

Women in the Legal Profession in Scotland

A study by the Law Society of Scotland and
the Equal Opportunities Commission Scotland

November 2005

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Glasgow Caledonian University



The Law
Society
of Scotland



Women. Men. Different. Equal.
Equal Opportunities Commission Scotland

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The views expressed in this report are those of the authors and do not necessarily represent the views of the Commission or other participating organisations. The Commission is publishing the report to provide empirical data on the position of women in the legal profession in Scotland to stimulate discussion and debate.

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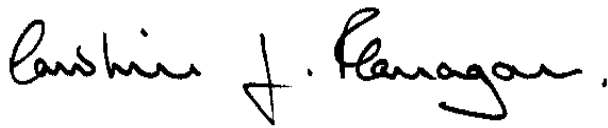
FOREWORD

This is an important piece of research in Scotland providing data on gender and careers, salaries, development opportunities and a range of other employment factors. With responses received from 2300 solicitors in Scotland it contains data that is robust and starts to build a much-needed evidence base in this field.

The Law Society of Scotland and The Equal Opportunities Commission hope the report provides a launch pad for debate, and have both welcomed the opportunity to work together on this high profile project. The publication of this report offers a real opportunity to put gender issues on the legal agenda and to encourage people to discuss the issues and promote change. We hope the profession responds positively and constructively to these findings.

We would also both like to thank Glasgow Caledonian University (especially Mrs Moira MacMillan and Dr Nick McKerrell) for their work on this project. None of us expected what was an unprecedented level of response to a postal questionnaire, and whilst the Society and the EOC delighted in daily updates on the number of returns pouring in it was left to the research team to input literally tens of thousands of items of data.

Finally all three organisations involved in this project would like to recognise the work of Caroline Hunter. Caroline was part of the research team who originally won the tender, and brought both expertise and enthusiasm to the project. Sadly, Caroline passed away this summer before seeing the conclusion of this work. On the launch day and beyond our thoughts will be with her and her family.



Caroline Flanagan
President, Law Society of Scotland



Rowena Arshad
EOC Commissioner for Scotland

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Executive Summary

- Background to survey

The Law Society of Scotland and the Equal Opportunities Commission Scotland jointly commissioned this study into the position of women in the legal profession in Scotland because of the perception that women appeared to be obtaining proportionately fewer senior positions in practice or the public sector. There was very little recent empirical research into the accuracy of such perceptions.

At the initial stages of the project a survey was undertaken of research which had been carried out in Scotland as well as in other jurisdictions, including Australia, Canada and the USA. This identified a range of universal key themes. Alongside this survey, a study was undertaken of the membership database of the Law Society of Scotland.

The key themes related to progression within the profession, the possibility of a gender pay gap, work-life balance issues and whether there existed a masculine ethos within the profession.

It was felt by the research team that the most effective research strategy would comprise a questionnaire covering the entire Law Society of Scotland membership. A project of this scale is unprecedented in Scotland insofar as the legal profession is concerned.

This questionnaire was drafted on the basis of the key themes which had been identified from previous research carried out within Scotland and other jurisdictions. Given the size of the population, this data was to be analysed quantitatively. In addition respondents were to be given the opportunity to add comments which would provide additional, qualitative data.

An initial draft of the questionnaire was piloted within a cross sample of the solicitors' profession in Scotland. As a consequence, minor alterations were made to the instrument of research.

- Results

2,300 questionnaires were returned during February/March 2005, a high response to a postal survey, generating an array of valuable data.

- Profile

More women than men responded to the survey, 40.4% men and 59.6% women. This reverses the proportions within the entire population where the male:female ratio is approximately 60:40.

73.9% were employed in private practice while 26.1% were employed in other sectors. This generally reflects the proportions within the entire population where the ratio is approximately 73.0%:27.0%.

Among the female group almost half had been a solicitor for less than 10 years, whereas among the men half had been admitted for more than 21 years. This is also reflected in the profession as a whole, given the increased proportion of solicitors who are women.

Most respondents of both genders attended state school, although more men than women had a fee-paying education.

- Work-life balance

Over half (50.5%) of the respondents had dependants yet there were differences between sectors and in relation to the position held within firms. For example, at equity partner level 74.4% of men had dependants compared to 52.7% of women. At all other levels a greater proportion of women than men had dependants.

Moreover, a far lower proportion of women in private practice had dependants compared to those women employed in other sectors.

A strong gender imbalance was apparent in relation to who is the primary caregiver, who takes time off work when a dependant is ill and who takes responsibility for household duties – such responsibilities most frequently falling on women's shoulders.

In the working environment an average of 42.5 hours per week was worked, although again there were differences according to gender and between sectors. Further, a higher proportion of men than women worked outwith 'standard office hours'. There was a significant difference between the proportions of male and female respondents engaged in part-time working (5.0%:23.2%).

Given the actual number of hours practitioners were found to be working, the perception of around half (49.7%) was that their organisation equated long hours with commitment. This changed significantly across sectors. This perception was also higher in private practice amongst the most recently qualified staff, who were more likely to be female.

A clear majority of all respondents in private practice (67.2%) believed they were striking a reasonable work-life balance and in this there was no gender division. However, differences in perception emerged when the responses were broken down according to the number of years respondents had been in practice. Perceptions about whether a reasonable work-life balance was being achieved also varied according to the sector in which the solicitor was employed.

Generally there were higher levels of satisfaction among those employed in sectors other than private practice.

Respondents were also surveyed on which family friendly policies were available, with paid maternity leave and part-time working the most readily available whereas initiatives like crèche facilities and child care vouchers were fairly rare. Family friendly policies were more commonplace in sectors other than private practice.

Perhaps surprisingly a number of respondents stated that statutory entitlements were not available in their organisations.

When the take-up of family friendly policies was examined, there was a significant gender dimension with a high proportion of those utilising policies like flexi-time, part-time working and home working being women.

- Nature of work

65.6% of female respondents believed that there was a perception within the profession that men or women are better suited to certain types of work. 36.0% of men shared that view.

However, when respondents were asked to state what perceptions, regarding gender suitability, applied to particular areas of legal work, there were very few areas where there was a strongly held perception that men or women would be better suited to that type of work – there were generally commonly held views about this.

The one exception was Family Law which was seen as having a female dimension. However there was a disparity of perception here according to gender. While 52.6% of respondents believed that there was a perception that women were better suited to carry out this work, this comprised 37.1% of male respondents and 62.8% of female respondents.

In respect of Construction, Corporate and Criminal Law, a majority of female respondents believed that there was a perception that men were better suited to these areas. In two of these (Construction and Corporate Law) male respondents did form a majority of the respondents who actually undertook such work

Women formed the clear majority of those working in the areas of Residential Conveyancing, Civil Litigation, Family/Matrimonial and Employment Law.

A substantial majority of those working in the Fiscal Service, for Local Authorities or as In-House Lawyers were women.

It should be noted that the areas where men dominate tend to be those which are regarded within the profession as being well paid whereas women form the majority in those areas regarded by respondents as being poorly paid.

- Networking

In terms of networking, a majority of respondents believed that there was a perception within the profession that networking to generate business is undertaken generally by men although again this was sharply divided on the basis of gender.

Among that majority the main reason given was that networking focuses on male oriented activities but this was not endorsed when actual examples of networking carried out were examined. Those which could be defined as having a male slant, golf outings and other sporting events, were carried out by relatively few respondents compared to other types of networking activities.

There was a general feeling amongst all respondents that most networking took place outwith working hours.

While as many women as men appeared to network, male respondents were likely to participate in networking more frequently than females.

- Remuneration

The issue of earnings proved to be a significant one in this survey.

Across the entire profession, and with no distinction being made between full time and part time working, a steadily increasing gender pay gap began to emerge after the first five years in practice. This reached its highest level at between 21-25 years after admission with a gap of £36,000 in favour of men. However, even for those admitted between 6-10 years the gap stood at £9,000.

This became more stark when private practice was examined separately, with the gap increasing at all levels: for those admitted between 6-10 years it was £14,000; at between 21-25 years after admission the gap was £42,000.

Although it was less extreme than in private practice, after the first five years in practice a gender pay gap could be identified in other sectors as well.

Even when those engaged in part-time working – which is more likely to affect women and their level of earnings – were excluded and the earnings of solicitors working full-time were compared, there was still a gender pay gap within private practice.

During the first five years following admission, men and women working full-time in private practice earned, on average, the same. However, for those admitted between 6-10 years, the gap was £11,000 and at between 21-25 years after admission, the gap was still at a level of £28,000 in favour of men. A notable exception, among full-time solicitors in private practice, related to those qualified between 16-20 years. For respondents in this category, there was a gender pay gap of £5,000 which favoured women.

In sectors other than private practice, the average earnings of women during the first five years following admission were £3,000 higher than those of their male counterparts. However, for those admitted between 6-10 years the positions were reversed with a gap of £3,000 in favour of men. A gender pay gap in favour of men was observed at all other levels with the exception of those admitted between 16-20 years where, as in private practice, there was a gender pay gap of £5,000 which favoured women.

It is the case that after the first five years in practice, there was also an earnings gap between those in private practice and those employed in other sectors. Those in private practice begin to earn more than those in other sectors and the gap increases substantially over time. This will also impact on the overall earnings position of women in the profession as a higher proportion of female solicitors than of male solicitors are employed in these sectors.

There was a level of disquiet in private practice, which was not present in other sectors, at a perceived lack of transparency in pay structures. However in both private practice and other sectors, there was a gender division over this question with a large number of women remaining unconvinced that pay structures were transparent.

Furthermore, when respondents were asked if they believed that colleagues of the opposite sex engaged in comparable work would be paid the same, there was a very significant perception gap on the basis of gender. In private practice 42.2% more men than women thought that people were paid the same with a gap of 29.7% in other sectors.

An overall majority of all male respondents believed that women were generally paid the same as men throughout their careers, 63.5% of men in private practice and 49.1% in other sectors. This was hugely different from the female perception. Most females believed that women were paid less at some stages in their career.

When asked to consider which areas of law are well paid or poorly paid – a question which is fairly gender ‘neutral’ - there was general unanimity among men and women.

- Career progression

Among the respondents to the questionnaire, 60% of men in private practice but only 20% of women were equity partners. There was a 69:31 male to female split among the equity partners.

When those in private practice were asked how long they believed it should take to become an associate, a salaried partner and an equity partner, the perceptions of men and women were uniform.

However, when respondents were asked how long it had actually taken them to achieve these positions, the responses disclosed that women took longer than men to become partners.

On average men became equity partners 2 years earlier than women.

In other sectors, it appeared that although men achieved their first two promotions more quickly than women, women achieved their third promotion on average 2 years earlier than men.

There were large differences in perception based on gender when issues influencing promotion were examined. For example, motherhood was considered as being very likely to be a barrier to partnership by 52.4% of women but by only 10.8% of men in private practice.

Further issues seen as barriers by women and which have an indirect gender dimension, such as part-time working and career breaks, were also viewed in a clearly different way by men.

Differences in perception based on gender were also present among those employed in sectors other than private practice but were less marked.

A higher proportion of men than women continued to have partnership aspirations. When asked why they no longer had such aspirations, 52.9% of women but only 6.9% of men cited work-life balance issues.

In other sectors, in contrast to those in private practice, similar proportions of men and women continued to aspire to promoted status (62.9%:63.8%).

Taking a career break was perceived, especially by women and particularly by those women in private practice, as creating a barrier to career progression within the profession.

In private practice, 82.9% of those who had taken a career break were women, while in other sectors the figure was 85.0%. Most of the women, in all sectors,

took career breaks during the first ten years following admission and the most common reason for the break was maternity leave.

It was possible to determine the current position in the firm of those who had taken career breaks. 70.1% of female equity partners and 65.3% of female salaried partners had not taken a career break. 93.0% of male equity partners and 93.1% of male salaried partners had not taken a career break.

The relationship between part-time working and a solicitor's position within the firm was also studied. Of those women in private practice who worked part-time (23.6%), only 9.4% were equity partners.

89.2% of female equity partners worked full-time and whereas slightly more than 1 in 5 women working full-time were equity partners, rather fewer than 1 in 10 women working part-time in private practice were equity partners.

The majority of those women working part-time in private practice were to be found at assistant or associate level.

- Conclusion

The research has disclosed major issues relating to gender within the solicitors' branch of the legal profession in Scotland. These centre around levels of remuneration, the high incidence of gender perception gaps and the continuing under-representation of women at equity partner level.

The overall picture of earnings of solicitors discloses a disturbing gender pay gap. Even when those working part-time are excluded, a pay gap remains at most levels and especially within private practice. A more detailed audit of solicitors' earnings may be called for.

In terms of attitudes within the profession, on gender neutral issues to which all respond primarily as solicitors there is general unanimity. However, when a question relates to gender and equality, either directly or indirectly, distinct perception gaps emerge which are based on gender and which in many instances are very significant.

This polarity of viewpoint across gender gives greater cause for concern given that employers within private practice remain predominately male.

Certain findings produced by this research suggest that there may be an issue surrounding the position of the proportion of female solicitors, especially in private practice, who work part-time. Further research is required into whether female solicitors engaged in part-time working find themselves paid less than others on a *pro rata* basis, are limited in terms of the quality and variety of work they are offered and do not achieve career progression.

Although of necessity the key themes are dealt with separately, the position of women in the profession is a product of the interaction of all of these factors. Accordingly a comprehensive strategy is called for which tackles equality issues on all fronts rather than in a piecemeal fashion.

Introduction

The Law Society of Scotland and the Equal Opportunities Commission (Scotland) jointly commissioned this study into the position of women in the legal profession in Scotland because of the perception that women appeared to be obtaining proportionately fewer senior positions in practice or the public sector. There was very little recent empirical research into the accuracy of such perceptions.

To this end a research plan was drawn up by the team which sought to illicit what the perceptions were present within the profession and how they compared to the reality. The different elements of this research are presented in this report.

Firstly previous work on the legal profession in Scotland was examined. From this review of previous research and some comparisons with other jurisdictions key themes relating to gender were identified. These included the possibility of a gender pay gap, work-life balance issues and whether there existed a masculine ethos within the profession.

Alongside this a quantitative examination of the Law Society of Scotland's existing database was carried out to look at gender issues.

From this work the research team concluded that the best strategy was to devise a questionnaire which would be sent to the entire profession. Such a project on this scale is unprecedented in Scotland insofar as the legal profession is concerned.

The questionnaire was piloted amongst a representative cross-sample of the legal profession and as a result slightly re-drafted. It was then distributed to the Society's database.

The response was very healthy and the data from the questionnaire was analysed quantitatively. The results are presented below in Part III of the report and the findings indicate some important issues related to remuneration across gender, perception of gender related issues and the progression of women within the profession.

Further the survey allowed for comments which were analysed qualitatively – these comments are integrated into the results at appropriate places.

The Research Team wish to acknowledge the following individuals whose various efforts contributed to the successful outcome of this project:

Michael Bromby
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Lisa Liu
Kerry McCrae
Louise McGuire
Martin Roughead
Jiang Tian

Part I - Previous research into the position of women within the legal profession in Scotland

There have been various studies, since 1985, into particular aspects of the position of women in the legal profession in Scotland. A summary of the key findings of these studies follows.

In 1985 the Law Society of Scotland published its own report on women in the profession. This survey, carried out in 1984, canvassed all 1,265 women members of the Society of whom 789 or 62% responded. 84% of the respondents were aged under 41. 36.5% were employed in private practice, while 23% were self-employed. 21% were employed in the public sector. 89% were employed full time and 11% part time (6% of public sector respondents worked part time). 18% of respondents were not practising at the time of the survey and of these women, 55.5% were aged between 25 and 35. This report has to be placed in the context that in 1984, women entering into the profession accounted for 171 or 40% of the total intake.

It was reported that the principal complaint was that the general attitude of men towards their women colleagues had not changed and that men needed to accept that women could combine family commitments with positions of responsibility. The concerns expressed in 1984, are similar to those being expressed by female solicitors today: a need to alter working practices to make full use of women's skills while allowing them to meet their domestic commitments; that part-time partnerships and assistantships should be made available; that greater use should be made of associate status; that there should be more flexible working hours and holiday arrangements; and that home-working and job-sharing should be an option. However it was significant that in respect of all these possible changes to working practices, women were adamant that these "should apply to both men and women to prevent those women enjoying these benefits from being categorised as second-class lawyers." Another concern, which again continues to be expressed by female lawyers today, was that "more effort should be made to overcome the disadvantages to women solicitors of male camaraderie arising out of social activities and business relationships..." One commentator on the report concluded that these concerns would be addressed once sufficient time had elapsed to ensure that a "critical mass" of women entered the legal profession, a situation that would result in more equitable treatment from employers (Miller, 1985).

A further analysis of the changes that have taken place in relation to the solicitor's branch of the profession, including the position of women within the profession, was put forward in 1999 (Paterson, Bates and Poustie, 1999). This study reported that, whereas in 1975 only 9% of solicitors were women, by 1985 they accounted for 21% of the profession and by 1998, 36%. However it is agreed that this does not necessarily indicate that women in the profession no longer suffer discrimination. Reference was made to the Society's 1985 Survey

Report with the comment that available statistics continue to provide support for the results of that report. Women continue to be under-represented as principals in private practice. For instance, in 1985 in Edinburgh and Glasgow, only 6% of principals in private practice were women, whereas women accounted for 19% of solicitors practicing there. By 1998, women made up 36% of the profession but only 17% of principals in private practice were women. Reference was also made to a 1997 study of the 10 largest Scottish firms where despite women accounting for 52% of the solicitors within those firms, they represented only 14% of the partners.

The 1999 analysis indicated that the “small number of female partners cannot solely be explained by the fact that the average age of female solicitors is lower ... female practitioners are less likely than men to be principals across all age groups.” In 1998, on average, 55% of men were principals whereas only 21% of women were principals. However, when broken down according to age, their survey of the data relating to solicitors in practice as principals shows that of those aged under 30, 6% of men and 2% of women were principals. For those aged 30-39, the figures were 56% for men and 26% for women; aged 40-49, 71% for men and 35% for women; aged 50-59, 72% for men and 38% of women; and aged 60-69 52% for men and 55% for women. The dominance of women in the oldest age group is perhaps not too surprising given that these would be the women who broke through into the profession in the 1960s and early 1970s and represented a determined and exceptional minority of women. However, the figures for those aged 30-39 are worthy of comment. These solicitors would have been admitted between the early 1980s and 1990, during which time the number of women entering the profession was expanding rapidly. Women in this age group are under-represented in relation to the proportion of women being admitted to the profession during the relevant period.

One argument which is put forward frequently is that the absence of women at partnership level is not the result of conscious or structural discrimination but is merely a function of the fact that, because of the rapid feminisation of the solicitors' profession, women are naturally clustered at the entry levels of the profession. The “pipeline theory” (Allen, Srinivas and Sakamoto 1997) argues that it takes time to acquire the necessary experience and skills to attain partnership status and that as these young women achieve such experience they will in due course become partners. However findings such as those in the 1999 analysis, discussed above, undermine this theory by establishing that women continue to be under-represented at principal level even once such experience has been gained.

An article in 2001 (Siann, Raitt and Callaghan, 2001) provided an analysis of a study of the position of women in the legal profession in Scotland which had formed part of a report prepared in 1999 for the Leverhulme Trust (Siann, Watts, Wilson, Callaghan, Cranmer and Rowan 1999). This report focussed on gender issues at the interface of home and work in five professions (architecture,

dentistry, law, medicine and nursing), including solicitors in private practice. The study found that both male and female practitioners perceived that there was a greater likelihood of gender discrimination in larger firms, possibly because their organisational structures were less open to allowing women to take career breaks to have children. The authors formed the opinion that of all the professions studied, it was most difficult in law for women to work part-time. It appeared that medium-sized firms were more likely to offer this facility than either small or large law firms. This finding is at odds with some research findings which suggest that gender integration may be more successful in large firms (Hunter 2003; Menkel-Meadow, 1987). The study was based on questionnaires completed by 82 male and 42 female solicitors plus in-depth interviews with 62 solicitors (32 men and 30 women). Survey findings, drawn from the interviews, found that 40% of women compared with 7% of men believed that their gender would be an issue in their promotion prospects. Interviewees of both sexes did, however, believe that senior partners thought that employing women with children caused difficulties. The study also found that 56% of the male solicitors and 60% of the female solicitors believed that the legal profession favours men. The authors of the study concluded that the organisational culture of private practice in Scotland contributes to gender inequality. Factors contributing to such a culture were said to include the lack of family-friendly employment policies, disapproval of part-time working and the male-oriented nature of informal networks with clients combined with a locker room culture which persists in some firms.

The questionnaire results disclosed that solicitors worked longer hours (49 hours per week) than all the other professionals surveyed except doctors in general practice (54 hours per week). The analysis concluded that solicitors were more prepared to work long hours and to network outside working hours to generate business and to become partners. Networking was given greater priority by solicitors than by other professionals (72% of male solicitors compared to 47% of other professionals; and 77% of female solicitors compared to 41% of other professionals rated it as 'very important'). The survey showed that generating business was regarded as being as important for getting ahead as having good legal skills. However respondents to the questionnaire and those interviewed believed that female solicitors tended to be excluded when it came to networking. 56% of male respondents to the questionnaire and 93% of women believed that such informal networks both exist and operate to the advantage of men. Female solicitors felt significantly more disadvantaged by such networks than women in other professions (93% compared to 44%). Half of the solicitors interviewed agreed that women were either excluded altogether from informal networks or that these were less accessible to women, with most hospitality involving attendance at traditionally masculine events.

While 39% of all the professionals interviewed believed that a 'glass ceiling' did exist, this belief was most prevalent among lawyers (55% compared with 23% of GPs and 20% of dentists). 58% of solicitors interviewed (compared with 43% in

the other professions) believed that promotion favoured men. This finding was reinforced by the respondents to the questionnaire, with 50% of male solicitors compared with 40% of their male counterparts in the other professions stating that promotion favoured men. 76% of female solicitors compared with only 38% of other women professionals believed that promotion decision making favoured men.

In seeking to identify what interviewees believed to be the cause of the glass ceiling, men more readily denied that there is a glass ceiling or believed that its existence is due to women having only recently entered the profession in significant numbers. Overt sexism is now encountered only rarely according to those interviewed, although there is evidence from the interviews that women suffer from being mothers or potential mothers. Common perceptions are that after childbirth a woman will reduce the number of hours she works and adjust her priorities, becoming less committed to the firm. However it is also clear from the interviews that female solicitors are far more likely to have primary responsibility for childcare and other domestic duties than their male counterparts. Two third of solicitors interviewed thought that men's working lives were unlikely to be affected by having children, whereas none of those interviewed believed the same could be said for women solicitors.

The article concluded that while, in common with the other professions studied, the effects of the glass ceiling are receding, "women lawyers continue to be handicapped when it comes to promotion." In comparison to the other four professions, however two tendencies were marked. First, this gender disparity was more marked and appeared to be receding more slowly in law, and second, women lawyers were far more likely than their male peers to report gender inequities. The reasons identified for this include: the structure of the legal profession; the long-hours culture and the emphasis on networking, both of which conflict with women's greater domestic responsibilities; and the assumption that children are a women's issue. It is also observed that the legal profession is characterised by its "expressively male culture" (Sommerlad and Sanderson, 1998) and this, not infrequently combined with self-interest, makes it difficult for younger, male solicitors to challenge practices which discriminate against their female colleagues.

The Leverhulme Report informed a more specific study into the experiences of male and female Scottish law graduates seeking a traineeship (Siann, Raitt, and Rowan, 2000). This found no evidence of explicit gender discrimination in relation to interviews for legal traineeships. However the authors observe that while women now enter professions such as law at parity or above, this parity on entry is not reflected in the progress of women in the professions. They suggest that further research is required into why the discriminatory effects suffered by women lawyers in Scotland do not emerge until later in their careers. The authors concede that it may be that there is merely a time lag and that as young solicitors progress within the profession, gender inequalities will decrease.

However, they believe it is more likely that unless the profession displays more flexibility both in its promotion practices and its approach to part-time working, “women who take time off for pregnancy and/or career breaks for child rearing will inevitably suffer in comparison with their peers ... It is unlikely that current gender disparities in pay and promotion will decrease substantially unless proactive measures are taken.”

The Scottish Executive Central Research Unit commissioned a study, published in 2001, into the relative position of women and men in the professions in Scotland (Kay 2001). This investigated the position of women within nine professions in Scotland, including the law. The study was undertaken between March and July 1999 and found that there are a larger proportion of women in the lower grades than in the higher grades across all professions. A long-hours culture is also endemic within all professions, together with a pressure to work such hours as a means of demonstrating ‘commitment’. The report stated that:

Explanations offered for the position of women in the professions focussed largely on the impact of maternity breaks, part-time work, and lack of “family friendly” employment practices. Women’s family responsibilities were seen to result in trapping them on the lower rungs of the career ladder, or to create pressures which might result in them “dropping out”. The small number of women who do achieve promotion to the higher levels of their profession were often seen to achieve this at a cost to marriage, or to their chance to have children.

In respect of law professionals in particular, the report found that there was significant under representation of women at all levels of the legal profession although there has been an increase in women’s participation in recent years. In 1999, women accounted for 35% of solicitors practising in Scotland. However women accounted for approximately half of those in the employee or associate category and fewer than one in five partners were women. The report also highlighted a survey in 1998 of the top 15 Scottish law firms which disclosed that while women accounted for 40% of the 1,552 fee earners, only 17% of the 435 partners were women (Scottish Business Insider, 1998).

The report notes that there is a frequently expressed view that the under-representation of women at senior levels within professions will disappear as women enter professions in increasing numbers. However the report points out that “research elsewhere suggests that this will happen neither automatically nor easily.” The report concludes that:

A number of barriers are perceived to continue to exist to the achievement of equality for women in the professions. These include exclusionary practices of male networks (which may be neither consciously nor directly discriminatory, but which nevertheless have the effect of excluding women); stereotyped notions about ‘women’s’ and ‘men’s’ work and/or

working styles; resistance to changing patterns of working life and careers which disadvantage women; a narrow interpretation of equal opportunities and limited appreciation of the extent to which equal opportunities policies and initiatives can improve women's position; and a failure of professional organisations to take responsibility for the promotion of equal opportunities.

The report recommends that further research and data gathering is required to examine, *inter alia*, "why the gender pay gap emerges so quickly despite the rising numbers of women graduates entering professions; and to examine factors which create and recreate gendered hierarchies within particular professions."

In respect of the gender pay gap, the Equal Opportunities Commission in 2002 reported that, in general, female graduates aged 20-24 earn 15% less than men on average across all sectors and occupations, even when they have obtained an equivalent or better degree than their male counterparts and have entered the same industry or occupation. However in August 2002, a further EOC report disclosed that the pay gap is even wider for law graduates, with female law graduates with first class or 2.1 degrees earning 21% less than their male counterparts.

The final study is a recent PhD thesis (Hunter 2003), which investigated the experiences of female accountants and solicitors in private practice. One of the issues investigated was that of employer discrimination in promotion and/or partnership interviews. In this context, the study uncovered that a significant number of respondents considered that a barrier had impeded or even halted their careers before they reached the upper echelons of their firm's hierarchy. Another finding was the apparent existence of a divide among law firms in Scotland. Gender neutral promotion decisions were perceived as being more likely to be achieved in large, city based firms than in small rural firms with fewer employees and a corresponding lack of promotion opportunities. However research in England and Wales (Sommerlad and Sanderson, 1997) suggests that while large firms may recruit relatively high numbers of newly admitted female solicitors, i.e. "pre-break" women, generally they are uninterested in women returners.

Concerns raised by the respondents to this survey echoed those expressed by the participants in the 1985 Law Society of Scotland survey of female members of the profession. Respondents thought that employers were both negative about childcare issues and that they believed that female solicitors displayed a lack of commitment. It was thought that these biases explained, at least in part, the reluctance of employers to afford professional training opportunities to female employees who could leave at any time. This study did not concentrate specifically on the matter of barriers to promotion. However, the strong response to questions on this issue indicated that a significant number of female solicitors

working in private practice believed that situational forces had hindered their opportunities for promotion.

Conclusion

The existing research relating to Scotland highlights a number of recurring themes that do not appear to have altered significantly over the last 18 years, despite increasing female participation within the profession during this time. There is no evidence of gender discrimination in relation to the recruitment of trainees and women now have achieved parity at the point of admission to the profession. However these studies disclose that women continue to be disproportionately under-represented as principals in private practice, contradicting those who argued that once sufficient numbers of women entered the profession gender equality would be achieved naturally. The majority of this research further determines that the organisational culture within the profession contributes to gender inequality. Advancement depends heavily on the ability to generate new business through effective networking. However such networks have been found to male oriented and are likely to exclude women. Commitment, demonstrated by adhering to a long-hours culture and presenteeism, is also considered very important for advancement. These demands conflict with women's greater domestic responsibilities, especially relating to childcare and it is significant that having children presents a barrier to promotion for female solicitors. Female solicitors suffer from being mothers or potential mothers. Moreover women suffer from the application of stereotypical assumptions as to the nature of men's and women's work. There is a general perception that the legal profession favours men and that those women who do succeed, conform to male norms as to what constitutes a successful legal professional. For those women who fail to conform, the profession chooses to apply theories of human capital to explain their failure to advance as being a consequence of their own choices, rather than a consequence of structural factors.

The findings suggest that there is a need for employers to adopt more family-friendly employment practices including opportunities for part-time working, home working and job sharing. This must be combined with a change in attitudes so that those who work part-time are no longer devalued and it is accepted that women can combine family commitments with positions of responsibility.

As can be seen in Part III these prior research findings informed the design of the Questionnaire.

Part II - Analysis of Law Society of Scotland's Membership Database

This data analysis forms Stage 2 of the Women in the Legal Profession project. However, although the Society's records extend back further than 1987, access prior to that date is not at present possible as only from 1987 onwards are the records computerised. This nevertheless, represents the period during which an increase in the number of women entering the legal profession in Scotland has taken place.

Section 1: All Profession Statistics

In the first section of the database analysis, a number of "entire profession" graphs and tables are analysed. This database provides a breakdown of the number of new Practising Certificates issued each year since 1987; the number of Practising Certificates renewed; the number of solicitors working in private practice by gender; as well as identifying the job titles of solicitors. The first graph shows the number of Practising Certificates issued each year since 1987.

Graph A

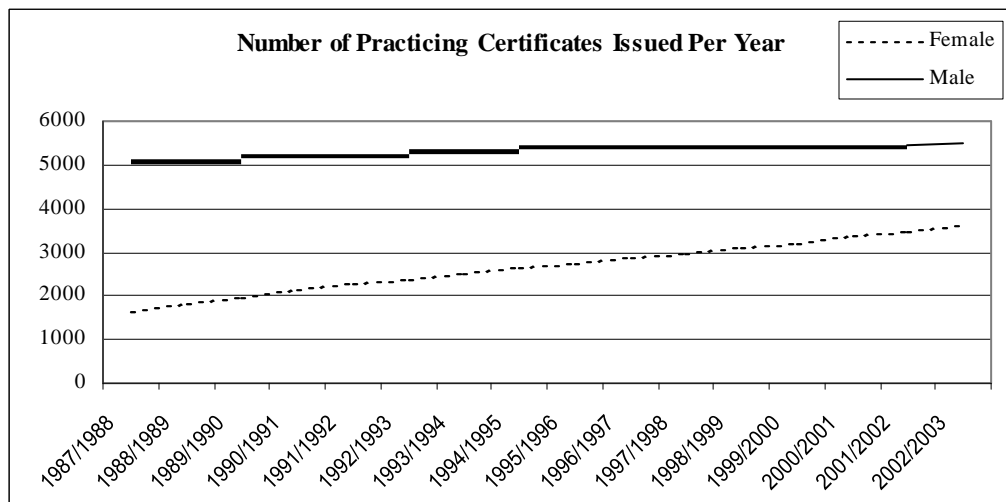


Table 1: Gender Breakdown of Practising Certificates Issued Per Year

This table depicts:

- the number of Practising Certificates issued each year by gender.
- the % of total Practising Certificates by gender.

	Female Solicitors		Male Solicitors	
	PCs Issued	% of total PCs	PCs Issued	% of total PCs
1987/88	1667	25	4983	75
1988/89	1854	26.7	5082	73.3
1989/90	1967	27.7	5134	72.3
1990/91	2135	29	5209	71
1991/92	2302	30.5	5239	69.5
1992/93	2404	31.4	5243	68.4
1993/94	2522	32.2	5297	67.8
1994/95	2640	33	5365	67
1995/96	2753	33.7	5411	66.3
1996/97	2877	34.6	5421	65.4
1997/98	2987	35.6	5388	64.4
1998/99	3124	36.7	5387	66.3
1999/00	3213	37.2	5409	62.8
2000/01	3370	38.4	5412	61.6
2001/02	3481	39	5461	61
2002/03	3601	39.5	5505	60.5

This table appears to confirm the belief that the number of female solicitors increases each year. Indeed, female solicitors more than doubled their numbers over the time period. However, at the same time, from a higher starting point, male solicitors only increased their numbers by approximately 500. Given that the period covered in the graph is nearly 16 years, this small increase could be taken as a near stagnation of male participation in the profession.

The next series of graphs taken from the historical 'all profession' database depicts how members of The Law Society of Scotland design themselves by job title. These graphs feature two job titles commonly used in private practice, Associate and Partner. A small number of members designed themselves as Consultants but these numbers fluctuate and are not a significant part of the firm hierarchy.

The first graph in this series depicts the number of solicitors who work in private practice, and is segregated by gender.

Graph B

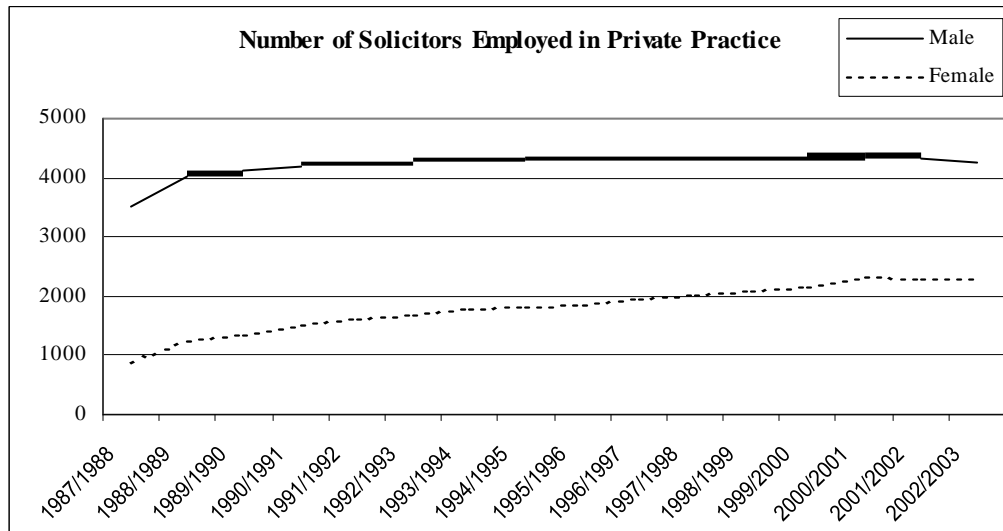


Table 2: Gender Profile of Private Practice Employment

This table is comprised of:

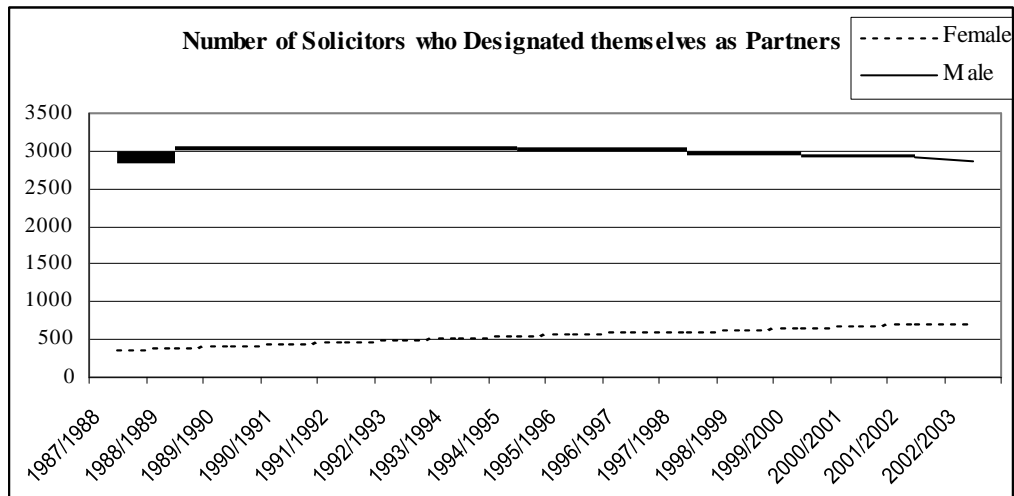
- the number of female and male solicitors employed in Private Practice,
- the proportion of female and male solicitors by total number in Private Practice
- the number of PCs issued by gender and
- the proportion of solicitors in Private Practice by total PCs issued.

Employed in Private Practice	Female Solicitors			Male Solicitors				
	Employed in Private Practice	% of total Private Practice	Female PCs Issued	% of total PCs Issued	Employed in Private Practice	as a % of total Private Practice	Male PCs Issued	% of total PCs Issued
1987/88	891	20.2	1667	12.9	3525	79.8	4983	53
1988/89	1234	23.4	1854	17.8	4036	76.6	5082	58.2
1989/90	1367	24.9	1967	19.2	4124	75.1	5134	58
1990/91	1520	26.7	2135	20.7	4175	73.3	5209	56.8
1991/92	1621	28.3	2302	21.5	4250	71.7	5239	56.3
1992/93	1689	27.9	2402	22	4266	72.1	5243	56.6
1993/94	1779	29.1	2522	22.8	4332	70.9	5297	55.6
1994/95	1834	29.8	2640	22.9	4318	70.2	5365	53.9
1995/96	1867	30	2753	22.8	4347	70	5411	53.2
1996/97	1963	30.8	2877	23.6	4403	69.2	5421	53
1997/98	2035	31.9	2987	24.2	4344	68.1	5388	51.5
1998/99	2090	32.6	3124	24.5	4319	67.4	5387	50.7
1999/00	2156	33.4	3213	25	4305	66.6	5409	49.9
2000/01	2335	34.5	3370	26.5	4427	65.5	5412	50.4
2001/02	2307	34.8	3481	25.8	4321	65.2	5461	48.3
2002/03	2287	35	3601	25.1	4246	65	5505	46.6

Both the graph and table depict a steady decline in the involvement of male solicitors in private practice after 1988/89. Meanwhile, there is a constant if gradual rise in the number of female solicitors employed in this sector, as a proportion of the total number of solicitors in private practice. The table, moreover, clearly indicates that male participation in private practice has fallen to below 50% in recent years.

The next graph depicts the proportion of male and female partners over the 16 year time period. This is again followed by a table which details the number of women who are partners; female partners as a proportion of the total Practising Certificates issued; and as a proportion of women with Practising Certificates.

Graph C



In private practice this is the most senior position within the firm, and brings with it not only increased responsibility, but also a large measure of professional respect. It must be noted however, that the recent increase of the use of the position of salaried partner has again stratified the career ladder. A salaried partner is an employee of a law firm, who is paid a set wage and who has less authority. The position of equity partner however, carries with it not only fluctuating remuneration levels dependant on the firm's performance and full responsibility for the running of the firm, but also a higher professional status than that of a salaried partner.

Table 3: Gender Profile of Partners

This table depicts the number of male and female partners within Private Practice since 1987. The different ways in which this can be calculated include:

- The number of partners who are women
- The number of partners who are women as a proportion of the whole practising profession.
- Of the number of female solicitors, the proportion of this group who are partners.

	Female Partners			Male Partners			No of PCs Issued	
	Number	% of whole	% of women	Number	% of whole	% of men	Female	Male
1987/88	359	5.4	21.5	2827	42.5	56.7	1667	4983
1988/89	406	5.8	21.9	3001	43.2	59	1854	5082
1989/90	427	6	21.7	3038	42.8	59.1	1967	5134
1990/91	464	6.3	21.7	3015	41	57.8	2135	5209
1991/92	481	6.3	20.9	3044	40.3	58.1	2302	5239
1992/93	496	6.5	20.6	3020	39.5	57.6	2402	5243
1993/94	537	6.8	21.3	3038	38.8	57.3	2522	5297
1994/95	569	7.1	21.5	3037	37.9	56.6	2640	5365
1995/96	585	7.1	21.2	3017	36.9	55.7	2753	5411
1996/97	605	7.3	21	3026	36.4	55.8	2877	5421
1997/98	620	7.4	21.5	2987	35.6	55.4	2987	5388
1998/99	636	7.4	20.3	2965	34.8	55	3124	5387
1999/00	666	7.7	20.7	2938	34	54.3	3213	5409
2000/01	685	7.8	20.3	2931	33.3	54.1	3370	5412
2001/02	711	7.9	20.4	2909	32.6	53.2	3481	5461
2002/03	721	7.9	20	2872	31.5	52.1	3601	5505

The information presented in Table 3 highlights two distinct trends. Firstly, the gradual but constant rise in the number of female partners allied to an equally constant decline in percentage terms of male partners as a ratio of the male population. Secondly, it is noted that although absolute numbers of female partners have risen over the time period, taken as a percentage of women with Practising Certificates this figure has consistently hovered between 20% and 21.9%. These findings indicate that while male solicitors have consistently had a one in two chance of becoming a partner, for female solicitors the odds have barely risen above one in five over the last sixteen years. Given the growth and decline patterns over this period, this could be interpreted as evidence of the presence of a barrier to partnership.

The next table presents an alternative method by which to determine the gender profile of partners in private practice.

Table 4: Alternative Gender Profile of Partners

This table depicts:

- the number of partners who are women and men.
- the % of total partners by gender.

	Female Partners		Male Partners	
	Partners	as % of total Partners	Partners	as % of total Partners
1987/88	359	11.2	2827	88.2
1988/89	406	11.9	3001	88.1
1989/90	427	12.3	3038	87.7
1990/91	464	13.3	3015	86.7
1991/92	481	13.6	3044	86.4
1992/93	496	14.1	3020	85.9
1993/94	537	15	3038	85
1994/95	569	15.7	3037	84.3
1995/96	585	16.2	3017	83.8
1996/97	605	16.6	3026	83.4
1997/98	620	17.2	2987	82.8
1998/99	636	17.6	2965	82.4
1999/00	666	18.4	2938	81.6
2000/01	685	18.8	2931	81.2
2001/02	711	19.6	2909	80.4
2002/03	721	20	2872	80

This table depicts a gradual rise in the proportion of female partners and a concomitant decline in the proportion of male partners. However, even after sixteen years of continual growth, the latest split was only 20% female to 80% male partners. The other job category included in this analysis is that of associate, which was scarcely used before 1987, thus, participation levels for both genders start at a low point.

Graph D

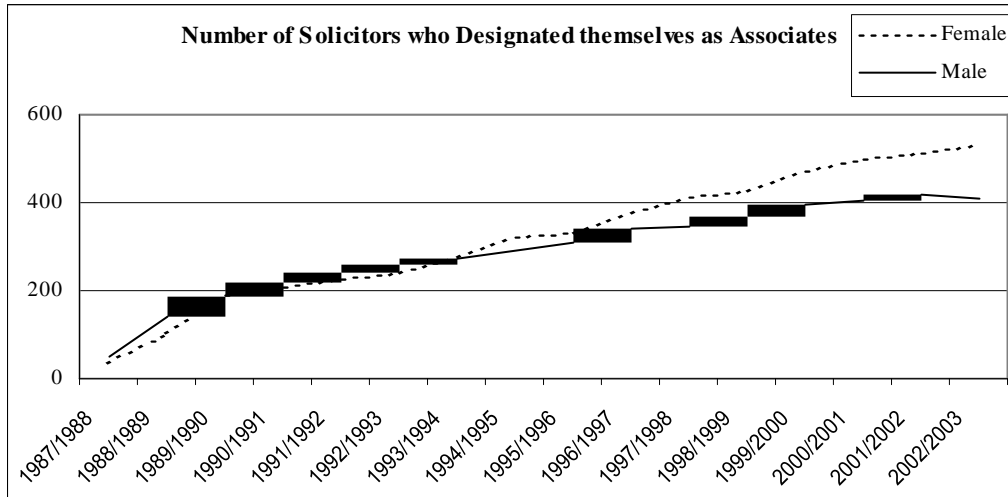


Table 5: Gender Profile of Associates in Private Practice

This table is comprised of:

- the number of female and male associates in Private Practice
- the number of Practising Certificates issued by gender
- the proportion of associates in Private Practice by total Practising Certificates issued.
- The proportion of male and female associates by total Associates

	Female Associates				Male Associates			
	Associates	PCs Issued	as% of total PCs Issued	as % of total Associates	Associates	PCs Issued	as % of total PCs	as % of total Associates
1987/88	36	1667	.5	42.8	48	4983	.7	57.2
1988/89	104	1854	1.5	42.6	140	5082	2	57.4
1989/90	190	1967	2.7	50.6	185	5134	2.6	49.4
1990/91	209	2135	2.8	48.9	218	5209	3	51.5
1991/92	226	2302	3	48.2	243	5239	3.2	51.8
1992/93	239	2402	3.1	49.6	258	5243	3.3	50.4
1993/94	276	2522	3.5	51.7	274	5297	3.5	48.3
1994/95	321	2640	4	52.5	290	5365	3.6	47.7
1995/96	333	2753	4	51.9	308	5411	3.7	47.1
1996/97	378	2877	4.5	52.7	339	5421	4	47.3
1997/98	415	2987	4.9	54.5	346	5388	4.1	45.5
1998/99	427	3124	5	53.7	368	5387	4.3	46.3
1999/00	473	3213	5.5	54.5	394	5409	4.5	45.5
2000/01	502	3370	5.7	55.4	404	5412	4.6	44.6
2001/02	514	3481	5.7	55.2	417	5461	4.6	44.8
2002/03	530	3601	5.8	56.3	411	5505	4.5	43.7

The number of female solicitors with this job title began to exceed that of men from 1994/95. In Table 6, an analysis of the proportion of Scottish law firms that had female partners is presented.

Table 6: Profile of Scottish Firms with Female Partners

This table depicts the number of firms with female partners both in terms of numbers and as a percentage of the number of firms.

	No of Firms	No of Firms with Female Partners	as % of firms
1987/88	1285	303	23.5
1988/89	1396	341	24.4
1989/90	1423	341	23.9
1990/91	1435	363	25.3
1991/92	1443	375	26
1992/93	1476	388	26.3
1993/94	1538	421	27.3
1994/95	1569	437	27.8
1995/96	1597	449	28.1
1996/97	1636	463	28.3
1997/98	1635	469	28.6
1998/99	1643	474	28.8
1999/00	1626	479	29.4
2000/01	1618	490	30.2
2001/02	1616	491	30.3
2002/03	1584	498	31.4

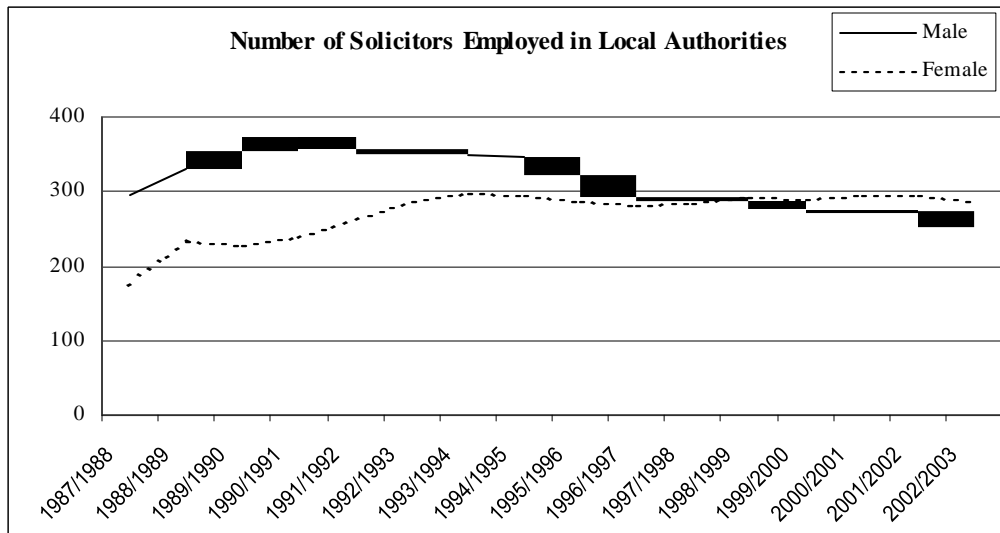
The fact that the number of firms which had female partners increased steadily over this period is mitigated by the fact that, in 1987/88 the figure stood at 23.5%

of 1285 firms. However, by 2001/2002 the respective figures stood at 30.3% of 1616 firms, which reflects a growth figure of 20.5% for firms overall, but only 6.8% for firms with female partners.

Section Two: Distribution of Solicitors among Other Sectors

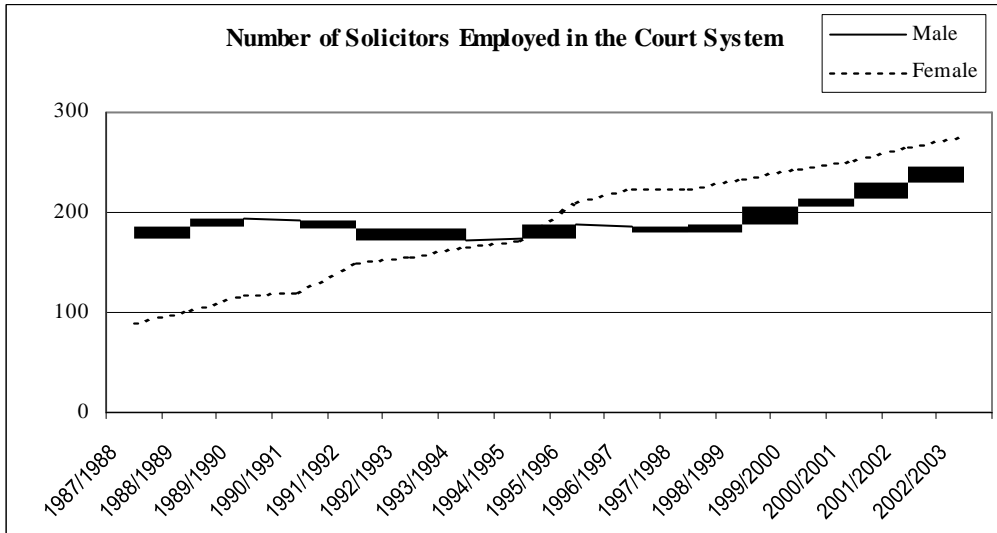
This historical database contained details of the employment destinations of Society members since 1987. These were split into six categories, private practice, local authorities, courts, other public bodies, the financial sector and industry. The private practice graph is used earlier in the report and this section analyses the other five sectors starting with solicitors who work for local authorities.

Graph E



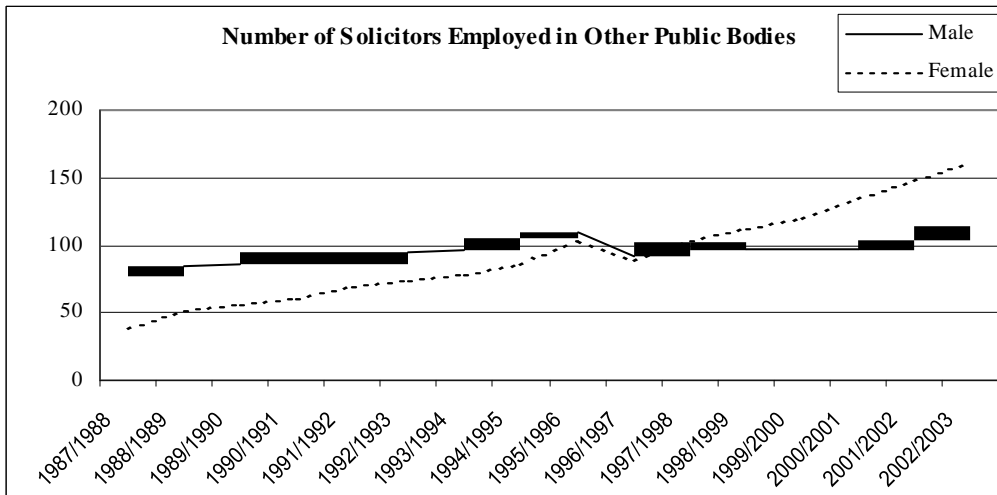
This employment sector is generally considered by women solicitors to be a safe alternative to private practice because of their perception that promotion structures in local authorities were less susceptible to gender bias. As can be seen from the graph, the involvement of male solicitors in this sector declined from the early 1990s, a time when female involvement grew. The next graph reflects the number of solicitors employed in the Scottish courts system, e.g. Procurators Fiscal.

Graph F



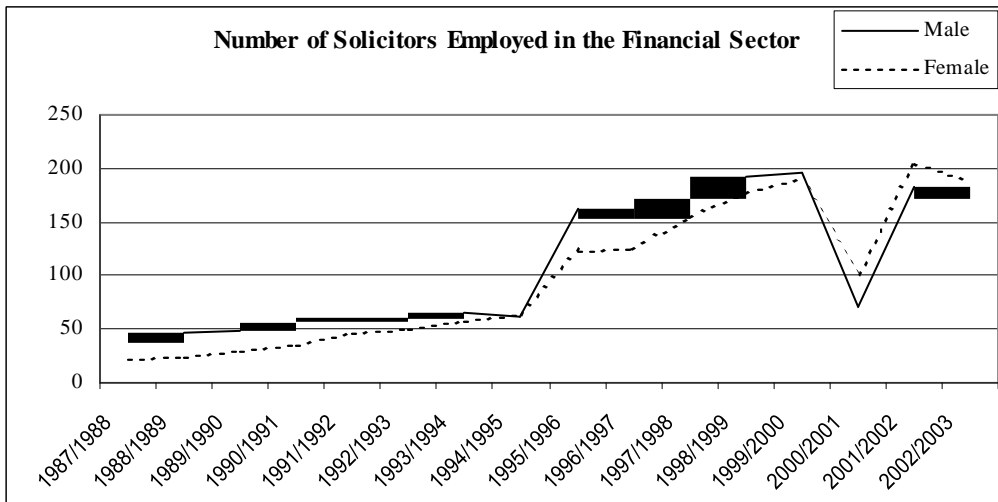
While this sector sees female involvement exceeding that of male solicitors from 1995, at the same time the number of male solicitors employed in this sector starts to rise again. This may reflect several influences, one of the most obvious being an increase in the number of positions offered in this sector. Next, we look at the number of solicitors employed by other public bodies.

Graph G



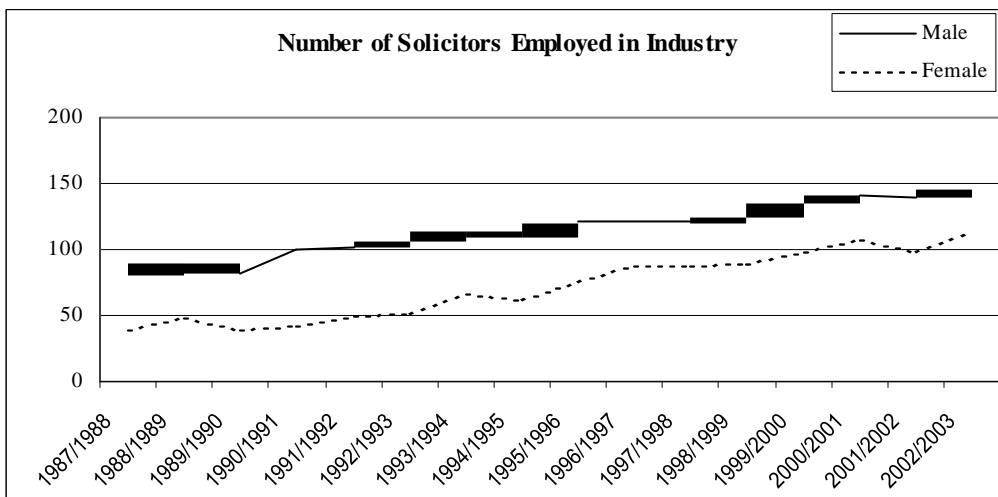
Again female involvement exceeds that of male solicitors, although in this case the change-over did not occur until 1998. Next, the financial sector is analysed.

Graph H



In this instance, it is significant that there are considerable fluctuations in the financial sector. However, today female involvement exceeds that of male solicitors.

Graph I



The final sector, industry, has maintained comparatively stable growth with the involvement of male solicitors consistently exceeding that of women.

Table 7: Gender Profile of Sectoral Employment

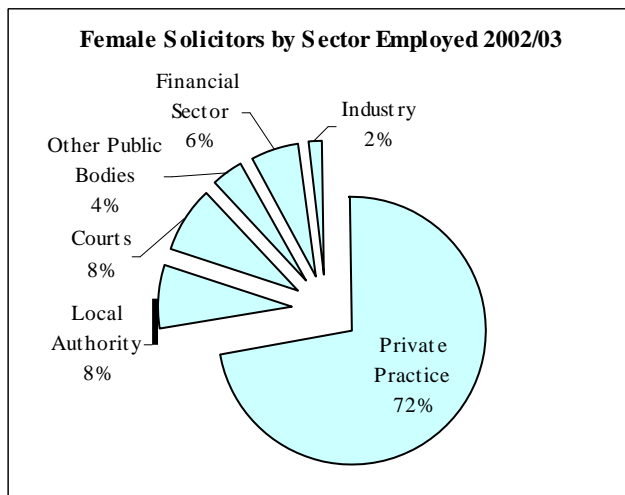
The Sectors are:

- 1 Private Practice 2 Local Authority 3 Courts
- 4 Other Public Bodies 5 Financial Sector 6 Industry

	Female Solicitors						Male Solicitors					
	1	2	3	4	5	6	1	2	3	4	5	6
1987/88	891	175	90	38	22	39	3525	294	175	77	38	81
1988/89	1234	234	103	52	24	49	4036	331	187	84	47	90
1989/90	1367	229	119	57	30	40	4124	354	194	86	49	82
1990/91	1520	239	120	61	35	43	4175	372	193	87	56	100
1991/92	1621	263	151	69	46	50	4250	357	184	91	59	101
1992/93	1689	288	157	74	51	51	4266	355	179	95	59	106
1993/94	1779	298	167	78	58	66	4332	349	172	97	65	114
1994/95	1834	294	173	86	64	62	4318	345	175	105	62	109
1995/96	1867	288	210	104	124	76	4347	288	189	110	163	120
1996/97	1963	281	224	89	125	88	4403	281	186	92	153	122
1997/98	2035	285	224	103	154	88	4344	291	181	102	171	119
1998/99	2090	292	235	112	178	90	4319	286	188	96	192	124
1999/00	2156	290	244	120	191	98	4305	276	206	98	195	135
2000/01	2335	296	253	135	101	108	4427	270	215	97	70	141
2001/02	2307	295	267	148	205	98	4321	273	230	103	183	140
2002/03	2287	287	276	162	188	113	4246	252	247	114	172	146

The majority of the solicitor population is captured in these six sectors. The table and its accompanying graphs highlight several long-term trends, such as the increased numbers of women in the profession so that they now outnumber men in all sectors other than private practice and industry.

Next the most current data, that for the year 2002/03 is depicted in the form of two pie charts. These illustrate not only how core private practice is to the Scottish legal profession, but also confirm that female solicitors hold the greater share of legal positions within most other sectors.

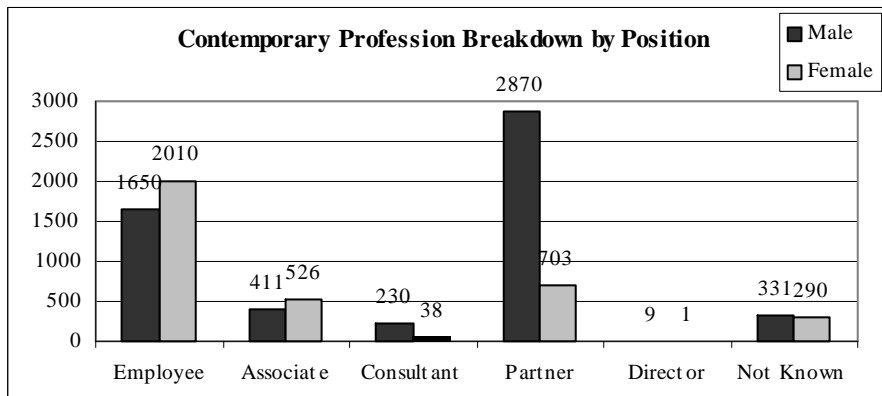




Section Three: Today's Legal Profession

This section reviews the current membership of the Society, in terms of gender and position as at 2002/03. The first graph depicts the breakdown of the employment status of the membership database by gender.

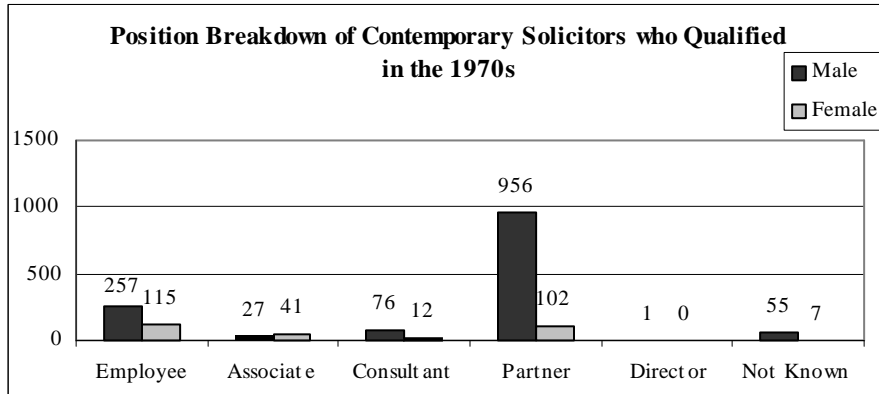
Graph J



It is clear that the proportion of male partners far exceeds that of female partners at 80% to 20%. While there are more female than male employees (55% to 45%) this category does not distinguish between those employed in private practice as assistants and those employed in other sectors. For associates, women outnumber the men at 56% to 44%.

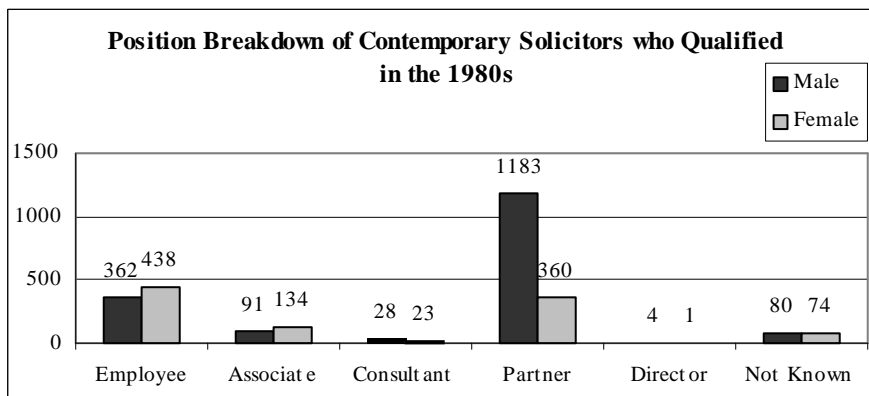
This database also enabled the analysis of the Law Society of Scotland membership by decade of admission. This series of graphs starts with the 1970s, by which time female numbers had risen significantly.

Graph K



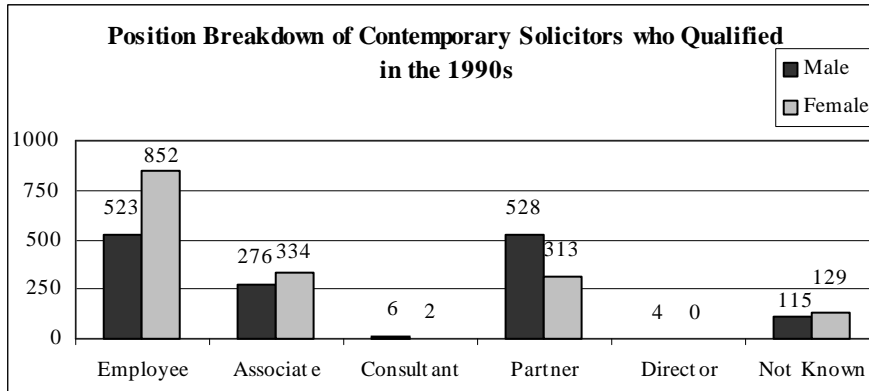
There is a clear male dominance among partners at 91% to 9% and employees at 69% to 31%. It is only in the category of associates that women are in the majority at 68% to 32%

Graph L



For those admitted in the 1980s, male to female partners stands at 77% to 23%, female employees now exceed the number of male employees at 55% to 45%, while, in the associate category women again outnumber men at 60% to 40%.

Graph M



Male solicitors who qualified in the 1990s still hold the majority of partnerships at 63% to 37%. Female employees outnumber men in the employee (62% to 38%) and associate (55% to 45%) categories. Given that few solicitors who were admitted after 1999 could be expected to have progressed into senior positions, these figures are not used in this data series.

Table 8: Gender Profile of Employment Destinations of Current Law Society of Scotland Members

Decade of Admission	Female Solicitors						Male Solicitors					
	1	2	3	4	5	6	1	2	3	4	5	6
1940s	0	0	0	0	0	0	1	0	4	1	0	0
1950s	0	0	0	3	0	0	2	0	43	22	0	2
1960s	7	2	2	14	0	7	21	3	74	171	0	18
1970s	115	41	12	102	0	17	257	27	76	956	1	55
1980s	438	134	23	360	1	74	362	91	28	1183	4	80
1990s	822	334	2	313	0	129	523	276	6	528	4	115

While the various graphs depict the relationships quite well, table 8 allows for an easier comparison between the outcomes for the different cohorts. In the main what is apparent from the table is the distinct rise in female participation from the 1970s onwards. Given societal constraints placed upon working mothers, it was no doubt difficult for women in the past to justify working once they had children. That is not to say that today's professional environment is unaffected by societal expectations, but a loosening of these constraints has occurred. Finally, the analysis concludes with a breakdown of contemporary law firms. These have been split into single location and multi branch firms with a further breakdown of the number of solicitors and partners employed differentiated into five size categories.

Table 9: Profile of Single Location Scottish Firms

This table depicts the breakdown of single location firms by number of solicitors and partners, i.e. number of firms which employ under 6 solicitors and firms with 12 or more partners

Number of Solicitors employed	Firms	as % of total firms	Number of Partners	Firms	as % of total firms
1 to 5	778	89.9	1 only	502	58
6 to 10	63	7.3	2 to 4	315	36.4
11 to 15	16	1.8	5 to 8	38	4.4
16 to 20	1	.1	9 to 12	6	.7
20+	7	.8	12+	4	.5

A significant proportion of these firms are sole practitioner firms. There appear to be very few large single location firms which employ more than 10 solicitors and have more than 4 partners. At the upper reaches of the table, only 7 firms employ 20 or more solicitors, while 5 have more than 12 partners. This would indicate that, despite the upheavals that characterised the 21st century legal environment, the norm is for small firms with few employees.

Table 10: Profile of Multi-Branch Scottish Firms

This table depicts the breakdown of multi branch firms by number of solicitors and partners i.e. number of firms which employ under 11 solicitors and firms with more than 40 partners.

Number of Solicitors employed	Firms	as % of total firms	Number of Partners	Firms	as % of total firms
1 to 10	223	74	1 to 10	265	88
11 to 25	42	14	11 to 20	21	7
26 to 50	19	6.3	21 to 30	8	2.6
51 to 100	12	4	31 to 40	2	.7
100+	5	1.7	40+	5	1.7

In terms of Scottish multi branch firms, the majority of these remain clustered in the smallest categories with 74% of such firms employing fewer than 11 solicitors and 88% having fewer than 11 partners. Again it would seem that the recent spate of mergers has resulted in a few large multi-branch firms employing greater numbers of solicitors than the majority. Five Scottish firms each employ more than 100 solicitors. It is also notable that five firms have over 40 partners, with two having between 31 and 40 partners and eight between 21 and 30.

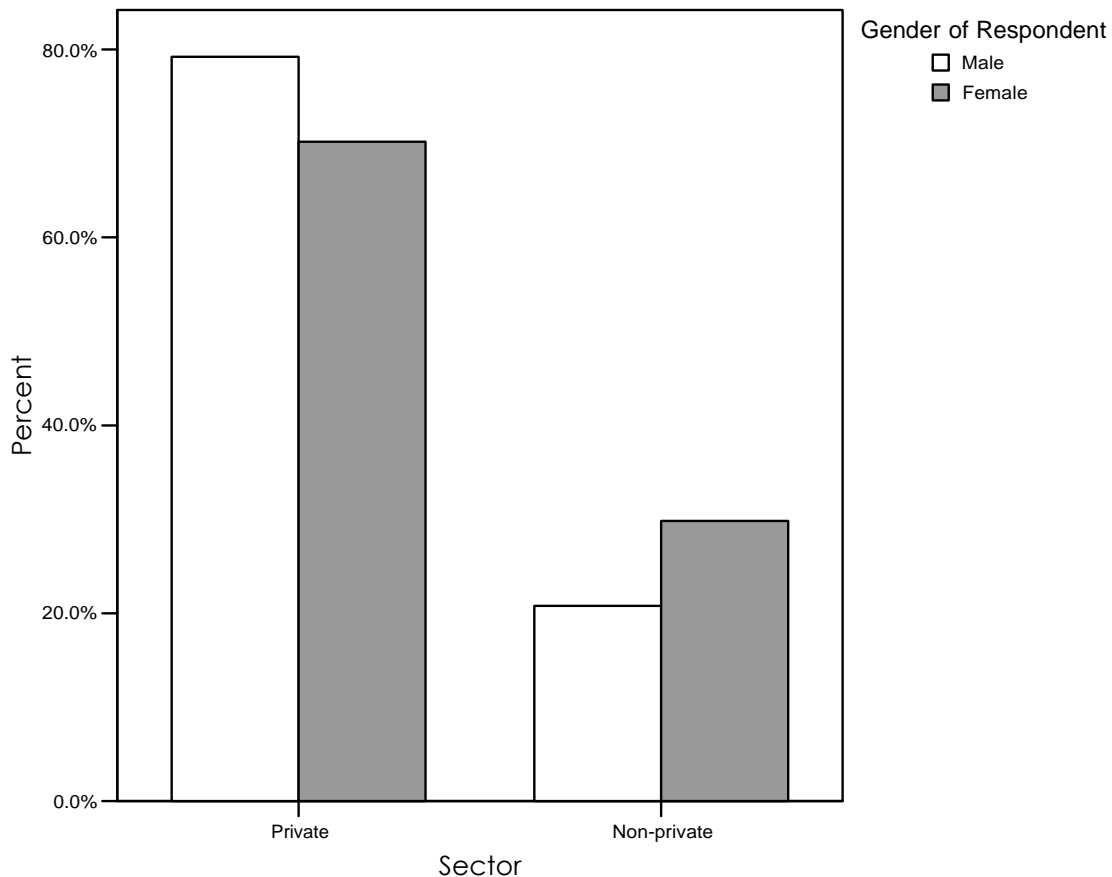
Part III - Questionnaire Analysis

Personal Profile of Respondents

The personal profile of the respondents indicates a number of significant factors. More women than men responded to the survey. Amongst the female group almost half had been a solicitor for less than 10 years whereas amongst the men half had been admitted for more than 21 years. This difference is also reflected in the gender split between those holding LLB Honours and Ordinary degrees with more women than men graduating with the former. Most respondents of both genders attended state school, although more men than women had a fee-paying education.

2,299 questionnaires were received. Valid responses were received from 929 men (40.4%) and 1368 women (59.6%). 73.9% were employed in private practice while 26.1% were employed in other sectors.

Gender/Sector breakdown

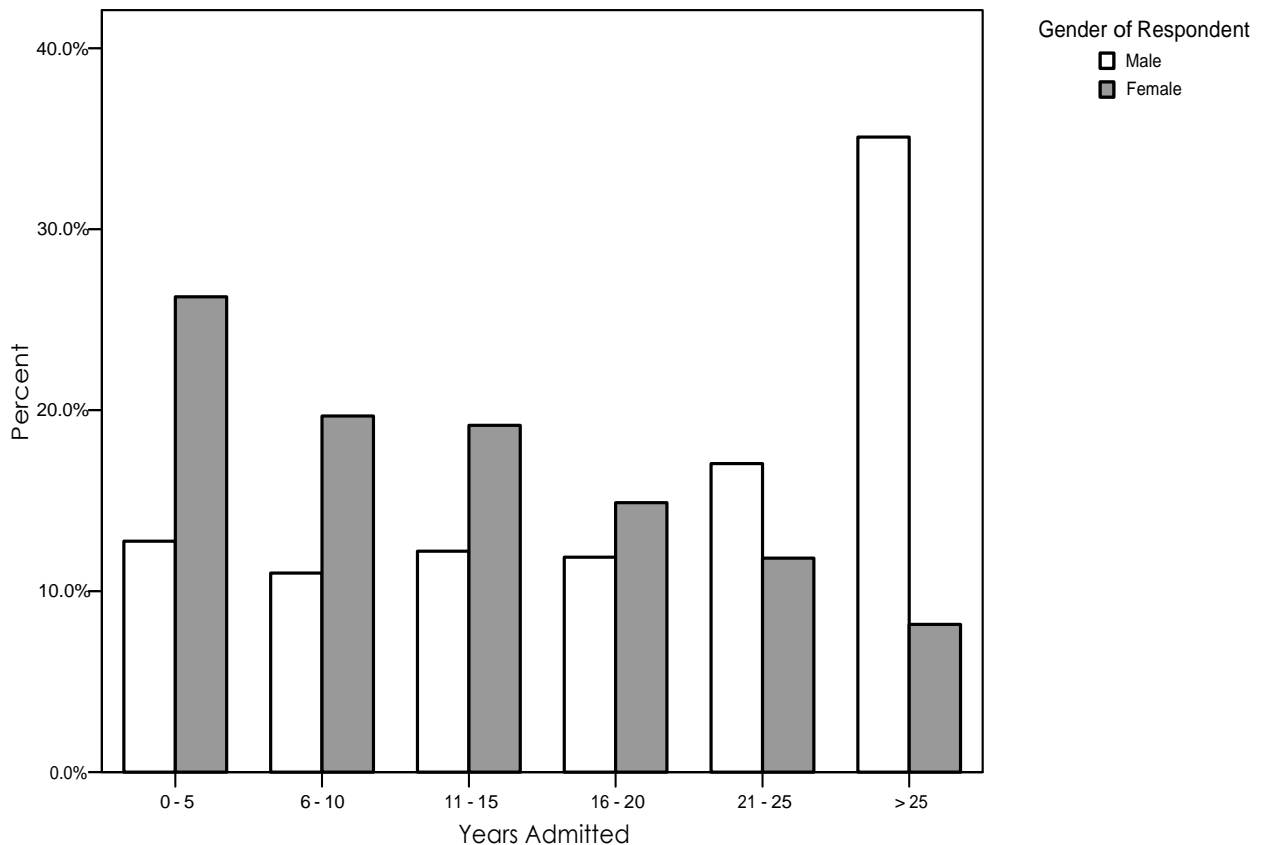


There was a slight gender difference in employment profile with 79.2% of male respondents and 70.2% of female respondents employed in private practice

while 20.8% of male respondents and 29.8% of female respondents worked in other sectors.

With regard to the number of years that the respondents had been admitted as solicitors there was a uniform distribution across the levels of experience of respondents.

Number of years admitted as solicitor



However there is a significant issue of gender when the figures relating to the number of years respondents have been admitted are closely examined. The largest block of females (20.8%) had been admitted for between 0-5 years and almost half (46%) had been admitted for between 0-10 years.

There is significant contrast with the profile of male respondents with the largest block (35.1%) being admitted for more than 25 years. Accordingly, whereas 46% of female respondents had been admitted for between 0-10 years, 52.2% of male respondents had been admitted for 21 or more years.

When legal qualifications are examined this difference is again illustrated. The tendency in legal education over recent years has been for students to study for Honours degrees. Indeed 53% of female respondents hold an Honours LLB

compared to 37.4% of the men. Those holding only an ordinary LLB account for 43.7% of the men and 28.2% of the women.

The majority of respondents attended state schools - 73.8% of women and 60.5% of men. More men than women went to fee paying schools (39.5%:26.2%). Fewer than half of those in both groups had parents who were graduates – 43.1% of male respondents and 46.9% of female respondents. More men than women had a solicitor as a parent (11.7%:5.3%).

Work-Life Balance

There are important findings in relation to the issue of the balance between home life and the workplace, in terms of both perception and experience.

Over half (50.5%) of the respondents had dependants yet there were differences between sectors and in relation to the position held within firms. For example, at equity partner level 74.4% of men had dependants compared to 52.7% of women. At all other levels a greater proportion of women than men had dependants. Moreover, a far lower proportion of women in private practice have dependants compared to those women employed in other sectors.

A strong gender imbalance was apparent in relation to who is the primary caregiver, who takes time off work when a dependant is ill and who takes responsibility for household duties – such responsibilities most frequently falling on women's shoulders.

In the working environment an average of 42.5 hours per week was worked, although again there were differences according to gender and between sectors. Further, a higher proportion of men than women worked outwith "standard office hours". There is a significant difference between the proportions of male and female respondents engaged in part-time working (5.0%:23.2%).

When this is studied alongside perception, it was shown that around half (49.7%) believed their organisation equated long hours with commitment but this changed significantly across sectors. This perception was also higher in private practice amongst the most recently qualified staff, who were more likely to be female.

Despite these perceptions, a clear majority of all respondents in private practice (67.2%) believed they were striking a reasonable work-life balance and in this there was no gender division. However, differences in perception emerged when the responses were broken down according to the number of years respondents had been in practice. Perceptions about whether a reasonable work-life balance was being achieved also varied according to the sector in which the solicitor was employed. Generally there were higher levels of satisfaction among those employed in sectors other than private practice.

As a way of practically engaging with work-life balance, family friendly policies are of great importance. Respondents were surveyed on those policies available, with paid maternity leave and part-time working the most readily available whereas initiatives like crèche facilities and child care vouchers were fairly rare. Family friendly policies were more commonplace in sectors other than private practice. Perhaps surprisingly a number of respondents stated that statutory entitlements were not available in their organisations.

However when the take-up of such policies was examined, there was a significant gender dimension with a high proportion of those utilising policies like flexi-time, part time working and home working being women.

Dependants, caring responsibilities and household duties

One of the recurring factors in the differing position of male and female professionals is the issue of caring for dependants and how this relates to their career.

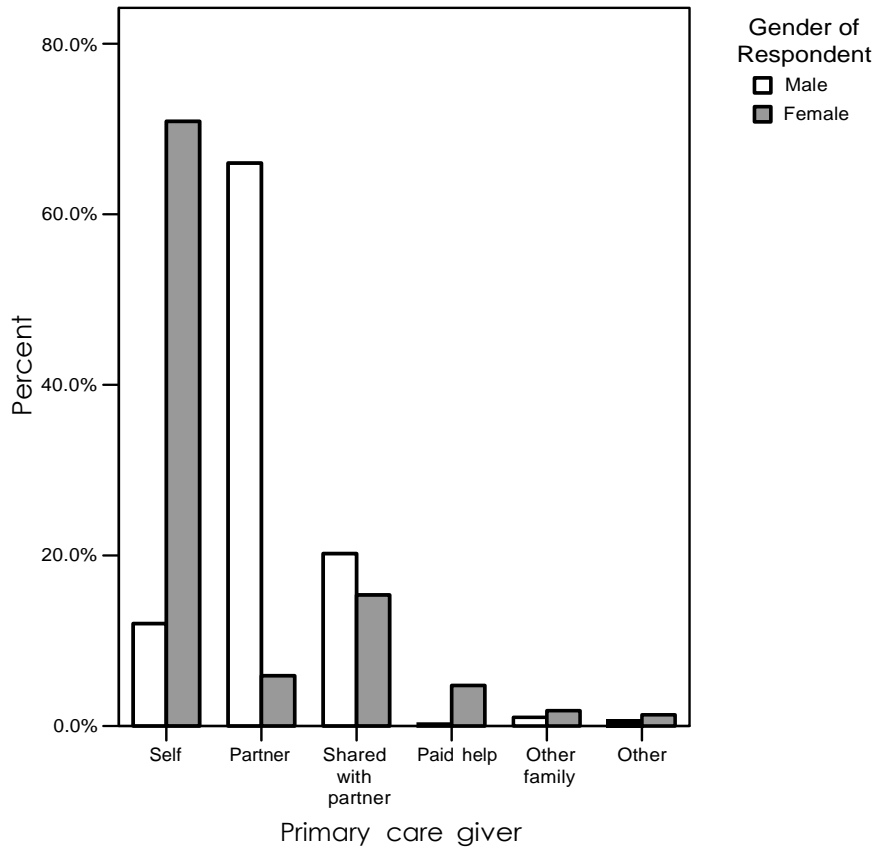
Over half (50.5%) of all respondents had dependants. Of these the largest number had children in primary school (21.9%) but there was a fairly even distribution of those with children in pre-school and secondary education (17.6: 18.5).

This information was also analysed on the basis of gender and sector. In private practice, while half (50.5%) of the respondents had dependants, this was unevenly distributed by gender: 59.3% of male respondents compared to 43.8% of female respondents.

In other sectors this division was not present. A similar proportion (50.3%) had dependants, yet when gender is factored in 48.4% of male respondents and 51.2% of female respondents had dependants.

When the responses of those in private practice were broken down further according to their position in the firm, there was a significant discrepancy at the highest level. At equity partner level 74.4% of men had dependants compared to 52.7% of women. At all other levels, a greater proportion of women than men had dependants.

Gender breakdown of Primary care giver.



What then of the care of dependants? 44.4% of the respondents classified themselves as the primary care-giver. However when this is broken down by gender, 70.9% of women and only 12.0% of men are the primary caregiver.

As a corollary to this, 66.0% of men and only 5.9% of women said that their partner is the primary caregiver. As regards sharing responsibility with their partner, there was no significant difference on the basis of gender.

As perhaps expected, similar findings emerge in relation to who takes time off work when a dependant is ill. 42.7% of respondents stated that they are the one who takes time off work. Yet when this is broken down by gender, 67.5% of women and 9.7% of men are the ones who take time off work when a dependant is ill. Once again, 69.7% of male respondents say it is their partner who takes time off work while this is true for only 8.6% of female respondents.

When caring responsibilities are tied to other household duties there are major gender issues. 41.6% stated that they take primary responsibility for household duties such as housework, laundry, shopping and cooking. However on the basis of gender, 63.3% of female respondents and 10.7% of male respondents stated that this was the case. Of those who relied on their partner to carry out

these responsibilities 60.1% of men said this was case compared to 5.7% of women.

With a heavy reliance on their partners in the domestic context it is perhaps not surprising that only 39.5% of male respondents had partners who worked full time compared to female respondents where 92.4% had partners who worked full time. There was also a fairly large gender gap in relation to the issue of whose partners worked part-time; 37.3% of male respondents were in this category compared to 4.3% of female respondents.

Thus although half of all respondents had dependants, there was a significant difference in who had the caring responsibility for those dependants. When this is added to broader domestic responsibilities there is a clear gender imbalance which may then impact on the workplace. This is reflected in some of the respondents' comments.

'Women are slowly reaching partnership but more importantly the bigger issue nowadays is children and who takes the responsibility for them, therefore not being able to provide long hours and the weekend commitment. Often this is the woman! Many I know sidestepped to role of professional support with standard hours or part-time part-home working.'

(Female, late 30s, Professional Support Lawyer)

However, not all respondents believed that problems at work are faced primarily by those with childcare responsibilities.

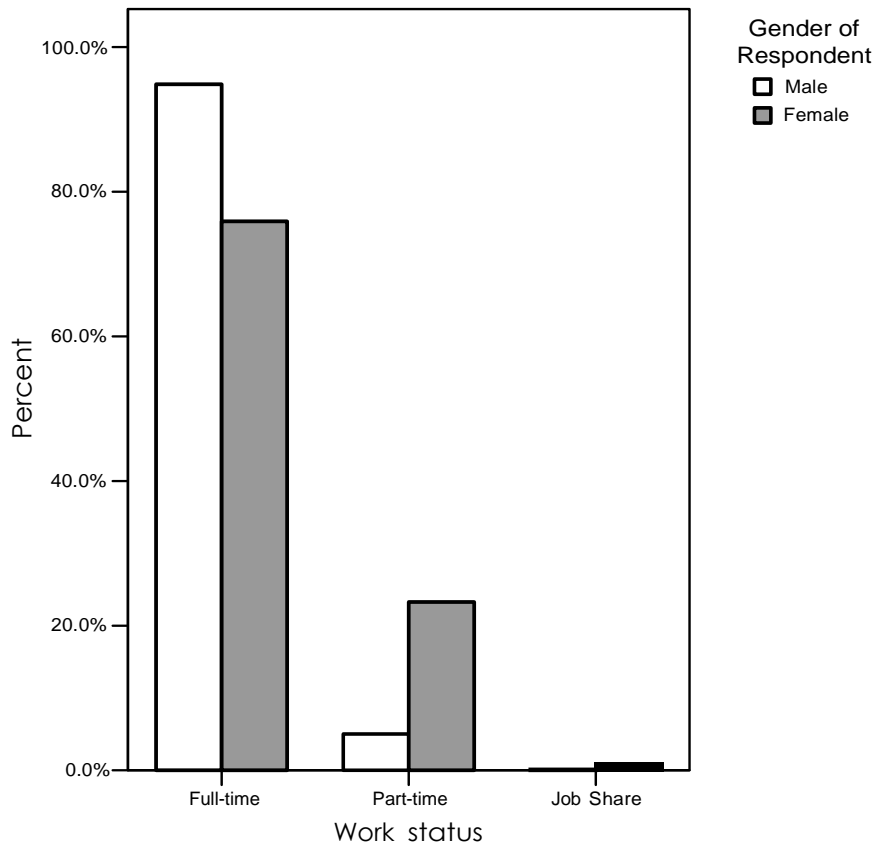
'Why is the focus on gender/family patterns? I think that there are real issues in the legal profession in Scotland re discrimination on the basis of ethnicity, sexuality and religion. Is it intended to do surveys on these issues - and if not why? The survey also has an inherent assumption that the people facing work problems are those with childcare responsibilities. There is another aspect to this. As someone who does not have children it is often assumed in my office that I can work long hours on the basis – apparently – that I can't possibly have anything better to do. Parents can sometimes leave at a reasonable hour because they have a good reason to do so. I feel – or I am explicitly or implicitly made to feel - that I cannot leave at 5. Frankly, offices can sometimes abuse the fact that people don't have children.'

(Male, early 30s, Public Sector)

Proportions of respondents engaged in full time and part time working

As regards full time or part time working, these terms were not defined by the questionnaire and so a lot rests on the perception of the respondent. It would appear that despite working a fairly high number of hours per week, many respondents consider themselves to be working 'part time'. Of the valid responses, 83.6% stated that they work full time, 15.9% work part time and 0.5% job share.

Work status

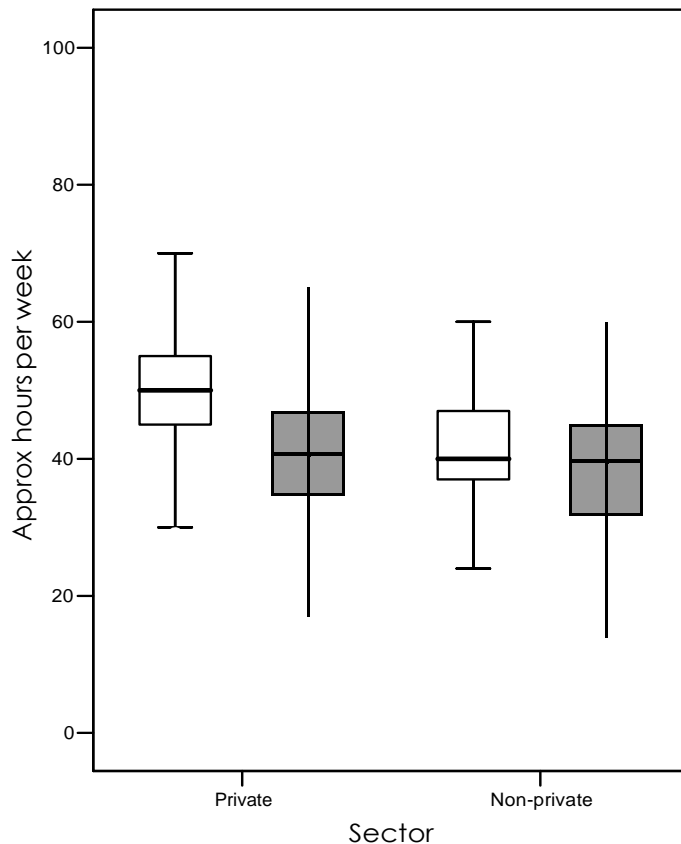


However when this data is analysed on the basis of gender, 94.9% of male respondents work full time as compared to 75.9% of female respondents. Only 5.0% of men work part time compared to 23.3% of women. Thus gender clearly is a factor in the propensity of a respondent to work part-time. However there is a degree of uncertainty over what someone in the legal profession would define as part-time working as evidenced by the statistics on the working week.

The working patterns of solicitors

The mean working week for all respondents was 42.5 hours per week. There was a difference between sectors with the average in private practice being 43.9 hours and other sectors averaging 38.6 hours.

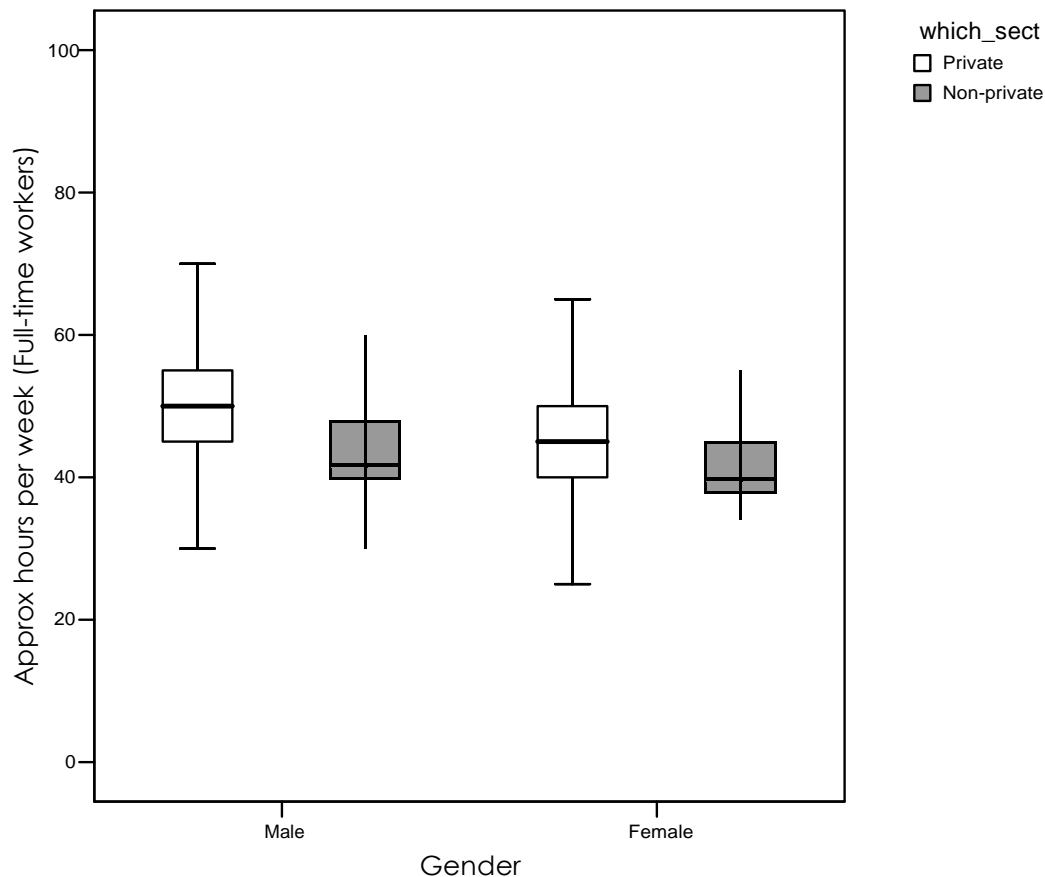
Average working week of all respondents



This box-plot illustrates the range of hours worked within each category and the median/middle value in each category. The white boxes are the male respondents and the grey female.

There was a significant difference between men and women with the male average being 47.0 and the female 39.4. This difference was reflected within different sectors, especially in private practice – there the male average was 48.4 hours whereas for female respondents it was 40.3 hours. The difference was slightly less in other sectors – with men averaging 41.4 hours per week and female respondents 37.2 hours per week.

Average working week for all full time respondents



This box-plot illustrates the range of hours worked within each category and the median/middle value in each category. The white boxes represent those in private practice and the grey those in other sectors.

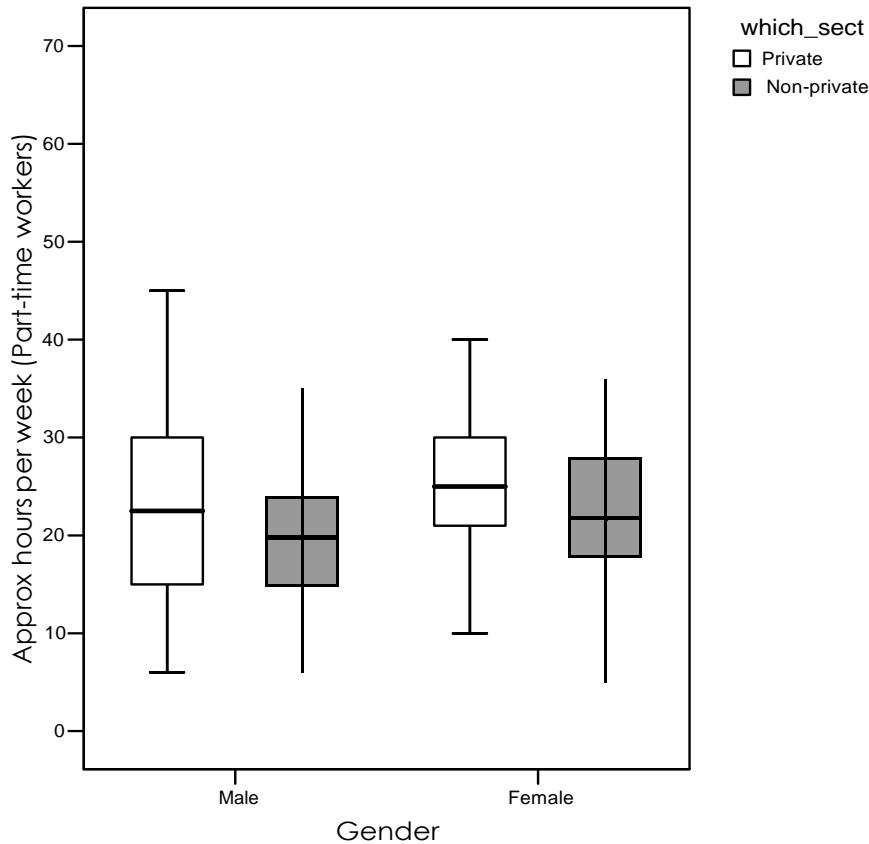
The average or mean number of hours worked per week by all men who said they were full-time was 48.2 hours. The median number of hours worked per week by men working full-time was 49 hours. The mean number of hours worked per week by all full-time women was 44.3 hours and the median number of hours was 45.

When this was broken down further by sector, men in private practice who described themselves as full-time worked on average 49.4 hours per week and the median number of hours worked was 50. The mean number of hours worked per week by full-time women in private practice was 45.2 hours and the median number of hours was 45. On average women working full-time in private practice worked four hours less per week than their male counterparts.

Men in sectors other than private practice who described themselves as full-time worked on average 43.5 hours per week and the median number of hours

worked was 42. The mean number of hours worked per week by full-time women in other sectors was 42.4 hours and the median number of hours was 40.

Average working week for all part-time respondents



This box-plot illustrates the range of hours worked within each category and the median/middle value in each category. The white boxes represent those in private practice and the grey those in other sectors.

The average or mean number of hours worked per week by all those who said they were part-time, was 24.15 hours. The median number of hours worked per week by those who were part-time was 24 hours. When this was broken down by gender, the mean number of hours worked per week by part-time men was 22.8 hours and the median number of hours was 21. Women who described themselves as part-time worked on average 24.3 hours per week and the median number of hours worked was 24.

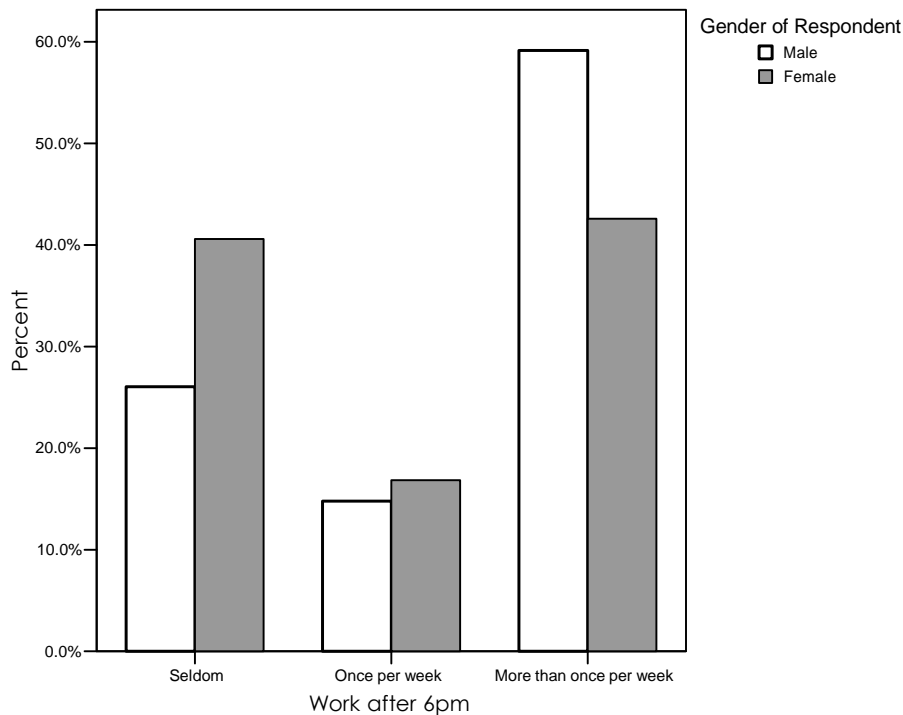
When this was broken down further by sector, men in private practice who described themselves as part-time worked on average 24.6 hours per week and the median number of hours worked was 22.5. The mean number of hours worked per week by part-time women in private practice was 25.0 hours and the

median number of hours was 25.0. It can be noted from the box-plot that those working part-time in private practice can be employed for up to 30 hours per week.

Men in sectors other than private practice who described themselves as part-time worked on average 19.5 hours per week and the median number of hours worked was 20. The mean number of hours worked per week by part-time women in other sectors was 22.7 hours and the median number of hours was 22.

On the question of working after hours, 49.2% of all respondents stated that they worked after 6pm more than once per week. There were significant differences on the basis of gender; 59.2% of men and 42.6% of women worked in this way. A much lower number stated that they seldom worked after 6pm (34.7%) but again there was a large discrepancy on the basis of gender; 26% of men and 40.6% of women.

Work patterns after 6pm



Working patterns differ according to sector. 62.7% of men in private practice worked beyond 6pm more than once a week compared to 45.4% of men employed in other sectors. 45.8% of women in private practice worked in this way compared to 35.2% of their counterparts in other sectors. A gender disparity is apparent in both sectors, although more marked in private practice. However, there is also a significant cultural difference between private practice and other

sectors and it is necessary to consider whether this is a factor in individuals seeking employment in a particular sector.

As regards working earlier in the morning, a large proportion, 69.8%, stated that they seldom worked before 8am; 62.8% of men and 74.5% of women. Only around 20% said that they commenced work before 8am more than once per week. Once again there was a difference based on gender; 27.2% of men and 15.3% of women. When the responses were broken down by sector, significant differences emerged. 15.7% of men and 16.6% of women in other sectors would expect to work in this way compared to 30.0% of men and 14.7% of women in private practice. It is notable that men within private practice are fairly unique in their propensity to go into the office early on a regular basis – with similar figures emerging for everyone else.

How does this pattern of working compare with the respondents' perception of their own organisation's expectations? There was an even split on perception with 49.7% believing that their organisation equated working long hours with commitment whereas 50.3% did not believe this to be the case. Significantly there was no real difference in perception on the basis of gender. The breakdown for men (49.4%: 50.6%) and women (49.9%:50.1%) was broadly the same.

However there was a significant difference between sectors - in private practice 53.0% believed that their firm did equate working long hours with commitment whereas 47.0% did not. In other sectors 40.5% believed that their organisation did equate working long hours with commitment whereas 59.5% did not.

There is a large difference between the perceptions of women in private practice and of women employed in other sectors. 54.3% of women in private practice believed that their firm did equate long hours with commitment whereas only 39.9% of women in other sectors believed that their employers did so.

If the length of time that respondents have been qualified is compared, there are marked differences in perception. Those most recently qualified in private practice (0-5 years) have a high perception of the equation of long hours with commitment, at 58.3%, whereas 41.7% did not believe this to be the case. For those who have worked between 21-25 years, this perception is shared by only 46.3% whereas 53.7% did not believe this. These figures have a gender dimension in this sample, with recently qualified staff more likely to be female and the more experienced group having a higher proportion of male respondents within it.

The difference between private practice and other sectors is stark. Only 25.7% of those most recently admitted (0-5 years) and working in sectors other than private practice perceived that their employers equate long hours with commitment. This is compared to 74.3% of those in other sectors who did not share this perception. Indeed even among the more experienced solicitors in

other sectors (21-25 years), only 46.5% tended to believe that long hours were equated with commitment compared to 53.5% who did not believe this to be so.

Some female respondents in private practice commented that they believe that long hours are equated with commitment and that either a failure to work long hours or working part-time could limit opportunities for career progression and have a negative impact upon earnings.

'At present I do not perceive there to be a difference between me and my male colleagues. However, I do think that if I was to become a mother then this would put limitations on how my career would progress as it would limit the time that you could be in the office which may lead to the assumption that you were not committed. In addition I think that if you were to work part-time hours, then there would not be the same financial rewards at pay review.'

(Female, late 20s, Assistant in Private Practice)

'In general attitudes to part-time working vary from firm to firm. I work in one of the largest firms and whilst part-time working is currently permitted I see that changing. There is a general belief that if you are not in the office after 5.30 you are not working hard enough or contributing in full.'

(Female, early 30s, Associate in Private Practice)

Do solicitors believe they are achieving a reasonable work-life balance?

In relation to whether respondents perceived that they are achieving a reasonable balance between their home life and career, there seemed to be a fairly equal response from men and women. In private practice 67.2% of respondents believed that they were achieving a reasonable work-life balance. This broke down to 66.5% of male respondents and 67.7% of female respondents. Although this feeling was slightly higher in other sectors, 73.3%, again there was no real distinction between men and women (76.0:72.0 %).

This perception tended to weaken, although not significantly, in both sectors according to the number of years respondents had been admitted as solicitors. In private practice this ranged from 71.8% (0-5 years) to 67.9% (over 25 years). The same trend was apparent in other sectors, albeit from a higher base, 84.8% (0-5 years) to 79.1% (over 25 years).

In private practice, during the first 15 years following admission, a higher proportion of men than women were satisfied that they achieved a reasonable work-life balance. Thereafter, a higher proportion of women than men in private practice believed they were achieving a reasonable work-life balance. In sectors other than private practice, during the first 20 years following admission, a higher proportion of men than women were satisfied that they achieved a reasonable work-life balance. Thereafter, a higher proportion of women than men in those

other sectors believed they were achieving a reasonable work-life balance. But at all stages, both genders in private practice had lower levels of satisfaction than in other sectors – with the exception of those who had been admitted between 21 and 25 years.

Availability and take-up of family-friendly policies

Within organisations the availability of policies which would assist in achieving a reasonable work-life balance could be critical in facilitating equality of treatment between men and women. Respondents were asked what policies were available within their organisation and whether they had taken advantage of them.

The most commonly available policies were paid maternity leave with 80.8% stating it was available, part-time working (79.8%), unpaid maternity leave (58.5%) and paid paternity leave (44.7%).

The least common were crèche facilities (4.6%), childcare vouchers (6.7%), term-time working (10.4%) and paid parental leave (19.2%).

Perhaps a worrying trend is the relatively high number of organisations which apparently do not offer statutory entitlements with Unpaid Parental Leave (23.5%), Unpaid Time off for Dependents (24.2%), Paid Paternity Leave (23.1%) and Paid Maternity Leave (9.4%) all appearing in this category.

Some policies which offer a more flexible pattern of working seemed to fit into the middle ground. Job-sharing was available within the organisations of 41.6% of respondents, Flexi-time within the organisations of 38.6% and Home-working within the organisations of 35.7%.

In terms of family friendly policies actually being taken advantage of, the most popular was Part-time working with 348 respondents availing themselves of this. Flexi-time and Home working had a high level of take-up (295 and 185). Maternity Leave, both paid and unpaid, was taken up by 219 and 131 respondents respectively.

Gender is a large issue here with a clear majority of those who take advantage of these policies being women. Of those who worked part-time, 82.8% were female with similarly high proportions of women accessing flexi-time (72.2%) and home working (67.6%).

There was also a difference according to sector with those employed in sectors other than private practice having better access to every option offered to facilitate more flexible working. Some of the distinctions are quite stark. In the case of Flexi-time, only 25.9% of those in private practice said this was available within their firm compared to 74.2% in other sectors who said it was available

within their organisation. Job sharing was available within the firms of 29.4% of respondents in private practice and within the organisations of 75.3% of respondents in other sectors.

Even those options which are uncommon were more widely available in other sectors. Crèches were available within the firms of a tiny 0.4% of respondents in private practice compared to their availability within the organisations of 16.7% of respondents in other sectors. Vouchers for child care were available within the firms of only 3.8% of respondents in private practice but within the organisations of 15.1% of respondents in other sectors.

Again this illustrates that employers in sectors other than private practice generally have a more open approach to flexible working methods. This may be a material factor in attracting the relatively high proportion of female solicitors who work in these sectors. A failure to offer flexible working could result in women leaving private practice in order to work in other sectors or being lost to the profession altogether. Many female respondents commented on this.

'The legal profession must look at more flexible working models in order to keep women in the profession beyond the first few years following qualification and not view flexible working as a failure to commit/perform.'
(Female, early 30s, Assistant in Private Practice)

'Now that many of my colleagues are of an age where they are starting a family, I have noted what appears to be unfair treatment for women going back to work part-time or otherwise. There appears to be a more traditional, or perhaps old-fashioned, approach by firms in how flexible they are prepared to be with solicitors, both men, but more so women, who have started a family. Given that there are more women than men coming into law, I believe this must change.'
(Female, early 30s, Assistant in Private Practice)

'I strongly believe that a lot of law firms do not promote "family friendly" working conditions. If I were to have a family in the future, it is a big worry of mine that my employers will not give me part-time hours or flexible working – should I request it which I would want to. Compared to other careers such as medicine or teaching, law has poor regulations (if any) regarding flexible working. If I wanted to job-share, chances are my request would be turned down – unlike if I worked for the local authority or NHS. The maternity pay is statutory only – hardly a "benefit" in this day and age.'
(Female, early 30s, Assistant in Private Practice)

'I perceived that it would be difficult to pursue a career in corporate law in private practice where clients place high demands on time/working hours and client satisfaction is paramount, as I wish to have children in future

years. Working as in-house counsel provides more flexibility and control over working hours plus significantly enhanced maternity benefits.'
(Female, early 30s, In-House/Industry)

'I am now in the happy position of working for an organisation which has a positive approach to work-life balance. I am given an excellent quality and variety of work despite being part-time and my career development is taken seriously. Commitment is not equated with long hours in the office and socialising with clients and senior members of staff. It is rather judged on quality of work and delivery of projects. I feel valued and supported and as a result am motivated and committed to the organisation. This position is in contrast to my experience in private practice where I worked before the birth of my first child. So long as I could do the long and frankly sometimes unproductive hours and socialise out of office hours, all was well. My attempts to return part-time were met with complete resistance. Had I not been in a vulnerable post-natal state and in fear of the unofficial 'blacklist' in the profession I would have taken things further. I hope things have improved in private practice but I know friends who have encountered similar difficulties recently which suggests that firms are maintaining their entrenched position.'
(Female, mid 30s, Public Sector)

'Returning to private practice did not seem possible with children due to the pressures of working long hours and the unwillingness to allow the job to be undertaken in a more family friendly way.'
(Female, late 30s, Former Assistant in Private Practice, now Public Sector)

'I felt I was not valued in my previous firm. While partners regularly took time off to attend their child's school activities, I was discouraged from doing so. Taking time off (even using holidays) to take care of a sick child was complained about. Long working hours were not acknowledged.'
(Female, late 40s, Sole Practitioner in Private Practice)

There is evidence of a disparity of perception between the sexes in relation to this issue. Some male respondents who commented tended to think that there was sufficient flexibility while others recognised the need for change.

'Legal profession is not sexually discriminating against women. It is a career well suited to career breaks, motherhood, maternity leave etc / part-time work.'
(Male, late 30s, Equity Partner in Private Practice)

'At trainee level female candidates are often the strongest so at present women are probably in the majority in my firm at junior levels. At partner level looking at those under 40 years old, the numbers of male and female

partners are broadly equivalent. There is recognition that flexible working patterns must be considered to allow return from maternity leave though this can cause problems with a small number of clients who expect 24/7 availability.'

(Male, early 50s, Equity Partner in Private Practice)

However, even with a supportive employer, women in private practice can find the nature of legal work in private practice a barrier to truly flexible working.

'My present firm are very receptive to and positively support female solicitors including those with school age children. They offer part-time working opportunities and adapt the part-time working pattern to suit the individual and his/her colleagues. The nature of legal work in private practice is the biggest hindrance however to part-time workers and their colleagues. As it is a client led industry (sic) it is rarely possible to walk out of the office at your allotted finish time unless someone else (who probably has a full workload themselves) in the firm can take over an outstanding matter and deal with it in your absence. This is rarely possible or convenient. I suppose the job share concept would best meet a part-time solicitor's needs but I am not sure if my firm or other firms allow this and the chances of finding a suitable job share colleague are low. The other huge hindrance is the lack of financial support for maternity leave.'

(Female, early 40s, Associate in Private Practice)

Nature of Work and Networking

Research previously carried out into the position of female lawyers in other jurisdictions, highlighted as possible issues the existence of networking which may tend to exclude female employees and thus hamper their career progression and the tendency of women to be engaged in areas of legal work which may attract lower levels of remuneration.

When asked whether they believed that there is a perception within the profession that men or women are better suited to certain types of work, the responses highlighted a significant perception gap between men and women. 65.6% of female respondents believed that there was such a perception within the profession but only 36.0% of men shared that view.

However when respondents were asked to state what perceptions, regarding gender suitability, applied to particular areas of legal work, there were very few areas where there was a strongly held perception that men or women would be better suited to that type of work – there were generally commonly held views about this. The one exception was Family Law which was seen as having a female dimension. However there was a disparity of perception here according to gender. While 52.6% of respondents believed that there was a perception that women were better suited to carry out this work, this comprised 37.1% of male respondents and 62.8% of female respondents.

In respect of Construction, Corporate and Criminal Law, a majority of female respondents believed that there was a perception that men were better suited to these areas. In two of these (Construction and Corporate Law) male respondents did form a majority of the respondents who actually undertook such work. Men also formed the majority of those who worked in Commercial Property and Trusts and Executry. In fact a majority of the respondents who worked in Criminal Law were female but it was fairly marginal. Women also formed the clear majority of those working in the areas of Residential Conveyancing, Civil Litigation, Family/Matrimonial and Employment Law. A substantial majority of those working in the Fiscal Service, for Local Authorities or as In-House Lawyers were women.

It should be noted that the areas where men dominate tend to be those which are regarded within the profession as being well paid whereas women form the majority in those areas regarded by respondents as being poorly paid.

In terms of networking, a majority of respondents believed that there was a perception within the profession that networking to generate business is undertaken generally by men although again this was sharply divided on the basis of gender. Among that majority the main reason given was that networking focuses on male oriented activities but this was not endorsed when actual examples of networking carried out were examined. Those which could be

defined as having a male slant, golf outings and other sporting events, were carried out by relatively few respondents compared to other types of networking activities.

There was a general feeling though amongst all respondents that most networking took place outwith working hours. While as many women as men appeared to network, male respondents were likely to participate in networking more frequently than females.

Nature of work being carried out

As the gender profile of the Scottish legal profession has altered has the perception of the nature of the profession changed?

There was a significant perception gap between men and women in relation to whether or not the profession generally perceives that men or women are better suited to certain types of work. 65.6% of female respondents believed that there was such a perception within the profession but only 36.0% of men shared that view. Given such a disparity of views and the historical numerical dominance of men in the profession, it is perhaps surprising that no more than half of the respondents felt that specific types of legal work were perceived as being performed better by men.

Those that came closest were Criminal Practice with 47.3% of all respondents believing this to be the case, Construction (45.6%) and Corporate Law (44.5%). However there was a gender division on this issue. When female responses are examined a majority believed the perception was biased in favour of men: In respect of Corporate Law, 57.0% of female respondents believed there was a pro-male perception; Construction 56.3% and Criminal Practice 56.0%.

It was only in the area of Family Law that there was a belief expressed by more than half of the respondents that women were perceived to be better suited to practice in this area (52.6%). However, when broken down by gender 62.8% of women and only 37.1% of men believed this to be the case.

Indeed in every area of law, with the exception of Family Law, a clear majority of all respondents believed that either men or women could participate in these areas of work. In respect of four types of work, over 80% of respondents held this belief: Civil Litigation (84.8%), In-house Lawyer (84.7%), Employment Law (82.6%) and Procurator Fiscal (82.3%).

On the whole then there seems to be fairly neutral perception on a gender dimension to particular areas of legal practice. What of the actual work carried out – is this divided on the basis of gender?

The responses indicated there were four areas where the majority of those who undertook such work were men – Corporate Law (55.1%), Trust & Executry (51.8%), Commercial Property (51.3%) and Construction Law (50.5%). Corporate and Construction Law correspond to the perception of male dominance in those areas.

As a corollary there were eight areas where a majority of the respondents who undertook such work were female – In-House Lawyer (71.5%), Local Authority Work (68.8%), Procurator Fiscal (64.2%), Civil Litigation (60.7%), Family Law (60.1%), Residential Conveyancing (55.2%), Employment Law (54.3%) and Criminal Practice (52.9%).

It can be seen that although there was a strong perception that Criminal Law was a male dominated area, of those who responded the majority of those undertaking this work were actually female. Although female respondents dominate in eight areas this can be put in the context that the majority of respondents to the survey were female.

It is worth pointing out however that of those four areas of legal work in which a majority of male respondents are engaged, three were identified by both men and women within the profession as being well paid: Corporate Law; Commercial Property and Construction Law. In respect of Trust and Executry, no clear view was expressed as to whether it was well paid or poorly paid.

Women formed the majority of those engaged in the four areas of legal work identified by respondents as being poorly paid. These were Criminal Practice; Residential Conveyancing; Family/Matrimonial and Local Authority work.

Networking

Research carried out in Scotland and in other jurisdictions indicated the importance of networking or contact outwith the workplace in generating business and developing legal careers. The questionnaire sought to establish whether this was the case.

To this end respondents were asked whether they believed that there is a perception within the profession that networking to generate business is undertaken mainly by men. A majority of respondents (55.2%) believed that such a perception exists. However there was a significant difference on the basis of gender with 40.2% of male respondents and 65.3% of female respondents believing this to be true - a gap of nearly 25%. Of those who believed there was such a perception, a number of reasons were offered as to why they thought this to be the case. The most popular of these responses was that “networking focuses on male oriented activities” with 1039 responses followed by “most networking takes place outwith working hours when women

are not always available” with 835 responses. The least popular reason was that “men are better at this sort of thing” with only 75 respondents supporting this.

To compare this perception with the reality of the situation surrounding networking, respondents were asked to identify what activities they participated in that they would regard as networking. The most popular were seminars and conferences (423 responses) lunches (413 responses) and dinners (381 responses). Of the activities that could perhaps be classified as “male oriented”, fewer respondents participated in sporting events (182) and golf outings (104) – these options were the only ones which had a majority of male participants.

A large majority (66.3%) responded that networking mostly takes place in the evening. This was true for both sexes – 61.9% of men and 69.0% of women.

There was a fairly even spread in relation to how often people undertook networking, which for 35.3% of respondents was once a month. Although those who networked once a week amounted to 20.1% of respondents, there was a significant gender gap here with 30.1% of men and 13.1% of women undertaking this level of networking activity.

It seems that the perception of networking as a male dominated forum is not entirely accurate given the breadth of networking activity that respondents participated in. As many women as men appear to network and they participate in the range of networking activities to the same extent – with the exception of golf outings and other sporting events. However it was accepted that networking does occur mostly outwith working hours so the question of responsibility for dependants is central. The figures also suggest that men are the more frequent “networkers” which is probably what gives rise to the perception that networking is a male dominated activity. There does however appear to be a direct relationship between frequency of networking activity and levels of earnings.

On informal social networks within firms, respondents were asked whether these existed and if they did exist, whether they tended to exclude women. A majority (66.3%) thought they did operate but a large number believed they included women (80.3%). However, even within that number there was a fairly large gap between the perception of men (89.7%) and women (74.2%).

It appears that the larger issues relating to networking seem to focus on contact outwith a respondent’s own firm – external networking. Some women had this to say:

‘I am fairly despondent about prospects for a senior female solicitor to progress to partnership in certain large firms with very demanding requirements, eg networking after hours etc. With so much emphasis on billable hours AND (sic) networking etc in the evenings ... there is little opportunity to have any sort of work-life balance and still become a

partner, not to mention trying to juggle a family. The legal profession is not conducive to female partners being able to raise a family and have a sensible family life.'

(Female, early 30s, Senior Associate in Private Practice)

'Networking is the most difficult as men prefer to socialise with men. The firm tends to entertain clients at sporting venues and also drink alcohol. As I have to get home for children I tend not to drink and I find the whole thing very difficult and I tend to feel out of place. In short I do not feel I benefit from these social engagements and I feel I am just tolerated by the male clients who really just want to socialise with the partners. I have noticed that junior male colleagues seem to do very well, partly because they are included in the social sense by the male partners.'

(Female, early 40s, Assistant in Private Practice)

Remuneration

The issue of earnings proved to be a significant one in this survey when examined on the basis of gender and the number of years since admission. A large number of responses were received in relation to issues surrounding remuneration.

Across the entire profession, and without distinguishing between full-time and part-time working, a steadily increasing gender pay gap began to emerge after the first five years of practice. This reached its highest level at between 21-25 years after admission with a gap of £36,000 in favour of men. However, even after five years the gap stood at £9,000.

This becomes more stark when private practice is examined separately, with the gap increasing at all levels: after 5 years following admission it was £14,000; at between 21-25 years after admission the gap was £42,000. Although it is less extreme than in private practice, a gender pay gap can be identified in other sectors as well.

Even when those engaged in part-time working – which is more likely to affect women and their level of earnings – were excluded and the earnings of solicitors working full-time were compared, there was still a gender pay gap within private practice. For those admitted between 6-10 years the gap was £11,000 and at between 21-25 years after admission, the gap was still at a level of £28,000 in favour of men. A notable exception related to those qualified between 16-20 years. For respondents in this category, there was a gender pay gap of £5,000 which favoured women.

It is the case that after the first 5 years in practice, there is also an earnings gap between those in private practice and those employed in other sectors. Those in private practice begin to earn more than those in other sectors and the gap increases substantially over time. This will also impact on the overall earnings position of women in the profession as a higher proportion of female solicitors than male solicitors are employed in these sectors.

As well as concerns about levels of earnings there was also a level of disquiet in private practice, which was not present in other sectors, at a perceived lack of transparency in pay structures. However in both private practice and other sectors, there was a gender division over this question with a large number of women remaining unconvinced that pay structures were transparent.

Furthermore, when respondents were asked if they believed that colleagues of the opposite sex engaged in comparable work were paid the same, there was a very significant perception gap on the basis of gender. In private practice 42.2% more men than women thought that people were paid the same, with a gap of 29.7% in other sectors.

Within both sectors a majority of male respondents believed that women were generally paid the same as men throughout their careers, 63.5% in private practice and 49.1% in other sectors. This was hugely different from the female perception. Most females believed that women were paid less at some stages in their career.

When asked to consider which areas of law are well paid or poorly paid – a question which is fairly gender ‘neutral’ - there was general unanimity among men and women.

Level of earnings within the profession

A major gender issue in employment concerns the question of remuneration. Alongside the culture of organisations, the level of earnings can be an indication of the way men and women are treated. In the survey a large number of respondents (1,938) provided information about their earnings. By using these figures mean earnings were calculated on the basis of gender, sector and time admitted. It is in these figures that some of the starkest differences between men and women can be seen.

It is generally recognised that earnings within the legal profession rise according to the number of years admitted. If broken down on this basis and gender differences are examined, there is a clear gap which develops. In the first instance, the overall earnings of all respondents were considered, with no distinction being made between full-time and part-time working. In the first 5 years there is no difference. However, between 6-10 years after admission the gap rises to just over £9,000; at between 11-15 years admitted there is a gap of over £19,000; at between 16-20 years, £12,000; at between 21-25 years, £36,000 and for those admitted more than 25 years a gap of £28,000 exists. These figures indicate a very clear picture of the situation across the profession as a whole.

However the position is even more extreme in private practice. In the first 5 years again there is no real difference. However at between 6-10 years after admission there is a gap of £14,000; at between 11-15 years, £23,000; at between 16-20 years, £16,000; at between 21-25 years, £42,000 and for those admitted for more than 25 years there is a gap of £22,000. Accordingly, in private practice the same trend develops but at increased levels.

Even in other sectors there is a significant pay gap. In the first 5 years women actually earn on average around £3,000 more than men. Yet from years 6-10 after admission this changes to a gap in favour of men of £6,000; at between 11-15 years, £5,000; at between 16-20 years, £1,000; at between 21-25 years, £18,000 and for those admitted for more than 25 there is a gap of around £3,000.

Accordingly, a gender pay gap also exists in sectors other than private practice but it is at lower levels and less consistent.

So according to this survey, on average after 5 years a female solicitor can expect her earnings to fall considerably behind those of a male counterpart – a gap which will only increase over time.

Mean Earnings of All Respondents

Years post admission	0-5	6-10	11-15	16-20	21-25	More than 25
All	32050.79	45348.04	52024.15	57386.85	67725.64	70861.25
All in private	31877.08	47473.99	54702.66	60154.59	74760.52	75888.21
All in other	32658.78	39120.26	46717.65	52302.64	51985.09	52405.14
All men	32031.48	54438.82	65096.02	65385.65	87963.49	78133.23
All women	32057.05	42045.68	46489.21	53657.54	51308.92	50913.19
Men in private	32515.12	57708.09	70097.80	70978.60	96500.70	83109.69
Women in private	31676.62	43629.14	47005.09	54645.95	54656.70	51062.83
Men in other	30506.15	43852.62	50507.50	53121.00	63490.17	53748.58
Women in other	33436.11	37567.45	45608.43	51980.26	45082.04	50613.90

However what of the fact that a large proportion of the female respondents worked part-time, albeit without any clear definition of what is meant by that? In private practice if only the full time respondents are included then, with one exception, there is still a gender pay gap. Again in the first 5 years of practice no significant difference can be discerned; at between 6-10 years after admission a gap of £11,000 emerges; at between 11-15 years, £17,000; at between 20-25 years, £28,000 and for those admitted more than 25 years, a gap of £16,000 exists. The exception occurs at between 16-20 years after admission where women actually have a greater mean level of earnings of around £5,000. Accordingly, in general the same trend remains for full-time solicitors and at fairly high levels although not with the same extremes that are observed when those employed part-time are included in the sample.

As far as the mean earnings of full time solicitors employed in sectors other than private practice are concerned, a gender pay gap remains apparent at almost all stages of a woman's career after the first 5 years of practice. In the first 5 years, women's mean earnings exceed those of men by about £3,000. At between 6-10 years after admission, there is a pay gap in favour of men of about £3,000; at between 11-15 years, about £1,250; at between 21-25 years, about £11,000 and for those admitted more than 25 years, a gap of about £2,500 exists. The exception, interestingly, comes at the same stage as for those in private practice. At between 16-20 years after admission women actually have a greater mean level of earnings of about £5,500.

Mean Earnings of All Full time Respondents

Years post admission	0-5	6-10	11-15	16-20	21-25	More than 25
Men in private	32123.37	57942.54	71087.25	68572.54	97224.24	87360.45
Women in private	31824.17	46488.69	54330.52	73084.38	69828.07	61327.73
Men in other	30726.40	43852.62	52051.30	54506.08	64418.04	55091.97
Women in other	33828.12	40682.96	50788.40	59954.44	53597.47	52589.52

As far as the mean earnings of those working part-time are concerned, at many stages there were no male respondents with whom to make a comparison. However, women working part-time in private practice and admitted between 0-5 years achieved mean earnings of £26,750; at between 6-10 years, £32,864.27; at between 11-15 years, £32,697.69; at between 16-20 years, £30,488.21; at between 21-25 years, £30,635.36 and for those admitted more than 25 years, their mean earnings were £23,323.33. Those women working part-time in other sectors and admitted between 0-5 years, achieved mean earnings of £23,500; at between 6-10 years, £29,647.87; at between 11-15 years, £36,580.54; at between 16-20 years, £33,757.09; at between 21-25 years, £22,894.82 and for those admitted more than 25 years, their mean earnings were £24,625.00.

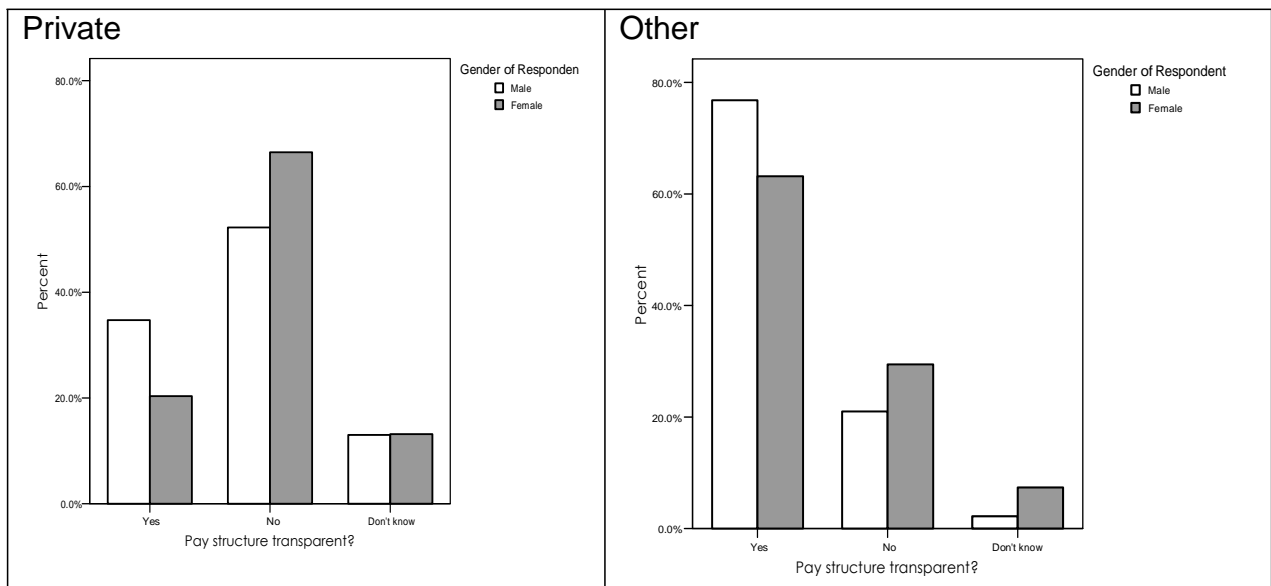
Mean Earnings of All Part-time Respondents

Years post admission	0-5	6-10	11-15	16-20	21-25	More than 25
Men in private	No data	No data	33000.00	No data	No data	39816.67
Women in private	26750.00	32864.27	32697.69	30488.21	30635.36	23323.33
Men in other	No data	No data	No data	No data	50500.00	23142.86
Women in other	23500.00	29647.87	36580.54	33757.09	22894.82	24625.00

In respect of the income of equity partners, of 305 valid responses from male equity partners, their reported mean income was £95,542.13. Of 149 valid responses from female equity partners, their reported mean income was £78,482.68.

Transparency of pay structures

Perception of pay transparency in private practice and in other sectors



Within the profession how transparent are pay structures felt to be? Although there were marked differences in perception according to sector, there was also

a significant difference on the basis of gender. In private practice a total of 60.6% of respondents thought that pay structures were not transparent. On the basis of gender, 66.5% of women believed this to be the case compared to 52.2% of men; a gap of 14.3%. Although a relatively small percentage of those in private practice felt that pay structures were transparent, 26.3%, there remained a gap of 14.3% between the sexes (34.7% male: 20.4% female)

Those employed in other sectors, where there may be published employment grades and pay scales, took the opposite view. 67.5% of respondents believed that pay structures were transparent, although again there was a difference based on gender - 76.8% of men compared to 63.2% of women; a gap of 13.6%. Again in reverse trend to the views of those in private practice, 26.8% thought that pay structures were not transparent in their sector. A smaller gap, of 8.4%, between the views of men and women was apparent (21.0%, male: 29.4%, female).

Accordingly, there is an issue regarding the disparity of perception according to gender across the sectors, although this is more marked in private practice.

This trend was also visible when respondents were questioned regarding the transparency of other benefits including performance related pay. In private practice 47.2% believed there was no transparency, 39.0% of men and 53.2% of women, a difference of 14.2%. However, a high proportion of both sexes (22.3% of men and 24.4% of women) did not know, perhaps reflecting the lack of uniformity in the provision of such benefits within private practice. 51.0% of those in private practice reported that their firm conducted performance review interviews.

Once again there was a significant difference between the views of those in private practice and those employed in other sectors. 46.2% of those in sectors other than private practice believed that there was transparency in relation to performance related pay and other benefits (50.0% of men and 44.4% of women). Again there was a significant minority who did not know (17.8% of men and 23.5% of women). 60.3% of those in sectors other than private practice reported that their organisation conducted performance review interviews.

Perceptions about whether colleagues of the opposite sex engaged in comparable work receive the same remuneration

When respondents were directly asked to consider their perception of colleagues' remuneration relative to their own, a significant gender gap occurred. This was further exacerbated on the basis of the sector in which they were employed. In private practice 50.8% believed that colleagues of the opposite sex engaged in comparable work, received the same remuneration. This disguises a huge gulf between the perception of men and women in the order of 42.2%. 74.9% of men believed this but only 32.7% of women shared this view. A large minority,

30.3% of respondents, did not know, perhaps reflecting the lack of transparency within private practice.

In other sectors when the same question was posed, a larger percentage of respondents, 66.2%, believed this to be the case. However, once again there was a significant gender gap of 29.7%; 86.6% of men believed it but only 56.9% of women. A smaller minority did not know: 17.2%.

Perceptions about whether certain types of work generally attract higher or lower levels of remuneration and about levels of women's earnings generally

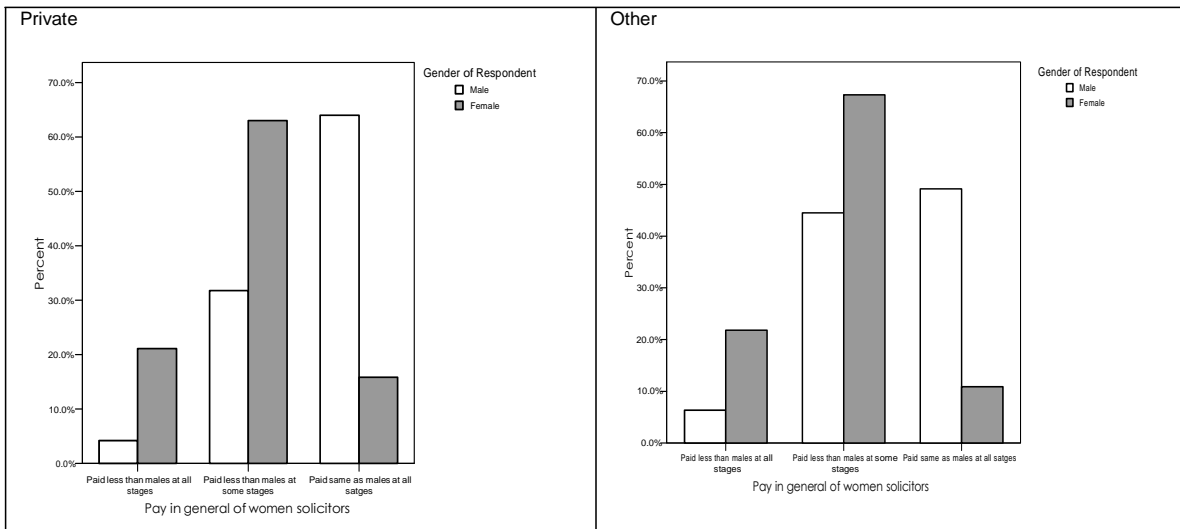
This division according to gender on specific remuneration is interesting when compared to respondents' views on the levels of remuneration expected for particular types of legal work. On this question, which does not deal specifically with gender issues, there is very little division between men and women.

In respect of those types of work regarded as well paid; Commercial Property, Construction and Corporate, there was general unanimity between men and women. This was also true for work believed to be low paid; Residential Conveyancing, Family/Matrimonial, Criminal Practice, and Local Authority Work and work where no clear view was expressed; Trust & Executry, Civil Litigation, Employment, Procurator Fiscal and In-House Lawyer.

It is worth reiterating that the areas of work regarded as well paid are those in which a majority of men are employed, whereas female respondents are in the majority in those areas of work regarded as poorly paid.

Accordingly, there seems to be uniformity of opinion over the levels of remuneration that particular types of legal work attract. This is in contrast to the situation where a direct question is posed on the specific earnings of men and women employed in the legal profession. The questions focused on the perception of respondents in relation to the level of women's earnings relative to those of men.

Perception of pay based on gender by sector.



The largest number among all respondents believed that women solicitors were generally paid less than male solicitors at some stages of their career – 49.3% of those in private practice believed this to be the case compared to 60.0% of those in other sectors. There was significant gender division on this issue in both private practice and in other sectors – in private practice 63.0% of women believed this compared to 31.5% of men (a 31.5% gap). Other sectors had a perception gap of 22.8%, with 67.3% of women compared to 44.5% of men believing this to be true.

Further the largest percentage of all male respondents believed that women were generally paid the same as men at all stages of their career. 63.5% of male solicitors in private practice and 49.1% in other sectors perceived this to be the case. By contrast, the numbers of female respondents who felt this was true was small - 15.9% in private practice and 10.9% in other sectors. This represents one of the largest perception gaps by gender within the profession: a gap of 47.6% in private practice and 38.2% in other sectors.

Only relatively small numbers of all respondents believed that women were paid less at all stages of their career, although even within this group there was a significant perception gap. 13.7% of private practice respondents believed this – only 4.2% of men but 21.1% of women. In other sectors a similar percentage of women believed this to be true, 21.8% compared to 6.4% of men.

However when these perceptions are compared with the figures on actual earnings, it can be seen that the belief that women are paid the same as men is not founded on any empirical examination of the profession and its pay structures.

Respondents' Comments Relating to Remuneration Issues

The perception gap based on gender was reflected in the comments made by respondents. Some male respondents did not perceive that there was a pay gap based on gender, while others observed that progression and earnings were linked to commitment and choices which women make for themselves. The proposition that a woman's situation is the product of her own choices was a recurrent theme within many of these comments.

'Didn't answer Question 31 (dealing with perceptions about relative level of women's earnings generally in the profession) because there is no right answer to that question. In my opinion, some women will earn more than men in equivalent positions. Some will earn less and some the same. In my experience the level of pay is generally reflected by the individual's level of commitment to their job. For example, while most individuals (myself included) would favour a reasonable life-work balance, it is unreasonable to expect to be paid the same as someone in an equivalent position who works longer hours and dedicates more time to work and less to social life. Often times, both men and women wish to take career breaks for family purposes and, if they do so, they cannot seriously expect to have equivalent pay with an individual who puts work at the forefront.'
(Male, late 20s, Assistant in Private Practice)

'With the number of women coming into the profession things will change further. But how far women go and earnings will also depend on lifestyle choices and also understanding of clients as well as their employer. Once more men allowed to go part-time things may change further.'
(Male, early 40s, Financial Sector)

'My experience has primarily been in local government where as far as I can see, both male and female solicitors are remunerated on an equal basis and where personnel policies are generally in place to permit/encourage a fair work-life balance.'
(Male, late 50s, formerly in Local Government)

Some women believed that they had been paid less than a male colleague engaged in comparable work, with no apparent justification for the difference in pay.

'I know that a male solicitor with a lesser caseload earns £8,000 more than I do.'
(Female, late 20s, Assistant in Private Practice)

'I believe (sic) a male colleague in previous firm with similar qualifications, doing similar work and qualified for same length of time earned more than me.'

(Female, late 30s, Associate in Private Practice)

Others appeared to believe that employers might exploit the fact that some women will be prepared to accept a lower salary.

'Women who have no desire for promotion are very likely to be kept in a job because they will accept a lower salary than a man in the same position.'

(Female, early 50s, Former Private Practice, now Local Authority)

Several women appeared to link deflated earnings with motherhood and, in particular, with part-time working. Significantly there was a belief that while working part-time, their earnings did not keep pace with those of male colleagues even on a *pro rata* basis.

'I do believe that it is a case of career or family – and if you try to combine both, the majority of women will have to forget any sort of career progression, hence women's salaries do not progress at the same rate as men's. The situation is so antiquated – it has to change for the better – I hope!!'

(Female, early 30s, Assistant in Private Practice)

'My firm have been extremely accommodating to my new position as a mum and agreed immediately to my working part-time. They have been very understanding, but I have accepted that my chances of progression in terms of partnership and salary increases have taken a serious set-back. Until I am in a position to work full-time I think it will be unlikely for me to make partner or improve my salary. The partnership question is tricky as it's hard to do what is required when you are only part-time. The salary question is more irritating as I am still working hard and up-to-date, yet I am now lagging behind my peers in terms of financial reward pro rata. I cannot see this changing – simply accept the position.'

(Female, early 30s, Associate in Private Practice)

'My situation has deteriorated since going off to have a child. I now work part-time. ... I have been denied a salary increase ... in spite of being the largest fee earner in the office. I am disgusted at the treatment and lack of respect I have received partly through being female but mainly through becoming a mother.'

(Female, early 30s, Associate in Private Practice)

Some women commented on the drop in salary associated with moving from private practice into other sectors.

'I worked in 'general' practice and found that I had to work long hours and only had 6 weeks maternity leave. For a woman in a small firm it is very difficult to achieve a reasonable work-life balance but I believe that is also true of many men in private practice. I have never encountered gender prejudice within the profession ... Perhaps I have just been lucky ... I have now join[ed] the fiscal service. I have taken a drop in income but at least I am at home at weekends!'

(Female, late 40s, Former Partner in Private Practice)

It would appear that even those women who had achieved partner status found that being perceived as 'part-time', due to motherhood and family commitments and despite home working, caused their earnings from the firm to be reduced.

'Although I am now fortunate enough to be a partner in a legal firm and to be able to organise my own workload and work flexible hours including home working, I have had to fight hard to get to this stage. In particular after both maternity leave absences (during which I did some work from home) I felt my male partners' attitude to me had changed markedly and I had to prove my worth to the firm all over again. Even over the past few years I have had a less than equal share of profits, being thought of as 'part-time' notwithstanding the fact that I work from home and my fee income is good. I think there is a general failure among solicitors to provide for female partners to work flexibly and to be remunerated on the basis of income generated rather than hours spent behind the desk in the office.'

(Female, early 40s, Equity Partner in Private Practice)

The final comment, as well as raising issues relating to pensions which have not been addressed directly within the questionnaire, also indicated that women at the end of their careers might have questions about equality within the profession.

'As a woman at the end of my career I face retirement on a very low annuity as firms did not contribute to a pension for part-time staff. I do not regret the time I spent at home with my children and think it is impossible to be a good mother and have a partnership in private practice where there is an ethos of long hours. I have enjoyed my career after my children had grown up. As a newly qualified solicitor I felt equal with the men in my year – now I am not so sure!'

(Female, late 50s, Salaried Partner in Private Practice)

Career Progression

Information was sought from respondents in order to determine the proportions of men and women at various levels within private practice and to obtain information from those in other sectors about their career progression.

When those in private practice were asked how long they believed it should take to become an associate, a salaried partner and an equity partner, the perceptions of men and women were uniform. However, when respondents were asked how long it had actually taken them to achieve these positions, the responses disclosed that women on average took longer to become partners. On average men became equity partners 2 years earlier than women.

Of those respondents employed in sectors other than private practice, it appeared that although men achieved their first two promotions more quickly than women, the gap was fairly small. However, women achieved their third promotion on average 2 years earlier than men.

There were large differences in perception based on gender when issues influencing promotion were examined. For example, motherhood was considered as being very likely to be a barrier to partnership by 52.4% of women but by only 10.8% of men in private practice. It is the case that at equity partner level 74.4% of men had dependants compared to 52.7% of women. Further issues seen as barriers by women and which have an indirect gender dimension, such as part-time working and career breaks, were also viewed in a clearly different way by men.

Differences in perception based on gender were also present among those employed in sectors other than private practice but were less marked.

A higher proportion of men than women continued to have partnership aspirations. When asked why they no longer had such aspirations, 52.9% of women but only 6.9% of men cited work-life balance issues. In other sectors, in contrast to those in private practice, similar proportions of men and women continued to aspire to promoted status (62.9%:63.8%).

Taking a career break was perceived, especially by women and particularly by those women in private practice, as creating a barrier to career progression within the profession. In private practice, 82.9% of those who had taken a career break were women, while in other sectors the figure was 85.0%. Most of the women, in all sectors, took career breaks during the first ten years following admission and the most common reason for the break was maternity leave.

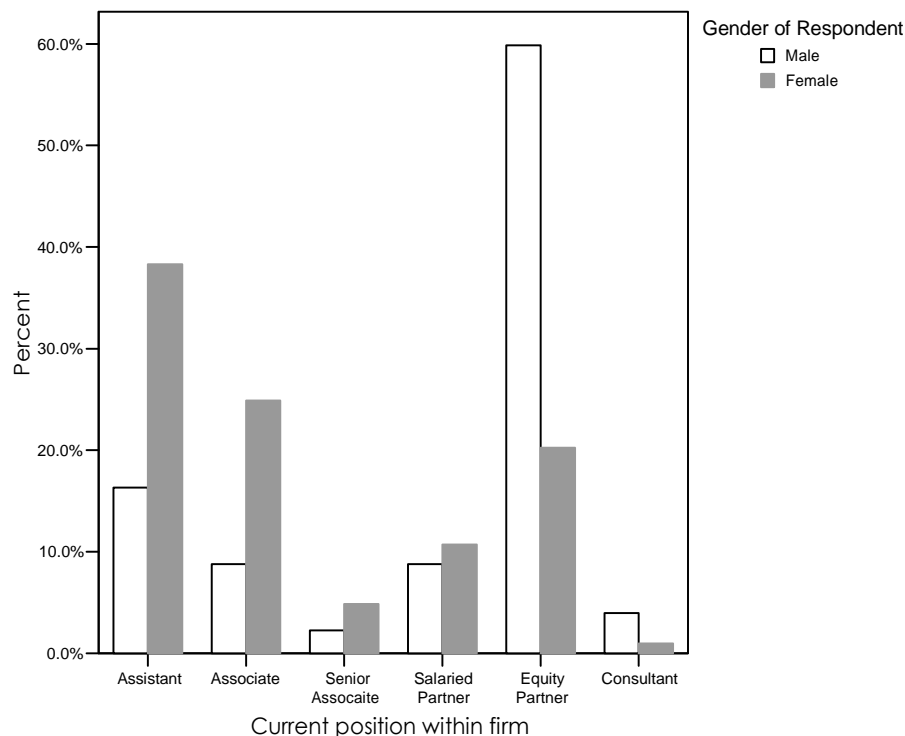
It was possible to determine the current position in the firm of those who had taken career breaks. 70.1% of female equity partners and 65.3% of female salaried partners had not taken a career break.

The relationship between part-time working and a solicitor's position within the firm was also studied. Of those women in private practice who worked part-time (23.6%), only 9.4% were equity partners. 89.2% of female equity partners worked full-time and whereas slightly more than 1 in 5 women working full-time were equity partners, rather fewer than 1 in 10 women working part-time in private practice were equity partners. The majority of those women working part-time in private practice were to be found at assistant or associate level.

Current position within firms of respondents in private practice

In terms of the career standings of respondents in private practice, the largest numbers of responses came from equity partners (609) and legal assistants (469). However there was a sharp division in terms of the gender profile. 69.3% of equity partners and 24.5% of the legal assistants were male whereas 30.7% of equity partners and 75.5% of legal assistants were female. Indeed of all the grades within private practice, the only two where the male respondents outnumbered the females were at the levels of equity partner and consultant.

Current position within firm by gender



Of the male respondents, 16.3% were assistants; 8.8%, associates; 2.3%, senior associates; 8.8%, salaried partners and 59.9% were equity partners. Of the female respondents, 38.3% were assistants; 24.9%, associates; 4.9%, senior associates; 10.7%, salaried partners and 20.2% were equity partners.

The number of years after admission to become an associate, a salaried partner and an equity partner

In terms of progression within private practice there was a fairly uniform response in relation to the respondents' perception of how long it would take to become an associate (men and women both thought on average 4.2 years); salaried partner (men thought on average 6.9 years while women thought on average 7.1 years) and equity partner (men and women both thought on average 9.8 years)

When respondents were asked about their own career progression within private practice, men and women had different experiences. To become an associate took both men and women on average about 5 years. In relation to the mean number of years it took to become a salaried partner, the figure for men was 5.25 years and for women 6.87 years. The mean number of years it took to become an equity partner was 6.23 years for men and 8.38 years for women.

When median rather than mean responses were compared to allow for the skewed nature of the variable, the median number of years it took to become an associate was again 5 years for both men and women. For salaried partner status, for men the median figure was 4 years whereas for women it was 6 years. In relation to the number of years it took to become an equity partner, for men the median figure was 5 years whereas for women it was 7 years. These responses disclose that it took women 2 years longer than men to make partner. This has to be considered within the context of there being considerably more male than female equity partners.

Career progression in other sectors

In relation to actual career progression in other sectors, respondents were asked how often they had been promoted and when each promotion had been achieved in terms of the number of years after admission. On average, men achieved their first promotion after 6.6 years whereas for women it took 7.2 years. The second promotion was achieved on average after 10.5 years for men and after 11.0 years for women. However, this seemed to reverse in relation to the third promotion with men on average taking 16.0 years to achieve this whereas women achieved this after 13.9 years. Here a two year gap in favour of women seems to be present, although this does not emerge until the later stages of the careers of those in sectors other than private practice.

When median rather than mean figures are compared, as above, for those in sectors other than private practice, the median figure for men achieving their first

promotion was 4.5 years, whereas for women it was 6 years. In relation to the number of years it took to achieve their second promotion, for men the median figure was 8 years whereas for women it was 10 years. However, in relation to the number of years it took to achieve their third promotion, for men the median figure was 15 years, whereas for women it was 13 years.

Perceptions regarding positive factors influencing whether a solicitor is admitted as a partner

It is in the area of career progression and the perception of factors which may influence such progression, that the largest and most significant gaps on the basis of gender became apparent. This was especially marked among those in private practice.

In relation to the perception of positive factors which influenced a solicitor becoming a partner, a gradual Likert scale was utilised to assess the depth of feeling. Respondents were asked to rate each of 12 factors as being 'very important', 'important' or 'not important' as a positive factor influencing whether a solicitor is admitted as a partner. It was here that some of the most stark differences within the survey were seen.

External Networking was perceived to be 'very important' by 41.7% of respondents but this comprised only 31.8% of men in private practice compared to 49.2% of women. However, 51.2% of men and 41.9% of women considered it to be 'important'. Only 12.4% of respondents in private practice thought it was 'not important'. Respondents were more divided along gender lines in respect of Internal Networking. Only 23.8% of men but 45.6% of women considered it to be 'very important'. 50% of men and 43.6% of women considered it to be 'important'. However 17.6% of men as opposed to only 10.7% of women thought it was 'not important'. Accordingly, while a large majority of both sexes considered external and internal networking to be either 'very important' or 'important' as positive factors influencing whether someone makes partner, women perceived both factors to be more highly influential than did men.

'Commitment'/Long hours was perceived to be 'very important' by 38.3% of respondents but this comprised only 30.2% of men in private practice compared to 44.4% of women. However, 59.8% of men and 47.4% of women considered it to be 'important'. Only 8.9% of respondents in private practice thought it was 'not important'. Accordingly, while a large majority of both sexes considered 'commitment'/long hours to be either 'very important' or 'important' as a positive factor influencing whether someone makes partner, women perceived this to be more highly influential than did men.

The fact that a clear majority of those in private practice consider the above to be either 'very important' or 'important', as positive factors influencing whether a solicitor is admitted as a partner, is interesting given the findings elsewhere

within the survey that women network less frequently than men. Similarly, on average, women work fewer hours per week than men and do not work outwith 'standard office hours' to the same extent. Moreover almost a quarter of women in private practice describe themselves as working part-time. Should the perceptions regarding the influence of these factors be accurate, women could find themselves disadvantaged when they are taken into account in promotion decisions.

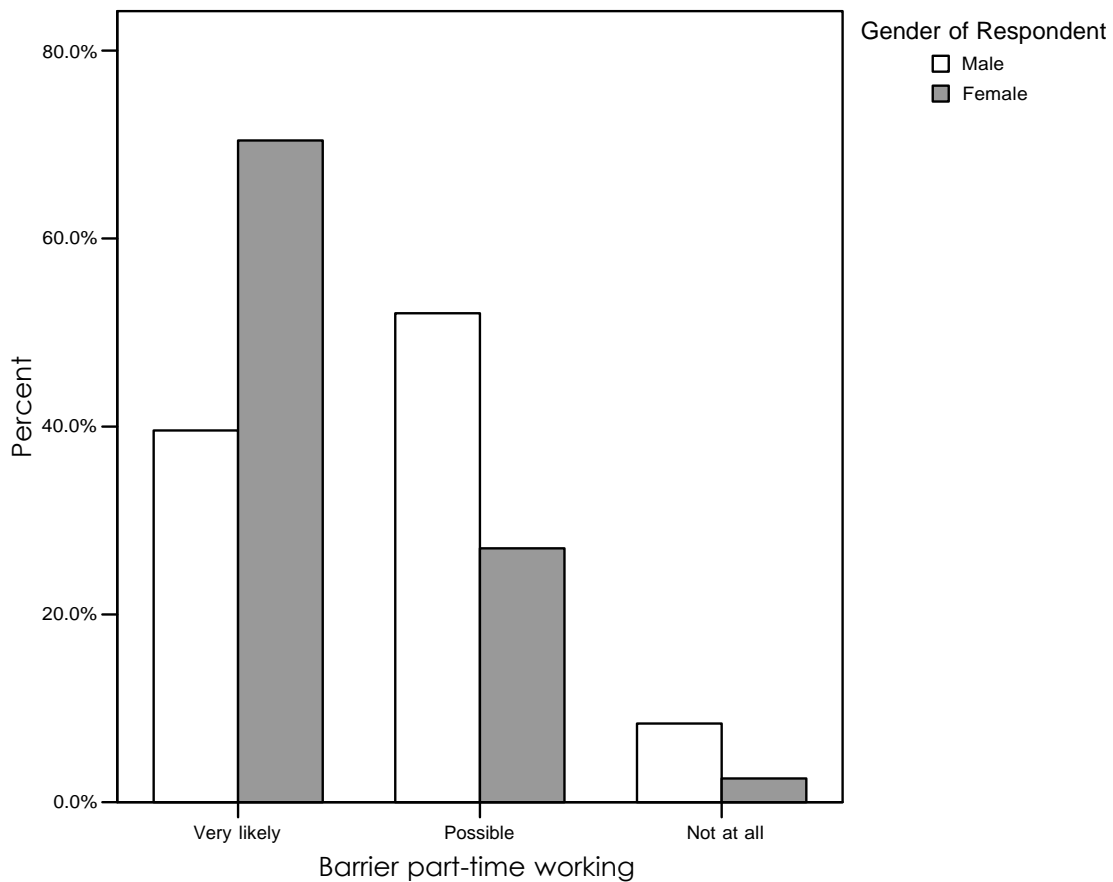
In relation to such factors as Legal Knowledge, Family Background in Law, Type of Work Undertaken and Educational and Social Background there was general conformity of perception. Men perceived legal knowledge to be more highly influential than did women, although overall it was considered to be 'very important'. Men also perceived the type of work undertaken to be more highly influential than did women, although overall it was considered to be 'important'. More women than men considered a person's educational, family and social backgrounds to be important in decisions about partnerships, although overall a clear majority of both sexes considered these not to be important factors.

When a direct question on gender was posed, while the responses did disclose a difference in perception between men and women, the divisions were less than in relation to some of the other factors. Only 9.4% of all respondents felt being male was 'very important' in making partner, although this perception came overwhelmingly from female solicitors' – only 1.5% of men but 15.4 % of women felt this to be the case. Again, only 14.1% regarded being male as 'important', but again there was a perception gap based on gender with only 5.2% of men but 20.9% of women taking this view. However, overall, a clear majority of both sexes considered this not to be an 'important' factor. When it came to considering whether being female would be a positive factor, influencing whether a solicitor is admitted as a partner, the vast majority of both sexes perceived that this would not be 'important'.

Potential barriers to partnership

When respondents were asked to rate each of eight factors according to whether they might act as a barrier to admission as a partner, the perception gap between men and women was marked in relation to factors which might have an indirect adverse impact on women's partnership prospects.

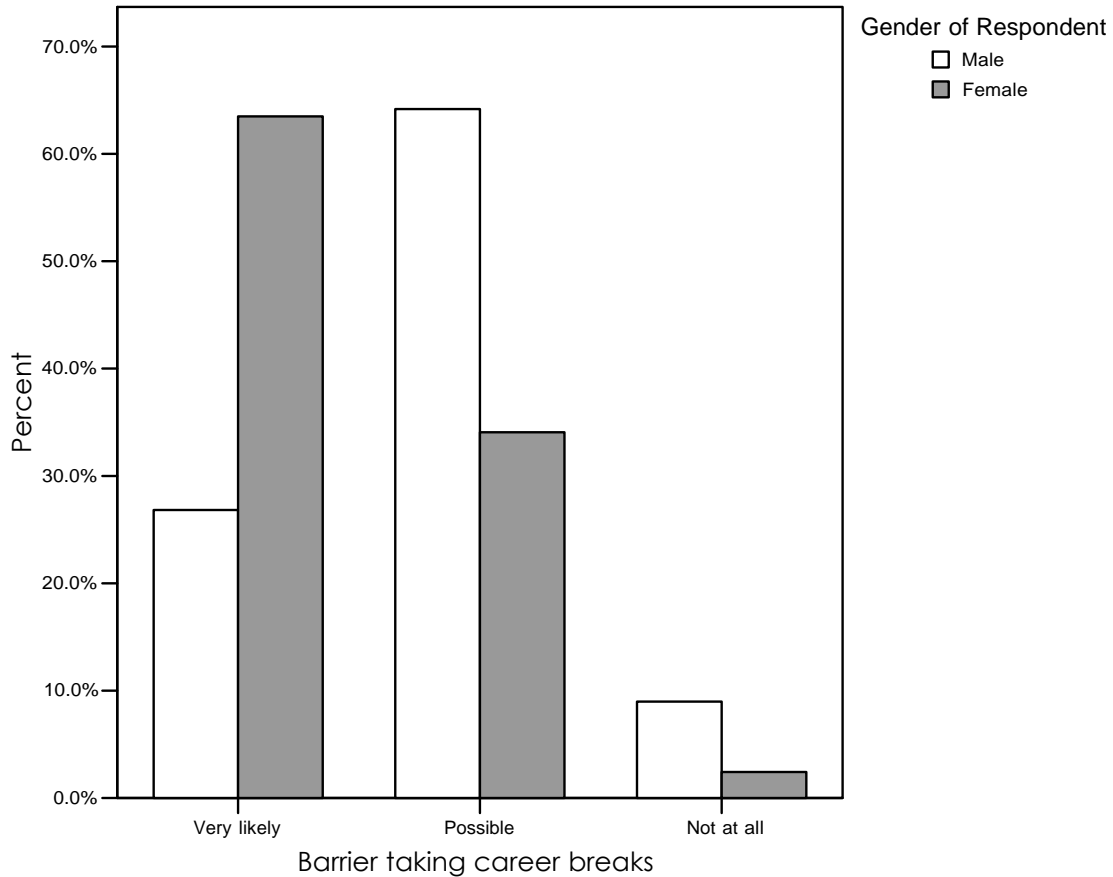
Perceptions about part-time working as barrier to partnership



Part-time working was considered to be 'very likely' to operate as a barrier by 57.2% of respondents in private practice. However this figure comprised only 39.6% of men but 70.4% of women. However, 52% of men along with 27% of women thought that part-time working could 'possibly' operate as a barrier. Only 5.1% of respondents believed that this was 'not at all likely'. Accordingly, while women perceived this to be much more likely than men, working part-time was clearly acknowledged by both sexes to be at least a possible barrier to partnership.

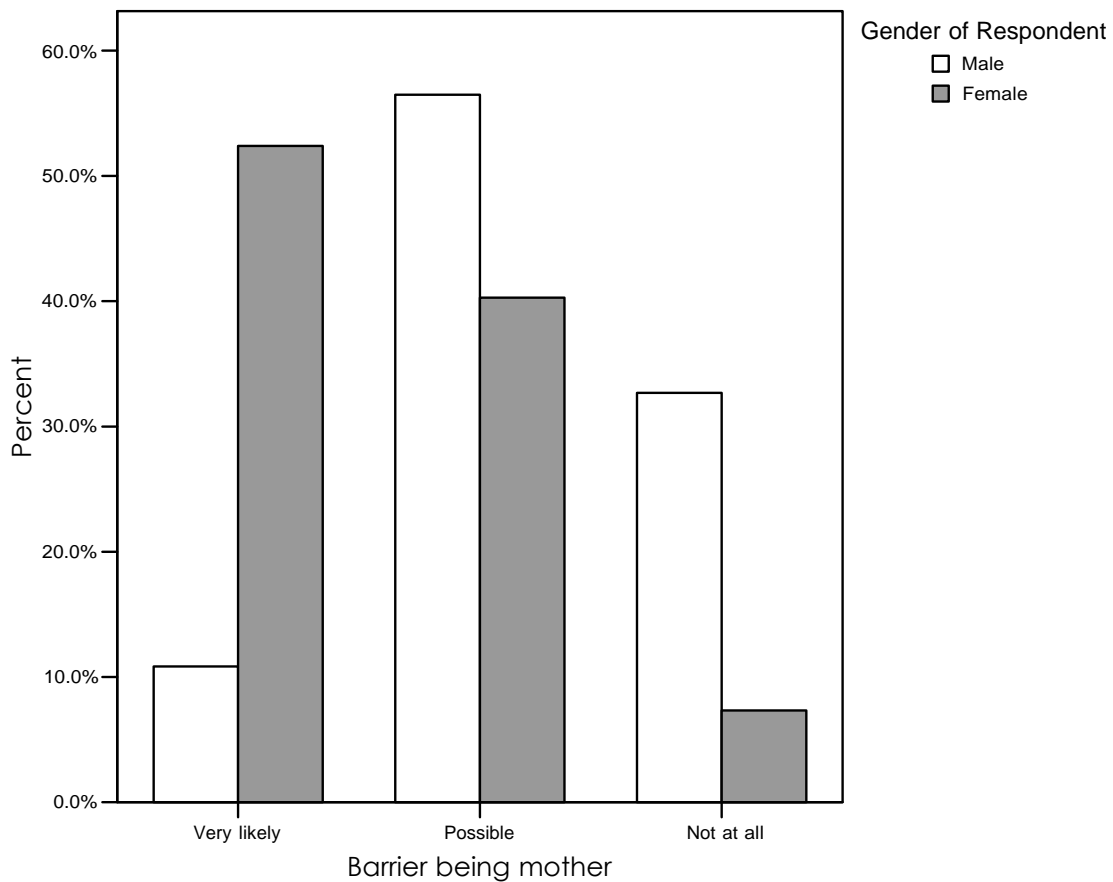
Should this be the case, it would have an indirect adverse impact on women because a larger proportion of women than men in private practice work part-time. The same could be said of taking career breaks which respondents also regarded as a possible barrier to partnership.

Perceptions about career breaks as barrier to partnership



Taking a career break was considered to be 'very likely' to operate as a barrier by 47.7% of respondents in private practice. However this figure comprised only 26.8% of men but 63.5% of women. However, 64.2% of men along with 34.1% of women thought that a career break could 'possibly' operate as a barrier. Only 5.3% of respondents believed that this was 'not at all likely'. Accordingly, while women perceived this to be much more likely than men, taking a career break was clearly acknowledged by both sexes to be at least a possible barrier to partnership.

Perceptions about motherhood as barrier to partnership



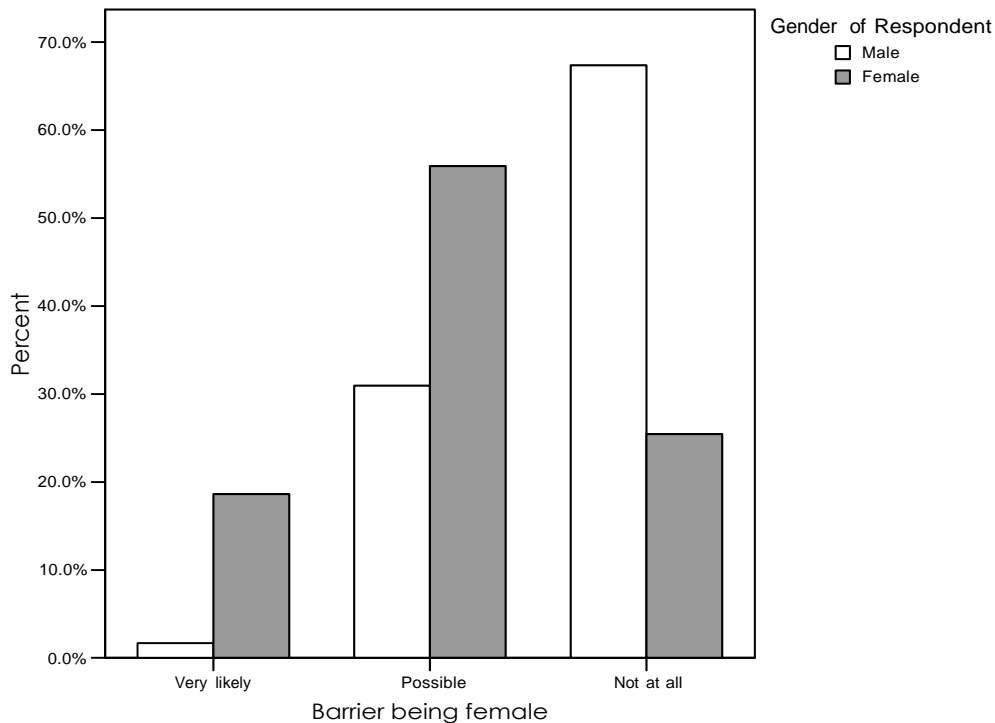
A lower proportion of respondents in private practice, only 34.5%, believed that motherhood was 'very likely' to be a barrier to partnership. However this figure masks a significant gender perception gap of 41.6% - with only 10.8% of men but 52.4 % of women taking this view. 56.5% of men did believe that motherhood could 'possibly' be a barrier, as did 40.3% of women. 32.7% of men but only 7.3% of women thought it was 'not all all likely' that motherhood would operate as a barrier. For female respondents, the gender specific issue of motherhood was considered to be a material barrier to career progression. However, despite a significant disparity of perception by gender in terms of the emphasis placed on motherhood as a potential barrier to partnership, it once again remained the case that a majority of respondents of both sexes considered that it was either 'very likely' or at least 'possible' that motherhood is a barrier to partnership.

As far as fatherhood was concerned, the vast majority of respondents of both sexes (over 90%) believed that it was 'not at all likely' to operate as a barrier to partnership.

It is the case that at equity partner level 74.4% of men actually had dependants compared to only 52.7% of women.

While the vast majority of respondents of both sexes (over 96%) also believed that being male was 'not at all likely' to operate as a barrier to partnership, the same could not be said for being female. Only 43.5% of respondents in private practice believed that being female was 'not at all likely' to operate as a barrier to partnership. However, once again this figure masked a significant disparity of perception by gender – 67.4% of men believed this but only 25.5% of women. 55.9% of women believed it was 'possible' that being female could be a barrier and 30.9% of men agreed. While 18.6% of women thought it was 'very likely' that being female was a barrier, only 1.7% of men thought so. This factor illustrated the greatest polarity of views between the sexes with a large majority of women believing it is 'very likely' or at least 'possible' that being female was a barrier to partnership and a clear majority of men stating that this was not at all likely to be the case.

Perceptions about being female as barrier to partnership



Moving firms to circumvent barriers to progression

What of those respondents who would take the option of moving firms in order to progress promotion? This was the response of a fairly similar percentage of both men and women. 18.7% of female respondents had moved compared to 14.8% of men. If the reasons are examined most men (50.5%) have moved because there was no opportunity for promotion which was also true for 33.5% of women. However, 24.9% of women stated that they moved because of sexism, a reason that did not register for male respondents.

Partnership aspirations

Those who were not partners were asked if they had partnership aspirations. 60.9% of men in private practice said yes compared to only 45.3% of women. Similar proportions of men and women (59.4%:58.0%) said that they used to aspire to partnership status but no longer did so. When asked why this was so, 52.9% of women but only 6.9% of men cited work-life balance issues. 27.6% of men said that they had previously been a partner and did not want to repeat the experience, a position shared by 11.3% of women. Similar proportions of men and women (6.9%:6.8%) did not want the additional responsibility or the potential liability associated with partnership status. In other sectors, in contrast to those in private practice, similar proportions of men and women continued to aspire to promoted status (62.9%:63.8%). Accordingly, in respect of those no longer aspiring to promotion, it was women in private practice who stood out and who, by a majority, cited work-life balance issues as the reason for this.

Perceptions regarding positive factors influencing whether a solicitor is promoted to a senior position in sectors other than private practice

It was possible to identify the particular sector in which 600 respondents from sectors other than private practice were employed. 68% of respondents in these sectors were female and 32% were male. 29.8% worked for local authorities; 22.3% for other public bodies, including the Scottish Executive; 14.7% were employed by the Crown Office/Fiscal Service; 11.7% worked in industry; 10.7% were employed in the financial sector and 10.8% were employed by other organisations, including those in the voluntary sector.

These groups were broken down further by gender. 65.9% of respondents working for local authorities were female, 34.1% male. 73.9% of respondents working for other public bodies were female, 26.1% male. 63.6% of respondents working for the Crown Office/Fiscal Service were female, 36.4% were male. 62.9% of respondents working in industry were female, 37.1% were male. 71.9% of respondents working in the financial sector were female, 28.1% were male. 69.2% of respondents working in other organisations, including the voluntary sector, were female, 30.8% were male.

Of those employed in other sectors, 79.2% of men and 80.0% of women had previously worked in private practice. 66.9% of men and 53.2% of women said they had moved because they preferred the type of work they were now doing. Only 1.7% of men and 1.2% of women said it was because they thought they were more likely to be promoted. However more women than men said it was because working in other sectors was less pressurised with shorter working hours or because it offered more family-friendly working conditions.

Those factors which might possibly positively influence promotion decisions were also put to solicitors in sectors other than private practice. These dealt with the question in terms of promotion to a senior position within their organisation. 41.7% of male respondents and 31.8% of female respondents already held a promoted post as a consequence of a competitive interview.

The factor which was perceived as 'very important' by most people within these sectors (56.9%) was legal knowledge, followed by the type of work being undertaken (39.0%) and internal networking (34.0%). Interestingly there was no significant gender difference on either the issue of legal knowledge or the type of work being undertaken. However, in relation to internal networking there was a 10.4% difference with 37.4% of women and 27.0% of men considering it to be 'very important'. Similar proportions of men and women thought that it was an 'important' factor (46.5%:47.3%).

External networking did not have the same significance in sectors other than private practice with only 7.0% of respondents believing it to be 'very important' and with no gender dimension to this. In fact, 67.1% thought it was 'not important' as a factor in promotion decisions. 'Commitment'/long hours was seen as 'very important' by 21.4% and as 'important' by 53.5% of respondents, but again there was hardly any difference in perception on the basis of gender.

When the direct question was asked about whether being male was a positive factor in being promoted, the results were similar to those in private practice albeit at a lower level and in this there was a gender division. 4.9% thought it 'very important' (men 1.1%:women 6.8%) while 12.5% thought this was 'important' (men 3.2%:women 16.9%). However, overall, a clear majority of both sexes considered this not to be an important factor. Similarly, the vast majority of respondents of both sexes (over 90%) thought that being female was 'not important' as a positive factor influencing promotion decisions.

Thus in sectors other than private practice it was the indirect questions which illicited less of a difference of opinion based on gender. It was in relation to the direct question dealing with actual gender that there was a division although this was at a fairly low level.

A solicitor's educational, family and social backgrounds were considered by a very large majority of respondents of both sexes not to be important as positive

factors influencing promotion decisions. There was generally no disparity by gender, although more women than men thought that a person's social background was important (13.5%:5.9%).

Potential barriers to promotion in sectors other than private practice

As in private practice, part-time working (39.4%) and taking career breaks (26.9%) had the highest number of responses identifying these as being 'very likely' to operate as barriers to promotion in other sectors. However, these percentages are a lot lower than those for private practice. A large disparity of perception by gender does remain, with part-time working considered 'very likely' to be a barrier by 47.2% of women and 23.2% of men, a gap of 24%. In relation to the effect of career breaks on promotion chances, the perception gap was 18.5%, with 32.9% of women and 14.4% of men believing that these were 'very likely' to represent a barrier.

On motherhood there was a similar trend – there was a lower perception than in private practice but there remained a gender gap although at a lower level. 16.8% thought it was a barrier, 22.1% of female respondents and 5.9% of men – a gap of 16.9%. Again this perception is less marked than in private practice where over half of the female respondents believed motherhood to be a barrier.

In this context, a perception gap clearly exists on the basis of gender in both sectors although in slightly different areas. External networking does not have the same relevance in sectors other than private practice. Outside private practice these perception gaps are not as marked nor are they shared by such high numbers.

Changing employment to circumvent barriers to progression

Both men and women working in sectors other than private practice had changed employment to circumvent barriers to progression. The proportion of those who had changed jobs in these sectors to progress their promotion was actually higher than in private practice with 20.7% of female and 14.2% of male respondents claiming to have moved. The largest reason for men was again the lack of opportunities for promotion (46.2%) which for women was a factor for only 15.4% of respondents. The main reason put forward by women was sexism (31.3%) which again did not register for men. Accordingly, a significant minority of women who had changed jobs across all sectors in order to progress their career did so because of perceived sexism. However, the qualitative comments made within the questionnaires suggest that these figures included respondents who had moved from private practice into another sector.

Career Breaks – across all sectors

In private practice, 20.4% of respondents had taken a career break. 82.9% of those who had taken a career break were women. Those men who had taken career breaks most frequently took them within the first couple of years following admission (35.7%) and the most common reason for the break was to allow them to take a sabbatical to travel (36.4%). However, 9.1% of men cited disillusionment and a further 9.1% cited unemployment as the reason for taking a career break. Most of the women took career breaks during the first ten years following admission (88.3%) and the most common reason for the break was maternity leave (53.8%). However a further 26.2% of women took a more prolonged career break to raise children, compared to only 3.6% of men.

55.6% of women but only 36.4% of men returned to their previous firm following a career break. 82.6% of men and 78.8% of women returned on the same terms, compared to 17.4% of men and 21.2% of women who returned on less favourable terms.

For those in private practice, it was possible to determine the current position in the firm of those who had taken career breaks. Of those who had taken a career break, 51.8% of men but only 19.6% of women were equity partners. However, of those who had not taken a career break, 60.4% of men but still only 20.2% of women were equity partners. However, 70.1% of female equity partners and 65.3% of female salaried partners had not taken a career break. 93.0% of male equity partners and 93.1% of male salaried partners had not taken a career break.

In sectors other than private practice, 25.9% of respondents had taken a career break. 85.0% of those who had taken a career break were women. Those men who took career breaks most frequently took them in the first couple of years following admission (36.3%) and again the most common reason was to allow them to take a sabbatical to travel (43.5%). 4.3% of men also cited paternity leave. As in private practice, most of the women took career breaks during the first ten years following admission (80.5%) and the most common reason for the break was maternity leave (49.2%). Again a further 27.8% of women took a more prolonged career break to raise children.

54.9% of women but only 17.4% of men returned to their previous organisation following a career break. 60.0% of men and 77.6% of women returned on the same terms, compared to 40.0% of men and 22.4% of women who returned on less favourable terms.

Part-time working and career progression in private practice

The relationship between part-time working and a solicitor's position within the firm was also studied. Of those women in private practice who worked part-time

(23.6%) 34.9% were assistants; 32.1% were associates; 10.8% were senior associates; 9.4% were salaried partners; 9.4% were equity partners and 3.3% were consultants.

However, 89.2% of female equity partners and 79.6% of female salaried partners worked full-time. Whereas slightly more than 1 in 5 women working full-time in private practice were equity partners, rather fewer than 1 in 10 women working part-time in private practice were equity partners.

Female respondents, working part-time in private practice, accounted for 21.3% of all female assistants; 30.5% of all female associates; 51.1% of all female senior associates; 20.4% of all female salaried partners; 10.8% of all female equity partners and 77.8% of all female consultants. Accordingly the majority of those women working part-time in private practice were to be found at assistant or associate level.

The comments relating to career progression tended to reflect the perception gap based on gender which was apparent in the responses to the questions dealing with factors influencing promotion, either as positive factors or as barriers.

Many women appeared to be convinced that pregnancy or motherhood operated as a barrier to career progression.

'The female partner with whom I work expressed surprise at me getting pregnant before being promoted. There is a major expectation that having a family should be put on hold until associateship is in the bag.'
(Female, early 30s, Assistant in Private Practice)

'My firm is relatively (sic) enlightened in that it has some senior females/partners. However they tend to be either of a "type" (aggressive, prepared to hardly see their children etc) or else only get so far before the glass ceiling gets them. Part-time/flexible working is refused with a closed mind. Women in the profession generally are, I believe, badly treated, badly paid and usually passed over for promotion if they have children or show any signs of wanting any.'
(Female, early 30s, Salaried Partner in Private Practice)

'I think male and female solicitors are treated fairly equally, in relation to pay and possibility of progression, at the early stages of career. But as soon as there is a risk or fear of women "settling down" with partner or spouse and possibly having children they are far less likely to be seen as a serious option for partnership. They are not seen as committed. There is an attitude that they don't take their career as seriously as male solicitors. It's more of a hobby. This is manifested mostly in attitudes and informally rather than in pay structures etc.'
(Female, early 30s, Sole Practitioner)

'In my experience, if a female lawyer wishes to achieve partnership she must do so prior to having children. If I had realised how un-family friendly the legal profession is I would not have chosen to go into it.'
(Female, late 30s, Assistant in Private Practice)

'I think it is fair comment that being a working mother in the legal profession is a hard task with greatly reduced prospects of breaking through the glass ceiling. This has nothing to do with ability but the perception that motherhood in itself is an undesirable feature as it places too many competing claims on the solicitor's time.'
(Female, late 30s, Senior Associate in Private Practice)

'Career progression in the law varies from firm to firm. Whilst I have been fortunate to have had 3 children and be an equity partner, I recognise that this does not necessarily reflect the experience of many female lawyers. It is still much more difficult to obtain progression as a female who wants to have children.'
(Female, early 40s, Equity Partner in Private Practice)

'I feel that the private sector in the legal profession is very hard for women. It may be possible for women to become partners but life is made very hard for them if they have children. It is more likely that preferment would only be given to them once they were beyond child bearing age or had demonstrated no desire for family... '
(Female, early 50s, Former Private Practice, now Local Authority)

Other women's comments centred on their belief that taking a career break or working part time operated as a barrier to progression.

'...After my first child I returned 3 days a week. I had no career ambitions but wanted to try part-time work. If I had had career ambitions they would have been destroyed by part-time work. There would have been no (sic) chance of advancement which fortunately I did not want. ...'
(Female, early 30s, Private Practice)

'In my opinion being female and (sic) having a career break due to pregnancy is a bar to promotion. My male counterparts who were admitted at the same time as me are mostly all associates or partners – what other explanation is there for this other than the fact that I was on maternity leave for 6 months and then worked part-time? Although I work (part-time) I have the same amount of files and fee targets as those working full-time.'
(Female, mid 30s, Assistant in Private Practice)

'Flexible working, career breaks, part-time working, time off for dependants etc is more applicable to women than men due to family commitments and is seen as a barrier to progression. This should be addressed as should the number of women in high level positions in medium and smaller firms in particular. The profession is seen as still fairly male dominated in spite of the numbers of women entering the profession.'

(Female, late 30s, Associate in Private Practice)

'I have never found any difference between the treatment of men and women in private practice, provided (sic) they both continue to work full time. Once women have a family, there is a huge difficulty for them mainly because of the number of hours they are expected to work and the inflexible nature of the work. Women who come back with a full-time nanny in my view would not be discriminated against. However women who come back and want to work less hours and more flexibly for a period, in my view, have considerable difficulty progressing on the career path. In my view solicitors' firms need to find a way of resolving this.'

(Female, late 30s, Salaried Partner in Private Practice)

'This is the third survey dealing with females in the legal profession in which I have participated since starting out in my legal career in 1978. Although over the years I have seen a gradual improvement in many aspects for female solicitors – such as flexible/part-time working hours – generally the number of female equity partners still remains very low. I was very lucky to have become an equity partner in 1983 but given I was 30 and the working day was very long, I decided to quit to start a family. I feel I am very lucky to have my current job with very flexible working hours but regret that my experience and expertise are not rated nor rewarded. ... Given my age and expertise I often find it difficult to get recognition when dealing with other practitioners because I am “only” an Associate as opposed to a Partner.'

(Female, early 50s, Associate in Private Practice)

'I hope career advancement is less restricted for the young women now entering the profession, and for those in urban practice. In rural areas, female partners are few and far between and I see little sign of changing attitudes. I appreciate career breaks (to look after children/elderly parents) mean some women have periods away or, for the same reasons, need to have flexible or part-time working, but my experience is that these women work very hard in the time they are in the office and will fit in extra (usually unpaid) hours around family needs and outwith standard office hours. [I have been told that I am] too old now to be assumed as a partner.'

(Female, early 50s, Associate in Private Practice)

On the other hand, some male respondents were apparently unaware of these issues, or had previously been unaware of them, or took the pragmatic view that , biologically, women were the ones who had to have the children.

'At the firms I have worked for I have never perceived a differentiation in treatment between men and women nor have I been aware of any complaints from female friends or colleagues.'
(Male, early 30s, Assistant in Private Practice)

'On balance, it has got to be easier for males to achieve promoted positions because ultimately females are mainly left with childcare responsibilities and consequently many females need to take lengthy career breaks, whereas men can work straight through for an entire career. However, as a male, I would like to see improvements in the law concerning paternity leave.'
(Male, early 30s, Local Authority)

'The answer to Q.37 & 38 suggests that perceptions and what is actually happening might be very different – I am not aware of discrimination but the figures indicate that far fewer females make partner position than males, cf the sex ratio of the employed staff.'
(Male, late 30s, Salaried Partner in Private Practice)

A lot of comments from male respondents, and from some women, stressed that career progression was entirely dependant upon the merits of the candidate. Some comments reflected the traditional view that it is just a 'matter of time' and possibly patience before women are represented in significant numbers in senior positions within the profession.

'An interesting questionnaire. The time and commitment needed to get to partnership level is very considerable and the amount of dedication needed seems not to be compatible with raising a family. It seems that the woman concerned has to be particularly talented to break the "glass ceiling". Let's hope more of them have the patience as well as the talent to keep trying.'
(Male, late 40s, Equity Partner in Private Practice)

'The essential feature now is that two individuals putting the same in will get the same out – including promotion – regardless of gender. So for most staff gender is an irrelevance – and this firm has women in corporate and litigation which are non-traditional areas.'
(Male, early 50s, Equity Partner in Private Practice)

'I do not believe that women are discriminated against in the profession although female partners have to be prepared to give the same commitment as male partners.'

(Male, early 50s, Equity Partner in Private Practice)

'Question 33 (dealing with perceptions about how many years after qualification a solicitor in private practice reasonably could expect to become an associate, a salaried partner, and an equity partner) is just daft – there is no 'norm'. It is up to the merits of the individual in the circumstances of the firm they happen to be in. To attach any weight to such answers will lose credibility. There is a historic dominance of males. I fear that the questions are drafted to generate a skewed view'

(Male, mid 50s, Equity Partner in Private Practice)

'In 21st century, I believe that any able experienced woman solicitor can succeed if she really wishes.'

(Female, late 50s, Local Authority)

'There is a long term change taking place in the profession, as elsewhere. When I was at university only 10% of my class were female. That has been changing to the point where it now seems to be more women than men coming through. The upper level positions are still mainly occupied by men but to my mind that is just because it takes time for anybody to work up to that level. The increased representation of women in the profession as a whole will gradually become reflected at the higher levels. What I very strongly oppose is the concept of "positive" discrimination. Ideally there should be no discrimination of any kind and talent should be encouraged to find its place.'

(Male, early 50s, Equity Partner in Private Practice)

The previous male respondent commented that there should be no discrimination of any kind and that talent should be encouraged to find its place. However a number of comments suggested that what might amount to discrimination could occur.

'I very much welcome this survey as I believe, notwithstanding my recent assumption as a salaried partner, that the glass ceiling for women in our profession is unacceptable. I am aware that the fact I am of child bearing age was a specific matter of discussion by my partners before I was appointed and also believe the fact I indicated I did not plan to have a family was relevant to my appointment. I also believe that part-time workers are routinely prejudiced against in this profession.'

(Female, early 30s, Salaried Partner in Private Practice)

'Inevitably childbirth interrupts work and only women are affected. Big organisations can accomodate this as can wealthier ones. Certain areas of law where the pattern is small firms and low remuneration, ie legal aid, are inevitably prejudiced by taking a woman of child bearing age. This

must have an effect on recruitment of women in those areas, even if only sub-consciously.'
(Female, mid 40s, Equity Partner in Private Practice)

'We have had recent experience of 3 solicitors in a single department being off on maternity leave at the same time. It is likely this will colour our views on male/female selection of future candidates for employment.'
(Male, 50s, Equity Partner in Private Practice)

Many male respondents took the view that a woman's situation is the product of positive choices which she makes and is not the result of direct or indirect discrimination.

'The questionnaire appears biased in seeking to generate responses which will support a view of discrimination against women. In my experience many women make their own choice not to work so hard as men – particularly after having children where their maternal instincts often make them want to have more direct involvement with their children.'
(Male, mid 40s, Equity Partner in Private Practice)

'We have few women partners but this is partly historic and partly women's attitude. For example, an associate with good prospects decided on marriage to follow her husband to his location. Q.39 is curious. What matters for becoming a partner is commitment (not the same as long hours); the ability to introduce and retain profitable work (does not have to be networking but it helps) and the ability to do added value work are key factors.'
(Male, late 40s, Equity Partner in Private Practice)

'I genuinely believe that opportunities are equally available now for men and women in the legal profession. Stereotyping may continue to leave the public with a different perception. Progression or a satisfying career entirely depends on which a candidate (male or female) really wants and on their skill set, enthusiasm and fit with the needs of a firm at a particular moment in its history. To equate a satisfactory career with partnership is not a good or current indicator. As a firm we have both male and females who do not see partnership as a desired goal and welcome the opportunity to have a legal career which focuses on the practice of law and does not include the management or financial commitment of partnership. Some find shorter hours or more flexible working arrangements (which in this firm does not exclude the possibility of partnership) enables them to achieve a better work-life balance or achieve other goals. Some women choose to take this opportunity to be more available to their children while some through choice or family circumstances as sole or principal breadwinner choose to follow the partnership route while others do not.'

(Male, late 50s, Equity Partner in Private Practice)

Two comments illustrate the differing perceptions that were apparent between the sexes in relation to career progression.

'I fail to see why my earnings are relevant in the position of equity partner. The gender split in our firm is approximately 60/40 across the firm (male/female). I seriously doubt whether any (sic) commercial law firm in Scotland discriminates on the basis of sex. It's about ability/profitability and the ability to generate new work (which does not mean networking on its own). There is also the question of choice. I see a trend towards high earning female lawyers making a lifestyle choice and cutting back their hours or taking less demanding jobs to get the life-work balance right. I would like to see more male (sic) lawyers do the same.'

(Male, early 40s, Equity Partner in Private Practice)

'Having worked as a lawyer at two of Scotland's major commercial law firms I have come to the view that it would be too difficult, due to long working hours and unpredictable work patterns, to maintain a work-life balance or achieve career progression at the same time as having children. My view is that motherhood is frowned upon in Scotland's commercial law firms.'

(Female, late 20s)

Many women did refer to the choices they had made or would make in relation to motherhood and their career. Some women were happy with the choices they had made, others less so. For some, the price of achieving a reasonable work-life balance was moving into sectors other than private practice and taking a drop in salary as part of the trade-off.

'I generally believe that women have equal opportunities in terms of pay and promotion in the profession where they choose not to have a family. I do not have a family and have encountered no barriers either before or since being made a partner. However I have many times seen a negative attitude displayed towards women who do choose to have families. If a woman leaves the office at 5pm each night to collect their children they are regarded by others (predominantly men but by some women too) as being 'part-time' workers and contributing less than others. Women who choose to have families prior to partnership seem to have difficulty in progressing further with their careers. This appears to me to be in sharp contrast with other professions (eg medicine) where women are encouraged to continue with their careers notwithstanding their desire to take time off to raise their children.'

(Female, mid 30s, Equity Partner in Private Practice)

'In general seems to me that many more female solicitors coming up through the ranks without any particular discrimination. However, do not have any experience of female solicitors taking career breaks to have children to be able to comment fully on general attitudes of firms, although I tend to think that this one matter still could hinder female's progression. However this may be as much their choice as that of their firm. It would be mine – I'd rather bring up my children and have time for them and be able to balance that with sensible working life.'
(Female, mid 30s, Assistant in Private Practice)

'My feeling about women in the profession is that the old perceptions are taking time to die off and for reality to shine through. ... I think that there is some bad feeling from women who do not have children versus women who do and sometimes men who feel that mothers have much better treatment than they do, but also many mothers who feel left out when they go part-time etc. I certainly know several women who, like me, would rather work in-house than be a partner in private practice where there are higher risks and in some firms a bit of a long hours hard culture.'
(Female, late 30s, Public Sector)

'Private legal firm refused request for part-time work. Decided sadly to leave private practice due to inflexibility towards working mother.'
(Female, late 30s, Industry)

'My view is that maintaining successful career progression as a married mother of children ... is very difficult in private practice. The demands are immense. Hence my decision to move into local authority – locally placed, flexi-time, time in lieu for courses attended and out of normal hours work – an environment conducive to having (and maintaining) a husband and children. The salary may not be the best but the other aspects are invaluable to me!'
(Female, early 40s, Formerly Private Practice, now Local Authority)

'Having answered all these questions, I believe that my employers have the systems in place to try to avoid discrimination. However, I am left realising that I cannot progress without putting in 'extra hours' be it working on my job or training for additional qualifications. Ironically this opportunity and encouragement to train puts more pressure on – ie without it you will not progress – an opportunity becomes a threat. I cannot/will not take more time out of my family life. By virtue of being a mother (sic) (ie not because I am female of itself) I feel unable to move on as others who are not. I do not believe that fathers have the same difficulty in 'switching off' from home time to allow progression. I accept this is my choice but do feel sad that I have to make that choice.'
(Female, early 40s, Sector other than private practice)

One female respondent set out her ideas on some steps which could be considered as a means of facilitating combining partnership status with motherhood.

'The females in the profession need to speak out to promote a change in culture. Hopefully this questionnaire will be a start. The male/female partnership ratio in my firm says it all. I accept that we are in a business sector which is client driven, therefore some compromises and flexibility have to be shown in terms of hours of work. However the profession needs to modernise its outlook in terms of what achievements are required to be a partner. At my firm the chargeable targets for associates and senior associates are significantly more than for partners. This is presumably because partners are expected to spend more time on marketing and practice development. Yet to become a partner a senior associate must also demonstrate significant practice development and managerial work (eg supervision). I have been told by a partner that to get on in the job you have to expect a 50-60 hour week. Of course for women this comes at a time (8 years PQE) when they might be starting a family. This is why I believe the profession should act as any other business does and divide up or properly recognise the ancillary parts of the job, rather than focus on chargeable targets with an obvious expectation that these will be met in addition to the fee earner networking, supervising etc! Why shouldn't there be managers and practice development leaders as for any other business? I am not optimistic about change because of the number of older, male partners with entrenched attitudes. I am sure there is a reluctance to embrace the need for change because there is a perception that change equals a softening of the rules and they do not see why others should have it 'easier'.'
(Female, early 30s, Associate in Private Practice)

Finally there were some, often quite strongly expressed, views from both men and women relating to the merits of the research, the impact of social legislation on small businesses (which of course many legal practices are) and whether or not discrimination against women exists.

'This questionnaire seems to ignore the existence of the considerable number of sole practitioners and two or three member firms and thus many of the questions are irrelevant and the problems of people in those firms are ignored. Consider for instance school holidays in such firms. One of the important aspects here is (sic) networking, but not for business but childcare.'
(Male, late 40s, Sole Practitioner)

'Since starting out I believe that there has been a slow change. Nowadays I can believe that some clients find/think having a female solicitor is an advantage – tend to be more organised, thorough, well

rehearsed in the law and less likely to take risks/ gung ho. I consider that your questionnaire is biased from the outset – and is likely to produce answers suggesting prejudice to females and has no counterbalancing features.'

(Female, late 30s, Salaried Partner in Private Practice)

'I have completed this (less salary questions) out of loyalty and obligation to the Law Society of Scotland. However, I put on record: I absolutely resent having to give any views or help form judgements on men v women at work. We are different – that does not mean one is better than the other by reason of gender, When I seek assistance in anything I look for the best person to advise me in my circumstances. Whether male or female is immaterial and, frankly, I am offended by the question. There are 3 bad types of people: 1) male chauvinists 2) feminists 3) namby pamby politically correct people who insist on thinking a 'difference' is the same as a 'division' and so creating conflict.'

(Male, late 30s, Consultant in Private Practice)

'In my view there is systemic discrimination still against women in the legal profession, whether in private practice or in industry. Those of us who do succeed pay a very heavy price in sacrificing our home and family life to put in long hours at the office as we still have to work twice as hard every nanosecond of the day to maintain credibility in a very macho, intimidating environment. We have to put in place very flexible and expensive childcare arrangements to provide us with 14 hour a day on call availability to our businesses. These childcare expenses are not tax deductible and paid out of salaries which are already lower than our male counterparts. We are expected to be grateful when we reach senior positions and not to rock the boat, not demand too much. So it's not plain sailing even if you transcend the "glass ceiling" as you are always skating on thin ice. Above all it is a very lonely place to be.'

(Female, mid 40s, In House/Industry)

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