

# Why the law is



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THE LAW COUNCIL OF AUSTRALIA'S NATIONAL ATTRITION AND RE-ENGAGEMENT STUDY INVESTIGATED THE KEY DRIVERS FOR ATTRITION RATES OF WOMEN IN THE LEGAL PROFESSION.

**In March this year, the Law Council of Australia (LCA) published the results of the National Attrition and Re-engagement Study (NARS). It investigated the key drivers for the attrition of women in the legal profession, particularly private practice, and was heralded by LCA executive member Fiona McLeod SC as a "watershed moment" for the profession. It is the first national study of its kind in Australia and differs from other studies because, in addition to collecting statistical data, it incorporates qualitative research and the views of both men and women.**

## Key findings

The NARS report found that women are consistently saying thanks, but no thanks when it comes to working in private practice, particularly in larger law firms. Women opt to go in-house or move into government roles or smaller firms. While both male and female practitioners said that they enjoy the interesting nature of legal work, the study observed that, compared with their male colleagues, women tend to experience career development differently and derive greater satisfaction from relationships with colleagues.

The NARS report highlighted that there is a perception of bias against women who adopt flexible working arrangements and that 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. Of particular concern was the finding that close to one in two women have experienced discrimination due to their gender, compared to just over one in 10 men.

## Why does it matter?

It is in the best interests of the profession and for firms' bottom lines that women remain engaged in the profession. If women continue to move away from private practice, law firms will miss out on opportunities to "cash in" with research consistently associating gender diversity with better financial performance. This is because gender diverse teams are able to perform better than homogenous ones, with the contribution of diverse viewpoints providing organisations with better decision-making capabilities.

Gender diversity initiatives also help attract and retain talented women, which is important to help foster a more gender-diverse workforce that, in turn, allows law firms to better serve an increasingly varied client base.



# failing women

## Options for consideration

To retain more women in the law the study suggests that the profession reconsider a number of entrenched practices, including billable hours, performance measurement linked to billable hours and the emphasis that law firms often place on “face time”. The NARS report also calls on the profession to view gender diversity as a means of harnessing talent and reducing costs.

As women experience career development differently, tending to place more emphasis on relationships, it would help if law firms promoted a more collaborative profession and assisted lawyers in developing

relationships to support their career progression. A shift away from performance measurement linked to billable hours to a model which also recognises time spent mentoring and training others could go a long way in this regard. The availability of informal mentoring and networking opportunities would also help.

To help conquer perceptions of bias, the NARS report suggests that firms should do more to promote flexible workplace arrangements and publicise the success stories of male and female senior role models who work flexibly. Firms also need to support employees and respect the boundaries that come with such arrangements.

## A benefit for all

Interestingly, the NARS report found that the drivers of career satisfaction were broadly similar for women and men, with the required working hours and pressure of billable commitments causing much angst for both. Addressing the concerns raised in the study will therefore not only help retain women, but will also make the legal profession a happier and more equitable place for all. ■

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