

Lawyers and Their Discontents: Findings from a Survey of the Chicago Bar[†]

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There is a widespread perception that “a crisis of morale”¹ afflicts the legal profession. Dean Kronman of Yale has defined it: “It is the product of growing doubts about the capacity of a lawyer’s life to offer fulfillment to the person who takes it up. Disguised by the material well-being of lawyers, it is a spiritual crisis that strikes at the heart of their professional pride.”² Thus, the complaint is not merely that there has been a decline in lawyer’s ethics, altruism, and professionalism,³ but that this deterioration has made lawyers unhappy in their work.

Both the popular and the professional press have been full of stories about burnout, career abandonment, and general despair in the bar. A headline in the *Los Angeles Times* read: “Miserable with the Legal Life: More and More Lawyers Hate Their Jobs, Surveys Find.” The story notes that:

A RAND Corp. study last year concluded that California attorneys were “profoundly pessimistic” about the law, with only half indicating that they would choose again to be a lawyer. Seven in 10 lawyers responding to a 1992

[†]© 1999 John P. Heinz, Kathleen E. Hull, and Ava H. Harter. Support for this work was provided by the American Bar Endowment, Northwestern University’s Institute for Policy Research, the National Science Foundation (#SBR-9411515), and the Chicago Bar Foundation. 9/14/98. The authors acknowledge, with gratitude, the contributions to this work of Charlotte Crane, Edward Laumann, Robert Nelson, Rebecca Sandefur, and Ann Southworth.

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¹ANTHONY T. KRONMAN, *THE LOST LAWYER: FAILING IDEALS OF THE LEGAL PROFESSION* 2 (1993).

²*Id.*

³For at least a century now, critics within the profession have decried the deterioration of the bar. See Robert W. Gordon, *The Independence of Lawyers*, 68 B.U. L. REV. 1 (1988). Every generation of lawyers appears to think that the golden era of the bar occurred just before they entered it. (Understandably, however, they never make the obvious cause-and-effect inference.) In 1907, John Dos Passos the elder (a lawyer who was the father of the more famous writer) observed: “[T]he lawyer stands before the community shorn of his prestige, clothed in the unattractive garb of a mere commercial agent—a flexible and convenient go-between, often cultivating every kind of equivocal quality as the means of success” JOHN R. DOS PASSOS, *THE AMERICAN LAWYER: AS HE WAS—AS HE IS—AS HE CAN BE* 33 (1907). Dos Passos said that the “Augustan Era” of professionalism was before the war—the Civil War, that is. *Id.* at 31. Going to hell in a handbasket is, apparently, a long, slow journey.

California Lawyer magazine poll said they would change careers if the opportunity arose.⁴

And the news from Michigan is much the same: “[T]hree out of every five lawyers” responding to a poll by the *Michigan Lawyers Weekly* said that they would not become lawyers if they had it all to do over again.⁵ From the *Denver Business Journal*, headline: “Running from the Law: Attorneys After Happiness Find It in Other Jobs.”⁶ Another: “In a recent poll conducted by the *California Bar Journal*, only 52 percent of that state’s attorneys said they would still choose to become lawyers. Seventy-five percent did not want their children to become lawyers.”⁷ From the *Cleveland Plain Dealer*: “Runaway Lawyers: Case Closed: Attorneys Quit to Preach, Teach, Find Happiness.”⁸ From the *Arizona Republic*: “Grim Reality Has Lawyers Looking for New Career One estimate puts the number at 30,000 a year.”⁹ Consider this: “Almost a third of lawyers in a Florida survey reported feeling depressed once a week, and a university study in North Carolina revealed that 11% of attorneys in the state considered taking their own lives at least once a month.”¹⁰ All of these reports, of course, are based upon *research*, most of it dreadful.

⁴Maura Dolan, *Miserable with the Legal Life*, L.A. TIMES, June 27, 1995, at A1.

⁵Marcia M. McBrien, *Fax Poll: Unhappy Lawyers Cite Hard Work, Few Rewards*, MICH. LAW. WKLY., Dec. 26, 1994, at 1.

⁶Tom Locke, *Running from the Law*, DENV. BUS. J., Apr. 22, 1994, § 2, at 3.

⁷McBrien, *supra* note 5, at 1.

⁸Diane Solov, *Runaway Lawyers: Case Closed: Attorneys Quit to Preach, Teach, Find Happiness*, PLAIN DEALER (Cleveland), Mar. 26, 1995, at 1 (Business Section).

⁹Colin Covert, *Grim Reality Has Lawyers Looking for New Career*, ARIZ. REPUBLIC, July 25, 1994, at E1.

¹⁰Kate Muir, *Counsel for the Depressed and the Stressed*, TIMES (London), July 13, 1995, at 16.

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Maybe Chicago lawyers are special. The research reported in this Article has quite different findings. When we asked Chicago lawyers how satisfied they were with their jobs, 84% reported that they were either satisfied or very satisfied—about 10% were neutral, 5% were dissatisfied, and only 1.6% were very dissatisfied. We analyze those findings in greater detail below, with particular attention to differences among the lawyers by gender, race, and practice setting. But first we should make note of some of the previous research that has been done on job satisfaction, both in the legal profession and in other occupations.

RESEARCH ON JOB SATISFACTION

Our findings are generally consistent with the previous scholarly research on occupational satisfaction. That research indicates that most employed persons, in all professions and in all types of positions, are satisfied with their careers. Firebaugh and Harley, using the General Social Survey data for 1972 through 1991, found that six out of seven American workers reported being “moderately” or “very” satisfied with their jobs, and that this remained steady over the twenty year period.¹¹ Women were similar to men in this regard.¹² Given the competing family and career demands on women and their generally lower salaries and occupational rank, one might expect more women to be dissatisfied with their jobs, but several studies have found that women’s attitudes toward their jobs are at least as favorable as, and in some cases more favorable than, those of men.¹³ Racial differences in job satisfaction, however, have been found in several studies. Firebaugh and Harley’s finding that blacks report lower job satisfaction than whites¹⁴ is largely attributable to the lower satisfaction of black women, who show significantly higher discontent than white women. Austin and Dodge, also using General Social Survey data, found that blacks’ discontent was more likely to exceed that of whites among persons of high socioeconomic status.¹⁵ Tuch and Martin found that the lower job satisfaction of blacks was mostly the result of structural factors rather than of differences in the work values of black and white workers.¹⁶

¹¹ Glenn Firebaugh & Brian Harley, *Trends in Job Satisfaction in the United States by Race, Gender, and Type of Occupation*, 5 RES. SOC. WORK 87, 87 (1995).

¹² See *id.*

¹³ See Randy Hodson, *Gender Differences in Job Satisfaction: Why Aren’t Women More Dissatisfied?*, 30 SOC. Q. 385, 396 (1989) (finding that 1975 Wisconsin data revealed “slightly greater job satisfaction” for women). For similar findings, see also ANGUS CAMPBELL ET AL., *THE QUALITY OF AMERICAN LIFE: PERCEPTIONS, EVALUATIONS, AND SATISFACTIONS* 300-01 (1976); Roy L. Austin & Hiroko Hayama Dodge, *Despair, Distrust and Dissatisfaction Among Blacks and Women, 1973-1987*, 33 SOC. Q. 579, 580 (1992); Janet L. Bokemeier & William B. Lacy, *Job Values, Rewards, and Work Conditions as Factors in Job Satisfaction Among Men & Women*, 28 SOC. Q. 189, 195 (1992); and Clifford Mottaz, *Gender Differences in Work Satisfaction, Work-Related Rewards and Values, and the Determinants of Work Satisfaction*, 39 HUM. REL. 359, 360 (1986).

¹⁴ Firebaugh & Harley, *supra* note 11, at 99. The difference between blacks and whites was about one-fourth of a standard deviation. See *id.*

¹⁵ Austin & Dodge, *supra* note 13, at 579.

¹⁶ See Steven A. Tuch & Jack K. Martin, *Race in the Workplace: Black/White Differences in the Sources of Job Satisfaction*, 32 SOC. Q. 103 (1991), which used data from the 1985 and

Older workers consistently report greater job satisfaction than younger workers. This is the case for men, women, blacks, and whites.¹⁷ Four possible reasons have been suggested for the positive association between age and job satisfaction.¹⁸ First, older workers actually have better jobs than younger workers because they are more advanced in their careers. Second, self-selection may have occurred so that older workers have, over time, sorted themselves into job positions they like. Third, expectations may decline with age—this suggests that workers' expectations adjust to conform to their experience over time, so that older workers' expectations are "ground down."¹⁹ Fourth, younger workers are born to different generations than older workers, and these cohort or history effects may influence expectations and levels of satisfaction.²⁰ The last of these propositions, however, is inconsistent with some of the data. Lower satisfaction in the more recent cohorts would result in a decrease in average satisfaction over time. Firebaugh and Harley found, however, that average satisfaction remained steady from 1972 to 1991.²¹ Thus, the higher job satisfaction of older workers appeared to be an age effect and not a cohort effect.

Although there are some differences between types of work settings, from blue collar jobs to professional positions, previous research suggests that, to a large extent, each occupation faces similar problems and derives similar satisfaction, and lawyers are no exception.²² A study of job satisfaction among lawyers, doctors, engineers, and teachers in Australia found that the four professions exhibited similar satisfaction/dissatisfaction tendencies.²³ The study also found that women lawyers were not as much concerned with intrinsic rewards, career

1987-1989 General Social Surveys. This study did find a few interesting differences in the determinants of job satisfaction by race. Intrinsic job rewards (specifically, autonomy and authority) significantly increase whites' satisfaction but not blacks' satisfaction, while urban residence and blue collar employment significantly decrease the job satisfaction of blacks but not of whites. *See id.* at 111-13.

¹⁷ *See* Firebaugh & Harley, *supra* note 11, at 95; *see also* RICHARD F. HAMILTON & JAMES D. WRIGHT, *THE STATE OF THE MASSES* 209-10 (1986) (discussing the higher satisfaction level of older individuals in most of their relationships); Duane F. Alwin & Jon A. Krosnick, *Aging, Cohorts, and the Stability of Sociopolitical Orientations over the Life Span*, 97 *AM. J. SOC.* 169 *passim* (1991) (examining the hypothesis that attitude stability increases with age); Barbara J. Felton, *Cohort Variation in Happiness: Some Hypotheses and Exploratory Analyses*, 25 *INT'L J. AGING & HUM. DEV.* 27, 34-36 (1987) (analyzing the correlation between happiness and the sources of happiness among adults of varying ages).

¹⁸ *See* Firebaugh & Harley, *supra* note 11, at 89.

¹⁹ HAMILTON & WRIGHT, *supra* note 17, at 209-14.

²⁰ *See* STANLEY ARONOWITZ, *FALSE PROMISES: THE SHAPING OF AMERICAN WORKING CLASS CONSCIOUSNESS* 406-07 (1973), which offers the interpretation that young workers are less satisfied because they subscribe to a different, less materialistic philosophy of work.

²¹ Firebaugh & Harley, *supra* note 11, at 102.

²² *See* Elzbieta Malinowska-Tabaka, *Complex Measures of Job Satisfaction/ Dissatisfaction Among Professionals*, 19 *SOC. INDICATORS RES.* 451, 451 (1987).

²³ *See id.* The variables analyzed included income, intrinsic rewards, time measures, service to community, prestige, career, and public image of the profession.

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advancement, or the public image of the profession as were their male counterparts.²⁴

In sharp contrast to most of the occupational satisfaction literature, however, some studies of women lawyers argue that gender is a significant determinant of discontent within the bar. A study of the 1983 graduates of twenty law schools found that 26% of women, but only 15% of men, expressed general career dissatisfaction.²⁵ A survey of 892 Stanford Law School graduates found that both female and male graduates were very satisfied with their jobs, but that females were more likely to report symptoms such as overeating, nightmares, crying, loneliness, and depression.²⁶ The authors interpreted these findings as signifying that female professionals experience more stress than male professionals—“[t]his finding is consistent with the literature that reveals that the strain of balancing career and family roles causes women to experience substantial psychological distress, and perhaps even psychological disorder.”²⁷

Surveys sponsored by the Young Lawyers Division of the American Bar Association (“ABA”) also found lower job satisfaction among women lawyers.²⁸ In 1984, 29% of female lawyers in private practice reported dissatisfaction with their current job, as compared to 14% of male lawyers.²⁹ The 1984 data indicated that 21% of women and 18% of men in solo practice reported dissatisfaction; 40% of the women and 19% of the men among junior associates were dissatisfied; 25% of women and 13% of men among senior associates were dissatisfied; and, among partners, the figures were 15% and 9%.³⁰ A 1990 study found that 41% of women and 28% of men in private practice expressed dissatisfaction.³¹

A number of studies suggest that women lawyers experience greater conflict between their work and family roles than do their male counterparts, largely because the women assume a heavier burden of family responsibilities.³² Because

²⁴ See *id.* at 464; see also Carrie Menkel-Meadow, *Feminization of the Legal Profession: The Comparative Sociology of Women Lawyers*, in 3 *LAWYERS IN SOCIETY: COMPARATIVE THEORIES* 225-31 (Richard L. Abel & S.C. Lewis eds., 1988).

²⁵ See Marilyn Tucker et al., *Whatever Happened to the Class of 1983?*, 78 *GEO. L.J.* 153, 164 (1990); see also JILL ABRAMSON & BARBARA FRANKLIN, *WHERE ARE THEY NOW: THE STORY OF THE WOMEN OF HARVARD LAW SCHOOL 1974* (1986) (discussing the general level of satisfaction of the women in the Harvard Law School class of 1974).

²⁶ See Janet Taber et al., Project, *Gender, Legal Education, and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates*, 40 *STAN. L. REV.* 1209, 1251-52 (1988). Even though females reported more symptoms of stress, an overall satisfaction measure did not find a significant gender difference. Females scored 5.31 and males 5.12 on a seven-point (7.0) scale indicating increasing levels of satisfaction. See *id.* at 1245.

²⁷ *Id.* at 1258. The literature cited suggests that women, of all professions, tend to report more psychological disorder symptoms than do men.

²⁸ A.B.A. YOUNG LAWYERS DIVISION, *THE STATE OF THE LEGAL PROFESSION* 53-54 (1990). See also BERNARD F. LENTZ & DAVID N. LABAND, *SEX DISCRIMINATION IN THE LEGAL PROFESSION* (1995), for further analysis of the ABA Young Lawyers Division surveys.

²⁹ See A.B.A. YOUNG LAWYERS DIVISION, *supra* note 28, at 54 tbl.70.

³⁰ See *id.* at 54 tbl.71.

³¹ See *id.* at 54 tbl.70.

³² See CYNTHIA FUCHS EPSTEIN, *WOMEN IN LAW* 366-78 (1981); Linda Liefland, *Career Patterns of Male and Female Lawyers*, 35 *BUFF. L. REV.* 601, 613-17 (1986); Taber et al., *supra* note 26, at 1228-31.

of actual and anticipated work-family conflicts, women lawyers are said to adopt various coping strategies only rarely employed by men, including delayed marriage and parenthood, lengthy leaves of absence from paid employment, and part-time work arrangements. Moreover, employers' assumptions about women workers' future behavior and work commitment may further exacerbate the situation.³³ The ABA Commission on Women found that 70% of men, but only 25% of women, said that family obligations had no effect on their career choices.³⁴

Sex discrimination and sexual harassment within the legal profession might also lead to greater dissatisfaction among women. Some commentators have argued that women's increasing numerical representation within the profession has driven discrimination underground: While overt discrimination has become less common, women continue to experience adverse treatment in the form of structural barriers and covert expressions of hostility toward their presence in the law. The prototypical legal career continues to be based on a male career model in which total commitment to work life is both possible and desirable.³⁵

A small survey of Arizona lawyers found that women reported experiences of heightened visibility (in the form of compliments unrelated to achievement and lower credibility in professional settings), polarization (enforced through sexist jokes and remarks by judges and male lawyers), and stereotyping (being patronized, referred to by their first name, and asked whether they are lawyers).³⁶ The vast majority of women surveyed perceived gender bias in the profession, but male respondents were less likely to perceive bias. Another survey of 220 women lawyers in a Midwestern state capital collected information on their experiences of discrimination, gender disparagement, and sexual harassment in their work in the profession.³⁷ These respondents reported less discrimination at the "front door" (in recruitment and hiring) than on the job (in pay, promotions, and work assignments). Higher levels of discrimination were reported by women in the private sector and by women in workplaces where less than 20% of the lawyer population was female.³⁸ Women with a careerist professional orientation were actually more likely to report experiences of harassment than women with a feminist orientation, contradicting the common assumption that feminist lawyers are more likely to perceive and report sexist behaviors.³⁹

³³See William T. Bielby & Denise D. Bielby, *Family Ties: Balancing Commitment to Work and Family in Dual Earner Households*, 54 AM. SOC. REV. 776, 778 (1989).

³⁴See MARILYN TUCKER & GEORGIA A. NIEDZIELKO, *OPTIONS AND OBSTACLES: A SURVEY OF THE STUDIES OF THE CAREERS OF WOMEN LAWYERS* 32 (1994) (citing COMMISSION ON THE STATUS OF WOMEN IN THE LEGAL PROFESSION, NORTH CAROLINA BAR ASSOCIATION 52 (1983)).

³⁵See Martha W. Barnett, *Women Practicing Law: Changes in Attitudes, Changes in Platitudes*, 42 FLA. L. REV. 209, 212-16, 218 (1990).

³⁶See Patricia MacCorquodale & Gary Jensen, *Women in the Law: Partners or Tokens?*, 7 GENDER & SOC'Y 582, 582 (1993).

³⁷See Janet Rosenberg et al., *Now That We Are Here: Discrimination, Disparagement, and Harassment at Work and the Experience of Women Lawyers*, 7 GENDER & SOC'Y 415, 415 (1993).

³⁸See *id.* at 425-28.

³⁹See *id.* at 423-25.

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Research on women's status in the English legal profession was consistent with some of these findings. Interviews with seventy-six women lawyers revealed that few women had experienced overt discrimination, but most felt that discrimination operated in subtle yet pervasive ways to shape women's choices and opportunities in law.⁴⁰ Interviews with thirty-two male English lawyers explored how women's marginalization is accomplished.⁴¹ Specifically, these interviews examined male assumptions about the nature of the legal profession and women lawyers. The respondents characterized the profession as aggressive, objective, logical, and pragmatic (in short, as male).⁴² The male lawyers felt that women should learn to cope or get out of the profession, and they expressed no awareness of the possibility that the profession might change to accommodate women's needs and perspectives.⁴³ They attributed prejudice against women to clients, but not to male lawyers themselves.⁴⁴ Respondents tended to view women lawyers as sexual objects,⁴⁵ as "different,"⁴⁶ and as either too tough or not tough enough,⁴⁷ echoing the familiar double bind faced by women in the profession.

In a major study of Toronto lawyers, however, Hagan and Kay found no significant difference between male and female lawyers in their levels of overall job satisfaction.⁴⁸ Of the 692 lawyers in their 1991 sample, 78.3% of the women and 79.4% of the men were found to be satisfied with their jobs.⁴⁹ A 1987 study of 521 graduates of Minnesota's three law schools, from the classes of 1975, 1978, 1982, and 1985, found that only 7% of the respondents reported being either "dissatisfied" or "very dissatisfied" with their current jobs, and there was no significant difference in this between men and women.⁵⁰ A survey sponsored by the *New York Law Journal* produced similar findings.⁵¹ The sample included 401 lawyers throughout New York State, and found no significant difference in the job satisfaction of men and women. Women reported working fewer hours than men,

⁴⁰ See Anne Spencer & David Podmore, *Women Lawyers in England: The Experience of Inequality*, 9 WORK & OCCUPATIONS 337, 357 (1982).

⁴¹ See Anne Spencer & David Podmore, *Women Lawyers—Marginal Members of a Male-Dominated Profession*, in IN A MAN'S WORLD: ESSAYS ON WOMEN IN MALE-DOMINATED PROFESSIONS 113 (Anne Spencer & David Podmore eds., 1987).

⁴² See *id.* at 114-16.

⁴³ See *id.* at 117-18.

⁴⁴ See *id.* at 118-19.

⁴⁵ See *id.* at 123-25.

⁴⁶ *Id.* at 125-26.

⁴⁷ See *id.* at 128-29.

⁴⁸ JOHN HAGAN & FIONA KAY, *GENDER IN PRACTICE: A STUDY OF LAWYERS' LIVES* 155-56 (1995).

⁴⁹ See *id.* at 169. The very small difference between men and women is not large enough to be statistically significant, but it was consistent across practice settings. In a 1985 sample, there was no distinct pattern of difference by gender. The Toronto study also suggested, however, that women tended to express more dissatisfaction than men in group, open-ended discussion settings. See *id.* at 161.

⁵⁰ See Paul W. Mattessich & Cheryl W. Heilman, *The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?*, 9 LAW & INEQ. J. 59, 95 (1990). The response rate in this survey was 90%. See *id.* at 63.

⁵¹ See Edward A. Adams, *Legal Career Exact Steep Personal Price*, N.Y. L.J., Feb. 7, 1994, at 1.

but were more likely to feel that their jobs interfered with their private lives.⁵² Almost three-fourths of female lawyers said that their families had to deal with work-related stress behavior at home, while 55% of male attorneys said that was true for their families.⁵³ More than 50% of the women reported that, despite the demands of their careers, they spent more time with their children than did their spouses, while only 4% of male attorneys made the same claim.⁵⁴ Only 4% of the men in the sample, but 15% of the women, said that the demands of their careers made them decide not to have children.⁵⁵

A study of graduates of the University of Michigan Law School, by David Chambers, found that women with children continued to bear the principal responsibilities for child care, but also found that these women were more satisfied with their careers and with the balance of their family and professional lives than were other women or men.⁵⁶ Chambers speculates that "multiple roles . . . provide satisfaction by offering variety and relief, by permitting a sense of mastery, and by providing some broader perspective on the problems in any one setting."⁵⁷ The ABA Commission on Women in the Profession also found that having children added to the career satisfaction of women lawyers.⁵⁸ Nevertheless, when Chambers asked an open-ended question about balancing work and family, women voiced many complaints about the competing demands.⁵⁹

⁵²See *id.*

⁵³See *id.*

⁵⁴See *id.*

⁵⁵See *id.*

⁵⁶David L. Chambers, *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, 14 L. & SOC. INQUIRY 251 (1989). The Michigan study included more than 1000 graduates of the 1976-1979 law school classes. See *id.* at 260.

⁵⁷*Id.* at 254.

⁵⁸See TUCKER & NIEDZIELKO, *supra* note 34, at 30-36.

⁵⁹Chambers, *supra* note 56, at 265.

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In sum, the literature on the relationship between gender and lawyer job satisfaction is inconclusive. Studies report contradictory findings—that gender is not correlated with job satisfaction, and that gender is correlated with job satisfaction. Moreover, some studies find that the balancing of family and job demands has a negative impact on women’s career satisfaction, while other studies produce opposite results. In analyzing the new Chicago data, we will look not only at general correlations between gender and job satisfaction but at the factors that contribute to satisfaction and whether those factors differ by gender.

SAMPLE CHARACTERISTICS

In 1994 and 1995, the American Bar Foundation mounted a survey of a random sample of Chicago lawyers drawn from all types of practice and, indeed, from the nonpracticing bar.⁶⁰ Face-to-face interviews, averaging more than an hour in length, were conducted with 788 respondents, 82% of the target sample.⁶¹ The population was defined as lawyers with offices in the City of Chicago—these lawyers could, of course, reside elsewhere or have an additional office elsewhere. The names of the lawyers were drawn from the state’s official list of licensed attorneys.⁶² The respondents include solo practitioners, lawyers in firms, corporate house counsel, government lawyers, public defenders, judges, and law professors, as well as persons who were retired, unemployed, or engaged in businesses other than law. This Article focuses primarily on lawyers who were practicing at the time of the survey. The practicing lawyer category used here excludes judges, judicial clerks, professors, retired or unemployed lawyers, lawyers in nonlegal jobs, and any respondent who reported that he or she devoted no time to the practice of law. Thus defined, the practicing lawyer subsample includes 675 respondents, 185 females (27%) and 490 males (73%). We limit the analysis to practicing lawyers because we take it that the question at issue is the degree of satisfaction among lawyers who are working in law jobs. It may be of interest to note, however, that the satisfaction level of lawyers who have left the practice of law for other work is not significantly different from that of the practicing lawyers, at least among respondents to the Chicago survey.

Of the practicing lawyers in the sample, 15% were in solo practice, 16% in firms with two to nine lawyers, 11% in firms of ten to thirty lawyers, 34% in firms with more than thirty lawyers, 9% in government law offices, 12% house counsel

⁶⁰This project was a partial replication of an earlier survey, conducted in 1975. See JOHN P. HEINZ & EDWARD O. LAUMANN, *CHICAGO LAWYERS* (1982). Any reference in this Article to the “Chicago survey” is to the 1994-1995 survey.

⁶¹Of the original targets, 8% had died, were over age 80 (the eligibility limit), had moved out of the Chicago area, or could not be located after an exhaustive search of directories (and were thus assumed to have moved to another region). These persons were therefore excluded from the target sample.

⁶²All lawyers admitted to practice in Illinois are required to be registered with and to pay an annual fee to the Attorney Registration and Disciplinary Commission (“ARDC”), an agency under the supervision of the Illinois Supreme Court. A lawyer who is not registered with ARDC is not in good standing. Though the official list maintained by ARDC is not made public, even for research purposes, the agency agreed to draw a random sample of names and addresses from the list, following our procedures and specifications. We are grateful to the Illinois ARDC and its staff for their cooperation in this project.

positions, and 2% in public defender or legal services jobs. Only 3% were over age sixty-five, 27% were ages forty-six to sixty-five, 38% were thirty-five to forty-five, and 32% were under age thirty-five. Eight percent of the practicing lawyers were members of minority groups—Asian, Latino, or African American. Nearly half (45%) of the lawyers in the sample had attended one of four local law schools in Chicago—Chicago-Kent, De Paul, John Marshall, and Loyola. Those schools each supplied from 10% to 13% of the total. The University of Illinois College of Law supplied 6.5% of the practicing lawyers, the University of Chicago had graduated 5.3%, and Northwestern produced 7.1%. Other law schools supplying substantial numbers of graduates to this sample of the Chicago bar were the University of Michigan with 3.6%, Georgetown, Harvard, and the University of Wisconsin with 3% each, and Indiana University with 2%.

FINDINGS

As we noted briefly above, most Chicago lawyers appear to be satisfied with their jobs. Respondents were asked to rate their overall job satisfaction on a five-point scale, ranging from one for “very dissatisfied” to five for “very satisfied.” Among practicing lawyers, the mean response was 4.21. Our finding with regard to gender was like that in most of the previous scholarly research on occupational satisfaction, but unlike that in some of the prior studies of lawyers. In the Chicago data, there is not a statistically significant gender difference in overall satisfaction. Women scored an average of 4.13 on the five-point scale and men an average of 4.24. Forty-two percent of the women and 46% of the men reported that they were very satisfied with their jobs, and only 2% of the women and 1% of the men reported that they were very dissatisfied. But there are some large differences among other categories of lawyers. Not surprisingly, for example, of the 178 lawyers in the sample who were earning \$125,000 or more, only two individuals were either dissatisfied or very dissatisfied, but of those earning less than \$60,000 per year, about 13% were dissatisfied or very dissatisfied.⁶³ Age, of course, tends to be related to income, and we see a similar pattern when we look at the correspondence between age and job satisfaction, but the pattern is even more pronounced. *None* of the respondents older than fifty-five reported being dissatisfied. No doubt this is, at least in part, a self-selection effect. Lawyers who continue to practice to the age of fifty-six or beyond are likely to have been reasonably happy with their lot. Among the youngest lawyers—those age thirty-five and younger—6% were dissatisfied. Lawyers in the thirty-six to forty-five age bracket (the stage at which

⁶³In an analysis of variance, the satisfaction scores of lawyers in income categories below \$100,000 per year were significantly different from those of lawyers earning \$250,000 or more.

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partnership decisions are made) were the most likely to be dissatisfied, but only 11% of them were either dissatisfied or very dissatisfied.⁶⁴

There are also differences among the various sorts of employment settings in which lawyers work. The percentage of “very satisfied” respondents is ten points lower in the large firm category than in any of the other practice settings, but the percentages of dissatisfied lawyers are also notably low there. Thus, the satisfaction level of lawyers in large firms might be characterized as relatively moderate. Government-employed lawyers were the most likely to be unhappy—11% of them were either dissatisfied or very dissatisfied. But salaries are low in government, so the satisfaction score may reflect the income differential. Nonetheless, note that the great majority of government-employed lawyers are satisfied in their jobs. Thus, even the practice setting where scores are lowest appears to provide satisfying jobs for most. Solo practitioners have the highest percentage of “very dissatisfied” values, but that percentage amounts to only three respondents.

Our finding that overall satisfaction among women was not significantly different from that of men is the more remarkable because a relatively high percentage of women lawyers work in government (17.6% of female respondents were employed by government, but only 5.7% of males). At least four broad explanations have been advanced in the scholarly literature to account for the general finding that women’s job satisfaction is equivalent to or greater than that of men—reference group differences, relative deprivation (emphasizing expectations), role spillover (as in the Chambers work, cited above),⁶⁵ and a thesis that men and women value different aspects of their work. The first suggests that, in assessing their circumstances, women usually compare themselves to other women.⁶⁶ Loscocco and Spitze found, however, that as blue-collar women move into more gender-balanced work settings they begin to compare themselves to male as well as female coworkers, thus indicating the importance of organizational context in determining choice of reference groups.⁶⁷ Crosby suggested that women have high satisfaction levels because they approach work with lower expectations or with feelings of *deserving* certain outcomes or conditions of work,⁶⁸ but Hodson found no support for the thesis that lower expectations support women’s satisfaction levels.⁶⁹ David Chambers’s research on University of Michigan alumni provides some empirical support for the idea that satisfaction with domestic roles “spills over” to increase women’s work satisfaction.⁷⁰ Crosby⁷¹

⁶⁴The bivariate correlation between age and satisfaction is .147 ($p < .001$).

⁶⁵Chambers, *supra* note 56, at 282-83.

⁶⁶*See generally* FAYE J. CROSBY, *RELATIVE DEPRIVATION AND WORKING WOMEN* 16-33 (1982); Hodson, *supra* note 13; Karyn A. Loscocco, *Reactions to Blue-Collar Work: A Comparison of Women and Men*, 17 *WORK & OCCUPATIONS* 152 (1990); Philip E. Varca et al., *Sex Differences in Job Satisfaction Revisited*, 26 *ACAD. MGMT. J.* 348 (1983).

⁶⁷Karyn A. Loscocco & Glenna Spitze, *The Organizational Context of Women’s and Men’s Pay Satisfaction*, 72 *SOC. SCI. Q.* 3, 16-17 (1991).

⁶⁸CROSBY, *supra* note 66, at 7-8, 160-61.

⁶⁹Hodson, *supra* note 13, at 393.

⁷⁰Chambers, *supra* note 56, at 272-73; *see also* SPOUSE, PARENT, WORKER: ON GENDER AND MULTIPLE ROLES (Faye J. Crosby ed., 1987) (containing several essays which discuss women and their multiple roles).

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also credits this explanation, but Hodson⁷² and Loscocco and Spitze⁷³ found little evidence for it. Perhaps only professionals have the personal and material resources to permit them to juggle roles. Menkel-Meadow, citing work in psychology, suggests “that men are ‘vertically’ ambitious, seeking promotion up the hierarchical ladder, whereas women are ‘horizontally’ ambitious, seeking to explore a variety of interests simultaneously—work, family, and friends.”⁷⁴ Several scholars suggest that women may attach different values than do men to various characteristics of work.⁷⁵ This latter thesis, at least, is addressed by some of the Chicago data. After inquiring about the overall level of job satisfaction, the Chicago survey then asked a series of questions concerning more specific attributes of the respondents’ job situations.

Respondents were asked to rate their level of satisfaction (on the same five-point scale, from “very satisfied” to “very dissatisfied”) with each of twelve aspects of their work: their level of responsibility, recognition for work, content of work, chances for advancement, salary, relations with supervisors, control over the amount of work, control over the manner in which work is performed, relationships with colleagues, opportunities to do pro bono work, the prestige of their organization, and the policies and administration of their organization. On eleven of these twelve measures, the satisfaction scores of female lawyers are lower than those of males. On eight of the twelve, the differences between men and women are large enough to be statistically significant, and women are less satisfied than men in seven of those eight. Women are less satisfied with their level of responsibility, recognition for work, chances for advancement, organizational policies and administration, salary, and control over the amount and manner of work. The only variable on which women are more satisfied concerns relationships with colleagues. These findings suggest a variation of the paradox of the contented working woman: despite being less satisfied with most specific aspects of their work, women lawyers report overall job satisfaction that is equivalent to men’s satisfaction.

One might ask whether men and women give differing weights to these more specific elements of job satisfaction—so that, when the more detailed variables are used to predict overall satisfaction scores, we would find that the elements that make the most substantial contributions to the prediction differ for men and women. This does not appear to be the case. In multivariate analyses modeling high satisfaction scores, there was no evidence that women’s overall satisfaction ratings

⁷¹Faye J. Crosby, *Multiple Regressions and Multiple Roles: A Note for the General Reader*, in SPOUSE, PARENT, WORKER: ON GENDER AND MULTIPLE ROLES, *supra* note 70, at 39-40.

⁷²Hodson, *supra* note 13, at 393-95.

⁷³Loscocco & Spitze, *supra* note 67, at 16.

⁷⁴Menkel-Meadow, *supra* note 24, at 227.

⁷⁵See William J. Bigoness, *Sex Differences in Job Attribute Preferences*, 9 J. ORGANIZATIONAL BEHAV. 139, 144-46 (1988); Jack K. Martin & Sandra L. Hanson, *Sex, Family Wage-Earning Status, and Satisfaction with Work*, 12 WORK & OCCUPATIONS 91, 98-103 (1985); Michael A. Murray & Tom Atkinson, *Gender Differences in Correlates of Job Satisfaction*, 13 CANADIAN J. BEHAV. SCI. 44 (1981); Cecily C. Neil & William E. Snizek, *Gender as a Moderator of Job Satisfaction*, 15 WORK & OCCUPATIONS 201, 213-14 (1988).

were affected more heavily than were men's by these factors.⁷⁶ (In some other measures, however, we did find significant differences between men and women. Men appear to value professional "autonomy" more highly than do women.⁷⁷)

In our review of the previous literature, we noted that several writers have suggested that women's careers in the law are likely to be affected adversely by childcare and other family concerns. It is certainly plausible that lawyers who find it difficult to meet both the demands of their clients or employers and the needs of their families are likely to be less satisfied with their choice of career, and that

⁷⁶See Kathleen E. Hull, *The Paradox of the Contented Woman Lawyer* (May 29, 1997) (paper presented at the annual meeting of the Law & Society Association, St. Louis, Mo.). Because the overall satisfaction measure is highly skewed, with most respondents reporting being "satisfied" or "very satisfied," linear regression is an inappropriate method for analysis of these data. This problem was resolved by using logistic regression and treating the overall satisfaction measure as a dichotomous variable: Respondents were either "very satisfied" or not.

⁷⁷See *infra* text accompanying note 95.

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such conflicts might more often be perceived by women. In the 1995 survey of Chicago lawyers, therefore, the respondents were given a series of questions concerning potential conflicts between the demands of their work and their personal or family life. The questions were presented in the form of five sets of opposing statements, and the respondents were asked to indicate on a five-point scale whether they more nearly agreed with one statement or the other. Responses to three of the five pairs are significantly correlated with the lawyers' overall satisfaction scores. In one of these, the alternatives were: "In planning my career, it has not been necessary for me to base my job choices on personal or family considerations" *versus* "[t]he career choices or opportunities that were open to me were limited by the need to accommodate personal or family priorities."⁷⁸ Respondents indicating that their experience had been closer to the first alternative, in which career and personal demands did not conflict, were significantly more likely to express high job satisfaction.⁷⁹ When a similar question is put in terms of "responsibilities to clients," the strength of the correlation diminishes a bit, but the same tendency is observed. The alternatives were: "My responsibilities to my clients have sometimes made it necessary for me to sacrifice the quality of personal relationships with family or friends" *versus* "I have found it possible to balance the competing demands of my work and my personal life so that one seldom interferes with the other."⁸⁰ In this set, the latter alternative was associated with higher satisfaction, but somewhat less strongly so.⁸¹ The third significant correlation with satisfaction was found on the following pair of statements: "When important deadlines are near, I am willing to work overtime to meet the needs of my clients or my office" *versus* "I am not willing to work overtime repeatedly if that means sacrificing my availability to my spouse, children, or those close to me."⁸² Respondents who indicated that they were more willing to work overtime were more likely to express high job satisfaction.⁸³ This is consistent with the two previous findings—respondents who were less likely to perceive conflicts between their jobs and their personal circumstances were more likely to be highly satisfied. The remaining two sets of statements, concerned with avoidance of overnight travel and with career effects on decisions about whether to marry or have children, were not significantly correlated with overall job satisfaction.

If we examine the differences between men's and women's answers to these questions, we find that there are statistically significant gender differences on two of the five variables and a difference of borderline significance on a third. Women were more likely than men to report that their career choices or opportunities had been "limited by the need to accommodate personal or family priorities"⁸⁴ and that their decisions about whether to marry or have children had been influenced by

⁷⁸ Questionnaire on file with the author.

⁷⁹ Pearson correlation = .13, $p < .001$, two-tailed.

⁸⁰ Questionnaire on file with the author.

⁸¹ Pearson correlation = .09, $p < .02$.

⁸² Questionnaire on file with the author.

⁸³ Pearson correlation = .12, $p = .003$.

⁸⁴ In a t-test, $p < .03$.

career considerations.⁸⁵ The variable of borderline significance is the one concerned with willingness to work overtime—men appeared to be somewhat less likely to find that overtime work conflicted with family needs.⁸⁶

When we separate respondents with children from those without, however, we see an even more striking pattern. For lawyers with children, the gender difference is strongly significant on four of the five variables. (The only one on which it is not is the variable concerning whether “responsibilities to . . . clients have sometimes made it necessary . . . to sacrifice the quality of personal relationships with family or friends.”) For lawyers without children, however, *none* of these variables have significant gender differences. Thus, it appears to be the case that there is an interaction effect between gender and the presence of children. Among parents, men are much less likely than women to perceive conflicts between their family duties and the demands of their jobs. But among lawyers without children, women are no more likely than men to perceive these conflicts.

Again, however, these findings raise yet another version of the persistent question: Since gender differences, when they appear in these variables, indicate that women are more likely to perceive conflicts between work and family demands and, presumably, to experience stress in trying to balance those competing demands, why is it that the overall job satisfaction reported by women does not differ significantly from that of men? Perhaps the overall job satisfaction question is simply too crude to capture the real differences. When the Chicago survey asked a somewhat different question—whether the respondents would choose to become lawyers “if they had it all to do over again”—differences between men’s and women’s attitudes toward the practice of law emerged.

While 84% of the Chicago lawyers reported that they were “satisfied” or “very satisfied” with their jobs, somewhat fewer (77%) said that they would again choose to become a lawyer. This finding is similar to those in Hagan and Kay’s surveys of Toronto lawyers.⁸⁷ In Toronto, respondents were asked: “Given a choice, would you take the same job again?” In 1985, 78.7% of women and 77.7% of men said that they would; in a 1991 survey, 74.4% of women and 75.8% of men gave this response.⁸⁸ Unlike Hagan and Kay, however, we found a more substantial gender difference—79% of the male lawyers but only 71% of the women in the Chicago survey said that they would choose to become a lawyer again.⁸⁹ We also found some ethnoreligious differences on this question. The percentage of respondents who would choose to become lawyers again was highest among those of northern European descent (85%) and lowest among Jews (71%). Thus, we might interpret this as evidence that lawyers in categories that are more likely to be privileged—males and northern Europeans—are more likely to be happy within the legal profession, while those in categories more likely to experience discrimination—females and Jews—are more likely to have second thoughts about their choice of career. We should not exaggerate the extent of this

⁸⁵In a t-test, $p < .001$.

⁸⁶In a t-test, $p < .06$.

⁸⁷HAGAN & KAY, *supra* note 48, at 169.

⁸⁸*See id.*

⁸⁹Chi-square = 4.7, 1 d.f., $p < .05$.

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unhappiness, however. Even in the less privileged groups, 71% of the lawyers would choose the same career again.

It is entirely possible, of course, for one to be “satisfied” or mostly happy in one’s job and yet feel that another career might have been even more rewarding. This sort of question is an invitation to dream—one might choose instead to become an artist, or a cabinetmaker, or a rock star. It is also possible, however, that answers to both the satisfaction and the career choice questions are biased toward the positive side of the scale by the respondents’ desire to present themselves as successful persons. They may be reluctant to admit, to others or to themselves, that they have made a mess of their lives by making bad choices. But this Article is based on survey research, not psychoanalysis. Like the newspaper stories quoted at the outset, we are dealing here with expressions of satisfaction or dissatisfaction.

The Chicago survey also collected data on the relationships between these expressed feelings and the circumstances of the lawyers’ practice situations. The respondents were given nine sets of opposing statements regarding characteristics of their work and were again asked to place themselves in relation to the statements on a five-point scale. For example, one of the items read: “The nature of my practice is such that it is often necessary to accept clients whom I would prefer not to have.” The opposite was: “In the course of my practice I have rather wide latitude in selecting which clients I will represent.” Respondents then placed themselves closer to one pole or the other, or equidistant between the two. In the example just given, not surprisingly, lawyers who indicated greater latitude in selecting clients were significantly more likely to express high job satisfaction.⁹⁰ Five of the nine variables are correlated with overall satisfaction. Of those five, three (including the client choice variable) deal with some aspect of autonomy—that is, personal control over the circumstances of their work. Another autonomy variable read: “Strategies that I pursue are largely of my own design and execution” *versus* “I work closely with others to design and execute strategies in my work.” Respondents who placed themselves closer to the first alternative were significantly more likely to be satisfied with their jobs.⁹¹ The third autonomy variable read: “One of the things I like about my area of practice is that I can do largely whatever I like without having someone looking over my shoulder and directing my work” *versus* “[i]n my practice of law I work closely with more senior lawyers who provide relatively close guidance in the nature of my work.” Respondents with higher satisfaction scores were, again, likely to indicate greater autonomy.⁹² Thus, autonomy appears to be valued by lawyers and to be associated with their expressed job satisfaction.

The other two variables that were correlated with satisfaction dealt with the rapidity of change in the law involved in the respondents’ areas of practice and with the extent to which their work was the exclusive province of lawyers. The former read: “My area requires a great deal of reading of legal material to keep abreast of new developments” *versus* “[t]hings don’t change too rapidly in my area of the law, so there is little need for constant revision of my knowledge and

⁹⁰Pearson correlation = .147, $p < .001$, two-tailed.

⁹¹Pearson correlation = .094, $p < .02$, two-tailed.

⁹²Pearson correlation = .143, $p < .001$, two-tailed.

activities.” On this variable, lawyers who indicated that they needed to read to keep abreast were more likely to express high satisfaction.⁹³ Perhaps the lawyers who said that “things don’t change too rapidly in my area” felt that their work was boring or repetitive. The remaining significant variable read: “The type and content of my practice is such that even an educated layman couldn’t really understand or prepare the documents” *versus* “[a] para-professional could be trained to handle many of the procedures and documents in my area of law.” Respondents closer to the first alternative were likely to have higher satisfaction scores.⁹⁴ Thus, lawyers may find their work more satisfying if they believe that it is more “purely professional”; that is, that it requires special expertise and arcane knowledge.

When we analyze gender differences in these variables, we find that the responses of men and women differ significantly on only three of the nine variables, and those three are the autonomy variables. That is, men and women differ on all of the autonomy measures, and on those only.⁹⁵ On all three, women report less autonomy in their work than do men. Since these autonomy variables are correlated with overall satisfaction, and since women report that they do not enjoy as much autonomy as do male lawyers, the question once again arises of why women report job satisfaction equivalent to that of males. The answer may be that women do not value autonomy as much as men do. If we compute the correlations of these nine variables with satisfaction for men and women separately, we find that the correlations differ by gender. Both men and women have significant correlations between two of the work characteristic variables and overall satisfaction, but these correlations occur on different variables. For men, both of the significant variables are autonomy measures; for women, neither is.⁹⁶ Thus, it appears that autonomy figures more strongly in males’ assessments of their degree of overall job satisfaction than is the case among females.

The lower degree of autonomy reported by women—and, perhaps, the lower value placed upon it by women—is consistent with the finding that women are more likely to work as employees of government, corporations, or other large organizations, rather than in law firms or as independent practitioners. While 27.5% of the practicing lawyers overall are women, 53.4% of the government lawyers and 46.8% of those employed as house counsel are women. Women may also expect to have less autonomy than that expected by men because the women

⁹³Pearson correlation = .10, $p = .008$, two-tailed.

⁹⁴Pearson correlation = .09, $p = .02$, two-tailed.

⁹⁵On the client choice variable, chi-square = 12.2, 4 d.f., $p < .05$; on the variable concerned with direction or supervision by seniors, chi-square = 30.2, 4 d.f., $p < .001$; and on the variable concerning the presence or absence of collaboration, chi-square = 21.4, 4 d.f., $p < .001$. On another variable, concerning the extent to which the problems addressed by the lawyer “go beyond purely legal issues,” the difference between men and women just misses the conventional .05 test of statistical significance, but women appear to be somewhat more likely to report that they deal with extralegal matters.

⁹⁶The two variables significantly correlated with satisfaction among male respondents are client choice ($p < .001$), and the variable dealing with direction by seniors ($p < .01$). The two that are significant among women are the variable regarding rapidity of change in their area of the law ($p < .05$), and the one concerning the degree to which exclusively professional expertise is required in their work ($p < .05$).

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are younger, on the average, than the men, and thus are at earlier stages of their careers. Women do, however, appear to wish that they had greater autonomy.⁹⁷ Perhaps the lack of autonomy has less impact on the overall job satisfaction of younger lawyers because they believe (or hope) that more autonomy will be acquired as they become more senior.

Differences in satisfaction scores among racial categories appear to be more pronounced than the gender differences. Even though only twenty-eight of the practicing lawyers in the Chicago random sample are African American, the differences between blacks and whites are large enough to be statistically significant. Of the white practicing lawyers, 6.1% were either dissatisfied or very dissatisfied; of the blacks in the sample, 17.9% were. Among the whites, 84.3% were satisfied or very satisfied; of the blacks, 71.4% were.⁹⁸ When lawyers of Asian and Latino descent are added to the blacks to create a broader “minority” category ($N=48$), and this category is then compared to the whites, the differences between the two categories are not statistically significant. This indicates, of course, that the Asian and Latino lawyers are more similar to whites, in their satisfaction scores, than are African Americans.

Some of the satisfaction difference between blacks and whites may be explained by their work settings and earnings. Recall that lawyers employed by government had the lowest satisfaction scores, on average. Of the white lawyers in the Chicago sample, only 7.0% were employed by government agencies; by contrast, of the black lawyers, nearly a third (32.1%; nine of twenty-eight) were. The more negative satisfaction scores of some blacks may be attributable, therefore, to characteristics of government employment that produce dissatisfaction. One of those characteristics may well be that government work is relatively poorly paid. Even among lawyers employed by government, however, there is a significant racial difference in satisfaction. Of the forty-three white government lawyers in the sample, only two (4.6%) were dissatisfied or very dissatisfied. Of the nine black government lawyers, four (44.4%) were dissatisfied. While 81.4% of the whites employed by government were satisfied or very satisfied, the number of satisfied blacks was equal to the number who were dissatisfied (that is, four of them, or 44.4%). In spite of the very small numbers of respondents, these differences are so great that they are statistically significant.⁹⁹ Government employment, therefore, does not appear to be the full explanation for the greater dissatisfaction among blacks. Moreover, recall that even though women were found to be substantially overrepresented in government and house counsel employment, this did not produce a significant gender difference in overall satisfaction scores.

If we compare the reported income of white and black Chicago lawyers during the year preceding the survey (*i.e.*, 1993-94), we find that 36.1% of the whites report incomes of less than \$70,000. For the “minority” category (*i.e.*, including Asian, Latino, and African Americans), this percentage doubles (to 72.3%). For blacks alone, 85.2% report annual incomes below \$70,000.¹⁰⁰ These are huge

⁹⁷ See *supra* Table 2 (“Control over Amount of Work” and “Control over Manner of Work”).

⁹⁸ Chi-square = 11.7, 4 d.f., $p < .05$.

⁹⁹ Chi-square = 15.4, 4 d.f., $p < .01$.

¹⁰⁰ Chi-square = 27.7, 5 d.f., $p < .001$.

differences.¹⁰¹ When we examine the scores of white and minority lawyers on the variables assessing satisfaction with more specific aspects of lawyers' jobs, we find that the biggest difference, by far, occurs on the salary question. For black respondents, the difference is even more pronounced than it is for the more inclusive "minority" category. Black lawyers have an average salary satisfaction score of 2.61, nearly a full point lower than that of whites.¹⁰² As indicated in Table 3, there are also significant differences between whites and minorities on four more of these variables,¹⁰³ and the satisfaction of whites is consistently higher than that of the minorities, regardless of the issue.

¹⁰¹Some of this income difference is attributable to the fact that the black respondents are, on the average, somewhat younger than the whites. The mean age of whites is 41.3 and that of blacks is 37.9; t-test significant at .02.

¹⁰²In a t-test, $p < .001$.

¹⁰³The differences between whites and nonwhites on the final two variables listed above in Table 3—"Relationships with Colleagues" and "Opportunity for *Pro Bono* Work"—also come very close to reaching the .05 level of statistical significance.

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There is also a significant income difference between male and female lawyers. The percentage of men in the Chicago sample who earned \$100,000 or more in the year preceding the survey was 47.8%; the comparable percentage of women was 16.1%.¹⁰⁴ Because women did not enter the bar in substantial numbers until the 1970s, some of this income difference might well be explained by the relative youth or inexperience of the women in the sample. To test this proposition, we did a regression analysis predicting income with both gender and years of practice as independent variables.¹⁰⁵ Even when we thus controlled for the experience difference between men and women, the relationship between gender and income remained significant.¹⁰⁶ The reader may recall that women were significantly more likely than men to express dissatisfaction with their salaries.¹⁰⁷ On the five-point scale used, the average salary satisfaction score of females was 3.14, compared to 3.58 for males and 2.74 for minorities of both sexes.¹⁰⁸ To try to sort out the relationships among job satisfaction and several of these other variables, including gender, age, race, income, and practice setting, we did additional multivariate analyses. Because the distribution of the satisfaction scores was so highly skewed (i.e., the respondents' scores are concentrated at the high end of the scale), ordinary linear regression models will not give us valid estimates of the magnitude of the effects. In one analysis, therefore, we split the satisfaction scale into two categories—"very satisfied" *versus* "anything less." Since 45% of all respondents reported that they were very satisfied, this divided the sample into two groups of roughly equal magnitude. We then used an analytic technique, logistic regression, that is appropriate for dichotomous dependent variables. In the resulting multivariate model, neither race, nor gender, nor age was a significant predictor of being very satisfied.¹⁰⁹ The variables that were significantly associated with high satisfaction were income and practice setting. As to the latter, we found that lawyers practicing in large law firms were less likely to be highly satisfied than lawyers practicing anywhere else. This is what one might expect given the data reported in Table 1. But recall that, as Table 1 shows, although the "very satisfied" percentage is relatively small (37%) among lawyers in large firms, the dissatisfied percentage is also small—the greatest number of large firm lawyers report that they are merely satisfied. When we did another logistic regression analysis, this time predicting scores at the lower end of the satisfaction scale (the lower category included "very dissatisfied," "dissatisfied," and "neutral"), practice setting was not a significant predictor. The only significant variable in that analysis was income. Thus, when we control for the effects of several variables, considered simultaneously, race and gender do not appear to be significantly associated with

¹⁰⁴ Chi-square = 63.6, 5 d.f., $p < .001$.

¹⁰⁵ Experience was measured by number of years out of law school. In addition to the simple number of years since graduation, we included a term with the square of that value because income returns to experience are probably curvilinear rather than linear. As expected, the latter term was significantly negative.

¹⁰⁶ $p < .01$.

¹⁰⁷ See *supra* Table 2.

¹⁰⁸ See *supra* Table 3.

¹⁰⁹ In a second version of the model, we included an interaction term for gender and race. It was not significant.

the degree of job satisfaction among lawyers, but income is consistently found to be a significant factor.

HAPPY HOUR AT THE BAR?

In spite of the journalistic preference for gloom and doom (exemplified by the quotes at the beginning of this Article) and the academic naysayers who decry the “deprofessionalization” of the bar,¹¹⁰ most Chicago lawyers say that they are happy in their work. Now, it is possible that they are lying. But if they are, lawyers do so consistently. Our findings regarding the high degree of job satisfaction within the bar essentially match those in several other careful studies. Hagan and Kay’s research on Toronto lawyers found that 81% of men and 78% of women reported being either satisfied or very satisfied with their jobs in 1985 and 79% of men and 78% of women reported such satisfaction in 1991.¹¹¹ The Mattessich and Heilman study of Minnesota law graduates in 1987 found that 95% of men and 91% of women said that they were satisfied or very satisfied,¹¹² and the survey commissioned by the *New York Law Journal* in 1994 found that 82% of New York lawyers reported that they were “very” or “somewhat” satisfied with their professional lives.¹¹³ The truly cynical will say: “All lawyers lie, wherever situated.” But the level of job satisfaction expressed by lawyers is not higher than that in other occupations. Lawyers, on average, claim about the same degree of satisfaction as people in other lines of work.¹¹⁴ It is not immediately apparent why one should expect lawyers to be more disgruntled than people who sell cars or fix teeth. The several rewards of legal work are, perhaps, roughly commensurate with the talent and effort of those who do it.

As we have seen in our analyses of the Chicago findings, one of the persistent puzzles is why the overall job satisfaction of female lawyers, in spite of their circumstances (work setting, income, work/family conflicts), is equivalent to that of males. When we examined their evaluations of more specific aspects of their employment, such as their chances for advancement, salary, and level of responsibility, we found that women were consistently less satisfied with those job characteristics than were men. Moreover, women were significantly (though not hugely) more likely than men to say that they would not again choose to become a lawyer. So we should be careful that we do not overstate the equivalence of men’s and women’s job satisfaction. Here again, however, the findings regarding lawyers mirror more general findings. Women’s job satisfaction, regardless of occupational setting, has usually been found to be equal to—sometimes, greater than—that of men.¹¹⁵

A factor that might contribute to the somewhat surprising happiness of female lawyers is self-selection. That is, unhappy lawyers may have left the field. The

¹¹⁰ See KRONMAN, *supra* note 1, at 2; see also EVE SPANGLER, *LAWYERS FOR HIRE* 15 (1986).

¹¹¹ See HAGAN & KAY, *supra* note 48, at 169 tbl.7.1.

¹¹² See Mattessich & Heilman, *supra* note 50, at 95 fig.22.

¹¹³ See Adams, *supra* note 51, at 1.

¹¹⁴ See Firebaugh & Harley, *supra* note 11, at 87.

¹¹⁵ See *supra* text accompanying notes 11-13.

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Chicago study is cross-sectional—it observed lawyers at only one point in time, and lawyers who were not there at that time were not observed. If women leave the bar at a greater rate than do men, one might think that it is easier for women to withdraw than it is for men. This, of course, would result in an unrepresentative selection from among the lawyers who had entered. Among dissatisfied men and women, a higher proportion of the women would leave, while more of the men would remain.¹¹⁶

It is, perhaps, plausible that women might find it easier to leave the legal profession. Society probably still exerts greater pressure on males than on females to maximize earnings. Therefore, a mother who is a lawyer may more often find it acceptable to take a job with shorter hours, perhaps part-time work, while a father in similar circumstances would feel compelled to continue to practice law. Many women lawyers are married to professionals, and some may be willing to let their husbands make the more substantial contribution to the family income. The evidence concerning whether women are, in fact, more likely to leave the practice of law is meager and mixed, however. Hagan and Kay's Toronto study concluded that "women are more likely to leave than men,"¹¹⁷ but Mattessich and Heilman's survey of Minnesota law graduates found that women were retained in the profession at the same rate as men.¹¹⁸ In the labor market more generally, the percentage of women who feel that they can choose not to work at all is probably much smaller than the percentage of female lawyers who can choose not to practice their profession, so the similar job satisfaction of employed men and women in the total labor market probably can not be explained by the exit of women from the world of work. This should make us wary, at the least, about attributing a large effect to self-selection among lawyers.¹¹⁹

As we have observed, there is a greater difference between blacks and whites than between men and women in overall job satisfaction. Again, we should consider the possible effect of self-selection (or the lack of it). Many of the reasons that might lead us to expect selection effects among women lawyers do not apply to racial and ethnic minorities. While women lawyers may have several possible options—to pursue other enterprises, to work part-time, to rely upon their husbands for support—these options are less likely to be available to members of minority groups. An African American who becomes a lawyer has often achieved

¹¹⁶The population from which the respondents were sampled included all lawyers licensed by the state, even those who were retired, unemployed, or doing other sorts of work. Thus, exit from this population would occur only if the lawyers allowed their licenses to lapse. Most lawyers who do other work probably want to retain their licenses, if only as insurance. The respondents to the survey did, in fact, include a number of lawyers who were not practicing at the time, but most of the analyses discussed in this Article have dealt with only the practicing lawyers in the sample.

¹¹⁷HAGAN & KAY, *supra* note 48, at 166.

¹¹⁸Mattessich & Heilman, *supra* note 50, at 87-88.

¹¹⁹If we compare the practicing to the nonpracticing respondents, we find that 9.9% of the males and 12.7% of the females were not practicing at the time of the survey. This difference is not statistically significant. For the purposes of this analysis, we excluded judges, judicial clerks, and law professors from both the practicing and the nonpracticing categories. The percentages of men and women in this residual grouping are exactly equal (16 men and 16 women). Thus, women are substantially overrepresented among judges, judicial clerks, and law professors.

a substantial advance in his or her social status and economic circumstances. To then abandon the legal profession and choose to do other work would often mean surrendering much of the benefit of that achievement. The other work available will probably be a step down in status and economic rewards. If this is so, then black lawyers who are unhappy in the profession may feel compelled, as a practical matter, to remain there. The result would be retention within the bar of a larger share of unhappy black lawyers—and, in fact, we observe a significantly higher percentage of dissatisfied lawyers among the African Americans in the Chicago sample. Both low income and weaker self-selection effects may well contribute to the greater dissatisfaction observed among black lawyers.

The strongest and most consistent effect on lawyers' overall job satisfaction is produced by neither gender nor race, however. It is produced by the lawyers' income levels. But to say that race and gender do not have significant effects independent of income is not to say that women and minorities bear only their proportionate share of the misery produced by low income. They clearly bear a disproportionate burden. Women and minority lawyers (blacks, especially) make significantly less money than do white males. To the extent that low income is associated with dissatisfaction, therefore, women and minorities will be most likely to feel that effect. On average, women and blacks are also younger than white males and are employed in less prestigious practice settings. What the regression analysis tells us is that the job satisfaction levels of women, minorities, and white males are not inconsistent with the extent to which they are relatively advantaged or disadvantaged with respect to income, age, and practice setting.

The most striking findings in the Chicago study, however, are the generally high levels of satisfaction reported by all categories of lawyers. Even among black lawyers, 71.4% of the respondents were satisfied or very satisfied. These findings are at variance with much of the common prattle and with some of the academic speculation (insofar as one can distinguish those). Law professors may find comfort in believing that practicing lawyers are unhappy—it may make them feel better about their perceived (if not real) financial sacrifice. And, as long as we are making entirely unsupported attributions of motive (and thus participating, however fleetingly, in the great tradition of the academy of the bar), we should observe that the general public might find it congenial to believe that lawyers are unhappy because it would serve notions of desert. That is, if the public regards lawyers as rats,¹²⁰ then the story that the rats are suffering would fit the popular hypothesis that this is a just world.¹²¹

The findings of the Chicago survey suggest that lawyers are, perhaps, not greatly different from most people in the labor force in their fundamental attitudes toward their work. We have good days and bad days. Some tasks are more desirable than others. (Reading blue books comes to mind.) But, for the most part, we gravitate toward work that we can handle, work where the nasty bits can be limited, and work that may, all in all, give us some real sense of satisfaction. People who become lawyers usually have several other career options. Judging by the decline

¹²⁰ See Marc Galanter, *Predators and Parasites: Lawyer-Bashing and Civil Justice*, 28 GA. L. REV. 633, 662-69 (1994).

¹²¹ See MELVIN J. LERNER, *THE BELIEF IN A JUST WORLD: A FUNDAMENTAL DELUSION* (1980).

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in applications to law schools in recent years,¹²² many potential lawyers are pursuing their other options—perhaps MBAs. But the people who consider the options and then choose to practice law appear, in most cases, to find the work rewarding.

¹²²“Between 1993 and 1996 the number of applications filed for admission to American Bar Association (ABA)-approved law schools fell from over 450,000 to about 340,000. Thus, in the space of four years, there was an almost 25% drop in application volume . . .” CHARLES LONGLEY, WHO GETS THE APP? EXPLAINING LAW SCHOOL APPLICATION VOLUME, 1993 TO 1996, at 1 (1998).