

WHEN THERE ARE 2.52?

by Lindsey M. Mead and Olivia K. Reid

Introduction

In 2023, only 37.8% of attorneys in the State of Michigan were women.[1],[2] The remaining 62.2% - the majority – were men. Unfortunately, this reality is consistent with the national average as women accounted for only 41% of attorneys in 2024.[3] However, there is hope in sight. In November 2024, the American Bar Association ("ABA") reported that the majority of law students were women, representing 56.2% of the total student population.[4] This statistic begs the question that if women are crowding law school classrooms in higher numbers, why have we not seen a greater shift in the demographic composition of attorneys, at both the state and national level?

The answer could lie in the fact that women are not seeing a way up in the legal profession. This means that women are not traditionally moving into high-level leadership positions, becoming partner, or receiving annual compensation increases commensurate with their male counterparts who bring the same experience and value to their respective firms.

According to Crain's 2025 "Largest Law Firms in Michigan" study ("Crain's List"), only 14 out of the 50 top law firms identified – a mere 28% - reported that their top executive in the State of Michigan was a woman.[5] This fact exists despite the State Bar of Michigan reporting that the gender distribution among Michigan attorneys has been steadily balancing over the last ten years.[6] This disparity in women leadership is not unique to Michigan attorneys. A 2023

study revealed that while women account for 50% of attorneys at the associate level, they represent only 27.76% of partners at the major national law firms surveyed.[7] The juxtaposition of these statistics highlights a stark reality: while women are entering law school and joining the legal profession, they are not advancing in the corporate law firm landscape.

Another harsh reality is the fact that – according to a 2022 study – women in partnership positions earn approximately 44% less than male partners.[8] Similarly, statistics assessing Michigan-based attorneys in 2023 revealed that among full-time private practice attorneys, men earned approximately 50% more than women in the same career category.[9]

Ruth Bader Ginsburg's iconic remark, "When there are nine," was a powerful call to action for attorneys everywhere advising both the legal community and the nation at large that true equality is reached only when women are fully present at every level of leadership, including the Supreme Court.[10] However, true parity – at least in the context of law firms – remains far off in the distance. Applying Justice Ginsburg's vision of nine out of nine, female attorneys would currently occupy a mere 2.52 of those nine seats. This eye-opening statistic highlights – at least as it pertains to corporate legal leadership – just how far the legal profession is from equal representation and gender equality.

How can we – as female attorneys – raise the current 2.52 occupancy ratio to Justice Ginsburg's vision of nine out of nine, or – at the very least – to a more balanced gender representation? The answer lies in closely examining partnership trends, addressing compensation inequities, and adopting effective programs that support and advance women in Michigan law firms.

Law Firm Leadership

As referenced above, Crain's List revealed that women hold the top executive position at a mere 14 out of the of the 50 leading law firms across the state of Michigan.[11]

We examined the number of women who have reached senior level positions.[12] Specifically, we looked at those designated as "partners" or equivalent positions at the top 10 largest law firms in Michigan, according to Crain's List.[13] From these findings, we determined the median representation of women partners in Michigan-based offices across these firms. We have chosen not to disclose the name of each specific law firm, recognizing that the available data may be incomplete or may not accurately reflect the circumstances of individual organizations.[14] Instead, these figures illustrate a broader national trend, highlighting the underrepresentation of women in leadership positions within law firms. The following table shows the total number of men and women serving as partners in the relevant firm's Michigan offices:



Among the Michigan-based offices, Law Firm No. 5 has the highest percentage of women partners at 37.07%, while Law Firm No. 10 has the lowest with 22.22%. What are the main factors contributing to the underrepresentation of women in leadership positions, including executive roles and the advancement from associate to partner in law firms? Studies suggest that – unlike their male counterparts – the desire to achieve work-life balance often negatively impacts opportunities for women to advance into leadership roles within the legal profession.[15]

In a study from 2020 titled "Men and Women of the Bar: A Second Look at the Impact of Gender on Legal Careers" (the "2020 Study"), researchers who analyzed statistics from graduates of the University of Michigan Law School found that "commitment to childcare and balancing work and family was THE primary dividing line in the career experiences of men and women" attorneys.[16] The 2020 Study revealed that attorneys who identified as men who had children and participated in their kids' childcare worked more hours than their women counterparts who had kids, irrespective of whether the women participated in their family's childcare.[17] Instead, women attorneys often worked fewer hours and chose opportunities that facilitated and accommodated childcare, thus earning less money and enjoying less career advancement to strive for a more balanced work-family dynamic.[18] Scholars have recognized that having children had a positive effect on partnership for lawyers all around, but the work-family balance reduced women's – but not men's – partnership probabilities at law firms.[19] This is supported by data from the 2020 Study which shows that women who paused their careers for childcare were 40% less likely to achieve partnership.[20]

However, it is insufficient to simply conclude that women are denied partnership opportunities solely because they are more likely to interrupt their legal careers to prioritize family obligations; the same 2020 Study found that women attorneys who returned to private practice after taking time away for family reasons earned significantly less and were significantly less likely to become partners "even after correcting for a variety of other important

variables."[21] The answer to why women are not advancing in their legal careers at the same rate as men involves more than the simple claim that women choose to work less because of familial responsibilities.



It is then not shocking to deduce that women are not seeing a way up in the profession. Women attorneys are either leaving law firms before partnership decisions are made (due to a variety of factors, which likely include a strive for a work-life balance) or staying stuck in "associate," "of counsel," or "senior attorney" positions at disproportionate rates compared to male attorneys.[22] With these lower-level roles available to women in their law firms comes a larger pay discrepancy between men and women attorneys, accordingly.

Attorney Compensation Disparity Between Women and Men

In the United States, male partners at law firms earn 56% more than women according to compensation data from 2020.[23] Though the data is approximately six years old, Michigan trends from only three years prior reflect a very similar reality.

The State Bar of Michigan's *2023 Economics of Law Report* compiled attorneys' reported gross income by gender and full-time or part-time status based on whether such attorneys worked in private or non-private practice.[24] Women attorneys working full time for a private practice firm averaged an annual salary of $150,000.[25] Comparatively, male attorneys in private practice working full time received a median salary of $225,000 annually.[26] One of the reasons for this wage gap is because studies have shown that women's billing rates are significantly less than their male colleagues, thus resulting in women having lower production while working the same full-time hours as men.[27]

A 2014 study conducted by the National Association of Women Lawyers ("2014 Study"), reviewed billing invoices from more than 3,000 law firms nationwide and discovered that invoices submitted by women associates and partners were more frequently reduced or discounted after billing compared to those of their male counterparts in both positions.[28] The 2014 Study further found that women face bias when they are analyzed in performance evaluations that, whether intentionally or unintentionally, focus on subjective factors, such as personality, rather than solely focusing on objective, performance-based factors such as billing.[29] These national findings help us to make sense of why women attorneys in Michigan are experiencing a wage gap despite entering law school and being employed at similar rates as men.

Attorney Placement Disparity Between Men and Women

The State Bar of Michigan's 2023 Economics of Law Report also found non-private practice trends in compensation differed between men and women- where male attorneys working full time were paid $132,000, their women counterparts were paid, on average, $108,530 for the same work.[30] In total, male attorneys earn about 21.6% more than women in non-private practice work.[31] This showcases that a pay gap between men and women lawyers persists, regardless of whether they work in private or non-private practice settings.



It is generally recognized that attorneys in private practice tend to earn more than those who practice in the public or other non-private sector, regardless of gender. The 2020 Study found that "men are more likely to enter and remain in the relatively higher-paying private practice, while women are more likely to enter and remain in corporate counsel work, public interest work, and education."[32] This observation is not intended to diminish the value or importance of non-private practice roles, which play a vital part in the legal profession and society; rather, it underscores a broader systemic issue related to women attorneys' ability to achieve a pay balance. Women law school graduates are more likely to pursue non-private practice careers, which typically offer lower compensation, compared to their male counterparts seeking private practice roles.[33] As a result, their average income post-graduation is 93.6% that of men, and this gap widens to 82.8% over the first five years of practice as men's careers advance at a higher rate than women's.[34] Recognizing these disparities is an important step in understanding the challenges women face in achieving pay equity across different career paths within the legal field, both in non-private practice and private practice.

This discrepancy between private vs. public or other non-private practice could also be the fault of the infamous billable hour corporate law firms impose compared to non-private practice organizations. More often than not, discretionary bonuses based on billable hours, origination credit, and book of businesses are valued more highly in private practice legal settings. The persistent challenge of work-life balance faced by women attorneys – especially when compared to their male colleagues – underscores this divide. As noted in the 2020 Study: "The need to compensate those who work the most hours with income and promotion sets up an obstacle to income and advancement for those who undertake significant child-care responsibilities, primarily women."

[35] Moreover, as the 2014 Study emphasized, if women are having their actual time worked reduced or discounted at higher rates than men in private practice law firms – even when they are contributing just as many hours as their male colleagues – it raises serious questions about the motivation for women to remain in these environments.[36]

Proposed Solutions

Our research has identified four key factors driving the career gap between men and women lawyers. Based on these four factors, we propose the following actionable changes Michigan law firms can implement into their policies today to support and advance their women attorneys:

1. *Conduct Pay Equity Analysis to Ensure Attorneys are Billed at Equal Rates.*

Our analysis has shown that women may be billed at lower rates than men, making it more difficult for women to meet their law firm's annual production requirements. To ensure that women attorneys are billing at an hourly rate that accurately reflects their legal expertise, Michigan law firms should conduct annual internal pay equity analyses. This analysis would disclose where the hourly rate gaps are present within the company and allow for law firm management to increase rates as needed on a more personal basis. Ensuring women attorneys bill at the value they deserve creates a win-win: it helps them meet their production goals and to move up the career ladder while increasing the firm's total revenue.

2. *Conduct Evaluations on a Bi-Annual Basis in Accordance with Objective Evaluation Procedures.*

Our analysis has revealed that women lawyers are more likely to be evaluated based on subjective factors than their male counterparts. Evaluations are an important aspect of the internal structure of law firms which dictates when and how attorneys advance into leadership roles. Therefore, evaluations need to be predominately conducted on an objective only basis.



To ensure evaluations are not conducted unfairly and subjectively, Michigan law firms can implement an evaluation procedure that keeps the discussion during these meetings focused on numbers, client feedback, hours, and production. We also suggest a member of the firm's human resources team be present during all evaluations to ensure such procedures are properly followed for both men and women employees. It is well known that evaluations can feel like a "check the box" meeting where no fruitful information is discussed.

By implementing objective based-focused evaluation guidelines with the support of a human resources represent-

ative, evaluations will have much more meaning and be more fairly conducted, regardless of gender.

However, we are not suggesting subjective variables should not be considered during employee evaluations. Instead, we emphasize the importance of equality in the evaluation process. Assessment of soft variables such as personality should be given the same consideration and weight for both male and female attorneys. By prioritizing objective, measurable criteria over intangible factors, law firms can ensure that evaluations are based on tangible achievements rather than subjective impressions for all attorneys regardless of gender. If the course and scope of an evaluation is directed by objective guidelines and other non-subjective parameters, there is a lesser chance of bias or inconsistent standards influencing outcomes. This will ultimately result in a more equitable advancement system for both men and women.

3. *Audit Non-Invoiced Hours and Implement a Non-Invoiced Billed Hours Policy.*

A pitfall of being an associate attorney or other lawyer who is not managing the client file is that the non-managing attorney is unable to control what billable hours are invoiced to the client. This lack of control has a disproportionately negative impact on women attorneys as opposed to male attorneys. To review if this discrepancy is present within their own business, Michigan law firms can implement audits of non-invoiced billed hours. Through this audit, the firm will be able to detect where hours are being cut and if there is a correlation between the gender of the attorney and the hours cut. Inclusion of this audit procedure will allow law firms to ensure that non-invoiced hours are not being unfairly deducted from client's bills based on gender alone.

It is also well known that billed hours are often not invoiced to the client without any notice given to the non-managing attorney who billed the hours, or a documented reason why such time was cut. This further reduces the control non-partner attorneys, who are mostly women, have on meeting their production goals. Therefore, Michigan law firms should consider implementing a Non-Invoiced Billed Hours Policy that requires billing attorneys to document the reason for reducing an attorney's time spent on a project when the amount reduced exceeds a certain threshold, like one hour of billable time.



Such a policy would work in conjunction with an audit procedure policy because it would allow the firm to review why hours are being reduced. If the firm can discern an inappropriate pattern for the reduction in time that has no proper

correlative reason, it knows it needs to step in to ensure all attorneys' hours are properly billed no matter the gender of the attorney who completed the work.

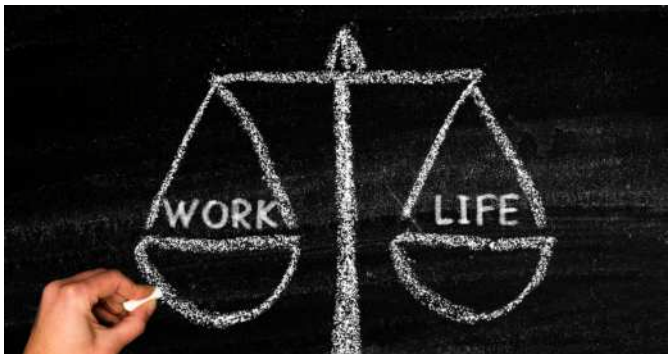
4. *Women Struggle to Re-Enter the Legal Field After Leaving for Family Care*.

When a woman leaves the practice of law or otherwise reduces her hours to accommodate familial demands such as child rearing or caring for an elderly parent, it is much more difficult for her to return to her legal career and achieve the same advancements that she could have previously enjoyed. Women often find themselves in a predicament where their firm's acceleration track is reliant on objective numbers of hours billed and clients retained, which understandably reduce when women are working less due to an increase in their familial duties.



Michigan law firms can support these women attorneys – and other individuals working reduced hours due to familial or other obligations – by creating a reduced-hour partnership track with an accompanying commensurate billing structure that will accommodate those individuals – both women and men – who work less hours than the firm's average. The reduced-hour and billing partnership track creates a system in which these attorneys have the same advancement opportunities as any other attorney at the same firm; however, achievement will be over a longer period of time.

This could look like lowering the number of annual billable hours per year but requiring that the set lower billable figure be met for a certain number of years in a row. This creates an opportunity for women to become law firm partners while also fulfilling their family duties, which are often temporary when childcare needs subside. Furthermore, many Michigan law firms have already implemented remote work options.



Continuing this trend towards flexible, hybrid work options is another way Michigan law firms can readily amend their policies to support their women attorneys. These shifts to prioritize a work-life balance benefit not only women attorneys, but male attorneys who will take a central role in the care of their families. It signals to both men and women attorneys that a firm will not hold-back the career growth potential of an associate solely based on a (likely) temporary variable in their life.

Conclusion

If we are not ready to resign ourselves to "when there are 2.52" being enough, we have to work towards implementing solutions that will lead to a future of there being nine out nine women partners. Achieving true gender equity in Michigan law firms requires a conscious commitment to change at every level, from pay equity analyses and objective evaluation procedures to transparent billing practices and flexible career tracks. By annually reviewing compensation, leadership mobility, and billing practices and rates, private practice firms can ensure women attorneys are valued for their expertise and contributions just as much as their male counterparts.

Ultimately, striving for a future where all partnership positions could be filled by women if they are the most qualified – without arbitrary limits or systemic barriers – should be the goal. By refusing to settle for incremental progress, and instead embracing bold reforms, Michigan law firms can pave the way for genuine equality, where every attorney has an equal opportunity to reach the top, regardless of gender.



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Olivia is deeply committed to advancing women's rights, championing diversity initiatives, and promoting equity and inclusion within the legal profession and beyond.

[1] Please note: While the studies referenced in this article primarily focused on binary gender categories (women and men), we recognize and respect that gender exists on a spectrum. We are committed to inclusivity and acknowledge that nonbinary individuals and those with other gender identities may have experiences that differ from those discussed here.

[2] *State Bar of Michigan Releases 2023 Attorney Demographics Report*, State Bar of Michigan, Nov. 6, 2023, https://www.michbar.org/News/NewsDetail/State-Bar-of-Michigan-Releases-2023-Attorney-Demographics-Report?nid=5997#:~:text=The%20majority%20of%20Michigan%20attorneys,%2C%20or%20%E2%80%9Cno%20answer.%E2%80%9D.

[3] *Demographics*, American Bar Association, https://www.americanbar.org/news/profile-legal-profession/demographics/.

[4] *New ABA report spotlights rise of women in the law*, American Bar Association, Nov. 18, 2024, https://www.americanbar.org/news/abanews/aba-news-archives/2024/11/new-aba-report-spotlights-rise-women-in-law/.

[5] *Largest Law Firms in Michigan – Ranked by number of attorneys in Michigan as of January 2025*, Crain's Grand Rapids Business, https://www.crainsgrandrapids.com/data-center/699/largest-law-firms-in-michigan/.

[6] *State Bar of Michigan Releases 2023 Attorney Demographics Report*, *supra* note 2.

[7] Nikia L. Gray, *2023 Report on Diversity in U.S. Law Firms*, Jan. 2024, https://pghlegaldiversity.org/wp-content/uploads/2024/01/2023-NALP-Report-on-Diversity-Final.pdf.

[8] Joan C. Williams, *Male Partners Get Paid More Than Female Partners–Lots More*, Bloomberg Law, June 9, 2022, 4:00 AM EDT, https://news.bloomberglaw.com/business-and-practice/male-partners-get-paid-more-than-female-partners-lots-more.

[9] *2023 Economics of Law Report, State Bar of Michigan*, https://www.michbar.org/file/pmrc/pdfs/EoL_Report23.pdf.

[10] THE NOTORIOUS RBG, Commission on the Status of California Women & Girls, https://women.ca.gov/the-notorious-rbg/.

[11] *Largest Law Firms in Michigan – Ranked by number of attorneys in Michigan as of January 2025*, *supra* note 5.

[12] Please note we acknowledge this data has limitations, as the figures were self-calculated at the time this article was drafted and have likely since changed.

[13] Note that some law firms refer to "partners" as "members", "principals", "shareholders", and other equivalent terms. However, we use the term "partner" to represent all such positions in this article. Moreover,

we used information available on each firm's website, which we understand may not always be timely or reflective of the entire population of working attorneys at each firm.

[14] For example, we focused our search on attorneys' positions within their firms and Michigan-based offices. However, several factors complicated the process: some attorneys appear in multiple locations and are therefore counted more than once in partner lists; others technically practice outside Michigan, even though they belong to Michigan-based firms; and some hold more nuanced titles – such as "managing member" instead of "member" – that are not necessarily consistently reflected in general lists. While we made every effort to correct these discrepancies, the data remains flawed. Law firm websites are updated frequently, and partner promotions occur at different times throughout the year, so it is very likely that our counts have changed and may not be entirely accurate. Hence the disclaimers in this paragraph and the decision to not specifically list the law firms we imperfectly assessed for the general purposes of this article.

[15] Kenneth Glenn Dau-Schmidt and Kaushik Mukhopadhaya, *Men and Women of the Bar: A Second Look at the Impact of Gender on Legal Careers*, Journal of the Legal Profession, Vol. 46, No. 1, pp. 1-104, Dec. 16, 2020 (Last revised: June 15, 2022), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3745044.

[16] *Id*. at 23.

[17] *Id*. at 24.

[18] *Id*.

[19] *Id*. at 53.

[20] *Id*. at 93.

[21] *Id*. at 95.

[22] *Id*. at 53-54.

[23] Williams, *supra* note 8.

[24] *2023 Economics of Law Report*, *supra* note 9.

[25] *Id*.

[26] *Id*.

[27] *2021 NAWL Survey Report, It's Time to Move Beyond the Numbers* (2021), https://irp.cdn-website.com/2df22e83/files/uploaded/2021%20NAWL%20Survey%20Report.pdf.

[28] *Id*.

[29] *Id*.

[30] *2023 Economics of Law Report*, *supra* note 9.

[31] *Id*.

[32] Dau-Schmidt and Mukhopadhaya, *supra* note 13 at 92.

[33] *Id*.

[34] *Id*. at 62

[35] *Id*. at 42 (emphasis added).

[36] *2021 NAWL Survey Report*, *supra* note 27.

