

A stylized illustration of a pair of scales of justice. The scales are rendered in shades of blue and white. The right pan is empty and hangs higher, while the left pan is filled with a dark blue substance and hangs lower. The background is white with a dark blue horizontal band across the middle.

Yale Law Women  
Proudly Presents

The Top Ten Firms  
for Gender Equity &  
Family Friendliness  
in 2019



# Message from the YLW Top Ten Committee

Yale Law Women is proud to present our fourteenth annual Top Ten Firms for Gender Equity and Family Friendliness Report. We produce the Top Ten Report to monitor trends in gender equity and family friendliness among law firms ranked in the Vault 100, raise awareness of disparities within the legal profession, highlight progress being made in the industry, and identify areas for improvement. We also hope this report will serve as a tool to help lawyers make more informed decisions about the types of policies to look for among law firms.

We recognize that individual experiences vary and that blanket statistics do not capture the entire story. The contents of this report are intended to highlight areas of improvement and opportunities for growth within the legal profession. This survey measures relative progress among law firms, and YLW does not endorse any particular firm as achieving an ideal standard. We encourage all firms to adopt the practices that are celebrated by our report, but we also urge even the “Top Ten” firms to continue improving their practices. The figures in this year’s report include distributional data to provide context for relative success and areas for improvement. As our survey and peer surveys indicate, there is still immense and urgent need for improvement across all law firms. For more information about peer surveys, please see the Survey Landscape section on page five.

By producing this report, we hope to spur a broader conversation within the legal profession about the role of gender and family in the workplace and to encourage further advocacy in an otherwise opaque area of corporate culture. We urge law firms to increase transparency of their policies in order to more fully understand the scale of inequity. An area of particular concern, found in both peer surveys and our Top Ten survey collection, is many firms’ lack of transparency regarding compensation. This “black box” approach is especially troubling considering that women face a substantial wage gap, which is further exacerbated for women of color. Withholding this data creates a large barrier to assessing and improving firms’ pay structures.

To create our Top Ten lists, YLW invited all law firms listed in the 2019 Vault 100 to participate in our survey of gender equity and family friendly policies. We collected data on family accommodations, including part-time work options and paid leave, as well as indicators of gender equity such as partnership promotions and the composition of leadership committees. Our survey aimed to capture not only the policies on paper but also their actual use by attorneys at each firm. This year, we strived to take a more intersectional approach by incorporating National Association

for Law Placement (NALP) data about how policies affect people who identify as women of color and/or LGBTQ+.

All data collected reflect policies and statistics from the 2018 calendar year and only include U.S. office locations. Firm responses to our survey were weighted based on the results of a concurrent survey of Yale Law School alumni of all genders currently working at Vault 100 firms. These alumni were asked about the importance of policies and practices related to gender equity and family friendliness. In light of concern over lack of transparency in pay and the existence of mandatory arbitration policies, we penalized firm survey responses that withhold information that is imperative to assessing equity in the workplace. For more information on our methodology, please see the Methodology section on page seven. The 2019 Top Ten Firms for Gender Equity and Top Ten Firms for Family Friendliness are those that received the highest overall score in our analysis of the survey results.

As peer surveys note, while people who identify as women and gender nonconforming make up about half of the nation's law school graduates, there is still an immense gap in gender representation in the law, especially at the partnership levels of law firms. As law students, we aim to ensure that the law firms we join are committed to enacting equitable and transparent practices. We hope law students and practitioners will join us in applauding the efforts of firms that have demonstrated this commitment while recognizing the need to urge all law firms to learn from their peers, to adapt to a changing legal profession, and to continually advocate for their workers.



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Yale Law Women

# Table of Contents

5	<b>Survey Landscape</b>
7	<b>Methodology</b>
8	<b>TOP TEN LIST: Gender Equity</b>
9	Policies and Practices for Gender Equity
10	<b>CATEGORY HONORS:</b> Firm Structure
13	<b>CATEGORY HONORS:</b> Leadership & Promotions
16	<b>CATEGORY HONORS:</b> Training & Mentorship
18	<b>TOP TEN LIST: Family Friendliness</b>
19	Policies and Practices for Family Friendliness
20	Billable Hours & Compensation
21	<b>CATEGORY HONORS:</b> Parental & Family Leave Accommodations
24	<b>CATEGORY HONORS:</b> Part-Time & Flexible Work Schedules
27	<b>On Mandatory Arbitration</b>
28	<b>Recommendations for Students</b> <i>Questions to Ask &amp; Terms to Know</i>
30	<b>Top Ten Committee</b>

# Survey Landscape

The YLW Top Ten Firms for Gender Equity and Family Friendliness Report presents a holistic evaluation of the Vault 100 law firms based on survey results from firms and attorneys. Many of these firms participate in additional gender equity and diversity surveys, and some firms have applied for certification from organizations that encourage best practices.

Peer surveys provide a general industry overview and broader analysis of firms' practices. Working Mother solicits applications from law firms who would like to be considered as one of the Best Law Firms for Women. Their report offers both individualized and aggregate data on gender representation in partnership and firms' parenting and gender equity initiatives. However, Working Mother relies on applications and does not assess policy usage. Our report tries to uncover the experiences behind the data by including questions on actual usage of firms' benefits and by incorporating qualitative information, giving firms the opportunity to clarify their practices.

While our report uses a holistic approach to shed light on best practices and to encourage firms to make meaningful progress, other initiatives require firms to reach benchmarks or maintain practices to obtain certification. The

Women in Law Empowerment Forum Gold Standard Certification requires firms to meet certain criteria involving equity partnership. Diversity Lab's Mansfield Certification also focuses on equitable leadership policies, requiring firms to track and measure candidate pipelines and consider at least 30 percent women and attorneys of color for leadership and governance roles. Firms that have achieved at least 30 percent women and attorneys of color in leadership and governance roles achieve Mansfield Certification Plus status. These certifications are another valuable tool in the ongoing battle to improve gender equity and family friendliness in the industry. We hope that our report can continue to draw attention to the glaring lack of representation at law firms while also identifying additional policies and areas that merit conscious improvement.

The National Association of Women Lawyers (NAWL) Survey on Retention and Promotion of Women in Law Firms also provides useful statistics on gender equity in the legal industry. While the report does not provide details about the performance of individual firms, NAWL outlines industry benchmarks and underscores the need for improvement. The 2018 NAWL report indicated stagnation in representation of women and attorneys of color, especially among

senior and higher status levels of the firm, and the failure of law firms' women's initiatives to address the issues that plague the industry.

In addition to gender equity surveys, many firms participate in important surveys regarding LGBTQ+ equity and overall diversity. These surveys embody the values enumerated in the Top Ten Lists and support the overall goal of creating a more equitable legal industry. The Human Rights Campaign Foundation Corporate Equality Index (CEI) rates employers across industries by evaluating non-discrimination policies, benefits for LGBTQ+ employees and their families, and efforts to support a culture of inclusivity. Some law firms are consistently rated highly by the

CEI, indicating their commitment to inclusive policies and practices. Through the standardization of the process of diversity data collection, the American Bar Association Model Diversity Survey provides an additional way law firms may assess and improve their own practices.

Our peer surveys underscore the need for drastic improvement in inclusivity and equity within law firms. These surveys and the Top Ten Report also offer a glimmer of hope: the legal industry recognizes the need for change, and some law firms are taking positive steps. We will continue to improve our report based on the important research of our peers and work to address the concerns of those facing an inequitable legal profession.

# Methodology

Consistent with previous years, YLW invited firms ranked in this year's Vault Law 100 to participate in our survey. This year, we had a participation rate of above 50 percent. The data collected reflects statistics from the 2018 calendar year and only includes U.S. office locations. Survey questions fell into seven broad categories:

- Firm Structure
- Leadership & Promotions
- Training & Mentorship
- Billable Hours & Compensation
- Parental & Family Leave Accommodations
- Part-Time & Flexible Work Schedules
- Mandatory Arbitration

In addition to examining formal policies available at these law firms, the survey investigated how firms implemented those policies and their usage by attorneys. Survey questions focused on three inquiries: whether attorneys used these policies; which attorneys availed themselves of these policies by gender and position; and how attorneys used these policies.

We dissociated firm names from responses to analyze data in the aggregate and run an automated program to produce the final lists. We also ran several analyses to check for internal consistency in the data and reached out to firms when we found discrepancies. Further, we sought to account for qualitative data collected to ensure firms' scores accurately reflected the nuances of their policies and practices. In order to reward transparency, we penalized firms that did not disclose data such as billable hours and compensation. We also recognize that gender equity includes the success of gender nonconforming attorneys and provide a survey response option to this end. However, we do not currently have enough data to present results on this aspect of gender equity.

Firm responses were weighted based on a concurrent survey of Yale Law School alumni of all genders currently working at Vault 100 firms. These alumni were asked about the relative importance of each category of policies related to gender equity and family friendliness, and they were asked to rate the importance of several specific measures and policies.

We look forward to incorporating feedback from our firm and alumni respondents into future iterations of the survey.

*Yale Law Women Presents*

# The Top Ten Firms for Gender Equity in 2019



*Listed in Alphabetical Order*

BRYAN CAVE LLP  
FISH & RICHARDSON P.C.  
HOGAN LOVELLS (US) LLP  
LITTLER MENDELSON P.C.  
McDERMOTT WILL & EMERY LLP

MORRISON & FOERSTER LLP  
PERKINS COIE LLP  
SHEPPARD, MULLIN, RICHTER &  
HAMPTON LLP  
SQUIRE PATTON BOGGS (US) LLP  
STEPTOE & JOHNSON LLP



# Gender Equitable Policies and Practices

There are many different criteria used in assessing a law firm's gender equity. The following pages discuss three categories of policies that contribute: (1) representation of women among the **firm structure**, (2) the representation of women in a firm's **leadership and promotions**, and (3) the extent to which a firm is committed to equitable **training and mentorship** as it looks to the future.

When the data permit, we award category honors to the highest- achieving firms on each of these categories of gender equity. We also discuss the importance of each policy category, featuring comments from our alumni and statistics regarding the availability and use of various policies and practices across the law firms who responded to our survey.

Across this report, firm responses are reported in the aggregate, and responses from individual firms are kept confidential.



## Category Honors:

# FIRM STRUCTURE

### At Least 50% of Associates Were Women

Arnold & Porter Kaye Scholer LLP  
Cleary Gottlieb Steen &  
Hamilton LLP  
Drinker Biddle & Reath LLP  
Hunton Andrews Kurth LLP  
Linklaters LLP  
Littler Mendelson P.C.\*

Morrison & Foerster LLP\*  
Orrick, Herrington & Sutcliffe LLP  
Squire Patton Boggs (US) LLP\*  
Venable LLP  
White & Case LLP  
WilmerHale

### At Least 25% of Equity Partners Were Women

Hogan Lovells (US) LLP\*  
Kilpatrick Townsend &  
Stockton LLP  
Littler Mendelson P.C.\*  
Morgan, Lewis & Bockius LLP

Morrison & Foerster LLP\*  
Munger, Tolles & Olson LLP  
Ropes & Gray LLP  
WilmerHale



# Firm Structure: Why It Matters

Achieving a representative firm structure is an important goal for the recruitment, retention, and promotion of attorneys. Women and gender nonconforming individuals make up more than half of current law students throughout the nation. Our data show that, while many firms are improving their representation of women at the associate level, much work remains to be done at the partnership level, as well as for the representation of women of color. Representation among equity partners impacts the other two categories reflecting gender equity—Leadership & Promotions and Training & Mentorship—because it encourages firms to adopt gender equitable policies and to improve training and mentorship tailored to people who identify as women or gender nonconforming.

## **According to the Alumni:**

*"We haven't achieved equal numbers of women in all positions but we are moving in that direction and working hard to get there."*

### **-Female Equity Partner**

*"Firm management is generally supportive of women and looks for opportunities to promote them and help develop their careers. Positive strides are being made, but there is still room for improvement as there are too many female associates who feel compelled to leave the firm, and too few female partners."*

### **-Female Non-Equity Partner**

*"As far as I can tell, there are almost no women in positions of power at my firm."*

### **-Female Senior Associate**

# Firm Structure: By the Numbers

Average percent of associates who were women: **46.3%**

Percent of equity partners who were women: **20.4%**

Percent of non-equity partners who were women: **28.2%**

Percent of "counsel/of counsel" attorneys who were women: **34.2%**

Percent of firms that had more than 10% partners who were women of color: **0%**

Percent of firms that had at least 20% of associates who were women of color: **7.4%**

Average percent associates who were women of color: **12.8%**

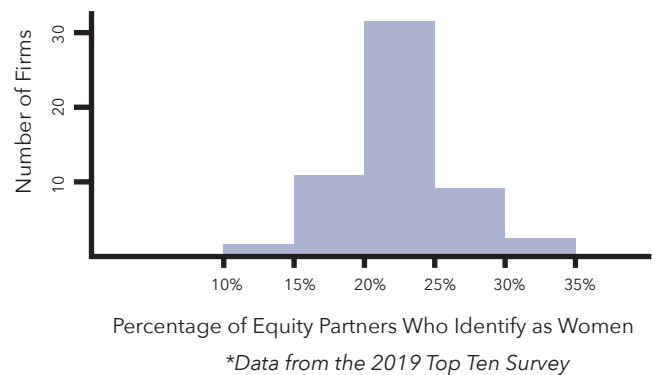
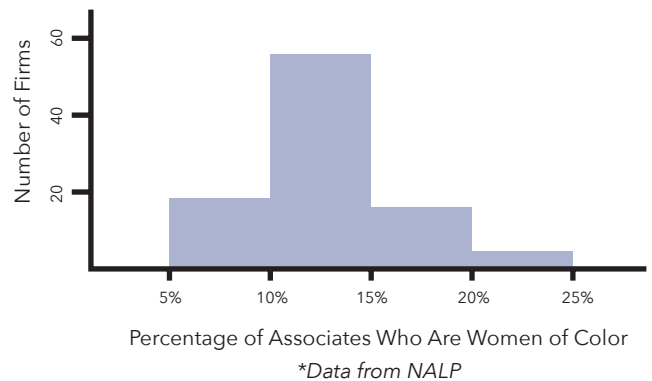
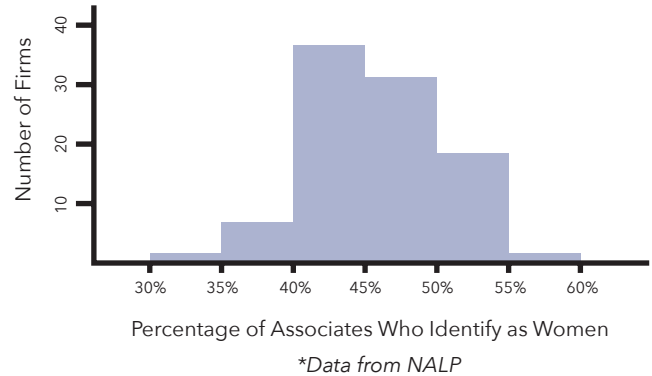
Average percent of partners who were women of color: **3%**

Percent of firms that had more than 5% of attorneys who identified as LGBT women: **0%**

Average percent of attorneys who identified as LGBT women: **1%**

*75% of associates* described the percentage of partners who are women as "very important."

*58% of partners* described the percentage of partners who are women as "very important."



Category Honors:

# LEADERSHIP & PROMOTIONS

At Least 50% of Attorneys Promoted to Equity Partner  
in 2018 Were Women:

Blank Rome LLP  
Hogan Lovells (US) LLP\*  
Morgan, Lewis & Bockius LLP  
Morrison & Foerster LLP\*

At Least 35% Women on Executive, Compensation,  
and Hiring Committees:

Latham & Watkins LLP  
McDermott Will & Emery LLP\*  
Perkins Coie LLP\*  
Steptoe & Johnson LLP\*



\* 2019 Top Ten Firm for Gender Equity

# Leadership & Promotions: Why They Matter

Alumni respondents rated the percentage of firm leadership positions held by women, including heads of practice groups and partners in charge of offices, as one of the most important measures in assessing a firm's commitment to gender equity. When women serve in leadership positions, firms experience a positive feedback loop, as better policies retain talented women. These attorneys go on to partnership and leadership positions that allow them to continue addressing issues particular to women in the workplace, making it easier for the next generation of talented women associates to succeed at the firm. Likewise, poor policies can create a negative feedback loop, making it increasingly difficult for firms to retain women attorneys.

## **According to the Alumni:**

*"Women are highly visible in our leadership - whether officially, e.g. the co-chair of litigation practice, or just in terms of the buzz of who the top partners are that everyone wants to work with. . . . While we have a ways to go on parity at the partnership level, you feel the power of the women in the firm every day."*

### **-Female Junior Associate**

*"I am proud that a lot of the leaders in my practice group, in my office, and in the firm more broadly are women. I feel like senior women within the firm are supportive of me and my career."*

### **-Female Senior Associate**

### By the Numbers:

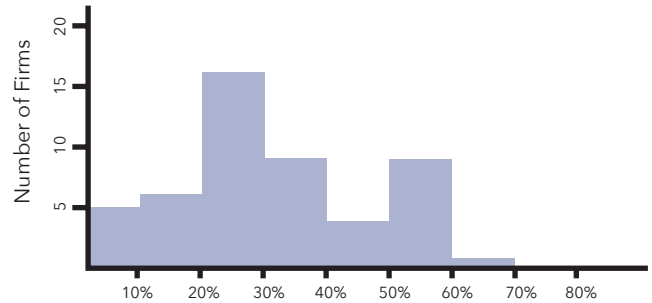
Percent of attorneys who were promoted to equity partner who were women: **29.8%**

Percent of heads of practice groups that were women: **22.7%**

Percent of partners-in-charge of offices that were women: **20.1%**

Percent of firms with female managing partners: **18.7%**

About half of firms promoted at least one attorney from "counsel/of counsel" to equity partner.



Percentage of People Promoted to Equity Partner Identifying as Women

*\*Data from the 2019 Top Ten Survey*

Category Honors:

# TRAINING & MENTORSHIP

Firms that Count Participation in Training & Mentorship Programs as Fully Billable:

Cahill Gordon & Reindel LLP

Jenner & Block LLP

Pillsbury Winthrop Shaw Pittman LLP

Wachtell, Lipton, Rosen & Katz



# Training & Mentorship: Why It Matters

## By the Numbers:

Percent of partners participating in their firm's committee for diversity and inclusion who were women: **41.3%**

Percent of firms that count participation in training or mentorship programs as *fully* billable: **9%**

Percent of firms that count participation in training programs as *partially* billable: **38.9%**

Percent of firms that count participation in mentorship programs as *partially* billable: **25.9%**

98% of firms have a committee for diversity and inclusion.

## According to the Alumni:

*"Informal mentoring is fantastic and formal mentoring is getting better and better, but there's still a shortage of female partners. . . . We're implementing new strategies to increase recruitment of female candidates, but it's still the case that the people pushing these policies are mostly women and people of color, which is an obvious problem."*

### -Female Senior Associate

*"I think that women attorneys at [my firm] often lack for mentors or sponsors. I know I feel that way."*

### -Female Counsel / Of Counsel

*\*Data from the 2019 Top Ten Survey*

Training and mentorship opportunities are key elements of fostering the careers of women at law firms. Every firm that replied to our survey had a training program for new associates and most firms reported that they had a formal mentorship program for current attorneys, but the gender makeup of such programs can affect mentorship and diversity retention. Women experience unique challenges in the workplace, including the challenges associated with the expectation that women take the lead on familial duties. Mentorship allows women at the firm to discuss these challenges with others who have found ways to address them.

On the other hand, firms that do not count time spent on mentorship and training towards attorneys' billable hours may unfairly disadvantage women who spend an outsized portion of their time on these activities compared to men. For this reason, we rewarded firms who count time spent on training and mentorship as billable, particularly when this time is fully billable.



*Yale Law Women Presents*  
**The Top Ten Firms for  
Family Friendliness in 2019**

*Listed in Alphabetical Order*

**AKIN GUMP STRAUSS HAUER &  
FELD LLP**

**DECHERT LLP**

**FISH & RICHARDSON P.C.**

**GOODWIN PROCTER LLP**

**MORRISON & FOERSTER LLP**

**ORRICK, HERRINGTON &  
SUTCLIFFE LLP**

**REED SMITH LLP**

**SHEPPARD, MULLIN, RICHTER &  
HAMPTON LLP**

**STEPTOE & JOHNSON LLP**

**VINSON & ELKINS LLP**

# Family Friendly Policies and Practices

Family friendliness encompasses many different aspects of a career at a law firm. Our survey focused on three categories of policies that contribute to family friendliness at a law firm: (1) the structure and expectations surrounding **billable hours and compensation** at a firm; (2) the availability and use of **parental and family leave accommodations**; and (3) the availability and use of **part-time and flexible work schedules**. Firms and attorneys increasingly recognize that family friendliness is not just a women's issue, so this report also incorporates the utilization of policies like paid leave by men as a measure of the firm's commitment to family friendliness across genders.

When the data permit, we award category honors to the highest-achieving firms on each of these categories of family friendliness. We also discuss the importance of each policy category, featuring comments from our alumni and statistics regarding the availability and use of various policies and practices across the law firms who responded to our survey.

Across this report, firm responses are reported in the aggregate, and responses from individual firms are kept confidential.



# Billable Hours & Compensation

As the central unit of firm revenue, the billable hour is very important to attorneys. Most of our alumni identified the average number of billable hours worked as a very important factor in determining a firm's family friendliness. Many firms require attorneys to bill a certain number of hours to clients per year; many others have no formal policy but require a minimum hours threshold for bonus eligibility. Still others report that the firm does not track their attorneys' billable hours. While this may sound attractive for attorneys trying to balance work and personal life, alumni tell us that ambiguity about billable hours can lead to attorney uncertainty, informal rules, and internal competition.

## By the Numbers

Average number of billable hours

**Junior Associates:** 1603 hours

**Senior Associates:** 1735 hours

**Equity Partners:** 1515 hours

**63%** of firms required full-time associates to work a minimum number of billable hours to receive a bonus. The average minimum number of billable hours required to obtain a bonus

*"Hours say it all. I don't know how I could have children, feel like a good parent, and work the hours people work here."*

### -Male Junior Associate

*"In ways large and small, the firm demonstrates its commitment to family friendliness. It is discussed and understood that family comes first, including at the highest levels of the firm. . . . Lawyers who have children as associates make partner on time. The technology allows people to spend time with their children and finish work at home. Yes, we work hard, but the firm makes clear that its lawyers can and should also have fulfilling family lives."*

### -Female Equity Partner

*"[My firm] meets all of the industry minimum expectations - paid paternity and maternity leave, on-site childcare, flex time, and liberal telework policies. The billable hours expectations remain a barrier to achieving maximum family friendliness."*

### -Male Senior Associate



Category Honors:

# PARENTAL & FAMILY LEAVE ACCOMMODATIONS

Greatest Number of Days Offered for Caregiver Leave  
Following the Birth of a Child:

McDermott Will & Emery  
Morrison & Foerster LLP\*  
Orrick, Herrington & Sutcliffe LLP\*  
Wilson Sonsini Goodrich & Rosati P.C.  
Winston & Strawn LLP

Greatest Percentage of Associates Taking Paid Primary  
Caregiver Leave:

Kramer Levin Naftalis & Frankel LLP  
Wilson Sonsini Goodrich & Rosati P.C.  
Winston & Strawn LLP

Greatest Percentage of Associates Who Are Men Taking  
Any Caregiver Leave:

Blank Rome LLP  
Kilpatrick Townsend & Stockton LLP  
Munger, Tolles & Olson LLP  
Pillsbury Winthrop Shaw Pittman LLP



\* 2019 Top Ten Firm for Family Friendliness

# Parental & Family Leave Accommodations: Why They Matter

Parental, family, and personal leave are critical to workplace family friendliness. Although all the law firms we surveyed offer some paid leave, a firm's written policy doesn't reveal the cultural norms around taking leave. Thus, our survey looks not only at weeks of paid leave provided but also examines the use of leave by attorneys. Our alumni indicated that in addition to parental leave and part-time/flex-time work schedules, it is critical to have other policies and practices geared toward making the workplace itself friendlier to the needs of attorneys with families.

We surveyed firms on the availability of backup or primary childcare services, the ease of using personal or sick days to care for a sick family member, health and wellness programs, and infertility treatment. 89% of firms that answered our survey create gender-neutral primary and secondary caregiver leave, with some firms giving significantly more leave to primary caregivers and others giving equal leave to all caregivers. In addition, we looked at the steps firms take to include or welcome back individuals who have moved in and out of the workforce. Many firms have formal policies of allowing their attorneys to take several years of leave and rehiring them later or have created committees or programs designed to address work-life balance issues.

## **According to Alumni:**

*"As I prepare to go out on parental leave, I have experienced firsthand the firm's commitment to gender equity."*

### **-Male Senior Associate**

*"As I began to seek fertility treatments this year and consider the reality of balancing work and family, I realize that remaining at my firm is not a viable option for the long term or even medium term. While I have received support from individual partners, the firm administration has been unyielding in certain accommodation requests."*

### **-Female Senior Associate**

## By the Numbers

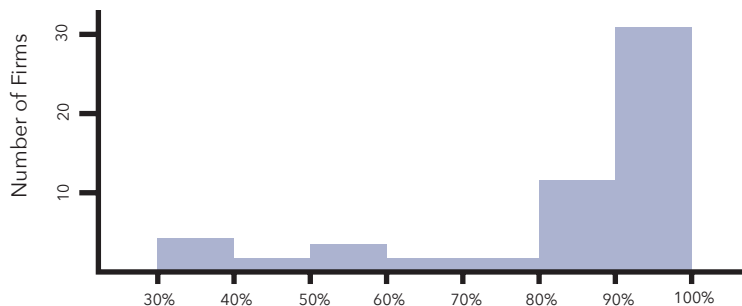
**70%** of firms offer paid primary caregiver leave of at least 90 days.

**55.6%** of firms promoted someone who had taken caregiver leave in the last five years to equity partner in 2018.

**53.5%** of attorneys taking some amount of caregiver leave were men.

But only **21.6%** of attorneys taking *primary* caregiver leave were men.

95% of associates and 85% of partners think that paid leave for birth or adoption and paid primary caregiver leave is very important in measuring a firm's family friendliness.



Percentage of People Who Took Primary Leave Who Identify as Women

*\*Data from the 2019 Top Ten Survey*

Category Honors:

# PART-TIME & FLEXIBLE WORK SCHEDULES

## Highest Percentage of Associates on Part-Time Schedules:

Hunton Andrews Kurth LLP  
Kilpatrick Townsend & Stockton LLP  
Littler Mendelson P.C.  
Orrick, Herrington & Sutcliffe LLP\*  
Perkins Coie LLP

## Highest Percentage of Attorneys Who Have Worked Part-Time Schedules in the Last Five Years Promoted to Equity Partner in 2018:

Blank Rome LLP  
Fish & Richardson P.C.\*  
Hogan Lovells (US) LLP  
Morrison & Foerster LLP\*



\* 2019 Top Ten Firm for Family Friendliness



# Part-Time & Flexible Work Schedules: Why They Matter

Many attorneys seek part-time schedules, where they work fewer hours for lower pay, or flexible full-time opportunities, where they use technology to telecommute or work nonstandard hours to conform their schedules to the demands of their personal and family needs. Alumni ranked the availability and use of part-time and flex-time policies as the most important category of policies in assessing a firm's family friendliness. Unfortunately, attorneys who use alternate work schedules often face diminished opportunities for advancement, so it is especially important to track how a firm promotes and supports its attorneys working part-time or flex-time.

Technology has helped make alternate work schedules possible. However, alumni noted that the same technology that enables attorneys to telecommute also allows attorneys to conceivably work or be reached at any moment. Thus, without a shift in partner and client attitudes about work-life balance, technology may make life harder, not easier, for attorneys seeking to prioritize family obligations.

## **According to the Alumni:**

*"I have been allowed to work part-time for the last four years and while my hours fluctuate greatly month to month, overall I've not worked more than I had been scheduled for on an annual basis.*

*However, in part because I've been part-time, I know that I have no future partnership prospects at the firm, and I don't think anyone who is not available 24/7 can succeed here."*

### **-Female Senior Associate**

*"Much more important than compensation is the opportunity to enjoy flexible options to allow both professional growth and a healthy family situation, with changes that naturally occur over months and years."*

### **-Male Equity Partner**

*"As both a formal and informal matter, the culture at [my firm] supports all kinds of work life balance for attorneys. . . . I have experienced zero stigma or negative repercussions from my decision to have two children as an associate and then to work part time for years. In fact, I was promoted to equity partner while still on a part time schedule."*

### **-Female Equity Partner**

## Part-Time & Flexible Work Schedules: By the Numbers

**4.2%** of associates worked on part-time schedules.

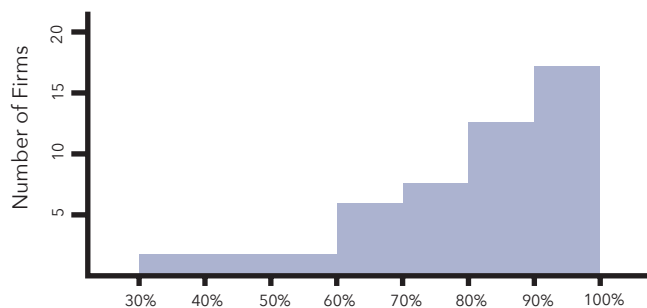
Of associates working part-time, **81.8%** were women.

**3.2%** of equity partners worked on part-time schedules.

**22.2%** of attorneys promoted to partner in 2018 had previously worked or were currently working part-time schedules.

**44.44%** of firms promoted at least one attorney who worked part-time in the last 5 years to equity partner in 2018. **13%** promoted more than one.

In assessing a firm's family friendliness, alumni associates and partners valued the ability to receive bonuses and make partner for those who are working on a part-time, flex-time, or telework schedule. They also valued the availability and amount of paid leave, and other family accommodations, over compensation.



Percentage of Associates Working Part-Time Who Identify as Women

*\*Data from the 2019 Top Ten Survey*

# On Mandatory Arbitration

Preserving a worker's right to sue their employer is an important safeguard for employees in any industry. Mandatory arbitration agreements in employment contracts require employees to sign away their right to sue in the event of a dispute with their employer. Depending on the specific contract, mandatory arbitration agreements may apply to disputes over sexual harassment and sexual misconduct in the workplace. Employees must settle the disputes covered by the contract in a private arbitration setting, which tends to favor the employer and pay out lower damages to employees than employment litigation. Mandatory arbitration thus puts employees at a disadvantage when addressing illegal workplace behavior. Our survey asked specifically about legal employees, who are the target of this report, so we do not have data on mandatory arbitration agreements for non-legal employees at firms. However, ensuring all employees, regardless of role, have access to their choice of dispute resolution remains an important goal.

Of firms that disclosed their policy regarding mandatory arbitration contracts, **10.6%** require junior and senior associates to sign a mandatory arbitration contract regarding at least some types of disputes as a condition of employment.

Of firms that disclosed their policy regarding mandatory arbitration contracts, **30.2%** require equity partners to sign a mandatory arbitration contract regarding at least some types of disputes as a condition of employment.

Of firms that disclosed their policy regarding mandatory arbitration contracts, **4.3%** require summer associates to sign a mandatory arbitration contract regarding at least some types of disputes as a condition of employment.

Of firms that disclosed their policy regarding mandatory arbitration contracts, **8.5%** require junior and senior associates to sign a mandatory arbitration contract that covers allegations of sexual assault or sexual misconduct as a condition of employment.

Of firms that disclosed their policy regarding mandatory arbitration contracts, **20.9%** require equity partners to sign a mandatory arbitration contract that covers allegations of sexual assault or sexual misconduct as a condition of employment.

**13%** of firms did not disclose their policy regarding mandatory arbitration contracts for junior and senior associates. **20.4%** of firms did not disclose their policy regarding mandatory arbitration contracts for equity partners.

# Recommendations for Students

The Top Ten Committee welcomes feedback from students on additional indicators that would help to inform their decision about which firms to interview with or accept offers from as they navigate firm recruitment. The following guidance aims to provide pragmatic information for students choosing a firm while increasing the conversation about gender equity and family friendliness.

## **Questions to Ask:**

When deciding between offers from law firms or while on callback interviews, students of all genders might want to ask attorneys or recruiters these questions to gauge how much a firm values work-life balance, supports families, and promotes gender equity.

Does the firm have a “face time” requirement or offer the option to work remotely?

Does the firm promote associates who have taken advantage of alternative work schedules?

Do men at the firm take advantage of the firm’s work-life balance benefits?

Are partners at the firm part of a dual income family?

Do associates or partners at the firm have young children?

Is there gender parity on the firm’s Executive Committee, Compensation Committee, and/or Hiring Committee?

## Terms to Know:

The terms and phrases below are either mentioned in this report or may be mentioned to students as they evaluate law firm policies. A firm's policies related to these terms may have an impact on a firm's gender equity and/or family friendliness.

**Billable Hours:** Law firms make money by billing their clients by the hour for their services; billable hours refer to the time a lawyer works on a project that is charged to the client.

**Equity Partner:** A lawyer who has become an owner of the firm and who shares in the profits of the firm.

**Executive or Management Committee:** This committee makes management and strategic decisions for the firm and provides overall long-range planning.

**Lock-Step Compensation Model:** A pay structure in which law firms compensate associates in the same class year with the same base salary.

**Mandatory Arbitration:** A practice in which a firm requires employees to agree to arbitrate legal disputes with the firm rather than going to court.

**Merit Compensation Model:** A pay structure in which law firms compensate associates based on their individual performance rather than their class year.

**Non-Equity Partner:** A partner who does not share in the profits of the firm and is not a firm decision-maker. Non-equity partners may or may not be eligible for promotion to equity partner, depending on the firm.

**On-Ramp/Off-Ramp Program:** A program through which law firms allow their attorneys to take several years of leave with the option to return to the firm.

**Vault Law 100:** An annual ranking of the 100 most prestigious law firms, as rated by currently practicing lawyers at peer firms.

# The 2019 Top Ten Committee

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*We would like to thank the entire Top Ten Committee for their outstanding work designing, executing, and analyzing this year's survey.*

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