Gender and Global Lawyering: Where are the Women?

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Introduction

The dual processes of diversity and globalization¹ are responsible for significant growth among U.S. law firms: female lawyers account for much of the increase in headcount in large law firms over the last several decades, and lawyers educated and licensed in jurisdictions outside of the U.S. have helped U.S.-based law firms expand internationally.² Despite the importance of these trends, little attention has been devoted to how these two processes intersect in the study of lawyers and large law firms.³ As David Wilkins noted, writing more than ten years ago, “[g]lobalization and diversity are almost never expressly linked beyond the trite

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³ An important exception and contribution that we have drawn upon heavily is Ulrike Schultz and Gisela Shaw, WOMEN IN THE WORLD’S LEGAL PROFESSIONS at xxviii (2003)(describing the distinctions between common and civil law jurisdictions as “the most striking divide separating women in the world’s legal professions”). The topic has generated attention among management scholars; see, e.g., Hilary Harris, “Global Careers: Work-life issues and the adjustment of women international managers,” 23 Journal of Management Development 818, 818-19 (2004)(estimating that women occupy only between two and 15% of senior management international assignments, and suggesting that “the impact of gender is likely to be higher in the case of women relocating on an international assignment as a result of work, partner and family considerations but that can be mediated by both organizational and family support”).
(albeit true) observation by diversity advocates in the U.S. that the majority of the world’s population is neither white nor male.”

Nevertheless, gender (and diversity generally) is a particularly hot topic in discussions of and by elite law firms, including global firms. The focus on these issues by a wide range of stakeholders is at least as significant.

The patterns of growth experienced by large law firms suggest that firms might take their attitudes towards diversity with them as they go global while also adapting to the local environments where they establish offices. This “glocal” approach enables law firms to follow paths that capitalize on two ends of global growth strategies: the diffusion or cross-national convergence paradigm - spreading U.S. norms and practices through services offered overseas - and the national distinctiveness paradigm - adapting their practices to local professional and business norms. It is an approach characteristic of the ways in which most large, U.S.-based law firms staff their overseas offices. The firms combine lawyers with U.S. credentials and expertise and lawyers with local, host country credentials and expertise in order to foster their global identities while also capturing important local knowledge and relationships.

In this article, we examine the relationship between gender diversity and globalization to consider whether career strategies that involve the international movement of lawyers are equally powerful for women and men. Our premise is that globalization may offer some lawyers the

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7 See Silver, Phelan and Rabinowitz, supra n. 2 at 1432.

8 See Silver, Phelan and Rabinowitz, supra n. 2.
potential to attain status within the profession, operating in a manner analogous to other professions, where strategies of global advancement have been rewarded. To evaluate this claim, we focus on the following questions: Does globalization affect women differently than men in terms of attaining professional status, operationalized here as having the status of partner within the firm; is there evidence of a global ‘bump’ in law as in other fields, where a career advantage results from taking an overseas assignment? Second, how does the practice of gender diversity travel as law firms increasingly become global actors; do firms take their ideas about gender equality from home with them as they reach past national boundaries and establish themselves in new communities? We frame these questions in the context of the global growth of U.S.-based law firms, and specifically, our focus in this article is on the role of U.S. lawyers in this growth. The firms we study focus on providing legal services to corporate clients. Thus, we do not claim our study to be representative regarding non-U.S. based corporate firms, nor is it necessarily reflective of the force of globalization on practices serving clients outside of the business world.

9 See, e.g., Morgan W. McCall, Jr. and George P. Hollenbeck, Developing Global Executives (2002), p. 9, avail. at http://hbr.org/products/3367/3367p4.pdf (“Learning to work across cultures is an essential competency of the global executive, and it is for most people an emotional education as well as an intellectual one. . . . Considering the intellectual complexity of the business lessons and the transformational quality of the personal lessons, we conclude that global executives do indeed have a broader perspective than their domestic counterparts. This unique perspective underlies the elusive quality called a global mind-set.”).

10 Consider, however, evidence that women do not share equally in global opportunities in other fields. See Rueyling Tzeng, “Gender issues and family concerns for women with international careers,” 21 Women in Management Review 376, 376 (2006)(“foreign postings – usually considered positive indicators of career advancement, salary increases, and managerial appointments as well as required experience for positions in corporate senior management – are rarely given to women. Even though the percentage of female expatriates working in the overseas offices of American-based multinational firms has increased from 3 per cent in 1983 to 14 per cent in the late 1990s, that figure is still quite low as women account for approximately 30 per cent of all American MBA students and about 50 per cent of managers and professionals in U.S. corporations. The fact that the number of women working overseas is increasing at a much lower rate than the number of women entering their respective domestic labour markets suggests that women pursuing international careers are more likely to encounter gender discrimination and family responsibility issues than their domestic counterparts.”)(references omitted).
In the sections that follow, we use an empirical lens to focus on the site of U.S. law firms in their overseas practices. In order to investigate the relationship between globalization and gender, we draw from an original dataset collected by Silver, Phelan and Rabinowitz, containing biographical information of individual lawyers working overseas in a sample of U.S.-based law firms. Below, we systematically analyze the relationship between gender and professional status in these elite global practice environments. The remaining sections of the article are organized as follows: first we situate our study within two distinct literatures on global legal practice and gender diversity in large law firm practice. Next, we discuss our data and analytical approach, followed by the results of our analysis. Finally, we suggest next steps in research that will deepen the understanding of the ways in which globalization influences gender inequality in legal practice.

I. Situating the nexus between research on globalization and gender in legal practice

A. The Globalization of Legal Practice

The process of globalization has transformed economic activity and exerted a substantial influence on supporting services, including legal services. The description of globalization’s influence on the work of lawyers in 2007 by Karl Ege, then Vice Chairman and Senior Adviser of Russell Investments and Chairman of Russell Trust Company, offers insight into how globalization permeates the work of the corporate sector of the economy:

In 2007, for the first time, more than half of the aggregate revenues of the companies comprising the S&P 500 index (which includes only companies with headquarters legally domiciled in the United States) were generated from operations outside the United States. This dramatic increase in the globalization of American business is reflected in nearly all sectors of our national commercial fabric, from pharmaceutical firms, to the automobile industry, from high tech to low tech to no tech. Our services industry, which now

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11 We acknowledge with gratitude the work of many students helped with the data gathering; in addition, coding and analysis also was conducted by Sarah Babbitt, among others.
represents over 70% of our nation’s gross domestic output, is increasingly global in scope, as we offer engineering, consulting, architectural, legal and financial services to an increasingly global client base. For the lawyers representing companies engaged in the global marketplace, their practices have become global as well.\textsuperscript{12}

Lawyers and law firms representing (or wishing to represent) businesses with extensive global activities (as well as businesses planning for global growth) have developed their own global strategies. Some have created firm-specific international networks by opening their own overseas offices, while others participate in formal or informal external networks with other independent law firms in order to extend their geographic coverage beyond their locale.\textsuperscript{13} For law firms that have followed the former approach, their evolution from national to global organizations has been based on their ability and willingness to move beyond national borders with regard to experts and expertise. U.S.-based law firms, for example, have added to their ranks lawyers educated and licensed outside of the U.S., whose expertise provides credibility to their firms for advising on matters not governed exclusively by U.S. law.\textsuperscript{14} John Flood characterizes the role of global firms as “sanctifiers.”\textsuperscript{15} Deborah Spar elaborates on the particular expertise of such firms:

In foreign markets, law firms have to compete through specialization .... They started with their obvious specialty, counseling foreign clients on the intricacies of U.S. law and corporate practice. Then they segued into increasingly specific areas of corporate strategy, advising clients on topics such as acquisitions, hostile takeovers, and debt restructuring-complicated corporate maneuvers that had all been developed first in the


\textsuperscript{14} See Silver, Phelan and Rabinowitz, supra n. 2 at 1469.

U.S. and British markets. As these sorts of deals proliferated across the international economy, U.S. and British firms found themselves with a natural, lucrative niche.\textsuperscript{16}

In order to develop global identities in this way, firms require enabling regulation in the host jurisdictions in which they operate\textsuperscript{17} (as well as at home\textsuperscript{18}) and the willing collaboration of local lawyers educated and licensed in the host jurisdiction, as well as of U.S. and other expatriate lawyers.\textsuperscript{19} Regulatory barriers that prevented local lawyers from working with foreign lawyers and at foreign law firms generally began to be lifted in the 1990s.\textsuperscript{20} While these and even more stringent barriers remain in place in certain jurisdictions, including India, in many of the hubs of economic activity global law firms are able to establish offices, hire local lawyers and bring in U.S. expats to advise on their areas of expertise, including local and U.S. law.

Indeed, certain countries actively court such firms.\textsuperscript{21} In those jurisdictions that authorize U.S.-based and other foreign firms to practice the law of the host jurisdiction and employ local lawyers, firms tend to take full advantage. The offices of U.S.-based law firms in such jurisdictions may be comprised entirely of locally-educated and licensed lawyers, or include only

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\textsuperscript{16} Debora L. Spar, Lawyers Abroad: The Internationalization of Legal Practice, 39 Cal. Mgmt. Rev. 8, 16 (1997).
\textsuperscript{17} In this article, “host” jurisdiction refers to the country in which the firm is operating outside of the firm’s home country. For a U.S.-based firm with an office in London, for example, England is the “host” jurisdiction where the London office lawyers work.
\textsuperscript{18} In this article, we identify the “home” jurisdiction for law firms as that jurisdiction in which the firm was first created. For certain firms resulting from a transatlantic merger, for example, such as Hogan Lovels, this presents a challenge. Since the study reported on here is focused on the global activities of U.S.-based law firms, we consider each of the firms included in our sample to have the U.S. as its home country.
\textsuperscript{21} See, e.g., Anna Stolley Persky, “Despite Globalization, Lawyers Find New Barriers to Practicing Abroad,” ABA Journal (11/1/2011), avail. at http://www.abajournal.com/magazine/article/the_new_world_despite_globalization_lawyers_find_new_barriers_to_practicing/ (“some countries, including Singapore, South Korea, Switzerland and even Mongolia, are actively seeking ways to make their court systems more inviting to foreign lawyers and their clients as a way to help build their economies.”).
\end{footnotesize}
a marginal presence of U.S. expats. In other countries, where regulation restricts foreign firms (including those based in the U.S.) to a more limited practice, the firms still may attempt to gain local expertise. While host country, local lawyers may not advise on host country law under such circumstances, their participation as translators of local regulatory, cultural, political and economic challenges may be crucial to their firm’s ability to present itself as a knowledgeable and credible advisor.

The pattern of combining host country or “local” lawyers with expatriate lawyers, including those educated and licensed in the U.S., describes the most common approach to staffing overseas offices. For instance, a recent study conducted by Silver, Phelan and Rabinowitz found that approximately 71% of U.S.-based overseas offices were staffed by a combination of locally-educated lawyers and U.S. expats. Overall, however, U.S. expats comprised only 18% of all lawyers working overseas for the firms in their sample. But being an expatriate carries advantages: 44.2% of the U.S. expatriates were partners, compared to only 27.4% of the non-expatriates (who were not necessarily local lawyers). Thus, expatriate status can be identified as an important source of social capital that carries value in the global legal market. Based on the disproportionate representation of expatriates among the partnership ranks of overseas office lawyers, it appears that U.S.-based firms continue to internally identify with the U.S., preferring U.S. legal education as an entrée to advancement.

22 See Silver, Phelan and Rabinowitz, supra n. 2.
25 Silver Phelan and Rabinowitz, supra n. 2. The study sample was comprised of 64 U.S.-based law firms that supported a total of 376 offices overseas, which together housed 8,714 lawyers.
26 Silver Phelan and Rabinowitz, supra n. 2 at 1448.
B. Gender and Global BigLaw

Since the early 1990s, when women represented approximately half of entering law school classes, the proportion and roles of women in large law firms has been a focus of many scholars of the legal profession. This rich literature tackles a wide variety of questions about the presence and experiences of women in legal practice. The general story in the U.S. has been one of persistent underrepresentation of women lawyers among the higher ranks and leadership positions of firms. At the same time, women occupy close to half of the associate-level and

27 Judith S. Kaye, Anne C. Reddy, “The Progress of Women Lawyers at Big Firms: Steadied or Simply Studied,” 76 Fordham L. Rev. 1941, at n.6 (2008) (“In 1966 to 1967, women made up 4.3%, or 2520 candidates, of the total enrollment in American Bar Association (ABA) schools. See ABA, First Year and Total J.D. Enrollment by Gender, 1947-2005 (n.d.), available at http://www.abanet.org/legaled/statistics/charts/stats%20-%2006.pdf. By 1986 to 1987, this number had increased to 40.7%, or 47,920 women J.D. candidates. Id. The upward trajectory continued until 2002, when it reached a pinnacle of 49% female candidates, and then hovered--as it continues to do--at a respectable 47% to 49%. Id.”).

28 On possible differences between men and women lawyers, see Carol Gilligan, In a Different Voice (1982); for an example of differences, see, e.g., Petra Pasternak, “Study Finds Male Lawyers More Overconfident,” The Recorder (5/12/2010), avail. at http://www.law.com/jsp/article.jsp?id=1202458076181&src=EMC-Email&et=editorial&bu=Law.com&pt=Law.com%20Newswire%20Update&cn=LAWCOM_NewswireUpdate_20100512&kw=Study%20Finds%20Male%20Lawyers%20More%20Overconfident (describing differences in optimism and confidence); Deborah Rhode, “Gender and the Profession: An American Perspective,” ch.1 in Schultz and Shaw, Women in the World’s Legal Profession (2003), at p. 5-6 (arguing that the “celebration of gender difference risks not only oversimplifying, but also over claiming.” Rhode suggests, instead, the recognition of “difference without universalizing its content”).


30 Ronit Dinovitzer, Robert L. Nelson, Gabriele Plickert, Rebecca Sandefur, and Joyce S. Sterling; with Terry K. Adams, Bryan T. Garth, John Hagan, Gita Z. Wilder, and David B. Wilkins, After the JD II: Second Results from a National Study of Legal Careers (2009) at p. 63 (“[W]e find that there is a substantial gender disparity in the rates of equity and nonequity partnership. … AJD2 lawyers are still relatively junior, so that across the sample just over 11% of respondents have become equity partners, and another 11% nonequity partners. … these low rates of partnership are also the result of the lengthening of the time to partnership, with many partnership decisions today being made after 8-10 years in practice. In the smallest firms, where new lawyers have the highest rate of partnership at this stage of their career, 17% of women have made equity partner compared to 24% of men. This disparity persists as firm size increases, with women attaining equity partnership at less than half the rate of men.”).
entering positions at large firms. According to a 2008 news report, “[w]e all know there's a problem. Women represent only 18 percent of partners in the nation's largest law firms, 16 percent of equity partners and fewer than 10 percent of managing partners. At every level of firm practice, including partnership, women are leaving at a much higher rate than their male counterparts.” In 2009, the numbers were essentially the same: in U.S. offices of elite law firms, “women made up 34 percent of lawyers at the firms we surveyed: 45 percent of nonpartners and 19 percent of partners.” Explanations for this are complex, and include the structure and professional ideology of large law firms, and the absence of support mechanisms outside of firms, among other things.

See also, “Jack Welch: ‘No Such Thing as Work-Life Balance’,” Wall St. Journal (7/13/2009) (“‘We’d love to have more women moving up faster,” Mr. Welch said. “But they’ve got to make the tough choices and know the consequences of each one.”). See NALP, “Partnership at Law Firms Elusive for Minority Women,” (11/8/2006) avail. at http://www.nalp.org/2006partnershiapelusiveforminoritywomen (reporting in November 2006 that “Women account for 44.33% of associates … [and] 46.67% of summer associates”).

Melissa McClenaghan Martin, “Law Firms Create New Models for Diversity,” N.Y. L. J. (8/31/2008). On the issue of more women than men leaving law practice, however, see After-the-JD II, supra n. 30 at p.15 (“Although the existing research literature suggests that women and minorities leave certain sectors of the legal profession at higher rates than their white male peers, we find an unexpected similarity in patterns of job changing across these groups.”). The issue of separating equity and nonequity partnership status with regard to gender equality continues to be contentious; see Vivia Chen, “What Women Want: Partnership Details,” AmLaw Daily, avail. at http://amlawdaily.typepad.com/amlawdaily/2010/02/what-women-want.html (2/24/2010) (“Women lawyers are furious, and the legal profession at large doesn't even know it. The reason for the fury: law firms dismissed a request made by the National Association for Law Placement (NALP) for details about partnership structures--namely, a breakdown of equity versus non-equity partners in their ranks.”).


See Patricia Gillette, “Cracks in the Ceiling,” AmLaw Daily, avail. at http://amlawdaily.typepad.com/amlawdaily/2009/04/women.html (arguing that “the economic crisis provides law firms with opportunities … to step away from the salary and bonus programs that destroyed collegiality and prevented flexibility; to make structural and organizational changes long overdue; to kill the billable hour once and for all”); Wilkins, “Why Global Law Firms Should Care About Diversity,” supra n. 4 at p.52-53 (“Elite law firms are structured less like a tennis tournament in that associates do not compete on an equal playing field. Instead, only those associates who get access to good work and supportive developmental relationships have a realistic chance of becoming partners. … Contrary to the survival of the fittest rhetoric of tournament theory, … success in large law firms is less a matter of innate ability and hard work - most of those who get hired by elite firms possess these qualities - and more a function of gaining access to valuable, but limited, opportunities … that are invariably mediated through relationships.”); Melissa McClenaghan Martin, “Law Firms Create New Models for Diversity,” N.Y. L. J. (8/31/2008)(suggesting that law firm structures explain why women leave: “‘Work-life issues’ are not the primary reason women leave firm practice. As numerous studies have shown, women leave firms because they are dissatisfied with stalled advancement and career opportunities, unsatisfying work and "unsupportive" work environments. Work-life concerns are certainly a factor in women's decisions to leave, but they are not
Overseas, U.S.-based law firms occupy an elite status in the market for legal services relating to finance and the corporate sector. These firms serve as sites for potential transformation of the careers of local lawyers.\textsuperscript{38} As discussed above, experience working for a global firm is an important form of capital generally valued by clients as well as by local law firms.\textsuperscript{39} As a result, global firms offer opportunities to scale local barriers. One strategy for advancement at home may be to gain a reputational benefit by working for a global firm in order to advance to a more favorable position locally.\textsuperscript{40}

Ulrike Schultz and Gisela Shaw found substantial similarity in the overall representation of women in the national legal professions they analyzed, with women comprising between approximately one-third and one-quarter of lawyers nationally.\textsuperscript{41} But the practice settings where women are most likely to work are not necessarily those most directly involved in global
determinative.”); Debra Cassens Weiss, “A Law Firm Ditches the Lockstep System and Retains More Women,” ABA Journal (7/31/2008)(reporting that Husch Blackwell Sanders “replaced lockstep promotions with a system based on competency [and] has seen the percentage of women lawyers leaving the firm drop below that of men.”); Dimitra Kessenides, “S&C Promotes Five Associates--Including Four Women--to Partner, AmLawDaily (10/21/2009), avail. at \url{http://amlawdaily.typepad.com/amlawdaily/2009/10/sc-promotes-fiveincluding-four-womento-partner.html} (“Firm chairman H. Rodgin Cohen attributes the growth in female partner ranks [announcing that four of the five new partners in the firm are women] to policies, such as flex-time and maternity leave, aimed at promoting and retaining greater numbers of women, the NYLJ's Nate Raymond reports.”).

\textsuperscript{35} Eli Wald, “Glass Ceilings,” supra n. 29.

\textsuperscript{36} See, e.g., After-the-JD II, supra n. 30; Rhode, supra n. 28 at 13 (identifying as “myths of choice” the notion that women have different family priorities than men and that these personal commitments exact a professional price. ... Women’s career sacrifices are attributable not just to women’s choices but to men’s choices as well.”).

\textsuperscript{37} See Hilary Sommerlad, “The commercialism of law and the enterprising legal practitioner: continuity and change,” 18 Int’l J. of the Legal Profession 73 (2011)(“The legal profession ... is saturated in class, ethnicity and gender, and daily engaged in (re-)producing the meaning of these categories.”)(footnote omitted); Rhode, supra n. 28 at 12-13 (noting that men are not solely responsible for “patterns of prejudice; women can be perpetrators as well as targets of bias.”); Kenneth G. Dau-Schmidt, Marc S. Galanter, Kaushik Mukhopadhyaya, Kathleen E. Hull, “Men and Women of the Bar: The Impact of Gender on Legal Careers,” 16 Mich. J. of Gender and Law 49, 87-88 (2009).

\textsuperscript{38} See Dezalay & Garth, Dealing in Virtue (international commercial arbitration as a mechanism for transforming careers of lawyers from locally-bounded to international); Sida Liu, “Globalization as Boundary-Blurring,” supra n. 24 (global law firms as offering a means of transforming local careers into global careers).


\textsuperscript{41} Schultz and Shaw, supra n. 3 at xxxvii. They note exceptions, including France, on the high end, and Japan on the low end.
practice; they report, for example, that “in Germany [women] are more likely to be sole practitioners, in Japan it is small law firms that provide most posts for women lawyers”.\textsuperscript{42} Schultz and Shaw and their co-authors also considered the role of national regulation on women in legal practice. Despite important regulatory differences among the jurisdictions they studied, it was not clear that the regulations had produced significantly different outcomes in terms of women’s roles in the profession. Instead, other factors appeared to be at work, such as what Eli Wald characterizes as the professional ideology of “hypercompetitive meritocracy” which disproportionately affects women.\textsuperscript{43}

Analyzing the presence of women lawyers in global firms outside of the U.S. is complicated by several factors. First, corporate law firms do not necessarily occupy the same high status position in each jurisdiction. Top law graduates in Germany, for example, traditionally have preferred positions in the judiciary over private practice.\textsuperscript{44} Second, individual career strategies that seem to be preferred by global law firms may be difficult for women to achieve. For example, lateral hiring is quite common as a mechanism of building overseas offices, as well as in the U.S.\textsuperscript{45} At the partner level, laterals typically have developed a loyal following of local corporate clients before being invited to join a global firm. It may be unlikely that women have reached positions of power in local law practice from which they might lateral

\textsuperscript{42} Id. at xiii; see also Yuriko Kaminaga and Jorn Westhoff, “Women Lawyers in Japan: Contradictory Factors in Status,” in Schultz and Shaw, supra n. 3 at. 467, 472-73 (noting that 19% of women lawyers working in law firms in Tokyo in 1991 practiced with firms with more than eleven lawyers).

\textsuperscript{43} Wald, supra n. 29 at p. 127 (“The gradual shift from competitive meritocracy to hypercompetitiveness, which began in the mid-1980s, was reflective of changes in practice realities… Hypercompetitiveness … portrayed lawyers as near-heroic servants, zealous service provider who pursue the interests of their clients around the clock. Under this new ideology, working 24/7 was considered a badge of honor, proof that lawyers were truly committed to client-centered service.”); see also Rhode, supra n. 28 at 12 (identifying the relationship of inequality and stereotype).


\textsuperscript{45} See Silver, “Variable Value,” supra n.39 at 17 and at n.59; Silver, “Shifting Identities,” supra n. 1 at 1147.
to a global firm; as a result, this path may be less available to them. For young lawyers and relatively new graduates, an alternative career strategy may require study in the U.S. in a graduate law program. This raises the issue of mobility generally, which may be experienced by women differently than by men, depending upon the length of time and stage in life when mobility becomes important.\textsuperscript{46} Global firms also may hire lawyers who, despite lacking some characteristic typical of its partners and associates, nevertheless offer cultural and language expertise important to the firm.\textsuperscript{47} The global law firm experience for these professionals may garner less credibility when assessed by others, and thus the opportunities to capitalize on a period of work in a global law firm may be limited for these individuals.\textsuperscript{48} Finally, language ability matters in the world of global lawyering. U.S.-based firms still demand that their lawyers be capable of working in English. At least some have suggested women are particularly competitive in terms of language ability.\textsuperscript{49}

As described earlier, in studying how globalization shapes the human capital dimensions of large law firms, Silver, Phelan and Rabinowitz found that U.S.-based firms have grown away from reliance on expatriate lawyers exported from home to staff overseas offices. Instead, the firms combine U.S. and locally-educated and licensed lawyers in nearly every location,

\textsuperscript{46} See generally Rueyling Tzeng, supra n. 10; see also Brigitte Young, “Globalization and Shifting Gender Governance Order(s),” Journal of Social Science Education (2005), avail. at http://www.jsse.org/2005/2005-2/pdf/globalization-young.pdf, (“Labor market segmentation into a high-paid "informational economy" and the expanding informal sector of the "laboring poor" has increased the disparity among women.”)). See also Silver, Agents of Globalization in Law (2009), avail. at http://www.lsac.org/lsacresources/research/gr/pdf/gr-09-01.pdf (reporting on study of international law graduates who earned LL.M.s in U.S. law schools between 1996 and 2000; 33.9% of 360 respondents were women).


\textsuperscript{49} Sida Liu, “Globalization as Boundary Blurring,” supra n.24.
regardless of local regulatory differences. In fact, even where local regulation prohibits local lawyers from practicing with foreign law firms, U.S.-based firms find ways to utilize local lawyers in their offices. This might be through creation of new positions described in terms that do not rely on a law license, such as “advisor,” or otherwise avoiding the typical partner/associate hierarchy of large law firms. Alternatively, firms in such jurisdictions may prefer local lawyers who also studied in the U.S. or another jurisdiction as a way to “neutralize” their local expertise for regulatory purposes. As a result, to the extent that women are more or less present in elite firms in particular countries, we might expect this to be reflected in the global offices of U.S.-based law firms through their reliance on local lawyers.

Generally, research on international employment markets indicates that women do not participate equally with men regarding international assignments. Nevertheless, this is an important credential in many businesses: having international working experience is an indication of the ability to work with a multinational workforce, and this is important for advancement. Scholars have investigated whether women’s lower rates of participation in overseas employment assignments in business settings relates to women not wanting to take expatriate assignments, or to their employers not offering them these assignments, or to differences in their treatment in the host country - such as women not being supported similarly to men - and this influencing their occupation of expatriate roles.

50 See Silver, “Variable Value,” supra n. 39; Silver Phelan and Rabinowitz, supra n. 2; Sida Liu, “Globalization as Boundary Blurring,” supra n. 24.
51 See generally Epstein et al, supra n. 29 (describing prejudices of foreign clients with regard to women lawyers, but also the ability to overcome such prejudice).
One of the novel approaches of our analysis is to situate gender inequality within the context of globalization in legal practice.53 While there have been national case studies regarding gender inequality in several countries,54 including in the U.S.,55 there has been little effort to consider the ways in which globalization may alter national experiences, either through intensifying existing patterns or deploying new ones.56 In this article, we draw on an original dataset that provides such insight, and focus primarily on the influence of globalization on U.S. lawyers. We turn next to a discussion of our data and analytic strategy.

II. Data on global law firms

In order to analyze the relationship between gender and professional status in global firms, we collected individual-level, biographical data for lawyers working in overseas offices of U.S.-based law firms. Our dataset was compiled in 2006 and 2007, and consists of professional credentials and characteristics of lawyers. Below we discuss our sampling strategy and describe the dataset.

A. The Sample

Our data are comprised of biographical information about lawyers working at a sample of U.S.-based law firms with an international footprint. These firms are among those often identified as the most successful in the U.S. in terms of revenue, profits per partner and size (referring to number of lawyers). Additionally, each firm has at least one office outside of the

53 For work on gender and globalization apart from legal practice, see, e.g., Stephanie Seguino, “Accounting for Gender in Asian Economic Growth,” 6 Feminist Economics 27 (2000)(situating the issue of gender within the economic growth in Asia).
54 See e.g., Schultz and Shaw, supra n. 3; John Hagan and Fiona Kay, Gender in Practice: A Study of Lawyers’ Lives (1995).
55 See supra n. 27-37.
United States. We drew these firms from those listed on the American Lawyer 100 and Global 100 lists of the highest revenue generating firms. Our selection from these lists was shaped by three factors: we began by including every AmLaw 100 or Global 100 (2006) U.S.-based firm that had at least one overseas office; we then eliminated firms that systematically omitted biographical information for lawyers of particular ranks, such as associates. For example, a firm that had a significant global presence but only provided detailed biographies for its partners was not included because we were not confident that a partner-only sample would be representative of a firm’s overall approach to global staffing with regard to global issues. Finally, we eliminated firms if we could not determine the proportion of women among associates and partners in the U.S.-home office of the firm, based on data reported to the National Association of Law Placement (NALP); this means that certain firms that reported gender and status only for their aggregated offices were excluded because we could identify the relevant home office data from the combined figures. U.S. “home” offices were identified by consulting the NALP listing, the law firm’s website and its history. Altogether, our sample is comprised of 55 U.S.-based law firms.

See generally Silver, Phelan and Rabinowitz, supra n. 2 (describing the larger dataset from which our data is drawn).

These data have been used in other work that investigates office dynamics, where the interaction of partners and associates is relevant. See Silver, Phelan and Rabinowitz, supra n. 2. In order to serve both purposes, only firms that provided biographical information on all lawyers, regardless of their status, were included. If the dataset also included firms where only partners’ biographical information was available, these might skew our understanding of the balance between local and expatriate lawyers and the resulting opportunities offered by globalization, because lawyers with certain credentials may be more likely to occupy partner or associate status, for example. But see Sigrid Quack, “Combining National Variety: Internationalisation Strategies of European Law Firms,” presented at American Bar Foundation Symposium: Lawyers and the Construction of the Rule of Law: National and Transnational Processes (Mar. 21–22, 2008) (on file with author)(analysis based on only partner biographical information).
Our investigation here is further limited to lawyers working for these firms in particular jurisdictions in Europe and Asia. Specifically, in this study we limit our focus to those jurisdictions in which at least 300 lawyers work in offices supported by the 55 firms: Belgium, China, England, France, Germany, Hong Kong and Japan. We were interested not only in the number of lawyers, but also in the size of offices in terms of lawyer-headcount because of a concern that smaller offices, particularly one-and two-person offices, might be less likely to house female lawyers. Our selection of jurisdictions reflects this and includes countries in which the largest offices were located so that we would have data lending itself to a meaningful analysis of the status of women. Across these seven countries, the firms employ 6,211 lawyers working in a total of 243 offices. Table 1 shows the number of lawyers and offices in each country included in the study.

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th># of Lawyers</th>
<th># of Offices</th>
</tr>
</thead>
<tbody>
<tr>
<td>China</td>
<td>317</td>
<td>45</td>
</tr>
<tr>
<td>Belgium</td>
<td>362</td>
<td>26</td>
</tr>
<tr>
<td>Japan</td>
<td>432</td>
<td>23</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>468</td>
<td>28</td>
</tr>
<tr>
<td>France</td>
<td>940</td>
<td>23</td>
</tr>
<tr>
<td>Germany</td>
<td>1141</td>
<td>48</td>
</tr>
<tr>
<td>England</td>
<td>2551</td>
<td>40</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6211</strong></td>
<td><strong>243</strong></td>
</tr>
</tbody>
</table>

For an analysis of the lawyers working in all offices of these firms, among others, see Silver, Phelan and Rabinowitz, supra n. 2.
B. The Dataset

Our dataset consists of a variety of biographical characteristics on each individual attorney in our sample. We coded for gender, professional status (i.e., partner, associate, counsel, etc), educational credentials (i.e., degree, year earned, country where earned), licensing and bar admission, language, and practice focus for each attorney where the information was provided. As the source of information, we relied first on the websites of the law firms to provide lawyer biographies. Where these were incomplete, we consulted other sources, including Martindale-Hubbell, to round-out the profile of each lawyer, where possible.60

Our focus in this article is on lawyers who are expatriates from the U.S., which is one of the groups of lawyers typically included in the global growth strategies of the firms in our study. Generally, these firms draw together three groups of lawyers in their overseas practices: those with local educational credentials and law licenses (we refer to these as “local lawyers” or “host country lawyers” in this article), those with U.S. legal education and admission credentials (as further described below and referred to as “U.S. expats”), and those who were educated and are licensed in a third country (referred to as “other expats”). We differentiate based on the jurisdiction in which the lawyer was educated; admission typically follows legal education, although it is not uncommon for lawyers to be admitted in multiple jurisdictions, including the host jurisdiction. Consequently, we use education as the leading indicator of expatriate or local status. To refine these definitions, we construct the category of “expatriate” lawyers around available information regarding credentials and experiences that provide insight into lawyers’ identities. The category of “U.S. expats” includes those lawyers who earned their primary legal

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education in the U.S. and earned their undergraduate education in the U.S. Taken together, these two education credentials indicate U.S.-identity with regard to education and lawyering. Of course, this may be an over-inclusive definition. In certain countries, for example, it is becoming increasingly common for students interested in becoming lawyers to study in the U.S. not only for the JD, but also for their undergraduate degree; the latter increases opportunities to pursue the former in many instances.\footnote{See generally Silver, “Variable Value,” supra n. 39; Nara Schoenberg, “Study in U.S. more than a passing fad,” Chicago Tribune (11/19/12) at p. 1, 10 (“'Five or 10 years ago, going abroad was considered what dumb rich kids did, and now it’s considered what smart middle-class kids do,' said Xueqin Jiang, former director of the international division at Peking University High School. . . . The trend appears to be accelerating, Xueqin Jiang said, with Chinese students coming to America to prepare for college while in high school or even middle school.”).} As described earlier, “local” consists of those lawyers who earned their undergraduate and/or legal education\footnote{In much of the world, legal education is earned at the undergraduate level. See, e.g., Richard L. Abel and Philip S.C. Lewis, Lawyers in Society: An Overview (1995).} in the same jurisdiction where they currently practice. For example, an attorney working in London who earned his LLB at the University of Leicester would be coded as a local lawyer.\footnote{See, e.g., \url{http://www2.le.ac.uk/departments/law/undergraduate/llb-law-course}.} Those who are neither local nor U.S. expats fall into the “other expat” category, assuming information regarding their education was available.

C. The Analytic Strategy

Our analysis centers on comparing across different groups of lawyers (local, U.S. expat and, in certain circumstances, other expat) and across jurisdictions to highlight global and gender characteristics, with a particular focus on U.S. expat lawyers. We focus our investigation thematically, relating to two central research questions: first, does the process of globalization affect women and men differently, and second, is the same gender imbalance that characterizes firms in the U.S. also present overseas? For each question, we provide answers drawing on both
aggregate comparisons across our entire sample of lawyers and also disaggregated by practice location.

III. Tracking globalization’s influence

A. Does Globalization exert an equal influence on men and women?

Does the globalization of legal practice provide similar opportunities for men and women to attain status within the profession? To evaluate this question, we focus on partnership as the indicia of status, and compare men and women as well as across the local and expat groups.

Table 2 shows the breakdown of expats (U.S. and other) and local lawyers along the lines of gender for the aggregated overseas offices in our sample. In general, it shows that the proportion of partners in the overseas offices is highest among the U.S. expat group (46.2% of all U.S. expats are partners compared to 30.8% of all local lawyers). That is, U.S. expats are more likely to be partners than are local lawyers; in this sense, their expat status is a valuable asset. However, the benefit of being an expat is not equally shared among men and women—54.7% of U.S. expat men are partners compared to only 22.4% of U.S. expat women.

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65 The comparison of these two groups – U.S. expat partners and local partners – is a statistically significant difference. We use of the term “significant” to indicate a statistically significant difference between the means of two groups. Where appropriate, we conducted a “t-test” to test whether the differences we observe between groups are in fact real. In general, it is difficult to find significance in very small samples, which poses a problem for some of our comparisons due to low numbers of lawyers in certain categories—this is especially an issue when we break out the groups by jurisdiction.
U.S. expat men and women both are significantly more likely to be partners compared to their local, host country colleagues. But this shared benefit among men and women disappears when the comparison moves to lawyers in the U.S. home offices of the firms. While U.S. expat men are significantly more likely to be partners than are male lawyers in the home offices of the firms (54.7% vs. 41.8%), there is not a significant difference for female lawyers (22.4% vs. 17.6%) – that is, women that go abroad are not significantly more likely to be partners than are women who remain at home in the U.S. Finally, expat status itself does not erase the inequality that characterizes the home offices of these firms; U.S. expat male lawyers are significantly more likely to be partners than are U.S. expat female lawyers.66

<table>
<thead>
<tr>
<th></th>
<th>Overseas Offices</th>
<th>Overseas Offices</th>
<th>Home Offices</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>U.S. Expat</td>
<td>Local</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Overall</td>
</tr>
<tr>
<td>Partner</td>
<td>54.70%</td>
<td>22.40%</td>
<td>46.20%</td>
</tr>
<tr>
<td>Associate</td>
<td>35.80%</td>
<td>71.40%</td>
<td>45.20%</td>
</tr>
<tr>
<td>Counsel</td>
<td>9.20%</td>
<td>6.30%</td>
<td>8.40%</td>
</tr>
<tr>
<td>Total</td>
<td>99.70%</td>
<td>100.00%</td>
<td>99.80%</td>
</tr>
</tbody>
</table>

The difference between these comparisons suggests that there is a benefit to being global (that is, a benefit stemming from U.S. expat status) in the overseas context that may not translate equally to the U.S.’s home market,67 in that both men and women who are U.S. expats enjoy a higher rate of partnership overseas than do local lawyers, while only U.S. expat men have a significantly higher partnership rate compared to their home office colleagues. This is consistent with the findings of Silver’s study of foreign lawyers in New York.68

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66 U.S. male expat lawyers are also less likely to be associates compared to local males and lawyers who remain in the United States (35.8% vs. 53.5% and 35.8% vs. 49.1%, respectively). In contrast, more than 70% of women are associates across all categories of national identity.

67 Of course, not all home office lawyers are necessarily U.S. educated and licensed. However, for purposes of this analysis, we presume presence in the U.S. is equivalent to U.S. legal education and bar admission. Compare Silver, “Case of the Foreign Lawyer,” supra n. 47 (study of foreign lawyers working in New York).
with earlier work by Silver finding a general lack of interest by U.S. firms in globalizing at home, but in the analysis that follows, we delve more deeply to investigate whether these same dynamics are at work, and whether location influences the effects. Overall, as Table 3 reports, with the exception of Hong Kong, the combination of local and U.S. expat lawyers comprises more than half of the lawyers in each jurisdiction studied. In fact, the combined U.S. expat and local lawyer group constitute more than three-quarters of all the lawyers in each overseas jurisdiction except Hong Kong and Belgium. In this paper, our focus is on these two groups.

Although the aggregate picture depicted in Table 2 suggests particular preferences and advantages, especially for U.S. male expats, a more nuanced investigation of the power of a global credential is available by exploring these data on a jurisdictional level. Overall, we find a mix of staffing strategies in different jurisdictions, as shown in Table 3, below. For example, when examining the proportion of partners across dimensions of gender and national identity, we find important differences: local males are more likely to be partners in England, France, and Germany, while in China, Japan and Hong Kong, U.S. male expats are more likely to be partner, and in Belgium the largest proportion of partners are men from other countries (other expats).

These relative positions of local lawyers, U.S. expats and other expats reflect the particular characteristics of each jurisdiction as well as of the dynamics of expansion for the U.S. firms. For example, the lower proportion of U.S. expat partners compared to local partners in Table 3 reflects financial considerations in the sending decision of the firms. On one hand, it is expensive to support U.S. expats overseas; in addition, expats typically want to return home eventually, resulting in disruptions in office dynamics and client relationships. Each country’s

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69 Id. at 85-86.
regulation of the foreign law firms and their relationship to local lawyers also plays a role in the ways in which firms staff their overseas offices. As firms have been able to rely on local, host country lawyers in many jurisdictions because of regulatory liberalization as globalization has become more accepted and valuable, the balance has shifted towards local lawyers dominating the overseas offices of U.S. and other foreign law firms. Even where regulation continues to prohibit global firms from hiring local lawyers and advising on local law, however, the presence of local lawyers still is felt. Firms have become accustomed to approaches to global growth that capitalize on local lawyers, and they have tried to reach beyond regulatory barriers to embed local expertise, either through hiring local lawyers who are carefully characterized as not practicing law for the global firms, or by staffing with executive office assistants whose professional knowledge and relationships provide important local information. Two exceptions to this general trend toward local dominance are seen in Table 3: Belgium and Hong Kong house fewer local lawyers than U.S. expats. In Belgium, the difference may be a result of the evolution of jurisdictional identity, rather than a more substantive matter, and related to Brussels’ role as capital of the EU. We coded only Belgian-educated lawyers as local. Lawyers from other EU countries are coded as ‘other expats,’ but more than 90% of the “other expat” group in Belgium is comprised of lawyers educated in other EU countries. Thus, the ambiguity of whether ”local” should include lawyers from any EU country is reflected in Table 3, and if EU lawyers were considered ‘local,’ the pattern in Belgium would reflect that predominating in the other countries. In Hong Kong, in contrast, the issue likely relates to the colonial history and dominant heritage of the English-speaking common law world. More than 72% of the “other

70 See Silver, Phelan and Rabinowitz, supra n. 2.
71 Id. at 1443.
expat” lawyers in Hong Kong were educated in England, Australia, Canada, New Zealand or Singapore. In both Belgium and Hong Kong, the “other expat” category is dominated by men.

The dominance of U.S. expats in China may reflect two factors. First, Chinese regulations technically prohibit local lawyers from practicing with foreign law firms, including the 55 firms studied here. Chinese-licensed lawyers must not rely on their local practice certificates. Consequently, many local lawyers pursue a second, foreign credential in order to qualify to work as a lawyer with an overseas firm. At the same time, the years of our data collection was still quite early in the expansion of U.S. firms into China, and this also may explain some of the disparity regarding the prevalence of U.S. expats there.72 Japanese offices, too, reflect regulatory barriers.73

<table>
<thead>
<tr>
<th>Table 3: Comparing National Identity and Gender, by Jurisdiction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>Belgium</td>
</tr>
<tr>
<td>China</td>
</tr>
<tr>
<td>England</td>
</tr>
<tr>
<td>France</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>Hong Kong</td>
</tr>
</tbody>
</table>

Overall, Table 3 reflects at least two important themes. The first is male domination in each group of lawyers. The second is that the story for men is more nuanced, and requires us to

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73 See Silver, Phelan and Rabinowitz, supra n. 2 at n. 83.
consider all three categories of lawyers across the jurisdictions, while for women, local lawyers dominate nearly everywhere.\textsuperscript{74}

Another way to consider differences and similarities between jurisdictions is by focusing on the likelihood of partnership within each group of lawyers. That is, what proportion of U.S. expats (or, U.S. expat women) are partners, and what proportion of local lawyers (or, local female lawyers) are partners? This analysis has the potential to suggest an expat, or global, advantage. Table 4 provides this comparison, by jurisdiction, and identifies significant differences between U.S. expats and local lawyers within gender groups.

<table>
<thead>
<tr>
<th></th>
<th>U.S. Expat Female Partners</th>
<th>Local Female Partners</th>
<th>U.S. Expat Male Partners</th>
<th>Local Male Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>60.0%</td>
<td>17.1%</td>
<td>*</td>
<td>75.0%</td>
</tr>
<tr>
<td>China</td>
<td>27.3%</td>
<td>9.3%</td>
<td>+\textsuperscript{75}</td>
<td>71.6%</td>
</tr>
<tr>
<td>England</td>
<td>19.2%</td>
<td>14.1%</td>
<td>53.9%</td>
<td>40.6%</td>
</tr>
<tr>
<td>France</td>
<td>20.0%</td>
<td>13.5%</td>
<td>56.1%</td>
<td>38.7%</td>
</tr>
<tr>
<td>Germany</td>
<td>10.0%</td>
<td>13.8%</td>
<td>63.0%</td>
<td>41.7%</td>
</tr>
<tr>
<td>Japan</td>
<td>24.0%</td>
<td>11.5%</td>
<td>45.0%</td>
<td>31.1%</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>33.3%</td>
<td>7.6%</td>
<td>49.2%</td>
<td>16.7%</td>
</tr>
</tbody>
</table>

In each jurisdiction, U.S. male expats are significantly more likely to be partners compared to local lawyers. That is, U.S. expat men can be more optimistic about partnership status than can local men. This suggests that being an expat is an asset for U.S. male lawyers, as far as partnership is concerned, everywhere. However, for women, we find very little advantage of

\textsuperscript{74} Compare Silver, Phelan and Rabinowitz, supra n. 2 at 1457.

\textsuperscript{75} Here and in subsequent tables (unless noted otherwise), * indicates significance at $p<.05$ level, + indicates significant at $p<.10$. 

24
being an expat compared to a local lawyer, except in Belgium. These general patterns of partnership among U.S. male expats, noted above, suggest that the imbalance between men and women in the local lawyer and U.S. expat categories as reported in Table 4 may indicate that the power, regarding partnership status, is held by U.S. expat men.

To further hone in on the analysis begun in Table 4, we can also consider the possible neutralizing effect of the global expat credential on gender differences by comparing local male lawyers to expat female lawyers. In each of the jurisdictions except Hong Kong and China, local male lawyers are significantly more likely to be partners compared to local female lawyers. But perhaps being an expatriate trumps this gender disparity. Table 5 provides this analysis, and suggests that there is a global effect. The partnership rates for local male lawyers are significantly higher than for U.S. expat women only in three countries: England, France and Germany. In all other jurisdictions, there is no significant difference between the two groups. Hong Kong is particularly interesting in this regard: not only is the rate of partnership among U.S. expat women higher than among local men (54.6% vs. 16.7%), but there is a strong presence of other expat women (see Table 3), too. This is consistent with a recent report that women “are no longer a small minority at Hong Kong firms. And they're no longer just populating the lower ranks.” In part, this is attributed to “changing social mores,” but also to

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76 Even in Belgium, these results are not necessarily cause for celebration, because the size of the sample of U.S. female expats is exceedingly small.
77 In Hong Kong and China, local females are less likely to be partners than are local males, but the differences are not statistically significant. This is consistent with a recent report about women lawyers in China, which found that “While it is not possible to ascertain the percentage of female partners in China, there is consensus that although at least as many women as men are entering the profession, for now their representation at partnership level is significantly lower than men and comparable to the trends found in other countries.” “Ladies in justice,” China Business Law Journal 23, 25 (Sept. 2012).
78 According to figures from the Law Society, “[j]ust over one-fifth (21.5%) of women solicitors in private practice are partners (or partner equivalents), compared with almost one-half of men (49.1%).” The Law Society, Fact Sheet Series 2009, Women Solicitors (April 2010).
79 Jessica Seah,” Female Lawyers Find Hong Kong a Good Career Fit,” The Asian Lawyer (6/13/2012).
the role of women in powerful client positions. The same report explained that “35 percent of senior management roles in Hong Kong were held by women, compared to 23 percent in the United Kingdom and 15 percent in the United States.”80 While the global credential does not provide the same benefit for women as it does for men, it does appear to have some neutralizing effect against gender imbalance in at least a majority of the jurisdictions we study.

<table>
<thead>
<tr>
<th>Table 5: Comparing U.S. Expat Female Partners to Local Male Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U.S. Expat Female Partners</strong></td>
</tr>
<tr>
<td>-----------------------------</td>
</tr>
<tr>
<td>Belgium</td>
</tr>
<tr>
<td>China</td>
</tr>
<tr>
<td>England</td>
</tr>
<tr>
<td>France</td>
</tr>
<tr>
<td>Germany</td>
</tr>
<tr>
<td>Japan</td>
</tr>
<tr>
<td>Hong Kong</td>
</tr>
</tbody>
</table>

The analysis here leaves open several important issues. Our data do not allow an investigation of the relative power of globalization for local lawyers. It is possible, as others have suggested,81 that being affiliated with a global firm such as the ones in our study provides some benefit to local lawyers that otherwise is unavailable. Also possible is that partnership rates for local lawyers are different in the global firms compared to local peer firms. These issues must wait for other scholars to investigate.

Altogether, our findings suggest that globalization affects men and women differently. The real winners appear to be U.S. male expats who receive a significant benefit by going

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80 Id.
81 Sida Liu, “Globalization as Boundary Blurring,” supra n. 24; see also Swethaa Ballakrishnan, “Why is Gender a Form of Diversity?” (this issue).
abroad. Not only are they proportionately advantaged compared to other groups of lawyers overseas (i.e., locals and other expats), but the process of going abroad also benefits them relative to male lawyers who remain in the United States. Thus, the story here is one of continued gender inequality, with globalization simply supporting, or perhaps increasing, existing divisions.

B. Gender diversity and globalization: diffusion or local adaptation?

In this section, we consider gender diversity with regard to patterns of global growth, and ask whether the firms take their gender characteristics with them in their overseas offices. Alternatively, firms may adapt to local conditions, with the relative roles and opportunities available to men and women differing in response to local markets for lawyers. Earlier studies suggest a combination of these dynamics may be most accurate. Specifically, our discussion begins with the question of how being global for U.S. lawyers – that is, having expat status - compares to staying in the United States? Is it potentially advantageous with regard to being a partner for women to move overseas? We alluded to an answer above in the analysis presented in Table 2, where we showed, in the aggregate, that men have a significant benefit compared to women. Although it appears that women also gain an advantage compared to the lawyers in the home offices of the firms--22.4% of women are partners in the overseas offices compared to 17.6% in the U.S. offices—the differences are not statistically significant. Thus, in the aggregate, it appears that the gender inequality at home diffuses abroad to the global offices as well. But, what does it look like across the different national contexts? Are there differences that might suggest an overseas assignment is more advantageous in one jurisdiction than another?

We begin this analysis by comparing the relative proportion of partners within male and female U.S. expat groups to their gender counterparts in the home offices of the firms. Table 6
presents the percentage of U.S. male expats who are partners, and the same for female expats and home office males and females. In each country, the U.S. expat men have a higher likelihood of being partner than do men who remained in the U.S. However, there is quite a bit of variation across the different jurisdictions. On the lower end is Japan, where 45% of all male expats are partners, and on the high end is Belgium, where three out of every four male expats are partners. For women, the story is not as positive. In some jurisdictions, U.S. expat women appear to have a higher likelihood of being a partner compared to women who remained in the U.S., while in others, they actually are less likely to be a partner compared to the home office lawyers. For instance, U.S. expat women have the highest likelihood of being a partner in Belgium compared to lawyers in the U.S. (similar to men), but this comparison is not statistically significant. None of the differences shown in Table 6 between U.S. expat women and home office women lawyers with regard to partnership is statistically significant. 82

<table>
<thead>
<tr>
<th></th>
<th>U.S. Expat Female Partners</th>
<th>Home Office Female Partners</th>
<th>U.S. Expat Male Partners</th>
<th>Home Office Male Partners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>60.0%</td>
<td>17.6%</td>
<td>75.0%</td>
<td>*</td>
</tr>
<tr>
<td>China</td>
<td>27.3%</td>
<td></td>
<td>71.6%</td>
<td>*</td>
</tr>
<tr>
<td>England</td>
<td>19.2%</td>
<td></td>
<td>53.9%</td>
<td>*</td>
</tr>
<tr>
<td>France</td>
<td>17.9%</td>
<td></td>
<td>56.1%</td>
<td>*</td>
</tr>
<tr>
<td>Germany</td>
<td>11.1%</td>
<td></td>
<td>63.0%</td>
<td>*</td>
</tr>
<tr>
<td>Japan</td>
<td>23.1%</td>
<td></td>
<td>45.0%</td>
<td>*</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>33.3%</td>
<td>+</td>
<td>49.2%</td>
<td>*</td>
</tr>
</tbody>
</table>

82 This is largely due to the small number of women that are U.S. expats and partners to begin with. In the aggregate sample, only 57 women are expats and partners. Breaking out by jurisdiction yields small numbers.
Another way to consider the uniformity or difference among jurisdictions with regard to partnership status of men and women is to analyze the proportion of all partners who are U.S. expat women or men in each jurisdiction and compare these to the proportionate male and female partners in the U.S., as shown in Table 7. Measured this way, we can see wider divergences between representation at home and in overseas offices with regard to partnership. Women constitute 20 percent of all partners in the home offices of the firms, but the U.S. expat female group comprises only small proportions of all partners in overseas offices, ranging from 5.9% in Japan on the high end to 0.4% in Germany on the low end. In the home offices, men represent 80% of all partners and, similar to the women, the U.S. male expats also represent smaller proportions abroad. However, the range of values for U.S. expat males is much wider than for women, ranging from 1.9% in Hong Kong to 33.1% in China. This recognizes that most partners in overseas offices are not U.S. expats, but within this U.S. expat category, men are represented at higher levels. The higher levels of U.S. expat men among the partnerships in China, England, Japan and Hong Kong raise important questions for future research. We can imagine that this may relate to the criteria firms use in deciding who to send abroad, or perhaps with a lateral market for U.S. expats in these countries.

83 In Table 6, Hong Kong is only marginally significant at p<.10.
Table 7: Relative proportion of overseas partners who are U.S. expat men and women, compared to proportion of U.S. home office partners who are men and women

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>3.4%</td>
<td>*</td>
<td>6.7%</td>
<td>*</td>
</tr>
<tr>
<td>China</td>
<td>2.5%</td>
<td>*</td>
<td>33.1%</td>
<td>*</td>
</tr>
<tr>
<td>England</td>
<td>3.1%</td>
<td>*</td>
<td>15.9%</td>
<td>*</td>
</tr>
<tr>
<td>France</td>
<td>1.4%</td>
<td>*</td>
<td>5.6%</td>
<td>*</td>
</tr>
<tr>
<td>Germany</td>
<td>0.4%</td>
<td>*</td>
<td>1.9%</td>
<td>*</td>
</tr>
<tr>
<td>Japan</td>
<td>5.9%</td>
<td>*</td>
<td>19.0%</td>
<td>*</td>
</tr>
<tr>
<td>Hong Kong</td>
<td>6.7%</td>
<td>*</td>
<td>21.2%</td>
<td>*</td>
</tr>
</tbody>
</table>

Overall, then, these analyses suggest a glocal approach regarding gender diversity. On one hand, U.S. expat men dominate U.S. expat women in each jurisdiction, both with regard to the proportion of partners within each of these groups and the proportion of all partners in the jurisdiction. But compared to the U.S. home office lawyers, while being an expat is an advantage for men regarding partnership status, it is not statistically significant for women. It appears that gender inequality continues to exist for women at the partnership level in overseas offices, just as it does at home, suggesting that the firms take their home inequalities abroad. However, this process is mediated by location, which indicates that the local context also matters.

IV. Elusive opportunities

As U.S.-based law firms invest in global growth, they have transformed from thoroughly and solely U.S.-centric entities into organizations that recognize and include expertise based outside of the U.S., too. In doing so, they have expanded their hiring criteria to include local
lawyers in every jurisdiction where local regulation permits, and even, in some instances, where it does not. This shift towards a more global approach to assessing the credentials and expertise of lawyers offers an opportunity to upend traditional hiring criteria that reinforce existing hierarchies in the profession. Women, both local and expatriate, may benefit from opportunities to circumvent their current professional labor markets; for local lawyers, this may involve moving into foreign firms that compete with local law firms for talent as well as for clients, while expat women may attempt to avoid the strictures of U.S. hiring and promotion patterns by moving overseas.

Our preliminary analysis of the credentials of overseas office lawyers indicates that the gender inequality characteristic of the U.S. home offices of our firms, as well as of large corporate U.S. law firms generally, also is reflected in many of the overseas offices. While U.S. expats are more likely to be partners compared to local lawyers or lawyers in the U.S. home offices of the firms, the gender gap between men and women persists in the expat group. But staffing is not uniform across jurisdictions, and the focus of practice in one location may result in a preference for expats or, more likely, a disinclination toward local lawyers. Local regulatory barriers in certain jurisdictions may reinforce this disfavor, as in China. Thus, while globalization creates opportunities for lawyers educated and licensed outside of the U.S. to join forces with U.S.-based law firms, it does not necessarily neutralize the burden of gender. Outside of those jurisdictions that generally favor expatriates over local lawyers (see, for example, Table 4), the typical pattern of male dominance seems to persist.

U.S. law firms have approached global growth by slowly moving from the goal of uniformity with regard to their lawyers’ credentials, training and expertise84 to an appreciation of

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84 See Silver, “Shifting Identities,” supra n. 1 (regarding firms’ projections of uniformity as their hallmark).
national differences. But is this broadening of vision sufficient to allow women to gain parity with their male colleagues? Our work so far suggests that globalization has not leveled the playing field in most instances, and in fact, at times, reinforces the gender divisions – even extending them. This is not surprising in light of the role globalization plays in deepening existing divisions in other contexts, but it is disappointing.85

Conclusion

Our research suggests that gender inequality is not erased by globalization, and in fact may be reinforced in certain contexts. But these findings are only a first step in understanding the forces that bring together globalization and gender diversity. While our data provide much insight, they also omit important issues. These include the point in their careers at which lawyers move overseas and the circumstances surrounding their affiliation with these firms. The decision making processes of the firms in deciding to staff their offices in a particular way and where these decisions are made also may shape the opportunities available to women. Regulation affects these decisions, as does the history of an office’s development and local norms regarding lateral moves, among other factors. The small number of U.S. expat lawyers in the overseas offices we have studied may mask important forces. And differences among firms and cities also may be significant. Each of these issues deserves additional research.

In addition, our hope is that collaborations such as the one reflected in this symposium issue will extend our work to enable exploration of the comparative effects on local and expatriate women lawyers in joining local and foreign law firms, among other kinds of practice

85 See also Carroll Seron, “What is happening to women in the legal profession?” New Legal Realism Blog Forum (11/30/2012), avail. at http://newlegalrealism.wordpress.com/2012/11/30/women-in-the-legal-profession-carroll-seron-blog-forum/ (“The upper reaches of power and decision making within the legal profession, especially, remain disproportionately inaccessible or ascribed by status markers of gender and race.”).
organizations. Perhaps by shining additional and continuous light on experiences of diverse lawyers, progress will follow.