



# National Attrition and Re-engagement Study (NARS) Report



Law Council  
OF AUSTRALIA



## URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Alison Wallace
Associate Director	Chloe Harkness, Lee Holloway
Senior Consultant	Suzie Hatherly
Consultant	Diane Fase
Job Code	SPP34912
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*The Law Council of Australia is committed to ensuring a diverse and collaborative profession which facilitates a positive experience for all members and which thereby delivers quality professional services.*





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# Executive summary

## Introduction

**The Law Council of Australia is committed to ensuring a diverse and collaborative profession which facilitates a positive experience for all members and which thereby delivers quality professional services.**

In November 2012, Urbis was engaged by the Law Council to undertake a National Attrition and Re-engagement Study, investigating and analysing the drivers for attrition of women from the legal profession in Australia.

While there are various sources of information about the participation of women in the legal profession, there is a comparative lack of research into the reasons for attrition among women lawyers in the Australian context.

The objectives of this research were to:

- explore the drivers of attrition, retention and re-engagement of women in the legal profession, and understand how these may differ compared to male lawyers
- explore the experiences and motivators of different cohorts of women, considering practising status, type of employment, stage of career and life stage
- identify factors that may assist in retaining or re-engaging women in private practice, the Bar and the profession as a whole.

This report documents the research process and presents an analysis of findings, including recommendations for legal associations and law practices to assist in retaining women lawyers and to re-engage those who have left the profession.

The Law Council believes that addressing the systemic issues affecting both men and women will serve to benefit the diversity, productivity, health and sustainability of the legal profession as a whole. Ensuring that the legal profession is structured correctly is a vital part of delivering quality justice and legal solutions to the community.

## Methodology

This research was conducted by Urbis over a period of 10 months and involved both qualitative and quantitative components. This project has yielded a significant amount of immensely valuable data from some 4,000 participants across Australia (representing close to one in ten members of the legal profession).

The research methodology included:

- an online survey of practising lawyers (completed by 3,801 participants)
- an online survey of lawyers who have left the profession (completed by 84 participants)
- an online survey of individuals who have completed a law qualification but have not practised law (completed by 75 participants)
- 82 in-depth interviews with practising lawyers, lawyers no longer practising, individuals who have never practised, industry body representatives and HR managers.

The Law Council carried out a scoping study and private tender prior to engaging Urbis to carry out the survey and prepare the research report. The Law Council engaged in consultations at various stages throughout the project, including with its constituent bodies and standing committees. A Reference Group was formed to review the draft report and recommendations, comprising stakeholders and representatives from constituent bodies, law firms, women's professional bodies, rural regional remote (RRR) areas and young lawyers.

## Key findings from the research

### *Experience of the profession*

**Practitioners enjoy the interesting and diverse nature of legal work. For women, strong relationships with colleagues are a particular driver of satisfaction.**

Both male and female legal practitioners identified a common set of elements contributing to job satisfaction. Many of the most attractive aspects of work reported by respondents relate to the nature of legal work itself, including the level of independence and autonomy, the diversity and profile of the work, as well as a sense of personal satisfaction in the work undertaken.

Compared to their male counterparts, female practitioners derived greater satisfaction from relationships with colleagues and their superiors, indicating that for women, personal relationships are an important driver of engagement in the profession.

**Long working hours and poor work-life balance impact both male and female practitioners.**

A number of drivers of dissatisfaction were common to both male and female practitioners, notably with respect to the required working hours and the pressure of billable commitments for those in private firms. For both male and female practitioners, these factors often contribute to degradation in work-life balance, which for many may become unsustainable. This finding is significant, as it highlights the importance of flexible work practices that facilitate work-life balance across the profession (not just for working mothers).

**Women experience career development and career progression opportunities differently from their male counterparts.**

Women practitioners identified particular dissatisfaction with elements of career development and progression in their workplace. With respect to their current role, close to one in three females expressed dissatisfaction with the accessibility of mentors to support their career development, and with the opportunities they had for promotion and advancement. Reflecting on their legal career to date, a similar proportion expressed dissatisfaction with the rate of career progression and their career trajectory compared to their expectations. In contrast, less than one in five male practitioners expressed dissatisfaction with these aspects of their current role and career to date.

This result indicates that women lawyers experience career progression differently to their male counterparts. While mentoring and career development opportunities may be available, these are not generally seen to be adequate or appropriate for women in the profession.

**There is a perception of conscious or unconscious bias against women who adopt flexible working arrangements to balance family responsibilities.**

Women also identified practical and cultural barriers to their progression. For women with children, balancing family responsibilities was a recognised challenge. The research suggests that whilst a range of flexible working arrangements might be available for these women, taking them up could have a negative impact on progression prospects. Particularly in larger private firms, study participants reported several negative impacts of utilising flexible working arrangements. These included being allocated unsatisfying work, being passed by for promotion, and dealing with colleagues' assumptions that because they had accessed flexible working arrangements, their priorities lay outside work.

**The relative lack of women in senior leadership positions is seen to contribute to a male-dominated culture in which it is difficult for women to progress.**

A number of women also indicated that the prevalence of men in senior positions presented cultural barriers to their own progression. Whether conscious or unconscious, the role of favouritism, personal relationships and alliances in the promotion process was seen to potentially favour male candidates in workplaces led by fellow men. Many participants view large law firms in particular as being overly competitive, with a male-dominated culture that is experienced as alienating by some women.

### *Key cohorts*

Although there are some differences depending upon the age, stage of career, workplace and geographic location, the primary drivers of satisfaction are broadly similar across the key cohorts of female practitioners participating in the study.

### *Stage of career*

Women in the early stages of their legal career were more likely to be dissatisfied with their remuneration, reflecting the reality that entry salaries are generally low compared to the remuneration of senior legal practitioners. Many women reflected that they had started their career in private firms through summer clerkships or articles, but had not necessarily made a conscious choice to enter private practice. Rather, they had been pulled into the profession through what one participant described as the 'momentum' in the final year at law school. At the time of entering the profession, many of these women did not know what to expect and were not fully cognisant of the demands that would be placed on them.

As women entered mid and later stages of their career there was greater dissatisfaction with opportunities for promotion and advancement, which may indicate discontent at barriers encountered in the progression of their career path. Having children and utilising flexible working arrangements typically occurs at the time when many women are looking to progress to more senior levels. The impact of flexible work practices can hinder this progression, contributing to disproportionately fewer women in leadership positions.

### *Firm size*

Female practitioners in small firms enjoy greater autonomy in their work, and are less dissatisfied than those in larger firms with their work hours and work-life balance. However, unlike large firms, small firms often do not have the infrastructure to provide access to learning or development opportunities, or opportunities for promotion and advancement. Women in small firms were more likely to be dissatisfied with their level of remuneration.

Women in medium and large firms benefit from good supporting infrastructure, and were therefore more satisfied than those in smaller firms with access to learning and development, and opportunities for promotion and advancement. Women in large firms were also more satisfied than other private practice lawyers with their salary, the stability of their income and quality of the work. The key areas for dissatisfaction for women in large firms were the

requirements for billable hours, the resulting level of work-life balance, and the level of support within their firms for work-life balance.

### **Women at the Bar**

The study found key differences in the experiences of female barristers and female solicitors in private practice. Female barristers were generally more satisfied with their level of independence and the flexibility they had to control their work. They also derived a high degree of personal satisfaction from their work.

However, while female barristers had a high degree of control over their work, a common view was that it was often a heavy workload. Barristers reported working longer hours than lawyers in private practice or in-house. The research suggests it can be very difficult for barristers to balance the demands of their role with other responsibilities, such as family responsibilities. Aspects of the legal system (such as the inflexibility of trial schedules) also make achieving this balance difficult.

Barristers are self-employed and this presents challenges for both men and women, including the set-up and ongoing cost of chambers and ensuring a steady pipeline of work.

Working at the Bar can also be accompanied by a sense of isolation and/or lack of collegiality. However, some female barristers spoke positively about informal mentoring they had received from more senior female barristers and the value they placed on this.

### **Discrimination and harassment**

**A very high level of discrimination and harassment at work was reported by both female and male practitioners. One in two women, and more than one in three men, reported having been bullied or intimidated in their current workplace.**

A significant proportion of respondents, both female and male, indicated they had experienced some form of discrimination, intimidation or harassment in their current workplace. Whilst this issue appears to have been encountered by a considerable proportion of the profession, irrespective of gender, women were significantly more likely than men to report experiencing a range of discriminatory behaviour.

**Half of all women report experiencing discrimination due to their gender, whilst one in four has experienced sexual harassment in their workplace.**

Close to one in two women reported that they have experienced discrimination due to their gender compared to just over one in ten men. Approximately one in four women have been discriminated against due to family or carer responsibilities, and a similar proportion have experienced sexual harassment at work.

**Experiences of gender discrimination range from blatantly different treatment to subtler forms of prejudice that are harder to articulate.**

Overt reported experiences of gender discrimination included being allocated different types of work, being denied access to opportunities, and being rejected or judged as less competent by clients and colleagues. Subtler forms of reported gender discrimination included the use of demeaning and condescending language by colleagues or clients, exclusion from conversation or social activities, and the workplace culture.

Characteristics such as assertiveness, competitiveness and self-confidence are often valued in the legal profession, but can be perceived as or extend to bullying and aggressive behaviour.

### **Key cohorts**

Whilst fairly widespread, experiences of discrimination and harassment differed somewhat depending on age, stage of career and workplace.

#### **Stage of career**

Young women lawyers were more likely to have felt discriminated against due to their age at work than their older counterparts. A number of participants indicated that clients preferred not to work with female lawyers, particularly young female lawyers, feeling less confident in the services provided by this cohort.

In the middle stages of their careers, women more commonly reported encountering discrimination due to their gender and family responsibilities. Women of child-bearing years felt they may not be hired or promoted due to the assumption that they may choose to start a family.

Mature aged women, particularly those joining the profession later in their careers, felt bias against their age meant that it was difficult to enter the profession. This was due to employer misconceptions that older people were less willing to work long hours, did not conform to the 'young graduate' culture and, being more independent and able to leave, were therefore not worth the investment.

#### **Firm size**

Discriminatory behaviour was more commonly identified in large and medium size law firms. Female lawyers working in large private firms were more likely to report experiences of bullying or intimidation than their counterparts in medium or small firms. Females in large and medium private firms were more likely to report being discriminated against due to their gender and experiencing sexual harassment than females working in small firms.

### **Women at the Bar**

Female barristers most often reported experiencing almost every form of discrimination or type of harassment at work than their counterparts in private practice or in-house legal roles. Female barristers were twice as likely as those in private practice or in-house roles to believe they have ever experienced sexual harassment at their workplace. Female barristers were also more likely than other females to report experiencing discrimination due to gender, bullying or intimidation, and discrimination due to family/carer responsibilities.



Female barristers in this study referred to both conscious and unconscious bias at the Bar. Conscious bias included female barristers being denied briefs because clients preferred male counsel.

### *Drivers of retention and attrition*

**Culture, leadership and the nature of the work were important factors for both male and female practitioners who had moved roles.**

A significant proportion of the recent career moves reported by survey respondents related to moves from one private firm to another. This appears to be commonly motivated by 'push factors' within the former firm, including discontent with the workplace culture as well as the leadership and direction of the organisation. Meanwhile the key 'pull factor' was the opportunity to undertake better quality work with the new employer.

**Private practitioners choosing to downsize from a large firm were commonly motivated by their unhappiness with the culture and leadership at their firm.**

In addition, many respondents leaving large firms identified that smaller firms presented better opportunities for work-life balance. Long hours and high-pressure work made it difficult to balance professional and personal lives, and were a key contributor to attrition from large firms. While achieving balance was particularly difficult for women with family responsibilities, it was also a challenge for women without children, and also men.

**The influence of culture, leadership and work-life balance was also evident for those leaving private practice for in-house roles.**

Discontent with the workplace culture and the leadership of their organisation were again common 'push factors' for those leaving private firms for in-house roles.

Private practitioners moving into government legal roles were commonly looking for better work-life balance and improved flexibility to balance their personal responsibilities.

Those choosing corporate legal roles were attracted by better remuneration in the corporate sector, as well as the opportunity to do more interesting or varied work.

**Over one in three women were considering moving to a new job within the next five years. Females in private practice were most likely to be considering taking up an in-house role.**

Close to 40% of women intending to leave their private practice role indicated they were looking to move in-house, compared to around 25% of men. Conversely, men were over twice as likely as women to be considering leaving their private firm for the Bar.

**Flexible working conditions and barriers to promotion were more important factors for women considering leaving their current role than for men.**

Both male and female lawyers specified that better work-life balance and the opportunity for more interesting and varied work elsewhere were key drivers influencing their decision to move roles in the near future. However, women were more likely than men to give greater importance to flexibility to balance work and personal responsibilities, and the lack of promotional opportunities in their former position, when considering their move.

**Opportunities for better work-life balance, more flexibility and reduced stress motivated those who had left the legal profession entirely.**

Women who no longer practise as lawyers reflected that the pressure, stress and poor work/life balance were unenjoyable, unsustainable and incompatible with other priorities.

### *Drivers of re-engagement*

**There is some interest among women no longer practising, as well as those who have never practised, in working in private practice in the future. The key drivers of attrition from private practice, including culture and working conditions, correspond closely to the barriers to re-engagement.**

For those not working in private practice, the perceived advantages of working for a private firm included higher income as well as better career development opportunities. For most, however, private practice offered the chance for a different experience and new challenges. Nevertheless, it appears that any decision to work in private practice in the future will be influenced by working conditions, such as the workplace culture, opportunities for flexible working conditions and the ability to maintain work-life balance, all of which have been identified to varying degrees as areas of dissatisfaction among current practising lawyers.

**Whilst the autonomy and interesting, high profile work at the Bar is attractive to some, the pool of aspiring female barristers is more limited.**

Recruiting women to the Bar will remain a challenge. Only a small proportion (16%) of women currently practising indicated they would consider working at the Bar, and none of the females (or males) that had ceased practising indicated they would consider moving to the Bar.

The main 'pull factors' for those who wanted to work as a barrister included the independence, nature of the work and the status.

The most common reasons for women not to consider the Bar were that the Bar did not interest them, or they felt they did not have the requisite skills and experience. Other disincentives to going to the Bar cross over with areas of dissatisfaction reported by current male and female barristers, including the financial burden and the pressure of the role and environment.

## Options for consideration

There are two main avenues for change within the legal profession – professional bodies and law firms/practices. A number of possible actions for each have been identified based on suggestions from research respondents, a scan of recent developments in the legal profession to address gender diversity, and an overview of the latest research on ‘what works’ in achieving gender diversity.

It should be noted these actions for consideration have **not** been tested with key stakeholders, nor have they been based on a comprehensive review of international evaluation literature on effective gender diversity practice – which was beyond the scope of this study. The actions for consideration nevertheless do build upon actions taken in various jurisdictions and provide a range of options for consideration both within and across jurisdictions.

Options for consideration are identified in the final chapter of this report. These detailed recommendations have been identified for the specific consideration of legal associations, law practices and bar chambers.

Following consultations with the Reference Group and analysis of the survey findings, the Law Council has identified the following as priority areas to be addressed by professional associations and law practices.

The key themes addressed through the suite of options are summarised below.

### Workplace culture and flexible work practices

*Pressures of time-billing and excessively long working hours were identified through the survey as a key driver of dissatisfaction. The need was highlighted for workplaces to provide and support flexible work practices and facilitate better work-life balance*

#### Promote flexible work practices and explore alternative billing models in order to foster a more collaborative profession

- stimulate research and debate on different business models of billing including the appropriateness and future sustainability of the current billable hours framework
- stimulate research and debate on different performance measurement models which include revenue

generation not exclusively linked to direct billable hours, such as supervision/mentoring, precedent development and marketing

- stimulate debate around cultural norms and the value of ‘face time’ in the workplace
- conduct research and examine the effects of work life balance tensions on the mental health of legal professionals
- develop policies and promote research on the effectiveness and business case of a range of flexible work arrangements
- identify and publicise senior male and female role models who work flexibly within an organisation.

### Mentoring and sponsorship

*Almost one in three females expressed dissatisfaction with opportunities to access mentors to support their career development. The survey findings indicate that female lawyers experience career progression differently to their male counterparts, and where mentoring opportunities are available they are not generally seen to be adequate or appropriate for women in the profession.*

#### Assist lawyers to develop and foster relationships to support their career progression

- encourage lawyers looking to progress their career to participate in informal sponsorship and mentoring with experienced lawyers and senior barristers, including providing access to networking opportunities
- promote the concept among, and provide support for, senior leaders and decision makers to mentor and sponsor lawyers at earlier stages of their career
- develop structured in-house programs and training targeted at different stages of a lawyer’s career
- develop the skills of lawyers to identify and pursue mentoring and sponsorship opportunities and relationships

### Transparency and accountability

*Participants were reluctant to acknowledge workload pressures due to the competitive nature of the workplace and the perception that their reputation would be damaged. The findings also indicated a prevalence of males in senior positions, which presented cultural barriers to the progression of women. An opportunity was identified for clear and transparent data and guidance to*

*be provided on briefing practices, pay rates, expectations with respect to career progression and on leadership levels of women across the profession.*

#### Monitor, publicise and promote discussion of profession-wide statistics and trends on gender equity to inform measures on ways to improve rates of attrition and leadership across the profession

- encourage professional bodies to collect and publish ongoing standardised data on the attrition of outgoing members, for instance for members discontinuing their practising certificates
- encourage organisations to collect data on internal leadership levels and attrition, including collecting relevant information from outgoing staff exit interviews
- collate and publish available data on leadership levels and attrition rates across the profession.

### Thought leadership and role modelling

*The relative lack of women in senior leadership positions was seen to contribute to a male-dominated culture in which it is difficult for women to progress, and discontent with the leadership of the organisation was a common ‘push factor’ for those leaving private firms for in-house roles. The survey findings raised the importance of recognising the business case for retaining women leaders.*

#### Raise awareness of ways to successfully achieve gender equity and diversity and encourage the legal profession to view gender diversity as a means of harnessing talent and reducing costs

- build awareness of the business case for gender diversity through promotion of relevant Australian and international research
- embrace ‘hands-on’ leadership, driving gender diversity from the top, including partners/CEOs/leaders of the Bar investing personal capital and actively role-modelling the desired mind-sets and behaviours
- facilitate or provide access to high quality leadership programs, including programs specifically addressing diversity and leadership issues.

# 1 Introduction

**In November 2012, Urbis was engaged by the Law Council of Australia to undertake research into reasons for attrition of women from the legal profession in Australia. The research involved the collection and analysis of qualitative and quantitative data, in order to provide an insight into the experiences of women in the profession and identify preliminary opportunities to redress the high attrition rate of women.**

**This report documents the research process and presents an analysis of findings.**

## 1.1 Background

There is a growing body of evidence that there are significant gender differences in the legal profession. For instance:

- More female than male lawyers are admitted to the profession: Female solicitors comprise over three fifths (61%) of all solicitors admitted in the last year, and 58% of those admitted in the last 10 years.
- Female solicitors are on average younger than male solicitors: Approximately half (49%) of female solicitors are aged under 35 years compared to just under a quarter (24%) of male solicitors.
- Female solicitors are more strongly represented in the government (58% female, 42% male) and corporate (58% female, 42% male) sectors than in private practice (40% female, 60% male).

Although these statistics demonstrate that women are entering the profession in greater numbers than men, the gender profile of the profession overall remains weighted towards male lawyers, particularly in senior positions. There is consequently a concern about the attrition of women lawyers from the profession in Australia, particularly from private practice and the Bar.

While the gender imbalance of the legal profession is well documented, there is a comparative lack of research into the reasons for attrition among women lawyers in the Australian context. This critical research on behalf of the Law Council provides a valuable contribution to addressing this knowledge gap.

The objectives of this research were to:

- Explore the drivers of attrition, retention and re-engagement of women in the legal profession, and understand how these may differ compared to male lawyers
- Explore the experiences and motivators of different cohorts of women, considering practising status, type of employment, stage of career and life stage
- Identify factors that may assist in retaining or re-engaging women in private practice, the Bar and the profession as a whole.



## 2 Methodology

This research was conducted over a period of 10 months and involved both qualitative and quantitative components. A total of 3,960 people took part in three online surveys and 82 people took part in in-depth interviews, representing all States and Territories and a broad cross section of the profession.

The quantitative and qualitative research activities are detailed below.

### 2.1 Quantitative research

Online surveys were undertaken with: practising lawyers, lawyers who have left the profession and individuals who have completed a law qualification but have not practised. The surveys were launched on Monday 6 May and closed on Friday 31 May 2013.

#### 2.1.1 Instrument design

Given the focus of research is different for each cohort, three separate surveys were developed. The research focus of each is documented in Table 1 below, and the survey instruments are contained in Appendix A.

The surveys were developed in consultation with the Law Council, and were informed by a targeted review of literature and the outcomes of 18 interviews with nominated stakeholders and key informants (refer Section 2.2 below).

To ensure high quality instruments, the surveys were distributed for review and comment by members of the Law Council's Executive, Equal Opportunity Committee, and Recruitment and Retention of Lawyers Working Group. In addition, the online surveys were pilot tested by Urbis, the Law Council and a number of nominated contacts working in relevant areas of the profession.

Research Now was engaged to programme the surveys into an online format.

**Table 1 – Research focus of online surveys**

SURVEY	COHORT	RESEARCH FOCUS
Practising	Private practice solicitors Practising barristers Legal practitioners working outside of private practice	<ul style="list-style-type: none"> <li>• Career satisfaction</li> <li>• Career moves</li> <li>• Career intentions</li> <li>• Demographics</li> </ul>
No longer practising	Individuals who have left the legal profession within the last five years	<ul style="list-style-type: none"> <li>• Current employment characteristics</li> <li>• Career moves</li> <li>• Career intentions</li> <li>• Demographics</li> </ul>
Never practised	Individuals who have completed a law qualification within the last five years but decided not to practice	<ul style="list-style-type: none"> <li>• Decision not to practice law</li> <li>• Demographics</li> </ul>

### 2.1.2 Promotion and distribution

The survey was promoted and distributed by the Law Council, guided by an integrated communications strategy. The distribution strategy primarily involved the development of a communications flyer (containing information about the research and a link to the survey) which was provided nationally to:

- Law Council constituent bodies (State/Territory Law Societies and Bar Associations) who then distributed to their members
- Law Council Directors, Executive, Policy Staff, Section Administrators, Committee Members (Equal Opportunity, Young Lawyers, Recruitment and Retention)
- Large Law Firm Group
- Legal journalists
- Key government agencies (including the Commonwealth Attorney General's Department, State and Territory Attorney Generals' Departments, the Australian Government Solicitor and Solicitor-General and the Director of Public Prosecutions)

- Legal Aid and National Association of Community Legal Centres
- Aboriginal Legal Services
- Council of Australian Law Deans and other key academics
- Contacts in the Corporate and Business Sector.

The study also utilised Research Now's research panel to ensure the surveys reached lawyers who were no longer practising, as well as those who had never practised.

### 2.1.3 Participation

A total of 3,960 people participated in the online surveys. Table 2 below summarises the number of research respondents to each survey. The full characteristics of survey respondents are detailed in relation to each cohort in Sections 3, 4 and 5.

### 2.1.4 Analysis

Significance testing was conducted to determine significant differences between cohorts based on variables such as gender, age, sector, years practising, parental status etc. Only statistically significant differences in cohorts have been reported in relation to survey findings.

Significance testing was conducted at a 95% level of confidence.

**Table 2 – Participation in online surveys**

SURVEY COHORT	NUMBER OF RESPONDENTS	FEMALES	MALES
Practising	3,801	2,737	1,064
No longer practising	84	71	13
Never practised	75	53	22
<b>TOTAL</b>	<b>3,960</b>	<b>2,861</b>	<b>1,099</b>

## 2.2 Qualitative research

### 2.2.1 Preliminary interviews

A total of 18, 30-45 minute, telephone interviews were undertaken with nominated stakeholders and key informants to inform the research design and the development of survey instruments. Interviewees at this preliminary stage were identified by the Law Council and included:

- representatives of relevant committees of the Law Council, Law Societies and Bar Associations
- informants working across different sectors of the profession.

Preliminary interviews were conducted following a discussion guide. The discussion guide sought interviewees' views on:

- whether it is harder for women lawyers to enter, remain in or progress in private legal practice or at the Bar, than for male lawyers, and why
- reasons why women choose to leave private practice or the Bar
- challenges faced by law firms and the Bar in attracting, retaining and promoting women lawyers
- any potential or already successful actions able to be taken by law firms, the Bar and the legal profession more broadly to attract and retain female practitioners.

### 2.2.2 In-depth interviews

Following the quantitative stage of the research, an additional 64 in-depth telephone interviews were undertaken with practising lawyers, lawyers no longer practising, individuals who have never practised and HR managers.

All in-depth interview participants (except HR managers) were recruited through the online survey process. Survey respondents were asked to provide their name and contact details if they were interested in being interviewed. A total of 1,315 survey respondents volunteered to take part in the interviews, from which 64 were selected to take part. Interview participants were selected to comprise a broad spread of participants across employment sector, area of practice, age, years since admission, career trajectory and progression, aspirations and future intentions.

HR managers were recruited via the Law Council and its constituent bodies.

Interviews were approximately 30-45 minutes in duration and followed a set discussion guide. The discussion guides used for each cohort sought participants views on the following:

- background and career trajectory to date
- satisfaction with career, jobs and opportunities, including barriers and enablers
- career decisions and moves, and key drivers for these
- women's experiences of entering, remaining in and progressing in the profession, as compared to male lawyers
- strategies to ensure equal opportunities, and to assist in attracting and retaining women lawyers.

### 2.2.3 Participation in in-depth interviews

A total of 82 people were interviewed. The number of interviews by cohort is contained in Table 3 below.

### 2.2.4 Analysis

Findings from the qualitative component of the research were analysed thematically. NVivo analysis was undertaken to supplement traditional analysis. Interviews were tape recorded, with participants permission, and transcribed. Where participants chose not to be recorded, notes were taken by the interviewer.

Both transcripts and notes were loaded into NVivo 10 as Microsoft Word files. Transcripts and notes were thematically analysed, which involved researchers identifying, examining and recording patterns or themes. Further analysis was enabled through text searches, compound queries and matrix queries by cohort.

In considering the findings documented in this report, it is important to note that:

- The input received from interview participants was slightly more negative than survey responses. This is not a product of the selection process – interview participants were randomly selected to represent a broad cross section of survey respondents.
- A key focus area of the study was the challenges that women face in the legal profession that may be driving attrition rates. The research therefore has a particular focus on key issues and barriers that women experience working in the profession.
- Qualitative research has been undertaken to provide some colour to the quantitative research, give a voice to the women interviewed, and tease apart some of the intricacies of issues that can be difficult to capture in closed ended questions. While efforts have been made to reflect the number of interview participants mentioning an issue (e.g. many, some, a few), the views expressed in qualitative research cannot be quantified, are not statistically representative and do not necessarily reflect all participants' views.

**Table 3 – Participation in interviews**

COHORT	NUMBER OF INTERVIEW PARTICIPANTS
Currently practising	26
Lawyers who have left the profession	33
Law graduates who have never practised	8
HR managers/other management staff	15
<b>TOTAL</b>	<b>82</b>

## 3 Current legal practitioners

### 3.1 Overview

This section outlines the results of the online survey of, and qualitative interviews with, lawyers currently practising. It identifies respondents' experiences of working in the legal profession, including satisfaction with aspects of their work, their career moves to date and their career intentions looking forward. To better understand the key findings in these areas, it is important to understand the demographic profile of survey respondents. This demographic profile is outlined in Section 3.2 below.

### 3.2 Profile of survey respondents

#### 3.2.1 Demographic characteristics

A total of 3,801 current legal practitioners completed the online survey. The large majority of respondents were female (72%) and 28% were male.

Table 4 outlines the demographic characteristics of the entire survey cohort, as well as female and male respondents. It also outlines the difference in scores between females and males by subtracting male scores from female scores. An asterisk (\*) is used to identify statistically significant gender differences.

Analysis of the entire survey cohort shows:

- the majority of respondents (64%) were aged between 25-34 years
- over half of all respondents (55%) did not have children
- almost one in five respondents (18%) were the primary carer of children
- one in four (27%) were the sole income earner in their household
- respondents had varying levels of practising experience, with an even spread of respondents in the early, mid and later stages of their careers (around 30% for each career stage)
- the majority of respondents (67%) had not taken a break from practising law since their admission.<sup>1</sup>

<sup>1</sup> Breaks since admission refers to the difference in years between two variables: the number of years since admission and the number of years of practising experience. For example, respondent X was first admitted 15 years ago and has 10 years of practising experience. This results in a break of 5 years since admission (10 years subtracted from 15 years).



As demonstrated in Table 4 below, there were some notable gender differences among survey respondents.

Overall, females were younger than males. Given this age difference, it is unsurprising that males were twice as likely as females to report having 15 or more years practising experience (50% and 24% respectively).

Females were more likely than males to report taking a break since admission (38% and 22% respectively). The proportion of females and males

with children was similar (45% and 48% respectively), but females were overwhelming more likely to be the primary carer (23%) when compared to males (4%).

Comparable proportions of females (26%) and males (29%) were sole income earners. However, where respondents made a contribution to household incomes, males were more likely to contribute a larger portion (60-99%) whereas females were more likely to contribute a smaller portion (0-59%).

In summary, female respondents were more likely than male respondents to:

- be younger in age
- have less practising experience
- report a break from the legal profession since admission
- be the primary carer of children
- contribute smaller portions to their total household income.

**Table 4 – Demographic profile of survey respondents by gender**

		TOTAL	FEMALES	MALES	DIFFERENCE
Gender		100%	72%	28%	44%*
Age	< 25 years	2%	3%	1%	+2%*
	25 – 34 years	38%	43%	25%	+18%*
	35 – 44 years	26%	29%	21%	+8%*
	45 – 54 years	19%	18%	21%	-3%*
	55+ years	14%	8%	31%	-23%*
Practising experience (career stage)	< 5 years (early)	34%	37%	26%	+11%*
	6-14 years (mid)	34%	38%	23%	15%*
	15+ years (later)	32%	24%	50%	-26%*
Years since admission	< 5 years	30%	33%	23%	+10%*
	6 – 10 years	22%	24%	16%	+8%*
	11 – 15 years	15%	17%	10%	+7%*
	16 – 30 years	24%	23%	27%	-4%*
	31+ years	9%	4%	23%	-19%*
Break since admission	With break	33%	38%	22%	+16%*
	Without break	67%	62%	78%	-16%*
Children - Primary carer	No children	55%	55%	52%	+3%
	Children - primary carer	18%	23%	4%	+19%*
	Children - not primary carer	8%	3%	21%	-18%*
	Children - shared	20%	19%	24%	-5%*
Salary versus household income	100% (sole income earner)	27%	26%	29%	-3%
	60-99%	31%	26%	44%	-18%*
	40-59%	24%	27%	17%	+10%*
	0-39%	13%	16%	6%	+10%*
	Not sure/rather not say	5%	5%	4%	+1%

Base: All respondents to the survey n=3,801, females n=2,754, males n=1,047



### 3.2.2 Main work

Respondents were asked to indicate their main work which was defined as the role they spent most time on each week. As shown in Figure 1, the majority of females and males reported working in private practice (61% and 66% respectively).

Females were more likely than males to report working as in-house lawyers<sup>2</sup> (24% and 14% respectively). Conversely, males were more likely than females to work at the Bar<sup>3</sup> (15% and 7% respectively).

2 In this study, 'in-house' refers to legal roles in corporate, government and non-Government/not for profit organisations.  
 3 In this study, 'the Bar' refers to barristers, crown prosecutors and public defenders.

### Respondents working in private practice

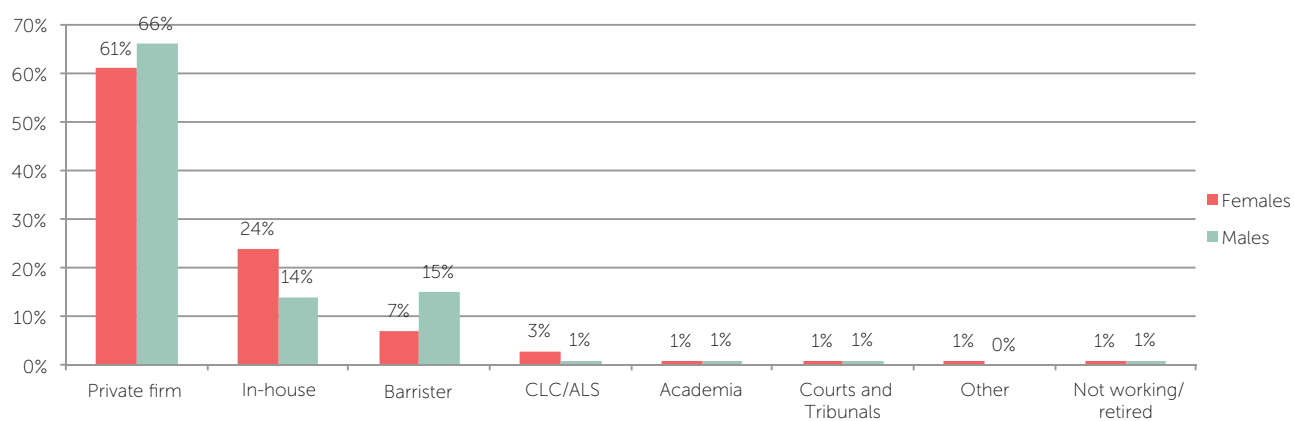
The results showed some significant differences among respondents working in private practice. In particular:

- females in private practice were more likely than males in private practice to work as employees (82% and 60% respectively), whereas males were twice as likely as females to be a partner (23% and 11% respectively)

- the majority of females (50%) worked for large firms (21+ partners/principals), whereas the majority of males (57%) worked for small firms (1-10 partners/principals).

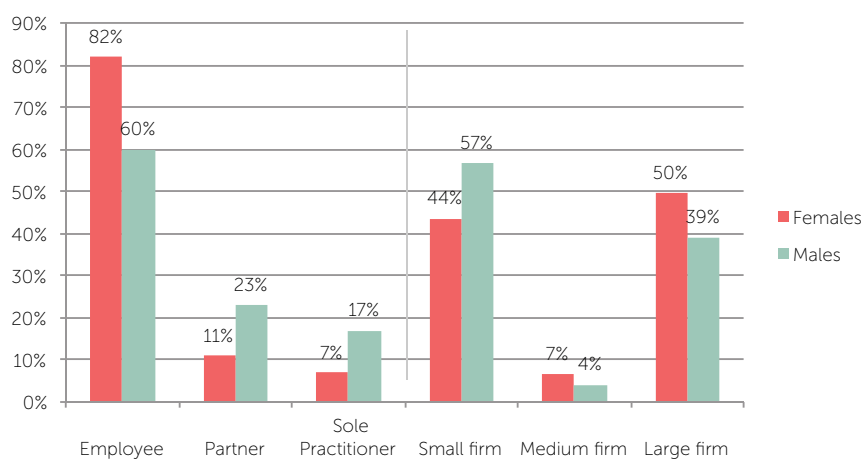
Figure 2 provides a breakdown of males and females in private practice, including the capacity in which they worked and the size of firm they worked for.

Figure 1 – Main role by gender



Base: All respondents to the survey n=3,801, females n=2,754, males n=1,047

Figure 2 – Breakdown of respondents who worked in private practice



Base: All respondents working in private practice n=2,382, females n=1,686, males n=696

### 3.2.3 Number of hours worked

Respondents were also asked to indicate whether they worked full time or part time and the number of hours they worked each week. As shown in Table 5, the majority of males and females reported working full time (91% and 75% respectively). However, males were significantly more likely than females to work full-time, and females were significantly more likely than males to work part time (25% and 9% respectively).

Respondents working in-house or in academia were more likely to work part time (24% and 31% respectively), and respondents at the Bar were more likely to work full time (89%).

In terms of the number of hours worked, males and females most commonly reported working 41-50 hours per week, although males were more likely than females to report this (43% and 37% respectively).

Males were more likely than females to report working 51 or more hours per week (27% and 15% respectively). Conversely, females were more likely than males to report working 40 or fewer hours per week (48% and 30% respectively).

Given significantly more females than males reported working part-time, to enable a more accurate comparison of hours worked, the hours worked by respondents working part-time were scaled to a full-time equivalent (FTE). For example, a respondent who reported working 30 hours per week with 0.6 FTE was counted as working 50 hours per week ( $30/0.6=50$ ).

The results of this scaled comparison are outlined in Figure 3 below and show an increase in the number of females and males working 41-50 hours per week (45% and 46% respectively). However, females were still more likely than males to work 40 hours or less per week (38% and 27% respectively), and males were still more likely than females to work 51 or more hours per week (27% and 17% respectively).

**Table 5 – Work arrangements – full time or part time by gender**

	FEMALES	MALES	DIFFERENCE
Part time	25%	9%	+16%*
Full time	75%	91%	-16%*

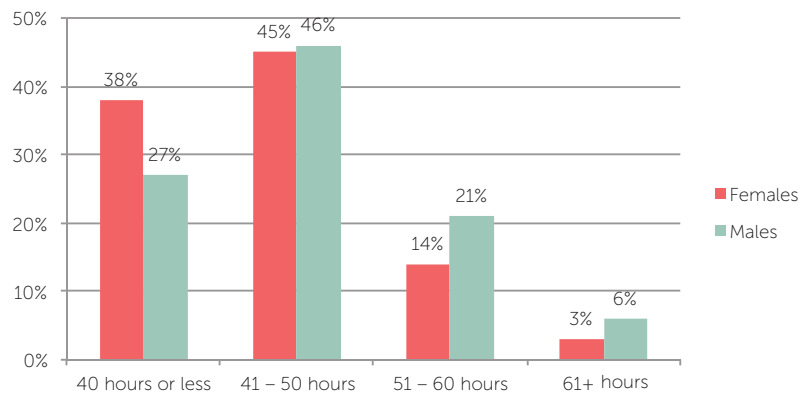
Base: All working respondents n=3,733, females n=2,696, males n=1,037

**Table 6 – Hours worked per week by gender**

	FEMALE	MALE	DIFFERENCE
<8 hours	1%	2%	-1%*
9-16 hours	3%	2%	+1%
17-24 hours	6%	2%	+4%*
25-32 hours	10%	3%	+7%*
33-40 hours	28%	21%	+7%*
41-50 hours	37%	43%	-6%*
51+ hours	15%	27%	-12%*

Base: All working respondents n=3,733, females n=2,696, males n=1,037

**Figure 3 – Full time equivalent hours worked per week by gender**



Base: All working respondents n=3,733, females n=2,696, males n=1,037

Respondents at the Bar were more likely than respondents working in-house or in private practice to work longer hours each week. As shown in Figure 4, one third (33%) of barristers reported working 51 or more hours each week, compared to 21% of private practice lawyers and 14% of in-house lawyers. Respondents working in-house were more likely to report working 40 hours or less per week (46%) compared to respondents at the Bar (33%) or in private practice (29%).

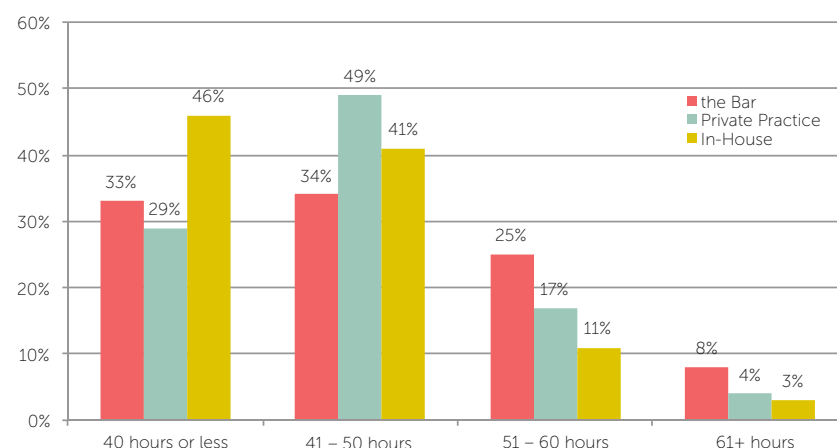
### 3.2.4 Location of respondents

At the time of the survey, half of all respondents (52%) were working in New South Wales. Considerably smaller groups worked in Victoria (16%), Western Australia (11%) and Queensland (8%).

The majority of respondents (70%) worked in the central business district of a State/Territory capital city, and 16% worked in a suburban area.

Table 7 outlines the locations of respondents' workplaces and demonstrates that the spread of males and females across States and Territories was comparable.

Figure 4 – Full time equivalent hours worked by role



Base: All respondents (females and males) working at the Bar, in private practice and in-house n=3,543, the Bar n=361, private practice n=2,382, in-house n=800

Table 7 – Location of respondents' workplaces by gender

		TOTAL	FEMALE	MALE
State/Territory	Australian Capital Territory	4%	4%	3%
	New South Wales	52%	50%	57%
	Northern Territory	2%	2%	2%
	Queensland	8%	10%	6%
	South Australia	2%	3%	1%
	Tasmania	3%	3%	2%
	Victoria	16%	17%	14%
	Western Australia	11%	11%	12%
	Outside Australia	1%	1%	2%
Location workplace	CBD	70%	71%	66%
	Suburban area	16%	15%	18%
	Major regional centre	6%	6%	6%
	Smaller regional centre	7%	6%	8%
	Outside Australia	1%	1%	2%

Base: All working respondents n=3,733, females n=2,696, males n=1,037

### 3.3 Job satisfaction

#### 3.3.1 Elements of job satisfaction

The survey asked respondents questions around satisfaction with their current work including, for example, satisfaction with work culture, career development and work-life balance. Overall, males reported higher satisfaction with their work than females. However, the elements of work that gave respondents most satisfaction were broadly comparable for males and females, and relate to the work itself and relationships with colleagues and clients.

There were, however, some gender differences. Figure 5 outlines the ten elements of work that females were

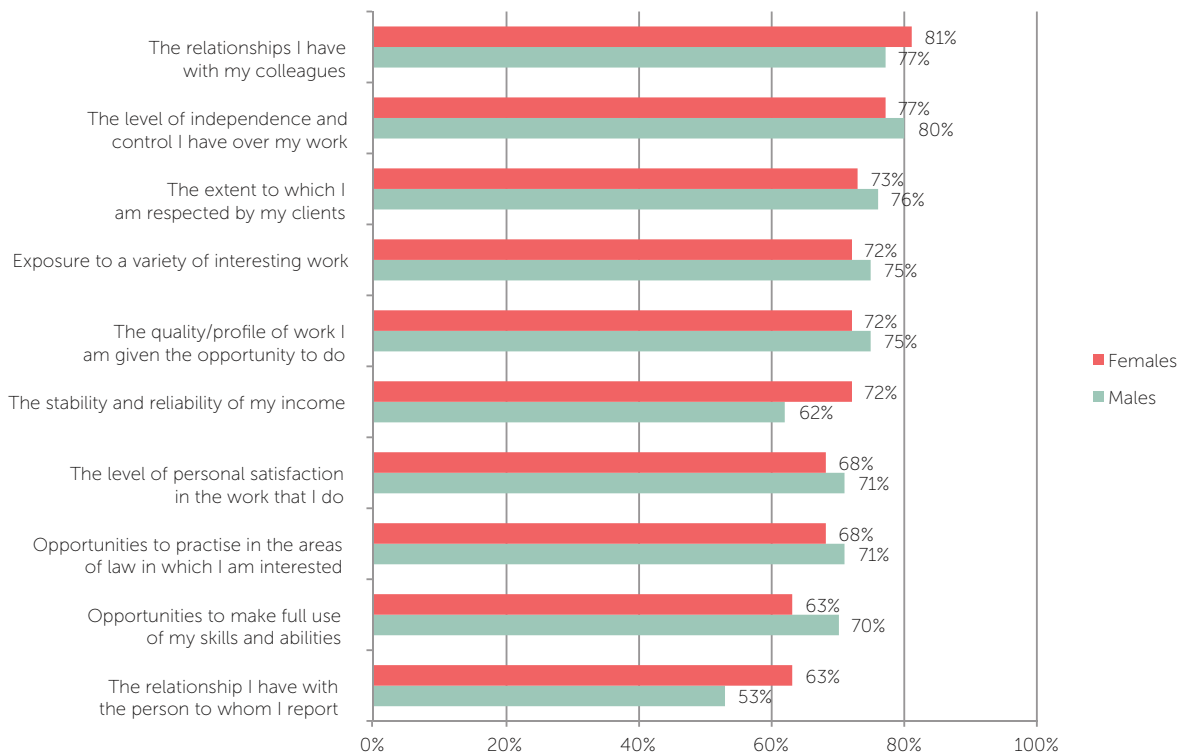
most satisfied with. For the purposes of comparison, the corresponding proportion of males satisfied with each element has been included in the Figure. Although females were less satisfied than males with their work overall, females were significantly more likely than males to be satisfied with:

- the relationships with their colleagues (81% compared to 77%)
- the stability and reliability of their income (72% compared to 62%)
- the relationship they had with the person they reported to (63% compared to 53%)

Conversely, males were significantly more likely than females to be satisfied with:

- the opportunities to use their skills (70% compared to 63%).

**Figure 5 – Top ten elements of work females most satisfied\* with (males provided for comparison)**



Base: All working respondents n=3,733, females n=2,696, males n=1,037

\* satisfied includes 'very satisfied' and 'satisfied' responses.

### ***Differences in satisfaction among females by age***

While results showed differences in satisfaction between females and males, there were also differences in satisfaction among females, including younger and older females.

Overall, females aged 34 years or younger were more likely to be satisfied than their older counterparts with:

- the stability and reliability of their income (79% compared to 67%)
- opportunities for promotion and advancement (46% compared to 31%)
- the relationship they had with the person they reported to (71% compared to 56%).

On the other hand, females aged 35 years and older were more likely than younger females to be satisfied with:

- the extent to which they were respected by clients (77% compared to 69%)
- access to flexible working arrangements (68% compared to 47%).

### ***Differences in satisfaction among females by role***

Females at the Bar were more satisfied with the personal satisfaction their work gave them (81%) and their level of independence (88%) compared to females in private practice (64% and 74% respectively) and in-house (72% and 81% respectively).

For females working in private practice, the size of the firm they worked in appeared to have an impact on satisfaction. Females in small firms were more satisfied than those in large and medium firms with:

- access to flexible working arrangements (58% compared to 45%)
- the required work hours (61% compared to 46%)
- the level of work-life balance (55% compared to 39%)
- the level of support in their organisation for work-life balance (53% compared to 37%)
- the level of independence/control in work (78% compared to 71%).

Conversely, females in large firms were more satisfied than those in small firms with:

- the level of salary/remuneration (60% compared to 46%)
- the stability and reliability of income (81% compared to 67%)
- opportunities for promotion and advancement (48% compared to 40%)
- accessibility to learning and development opportunities (72% compared to 54%)
- the relationship with colleagues (86% compared to 73%)
- the quality/profile of work they were given the opportunity to do (74% compared to 69%).

### 3.3.2 Elements of job dissatisfaction

In addition to analysing elements of work that provided respondents with *most* satisfaction, analysis was undertaken of the elements of work that provided respondents with *least* satisfaction.

Figure 6 outlines the ten elements of work females were most dissatisfied with. For the purposes of comparison, the corresponding proportion of males dissatisfied with each element has been included in the Figure.

Overall, females were more dissatisfied than males. The three elements of work that gave females most dissatisfaction related to career development, progression and work-life balance. Specifically, they included:

- the accessibility of mentors to support their career development (32%)
- opportunities for promotion and advancement (31%)
- the level of work-life balance (30%).

Males were considerably less likely than females to be dissatisfied with aspects of career development and progression, such as the accessibility of mentors to support career development (19% and 32% respectively) and opportunities for promotion and advancement (17% and 31% respectively). Males were most likely to be dissatisfied with:

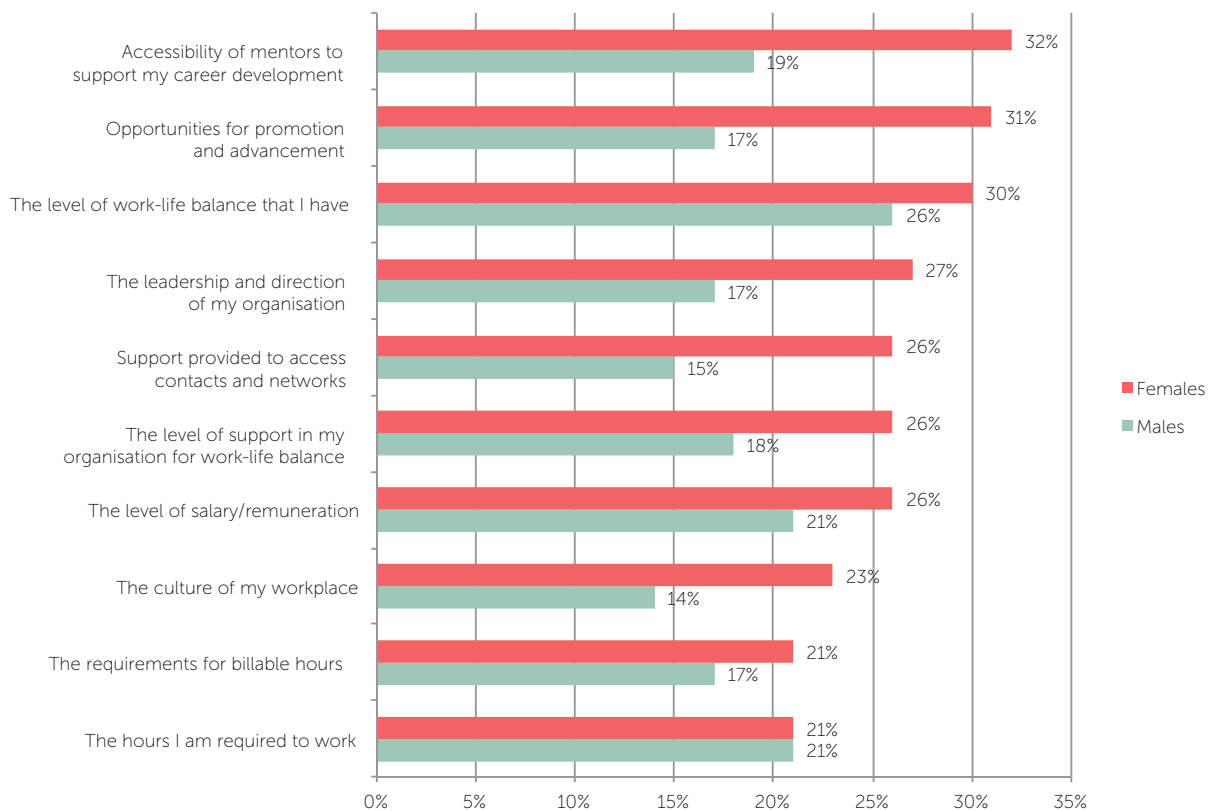
- the level of work-life balance (26%)
- the level of salary/remuneration (21%)
- the hours they were required to work (21%).

Among females, there were differences in dissatisfaction according to age. Females aged 25-34 years were more likely to be dissatisfied than those aged 35 years and older with:

- the required work hours (25% compared to 19%)
- the requirements for billable hours (29% compared to 14%)
- the requirements for non-chargeable commitments (20% compared to 15%)
- the level of support in their organisation for work-life balance (30% compared to 22%)
- the level of independence/control in their work (13% compared to 8%).

Among females, there were some notable differences by role. Females at the Bar were more dissatisfied with the stability and reliability of their income (41%) and job security (30%) than females in private practice (10% and 15% respectively) and in-house (9% and 18% respectively). This is not unexpected given barristers run their own practice.

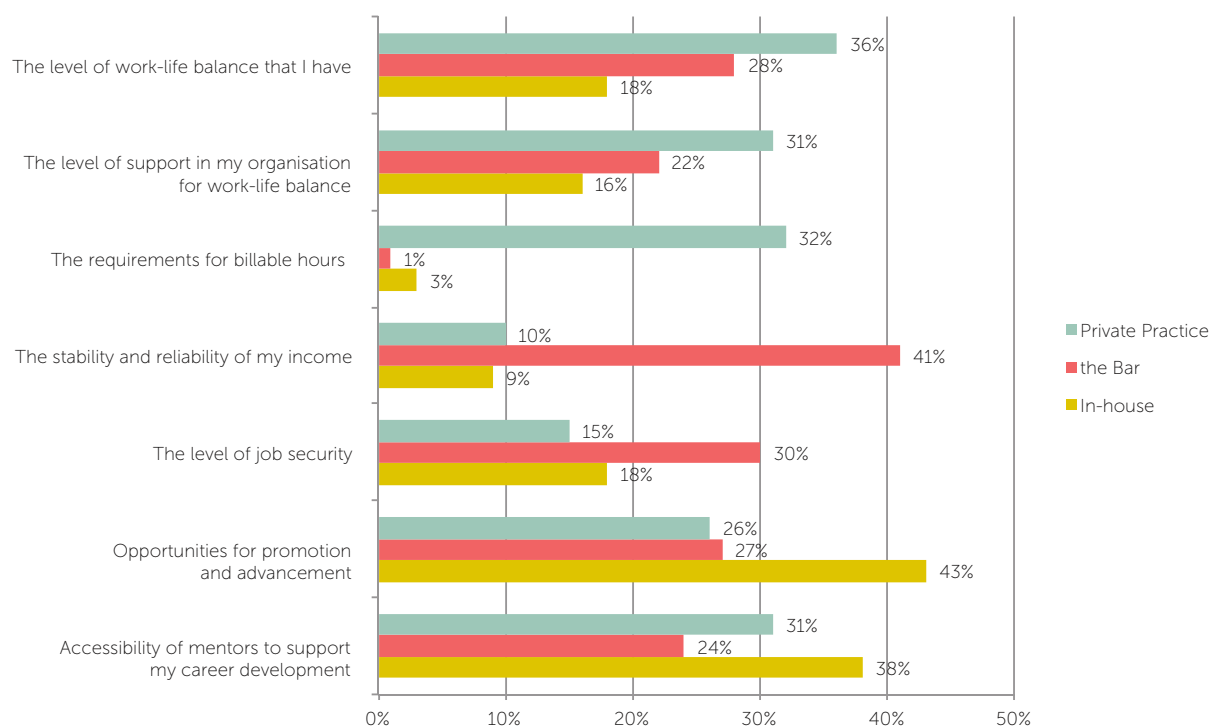
Figure 6 – Top ten elements of work females most dissatisfied\* with (males provided for comparison)



Base: All working respondents n=3,733, females n=2,696, males n=1,037

\* dissatisfied includes 'very dissatisfied' and 'dissatisfied' responses.

Figure 7 – Elements of dissatisfaction for females by role



Base: All female respondents working in private practice, at the Bar or in-house  
 n=2,696, private practice n=1,686, the Bar n=201, in-house n=654

### 3.3.3 Satisfaction of interview participants

The findings from the online survey around job satisfaction and dissatisfaction and the factors that contribute to this were broadly consistent with those findings from the qualitative research. Interview participants, who were primarily female, were asked to reflect on both their current and past roles and comment on how satisfied they have been with their career in private practice and/or the Bar.

A range of views were expressed, and it is evident that satisfaction is highly personal and variable, based on the employer, the role held, individuals' priorities, the stage of their career and life stage. Overall, participants were somewhat satisfied. It was rare for participants to be outright satisfied or dissatisfied with their career in private practice or at the Bar, with most weighing up the positive and negative aspects of their work:

*On some levels I was very satisfied and on other levels I was completely unsatisfied. (Female, Government legal, 35-39 years)*

*It has really gone up and down and it really has very much depended on the firm that I've worked for and I've just found that my immediate surroundings make a big difference. (Female, Private firm, 35-39 years)*

Participants provided a variety of reasons for satisfaction and dissatisfaction and these generally aligned with the findings from the online survey. The most common reasons for satisfaction included the nature and diversity of the work, the high level of independence and autonomy (primarily in reference to the Bar) and positive relationships with colleagues, while common reasons for dissatisfaction included an unsustainable work/life balance, poor workplace and industry culture, and limited professional development support. These factors are discussed further in Section 3.4 below.

### 3.4 Key factors contributing to satisfaction or dissatisfaction

#### 3.4.1 Career progression

A key area of interest in this research is whether career progression is experienced any differently by female and male lawyers. Research participants were asked about their relative satisfaction with opportunities for progression and whether it was any harder for female lawyers to enter, progress and remain in the profession than male lawyers.

As noted in Section 0, females were more dissatisfied than males with career progression. Table 8 below shows females were more likely than males to be dissatisfied with opportunities for professional development and promotion (25% and 11% respectively), the rate their career had progressed (29% and 15% respectively), and their career trajectory compared to their expectations (30% and 19% respectively).

Overall, females working in-house were more likely to be dissatisfied with their career development and progression than females in private practice. As an example, 34% of females working in-house were dissatisfied with the rate their career had progressed compared to 27% of females in private practice.

Females dissatisfied with opportunities for professional development and promotion were more likely to:

- be the primary carer of children (34%) than have no children (22%)
- work part time (29%) than full time (24%)
- work 40 hours or less a week (28%) than 41-50 hours (23%) or 51-60 hours (22%)
- be considering a future career move within the next 12 months (36%) than not (16%).

In-depth interviews, which enabled further exploration of women’s experiences of career progression specifically in private practice and at the Bar, reiterated some of these differences of view based on cohort. In particular, family responsibilities and part time work arrangements were raised by many interview participants as a key barrier to women’s progression in private practice and at the Bar.

Some interview participants were satisfied with opportunities for progression, however satisfaction appeared most commonly felt during the early stages of participants’ careers. Satisfaction with progression appeared lower in the later stages of careers, reflecting the findings from the online survey outlined in Section 3.3. This finding also aligns with a view commonly held by participants that progression is a gender-specific issue at more senior levels, often because of family responsibilities, and is consistent with the known gender imbalance in the upper levels of the profession:

*You give them exactly the same, you support them exactly the same way, and if the job is right for them and they’re right for the job, I can’t see any reason why they wouldn’t progress just as well. The only distinguishing factor that is going to potentially come up is interruptions through starting a family. (HR/ Management)*

#### Satisfaction with progression in the early stages of a career

Many interview participants indicated that entering and starting in the legal profession is straightforward for women. These participants cited the high proportion of females graduating, with several surmising it may in fact be easier for women to enter the profession than for men:

*I think the selection process is quite academically focussed and women tend to, I’ve heard, do better academically at law school. For that reason they are actually disproportionately represented at the summer clerkship level. (Female, Left profession, 25-29 years)*

*I employed lots of lawyers while I was in private practice and I have to say I think that the girls make much better applicants and seem to apply themselves much more than boys. (Female, Government legal, 50-54 years)*

Based on the responses of those participants who commented on the issue, satisfaction early in one’s career may be attributed to promotions following a more established and visible path at this stage (particularly in private practice), new entrants having fairly limited expectations and there being fewer competing priorities:

*After two years it was a lock step system and you automatically got promoted to general associate after two years. And then generally at about five years you were eligible to be senior associate. (Female, Left profession, 25-29 years)*

*I think for a lot of younger women in the junior levels of the profession, it’s probably true that they haven’t experienced any discrimination and difficulties. They haven’t been harassed or bullied or anything like that... It’s not until they probably get to maybe their early to mid-30’s and they get to a certain point in their career where they’re more likely to encounter difficulties. (Female, Barrister, 30-34 years)*

*I would say there are very few barriers to entry into the profession and certainly that wasn’t the case in the past but now simply because of numbers and seeing who the best graduates are, women are very well represented, but there are definite barriers to their progression. (Industry body)*

**Table 8 – Dissatisfaction\* with career development by gender**

STATEMENTS	FEMALES	MALES	DIFFERENCE
The opportunities you have had for professional development and promotion	25%	11%	+14%*
The rate at which your career has progressed	29%	15%	+14%*
Your career trajectory (compared to your expectations)	30%	19%	+11%*

Base: All working respondents n=3,733, females n=2,696, males n=1,037

Dissatisfaction includes ‘very dissatisfied’ and ‘dissatisfied’ responses.



### Remaining and progressing in the profession

A number of factors were identified by interview participants as contributing to dissatisfaction with career progression once in the profession, and these aligned with the survey findings discussed above. The most overt contributing factor was family responsibilities, including maternity leave and part-time work arrangements.

While the online survey showed two thirds (68%) of women aged 35 years and over were satisfied with access to flexible work arrangements, there was a perception among many interview participants that taking advantage of these arrangements, including maternity leave and part-time work, had a negative impact on progression prospects. In relation to private practice, several participants said this was because part-time arrangements reduced an individual's availability to work the hours expected of a promotion candidate or senior staff member. It was also because some employers had misperceptions about the priorities of females with flexible work arrangements:

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*I think also there is a perception that when you go and have a kid all of a sudden your priorities change... People think just because you're having a kid you don't give a shit about your career. (Female, Private firm, 35–39 years)*

*If you have the same 35 year old woman and the 35 year old man with the same experience then like for like they will have the same career progression opportunities. However the question mark is that that's colliding precisely with the time when a large proportion of women will be looking potentially to have babies... It's just a kind of a natural collision in terms of the time it now takes to get to partnership being right up against that 30 to 40 year age group where a lot of people are now having their first child. (Female, Corporate legal, 40–44 years)*

*They're [women] very torn between trying to have the home, wanting to be at home with their family but knowing two things: that they need to be at work for financial reasons, but also because there's an element of their feeling like they can't progress up the food chain if they can't be seen. (HR/Management)*

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The significant demands of work at the Bar, costs of maintaining chambers and the inflexibility of court processes were also barriers that participants felt barristers with competing family responsibilities faced:

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*It really does have a substantial impact upon your legal career, or your career as a barrister because you ...you just can't say to the judge no I can't come in on Wednesdays. (HR/Management)*

*I was desperate to have children but was too scared to. I thought my career would suffer and that's a very, very big issue. It remains a big issue. (Female, Barrister, 55–59 years)*

*Courts don't consider the barrister's personal life when they fix matters for hearings. The only reason for justification you can give for not being available for a hearing date is another hearing date in another matter. So if you were to say I'm off on school holidays and I have the fulltime care of my children that week, that's not seen as an appropriate reason for fixing a hearing date later. So courts aren't actually asked to accommodate barrister's personal lives and we perpetuate something of a culture of silence and pretence around those things. (Industry body)*

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Though less tangible and not as strongly reflected in the online survey, cultural issues and negative attitudes towards women were considered by some interview participants to be a barrier to their progression at senior levels. A few women interviewed felt that promotions at more senior levels were allocated for political or strategic reasons, based on alliances, favouritism and personality, rather than being impartially decided based on skills and achievements. Culture and gender discrimination are discussed further at Sections 3.4.6 and 3.4.5 respectively, however comments specifically in relation to progression included:

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*With progression to partnership, I always kind of suspect there's a little bit of 'She's a pushy upstart, she's treading on people's toes and this is my patch'. A bit of jealousy factors and those kinds of things, whereas if a man had been the same age or in the same position, they would have gone 'He's a real go getter, we want him'. (Female, Corporate legal, 40–44 years)*

*... if they [women] push themselves and they're ambitious, they become ball breakers and tough bitches. (Female, Barrister, 55–59 years)*

*There is that old stereotype of if you're connected in the right places – so you know if you're a good rugby player and all that – then all the male partners fantasise basically about being you so you get treated special. That still exists in law. I know it sounds crude and I know it sounds like I'm complaining or something like that but seriously I have seen young male graduates go in and because they are good at rugby they get treated really special. (Female, Private firm, 35–39 years)*

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Some interview participants suggested women lack the traits valued by the legal profession and that this limits their advancement. Specifically, characteristics such as aggression, resilience and, in particular, self-confidence and assurance were thought to be valued in the legal profession and came more naturally to men than women:

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*They like to show what they do rather than tell what they do. And sometimes it is the squeaky wheel that gets the most oil. So if you're good at promoting what you've done and what you can do, you get rewarded for that. And so there are differences in those sorts of skills I think between men and women. (Industry body)*

*I'm concerned that there's this confidence thing. I don't know why, where, how it's happening, but women don't have that confidence gene that guys have. I know all my feminist sisters will scream and hail me down, but men have this inbuilt capacity to say 'I'm worth \$1,500 a day, I'm going to charge \$1,500, of course I am. I've only been at the bar two years but I'm going to charge that', whereas I can be at the bar for 30 years and still question whether or not I should mark that fee. There's this inbuilt ego, personality trait, that just seems to so easily speak with the guys. Not all women, I know a lot of women who are super ambitious and they would be furious that I would say such a thing, but I'm saying it because it's my personal view and I think I know a lot of women who do, we hide our lights under our bushels. (Female, Barrister, 55–59 years)*

Quite often what I seem to perceive is that the blokes are really gung-ho. I mean they will have had a quarter of the experience I've got but will say yeah I will do a Supreme Court trial and they don't care too much how badly they are doing it all, any of that. They will just put themselves forward for it. (Female, Barrister, 60-64 years)

On the other hand, a few interview participants said women were more intuitive and empathetic by nature and that these were valuable skills which should receive greater recognition by the profession:

Yeah actually I think they're [women] brilliant at client relations generally. They have a lot of skills that might not appear on the job sheet about managing clients, particularly in some areas of law more than others, but they're great at managing client expectations, they're good at negotiating, they're good at conflict resolution and I would just like to see more of that validated I guess and recognised in the complete role of the lawyer. (Female, Government legal, 60-64 years)

### 3.4.2 Work-life balance

Survey results showed females were significantly more dissatisfied than males with their level of work-life balance (30% and 26% respectively). Related to this, females were also more dissatisfied than males with:

- the requirements for billable hours (21% and 17% respectively)
- the requirements for non-chargeable commitments (18% and 13% respectively)
- the level of support in their organisation for work-life balance (26% and 18% respectively)

Satisfaction with work-life balance also differed within the female cohort. Females more dissatisfied with work-life balance were more likely to:

- work in private practice (34%) than at the Bar (22%) or in-house (18%)
- work in a large (42%) or medium (40%) firm than a small firm (28%)
- have no children (34%) than be the primary carer of children (23%)
- work full time (33%) than part time (19%)
- work 51 hours or more a week (55%) than 40 hours or less a week (13%)
- have not had a break since being admitted (32%) than to have had a break of two years or more (24%).

Some interview participants also expressed dissatisfaction with work-life balance in the legal profession. Confirming the survey results, participants working in private practice expressed the most dissatisfaction with work-life balance. These participants frequently referred to the pressure to meet billable hours, and an expectation that they should be available to clients well into the evenings and on weekends:

There is no flexibility. I think some of them are getting better, but flexibility in terms of this idea that you have to be in the office at 7.30 and not leave before 7 and work ridiculous hours. I've just taken on a young lawyer from a large suburban firm and as a norm she was working 12-14 hours a day. That is outrageous, and yes if you've got a big transaction on or something but it should be the exception. It shouldn't be the norm and I'm sure she's not the only one. The hours that you have to work are just unsustainable. (Female, Corporate legal, 55-59 years)

The hours, the billing, the time recording, the billing. The pressure of that sort of thing was just phenomenal I think. (Female, Government legal, 50-54 years)

Several participants reflected on the role that client expectations play in driving unreasonable working hours:

I think it's the clients who are the biggest impediment sometimes. They pay a lot of money ... and they expect pretty much around the clock attention. (Female, Barrister, 30-34 years)

Their [client's] expectation is for such quick turnaround. That's not ever really acknowledged with clients or even not in the office, that we're not available 24/7. That's not a message that in my experience was sent out to clients for obvious reasons, because it makes you uncompetitive. (Female, Left profession, 45-49 years)

Those working at the Bar identified similar challenges, however acknowledged that there was greater flexibility associated with working independently. Some saw this as a key benefit of working at the Bar:

I mean for me the Bar was great because there was independence because I could pick and choose a bit more who I worked with and what I did. I liked having Friday afternoons free and going out for lunch - a timetable. I liked the fact that if I didn't have work I didn't actually have to go and sit in the office. (Female, Government legal, 55-59 years)

Although the survey findings showed that females without children were more dissatisfied with their level of work-life balance than female primary carers of children, many interview participants said that the commitment required in private practice and at the Bar was not compatible with having a family:

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*I think the conflict, and I think it's a personal internal conflict as much as anything, is between wanting to be around for your child, missing out on doing the things with your child at school or around school or after school when you're committed professionally because you're running a case or the only time you can do conferences or whatever. You can manage that to a certain extent but if you've got a matter running and it's going over, if it's listed for a certain day and that happens to be the swimming sports, there is nothing you can do about that. You either hand back the brief or you miss out on the swimming sports, you know those sorts of things. The ability, at the last minute, to try and change arrangements is quite difficult when you've got committed court dates. So that's just the way it is. (Female, Barrister, 50-54 years)*

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Many interview participants said an inability to achieve a work-life balance was a key factor in low job satisfaction and subsequently motivated career moves, including moves outside of private practice or the Bar (discussed further in Section 3.5.3). Some participants reported that the intensity and pressure of working in private practice and at the Bar negatively impacted on their enjoyment of work, their physical and mental health, and their relationships:

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*I wanted to quit – just the absolute lack of balance. I just needed to be at home, I needed to exercise. I needed to cook dinner. And working as hard as I was working, even if I managed to make it home in time to cook dinner I was too tired to do it. You just had no energy left and no opportunity over the weekend to recover. It was purely just that I was working too long. (Female, Private law firm, 25-29 years)*

*So certainly at the Bar I felt like I was on borrowed time. It was very hard for me. I definitely couldn't have survived there indefinitely. (Female, Barrister, 30-34 years)*

*The partnership path demanded such horrendous billing commitments and so on that it was just not possible to live a normal life... I guess that's a call I made. I just wasn't in the position to do that, to work 15 hours a day... It's not necessarily anybody's fault but it was a choice that I made. They'd shown what I thought was the paradigm and I saw what was necessary to do it, and I didn't think I physically and psychologically could do it and sustain it. (Female, Government legal, 60-64 years)*

*You have to be prepared to work at night and on the weekends, and I did and I could do it. I am just no longer really that happy to do it. (Female, Government legal, 35-39 years).*

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### 3.4.3 Professional development and support

A key theme to emerge from the qualitative, and to a lesser extent, quantitative research was professional development, which includes the receipt of feedback, access to mentors, having visible and respected role models and the commitment of employers to formal and on-the-job training. The research highlights the importance of professional development to career and job satisfaction and retention. Issues around professional development are discussed in more detail below.

#### Training and support

Access to formal training did not feature in the survey as a factor significantly contributing to satisfaction, however was commented on more extensively in interviews with women in the profession. A few interview participants reflected they were very satisfied with the formal training and development opportunities they received, particularly in private practice:

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*It's exceeded my expectations in terms of the opportunities that we have, the learning and training opportunities we have. (Female, Private law firm, 25-29 years)*

*So definitely I think I am a better lawyer analytically for that training – Maybe not necessarily a better person for it but yeah but a better lawyer. (Female, Corporate legal, 30-34 years)*

*I did get great training at those firms. They really invest heavily in training and developing their staff and that I need to be quite grateful for. (Female, Government legal, 35-39 years)*

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On the contrary, some participants said the culture of the profession was not conducive to informal support or training. It was suggested that significant time-pressure and the competitive nature of legal work discouraged staff from collaborating or sharing knowledge. It was also suggested that the value the legal profession places on 'audacity' and 'boldness' made a few participants uncomfortable seeking guidance or expressing discomfort about work they had been allocated:

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*That pressure means right around the firm that if you go to ask someone for help they're either going to put time on your client's account, compounding that [time pressures], or they're giving away their time to you, so there's a culture where you are not encouraged to cooperate... It was like an environment where you weren't allowed to talk to any of your colleagues unless you want them to be putting down their billable hours at the same time. (Female, Left profession, 45-49 years)*

*I think it was the lack of any support mechanism built into the profession where I could go and feel that there would not be professional repercussions for speaking out... To say anything, you were a wimp. So I'd sniff out other article clerks but lawyers, young lawyers, were so competitive with each other... everyone was espousing the wonders of their profession, you know 'It's wonderful', 'My principal is fantastic' you know, 'We go off weekends' or whatever and it was just bullshit basically. There was nowhere that I felt was safe to go to. (Female, Barrister, 60-64 years)*

*You don't want to be going around saying anything that indicates that you're anything less than completely ecstatic to be there and totally in control of your work. Do you know what I mean? You don't want to show a chink in your armour. (Female, Private law firm, 35-39 years)*

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## Mentors

The limited accessibility of mentors was identified by nearly one third of women who completed the survey (32%) as being a key factor for feeling dissatisfied (compared to only 19% of male respondents). The accessibility of mentors was also a significant issue raised during qualitative interviews.

A mentor can be defined as someone who provides advice, builds self-esteem and is a sounding board. The role of a mentor is not to directly promote an individual in advancing to higher levels; rather this is the role of a sponsor. A sponsor is a senior leader who at a minimum: believes in an individual and goes out on a limb on his/her behalf; advocates for his/her next promotion; and provides 'air cover' so he/she can take risks.<sup>4</sup>

Mentors were highly valued by interview participants, despite relatively few indicating they were part of a mentoring arrangement. Apart from a few participants who indicated they were connected with a mentor through their employer or a professional body, mentoring usually occurred informally as a result of an existing relationship and the goodwill of mentors. Participants acting as mentors reported enjoying the process, while those who were mentored valued the guidance and reassurance received. Several participants who did not have mentors indicated that a mentor would be beneficial, but there was a view that formal or informal mentoring was difficult to come by. Comments relating to mentoring included:

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*There are some senior members of the Bar who believe in collegiality and actually take the time to really honour the open door policy and, you know, share what they've learnt with me and be open to discussing cases with me - particularly when I was more junior and really trying to build up skills, that was very important and also feeling a sense of connectedness with the Bar. (Female, Barrister, 35-39 years)*

*I would say that there were other older female barristers who I had a sort of more informal friendship with, but it was a mentoring kind of friendship I guess, and there was a couple of people who I thought looked out for me quite a bit there. (Female, Private law firm, 35-39 years)*

*They actually treat me as a bit of a mentor like to give them ideas or help them and they'll ring up and*

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*I love that aspect of it. (Female, Barrister, 60-64 years)*

*I also had a mentor really in a more senior associate at the firm who I could discuss things with and probably for me, my experience went fairly rapidly downhill when that person left the firm. (Female, Left profession, 45-49 years)*

*If you hit on a woman who is a fabulous mentor who really helps you you've hit the jackpot, but it can be hard to find. (Female, Government legal, age unknown)*

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## Role models

The importance of role models also commonly featured in many interviews. Some interview participants said they did not have any female role models at senior levels in private practice or the Bar who had achieved a good work-life balance. As a result, some women felt uninspired to strive for leadership roles, doubted whether it was possible to be a woman with a family at senior levels in the profession, and thought their progression would be hampered by the need to 'forge' the path themselves in a male dominated industry:

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*Every female that was there that was senior than me had very different lifestyles. Like they were either married with no children or ... children wasn't something they were looking at, or they were still single, like there was no one who was married or had children. I didn't have any role models. (Female, Corporate legal, 30-34 years)*

*The other thing is that women need champions and they need role models to make the way of managing life as a woman, as a mother, as a partner, as a daughter, all the rest of it, to make it normal to be able to say to the court I'm leaving, I need to pick up my kids, can we resume tomorrow. You know, just to have normal conversations where people aren't pretending to be heroic. (Industry body)*

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<sup>4</sup> Sylvia Hewlett, 2013

### 3.4.4 Flexible working arrangements

#### Requests for flexible working arrangements

In the online survey, respondents were also asked to indicate whether they had requested access to flexible working arrangements in their current role.<sup>5</sup> Overall, females were more likely than males to have made one or more requests for flexible working arrangements. Almost one in three (62%) females had made at least one request compared to 42% of males.

Females most frequently made requests to work remotely (36%), followed by requests for flexible hours (31%) and part-time work (30%). Females were significantly more likely than males to request part-time work (30% and 9% respectively). They were also significantly more likely than males to request parental leave (15% and 5% respectively) and unpaid parental leave (11% and 2% respectively).

Figure 8 provides a breakdown on the types of requests for flexible working arrangements made by females and males.

<sup>5</sup> Respondents at the Bar and those working as sole practitioners were not asked this question because they run their own business.

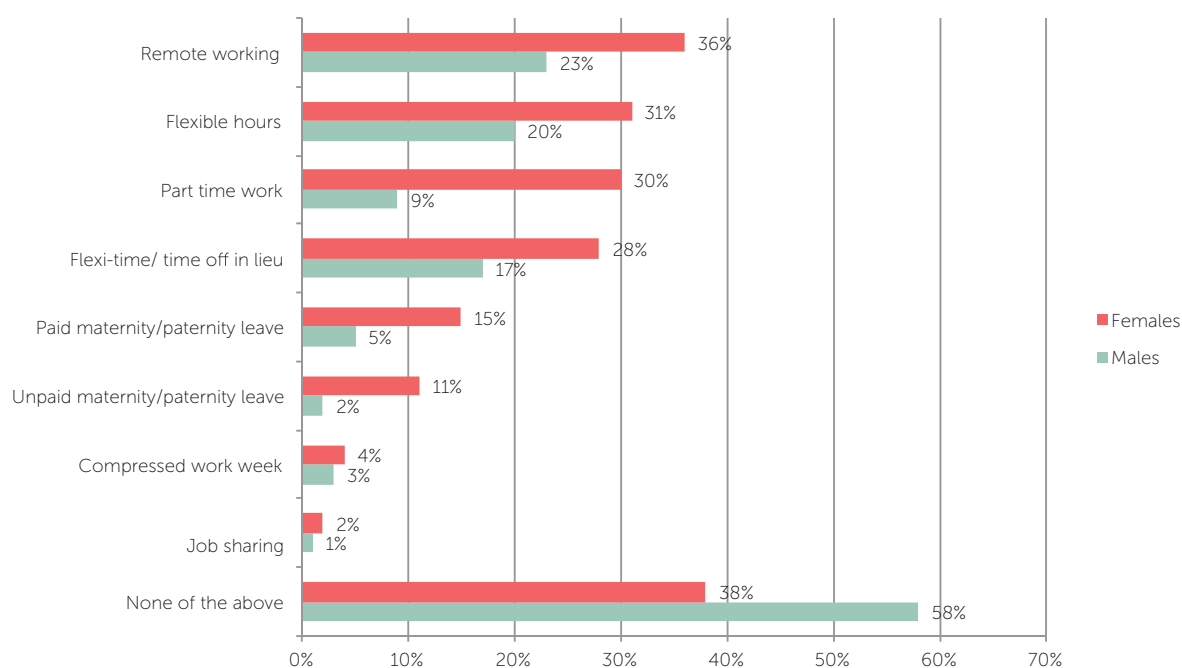
There were some notable differences between females who did and did not make a request for flexible working arrangements. Females who did *not* make such a request were more likely to:

- work in private practice (46%) than in-house (24%)
- be aged 34 years or younger (52%) than 35 years and older (25%)
- not have children (57%) than have children (12%)
- be the sole household income earner (54%) than contribute a portion to household income (33%)
- have not taken a break since admission (48%) than to have taken a break (22%).

There were also some notable differences among females within private practice:

- female partners were more likely than employees to request part-time work (38% compared to 28%)
- females working in small firms were more likely to request flexi-time/ time off in lieu (25%) than females in medium and large firms (15% and 18% respectively)
- females working in large firms were more likely to report a request for paid maternity leave (22%) than those in small and medium firms (both 8%)
- females working in firms where some partners worked part-time were overall more likely to report one or more requests for flexible working arrangements compared to those working for firms where none of the partners worked part-time.

Figure 8 – Requests for flexible working arrangements by gender



Base: Total number of requests for flexible working arrangements n=3,095, females n=2,345, males n=750

**Reasons for not requesting access to flexible working arrangements**

Survey respondents who did not request access to flexible working arrangements were asked to identify the reasons why. As shown in Table 9, the majority of females and males did not request flexible working arrangements because such arrangements were not relevant for them (60% and 69% respectively). However, females were more likely than males not to request access to flexible working arrangements because:

- it was unlikely the request would be approved (21% compared to 13%)
- they were concerned about the negative impacts a request could have on their status/reputation (23% compared to 13%)
- they were concerned about negative consequences flexible working arrangements could have on their status and career opportunities (21% compared to 13%).

Females in private practice were more likely than females working in-house not to have made a request for flexible working arrangements due to concerns about negative impacts on their status/reputation (26% and 13% respectively), and negative consequences such an arrangement could have on their status and career progression opportunities (23% and 13% respectively).

**Outcome of requests for flexible working arrangements**

In total, survey respondents reported making 4,294 requests for flexible working arrangements in their current role. As shown in Table 10, the majority of requests made by females and males were fully approved (both 79%). A smaller proportion of requests by females and males were partially approved (14% and 13% respectively) and refused (7% and 9% respectively).

**Table 9 – Reasons for not requesting access to flexible working arrangements (multiple answers)**

STATEMENTS	FEMALES	MALES	DIFFERENCE
Not relevant for me/ not interested	60%	69%	-9%*
Not feasible due to impact on household income	14%	12%	+2%
Not feasible due to the requirements and expectations of my role	29%	28%	+1%
Unlikely that my request would be approved	21%	13%	+8%*
Concern that making the request would negatively impact my status/ reputation	23%	13%	+10%*
Concern that whilst the request may be approved, the arrangement would have negative consequences for my status and career progression opportunities	21%	13%	+8%*
Other	4%	4%	0%

Base: All respondents who did not report a request n=1,338, females n=902, males n=436

**Table 10 – Outcome of requests for flexible working arrangements**

	FEMALES	MALES	DIFFERENCE
Approved requests	79%	79%	0%
Partially approved requests	14%	13%	+1%
Refused requests	7%	9%	-2%

Base: All requests for flexible working arrangements n=4,257, female requests n=3,674, male requests n=583



Table 11 provides an overview of the various requests for flexible working arrangements that were 'net approved' (comprising requests that were 'partially approved' and 'fully approved'). It shows that for most types of flexible working arrangements, at least nine out of ten requests were net approved. The only exceptions were requests for a compressed work week, which were approved for 74% of females and 79% of males, and requests for job sharing, which were approved for 72% of females and 60% of males.

Females were more likely than males to report that their request for part-time work was fully or partially approved (97% and 91% respectively).

Among females, there were some notable differences regarding the outcome of requests for flexible working arrangements. Specifically, a request was more likely to be refused for females who were:

- working full time (11%) compared to those working part-time (4%)
- working more than 51 hours per week (12%) compared to those working 50 hours or less per week (6%)
- working in private practice as employees (8%) compared to those working in-house (6%)
- without children (11%) compared to females who were the primary carer of children (6%).

There were also some notable differences among those working in private practice. Requests for flexible working arrangements were more likely to be refused for females in private practice that were:

- working in small (11%) and medium (13%) firms compared to those working for large firms (5%)
- working in firms with part-time partners (12%) compared to those in firms without part-time partners (6%).

A small number of participants said it was more difficult for small firms to accommodate requests for flexible working arrangements, compared to larger firms:

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*I think the bigger firms have the resources to be able to cover for people and provide more and more family friendly solutions... It's SMEs that present more of a challenge.*  
(HR/Management)

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**Table 11 – Net approved\* requests for flexible working arrangements**

	PROPORTIONS OF NET APPROVED REQUESTS FOR FEMALES	PROPORTIONS OF NET APPROVED REQUESTS FOR MALES
Part-time work	97%*	91%
Remote working (e.g. working from home)	90%	91%
Flexi-time/ time off in lieu	91%	92%
Compressed work week	74%	79%
Flexible hours (start and finish times)	94%	91%
Job sharing	72%	60%
Paid maternity/paternity leave	95%	97%
Unpaid maternity/paternity leave	99%	92%

Base: base varies per requests. \*'Net approved' includes 'requests partially approved' and 'fully approved'

**Extent to which flexible working arrangements worked in practice**

Respondents whose requests for flexible working arrangements were partially and fully approved, were asked to indicate the extent to which their flexible working arrangement(s) worked in practice.

As shown in Figure 9, the large majority of females and males reported that arrangements worked as intended (87% and 91% respectively). Over four in five (80%) females and males reported that management and colleagues were supportive of the arrangements, although smaller proportions reported that clients were supportive (63% and 59% respectively).

There were some notable gender differences. Females were twice as likely as males to report that their flexible working arrangements had a negative impact on their career path/opportunities for promotion (30% and 14% respectively) and on the profile/type of work they were given (23% and 10% respectively).

Female respondents who were negative about the extent to which their flexible working arrangements had worked in practice were more likely to:

- work as lawyers in private practice than in-house
- be aged 34-44 years than aged under 34 or over 44 years
- have children aged 6 years or younger compared to those with older children or those without children
- be the primary carer of children than not have children
- consider a future career move.

Views expressed about flexible working arrangements through the qualitative research generally confirmed the findings of the online survey. Part-time work was a common form of flexible working arrangement referenced by interview participants, and in the majority of instances this was to accommodate family responsibilities.

While flexible working arrangements were considered fairly accessible in firms, there was scepticism amongst many interview participants as to whether flexible arrangements were effective in practice and whether employers honoured the arrangements. On the other hand, some participants spoke positively of flexible working arrangements (generally

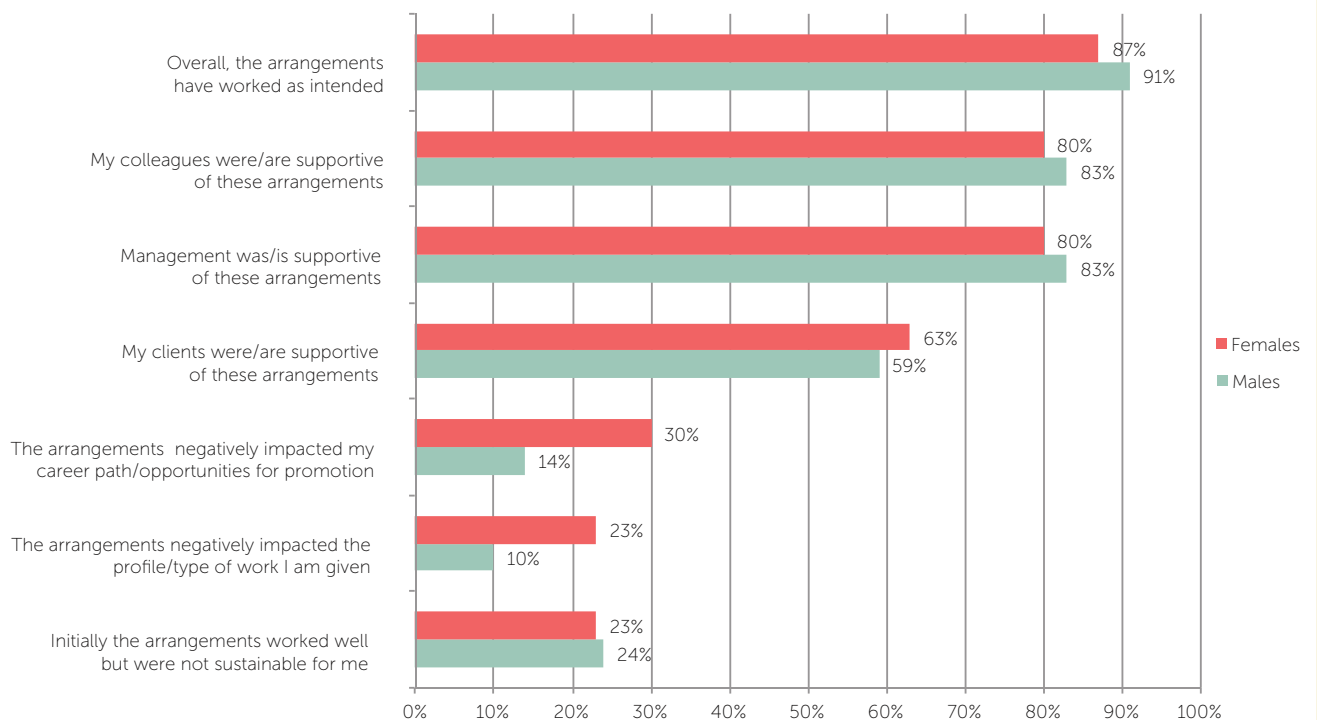
working part-time), indicating that flexible arrangements had enabled them to continue working in private practice:

*Certainly now a lot of firms are happy to have part time lawyers employed. They're mostly women and can certainly accommodate a busy career and family responsibilities. (Female, Government legal, 60-64 years)*

*Certainly once I had two periods of maternity leave and I took my full 12 months maternity leave so that was good that I did that and I was able to come back on a part time basis each time so that definitely enabled me to stay. (Female, Corporate legal, 40-44 years)*

*They've agreed for me to work 8.15 to 4.45 so that I can still pick up my daughter from day care at a decent hour. They have given me or delegated to me significant work, difficult challenging work which, and they're quite happy for me to, quite happy to trust my judgement in relation to how to effectively manage the workload in my part time hours. (Female, Barrister, Industry body)*

**Figure 9 – Net agreement\* with extent to which flexible working arrangements worked in practice**



Base: All respondents whose request was partially/fully approved n=1,647, females n= 1,361, males n=286.

\*'Net agreement' includes 'strongly agree' and 'agree' responses.



However, many participants felt that, despite being increasingly easy to secure, flexible working arrangements negatively impact the employee, particularly in private practice. As in the survey, impacts included being allocated a different type of work, working more hours than intended and a stall in career progression. Interestingly, a number of participants spoke about others' experiences, as opposed to their own experiences. The impacts of flexible arrangements on progression were discussed at Section 3.4.1, however comments regarding the nature and hours of work included:

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*I think in general it means that you're never seen, that you can't actually work the full-time or be at their beck and call all day and every day. And so they won't give you the most exciting cases. (Female, Barrister, 50-54 years)*

*I'd still love to be doing some of the level of work I was doing before I went on leave but frankly that would require me to be sitting at my computer at home on my two days off and I've got other priorities now so it's just a balancing act for me, accepting that while I have small children at home I'll progress my career but obviously not as quickly as I would if I was full time and here all the time and could carry 100% caseload instead of a 60% caseload. (Female, Private legal firm, 30-34 years)*

*They [private firms] need to be careful about how they manage people returning to work after leave and working part-time. Making sure that people aren't given boring work, because it's easier for the firm to give them boring work in a flexible world. As in there are certain kinds of work which are mind numbingly boring and inevitably you will find women doing that work and often it's because that's something that you can do two days a week. It seems to work relatively well but if you've got a very ambitious or intelligent lawyer and you give them something that's really boring to do, chances are it might take a while but they will get sick of it and they will quit altogether. (Female, Barrister, 30-34 years)*

*I didn't think it [part-time work] was a viable option for two reasons: one, because I thought that the hours would end up being close to full-time hours and I didn't want that, and two, at that time and I don't know if it changed but certainly at that time, the performance requirements in terms of budget*

*were the same as if you're a part-time or full-time partner which to me just translated into being you effectively work full-time and I wasn't interested in that. (Female, Left profession, 45-49 years)*

A few participants noted that the impact of flexible working arrangements on full-time employees should also be considered:

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*There are people who choose not to have families so you have to be really mindful that they're not going to be discriminated against, that the work is not going to get pushed on to them and they're doing 12 instead of nine hour days. It's a balancing act. (HR/Management)*

*While there is always time and latitude given to people who have to rush off to pick up kids, the presumption is that the single people don't have a life and they will pick up the slack and they will just keep doing whatever needs to be done and I would be relied upon to work in the school holidays and Christmas and so on. (Female, Government legal, 60-64 years)*

Interview participants suggested there were a number of factors influencing the success or failure of flexible working arrangements. Comments included:

- Clients' expectations:

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*Again I think the biggest difficulty my bosses and I talk quite frankly about working arrangements is trying to find one that keeps clients happy at the same time. (Female, Private law firm, 30-34 years)*

*Your client also needs to be happy with two people [in reference to job sharing arrangements]. In the larger firms there might be a handful of people running your file, but we are in a country region where people expect hands on, face-to-face service of the lawyer they know. (HR/Management)*

- The force with which the employee asserts their arrangements:

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*I think it partly depends on the nature of the person doing the part-time work and how clear you make the boundaries and create the expectations... I would go into meetings on transactions and say 'I work part-time and these are my days' and everyone would say great and make a note of it and would schedule meetings for those days. So that was very clear from the outset and that's not to say I didn't take calls on the other days or have to log on and check an email or whatever but it's not like it took over my life on the days I wasn't at work. (Female, Corporate legal, 40-44 years)*

- Genuinely supportive leadership:

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*They [a private practice] were set up by two women who job shared and I would imagine that that would have a ripple effect because I think it's very much about culture from the top and just knowing what the culture from the top is in that firm, I would imagine that it would trickle down to all levels of the firm. (Female, Government legal, 30-34 years)*

A few interview participants were of the view that flexible working arrangements are simply incompatible with the demands of private practice or working at the Bar regardless of gender:

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*It's not work that lends itself to being done part time, although there are other women at the Bar who will say that they've done it. So they will say that they've done it and then if you ask them what their childcare arrangements are they will tell you they have got at least one nanny if not more and they will tell you that they work nights and that they work weekends. (Female, Government legal, 35-39 years)*

### 3.4.5 Discrimination and harassment

The online survey asked respondents to indicate the extent to which they experienced different forms of discrimination or harassment at work. Overall, whilst not cited to be a frequent occurrence, a significant proportion of respondents, both female and male, indicated they had experienced some form of discrimination, intimidation or harassment in their current workplace. Figure 10 below shows the proportion of male and female respondents who reported they had ever experienced discrimination or harassment in their workplace. Whilst this issue appears to have been encountered by considerable proportion of the profession, irrespective of gender, women were significantly more likely than men to have experienced a range of types of discriminatory behaviour, including:

- bullying or intimidation (50% of females, 38% of males)
- discrimination due to gender (47% of females, 13% of males)
- discrimination due to age (35% of females, 25% of males)

- discrimination due to family or carer responsibilities (27% of females, 11% of males)
- sexual harassment (24% of females, 8% of males).

Figure 11 presents the frequency with which female respondents identified experiencing each form of discrimination and harassment. These results have been used to calculate a mean score, where a score of 1 is applied for 'never' and a score of 5 is applied for 'continuously'. The mean score for both female and male respondents has been provided for comparison.

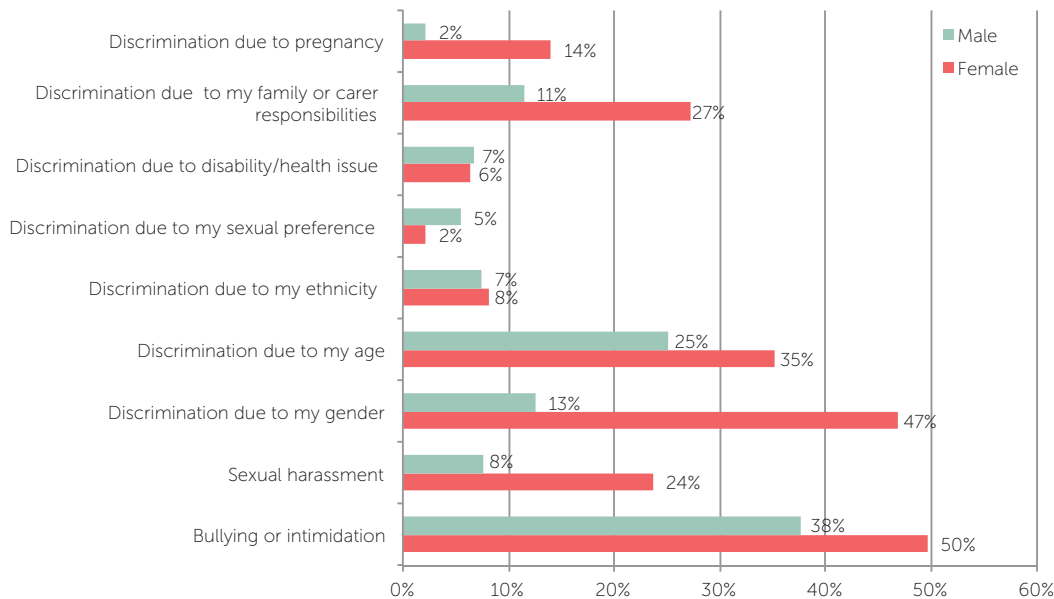
Consistent with the results discussed above, female respondents indicated higher frequency of discriminatory behaviour across most forms of discrimination and harassment. The most frequently experienced forms of discrimination for women were:

- discrimination due to gender (including 2% continuously, 6% often and 21% occasionally)
- bullying and intimidation (including 2% continuously, 5% often and 20% occasionally).

Across the cohorts of female participants, a number of differences in the experience of particular types of discrimination were observed.

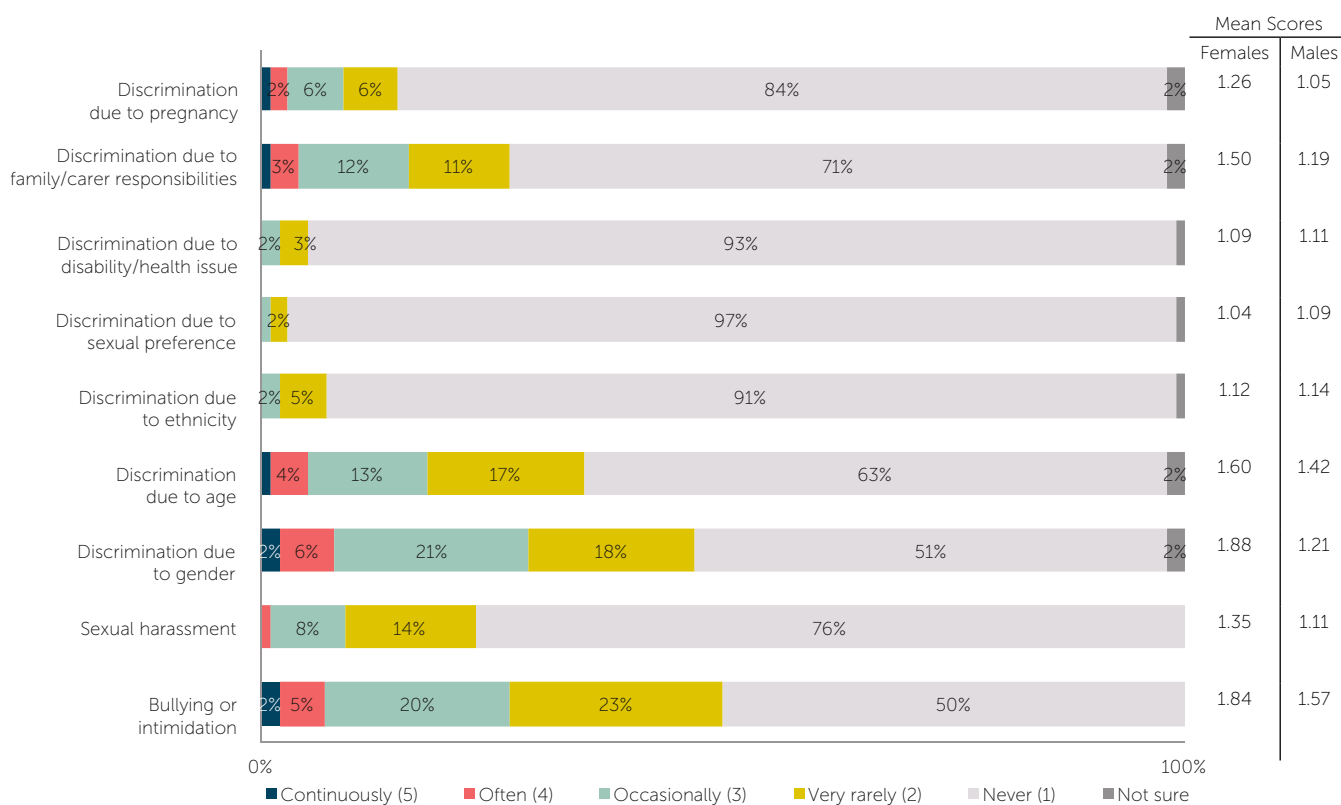
- Female barristers most often reported experiencing almost every form of discrimination or type of harassment at work than their counterparts in private practice or in-house legal roles. For instance, female barristers were twice as likely as those in private practice or in-house roles to have ever experienced sexual harassment at their workplace (55%, 22% and 20% respectively).
- The youngest age cohort (those aged 25 years or younger) were more likely than their older counterparts to have ever felt discriminated against due to their age (45% and 35% respectively).
- Females aged 34-54 years old were more likely than other age groups (younger and older) to have ever experienced discrimination due to their gender at work (51%). By comparison, 44% of females aged 34 years or younger and 40% of females aged 55 years or older reported experiencing discrimination due to their gender.

**Figure 10 – Experiences of discrimination and harassment in current workplace (percentage who have ever experienced) by gender**



Base: All working respondents n=3,733, females n= 2,696, males n=1,307

Figure 11 – Experiences of discrimination and harassment in current workplace (percentages based on females)



Base: All working respondents n=3,733, females n= 2,696, males n=1,307

Note: Mean scores calculated using the following values: Continuously (5), Often (4), Occasionally (3), Very rarely (2), Never (1). 'Not sure' responses excluded from the mean score calculation.

- Females who were the primary carer of a family were most likely to experience discrimination due to family responsibilities (55%) compared to females with children but not being the primary carer (45%) and to those without children (9%). In addition, discrimination due to family responsibilities was also reported significantly more often by females working part time than females working full time (50% and 19% respectively).
- Female lawyers working in large private firms were more likely to report experiencing bullying or intimidation (50%) than their counterparts in medium or small firms (39% and 38% respectively).
- Females working in large and medium private firms were more likely to report discrimination due to their gender than females working in small firms (50%, 52% and 40% respectively). In addition, females working in large and medium firms more often reported experiencing sexual harassment at work than their counterparts in small firms (24%, 26% and 18% respectively).
- Females lawyers working in private firms with 20% or less female partners/principals were more likely to report discrimination due to their gender (53%) than those working in private practice firms with 40% or more female partners/principals (30%). Also, females working in firms with 20% or less female partners/principals reported more often than their counterparts in firms with 40% or more female partners/principals experiencing discrimination due to their age (38% and 27% respectively).
- Females working in a central business district (CBD) more often reported experiencing bullying/intimidation (52%) in their workplace than those working in suburban areas (41%) and in major and smaller regional centres (40% and 44% respectively). In addition, females working in a CBD more commonly experienced discrimination due to gender (50%) than females working in other locations (38% suburban areas, 45% major regional centres and 36% smaller regional centres). However, it should be noted that the sample size of respondents working in a CBD was significantly larger than the sample of respondents in locations outside of a CBD.

Interview participants shared a number of negative experiences, ranging from overt misconduct to more subtle treatment and behaviours that are difficult to articulate and quantify. Themes to emerge during interviews align with the most common forms of discrimination experienced by survey respondents, including discrimination due to gender, bullying or intimidation, discrimination due to age, discrimination due to family responsibilities and sexual harassment.

These areas of discrimination are discussed in more detail below. It should be noted that participants commonly raised the issue of discrimination in conjunction with the issue of the culture in the legal profession. The issue of culture is discussed separately in Section 3.4.6, although there is some cross-over in the discussion below.

### Gender discrimination and sexual harassment

Interview participants expressed mixed views regarding gender, and the extent to which discrimination occurred in the profession. Many interview participants felt gender discrimination was more prominent in the past, and that the issue has diminished over time. On the other hand, some felt that while discrimination has become less overt, it remained a challenge for women in the legal profession:

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*I am so enthusiastic and feel the future for women at the Bar in the legal profession is so much greater than if you wound back the clock 25 years. (Female, Barrister, 50-54 years)*

*If anyone is under the impression that we don't have any problems anymore, that discrimination is a thing of the past and women don't face any barriers, tell them they're dreaming. It is just not the case. (Female, Barrister, 30-34 years)*

*I don't want to cloud too much with what the past was like, I think it is starting to change now and I am very positive about that. (Female, Government legal, 60-64 years)*

*I'll get shot for saying it but women have to have more initiative themselves and stop being victims or women have to be a bit more assertive perhaps. (Female, Government legal, 55-59 years)*

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As in the survey, gender discrimination was a common form of discrimination experienced by interview participants. Several women interviewed felt gender was not an issue and reported benefiting from positive discrimination.

However, some women had experienced discrimination firsthand, ranging from blatantly different treatment to subtler forms of discrimination that are difficult to identify. Overt experiences of gender discrimination and harassment included:

- Being allocated a different style of work on the basis of gender - several interview participants felt there was an unspoken view that women were unsuited to particular types of legal work and, on this basis, were allocated different types of work:

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*Females I guess are given a lot of what is seen as 'soft law'. They're seen as negotiators, mediators, not the advocates. They will be pushed into environmental law, family law, wills and estates, you know that warm and fuzzy type stuff. (Female, Government legal, 50-54 years)*

*The other thing is the way that women get pigeonholed. I think that I have been to an extent, in that I tend to get more government work, more authorities work, council work, objection work. I don't get the development application work, like the developers work because that's sort of 'for the big boys'. So I think that's disappointing. But then I think, well you know you make what you can with what you've got. (Female, Barrister, 50-54 years)*

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- However, one participant felt that the allocation of work on the basis of gender was no longer an issue:

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*Just in terms of work, in the past certainly it's been seen that there were some areas that weren't regarded as work that women could do. But I think a lot of those areas have broken down and that we now do see a fair representation of women across most work areas. (Industry body)*

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- Being denied work or opportunities purely on the basis of gender, which was a challenge faced by a few female barristers:

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*I've been told on two occasions explicitly in the last 18 months that I didn't get the brief because I'm a woman, in writing. Which was quite shocking, but there you go... In the email they asked me too if I could recommend a male of my equivalent experience. I just wrote back something about being disinclined to assist with that request. (Female, Barrister, 30-34 years)*

*I think that whole boys club bit is still boys prefer to brief other boys or pass the work onto other boys as opposed to one of the girls. (Female, Government legal, 50-54 years)*

*I suppose what I've noticed with blokes is sometimes I feel I have a bit of a credibility issue and I may not always have the opportunities, but if I get the opportunity it's then you can win them over. (Female, Barrister, 35-39 years)*

- Being rejected or judged as less competent by clients and colleagues – several participants said some clients preferred not to work with female lawyers, particularly young female lawyers, or felt less confident in the services provided by females:

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*I think you do have clients who prefer to have a man irrespective. But I think you are getting less and less of those. (Female, Government legal, 50-54 years)*

*I think the Bar is still massively male dominated and it's very hard for women at the bar to get briefed because again of unconscious bias by a lot of solicitors who are briefing them, that their client might prefer a man. (Industry body)*

*Some clients said they didn't want a woman representing them. Pretty surprising isn't it? Not the majority I have to say, but a couple have said 'Oh you're a girl, we want a real barrister'...but certainly not from within the profession, I'm only ever treated very well within the profession by colleagues and the like. (Female, Government legal, 60-64 years)*

*I often prefer to deal with my clients over the phone... Sometimes if I've got a new client and it might be a drink drive and say it's a 40 year old man charged with a drink drive he's not necessarily going to want a 28 year old girl dealing with him. (Female, Private legal firm, 25-29 years)*

*I've known of one or two instances where people don't really want to, they don't accept you as much or respect your opinion because they think that you are a young female. (Female, Corporate legal, 30-34 years)*

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On the other hand, several women felt that gender was not an issue for clients, for example:

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*Rapport is an issue, ability to communicate, take instructions and give advice and develop a trusting relationship are issues but I don't think gender is as big an issue for a client. (Female, Barrister, 45-49 years)*

- Receiving unwanted advances, feeling objectified or being exposed to inappropriate sexual behaviour:

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*I was sort of bemused, but also I wasn't particularly offended by this whereas I know other people were, but I was bemused by the fact that I was hit on quite aggressively by a number of male barristers ... I mean like barristers attempted to kiss me. That happened twice with one silk and one a contemporary who was married. I didn't think of it at the time but both of these gentlemen were married. And that in and of itself doesn't really say anything about the kind of work that you get, but it does sort of say something about how you are considered fair game. Like that, things that happen at the Bar that wouldn't happen in any other work environment. That kind of happens all the time. (Female, Government legal, 35-39 years)*

*The sort of objectifying of women is a lot more blatant which, you know, you think 'so big deal', but it's not at the end of the day you realise hey I'm just here to be a barrister I'm not here to be a woman. I'm just here to do my work. So don't look at my tits, just evaluate the merit of my work. So you sort of never knew if you were being evaluated on your merit or on the size of your breasts or anything else. (Female, Government legal, 35-39 years)*

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Many women reported experiencing subtler, more discrete forms of gender discrimination such as:

- Demeaning and condescending language:

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*Plenty of men say all the time they have no qualms with women at all and they consider themselves not to be discriminatory in any sense but they talk about 'the girls' in the office, not the women and they put you down in their own language, without actually even knowing how they did it. (Female, Government legal, 50-54 years)*

- Exclusion from conversation and social activities:

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*There is a very kind of rugby mentality, you know conversation about boys things, taking clients to sort of boys outings... Rugby, cricket, whisky tasting, golf. I just think the days of those things being appropriate are gone. (Female, Private legal firm, 35-39 years)*

*It is still a very male dominated environment and a lot of the topics of conversation that are discussed are very male dominated topics and that is also a barrier. (Female, Private law firm, 35-39 years)*

- Inability to identify with the culture that is promoted:

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*Well I think that people like people like themselves. So if there's an idea that's being generated by a bloke for consideration by a bloke QC then I just think that idea is more likely to be accepted or given due consideration than the equivalent idea from a female, particularly a younger female. (Female, Government legal, 30-34 years)*

These actions were often small and not necessarily offensive in isolation, but had a cumulative impact on women's enjoyment of the profession. As one interviewee observed:

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*There is another example where quite a senior female barrister was very upset by this constant put down by a colleague of the same seniority as her, using her name in a diminutive form, just doing silly little things that she felt she shouldn't get annoyed about but was annoyed by. He overstepped the line one day and she came to see me about it and I just said 'Look it probably wasn't appropriate and in isolation it's probably nothing but he's been annoying you for a long time, you just have to raise it with him to say this is inappropriate, don't let it get to you. If you raise it with him and explain why this is annoying to you and you find it offensive, I am sure he will change his view', and he was mortified when she raised it with him and she said his behaviour has improved but it's that subtle course of conduct, that undercurrent that I think remains there where there is still some majority of men in the jurisdiction who think that that sort of behaviour is okay. (Female, Barrister, 50-54 years)*

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Several noted that this discrimination was not conscious, intentional or deliberately hurtful, but rather was symptomatic of a number of factors, including:

- The perceived entrenched 'blokey' culture in parts of the profession, particularly those parts that are male dominated:

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*I guess the firm I was at was an incredibly blokey firm and they were, I mean I never had any serious issues, but I know that you know sexism and all that sort of stuff plays a massive role. (Female, Corporate legal, 30-34 years)*

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- Old-fashioned points of view and belief in traditional stereotypes of women:

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*There's a lot of old-school males around who think that women should be at home. (Female, Barrister, 50-54 years)*

*I just felt that they expected you to conform to a male model as opposed to necessarily being*

*inclusive. So I do think that if you are a woman going down there [court] and it's the first couple of times you've been there you will be treated differently than if you are a man going down there and it's the first time you've been down there. So I think as you go down more often you develop your own respect and you get treated perhaps a bit more equally but still yeah, I don't know, it's a really stuffy organisation. You know that whole thing about you can't wear bright colours, it's always got to be very moderate dark colours, you know, they expect you to still wear stockings and stuff like that. (Government legal, 50-54 years)*

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- The media and popular culture's portrayal of the profession, and the public's perception of lawyers:

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*Still the dominant paradigm is it's the man's job. Every time you see a barrister on the television just think about this, on the news coming out of the criminal courts, it's a man in a wig. (Female, Government legal, 60-64 years)*

*If your perception when you go to brief someone is I want and then you have an image of what that person looks like in your mind, I guarantee you 90% of people will imagine a man in that role.*

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### **Bullying or intimidation**

Bullying and intimidation were raised by a number of interview participants as a reason for dissatisfaction in their role and career, and often raised in conjunction with behaviours such as game-playing and unreasonable aggression. Experiences of bullying and intimidation varied by employer and workplace.

Bullying, intimidation and aggression were in part thought to be an extension of the confrontational nature inherent in some aspects of legal work. It was suggested by a few participants that these behaviours may be condoned under this guise:

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*Just the way people like to write in letters and do the one upmanship and bullying... When lawyers behave badly to each other or confrontationally to each other, it's not a collaborative environment. Having worked in ones which are – the main way of working in health or social work or those kinds of things is in theory at least to actually start*

*by assuming you can do win/win as opposed to this sort of power over win/lose. It just infiltrates things. (Female, Left profession, 45-49 years)*

*As much as I like law firms I do dislike them as well. They are very aggressive and fear-mongering institutions. (Female, Corporate legal, 30-34 years)*

*We have this adversarial system, it's almost the next step to make it that aggressive, go for the person, forget about the real resolution, we can score points here we'll do it, it's that sort of culture, leaves and fits very easily within an adversarial system. And so I think you tend to find a level of it in most firms. As to how far and how difficult it becomes, I think very much depends on the leadership in the firm. (Industry body)*

*We are barristers, our job is arguing, and sometimes debate gets pretty robust and I think there are lots of times when a male just thinks he's engaging in robust debate, but the female gets the message you're putting me down because I'm female. (HR/Management)*

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Interviews suggest that both men and women can be guilty of bullying. A few interview participants recalled feeling bullied by other women. On the other hand, some found women very supportive of one another. Comments included:

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*There's a bit of a gang at the Bar of a clique of women and you're either in or out and if you're in, you're looked after a little bit and if you're out or if you rub one of them the wrong way they can make life really difficult. Particularly as a group they can make life really difficult for you. (Female, Barrister, 35-39 years)*

*It seems to be an impromptu unofficial thing, but I've certainly had women my age popping up to me when I've said 'I'm just starting' and say 'anything you need' and they were totally straight about it, like they were there, you know I could ring them. I think there is a really nice camaraderie amongst, well I've got amongst my women barrister friends. Yeah it's a women's support thing. It really is there amongst us for each other. (Female, Barrister, 60-64 years)*

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### Age discrimination

Age discrimination was raised by a small number of interview participants. These interviews suggest that age discrimination affects women in all age groups including:

- Younger or younger-looking women felt they were not suitably trusted due to their age, in particular by clients:

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*It was really hard in civil litigation because I worked for a really well respected guy who was in his late 40's early 50's and clients would come to him, wanting him and his skills. If they got me they'd often be disappointed, not only because I'm a young female but I also look really young and I think clients were just immediately concerned about my capabilities and it put me on the back foot immediately. I felt I had more to prove.* (Female, Private legal firm, 25-29 years)

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- Women of child-bearing years felt they may not be hired or promoted due to the assumption that they may choose to start a family:

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*I've heard horror stories of women who haven't been hired for a job. They feel they weren't given the position because they're at child rearing age and that's really disappointing because it's the legal profession and is supposed to uphold legal rights but it's a bit of a contradiction because discrimination is so rife.* (Female, Never practised, Under 25 years)

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- Mature aged women, particularly those joining the profession later in their careers, felt it was difficult to enter the profession; this was due to misconceptions that older people were less willing to work long hours, did not conform to the 'young graduate' culture and, being more independent and able to leave, were not worth the investment:

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*I think there's a bit of a perception against mature age, particularly going into big law firms which are a bit like a factory in the way they use their article clerks or their graduate lawyers or whatever. There's a bit of a perception that they're going to be problematic because they won't sort of stand for the 12 hour*

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*days or be available to work on weekends or be as willing and able to do some of the drudgery work which sometimes the real junior people in the firm are required to do. There's this kind of perception that women are going to be less willing – or mature aged people are going to be less willing - to do that than the younger people are and that perception will be assumed without even necessarily asking the question of them.* (Female, Corporate legal, 40-44 years)

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### Discrimination due to family responsibilities

The real and perceived impacts of family responsibilities on women's job and career satisfaction and treatment by colleagues and clients, were previously discussed in 3.4.1. As noted, many interview participants felt women's career progression, reputation and exposure to interesting work were negatively impacted by family responsibilities and related flexible working arrangements. Several women felt that these impacts were the result of discrimination, and a few examples of this were provided during interviews:

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*I know that I've been told that I've missed out on an opportunity at the Bar because the senior female barrister has made the comment that I'm a barrister with young children so I'm less likely to be reliable.* (Female, Barrister, 35-39 years)

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*It appeared to me that there were a number of women working on a part-time basis, a disproportionate number of women working part-time, who were part of the people that were made redundant, which made me suspect. I just kind of thought that's pretty off really, it's almost verging on discrimination.* (Female, Corporate legal, 40-44 years)

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### 3.4.6 Culture

The issue of culture was raised during the qualitative stage of the research and has been mentioned throughout this section in relation to women's career progression, work-life balance, professional development and discrimination.

Though not raised extensively in the online survey, many interview participants reflected on the culture of the legal profession, and particularly in private practice and the Bar. Views on culture were generally negative and mentioned in the context of job dissatisfaction or barriers to achieving career goals. Criticisms included that the culture of the legal profession, particularly in private practice and at the Bar, is:

- Male-dominated, 'blokey' and a 'boys club':

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*The kind of fairly gung-ho macho culture. Not in a sexist way but just everyone who is there, has that type of personality.* (Female, Barrister, 30-34 years)

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*It's a bit of a boys club. There's still a lot of, it's not what you know it's who you know.*

*Certainly, unfortunately, it still is very much a male dominated industry. Maybe not so much in the lower levels but certainly in the higher levels it is still very male orientated.* (Female, Left profession, 50-54 years)

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- Elitist, exclusive and places too great a value on money:

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*It's a very kind of elitist domain. People talk about how much money they have and I found those points or aspects of the social environment quite difficult to deal with. So I didn't feel like, I guess I didn't feel very similar to most people I met there.* (Female, Private law firm, 35-39 years)

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- Overly competitive, promotes aggressive behaviour and discourages collaboration and nurturing:

*You have to be resilient – that’s a really abused word but you have to be a bit of a survivor and you have to develop an instinct for making the right kind of allies in the firm when you join a firm, so you have to be able to pick up the people who are very rafted on who are also themselves survivors and get to know them and then become friends with them and then they protect you; it’s like the mafia or something. (Female, Private law firm, 35-39 years)*

*It’s also the culture of law firms. It’s dog eat dog. It’s very unattractive well not just to women who want to have children but also to a lot of men I would have thought as well who don’t fit that mould. (Female, Corporate legal, 55-59 years)*

- Unreasonable in the intensity and hours of work expected of employees:

*The six minute units and the relentlessness of time recording and billing and meeting the budget, I’m just over it. From my perspective the financial reward has actually never been enough to justify the pain of the job. The work hours are horrendous for most people regardless of what size of firm you work in and I’m not prepared to do that anymore. (Female, Left profession, age unknown)*

*It’s not just older males, it’s just a lot of people in a commercial law firm take a fairly hard hitting view about how you need to run your practice in order to be considered a success. And to be honest that’s fine, there are women who are happy to subscribe to that, I’m just not one of them. (Female, Government Legal, 35-39 years)*

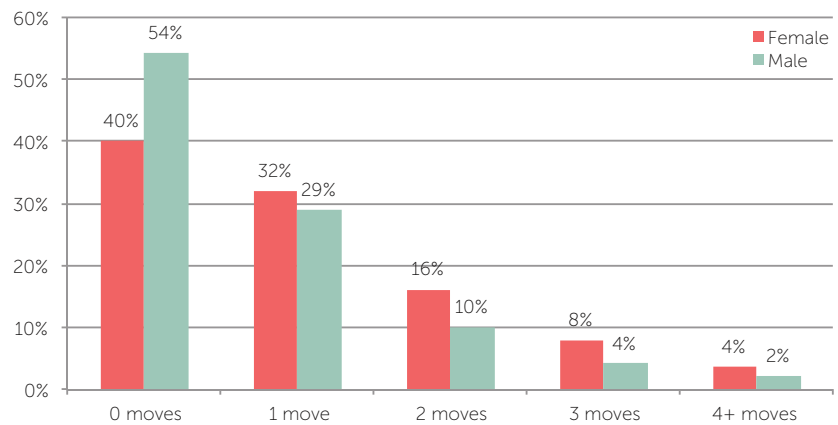
### 3.5 Career moves to date

In the online survey, respondents were asked to indicate the number of career moves they had made in the last five years (since March 2008). Results showed females were significantly more likely than males to report a career move in the last five years (60% and 46% respectively).

Figure 12 provides a breakdown of the number of career moves made by females and males in the last five years.

Males were more likely than females to have made one career move in the last five years (32% and 29% respectively). Conversely, females were more likely than males to have made two or more career moves in the last five years (28% and 16% respectively).

**Figure 12 – Number of career moves in the last five years (since March 2008) by gender**



Base: All respondents to the survey n=3,801, females n=2,754, males n=1,047



### 3.5.1 Types of career moves

Survey respondents who reported a career move in the past five years were asked to identify the type of employment they moved from and to. Figure 13 outlines the career moves identified by survey respondents.

Most females and males reporting moving from a role in private practice (50% and 55% respectively). The majority of these respondents reported moving to another role in private practice (females 62% males 70%). Smaller proportions reported moving to an in-house role (females 18% and males 15%) or the Bar (females 2% males 6%).

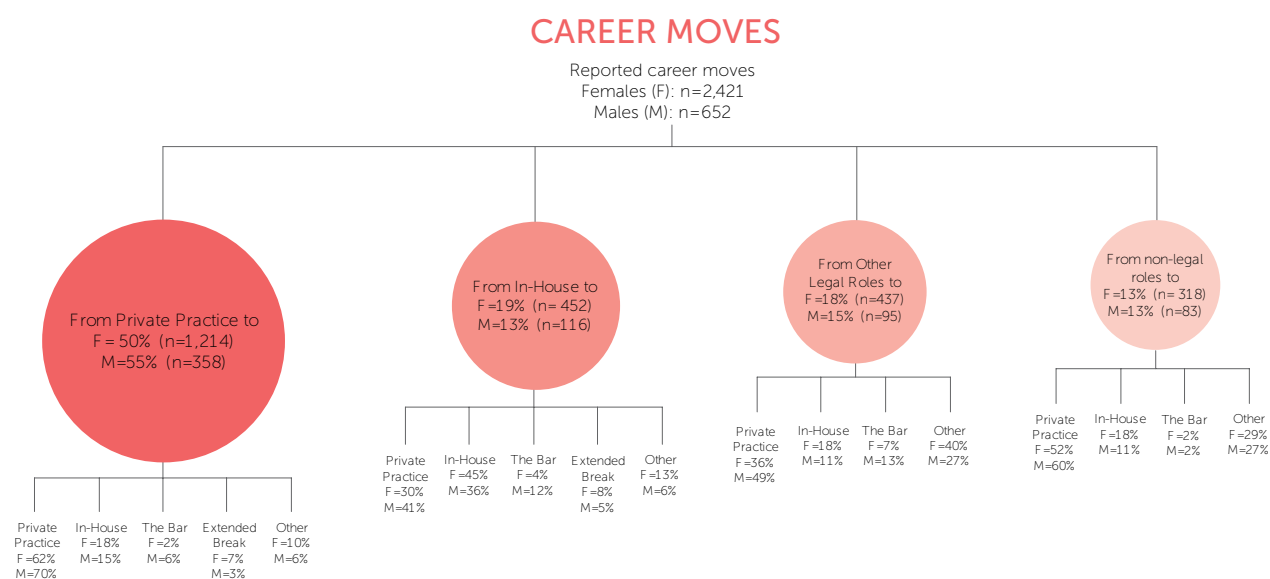
One in five females and males reported moving from an in-house role (19% and 13% respectively). Of this cohort, females were most likely to move to another in-house role (45%) and males were most likely to move into private practice (41%).

One in ten females and males (13% each) reported moving from non-legal roles to legal roles. The majority of these respondents moved to private practice (females 52% and males 60%), followed by the 'other roles' (females 29% and males 27%), and in-house roles (females 18% and males 11%). Females were significantly more likely than males to move from a non-legal role to an in-house role.

There were some significant differences in career moves between males and females:

- The proportion of males who moved to the Bar from in-house roles (12%) and private practice (6%) was significantly larger than the proportion of females (4% and 2% respectively)
- The proportion of females who moved from in-house roles and private practice to an extended break from paid employment (8% and 7% respectively) was significantly larger than the proportion of males (5% and 3% respectively)
- The proportion of males who moved to private practice from 'other' legal roles (e.g. the Bar, Academia and Community Legal Centres, Aboriginal Legal Services) was significantly larger than the proportion of females (49% compared to 36%).

Figure 13 – Career moves in the last five years made by females and males



Base: All career moves n=3,073, moves by females n=2,421, moves by males n=652

### 3.5.2 Career moves within private practice

As noted above, survey respondents most commonly reported a move from private practice to another role within private practice. Most respondents in private practice reported moving from a small firm (females 47% males 55%) followed by a large firm (females 37% males 34%). Smaller proportions reported moving from a medium firm (females 16% males 11%).

Most respondents who left a small firm moved to another small firm (females 64% males 74%). Likewise, most respondents who left a large firm moved to another large firm (females 67% males 63%).

Conversely, respondents who left a medium firm were most likely to move to a small firm (females 43% males 46%), followed by a large firm (females 33% males 36%). Of this cohort, only one in four females (25%) and one in five males (18%) moved to another medium sized firm.

Figure 14 provides a full break down of career moves within private practice in the last five years by gender.

### 3.5.3 Reasons for entering private practice and the Bar

Interview participants were asked to comment on why they chose to work in private practice or the Bar and the extent to which their perceptions and expectations were met.

#### Private practice

Many women who worked in private practice were unsure what had motivated this decision, and they generally held few expectations of what private practice would be like. Many who entered private practice after completing their qualifications indicated it was because a job had presented itself, they had been recruited by a firm during studies, or the firm was where they completed articles or equivalent:

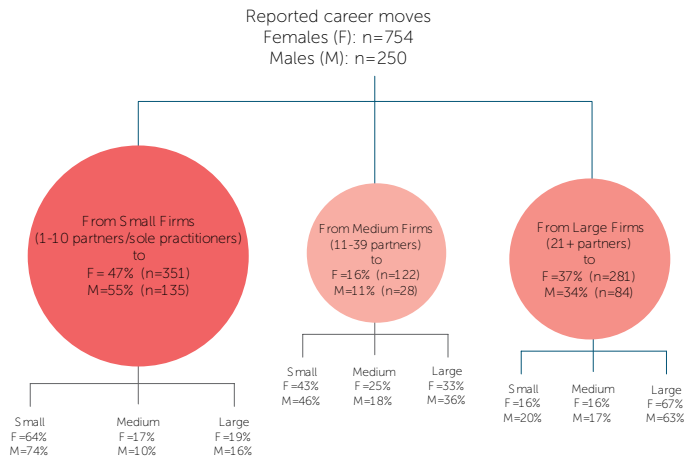
*I think that decision was made for me, just because I didn't decide it. It was the only job available. (Female, Barrister, 60-64 years)*

*I don't know that I actually ever made the decision to move into private practice. It just seemed that was the natural thing to do with a law degree. So I guess I just fell into it without much thought to be frank. (Female, Government legal, 30-34 years)*

*It wasn't really a conscious decision. It was just more when you are at university they were the kind of job opportunities that were presented through clerkships and it just seemed to be the easiest route to take. To be honest I didn't really think a whole lot about it and I didn't even know what private practice really was. (Female, Corporate legal, 25-29 years)*

Figure 14 – Career moves in private practice in the last five years by gender

## CAREER MOVES IN PRIVATE PRACTICE



Base: n=1,004 respondents who reported a career move in private practice, females n=754, males n=250

*Commercial firms consider themselves to be the best firms because they're the wealthiest basically and they get the most high profile work. So what they do is target top students and they sell it, and before you know it, if you've got good marks you end up at a commercial law firm. When I went through in the late 90s, we didn't know much else. (Female, Government legal, 35-39 years)*

*I don't think I ever contemplated anything else. I decided I wanted to do law when I was 14 which is a fairly long time ago. And I had no real idea what it was like. I just thought it would be great to walk around town wearing a suit and carrying a briefcase and being very sophisticated. But other than deciding to do law, I don't think I ever contemplated doing anything other than working in private practice. It never occurred to me to work for the government, yeah it didn't even occur to me. Not even given it a single thought ever in 20 years. (Female, Left profession, age unknown)*

Conversely, several interview participants indicated that they deliberately chose to work in private practice because of the perceived breadth of experience and development opportunities offered:

*It was because that was the area that really gives you the most access to property work, you know, involved with strata titles and leasing and that was my area of interest. (Female, Left profession, 50-54 years)*

*I spoke to one of my Mum's friends and she was in business and she just said the resources that they would be able to give you in a crucial couple of years in the beginning years would be sort of - they would put you in a good stead I guess for the future. (Female, Corporate legal, 30-34 years)*

*It was more about wanting to take more control of my capacity to earn, capacity to do what I wanted in terms of looking for the sorts of clientele that I wanted and the sort of areas of practice that I wanted to do. (Female, Corporate legal, 55-59 years)*

## **The Bar**

The decision by participants to work at the Bar was generally more considered and deliberate. Working at the Bar had been a career goal for some participants, and reasons provided for wanting to work as a barrister included the independence, nature of the work and status. External factors, such as being in a suitable financial and personal position, and disliking other work alternatives were also factors:

*I was not finding a job in a place that was offering the sort of work that I wanted to do and I was at an age and a time in my life where I was prepared to take a risk and didn't have any children, didn't have any mortgage, sort of come to the Bar at 30 with no financial obligations. Some people would say it's a bit risky. On the other hand I didn't have any financial pressure in the sense of having to make an income other than to look after myself. So personal economic reasons. (Female, Barrister, 50-54 years)*

*The variety of work. That is actually I think a pinnacle of legal success. (Female, Barrister, 50-54 years)*

*Autonomy. Yeah I would say that was the only reason. I just didn't want to be an employee. (Female, Barrister, 60-64 years)*

*I guess potential for a variety of work and the independence or autonomy and just the nature of the advocacy work involved. (Female, Barrister, 30-34 years)*

### 3.5.4 Reasons for career moves

Survey respondents who reported a career move in the last five years were asked to indicate the reasons for their career moves, and the extent to which each reason influenced their decision to move. Figure 15 below summarises the top reasons for selected career moves.

Figure 16 provides a breakdown of the 15 most common and important factors that played a role in females' decisions to move. The factors in the top right hand quadrant were the most frequent and most important factors. Figure 17 provides a breakdown of the 15 most common and important factors that played a role in males' decisions to move.

**Figure 15 – Most common reasons for career moves<sup>1</sup>**

<sup>1</sup> It is important to note that the small sample sizes for many of these cohorts preclude analysis across groups. As a result, findings here should be interpreted with caution.

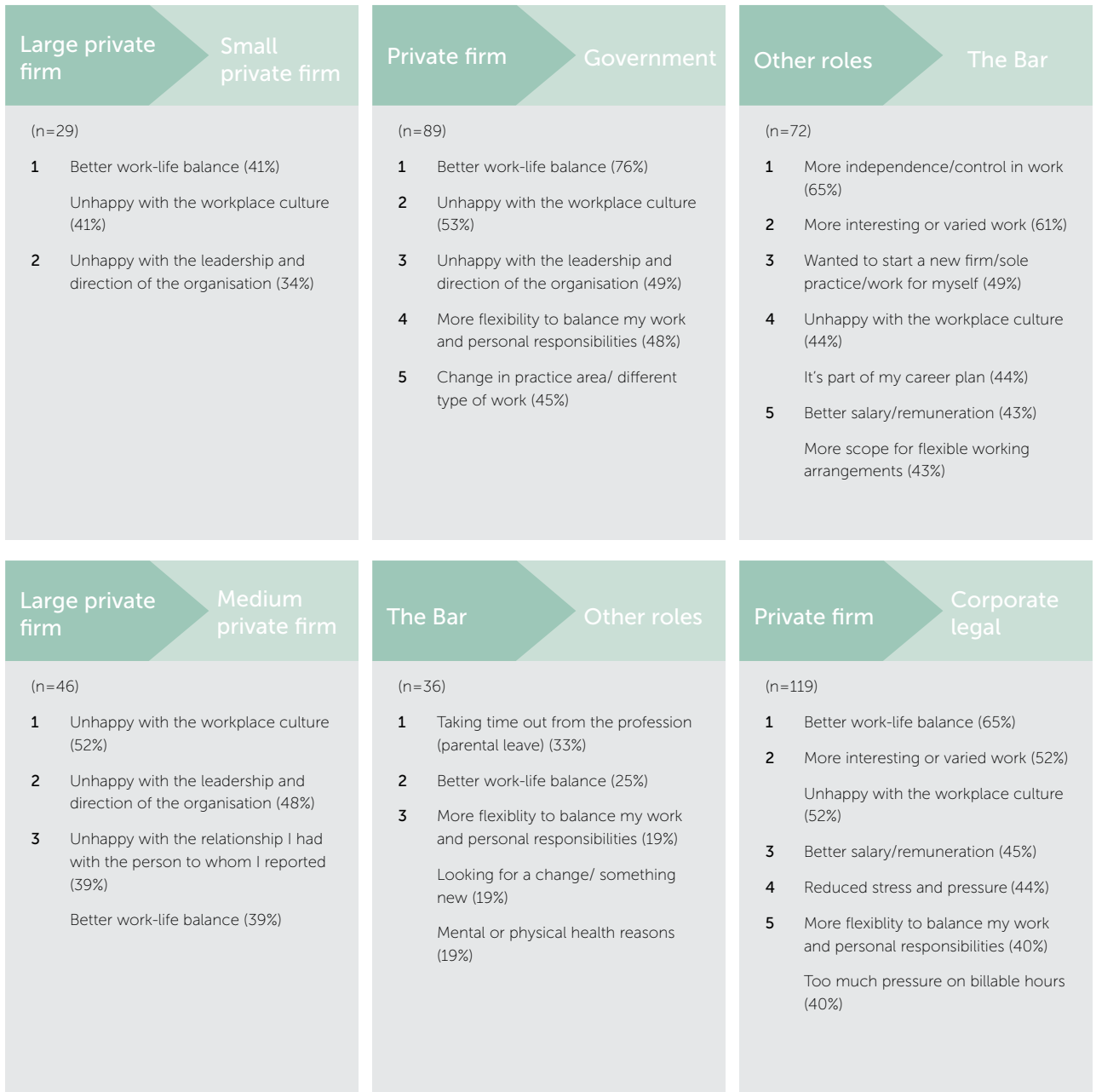


Figure 16 – 15 most frequent and important reasons for career moves reported by females

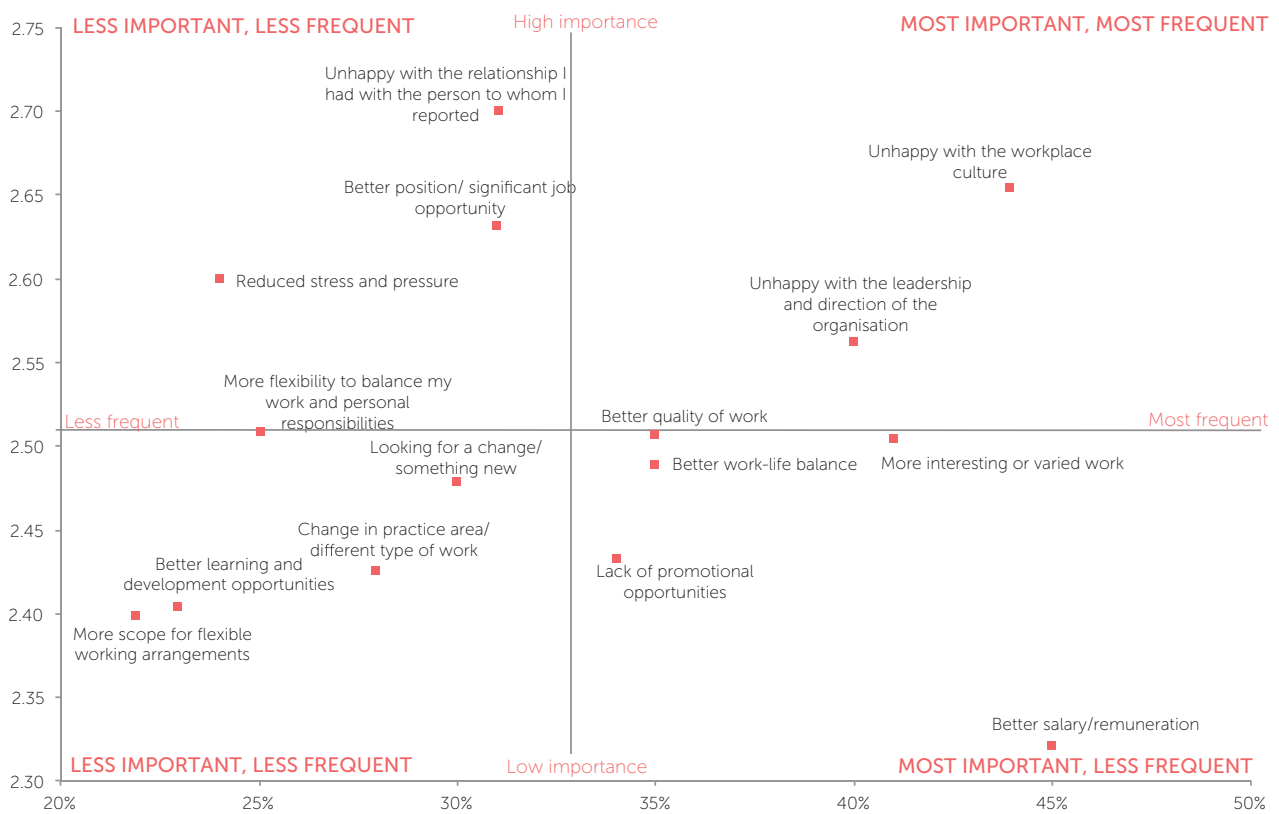
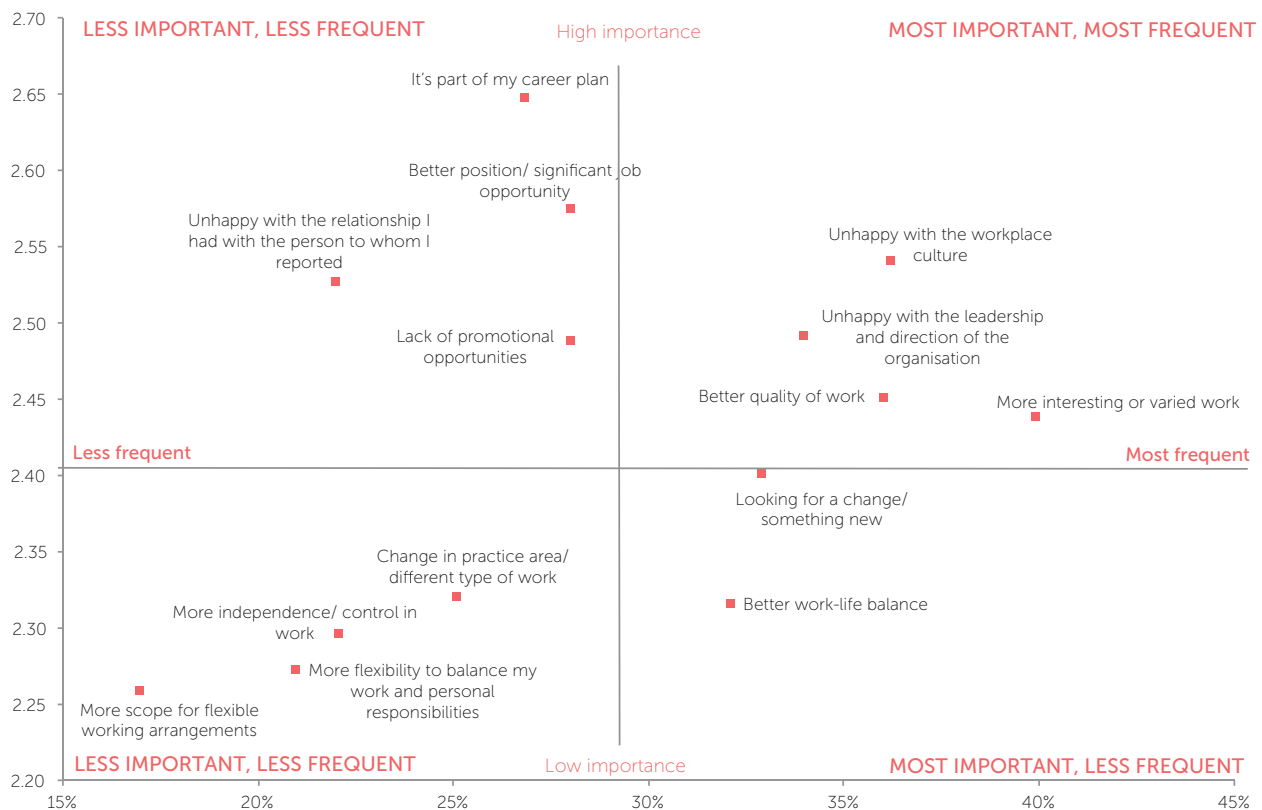


Figure 17 – 15 most frequent and important reasons for career moves reported by males



The Figures above show there were some similarities in the most important and most frequent factors that led to a career move for males and females. The following factors were most frequent and most important for both females and males:

- unhappy with the workplace culture
- unhappy with the leadership and direction of the organisation
- better quality of work elsewhere.

When analysing the female cohort more closely, some significant differences can be seen. Female in-house lawyers were more likely than females in private practice or at the Bar to report that the following factors played a role in their career moves:

- better work-life balance (48% compared to 35% at the Bar and 28% in private practice)
- reduced stress and pressure (35% compared to 13% and 20%)
- too much pressure on billable hours (19% compared to 10% and 10%)
- wanted to give back to the community (9% compared to 1% and 3%)
- wanted a change in practice area (35% compared to 22% and 24%)
- better position/ significant job opportunity elsewhere (38% compared to 14% and 31%)
- redundancy/ termination of employment (11% compared to 3% and 7%).

Females in private practice were more likely than females working in-house to report that their career move(s) was due to better mentorship elsewhere (19% and 14% respectively).

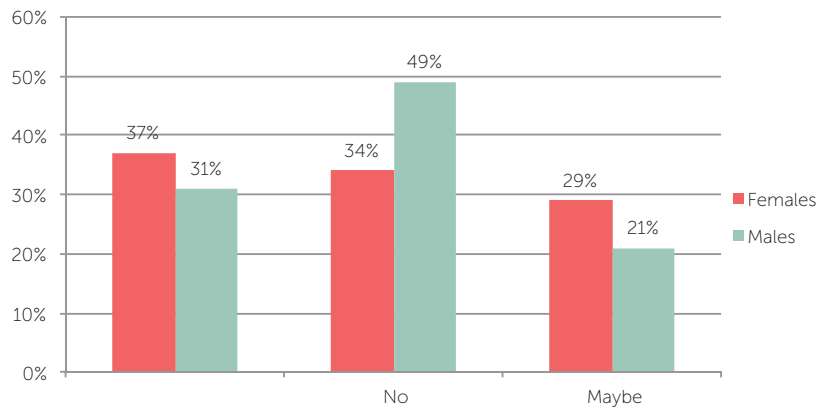
Female barristers were more likely than females in private practice to report the following as reasons for their career moves in the last five years:

- more flexibility to balance work and personal responsibilities (39% compared to 19%)
- more interesting or varied work (50% compared to 36%)
- more independence/ control in work (52% compared to 19%).

### 3.6 Career intentions

Survey respondents were asked to indicate whether they would consider moving to a new job/new employment circumstances in the next five years. As shown in Figure 18, females were more likely than males to consider moving to a new job in the next five years (37% and 31% respectively).

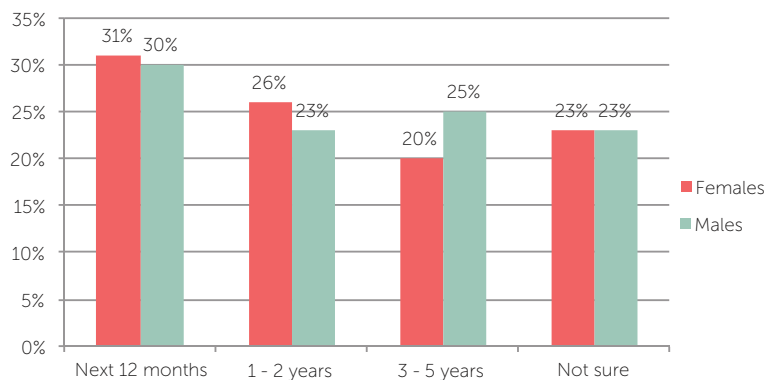
Figure 18 – Future career intentions by gender



Base: All respondents n=3,801, females n=2,754, males n=1,047

Respondents considering making a career move were then asked to indicate the timeframe within which they would do this. As shown in Figure 19, females and males were most likely to consider a career move in the next 12 months (31% and 30% respectively), followed by 1-2 years (26% and 23% respectively). Males were significantly more likely than females, however, to report a career move in 3-5 years (25% and 20% respectively).

Figure 19 – Timeframe for future career moves by gender



Base: All respondents considering (yes, maybe) career move n=2,357, females n=1,819, males n=538

### 3.6.1 Future career moves

Respondents who reported considering a new job/new employment circumstances within the next five years were asked to indicate where they might consider moving to. Figure 20 outlines where respondents were planning to move from and to.

Females working in private practice were most likely to consider a move to an in-house role (37%) followed by another role in private practice (28%). Only 5% of females in private practice reported considering a move to the Bar.

There were some notable gender differences in career intentions:

- Females were more likely than males to consider moving from private practice to an in-house role (37% and 24% respectively).
- Males working in private practice were over twice as likely as females to consider a future move to the Bar (12% and 5% respectively).

### 3.6.2 Reasons for future career moves

Survey respondents considering moving to a new job/employment circumstances in the next five years were asked to indicate the factors that would play a role in their decision to move, and the extent to which these factors would influence their decision to move.

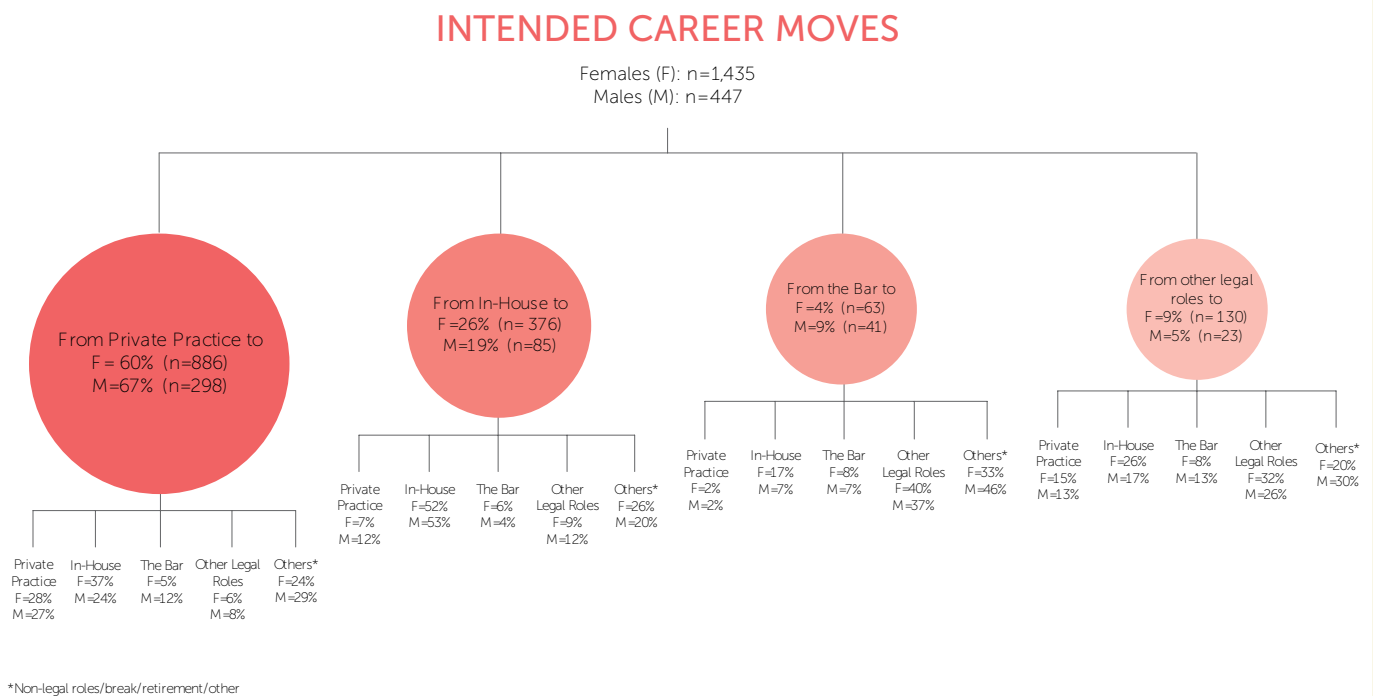
Figure 21 (overpage) provides a breakdown of the 15 most frequent and important factors that females reported would play a role in their future career moves.

Figure 22 (overpage) provides a breakdown of the 15 most frequent and important factors that males reported would play a role in their future career moves.

The Figures overpage show that there were some similarities in the most frequent and important factors for future career moves reported by males and females. For example, better work-life balance and more interesting and varied work elsewhere were frequent and important factors reported by males and females.

However, females were more likely than males to give greater importance to flexibility to balance work and personal responsibilities, and lack of promotional opportunities, when considering future career moves.

Figure 20 – Intended future career moves by females and males



Base: Respondents considering (yes, maybe) a career move in the next five years n=1,882, females n=1,435, males n=447

Figure 21 – 15 most frequent and important reasons for future career moves reported by females

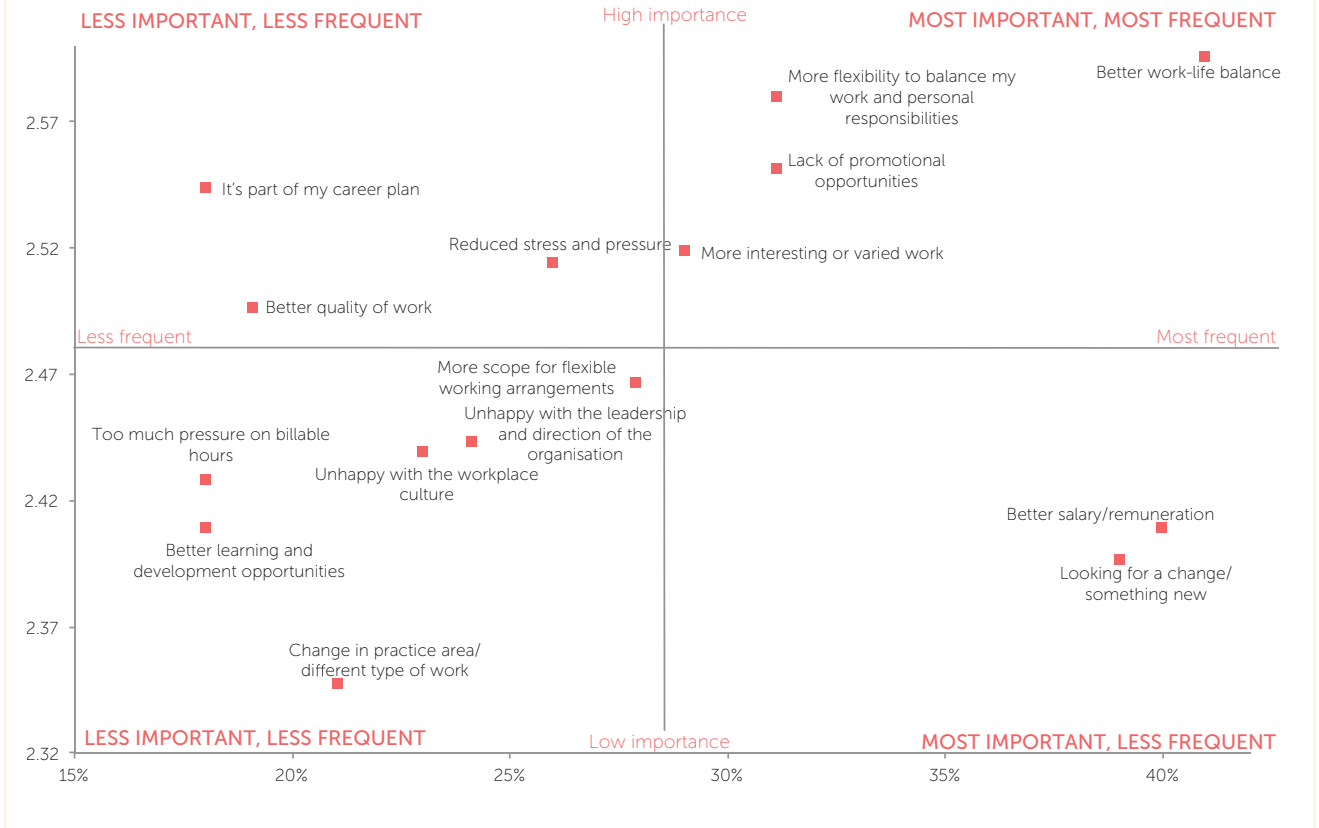
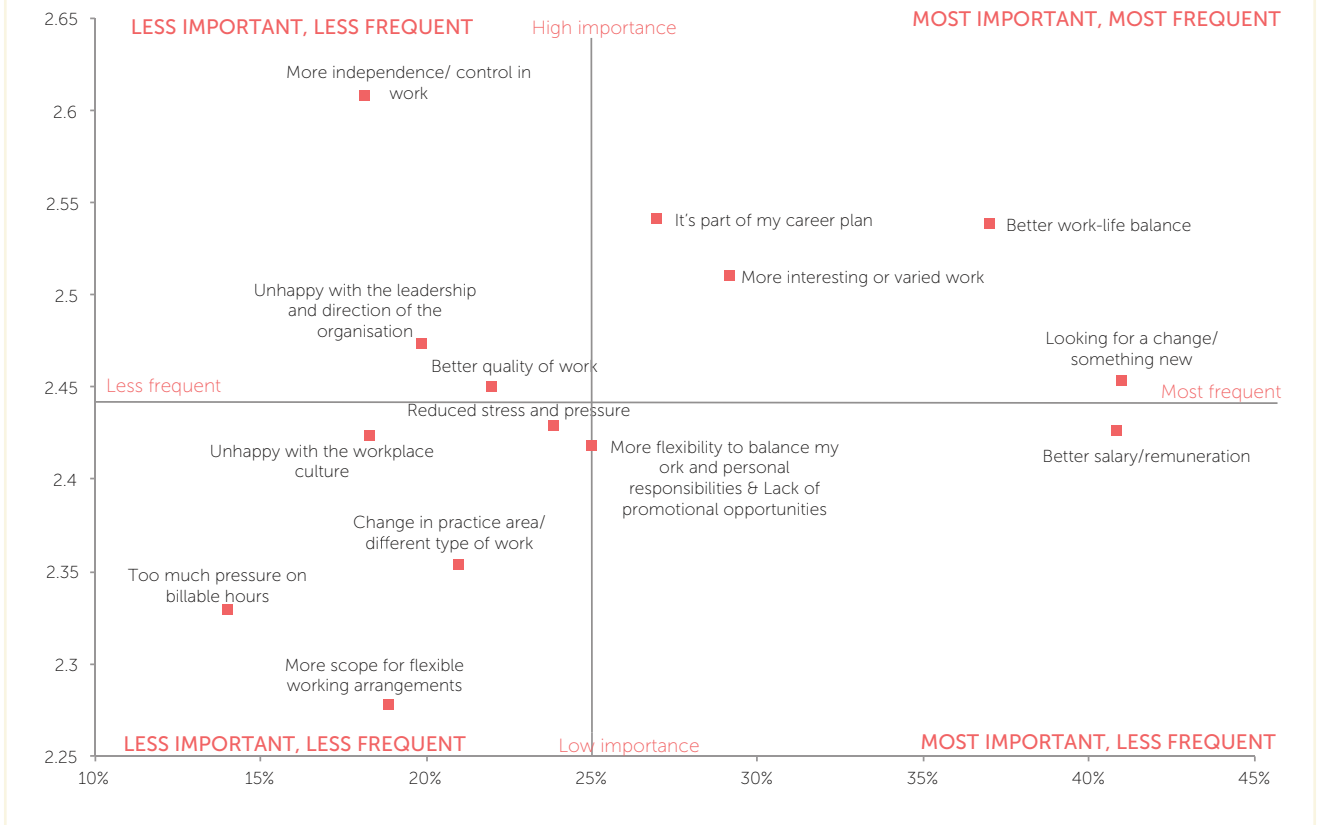


Figure 22 – 15 most frequent and important reasons for future career moves reported by males





### 3.7 Attracting practising lawyers to private practice or the Bar

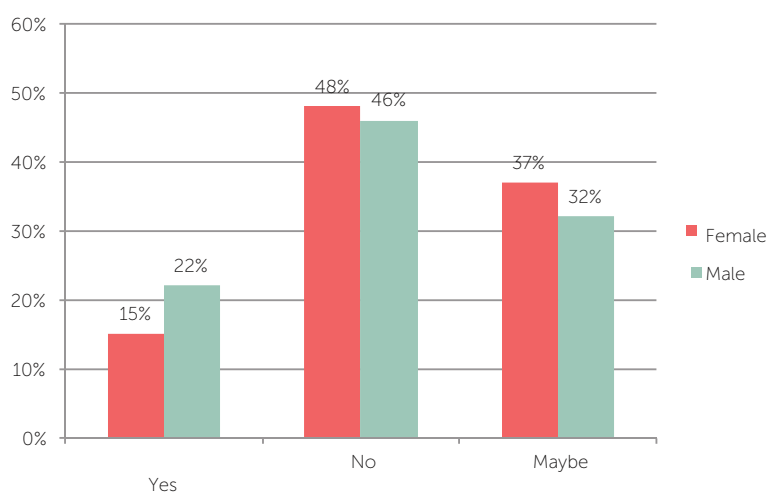
#### 3.7.1 Attracting practising lawyers to private practice

Respondents who were not working in private practice or actively considering a move into private practice (as reported in Section 3.6.1 above), were asked if they would ever consider working in private practice. Just over half of females and males indicated that they would or might consider working in private practice in the future (52% and 54% respectively).

Females who would consider working in private practice (answered 'yes') were more likely to:

- be aged 25-34 years (22%) than aged 34-54 years (11%)
- have children aged under six years (23%) than children six years and over (8%)
- work full time (16%) than part time (9%)
- have five years or less practising experience (25%) than more practising experience (12%).

**Figure 23 – Consider working in private practice in future**



*Base: Respondents not currently in private practice and not actively considering a role in private practice (as outlined in Section 3.6.1) n=833, females n=666, males n=167*

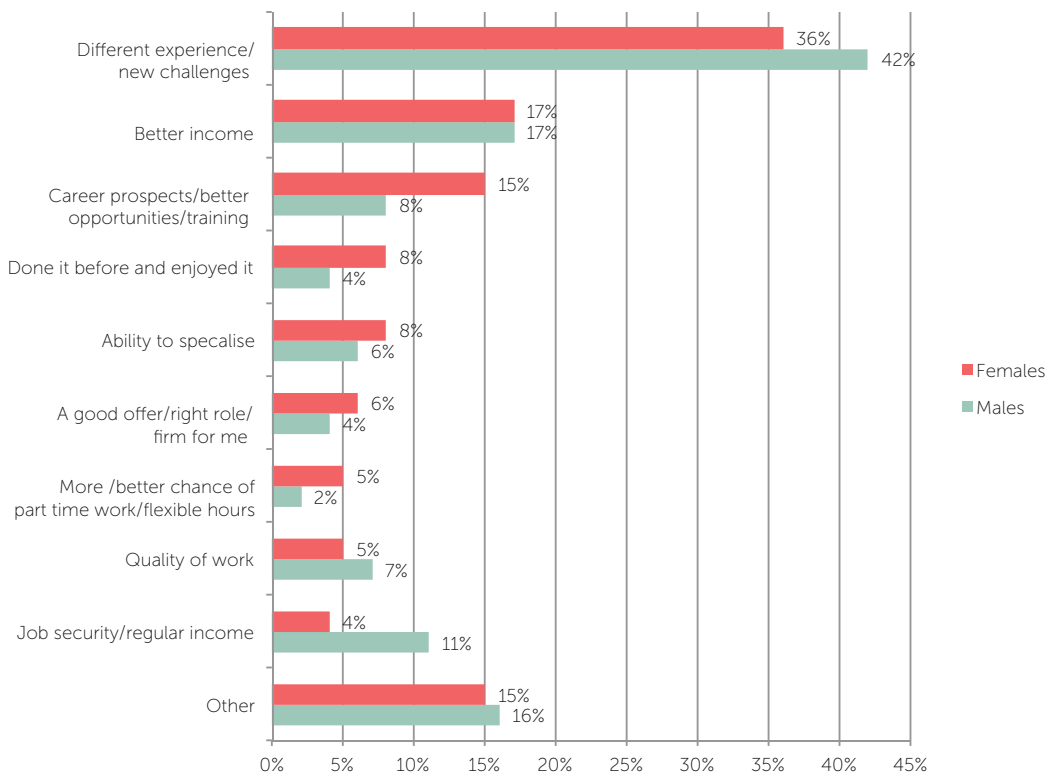
**Reasons for considering private practice**

Respondents who said they would or might consider working in private practice in the future were asked to identify the reasons for this. The most common reasons for males and females were to have a different experience/new challenges (42% and 36% respectively), followed by better incomes (17% for both males and females). Males were significantly more likely than females to give job security/regular income as a reason for considering private practice in the future (11% and 4% respectively).

Figure 24 below provides the top ten reasons provided by females for considering working in private practice in the future. The proportion of males who provided each reason is included in the Figure for comparative purposes.

Females working part time were significantly more likely to consider working in private practice due to 'being part of a team/collegiate atmosphere' than those working full time (10% and 2% respectively).

**Figure 24 – Top ten reasons for females to consider working in private practice (males provided for comparison)**



Base: Respondents who responded that they would or might consider working in private practice n=439, females n=349, males n=90

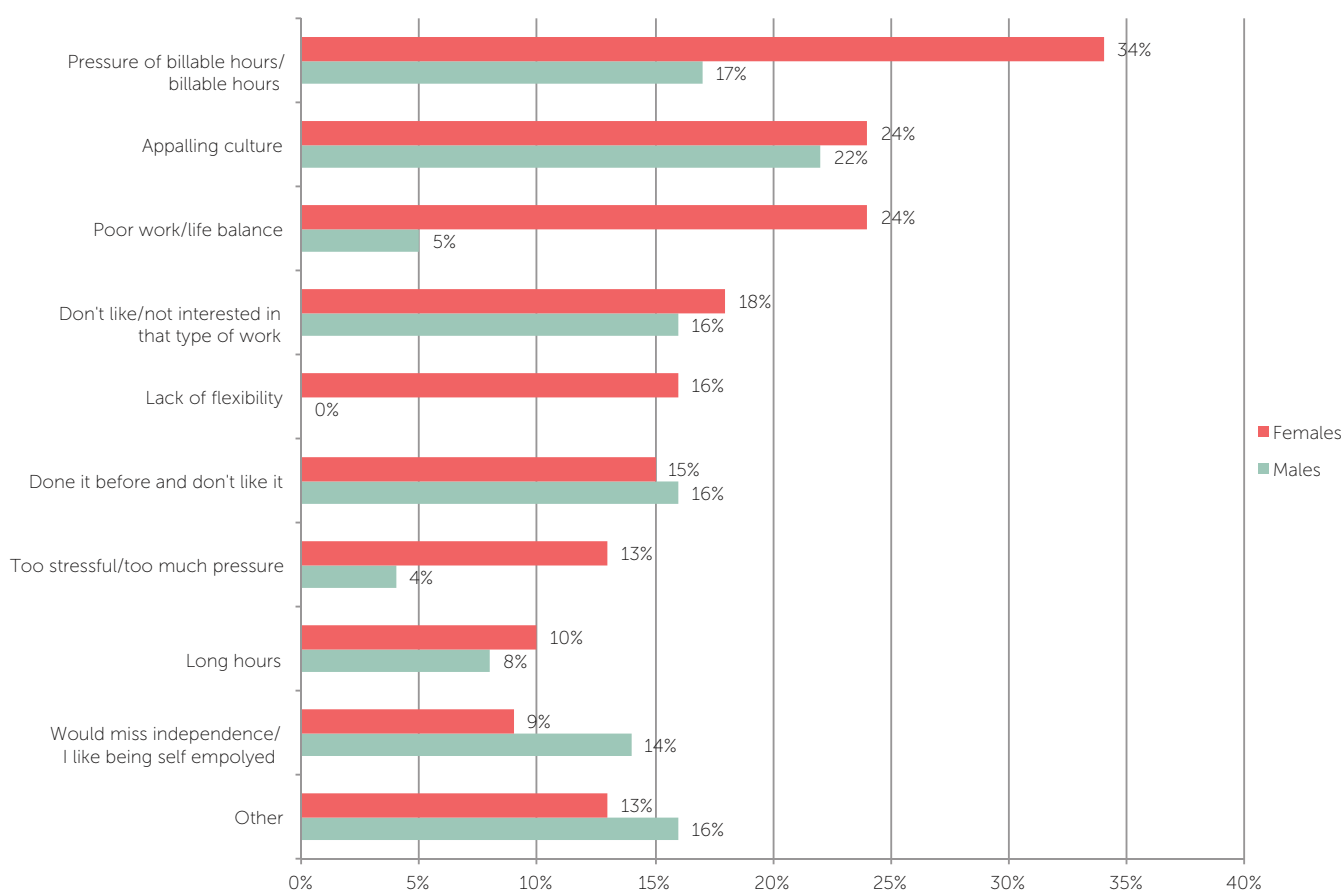
### Reasons for not considering working in private practice

Respondents who reported they would not consider working in private practice in the future were asked to indicate the reasons for this. The top ten reasons identified by females are outlined in Figure 25 below, and the corresponding proportion of males who provided the same reason has been included for comparative purposes.

Figure 25 shows some significant gender differences with females more likely than males not to consider working in private practice due to:

- the pressure of billable hours (34% compared to 17%)
- poor work/life balance (24% compared to 5%)
- lack of flexibility (16% compared to 0%).

**Figure 25 – Top ten reasons for females not to consider working in private practice (males provided for comparison)**



Base: Respondents who reported they would not consider working in private practice n=394, females n=317, males n=77

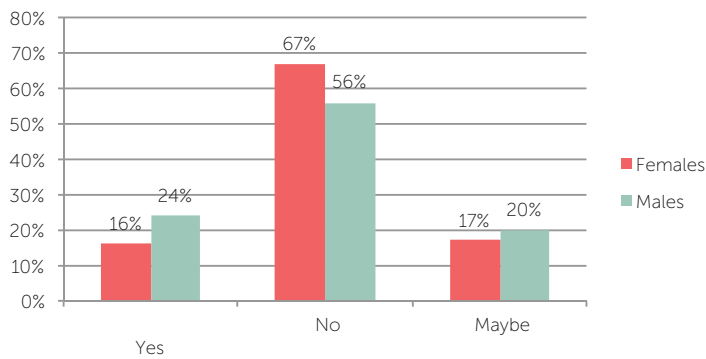
### 3.7.2 Attracting practising lawyers to the Bar

Respondents who were not working at the Bar and not actively considering a move to the Bar (as reported in Section 3.6.1 above) were asked if they would ever consider working at the Bar in the future. The majority of females and males reported that they would not consider working at the Bar (67% and 56% respectively). One in three females (33%) and 44% of males reported they would or might consider working at the Bar.

Females who would or might consider working at the Bar were more likely to:

- be aged 34 years and under (20%) than 35 years and over (11%)
- have no children (19%) than be the primary carer or shared carer of children (11%)
- work full time (18%) rather part time (8%)
- have five years or less practising experience (25%) than more than five years practising experience (9%).

**Figure 26 – Consider working at the Bar**



Base = Respondents not working at the Bar and not actively considering a move to the Bar n=2,108, females n=1,663, males n=445

### Reasons for considering working at the Bar

Respondents who reported they would or might consider working at the Bar in the future were asked to indicate the reasons for this. The most common reasons for males and females were the same and related to the Bar providing more independence/self-employment (40% and 32% respectively), the Bar providing more interesting and exciting work (22% and 23% respectively), and respondents having an interest in advocacy (17% and 21%).

Figure 27 below provides the top ten reasons provided by females for considering working at the Bar. The proportion of males who provided each reason is included in the figure for comparative purposes.

Although males and females both listed 'more independence/being self employed' as the main reason for considering working at the Bar, males were significantly more likely than females to report this (40% and 32% respectively).

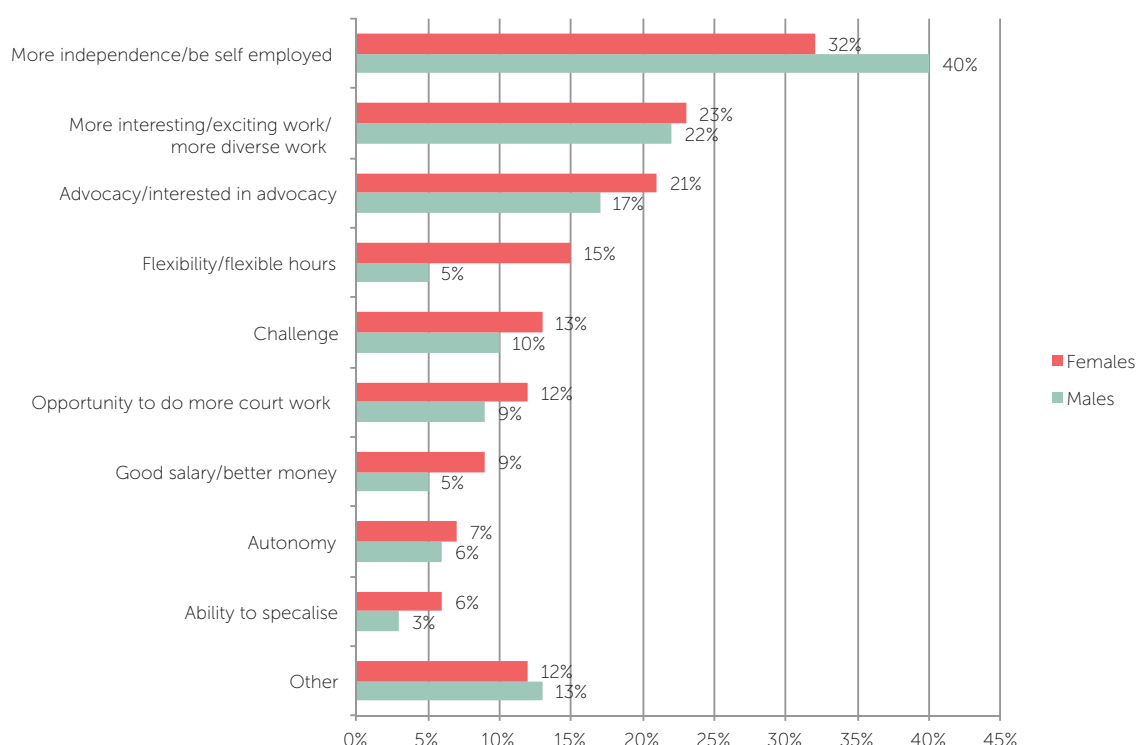
Conversely, females were significantly more likely than males to report the following as reasons for considering working at the Bar:

- good salary/better money (9% compared to 5%)
- flexibility/flexible hours (15% compared to 5%).

Among females, there were some notable differences including:

- females with five years or less practising experience were more likely to report 'more interesting/exciting work' as a reason to consider working at the Bar than those with more than five years practising experience (29% and 14% respectively)
- females working for large firms were significantly more likely to consider working at the Bar than their counterparts working in small firms due to:
  - more interesting/exciting work/more diverse work (38% and 15% respectively)
  - flexibility/flexible hours (23% and 11% respectively)
  - autonomy (9% and 3% respectively).

**Figure 27 – Top ten reasons for females to consider working at the Bar (males provided for comparison)**



Base = Respondents who reported they would or might consider working at the Bar n=744, females n=546, males n=198

**Reasons for not considering working at the Bar**

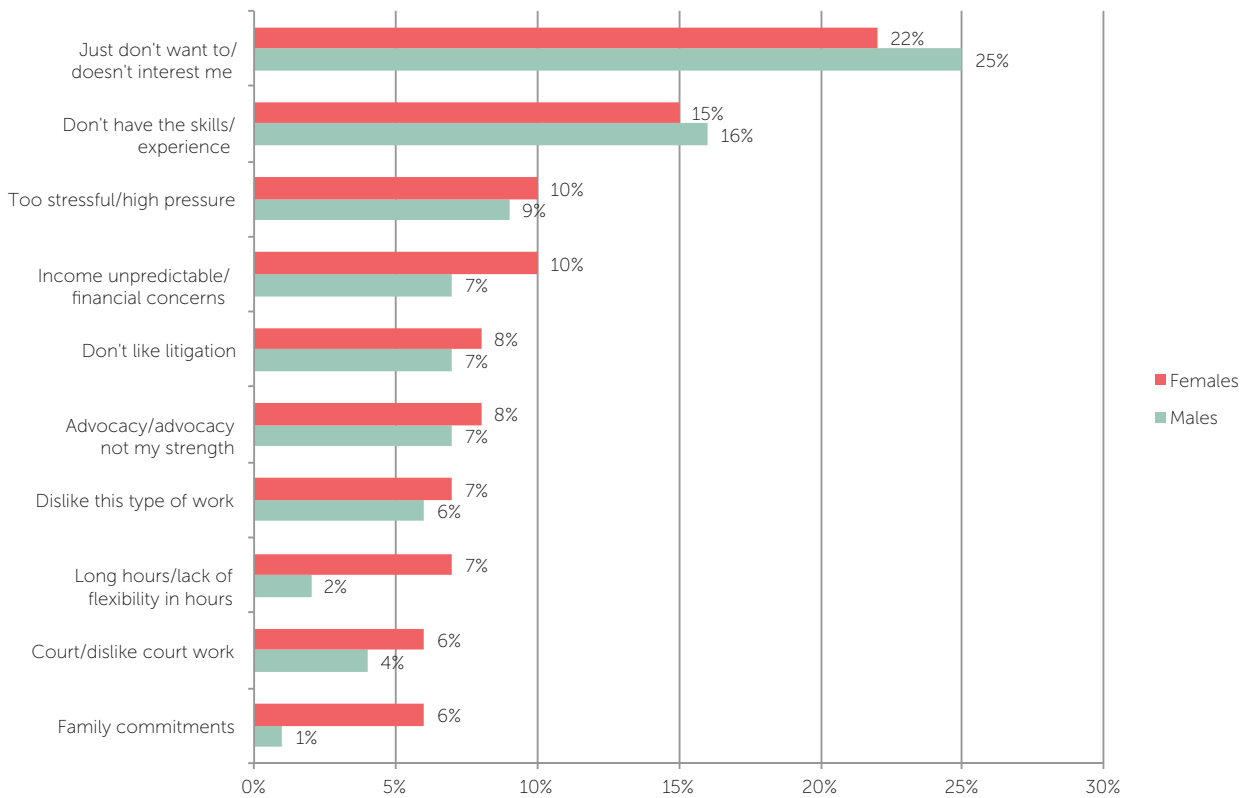
Respondents who indicated they would not consider working at the Bar were asked to identify why this was the case. Around one in four females and males (22% and 25%) reported that they would not consider working at the Bar because it did not interest them, and around 15% reported not having the requisite skills and experience (males 16%).

The top ten reasons identified by females are outlined in Figure 28 below, and the corresponding proportion of males who provided the same reason has been included for comparative purposes.

One in ten women (10%) reported that the Bar was too stressful/high pressure or that income at the Bar was too unpredictable. Females were more likely than males to report the following as reasons for not considering a move to the Bar:

- family commitments (6% and 1% respectively)
- long hours/the hours/lack of flexibility (7% and 2% respectively).

**Figure 28 – Top ten reasons for females not to consider working at the Bar (males provided for comparison)**



Base: Respondents who reported that they would not consider working at the Bar n=1364, females n=1,117, males n=247

## 4 Lawyers no longer practising

### 4.1 Overview

This section outlines the results of the online survey of, and qualitative interviews with, lawyers no longer practising. It identifies respondents' involvement in the legal profession, reasons for leaving the legal profession, and incentives to make them return. To better understand the key findings in these areas, it is important to understand the demographic profile of survey respondents. This demographic profile is outlined in Section 4.2 below.

### 4.2 Profile of survey respondents

A total of 84 respondents participated in the survey for lawyers no longer practising. The large majority of respondents were female (85%) compared to 15% males.

The results for this survey were analysed for differences across sub groups, including gender, age, parental status, years of practising experience, and years since admission. However, the smaller sample size for this survey meant there were few significant differences to report. Consequently, the results of this survey have largely been presented by total sample rather than subgroups within the sample.

Table 12 (overpage) provides a breakdown of the demographic profile of respondents to this survey.

Analysis of the *total* sample shows:

- two in three (69%) were aged 25-44 years
- the majority (58%) did not have children
- almost one in four (23%) were the primary carer of children
- almost one in five (18%) were the sole household income earner; the majority (55%) reported their income made up less than 60% of household income
- the majority (57%) had less than five years practising experience
- almost two thirds (60%) had been admitted for ten years or less.





**Table 12 – Demographic profile of survey respondents no longer practising\***

		TOTALS
Gender	Female	85%
	Male	15%
Age	< 25 years	4%
	25 – 34 years	38%
	35 – 44 years	31%
	45 – 54 years	21%
	55+ years	6%
Children	No children	58%
	Primary carer	23%
	Shared role / No primary carer	19%
Salary versus total household income	100%	18%
	60-99%	20%
	40-59%	30%
	0-39%	25%
	Not sure/rather not say	7%
Years of practising experience	< 5 years	57%
	6-14 years	30%
	15+ years	13%
Years since admission	< 5 years	37%
	6 – 10 years	23%
	11 – 15 years	15%
	16 – 30 years	21%
	31+ years	4%

Base: All respondents to the survey n=84

\* Given the small number of male respondents, demographic characteristics have not been broken down by gender.

### 4.2.1 Main work

Respondents worked across a range of sectors, with the most common being government and defence (21%), followed by banking and financial services (14%). Just over one in ten respondents (11%) reported working in the legal sector but in a non-practising role (e.g. human resources or risk management).

The large majority of respondents (87%) reported being in their current employment for less than five years. Just over one in ten (13%) had been in their current employment for more than 5 years.

**Table 13 – Years in current employment**

< 1 year	24%
1 - < 5 years	63%
5- <10 years	7%
10+ years	6%

Base: All respondents to the survey n=84

### 4.2.2 Number of hours worked

Respondents were asked to indicate whether they worked full-time or part-time and the number of hours they usually worked each week. Two thirds of respondents (67%) reported working full-time and one third (33%) reported working part time.

**Table 14 – Work arrangements – full time or part time**

Part time	33%
Full time	67%

Base: All respondents n=84

Respondents without children were significantly more likely to work full-time (82%) than those with children (46%). Conversely, respondents with children were significantly more likely to work part-time (54%) than those without children (18%).

In terms of hours usually worked per week, the majority of respondents (60%) reported working 33-48 hours per week. Almost one third (30%) reported working less than 30 hours per week.

**Table 15 – Hours worked per week**

8 – < 18 hours	10%
18 – 32 hours	20%
33 – 48 hours	60%
49+ hours	11%

Base: All respondents n=84

Given one third of respondents work part-time, to enable a more accurate comparison of hours worked, the hours worked by respondents working part-time were scaled to a full-time equivalent

(FTE). For example, a respondent who reported working 30 hours per week with 0.6 FTE was counted as working 50 hours per week (30/0.6=50). The results of this comparison are outlined in Table 16 below and demonstrate that two thirds of respondents (68%) worked an equivalent of 40 hours or less a week. One in four (24%) worked between 41-50 hours, and one in ten (8%) worked 51 or more hours per week.

**Table 16 – Full time equivalent hours worked per week**

40 hours or less	68%
41-50 hours	24%
51+ hours	8%

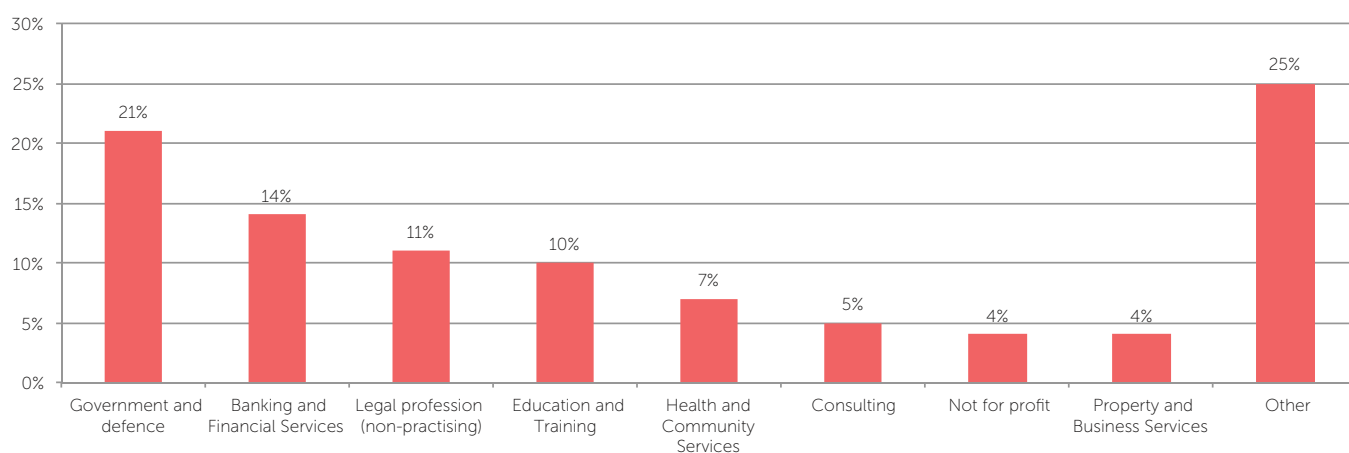
Base: All working respondents n=84

### 4.2.3. Location of respondents

At the time of the survey, the majority of respondents reported that their main workplace was located in New South Wales (56%). Comparable proportions of respondents reported that their main workplace was in Victoria (13%), Western Australia (10%) and Tasmania (10%). Fewer respondents reported working in Queensland (6%), Northern Territory (4%), South Australia (1%) and the Australian Capital Territory (1%).

The large majority of respondents (75%) reported that their main workplace was in the central business district of a State or Territory capital. One in five (19%) reported working in a suburban area, and only a few (6%) reported working in a regional (major or small) centre.

**Figure 29 – Main sector in which respondents work**



Base: All respondents to the survey n=84

### 4.3 Career in legal profession

All survey respondents had practised as a lawyer after 2007.

The majority (59%) reported last practising as a lawyer between 2010 and 2012. Around one in ten (12%) last practised as a lawyer in 2013.

**Table 17 – Year of last practising as a lawyer**

2007	7%
2008	6%
2009	15%
2010	21%
2011	18%
2012	20%
2013	12%

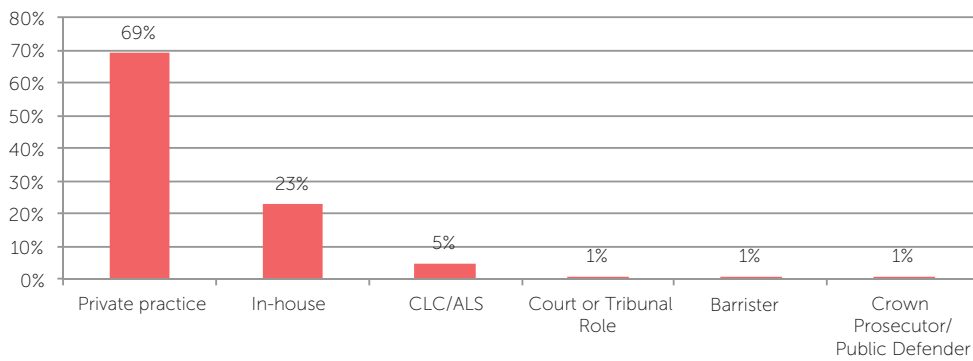
Base: All respondents n=84

#### 4.3.1 Main role as a lawyer

Respondents were asked to identify the last role in which they practised as a lawyer. Over two thirds (69%) reported working in private practice and almost one in four (23%) reported working as an in-house lawyer. Few respondents (1%) reported last working as barrister.

Of those respondents who worked in private practice, almost half (48%) worked for a large firm, 34% worked for a small firm/sole practitioner and 17% worked for a medium firm.

**Figure 30 – Main role as lawyer**



Base: All respondents n=84

### 4.4 Reasons for leaving the legal profession

Respondents were asked to identify the factors that impacted on their decision to leave their role as a practising lawyer, and the extent to which each of these factors influenced their decision to leave.

The most frequent and important reasons for leaving their role reported by respondents are outlined in Figure 31 below and include:

- better work-life balance (reported by 49% of females)
- reduced stress and pressure (39%)
- more flexibility to manage their work and personal responsibilities (38%).

Views expressed during interviews with women who had left the legal profession reflected the findings from the online survey, and also more broadly align with areas of dissatisfaction identified by currently practising lawyers in Section 0. Amongst those that have left the profession, work/life balance, stress and pressure were again common reasons for dissatisfaction and key 'push' factors for leaving private practice or the Bar:

*I suppose the workload was getting too high and it was just consuming my whole life. So yes, when an opportunity came up that a) was more money; b) was less hours; and c) gave me a nine day fortnight, it was a win/win situation for me. (Female, Left profession, 50-54 years)*

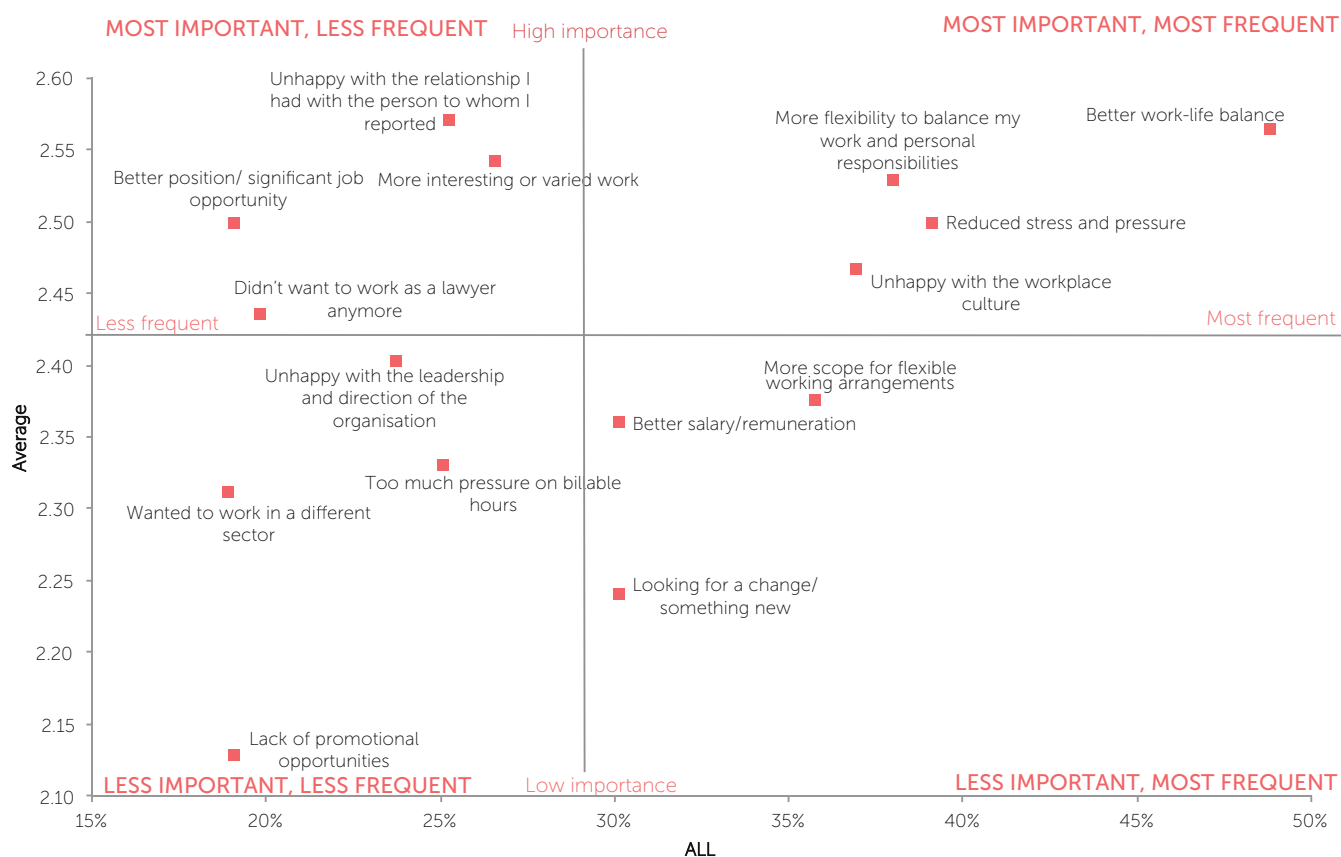
Some women who commented on these factors reflected that the pressure, stress and poor work/life balance were unenjoyable, unsustainable and incompatible with other priorities:

*Well I think the stress and the pressure kind of outweighed the good. So there was a lot of good and that was satisfying but the stress and the pressure kind of overshadowed that and it kind of diluted that. (Female, Left profession, 35-39 years)*

*How do you manage the fact that you've actually got to coordinate the plumber to come out, or you've got doctor's appointments or any of those things? How do you do doctor's appointments in those hours? I mean really, parent teacher nights, any of it? (Female, Left profession, 45-49 years)*

*I was working three days a week and I was extremely busy in coming home and working most nights to midnight or later because I was in the middle of a big case, mainly one big case, and it was just going on forever ...it was too hard to work on my other responsibilities and interests to keep working on that basis. (Female, Left profession, 45-49 years)*

**Figure 31 – 15 most common and important reasons for leaving the legal profession**



Base: Total base n=84 respondents

There were a range of other 'push' factors influencing interview participants' decisions to leave the legal profession, though based on the frequency with which they were raised, these appear less influential. 'Push' factors included:

- Comparatively lower salary and better pay available elsewhere:

---

*I suppose my starting salary was equivalent to being a shop girl. It was bloody low and it went up to something that I still couldn't afford to live on if I wasn't in a relationship. (Female, Left profession, 45-49 years)*

---

- Lack of exposure to a variety of work:

---

*I would have preferred the opportunity to ... try out some other things and I don't think that my firm necessarily understood how important that was because I may have stayed if I had the opportunity to look at how other areas of law worked. (Female, Left profession, 25-59 years)*

---

- Limited support and professional development:

---

*There was definitely a pressure on the graduates to be able to understand immediately what it was they were supposed to be doing and that is also a lot of pressure when you're dealing with a group of people that are used to succeeding and used to achieving well. I think a lot of people found that quite concerning because as a junior you don't want to be looking like the idiot and going and talking to a partner and saying you asked me to do this, I've done x, y and z but I don't get it. (Female, Left profession, 25-59 years)*

---

*I was then the most senior other than the partner with a whole of 18 months experience in a culture where you weren't allowed to ask questions or seek support. (Female, Left profession, 45-49 years)*

---

- The general workplace culture:

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*You don't feel like a part of the team often as a junior, if you're not in, and it happens in every workplace where there's certain groups form and other groups don't and that sort of stuff but I think that it can be very isolating as a junior person, particularly if there's only one of you working in a certain group. (Female, Left profession, 25-59 years)*

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#### 4.5 Incentives to remain in the profession

Research participants in both the quantitative and qualitative stages of the research were asked to comment on:

- what, if anything, was done by employers to entice them to remain in their role
- what might have encouraged them to remain in the profession.

Many women interviewed indicated their employer had done little or nothing to entice them to stay when they tendered their resignation. One interviewee was offered an opportunity to work for the firm as a contractor and this enabled her to be retained by the firm for a few more years:

---

*...in 2007 when I planning to leave, I was induced not to by the offer to change my working conditions to contracting work from home. In 2011 when I did ultimately leave, I had a pretty frank discussion with my boss, the partner I worked for, and I had secured other employment and he basically said to me well there was no other better deal he could offer me. (Female, Left profession, 45-49 years)*

---

There were similar views among survey respondents and interview participants on factors that might have encouraged them to stay in the profession, and among females who used to work in private practice and in-house. Reflecting trends observed in Section 3 (relating to current practising lawyers) factors mentioned by lawyers no longer practising included:

#### Less emphasis on billable hours and a better work-life balance:

---

*If the work had been less time intensive (i.e. working weekends) and less stressful (i.e. crazy/emotional clients) I would have enjoyed the role more. (Female, Left profession, 25-29 years)*

*The ability to properly manage my time - if I could have got my work done and left at 5:30 every day I would have lasted much longer. However, pressure for billables and "face time" made this impossible. (Male, Left profession, 25-29 years)*

*More support for junior practitioners and less emphasis on budgets. Working less than 60 hours in a week. (Female, left profession, 25-29 years)*

*(Around one in four participants (24%) commented on this item in the quantitative stage.)*

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#### Greater access to and support for flexible working arrangements:

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*The opportunity to continue to do meaningful, challenging and regular work on a genuinely part time basis, with the ability to take account of my family responsibilities. (Female, Left profession, 45-49 years)*

*Increased acceptance of part time work for those of us with parenting responsibilities. More opportunities to work from home. Litigation imposes inflexible and externally imposed deadlines, so not compatible with part time and flexible work. (Female, Left profession, 40-44 years)*

*Achieving any sort of balance with a family with the hours that commercial lawyers work is almost impossible. It requires a huge amount of family help and/or a nanny, and the reality would still be that you would barely see your child on a work day (i.e. not home for dinner/bath). (Female, Left profession, 30-34 years)*

*(Over one in ten participants (15%) commented on this item in the quantitative stage)*

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### More opportunities to do the work they were interested in:

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*[I would have remained in the profession] if I could have used my three decades of experience in the health sector in the legal sector. I searched for three years to get a legal job and no one would hire me. No one seemed interested in my health sector experience and postgrad quals. Eventually, I got a badly paid job in conveyancing only to discover that lawyers are bullying bitches with no idea how to train and mentor staff. I am happier in the health sector. My law degree was a waste of time and money. (Female, Left profession, 45-49 years)*

*I am a local government, town planning and environmental lawyer. There are very few jobs in this area of law as a consequence of the global financial crisis. Banks aren't lending money to developers and so they aren't applying for planning permission, therefore, there's no legal work. I didn't want to leave the legal profession. (Male, Left profession, 50-54 years)*

*(A small number (5%) commented on this item in the quantitative stage.)*

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### Better professional support:

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*Having someone who I could approach as a mentor to give me career advice/guidance. I left as I was unhappy in my position and felt there was nowhere left to go. (Female, Left profession, 25 years or younger)*

*If I had been mentored and had proper office support I may have continued in the role for a longer period. (Female, Left profession, 25-29 years)*

*Opportunity to discuss concerns with HR/partners without feeling this would be used against me professionally - if I'd had this opportunity, I may have stayed and tried out other areas within the law instead of leaving sooner than later. (Female, Left profession, 25-29 years)*

*(Nearly one in ten participants (9%) commented on this item in the quantitative stage.)*

---

### A general culture change:

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*Better culture within the profession and appreciation of diversity. (Female, Left profession, 35-39 years)*

*There would have to have been a significant change in the culture, which I don't see occurring in the foreseeable future. (Female, left profession, 25-29 years)*

*(One in ten participants (11%) commented on this item in the quantitative stage.)*

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### Salary commensurate to training, experience and hours worked:

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*There should be a set minimum wage for employed solicitors that reflects the high level of education, skill and experience involved. I found it disgusting that a secretary who didn't miss much time off work in their life to study was being paid more than someone like me, with five years of a combined law degree and six years of litigation experience. A street sweeper earns about the same as I earned. I accept that a small minority of solicitors employed in top firms are on appropriate wages, but for the vast majority of employed solicitors the poor wages are a joke and there needs to be regulation of this. I would not have left if the wages were not so bad - there needs to be a strong union for young lawyers for better pay, but this will never happen as there are so many graduates competing for jobs. (Male, Left profession, 30-34 years)*

*(One in ten participants (15%) commented on this item in the quantitative stage.)*

---

Some of research participants indicated that nothing could have been done to entice them to stay in their role or in the profession, in particular former barristers. For these participants, at the point they decided to leave, it was too late for anything to be done to change their mind. Others had decided that practising law was no longer for them:

---

*Nothing, I had completely made up my mind that I no longer wanted to be a lawyer and was desperate to leave the profession. (Female, Left profession, 30-34 years)*

*Nothing - it's not my passion. (Female, Left profession, 25-29 years)*

---

Despite leaving the profession, research participants identified a number of aspects of practising law that they missed. In particular, the challenging and interesting nature of the work, relationships with colleagues and clients, and the prestige of working as a lawyer:

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*Using my mind to resolve problems. Working with teams of intelligent, efficient, motivated people. (Male, Left profession, 50-54 years)*

*I miss the intellectually challenging nature of the work, the people I worked with (who were top practitioners in their field and highly capable and motivating), and some of the corporate structures which made my working life run efficiently. (Female, Left profession, 30-34 years)*

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### 4.6 Re-engaging lawyers back into the profession

Survey respondents were asked whether they would consider working as a lawyer again in the future. Almost one half (48%) of respondents reported they would consider working as a lawyer in the future, one third (36%) said they *might* consider this, and one in five (17%) said they would not consider this.

Male respondents were more likely than female respondents to report that they would consider working as a lawyer again (69% compared to 44%) but given the small sample size and the smaller number of male respondents, this difference is not statistically significant.

Of those respondents who reported they would consider working as a lawyer in the future, most (41%) were unsure of the timeframe within which they would return to the legal profession. Just under one in three (29%) reported they would return within the next two years, and a comparable proportion reported they would return after three years (30%).

Respondents who indicated they would or might be interested in working as a lawyer again in the future were asked to indicate the type of workplace they would consider working in. As demonstrated in Figure 34, one in four respondents (24%) said they would consider working in a corporate in-house role, and one in five respondents said they would consider

a government legal role (21%) or private practice (20%). No respondents to this survey indicated they would consider working as a barrister.

Survey respondents identified a number of reasons why they would consider working as a lawyer in future, and a range of factors that would encourage them to return to the profession. These were highly consistent with aspects of the profession that respondents missed and factors that would have encouraged them to stay in the profession (see Section 4.5 above). Respondents most commonly reflected on:

- The desire to use their skills and qualifications:

---

*I studied for many years to become a solicitor and even completed my Masters in Family Law at College of Law. I feel my skills are not being utilised as they should be. (Female, Left profession, 50-54 years)*

*It's what I studied for and what I have always wanted to do. Time away from my career has only made me miss it. (Female, Left profession, 25 years or younger)*

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- The enjoyment derived from the interesting, stimulating and challenging nature of legal work:

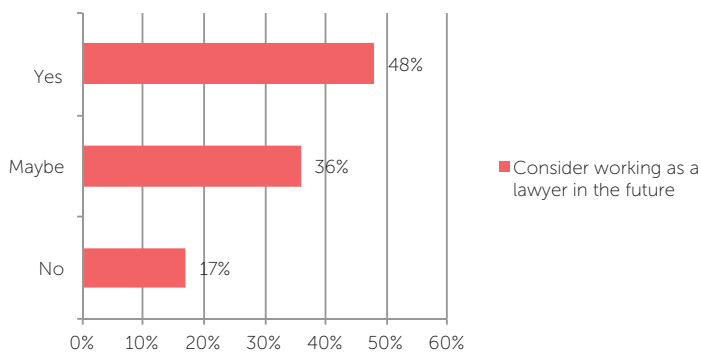
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*It is satisfying to engage in intellectually challenging work, alongside others striving to do the same. (Female, Left profession, 50-54 years)*

*Once you are trained as a lawyer and work as a lawyer, you always think as a lawyer and need the intellectual stimulation. (Female, Left profession, 35-39 years)*

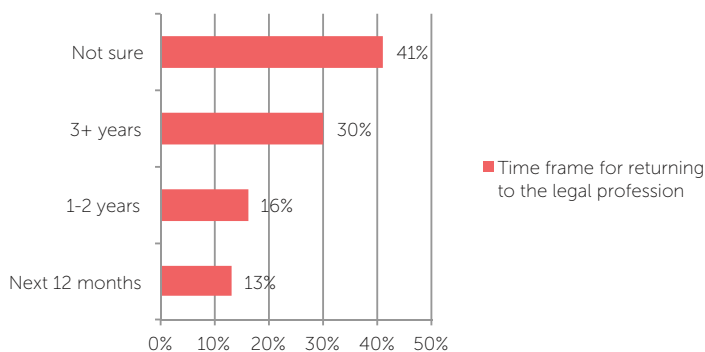
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**Figure 32 – Consider working as a lawyer again in future**



Base: All respondents to the survey n=84

**Figure 33 – Timeframe for returning to the legal profession**



Base: Respondents who reported they would or might consider working as a lawyer in the future n=70



- The contribution of legal work to society and the community:

*To invest in people who need advocates and cannot survive in the legal system otherwise.* (Female, Left profession, 25-29 years)

*I believe that I can work within the legal profession to progress important reforms and to support people who are disadvantaged by the legal system.* (Female, Left profession, 50-54 years)

*I want to assist clients - and use my law degree for the 'greater good'.* (Female, Left profession, 25 years or younger)

*A smaller number of respondents commented on the higher salaries available in the legal profession, and the status associated with working as a lawyer.*

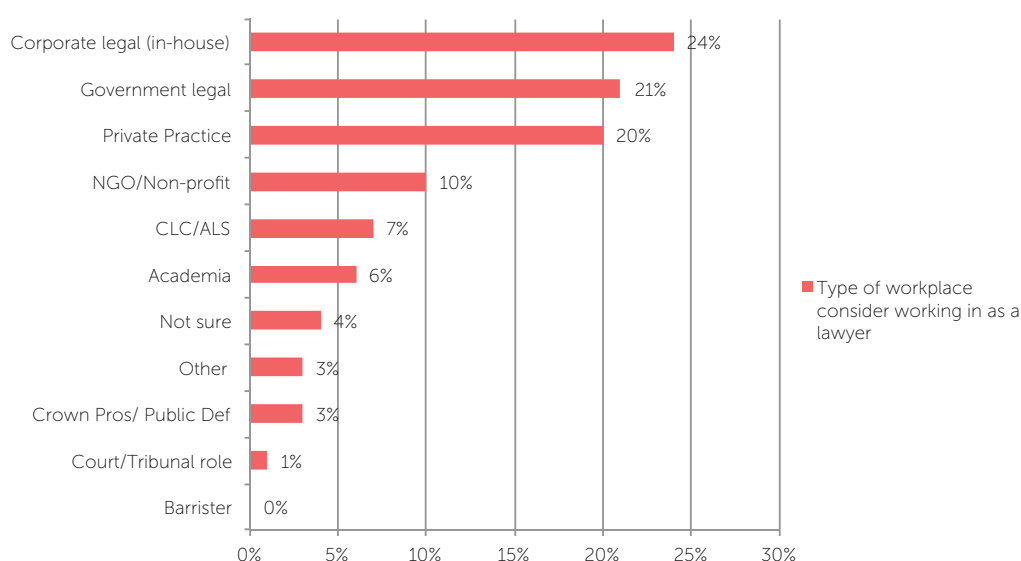
When asked what might influence their decision to return to the profession, a number of respondents noted they would need to balance the pull factors (outlined above) with working conditions such as the pay, culture of the workplace, the opportunity for flexible working arrangements, and the ability to maintain a work/life balance. Many spoke about 'the right role' presenting itself and spoke about what this 'right role' might incorporate:

*I would want to know I could control the extent to which I worked - I don't want to be leaving work after 7:30pm each night.* (Male, Left profession, 25 years or younger)

*Reasonable pay and a support network from other practitioners (plus a functioning photocopier, clean carpet, a dictaphone that works and god forbid an actual secretary).* (Female, Left profession, 25-29 years)

*The right role coming up. Feeling confident that I could balance work with other activities and responsibilities.* (Female, Left profession, 30-34 years)

Figure 34 – Type of workplace would consider working in



Base: Respondents who reported they would or might consider working as a lawyer in the future n=70

## 5 Lawyers who have never practised

### 5.1 Overview

This section outlines the results of the online survey of, and qualitative interviews with, lawyers who have never practised. It identifies their reasons for studying law and for not practising law, their satisfaction with their career path, and the factors that might influence them to practise law in the future. The demographic profile of survey respondents is outlined in Section 5.2 below.

### 5.2 Profile of survey respondents

A total of 75 respondents participated in the survey. The large majority (71%) of respondents were female and 29% were male.

The results of this survey were analysed for differences across sub groups, including gender, age, children, years of practising experience, and years since admission. However, the smaller sample size for this survey meant there were few differences to report. Consequently, the results of this survey have been presented by total sample rather than subgroups within the sample.

Table 18 provides a breakdown of the demographic profile of respondents to this survey.

Analysis of the total sample shows:

- the majority (68%) were aged under 39 years
- almost two thirds (65%) did not have children
- one in ten (12%) were the primary carer of children and one in four (23%) shared the parenting role
- less than one in three (29%) were sole income earners
- almost half (48%) finished their legal qualification in the last five years, and the large majority (79%) finished their qualification in the last 10 years.
- less than one half (47%) were admitted as a Legal Practitioner in an Australian jurisdiction.



Table 18 – Demographic profile of survey respondents who have never practised

		TOTALS
Gender	Female	71%
	Male	29%
Age	< 30 years	35%
	30-39 years	33%
	40-49 years	16%
	50+ years	16%
Children	No children	65%
	Primary carer	12%
	Shared role / No primary carer	23%
Salary versus total household income	100%	29%
	60-99%	25%
	40-59%	16%
	0-39%	13%
	Not sure/rather not say	16%
Years since finished qualification	< 5 years	48%
	6 – 10 years	31%
	11 – 15 years	9%
	16+ years	12%
Admitted as Legal Practitioner in Australian jurisdiction	Yes	47%
	No	53%
State/Territory living in	Australian Capital Territory	8%
	New South Wales	53%
	Northern Territory	3%
	Queensland	7%
	South Australia	1%
	Tasmania	4%
	Victoria	8%
	Western Australia	15%
Outside Australia	1%	

Base: All respondents to the survey n=75

### 5.3 Reasons for studying law

Respondents were asked to identify the main reasons for their decision to study law. The most common reason reported by almost nine in ten respondents (87%) was an interest in the law. Other common reasons related to employment prospects, with almost two in three (65%) deciding to study law because it provided good job opportunities, and almost half (49%) because studying law would provide a broad skill base for employment in different fields. Just over half (55%) identified intellectual stimulation as a reason for studying law, and just under half (43%) identified an interest in social justice.

Respondents were then asked to indicate whether they planned to practise law at two points in time - when they started their law degree and when they finished their law degree. An analysis of the results outlined in Figure 36 shows:

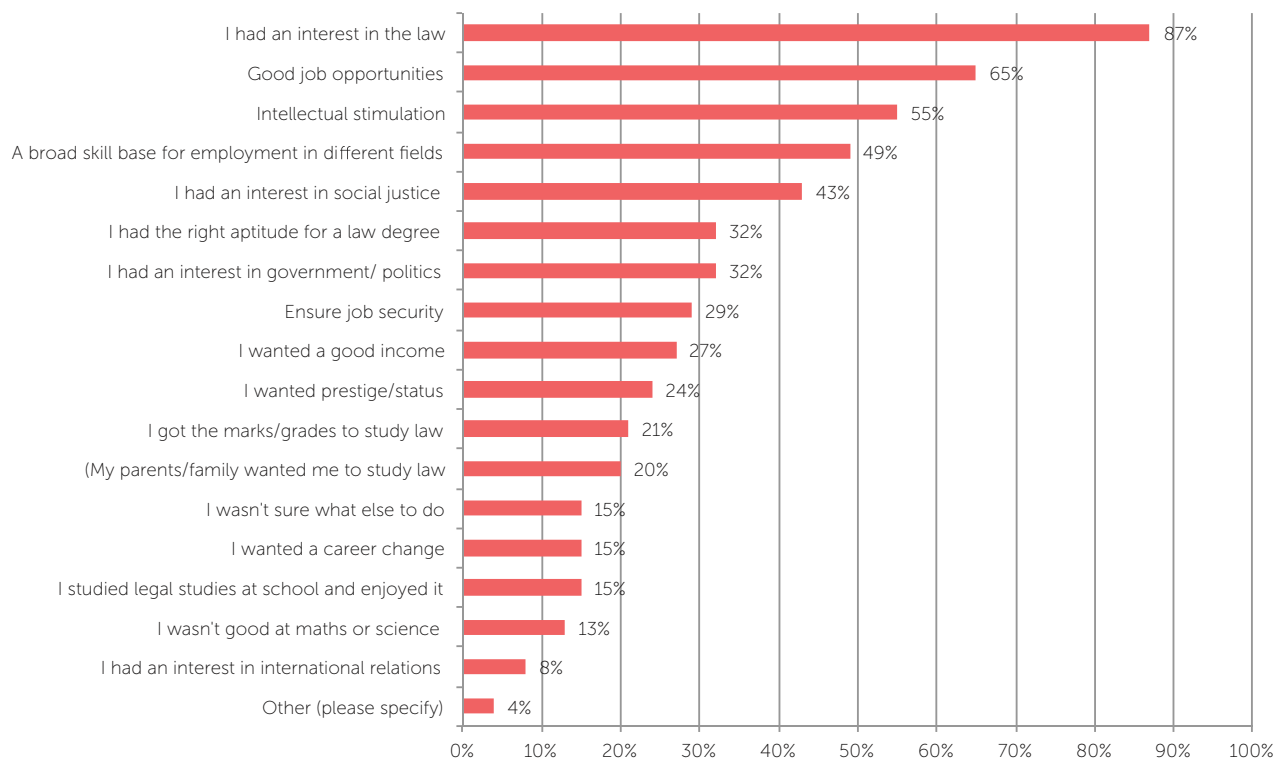
- half (51%) planned to practice law at the start of their degree but only 40% planned to do so when they finished their degree
- one in five (17%) had no plan to practise law at the start of their degree and more than double (40%) had no plan to practise at the end of their degree.

Interestingly, of the 51% of respondents who planned to practise law at the start of their degree, only 32% still planned to practise when they finished their degree. This decline was offset somewhat by 7% of respondents who made up their mind about practising law, from being unsure when they started their degree to being sure they wanted to practise law at the end of their degree. Of those who had no plans to practise at the start of their degree, only 1% changed their mind about practising law by the end of their degree.

#### 5.3.1 Extent to which law degree met expectations

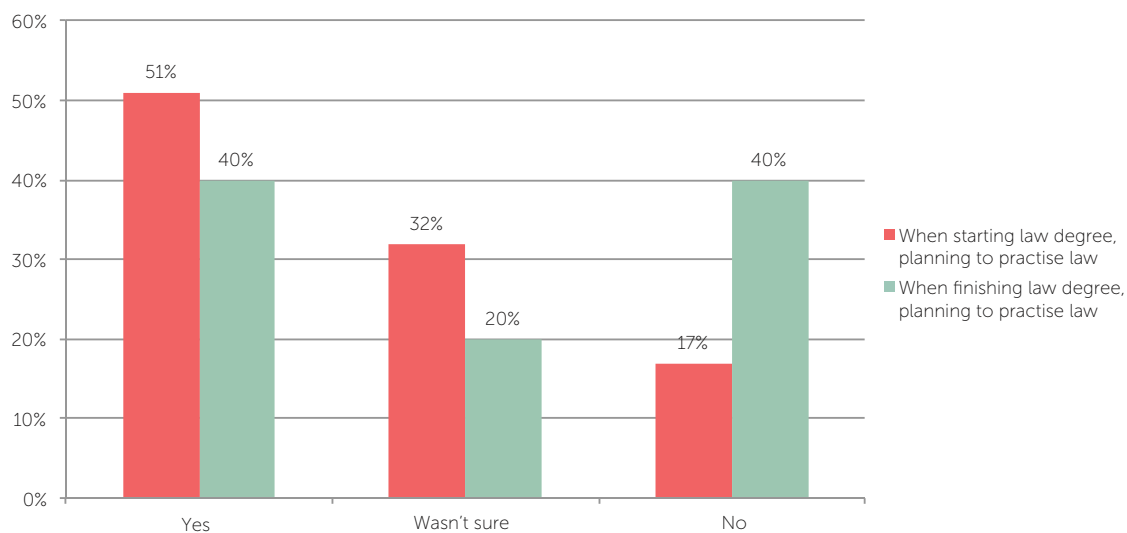
The large majority of respondents reported that their law degree met the expectations they had when starting it, either to a major extent (28%) or a moderate extent (49%). Only a small number (8%) reported their law degree did not meet their expectations at all.

**Figure 35 – Main reasons for studying law**



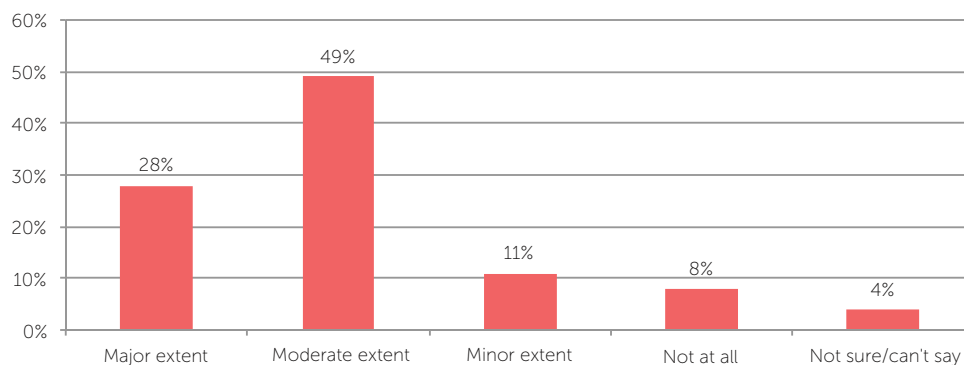
Base: All respondents to the survey n=75

Figure 36 – Plans to practise law when starting and finishing law degree



Base: All respondents to the survey n=75

Figure 37 – Extent to which law degree met expectations



### 5.4 Reasons for not practising law

Respondents were asked to identify the factors that impacted on their decision not to practise law, and were then asked to identify the extent to which each of these factors influenced their decision not to practise law.

The most frequent and most important factors that contributed to respondents' decisions not to practise law have been combined and are outlined in Figure 38 below. They include:

- greater support for work-life balance (personal life) elsewhere (reported by 64% of respondents)
- greater support for work-life balance (family commitments) elsewhere (65%)
- I was offered another job opportunity (65%).

In-depth interviews were undertaken with several women who had a law degree but had never practised as a lawyer. In most instances, the women had not made a conscious decision not to practise, rather they were unable to find work as a lawyer. These participants provided a number of reasons why they had been unable to secure employment, including:

- Insufficient employment opportunities at the graduate level:

*I was admitted in July of last year and then I actually haven't been able to obtain a graduate position... I'm not alone. There's a few other lawyers I know that have graduated in the last few years that actually have taken 12-18 months to find a graduate position. (Female, Never worked in the profession, 35-39 years)*

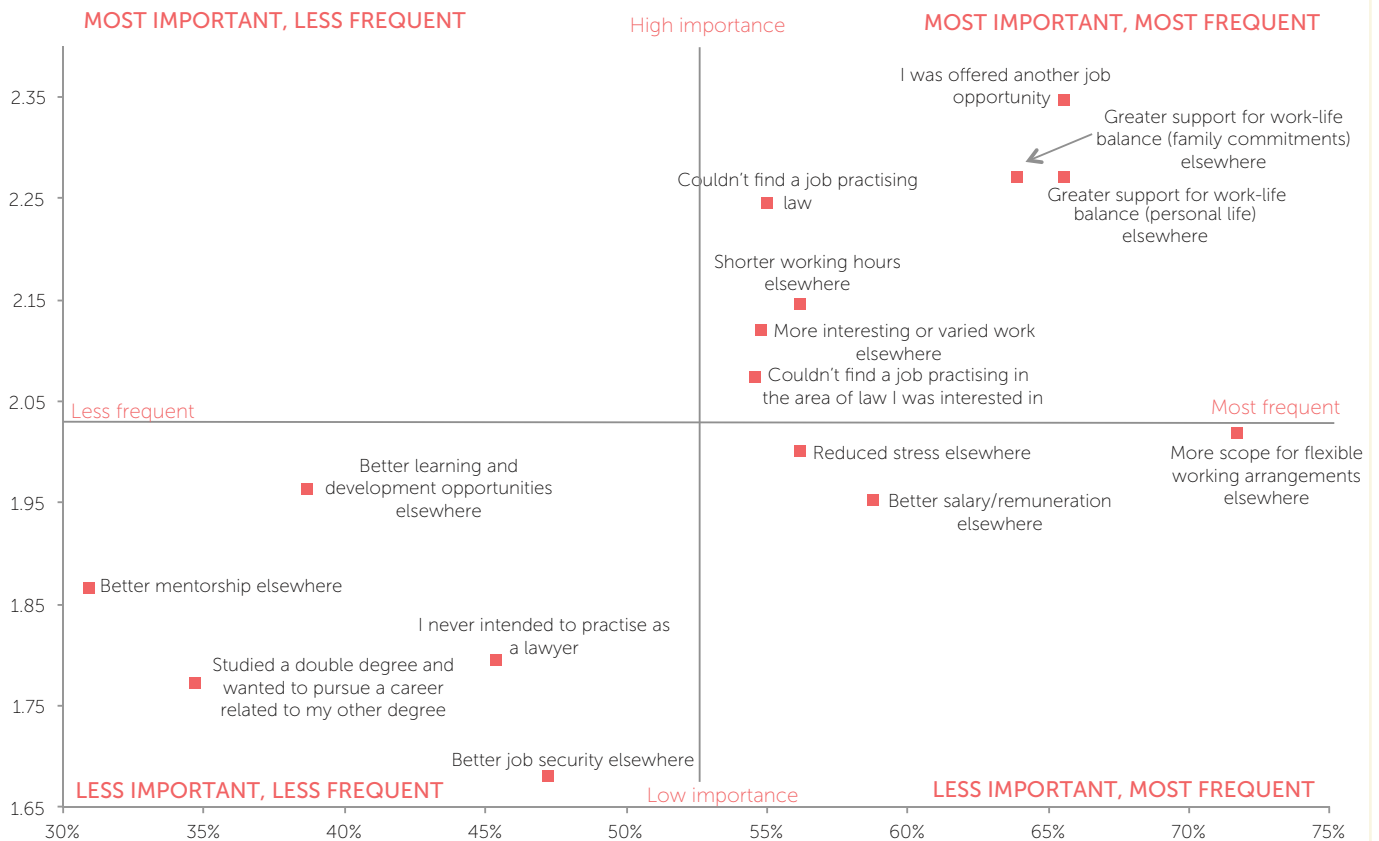
- Barriers associated with age:

*I wonder a little bit if it wasn't my age and that's the conjecture on my part that I am around the age to have children and starting out on a career and [employers think] I'll train her up and then she'll pop off to have a family and all that kind of stuff. (Female, Never worked in the profession, 35-39 years)*

- Family responsibilities:

*I suppose when I went back, when I finished my degree and got admitted, it's just too hard to work part-time as a first year lawyer and find a position where people are prepared to take on someone with kids. (Female, Never worked in the profession, 60-64 years)*

Figure 38 – 15 most frequent and important reasons for not practising law



Base: All respondents to the survey n=75

- Systemic barriers associated with completing two years supervised legal practice to obtain an unrestricted practising certificate: two interview participants said they had been unable to obtain the two years' supervised practising experience required to obtain an unrestricted practising certificate.

In one instance, a participant who had studied law later in life felt that employers were unwilling to invest in hiring and training her due to a perception that she was capable, financially supported, and would likely leave the firm after two years when she was eligible for an unrestricted practising certificate. She understood the reluctance by employers to train and support people who may end up being a future competitor, and felt this was a systemic barrier:

---

*They [employers] are more likely to invest in an individual who is very young, who has a few years before they actually even think about maybe working on their own or anything or have maybe ten years before it can happen rather than people who are more than capable to become independent after a couple of years. It is very reasonable – no business wants to create competitors for themselves and share the market. But a system which makes people dependent on their competitors? I don't believe it is a fair trade practice where you have to go and ask for your future competitors to help you to get on the market. (Female, Never practised, 40-44 years)*

---

## 5.5 Main work

Respondents were asked to identify the sector they had mainly worked in since finishing their law degree. Respondents reported working in a range of sectors, with government and defence being the most common (29%), followed by banking and financial services (15%), advertising/media/arts and entertainment (12%) and consulting (11%). One in ten respondents (11%) reported working in the legal profession but in a non-practising role.

Many interview participants were working in the legal sector in a non-practising capacity. Roles included as a clerk, support staff and legal secretary. Two interview participants worked as migration agents:

---

*I lodged about 15 applications and a friend of mine actually told me you're not going to get a job 1) because you're mature age and 2) you don't have first class honours. So I just couldn't get a job basically in the law profession. So I went to default and ended up in migration law. (Female, Never practised, 45-49 years)*

---

**Table 19 – Sector respondents mainly worked in since finishing law degree**

SECTOR	PROPORTION
Government and Defence	29%
Banking and Financial Services	15%
Advertising/Media/Arts and Entertainment	12%
Consulting	11%
Legal profession (non-practising role)	11%
Education and Training	8%
Hospitality/Tourism/Recreation	7%
Health and Community Services	5%
Not for profit	5%
Property and Business Services	5%
Mining, Resources and Energy	4%
Construction	3%
IT and Telecommunications	3%
Other	15%

Base: All respondents to the survey n=75

### 5.6 Satisfaction with career decisions

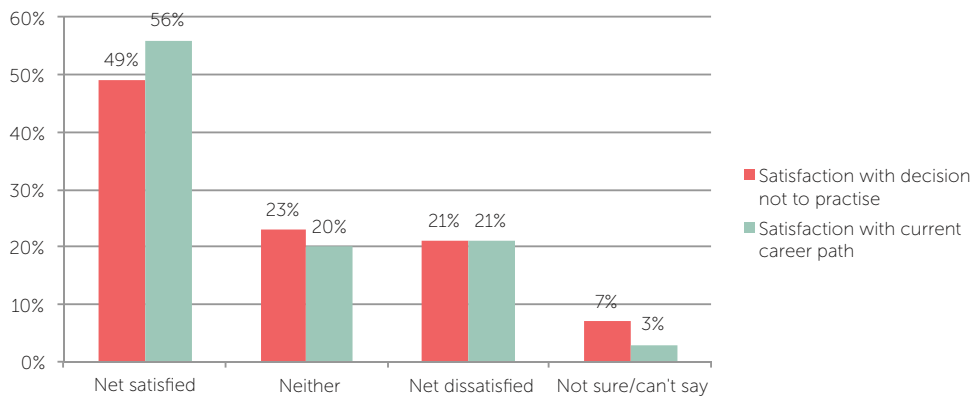
Around half of respondents (49%) reported being satisfied with their decision not to practise law, almost one in four (23%) reported being neither satisfied or dissatisfied, and one in five (21%) reported being dissatisfied.

Similarly, the majority of respondents (56%) reported being satisfied with their current career path. Only one in five (20%) reported being dissatisfied with their career path.

Respondents who had been admitted as legal practitioners or had planned to practise law when they finished their degrees expressed greater levels of dissatisfaction. Specifically:

- One third (34%) of respondents admitted as legal practitioners reported being very dissatisfied or dissatisfied with their decision not to practise law, compared to 10% of respondents who were not admitted.
- Over one third (37%) of respondents who planned to practise law when they finished their degree reported being dissatisfied or very dissatisfied with their current career path compared to 7% of respondents who had no plans to practise law when they finished their degree.

**Figure 39 – Satisfaction with decision not to practise law and career path**



Base: All respondents to the survey n=75



## 5.7 Attracting law graduates who have never practised to the legal profession

The majority of respondents who have never practised law (71%) indicated they would or might consider practising law in the future. These respondents were asked to indicate the capacity in which they would be interested in practising law. Most (28%) expressed an interest in private practice, followed by a government legal role (26%) or a corporate in-house role (17%). Only a few (9%) expressed an interest in working as a barrister.

Respondents were asked to explain why they might be interested in working in the legal profession. The majority intended to work as a lawyer because they thought they would enjoy the nature of the work and/or wanted to use their qualifications:

---

*I am currently with a law practice but I haven't been admitted. I like the variety of work, and the opportunities nationally.*

*It would be nice to give some time to what took me 11 years to achieve.*

---

Despite this desire, a number of respondents were finding it difficult to enter the legal profession due to a lack of employment opportunities:

---

*I always wished to practise law and have never lost desire. The reason for not practising to date is due to lack of employment opportunities/offers and lack of desire by senior practitioners to provide mentoring/training/development.*

*I very much want to practise law. There are simply far fewer opportunities than there are graduates.*

*I have always been interested in practicing law; it was not my decision not to practice, I just did not have an opportunity.*

*I have always intended on practising law, I have been unable to find a job due to lack of experience.*

---

Respondents were also asked to indicate anything that might influence their decision to enter the legal profession. Much like the findings for lawyers no longer practising outlined in Section 4.6, the factors that would influence respondents' decisions to enter the profession include access to suitable job opportunities, sufficient remuneration and a sustainable work life balance:

---

*My decision would be influenced based on remuneration, work/life balance, job security and also the location of the job.*

*Suitable position, and willing to employ someone who came to law from industry and does not fit the traditional law grad mould.*

*The right job opportunity for a graduate. There are not that many available/advertised at the moment.*

---

**Table 20 – Workplace where would or might consider practising**

SECTOR	PROPORTION
Private law firm	28%
Government legal	26%
Corporate legal (in-house)	17%
Non-government organisation/not for profit	11%
Barrister	9%
Community legal centre/Aboriginal Legal Services	8%

*Base: All respondents who answered to be interested ('yes' or 'maybe') in practising law n=53*



## 6 Views on engaging lawyers in private practice or at the Bar

### 6.1 Introduction

A key area of interest in this research has been potential opportunities to attract and retain lawyers in private practice and at the Bar. This research has identified a number of reasons for dissatisfaction with and attrition from private practice, the Bar and the legal profession among females. Areas of dissatisfaction relate to work-life balance, the culture of the legal profession, career progression and professional development and support.

The following presents suggestions from research participants as to how some of these challenges may be addressed, including the potential role of the Law Council and other professional bodies to assist.

### 6.2 Supporting and diversifying 'flexible working arrangements'

Attrition and stalled progression to senior levels within the legal profession due to family responsibilities was identified as a key issue for women. While some acknowledged that men with family responsibilities face similar challenges, women were seen as more affected because they give birth and are often the primary carer of children.

Many research participants considered access to flexible working arrangements a necessity for retaining working parents in the legal profession. While stakeholders said flexible working arrangements were available and fairly accessible, the impact of flexible working arrangements on women's career progression and enjoyment of work can be problematic and a source of dissatisfaction and attrition. Many women felt career progression, the nature of the work allocated and the hours ultimately worked were negatively impacted by flexible working arrangements.

Some stakeholders saw an opportunity to diversify flexible working beyond traditional 'part-time' arrangements, which were thought to be incompatible with the nature of legal work and clients' expectations around 24 hour service, and often resulted in employees working longer, in fewer days for a reduced salary. Those who commented on diversifying arrangements advocated for better use of technology to enable off-site working, not just for women with family responsibilities but for all staff, and investigation of alternatives such as compressed working weeks or job sharing. The provision of childcare facilities at chambers and

offices was also raised several times as a means to better cater to working parents:

---

*Law firms have traditionally adopted the very traditional part time idea as an option but they don't seem to have embraced compressed working weeks or job sharing- they do a lot maybe in the paralegal type level - but at a solicitor level from my experience that's sort of something that could open a few more doors. (Female, Private law firm, 30-34 years)*

*Everything is moving to paperless now and if that's the case there's not really any great reason why people can't be on really flexible arrangements. I mean if you can hook into a teleconference from home that might go a long way in making you feel more relaxed and balanced so I think once that flexibility and balance is achieved that will be half the battle. (Female, Private law firm, 25-29 years)*

*Onsite childcare - that would be a start... So that if you've got a toddler and the childcare is 8-6, you can be in the office 8-6. You don't have to drop them off somewhere half an hour from where you are. (Female, Left profession, age unknown)*

---

Some saw the need for greater respect for flexible working arrangements, where arrangements are not simply 'lip service' but are observed and adhered to:

---

*I had a friend who was in private practice. She was used in a big publicity thing of how well she job shared and everything but in essence she was saying although she was job sharing three days a week, she was actually having to work 5-6 days at home in the evenings to keep that. So really it wasn't job sharing. And although they espoused the equality, I don't actually think there is that many firms out there that do. I think they pretend they do but they don't in private practice. (Female, Barrister, 50-54 years)*

---

Committed and understanding leadership, senior staff themselves operating under flexible arrangements and good communication were thought to be key success factors in achieving genuine flexible arrangements:

---

*I do think the more firms that allow part time working practices that appoint part time partners, both male and female, the more normalised it is. (Female, Corporate legal, 40-44 years)*

*I think we've shown through example that it is possible... Our female staff now are really accepting of all of that and feel comfortable around that. Whilst we've promoted it through all of our policies and procedures and our communications, but it's also because at the top of the food chain our partners are doing it so it's possible. Those barriers are being knocked down both through an actual sense and a perceptual sense. (HR/Management)*

---

### 6.3 Being considerate of working parents

In addition to formalised flexible working arrangements, some participants saw value in businesses, staff and structures catering to working parents, for example in the times that meetings and events are scheduled:

---

*Don't have a staff meeting at 8am in the morning or 7.30am. Have a staff meeting at lunchtime so that you can manage your beginning of day, your pickups and your drop offs. I think sometimes people don't think about those things... I guess having opportunities to participate in the social life of the workplace that aren't always on a Friday night at 6 o'clock is probably a good thing as well. (Female, Private law firm, 35-39 years)*

*I know that some of the courts have adopted practices where they'll ask that question or have their associates ask that question prior to the hearing starting so there can be some arrangements made. (Industry body)*

---

A few comments pertained directly to industry events and training and this is something the profession may consider in scheduling:

---

*We all talk about networking, networking, networking. Networking is great, but at 5pm I can't network. I've got to be home, so putting on 5pm, most of our CPD classes, if you want to attend in person, yes you can do it online, you can do podcasts you can do it other electronic ways. A lot of people go at night, I don't because it's 5pm and I'm home tending to the situation at home. I'm doing my other job, my second job. Why put them on at 5pm? Put them on at 1pm in the day when maybe we can get away at lunchtime. So the women feel included in the system. Make it a little easier for working female barristers to be involved in continuing professional development. Do lunchtime things. (Female, Barrister, 55-59 years)*

---

### 6.4 Transparency for employees around rights and reasonable expectations

Many indicated that the culture of the legal profession, particularly in private practice and at the Bar, encourages long hours, fosters competitiveness and discourages collegiality and knowledge sharing. Several participants felt unable or uncomfortable about acknowledging they were unhappy at work or struggling with their workload due to the competitiveness of the workplace and the perception that their reputation would be negatively affected. Furthermore, it was suggested that the absence of informal professional support and development, as well as more formal feedback mechanisms beyond billable hours, made it hard for some participants to ascertain their progress and achievements.

An opportunity was therefore identified, particularly for industry bodies as neutral entities, to provide guidance about what hours lawyers should be working, how much they should be paid and how they should be performing relative to their level. This was thought to be valuable for all lawyers, but particularly those new to the profession:

---

*Ensuring that there is openness and transparency in relation to the way firms work, the manner in which they pay people, the level of pay that junior lawyers get, things like that. Even if it's just publishing bandwidth for say what you would expect an associate to be paid or providing some policies or procedures that assist law firms understand how they can draft a policy about how do you become an associate in this firm. (Government legal, 50-54 years)*

*So when you have still got your trainer wheels on, what are the rules, where are you meant to be at, how many clients should you be trying to bring in and what dollar value and how realistic is it when you've got five minutes experience so what should you be doing... (Female, Left profession, 45-49 years)*

*We have no shared information about what market rates are, what the market can bear, how you price yourself into a quality role as opposed to just getting any sort of work. (Industry body)*

---

## 6.5 Building (some) women's capacity

A few participants reflected that perhaps women were not as forceful, confident or aggressive as their male counterparts and that this impeded their success and progression in a male-dominated industry. Conversely, other participants felt that, without generalising, the empathy and different perspective that women bring to complex issues was highly valuable and also able to be taken advantage of.

Recognising these factors, several participants identified value in running training specifically for women, designed to assist them in navigating the system and equip them with strategies to advance as a female lawyer:

---

*Like you have to initiate some sort of program for women to be more confident. To push themselves through and try to equip them with ways to negotiate with partners to get further up the ladder. To give them some advantage in understanding how to do that, of what is involved in partnership, how things are looked at behind closed doors, so that they can be prepared and know how to deal with what's thrown up at you. To be a bit more feisty and assist them to break through that barrier. (Female, Government legal, 50-54 years)*

*They [Tasmanian Women Lawyers] organised a session where they had a panel of women who talked about negotiating salary if you're a woman and working part time and all that sort of stuff. So those sorts of things, things that can actually help women navigate that minefield. It's not natural for us to say I am worth X amount of dollars and I want you to pay that to me. (Female, Government legal, 50-54 years)*

Mentoring and role models were identified many times as means to foster women's growth in the profession. Those involved in mentoring valued it, and many participants indicated a desire to have a mentor. Introducing mentoring programs, and strengthening them where they already exist, may assist with reducing attrition of women in the legal profession. Increasing the visibility of successful women was also an opportunity identified by several participants:

---

*Mentoring systems with women that have done it before you I think is probably the most valuable, so that you don't feel like you're – if you are in a male dominated workplace – the only one that's sort of going through what you're going through. (Female, Private law firm, 30-34 years)*

*I think certainly having more women who have families and have done the juggling act in senior positions would help, who can say yeah it works, I did it, I'm proof. (Female, Private legal firm, 30-34 years)*

*So the more diversity you get in those senior levels in law firms, by diversity I mean you know you get people who have kids who are in childcare where they need to pick them up and they don't have a nanny or they've got real lives. I think that would be very helpful. So having really sort of strong positive role models that are able to be related to. (Female, Government legal, 30-34 years)*

## 6.6 Practical tertiary education

Many research participants who had worked in private practice indicated that they had limited knowledge or expectations around what the work environment would be like prior to starting employment. Some reflected that had they known the nature, pace and intensity of the work, they may have reconsidered their decision to work there, or at least come in with a more realistic view. It was suggested on a number of occasions that universities could better prepare law graduates, by integrating a practical component into the degree or more overtly presenting the range of contexts in which lawyers work:

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*I think having more practical experience during your degree just would probably allow people to help make decisions about their future career a little bit easier because they've had exposure. (Female, Never worked in the profession, 35-39 years)*

*I didn't know what private practice was...I think it's important at the university level to give people a better understanding of the different options available to them career-wise. (Female, Corporate legal, 25-29 years)*

## 6.7 Measures targeting employers and senior professionals

A few participants identified a skill gap in some senior staff around supporting professional development and performance management. In this regard, there appears to be an opportunity for training for managers:

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*I don't think each person knowingly doesn't supervise well, but it's the fact that they're not taught to supervise well and not taught to think about how what they say or do is absolutely as perceived. I certainly think that training in that area would be useful, observing that it is very difficult for some of the principals to accept that they might learn something about that. (Female, Left profession, 50-54 years)*

*There might need to be more education in place particularly around performance issues. I feel like at the law firm that if people were underperforming relative to the terms, there is a tendency to either shut them out or shout at them and I think there needs to be more training around how you use constructive and negative feedback rather than shouting at people. Maybe that is something that all partners should have to attend. (Female, Left profession, 25-29 years)*

*I mean maybe they could try and encourage a cultural shift by doing education with judges about what are reasonable expectations of people, of lawyers in the current day but I think the fact is that in the world of litigation there is this expectation that things can be done overnight or instantaneously so I don't know how you get past that really. I think what the Bar Association is doing is a good start. (Female, Private law firm, 35-39 years)*

A common reason for dissatisfaction in female research participants is the nature of legal work, and the pressures in private practice around billable hours and financial targets. Changing the structure and operation of law firms was identified by a small number of participants as a potential strategy, although this is recognised as a challenging task:

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*I've seen and heard of firms that have successfully moved away from time costing, to a knowledge selling based scenario and it has worked... I think if we move towards that, it will take a lot of pressure off both sides of the spectrum – both male and female. (HR/Management)*

*I think they need to change their business model. I don't think that it's appropriate anymore that partners have such incredibly large drawings. I just don't think that model works. I think it creates a focus on billing, inefficient practices and to be frank the market can't sustain it. (Female, Government legal, 30-34 years)*

*There might be the possibility to conduct studies as to how alternative billing systems could work, I don't think you could tell firms that they have to change the way they bill and expect them to go 'okay' unless you presented them with a realistic alternative. (Industry body)*

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The importance of making a business case for retaining women to leaders was noted by some participants:

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*I think the role is continuing to make available industry wide information around the cost to employers of the loss of quality employees because I think once employers understand the cost to them of the loss of a quality employee then it's naturally going to motivate them to do whatever they reasonably can do. (HR/Management)*

*In one sense the economic argument is the argument that lawyers find, you know, partners find the easiest one to accept. And often if you can put the argument in economic terms then they're much more receptive to it. If it hits the bottom like it's going to affect the profits, then maybe we'll do something about it. If you're just relying on their goodwill, then nothing will happen. (Industry body)*

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## 6.8 Enforcement

Several participants commented that there is a growing, if not sufficient, industry knowledge of best practice management and ethical work practices. What is lacking in their view is the monitoring of behaviour and enforcement of policies and expectations required to move equitable practices beyond 'lip service' and a promotional opportunity, to authentic change. Without the threat of consequences, several felt that it was unlikely that employers would genuinely change their behaviour. It was considered particularly challenging to effect behavioural change in decision-makers in private practice or at the Bar who were largely self-regulating:

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*A lot of firms have signed up and said 'Yes, we follow the equitable briefing policy', and part of the policy is actually to report on the numbers of women you brief and the values of those briefs. But I'm not aware of anyone taking any steps to actually enforce those reporting mechanisms. (HR/Management)*

*If you fill out all those tenders and they say you need to have an equitable briefing policy and things like that or your social responsibility is X, Y or Z, they actually need to make sure that that is happening and I don't think that there is a lot that requires firms to make sure that they are briefing equitably. (Female, Government legal, 50-54 years)*

*Partners ultimately own the firm, so for that reason I don't know how responsive they are to things like outside professional bodies. The only thing that these law firms really understand is loss of money or loss of reputation. So someone - Law Societies - need to provide some sort of incentive for firms to care for those reasons. So perhaps there could be some sort of naming and shaming. There could be a register of practices that have had complaints against them for not professional misconduct but just for behaviour issues such as swearing and shouting. (Female, Left profession, 25-29 years)*

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A few felt that professional bodies had a role to play in implementing and policing workplace practices both in private practice and the Bar. A number of suggestions were made for how professional bodies might motivate and incentivise behavioural change specifically in private practice, including:

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*I think the system of linking 360 degree feedback is a really really good idea. (Female, Left profession, 25-29 years)*

*Not an official complaints system, but something that enables you to go and speak to someone and say 'This has been my experience, it is a bit off, it just doesn't reflect well on the firm'. ...There's no channels to discuss it here because that's going to make my position even worse if I'm seen to be whingeing or complaining or whatever. It would be useful if there was a professional body that was able to have resources that people could discuss their situation with and if they thought appropriate they could take it up with the firm. Especially if they said 'We've had six people in the last three months talk to us about the same experiences happening in your firm - what's going on?'... I think otherwise a lot of people have bad experiences, are not happy and they just leave and no one ever knows why. Well, they know why and their friends know why, but the feedback never gets back to the firm. (Female, Corporate legal, 40-44 years)*

*I think that they now have to do mandatory reporting which I think is a good thing and I think that the Law Societies should make that information available on their websites so that people who are considering entering into the law or thinking about making a change from one law firm to another, whether it's an article looking or a graduate looking at where to go, people can access the sort of information about these firms. (Female, Government legal, 30-34 years)*

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Others felt that enforcement was outside the mandate of professional bodies:

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*I think the Law Society as a very general comment needs to remember it is actually our union, it's not our governing body, well it's not our policeman telling us how to behave. (Female, Left profession, age unknown)*

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## 6.9 Relieving financial burdens at the Bar

Some interview participants working or considering working at the Bar, indicated that the financial strain of commencing and sustaining a career as a Barrister was significant. The considerable investment required to establish and maintain chambers was considered a barrier to entering and remaining at the Bar, particularly for women taking maternity leave or returning to work part-time. The financial impacts were compounded when coupled with the irregularity of income. In order to address this barrier, a few participants suggested subsidised chambers fees, sub-leasing chambers and encouraging Barristers to share chambers:

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*Well I know Victoria has a strategy where I think for six months, and this is applicable for anybody who has the care of a child say within the first six months of their birth or adoption or something like that, that you get a subsidy for your chambers. I think it's a certain amount for a six month period, so that's to give you a bit of room for parental relief. (HR/ Management)*

*Sharing chambers has become more common over the last few years as chambers get sort of harder to find and also more expensive, more and more junior barristers have been sharing and that's not just a female thing, that's males and females. (Female, Government legal, 35-39 years)*

*I certainly know that in some chambers the other members of the chambers have covered the cost of the rooms while someone's on maternity leave. Or alternatively that they've facilitated a sublet, that someone else has moved in to subsidise the cost. (Industry body)*

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## 6.10 Raising awareness about gender discrimination

Many participants saw an important role for professional bodies in raising awareness about gender issues and providing clarity and guidance around what constitutes discrimination. This study was supported by many and considered to be an important exercise:

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*I think an important first step has been taken in doing this survey and gathering some concrete information about what it's like. (Female, Government legal, 60-64 years)*

*I guess that kind of awareness raising role, holding events, talking about equal opportunity and how to make a part time practice work effectively and that kind of educational dimension to it. (Female, Private law firm, 35-39 years)*

*I think that they just need to bang home the issue of the advantages of diversity and the business advantages of diversity. (Female, Government legal, 30-34 years)*

*There is a role in thought leadership, there is a role in developing and expressing case studies, there's a role in interacting with other agencies like workplace gender equality and other not for profits in the area like the Diversity Council, there's a role in providing resources and support and tools and dialogue and training. (Industry body)*

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## 7 Conclusions and options for consideration

### 7.1 Overview

**This research has considered the experiences of women in the legal profession. The purpose of the research was to provide insights into the barriers and enablers faced by women in entering, remaining and progressing in the legal profession, and provide direction regarding possible actions to address these.**

The experience of women in professional environments is not a new area of research. There have been a number of studies in various Australian states and internationally into the experiences of women working in the legal profession and other industries. While reaffirming many of the findings of these studies, this research is a first in that it is the first national study of its kind in Australia that provides a solid, national evidence base specific to the Australian context. It thus provides a framework upon which the Law Council and broader legal profession can progress a change agenda.

This project has yielded a significant amount of immensely valuable data from some 4,000 members of the legal profession that can be used in a number of different ways. It can potentially be used as a benchmarking study to track changes over time. It can be used by professional bodies and associations, employers and business owners.

It will be very important to consider how the research results are communicated, utilised and drawn upon. A wide range of stakeholders will be interested in the

results and the success of any strategies to address identified barriers will require ownership, 'buy in', support and action from a range of parties. The process to date has not allowed for any sharing of the survey results with stakeholders to obtain their views on the issues and workshop suggested solutions to key barriers.

In devising potential options for consideration, we have drawn on suggestions from the research respondents (in the absence of sharing research findings with stakeholders) and also from our scan of the latest international literature to identify strategies that are proving to be most effective in achieving greater gender equity in senior management and executive roles.

We are of the view that there would be considerable value in involving key stakeholders in an analysis of the findings and workshoping of potential options. Drawing on the expertise and ideas of key stakeholders will strengthen both engagement and the range of strategies that have been identified.

The section synthesises the results of this study and outlines options to retain women at the Bar and in private practice. In order to set the context for the strategic options discussed, this section also provides a brief overview of the business case for gender diversity and what is considered best practice in this area, as identified in the international literature.

## 7.2 Key findings from the research

### 7.2.1 Experience of the profession

**Practitioners enjoy the interesting and diverse nature of legal work. For women, strong relationships with colleagues are a particular driver of satisfaction.**

Both male and female legal practitioners identified a common set of elements contributing to job satisfaction. Many of the most positive aspects of work reported by respondents relate to the nature of legal work itself, including the level of independence and autonomy, the diversity and profile of the work, as well as a sense of personal satisfaction in the work undertaken.

Compared to their male counterparts, female practitioners derived greater satisfaction from relationships with colleagues and their superiors, indicating that for women, personal relationships are an important driver of engagement in the profession.

**Long working hours and poor work-life balance impact both male and female practitioners.**

A number of drivers of dissatisfaction were common to both male and female practitioners, notably with respect to the required working hours and the pressure of billable commitments for those in private firms. For both male and female practitioners, these factors often contribute to degradation in work-life balance, which for many may become unsustainable. This finding is significant as it highlights the importance of flexible work practices that facilitate work-life balance across the profession (not just for working mothers).

**Women experience career development and career progression opportunities differently to their male counterparts.**

Women practitioners identified particular dissatisfaction with elements of career development and progression in their workplace. With respect to their current role, close to one in three females expressed dissatisfaction with the accessibility of mentors to support their career development, and with the opportunities they had for promotion and advancement. Reflecting on their legal career to date, a similar proportion expressed dissatisfaction with the rate of career progression and their career trajectory compared to their expectations. In contrast, less than one in five male practitioners expressed dissatisfaction with these aspects of their current role and career to date.

This result indicates that women lawyers experience career progression differently to their male counterparts. While mentoring and career development opportunities may be available, these are not generally seen to be adequate or appropriate for women in the profession.

**There is a perception of conscious or unconscious bias against women who adopt flexible working arrangements to balance family responsibilities.**

Women also identified practical and cultural barriers to their progression. For women with children, balancing family responsibilities was a recognised challenge. The research suggests that whilst a range of flexible working arrangements might be available for these women, taking them up could have a negative impact on progression prospects. Particularly in larger private firms, study participants reported several negative impacts of utilising flexible working arrangements. These included being allocated unsatisfying work, being passed by for promotion, and dealing with colleagues' assumptions that because they had accessed flexible working arrangements, their priorities lay outside work.

**The relative lack of women in senior leadership positions is seen to contribute to a male-dominated culture in which it is difficult for women to progress.**

A number of women also indicated that the prevalence of men in senior positions presented cultural barriers to their own progression. Whether conscious or unconscious, the role of favouritism, personal relationships and alliances in the promotion process was seen to potentially favour male candidates in workplaces led by fellow men. Many participants view large law firms in particular as being overly competitive (influenced perhaps by the inherently adversarial nature of legal work) with a male-dominated culture that is experienced as alienating by women.

### 7.2.2 Discrimination and harassment

**A very high level of discrimination and harassment at work was reported by both male and female practitioners. One in two women, and more than one in three men, have been bullied or intimidated in their current workplace.**

A significant proportion of respondents, both female and male, indicated they had experienced some form of discrimination, intimidation or harassment in their current workplace. Whilst this issue appears to have been encountered by considerable proportion of the profession, irrespective of gender, women were significantly more likely than men to have experienced a range of types of discriminatory behaviour.

**Half of all women report experiencing discrimination due to their gender, whilst one in four have experienced sexual harassment in their workplace.**

Close to one in two women have experienced discrimination due to their gender compared to just over one in ten men. Approximately one in four women have been discriminated against due to family or carer responsibilities, and one in four women have experienced sexual harassment at work.

**Experiences of gender discrimination range from blatantly different treatment to subtler forms of prejudice that are harder to articulate.**

Overt experiences of gender discrimination included being allocated different types of work or being denied access to opportunities, being rejected or judged as less competent by clients and colleagues. Subtler forms of gender discrimination included the use of demeaning and condescending language by colleagues or clients, exclusion from conversation and social activities, and a male-dominated workplace culture.

A number of women disclosed their experiences of receiving unwanted advances, feeling objectified or being exposed to inappropriate sexual behaviour.

**Bullying, intimidation and aggression may be partly condoned in the context of the confrontational nature inherent in some aspects of legal work.**

Characteristics such as assertiveness, resilience, competitiveness and self-confidence are valued in the legal profession, but can be seen to extend to bullying and aggressive behaviour.

A number of research participants suggested these traits come more



naturally to men than women, and that women's capacity for empathy and intuition should receive greater recognition by the profession. However, it is important to note that perpetrators of bullying and intimidation were not limited to senior men; a number of participants identified examples of similar behaviour exhibited by some senior women in the profession.

### 7.2.3 Drivers of retention and attrition

**Culture, leadership and the nature of the work were important factors for both male and female practitioners who had moved roles.**

A significant proportion of the recent career moves reported by survey respondents related to moves from one private firm to another. This appears to be commonly motivated by 'push factors' within the former firm, including discontent with the workplace culture as well as the leadership and direction of the organisation. Meanwhile the key 'pull factor' was the opportunity to undertake better quality work with the new employer.

**Private practitioners choosing to downsize from a large firm were commonly motivated by their unhappiness with the culture and leadership at their firm.**

In addition, many respondents leaving large firms identified that smaller firms presented better opportunities for work-life balance. Long hours and high-pressure work made it difficult to balance professional and personal lives, and was a key contributor to attrition from large firms. While achieving balance was particularly difficult for women with family responsibilities, it was also a challenge for women without children, and also men.

**The influence of culture, leadership and work-life balance was also evident for those leaving private practice for in-house roles.**

Discontent with the workplace culture and the leadership of their organisation were again common 'push factors' for those leaving private firms for in-house roles.

Private practitioners moving into government legal roles were commonly looking for better work-life balance and improved flexibility to balance their personal responsibilities.

Those choosing corporate legal roles were also attracted by better remuneration in the corporate sector, as well as the opportunity to do more interesting or varied work.

**Over one in three women were considering moving to a new job within the next five years. Females in private practice were most likely to be considering taking up an in-house role.**

Close to 40% of women intending to leave their private practice role indicated they were looking to move in-house, compared to around 25% of men. Conversely, men were over twice as likely as women to be considering leaving their private firm for the Bar.

**Flexible working conditions and barriers to promotion were more important factors for women considering leaving their current role than for men.**

Both male and female lawyers specified that better work-life balance and the opportunity for more interesting and varied work elsewhere were key drivers influencing their decision to move roles in the near future. However, women were more likely than men to give greater importance to flexibility to balance work and personal responsibilities, and lack of promotional opportunities, when considering their move.

**Opportunities for better work-life balance, more flexibility and reduced stress motivated those who had left the legal profession entirely.**

Women no longer practising as lawyers reflected that the pressure, stress and poor work/life balance were unenjoyable, unsustainable and incompatible with other priorities.

### 7.2.4 Drivers of re-engagement

**There is some interest among women no longer practising, as well as those who have never practised, in working in private practice in the future. The key drivers of attrition from private practice, including culture and working conditions, correspond closely to the barriers to re-engagement.**

For those not working in private practice, the perceived advantages of working for a private firm included higher income as well as better career development opportunities. For most, however, private practice offered the chance for a different experience and new challenges. Nevertheless, it appears that any decision to return to private practice will be influenced by working conditions, such as the workplace culture, opportunities for flexible working conditions and the ability to maintain work-life balance, all of which have been identified to varying degrees as areas of dissatisfaction among current practising lawyers.

**Whilst the autonomy and interesting, high profile work at the Bar is attractive to some, the pool of aspiring female barristers is more limited.**

Recruiting women to the Bar remains a challenge. Only a small proportion (16%) of women currently practising indicated they would consider working at the Bar, and none of the females (or males) that had ceased practising indicated they would consider moving to the Bar.

The main 'pull factors' for those who wanted to work as a barrister included the independence, nature of the work and the status.

The most common reasons for women not to consider the Bar were that the Bar did not interest them, or they felt they did not have the requisite skills and experience. Other disincentives to going to the Bar cross over with areas of dissatisfaction reported by current barristers, including the financial burden and the pressure of the role and environment.

### 7.2.5 Key cohorts

There were some differences in the primary drivers of satisfaction and dissatisfaction and experiences of discrimination and harassment across the key cohorts of female practitioners participating in the study. Specifically, some differences were seen based on the age, stage of career, the workplace and geographic location of female respondents. These differences are outlined below.

#### Stage of career

Women in the early stages of their legal career were more likely to be dissatisfied with their remuneration, reflecting the reality that entry salaries are generally low compared to the remuneration of senior legal practitioners. Many women reflected that they had started their career in private firms through summer clerkships or articles, but had not necessarily made a conscious choice to enter private practice. Rather, they had been pulled into the profession through what one participant described as the 'momentum' in the final year at law school. At the time of entering the profession, many of these women did not know what to expect and did not anticipate the demands that would be placed on them.

As women entered mid and later stages of their career there was greater dissatisfaction with opportunities for promotion and advancement, which may indicate discontent at barriers encountered in the progressing their career path. Having children and utilising flexible working arrangements typically occurs at the time when many

women are looking to progress to more senior levels. This research suggests that the impact of bias against women undertaking flexible work practices can hinder this progression, and contribute to fewer women in leadership positions.

#### Age

Young women lawyers were more likely to have felt discriminated against due to their age at work than their older counterparts. A number of participants indicated that clients preferred not to work with female lawyers, particularly young female lawyers, feeling less confident in the services provided by this cohort.

Women aged 34-54 were more likely than other women to have experienced

discrimination due to their gender. Women of child-bearing years felt they may not be hired or promoted due to the assumption that they may choose to start a family. Women who were the primary carer of a family were more likely than others to report discrimination due to family responsibilities, as were women who worked part-time.

Mature aged women, particularly those joining the profession later in their careers, felt that bias against their age meant that it was difficult to enter the profession. This was due to employer misconceptions that older people were less willing to work long hours, did not conform to the 'young graduate' culture and, being more independent and able to leave, were therefore not worth the investment.

EVER EXPERIENCED	AGE				
	<25 YEARS	25-34 YEARS	35-44 YEARS	45-54 YEARS	>55 YEARS
Bullying or intimidation	36%	48%	49%	55%	49%
Discrimination due to gender	38%	45%	51%	51%	40%
Discrimination due to age	45%	40%	28%	31%	40%
Discrimination due to family or carer responsibilities	10%	17%	41%	35%	22%
Sexual harassment	15%	24%	24%	27%	17%

*Note: Female respondents only.*

	STAGE OF CAREER		
	EARLY	MID	LATE
Main elements of satisfaction	Relationships with colleagues (82%)	Relationships with colleagues (82%)	The level of independence and control over my work (82%)
	Stability and reliability of income (76%)	The level of independence and control over my work (81%)	The extent to which I am respected by clients (79%)
	Relationship with the person to whom I report (72%)	The extent to which I am respected by clients (76%)	Relationships with colleagues (77%)
Main elements of dissatisfaction	The level of salary/remuneration (32%)	Opportunities for promotion and advancement (34%)	Accessibility of mentors to support career development (31%)
	Accessibility of mentors to support career development (30%)	Accessibility of mentors to support career development (33%)	Opportunities for promotion and advancement (30%)
	The level of work-life balance (30%)	The level of work-life balance (30%)	The level of work-life balance (29%)
		The leadership and direction of my organisation (30%)	

*Note: Female respondents only. Satisfaction comprises the proportion 'very satisfied' and 'satisfied'. Dissatisfaction comprises the proportion 'very dissatisfied' and 'dissatisfied'.*

### Firm size

Female practitioners in small firms enjoy greater autonomy in their work, and are less dissatisfied than those in larger firms with their work hours and work-life balance. However, unlike large firms, small firms often do not have the infrastructure to provide access to learning or development opportunities, or opportunities for promotion and advancement. There is a view that some women in small firms 'get stuck', and fail to progress because of the attraction of the combination of flexible working arrangements, work-life balance, and sufficiently satisfying work. Accordingly, women in small firms were more likely to be dissatisfied with their level of remuneration.

Women in medium and large firms benefit from good supporting infrastructure, and were therefore more satisfied than those in smaller firms with access to learning and development, and opportunities for promotion and advancement. Women in large firms were also more satisfied than other private practice lawyers with their salary, the stability of their income and quality of the work. The key areas for dissatisfaction for women in large firms were the requirements for billable hours, the resulting level of work-life balance, and the level of support within their firms for work-life balance.

Discriminatory behaviour was more commonly identified in large and medium size law firms. Female lawyers working in large private firms were more likely to experience bullying or intimidation than their counterparts in medium or small firms. Females in large and medium private firms were more likely to be discriminated against due to their gender and experience sexual harassment than females working in small firms.

EVER EXPERIENCED	SIZE OF FIRM		
	SMALL	MEDIUM	LARGE
Bullying or intimidation	38%	39%	50%
Discrimination due to gender	40%	52%	50%
Discrimination due to age	36%	34%	33%
Discrimination due to family or carer responsibilities	24%	24%	28%
Sexual harassment	18%	26%	24%

*Note: Female respondents only.*

	SIZE OF FIRM		
	SMALL	MEDIUM	LARGE
Main elements of satisfaction	The level of independence and control over my work (78%)	The extent to which I am respected by clients (78%)	Relationships with colleagues (86%)
	The extent to which I am respected by clients (77%)	The stability and reliability of income (78%)	The stability and reliability of income (81%)
	Relationships with colleagues (73%)	Relationships with colleagues (74%)	The extent to which I am respected by clients (74%) The quality and profile of work (74%)
Main elements of dissatisfaction	The level of salary/remuneration (33%)	The level of work-life balance (40%)	The requirements for billable hours (44%)
	Accessibility of mentors to support career development (31%)	The level of support in my organisation for work-life balance (38%)	The level of work-life balance (42%)
	The level of work-life balance (28%)	The requirements for billable hours (35%)	The level of support in my organisation for work-life balance (37%)
		Accessibility of mentors to support my career development (34%)	

*Note: Female respondents only. Satisfaction comprises the proportion 'very satisfied' and 'satisfied'. Dissatisfaction comprises the proportion 'very dissatisfied' and 'dissatisfied'.*

**Women at the Bar**

The study found key differences in the experiences of female barristers and female solicitors in private practice. Female barristers were generally more satisfied with their level of independence and the flexibility they had to control their work. They also derived a high degree of person satisfaction from their work.

However, while female barristers had a high degree of control over their work, a common view was that it was often a heavy workload. Barristers reported working longer hours than lawyers in private practice or in-house. The research suggests it can be very difficult for female barristers to balance the demands of their role with other responsibilities, such as family responsibilities. Aspects of the legal system (such as the inflexibility of trial schedules) also make achieving this balance difficult.

Barristers are self-employed and this presents challenges for both men and women, including the set-up and ongoing cost of chambers and ensuring a steady pipeline of work. These challenges, however, appear to be exacerbated for women for two reasons. Firstly, there is a preference among some clients and legal practitioners to brief male barristers thereby reducing the pool and/or type of work available for female barristers. Secondly, female barristers wanting to take maternity leave have to cover the ongoing cost of chambers while on leave or make other arrangements (e.g. sub-leasing arrangements). It was suggested that such arrangements were not always easy to facilitate placing a significant

financial burden on female barristers wanting to take leave.

Working at the Bar can also be accompanied by a sense of isolation and/or lack of collegiality. However, some female barristers spoke positively about informal mentoring they had received from more senior female barristers and the value they placed on this.

Female barristers most often reported experiencing almost every form of discrimination or type of harassment at work when compared to their counterparts in private practice or in-house legal roles. Female barristers

were twice as likely as those in private practice or in-house roles to have ever experienced sexual harassment at their workplace. Female barristers were also more likely than other females to report discrimination due to gender, bullying or intimidation, and discrimination due to family/carer responsibilities.

Female barristers in this study referred to both conscious and unconscious bias at the Bar. Conscious bias includes female barristers being denied briefs because clients preferred male counsel. Unconscious bias includes courts and tribunals extending hearings well into the evenings without consulting counsel who have family commitments after-hours.

EVER EXPERIENCED	SECTOR		
	THE BAR	PRIVATE PRACTICE	IN-HOUSE
Bullying or intimidation	80%	44%	52%
Discrimination due to gender	84%	46%	44%
Discrimination due to age	55%	34%	32%
Discrimination due to family or carer responsibilities	40%	26%	27%
Sexual harassment	55%	22%	20%

*Note: Female respondents only.*

	SECTOR		
	THE BAR	PRIVATE PRACTICE	IN-HOUSE
Main elements of satisfaction	The level of independence and control over my work (88%)	Relationships with colleagues (79%)	Relationships with colleagues (84%)
	The extent to which I am respected by clients (83%)	The extent to which I am respected by clients (76%)	The level of independence and control over my work (81%)
	The level of personal satisfaction in the work I do (81%)	The stability and reliability of income (75%)	The stability and reliability of income (80%)
Main elements of dissatisfaction	The culture of my workplace (30%)	The level of work-life balance (36%)	Opportunities for promotion and advancement (43%)
	The level of work-life balance (28%)	The requirements for billable hours (32%)	Accessibility of mentors to support my career development (38%)
	Opportunities for promotion and advancement (27%)	The level of support in my organisation for work-life balance (31%)	The leadership and direction of my organisation (30%)
		Accessibility of mentors to support my career development (31%)	

*Note: Female respondents only. Satisfaction comprises the proportion 'very satisfied' and 'satisfied'. Dissatisfaction comprises the proportion 'very dissatisfied' and 'dissatisfied'.*

### Geographic location

Female lawyers working in a CBD were more likely than those in suburban areas to be satisfied with elements relating to career progression, including for example access to mentor support and opportunities for promotion and advancement. They were also more likely to be satisfied with their salary and the stability of their income.

On the other hand, females located in suburban areas were more likely than those working in a CBD to be satisfied with their level of work life balance, and the support they received from their organisation for work-life balance. Females in suburban and smaller regional centres were also more satisfied with access to flexible working arrangements when compared to females located in a CBD or major regional centre. It is not surprising then that females working in a CBD were more dissatisfied than other female lawyers with their required work hours.

Female lawyers working in CBDs were more likely to report experiencing bullying, sexual harassment, and discrimination due to gender than females working in other locations.

## 7.3 Key learnings from latest research on gender diversity

### 7.3.1 Overview

This section provides an overview of the latest evidence on the efficacy of gender diversity initiatives. It outlines the value of gender diversity to business, current diversity initiatives and their effectiveness, and what the literature identifies as best practice for gender diversity programs. This document draws largely on national and international literature, in particular recent research undertaken in Europe, the United Kingdom and Australia. This literature is not specific to law firms, but nevertheless offers a foundation for considering potentially effective gender diversity strategies within the legal profession.

### 7.3.2 The value of gender diversity to business

Gender diversity is clearly and consistently associated with better financial performance (Adler, 2001). A 2010 McKinsey study of 101 mainly large corporations in Europe, the USA and Asia

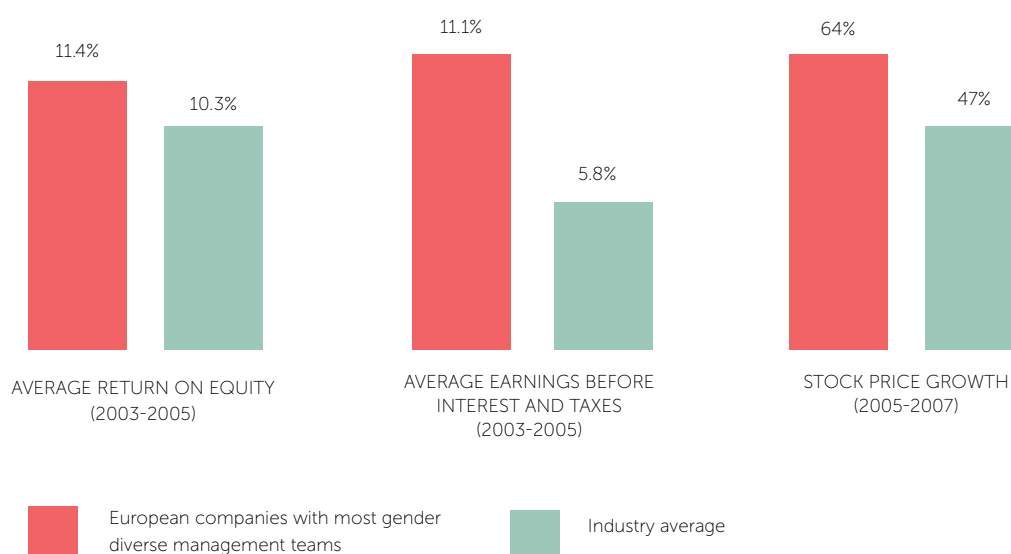
found that those companies with three or more women in senior management scored more highly than companies with no women in senior management on a measure of organisational performance which looked across nine domains, including capability, environment and values, innovation, direction and leadership (McKinsey & Company, 2010b).

In a separate study, McKinsey with Amazone Euro Fund analysed the financial performance of 89 European listed companies with the highest level of gender diversity relative to the average for their sector.<sup>6</sup> They found that those companies with the most gender diverse management teams had better financial performance than the industry average.

As demonstrated in Figure 40, companies with the most gender diverse management teams had a higher average return of equity, higher average earnings before interest and taxes, and higher stock price growth.

<sup>6</sup> These companies were selected from all European listed companies with a stock market capitalisation of 150 million euro using the following criteria: the number and proportion of women on the Executive Committee, their function, and, to a lesser degree, the presence of more than two women on the board or gender diversity statistics published in annual reports.

**Figure 40 – Economic performance of the companies with most gender-diverse management teams compared with their industry average**



Source: (McKinsey & Company, 2010b)

In addition to contributing to better financial performance, the evidence suggests gender diversity in the workplace leads to better:

- talent attraction, retention and engagement - diversity initiatives help companies attract and retain the best female talent, placing those companies without these initiatives at a comparative disadvantage
- decision-making – research shows that diverse groups make better decisions than homogenous groups, because diverse groups bring new information to the table and enable continuous learning within the group.

(Winmark and Reed Smith 2011:11)

### 7.3.3 Current diversity initiatives

Businesses have developed a range of policies and programs to encourage gender diversity and accelerate the movement of women into senior positions. In 2011 Reed Smith (a law firm with more than 1,800 lawyers across 28 offices) commissioned a study to develop a guide to making diversity in leadership happen. UK-based firm Winmark and Reed Smith surveyed 78 leaders of organisations currently involved in gender balancing and/or strategy within their organisation at either senior management

or board level.<sup>7</sup> The survey found that the most common initiatives included flexible working policies, disciplinary policies around inappropriate behaviour, and counselling and coaching. However, this survey found that the most common initiatives were not the most effective. Figure 41 below identifies the most common gender diversity initiatives and charts them with leaders' views on their effectiveness.

As shown in Figure 41, the 2011 Winmark and Reed Smith study found the most effective gender diversity initiatives identified by leaders included formal sponsors to promote potential women leaders, active support of gender balancing initiatives by senior management, and personal development

Figure 41 – Gender balancing initiatives in place and effectiveness of these initiatives



Which of these do you have in place to improve gender balancing in your organisation? How effective do you feel each of these initiatives have been to improve progression of women in your organisation?

(Winmark and Reed Smith 2011)

planning for high-potential women.

A separate 2010 international survey by McKinsey & Co asked executives to identify which tactical measures have had the biggest impact on increasing gender diversity in the top management of corporations. In this survey, as shown in Figure 42, visible monitoring of gender diversity programs by senior management was rated as having the biggest impact. However, unlike the study outlined above, the next range of measures with the biggest impact related to flexible working conditions, and programs to reconcile work and family life. One in three respondents reported senior executives mentoring junior women (31%) and programs encouraging female networking and role models (30%) as having the biggest impact.

Separate Australian research has found that workers who felt their roles were flexible were also more satisfied, actively tried to increase their own productivity, were more likely to be working at their lifetime best, and were less likely to be planning to leave their organisation in the next 12 months (Ernst & Young, 2012).

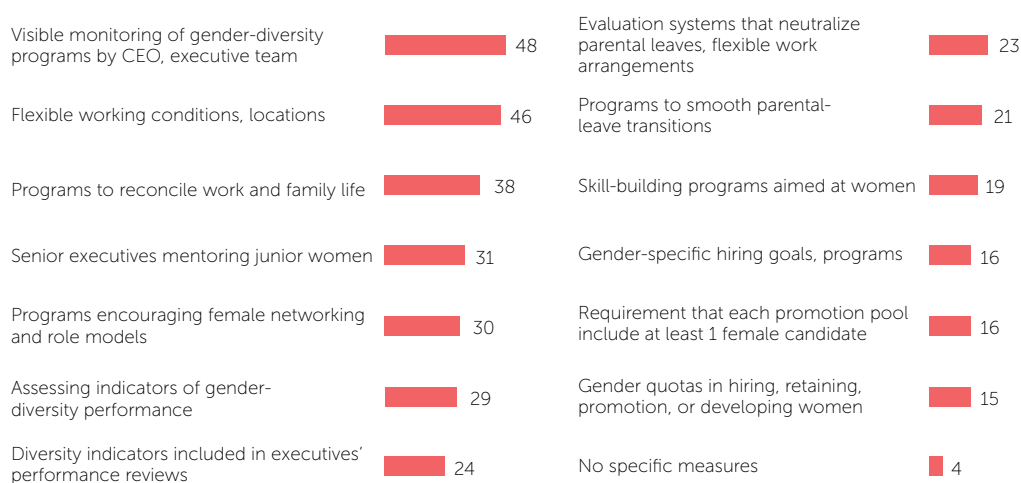
Having gender diversity initiatives in place does not guarantee they will be well implemented and effective. In considering gender diversity, companies must consider what is effective and what will make a measurable impact in their own workplace. Developing and implementing policies without considering whether they will effectively meet the need will fail, no matter how well intentioned they may be.

McKinsey (2012) has found that the best performing companies have a critical mass of initiatives operating in a supportive ecosystem, and also:

- have the highest levels of management commitment
- monitor women's representation carefully
- address men's and women's mindsets to support gender diversity.

These points, and other evidence on what constitutes best practice, are discussed further below.

**Figure 42 – Which of the following tactical measures, if any, have the biggest impact on increasing gender diversity in corporations' top management? (% of respondents)**





### 7.3.4 Best practice in gender diversity

For a gender diversity program to be effective, there must be recognition within the company of the goal and a campaign to reach the goal. However, research suggests the goal and campaign must be underpinned by four critical enablers. These are outlined in Figure 43.

#### Visible commitment by senior management

It is critical for senior management to be committed to gender diversity and to actively convince others of the need for and benefits of change. Commitment by leaders without visible action is insufficient.

In seeking to convince others of the need for change, **senior management needs to make a compelling business case for change. Research suggests that the business case for diversity is still not well understood or accepted, and until this changes achieving gender parity will remain a moral rather than financial imperative** (Bain & Company 2011:3).

The business case will vary for different businesses. However, there is widely published research on the link between the specific leadership skills many women have and the way these contribute to stronger organisational and financial performance. Research suggests senior management needs to be clear about the value that diversity brings to the business, including the different strengths men and women bring (Genderfit 2011:8). Senior management must also lead by example through action such as appointing women into top positions or ensuring women are among the candidates considered for promotion, or through sponsorship arrangements (McKinsey & Company 2012:15).

Figure 43 – Critical enablers for a gender diversity program

<b>Visible commitment by senior management</b>	<ul style="list-style-type: none"> <li>• Make the business case</li> <li>• Convince others of the need for change</li> <li>• Lead by example</li> </ul>
<b>Know the numbers</b>	<ul style="list-style-type: none"> <li>• Understand the data relating to women in the business</li> <li>• Develop targets</li> <li>• Decide how success will be measured</li> </ul>
<b>Tackle mindsets and bring about cultural change</b>	<ul style="list-style-type: none"> <li>• Focus programs on leaders and future leaders (not just women)</li> <li>• Reduce unconscious bias</li> <li>• Adopt a consultative approach</li> <li>• Develop a sponsorship program</li> <li>• Set incentives for compliance</li> </ul>
<b>Target initiatives at the particular challenges faced by the company</b>	

#### Know the numbers

When considering gender diversity, **companies need to know their starting point.** This involves developing an understanding of the composition of the business, in particular the proportion of women in different business units at each level of employment, the pay and attrition rates of males and females in similar roles, and the ratio of women promoted compared to women eligible for promotion (McKinsey & Company 2012:16).

McKinsey (2012) also suggests that setting targets is important. Targets should not be confused with quotas. Quotas for gender representation are generally legislated, mandatory requirements to have a certain percentage of women in specific roles or at a particular level in an organisation (Whelan and Wood 2013: 36). Some governments, including Norway, Sweden, France, Italy and Belgium have set legally binding quotas for the proportion of women sitting on corporate boards or have introduced corporate governance codes and/or voluntary charters. McKinsey suggests that mandated quotas have had some effect on the increase since 2007 in the number of women on boards in some European countries. However, in most countries quotas were only recently introduced and companies have several years to comply, thus quotas cannot be attributed to all recent progress in this area (McKinsey & Company 2012:6).

**While quotas may contribute to an increase of women in senior positions, Whelan and Wood (2013) argue that the practice generates negative reactions and is not endorsed by the business community.** A survey of 25 senior

Australian business leaders found that 88 per cent of males were against and 12% of females were in favour of quotas (Creative Coaching Company 2013:5). The practice is often seen as undermining the principle of merit in selection, promotion and reward decisions. It can also have a negative impact on the performance and workplace experiences of women selected as a result of quota-based practice. Research suggests women whose selection is perceived as non-merit based are seen as less competent, less legitimate, less likeable and deserving of lower remuneration when compared to their colleagues whose selection is perceived as merit-based (Whelan and Wood 2013:39).

**Targets are less prescriptive than quotas and allow those setting the targets to consider the composition of the business and local circumstances to establish achievable goals for increasing the number of women in senior positions.** Targets may vary depending on the industry, company, and the number of women already in the company. Strategies for achieving and reporting on targets and the consequences for failing to achieve targets can also be developed to align with existing performance management processes. In this sense, targets or goal setting is seen as a more flexible and dynamic strategy than formal quotas (Whelan and Wood 2013:40).

Although targets appear to have much greater acceptance than formal quotas, it is acknowledged that setting targets can still be problematic because they can be seen as undermining the credibility of women already at the top. However, not setting targets can also be seen as problematic (McKinsey & Company 2012:16). In any case, it is clear that



companies need a mechanism ‘with teeth’ to ensure gender diversity remains a priority and important goal (McKinsey & Company 2012).

Closely related to this is **the need for companies to understand how they will measure the success of gender diversity initiatives**. Winmark and Reed (2011) suggests in addition to targets around the proportion of women at different levels in the company and in succession plans, some other gender balancing measurements might include quantification of the success of specific initiatives and the level of staff satisfaction ascertained through satisfaction surveys. Once a mechanism for measuring success is established, this needs to be utilised and results communicated to senior management, the board and other key stakeholders (Genderfit 2013:8).

**Tackle mindsets and encouraging cultural change**

Recent research has shown that long-held stereotypes have created a bias among both men and women, and that these need to be exposed and countered for women to reach senior levels in business in a significant number (Winmark 2011:18). Studies suggest such stereotypes include:

- aspiring managers need to be available 24 hours a day seven days a week
- positions requiring longer hours and travel will not suit women
- women’s style of leadership is different to men and is not as valued
- senior roles belong to men.

(McKinsey & Company 2012, Bain & Company 2011)

Bias against women is not always overt and bringing about cultural change will require addressing more subtle biases, including:

- a reluctance by some men to give women tough feedback
- a reluctance by some men to develop a mentoring relationship with women in case it is seen as inappropriate
- a tendency by male managers to promote people that are like them

(McKinsey & Company 2012)

It is accepted that bringing about cultural change is difficult because it involves shifting underlying and often unconscious beliefs and behaviours (Bain & Company 2011:3). Notwithstanding this, Winmark and Reed Smith (2011) have identified five steps to bringing about cultural change. These are outlined in Figure 44 below and overlap to some extent with the enablers identified for gender diversity that are included in Figure 43.

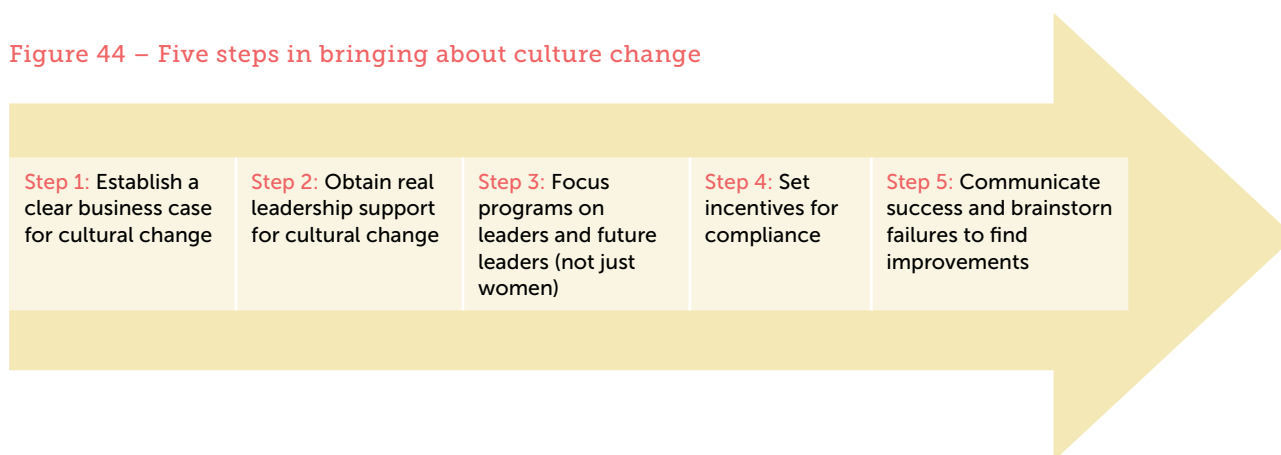
Winmark and Reed Smith (2011) suggest that focusing programs on leaders and future leaders is critical because it will help businesses transition to an evolved and gender-balanced management team. In developing such programs the following are identified as best practice:

- *Reducing unconscious bias:* This is the initial step in creating a gender balanced team. Outside help may be needed to assist companies to reduce unconscious bias. Both men and women need to be involved in training in this area because both sexes can be guilty of unconscious bias.

- *Adopting a consultative approach:* This is important in both assessing options and delivering gender balancing initiatives. Companies need to know what matters most to their people including women.
- *Developing a full sponsorship program:* According to Winmark and Reed Smith (2011), sponsorship represents a proven path to help leaders progress and presents a valuable opportunity to achieve better gender balance. Under sponsorship programs, potential leaders are allocated a sponsor, generally someone on the Executive team, who is responsible for creating opportunities for that individual (e.g. exposure to the board, leadership training etc).
- *Adjusting programmes for the motivations of different genders and generations:* This involves developing an understanding of the different generations (ie Gen X, Gen Y) and the different genders.

Separate research suggests senior management teams need to move beyond the stereotypical views of leadership and focus more on output and productivity rather than the number of hours worked or ‘face time’ (Genderfit 2011: 6). Other suggestions for organisations to consider when bringing about cultural change include being flexible to enable employees to work and have a family life, fostering career cycle planning, providing women with networking opportunities, and avoiding overly ‘male’ based leadership (Creating Coaching 2013:12).

Figure 44 – Five steps in bringing about culture change



Winmark and Reed Smith (2011)

### Target initiatives at the particular challenges faced by the company

Knowing the numbers and understanding the mindsets will help companies understand where they need to target their efforts. Companies need to develop initiatives that are targeted to the company's own stress points. The strategies should also consider and be tailored to different career stages. For example, strategies for women in middle management might involve considering and planning for a woman's entire career so that women will return from work after maternity leave or take on the challenge of a promotion. Avoiding 'women only' solutions by, for example, making flexible working conditions commonplace for both genders might be another effective strategy.

This summary above of the latest gender diversity research provides a basis for considering and developing options for consideration within the legal profession.

## 7.4 Options for consideration

### 7.4.1 Overview

The research study reveals a number of key, overarching, findings that need to be considered in framing any proposed actions for change. These are as follows:

- Many if not most of the problems identified in this study relating to career progression, retention and attrition stem from systemic issues including organisational culture, lack of leadership and strategy, unconscious bias, an entrenched business model, and limited transparency and accountability. These factors are inter-related, overlapping and compound one another and need to be addressed at a *system* level.
- Some differences did emerge in the experiences of different cohorts of women included in this study. However, the similarities far outweigh the differences, and most differences tend to a matter of degree rather than substance (women at the Bar are the exception to this). This means that the potential solutions will benefit all cohorts – although one or two targeted strategies may benefit a particular cohort.
- Although women do clearly have different experiences to men in the legal profession, there is also much that they have in common with their male counterparts. The drivers of career satisfaction are broadly similar for women and men, as are the drivers of dissatisfaction, in particular, the required working hours and pressure of billable commitments. Both women and men are downsizing from large firms due to unhappiness with culture, leadership and work-life-balance issues, albeit that this trend is more pronounced for women. These findings are in line with recent Australian research that indicates that a significant number of men (especially young men and young fathers) want greater access to flexible work and work-life balance (Diversity Council Australia 2012a).

This research has come at a time of change and transition. It coincides with a number of developments that should provide strong impetus and momentum to consideration of its key findings.

- The issue of gender diversity is currently exceedingly high on the nation's agenda. Many professions and industries (e.g. finance/banking, engineering) are struggling with workforce shortage and retention

issues: the legal profession is not alone.

- Considerable efforts have been made by the legal profession, in particular professional associations, in Australia to address the issue of gender equity. The first ever national profile study of the legal profession in Australia represents a significant step to increase transparency of the situation through highlighting the continuing barriers women face in progressing within the profession. What appears to be common across Australia, the USA, Canada and the UK, however, is that commitment to change does not easily translate to actions, or to demonstrable results. A number of initiatives are being introduced in various jurisdictions within Australia and internationally to try to address this situation. The time is therefore ripe for the exchange of ideas, learnings and results across States and international boundaries in regard to the efficiency of these strategies.
- Two new Australian government agencies have been tasked with supporting and assisting business to achieve diversity. Diversity Council Australia (formerly the Council for Equal Opportunity in Employment) has a new mandate, offering advice and strategy to businesses to assist with all aspects of diversity in the workplace. The Workplace Gender Equality Agency (formerly the Equal Opportunity for Women in the Workplace Agency) has been established, bringing in amongst other things, mandatory reporting gender equality indicators for all non-public sector employers with 100 or more employees (which will include quite a large number of law firms). These agencies will increase the scrutiny that employers will face in terms of gender equity, but also make available advice and resources to businesses to help them implement change.
- There is a growing body of international evidence that is able to speak to the *effectiveness* of strategies to address gender and other diversities in the workplace. The learnings from this growing body of evidence should be able to inform what is happening in the legal profession. However, much more needs to be done to specifically evaluate effective gender diversity initiatives in law firms and the Bar.

Together, these developments represent an opportunity for some momentum to be given to achieving gender diversity in the legal profession.

### 7.4.2 Drivers for change and Actions for Consideration

There are two main avenues for change within the legal profession – professional bodies and law firms/practices. For each, we have identified key drivers for change, key issues to be addressed and the overarching strategy (see Table 21).

A number of possible actions for each have then been identified. These actions have been based on suggestions from research respondents, a scan of recent developments in the legal profession to address gender diversity, and an overview of the latest research on 'what works' in achieving gender diversity. It should be noted these actions for consideration have **not** been tested with

key stakeholders, nor have they been based on a comprehensive review of international evaluation literature on effective gender diversity practice – which was beyond the scope of this study.

The actions for consideration nevertheless do build upon actions taken in various jurisdictions and provide a range of options for consideration both within and across jurisdictions.

**Table 21 – Key drivers and issues for the profession**

KEY DRIVERS FOR CHANGE	KEY ISSUES TO BE ADDRESSED	OVERARCHING STRATEGY
<b>Professional bodies</b>		
<ul style="list-style-type: none"> <li>Increased scrutiny on the legal profession through mandatory reporting to government agency</li> <li>Reputation of the legal profession on gender diversity</li> <li>Reputation of the legal profession resulting from the reported level of discrimination, bullying and sexual harassment</li> <li>Need to maintain/ grow membership</li> <li>Desire to 'break the barriers' and see real change in the profession</li> </ul>	<ul style="list-style-type: none"> <li>Professional associations and women's professional associations not always working in collaboration and sometimes working in competition with one another</li> <li>Gender diversity commonly positioned as a women's issue rather than a business issue</li> <li>Many initiatives are driven from within rather than across jurisdictions: potential for a stronger national approach</li> <li>Professional associations in a position to influence but not dictate to law firms/ practices</li> <li>Lack of a strong evidence base to identify effective gender diversity practices in law firms/practices</li> <li>Mentoring and networking across the profession not sufficiently strategic or structured</li> </ul>	<ul style="list-style-type: none"> <li>Individual Law Societies and Bar Associations have been working hard at highlighting the barriers women face in progressing through the legal profession and trying to find solutions to these. There is thus a firm foundation on which to build any future strategies and much potential for greater collaboration at a national level.</li> <li>Law Societies and Bar Associations have important roles to play in highlighting and addressing gender diversity through: <ul style="list-style-type: none"> <li>– thought leadership</li> <li>– role modelling</li> <li>– promoting the business case for change</li> <li>– promoting and rewarding best practice</li> <li>– continuing professional development</li> <li>– industry mentoring and networking</li> <li>– research and evaluation</li> <li>– transparency and accountability</li> <li>– mechanisms to address bullying and sexual harassment.</li> </ul> </li> </ul>
<b>Law firms/practices</b>		
<ul style="list-style-type: none"> <li>Financial performance</li> <li>Reputation, reward and recognition</li> <li>Ability to attract and retain talent</li> <li>Mandatory reporting to government agency on gender indicators (100+ employees)</li> <li>Desire to 'do the right thing' to support women</li> <li>Market/client expectations around gender diversity</li> </ul>	<ul style="list-style-type: none"> <li>Business case for gender diversity and flexible working not always well-known or understood</li> <li>Entrenched firm culture and business model</li> <li>Lack of effective leadership</li> <li>Lack of 'know how' on translating commitment to gender diversity into practical and effective strategies</li> <li>Unconscious gender bias</li> <li>Insufficient role models or mentoring</li> <li>Performance appraisal/ promotion criteria potentially discriminate against those accessing flexible work arrangements</li> <li>Lack of transparency, monitoring and accountability in relation to gender equity</li> </ul>	<ul style="list-style-type: none"> <li>Law firms (particularly large law firms) and legal practitioners are key agents of change in achieving greater gender diversity in the legal profession. Two factors need to be evident – <i>top down management commitment</i> to gender diversity and an <i>ability to translate that commitment into practical actions</i>.</li> <li>Research consistently demonstrates that gender diversity initiatives are only successful when there is <i>top down support</i> from the board/senior management and gender diversity is part of the firm's strategy (not just Human Resources Policy).</li> <li>There is a growing body of evidence that can be drawn upon regarding gender diversity measures that are proving to be effective in business that are potentially applicable to law firms, particularly large and medium-sized firms.</li> </ul>

Table 22 – Options for consideration

KEY FINDINGS

BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)

BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)

**Leadership**

- Half of all women lawyers surveyed reported having experienced discrimination in their current workplace on the basis of their gender
- Stakeholders see an important role for professional bodies in raising awareness about gender issues and providing clarity and guidance about what constitutes discrimination
- Stakeholder consultations also identified the need for the legal profession to be more aware of the business case for gender diversity and a need for more evidence about effective gender equity strategies in the legal profession
- Unhappiness with the leadership and direction of their organisation was one of the top three factors behind recent career moves, especially moves from large private firms to medium and small firms, and from private firms to government
- International research indicates gender diversity is clearly and consistently associated with better financial and organisational performance and that leadership from the top in this regard is essential to achieving success

**Champion gender diversity as a key issue for the profession**

- Establish a Gender Diversity Taskforce comprising both senior women and male lawyers and barristers to lead/oversight initiatives in each jurisdiction
- Law Societies and Bar Associations convene a joint forum within each jurisdiction involving the women's professional associations and representatives from law firms/the Bar to consider findings and workshop priority actions
- Convene a national forum with representatives from all jurisdictions to identify potential actions that could be taken nationally
- Publish and promote the results in journals, websites, forums etc. in each jurisdiction

**Build awareness of the business case for gender diversity**

- Drawing on the latest international and Australian research, publicise and promote the strong business case for gender diversity through publications, websites, forums, social media etc
- Drawing on the latest international and Australian research, publicise and promote the high financial cost of replacing an employee who leaves after considerable investment in training and professional development

**Build and promote the evidence base about 'what works'**

- Commission a review of existing Australian and international literature to identify effective gender equity strategies in law firms/legal practices
- Commission research into effective gender equity strategies operating in law firms/legal practices across Australia
- Continually draw on and promote the growing evidence base internationally on gender diversity within business – using the latest research and resources published and/or disseminated by Diversity Council Australia and the Workplace Gender Equality Agency

**Adopt a 'top down' approach to gender diversity**

- Embrace 'hands-on' leadership in driving gender diversity. According to latest research from McKinsey and Company (2012) on best practice this includes:
  - Partners/CEOs investing personal capital and actively role-modelling the desired mind-sets and behaviours
  - Actively promoting the business case that gender diversity matters to the performance and success of the firm/practice
  - Appointing senior and well-respected managers to 'shine the spotlight' on diversity and build change-management capability

**Adopt best practice to achieving gender equity**

- Embed gender diversity into firm strategy (not just HR policy). According to best practice evidence, this would include:
  - Setting priority goals
  - Identifying key strategies for effecting cultural, organisational, policy and practice change to achieve these goals
  - Identifying and measuring key indicators of success
  - Publicising and promoting to employees the strategy and progress against desired outcomes
- Calculate the cost of losing and replacing lawyers after several years investment in training and professional development

Table 22 – Options for consideration

## KEY FINDINGS

## BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)

## BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)

**Flexible Work Practices**

- Less than half the women working in large and medium sized firms were satisfied with their access to flexible working arrangements, the level of work-life balance and the level of support in their organisation for achieving work-life balance
- The level of dissatisfaction with work-life balance was particularly high for women working in private practice. Male lawyers too expressed dissatisfaction with work-life balance and the hours they were required to work in private practice
- Opportunities for better work-life balance and more flexibility were key issues for women who had left the legal profession
- Taking advantage of available flexible working arrangements was regarded by both women and men as jeopardising their career prospects, although women were more likely to think this was the case
- Many of those surveyed regard access to flexible working arrangements as a necessity for retaining working parents in the legal profession
- Greater access to, and support for, flexible working arrangements and a better work-life balance were identified as key retention factors for women

**Promote and facilitate the adoption of flexible work practices within the profession**

- Publish and promote the latest international research on the business case for flexible work arrangements and describe the full range of flexible work practices that can be introduced
- Develop and promote HR policies and guidelines on a broad range of flexible work practices
- Identify and publicise senior women and male role models who work flexibly to break the perception that flexibility and senior roles are incompatible and that only women want/need/access flexible work arrangements
- Conduct research and examine the effects of work life balance tensions on the mental health of legal professionals
- Develop a national website along the lines of the Canadian Bar Association's Work Life Balance Resource Centre, divided into the following categories:
  - Striking the balance
  - Health and wellness
  - Young lawyers
  - Women and law
  - Advancing diversity
  - Podcasts
- The Resource Centre contains more than 350 links to resources for individual practitioners and law firms on how to strike a balance between professional and personal life
- Promote use of gender diversity tools and resources developed by Diversity Council Australia
- Develop and promote education programs and workshops on 'Return to Work' Planning to assist employees and employers manage prolonged absences from the workplace

**Introduce or expand the range of flexible work arrangements**

- Consult with both women and men about the range of potential flexible work arrangements that might be put in place
  - To the maximum extent possible, make available a range of flexible work arrangements recognising:
    - These are extremely important for women lawyers and an increasing number of men, including those with and without children
    - Recent Australian research shows workers who felt their roles were flexible were more satisfied, actively tried to increase their productivity and were more likely working at their lifetime best (Ernst & Young, 2012)
    - Other research indicates that women working at firms without flexible working arrangements were more likely to down-size their career aspirations, impeding their own advancement and the ability of employers to harness the full talent pool (Catalyst 2013)
  - Give consideration to changing cultural norms about the value of 'face time' (the need to be seen to be in the office). Recent research demonstrates face time does not lead to top performance outcomes (Catalyst 2013)
- Do not disadvantage people who access flexible work arrangements/parental leave**
- Review career development and/or work allocation policies and practices to ensure they do not unintentionally disadvantage or discriminate against those who access flexible work arrangements
  - Monitor the career development opportunities, pathways and promotions of those accessing and not accessing flexible work arrangements/parental leave to identify any unintended barriers to advancement



Table 22 – Options for consideration

**KEY FINDINGS**      **BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)**      **BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)**

**Transparency and Accountability**

- International research indicates visible monitoring of gender diversity programs by CEOs/Executive teams has the biggest impact on increasing gender diversity
- Diversity indicators included in executives' performance reviews are also effective in achieving gender diversity
- Companies need to understand how they will measure and report on the success of gender diversity initiatives
- Stakeholders see an important role for professional bodies in monitoring and reporting gender diversity trends and encouraging targets
- A desire by employees for greater transparency around rights and reasonable expectations in relation to work hours and performance was identified. This stemmed from concerns about long hours worked and a competitive culture that discouraged knowledge-sharing
- Continue to research, monitor, discuss and publicise profession-wide statistics and trends on gender equity in the profession
- Publicise comparative statistics and trends with other professions
- Investigate the possibility of being able to report publicly on the outcomes of new mandatory reporting requirements on gender indicators for firms with 100+ employees under the Workplace Gender Equality Act 2012. Such outcomes relate to:
  - Recruitment and selection
  - Gender composition of governing bodies
  - Remuneration
  - Flexible working arrangements
  - Consultation with employees on issues concerning gender equality in the workplace
  - Sex-based harassment and discrimination
- Collect and publish ongoing and standardised data on participation rates, attrition rates and leadership levels across the profession (and potentially individual firms)
- In consultation with industry, set voluntary gender equity targets for the profession to aspire to, and report and publicly acknowledge firms that reach or exceed these targets over time
- In consultation with industry, investigate the potential merit and practicality of introducing a voluntary Diversity and Inclusion Charter along the lines of that introduced by the Law Society in England and Wales in 2009. The charter includes activities under eight categories
  - Leadership and vision
  - Employment and staff development
  - Provision of legal services
  - Engagement with staff, clients and the community
  - Policy making and development
  - Monitoring and review
  - Procurement and supplier diversity
  - Sharing good practice
- Signatories record and measure their procedures against a set of diversity and inclusion standards, and are provided with an opportunity to share best practice advice and guidance across the profession. The Law Society tracks and publicly reports on trends, successes and areas for improvement
- Provide guidance about the hours lawyers should be working, remuneration, and performance relative to levels in the profession- particularly targeting those new to the profession
- Collect data on internal leadership levels and attrition
- Conduct and analyse the results of exit surveys of those leaving their employ to identify any trends or potential attrition drivers. Surveys should include questions relating to gender diversity and flexible work arrangements
- Consider setting voluntary targets (as opposed to quotas) which will enable them to set goals which are realistic and take into account their particular circumstances. Guidelines and tool kits on gender target-setting are available from the Workplace Gender Equality Agency
- Commit to tracking and openly reporting to staff on gender equity trends

Table 22 – Options for consideration

KEY FINDINGS	BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)	BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)
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### Workplace Culture

- Unhappiness with workplace culture was the most frequent and the most significant factor for career moves by women (and, to a lesser extent, men)
- This was particularly the case for women making career moves from large private firms to medium and small firms and from private firms to government or corporate legal
- Unhappiness with workplace culture was also one of the top four reasons for women deciding to leave the legal profession altogether
- Workplace culture played out in a number of ways including gender bias in relation to flexible work arrangements (leading to the barriers to promotion), allocation of unsatisfying work, exclusion from marketing and networking events, and the requirement for very long work hours
- A change in culture and appreciation of diversity was cited as a factor that would have retained women in the profession
- Many of the cultural dimensions of gender bias were regarded as subtle and sometimes unconscious. Bringing about cultural and other change required addressing 'subtle' biases to shift underlying beliefs and attitudes

- Through CPD, develop and provide leadership training for partners/managing partners on organisational cultural change
- Stimulate research and debate on different business models of billing, including the appropriateness and future sustainability of the current billable hours framework for the future
- Stimulate research and debate on different performance measurement models which include revenue generation not exclusively limited to direct billable hours, such as supervision/mentoring, precedent development and marketing
- Through CPD, develop and provide leadership training for partners/managing partners on negative cultural aspects and unconscious bias in the workplace

- The 'top-down' approach to gender diversity described at 'Leadership' above involves a key phase of tackling mindsets and bringing about cultural change
- Conduct training or other mechanisms to address 'unconscious bias' from management down
- Review performance/promotion criteria and networking and marketing events to ensure they are 'bias free' and do not unintentionally discriminate against lawyers working part-time or who access flexible working arrangements

Table 22 – Options for consideration

KEY FINDINGS	BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)	BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)
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<p><b>Role Modelling</b></p> <ul style="list-style-type: none"> <li>• Having visible and respected role models was frequently reported as an important aspect of women lawyers' professional development and support</li> <li>• Lack of role models at senior levels particularly in private practice and the Bar was demotivating for some women's career aspirations, particularly for women with families</li> </ul>	<ul style="list-style-type: none"> <li>• Put in place mechanisms to ensure all professional association boards and Councils and their committees are gender-balanced</li> <li>• Establish linkages between women lawyers' associations and professional associations in each jurisdiction to jointly develop and implement gender diversity initiatives</li> <li>• Ensure all major conferences and forums organised by professional bodies have a good gender balance in speakers/panel members (and actively seek participation by women)</li> <li>• Establish Women Lawyers Achievement Awards for women who have excelled in their field and paved the way to success for other women lawyers, and; potentially separate awards for:               <ul style="list-style-type: none"> <li>– Women in large and medium size firms/practices</li> <li>– Women in sole practice/small firms/practices</li> <li>– Women who have had family breaks or work part-time</li> <li>– Women barristers</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Actively promote senior women in the profession as role models</li> <li>• These role models should include women and men in different positions (e.g. working full and part-time)</li> </ul>
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- Establish industry awards along the lines of:
  - Top ten firms to work for if you're a woman
  - Top ten firms for female graduates
  - Top ten firms able to demonstrate results from introducing effective gender diversity strategies
  - Top ten firms for flexible work practices



Table 22 – Options for consideration

## KEY FINDINGS

## BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)

## BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)

**Mentoring, Sponsorship and Networking**

- Lack of access to mentors was the top-rated factor driving women lawyers' dissatisfaction with their current work
- One in three women surveyed expressed dissatisfaction with the accessibility of mentors to support their career progression. This was found across the board regardless of stage of career, size of firm, or sector
- Better professional support via mentoring was one factor that would have encouraged women to have stayed in private practice rather than resign
- There is a growing interest in sponsorship programs as a path to help leaders progress
- Exclusion from networking and marketing events was commonly reported by women with flexible work arrangements

**Enhance mentoring and sponsorship opportunities for women**

- Develop in-house or support structured industry-wide mentoring programs for women
  - in different law firm contexts (large, medium and small) and at the Bar
  - at different stages in women's career
- Develop sponsorship programs in their workplace
- Enhance networking opportunities
- Support women only and senior lawyer (male and female) networking events including with clients
- Develop or support women to participate in training that would improve their business development and networking skills
- Schedule networking and marketing events taking into account lawyers with flexible working arrangements (e.g. consider organising lunch time events, rotating day of events)

**Financial Barriers at the Bar**

- Women barristers report bias in briefing practices, based on both client and colleague perceptions which impact on their income
- Women lawyers report financial barriers to entering the Bar and working part-time at, or taking temporary leave from, the Bar
- Consider a voluntary Procurement Protocol for purchasing of legal services. By signing up to the protocol, in-house legal departments commit to consider a potential supplier's diversity and inclusion practices as part of their normal tendering process. This would complement the Workplace Gender Equality Procurement Principles which took effect from 1 August 2013
- Continue to promote the Law Council's Equitable Briefing Policy for Female Barristers and Advocates and monitor/report on its use
- Review the fee structure for entry to chambers, including the adoption of a range of options (e.g. a door tenancy approach, renting space rather than a room initially, use of empty offices etc graduating up to full tenancy over time)
- Consider mechanisms to reduce rent/introduce rent-free periods during parental or other extended leave
- Review briefing practices to identify any unintended bias, and monitor impact of any changes

Table 22 – Options for consideration

## KEY FINDINGS

## BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)

## BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)

**Discrimination, Sexual Harassment and Bullying**

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• One in four women and 8% of males surveyed reported having experienced sexual harassment in their current workplace</li> <li>• Female barristers were twice as likely as women working in private practice or in-house legal roles to have experienced sexual harassment at their workplace</li> <li>• Half of the women and 38% of the males surveyed reported having experienced bullying or intimidation in their current workplace</li> <li>• Experiences of bullying and intimidation were particularly high for female barristers</li> <li>• Almost half of the women lawyers surveyed reported having experienced discrimination due to gender in the current workplace, compared to 13% of males</li> <li>• Women working in large and medium sized firms and in the CBD were more likely to report gender discrimination than women working in small firms or outside of the CBD</li> <li>• These experiences of discrimination included being allocated different work, being denied career opportunities (briefs, promotions) and being judged as less competent by clients and/or colleagues</li> </ul> | <ul style="list-style-type: none"> <li>• Establish taskforces in each jurisdiction to address the issue of sexual harassment in the legal profession</li> <li>• As a basis, use recommendations contained in the Victorian Equal Opportunity and Human Rights Commission 2013 Report 'Changing the Rules: the experiences of female lawyers in Victoria' <ul style="list-style-type: none"> <li>– Professional associations develop a communications plan to promote issues of gender equality and awareness of sexual harassment in the legal profession – including publishing articles, seminars, media releases and social media</li> <li>– Consider the development of a voluntary code to include, for example, the profile of a firm, number of complaints made based on gender, number of discrimination/sexual harassment complaints lodged internally and externally, and the outcomes of these</li> <li>– Consider the development of a mechanism whereby lawyers who are experiencing sexual harassment can confidentially discuss their situation, and seek advice on strategies and options and/or have any complaint handled by a panel review comprising external organisations</li> <li>– Develop and promote education programs on sexual harassment</li> </ul> </li> <li>• Establish taskforces in each jurisdiction to address the reported high level of bullying in the legal profession, particularly against women at the Bar</li> <li>• Publicise the new anti-bullying amendments to the Fair Work Act 2009 (Cth) which create a significant new landscape for employers, include a new definition of 'bullied at work', and will allow a worker who believes they have been bullied to apply to the Fair Work Commission for an order to stop the bullying</li> <li>• Develop and provide training on anti-bullying strategies for Partners/HR Managers</li> <li>• Consider the development of a mechanism whereby lawyers who are being bullied can confidentially discuss their situation and seek advice on strategies and options</li> </ul> | <ul style="list-style-type: none"> <li>• Develop clear and accessible written policies and guidelines on addressing and countering gender discrimination, sexual harassment, and bullying</li> <li>• Develop clear, accessible complaint processes in place for gender discrimination, sexual harassment and bullying</li> <li>• Conduct training on gender discrimination, sexual harassment and on bullying (including 'bystander' training for those who witness discrimination, sexual harassment or bullying)</li> </ul> |
|--|---|---|

Table 22 – Options for consideration

KEY FINDINGS	BY PROFESSIONAL BODIES (LAW SOCIETIES AND BAR ASSOCIATIONS)	BY LAW FIRMS/PRACTICES AND CHAMBERS (AS APPROPRIATE)
<b>Empowering Women</b>		
<ul style="list-style-type: none"> <li>Women were less satisfied than men with their career development and progression to date</li> <li>Close to one in three women lawyers surveyed expressed dissatisfaction with the rate of career progression and their career trajectory compared to their expectations. This was particularly evident amongst women in mid and later stages of their careers</li> </ul>	<ul style="list-style-type: none"> <li>Develop and provide CPD leadership training specifically targeting senior women lawyers</li> <li>Develop and provide CPD for women lawyers on negotiating salaries and promotions, and access to flexible work arrangements</li> <li>Develop a marketing approach to attract women to the Bar and to assist them obtain briefs (e.g. joint training/networking sessions with male barristers)</li> </ul>	<ul style="list-style-type: none"> <li>Encourage and support women to participate in training that assists them to promote their skills, apply for positions, negotiate salaries and seek promotions</li> <li>Facilitate or provide access to high quality leadership programs, including programs specifically addressing women and leadership issues</li> </ul>
<ul style="list-style-type: none"> <li>The pool of aspiring female barristers is limited</li> </ul>		
<ul style="list-style-type: none"> <li>Stakeholders see value in running training specifically for women, designed to assist them navigate the system and equip them with strategies to advance as a female lawyer in the profession</li> </ul>		

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- the Law Council's constituent bodies
- Victorian Women Lawyers and members of the Victorian Women Lawyers planning group.



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# Appendix A

## Survey instruments



# National Attrition and Re-engagement Study Practising Lawyers Survey

## Introduction

Research shows that there are significant gaps in diversity in more senior roles in the legal profession. Although women are graduating with law degrees and entering legal careers at higher rates than men, significantly fewer women continue into senior positions within the legal profession.

The Law Council of Australia has engaged Urbis to undertake a national research study, to address diversity within the legal profession. Through this study, the Law Council of Australia is seeking to obtain quantitative data and confirm trends in progression of both male and female lawyers, and produce a report outlining practical measures which can be implemented to address the causes of high attrition rates among women lawyers, and re-engage women lawyers who have left the profession. The results of the study will help guide future policy directions on how the profession can better retain its members.

The study aims to improve understanding about the respective experiences and motivations of male and female legal

practitioners as they progress through their careers; and to improve understanding of the reasons why lawyers choose to leave the legal profession or choose a different career path. This will lead to the development of retention strategies for law firms and legal associations.

This survey is one of a number of research activities being undertaken as part of the study. The survey will take approximately 15-20 minutes to complete, and will collect information relating to your current employment, career moves and progression since admission and future career aspirations.

This survey is being administered and managed by an independent research agency (Urbis). **All information is confidential** and specific information provided about individuals and organisations will not be identified or disclosed to the Law Council of Australia or any other party. All results will be de-identified and aggregated for analysis and reporting. Nothing you say will be attributed to yourself or your organisation.

## PART A Primary demographics

### A1 Are you...

- Male  
 Female

### A2 How old are you?

- Less than 25 years of age  
 25-29 years  
 30-34 years  
 35-39 years  
 40-44 years  
 45-49 years  
 50-54 years  
 55-59 years  
 60-64 years  
 65 years or older

### A3 How many years is it since you were first admitted as a legal practitioner in Australia? (please round to the nearest number of full years)

\_\_\_\_\_ years

### A4 How many years practising experience do you have post admission (excluding any time taken as breaks from the profession)?

\_\_\_\_\_ years



## PART B Current employment characteristics

**B1 Which ONE category best describes your main work (the role that you spend most time on each week)?**

### Courts and Tribunals

- Judge or Magistrate
- Judge's Associate
- Registrar
- Other court personnel
- Tribunal member
- Other (please specify) \_\_\_\_\_

### Barrister

- Senior Counsel
- Junior Counsel

### Crown Prosecutor/ Public Defender

- Senior Counsel
- Junior Counsel

### Private law firm

- Equity partner
- Salaried partner
- Sole practitioner
- Legal Practitioner Director
- Special Counsel
- Consultant
- Senior Solicitor/ Senior Associate
- Associate
- Solicitor
- Locum
- Paralegal
- Other private law firm role (please specify) \_\_\_\_\_

### Corporate legal (in-house)

- General Counsel/ Head Legal Counsel
- Senior Legal Counsel/ Senior Lawyer
- Legal Counsel/ Lawyer
- Non-legal role (e.g. company director, management)
- Other (please specify) \_\_\_\_\_

### Government legal

- Management
- Policy
- Legal (including Crown Solicitor)
- Other (please specify) \_\_\_\_\_

### Community Legal Centre/ Aboriginal Legal Service

- Principal Solicitor/ Managing Solicitor
- Senior Solicitor
- Solicitor
- Other

### Non-government organisation/ not for profit

- Legal
- Non-legal

### Other

- Academia
- Not currently working (eg. on leave, studying, unemployed)
- Retired (holding a practising certificate)
- Other (please specify) \_\_\_\_\_

### Government:

Commonwealth or State/Territory government agency, Statutory Corporation/ Government Business Enterprise, Local Council, Legal Aid

### Corporate:

Listed public company (or subsidiary of listed company), Unlisted public company, Private company, Professional association/ member organisation/ union

**B2 For how many years have you been employed at your current workplace?**

- Under 1 year
- 1 year – < 2 years
- 2 years – <3 years
- 3 years – <4 years
- 4 years – <5 years
- 5 years – <7 years
- 7 years – <10 years
- 10 – <15 years
- 15 years or more

**B3 (A) Do you currently work full time or part time in your current main role?**

- Full time
- Part time

**B3 (B) Please specify the fractional Full Time Equivalency (FTE) of your role**

- 0.1 (0.5 day / week)
- 0.2 (1 day / week)
- 0.3 (1.5 days / week)
- 0.4 (2 days / week)
- 0.5 (2.5 days / week)
- 0.6 (3 days / week)
- 0.7 (3.5 days / week)
- 0.8 (4 days / week)
- 0.9 (4.5 days / week)
- Other (please specify) \_\_\_\_\_

*"Full-time equivalent (FTE) is a measure of the total level of staff resources used. The FTE of a full-time staff member is equal to 1.0. The calculation of FTE for part-time staff is based on the proportion of time worked compared to that worked by full-time staff performing similar duties" (ABS, 2006). For the purposes of this study, FTE is determined by calculating the number of days worked as a proportion of a 5 day week.*

**B4 How many hours a week do you usually work (excluding breaks)?**

\_\_\_\_\_ hours

**B5 How many partners/principals are there in your firm?**

- 1-4 partners/principals
- 5-10 partners/principals
- 11-20 partners/principals
- 21-39 partners/principals
- 40+ partners/principals

**B6 Approximately what proportion of the partners/principals are female?**

*Sliding scale*

None	20%	40%	60%	80%	100%
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- Not sure

**B7 To your knowledge, do any of the partners/principals at your firm work part time (ie less than 5 days a week)?**

- Yes
- No
- Not sure

**B8 Approximately how many people are employed as a lawyer (excluding volunteers) in your organisation or business?**

- 1 Lawyer
- 2-10 lawyers
- 11-29 lawyers
- 30-59 lawyers
- 60+ lawyers
- Not sure

**B9 What are the areas of law that you mainly practise? (please select all that apply)**

- Administrative Law
- Advocacy
- Banking/Finance
- Civil Litigation
- Commercial Law
- Conveyancing/Real Property
- Corporate Law
- Criminal Law
- Debts/Insolvency
- Employment/Industrial Law
- Environmental Law
- Family Law
- Immigration Law
- Information technology/Telecommunications
- Intellectual Property
- Litigation – general
- Personal Injury
- Planning/Local Government
- Small Business
- Taxation
- Trade Practices Law
- Wills and Estates
- Other (please specify) \_\_\_\_\_
- Not applicable to my situation

**B10 In which state/territory is your main workplace located?**

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia
- Outside Australia (*skip to Section C*)

**B11 And is your main workplace located in:**

- The central business district of a state/territory capital city
- A suburban area of a state/territory capital city
- A major regional centre (population 100,000+)
- A smaller regional or remote location



**C2 To what extent have you personally experienced any of the following in your current workplace:**

	Never	Very rarely	Occasionally	Often	Continuously	Not sure
Bullying or intimidation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual harassment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to my gender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to my age	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to my ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to my sexual preference	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to disability/health issue	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to my family or carer responsibilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Discrimination due to pregnancy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For the purposes of this study, discrimination is defined as:

*"Any distinction, exclusion or preference made on the basis of race, colour, sex, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment and occupation" (International Labour Organisation Agreement No 111, 1958).*

*This may include opportunities related to the type of work allocated, benefits provided, or access to promotion or career progression.*

**C3 Have you requested access to any of the following flexible working arrangements in your current employment position (select all that apply)**

- Part time work
- Remote working (e.g. working from home)
- Flexi-time/ time off in lieu
- Compressed work week
- Flexible hours (start and finish times)
- Job sharing
- Paid maternity/paternity leave
- Unpaid maternity/paternity leave
- None of the above

**C4 Why have you not requested access to any flexible working arrangements? (select all that apply)**

- Not relevant for me/ not interested
- Not feasible due to impact on household income
- Not feasible due to the requirements and expectations of my role
- Unlikely that my request would be approved
- Concern that making the request would negatively impact my status/reputation
- Concern that whilst the request may be approved, the arrangement would have negative consequences for my status and career progression opportunities
- Other (please specify) \_\_\_\_\_

For each option selected at C3 ask:

**C5 What was the outcome of your request for <the arrangement>?**

- My request was approved
- My request was partially approved
- My request was refused

For respondents who had requests refused at C5 ask C6, then skip to C8

**C6 Please indicate briefly why your request was refused:**

\_\_\_\_\_

For respondents who had requests approved or partially approved at C5 ask C7



**PART D Career moves**

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**D1 How many times have you left a job (e.g. changed employer, taken a career break, started your own business) in the last 5 years (since March 2008)?**

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**D2 For your most recent move [for your next most recent move], please specify**

- a) the year you moved
- b) the type of employment you moved from
- c) the type of employment you moved to

**Year** \_\_\_\_\_

**From**

- Court or Tribunal role
- Barrister
- Crown Prosecutor/ Public Defender
- Private law firm – sole practitioner
- Private law firm – law firm with 2-5 partners/principals
- Private law firm – law firm with 5-10 partners/principals
- Private law firm – law firm with 11-20 partners/principals
- Private law firm – law firm with 21-39 partners/principals
- Private law firm – law firm with 40+ partners/principals
- Corporate legal (in-house)
- Government legal
- Community Legal Centre/ Aboriginal Legal Services
- Non-government organisation/ not for profit
- Academia
- Non-legal role (please specify) \_\_\_\_\_
- An extended break from paid employment
- Other (please specify) \_\_\_\_\_

**To**

- Court or Tribunal role
- Barrister
- Crown Prosecutor/ Public Defender
- Private law firm – sole practitioner
- Private law firm – law firm with 2-5 partners/principals
- Private law firm – law firm with 5-10 partners/principals
- Private law firm – law firm with 11-20 partners/principals
- Private law firm – law firm with 21-39 partners/principals
- Private law firm – law firm with 40+ partners/principals
- Corporate legal (in-house)
- Government legal
- Community Legal Centre/ Aboriginal Legal Services
- Non-government organisation/ not for profit
- Academia
- Non-legal role (please specify) \_\_\_\_\_
- An extended break from paid employment
- Retirement
- Other (please specify) \_\_\_\_\_

**D3 For your move from [x] to [y], please specify which of the following factors played a role in your decision to move (select all that apply):**

- |   |   |
|---|---|
| <input type="checkbox"/> Better salary/remuneration   | <input type="checkbox"/> Better learning and development opportunities              |
| <input type="checkbox"/> Lack of promotional opportunities                                      | <input type="checkbox"/> Better location  |
| <input type="checkbox"/> More scope for flexible working arrangements                           | <input type="checkbox"/> Wanted to start a new firm/ sole practice/ work for myself |
| <input type="checkbox"/> Better work-life balance   | <input type="checkbox"/> Too much pressure on billable hours                        |
| <input type="checkbox"/> More flexibility to balance my work and personal responsibilities      | <input type="checkbox"/> Too much pressure on bringing in clients/ new business     |
| <input type="checkbox"/> Unhappy with the workplace culture                                     | <input type="checkbox"/> Reduced stress and pressure                                |
| <input type="checkbox"/> Unhappy with the leadership and direction of the organisation          | <input type="checkbox"/> Mental or physical health reasons                          |
| <input type="checkbox"/> Unhappy with the relationship I had with the person to whom I reported | <input type="checkbox"/> Wanted to work in a business/company                       |
| <input type="checkbox"/> Experienced bias or discrimination                                     | <input type="checkbox"/> Wanted to work in a team-based working environment         |
| <input type="checkbox"/> Experienced harassment or bullying                                     | <input type="checkbox"/> Wanted to give back to the community                       |
| <input type="checkbox"/> More independence/ control in work                                     | <input type="checkbox"/> It's part of my career plan                                |
| <input type="checkbox"/> Better quality of work   | <input type="checkbox"/> Didn't want to work as a lawyer anymore                    |
| <input type="checkbox"/> More interesting or varied work  | <input type="checkbox"/> Taking time out from the profession (career break)         |
| <input type="checkbox"/> Change in practice area/ different type of work                        | <input type="checkbox"/> Taking time out from the profession (parental leave)       |
| <input type="checkbox"/> Looking for a change/ something new                                    | <input type="checkbox"/> Relocation with my partner/family                          |
| <input type="checkbox"/> Better position/ significant job opportunity                           | <input type="checkbox"/> Redundancy/ termination of employment                      |
| <input type="checkbox"/> Better job security/ reliability of work and/or income                 | <input type="checkbox"/> Retirement   |
| <input type="checkbox"/> Better mentorship  | <input type="checkbox"/> Other (please specify) _____                               |

*for each factor selected at D3*

**D4 Please indicate the extent to which each of these factors influenced your decision to move:**

	Major extent	Moderate extent	Minor extent	Not sure
Better salary/remuneration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
.....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## PART E Career intentions

**E1 (A) Are you considering moving to a new job/new employment circumstances (e.g. changing employer, taking a career break, starting your own business) in the next 5 years?**

- No  
 Yes  
 Maybe

*For Yes and Maybe at E1A, answer E1B to E5. For No, skip to E6*

**(B) In approximately what time frame are you considering moving to a new job/new employment circumstances?**

- Next 12 months  
 1 – 2 years  
 3 – 5 years  
 Not sure

**E2 What new job/employment are you considering moving to?(please select the workplace that you would be most likely to consider moving to)**

- Court or Tribunal role  
 Barrister  
 Crown Prosecutor/ Public Defender  
 Private law firm – sole practitioner  
 Private law firm – law firm with 2-5 partners/principals  
 Private law firm – law firm with 5-10 partners/principals  
 Private law firm – law firm with 11-20 partners/principals  
 Private law firm – law firm with 21-39 partners/principals  
 Private law firm – law firm with 40+ partners/principals  
 Corporate legal (in-house)  
 Government legal  
 Community Legal Centre/ Aboriginal Legal Services  
 Non-government organisation/ not for profit  
 Academia  
 Non-legal role (please specify) \_\_\_\_\_  
 An extended break from paid employment  
 Retirement  
 Other (please specify) \_\_\_\_\_  
 Not sure

**E3 Please specify which of the following factors may play a role in your decision to move (select all that apply)**

- Better salary/remuneration  
 Lack of promotional opportunities  
 More scope for flexible working arrangements  
 Better work-life balance  
 More flexibility to balance my work and personal responsibilities  
 Unhappy with the workplace culture  
 Unhappy with the leadership and direction of the organisation  
 Unhappy with the relationship I have with the person to whom I report  
 Experienced bias or discrimination  
 Experienced harassment or bullying  
 More independence/ control in work  
 Better quality of work  
 More interesting or varied work  
 Change in practice area/ different type of work  
 Looking for a change/ something new  
 Better job security/ reliability of work and/or income  
 Better mentorship  
 Better learning and development opportunities  
 Better location  
 Wanted to start a new firm/ sole practice/ work for myself  
 Too much pressure on billable hours  
 Too much pressure on bringing in clients/ new business  
 Reduced stress and pressure  
 Mental or physical health reasons  
 Want to work in a business/company  
 Want to work in a team-based working environment  
 Want to give back to the community  
 It's part of my career plan  
 Don't want to work as a lawyer anymore  
 Taking time out from the profession (career break)  
 Taking time out from the profession (parental leave)  
 Relocation with my partner/family  
 Retirement  
 Other (please specify) \_\_\_\_\_

*for each factor selected at E3*



**E4** Please indicate the extent to which each of these factors may influence your decision to move:

	Major extent	Moderate extent	Minor extent	Not sure
Better salary/remuneration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
...	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**E5** What, if anything, would change your decision to move job/employment circumstances? (ie encourage you to stay in your current job)

(limit to 150 words)

For respondents not currently in Private Law Firm at B1 and have not selected consideration of Private Law firm role at E2 – ask E6. Others, skip to E9.

**E6** Would you consider working in a private law firm in the future?

- Yes  
 No  
 Maybe

**E7** Please indicate briefly

**(A)** Why you would be interested in working in a private law firm in the future

(limit to 150 words)

**(B)** What (if anything) would influence your decision?

(limit to 150 words)

For No at E6

**E8** Please indicate briefly why you would not consider working in a private law firm in the future?

(limit to 150 words)

For respondents not currently at the Bar (at B1) and have not selected consideration of barrister role at E2 – ask E9. Others, skip to Part F.

**E9** Would you consider working as a barrister in the future?

- Yes  
 No  
 Maybe

For Yes and Maybe at E9

**E10** Please indicate briefly

**(A)** Why you would be interested in working as a barrister in the future

(limit to 150 words)

**(B)** What (if anything) would influence your decision?

(limit to 150 words)

For No at E9

**E11** Please indicate briefly why you would not consider working as a barrister in the future?

(limit to 150 words)

## PART F Demographics

**F1 What is the highest level of legal qualification you have completed?**

- Doctor of Laws  
 PhD in Law  
 Masters of Laws  
 Juris Doctor / Postgraduate qualification for admission to practice  
 Bachelor of Laws or equivalent  
 Combined Bachelor of Laws and another degree (e.g. BA/LLB)  
 Other

**F2 Which of these categories best describes your personal gross income (pre-tax, excluding superannuation) in the financial year ending 30 June 2012?**

*Please make your best estimate.*

- Less than \$50,000  
 \$50,000 - \$75,000  
 \$75,001 - \$100,000  
 \$100,001 - \$150,000  
 \$150,001 - \$200,000  
 \$200,001 - \$250,000  
 \$250,001 - \$300,000  
 \$300,001 - \$400,000  
 \$400,001 - \$500,000  
 \$500,001 - \$750,000  
 More than \$750,000  
 Not sure/rather not say

**F3 Approximately what percentage of your total household income comes from your salary?**

- 100%  
 80 - 99%  
 60 - 79%  
 40 - 59%  
 20 - 39%  
 0 - 19%  
 Not sure/rather not say

**F4 Were you born in Australia?**

- Yes  
 No

**F5 Do you regularly speak a language other than English at home?**

- Yes  
 No, English only

**F6 Do you identify as being Aboriginal and/or Torres Strait Islander?**

- Yes, Aboriginal  
 Yes, Torres Strait Islander  
 Yes, Aboriginal and Torres Strait Islander  
 No

**F7 Which best describes your marital status?**

- Single  
 Married or de facto  
 Divorced, separated, widowed

**F8 A) How many dependent children do you have (including step children)?**

- 0 > Go to F9  
 1  
 2  
 3  
 4  
 5 or more

**B) Are any of these children...**

*(select all that apply)*

- Aged under 6 and living with you all/some of the time  
 Aged 6-12 and living with you all/some of the time  
 Aged 12-17 and living with you all/some of the time  
 Aged 18 or older and living with you all/some of the time  
 None of the above

**C) Are you the primary carer in your family?**

- Yes - Go to F9  
 No  
 There is no primary carer - the role is shared  
*Go to F9*

**D) Who is the primary carer?**

- My partner  
 My ex-partner  
 My or my partner's parents  
 Other (please specify) \_\_\_\_\_

**F9 Do you have any other family or carer responsibilities?**

- Yes  
 No > Go to 0

**B) Please indicate for whom you have carer responsibilities***(select all that apply)*

- Grandparent/s (mine or my partner's)  
 Parent/s (mine or my partner's)  
 Sibling/s (mine or my partner's)  
 Other (please specify) \_\_\_\_\_

**PART G Follow up interviews**

---

Urbis will be undertaking follow up telephone interviews with a number of lawyers to discuss their career progression, rationale for career moves and future intentions in more detail. The interviews will take between 30 – 45 minutes. Please note that this will be a confidential process; responses will not be attributed to individuals or their employer in our reporting or discussions with the Law Council. If you choose to provide your details, you will be contacted for the purposes of this research only and your details will not be provided to the Law Council of Australia or any other party.

**G1 Would you be interested in participating in an interview?**

- Yes  
 No

Please provide your contact details below.

**Name** \_\_\_\_\_

**Email address** \_\_\_\_\_

**Telephone** \_\_\_\_\_

Thank you for your participation in this survey.

# National Attrition and Re-engagement Study No Longer Practising Survey

## Introduction

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Research shows that there are significant gaps in diversity in more senior roles in the legal profession. Although women are graduating with law degrees and entering legal careers at higher rates than men, significantly fewer women continue into senior positions within the legal profession.

The Law Council of Australia has engaged Urbis to undertake a national research study, to address diversity within the legal profession. Through this study, the Law Council of Australia is seeking to obtain quantitative data and confirm trends in progression of both male and female lawyers, and produce a report outlining practical measures which can be implemented to address the causes of high attrition rates among women lawyers, and re-engage women lawyers who have left the profession. The results of the study will help guide future policy directions on how the profession can better retain its members.

The study aims to improve understanding about the respective experiences and motivations of male and female legal

practitioners as they progress through their careers; and to improve understanding of the reasons why lawyers choose to leave the legal profession or choose a different career path. This will lead to the development of retention strategies for law firms and legal associations.

This survey is one of a number of research activities being undertaken as part of the study. The survey will take approximately 10-15 minutes to complete, and will collect information relating to your current employment, career moves and progression since admission and future career aspirations.

This survey is being administered and managed by an independent research agency (Urbis). **All information is confidential** and specific information provided about individuals and organisations will not be identified or disclosed to the Law Council of Australia or any other party. All results will be de-identified and aggregated for analysis and reporting. Nothing you say will be attributed to yourself or your organisation.

## Panel Survey – screening questions

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**SQ1 Are you currently working in paid employment?**

- Yes  
 No › *Thank and close*

**SQ2 Do you have a legal qualification to be a lawyer?**

- Yes  
 No › *Thank and close*

**SQ3 Are you currently practising as a lawyer?**

- Yes › *Text and link to 'practising survey'*  
 No

**SQ4 Have you ever practised as a lawyer?**

- Yes  
 No › *Route to 'never practised survey'*

**SQ5 Have you practised as a lawyer in the last 5 years?**

- Yes › *Continue to 'no longer practising survey'*  
 No › *Thank and close*

## PART A Primary demographics

---

### A1 Are you...

- Male  
 Female

### A2 How old are you?

- Less than 25 years of age  
 25-29 years  
 30-34 years  
 35-39 years  
 40-44 years  
 45-49 years  
 50-54 years  
 55-59 years  
 60-64 years  
 65 years or older

### A3 How many years is it since you were first admitted as a legal practitioner in Australia? (please round to the nearest number of full years)

\_\_\_\_\_ years

### A4 Prior to leaving the legal profession, how many years practising experience did you have post admission (excluding any time taken as breaks from the profession)?

\_\_\_\_\_ years

## PART B Current employment characteristics

---

### B1 Which ONE category best describes the sector in which you currently work?

- Advertising/ media/ arts and entertainment  
 Agriculture, forestry and fishing  
 Banking and financial services  
 Construction  
 Consulting  
 Education and training  
 Government and defence  
 Health and community services  
 Hospitality, tourism and recreation  
 IT and telecommunications  
 Manufacturing  
 Mining, resources and energy  
 Not for profit  
 PR, communications and marketing  
 Property and business services  
 Science and technology  
 Transport and storage  
 Whole and retail trade  
 Other (please specify) \_\_\_\_\_

### B2 For how many years have you been employed at your current workplace?

- Under 1 year  
 1 year – < 2 years  
 2 years – <3 years  
 3 years – <4 years  
 4 years – <5 years  
 5 years – <7 years  
 7 years – <10 years  
 10 – <15 years  
 15 years or more

### B3 A) Do you currently work full time or part time in your current main role?

- Full time  
 Part time

**B3 B) Please specify the fractional Full Time Equivalency (FTE) of your role**

- 0.1 (0.5 day / week)
- 0.2 (1 day / week)
- 0.3 (1.5 days / week)
- 0.4 (2 days / week)
- 0.5 (2.5 days / week)
- 0.6 (3 days / week)
- 0.7 (3.5 days / week)
- 0.8 (4 days / week)
- 0.9 (4.5 days / week)
- Other (please specify) \_\_\_\_\_

"Full-time equivalent (FTE) is a measure of the total level of staff resources used. The FTE of a full-time staff member is equal to 1.0. The calculation of FTE for part-time staff is based on the proportion of time worked compared to that worked by full-time staff performing similar duties" (ABS, 2006). For the purposes of this study, FTE is determined by calculating the number of days worked as a proportion of a 5 day week.

**B4 How many hours a week do you usually work (excluding breaks)?**

\_\_\_\_\_ hours

**B5 In which state/territory is your main workplace located?**

- Australian Capital Territory
- New South Wales
- Northern Territory
- Queensland
- South Australia
- Tasmania
- Victoria
- Western Australia
- Outside Australia (skip to Section C)

**B6 And is your main workplace located in:**

- The central business district of a state/territory capital city
- A suburban area of a state/territory capital city
- A major regional centre (population 100,000+)
- A smaller regional or remote location

**PART C Career moves****C1 In what year did you last practise as a lawyer?**

\_\_\_\_\_

**C2 Which one category best describes the last role in which you practised as a lawyer?**

- Court or Tribunal Role
- Barrister
- Crown Prosecutor/ Public Defender
- Private law firm – sole practitioner
- Private law firm – law firm with 2-5 partners/principals
- Private law firm – law firm with 5-10 partners/principals
- Private law firm – law firm with 11-20 partners/principals
- Private law firm – law firm with 21-39 partners/principals
- Private law firm – law firm with 40+ partners/principals
- Corporate legal (in-house)
- Government legal
- Community Legal Centre/ Aboriginal Legal Services
- Non-government organisation/ not for profit
- Academia
- Other (please specify) \_\_\_\_\_

**C3** When you left your role as a practising lawyer, please specify which of the following factors played a role in your decision (select all that apply):

- Better salary/remuneration
- Lack of promotional opportunities
- More scope for flexible working arrangements
- Better work-life balance
- More flexibility to balance my work and personal responsibilities
- Unhappy with the workplace culture
- Unhappy with the leadership and direction of the organisation
- Unhappy with the relationship I had with the person to whom I reported
- Experienced bias or discrimination
- Experienced harassment or bullying
- More independence/ control in work
- Better quality of work
- More interesting or varied work
- Wanted to work in a different sector
- Looking for a change/ something new
- Better position/ significant job opportunity

- Better job security/ reliability of work and/or income
- Better mentorship
- Better learning and development opportunities
- Better location
- Wanted to start a new business/ work for myself
- Too much pressure on billable hours
- Too much pressure on bringing in clients/ new business
- Reduced stress and pressure
- Mental or physical health reasons
- Wanted to work in a business/company
- Wanted to work in a team-based working environment
- Wanted to give back to the community
- It's part of my career plan
- Didn't want to work as a lawyer anymore
- Taking time out from the profession (career break)
- Taking time out from the profession (parental leave)
- Relocation with my partner/family
- Redundancy/ termination of employment
- Retirement
- Other (please specify) \_\_\_\_\_

for each factor selected at C3

**C4** Please indicate the extent to which each of these factors influenced your decision to move:

	Major extent	Moderate extent	Minor extent	Not sure
Better salary/ remuneration	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
....	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**C5** What, if anything, would have changed your decision to leave the legal profession?

\_\_\_\_\_

(limit to 150 words)

**C6** What, if anything, do you miss about working in the legal profession?

\_\_\_\_\_

(limit to 150 words)

**PART D Career intentions**

---

**D1 A) Would you consider working as a lawyer again in the future?**

- Yes
- No
- Maybe

*For Yes and Maybe at D1 [For No skip to D5]*

**D2 In approximately what time frame would you considering returning to the legal profession?**

- Within the next 12 months
- 1 – 2 years
- 3 – 5 years
- 6 – 10 years
- More than 10 years
- Not sure

**D3 What type of workplace would you considering working in as a lawyer? (please select the workplace that you would be most likely to consider working in)**

- Court or Tribunal role
- Barrister
- Crown Prosecutor/ Public Defender
- Private law firm – sole practitioner
- Private law firm – law firm with 2-5 partners/principals
- Private law firm – law firm with 5-10 partners/principals
- Private law firm – law firm with 11-20 partners/principals
- Private law firm – law firm with 21-39 partners/principals
- Private law firm – law firm with 40+ partners/principals
- Corporate legal (in-house)
- Government legal
- Community Legal Centre/ Aboriginal Legal Services
- Non-government organisation/ not for profit
- Academia
- Other (please specify) \_\_\_\_\_
- Not sure

**D4 Please indicate briefly**

**A) Why you would be interested in working as a lawyer in the future**

---

*(limit to 150 words)*

**B) What (if anything) would influence your decision?**

---

*(limit to 150 words)*

*For No at D1*

**D5 Please indicate briefly why you would not consider working as a lawyer in the future?**

---

*(limit to 150 words)*



## Part E Demographics

**E1 What is the highest level of legal qualification you have completed?**

- Doctor of Laws
- PhD in Law
- Masters of Laws
- Juris Doctor / Postgraduate qualification for admission to practice
- Bachelor of Laws or equivalent
- Combined Bachelor of Laws and another degree (e.g. BA/LLB)
- Other

**E2 Which of these categories best describes your personal gross income (pre-tax, excluding superannuation) in the financial year ending 30 June 2012?**

*Please make your best estimate.*

- Less than \$50,000
- \$50,000 - \$75,000
- \$75,001 - \$100,000
- \$100,001 - \$150,000
- \$150,001 - \$200,000
- \$200,001 - \$250,000
- \$250,001 - \$300,000
- \$300,001 - \$400,000
- \$400,001 - \$500,000
- \$500,001 - \$750,000
- More than \$750,000
- Not sure/rather not say

**E3 Approximately what percentage of your total household income comes from your salary?**

- 100%
- 80 – 99%
- 60 – 79%
- 40 – 59%
- 20 – 39%
- 0 – 19%
- Not sure/rather not say

**E4 Were you born in Australia?**

- Yes
- No

**E5 Do you regularly speak a language other than English at home?**

- Yes
- No, English only

**E6 Do you identify as being Aboriginal and/or Torres Strait Islander?**

- Yes, Aboriginal
- Yes, Torres Strait Islander
- Yes, Aboriginal and Torres Strait Islander

**E7 Which best describes your marital status?**

- Single
- Married or de facto
- Divorced, separated, widowed

**E8 A) How many dependent children do you have (including step children)?**

- 0 > Go to F9
- 1
- 2
- 3
- 4
- 5 or more

**B) Are any of these children... (select all that apply)**

- Aged under 6 and living with you all/some of the time
- Aged 6-12 and living with you all/some of the time
- Aged 12-17 and living with you all/some of the time
- Aged 18 or older and living with you all/some of the time
- None of the above

**C) Are you the primary carer in your family?**

- Yes > Go to F9
- No
- There is no primary carer – the role is shared > Go to F9

**D) Who is the primary carer?**

- My partner
- My ex-partner
- My or my partner's parents
- Other (please specify) \_\_\_\_\_

**E9 A) Do you have any other family or carer responsibilities?**

- Yes
- No > Go to 0

**B) Please indicate for whom you have carer responsibilities***(select all that apply)*

- Grandparent/s (mine or my partner's)
- Parent/s (mine or my partner's)
- Sibling/s (mine or my partner's)
- Other (please specify) \_\_\_\_\_

**PART G Follow up interviews**

---

Urbis will be undertaking follow up telephone interviews with a number of lawyers to discuss their career progression, rationale for career moves and future intentions in more detail. The interviews will take between 30 – 45 minutes. Please note that this will be a confidential process; responses will not be attributed to individuals or their employer in our reporting or discussions with the Law Council. If you choose to provide your details, you will be contacted for the purposes of this research only and your details will not be provided to the Law Council of Australia or any other party.

**G1 Would you be interested in participating in an interview?**

- Yes
- No

Please provide your contact details below.

**Name** \_\_\_\_\_

**Email address** \_\_\_\_\_

**Telephone** \_\_\_\_\_

**Thank you for your participation in this survey.**

# National Attrition and Re-engagement Study Never Practised Survey

## Introduction

---

Research shows that there are significant gaps in diversity in more senior roles in the legal profession. Although women are graduating with law degrees and entering legal careers at higher rates than men, significantly fewer women continue into senior positions within the legal profession.

The Law Council of Australia has engaged Urbis to undertake a national research study, to address diversity within the legal profession. Through this study, the Law Council of Australia is seeking to obtain quantitative data and confirm trends in progression of both male and female lawyers, and produce a report outlining practical measures which can be implemented to address the causes of high attrition rates among women lawyers, and re-engage women lawyers who have left the profession. The results of the study will help guide future policy directions on how the profession can better retain its members.

The study aims to improve understanding about the respective experiences and motivations of male and female legal

practitioners as they progress through their careers; and to improve understanding of the reasons why lawyers choose to leave the legal profession or choose a different career path. This will lead to the development of retention strategies for law firms and legal associations.

This survey is one of a number of research activities being undertaken as part of the study. The survey will take approximately 10 minutes to complete, and will collect information relating to your current employment, career moves and progression since admission and future career aspirations.

This survey is being administered and managed by an independent research agency (Urbis). **All information is confidential** and specific information provided about individuals and organisations will not be identified or disclosed to the Law Council of Australia or any other party. All results will be de-identified and aggregated for analysis and reporting. Nothing you say will be attributed to yourself or your organisation.

## Panel Survey – screening questions

---

**SQ1 Are you currently working in paid employment?**

- Yes  
 No › *Thank and close*

**SQ2 Do you have a legal qualification to be a lawyer?**

- Yes  
 No › *Thank and close*

**SQ3 Are you currently practising as a lawyer?**

- Yes › *Route to 'no longer practising survey'*  
 No

**SQ4 Have you ever practised as a lawyer?**

- Yes › *Route to 'no longer practising survey'*  
 No › *Continue to 'never practised survey'*

**SQ5 Have you practised as a lawyer in the last 5 years?**

- Yes › *Continue to 'no longer practising survey'*  
 No › *Thank and close*

## PART A Primary demographics

---

### A1 Are you...

- Male  
 Female

### A2 How old are you?

- Less than 25 years of age  
 25-29 years  
 30-34 years  
 35-39 years  
 40-44 years  
 45-49 years  
 50-54 years  
 55-59 years  
 60-64 years  
 65 years or older

### A3 How many years is it since you finished your first legal qualification? (please round to the nearest number of full years)

\_\_\_\_\_ years

### A4 Are you admitted as a legal practitioner in any Australian jurisdiction?

- Yes  
 No

### A5 In which state/territory is your main workplace located?

- Australian Capital Territory  
 New South Wales  
 Northern Territory  
 Queensland  
 South Australia  
 Tasmania  
 Victoria  
 Western Australia  
 Outside Australia (skip to Section C)

### B6 And is your main workplace located in:

- The central business district of a state/territory capital city  
 A suburban area of a state/territory capital city  
 A major regional centre (population 100,000+)  
 A smaller regional or remote location

## PART B Decision not to practise law

---

### B1 What were the main reasons for your decision to study law? (please select all that apply)

- I had an interest in the law  
 I had an interest in social justice  
 I had an interest in government and/or politics  
 I had an interest in international relations  
 I thought a law degree would provide good job opportunities  
 I thought a law degree would ensure job security  
 I thought a law degree would give me a broad skill base for employment in different fields  
 I wanted intellectual stimulation  
 I studied legal studies (or equivalent) at school and enjoyed it  
 I got the marks/grades to study law  
 I wanted a good income  
 I wanted prestige/status  
 I wanted a career change  
 I had the right aptitude for a law degree  
 I wasn't good at maths or science  
 I wasn't sure what else to do  
 My parents/family wanted me to study law  
 Other (please specify) \_\_\_\_\_

### B2 When you started your law degree, did you plan to practise law after graduating?

- Yes  
 No  
 I wasn't sure

### B3 When you finished your law degree, did you plan to practise law?

- Yes  
 No  
 I wasn't sure

### B4 To what extent did your law degree meet the expectations you had when starting it?

- Major extent  
 Moderate extent  
 Minor extent  
 Not at all  
 Not sure/can't say

**B5 To what extent did the following impact on your decision not to practise law?**

	Major extent	Moderate extent	Minor extent	Not at all	Not relevant
Didn't like studying law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Studied a double degree and wanted to pursue a career related to my other degree	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Couldn't find a job practising law	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Couldn't find a job practising in the area of law I was interested in	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I was offered another job opportunity	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
I never intended to practise as a lawyer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
More interesting or varied work elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better salary/remuneration elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
More scope for flexible working arrangements elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Shorter working hours elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greater support for work-life balance (personal life) elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greater support for work-life balance (family commitments) elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better job security elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better mentorship elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better learning and development opportunities elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reduced stress elsewhere	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**B6 Since finishing your law degree, which of the following sectors have you mainly worked in?**

- Advertising/ media/ arts and entertainment  
 Agriculture, forestry and fishing  
 Banking and financial services  
 Construction  
 Consulting  
 Education and training  
 Government and defence  
 Health and community services  
 Hospitality, tourism and recreation  
 IT and telecommunications  
 Manufacturing  
 Mining, resources and energy  
 Not for profit  
 PR, communications and marketing  
 Property and business services  
 Science and technology  
 Transport and storage  
 Whole and retail trade  
 Other (please specify) \_\_\_\_\_

**B7 How satisfied are you with your decision to not practise law?**

- Very satisfied  
 Satisfied  
 Neither satisfied nor dissatisfied  
 Dissatisfied  
 Very dissatisfied  
 Not sure/can't say

**B8 How satisfied are you with your current career path?**

- Very satisfied  
 Satisfied  
 Neither satisfied nor dissatisfied  
 Dissatisfied  
 Very dissatisfied  
 Not sure/can't say

**B9 Would you be interested in practising law in the future?**

- Yes  
 No  
 Maybe

**B10 If you did choose to eventually practise, in what capacity would you be interested in doing this?**

- Barrister  
 Private law firm  
 Corporate legal (in-house)  
 Government Legal  
 Community legal centre/Aboriginal Legal Services  
 Non-government organisation/not for profit  
 Other (please specify) \_\_\_\_\_

**B11 Please indicate briefly****A) Why you might be interested in practising law in the future**

\_\_\_\_\_  
 (limit to 150 words)

**B) What (if anything) would influence your decision?**

\_\_\_\_\_  
 (limit to 150 words)

**PART C Demographics****C1 What is the highest level of legal qualification you have completed?**

- Doctor of Laws  
 PhD in Law  
 Masters of Laws  
 Juris Doctor / Postgraduate qualification for admission to practice  
 Bachelor of Laws or equivalent  
 Combined Bachelor of Laws and another degree (e.g. BA/LLB)  
 Other

**C2 Which of these categories best describes your gross income (pre-tax, excluding superannuation) in the financial year ending 30 June 2012?**

*Please make your best estimate.*

- Less than \$50,000  
 \$50,000 - \$75,000  
 \$75,001 - \$100,000  
 \$100,001 - \$150,000  
 \$150,001 - \$200,000  
 \$200,001 - \$250,000  
 \$250,001 - \$300,000  
 \$300,001 - \$400,000  
 \$400,001 - \$500,000  
 \$500,001 - \$750,000  
 More than \$750,000  
 Not sure/rather not say

**C3 Approximately what percentage of your total household income comes from your salary?**

- 100%  
 80 – 99%  
 60 – 79%  
 40 – 59%  
 20 – 39%  
 0 – 19%  
 Not sure/rather not say

**C4 Were you born in Australia?**

- Yes  
 No

**C5 Do you regularly speak a language other than English at home?**

- Yes  
 No, English only

**C6 Do you identify as being Aboriginal and/or Torres Strait Islander?**

- Yes, Aboriginal  
 Yes, Torres Strait Islander  
 Yes, Aboriginal and Torres Strait Islander

**C7 Which best describes your marital status?**

- Single  
 Married or de facto  
 Divorced, separated, widowed

**C8 A) How many dependent children do you have (including step children)?**

- 0 > Go to F9
- 1
- 2
- 3
- 4
- 5 or more

**B) Are any of these children...***(select all that apply)*

- Aged under 6 and living with you all/some of the time
- Aged 6-12 and living with you all/some of the time
- Aged 12-17 and living with you all/some of the time
- Aged 18 or older and living with you all/some of the time
- None of the above

**C) Are you the primary carer in your family?**

- Yes > Go to F9
- No
- There is no primary carer – the role is shared -  
Go to F9

**C9 D) Who is the primary carer?**

- My partner
- My ex-partner
- My or my partner's parents
- Other (please specify) \_\_\_\_\_

**C10 A) Do you have any other family or carer responsibilities?**

- Yes
- No > Go to 0

**B) Please indicate for whom you have carer responsibilities***(select all that apply)*

- Grandparent/s (mine or my partner's)
- Parent/s (mine or my partner's)
- Sibling/s (mine or my partner's)
- Other (please specify) \_\_\_\_\_

**PART G Follow up interviews**

Urbis will be undertaking follow up telephone interviews with a number of lawyers to discuss their career progression, rationale for career moves and future intentions in more detail. The interviews will take between 30 – 45 minutes. Please note that this will be a confidential process; responses will not be attributed to individuals or their employer in our reporting or discussions with the Law Council. If you choose to provide your details, you will be contacted for the purposes of this research only and your details will not be provided to the Law Council of Australia or any other party.

**G1 Would you be interested in participating in an interview?**

- Yes
- No

Please provide your contact details below.

Name \_\_\_\_\_

Email address \_\_\_\_\_

Telephone \_\_\_\_\_

Thank you for your participation in this survey.

# Appendix B

## Respondent profile by jurisdiction





		TOTAL	ACT	NSW	NT	QLD	SA	TAS	VIC	WA	OUTSIDE AUSTRALIA
Gender	Female	72%	75%	70%	75%	81%	84%	77%	75%	70%	62%
	Male	28%	25%	30%	25%	19%	16%	23%	25%	30%	38%
Age	< 25 years	2%	8%	2%	3%	5%	2%	1%	3%	2%	2%
	25 – 34 years	38%	51%	35%	29%	46%	40%	51%	42%	40%	37%
	35 – 44 years	26%	16%	25%	36%	28%	29%	23%	30%	26%	38%
	45 – 54 years	19%	13%	20%	21%	16%	19%	9%	16%	21%	19%
	55+ years	14%	11%	18%	11%	6%	11%	16%	10%	10%	4%
Practising experience (career stage)	< 5 years (early)	34%	49%	30%	35%	42%	27%	44%	37%	37%	23%
	6-14 years (mid)	34%	33%	33%	39%	36%	40%	31%	35%	35%	54%
	15+ years (later)	32%	19%	37%	27%	22%	33%	25%	28%	28%	23%
Years since admission	< 5 years	30%	39%	27%	29%	37%	21%	35%	33%	34%	21%
	6 – 10 years	22%	28%	20%	19%	25%	26%	25%	21%	23%	35%
	11 – 15 years	15%	13%	15%	23%	14%	19%	13%	17%	13%	19%
	16 – 30 years	24%	13%	26%	21%	21%	23%	15%	23%	22%	23%
	31+ years	9%	7%	12%	8%	3%	11%	12%	6%	8%	2%
Break since admission	With break	33%	38%	32%	37%	32%	51%	36%	34%	27%	23%
	Without break	67%	62%	68%	63%	68%	49%	64%	66%	73%	77%
Children - Primary carer	No children	55%	66%	53%	67%	53%	43%	55%	57%	57%	58%
	Children - primary carer	18%	12%	18%	9%	21%	32%	13%	18%	13%	10%
	Children - not primary carer	8%	7%	8%	4%	6%	7%	5%	6%	13%	19%
	Children - shared	20%	15%	21%	20%	21%	19%	27%	20%	17%	13%
Salary versus household income	100% (sole income earner)	27%	28%	26%	31%	27%	20%	21%	29%	31%	44%
	60-99%	31%	26%	32%	28%	26%	24%	28%	32%	34%	23%
	40-59%	24%	28%	23%	31%	30%	29%	31%	24%	22%	13%
	0-39%	13%	10%	14%	7%	12%	16%	17%	11%	10%	10%
	Not sure/rather not say	5%	8%	5%	4%	4%	11%	3%	4%	3%	10%
Main work	the Bar	9%	1%	4%	4%	14%	24%	7%	32%	5%	0%
	Private Practice	63%	52%	68%	25%	65%	42%	66%	55%	72%	52%
	In-House	21%	40%	24%	53%	12%	27%	15%	10%	17%	48%
	Other	7%	7%	4%	18%	9%	7%	12%	3%	6%	0%



# Appendix C

## Summaries of key cohorts



The online survey for female practising lawyers was analysed according to different variables, such as age, years of practising experience, etc. This section provides summaries of the key findings for five key cohorts. These cohorts are outlined in Table 1 below.

**Table 1 – Breakdown of key cohorts of female practising lawyers**

KEY COHORT	SPECIFICATION
Younger lawyers-Older lawyers	Younger lawyers: aged 34 years or younger aged 35+ years with 5 years or less practising experience <hr/> Older lawyers aged 35+ years with 6 years or more practising experience <hr/>
Years of practising experience	5 years or less of practising experience between 6-14 years of practising experience 15+ years of practising experience <hr/>
Geographic location	central business district (CBD) suburban area major regional centre smaller regional centre outside Australia <hr/>
Sector of employment	the Bar private practice in-house <hr/>
Private Practice firm size	small (1-10 partners/sole practitioner) medium (11-20 partners) large (21+ partners) <hr/>

The findings in the summaries reflect key statistically significant differences in relation to:

- job satisfaction and dissatisfaction (including elements of career development)
- discrimination and harassment
- factors influencing career moves in the past.

It is important to note that in conducting this analysis, we identified the top ten elements of job satisfaction and job dissatisfaction, as well as the top ten factors influencing career moves in the past. We then compared differences in results across groups. Other less commonly reported elements have not been included in this analysis, but have been reported where appropriate in the body of the report.

## SUMMARY 1 – By younger and older female lawyers

Data was analysed to identify any significant differences between younger female lawyers and older female lawyers. Younger female lawyers included:

- those aged 34 years or younger
- those aged 35+ years with 5 years or less practising experience.

The older cohort included females who were aged 35 years or older, and with more than 5 years of practising experience.

Overall, results showed that both groups shared comparable levels of satisfaction with the quality of work they were given the opportunity to do, and with the opportunities they had to make full use of their skills.

In addition, both groups showed similar levels of job dissatisfaction with:

- accessibility of mentor support
- support provided to access contacts and networks
- the level of work-life balance
- the leadership and direction of their organisation
- the culture of their workplace.

All females, irrespective of age and years of practising experience, reported experiencing the following forms of harassment and discrimination to similar degrees:

- sexual harassment
- discrimination due to ethnicity
- discrimination due to sexual preference
- discrimination due to disability/health issues.

Furthermore, the extent to which the following factors influenced career moves in the past was comparable for younger and older lawyers:

- looking for a change/something new
- lack of promotional opportunities
- unhappiness with the workplace culture.

Statistically significant differences in the responses for younger and older lawyers are described in the section below.

### *Job satisfaction*

In terms of job satisfaction, overall, older female lawyers were more satisfied than younger females with:

- the level of personal satisfaction in their work
- opportunities to practice in the areas of law they were interested in
- their exposure to a variety of interesting work
- their level of independence and control
- the extent to which they felt respected by clients.

Conversely, younger females were more satisfied than older lawyers with their rate of career progression and their career trajectory. They were also more satisfied with:

- the relationships they had with colleagues
- the relationships they had with the person they reported to
- the stability and reliability of their income.

### *Job dissatisfaction*

Younger female lawyers showed higher dissatisfaction levels than their older counterparts with the requirements for work hours and billable hours. They were also more dissatisfied with the level of support in their organisation for work-life balance, and with their level of salary or remuneration.

Older female lawyers were more dissatisfied with opportunities for promotion and advancement than their younger counterparts.

### *Discrimination and harassment*

Older female lawyers were more likely than younger respondents to report experiencing the following forms of discrimination and harassment:

- bullying or intimidation
- discrimination due to gender
- discrimination due to family or carer responsibilities
- discrimination due to pregnancy.

However, younger females were likely than their older counterparts to report experiencing discrimination due to their age.

### *Factors influencing career moves in the past*

Older female lawyers were more likely than younger lawyers to report that the following factors relating to work-life balance influenced a career move in the past:

- better work-life balance
- more flexibility to balance work and personal responsibilities
- more scope for flexible working arrangements
- reduced stress and pressure.

Older females were also more likely than younger females to report that unhappiness with the leadership and direction of their organisation was a factor in their career move.

Conversely, younger females reported more often than older lawyers that better salary and more interesting or varied work influenced their career move in the past.

## Summary 2 - by years of practising experience

Data was analysed to identify any statistically significant differences between the following groups:

- females with 5 years or less practising experience
- females with 6-14 years of practising experience
- females with 15 years or more practising experience.

Overall, respondents showed comparable levels of satisfaction with career development, their level of work-life balance and the quality/profile of work respondents were given the opportunity to do, irrespective of their practising experience.

In addition, respondents showed similar levels of dissatisfaction with the required work hours and workplace culture, irrespective of their practicing experience. All respondents also reported similar levels of discrimination due to ethnicity, sexual preference and health issues.

Differences between the subgroups are outlined below.

### *Job satisfaction*

Females with less than 15 years of practising experience were more satisfied than females with more practising experience regarding:

- their relationship with colleagues
- their relationship with the person they reported to
- the stability and reliability of their income.

Females with more than six years of practising experience were more satisfied than females with less experience regarding:

- the level of independence in their work
- the level of personal satisfaction in their work
- opportunities to practise in the areas of law that interested them
- the extent to which they felt respected by clients.

In addition, females with more than 15 years of practising experience were more satisfied than those with five years or less experience with:

- the exposure to a variety of interesting work
- opportunities to make full use of their skills and abilities.

### *Job dissatisfaction*

Females with five years or less of practising experience were more dissatisfied than females with 15 years or more practising experience with:

- the level of support in their organisation for work-life balance
- the requirements for billable hours
- the level of salary/remuneration.

Females with 6-14 years of practising experience were more dissatisfied than those with less experience with opportunities for promotion and advancement.

### *Discrimination/harassment*

Females with more than six years of practising experience were more likely than females with less experience to report experiencing various forms of discrimination or harassment, in particular:

- bullying or intimidation
- sexual harassment
- discrimination due to gender
- discrimination due to family or carer responsibilities
- discrimination due to pregnancy.

Conversely, females with five years or less of practising experience were more likely than those with more experience to report experiencing discrimination due to their age.

Factors influencing career moves in the past

Females with six years or more of practising experience were more likely than females with less experience to report a career move due to:

- better work-life balance
- more flexibility to balance work and personal responsibilities
- more scope for flexible work arrangements
- reduced stress and pressure.

Furthermore, females with 14 years or less of practising experience were more likely than females with more experience to report a career move due to:

- better salary/remuneration
- lack of promotional opportunities
- more interesting or varied work.

### Summary 3 – by geographic location

Data was analysed to identify statistically significant differences between lawyers working in different geographic locations, in particular, lawyers working in:

- central business districts (CBDs)
- suburban areas
- major regional centres
- smaller regional centres
- outside Australia.

All female respondents, irrespective of geographic location reported comparable levels of satisfaction with career development, the extent to which they found their work interesting, and the extent to which they felt respected by clients.

All females reported experiencing similar levels of discrimination due to age, sexual preference and health issues. The extent to which 'better salary' and 'more interesting or varied work' influenced past career moves was also comparable for women across all geographic locations.

Key differences based on geographic location are outlined below.

#### *Job satisfaction*

Female lawyers working in CBDs were more satisfied with the stability and reliability of their income than those working in suburban areas. Conversely, females working in suburban areas were more satisfied with the level of personal satisfaction in their work than those working in CBDs.

Relatively high levels of satisfaction could be seen among those working in CBDs and in major regional centres regarding their relationships with colleagues, particularly compared to those working in suburban areas.

Females working in suburban areas and in major or smaller regional centres were more satisfied with the level of independence in their work than those working in CBDs.

When looking at females working outside of Australia, results showed that they were more satisfied with the stability and reliability of their income than their counterparts working in Australia.

#### *Job dissatisfaction*

Female lawyers working in CBDs were more likely to be dissatisfied than their counterparts in other locations with:

- the level of work-life balance
- the requirements for billable hours
- the requirements for work hours.

Conversely, female lawyers working in smaller regional centres and outside Australia were more dissatisfied with the level of their salary than those working in CBDs.

#### *Discrimination and harassment*

Overall, females working in CBDs reported experiencing various forms of discrimination and/or harassment more often than their counterparts working in other locations. In particular, women working in CBDs were more likely to report experiencing:

- bullying or intimidation
- sexual harassment
- discrimination due to gender
- discrimination due to family responsibilities.

Female respondents working outside of Australia were more likely than their counterparts to report experiencing discrimination due to their ethnicity.

#### *Factors influencing career moves in the past*

Of those female lawyers that reported a career move in the past, female lawyers working in suburban areas and major regional centres were more likely than females working in CBDs to report a career move due to:

- better work-life balance
- more flexibility to balance work and personal responsibilities
- more scope for flexible work arrangements
- reduced stress and pressure.

Females working in CBDs and in suburban areas were more likely than those working in smaller regional centres to report a career move due to:

- looking for a change/something new
- a lack of promotional opportunities.

## Summary 4 – by employment sector

This section highlights key findings of the online survey for female lawyers working at the Bar, in private practice and in-house roles.

Across all three employment sectors, females reported similar satisfaction levels with:

- the exposure they had to a variety of interesting work
- the quality/profile of work they were given the opportunity to do
- opportunities to practise in the areas of law they were interested in
- opportunities to make full use of their skills and abilities.

The degree to which the following factors influenced career moves was similar for lawyers at the Bar, in private practice and in-house:

- better salary/remuneration
- lack of promotional opportunities
- unhappiness with the leadership and direction of their organisation.

Key differences between females working at the Bar, in private practice and in-house are outlined below.

### Job satisfaction

In general, female lawyers working at the Bar and in private practice were more satisfied with their career development than those working in-house.

Contrary, females working in-house were more likely than their counterparts to be satisfied with:

- the relationship with their colleagues
- the relationship with the person they reported to
- the stability and reliability of income.

Female lawyers working in private practice showed higher satisfaction levels than female barristers and in-house lawyers with:

- the level of personal satisfaction in their work
- the extent to which they felt respected by clients.

### Job dissatisfaction

In-house female lawyers were more likely than those working in private practice and at the Bar to be dissatisfied with the following elements of career development:

- accessibility of mentor support
- opportunities for promotion and advancement.

Conversely, female barristers and private practice lawyers were more dissatisfied than in-house lawyers with elements relating to work-life balance, including:

- their level of work-life balance
- the level of support in their organisation for work-life balance.

Results also showed that female lawyers working in private practice were more dissatisfied with billable hours than those working at the Bar or in-house.

### Discrimination and harassment

Overall, female barristers reported experiencing various forms of discrimination and harassment more often compared to female lawyers in private practice and in-house. Specifically, females at the Bar were more likely to experience:

- bullying or intimidation
- sexual harassment
- discrimination due to gender
- discrimination due to age
- discrimination due to family responsibilities
- discrimination due to pregnancy.

Factors influencing career moves in the past

In-house female lawyers were more likely than females in private practice to report a career move due to:

- better work life balance
- looking for a change/something new
- unhappiness with the workplace culture.

Of those female lawyers that reported a career move in the past, in-house female lawyers were more likely than those at the Bar or in private practice to report a career move due to reduced stress and pressure.



## SUMMARY 5 – BY TYPE OF FIRM SIZE WITHIN PRIVATE PRACTICE

This section provides a summary of key findings for female private practice lawyers by firm size. The data was broken down into the following subgroups:

- small firm size (1-10 partners/sole practitioner)
- medium firm size (11-20 partners)
- large firm size (21+ partners).

Overall, all female respondents, irrespective of firm size, showed similar levels of satisfaction with:

- the exposure to a variety of interesting work
- the level of personal satisfaction in their work
- opportunities to practise in the areas of law they were interested in
- opportunities to make full use of their skills and abilities
- the extent to which they felt respected by clients.

When looking at results in relation to discrimination and harassment, all females reported experiencing similar levels of discrimination due to age, pregnancy, ethnicity and health issues.

The influence the following factors had on career move(s) in the past was also comparable for lawyers in small, medium and large firms:

- a lack of promotional issues
- more interesting or varied work.

Key differences between females working for small, medium and large firm sizes are outlined below.

### *Job satisfaction*

Females working for large firms were generally more satisfied with their career development than those working for small firms. In addition, females in large firms were more satisfied with:

- the relationship they had with their colleagues
- the relationship they had with the person to whom they reported
- the quality/profile of work they were given the opportunity to do
- the stability and reliability of their income.

### *Job dissatisfaction*

Results showed differences in levels of job dissatisfaction relating to work-life balance. Females working for large and medium firms were more dissatisfied than those working for small firms with:

- the level of work-life balance
- the support in the organisation for work-life balance
- the required working hours
- the requirements for billable hours.

### *Discrimination and harassment*

Female lawyers working for large firms reported more often experiencing various forms of discrimination and harassment than females working in small firms. This difference was particularly notable in relation to:

- bullying or intimidation
- sexual harassment
- discrimination due to gender
- discrimination due to family or carer responsibilities.

### *Factors influencing career moves in the past*

Of those female lawyers that reported a career move in the past, female lawyers working for small law firms were more likely to report a career move due to work-life balance compared to their counterparts in medium and large firms. For example, females in small firms more often reported a career move due to:

- better work-life balance
- more flexibility to balance work and personal responsibilities
- more scope for flexible working arrangements
- reduced stress and pressure.

In addition, females working for small firms were more likely to report a career move in the past because of unhappiness with the workplace culture and the leadership of the organisation compared to females working for large firms.

Conversely, females working for large firms reported more often than those in small firms that better salary/remuneration influenced a career move in the past.

Table 2 – Net scores by gender and younger/older lawyers

	FEMALE		MALE	
	YOUNGER	OLDER	YOUNGER	OLDER
	A	B	A	B
Sample size	1,408	1,288	350	687
<b><i>Elements of job satisfaction (top 10 net satisfied)</i></b>				
The relationships I have with my colleagues	<b>83%</b> <b>B*</b>	78%	78%	77%
The level of independence and control I have over my work	73%	<b>82%</b> <b>A</b>	73%	<b>83%</b> <b>A</b>
The extent to which I am respected by my clients	69%	<b>78%</b> <b>A</b>	66%	<b>81%</b> <b>A</b>
Exposure to a variety of interesting work	71%	<b>74%</b> <b>A</b>	71%	77%
The quality/profile of work I am given the opportunity to do	71%	73%	71%	<b>78%</b> <b>A</b>
The stability and reliability of my income	<b>77%</b> <b>B</b>	68%	<b>70%</b> <b>B</b>	59%
The level of personal satisfaction in the work that I do	65%	<b>72%</b> <b>A</b>	65%	<b>75%</b> <b>A</b>
Opportunities to practise in the areas of law in which I am interested	65%	<b>71%</b> <b>A</b>	69%	73%
Opportunities to make full use of my skills and abilities	62%	65%	65%	<b>72%</b> <b>A</b>
The relationship I have with the person to whom I report	<b>71%</b> <b>B</b>	55%	<b>67%</b> <b>B</b>	46%
<b><i>Elements of job dissatisfaction (top 10 net dissatisfied)</i></b>				
Accessibility of mentors to support my career development	31%	33%	<b>24%</b> <b>B</b>	16%
Opportunities for promotion and advancement	29%	<b>33%</b> <b>A</b>	20%	15%
The level of work-life balance that I have	31%	29%	28%	26%
The leadership and direction of my organisation	28%	26%	<b>20%</b> <b>B</b>	15%
Support provided to access contacts and networks	27%	25%	<b>18%</b> <b>B</b>	13%
The level of support in my organisation for work-life balance	<b>29%</b> <b>B</b>	22%	<b>23%</b> <b>B</b>	15%
The level of salary/remuneration	<b>29%</b> <b>B</b>	24%	24%	19%
The culture of my workplace	22%	24%	<b>18%</b> <b>B</b>	11%
The requirements for billable hours	<b>27%</b> <b>B</b>	14%	<b>23%</b> <b>B</b>	14%
The hours I am required to work	<b>24%</b> <b>B</b>	19%	21%	20%

	FEMALE		MALE	
	YOUNGER	OLDER	YOUNGER	OLDER
<b>Satisfaction with career development (net satisfied)</b>				
The opportunities I have had for professional development and promotion	57%	55%	63%	<b>74% A</b>
The rate at which my career has progressed	<b>54% B</b>	48%	62%	67%
My career trajectory (compared to my expectations)	<b>48% B</b>	44%	56%	61%
<b>Discrimination and harassment (net 'ever' experienced)</b>				
Bullying or intimidation	47%	<b>52% A</b>	37%	37%
Sexual harassment	22%	25%	9%	8%
Discrimination due to my gender	44%	<b>51% A</b>	11%	13%
Discrimination due to my age	<b>40% B</b>	30%	27%	24%
Discrimination due to my ethnicity	8%	8%	9%	7%
Discrimination due to my sexual preference	2%	3%	7%	5%
Discrimination due to disability/health issue	5%	6%	4%	<b>8% A</b>
Discrimination due to my family or carer responsibilities	18%	<b>37% A</b>	11%	13%
Discrimination due to pregnancy	11%	<b>18% A</b>	<b>4% B</b>	2%
<b>Factors influencing career move(s) in the past (top 10 most frequent)</b>				
Sample size**	1,579	843	364	287
Better work-life balance	23%	<b>29% A</b>	19%	<b>31% A</b>
Better salary/remuneration	<b>38% B</b>	30%	<b>39% B</b>	26%
Looking for a change/ something new	22%	23%	26%	25%
Lack of promotional opportunities	27%	23%	25%	20%
More flexibility to balance my work and personal responsibilities	14%	<b>23% A</b>	11%	<b>23% A</b>
More interesting or varied work	<b>33% B</b>	27%	<b>36% B</b>	25%
More scope for flexible working arrangements	12%	<b>22% A</b>	9%	<b>18% A</b>
Reduced stress and pressure	16%	<b>20% A</b>	9%	<b>17% A</b>
Unhappy with the leadership and direction of the organisation	29%	<b>33% A</b>	21%	<b>35% A</b>
Unhappy with the workplace culture	32%	35%	24%	31%

\* Letters in bold indicate significant differences between sub-cohorts. For example, the proportion of younger female lawyers (83% in column A) who were satisfied with their relationship with their colleagues was significantly higher than the proportion of older female lawyers (78%) as listed in column B.

\*\*Sample includes respondents that reported one or more career moves in the past.

Table 3 – Net scores by gender and years of practising experience

	FEMALE			MALE		
	≤ 5 YEARS	6-14 YEARS	≥ 15 YEARS	≤ 5 YEARS	6-14 YEARS	≥ 15 YEARS
	A	B	C	A	B	C
Sample size	996	1,039	661	271	244	522
<b>Elements of job satisfaction (top 10 net satisfied)</b>						
The relationships I have with my colleagues	<b>82% C</b>	<b>82% C</b>	77%	76%	79%	77%
The level of independence and control I have over my work	71%	<b>81% A</b>	<b>82% A</b>	71%	<b>81% A</b>	<b>84% A</b>
The extent to which I am respected by my clients	67%	<b>76% A</b>	<b>79% A</b>	65%	<b>73% A</b>	<b>83% AB*</b>
Exposure to a variety of interesting work	70%	73%	<b>74% A</b>	70%	74%	<b>78% A</b>
The quality/profile of work I am given the opportunity to do	70%	72%	73%	69%	<b>78% A</b>	<b>78% A</b>
The stability and reliability of my income	<b>76% C</b>	<b>74% C</b>	65%	<b>69% C</b>	<b>67% C</b>	57%
The level of personal satisfaction in the work that I do	64%	<b>69% A</b>	<b>74% AB</b>	63%	68%	<b>77% AB</b>
Opportunities to practise in the areas of law in which I am interested	63%	<b>70% A</b>	<b>72% A</b>	65%	70%	<b>75% A</b>
Opportunities to make full use of my skills and abilities	61%	63%	<b>67% A</b>	61%	69%	<b>74% A</b>
The relationship I have with the person to whom I report	<b>72% BC</b>	<b>63% C</b>	51%	<b>66% C</b>	<b>60% C</b>	43%
<b>Elements of job dissatisfaction (top 10 net dissatisfied)</b>						
Accessibility of mentors to support my career development	30%	33%	31%	<b>24% C</b>	<b>25% C</b>	13%
Opportunities for promotion and advancement	28%	<b>34% A</b>	30%	<b>18% C</b>	<b>25% C</b>	<b>12%</b>
The level of work-life balance that I have	30%	30%	29%	27%	27%	26%
The leadership and direction of my organisation	27%	<b>30% C</b>	24%	<b>21% C</b>	<b>19% C</b>	13%
Support provided to access contacts and networks	26%	27%	24%	<b>18% C</b>	<b>19% C</b>	11%
The level of support in my organisation for work-life balance	<b>29% C</b>	<b>26% C</b>	20%	<b>22% C</b>	<b>24% C</b>	13%
The level of salary/remuneration	32% <b>BC</b>	22%	25%	<b>25% C</b>	<b>24% C</b>	17%
The culture of my workplace	22%	25%	23%	<b>18% C</b>	<b>16% C</b>	10%
The requirements for billable hours	<b>28% BC</b>	<b>19% C</b>	12%	<b>24% C</b>	<b>19% C</b>	12%
The hours I am required to work	23%	20%	20%	18%	<b>27% AC</b>	19%

	FEMALE			MALE		
	≤ 5 YEARS	6-14 YEARS	≥ 15 YEARS	≤ 5 YEARS	6-14 YEARS	≥ 15 YEARS
<b>Satisfaction with career development (net satisfied)</b>						
The opportunities I have had for professional development and promotion	57%	54%	<b>59% B</b>	61%	65%	<b>78% AB</b>
The rate at which my career has progressed	53%	49%	51%	60%	60%	<b>70% AB</b>
My career trajectory (compared to my expectations)	48%	44%	48%	56%	55%	<b>64% AB</b>
<b>Discrimination and harassment (net 'ever' experienced)</b>						
Bullying or intimidation	46%	<b>51% A</b>	<b>51% A</b>	34%	<b>43% A</b>	36%
Sexual harassment	20%	<b>25% A</b>	<b>25% A</b>	9%	10%	7%
Discrimination due to my gender	41%	<b>50% A</b>	<b>52% A</b>	11%	13%	12%
Discrimination due to my age	<b>39% BC</b>	33%	33%	27%	21%	25%
Discrimination due to my ethnicity	8%	8%	7%	9%	9%	6%
Discrimination due to my sexual preference	2%	2%	3%	6%	7%	5%
Discrimination due to disability/health issue	5%	6%	6%	4%	5%	<b>8% A</b>
Discrimination due to my family or carer responsibilities	14%	<b>35% A</b>	<b>34% A</b>	10%	16%	11%
Discrimination due to pregnancy	8%	<b>20% AC</b>	<b>14% A</b>	<b>4% C</b>	3%	1%
<b>Factors influencing career move(s) in the past (top 10 most frequent)</b>						
Sample size**	1,158	925	339	305	171	175
Better work-life balance	20%	<b>30% A</b>	<b>29% A</b>	17%	<b>35% A</b>	<b>27% A</b>
Better salary/remuneration	38% C	<b>34% C</b>	27%	<b>38% C</b>	<b>35% C</b>	23%
Looking for a change/ something new	21%	24%	24%	25%	29%	23%
Lack of promotional opportunities	<b>26% C</b>	<b>28% C</b>	18%	<b>24% C</b>	<b>30% C</b>	13%
More flexibility to balance my work and personal responsibilities	13%	<b>21% A</b>	<b>23% A</b>	9%	<b>22% A</b>	<b>23% A</b>
More interesting or varied work	<b>32% C</b>	<b>31% C</b>	25%	<b>34% C</b>	<b>35% C</b>	23%
More scope for flexible working arrangements	11%	<b>20% A</b>	<b>19% A</b>	8%	<b>16% A</b>	<b>20% A</b>
Reduced stress and pressure	14%	<b>19% A</b>	<b>21% A</b>	7%	<b>16% A</b>	<b>20% A</b>
Unhappy with the leadership and direction of the organisation	26%	<b>34% A</b>	31%	19%	<b>34% A</b>	<b>35% A</b>
Unhappy with the workplace culture	30%	<b>37% A</b>	32%	22%	<b>33% A</b>	31% A

\* Where there are two letters in bold, this indicates a significant difference between two different subgroups. For example, the proportion of male lawyers with more than 15 years practising experience who were satisfied with the extent to which they were respected by clients was significantly higher than the proportion of males with less than five years practising experience (A) and the proportion of males with 6-14 years practising experience (B).

\*\*Sample includes respondents that reported one or more career moves in the past.

**Table 4 – Net scores by gender and geographic location**

	FEMALE					MALE				
	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA
Sample size	A	B	C	D	E	A	B	C	D	E
	1922	409	168	165	32	688	183	63	83	20
<b>Elements of job satisfaction (top 10 net satisfied)</b>										
The relationships I have with my colleagues	<b>83%</b> BD	73%	<b>81%</b> B	73%	72%	<b>80%</b> B	69%	70%	72%	95%
The level of independence and control I have over my work	75%	<b>83%</b> A	<b>85%</b> A	<b>84%</b> A	72%	80%	80%	83%	81%	70%
The extent to which I am respected by my clients	72%	76%	76%	78%	78%	77%	75%	81%	71%	65%
Exposure to a variety of interesting work	73%	72%	74%	68%	66%	77%	71%	71%	67%	90%
The quality/profile of work I am given the opportunity to do	72%	73%	73%	70%	69%	<b>78%</b> BD	70%	76%	65%	85%
The stability and reliability of my income	<b>75%</b> B	63%	70%	70%	<b>88%</b> BCD	<b>68%</b> BCD	54%	48%	47%	80%
The level of personal satisfaction in the work that I do	67%	<b>72%</b> A	67%	72%	69%	<b>73%</b> D	72%	67%	61%	70%
Opportunities to practise in the areas of law in which I am interested	68%	68%	69%	68%	69%	<b>74%</b> B	63%	67%	65%	80%
Opportunities to make full use of my skills and abilities	63%	64%	68%	69%	53%	<b>72%</b> BD	64%	68%	59%	70%
The relationship I have with the person to whom I report	63%	61%	67%	65%	66%	<b>55%</b> D	<b>52%</b> D	52%	36%	70%

	FEMALE					MALE				
	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA
<b>Elements of job dissatisfaction (top 10 net dissatisfied)</b>										
Accessibility of mentors to support my career development	31%	36%	29%	30%	31%	17%	21%	22%	22%	35%
Opportunities for promotion and advancement	32%	30%	31%	25%	34%	17%	15%	19%	19%	15%
The level of work-life balance that I have	<b>32%</b> BCD	24%	24%	19%	31%	26%	22%	<b>38%</b> AB	<b>34%</b> B	30%
The leadership and direction of my organisation	<b>28%</b> B	23%	23%	28%	22%	17%	14%	19%	17%	15%
Support provided to access contacts and networks	25%	28%	27%	28%	25%	15%	14%	16%	18%	20%
The level of support in my organisation for work-life balance	28%	19%	21%	18%	25%	18%	15%	21%	13%	45%
The level of salary/remuneration	25%	29%	27%	<b>33%</b> A	16%	17%	<b>26%</b> A	<b>32%</b> A	<b>37%</b> A	20%
The culture of my workplace	<b>25%</b> D	20%	21%	18%	19%	14%	10%	14%	10%	25%
The requirements for billable hours	<b>25%</b> BCD	10%	13%	10%	<b>25%</b> BD	<b>19%</b> B	10%	<b>22%</b> B	12%	15%
The hours I am required to work	<b>24%</b> BCD	16%	14%	12%	16%	20%	18%	25%	28%	30%

	FEMALE					MALE				
	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA
<b>Satisfaction with career development (net satisfied)</b>										
The opportunities I have had for professional development and promotion	57%	52%	52%	57%	66%	<b>73% B</b>	64%	76%	64%	70%
The rate at which my career has progressed	51%	50%	51%	48%	50%	<b>69% BD</b>	57%	59%	57%	60%
My career trajectory (compared to my expectations)	47%	44%	45%	48%	53%	<b>63% B</b>	54%	59%	53%	45%
<b>Discrimination and harassment (net 'ever' experienced)</b>										
Bullying or intimidation	<b>52% BCD</b>	41%	40%	44%	44%	<b>39% B</b>	25%	<b>54% ABD</b>	35%	50%
Sexual harassment	<b>26% BCD</b>	18%	17%	14%	22%	8%	8%	6%	6%	15%
Discrimination due to my gender	<b>50% BD</b>	38%	45%	36%	<b>56% BD</b>	<b>14% B</b>	7%	14%	11%	5%
Discrimination due to my age	36%	33%	35%	35%	34%	26%	22%	32%	22%	20%
Discrimination due to my ethnicity	<b>7% D</b>	<b>9% D</b>	7%	3%	<b>25% ABCD</b>	7%	10%	<b>16% AD</b>	4%	5%
Discrimination due to my sexual preference	2%	2%	3%	2%	6%	6%	6%	5%	1%	10%
Discrimination due to disability/health issue	6%	7%	3%	5%	3%	6%	6%	8%	10%	10%
Discrimination due to my family or carer responsibilities	<b>29% BD</b>	23%	27%	21%	19%	12%	9%	17%	11%	20%
Discrimination due to pregnancy	15%	12%	17%	10%	<b>25% BD</b>	2%	2%	3%	2%	15%



	FEMALE					MALE						
	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA	CBD	SUBURBAN AREA	MAJOR REGIONAL CENTRE	SMALLER REGIONAL CENTRE	OUTSIDE AUSTRALIA		
<b>Factors influencing career move(s) in the past (top 10 most frequent)</b>												
Sample size*	1615	397	161	137	38	441	101	39	46	18		
Better work-life balance	22%	<b>32%</b> A	<b>37%</b> A	26%	29%	21%	<b>31%</b> A	<b>46%</b> AD	22%	28%		
Better salary/remuneration	36%	35%	40%	31%	29%	<b>39%</b> BD	23%	26%	17%	28%		
Looking for a change/something new	<b>23%</b> D	<b>26%</b> D	20%	12%	18%	26%	26%	18%	26%	33%		
Lack of promotional opportunities	<b>26%</b> D	<b>29%</b> D	22%	16%	24%	25%	20%	13%	17%	17%		
More flexibility to balance my work and personal responsibilities	15%	<b>24%</b> A	<b>25%</b> A	19%	16%	15%	20%	23%	20%	11%		
More interesting or varied work	32%	32%	28%	24%	21%	<b>34%</b> B	23%	28%	22%	39%		
More scope for flexible working arrangements	12%	<b>24%</b> A	<b>24%</b> A	17%	21%	12%	19%	18%	13%	11%		
Reduced stress and pressure	15%	<b>23%</b> A	<b>22%</b> A	20%	13%	10%	<b>22%</b> A	13%	<b>20%</b> A	11%		
Unhappy with the leadership and direction of the organisation	29%	31%	<b>35%</b> E	34%	18%	24%	<b>40%</b> A	31%	33%	22%		
Unhappy with the workplace culture	32%	35%	<b>42%</b> AE	34%	24%	26%	35%	31%	26%	22%		

\*Sample includes respondents that reported one or more career moves in the past.

**Table 5 – Net scores by gender and employment sector**

	FEMALE			MALE		
	THE BAR	PRIVATE PRACTICE	IN-HOUSE	THE BAR	PRIVATE PRACTICE	IN-HOUSE
	A	B	C	A	B	C
Sample size*	201	1686	654	160	696	146
<b>Elements of job satisfaction (top 10 net satisfied)</b>						
The relationships I have with my colleagues	72%	79% A	84% AB	73%	77%	86% AB
The level of independence and control I have over my work	88% BC	74%	81% B	88% BC	78%	77%
The extent to which I am respected by my clients	83% BC	76% C	66%	84% BC	76%	70%
Exposure to a variety of interesting work	74%	71%	74%	80%	73%	76%
The quality/profile of work I am given the opportunity to do	65%	71%	73% A	75%	74%	82% B
The stability and reliability of my income	35%	75% A	80% AB	46%	63% A	82% AB
The level of personal satisfaction in the work that I do	81% BC	64%	72% B	82% BC	69%	71%
Opportunities to practise in the areas of law in which I am interested	70%	69%	65%	80% BC	70%	69%
Opportunities to make full use of my skills and abilities	67%	63%	60%	79% BC	69%	62%
The relationship I have with the person to whom I report	10%	64% A	74% AB	9%	57% A	81% AB
<b>Elements of job dissatisfaction (top 10 net dissatisfied)</b>						
Accessibility of mentors to support my career development	24%	31% A	38% AB	11%	20% A	21% A
Opportunities for promotion and advancement	27%	26%	43% AB	13%	16%	26% AB
The level of work-life balance that I have	28% C	36% AC	18%	15%	31% A	17%

	FEMALE				MALE				
	THE BAR	PRIVATE PRACTICE	IN-HOUSE	THE BAR	PRIVATE PRACTICE	IN-HOUSE	THE BAR	PRIVATE PRACTICE	IN-HOUSE
The leadership and direction of my organisation	22%	27%	30% A	9%	17%	22%	17%	17%	22%
Support provided to access contacts and networks	24%	26%	30% B	12%	16%	14%	16%	16%	14%
The level of support in my organisation for work-life balance	22% C	31% AC	16%	7%	21%	16%	21%	21%	16%
The level of salary/remuneration	25%	28% C	22%	13%	23%	21%	23%	23%	21%
The culture of my workplace	30% B	22%	25%	8%	14%	16%	14%	14%	16%
The requirements for billable hours	1%	32% AC	3%	3%	24%	3%	24%	24%	3%
The hours I am required to work	22% C	26% C	13%	16%	23%	16%	23%	23%	16%
<b>Satisfaction with career development (net satisfied)</b>									
The opportunities I have had for professional development and promotion	58% C	57% C	50%	78% C	71%	63%	78%	71%	63%
The rate at which my career has progressed	56% C	53% C	43%	70% C	66%	56%	70%	66%	56%
My career trajectory (compared to my expectations)	51% C	48% C	38%	67% C	61%	46%	67%	61%	46%
Discrimination and harassment (net 'ever' experienced)									
Bullying or intimidation	80% BC	44%	52% B	51% B	30%	53%	51%	30%	53%
Sexual harassment	55% BC	22%	20%	9%	6%	14%	9%	6%	14%
Discrimination due to my gender	84% BC	46%	44%	24% B	8%	17%	24%	8%	17%
Discrimination due to my age	55% BC	34%	32%	36% B	21%	32%	36%	21%	32%
Discrimination due to my ethnicity	11% B	6%	9% B	10%	7%	6%	10%	7%	6%

**Table 5 – Net scores by gender and employment sector**

	FEMALE		MALE		
	THE BAR	PRIVATE PRACTICE	THE BAR	PRIVATE PRACTICE	
	IN-HOUSE PRACTICE	IN-HOUSE PRACTICE	IN-HOUSE PRACTICE	IN-HOUSE PRACTICE	
Discrimination due to my sexual preference	5% B	2%	3%	5%	7%
Discrimination due to disability/health issue	6%	5%	8% B	10% B	7%
Discrimination due to my family or carer responsibilities	40% BC	26%	27%	18% B	13%
Discrimination due to pregnancy	23% BC	14%	15%	2%	2%
<b>Factors influencing career move(s) in the past (top 10 most frequent)</b>					
Sample size*	118	1389	679	74	418
Better work-life balance	26%	20%	34% B	38% B	33% B
Better salary/remuneration	33%	35%	38%	39%	35%
Looking for a change/ something new	24%	19%	29% B	36% B	28%
Lack of promotional opportunities	28%	27%	25%	27%	18%
More flexibility to balance my work and personal responsibilities	29% B	13%	22% B	30% B	20%
More interesting or varied work	41% B	27%	36% B	47% B	34%
More scope for flexible working arrangements	26% B	12%	21% B	30% B	18% B
Reduced stress and pressure	9%	14%	25% AB	12%	23% B
Unhappy with the leadership and direction of the organisation	28%	30%	32%	19%	30% A
Unhappy with the workplace culture	32%	32%	37% B	28%	27%

\* Sample includes respondents that reported one or more career moves in the past.

**Table 6 – Net scores by gender and private practice firm size**

	FEMALE			MALE		
	SMALL	MEDIUM	LARGE	SMALL	MEDIUM	LARGE
	A	B	C	A	B	C
Sample size	736	112	838	395	29	272
<b>Elements of job satisfaction (top 10 net satisfied)</b>						
The relationships I have with my colleagues	73%	74%	<b>86%</b> AB	73%	83%	<b>81%</b> A
The level of independence and control I have over my work	<b>78%</b> BC	69%	71%	80%	72%	75%
The extent to which I am respected by my clients	77%	78%	74%	78%	76%	75%
Exposure to a variety of interesting work	69%	68%	72%	70%	76%	<b>77%</b> A
The quality/profile of work I am given the opportunity to do	69%	70%	<b>74%</b> A	70%	83%	<b>78%</b> A
The stability and reliability of my income	67%	<b>78%</b> A	<b>81%</b> A	49%	69%	<b>83%</b> A
The level of personal satisfaction in the work that I do	67%	58%	63%	68%	69%	71%
Opportunities to practise in the areas of law in which I am interested	68%	65%	69%	65%	66%	<b>78%</b> A
Opportunities to make full use of my skills and abilities	66%	63%	62%	66%	69%	<b>74%</b> A
The relationship I have with the person to whom I report	59%	66%	<b>69%</b> A	47%	62%	<b>72%</b> A
<b>Elements of job dissatisfaction (top 10 net dissatisfied)</b>						
Accessibility of mentors to support my career development	31%	34%	30%	20%	14%	21%
Opportunities for promotion and advancement	25%	29%	26%	15%	7%	17%

**Table 6 – Net scores by gender and private practice firm size**

	FEMALE			MALE		
	SMALL	MEDIUM	LARGE	SMALL	MEDIUM	LARGE
The level of work-life balance that I have	28%	40% A	42% A	30%	45%	32%
The leadership and direction of my organisation	27%	34%	26%	15%	31%	19%
Support provided to access contacts and networks	27%	29%	24%	15%	17%	16%
The level of support in my organisation for work-life balance	22%	38% A	37% A	15%	31%	29% A
The level of salary/remuneration	33% C	26%	23%	27% C	28%	17%
The culture of my workplace	20%	31% AC	23%	10%	31%	18% A
The requirements for billable hours	18%	35% A	44% A	15%	38%	35% A
The hours I am required to work	17%	26% A	33% A	21%	28%	25%
<b>Satisfaction with career development (net satisfied)</b>						
The opportunities I have had for professional development and promotion	52%	48%	63% AB	68%	69%	75%
The rate at which my career has progressed	49%	51%	56% A	62%	52%	72% A
My career trajectory (compared to my expectations)	45%	44%	51% A	58%	48%	65%
<b>Discrimination and harassment (net 'ever' experienced)</b>						
Bullying or intimidation	38%	39%	50% AB	26%	38%	35% A
Sexual harassment	18%	26%	24% A	6%	7%	7%
Discrimination due to my gender	40%	52% A	50% A	7%	3%	9%
Discrimination due to my age	36%	34%	33%	22%	17%	20%
Discrimination due to my ethnicity	7%	9%	6%	9% C	3%	4%

	FEMALE			MALE		
	SMALL	MEDIUM	LARGE	SMALL	MEDIUM	LARGE
Discrimination due to my sexual preference	<b>3%</b> C	2%	1%	4%	7%	6%
Discrimination due to disability/health issue	6%	7%	5%	6%	10%	3%
Discrimination due to my family or carer responsibilities	24%	24%	<b>28%</b> A	10%	3%	10%
Discrimination due to pregnancy	12%	14%	14%	1%	3%	3%
<b>Factors influencing career move(s) in the past (top 10 most frequent)</b>						
Sample size*	690	101	598	244	20	154
Better work-life balance	<b>26%</b> BC	15%	15%	<b>26%</b> C	20%	12%
Better salary/remuneration	32%	38%	<b>38%</b> A	28%	25%	<b>39%</b> A
Looking for a change/ something new	17%	<b>25%</b> A	21%	24%	20%	22%
Lack of promotional opportunities	26%	29%	27%	18%	40%	26%
More flexibility to balance my work and personal responsibilities	<b>18%</b> BC	8%	9%	<b>19%</b> C	10%	4%
More interesting or varied work	26%	30%	29%	24%	30%	<b>34%</b> A
More scope for flexible working arrangements	17%	4%	8%	<b>13%</b> C	5%	3%
Reduced stress and pressure	<b>19%</b> BC	8%	11%	<b>14%</b> C	5%	3%
Unhappy with the leadership and direction of the organisation	<b>34%</b> C	34%	25%	<b>36%</b> C	35%	19%
Unhappy with the workplace culture	<b>34%</b> C	36%	29%	<b>32%</b> C	15%	20%

\*Sample includes respondents that reported one or more career moves in the past.









Law Council  
OF AUSTRALIA

Law Council of Australia  
19 Torrens Street  
Braddon ACT 2612  
AUSTRALIA

Telephone: +61 2 6246 3788  
Fax: +61 2 6248 0639  
Email: [mail@lawcouncil.asn.au](mailto:mail@lawcouncil.asn.au)

[www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)