

**Women's career
progression in
Auckland law firms:
Views from the top,
views from below**



Acknowledgements

We wish to acknowledge the Auckland Women Lawyers' Association executive for their initiative and foresight in commissioning this research into the scarcity of women at senior levels in Auckland large law firms. They have been excellent research partners; we are particularly grateful for the enduring work of Felicity Monteiro and Angela Hansen of AWLA - neither from large law firms. We also acknowledge the support from the Large Law Firm Group in funding an extension of the research to include female partners, managing partners and CEOs of the firms. We gratefully acknowledge the support from the AUT Faculty of Business and Law for partial funding from the industry partnership fund in 2013.

Most of all we wish to thank the volunteers for this study, approximately two hundred, who gave up their time, shared their experiences and perceptions with openness and sincerity. Without you and your belief in possibilities, this research could not have been carried out. We look forward to implementation of changes for greater parity between women and men lawyers in the most senior and influential positions.

While the project was led by Professor Judith Pringle, all the authors participated fully and are listed in alphabetical order. We acknowledge the keen, excellent help received from our research assistants Kim Archibald and Sally Lin, and want to thank our readers, Margie Elley-Brown and Barbara Myers.

Designed by Jenny Rankine, Words & Pictures

**Women's career
progression in
Auckland law firms:
Views from the top,
views from below**

2014

Judith Pringle
Lynne Giddings
Candice Harris
Sabina Jaeger
Sally Lin
Katherine Ravenswood
Irene Ryan

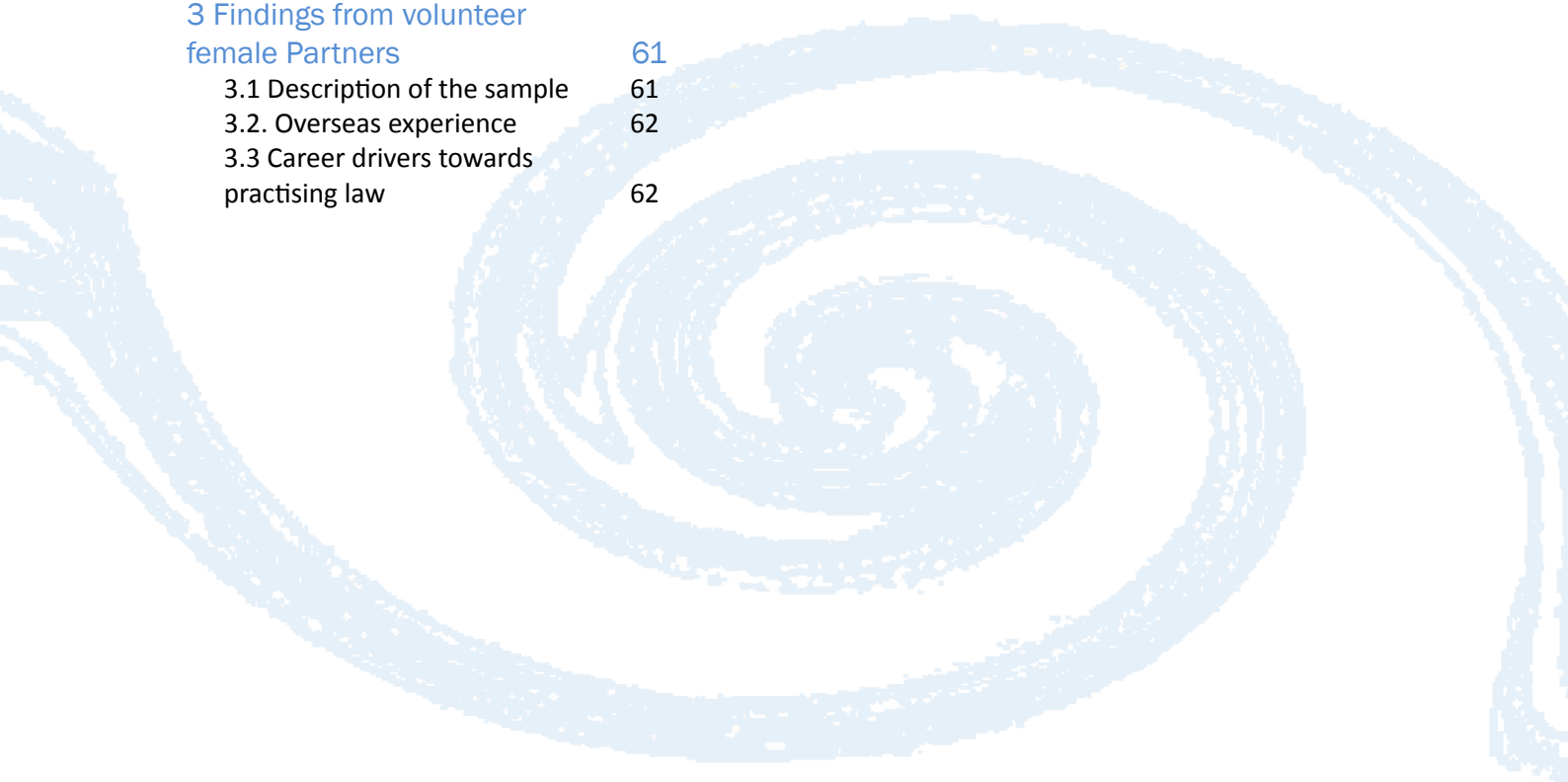
Produced by the Gender & Diversity Research Group, AUT University
for the Auckland Women Lawyers' Association
ISBN 978-0-473-27746-8



CONTENTS

Tables and figures	6		
Research summary	7		
Survey respondent demographics	7	4.4 Environmental factors	32
Career patterns and experiences	8	4.5 Partnership process	32
Looking to the future	9	4.6 Women leaving the law	32
Section A: Women partners of the large law firms	10	4.7 Men's responses	33
Section B: Managing partners and CEOs of the large law firms	12	4.8 Women's responses	34
Progressing women in law	12	4.9 Gendered organisational culture and profession	35
Organisational responses to perceived barriers	13	4.10 Structure of law business model	36
Conclusion	14	4.11 Female partners	36
		4.12 Lack of a career path	36
		4.13 The nature of work	36
		4.14 Other general comments	36
		4.15 Changes needed to remain in law	36
		4.16 Summary	37
		4.17 Future directions	38
Phase 1: Working in law survey - Responses from qualified, non-partner employees	15	Phase 2: Lawyers not yet partners: Thematic analysis of interviews	39
1 Introduction	15	1 Introduction	39
2 Survey method	15	2 Methods	39
2.1 Development of questions	15	2.1 Development of questions	39
2.2 Sample recruitment	15	2.2 Sample recruitment and selection	39
2.3 Response rate	15	2.3 Data collection and analytical process	40
3 Results	16	2.4 Description of sample	40
3.1 Demographic findings	16	2.5 Getting into a law career	42
3.2 Personal and household income	19	2.6 Overseas experience in early career	42
3.3 Employment information	21	3 Career drivers towards practising law	42
3.4 Career breaks	23	3.1 Why I love the law	42
3.5 Employer support for caregiving	24	3.2 Characteristics of a successful lawyer/partner	42
3.6 Job satisfaction	24	3.3 Acquired social and cultural capital from upbringing	43
3.7 Promotion opportunities	25	4 Perceived factors in career progression	44
3.8 Professional development	26	4.1 Business model, economic environment	44
3.9 Career support	26	4.2 Payment issues	46
3.10 Barriers to progressing within the firm	27		
3.11 Future employment	27		
4 Collated responses to open-ended questions	30		
4.1 Barriers to progression in the firm	30		
4.2 Gender-related responses	30		
4.3 The structure of work	31		

4.3 Promotion issues: Age and stage	46	3.4 Partnership	64
4.4 Gender issues in promotion	48	3.5 Organisational culture	70
4.5 Partner relationships	49	3.6 Work and life	73
4.6 Organisational culture	50	3.7 Why do women leave?	77
4.7 Old boys' networks	51	3.8 Organisational initiatives	79
4.8 Women's networks and perspectives	53	4 Findings from volunteer managing Partners and CEOs	82
4.9 Role models	53	4.1 Introduction	82
4.10 Work-life balance	54	4.2 Personal characteristics and reflections	82
4.11 Part-time working	55	4.3 Business structure and model	84
5 Why do women leave?	56	4.4 Career development	85
6 Organisational policies, initiatives and change	57	4.5 Organisational culture: Old boys' and girls' clubs	87
6.1 Existing policies and initiatives	57	4.6 Work-life balance, part-time hours and flexibility	88
6.2 How to create change and keep women in law	58	4.7 Scarcity of women Partners	89
7 Conclusion	59	4.8 Organisational responses	90
		5 Conclusion	92
Phase 3: Women partners and managing partners/CEOs: Thematic analysis of interviews	60	Literature review	
1 Introduction	60	Women in law in New Zealand	93
2 Methods	60	Statistics on women in law	93
2.1 Development of interview questions	60	Women in law internationally	97
2.2 Sample recruitment and selection	60	Review of academic literature	99
2.3 Data collection and analytical process	60	Glass ceiling	99
3 Findings from volunteer female Partners	61	Work-life balance	100
3.1 Description of the sample	61	Future directions	102
3.2. Overseas experience	62	Summary and conclusions	103
3.3 Career drivers towards practising law	62	References	105



Tables and Figures

Table 1 Sample by sex	16	Table 18 Perceived likelihood of changing roles in next three years	27
Table 2 Age range of the sample	16	Table 19a Future change of position	28
Table 3a Ethnicity of respondents, compared with Auckland (2006), New Zealand (2013 census)	17	Table 19b Future change in work	28
Table 3b Diversity of respondents: Ethnicity and sex	17	Table 20a Perceived likelihood of changing occupations in next 12 months	28
Table 4 Educational level of respondents	17	Table 20b Perceived likelihood of changing occupations in next three years	29
Table 5 Year completed study	18	Table 21 Intention to practice law for remaining professional career	29
Figure 1 Completion of year of study by sex of respondent	18	Table 22 Perceived barriers to progression	30
Table 6 Individual income and average household income by sex	19	Table 23 Why there is a trend for women to leave law, the firm or the profession?	33
Figure 2 Female respondents' personal and household average income range	20	Table 24 How law needs to change	37
Table 8 Number of dependants by sex of respondents	21	Table 25 If you left law what would you do?	38
Table 9 Care for dependants	21	Table 26 Demographic summary of female and male interviewees	41
Table 10 Current position in firm	21	Table 27 Demographic summary of female partners	61
Table 11 Hours worked per week	22	Figure 8 Admission applications to the Bar 2002-2012	94
Figure 4 Average hours worked per week by sex	22	Figure 9 Practising certificates issued between 2002-2013	94
Table 12 Career breaks by sex of respondent	23	Figure 10 Age of female lawyers: 1991 and 2006	95
Figure 5 Length of time of career break in months	23	Figure 11 Age of male lawyers: 1991 and 2006	95
Table 13 Employer support for caregiving roles	24	Figure 12 Years since admission of practising lawyers: 2012	96
Table 14 Overall job satisfaction	24	Figure 13 Female partners over time: New Zealand, Australia and the USA	97
Figure 6 Job satisfaction by sex	25		
Table 15 Perceived promotion opportunities in current firm	25		
Table 16 Perceived opportunities for professional development in the current firm	26		
Figure 7 Source of career support in firm	26		
Table 17 Perceived likelihood of changing roles in next 12 months	27		

RESEARCH SUMMARY

The Gender & Diversity Research Group was contracted by the Auckland Women Lawyers' Association (AWLA) to explore the reasons for the scarcity of women at senior levels in large law firms. The research study took place between November 2012 and December 2013.

As with any research study, this one has both strengths and limitations. While there have been many studies of women in law; this study has the advantage of providing multiple perspectives from the same law firms on the crucial career transition - promotion to partner. We explore the factors influencing careers of women situated below the Partnership line, and those women partners situated above it. The study is limited to volunteers from the Auckland 'large law firm' group.

Phase 1 and Phase 2: Survey responses and interview findings from qualified, non-partner employees

Phase 1 comprised a short survey of volunteer respondents drawn from the 11 large Auckland law firms identified by AWLA.

Phase 2 involved in-depth interviews with female and male volunteers who were not yet at partner level. The questions in both these phases were developed to fulfil two main objectives:

- 1 To gather information on demographics, employment and the home situation of respondents.
- 2 To seek a deeper understanding of the experiences and attitudes to workplace satisfaction, support and opportunities for promotion, perceived barriers to progression, explanations for women leaving the firm and the profession, and future personal work plans in law and

beyond.

A total of 144 people responded to the survey. This gave a response rate from the females of 55.5% and 22.9% from males, an acceptable sample size. For Phase 2, six experienced researchers conducted the interviews. In all, five men and 24 women were interviewed from 10 of the firms.

Survey respondent demographics

- The mean age of the survey respondents was 38 years.
- The study sample was over-represented by European New Zealanders (93%) with other ethnicities under-represented.
- The Bachelor of Laws is the primary educational entry into the legal profession for women and men. A larger proportion of males (25%) than women (14%) had a postgraduate qualification.
- The median range of years since graduation was 8-12 years.
- Two-thirds of survey respondents were at the senior associate level.
- The average personal income for women was \$143,431 and \$157,759 for men; an average for the sample overall of approximately \$150,000.
- Similar proportions of females and males were married (66%, 72%), in a relationship (20%, 14%) or single (13%).
- Approximately one half (53%) of the sample respondents were responsible for other dependants; most of whom were children. The median number of children was two.
- A smaller proportion of women (45%) than men (52%) did not have children.

Career patterns and experiences

Some key gendered career path findings include:

- Almost all of the women who responded (95%) to the survey endorsed the proposition that there was a trend for women to leave the firms or the profession. In contrast, 30% of the men who responded, queried or disagreed that there was a trend for women to leave.
- There was general consensus that people leave law in the first few years as part of career exploration; unrelated to being male or female.
- Going overseas, even to work in leading global firms, was perceived to have mixed implications for the careers of women, and men.
- Balancing family life for women in law meant fewer opportunities to network or to focus on other aspects of career building.
- Male respondents suggested that the main reason for women leaving law firms or the profession was responsibilities for family.

There was mixture of reasons why the interviewees got into law. Some interviewees had fathers who were lawyers; however, a more common pathway was that as intelligent high achieving students, they were encouraged to study law by teachers, or friends. Almost all interviewees were clear that they loved practising law. A difference was found between the perceptions of women and men to progression in their firm. A majority (86%) of the women indicated that there were barriers as compared to approximately half (53%) of the men. There was a striking difference between female and male survey responses, with a greater proportion of males perceiving moderate levels of promotion opportunities in their current firm - double that of the females. However, it was clear from some interview accounts, that some firms are trying to be more transparent and transactional in the Partnership process.

Generally, it was perceived that there were high levels of career support within the firm, with relatively similar responses from women and men (females 81%, males 85%). The most common sources of support came from the person to whom they reported (54%), followed by their peers (46%). A quarter (24%) of women felt that there were no opportunities for promotion nor for professional development within their current firm. The predominance of men among existing partners was also highlighted as a potential impediment to progression by a number of women.

Within the various firm cultures, stereotypical masculine characteristics, such as the need to be competitive and totally committed to work, were evident. These characteristics were generally accepted as being necessary to the 'business model' of the large law firms. A range of views were aired on the existence and prevalence of an 'old boys' network' that operates within and beyond the firms. The majority of the women interviewed were adamant about its existence and its role. Some women cited that they have clients who either openly or discreetly, preferred to deal with men.

There was equivocal discussion in the interviews that education from the 'right' schools created favourable career conditions, with a consensus that attending private schools in Auckland provided an advantage in developing client and legal networks. The conversation and activities involved in networking were aligned with 'male' interests such as sporting events. There were some indications that this could change as more women constituted the client base.

It was acknowledged that there was no equivalent 'old girls' network' and therefore women are not able to take advantage of the information and support that being part of such networks afford. There were mixed accounts by interviewees, of the extent to which senior women supported the

career aspirations of women who were more junior. Few women at senior levels meant that there were limited role models to provide examples of acceptable behaviours or simply 'how to be' a woman partner. There were few alternatives to the traditional, 'male' path to Partnership. The lack of older female role models was associated by a number of women interviewees with ageist and sexist notions of being a 'successful' lawyer; needing to act like a man.

Women respondents emphasised that lawyers were expected to provide a high level of commitment and availability, which was to be demonstrated through full-time work and being almost 24/7 'on-call' for their clients. There was extensive conversation in most female interviews about part-time work, with the overwhelming opinion that it was rare for a woman to become a partner if she was not in full-time work. Just over half of the survey sample (53%) indicated that they anticipated that in the future they may need to work part-time. A number of respondents simply stated that there was no flexibility, and that the rigidity of hours was a primary cause of women leaving large law firms.

Having children (or being of child bearing age) was perceived as a barrier to becoming a partner. There was a perceived forced choice between Partnership and childbearing by many. Unsurprisingly therefore, a recurring theme from the interviews was that women who succeeded have strong home support, with some 'house-husbands' providing primary childcare. Despite the dominance of discussion of babies and legal careers, approximately half of the total survey sample (49%) indicated that they didn't know if their employer provided support for caregiving roles; of those 42% were women.

Looking to the future

Few respondents indicated that they would change occupation in the next year: approximately 80% of females and 90% of males saying it was extremely unlikely. Nearly half (47%) of all survey respondents also indicated they would not change occupations over the next three years. The most favoured option by females and males for a future change of position was as an in-house company lawyer. Another quarter favoured a part-time option; however this was endorsed only by women. More males (60%) than females (46%) intended to remain in the legal profession long-term.

There was currently no 'ground swell' of people agitating for change, although there were high levels of frustration expressed with the structure for progression. While firms clearly vary in their responsiveness to women's needs and there were some award winners in the group; these accolades did not always translate to positive experiences for women in those organisations.

Women wanted:

- The opportunity for part-time work, flexible hours and active support for more work-life balance.
- Partner guidance on the career path.
- To modernise the profession.

Both men and women would remain in law if:

- There were greater financial rewards.
- A consistent flow of challenging work.
- Progression to Partnership.
- More reasonable client and firm expectations of performance and work time.

Phase 3: Interview findings from female partners and managing partners/CEOs of large law firms

In this section, Phase 3 findings are discussed divided into two parts based on the sample: first, summarising the key themes from interviews with the volunteer female partners and second, key themes from interviews with the managing partner or CEOs from the 11 Auckland large firms.

Section A: Women partners of the large law firms

The women partners interviewed, ranged in age from 30-59 (mean of 44); they were almost all European New Zealanders, had been on average six years in their current position, working 50-60 hours per week. Most were married and three-quarters were responsible for dependants (mainly children).

There was similarity across the responses on why women partners loved the law: intellectual stimulation, problem solving, client relationships and the people management skills required. The financial rewards and public good were also important. The primary characteristics required to be a 'good lawyer' and a successful partner focussed on personal characteristics: intelligence, determination, dedication, mental toughness, resilience, drive, client orientation, and clarity of thinking. The term 'rainmaker' was cited a number of times as key for succeeding as a partner. Others articulated the importance of women having ambition to be partner, having strong support at home, and maintaining unbroken careers.

The main business models are: parity or equity partners, (equal owners of the firm) and salaried partners who are paid at a lower rate, but the rewards are not dependent on the work flow. In harder economic times a salaried partner could be a more stable and lucrative position. Parity partners are based on a principle of equality sharing the

risks and rewards. There was mixed opinion on the inevitability of this parity model for the profession; raising the question is the Partnership structure of large law firms changeable?

Partnership experiences

The surface description of the promotional process was largely devoid of gender. While there are guidelines and written criteria reinforcing the business case, there are often informal relationship implications as existing partners approve any new partners. There are clear politics and business dynamics around the promotion to partner, as well as the personal and technical mix of qualities needed.

Many women spoke about the importance of mentors. For the 'older' (this is 40+) women, mentors were likely to be men, and more often it was peer mentors. Common accounts of support in the career journey centred around sponsorship. Where there has been an experience of sponsorship, then commonly these recipients were active mentors for those more junior - they passed it on.

There was an optimal age range (35-40 years) within which most senior associates would make partner. The major reason that Partnership occurs in the thirties decade is that it is based on the male life path. In essence, there is a clash for women; one based on a biological determinant, the other on a professional norm. For most women childcare was perceived as an individual issue rather than being a responsibility of the firm. The views about whether or not it was feasible to have children and be a law partner, was split amongst the women. It is notable that most interviewees with children had taken modest maternity leave, i.e. under a year. The greater presence of women in a team was associated with more opportunities for working part-team and/or flexible hours.

There was a great deal of similarity in how women partners described organisational culture; in spite of espoused differences between the firms. The dominant cultural description was pitched as 'a high performance culture that strives for excellence, driven very much by the Board'. Interviewees were generally very positive about firm cultures, describing them as competitive, energetic and collegial.

Contrary to the findings from non-partner women in Phase 2 of the study, there was little support for the notion of an 'old boys' network'. Yet a number of interviewees noted the presence of, and accepted that there was a male-dominated culture. Little comment was made about support networks for women, but there were observations made about enduring male networks originating from a few Auckland high schools. The gendered nature of entertaining clients attracted specific comment, with beer drinking and an interest in sports, still being valued. One interviewee picked up the trend of how more women clients presented a potential opportunity, often not taken up by law firms. Another gendered issue raised by the women interviewees was the lack of high achieving male graduates presenting at recruitment.

Strategies for managing work and home-life demands, was a topic of discussion by women partners with children. A key difference between the experiences of male and female partners was that most men had a wife full-time at home. Having a supportive male partner in the home was viewed by many interviewees as key to success for life as a female law partner. If women did not have that support or were single mothers, then life was much more difficult to manage.

In addition to a supportive partner (and not all interviewees had one), having a supportive family coupled with home help 'in sourcing' were crucial elements for success. The mosaic of child care arrangements was com-

plex and required multiple helpers (both paid and unpaid) for many women partners with young children. The importance of quality childcare was a priority, even for those with modest financial resources. Significantly, virtually no interviewees argued that the law firm should take a major role in assisting partners with dependants to manage.

For those women partners who did not have children, their work-life balance concerns were more likely to centre around exercise and work. The importance of maintaining health and stamina in this demanding profession was observed.

As partners become more experienced, they try to manage their time more and resist work pressure; although the success of time management may be more imagined than real with long hours legendary in the profession. Some law specialisations were perceived to be more conducive to women's lives.

In professional service firms the client focus runs deep, and the high level of service expected in a competitive external market was a recurring theme, seemingly unchangeable. The imperative to build and maintain a client base is a constant pressure.

The key concern of in this study was: why women do not stay in the large law firms. A few common themes emerged from a variety of opinions: burnout, a male-dominated environment; pressures around 'winning' work; and a desire for a more balanced life (particularly by younger staff). Another key issue of concern for women that emerged from the interviews was 'if and when' to have children. There was agreement that early career choices do not always work out. But one contributing factor to women leaving it was generally agreed, was the construction of the law as one of the most demanding of professions.

Section B: Managing partners and CEOs of the large law firms

There were six volunteers from six of the 11 participating law firms in this section of Phase 3 of the study. The group was split evenly between those who were lawyers, and those who were 'professional managers': most of whom came from an accounting background. Lack of time availability was the key reason for non-participation.

Progressing women in law

Surprisingly, there was little direct discussion by interviewees as to why there was a scarcity of women in senior positions. For one interviewee the problem identified was not about bringing women or men through to Partnership, but rather retaining them until they had a sufficient level of experience and seniority.

Many interviewees talked about the demanding nature of a law career, with challenges perceived to intensify, rather than improve, as one progressed. When an individual, male or female, is promoted to partner the emphasis shifts as the incumbent becomes a business owner in the firm. A recurring dilemma highlighted by the interviewees was the age and stage at which people were likely to be considered as prospects for Partnership, that is, eight to 10 years after graduation. This timing coincides with child-bearing and rearing phases. It impacts on women's careers in a major way; while having little effect on the careers of men. It was felt that in order to succeed in law and become partner, women with children are faced with decisions concerning their personal caring of their family. In the few cases where firms promoted women to partner while they were working part-time, the decision was controversial.

The recruitment and promotion patterns arising in the analysis of this phase of the study, presents two gendered issues: fewer men than women are being recruited with

the expected qualifications and capabilities; while men are still over-represented at senior levels. The existence of women partners was viewed as important to demonstrate that women can attain such positions, as well as provide role models for how to enact being a women partner. The over-representation of men means that there are few women partners to mentor or sponsor other women into the more senior levels.

Firms had a variety of career development measures in place to enhance performance, such as 'talent spotting' and support programmes aimed at 'identifying the stars'. The partner admission committees played a pivotal role strategically. They assess whether it's the 'right person' to be voted on for Partnership and review the firm's gender profile. Interviewees noted how in the past, decisions on Partnership were done behind closed doors. Today, firms aim for greater transparency in the Partnership promotional processes.

One promotional issue noted, was the lack of Partnership opportunities, caused by partners delaying retirement, a situation exacerbated by a tight economic market. A number of the firms consciously promote from within, but also try to keep in touch with employees on their 'overseas experience' so they can return into employment. As could be expected, the principle of merit was emphasised by interviewees as a baseline for promotion.

Senior management and senior partners are responsible for the firm's culture. In spite of the clear power differentials and concomitant rewards, a surprising number of the managing partners and CEOs professed 'collegiality and equity' as a dominant within the firm's culture. The old boys' club was seen to be more a feature of the past, not the present. A shift in organisational culture, discernible in almost all the firms, has been a change in the time of day for client entertaining and relationship building. The previous expectation of attendance at

elite sport events has also been broadened, for example, to include fashion week for women partners and clients.

A changing technological world of smart phones and round the clock email access is now challenging the traditional business model based on meeting the clients in the office. The long hours, legendary in law firms, are likely to be extended. The principle of 'being always available to clients' presents real difficulties for those with family caring responsibilities. While combined tensions of work-life dilemmas impacted differently across individuals, a commonly cited solution was for women seeking promotion in law firms, to buy-in support for home responsibilities. An alternate option posited by the interviewees was a move from a large law firm to an in-house legal role. It was argued that this would provide greater autonomy over time and more constrained 'full-time' hours.

The salaried Partnership option was also mooted as a potential choice for those who want more flexibility in a Partnership role. Although some interviewees noted that firms in the UK and USA that had introduced the salaried Partnership model had found it quickly became a two-tier the system, in spite of it providing a 'quick fix' to increase the numbers of women partners. The lock-step system to full equity partner model was suggested by some interviewees as a way to provide a potential space for more flexibility. However, it was also noted by some, that a position of less than 100% in law firms, implies that the person is not fully committed. Potentially these models could mean that women would predominant in the second tier of the hierarchical Partnership systems and so not obtain equal status with male partners.

Organisational responses to perceived barriers

While all the firms were confronted with gender issues, different initiatives have been introduced, but they did not explicitly focus on the needs of women. A summary is reported here of the kinds of initiatives that were present across the sample; individual firms are not mentioned.

- Formal diversity and inclusion programmes.
- Monitoring key statistics on gender equality.
- Holding partners accountable for actions around women's advancement.
- In-house seminars, particularly for senior women to help them with advancing their careers. Seminars with outstanding women leaders (outside of law).
- A corporate mother's networking group.
- Self-development courses.
- Inclusive leadership courses.
- Firm membership of the Auckland Women Lawyers' Association.
- Access to emergency child care facilities.
- Informal 'women only' events.

Over the past two decades, a common change strategy for women in management generally in New Zealand society, is to assist women to 'fit in' with the dominant corporate cultures; women in law firms are no exception. Some women partners stressed that women themselves have to push for change, but recognised that advocating for change within the organisation carries risks.

It was generally agreed by the interviewees in the study, that clear policies and leadership from the top are needed as a precursor for change. While firms had various policies around a range of equity issues, how they were implemented differentiated from one firm to another. Although there was an occasional mention of diversity at a policy level, there still appears to be a need for greater conscious awareness of managing diversity beyond the needs of women.

While some firms had relatively generous parental leave policies, female partners commented that communication of expectations and relevant policies to those 'below the line' could be improved.

It was agreed by some interviewees in all three phases of the study, that acceptance of part-time work and flexible working practices into the Partnership level could make real differences to women's choices and the resulting gender composition of the firm. It was clear, however, that most women who actually worked part-time, were senior associates. Where there was a part-time woman partner, it was still seen as being 'unusual'. As a result, the decision to work part-time was also a decision to sacrifice advancement; it was a conscious decision process weighed up by many of the interviewees.

There was some clear advice from those interviewees 'above the line' for women considering a career in law:

- Choose an area of the law that you love, or that really interests you.
- Aim high.
- Have a supportive partner.
- Find mentors.

Conclusion

Views from employees and from partners both overlapped and differed.

Those participants in Phase 1 and 2 of the study 'below the Partnership line', were satisfied with their job and loved working in law, but were more pessimistic on their prospects. There were unequivocal beliefs that Partnership is not granted to those working part-time. Efforts to manage a home life in the face of unrelenting work pressure was perceived as the responsibility of the individual woman by using a web of home help 'in sourcing'. The presence of 'old boys' networks' within a masculine work culture, presented difficulties for women as they sought to develop the necessary relationships with clients and existing partners important for progression to partner.

Women partners and CEOs were more optimistic about the ability to manage their lives, but many were concerned for the future with more women being recruited, and more women than men leaving a business of law that is male-dominated in structure and culture. The pressure of a client-centred model, long hours of work, coupled with beliefs as to the appropriate age and stage to 'go up' for Partnership, has created a conundrum with far-reaching implications for the law profession, and the women and men working within it. It is a crucial time in the history of the legal profession - is it ready for the bold changes needed? The continued privileging of law as a 'special' profession requiring extraordinary demands from extraordinary people, is neither serving the profession nor the sustainability of its people.

PHASE 1

Working in law survey - Responses from qualified, non-partner employees

1 Introduction

The Gender & Diversity Research Group was contracted by the Auckland Women Lawyers' Association (AWLA) to explore reasons for the scarcity of women at senior levels in large law firms. AWLA was concerned that although more women than men are entering the profession of law, many do not remain in the profession six years after qualifying. This trend of women leaving the profession results in senior levels being dominated by men. The research project includes both quantitative data gathered from Phase 1 and qualitative data from interviews in Phase 2 and 3 of the project. Phase 1 of this research project comprised a short survey of volunteer respondents drawn from 11 large Auckland law firms. The survey was conducted from late 2012 through to mid-2013. This report outlines the survey method and summarises the results.

2 Survey method

2.1 Development of questions

Questions were developed by combining a review of existing literature on women in law with research experiences from members of the Gender & Diversity Research Group. These questions were developed to fulfil two main objectives:

- 1 To gather demographic information on the employment and home situations of respondents.
- 2 To ascertain the respondents' experiences and attitudes to workplace satisfaction, support and opportunities for promotion, perceived barriers to progression, explanations for women leaving the firm and the profession, and future personal work plans in and out of law.

The software package Survey Monkey was used to conduct an online survey. Anonymity of respondents was maintained throughout. All participants who completed the survey were given the option to volunteer for a more comprehensive individual interview with a senior member of the research group (Phase 2 of this research project).

2.2 Sample recruitment

Participants were contacted for the survey via an email sent out by the research partners AWLA. Eleven large law firms were targeted and eligible staff/employees were invited to participate. The selection criteria were both women and men who fulfilled the AWLA identified criteria of:

- 1 Over six years of post-qualification experience;
- 2 Yet to reach Partnership level.

The total number of lawyers meeting these criteria at the commencement of the study was 340, consisting of 200 females and 140 males. The identified large law firms were: Bell Gully, Brookfields, Buddle Findlay, Chapman Tripp, DLA Phillips Fox, Hesketh Henry, Kensington Swan, Meredith Connell, Minter Ellison Rudd Watts, Russell McVeagh, and Simpson Grierson.

2.3 Response rate

Invitation emails were sent to the participating firms in Auckland in November 2012. The survey was cut off at 31 July 2013. Several firms forwarded the emails firm-wide (i.e. Wellington and Christchurch) which resulted in three responses from outside of the immediate Auckland area, that were not included. The overall response rate was 42.4% (144 responses). This level of response is above business and social science

research standards (around 30%) and minimises non-sampling errors such as selection and non-response biases. There was a very pleasing response rate from the females at 55.5%. Although the survey was focussed on why there was a scarcity of women at senior levels there was also a good response (22.9%) from males.

3 Results

There was a total of 144 respondents. Overall the total female sample was 111 and the male sample 32. One additional female respondent was removed from the sample as she graduated more recently than the six years required. Between five and eight respondents skipped any one question after Table 5 and the actual maximum response rate after these questions was 107 or less for females and 32 or less for males (139 in total). Any 'no reply' has been noted alongside each question reported, and excluded from calculations of percentages.

3.1 Demographic findings

Table 1 Sample by sex

No response was 3

Sex	Number	Percent
Female	105	77.2
Male	31	22.8
Total	136	100

Although the research study was particularly concerned with the experiences of women in law, almost one fifth of the respondents were males. This provided some complementary insight into men's

attitudes and experiences of working in law and could be compared with their female colleagues. This sample is not representative of the legal profession in New Zealand where 56% of those holding practising certificates are male; 60.7% of those admitted to the profession are female; and 44.5% of people in the legal profession in Auckland (across all levels) are women (McGregor, 2012). Clearly females are over-represented in this survey.

Table 2 Age range of the sample

Age	Male Total	Male %	Female Total	Female %	Total
20-29	0	0	2	1.90%	2
30-39	25	80.64%	67	63.81%	92
40-49	4	12.90%	30	28.57%	34
50-59	1	3.23%	2	1.90%	3
60+	1	3.23%	2	1.90%	3
N.R.	0	0	2	1.90%	2
Total	31	100%	105	100%	136

The mean age of the sample was 38 years with a minor difference between the females (average-38.2) and the males (average-37.7). The median range for both females and males was 30-39 years.

Table 3a Ethnicity of respondents, compared with Auckland (2006), New Zealand (2013 census)

Sample	European NZ	Maori	Pacific Islander	Asian	Other	TOTAL
Study	126, 92.6%	4, 3.8%	0	2, 1.9% (Chinese)	4, 3.8%	105
Auckland	56.5%	11%	14.3%	18.85%	10%	
New Zealand	74%	14.9%	7.4%	11.8%	2.8%	

(Statistics, NZ, 2013)

European New Zealanders were over-represented in the study sample with other ethnicities clearly under-represented compared to both national and Auckland census population data. This was particularly apparent for Pacific Island or Indian ethnicities with no respondents from these groups; there were a few Maori and fewer Chinese respondents. All respondents who identified as being from an ethnic minority were women. The male sample consisted entirely of European New Zealanders.

Table 3b Diversity of respondents: Ethnicity and sex

Ethnicity	Male Total	Male %	Female Total	Female %	Total
European/Pakeha	31	100%	95	90.48%	126
Maori	0	0	4	3.81%	4
Pacific Islander	0	0	0	0	0
Chinese	0	0	2	1.90%	2
Indian	0	0	0	0	0
Other	0	0	4	3.81%	4
Total	31	100%	105	100%	136

Table 4 Educational level of respondents

Qualification	Male Total	Male %	Female Total	Female %	Total
Bachelor of Law	19	43.18%	85	50.90%	104
Bachelor of Commerce	6	13.64%	16	9.58%	22
Bachelor (Other)	7	15.91%	34	20.36%	41
Postgraduate qualification	11	25.00%	23	13.77%	34
Other	1	2.27%	9	5.39%	10
Total	44	100%	167	100%	211

Note: The number of qualifications is greater than the total number of respondents because some participants chose to report all their qualifications separately (eg, Bachelor of Law, Bachelor of Commerce, Honours etc) whilst others chose to indicate their highest qualification (eg, postgraduate). The number of qualifications listed by one person varied from 1-5.

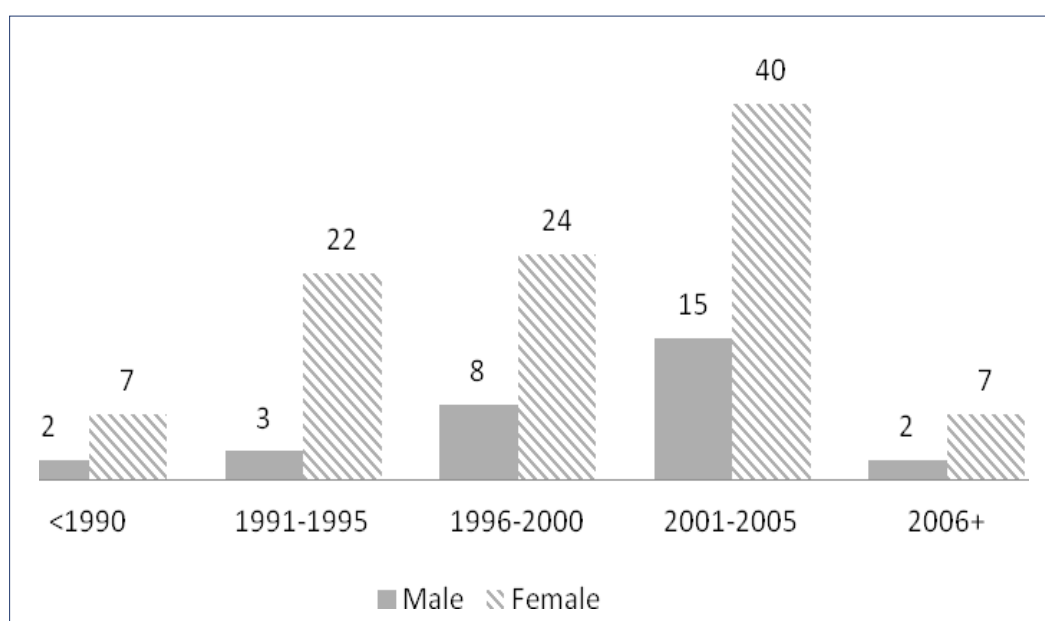
The Bachelor of Laws is the primary educational entry into the legal profession for women and men, although some respondents may have had a conjoint or double degree (although this was not a survey option). More males than females had a postgraduate degree, but five females chose to acknowledge their postgraduate degree in the 'other' category, thereby skewing the apparent gender difference in postgraduate qualifications. Taking this into account, 25% (11) of males had postgraduate qualifications and 16.8% (28) of females.

Table 5 Year completed study

Year of Completion	Male Total	Male %	Female Total	Female %	Total
<1990	2	6.45%	7	6.67%	9
1991-1995	3	9.68%	22	20.95%	25
1996-2000	8	25.81%	24	22.85%	32
2001-2005	15	48.38%	40	38.10%	55
2006+	2	6.45%	7	6.67%	9
N.R.	1	3.23%	5	4.76%	6
Total	31	100%	105	100%	136

One criterion for our sample is that participants had to have received their Bachelor of Laws a minimum of at least six years prior to this survey. In the 2006+ category, four participants indicated that they graduated in or after 2008. Some respondents may have returned to tertiary education to pursue postgraduate degrees; however, the dates of their undergraduate graduation met the recruitment criteria for the study. As a result we have extended the years of graduates as those four participants with postgraduate degrees referred to the end of their latest qualification as the completion year of their tertiary studies.

Figure 1 Completion of year of study by sex of respondent



The median range of years since graduation was 8-12 years (2001-2005); with 62% of respondents (80% of females and 60% of males) being 8-17 years since graduation.

3.2 Personal and household income

The legal profession has high status and high earning ability. In this sample the average personal income for women was \$143,431 and \$157,759 for men; an average for the sample overall of approximately \$150,000. This income is well above the average income for New Zealand women of \$52,852.80 and men of \$61,027.20 (HLFS, June 2013). The pay gap for this sample of women relative to male lawyers in the sample was 10%, virtually the same as the official New Zealand median rate (10.1%, Ministry of Women's Affairs, 2012).

For those respondents who identified as being in a relationship, this high earning ability translated into a higher average household income of \$221,195. The average household income for women was \$237,868 and for men it was \$206,035. The comparative distributions are represented in the table and figures below.

Table 6 Individual income and average household income by sex

Average Individual Income	Male Total	Male %	Female Total	Female %	Total
\$0-\$49,999	0	0	0	0	0
\$50,000-\$99,999	0	0	13	12.38%	13
\$100,000-\$149,999	12	38.71%	52	49.52%	64
\$150,000-\$199,999	14	45.16%	38	36.19%	52
\$200,000-\$249,999	3	9.68%	2	1.91%	5
\$250,000-\$299,999	0	0	0	0	0
\$300,000+	0	0	0	0	0
N.R.	2	6.45%	0	0	2
Total	31	100%	105	100%	136

Average Household Income	Male Total	Male %	Female Total	Female %	Total
\$0-\$49,999	0	0	0	0	0
\$50,000-\$99,999	0	0	2	1.90%	2
\$100,000-\$149,999	6	19.35%	7	6.67%	13
\$150,000-\$199,999	7	22.58%	27	25.71%	34
\$200,000-\$249,999	8	25.81%	32	30.48%	40
\$250,000-\$299,999	7	22.58%	16	15.24%	23
\$300,000-\$349,999	1	3.23%	8	7.62%	9
\$350,000-\$399,999	0	0	5	4.76%	5
\$400,000-\$449,999	0	0	4	3.81%	4
\$450,000-\$499,999	0	0	3	2.86%	3
\$500,000-\$549,999	0	0	0	0	0
\$550,000-\$599,999	0	0	0	0	0
\$600,000+	0	0	1	0.95%	1
Not Applicable	0	0	0	0	0
N.R.	2	6.45%	0	0	2
Total	31	100%	105	100%	136

Figure 2 Female respondents' personal and household average income range

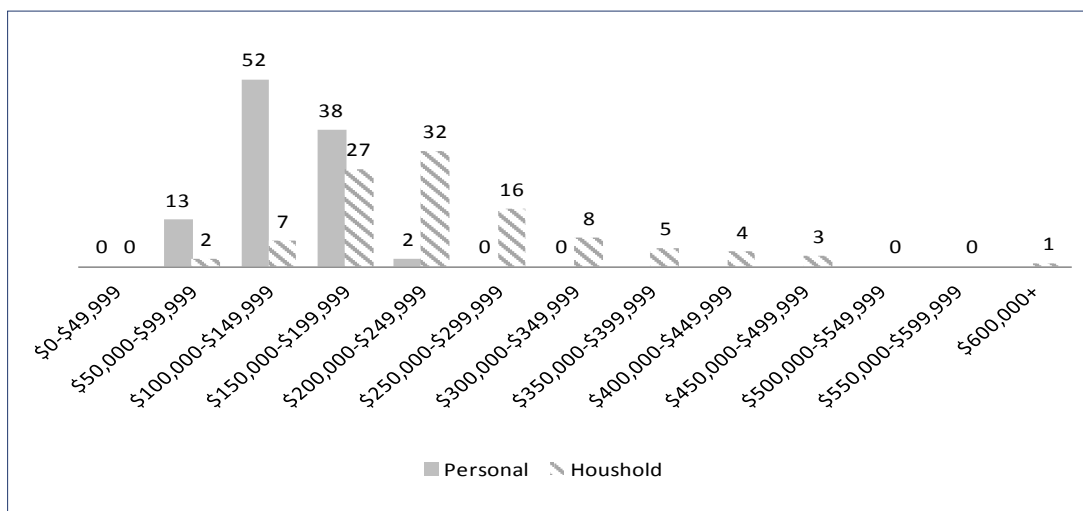


Figure 3 Male respondents' personal and household average income range

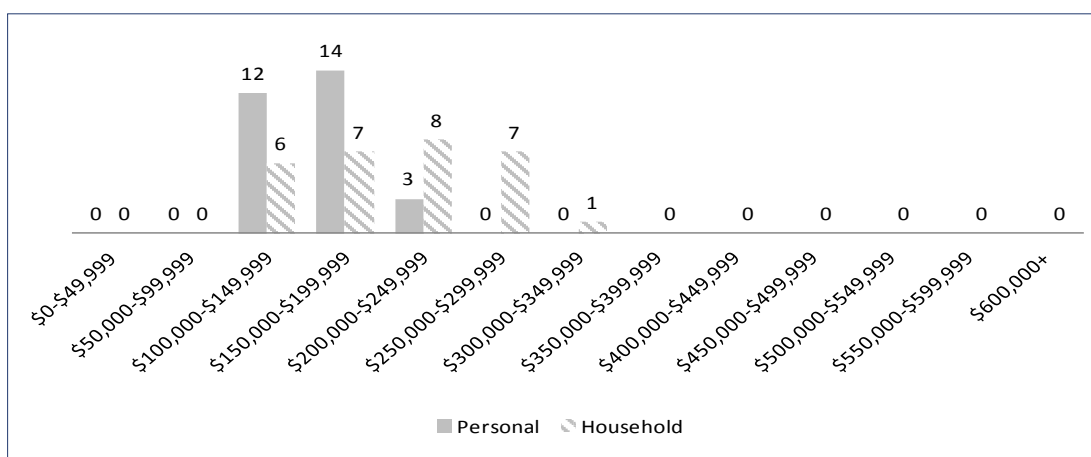


Table 7 Marital status of respondents

Marital Status	Male Total	Male %	Female Total	Female %	Total
Married/Civil Union	21	72.41%	69	65.71%	90
Separated	0	0	2	1.90%	2
In a relationship	4	13.79%	21	20.00%	25
Single	4	13.79%	13	12.38%	17
N.R.	2	6.45%	5	4.76%	7
Total	31	100%	105	100%	136

Note: This survey was carried out before the Marriage Equality Act of 2013.

Similar proportions of females and males were married, in a relationship or single. In addition, two women were separated.

Table 8 Number of dependants by sex of respondents

Children	Male Total	Male %	Female Total	Female %	Total
No children	16	51.61%	47	44.76%	63
1 child	6	19.35%	16	15.24%	22
2 children	7	22.58%	32	30.48%	39
3 children	0	0.00%	9	8.57%	9
4 children	0	0	1	0.95%	1
N.R.	2	6.45%	0	0	2
Total	31	100%	105	100%	136

Responsible for dependant adults					
Yes	2	6.45%	6	5.71%	8
No	27	87.10%	99	94.29%	126
N.R.	2	6.45%	0	0	2
Total	31	100%	105	100%	136

Approximately one half of the sample (54.4%) was responsible for other dependants, who were predominantly children. The median number of children was two. A smaller proportion of women (44.8%) than men (51.6%) did not have children.

Table 9 Care for dependants

	Male Total	Male %	Female Total	Female %	Total
Yes	2	6.25%	14	12.61%	16
No	2	6.25%	9	8.11%	11
N.R.	28	87.50%	88	79.28%	116
Total	32	100%	111	100%	143

This question was open-ended and most of the sample (83.7%) did not respond. Of the respondents who indicated they held caregiver roles, the majority (84%) were women. All the respondents who indicated they shared the care-giving at home were women.

3.3 Employment information

Table 10 Current position in firm

Job Title	Male Total	Male %	Female Total	Female %	Total
Associate	1	3.23%	7	6.67%	8
Senior Solicitor	5	16.13%	21	20.00%	26
Senior Associate	21	67.74%	65	61.90%	86
Other	2	6.45%	12	11.43%	12
N.R.	2	6.45%	0	0.00%	4
Total	31	100%	105	100%	136

Overall, two-thirds of respondents (65%) were at the senior associate level.

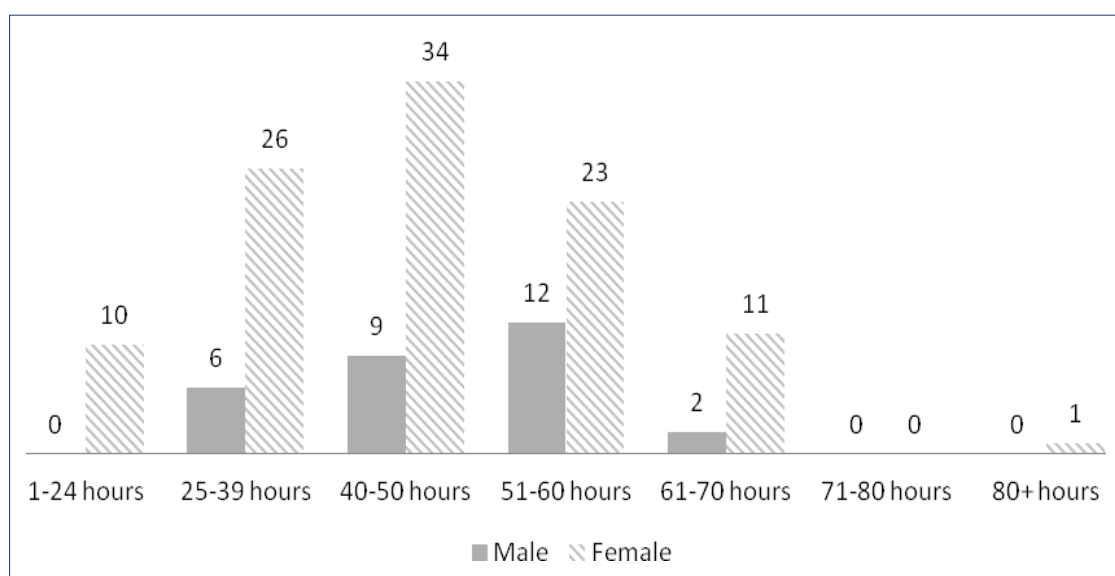
The average time women had been in their current position was 3.5 years with men reporting slightly less (3.24 years). The average time that women had been in their current firm was just under six years (5.77 years) while men had spent a little longer (6.66 years).

Table 11 Hours worked per week

	Male Total	Male %	Female Total	Female %	Total
1-24 hours	0	0	10	9.52%	10
25-39 hours	6	19.35%	26	24.76%	32
40-50 hours	9	29.03%	34	32.39%	43
51-60 hours	12	38.70%	23	21.90%	35
61-70 hours	2	6.45%	11	10.48%	13
71-80 hours	0	0	0	0	0
80+ hours	0	0	1	0.95%	1
N.R.	2	6.45%	0	0	2
Total	31	100%	105	100%	136

Most respondents were working full-time weekly hours, with the median range being 40-50 hours. Although the sample of males is small, a greater proportion of them were working an estimated 51-60 hours a week. Just over half the sample (73, 53.7%) indicated they anticipated there may be a time when they would need to work part-time, a quarter were unsure (34) while a fifth (29, 21.3%) responded 'no'.

Figure 4 Average hours worked per week by sex



3.4 Career breaks

Overall, approximately half the sample (73, 53.7%) indicated they had taken a career break. This question attracted a relatively high level of no responses. Of the women responding, 61% had taken at least one career break, and 46.9% of the men. A greater proportion of women than men had taken multiple career breaks, primarily to have children.

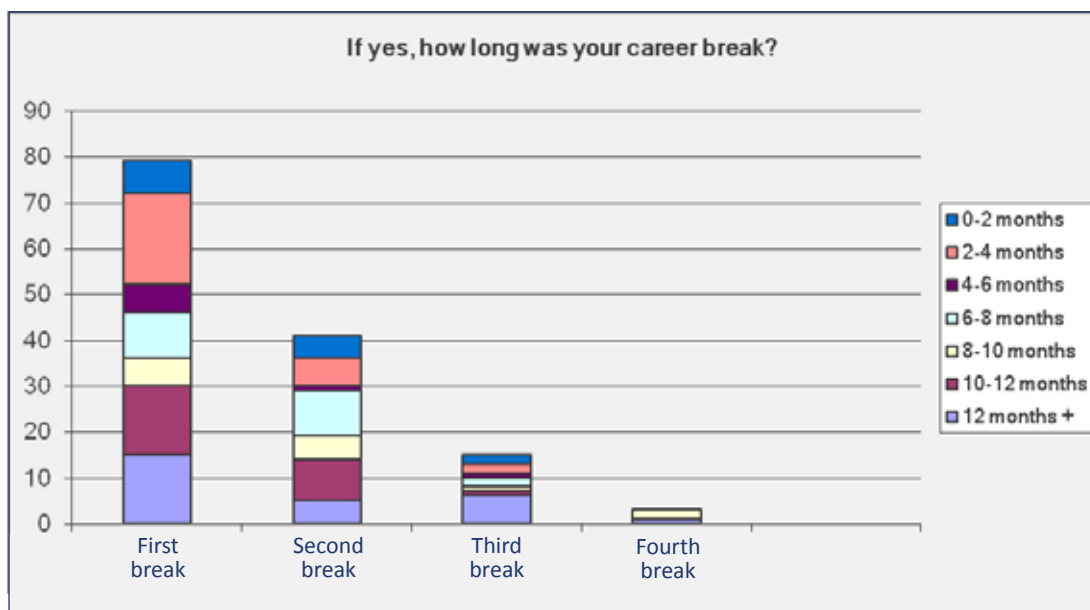
Table 12 Career breaks by sex of respondent

Career Break	Male Total	Male %	Female Total	Female %	Total
Yes	10	34.48%	67	63.81%	77
No	19	65.52%	38	36.19%	57
1st career break	10	32.26%	67	41.87%	77
2nd career break	4	12.90%	37	23.12%	41
3rd career break	0	0	15	9.38%	15
4th career break	0	0	3	1.88%	3
N.R.	17	54.84%	38	23.75%	55
Total	31	100%	160	100%	191

Note: It was assumed that those who had taken multiple career breaks had taken a first career break.

In terms of the duration of the break, 81% (64) of those respondents who had one career break took up to a year off work. The number of respondents who had a second career break dropped to approximately half of those who reported career breaks, and approximately a fifth of the women who had a career break had a third. No male respondents reported having a third or fourth career break.

Figure 5 Length of time of career break in months



3.5 Employer support for caregiving

This question was open-ended and there was a high level of no response (approximately 70% of respondents). Approximately half the total sample (66, 48.5%) indicated they didn't know if their employer provided support for caregiving roles; 42.1% were women. A quarter of the sample (31, 23%) stated their employer did not provide support and a further 39 (28.7%) stated their employer did provide caregiving support. Specific responses on the nature of the support were requested and are summarised in the following table (Table 13). The most common response by firms was to provide the opportunity for flexible hours and/or part-time work.

Table 13 Employer support for caregiving roles

	Female	Male	Total
Part-time	15, 93.8%	1, 6.3%	16
Flexible hours	18, 100%	0	18
Paid parental leave	3, 42.9%	4, 57.1%	7
Nanny support	4, 100%	0	4
Other	0	0	0
Total responses	35	4	39

Note: Multiple responses were possible to this question.

Two respondents commented their employer was 'generally supportive' while other specific individual responses of support were: technology for remote access, support depended on the firm's funds or support depended on the relationship with the supervising Partner. Other individual comments on support for flexibility were: that it was supported provided the time was made up; that although flexibility was supported it impacted on advancement; and that there was flexibility around child's sickness and/or school drop off/pick up times.

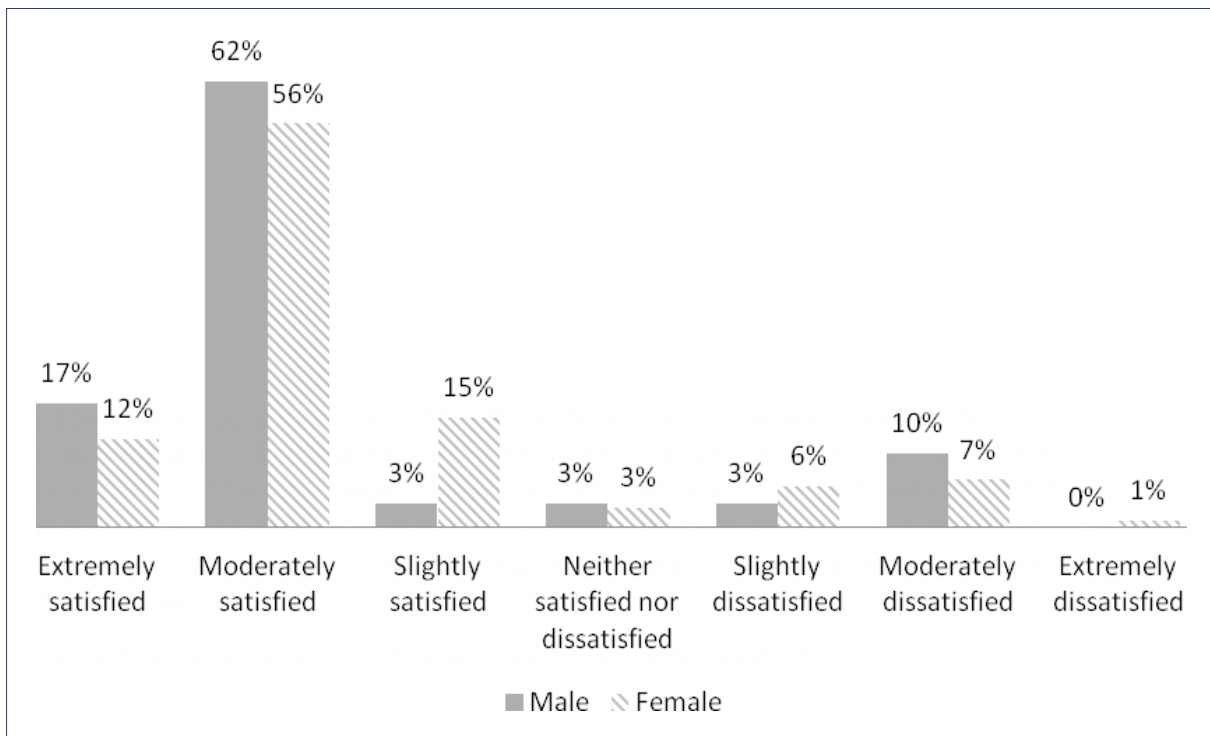
3.6 Job satisfaction

The median response on a 7-point scale of job satisfaction (1 being extremely satisfied and 7 being extremely dissatisfied) was tilted towards the satisfied end of the scale. The mean response for the sample was women was 3.53 and for males 2.45.

Table 14 Overall job satisfaction

Job Satisfaction	Male Total	Male %	Female Total	Female %	Total
Extremely dissatisfied	0	0	1	0.95%	1
Moderately dissatisfied	3	10.34%	7	6.67%	7
Slightly dissatisfied	1	3.45%	6	5.71%	6
Neither satisfied nor dissatisfied	1	3.45%	3	2.86%	3
Slightly satisfied	1	3.45%	16	15.24%	16
Moderately satisfied	18	62.07%	59	56.19%	59
Extremely satisfied	5	17.24%	13	12.38%	13
Total	29	100%	105	100%	134

Figure 6 Job satisfaction by sex



Note: results are calculated as a percentage of total response between sexes

3.7 Promotion opportunities

Table 15 Perceived promotion opportunities in current firm

Opportunities for promotion	Male Total	Male %	Female Total	Female %	Total
None at all	1	3.33%	25	23.81%	26
A few	14	46.67%	49	46.67%	63
A moderate number	12	40.00%	21	20.00%	33
A lot	2	6.67%	4	3.81%	6
A significant number	1	3.33%	6	5.71%	7
Total	30	100%	105	100%	135

There was a marked difference between female and male responses apparent in Table 15, with a greater proportion of males perceiving moderate levels of promotion opportunities in their current firm - double that of the females. Correspondingly, a fifth of females (25, 23.6%) perceived no promotion opportunities compared to just one respondent (3.3%) in the male sample.

3.8 Professional development

Table 16 Perceived opportunities for professional development in the current firm

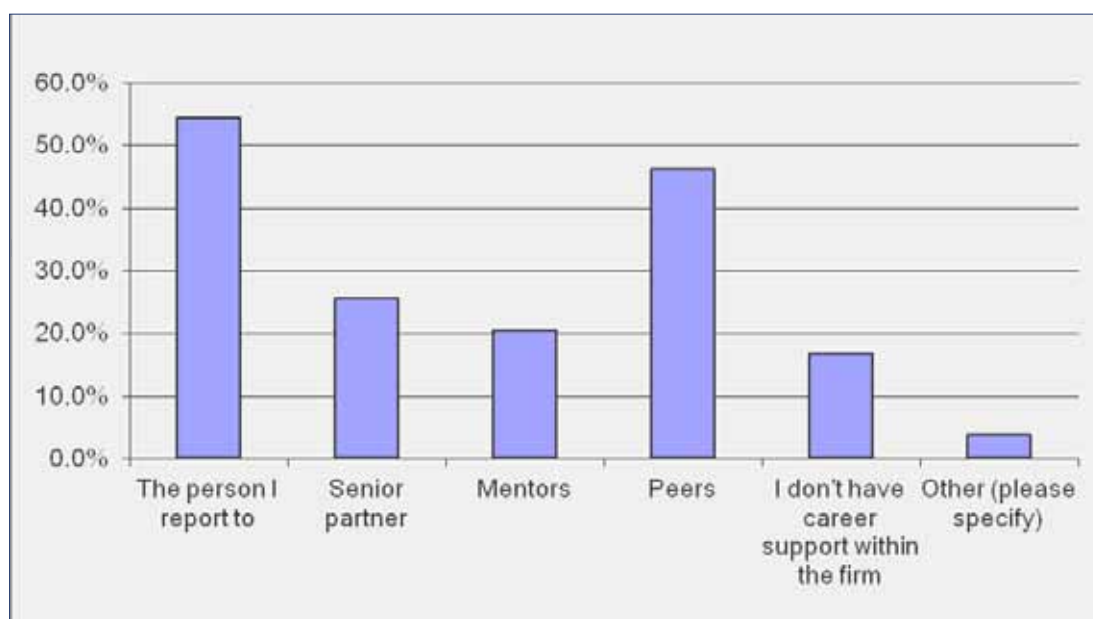
Professional Development	Male Total	Male %	Female Total	Female %	Total
None at all	1	3.33%	25	23.81%	26
A few	15	50.00%	49	46.67%	64
A moderate number	12	40.00%	21	20.00%	33
A lot	2	6.67%	4	3.81%	6
A significant number	0	0	6	5.71%	6
Total	30	100%	105	100%	135

In response to the question, 'How much room for professional development was there within the firm,' almost two-thirds (90, 65.7%) of respondents perceived 'a few' or no opportunities. This response was particularly marked for females with a fifth (25, 23.3%) responding that they perceived 'none'. Double the proportion of males compared with females perceived that there were 'moderate opportunities for professional development', a similar finding to the perceived promotion opportunities described above.

3.9 Career support

Generally it was perceived there were high levels of career support within the firm with similar levels reported by both women and men (female 80.8%, males 84.8%). In response to the question about career support within the firm, the most common source of support came from the person to whom they reported (74, 54.4%), followed by their peers (63, 46.3%). A quarter of the sample (35, 24.7%) used their senior Partner for career support and approximately 20% had mentors. Seventeen percent (23) felt that they did not have career support within their firm.

Figure 7 Source of career support in firm



3.10 Barriers to progressing within the firm

There was a strong perception from three-quarters (106, 77.9%) of the sample that there were barriers to progressing within the firm. There was a significant difference between women and men in their perceived barriers to progression with (90, 85.7%) of the women indicating that there were barriers within the firm compared to approximately half of the men (16, 53.3%).

The open-ended question asking what the perceived barriers were to progression within the firm generated a great deal of considered responses. The women's responses along with illustrative quotations are listed in Phase 2.

3.11 Future employment

Perceptions of the likelihood of progressing in the future were followed by questions asking about the likelihood of changing occupations in the near future.

Table 17 Perceived likelihood of changing roles in next 12 months

Likelihood of Role Change in Next 12 months	Male Total	Male %	Female Total	Female %	Total
Not at all likely	10	33.34%	33	31.43%	43
Slightly likely	7	23.33%	21	20.00%	28
Moderately likely	7	23.33%	27	25.71%	34
Very likely	2	6.67%	12	11.43%	14
Extremely likely	4	13.33%	12	11.43%	16
Total	30	100%	105	100%	135

Almost half the sample (63, 46.9%) were moderately to extremely likely to change roles within the firm in the next year. The proportion of females and males indicating that they were 'extremely' or 'very likely' to change roles in the next 12 months was similar, around a fifth of the sample.

Table 18 Perceived likelihood of changing roles in next three years

Likelihood of Role Change in Next Three years	Male Total	Male %	Female Total	Female %	Total
Not at all likely	1	3.44%	14	13.33%	15
Slightly likely	5	17.24%	15	14.29%	20
Moderately likely	8	27.59%	29	27.62%	37
Very likely	8	27.59%	16	15.24%	24
Extremely likely	7	24.14%	31	29.52%	38
Total	29	100%	105	100%	134

In the longer time frame of three years, proportionately more males (15, 51.7%) than females (47, 44.7%) perceived it was 'extremely' or 'very likely' they would change roles.

Respondents were not asked directly why they would change roles. They were asked, however, what future role they thought they may be in if they changed from their current position.

Table 19a Future change of position

Sex	Big firm, F-T role	Small firm, F-T	In-house role	P-T, current firm	P-T another big firm	P-T smaller firm
Female	22, 11.8%	28, 15%	71, 38%	22, 11.8%	18, 9.6%	26, 13.9%
Male	15, 15.3%	14, 14.3%	20, 20.4%	0	0	0
Total	35, 25.9%	42, 31.1%	91, 67.4%	22, 16.3%	18, 13.3%	26, 19.3%

Note: Multiple responses were allowed. There were two N.R.

The full-time options were favoured by many more respondents (170) than the part-time options (66). The most favoured option by females and males for a change of position in the future was to become an in-house company lawyer. Two-thirds of the sample indicated this as a preference with around a quarter of the sample favouring working in another big firm, or a smaller practice. Another quarter indicated favouring some part-time option. It is significant that only women chose the part-time options.

A further question was asked around future changes with respect to the options of changing career, working overseas and stopping paid work altogether.

Table 19b Future change in work

Sex	Change careers	Head overseas	Stop paid work	Other
Female	33, 53.2%	9, 14.5%	18, 29%	2, 3.3%
Male	10, 41.7%	11, 45.8%	2, 8.3%	1, 4.2%
Total	43, 31.9%	20, 14.8%	20, 14.8%	3, 2.2%

Note: Multiple responses were allowed. There were three N.R.

The most common response from approximately one-third (43, 31.9%) of the sample was to change career, however, this was endorsed more strongly by women (53.2%) than by men (41.7%). A significantly larger proportion of women (29%) than men (8.3%) endorsed stopping paid work. The favoured option for men (45.8%) was to 'head overseas', an option endorsed by a minority of women (14.5%).

Table 20a Perceived likelihood of changing occupations in next 12 months

Likelihood of Occupation Change in Next 12 months	Male Total	Male %	Female Total	Female %	Total
Not at all likely	21	72.41%	76	72.38%	97
Slightly likely	6	20.69%	10	9.53%	16
Moderately likely	1	3.45%	15	14.29%	16
Very likely	1	3.45%	2	1.90%	3
Extremely likely	0	0	2	1.90%	2
Total	29	100%	105	100%	134

The respondents considered the likelihood of changing occupation in the next year. Responses indicated high levels of settledness with the firm with approximately three-quarters were 'not at all' likely to change occupation. A change in occupation ('extremely, very, moderately likely') was more likely for females (19, 18.1%) than males (2, 6.8%). Approximately 80% of female respondents and 90% of male respondents indicated it was extremely unlikely they would change occupations in the next 12 months.

Table 20b Perceived likelihood of changing occupations in next three years

Likelihood of Occupation Change in Next Three Years	Male Total	Male %	Female Total	Female %	Total
Not at all likely	13	44.83%	50	47.62%	63
Slightly likely	10	34.48%	30	28.57%	40
Moderately likely	5	17.24%	15	14.29%	20
Very likely	1	3.45%	5	4.76%	6
Extremely likely	0	0	5	4.76%	5
Total	29	100%	105	100%	134

The respondents were also asked to consider the likelihood of changing occupations over the next three years. Approximately half (47.6%) the sample indicated this was 'not at all likely'. Just under one-fifth of the sample (25, 23.1%) reported it was 'moderately, very, to extremely likely.' There was little substantive difference in the responses of females and males. Overall, there was a high level of commitment to the legal profession among respondents for the next three years.

The respondents were also asked if they intended to practice law for the remainder of their professional careers.

Table 21 Intention to practice law for remaining professional career

	Male Total	Male %	Female Total	Female %	Total
Yes	18	60.00%	48	45.72%	66
No	2	6.67%	13	12.38%	15
Not sure	10	33.33%	44	41.90%	54
Total	30	100%	105	100%	135

A minority of respondents intended to leave law (11.2%) with just under half (48.5%) believing they would continue to practise law but a substantial proportion (40.3%) were not sure. More males (60%) than females (45.7%) in the sample intended to remain in the legal profession. More women than men were not sure, but there was a relatively high level of uncertainty expressed by the whole sample.

4 Collated responses to open-ended questions

4.1 Barriers to progression in the firm

There were 77 responses from women to an open-ended question on barriers to progression. The italic text represents actual quotes from the written responses. These quotes have been grouped according to the major context themes commented on by respondents. A number of the respondents had multiple comments within their written response; eg, part-time work, structure of Partnership. These have been counted separately, and hence the total number of responses is greater than the number of respondents.

Table 22 Perceived barriers to progression

Reason	Female (n=77)	Male (n=13)
Children, family caring	15, 19.5%	-
Attitudes against women	11, 14.3%	-
'Choice'	4, 5.2%	-
Part-time issues	19, 24.7%	-
Partnership structure	16, 20.8%	9, 69.2%
Economy, external environment	7, 14.3%	2, 15.4%
Lack of knowledge of process	5, 6.5%	
Culture - hours	6, 7.8%	
Lack of role models	2, 2.6%	
Other - age, ethnicity	3, 3.9%	
Females have many barriers	-	2, 15.4%
Total	88	13

4.2 Gender-related responses

There were a variety of factors mentioned with many relating to having children and being their primary carer while working in a large law firm. Having children (or being of child bearing age) was perceived as a barrier to becoming a Partner. It was viewed as a forced choice between Partnership and childbearing by many, with the perceived need *to sacrifice my family life to become a Partner*.

There are barriers for women with children. A senior associate who works part-time due to looking after her child was told that they will not be promoted or be given any pay rise until she returns to the firm on a full-time basis.

To date there has never been a 'mother' promoted to Partnership. It is inadvisable to breed if you have Partnership aspirations.

Negative attitudes against women from clients, Partners, unconscious bias and the presence of the 'old boys' club was mentioned.

Senior females are not taken as seriously as males; still feels like having children will be massively career limiting.

We still have clients who openly refuse to deal with women. We have clients who either openly or discreetly prefer to deal with men. What is very apparent is that there are old boys' networks which are operating at client level and amongst senior Partners in the firm, which can appear to be a barrier to female progression.

Another aspect mentioned by some women was the dilemma of apparent 'choice'; an issue that has been discussed in research on women's career progression in law in the United Kingdom as well (Walsh, 2012).

By choice, I currently work part-time three days as I have a young child. At this stage of my career, therefore, it is unlikely that I would be in line for Partnership because of the nature of my part-time work. Progression for me at my current level would likely be dependent on returning to work for a four or five day week.

Not firm specific barriers - but the reality of parenting small children and having maternity leave means that it is not realistic to devote the necessary energy to achieve Partnership.

In the two examples above, the women accept the status quo of how work in the law firms operate and see themselves as individually responsible for the choices that they make around having children.

4.3 The structure of work

The perceived disadvantage of working part-time was the central belief it provided a barrier to progression in law and specifically to Partnership: *I think working part-time means there is absolutely no way you can be a Partner.* As another respondent put it: *Part-time workers cannot progress beyond senior associate.*

In some firms there may be policy about part-time workers: *The firm has a policy not to appoint Partners who work on a part-time basis, regardless of their competency.* While in other firms there may be no specific policy about part-time Partners, a widely held belief can certainly act to truncate aspirations. *The firm I am employed by will never allow part-time Partners. This is widely understood.*

There was some minor comment made about flexibility around working hours and the difficulty of implementation. *Flexible*

work policies exist on paper, but are hard to put into practice in reality. Flexible hours were perceived as coming with a cost to Partnership options.

The firm is supportive of flexible working arrangements to allow for family commitments, but that does impact on the ability to advance within the firm.

Involvement in part-time work was also taken as a proxy for a lack of commitment and a desire to progress.

Being a part-time female employee seems to create a barrier, as Partners (largely male) assume I am not career-focussed as I choose to spend time with my child. I feel like I've been put out to pasture.

The definition of what constitutes full-time and part-time work is also part of the folklore of working in law firms, where *working full-time (i.e. complete 60-100 hours per week)*, is rather more than the employment norm of 40-50 hours (reported in the survey). In a similar way leaving around 5.30pm has negative consequences for some respondents, *I often get 'having another half day?' from Partners when I leave at 5.30pm.*

The hierarchical nature of the firm structure means that there are fewer places at the top:

Room at the top. Workflow - not enough work. Young Partners.

Limited involvement below Partnership level in client relationship management.

In addition, the down-stream effects of the business case model has implications if an aspirant is working part-time: *Very hard to achieve the billable hours to progress with children.*

The full equity model of Partnership impacts directly on the business case that senior associates can make to be a part-time Partner. It has been expressed that there are no Partnership opportunities for part-time Part-

ners, and this is said to be because of *the difficulty in apportioning Partnership income to part-timers.*

4.4 Environmental factors

External factors in the wider business environment and the economy were cited a number of times and the increased competition for clients in a tighter market; *the current economic climate; market conditions. Economic-recession.*

4.5 Partnership process

There was some comment on the lack of knowledge of the Partnership process *'it is all a mystery'*.

Politics within the team - unclear if you are being promoted or not. No clear guidance around career progression.

A related issue raised was the lack of career development support and specifically a lack of support for the transition to Partnership.

We are not provided with ANY information about progression to Partnership. I am aware that other firms regularly meet with Senior Associates, and give real coaching/direction. It seems we are quite in the dark.

The importance of support from senior colleagues for progression to Partner was acknowledged: *Difficult to find time to network with colleagues - which is an important part of progressing.*

Also providing a strong message was the lack of women role models - no women or only a few women at Partnership level: *For the first time in [the] years I have worked at this firm a female Partner has been appointed.*

In addition some comment was made on the lack of involvement by senior women:

Senior women could also do more to assist with progress through the ranks. While some senior women are doing

this, it appears ad hoc and could be more formalised through mentoring or other forms of support.

The more informal expectations and practices, apparent in the organisational culture were also mentioned in a variety of ways.

I think that the firm values traits that are male. The business model does not see the value in flexible working arrangements and the culture values working long hours rather than working smartly, even where those working long hours take lunch breaks and go to the gym etc.

The culture of presenteeism (the need to be physically present at work) was explicitly mentioned by one respondent but also implied by others. *Performance is often measured as a function of hours worked not actual productivity, with the result that lawyers with commitments outside of work (principally woman with childcare commitments) are disadvantaged.*

Indeed, the major factors arising from the open-ended responses intersect and are pithily summed up by one respondent who currently works part-time. *In the last meeting I had with my supervising Partner he pronounced that until I came back full-time and got a nanny, there wasn't really anywhere for my career to go here.*

4.6 Women leaving the law

Almost all of the women who responded (95%) endorsed the proposition there was a trend for women to leave the firms or the profession. In contrast, 30% of the men who responded queried or disagreed that there was a trend for women to leave.

Table 23 Why there is a trend for women to leave law, the firm or the profession?

Reason	Female (n=92 unique responses)	Male (n=27 unique responses)
Structure of work, law business model	13, 11.9%	5, 13.5%
Part-time hours, flexibility, work-life balance	34, 31.2%	5, 13.5%
Responsibilities for children - women	21, 19.3%	11, 29.7%
Masculine culture, attitudes	18, 16.5%	2, 5.4%
Female Partners	4, 3.7%	1, 2.7%
Lack of career path	3, 2.8%	1, 2.7%
Nature of work	2, 1.8%	2, 5.4%
Stress	4, 3.7%	-
Other	6, 5.5%	2, 5.4%
Rebuttal, more women don't leave	4, 3.7%	8, 21.6%
Total (multiple responses possible)	109	37

4.7 Men's responses

Male respondents suggested the main reason women leave law firms or the profession was due to responsibilities for family, or as three succinctly stated, 'motherhood'. A significant proportion of the male respondents queried or denied it was a trend, with many elaborating it is not specific to women, it is a personal thing. Three respondents noted that family responsibilities affect men as well, although gendered perceptions and acceptance were explained in the following comment:

If there was such a trend, I would say it is because working in big firms (stress, long hours, and unpleasant colleagues sometimes) actually is not much fun for some people. It is easier for women socially to leave for a smaller role or stop working to care for children, than it is for men. Men who step downwards, or quit, are viewed as 'losers'. So we just plug on and on, never seeing our kids - until we die or get divorced.

As captured in the table above (Table 23), a number of men discussed the structure of the law profession and the difficulty of work-life balance, *inflexibility in juggling primary caregiver roles and pregnancy with work requirements and client expectations.*

The outcome of conflicting demands was viewed within the bounds of accepting the status quo where outcomes were an individual's choice. *It comes down to the commitment that the individual wishes to make to be a Partner in a large firm - many men don't want to do that either, but prefer to have more of a life outside of work. The reality is that law is a demanding profession.*

Generally the men's responses did not reflect any additional burden for women, apart from having children. Men viewed the pressured, time-hungry nature of working in the law affected men as much as women. Overall, the reasons men gave as to why people leave the big firms and the law are summarised in the following list:

- 1 Uninteresting work
- 2 Focus on billable time
- 3 Lack of role models
- 4 Male-dominated industry
- 5 Unpleasant people in Partnership roles
- 6 Focus on generating business rather than serving client needs.

4.8 Women's responses

4.8.1 Structure of work

Women respondents reported and emphasised being constantly available for clients and able to turn work around quickly. The high level of accessibility expected by clients and delivered by the large law firms, has built up a structure of work intricately linked to billable hours: *The fact that performance is largely recognised in terms of the number of hours you bill.*

It was expected that lawyers provide a high level of commitment and availability demonstrated through full-time work and the ability to be contacted by clients on an almost 'on-call' basis: *There is an expectation the firm's lawyers are a lot more accessible than on a 9-5 basis.*

It's just not a model that is compatible with wanting to spend even a couple of hours at night with your children without being pulled away by emails and client/business requirements.

As a result of the impervious nature of hours of work: *There is a perception that in a smaller firm or a corporate environment, a woman can more easily juggle the multiple demands of career and children.*

4.8.2 Hours and flexibility

There was a great deal of comment around the struggle to balance family life and work life: *An added constraint to any flexibility was the difficulty of balancing family commitments with billable hours.*

Part-time work was not promoted as an option for employees who wished to be a

strong candidate for promotion to Partner: *Women are more likely to want to balance career with children... big firms aren't conducive to that balance...due to inflexible attitudes within firms.* Hence it was clearly perceived that *big firms don't promote women who work part-time.*

A number of respondents simply stated there was no flexibility, by implication the rigidity of hours was a primary cause of women leaving. As one woman starkly put it: *as far as I can see, the practice of law is somewhat incompatible with having children and actually being a mother.*

4.8.3 Women's responsibilities for children

Many women with children were made to feel less valuable because they were unable to work full-time or if they did, they were unable to work the long hours demanded by the profession. Women expressed the view that: *the fact that women are the sex which can bear children and who tend to shoulder most of the childcare responsibilities coupled with a lack of support for family and childcare responsibilities was a major contributor to women leaving.* At critical transition points decisions have to be made: *It's cliché to say - but someone has to be at home to raise the kids. Not everyone wants their children to grow up with a nanny as their primary caregiver.*

Women leaving was reframed by some respondents as being at the level of personal decision making: *Women have a greater capacity to choose personal fulfilment over status.* Or another woman put it, *Probably women are less willing to give up the 'rest of life'/things outside of work.* This process of weighing up priorities was summarised as follows: *As much as I want to progress to Partnership, I would not want to do this at the expense of not seeing my children during the week, and it seems that male contemporaries (in law and other professions) are happier to make that sacrifice.*

It goes without saying that men are also involved with children, but the negotiation of the domestic responsibilities fell to women and a number of arrangements were commented on. It was important to have a supportive partner at home: *To be a Partner in a big firm as a female the reality is you either need to decide against having children or have a husband/partner at home who can care for them.*

The financial cost of childcare was also an important factor in decision making processes:

Once you pay for good child care - unless you are a Partner - often the financial reward does not outweigh the other 'costs' of a full-time position in law (in particular missing out on family time). The critical period for a push to Partnership often corresponds with the time that women decide to have children. I believe that having a happy family life and Partnership are achievable - but you have to spend the money and time to get it running smoothly and importantly have a supportive partner.

The popular notion of 'having it all' arose in some responses summarised in the following excerpt:

Women are getting over the 'super-woman' complex and realising we don't want it all. We don't want to excel at our careers, be a super-mum and super-wife. It's too exhausting and life is far too short. Something has to give.

4.9 Gendered organisational culture and profession

Within the various firm cultures stereotypical masculine characteristics were evident, such as the need for being competitive and totally committed to paid work. These cultural aspects were attributed to men dominating the senior levels of the firms: *Law firms continue to operate on a one-dimensional competitive model which does not accommodate different working styles,*

values and perspectives. The competition wears you down after a few years.

Working in a big firm can be brutal.

Two of the respondents were equally direct in citing reasons for leaving: *Discrimination* and *Because there is a strong bias against women.*

The firms were perceived as not supportive of women who had difficulty: *The image of 'women' doesn't fit the pinstriped suit man.... It is still all male dominated profession at the top and women who display male characteristics are seen as bitches rather than promotion material.*

Single women without children may not match the mould either: *While single women are sometimes promoted they still have a lonely existence as they do not truly fit the model, i.e. the men chose for promotion people like themselves.*

A number of women identified *the prevalence of old boys' networks. Hard work is less important than drinking and playing golf - being a 'good guy'.* In a similar vein, women commented on the numerous extra-organisational expectations and obligations. There were career costs to being unable to participate fully with clients and senior colleagues in socialising professionally. Balancing family life meant opportunities to network and to focus on other aspects of career building (as against just doing a good job for clients) can be neglected.

Attitudes towards women who had children were also perceived as a hindrance to progression and in contributing to women leaving:

Because I think that there is a perception that women will be unable to handle the pressures of a big firm and also have a family. As a result, I think that they can get passed up for promotion (over men who are not perceived to have this dual responsibility) and hit a glass ceiling. Or perhaps they fear this will happen and therefore leave earlier.

Amidst the pessimistic commentary there were glimmers of hope: *There is still a tendency for Partnerships (especially of large firms) to be male dominated, although this fact, and attitudes, are slowly changing.*

4.10 Structure of law business model

Neither the structure nor the culture is perceived to be *supportive of part-time work or flexible full-time work*. As a professional service law is intrinsically linked to the demands of clients; *the business model of a big firm is based on the premise of providing a premium service to clients, with premium fees.*

4.11 Female Partners

It was noted there were few female role models, not only because of a paucity of women Partners, but also because other women in the firm were not seen as inspirational role models: *There are very few women in senior positions who also achieve a balance between family and work that I can aspire to and look to model my career on.*

A few women also commented on the lack of support from female Partners, expected on the basis of shared gender: *the female Partners in our firm are the least supportive of part-time work/flexible working hours.*

4.12 Lack of a career path

An opaqueness of the Partnership process was described with some frustration by some respondents. *There is no openness/inclusiveness it is all still a mystery and even when you are on 'Partnership track' you can kill yourself in our firm and then not be made up. So many of my peers have done this, then left the firm to be made a Partner at another firm. This paints a very discouraging picture.*

A general lack of mentoring was noted and in particular, *a lack of targeted mentoring of women who do want to progress.*

4.13 The nature of work

While most respondents were very positive about working in the profession, when stimulating work did not come or was not allocated within the team, then *boredom*, became one of the reasons for leaving. However, some comment was made that allocation of work was influenced by the sex of the person and that *work allocated to the part-timers is more mundane.*

4.14 Other general comments

There were a variety of additional reasons given as to why women may leave, often couched in more gender neutral terms than the preceding commentary. There are *stereotypes and pressures around what it takes to be a lawyer*. The pressure and long hours of working in a large law firm was a deterrent for continuing, *Law is an intense profession and I think that both genders leave the law because of this*. Yet as one respondent put it, the reason women are likely to leave is 'exhaustion'.

Leaving was also seen to provide the person with more control over their lives with a potential for *flexibility to attend to family or personal matters*

4.15 Changes needed to remain in law

The question was asked: What would it take for you to remain in the practice of law?

Table 24 How law needs to change

Reason	Female (n=82)	Male (n=29)
Part-time, flexible, shorter hours	17, 16.3%	-
Support for balanced life	12, 14.6%	1, 3.5%
Decision around child-bearing	1, 1.2%	-
Financial, better salary	4, 6.1%	4, 13.8%
Flow of challenging work	4, 6.1%	2, 6.9%
Partnership progress, guidance	7, 8.5%	8, 27.6%
Environment - be more valued	2, 2.4%	1, 3.5%
Reasonable work/client expectations	5, 6.1%	2, 6.9%
Modernise profession	2, 2.4%	-
Enjoyment, collegiality	-	3, 10.4%
Other - more women, change, less stress	9, 11%	-

There were a few similarities in the responses by men and women in relation to desired changes, with women suggesting a greater range of changes that would enable them to stay in law. Women wanted the opportunity for part-time work or flexible hours and active support for more work-life balance. Both men and women desired progress to Partnership and women also requested partner guidance on the career path. Women wanted change; to modernise the profession and to change the managerial structure.

Both men and women commented they would remain in law if there were greater financial rewards and a consistent flow of challenging work. Another factor for staying was to be in an environment where there were more reasonable client and firm expectations of performance and work time. In summary, key factors which contribute to women remaining in the law are a change in the hours and flexibility, more reasonable expectations, and some support in the Partnership process. For men promotion to partner, increased financial rewards, and more enjoyment would help keep them in the profession.

4.16 Summary

The various factors and barriers given in the preceding sections are not mutually exclusive, rather they form a complex tapestry of interactions and issues interwoven in people's lives. The following response gives credence to this complexity:

I think that the demands of the profession do not outweigh the rewards. In big firms, women are not recognised for their contribution, they are often the silent junior who does all the work to make the Partner or the Senior Counsel look good. They are paid less than their male counterparts. The old boys' networks dominate the Partnership and the firms' clients. And there is a real lack of professional and career support for up and coming senior females, particularly from female Partners who should do a lot more to help promote women to senior ranks and Partnership. Women, who have 'made it to the top' so to speak, often adopt the attitude that if they did it, anyone can do it. At times, they are more of an impediment to the progress of women than they realise.

The trend for women to be in the majority of graduates employed by large firms is well established. Yet many observe this potential is not being well recognised or utilised. This

resistance to change has ongoing repercussions:

When I started out nine years ago, the majority of graduates in big firms were women. That remains the case. It's a real shame that Partners and management within the firm cannot see the opportunities that they are passing up in failing to retain excellent female staff. Instead they dismiss it as needing or wanting to have children or the like, rather than seeing that they should and could adjust and change to continue to attract women to remain. As a woman with children in a senior position in a big firm, I find younger women look to me as a mentor and source of inspiration and that is sometimes a real challenge - I do it, but it is hard and I don't agree with the approach of the firm. Part of why I am moving in-house next year.

4.17 Future directions

As part of a number of open ended questions which ended the survey the questions were asked around the future for respondents. The question was asked: If you left law, what would you do?

Table 25 If you left law what would you do?

Reason	Female (n=98)	Male (n=24)	Male (n=24)
Start a business	10, 10.2%	2, 8.3%	2, 8.3%
Teach, academia	8, 8.2%	1, 4.1%	1, 4.1%
Something creative	8, 8.2%	-	-
Stay home parent	8, 8.2%	-	-
Other law roles	7, 7.1%	1, 4.1%	1, 4.1%
Consultancy: HR, ER	6, 6.1%	-	-
Corporate role	5, 5.1%	5, 20.8%	5, 20.8%
Management	-	5, 20.8%	5, 20.8%
Other roles	3, 3.1%	-	-
Other	3, 3.1%	-	-
Not sure. No idea	29, 30%	5, 21%	5, 21%

Note: Multiple answers were possible to this question.

As has been identified earlier, most of the women in the study loved law and were unlikely to leave in the near term. The most common response to the questions was being unsure or having no idea. The number of women who responded to the survey was much larger than the men and they generated more options. For both women and men, starting a business was a favoured option. The major options nominated by men were to move into corporate or management roles.

Teaching or studying in academia, doing something creative (some nominated writing a book) were popular options for some women. An additional option for women to starting a business was specifically to go into or establish a consultancy business, where they often mentioned human resources or employment law as specialities. Another likely option for women to nominate was to move into other law roles, although only two specifically mentioned in-house roles. Only women nominated the option of staying at home.

PHASE 2:

Lawyers not yet partners: Thematic analysis of interviews

1 Introduction

The Gender & Diversity Research Group was contracted by the Auckland Women Lawyers' Association (AWLA) to explore the reasons for the scarcity of women at senior levels in large law firms. AWLA were concerned that although more women are entering the profession of law, and have been for some time, many do not remain in the profession beyond six years after qualifying. This trend of women leaving the profession results in senior levels being dominated by men. In Phase 1 of this research project a short survey of volunteer respondents drawn from 11 large Auckland law firms was carried out and has been reported in Phase I. In this section the findings of Phase 2 are discussed. This phase involved in-depth, one-on-one interviews with female and male volunteers who fulfilled the criteria. They were at least six years beyond qualification but were not yet partners.

2 Methods

2.1 Development of questions

Questions were initially developed from combining a review of existing literature in New Zealand on women in the legal profession, and research experiences by the Gender & Diversity Research Group into the experiences of women professionals more generally. The interview questions partially repeated the survey questions (as the survey responses were completely anonymous to the interviewers) and were extended to fulfil two main research objectives:

- to gather demographic information and the employment and home situations of respondents;
- to seek responses on experiences and attitudes to workplace satisfaction, support

and opportunities for promotion, perceived barriers to progression, explanations for women leaving the firm and the profession, and future personal work plans in and out of law.

2.2 Sample recruitment and selection

Volunteers were called for at the end of the survey (Phase 1) with instructions on how to email the AUT project administrator. In addition, an email was sent out by the AWLA to specific liaison people within each firm, giving information about the study and inviting people to volunteer. Participants were then contacted and a convenient time for the interview was arranged. They were sent a number of information materials: copies of the questions, list of demographic questions, participant information about the study, a copy of the consent form, and interviewer details. The following 11 large law firms were invited to participate in the study: Bell Gully, Brookfields, Buddle Findlay, Chapman Tripp, DLA Phillips Fox, Hesketh Henry, Kensington Swan, Meredith Connell, Minter Ellison Rudd Watts, Russell McVeagh, Simpson Grierson (alphabetical order).

In this phase of the study, interviews were carried out with all lawyers who volunteered and who fulfilled the AWLA defined criteria:

- over six years of post-qualification experience;
- are yet to reach partnership.

The sample is not necessarily representative of the potential population as it was dependent on who chose to volunteer and share their experiences of working in law. The overall demographic and career characteristics of the sample can be compared

with the Phase 1 survey results which are more representative of early career lawyers, particularly the female respondents who constitute 55% of the eligible population. This qualitative descriptive study provides many rich accounts of the experiences of people working in law over the past decade. It captures changes in the firms and broad economic shifts as well as individuals' life choices. Unlike quantitative research, the rigour of qualitative research is not in the counting and comparing of data, but in the capturing of meanings and experiences of those interviewed. The analytic processes used and the presentation of the findings, portray the multiple realities of the interviewees and characterise holistically the complexity of their experiences.

2.3 Data collection and analytical process

Six experienced researchers conducted the interviews. Prior to commencement of an interview, each participant was reminded of the details of the study and issues of confidentiality and anonymity were discussed; consent forms were then signed and collected. All interviews were digitally recorded (with permission) and transcribed by a professional transcriptionist who signed a confidentiality agreement. After transcription, two researchers read all the transcripts and developed a list of potential categories for coding the main themes. The categories were then discussed by all researchers and consensus reached on the working list of categories/themes to be included in a coding analysis template. One interview transcript was selected at random, then read, coded and discussed by all six interviewers so as to afford some shared understanding of the template codes; a few changes were made. The total number of transcripts were then divided up and assigned to each of the researchers for further content analysis and the gathering of illustrative quotes. All researchers were assigned one male in their sample of interviews. The six completed

coding templates with illustrative quotes were then combined. They became the basis for this part of the report.

2.4 Description of sample

The overall demographics of the women and men interviewed are described in the following table (Table 26). The presence of OE (overseas experience) is then reported.

The interviewee demographic profiles which were compiled from the completed questions on a demographic form were returned at the time of the interview. These demographics are broadly reported in Table 26 (to protect anonymity), but the detailed information - eg, whether or not they had dependent children and caring arrangements - was used to aid the interpretation of the interview responses. In all, five men and twenty four women were interviewed from ten of the firms listed. Commentary from the subsample of males is integrated into the overall description of the findings, which predominately came from women lawyers.

Table 26 Demographic summary of female and male interviewees

Variable	Male n=4 (1 N.R.)				Female n=24 (2 N.R.)			
	Mean	Median	Range	Total	Mean	Median	Range	Total
Age	35	35	30-39	4	38.3	30-39	30-49	21
Personal income	\$162,500	\$155,000	\$100 - 249K	4	\$127,381	\$125,000	\$100 -199K	21
Household income	\$187,500	\$155,000	\$100 - 249K	4	\$239,286	\$225,000	\$100 - 449K	21
Hours worked per week	50	47.5	40 - 60	4	37.81	45	1 - 50	21
Current part-time				0				6
Years in position	2.25	2.25	1.5 - 3	4	3.29	3	1 mth - 10 yrs	20
Years in firm	6.81	6	3.25 - 12	4	4.87	5	2 mths - 14 yrs	21
Job position								
Solicitor				0				1
Senior Solicitor				1				3
Associate				0				4
Senior Associate				3				13
Highest qualification								
Bachelor of Law				0				11
Bachelor of Law/ Commerce				0				5
Bachelor of Law/other				1				4
Postgraduate qualification				3				1
Other				0				0
Marital status								
Married/Civil Union				2				13
In a relationship				2				7
Separated				0				1
Single				0				0
Parents				2				19
Children	0.5	0.5	0 - 1	4	1.63	2	0-4	22

There was a high level of consistency in the sample demographics. The average respondent was a female, aged 38, European New Zealander, holding a position of senior associate, has been three years in their current position, five years working in the firm, was working 40-50 hours per week and earning \$127,381 with a household income of \$239,286. She was most likely to be married with two dependent children. Only one woman reported a postgraduate qualification and proportionately more men than women had a postgraduate qualification (although there were only a small number of males in the sample). There was variation in the sample with respect to years in the position and the firm.

2.5 Getting into a law career

There was mixture of reasons why our interviewees got into law. Some of the interviewees had fathers who were lawyers; however, a more common pathway was that as intelligent high achieving students they were encouraged to study law at university by teachers, or friends who were studying law. A number of interviewees cited being good at and interested in, debating at school as a precursor for gravitating towards law. A majority of those interviewed studied at and graduated from the University of Auckland. A surprising number were brought up in small rural towns or the country and as one woman noted, *I was naïve, I went to a country school I didn't know any lawyers ...just started from a different place* (#13). For another woman, her exposure to law was through television programmes of the time.

2.6 Overseas experience in early career

Two-thirds (15, 62,3%) of the women had gone overseas, and most of these (13, 86.7%) had extended their professional experience by working in large law firms, mainly in London. Three of the women had worked overseas but not in the law profession. Four of the five males indicated that they had overseas experience, half of whom had worked in law while they were away.

Going overseas, even to work in leading global firms was perceived to have mixed implications for the careers of women, and men: *London...bit of a career break in terms of I still learnt a lot, but in terms of progression I then came back and really had to start again* (#17).

3 Career drivers towards practising law

3.1 Why I love the law

In spite of discussion on barriers the structure and processes of law firms throw in the

way of career progression; almost all interviewees were clear that they loved practising law. The overwhelming response was that it was *intellectually challenging and stimulating* (#13). This was cast in a variety of ways, such as, *having time to look at the intellectual side of things* (#16); *I like having a problem and I like to be able to think my way out of the problem* (#19); and *I enjoy trying to find solutions* (#5).

Interviewees who worked part-time were more tempered in their responses, *When I'm busy I really enjoy it. I do enjoy the work* (#5). *Enjoy but not 'love'...I just kind of see it as a job now... I get paid to come in and do tasks and then I get to leave* (#9).

The relationships with clients also was a factor: *I enjoy working with the clients* (#5), *a good relationship with clients* (#16), and *doing a good job for my clients* (#19).

There were also a range of more individual responses often linked to their specialisation within law:

I love closing to the jury...I love getting the right results ...all the 'sciencey' sort of stuff. The glamour part of the file, putting it altogether and seeing what that means and how that fits into a case, I love it. That's what I'm passionate about. Juxtaposed against, the long hours and the lack of work/life balance (#17).

And one male added, *I like winning* (#19).

Overall, responses are summed up in the words of one female interviewee; *Intellectual challenge; work with amazing people, variety of work; lovely clients at moment* (#20).

3.2 Characteristics of a successful lawyer/partner

There were high levels of agreement on the qualities and capabilities needed to be a successful lawyer:

You need to have someone supporting you and pushing you forward. But the

really key thing is your business and how much fees you're bringing in the door. So you're not going to get there unless you're just talented and someone really likes you. You've got to be getting the fees in (#3).

The macro environmental factors, such as the gender pay gap have everyday implications for how men and women can be successful as lawyers. The key dilemmas were summarised in the following;

... most of the male Partners have children, have two or three children, but they have full-time stay-at-home wives. So they've never had to struggle with the work/life balance either. And they've always had the money to not only have their wife at home, for example, not working but they also might have a nanny so they just don't get it. I don't think they really understand the realities of women lawyers who are not married to other lawyers, because we will typically earn more than our partners and so there's an economic incentive to get back to work and that just changes the whole dynamic of a family (#25).

Another recurring theme was that women who succeed have 'house-husbands' as primary caregivers (#9).

In terms of background, a successful lawyer was described by one of the female interviewees as:

male, gone to Kings [college] who knows a lot of people, plays golf or cycles or a few of those kind of blokey things ... often comes from a legal family as well ... particularly litigation ... a lot of people have parents who are judges or lawyers (#20).

The 'look' of women and men was perceived differently... *women get judged far more on what they are wearing, all of that, than men. I never look at a man and say - oh well he was wearing those trousers yesterday and that's the same shirt he wore the day before (#24).*

The homogeneity of the acceptable look was highlighted:

You know, the young, vulnerable ones who come through Law School and wear really high heels and short skirts, and they all look the same. .. And they are intelligent females who have come through Law School with A's – strange – I don't know. ... Gorgeous clothes, know how to carry themselves...The boys are all alike too, either real nerdy or real rugby boys (#12).

One interviewee reflected on her look as a typical young female lawyer: blond hair, slight and stylish make-up, attractive, slim, well dressed, high heels. She comments that she has to look like this to fit in. She says, *all successful aspiring female lawyers look the same (#8).*

Age was mentioned by a number of women interviewees. There was an absence of older women, which contrasted with the ideal stereotype: *look around - where are the women 50+ who are not Partners but are still working? There aren't any ...there are none at all (#14).* This interviewee felt it was hard for this group to move between firms and these older women *just go*.

The lack of older female role models was also linked to ageist and sexist notions of being a marketable *attractive young thing* (#20) for clients. As another interviewee talked about the limited age for entry whereby people don't start in their 30s, *Being young is a huge advantage in a firm like this. They like youth...she went on with I think age and ethnicity are definite barriers; sex is a barrier - yes and no (#14).*

3.3 Acquired social and cultural capital from upbringing

Social and cultural capital is acquired through inheritance and upbringing, and is a mark of one's social standing in a society. There was consensus that the private schools in Auckland provide an advantage

in networking: *...because of the nature of those schools you are mixing with other boys who have come from highly successful backgrounds, their fathers are doctors or lawyers or just highly successful business people... (#26). There's a lot of people in law whose parents are lawyers (#13).*

There was some equivocal discussion about education from the 'right' schools creating favourable conditions for advancement, particularly in the context of discussion of the existence or not of the 'old boys' network'. *I certainly didn't go to King's or Dio or St Cuth's. I was educated in Dunedin... Now it might not matter to get the job that you want – but it might matter again, like anything, if I wanted to be a Partner (#26).*

Some interviewees alluded to the notion of merit and experience as more important, *but if you are good at your job those things don't matter (#26).* But there was also some mention of the level of confidence and comfort that comes from knowledge and realistic expectations:

[be] different if I'd been the stereotypical private schoolgirl. They have more connections and more networks. They start off with more money ... They probably first of all have more knowledge about what they're going into and how business operates and what the legal profession is about (#13).

It was accompanied by the counter comment: *even within this firm, there's a huge variety of background on people... quite a lot of senior Partners are definitely not from the best schools of the best areas (#13).*

The discussion of the 'right' socialisation was more likely to arise in relation to client relationships, *a lot of client relationships tend - they often come from schools, sporting type relationships and things like that (#2).*

They are mates, guys that they went to uni with or whatever, clients as well. So they've all come up through school and

uni and they've got those sorts of jobs where they can all do a lot of reciprocal work. They've got this whole network of people that are all intertwined (#14).

I don't think anyone's going to say - You can't be a Partner because you didn't go to Auckland Grammar or you didn't go to King's. But I have noticed that, I guess, if people have gone to school and had a network of friends that have all grown up to be quite successful, lots of work often gets referred through connections and relatives and friends of friends. So if you happen to have a mate who's a CEO of such-and-such company, then obviously you can approach them for work ... It matters in the sense that if you've got longstanding contacts with people who are perhaps in more successful positions, then obviously you've got the ability to approach them for work (#23).

The social capital accrued from being male was much more apparent with lively commentary arising from questions on the presence of gendered networks. One woman used the term 'man shortage' against a context of two-thirds of the graduates being women: *No, really - get the guys to the functions. Keep the clients happy (#23).*

4 Perceived factors in career progression

The following categories have been guided by the questions and they constitute factors that are perceived to contribute to a lack of progression in law. These factors may also influence the decision to eventually leave the firm or law profession.

4.1 Business model, economic environment

Like all bureaucracies and professions, law is hierarchical with more power located at the top where there are fewer places; it was the male interviewees who talked more about

the implications of the pyramid structure: *A lot of getting promotion to Partnership is being in the right place at the right time. Because you can be as skilled as you want but if you've got two good Partners ...and the work isn't growing, then there just isn't room (#19).*

The business model in law emphasises bringing in money, and by implication doing the billable hours, working to a high standard consistently and attracting clients: *Money. Because it's a business and you've got to make a profit. And why would you want somebody as an equity Partner unless they're bringing in more money than you had before (#23).*

...if you look at our performance reviews, there's a whole lot of things but at the bottom there's two things. The percentage of your fee budget that you've earned, then – are you a steady performer, or strong, or outstanding? So there's the two aspects of it. But at the end of the day the most important thing is the fees (#3).

Another key aspect of law is that in most areas the work flow is *unpredictable...but that's just the nature of law. You can't control when the work's coming (#16).*

The flow of work is greatly influenced by the broader economic environment and a small number of interviewees (both female and male) talked about the influence of the GFC (global financial crisis) that affected some areas of law in their firms: *[An] ugly economic environment after the recession (in property) (#14) and so there's been very few Partners in the area being made up (#19).* The recession created a range of individual and firm-based consequences: *Partly because of the economy I am not as busy and I hate that (#15).* The wider economic environment also had a major effect on turnover and some firms responded by creating another level for promotion below the partnership line: *Then with the slow-*

down of people leaving, especially with our firm, they kind of brought in another level (#1). In another case the recession and the firm making redundancies hastened one interviewee's decision on when to return from maternity leave:

So I actually came back early from my maternity leave, partly because I knew that there was somebody going overseas...so I knew if I came back... I would get their work and look busy and then think that they needed me (#3).

Another environmental factor that can have a major impact on the work, is changes in legislation; one interviewee gave a detailed explanation of how a change in a particular Act changed the work flow: *Where we used to slot our new mums in would be in [that] area... So a big area of our work has just gone – boom...we don't have them anymore (#17).*

There is widespread acceptance by women and men of the 'business model' of these large law firms: *It's the business model that's worked and it's worked for ages (#4).* For the business model *drives firms to be the 'best' (#4).* An integral part of the business model is the need to put in the hours to do the work. Firm and partner expectations do vary but the long hours of law firms, especially for those in the junior ranks, are legendary. (How this is managed will be discussed more fully in the section which considers the quest for work-life balance): *Yeah, for a lot of the year my average would have been a 10 hour day. Recently, in the past few weeks I've been trying to do no more than nine. It's summer (#1).*

An implicit requirement of the business model coupled with the organisational culture is a 110% commitment. *You are required to have the flexibility to go to evening functions and events; you need to work late if you need to work late (#24).* As another woman described it: *Anyone who left their desks at 5pm would be looked at. If a job is*

to be completed for the next day and you have dinner plans then you just change your dinner plans (#18).

It's just at that point whether you're prepared to commit towards your career 110%, which means that you can't commit to your family, well not that you can't commit to your family 110%, but [it's] whether you want to be in that space or not (#7).

If employees are unable to be sufficiently committed then they must make individual arrangements which have discernible economic and social costs.

My friend who is very ambitious, whose partner is also a lawyer, her husband is also a lawyer, she has a nanny to cater for that flexibility...if they're not both high earning lawyers, you're not usually in the position to fund that flexibility. So yeah, I would say that [its] partly self imposed, you know we choose – as I say there's an economic requirement (#24).

These interviewees have grown up in a neoliberal political environment of individual social responsibility for education and their own lives. While the work structure of the law machine churns on disregarding non-work lives, the individuals working within this system take on the life gymnastics required, provided they have the desire and the necessary supportive economic resources. Equity partners are positioned as the 'norm', a bench mark that is used to measure 'others' relative success.

The incongruence between the business model in law and the flow of people's lives was aptly summarised by one male interviewee: *I think there is a disjunction between what actually works from a business perspective and what actually works from a personal perspective (#19).*

4.2 Payment issues

The issue of different pay for equivalent work was raised by a few female interview-

ees but they provided personal reasons for why that may have been the case. In general, they didn't perceive it as a problem:

... talking to my male counterparts, not within this firm because I don't know people that well – the men were getting paid more. But I put that down to me working part-time. I thought once I worked part-time it would always be more difficult to get the money that I might otherwise enjoy if I was working full-time. And that was a decision I made. So I didn't feel that it was a gender thing (#26).

I know that I get paid less than a male equivalent and I think that's because I ask for less, in all honesty (#27).

Another female interviewee commented on the payment disadvantage she suffered subsequent to returning to full-time paid work from maternity leave: *I got hammered because I had been on maternity leave (#13).*

4.3 Promotion issues: Age and stage

There was general consensus that many people leave law in the first few years as part of career exploration; unrelated to being male or female. *The profession throws out a lot of people by its very nature (#19). Maybe 80% of people who leave within the 2-3-4 years' experience all go overseas. It's a very common thing to do at that point in time. So I don't think that is different for men and women (#2).*

Law careers are very structured, especially up until the partner level; there are normative number of years at each level, clear targets and goals and feedback on progress: *There is a specific title and years at each stage. Solicitor for two yrs, associate for 2-3 years, then promoted to senior associate... If you get past about 15 years and you've not been promoted to Partner ...you probably never will be (#16).* She also went onto comment: *personally I have a really good work/life balance. But I quite strictly enforce that*

(#16). This expectation was borne out by another interviewee who had been in the firm for a number of years and was not a partner: *Sometimes I feel I have to explain myself to clients (no identifier).*

A small number of people reported a haphazard career process with a lack of information and support, even at the lower levels:

... in a way I probably had it quite hard and I had no support and no career planning and just bumbled around a wee bit, that I probably feel quite grateful to have made it here. And am quite enjoying it. There's a lot of bonuses, one of which is HR and that sort of focus on career development and that sort of thing, that I probably have never had before (#14).

She goes on to reflect, *So I don't want to work for one of the other big firms... you either go down or you go sideways (#14).*

The promotion to partnership is certainly competitive and when those senior associates 'below the line' are not making sufficient progress in their own eyes; then they need to take action.

At more senior levels there's a variety of reasons. I know recently that there's a few people who were senior associates and who left because of the lack of Partnership opportunities within the firm. They've gone on to become Partners in different firms, which is interesting. Then there's people who leave and go – work in-house at a big corporate company. That's generally for lifestyle reasons and better work/life balance, that kind of stuff (#2).

The intermediate level in the law career ladder is helpful and more target oriented with clear feedback on goals and progress. When it gets to the partnership transition, *It's always been a bit cloak and dagger and no one's really knows (#17).*

One male interviewee explained in detail what was needed to become a partner, emphasizing excellence: *You have to be excellent in every area that they value – technical ... contributor to team ... helping out committees ... source of client work ... business case ... (#4).* However not all males were clear about the process either, *I think you need to be recommended then have unanimous approval (#28).* Or as another reported laughing, *it is a meritocracy, there is a formal process albeit bit vague at times (#22).*

Overall the men seemed clearer on what was involved in the partnership process and emphasised the weighting of the business case more; while acknowledging that the existing partners needed to feel comfortable working alongside new incumbents.

Obviously when you're talking about Partnership, then you're talking about being one of the owners of the firm, a shareholder and that's a very different proposition. There's all these documents and they say that they want this and they want that and it's got to be a well rounded person, but largely it's got to be better to have you in the firm as part of the pie, than have you go off somewhere else... 80% of that is about money, so if you don't have the clients, if you don't have the money, you're not ever going to get – and even if you've got that money and that client base behind you, if you're not someone that they want to work with, then it's not worth the hassle ... So they talk about being a good team member and all the rest of it, but I think most of that's code for can we actually work with you (#19).

Considering the pyramid structure one male interviewee asked: *is there room for me, that's the question? (#1).* Another female interviewee commented on this structural issue too; *I think there's a natural sort of ceiling in New Zealand in many respects, they can't keep on making everybody Partner and they're not going to share their*

pot of gold with everybody, because it is a significant pot of gold (#7).

It was clear from some interview accounts that some firms are trying to be more transparent and transactional in the partnership process.

Well, to be fair, the firms are a lot more transparent about that than they used to be. It's a combination of obviously fees, how much are your fees, your experience, the time you brought in, your own client base, whether you've got enough to stand on your own rather than being fed work, your maturity I think and the prospects that the firm can see, you know if we make you Partner, how much can you bring us in, in the next five years, ten years, are you going to be good for that ... being technically good is a given, knowing your stuff is a given (#7).

Clearly promotion to partner is not a right; you have to earn promotion – it's not given to you (#12). For someone to be promoted to partner they would: *earn the firm lots of money, basically. That's really what it comes down to ... attract some major clients (#9).*

As a woman, this sometimes requires absorbing ambiguities where the clients are men:

... most organisations at senior levels are employing men and men like to go out and have a nice boozy drink or play golf ... more difficult for women, you have to be professional but sometimes people take it the wrong way... so in some context it's almost like you have to take a chaperone... it's very frustrating and difficult (#20).

Interviewees gave different weight to tangible requirements of the financial business case and contrasted it with the more opaque and political in-firm relationships:

... they have set-up committees and processes that you need to go through [to make Partner], but still there is always that political field that you're entering in to on a new level (#4).

You have got to suck up to people and you've got to 'play the game', play the politics and all that (#12).

In addition, there is the possibility of how people got to partnership, changing:

... complete change [in criteria]...they did not now see me as eligible ... unfair...we'd really like you to stay....They don't tell you. A lot of upset people (#21).

In spite of the tangible markers it is about being available 24/7 to clients and firm demands: *If you want to become a Partner, the firm becomes your life (#12).*

One woman describes her potential partnership strategy in the following way:

But I think if I really wanted to make a push for Partnership, I'd have to work five days a week, be prepared to be seen in here in the evenings, and the other thing is probably more the networking. It's that you've got to get involved in to make the clients, to make the connections. And that's always evening work. And now I don't want to be from the office rushing straight out to some function. Because then I don't get home 'till 10 at night and I don't see my child the whole day, which I don't think I could (#23).

Overall progression [in] law firms are a slow path (#15) with numerous hazards along the way. The major and most commonly perceived barriers arising from the interviews are described in the next section.

4.4 Gender issues in promotion

There was no awareness of gender issues in law until practising in law: *I don't remember thinking it was even an issue. It wouldn't have been on my radar to think about it (#9);* even at university there was no discussion.

Child bearing - the baby dilemma: most of the female interviewees talked about gender issues in becoming a partner: *I think you have a better shot of becoming Partner if you're a male (#12).* As one interviewee put

it: *The moment a girl goes to have a baby, you know, the chance of her ever getting Partnership is down too* (#13).

This derailing effect of having children is gendered and has different influences on men and women, as encapsulated in the following comment; *men are able to say - I really want to have kids, and my wife and I are thinking about having kids. Whereas as a woman, you could never say that, because that's like career suicide* (#14). This sentiment was reinforced by the experience of another woman: *a lot of people at my level, by now, are Partners.... it's certainly the case that for me, having a child messed it up* (#13).

This view was expressed directly to another woman by her reporting partner: *a corporate firm is no place for a woman with children* (#20). One woman framed the situation with irony: *I think having a baby was a big career – I think that's put a massive dent in the career* (#5).

But as another woman rationalised it: *it does feel like once you're focusing on your kids at home or you want to work part-time, that pretty much stagnates your career advancement, which kind of makes sense, because you're not focusing on it* (#16).

The men were not so conscious of gender issues but did notice the outcomes: *on our team there are probably more females than males. But not in the Partnership. They're all males* (#26).

4.5 Partner relationships

There was clear consensus that in progression to Partnership there is absolutely a need for Partner support: *You need to have a Partner who's going to go into bat for you in order to get promoted. You need good Partner support, otherwise there's no way it will ever happen* (#14).

They basically groom you for Partnership from the moment you start. There are some that they pick and you know from the first moment you see them that that

person is going to be a Partner, and I've picked it. I've been here six years. I've picked them all (#12).

I can give an example. I have a Partner in mind who is quite young and he has said to me that when he started he worked for a Partner who's now no longer here,... but he was groomed to be the successor to this Partner. So this Partner took him out. They went drinking a lot, met all his mates. And passed on all the clients when he left, and was very much – his promotion to Partner was very much driven by this Partner (#14).

There are exceptions on occasions where the vacancy may be there and with a 'really supportive Partner', the person can get over the line: *We want to put you up for it, they were really supportive ... I didn't necessarily meet the criteria on paper* (#16).

There's definitely people who self-promote and do tend to get ahead faster, and then the others that lag behind do tend to then be shoulder-tapped – Isn't it about time you put in your Partnership application? And it is a formal application process (#17).

The lack of support may not be because of the aspirant not being worthy or ready:

Partly because I have through bad luck chosen to work for Partners who have then left... The person I then chose to work for wasn't particularly supportive, or they were a person who were very self-absorbed. They didn't promote anyone else, let alone me (#13).

Sometimes the process may be 'more haphazard than active management' (#4).

Although the business case for partnership is one aspect, there is the need to be approved by all existing partners; it is a consensual decision. The predominance of men making up the existing partners was also highlighted as a potential issue by a number of women:

In all firms you are promoted based on who supports you. And people tend to support people who are like them. So when you have males already at the top, they tend to support other males. And I've seen it time and time again... People tend to promote and see merit in people who are like them (#13).

I would've thought it was pretty obvious why women aren't making Partnership at law firms at the same rate as men. I think a lot of it's to do with the Partnership structure itself and the fact that you can only get voted in by the existing Partnership, and they happen to be a majority of men... when you've got more male Partners, they're more likely to maybe relate better to or actively mentor male solicitors under them. I don't think it's necessarily any conscious discrimination (#23).

I think the cultural fit as well. That's something that the whole Partnership here pretty much votes on and has a say in too. So the first person would be the Partners that you work for, the Head of Department as well – having his or her support. Having the Chairman support you, if you can get that as well (#3).

4.6 Organisational culture

It emerged from the various discussions on organisational culture that the senior members of the firm set the culture: *the managing Partner sets the culture* (#9), or more descriptively, *the firm is more focussed on essentially the dollars. Chairman sets the tone; more of a cut-throat person. Doesn't easily chat to people* (#15).

In spite of the key role of those in power to set the culture, it was not a conscious practice: *I have yet to see a Partner that manages culture in any kind of a conscious sense, their personality is their culture* (#19).

A culture of dependency was also identified within the law culture where: *powerful*

(mainly male) people make the jokes and the young women lawyers laugh (No identifier). The culture of dependency is also evident in the job allocation system whereby junior staff rely on their seniors for work.

A related insight was by a male interviewee who suggested that the litigious, combative nature of law creates, breeds and nourishes a culture where bullies can flourish:

Law, I think because it's negotiation, it's litigation, a lot of it is quite confrontational – it provides a bit of a refuge for bullies because some of the things that you look for in some ways in a tough negotiator are bullying traits ... So there's a lot of business attributes that actually identify success as what I would call personality disorders (No identifier).

Another male interviewee likened the culture to a:

boys' school environment ... not particularly compassionate. It's very competitive, it's quite harsh and it's quite ruthless ... I think women get fed up with it ... and they probably feel that the culture is probably inherently a bit sexist.

He reflected later, *I think the law firms blinker themselves to that problem and don't really want to acknowledge it* (#4).

One female interviewee names this culture as a '*rugby culture*', where males are often discussing rugby topics and displaying rugby behaviour: *a certain aggressiveness, strength and bullying behaviour which seems to be widely accepted in society and also in law* (#8).

How sexism co-exists in a bullying culture was described by a male interviewee in the following way:

I'm aware that I don't pick up on a lot of social cues ... there are dirty old men in law firms like they are everywhere. I think that law firms are much less worse than they used to be, but there are still bad areas and there are bad Partners ... I won-

der whether it's sexism for the function of sexism as opposed to sexism as a function of other issues (no identifier).

There were often distinctions made between the overall firm culture and that of the more immediate team, but the phrase 'work hard, play hard' recurred like a mantra across a number of firms.

I think a lot of it depends on the Partner you work for. I think perhaps in my team there's a real feel for the work hard, play hard type of approach. So you're expected to do a lot of networking, a lot of drinking, go out a lot, and do a lot of client entertaining. And then also work really hard and work weekends if you need to. For someone who was considering a family, it's not very attractive ... The Partners in my team are all real exercise buffs. So that's okay. But if you were just leaving to go home, that would be weird (#14).

One male interviewee made the distinction between the 'corporate culture' of the top level while the culture in his team: *is a very relaxed light handed kind of a culture ... I don't have someone peering over my shoulder all the time (#19)* although other teams run differently. While another male interviewee indicated a relaxed and friendly culture in the following way;

So the grads seem to refer to our floor as club med because it is more like a family and people have a laugh outside of work. So by 6.30 there is not usually that many people there...Firms... just like everyone to be available. You're a resource and capacity. Nameless, faceless (#28).

There were differences noted in the cultures between firms, especially by those who had worked in a number of different large law firms:

It's a lot more relaxed than other big firms...if you don't have a lot on and you get all your work done in your 7½ hours, you go home at five o'clock and that's ab-

solutely fine... It's not one of those places where the juniors have to sit around till seven o'clock just to look good (#16).

Changes were also noted over time, often as the result of restructuring and physical relocation of offices:

When I started, we had a really amazing family feel culture. All of the ... team was on one floor... there was always a very collegial lot of talking amongst everybody. Now that has continued, but we've restructured ... we have been spread out through the floors, so it's not as collegial as it has been in the past (#17).

4.7 Old boys' networks

There was a range of views on the existence and prevalence of an 'old boys' network. At times there was a discernible reluctance by some women to even name it: *I think there probably is one (#26); No, I think it's just that some people you have more of a rapport with than others and you can chat more easily with them (#15).*

Nevertheless, the majority of the women interviewed were adamant about its existence and its role: *Oh, yeah absolutely, strong connections with the Northern club. It is a bit blokey, blokey...there are networks out there maintained between the judiciary and [clients]. But I do think that there are women involved in that too (#17).*

While the old boys' network was mentioned most in connection with the relationship between lawyers and clients it also occurred within some of the firms: *Absolutely, I'm not privy to it...I would strongly suggest that within Partnerships there's the big kids in the playground and the little kids (#5).*

The old boys' network was identified by an immigrant as not just prevalent in law but in the wider New Zealand society. Only well networked people are getting to the top, and these people also influence work allocation and contracts: *They are mostly white males, Pakeha (no identifier).*

Additionally, there was wide spread acceptance of the old boys' networks by many women interviewed, with no apparent desire to change it: *I just think it is what it is... there's just more of them and those are the voices you hear most often* (#14).

There was widespread agreement from women and men that networking is 'absolutely key' for getting clients, and that work was brought in through male friendship networks, many of which went back to school days: *So it's – yeah, it's just the nature of the beast. There are old boy's networks for sure* (#25).

... fathers who are Judges, fathers who are QCs, I mean that nepotism exists everywhere and law traditionally has always – there's always been an old boy's network (#27).

... people you go through high school with and university with, are people who are connected to money and connected to commercial endeavour, which is exactly where work for law firms comes from (#25).

They're got this whole network of people that are all intertwined (#14).

The conversation and activities that went along with networking activities was also aligned with male interests such as sport events:

I've seen it. The males having conversations about the rugby or the cricket or something, and the young males being arrogant and egotistical and becoming quite blokey. And the females, the young females, more and more are standing back and not participating in conversations because they're not interested in, or even invited into (#13).

While a few women expressed an interest: *... I've been quite included in activities where I have been taken along to the rugby with male clients and things like that* (#15). For many others it was a 'job' exacerbated by

the presence of child caring responsibilities: *I am wanting to get home* (#9).

However, it was not just the male lawyer interests that dominated, but on occasions there was shades of sexism and ageism from clients:

Client events, drinks functions. They're networking things and that's not one of my strengths, and partly ... I felt like in the past you end up talking to these 60-year-old men who think they're hot stuff and you're just this little girl ... I used to try harder at doing it when I was more junior (#16).

Most women denied that there was any conscious intent: It's not an old boys' network – it's not overt. And it's not necessarily even something that's completely conscious (#13). *And I think that if you called them on some things, they'd be horrified. Because they would never want to feel that they were sexist or in any way favoured men* (#14).

It was not obvious nor talked about openly within the firms, *I am sure it exists [here] but they keep appearances up you know* (#27). Some interviewees reinforced the silence around these informal networks of advantage by whispering their responses:

There's always something like that ... the ones that want to be a Partner always sucking up to the older Partners ... the majority of them do. ... they all laugh at their jokes... The women, they all laugh at their jokes. You know, the young, vulnerable ones (#12).

There was some denial of the existence of old boys' networks. It was perhaps coincidental that these opinions came for the male interviewees: *I don't think the firm has a boys' network or anything like that* (#19). Although one interviewee went on to say: *you notice some people do say stuff like people would say – Oh, I went to this school – I went to the same school as them so they must be alright* (#1).

There were some indications that when more women constitute the client base, then there may be opportunities for change. The following male interviewee perceived networks as very individual rather than being gender based: *It is very person specific though ... one of [clients] she's a middle aged woman, she's got three kids, she doesn't want to be going out until midnight drinking because she wants to be with her family* (#19).

4.8 Women's networks and perspectives

It was acknowledged that there is no equivalent 'old girls' network and therefore women are not able to take advantage of the information and support that being part of such as networks afford.

I think women don't have the networks to compete with old boy's club so they feel that they'll never be able to succeed in the way (#25).

Accounts of how supportive senior women and female partners were, was mixed. Interviewees related negative and positive experiences:

The females tend to be better at mentoring and being supportive. But of course the females also tend to have less time... I'm stereotyping, but for the most part the females are doing more in their whole lives than the male partners anyway (#13).

There were also accounts of women partners who were not sympathetic to more junior women with evidence of the Queen Bee syndrome as related in the following: *The other two said - I got here without any help. It's not an issue. And don't care and won't participate. It's irrelevant to them. So there is - interestingly those two people are single* (#13). At times, a woman announcing her pregnancy can be viewed as an opportunity for another woman: *You even get other women saying - She's probably going*

to have kids soon, promote me. It's a real weapon (#14).

4.9 Role models

The lack of part-time female partners was mentioned by a majority of the interviewees with the overwhelming conclusion that a woman could not become a partner working part-time. In some firms there were the occasional female part-time partners, but it was noted that they were full-time when they were promoted to partner and had children later:

There are no female Partners in the Auckland office with children at [firm], none. There used to be one and she had three children but her husband was a full-time caregiver... there is nobody in a leadership role who has to balance children and work and I think that's really telling of how they treat mothers (#25).

In some firms, specific female partners were mentioned as being supportive of women: *Strong female senior counsel...probably attract more women to the team* (#14).

But the lack of female role models, with or without children provides few examples of the boundaries of acceptable behaviours, when to push through the limits or simply 'how to do it':

What I find the hardest is the lack of a female role model in terms of court work or even client-facing stuff, there's not - when you're looking at how you want to package yourself or market yourself, if there's no dominant female role model you're really out on your own. It's you and a whole lot of men in dark suits... having to find my own feet (#14).

Female partners can make effective differences as the following example illustrates:

At my last performance appraisal a senior woman Partner was present (had dependent children and very tough, well respected and Partner) and in the session asked

me straight up, 'was she going to stay part-time with children or go for Partnership - there was an opportunity coming up', they're highly competitive and don't often come up. This was in the presence of her boss, who squirmed, don't talk about things like that (#18).

One of the male interviewees shared his views on mentoring as being most needed by women: *I think that women are perhaps better, more conscious about the need for mentoring and nurturing perhaps... I think the difficulty in a profession is that mentoring has never really been something – if you don't get mentored yourself when you are young, you don't necessarily know [how] (#19).*

4.10 Work-life balance

There was extensive conversation in most female interviews about part-time work, the lack of flexible hours in conjunction with child care responsibilities. Much of this discussion was in the context of the ultimate quest: work-life balance. As one male interviewee put it: *I think work-life balance is a myth (#19).* Or as another male reflected: *I don't think it really exists in a law firm in the true sense (#22).* Another male interviewee lamented not being able to be involved in the sport he enjoyed, *because he couldn't commit to a team (#1)* because of encroachment of work into the weekend.

Work-life balance was often an espoused goal within the firms but when a dilemma arose then it was work demands that took precedence: *Probably as a profession, more skewed towards work (#15).*

The big firms may introduce some flexibility but not in a family friendly kind of way: *Little work control, but flexibility (#13).* *All the female Partners have children. So having a family is fine so long as it doesn't interfere with work (#14).*

Any inconvenience to the firm needed to be managed by the individual involved. As one

woman explained, she had made it clear to the firm that she would take full responsibility; they had to only worry about her work. She would: *handle everything in her family and private life, the stress, the balancing etc (#18),* but conceded she does a lot of work at home.

There were many, many stories told on how women juggled child care using a myriad of sources: grandparents on both sides, nannies and husbands who are not in law: *I think we have used every type of childcare arrangement possible (#10).* The organisation of childcare is a major pressure:

So it was a nice transition back in and also I could do what I wanted. So I just literally would come in for two hours and then go home and feed the baby. But that only works – that worked for me because my husband's a stay-at-home Dad. He's looking after the kids. So I had that flexibility with childcare (#2).

We're quite lucky in a way, that he's (spouse) not an office worker ... So he can do pick-ups. He's great. So the three days that I work, he picks our son up from day-care and gets him home and looks after him ... We also have quite supportive grandparents, so they step into the fray quite a bit (#1).

It is clear that in the work-life balance, work is the priority:

They encourage people to have a work/life balance and they understand that that can't always be possible because of work deadlines (#26).

When it's really busy you have to come in on the weekend, but I try to keep it at a balance (#16).

When a trial is on the work is an absolute priority, *I work Sat and I would generally work sometime on Sunday, not a full day... So work/life balance is not great at times. That's litigation (#17).*

Unresolved prolonged imbalance takes its toll:

There are times when I don't see my husband - I just see him in the morning and then at night when I'm going to sleep... But I am so tired; I can't be doing this anymore. Probably look at going part-time next year. I have no aspirations to become Partner, simply because I don't feel I need to. I actually want to have a life (#12).

When the pressure gets too much for too long a time period, burnout is a likely result:

I did 2 ½ years in the office up here and I got quite burnt out, worked really hard and I decided I would leave, so I resigned and I wasn't sure what I was going to do, I just knew I needed a break...I did a lot of creative stuff, I did a lot of sewing and thinking and walking and stuff like that (#25).

A number of women talked a little about the personal costs of not being as involved with their children as they would have liked: *grabbing those moments with the children before bedtime* (#10). Overall, it was conceptualised as their choice and outweighed, for the moment, by the multiple rewards from practising law in a big firm.

4.11 Part-time working

Many women who have children come back from maternity leave on a part-time basis, although the length of time that they do this varies. Returning as a part-time associate or senior associate carries its own stresses: in terms of one's place in the firm; continuity with clients and limiting opportunities for promotion:

I think, for me personally, working more than three days would help. Because I think while I'm only doing three days, you do feel like you're marginalised a little bit (#5).

Working part-time is seen as the exception, often an indulgence or negotiated as a

special case. The norm of full-time work is enforced informally through aspects of the organisational culture: *No-one wants to talk about the fact that they're part-time and isn't that embarrassing they've been named and shamed as being part-timers...There's a lot of disparaging comments about working part-time* (#14). As one female interviewee put it: *If you only want to work two or three days a week, go for a government department* (#23).

Part-time in a big law firm is not part-time as most of the workforce would understand it; one female part-timer felt no pressure *'to do work on other days'* but checked her phone *'every hour or so'* on days off for emails. She did not think of that *'as actually working'*, although she replied to 5-6 in the course of a day. She also did not see a problem with doing extra in the evening when a job needs to be finished, it *comes with working part-time* (#9).

The impossibility of working as a part-time partner was reiterated frequently, coupled with the impossibility of promotion to partner while part-time: *If you want to become a Partner, it's not going to happen until you are in a position to work five days a week* (#16). The choice is starkly and clearly put by the following interviewee: *a woman who has children is required to make a choice as to whether you want to be a Partner or whether you want to focus on your children and you can't do both* (#9).

There is no norm of part-time work in law that is perceived to be part of the serious career track: *Working part-time, you're not going to progress any further. It sort of comes with the territory of having the privilege of working part-time...it is something to be grateful for* (#9). No one could think of a man working part-time.

Another interviewee covers the same ground from her personal perspective on the forced choice dilemma: *I think I would rather have family time than go for Partner-*

ship...it's a conscious decision that I have made (#27). And another: the fact that the firm won't accommodate a part-time Partner is not my choice (#14).

Planning for having children and in Sandberg's (2013) terms, 'leaving before you leave' was evident in the interviews of a number of the younger women:

They're 27, both of them said 'I want to have children, but I can't see that it works at big law firms. So I'm going to leave before I even get married'. So people just have a perception that it doesn't work. And frankly from my example is, it doesn't. So they're not wrong (#13).

Individual responsibility for the non-paid work (life!) domain was viewed by one male interviewee as a family decision, independent of gender:

I don't think that's necessarily a function of a male and a female, it's just a function of how we cope with our families. It's just a reflection of how people want to run their families and I think when we have kids, because I earn more than my wife, it will make financial sense for her to stop working, for me to continue working (#19).

5 Why do women leave?

Most of the responses from women and men were anecdotal, restricted to their own experience, rather than being able to see broader patterns. The overall opinion was that women leave because of responsibilities for children: *I think it's mostly childcare (#3).*

I think it's also probably more senior women who are in their thirties, who are wanting to have children and who want to come back on some sort of flexible arrangement (#13).

Sometimes the difficulty of the way ahead for mothers means that the women leave earlier rather than try to negotiate the hurdles along the way:

I know lots of junior lawyers who have left, not because they're pregnant or having children right then and there, but for example they've gone in to in-house roles because they know that in three years time when they are looking to have a child, they'll be more flexible, you know, more open to part-time and all that kind of thing, yeah... if a corporate is big enough to have an in-house team, then they're likely to have some policies around part-time work and mothers and all that kind of thing (#25).

While others suggested the workplace environment as a major factor in leaving:

...so probably the first one would be the culture and just the politics. Second one would be the time, the hours that are expected of you as probably the big one (#5).

[It] is not pleasant, as reported earlier, the organisational cultures were overwhelmingly masculine - competitive, harsh, ruthless, sexist (#4).

This sentiment about law being a very demanding profession was often coupled with other common responses that having children or child care demands were a major reason to leave: *I think mainly family reasons. It's more family and going off to have babies or to travel (#17).* There are assumptions that women have different life paths to men. Men are more likely to be impacted by children with: *a couple of months of paternity leave here and there (#17).*

With one child it's manageable, with two I would think it would get too much unless you're at that senior level where you can afford to be paying nannies and things like that (#5).

A lack of discussion was exacerbated in some firms where it was 'not ok' to raise gender issues, even at the informal Friday drinks session; as one woman joked 'there may be a hidden women network' (#18), although she didn't know about it.

Men leave for different reasons; and as one woman interviewee noted, it is more restrictive for a man to say he was *leaving because of children* (#20). Some men were at a loss to provide an explanation:

I really don't know. The Partner I work for predominantly is female - she's my supervising Partner, she's probably one of the most successful Partners the firm's ever had... I'm aware that a lot of women go into the in-house roles so I don't know (#22).

But some of the women differentiated between the gendered reasons of men and women: *I think men are more likely to leave to go to other firms. Women are more likely to leave to go and do other things* (#13).

The attraction of in-house roles were cited by a number of interviewees:

And I think people get to my level and then think - I don't want to do this anymore. I don't want to live with the hours. I'm over it. I'm sick of playing this game. And most of my friends have gone in-house, pretty much all. That's male and female (#14).

The career structure within law firms also has implications for when people leave: *I don't really know. Maybe after six or seven years you still have got that ability to actually try other things. It's harder when you've been doing it for 15 years* (#3).

Others were more specific about the implications of the partnership line:

I think it's because they realise you have to make a choice, either want to be a Partner or not and at that point if you don't want to become a Partner in a law firm, don't hang about ... I think they need to commit at six years, and you know whether you want to be it or not and the law firm structure doesn't allow you to be in that environment and not become a Partner or aspire to be a Partner, it's quite cruel, it is the purest form of capitalism

in many respects because you are only worth what you bring in (#5).

For as another put it: *how can you stay? Of course if you see that there's a complete ceiling and you're not going anywhere and you're not being promoted and there's no particular reason for it, of course eventually you leave. Because how can you stay?* (#13).

Overall, the extensive discussion can be summed up in the words of one female interviewee: *Children. Not wanting to play the game and not wanting to work long hours* (#27).

6 Organisational policies, initiatives and change

6.1 Existing policies and initiatives

The firms vary in their responsiveness to women's needs and there were some award winning firms in the group although these accolades did not always translate to positive experiences for other women in the organisations. One of the firms was particularly accommodating of part-time work even if it was an additional cost as, the women cited were: *really good at what they do, the firm wouldn't want to lose them* (#20).

As a number of interviewees noted, the partners and the firm are not committed to solving the issue, but as one male interviewee commented it is a box ticking exercise: *I don't think that they actually care that much... I think the law firms blinker themselves to that problem and don't really want to acknowledge it* (#4). External specialists are brought in to run seminars - eg, on unconscious bias - providing intellectual stimulation but without action.

The degree of flexibility and non-standard hours available varied across the law firms; however, there were direct and indirect consequences of not working full-time. Some variety is described in the following:

There are a couple of women who job share – so senior women who job share because they've got kids. There is another woman who wanted to secure the ability to leave at 5pm and not be under pressure to work longer hours and she effectively agreed that she would not try to be a Partner, so she forewent the opportunity in exchange, I think... And there is another woman who was working 3½ days a week and her boss would say to her things like – he made it very clear to her that she wouldn't get a pay rise and she wouldn't get promoted for the time that she was part-time, she wouldn't even get a pay rise to cover inflation (#25).

Some of the deals struck around the full-time/part-time dilemma were more coercive than negotiated: *offered me part-time after maternity leave but I wanted full-time [as I have primary financial responsibility], he offered me a different job and cut my pay [saying] it's not illegal if you agree (#13).*

6.2 How to create change and keep women in law

There were a range of suggestions made on how the firms could change. Sometimes the changes can be small with big implications; *Something as simple as having a carpark in the building. It makes life so much easier, it just makes a huge difference, I'm just loving it (#17). Sabbaticals, flexible working, benefits ... you know, I don't know the answer (#10).*

While the option of flexible hours or part-time work was desired and advocated by a number of women, they were also very aware of the current climate, the attitudes and culture of the firms. *A very hard-working firm. It strives for excellence ... responding to clients' expectations is absolutely paramount ... it is a difficult thing to sit alongside flexible working and part-time arrangements (#11).*

The opportunity to share experience with others was cited by a few interviewees. There is a need for *a forum where women with families who have made it to Partner, talk about their experience (#4).*

The need to know what is possible in the firms and how women are tracking through benchmarking reports was suggested. *Report diversity figures and their diversity policies, that may help. So I guess I'm saying I don't think it will change until society changes. And society's not going to change that quick. We're all doomed (#13).*

However, another interviewee presented a more optimistic option: *Once you have your own clients then you can pretty much move to any firm, you can work on your own, your options are really open to you (#3).*

There is currently no 'ground swell' of people who are agitating for change and, as been noted in the report, there are high levels of frustration and dissatisfaction with the structure for progression: *I really see the Partnership structure itself as being quite a barrier towards women in law. I don't really see how that's going to change (#23).*

I don't think it will unless there are enough women who actually are wanting to do something about it...We (women colleagues) discuss issues about part-time work from time to time, but I think we just accept the reality that it's not going to change ... I don't think we perceive that there's anything we could do to change it ... You can talk about things to death, but that won't change things (#9).

There was also some discussion on the ways things work informally, but overall there were high levels of acceptance: *'it's the nature of working in law'.* As a consequence, a number of the women stated that the difficulties result from choices women make along the way. *I think if you chose from law school that you wanted to be a Partner and you were prepared to commit like crazy, then you can do it. Hurdles along the way*

are generally of your choosing (#10). You can't challenge it because they would say: 'But you just work part-time – you should be happy with what you have got' (#9).

The intransigence of change in the profession was captured poignantly in the following:

When I was younger I used to be angry about it. And 10 years ago I might've even been bitter about it. But now it's just it is what it is. I'm not going to waste my life fighting for something I see as never changing. It's so ingrained. The people who have the power in this profession do not even think that it's a problem (#13).

7 Conclusion

Those participants in Phase 1 and 2 of the study 'below the partnership line', were satisfied with their job and loved working in law, but were somewhat pessimistic on their prospects. There were unequivocal beliefs that partnership is not granted to those working part-time. Efforts to manage a home life in the face of unrelenting work pressure was perceived as the responsibility of the individual woman by using a web of home help 'in sourcing'. The presence of 'old boys' networks' within a masculine work culture, presented difficulties for women as they sought to develop the necessary relationships with clients and existing partners important for progression to partner.

PHASE 3:

Women partners and managing partners/CEOs: Thematic analysis of interviews

1 Introduction

This section of the report outlines the methods used in Phase 3 of the AWLA study. Findings are discussed in two sections based on the nature of the sample from the 11 large Auckland law firms: the volunteer female Partners and the volunteer managing Partners or CEOs.

2 Methods

2.1 Development of interview questions

The interview questions for this part of the study were adapted from Phase 2 and aimed to fulfil three main research objectives. To:

- Gather demographic information and the employment and home situations of respondents;
- Seek responses on experiences and attitudes to workplace satisfaction, support and opportunities for promotion, perceived barriers to progression, explanations for women leaving the firm and the profession, and future personal work plans in and out of law;
- Seek information on law firm leaders' attitudes to the proposition that there is a scarcity of women at Partnership level and what actions their firms were taking.

The personal career experiences of the managing Partners and CEOs, however, are not reported (given the small sample size it would potentially compromise confidentiality and anonymity).

2.2 Sample recruitment and selection

With the assistance of our research partner, AWLA, a call was made for volunteers from

specific liaison people within each firm who were emailed information about the study and who then invited people within their firms to volunteer. Volunteers were contacted and a convenient time for the interview was arranged. They were sent a number of information materials; copies of the questions, list of demographic questions, participant information about the study, a copy of the consent form, and details of the interviewer. The following 11 large law firms were invited to participate in the study (in alphabetic order): Bell Gully, Brookfields, Buddle Findlay, Chapman Tripp, DLA Phillips Fox, Hesketh Henry, Kensington Swan, Meredith Connell, Minter Ellison Rudd Watts, Russell McVeagh, and Simpson Grierson.

Female Partners volunteered from *all* 11 large law firms. Interviews were carried out with all who volunteered. The sample is not necessarily representative of the potential population as it was dependent on who choose to volunteer.

2.3 Data collection and analytical process

A similar process was followed as for Phase 2 interview analysis. After the coding templates were developed, the two sample groups' interview transcripts were divided and allocated to two groups of three researchers for analysis. One researcher group focussed solely on the female Partners' interviews; the other on the managing Partners and CEOs interviews. The completed coding templates were used as the basis for summarising the main themes from the interviews and appear as the main headings in this report.

3 Findings from volunteer female Partners

The responses from the female Partners are signified by a number, to allow the reader to distinguish between responses. Where it may be possible to identify the interviewee these numbers have been omitted to avoid compromising anonymity.

3.1 Description of the sample

Table 27 Demographic summary of female Partners

	Female	n=29 (5 N.R.)		
Variable	Mean	Median	Range	Total
Age	43.75	45	30 - 59	24
Personal Income	\$397,222	\$425K	\$150K - \$500K+	18
Household Income	\$557,353	\$525K	\$150K - \$800K+	17
Hours Worked per week	49.03	55	25 - 80+	18
Part-Time Current				2
Years in Position	7.17	6	1 - 24	18
Years in Firm	10.92	10	2.5 - 28	18
Highest Qualification				
Bachelor of Law				6
Bachelor of Law/Commerce				2
Bachelor of Law/ (Other)				3
Postgraduate Qualification				7
Other				0
Marital Status				
Married/ Civil Union				14
In a relationship				2
Separated				1
Single				2
Children	1.23	1	0 - 3	15
Dependent adults				3
All participants, except one, identified themselves as European/Pakeha				

There was a wide range in the sample with some women relatively new to Partnership and others who had been Partners for more than a decade. Two women Partners were working part-time and six had worked part-time in the past. The average women Partner was aged 44 years, European New Zealander, had been six years in their current position, and nearly 11 years working in the firm. She was in a relationship, working full-time, 50-60 hours per week and earning \$397,222, with a household income of more than \$500,000. She was most likely to be married with at least one child.

There were a variety of law specialisations represented: litigation, corporate, financial service, employment, environmental, and two specialisations where there was only one

respondent. There was no evidence to suggest that working in a specific niche may provide a woman with a particular advantage in progressing to Partnership.

3.2. Overseas experience

A majority (83%) of the women Partners had overseas experience and three-quarters of these had worked in law whilst overseas. Overseas experience in large law firms (usually in London) provided not only valuable law experience, but contributed to an understanding of how law businesses run and provided a range of role models for the aspiring lawyer.

3.3 Career drivers towards practising law

3.3.1 Love the law

When women were asked what they loved about working in law there were enthusiastic responses; to the extent that few had thought about what they may do if they left. There was also considerable commonality in the responses to why the women loved the law. The intellectual stimulation, the problem solving involved, client relationships, and team people management skills required, all featured strongly. Also, the financial rewards and public good were not overlooked:

Law is really intellectually challenging and rewarding. That's one thing I like about it. The law involves a whole lot of communication of ideas, which I really enjoy. Law is populated by interesting, very intelligent people, so the company is great. It is very well paid and it's sort of publicly significant (#35).

Solving client problems was a major factor as to why many women Partners loved the law: *I really like getting clients – helping clients – to get them to where they need to get to. When there's a problem, I like problem-solving and making a difference (#7).*

More than problem solving though, the people development aspects of a Partnership role brought great satisfaction for many women Partners: *I love the teaching of junior lawyers and making, seeing them develop intellectually rigorous advocates (#6);*

I love the analysis ... finding the issues ... coming to grips with strategies ... I love working in a team ... mentoring and that sort of thing...[but] Don't love the politics (#1).

Deal making and empowering clients were also significant:

I really enjoy helping clients. When there's a crisis, that's when I really thrive. And helping them get – leading people and helping them, that's what I really enjoy.... I quite often say that I view law as a tool to help people do the deals that they need to do (#7).

As well as deal making, the financial rewards were an important contributor to the women loving the law: *the economic benefit of being a Partner in a law firm I think people totally often overlook because it gives you an enormous array of choices that most people don't have (#6).*

Other comments included supporting other women to succeed in law:

The main thing – I feel passionate about encouraging more women to be ambitious. And I feel passionate about wanting them still to be engaged in law... I don't see the same levels of feminism that I used to see... They just take for granted [that] there's opportunities... And I don't believe that we should let go of feminism (#4).

Being a role model to the next generation was mentioned: *I do like the fact that it shows my girls that you can do what you want (#3).*

3.3.2 Characteristics of a successful lawyer and Partner

The primary responses described the portfolio of characteristics needed to be a 'good' lawyer and the added qualities and capabilities required to be a successful Partner. Most responses focussed on personal characteristics with fewer noting gender-related factors. There was general consensus on the capabilities and personal characteristics required:

One is smarts. Everybody who gets a job in one of the big firms ...are really smart (#28).

They just have the right skills. They are technically able. They have the right people skills, good judgement, able to work with staff, able to work with clients (#7).

Hard work. You can never get away from that in law. Confidence. An ability to juggle things in your life and not to become unduly stressed by them (#4).

Consequently, there is also a need for endurance and resilience:

And I think it was sheer determination and hard work and resilience. You have to be tough to survive the corporate world as a female. So mental toughness, resilience, determination, motivation, drive, dedication, client service, caring about clients, looking after clients, doing a great job (#20).

Listening skills and being a big picture thinker are perceived as assets:

Clear thinking. The ability to analyse facts and see clearly what the issues are, and then to be able to generate possible ways forward or possible solutions. I think clarity of thinking is really important. And also the ability to listen to what the client is telling you and what the client wants. So to some extent the ability to be aware of the whole context in which the client is operating ... I think you have

to be a good communicator. You have to be a really good listener (#15).

As another woman framed it: *just sitting and being a good lawyer and doing the work, doesn't make a law practice. Because getting the clients is even more fundamental (#8)*. She was one of many interviewees who spoke about the need to be able to establish a client base. Another: *Establish solid client base ... and bring in your fair share of the money (#12)*. Another emphasised the need to meet their demands: *So unfortunately when they say 'jump', we say 'how high?' (#18).*

It is not only important to connect well with clients but also to enjoy it: *My view is that a good lawyer is someone that has contact with a client and the client comes to trust them and like them so much that they call them about more and more problems. And you build work (#4).*

The term 'rainmaker' was cited a number of times: *Getting in business is number one, then delegating work downwards and supervising other people doing it ... helping and training junior staff and mentoring them ... administrative functions and [being] a 'really great rain maker' (#19).*

It was not just listening skills and intuition that were needed to become a *successful Partner*, a co-owner: other significant people management attributes are also essential: *So it requires the development of a new skill set. Or refinement of an existing skill set (#8); and:*

Everybody who goes from associate to Partner says they hadn't really realised what big a jump it was. You're suddenly going from just being a lawyer to a business owner, an employer and manager of staff, and all the client relationship issues. Because clients are always bitching and moaning about fees. And nobody trains you in all of that. We're trained as lawyers, yet suddenly we're probably at least a third or probably more of our job is management (#28).

As another interviewee noted: *you at least are perceived to be a team player even if you are not. And most lawyers are so highly competitive, they're not really team players, but provided ... the perception is [there] that you're a team player (#20)*. These added skills and competencies are seen to be intuited but hard to articulate:

So everyone expects you to be a top shelf scholar, very smart. How you look after your client – looking after your team and developing your team is a really big one now ... How you work – participate in management of the firm. So it's the all-round thing. There's lots of really good lawyers. What additional is it that they're adding to the Partnership? ... When you see someone coming through you just know if they've got it or not. And it's very hard to articulate it, but you just know it (#2).

The subtlety of the 'X factor' was contrasted by other interviewees to greater clarity in decision-making: *But I think the goalposts are pretty well defined now. And they centre on the more senior you get, your leadership qualities, your technical ability, your business development skills (#30)*.

When asked about the characteristics needed to become successful, one woman responded quickly: *Not having children, and then added: no that's terrible*. She went on to say that if a woman is ambitious to be Partner, then there is a need to: *embrace a bit of chaos, embrace juggle ... the mad times of trying to fit everything in (#6)*. Another interviewee explained further:

if you want to succeed in law in a large firm, you've just got to be really available, really client focused and you need a whole lot of support at home and there aren't that many women wanting to do that and I don't see any prospect of it changing very much (#35).

Another interviewee responded to the question differently, arguing for the need

for mothers to keep involved and working as lawyers, even through the child rearing years [to]: *retain some involvement in practical legal work through that period. Even if it's only been one or two days a week (#15)*.

A lack of assertiveness by women in general was considered by one woman interviewee: *And I think there is a gendered aspect to that, that worries me a little bit... we're not as good at shoving ourselves forward the way that guys are and I think that holds us back (#27)*. Not all references to gender were as explicit as these responses, with one interviewee analysing in more detail the nature of merit:

In this commercial high-level legal world, there is a very strong culture that merit is equated with super-confidence, bit loud, never wrong or never think you're wrong. A lot of traits that go with males, or that go with a certain kind of male. So it also excludes a whole lot of other males as well as many women. Because it's what's perceived as being a great lawyer... and the men don't realise it's happening. They do not realise it. They say - 'Don't know what we're doing. How can we retain more women?' They do not understand it, that it's a very subtle thing. That what is seen as merit, is often a classic, stereotypical, loud, confident, articulate, probably working in court or great rainmaker male person. And some of the traits that women have, which actually make them into either better lawyers or better client relationship people, are not perceived as merit (#8).

3.4 Partnership

3.4.1 The Partnership model

The process of progressing to Partners is broadly similar across firms, although there were two options across the sample: parity or equity Partners who are equal owners of the firms, and salaried Partners who are paid at a lower rate independent of the

work brought in. The equity Partnership model is more common in Auckland. *Basically you – each firm has a different mechanism for doing this – but generally you come in on a percentage share of profit. And over time you go up the steps until you reach the 100% level (#15).*

Partners are crucial to bringing business in and are the key link to the financials of the business. They are also responsible for managing the work flow for their team: *It ends up going through peaks and troughs where I'm really busy and then things stop. And then I have to get out and have lunch and meet people, and ...bring more work in. Yeah, it's totally my responsibility (#7).*

3.4.2 Partnership options

A more recent Partnership model is the introduction to some firms of salaried Partners who are paid at a constant and lower rate with rewards not dependent on work flow. This model can provide disadvantages, but also advantages. In harder economic times becoming a salaried Partner could be a more stable and lucrative position. As one salaried Partner explained: *Actually it is better financially to be in my position. And also it's much easier for me to leave. I've got no money tied up in the firm (#19).*

Yet parity Partners are based on a principle of equality sharing the risks and rewards. There was mixed opinion on the inevitability of this model for the profession:

And I think we are such a lockstep firm, so that means everybody earns the same amount. So we don't do salary Partners either. And I would have a real concern that if we started doing part-time Partners or salaried Partners ...it then starts having segregations between the Partners. And I just don't think it would work (#28).

... per share, everybody gets paid the same amount. So it's really important that all your Partners are striving and

pushing as hard as you are, because your remuneration is dependent on the whole firm doing well (#28).

When reflecting on the Partnership structure, one interviewee took a broader view:

And I mean a Partnership is a terrible way to run a business, a terrible structure to have all of the owners be all of the managers and all of the shareholders, you know, concentrating the power in that way is just retarded, like no commercial operation would succeed if it was run this way and it produces some really perverse outcomes (#27).

Such comment moots the question of whether the Partnership structure of large law firms can be changed. One interviewee was a clear advocate for change: *we've got more women law grads coming through each year by far... a number of those work part-time so it makes it harder for them [women] to progress to Partnership, which is why the part-time Partner model is helpful (#14).*

3.4.3 Client relationships/client base

The pressure to build up and maintain a client base is a constant pressure. In preparing for the Partnership process: *the hardest thing for them to do which is actually to start to build their own practice you have to be starting to build a practice, because otherwise you're just cannibalising a Partner's practice, basically (#17).*

In addition, once Partners have a client base this also has the effect of keeping a person at one firm:

It's very hard to move across firms. Because there is the expectation that you're going to come – you're going to come with a client base and lots of fees... it's very hard to get a client to move. Because a lot of the situations these days with clients are they have panels. So it's just not about one person (#23).

For a professional service firm, the client focus runs deep, and the high level of service expected in a competitive external market was a recurring seemingly immutable theme:

There's two problems, we can't change our clients expectations – they just expect a very high quality of service and they expect an immediate response and they're paying for it so you just have to service it. And secondly in general large law firms have particular expectations of income on the part of the Partners and in order to sustain that income you have to sort of sustain a certain body of clients (#3).

And because of...the nature of private practices – you are a service provider and they're paying 'big bickies' for your hourly rate, they do expect very good service. Because if not, they'll go down the road to where they can get it. So because of that mentality, I guess you just deliver (#3).

The client expectations of service on demand were coupled with the available technology that intensifies the working situations: *But I work really hard... that's what my clients demand of me. That's what expected. You can't do – it's all or nothing, I think (#7).*

3.4.4 Promotion processes

The surface description of the promotion process was largely devoid of gender, emphasizing the business case:

Well, you needed to do a business case... demonstrate your performance in terms of financial performance and technical performance, and get referees from clients and you have to be put up and supported by your group, your practice area, then you're voted on by the Partnership (#9).

The pre-Partner phase, when the aspirant is demonstrating their worth, takes place over at least two years: *it's really hard maintain-*

ing intensity and scrutiny that all your work gets over that period for an extended period of time. It's quite a challenge and it's not one that's a female challenge (#30). It is: relentless pressure (#6).

The global financial crisis has increased the competition and pressure to bring in work: *it's been really stressful not having the work...I think this profession is becoming harder and harder ... the pressure of costs and fees and just bringing work in (#19).*

When the market is difficult, your financial performance is put under enormous scrutiny ... So I did find that stressful. In fact that was probably one of the reasons I was happy to leave the firm and go overseas, because I just had enough of that constant scrutiny and negativity (#15).

A tighter financial environment also impacts on the probability of progression to Partner:

I think in this day and age it's just the difficulty of getting up to Partner. It's the changeable markets, the GFC... means that the best intentions doesn't always happen. And that's the real balancing act, because you don't want to lose that person, which makes it really difficult at times (#23).

There needs to be a space for an additional Partner: *There was a gap and I filled [it] (#13).*

Regardless of whether you're – how good you are, there has to be a business case that justifies the Partnership expanding to allow someone else to join...need[ing] to be expert in... growth in this part of the market, or we had someone who's now retired. I knew I was on the right track for Partnership...and there was a gap ...that was just timing (#8).

Plus, the process necessitates hard work, consistent and continuous effort: *One of the difficulties that I think women face is they step out for one reason or another – to have children or to go overseas – it is difficult to*

take the path of progression to Partnership (#13).

While there are guidelines and written criteria: *it's all about how good you are at law, well, 75% of it (#6)*. But, there are often implicit requirements in firms:

... it's all the unspoken – if you're sufficiently astute and you've got good emotional intelligence, you will look around you and see how you need to behave. So you need to be behaving as a Partner before you'd ever be considered to be a Partner... We've got a list of broad categories, but you're not – no-one's ever really going to be told (#20).

There are informal implications of the process as well. The existing Partner vote essentially means that: *everyone has to like you, don't annoy anyone too much... I find that you have to be talked about kindly, even in the gossip circles because it all gets back up (#16).*

There are clear politics or 'business dynamics' around the promotion to Partner, as well as the necessary portfolio of qualities:

You've got to understand that it can be like a political campaign. There can be a knockback. So they need to have created really important client relationships, important streams of work, have done well in their fees, have nurtured staff and have that – they need to have an X factor about why they click with clients, and clients trust them (#4).

Becoming a Partner does not necessarily mean that the pressure decreases, as one interviewee explained:

Once I got into Partnership, the hardest part was justifying my performance on a regular basis in order to maintain my position within the Partnership... Staying in the Partnership is the hardest part, after you make it in. Because they have a regular process of evaluation of your performance (#15).

There was one voice to the contrary. One interviewee saw Partnership as creating more autonomy: *you never have to work as hard again (#7).*

The motivation to aim for Partnership varies. In one case the interviewee became primary earner, in other cases it was more to do with their personal drive: *needed to tick the box... after seeing peers – as you do – promoted you think --- Nah, I'm going to do this (#23)*. Or as another woman put it: *there is a bit of A type personality in me, which I will acknowledge ... I was looking for another challenge. I was getting bored (#3).*

3.4.5 Experiences of sponsorship/mentoring

Mentors did not figure strongly in the career progression of about a third of the women Partners: *Unfortunately I'm one of those people – as a lot of us are in the legal world – do it yourself and what have you (#23)*. But people have helped along the way with more informal relationships: *Some people helped along the way but it was different people at different times (#7)*. There were a few Partners that were not at all supportive: *my Partner was not interested in teaching me (#18)*.

For the older women (40 years plus), any mentors were likely to be men, and more often it was peer mentors: *At each organisation I've worked in, I've had some really excellent mentors. They've been all men, they've been usually not that much older than me (#35)*.

More common accounts of support in the career journey, involved the promise of a likely Partnership and support, constituting a key factor in decision-making about returning to New Zealand: *I want to be a Partner with you and I want to put you forward for Partnership... And she also came at a key time in me making personal decisions about where to live (#4)*.

Another interviewee described how she received good support:

'Are you thinking about coming back? If you come back and hit the ground running, by the end of the year we think there's a spot for you. We'll nominate you as a Partner.' And that determined – if I'm being honest – my timeframe for coming back (#30).

Mentoring can also be important for work and life decisions for more junior lawyers:

When I was a lawyer just starting out, there was a woman Partner in my firm who was very much a mentor to me. ... And I very much looked up to her and also the way she handled having her family and she made the decision to go in-house to a private company and she worked part-time for many years ... But I have kept in touch with her (#15).

I had two great mentors..., who said - One of the things you need to do is self promotion, ... you need to build a reputation, if you want clients to come to you – so you've got to speak at things, you've got to write articles, you've got to go to the Bar dinners. And so I was going with them to Bar dinners at the age of 23 (#14).

There is a slippery line between sponsorship and mentoring. Most of the experiences of mentoring recounted by the interviewees were what would now be known as sponsorship: *there's two of them and they worked really hard on my behalf and without that, it wouldn't have happened (#24).*

The following excerpt describes well a most positive sponsorship situation:

I came to this firm and worked very closely with him – to build up a new practice area. And he was the person who was my champion in terms of getting me into the Partnership. He made sure that I had ... my own work that I could be a leader in. Gave me responsibility for a lot of the

business development initiatives, writing proposals to try and get new work. Was encouraging me to speak at conferences and to increase my profile. And publically was always very supportive of me and did not hesitate to praise me and my abilities to other Partners in the firm (#15).

Where a woman experienced sponsorship, then typically she became an active mentor for those more junior, she passed it on:

It was like someone taking the time and going - This is why this works this way, and this is I'm here to help you be the best lawyer you can be. So it's all about us teaching you, so that one day you're going to pass on the same stuff to somebody else... Why we do something in a particular way. That, to me, is gold when you're a lawyer. You go to Law School and you learn theory, but you don't learn what it's really like in the real world to be a lawyer. Someone did it for me... And, to me, that was invaluable (#10).

3.4.6 Age and gender issues in promotion to Partnership

The timing of when to have children dominated discussion around gendered promotion issues; many women deliberated over this dilemma. Most women perceived it as an individual issue rather than being necessarily the responsibility of the firm or the profession to provide flexibility.

Views around whether or not it was feasible to have children and be a Partner were very divided with one woman commenting: *the difficulty with law is you need a big run up to Partnership, where you're working every hour God gave, and you can't do it with children. You simply can't. It's just not physically possible (#20).*

A majority of women Partners interviewed did have children (63%) and three were responsible for dependent adults. They made a number of poignant observations: *as a female you wouldn't want to go and*

have your family and then have your run for Partnership. Because you'll probably miss it (#20). Another interviewee noted the need to strategise: *When I was 30 - It's time to have kids. You definitely do the plotting and planning at different stages of your career* (#13). The age/stage dilemma was noted a number of times:

I mean it is a really hard job and it saps an enormous amount of your time and it is not particularly consistent with good parenting ... not necessarily consistent with other things people have to do particularly in between 30 and 40 when they are your peak aspirational years (#6).

While another interviewee completely disagreed with this view:

My baby years, my fertility years will overlap with my years for going for Partnership. That is that. And that's your problem as a law firm. And I'm not going to make it my problem. And I'm not going to wait.

This woman talked further of the excellent support she received from her firm: *... and I am so loyal to it because of what it did. Because it showed that it had no sex discrimination towards me* (#2).

There is a clear window when it is most possible to be made Partner, and this age window was perceived to have lengthened over time: *Whereas so many of us just think you've got to do it by the time you're 30 or 35, now probably more like 35* (#14).

There is an ageism, I think, in law. In my experience in all the other firms, if you are too old and there's a window, you're just never going to make Partner. And it's probably 40 I would say, now (#20).

But the window remains: *But you get to a certain age and they won't take you into the Partnership anyway ... It's a young person's game. There's an awful lot of energy required to operate at the [Partnership] level* (#17).

However, energy aside, the major reason that Partnership occurs in the thirties is that it is based on the male career path, where child bearing and rearing are not primary responsibilities. This career structure and concomitant expectations presents clear gendered dilemmas for women who decide to have children: *basically choice-based and biologically based* (#6).

But it has personnel consequences for the firm and personal consequences for the women: *Women don't really want to be leaving it later than 35. And in law firms there is a massive amount of women that are on the different fertility programmes and stuff, because they are having babies much later* (#4).

Overwhelmingly, the dilemmas around child bearing and rearing are construed as individual choice and responsibility:

There's no... gender bias in this organisation. ... I think the real difficulty for women is that - I think there's two things. I think one is it's really hard if it coincides with your childbearing years. I also think you have to have a really supportive partner/husband, who will buy into the fact that you're not necessarily doing his washing or ironing his shirts. Not all men cope with that. So you have to have a really supportive person at home ... I truly believe that there's nothing inherent about this organisation that stops you being successful as a woman. But it's your choice as to whether you want to live the kind of life that means that you could do this job. I don't think it's a female/male thing (#7).

It appears the two windows of opportunity for becoming Partner and a parent exist and are not mutually exclusive; indeed they overlap almost completely. In essence there is a clash of timing and values, one set steeped and impelled by a biological imperative with the other constrained by an institutionalised professional norm.

3.5 Organisational culture

3.5.1 Masculinity, Old boys' and girls' clubs

Interviewees were asked to describe their firm's culture in a few words. There was a great deal of similarity between their responses in spite of espoused differences between the firms. The culture emanates from the top: *The Board is key. The culture here is very driven by people who are generally incredibly smart, highly motivated and really collegial in their approach to things ... is driven by the Partners* (#12).

A number of women discussed the high performance culture of firms which includes striving for excellence: *It's a high-performing organisation. I think it's a demanding organisation. So it's a high-performance culture which has its pros and cons. But I like it. It suited me because you know the rules. It's really clear* (#7). One interviewee reflected on how the culture has become tougher over time: *It has changed. It's much more ruthless and much more cut-throat than it used to be. And it's all about fee generation and revenue. And it's highly competitive* (#20).

Another interviewee couched it in terms of the merit ethos: *I've always felt that it's a meritocracy. So the culture is all about people work hard and being – and we aspire to be basically the best, is our aspiration... if you're good you get recognised for it. You get rewarded* (#10). Interviewees were generally very positive: *The Partners get on with each other. Generally we like each other. However, we're a mix of personality types... that's really important* (#4).

It's a great culture, it's very extroverted. It's very sort of 'can do' energetic organisation. It's pretty tolerant, it's a little bit eccentric ... Historically it has had a culture which is quite male dominated, not necessarily in a sort of patriarchal, highly oppressive manner, I regularly find myself the only woman in the room (#35).

A high proportion of men were associated with a more competitive and 'rowdy environment', that does not foster 'the most careful approach' (#35). This interviewee went on to reflect:

The more women you get in an organisation, the more you change that culture... I think a lot of women find it hard to navigate, I found it hard to navigate, so you just have to be determined with it and you have to have a fair bit of assertiveness... I'm not particularly dominating in meetings (#35).

Another interviewee noted, the mix of males and females does have an impact, sometimes at a subtle level: *So it's just when there is a large majority of men, it changes the dynamic and it changes the feeling. But they are oblivious to that, because it's normal for them* (#8).

There was a little support for the notion of an 'old boys' network, with the few comments around the odd client preferring to work with male lawyers: *Clients would focus everything to the male Partner and never to me ... almost invisible, if not completely invisible* (#23).

Nevertheless, a considerable amount of networking was done in a sporting context:

Because, still a lot's done on the golf course - the old boys' network. You have a lot of these middle-aged or getting to a bit older men that have worked in the profession for all their years, played golf or whatever, and that's a very tight – very hard to compete with that, as a woman. But you just get on with it (#3).

There was the observation that: ... *generally men just socially gravitate more towards men. And women gravitate more towards women* (#8). This 'mini me' preference was viewed as subconscious, but the same interviewee went on to question uncertainly:

Conscious or subconscious bias from a gender perspective or a cultural perspec-

tive – I just don't think it's there. Because I think everyone's got this common driven goal. That's a demanding goal – of performance and excellence and responsiveness (#30).

A number of interviewees did comment on and accept that it is male-dominated culture: *It feels like a bunch of very 'old school' men (#16).* Some recognised the prevalence of men in their working environment:

Everyone I dealt with was male ... substantially more men ... the juniors were often women ... I was never interviewed by a woman in all the interviews I had. It never struck me as odd or unusual. I didn't even think about it. Funny isn't it (#23).

An interviewee highlighted the gender dynamics that arose in some in the Partner-client interactions:

Often, I am – the only female going in with maybe five or six of my male Partners, into a room of [clients] which traditionally are 99% male, it will take the boys a couple of beers to relax down to then start talking at a real level... But I always struggle with that first half an hour in those male events (#3).

There was little comment made of 'old girls' networks, although occasional mention was made where there were particularly successful and supportive women in the firm, but also to the contrary. One woman noted: *There's two types of women - the ones who like to support other women and the 'others' (#6).* Another woman commented that in her experience it was: *More likely to be women who are the bullies (#16).*

Thus the presence of women in a firm at Partnership level is not sufficient; it is the nature and working styles that are also important: *In London there was no role models. And there were quite a lot of women Partners, and none I wanted to be like (#7).*

Another interviewee picked up the trend of more women clients and how it presented a potential opportunity, often not taken up by law firms, alluding to the fact women need to be more united in working in towards this:

Many more in-house lawyers are now women and they are our clients. And if we have a bunch of rugby-loving pretty one-dimensional males ... we will alienate all those women or we will just not be of interest to many of those women who would never say it but would actually prefer to give work to a woman when they can, which actually most of us do. I work a lot with women lawyers in other countries... And we all say we really like working with women and we would try to give work to women when we can... Let's all be women, get together and make it better for all of us. ... We women need to band together and make things better for ourselves.... we are doing ourselves out of work from clients where it's women who dish out the work (#8).

Where there were a higher proportion of women in the team, there was a greater likelihood of people (women) being part-time. Although this clearly did not extend to Partners: *There's a lot of anecdotes that they leave and they go to an in-house job. ... they think if they stay here, they won't be able to work part-time. It will be all too hard... that's partly true, probably (#8).*

This interviewee went on to reflect more deeply:

One of our big cultural issues is a lot of our women who've become senior – who've stayed – are actually operating as a 'helper' to a male Partner. And so they're doing all the background stuff ... while you're just helping someone else in their practice, you can never be a Partner ... And I think that's partly just lack of awareness, partly complete lack of mentoring ... and this is a gender issue (#8).

3.5.2 Entertaining clients

The gendered nature of entertaining clients, attracted specific comment with beer drinking and an interest in sports, still being valued: *They like to watch sport and they like to drink beer... so I guess that's male but I can give that a good nudge [with] fashion events (#6).*

There was some discussion of the drinking culture of the networking in some of the firms: *[I] struggled with networking as it was with older men ... and I wasn't part of the drinking culture and I found it very difficult to make those connections (#23).*

There was comment made of the 'sport culture' and the networks emanating from a few Auckland high schools: *Auckland Boys Grammar or Kings or whatever ... there seems to be just so many people from those schools who are in top positions at corporates and other clients, that's a really useful link (#19).* Another interviewee put it starkly: *The people that got soaked up into jobs, their father or their grandfather or their uncle was a Partner in a firm (#17).*

3.5.3 Women's perspectives

There was some reflection on the different characteristics that women may hold compared to men.

Sex differences were suggested in considering relative degree of ambition: *[women don't necessarily want to] be a Partner, whereas I think every man probably does (#12).* Differences were also noted in relation to interpersonal styles: *[women] generally tend to turn away from aggressive competitiveness rather than tackle it, so there's those issues. That can be dealt with good mentoring, but yeah, I think there isn't any formal stuff, I think it's informal (#35).*

Another woman reflected on differences in networking situations:

... but in relation to women, most women have some issues with drumming up enough confidence to deal with a room full of highly extroverted blokes so therefore they don't tend to promote themselves as much, they don't speak the same way in public, they express themselves more tentatively, they don't put themselves forward for things, they generally tend to turn away from aggressive competitiveness rather than tackle it, so there's those issues (#35).

There was some comment that to succeed in law that women need their work to be better than that of their male colleagues:

The level of expectation is far higher for a female to be successful than for a male. So if you are as good as your male counterparts, you will not make it in law... You need to be better. That's probably why it's so much harder for women. ...even women who make Partner early, if they don't get to full equity before they have babies, often they'll still fall off the track. Not come back, or come back as consultants and not survive the corporate jungle (#20).

The notion of women having more in their lives was elegantly phrased: *we grew up in a time where the slogans, were all - Girls can do anything ... There's no reason to be held back. Which has translated into - Girls should do everything. And it's just not a good way to live (#12).*

Women were also perceived to be not so assertive at asking for a pay increase. One interviewee recounted her story of just accepting what pay rise was offered: *[I] just assumed that I was being paid effectively and that they were looking after me... but that's my fault really (#18).*

Sandberg's (2013) notion of women 'leaving before you leave' was cited in a number of cases, encapsulated in the following observation:

I watch them and I get really disappointed with some of them. Because I think they opt out quite early on. Like after a few years they go - Oh, I'm just going to follow – their boyfriends or their partners. I find that quite frustrating, when they're quite often more talented than their partners (#7).

A number of women had career advice:

So I think careers are a long game, not a short game. And yet a lot of short-term thinking is coming into discounting opportunities. And I just wish that as women we could start thinking with big horizons, big confidence, backing yourself. But a really big part of it is your bloke has to back you too (#4).

3.5.4 Ethnic and gender diversity within the firms

Most interviewees, as white women, declined to comment on ethnicity. Some commented on the presence of one or two Maori in the firm and another on the vertical segregation of women: *We're very white ... and very female at the junior level – there's no male secretaries (#18)*. Observations on the sparse presence of other minority groups, such as gay men, occurred only in response to a specific 'minority' question.

Those interviewees that did comment were adamant that there should be no targets of affirmative action:

... it's a meritocracy. It's about regardless of your gender or your race or whatever it is, if you're capable, you will be promoted and you will be recognised – I tick quite a few minority boxes. But I've never felt that I should be given any particular special treatment ... I actually prefer to think I'm here because I did it on the same basis as my male counterparts (#10).

There was another gendered issue in the law firms that a few interviewees raised; the absence of men, particularly at entry.

Some law firms are: *actively seeking men - if we cut it off at the sort of A-level then there wouldn't be any men so we interview men with less good marks. They're lazy at law school, is what it says. Without irony she went on to say: You do need diversity, we couldn't be a firm with only women lawyers (#6).*

Like another woman Partner, she ignored the fact that there have been male-only firms for decades: *because at the end of the day, if we just had a law firm full of girls, we wouldn't reflect our clients (#3)*. However, this woman added an astute analysis of the effects of inequity effects: *when they become more and more womanised, the value goes down. And the pay goes down. So I wouldn't want that. You've got to keep the boys so we can keep the salaries higher (#3).*

3.6 Work and life

3.6.1 Work-life balance

There was extensive discussion of strategies and tactics for managing work and home life demands by female Partners that had children. For women Partners who did not have children, work-life balance was more likely to centre on exercise and work: *I try to go to the gym twice a week (#16)*. The importance of maintaining health and stamina in this demanding profession was observed by one interviewee:

then a couple of years ago I decided that really successful people are in control of their health and make an effort on their own behalf to look after themselves (#13).

The potential for inequity to arise between those with and those without dependants was commented on by a Partner who was single: *I often feel like I'm expected to be available or do things that other people might not, because I don't have a family to go home to (#27).*

A few interviewees expected that work-life balance would be better in New Zealand

compared, for example, to their experiences of working in large firms in London: *but work was exhausting...I thought I would have a work-life balance ... I was very disillusioned* (#19). As a result this interviewee wondered whether she would leave law. But how work-life balance, flexible hours and part-time practice are managed does vary somewhat between the firms.

A key difference between the experiences of male and female Partners is a spill-over from societal attitudes and practices, expressed in the following comment:

... these males' partners - the wives are at home. They're running the household ... So the guys just don't have an appreciation at all, as to the real world. They don't have to deal with anything. They don't cook. They can go out and drink with the boys or with the clients. That's the real difference (#23).

This organisational feature of the home is contrasted to the situation where the female Partners are dominant earners: *there are some women here who – they're the main breadwinners. So [their husbands] reorganised their lives around the female's job* (#7).

A number of women commented that they have observed changes over the years:

Most of the Partners [here] were parents of young children and male and female there is now – it's okay for a father, a male lawyer to want to get home to put their kids to bed, but that's been quite a change ... since the late 90s (#9).

To be fair, most of [the Partners] were men – some were pretty good at trying to get home to see their kids. If they lived close, they'd go home for the witching hour and then come back. Or log on. In the time from me starting to now, you can do a lot more remotely, which has helped (#3).

The supportive male partners in the home were viewed by many interviewees as a key to being a successful women Partner:

What makes me successful and a mum who loves her kids is I've got a fantastic husband who is a modern-thinking husband and to me, that is really key... But a really big part of it is your bloke has to back you too. And your bloke has to be ready to live a harder life too. Your bloke has to be ready to pin the washing on the clothesline at 10 o'clock at night. And your bloke has to cook meals. And your bloke has to pack the lunches in the morning when it's his turn ... at home; you cannot succeed without an equal deal (#4).

If women do not have that support or are single mothers then the life is much more difficult to manage.

3.6.2 Home help: 'In sourcing'

In addition to a supportive partner (and not all interviewees had one), having a supportive family coupled with home help 'in sourcing', were crucial elements for success. Significantly, virtually no interviewees argued that the law firm should take a major role in assisting Partners with dependants to manage the work-life competition. The mosaic of child care arrangements was complex and required multiple helpers (both paid and unpaid) for many women Partners with young children:

We'd inevitably use grandparents... So we had an arrangement – two days with a nanny and one of the grandparents and then I was home for two days. And that's how we did it. And that worked well (#30).

Another assemblage consisted of: *nannies when children were small; one day university student now; husband equal share of child care day; family on holidays* (#4).

... paid a lot for high-quality, comprehensive childcare, back to work after nine months. Three days daycare, two nannies other two days and pick up. Mother assists. I put a lot of effort into the kids. I

take them to school every morning and I generally put them to bed and read them a story four to five nights out of seven. So I don't feel like the quality of my relationship with the kids has suffered (#35).

Although the choices made were somewhat dependent on the financial means available: *Yeah, I have an au pair (45 hours a week – live in) (#3).* As another interviewee noted, the importance of having: *good support at home and we've still got the same person who started with us 18 years ago ... I also have a cleaner (#14).* Another woman explained:

I'd taken six months maternity leave ... And I was fortunate in that, between the two of us, my husband and I could afford to have – not a live-in – a nanny who came to our home every day. And she was a trained childcare nurse (#15).

The importance of quality childcare was a priority even for those with modest financial resources: *When [I] started - salary 70k and child care 50k (#35).* For another interviewee, childcare was imperative to stay on the career track:

I always had a nanny, so someone that came in the morning and was there till I came home at night. And at one time that meant I was earning bugger all, you know ... so it was never a matter of money, it was always a matter of not wanting to fall behind and sort of get out of that career track (#27).

Increasing status had a positive effect and was mentioned by a number of interviewees: *You get a certain amount more respect once you're a Partner. It's amazing the difference. ... And it's easier for me to juggle what I juggle as a Partner than it is as an employee (#30).* One interviewee summarised very well, some implications for career progression of home-life obligations; however, she emphasised these are 'parent issues, not just female issues':

You'd have three or four things in a week and I'd just have to say no – go to one and then go home the next night ... And that was hard because a lot of Partners who didn't have children – who were new Partners – you'd be competing against them and they're be there and they'd be hungry for it. And they would be doing it (#30).

3.6.3 Flexibility of hours

The size of the law firm was a factor mentioned for flexibility of hours, providing room to manoeuvre so that the work can be covered when someone is not in the office: *The world's not falling down because there's only one person who knows about it (#30).* Flexibility can also be a key factor in the recruitment process: *it gave me the flexibility to have a day off with my son and that really helped (#24).* But a one woman noted insightfully: *a host of domestic arrangements sit behind flexibility (#35).*

Women try and manage flexibility within the constraints and demands of the work:

And our nanny goes home at 6.30, so I have to be home most nights at 6.30. And then I will – depending on what's on – I will work again in the evening. So I'll put the kids to bed and then I might do something at eight. Eight 'till nine-thirty. I try not to work too late because I get too tired. That's when it's busy... And then sometimes I have to work in the weekend. And then sometimes it's more flexible. And sometimes when I'm not so busy I can go and pick up X from school... I try and work as flexibly as I can around the demands of my family. So I will work from home sometimes. But at the moment I'm working pretty long hours (#7).

Managing flexibility equitably, brings its own challenges:

Flexibility can't only mean that someone can leave the office at four and leave their staff unsupervised or the supervision of

their staff left to someone else or things like that. Equally with men [it] often feels like they should get a prize for going, for parenting and things like that. What I think that the challenge with flexibility is, it needs to be flexible in a way that works both for the person who needs the flexibility and for everybody else and I think that's the big challenge in law firms is that we haven't often got that very right (#6).

Men also need flexibility, but for different reasons as one woman noted: *One took time off but that was to do a Masters. So that's not really the same... It's just to do extra study and leadership type things (#2).*

As Partners become more experienced, they try to manage their time more and resist pressure; although the success of time management may be more imagined than real: *I think we talk about having flexibility. I think the reality is there's probably not as much flexibility as what we would think (#23).*

So just because somebody wants something done at nine o'clock at night, it doesn't mean to say you have to organise your life around that person... You educate your clients. You say - 'Okay, I can do this for you before nine o'clock tonight but I'm going home now and it's going to be a couple of hours when I can't get in touch with you...' And you just have to be up front with the clients about that (#15).

I always have tried and would be mainly successful at not working on the weekends, I sometimes do work very hard during the week and if I really am getting crunched I just won't go home to put the kids to bed and I'll just stay at work until midnight. But I try really hard not to work on the weekends. Otherwise I wouldn't really spend enough time with the kids (#35).

One woman looked to the future to see changes, noting that:

it's not just a women's issue, it's a profession issue, the hours are just out of control, the stress is out of control, and maybe we'll see a retrenchment back to kind of – well I think we'll see some really interesting changes in business over the next 10 years (#24).

The role of technologies, allowing instant communication, provides a double edged sword:

And I think technology is a disadvantage lately. Now our culture is... clients should not be sending you stuff on a Sunday afternoon, expecting you to reply. But that's the way of the world, I think. And these are clients that have a choice. So they can choose – so if you don't respond, they will just go somewhere else. So it's crazy really. I think it is an issue (#7).

Others concurred technology has exacerbated the intensity of work: *back then everything wasn't on e-mail. We still sometimes posted letters.... So there wasn't the same 24/7 pressure that there is now. I think that's gradually got worse and worse (#8).*

Now, you know someone will email you a document, they'll call you as soon as they've emailed it so you haven't even opened it yet, and they'll expect your responses within the hour and that pace of work is quite unrelenting I think (#27).

So though I am full-time, full-budget, I believe that you can achieve a lot by juggling. And I think that modern technology is amazing, because you can flick work off your iPhone to different members of your team. I think that's where a team is really wonderful. I can work after the kids have gone down for the night (#4).

3.6.4 Working part-time

Working part-time is often the result of hard negotiations, and inevitably there are sacrifices made, often the social and client networking:

I have worked part-time – I work part-time now ... I always think working part-time is very problematic in terms of getting taken seriously, and also you work harder. You have to focus so much; you lose some of the social side of working (#17).

Law is not particularly good at accommodating part-time workers or that people will get a sense that because they have worked long hours as a junior solicitor, that it wouldn't work if they wanted to take time off and get home to see their kids. I don't know that that's necessarily true (#9).

Managing allocation of work equitably to part-timers in a team can also be challenging:

It's easier to give it to someone who is not part-time because then you don't have to pick up the slack, then the person doesn't do their numbers ... I mean I don't think people can work at home if they are also supervising children, I don't think that's not working at home, that's being at home. So I mean it's a hugely fraught issue (#6).

Sometimes a part-time arrangement is to keep a valued person in the firm until they are able to work full-time again: *Three days a week truly doesn't work for us, but if it works for her, keeps her in the firm, we'll have her. But she really is quite – she's outstanding, just magic (#2).*

There was a majority of opinion from these women Partners that part-time work was not congruent with Partnership:

If you want to work part-time you won't be going to one of the big firms, really. We have one senior associate here who works part-time ... She has no interest in being a Partner...

But the large firms don't generally like part-time work amongst their professional staff.

So if you want part-time or you want flexibility in terms of hours, you would probably go to a smaller firm. Or you would go in-house to a government department or a company (#15).

As one woman put it:

To work in law you have to like the deal making; however, in a sense that also includes the non-paid work; it all about trading. And law is historically male-dominated and it's really hard to change that. And the lifestyle just doesn't seem to be consistent with family life. Because you're trading time with your children. You're trading time with your husband. You're trading self-time (#2).

Another interviewee concurred in a different way: *I don't have any free time, and that's been the case for 10 years (#35).*

3.7 Why do women leave?

A key concern for law firms in this study, and also for other firms in similar countries, is why women do not stay in the firms and law. The interview discussion often turned to why more women leave than men. There were a few clear themes that emerged from a variety of opinions:

They hate it ... On the whole – because it's an environment that's foreign to most womens' souls to be – that sounds awful. They love it when they're young, it's exciting, it's sexy, it's lots of money and power and stuff and all the rest of it, and then they actually look upwards and see that most Partners are men, that some of them work, or most of them work quite damaging hours. You still see young women treated as sex objects by senior men, especially in the big firms, even though they're not supposed to, and they have all sorts of policies that militate against it (#17).

Some specific aspects of the job were perceived as being harder for women:

The worst thing is having to go out and win new work. It's hard work. Trying to persuade a client to come and use your services. But somehow you have to find a way to tell these people that you're the best person for the job. That's always a challenge (#15).

After entry into law, the expectations are often not borne out in reality: *I think the hours and the pressure and the fact that it actually isn't easy...High expectations and they (men and women) think having got their law degree, they can now be a lawyer. And that's far from the truth (#3).* For as others commented, law is quite different from the expectations that they may have held in Law School. In addition, the nature of the work may not suit the early aspirants: *I think there's another type of people who leave because they discover they want to be in the business and doing business, rather than advising businesses (#9).*

A few interviewees also referred to generational differences: *You've got the generational bit kicking in for the guys, I think – coupled with just wanting to do different things. Not wanting it to be your sole life. So the big firms are least suited in some ways to it just being a job (#3).*

But actually what I'm seeing with Generation Y – very different from Generation X – is that they no longer want Partnership. My senior associates in my team are quite happy to stay senior associates ... and have time with their families. So it's as if women see – the new generation see how hard it is and they don't want that. But at least they've got the choice (#20).

Fifteen years ago when one interviewee was being recruited as a graduate, one of her questions was always:

Why are there so few women in your Partnership? And the answers were very different around the firms... and it is sort of sad to see that those numbers haven't changed in 15 years, so I think I naively

thought at the time, by the time I got to Partner level it would have changed, but it hasn't really at all (#27).

The major reason given for the 'glass ceiling': *by which I think everyone means, what is it that stops women even though they're a majority of law graduates (#8).* placed the responsibility back onto women's choices:

I think the really obvious thing is the childcare ...The issue is that it's actually hard to find women who are prepared to give their career a priority, law is just so demanding in the big law firms (#35).

The previous interviewee went on to say: *I think – seeing it as discrimination – is undermining of women, because it assumes we all want to work ourselves stupid and compromise our lives, when in fact I think many women are more sensible than that (#8).*

However, often the decision was made by women through discussion with their peers, while the policy and information in the firm is not being well communicated:

Because most women when they get to 30-ish are looking at having kids. And they don't even necessarily have the conversation looking ahead – so I think they just make up their own minds and they talk amongst themselves with people they know outside the firm, and get the impression that it will be easier if they move out of the firm (#8).

The dilemma of 'if' and 'when' to have children, was another key issue for women. One interviewee without children had clear advice: *what women should really be doing is having their children early and getting it out the way (#6).*

The following comments came from women who had done the opposite, established their career and then had children:

I think that's a major issue for some women. I think it's really hard. It's physically incredibly demanding. And you get really torn, I think, if you are at that point

where you're trying to decide between your child and your career, that's a really difficult decision (#7).

It is very difficult to be the primary caregiver and work in this environment. You need a very strong support network at home ... nanny as well as a husband when a Partner. It is a 24/7 responsibility in terms of business growth and the networking and everything (#12).

Some argued that it was all about individual choice:

...It's not all about the law firms aren't making that viable for women anymore, that it's too hard, there is so much choice now. You know I don't like the phrase that Sheryl Sandberg uses, but people don't want to 'lean in', they don't want to work that hard (#14).

It is the responsibility of women to craft a life for themselves that encompasses their ambitions to be successful lawyers. I think women have to front up to what kind of relationship they have created to make opportunities for them to have children, Partnership and a great marriage partnership at home (#4).

But inevitably it has significant implications for the capability left within the firms:

Definitely there's a large percentage of them [women] who have left law altogether. .. There's a large percentage who have chosen to be at home with children and to not have a career. And I find that a bit sad, because they're really bright, talented women (#4).

In addition, the fact that early career choices do not always work out is linked to the perception of law as one of the most demanding professions: *Because it's just too hard – the juggling act is too hard. The demands are too great. And the cost in terms of effect on family is just too high (#23).*

... based on my own experience and reflections, I'd say it is simply not for every-

one... We want to do the best work for the best people. We're accessible 24 hours a day, seven days a week. If it's hard and difficult, you'll pay a premium (#30).

3.8 Organisational initiatives

There was no uniformity of actions across the large law firm sample; some had initiatives in place while others did not. A summary is reported of the kinds of initiatives present in the sample; individual firms are not mentioned. Discussion of what could take place is included, as it arose in the interviews, but the interviewees are not identified in this section as it would be possible for some readers to identify the firms.

- *We've got a formal diversity and inclusion programme, we are monitoring key statistics on gender equality, we run in-house seminars, particularly for senior women to help them with advancing their careers, we've got a corporate mothers networking group.*
- *Self-development courses and inclusive leadership courses.*
- *Partners are made accountable for actions – every six months they're being asked what they're doing.*
- *Some firms - belong to AWLA*
- *More than one firm has access to emergency child care facilities available: if you have childcare issues and problems... you can call up and you can ask the firm to go to any one of three recognised nanny agencies and get a nanny and the firm pays...No questions asked. Same day. However, long you need it. It's a pretty good pressure valve for people that don't have family support (#30).*

An important aspect for creating change is understanding what is wanted from those that may benefit. As one interviewee explained:

have you had that conversation with them, have you just made up your mind that they're not worthy of Partnership – because what we found talking to a lot of the women was perhaps – because they'd been off on maternity leave for a year their Partner just assumed that they no longer were ambitious, that they didn't want it (#24).

It became evident that the responsibility to create change is placed on the women: *As women we have to take a bit of onus on us to look at how do we actually force a change, because the men don't know any different (#24).*

However, being an advocate for change within the organisation carries risks: *there's always an element of pushing the boundaries only so much that you don't end up [career] detrimental to yourself either... it's a very fine balance (#3).*

A common change strategy for the past two decades or more, is assisting women to change to fit in with corporate cultures; law firms are no exception. Some Partners who were also members of wider network groups, noted that:

Everyone's talking about the same things, and equipping women with skills and gumption to actually make demands and what have you.....all that sort of stuff is really important to get in earlier, I guess. And to be helping our daughters and friends and family (#23).

There was some clear advice for women considering law:

Firstly, I think you need to find an area of the law that you love, or that really interests you. It's a hard environment to succeed in if you're not doing something that inspires you, or that you really enjoy..... The second thing that I think is important is that you have a supportive partner... Thirdly, I think it helps to have people who can mentor you (#15).

You can encourage women to aim high. You can mentor them and give them opportunities, that's definitely good... But fundamentally the woman herself needs to make a choice about how she's running the other half of her life and I think that's just something a lot of women struggle with. And I guess law has got better at giving some flexibility around the edges, it's not quite so 8am until 7pm every day, which can make a big difference (#35).

To create change within organisations there is a need for leadership from the top and clear policies driving expectations; one interviewee summed it up in the following way:

What it actually needs is (1) a real solid policy on the firm's part; but (2) the individual Partners concerned and the firm as a whole need to be forced to actually put it into place (#8).

Shifts in societal norms impact on organisations, in a reciprocal relationship, and as one woman explained:

I do think that's changing. When I was a junior lawyer it was not uncommon for lawyers to celebrate a deal closing at Showgirls with a lunch – going to a strip club! Now it seems bizarre and there's no way that anyone in this firm would do that now, but 10 years ago that was not unheard of (#27).

Other ways in which women have been accommodated is a shift in the timing of seminars, for example:

I hate that word, networking – but often people that you are talking with that are your clients, are parents too and have young families. So if you do seminars and things, they're now a bit more four-thirty to six-thirty or something. Hopeless for young children, but not so bad if you've got older children (#30).

The change to part-time Partners is however, still rare: *I haven't heard of many*

examples of where that has happened where someone has been part-time and was made up part-time (#30). But going on maternity is less of a barrier than in previous times: And there are people who are made up after they come back from their second maternity leave. I think even in the 90s, it certainly wouldn't have happened (#9).

The changing composition of the in-house lawyers was noted: *They're not all men as well and they're younger men who are married to women who are working, so they're much more realistic about it too (#14).*

As noted earlier in the discussion around organisational cultures, the increase in the numbers of women clients has changed the style of client entertaining: *We always do something in Fashion Week ... we do a number of initiatives every year which are very much targeted at women clients, so that's nice (#9).*

Some interviewees recognised that there are more mature women graduating in law and seeking a second career:

We would welcome mature women coming in and taking up roles and progressing in the firm ... there are a lot of women going back and doing law later, they're some of our best graduates (#14).

There are a variety of ways that law training and even the practice of law can be carried out:

Think about all the things that you can do as a lawyer. Don't just think about going into a law firm ... there's some fantastic boutique firms with very highly skilled people in them around the place, and that might suit some people (#17).

There are aspects of the way the profession is practised that needs attention. For example, one interviewee noted that through: *the competitiveness ... made to feel not good enough (#19).* This aspect of the culture was commented on in another way: *the competitiveness – inherent part of being*

a lawyer ... Stop the bullying... As you get more senior, you're very mindful of how easy it is to fall into doing it [bullying] yourself ... constantly checking yourself (#16).

It is also important to be more consciously aware of diversity:

Stop hiring people that look like us ... initially we need to have very clear directives and policies and plans to achieve it, until it becomes second nature. Obviously it needs to change...Cultural norms need to change ... flexible working practice is absolutely crucial (#23).

Acceptance of part-time work and flexible working practices are certainly part of any change and some interviews were positive: *I think work practices have changed such that it is becoming more flexible (#10).* And, *we're pretty flexible with things like start times and finish times, in part-time arrangements ... to perhaps get them through the infancy of their children (#35).*

But more flexibility must extend to Partnership to make a real difference in women's choices and the resulting composition of the firm: *But we have to make it a Partnership issue. And - allow part-time Partnership (#2).*

There was the lone woman change-agent acting in small ways, here and there:

I've got the kids through the hardest years. And she's put her hand up and said - I am ambitious for Partnership. So I just think she's this great message to women to say - All right, you know what you can do? You can choose to be part-time (#4).

It was clear, however, that most of those who worked part-time were women senior associates, and the decision to work part-time and sacrifice advancement was a subtext in many interviews. However, there were exceptions, women Partners who were openly supportive of women:

I probably exercise reverse discrimination by recruiting only women. I give them a chance. I've got part-time mothers in my

practice, where no-one else in the firm has got part-time mothers. And I juggle it – when they can't be available I'll pick up the slack. So I feel like I am making a difference for them (#20).

4 Findings from volunteer managing Partners and CEOs

4.1 Introduction

There were six volunteers (five men and one woman) from six of the 11 law firms in the study. Availability was a key reason for non-participation. While both managing Partners and CEOs have the broad view, the managing Partners, by virtue of their own progression and career within the law profession, provided detail description of internal firm processes and changes in the profession over time. The CEOs were not necessarily familiar with the nuances of the law profession; for example, they may have had a career in accounting or finance.

This group spoke more of a top down view of the firm with an emphasis on external and strategic landscape. The group was evenly split between those who were lawyers and those who were 'professional managers', most of whom came from an accounting background. Given the small number of participants no identifiers are used in the personal section. As in other sections of the report, quotes are indicated by italic font.

4.2 Personal characteristics and reflections

The five male participants were married, most have children and some have an unpaid wife at home. Primarily their wife/partner looked after *home concerns*. All have the 'big career' in their marriage, typically working 55-65 hours a week and earning 'managing Partner' or CEO salaries. Yet as one interviewee expressed it, he is in there for the love of the work, not the money: *I'm not financially wed to it. And I love it. So*

it's like it's a love affair because I'm doing it. If it's no longer valued, then the love affair is over (#31).

The career patterns of this group differed depending on whether they were practising lawyers or professional senior managers. The path into law was a combination of family - *almost everyone in my family is a lawyer, not a very imaginative reason* - coupled with the influence of television: *LA law was big on television in those days and everyone sort of wanted to be a lawyer*. There was support from parents too: *my parents thought I was probably built for law*.

All the managing Partners had spent time overseas in law firms. The period varied from six to 10 years in large legal firms in large cosmopolitan cities. This overseas experience in some cases included postgraduate study.

4.2.1 Love it and leave it

Similar to other interviewees in this study, the stimulation of working in a challenging environment is a real draw card for remaining in law firms. The key positive is the *smart ambitious people* that are attracted to law: *Oh the best thing is the people you work with around you, working with very intelligent, ambitious, impressive people all the time*. Although it was tempered with: *Never a dull day ... But can get tiresome dealing with all the endless niggles ... is a very politicised job*.

The ages of those interviewed varied, but all were unanimous that when their role finishes, whether as managing Partner or CEO, they were *pretty certain [they] won't return to being a lawyer or what [they] have done previously in NZ*. One mentioned moving to part-time work or less stressful work or *maybe teaching in a law or business school*.

4.2.2 Characteristics of successful lawyer and Partner

Many interviewees talked about the challenging nature of a career in law, illustrated

with this reflective and telling comment: *I do think that law is a really tough career; I mean it's worked for me. I wouldn't recommend it to my children (#11).*

Another interviewee expands on the reason that a law career may not be recommended:

And these are big careers. They're not for the faint-hearted. So they're driven Type A extreme people who love it. If they don't love it, they wouldn't be doing it. So from the outside they might look like they're loonies, but they're not. They just – they thrive on it. And they normally – if they leave us they'll go on and do something equally as crazy. It's like anything around excellence (#31).

This interviewee went on to comment that for a female lawyer to have a baby: *then all sorts of trouble happens (#31).*

The 'challenge' was perceived to intensify as one progressed: *It's a challenging career, especially as a litigator. It continues to throw up new and more complex matters as you get more senior (#34).*

The interviewees considered that in order to succeed, women who have children, have to decide what they have to give up to make career progression to Partner happen:

And to be a Partner, you need to meet the criteria for Partnership, and it requires so much of them, that a lot of women who are trying to have a balance in their lives will struggle with that. And therefore the choice they have to make is how much are they going to give up in order to adopt the full responsibilities of being a Partner (#32).

When an individual, male or female, is promoted the emphasis shifts as the incumbent becomes a business owner in the firm:

Then when you become a Partner, it all flips over so all that technical stuff becomes a given and you have to become innovative, proactive, an active listener. You need to be spending much more

time developing business... that's one of the reasons why women find it harder, because there's much more social requirements to generating that sort of business and the more ambitious you are, the more you want to go up the Partnership ladder, the more of those external events you need to dedicate yourself to (#11).

Another interviewee succinctly summarised the requirements this way:

Probably three roughly equal component parts to what makes an excellent Partner. One is, you've got to be seriously smart and produce excellent legal advice that is not just pure legal advice, but is commercial advice... I think the second part of being a Partner is that you need to have high EQ and be very good with people and able to delegate and supervise and mentor and run a team and form relationships with clients. And then the third part, is you need to be able to bring in business – you need to be able to get out there, win the confidence of clients, often run relationships, or co-lead relationships with clients and bring work in (#5).

In many ways a Partner is a salesperson, a team leader and business development facilitator. Part of the role of Partner is as a manager who has key responsibilities for developing members of their team, and of course ability varies. For example: *... a Partner candidate may not be a perfect communicator (#34).* As one interviewee put it, the Partner's role:

is to sell themselves and to sell the firm... on any file they shouldn't really be doing more than 25% or 30% of the work on it, it should be the team doing that work. And their job is to be out and about with their clients, understanding their business, getting close to them and effectively developing that business (#11).

The relationship with the client is pivotal: *the job is to make the client think, [they're] the only person in the world that matters*

(#31). Another aspect emanating from the client relationship is: *long hours and another phenomenon is a lack of control [of the work flow]* (#34).

4.3 Business structure and model

Within all the interviews, there was some discussion about the specific structure of the firms and the numbers and gendered composition of lawyers at each level. We are unable to report that in detail, because of the confidential nature of the study. In summary, the firms are clearly hierarchical; levels and rewards are clearly laid out from summer clerk, solicitor, associate senior associate and then in the Partnership systems. The two main Partnership equity structures of law firms internationally (including Auckland) were described in colourful metaphors by one interviewee as: *either 'eat what you kill', 'performance based' or 'lock-step' models – the English and the New York top tier firm model* (#34).

The lock-step models systematically apportion personal rewards up to 100% Partner status over a number of years: *an equity-owning structure that has defined steps up the ladder until you reach Nirvana of 100 shares* (#31). *[So] you come in at a particular percentage and then you step up over a few years* (#34).

The hierarchical pyramid extends beyond Partnership with management systems, including small boards of senior Partners chaired by a managing Partner or CEO. This seemingly elite group, are more strategic than operational in function: *So strategy is done at Board level, operational implementation is done either at that management team level or at division leader level* (#11). The role of a managing Partner was viewed as moving closer to that of: *a traditional corporate CEO type of role, rather than just an internal administration role* (#5).

In a similar manner to other business enterprises, the core of the best law firm is the

financials, but there other factors too:

Your colleagues, the quality of your clients, the quality of the work and the size of your income and you've got to sort of keep all of them in balance. There are firms that are more driven by being the most profitable firm and that's the primary driver (#34).

Within the mix, it was acknowledged that law firms are working in a very competitive environment; to some extent this could be described as an informal class war. Some firms position themselves by charging less alongside a philosophy of providing more practical advice, while the 'others' are perceived as:

always highly intellectual; very long; very expensive; and three-quarters of it is not practical. Our advice will be shorter, practical, and cheaper, and the client will like us more (#32).

There was some reflection that the model was under threat, with fewer off-shore opportunities coupled with an oversupply of lawyers in a comparatively small market: *we've got the second highest number of lawyers per capita in the world in New Zealand, behind the US, and the US figure is supported because there's a whole lot of personal injury claims, whereas here we've got ACC* (#5).

The challenges to the status quo and the limitations of the local market, caused reflections on the ways in which law is changing, but also how the profession is: *'stuck in terms of the model' with client demands higher than they have ever been* (#11).

Situated in a world of smart phones and e-mail, expected access can be around the clock. One interviewee commented that the clients are now comfortable with less than an instant response, although it needs to be within two hours: *'So long as they're back to me within a couple of hours', then they're happy. Same with e-mail. So the point is here, we've all got cell-phones or smart-*

phones. *It can easily be done* (#31).

Although interviewee opinions varied, the over-riding theme was that client demands are intensifying:

I think attitudes to clients is something of a systemic bias... there's a perception I think, whether it's real or not, that clients on big deals demand 150% of availability, so the demand available can be 15 hours a day, seven days a week, when things are really firing (#34).

The edge of a successful law practice is to gain and keep clients. The question is:

How they achieve the clients and the work. And if they're smart enough to have a great team around them, attract great work and somehow get it done, who cares? Presenteeism ... You've got to be there. You don't. It's crap (#31).

While all our participants talked about this, there were a variety of approaches emphasised: *We make it work by selling our difference, and our difference is, we are very friendly people and we work with our clients in a collaborative way* (#32).

So I think the competition is genuinely absolutely intense here and so the level of devotion you need to have to client service does bring a real sense of a lack of control and that just plays out in to work life balance...while clients often in their panel arrangements require you to have equal opportunity and work life balance type requirements, that's absolute lip service, I've never ever seen a client tell their lawyers to go home and do it tomorrow, it just doesn't happen (#5).

4.4 Career development

4.4.1 Career structures

The firms are clearly hierarchical: *there's always a hierarchy in a law firm* (#5); and: *defined steps apprenticeship up* (#34).

Levels and rewards are clearly laid out at least to senior associate level. Firms had a variety of career development measures in place. From one Partner's viewpoint there is: *a structured training programme starting from the day they arrive* (#34). It is an apprenticeship model:

So a junior lawyer working for a Partner or a – below Partner, more senior lawyer, so it's still primarily the apprenticeship model, but we have hard skill and soft skill training programmes for all lawyers in the firm and for all non-lawyers in the firm (#34).

Additional to this relatively universal system, all the large law firms had individual initiatives in place to enhance performance. One example given was an annual performance review system that included Partners: *a development discussion process staff for all staff and for all Partners, which is learning needs focused* (#34). Other performance review systems used: *a balanced scorecard type criteria which is reasonably evenly balanced in relation to their client servicing skills, their people leadership skills and their operational running business skills* (#11).

There is talent spotting and support: *the programme aimed at identifying the stars and we're in the process of reviewing that to make sure that we are investing in the right places, in the people that we think are our most able* (#34).

A further example were the Partner admission committees in a firm which play a pivotal role operationally: *to assess whether that's the right person* (#5) to be voted on for Partnership and more strategically in reviewing the gender profile. Specific firm's initiatives related to the advancement of women are discussed in section 4.8.

Overall, the accounts from particularly the managing Partners, paint a picture of a flurry of development activity, aimed at addressing individual needs and the business imperative of the firm.

4.4.2 Experiences of sponsorship/ patronage

Interviewees noted how in the past, decisions on Partnership were done behind closed doors in secret; today firms aim for transparency of criteria:

... the whole thing was done completely in secret, whereas here we identify our young talented women and men, we tell them that we would like to mentor them through to Partnership...I'm currently sponsor for hopefully a new Partner and she and I have had very open conversations (#5).

4.4.3 Promotion issues to Partner: Age and gendered perspectives

One of the promotion issues is that the lack of movement of Partners coupled with a tight economic market, means Partnership opportunities are most likely to come from the space created by existing Partners retiring.

A number of the firms consciously promote from within, but also try to keep in touch with employees when they go overseas. Most of the recruits to these big firms come from University of Auckland graduates and some firms reported up to a quarter come from returning New Zealanders (from the overseas experience, OE). Another firm reported a more homoeostatic outcome: *so they are going overseas and coming back from overseas in equal proportions (#34).*

As could be expected, the principle of merit was reiterated by interviewees as a baseline for any promotion:

I've never heard these words in a Partner meeting or a board meeting - Gosh, that's good, that's another woman. Never heard that. In other words, it's never - we're very meritocracy-driven. We don't care if people are male, female, black, white, yellow, blind, deaf. If they're smart, driven people who are what we

call viable - someone wants what they're selling - we don't mind. It's all around excellence (#31).

The merit based action can create unexpected gender issues:

We just recruit on the basis of the best candidate, and the fact of the matter is the best candidates are usually women. And that happened in my last firm: it was the same; we did the same thing, and the best candidate was generally a woman. So over half the lawyers here are women, but it is not a form of positive discrimination. It is just the way it works out (#32).

This interviewee noted that nearly three-quarters of the firm are women, when non-legal staff are included, and at the senior level (below Partner) half of employees are female. He commented: *In fact, I get more requests to employ male lawyers than I do females (#32).*

This gendered trend of recruitment was commented on in other firms too:

Last year was more like 60/40 women to men coming in the bottom... most of the higher achieving graduates are women. At our Partnership level it's [nearer to a quarter] - you know clearly there's a gap between those coming in and those making it to the top (#11).

The recruitment and promotion patterns uncovered in this study present two gendered issues: firstly, limited number of high achieving males being recruited; and secondly, a disproportionate over-representation of male Partners. The two aspects are related, highlighting the lack of women recruits being mentored or sponsored into promotion opportunities to become Partners: *We identify that we are not succeeding in converting our talented women in to Partners, so that's a big strategic issue for us (#34).*

A recurring dilemma is the age and stage at which people are likely to be considered as prospects for Partnership, broadly it is 8-10

years after graduation: *a coming together in a women's late 20s/early 30s* (#5). The timing coincides for women and men at a child-bearing time. It affects women's careers in a major way while it has only a minor impact on men's careers. One interviewee summarised it well:

The age which we made our Partners...20 years ago, it was around 30. In the law firms in Australasia it's crept out to mid 30s, so that's a difficulty. Do I hold up having children to push a Partnership? ... it's pretty hard when you've got to hold off until 35 or 36, so I think that's a systemic problem ... So I think the age issue, at which Partners are made up, is something of a system bias (#34).

Some firms have made women Partners while they are working part-time or around the time when they are having children; such moves are controversial within the firms concerned:

And we were very conscious that it was [controversial], we were making quite a statement...and it wasn't without controversy, we had quite a debate as Partners and there were one or two who said they just thought it was wrong and that she should wait another year, but the overwhelming majority said --- If she's ready to be a Partner, we should make her a Partner (#5).

There was clear comment on the importance of having existing female Partners to provide not only role models, but more simply, to show that being a female Partner is even possible:

X is a very strong woman Partner and provides a very good role model for women Partners to come through. But, you know, it is still a constant battle for us to try and create an environment where we are keeping our women Partners (#11).

You know, if I was a young man coming through and most of the Partners

were women, I would find that a strange environment to be part of, I absolutely would... the research we've been exposed [to]... is that young women lawyers need a male Partner sponsor almost as much as they need a female, to ensure there is enough credibility amongst a mainly male Partnership (#5).

In addition, comments were made that indicated a male Partner may not be good at relating to 'talented' women: *that male Partners aren't as good at having open and frank discussion with senior women lawyers as they are with senior male lawyers, they're just a little bit more reticent and the communication is not so good* (#34).

4.5 Organisational culture: Old boys' and girls' clubs

The Chairman, the Board, managing Partners and senior Partners are responsible for preserving the firm's culture. A component of that is: *you want to bring people in who are consistent, that subscribe to the culture and are going to preserve it* (#34). In the main, our interviewees were consciously trying to manage the organisational culture: *We have spent a lot of time thinking about our culture and working on our culture. Historically, we have been a firm that is very focused on individuals and less so on teams and collective effort and we've moved slightly* (#5).

There was also some realisation of unconscious bias: *a Partner may well, given a choice, unconsciously give a job to a bloke because he reminds him of him* (#5).

In spite of the clear power differentials and concomitant rewards, a surprising number of the managing Partners and CEOs, professed collegiality and equity as a dominant culture of the firm:

It's very collegial, we've got a very flat structure so all equity – we're cooperative so we share our profits... So we all succeed if we all succeed, so it's a very

collegial firm ...we have retained the good elements of a focus on individuals, and there's a lot more emphasis on collaboration (#34).

A feature of one firm's culture was a consciousness around managing the tensions between strong individuals and collaborative teams; the descriptor, 'broad church' was used:

So pride in strong individuals has always been a key feature of the firm, sense of humour and fun and enjoyment and the ability to laugh at yourself and not take yourself too seriously. I think we're, on a comparative basis, a very modern and liberal firm (#5).

The tension and dilemma between collaborative team models and the competitive ethos external and inside the firms, was a subtext in some of the discussions: *it's really obvious to clients that our share model is different than many law firms, because our people really do collaborate (#31).*

Another firm emphasised flexibility as a feature: *... the culture here is often hard to define, but the work life balance aspect is very key to us retaining staff ... So we talk about a flexible workplace (#32).*

The 'old boys' club' is seen to be more a feature of the past than the present, although it was mentioned in passing: *I think the old reason, which is around a sort of masculine boy's club type environment, still exists to some extent in some areas (#11).* It was also noted that the merit principle is challenged implicitly: *I think women lawyers are regarded as better lawyers on the whole, in the technical sense. There will be clients who only want to work with male Partners in an old boys type scenario, I've certainly seen that (#11).*

4.6 Work-life balance, part-time hours and flexibility

The long hours are legendary in law firms and this is borne out by reports from the managing Partners and CEOs, although it

was noted the firms are trying to be more flexible in their hours:

This week I've got five things on, so one every night and a more typical week is probably two or three things and so I'll be home late a lot, yeah. What I try and do is go and attend school sport things and so on, so I'll go and watch basketball and I'll come back [to work] (#11).

The competition and the need to be there for clients in these legal professional service firms are also recurring themes: *When you have a firm full of just all alpha males, there really is absolutely no balance in terms of – there's no value placed on the softer side (#11).*

...with huge competition, you can never be off your game, you must always be in front of your clients and the client service must always be absolutely outstanding and often that will mean getting rung at 4.00pm or 5.00pm in the afternoon to turn work around overnight or over the weekend with, I would say, little regard for the impact on the individual (#5).

The principle of being always available to clients presents real difficulties for those with responsibilities for children and others. The tensions around work-life dilemmas impact differently across individuals. Reports of feeling guilty, and being deeply torn between two priorities, were common narratives across women in the study; and for some of the men too:

There is undoubtedly, I think, more of a maternal pull that creates a guilt factor for women than it does for men. And I mean, I personally find it difficult missing out on kid's events and I feel some bitterness at times that I'm not able to spend as much time with my children, but I think talking to a lot of women, they feel that probably more so than I do (#11).

The expectation of individual responsibility means that the most expedient solution

is to buy in labour for the 'other' parts of life. As one partner noted: *there are some cultural factors as well- in NZ we don't have a 'nanny culture', especially amongst the professional classes* (#34).

Nevertheless, to be a successful lawyer 'if you have massive career' then it is necessary to buy in support:

So they buy pre-prepared, properly prepared meals and they don't – and they've got a full-time nanny – really flexible – so they have a great life, great kids, and enjoy life. So it can be done, is the point. But my stereotypical answer is you've got to be – the woman's got to be like a man. If you want to have the male career in a place like this, get the nanny (#31).

Another aspect that is important for maintaining a personal relationship within the structure of a law career is: *most of our Partners – the women here – have very secure husbands who do have a big role in the home. Well, they simply have to* (#31).

An alternate option is the view that moving from a large law firm to an in-house legal role affords more usual 'full-time' hours and greater autonomy over time. However, to some extent it seems that this preferable in-house option is not always borne out. Having more female lawyers in-house does not necessarily ease the situation: *with the growth of in-house legal teams, in some ways that's really perpetuating it because the private practice lawyers are now in-house demanding that their lawyers work the sort of hours that they used to work* (#11).

...a lot of people who are career track people in law firms, say it's easier to go into a corporate role. But I think the truth is most of them say that's not true. They work really hard. And the women are not necessarily anymore understanding [than the men]. The women are much more – they just want it done (#31).

Some firms are known for being more 'family friendly' than others; and it affects male Partners choices as well as women. One managing Partner was approached to move to a firm that had a reputation for being very family unfriendly:

... and I did not want to come here and leave at 6pm at night and have Partners looking at me or thinking that I wasn't pulling my weight. And I remember the senior Partner at the time ... saying to me one of the reasons they were attracted to bringing me in was they knew I had strong views and principles on that matter and that it was actually important to them that I hold on to that and not suddenly just adjust my expectations and start working longer hours. So I feel the firm has always had a degree of flexibility (#5).

4.7 Scarcity of women Partners

There was little direct discussion as to why there was a scarcity of women in senior positions, although it was the underlying theme in all the interviews. An exception was one interviewee who reflected on Partner meetings where the question of why they struggled to retain female lawyers was openly discussed.

For one interviewee, the problem was not about bringing women or men through to Partnership, but actually retaining them until their level of experience and seniority was sufficient for them to be considered for Partner: *Where the struggle has been is to actually get the women to still be here at that very senior pre-Partner level, that's been where we've really – we've lost our women at about that five or six year level* (#5).

...but at the beginning you'd say the women are ahead, simply because they've worked harder. The women are much harder on themselves... Just that drive and need for encouragement...the

amount of women I've had in tears of frustration in meetings, who are always at that same stage of – the typical is they're about five or six, seven years post-admission with a baby, and they're coming back to work and giving it a go. And it's not working. And they're just frustrated ... saying - What do I do? We just – as I say, it's very difficult (#31).

This interviewee sums up the situation in some firms; the onus is clearly laid on the woman to work it out. While acknowledging the problem of losing high achieving women before Partnership; in this case the firm is not taking responsibility.

4.8 Organisational responses

4.8.1 Policies and initiatives

There is a particular silence in the firms around diversity generally, particularly ethnicity, although there was an occasional comment on the acceptance of gay employees. While not all firms have a range of policies, it is the implementation that is crucial, and it varies across firms.

All law firms have policies about diversity, equal employment opportunities, flexibility in the workplace, parental leave, etc., but it's how they go about it that in fact separates one firm from another... And I'm very pleased that this firm has always embraced family things very well, without being policy driven on it. It's come from the way they are: it's come from the culture (#32).

The cultures of the firms vary, influenced greatly by the senior Partners. One interviewee spoke of the acceptance of children in the firm in the holidays:

I think that's quite fun...we help in all those sorts of ways. I think the answer is, we help in any way we can, but it's very hard to guess what is needed If we've got a good Partner: a good woman lawyer Partner, it's in our interests to help her. And that means helping her manage her life (#32).

There was no comment on whether the women Partners also found it 'fun' to have their children at work.

A variety of change programmes have been introduced by different firms; they may not focus on women explicitly. For example, a leadership programme has been adapted to emphasise inclusion with accountabilities for actions for the Partners. A number of firms also invite 'outstanding women leaders' in to act as role models. There are internal versions of this, often over lunch where prominent women in the law profession and/or women Partners in the firm talk to women *within the firm about career development and building a brand and all that sort of stuff* (#34). But the change has been slow in terms of the number of women Partners, as one interviewee reflected: *looking back over four years, it [policies and initiatives] hadn't made any difference to our Partner numbers* (#34).

Another approach has been the promotion of part-time female Partners that provide an example of the firm's openness to women (and men) 'below the line' and the opportunity to see another kind of Partner role model. In the firms where this has occurred, it is commonly only one woman that has this part-time Partner role and her ability to act as a role model for others is questioned.

Some firms have recognised the significance of the wave of women entrants. In some instances firms are engaging with the issue and beginning to gather information from their own employees: *[We've] had focus groups with all of our women lawyers, developed a gender diversity paper for discussion that changed the Partner expectations and the Partnership admission criteria* (#34). (Gender diversity in this case, does not refer to a range of gender identities, but focuses on women and women's experiences).

Part of the complexity comes not just with the policies the firms have created and are trying to implement, but attending to the

implicit messages, the stories and myths that exist in every organisation. Transparency and clear communications are an integral and essential part of this process:

that you had to have two years of super performance before you could be considered for Partnership... the criteria or expectations of a Partner candidate are set out and we specifically address some of the myths that you don't have to have two years of super performance (#34).

Some firms had agreed on informal targets for the proportion of female Partnership 10 years hence, but had not publicised it internally. The informal norms at different levels, even when there are positive intentions, don't always get communicated to those employees who would benefit from it. Yet as one interviewee reflected: *The firm is very keen to promote women Partners. We have a part-time Partner, and so we're flexible in terms of that. It doesn't really work very well.* He went on to explain:

A Partner in the business of law becomes more important than the practice of law...and it usually requires too much of a woman who is trying to balance her lives with other things. And most of the women Partners who I've met in my time, they've given up a lot to be Partners in a law firm. Meaning they've often given up families and that whole part of their life, in other words they've merely become like men (#32).

Another shift adopted by almost all the firms, has been a change to the nature of client entertaining and relationship building. The norm of attendance at elite sport has been broadened, *so has a bit of a counter balance to what we might once have done, taking clients to the rugby, going to Fashion Week and targeting the senior women amongst our clients (#34).*

Some firms had relatively generous parental leave policies, introduced prior to the legislative changes. But a pattern emerging from

the interviewees was that 'above the line' there was poor communication of conditions and expectations to those 'below the line'. In some cases this poverty of communication of policies was acknowledged:

Again we hadn't really promoted that to our women senior staff. So partly we needed to do a bit more communicating about what we already do, so that was one aspect of what we decided we needed to do more (#34).

4.8.2 Salaried Partnerships

One strategy to accommodate those people demanding more flexibility and part-time options, is the second category of Partnership, the salaried Partnership option. It also lowers the bar and makes it quicker to get into Partnership. One interviewee noted, firms in the UK and USA who have introduced this have found it quickly becomes a two-tier system. As a result of these discussions, salaried Partnerships were rejected for the time being in some firms. In spite of this option being recognised as a 'quick fix' to change the numbers of women Partners it is seen as having real downsides and limited progression possibilities:

Studies show that those firms in America with two tier Partnership, salaried and equity Partnerships, they have fewer women in the equity because they get them in to salary Partnership... so the risk is you end up with a second tier of Partner, predominantly occupied by women, and we decided that was an appealing, but a superficially appealing quick fix, but actually was likely to introduce a really... unattractive outcome... they are definitely second class citizens and might be earning only a quarter of what the equity Partners are earning. So to the outside world, the person has the status of Partner ...I talked to two with salary Partners and they counselled me strongly against it, they said it's been a terrible outcome for them, it's got too many women there (#34).

The lock-step system to full equity Partner can provide a potential space for flexibility, although 100% Partner implicitly reflects 100% commitment. The subtext being that less than 100% is just that, as the following comment conveys:

There is flexibility there if the firm wants it and the Partner wants it. I can think of one of our Partners who has two young children, that she's had since she's been a Partner. And she is sitting about halfway up those steps and has wanted to stay there simply because of the – doesn't want to have the pressure of having to act like a 100% person (#31).

All the firms are grappling with the same issues, and the discussion reveals mixed and contradictory opinions even within the same interviewee:

Some of our younger women Partners don't subscribe to some of the stuff that is required to be a senior women Partner that they've seen in the organisation. So you know, it's a big question – is there room for part-time women Partners who don't want to do the business development stuff? I would have thought that the answer is yes, but you have to have a model that's flexible enough to recognise that (#11).

In the end, the responsibility is placed squarely back onto the individual woman as this interviewee succinctly points out: *choosing not [to go for Partner] means they are not going to be as successful as others... it's just a choice thing* (no identifier).

5 Conclusion

Women Partners and CEOs were more optimistic about the ability to manage their lives. Yet many were concerned for the future. While more women are being recruited, more women than men are leaving a business that is male-dominated in structure and culture. The pressure of a client-centred model, long work hours, coupled with beliefs as to the appropriate age and stage to 'go up' for Partnership, has created a conundrum. A situation that has far reaching implications for the law profession and for the women and men working within it. It is a crucial time in the history of the legal profession - is it ready for the bold changes needed? The continued privileging of law as a 'special' profession requiring extraordinary demands from extraordinary people, is neither serving the profession nor the sustainability of its people.

LITERATURE REVIEW

There is a large amount of literature on women within professional services firms, including law. For this review, we have selected salient and recent articles relevant to the research question: why is there a scarcity of women at senior levels, in large law firms? While the status of women in law is the focus of this report, we note also that recent attention has been paid to other diverse social identities, primarily race and ethnicity (Ornstein, 2010; Tomlinson et al., 2013).

The literature review is structured into three sections:

- 1 Overview of the status of women in law in New Zealand
- 2 Surveys conducted by law societies in Canada and Australia
- 3 Review of relevant recent academic literature.

Women in law in New Zealand

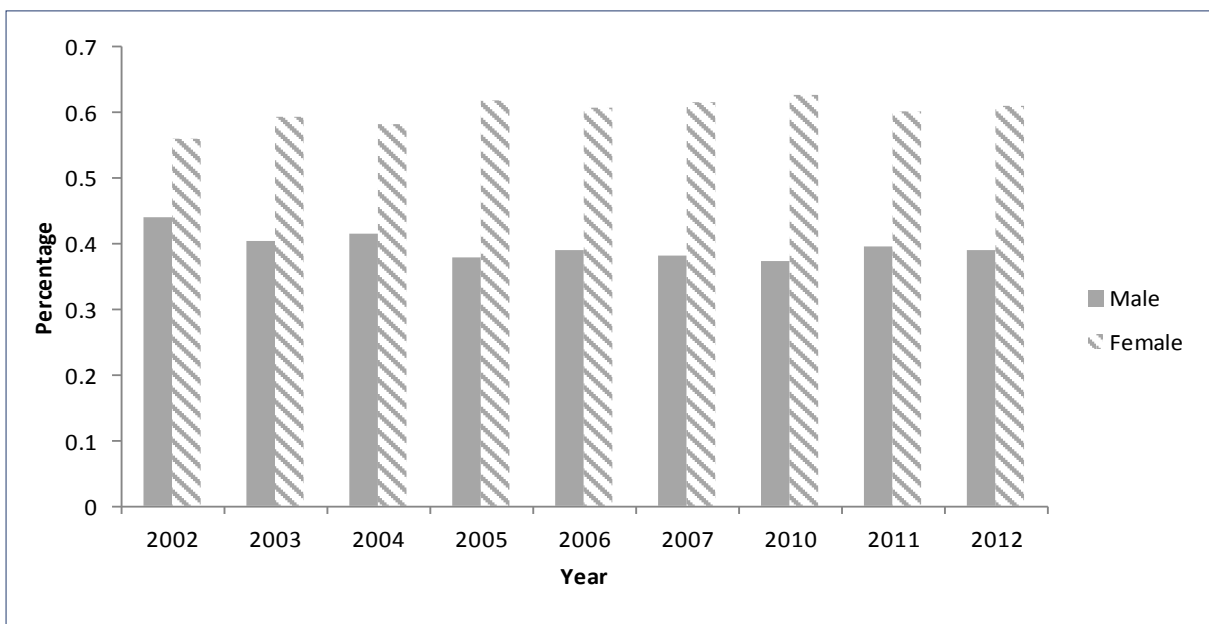
Women lawyers in New Zealand got off to an encouraging start with the 'Female Law Practitioners' Act' passed in 1896 (McGregor, 2010). Consequently, in 1897, Ethel Benjamin became the first woman law graduate in the British Empire. In spite of these promising beginnings and the more recent surge in female law graduates, there has been limited progress in the proportion of female to male partners in the bigger law firms (Murray, 1994; NZ Law Society, 2013). In 2010, women were 62% of law graduates (McGregor, 2012) yet in 2013, they made up only 45% of practicing lawyers and 19% of partners (NZ Law Society, 2013).

Statistics on women in law

New Zealand currently has 11,292 practising Barristers and Solicitors that serve just under 4.5 million people (McGregor, 2012). Lawyers in the Auckland region comprise 45.5% of the national total, with just under half (44.5%) of Auckland lawyers being female (Law Society, 2013). New Zealand recognises practising barristers and solicitors through an independent bar association. To become a lawyer, individuals must apply to the bar to gain admittance and a certificate to practise law (New Zealand Law Society, 2013). Practising certificates require annual renewal and make up the majority of certificates issued.

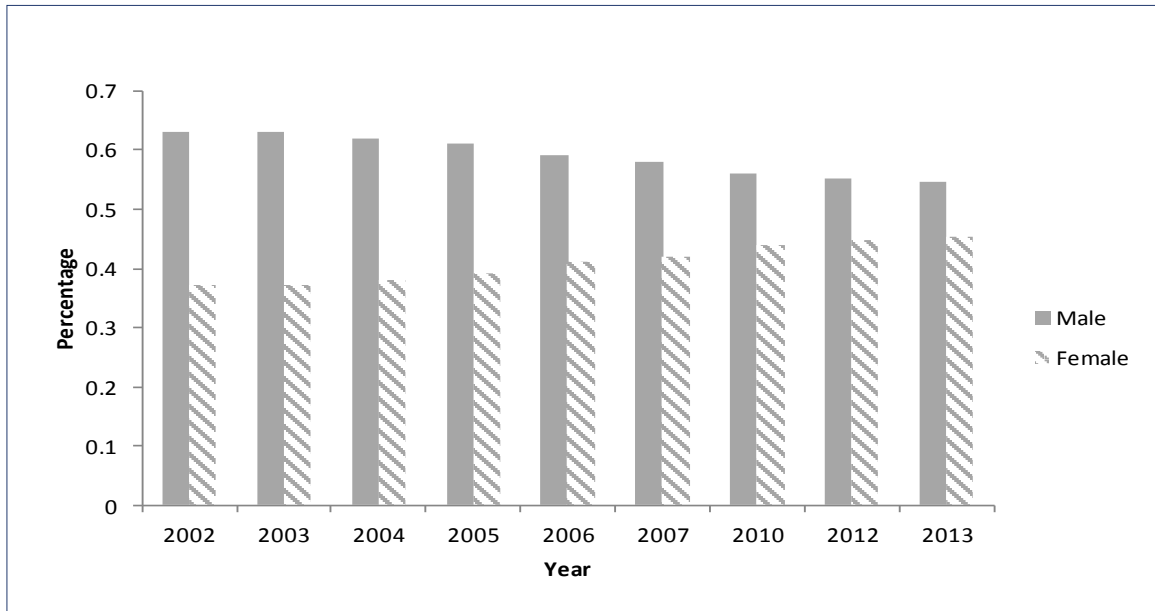
Between the years 2002-2012 females have dominated in applications for admission to the bar. Females make up approximately 62% of total students graduating from tertiary institutions with law degrees (EEO, 2009) which is then reflected in the 55-68% of female applicants to the bar (New Zealand Law Society, 2013).

Figure 8 Admission applications to the Bar 2002-2012



(Data source: Society annual reports 2003-2007; Law Talk, 2013)

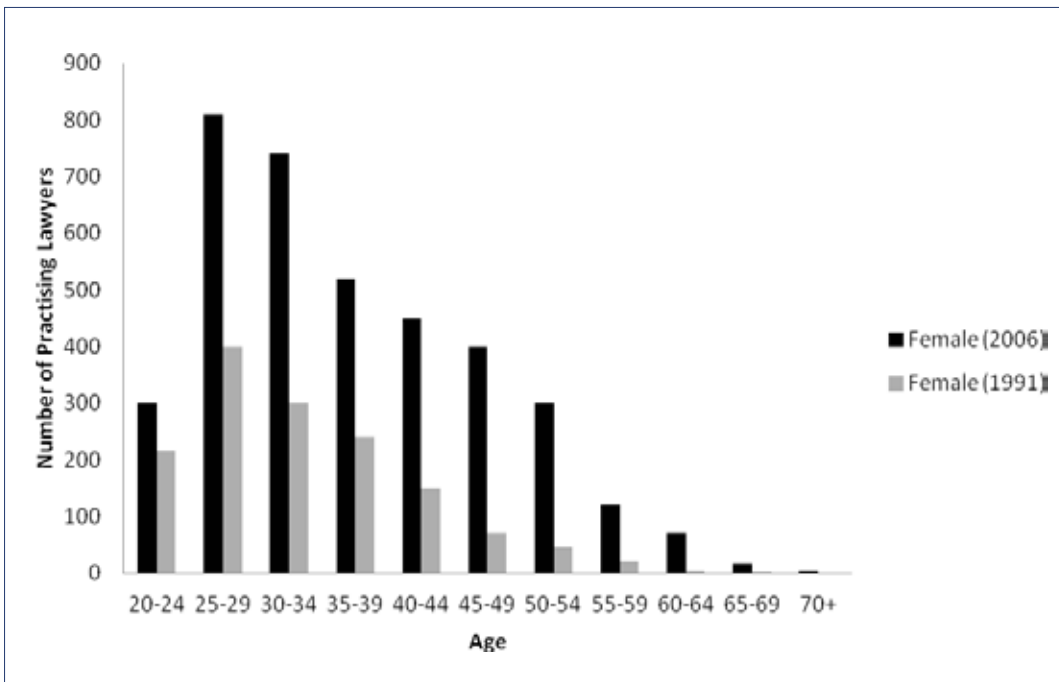
Figure 9 Practising certificates issued between 2002-2013



(Data source: New Zealand Law Society Annual Reports 2003-2007; my.lawsociety, 2013)

Gender data alone does not show the retention of female lawyers. The inclusion of age into the gender division of the legal profession provides clearer indications of the changes in numbers of female and males entering and remaining in law. The figures on page 95 provide an indication of the participation of female and male lawyers by age and gender in 1991 and 2006.

Figure 10 Age of female lawyers: 1991 and 2006

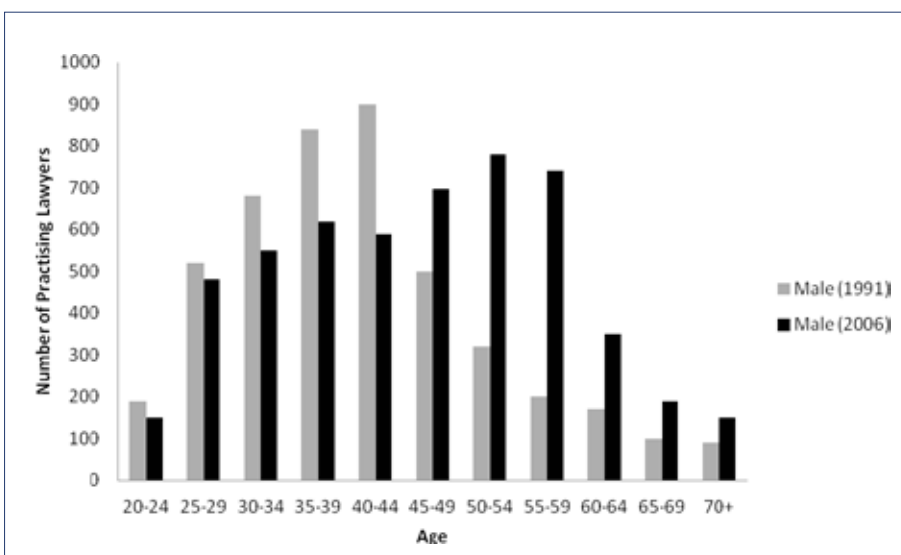


(Data source: EEO, 2009)

The data from 1991 and 2006 show an increase in women in law over all age groups, peaking at 25-29 years but decreasing markedly from 35 years on. There was a sustained drop in participation past 30 years; with relatively small numbers of women lawyers still being in practice after 50 years of age.

Comparing the figures above and below, it is clear that the participation of females in the law profession has increased more than male participation and on average, female lawyers tended to be younger than their male counterparts in 2006. A comparison of the age distribution of female and male lawyers reflects a greater increase in female participation but that participation is not sustained over the career life.

Figure 11 Age of male lawyers: 1991 and 2006

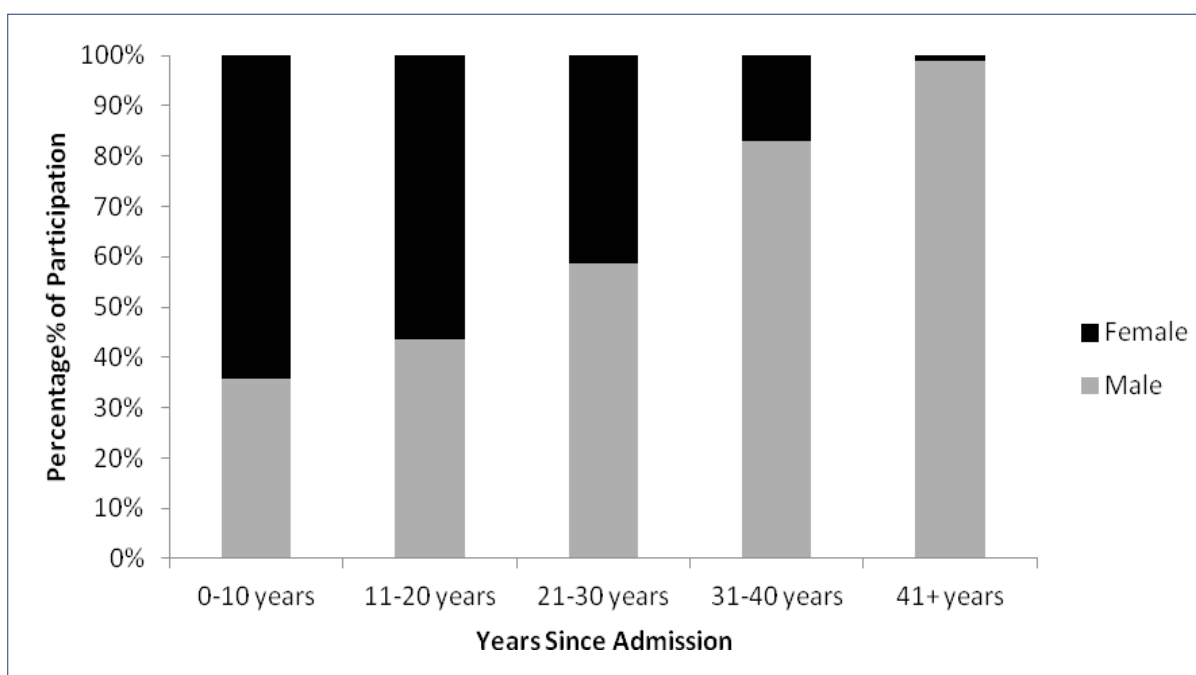


(Data source: EEO, 2009)

In Figure 11 depicting male lawyers, participation peaks from 40-44 years of age in 1991, to 50-54 years of age in 2006, an increase of 10 years. The most significant difference occurred in the 40-44 age brackets for males. In contrast the female data (Figure 10) show a consistent pattern over the two time periods.

Those males practicing in 2006 would have begun their legal careers in the 1980s whereas those in 1991 would have done so in the 1970s. Between 1970-1980 females participating in law significantly increased from 1% in 1970 to 20.3 % in 1980 (LawTalk, 2012). Although female participation in the legal profession has been and is still increasing, senior positions are still held by men.

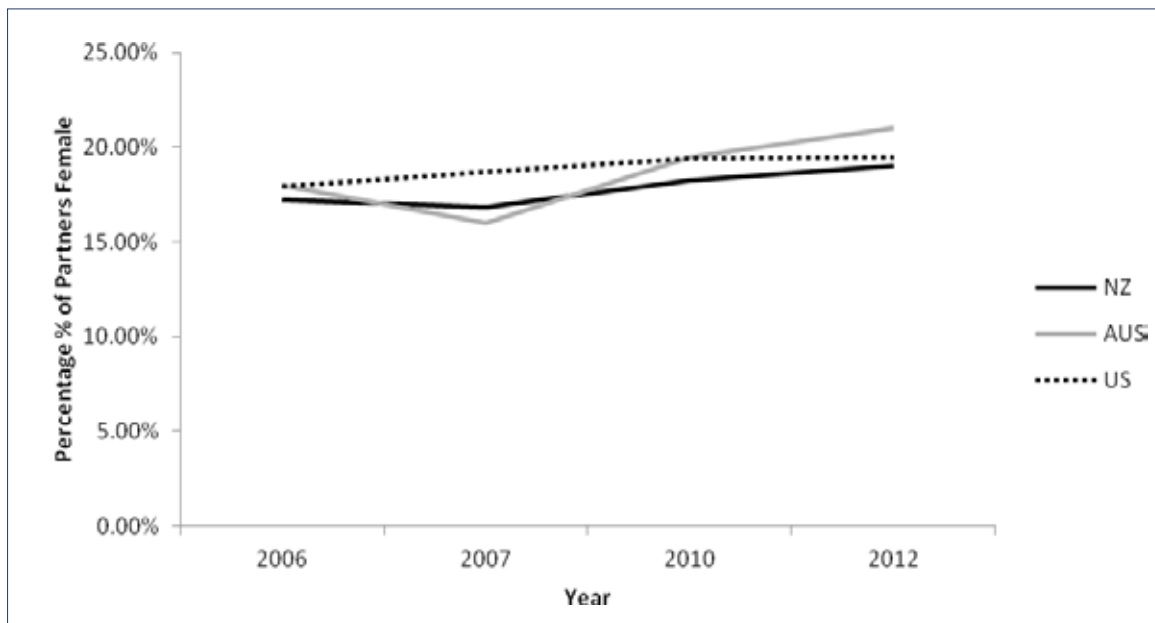
Figure 12 Years since admission of practising lawyers: 2012



(Data source: LawTalk, 2012)

The data described in the figure above show that females constitute 54% of lawyers with 0-10 years' experience in the profession. Overall, there are more experienced male lawyers than female lawyers, with males currently holding most of the top positions in law firms and dominating in legal partnerships. Existing partners play a key role in paving the way for future partnership careers. Common practice is for current partners in firms to approve qualified 'ready' candidates to become future partners for a firm. The lack of women at the partnership level in New Zealand firms may have an impact on the opportunities for women to become partners.

Figure 13 Female partners over time: New Zealand, Australia and the USA



(Data source: New Zealand Census of Women's Participation, 2013; Australian Human Rights Commission, 2012 & American Bar Association, 2013)

As of 2012, women constitute 19% of partners in New Zealand's large law firms, (McGregor, 2012). In the cross sectional comparison with Australia and the US above, the percentage of New Zealand female partners is tracking upward, but slowly. Overall, females in New Zealand are less likely to make partner compared to a similar sized firms in Australia and to a lesser extent the US.

Overall, the data show that women are not in the top levels of large law firms. Although female participation has increased significantly they are leaving the legal profession earlier than men. This New Zealand trend is reflected in similar jurisdictions internationally. Specifically women comprise only 22 per cent of law firm partners in England and Wales, while in the USA the comparable figure is 19 per cent (Catalyst, 2010 cited in Pinnington & Sandberg, 2013). Additionally, the proportion of female equity partners in law firms in the UK 'is even lower, particularly in the largest law firms, where ratios can vary from nine to 18 per cent' (Walsh, 2012, p.509).

Women in law internationally

This section provides an overview of key trends and issues identified in surveys conducted in Canada and Australia. There are common patterns in the gendered composition of law firms, plus concern around slow career progression and poor retention rates for women has been described in New Zealand.

Two substantive surveys of men and women lawyers have been carried out in Canada for the provincial law societies of Alberta (Cooper, Brockman, & Hoffart, 2004) and Ontario (Kay et al., 2004, with an updated status report in 2010). The Ontario report (Kay et al., 2004) surveyed all members of the law society (government, in-house, private firms, sole practitioners, tribunals), and is not strictly comparable with the present research which is confined to private law firms. Nevertheless, the questions used in the Ontario report (Kay

et al., 2004) provided a basis for the survey and research questions used in the current study. The Ontario report presented a summary of factors affecting women's career progression from the open-ended questions of the report (akin to Phase 1 in this report). They identify 28 thematic categories which coalesce around:

- Job satisfaction/dissatisfaction
- Business structure (billing, hours, work demands)
- Law as a business versus a profession
- Client relationships
- Career-family balance and parental leave policies
- Adversarial strategies in work relations
- Career diversity
- Mentorship
- Stress
- Discrimination and ethics
- Departures from law
- Accessibility
- Remuneration
- Technology
- Complexity of law.

Nationally, there have been concerns raised in Canada regarding diversity with these surveys revealing under-representation of indigenous people and minority ethnic groups. The New Zealand law firms in this research have not yet begun to address diversity issues marked by under-representation of indigenous and minority ethnic groups, and other minorities identified in the Human Rights Act (1993). An Alberta study (Cooper, Brockman & Hoffart, 2004) followed up an earlier 1999 study which focused on women and other minorities in the law profession. The 2004 reports confirms that issues persist for women but 'it appears that overt and systemic racism have declined' except for indigenous lawyers (2004, p.168).

In 2010 the Ontario Law Society again commissioned research to analyse the situation of women and lawyers from ethnic minorities, using 2006 census data. The

most significant feature was the increase in women lawyers (5% in 1971 to 38% in 2006) with the gains attributable largely to increased numbers of women lawyers from ethnic minorities that accounted for 'no less than 16% of all lawyers under 30 [years]' (Ornstein, 2010, p.i). Ornstein (2010) further comments that the future profile of lawyers in Ontario is likely to be characterised by increasing proportions of women and ethnic minority groups, as 'the older predominately white male cohorts retire' (Ornstein, 2010, p.35). Given the current demographic trends, it is possible that a similar diverse demographic profile may emerge in Auckland law firms in future.

Two recent Australian surveys examined the advancement of women in the law profession, one commissioned by the Human Rights Commission in Victoria (2012) and another carried out by the NSW Law Society (2011). The Victorian survey of just over 400 women lawyers working in small to large firms revealed that discrepancies over pay, sexism, and harassment are major issues faced by female lawyers currently in practice (Human Rights Commission, 2012).

The NSW Law Society (2011) summarised discussions at society sponsored 'roundtables' of approximately 100 members who came from government, private large and small law firms. In addition, this report presented a descriptive statistical overview of women in the profession in 2010 with some comparisons made with data gathered in 1988. There were increasing numbers of women entering the profession; eg, an increase of 452% of women since 1988, compared to 64% for men. The trend of more women than men entering the profession has been consistent since 1993 and remains so. For example, in NSW from October, 2011 to October 2012, the number of female solicitors increased by 5.2% while the number of male solicitors increased by 2.7%. The Law Society reports that in 2010, NSW women lawyers comprised nearly 18%

of partners in law firms of more than 20 partners, 5% more than in 2005.

The NSW report found the following issues impacted on women's advancement and law careers:

- Networking and mentoring
- Maternity leave and returning to legal work
- Promotion and career pathways
- Remuneration
- Client expectations
- Workplace culture.

Their recommendations included:

- Successful transition back into the practice
- Online register for locum lawyers
- Continuing professional development
- Mentoring and networking specifically for women
- The development of online resources to aid policy development and implementation.

A follow up advice paper on *Flexible Working* was produced in 2012, and emphasised the need for team support in order for flexible working arrangements to be viable (NSW Law Society, 2012).

Three previous major Australian research projects were noted in the NSW (2011) report. These earlier studies showed findings that parallel the current research report and focussed on equal opportunity, the role and experience of women in the profession, and flexible working. It is notable that the decline in the proportion of women lawyers during the period of six to 10 years after entering law did not occur in corporate or government practice; it was an issue for private law firms. As the Australian reports indicated, the issues impacting on women's career progress in law are complex:

the current structures and practices in law firms, the barriers created by the profession's own culture, changes in the demographic mix of the profession and changes in society's expectation about

the role of work and work/life balance...

There are flaws in the profession that mitigate against women securing senior positions within it...It is incumbent on the profession to identify and fix the flaws or risk losing a significant segment of their profession. (NSW Law Society, 2011, p.26).

In summary, the findings of surveys of law firms in Australia and Canada point to the stumbling block that the existing partnership model presents, especially for women. The need for flexible work arrangements is also reinforced as a major factor in retaining female staff. It should be noted however, that none of the initiatives suggested substantially challenge the status quo of how the large law firms currently function.

Review of academic literature

Various explanations are given for the disparities between female and male lawyers and the gendered patterns of careers in law. They mostly focus on inflexible work hours and billing structures, especially in large law firms. These issues become heightened when women choose to have a family. This brief review of peer-reviewed academic articles discusses research into the 'glass ceiling', work-life balance and future directions.

Glass ceiling

The paucity of female partners in law firms is captured in the often cited metaphor of glass ceilings (Smith, et al, 2013). Although there is significant literature explaining the phenomena of glass ceilings in law, we highlight four recent articles which are illustrative of the key findings of the literature in general.

In a review of literature seeking to understand the persistence of gender inequalities in the law profession Kay and Gorman (2008) suggested that differences between

male and female lawyers are most striking in the upward career to partner status. Some explanations of many of the challenges experienced by women, minority groups and some men (fathers) are ascribed to the current profit-driven business model adopted by firms (Webley & Duff, 2007). Webley and Duff (2007) in their comparative study of the USA and UK, question the centrality of the business imperative as a way to justify equality of opportunity and show how this approach is working against women and the profession more broadly.

Similarly, Macerollo (2008) explores the powerful socialisation processes men and women experience on entry to the profession and their taken-for-granted masculine subtext. She argues that female lawyers experience significant conflict as they are pressured by the profession's norms to negotiate competing identities (Macerollo, 2008). Bolten and Muzio (2008) report similar reasons for gender differences in law careers, highlighting that women who break through to partner level support existing gendered norms, replicating the behaviour of their male counterparts.

Overall career satisfaction was similar for women and men, despite awareness of the gender bias within the profession (Macerollo, 2008). Differences were found however, with women less satisfied than men in regard to promotion prospects, recognition, salary levels, job security and work/life balance (Kay & Gorman, 2008).

Some recommendations for ways of 'smashing' the glass ceiling include female partners using their influence to create more innovative workplace arrangements and policies (Kay & Gorman, 2008). However, Bolten and Muzio (2007) question the assumption that the critical mass of women entering the profession will somehow result in more climbing the professional hierarchy. As long as the decision-making processes are largely monopolised by men, existing inclusion and progression criteria will continue to repro-

duce patterns of gender-based discrimination (Bolten & Muzio, 2007). Webley and Duff (2007) indicate that a fundamental change to the culture of the law is required. They propose a wider social justice values-based approach to professional identity that would achieve better outcomes. Similarly, drawing from other studies, Macerollo (2008) questions the effectiveness of gender equality initiatives, which fail to recognise the pervasiveness of 'multiple masculinities' as the source of privilege in the legal profession. Open dialogue between men and women is suggested as a strategy to affect change to the institution itself (Macerollo, 2008).

Work-life balance

The previous section outlined some key barriers that create the glass ceiling for women (and other minorities) in law firms. The barriers arise from often unspoken cultural norms within the firm. The work-life balance literature identifies these norms and highlights the impact they have not only on women's careers, but their work-life balance – a key area of dissatisfaction for women in law (Kay & Gorman, 2008). Research has identified that a key issue for women in law firms is how, or if, they can combine a successful legal career with having a family. This issue has become a prevalent thread of research from the late 1990s across countries such as Australia, Canada, the US and Ireland. For example, a survey of women lawyers in England and Wales (Walsh, 2012) examined women's career aspirations and perceptions of their opportunities for promotion among a sample of lawyers who were not yet partners. It found that women with strong aspirations for advancement to partnership did not necessarily eschew the need for a balanced life-style. All female lawyers however, including those with strong aspirations for partnership, perceived that their opportunities for promotion were relatively constrained. It was the nature of a law firm's work-family/life culture, as well as the availability of flexible working, that

exerted the most important influences on female lawyers' perceptions of their ability to progress in their careers.

Generally there are two ways to frame the discussion on work-life balance in law: firstly, personal choice theory (Hakim, 2006; Wass & McNabb, 2006) and secondly, institutional barriers (Wallace, 2006). The assumption that work-life balance is achieved through individual choice forms the basis of expected work patterns in law firms: 'difficulty for mothers in combining work and family roles is acknowledged, but is viewed as inevitable and individual, a problem for the mother, not for the firm' (Wass & McNabb, 2006, p.303). Indeed, women who seek part-time work in order to better manage work and family are often viewed as selfish, or the firm is considered unduly generous in allowing such arrangements (Thornton & Bagust, 2007). The discussion of individual choice can only explain how people make choices within certain parameters, a bounded decision. In other words, they are limited by the cultural and institutional barriers that dictate what is expected of successful lawyers. The rhetoric of choice hides the systemic barriers to women's progress within law firms (Thornton & Bagust, 2007). It has been remarked that there are equal opportunities for women if they conform to the male norm which prioritises work above all else (Schaafsma, 2001). Indeed, 'the ideal female appointee is the exceptional woman who has done everything without what she regards as special consideration' (Thornton & Bagust, 2007, p.800).

The unspoken norms of what constitutes a successful lawyer contribute to systemic barriers to women's work-life balance and career progression. The ideal lawyer is committed to work and one way commitment is demonstrated is through face time (Cunningham, 2001; Thornton & Bagust, 2007). Meeting client expectations and maintaining client relationships were also essential indi-

cators of a committed lawyer (Cunningham, 2001; Thornton & Bagust, 2007). Although there is the perception that a lawyer must always be available for their client, it is possible that this norm is not driven by clients. Some research indicated that clients were more concerned with 'good, timely service' rather than exactly who was doing it and when (Cunningham, 2001). Therefore, job-sharing teams, for example may be accepted by clients, although not always welcomed by law firms (Cunningham, 2001).

Other symbols of commitment are the ability to leave behind family, non-work obligations and work long hours. The expectation that successful, committed lawyers will spend a large amount of time at work is reinforced by perceived partner, client and colleagues' expectations (Wallace, 2006). Those who work part-time, or leave at a set hour each day are often viewed as having broken the unspoken expectation of long hours. Long hours are also associated with full-time work; synonymous with being a successful lawyer (Cunningham, 2001; Thornton & Bagust, 2007).

Gendered societal expectations create different norms for women leading to systemic barriers to women's progress in law firms (Pinnington & Sandberg, 2013). One prevailing assumption is that women are the primary caregivers, and that women of child bearing age will have children (Cunningham, 2001; Thornton & Bagust, 2007; Wass & McNabb, 2006). Women are often relegated to potential childbearing even before they become pregnant. This perception can result in women being given less challenging work, work that gives fewer billable hours and has less exposure to clients and partners in anticipation of some future possible part-time or more flexible work. Research shows that flexible work slows down careers, and limits access to partnership for women (Bacik & Drew, 2006; Thornton & Bagust, 2007; Wallace, 2006).

The negative consequences of flexible work and the assumption that women are primary caregivers, has led to work-life balance initiatives being feminised and consequently stigmatised (Thornton & Bagust, 2007). This perception will remain and be reinforced if fewer men use flexible work hours because of the detrimental effect it has on careers (Thornton & Bagust, 2007). Potentially there is a greater negative impact for men who use flexible work practices to balance work and family, as this violates not only assumptions of committed, successful lawyers but also gendered, societal expectations of caregivers (Pinnington & Sandberg, 2013). In the past marriage and fatherhood was viewed as a symbol of stability and marriage, contributing to an overall picture of the successful lawyer (Thornton & Bagust, 2007). Conversely, women who did not take maternity leave were viewed as 'suspect mothers' (Cunningham, 2001, p.977,) yet if they took maternity leave they were perceived to be less committed to the firm.

Part-time work in law firms generally equates to full-time work in other occupations (eg, around 40 hours a week), nevertheless it signals a restriction of days or hours available to the firm (Cunningham, 2001; Thornton & Bagust, 2007). For those who want part-time hours, a common strategy among women is to attain partnership and establish their reputation first before asking to reduce their hours (Cunningham, 2001; Thornton & Bagust, 2007). There is some evidence that a reduction in hours is not as important as flexibility in hours to women (and men) seeking greater work-life balance (Cunningham, 2001). Lawyers who wish to work flexibly and cannot are faced with the choice of exiting the firm: 'Those who want a life – as well as a career – go elsewhere. Alternatives include moving to a smaller firm, the public sector, or an in-house position' (Thornton & Bagust, 2007, p.789).

While a number of firms globally have introduced aspects of flexible work, these have not often resulted in greater numbers of women achieving partnership. The lack of progress is attributed to a lack of cultural change to support the policies. A shift in culture is required to allow alternative work practices (Schaafsma, 2001). Some changes may come with a new generation of lawyers who do not readily accept the norms of a dedicated worker. Generations X and Y are less accepting of spending all available hours devoted to paid work and expect some work-life balance (Cunningham, 2001; Wallace, 2006; White, 2004). This means that greater numbers of law graduates are choosing not to enter law, or large law firms, rather than sacrifice work-life balance.

One key suggestion is that fundamental economic assumptions of law as a business need to change, for example, looking at the 'value' provided to clients rather than just the number of hours. It is suggested that this would remove the focus from hours spent working to the quality of the work provided (Cunningham, 2001). Other suggestions include professional bodies providing locum or 'substitute professionals who can be appointed to temporarily replace men and women who take leave' (Bacik & Drew, 2006, p.145), and promoting part-timers, rather than relegating them to the 'mommy track' (Cunningham, 2001).

Future directions

While gender issues have been a concern in the law profession for some time, as lawyers from a range of ethnicities choose law as a career then the need to manage diversity in the workforce increases. Early discussions of ethnic minorities in the law emanated from Canada, moving the discussion beyond gender. There is a lack of diversity research in the law profession in New Zealand, which is striking in a country where people of non-white ethnicity constitute approximately a third of the population (Maori & Pacific

Island people, 22%; people of Asian ethnicity, 11%; Census, 2013).

More recently research from the UK reports that the proportion of Black and Minority Ethnic (BME) lawyers is increasing; making up 13% of solicitors and 16% of barristers (Law Society report 2008-09, cited in Tomlinson et al., 2013). Both law society reports and independent academic research describe discrimination and disadvantage within firms and within the profession, for example from clients and judges (Ornstein, 2010). Studies have shown that not only women, but also ethnic minority lawyers are more likely to leave the profession than white men. Lawyers from ethnic minorities are over-represented in small practices and legal aid, while white male law graduates from higher socio-economic backgrounds are over-represented in the highest paid jobs in large city firms (Tomlinson et al., 2013). This research resonates with Ashley and Empson (2013) who express concern that elite professions, particularly law, are becoming more socially exclusive. They suggest that the law firms they studied discriminate on the basis of social class, thus perpetuating inequality.

As a result of their interview study with women and BME lawyers, Tomlinson et al. (2013) described six career strategies used by participants to grapple with the biased structures within the law profession: assimilation, compromise, playing the game, reforming the system, location/relocation and prospective withdrawal. Even amongst this highly skilled and knowledgeable group, five of the six strategies tended to reproduce the status quo. This recent study highlights the power of professional norms and firm socialisation processes to shape individuals to 'fit the mould' as they sought promotion up a prescribed hierarchy. 'The overall picture is one of structural reproduction (rather than transformation) of traditional organization structure and practice' (2013, p. 246).

Summary and conclusions

There has been a large number of surveys and studies of the professional service firms, of which law firms constitute a substantial component. The common and recurring findings have been reported here. Demographics trends over more than a decade are similar internationally, particularly in comparable countries. At the same time, there have been a number of different theories mooted to explain the continued lack of career progress for women in the profession. These include: the glass ceiling (Kay & Gorman, 2008); Hakim's choice theory (Hakim, 2006; Walsh, 2012); strategies adopted by women and ethnic minorities to progress their careers within limiting structures (Tomlinson et al., 2013); Bourdieu's theory of social and cultural capital in establishing and maintaining class status (Ashley & Empson, 2013) and Pinnington & Sandberg's (2013) exhortations on the need to take gendered societal inequalities in account to explain in-firm disparities.

All of these theoretical concepts are weak on strategies for enduring and effective change. Most initiatives cited in law society reports and in the academic literature are reformist at best; advocating adaption by lawyers leaving the central structures and cultures intact. Taken in tandem with widespread acceptance of the status quo by lawyers 'above' and 'below' the partnership line, the prospect for improving career progression and retaining women in the legal profession seems limited. If effective change is desired, then a radical shift in the belief structures that legitimise the business and partnership models of law firms is needed. The system of beliefs underpinning the scarcity of women at senior levels that need to be challenged include:

- Commitment demonstrated through long work hours
- Round the clock availability to clients
- A discourse of the law profession as a 'special' career requiring 'massive'

commitment. Only highly competitive, achievement-oriented, exceptional and elite individuals need apply. The perpetuation of such a discourse is unlikely to continue to attract or retain high quality recruits.

Possibly, if the numbers of women in partnership increase then cultural change could happen. Currently there are not sufficient senior women with children to act as role models, and they are not in great enough numbers to promote change (White, 2004). However, it would also require these women to break the very norms that they have had to conform to in order to break through the glass ceiling (Kay & Gorman, 2008; Schaafsma, 2001; Tomlinson et al., 2013).

It is likely that these women would face potential challenges to remaining in senior positions after acting as change agents. Ultimately, the changes that are required have to be recognised and understood by men and women within law firms so to affect cultural change. There are benefits to all; economic advantages to law firms that can retain knowledge and expertise, as well as to individual's lives.

With women law graduates outnumbering men, yet still not reaching the senior levels of law firms, now is a crucial time in the history of the legal profession to address this issue and take the opportunity for transformation. Long term cultural change is required as the current structure and culture of the law profession is not sustainable.

REFERENCES

- American Bar Association. (2013). *Statistics*. Retrieved from: www.americanbar.org/groups/women/resources/statistics.html
- Ashley, L. & Empson, L. (2013). Differentiation and discrimination: Understanding social class and social exclusion in leading law firms. *Human Relations*, 66 (2): 219-244. doi: 10.1177/0018726712455833
- Australian Human Rights Commission. (2012). *Women in leadership*. Retrieved from: www.humanrights.gov.au/publications/women-leadership
- Bacik, I., & Drew, E. (2006). Struggling with juggling: Gender and work/life balance in the legal professions. *Women's Studies International Forum*, 29(2), 136-146. doi: 10.1016/j.wsif.2006.03.006
- Bolten, S.C. & Muzio, D. (2007). Can't live with'em; can't live without'em. *Sociology*, 41(1), 47-64. doi: 10.1177/0038038507072283
- Cooper, M., Brockman, J. & Hoffart, I. (2004). *Final report on equity and diversity in Alberta's legal profession*. Alberta Law Foundation. Retrieved from: www.lawsociety.ab.ca/files/equity/Equity_and_Diversity_in_Albertas_Legal_Profession_2004.pdf
- Cunningham, K. (2001). Flexible work arrangements and the law firm's failure of the family. *Stanford Law Review*, 53(4), 967-1008. doi: 10.1002/hrm.20213
- EEO Trust. (2009). *Workplace age and gender: Trends and implications*. Retrieved from <http://www.eeotrust.org.nz/content/docs/reports/EEO%20Age%20Gender%20Report%20final.pdf>
- Hakim, C. (2006). Women, careers, and work-life preferences. *British Journal of Guidance & Counselling*, 34(3), 279-94. doi: 10.1080/03069880600769118
- Household Labour Force Survey. (June, 2013). *Statistics New Zealand*. Retrieved from: www.stats.govt.nz/browse_for_stats/income-and-work/employment_and_unemployment/household-labour-force-survey-info-releases.aspx
- HRC (2012). *Changing the rules: The experiences of female lawyers in Australia*. Victorian Equal Opportunity & Human Rights Commission. Retrieved from: www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/reports/item/487-changing-the-rules-%E2%80%93-the-experiences-of-female-lawyers-in-victoria
- Kay, F., & Gorman, E. (2008). Women in the legal profession. *Annual Review of Law and Social Science*, 4(1), 299-332. doi: 10.1146/annurev.lawsocsci.4.110707.172309
- Kay, F.M., Masuch, C., & Curry, P. (2004). *Diversity and change: The contemporary legal profession in Ontario*. A report to the Law society of Upper Canada. Retrieved from: <http://rc.lsuc.on.ca/pdf/equity/diversityChange.pdf>
- Macerollo, A., (2008). The power of masculinity in the legal profession: Women lawyers and identity formation. *Legal and Social Issues*, 25, 121-144.
- McGregor, J. (2010). *New Zealand's census of women's participation*. Wellington, New Zealand: Human Rights Commission.
- McGregor, J. (2012). *New Zealand's census of women's participation*. Retrieved from: www.hrc.co.nz/hrc_new/hrc/cms/files/documents/05-Nov-2010_09-29-40HRCWomensCensus2010WEB.pdf
- Ministry of Women's Affairs (2012). *Gender pay gap*. Ministry of Women's Affairs. Retrieved from: <http://mwa.govt.nz/gender-pay-gap-0>
- Murray, G. (1994). New Zealand lawyers at the end of the twentieth century. Chapter in *Women in the World's Legal Profession*. U. Schultz & G. Shaw (eds.). Portland, Oregon: Hart Publishing.
- My.lawsociety. (September, 2013). *Gender ratio in New Zealand's legal profession*. Retrieved from: <http://my.lawsociety.org.nz/in-practice/practising-law/legal-profession-statistics/gender-ratio-in-new-zealand-legal-profession,-september-2013>

- New South Wales Law Society (2011) Thought leadership 2011. *Advancement of women in the profession: Report and recommendations*. Retrieved from: www.lawsociety.com.au/cs/groups/public/documents/internet-content/579007.pdf
- New South Wales Law Society (2012). *Flexible working; A more flexible, more diverse profession at all levels*. Retrieved from: <https://www.lawsociety.com.au/cs/groups/public/documents/internetcontent/671890.pdf>
- New Zealand Law Society (2013). *Why are so few women in the senior levels of law?* New Zealand Law Society newsletter, Retrieved from www.lawsociety.org.nz/lawtalk/issue-828
- New Zealand Law Society. (2010). *Official website*. Retrieved from: www.lawsociety.org.nz/home/for_lawyers/law_library
- New Zealand Law Society. (2013). *Annual Reports*. Retrieved from www.lawsociety.org.nz/search?mode=results&queries_name_query=annual+reports
- New Zealand Law Society. (2013). *Legal practise in New Zealand*. Retrieved from www.lawsociety.org.nz/home/for_lawyers/regulatory/legal_practice_in_new_zealand
- Ornstein, M. (2010). *Racialization of gender of lawyers in Ontario: A report for the law society of Upper Canada*. Retrieved from: www.lsuc.on.ca/media/convapril10ornstein.pdf
- Pinnington, A.H. & Sandberg, J. (2013) Lawyers' professional career: Increasing women's inclusion in the partnership of law firms. *Gender, Work & Organization*, 20(6) doi: 10.1111/j.1468-0432.2012.00610.x
- Sandberg, S. (2013). *Lean in: Women, work and the will to lead*. Toronto, Canada: Knopf.
- Schaafsma, M. B. (2001). Women lawyers' resistance to work overload: Making time for families. *Berkeley Journal of Sociology*, 45(1), 136–160. www.jstor.org/stable/41035560
- Smith, P, Caputi, P., & Crittenden, N. (2013). A maze of metaphors around the glass ceilings. *Gender in Management: An International Review*, 436-448. doi: 10.1108/17542411211273432
- Statistics New Zealand. (2013a). *2013 Census Quickstats about national highlights*. Retrieved from: www.stats.govt.nz/Census/2013-census/profile-and-summary-reports/quickstats-about-national-highlights.aspx
- The Lawyer. (October, 2012). *Female partners: five-year trend reveals boost in numbers*. Retrieved from: www.thelawyer.com/female-partners-five-year-trend-reveals-boost-in-numbers/1015210.article
- Thornton, M., & Bagust, J. (2007). The gender trap: Flexible work in corporate legal practice. *Osgoode Hall Law Journal*, 45(4), 773–811. doi: <http://digitalcommons.osgoode.yorku.ca/ohlj/vol45/iss4/6>
- Tomlinson, J., Muzio, D., Sommerlad, H, Webley, L. & Duff, L. (2013). Structure, agency and career strategies of white women and black and ethnic minority ethnic individuals in the legal profession. *Human Relations*, 66(2), 245-269. doi: 10.1177/0018726712460556
- Wallace, J. E. (2004). *Motherhood and career commitment to the legal profession*. In N. Ditomaso & C. Post (Eds.), *Diversity in the workforce* (Vol. 14, pp. 219–246). New York: Elsevier. doi: 10.1016/S0277-2833(04)14009-0
- Wallace, J.E. (2006). *Can women in law have it all? A study of motherhood, career satisfaction and life balance*. In R. Greenwood & R. Suddaby (Eds.), *Professional Service Firms* (Vol. 24, pp.283–306). New York: Elsevier. doi: 10.1016/S0733-558X(06)24011-4
- Walsh, J. (2012). Not worth the sacrifice? Women's aspirations and career progression in law firms. *Gender, Work and Organization*. 19(5), 508-531. doi:10.1111/j.1468-0432.2012.00607.x
- Wass, V., & McNabb, R. (2006). Pay, promotion and parenthood amongst women solicitors. *Work, Employment & Society*, 20(2), 289–308. doi:10.1177/0950017006064115
- Webley, L., & Duff, L. (2007). Women solicitors as a barometer for problems within the legal profession – Time to put values before profits. *Journal of Law and Society*, 34(1), 374-402. doi:10.1111/j.1467-6478.2007.00397.x
- White, R. (2004). I do know how she does it (but sometimes I wish I didn't). *William and Mary Journal of Women and the Law*, 11, 209-220. doi: <http://scholarship.law.wm.edu/wmjowl/vol11/iss2/5>



Gender & Diversity Research Group

www.aut.ac.nz/study-at-aut/study-areas/business/research/research-centres/gd

ISBN 978-0-473-27746-8

