

# William & Mary Journal of Race, Gender, and Social Justice

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Volume 11 (2004-2005)  
Issue 2 *William & Mary Journal of Women and  
the Law: Symposium: Attrition of Women from  
the Legal Profession*

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Article 5

February 2005

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### Repository Citation

Rebecca White, *I Do Know How She Does It (But Sometimes I Wish I Didn't)*, 11 Wm. & Mary J. Women & L. 209 (2005), <https://scholarship.law.wm.edu/wmjowl/vol11/iss2/5>

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# I DO KNOW HOW SHE DOES IT<sup>1</sup> (BUT SOMETIMES I WISH I DIDN'T)

REBECCA WHITE\*

## I. INTRODUCTION

I care deeply about the issue of women's attrition from the legal profession.<sup>2</sup> Admittedly, I have not written any scholarly work on this exact topic. When I learned who the other symposium guests were and how much extensive work they have done on this subject, I was left to wonder what I could contribute to our discussion. I have not conducted any empirical studies; I do not have any new and brilliant insight. What I *do* have, is experience. I have performed 'the juggling act' that simultaneous full-time lawyering and mothering requires.<sup>3</sup> I have worked part-time in a large law firm. I have also made the transition to the academic world, where the work is no less demanding but the schedule tends to be more flexible.

I thought I had completed the work/family balancing act when I no longer had young children at home, but I now find myself back where I was almost two decades ago, feeling pulled between the demands of the workplace and the demands of my now-teenaged children. Again, I wonder, "Can I do this?" I wonder whether the conflicts in my life are real conflicts or whether there

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1. The title is a reference to ALLISON PEARSON, *I DON'T KNOW HOW SHE DOES IT* (2002), a novel about the life of a working mother who is trying to balance the demands of her job and her family. I highly recommend it.

\* Dean and J. Alton Hosch Professor of Law, University of Georgia School of Law. Dean White delivered this essay on April 16, 2004, at the Marshall-Wythe School of Law, College of William and Mary, as part of a symposium on the attrition of women from the legal profession.

2. This issue is even more serious for today's new lawyers than for those in my generation. See Claudia Wallis, *The Case for Staying Home*, *TIME*, Mar. 22, 2004, at 50 ("Census data reveal an uptick in stay-at-home moms who hold graduate or professional degrees — the very women who seemed destined to break through the glass ceiling."). The attrition issue is not unique to lawyers: one in twenty male MBA graduates, and one in three female MBA graduates, stay at home. See *id.*

The number of working mothers is increasing, but the number of working mothers with professional degrees is decreasing. See *id.* Wallis states, "What some experts are zeroing in on is the first-ever drop-off in workplace participation by married mothers with a child less than one year old." *Id.* Experts observe that the drop "was mostly among women who were white, over 30 and well educated." *Id.*

3. I know that balancing the demands of a law career with the demands of raising children is not the only reason women leave the practice of law, but in my experience, it has been the most frequently cited reason.

are ways that I can restructure my work and my family obligations to make things easier this second time around. Restructuring may prove more feasible particularly now that my influence on the structure of my workplace is stronger. I also wonder how I can help those around me who are struggling to meet the competing demands of job and family.

In reading about and researching this issue and in talking with others, I have noted how incredibly similar my experiences have been to those of so many other women. Still, in many ways, each of our stories is unique. This is my story.

## II. LAW WITHOUT CHILDREN

Newly married and without children, I attended law school. I did not find it difficult to balance marriage and law school. Quite frankly, marriage was an advantage. My husband was an academic with a flexible work schedule, so our world basically revolved around me, my classes, my finals, my grades, and my law review work. I could afford to be very single-minded about the law school experience — and I was.

During my third year of law school, I decided to pursue a job at a large law firm, a decision that coincided with my husband's decision to resign his position as a tenured professor and attend law school. This meant that my income would be our *sole support* for three years.

During an interview with one firm, a partner asked me whether I planned to have children. I responded that if he was really asking whether I intended to start having babies and stop practicing law, then I had not worked as hard as I had in law school to stay home and play pat-a-cake. I was offered a job that afternoon, and I accepted. Knowing that no firm would pose such a question to a male applicant, with or without my record, I was indignant — not because the partner thought I would decide to stay home with children but because he thought I would be *foolish* enough to choose that path. At the time, I had *no* intention of even having children, much less giving up my career to stay home with them.

After graduation, I moved to a new town for an appellate clerkship, and my husband enrolled in law school. The following year, I began working at the law firm where I had clerked between my second and third years of law school. I was the second female clerk the firm had ever hired. I chose to practice in the firm's Labor Law department, and I was the *first* woman to do that.

I loved my job.<sup>4</sup> I found the work fascinating, and I found the lawyers with whom I worked to be talented, supportive, and very nice people. Most of my clients had never been represented by a woman lawyer, but my partners expressed their confidence in me, and the clients generally responded well to my performing their legal work. I worked long but manageable hours.<sup>5</sup> My husband was a second year law student, editor-in-chief of his law review, and first in his class, but we still had a very manageable lifestyle. Then, I became pregnant.

### III. LAW WITH CHILDREN

Wanting a baby surprised me, but around the time I finished my clerkship I *really* wanted to have a child. By the spring of my first year at the law firm, I was pregnant. Mine was not the first pregnancy the firm had faced; it was the second. Whatever the partners thought privately, they offered me congratulations, and we all assumed that I would return full-time as soon as physically possible after the birth of my child. I never considered doing anything else, perhaps because my husband was still in school. A difficult birth required that I remain on leave for six weeks after my son was born. Even so, the firm paid me at full salary. I was grateful for their generosity, and I felt a little guilty that I had had to miss so much work.

Returning to work proved more difficult than I expected, particularly since my child engaged in several hours of “periodic irritable crying”<sup>6</sup> each night for his first three months. Still, I was determined that being a mother would in no way diminish my

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4. Women who stop practicing law rarely cite a dislike of the law as their reason for leaving the profession. Many are “truly passionate” about their jobs, as is the labor lawyer profiled in *The Case for Staying Home*. Wallis, *supra* note 2. Women who leave law firms usually do not stop working. They simply move to jobs that allow them to more effectively combine their work with their family responsibilities. See PAULA A. PATTON, NATIONAL ASSOCIATION FOR LAW PLACEMENT, BEYOND THE BIDDING WARS: A SURVEY OF ASSOCIATE ATTRITION, DEPARTURE DESTINATIONS & WORKPLACE INCENTIVES 31 (2000).

5. My law firm’s expectation was 1800 billable hours per year. Today’s expected billable hours, however, are often higher. See DEBORAH L. RHODE, ABA COMM’N ON WOMEN IN THE PROFESSION, BALANCED LIVES: CHANGING THE CULTURE OF LEGAL PRACTICE 11 (2001) (“Most lawyers in private practice now bill close to 2000 hours a year or more. To charge fairly at that level typically requires at least 60 hour work weeks, and the obligations in most large firms are considerably higher.”) [hereinafter RHODE, BALANCED LIVES].

6. Benjamin Spock, *Crying: The Early Weeks* (reviewed and revised by Robert Needleman, M.D., F.A.A.P., 2004), at <http://www.drspock.com/article/0,1510,3907,00.html> (defining this phenomenon as crying limited to one period in the evening or afternoon).

success as a lawyer. I worked just as long, and just as hard, as I had before my pregnancy. When my husband graduated from law school, he started work at a large corporate firm across the street from mine. Having two parents working long hours left our son little time with his parents, but we 'made the trade-off.'

It was doable — if doable meant keeping my and my husband's careers moving forward at their fast track pace. We had a care giver who came to our house each day and was flexible enough to work into the evenings whenever necessary. I did not see my son much during the week. He was often just waking when I left for work and asleep when or shortly after I returned home. Nevertheless, I convinced myself I was successfully 'doing it all.' I remember smugly congratulating myself the day I served as a teacher's helper at my son's co-op preschool in the morning and drove to the state capital to present an oral argument before the court of appeals in the afternoon. "None of the other mothers at my son's preschool are doing what I'm doing," I told myself, allowing myself a 'superwoman' sense of superiority.<sup>7</sup> The other women at the law firm commented frequently on how easy I made 'doing it all' look — and they were usually not smiling when they said it.<sup>8</sup>

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7. In my defense, my attitude was shaped in part by what Pearson's heroine, Kate Reddy, describes as the "Muffia": the stay-at-home mothers who look disapprovingly at those who work. See PEARSON, *supra* note 1, at 46. I certainly experienced condescension and disapproval from the other preschool mothers. See Wallis, *supra* note 2, at 52 ("Our culture insists that 'to be a remotely decent mother, a woman has to devote her entire physical, psychological, emotional and intellectual being, 24/7, to her children.'") (quoting SUSAN J. DOUGLAS & MEREDITH W. MICHAELS, *THE MOMMY MYTH* 4 (2004)).

8. Men rarely commented because, I suspect, they rarely thought about it. For the most part, they had someone to take care of their home lives, and the fact that I did not was not even on their radar screens. At my firm, as is true at law firms generally, [t]he fact remains that, particularly at partnership level, many men in firms have wives who do not have careers outside the home and can assume primary responsibility for child rearing. These men enjoy peace of mind and freedom from guilt, which is elusive even for women who have excellent childcare arrangements. Only a few female partners around the country are said to have "Mr. Mom" husbands.

SUZANNE NOSSEL & ELIZABETH WESTFALL, *PRESUMED EQUAL: WHAT AMERICA'S TOP WOMEN LAWYERS REALLY THINK ABOUT THEIR FIRMS* at xx (1998). I found this to be true not just at the partner level but also at the associate level. Most of the men who began working at my firm when I did had spouses who worked outside the home. However, their wives quit working, almost without exception, when their first children were born.

My husband would be quick to point out that *his* wife did not quit work when our first child was born. Because neither of us had a spouse at home, he was facing many of the same balancing issues I confronted. I am confident, however, that no one ever mentioned or thought about the balancing he was performing. Moreover, I am sure he would agree with Professor Catherine Fisk, who observes that "[e]ven if women's choice [to leave their jobs] is so highly constrained as to be hardly a choice, it is more of a choice

It was never easy, although I did go to great lengths to make it appear so. I began to realize I was not 'doing it all.' I did the job just fine; the firm had every reason to be pleased. I began feeling increasingly guilty, however, about how badly I performed the mother part. Once, my husband and I 'snuck' away from our law firms to watch our son at his music recital. The look of astonishment and pure joy I saw on his face when he, so unexpectedly, saw us there, haunts me to this day. Another time, when my son had a fever so high that his doctor considered hospitalizing him, I had to send a cab to take my son and his care giver to the doctor's office. The deposition I was in took priority over the doctor's visit. Yet another time, when I was in trial, I went seven days in a row without seeing him awake.

When I became pregnant with my second child, I indulged a fantasy that I would never go back to work after the baby was born. In reality, I knew that would never happen. My husband was only a third-year associate at his law firm, and neither of us seriously considered trying to live on his salary alone. So six weeks after my daughter was born, I returned to work full-time. Again, my female co-workers commented on how I made 'doing it all' look easy, but it was *anything* but easy for me. I cried in the shower. I cried in the car on the way to work. Finally I came to the realization that I could not 'do it all.' The amount of time work left for one child was scarce enough; dividing it in two was just not an option that I could live with.

I decided to begin working only part-time, and even though I am fairly certain this decision surprised the people at my firm, they agreed to my part-time schedule. Our understanding was that I would work three days a week and receive three-fifths of my salary. We also agreed not to tell my clients about my change in schedule, and I do not think my clients ever found out — this was, in part, because three days a week was the plan, not the reality. I used to jokingly say that I was a pretty lousy labor lawyer, as I had managed to negotiate myself a full-time job for a part-time salary. In truth, however, it was a distinct improvement from the workstyle I had had before, and the firm, to its credit, continued to adjust my pay upward to reflect the fact that I was working far in excess of our agreed-upon number of hours.

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than their husbands have." Catherine L. Fisk, *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th Century America*, 51 BUFF. L. REV. 409, 424 (2003) (reviewing ALICE KESSLER-HARRIS, *IN PURSUIT OF EQUITY: WOMEN, MEN, AND THE QUEST FOR ECONOMIC CITIZENSHIP IN 20TH CENTURY AMERICA* (2001)).

I have read studies that suggest that part-time work schedules result in lower quality work assignments or less mentoring opportunities. I found neither to be true. Perhaps this was because I was already a senior-level associate by the time I shifted to part-time. I continued to take on increasingly challenging work assignments, and I remained very close to the partners in the labor law group, who were very supportive of me. I had the one thing I needed most: flexibility. My part-time schedule allowed me to take my children to the doctor or to spend an afternoon with them at home or in the park, and I no longer felt guilty. I was giving the firm more than it had bargained for, and I was giving my children more of me than I had ever been able to give them before. When I look back on my children's early years, the days I can remember most are those when I was enjoying part-time status at work.

Ultimately, however, it just did not work. First, the firm made it clear that I would never become a partner as long as I worked only part-time. Partners suggested that I should simply return to a full-time schedule, as I was working virtually full-time anyway. If I agreed, I could return to the partnership track as if I had never gone part-time. Essentially, they offered to count my part-time year as a full-time one, and I knew they considered that a *very* generous concession. I suppose it was, particularly at the time, but I knew that returning to full-time work would mean relinquishing the flexibility that enabled me to maintain my sanity.<sup>9</sup> Flexibility was a long-term need, not something I would need for only a year or two. I was not willing to remain at the firm, producing partner-level work, without the opportunity to become a partner — an opportunity that I had had to sacrifice simply because I wanted flexibility.<sup>10</sup>

Second, I realized there is only so much flexibility that can come with practicing law. This realization hit me when my daughter was hospitalized for being severely dehydrated after a

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9. Women who leave work to spend time with their children do not do so because they have "discover[ed] how great [their] kids are," but because "despite all the family friendly rhetoric, the workplace for professionals is extremely, extremely inflexible." Wallis, *supra* note 2, at 55 (quoting Hunter College sociologist Pamela Stone). See also Nancy J. Reichman & Joyce S. Sterling, *Recasting the Brass Ring: Deconstructing and Reconstructing Workplace Opportunities for Women Lawyers*, 29 CAP. U. L. REV. 923 (2002) (identifying the reasons for female attrition in law and discussing the myths surrounding female attrition).

10. My unwillingness to accept a lesser status because I wanted to work more flexible hours is not unique. See RHODE, *BALANCED LIVES*, *supra* note 5, at 16 ("National surveys of leading law firms recount multiple variations on the same theme: part-time arrangements are 'the kiss of death,' a 'fast track to obscurity,' a 'professional dead end' and an invitation to end up 'permanently out to pasture.'").

particularly bad case of the flu. She was admitted to the hospital on the same day that one of my major trials was scheduled to begin. Fortunately, the case had settled two weeks before going to trial, but I wondered what I would have done if it had not. I was afraid I knew what the answer would have been, and I hated myself for that.

The next week, my husband and I both submitted applications for teaching positions.

#### IV. ACHIEVING BALANCE AS A FACULTY MEMBER

I was fortunate to obtain a tenure track position at the University of Georgia (UGA) in Athens. My husband, who was being pursued by other schools, agreed that I should accept the position at UGA and that he would practice law in Athens. I was thrilled.

I am not suggesting that working through the promotion and tenure system of the academy, while having two young children and a spouse with a full-time, demanding job, was easy.<sup>11</sup> It certainly was not. However, I did have the one thing I knew I needed to make it work: flexibility. As long as I met with my classes, my time schedule was my own. I generally maintained a full time, 7:30 a.m. to 5:30 p.m., Monday through Friday schedule, including summers. However, I could leave work if I needed to. I could be a homeroom mother, and I could be at Little League games and ballet recitals. Even though it was often very difficult to meet the demands of both my job and my children, I appreciated the flexibility teaching afforded me. My first year teaching law was probably the most demanding year I've spent working, but it was a luxury to make my own work schedule.

I do not mean to minimize how difficult it is for female academics to have children and to satisfy the demands of promotion and tenure. As was true at the law firm, most of my male colleagues at the law school were doing their jobs while their spouses stayed at home full-time, taking care of their children and running their households. I know that most of these men, many of whom

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11. As Professor Rhode notes, "Women's disproportionate family responsibilities also carry a cost when pitted against substantial research, teaching and committee obligations. Although work schedules in law school generally permit more flexibility than those in legal practice, performance pressures and time demands can be even more unbounded." DEBORAH L. RHODE, ABA COMMISSION ON WOMEN IN THE PROFESSION, THE UNFINISHED AGENDA: WOMEN AND THE LEGAL PROFESSION 27-28 (2001), available at <http://womenlaw.stanford.edu/aba.unfinished.agenda.pdf> [hereinafter RHODE: UNFINISHED AGENDA].



were active and involved parents, never worried about what to fix for dinner or whether there were clean clothes for their children to wear to school the next morning. Their obligation was simply to do their jobs and then come home to spend 'quality time' with their children, and I appreciate the choices they and their spouses made. By contrast, my husband and I made the decision that both of us would work full-time, and we have made, and continue to make, the trade-offs that are inevitable when both parents work full-time and have children.

As Dean of the Law School, I find myself once again in a position with many demands and diminished flexibility. I often work long days and many nights. My now-teenaged daughter is proud of what I am doing, but I would not be honest unless I admitted that she is also a little resentful. I often experience that familiar guilty feeling. Tonight<sup>12</sup> will be the fourth night in a row I will not have been home. Tomorrow night is accounted for, too. There is also the law school brunch I am cooking and hosting on Sunday.

Now, my son is away at college, and my daughter is old enough to understand. I did not want to turn down this opportunity to serve as the first woman dean of my law school simply because I have children, and that would have been my only reason to turn it down.

So what can I do to make it better, for myself and for other working parents? I can draw boundary lines now — between what I will do for my work, and what I am unwilling to do. What I need to learn to do is to draw these lines and to make clear that I am drawing them to protect the time I spend with my family. It is important that those who work with me and for me know that putting family before work can be an acceptable choice, sometimes the *only* acceptable choice, even when performing a professional, highly demanding job.<sup>13</sup> That does not mean that family *always* comes first. I have learned that sometimes it does not. Sometimes, family must understand that having a professional position means

12. Tonight refers to the Friday night on which Dean White presented this essay at William and Mary.

13. One cause that has been suggested for the disconnect between the need for flexible work schedules and law firms' willingness to provide them is that most of the people in managerial positions never had to assume family responsibilities. Having never had to balance the demands of career and family, they have difficulty understanding why today's lawyers are insisting on more balance. See RHODE, *BALANCED LIVES*, *supra* note 5, at 15.

Hopefully this will change, as more women who have 'juggled' work and family acquire positions that enable them to determine the workplace structure.

having professional responsibilities that must take priority. Still, the more flexibility women have to decide *which* needs to prioritize first at any given time, the better off we are.

I have tried to make this clear to those working for and with me. A senior administrator who has stayed up all night with her sick child should not be stressed about taking a few hours off to take her child to the doctor, even if an important law school event is scheduled for that day. Having been in her shoes, I can assure her that the law school will be fine without her that day but her daughter will not be. Currently no junior women faculty at UGA's law school are struggling to meet the demands of parenthood and tenure, but when that time comes, I hope I will be able to provide them the empathy and understanding that only someone who has lived through the same struggle can provide.

I worry about my students.<sup>14</sup> The reading I have done has only confirmed my anecdotal impressions that not much has changed in the practice of law since I walked away from it fifteen years ago.<sup>15</sup> I know that many firms have policies that permit lawyers to work part-time,<sup>16</sup> but apparently few firms allow part-time partners.<sup>17</sup> Women who take advantage of the part-time option — and it is still primarily women who elect this route — too often achieve needed flexibility only at the

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14. As Professor Rhode observes, "today's lawyers are confronting pressures that make such a work/family balance increasingly difficult to achieve," noting that "workplace hours have increased dramatically over the last two decades." RHODE, *BALANCED LIVES*, *supra* note 5, at 11. "For dual career couples with kids under 18, the combined work hours have grown from 81 a week in 1997 to 91 in 2002, according to the Family and Work Institute." Wallis, *supra* note 2, at 52. The advent of email, cell phones and pagers have made the situation even more difficult, as home is "no longer a sanctuary." *See id.*

15. This is despite the increasing number of women entering the profession. In the thirty years between 1971 and 2001, the percentage of law degrees conferred on women increased from 7% to 47%. *See* Wallis, *supra* note 2, at 53. *But see* Vivia Chen, *Cracks in the Ceiling*, AM. LAW., June 3, 2003, available at [www.law.com/jsp/article.jsp?id=1052440819109](http://www.law.com/jsp/article.jsp?id=1052440819109) (describing what Chen calls the "feminization of law practice," noting the "mentoring programs, part-time work options, generous maternity leaves (up to nine months, three of them paid), emergency child care facilities, and other women/family-sensitive measures [that] have become standard fare at the nation's most elite law firms. Indeed, women lawyers have never had it so good." Chen acknowledges that women "still are not sticking around to compete for the ultimate firm prize: partnership." She says that "[w]hen push comes to shove, women tend to choose family over competition for big-time partnerships").

16. Between 90% and 95% of firms report part-time policies, but only about 3% of lawyers actually work part-time, despite the frequently expressed need for flexible schedules. The problem appears to be seated in how these policies are implemented or how part-time lawyers are perceived. *See* RHODE, *BALANCED LIVES*, *supra* note 5, at 12.

17. In some firms, going part-time takes you off the partnership track entirely. In others, lawyers may become eligible for partnership only after they return to work full-time.

expense of interesting legal work, access to mentoring, and a fair financial arrangement.<sup>18</sup>

One thing that has changed is that today's law students, both female and male, are aware of the difficulties involved in balancing careers and families in a way that my generation of law students, or at least I, was not.<sup>19</sup> They do not enter the practice of law with the smug assurance I had, that they either would have no interest in 'having it all' or that 'having it all' would be readily doable.<sup>20</sup> Maybe this is because they not only have a better grasp of the demands practicing law will place on their lives, but they also have a better grasp of the demands that come along with having children. Perhaps they witnessed their own parents attempting to achieve a balance between work and family.<sup>21</sup>

I convened a group of third-year law students to talk about the employment process and the factors that led to their decisions on what jobs to accept. Almost all of them felt that it was important to achieve a balance between work and family, and they commented on the dearth of women partners in the law firms at which they had clerked or interviewed.<sup>22</sup> The women partners at their firms

18. See *supra* notes 9-10 and accompanying text.

19. As Wallis puts it, "Ten, 15 years ago, it all seemed doable . . . . But slowly the snappy, upbeat work-life rhythm has changed for people in high powered jobs." Wallis, *supra* note 2, at 52.

At the University of Georgia, we have a new program entitled "Visiting Career Consultant," where our alumni volunteer to come back to the law school and talk with current students about the practice of law and job search issues. The Director of Legal Career Services tells me that in virtually every such session, students raise questions about balancing work and family.

20. Professor Rhode points to studies showing that "the number of women who doubt the possibility of successfully combining work and family has almost tripled over the past two decades." RHODE, *BALANCED LIVES*, *supra* note 5, at 11.

21. As one writer reported, "A 2001 survey by Catalyst of 1,263 men and women born from 1964 to 1975 found that Gen Xers 'didn't want to have to make the kind of trade-offs the previous generation made.'" Wallis, *supra* note 2, at 54. These Gen Xers "were the latchkey kids and the children of divorce." *Id.* at 55. My suspicion is that these feelings are prevalent among today's law students, who were more likely than not to have grown up with both parents working.

22. Studies show that men "are at least twice as likely as similarly qualified women to obtain partnership." RHODE, *UNFINISHED AGENDA*, *supra* note 11, at 14. However, the number of women partners has increased from ten years earlier, according to a study of equity partners who are women at the twenty most profitable law firms. Women partners ranged from a low of 6.9% to a high of 20.7%. See *Measuring the Power*, AM. LAW., June 2003, available at [www.law.com/special/professionals/amlaw/2003/measuring\\_power.shtm](http://www.law.com/special/professionals/amlaw/2003/measuring_power.shtm). The national average of women partners, equity and nonequity, at the 100 top grossing firms is 16%, compared to 10.6% in 1992. See Chen, *supra* note 15.

Others take issue with such a rosy view. As one attorney commented, "Part-time is rarely practical, and part-timers are frequently shunted off the career track." See *Juggling Work and Family* (PBS television broadcast Sept. 16, 2001) (quoting Nancer

usually were either childless or unmarried;<sup>23</sup> my students found that an unacceptable trade-off. Several women stated they had chosen their law firm based on what they perceived as more family-friendly policies, and they noted, with strong approval, some firms' willingness to permit partners to work part-time. As one woman stated,

these issues are very important to me in choosing a firm because I want both a great career and a balanced life. Though right now I don't have a family and thus don't currently need the ability to trade money for time, I want a firm that can grow with me and will allow me to trade money for time in the future.<sup>24</sup>

Not all the students indicated an interest in becoming law firm partners, and several said they readily would trade the flexibility of a staff attorney position or an in-house counsel job for the prestige and pay of partnership once they had children. Interestingly, it was the women who indicated such willingness. The men I spoke to stressed their interest in achieving a balance between work and family, but none indicated a willingness to work part-time to achieve it, particularly if it would mean stepping permanently off a partnership track.<sup>25</sup>

A recent study of Atlanta law firms, performed by the Georgia Association of Women Lawyers, surveyed the policies of those firms and the practices of attorneys working under them.<sup>26</sup> The study found that part-time work is profitable for law firms, largely because it reduces attrition and the costs associated with it. It also found that, consistent with my own experience and

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Ballard, who chaired a Boston Bar Association committee studying the issue), available at [www.pbs.org/workfamily](http://www.pbs.org/workfamily).

23. These students' experiences were not aberrational. "Almost half of women in legal practice are currently unmarried, compared to 15% of men," RHODE, BALANCED LIVES, *supra* note 5, at 17. As Professor Rhode notes, "Many younger women lawyers express concerns about ending up like some senior colleagues who either do not have children or who rarely get home in time to see them." *Id.* at 15.

24. Interview with University of Georgia law students, in Athens, GA (Feb. 23, 2004).

25. Male students did express a willingness to work at full-time lawyering jobs that permitted them to achieve better balance between work and family. Of the men I spoke with, one had a child and two others had children on the way. As Nancer Ballard, chair of the Boston Bar Association's report on women in the profession, notes, it is not just women who are "leaving the big law firms in order to be more involved parents." *Juggling Work and Family*, *supra* note 22.

26. See generally GEORGIA ASSOCIATION FOR WOMEN LAWYERS, ATLANTA BAR ASSOCIATION WOMEN IN THE PROFESSION COMMITTEE & GEORGIA COMMISSION ON WOMEN, IT'S ABOUT TIME: PART-TIME POLICIES AND PRACTICES AT ATLANTA LAW FIRMS (2004).

observations, "women lawyers place enormous value on flexible work schedules."<sup>27</sup> The study noted that

For firms, the single most important finding of this Study is that women will continue to walk away from law firms (as profitable mid-level and senior associates) at high attrition rates until they find a work schedule that makes sense for their lives . . . . The bottom line is that flexible schedules and paths to partnership are crucial to increasing the number of women leaders in law firms. The opportunity to work and to advance to partnership on a reduced-hours schedule is about fairness, it's about long-range profit-making, it's about the integrity of the legal profession, and it's about our devotion to our families and communities.<sup>28</sup>

Twenty-three years after law school, I am still trying to find a schedule that makes sense for my family. I am learning that you do not have to work '24/7' to be an effective dean, and I suspect the same is true for equity partners. As others, including Nancer Ballard, have noted, "the way we structure work . . . is incompatible with having a personal life."<sup>29</sup> I am certainly not convinced that the prevailing structure is essential to the successful and profitable practice of law.

The Atlanta study notes that "allowing more women to advance to partnership while working part-time is probably the single most effective way to increase the number of women partners in law firms, which has virtually flat-lined at 16.6%."<sup>30</sup> I agree, and I continue to believe that flexibility is the key to balancing the demands of a job and the demands of a family. I look forward to working with the new generation of lawyers in their efforts to achieve this balance.

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27. *Id.* at 5.

28. *Id.* at 5-7.

29. *Id.* at 25. See also Fisk, *supra* note 8, at 413 ("The origins of Kate Reddy's [the heroine of *I DON'T KNOW HOW SHE DOES IT*] . . . choice between work and family lies in the deliberate and comprehensive construction of work and family policy in the U.S. that pits work and family in mortal combat.")

30. GEORGIA ASSOCIATION FOR WOMEN LAWYERS, *supra* note 26, at 25.