



# Calendar

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## From the chairs

It is always somewhat bittersweet as we bid adieu to summer. We must say goodbye to the long days, the warmth, weekends at the beach and evening forays to the corner ice cream stand. But there is also comfort in getting back to our routines, kids back in school, soccer, football and readying ourselves for the beauty of fall. At the Section, we are particularly excited about fall as the Program Committee prepares another great program for our members and gives women attorneys throughout the state the opportunity to gather, mingle, network and eat good food!

Our fall program will focus on women attorneys at different stages of their careers and the challenges they face at each stage, as well as the advantages of each stage. We will have a panel of Maine women attorneys who will talk about their own experiences. Attendees will have an opportunity to participate and talk about their own experiences. The program will be held on November 2 at the Mariner's Church & Banquet Center in Portland. We hope you will join us.

Before we leave summer too far behind, though, we must also acknowledge the work of the women attorneys who have been instrumental in pulling together the Women's Law Section's Winter Break for Working Women. On August 5, 2011, the National Conference of Women Bar Association presented the WLS with the 2011 Outstanding Member Program Award for the Winter Break Program. Congratulations to Heather Walker, Julia Pitney, Louise Thomas, Mindy Catherine, Sonia Buck, Mara King and others who have worked hard to make this program a reality. And, mark your calendars for the next Winter Break – March 2, 2012, at the Hilton Garden Inn, Freeport.

As always, we encourage your participation and leadership with the Section. If you have suggestions for programs, please let Jennifer or Sonia know. If you would like to become involved on a committee, please contact one of us or the committee chair to learn what our needs are and where your efforts could make the most difference. Finally, it's important to remember that it is through the creativity and efforts of individual members like you that the WLS is able to provide such interesting and worthwhile programs as the Winter Break for Working Women. That program was conceived and pulled together by members – they created their own committee and created one of our most successful programs. Perhaps you can do the same.

In the meantime, enjoy the fall, those beautiful Indian summer days and get ready for the changes in store!

Jennifer and Sonia

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**Save the Date**

**WLS Fall  
 Program**

**November  
 2, 2011**

**Mariner's Church  
 & Banquet Center,  
 Portland**

## WLS Receives Award from National Conference of Women Bar Associations

by Sonia J. Buck

On August 5, 2011, WLS members, Sonia J. Buck, Mindy Catherine, Julia G. Pitney, Heather S. Walker, and Louise K. Thomas attended the National Conference of Women Bar Association's (NCWBA) annual meeting in Toronto. The members accepted the "2011 Outstanding Member Program Award" on behalf of WLS, honoring our Winter Break, which debuted in February 2009. With these WLS members was Dr. Susan Blank, a board certified psychiatrist specializing in addiction medicine. Dr. Blank was a presenter at the 2007 Fall Program held at Bowdoin College, which inspired the Winter Break. Louise gave a heartfelt acceptance speech, which we hope will encourage other women's bar associations to take leadership roles in combating isolation, depression and substance abuse among women professionals. The next Winter Break is scheduled for March 2, 2012, at the Hilton Garden Inn, Freeport.

The NCWBA program in Toronto inspired some excellent ideas for programs and WLS goals, generally, in the upcoming year. For example, one session involved an interactive panel about women supporting other women, including the dynamics among women lawyers of different stages in their careers and in their lives. The panel and attendees shared ideas, questions, comments and complaints about the challenges as well as the assets and resources that are common among professional women, exploring creative ways we can more effectively support each other.

The moderator of the panel was Deborah Epstein Henry, a nationally recognized expert on workplace restructuring, management, work/life balance and the retention and promotion of women lawyers. Debbie has released a new book, "LAW & REORDER: Legal Industry Solutions for Restructure, Retention, Promotion & Work/Life Balance" (ABA, 2010). Debbie's book explores flexible workplace models and discusses ways to integrate them into the legal profession. Also on this panel was Anne Litwin, Ph.D., of Anne Litwin & Associates consulting firm. Anne counsels individuals and organizations about such things as building strategic awareness of human and gender dynamics, and the implications of those dynamics for business excellence. Both Anne and Deborah have expressed an interest in coming to Maine to speak to WLS Members at one or more of our upcoming programs. Please save the date for the Fall Program, which will be held in Portland on November 2, 2011.

On a darker topic, NCWBA conference attendees were both saddened and enlightened by efforts NCWBA members are undertaking in other states to end human trafficking and other crimes against women and civil rights. There are 12.3 million human trafficking victims around the world, according to the U. S. Department of State's 2010 Trafficking in Persons Report. Human trafficking is not only sex trafficking, but also child



*Louise giving a heartfelt acceptance speech.*



*Left to right: Mindy Caterine, Sonia J. Buck, Dr. Susan Blank, Louise K. Thomas, Julia G. Pitney and Heather S. Walker*

labor and other types of exploitation. This is not just an immigrant problem. A prosecutor at the NCWBA conference said that one of her recent cases involved a 19 year-old male who was exploiting middle class white girls he claimed were "lost." WLS members are comparing Maine's human trafficking law against innovative laws in Colorado, Georgia and Florida, to see if our law can offer better protections, greater penalties and civil remedies for such crimes. The WLS Program Committee is exploring human trafficking as a topic for an upcoming program. As always, the Program Committee would like to hear from other members about interest or ideas about this harsh topic or about other suggestions for programs and activities.

## Building Your Practice: Tip 5: Do the Small Stuff

*(Part of an ongoing series)*

Until now, each Marketing Tip in this series has had a specific focus, such as how to introduce your services, ways to network effectively and personal contact with clients. For this issue however, and for a few that will follow, I will present a variety of marketing actions that can help you build value to your clients, build your image or create new clients.

### Round 1 - Ten Ideas to Consider:

- Train your staff, clients, and colleagues to promote referrals.
- Give regular clients a discount.
- Learn to barter; offer discounts to members of certain clubs, professional groups, and organizations in exchange for promotions in their publications.
- Print a slogan and/or one-sentence description of your business on letterhead, fax cover sheets and invoices.
- Create a signature file to be used for all your e-mail messages. Include contact details, web address and key information, including the one-sentence description or slogan.
- Create a poster or calendar to give away to customers and prospects.
- Produce separate business cards and/or brochures for each of your target market segments.
- Include testimonials from customers in your literature.
- Be generous about passing out your business cards. Give everyone two – one for them and one for passing along to someone else
- Create a regular monthly e-blast (versus a newsletter) that has just one or two timely pieces of information on it. Send out to clients, prospects and referral sources.

Next issue we'll have more ideas to share to help you keep marketing top of mind!

By Candace Sanborn, Managing Partner  
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## Millennials: Tips for Building a Foundation for Success

*It is critical that young lawyers understand early in their careers the relationship between their future success in the profession and their ability to attract and retain clients.*

Young lawyers entering the profession today are facing a vastly different workplace than their

predecessor generations did. When the baby boomers entered the legal profession, a firm could be considered large if it had more than 100 lawyers. Today, global mega-firms predominate the legal landscape. And where once a summer associate class might consist of a dozen young law students, today's summer classes are larger than many law firms.

Moreover, the pace of law practice today is faster and more stressful than ever before. Technology has made lawyers accessible around the clock, forever altering the rhythm of law practice and allowing firms to impose extraordinary demands on the lives of their young lawyers. Even as the physical and emotional burdens of these demands have yet to be fully understood, the current pace also leaves little time for reflective thinking about one's future career.

### WLS Book Club

The inaugural season of the Women's Law Section Book Club was a great success and we would like to welcome all those who are interested to join us for a second season. The kickoff to the second season will occur on Wednesday, September 7 at 5:30 PM at the office of Norman Hanson & DeTroy, at 415 Congress Street in Portland. At that time, we will discuss book selections and we encourage participants to come with some recommendations.

The Women's Law Section Book Club is a wonderful opportunity to connect with and get to know the women of our legal community. We meet monthly through the fall, winter, and spring to discuss the prior month's book selection. During our first season, the book selections ranged from the historical fiction novel "Loving Frank" by Nancy Horan, the examination of women in modern America's legal history in "Sisters in Law" by Virginia Drachman, to the current bestseller "Cutting For Stone" by Abraham Verghese. Our areas of practice, life experiences and ages are varied, which always makes for an interesting and robust conversation. Some of our members have had the following insight to offer about the book club's first season:

*"I really look forward to discussing the book selections*

*with the WLS group. The women attorneys have that rare combination of intelligence, a wealth of knowledge of literature and history and an ability to laugh and have fun. The variety of reactions and approaches to the book always amazes me and gives me different insights than I had reading on my own."*

*- Louise Thomas*

*"I love our book club because everyone contributes an interesting observation—we have varied backgrounds and I always learn something new. And we all have something in common as well."*

*- Susan Strommer*

This is a no-stress, no-pressure book club that values and enjoys each woman's presence and insight however often you are able to make it. While we have all enjoyed reading the books, getting to know each other has been the real benefit. Please join us for our second season on September 6! If you have questions or cannot make the first meeting and would like to participate, feel free to contact, Katlyn Davidson, at [kdavidson@nhdlaw.com](mailto:kdavidson@nhdlaw.com), or Jane Sheehan at [jsheehan@fbr.org](mailto:jsheehan@fbr.org).

But it is exactly that type of reflective thinking that young lawyers must do to understand the relationship between future success in the profession and the ability to attract and retain clients. In the highly competitive legal market that exists today, a young lawyer can no longer assume an opportunity to learn and grow at the arm of a senior mentor. Young lawyers need to be savvy as they navigate their careers in a vastly changing environment.

Here are five recommendations for building the foundation of your business development success.

1. **STRIVE FOR EXCELLENCE.**  
Be sure to follow the first piece of business development advice all young lawyers receive: Be an excellent lawyer. That is one old-fashioned recommendation that will never be outdated. No matter how charismatic you are, or how vast your network may be, true success in the legal profession starts with excellence in your craftsmanship.
2. **LEARN FROM THE SUCCESSES AND THE MISTAKES OF OTHERS.**  
Today's billing pressures have diminished the opportunities to shadow senior lawyers by attending depositions and court



hearings. Moreover, clients will not pay the high rates for multiple lawyers to attend a meeting or hearing, and law firms do not encourage young lawyers to observe more experienced lawyers at their work when the time cannot be billed. Nonetheless, there are few better teaching moments than observing a lawyer at trial or negotiating a deal. Look for those opportunities, even if it means making up the time.

3. **MAKE NEW FRIENDS AND KEEP THE OLD.** Effective business development is really all about relationships. Classmates from law school go on to become clients and sources of referral business. The same is true of your colleagues at work and other friends in the legal profession. Maintain these relationships throughout your career.

4. **HELP OTHERS.** The simple fact is that effective networking means thinking about ways you can help your classmates, your colleagues and your friends meet their own career goals. Be generous with your own relationships and contacts, and you will build a large reservoir of goodwill for when you need help.

5. **WORK WITH ENTHUSIASM.** Enthusiasm for one's work is infectious. People enjoy being around those who love what they do. Enjoy your work and share that enthusiasm in a way that lets others know that you are the perfect person to handle their future matters.

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## The Three Faces of Work-Family Conflict

The Poor, the Professionals, and the Missing Middle

*Understanding the disconnect between Americans' widespread concern over work-family conflict and their policymakers' inability to pass legislation to address this issue requires a portrait of why work-family conflict is so acute today.*

By Joan C. Williams, Heather Boushey | January 25, 2010

*This article was published by the Center for American Progress  
([www.americanprogress.org](http://www.americanprogress.org)).*

Work-family conflict is much higher in the United States than elsewhere in the developed world. One reason is that Americans work longer hours than workers in most other developed countries, including Japan, where there is a word, *karoshi*, for “death by overwork.” The typical American middle-income family put in an average of 11 more hours a week in 2006 than it did in 1979.

Not only do American families work longer hours; they do so with fewer laws to support working families. Only the United States lacks paid maternity-leave laws among the 30 industrialized democracies in the Organization for Economic Co-operation and Development. The only family leave available to Americans is unpaid, limited to three months, and covers only about half the labor force. Discrimination against workers with family responsibilities, illegal throughout Europe, is forbidden only indirectly here. Americans also lack paid sick days, limits on mandatory overtime, the right to request work-time flexibility without retaliation, and proportional wages for part-time work. All exist elsewhere in the

developed world.

So it should come as no surprise that Americans report sharply higher levels of work-family conflict than do citizens of other industrialized countries. Fully 90 percent of American mothers and 95 percent of American fathers report work-family conflict. And yet our public policymakers in Congress continue to sit on their hands when it comes to enacting laws to help Americans reconcile their family responsibilities with those at work.

### Why the political impasse?

The United States today has the most family-hostile public policy in the developed world due to a long-standing political impasse. The only major piece of federal legislation designed to help Americans manage work and family life, the Family and Medical Leave Act, was passed in 1993, nearly two decades ago. In the interim—when Europeans implemented a comprehensive agenda of “work-family reconciliation”—not a single major federal initiative in the United States has won congressional

approval. In the 110th and 111th congressional sessions, the Federal Employee Paid Parental Leave Act, which would provide four weeks of paid parental leave to federal employees, passed the House of Representatives—garnering support from 50 Republicans in the vote in the 110th Congress—but has not passed in the Senate.

Paid family leave legislation at the federal level remains absent despite years of effort. Childcare subsidies are limited to the poor and are sporadic even for those families, as we will further describe below. The only other relevant federal programs, tax credits for childcare and other dependents and the ability to use pretax earnings for dependent care, offer most families only a small annual subsidy that is not available for families who owe no taxes.

Why has widespread concern over work-family conflict failed to translate into political action? One reason is this: when American public policymakers and the media think about work-family conflict, they think mostly about Sally Sears, the professional TV anchor profiled in our opening pages. Public discussion of work-family conflict has focused largely on the “opt-out revolution” by professional mothers who leave the fast track in order to care for children. Newspapers’ coverage of these “opt-out moms” typically projects a hagiographic image of women choosing selflessly to place their children’s needs before their own.

This picture contrasts sharply with coverage of a different group of opt-out moms. “Welfare-to-work” mothers also receive extensive media coverage, although these stories typically are not framed as stories of work-family conflict. Typically stories about these women revolve around the tug-of-war over whether poor mothers who are not employed are, or should be, cut off from the Temporary Assistance for Needy Families, or TANF program, which

as of 2009 offers low-income, unemployed mothers an average of \$372 a month, with a lifetime cap on benefit receipt of five years or less.

Neither portrait is accurate nor a recipe for building a strong coalition for changing public policy to address work-family conflict. Both professional women and welfare mothers are portrayed in these narratives as lacking sufficient personal or financial incentives to work outside the home. Thus, in this frame, the problem is viewed as not the lack of adequate public policies but rather the personal choices of a small set of mothers who are in families that do not look like most U.S. families. Politicians have actively used these narratives to reject moving forward on a work-family agenda.

Lost in the shuffle between the professional mothers praised for staying at home, and poor mothers criticized for doing so, is a much broader group that Harvard University sociology professor Theda Skocpol aptly calls the “missing middle.” Skocpol finds “puzzling” that “our policy debates deal so little with the fate of working families of modest means, the people who put in long hours to earn a living and make a decent life while coping with rising pressures in their workplaces while trying to raise children in solo-parent or dual-worker families.”

Information is strangely scarce about these embattled middle-income families—who are constantly struggling either to remain in the middle or to work their way into the lifestyles and livelihoods of the professionals. Relatively few policy studies or academic papers discuss the lives and work of Americans in the middle. One goal of this report is to take seriously Skocpol’s call to include the missing middle in progressive analysis and policy recommendations.

This report looks for the first time in a comprehensive way at work-life

conflicts across all families, with the exception of the very wealthiest. Through showing the three faces of work-family conflict, our analysis points toward how we can build a stronger coalition for policies to address work-family conflict. The support of the Ford Foundation and the Rockefeller Family Fund allowed us to break down the relevant data sets by income. Specifically:

- Low-income families, defined as the bottom one-third of families in terms of income.
- Professional-managerial families, defined as families with incomes in the top 20 percent, in which at least one adult is a college graduate—13 percent of families in 2008.
- Families in the remaining percent of incomes: the Missing Middle—53 percent of families in 2008.

Our data encompass the late 1970s (1977, 1978, and 1979) to the late 2000s (2006, 2007, and 2008), and includes only families with an adult between ages 25 and 54. For simplicity, we draw comparisons between “today” and “30 years ago,” although we are a few years off in each direction. We use data from the Current Population Survey Annual Social and Economic Supplement and the Survey of Income and Program Participation to examine income, hours of work, and childcare usage and costs across families. Due to limitations of these surveys, we are not able to include an analysis of nonheterosexual families. All numbers without citation in the report are from our analysis. (Please see the Data and Methods Appendix for more on our data and methodology.)

Our analysis shows that while families across the spectrum face work-family conflict, they experience it differently, and the politics of resolving these work-life conflicts are defined by these differences. While these differences are very real, they

mask the fact that no matter where Americans stand on the income spectrum, they need short-term and extended paid leave and new workplace flexibility rules, as well as high-quality, affordable childcare and freedom from discrimination based on family responsibilities.

In short, this report reveals the disconnect between Americans' widespread concern over work-family conflict and their policymakers' inability to pass legislation to address the issue. Understanding this disconnect first requires a portrait of why work-family conflict is so acute and widespread today. We detail the three distinct faces of work-family conflict in the United States in the main body of this report, and then outline a new template for policy analysis. To begin, we highlight the basic contours of our analysis.

### **An American workplace perfectly designed for the workforce of 1960**

In 1960, only 20 percent of mothers worked, and only 18.5 percent were unmarried. Because the most common family was comprised of a male breadwinner and stay-at-home mother, employers were able to shape jobs around that ideal, with the expectation that the breadwinner was available for work anytime, anywhere, for as long as his employer needed him. Even then, this model did not serve the small but significant share of families who did not fit this mold, yet the model stuck.

This model makes absolutely no sense today. Now, 70 percent of American children live in households where all adults are employed. Nearly one in four Americans—more every year—are caring for elders. Hospitals let patients out “quicker and sicker.” Yet employers still enshrine as ideal the breadwinner who is always available because his wife takes care of the children, the sick, the elderly—as well as dinner, pets, and the dry

cleaning. For most Americans, this is not real life.

This explains why work-family conflict is so widespread. Today's workplaces are (im)perfectly designed for the workforce...of 1960. The mismatch between the workplace and the workforce delivers negative economic consequences for individual workers at all income levels, as well as for U.S. businesses and for our economy as a whole.

From a macroeconomic standpoint, the clearest cost of mismatch is that the United States loses a key engine of economic growth because our outdated workplaces push highly trained workers out of the workforce. The most obvious example is Sally Sears, who is emblematic of millions of professional women who are educated at tremendous—often public—expense, and who are then pushed out when high-powered careers demand 24/7 availability. This problem is exacerbated because “full time” in these careers typically involves 50 or more hours a week, while the career and income penalties for “part-time” work are dramatically higher in the United States than elsewhere.

As a result, professional women who need hours more like a traditional full-time job of 40 hours a week often find themselves “doing scut work at slave wages,” as one professional woman put it. This systematic de-skilling of women who work part time—as one in five professional and middle-income mothers do, according to our data analysis—is a major macroeconomic cost of workforce-workplace mismatch. So is underemployment of low-income mothers, who face wage rates so low that it makes little economic sense for them to work; a lack of subsidies for childcare often leads to the perverse situation where a mother's take home pay is less than childcare costs.

The Economist offers a sober

assessment of the macroeconomic consequences of the resulting loss of women's human capital. The magazine warns that many women “are still excluded from paid work; many do not make best use of their skills. Greater participation by women in the labor market could help offset the effect of an ageing, shrinking population and hence support growth.”

Designing workplaces around the old fashioned breadwinner-homemaker household has microeconomic consequences as well. Individual employers may think, in good faith, that they need to work employees longer and longer hours in order to remain competitive. But that conclusion reflects confusion between the inevitable costs of doing business and the costs associated with a specific, and outdated, business model.

Extensive research documents that the mismatch between work and life today leads to very high and very expensive levels of absenteeism and attrition as well as to decreases in productivity. Indeed, the “business case for workplace flexibility” is extensively documented at the microeconomic level. We will limit ourselves to one example: A study of manual, customer service, clerical, cashiers, and sales positions found that employee turnover was 20 percent in a single month, or 240 percent turnover a year.

That's no way to run a business. Replacing these workers is extremely costly, given that replacing workers earning less than \$75,000 costs 20 percent of their annual salary. Research suggests that the turnover rate for employees who lack the flexibility they need is twice that of those who have it.

These costs remain largely unnoticed because they are seen as inevitable costs of doing business. They aren't, of course. Both macroeconomic and microeconomic

analyses demonstrate that policymakers need not fear that work-family policy initiatives will undermine American businesses, or America's competitive position in the world economy. In fact, reconciling work and family would enhance American's competitive global position—which is why Europeans have focused so much energy on this issue.

If the United States continues on its present course, it will face a united Europe that has made great strides toward providing family-support laws and institutions—and less developed countries where work-family conflict for professional-managerial and often even middle-income families is muted by the availability of extremely cheap domestic labor. To ensure the United States provides quality care for the next generation of workers, while at the same time utilizing effectively the human capital of its mothers, fathers, and all caregivers, we need to get serious about work-family public policy.

### Why three faces?

The typical American workplace today is so deeply out of sync with today's workforce because of dramatic changes over the past few decades in incomes, working hours, and patterns of family care. The result is widespread work-family conflicts, but in ways that play out differently

among the poor, the professionals, and the missing middle. First of all, incomes have diverged. In 1960, men with steady jobs could deliver the basics of a middle-class life—the house, the car, the washing machine—with only intermittent part-time work by their wives. That's over. After the first oil embargo in 1973, the income of high-school-educated men plummeted, leaving many fewer Americans able to sustain stable access to the American dream. Yet better-educated workers experienced explosive earnings growth in the 1990s. Today, the gap between middle-income earners and high earners is much wider than it was in 1979 (See Figure 1).

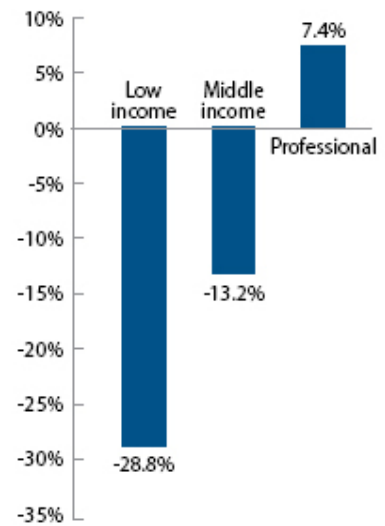
Median incomes (incomes in the middle of each earnings group) also diverged sharply over the past 30 years (See Table 1). In 1979, families in the three groups earned median incomes of \$27,000, \$74,000, and \$138,000, respectively, in 2008 dollars. By 2008, those three income levels stood at \$19,000, \$64,000, and \$148,000, respectively. Such sharply diverging incomes transformed the American family. Falling incomes for the middle occurred even as wives increased their labor force participation. But, even with the added earnings of wives, families struggled to afford childcare and elder care costs.

### Changing work hours

Work hours over the past 30 years changed most dramatically for mothers, although once again patterns vary by family income. Married middle-income and professional-managerial mothers joined the workforce in large numbers. As shown in Table 2, a little more than

**FIGURE 1**  
**The growing income divide**

Percent change in inflation-adjusted family income, 1979 to 2008, by income



Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database]. Minneapolis, MN: Minnesota Population Center [producer and distributor], 2009.

**TABLE 1**  
**Diverging classes**

Median family income by income, 1979 and 2008, 2008 dollars

	Low income	Middle income	Professional
1979	\$26,709	\$74,244	\$137,547
2008	\$19,011	\$64,465	\$147,742

Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database]. Minneapolis, MN: Minnesota Population Center [producer and distributor], 2009.



one-third, or 35 percent, were at home full time 30 years ago. Today, only 20 percent of professional married mothers and 23 percent of middle-income married mothers are at home full time.

This trend comes as no surprise. Far more surprising is the news about low-income mothers. First, they are more likely than other mothers to be out of the labor force today, even if they are unmarried. Over one-quarter, or 27 percent, of poor single mothers are out of the labor force today compared to 4 percent of single mothers in the middle and 2 percent among professionals. Second, married low-income mothers are slightly more likely today than 30 years ago to be at home full time. Today, 60 percent of married low-income mothers are out of the labor force compared to 55 percent in 1979.

That low-income, married mothers are now less likely to be employed outside the home is, in part, simply an artifact of putting families into groups by income. Families without a working wife are by definition likely to have less income than families with more earners. With working motherhood now so widespread, families that do not have a working mother are more likely than in the past to fall into a lower income grouping. Many mothers who stay home full time do so not out of a preference for caring for their own children, but due to public policy design: a lack of child care subsidies means that the costs of care would eat up most, if not all, of their earnings. Further, inflexible workplaces with unpredictable schedules make accessing quality and affordable childcare nearly impossible.

Work-family conflict is prevalent

today not only because of the movement of mothers into the workforce but also due to an increase in long working hours, defined as 50 or more hours a week. Today, as 30 years ago, long hours are most common among professional-managerial men, 38 percent of whom now work 50 or more hours a week. Men in the middle are next most likely to work long hours: 23 percent do—up from 21 percent 30 years ago. Once again, the trend reverses among low-income families, with 16 percent of men working long hours 30 years ago compared to 9 percent today (See Table 3).

Women are much less likely to work long hours, although today 14 percent of professional-managerial women do so. The exception, astonishingly, is single mothers: 32 percent of professional-managerial single mothers work 50 or more

**TABLE 2**

### Women in the workforce

Stay-at-home married mothers, by family income, in the late 1970s and the late 2000s

	Low income	Middle income	Professional
1977–1979	55%	35%	35%
2006–2008	60%	23%	20%

Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database]. Minneapolis, MN: Minnesota Population Center [producer and distributor], 2009.

**TABLE 3**

### Men working more, or less

Men working 50 or more hours per week, late 1970s and late 2000s

	Low income	Middle income	Professional
Late 1970s	16%	21%	34%
Late 2000s	9%	23%	38%

Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database] (Minneapolis: Minnesota Population Center [producer and distributor], 2009).

hours, as do 12 percent of mothers in the middle. Less than 4 percent of low-income single mothers work long hours, but they are more likely to put in these hours at more than one job, adding extra transportation hours onto their workdays.

What our data analysis shows is what scholars call the “time divide.” In the United States today, many higher earners fervently want fewer hours, while many low-wage workers can find only part-time work, or none at all, and want longer hours, consistent and predictable schedules, and benefits.

### Changing patterns of family care

In 1960, only 20 percent of mothers worked, husbands supported married women, and there were relatively few families headed by a single mother. But over the past 30 years, patterns of family caregiving

diverged sharply by family income.

A key divergence concerns single motherhood. Two-thirds, or 66 percent, of low-income families with children are headed by single parents today, compared to a little under half, or 47 percent, in 1979. In sharp contrast, 81 percent of families in the middle, and 96 percent of professional-managerial families with children are headed by married parents. That represents a just over 10 percentage point drop among middle-income families, as 93 percent of families with children were headed by a married couple in 1979, but only a 2 percentage point decline among professional-managerial families.

Predictably, childcare also varies across family income levels (See Figure 3). The most common form of care in low- and middle-income families is by relatives other than the parents themselves. Roughly one-third of each group—34 percent and 30 percent, respectively—relies on relatives as their primary kind of childcare. Only about one-quarter, or 24 percent, of professional-managerial families rely on relatives. Instead, these higher income families are more likely to rely on childcare centers—37 percent do—as do roughly 30 percent of families with low- and middle-income families.

Perhaps most surprising, low-income families are more likely than other kinds of families to rely on the moms and dads themselves for childcare, 26 percent, compared to 20 percent of middle-income families and 14 percent of professional families. Less than 4 percent of families in all three groups rely on sitters or nannies.

A final factor that affects work-family conflict is childcare costs. Unlike Europeans, many of whom have access to high-quality, neighborhood-based childcare at subsidized rates, Americans at all levels struggle to find high-quality childcare—and struggle even more to

pay for it. According to our analysis, in March 2009 dollars, low-income families pay around \$2,300 a year per child for childcare for children under age 6—about 14 percent of their income. Families in the middle average \$3,500 a year—6 percent to 9 percent of their income. Professional families pay about \$4,800 a year—3 percent to 7 percent of their income.

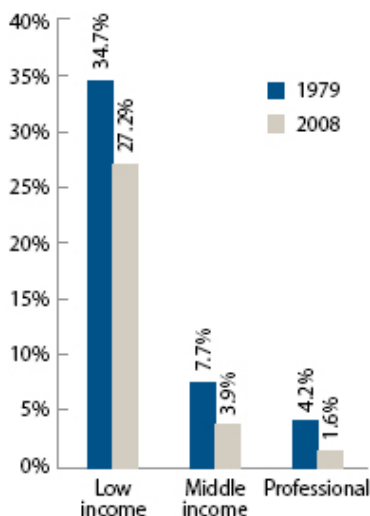
Subsidies are available only for low-income families and are scarce and sporadic even for them. About 30 percent of low-income families using center-based care, and 16 percent using an in-home care center for a child under age 6, receive subsidies. The percentage of middle-income families receiving subsidies is negligible—about 3 percent for an in-home care center. There are federal tax policies, however, that tend to benefit middle-income and professional-managerial families. The Child and Dependent Care Tax Credit benefits higher income workers and families because it is only available to families where parents—both parents if it is a married couple—have earnings or are in school. Low-income families often don't earn enough to benefit significantly from or even receive the tax credit. Flexible Spending Accounts for Dependent Care most often go to professional-managerial families because employers must set up these programs. A real weakness of both policies is that neither controls for quality of care. Further, neither is large enough to provide significant help for most families.

### The mismatched dynamics of work-family conflict

Our report makes it possible not just to understand how family income differences affect the experience of work-family conflict by the American people, but also to see how public policy negatively affects family life—and how enacting progressive family-friendly laws and regulations could improve life for Americans across the

**FIGURE 2**  
**Single mothers staying at home**

Nonemployed single mothers, by income, 1979 and 2008



Source: Heather Boushey and Jeff Chapman's analysis of Miriam King, Steven Ruggles, Trent Alexander, Donna Leicach, and Matthew Sobek. Integrated Public Use Microdata Series, Current Population Survey: Version 2.0. [Machine-readable database]. Minneapolis, MN: Minnesota Population Center [producer and distributor]. 2009.

income spectrum. Effective political action to reform our workplace rules has been stymied by the great divide among the poor, the professionals, and the missing middle—each group has different types of jobs, handles childcare differently, and has different amounts of disposable income to help them manage work and family obligations.

Yet, from a policy standpoint, each group needs four basic kinds of supports and protections Americans now lack:

- Short-term and extended leaves from work, including paid time off for family and medical leave and paid sick days.
- Workplace flexibility to allow families to plan their work lives and their family lives.
- High-quality and affordable childcare so that breadwinners can concentrate on work at work, and
- Freedom from discrimination based on family responsibilities.

The last section of our report forges our analysis of work-life conflicts among the poor, professionals, and the missing middle into a new approach to work-family policy and politics designed to bridge the differences between these three income groups.

Specifically, we offer an understanding of work-family conflict that will help progressives to build a successful coalition to address the needs of all American families. This report is designed to persuade policymakers and the American people that sky-high levels of work-life conflict reflect not just a personal problem, but also a failure of public policy to provide for all Americans. As presented in the Center for American Progress's "Our Working Nation," the agenda includes:

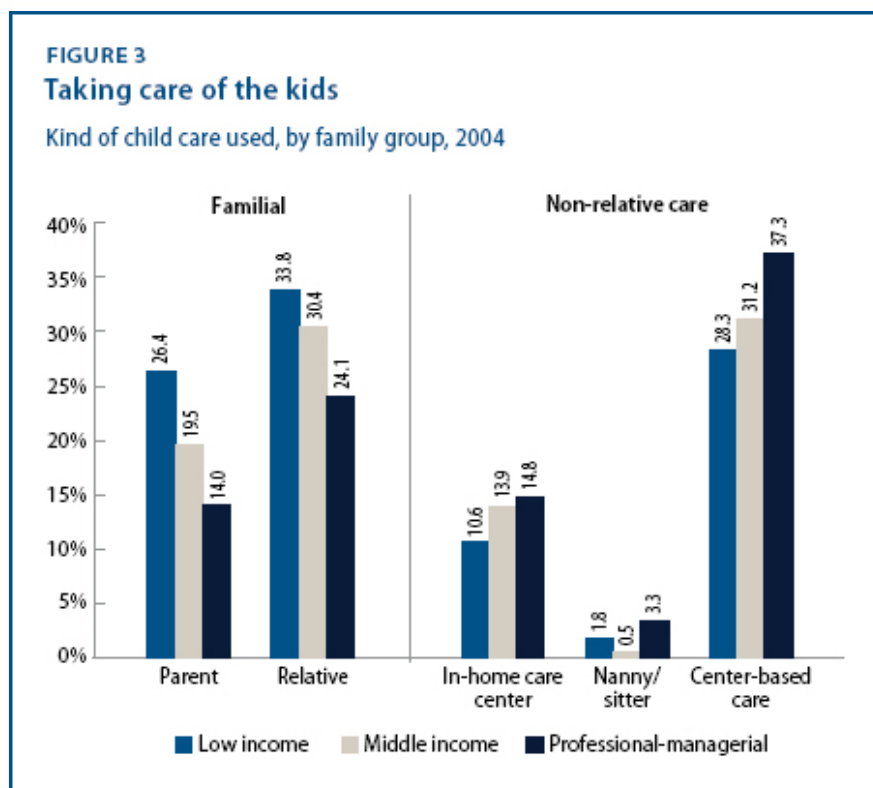
to account for the fact that most workers also have family responsibilities by establishing the right to paid sick days, instituting predictable and flexible workplace schedules, and ensuring that workers have access to paid family and medical leave

- Improving basic fairness in our workplace by ending discrimination against all workers, including pregnant women and caregivers
- Providing direct support to working families with childcare and elder care needs, and
- Improving our knowledge about family responsive workplace policies by collecting national data on work/life policies offered by employers and analyzing the effectiveness of existing state and local policies.

For this to happen, though,

progressives need to build a strong coalition that can appeal to the poor, the professionals, and the missing middle with their different work-life conflicts.

Above all, progressives need to explain how the family-friendly policies Americans need to enable them both to care for and support their families are needed by American families at all income levels—even if their needs differ. In the pages that follow, we describe in detail what these differences are. We then show how smart, progressive policies backed by effective political coalition building can make these reforms happen.



Source: Heather Boushey and Ben Zipperer's analysis of Center for Economic and Policy Research extracts of the Survey of Income and Program Participation, 2004 panel.

- Updating basic labor standards

**SAVE THE DATE:**  
**Wednesday, November 2, 2011, 5:30-8:00 p.m.**  
**Mariners' Church and Banquet Center**  
**Portland, Maine**

**WLS Annual Fall Program:**  
**Overcoming Challenges Faced By Women Attorneys At Different**  
**Stages In Their Careers**

The MSBA Women's Law Section will hold its annual Fall Program on **Wednesday, November 2, 2011**, at 5:30 pm at the Mariners' Church and Banquet Center in Portland, Maine. The topic for the evening will be **"Overcoming Challenges Faced by Women Attorneys Throughout Their Careers"**

This year's Fall Program will include a panel of Maine attorneys at different stages of their careers who will discuss the challenges that they are facing, and how they are working to overcome those challenges. Because attorneys face a variety of challenges that can change depending on the attorney's current career path and choice of practice, we plan to have a diverse group of women attorneys speak – newer associates, experienced partners, and attorneys who have chosen to work outside of private law practice. We will also have breakout sessions with each panel member to allow for interactive discussions and questions among those women facing similar challenges. Share your thoughts and experiences with your peers.

**Schedule:**

5:30 - 6:00 PM	Registration
6:00 - 7:00 PM	Cash Bar and Hors d'oeuvres
7:00 - 7:30 PM	Presentation
7:30 – 8:00 PM	Breakout Sessions

Watch your mail and email for registration information.

If you would like more information about the Fall Program, please contact Maryellen Sullivan at Powers & French: [Maryellen@powersandfrench.com](mailto:Maryellen@powersandfrench.com); (207) 865-3135 or Shiloh Theberge at Fisher & Phillips LLP: [stheberge@laborlawyers.com](mailto:stheberge@laborlawyers.com); (207) 774-6001.