, <https://www.usnews.com/best-graduate-schools/top-law-schools/grad-debt-rankings> [<https://perma.cc/8HL7-MANN>] (last visited Aug. 13, 2018).

108. See *infra* Appendix Table A4.

109. See *infra* Appendix Table A4.

110. See *infra* Appendix Table A4.

111. See Jacquelyn Smith, *The Best- and Worst-Paying Jobs for Doctors*, FORBES (July 20, 2012, 4:45 PM), <https://www.forbes.com/sites/jacquelynsmith/2012/07/20/the-best-and-worst-paying-jobs-for-doctors-2/#764ed35a2a3a> [<https://perma.cc/FC25-Q9KC>]; *New Findings on Salaries for Public Interest Attorneys*, NAT'L ASS'N FOR L. PLACEMENT (Sept. 2010), <https://www.nalp.org/sept2010pubintsal> [<https://perma.cc/62QG-Q5VS>].

112. Smith, *supra* note 111 (noting that the lowest paying medical specialties—which include family practitioners, pediatricians, and psychiatrists—averaged \$189,000 per year in base pay).

113. See *New Findings on Salaries for Public Interest Attorneys*, *supra* note 111 (noting that the median entry level salary for lawyers in public interest organizations was \$45,000 in 2010, compared with the median salary of \$135,000 for lawyers in firms with 500+ lawyers).

To the extent that women enter law school hoping to serve society,¹¹⁴ they may be dissatisfied with the choice they are often forced to make after law school: go into public interest work and struggle to pay off law school debt, or enter a firm setting. Many law school graduates who dream of public interest careers may choose to work at a law firm until they can reduce the amount of their debt to a manageable level. In a firm setting, women on average may experience disutility for multiple reasons: perceived lack of contribution to society, stressful environment, and competitive structure. While men may experience disutility in a firm setting for these same reasons, they are much more likely to be consoled by a high salary.¹¹⁵ Perhaps more importantly, the gender pay gap likely leaves women feeling more burdened by high debt levels than their male counterparts.

Finally, law school is regularly criticized as an environment that has failed to evolve to match its increase in female attendance. Research on experiences in law school find that women are less likely to participate in class, less likely to find faculty mentors, and more likely to experience mental health distress.¹¹⁶ Such findings indicate that the law school pedagogy caters to men in a way that leaves women at a disadvantage. If indeed women's law school experiences are generally inferior to men's, they likely experience disenchantment with legal practice before they even begin their careers. This may carry over into their careers, leaving them relatively dissatisfied and likely to leave the profession.

V. CONCLUSION

Our findings show that women who begin careers in law are less satisfied with their jobs as a whole compared to men. These findings provide evidence that may help explain the exodus of women from the legal profession early in their careers. Although we examine nine detailed measures of job satisfaction, we find little evidence regarding what specific attributes are driving this

114. See Paul W. Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 LAW & INEQ. 59, 65–66 (1991).

115. See Clark, *supra* note 24, at 351 (“Work values differ significantly by gender. . . . Men rank promotion prospects, pay and job security more highly than do women, but women are significantly more likely to mention good relations with managers, the actual work itself and the hours of work.”).

116. Sari Bashi & Maryana Iskander, *Why Legal Education is Failing Women*, 18 YALE J. L. & FEMINISM 389, 417–18 (2006); Lani Guiner et al., *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. PA. L. REV. 1, 3–4 (1994); Janet Taber et al., *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 STAN. L. REV. 1209, 1242 (1988).

dissatisfaction. Bias, which is difficult to quantify, remains as a possible explanation.

Further, women's relative dissatisfaction is unique to the practice of law. This has important implications for further research on what may be driving women to leave the law. Researchers and advocates should look to other professions and consider the unique aspects of legal careers when tackling the issue of women exiting the law.

APPENDIX A

TABLE A1: SUMMARY OF PRIOR STUDIES

Survey Year	Authors (Year)	Lawyers or JDs?	Graduation Year Restrictions	Location or School Restrictions	Scale	Measure	Overall Difference?
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1981–1984	Chambers (1989) ¹¹⁷	JDs	Classes of 1976–1979 (each surveyed 5 years after graduation)	Graduates of University of Michigan Law School	Surveyed as seven-point Likert scale, presented as five-point Likert scale	Distribution as a whole	No
1985–1986	Tucker et al. (1989) ¹¹⁸	JDs	Class of 1983	Graduates of 20 law schools	Three-point Likert scale	Percent satisfied and percent dissatisfied	Mixed ¹¹⁹
Late 1980s	Mattessich & Heilman (1990) ¹²⁰	JDs	Classes of 1975, 1978, 1982, and 1985	Graduates of three Minnesota law schools	Four-point Likert scale	Distribution as a whole	No
1986	Taber et al. (1988) ¹²¹	Lawyers	None	Graduates of Stanford Law School	Seven-point Likert scale	Mean	No
1990	Chiu (1998) ¹²²	Lawyers (full-time, private practice)	Graduated within 10 years of the survey (1980–1990)	Nationally representative	Five-point Likert scale	Mean	Yes
Late 1980s/Early 1990s	Teitelbaum et al. (1991) ¹²³	Lawyers	Graduated 1975–1986	Graduates of University of New Mexico Law School	Five-point Likert scale	Distribution as a whole	No

117. Chambers, *supra* note 50, at 251, 274–75.

118. Tucker et al., *supra* note 19, at 153.

119. There was no difference when comparing men and women who reported being satisfied with their jobs. However, a larger percentage of women reported being dissatisfied. *Id.* at 164.

120. Mattessich & Heilman, *supra* note 114, at 59, 61, 68.

121. Taber et al., *supra* note 116, at 1209.

122. Chiu, *supra* note 56, at 521, 526, 528–29.

123. Lee E. Teitelbaum et al., *Gender, Legal Education, and Legal Careers*, 41 J. LEGAL EDUC. 443, 443, 451, 473 (1991).

Survey Year	Authors (Year)	Lawyers or JDs?	Graduation Year Restrictions	Location or School Restrictions	Scale	Measure	Overall Difference?
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1994–1995	Heinz, Hull, & Harter (1999) ¹²⁴	Lawyers	None	Practicing in Chicago	Five-point Likert scale	Mean	No
1997	Hagan & Kay (2007) ¹²⁵	Lawyers	None	Practicing in Toronto	Combination of three five-point Likert scales ¹²⁶	Mean	No ¹²⁷
1996	Mueller & Wallace ¹²⁸	Lawyers (excluding self-employed)	None	Practicing in large Canadian city	Likert scale	Mean	No
1967–2000	Dau-Schmidt et al. (2009) ¹²⁹	JDs	5 and 15 years post-graduation	Graduates of the University of Michigan Law School	Seven-point Likert scale	Mean & regression coefficient	No
2003	Dinovitzer et al. (2004) ¹³⁰	JDs	Admitted to the bar in 2000	Nationally representative	Seven-point Likert scale	Mean	No ¹³¹

124. John P. Heinz et al., *Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar*, 74 IND. L.J. 735, 736, 742–43 (1999).

125. John Hagan & Fiona Kay, *Even Lawyers Get the Blues: Gender, Depression, and Job Satisfaction in Legal Practice*, 41 L. & SOC'Y REV. 51, 51 (2007).

126. Respondents were asked to rate the following on a scale of 1–5: “overall job satisfaction, inclination to recommend the job to a friend, and likelihood of choosing the same job again.” *Id.* at 63. The responses to these three questions were averaged to create a measure of overall satisfaction. *Id.*

127. While Hagan and Kay found no difference in job satisfaction levels, they found that female lawyers were more likely to report feelings of depression and despondency than male lawyers. *Id.* at 68–69.

128. Charles W. Mueller & Jean E. Wallace, *Justice and the Paradox of the Contented Female Worker*, 59 SOC. PSYCHOL. Q. 338, 338, 340–41 (1996).

129. Kenneth G. Dau-Schmidt et al., *Men and Women of the Bar: The Impact of Gender on Legal Careers*, 16 MICH. J. GENDER & L. 49, 49 (2009).

130. See DINOVITZER ET AL., *supra* note 60, at 1.

131. While finding no difference in satisfaction with the decision to become a lawyer, there were important differences in satisfaction with specific job aspects. *Id.* at 58.

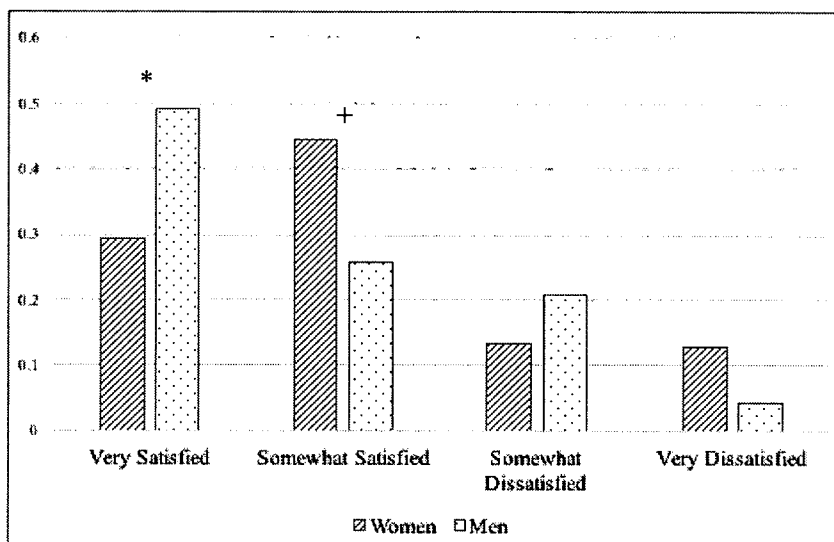
Survey Year	Authors (Year)	Lawyers or JDs?	Graduation Year Restrictions	Location or School Restrictions	Scale	Measure	Overall Difference?
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
2000–2006	Stake et al. (2007) ¹³²	JDs	5 and 15 years post-graduation	Graduates of Indiana University School of Law – Bloomington	Seven-point Likert scale	Mean & regression coefficient	Mixed ¹³³
2007	Monahan & Swanson (2009) ¹³⁴	JDs	Class of 1990	Graduates of University of Virginia Law School	Five-point Likert scale	AJD measures + work/life balance question	No

132. Jeffrey Evans Stake et al., *Income and Career Satisfaction in the Legal Profession: Survey Data from Indiana Law School Graduates*, 4 J. EMPIRICAL LEGAL STUD. 939, 939 (2007).

133. There were no differences for the group of graduates surveyed fifteen years post-graduation. For the graduates five years post-graduation, mean comparisons yielded similar satisfaction levels. However, a regression analysis found that women were less satisfied than men after controlling for job and individual characteristics. *Id.* at 978–81.

134. John Monahan & Jeffrey Swanson, *Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction*, 6 J. EMPIRICAL LEGAL STUD. 451, 451, 469–75 (2009).

FIGURE A1: DISTRIBUTION OF SATISFACTION FOR RECENTLY GRADUATED LAWYERS



This table represents the distribution of overall job satisfaction for recently graduated lawyers. It is limited to those who earned a JD after 2005, were employed as lawyers during the week of February 1, 2015, and reported a non-zero salary. Values are calculated using the NSCG sample weights. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level.

TABLE A2: SAMPLE RESTRICTIONS

Restriction	Observations
Highest Degree: JD	1,928
Not Employed as a Lawyer During Survey Reference Week	- 733
Graduated Prior to 2005	- 756
Missing Salary or Reported 0 Salary	- 3
Recently Graduated Lawyers	<hr/> 436

TABLE A3: DESCRIPTIVE STATISTICS BY GENDER FOR RECENTLY GRADUATED LAWYERS

Demographics	Men	Women
White (%)	83.87	76.76
Black (%)	1.21	6.05
Asian (%)	4.33	4.37
Other Race (%)	3.04	9.25
Hispanic/Latino/Spanish (%)	7.54+	3.57
Married (%)	75.30	65.10
Children Under 19 in Household (%)	45.42	36.58
Job Characteristics	Men	Women
Salary	117,137	108,815
Hours Worked per Week	48.92	45.59
Tenure	4.04	3.56
Supervisor	53.83**	26.33
Government Employer (%)	13.13	22.94
Self-Employed (%)	19.80	18.26
Private Not for Profit Employer (%)	3.49	7.19
Private for Profit Employer (%)	63.57	51.61

Values are calculated using the NSCG sample weights. **Significant at the 1% level.
*Significant at the 5% level. +Significant at the 10% level.

TABLE A4: PERCENTAGE OF RECENT GRADUATES WITH DEBT FROM HIGHEST DEGREE GREATER THAN \$90,000

Degree Type	% Greater than \$90,000 Debt	Observations
JD	53.44	473
MD	66.58	462
MBA	4.84	1,288
MA (Non-Business)	6.26	10,971
PhD	7.61	2,397
BA	3.40	8,245

APPENDIX B

A probit regression model allows us to isolate the relationship between different demographic, job, and employer characteristics and overall job satisfaction. To examine whether there are gender differences in job satisfaction among JDs, we estimate job satisfaction in the following general form:

$$s_i = \alpha + \beta x_i + \delta c_i + \varepsilon$$

where s is a measure of job satisfaction, x is a vector of individual characteristics, including gender, and c is a vector of job characteristics. Individuals are indexed by the subscript i and ε is a random error term.

Demographic characteristics that have consistently been found to be linked with job satisfaction include age, race, marital status, and children.¹³⁵ In our regressions, we control for both age and age squared, as research typically finds that job satisfaction exhibits an inverse U-shape with respect to age.¹³⁶ We control for race and ethnicity using five mutually exclusive indicator variables: Hispanic/Latino/Spanish origin, white, black, Asian, and other race. First, any individual who answered affirmatively to being of Hispanic, Latino, or Spanish origin is grouped into the Hispanic/Latino/Spanish origin category. Remaining non-Hispanic/Latino/Spanish origin respondents who report only one race of white, black, or Asian are grouped into that respective category. Anyone who selected “other race” or selected more than one race is grouped into the other race category.¹³⁷ Respondents are categorized as married if they report either being married or “living in a marriage-like relationship.” Finally, we include an indicator variable for all individuals who reported sharing a household with a child under the age of nineteen at least 50% of the time.

Unsurprisingly, certain job characteristics have also been found to be related to job satisfaction, which include compensation, tenure, hours worked, and whether the respondent is in a supervisory role.¹³⁸ Salary is defined as the base annual salary earned from a respondent’s primary job; we control for the log of salary in regressions. We also control for the log of average hours worked per week. Tenure represents the number of years a respondent has

135. See Hersch & Xiao, *supra* note 26, at 1, 6.

136. Andrew Clark, Andrew Oswald & Peter Warr, *Is Job Satisfaction U-Shaped in Age?*, 69 J. OCCUPATIONAL & ORGANIZATIONAL PSYCHOL. 57, 57 (1996).

137. Other race includes all non-Hispanic/Latino/Spanish origin individuals that selected either “American Indian/Alaska Native,” “Native Hawaiian/Other Pacific Islander,” or reported more than one race.

138. See Stake et al., *supra* note 132.

worked for his or her principal employer at the time of the survey reference date.

Employer characteristics that may affect job satisfaction include employer type, employer firm size, and location.¹³⁹ We control for employer type using four mutually exclusive indicator variables, which group respondents by whether they are self-employed, working for a private for-profit employer, working for a private not for profit employer, or working for a government employer. We also control for employer size using mutually exclusive indicator variables of eight separate categories, ranging from the smallest grouping of 10 employees or less to the largest of over 25,000 employees. Employer location is based on the eight census regions of the United States, with an additional category for those whose employers are based outside the United States.

**TABLE B1: LAWYERS' OVERALL JOB SATISFACTION:
RECENT GRADUATES¹⁴⁰**

Female	-0.190*
	(0.084)
Black	-0.153
	(0.149)
Asian	-0.083
	(0.112)
Other Race	-0.252
	(0.169)
Hispanic/Latino/Spanish	0.110
	(0.130)
Married	0.043
	(0.106)
Children Under 19 in Household	0.146
	(0.113)
Log(Salary)	0.306*
	(0.134)

139. *See id.*

140. Our results concerning other demographic, job, and employer characteristics are generally consistent with past findings on lawyers' job satisfaction, except for the gender disparity we find. Unsurprisingly, a higher salary translates to higher satisfaction. Further, lawyers who are working for a government employer or are self-employed experience more satisfaction than those working for a private for-profit employer. *See Stake et al., supra* note 132, at 957; *Organ, supra* note 12, at 265.

Log(Hours)	0.132 (0.229)
Tenure	-0.043 (0.034)
Tenure Squared/100	0.133 (0.172)
Supervisor	0.052 (0.114)
Government Employer	0.426** (0.130)
Self-Employed	0.476** (0.155)
Private Not for Profit Employer	0.151 (0.177)
N	436
Employer Size Controls	Yes
Employer Location Controls	Yes

These values are marginal effects from probit estimations, with robust standard errors in parentheses. The dependent variable is equal to 1 if the respondent reported being "very satisfied" overall with his or her job. Values are calculated using the NSCG sample weights. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level.

**TABLE B2: FEMALE LAWYERS' OVERALL JOB SATISFACTION:
RECENT GRADUATES**

Black	-0.086 (0.149)
Asian	-0.002 (0.126)
Other Race	-0.368* (0.173)
Hispanic/Latino/Spanish	-0.068 (0.140)
Married	0.102 (0.100)
Children Under 19 in Household	0.129 (0.097)

Log(Salary)	0.034 (0.094)
Log(Hours)	0.431+ (0.234)
Tenure	-0.084 (0.054)
Tenure Squared/100	0.842 (0.523)
Supervisor	-0.067 (0.126)
Government Employer	0.067 (0.124)
Self-Employed	0.236 (0.148)
Private Not for Profit Employer	0.041 (0.176)
N	236
Employer Size Controls	Yes
Employer Location Controls	Yes

These values are marginal effects from probit estimations, with robust standard errors in parentheses. The dependent variable is equal to 1 if the respondent reported being "very satisfied" overall with her job. Values are calculated using the NSCG sample weights. **Significant at the 1% level. *Significant at the 5% level. +Significant at the 10% level.