
Cultivating Clients in the Competition for Partnership: Gender and the Organizational Restructuring of Law Firms in the 1990s

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In recent years, the legal profession has undergone significant organizational restructuring with the dramatic growth of firms and a rapid increase in the number of female lawyers. We argue that big firms actively recruited female lawyers during a period when women were needed to fill roles of cultivating and serving increasing numbers of institutional or corporate clients. Yet despite women's contribution of legal talent to the development of clientele, a glass ceiling has restricted their opportunities to advance in law firm hierarchies. We examine two approaches to gender inequities in law firm hierarchy: disparity as economic efficiency and disparity as structural discrimination. Both approaches neglect aspects of social relations within law firms as well as social resources lawyers bring to their work. We therefore introduce a social capital perspective to unpack how human capital is enhanced and how exclusionary practices are reinforced in law firms. Using a longitudinal study of male and female lawyers conducted from 1990 to 1996, we specify several different forms of social capital. The findings from our study reveal that female lawyers participate fully in the accumulation of social capital in law firms, through service to valued institutional clientele and high billings, yet their efforts result in reduced probabilities of partnership.

The major change I've had to make in my life since becoming a lawyer is balancing priorities between the practice of law and my personal time. Before children, the demands were easier to meet, as was the commitment, since there was no guilt when I worked late. But now that I have children, if I work late, I'll miss the little time I have with them in a working day (not to mention a weekend). Putting in hours is always rewarded, especially in private practice. It was not enough to be a competent lawyer and meet your billable hours and annual quota. I was also expected to get involved in the [Bar Association] or another pro bono cause or promote myself and my law firm in the legal community. And although I'm the first to applaud these endeavors, it's hard to find a balance between private practice

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and family life, not to mention a balance doing all three (private practice, promoting yourself, and being a good mother). (Study participant's direct quote)

Law firms have grown dramatically in recent years, and the firms that have grown the most have often done so by increasing their share of institutional or corporate clients relative to individuals (Galanter & Palay 1991). Although surely one of the most salient changes in modern legal practice (Heinz & Laumann 1982), it is paralleled in scope and significance by the rapid entry of large numbers of women into law (Epstein [1981] 1993). Only occasionally have scholars (e.g., Epstein et al. 1995) linked these two major changes in the structure of the legal profession. Recently, we have contended that big firms have aggressively recruited women to facilitate this organizational restructuring of work in large law firms (Hagan & Kay 1995; Kay & Hagan 1998).

Our argument builds from the premise that the growth of the law firm sector required an educated and motivated, but compliant, pool of labor. Women are the new hard-working members of law firms. The number of female lawyers has grown steadily in recent years, and there are some indications that female law graduates on average earn better grades and are more motivated than men (Epstein [1981] 1993). In addition, women may have been perceived as more compliant and less likely to resist subordination in hierarchical work arrangements than men, due to their needs to balance family responsibilities and their reluctance to uproot themselves from families and spouses for their own career advancement (Chambers 1989). The stereotyped perception that women are willing to settle for lower compensation and mobility in exchange for entry to law practice may have culminated in a ceiling effect on partnership chances. MacKinnon (1989:80) puts the problem candidly when she writes that "so long as women are excluded from socially powerful activity, . . . [they] will be valued only for the ways they can be used."

We argue that women have been "used" to play a vital demographic role in the changing nature of contemporary firm practice. Women were recruited to the profession during a period when they were needed to fill roles of cultivating and servicing new and increasing numbers of institutional or corporate clients. Men, as before, also filled such roles, but women were a new addition to the equation. They enhanced the capacity of firms to develop new clients by increasing the resource pool of legal talent and by bringing new and diverse styles of lawyer-client communication (Menkel-Meadow 1989a). Perhaps even more important, however, is that they may have been perceived as

compliant employees who would not threaten the firms' partnership circles, either by neglecting or stealing clients or by demanding their full share of the benefits of partnership. Women's higher rates of departure from firms even proved advantageous in limiting the demands for promotion to partnership, especially as their departures were infrequently a case of "shirking" or "grabbing" clients by moving to other firms in competition for legal talent. It is possible that many firm partners assumed women would work diligently for a number of years, servicing prestigious clients and billing at high levels, and then would leave their initial years of career investment to raise families, forfeiting the coveted partnership ranks to men, who were assumed to be more committed to their careers in law.

If the arguments we have made thus far are valid, it should be possible to show that in recent years the addition of women in sizable numbers to law firms has resulted in the expansion of the institutional client base of firms. At the same time, if it is also the case that a glass ceiling is withholding the advancement of women relative to their contributions in cultivating institutional clients, this situation should be reflected in the restricted mobility of women to firm partnerships. Too little is known about the development of institutional clients by firms (Seron 1993), and this process has not been linked to the opportunities of women to advance in law firm hierarchies. The purpose of this piece is to examine such connections in relation to the organizational restructuring of law firms in the 1990s.

Before turning to the literature on partnerships in law firms, we wish briefly to comment on similarities and differences in the Canadian and United States legal professions. The Canadian context shows close parallels to the American legal profession. Since 1961, the number of lawyers in both countries has increased dramatically. In absolute terms, lawyers in each jurisdiction more than doubled in the space of two decades from the 1960s to the 1980s (Hagan 1990b:50). In both countries, small but steady gains were made by women during the twentieth century, with the most impressive influx to the profession taking place since 1980 (*ibid.*, p. 51).¹ Research shows that the pattern of Canadian law firm growth parallels that of the American firms (Arthurs & Kreklewich 1996; Daniels 1992; Hagan 1990b), albeit on a smaller scale. Daniels's study of 48 law firms across Canada reveals that these firms grew, notwithstanding a few anomalous years, by a constant or increasing rate during the period from 1960 to 1990 (1992:807). Canadian law firms have also grown and dispersed geographically, although this change is less pro-

¹ The most impressive differences between the Canadian and American contexts is that relative to population, there continue to be substantially fewer lawyers in Canada than in the United States, yet the overall pattern of growth and rising representation of women remains remarkably similar in the two countries (Hagan 1990b:52).

nounced than in the United States. During the 5-year period from 1985 to 1990, 14 Canadian law firms opened 18 foreign offices, compared with a total of just six openings in the 20 years prior to 1985 (Daniels 1993:157). As Galanter (1983:21) notes, "The attraction of this style of lawyering is not confined to the United States. In recent years, the American big firm became a model for firms in Canada, Australia, and England." Canadian law firms also parallel the United States with lower percentages of associates being promoted to partner, following longer probationary periods, more lateral hiring, and an underlying erosion of security for partners (Arthurs & Kreklewich 1996:58–59). Similar to the American context, lawyers recruited into the ranks of the professionally peripheral with lower remuneration are disproportionately women, members of visible minorities, and graduates from less prestigious law schools (Arthurs 1996:213–14). At the other end of the spectrum, as measured by income, reputation, institutional clientele, and conditions of practice, are the large corporate law firms, where women, visible minorities, Jews, Catholics and recently arrived immigrants are not hired in proportion to their numbers in the eligible cohort of law graduates. In both countries, white Protestant men continue to be preferred for partnerships (Hagan & Kay 1995:74; Arthurs 1996:214).

In Pursuit of Partnership

Partnership marks one of the most critical distinctions in the private practice of law. Although there exist finer-grained hierarchies within strata, the most salient distinction among lawyers in law firms is that between associate and partner (Galanter & Palay 1991; Wallace 1995; Wholey 1985).² For many lawyers, partnership marks a ceremonial passage from salaried associate to the roundtable of power and ownership within the law firm. "Ascension" to partnership is a significant event that enhances earnings, offers security, and opens doors to future career advancement. Yet, for an even greater number of lawyers, the failure to "make partner" signals a downturn in professional prospects that diminishes potential earnings and permanently reduces career opportunities within private practice. Some of these lawyers will leave during the early years to seek employment in new firms where prospects for promotion appear more favorable. Others will choose or be recommended to seek alternative employment,

² Although the numbers and types of positions vary among law firms, associates may be distinguished as junior, middle, senior, and permanent associates. Associates generally progress from junior to senior over a 5- to 7-year period (Wholey 1985; Nelson 1988). Within the partnership, the top rank consists of members of the executive committee, followed by senior partners, middle partners, and junior partners (Smigel 1969). Movement within the ranks of associate and partner do not necessarily involve formal promotions per se, but members of a law firm are acutely conscious of their exact position within the firm (Wallace 1995).

often outside private practice in government or as in-house counsel to corporations. Of those who stay on and persist, only a handful will be partnered; others will be “let go” or remain as “permanent associates.”

Considerable controversy surrounds partnership, particularly regarding the possibility of systematic bias and discrimination against women. Women have not yet succeeded at becoming partners at a rate proportionate to their male counterparts (Donovan 1990; Meier 1990:169). Legal periodicals proclaim that partnership still remains elusive for women and challenge the criteria for partnership (Kaye 1988; Radforde 1990; Cogan 1992; Foster 1995; Keava 1993; Kende 1994; Maxey 1993). Women’s participation in the profession now exceeds token levels, and new questions are emerging. Has the gender disparity in partnership narrowed with greater representation of women in private practice? What factors, in terms of professional capital, are most influential in attaining partnership? Are women and men evaluated by the same standards? What are the implications of the restructuring of firm practice for women’s partnership prospects? Are women rising through the partnership ladder or are they remaining on the periphery of law practice?

A reconceptualization of law firm mobility tracks is required to access the forms of professional capital valued in partnership decisionmaking processes. To place this argument in its broader context and to evaluate the limitations of contemporary theoretical approaches to gender inequities in partnership, we begin by documenting the extent of gender inequality in law firms and assessing two competing explanations of gender disparities in firm hierarchies. We then introduce a social capital perspective on mobility, linking sociological explanations of social stratification to economic models of firm formation and mobility.

Women’s Partnership Prospects

Several studies have documented the disproportionate representation of women among associates and their underrepresentation as partners (Abramson & Franklin 1986; Brockman 1992, 1994; Curran 1986; Epstein et al. 1995; Fossum 1981; Hagan 1990b; Halliday 1986; Kay 1991; Wolfram 1986). For example, between the early 1960s and the mid-1980s, the percentage of women in the American legal profession increased from 3% to 14%, but women still represented only 5% of partners in the nation’s 100 largest law firms and a scattering of key judicial and governmental decisionmakers. Female attorneys in the mid-1980s were less than half as likely as male attorneys to be partners in a firm, earned approximately 40% less, and were disproportionately represented in lower prestige specialties (Rhode 1988:1179). The *National Survey of Career Satisfaction/Dissatisfac-*

tion, undertaken by the Young Lawyers Division of the American Bar Association in 1984, reported that 87% of women were associates compared with only 56% of men, and only 13% of women were partners compared with 44% of men (Hirsch 1989:24).³

By the late 1980s, the representation of women in law firm partnerships was still quite limited. Women represented less than 10% of partners in major U.S. law firms (Menkel-Meadow 1989b). This figure is considerably lower than would be predicted by the entry rates of women into the profession during the prior 15 years (Curran et al. 1985). Since the early 1970s, women comprised at least 20% of graduating law students and by the late 1980s women represented 30% to 40% of law graduates in Canada and the United States. As Menkel-Meadow (1989a:307) observes, even with time to partnership approaching 10 years in some locations, a directly proportional rate would predict a much higher level of partnerships. Similarly, Abel's study of American lawyers (1988) finds that within private practice, women are more likely than men to be either sole practitioners or associates in large firms and less likely to be found in small firms or to be partners. Abel also finds evidence suggesting that women are becoming concentrated in positions that are less prestigious and less remunerative than others, that deal with personal plight, and that can be held on a part-time basis (1989:118). Although these status differences diminish, they remain after controls for age (Abel 1988:203).

Men and women also experience mobility differently. Hagan et al. (1991:257) report in their study of Toronto lawyers that men are more likely to rise both within large law firms and by moving laterally to large law firm partnerships. A study that tracked the Harvard Law School class of 1974 over a 10-year span explains, in part, how this disparity might arise. Although women were more likely than men to begin working at large elite law firms, 10 years later 23% of those women were partners compared with 51% of the men. Over half of the 49 women who initially entered large firms had left within 10 years. Thus, many women opted (or were pushed) off the partnership ladder (Abramson & Franklin 1986). In recent years, women have entered law firms, especially the bigger firms, in large numbers as junior associates (Epstein et al. 1995), yet their prospects for promotion are uncertain and many women leave firms within the first few years of practice (Hagan & Kay 1995; Kay 1997).

Some researchers and lawyers alike have argued that it is too early to expect high rates of participation at the top levels of the profession, given career trajectories that require up to 10 years before partnership (Abel 1989). Chambers's study of graduates of the University of Michigan Law School from the late 1970s

³ Unfortunately, this study failed to control for experience.

suggests the gap may be narrowing between women and men in private practice. Since 1979, there has been a steady increase in the proportion of both women and men entering large firms as associates (Chambers 1989:285). There is, however, reason to temper this optimism. Studies of women in large firms (Fenning 1984) and in management (Reskin & Roos 1992) suggest that although women occupy entry-level positions, they have not made significant progress vertically, even when controlling for work experience. To date, in both Canada and the United States, women appear to be less well represented in the more prestigious and highly paid echelons of the legal profession than men (Mossman 1988).

Explaining Gender Inequities in Firm Hierarchies

Disparity as Economic Efficiency

One approach invoked to explain inequities between men and women in the practice of law is human capital theory. Human capital theory claims that gender differences in job rewards, such as earnings and promotions, are explained by gender differences in the educational and work achievements that lead to increased productivity by employees (Becker 1985; Polachek 1975). Variations can also be explained by the resources with which one is endowed, by biology, by one's family of origin, or by gifts (Becker 1976). The more controversial aspect of this theory is the claim that there are intrinsic biological differences that lend advantages to women in the home and to men in the public sphere (Becker 1991). These intrinsic differences, although small initially, are magnified through the subsequent investments of human capital made by men and women in the public (occupational career) and private (family) spheres. Thus, individuals make different choices in their investments of human capital that are molded by biological and socialized differences of gender (Hagan & Kay 1995:13).

Applied to the legal profession, human capital theory attributes differences in male and female earnings, for example, to gender differences in four dimensions of human capital: prestige of law school, class rank in law school, years of work experience, and on-track career development (Dixon & Seron 1995:384). Previous research finds that high performance in law school augments incomes (Hagan 1990a), and prestige of the lawyer's law school is important to earnings in the private sector of practice (Heinz & Laumann 1982). In addition, the number of years of experience in law practice and continuous (on-track) career development enhance human capital and increase the lawyer's income (ibid.; Hagan & Kay 1995).

The appeal of human capital theory lies largely in its emphasis on individualism, competition, and the presumed rational behavior of employers (Taylor et al. 1986:107). Important challenges to human capital theory have emerged, however. Research repeatedly shows that women obtain lower returns from their employment characteristics and investments in human capital than do men (Buchele 1981; England 1982; England & Farkas 1988; Langton & Pfeffer 1994; O'Neil 1984; Treiman and Hartmann 1981). For example, recent work suggests that a prestigious law degree increases earnings for men in firms, but not for women (ibid.). Also, having children augments the income of men, whereas it has a negative impact on the income of women (ibid.). Other work reveals that women find themselves delayed in promotions as a result of having children, but are rewarded if they return quickly after a maternity leave and continue to bill at high levels (Kay & Hagan 1998). These findings pose a challenge to human capital theorists, who must modify their explanation to consider why female lawyers with levels of education and experience equivalent to men really do not possess education or experience of the same "quality" to be promoted (Ornstein 1983:43).

Disparity as Structural Discrimination

Other approaches emphasize discrimination within the workplace. Several different forms of discrimination are highlighted in the literature. *Exclusion*, or *discriminatory treatment*, by colleagues and supervisors has been cited to account for the lower representation of women in partnership. Early studies revealed that women were denied clients and were excluded from vital informal social networks (Epstein [1981] 1993). Podmore and Spencer (1982:352–53) documented these experiences through interviews with 28 barristers and 48 solicitors in England:

Our interviews suggest that the promotion ladder may not be anything like as accessible to women solicitors as to their male counterparts. A repeated theme was that employers were inclined to exploit women assistant solicitors (i.e., salaried non-partners) as a source of cheap labor. These women felt that their employers expected that they would work for a few years only before leaving to marry and have children, and that they would not be interested in promotion.

Many of the women interviewed in the study by Podmore and Spencer encountered difficulties: "problems of getting an apprenticeship, of finding that they were paid less than men of similar seniority, of experiencing difficulty in advancing to a full partnership if they were solicitors, of finding themselves 'channelled' into particular types of work considered to be suited to their sex" (ibid., p. 357). Abel argues that these barriers arise as

women enter law practice and begin the difficult ascent up the partnership ladder, contending (1989:119) that

once they leave the meritocratic arena of formal education and examinations, they again encounter prejudice and role conflict. As a result, qualified women lawyers fail to enter practice, leave early, or accept less attractive positions. These forms of inequality will not be overcome until there is a transformation of the sexual division of labor.

Other research indicates that various forms of discrimination persist. Female lawyers report that they are relegated to certain types of work, are not considered for partnership, and find it difficult to acquire mentors (Epstein [1981] 1993; Liefland 1986; MacCorquodale & Jensen 1993). More recently, researchers have suggested that some female lawyers are assigned less desirable and less lucrative clients because firms assume that women lawyers will not be available over the long term (LaMothe 1987; Menkel-Meadow 1989b). Most institutional clients, however, now include women in their ranks and expect that law firms serving them will include women as well. The representation of women in law firms may therefore be essential to the attraction and retention of institutional clients.

Systematic barriers to women's advancement, however, have also been documented (Donovan 1990; Foster 1995; Mossman 1988). Journalistic accounts about women with children in large law firms depict the challenges of working full time, struggling simultaneously to raise children and compete for partnership. Pregnancy and parenting are likely to interfere with partnership. For example, it is common for firms to require 1,800 to 2,000 billable hours per year from their partners and associates, leaving little time for pregnancy and parenting (Scott 1987).⁴ Female lawyers with children are likely to bear heavier responsibilities as well as differential treatment in the workplace than male counterparts raising a family (Adam & Baer 1984; Mossman 1994a, 1994b). From this perspective, existing work structures are seen as discriminatory, and without change they perpetuate the subordination of women (Hagan & Kay 1995). The implication is that even though modern large law firms may want to have female lawyers as associates who will assist in serving institutional as well as other clients, they may not be as anxious to retain these women as partners who share in the profits yielded through the development of institutional clients.

⁴ The American National Survey of Associates reported in 1990 that "the average target for billing is 1600 hours a year, up from 1500 last year. The increase appears to reflect the trend in many firms to push for more billable hours" (Monteith 1990:22). Menkel-Meadow (1989b:221) argues that these increases in the billable hours operate to the disadvantage of women: "In a legal culture where billable hours increase almost 100 hours a year (the 'average' at a major Los Angeles law firm is said to be 2,300 hours a year) and competition intensifies for good lawyers and good clients, the demands of work increase sex segregation."

This approach emphasizes the social structure of law practice within firms, specifically the expectation of a more traditionally “male” career line involving continuous employment, inflexible hours of labor, and minimal workplace supports in response to demands of parenting. As such, the organization of law practice and work structures within law firms are exclusionary to many women and unaccommodating to the increasing diversity of lawyers. To put it starkly, women may be used as associates and discarded before partnership. In contrast, human capital theory largely ignores such possibilities by focusing attention more narrowly on the individual, particularly characteristics assumed to increase productivity, including status of law school education, work experience, and legal skills.

Yet both the human capital and structural approaches neglect aspects of social relations within law firms as well as the social resources lawyers bring to their work. A social capital perspective contributes to our understanding of gender inequities in firm promotional ladders by highlighting how human capital is elaborated and enhanced and how socially structured exclusionary practices are reinforced in the pursuit of firm partnerships.

A Social Capital Perspective on Mobility

An understanding of the social aspects of individual careers within law firms can be gleaned from the writings of Pierre Bourdieu (1977, 1984) and James Coleman (1990, 1994). Both scholars emphasize social resources beyond those recognized by traditional economic theories. Bourdieu argues that “it is in fact impossible to account for the structure and functioning of the social world unless one reintroduces capital in all its forms and not solely in the one form recognized by economic theory” (1986:242). Capital is, therefore, a generalized resource that can be observed in many forms: as economic, cultural, social, and symbolic (Bourdieu 1984:114). Capital can exist in objectified form, such as material and monetary properties, or as social and less tangible types of capital that “like trumps in a game of cards, are powers which define the chances of profit in a given field” (Bourdieu 1991:230). Differences in capital endowments are related to social structure in a significant and meaningful way, with high accumulation of desired forms of capital in particular fields enabling advancement (Anheier et al. 1995:860, 862–63). Bourdieu argues that social capital represents “a capital of social connections, honourability and respectability” that is often essential in winning and securing the confidence of high society, and with it a clientele, and may be drawn on, for example, in establishing a successful career in law (1984:122).

Social capital theory applies aptly to law firms within which various individuals compete for partnership. Bourdieu (1977,

1984) argues that as organizations claim to adopt policies of equality of opportunity, dominant groups increasingly adopt other indirect mechanisms of reproduction. In the case of law firms, the demise of direct mechanisms of reproduction (ascriptive characteristics such as gender and race) and the adoption of selection policies based on meritocratic criteria (achievement in law school) result in the emergence of other more indirect mechanisms of reproduction, in the form of social capital. As Passeron (1979:52) points out: "When the greater part of academic capital depreciates on the employment market, the chances for employment are influenced by the increased weight of social capital (knowing the right people and how 'to get a foot in the door') that a person possesses by virtue of his family's position or his social background." Therefore, the concept of social capital includes "social connections and contacts which may provide important information about educational and economic systems" (Watkins 1984:71). In this way, social capital becomes a critical factor in linking the associate into social networks that facilitate the development of desirable clients, especially prestigious and rewarding institutional clients.

Bourdieu, however, really only devotes brief attention to social capital. It is Coleman who more fully develops the concept of social capital in sociology. Coleman's social capital perspective identifies the importance of concrete personal relations and networks of relations in generating trust, in establishing expectations, and in creating and enforcing norms. Granovetter (1985) terms this the "embeddedness" of economic transactions in social relations. Building on Granovetter's work, Coleman (1990) conceives of these social-structural resources as capital assets for the individual, that is, as "social capital." Coleman observes that "unlike other forms of capital, social capital inheres in the structure of relations between persons and among persons. It is lodged neither in individuals nor in physical implements of production" (*ibid.*, p. 302).

There is, of course, a close parallel here to human capital theory. Just as human capital can be defined as the array of valuable skills and knowledge a person has accumulated over time, social capital is the array of valuable *relationships* a person has accumulated over time (Burt 1992; Portes 1998). As Coleman remarks, "If physical capital is wholly tangible, being embodied in observable material form, and human capital is less tangible, being embodied in the skills and knowledge acquired by an individual, social capital is less tangible yet, for it exists in the *relations* among persons" (1988:S100–101).⁵ Therefore, social capital con-

⁵ Bourdieu also describes social capital as the sharing of resources through networks of social relations. For Bourdieu, social capital is "the aggregate of the actual or potential resources which are linked to possession of a durable network or more or less institutionalized relationships of mutual acquaintance and recognition—in other words,

sists of social obligations or “connections.”⁶ A network is not only a device to receive resources; it is also a device to create resources such as other networks, that in turn produce new opportunities. According to Burt (1992), social capital offers the opportunity to profit from the application of human capital. Social capital is productive: It makes possible the achievement of goals that in its absence could not be possible (Coleman 1988:598).

Partnership and Social Capital

Work experience provides the opportunity for partners and senior lawyers in a firm to observe the compatibility, productivity, and quality of work of young associates. The closely supervised apprenticeship of associates lasts 5 to 9 years and culminates in the invitation to partnership. During this period, the associate develops knowledge and skills as a junior member of the firm and strives to impress senior lawyers with the quality of work and dedication to the firm. Associates also invest in their professional reputations. By reputation, an attorney disseminates information to clients and other lawyers about “his[/her] qualifications, skills, temperament, legal philosophy, honesty, and integrity” (Galanter & Palay 1991:90). Partners evaluate the productivity, commitment, and character of associates during these early years. Clearly, the more elaborate the observations of associates under a variety of conditions, the more confident partners can be about an associate’s suitability for invitation to join the firm’s partnership (Daniels 1992:812–13). The advantage of this observation period lies in its

capacity to differentiate between those individuals whose personal skills, judgement, and strength of character do and do not meet the standards of the firm. As soon as it becomes clear that an associate is in the latter category, she will usually be asked by the firm to resign. Through this weeding out process, the firm is able to concentrate its efforts on instilling commitments to the firm’s distinctive culture among those lawyers most likely to assume partnership status. This subtle, though somewhat protracted, acculturation process is prized because of the support it lends to the firm’s role in controlling agency costs and in preserving culture and reputational capital. (Ibid., p. 175)

to membership in a group—which provides each of its members with the backing of the collectivity-owned capital, a ‘credential’ which entitles them to credit, in the various senses of the word” (1986:248–49).

⁶ In other words, “the network of relationships is the product of investment strategies, individual or collective, consciously or unconsciously aimed at establishing or reproducing social relationships that are directly usable in the short or long term” (Bourdieu 1986:249).

The promotion practices of law firms provide strong assurance to the leaders of the firm that it is promoting the “right kind of lawyer” to partner status (*ibid.*, p. 175).

The ascent to partnership is not entirely a process of selection by principals of firms. Associates also contribute to their chances of promotion through the quality and quantity of their labor as well as through their power to mobilize social capital. Mobility within law firms does not take place randomly. Success at assessing the prerequisites and potential profits offered by the firm depends on two dimensions: the configuration of various forms of capital recognized as legitimate within the firm and the relative positions of individuals (by way of volume and composition of capital) upon entering the firm (see Bourdieu 1983:312; Dezalay 1994:162).

Therefore, upward mobility depends on the ability to command “a feel for the game” (Bourdieu 1990:66). This familiarity offers considerable advantage. Bourdieu (1976) employs the analogy of players in a card game to demonstrate how individuals, as agents, invest forms of capital. Players are dealt cards representing social, cultural, and economic capital. Winning the game depends on the nature of the hand one is dealt, the rules of the game, and the degree of skill with which a hand is played. So, strategy is essential to profiting from various forms of capital (*ibid.*; Lamont & Lareau 1988). Social, cultural, and economic capital are invested and converted into one another in attempts to maximize one’s career mobility (Bourdieu 1985a, 1985b). Thus, negotiation and deployment of capital are particularly relevant to advancing our understanding of the “partnership tournament” (Galanter & Palay 1991).

Data, Measures, and Methods

The data analyzed here come from a longitudinal survey of lawyers in Ontario, Canada. A disproportionately stratified random sample of lawyers was selected from the membership lists of the Law Society of Upper Canada. The sample is unique in that it was stratified by gender to include approximately equal numbers of men and women called to the Bar from 1975 through 1990. These lawyers represent a recent cohort with a significant number of women among their ranks. The sample is also unique in that it is stratified to include individuals who have experienced temporary absences and those who have left the practice of law. The survey was initially mailed to 2,358 lawyers across the province and, with one follow-up reminder, received a 68% response rate ($N = 1,597$). The members of the sample were then resurveyed in 1996, resulting in a recontact response rate of 69%. The following analysis is limited to those lawyers who began their first

position after the provincial bar admission in law firm settings ($N = 674$). These lawyers have now been tracked for 6 years.⁷

In the sections that follow, we introduce key demographic and human capital variables. We then examine four properties of social capital that are hypothesized to affect the probability of partnership. These properties are described in terms of specific variables included in the model. This discussion illustrates how different types of social capital relate to the organization of law practice and upward career mobility in law firms. Concepts and

Table 1. Description of Variables

Variables	Measurement
<i>I. Dependent Variable</i>	
Partnership	Binary, partner vs. other
<i>II. Demographic Variables</i>	
Gender	Binary, men vs. women
Ethnicity	Binary, ethnic minority vs. other
Marital status	Binary, married vs. single
Presence of children	Binary, 1 or more children vs. no children
<i>III. Human Capital Variables</i>	
Years of experience	Interval, years since called to the Ontario Bar, range = 6–21
Elite law school	Binary, University of Toronto and Osgoode Hall vs. other
Specialization status	Interval, range = 3.57–7.25
<i>IV. Inherited (Parental) Capital</i>	
Father's occupational status	4 dummy variables: business owner, manager, self-employed, and employee
Father Canadian born	Binary, Canadian born or immigrant to Canada
<i>V. Professional Social Capital</i>	
<i>i. Networking Capital</i>	
Job networks	Binary, personal contacts for job or vs. no contacts
Professional activities	Interval, range = 0–7
Member associations	Interval, range = 0–54
Institutional clientele	Interval, time spent with institutional clients, range = 0–100% Measured at time 1 (1990) and time 2 (1996)
<i>ii. Time-Dependent Capital</i>	
Hours billed per week	Interval, hours billed per week on average, range = 0–70
Total hours at office/court	Interval, range = 0–90 (includes days, nights, weekends)
<i>VI. Practice Setting Capital</i>	
Firm size	4 dummy variables: <10 lawyers, 10–19, 20–49, 50+ lawyers
Women partners in firm	Interval, range = 0–41 (0 = 5.47)
Practice district	Binary, Toronto vs. other districts in Ontario

⁷ Selection bias is a problem that plagues longitudinal research designs. The degree of selection bias in this study is limited due to the exceptionally strong response rates in both surveys of legal professionals (close to 70% on both waves of the study). In addition, special efforts were made to locate lawyers who had left law practice since the first survey (and for whom their addresses were no longer up to date with the Law Society of Upper Canada's membership records). It is possible that lawyers who are no longer in practice were less likely than lawyers in practice to respond to the survey. The first wave of this study, however, included a stratum of lawyers who had exited the profession. We are encouraged by the finding that the response rate was over 50% for this group.

variables are described in Table 1. Descriptive statistics and difference of means tests are presented later.

Demographic Variables

Four background demographic variables are included in the analysis: gender, ethnicity, marital status, and parenting. Gender is coded as men = 1 with women as the comparison category. Men were significantly more likely to be married than women ($p < .001$, two-tailed t -test); they were also more likely to have had children ($p < .01$, two-tailed t -test). Of the men, 90% were married and 84% were parents. In comparison, 81% of the women were married and 76% were parents.

Some researchers have interpreted ethnic group membership and religious community as forms of social capital, noting differences in families across levels of cohesiveness and solidarity and as agents of social control (Coleman 1988; Goldscheider & Goldscheider 1988; Mitchell 1994). We have chosen instead to categorize ethnic background as a demographic variable. Our measures of social capital attempt to focus more precisely on network-associated variables, especially *behavioral* aspects of networks, such as involvement in professional associations, clientele responsibilities, and time investment in networks. Ethnic background is included in our analysis because considerable research demonstrates that the status-culture of law practice in Canada and the United States, especially within big firms, has been traditionally dominated by white Anglo-Saxon Protestants (Heinz & Laumann 1982; Lena et al. 1993). A dummy variable identifying ethnic minorities is included in the analysis. Seven percent of men and 9% of women were self-identified as occupying a minority ethnic status.⁸

Human Capital Variables

Human capital is measured through three variables: years of experience, graduation from an elite law school, and status of specialization. Men in our sample had on average 14 years of experience in the practice of law, whereas women averaged 12 years ($p < .001$, two-tailed t -test). Lawyers in this study have between 6 and 21 years of experience. Because partnership generally takes place by year six, this is an ideal sample with which to study partnership outcomes. For most occupations, education is measured in terms of the highest credential received or the years of schooling attended. Because most lawyers share similar amounts of ed-

⁸ Respondents were asked, "How would you describe yourself?" Minority status (coded as 1) includes Afro-Canadian; Indo-Canadian, East Indian; Other Asian Canadian; First Nations; Blend of races/ethnicities; and other. The comparison category is Caucasian (coded as 0), including Caucasian and European Canadian.

ucation (for example, a law degree and perhaps a baccalaureate degree), however, education is typically assessed by the prestige of the law school attended (Granfield & Koenig 1992; Hagan et al. 1988; Ladinsky 1963; Nelson 1983). Studies of American law schools have described “feeder schools” (Heinz & Laumann 1982:192), suggesting that certain law schools have a greater propensity to channel graduates to privileged practice contexts. Heinz and Laumann found in their landmark study of Chicago lawyers that elite law schools play an important role in stocking the largest law firms, whereas local law schools play prominent roles in producing sole practitioners (1982:192). Attending a prestigious law school also offers the opportunity to develop social networks with wealthy individuals; these networks in turn introduce possibilities to garner corporate and high-status clients (Dixon & Seron 1995; Heinz & Laumann 1982). In Ontario, the elite institutions are the University of Toronto and Osgoode Hall at York University (Hagan 1990a, 1990b). A dummy variable indicates graduation from these law schools. Thirty-eight percent of men and 34% of women graduated from the elite law schools. It is expected that graduation from elite schools will equip lawyers with a valued repertoire to negotiate the social requisites of law practice. Bourdieu and Boltanski (1977:207) describe this process:

Being educated at [a prestigious school] confers, under the title of “old boy” a sort of certificate of credit worthiness or letter of credit giving the right to all sorts of material and symbolic advantages in the eyes of all agents endowed with the same characteristics.

An additional measure of human capital included in this analysis is specialization status. Respondents in this survey reported their main area of specialization and also assessed each field of law on a 10-point scale of prestige (see Hagan 1990a; Hagan et al. 1988). A graded scale of 10 specializations resulted in, for example, taxation (7.249), corporate/commercial law (7.043), and civil litigation (6.928) receiving highest rankings, and landlord and tenant (3.572), immigration (3.820), and real estate (4.276) receiving lower rankings.

Social Capital Variables

Social capital refers to the sum of the actual and potential resources that a lawyer can mobilize through membership in social networks of colleagues, family, and clientele. Four separate types of social capital are identified in this analysis: inherited (parental) capital, networking capital, time-dependent capital, and practice setting capital.

The first form of social capital is that of *inherited*, or *parental*, *social capital*. The family is crucial to the transmission of capital.

Social, cultural, and economic capitals originate in the family, although the influence is not deterministic (Bourdieu 1986). Prior studies have employed parental occupational prestige as a measure of status-culture participation (Mitchell 1994). In our study, father's occupation is coded according to four dummy variables: owner of business, self-employed but not employing others, manager, and employee.⁹ It is expected that more prestigious occupations (on the part of fathers) will lead to the desired social capital, including networks of business associates and potentially lucrative clients (Lena et al. 1993:365). The employment characteristics of fathers are similar for both women and men, with close to 30% of lawyers' fathers owning businesses involving employees and between 42% and 48% of fathers working as employees. Having parents who were native to Canada might also offer an advantage in terms of clientele connections. Close to 70% of men and women reported that their fathers were born in Canada.

Networking capital consists of direct measures of participation in social networks through law practice. Lawyers were asked whether they secured their existing job in the firm through personal contacts or direct application. It is hypothesized that personal contacts at entry to firm practice may pay off later in promotions to partnership. Just under 20% of men and women reported that personal contacts played a role in their initial employment. Lawyers were also asked to indicate the average number of times per month that they attended activities that could be considered professionally related outside of "regular hours" in the office (i.e., weekends, before 8 A.M. or after 6 P.M., lunches). Respondents were asked to report their memberships in various associations and whether they participated on the executive committee or in any committee work for these associations during the past year. We also measured the proportion of time spent representing institutional clientele. The clientele variable was measured at two points in time: in 1990 when the majority of lawyers in this sample were employed as associates and again in 1996. It is expected that responsibility for institutional clientele will accelerate the career line to partnership (Repa 1988:70). Women had proportionately fewer institutional clients than men at the outset of the study (35% versus 27%), but almost exactly the same proportion of institutional clients when recontacted 6 years later (about 50%). It is also expected that membership in professional associations will be a valued social resource in managing one's career (Donovan 1990:135). Finally, it is expected that participating fully in the life of the firm through at-

⁹ The category of employee also includes more marginal forms of labor, such as retired and student, and other occupations. The vast majority of respondents, however, reported that their fathers had worked primarily as employees rather than having been retired or students during the time when the respondents were growing up.

tendance at “off-hour” activities will enhance the chances for partnership by offering informal occasions to impress partners with one’s dedication to the firm.

As Table 2 indicates, men were more likely than women to participate in these professional activities outside regular hours (6 per month versus 4 per month among women) ($p < .001$, two-tailed t -test). Women were less likely than men to represent institutional clients early in their careers ($p < .01$, two-tailed t -test). These gender differences became insignificant, however, 6 years later when men and women took on a greater share of institutional clients.

Invitation to partnership demands more than a lawyer’s social connections and ability to recruit lucrative clients to the firm.

Table 2. Means and Standard Deviations of Variables Used in Logistic Regression Analysis

Concepts and Variables	Men (<i>N</i> = 314)		Women (<i>N</i> = 360)		<i>T</i> -value of Difference
	Mean	<i>SD</i>	Mean	<i>SD</i>	
Dependent Variables:					
Partnership	.45	.50	.26	.44	-5.24***
Independent Variables:					
<i>Demographics</i>					
Ethnicity	.07	.25	.09	.29	1.32
Marital status	.90	.30	.81	.39	-4.47***
Children	.84	.37	.76	.43	-2.66**
<i>Human Capital</i>					
Years of experience	14.00	4.12	11.57	3.78	-7.95***
Elite law school	.38	.49	.34	.48	-1.01
Specialization status	5.68	1.07	5.61	.97	-.83
<i>Inherited (parental) capital</i>					
Father’s occupational status					
Business owner	.28	.45	.31	.47	.86
Manager	.14	.34	.19	.39	1.83+
Self-employed	.10	.30	.07	.26	-1.36
Employee	.48	.50	.42	.50	-1.44
Father Canadian born	.71	.45	.67	.47	-1.22
<i>Networking capital</i>					
Job networks	.18	.38	.19	.39	.37
Professional activities	6.07	7.40	3.98	5.86	-4.03***
Member associations	2.29	1.23	2.34	1.56	.46
Institutional clientele (T1) ^a	35.36	36.16	27.37	35.43	-2.89**
Institutional clientele (T2) ^b	49.35	26.76	50.02	25.49	.33
<i>Time-dependent capital</i>					
Hours billed/week	33.96	9.12	34.79	7.88	1.26
Total hours at office/court	43.40	13.35	40.90	14.44	-2.33*
<i>Practice setting capital</i>					
Firm size					
Small firm (< 10)	.62	.49	.54	.50	-2.15*
Midsize 1 firm (10–19)	.11	.31	.12	.32	.48
Midsize 2 firm (20–49)	.09	.29	.13	.33	1.36
Large firm (50+)	.19	.39	.22	.42	1.21
Women partners in firm	5.81	7.40	5.20	5.05	-1.20
Practice district	.48	.50	.47	.50	-.20

^a T1 = Time 1 (1990).

^b T2 = Time 2 (1996).

* $p \leq .05$ ** $p < .01$ *** $p \leq .001$

As Seron and Ferris (1995:25) point out, performing professional tasks requires a release from private obligations so that time is rendered available. Time is an essential resource because firms are often “greedy” in their demands and priorities. Professional norms require that women with children relinquish private time to expand professional time. Seron and Ferris (1995:27) argue that

the entry of women into the labour force outside the home shows that at a theoretical level professions require an institutional system of social capital. When women work outside the home, access to this social capital is, however, limited, negotiable, and prized. Thus the shift in the gender composition of the labor force commodifies the social capital of flexible, professional time.

Therefore, time itself is a form of social capital. We call this *time-dependent social capital*. It is through time commitment to social networks that one mobilizes human capital, renews associations, and develops links to still further resources.¹⁰ Time is measured through two variables. The first, hours billed weekly, is assessed in the early stages of employment to examine its dividends in the years following promotion decisions. The second variable, total number of hours spent on law-related matters (both in and out of the office, but not at home), captures weekday and weekend hours as well as day and evening investments. Although men and women billed similar numbers of hours (approximately 34 hours per week), men were significantly more likely to put in extra hours at the office beyond regular day shifts ($p < .05$, two-tailed t -test).

A fourth type of social capital is that of *practice setting*. The context of legal practice offers different opportunities for social networks both within and external to the firm. Three variables tap dimensions of practice settings. Size of firm represents a measure of the organizational context in which lawyers’ opportunities for advancement are shaped. Firm size indicates both a loaned reputational capital as well as structural aspects of opportunities and constraints on mobility (Hagan 1990a; Wallace 1995). Size of firm is measured as a four-category ordinal scale, with firms of fewer than 10 lawyers, 10 to 19 lawyers (comparison

¹⁰ The concept of professional time is often treated in the literature on work as human capital, as an indirect measure of productivity (Becker 1976). In this sense, time invested in paid work is something that must be continually performed as a requisite of the job and is not a resource on which one can draw. Yet Seron and Ferris (1995) argue convincingly that flexible, professional time is rather a form of social capital, a resource that women in the labor force must draw upon in negotiating their careers. We extend this argument with the claim that time invested at the law firm (whether it is a time of productive work, of a visible presence in the firm, or of social discussions) aids in developing associations within the firm, building one’s professional image, and impressing the gatekeepers of the firm. That is to say, time represents a social capital that affords the opportunity to exercise one’s human capital (Burt 1992).

category), 20 to 49 lawyers, and 50 or more lawyers.¹¹ Prior research reveals a movement of women away from smaller and toward larger firms, suggesting that male-dominated smaller firms are particularly resistant to promoting women (Hagan et al. 1991:259–60). It is expected that prospects for promotion will be lowest in small firms and the influence of firm size will be greater for women than men.¹² Men and women reported on average similar levels of specialization prestige, but men were significantly more likely to work in small firms (62%) compared with women (50%) ($p < .05$, two-tailed t -test). It is expected that larger firms will offer optimum opportunities for introductions to networks of clients and power brokers within the profession.

We also consider the number of women partners in a law firm as an aspect of practice setting capital. We have noted that by expanding the pool of legal talent and bringing new and different communication and mediation skills to firms, women are an important new resource in the development of valued clients, perhaps especially highly prized institutional clients (Donovan 1990:149; Giesel 1993:760; MacCorquodale & Jensen 1993:591). The average number of female partners within firms was between five and six. Finally, we were interested in the geographic location of the practice for the partnership process. Toronto is home to half of the province's legal profession, and the top corporate law firms house offices in downtown Toronto. It is possible that partnership characteristics—for example, specializations or share of partners within firms—vary between the province's largest urban center and other regions (Arthurs 1996:213). A dummy variable of practice in metropolitan Toronto versus outside Toronto is included in this analysis.

Findings

Only lawyers who started their careers in firm settings ($N = 674$) are included in the analysis.¹³ In the original 1990 sample, 45% of the men and 26% percent of the women reported themselves to be partners in law firms in 1996 (gender differences significant at $p < .001$). Although they remain a part of the analysis, it is important to note that many lawyers had left firm practice by

¹¹ Menkel-Meadow (1989b) suggests that women's overrepresentation in large firms may reflect the perception that large firms are more bureaucratic, adhering to universalistic standards, and that small firms offer close personal relationships, whereas medium-sized firms permit the greatest scope for discrimination.

¹² Prior research suggests that factors relating to structural location have a greater impact on the careers of members of disadvantaged groups (i.e., women and visible minorities), whereas personal "resource" variables have a greater impact on the careers of the status-group members (Skvoretz 1984:198).

¹³ Therefore, excluded from this analysis are lawyers who began their careers outside private practice or as sole practitioners and then moved laterally to firm settings before attaining partnership. The analysis to follow tracks a more conventional career path from associate-level firm lawyer to the status of partnership.

1996. Only 54% of men and 41% of women remained in firm practice.¹⁴ In contrast, only 6% of lawyers who started their careers outside firm practice made the transition 6 years later to join law firms. The higher attrition rate of female lawyers has been cited repeatedly in the literature as perpetuating a “glass ceiling” on partnership (Brockman 1994; Donovan 1990; Foster 1995; Kay 1997). The most popular destination routes were to solo practice (16%), followed by government employment (10%) or departure from the practice of law entirely (9%). Women were more likely than men to be no longer practicing law or to be working as government employees ($p < .001$). Men and women were equally likely to be now working in private industry (6%) or as sole practitioners (16%).

The following analysis assesses the relative contribution of variables, including gender, to the development of institutional clients and invitation to partnership. We employ a logistic regression analysis for this purpose. Logistic regression coefficients are analogous in some ways to percentage difference measures or ordinary least squares regression coefficients, but they are more cumbersome to interpret. Specifically, logit coefficients represent the change in the log of the odds of an outcome variable associated with a unit change in an independent variable.¹⁵ In the following analysis, we employ a basic exponentiating function to facilitate the initial interpretation of these coefficients.

We begin by examining the clientele responsibilities of the panel of lawyers. The descriptive statistics in Table 2 indicate that, as indicated earlier, whereas in 1990 women were spending a significantly smaller proportion of their time than men working with institutional clients (i.e., just over a quarter compared with just over a third of their time, respectively), by 1996 both women and men were spending about half their time with institutional clients. Next, in equation (1) of Table 3, we consider the factors that predict work with institutional clients in 1996. The results reveal that prestige of specialization and practicing law in a large urban center, such as Toronto, increase the amount of time spent with institutional clients. Perhaps most interesting, however, is that we also see that the number of female partners in a firm significantly increases the time lawyers in the sample spend

¹⁴ Again, it is important to emphasize that our analysis examines lawyers who started in firm practice and their possible outcomes (partnership versus other possibilities). Therefore, our analysis is not confined to lawyers who remained in law firms. Leaving firm practice and remaining with the firm as a salaried associate are simply two possible alternatives to partnership that are incorporated within our analysis.

¹⁵ Numerous techniques have been used to interpret logit coefficients. Alba recommends that interpretation be assisted by calculating antilogarithms to estimate percentage comparisons between exogenous variables. The strategy of exponentiating logit coefficients, however, does not permit one to relate logit coefficients directly to probabilities and can be somewhat misleading (Alba 1987:55–56). (For discussions of exponentiating coefficients and techniques of interpretation, see Roncek 1991; Smith & Uchida 1988; and Wheeler et al. 1982.)

Table 3. Regression Models of Clientele Responsibilities ($N = 674$)

Independent Variables	O.L.S. Regression of Institutional Clientele (Time 2)					
	Equation (1)			Equation (2)		
	B^a	(SE)	β	B^b	(SE)	β
<i>Demographics</i>						
Gender	-.91	(1.82)	-.02	-2.84	(1.71)	-.06
Ethnicity	.49	(3.13)	.01	.92	(2.93)	.01
Marital status	1.81	(2.64)	.03	.00	(2.47)	.00
Children	-.40	(2.30)	-.01	-.87	(2.15)	-.01
<i>Human Capital</i>						
Years of experience	.00	(.24)	-.01	-.01	(.22)	.02
Elite law school	-.32	(1.88)	-.01	-1.70	(1.77)	-.03
Specialization status	6.10	(.90)	.24***	4.90	(.85)	.19***
<i>Inherited (parental) capital^b</i>						
Father's occupational status						
Business owner	-1.19	(2.03)	-.02	-1.42	(1.90)	-.03
Manager	1.37	(2.51)	.02	1.05	(2.34)	.02
Self-employed	-1.57	(3.17)	-.02	-1.25	(2.96)	-.01
Father Canadian born	.62	(1.84)	.01	-.35	(1.72)	-.01
<i>Networking capital</i>						
Job networks	1.25	(2.26)	.02	2.35	(2.12)	.04
Professional activities	.00	(.14)	-.01	-.18	(.13)	-.05
Member associations	-1.92	(.66)	-.10**	-2.66	(.62)	-.15***
Institutional clientele (T1) ^c	—		—	.26	(.03)	.35***
<i>Time-dependent capital</i>						
Hours billed/week	.11	(.11)	.04	.01	(.10)	.02
Total hours at office/court	.01	(.07)	.03	.00	(.06)	.02
<i>Practice setting capital</i>						
Firm size ^d						
< 10 lawyers	-9.45	(2.81)	-.18***	-6.21	(2.65)	-.12*
20–49 lawyers	1.98	(3.62)	.02	3.10	(3.39)	.04
50+ lawyers	1.34	(3.33)	.02	-.96	(3.12)	-.02
Women partners in firm	.82	(.15)	.20***	.69	(.14)	.17***
Practice district	9.15	(1.90)	.18***	6.33	(1.80)	.12**
Constant	9.33	(8.23)		15.54	(7.72)*	
Adjusted R^2	.30	(21.81)		.39	(20.39)	

^a Unstandardized beta coefficient.

^b Employee is comparison category.

^c T1 = time 1 (1990).

^d Firm size of 10–19 lawyers is the comparison category.

* $p \leq .05$ ** $p \leq .01$ *** $p \leq .001$

working with institutional clients ($B = .82$, $p < .001$, $e = .20$). That is, having more female partners in the firm increases the proportionate institutional client base of the firm. This effect of having female partners in 1996 persists ($B = .69$, $p < .001$, $e = .17$) when time spent with institutional clients in 1990 is added in equation (2). This addition of a time 1 measure of involvement with institutional clients makes equation (2) a change score analysis (Bohrnstedt, 1969) and indicates that having more female partners is accounting for change over time in the amount of work done in firms with institutional clients. Again, the implication is that women in firms attract institutional clients.

Since developing institutional clients is such a high priority in law firms, it is likely that this work plays a role in firm partnership decisions. The role of institutional clientele and other fac-

tors in partnership decisions is explored in six equations presented in Table 4. The first equation includes demographic and human capital variables. The second equation reports results from a model in which the effects of these variables are allowed to affect partnership net of inherited social capital. The next set of equations reported in Table 4 introduce the remaining dimensions of social capital: networking, time-dependent, and practice setting sources of capital.

Results from equation (1), reported in Table 4, are generally consistent with the associations noted above. For example, gender is significantly and positively associated with invitation to partnership ($\beta = .74, p < .001$), which suggests that men are about 110% more likely than women to become partners ($e = 2.10$). Notably, the effect of gender remains sizable and significant across all equations. Ethnicity is negatively associated with partnership, suggesting that minorities are 53% less likely to be made partners than Caucasian European Canadians ($\beta = -.77,$

Table 4A. Logistic Regression Analyses of Partnership Attainment, Equations (1)–(3) ($N = 674$)

Independent Variables	Equation (1)			Equation (2)			Equation (3)		
	β^a	(SE)	Exp (β)	β^a	(SE)	Exp (β)	β^a	(SE)	Exp (β)
<i>Demographics</i>									
Gender	.74	(.18)	2.10***	.75	(.17)	2.11***	.76	(.19)	2.13***
Ethnicity	-.77	(.36)	.47*	-.76	(.36)	.47*	-.85	(.38)	.43*
Marital status	.01	(.27)	1.01	.02	(.28)	1.02	.02	(.29)	1.02
Children	.49	(.24)	1.63*	.49	(.24)	1.63*	.49	(.26)	1.63*
<i>Human capital</i>									
Years of experience	.03	(.02)	1.03	.03	(.02)	1.03	.04	(.02)	1.04
Elite law school	.07	(.18)	1.07	.08	(.18)	1.08	.24	(.19)	1.27
Specialization status	.41	(.09)	1.51***	.41	(.09)	1.51***	.38	(.09)	1.46***
<i>Inherited (parental) capital</i>									
Father's occupational status ^b									
Business owner				.04	(.20)	1.04	.12	(.21)	1.13
Manager				.02	(.25)	1.02	-.08	(.26)	.92
Self-employed				-.14	(.32)	.87	-.06	(.33)	.94
Father Canadian born				.01	(.19)	1.01	.00	(.20)	1.00
<i>Networking capital</i>									
Job networks							-.30	(.24)	.74
Professional activities							.02	(.01)	1.02
Member associations							.40	(.07)	1.50***
Institutional clientele									
<i>Time-dependent capital</i>									
Hours billed/week									
Total hours at office/court									
<i>Practice setting capital</i>									
Firm size ^c									
< 10 lawyers									
20–49 lawyers									
50+ lawyers									
Women partners in firm									
Practice district									
Constant	-4.06	(.66)***		-4.11	(.68)***		-5.14	(.73)***	
-2 log-likelihood	806.12			805.81			755.54		
Goodness of fit	678.85			679.00			676.24		
Model χ^2	62.58***			62.86***			113.14***		

^a Maximum likelihood logit coefficient.
^b Employee is comparison category.
^c Firm size of 10–19 lawyers is the comparison category.
 * $p \leq .05$ ** $p \leq .01$ *** $p \leq .001$

Table 4B. Logistic Regression Analyses of Partnership Attainment, Equations (4)–(6) (*N* = 674)

Independent Variables	Equation (4)			Equation (5)			Equation (6)		
	β^a	(SE)	Exp (β)	β^a	(SE)	Exp (β)	β^a	(SE)	Exp (β)
<i>Demographics</i>									
Gender	.65	(.20)	1.91***	.56	(.21)	1.76**	.58	(.21)	1.78**
Ethnicity	-.77	(.39)	.46*	-.65	(.40)	.52	-.65	(.40)	.52
Marital status	-.18	(.30)	.83	-.01	(.31)	.99	-.02	(.31)	.98
Children	.47	(.27)	1.61	.61	(.28)	1.83*	.59	(.28)	1.80*
<i>Human capital</i>									
Years of experience	.07	(.03)	1.08**	.09	(.03)	1.09***	.09	(.03)	1.09***
Elite law school	-.05	(.21)	.95	-.06	(.21)	.94	-.07	(.22)	.94
Specialization status	.22	(.10)	1.25*	.14	(.10)	1.15	.13	(.10)	1.14
<i>Inherited (parental) capital</i>									
Father's occupational status ^b									
Business owner	.09	(.22)	1.10	.15	(.23)	1.16	.17	(.23)	1.19
Manager	-.17	(.27)	.84	-.12	(.29)	.89	-.13	(.29)	.88
Self-employed	-.11	(.36)	.89	-.07	(.36)	.93	-.11	(.37)	.89
Father Canadian born	-.10	(.21)	.91	-.10	(.21)	.91	-.09	(.21)	.92
<i>Networking capital</i>									
Job networks	-.24	(.26)	.79	-.27	(.26)	.76	-.27	(.27)	.76
Professional activities	.01	(.01)	1.01	-.01	(.02)	.99	-.01	(.02)	.99
Member associations	.40	(.08)	1.49***	.35	(.08)	1.42***	.36	(.08)	1.43***
Institutional clientele	.02	(.00)	1.02***	.02	(.00)	1.02***	.02	(.00)	1.02***
<i>Time-dependent capital</i>									
Hours billed/week				.03	(.01)	1.03*	.02	(.01)	1.03*
Total hours at office/court				.04	(.01)	1.04***	.04	(.01)	1.04***
<i>Practice setting capital</i>									
Firm size ^c									
< 10 lawyers							-.41	(.32)	.66
20–49 lawyers							-.59	(.41)	.56
50+ lawyers							-.39	(.38)	.66
Women partners in firm							.01	(.02)	1.01
Practice district							.07	(.23)	1.07
Constant	-4.97	(.77)***		-7.46	(.98)***		-7.08	(1.03)***	
-2 log-likelihood	688.09			655.31			652.56		
Goodness of fit	674.72			687.88			689.15		
Model χ^2	180.58***			213.36***			216.12***		

^a Maximum likelihood logit coefficient.
^b Employee is comparison category.
^c Firm size of 10–19 lawyers is the comparison category.
 * $p \leq .05$ ** $p \leq .01$ *** $p \leq .001$

$p < .05$, $e = .47$). Having children is positively associated with the probability of partnership ($\beta = .49$, $p < .05$, $e = 1.63$). Lawyers with children are 63% more likely than their childless counterparts to be partners. Specialization in prestigious fields of law also significantly improves partnership prospects, although having a degree from an elite law school appears insignificant at this stage of career development.

Recall that two factors determine the volume of social capital an individual has at his or her disposal: the size of the network of association the person can mobilize and the volume of capital possessed by those individuals in the network of relations (Bourdieu 1986:249). Beginning in equation (2), the forms of social capital are introduced, tapping both the size of networks and the capital possessed within these networks of associations. Inherited (parental) capital has no significant effect upon associates' opportunities for partnership; see equation (2). Networking sources of capital, equation (3), however, have significant ef-

fects. For example, membership in professional associations early in one's career improves partnership probabilities by 50% ($\beta = .40$, $p < .001$, $e = 1.50$). The clientele variable has a significant and positive effect; see equation (4). Devoting time to institutional clients offers a 20% increase in partnership chances for every additional 10% of one's time spent with these clients ($\beta = .02$, $p < .001$, $e = 1.02$).

Next, we introduce the time-dependent forms of social capital in equation (5). Higher billable hours as well as working in the office during evenings and weekends both offer significant positive effects for partnership probabilities. When the time investment variables are introduced into the model, the number of years of experience in law practice becomes significant, suggesting that experience is suppressed by the hours worked; in other words, it is only when we take into account hours of work that we can detect the effect of work experience.

In Table 5 we further explore the relative effects of these variables upon partnership prospects, examining the case of men and women separately. Several gender differences are particularly noteworthy. First, human capital variables predict the probability of partnership better for men than for women. Years of experience and specialization status have significant positive effects on the probability of partnership for men, but not for women. Billing high hours and working late hours are significant to the partnership prospects of men, but for women it is the additional hours worked as overtime, evenings, and weekends that yield advantages in the partnership tournament. Although service to institutional clients is important to the partner prospects of both men and women, it remains the case that women overall experience lower chances for partnership than their male colleagues.

Discussion and Conclusions

In the initial years of law practice, women associates are less involved than their male counterparts in the representation of institutional clients. Yet within the 6 years covered by our study, the gender difference becomes insignificant as both men and women take on a greater proportion of institutional clients. Firms that have more women in them also attract and develop more institutional clients. At the individual level, however, women are less likely than men to be rewarded with partnership status.

These findings are consistent with studies of corporate management that show that men rely on more than formal meritocratic means to gain career success. For example, a study by Cannings and Monmarquette (1991) found that the higher rate of promotion experienced by men is attributable to the building of informal networks. Men had, on average, more fully devel-

Table 5. Logistic Regression Models of Partnership Attainment (*N* = 674)

Independent Variables	Men (<i>N</i> = 314)			Women (<i>N</i> = 360)		
	β^a	(SE)	Exp (β)	β^b	(SE)	Exp (β)
<i>Demographics</i>						
Ethnicity	-1.05	(.62)	.35	-.44	(.52)	.64
Marital status	-.29	(.57)	.75	.00	(.39)	1.00
Children	.72	(.46)	2.07	.54	(.36)	1.71
<i>Human capital</i>						
Years of experience	.12	(.04)	1.13**	.05	(.04)	1.05
Elite law school	-.29	(.33)	.75	.20	(.32)	1.22
Specialization status	.27	(.14)	1.32*	-.02	(.15)	.98
<i>Inherited (parental) capital^b</i>						
Father's occupational status						
Business owner	.04	(.35)	1.04	.27	(.34)	.77
Manager	-.14	(.46)	.87	-.02	(.40)	.98
Self-employed	-.11	(.52)	.90	.26	(.56)	1.30
Father Canadian born	-.01	(.32)	.99	.00	(.31)	1.00
<i>Networking capital</i>						
Job networks	-.52	(.41)	.60	-.27	(.38)	.77
Professional activities	-.04	(.02)	.96*	.03	(.02)	1.03
Member associations	.58	(.14)	1.79***	.23	(.11)	1.26*
Institutional clientele	.02	(.01)	1.03***	.02	(.01)	1.02***
<i>Time-dependent capital</i>						
Hours billed/week	.04	(.02)	1.04*	.01	(.02)	1.01
Total hours at office/court	.05	(.01)	1.05***	.05	(.01)	1.05***
<i>Practice setting capital</i>						
Firm size ^c						
< 10 lawyers	-.14	(.52)	1.15	-.76	(.44)	.47
20–49 lawyers	-.31	(.69)	.73	-.72	(.53)	.49
50+ lawyers	-.28	(.62)	.76	-.56	(.50)	.57
Women partners in firm	-.01	(.02)	.99	.04	(.03)	1.04
Practice district	.52	(.35)	1.69	-.36	(.33)	.70
Constant	-9.06	(1.66)***		-5.17	(1.41)***	
-2 log-likelihood	307.15			327.03		
Goodness of fit	280.80			374.89		
Model χ^2	123.68***			83.71***		

^a Maximum likelihood logit coefficient.

^b Employee is comparison category.

^c Firm size of 10–19 lawyers is the comparison category.

p* ≤ .05 *p* ≤ .01 ****p* ≤ .001

oped informal networks, specifically contact with superiors in the organization. The study also revealed a significant gender difference in the impact of these networks on promotions (Cannings & Monmarquette 1991:227). As our study shows, social capital, in the form of *networking capital* beyond the firm (clientele responsibilities and membership in associations), is crucial to advancement within the firm. Yet the partnership prospects of female lawyers who acquire this social capital remain lower than those of male lawyers with equivalent resources.

At the same time, the amount and distribution of *inherited social capital* (e.g., parents' occupational status and Canadian born) fails to offer significant gains for lawyers' opportunities in law firms. Rather, it is the mobilization of resources of more immediately manifest forms of social capital that enhances partnership prospects. The lack of influence of inherited social capital may result from the demographic composition of the legal pro-

fession. Despite growth in the size of the legal profession, most women entering law come from privileged class backgrounds similar to their male counterparts (Abel 1989; Neallani 1992). Elite law school education (a human capital variable) also is not an important factor in influencing partnership outcomes. The hierarchy of law schools is less distinct in Canada than the United States, where elite law schools may socialize students differently, transmitting valuable symbolic knowledge in teaching law students to “think and act like lawyers” (Zemans & Rosenblum 1981). For example, Nelson’s study of American lawyers shows that law school status continues to affect career prospects in large law firms, placing the graduates of lower status schools at a distinct disadvantage (1988:140). In Canada, elite law school education may be relevant only to “getting in the door”—that is, to securing prestigious articles and financially rewarding positions as associates in the elite large firms of Bay Street—and less relevant to later partnership decisions. These background variables of human capital and inherited (parental) capital may influence the early stages of career development in terms of access to legal education, articles, and promising first jobs, but it appears that partnership decisions rely more heavily on more immediate and behavioral cues as reflected by the influence of measures of networking and time-dependent forms of social capital.

Partnership decisions appear to involve a more demanding assessment of female than male associates. For example, hours billed (particularly hours visible in the firm during evenings and weekends), the recruitment of new clients to the firm, and service to institutional clients were salient to partnership chances, yet the return on these variables was not as great for women as for men in the competition for partnership. These findings suggest the need to study decisionmaking processes in firms and the criteria by which associates’ potential for promotion is evaluated: What formal criteria are invoked in the decisionmaking process?¹⁶ Perhaps more important is: What *informal* criteria are applied in the decision to extend offers of partnership?¹⁷

Recall that Bourdieu (1977, 1984) argues that where organizations claim to adopt policies of equality of opportunity, dominant groups seize other indirect mechanisms of reproduction, typically in the form of social capital. As Watkins observes, employers are “increasingly relying on non-cognitive credentials to allow them to screen prospective employees and to choose recruits whose values and dispositions are compatible with their own” (1984:68). Similarly, studies of discrimination in corpora-

¹⁶ For example, hours billed, clientele responsibilities, quality of legal work, and expertise.

¹⁷ For example, possibly such factors as time investment outside billed hours: the “visible hours,” perception of a “team player,” mentors and informal networks, collegiality, and “suitability.”

tions reveal that when standards of performance are vague, people tend to fall back on social standards and social characteristics in making judgments (Kanter 1977). Kanter asserts that the higher the uncertainty factor, in any area of employment, the greater the tendency to discriminate and to seek social similarity among people being selected for positions.

The intangible qualities sought in elevating an associate for partnership are captured in an interview by Cynthia Epstein in her classic work, *Women in Law* ([1981] 1993):

But when it comes to partnership, where the decision is made on the basis of very deep subjective evaluation, whether that person has the right chemistry to be made partner, . . . and you can understand how these law firms think about a partner . . . you don't get "made" a partner, or even get "promoted" to partner. You are *elevated* to partnership. . . . We haven't seen what is going to happen at that level, and there are the subjective biases of men, as men . . . because the firms are still dominated by older men with the whole built-in *cultural* issue of that generation . . . it would be very surprising if that built-in mind-set didn't effect the decisions. (pp. 200–201)

Epstein suggests that the legal profession exemplifies Merton's characterization of sex-typed professions, where a majority of an occupation membership is male and there is a normative expectation that this is how it should be. Epstein's research reveals that women are often categorized as nonpartnership material because their attributes are not perceived correctly. When senior partners think of a model for a partner, it is not a woman (Epstein [1981] 1993:215).

Previous studies of law firms revealed that women were often at a disadvantage in terms of the forms of social capital valued by law firms. An important dimension in making partner is the potential to attract business. Those who can draw business, known as "rainmakers" in the profession, receive special recognition. Epstein notes that law is "an area in which women have not usually made much rain, nor do they express high hopes for improvement" ([1981] 1993:205). Similarly, Podmore and Spencer's study (1982) revealed that women were often excluded from informal peer networks and were assigned to stereotypical roles and to routine work. In contrast, our findings reveal that female lawyers contribute to clientele relations within firms, yet success with institutional and corporate clients gain women less currency in the partnership tournament than men.¹⁸

Exclusionary practices remain within law practices. One form of exclusion may be through women's limited participation in

¹⁸ Our analysis focuses on service to institutional clientele. Future research should explore both "rainmaking"—that is, recruitment of new clients (institutional and other types of clients) to the firm—and also the services provided to institutional clients (in terms of time dedicated to these clients, the type of legal cases, and the extent to which several lawyers within a firm may operate as a legal team for these clients).

status culture through overtime hours. The ability to participate in status culture is a social resource that permits actors to get ahead by managing impressions, developing positive local reputations, impressing gatekeepers, and constructing social networks that are crucial in occupational achievement (Bourdieu 1984; DiMaggio & Mohr 1985). The culture of large firm law practice emphasizes productive use of time (through billable hours) and long hours of work. Full-time work is insufficient for a junior lawyer to reach partnership. The norms of the legal profession equate excellence with dedication to the firm, measured in large part by long hours in the office, that is, “round-the-clock” effort (Epstein [1981] 1993:207–9). Many of the larger firms offer luncheon bars, shared dinner services, athletic club memberships, and even spare cots in back offices for lawyers staying overnight. It becomes possible to virtually work and live in the firm.¹⁹ Hours at the firm often stretch past 60 to 80 hours per week, with most evenings and at least one day on the weekend. Some are skeptical of the “productivity” that results from these long hours of labor, referring to these hours as “visible hours” or “showing the flag.”²⁰ As Epstein ([1981] 1993:211) notes in her study of female lawyers:

Some of the women lawyers interviewed believed that overtime work was not always necessary, and that young lawyers did it out of choice. Many lawyers do it in order to impress the partners, as an excuse to stay away from home, or because they prefer to linger at lunch and make up the time in the evening. The mystique and the excitement of working long hours at night reinforces commitment and helps to make the firm their social life as well as their working life.

As Seron and Ferris (1995:27) point out, “Professional autonomy requires access to expansive, free and flexible time through a system of social capital.” Men and women experience differential access to the broader system of social capital as a result of restricted release from private obligations of family. Thus, access to control over time, without interference from competing family and work commitments, provides the essential link to other capital and perhaps a source of “definitive social capital” (Seron &

¹⁹ Smigel’s early study of Wall Street firms indicates that overtime work is not only common but expected and that “going home is the wrong choice if an associate wants to stay with a law firm or to get ahead in one. So wrong in fact that it is not uncommon to hear that the New Haven Railroad cost a lawyer his job or his chance for partnership” (Smigel 1969:75).

²⁰ The obsession with billable hours has been documented by numerous scholars. Epstein describes the close monitoring of billings as follows: “The hours worked by lawyers in large firms are highly visible. Lawyers keep a close record of their working time for the purposes of billing clients, but the firms’ time diary also has the latent function of a control device. The senior partner who reviews the diary knows who worked overtime and on the weekend, and who limited himself or herself to a standard work week. Peers also know and they keep tabs on each other. . . . Time diaries and the billing system are watchdogs that keep young lawyers overproducing” (Epstein [1981] 1993:212).

Ferris 1995:41). Women, although billing at high levels, may be disadvantaged by their reduced presence during these noteworthy hours of demonstrated commitment and service to the firm.

Exclusionary Practices or a Dearth of Social Capital?

Our approach to social capital tends to emphasize positive consequences in the form of partnership promotions. There are also, however, negative aspects to social capital (Portes & Landolt 1996; Portes & Sensenbrenner 1993). The balkanization of social capital within the law firm may act as a barrier, excluding women and visible minorities from inner circles of power within law firms. Lamont and Lareau (1988) summarize four forms of exclusion relating to social capital: self-elimination, overselection, relegation, and direct exclusion. We explore these exclusionary practices with reference to law firm hierarchies next.

The first, *self-elimination*, occurs when individuals adjust their aspirations to their perceived chances of success. Individuals may exclude themselves from social situations in which they feel uncomfortable because they lack familiarity with specific cultural norms. Female lawyers may withdraw from the partnership ladder and leave private practice to gain greater flexibility in work hours and improved workplace supports (Coverdill 1988), or they may leave a firm recognizing that given their own needs and priorities, their opportunities for progress within the firm are limited. A lawyer in our study describes this decision:

I was the first woman lawyer hired back at my law firm and the first lawyer to ask for a parental leave. The partners expected me to work during my UIC paid maternity leave. There was no other firm parental leave policy. When I came back to work after UIC [Unemployment Insurance Commission] maternity leave and realised that I could not maintain my pre-child work hours (weekends, nights) the partners became extremely upset. When I tried to discuss a part-time arrangement, the head partner suggested that I didn't truly want to be a "real criminal lawyer." I quit. My quality of life has improved so much that it's difficult to imagine that I ever endured working there for as long as I did—and my firm is one of the most prestigious criminal law firms in town. Oh, by the way, all of the real "criminal lawyers" partners had full-time stay-at-home wives who not only looked after their kids, but picked up the dry cleaning, cooked, and etc.

Overselection occurs when associates who possess less valued resources are subjected to the same selection process as those who are privileged within firms (Lamont & Lareau 1988). In other words, limited or different forms of capital are not taken into account, and individuals are required to perform equally well and under similar conditions as those who possess more valued resources. In effect, given differing resources, some are re-

quired to perform more than others. Numerous studies have documented the “double shift” that results when women work the same hours as men without accommodation for family obligations (Brockman 1994; Hagan & Kay 1995). The lack of workplace supports and flexibility in hours often results in “choices” to leave law practice. Although most law firms have developed maternity leave policies, there are continuing tensions for women who seek both a family and a large firm career, and these conflicts tend to drive women out of firms (Abramson & Franklin 1986; Epstein [1981] 1993; Mossman 1994a; Nelson 1988; Stanford Law Review Project 1982). This form of exclusion is illustrated by a female lawyer in our sample, who commented on the loss of women from private practice:

Female lawyers are working under unrealistic expectations both at home and at work. . . . I believe they are constantly fatigued and frustrated by their inability to complete a task fully without having to take time out to do something else. Their employers get frustrated because they feel she could work harder if she “wanted to.” Their children are frustrated because they feel they do not see mommy enough. Female lawyers, especially those with children, have to plan excessively in order to perform at a mediocre level. The situation is very unhealthy and will likely lead to a greater number of stress induced illnesses in female lawyers (e.g., heart disease, breast cancer). The alternative is to stay at home and let their partners take care of them which is a tremendous loss to the profession of some very bright and capable women. As these women drop out because they feel they are not getting anywhere we all lose momentum for change and the status quo remains the same.

A third form of elimination is *relegation* (Lamont & Lareau 1988). Associates who possess less valued resources than others are relegated to less desirable positions. They may be classified as permanent associates or salaried partners. Ultimately, they get less out of their educational and career investment. A pattern of relegation that applied across associate and partnership ranks was described as three-fold by one woman in our study:

(1) On Bay Street, the tolerance for kids is two—anything more than that and your commitment is questioned (if you are a woman). (2) There is a ghetto for women on Bay St.—that of the lawyer with superior technical proficiency but no client base of her own. (3) Part-time work is generally available to associates on Bay St., but not to partners—I wish it were available to partners—I’d be much happier—now I don’t work nearly the hours I should, but I always feel guilty about it and fear reprisal (i.e., being asked to leave the partnership). I don’t feel I can ever raise the issue because if I am unsuccessful, I will always bear the stigma of being a “lifestyle” partner (a euphemism for someone who is more committed to outside interests than to the firm).

Scott's study (1987) of attorneys in the city of Los Angeles also reveals evidence of a "passed over" effect. Also, the larger percentage of female associates, compared with male associates, may reflect the tendency for women to reenter the workforce after family completion. As Scott points out, women over 30 years of age are more likely to embark on a law career than are men of that age. Women entering the profession may not be granted full credit for the experience they have previously gained (Scott 1987:120).

Finally, there is *direct exclusion* (Lamont & Lareau 1988). Women who enter law firms as associates may be excluded from the partnership tournament due to discrimination. Smigel's early analysis of the "selecting-out process" in New York firms found that law school and social background characteristics of incoming cohorts were far more heterogeneous than those of the group of lawyers who made partner (1969:116–27). In selecting this latter group, firms reverted to a narrow set of law school and social class credentials. This tendency was particularly pronounced in the so-called social firm, which Smigel chose to analyze because of its reputation for valuing the social connections of its lawyers. Recent research demonstrates that women are excluded from valuable career opportunities during their formative years as articling students and associates in law firms (Epstein [1981] 1993; Hagan & Kay 1995; Huxter 1981; Podmore & Spencer 1982), and many are retained as "permanent associates" rather than invited into the partnership of the firm (Menkel-Meadow 1989b). An example of direct exclusion, sometimes subtle and unconscious, was summarized by a woman lawyer in a midsized firm:

The profession/judicial system is still very male oriented. My partners (all male) expense leisure activities that I don't have a chance to (e.g., fishing trips with judges, golfing with clients). Positions of power like bank managers, corporate leaders are male. If I tried to socialize with them "people would talk." We have no female general division judges in the North West. Other male lawyers (not my partners) think women don't belong in the profession and give me a hard time. Much more difficult to get respect/cooperation. I was only able to take 5 weeks off when I had a child (and still worked on files during that period). For that reason I would not have more children—too difficult to balance career/family. Too stressful.

The attrition of women from the partnership tournament, through these different forms of exclusion, is likely changing as mobility patterns within firms diversify. The traditional "up-or-out" system by which associates were either promoted to partnership or fired is less dominant, and firms are no longer characterized by a two-tier structure of partners and associates. New categories of employee lawyers have emerged, including permanent

associates, staff lawyers, special counsel, nonequity partners, and junior and senior partners (Kaye 1988:114). The traditional partner-associate pyramid has been modified in a variety of ways. In some firms, paralegals have been added to perform tasks previously undertaken by associates (Galanter & Palay 1991:65). Firms also have experimented with permanent associates or hired non-tenure track contract lawyers who are paid lower salaries than other associates and who are not eligible for partnership. Some firms have instituted two-tier partnerships that create a layer of salaried,²¹ nonequity partners below the stratum of full partners; firms also have lengthened the number of years required before admission to partnership from 5 to 10 years (Galanter & Palay 1991:63; Nelson 1988:141).²² There are also indications that the proportion of associates promoted to partner, after rising somewhat during the high-growth years of the 1970s and early 1980s, has begun to decline (Galanter & Palay 1991:63–64). Increasingly, law firms are engaging in lateral recruitment or “cherry picking,” that is, hiring seasoned lawyers from other firms (Daniels 1993; Wholey 1985). The upper echelons of firms are also subject to change. Firms are dismissing or demoting partners who do not achieve levels of performance and profitability expected by firm leaders (Galanter & Palay 1991; Nelson 1983, 1988).

A number of unanswered questions confront the legal profession. As women continue to enter law firms, will larger numbers of them reach partnership? Will firms that hire women and make them partners attempt to do more to assist them if they become working mothers? Will female lawyers develop into successful rainmakers? Will women change the profession, insisting on the introduction of greater flexibility in work schedules and family supports, thereby altering the invasive demands of professional hours (Menkel-Meadow, 1989a)? Will women change the expectations of what it means to be “partnership material”? Or, will women find themselves having to conform to prevailing and escalating expectations with regard to networking and time demands? Finally, how is the nature of social capital changing with the influx of women and the graduate entry of ethnic minorities

²¹ A large number of Chicago firms have responded to concerns about the partner-associate ratio by adopting a dual partnership structure. In the new system, lawyers must first be admitted to the partnership on a nonequity basis. After an additional 2 to 3 years, the decision on full partnership is made. This effectively delays the division of partnership shares for 2 or 3 years and allows firms another opportunity to evaluate a lawyer before granting tenure in the organization (Nelson 1988:141).

²² At the same time that women and other social groups are beginning to enter firms in larger numbers, firms are considering policy changes in recruitment and promotion that will reduce opportunities to make partner for all associates. Respondents among Nelson’s interviews (1988) with members of the elite law firms revealed that partnership policies will become more restrictive to newer, larger cohorts, either by limiting the proportion for associates made partner or by increasing the number of years required before admission to full partnership (Nelson 1988:140).

to law practice? Will these groups bring new and more diverse forms of social capital (in the forms of clientele, styles of practice, hours, and the way legal work is organized) to firm practice, or will traditional patterns of social capital continue to act as barriers to the full inclusion and recognition of women and minorities within law firm hierarchies?

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