

Undermining Gender Equality: Female Attrition from Private Law Practice

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The number of women in the legal profession has grown tremendously over the last 40 years, with women now representing about half of all law school graduates. Despite the decades-long pipeline of women into the profession, women's representation among law firm partnerships remains dismally low. One key reason identified for women's minority presence among law firm partners is the high level of attrition of women associates from law firms. This high rate of female attrition undermines efforts to achieve gender equality in the legal profession. Using a survey of 1,270 law graduates, we employ piecewise constant exponential hazard regression models to explore gendered career paths from private law practice. Our analysis reveals that, for both men and women, the time leading up to partnership decisions sees many lawyers exit private practice, but women continue to leave private practice long after partnership decisions are made. Gender differences in leaving private practice also surface with reference to cohorts, areas of law, billable hours, firm sizes, and career gaps. Notably, working in criminal law augmented women's risk of leaving private practice, but not for men, while taking time away from practice for reasons other than parental leaves, hastens both men's and women's exits from private practice.

Since the early 2000s women have been graduating from U.S. and Canadian law schools at about the same rates as do men (Belkin 2003; Kay & Gorman 2008; Noonan & Corcoran 2004). Recent data show women's representation in the legal profession continues to grow. In the United States, in 2005, women made up 30 percent of lawyers and in 2012 women represented

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47 percent of law students (American Bar Association 2012). In Canada, in 2013 women made up 38 percent of lawyers (Federation of Law Societies of Canada 2014) and in 2012 in the province of Ontario women represented 49 percent of new bar admissions (Law Society of Upper Canada 2013). As Belkin remarked, women “start strong out of the gate” (2003: 44). Yet, despite decades of women law school graduates, there continues to be a disproportionately low number of women advancing to leadership positions in law firms (Pinnington & Sandberg 2013). Parity remains a distance off, with the typical large law firm counting less than 20 percent of its equity partners as women (Scharf et al. 2014: 4).

The paucity of women in the partnership ranks has been attributed to high levels of female associate attrition, together with perceived lack of business development (Dinovitzer & Garth 2015; Patton 2005; Scharf et al. 2014). Donovan claimed that “the single most important element of women’s inability to make partner is the high attrition rate of women from firms...women cannot make partner if they have left the firm” (1990: 142). Numerous studies have documented women’s high attrition rate from law firms (Dinovitzer et al. 2009; Hull & Nelson 2009; Noonan & Corcoran 2004; Patton 2005; Reichman & Sterling 2002) and private law practice more generally (Kay 1997; Kay et al. 2013; Wallace 2001).

This movement is costly for law firms and the lawyers who leave. Law firms incur a significant cost in the hiring and development of junior associates as they strive to retain the legal talent they have (Preenan et al. 2011). Turnover creates high costs due to missed contributions of experienced firm lawyers, instability of departments or teams, disruptions to trusted relations between firm lawyers and clients, and loss of proficiency (Benson & Brown 2007). The cost of turnover is particularly severe if a component of the lawyer’s knowledge was strongly firm-specific (e.g., inferred knowledge of firm culture and business acumen) because this knowledge is difficult to rebuild or replace (Kacmar et al. 2006). These costs also extend to personal losses for individual lawyers. Lawyers invest years in higher education and certification and often graduate with sizeable student loan debt (Hirshman 2006). Individuals who leave law after years of investment make a significant change of course from their initial career aspirations. Even job changes between firms or across sectors of practice disrupt individuals’ lives in the short term and may have long-term costs in regard to earnings and career advancement. For women lawyers, for example, findings indicate those who have left private practice incur difficulty to “opt back in” at commensurate job levels (Belkin 2003; Brockman 1994; Law Society of Upper Canada 2011).

In response to women's high rates of attrition, bar associations and law societies have designed model policies intended to boost the retention of women lawyers. Some law firms have implemented programs and practices in efforts to retain women through periods of their life where full-time work is not feasible. These programs and practices include flexible work arrangements, parental leaves, anti-bias training, and options to assist lawyers who leave and return to private practice (Scharf 2012; Scharf et al. 2014). Recent reports from law societies and bar associations call for research to examine retention of women in private practice and to assess policies aimed at reducing attrition (Law Society of Upper Canada 2011; Williams & Richardson 2010).

Our study offers new insight to job exits that venture from professional footing in private law practice. First, we pay close attention to gender differences in the timing of moves and the factors that encourage lawyers to leave private practice. Second, we explore the influence of cohorts and age on exits from private practice. Third, we incorporate innovative measures to tap the influence of education factors, including law school debt and law school career preparation, on job changes. Fourth, we examine the properties of jobs related to the incentive system, time demands, and nature of work that may influence job moves out of private practice. Finally, we investigate the impact of parental and other leaves on women's and men's departures from private practice. Most studies focus on employment interruptions that are the result of unemployment rather than time away to pursue other endeavors, and rarely look at gender differences (Theunissen et al. 2011). Our study is the first to incorporate timing of precursors to job leaving among lawyers. We turn next to develop our expectations based on literature that examines timing of job changes, gender differences in turnover, and causes of turnover among professionals generally and lawyers more specifically.

Timing of Job Moves

When is movement out of private law practice most likely to occur? Do lawyers move early in their career, as they explore legal fields and "test the waters" for establishing themselves? Or, do job moves take place after a few years, once lawyers have paid off student loans (McGill 2006) and after they have accumulated valuable practice experience that they can bring to their work as in-house counsel or to a new business venture?

Research suggests professionals often switch jobs in the early years. Novice professionals are perhaps more receptive to change because this career phase is one of development and exploration, a time when professionals acquire experience and refine their career

aspirations (Klassen & Chiu 2011). During the early career years, lawyers also accumulate at least partially transferrable human capital that enables movement across sectors (Borghans & Golsteyn 2007). However, after working several years for an organization, professionals are less likely to quit because their experience with the current employer has brought increased wages and job responsibilities. Experience and seniority are associated with current and future rewards and, therefore, the cost of job changing is higher than if the change had occurred early on (Arranz et al. 2010). Thus, over time and with more promotions, individuals become attached, even “entrapped,” through their development of firm-specific skills and loyalty to the firm (Saporta & Farjoun 2003). Therefore, we hypothesize:

Hypothesis 1: The greatest risk of job moves out of private practice will occur during the early years of practice experience.

The Gender Gap in Retention of Lawyers in Private Practice

Twenty-five years ago, studies of the legal profession drew attention to higher rates of attrition among women, prompting some scholars to term this women’s “flight from law” (Kay 1997; Menkel-Meadow 1989). Nelson’s (1988) study of Chicago lawyers found women were more likely to leave firms prior to partnership decisions than were male associates, with turnover most pronounced among earlier cohorts. Spurr and Sueyoshi (1994), in their study of Chicago and New York city lawyers, found women significantly less likely to be promoted and slightly more likely to leave the firm without being promoted. In a survey of Ontario lawyers, Kay (1997) found that women moved out of law practice 60 percent more quickly than men and that the small firms appeared to be the least successful in retaining female lawyers.

More recent studies reinforce claims that a gender difference exists in attrition from law firms. Patton’s (2005: 174) study of U.S. law firms shows that 9 percent of women left their firms within 16 months of being hired and more than half (55 percent) left within four and one-half years of starting. Several studies reveal that gender predicts exits from law firms even when taking into account law school quality, legal specialization, parental leave, children, current work hours, and measures of social capital (Hull & Nelson 2000; Kay & Hagan 1999; Spurr & Sueyoshi 1994). In a national U.S. study of lawyers admitted to the bar in 2000 and tracked 7 years into practice, Dinovitzer et al. (2009) found that a higher proportion of women had left larger private firms compared with men. In particular, women in large law firms (of 100 or more lawyers) in the initial survey (2003) were

more likely than men to move to positions in nonprofit/education, state government, and legal services and inside counsel by the second survey (2008) (Dinovitzer et al. 2009).

Broadly, research documents women's elevated risk of leaving private practice, including law firms of various sizes and solo practice offices. In a longitudinal study of Ontario lawyers, Kay et al. (2013: 1256) found women were more likely to leave private practice early in their careers: 31 percent of women compared with 21 percent of men departed within 5 years. The pattern appears to be one of cumulating disadvantages and premature departures. As Noonan and Corcoran (2004: 146) observed in their study of University of Michigan law graduates, "Women fell behind men in each stage in the progression to partnership." Women are slightly less likely than men to enter private practice and, among those who enter private practice, women are nearly twice as likely to leave within 4 years. We therefore test the following hypothesis:

Hypothesis 2: Women are more likely than men to leave private practice, particularly during early career years.

Reasons for Leaving Private Practice

Professional Opportunities and Barriers of Discrimination

Although research has documented attrition of women lawyers, particularly from law firms and private practice (Kay 1997; Nelson 1988; Noonan & Corcoran 2004; Spurr & Sueyoshi 1994), only a handful of studies have examined the context and reasons prompting the decision to leave (Brockman 1994; Kay & Hagan 2003; Reichman & Sterling 2002). We draw on these studies and the broader literature on turnover to unpack factors shaping departures from private practice.

The literature on turnover shows that job resources, such as social support and inclusion in work teams, play an important role in fostering retention (De Lange et al. 2008). These resources increase employees' growth, learning and development, and provide motivation in achieving work goals (Schaufeli & Bakker 2004). Furthermore, job resources provide a quality of work life that satisfies a professional's need for skill development, involvement in core activities of the organization, and recognition by colleagues for their contributions. When these job resources are scarce, professionals become dissatisfied with their quality of work life and this dissatisfaction influences intention to quit (Armstrong et al. 2007). These job resources may be especially

scarce for female lawyers. For example, Brockman (1994: 136) found that access to clients and assignment of files were reported as spheres in which women experienced discrimination. Kay and Hagan (2003) found that women lawyers were more likely to be excluded from important files, and this experience of being marginalized increased women's subsequent intentions to quit the firm and seek work elsewhere.

These experiences of scarce resources may be the product of subtle cognitive bias on the part of superiors that results in women being passed over and disadvantaged early in their career development (Kay & Gorman 2008). Other research posits that direct discrimination and sexual harassment, as well as an array of embedded institutional practices, marginalize women within law firms (Albert 2006; Epstein 1997; Wilder 2007). Whether subtle or direct, intentional or not, firms that fail to invest in the professional development of their associates are at risk of cultivating disgruntled and detached lawyers who are eager to find an exit route.

Thus, studies underscore the importance of job resources, including: service of major clients of the firm and developmental benefits of inclusive work climates. The opportunity to work with major clients raises the profile of junior lawyers and establishes reputations. Inclusive work climates, characterized by respectful and supportive interactions, invite mentoring and involve new lawyers in the operation of the firm. We therefore test two hypotheses related to these facets of job resources:

Hypothesis 3a: The opportunity to work with major clients of the firm is negatively related to leaving private practice.

Hypothesis 3b: Experiences of discrimination and disadvantage are positively related to leaving private practice.

Cohorts and Economy at Career Launch

Examining the timing of exits from private practice also raises the issue of cohorts. Are particular cohorts more vulnerable to leaving private practice? Cohorts of law graduates that enter the profession during periods of high unemployment are likely to face greater turnover (Couch & Fairlie 2010). In tough economic times, junior lawyers may find themselves let go prematurely, the casualty of working in areas of law without sufficient demand during a recession, or denied partnership in firms struggling to stay afloat. During difficult economic periods, we expect that the flow of legal talent is primarily out of private practice to other sectors of the profession or out of law practice entirely. This

out-flow is largely the product of forced attrition, as law firm associates encounter weak prospects of making partner and sole practitioners struggle with a shortfall of business. In contrast, cohorts entering law during prosperous economic times, will be most likely to change jobs *within* private practice. This consists largely of a migration of lawyers across firm settings, as lawyers jockey for lucrative posts in desirable firms to advance careers (Forrier et al. 2009). Alternatively, firm lawyers may decide to step out on their own to launch solo practices or new small firms with trusted colleagues. Therefore, strong economies abound with opportunities for job movement within the lucrative private sector, while struggling economies destabilize junior lawyers' footing on career ladders in private practice, prompting movement out of private practice. We pose the following hypothesis focused on cohorts of law graduates entering the labor market during variable economic climates:

Hypothesis 4: Law graduates of cohorts who entered private practice during a troubled economy are at greater risk to leave private practice.

The Structure of Practice: Billable Hours and Time Rigidity

Lawyers experience professional work and families as “greedy institutions”—institutions that demand undivided loyalty and excessive hours (Seron 1996). In private practice, lawyers with top billable hours receive financial bonuses and gain reputations as dedicated and valued assets of the firm. Private practice is dominated by “engrained cultural beliefs and practices around work time and face time as indicators of work commitment, productivity, and quality” (Moen et al. 2011: 72). Studies of the legal profession attest to these time pressures. For example, Dauschmidt et al. (2009) found that the demand for long hours in legal practice contributed to work-life balance issues, particularly for women. Work time creeps beyond long hours at the office to invade personal life via information technologies and presumptions of around-the-clock availability. The resulting high levels of “negative spillover” from work to home have been shown to predict turnover (Moen & Huang 2010).

In response to the turnover generated through excessive time demands, researchers and law practitioners have advocated for increased flexibility in the hours required at work (Furlong 2013). Some argue that greater employee flexibility can promote retention, reducing intentions to quit, especially for professionals with chronic overloads and time strains (Armstrong et al. 2007). Work schedule flexibility offers a bridge between work and family roles, and lends professionals greater ability to manage competing demands (Moen

et al. 2011). Flexible work schedules have been associated with higher organizational commitment and job satisfaction, as well as lower stress and work-family conflict (Armstrong et al. 2007). Furthermore, research shows that the perception of one's employer as "family friendly" reduces turnover (Raskin 2006). We examine the impact of flexible schedules on turnover.

Hypothesis 5: The availability of flexible work schedules will decrease the risk of leaving private practice.

Family Responsibilities, Parental Leaves, and Career Gaps

Family responsibilities are often invoked in theorizing women's "opting out" of professional careers, with leaving jobs depicted as a strategic adaptation in the face of competing demands of work and family (Moen et al. 2011). There is some evidence to support this argument. Research on job turnover has found women and men identify different reasons for leaving jobs, with women more likely than men to cite reasons such as child-care commitments, illness in the family and pregnancy, whereas men rarely cite family reasons (Brockman 1994; Walsh 2013). In a survey of the University of Virginia law school graduates, Monahan and Swanson (2009) concluded the gender difference in law graduates' full-time employment was largely accounted for by having children at home, though two-thirds of women with two children at home continued to work full-time. Even when women leave jobs or reduce their work hours, these changes may be the result of factors that push them out—factors such as a lack of opportunities to work on challenging assignments, access to mentors, and lack of recognition for accomplishments (Reichman & Sterling 2002; Williams & Richardson 2010).

Even when studies collect data on the presence of children, they may overlook important differences. For example, some lawyers may have children who live primarily with an ex-spouse. Some lawyers may leave private practice and then have children. Even if respondents are asked to report the birth dates of children, these dates may include stepchildren who never lived with the respondent. We therefore take a different approach.

We asked respondents to report if they took a parental leave and to report the exact dates of each parental leave. A focus on timing of parental leaves, rather than a one-time measure of presence of children or subjective measure of work-life balance, is of interest to us because the presence of a gap during early years in private practice may be particularly impactful on careers. The notion of the "ideal worker" and the dominant model of career progression includes requirements for linearity and

continuity (Kelly et al. 2010). Yet, women have traditionally experienced interrupted, nonlinear careers due largely to family commitments, including relatively short interruptions for maternity leaves of a few weeks or months. Regrettably, as Mallon and Cohen (2001: 219) observe, traditional career theory “has never adequately captured the rhythms of women’s working lives, nor moved beyond male career patterns as the implicit norm.” Interruptions from work during the course of one’s career may carry a stiff penalty. Some studies reveal that employers discriminate against women who interrupt their career for family-related reasons. The cost for women returning to law practice following child-related career breaks may be a stagnation of salary or an inability to return to the same type of job, resulting in depressed wages (Arun et al. 2004). These reduced employment prospects and wage declines following parental leaves or career interruptions for raising children are often referred to as the “family penalty” (Tremblay 2013) or “motherhood penalty” (Budig & Hodges 2014). Do the difficulties associated with returning to work following a parental leave lead women (and men) to leave private practice? We test the following hypothesis related to parental leave:

Hypothesis 6a: Taking a parental leave is positively related to leaving private practice.

Our investigation of the impact of the timing of parental leaves on subsequent job change behavior prompts us to explore how other leaves impact legal careers. Human capital theory reasons that a professional’s human capital decreases or at best stagnates during interruptions, especially interruptions of unemployment or unpaid work activities (Becker 1990). As Theunissen et al. (2011: 113) observe, “Previously acquired skills, when not regularly practiced, are subject to processes of atrophy and depreciation.” Regardless of any real or perceived damage to human capital, employment interruptions may be interpreted by employers as a signal that the individual is not dependable, or has low commitment and below-average ambition (Theunissen et al. 2011). We therefore test the following hypothesis:

Hypothesis 6b: Taking a leave from private practice, for purposes other than a parental leave, is positively related to subsequently leaving private practice.

Data, Sampling, and Survey Design

Data for this study come from a survey of lawyers in Ontario, Canada. Ontario is an ideal setting in which to study legal careers

because the province is home to the largest proportion of lawyers (39 percent) in the nation (Federation of Law Societies of Canada 2014). The country's biggest corporate law firms are based in Toronto, a large concentration of government lawyers work in Ottawa, and a diversity of law practice settings are scattered in smaller cities and towns. We conducted our survey in the autumn of 2009. The sample consists of a stratified random sample of lawyers from the membership records of the Law Society of Upper Canada. The sample is stratified by gender to include equal numbers of men and women called to the Ontario Bar between 1990 and 2009. We selected this near-twenty year span to pay close attention to formative career years, a stage characterized by considerable job turnover. These law graduates entered law practice during a period that saw women's representation in law rising (24 percent in 1991 to 38 percent in 2009), as well as a growing presence of racial and ethnic minority group members in law (Federation of Law Societies of Canada 2014; Law Society of Upper Canada 1992, 2010, 2015).¹

The 2009 questionnaires were mailed directly to respondents' places of employment. The survey, with two reminders, received a 47 percent response rate (N = 1,270). This is a favorable rate of response, consistent with recent surveys of lawyers in Canada (46 percent, Dinovitzer 2015) and the United States (51 percent, Dinovitzer & Hagan 2014; 35 percent, Wilkins et al. 2015).² The survey asked participants to provide a complete account of their career histories. For each job episode, respondents were asked to describe their professional position and to include job start and end dates. This survey design instrument provides a more accurate calculation of the duration of each job than other methods of recall (Park & Sandefur 2003). Important for our research is that participants were asked to indicate if and when they changed professional positions and whether such changes involved leaving private practice.

Measurement of Variables

Appendix Table lists the detailed measurement and descriptive statistics of the variables used in our analysis. Below, we highlight several key measures.

¹ The Law Society reported that 15.7 percent of the candidates in the licensing admission process self-identified as racialized community members in 2007 and by 2014 this percentage had risen to 24 percent.

² In a survey of Harvard Law School graduates (classes of 1975, 1985, 1995, and 2000), Wilkins et al. (2015) reported a response rate of 35 percent. The *After the JD*, a national study of U.S. law graduates who entered law practice in 2000, received a response rate of 51 percent in wave 2 conducted in 2007 (Dinovitzer & Hagan 2014). Finally, a recent national study of Canadian lawyers conducted in 2012 reported a response rate of 46 percent, after adjusting for eligibility (Dinovitzer 2015).

One of our main goals is to explore how departures from private practice vary across time. We therefore included a measure of *time intervals*. We established the duration of employment with an organization along several 2-year interval spans, resulting in nine time periods: 0–24 months (first 2 years in practice and our reference category), 25–48 months (years 3–4), 49–72 months (years 5–6), 73–96 months (years 7–8), 97–120 months (years 9–10), 121–144 months (years 11–12), and finally 145 months or more (13–19 years). We treat the first 8 years in practice as the early period in careers because research suggests that the typical timeline for invitation to law firm partnerships is 6–8 years (Noonan & Corcoran 2004). We also include three cohorts in our analysis. These cohorts are defined not as birth cohorts but rather as bar admission cohorts bound by particular economic experiences at the time of entry to law practice.³ The 5–8 year cohorts entered private practice in very different economic climates. The early cohort (1990–1994 bar admissions) entered during a period characterized by high unemployment. The middle cohort (1995–2001) entered private practice during a period in which the unemployment rate was in gradual decline, while the late cohort (2002–2009) entered private practice during a steady low unemployment rate until near the end of the period. We also consider the role of age in predicting transitions out from private practice, and we do so by examining whether lawyers were of a typical age when they were admitted to the bar (1 = typical age). The typical age at admission to the bar was between 26 and 30 years of age—70 percent of lawyers fell within this range.

We tapped legal education through three variables. *Elite law school* is commonly classified in studies of lawyers in the United States where law school hierarchies are dramatically distinct (Sterling et al. 2007). However, in the Canadian context, law school hierarchies are much flatter and there is a lack of consensus over what constitutes “elite” law schools. One of the few rankings of law schools is produced by *Maclean’s* magazine. The ranking places the University of Toronto first among Canadian common law schools using a combined score of graduate quality (based on elite firm hiring, national reach, Supreme Court clerkships, and faculty hiring) and faculty quality (based on faculty journal citations). Osgoode (at York University) was ranked second, while McGill and Queen’s law schools tied at third. University of Toronto has perhaps in recent years broken away from the pack, with the most consistent rankings across these output criteria, the

³ Bardo and Yamashita (2014) call for identified cohorts that capture effects of specific experiences at similar life stages as opposed to cohorts based on somewhat arbitrary age groups without clear theoretical underpinnings.

highest student admission requirements (e.g., Law School Admission Test and grade point average), and tuition fees that are significantly greater than other Canadian law schools (Maclean's Magazine 2013, 2014; Oxford Seminars 2014).⁴ We employ this ranking as our metric of *elite law school* (1 = University of Toronto). Average law school *grades* were coded along a 7-point scale as follows: 1 = D [50–59 percent], 2 = C [60–64 percent], 3 = High C (C+) [65–69 percent], 4 = B [70–74 percent], 5 = High B (B+) [75–79 percent], 6 = A [80–89 percent], 7 = High A (A+) [90–100 percent].

Another variable measured respondents' assessment of the foundation they received at law school. Respondents were asked to indicate their level of agreement or disagreement (1 = strongly disagree and 7 = strongly agree) with six statements about their legal education. Items included, for example: (1) law school prepared me well for my legal career and (2) law school teaching is too theoretical and unconcerned with real life practice (This second item was reverse-coded for consistency). Respondents were also asked how satisfied they were with opportunities to develop numerous professional capabilities during law school. Respondents were provided with a list of nine items that they scored along a 7-point Likert-style scale (1 = very dissatisfied to 7 = very satisfied). These items included, for example: (1) legal analysis, (2) problem solving, and (3) working with business and financial concepts. The full set of law school evaluation criteria were then incorporated into a unified scale called *law foundations* ($\alpha = 0.82$). A final interval measure tapped the level of *debt* by the end of law school (range \$0–\$135,000; average = \$24,081.85).

Areas of law were coded as business law (including corporate and commercial, intellectual property, bankruptcy, tax, and insurance), litigation, people law (including administrative law, adjudication and/or mediation, estates, wills and trust, family law and divorce, employment and labor relations, and real estate) and criminal law, following the work of Gorman (2006). *Billable hours* asked lawyers to report approximately how many hours they billed during the last fiscal year. *Client recruitment* measured the proportion of the lawyers' clientele that were new clients the lawyer brought into the firm (range 0–100, average = 22 percent). We assessed whether lawyers have responsibility for relations

⁴ For Maclean's magazine's Canadian law school rankings, see <http://www.macleans.ca/education/universityandcollege/2013-law-school-rankings/> (accessed 29 December 2015). For tuition fees, see <http://www.macleans.ca/education/university/law-school-in-canada-what-will-it-cost/> (accessed 29 December 2015). For law school profiles, including LSAT and GPA averages, tuition fees, and acceptance rates, see <http://www.oxfordseminars.ca/LSAT/lsat-profiles.php> (accessed 29 December 2015).

with one or more of the *major clients* of the firm (1 = major clients).

We also sought to include a measure of experiences that were perceived by lawyers as *disadvantaging*. Some of these items appear to represent discrimination, while others hint at exclusion or disrespectful comments and behaviors that, while creating disadvantage, may not be intended as direct acts of discrimination. We asked respondents to assess the frequency with which they experienced various events during their career as a lawyer. These included, for example: (1) assigned tasks you think are beneath your skill/experience, (2) not being invited to work with particular senior lawyers in your firm or office, and (3) excluded from social gatherings. Respondents were asked to rate each of the nine items along a scale from 1 = never, 2 = rarely, 3 = occasionally, 4 = routinely, to 5 = frequently. We recoded each item as 0 = never or rarely experienced this treatment and 1 = occasionally, routinely, or frequently experienced this treatment. Items were then combined into a scale (standardized) ($\alpha = 0.71$). We developed this unique measure because studies of promotion and retention often do not include measures of sexual discrimination or treatment that is disadvantaging (Noonan & Corcoran 2004: 147). Yet, research suggests these perceived experiences are significant obstacles to women's full integration to the profession (Wilder 2007).

Results

Descriptive Analyses

Among our full sample of 1,270 law graduates, the majority of law graduates launched their careers in private law practice (85 percent). Within private practice, 94 percent entered law firms as associates. Two percent started as partners, establishing firms with colleagues or joining an existing practitioner in partnership. The remaining 6 percent began their careers working as sole practitioners.

Surprisingly, a sizeable share of lawyers left private practice during their careers. Of the 994 lawyers in our sample starting out in private practice, 299 (32 percent) had left private practice at some point by the time of our 2009 survey. Women were more prevalent among the departed: 36 percent of women who started in private practice exited compared with 28 percent of men ($\chi^2 = 7.47, p < 0.01$). We are interested to learn more about these lawyers who left private practice. We explore the factors influencing this exodus in the next section using techniques of event history analysis.

We restructured the data in an event history format where a single spell accounts for each job held by each respondent during his or her labor force experience since graduation from law school. These spells were then divided into person-months segments. To specify the risk sets for the transitions out of private practice, we generated a single data-file, with person-months for individuals launching their careers in private law practice. The resulting data file contained 85,330 person-month spells.

Survival data analysis methods—Kaplan–Meier graphs for the descriptive analysis and piecewise constant exponential models for the multivariate analysis—are used to examine the impact over time of the occurrence of an event, such as parental leave, on departure from private practice. The piecewise constant exponential model was chosen for this study because of its flexibility. This parametric model makes it possible to segment the risk function into specific time intervals, and thus take into account the changing risks of life events (such as marriage, birth of children, and parental leaves), and the probability of leaving practice, over time and age (Blossfeld et al. 2007; Gyimah 2007; Thiombiano et al. 2013). Thus, it models the hazard of experiencing an event in separate intervals each having a constant hazard through the interval (Meggiolaro 2010). The advantage of event history analysis like this is that it properly accounts for the amount of time a population is at risk as well as modeling actual individual behavior (Kolk 2011: 347). This model also imposes the fewest shape assumptions on the baseline distribution (Park & Sandefur 2003) and offers the flexibility of the Cox proportional hazard model. A clear advantage for piecewise constant exponential models over Cox-models is that time to job exit, the baseline time variable, can be studied directly when it is of interest (Kolk 2011; Mills 2011). This is why some scholars argue it is the ideal model (Blossfeld et al. 2007). The mobility rate from the first job can be expressed as follows:

$$h(t) = \exp(c_p + Z\beta),$$

where c_p is a constant coefficient varying with each time period and Z is a vector of covariates, and β is an associated vector of coefficients assumed to be constant across time periods.

Following this notation, the vector of covariates in this model does not contain a separate constant.⁵

⁵ Note that this notation does not set the reference period to zero but it includes estimates of all coefficients for all time intervals. If the reference period is set to zero, the piecewise exponential model can be expressed as follows: $h(t) = \exp(a + c_{p-1} + Z\beta)$, where a is a constant and there are $p - 1$ coefficients for time periods (see Park & Sandefur 2003: 356).

To examine the change in rates over duration in private practice, we divided time since entry to private practice into several intervals. Following past research on job exits (Dobrev 2005) and to maximize model fit, we established 2-year time breaks, resulting in seven intervals within which the rate is constrained to be constant but varies otherwise. We selected the first time interval, years 1–2, as our reference category because this serves as a logical baseline—the point of career entry and when the largest group of law graduates are at risk of leaving. We opted for 2-year intervals across the early career history because we argue that a consistent time unit is important for purposes of comparison and these intervals serve well to capture cycles of contract renewal and promotion.

A further benefit of the piecewise constant exponential model is the ability to incorporate time-varying covariates into our analysis (Powers & Yun 2009). In our survey, we collected dates (day, month, and year) on life events including marriage, cohabitation, parental leave, and other leaves. We include these time-varying covariates in our multivariate models to better grasp causal order.

We first describe the overall gender differences in the process of moving out of private practice, using the life-tables method to generate estimates for the hazard functions and medial residual life-times for various time ranges of exit from private practice. These estimates were calculated for the overall sample and were then stratified by gender. The product-limit (or Kaplan–Meier) estimation method of the survivor function provides a general description of the process under study and is useful for graphically comparing survivor functions among two or more groups (Blossfeld & Rohwer 2001). The survivor functions show the proportions of lawyers who remain in private practice over time. Note that it is possible for lawyers to change jobs within private practice—to be promoted within law firms, to move to another law firm or to leave firms to set up solo practice. Our focus is on the risk (e.g., duration and probability) of *leaving* private practice, not on job changes within private practice nor on the length of one's first job.

In Figure 1, we plot the survivor functions (product-limit estimations) for men and women. The survival function, in this context, is essentially the rate of retention within private practice. Across the different time trajectories, the survival curve for men is higher and relatively gentler in its decline than for women, indicating that men leave private practice more slowly than women. The rate of exit is dramatically faster among female lawyers, as revealed by the steep survival function among women. Movement out of private practice is greatest within the first 8 years (100 months) following bar admission. This is the case for both men and women, although women's higher rates of exit (lower survival functions) trail on in the years following.

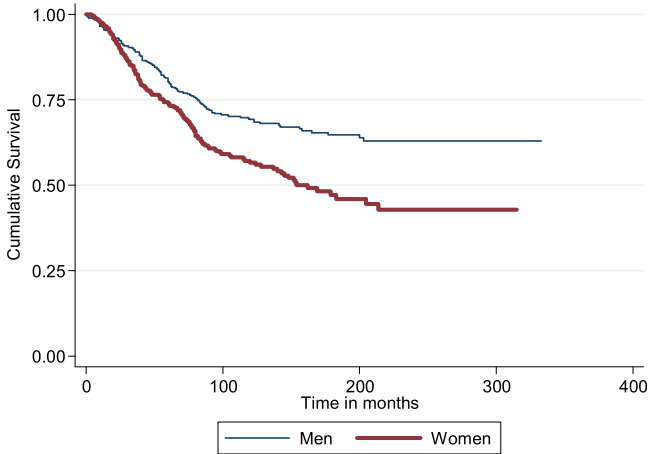


Figure 1. Product-Limit Survivor Function by Gender.

Test of Equality of Survival Functions: Log-Rank Test = 15.77, $p < 0.001$.

[Color figure can be viewed in the online issue, which is available at wileyonlinelibrary.com.]

While this description based on survival functions offers a revealing picture of overall gender differences in job mobility out of private practice, it does not control for individuals' educational background, job resources, organizational context, and the impact of job interruptions during early career years. Next, we explore multivariate survival models to assess the relative effects of determinants of movement out of private practice specified by our review of the research literature.

Multivariate Analysis

Table 1 presents the multivariate results of our piecewise exponential event history analysis predicting exits from private practice. We have converted coefficients to hazard ratios for ease of interpretation. The hazard ratio is interpreted as the relative shift in the hazard rate that is associated with a one-unit change in the variable (Cleves et al. 2010; Radl 2013). In general, a hazard ratio greater than one implies an increased risk of attrition, while a hazard ratio of less than one implies a decreased risk. The results from the first model show that the hazard ratios are significantly lower as of the ninth and tenth years, when many lawyers in private practice have passed the time at which partnership invitations are offered (or declined) in law firms. In years 9–10, for example, the hazard of leaving private practice is 61 percent lower than in the first 2 years of practice (the reference category) (hazard ratio = 0.393, $p < 0.001$). Consistent with Hypothesis 1, lawyers who remain in private practice beyond the 8-year mark are significantly less likely to exit private practice.

Model 2 reveals that women are significantly more likely to leave private practice (hazard ratio = 1.463, $p < 0.01$) (consistent with Hypothesis 2). In this case, women face a hazard of leaving private practice 46 percent greater than men. Although racial minorities did not appear more likely to leave private practice, it should be noted that racial minorities represented a small fraction of our sample (12 percent). We combined various ethnic and racial groups to construct a sufficiently large group for purposes of analysis. The blending of groups may have masked effects associated with specific ethnic/racial

Table 1. Piecewise Constant Exponential Model of Leaving Private Practice (N = 935)

Variable ^a	Model 1	Model 2	Model 3
	Hazard Ratio	Hazard Ratio	Hazard Ratio
<i>Time Intervals</i>			
Years 3–4	1.269	1.372*	1.497**
Years 5–6	1.071	1.152	1.431*
Years 7–8	1.177	1.311	1.897***
Years 9–10	0.393**	0.445**	0.787
Years 11–12	0.444**	0.512*	0.970
Years 13 or more	0.348***	0.421***	0.962
<i>Demographics and Disadvantage</i>			
Women		1.463**	1.311*
Racial minority		1.118	1.087
Disadvantaging experiences		2.457***	1.280
<i>Cohorts and Unions</i>			
Early cohort			0.758 [†]
Late cohort			1.466**
Typical age at call to bar			1.222
Married/cohabiting (time-varying)			8.012***
<i>Education Background</i>			
Elite law school			
Grades			
Law school foundations			
Law school debt			
<i>Human Capital</i>			
Areas of law:			
Business law			
Litigation			
People law			
Criminal law			
Billable hours			
Recruiting clients			
Major clients			
<i>Initial Organizational Context</i>			
Solo practice			
Small firm			
Mid-sized firm (20–49)			
Large firm (50–149)			
Very large firm (>150)			
Flexible hours			
Greater Toronto Area			
<i>Career Gaps</i>			
Parental leave (time-varying)			
Time away (time-varying)			
N of job-spells	3,999	3,999	3,999
N of events	293	293	293
Log-likelihood	–867.968***	–834.979***	–695.892***

Table 1. *Continued*

Variable ^a	Model 4	Model 5	Model 6
	Hazard Ratio	Hazard Ratio	Hazard Ratio
<i>Time Intervals</i>			
Years 3–4	1.506**	1.553**	1.758***
Years 5–6	1.457*	1.556**	1.927***
Years 7–8	1.939***	2.143***	2.754***
Years 9–10	0.803	0.935	1.172
Years 11–12	0.992	1.201	1.522
Years 13 or more	0.979	1.424	1.934*
<i>Demographics and Disadvantage</i>			
Women	1.288*	1.147	1.126
Racial minority	1.088	0.869	0.949
Disadvantaging experiences	1.154	1.061	1.041
<i>Cohorts and Unions</i>			
Early cohort	0.768 [†]	0.802	0.711*
Late cohort	1.464**	1.396*	1.289 [†]
Typical age at call to bar	1.207	1.204	1.185
Married/cohabiting (time-varying)	8.066***	4.542***	5.082***
<i>Education Background</i>			
Elite law school	0.929	1.005	0.987
Grades	1.073	1.080	1.044
Law school foundations	0.897	0.959	0.948
Law school debt	1.000	1.000	1.000
<i>Human Capital</i>			
Areas of law:			
Business law		0.961	0.974
Litigation		0.440**	0.509**
People law		0.932	1.060
Criminal law		1.580*	1.999**
Billable hours		0.999*	0.999*
Recruiting clients		0.987***	0.986***
Major clients		0.352***	0.375***
<i>Initial Organizational Context</i>			
Solo practice			0.453*
Small firm			0.622*
Mid-sized firm (20–49)			1.013
Large firm (50–149)			0.819
Very large firm (>150)			0.833
Flexible hours			1.142
Greater Toronto Area			0.838
<i>Career Gaps</i>			
Parental leave (time-varying)			0.598**
Time away (time-varying)			3.438***
N of job-spells	3,999	3,999	3,999
N of Events	293	293	293
Log-likelihood	–694.615***	–633.234***	–602.606***

Notes: [†] $p = 0.10$; * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (two-tailed tests).

^aThe reference categories are as follows: (1) Time intervals: years 1–2; (2) Gender: Male; (3) Racial minority: White; (4) Cohorts: Middle cohort (1995–2001 bar admissions); (5) Typical age at call to bar: Younger than 26 years and older than 30 years; (6) Married/Cohabiting: Not married or cohabiting; (7) Elite law school: Graduate of law schools other than University of Toronto; (8) Areas of law: Other; (9) Major clients: None; (10) Initial organizational context: Small-mid-sized law firms of 10–19 lawyers; (11) Flexible hours: Not available; (12) Greater Toronto Area: All other cities, towns, and regions; (13) Parental leave: None; (14) Time away: None.

communities. We therefore also explore the impact of disparate or dis-advantaging experiences that are often associated with gender and race. These experiences included such things as being assigned tasks

beneath one's level of skill and experience, not being invited to work with senior lawyers in the firm, being excluded from social gatherings, and receiving disrespectful and derogatory comments from fellow lawyers and judges. Lawyers who report experiences that place them at a disadvantage to advance professionally are more likely to exit private practice (hazard ratio = 2.457, $p = 0.001$), leaving 146 percent more quickly than those who did not report similar experiences (consistent with Hypothesis 3b). These negative experiences appear to be correlated with both gender and race: 29 percent of women compared with 19 percent of men (t -test = -7.852 , $p < 0.001$) and 28 percent of racial minorities compared with 23 percent of whites report disadvantaging experiences (t -test = -2.115 , $p < 0.01$).

In Model 3, we introduce the effects of cohort, age, and marital status variables. Early cohort lawyers (those called to the bar between 1990 and 1994) appear less likely to exit private practice than lawyers from the middle cohort (1995–2001 bar admissions) (counter to Hypothesis 4). The effect is borderline significant (hazard ratio = 0.758, $p = 0.06$). In contrast, lawyers entering private practice in the late cohort (2002–2009 bar admissions) experience a higher risk of leaving private practice (hazard ratio = 1.466, $p < 0.01$) than the middle cohort. Recall that the majority of lawyers in this late cohort joined private practice in a growing economy, although in a period of uncertainty for law firms when law firm structures were becoming somewhat “flatter” with reduced equity partnerships (Gorman 2006). We also examine whether individuals entering private practice at an atypical age are at greater risk of leaving. This does not appear to be the case. An important factor predicting risk of leaving private practice is marital status and cohabitation. Lawyers who were married or cohabiting (prior to the job transition) were seven times more likely to leave private practice (hazard ratio = 8.012, $p < 0.001$).⁶ Perhaps marriage and cohabitation offer the financial security and emotional support to make a major job change such as leaving private practice. The effect of disadvantaging experiences was reduced from statistical significance with the inclusion of cohort and marital union variables.

When cohorts, typical age and marital status are taken into account, the increased risks of exiting private practice in the early years become evident. Studies of single job spells tend to show a bell-shaped pattern, where risks increase after an initial time interval and then decrease monotonically (Park & Sandefur

⁶ We also explored models that included timing of childbirths, together with dates of marriage and cohabitation and timing of parental leaves. A pairwise correlation test showed timing of childbirths correlated significantly with marriage and cohabitation dates and with timing of parental leaves. To address multicollinearity, we removed timing of children from our models.

Table 2. Piecewise Constant Exponential Model of Leaving Private Practice, Men and Women Separately (N = 935)

Variable ^a	Men (N = 482)	Women (N = 453)
	Hazard Ratio	Hazard Ratio
<i>Time Intervals</i>		
Years 3–4	1.319	2.283***
Years 5–6	2.272**	1.700*
Years 7–8	2.330**	3.503***
Years 9–10	0.818	1.652
Years 11–12	1.605	1.606
Years 13 or more	1.102	3.491***
<i>Demographics and Disadvantage</i>		
Racial minority	1.217	0.807
Disadvantaging experiences	1.290	0.918
<i>Cohorts and Unions</i>		
Early cohort	0.738	0.596*
Late cohort	1.285	1.299
Typical age at call to bar	1.482 [†]	1.001
Married/cohabiting (time-varying)	5.462***	5.401***
<i>Education Background</i>		
Elite law school	0.711	1.375
Grades	1.043	1.040
Law school foundations	0.975	0.888
Law school debt	1.000	1.000
<i>Human Capital</i>		
Areas of law:		
Business law	0.740	1.326
Litigation	0.341*	0.705
People law	1.175	1.037
Criminal law	1.748	2.410**
Billable hours	0.999*	0.999
Recruiting clients	0.992 [†]	0.980***
Major clients	0.363***	0.343***
<i>Initial Organizational Context</i>		
Solo practice	0.421 [†]	0.540
Small firm	0.524 [†]	0.700
Mid-sized firm (20–49)	0.961	0.950
Large firm (50–149)	1.089	0.662
Very large firm (>150)	0.923	0.681
Flexible hours	1.142	1.088
Greater Toronto Area	0.715 [†]	0.940
<i>Career Gaps</i>		
Parental leave (time-varying)	0.969	0.546**
Time away (time-varying)	5.082***	3.261***
N of job-spells	2,261	1,738
N of events	130	163
Log-likelihood	-287.335***	-296.783***

Notes: [†]*p* = 0.10; **p* < 0.05; ***p* < 0.01; ****p* < 0.001 (two-tailed tests).

^aThe reference categories are as follows: (1) Time intervals: years one to two; (2) Gender: Male; (3) Racial minority: White; (4) Cohorts: Middle cohort (1995–2001 bar admissions); (5) Typical age at call to bar: Younger than 26 years and older than 30 years; (6) Married/cohabiting: Not married or cohabiting; (7) Elite law school: Graduate of law schools other than University of Toronto; (8) Areas of law: Other; (9) Major clients: None; (10) Initial organizational context: Small-mid-sized law firms of 10–19 lawyers; (11) Flexible hours: Not available; (12) Greater Toronto Area: All other cities, towns, and regions; (13) Parental leave: None; (14) Time away: None.

2003). Consistent with this pattern, we find the risks of leaving private practice are highest in the early career years. That risk is sustained at a high level for several years, with an elevated peak in years 7–8, when lawyers are 90 percent more likely to exit

private practice compared with those whose job duration was less than 2 years (hazard ratio = 1.897, $p < 0.001$).

Model 4 builds in education background. Neither law school status, law school grades nor assessment of quality of preparation provided by law school training influence job exits from private practice. High debt burdens among graduates have been surmised to constrain choices and shape career paths (Houle 2014). Some scholars have discussed whether law graduates may work in private practice, particularly large law firms, for a few years with the intent to pay off their considerable law school debts and then enter other realms of practice (McGill 2006). Our results suggest that the amount of law school debt does not influence whether individuals stay or leave private practice. Where differences emerge is with reference to areas of law (see Model 5). Those lawyers working in criminal law are at greater risk of exiting private practice (hazard ratio = 1.580, $p < 0.05$), while lawyers working in litigation are less likely to exit private practice (hazard ratio = 0.440, $p < 0.01$) than those in other areas of law. Not surprising, lawyers successful at recruiting clients to the firm, who serve major clients of the firm, and who bill long hours (hazard ratios = 0.987, 0.352, and 0.999, $p < 0.001$, 0.001, 0.05, respectively) are less likely to exit private practice (consistent with Hypothesis 3a). It is important here to note that women are less likely than their male colleagues to have primary responsibility for bringing in new clients and women are also less likely to have responsibility for relations with one or more of the major clients of the firm. Analysis of our survey data show men report 29 percent of their clients are new clients they recruited compared with 19 percent among women ($p < 0.001$). Forty-nine percent of men, compared with 32 percent of women, report having responsibility for relations with one or more major clients of the firm ($p < 0.001$). Including these clientele variables in the model reduces the gender difference in leaving private practice below levels of statistical significance (hazard ratio = 1.147, $p > 0.05$).

In Model 6, we introduce the effects of initial organizational context on job moves out of private practice. Lawyers launching their careers as sole practitioners are less likely to leave private practice than lawyers working in the small mid-sized firms of 10–19 lawyers (hazard ratio = 0.453, $p < 0.05$). Small firm lawyers are also less likely to leave private practice compared with those working in mid-sized firms (hazard ratio = 0.622, $p < 0.05$). Although the research literature emphasizes the importance of organizational supports, such as flexible hours, for the retention of professionals (Armstrong et al. 2007; Moen et al. 2011), our results show no statistically significant relationship between

organizations offering flexible full-time hours and individuals' risk of leaving private practice (counter to Hypothesis 5). We also find lawyers are no more likely to exit private practice whether they started their careers in the large urban center of Toronto or in other smaller cities or towns in Ontario.

Finally, in Model 6, we introduce our two measures of career gaps. Taking a parental leave decreases the risk of leaving private practice by 40 percent (hazard ratio = 0.598, $p < 0.01$) (counter to Hypothesis 6a). In contrast, lawyers who took time away from private practice for other reasons were nearly two and half times more likely to subsequently exit private practice (hazard ratio = 3.438, $p < 0.001$) (in support of Hypothesis 6b).

In Table 2, we examine these models separately for men and women. A Wald chi-square statistical test of the difference between coefficients was performed for those coefficients that were found to be significant for one gender but not the other or were found to be significant for both men and women (Pelissier et al. 2003). Some interesting gender differences emerge. First, in terms of timing, men are at high risk of leaving private practice in the years leading up to partnership decisions (years 5–6 and 7–8, hazard ratios = 2.272 and 2.330, $p < 0.01$, respectively). Women are also at high risk of leaving private practice in the early years, with risk of leaving significantly higher in years 3–4 and 7–8 (hazard ratios = 2.283 and 3.503, $p < 0.001$, respectively) compared with the first 2 years in practice. However, women remain at an elevated risk of leaving even after 12 years in private practice (hazard ratio = 3.491, $p < 0.01$).

Further gender differences emerge with reference to cohorts and marriage. Women in the early cohort (1990–1994) in our sample are less likely to exit private practice (hazard ratio = 5.96, $p < 0.05$) compared with women in the middle cohort (1995–2001). Meanwhile, no cohort-defined patterns emerged among men. Marriage and cohabitation increase lawyers' movement out of private practice, but the effect is slightly stronger for men and the difference is statistically significant (χ^2 -test = 6.35, $p < 0.01$). Another difference is that male litigators are 66 percent less likely to leave private practice than men working in other areas of law (hazard ratio = 0.341, $p < 0.05$). This reduced risk is not shared by female litigators. Meanwhile, women working in criminal law are 141 percent more likely to leave private practice than women working in other areas of law (hazard ratio = 2.410, $p < 0.05$), while practicing criminal law does not significantly increase men's risk of leaving. High billings reduced men's risk of leaving private practice (hazard ratio = 0.999, $p < 0.05$), but not women's risks of leaving. For both men and women, recruiting clients and having responsibility for major clients of the firm decreased risks of exiting private practice. The

small gender difference with respect to the effect of responsibility for major clients is insignificant (χ^2 -test = 3.26, $p > 0.05$). In our comparison of models for men and women, this was the only insignificant difference.

Organizational context in which lawyers launch their careers appears to have impacts for the men's careers. Men starting out as sole practitioners and in small firms are 58 and 48 percent, respectively, less likely to leave private practice than men working in firms of 10–19 lawyers (hazard ratios = 0.421 and 0.524, $p = 0.06$), although the effect is at borderline statistical significance. Similarly, men launching their careers in Toronto appear 28 percent less likely to leave private practice than men starting out elsewhere, but again the effect is at borderline significance (hazard ratio = 0.715, $p = 0.06$). In contrast, none of the initial organizational context variables significantly shaped women lawyers' risks of leaving private practice.

Finally, we consider the effects of career gaps on professional careers in private practice. Although other studies show parental leaves wield damaging effects on the careers of women (Arun et al. 2004; Tremblay 2013), including increased risks of leaving private practice (Kay et al. 2013); our results do not show a similar impact on women's attrition. In fact, women who had taken a parental leave were 45 percent less likely to depart from private practice (hazard ratio = 0.546, $p < 0.05$). Our data reveal women, more often than men, take parental leaves (39 percent of women compared with 9 percent of men; t -test = -11.362 , $p < 0.001$). It may be that for women who have taken a parental leave, their return to private practice signals a commitment to stay—at least from the point of view of employers. Other types of career gaps had the opposite effect. Interruptions from private practice for reasons other than parental leaves dramatically increased men's and women's risks of leaving private practice. Women who had taken time away from private practice were two times more likely to leave private practice, while men who had taken time away were four times more likely to leave (hazard ratios = 3.261 and 5.082, $p < 0.001$, respectively) compared with those whose careers were free of gaps.

Discussion and Conclusion

Gender equality in the legal profession had yet to be fully achieved and the gains made over the last 50 years are threatened by a continued exodus of women from private law practice. Both women and men are at high risk to leave private practice during the early career years, with the most pronounced pattern of exiting behavior taking place in the years leading up to

partnership decisions in law firms. Women continue to be at an elevated risk of leaving private practice even among those who remain in private practice beyond 12 years. The same cannot be said of men.

Background factors connected to legal education appeared generally unrelated to subsequent career movement out of private practice. Factors, including graduation from an elite law school, grades, amount of law school debt, and graduates' assessments of how well law school prepared them for a career in law, did not appear to shape job moves out of private practice. However, we found that certain areas of law held greater retention for lawyers in private practice. For instance, lawyers working in litigation were less likely to leave private practice compared with those working in other areas of law. This pattern held only for men. Meanwhile, working in criminal law augmented women's risk of leaving private practice, but not men's risk.

Professional opportunities proved to be powerful levers to keep junior lawyers in the private practice of law. Lawyers that were actively involved in recruiting clients and dealing with major clients of the firm were less likely to leave private practice than those without these responsibilities. Conversely, lawyers that felt marginalized and mistreated by other legal professionals were at greater risk of exiting private practice. Lawyers in our study commented on the disadvantage generated through lack of networks, mentors, and involvement in the social life of law firms. The following two women explain:

In respect of gender, my view is that the business model applied to law firms makes success a lot more difficult for women. Compensation based on the ability to attract clients does not take into account the disadvantage that women may face in attracting new clients. For the majority of files that I work on, I receive instructions from middle-aged men – with whom it is largely impossible to socialize if you are a young woman. I feel that I am at a terrible disadvantage when it comes to procuring new work which means all of my work comes from senior lawyers in the firm.

If I had chosen to remain childless it would have been easier for me to advance. It is difficult to spend as much time as I need to at work and as I'd like to at home. There are no positive role models for me at my firm, male or female. No one has an ideal work-life balance, many have unhealthy ways to cope with stress. I have not specifically been held back because I am female, but I lose out on opportunities to socialize informally with some senior male partners and I am not given the same opportunities (informal mentorship, powerful

formal mentors, plum file assignments, client contact, etc.) as many male colleagues. I wish someone had told me earlier that realistically you just cannot have it all.

Our results also revealed that billing long hours and working in small firms and as solo practitioners lowered men's risks of leaving private practice. This was not the case for women. Numerous women in our study expressed displeasure at the system of billable hours. As the following lawyer remarked, "I think the billable hour is contributing to the lack of retention of women in private practice. Quality of work should be rewarded, not quantity. Male lawyers with less household responsibilities have more time to linger at the office and bill more. Get rid of the billable hour."

For both men and women, the organizational provision of flexible full-time hours appears insufficient to stem the flow from private practice. The ability to slightly flex full-time hours, by working evenings or weekends to make up for an afternoon departure or late morning start, may simply not offer the elasticity lawyers are seeking to manage family life and career. As Albert (2006: 307) notes, these policies fail to accommodate a balanced lifestyle and may be to blame for women's "forced abdication" of critical career aspirations. Real options in terms of flexibility reduce the total hours required of the job. However, for most firms, these options typically translate into so-called "mommy tracks," which involve lawyers scaling back hours at the cost of permanent marginalization from partnership (Albert 2006). As one lawyer noted,

I work about 15 billable hours/week – paid hourly – target set by me. The flexibility is great but there are tradeoffs: 1) On most files I do the work of a junior lawyer; 2) No chance of advancement in this current situation; 3) Not given challenging work or the opportunity for leadership; 4) No chance to increase income; 5) Difficult to see my peers advancing; and 6) No benefits – do not qualify as I do not work 21 hours per week. However, the tradeoffs are worth it as I have time for my children and feel very little guilt regarding work. Very happy my department has been flexible. I feel that I still have a foot in the door.

Finally, we considered the impact of career gaps. Parental leaves had a curious effect on departures from private practice. Although several studies show parental leaves wield damage on the careers of women (Arun et al. 2004; Kay et al. 2013; Tremblay 2013), our analysis did not show a similar negative effect on women's attrition. In fact, women who had taken parental leaves were *less* likely to subsequently leave private practice. Of course, by definition, a parental leave implies the lawyer returned to private practice. Nonetheless, returning builds

endurance—these lawyers are at reduced risk of leaving (see also Wallace 2001). At the same time, some lawyers may have left private practice in anticipation of having children and some may not have returned following a parental leave. Indeed, several women wrote about their apprehension over starting a family. As one lawyer commented,

My biggest concern at this stage of my life and career is how having a child will affect my work. I am worried about taking a 12 month maternity leave, leaving my clients with other members of the firm and about what will be left upon my return. Partners have made negative comments about others associates taking maternity leave and I understand that someone who returned from maternity leave was “squeezed out” when she came back by not giving her work, or providing the “dog files” or lower rate files. These concerns have caused me some stress and made me delay plans to have a child.

Directions for Future Research

Future work should introduce additional time-varying covariates, specifically the timing of birth and job changes. It is possible that women (and men) make career moves, including job changes across sectors of law practice (and out of law practice) in *anticipation* of having children. Unpacking the timing of job moves relative to the birth (or adoption or step-parenting) of young children may be critical to understanding the incentives for and timing of job moves.

For both women and men lawyers, taking time away from law practice (for purposes other than parental leave) increased their risk of leaving private practice. Women were more likely to experience these gaps in their careers and for longer durations than their male counterparts. Women were also more likely to spend that time attending to the care of young children, while men more often entered graduate school, traveled, or worked on a full-time basis in positions outside law practice (see Kay et al. 2013). Yet, the impact of career gaps was greater for men than for women. Further research needs to explore the meaning and consequences of different types of engagements during periods away from private law practice. Do lawyers who take time away from law practice to pursue other paid work (e.g., in politics, corporate business, or in pursuits related to their practice domains, e.g., commercial real estate or banking) return to private practice and accelerate their career progress as a result of the business acumen that they have accrued and the ability to bring in new clientele from these professional networks? What are the consequences for lawyers who take time away from private practice to raise young

children, invest energies in community service work, or whose absence was the result of illness or unemployment? Are some credentials “career-enhancers,” while others are viewed less favorably by law firm management and thus apt to carry diminished salaries and delayed or stunted career advancement? Research also needs to examine the impact of the duration of absence. Do longer periods pose obstacles for a professional’s ability to renew clientele relationships and regain footing on career ladders? Is there an optimal period for return to private practice—past which obstacles to re-entry become insurmountable?

Future work also needs to examine the impact of globalization and firm restructuring on women’s attrition from private practice, particularly in light of the 2008 global economic crisis. Organizational restructuring may have important implications for women’s promotion opportunities and retention in private practice. Albert (2006) suggests that the reconfiguration of promotion and compensation structure at many firms to place heavier emphasis on business production, or “rainmaking,” has spawned new obstacles for women. She contends that female lawyers, in many instances do not have access to the same business or social networks as male colleagues, and suffer disproportionately under this new regime. Galanter and Henderson (2008) claim that an “elastic tournament” occurs in large global law firms whereby opportunities for promotion to partnership are becoming more limited because firms employ a greater number of associates beneath the equity core and retain a small elite group for the major clients. The authors argue that it will be more difficult for women to obtain coveted work assignments, training and promotion whenever they have “disproportionate family responsibilities” (Galanter & Henderson 2008: 1919). Finally, Ackroyd and Muzio (2007) argue law firms are increasingly restructured based on mechanisms of internal closure, with an elongated organizational hierarchy and an emerging gendered division of labor. These authors argue that as law firms become composed of more diverse employees, employers will subordinate female professionals to male patterns of work (e.g., long hours) and careers (e.g., linear). Similar to gender queuing arguments (Leicht & Fennell 2001), employers will expect women to occupy lower status jobs within firm hierarchies, deferring to men’s career advancement, regardless of ability and dedication.

These gloomy forecasts, however, are largely speculative, lacking data to evaluate the impact of law firm restructuring on women’s rates of promotion and attrition. These studies also focus on a particularly small, although influential, splice of the legal profession: large law firms. While the majority (about 70 percent) of North American law graduates begin their careers in private

practice, the majority do not work in large law firms (Dinovitzer 2015; Nelson et al. 2014). In fact, fewer than 15 percent of newly employed U.S. law graduates work in law firms of more than 100 lawyers (NALP 2015). Discussions over the impact of globalization on law firms have taken place primarily in the context of American (Albert 2006; Galanter & Henderson 2008) and English (Ackroyd & Muzio 2007) law firms. The Canadian context is markedly different. A greater proportion of American law graduates start their careers in large law firms than do their Canadian peers, especially in the very large firms over 250 lawyers (Dinovitzer 2015). Canadian law graduates are more likely than their American counterparts to work in small firms of less than 20 lawyers (Dinovitzer 2015: 18). Data on Canadian law firms are sparse, but evidence suggests there are proportionately far fewer big firms, on a much smaller scale and with few international offices, compared with U.S. big firms (VanDuzer 2007). For example, VanDuzer (2007) notes that in Canada in 2004 just 58 firms, comprising 9 percent of total practicing lawyers, had more than 40 lawyers. In contrast, 25,900 lawyers, representing 35 percent of practising lawyers, worked in firms of fewer than ten lawyers (VanDuzer 2007: 701). As Liu (2013) points out, globalization and the recent global financial crisis may have different impacts on the structure of large law firms in other countries, and with different consequences for smaller local law firms, and for men and women ordinary practitioners (both sole practitioners and in firms).

In conclusion, our study demonstrates that attrition of women from law represents a considerable setback to the fight for gender equality in the profession. Women continue to leave private practice at a higher rate than men after launching their careers in law. Although for both women and men the timing of departures from private practice intersects closely with partnership decisions, for women the risk of departure is elevated even after investing years beyond the typical timing of partnership decisions. Not surprisingly, the retention of lawyers in private practice is enhanced by professional opportunities (to represent major clients and client recruitment) and by inclusive work environments. Yet, gender disparities endure with reference to clientele responsibilities and disadvantaging experiences. Finally, although career gaps have a powerful impact on moving lawyers out from private practice, parental leaves taken by women have the opposite effect—women returning from parental leave are *less* likely to exit private practice in the years following parental leaves.

In the final analysis, our study casts doubt on several assumptions: (1) that the timing of departure from private

practice centers around partnership decisions; (2) that more recent cohorts of law graduates, with presumably more inclusive work environments, face lower risks of leaving private practice; (3) that parental leaves are a tell-tail of women's eventual departure from private practice; and (4) that flexible full-time hours offer the flexibility needed to retain lawyers in demanding private practice settings. Stemming the flow of lawyers from private practice will require innovative and progressive policies which address rigid time structures, residual discrimination, and problems of work-life balance that pervade contemporary private law practice.

Appendix. Description of Lawyer Characteristics, Initial Organizational Context, and Career Histories

Variable	Reliability	Mean (s.d.)	Description of Variable
<i>Demographics</i>			
Women	n/a	0.435 (0.496)	Dummy variable coded one if lawyer reported gender as female.
Racial minority	n/a	0.116 (0.321)	Dummy variable coded one if lawyer self-identified as racial minority.
Disadvantaging experiences	0.710	0.228 (0.223)	Composite measure of disadvantaging experiences: (a) assigned tasks you think are beneath your skill/experience; (b) not being invited to work with particular senior lawyers in your firm or office; (c) excluded from social gatherings, (d) denied work when you expressed an interest, (e) received comments about your physical appearance; (f) derogatory comments about your family status, (g) disrespectful remarks by judges or other lawyers; (h) rude or inappropriate remarks by clients, and (i) a lack of support by office or firm staff. Range 1–5 recoded for each item as: 0 = has never or rarely experienced treatment that placed them at a disadvantage; 1 = has experienced treatment that placed them at a disadvantage (occasionally, routinely or frequently). Scale standardized in regression.
<i>Cohorts and Unions</i>			
Early cohort	n/a	0.362 (0.481)	Dummy variable coded one if lawyer called to the bar between 1990 and 1994, inclusive. This is an 8-year span characterized by high unemployment.
Middle cohort	n/a	0.344 (0.475)	Dummy variable coded one if lawyer called to the bar between 1995 and 2001, inclusive. This is a 6-year span in which the unemployment rate was in decline.
Late cohort	n/a	0.294 (0.456)	Dummy variable coded one if lawyer called to the bar between 2002 and 2009, inclusive. This 7-year stretch saw a low unemployment rate, with a slight increase toward the end (2008–2009).

(Continued)

Appendix. Continued

Variable	Reliability	Mean (s.d.)	Description of Variable
Typical age at call to bar	n/a	0.678 (0.467)	Dummy variable coded one if lawyer reported age at bar admission was between 26 and 30 years.
<i>Time-varying Covariates</i>			
Married/cohabiting	n/a	0.140 (0.347)	Dummy variable coded one if the lawyer was married or cohabiting prior to leaving private practice.
Children	n/a	0.098 (0.298)	Dummy variable coded one if the lawyer had a child prior to leaving private practice.
Parental leave	n/a	0.059 (0.235)	Dummy variable coded one if the lawyer had taken a parental leave taken prior to leaving private practice.
Time away from law practice	n/a	0.028 (0.167)	Dummy variable coded one if lawyer had taken a leave taken prior to leaving private practice.
<i>Education Background</i>			
Elite law school	n/a	0.137 (0.343)	Dummy variable coded one if the lawyer graduated from the University of Toronto.
Grades in law school	n/a	4.878 (0.932)	Self-reported average law school grades. Coded on a 7-point scale: 1 = D [50–59%], 2 = C [60–64%], 3 = High C (C+) [65–69%], 4 = B [70–74%], 5 = High B (B+) [75–79%], 6 = A [80–89%], 7 = High A (A+) [90–100%]
Law school foundation	0.824	4.214 (0.785)	Composite average of level of agreement (1 = strongly disagree to 7 = strongly agree) with six statements regarding legal education: (a) Law school prepared me well for my legal career, (b) Law school teaching is too theoretical and unconcerned with real life practice, (c) I wish I had received more business training in law school, (d) I consider my law degree to have been a good career investment, (e) If I had to do it over again, I would still choose to have gone to law school, and (f) Law school provided me with good information technology skills. Items b and c were reverse-coded for directional consistency. Respondents were also asked how satisfied they were with opportunities to develop professional capabilities during law school. Respondents scored nine items on a 7-point (1 = very dissatisfied to 7 = very satisfied): (a) legal analysis, (b) problem solving, (c) working with business and financial concepts, (d) exercising ethical judgment, (e) working as a member of a team, (f) advocacy, (g) negotiation, (h) familiarity with transactional work, and (i) international opportunities. The full set of 15 law school evaluation criteria were incorporated into a composite average index (range 1–7). Scale standardized in regression.
Law school debt	n/a	\$24,081.85 (\$25,673.94)	Reported by respondents in dollars. Range = \$0 to \$135,000.

(Continued)

Appendix. *Continued*

Variable	Reliability	Mean (s.d.)	Description of Variable
<i>Human Capital</i>			
<i>Areas of law:</i>			
Business law	n/a	0.248 (0.432)	Dummy variable coded one if corporate and commercial, intellectual property, bankruptcy, tax, and insurance.
Litigation	n/a	0.145 (0.352)	Dummy variable coded one if civil litigation.
People law	n/a	0.328 (0.469)	Dummy variable coded one if administrative law, adjudication and/or mediation, estates, wills and trust, family law and divorce, employment and labor relations, and real estate.
Criminal law	n/a	0.078 (0.268)	Dummy variable coded one if criminal law.
Billable hours	n/a	1,511.874 (430.482)	Hours billed approximately during the last fiscal year.
Recruiting clients	n/a	34.920 (39.100)	Proportion of client load that is new clients recruited by the lawyer and for which the lawyer has primary responsibility.
Major clients of the firm	n/a	0.520 (0.500)	Dummy variable coded one if lawyer has responsibility for relations with one or more of the major clients of the firm.
<i>Initial Organizational Context</i>			
Solo practice	n/a	0.073 (0.260)	Dummy variable coded one if started career as a sole practitioner.
Small firm (less than 10 lawyers)	n/a	0.301 (0.459)	Dummy variable coded one if started career in law firm of less than 10 lawyers.
Small-to-mid-sized Firm (10–19 lawyers)	n/a	0.098 (0.298)	Dummy variable coded one if started career in law firm of 10 to 19 lawyers.
Mid-sized firm (20–49 lawyers)	n/a	0.122 (0.328)	Dummy variable coded one if started career in law firm of 20 to 49 lawyers.
Large firm (50–149 lawyers)	n/a	0.124 (0.330)	Dummy variable coded one if started career in law firm of 50 to 149 lawyers.
Very large firm (>150 lawyers)	n/a	0.261 (0.439)	Dummy variable coded one if started career in law firm of 150 or more lawyers.
Flexible schedule	n/a	0.595 (0.491)	Dummy variable coded one if starting job offered flexible schedule with full-time hours.
Greater Toronto Area	n/a	0.548 (0.498)	Dummy variable coded one if started legal career in Greater Toronto Area (GTA).

Note: n/a indicates not applicable.

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