Université de Montréal

Forsaking the Practice of Law:
A Case Study Among Non-Practising Female Members
of Le Barreau du Québec

par

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Forsaking the Practice of Law:
A Case Study Among Non-Practising Female Members
of Le Barreau du Québec

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SUMMARY

The strength of both the Canadian and Québec Legal Professions have been challenged recently. Significantly, there have been numerous issues encircling the legal profession which have been either surfacing, and which have been afflicting women who call Law their profession. Notably, the literature has confirmed that women within the legal profession are convincingly dissatisfied with the practice of law, due in part to the incessantly long hours and heavy workload correlated with this profession. The confrontation of obstacles such as scepticism on the part of clients, peers, and superiors, including the adversarial nature of particular areas of practice have been complained by women in the profession. Additionally, women who practise law have encountered difficulties advancing professionally to either partnership and/or judicial positions, while also being denied complete access to either rainmaking procedures and/or mentor alliances. Further, women in law have also been subject to particular attitudes and behaviours based on gender biases and stereotypes, including incidents of sexual harassment. Likewise, the counterbalancing of both a legal career and a family has proven extremely difficult for Canadian female lawyers, especially since there appears to be a lack of accommodation for family commitments within the realm of this profession.

Perhaps the most pivotal evolution that has been afflicting the legal profession recently has been the phenomenon of female lawyers who have been forsaking the practice of law. In light of this circumstance, I have decided to devote this postgraduate thesis to the concern of those women who have left the Québec Legal Profession, i.e., Le Barreau du Québec. Specifically, this thesis is a study of employment commitment and satisfaction among a case study group of eight (8) non-practising female members of Le Barreau du Québec, aspiring to determine the characteristics, factors, and reasons which have encouraged the decisions of these women to choose to forsake the
practise of law. I have hypothesized that women are no longer practising law due to a combination of the following nine (9) factors variables:

- *A general dissatisfaction with the practice of law*;
- *Areas of practice*;
- *Complications in attempting to advance professionally*;
- *A lack of access in the rainmaking procedure*;
- *A lack of mentor support*;
- *Incidents of gender bias and inequality*;
- *Sexual harassment*;
- *Challenges in balancing both a legal career and a family*;
- *The lack of accommodation for family commitments*.

Through the execution of case study involving semi-structured interviews of eight (8) non-practising female members of Le Barreau du Québec, I ascertained that the results of the case study are consistent with what has been specified in the literature review, including what has been written in the numerous studies committed to women in the legal profession. Systematically discriminated in numerous ways, women in the legal profession have encountered abundant predicaments and difficulties. What was indeed confirmed was that the practice of law is undeniably an arduous and dissatisfying profession to practise, especially for the female gender. The continuously prolonged work hours and massive workload that is attributed to the legal profession are both burdensome to accomplish and complete, especially for a women with familial obligations and responsibilities. A major predicament among the women interviewed was that the women shouldered overwhelming burdens regarding household and familial duties, where a stay-home spouse was rare. Therefore, the women confronted abundant economic, professional, and personal repercussions in attempting to counterbalance both a legal career and a family, ranging from a loss of seniority, clients, employment; to a testing of one's commitment to work; stress, and irregular hours. As a result, women have less time to devote to the legal profession *per se* and also to the high demand for billable hours compelled by the profession in order to become promoted to partner status. Further, the women interviewed were either not given the opportunity, nor were the women expected to
generate new business through the rainmaking procedure. As a result, promotion to partner status was unattainable for the women who comprised the case study group. Subsequently, I had expected that the women comprising the case study not to have been under the guidance of a mentor. In fact, antithetic to what was hypothesized, the women in the case study were in fact under the guidance of a mentor, as mentoring alliances were actually exercised in the law firms in which the women were employed. Where the intricacy lies is albeit the presence of these mentors, the mentoring procedure was characterized as worthless, ineffectual, futile, and barely worth the venture at all.

What was further disclosed was that the legal profession is barely accommodating to lawyer-mothers. Child-care; alternative work arrangements and schedules such as part-time work; flexible hours; parental leaves; leaves of absence; sabbaticals; job sharing, or even part-time partnerships are either entirely non-existent or scarcely offered to the women within the law firms in which the women were employed. To further complicate the predicaments encountered by women in the legal profession, the women sampled either perceived, and/or experienced incidents of gender bias and inequality vis-à-vis career advancement; partnership; remuneration; files and clients, including incidents of sexual harassment in the form of unwanted joking, teasing, or comments of a sexual nature.

While the results of the case study can not be interpreted quantitatively, the results can unquestionably qualitatively depict the difficulties and adversities tolerated by women in the legal profession. As more and more women aspire to pursue careers in law, and as the influence and impact of these members continue to enlarge the legal profession, it will become increasingly prevalent and consequential to continuously investigate the issue of women in the legal profession. Especially, it is essential to seek to retain women within this profession. Proficient female lawyers should not be forsaking the practice of law. Women in law have strived too hard to achieve equal
status in a profession entirely dominated by the male gender. Hopefully, through the execution of this case study (including its respective results), law societies across the country will realize that competent female professionals should not be leaving a profession abundant in promise, potentiality, and conviction. In order to preserve the ardent quality that currently exists within the legal profession (including the prosperous feminine presence within this occupation) incessant concern for women remaining and those who are choosing to forsake the profession must be accentuated.

It would be a prevarication to assert that change will occur all at once. Hopefully, this research will serve as a step towards an improved future for women in the legal profession. The less women encounter in terms of difficulties; scepticism; gender bias; harassment; obstacles vis-à-vis career advancement; denial in both the rainmaking and mentoring processes, and the more women encounter in terms of accommodations for familial responsibilities, and in terms of equality and fairness, the greater their job satisfaction and commitment within the realm of the legal profession.
RÉSUMÉ

La puissance de la profession juridique québécoise et canadienne se trouve présentement remise en question. En effet, plusieurs thèmes et points reliés à cette profession sont touchés par cette remise en question. La littérature confirme l'insatisfaction des avocates face à leur profession, insatisfaction causée par les longues heures de travail, l'ir régularité des horaires, ainsi que par la complexité des tâches à remplir. De nombreux obstacles, tels que le scepticisme des clients, des pairs et des supérieurs, face aux compétences des avocates entraînent ces dernières à se plaindre de leur situation. Les femmes pratiquant le droit se frappent à de graves problématiques lorsqu'elles songent à l'avancement de carrière, à moins qu'elles ne réussissent à obtenir le titre d'associée, ou encore, qu'elles fassent partie de la magistrature. Un nombre important d'avocates se voient refuser l'accès à la procédure du rainmaking, consistant à recruter de nouveaux clients. De la même manière, plusieurs d'entre elles dénotent une lacune au niveau du support, du soutien intégral qu'un mentor est en mesure d'assurer à un néophyte. Des témoignages indiquent aussi que les femmes sont sujettes à certaines formes de discrimination fondées sur le genre, ainsi qu'à partir des stéréotypes. Il est primordial de souligner que des cas d'harcèlement sexuel ont été signalés. La situation des avocates atteint des dimensions telles que ces dernières ne sont plus en mesure de concilier une carrière trop exigeante d'une part, et une vie familiale de l'autre, et ce, puisqu'il existe une absence de compromis envers l'engagement familiale au sein de la profession juridique.

Force est de constater qu'un phénomène dommageable frappe actuellement cette profession car un nombre élevé d'avocates abandonnent leur profession. Il serait donc pertinent de mener une étude sur l'abandon de la profession par les avocates qui œuvrent au sein d'une profession composée majoritairement d'hommes. L'abandon professionnel des avocates demeure préoccupant, et c'est pourquoi j'ai décidé d'étudier ce phénomène afin de découvrir les caractéristiques, les facteurs et les causes incitant ces femmes à ne plus exercer la profession.
d'avocate.

Mon hypothèse est que l'abandon de cette occupation résulte de la combinaison des neufs (9) variables suivantes:

- Un mécontentement général vis-à-vis de la pratique juridique;
- Les champs de spécialisation en droit;
- Les difficultés reliées à l'avancement au sein de la profession;
- Le manque d'accès dans au rainmaking;
- Le manque de support d'un mentor;
- L'inégalité et préjugés à l'égard du sexe;
- Le harcèlement sexuel;
- La difficulté à concilier la carrière d'avocate et la vie familiale;
- L'absence de flexibilité (de la profession) face à l'engagement familial.

Une étude de cas menée antérieurement, et comportant des entrevues semi-structurées auprès de huit (8) anciens membres féminins du Barreau du Québec, m'a permis de constater plusieurs phénomènes, ces derniers étant tous cohérents avec les données spécifiées par la revue de littérature et les écrits ayant les avocates en tant que sujet. Soumises à la discrimination systémique, les avocates ont été victimes de nombreuses situations défavorables, et de plusieurs obstacles complexes. L'exercice de la profession juridique est très laborieux, et ce, plus particulièrement pour les femmes. Les longues heures de travail, l'important volume de travail, les difficultés face à l'avancement au sein de cette profession, de même que l'inadéquation entre la vie professionnelle et personnelle sont autant d'aspects négatifs reliés au travail d'avocats. Ces mêmes facteurs sont la source directe de l'insatisfaction des femmes, dont les cas ont été analysés lors de l'étude mentionnée précédemment. La situation complexe de la vie professionnelle face à la vie familiale découle des responsabilités des avocates en milieu domestique, où un époux à la maison est plutôt rare. Par conséquent, les avocates ont vécu des difficultés ayant comme résultat une perte d'ancienneté; de clientèle; d'emploi; une mise à l'épreuve de l'engagement au travail; un stress accru ainsi que des heures irrégulières de travail. Tel que mentionnés auparavant, l'avancement
professionnel s'avère très rigoureux pour les avocates. L'admission à l'intérieur des réseaux traditionnels de relations publiques, ainsi que dans le processus du rainmaking n'est pas atteint sans obstacles, de même que les heures de travail trop longues lors du cheminement professionnel, et les arrêts de travail pour les congés de maternité et parentaux qui eux, se traduisent par des périodes d'absences déduites de l'ancienneté. En fait, l'investissement de temps jugé comme critère nécessaire au cheminement professionnel fait donc défaut aux avocates.

L'étude de cas révèle que, contrairement à mon hypothèse première, la procédure du mentoring était offerte à l'intérieur des cabinets où les femmes avaient pratiqué. En dépit de ce rapport protégée-mentor, les relations entre les avocates et leur mentor pourraient être qualifiées comme défavorables et d'inutiles.

Un problème tracassant pour les femmes, sur lequel portait l'étude de cas, était la complexité à concilier une carrière d'avocate et une vie familiale, puisqu'il n'existe guère de compromis envers cet engagement dans les cabinets où ces femmes pratiquaient. Le travail à temps partiel; des heures de travail davantage flexibles; des congés parentaux; le partage du travail; les titres d'associée à temps partiel; les absences autorisées; les congés sabbatiques et les soins aux enfants via les garderies n'étaient, soit aucunement ou très peu offerts aux avocates sous interrogation.

De plus, les femmes composant l'étude de cas avaient vécu ou été témoins, d'incidents reliés à l'inégalité ou à des préjugés en regard du sexe, et ce, qu'il s'agisse de l'avancement; de l'accès aux clients; de l'attribution de travail (des dossiers); de la rémunération, et de l'embauche. Les femmes ayant été victimes d'incidents impliquant un harcèlement sexuel l'ont, pour la plupart, été sous forme d'insinuations; de farces et de commentaires à connotations sexuelles.

Il est important de remarquer que les résultats fournis par cette étude de cas ne pourraient pas être interprétés quantitativement, mais pourraient dépendre les difficultés et adversités expérimentées par les femmes œuvrant au sein de cette profession. Avec l'accroissement du
nombre de femmes désirant poursuivre une carrière en droit, et puisque l'influence et l'impact de ces membres continuent de grandir au sein de la profession de juriste, il serait de plus en plus utile de se questionner sur la situation des avocates. Il va s'en dire qu'il est essentiel de conserver les femmes à l'intérieur de la profession, puisque les avocates ont déployé des grands efforts pour atteindre l'égalité au sein de cette occupation, autrefois réservée uniquement aux hommes. Suite à cette étude de cas, il serait pertinent que les associations juridiques réagissent conséquemment, et qu'elles prennent conscience que les avocates compétentes ne devraient plus abandonner une profession remplie de promesses et de convictions.

Il est à suggérer qu'il serait tout à fait nécessaire que des changements majeures soient apportés à l'intérieur de la profession juriste, afin d'harmoniser la vie personnelle et familiale des femmes qui pratiquant le droit. L'absence d'améliorations immédiates ne serait qu'une tergiversation à revendiquer. Il est à espérer que cette recherche servira à franchir une étape vers un futur prépondérant pour les femmes dans la profession juridique. La diminution, voire même l'abolition des difficultés; de l'inégalité et des préjugés à l'égard du sexe; du harcèlement et des obstacles face à l'avancement professionnel, jointe à l'augmentation des compromis envers l'engagement familial et à l'égalité ne peut qu'apporter une satisfaction accrue et un désir d'engagement pour les femmes oeuvrant à l'intérieur du domaine juridique.
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Laurie Kathleen Fox
Montréal, June, 1995

\(^\text{1}\) "If they ask me, I could write a thesis..."

\(^\text{2}\)
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INTRODUCTION

"The time will come in the not too distant future when women will win equal distinction with men on every phase of the practice of the law."\(^1\)

From an ambivalent outlook, one might be able to agree with the preceding citation written by Mary Applyby sixty-one years ago. According to the *Canadian Bar Association Task Force* (1993: 19) as of 1993, there were 59,310 lawyers in Canada. Precisely, 27.1% or 16,043 lawyers in Canada were represented by the female gender. Under an even more precise scrutiny, in the province of Québec 32% of all lawyers are represented by women. Furthermore, the female presence within the legal profession should increase as more than 48% of all third-year law students today in Canada are represented by women, and where 65% of the École du Barreau (bar admissions) students in Montréal were represented by the female gender in 1993.\(^2\)

What does all this mean? Is the glass half-full or half-empty?\(^3\) There is deduction for both optimism and pessimism within the realm of the Canadian and Québec Legal Professions. Notwithstanding this optimism, strength, and equality in numbers, there appears to be some discrepancy in Applyby's assertions. There is evidence that women in the legal profession have not won equal distinction in every phase of the practice of the law. The legal profession remains

\(^{1}\) These words were written by Mary Applyby, then a student at Osgoode Hall Law School in the student paper *Obiter Dicta* in 1934 as quoted in Mary Jane Mossman, "*Invisible’ Constraints on Lawyering and Leadership: The Case of Women Lawyers,*" *The Ottawa Law Review,* Vol. 20, No. 3, 1988, pp. 567-600, at 584.


\(^{3}\) This expression is applied by Cheryl Menkel-Meadow in her article, "*Change in the Legal Profession: Is the Glass Half-Full or Half-Empty?*" in *Gender Equality: A Challenge for the Legal Profession,* Conference of the Canadian Bar Association's Continuing Legal Education Committee and Task Force on Gender Equality, Toronto: October, 1992, pp. 1-28.
predominately male and women still represent a minority status far from any professional parity. As the proceeding literature review will demonstrate, evidence of inequality, gender bias, and sexual harassment have been reported by female practioners. Additionally, women appear to be segregated into secondary typical areas of law. In spite of the growth of female lawyers within the legal profession, it has been confirmed that women still face serious barriers towards career advancements, as they do not appear to be rising to partnership and judicial levels. Moreover, the present situation encountered by female lawyers is not facilitated by the dual and demanding obligations of a legal career and familial duties. It has been suggested that the influx of women into the profession has presented law firms with a unique set of challenges: parental leave, part-time work arrangements, and in some cases, on-site day-care. Work firms are known to be reluctant (especially during the present dismal economic climate) to adopt formal workplace policies that provide sufficient parental leave, flexible and/or fractional work schedules.

Perhaps the greatest problem that is presently surfacing in the Canadian Legal Profession

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4 The legal profession is still regarded as a profession largely dominated by men. According to Joan Brockman in *Encountering the Barriers and/or Moving on: A Survey of Former Members of the Law Society of British Columbia,* in Women in the Legal Profession: A Report of Women in the Legal Profession Subcommittee, September 1991, Appendix 1, pp. 1-45 at 6. [Hereinafter, *The Former Members Survey*] it is difficult to define what would be an appropriate proportion of women in the profession. It has been reported in The Report of the Task Force on Barriers to Women in the Public Service, Beneath the Veneer, 1990 at 11 that women comprise one-half of the Canadian population and close to 60% of the current Canadian labour force. Katherine Marshall, in "Women in Male-Dominated Professions," Canadian Social Trends, 1987 at 7 postulates that the legal profession still qualifies as a male-dominated profession according to Statistics Canada’s measure of a 65% or more male representation. As women currently comprise 27% of all lawyers in Canada, the legal profession can be classified as a *male-dominated profession*, as male lawyers in the Canadian legal profession comprise 73% of the profession, slightly over Marshall’s 65% criteria.

5 See for example Janice Mucalov in "The Flex-Timers," Canadian Lawyer, February 1991 who discusses the notion of part-time lawyers: "[Flextime] is a touchy topic that is gaining ground as lifestyle concerns overtake law’s gruelling 12-14 hour-a-day work ethic." Mucalov cites several arguments against the concept of part-time lawyering, including how clients don’t end up getting the attention they deserve; how lawyering skills fade and how part-time work is simply incompatible with the significance of the legal profession.
has been the proportion of women forsaking this occupation. This tendency has been highlighted in three studies and lies at the heart of this research analysis. As the Canadian Bar Association Task Force reports (1993: 51), in British Columbia, Alberta and Ontario, women were reported having greater attrition rates than their male peers. To date, such a deliberation has yet to be examined in regards to Le Barreau du Québec.

An examination of the departures of women from the legal profession is not only interesting facet, but a concern which should be examined since these departures occur within the context of a largely male-populated profession. Once perceived as the ultimate legal and professional career striving to realize good, this thesis is intended to demonstrate a comprehensive overview of the present situation and trends of women in the legal profession. Especially, particular emphasis will be initiated in explaining why women forsake the legal profession thorough the execution of a case study analysis.

Insomuch, this thesis will encompass six main chapters and three appendices. Chapter I will be devoted to a review of the past and current literature concerning women in the legal profession. Chapter II will deliberate upon the conceptual framework, intended to describe the current trends, predicaments and situations confronted by female practitioners in the 1990s. Further, Chapter III will concentrate on and outline the proposed research methodology. Chapters IV and V will reveal both the results and analysis of the case study respectively, followed by a conclusion recapitulated

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6 *The Canadian Bar Association Task Force, supra* note 2 at 51.


8 Laura Mansnerus, "Why Women are Leaving Law," *Working Women*, April 1993, pp. 64-68, 94-95, 104, at 64.
in Chapter VI. The questionnaires\textsuperscript{9} of the Non-Practising Female Members of Le Barreau du Québec that will explore my case study are located in both Appendices A and B. Subsequently, Appendix C will provide for other tables excluded from this research text. Finally, this research will end with a thorough bibliography of the literature on women in the legal profession and other related topics.

\textsuperscript{9} I note the plural sense of the word questionnaires as two identical questionnaires have been developed. One questionnaire has been developed in the English language and the other questionnaire in the French Language.
I

LITERATURE REVIEW

1.1. ANALYSIS

Within the Canadian Legal Profession, there is evidence of scholarly literature of studies that postulate that inequality exists within the profession. Many deliberations are committed to the female gender and the law, including their struggle for equality and acknowledgement. These studies were formulated to unveil the current predicament faced by women in the legal profession in order to facilitate solutions to the problems they encounter. Issues that vary from attitudes towards women in law school; the lack of any accessibility towards any professional advancements and promotions; lower and disproportionate incomes; dissimilar career patterns and incidents of sexual harassment have all been scrutinized by many distinguished researchers. Insomuch, I have chosen thirteen studies to encompass this literature review. In my opinion, the studies chosen

enclose an array of the current predicaments confronted by women within the profession. The literature review shall be divided into two sections. The first section will be devoted to those studies reflecting women in the legal profession. In the second section of the literature review, concentration on those studies accentuating the issue of women forsaking the legal profession shall be proposed. The order of these studies chosen will begin with the 1970 precursory study of women in the Canadian Legal Profession conducted by Cameron Harvey. The literature review terminates with the most recent study of women in the Québec Legal Profession, accomplished in 1992 by Le Barreau du Québec. Other studies conducted on women in the Quebec and Canadian Legal Professions have not been chosen. Due to both spatial limitations and the fact that not all of these studies are relevant to my subject matter at hand, some studies have been consequentially omitted.\textsuperscript{11} It is hardly no coincidence that the literature is acknowledging and perceiving the

differences of women in the profession at a time when the notion of equality and the law has come to recognize them. Strengthened by their presence in the profession, women are pursuing justification in the work environment to better accommodate the manner in which they hope to live their lives. Consequently, the following chapter is devoted entirely to some of the more prominent studies that have been accomplished.

1.2. STUDIES REFLECTING WOMEN IN THE LEGAL PROFESSION

*Harvey* (1970)

The first deliberation to be examined is Cameron Harvey's 1970 examination entitled *Women in Law in Canada*. Cameron Harvey's intent was to examine if discrimination within the legal profession existed.\(^12\) Harvey noted that the majority of women surveyed raised the following grievances:

· Within the profession itself, there existed a perception of prejudice against women lawyers in some form or another.

· In regards to obtaining a first job or position of employment, women faced a more demanding course than their male counterparts.

· Women had to prove themselves to a far greater magnitude than male lawyers.

· Women were the recipients of unequal remuneration and experienced unequal advancement in comparison to the males sampled.

· A majority of the women felt that they were never taken seriously.

· A conventional tendency within the profession was to *pigeonhole* women into certain, more routine areas of work.

Harvey provides possible explanations as to why women face these general sentiments. The sentiments include a male viewpoint that women will not endure the profession for an extended period of time; men tend to be very meticulous towards females colleagues, almost ready at any point to correct them of any flaw, and that women are supposedly illogical when practising within the profession.

Albeit that Harvey's study was conducted almost a quarter of a century ago, these perceptions towards women in the legal profession continue to persist in some form or another. Perhaps the magnitude is not as stringent, but similar beliefs are existent today. This affirmation shall be illustrated further in the studies I will examine.

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\(^{12}\) Harvey, *supra* note 10.
Silver-Dranoff (1972)

The purpose of this study conducted by Linda Silver-Dranoff was to scrutinize whether female lawyers in Toronto where in fact taken seriously by society in general, and if women were appraised in the same manner as their male counterparts.\textsuperscript{13} What Silver-Dranoff discovered was that women were in fact segregated into certain areas of law deemed suitable to the female gender such as Family Law and Wills and Estate Law.

Silver-Dranoff asserts that women practising in this realm are employed within an appropriate area of law because women are "supposed to bring personal warmth to working with widows and orphans."\textsuperscript{14} Due to the fact that women possess qualities associated with compassion, nurturing and fostering, it would appear that women are deemed best suited for this particular area of law. Silver-Dranoff also reported a lack of female presence in Civil Litigation and Criminal Law. She confirmed that a general consensus existed whereby women in law were employed in a masculine field of work, and that women female lawyers did not possess the necessary male dexterity (\textit{i.e.} an aggressive personality) that is imperative to the legal profession.

Moss Kanter (1977)

Rosabeth Moss Kanter has written thoroughly of the structural constraints within managerial organizations which systematically excludes women from promotions and advancement in her book, \textit{Men and Women of the Corporation}\.\textsuperscript{15} Moss Kanter conducted a major study of the organizational structure of a large American company in the 1970s, in which the results of the study were extrapolated in order to examine the legal profession. Coincidentally, Kanter analyzed the

\textsuperscript{13} Silver-Dranoff, \textit{supra} note 10.

\textsuperscript{14} \textit{Ibid.}, at 182.

\textsuperscript{15} Moss Kanter, \textit{supra} note 10.
notion of limited opportunity and aspirations of women within the profession.

Moss Kanter noted that women face many problems in the legal profession, analogous to women in any other profession. Additionally, the author discusses the issue of tokenism and how women can be classified as tokens in the legal profession due to their inferior proportionate representation as lawyers, partners and judges in comparison to their male counterparts. Moreover, Moss Kanter examines how tokens are associated with three perceptual tendencies: visibility, contrast and assimilation.

**Spurr (1986)**

The principal objective of Stephen Spurr's study was to determine whether the promotion of female lawyers differed from that of male lawyers in the United States. Spurr placed great inquiry in disclosing whether or not a discrimination against women in regards to promotion towards partnership elevation existed in major American law firms between 1963 through 1980. Specifically, Spurr analyzed two groups of female lawyers, those from two different cities at two different points in time. What Spurr discovered was that the requirements essential for promotion to partnership were between 50-75% higher for women than men. It must be accentuated that there was no significant difference in factors such as laws school achievements and productivity vis-à-vis partnership attainments. What is important to retain from this study was indeed a confirmation of discrimination against women in American legal careers and progression.

Spurr believes that discrimination towards women is a possibility for their failure to elevate to partnership status in contrast to men. In regards to women having to achieve higher standards than men, it could be justified that firms are apprehensive in elevating women to partnership levels for concern that she will leave the firm in order to raise a family. Consequently, the firm loses

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16 Spurr, supra note 10.
out on essential capital and business. One could postulate through the results of Spurr’s study that women are indeed disadvantaged in regards to elevation towards partnership levels.

*Donovan (1988)*

Georgetown University Law Professor Kathleen Donovan studied the failure of American women lawyers to attain partnership statuses in significant numbers. The conclusions of her study proposed five possibilities that assist to explain this insufficiency:

- Discrimination due to gender;
- High attrition rates;
- Rainmaking;
- Difficulty with mentors/sponsors;
- Stratification.

Discrimination due to gender exists within the legal profession, most probably hindering a woman’s chances in being elevated to partner. This affirmation has already been confirmed by Spurr. From a Canadian perspective and context, the results of a Canadian Lawyer Magazine survey conducted in the Summer of 1987 of eighty (80) law firms across Canada confirmed that women were victims of inequity in regards to elevation to partnership. Furthermore, the various bar association studies (that are to follow) have confirmed that women were overwhelmingly under-represented in partnership levels; faced difficulties in attaining partnership statuses and/or were discriminated within this regard.

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17 Donovan, supra note 10.

18 Please refer to May, supra note 11. The results of May’s analysis ascertained that over 40% of first and second year associates believed that occasional discrimination in the promotion of female associates to partner positions was present within their law firms. Close to 15% of associates felt that discrimination was either frequent or always present when up for partnership. Law firms located in the Western provinces scored the worst levels of discrimination, with 65% of associates in Vancouver and 60% of those in Calgary noting discrimination when up for partnership. The city of Toronto was near the national average of 40% of the associates believing that discrimination was prevalent in regards to elevation to partnership. The city of Montreal scored the best record of 30% of associates asserting that there was a discriminatory restriction for women when up for promotion.
Couric (1989)

In the Fall of 1989, The National Law Journal West Publishing Company surveyed 2,979 female lawyers who worked in fifty-six (56) large law firms in thirteen (13) of the largest cities in the United States. The chief objective of the survey scrutinized three issues:

- Sexual harassment;
- Professional work experiences;
- Personal viewpoints.

A majority of the women reported experiencing unwanted sexual attention of some form. The most prevalent form of sexual harassment perpetrated was that of unwanted sexual teasing, jokes or remarks. The origins of this sexual harassment were equally divided among superiors, colleagues and clients.

The women surveyed admitted to facing difficulties in regards to job opportunities. The survey’s results also found that the female attorneys faced difficulties in obtaining a mentor. Moreover, the women surveyed sacrificed personal milestones and professional offers due to such a demanding career, including less time with spent friends, family; delays in child-bearing; slower career advancements decisions between marriage and employment.

The Law Society of British Columbia (1990)

The 1,873 members of the Law Society of British Columbia were surveyed in 1990, hoping to untangle the general perceptions of a possible gender bias against women in the British Columbian Legal Profession. Imperatively, four problem areas were brought forth:

- Gender bias and inequality;
- Career mobility;
- Juggling a legal career and familial responsibilities;
- Sexual harassment.

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19 Couric, supra note 10.

Female practitioners in British Columbia were indeed subject to gender bias. Conversely, in contemplating the results of the possibility of discrimination against men in the profession, the majority of the respondents felt that no discrimination existed towards men. A bias against women indicated complexities vis-à-vis career advancement or elevation to partnership status. According to both genders, a greater proportion of the women than the male gender observed reported hiring as a milieu of gender bias against women.

A majority of the women felt there was a lack of accommodation for family commitments. Additionally, the women noted several consequences as a direct result of having children since entering the legal profession. The three most significant repercussions were stress from competing demands; loss of income and the testing of commitment to work. It was also discovered that women were also those who spent more time on average on child-care and chores at the home, while male lawyers spent inferior hours per week performing the same functions. Female members admitted to observing, or even experiencing women lawyers as subjects of sexual harassment, unwanted sexual advancements by other lawyers; comments; teasing or jokes of a sexual connotation.


The foremost objective for the Law Society of Alberta was to investigate the perception of discrimination within the Albertan legal profession. Particularly, the 1991 survey's main emphasis was to confirm whether or not its female practitioners were susceptible to gender bias and distinction. A majority of the lawyers surveyed reported a bias against women in the Alberta Legal Profession. The nature of this bias towards women overspreads many dimensions, including career opportunities, the elevation towards partnership and child-care commitments. Additionally, women have confronted many consequences as a result of having children, including stress from

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competing demands; loss of income and testing of a commitment of work.

The Alberta women also noted a lack of adequate accommodation for family commitments. Moreover, the Alberta Law Society also faces sexual harassment against its female practitioners. Unwanted teasing, jokes and comments of a sexual nature were reported by the women.

The Law Society of Upper Canada (1991)

In 1990, lawyers from the past fifteen (15) years of Bar Admissions (1975-1990) of the Ontario Legal Profession were asked to participate in a survey in order to accumulate applicable information about the relationships between men and women and work variations. Foremost emphasis was placed on entries and departures from private practice; areas of practice; changes in work settings and the main reasons for leaving the profession.

In terms of fields of law practised, differences exist between both genders. Again, women were reporting practising most of their legal time in Family Law. In the examination of elevation to partnership, respondents were asked if in fact they were partners, including the amount of time it took these practitioners to achieve such status. What was deciphered was that Ontarian women were under-represented in regards to partnership status. It also took male lawyers a slightly shorter time to realize partnership status than the women sampled. Additionally, the question of household and child-care were examined. On average, female respondents reported a greater proportion of the responsibility for child-care themselves than their male counterparts.

The next major area of concern was an examination of the respondents personal experiences of discrimination. Most experiences of discrimination were of a sexual nature reported by a majority of the women, usually in the form of sexual harassment.

Finally, another area of concern investigated by the Law Society of Upper Canada was the

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22 Transitions, supra note 10.
contemplation of departures from the Ontario legal profession. Women are inclined to be over-represented in this regard. The report disclosed that women represented 32% of suspensions over the past five years and represented 66% of temporary absences over the past two years alone. The reasons specified by the females for forsaking the profession were several. These reasons included a general dissatisfaction with the practice of law, attributed to the long hours of work and stress correlated with the profession. Additionally, the women reported how the prestige of the legal profession had deteriorated due to the a negative perception and the adversarial nature of the profession. Other reasons for leaving the profession included the necessity to take time off to attend to young children; the lack of career opportunities that existed within the profession, and improved career opportunities elsewhere.

Ross et als. (1992)

This case study explored the occurrences of gender discrimination and inequality tolerated by the female graduates of the University of Alberta Law School in 1979.\footnote{Ross et al., supra note 10.}

Many illustrations of gender bias have influenced the careers of many of the women evaluated. Particularly, the women stated differences in treatment by their clients, claiming that they were not taken as seriously as a male lawyer. The women also claimed that they had to prove themselves to a much larger degree than their male parallels. Many of the women examined also felt condescended by their fellow senior lawyers. Moreover, the women felt that they were presumed to play a secondary, subordinate role within the profession, feeling as though they were in the background assisting senior lawyers. As well, many of the women claimed that the legal profession was extremely adversarial and belligerent.

Promotional projects posed a vast dilemma for the women sampled. Insomuch, promotional
activities were male-oriented. In order to ascend to the pinnacle of the profession, commitment to male-clubs was necessary. For the women however, admittance into these clubs was inconceivable.

Many of the women faced both overt and covert discriminatory treatment within the profession, as the women unanimously asserted that their was an inadequacy for any possibility for part-time work arrangements. Most women admitted that they did not achieve any success within the profession, as very few women realized elevation to partnership or even positions of influence.

*Le Barreau du Québec (1992)*

Le Barreau du Québec's principal objective was to expose the working conditions within the profession during the past five years. In recognizing such problems and predicaments that did exist, Le Barreau du Québec aspired to apply possible solutions in assisting women in order to alleviate these problems.\(^{24}\) Of particular interest are the following typical conclusions, characteristic of the predicaments confronted by women in the legal profession:

**Gender biases:** A great majority of the women reported gender biases in the form of challenges with male colleagues; career progression; parental conditions; relationships with judges; relationships with clients; salary and remuneration; job opportunities; sexual harassment and social advantages.

**Changes in the profession:** For a large majority of the women, their employment situation within the profession had not changed whatsoever over the past five (5) years in regards to hiring policies; relationships with male colleagues; judges and clients; parenting; general work conditions and career advancement.

**Sexual Harassment:** A significant proportion of female lawyers reported being victims of

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sexual harassment. The more common enforcers of sexual harassment reported were those triggered by a work colleague; by a superior, including those who experienced insinuations; sexual advancements and subtle tactics.

**Career Progression and Advancement:** A concentrated proportion of the women surveyed maintained to have personally experienced difficulties in regards to career advancements over the past five years. These problems were strongest among those with children versus those who were childless. Over 40% of those facing these predicaments claimed difficulties in advancing within the legal corporate ladder. Among the most notable and common difficulties noted related to this regard are attributed to family demands and commitments; preferences for the male gender; long and tedious hours; the lack of any form of progression at all, and child-planning.

**Evolution within the Profession:** The situation faced by female lawyers within the legal profession does not appear plausible that it will change according to a majority of the women surveyed.

Similar to the results confirmed by Silver-Dranoff's inquiry, the Ontario *Transitions* deliberation and by sociologist Moss Kanter, Québec practioners appear to be clustered around Family Law and Juvenile Law. Within the realm of this question in the Québec study, the women were offered the possibility to choose (should the need have been) a response categorized as "*n'exerçent pas.*" Translated into the English language, this phrase implies those women who are no longer practising law. Of the 1,881 women who returned answered questionnaires, 17% or 320 women responded that they were no longer practising law. Of all possible choices listed within this particular question, the choice no longer practising law was the second most cited response. The survey fails to address this concern. Due to the lack of research and analysis of women leaving the profession in Canada and Québec, my research will concentrate on this phenomenon.
1.3. STUDIES REFLECTING THE DEPARTURES OF WOMEN IN THE LEGAL PROFESSION

*The Former Members Survey of British Columbia* (1990)

The purpose of this survey deliberation conducted by Joan Brockman for the Law Society of British Columbia in 1990 was to examine the phenomenon of lawyers forsaking this respective law society. Statistics have shown that women are leaving the profession in greater proportions than males.\(^{25}\) In constructing this deliberation, Brockman sent out questionnaires to all those former members of the law society who had not renewed their practice certificates from January 1988 to July 1989.

For the deliberation, Brockman emphasized the following statistics in order to draw comparisons between the recent increases of women into the profession and developments of departures within the Law Society of British Columbia:

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· As of 1990 (when the survey was initially launched) 1,388 of the Law Society of British Columbia's 6,571 members, or 21.1% of all British Columbian lawyers were represented by the female gender.

· Within the four year time frame between 1986 through 1990, the number of female lawyers within the law society increased by 58%. Meanwhile, the number of male practitioners increased by merely 12%.

· As such, between 1986 and 1990, women represented 46.9% of the total growth of membership within the Law Society of British Columbia.

· In 1990, the average yearly attrition rate for those called to the Law Society of British Columbia between 1974 through 1988 was 23% for the women, versus a significantly lower 13% male representation.
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A summary of the main findings Brockman discovered in this study can be recapitulated below found on the next page in Table 1.

\(^{25}\) *The Former Members Survey, supra* note 4.
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<td>REASON</td>
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<td>Society fees</td>
<td>71%</td>
<td>Society fees</td>
<td>69%</td>
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<tr>
<td>Nature of work</td>
<td>44%</td>
<td>Nature of work</td>
<td>49%</td>
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<tr>
<td>Hours</td>
<td>35%</td>
<td>Better position outside law</td>
<td>45%</td>
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<td>Low pay</td>
<td>33%</td>
<td>Low pay</td>
<td>41%</td>
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<td>Lack of flexibility</td>
<td>32%</td>
<td>Lack of advancement</td>
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<tr>
<td>Child-care commitments</td>
<td>30%</td>
<td>Lack of flexibility</td>
<td>32%</td>
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<td>Better position outside law</td>
<td>27%</td>
<td>Hours</td>
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<tr>
<td>Loss of employment</td>
<td>22%</td>
<td>Loss of employment</td>
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<tr>
<td>Lack of advancement</td>
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<td>Child-care commitments</td>
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Both genders cited similar and dissimilar reasoning for forsaking the profession. Similarly, the two main reasons for not renewing their memberships within the Law Society of British Columbia for both genders was due to *law society fees* and the *nature of work* characterizing the legal profession. Some of the respondents noted that the long and irregular hours made it impossible to conduct an ordinary and personal life. Additionally, the adversarial nature associated with the legal profession was cited by a great majority of the respondents as a relevant decision not to renew their Bar memberships. *Low pay* was a factor for forsaking the profession for 33% of the women and 41% for the men sampled. A *lack of flexibility* within the profession as a reason for departing from the profession was cited in identical proportions for both genders (32% for women versus 31%
for the males). *Child-care commitments* pushed 30% of the female respondents out of the Law Society of British Columbia, whereas a moderate 9% of the males sampled reported child-care commitments as a reason for forsaking the profession. Of the more specific reasons cited by the women were not being able to procure part-time or flexible work within the profession, while others simply left in order to attend to their children. A higher percentage of men cited *improved career opportunities* than women as a reason for abdicating the profession. Women cited the *hours* attributed to the legal profession in a greater proportion than the male gender (35% for the women and 23% for the males). Identical percentages were reported by both genders vis-à-vis *loss of employment*, as 22% of the women and 21% of the men were no longer practising law in British Columbia within this regard. Finally, the *lack of opportunity for advancement* was an influential factor at double the rate for the males than the females as 40% of the men who left the profession and 18% of the females cited this reason for leaving the Law Society of British Columbia.

*Wallace* (1991)

A precursory to her doctoral dissertation entitled *Employee Attachment Among Law Firm Lawyers: A Study of Organizational Commitment and Intent to Stay*, the purpose of this exploratory study was to discover the causes as to why Calgary lawyers choose to leave their places of employment. Intrigued by the increasing evidence of legal practitioners who have been quitting their employment and the profession, Wallace hypothesized that this exit of lawyers was correlated with work conditions due to decreased job satisfaction and commitment to their law firm. Wallace clarified that the loss of job satisfaction and commitment were caused by factors related to the

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workplace, including unmet job expectations, lack of promotional opportunities and a lack of control over one’s employment and tasks. Of the over eleven hundred returned questionnaires sent to all members of the Alberta Law Foundation, Wallace’s survey was conceived to accumulate information about the characteristics of lawyers’ workplace and attitudes to these conditions. Moreover, the data generated through the inquiry allowed for an indication of the characteristics which affected lawyers’ job satisfaction, organizational commitment and ultimately, their determination to remain employed. Of the more portentous discoveries, Wallace confirmed that:

• The majority of the Calgary lawyers practising law were employed in law firms of varying size, followed by independent practitioners and lawyers employed in corporations or government offices.

• The average length of time Calgary lawyers have worked in the profession was approximately eleven years and in current organization was approximately seven years.

• Law firm lawyers were more committed to the legal profession than the government or independent practitioners.

• Overall, Calgary lawyers experienced relatively low routinization (i.e., the degree to which a job is highly repetitive) and moderate workloads (i.e., the degree to which the amount of performance required in a job is excessive).

• Regression analysis concluded that job satisfaction and organizational commitment (i.e., the degree to which an employee is emotionally attached to the employing organization) had significant effects on a lawyer’s decision to remain employed in the law. This conclusion confirmed Wallace’s hypothesis that the more satisfied lawyers are with their jobs, the more committed they will be in their organization and likely it is they will decide to stay.

• Routinization of job tasks had a negative effect on job satisfaction, as the more routine or repetitive the work exercised, the less satisfied lawyers were with their jobs.

• Autonomy (i.e., the degree to which a job provides freedom, independence and discretion to the employee in making decisions associated with his/her work) and promotional opportunities (i.e., the degree of upward mobility within the employing organization) had positive effects on job satisfaction, as the more autonomy and promotional opportunities bestowed to lawyers, the more satisfied they were with their employment.

The implications that these findings had for lawyers working in Calgary as recapitulated by Wallace are as follows:
· *Job satisfaction* and *organizational commitment* had a very strong and positive effect on a lawyers' decision to remain in the legal profession.

· *Social support* from coworkers (i.e., the degree to which emotional support and understanding are provided by an employee's co-workers) contributed to *organizational commitment*. Positive feedback, support and encouragement from coworkers built positive, personal attachments, thus enhancing organizational commitment.

· *Job security* (i.e., the degree to which an employee feels that his/her employment situation is stable) had a positive effect on lawyers' organizational commitment, as the more secure lawyers were in their jobs, the more committed they were to their employment organizations.

· *Job opportunity* (i.e., the availability of alternate jobs outside an employee's current place of employment) had a relatively weak, yet significant effect on a lawyers' response to work.

In this deliberation, Wallace aimed to explain the variables that were likely to cause a lawyer to remain at their current employment and within the profession. It has been discovered by Wallace that both *job satisfaction* and *organizational commitment* had perhaps that greatest effects on a lawyers' decision to remain in the Alberta legal profession.
1.4. SYNTHESIS

The preceding literature review has highlighted some of the more prevalent deliberations that have been devoted to women in the legal profession. The literature encompassed two integral sections. The first section presented a series of studies devoted to women in the legal profession. The second section of the literature review contemplated the notion of women forsaking the legal profession. The concerns that were confirmed were abundant, varying from attestation of inequality, gender biases and sexual harassment. It has also been ascertained that Canadian female lawyers have confronted constraints and restrictions towards advancements and promotions to partnership. Additionally, it has been corroborated that many female advocates have faced complications in balancing both a legal career and familial responsibilities. Coupled with this situation is the confirmation of a deficiency of work accommodations in order to assist in equalizing this imbalance.

It has also been confirmed through the literature review that women appear to be forsaking the legal profession in perplexing proportions. Despite the variety of problem areas outlined and substantiated from the literature review, one dominant and disturbing conclusion seems to take precedent. It would appear as though there is a serious problem of gender bias against women that is plaguing the legal profession, preventing women from benefitting from an equal integration and participation in the responsibilities and advantages of such a profession. The issue of departures from the legal profession (and its rationalities correlated with this recent phenomenon) has been examined in a very limited manner and it is for this reason that further research is required in order to address the exploration of the causes and the decisions of women who have chosen to forsake the practice of law.
II
CONCEPTUAL FRAMEWORK

2.1. INTRODUCTION

In this second chapter, I will expose and define all possible variables that can be attributed and linked to women forsaking the legal profession. These variables have been subsequently extrapolated from the literature review and other related sources. An examination of all the variables associated with women forsaking the legal profession is imperative, executed in order to fully evaluate and scrutinize the possible reasons surrounding female departures from the profession.

In this conceptual framework, specific factors relative to an individual employed within the legal profession such as a general dissatisfaction with the practice of law; areas of practice; professional advancement; rainmaking, and mentoring shall be postulated and hypothesized as specific independent variables which can be linked to departures from the legal profession. Further, general variables such as gender bias and inequality; sexual harassment; the balancing of both a legal career and a family, and a lack of accommodation for family commitments are also hypothesized independent variables that can cause women to forsake the practice of law, the dependent variable in this research.

To end this conceptual framework, I will contemplate and deliberate upon the notion of systemic discrimination, a phrase that can come to summarize and characterize both the predicaments faced by women and the structure of the Québec Legal Profession.
2.2. SPECIFIC INDEPENDENT VARIABLES ATTRIBUTED TO WOMEN FORSAKING THE LEGAL PROFESSION

A General Dissatisfaction with the Practice of Law

The first factor which can be attributed to women forsaking the legal profession can be characterized as a general dissatisfaction with the practice of law. I believe that this factor acts as a relevant independent variable, as in both the Law Society of British Columbia Former Members Survey (1991) and Wallace’s 1992 examination, a general dissatisfaction with the practice of law was a significant factor in explaining a lawyer’s decision to forsake the practice of law. For the purposes of this particular research design, I will incorporate and utilize both Wallace’s definition of satisfaction\(^{28}\) and the Law Society of Upper Canada’s definition of dissatisfaction with various aspects of legal work.\(^{29}\) Dissatisfaction with the practice of law will be characterized as the degree to which a lawyer dislikes various aspects of her legal work, encompassing hiring; occupational tasks; hours of work attributed with the practise of law; workload; job security; income; prestige of one’s work; weight in decisions; balance with personal life; control over work; employment benefits; work and professional relations with male and female colleagues, superiors, judges and support staff. Not every lawyer who has practised within the legal profession has experienced the same sentiments and satisfactions vis-à-vis their experiences within the legal profession \textit{per se}.\(^{30}\) Much dissatisfaction

\(^{28}\) Wallace, \textit{supra} note 7 at 152.

\(^{29}\) \textit{Transitions, supra} note 10 at 66-70.

\(^{30}\) Of notable interest, Mary Otvos in her article entitled "\textit{Why I'm Leaving the Law}," \textit{Canadian Lawyer}, February, 1992, pp. 12-14, provides a candid, sobering personal account of her experiences as a Toronto Bay Street lawyer. Otvos corroborates that the reasons why she chose to forsake the legal profession were related to a general dissatisfaction with the practice of law. Realizing that the profession almost "... [a]bsorbed most of her daily life, and robbed her of her personal identity," Otvos ultimately feared that, as she described, "... [m]y entire soul would be swallowed up." Additionally, David Berreby in his article entitled "\textit{Turning Away from the Law}," \textit{The National Law Journal}, Vol. 4, No. 49, Monday August 16, 1982, pp. 1, 8-9 at 1 cites that lawyers choose to leave the legal profession due to a general dissatisfaction with the practice of law, claiming "... something
from the literature review has been cited, including the long hours, workload, pressures, stress and strains\(^{31}\) correlated with the legal profession have formulated a general dissatisfaction with the practice of law among lawyers in this occupation. As well, many lawyers have affirmed their dismay and disappointment in the loss of prestige within the profession. Insomuch, numerous lawyers have specified that the public perception of the legal profession has become increasingly negative. Furthermore, many practitioners have criticized the style of the practice of law, or the adversarial nature of the profession. Many lawyers have condemned the lack of opportunity for advancement within the profession.\(^{32}\) In the British Columbia Former Members Survey, many of the former is wrong with the practice of law."

\(^{31}\) The stress that surrounds the legal occupation has raised consideration within the last decade. Suzanne C. Kobasa in her publication entitled "Commitment and Coping in Stress Resistance Among Lawyers," *Journal of Personality and Social Psychology*, Vol. 42, No. 2, 1982, pp. 707-717 investigated the stress resistance of 157 general private practice lawyers. What Kobasa ascertained was "... a significant link between lawyers' stress experiences and complaints of symptomatology." In simple lay person's terms, Kobasa discovered that lawyers do suffer from extreme levels of symptoms of stress and strain, including: heartburn; headaches; dizzy spells; anxiety attacks; shaky hands; crying spells; hyperventilation, and depression. Moreover, Kobasa discovered that the lawyers she interviewed dealt with their stress in very deleterious manners, including by becoming increasing angry; by drinking and smoking more; to dependence on medication, and to even withdrawing physically from the situation.

More recently, Janice Mucalov in her article entitled "The Stress Epidemic: Succumbing to the Pressures of Practice in the '90s," *Canadian Lawyer*, May 1993, pp. 18-20, at 18 confirms the stressful reality encountered by legal practitioners generated by the excessively long hours demanded by the profession; fear of job loss and client competition. This stress creates what Mucalov asserts as "... a pressure cooker at full boil just waiting to explode." The consequences of stress Mucalov confirms are not modest outcomes such as chain smoking, headaches, nervous stomach or sleep deprivation. The consequences are far more cataclysmic, including heart attacks; ulcers; nervous breakdowns; drug and alcohol dependencies; dropping out of the profession, to even as drastic as suicide.

\(^{32}\) Interestingly, the results of a 1980 study conducted by the American Bar Association's Younger Lawyer's Division (recapitulated in Mansnerus, *supra* note 8 at 66) reported that over 40% of its 2,750 members claimed that they were dissatisfied with their employment in the legal profession. Reasons cited included that long hours attributed to the profession; the repetitive and adversarial nature of their work, and denied promotional opportunities to partnership. Exactly one decade later, Mansnerus authenticated that the American Bar Association's Younger Lawyer's Division confirmed that lawyers were even more despondent and dissatisfied with the practice of law since the 1980 deliberation. In the Mansnerus deliberation, nearly 41% of the females surveyed
members were disappointed with remuneration. The economic compensations of the legal profession were cited as low by many when compared to the investment in education, the potential liability and required investment in a law practice. Additionally, many lawyers have stipulated dissatisfaction in their work relationships with other colleagues, especially women with regards to their working relationships with male colleagues and superiors. Some of the specific dissatisfactions include prejudices and discrimination against female practitioners within the profession; a lack of confidence attributed to female lawyers; harassment in the form of teasing, or remarks uttered by male lawyers and judges towards the females, and also condescending attitudes of male lawyers and judges towards female lawyers.

Areas of Practice

Another realm in which women in the legal profession have been disadvantaged and which could quite possibly be an indicating factor as to why they are choosing to relinquish the profession can be attributed to the areas of practice characterizing the legal profession.

It should be emphasized that the range of possible career paths in the legal profession is particularly vast. A new member of the Bar can presumably elect to choose among Civil Law; Contract Law; Constitutional Law; Corporate/Commercial Law; Criminal Law; Family Law; International Law; Legal Aid; Real Estate Law; Tax Litigation; Wills and Estate Law, etc. In essence, the law is stratified as different kinds of legal work attract and select lawyers from different groups.

Not only are areas of law highly stratified within the legal profession, but they also appear to be sex-typed with gender cross-cuts. A professional ethos for women in the profession exists, asserting that women be pigeonholed or niched into certain areas of law deemed suitable for them. and 28% of the males were dissatisfied with their jobs.
The studies suggested in the literature review confirm that women have been both marginalized and accepted into pink\textsuperscript{33} or low\textsuperscript{34} areas of law deemed suitable to the female gender. Usually accompanied by less client contact and a reduced opportunity to develop legal professional dexterity,\textsuperscript{35} these areas of law are professionally atrophying. An example of the stratification within areas of practice can be traced in the Ontario legal profession. More Ontario male attorneys appear to practise Real Estate law; Civil Litigation, and Corporate/Commercial law. Counterintuitively, female practitioners in Ontario seem to be practising Civil Litigation; Family Law, and Real Estate Law. Both genders appear to practise identical areas of practice in Real Estate and Corporate/Commercial Law. Notwithstanding these similarities, women are overly represented in regards to Family Law. The results are summarized on the following page, recapitulated in Tables 2 and 3:

\begin{itemize}
\item[33] This term is utilized in both Cheryl Cornacchia's article, "Are Law Firms Changing?" Montreal Gazette, 10 May 1993, pp. D1 and D4, and also in the Canadian Bar Association Task Force, supra note 2 at 51.
\item[35] The Canadian Bar Association Task Force, supra note 2 at 207 clarifies that most of the respondents scrutinized felt that it was extremely difficult for female lawyers who specialized in Family Law to acquire senior positions and partnerships. Specifically, it was emphasized that Family Law limited a lawyer's chances for advancement and that in order to progress professionally: "... [F]amily Law practises had to be shed in a sort of rite of passage."
\end{itemize}
TABLE 2
Main Fields of Law Practised by Ontario Lawyers

<table>
<thead>
<tr>
<th>WOMEN</th>
<th>%</th>
<th>MEN</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>AREA OF PRACTICE</td>
<td></td>
<td>AREA OF PRACTICE</td>
<td></td>
</tr>
<tr>
<td>Real Estate</td>
<td>20.3%</td>
<td>Real Estate</td>
<td>25.2%</td>
</tr>
<tr>
<td>Family</td>
<td>18.3%</td>
<td>Civil Litigation</td>
<td>24.6%</td>
</tr>
<tr>
<td>Corp/Commercial</td>
<td>14.1%</td>
<td>Corp/Commercial</td>
<td>11.1%</td>
</tr>
</tbody>
</table>

The situation in Québec confirms that a large proportion of the female gender practice Civil Law and Family Law. As well, a vital percentage of the females perform legal duties associated with Juvenile Law:

TABLE 3
Top Areas of Practice Cited by Québec Female Lawyers

<table>
<thead>
<tr>
<th>AREA OF PRACTICE</th>
<th>PERCENTAGE PRACTISING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Civil Litigation</td>
<td>24%</td>
</tr>
<tr>
<td>Real Estate</td>
<td>14%</td>
</tr>
<tr>
<td>Corporate/Commercial</td>
<td>14%</td>
</tr>
<tr>
<td>Administrative</td>
<td>13%</td>
</tr>
<tr>
<td>Criminal</td>
<td>7%</td>
</tr>
<tr>
<td>Labour</td>
<td>7%</td>
</tr>
<tr>
<td>Juvenile</td>
<td>2%</td>
</tr>
<tr>
<td>No longer practising/Other(^{36})</td>
<td>17%</td>
</tr>
</tbody>
</table>

\(^{36}\) This percentage representing 17\% of those female lawyers no longer practising law in Québec most certainly a circumstance worth contemplating.
Many doctrines from both society and the legal profession have been uttered, noting the rationale for women to practice within particular domains of law. Kanter asserts that Family Law is an appropriate field for women because they possess emotionally nurturant functions in which women have consistently and traditionally served in society. Gillian attests that women are socialized to be more relational, interdependent, caring and responsive to others’ needs than the male gender. Furthermore, Silver-Dranoff (1972: 182) confirms this notion by claiming that Wills and Estate Law is an appropriate field of law for women because they are supposed to bring personal warmth and growth to working with widows and orphans.

Females are considered by most members of society to be inappropriate as lawyers and it is postulated that the conventional role of a women is incompatible with the legal profession. Stereotypic attitudes concerning appropriate sex-roles exist. Moss Kanter emphasizes that society in general is not willing to accept women into positions of power and responsibility. She asserts that society tends to label women sociological handicaps that delineate that women are not appropriate for the legal profession. Insomuch, women are presumed to possess emotional qualities, a lack of physical stamina and disability, while contending with their role as a wife and mother. As a repercussion, women face difficulties in experiencing and developing their own professional style. It is argued that a women’s repertoire of behaviour does not include those traits considered for legal success. Because middle-aged men have been the demographic norm of lawyer for so long, society has come to recognize the characteristics of middle-aged maleness as imperative for lawyering. Consequentially, Kanter believes that this professional ethos stratifies the profession into sharp divisions, dividing the profession into high and low prestige segments.

One word that commonly describes the reaction to women in the legal profession (especially

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should she be found in a traditionally male area of practice such as Corporate or Criminal Law) is one of scepticism. Clients, male colleagues and judges appear to have difficulty accepting advice, counsel and arguments expressed by female practitioners.

Moreover, women practising law within particular legal specialties encounter numerous difficulties and impediments. Specifically, women tend to spend less time in the courtroom litigating, and tend to get assigned background and research assignments. Additionally, areas of practice which encompass the practice of law have been perceived as adversarial in nature, criticized by lawyers.

**Professional Advancement**

Success in any profession is measured not merely by the ability to find employment and the amount of income a person receives for performing their job. Employment success can also be characterized as the attainment of certain levels of prestige.

A crucial step in the ladder of the legal profession is elevation to partnership and judicial statuses. It should be clarified at this point that there are basically five criteria that should be met by a lawyer when considering partnership status. The proceeding five criteria should be met by an aspiring lawyer thriving to achieve partner status:

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§ The associate must put in time.  

§ The associate must demonstrate economic value to the firm, including a custom of solid labour, long hours, and enormous billable hours to the firm.

§ The associate must produce lawyerly aptitudes to ensure that the firm’s ultimate legal product is of the most prominent calibre.

§ The associate must exemplify the potential of generating new business.

§ The associate must possess a harmonious personality so that he/she has the capacity to get correlate with not only the partners in the firm, but also with the clients of the firm.

   It has already been postulated that the increasing presence of women entering law schools, graduating and eventually becoming admitted to the legal profession has established a feminine presence existing within this occupation. Due to this increasingly female presence within the profession, the amount of women being elevated to partnership and judgeship should also escalate as increasing female practioners should yield increasing female partners. The literature review has thoroughly concluded that notwithstanding the recent invasion of women in the Canadian legal profession, it would appear as though women are not being elevated to the level of partnership and judgeship in the same proportion as their growth within the profession. In Canada today, despite the fact that 27% of all lawyers are represented by the female gender, the Canadian Bar Association confirms that a meagre percentage of all partners in major law firms are women. Moreover, the Sécetariat à la condition féminine has recently ascertained that only 10% of judges in Québec

39 A lawyer must put in a minimum number of years before being considered for partnership status. In Canadian Lawyer’s 1993 National Associate Survey of 69 Canadian law firms recapitulated by Gordon Brockhouse in “Grace Under Pressure: The 1993 National Associate Survey,” Canadian Lawyer, December 1993/ January 1994, pp. 20-30, the average number of years to make partner was averaged out to 6.5 years. The average time to make partner among the six Montréal-based law firms was seven months longer, averaging out to 7.25 years.

40 The Canadian Bar Association Task Force, supra note 2 at 63-64.
are represented by the female gender.\textsuperscript{41} Regardless of the increasing presence of women in the profession, what is imperative is not so much how many women there are within the legal profession. Instead, what is imperative is how many women there are within the positions of power. Unfortunately, that is not many,\textsuperscript{42} nor are women in law considered nor appraised as powerful forces within the realm of mainstream of the profession.\textsuperscript{43}

\textsuperscript{41} See Québec, Minister Responsible for the Status of Women, \textit{Sharing a Future ... Policy Statement on the Status of Women}, Québec: Bibliothèque Nationale du Québec, 1993, in the supplement sub-titled "Women in the 1990s: A Statistical Report," at pages 34 and 35. Additionally, the \textit{Canadian Bar Association}, supra note 2 at 186 reports that despite the present improvement concerning the nomination of women for judicial appointments, women still exemplify inferior percentages among these prestigious positions. Proportionately, 12\% of all Federally appointed judges are of the female gender. Provincially, women represent 13\% of the judiciary.

\textsuperscript{42} Several correlated phrases capture these conclusions. It would appear as though women in the legal profession are surrounded by a \textit{glass box}, a terminology coined by Ann Morrison in her book, \textit{Breaking the Glass Ceiling: Can Women Reach the Top of America's Largest Corporations?} According to Morrison, a \textit{glass box} contains two barriers that encase women in the professions, a \textit{glass wall} and a \textit{glass ceiling}. Morrison notes that the \textit{glass wall} is a wall of tradition and stereotype that is accumulated and circumscribed within the professions that is separated from the top of the profession. Once women overcome and shatter this \textit{glass wall}, they confront yet another barrier, the \textit{glass ceiling}. This glass ceiling has been described by Morrison as the invisible barrier that keeps women from rising above a certain level within the profession. Women in law often reach the top of this transparent ceiling, yet the wall is impenetrable above which they can see but not pass. Women are entering law schools, graduating, and practising, litigating, and pleading law in impressive numbers, yet they are not readily accessible to promotions such as partnerships or even the judiciary. Additionally, women are being passed over at higher rates than men. What women in law encounter is a \textit{glass ceiling} between themselves and their aspirations for promotions. As Morrison notes on page 13:

\begin{quotation}
\textit{The glass ceiling} is not simply a barrier for an individual based on a person's inability to handle a higher level job. Rather, the \textit{glass ceiling} applies to women who are kept from advancing higher usually \textit{because they are women}. [With emphasis].
\end{quotation}

\textsuperscript{43} Of particular interest, Jerry Levitan in his article entitled \textit{"The 20 Most Powerful Lawyers in Canada,"} \textit{Canadian Lawyer}, April 1994, pp. 14-18, provides a Top-20 list of the most influential and reputable lawyers who have or are currently creating an impact within the Canadian legal profession. Some prominent names on Levitan's list includes the \textit{Right Honourable Prime Minister Pierre Elliot Trudeau; Olive Mercredi}, the leader of the Assembly of First Nations, and former Premier of Alberta \textit{Peter Lougheed}. There are three women among this list. It is a meagre representation. Despite this scanty representation, this feminine presence among these notable legal elites should be acknowledged. The women include \textit{Katherine Braid}, Senior Vice-President of Legal Services and Strategy Development at Canadian National Railway; \textit{Maureen Maloney}, Minister of Justice in the province of British Columbia, and \textit{Lynn Smith}, Dean of the University of British
Women appear to be disadvantaged and subject to inequality regarding partnerships. Specifically, discrimination due to gender appears to be at the root of the problem, with women having to work much harder than their male colleagues in order to get any recognition at all; tend to be expected to prove oneself to a much larger degree than their male colleagues, and are rarely taken seriously in their attempts to advance professionally.

Donovan and Spurr claim that discrimination due to gender hinders a woman's chances of being elevated to partnership levels. From a Canadian perspective and context, the results of a Canadian Lawyer Magazine survey conducted in the Summer of 1987 of eighty (80) law firms across Canada confirmed that women were victims of gender bias discrimination in regards to elevation to partnership.44 Furthermore, the various bar association studies have confirmed that women were overwhelmingly under-represented in partnership levels; faced difficulties in attaining partnership statuses and were treated unequally within this regard. The literature review confirms that women face inequality in the attainment of promotions, usually correlated to the lack of opportunity to attract new clients through the rainmaking procedure. and through a prohibition in the participation of network relationships (i.e., networking). Women are further disadvantaged in the sense in that the work hours attributed to the profession are long and incompatible with family life and child-rearing responsibilities.

Columbia Law School. I sense that this paltry representation among these eminent legal advocates is reflective of the lack of authoritative and successful female legal practitioners within the profession. As the Canadian Bar Association Task Force asserts (supra note 2 at 247), there are advantages in having and recognizing female role models within the profession as "... [t]he promotion of female role models can encourage women to choose the law as a profession, and to remain within the profession."

44 Additionally, the results of a research deliberation conducted for The Canadian Bar Association Task Force, supra note 2 at 92 should not be neglected. Fiona Kay and John Hagen aimed to discover the direct impact of sex in regards to partnership attainment. What Kay and Hagen confirmed was that 54% of the Ontario male lawyers surveyed and 38% of women were granted partnership status. What was revealed was that despite similar experiences and backgrounds, men were more likely to be named partner than women.
When pronounced numerically, over 40% of the females and 15% of the male respondents in British Columbia believed that the male gender had a much better or slightly better chance than women of advancing within the profession. In Alberta, the same situation persisted as 72.2% of those surveyed identified access to partnership as a realm in which women were unfairly treated. Moreover, 45.3% of the female and 23.6% of the male associates perceived that it is the male gender that has a much better/ or slightly better chance than the female gender in becoming partner. In both British Columbia and Alberta, career advancement and attaining partnership were the two most frequently cited forms of inequality against women.45 In Québec, 29% of the females surveyed admitted to having personally encountered difficulties related to career progression over the past five years. From an American perspective, a recent study of promotional patterns of females in the legal profession towards partnerships conducted by Stephan Spurr confirmed that promotional patterns for both genders was profoundly dissimilar. What Spurr discovered was that the requirements essential for promotion to partnership were between 50-75% higher for women than men. It must be accentuated that there was no significant difference in factors such as laws school achievements and productivity. In sum, perhaps women who are choosing to forsake the legal profession are doing so because of the lack of opportunity for professional legal advancement.

45 Of notable interest, Marie-France Bich in her article "The Art of Passing Through the Mesh of the Net Prolegomena and Polemic," in the Gender Equality: A Challenge to the Legal Profession, Conference of the Canadian Bar Association's Continuing Legal Education Committee and Task Force on Gender Equality, Toronto: October 1992, pp. 1-45 at 27 comments on the lack of analysis contained in the Transitions study (supra note 10) and also in Brockman 1992b (supra note 7) vis-à-vis professional advancement and whether or not women achieve partner status less often than men and whether or not it is achieved at a quicker pace than the male gender. Bich alludes to Ejan MacKaay's 1991 deliberation entitled Les avocats du Québec: sondage général 1991, where it is in fact confirmed that female lawyers achieve the status of partner in inferior proportions than their male colleagues. In fact, women do achieve partner status at a quicker rate than their male parallels. Notwithstanding, MacKaay emphasizes the difficulties women encounter in attempting to advance professionally.
Rainmaking

Another factor that can possibly demonstrate and subsequently justify why women are choosing to forsake the legal profession can be attributed to a lack of rainmaking. To the lay person, the rainmaking credential refers to the process of alluring new and potential clients to the law firm. The clients that a lawyer is capable of attracting to a firm provides additional business or revenue.

The rainmaking process presents an integral role in the decision-making process in the designation of partners. Inducing new business into a law firm only boosts a lawyer's chances in attaining partnership. Failure to attract any new business tends to hinder one's rise to partnership levels. The numerous studies and sources have confirmed that women in general have faced barriers in attracting potential clients and rain, consequentially posing as an obstacle in their rise to partner. Donovan notes that a lack of access in networking is a constituent of an inability to generate new business. In essence, a lack of access to male clubs denies women the exposure to business contacts that men are afforded. As Donovan emphasizes:

"Private, men-only clubs seem to perpetuate women lawyers' difficulty in attracting clients by denying them the exposure to the business clients male members are afforded. The club setting permits a lawyer to establish credibility on a personal and professional level. It offers an opportunity to be part of the 'who know's whom' aspect of the world which plays such an important part of both the decision to make an associate to partner and in the legal profession."46

A lack of access in networking milieus presents women with the inopportunity to associate with potential clients, or even with contacts who can refer potential clients to them.

46 Donovan, supra note 10 at 148.
Mentoring

Another aspect within the legal profession which has posed difficult for woman has been in procuring a mentor. Access to and the support of senior lawyers officiating a counselling role is essential in a lawyer's career development. The protégée-mentor relationship in one in which the senior lawyer (i.e., the mentor) assists the junior lawyer (i.e., the protégée). In this learning relationship, the mentor provides communication of firm values; offers advice vis-à-vis career goals and aspirations; dispenses assistance and feedback regarding the protégées performances, and provides information regarding firm dynamics. From the literature review, it has been confirmed that women have faced difficulties in developing mentor relationships. As Couric accentuates, the opportunities for women to find a mentor are limited, as women are often perceived as poor investments:

"... male supervisors are less willing - or not at all willing- to mentor women. Some are worried about the time investment because they think the woman will get married, pregnant and leave."48

Donovan notes that a further reluctance on the part of male partners to take female protégées under their wing is the primary cause of the failure to procure a mentor-protégée relationship. The mentor is apt to be a male and will tend to have mixed, apprehensive feelings in accepting a female protégée. Ostensibly, this male-female professional bonding is sure to initiate the circulation of

47 The Canadian Bar Association Task Force, supra note 2 at 91. The importance of mentoring is also accentuated in Abramson and Franklin, supra note 11 at 80 who emphasize that several of the lawyers they studied classified the difficulty in obtaining a mentor as "... a serious problem."

48 Couric, supra note 10 at S10. Additionally, Patricia M. Wald in her article "Women in Law: Despite Progress, Much Still Needs to be Done," Trial, Vol. 24, 1988, pp. 75-79 at 77 offers similar reflections as to the necessity for mentors in guiding a female lawyer's career:

"Fitting in turns out to be an amorous but vital part of upward mobility in a firm, and the group into which a female lawyer must fit in ruled by male mores and role definitions. Female associates complain they have a hard time finding mentors in law firms. Aiming at partnerships, they [women] need their share of juicy assignments, clients contacts, chances to run meetings, exposure to other partners and stature in the community."
gossip, rumours and slander. In order to avoid such incursion, male mentors tend to refrain from catapulting female protégées, inadvertently impeding on a woman's chances towards elevation to partnership levels, or even to remain within the legal profession itself.
2.3. GENERAL INDEPENDENT VARIABLES ATTRIBUTED TO WOMEN FORSAKING THE LEGAL PROFESSION

As mentioned at the commencement of this conceptual framework, there are specific variables connected with the legal profession *per se* which can be attributed to women forsaking the legal profession. There are also general independent variables, *general* in the sense in which these variables can be deemed as factors which can be grounds for justification for women in any employment profession or situation to leave their employment situation.

*Gender Bias and Inequality*

It is manifest that gender equality is a integral precept in Canada. As Smith acknowledges, gender bias and inequality is protected and safeguarded in Canada through our nations's inclusion and participation to the United Nation's Convention on the Elimination of All Forms of Discrimination Against Women, including through sections 15, 28, 35(4) of the *Constitution Act, 1982*. Additionally, gender bias and inequality is safeguarded in Canada through the terms of the Human Rights Legislations combatting discrimination in every territorial

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50 Ibid.


and provincial jurisdiction in Canada,\textsuperscript{53} and through Supreme Court jurisprudence entailing gender equality.\textsuperscript{54} Despite all the protective safeguards against gender bias and inequality, a major predicament which plagues the legal profession across Canada is the presence of gender bias and inequality against its female practitioners. Before proceeding any further, the concept of gender bias must be clarified. For the purposes of this research, the definition of gender bias incorporated by Lynn Hecht-Schrafan shall be used:

"...[a]ttitudes and behaviours based on sex stereotypes, the perceived relative worth of women and men, and myths and misconceptions about the economic and social problems encountered by both sexes. It is reflected in attitudes and behaviours toward women and men which are based on stereotypical beliefs about the nature and roles of the sexes, rather than upon independent evaluation of independent ability, life experience and aspirations."\textsuperscript{55} [With emphasis].

Problems associated with inequality and gender bias in the legal profession is stronghold and is hardly a recent phenomenon. Women have been subject to unequal treatment within the legal


\textsuperscript{55} Department of Justice Canada, \textit{Gender Equality in the Canadian Justice System: Summary Document and Proposals for Action: Federal/ Provincial /Territorial Working Group of Attorneys and General Officials on Gender Equality in the Canadian Justice System}, Ottawa: Minister of Supply and Services canada, April 1992 at 1. [Hereinafter, \textit{The Working Group}]
profession beginning in 1897 when Miss Clara Brett Martin\textsuperscript{56} was appointed to the Ontario Bar Association. Many forms and sources of inequality and gender bias are felt by female practitioners. Four studies conducted by the law societies referred to in the literature review have confronted the issue of gender bias and inequality differently. For example, the British Columbia and Alberta deliberations highlighted the comprehension and acknowledgement of gender bias, whereas the Québec study focused on the experience of gender bias. The Transitions study asked their respondents about experiences and/or the acknowledgement of gender bias. The results of these surveys are summarized in the Table 4 below:

\begin{table}
\centering
\caption{Perceptions & Experiences of Gender Bias in the Legal Profession}
\begin{tabular}{|l|c|c|c|}
\hline
\textbf{PROVINCE} & \textbf{EXTENT} & \textbf{% FEMALE} & \textbf{% MALE} \\
\hline
British Columbia & \textit{acknowledgement} & 97.5\% & 83.4\% \\
Alberta & \textit{acknowledgement} & 97.2\% & 77.6\% \\
Ontario & \textit{experiences} & \textit{Self} & 70.0\% & \textit{Self} & 6.0\% \\
& & \textit{Others} & 75.0\% & \textit{Others} & 29.0\% \\
Québec & \textit{experiences} & 71.0\% & \text{n/a}\textsuperscript{57} \\
\hline
\end{tabular}
\end{table}

From the statistics depicted, it is quite clear that an immense majority of the members of the legal profession perceived and acknowledged the existence of gender bias within the profession. The results demonstrate that in British Columbia, 98\% of the women and 83\% of the men

\textsuperscript{56} Constance Backhouse in "To Open the Way to Others of My Own Sex: Clara Brett Martin’s Career as Canada’s First Woman Lawyer," The Canadian Journal of Women and the Law, Vol. 1, No. 1, 1985, pp. 1-41 at 7 reports that Brett Martin was the first female admitted to the practice of law in the British Commonwealth.

\textsuperscript{57} In the Québec study conducted by Le Barreau du Québec (\textit{supra} note 10), only female lawyers were questioned.
acknowledged that there existed gender bias against female practitioners in their legal system. In Alberta, the results were practically analogous, where 97% of the females and 77% of the males recognized the presence of gender bias.

In Ontario, 70% of the women surveyed admitted to having been personally subject to gender bias and 6% of the males scrutinized identified personal charges of gender bias. Moreover, 75% of the women assessed admitted having witnessed sexual gender bias and inequality against other women, while only 29% of the males surveyed had perceived this observation. In Québec, 71% of the women experienced gender bias and inequality.

It is clear from the results of the surveys that there is an epidemic knowledge and realization of gender bias throughout the Canadian legal profession that is shared by both genders. Notwithstanding this unanimous affirmation, it should not be ignored that the female gender perceives this predicament of gender bias more intermittently. Women tend to face definite forms of gender bias. For example, the literature review has accentuated that women have encountered overt forms of discrimination such as prejudice; difficulties associated with obtaining first employment and hiring biases; in decision making; in the assignment of files and clients, and also remuneration partialities. Further, women are often subject to an anti-bias in terms of denounced opportunities on the basis of gender vis-à-vis career advancement opportunities and in partnership attainments on the basis of their peers and superiors.

Sexual Harassment

Another factor that can cause women to forsake the legal profession can be credited to sexual harassment.\textsuperscript{58} Undoubtedly, sexual harassment is not only a sensitive subject area, but is

\textsuperscript{58} Nina Burleigh and Stephanie B. Goldberg in their publication, "Breaking the Silence: Sexual Harassment in Law Firms," The American Bar Association Journal, August 1989, pp. 46-52 at pp. 46 reconfirm that "Most women deal with sexual harassment by quitting their jobs, or suffering silently, while most managing partners would rather ignore the issue altogether." This affirmation
also a topic which must be properly defined in assessing its dissenting character. For the purposes of this research, sexual harassment shall be defined and characterized as per Canadian jurisprudence through the Janzen and Goveau v. Platy Entreprises Ltd. et al. decision, and also from the Canadian Bar Association respectively:

"sexual harassment... is unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job related consequences for the victims of the harassment.
... It [sexual harassment] is a demeaning practice, one that constitutes a profound affront to the dignity of the employees forced to endure it.
... [sexual harassment] attacks the dignity and self-respect of the victim both as an employee and as a human being."\(^59\)

"Sexual harassment refers to all conduct which has the effect of eroding the dignity and equality of opportunity of female lawyers. Such conduct ranges from insensitive or inappropriate remarks, to jokes, to overt sexual advances."\(^60\)

\(^{59}\) Janzen and Goveau v. Platy Enterprises Ltd. et al., supra note 54.

\(^{60}\) The Canadian Bar Association Task Force, supra note 2 at 71. Of significant inquisitiveness, The Law Society of Upper Canada’s publication entitled A Recommended Policy Regarding Employment Related Sexual Harassment (that being Attachment B at pp. 4) lists various forms of behaviours which can come to constitute sexual harassment. Distinctively, the LSUC Sexual Harassment Policy provides the following non-exhaustive list conforming to Supreme Court of Canada jurisprudence specifying the types of behaviours, demeanour, and actions which have been held to constitute sexual harassment:


(iv) Degrading or degrading remarks to describe members of one sex or one sexual preference group (usually women): Haight v. WWG Management Inc., 11 C.H.R.R. D/124 (B.C.H.R.C.); Bauer v. Crossroads Family Restaurant, 9 C.H.R.R. D/4951;
How egregious is sexual harassment in Canadian law firms? The extent of sexual harassment in the Canadian legal profession can be observed through the results of the provincial surveys. Many forms of sexual harassment have been reported by Canadian female lawyers. It has only been in recent years that Canadian courts have identified sexual harassment as sex discrimination in Supreme Court decisions,\textsuperscript{61} therefore actionable under anti-discrimination legislation throughout Canada.\textsuperscript{62}

Brockman and others have stressed that some of the more common forms of sexual harassment include unwanted jokes, comments, or teasing of a sexual connotation triggered by a colleague, superior, and/or a client. Less prevalently, unwanted sexual advances by lawyers and clients against women have been identified. Three of the provincial surveys have dealt with the issue of sexual harassment, as summarized in the next page through Tables 5 and 6.

\textsuperscript{61} See for example, the following two leading jurisprudential cases on sexual harassment: Robichaud and the Canadian Human Rights Board v. The Queen (Treasury Board) [1989] 2 S.C.R. 84 and the Janzen decision, supra note 54.

\textsuperscript{62} The Canadian Bar Association Task Force, supra note 2 at 73, and refer also to the territorial and provincial Human Rights Legislations against sex discrimination, supra note 53.
<table>
<thead>
<tr>
<th>PROVINCE</th>
<th>UNWANTED SEXUAL ADVANCES</th>
<th>UNWANTED TEASING/JOKING</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WOMEN</td>
<td>MEN</td>
</tr>
<tr>
<td>British Columbia</td>
<td>33.7%</td>
<td>10.2%</td>
</tr>
<tr>
<td>Alberta</td>
<td>37.0%</td>
<td>17.2%</td>
</tr>
</tbody>
</table>

**TABLE 6**
Circumstance/Extent of Sexual Harassment Experienced by the Female Members of Le Barreau du Québec

<table>
<thead>
<tr>
<th>CIRCUMSTANCE/EXTENT OF SEXUAL HARASSMENT</th>
<th>PERCENTAGE AFFECTED</th>
</tr>
</thead>
<tbody>
<tr>
<td>By a work colleague</td>
<td>20%</td>
</tr>
<tr>
<td>By a superior</td>
<td>17%</td>
</tr>
<tr>
<td>Within an actual work milieu</td>
<td>10%</td>
</tr>
<tr>
<td>Insinuations/farces</td>
<td>9%</td>
</tr>
<tr>
<td>Advances/invitations</td>
<td>7%</td>
</tr>
<tr>
<td>Other work milieu</td>
<td>6%</td>
</tr>
<tr>
<td>Subtle tactics</td>
<td>5%</td>
</tr>
<tr>
<td>By a client</td>
<td>3%</td>
</tr>
<tr>
<td>By a judge</td>
<td>2%</td>
</tr>
<tr>
<td>Through charm</td>
<td>4%</td>
</tr>
<tr>
<td>Other</td>
<td>12%</td>
</tr>
</tbody>
</table>
The results of the surveys were remarkably similar in both British Columbia and Alberta. In British Columbia, one-third of the females and one-tenth of the men had observed or experienced female lawyers subject to unwanted sexual advances by other lawyers. Comments, teasing, joking of a sexual connotation against the females were either experienced or observed by 68.2% of the females and 34.5% of the men. Similar results were deciphered in the province of Alberta. Identically, close to 40% of the women and 20% of the males had either experienced or observed female lawyers being subject to unwanted sexual advances by lawyers. Moreover, approximately 60% of the females and 25% of the males had experienced or observed unwanted gesticulations such as comments, teasing or joking of a sexual nature against women. Over one-half of the females and approximately two out of every men surveyed experienced similar gesticulations by clients. Again, comparable results were discovered in Québec. In the province of Québec, 15% of the female lawyers surveyed echoed that they are/or had been victims of sexual harassment. The more common enforcers of sexual harassment were those by a work colleague (20%); by a superior (17%) and includes 9% of the women surveyed experiencing insinuations, 7% encountering sexual advancements and 5% receiving subtle tactics.

The literature has shown that sexual harassment is prevalent in Canadian law firms. Sexual harassment is a quandary which essentially needs to be addressed and rectified, especially as demographic tendencies continue to assimilate both the female and male genders together in legal employment.63

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63 Burleigh and Goldberg supra note 58 at 46 confirm both ironically and surprisingly that most law firms do not have sexual harassment policies, "... the case of the shoemaker's children going barefoot ...," as one lawyer they interviewed pronounced.
Balancing Both a Legal Career and a Family

As mentioned throughout the literature review, part of the difficulties women in the legal profession encounter can be attributed to conflicts in balancing both a legal career and a family. Insomuch, I believe that this conflicting predicament is indeed a decisive factor in a woman's decision to either remain or forsake from the legal profession.

Conflicts between a legal career and a woman's family responsibilities appear to be rooted in the structure of the legal profession. The legal profession is moulded to meet the professional needs of the male gender. The extremely long, tedious and irregular hours of work, including promotions within law firms are rather incompatible with most female child-bearing and rearing cycles that coincide with critical career-building years. This predicament appears to conform more to the male gender. Men can very easily postpone having children. Biologically, women cannot jeopardize this delay. Besides, child-care responsibilities are usually shouldered by the female gender. The provincial studies in Canada have confirmed that the female gender shoulders a greater responsibility towards child-rearing than their respective male colleagues. Such commitment restricts a woman's chances and opportunities within the profession. The data on the proportion of the responsibility for child-care sustained by both genders from Ontario, Alberta and British Columbia is summarized below in Table 7 on the next page.
<table>
<thead>
<tr>
<th>ISSUE</th>
<th>PROVINCE</th>
<th>FEMALE</th>
<th>MALE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proportion of childcare responsibilities shouldered by lawyers</td>
<td>British Columbia</td>
<td>40%</td>
<td>20%</td>
</tr>
<tr>
<td></td>
<td>Alberta</td>
<td>40%</td>
<td>25%</td>
</tr>
<tr>
<td></td>
<td>Ontario</td>
<td>49%</td>
<td>26%</td>
</tr>
<tr>
<td>Dependence on spouse/equivalent for child-care</td>
<td>British Columbia</td>
<td>20%</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>Alberta</td>
<td>20%</td>
<td>66%</td>
</tr>
<tr>
<td></td>
<td>Ontario</td>
<td>21%</td>
<td>61%</td>
</tr>
<tr>
<td>Number of hours per week consumed on child-care</td>
<td>British Columbia</td>
<td>30.5 Hours</td>
<td>14 Hours</td>
</tr>
<tr>
<td></td>
<td>Alberta</td>
<td>35 Hours</td>
<td>15 Hours</td>
</tr>
<tr>
<td></td>
<td>Ontario</td>
<td>48 hours</td>
<td>21 Hours</td>
</tr>
</tbody>
</table>

From these statistics, many conclusions can be drawn. Inadvertently, the extent of childcare responsibilities assumed by both genders and the manner in which this asymmetric responsibility by female lawyers tends to create a critical professional predicament. A summary of the results (and from other factors examined in the provincial studies besides those highlighted) are recapitulated below:

· The proportion of responsibility shouldered by female lawyers is almost double that assumed by male lawyers.

· Male lawyers are much more likely to rely on a spouse (or equivalent) to assume child-care responsibility.

· Female lawyers tend to spend more than double the time spent by male practitioners on child-rearing tasks.64

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64 The study conducted by MacBride-King and Paris (supra note 11) examined how familial responsibilities and child-rearing affected the professional lives of Quebec lawyers and notaries. Particularly, MacBride-King and Paris discovered that an overwhelming majority of the female lawyers or notaries in comparison to the male lawyers or notaries assumed responsibilities for making decisions associated with childcare. These responsibilities borne by the women included driving their children to daycare, medical appointments, and attending academic and/or athletic
Moreover, there are significant repercussions felt as a result of having children. Specifically, in British Columbia and Alberta both genders reported the same three consequences as a result of having children, including stress from competing demands, loss of income, and delays in promotion. Notwithstanding these similarities, the female gender denoted negative material effects in the form of loss of income or a decreased career opportunities to a level not reported by the males:

<table>
<thead>
<tr>
<th>ISSUE</th>
<th>PROVINCE</th>
<th>FEMALES</th>
<th>MALES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stress from competing</td>
<td>British Columbia</td>
<td>89.9%</td>
<td>73.8%</td>
</tr>
<tr>
<td>demands</td>
<td>Alberta</td>
<td>77.3%</td>
<td>54.6%</td>
</tr>
<tr>
<td>Loss of income</td>
<td>British Columbia</td>
<td>62.4%</td>
<td>10.7%</td>
</tr>
<tr>
<td></td>
<td>Alberta</td>
<td>50.8%</td>
<td>8.8%</td>
</tr>
<tr>
<td>Delays in promotion</td>
<td>British Columbia</td>
<td>32.2%</td>
<td>1.0%</td>
</tr>
<tr>
<td></td>
<td>Alberta</td>
<td>23.8%</td>
<td>1.0%</td>
</tr>
</tbody>
</table>

Women felt that because of the presence of children, a questioning and testing of their commitment to work was investigated at a higher level than the males under scrutiny. In British Columbia, 53% of the female lawyers and 18% of the males surveyed reported having their commitment to employment investigated as a result of having children. Identical responses were accounted in Alberta, where 47% of the females and 16% of the males reported this predicament.

More women than the men questioned reported child-care responsibilities as a reason for leaving the legal profession. As an illustrative example, in the British Columbia Former Members Survey, 30% of the females who left the profession (versus 9% of the males) cited child-care commitments as a factor in their decision. Identically, in Alberta, 42.1% of the women who retreated from the profession cited child-care commitments for having fled the profession, whereas no men reported

activities for their children.

Mucalov, supra note 31 at 20 confirms that for women who practice law as a profession, the stresses encountered are individual and distinctive:

"... juggling careers and family, and climbing the old boy's ladder for partnership and recognition have taken their toll on an increasing number of women, many of whom are leaving the profession."
this reasoning. Moreover, 27% of the female lawyers who departed from the Ontario legal profession did so in order to care for children, compared to 1.7% of the males surveyed. Thus, for both males and females lawyers who are discouraged by their inability to combine both work and a family life, an exit from the profession could be a possible solution.

The provincial studies have confirmed that repercussions towards women due to conflicts in raising a family and a career are quite divergent. For example, women have encountered economic disadvantages such as a loss of seniority, one’s job, clients, income, opportunity for quality assignment, responsibilities, respect, and client matters. Professionally, women also encounter resentment and hesitation by their employers, partners and peers of the potential financial burden and pressure on others caused by maternity leave and elective work arrangements. Women also experience a testing of their commitment to work; stress from rivalling demands, and irregular hours in trying to balance both a legal career and a family.

A Lack of Accommodation for Family Commitments

What does not facilitate the predicament of attempting to balance both a legal career and a family is the lack of accommodation within the legal profession for family commitments. In order to achieve some form of balance, many women need some form of accommodation in the form of alternative work schedules. Women have encountered reluctance from law firms in providing such accommodative measures. Raising a family and trying to build a thriving legal career are demanding to attain simultaneously.

66 Judith S. Kaye in two of her articles entitled "Women Lawyers in Big Firms: A Study in Progress Towards Gender Equality," supra note 11 at 123, and also in "The Mommy Track’ in Practice," The National Law Journal, May 22, 1989, pp. 14-15 explains that this accommodation has been coined the catch-phrase Mommy Track. Kaye renders distinctive accommodative arrangements deemed appropriate for a women with children in private practice such as: "... a 9:00AM to 6:30PM five-day ‘part-time’ work week, with no nights or weekends, no travel."

67 As Valerie Lezin and Sheryl Kushner confirm in their article, "Yours, Mine and Hours," Barrister, Vol. 13, No. 1, Spring 1986, pp. 4-7, 50-54 at 6 "... in a profession known for absolute dedication and marathon work days, attorneys suggesting part-time practice have encountered surprise, scepticism, and often outright hostility from fellow lawyers."
A lack of accommodation for family responsibilities was cited by the female lawyers studies in British Columbia, Alberta and Ontario. Pronounced statistically, two-thirds of the women in British Columbia and only one-third of the males questioned reported a lack of accommodation for family responsibilities as a form of inequality against women in the profession. Alternatively, the Alberta study reported that close to 50% of the women and 16% of the male identified similar perceptions. In Québec, 26% of the women surveyed identified the lack of accommodation for family responsibilities as a form of gender bias.

It appears as though alternative work arrangements are not available to women in the legal profession. Specifically, the provinces have ascertained that in Ontario, 39% of the respondents reported flexible hours on a full-time basis; 24% of the respondents reported the availability of part-time work and 7% of the respondents reported job-sharing responsibilities. In Québec, 42% of lawyers employed in the public service; 59% in private practice and 55% in-house lawyers reported that alternative work arrangements were not available. In British Columbia, 42.5% of the respondents reported complications in receiving flexible hours and part-time work arrangements after child-birth. Finally, in Alberta 36.5% of the females examined and 30.5% of the men questioned reported the flexibility to work part-time at their firms. If women are to remain as practising legal practitioners, alternative work arrangements are going to have to be both developed and initiated within law firms.

Maternity leave is an essential benefit which must be extended to female lawyers in order for such practitioners to continue practising law. As more women are entering the legal profession, it is deductive to attest that law firms must provide some form of maternity leave option. Notwithstanding this requisite, for two-thirds of the law firms surveyed, unpaid rather than paid maternity leave was available. In Alberta, paid maternity leave for associates was available where 32.9% of the women worked and where 29.5% of the men worked.
It is common knowledge that the juggling of both a prosperous legal career and a family is not only difficult to accomplish, but also is a predominant source of stress for female lawyers. Correlated with this predicament is a lack of assistance in child-care facilities at workplace. In British Columbia, only 1.1% of the female practitioners reported that child-care at the workplace was offered by their law firms. In Alberta the results were practically identical as merely 1.7% of the female respondents reported that child-care was offered. In Ontario, a paltry 2% of those surveyed deliberated that there was an availability for day-care facilities at their firms. There is no information nor details in regards to the accessibility of daycare from the other provinces.\footnote{Daniel Kucharsky reports in his article entitled, "Montreal lawyers to set up their own specialized daycare centre," in Lawyers Weekly, Vol. 11, No. 33, January 10, 1992 at 1 that in September 1992, a daycare center was constructed exclusively for the children of legal practitioners. As Kucharsky reports, "...the daycare centre houses 45 pre-school children, including 10 babies aged three to 18 months and operates under extended hours to accommodate late-working lawyers." Specifically constructed for lawyers, this form of daycare centre is the first of its kind in Canada. The centre is a modest initiation in this need for more of these forms of accommodative measures. Several more of these centres must be developed in order to meet the demand that is required of them.}
2.4. THE NOTION OF SYSTEMIC DISCRIMINATION

In addressing the issue of the phenomenon of women forsaking the legal profession, I will be conferring to an approach that has come to be characterized as the systemic approach to discrimination,\(^{69}\) taking into consideration the specific situation of women in the legal profession.

In my opinion, I believe that female lawyers are subject to direct, indirect (adverse effect) and systemic discrimination. The concept of direct discrimination occurs when an individual is accorded a differential treatment because of their affiliation, such as a women being denied employment in a traditionally male-dominated sector of the labour force.\(^{70}\) For example, the literature review has confirmed that female lawyers are directly discriminated in numerous regards, including within the rainmaking process; access to mentors; sexual harassment, and expectations to handle specific areas of practice. Specifically, female lawyers face difficulties in generating new and potential business because both clients and the society-at-large do not perceive the female gender as capable of lawyering effectively. The same ideology holds true in the mentoring process, as male mentors fail to take female lawyers under their supervision due to the mere fact that they are women. Similarly, females are not usually welcome within rainmaking and/or networking circuits. As well, female lawyers who are subject to sexual harassment are directly discriminated against.

Women in the legal profession are also subject to indirect (adverse effect) discrimination. Indirect discrimination occurs when the application of an apparently neutral law or procedure has


a disproportionate and/or harmful impact on individuals from particular social groups. Women in the legal profession are subject to various forms of adverse effects (i.e., the stress, long hours, and adversarial nature of the profession) which can contribute to a general dissatisfaction with the practise of law. As well, women in the profession face indirect discrimination vis-à-vis the issue of partnership. Because women have been known to experience difficulties in generating new business (a criteria essential towards promotional attainment) and because women tend to work less hours than males (usually a decisive factor in the naming of partners), partnership is usually denied for women. Counterintuitively, women become subject to adverse effects or indirect discrimination. Partnership decisions arise from the application of neutral criteria (i.e., rainmaking, long hours and age), adversely affecting women due to the correlation between the critical period for attaining partnership and child-bearing years.

As already postulated, women in the legal profession are indeed subject to systemic discrimination, and it is for this reason why I wish to approach the phenomena of women forsaking the legal profession from a systemic approach. The theory of systemic discrimination has been explored in many research inquiries. The systemic approach to discrimination is presently

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71 The Canadian Bar Association Task Force, supra note 2 at 14.

72 Maude Rochette in Pierre-Christian Labeau's article, "Les avocates: en quête d'une plus grande égalité," Maîtres, Vol. 1, No. 6, juin 1989, pp. 45-46 at 46 confirms this attestation with specific reference to the situation of female lawyers within the legal profession:

"On réfère [vis-à-vis l'égalité des avocates féminines dans la profession juridique] plutôt à la discrimination systémique. En effet, toute la structure de la profession juridique a été conçue et pensée par des hommes. Il est donc normal qu'il ait certaines difficultés, lorsque l'on tente d'accorder aux femmes le plein droit d'exercer dans ce milieu, en tenant compte des obligations qu'elles doivent rencontrer. C'est toute la problématique du partage des tâches qui est également en cause."

73 For a complete analysis of the concept of systemic discrimination, see the following three (3) deliberations: William W. Black, Employment Equity: A Systemic Approach, Ottawa: The Human Rights Research Education Center, The University of Ottawa; Chicha-Pontbriand, supra note 69, and The Abella Report, supra note 70.
considered as one of the foremost and specific approaches utilized in order to fully comprehend the inequality of women in work relations and of which involves the appropriate collective measures.

Systemic discrimination consists of various forms of discrimination. This mixed character of systemic discrimination has been accentuated through Supreme Court of Canada jurisprudence through the *Action Travail des Femmes* v. *The Canadian National Railway Company* circumstance. The *Action Travail des Femmes* case is an unprecedented one. The interest invested in the *Action Travail des Femmes* case is due in part to the emphasis placed on the variety of discrimination that can occur within work relations, ranging from prejudices from male colleagues, incidents of harassment, to the absence of company efforts to correct this system, parallel to the predicament faced by women in the legal profession. As Caron postulates:

"L'intéêt de l'arrêt *Action Travail des Femmes* est qu'il est un véritable laboratoire mettant en lumière les diverses formes de discrimination: préjugés avoués des contremaitres et des collègues masculins à l'égard des femmes, utilisation arbitraire et discriminatoire des tests, harcèlement sous forme de paroles obscènes, négligence et harcèlement dans la formation des femmes, absence d'efforts de la compagnie pour corriger ce système, et informer les femmes qu'elles étaient bienvenues, perpétuation du réseau des *vieux copains* pour les promotions, et cela donnant un résultat statistique très inférieur à la moyenne nationale." [With emphasis].

The Supreme Court of Canada in the 1987 judgement in the *Action Travail des Femmes* v. *The Canadian National Railway Company* borrowed from the *Abella Report* the concept of systemic discrimination in order to characterize the circumstances surrounding employment practices at Canadian National. Essentially, the *Abella Report*’s main objective was to analyze the multi-dimensional nature of the barriers facing women, native people, labour force, disabled persons and visible minorities. After having studied the latter’s labour market predicaments and the various

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75 Madeleine Caron, "De la discrimination intentionnelle à la discrimination systéminiq;e: jalons en vue d'actions correctives et préventives," *Meredith Memorial Lectures*, 1988, pp. 153-174 at 156.

76 *The Abella Report*, supra note 70 at V.
hurdles they faced towards the realization of any employment parity, the Royal Commission under Judge Abella concluded that there was a *dire need* to combat the effects of unequal treatment and discrimination towards these four designated groups. Consequentially, in light of the foundation of the *Abella Report*, the Supreme Court came to decipher and clarify the notion of *systemic* discrimination, linking it to the predicaments present in this case:

"[...] systemic discrimination in an employment context is discrimination that results from the simple operation of established procedures of recruitment, hiring and promotion, none of which is necessarily designed to promote discrimination. The discrimination is then reinforced by the very exclusion of the disadvantaged group because the exclusion fosters the belief both within and outside the group, that the exclusion is the result of natural forces, for example, that women just can't do the job."\(^{77}\)

Chicha-Pontbriand defines *systemic discrimination* in a very articulate manner, applicable to la Charte des droits et libertés de la personne du Québec:

"La discrimination systémique est une situation d'inégalité cumulative et dynamique résultant de l'interaction de pratiques, de comportements ou de décisions, individuels ou institutionnels, ayant des effets préjudiciables, voulus ou non, sur les membres de groupes visés par l'article 10 de la Charte."\(^{78}\)

Moreover, the definition of *systemic discrimination* can be attributed a more explicit definition, defined to depict discrimination in employment:

"La discrimination systémique en emploi est une situation d'inégalité cumulative et dynamique résultant de l'interaction sur le marché de travail de pratiques, de comportements ou de décisions, individuels ou institutionnels, ayant des effets préjudiciables, voulus ou non, sur les membres de groupes visés par l'article 10 de la Charte."\(^{79}\)

Women in the legal profession have been systemically discriminated in numerous ways, including expectations to handle certain areas of practice; difficulties progressing professionally and

\(^{77}\) *Action Travail des Femmes*, *supra* note 54 at 1139.

\(^{78}\) Chicha-Pontbriand, *supra* note 69 at 170.

\(^{79}\) *Ibid.*
encountering work conditions that do not facilitate employment nor familial duties. There are three types of interactions that develop and perpetuate the systemic character of inequality within work relations,\(^{80}\) attributable to the Canadian legal profession.

The first interaction is situated at the workplace or enterprise level. Within this level, rules, practices and common beliefs become embedded within the work organization. For example, law firms are essentially a business, ready to cash in on profits and respectability. There appears to be a reluctance on the part of large law firms to name women to partner for fear she will leave the firm to have or raise children. The firm loses the investment it has devoted in women lawyers when they leave to have children, or if a woman continues to practice (usually to a reduced degree) while raising her children. Her partners are concerned her work will suffer, hindering the over-all performance of the firm.\(^{81}\) Other interactions at the enterprise level (or at the law-firm level) present inequalities for female practitioners. For example, many female practitioners have experienced difficulties generating additional business and/or clients. Perhaps one of the greatest credentials in promotion advancement is the generation of clients. Because women encounter difficulties in the rainmaking process, they will undoubtedly encounter problems attaining partnerships. The same circumstance holds true for women who attempt to gain and secure the guidance of a mentor. Due

\(^{80}\) *Ibid.*

\(^{81}\) See for example, the article and case study written and scrutinized by Gary W. Loveman, "The Case of the Part-Time Partner," *Harvard Business Review*, September/October 1990, pp. 12-29. This article presents a case study on the consequences on the law firm in employing an associate on a part-time basis. Issues raised in the case study includes naming a female lawyer with a young child to partner on a part-time basis. Concerns associated with part-time partnerships include the issue of part-time work efforts and commitment, and its correlated effects of this type of arrangement on a law firm. Arguments, suggestions, input against, and for part-time partnerships are raised by notable legal practitioners throughout this analysis. Mucalov, *supra* note 5 at 23 explains the controversy surrounding part-time partnerships. She quotes Gavin Hume, a partner with the firm Russell and Du Moulin:

"[...] a partner is an owner. I question whether you can be completely committed as an owner of a firm if you work on a part-time basis. It is for this reason that law firms refuse part-time lawyers into partnerships."
to the potentiality of conceivable gossip and rumour (usually associated with the female-male mentoring relationship), women often sacrifice the guidance and direction that an accomplished mentor can provide. This interaction depicts how at the enterprise level, the work situation of a group of workers under question may be reflective of social prejudices.

A second interaction occurs between the members of a disadvantaged group and how they interact socially. Consequentially, work choices and how individuals choose to conduct themselves professionally are influenced. Women have faced problems in aspiring legal confidence with clients. Clients still appear to be apprehensive in hiring a female lawyer. As a result, women have chosen to accept background research assignments. Additionally, because society has come to depict women as possessing emotional and nurturant qualities, areas of practice such as Family and Juvenile Laws are deemed appropriate for the female gender.

A third interaction exists between worker and individual decisions, i.e., individual interactions. According to Chicha-Pontbriand, the interaction between the preceding relationship is correlated.82 Applying this analogy to the subject matter invested in this research, a woman's participation appears to be related to familial duties and responsibilities. The results extrapolated from the proverbial surveys have confirmed that women are experiencing difficulties in stabilizing both commitments. In order to care for children and succeed professionally, women must be prepared to make several concessions: (1) delay in having children; (2) reduce employment workload, consequentially sacrificing income and required experience that is critical in order to advance to partner; (3) depend on paid child-care or (4) forsake the profession temporarily or permanently in order to raise her children.

According to the Canadian Bar Association, comprehending the systemic character of discrimination is perhaps the determinant to redressing inequalities. Notwithstanding, the extent

82 Chicha-Pontbriand, supra note 69 at 71.
of discrimination *per se* is itself a hurdle in grasping its various aspects. Individual actions and biases are only one aspect of discrimination faced by individuals in society. The problems and solutions are much more immense:

"Systemic discrimination requires systemic remedies. Rather than approaching discrimination from the perspective of the single perpetrator and the single victim, the systemic approach acknowledges that by and large the systems and practices we customarily and often unwittingly adopt may have an unjustifiably negative effect on certain groups in society. The effect of the system on the individual or group, rather than its attitudinal sources, governs whether or not a remedy is justified."^83

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^83 The Canadian Bar Association Task Force, supra note 2 at 15.
2.5. CONCLUSION

While it has been confirmed that Canadian women are entering the legal profession in escalating numbers, it would appear that more and more women are forsaking the profession at higher levels than their male colleagues. This trend has been noted in the recent studies conducted for the Law Society of British Columbia and Alberta, and by Jean Wallace. On average, female lawyers in British Columbia forsake the legal profession at a rate of 50% greater than men.84 Identically, women in Alberta comprise 20.3% of total active practitioners, yet are represented by 42.6% of non-practising members.85 In Ontario, it was discovered that women are over-represented among those abdicating the profession. According to the Law Society of Upper Canada's records, women represent 37% of those no longer practising law and 32% of suspensions during the past five years alone.86 I have reason to believe more and more women will be leaving the legal profession unless profound changes are done within and to the legal profession.87

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84 The Former Members Survey, supra note 4, graph #2 at 4.

85 As reported by the Canadian Bar Association Task Force, supra note 2 at 51.

86 Transitions, supra note 10 at 65-70 and 95.

87 Hirsch in his article entitled "Will Women Leave the Law?" supra note 11, questions the presence of women employed within the legal profession. Consequentially, Hirsch casts serious doubts as to the acceptance of women in law as equal practitioners, and especially their commitment and satisfaction within this occupation. Through the manipulation of a 3,000 lawyer sample from The American Bar Association member and non-member lists, Hirsch confirmed the proceeding particulars:

· That female attorneys were far more dissatisfied than their male colleagues in the legal profession.

· That twice as many female lawyers than male lawyers employed in private practice were dissatisfied with their employment in the legal profession.

· That greater levels of dissatisfaction existed among female practitioners regardless of their employment as female partners, senior associates and junior associates felt more dissatisfied than their male colleagues.
the exhaustive subject areas and conclusions reached in the literature review, I have remarked that particular circumstances are occurring in the legal profession. Firstly, women tend to be generally dissatisfied with the legal profession *per se*. Secondly, women encounter difficulties within the areas of practice they are employed within, and also in their attempts to advance professionally. Thirdly, women have confronted predicaments within the rainmaking and mentoring processes as women have either been denied or ignored within these professional criteria. Additionally, women tend to face assorted disadvantages and inequalities including sexual harassment and gender biases. For lawyer-mothers, inflexible work hours; stresses, and struggles from competing demands while counterintuitively encountering a lack of service by law firms in order to facilitate both a successful legal career and familial obligations have been experienced by women.

I postulate that it is for these reasons or a combination of some of these justifications why women have chosen to forsake the legal profession. I believe that further research and inquiry is required in order to explore the experiences and decisions of those women who choose to retreat from the legal profession in order to decipher the exact justifications and motives as to why a growing number of female lawyers are forsaking the legal profession. This is what I hope to examine through this research.

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That more female lawyers reported that there was not much intellectual challenge in their jobs; that their work environment was not warm and personal; that they did not have a good chance to advance and that advancement was not part of their quality of work; that they did not have time for themselves, and that they were far worse off financially than their male colleagues.

Given these findings, greater dissatisfaction from the practice of law was identified by female lawyers. A profound apprehension as to female commitment in the profession and as to whether women will slowly begin to leave the profession is cast given these aforementioned conclusions.
3.1. RESEARCH METHODOLOGY COMPONENTS

In this chapter, I will expose the main components comprising the research methodology for this thesis. I will present the nature and prevalence of the case study, including a presentation of the hypothesis and variables associated with this research presentation. Next, I will elaborate on the operationalization of the variables under question. Finally, I will indicate how I will execute the collection of data and the analysis of the results.

The Case Study

My research alluded to a case study\(^{88}\) of eight (8) female private lawyers formerly affiliated with Le Barreau du Québec. The interest invested in this form of research method is essential, permitting one to grasp the associations between the variables under scrutiny and also to perceive new ones. A case study provides more specific acknowledgement for analysis. In the British Columbia Former Members Survey cited in the literature review, different factors for forsaking the profession were specified. Some of these contributing factors include law society fees; nature of work; hours; low pay; lack of flexibility; child-care responsibilities; better position outside the legal profession, and a lack of opportunity for professional advancement. What puzzled me about the results of this study was the ambiguity associated with the reasons cited for forsaking the British Columbian legal profession. What exactly is meant by \textit{a lack of flexibility}? Or even, what does \textit{nature of work} come to insinuate? Through the execution of a case study, vague elements are avoided. Consequentially, ambiguous elements are substituted with clear and detailed components

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for appraisal. Additionally, the British Columbian study failed to address the issue of inequality, gender bias and discrimination. As the literature review has demonstrated, as well as the plethora of research that was not included in the literature review, inequality towards female lawyers within the Canadian legal profession is widespread. Through this type of case study research, a comprehension as to this relatively unstudied and current phenomenon of abandonments is examined within the Québec Legal Profession, thus creating a social cognizance.

**The Prevalence of a Case Study on Women Forsaking the Legal Profession**

A case study of women forsaking the legal profession is an essential one for many reasons. The literature review that I have presented is two-sided. Firstly, the literature review has illustrated only a fraction of the numerous studies and task forces committed to women in the legal profession. Having read numerous other studies on women in the legal profession not comprising the literature review, similar results confirm the inequality that exists for women in the legal profession. Notwithstanding this magnitude of studies, only but a few of the studies relegated to women in the legal profession have dealt with the issue and current incidence of women who have been forsaking the legal profession. The execution of a case study allows for the opportunity for former members to express their perceptions on how work enterprises as well as Le barreau du Québec could improve and deal with the predicaments faced by those in the labour force and legal profession respectively.

**Research Question**

The following highlights the essence of my research:

How have the various variables and factors highlighted in the conceptual framework instigated women to forsake the practice of law? The answer to this question shall be acknowledged by incorporating what has come to be characterized as _systemic discrimination_, an approach to discrimination which has been identified in the conceptual framework.
Presentation of Variables

The dependent variable in this research is the forsaking of women from the practise of law. Specifically defined for the purposes of this research as those lawyers who are no longer practising law, these lawyers can be considered as those lawyers who are no longer entered on the Roll of Order of Advocates, or have confirmed through telephone conversations with me that they are no longer practising law as a profession, but are still paying their annual fees in order to keep their status with Le Barreau du Quebec active.

The independent variables for this research include definite factors relative to what can be attributable to departures within the legal profession per se, including a general dissatisfaction with

89 Le Barreau du Quebec publishes a list of those members who have failed to renew their memberships biannually in its literary counterpart, Le Journal du Barreau. Le Barreau du Quebec defines those lawyers no longer entitled to practice law concurring to their respective definition and particular criteria. To quote Le Barreau du Quebec and more precisely Pierre Gauthier, Executive Director of Le Barreau du Quebec in "Avis d'inhabillité à exercer la profession d'avocat," Le Journal du Barreau, Vol. 26, No. 9, 15 mai 1994, at pp. at 18:

"Les personnes suivantes [liste], parce qu'elles n'ont pas acquitté le premier versement de leurs cotisations annuelles au Barreau du Quebec pour l'exercice 1994-1995, ne sont plus inscrites au Tableau de l'Ordre des avocats et, par consequent, sont devenues inhabiles à exercer la profession d'avocat. Donc, les personnes dont les noms sont publies ci-dessous ne peuvent poser aucun actes qui sont du ressort exclusif des avocats, ni toucher des honoraires pour tels actes."

The English translation of the aforementioned citation can be found in "Notice of Disqualification From Practising the Profession of Advocate," The Montreal Gazette, 25 April, 1992, pp. D5, which cites the following:

"The following persons [list following], because they did not pay their annual dues with Le Barreau du Quebec, are no longer entered on the Roll of the Order of Advocates, and are thus disqualified from practising the profession of advocate. Therefore, [...] the persons whose names are published hereunder cannot perform any acts which are the executive prerogative of advocates, and not charge for such acts."

90 It must be noted that I reconfirmed the fact that the women I had chosen from my lists were no longer practising law through telephone conversations with them. Their telephone numbers were retrieved from the Quebec Legal Telephone Directory/ Le 51e Annuaire Telephonique Judiciaire du Quebec. Montreal: Wilson et Lafleur, Filiale de Groupe Quebecor Inc., 1994. The directory contains a list of all lawyers who are members of Le Barreau du Quebec. Whether or not annual law society fees were paid is an irrelevant criteria for names to be published within this directory.
the practice of law; areas of practice; professional advancement; rainmaking, and mentoring. Additionally, four other general factors that can cause women to forsake the profession include gender bias and inequality; sexual harassment; the balancing of both a legal career and a family and a lack of accommodation for family commitments within the legal profession.

**Interrelationship Between the Variables**

In light of the preceding variable presentation, the following is the link between the variables:

<table>
<thead>
<tr>
<th>INDEPENDENT VARIABLES</th>
<th>DEPENDENT VARIABLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>A general dissatisfaction with the practise of the law</td>
<td>The forsaking of women from Le Barreau du Québec; i.e., the non-renewal of annual dues with Le Barreau du Québec.</td>
</tr>
<tr>
<td>Areas of Practice</td>
<td></td>
</tr>
<tr>
<td>Professional advancement</td>
<td></td>
</tr>
<tr>
<td>Rainmaking</td>
<td></td>
</tr>
<tr>
<td>Mentoring</td>
<td></td>
</tr>
<tr>
<td>Sexual harassment</td>
<td></td>
</tr>
<tr>
<td>Inequality and gender bias</td>
<td></td>
</tr>
<tr>
<td>Balancing of both a legal career and a family</td>
<td></td>
</tr>
<tr>
<td>A lack of accommodation for family commitments</td>
<td></td>
</tr>
</tbody>
</table>
**Operationalization of the Variables**

The conceptual framework allows one to retain nine dimensions that ascertain the dependent variable, characterized as the forsaking of women from the legal profession. Table 10 (throughout pages 66 through 68) provides for an interrelationship between the dependent variables and the independent variables. The chart also renders the operationalization of the variables under question.

<table>
<thead>
<tr>
<th>INDEPENDENT VARIABLE</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>A general dissatisfaction with the practice of law.</em></td>
<td><em>A general dissatisfaction with the practice of law</em> will be characterized as the degree to which a lawyer dislikes various aspects of legal work, encompassing occupational tasks; responsibilities; work relations; hours of work attributed with the legal profession; the prestige of work, and income.*</td>
</tr>
<tr>
<td><em>Areas of practice</em></td>
<td><em>Areas of practice</em> shall imply the verifications in the fields of law practised by the respondents throughout their employment in the legal profession, and any difficulties related hereinto.*</td>
</tr>
<tr>
<td><em>Professional advancement</em></td>
<td><em>Professional advancement</em> can come to imply entering a partnership agreement, or even judicial appointments; increased remuneration; prestige; lifelong tenure; control over work; appointment of files; appointment to mentor status; involvement in firm management; job opportunities or litigation opportunities, any other form of professional advancement, including any problems hereinto in attempting to advance professionally.*</td>
</tr>
<tr>
<td>INDEPENDENT VARIABLE</td>
<td>DEFINITION</td>
</tr>
<tr>
<td>----------------------</td>
<td>------------</td>
</tr>
<tr>
<td><strong>Rainmaking</strong></td>
<td>The <em>rainmaking</em> credential refers to the process of alluring new and potential clients to the law firm. The operationalization of <em>rainmaking</em> shall also postulate the inopportunity to associate with potential clients, or with others who can refer potential clients to them.</td>
</tr>
<tr>
<td><strong>Mentoring</strong></td>
<td><em>Mentoring</em> shall be defined as the protégée-mentor relationship in one in which the senior lawyer (<em>i.e.</em>, the mentor) assists the junior lawyer (<em>i.e.</em>, the protégée). In this learning relationship, the mentor provides communication of firm values, offers advice vis-à-vis career goals and aspirations, dispenses assistance and feedback regarding the protégés performances and provides information regarding firm dynamics. Moreover, this shall include both the difficulty, or more precisely, the failure to establish mentor relationships, resulting in an absence of support.</td>
</tr>
<tr>
<td><strong>Gender bias</strong></td>
<td><em>Gender bias</em> shall be defined as those attitudes and behaviours based on sex stereotypes, the perceived relative worth of women and myths and misconceptions about work activities encountered by women. It is reflected in attitudes and/or behaviours towards women, based on stereotypical beliefs about the <em>nature</em> and <em>roles</em>, rather than upon independent evaluation of independent ability, life experience and aspirations.</td>
</tr>
<tr>
<td><strong>Sexual harassment</strong></td>
<td><em>Sexual harassment</em> shall be defined as the unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job related consequences for the victims of the harassment.</td>
</tr>
<tr>
<td>INDEPENDENT VARIABLE</td>
<td>DEFINITION</td>
</tr>
<tr>
<td>-----------------------------------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Balancing of a legal career and a family.</td>
<td><em>Balancing a legal career and a family</em> can be measured in terms of various impacts, including economic disadvantage; resentment by employers, partners, or co-workers; financial burden and pressure on others caused by maternity leave or alternative work arrangements; a questioning of commitment; limited access to high profile files; exclusion from business development opportunities; deferral of decisions on promotions and admission to partnerships (i.e., loss of seniority); limits on advancement and development opportunities and eventually increased likelihood of termination of employment.*</td>
</tr>
<tr>
<td>A lack of accommodation for family commitments.</td>
<td><em>A lack of accommodation for family commitments</em> shall be measured in terms of the difficulty in attaining, or even a lack of accommodations to assist in facilitating the balancing of a family and a legal career, including workplace accommodations such as maternity leave and paternity leave policies; alternative work relationships (such as flexible hours; part-time work arrangements); and assistance in child-care (i.e., daycare facilities).*</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DEPENDENT VARIABLE</th>
<th>DEFINITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forsaking the practice of law.</td>
<td>Specifically defined for the purposes of this research as those lawyers who are no longer practising law, characterized as those lawyers who have not paid their annual dues with Le Barreau du Québec and are no longer entered on the <em>Roll of Order of Advocates</em>, consequentially disqualified from practising the profession of advocate. Therefore, these persons can no longer perform any acts which are the executive prerogative of advocates, and not charge fees for such acts.</td>
</tr>
</tbody>
</table>
Sample and Sample Size

I have chosen a sample of eight (8) female lawyers who are no longer practising law as a profession for analysis. I chose this sample size of eight (8) women because it is an easily manoeuvrable sample size, cognizant of the exploratory and explanatory nature of this research. I interviewed members who had relatively similar personal and professional backgrounds. Specifically, I preferred to examine those women who had forsaken the profession as of 1992, or within one year before or after this specified year. I chose this time frame for essentially two reasons. Firstly, I wanted to induct an analysis that would not only be recent, but would avoid examining lawyers who have left the profession many years ago. Not every individual has the same retention capacity. Specific events that may have transpired many years ago might be forgotten, thus jeopardizing accurate results and analysis. Secondly, I wanted to examine lawyers who have forsaken the profession for at least two consecutive years in order to ensure that the sample participants are indeed women who are in fact no longer practising law and are not merely just women who have taken short absences. In sum, the eight (8) former female lawyers conformed to the following two criteria:

1. Former membership with Le Barreau du Québec;

2. Considered disqualified from practising the Profession of Advocate and no longer entered on the Roll of Advocate from Le Barreau du Québec for at least two consecutive years; or have confirmed through telephone conversations with me that they are no longer practising law, but are still paying their annual dues with Le Barreau du Québec in order to retain their status with the association.
Data Collection

Open-ended interviews have been conducted vis-à-vis the eight (8) former female lawyers. The interviews were structured conforming to the variables under question. In essence, the various themes that encompassed the interviewing reflected the variables I have chosen to verify the forsaking of women from the legal profession.

Data Analysis

The data analysis was be conducted reflecting a content analysis\textsuperscript{91} of the various themes or variables under question in regrouping the principle themes identified in the conceptual framework. This strategy allows me to systemize the analysis qualitatively.\textsuperscript{92} Moreover, I can distinctly specify the significance of the variables. A case study allows one to stipulate the variables (which at times can be vague) under question. In reality, I wanted to verify whether a link exists between the nine independent variables (\textit{i.e.}, a general dissatisfaction with the practice of law; areas of practice; professional advancement; rainmaking; mentoring; gender bias and inequality; sexual harassment; the balancing of a career and a family and a lack of accommodation for family commitments) and departures from the legal profession. As well, I expected that I would be able to comprehend the correlation between the variables.

\begin{itemize}
\end{itemize}
IV
RESULTS GENERATED FROM THE CASE STUDY

4.1. QUESTIONNAIRES AND INTERVIEWS OF THE NON-PRACTISING FEMALE MEMBERS OF LE BARREAU DU QUÉBEC

This chapter will expose a detailed description of the results of a forty (40) page, eighty-two (82) question questionnaire in the English language,\(^{93}\) and an identical questionnaire translated precisely into the French language\(^{94}\) used to conduct open-ended interviews with eight (8) non-practising female members once affiliated with Le Barreau du Québec. The results will be presented in accordance with the successive sections of the questionnaire. The interviews were conducted as of November 1, 1994 and the last interview was completed on December 23, 1994. I believe that through the sample I have established, I will have created a homogenous profile. This is so because the eight women had been admitted to Le Barreau du Québec for a sufficient period of time (in order to have fully established their legal careers), and were all dealing with competing claims of a legal career and raising a family. It should be emphasized that due to the nature and use of the case study in this research, the results of the case study can not be interpreted quantitatively. Instead, the results must be interpreted qualitatively.

\(^{93}\) Please refer to Appendix A, pages 166 through 206.

\(^{94}\) Please refer to Appendix B, pages 208 through 248.
Characteristics of the Sample Participants

The median\textsuperscript{95} year of call in Québec for the eight women under observation was 1986 (mean = 1986). The median age of the women was 35 years of age with the women's ages ranging from 31 to 39 years of age at the time the women were interviewed to participate in the semi-structured interviews.

Five of the women interviewed hold undergraduate Bachelor of Arts degrees in English; Philosophy and Political Science. One of these women also possesses a postgraduate Master of Arts degree in Political Science. The remaining three women do not have a university degree other than their Bachelor of Law degrees having entered law school after having terminated their collegial studies.

The median pre-tax income from employment at the time the women under question left the legal profession was within the $40,000-$54,000 income bracket, with a mean pre-tax income of $47,500.\textsuperscript{96}

Table 11 on the following page serves as a summarized illustration of the eight (8) sample participants' characteristics and profiles.

\textsuperscript{95} Mark L. Berenson and David M. Levine in Basic Business Statistics: Concepts and Applications, Englewood Cliffs, New Jersey: Prentice Hall, 1989 at pp. 39 define the median as the middle value in an ordered sequence of data. Berenson and Levine also note that there are two rules which should be followed when calculating the median value:

(1) If the sample size is an odd number, the median is represented by the numerical value of the middle item when all items are arranged in ascending order;

(2) If the size of the sample is an even number, then the median is the average value of the two middle items when all items are arranged in ascending order.

\textsuperscript{96} It must be noted that one of the women requested to keep her pre-tax income from employment confidential and not reveal her income. Therefore, the median and mean pre-tax incomes are calculated based on a seven (7) person rather than an eight (8) person sample for this question only.
<table>
<thead>
<tr>
<th>Civil Status</th>
<th>Current Institution</th>
<th>Time of Degree</th>
<th>Degree(s)</th>
<th>University</th>
<th>Year Admitted to Quebec</th>
<th>Year of Admission</th>
<th>Age of Respondent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>3 children</td>
<td>1993</td>
<td>(Philosophy)</td>
<td></td>
<td>1984</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>2 children</td>
<td>1993</td>
<td>(Political Science)</td>
<td>Bachelor of Arts</td>
<td>1987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>2 children</td>
<td>1993</td>
<td>(Political Science)</td>
<td>Master of Arts</td>
<td>1986</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>2 children</td>
<td>1993</td>
<td>(Political Science)</td>
<td>Bachelor of Arts</td>
<td>1986</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>2 children</td>
<td>1993</td>
<td>(Politics)</td>
<td>Bachelor of Arts</td>
<td>1987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Married</td>
<td>2 children</td>
<td>1993</td>
<td>None</td>
<td></td>
<td>1986</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Characteristics of the Eight Case Study Sample Participants

TABLE II
**Current Employment History Status**

Questions 1 through 3 of the interviews were designed to get a feedback as to the sample participants' current employment status. Five of the women are full-time housewives; two are self-employed, and one is currently enrolled in an Master of Business Administration program. Of the two women who are paid for their employment, one is employed in activities that are related to her legal training, and the other is not.

**Employment in the Legal Profession**

Questions 4 through 7 of the interviews concentrated on describing the case sample participants' employment profiles while they were employed in the legal profession. Through the manipulation of these questions, all of the women interviewed were employed as lawyers throughout their legal careers. With regards to the size of the law firms in which the women were employed throughout their careers, one detects a variety of responses as five of the women were employed in more than one law firm throughout their legal careers. What can be deciphered is that most of the women in the case study group were employed in either small, or small-to-medium sized legal firms. Very few of the women were employed in medium-to-large or even very large law firms. The subsequent box acts as a summary as to the size of the law firms in which the women were employed within.

<table>
<thead>
<tr>
<th>Employer Size</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 employee</td>
<td>2</td>
</tr>
<tr>
<td>Between 2-4 employees</td>
<td>2</td>
</tr>
<tr>
<td>Between 5-9 employees</td>
<td>3</td>
</tr>
<tr>
<td>Between 10-19 employees</td>
<td>2</td>
</tr>
<tr>
<td>Between 20-49 employees</td>
<td>2</td>
</tr>
<tr>
<td>Between 50-74 employees</td>
<td>0</td>
</tr>
<tr>
<td>75 or more employees</td>
<td>2</td>
</tr>
</tbody>
</table>
Types of Law Firms

The types of law firms in which the women were employed again presents a wide array of legal specialties: Civil Law; Contract Law; Corporate/Commercial Law; Family Law; Human Rights Law; Immigration Law; Labour Law; Real Estate Law; Securities and Tax Litigation.
4.2. SATISFACTION WITH THE PRACTICE OF THE LAW

Clarification

The first major section of the (i.e., questions 8 through 10 of the questionnaires and interviews) dealt with the issue of satisfaction with the practice of law. To clarify, satisfaction with the practice of law is characterized as the degree to which the lawyers liked or disliked the following facets of their legal work characterizing the legal profession, including hiring; occupational tasks; hours of work; workload; job security; income; prestige of work; other lawyers giving appropriate weight in decisions; balance with personal life; control over work; opportunity for advancement; employment benefits; working relationship with female and male colleagues, female and male superiors; professional relationship with female and male judges, and working relationship with support staff. In question 8, the women were asked to grade from 1 (a score of 1 indicated that the respondent was very dissatisfied) through 6 (indicating that the respondent was very satisfied) with the particular facet of work identified. Table 12 on the following page provides an overview of all the facets of work and the respective median scores of satisfaction generated by the eight case study sample participants.
## TABLE 12
Median Scores of Satisfaction for the Various Facets of Work Characterizing the Legal Profession

<table>
<thead>
<tr>
<th>FACET OF WORK</th>
<th>MEDIAN SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiring</td>
<td>3.0</td>
</tr>
<tr>
<td>Occupational tasks</td>
<td>4.0</td>
</tr>
<tr>
<td>Hours</td>
<td>1.0</td>
</tr>
<tr>
<td>Workload</td>
<td>1.0</td>
</tr>
<tr>
<td>Job security</td>
<td>3.0</td>
</tr>
<tr>
<td>Income</td>
<td>3.5</td>
</tr>
<tr>
<td>Prestige of work</td>
<td>3.0</td>
</tr>
<tr>
<td>Other lawyers not giving appropriate weight in decisions</td>
<td>4.0</td>
</tr>
<tr>
<td>Balance with personal life</td>
<td>1.0</td>
</tr>
<tr>
<td>Control over work</td>
<td>4.0</td>
</tr>
<tr>
<td>Opportunity for advancement</td>
<td>2.0</td>
</tr>
<tr>
<td>Employment benefits</td>
<td>2.0</td>
</tr>
<tr>
<td>Working relationship with female colleagues</td>
<td>4.0</td>
</tr>
<tr>
<td>Working relationship with male colleagues</td>
<td>4.0</td>
</tr>
<tr>
<td>Working relationship with female superiors</td>
<td>3.0&lt;sup&gt;97&lt;/sup&gt;</td>
</tr>
<tr>
<td>Working relationship with male superiors</td>
<td>2.0</td>
</tr>
<tr>
<td>Professional relationship with female judges</td>
<td>4.0&lt;sup&gt;98&lt;/sup&gt;</td>
</tr>
<tr>
<td>Professional relationship with male judges</td>
<td>2.5&lt;sup&gt;99&lt;/sup&gt;</td>
</tr>
<tr>
<td>Working relationship with support staff</td>
<td>6.0</td>
</tr>
</tbody>
</table>

---

<sup>97</sup> This median score is based on the responses of six (6) of the sample participants as for two of the women interviewed, there were no female superiors in the law firms in which they were employed.

<sup>98</sup> This median score is based on the responses of four (4) of the respondents as their areas of practice did not involve any court litigation per se.

Very Dissatisfying Facets of Work

As Table 12 indicates, the sample participants were very dissatisfied (through a median score of satisfaction of 1.0) with the hours of work attributed to the legal practice; workload and balance with personal life. As three of the women commented:

"The hours were very long, and very demanding. The legal profession is an area of work where who go in 100% or you don't do in at all. I spent nights at the office. This happened often, and these long hours were taken for granted and were expected of you."

"The hours of work are crazy. Demented almost. My husband is also a lawyer, and he left the profession as well. The hours are just too ridiculous. It's not normal to have to work 18 hours per day. It's inhuman. This is an aspect of the legal profession that I found to be very deranged and dissatisfying."

"A lawyer's workload is very heavy, relative to the amount of hours required by the profession. [...] It's [workload] is expected, and very characteristic of the typical lawyer's functions."

Somewhat Dissatisfying Facets of Work

The women also confirmed that they were somewhat dissatisfied (i.e., through median scores of satisfaction between 2.0 and 2.5) with the opportunity for advancement within the legal profession; employment benefits; their professional relationships with male superiors and male judges. As three of the women proclaimed:

"The [legal] profession is not a profession where you go in for the benefits. There are none."

"I found the older, established partners to be somewhat condescending, and didn't pay much attention to me. They [male superiors] always had something to do, or were too busy to help if I needed some. [...] If I had to clarify something with a certain individual, it was with the attitude, 'O.K., I'll give you 5 minutes to say what it is you have to say, so hurry up and make it snappy!' They [superiors] were always in a hurry, and too busy to help."

"I found the male judges to be rather arrogant, especially with young lawyers. They

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100 It should be emphasized that within Chapter IV, the citations presented represent a balance of all eight of the sample participants' views and comments pertaining to every subject matter.
[the male judges] seem to know how to pinpoint the women from a crowd. There were judges who were either macho, or who would look at you like a piece of meat while you were in the courtroom."

In regards to the opportunity for professional advancement, most of the women commented that advancing depended on individual/personal obligations. The main obstacle blocking their careers paths for advancement were familial obligations and child-care responsibilities. As one woman asserted:

"Advancing turns into a matter of personal and professional choice and decision. I wanted to bring up my children myself. There are some women who can do both raising a family and practise law well. There is a woman friend I know who's a partner, making a great deal of money, but she does not see her kids. But, those are the sacrifices she chose to make. I chose to make other sacrifices, in forgoing income and leaving the profession."

_Dissatisfying Facets of Work_

The facets of work in which the women interviewed were _dissatisfied_ with (through a median score of satisfaction of 3.0) was hiring, job security, prestige, and their working relationship with female superiors. As the women clarified:

"The hiring procedure was very difficult. There are a lot of calls and interviews, but very few opportunities. I didn't like the type/genre of questions they would ask me, like 'Do you have any intentions in getting married?' or, 'Do you have any intentions in having children?' or even, 'What is a nice girl like you doing in here...?'

"I don't think you're ever secure in that [lawyer] type of job. First of all, you're overworked. If, God forbid, you should become burnt out (which you are), you'd better take your vacation before the firm gets unsatisfied with you because the billable hours are checked at all times."

"When you work in private practise, it's difficult, especially in today's competitive day and age. You are obliged to put in long hours, because, if not, it no longer becomes a question of getting a promotion, or a bonus. Instead, it becomes a question of keeping your job. If you can't do your job, there are ten competent individuals waiting in line who can easily replace you."

"As a general rule, I tried to avoid working with the older women, simply because there was a complete gap. Older women perceived younger women as a threat."
"Marginally Satisfying Facets of Work"

One facet of work in which the women as a whole appeared marginally dissatisfied and satisfied with (through a median score of satisfaction of 3.5) was with income. As two of the women informed:

"The legal profession is a well paid profession. [...] You have to work long, hard hours, yet your salary is very attractive."

"After my first year, I perceived salary differentials. I had similar billable hours to the others, and I was getting a lot less money than the others."

"Satisfying Facets of Work"

Facets of work in which the women rated merely as satisfactory (i.e., through a median score of 4.0) included occupational tasks; other lawyers giving appropriate weight to decisions; control over work; work relations with male and female colleagues; and their professional relationship with female judges. Below are a few of the comments reflecting some of the sample participants' views pertaining to the italicized facets of work identified:

On other lawyers giving appropriate weight to decisions:

"I felt that my colleagues did not accord any weight to my decisions. [...] That was probably because I was so young."

On control over work:

"You don't have control over your work over the first five to six years of practice. You are still considered as a junior associate, and are constantly told what to do."

On work relations with female colleagues:

"[...] There was a lot of solidarity amongst the women, whether it have been through dinners together, weekends together with the girls, and the like. Yet, amongst the women at work per se, we kept to ourselves and held our own ground, each woman holding her own ground so to speak. So, in a professional sense, there was no solidarity among the women."
On work relationships with male colleagues:

"[Work relations with male colleagues] Very complicated. Really. There were many occasions for sexual harassment suits."

"With my male colleagues, it [working relationship] was a relationship of camaraderie, help, and co-operation."

It should be emphasized that none of the facets of work identified were accorded a median score of satisfaction of 5.0, indicating a somewhat satisfying element of work. Moreover, the only facet of work in which the women were very satisfied with through a median score of 6.0 was through their working relationships with support staff. Almost all of the women claimed that their working relationships with support staff was generally professional and proficient. As one woman confirmed:

"[Work relations with support staff] Very satisfying. I never had any problems with anyone in the offices."

Satisfaction with the Practice of Law and Forsaking the Practice of Law

Questions 9 and 10 of the interviews asked the women if any of the facets of work in which they were dissatisfied with contributed in their decisions to forsake the legal profession. If so, the women were asked to identify which factors these were and how these facets of work contributed in their decisions to forsake the practice of law. All eight of the women commented that facets of work in which they were dissatisfied with contributed in some form in their resolutions to leave the legal profession. A large array of responses were generated, ranging from the long hours attributed to the legal profession; to work relations, and also to missing the opportunity in being creative. Also, the women commented a dissatisfaction with the practice of law in that the profession was not construsive to raising a balanced family life; to describing the profession metaphorically, feeling trapped in a cocoon as one women reported. As the women articulated:
"I always went into work with a sick feeling in my stomach. They [colleagues] were always slamming doors around. I couldn't work like that anymore. I mean it just got too upsetting. You have to deal with the stress of practising law and interpersonal relationships that were precarious."

"I was very dissatisfied with all the factors you mentioned. ... As I have described and told to you, I rated all the factors you mentioned either a score of 1 or 2. Nothing higher. The scores of the assembly of all the assembly of factors paints the picture on how I felt about the profession."

"Everything in my life changed. You have no relationship with your family because you get so aggressive. I would come home and need to spend an hour unwinding before anyone would be allowed to speak with me, or even go near me until I could get into a human mode, because at work, you're not in a human mode. You have no time to build friends. You never have time to see your friends. You end up losing your friends. You become more isolated as you go on... You become trapped inside a little cocoon. You don't make conscious decisions. I had dropped a lot of weight. You eat differently. Everything changed. I was so ill, but I was still going into work. My legal career prospered, but at what expense?"

"The practice of law can be challenging and exciting, don't get me wrong. Nevertheless, the grind of the [practice of] law destroys this satisfaction to the point where the high levels of stress and anxiety, the continuous hours and no life makes the [practice of] law very dissatisfying."
4.3. AREAS OF PRACTICE

Areas of Law Practised

The next subject area under scrutiny concentrated on the areas of practice practised by the women throughout their employment in the legal profession. This subject area is concentrated in questions 11 through 20 of the interviews. What I discovered was a wide array of areas of practice specialized among the eight women interviewed. A common area of practice among the women selected was Corporate/Commercial Law, with five of the eight women having practised within this business realm of law at one point in time in their legal careers. Tax Litigation/Securities Law was another common area of practice among the women with four women having practised here. Moreover, four of the women also practised Labour Law, and two of the women also practised Human Rights and Family Laws throughout their employment in the legal profession.

Choosing Their Respective Areas of Practice

Question 12 of the interviews asked the women why they chose their particular areas of practice. Most of the women surveyed (i.e., five of the eight women) practised law in their respective areas of practice because the areas were assigned to them at the moment they were hired at their respective law firms. Additionally, two of the women surveyed chose their particular areas of practice (i.e., Family and Human Rights Laws) due to the humane aspect correlated with these particular areas of practice. Finally, one woman chose Tax Litigation because she felt that this area of specialization accorded the best opportunity for future employment.

Preferences for Other Areas of Practice

When asked if the women would have preferred another area of practice (i.e., through questions 13 and 14 of the interviews), six of the women answered in the affirmative. Two of the women would have preferred Family Law, and another favouring Medical Law, citing the ethical
and humane aspects associated with these areas of practise. For the remaining three women, one would have preferred Maritime/Navigational Law (as it was her parentage); and the other two women would have preferred Criminal Law (citing the fascination with this area of practice), and the other woman emphasizing a preference for Space and Ethics Law, agreeing that this area of practice was an interesting and unique speciality. The remaining two women of the sample case study were satisfied within the realm of their legal specialties.

**Constraints Experienced Within Their Respective Areas of Practice**

Questions 15 and 16 of the interviews asked whether or not the women interviewed encountered any constraints while practising within their respective legal specialties. Six of the women interviewed confirmed that they encountered constraints while practising within their respective areas of practice, indicating a failure to be taken seriously; scepticism, rudeness, and incomprehension by clients:

"I felt that I was not taken seriously as a Corporate lawyer. I did not see nor get any respect at all. There is an element when you are a young female lawyer, and you are starting your legal career. It is very intimidating if you have to close a deal with male lawyers. They tend to look and treat you differently."

"In labour law as a field of law, I wasn't taken seriously [as a lawyer]. I was told that I wasn't aggressive enough. I always had the philosophy that I didn't have to, nor should I have to behave like a man. As you can see, I'm certainly not a man..."

**Outcomes Experienced Within Their Respective Areas of Practice**

An important question dealing with areas of practice questioned whether or not the women experienced any of a number of a variety of results while practising within their respective areas of practice. Questions 17 and 18 of the interviews dealt with this predicament. Table 13 accentuates the frequency of the results experienced by the women while practising law within their respective areas of practice.
TABLE 13
Frequency of Results Identified by Respondents While Practising Law Within Their Respective Areas of Practice

<table>
<thead>
<tr>
<th>RESULT</th>
<th>RESPONDENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expectation to handle particular areas of law</td>
<td>•</td>
<td>4</td>
</tr>
<tr>
<td>Other lawyers not giving appropriate weight in decisions</td>
<td>•</td>
<td>2</td>
</tr>
<tr>
<td>Assignment of background/research assignments</td>
<td>•</td>
<td>8</td>
</tr>
<tr>
<td>Scepticism by clients</td>
<td>•</td>
<td>6</td>
</tr>
<tr>
<td>Scepticism by colleagues</td>
<td>•</td>
<td>4</td>
</tr>
<tr>
<td>Scepticism by superiors</td>
<td>•</td>
<td>3</td>
</tr>
<tr>
<td>Lack of opportunity to litigate/Apear in court</td>
<td>•</td>
<td>1</td>
</tr>
<tr>
<td>Area of practice adversarial in nature</td>
<td>•</td>
<td>5</td>
</tr>
</tbody>
</table>

- Indicates that respondents DID experience listed result(s) while practising within their respective area of practice.

A blank area indicates that the respondents DID NOT experience listed result(s) while practising law within their respective area of practice.
Table 13 accentuates that all eight of the women interviewed were assigned background work and research assignments, while six of the women cited a scepticism on the part of their clients. Five of the women also found their respective areas of practice adversarial in nature. Additionally, four women experienced scepticism on the part of their colleagues, three on the part of their superiors, and corroborated that they were expected to handle particular areas of law. As two of the women authenticated:

"I was once asked to handle a bitter and touchy divorce settlement, involving children and custody. I was told that I was assigned that particular case because I was a woman who had a child, and loved children, and that I could best handle the case as I possessed a 'natural maternal instinct...""

"Litigation gets so out of control and out of whack many times. Nobody wins in the end when you have to endure so many years of fighting."

Areas of Practice and Forsaking the Practice of Law

Interestingly, difficulties and experiences surrounding areas of practice was a decisive factor for four of the women in their decisions to forsake the practice of law. The monotony of background work became too repetitious depressing for one woman. For some of the women practising Tax Litigation, the adversarial and hostile nature within this area of practice was an ascertaining element in their decisions to leave the legal profession. For another woman, client and colleague resistance, scepticism, and doubt became a relevant factor which contributed in her final decision to forsake the practice of law. As two of the women emphasized:

"I was really unhappy doing Litigation... It [Litigation] had become much nastier, more parsimonious, and much less professional and proficient..."

"The adversarial and argumentative nature of Securities Law was a factor in my decision to leave [the legal profession]. It [Securities Law] is an area of law which is very confrontational and at times very demanding. I did not want to come home anymore and throw out all of my frustrations out at my family. It just wasn't fair to them at all."
4.4. PROFESSIONAL ADVANCEMENT

Questions 21 through 27 of the interviews concentrated on the issue of professional advancement. Specifically, questions 21 and 22 aimed to ascertain whether or not the sample participants progressed in any form throughout their careers as a lawyer. What was deciphered was that all eight of the women interviewed were hired and remained hired as associates\textsuperscript{101} until the moment of their decision to leave the legal profession. Despite having practised law for a significant number of years, none of the women advanced to partnership nor judicial statuses. Several of the women interviewed accentuated that they had progressed within their tenure in the legal profession (other than through hierarchical rank \textit{per se}), but having improved instead the administration of their legal skills; the control over their work; their income, and decision-making abilities.

\textit{Failing to Progress Professionally}

Question 23 asked the women to respond why (if known) they were unable to progress during their career in the legal profession. Of the reasons cited by the women in failing to advance to higher ranked degrees of law such as partner, a reoccurring explanation was the inability to perform the high amounts of billable hours expected in by law firms (an indisputable criteria in being named to partner), while simultaneously taking care of familial and child-care obligations. As some of the women emphasized:

"When I started [practising law], I was 23 years old and single. I was married two years later, and had [Daughter] two years after I was married. I couldn't be named to partner. No way. The time I had [Daughter] concurred when I was being considered for partnership. It [partnership] vanished because I lost seniority for partnership consideration when I left for four months maternity leave, and I would leave the office \textit{early} at 5:00PM, only putting in a normal eight-hour, 9:00AM-

\textsuperscript{101} It should be clarified that in the English language, the term \textit{associate} implies that one is employed as a \textit{lawyer}. The term \textit{associate} must not be mistaken for the French language term of \textit{associé}, the terminology implying \textit{partner} status.
"To advance to partner, you have to have a strong business sense. If you’re not connected to the right associates and contacts, forget about being named to partner— you’ll always be turned down."

**Consequences Experienced in Attempting to Advance Professionally**

Questions 24 and 25 of the interviews asked the women to respond whether or not they had experienced a variety of outcomes in their attempts to advance professionally. As Table 14 indicates, there were numerous outcomes the women experienced in their attempts to advance professionally during their legal careers.

<table>
<thead>
<tr>
<th>OUTCOMES</th>
<th>I</th>
<th>II</th>
<th>III</th>
<th>IV</th>
<th>V</th>
<th>VI</th>
<th>VII</th>
<th>VIII</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had to work much harder than male colleagues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td>7</td>
</tr>
<tr>
<td>Expectation to prove oneself to a large degree</td>
<td></td>
<td>♦</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td>8</td>
</tr>
<tr>
<td>Lack of opportunity to attract new clients</td>
<td></td>
<td>♦</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Lack of access to network relationships (i.e. networking)</td>
<td></td>
<td>♦</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Hours of work too long</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td>7</td>
</tr>
<tr>
<td>No possibility for career advancement feasible</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Preconceived notions about pregnancy or maternity</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td>7</td>
</tr>
<tr>
<td>Preference for the male gender</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>♦</td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>

* Indicates that respondents DID experience the listed outcome(s) in their attempts to advance professionally.

A blank area indicates that the respondents DID NOT experience the listed outcome(s) in their attempts to advance professionally.
As Table 14 confirms, between six to eight of the women interviewed experienced the following predicaments: having to work harder than their male colleagues; having to prove themselves to a large degree; that career progression was difficult; that work hours necessary to become partner were too long; that there was very little possibility for advancement feasible, and that there were preconceived notions about pregnancy or maternity within the realm of the profession. Moreover, four of the women claimed that there is generally a preference for the male gender in regards to career advancement; that there was a lack of opportunity to attract new clients and access to network relationships. As two of the women professed through various ways:

"The women had to put in extra hours and it always appeared as though we had to prove ourselves to a much larger degree in order to get any recognition at all."

"Becoming partner is becoming harder, and tougher. I was on Partnership Track before I became pregnant. When I became pregnant, that was it, out the window, right off the Partnership Track. Because I am a woman, and I wanted to raise my children herself, there was no way that I would advance to partner..."

Four of the women also complained that they encountered a lack of opportunity to generate new business (i.e., rainmaking) and involvement in network relationships (i.e., networking). Both elements are crucial factors in the many required to advance professionally. As one woman pointed out:

"There was just no way to advance to partner at all. Unless I would have brought considerable clients, then the firm would have had no choice but to name me to partner. They [the males in the firm] were the ones who were out in the golf course, and having business lunches, while I was the one stuck in the office. Where was I networking? How could I get any new business that could possibly consider me for partnership ...?"
Professional Advancement and Forsaking the Practice of Law

Six of the women claimed that consequences attached to professional advancement such as the lack of and inopportunity for career advancement contributed to their decisions to forsake the practice of law. The reasons cited were numerous: advancement was insurmountable; the work hours were just too long; the continuous struggle in having to prove oneself; being made to feel that wanting to have children was somehow wrong and inappropriate, and difficulties due to child-care responsibilities. Some of the more notable comments included the following:

"Women and men enter law firms and into the [legal] profession as enthusiastic articling students starting at an equal level. However, from what I saw and experienced, the men were getting the important files, started getting paid a lot better than we did, possibly because they were doing better work and billable hours. This is a discrimination which isn't really intentional, rather systemic. This is a problem within the entire entity of the profession."

"I seem to feel that it is extremely difficult for a woman to advance to partner. If a woman wants to play an active role in child rearing, she cannot fully develop her [legal] career. It's career suicide. For a mother-lawyer who takes her maternity leave and works less hours, it will take a very long time to rise up in the firm."

"I saw practising law as a dead-end street... Given the extremely high level of commitment that is essential and integral for success and advancement in the [legal] profession, it is highly doubtful that mothers will become partners. My second pregnancy made the partnership issue and the practising law permanently moot..."

"I knew that I would never become a partner once I had my first child. What is so disappointing and aggravating was that a male colleague of mine in the last firm in which I was working in had four children, and was elevated to partner. I don't think there was ever a doubt in his mind that he would not advance to partner the day his first child was born. It's no small wonder that most partners are male. And if the partner is a woman, chances are that she is either single and childless, and without any obligations or commitments."
4.5. RAINMAKING

Participation in the Rainmaking Process

The next section theme under observation dealt with the issue of generating new business, coined as rainmaking within legal circles. These particular questions are found through questions 28 through 33 of the questionnaires. Of the women who comprised the case study, four were given the opportunity to generate new business. Obviously, the four remaining women were not involved in the rainmaking procedure. Of the women who were not given the inopportunity to make rain, three claimed that rainmaking was not expected of them, with one woman commenting that she was never supported in their effort to generate new business. As two women described of the rainmaking process:

"Young lawyers were not given real opportunities to make rain. You have to demonstrate the initiative and ability to do it [rainmaking]. At [Firm] they did not want a young lawyer, whether it be male or female attached to a $500 bill. At that level, it's millions of dollars in which you are going to have to attract. Rainmaking at that firm became a little more sophisticated, complicated, and delicate."

"When I would go to corporate meetings and be given the chance to meet with clientèle, sometimes the clients were not all that receptive to see some young female. Half of the time I would be mistaken for a secretary, sitting in the meetings in order to take the minutes of the meeting."

Network Relationships (Networking)

Somewhat identical responses were identified vis-à-vis the case study sample's involvement in network relationships. Four of the eight women were never involved in network relationships during their employment in the legal profession. The women cited that networking was usually conducted by senior members in the firm, and also emphasized again that networking was not expected of them.
Rainmaking and Forsaking the Practice of Law

Questions 32 and 33 of the interviews asked the sample participants that if they were unable or even denied the opportunity in making rain, if this refusal contributed in their decisions to forsake the legal profession. Of the four women who were not given the opportunity to make rain, only one of the women claimed that this lack of inopportunity to generate new business contributed in her decision to leave the profession.\textsuperscript{102} For the remaining three women, the lack of opportunity to make rain was not a decisive factor in their decision to leave. As the woman who was denied involvement in the rainmaking procedure which contributed in her decision to forsake the legal profession clarified:

"It [the lack of involvement in rainmaking] did not help my situation. My failure to be given the opportunity to generate new business, in my opinion, was a general reflection of my capacity as a lawyer. I always felt like I wasn't a very good lawyer. This transcended into a lack of confidence and self-esteem."

\textsuperscript{102} This woman claimed that this inopportunity to generate new business through the rainmaking procedure contributed in a very secondary degree in her decision to forsake the practice of law.
4.6. MENTORING

The next theme that was investigated was the issue of mentoring. Specifically, questions 34 and 35 consolidated around the issue of whether or not mentoring alliances were exercised in the various law firms in which the women were employed. Additionally, these questions aimed to describe the relationship (if any) between the sample participant and her mentor.

*Mentoring Alliances*

All eight of the women interviewed substantiated that mentoring alliances were exercised in the law firms in which they were employed. However, two of the women were both unassigned and therefore not under the guidance of a mentor. What was deciphered through the interviews were mixed apprehensions vis-à-vis the women's situations throughout their tenure within the legal profession with respect to mentoring. One woman claimed that she had not only one but had two mentors each possessing conflicting opinions as to what work functions she should perform. Another woman had no complaints about her mentor, confirming an excellent and respectful relationship. Three of the women interviewed claimed that their mentoring situation was respectable, with their mentors emphasizing stringent goals and meticulous work. Another sample participant declared that her mentoring relationship was fair to good, yet not excellent, preferring that more of a focus and concentration on her needs and career objectives. Finally, one woman claimed that her mentoring situation was horrible. This woman clarified that her mentor demonstrated little confidence in her and was very faultfinding:

"My relationship with my mentor was horrible. The feedback that I got was criticism instead. What I got were comments like, 'No, it's not that', or 'You cannot write.' It is not this type of guidance (if you can call it *guidance*) that develops you into a lawyer. The human resource aspect of motivating and mobilizing lawyers must be emphasized. A mentor *must* do this. For example, if you have a specific problem, you should have enough confidence in your mentor to warn him/her that you are unmotivated or even discouraged."
As was mentioned beforehand, two of the women confirmed that they were not offered the guidance of a mentor. One women claimed that she was literally left also to fend for herself. Almost similarly, the other woman claimed that she herself found a mentor to guide and direct her.

**Mentoring and Forsaking the Practice of Law**

Questions 38 and 39 of the interviews asked the women that were not under the guidance of a mentor if this absence of guidance contributed in their decisions to forsake the practice of law. For the two women who were not under the guidance of a mentor, the absence of this guidance was not a definitive factor in their decision to forsake the legal profession. Ironically, for two of the women who were under the guidance of a mentor, mentoring was a factor which reinforced their decisions to forsake the legal profession. As the two women maintained:

"Even if I was under the guidance of a *mentor*, I felt as though I wasn't under the guidance of a mentor, due to the relationship I had with my mentor, encouraging in my decision to leave. I never really got any real feedback on my legal competence and potential. I was often criticized, yet I never ever got any advice on how I should improve myself. It [the mentoring process] was a useless process."

"Fully developed and committed mentoring would have facilitated my employment. I felt very isolated. When you're constantly on the verge of tears (and virtually close to experiencing a nervous breakdown like I was), you need to know that someone is actually there to listen to you. I did not feel or have that at all with my mentor."
4.7. GENDER BIAS AND INEQUALITY

The Nature and Presence of Gender Bias and Inequality

A major section of the interviews dealt with the issue of gender bias and inequality within the legal profession, found through the manipulation of questions 40 through 45. Six of the women interviewed perceived that gender bias or inequality in some form or another existed against the women in the law firms in which they were employed. The nature of the gender biases was numerous and diversified. Some of the biases against women in the profession accentuated by the women through question 41 included: references made in terms of the male gender; the lack of female mentors within the profession; differences in the assignment of salary and bonuses, files, and clients; hiring; career advancement and partnership attainment partialities, and reference to the perennial Old Boys Network\textsuperscript{103} mentality. As one women stated descriptively:

"Women in the legal profession have to claw and fight tooth and nail to achieve the status and positions they have, or want to achieve within the profession. There is gender bias within the profession, as the bias ties into how clients perceive you, especially at the level where your transactions involve millions of dollars, to dealing with the Old Boys' Network and the Men's Club... All one has think about when reflecting upon the legal profession are cigars, leather armchairs, mahogany, old panelled rooms, and pinstripe suits to truly envision what the [legal] profession is all about."

Encountering Gender Bias and Inequality

Question 42 of the discussions asked the women to identify whether or not they had been subject to, or perceived any one of the listed seven gender biases in the course of their employment in the legal profession. As Table 15 confirms, some of the more common forms of gender bias and inequalities encountered by and perceived by the women during their tenure in the legal profession

\textsuperscript{103} Robert S. Spire in his article "Breaking Up the Old Boys Network," \textit{Trial}, Vol. 26, No. 2, pp. 57-59 at 57 clarifies the notion of the Old Boys Network phrase in describing the legal profession in the following manner: "... entirely white, middle-aged upper-class men, with few women, minorities, and ...those who are physically handicapped."
were in career advancement and attaining partnership (by six of the women), and through remuneration biases, subject to five of the respondents. Additionally, four of the women encountered biases in the assignment of files, and also in hiring.

<table>
<thead>
<tr>
<th>GENDER BIAS</th>
<th>RESPONDENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>II</td>
</tr>
<tr>
<td>Weight in opinions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Career advancement</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Access to clients</td>
<td>*</td>
<td></td>
</tr>
<tr>
<td>Assignment of files</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Remuneration</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Hiring</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Attaining partnership</td>
<td>*</td>
<td>*</td>
</tr>
</tbody>
</table>

- Indicates that respondents DID experience or perceive the listed gender bias(es).

A blank area indicates that the respondents DID NOT experience nor perceive the listed gender bias(es).

Some of the more noteworthy experiences stated by the women who experienced and/or perceived gender biases are the following extractions based on the italicized gender biases identified:
On career advancement:

"I believe that there's a preference and efficiency accommodation for men vis-à-vis partnership attainments. Women with children who generally take their full maternity leave or LOA [leave of absence], and/or tend to work somewhat less hours following these leaves will take longer to attain partnership status, as you lose seniority for partnership consideration. A man (unless he is severely ill) is unlikely to take any time off, if at all. Consequently, a female's professional progression is either slowed, or virtually insurmountable."

"Because I am a woman who wanted to raise her children herself, there was no way that I was going to advance to partner. I wasn't putting in the hours that [Firm] wanted me to perform. Women are generally hurt because they are the care givers in society. When you have a profession that is so rigid with young parents such as the legal one, you literally have to take yourself out of the system completely, or else, be totally unhappy. Basically, it is an either/or situation. Women are being targeted systemically."

On assignment of files and partnership:

"I noticed a bias against the women in the distribution of files of a complex nature going on essentially to my male peers. The consequence is that it is us [women] who became lower billers, and due to the fact that income and partnership attainments are inadvertently based on the amount of money one brings into the firm, women end up getting inferior level of income, jeopardizing any possibility for partner status."

On hiring:

"There was one woman who was not hired at the firm I was working in just because she wasn't pretty enough. This girl was a brilliant lawyer who worked impeccably. They should have hired her. All the male lawyers in the firm kept referring to her being so unattractive. The two men that were competing against her were members of the Anglo-Saxon Family Establishment of Montréal, descendants of families that have practically established themselves for centuries in Montréal. She had absolutely no chance at all..."

"When a client doesn't even want to see a young female lawyer, it's not hard to imagine that this form of gender bias will transcend into the firm itself, because the firm feels that if they are going to hire a woman, she's going to have to be more than good. Rather, she's going to have to be exceptional."

On remuneration:

"[Firm] were poor remunerators, and it got worse as it went along. That was one of the first differences that I begun to see. [Firm's] perception was that I wasn't a male who had to go out and earn his living to support his family. Instead, I was just this [Nationality] little girl who was living off her father and her husband."
Gender Bias, Inequality and Forsaking the Practice of Law

Questions 44 and 45 questioned the women as to whether or not experiences or perceptions of gender bias/inequality within the legal profession contributed in their judgments to forsake the legal profession. For four of the women under observation, incidents associated with gender bias and inequality influenced their decisions to forsake the profession. Gender bias and inequality contributed in their decisions in many ways, including: (1) the failure to ever get any respect at all; (2) the constant battle in perpetually having to prove oneself and having to fight for everything, and (3) difficulties in comprehending how a profession such as the legal one could be so judgemental and unfair towards women. Perhaps the two best comments I received regarding the issue of gender bias and inequality towards women in the legal profession came from the following two women:

"I know that women are poorly treated in the labour force and society in general. Yet, I never thought that professionals would encounter and be affected by such inequalities and discrimination, especially in law. I don't want to be in combat when I am at work. It's obvious that if I would not have encountered the problems that I had endured while practising law, I would have remained."

"I hate to admit it, but it's [the legal profession] sexist and I hated it. [...] The practice of law is antithetical to what most women are brought up to be comfortable with. It's cold, hierarchical, competitive, patriarchal, and running too much on male testosterone!"
4.8. SEXUAL HARASSMENT

*Forms and Frequency of Sexual Harassment*

Questions 46 through 48 of the interviews dealt with the issue of sexual harassment. Specifically, the questions reflect the frequency with which the respondents who were practising law personally experienced two types of sexual harassment in professional settings over the last five years of employment. The forms and frequency of sexual harassment experienced by the eight sample participants are depicted below in Table 16 and on the next page through Table 17.

<table>
<thead>
<tr>
<th>TABLE 16</th>
<th>Forms and Frequency of Sexual Harassment Experienced By Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>FORM OF SEXUAL HARASSMENT</strong></td>
<td><strong>RESPONDENT</strong></td>
</tr>
<tr>
<td></td>
<td>I</td>
</tr>
<tr>
<td>Unwanted sexual advances by lawyers</td>
<td>R</td>
</tr>
<tr>
<td>Unwanted sexual advances by clients</td>
<td>N</td>
</tr>
<tr>
<td>Unwanted teasing, jokes, or comments of a sexual nature by other lawyers</td>
<td>F</td>
</tr>
<tr>
<td>Unwanted teasing, jokes, or comments of a sexual nature by clients</td>
<td>S</td>
</tr>
</tbody>
</table>

The letter N denotes that the respondent NEVER experienced the form of sexual harassment indicated. The letter R denotes that the respondent RARELY experienced the form of sexual harassment indicated. The letter S denotes that the respondent SOMETIMES experienced the form of sexual harassment indicated. The letter F denotes that the respondent FREQUENTLY experienced the form of sexual harassment indicated.
### TABLE 17
Frequency With Which Respondents Experienced Various Forms of Sexual Harassment

<table>
<thead>
<tr>
<th>FORM OF SEXUAL HARASSMENT</th>
<th>NEVER</th>
<th>RARELY</th>
<th>SOMETIMES</th>
<th>FREQUENTLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unwanted sexual advances by lawyers</td>
<td>6</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unwanted sexual advances by clients</td>
<td>7</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unwanted teasing, jokes, or comments of a sexual nature by other lawyers</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>Unwanted teasing, jokes, or comments of a sexual nature by clients</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>1</td>
</tr>
</tbody>
</table>

As Table 17 confirms, unwanted sexual advances by other lawyers was *never* experienced by six of the respondents, whereas the two remaining respondents claimed that unwanted sexual advances by other clients *rarely* happened. Unwanted sexual advances by clients was not a problem for the women involved, as seven of the women reported that they *had never* experienced unwanted sexual advances by clients, while the remaining woman mentioned that it happened only *rarely*.

Unwanted teasing, jokes, or comments of a sexual nature by other lawyers, and clients appeared to be more of a profound problem among the sample participants. Six of the women reported that they were *frequently* subject to this form of sexual harassment. The remaining two sample participants confirmed that unwanted teasing, joking, and comments of a sexual nature by other lawyers happened *sometimes*. Clients provoking unwanted teasing, jokes, or comments of a sexual nature emerged less of a difficulty among the sample participants, as one of the women claimed that it *never* transpired; two women claimed it *rarely* occurred; four women confirmed that the unwanted teasing *sometimes* occurred, and one respondent declared that it *frequently* occurred.
The Extent of Sexual Harassment

The degree of sexual harassment (pondered by question 47) in which the women experienced was grounded on comments of a sexual nature. The women generally encountered jokes and comments about their appearances; about other women in the firm, usually occurring at the workplace, during lunches, and even in front of clients. Some of the more riveting experiences and comments provided by the women include:

"Sexual harassment is a critical occurrence within the legal profession. Believe it or not, one partner had the nerve to tell me in front of a group of lawyers, 'Sure I would f__ _ _ [Expletive deleted] you. ... You tend to believe that this type of behaviour would not be tolerated in such an elitist profession and from lawyers who are supposed to have superior intelligence and tend to be politically correct."

"There's a problem with the clients themselves. I remember being with my boss and sitting down with a client, and all this client was doing was staring at my legs. The staring and gawking was so evident. ... There's also a problem with the other lawyers that you deal with. I had an encounter with one male lawyer, and all he would do was stare at my breasts. He talked to me for over thirty minutes, staring at my breasts the entire time..."

"I once had a lunch date with a client and a male colleague. This client was a Don Juan type, and the other lawyer was also vulgar and perverse. The two of them just pushed it a little too far in the sense that I really wasn't interested in hearing the two of them ramble on about sex and women. I began to feel very ill-at-eased after a while. I really couldn't concentrate very much afterwards about the petition we were working on."

Sexual Harassment and Forsaking the Practice of Law

Question 48 of the interviews questioned the effect and/or impact of the occurrence sexual harassment had on the sample participants' decisions to forsake the legal profession. For three of the women interviewed, sexual harassment was a relevant factor in their decisions to forsake the legal profession. For these women, the comments and remarks got the better of them to the point where they could not tolerate the sexual harassment any further. As two of the women asserted:

"The comments just got on my nerves after a while. It was just so frustrating. I have blocked a lot of it [the sexual harassment] out of my mind. I had to because you don't want to go around angry and frustrated all the time. You want to make
peace with it and go on with your life. If not, you go crazy."

"Everything just begins to build up and you start to realize when you are spoken to in this way, and there had been incidents in which I was spoken to in front of clients, that you realize that you are not going to go on any further."

For the five women who claimed that the occurrence of sexual harassment did not contribute in their decisions to leave the legal profession, almost all of them asserted that the jokes and comments made it difficult to work in such environments. Instead, these women chose to tolerate and disregard the sexual harassment, alleging that this form of behaviour should never occur in a professional environment:

"Sexual harassment is unpleasant under any circumstances. It should not be endured. Unfortunately, it [the sexual harassment] still occurs. You tend to go along with the expression that 'boys will be boys.'"
4.9. THE BALANCING OF A LEGAL CAREER AND A FAMILY

Personal or Family Commitments

Questions 49 through 58 of the interviews dealt with the issue and consequences of balancing both a legal career and accomplishing familial and child-care responsibilities. Specifically, questions 49 through 51 focused on the women’s personal or familial commitments at the time the women decided to forsake the legal profession.

At the time the eight women who comprised the case study sample left the legal profession, all eight were married with children. Four of the women interviewed had one (1) child; three of the women had two (2) children, and one woman had three (3) children. At the time the women had forsaken the legal profession, all of the women’s children were under the age of six (6) years old. The median age of the children was 24 months (with a mean age of 26.1 months old). The break-down of the children’s ages can be found in the subsequent box:

<table>
<thead>
<tr>
<th>Age Range</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Between 0 and 12 months of age</td>
<td>4</td>
</tr>
<tr>
<td>Between 12 and 24 months of age</td>
<td>1</td>
</tr>
<tr>
<td>Between 2 and 3 years of age</td>
<td>5</td>
</tr>
<tr>
<td>Between 3 and 6 years of age</td>
<td>3</td>
</tr>
</tbody>
</table>

Child-Care Responsibilities

Question 52 asked the sample participants with children requiring care about such care. Table 18 reports that the eight women provided a median of 50% of the time required to care for their children (mean = 49% of time), as compared to a median of 20% from the child’s other parent (mean = 18% of time). Of also notable interest, paid child-care provided a median of 20% of the time required to care for these women’s children (mean = 23% of the time), and other sources (i.e., the women’s mothers, friends, etc.) provided for a median of 10% of the time (mean = 10%)
required to care for these women’s children.

The respondents also asked how much time they spent on child-care per week (while practising law), including time spent on feeding, supervision, doctors appointments, etc. The women spent a median of 35 hours per week or an average of 33.1 hours per week on such care. Table 18 illustrates the median and mean proportions of child-care responsibilities by the various individuals identified vis-à-vis these responsibilities.

<table>
<thead>
<tr>
<th>INDIVIDUAL</th>
<th>MEDIAN PROPORTION</th>
<th>MEAN PROPORTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Respondent</td>
<td>50.0%</td>
<td>49.0%</td>
</tr>
<tr>
<td>Child’s other parent</td>
<td>20.0%</td>
<td>18.0%</td>
</tr>
<tr>
<td>Person with whom the respondent lives with</td>
<td>0.0%</td>
<td>0.0%</td>
</tr>
<tr>
<td>Paid child-care worker</td>
<td>20.0%</td>
<td>23.0%</td>
</tr>
<tr>
<td>Other</td>
<td>10.0%</td>
<td>10.0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100.0%</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*Children and Consequences*

Questions 53 and 54 asked the sample participants whether or not they had experienced any one of eighteen (18) different consequences as a result of having children during their employment in the legal profession. Consequentially, Table 19 indicates the consequences experienced by each of the respondents as a result of having children while practising law as a profession.

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104 It should be emphasized that the median time of 35 hours or an average of 33.1 hours per week devoted by the women vis-à-vis child-care responsibilities is compatible to the findings uncovered by Statistics Canada in their report *Les femmes dans la population active: Édition 1994, "Projet des groupes cibles,*" N° 75-507F au catalogue, ISBN 0-660-94491X, Ottawa: Ministère de l’Industrie, de la Science et de Técnologie, 1994. According to Statistics Canada (at page 58), women with children under the age of 5 years spent on average 4.5 hours per day on child-care. Calculated on a seven-day week, women spent an average total of 31.5 hours per week on such child-care.
<table>
<thead>
<tr>
<th>CONSEQUENCES</th>
<th>RESPONDENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of seniority</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>Difficulty advancing in your legal career</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Pressure to return to work during maternity leave</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Unreasonable workload following maternity leave</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Testing of commitment to work</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Loss of clients</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Loss of job</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Difficulty in obtaining parental leave</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Difficulty in obtaining flexible hours or part-time work</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Loss of income</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>Less work following parental leave</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Irregular hours</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>No maternity leave allotted</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Loss of opportunity for quality assignment</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Reassessment of job responsibilities and client matters</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Given less serious consideration as a career lawyer</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>Loss of client respect</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>Stress from competing demands</td>
<td></td>
<td>8</td>
</tr>
<tr>
<td>CONSEQUENCES</td>
<td>FREQUENCY</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>Irregular hours</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Stress from competing demands</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Difficulty advancing in your legal career</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Difficulty in obtaining flexible hours or part-time work</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Given less serious consideration as a career lawyer</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Pressure to return to work during maternity leave</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Testing of commitment to work</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Loss of seniority</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Loss of income</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Difficulty in obtaining parental leave</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Loss of client respect</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Loss of job</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Loss of opportunity for quality assignment</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Reassessment of job responsibilities and client matters</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Unreasonable workload following maternity leave</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Less work following parental leave</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Loss of clients</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>No maternity leave allotted</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>
Table 20 is an extrapolation of Table 19 designed in order to depict the range of consequences listed by the respondents in order of importance as a result of having children. All eight of the women (some more than others) realized and endured negative economic and professional consequences associated with their decisions to have a family. The main consequences and obstacles experienced by the women as a result of having children included irregular hours and stress from competing demands, unanimously encountered by all eight of the women. Six of the women confirmed difficulty in obtaining flexible hours and/or part-time work; in advancing in their legal careers; felt pressure to return to work during maternity leave; that their commitment to work was tested, and perceived that they were given less consideration a career lawyer due to the presence of children. Five of the women admitted a loss of seniority due to maternity leave in caring for their children. Four of the women interviewed were also subject to a loss of income.

The less frequently cited consequences cited by the women as a result of having children included a difficulty in obtaining parental leave; a loss of opportunity for quality assignment and a loss of client respect; unreasonable workload following maternity leave; loss of job, and a reassessment of job responsibilities and client matters by two of the women. One woman was susceptible to less work following parental leave, and none of the women chosen for this sample group withstood a loss of clients, nor a lack of maternity leave allotted. Some comments included:

"I was summoned during my maternity leave to be told that my job was being abolished, ... and that my needs were no longer required as I was easily replaceable"; "I was categorized as a '9-to-5'er' because I had to leave work at five to pick up my daughter at daycare"; "I got a smaller raise in proportion to the others because the firm felt that they were doing enough for me already (as I was allowed to leave at 4:00PM already)"; "If one makes choices like I did where my family came first, then upward mobility is more difficult"; "There was a constant testing of my commitment to work, as your life at the office can be affected by outside interests"; "I wasn't taken as seriously as a lawyer"; "My employer was hesitant to create a precedent by allotting flexible hours"; "Two days of work was insufficient for my boss, ... [e]ventually, he let me go because he wanted someone to work five days a week."
Questions 55 through 58 of the interviews concentrated on the issue of children, consequences, and their impact in the sample participants' decisions to forsake the legal profession. According to all eight of the sample participants, economic and professional consequences attributed to their decisions to and having children while practising law contributed in their decisions to forsake the legal profession. The consequences listed revolved around one theme. This particular theme involves the difficulty and incompatibility of in striking a balance between a legal career and a family due to a lack of accommodation in the form of alternate schedules and stress in attempting to realize both rivalling roles. As the women confirmed:

"I had three children when I left [the legal profession]. I couldn't handle the workload and the three kids. I was at the point of having a nervous breakdown when I left. I was just so exhausted. It's either be a Mommy or be a lawyer, but don't do both."

"There is a perception that we are [women] not totally devoted because you make the decision to have children and leave the profession."

"It all boils down to personal choices. If you are able to live with someone other than yourself raising your children, there isn't a problem. When you are pregnant, it is difficult. Depending on your own personal health, come 6:00 PM you're tired. My doctors told me to work from 9:00 AM to 5:00 PM. Some women over-exaggerate and end up playing with fire by working until 8:00 PM. These women risk having premature babies, or even complications. Towards the end of my pregnancy, I was exhausted. I was lucky in the sense that I was able to leave at 4:00 PM. In larger firms, you have to put in your hours. If you do not put in your billable hours, you're going to face serious consequences. Women have to establish what their limits are."
Difficulties in Balancing a Legal Career and a Family and Forsaking the Practice of Law

Thus, similar results were confirmed when the respondents were asked if difficulties in balancing both a legal career and a family contributed in their decisions to leave the profession. This assertion was stipulated through questions 57 and 58 of the interviews. Again, all eight of the women chosen for the sample group confirmed that difficulties and/or merely the balancing of both their legal careers and their families caused them to forsake the legal profession. Some of the comments included the following:

"You cannot practice law to your fullest capacity and raise a family too. The reasons I chose to leave the law firm and the practise of law was due to an inability to provide part-time work, and flexible hours, both necessary to facilitate childcare."

"I found myself trying to be something that I just wasn't cut out for: being an all-round superwoman. Raising children and practising law ten hours a day just DO NOT mix!"

"One of the most prevalent reasons why women are opting out of the profession is the difficulty in combining both the stress of the extensively long hours in the profession, while simultaneously bearing the foremost responsibility for child care."
4.10. ACCOMMODATION FOR FAMILY COMMITMENTS

Benefits for Lawyers

Questions 59 through 63 of the interviews were devoted to the issue of accommodation for family commitments within the realm of the legal profession. More specifically, question 59 sought out to ascertain whether or not particular benefits were offered to the women in the law firms in which the women were employed. Table 21 on the following page provides a general overview and frequency of the benefits offered to these women. What Table 21 depicts is that very few benefits were offered to the women as a whole in the law firms in which the women were employed. Of the ten benefits listed, four of the benefits (i.e., child-care; job sharing; paid paternity leave, and part-time partnerships) were not offered to any of the women during their employment in the legal profession. Four benefits, including unpaid paternity leave; part-time work; flexible work hours, and leaves of absence/sabbaticals were offered to only one of the women under question. The two benefits that were offered to the women integrate the benefit of maternity leave. It was confirmed by five of the women that they in fact had been offered paid maternity leave. Undoubtedly, the other three women interviewed were dispensed unpaid maternity leave.
TABLE 21
Benefits Offered to Lawyers at Respondents' Places of Employment

<table>
<thead>
<tr>
<th>BENEFITS</th>
<th>RESPONDENT</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I</td>
<td>II</td>
</tr>
<tr>
<td>Child-care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flexible work hours</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part-time work</td>
<td>* 105</td>
<td></td>
</tr>
<tr>
<td>Leave of absence/sabbaticals</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job sharing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unpaid maternity leave</td>
<td>*</td>
<td>*</td>
</tr>
<tr>
<td>Paid paternity leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unpaid paternity leave</td>
<td></td>
<td>?</td>
</tr>
<tr>
<td>Part-time partnerships</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Indicates that the particular benefit was OFFERED in the law firms in which the respondents were employed.

A blank area indicates that the particular benefit was UNOFFERED in the law firms in which the respondents were employed.

? indicates that the respondents were UNCERTAIN as to whether the particular benefit was offered or not in the law firms in which they were employed.

105 Interestingly, this respondent affirmed that part-time work was offered to some of the women in the law firm in which she was employed, but that this arrangement was unoffered to her.
The Lack of Accommodation for Family Commitments

Questions 60 and 61 asked the respondents if they acknowledged that there was a lack of accommodation for family commitments for women in the legal profession. Seven of the women claimed that there was indeed a lack of accommodation for family commitments within the realm of the profession. Some of the comments by the women include the following:

"The legal profession is not a profession where you go in for the benefits: there are none. How can they [the legal profession] accommodate?"; "There is nothing done in the profession which facilitates the lives of lawyer-mothers"; "It seems to be inconvenient to have a family"; "I stopped working to take care of my children because there wasn't any accommodation where I could feel comfortable raising my children and working."

A Lack of Accommodation for Family Commitments and Forsaking the Practise of Law

Finally, questions 62 and 63 of the interviews asked the respondents if a lack of accommodation for family commitments contributed in their decisions to forsake the legal profession. Six of the women answered in the affirmative. Some of the comments included:

"There are absolutely no accommodations for family commitments within the legal profession. It [the lack of accommodations for family commitments] must be the biggest problem surfacing within the profession today. If the profession would have been more flexible, I might have stayed."

"The profession is asking people to work as though they are 18 with nothing else in life, without responsibilities. I have seen the brightest, the most ambitious women after they have had their second child. You are on a tight rope. You breakdown, you just can not do it anymore. You can't even stay in a part-time relationship. You have to quit..."

"The bottom line is you do not see your kids when you practise law. At one point, one of the senior partners said to me, "What can we do to keep you?" I said, "Nothing." The bottom line was I was never with my kids when I was practising. What is the use of having children if you are never going to be with them?"
4.11. FORSAKING THE PRACTICE OF LAW

Clarification

Questions 64 and 65 of the interviews concentrated entirely on the issue of the theme of this research, forsaking the practice of law. Specifically, question 64\textsuperscript{106} sought to determine which of a number of factors\textsuperscript{107} circumscribing each of the variables\textsuperscript{108} under question were either relevant or irrelevant in the each of the sample participants' decisions to forsake the practice of law.

Consequently, the next five pages contain Table 22. Table 22 is provided to depict (in descending order) the frequency or how many of the eight sample participants confirmed whether or not the listed factors were either relevant or irrelevant in their decisions to forsake the legal profession.

\textsuperscript{106} The format for question 64 can be found in Appendix A, pages 196 through 200 of the English version of the questionnaire. Subsequently, Appendix B pages 237 through 242 of the French version of the questionnaire contain the format for this question.

\textsuperscript{107} There were seventy-two (72) factors to be exact.

\textsuperscript{108} To recapitulate, the variables under question are a general dissatisfaction with the practice of law; areas of practice; professional advancement; rainmaking; mentoring; gender bias and inequality; sexual harassment; the balancing of a legal career and a family, and the lack of accommodations for family commitments.
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<th>RELEVANT</th>
<th>IRRELEVANT</th>
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<td>Hiring</td>
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<td></td>
<td>Professional relationship with male judges</td>
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<td></td>
<td>Work relations with female superiors</td>
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<td>Assignment of background/research work</td>
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<td>Scepticism by clients</td>
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<td>Scepticism by colleagues</td>
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<td></td>
<td>Scepticism by superiors</td>
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<td>Expectation to handle certain areas of law</td>
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<td>Lack of opportunity to litigate</td>
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<td>Work hours too long</td>
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<td>No possibility for career advancement</td>
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<td>Expectation to prove oneself to large degree</td>
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<td>Had to work harder than male colleagues</td>
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<td>Preconceived notions about pregnancy and maternity</td>
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<td>Preference for the male gender</td>
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<td>Partnerships</td>
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<td>Unwanted teasing, joking, or comments of a sexual nature by clients</td>
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<td>Unwanted sexual advances by lawyers</td>
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<td>Unwanted sexual advances by clients</td>
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<td>Child-care responsibilities</td>
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<td>Stress from competing demands</td>
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<td>Irregular hours</td>
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<td>Difficulty advancing in your legal career</td>
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<td>Difficulty in obtaining flexible hours/part-time work</td>
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<td>Given less consideration as a career lawyer</td>
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<td>Loss of seniority</td>
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<td>Loss of income</td>
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<td>Loss of job</td>
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<td>Pressure to return to work during maternity leave</td>
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<td>Unreasonable workload following maternity leave</td>
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<td>Difficulty in obtaining parental leave</td>
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<td>Less work following parental leave</td>
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<td>Loss of clients</td>
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<td>Loss of client respect</td>
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<td></td>
<td>Loss of opportunity for quality assignment</td>
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<td>No maternity leave allotted</td>
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<td>Reassessment of job responsibilities and client matters</td>
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<td>Lack of accommodation for family commitments</td>
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<td>Unavailability for flexible hours</td>
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<td>Unavailability for part-time work</td>
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<td>Unavailability for child-care services</td>
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<td>Unavailability for part-time partnerships</td>
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<td>Unavailability for leave of absence/sabbaticals</td>
<td>3</td>
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</table>
Satisfaction with the Practice of Law

When glancing over the first variable, i.e., satisfaction with the practice of law, six factors were overwhelmingly relevant and contributing in the majority in the sample participants' decisions to forsake the practice of law. Of the more common factors contributing in the women's decisions to forsake the practice of law include the balance with one's personal life; the hours of work attributed with the practice of law; workload; the opportunity for advancement within the profession; employment benefits, and work relations with male superiors. Factors which appeared inconsequential in the sample participants' decisions to forsake the practice of law as a whole include work and professional relationships with female colleagues, superiors, and judges.

Areas of Practice

The next variable under scrutiny was areas of practice. Under this variable, there were three factors surrounding the issue of areas of practice in which a majority of the women indicated as ascertaining factors in their decisions to forsake the practice of law. These three factors include the adversarial nature of their respective areas of law; scepticism by clients, and the assignment of background/research work. Insignificant factors in the women's decisions to forsake the practice of law attributed with area of practice include the lack of opportunity to litigate and the expectation to handle particular areas of practice.

Professional Advancement

When observing Table 22, one perceives that a number of factors encompassing the variable of professional advancement were relevant in forsaking the practice of law by the eight sample participants under interrogation. The three most common factors included the prolonged work hours deemed necessary to advance professionally; the difficulty and the challenge itself in progressing professionally; and the meagre possibility for career advancement. One must not
overlook that having to work much harder than their male colleagues, and having to prove themselves to a larger degree in order to attempt to advance professionally were also decisive factors in forsaking the legal profession.

**Rainmaking**

The next variable under observation dealt with the issue of rainmaking. Specifically, the respondents were asked whether or not the lack of opportunity to generate new clients through the rainmaking procedure (if applicable) was relevant in their decisions to further practise law. It has been confirmed that the lack of participation in the rainmaking process was almost a unanimously irrelevant factor by the eight sample participants in their resolution of the law as an occupation.

**Mentoring**

Somewhat identical perceptions that were established in regards to rainmaking can also be attributed to mentoring. The lack of mentor support was a unanimously relevant factor for forsaking the practice of law by the sample participants.

**Gender Bias and Inequality**

The next variable under observation was gender bias and inequality. Again, the respondents were asked to indicate whether the existence and/or perception of particular gender biases within the listed factors were either *relevant* or *irrelevant* in their decisions to no longer practise law. Decisive factors attributed with gender bias and inequality includes gender bias against women vis-à-vis both career advancement and partnerships. Additionally, gender biases and inequalities against women in regards to hiring and remuneration were other contributing factors which led to the women’s decisions to forsake the practice of law.
Sexual Harassment

The realm of sexual harassment which was predominant in the women’s decisions to no longer practise law encompassed the unpleasant element of unwanted teasing, joking, or comments of a sexual nature. This form of sexual harassment enforced by clients and lawyers was a factor which contributed in some form or another to no longer practise law by some of the sample participants. As well, incidents of unwanted sexual advances by a client and/or lawyers was not a factor in the case study sample participants’ decisions to escape the legal profession.

Balancing of Both a Legal Career and a Family

Consequences attributed to raising children and trying to realize a prosperous legal career appeared to be rather definitive in the sample participants’ convictions to forsake the practice of law. Notably, child-care responsibilities; stress from competing demands; difficulties in balancing both a legal career and a family, and also irregular hours unanimously decisive factors by the women comprising the case study to no longer practise law. In addition, other convincing factors such as difficulties in attempting to advance in one’s legal career due to the presence and responsibility of children, and also complications in obtaining some form of flexibility in work hours or part-time employment were confirmed by the women in condoning their decisions to leave the profession. The women also claimed that a demeanour of less consideration as a career lawyer because of the presence of children; the loss of seniority; the pressure to return to work while on maternity leave, the loss of income, and the loss of job incited the women to leave this occupation.

Factors correlated with attempting to balance both a legal career a family which were ascertained as irrelevant by the sample participants include less work following parental leave; the loss of opportunity for quality assignment; the difficulty in getting parental leave; reassessment of job responsibilities and client matters; unreasonable workload following parental leave, and the loss of client respect.
Accommodation for Family Commitments

Finally, the last variable under question involved accommodation for family commitments. Repeatedly, the respondents claimed that many of the listed factors influenced their decisions to leave the legal profession. Interestingly, the women confirmed that a lack of accommodation for family commitments existed in the law firms in which they were employed as the unavailability of flexible hours and part-time work schedules were relevant factors. Moreover, the unavailability for job sharing, child-care, and for part-time partnerships for the women were relevant factors which persuaded their decisions to relinquish the practice of law as a profession.

Question 65 of the interviews aimed to decipher which of the nine variables under question, were most decisive (aggregately) in the eight respondents' decisions to forsake the practice of law. For this one question only, the respondents were asked to classify by order of importance from 1 through 9, with a score of 1 being the most important variable and 9 being the least important variable in each of the sample participants' decisions to forsake the practice of law. Once all nine variables were classified, scores were attributed to each variable in the following subsequent manner: A variable which was ranked first, or the most important variable in the respondent's decision to forsake the legal profession was given a score of 9; the second most important variable was given a score of 8 and so forth, until the least important variable in the women's decisions to forsake the practice of law ranked ninth was attributed score of 1. Bar Graph 23 on the next page illustrates the order of importance of the nine variables under question which contributed in the eight sample participants' decisions to forsake the practice of law. The numerical values combined with each of the variables in Bar Graph 23 are the scores generated through question 65 of the interviews.
BAR GRAPH 23
Bar Graph of the Nine Variables Under Question

LEGEND
A: Balancing of a legal career and a family
B: A Lack of accommodation for family commitments
C: A general dissatisfaction with the practice of law
D: Professional advancement
E: Gender bias and inequality
F: Areas of practice
G: Sexual harassment
H: Mentoring
I: Rainmaking
4.12. PERSONAL VIEWPOINTS

*Clarification*

Questions 66 through 77 of the interviews concentrated on personal viewpoints the women were asked to share in regards to a variety of subject areas. For example, some of the questions pondered included the reasons as to why the women chosen decided to pursue a legal career, and if the women could start all over again, would they still become lawyers. The women were also asked to collaborate whether or not they would advise their daughters to pursue a legal career if she were interested, and also as to whether the women were contemplating a return to the legal profession. The women were also solicited to contribute suggestions and changes to the legal profession that would accommodate the needs of women in the legal profession. Finally, the women were asked to provide other comments or viewpoints they might have to offer.

*Pursuing a Legal Career*

I received a variety of responses with regard to why the women decided to pursue a legal career, stipulated by question 66. For three of the women interviewed, their fathers are/were lawyers. As a consequence, these women decided to follow in the footsteps of their predecessors in preserving this legal flavour within their family heritage. Two of the women interviewed did not know what to subject to major in once they were admitted into university. Subsequently, these women decided to pursue a law degree at the persuasion of their friends who were also studying law. Intrigued by the attractiveness of the income, prestige, and capacity correlated with the legal profession, three of the women claimed that they always wanted to become lawyers.

*Starting All Over Again*

Questions 67 and 68 of the interviews asked the women that if they could start their careers all over again if they would they still become lawyers. One of the women claimed that she would
still become a lawyer if she could start all over again, three of the women declared that they would not become a lawyer, and the remaining four women asserted that they were uncertain as to whether or not they would still become a lawyer if they had a past to relive. The comments the women provided were the following:

"If I knew then, what I know now being female, I do not think I would still become a lawyer. I would try and gear profession for myself that would make allowances for women who want to raise families. Something that is easier to work in."

"I'm uncertain. Do I want to be a lawyer in private practice, no. Never. Yet, I want to use my law because I believe it is a skill and there is good that you can do with it, such as public and community awareness."

"Yes, I would definitely still become a lawyer. I have always liked the way lawyers have to think to solve problems. I liked the salary that can come with it. Additionally, I like the capacity that it gives."

Femininity and Lawyering

Question 69 of the interviews asked the women to describe how being a woman has affected their legal careers. I received an array of responses, ranging from problems aries during pregnancy and simultaneously trying to practice; to scrutinizing one's limits within the profession, to the emphasis of this research, cessation from the legal profession. The following are some of the more noteworthy comments provided by the women in describing how being a woman has affected their legal careers:

"What I seem to retain is that being a women and wanting to progress within this profession, you have to send a message that your career is for life. Otherwise, forget it. Yet, for the males, this question is never risen. For a women, once you have a boyfriend, and you decide to live with him, and then you start speaking of getting married, immediately ideas that her career is not as important surfaces."

"It makes me less tolerant. Being a woman has affected me by quitting, because it makes me a lot less tolerant in many ways in a humane environment."

"It is difficult to answer. I have perceived how there have been differences, gender biases, and scepticism. I would like to think that being a woman had its advantages too."
Following in Mom’s Footsteps

Questions 70 through 72 asked the women if they would advise their daughters or a female acquaintance of theirs to pursue a legal career if she were interested. Again, I received a variety of responses. Three of the women said that they were uncertain, another three said that they would not advise their daughters to follow in their footsteps, and the remaining two women said that they would definitely advise their daughters to pursue a legal career. Three of the following comments (from every different point of view) are the following:

"Yes, I would talk frankly to my daughter about the benefits of all the possibility in life and the reality of competing demands with her first. Then I would allow my daughter to decide for herself."

"No, I would not want my daughter or friend of mine to go through what I had to. I would not wish it on my worst enemy, it's [the legal profession] that bad."

"I'm not too sure. I would advise them early on in their lives, and warn them about practising law and raising kids, because at a young age, girls aren't thinking about children just yet. I would try and tell her to think of the kind of lifestyle she will be living. I would suggest to her to go to a law firm and go and watch what the people do. The legal profession is not like what used to be portrayed on L.A. Law. I would be clear on that, and remind and point out to them how their lifestyles will change."

The Treatment of Women Within the Legal Profession

Question 73 requested that the women to provide (if any) criticism or comments concerning the treatment of female lawyers within the legal profession. Again, I received a variety of responses, ranging to how women are perceived in an erotic manner, to how the profession is just very difficult for women. Some of the subsequent comments include:

"I think that the profession is a microcosm for what the whole world is. I am not an ardent feminist as I do not get insulted when a man opens the door for me. But I do think that the law is a man's world and a man's profession. I really do. I just think that the profession of law reflects society's perception of women in general."

"Women in the [legal] profession tend to be perceived in an erotic manner. I do not know why. I guess men think that they can get more out of you in that way."
"Women become moulded to fit someone else's idea of what a lawyer is supposed to be. There are those lawyers who become part of that conformist mould, and I think that these women end up lost in these ways... Eventually, these women produce the male patterns of law. As a woman, if you want respect, if you want to succeed, be heard, or advance, you have no choice but conform or be a part of this male mould. You cannot show your true colours."

Returning to the Legal Profession

The issue as to whether or not to return to the legal profession within the next three to five years was raised in questions 74 and 75 of the exchanges. Four of the women claimed that they were not planning to return to the profession, enjoying their current situations too much to ever return. As one woman asserted:

"No, I would not contemplate a return to those kinds of hours until my kids were in school full-time. Should I ever return, it would be difficult. I do not think I am going to be able to find quality work in the profession. And if I do, I will never find work that will, satisfy me."

Of the remaining four women, one woman articulated that she would definitely return, and the three of the prevailing women claimed uncertainty. The conditions the women asserted would facilitate their re-entry into the profession are the following:

"I'm rather uncertain. Maybe in at I have experienced, I would return. Because I would have at that point in time gained organizational experience. I would return under my conditions. I would not work on weekends. I would do the hours that I would want to do, and would get paid according to what I would do. Yet, I doubt if I will really ever go back."

"Yes, I would return to the profession. More highly developed job flexibility for the numerous and different needs that I would require at that certain point in time would be some conditions that would facilitate my re-entry into the [legal] profession."

Changes to the Legal Profession

Question 76 of the interviews asked the women if changes and recommendations to the legal profession could be made to the legal profession, what these changes would they be. Table 24 lists all the changes the women suggested which should be executed within the legal profession.
| TABLE 24  
Changes and Recommendations Suggested by the  
Non-Practising Female Members of Le Barreau du Québec |

- More accommodations and concessions for women with children.
- Continuous respect for women as competent legal practitioners.
- Make the profession less of a *Boys' Club*.
- Concede to flexibility within the system in terms of hours worked; days worked; files assumed; clients recruited, and location of work.
- Less emphasis on billable hours.
- Make the law more *user-friendly*.
- Grant longer pregnancy and child leaves.
- Modification in evaluating chargeable time or salary.
- That law firms recognize the need for alternate work arrangements for all lawyers with parental responsibilities, including part-time work; flexible work hours; job sharing, and part-time partnerships.
- Establish *paid* maternity and parental leave policies in all firms.
- Ensure the assignment of mentors for all newly admitted lawyers into all law firm.
- Changes at the educational level: articling periods should be longer and far more structured.
- Ensure that law firms develop mechanisms to eliminate sexual harassment and discrimination within all law firms.
- Child-care in the workplace.
Other Factors, Viewpoints, or Comments by the Respondents

Finally, question 77 of the interviews asked the women to provide other factors, viewpoints, or comments other than what was heretofore mentioned. The women responded quite favourably, as the following excerpts will confirm:

"The clients are a big problem because lawyers let themselves get pushed around by their clients because they want the business so badly, it is corrupting the profession. If lawyers tell their clients of how things are going to get done their way, the profession would be a lot healthier."

"When I left [the practise of law], my male boss said to me, 'I wish I could do what you're doing,' which was such a big admission on his part. For him to have said that was a considerable reflection and acknowledgement on how strenuous the [legal] profession really is."

"You begin to experience a loss of self, of who you are while you are practising law. People feed you a bill, even the Feminist Movement about having more power, and going into these so-called powerful professions. But there is no power. In fact, you lose more of yourself than anything else. I think its the cutthroat nature of the profession which is very hard. You go around all day with this tremendous burden on yourself."

"When I left the profession, I began to have a life again. It [leaving the legal profession] was a rebirth. Your perception of life changes enormously. ... When I walk through Old Montréal and I see people walking around in a frenzied hurry, carrying their big, bulky legal briefcases, it brings back very bad memories for me. I just don't miss the legal profession at all."
This chapter provides an analysis of the case study results and contemplates the ramifications of such results. This research has shown that there are consequential factors that have had an impact on the lawyers' decisions in forsaking the practice of law. It is essential that this chapter of the research recognize these factors and evaluate their importance in the eight sample participants' decisions to forsake the practice of law. Subsequently, I believe that it is imperative to perceive and identify these factors in order to assert the consequences they have for women who practice law, including for the practice of law per se.

This chapter is systematized in the following manner: The findings relating to each of the variables identified by the researchers referred to in the literature review and their subsequent factors affecting the sample participants' decisions to forsake the practice of law will be summarized. I will then provide for an interrelationship between the variables and depict how in combination, the variables have had an influence on the women's decisions to forsake the practice of law. I shall undertake this interrelationship by emphasizing the how the problems encountered by the women in the legal profession can be illustrated as a predicament of systemic discrimination.
5.1. RESULTS CONSIDERED RELATING TO THE VARIABLES OUTLINED WITHIN THE LITERATURE REVIEW

A General Dissatisfaction with the Practice of Law

Nineteen characteristics or facets of work were hypothesized to affect a lawyer's satisfaction with the practice of law and decision to remain employed. To recapitulate, some of the facets of work used to measure satisfaction included hiring; hours of work; income; balance with personal life; opportunity for advancement, and working relationships with female and male colleagues, superiors, and judges. The findings of the case study depict that the women encompassing the case study group were dissatisfied with the practice of law for a number of reasons. Firstly, eleven of the nineteen facets of work identified were classified as dissatisfactory in some form or another through their median scores of satisfaction by the women in the case study. The remaining seven facets were rated as merely satisfactory. As what was accounted for beforehand, only one facet of work was graded as very satisfactory (i.e., working relations with support staff). The overwhelming dissatisfaction with the facets of work identified lead to an ultimate expression of dissatisfaction: forsaking the practice of law altogether. Insomuch, a general dissatisfaction with the practice of law was classified as the third most prevalent variable in the sample participants' decisions to forsake the practice of law.

This dissatisfaction with the practice of law is further substantiated through the responses generated by the women in regards to the series of questions pertaining to personal viewpoints.\textsuperscript{109} Collectively, the women sampled indicated that if they had a past to relive, they would not choose to still become a lawyer. Furthermore, identical responses were generated when the women were asked if they were planning to return to the profession over the next five years. Aggregately, the women confirmed that they were not planning to return to the legal profession in

\textsuperscript{109} Specifically, the personal viewpoints questions can be found in Questions 66 through 77 of the questionnaires.
the near future. Moreover, very few of the women claimed that they would advise their daughters or even a female acquaintance to pursue a legal career if she were interested. These responses hardly depict satisfaction with regards to the practice of law per se. In fact, there is a tendency to be negativistic. If the women were indeed satisfied with the practice of law, it would seem that all eight of the women would still choose to become a lawyer if they had a past to relive; all eight of the women would want to return back to profession, and all eight of the women would advise and recommend a legal career to either their daughter or a female acquaintance.

In interviewing the once practising lawyers, certain points and themes deemed unsatisfactory are emphasized. What appears to be the root of all evil? For the women under observation, the disagreeable facets of work which contributed in their decisions to forsake the legal profession were the hours of work attributed to the legal profession; workload; the lack opportunity for advancement within the legal profession; employment benefits, and working relationships with male superiors and judges. To recapitulate more accurately, the women were critical of the peculiar professional rituals and work relationships. Thus, the women were more abiding at revising their career and life plans, while less likely to take on a profession that is built and structured on contention.

Areas of Practice

The next variable under question that was postulated to contribute in the women’s decisions to forgo the practice of law dealt with areas of practice. In retrospect, the women claimed that complications surrounding and including their respective areas of practice per se influenced their decisions to forsake the practice of law.

Influential contributing factors in the females’ decisions to leave included the adversarial nature of the area of practice itself; scepticism by clients, colleagues, and also superiors regarding the their legal capacity and credibility. Moreover, the incessant assignment of background/research work and assignments contributed in the women’s decisions. Another significant trend were the
number of women who cited the adversarial nature within their respective areas of practice as another relevant factor in their resolution to forsake the practice of law.

Nevertheless, inconsistent with what the literature review and conceptual framework confirmed, I anticipated to detect that more of the women in the case study sample group would have practised within what had been described as typical ares of law deemed suitable to the female gender. Having practised within Corporate/Commercial Law and Tax Securities Litigation, the majority of the women interviewed practised within these areas of law deemed suitable to the male gender.

Professional Advancement

The next variable under analysis dealt with the issue of professional advancement. Precisely, difficulties correlated to advancing professionally were analyzed to decipher whether or not this variable and its respective factors were decisive in case study sample's decisions. It appears as though the variable encompassing professional advancement was a significant variable in the respondents' decisions to leave the practice of law.

In interviewing the once affiliated female members of Le Barreau du Québec, particular themes and points vis-à-vis professional advancement are highlighted. These themes involve the failure to ascend to either partner and/or judicial statuses. The women were either not given the possibility, or had themselves personally surrendered the possibility to realize the peak of this profession.

Insomuch, career advancement within the legal profession appears to be difficult and practically insurmountable for women to attain. This complication has been shown in part to the long hours that are deemed necessary in order to progress professionally. As well, child-care and familial responsibilities have been shown to be deterrent in attempting to advance professionally for women. Likewise, men do appear advantaged regarding professional advancement. There
appears to be preference for the male gender vis-à-vis career advancement as the women had to work much harder in their attempts to advance professionally. Additionally, the women confirmed that they had to prove themselves to a much larger degree than their male colleagues, often confronting preconceived notions about pregnancy and maternity.

Rainmaking

The next variable under question that was hypothesized to contribute in the decisions of the women to forsake the practice of law dealt with the legitimate aspect of the profession characterized as the rainmaking process. It was hypothesized that the lack of participation in the rainmaking procedure was expected to affect the lawyers' decision to withdraw from the profession.

Antithetic to what was postulated, women were in fact given the opportunity to generate new business. Notwithstanding this opportunity, the rainmaking procedure was often unexpected of the women. In fact, the women were never denied the opportunity to develop potential business, with the exception of one woman. Counterintuitively, the single woman who was denied the occasion to generate potential business did confirm that this inopportunity was a relevant factor in her decision to forsake the practice of law. Unlike what was postulated in the literature review, the lack of opportunity to generate new business was insignificant in the sample participants' decisions to forgo this occupation.

Additional research should be challenged regarding the issue of rainmaking. Specifically, research should be concentrated as to why rainmaking is generally unexpected of women and also of newly admitted legal practitioners. Further, supplementary research is necessary to determine why women are not given the prospect to generate potential business.
Mentoring

The next variable under analysis dealt with the issue of mentoring. Precisely, whether or not the lack of guidance under a mentor as a relevant factor in the sample participants’ decisions to relinquish the practice of law was under observation.

As hypothesized, several themes or points were highlighted vis-à-vis the issue of mentoring. Thematically, mentoring alliances were exercised in the law firms in which the women were employed. Consequentially, the women were indeed under the supervision and direction of a mentor, with the mere exception of two women. Notwithstanding the fact that the women were actually under the guidance of a mentor, the guidance of mentoring per se was hardly characterized and described in a complimentary manner. Insomuch, mentoring affiliations were characterized as inadequate; ineffective; unacceptable; futile, and an inconsequential process.

As a variable in which its deficiency was hypothesized as prompting the decisions of the women to forsake the practice of law, atypical results transpired. Hypothesizing that the lack of guidance by a mentor would contribute in the women’s determination to forsake the practice of law, I uncovered the opposite. It was not the women who were not under the guidance of a mentor who cited that this lack of guidance contributed in their decisions to forsake the profession. Rather, it was the women who were in fact under the guidance of a mentor who claimed that inadequate and careless mentoring was conclusive in their decisions to abscond from the legal profession. Given the perceptions and descriptions of mentoring provided by the respondents and including the preceding findings, it would seem plausible that the concern pertaining to appropriate mentoring should be addressed through further research.
Gender Bias and Inequality

The next variable that was hypothesized to affect the lawyers' resolution to endure the practice of law involved the issue of gender bias and inequality. In interviewing the women under question, several themes and points vis-à-vis the issue of gender bias and inequality are worth emphasizing. Prevalently, the case study findings were consistent with the often-voiced complaint of gender bias and inequality within the legal profession. Gender bias against the women under question clearly existed. Further, the presence of these partialities was demonstrated in the law firms in which the women were employed.

What was ascertained was that the women were clearly disadvantaged because of their gender. Afflicted due to a preference for the male gender or because of familial choices usually attributed to the female gender, the women were impeded and stonewalled in their strives towards career advancement and partnership attainments. Furthermore, the women were also subject to impartiality regarding files, clients, and in terms of the remuneration received in performing their legal work. It would appear repeatedly (as in the issue of professional advancement) that because of their gender, women are being deliberately impeded from a work environment long governed and build on a premise by their dominant nemesis, men.

Sexual Harassment

Incidents of sexual harassment was labelled as another variable which was hypothesized to affect the women's decisions to forsake the practice of law. Precisely, persistent sexual harassment in terms of either unwanted sexual advances, or even jokes or comments of a sexual nature executed by either clients or lawyers was believed to incite the women to forgo the profession.

In interrogating the women who constituted the case study, it was ascertained that sexual harassment in the form of unwanted teasing, jokes, or comments of a sexual nature by both clients and lawyers occurred rather frequently to the women. Unwanted sexual advances by clients and
colleagues never or very rarely transpired. Therefore, sexual harassment in the form of unwanted teasing and joking appeared to be more of a encumbrance among the sample group. This form of sexual harassment ranged in amplitude, fluctuating from absolutely derogatory sexist remarks; to subtle innuendoes, to overt leering and flirtations. A common theme which ensued among the women who were sexually harassed within these terms was a compelling obligation to endure the comments directed towards at them. It was discovered that the lawyers who made the comments were often those who were the crucial links towards potential business, clients, and professional success.

In examining the variable of sexual harassment, I would have expected more of the women having experienced frequent sexual harassment to have implied that these disturbing incidents affected their decisions to forsake the practice of law. A possible rationalization could be that the women did not endure and experience more intricate and disturbing forms of sexual harassment such as sexual assault; unwanted touching and/or propositions. What the women endured instead, was milder and less offensive forms of sexual harassment.\footnote{Not that unwanted teasing and joking of a sexual nature does not have a profound effect on a woman nevertheless.} Notwithstanding, incidents of sexual harassment was grounds for justification for three of the women to leave the practice of law altogether.

\textit{Balancing of a Legal Career and a Family}

The next variable that was hypothesized to affect a lawyers’ decision to forsake the practice of law was difficulties and complications in attempting to balance both the rivalling roles of a legal career and a family.

As hypothesized, difficulties in trying to stabilize both a legal career and a family was unanimously a relevant variable in all of the sample participants’ judgements to forsake the practice
of law. In fact, this difficulty was the most important variable (ranked as the number one variable out of the nine variables specified) in the case study sample's decisions to renounce the practice of law. These findings are compatible with the often-uttered complaint of the difficulty in endeavouring to balance challenges. Unquestionably, there appears to be no doubt that children and families do affect professional manoeuvrability and stratagem.

It is important to emphasize at this particular point that for working women in any employment position, attempting to balance both a career and a family has proven difficult to accomplish convincingly. However, for women practising law these competing demands appear to be more intricate as the hours attributed to the profession are long, and attempting to advance is negated. Insomuch, childrearing affects advancement as seniority and commitment to the profession is lowered due to the presence of children.

In interviewing the women, several correlated themes should be emphasized. Firstly, the women under question were compelled to perform three roles: that of a wife; that of a mother to very susceptible youngsters, as well that of a full-time legal practitioner. What was confirmed was that the women shouldered a greater proportion of responsibility (in terms of time) in regards to domestic burdens in caring for their children than their children's other parent. Additionally, the women rarely depended on paid hired help such as housekeepers, babysitters, child-care services, or even assistance from their relatives in caring for their children.

This hardly suggests that these arrangements were uncomplicated, or that each of the women interviewed was able to fulfil the obligations attached to the traditional dual role as a wife, mother, and lawyer without great conflict and painful compromises. In fact, a common theme among the women interviewed was that they realized and endured dissenting economic and professional consequences correlated with their decisions in raising a family and eventually forsaking the practice of law. These consequences range from irregular hours; stress; difficulties in attempting to advance
professionally; to a testing of their commitment to work; to a loss of either seniority, income, client respect, to even the loss of employment. Undoubtedly, the presence of children and consequences attributed in attempting to care for children while simultaneously practising law was overwhelmingly applicable in the respondents' decisions relinquish the profession altogether.

**Lack of Accommodation for Family Commitments**

As was foretold in the preceding section, complications in stabilizing both a professional legal career and one's family was the most consequential variable which initiated the decisions of the women to choose to forsake the practice of law. Counterintuitively, a great majority of the women were withheld family accommodations which would have sustained an equilibrium in this familial-legal pendulum.

Particularly, the women were offered few benefits at all. Child-care; flexible hours; part-time work schedules; leaves of absence; paternity leave; job sharing, or even part-time partnerships were either rarely offered, or unoffered at all to any of the women. Unquestionably, these accommodations for familial commitments would have assisted in fostering the women's families. In reality, the only benefit that was offered to the women by an overwhelming majority of the women in the case study was maternity leave, and it was unpaid too. Again, these findings are analogous to what was already been confirmed by the literature review and other related studies. Ranked as the second most consequential variable which contributed in the sample participants' decisions to forsake the practice of law, the lack of accommodation for family commitments was indisputably a convincingly decisive variable in the sample participants' decisions to relinquish the practice of law.

Unquestionably, the issue of a lack of accommodation for family commitments within the Québec Legal Profession must be dealt with further. As more women enter the legal profession and simultaneously attempt to raise their children, accommodation in facilitating these competing
demands have to be offered if women are to remain employed within this occupation. This lack of accommodation for familial commitments is perhaps the most intricate challenge facing Le Barreau du Québec today.
5.2. FORSAKING THE PRACTICE OF LAW AS AN ILLUSTRATION OF A PREDICAMENT OF SYSTEMIC DISCRIMINATION

In this final section of Chapter V, I will present an interrelationship between the variables that will serve to describe how the nine variables and their respective factors have contributed in the case study sample's decisions to forsake the practice of law. Accordingly, this case study permitted me examine empirically that the departures from the practice of law by the women corresponds to a predicament of systemic discrimination.

Insomuch, this final section will summarize the principal factors heretofore presented in order to indicate how cumulatively, these factors reflect a condition of systemic discrimination. Table 25 and Table 26 synthesize these results. Specifically, Table 25 (found throughout the next five pages) demonstrates the link between each variable, its respective factors, and the decision to forsake the practice of law by each one of the eight sample participants. Correspondingly, Table 26 indicates the accumulation of the variables and the responses generated by each one of the eight sample participants.111 One can noticeably ascertain that the decision to forsake the practice of law by the case study sample participants is the result of an assembly of factors.

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111 Table 26 can be retrieved in Appendix C, pages 249 through 254.
<table>
<thead>
<tr>
<th>VARIABLE</th>
<th>RESPONDENT</th>
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<td><strong>A GENERAL DISSATISFACTION WITH THE PRACTICE OF LAW</strong></td>
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<td>2. Occupational tasks</td>
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<td>3. Hours of work</td>
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<td>4. Workload</td>
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<td>5. Job security</td>
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<td>6. Income</td>
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<td>7. Prestige of work</td>
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<td>8. Weight in decisions</td>
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<td>9. Balance with personal life</td>
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<td>10. Control over work</td>
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<td>14. Work relations with male colleagues</td>
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<td>15. Work relations with female superiors</td>
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<td>17. Professional relationship with female judges</td>
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<td>20. Expectation to handle certain areas of law</td>
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<td>22. Scepticism by clients</td>
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<td>23. Scepticism by colleagues</td>
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<td>24. Scepticism by superiors</td>
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<td>25. Lack of opportunity to litigate</td>
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<td>26. Area of practice adversarial in nature</td>
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<td>PROFESSIONAL ADVANCEMENT</td>
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<td>27. Had to work much harder than male colleagues in attempting to advance professionally</td>
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<td>28. Expectation to prove oneself to a large degree in order to progress</td>
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<td>29. Career progression difficult</td>
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<td>30. Work hours too long in order to advance</td>
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<tr>
<td>31. No possibility for career advancement feasible</td>
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<td>32. Preconceived notions about pregnancy and maternity</td>
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<td>33. Preference for the male gender for advancement</td>
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<tr>
<td>RAINMAKING</td>
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<td>MENTORING</td>
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<td>35. Lack of mentor support</td>
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<td>GENDER BIAS</td>
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<td>36. Gender bias vis-à-vis career advancement</td>
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<td>37. Gender bias vis-à-vis access to clients</td>
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<td>38. Gender bias vis-à-vis access to files</td>
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<td>39. Gender bias vis-à-vis remuneration</td>
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<td>40. Gender bias vis-à-vis hiring</td>
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<td><strong>SEXUAL HARASSMENT</strong></td>
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<td>43. Unwanted sexual advances by clients</td>
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<td>44. Unwanted teasing, joking, or comments of a sexual nature by lawyers</td>
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<tr>
<td>45. Unwanted teasing, joking, or comments of a sexual nature by clients</td>
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<tr>
<td><strong>DIFFICULTIES IN BALANCING BOTH A LEGAL CAREER AND A FAMILY</strong></td>
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<td>46. Loss of seniority</td>
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<td>47. Pressure to return to work during maternity leave</td>
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<td>48. Difficulty advancing in your legal career</td>
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<td>49. Unreasonable workload following maternity leave</td>
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<td>50. Testing of a commitment to work</td>
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<td>51. Loss of clients</td>
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<td>52. Loss of job</td>
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<td>53. Difficulty in obtaining parental leave</td>
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<td>54. Difficulty in obtaining flexible hours/part-time work</td>
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<td>55. Loss of income</td>
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<td>56. Less work following parental leave</td>
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<td>59. Loss of opportunity for quality assignment</td>
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<td>60. Reassessment of job responsibilities and client matters</td>
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<td>61. Given less consideration as a career lawyer</td>
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<td>62. Loss of client respect</td>
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<td>63. Stress from competing demands</td>
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<td>64. Difficulties in balancing both a legal career &amp; a family</td>
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<td>65. Child-care responsibilities</td>
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<td>A LACK OF ACCOMMODATION FOR FAMILY COMMITMENTS</td>
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<td>66. Unavailability of child-care services</td>
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<td>70. Unavailability for job sharing</td>
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<td>71. Unavailability for part-time partnerships</td>
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<td>72. A lack of accommodation for family commitments</td>
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</table>
(1) Numerical values ranging from 1.0 through 6.0 indicate the score of satisfaction attributed by each of the respondents to each facet of work incorporating the variable satisfaction with the practice of law. A score of 1.0 indicates that the respondent was very dissatisfied with the particular facet of work, and subsequently, a score of 6.0 indicates that the respondent was very satisfied with the particular facet of work identified.

(2) The symbol (*) indicates that respondents DID experience the respective consequence highlighted.

(3) A blank area indicates that the respondents DID NOT experience the respective consequence highlighted.

(4) The letters N, R, S, F indicate the following:

N: That the respondent never experienced the form of sexual harassment indicated;
R: That the respondent rarely experienced the form of sexual harassment indicated;
S: That the respondent sometimes experienced the form of sexual harassment indicated;
F: That the respondent frequently experienced the form of sexual harassment indicated.

(4) The question mark symbol (?) indicates that the respondents were uncertain as to whether the particular benefit identified was offered or not in the law firms in which the women were employed.

(5) The abbreviation n/a indicates that there were either no female superiors in the law firms in which the women were employed, and/or that respective areas of practice did not involve any court litigation per se.
Systemic Discrimination

Defined thoroughly in Chapter II, Chicha-Pontbriand (1989) defines the notion of systemic discrimination within an employment context as workplace, social, and individual interactions that disadvantage individuals because they belong to particular groups. These individuals are usually disadvantaged as a result of an interaction of practices, behaviours, and decisions. Specifically, the first and most consequential component includes workplace practises, behaviours, and decisions. The second component reinforces the first, consisting of such practices, behaviours, and decisions that emanate from actors or institutions that are closely integrated with the workplace. Finally, the third component reflects the reaction of these disadvantaged workers (in this case, the women) to the constraints and deterrents encountered at the workplace environment. Reacting to the accumulation of these components, this array can incite a temporary or even a definitive cessation from a non-traditional workplace milieu.

Workplace Level

The first interaction characterizing systemic discrimination takes place at the workplace level. Within this level, specific rules; practices, and convictions become amassed within the workplace environment. One must observe the legal profession itself systematically through specific rules and conventions within the practice of law per se which have come to contribute in a woman’s decision to forsake the practice of law.

The first series of factors can be categorized as indirect practices of discrimination. Indirect discrimination comes to signify those practices generally conceived for a masculine work milieu corresponding to male characteristics. These practices impose an adverse impact on women.

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112 Chicha-Pontbriand, supra note 69 at 85.

113 Ibid.
The practice of law is indeed a demanding and arduous profession to labour. It has been shown that incessantly lengthy and rigid work hours are always the norm within this particular profession. Accompanying these prolonged work hours includes a massive workload and strenuous occupational tasks. What must not be disregarded are law firms which demand and insist on full-time dedication and employee loyalty. The required billable hours and intense workload have escalated to a point where it has become almost physically impossible for women with familial and household responsibilities to participate fully in law firm practices. One can observe through the results of my case study through Table 25, lines\textsuperscript{114} 3, 4, 9, 11, 12, and 16 how these six factors have come to contribute in the women’s decisions to forsake the practice of law.

The legal profession has also been characterized adversarial, in correlation with the profession’s respective areas of practice. When either prosecuting or defending, the bottom line within this profession is that a lawyer is constantly altercating. In such an adversarial system, a lawyer does whatever s/he can do to progress her/his client’s best interests in reaching an equitable and incontrovertible solution. This adversarial structure tends to purport individuals to get caught up in this vigorous mode, as the individual lawyer becomes more demanding and aggressive.\textsuperscript{115} Characterized relational, compromising and responsive to the needs of others,\textsuperscript{116} women practising law within such an adversarial system tend to find it difficult to survive in such an antagonist structure.\textsuperscript{117} This factor has equally contributed in the forsaking of the practice of law

\textsuperscript{114} When incorporating the word \textit{lines} in reference to Table 25, \textit{lines} shall come to imply the corresponding numerated factors in the table.


\textsuperscript{116} Gillian, \textit{supra} note 37.

by the case study sample participants, contemplated by Table 25, line 26.

Every individual aims to be successful. Success in any profession does not end after having found employment, nor after having received sufficient remuneration. Accomplishment in employment can also be characterized as the attainment of certain levels of prestige.

A critical step up the ladder of legal success is the realization of partnership status or even judicial prominence. Challenges surrounding professional advancement have impinged upon the career paths of both the female and the male gender. Nevertheless, systematically female lawyers have encountered numerous complications in attempting to advance professionally. The road up the partnership track is complex for women. The criteria necessary to achieve partnership is demanding; advancement continues to be dominated by the male gender, and perceptions as to how women are biologically different hinders a woman's chances towards advancement within this occupation.

It would appear as though both the criteria necessary for partnership attainment and the biological nature of the female gender are not contusive to the advancement of women in the legal profession. Instead, the basis and standards established for professional advancement are conformed for the male gender. In attempting to practice law, women tend to be subject to completing background and research assignments, including the distribution of dull and unrewarding files. Additionally, the criteria necessary for advancement such as rainmaking, networking, and mentoring are either unavailable; unexpected of; refused to, or even inadequately provided for women. As a result of these inefficiencies, women atrophy professionally. These predicaments are well illustrated in the results generated by my respective case study. Remarkably, Table 25 indicates that lines 28, 28, 29, 30, and 31 were conclusive and contributory in the women's persistence to forsake the practice of law.

It should also be emphasized that law firms are integrally a business. From a law firm's
perspective, women are usually not worth investing in regards to partnership, networking, and mentoring. As law firms speculate, the firm will lose the investment it has sacrificed in female lawyers should these women leave the practice of law to raise their children. What transpires is a vicious circle. Law firms will not invest in women in regards to rainmaking, mentoring, and eventually, partnerships. Electively, women have chosen to forsake the practice of law because of these deterrents in attempting to attain partnerships, as they are unexpected to generate business, or are misdirected professionally and personally by a mentor.

Furthermore, it is the female gender that has reproductive capacities. Coupled with this biological reproductive capacity, a woman’s prime child bearing years coincide with partnership. Women tend to begin a family virtually around the same time that the partnership issue may arise. As a repercussion, the most important criteria for professional advancement such as law firm commitment and rainmaking are difficult to fulfil when a woman is either on maternity leave or at home with her child. Repeatedly, women are stonewalled in their attempts to advance professionally and survive within the practice of law. As an inequality towards the female gender, women have less time to commit to the law firm and billable hours with which are necessary for promotion to partnership. Systematically, one can assert that the criteria necessary for making partnership are more suitable to the male gender. Adversely affected, women are indirectly discriminated within this regard as the confrontation between child-rearing cycles, responsibilities and attempting to advance professionally collides.

In further assessing how women are discriminated systemically as a reason why women are

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118 Loveman, supra note 81 at 12-29.

119 Dorothy Lipovenko, "Pardon me boys, is this the mothers only choo-choo?" The Globe and Mail, 31 March, 1989 at A8.

120 Mr. Justice Frank Iacobucci, "Striking a Balance: Trying to Find the Happy and Good Life Within and Beyond the Profession," The Law Society Gazette, Vol. 26, 1992 at 210-211.
deciding to forsake the practice of law, gender biases and inequalities should be addressed. Insomuch, a second series of factors (still encompassing the workplace milieu) can incorporate what qualifies as direct discrimination. Direct discrimination occurs when particular practices, behaviours, and decisions accord differential treatment against and individual because of they are members of a disadvantaged group.\textsuperscript{121}

Common beliefs about women regarding lawyering capacities; promotion and partnership; work allocation in regards to files and clients, and remuneration are embedded in the workplace environment within the profession. In fact, gender discrimination is considered as a serious problem within the legal profession.\textsuperscript{122} Specifically, lines 23, 24, 36, 38, and 41 from Table 25 illustrate how gender bias and inequality against the women in the case study was convincingly demonstrated and decisive in their perseverance to forsake the practice of law.

One must observe the structure of the legal workplace as a reason for the barriers women encounter in causing women to depart. A profession which was conceived and built by men,\textsuperscript{123} and usually exclusionary and unwelcoming to women,\textsuperscript{124} stereotypical attitudes, beliefs, and opinions against women are rooted in tradition and manifested in everyday life within the legal profession. It is hardly coincidental that catch-phrases such as The Old Boys’ Network and The Men’s Club have come to characterize this profession.

Accordingly, women are usually those who shoulder the liability for child-care and

\textsuperscript{121} The Abella Report, supra note 70.

\textsuperscript{122} The Canadian Bar Association Task Force, supra note 2 at vii.

\textsuperscript{123} Rochette, supra note 72 at 46, and The Canadian Bar Association Task Force, ibid., at 257.

housework functions while simultaneously working as full-time legal practitioners. With such familial responsibilities, it becomes complicated for women to work the typical twelve hour days necessitated by the legal profession. Additionally, it is complex for women to be even be thoroughly committed to their work by working evenings, weekends, unexpectedly, or even to further their skills and knowledge through extra-curricular education. Unable to demonstrate employment commitment, women tend to get less prestigious files and clients, become lower billers, and hence, lower remuneratorators. Consequently, these circumstances pose as hurdles for women in attempting to advance within their careers.

Another common practice within the legal profession which is implanted within the workplace environment is sexual harassment. Incidents of sexual harassment reported by the women comprising the case study are consistent (to a much less intense degree nevertheless) with the often-voiced compliant of sexual harassment addressed in the studies encompassing the literature review. Women have encountered sexual harassment in terms of leering; teasing and joking of a sexual nature; derogatory remarks; flirtations; advances, and sexist jokes causing embarrassment by both other lawyers and clients.

Sexual harassment in any workplace is professionally undermining and also affects an employee's psychological well-being. The consequences associated with sexual harassment are numerous for women in the legal profession. Statistically, the male gender represents 73% of the Canadian Legal Profession, 90% of all partners, including 88% of the judiciary.

125 Meier, supra note 58.


127 The Canadian Bar Association Task Force, ibid., at 19.

128 Ibid., at 63-64.
Due to this overwhelmingly male presence within the Canadian legal profession, it is hardly startling that women are subject to some form of sexual harassment within their respective workplace environment. Lines 44 and 45 from Table 25 depict how sexual harassment contributed in the departures from the legal profession among the women comprising the case study sample.

As a result of these structural workplace restraints within the practice of law, women are systemically affected in their attempts to practice law in several ways. Accurately, women are affected through the long hours and heavy workload demanded by the legal profession; its adversarial nature, and also in its impenetrability to advance professionally. Also, women are systematically influenced through a lack of occasion to generate new business and be guided adequately, as well through incidents of gender bias and sexual harassment. As a repercussion, the interaction of these diverse variables creates work conditions that are exceptionally unequal for women, constituting as a prejudicial challenge and detriment for women within the legal profession.

**Actors/Institutions Linked to the Workplace**

A second component characterizing systemic discrimination occurs between members of a disadvantaged group and how they interact socially. Work choices are consequently influenced, and how these members choose to conduct themselves professionally is also affected.\(^{130}\)

From the results of the case study, two types of determinants incorporating this particular interaction have been verified. Firstly, scepticism on the part of clients was deciphered. As a result of this doubt, women were handed background work and uninteresting files. As well, women often found themselves having to prove themselves to a large degree and working much harder than their male counterparts. Particularly, the results generated from Table 25 through lines 21 and 22

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\(^{129}\) *Ibid.*, at 49.

\(^{130}\) Chicha-Pontbriand, *supra* note 69 at 71.
illustrate how these factors clearly reinforced the women’s decisions to no longer practice law as a profession. As a consequence of this discriminatory social interaction, the women among the case study sample found themselves deteriorating professionally, very often failing to progress as previously asserted. Departures from the profession persevere as work conditions become subsequently unfavourable.

The second determinant deals with familial obligations. It has been shown that a woman’s participation within the practice of law is directly related to familial responsibilities affecting how women conduct themselves professionally. The predicament experienced by women vis-à-vis lawyering and familial obligations again becomes one which is systemic.

While a majority of male lawyers rely on their spouses or companions to provide for child-care and the performance of household duties, such options do not appear available to lawyer-mothers. Disproportionately, it is women who deal with child-care urgencies; who relive the babysitter; who look after sick children while washing, cooking, and cleaning the home.\footnote{The Honourable Iacobucci, supra note 120 at 211.} For the women in the case study, numerous complications in counterbalancing a legal career and family responsibilities were unanimously irrefutable in the women’s decisions to forsake the practice of law. Specifically, Table 25, lines 48, 54, 57, 61, 63, and 64 confirm this interpretation.

As a result of these child-care and household responsibilities, the balancing of both a professional legal career and a family have proven difficult for female lawyers. It has been demonstrated that women have suffered both personal and professional consequences correlated with attempting to deal with these rivalling conflicts. On a personal level, women who practice law and care for a family have suffered from stress and irregular hours. These predicaments have consequentially affected women professionally, as a women’s preoccupation with their families have come to interfere with the successful prosecution of a legal career. Women with children have been
given less consideration as a career lawyer; have faced pressures returning to work following maternity leave; have had their commitment to work continually tested; have lost seniority, income, respect, and even as drastic as losing their employment. Systemically, the difficulties women have encountered both personally and professionally have forced women to opt out of the profession entirely. As the Canadian Bar Association Task Force confirms, these consequences are scarcely endured by male lawyers with children.\textsuperscript{132}

Obstacles relating to work and familial responsibilities are further constrained as these deterrents create insoluble solutions. Accommodative work arrangements is a heresy in a profession which commands complete allegiance and full-time commitment. Distinctively, Table 25, lines 66, 67, 68, 70, 71, and 72 illustrate a lack of accommodation in facilitating the equilibrium of both a legal career and a family was conclusive in the women’s decisions to no longer prosecute a legal career. This lack of accommodation has been graded as the most significant reason why women are leaving private practice.\textsuperscript{133} Montreal Criminal lawyer Sophie Bourque uses sarcasm to describe the complications and predicaments for women within the legal profession. According to Bourque, the only solution for women to even try to attempt to cope with both a legal career and a family is for women to give birth on a Saturday, preferably during a long weekend:

"Pour beaucoup d’avocates, il n’existe guère qu’une solution à ce double problème: accoucher le samedi, de préférence pendent une longue fin de semaine, et de revenir au travail fraîche et dispose le mardi matin! Trèèe de plaisanteries, il est quand même vrai que beaucoup d’avocates devront se contenter d’un congé très court, souvent trop court, et ce au détriment de leur santé."

\textsuperscript{134}

\textsuperscript{132} \textit{The Canadian Bar Association Task Force}, supra note 2 at 65.

\textsuperscript{133} \textit{The Canadian Bar Association Task Force}, \textit{ibid.}, at 94. In my respective case study, a lack of accommodation for family commitments was ranked as the second most consequential reason why the women chose to forsake the practice of law.

Further systematically discriminatory towards women, the lethargic progress of alternative work arrangements and schedules by law firms implies a malady within the legal profession. As Bourque reiterates,

"Avoir des enfants est la principale cause de discrimination dans la profession... C'est profondément injuste... [F]aire des enfants, c'est l'affaire de tout le monde. Les femmes ne devraient pas être les seules à en payer le prix."\textsuperscript{135} [With emphasis].

What is transpiring is a disruption of the status quo as the entry of women within this male-dominated work context of the legal profession has initiated new ideas and challenges.\textsuperscript{136} Biologically, it is the female gender that sustains children. Sociologically, it is understood that the female gender spends more time caring for children than the male gender. Indisputably, every woman who enters the legal profession automatically has the potential to become a lawyer-mother. It is this lawyer-mother who will eventually take time off, face difficulties in keeping pace with other lawyers because of her divided obligations, or even forsake the profession to care for her children. It is socially and professionally acceptable for a woman to depart from the legal profession to raise her family. The social acceptance for men to drop out of the profession and raise a family is not there. If it were, a far greater number of men would forsake the practice of law.\textsuperscript{137}

\textsuperscript{135} "Les héroïnes sont fatiguées: la carrière d’avocate: interdite aux mères?" Chatelain, Février 1995, pp. 46-50 at 50.


\textsuperscript{137} In Brockman’s Former Members Survey, supra note 4 at 24, child-care commitments was ranked by male lawyers as the ninth most prevenient reason for departing from the British Columbia Law Society. Furthermore, "The Non-Practising Members Survey," Brockman’s other study devoted to legal practitioners forsaking the profession (supra note 7), male lawyers cited child-care commitments last in importance (i.e., seventeenth out of a possibility of seventeen reasons) as a basis for departing from the Alberta Law Society.
Individual Reactionary Level

A third component characterizing systemic discrimination emphasizes the reactions of those disadvantaged workers susceptible to prejudices within a workplace environment. Encountering constraints and obstacles while working in a traditionally male sector of employment, women are forced to choose among a variety of adaptive employment decisions and strategies which accentuate the effect of exclusion from private practice of law, including:

- Employment in research work.
- Employment within an administrative tribunal.
- Employment within a government legal department (i.e., a government lawyer).
- Employment as a member of corporate counsel.

These strategies and decisions are definitely alternatives for female lawyers aspiring to balance both a legal career and family; to improve their quality of life; to decrease stress; to enhance probabilities vis-à-vis career advancement, while removing themselves from the billable hour system.\(^{138}\) Albeit this list of affirmative decisions and stratagem, these resolutions can be detrimental to an individual lawyer’s career, heightening systemic discrimination. Reduced output; a loss of legal talent; low morale; impaired credibility; depressed and disproportionate remuneration, and difficulties advancing professionally have been confirmed among women who have chosen the preceding alternative career paths.\(^ {139}\)

\(^{138}\) The Canadian Bar Association Task Force, supra note 2 at 115, 135, and 177.

\(^{139}\) Ibid., at 115 and 136.
It has been widely confirmed that a women’s participation within an employment context is directly correlated with familial alliances and responsibilities.\textsuperscript{140} Repeatedly, women are forced to further choose among a variety of adoptive decisions and approaches, consisting of:

- The decision to remain childless.
- The conclusion to delay the child-bearing process.
- The resolution to have children and have them raised by a succession of individuals and institutions other than the women themselves.
- The possibility and risk of losing custody of one’s children.\textsuperscript{141}
- The decision to have children and consequentially choose to leave the profession temporarily.
- The decision to have children and attempt to practice law without leaving the profession temporarily.
- The decision to forsake the practice of law (\textit{i.e.}, the decision unanimously rendered by case study participants).

\textsuperscript{140} Chica-Pontbriand, \textit{supra} note 69 at 71.

\textsuperscript{141} Women lawyers are being forced to choose between their legal careers and their children. Notably, Los Angeles Chief Prosecutor Marcia Clark in the infamous O.J. Simpson double-murder trial best illustrates the trade-offs female lawyers must contend with. Clark, who presently has custody of her children, is currently being petitioned by her ex-husband for full custody of her children. Her husband is citing that Clark is too busy and preoccupied with the trial than her own children. Clark’s professional legal success might be pivotal as she might lose custody of her two children to her ex-husband who works much less demanding hours. As Linda Kay highlights in her article \textit{"Simpson trial spawns debate on terms of child custody,"} \textit{The Montreal Gazette}, 7 March, 1995 at A2, Clark rarely sees her children at all, as baby-sitters stay with her children until she arrives home from work, usually past their bedtimes. It would appear as though successful women are being condemned by having their children taken away from them.
5.3. OVERVIEW

The results of this case study among a sample of eight non-practising female members of Le Barreau du Québec illustrates a predicament of systemic discrimination. In order to fully assess its dissenting character, systemic discrimination must be distinguished through an association of three interactions. Among the eight women under interrogation, workplace, institutional, and individual interactions have unquestionably intertwined to depict this illustration of systemic discrimination. Each one of the eight non-practising female lawyers cited various factors which contributed in their decisions to forsake the practice of law. Certain lawyers were disadvantaged in a far greater number of factors than other sample participants. Notwithstanding, all eight of the women sustained an assembly of detriments which reinforced their decision to depart from the legal profession. A superficial interpretation to the phenomenon of female lawyers forsaking the practice of law could conclude that this decision reflects a weak alliance and commitment to both the legal profession and to the labour force per se. In reality, this case study demonstrates that the women who chose to forsake the practice of law did so despite solid motivation, commitment, and an advantageous remuneration. Through an accumulation and interaction of disproportionate conditions, the women in the case study chose the decision to forsake the practice of law. This is why one can consider this predicament as a typical matter of systemic discrimination, creating what Chicha-Pontbriand describes as an infinitesimal vicious circle:

"... [la discrimination systémique] constitue un cercle vicieux que seul un correctif systémique peut briser."  

Therefore, it is imperative that several recommendations and suggestions be both highlighted and brought to the attention of those who govern the practice of law, as well as to those who are

142 Particularly, sample participants I, II, III were disadvantaged in a far greater number of factors than sample participants VII and VIII.

143 Chicha-Pontbriand, supra note 69 at 85.
still attempting to practice law. These recommendations and suggestions shall be emphasized in Chapter VI, the final chapter of this research.
VI

CONCLUSION

Recent statistics have shown that across Canada, women are leaving the practice of law in greater numbers than their male colleagues.\textsuperscript{144} Thus, I devoted this postgraduate thesis to the issue of describing this phenomenon in Québec, in deciphering and examining the reasons why a case study sample of eight non-practising members of Le Barreau du Québec decided to forsake the practice of law.

This case study was also executed to determine what exactly could be done by Canadian law societies; private practice law firms; corporate counsel legal departments, and professional legal associations to better acclimate those women who are no longer practising law as a profession. Systematically discriminated in far too many manners, profound changes and reformations must be done to the Québec and Canadian Legal Professions as significant implications are bound to strike this occupation. More importantly, the breakthroughs women have made in the profession will have proven futile and unavailing, subsequently diminishing the quality of the profession.

Within the practice of law \textit{per se} (i.e., private practice) several recommendations are integral. Some of the propositions could include the following:

\begin{itemize}
  \item That law firms develop effective employment equity programs.
  \item That all lawyers have access to a full range of files and clients.
  \item That law firms ensure that all practitioners have an equal opportunity to develop themselves professionally in all areas of practice.
  \item That law firms take steps to ensure that women lawyers are assessed within law firms on the basis of merit.
  \item That female lawyers be supported when gender bias, discrimination, scepticism and sexual harassment is suspected by clients, colleagues and superiors.
\end{itemize}

\textsuperscript{144} Please refer to footnotes 84, 85, and 86.
The second major recommendation I would offer would be to have realistic expectations regarding billable hour targets. It must be emphasized that lawyers are in fact human beings. Law firms should decrease their obligation for significant amounts of billable hours expected of its lawyer-employees. From a human relations perspective, law firms should be preoccupied instead with the needs of its employees than the needs of particular clients, who have at times proven overwhelmingly demanding.

The third recommendation for reform that I would propose to the various legal spectrums would be the implementation of specific workshops and/or programs that would assist those lawyers facing intricate quandaries such as sexual harassment, gender bias, and work-related stress. Such policies are required as such policies serve as preventative measures. The chances of sexual harassment and work-related stress are minimized when everyone is aware of such programs and their respective rules, regulations, and services. In applying programs that safeguard against such predicaments, productivity is heightened; absenteeism declines, and morale is improved. Critically, commitment to the practice of law is strengthened through the application of such policies. These respective policies should be strong enough so that the affected party can easily come forward and take action against whether it be a harasser or even work-related stress itself. Thus, in implicating such tactics, law firms can take prompt, corrective action.

Improvements regarding the professional advancement of women to partner status must be realized. The criteria deemed necessary to be named to partner are far too intricate for the female gender to attain, especially should she have familial duties and obligations. What law firms should do is promote a more flexible model of career advancement so that partnership can take into account the divergent work histories of its female lawyers. Again, emphasis on billable hours should be lowered. Reduced targets of billable hours should not delay nor impinge upon eligibility for partnership, nor should it affect compensation. What would assist women would be an allotment
for full participation in both the networking and rainmaking processes. As a direct repercussion, chances for partnership attainments are improved. Therefore, law firms should develop proper evaluation methodologies which would eliminate bias in the partnership decision-making procedure.

Amelioration regarding mentoring has to be devised in order to assist lawyers both personally and professionally. Mentors are integral forces for lawyers, as access to and including the support of senior lawyers is prevalent in a lawyer’s career development. Lawyers with strong and ardent mentors accord that extra edge in attaining prevalent files, clients, and partnership. Most especially, commitment to the practice of law is strengthened through adequate mentors. What would assist the construction of mentoring alliances would be to exercise firm bonding practices,\(^{145}\) activities which permit lawyers, associates and partners to communicate and familiarize themselves with one another.

Without a doubt, the greatest suggestion for reform within the legal profession would be the need and recognition for balance, flexibility, and accommodation for all legal practitioners with familial commitments. As increasingly more women enter the legal profession, accommodations must be made for women who bear the responsibility for children. In accommodating, women should not suffer professionally, economically and personally.

These concessions must come in the form of alternative work schedules.\(^{146}\) For example, law firms should establish paid maternity and parental leave policies. Secondly, law firms should at least experiment with part-time and/or flexible work hours; job sharing; part-time partnerships; sabbaticals, and leaves of absences. Experimenting with such alternative work schedules is an

\(^{145}\) The Canadian Bar Association Task Force, supra note 2 at 90.

\(^{146}\) Of notable interest, see the American Bar Association Report by the Committee on Women in the Legal Profession (chaired by Hillary Rodham Clinton) entitled Law and Balanced Lives: Drafting and Implementing Workplace Policies for Lawyers, First Edition, October 1990. The Workplace Policy can serve as an excellent source for law firms in aspiring to provide workplace accommodations and alternative schedules for lawyers with familial responsibilities.
excellent start. Subsequently, the legal profession should investigate the possibility of providing centralized daycare centres for its members. Two daycare centres could be established within two focal points of the city. For example, the two proposed daycare centres could be established within the vicinity of Old Montréal and also within the Downtown core of the city. In executing such a strategy, members of Le Barreau du Québec can have their children cared for while at work. If this option proves impossible, then Le Barreau du Québec could at least establish child-care referral services for its members.

As more and more women aspire to pursue careers in law, and as the influence and impact of these members continue to enlarge the legal profession, it will become increasingly consequential to continuously investigate the issue of women in the legal profession. Especially, it will be pivotal to attempt to retain women within this profession. Proficient female lawyers should not be leaving the practice of law. Women in law have strived too hard to aspire to achieve equal status in a profession entirely dominated by the male gender.

I began this thesis on a challenge, and I now end it on a hope. Hopefully, after having realized this case study through its respective results, including the recommendations for reform in which I have formulated, law societies across the country must realize that competent female professionals should not be leaving a profession abundant in promise, potentiality, and conviction. In order to preserve the ardent quality that currently exists within the legal profession, including the prosperous feminine presence within this occupation, incessant concern for women remaining and for those who are choosing to forsake the profession must be accentuated.

It would be a prevarication to assert that change will occur all at once. Hopefully, this research will have served and will continue to serve as a critical step towards an improved future for women in the legal profession. The less women encounter in terms of difficulties; scepticism; gender bias; sexual harassment; obstacles vis-à-vis career advancement; denial in both the
rainmaking and mentoring processes, and the more women encounter in terms of equality and accommodations for familial responsibilities, the greater their job satisfaction and commitment within the realm of the legal profession.
APPENDIX A

QUESTIONNAIRE PRESENTED TO THE NON-PRACTISING FEMALE MEMBERS
OF LE BARREAU DU QUÉBEC
QUESTIONNAIRE PRESENTED TO THE NON-PRACTISING FEMALE MEMBERS OF LE BARREAU DU QUÉBEC

INTENT

I am a graduate student at l’École de relations industrielles at l’Université de Montréal. My thesis revolves around the issue of women in the legal profession. There has been concern recently over the number of lawyers who are failing to renew their memberships with Le Barreau du Québec. In light of these circumstances, I have decided to devote my research and conduct a survey to determine the characteristics of the non-practising members Le Barreau du Québec who have confronted difficulties within the Québec legal profession and especially the factors which have encouraged their decisions in failing to renew their memberships with Le Barreau du Québec.

THEMES EXAMINED IN THE QUESTIONNAIRE

In the subject matter I am proposing in this questionnaire revolves around nine (9) precise issues:

(1) Satisfaction with the legal profession;
(2) Areas of practice;
(3) Professional advancement;
(4) Rainmaking;
(5) Mentoring;
(6) Gender bias and inequality;
(7) Sexual harassment;
(8) Balancing of both a legal career and a family;
(9) Accommodations for family commitments.

CLARIFICATION OF THE VARIOUS THEMES

In order to facilitate the underlying meaning surrounding the various themes under question, the themes shall be defined through the charts in the following pages.
A GENERAL SATISFACTION WITH THE PRACTICE OF LAW

A general satisfaction with the practice of law is characterized as the degree to which a lawyer likes or dislikes various aspects of legal work, encompassing occupational tasks; responsibilities; work relations; hours attributed to the legal profession; the prestige of work, income, and so forth.

AREAS OF PRACTICE

Areas of practice shall imply the concentration of law you practised throughout your employment in the legal profession (i.e., Criminal law, Civil law, Corporate law, Family law, etc, and any problems or difficulties hereinto.

PROFESSIONAL ADVANCEMENT

Professional advancement can come to imply entering a partnership agreement, or even judicial appointments; increased remuneration; prestige; lifelong tenure; control over work; appointment of files; appointment to mentor status; involvement in firm management; job opportunities or ligation opportunities, any other form of professional advancement, including any difficulties heretoin.

RAINMAKING

The rainmaking credential refers to the process of alluring new and potential clients to the law firm. Rainmaking shall also postulate the opportunity to associate with potential clients, or with others who can refer potential clients.

MENTORING

Mentoring shall be clarified as the protégée-mentor relationship in which the senior lawyer (i.e., the mentor) assists the junior lawyer (i.e., the protégée). In this learning relationship, the mentor provides communication of firm values, offers advice vis-à-vis career goals and aspirations, dispenses assistance and feedback regarding the protégés performances and provides information regarding firm dynamics.

GENDER BIAS

Gender bias shall be defined as those attitudes and behaviours based on sex stereotypes, and/or the perceived relative worth of women. Included are myths and misconceptions about work activities encountered by women. It is reflected in attitudes and/or behaviours towards women based on stereotypical beliefs about the nature and roles, rather than upon independent evaluation of independent ability.
SEXUAL HARASSEMENT

*Sexual harassment* shall be defined as unwelcome conduct of a sexual nature that detrimentally affects the work environment, or leads to adverse job-related consequences for the victims of the harassment.

BALANCING OF A LEGAL CAREER AND A FAMILY

*Balancing a legal career and a family* can be assessed in terms of various impacts, including economic disadvantage; resentment by employers, partners, or co-workers; pressure on others caused by maternity leave or alternative work arrangements; a questioning of commitment; limited access to high profile files; exclusion from business development opportunities; deferral of decisions on promotions and admission to partnerships (i.e., loss of seniority); limits on advancement and development opportunities and eventually increased likelihood of termination of employment.

ACCOMMODATION FOR FAMILY COMMITMENTS

*Accommodation for family commitments* shall be perceived in terms of the difficulty in attaining, or even a lack of accommodations to assist in facilitating the balancing of a family and a legal career, including workplace accommodations such as maternity leave and paternity leave policies; alternative work relationships (such as flexible hours; part-time work arrangements); and assistance in child-care (i.e., daycare facilities).

FOR YOUR INFORMATION...

Not all questions may apply to your personal or work situations. It must be emphasized that reliable analysis depends entirely on the collection of all necessary information. Thus, it is prevalent that you respond to all the questions which apply to your situation. Moreover, it is critical that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practiced throughout your legal career. It should be emphasized that in answering to these questions, your anonymity and confidentiality are guaranteed. Thank you for your participation.

Laurie Kathleen Fox

📞 (514) 955-6023
📞 (514) 322-4149

November, 1994
1. How are you currently employed?

_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

2. If you are employed, is your work related to your legal training?

    □ Yes
    □ No
    □ Other

Specify:

_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________

3. If you answered yes or other to question number 2, briefly explain how you present employment is related to your legal training.

_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
_______________________________________________________________________________________________
4. When were you initially called to Le Barreau du Québec?

19

5. How were you employed throughout your career in the legal profession? Please indicate all the various employment positions.


6. How many lawyers (both female and male) worked in the organizations in which you were employed?

<table>
<thead>
<tr>
<th></th>
<th>First</th>
<th>Second</th>
<th>Third</th>
<th>Fourth</th>
<th>Fifth</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
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<td>2-4</td>
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<td>5-9</td>
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<td>10-19</td>
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<tr>
<td>20-49</td>
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<tr>
<td>50-74</td>
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<tr>
<td>75+</td>
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</tbody>
</table>

7. Which types of legal enterprises predominated in each law firm in which you worked? (i.e., General Practice, Civil Law, Corporate Law firms, etc.)
For the purposes of questions 8 through 10, *satisfaction with the practice of law* is characterized as the degree to which a lawyer likes or dislikes various aspects of her legal work, encompassing occupational tasks; responsibilities; work relations; prestige of work; income; hours of work attributed to the legal profession, and so forth.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

8. How *dissatisfied* or *satisfied* were you with the following subsequent facets of your legal work and employment? (A score of 1 indicates that you were *very dissatisfied* with the particular facet of work identified, and a score of 6 indicates that you were *very satisfied* with the respective facet of work identified.)

<table>
<thead>
<tr>
<th></th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hiring</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Occupational tasks</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Hours of work</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Workload</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Job security</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Income</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Prestige of work</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Other lawyers not giving</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>appropriate weight in decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Balance with personal life</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Control over work</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Opportunity for advancement</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Employment benefits</td>
<td>1  2  3  4  5  6</td>
<td></td>
</tr>
<tr>
<td>Working relationship with female colleagues</td>
<td>DISSATISFIED</td>
<td>SATISFIED</td>
</tr>
<tr>
<td>--------------------------------------------</td>
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<td>-----------</td>
</tr>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Working relationship with male colleagues</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Working relationship with female superiors</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Working relationship with male superiors</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional relationship with female judges</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Professional relationship with male judges</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Working relationship with support staff</th>
<th>DISSATISFIED</th>
<th>SATISFIED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

9. Did any of the facets of work in which you were dissatisfied contribute in your decision to forsake the practice of law?

☐ Yes
☐ No
☐ Uncertain

10. If so, which ones, and how?

________________________________________________________________________

________________________________________________________________________

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________________________________________________________________________
AREAS OF PRACTICE

For the purposes of questions 11 through 20, areas of practice shall imply the field of law concentrated in throughout employment in the legal profession.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

11. Which specializations of law (i.e., areas of practice) did you practise throughout your career as a lawyer?

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12. What made you decide to choose such particular areas of practice?

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13. Would you have preferred another area of practice?

☐ Yes  ☐ No  ☐ Uncertain

14. If so, which area of practice would you have preferred, and why?

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__________________________________________________________________________
15. Did you encounter any constraints while practising within the legal specialties you chose?
   □ Yes
   □ No

16. If so, what constraints did you encounter?
17. Did you experience any of the following outcomes while practising law within your particular area of practice?

<table>
<thead>
<tr>
<th>OUTCOMES</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expectation to handle particular areas of law</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other lawyers not giving appropriate weight in decisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assignment of background/research assignments</td>
<td></td>
<td></td>
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<tr>
<td>Scepticism by clients</td>
<td></td>
<td></td>
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<tr>
<td>Scepticism by colleagues</td>
<td></td>
<td></td>
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<tr>
<td>Scepticism by superiors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lack of opportunity to litigate/Appear in court</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area of law adversarial in nature</td>
<td></td>
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</tbody>
</table>

18. If you experienced any of the following results attributed with areas of practice, please describe what occurred.

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19. Did any of the preceding outcomes attributed to area of practice contribute in your decision to forsake the practice of law?

☐ Yes  
☐ No  
☐ Uncertain

20. If so, which ones, and how?
PROFESSIONAL ADVANCEMENT

For the purposes of questions 21 through 27, professional advancement can come to imply entering a partnership agreement, or even judicial appointments; increased remuneration; prestige; lifelong tenure; control over work; appointment of files; appointment to mentor status; involvement in firm management; job opportunities or ligation opportunities, any other form of professional advancement.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

21. Did you progress in any form throughout your career as a lawyer?

☐ Yes
☐ No

22. If you answered yes, in which manner did you progress?

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23. If you were unable to progress, why was that so? (if known).

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24. Did you experience or perceive any of the following statements in your attempts to advance professionally during your tenure in the profession?

<table>
<thead>
<tr>
<th>OUTCOMES</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Had to work much harder than male colleagues</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Expectation to prove oneself to a large degree</td>
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<td></td>
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<tr>
<td>Lack of opportunity to attract new clients</td>
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<td></td>
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<tr>
<td>Lack of access to network relationships <em>(i.e., networking)</em></td>
<td></td>
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<tr>
<td>Career progression difficult</td>
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<tr>
<td>Hours of work too long</td>
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<tr>
<td>No possibility for career advancement feasible</td>
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<tr>
<td>Preconceived notions about pregnancy or maternity</td>
<td></td>
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<tr>
<td>Preference for the male gender</td>
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</table>

25. If you experienced or perceived any of the preceding outcomes attributed to professional advancement, please describe what occurred.

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26. Did any of the preceding consequences attributed to professional advancement contribute in your decision to forsake the practice of law?

☐ Yes
☐ No
☐ Uncertain

27. If so, which consequences, and how did they contribute in your decision to forsake the practice of law?
RAINMAKING

For the purposes of questions 28 through 33, the rainmaking credential refers to the process of alluring new and potential clients to the law firm (i.e. generating new and potential business). Rainmaking shall also postulate the opportunity to associate with potential clients, or with others who can refer potential clients to them.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

28. Throughout your employment in the legal profession, were you given the opportunity to make rain?

☐ Yes
☐ No

29. If not, why was that so?

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30. During your employment in the legal profession, were you ever involved in network relationships?

☐ Yes
☐ No

31. If not, why was that so?

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32. If you were unable or even denied the opportunity in making rain, did it contribute in your decision to forsake the practice of law?

☐ Yes
☐ No

33. If so, how?
MENTORING

For the purposes of questions 34 through 39, mentoring shall be defined as the protégée-mentor relationship in one in which the senior lawyer (i.e., the mentor) assists the junior lawyer (i.e., the protégée). In this learning relationship, the mentor provides communication of firm values, offers advice vis-à-vis career goals and aspirations, dispenses assistance and feedback regarding the protégés performances, and provides information regarding firm dynamics.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

34. Were mentoring alliances exercised in the various law firms in which you worked?

☐ Yes  
☐ No

35. If so, were you under the guidance of a mentor?

☐ Yes  
☐ No

36. If so, please describe the relationship between yourself and your mentor.

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37. If you were not under the guidance of a mentor, why was that so?

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38. If you were not under the guidance of a mentor, did the absence of this relationship affect your decision to forsake the practice of law?

☐ Yes  
☐ No

39. If so, how?

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GENDER BIAS AND INEQUALITY

For the purposes of questions 40 through 45, gender bias shall be referred to as those attitudes and behaviours based on sex stereotypes and/or the perceived relative worth of women, including myths and misconceptions about work activities encountered by women. It is reflected in attitudes and/or behaviours towards the female gender, based on stereotypical beliefs about the nature and roles, rather than upon independent evaluation of female independent ability, life experiences and/or aspirations.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

40. According to your own personal experience, was gender bias or inequality against women present within all law firms in which you were employed?
   □ Yes
   □ No

41. If so, please specify the nature of the gender biases.

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42. Were you subject, or did you perceive any of the following forms of gender bias or inequality during your tenure in the profession? (Please check as many as appropriate).

<table>
<thead>
<tr>
<th>BIAS/INEQUALITY</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other lawyers not giving appropriate weight to opinions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Career advancement</td>
<td></td>
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<tr>
<td>Access to clients</td>
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<tr>
<td>Assignment of files</td>
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<tr>
<td>Remuneration</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hiring</td>
<td></td>
<td></td>
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<tr>
<td>Attaining partnership</td>
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</table>

43. If you were subject to, or did you perceive any forms of gender bias or inequality, please describe what occurred.

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44. Did experiences and/or perceptions of gender bias and/or inequality influence your decision to forsake the practice of law?

☐ Yes
☐ No

45. If so, how?
SEXUAL HARASSMENT

For the purposes of questions 46 through 48, sexual harassment shall be defined as the unwelcome conduct of a sexual nature that detrimentally affects the work environment or leads to adverse job-related consequences for the victims of the harassment.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

46. In the last five years of your employment as a lawyer, were you the victim of sexual harassment in your law firms in which you were employed?

(a) Unwanted sexual advances by other lawyers?

☐ Never
☐ Rarely
☐ Sometimes
☐ Frequently

(b) Unwanted sexual advances by other clients?

☐ Never
☐ Rarely
☐ Sometimes
☐ Frequently

(c) Unwanted teasing, jokes, or comments of a sexual nature by other lawyers?

☐ Never
☐ Rarely
☐ Sometimes
☐ Frequently

(d) Unwanted teasing, jokes, or comments of a sexual nature by other clients?

☐ Never
☐ Rarely
☐ Sometimes
☐ Frequently
47. If you personally *experienced* any of the preceding experiences, please describe the degree of what transpired.

48. What effect or impact did the occurrence of sexual harassment have on your decision to forsake the practice of law?
BALANCING OF A LEGAL CAREER AND A FAMILY

For the purposes of questions 49 through 58, balancing a legal career and a family can be assessed in terms of various impacts, including economic disadvantage; resentment by employers, partners, or co-workers, including pressure caused by maternity leave or alternative work arrangements; a questioning of commitment; limited access to high profile files; exclusion from business development opportunities; deferral of decisions on promotions and admission to partnerships (i.e., loss of seniority); limits on advancement and development opportunities and eventually increased likelihood of termination of employment.

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

49. What were your personal or family commitments at the time of your decision to forsake the legal profession?

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50. How many children did you have at the time you left the legal profession?

_____ child(ren).

51. What was/were the ages of your child(ren)?

_____ months/years of age

_____ months/years of age

_____ months/years of age

_____ months/years of age

_____ months/years of age

_____ months/years of age
52. If you had children who required care (including supervision, feeding, attendance at sporting and/or school events, etc.) during your employment in the legal profession:

(a) What *proportion of responsibility* (in terms of time) for that care was borne by each of the following?:

   ____% by you

   ____% by the child's other parent

   ____% by the person you live with

   ____% by paid child-care worker

   ____% other

   ____100% TOTAL

b) How many hours per week did you spend on this care?

   ____ hours.
53. Did you personally experience any of the following as a result of having children?

<table>
<thead>
<tr>
<th>CONSEQUENCES</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of seniority</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Difficulty advancing in your legal career</td>
<td></td>
<td></td>
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<tr>
<td>Pressure to return to work during maternity leave</td>
<td></td>
<td></td>
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<tr>
<td>Unreasonable workload following maternity leave</td>
<td></td>
<td></td>
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<tr>
<td>Testing of commitment to work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of clients</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of job</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Difficulty in obtaining parental leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Difficulty in obtaining flexible hours or part-time work</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of income</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less work following parental leave</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irregular hours</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No maternity leave allotted</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of opportunity for quality assignment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reassessment of job responsibilities and client matters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Given less serious consideration as a career lawyer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Loss of client respect</td>
<td></td>
<td></td>
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<tr>
<td>Stress from competing demands</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

54. If you answered the affirmative to any of the preceding consequences, please indicate what exactly transpired.

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________________________________________________________________________
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55. Did any consequence contribute in your decision to forsake the practice of law?

☐ Yes
☐ No

56. If so, which one(s), and how?

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57. Did difficulties in balancing both a legal career and a family contribute in your decision to forsake the practice of law?

☐ Yes
☐ No

58. If so, how?

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ACCOMMODATION FOR FAMILY COMMITMENTS

For the purposes of questions 59 through 63, accommodation for family commitments shall be perceived in terms of the difficulty in attaining, or even a lack of accommodations to assist in facilitating the balancing of a family and a legal career, including workplace accommodations such as maternity leave and paternity leave policies; alternative work relationships (such as flexible hours; part-time work arrangements); and assistance in child-care (i.e., daycare facilities).

It is prevalent that all questions under scrutiny must be answered according to all employment situations throughout your legal career, irrespective of the number of various law firms in which you practised throughout your legal career.

59. Were the following benefits offered to lawyers by the law firms in which you were employed?

<table>
<thead>
<tr>
<th>BENEFITS</th>
<th>YES</th>
<th>NO</th>
<th>UNCERTAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child-care</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flexible work hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part-time work</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leave of Absence/Sabbatical</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Job sharing</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid maternity leave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unpaid maternity leave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paid paternity leave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Unpaid paternity leave</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Part-time partnerships</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
60. Do you feel that there is a lack of accommodation for family commitments for women in the legal profession?

☐ Yes
☐ No

61. If so, in which manner?

________________________________________________________________________________________

________________________________________________________________________________________

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62. Did a lack of accommodation for familial commitments within the profession influence your decision to forsake the practice of law?

☐ Yes
☐ No

63. If so, how?

________________________________________________________________________________________

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________________________________________________________________________________________
64. Were the following factors *relevant* or *irrelevant* in your decision to forsake the practice of law?

<table>
<thead>
<tr>
<th>VARIABLE</th>
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<td><em>Areas of Practice</em></td>
<td>Expectation to handle certain areas of law</td>
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<td>Assignment of background/research work</td>
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<td>Lack of opportunity to litigate</td>
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<td>Adversarial nature of the area of law</td>
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<td>Had to work much harder than male colleagues</td>
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<td>Expectation to prove oneself to a large degree</td>
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<td>Career progression difficult</td>
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<td>Work hours too long</td>
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<td>No possibility for career advancement feasible</td>
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<td>Preconceived notions about pregnancy and maternity</td>
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<td>Preference for the male gender</td>
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<td>Lack of opportunity to attract new clients</td>
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<td><em>Mentoring</em></td>
<td>Lack of mentor support</td>
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<td>Gender bias &amp; inequality</td>
<td>Career advancement</td>
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<td>Partnerships</td>
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<td>Sexual harassment</td>
<td>Unwanted sexual advances by lawyers</td>
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<td>Unwanted sexual advances by clients</td>
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<td>Unwanted teasing, joking, or comments of a sexual nature by clients</td>
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<td>Balancing of a legal career &amp; a family</td>
<td>Loss of seniority</td>
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<td>Difficulty advancing in your legal career</td>
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<td>Pressure to return to work during maternity leave</td>
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<td>Unreasonable workload following maternity leave</td>
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<td>Loss of clients</td>
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<td>Loss of job</td>
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<td>Difficulty in obtaining parental leave</td>
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<td>Difficulty in obtaining flexible hours/part-time work</td>
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<td>Loss of income</td>
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<td>Less work following parental leave</td>
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<td>Irregular hours</td>
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<td>No maternity leave allotted</td>
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<td>Loss of opportunity for quality assignment</td>
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<td>Reassessment of job responsibilities and client matters</td>
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<td>Given less consideration as a career lawyer</td>
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<td>Loss of client respect</td>
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<td>Stress from competing demands</td>
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<td>Difficulties in balancing both a legal career &amp; a family</td>
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<td>Child-care responsibilities</td>
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<td>Accommodation for family commitments</td>
<td>Unavailability of child-care services</td>
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<td>Unavailability for flexible hours</td>
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<td>Unavailability for leave of absence/sabbaticals</td>
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<td>Unavailability for job sharing</td>
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<td>Unavailability for part-time partnerships</td>
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<td>Lack of accommodation for family commitments</td>
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65. Please classify by order of importance the following nine (9) variables (1 being the MOST important variable, and 9 being the LEAST important variable in your decision to forsake the legal profession.

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<tr>
<th>VARIABLES</th>
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<td>Dissatisfaction with the practice of law</td>
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<td>Areas of practice</td>
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<td>Professional advancement</td>
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<td>Rainmaking</td>
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<td>Mentoring</td>
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<td>Gender bias and inequality</td>
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<td>Sexual harassment</td>
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<td>The balancing of both a legal career and a family</td>
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<td>A lack of accommodation for family commitments</td>
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</tbody>
</table>
66. Why did you decide to pursue a legal career?


67. If you could start all over again, would you become a lawyer?

   □ Yes
   □ No
   □ Uncertain

68. If you answered no, why?


69. How has being a woman affected your legal career?
70. Would you advise your daughter or any female acquaintance contemplating a professional legal career to pursue such a career?

☐ Yes
☐ No
☐ Uncertain

71. If you answered the affirmative, under what conditions would you accept your daughter or any female acquaintance contemplating a professional legal career?

________________________________________________________________________
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72. If you answered no, what is your reasoning?

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73. Do you have any criticism or comments concerning the treatment of female lawyers in the legal profession? If so, kindly specify.

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74. Are you contemplating a return to the legal profession within the next three to five years?

☐ Yes
☐ No
☐ Uncertain

75. If so, which conditions would facilitate your re-entry into the legal profession?

________________________________________________________________________
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76. If you could make changes and/or recommendations to the legal profession, what would they be?

77. If there are other important factors, viewpoints, or comments that you would like to elaborate on in which I failed to do so, please do so here.
78. What is your age?
   _____ years

79. What was your civil status at the time you left the legal profession?

   __________________________________________________________
   __________________________________________________________

80. What is your current civil status?

   __________________________________________________________
   __________________________________________________________

81. What other university degree(s) do you possess other than your law degree?

   __________________________________________________________
   __________________________________________________________

82. What was your pre-tax income from employment at the time you left the legal profession?

   □ Less than $20,000
   □ Between $20,000-$39,000
   □ Between $40,000-$54,000
   □ Between $55,000-$69,000
   □ Between $70,000-$84,000
   □ Over $85,000
   □ Confidential

THANK YOU VERY MUCH FOR PARTICIPATING IN THIS QUESTIONNAIRE
APPENDIX B

QUESTIONNAIRE PRÉSENTÉ AUX ANCIENNES MEMBRES
DU BARREAU DU QUÉBEC
QUESTIONNAIRE PRÉSENTÉ AUX ANCIENNES MEMBRES 
DU BARREAU DU QUÉBEC

INTENTION

Je suis étudiante à la maîtrise à l’École de relations industrielles de l’Université de Montréal. Mon sujet de mémoire traite des femmes dans la profession juridique. Il fut porté à mon attention récemment qu’un grand nombre d’avocates ne renouvelaient pas leurs frais de cotisations auprès du Barreau du Québec. Par conséquent, j’ai décidé d’étudier ce phénomène et à cette fin, j’ai élaboré un questionnaire afin de connaître les caractéristiques des anciennes membres du Barreau du Québec, et plus spécifiquement des facteurs qui les ont incitées à ne pas renouveler leur adhésion au Barreau du Québec.

THÈMES EXAMINÉS DANS LE QUESTIONNAIRE

Le présent questionnaire aborde neuf (9) thèmes précis:

(1) Satisfaction vis-à-vis de la profession juridique;
(2) Champs de spécialisation en droit;
(3) Progression de carrière;
(4) "Rainmaking" (soit, la capacité d’attirer de nouveaux clients);
(5) "Mentoring" (soit, les modèles de comportement);
(6) Inégalité et préjugés à l’égard du sexe;
(7) Harcèlement sexuel;
(8) Équilibre entre la profession juridique et la vie familiale;
(9) Compromis envers l’engagement familial.

CLARIFICATION DES THÈMES

Pour faciliter la compréhension des thèmes étudiés, ceux-ci sont définies dans les pages suivantes.
LA SATISFACTION VIS-À-VIS DE LA PRATIQUE JURIDIQUE

La satisfaction vis-à-vis de la pratique juridique signifie à quel point une avocate aime ou n'aime pas divers aspects de sa profession, incluant les tâches occupationnelles; les responsabilités; les relations de travail; le prestige; le salaire; les heures du travail, etc.

LES CHAMPS DE SPÉCIALISATION EN DROIT

Les champs de spécialisation en droit sous-entendent le champ dans lequel l'avocate a travaillé, c'est-à-dire, le Droit Civil, Commercial, Familial, Criminel, etc.

L'AVANCEMENT PROFESSIONNEL

L'avancement professionnel ou progression de carrière implique l'avancement professionnel au titre d'associée ou position juridique; l'augmentation de la rémunération; du prestige, des responsabilités à long terme; du contrôle sur le travail; du statut de mentor; de la participation dans la prise de décisions ou n'importe quelle autre forme d'avancement professionnel.

LE "RAINMAKING"

L'expression anglaise "rainmaking" signifie la capacité de l'avocate d'attirer de nouveaux clients, c'est-à-dire, de générer une nouvelle clientèle. De plus, le "rainmaking" implique l'occasion de s'associer avec des clients potentiels ou d'autres personnes qui peuvent être des sources de référence à cette fin.

LE MENTORING

Le "mentoring" est défini comme le rapport protégée-mentor, où un avocat d'un rang élevé (c'est-à-dire, le mentor) assiste l'avocate subalterne (c'est-à-dire, la protégée). Dans ce rapport de nature de "formation", le mentor fournit des renseignements en ce qui concerne l'organisation; il offre des conseils reliés à la carrière et aux aspirations de l'avocate, et il l'assiste et la guide dans son travail, enfin il la tient au courant de la dynamique du bureau.

INEGALITÉ ET PRÉJUGÉS À L'ÉGARD DU SEXE

L'inégalité et préjugés à l'égard du sexe sont définis comme les attitudes et comportements fondés sur des stéréotypes sexistes, ou la perception de la valeur des femmes, incluant les mythes et les idées fausses rencontrées par les femmes en matière de travail. Ceci est démontré dans les attitudes et les comportements envers les femmes, fondés sur des opinions stéréotypées sur la nature et les rôles plutôt que sur l'évaluation d'aptitudes, d'expériences et d'aspirations.
LE HARCELEMENT SEXUEL

*Le harcèlement sexuel* se définit comme suit: Il y a harcèlement sexuel en milieu de travail lorsqu'une personne fait face à des avances, des demandes de faveurs sexuelles ou à d'autres comportements faisant partie des conditions d'emploi. L'acceptation ou le rejet de tels comportements est considéré lors des décisions affectant l'emploi d'une personne. Les comportements qui ont pour but ou pour effet d'influencer de façon déraisonnable la performance d'une personne à son emploi lui créent un environnement intimidant, hostile ou offensif.

L'ÉQUILIBRE ENTRE LA PROFESSION JURIDIQUE ET LA VIE FAMILIALE

*L'équilibre entre une carrière juridique et la vie familiale* peut être évalué en terme d'impacts divers: Je cite, le désavantage monétaire, le ressentiment des employeurs, associés et collègues, la pression causée par les congés de maternité, les compromis de travail alternatifs; la mise à l'épreuve de l'engagement du travail; les préjugés sur la capacité de titre d'associé, la perte d'ancienneté, *etc.*

LES COMPROMIS ENVERS L'ENGAGEMENT FAMILIAL

*Les compromis envers l'engagement familial* sont mesurés en terme de difficultés à atteindre, ou même le manque de compromis afin de faciliter l'équilibre entre les contraintes familiales et la carrière juridique, incluant les politiques de congé de maternité et paternité; le travail à temps partiel; les heures flexibles, les garderies, *etc.*

POUR VOTRE INFORMATION...

Toutes les questions ne s'appliquent peut-être pas à votre situation personnelle et professionnelle. Cependant, comme la validité et la fiabilité de ma recherche dépendent de la collecte de toutes les informations pertinentes, je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des diverses organisations où vous avez pratiqué. Vos réponses demeureront strictement confidentielles. Votre collaboration à cette étude sera pour moi une aide fort précieuse. Je vous remercie à l'avance de votre appui.

Laurie Kathleen Fox

*(514) 955-6023*

*(514) 322-4149*

Novembre, 1994
QUESTIONNAIRE PRÉSENTÉ AUX ANCIENNES MEMBRES
DU BARREAU DU QUÉBEC

HISTORIQUE D'EMPLOI

1. Quel genre d'emploi occupez-vous présentement?

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

2. Si vous travaillez, est-ce-que votre travail a un rapport avec votre formation juridique?

☐ Oui
☐ Non
☐ Autre

3. Si vous avez répondu oui ou autre à la question numéro 2, expliquez brièvement comment votre emploi actuel est lié à votre formation juridique.

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EMPLOIS DANS LA PROFESSION JURIDIQUE

4. À quelle année vous êtes inscrite au Barreau du Québec pour la première fois?

19__

5. À quels titres avez-vous été employée durant votre carrière dans la profession juridique? Indiquez les postes que vous avez occupés.

6. Combien de personnes (avocats-avocates) travaillaient dans les organisations dans lesquelles vous avez travaillé?

ORGANISATION

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7. Dans quels types d'organisations travaillez-vous?
La satisfaction vis-à-vis de la pratique juridique

À propos des questions 8 à 10, la satisfaction vis-à-vis la pratique juridique signifie à quel point une avocate aime ou n'aime pas divers aspects de sa profession, incluant les tâches occupationnelles; les responsabilités; les relations de travail; le prestige; le salaire; les heures du travail, etc.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

8. Avez-vous été satisfaite ou insatisfaite des aspects suivants reliés à votre travail d'avocate? (1 indique que vous avez été TRÈS INSATISFAITE avec l'aspect relié à votre travail d'avocate, et 6 indique que vous avez été TRÈS SATISFAITE avec l'aspect relié à votre travail d'avocate.)

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<td>Rémunération</td>
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<td>Prestige du travail</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Collègues qui n'accordent pas de valeurs à vos décisions</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Difficultés reliés à l'avancement professionnel</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Équilibre avec la vie personnelle</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Contrôle sur le travail</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Bénéfices marginaux</td>
<td>1  2  3</td>
<td>4  5  6</td>
</tr>
<tr>
<td>Relations de travail avec collègues féminines</td>
<td>Insatisfait</td>
<td>Satisfait</td>
</tr>
<tr>
<td>---------------------------------------------</td>
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<td>----------</td>
</tr>
<tr>
<td>Relations de travail avec collègues masculins</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>Relations de travail avec supérieures féminines</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>Relations de travail avec supérieurs masculins</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>Relations professionnelles avec juges féminines</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>Relations professionnelles avec juges masculins</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
<tr>
<td>Relations de travail avec personnel du bureau</td>
<td>1 2 3 4 5 6</td>
<td></td>
</tr>
</tbody>
</table>

9. Est-ce-que des aspects de votre travail professionnel dont vous n’étiez pas satisfaite vous ont incité à abandonner la profession juridique?

☐ Oui  ☐ Non  ☐ Pas certaine

10. Si oui, quels aspects, et pourriez-vous expliquer brièvement votre décision?

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LES CHAMPS DE SPÉCIALISATION EN DROIT

Les champs de spécialisation en droit sous-entendent le champ dans lequel l’avocate a travaillé, c’est-à-dire, le Droit Civil, Commercial, Familial, Criminel, etc.

Je vous demande de répondre à toutes les questions qui s’appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l’ensemble de vos situations d’emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

11. Dans quels champs de spécialisation en droit avez-vous pratiqué durant votre carrière?

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12. Pour quelles raisons aviez-vous choisi champs de spécialisation en droit?

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13. Auriez-vous préféré un autre champ de spécialisation?

☐ Oui
☐ Non
☐ Pas certaine

14. Si oui, lequel et pourquoi?

________________________________________________________________________
________________________________________________________________________
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________________________________________________________________________
15. Avez-vous rencontré des contraintes à l'intérieur de vos champs de spécialisation en droit?

☐ Oui
☐ Non

16. Si oui, quelles contraintes avez-vous rencontrées?
17. Avez-vous connu un ou plusieurs des résultats suivants lors de votre pratique du droit?

<table>
<thead>
<tr>
<th>RÉSULTATS</th>
<th>OUI</th>
<th>NON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attente de pratiquer certain champs de spécialisation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Collègues qui n'accordent pas de valeurs à vos décisions</td>
<td></td>
<td></td>
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<tr>
<td>Attribution de travail moins intéressant</td>
<td></td>
<td></td>
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<tr>
<td>Scepticisme de la part des clients</td>
<td></td>
<td></td>
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<tr>
<td>Scepticisme de la part des collègues</td>
<td></td>
<td></td>
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<tr>
<td>Scepticisme de la part des supérieurs</td>
<td></td>
<td></td>
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<tr>
<td>Manque d'occasion de plaider</td>
<td></td>
<td></td>
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<tr>
<td>Nature défavorable à l'intérieur des champs de spécialisation</td>
<td></td>
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</tbody>
</table>

18. Si vous avez connu l'un ou l'autre des résultats précédents, veuillez décrire ce qui s'est produit.
19. Est-ce qu’un ou plusieurs des résultats identifiés ci-haut se rapportant au domaine du droit a contribué à votre décision d’abandonner la profession juridique?

☐ Oui
☐ Non
☐ Pas certaine

20. Si oui, quel(s) résultat(s), comment?
L’AVANCEMENT PROFESSIONNEL

Les questions 21 à 27 associées avec l’avancement professionnel ou progression de carrière implique l’avancement professionnel au titre d’associée ou position d’avocate; l’augmentation de la rémunération; du prestige, des responsabilités à long terme; du contrôle sur le travail; du statut de mentor; de la participation dans la prise de décisions ou n’importe quelle autre forme d’avancement professionnel.

Je vous demande de répondre à toutes les questions qui s’appliquent à votre situation. De plus, il est essentiel que vous répondez aux questions en fonction de l’ensemble de vos situations d’emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

21. Avez-vous progressé durant votre carrière d’avocate?

☐ Oui
☐ Non

22. Si vous avez répondu oui, de quelle façon avez-vous progressé?

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23. Si vous avez répondu non à la question 21, pourquoi n’avez-vous pas progressé durant votre carrière d’avocate?

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24. Avez-vous été confrontée avec un ou plusieurs des résultats suivants dans vos tentatives de progresser professionnellement dans votre carrière d’avocate?

<table>
<thead>
<tr>
<th>RÉSULTATS</th>
<th>OUI</th>
<th>NON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Doit travailler plus fort qu’un collègue</td>
<td></td>
<td></td>
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<tr>
<td>Dépassement personnel</td>
<td></td>
<td></td>
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<tr>
<td>Manque d’occasion d’attirer de nouveaux clients</td>
<td></td>
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<tr>
<td>Manque d’admission dans les réseaux traditionnels de relations publiques (networking)</td>
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<tr>
<td>Progression de carrière difficile</td>
<td></td>
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<tr>
<td>Heures de travail prolongées</td>
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<tr>
<td>Peu d’occasion de progresser</td>
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<td></td>
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<tr>
<td>Idées préconçues de la grossesse et des congés de maternités</td>
<td></td>
<td></td>
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<tr>
<td>Préférences pour les hommes</td>
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</tbody>
</table>

25. Si vous avez été confrontée avec un ou plusieurs des résultats précédents reliés à l’avancement professionnel, veuillez préciser ce qui s’est produit.
26. Est-ce-que les résultats précédents reliés à l'avancement professionnel (c'est-à-dire, la question numéro 24) ont contribué à votre décision d'abandonner la profession d'avocate?

☐ Oui
☐ Non
☐ Pas certaine

27. Si oui, le(s)quel(s), et comment?
LE "RAINMAKING"

L'expression anglaise "rainmaking" signifie la capacité de l'avocate d'attirer de nouveaux clients, c'est-à-dire, de générer une nouvelle clientèle. De plus, le "rainmaking" implique l'occasion de s'associer avec des clients potentiels ou d'autres personnes qui peuvent être des sources de référence à cette fin.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

28. En cours de pratique, avez-vous eu l'occasion de pratiquer le "rainmaking"?

☐ Oui
☐ Non

29. Si non, pourquoi?

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30. En cours de pratique, avez-vous été impliquée dans des réseaux traditionnels de relations publiques?

☐ Oui
☐ Non

31. Si non, pourquoi?

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32. Si vous avez été incapable, ou si on vous a refusé l'occasion de faire du "rainmaking," est-ce que ceci a contribué à votre décision d'abandonner la profession d'avocate?

☐ Oui
☐ Non
☐ Pas certaine

33. Si oui, comment?
LE MENTORING (MODÈLES DE COMPORTEMENT)

Le "mentoring" (soit les modèles de comportement), est défini comme le rapport protégée-mentor, où un avocat d'un rang élevé (c'est-à-dire, le mentor) assiste l'avocate subalterne (c'est-à-dire, la protégée). Dans ce rapport de nature de "formation", le mentor fournit des renseignements en ce qui concerne l'organisation; il offre des conseils reliés à la carrière et aux aspirations de l'avocate, et il l'assiste et la guide dans son travail, enfin il la tient au courant de la dynamique du bureau.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

34. Est-ce que le "mentoring" était pratiqué dans les firmes où vous avez travaillé?
   □ Oui
   □ Non

35. Si oui, avez-vous été sous la direction d'un mentor?
   □ Oui
   □ Non

36. Si oui, veuillez décrire les relations entre vous et votre mentor.
37. Si non, pourquoi n'avez vous pas été sous la direction d'un mentor?


38. Si vous n'avez pas été sous la direction d'un mentor, l'absence de ce lien a-t-il influencé votre décision d’abandonner la profession juridique?

☐ Oui
☐ Non

39. Si oui, comment?
PRÉJUGÉS À L'ÉGARD DU SEXE ET L'INÉGALITÉ

Préjugés à l'égard du sexe et l'inégalité sont définis comme les attitudes et comportements fondés sur des stéréotypes sexistes, ou la perception de la valeur des femmes, incluant les mythes et les idées fausses rencontrées par les femmes en matière de travail. Ceci est démontré dans les attitudes et/ou les comportements envers les femmes, fondés sur des opinions stéréotypées sur la nature et les rôles plutôt que sur l'évaluation d'aptitudes, d'expériences et/ou d'aspirations.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondiez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

40. Selon votre expérience personnelle, existait-il des préjugés de nature sexiste à l'égard des avocates qui travaillaient dans les organisations où vous avez travaillé?

☐ Oui
☐ Non

41. Si oui, veuillez en préciser la nature.

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42. Avez-vous été victime des formes suivantes d’inégalités et préjugés à l’égard du sexe lors de votre pratique en tant qu’avocate?

<table>
<thead>
<tr>
<th>PRÉJUGÈS/INÉGALITÉS</th>
<th>OUI</th>
<th>NON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Collègues qui n’accordent pas de valeurs à vos décisions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Avancement de carrière</td>
<td></td>
<td></td>
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<tr>
<td>Peu d’accès aux clients</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Attribution de travail/dossiers</td>
<td></td>
<td></td>
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<tr>
<td>Rémunération</td>
<td></td>
<td></td>
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<tr>
<td>Embauche</td>
<td></td>
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<tr>
<td>Atteinte du titre d’associé</td>
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</tbody>
</table>

43. Si vous avez été victime de tels préjugés, veuillez décrire ce que vous avez vécu.
44. Est-ce que les préjugés de nature sexiste/inégalité ont influencé votre décision d'abandonner la profession d'avocate?

☐ Oui
☐ Non

45. Si oui, comment?
LE HARCELEMENT SEXUEL

Le harcèlement sexuel se définit comme suit: Il y a harcèlement sexuel en milieu de travail lorsqu'une personne fait face à des avances, des demandes de faveurs sexuelles ou à d'autres comportements faisant partie des conditions d'emploi. L'acceptation ou le rejet de tels comportements est considéré lors des décisions affectant l'emploi d'une personne; et les comportements qui ont pour but ou pour effet d'influencer de façon déraisonnable la performance d'une personne à son emploi ou lui créant un environnement intimidant, hostile ou offensif.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

46. Au cours des cinq (5) dernières années comme avocate, avez-vous été victime de harcèlement sexuel au travail, soit:

(a) Des avances/invitations de nature sexuelle par un collègue de travail?

☐ Jamais
☐ Rarement
☐ Quelques fois
☐ Fréquemment

(b) Des avances/invitations de nature sexuelle par un client?

☐ Jamais
☐ Rarement
☐ Quelques fois
☐ Fréquemment

(c) Insinuations/farces/commentaires d'une nature sexuelle par un collègue de travail?

☐ Jamais
☐ Rarement
☐ Quelques fois
☐ Fréquemment

(d) Insinuations/farces/commentaires d'une nature sexuelle par un client?

☐ Jamais
☐ Rarement
☐ Quelques fois
☐ Fréquemment
47. Si vous avez connu une ou plusieurs de ces situations, veuillez en préciser l'importance.

48. Quel a été l'effet ou l'impact du harcèlement sexuel sur votre décision de quitter la profession d'avocate?
L'ÉQUILIBRE ENTRE LA PROFESSION JURIDIQUE ET LA VIE FAMILIALE

L'équilibre entre une carrière juridique et la vie familiale peut être évalué en terme d'impacts divers, incluant le désavantage monétaire, le ressentiment des employeurs, associés et collègues, également la pression causée par les congés de maternité, les compromis de travail alternatif; la mise à l'épreuve de l'engagement du travail; les préjugés sur la capacité de titre d'associé, la perte d'ancienneté, etc.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

49. Quelles étaient vos obligations personnelles et familiales au moment de votre décision de quitter la profession d'avocate?

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50. Combien d'enfant(s) aviez-vous au moment où que vous avez abandonné la profession d'avocate?

_____ enfant(s).

51. Quel était l'âge de vos enfants?

_____ mois/ans

_____ mois/ans

_____ mois/ans

_____ mois/ans

_____ mois/ans
52. Si vous aviez des enfants qui demandaient des soins (incluant la supervision, les repas, la présence aux activités scolaires ou sportives) durant votre emploi dans la profession juridique:

(a) Quelle proportion de temps était consacrée-vous à ces soins par les personnes suivantes:

____% par vous-même
____% par l'autre parent de l'enfant
____% par votre conjoint
____% par un(e) gardien(ne)
____% autre

___100% TOTALE

b) Combien d'heures par semaine avez-vous consacré à ces soins?

______ heures.
53. Avez-vous vécu une ou plusieurs des situations suivantes du au fait que vous aviez des enfants?

<table>
<thead>
<tr>
<th>CONSÉQUENCES</th>
<th>OUI</th>
<th>NON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Perte d'ancienneté</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Difficultés à avancer dans la carrière d'avocate</td>
<td></td>
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<tr>
<td>Pression pour retourner au travail durant le congé de maternité</td>
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<tr>
<td>Quantité de travail déraisonnable au retour d'un congé de maternité</td>
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<tr>
<td>Mise à l'épreuve de l'engagement du travail</td>
<td></td>
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<tr>
<td>Perte de clients</td>
<td></td>
<td></td>
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<tr>
<td>Perte d'emploi</td>
<td></td>
<td></td>
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<tr>
<td>Difficulté d'obtenir le congé parental</td>
<td></td>
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<tr>
<td>Pas d'horaire flexible/travail à temps partiel</td>
<td></td>
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<tr>
<td>Perte de salaire</td>
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<td></td>
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<tr>
<td>Diminution de travail après le congé de maternité</td>
<td></td>
<td></td>
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<tr>
<td>Heures irrégulières</td>
<td></td>
<td></td>
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<tr>
<td>Manque de congé de maternité</td>
<td></td>
<td></td>
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<tr>
<td>Manque d'occasion pour des attributions de qualités</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Réexamination des responsabilités face à la clientèle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Moins de considération sérieux qu'auparavant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manque de respect de la part de clients</td>
<td></td>
<td></td>
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<tr>
<td>Stress occasionnel par des demandes concurrentes</td>
<td></td>
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</table>

54. Si vous avez vécu un ou plusieurs situations énoncées ci-haut à cause de la présence d'enfants, veuillez en décrire les circonstances.

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55. Est-ce que l'une ou l'autre des conséquences identifiées à la question 53 ont contribué(s) à votre décision d'abandonner la profession d'avocate?

☐ Oui
☐ Non

56. Si oui, la(les) quelle(s), et comment?

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57. Est-ce que les difficultés reliées à l'équilibre entre la carrière d'avocate et la vie familiale ont influencé votre décision d'abandonner la profession d'avocate?

☐ Oui
☐ Non

58. Si oui, comment?

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LES COMPROMIS ENVERS L'ENGAGEMENT FAMILIALE

*Les compromis envers l'engagement familiale* sont mesurés en terme de difficultés à atteindre, ou même le manque de compromis afin de faciliter l'équilibre entre les contraintes familiales et la carrière juridique, incluant les politiques de congé de maternité et paternité; le travail à temps partiel; les heures flexibles, les garderies, etc.

Je vous demande de répondre à toutes les questions qui s'appliquent à votre situation. De plus, il est essentiel que vous répondez aux questions en fonction de l'ensemble de vos situations d'emploi antérieures, sans tenir compte des divers organisations où vous avez pratiqué.

59. Est-ce que les avantages suivants étaient offerts aux avocats et avocates dans les organisations juridiques où vous avez travaillé?

<table>
<thead>
<tr>
<th>AVANTAGES</th>
<th>OUI</th>
<th>NON</th>
<th>PAS CERTAINE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soins aux enfants (garderie, etc.)</td>
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<tr>
<td>Heures flexibles de travail</td>
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<tr>
<td>Travail à temps partiel</td>
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<tr>
<td>Absence autorisée/sabbatique</td>
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<tr>
<td>Partage du travail</td>
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<tr>
<td>Congé de maternité (payé)</td>
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<tr>
<td>Congé de maternité (non payé)</td>
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<tr>
<td>Congé de paternité (payé)</td>
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<tr>
<td>Congé de paternité (non payé)</td>
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<tr>
<td>Statut d'associé (travail à temps partiel)</td>
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</table>
60. Pensez-vous que dans les milieux de pratique du droit, il y a un manque de compréhension à l’égard des avocates qui ont charge de famille?

☐ Oui  
☐ Non

61. Si oui, de quelle manière?

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64. Est-ce que les facteurs suivants ont été pertinents ou non pertinents dans votre décision d'abandonner la profession d'avocate?

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<tr>
<th>VARIABLE</th>
<th>FACTEURS</th>
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<tr>
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<td>Relations de travail avec supérieurs féminines</td>
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<td>Scepticisme de la part des supérieurs</td>
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<td>Doit travailler plus fort qu'un collègue</td>
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<td>Préférences pour les hommes</td>
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<td>Manque d'occasion d'attirer de nouveaux clients</td>
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<td>Manque de support d'un mentor</td>
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<td><em>Harcèlement Sexuel</em></td>
<td>Des avances/invitations de nature sexuelle par un collègue de travail</td>
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<td>Des avances/invitations de nature sexuelle par un client</td>
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<td>Insinuations, farces, commentaires d'une nature sexuelle par un collègue de travail</td>
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<td>Insinuations, farces, commentaires d'une nature sexuelle par un client</td>
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<td>L'équilibre entre la profession juridique et la vie familiale</td>
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<td>Difficultés à avancer dans la carrière d'avocate</td>
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<td>Pression de retourner au travail durant le congé de maternité</td>
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<td>Quantité de travail déraisonnable au retour d'un congé de maternité</td>
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<td>Perte d'emploi</td>
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<td>Difficulté d'obtenir le congé parental</td>
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<td>Difficulté d'obtenir une horaire flexible/travail à temps partiel</td>
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<td>Manque d'occasion pour des attributions de qualités</td>
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<td>Ré-examination des responsabilités face à la clientèle</td>
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<td>Moins de considération sérieux qu'auparavant</td>
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<td>Stress occasionnel par des demandes concurrentes</td>
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<td>Soins aux enfants</td>
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<td>Difficultés reliées à l'équilibre entre la carrière d'avocate et la vie familiale</td>
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<td>VARIABLE</td>
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<tr>
<td><em>Les compromis envers l'engagement familiale</em></td>
<td>Soins aux enfants indisponibles</td>
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<td>Travail à temps partiel indisponibles</td>
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<td>Statut d'associé à temps partiel indisponible</td>
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<td>Manque de compréhension à l'égard de l'engagement familiale</td>
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</table>
65. Veuillez classer par ordre d’importance les neuf (9) variables (1 étant le variable le PLUS important, et 9 étant le MOINS important) associés à votre décision d’abandonner la profession d’avocate.

<table>
<thead>
<tr>
<th>VARIABLE</th>
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<td>Mécontentement général vis-à-vis de la pratique juridique</td>
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<td>Champs de spécialisation en droit</td>
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<td>L'avancement professionnel</td>
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<td>Le &quot;rainmaking&quot;</td>
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<td>Le &quot;mentoring&quot;</td>
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<tr>
<td>Préjugés à l'égard du sexe et l'inégalité, et la discrimination</td>
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<td>Harcèlement sexuel</td>
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<td>Équilibre entre la carrière juridique et la vie familiale</td>
<td></td>
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<tr>
<td>Manque de compréhension à l’égard de l'engagement familial</td>
<td></td>
</tr>
</tbody>
</table>
66. Pourquoi avez-vous décidé de faire une carrière en droit?


67. Si vous pouviez recommencer à zéro, deviendriez-vous encore avocate?

☐ Oui
☐ Non
☐ Pas certaine

68. Si vous avez répondu non, pourquoi?


69. Est-ce que le fait d'être femme a affecté votre carrière en droit? (Veuillez préciser votre réponse).


70. Conseilleriez-vous à votre fille ou une amie d'entreprendre une carrière d'avocate?

☐ Oui  
☐ Non

71. Si vous avez répondu oui, sous quelles conditions accepteriez-vous que votre fille ou une amie entreprenne une carrière d'avocate?

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72. Si vous avez répondu non, pourquoi?

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73. Avez-vous des critiques ou des commentaires en ce qui concerne le traitement des avocates dans la profession juridique? Si oui, veuillez les préciser.

74. Est-ce que vous envisagez un retour à la profession juridique dans les prochains 3 à 5 ans?

☐ Oui  
☐ Non  
☐ Pas certaine

75. Si oui, quelles conditions faciliteraient votre retour à la pratique du droit?
76. Si vous pouviez faire des changements dans la profession juridique, quels seraient-ils?

77. Si vous souhaitez ajouter des commentaires sur les sujets faisant l'objet de ce questionnaire, vous pouvez le faire ici:
DÉTAILS D'ORDRE PERSONNEL

78. Quel âge avez-vous?

______ ans

79. Quel était votre état civil au moment où vous avez abandonné Le Barreau du Québec?


80. Quel est votre état civil actuel?


81. Quel(s) autre(s) diplôme(s) universitaires détenez-vous à part votre diplôme en droit?


82. Quel était votre revenu annuel au moment de votre décision d’abandonner la profession d’avocate?

☐ Moins que $20,000
☐ Entre $20,000-$39,000
☐ Entre $40,000-$54,000
☐ Entre $55,000-$69,000
☐ Entre $70,000-$84,000
☐ Plus de $85,000.
☐ Confidentiel

MERCI BEAUCOUP DE VOTRE PRÉCIEUSE COLLABORATION
### TABLE 26

Accumulation of the Variables and the Responses Generated by the Case Study Sample Participants

<table>
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<th>VARIABLE</th>
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<th>II</th>
<th>III</th>
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(1) Numerical values ranging from 1.0 through 6.0 indicate the score of satisfaction attributed by each of the respondents to each facet of work incorporating the variable satisfaction with the practice of law. A score of 1.0 indicates that the respondent was very dissatisfied with the particular facet of work, and subsequently, a score of 6.0 indicates that the respondent was very satisfied with the particular facet of work identified.

(2) The symbol (*) indicates that respondents DID experience the respective consequence highlighted.

(3) A blank area indicates that the respondents DID NOT experience the respective consequence highlighted.

(4) The letters N, R, S, F indicate the following:

N: That the respondent never experienced the form of sexual harassment indicated;
R: That the respondent rarely experienced the form of sexual harassment indicated;
S: That the respondent sometimes experienced the form of sexual harassment indicated;
F: That the respondent frequently experienced the form of sexual harassment indicated.

(4) The question mark symbol (?) indicates that the respondents were uncertain as to whether the particular benefit identified was offered or not in the law firms in which the women were employed.

(5) The abbreviation n/a indicates that there were either no female superiors in the law firms in which the women were employed, and/or that respective areas of practice did not involve any court litigation per se.


Arron, Deborah L. "Do You Hate Being a Lawyer... Or Are You Just Burned Out?" *Advocate*, Vol. 50, 1992, pp. 739-745.


"What Ever Happened to the Class of '81?" American Bar Association Journal, June 1, 1988, pp. 56-60.


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