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Work Uncertainty and the Promotion of Professional Women: The Case of Law Firm Partnership

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Work uncertainty may affect gender disparities in professionals' upward mobility in organizational hierarchies. Professional work involves three forms of uncertainty – problem variability, strategic indeterminacy and dependence on autonomous actors – that weaken the association between performance and ability, leading organizational decision-makers to weigh gender more heavily in promotion decisions. Strategic indeterminacy also increases the need for trust, so decision-makers feel more comfortable promoting candidates of their own sex. These ideas are explored using data on promotions to partnership in U.S. law firms. Findings show that (1) promotions are less likely to go to women when work involves greater problem variability and strategic indeterminacy; and (2) the negative effect of strategic indeterminacy becomes stronger as the proportion of male partners increases.

Which organizations offer professional women better prospects for career success? Organizations vary considerably in the extent to which women achieve promotion, rank and authority (Blum et al. 1994; Cohen et al. 1998; Guthrie and Roth 1999; Reskin and McBrier 2000). What Reskin (2003) calls "organizational mechanisms" may accentuate or diminish the role that gender plays in employers' hiring and promotion decisions. Certain organizational policies, such as the presence or absence of clear selection criteria or accountability requirements, may preclude or permit intentional discrimination on the basis of gender (Reskin 2001; Reskin and McBrier 2000). Other organizational characteristics may create conditions that restrict or facilitate biases in the assessment of men's and women's competence (Ridgeway 1997).

One of the settings where organizational features may sustain gender inequality is the legal profession. Since the mid-1990s, women have accounted for nearly half of law students and entering law firm associates (Epstein 1993; Epstein et al. 1995), but they still represent only 17 percent of partners in large firms (National Association for Law Placement 2005). Both social scientists (Epstein

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et al. 1995; Kay and Hagan 1998, 1999; Spurr and Sueyoshi 1994) and legal scholars (Reichman and Sterling 2002, 2004; Rhode 1994, 1996) have shown considerable interest in studying women's success in law firms. Recent research has examined the effects of firm characteristics such as gender-stereotypical hiring criteria (Gorman 2005), client relationships (Beckman and Phillips 2005), and the previous experience of firm founders (Phillips 2005).

An organizational dimension that has been largely overlooked is the level of uncertainty involved in an organization's work. Some studies offer hints that work uncertainty may put women at a disadvantage. For example, Kanter (1977) concluded that the uncertainty involved in managerial work makes organizations less willing to promote women into management. McIlwee and Robinson (1992) found that women engineers were less successful in moving up in organizations where jobs were unstructured than in bureaucratic, rule-based organizations where work was more routinized. More generally, researchers have long observed that uncertainty leads decision-makers to place greater weight on social characteristics when selecting candidates for promotions and other opportunities (Dalton 1951; Pfeffer et al. 1976; Salancik and Pfeffer 1978). Nevertheless, the relationship between work uncertainty and gender inequality in organizational mobility remains underexplored.

After outlining three forms of uncertainty that are common in professional work, I examine the relationship between uncertainty involved in the nature of law firms' practice and firms' propensity to select women for promotion to partnership. When firm partners assess candidates' abilities to perform well in the partner role, work uncertainty is likely to reduce the weight given to past performance and increase the weight given to gender, regardless of the gender of existing partners. At the same time, one form of work uncertainty – strategic indeterminacy – may be especially disadvantageous to women when decision-makers are male.

Uncertainty in Professional Work

Many aspects of jobs can be uncertain, including the security of employment itself. I focus here on uncertainty in the nature of the work that professionals do. For the purposes of this article, I adopt Abbott's (1988:8) broad definition of professions as exclusive occupational groups applying abstract knowledge to particular cases, a definition that extends beyond the traditional professions. Like all production processes, professional work involves the transformation of inputs into outputs (Mills and Moberg 1982; Perrow 1967). The "raw materials" for professional work are *problems* – constellations of actors and their different goals, resources, opportunities and risks (Abbott 1988:35; Delmestri and Walgenbach 2005). Legal work, in particular, is often described as "problem-solving." (Blasi 1995; Weinstein 1998) Problems may involve either troublesome situations to be remedied, such as a dispute over the performance of a contract, or desirable projects to be completed, such as the negotiation of a corporate merger. The outputs of professional work are services aimed at securing satisfactory resolutions of problems.

For heuristic purposes, the professional production process can be divided into three phases that follow each other in a logical sequence (Abbott 1988:35-52; Mills and Moberg 1982). In practice, phases may be skipped or repeated. In the first phase, a professional obtains information concerning the nature of the problem and classifies it in one of the categories recognized by his or her professional knowledge base. In the second phase, he or she selects a course of action. In the third phase, the professional implements the prescribed strategy, either alone or in interaction with others. Uncertainty can arise in each of these three phases.

In the first phase, uncertainty stems from the variability of the problems that must be handled (Daft and Macintosh 1981; Perrow 1967). When variability is greater, the nature of the work to be performed at any given time usually becomes less predictable (Argote 1982; Comstock and Scott 1977). Unpredictability is consequential to the extent that different problems require different skills and knowledge. In that case, professionals must choose between maintaining forms of expertise that may not be used and risking that the skills they lack may be needed.¹ In professional work, problem variability is generally greater when a professional's practice encompasses a greater range of substantive fields (Argote 1982). In the legal profession, problem variability is likely to be greater for lawyers who work in several practice areas than for those who are narrowly specialized.

During the second phase, uncertainty arises if the professional knowledge base does not clearly link the relevant category of problems to a specific course of action. In that situation, the best strategy is indeterminate (Jamous and Peloille 1970; Wilensky 1964). Problems are linked to standard solutions when the causal processes generating them are perceived to be straightforward and well understood (Perrow 1967) or (in professions whose knowledge base consists of normative rules for judging human behavior, such as lawyers, accountants and clergy) when the relevant rules are clear and easily applied to new sets of facts (Farago 1980). Thus, lawyers can rapidly determine whether a claimant meets clear-cut requirements for Social Security disability payments (Weinstein 1998) and can use "boilerplate" wills to address most estate planning needs (Van Hoy 1995). In contrast, when legal rules are ambiguous, it is impossible for legal analysts to derive strategies through simple logical deduction (Moore 1981; Stratman 2004).

In the presence of strategic indeterminacy, a professional must exercise judgment in selecting a course of action, generally through reasoning by inference (Abbott 1988:48-52). The professional recalls previous problems of the same type – either from her or his own experience or from the reported experience of others – and identifies strategies that were successful or unsuccessful in those cases. The greater the similarity between these previous cases and the present one, the stronger will be the professional's inference that the same strategies will bring about the same outcomes. Thus, lawyers faced with ambiguous legal rules turn to previous cases that presented similar issues, identify factors that led to court decisions for one party or the other, and apply those factors to the case at hand (Stratman 2004). Whereas information-gathering (first phase) and strategy implementation (third phase) require interaction with nonprofessionals,

the process of inferential reasoning and judgment is “a purely professional act.” (Abbott 1988:40). Conversely, when legal rules are clear and no inference is required, lawyers’ work may be delegated to – or appropriated by – non-lawyers (Abbott 1988:51; Van Hoy 1995).

In the third phase, uncertainty is greater to the extent that execution of the professional’s chosen course of action depends on other actors whose behaviors are not fully subject to the professional’s control. Most professional strategies require cooperation from clients, which clients may or may not provide. The provision of legal services involves complex processes of negotiation between lawyer and client, in which clients may resist as well as collaborate (Felstiner and Sarat 1992; Kritzer 1998; Mather et al. 1995). Corporate clients, who can provide continuing flows of legal business, are especially likely to insist on exercising control in their relationships with lawyers (Abel 1989: 204; Heinz et al. 2001). Moreover, other parties close to the process may interfere. Accountants may fail to provide information that a lawyer needs to prepare securities registration documents, for example, or litigation opponents may adopt tactics that prevent a lawyer from persuading a judge or jury.

Work Uncertainty and Double Standards for Inferring Ability

Work uncertainty may affect organizational decision-makers’ assessments of candidates’ ability. Decision-makers charged with making promotions try to assess whether candidates have the ability to perform the job in question successfully (Jackall 1988:42; Pinfield 1995:265-66).² Ability cannot be measured directly, however, so decision-makers must infer it from observable evidence. In particular, decision-makers are likely to consider candidates’ records of performance, especially of tasks similar to those involved in the position to be filled (Pinfield 1995:256-60). If a candidate has performed successfully in the past, that will tend to support an inference that she or he possesses the requisite ability; a poor track record will tend to support the opposite conclusion.

An alternative approach is to infer ability from social characteristics (Kanter 1977:61-63; Pfeffer et al. 1976). In particular, decision-makers are likely to emphasize gender, race, social class and other dimensions that determine an individual’s social status (Ridgeway 1997). Theory and research indicate that people treat such characteristics as having evidentiary relevance for inferences about an individual’s ability (Berger et al. 1980; Conway et al. 1996). Relevance may be direct or indirect. In the case of gender, if the task at hand is culturally sex-typed (for example, child care or automobile mechanics), decision-makers perceive a *direct* association between gender and ability to perform the task. Even if the task is not sex-typed, gender still has *indirect* relevance to ability, because men are presumed to be more generally competent than women. In the absence of clear evidence to the contrary, this general competence is assumed to extend to the task at hand (Dovidio et al. 1988).

Decision-makers considering candidates for promotion combine performance and gender information to reach an aggregate expectation about a candidate’s ability (Berger et al. 1980; Humphreys and Berger 1981). If a man and a woman are perceived to have performed equally well in the past, inferences based on

gender will still raise the ability expectation for the man and lower it for the woman (Pugh and Wahrman 1983; Wagner et al. 1986). To generate expectations of *equal* ability, then, women must have stronger performance records than men do. In effect, women must meet a higher standard of performance – a “double standard” – before decision-makers will conclude they are equally competent (Foschi 1992, 1996; Foschi et al. 1994).³

Work uncertainty affects this process by creating doubt about the validity of ability inferences based on past performance. All three forms of work uncertainty should weaken the usefulness of past performance as an indicator of inherent ability. First, when there is greater variability in the types of problems that professionals encounter, past success in handling problems of one type may say little about a candidate’s ability to handle different problems in the future. Indeed, if a lawyer will be called on to handle matters in multiple areas of practice, that lawyer’s general problem-solving competence may seem more important than past success in handling specific tasks – and general competence is associated with the male gender. In contrast, when work involves the predictable recurrence of similar problems, repeated successful performance in the past is probably a good indicator of ability to perform well in the future.

Second, when the relevant knowledge base does not establish a clear course of action and professional judgment is required, it is also difficult to reach conclusions about an individual’s ability. In general, uncertainty surrounding the best approach to producing a desired outcome is often linked to uncertainty on the part of evaluators about the producers’ levels of quality (Podolny 2005:227-29). Past performance, in particular, may be an unreliable basis for such evaluations. When applicable rules are ambiguous and the relevant principles of cause and effect are unclear, strategies that work well in one case may not work well in the next, even if the problems involved are similar (Perrow 1967; Thompson 1967:159). For example, a decision to seek summary judgment may rapidly resolve one lawsuit, but antagonize the judge or provoke a response from a quiescent opponent in another. In such cases, inferences of competence based on past successes may prove ill-founded in the future (Kanter 1977:52-53).

Finally, when the implementation of a strategy depends on autonomous actors, those actors may alter the planned course of events in significant ways (Thompson 1967:159). As a result, the causal connection between an individual’s actions and the ultimate outcome may be questionable (Kanter 1977:52). For example, if a court hands down a judgment favorable to a lawyer’s client, it may be difficult to say whether this result was due to the lawyer’s skill. In the next case, with a different judge or different opposing counsel, the outcome might be different.

Doubt about the usefulness of past performance as an indicator of ability is likely to affect decision-makers’ reliance on past performance in forming ability expectations. Although decision-makers combine inferences from past performance and gender, the weights given to each factor may vary. When there is no question that past performance reflects the relevant ability, observers base inferences of ability on performance alone, ignoring gender (Foddy and Smithson 1999). However, when a successful or unsuccessful performance may reflect

factors other than ability, or when the ability demonstrated in the past may not be the ability needed in the future, decision-makers are likely to pay less attention to past performance and more to gender. The more tenuous the link between past performance and future ability, then, the more lenient the performance standard is likely to be for men and the stricter it is likely to be for women, creating a greater advantage in performance expectations for men.

Hypothesis 1. When a firm's work involves higher levels of each of the three forms of work uncertainty – problem variability, strategic indeterminacy, or dependence on autonomous actors – the firm is less likely to promote women.

Work Uncertainty and Preferences for Same-Gender Candidates

In the case of strategic indeterminacy, the negative effect described above is likely to be exacerbated when organizational decision-makers are male. According to Kanter's (1977) theory of "homosocial reproduction," people are more comfortable with – and more willing to trust and cooperate with – others who are similar to themselves along social dimensions such as sex, race and class. This view is supported by research in the tradition of social identity theory, which finds that positive ingroup bias is especially strong with respect to interpersonal dimensions such as friendliness, cooperativeness, loyalty and trustworthiness (Brewer and Brown 1998; Insko et al. 1990). Consistent with these arguments, female lawyers working in male-dominated settings experience less trusting relations with both their colleagues and their firms as institutions than do their male peers (Kay and Hagan 2003).

Kanter (1977:49-53) argues that decision-makers' bias toward socially similar others is intensified when employees must work together under uncertain conditions that require the exercise of discretion. When this is the case (as it was among the managers she studied in a large industrial corporation), each individual's boss and coworkers must rely on her or him to judge wisely and choose appropriate and effective courses of action. Understanding, trust and cooperation become especially important. In promotion decisions, then, uncertainty surrounding strategic choices should strengthen male organizational decision-makers' preference for men.

Research on organizational modes of coordination and control offers a slightly different – but entirely compatible – route to the same conclusion. When workers must exercise discretion, organizations cannot rely on bureaucratic rules and performance programs to control workers' productivity. Instead, they turn to cultural modes of control. Employees who have internalized organizational values and norms push themselves to perform well (Kunda 1992; O'Reilly and Chatman 1996). Normative control is easier when employees are socially homogeneous and already share similar cultural understandings (Collins 1979). Thus, this argument too implies that strategic indeterminacy will intensify male decision-makers' preference for male candidates.

Hypothesis 2. *The effect of strategic indeterminacy will be stronger when more of a firm's decision-makers are men.*

Data and Methods

I apply these ideas to the case of United States law firms that serve corporate clients.⁴ Such firms are typically organized as partnerships (or substantively equivalent forms). Firms employ junior lawyers as “associates” during a “partnership track” period that typically lasts between six and ten years. At the end of this period, the firm’s partners consider the remaining members of an associate class for promotion to partnership (Galanter and Palay 1991). Although firms traditionally maintained an “up-or-out” policy, many firms have now begun to employ experienced lawyers in non-partner positions on a more or less permanent basis, and these lawyers are sometimes promoted to partnership (Gorman 1999).⁵

The unit of analysis in this study is the event of promotion to law firm partnership. I examine a nationwide sample of such events occurring between the late summer or fall of 1994 and the corresponding period in 1995 within large U.S. law firms. The sample is based on the 1995 and 1996-1997 editions of the *National Directory of Legal Employers* (the “NALP Directory”) prepared by the National Association for Law Placement (1995; 1996), a nonprofit organization established to provide information about legal employment to law schools and their students. The NALP conducts an annual survey of several hundred law firms, asking for quantitative and qualitative information, and compiles the results in annual editions of the *NALP Directory*. Firms report information as of February 1 of the publication year. Law firms with multiple offices usually provide information specific to each establishment. After excluding establishments where no promotion event occurred or the number of promotion events could not be determined, the sample included 503 establishments.

In these establishments, 1,450 promotion events took place. Information on promotions comes from the 1995 and 1996 editions of the *Martindale-Hubbell Law Directory* (“*Martindale-Hubbell*”), a widely-used directory listing virtually every law office in the United States, together with names, titles and brief biographies of individual attorneys (Martindale-Hubbell Inc. 1995, 1996). Information published in each edition of *Martindale-Hubbell* is collected during the second half of the prior calendar year.⁶ A promotion event was deemed to have occurred when a lawyer was listed as an associate or another non-partner title in the 1995 edition of *Martindale-Hubbell* and as a partner in the same firm in the 1996 edition.

Dependent Variable

The dependent variable measures whether the promotion event involved the promotion of a man or a woman (1 = female, 0 = male). Coding was based on lawyers’ first names.⁷

Explanatory Variables

To create measures of the three forms of work uncertainty identified above, I began with establishments' lists of their practice areas, provided in the *NALP Directory*. I collected data on up to 20 practice areas per establishment and coded each practice area by matching it with one of the fields of practice identified by Heinz, Laumann and their colleagues (Heinz and Laumann 1982; Heinz et al. 1998). Measures of the problem variability, strategic indeterminacy and dependence on autonomous actors experienced by lawyers working in each field were derived from questions in a 1995 survey of a random sample of 788 lawyers practicing in the Chicago area sponsored by the American Bar Foundation (Heinz et al. 2001; Heinz et al. 1998).⁸ To create establishment-level measures for each field within each establishment, I weighted each of the three field-level measures by the proportion of establishment lawyers working in that field, obtained from the *NALP Directory*. For each establishment, I then created three weighted-average measures – one for each of the three forms of work uncertainty – by summing the weighted field-level measures of each form of uncertainty for that establishment.

The question used as the basis for the field-level measure of *problem variability* asked lawyers who practiced in each field to assess the extent to which they specialized in that field or maintained a more heterogeneous practice, using a five-point response scale ranging from "The area of law in which I work is so highly specialized that it demands I concentrate in just this one area," to "The nature of my legal practice is such that I can handle a range of problems covering quite a number of different areas of legal practice." The percentage of respondents in each field who chose the three response points closest to the "quite a number of different areas" pole measures the extent to which lawyers working in that field also work in other fields and thus experience variability in their practices.⁹

The question used as the basis for the field-level measure of *strategic indeterminacy* asked lawyers who practiced in each field to assess the extent to which practice in that field was routine or required professional inference and judgment, using a five-point response scale ranging from "A para-professional could be trained to handle many of the procedures and documents in my area of law," to "The type and content of my practice is such that even an educated layman couldn't really understand or prepare the documents." The percentage of respondents who chose the two response points closest to the latter pole captures the strategic indeterminacy encountered by lawyers working in that field.

The question used as the basis for the field-level measure of *dependence on autonomous actors* asked lawyers who practiced in each field to assess the extent to which practice in that field involved isolated analysis or required interaction with clients and other parties, using a five-point scale ranging from "My area demands skills in handling technical procedures rather than skills in negotiating and advising clients," to "My specialty and type of practice require skills in negotiating and advising clients, rather than detailed concern with technical rules." The percentage of respondents who chose the two response points closest to the "negotiating and advising" pole taps the extent of dependence on autonomous actors in that field.

For each establishment, I averaged the counts of male partners and of all partners from the *NALP Directory* (as of Feb. 1, 1995) and *Martindale-Hubbell* (as of fall 1994) (Cronbach's alphas were .998 and .986, respectively), and calculated the *proportion of men among establishment partners*.

Control Variables

Unless another source is specified, measures of control variables were obtained from the 1995 edition of *NALP Directory*. I calculated the *proportion of women among non-partner lawyers* from counts of lawyers. Although sex segregation across fields of legal practice is low (Epstein et al. 1995; Gorman 2005; Jacobs 1989), I controlled for the proportion of each establishment's lawyers working in each of three broad areas that could be perceived as gender-typed, which might influence either lawyers' preferences or firms' promotion decisions: *litigation* (masculine), *business transactions* (masculine), and *people-oriented fields*, such as family law, trusts and estates law, and employment law (feminine) (see Epstein 1993; Pierce 1995).

I also controlled for the *rapidity of legal change* in the establishment's practice areas. Rapidity of change in the laws may help women's promotion chances, at least when uncertainty in the nature of work is controlled. When the law is subject to rapid change, yet each change is relatively straightforward (for example, changes in the number of parts per billion of a chemical allowed in factory emissions or in the dollar amount subject to estate tax), strategic indeterminacy is low, practitioners are likely to be viewed as technical experts, and gender should seem less important. This variable was constructed in the same way as the measures of work uncertainty, based on a question that asked respondents practicing in each field to rate that field on a five-point scale ranging from "Things don't change too rapidly in my area of the law, so there is little need for constant revision of my knowledge and activities," to "My area requires a great deal of reading of legal material in order to keep abreast of new developments."

Establishment size is measured by the count of lawyers in the establishment. To capture the size and scope of the establishment's firm, a binary variable was coded "1" if the geographic dispersion of the firm's offices was *national* or *international* and "0" otherwise.¹⁰ Controls were also included for the *average number of lawyers promoted to partnership* over the years 1991-1996 and *location in the South*, where attitudes on many dimensions are more conservative.¹¹ As a rough measure of the economic rewards offered by an establishment, I controlled for the 1995 *starting salary* offered to entry-level associates. Dummy variables represent *minimum billable hours requirements* (i.e., hours billed to clients) of up to 1,800 hours per year, 1,801 to 1,900 hours per year, and more than 1,900 hours per year (the reference category is no minimum hours requirement). Other dummy variables indicate whether an establishment's *part-time work policy* permitted part-time work only on a case-by-case basis or made it available to all lawyers (establishments in the reference category did not allow part-time work). *Family leave policy* is coded "1" if the establishment's benefits include parental or other family-related leave (other than pregnancy disability leave), and "0" otherwise.

Table 1: Descriptive Statistics for Variables Used in the Analysis

Variable	Mean	S.D.	Min.	Max.
Promotion given to a woman	.25	.43	0	1
Problem variability	58.23	7.54	19.05	76.24
Strategic indeterminacy	62.59	5.13	38.65	85.71
Dependence on autonomous actors	46.20	5.74	19.05	62.00
Proportion of men among establishment partners	.87	.05	.45	1
Proportion of women among non-partner lawyers	.36	.09	0	1
Extent of establishment practice in:				
Litigation	.34	.15	0	1
Business transactions law	.39	.16	0	.96
People-oriented law	.10	.10	0	1
Rapidity of legal change	77.18	4.75	48.18	88.79
Establishment size	132.67	83.87	6	546
National or international firm	.61	.49	0	1
Mean number of lawyers promoted, 1991-1996	3.81	2.49	.20	14
Part-time work allowed case-by-case	.35	.48	0	1
Part-time work available to all	.58	.49	0	1
Family leave policy	.64	.48	0	1
Minimum billable hrs requirement \leq 1800	.22	.41	0	1
Minimum billable hrs requirement $>$ 1800 / \leq 1900	.21	.41	0	1
Minimum billable hours requirement $>$ 1900	.10	.29	0	1
Location in South	.20	.40	0	1
Starting salary (in thousands of U.S. dollars)	64.83	10.43	37.5	90
Number of promotion events	1450			

Note: These statistics describe data on promotion events in large U.S. law firms between late summer or fall 1994 and late summer or fall 1995.

Results

Table 1 reports means, standard deviations, and ranges for the variables used in the analysis, based on the sample of 1,450 promotion events.¹² The average promotion occurred in an establishment where 87 percent of existing partners were men. It is challenging for anyone, male or female, to attain partnership in these firms. Although the typical establishment employed 133 lawyers, it promoted only four new partners per year, on average, from 1991 to 1996. Still, advancement appears to be more difficult for women than for men. Overall, only 25 percent of promotions were given to women, although women represented, on average, 36 percent of associates and other non-partner lawyers.

I used multivariate logistic regression to model the probability that a promotion event involved the promotion of a woman. Because promotion events in the same establishment are not independent of one another, Huber-White standard errors are calculated. Table 2 presents the results, including odds ratios to aid interpretation. One-tailed tests of statistical significance are used where they are justified by theory; otherwise, two-tailed tests are used.

In Model 1, both problem variability and strategic indeterminacy have the expected significant negative effect on the probability that a promotion will go to

Table 2: Logit Coefficients from the Regression of Female Promotion on Organizational Characteristics

Variable	Model 1		Model 2	
	Coeff.	Odds Ratio	Coeff.	Odds Ratio
Problem variability	-.033** (.014)	.968	-.036** (.014)	.965
Strategic indeterminacy	-.075** (.026)	.927	-.080*** ^a (.026)	.923
Dependence on autonomous actors	-.019 (.019)	.981	-.020 (.019)	.981
Proportion of men among establishment partners	-2.966** (1.091)	.052	-3.103*** ^a (1.077)	.045
Strategic Indeterminacy x proportion of men among partners			-.559* (.294)	.572
Proportion of women among non-partner lawyers	2.674*** (.623)	14.504	2.531*** (.630)	12.572
Extent of Establishment Practice in:				
Litigation	.703 (.611)	2.021	.659 (.611)	1.933
Business transactions law	1.136 (.658)	3.115	1.057 (.664)	2.877
People-oriented law	-1.089 (.691)	.337	-1.099 (.700)	.333
Rapidity of legal change	.051* (.023)	1.053	.048* (.024)	1.050
Establishment size	-.002 (.001)	.998	-.002 (.001)	.998
National or international firm	-.082 (.134)	.922	-.092 (.135)	.912
Mean number of lawyers promoted, 1991-1996	.099*** (.028)	1.104	.100*** (.028)	1.105
Part-time work allowed case by case	.241 (.281)	1.272	.201 (.279)	1.223
Part-time work available to all	.561† (.276)	1.752	.534† (.276)	1.705
Family leave policy	.090 (.123)	1.095	.097 (.123)	1.102
Minimum billable hrs requirement ≤1800	.332† (.156)	1.394	.306† (.157)	1.358
Minimum billable hrs requirement > 1800/ ≤1900	-.246 (.159)	.782	-.277 (.160)	.758
Minimum billable hrs requirement > 1900	-.316 (.215)	.729	-.291 (.213)	.748

Table 2 *continued*

Location in South	-.344† (.154)	.709	-.346† (.155)	.707
Starting salary (in thousands of U.S. dollars)	-.004 (.008)	.996	-.005 (.008)	.995
Constant	-3.207 (2.147)		-3.439 (1.870)	
Log Likelihood	-784.03		-782.27	
χ^2	108.95		109.08	
Number of promotion events	1450		1450	

*p < .05 **p < .01 ***p < .001 (one-tailed tests); †p < .05 (two-tailed test).

Huber-White standard errors are in parentheses.

^aVariable is centered.

a woman. When the problem variability score increases by 1 point (over a range of 19 to 76), the odds that the firm will promote a woman decrease by about 3 percent. When the strategic indeterminacy score increases by 1 point (over a range of 39 to 86), the odds that a woman is selected decrease by about 7 percent. These results support Hypothesis 1. The point estimate for the effect of dependence on autonomous actors has the anticipated negative sign, but it falls short of statistical significance at conventional levels ($p < .16$, one-tailed).

The proportion of existing partners who are male depresses the odds that the firm will promote a woman. An increase in the proportion of men from 0 to 1 would reduce the odds that a promotion is given to a woman by roughly 95 percent. This result is consistent with other research finding that the gender composition of high-level employees affects the probability that positions will be filled by women (Chambliss and Uggen 2000; Cohen et al. 1998).

To test Hypothesis 2, Model 2 introduces an interaction between strategic indeterminacy and the proportion of partners who are male. Because both variables were centered before the multiplicative interaction term was created, the coefficient for strategic indeterminacy reflects that variable's effect when the proportion of men is at its mean. Similarly, the coefficient for the proportion of male partners reflects that variable's effect when strategic indeterminacy is at its mean. Both of these coefficients are negative and statistically significant. For an establishment with the mean proportion of male partners, an increase of 1 point in the strategic indeterminacy score would reduce the odds that a promotion goes to a woman by approximately 8 percent. For an establishment with the mean strategic indeterminacy score, an increase in the proportion of male partners from 0 to 1 would reduce the odds that a promotion is given to a woman by about 95 percent.

The result of most interest in this model is the coefficient on the interaction term, which is negative and significant. The negative effect of strategic indeterminacy on the promotion of women is thus especially strong when a firm's existing partners are more heavily male. At the same time, the negative

effect of a predominantly male partnership is especially strong when a firm's work involves more strategic indeterminacy. This result supports Hypothesis 2.

Several of the other results are interesting as well. The more lawyers an establishment typically promotes, controlling for establishment size, the greater the probability that a promotion will go to a woman. This result is consistent with Phillips' (2005) finding, based on a sample of Silicon Valley law firms, that firms are more likely to make women partners when they experience high partnership growth. It is also in harmony with Blum, Fields and Goodman's (1994) observation that women's promotion prospects are better in organizations where vacancies occur more frequently. These findings may be explained by the idea that employers have "labor queues" (Reskin and Roos 1990) that rank men ahead of women, so that women are selected only for vacancies that remain after qualified men have been promoted. If so, women should have a better chance when the total number of vacancies is higher.

It is also noteworthy that more promotions go to women in firms that make part-time work widely available than in those where part-time work is not allowed. (The point estimate for a case-by-case part-time policy is also positive, but falls short of statistical significance.) This result is inconsistent with the perceptions of many lawyers that part-time work has negative consequences for promotion to partnership (Epstein et al. 1995; Ziewacz 1996). Of course, we do not know whether the women promoted in firms with generous part-time policies ever took advantage of those policies. Still, firms that offer part-time schedules seem to be more open to the promotion of women.

In contrast, policies allowing lawyers to take family-related leave do not increase firms' propensity to promote women. It may be that many women who take such leaves decide not to return, or that those who return have fallen behind their peers in skill development. Leave policies may also tend to reinforce cultural schemas of "work devotion" and "family devotion" that portray work and family responsibilities as incompatible (Blair-Loy 2003).

Finally, it is interesting that women's promotion prospects are better in offices with relatively low minimum billable hours requirements than in those with no hours requirement. The coefficients for higher hours requirements are negative, as we might expect, although they do not reach statistical significance. As long as hours requirements are not too high, they may benefit women by providing an objective standard of productivity and commitment.

Figure 1 illustrates the effect of problem variability on the predicted probability that a promotion will be given to a woman, with other variables fixed at their sample means, based on the estimates from Model 1. For a problem variability score of 20, near the sample minimum, the predicted probability is .52. The predicted probability steadily decreases to .13 in an establishment with a problem variability score of 80, just above the sample maximum.

Figure 2 depicts the effect of strategic indeterminacy on the predicted probability that a woman is selected, using the estimates from Model 2, at the 25th and 75th percentile values of the proportion of men among existing partners (.84 and .90, respectively). In an establishment where 84 percent of the partners are men, the predicted probability falls from .74 for a strategic indeterminacy

Figure 1. Predicted Probability that a Promotion Will Be Given to a Woman at Different Levels of Problem Variability

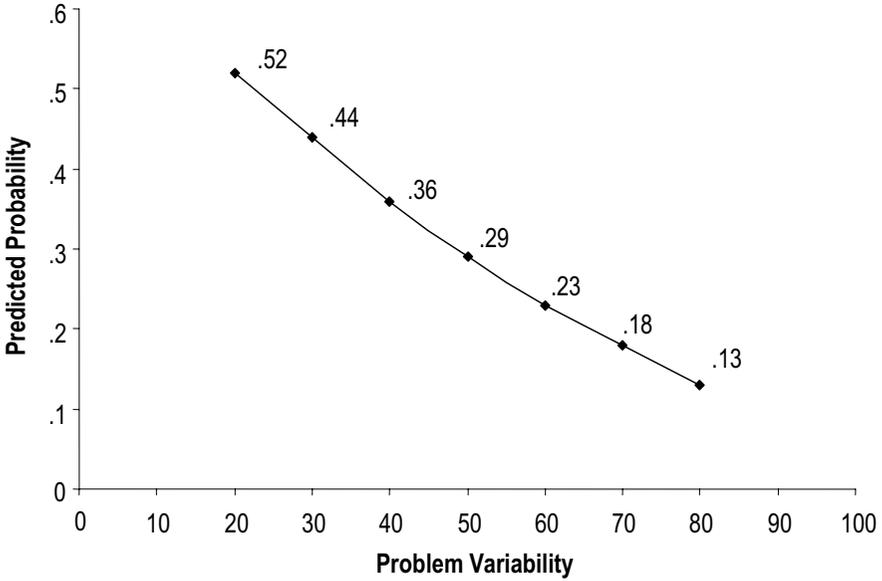
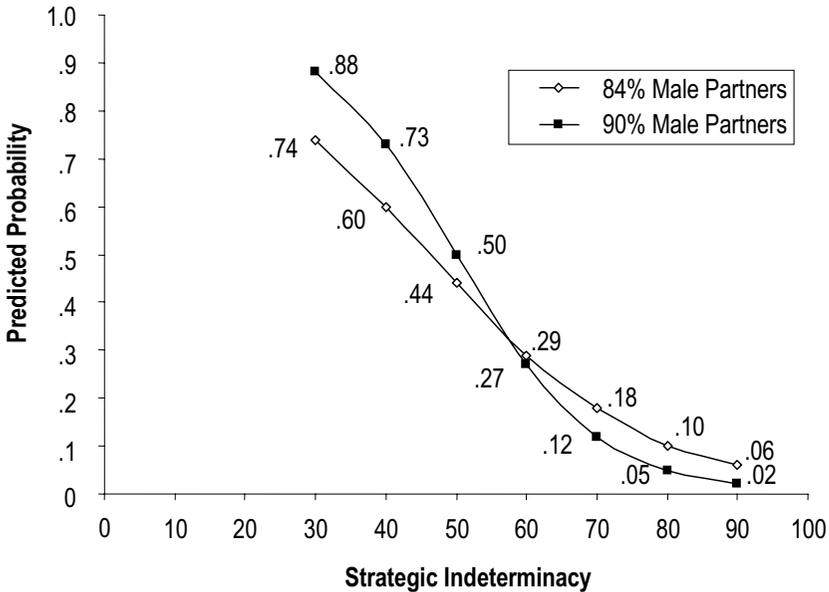


Figure 2. Predicted Probability that a Promotion Will Be Given to a Woman at Different Levels of Strategic Indeterminacy, by Proportion Male Partners



score of 30 to .06 for a score of 90. In an establishment where 90 percent of the partners are men, the decline in the predicted probability is steeper, dropping from .88 to .02. It is interesting that at low levels of strategic indeterminacy, predicted probabilities are actually *higher* in establishments where the partnership is more heavily male. This suggests that predominantly male partnerships seek to increase the representation of women, but only when the level of discretion and the corresponding need for trust are low.

Discussion and Conclusion

This study has investigated the impact of the uncertainty involved in an organization's work on variation across organizations in the pattern of gender inequality in promotion, using empirical data concerning promotion in law firms. Professionals encounter three forms of uncertainty in their work. First, the types of problems that professionals must solve may vary substantially from one day or week to the next. When problem variability and unpredictability are greater, it is more difficult to maintain the skills and resources needed to solve different problems. Second, the relevant professional knowledge base may not specify a clear course of action for the problem at hand. In that case, the professional must reason by inference and exercise judgment in choosing a strategy. Third, implementation of the chosen strategy may depend on the behavior of other actors not subject to the professional's control.

Among law firms, measures of two forms of work uncertainty – problem variability and strategic indeterminacy – have clear negative influences on the probability that promotions are offered to women. These findings are consistent with the argument that uncertainty heightens the performance standard used to infer ability from women's performance, making it less likely that a woman will be judged as able. Decision-makers are likely to consider both past performance and gender in drawing inferences about a candidate's ability to perform a higher-level job. The male gender carries a presumption of general competence that extends to the particular ability at hand; the female gender carries a corresponding presumption of lack of competence. To offset these presumptions, women must perform better than men do. When these forms of uncertainty are high, the link between performance and ability is noisy and weak, and past performance is an unreliable predictor of future performance. Decision-makers may therefore tend to discount evidence of past performance and place greater weight on gender, with the result that even more outstanding performance is required of women before competence will be inferred, while performance standards become more lenient for men.

The negative impact of strategic indeterminacy on women's promotion prospects in law firms is greater when there are more men among the group of people making promotion decisions. This finding provides support for Kanter's (1977) argument that uncertainty intensifies decision-makers' preference for candidates of their own gender, giving rise to "homosocial reproduction." It is consistent with the view that people are more willing to trust others who are socially similar, rather than those who are socially different, to make the "right" decisions. When strategic indeterminacy is high and coworkers must rely on each other to exercise discretion wisely, trustworthiness becomes particularly salient.

Although the findings are consistent with the theoretical mechanisms discussed above, I cannot rule out the possibility that other unobserved processes may also link work uncertainty to gender disparities in promotion. A limitation of the study is that no individual-level information other than gender is available, so it is possible that gender differences in individual characteristics are correlated with work uncertainty. In particular, it is possible that women's performance under uncertainty is objectively worse than men's, and this weaker performance reduces their promotion rates. However, this interpretation of the results seems unlikely. An objective difference in the performance of women and men under uncertainty cannot explain the interaction between uncertainty and the gender composition of the partners making promotion decisions. Presumably female partners could perceive such an objective difference as well as male partners could. More importantly, no empirical research, to my knowledge, supports the suggestion that women's performance under uncertainty is objectively worse than men's. In the case of lawyers, in particular, we know that men and women enter law firms with essentially the same amounts of education and relevant experience, and so presumably have equivalent skills. Indeed, in the 1990s, women's performance in law school was actually *better* than men's (Clydesdale 2004). Of course, it is possible that their skills diverge over the course of their employment, so that male lawyers become more capable of handling uncertainty. But such a skill divergence would itself probably be due to firms' differential allocation of clients and work assignments to men and women, rather than to innate differences between them.

Although the findings here cannot be statistically generalized beyond law firms, they can be theoretically generalized in several directions that future research should investigate. First, work uncertainty is likely to affect the gendered allocation of other opportunities besides promotion, including hiring, work assignments and the formation of mentoring relationships. For example, in law firms, challenging work assignments play a crucial role in enabling associates to develop the skills and social contacts they need to function effectively in senior roles (Wilkins and Gulati 1996; Ziewacz 1996). When work uncertainty is high, both a stronger perception of male competence and a greater need for trust are likely to lead partners to give the most desirable assignments to men.

Second, it is probable that the processes linking uncertainty and gender inequality in promotion also operate in other professional and managerial contexts. Most professional and managerial work involves substantial uncertainty. In addition, most professional and managerial promotion decisions are largely based on subjective impressions, which are vulnerable to the influence of stereotypes and ingroup preferences. Future research should assess whether the causal relationships found here in law firms do in fact hold in other settings involving professional or knowledge-based work.

Third, the logic of the theoretical arguments offered here extends beyond gender to other socially meaningful dimensions, such as race and ethnicity. Gender and race in the workplace have often been studied separately, but it is likely that many similar processes operate in both cases (Reskin 2003). Greater work uncertainty should mean that members of all lower-status groups will

face higher hurdles for proving ability. At the same time, greater uncertainty should mean that members of such groups have fewer opportunities to prove themselves, because organizational leaders will not feel comfortable entrusting socially dissimilar employees with responsibility. Thus, the causal relationships found here with respect to gender are likely to hold for race and ethnicity as well.

Finally, although the arguments made here have focused on professionals, the level of work uncertainty in developed nations may be rising over time across a wide range of occupations. Increasingly, simpler, more routine jobs are being outsourced to lower-wage countries or performed by computer-based technology. Many of the remaining manufacturing and service jobs are becoming more demanding as organizations adopt more flexible, less hierarchical “high performance” structures and practices (Green 2004). If this view is correct, relationships among gender, uncertainty and promotion that hold for professionals may increasingly apply to other workers as well. Future research could usefully explore this issue by investigating the impact of work uncertainty on gender disparities in upward mobility in various industrial and occupational settings and at various levels of organizational hierarchies.

Notes

1. To the extent that variability decreases familiarity with specific types of problems, it may also increase the frequency of encountering strategic indeterminacy. This has led to confusion in previous attempts to define similar concepts (see Fry 1982; Withey et al. 1983).
2. Most professional positions call for multiple abilities and skills. For simplicity, the term “ability” is used here to refer to the entire set of abilities and skills needed for successful performance.
3. As a separate matter, gender bias may also influence performance evaluations, so that men’s performance is evaluated more highly than women’s (Goldberg 1968), although evidence on this point is mixed (see Bowen et al. 2000; Swim et al. 1989). Gender bias in the *evaluation of performance* is distinct from gender bias in the *inference of ability from performance* after an evaluation has been made (Foschi 1992).
4. There is little overlap between the “hemispheres” of the bar that serve corporate and individual clients (Heinz and Laumann 1982:127-75; Heinz et al. 1998).
5. Recently, a growing number of firms have added a second tier of salaried non-equity partners who may or may not be eligible to move to equity-owning status. In supplemental analyses, I estimated the logistic regression models presented below on single-tier and two-tier firms separately. Because results were highly similar for both, the two groups were combined for the final analyses.
6. Personal communication from Martindale-Hubbell Customer Relations (Nov. 21, 1996).

7. In the case of androgynous names, I examined the information provided for clues as to gender. For example, a lawyer named "Chris" who was a member of a state women's bar association would be coded as female. In the absence of useful information, I followed previous studies (Beckman and Phillips 2005; Cohen et al. 1998; Gorman 2005) in coding gender based on whether the name was more frequently given to girls or boys at the time of the individual's birth.
8. Because fields of practice were classified by the type of client served, respondents who answered questions about "corporate-client" fields were largely lawyers who worked only for corporate clients. Analyzing the 1995 Chicago survey data, Heinz, Laumann and their colleagues (Heinz et al. 1998) found that only a very small proportion of lawyers devoted a substantial amount of time to work for both corporate and individual clients.
9. The data were provided to me in this form. Equivalently, the inverse percentage – the percentage of respondents who chose the two response points closest to the specialization pole – can be viewed as a measure of the specialization of lawyers who work in that field.
10. In supplemental analyses, the total number of lawyers in the firm (i.e., in all firm offices) was also included as a control variable. Because it had no significant effect, this variable was eliminated from the final models.
11. I included dummy variables for other regions in supplemental models, but eliminated them from the final models because they never came close to statistical significance.
12. Bivariate correlations are presented in the Appendix.

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Appendix. Bivariate Correlations between Variables Used in the Analysis

Variable	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
(1) Promotion given to a woman	1.00									
(2) Problem variability	-.01	1.00								
(3) Strategic indeterminacy	-.03	-.64	1.00							
(4) Dependence on autonomous actors	.03	.55	-.52	1.00						
(5) Proportion of men among establishment partners	-.11	.02	.10	-.00	1.00					
(6) Litigation	-.02	.48	-.04	-.02	.02	1.00				
(7) Business law	.02	.31	-.35	.68	.08	-.36	1.00			
(8) People-oriented law	.01	-.19	-.11	.07	-.21	-.31	-.13	1.00		
(9) Rapidity of legal change	.01	-.36	.69	-.10	-.02	-.03	-.22	.19	1.00	
(10) Proportion of women among non-partner lawyers	.12	.11	-.11	.15	-.19	.01	.04	-.01	.01	1.00
(11) Establishment size	.01	.01	.03	.10	.01	-.13	.16	.04	.07	.03
(12) National or international firm	-.02	-.03	.05	-.01	-.01	-.10	.02	-.02	.04	.02
(13) Mean number of lawyers promoted, 1991-1996	.06	-.02	.04	.04	-.09	-.05	.05	.06	.04	.00
(14) Part-time work allowed case by case	-.03	-.02	-.03	.00	.00	-.04	.04	-.01	.04	.01
(15) Part-time work available to all	.07	.09	-.06	.10	-.06	-.01	.04	.07	-.03	.04
(16) Family leave policy	.03	.07	-.05	.04	-.06	-.01	.08	-.08	-.08	.07
(17) Minimum billable hrs requirement < 1800	.09	-.04	-.00	-.05	-.11	-.03	-.08	.08	.01	.045
(18) Minimum billable hrs requirement ≥ 1800/ < 1900	-.03	.01	-.12	-.09	-.11	.01	-.07	.08	-.11	-.01
(19) Minimum billable hrs requirement ≥ 1900	-.05	-.01	.12	-.08	.03	.06	-.04	-.10	.04	-.05
(20) Location in South	-.05	.08	-.04	.08	.07	.14	.02	-.08	-.03	.00
(21) Starting salary (in thousands of U.S. dollars)	-.01	-.08	.07	-.06	-.01	-.15	.12	-.16	-.05	.11

Appendix continued

	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)
(11) Establishment size	1.00									
(12) National or international firm	.35	1.00								
(13) Mean number of lawyers promoted, 1991-1996	.69	.21	1.00							
(14) Part-time work allowed case by case	-.12	-.15	-.13	1.00						
(15) Part-time work available to all	.19	.17	.17	-.86	1.00					
(16) Family leave policy	.13	.10	.06	-.00	.08	1.00				
(17) Minimum billable hours requirement < 1800 hours	-.19	-.29	-.09	.14	-.14	.03	1.00			
(18) Minimum billable hours requirement ≥ 1800 hours but < 1900 hours	-.14	-.01	-.09	-.04	.05	.07	-.27	1.00		
(19) Minimum billable hours requirement ≥ 1900 hours	-.04	.07	.00	-.03	-.03	-.03	-.17	-.17	1.00	
(20) Location in South	-.14	-.15	-.00	.08	-.15	-.12	.07	-.11	.00	1.00
(21) Starting salary (in thousands of U.S. dollars)	.39	.35	.11	-.08	.09	.21	-.34	.04	.10	-.38