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## Shifting Attitudes in the Next Generation of Male Lawyers: Will the Kids be as Important as the Courtroom?

Shannon R. Webb

*Fanshawe College of Applied Arts and Technology, [swebb@fanshawec.ca](mailto:swebb@fanshawec.ca)*

Catherine Loughlin

*St. Mary's University, [catherine.loughlin@smu.ca](mailto:catherine.loughlin@smu.ca)*

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# Shifting Attitudes in the Next Generation of Male Lawyers: Will the Kids be as Important as the Courtroom?

## **Abstract**

We adopted role salience measures to assess whether commitments to occupational, parental, and marital roles differed between male and female law students. The results indicated that male law students were slightly more committed to occupational roles. We also found that male and female law students were equally committed to marital and childcare roles. Surprisingly, male and female law students reported equal self-efficacy to manage work-life conflict. Therefore, the study suggests that the decision to opt out of legal careers likely occurs more at the workplace level and is less attributed to pre-career commitment or self-efficacy levels.

# SHIFTING ATTITUDES IN THE NEXT GENERATION OF MALE LAWYERS: WILL THE KIDS BE AS IMPORTANT AS THE COURTROOM?

SHANNON R WEBB\* AND CATHERINE LOUGHLIN\*\*

## INTRODUCTION

Despite the recent increases in graduation rates of women in traditionally male-dominated careers,<sup>1</sup> women remain underrepresented in leadership positions in legal practice.<sup>2</sup> Although college-educated mothers have greater participation in the labour

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Shannon Webb has an interdisciplinary background in law and industrial relations. Shannon graduated Western University (LL.B.), Queen's University (M.I.R.), St. Mary's University (Ph.D.), and York University (LL.M.). After practicing labour and employment law in Ontario and Nova Scotia, she turned her focus to academia. She is currently a professor at Fanshawe College where she teaches university graduates in the Human Resources Management Certificate program. Her current research focuses on labour and employment law and industrial relations.

\*\* Catherine Loughlin received her Ph.D. in Industrial/Organizational Psychology from Queen's University and taught in the Queen's School of Business in 1999 before joining the Faculty of Management at the University of Toronto later that year. In 2005, she was awarded a Canada Research Chair in Management and joined the Sobey School of Business at Saint Mary's University. She is currently Associate Dean, Research and Knowledge Mobilization at the Sobey School of Business. She supervises graduate students in Management and Psychology, publishes widely, and has consulted for the Government of Canada and private industry in the areas of leadership development, work stress, and bullying. She coaches Senior Executives on leadership development at the individual and team levels and has coordinated large scale change initiatives across provinces in industries as diverse as Emergency Medical Services to Shipbuilding.

<sup>1</sup> Cynthia F Epstein, *Women in Law*, 2d ed (Urbana: University of Illinois Press, 1993) at 1959; Fiona Kay & Joan Brockman, "Barriers to Gender Equality in the Canadian Legal Establishment" (2000) 8:2 *Fem Legal Stud* 169 at 175 [Kay & Brockman].

<sup>2</sup> John Hagan & Fiona Kay, "The Masculine Mystique: Living Large from Law School to Later Life" (2010) 25:2 *CJLS* 195-226; Fiona Kay, "Integrity in a Changing Profession: Issues of Diversity and Inclusion" (Paper delivered at the Chief Justice of Ontario's Advisory Committee on Professionalism, 15 October 2005) [unpublished] at 19; Fiona Kay, Stacey Alarie & Jones Adjei, "Leaving Law and Barriers to Re-entry: A Study of Departures From and Re-entries to Private Practice", Report, (2013) *Law Society of Upper Canada* at 31 [Kay, Alarie & Adjei]; Fiona Kay & John Hagan, "The Persistent Glass Ceiling: Gendered Inequalities in the Earning of Lawyers" (1995) 46:2 *Br J Sociol* 279 at 290 [Kay & Hagan]. There have been some studies that have addressed the priorities of students in general, finding that Canadian male students were twice as likely to prioritize reaching a managerial level of employment within three years of graduation when compared to women (10 per cent versus 5 per cent): Linda Schweitzer et al, "Exploring the Career Pipeline: Gender Differences in Pre-Career Expectations" (2011) 66 *Département des relations industrielles, Université Laval* at 432. Additionally, disparities between the genders were found, at an even younger age, where female teenagers were less likely than males to regard being in charge of others as an important career ambition (22 per cent versus 37 per cent): Deborah Lynn Marlino & Fiona Wilson, "Teen girls on business: are they being empowered?" (2003) *Simmons College School of Management* at 9.

market as compared to lesser-educated mothers,<sup>3</sup> women continue to opt out of careers and the accompanying leadership opportunities. The absence of women from these positions is important because a lack of diversity, when it comes to leadership, may negatively impact the sustainability of the legal workplace.

The opt-out rates of business school graduates mirror these general trends, such that female business school graduates decide to opt out of the workplace in greater numbers than male graduates. The graduating classes from the University of Chicago Booth School of Business were studied from 1990 to 2006. Although the employment rates of men and women were similar post-graduation (92 to 94 per cent and 89 per cent, respectively), the employment rates diverged over time. Only 62 per cent of women were employed full-time after ten or more years beyond graduation. Further, only 50 per cent of women with one or more children were employed full-time. These figures contrast with the employment rates of men, where 98 to 99 per cent of men were employed full-time post-graduation. There were also differences reported in the number of hours worked by women and men with children. Women with children worked 24 per cent fewer hours than the average man. Men with children, however, worked only 3.3 per cent fewer hours than those without children.<sup>4</sup>

Women are 63 per cent more likely to completely exit the field of law as compared with men.<sup>5</sup> A longitudinal study found that women in the legal field do not receive the same level of professional recognition as men. Despite the fact that women perform at a high level in terms of high client billings and other important aspects of legal practice,<sup>6</sup> they were not receiving rewards similar to those offered to similarly achieving men in terms of partnership in a firm. Further, women who remain in the legal profession in Canada are subject to a substantial income gap. More than 60 per cent of the income gap was attributed to financial differences related to employment characteristics, such as hours of work and specialization, rather than areas such as position or type of firm/organization.<sup>7</sup> This income gap increases as women progress upwards along the career ladder.<sup>8</sup>

In response to the opt-out rate of Canadian female lawyers, studies have identified plausible contributing factors that are linked to the early turnover of women in working environments that are not conducive to the maintenance of families and

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<sup>3</sup> Pamela Stone & Lisa A Hernandez, “The Rhetoric and Reality of ‘Opting Out’: Toward a Better Understanding of Professional Women’s Decisions to Head Home” in Bernie D Jones, ed, *Women Who Opt Out: The Debate Over Working Mothers and Work-Family Balance* (New York: New York University Press, 2012) at 33.

<sup>4</sup> Marianne Bertrand, Claudia Goldin & Lawrence F Katz, “Dynamics of the Gender Gap for Young Professionals in the Financial and Corporate Sectors” (2010) 2:3 *American Economic J* 228 at 230.

<sup>5</sup> Kay, Alarie & Adjei, *supra* note 2 at 3.

<sup>6</sup> For example, the specialization status provided male lawyers more of a financial advantage than women. See Kay & Hagan, *supra* note 2 at 297.

<sup>7</sup> *Ibid* at 301.

<sup>8</sup> *Ibid* at 298.

related responsibilities. For example, legal workplaces are often not flexible enough when it comes to scheduling and job demands.<sup>9</sup> These systematic problems may result in a higher level of job dissatisfaction amongst women and contribute to the high turnover rate of female lawyers.

Generally, research in this field has not considered the issue of retention of lawyers by examining law students. The aim of this study is to begin addressing the gap in the literature by studying female lawyers, beginning at the level of law students, in order to determine if the opt-out rates may be traced to individuals' role salience prior to entering the legal labour market. The goal of this paper is to investigate the extent to which men and women are committed to various life roles—such as family or work—to differing degrees in the early stages of their careers. This study aims to join in the conversation at a time when research has begun to address the unique nature of women's careers and to study more non-traditional career paths.<sup>10</sup> If there is a disparity in the commitment to life roles between men and women at the student level, this knowledge will allow for early intervention and retention strategies to be implemented.

## I. LIFE ROLE SALIENCE AND CAREER PATHS

The Life Role Salience Scale was developed to measure the value and level of commitment that participants have toward four major life roles, including occupational, marital, parental, and homecare roles.<sup>11</sup> Examining the value placed on these roles is important when it comes to understanding an individual's self-definition and ultimate satisfaction. The level of commitment indicates the amount of time and energy that the participant intends to devote to his or her success in these roles. These expectations (in the form of value and level of commitment) are interpreted as the individuals' attitudes towards these roles. Role salience reports are found to significantly affect the career plans of young adults<sup>12</sup> and, therefore, they may provide insight into the careers of future lawyers.

This study also investigates self-efficacy because the ability to manage work-life conflict impacts a person's career plans<sup>13</sup> and job performance,<sup>14</sup> making it an important issue to address when examining the issue of women opting out of their

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<sup>9</sup> See Kay & Brockman, *supra* note 1 at 190-191 for a review of the relevant literature.

<sup>10</sup> See Monique Valcour & Jamie J Ladge, "Family and Career Path Characteristics as Predictors of Women's Objective and Subjective Career Success: Integrating Traditional and Protean Career Explanations" (2008) 73:2 *Journal of Vocational Behavior* at 300-309.

<sup>11</sup> Ellen S Amatea et al, "Assessing the Work and Family Role Expectations of Career-Oriented Men and Women: The Life Role Salience Scales" (1986) 48:4 *J Marriage & Family* 831 at 833 [Amatea et al].

<sup>12</sup> SG Niles & GE Goodnough, "Life-Role Salience and Values: A Review of Recent Research" (1996) 45(1) *Career Development Quarterly* 65 at 72 [Niles & Goodnough].

<sup>13</sup> *Ibid.*

<sup>14</sup> R Lubbers et al, "Young Workers' Job Self-Efficacy and Affect: Pathways to Health and Performance" (2005) 67(2) *Journal of Vocational Behavior* 199 at 209.

careers. In the case of student engineers, self-efficacy was found to be a precursor for subsequent student outcomes and goals. Research focusing on gender has also found that female university students are more likely than their male counterparts to anticipate that work will interfere with family and that family will interfere with work.<sup>15</sup> The women also reported lower self-efficacy in managing these conflicts as compared to men.<sup>16</sup> This paper seeks to address the existing gap in research concerning self-efficacy and law students.

## II. HYPOTHESES

This paper will argue that role commitment will differ between male and female law students. It is expected that those who are more committed to certain roles will be inclined to invest more energy and time into these roles. These differences may help to explain the disparity in the opt-out rates between female and male lawyers. Women who perceive that they have a choice about whether or not they can opt out may choose to exercise it and ultimately opt out of the legal workforce. In contrast, men may perceive themselves to have fewer options and therefore stay in the legal workforce.

### **Hypothesis 1: Male law students will report more commitment to their occupational role than female law students.**

Research has shown that men view occupation as being more important than marriage, whereas women view marriage as more important than occupation.<sup>17</sup> Therefore, it is possible that law students may follow this trend, prioritizing their roles differently by gender. In recent studies, both Lind and Daubman suggest that females under-evaluate their educational accomplishments.<sup>18</sup> In those studies, for instance, the female law students rated themselves as lower in every category of skill related to practicing law when compared to male law students.<sup>19</sup> This paper proposes that if women feel that they are less competent in these skills, it is probable that they will be less committed to their legal careers. In related research, women were found to have

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<sup>15</sup> Rachel Gali Cinamon, "Anticipated Work-Family Conflict: Effects of Gender, Self-Efficacy, and Family Background" (2006) 54 *The Career Development Quarterly* 3 202 at 207-208 [Cinamon 2006].

<sup>16</sup> *Ibid* at 209.

<sup>17</sup> LL Novack & DR Novack, "Being Female in the Eighties and Nineties: Conflicts Between New Opportunities and Traditional Expectations Among White, Middle Class, Heterosexual College Women" (1996) 35(1) *Sex Roles* 57 at 67 [Novack & Novack].

<sup>18</sup> DS Lind et al, "Competency-Based Student Self-Assessment on a Surgery Rotation" (2002) 105(1) *Journal of Surgical Research* 31 at 32-33 [Lind et al]; Kimberly A Daubman et al, "Gender and the Self-Presentation of Academic Achievement" (1992) 27 *Sex Roles* 3 187 at 193-196 [Daubman et al].

<sup>19</sup> Working Group on Student Experiences, "Study on Women's Experiences at Harvard Law School" (Cambridge, MA: 2004) at 22.

lower pre-career expectations of success than men,<sup>20</sup> which may also be linked to less career commitment.

Research indicates that women anticipate that the balancing of work and family lives will be difficult.<sup>21</sup> For instance, Fetterolf's study found that highly successful undergraduate female students expected to earn a lower salary and participate in more domestic work than their husbands.<sup>22</sup> Further, female students anticipated that employment would negatively impact the relationship with their children.<sup>23</sup> Stone and McKee found that female students grappled with the combination of future careers and family, and regarded motherhood as a "fallback position."<sup>24</sup> Women's perceptions of the impact of occupation on their home lives may encourage them to be less committed to their careers at an early stage. Correll's study additionally found that male job applicants are often financially rewarded for their parenting role from their employment.<sup>25</sup> Therefore, men may be more committed to their careers given the financial incentive that attaches to their fatherhood role.

## **Hypothesis 2: Female law students will report stronger parental role commitment than male law students.**

It remains well established that females devote more time to child care than men. For instance, in 2010, Canadian women reported spending 50.1 hours of child care per week in comparison to 24.4 hours reported by Canadian men.<sup>26</sup> DiRenzo recently found that employees in higher positions are more likely to experience work–life conflict.<sup>27</sup> The current study proposes that lawyers are frequently in these roles, and therefore, female lawyers are particularly susceptible to experience work–life conflict.

A recent survey of a Princeton class revealed that 33 per cent of men anticipated work–life conflict, whereas 62 per cent of females anticipated the same conflict. Moreover, 46 per cent of the male students anticipated their female partners to alter their career paths to accommodate children. Only 5 percent of women anticipated their

<sup>20</sup> Mary Hogue, Cathy DuBois & Lee Fox-Cardamone, "Gender Differences in Pay Expectations: The Roles of Job Intention and Self-View" (2010) 34:2 *Psychol Women Q* 215 at 219-222.

<sup>21</sup> Janell C Fetterolf et al, "Do Young Women Expect Gender Equality in their Future Lives? An Answer from a Possible Selves Experiment" (2011) 65 *Sex Roles* 83 at 89 [Fetterolf]; Linda Stone & Nancy P McKee, "Gendered Futures: Student Visions of Career and Family on a College Campus" (2000) 31:1 *Anthropology & Education Quarterly* 6789 at 74-76 [Stone & McKee].

<sup>22</sup> Fetterolf, *supra* note 21 at 88-89.

<sup>23</sup> *Ibid* at 89.

<sup>24</sup> Stone & McKee, *supra* note 21 at 81.

<sup>25</sup> Shelley J Correll et al, "Getting a Job: Is There a Motherhood Penalty?" (2007) 112 *American Journal of Sociology* 5 1297 at 1316-1317 [Correll et al].

<sup>26</sup> Statistics Canada, "Women in Canada At A Glance: Statistical Highlights" (2012) *Status of Women Canada*, online: <<http://www.swc-cfc.gc.ca/rc-cr/stat/wic-fac-2012/glance-statistical-eng.pdf>> at 6.

<sup>27</sup> Marco DiRenzo et al, "Job Level, Demands, and Resources as Antecedents to Work-Family Conflict" (2011) 78 *Journal of Vocational Behaviour* 2 305 at 311-312 [DiRenzo et al].

partners would opt out.<sup>28</sup> Cinamon (2010) found that female students were more likely to be family-oriented than male students.<sup>29</sup> This was supported by Stone and McKee, who reported that male students expected their female partners to sacrifice their career for child care.<sup>30</sup>

When examining the future, men's "provider" selves were more positively correlated with both their career and family identities; however, women's "caregiver" selves were more positively correlated with both career and family identities.<sup>31</sup> Brown and Diekman also found that when looking at the distant future, a significant negative correlation emerged for women only, suggesting that women anticipated some trade-off between their family and careers.<sup>32</sup> This research suggests that, despite the findings that men are spending more time devoted to child care,<sup>33</sup> women remain the primary partner responsible for child care. Further, male students may be hesitant about strongly committing to their family given that their careers are more heavily penalized for committing to family<sup>34</sup> than females,<sup>35</sup> and are subject to mistreatment and harassment.<sup>36</sup> Further, their family and work identities may be intertwined, given that men may view their family identity as a product of their role as financial providers.<sup>37</sup> These findings were consistent with the recent study of Greenhaus, which found that the demands of men's jobs—and the strength of both their work and family identities—were not correlated with their work hours.<sup>38</sup>

Studies that examine parenting issues suggest that men may also be less committed to their child care duties than women. Blain found that fathers regarded themselves as less capable than mothers when it came to parenting.<sup>39</sup> The current study

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<sup>28</sup> Amy Sennett, "Work and Family: Life After Princeton for the Class of 2006" (2006) *Princeton Alumni Weekly*, online: <[https://www.princeton.edu/paw/archive\\_new/PAW05-06/15-0719/features\\_familylife.html](https://www.princeton.edu/paw/archive_new/PAW05-06/15-0719/features_familylife.html)>.

<sup>29</sup> Rachel Gali Cinamon, "Anticipated work-family conflict: Effects of Role Salience and Self-Efficacy." (2010) 38 *British Journal of Guidance & Counselling* 83 at 91-92 [Cinamon 2010].

<sup>30</sup> Stone & McKee, *supra* note 21 at 76-77.

<sup>31</sup> Elizabeth Brown & Amanda Diekman, "What Will I Be? Exploring Gender Differences in Near and Distance Possible Selves" (2010) 63:7 *Sex Roles* 568 at 575-577 [Brown & Diekman].

<sup>32</sup> *Ibid* at 572-574.

<sup>33</sup> Suzanne M Bianchi, John Robinson & Melissa A Milke, *Changing Rhythms of American Family Life* (New York: Russel Sage Foundation, 2006) at 64 [Bianchi, Robinson & Milke].

<sup>34</sup> Tammy D Allen & Joyce EA Russel, "Parental Leave of Absence: Some Not So Family-Friendly Implications" (1999) 29:1 *J Applied Social Psychology* 166 at 179-180.

<sup>35</sup> Laurie A Rudman & Kris Mescher, "Penalizing Men Who Request a Family Leave: Is Flexibility Stigma a Femininity Stigma?" (2013) 69:2 *Journal of Social Issues* at 335.

<sup>36</sup> Jennifer L Berdahl & Sue H Moon, "Workplace Mistreatment of Middle Class Workers Based on Sex, Parenthood, and Caregiving" (2013) 69:2 *J Social Issues* 341 at 350-352.

<sup>37</sup> Andrew Hostetler, Stephen Sweet & Phyllis Moen, "Gendered Career Paths: A Life Course Perspective on Returning to School" (2007) 56:1 *Sex Roles* 85-103 at 93-98.

<sup>38</sup> Jeffrey Greenhaus et al, "Relations of Work Identity, Family Identity, Situational Demands, and Sex with Employee Work Hours" (2012) 80 *Journal of Vocational Behaviour* 27 at 31-32.

<sup>39</sup> Jenny Blain, "Discourses of Agency and Domestic Labour: Family Discourse and Gendered Practice in Dual-Earner Families" (1994) 15:4 *J Family Issues* 515 at 520-522 [Blain].

proposes that if men feel as though they are less capable in terms of parenting, then they are more likely to divert their energy away from parenting. Research has shown that females can engage in “maternal gatekeeping” functions, which diminish a father’s likelihood of engaging in equal parental care.<sup>40</sup>

**Hypothesis 3: Female law students will report higher marital role commitment than male law students.**

When faced with the choice of getting married or having a career, 38 per cent of females and 18 per cent of males choose marriage as a priority.<sup>41</sup> It is also noteworthy that the importance of marriage has increased for women.<sup>42</sup> Young women between the ages of 18 and 31 reported a higher “drive to marry” than men.<sup>43</sup> Men are fiscally rewarded for being married and experience a “marriage premium,”<sup>44</sup> meaning that they earn more than their single colleagues. The current study proposes that these factors predict that male law students may be less committed to marriage than female law students.

**Hypothesis 4: Male law students will report higher self-efficacy with respect to managing work–life conflict.**

In dual earning families, mothers report doing 30 per cent more housework than fathers.<sup>45</sup> Blain found that men perceived homework as a “women’s task” and, unless they were asked to help, chores would default to women.<sup>46</sup>

Women remain predominantly responsible for child care.<sup>47</sup> Given that women are more likely to be performing additional home and child care duties, they are less certain in their ability to meet the demands of their work lives. Moreover, Cinamon (2006) studied university students and found that female students demonstrated lower self-efficacy than male students regarding work interfering with family and family interfering with work.<sup>48</sup>

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<sup>40</sup> See Sarah J Schoppe-Sullivan et al, “Maternal Gatekeeping, Coparenting Quality, and Fathering Behavior in Families with Infants” (2008) 22:3 *Journal of Family Psychology* at 389-390 for a review of relevant studies.

<sup>41</sup> Novack & Novack, *supra* note 17 at 67.

<sup>42</sup> E Patten & K Parker, “A Gender Reversal on Career Aspirations,” (19 April 2012) *Pew Research Centre*, online: <<http://www.pewsocialtrends.org/2012/04/19/a-gender-reversal-on-career-aspirations>> [Patten & Parker].

<sup>43</sup> JE Blakemore et al, “I Can't Wait to Get Married: Gender Differences in Drive to Marry” (2005) 53 *Sex Roles* 327 at 333.

<sup>44</sup> ES Loh, “Productivity Differences and the Marriage Wage Premium for White Males” (1996) 31 *Journal of Human Resources* 566 at 574-576.

<sup>45</sup> MA Milkie et al, “Taking on the Second Shift: Time Allocations and Time Pressures of US Parents with Preschoolers” (2009) 88(2) *Social Forces* 487 at 501 [Milkie et al].

<sup>46</sup> Blain, *supra* note 39 at 544.

<sup>47</sup> Milkie et al, *supra* note 45 at 499.

<sup>48</sup> Cinamon 2006, *supra* note 15 at 207-209.

### III. METHODOLOGY

#### Sample

Participants in this study were law students at a large university in Eastern Canada. A total of 240 surveys were completed by participants (57 per cent of whom were female and 81 per cent of whom were Caucasian) for an estimated response rate of 48 per cent. Sixty-two per cent ( $n = 149$ ) of participants provided a date of birth. The age of these respondents ranged from 21 to 36 years of age (a mean of 26). In order to fully capture the experiences and expectations of law students, surveys were conducted in first-, second-, and third-year law classes ( $n = 89$ ,  $n = 44$ , and  $n = 107$ , respectively).

#### Procedure

Participants were recruited during class time by the primary investigator between late 2012 and early 2013. They completed a questionnaire of approximately 30 minutes in length. The questionnaire was administered in two formats: on paper or electronically via an online survey for those who had brought laptops with them to class. Confidentiality was assured and participation in the study was completely voluntary. Participants were not compensated.

#### Measures

The following variables examined in this study originate from the Life Role Salience Scales (LRSS).<sup>49</sup> Each subscale comprises the extent to which the participant is willing to devote resources to, and develop, major life roles: (1) occupational, (2) marital, and (3) parental. These variables are measured using a five-point agreement scale, ranging from “disagree” to “agree,” and are described as follows:

##### *1. Occupational Role Commitment*

The Occupational Role Commitment subscale is designed to assess commitment to work and building a career. This subscale consists of five items, having participants rate their agreement with items similar to “I want to work, but I do not want to have a demanding career (reversed).” Cronbach’s alpha<sup>50</sup> for this subscale is moderate at  $a = 0.70$  in this study.

##### *2. Parental Role Commitment*

The extent to which individuals are willing to invest resources in being a parent is captured by the Parental Role Commitment subscale, which is composed of five items

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<sup>49</sup> Amatea et al, *supra* note 11 at 833.

<sup>50</sup> Cronbach’s alpha “is an index of common-factor concentration. This index serves purposes claimed for indices of homogeneity”: LJ Cronbach, “Coefficient Alpha and the Internal Structure of Tests” (1951) 16(3) *Psychometrika* 297 at 331.

similar to “I expect to devote a significant amount of my time and energy to the rearing of children of my own.” Cronbach’s alpha for this subscale is high at  $a = 0.86$ .

### 3. *Marital Role Commitment*

Marital Role Commitment is measured by combining scores on five items, including “I expect to work hard to build a good marriage relationship even if it means limiting my opportunities to pursue other personal goals.” Cronbach’s alpha for this subscale is  $a = 0.78$ .

### 4. *Self-Efficacy for Work–Family Conflict Management Scale*

In addition to the variables measured using the LRSS,<sup>51</sup> participants’ self-efficacy regarding their ability to manage conflict between work and family roles was assessed.<sup>52</sup> Items are worded to reflect the future expectations of law students once they are practicing and established in a career. The Self-Efficacy for Work–Family Conflict Management Scale (SE-WFC) employs a ten-point agreement scale, ranging from “complete lack of confidence” to “total confidence” in response to ten items similar to “how confident are you that you could fulfill your job responsibility without letting it interfere with your family responsibilities?” Cronbach’s alpha for this scale was very high, at  $a = 0.95$ .

## IV. RESULTS

Table 1 shows the correlations between the variables. Gender was significantly correlated with Occupational Role Commitment, a variable to which men were more committed than women. The results of inferential statistics associated with t-tests are provided in Table 2. To examine whether differences within each variable existed across gender, independent samples t-tests were conducted on Occupational Role Commitment, Parental Role Commitment, and Marital Role Commitment. Only one significant difference was found: men reported higher scores on Occupational Role Commitment ( $M = 3.7$ ) compared to women ( $M = 3.4$ ),  $t = 2.99$ ,  $p = 0.003$ .<sup>53</sup> The results were not significant for Parental Role Commitment between men ( $M = 3.71$ ), and women ( $M = 3.80$ ),  $t = -0.695$ ,  $p = 0.487$  did not differ significantly. The results were not significant for the Marital Role Commitment of male law students ( $M = 4.00$ ), and female law students ( $M = 3.92$ ),  $t = 0.815$ ,  $p = 0.416$ . There was also not a

<sup>51</sup> Amatea et al, *supra* note 11 at 832-836.

<sup>52</sup> See the following studies where self-efficacy was studied: Cinamon 2006, *supra* note 15; Cinamon 2010, *supra* note 29; Kelly Hennessy & Robert Lent, “Self-Efficacy for Managing Work-Family Conflict: Validating the English Language Version of a Hebrew Scale” (2008) 16 JCA 370-383 at 373.

<sup>53</sup>  $M$  represents the mean or average. See R Russo, *Statistics for the Behavioural Sciences: An Introduction*, (New York: Psychology Press, 2003) at 23.

significant difference between the Self Efficacy to Manage Work–Life Conflict between men ( $M = 58.84$ ) and women ( $57.62$ ),  $t = 0.556$ ,  $p = 0.579$ .

## V. DISCUSSION

### **Occupational Role: Male Law Students are Slightly More Committed than Female Law Students**

Given that women opt out of the legal profession at a greater rate than men, men may be more committed to their occupational role, whereas women may be more committed to their marriage and family roles. This study begins to decipher whether these commitments are pre-existing differences between male and female lawyers, or whether they emerge later in the legal career.

The results revealed that men were—although only marginally—more committed to their occupations than women. Therefore, hypothesis one is accepted: male law students report more commitment to their occupational role than female law students. However, it is noteworthy that the differences are only marginal. These results imply that, at the student level, female students are slightly less committed to their career. The differences may be attributed to the awareness of non-flexible work conditions and family friendly policies that may dissuade female students from matching the role commitment reported by male students.<sup>54</sup>

### **Parental Roles: Male and Female Law Students Equally Committed**

In contrast, hypothesis two was not supported: female law students did not report stronger parental role commitment than male law students. The results revealed that men and women were equally committed to their parental roles. Although the current literature consistently finds that women commit to parental responsibilities more than men, it is possible that men are becoming more committed to their future parenting roles. Research demonstrates that men spend more time on child care than they had previously—time spent addressing child care has tripled (from 2.65 to 6.5 hours per day) between 1965 and 2000, with most of the increase occurring after 1985.<sup>55</sup> Further, this finding is consistent with the general trend that men now demand more work–life balance than they had in the past. For instance in a sample of men and women with children twelve years old and younger, between 1998 and 2010, men have increased the amount of time spent doing unpaid work by 15 minutes per day and decreased the

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<sup>54</sup> For a more elaborate discussion of the factors contributing to differences in commitment to occupational roles, see the section titled “Introduction.”

<sup>55</sup> Bianchi, Robinson & Milke, *supra* note 33 at 64.

amount of time working by 14 minutes.<sup>56</sup> However, the disparity of time addressing daily child care needs persists as women with children spend more than 6.5 hours per day performing child care duties, whereas men spend slightly more than three hours per week on the same tasks.<sup>57</sup>

Provided that children are regarded as a component in work–life balance, it may be that men are less willing to subjugate their families to their careers than in the past. A recent Canadian study supports the trend that women and men may not be dramatically different in their commitment to caregiving roles.<sup>58</sup> The study revealed that, compared to men, more women were found to be the primary caregiver of a family member (which was not restricted to children). The results, however, revealed that women reported an average of four hours of caregiving a week and men reported three hours of caregiving. Although these results report near-equivalent caregiving duties, women were more likely to spend more than 20 hours per week providing caregiving for others.<sup>59</sup>

Another factor that may lead to surprising results in this sample was the fact that Canadian men and women enjoy richer maternity and parental benefits compared to their counterparts in the United States, where many of the existing studies have been performed. Parents in Canada have the combined right to one year of leave from work to spend with their offspring. In fact, the average mother took 44 weeks of statutorily entitled leave in Canada. Further, 13 per cent of men engaged in some parental leave.<sup>60</sup>

### **Marital Role: Male and Female Law Students Equally Committed**

Men and women in this study were equally committed to their marriage roles and, therefore, hypothesis three is also rejected. This finding is supported by a recent study by Patten and Parker (2012) that interviewed over one thousand participants and found that men and women rated having a successful marriage as a greater concern than career success.<sup>61</sup> However, in Patten and Parker’s (2012) study the men did not rank family as highly as their female counterparts. Interestingly, it was found that the law students in their upper years were less committed to their marital role. These results appear to be counterintuitive to the general public, since it would be anticipated that upper-year students are older and therefore more likely to marry. However, an increased

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<sup>56</sup> The unpaid work includes housework-related activities and social support, community involvement, and volunteering. See Statistics Canada, “General Social Survey – 2010 Overview of the Time Use of Canadians”, (Ottawa: Statistics Canada, 2011) at 30 [General Social Survey].

<sup>57</sup> *Ibid* at 12.

<sup>58</sup> Maire Sinha, “Portraits of Caregivers, 2012” (2013) *Statistics Canada*, online: <<http://www.statcan.gc.ca/pub/89-652-x/89-652-x2013001-eng.pdf>> [Sinha].

<sup>59</sup> *Ibid* at 10.

<sup>60</sup> Leanne C Findlay et al, “Leave Practices of Parents after the Birth or Adoption of Young Children” (27 November 2015) online: <<http://www.statcan.gc.ca/pub/11-008-x/2012002/article/11697-eng.htm>> at 6.

<sup>61</sup> Patten & Parker, *supra* note 42 at 5.

familiarity with the practice of law may account for this trend: as students progress in their law school career, they may become more aware of the sacrifices that will be required in order to succeed in a legal career. Further, many upper-year students may have prior work experience in a legal setting, providing them with direct exposure to the challenging workplace environment.

### **Self-Efficacy to Manage Work–Life Conflict: Equal in Male and Female Law Students**

Contrary to hypothesis four, male and female law students were also equal in their perceived abilities to manage future work–life conflict. This is an interesting shift from previous research, which has found that females report lower self-efficacy in this area.<sup>62</sup> These results may reveal a shift in the perception of female law students. If so, this shift would imply potential positive future careers for these women, given that self-efficacy is a powerful influence on related successes<sup>63</sup> and role-related stress.<sup>64</sup>

This finding may be representative of law students as a product of dual income families. In prior decades, there were not as many working mothers.<sup>65</sup> However, in the sample for this study, the average age was 26 years, and many participants grew up with both parents working outside the home. The female law students may also approach their families differently by adopting strategies that allow them to prepare for the demanding life involving both a professional career and children. For instance, women now have fewer children than in the past. In 1971, the generational replacement rate in Canada was 2.1 children per woman. This rate has consistently fallen over time. In 2009, the replacement rate was 1.7 children born per woman in Canada.<sup>66</sup> It is possible that the drop in the birth rate is partially due to women recognizing that more children result in an increased dropout rate.<sup>67</sup>

Further, men who are the product of a dual income childhood are more likely to participate in housework as an adult.<sup>68</sup> This is further supported by the results of a survey that found that younger men rated “having time to spend time with my family” was very important to them, whereas older workers were focused on “doing work which

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<sup>62</sup> Cinamon 2006, *supra* note 15 at 202.

<sup>63</sup> Niles & Goodnough, *supra* note 12 at 72.

<sup>64</sup> Carol Erdwins et al, “The Relationship of Women's Role Strain to Social Support, Role Satisfaction, and Self-Efficacy” (2004) 50 *Interdisciplinary Journal of Applied Family Studies* 3 230 at 233-236.

<sup>65</sup> Thomas P Boje & Arnlaug Leira, eds, *Gender, Welfare State, and the Market: Towards a New Division of Labour* (London, UK: Routledge, 2000); Barbra Hobson & David Morgan, “*Making Men into Fathers: Men, Masculinities and the Social Politics of Fatherhood*” (Cambridge: Cambridge University Press, 2002) at 35.

<sup>66</sup> Anne Milan, “Fertility: Overview, 2009 to 2011”, (2013) *Statistics Canada*, online: <<http://www.statcan.gc.ca/pub/91-209-x/2013001/article/11784-eng.htm>> at 2.

<sup>67</sup> Harvard Business School, *Life and Leadership After HBS: A Preview of Findings* (Boston, MA: 2013) at 9.

<sup>68</sup> Sanjiv Gupta, “The Consequences of Maternal Employment During Men's Childhood for their Adult Housework Performance” (2006) 20:1 *Gender & Society* 60-86 at 67.

challenges me to use my skills and abilities.”<sup>69</sup> These findings support men and women having similar results in perceived self-efficacy to manage work–life conflict.

This study is unique in that it attempts to understand trend of lawyers opting out of their legal careers prior to entering the profession. In fact, contrary to initial expectations, men and women were equally committed to their work and family roles. Therefore, these results suggest that the decision to opt out appears to be determined later in the career trajectory, as opposed to being due to differing values prior to entering the profession. Herr and Wolfram’s research supports this assertion, given that work environments were found to contribute to opt-out decisions amongst women.<sup>70</sup> Simon found that men’s and women’s feelings about combining work and family differed.<sup>71</sup> Whereas women felt that employment prevented them from fulfilling nurturing roles, men felt that employment was essential to fulfilling their family roles. Further, combining these multiple roles resulted in negative feelings among women with respect to their adequacy as a parent and spouse. The opposite relationship was found for men, who reported positive self-evaluations and feelings of self-worth when combining roles.<sup>72</sup>

Mainiero and Sullivan describe women as adopting a “kaleidoscope model” towards their careers, since they make career decisions based on a number of interconnected issues.<sup>73</sup> Under this model, women rotate their focus on different areas of their lives to arrange and interpret their roles in new ways. While rotating their focus, the women recognized that each career-related decision might have long-lasting effects on their family members. This research supports the suggestion that female lawyers opt out in response to pressure that occurs at the workplace level. Female law students may not yet be exposed to the multiple relevant expectations when confronting these conflicting goals.

Another factor that may explain the differences between men and women’s opt-out rates is the fact that women may expect more opportunities to use flexible and family-friendly policies. In this context, flexibility refers to the parameters of a workplace, such as leaving for family caregiving or working non-standard times. Family-friendly policies are more formal workplace measures such as paid maternity and parental leave. Research demonstrates that flexibility and family-friendly policies

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<sup>69</sup> Paula Rayman et al, “Life’s Work: Generational Attitudes toward Work and Life Integration” (2000), Radcliffe Public Policy Centre in Sheryl Sandberg, “Lean In: Women, Work, and the Will to Lead” (New York: Alfred A. Knopf, 2013) at 118-122.

<sup>70</sup> Jane Herr & Catherine Wolfram, “Work Environment and ‘Opt-Out’ Rates at Motherhood Across High-Education Career Paths” (2012) 65:4 ILR Review 928-950 at 949 [Herr & Wolfram].

<sup>71</sup> Robin W Simon, “Gender, Multiple Roles, Role Meaning, and Mental Health” (1995) 36:2 Journal of Health and Social Behaviour 182 at 187-190 [Simon].

<sup>72</sup> *Ibid* at 185-190.

<sup>73</sup> LA Mainiero & SE Sullivan, “Kaleidoscope Careers: An Alternate Explanation for the ‘Opt-Out’ Revolution” (2005) 19(1) The Academy of Management Executive 106 at 111 [Mainiero & Sullivan].

reduce absenteeism and turnover in the workplace.<sup>74</sup> In the case of female lawyers, workplaces are less likely to support these policies for a variety of reasons. First, flexibility is hampered by key job duties, such as court attendance and client meetings, which are virtually impossible to work around. Further, it is possible that the culture in law firms dissuades women from using these policies.<sup>75</sup> However Blair-Loy and Wharton found that women with children were, not surprisingly, more likely than males to use these work-and-family-friendly policies.<sup>76</sup>

It is also possible that once a woman is established in her career, and experiences the demands on family-associated resources, she may change her priorities. Although women may be equally committed to their careers, inner conflicts may result in significant drop-out rates. Traditional attitudes regarding marital obligations and deference to a partner's career may override a woman's own career-oriented goals.<sup>77</sup> Further, when faced with dual careers, women may reduce their hours worked to accommodate their husbands' careers. As a result, they may no longer be able to attain their goals of being an ideal worker due to conflicting expectations to be both the ideal homemaker and ideal employee. These women may opt out of their careers when faced with the inability to meet these conflicting expectations.<sup>78</sup> Although a partner's long work hours increase a woman's likelihood of opting out of her career, the same is not true for males. Furthermore, the pattern of opting out was found to be more prominent among professionals, where trends of overworking and intensive parenting are common.<sup>79</sup>

## VI. LIMITATIONS

There are a number of limitations to this study. First, the study focused on Canadian law students; therefore, it is possible that the results are not generalizable across different countries. The current literature has addressed the law in different cultures, including Australia,<sup>80</sup> the United Kingdom,<sup>81</sup> and India.<sup>82</sup> It is possible that the

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<sup>74</sup> JP Meyer & N Allen, *Commitment in the Workplace: Theory, Research and Applications* (Thousand Oaks: Sage Publications, 1997) at 79.

<sup>75</sup> Karin Jurczyk, "Time in Women's Everyday Lives: Between Self-Determination and Conflicting Demands" (1998) 7:2 *Time Soc* 283-308 at 299-300.

<sup>76</sup> Mary Blair-Loy & Amy S Wharton, "Employees' Use of Work-Family Policies and the Workplace Social Context" (2002) 80 *Social Forces* 813 at 825-828 [Blair-Loy & Wharton].

<sup>77</sup> Novack & Novack, *supra* note 17 at 64-69.

<sup>78</sup> Youngjoo Cha, "Reinforcing Separate Spheres the Effect of Spousal Overwork on Men's and Women's Employment in Dual-Earner Households" (2010) 75 *American Sociological Review* 2 at 303 [Cha].

<sup>79</sup> *Ibid.*

<sup>80</sup> Adele J Bergin & Nerina L Jimmieson, "Explaining Psychological Distress in the Legal Profession: The Role of Overcommitment" (2013) 20:2 *Intl J Stress Management* 134.

<sup>81</sup> Janet Walsh, "Not Worth the Sacrifice? Women's Aspirations and Career Progression in Law Firms" (2012) 19:5 *Gender, Work and Organization* 508.

<sup>82</sup> S Pillai & AK Sen, "Work and Family: A Psychosocial Study of Dual Career Women" (1998) 25:2 *Indian Journal of Clinical Psychology*.

results of our study will not be suitable to generalize with distinct cultural and educational characteristics. Some existing research has addressed life role salience in dual income households,<sup>83</sup> and developing it in reference to lawyers would be a welcome addition to this field of literature. Second, gender was measured dichotomously. Although gender is most often assessed as a dichotomous, socio-demographic variable in studies of women in leadership,<sup>84</sup> gender is more complex than a simplistic socio-demographic variable; instead, it is multidimensional.<sup>85</sup> Therefore, future research should address facets such as gender-role identity, gender role-traits, attitudes, and values,<sup>86</sup> as well as social norms.<sup>87</sup> Third, the current study is based on a very traditional assumption regarding the relationship between males and females and traditional gender roles. An analysis of same-sex couples may reveal different results, given that there are disparities in areas that may impact the results such as housework where same-sex partners report sharing household tasks more equally.<sup>88</sup>

## VII. IMPLICATIONS FOR FUTURE RESEARCH

Although research has addressed the retention of lawyers using a longitudinal study design,<sup>89</sup> the literature has not followed these professionals from the beginning of their law school education<sup>90</sup> through their professional careers. The research in this study provides an opportunity to study lawyers during their entire legal career and further provides opportunities to explore interventions to assist with career-retention.

Future studies should attempt to examine the issue from a cross-cultural perspective, including studying law students outside Canada. Additional areas that deserve attention include individual and job-related variables (performance-based self-esteem). It is suggested that future areas look at other occupations and compare the

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<sup>83</sup> Anita Bosch et al, "Life Role Salience Among Black African Dual-Career Couples in the South African Context" (2012) 23:14 Intl J Human Resource Management 2835 at 2840.

<sup>84</sup> Alice H Eagly et al, *Through the Labryinth: The Truth About How Women Become Leaders* (Boston: Harvard Business School Press 2007) at 35; Alice H Eagly et al, "Role Congruity Theory of Prejudice Toward Female Readers"(2002) 109 Psychological Review 3 at 573-598.

<sup>85</sup> Karen Korabik, "Sex and Gender in the New Millennium" in Gray Powell, ed, *Handbook of Gender and Work* (California, Thousand Oaks, 1999) 1 at 8.

<sup>86</sup> Sandra Lipsitz Bem, *The Lenses of Gender: Transforming the Debate on Sexual Inequality* (Boston, MA: Yale University Press, 1993) at 124-126.

<sup>87</sup> Alice H Eagly, *Sex Differences in Social Behaviour: A Social-Role Interpretation* (Hillsdale, NJ: Lawrence Erlbaum, 1987) at 14.

<sup>88</sup> LA Peplau & LR Spalding, "The Close Relationships of Lesbians, Gay Men and Bisexuals" in Clyde A Hendrick and Susan S Hendrick, eds, *Close Relationships: A Source Book* (Thousand Oaks: Sage Publications, 2000) at 117; Sondra E Solomon, Esther D Rothblum & Kimberly F Balsam, "Money, Housework, Sex, and Conflict: Same-Sex Couples in Civil Unions, Those Not in Civil Unions, and Heterosexual Married Siblings" (2005) 52:9-10 Sex Roles 561 at 565.

<sup>89</sup> See Kay, Alarie & Adjei, *supra* note 2.

<sup>90</sup> Future research may focus on this millennial cohort of lawyers to investigate if there are unique trends in current law school graduates and lawyers.

results with other fields where women make greater career progress (e.g., academia) or fare poorly (e.g., engineering, accounting). Lastly, addressing some of the shortcomings of the current study by examining same-sex couples and gender as a continuous variable will strengthen the research in this area.

## VIII. CONCLUSION

This study found surprising results, such that male and female law students were equally committed to child care and marital commitment. However, men reported a marginally stronger commitment to their occupational roles. It is interesting that men and women were equal with regard to commitment to their roles in marriage and child rearing at the early stages of their careers. It will be exciting to note the trajectory of these differences as men and women progress through the ranks of their legal careers. Studying these differences may assist in building a diverse and sustainable leadership pool in the future of the legal profession.

**Table 1***Descriptive Statistics and Correlations for Key Study Variables*

	<i>M (SD)</i>	Gender	Age	Year of Study	O.R.C.	P.R.C.	M.R.C.	SE-WFC
Gender	1.6 (.50)		-0.03	0.04	-0.20*	0.03	-0.07	-.05
Age	26.0 (2.67)			0.19*	0.16	-0.05	-0.19*	-.00
Year of Study	2.1 (.90)				0.04	-0.06	-0.10	
Occupational R.C.	3.4 (.50)					0.01	0.08	.31*
Parental R.C.	3.8 (.90)						0.40*	.22*
Marital R.C.	3.0 (.43)							.16*
SE-WFC	58.0 (16.00)							

*Notes.* Sample sizes ranged from  $n = 148$  to  $n = 237$  due to missing data, especially in the Age variable. For gender, 1 = men and 2 = women. The Role Commitment variables are denoted by R.C. \*  $p < .05$ .

**Table 2***Inferential Statistics*

		<i>N</i>	<i>M</i>	<i>t</i>	<i>p</i>
Occupational R.C.	Men	94	3.66	2.991*	.003
	Women	127	3.39		
Parental R.C.	Men	94	3.71	-.695	.487
	Women	127	3.80		
Marital R.C.	Men	94	4.00	.815	.416
	Women	127	3.92		
SE-WFC	Men	93	58.84	.556	.579
	Women	125	57.62		

*Notes.* Equal variances assumed. \*  $p < .05$ .