



Law and gender

Women are entering law schools in growing numbers, but still face many of the barriers that members of their gender faced entering the profession in the last century, the top judge of Canada's Supreme Court says.

There's an urgent need for law firms to introduce more flexibility into their practices, enabling women to continue pursuing rewarding careers, while still meeting obligations to family, Chief Justice Beverley McLachlin told the National Women's Forum of the Canadian Bar Association (CBA). Failure to do so has already resulted in more women leaving a profession she described as "Edwardian male-dominated."

The chief justice's warning is echoed by Linda Robertson, a veteran Vancouver lawyer, who said pressure to reach the extreme demands of a career with modern-day law firms has driven some colleagues to return to work after a heart attack and say they've simply been on vacation.

"I have too many friends who have been diagnosed with cancer and they won't tell their work colleagues because they are so afraid of being judged weak," Robertson told a Calgary panel discussion. Women are especially at risk of being considered less serious about their careers than men but the problem, she said, crosses the gender barrier.

"This is a dreadful situation, and I think our profession as a whole is not addressing the health of men and women in the profession – because both are suffering," she said.

Women are leaving the legal profession at double the rate of men, Robertson added. They're choosing in greater numbers than male lawyers not to practice in private firms.

In a paper prepared for the CBA, Chief Justice McLachlin referred to a "systemic exodus" of women from private law practice, blaming a culture that continues placing main child-rearing responsibilities on women. As in other professions, a wage gap still exists and women in law aren't rewarded with responsibilities similar to their male counterparts with comparable experience.

"When women leave a business because it does not allow for a better balance, there is a real cost to the organization," she said.

Although more than 50 percent of law school graduates are women, they're grossly underrepresented in private law firms, the chief justice told the same panel.

"What went wrong?" she asked. "When I started to practice law, things were a lot more flexible."

Women now entering the profession in droves suddenly find themselves confronted with a very difficult, inflexible model of practice, she said. "Despite the equal number of women law graduates at the start of their careers, there is a troubling attrition of women in private practice as they progress through their careers."

The Law Society of Upper Canada has a working group on retention of women in private practice, consulting with women lawyers and law firms to identify best practices, policies and initiatives to help retain women. Lawyers, law firms and professional organizations are working to address this issue.

"Much remains to be done," McLachlin said. "The causes of the failure to retain women in private practice are complex, including attitudes that restrict advancement, business practices that set up roadblocks, and a culture that still places the main burden of child-rearing and family on women's shoulders."

Enormous costs result from loss of talented women – costs to women themselves, to law firms, to the profession, and to society. For many women, that means giving up dreams and ambitions.

One study estimates average costs to a law firm of an associate's departure at \$315,000, based on investments such as recruitment and training and separation costs. But, McLachlin said, the cost is not merely financial. There is cost in loss of talent and loss of diversity.

Among steps the chief justice urged:

- **Flexibility in work arrangements**

Moving society and families off unrealistic, outmoded and unfair assumptions that only women should bear the lion's share of responsibility for child-care. Many men now want to be more involved in bringing up their children.

Addressing demands and structure of the workplace brings closer harmony with the reality of the modern world where men and women share family responsibilities. In today's electronic world, with BlackBerrys and computers, it is not necessary for workers to be physically at work to accomplish the job effectively.



Law and gender

• Recognition of different career paths of some women

The classic model of a man's career is continual, linear progress. But many women's careers do not follow this linear progression, and are marked by 'off-ramps' and 'on-ramps,' when women strike a balance between work and family.

"The profession needs to help women develop 'on-ramps' such as creative ways of parceling out work so that women can maintain professional ties with their firms and clients even when they want a more flexible schedule," she said. "We need to assist women to accelerate their careers when they are ready to return to the 'fast-track'."

• Mentoring and attitudes

The profession does a good job at mentoring that focuses on the technical side. But the profession does less well helping lawyers progress through a career and maintaining goals and ambitions if their career pattern does not fit traditional models.

"Law firms must make clear to all young lawyers, and indeed all members of the firm, that people will be valued for the quality of their work, and that if at different times in a career an individual needs flexibility, that need will be supported, and not viewed as failure or a lack of commitment," the chief justice said.

Factors driving some women to follow different career paths can apply to men too, she said, including the desire to look after family, take time off to enjoy other activities and have a well-rounded life. To retain talented people, law firms have to adapt and bring more flexibility and humanity to the workplace.

"The strict, inflexible business model is increasingly questioned by men," McLachlin added. "This is the question, I believe, for the future: How do we structure the way lawyers—women and men—work, the way they live, the way they serve the public?"

D!

Related documents:

How Do We Support Women who Choose Law as a Profession, by Beverley McLachlin: [\[click here\]](#)

Not Just a Woman's Issue, by Linda Robertson: [\[click here\]](#)