



First Steps

THE EXPERIENCES AND RETENTION OF
NEW ZEALAND'S JUNIOR LAWYERS

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Introduction	1
Executive summary	3
Part 1: Survey of current practitioners: overview and demographics	5
Part 2: Current junior practitioners' future plans	8
Part 3: The early years in practice	12
3.1 The transition from university to practice	12
3.2 The early years in practice can "make or break" a career in the law ..	15
Part 4: Work satisfaction	18
4.1 General indicators of work satisfaction	19
Part 5: Specific aspects of work satisfaction	23
5.1 Work Substance Satisfaction	25
5.2 Job Setting Satisfaction	27
5.3 Work/life Satisfaction	30
5.4 Power Track Satisfaction	32
Part 6: Informational problems in the market for legal graduate jobs	36
Part 7: Gender	39
Acknowledgements	48
Appendix: Selected data not provided in full in body text	49

Introduction

LAST YEAR THE Law Society of England and Wales' Insights Committee described "Millennial mobility" as "an emerging risk for [legal] employers".¹ The Committee reported that the legal profession – with its continued reliance on deep-rooted historical models of leadership, career progression and decision-making – had been slow to adapt to the shifting expectations of its workforce.² It recommended that if employers were to "prevent valuable young legal talent from leaving, leading to lost value for the long-term and wasted costs on training and development", they would need to "look at where [junior lawyers'] expectations differ from older generations and react to this".³

If generational expectations are also changing in New Zealand, they are doing so at a time when careers outside legal practice are increasingly open to law graduates and junior lawyers. All New Zealand's law schools advertise the Bachelor of Laws as equipping graduates for careers both inside and outside the profession.⁴ While New Zealand lacks data on the proportion of junior lawyers who are retained in the profession, it is known that around a third of practitioners in a comparable jurisdiction – New South Wales – leave the practice of law (at least in that jurisdiction) within the five years following admission.⁵ Of course, graduate attrition may not be a cause for concern for individual employers, particularly employers with bottom-heavy structures. But the legal profession as a whole faces a potentially higher cost when young talent leaves the law: after all, the junior lawyers of today who remain in the law are those who will lead the profession tomorrow. Whether and why "valuable young talent" might leave the profession in New Zealand is, therefore, an issue worthy of closer scrutiny.

Against this background, the New Zealand Law Foundation funded this project to investigate the experiences and retention of junior lawyers in New Zealand. 40 hour-long interviews were conducted around the country – in Auckland, Wellington, Christchurch and Dunedin, and via phone and Skype to smaller centres – both with junior practitioners

1 The Law Society "Career Satisfaction Survey Report 2015" (February 2015) Law Society <www.lawsociety.org.uk> at 2.

2 At 2.

3 At 8. Similar recommendations are made to commercial employers more generally in Deloitte's recent Millennial Survey – see Deloitte "The 2016 Deloitte Millennial Survey: Winning over the next generation of leaders" (January 2016) Deloitte <www.deloitte.com>.

4 See "Careers" The University of Auckland Faculty of Law <www.law.auckland.ac.nz>; "Bachelor of Laws (LLB): degree outline" AUT University <www.aut.ac.nz>; "Study Law in New Zealand at the University of Canterbury" University of Canterbury School of Law <www.laws.canterbury.ac.nz>; "Study Law at Otago" University of Otago <www.otago.ac.nz>; "Careers" The University of Waikato Te Piringa Faculty of Law <www.waikato.ac.nz/law>; "Careers of Law" Victoria University of Wellington Faculty of Law <www.victoria.ac.nz.law>.

5 "Thought Leadership 2011: Advancement of women in the legal profession: Report and Recommendations" (2011) The Law Society of New South Wales <www.lawsociety.com.au> at 10.

and with former junior lawyers who have left the law to pursue other careers. Interviews were wide-ranging and explored a variety of topics: juniors' experiences in the legal profession, their views on their futures in the law, the transition from university to practice, and, for those who have already left the law, their reasons for doing so. Interviewees worked, or had worked, across a range of practice settings, including large and small private firms, in the public sector, in chambers, at Community Law organisations, and as in-house counsel. The themes that emerged in these interviews, and a review of comparable research overseas, informed the design of an online survey, which was completed by more than 800 current junior practitioners and a smaller group of former junior lawyers who have left practice. The interviews and survey responses form the basis of the report that follows.

Executive summary

1. *Legal employers, and the profession as a whole, face competition to retain junior practitioners, many of whom are still making up their mind about their professional futures (see Part 2).*

While a majority of survey respondents considered it more likely than not that they would continue to practice law in two, five and ten years' time (82.3%, 71.0% and 55.9% respectively), the number who either considered it unlikely that they would do so or were uncertain is significant (17.7%, 29.0% and 44.1% respectively). 76.4% of respondents agreed that their legal training had equipped them well for careers outside the law, and 61.2% thought themselves likely to work overseas in the next five years.

2. *The experiences and retention of junior practitioners must be understood in the context of what is often a challenging transition from university to practice (see Part 3 and Part 5.2).*

While 92.7% of respondents agreed that law school had given them a good grounding in legal theory and analytical skills, only around half of all respondents (49.1%) agreed that law school had prepared them well for practice. This indicates the significant challenge and learning that the first few years in practice inevitably involve. Junior practitioners reported that these early years can feel like an "apprenticeship", and that the way in which they are managed and mentored has a significant bearing on their experience and development during this time.

These early years in practice have the potential to "make or break" careers in the law. Interviews with, and a survey of, former junior practitioners who have left the law suggest that dissatisfaction with aspects of working life – such as workplace culture, the type of tasks done at work, and work-life balance – can influence juniors' decisions to leave the law. Negative first experiences in the law have the potential to colour juniors' views of not just their employer, but of the profession as a whole.

3. *Data on work satisfaction provide insight into what junior practitioners are and are not satisfied with about practice (see Parts 4 and 5).*

Most junior practitioners reported being satisfied with most aspects of working life. However, a significant proportion of respondents recorded dissatisfaction with a number of aspects, including work-life balance and the availability of flexible working arrangements (19.5% and 19.0% of respondents), remuneration (30.1%), and the provision of mentoring, feedback and performance evaluations (19.7%, 17.5% and 20.2%). An

increased emphasis on good management practice may be a low-hanging fruit if the profession or individual employers are to take action to increase the workplace satisfaction of juniors.

Work satisfaction varied markedly across employer type. Most strikingly, respondents working at the biggest private law firms were the least likely to be satisfied with the type of work they do, their working environment, their work-life balance, and their remuneration. They were also the most highly stressed, the least likely to feel valued by their employer (74.7% felt valued, compared to 83.7% of all respondents), the least likely to look forward to going to work (66.2%, compared to 76.1% of all respondents), and the least likely to enjoy their work overall (79.4%, compared to 85.4% of all respondents). Such respondents also reported the lowest likelihood of remaining in the profession in the short, medium and long term (72.9%, 56.8% and 37.4% considered themselves more likely than not to remain in practice in two, five and ten years' time, compared to 82.3%, 71.0% and 55.9% of all respondents).

4. *There are significant informational problems in the market for graduate legal jobs (see Part 6).*

Respondents and interviewees reported that, at the time they left law school, they were poorly informed as to (i) what legal practice actually involved (82.8% either "Not at all informed" or "Only slightly informed") and (ii) what career options were available to them outside the biggest private law firms (72.2% "Very well informed" or "Well informed" about roles at private law firms, compared 6%-20% for all other legal and non-legal roles). It appears that, in a highly competitive graduate recruitment market, many of the "best" law graduates may be ending up in the very roles in which they are the least likely to be satisfied with most aspects of professional life, and the least likely to remain in the profession long-term.

5. *Female junior practitioners perceive their gender to have significant bearing on their ability to advance in the profession (see Part 7)*

Overall, female junior practitioners were not less satisfied in their professional lives than their male counterparts, nor did they report a significantly lower likelihood of remaining in the profession in the future. However, almost two-thirds reported that their gender impacted negatively on their prospects in the profession, for a variety of reasons.

Part 1: Survey of current practitioners: overview and demographics

IN EARLY APRIL 2016, the Law Society distributed an email containing a link to an online survey to all lawyers whose practising certificate had been issued (for the first time) in 2013 or later. The survey was also circulated to all current judges' clerks at the High Court and appellate Courts – a group who do not yet have practising certificates but might be thought of as being in an equivalent stage in their legal careers. The total pool of eligible respondents numbered 1,818 (1,777 practising lawyers and 41 clerks). Survey candidates were told that all responses would be anonymised, and that completing the survey would put them in the draw to win a prize (a \$200 Prezzy Card). By the time the survey closed two weeks later, 818 completed responses had been received – 45.0% of the total pool of possible respondents. After removing responses from those outside the intended scope of the survey (including respondents who are no longer practising, respondents who are currently practising outside New Zealand, and respondents with more than four years' experience in the profession) 785 valid responses remained.

Figures 1–6 and Table 1 below give an overview of the demographics of those 785 respondents. 531 respondents (67.6%) identified as female and 253 (32.2%) as male. Almost two-thirds of respondents (64.8%) were aged 25–29, with slightly over one-fifth (20.6%) aged 20–24, and 14% aged 30 or older. Just under four-fifths of respondents (79.5%) identified as New Zealand European / Pākehā, with 8.5% identifying as Māori, 6.0% as European, 4.3% as Chinese, 3.3% as Indian, 1.8% as Pasifika, 1.4% as Australian and 8.3% as Other.

FIGURE 1 RESPONDENTS BY GENDER

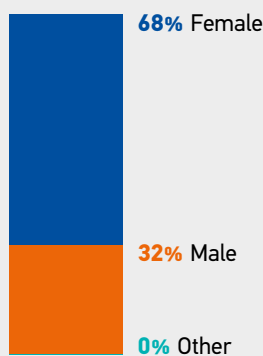
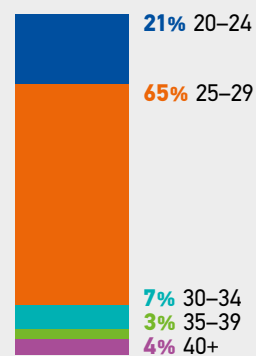


FIGURE 2 RESPONDENTS BY AGE



**TABLE 1: RESPONDENTS BY ETHNICITY
(MULTIPLE RESPONSES PERMITTED)**

	No.	%
NZ European / Pākehā	624	79.5%
Māori	67	8.5%
European	47	6.0%
Chinese	34	4.3%
Indian	26	3.3%
Pasifika	14	1.8%
Australian	11	1.4%
Korean	10	1.3%
Other	65	8.3%

All but 19 respondents (2.4%) had completed their basic legal training at a New Zealand university. Around two-thirds of respondents (66.9%) reported having been in practice between 1–3 years (with being “in practice” defined as either having a practising certificate or being in employment for which a completed law degree was a strict pre-requisite, such as employment as a law clerk).

FIGURE 3 RESPONDENTS BY PLACE OF EDUCATION

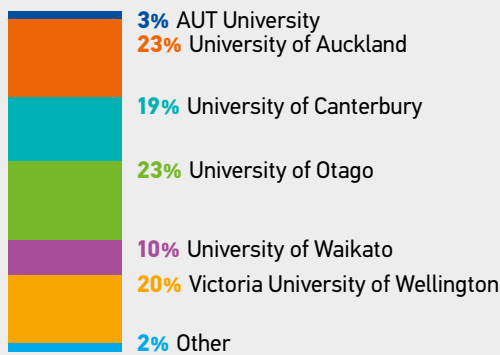
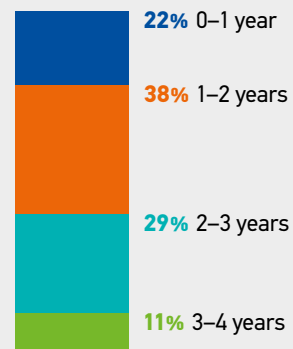


FIGURE 4 RESPONDENTS BY TIME IN PRACTICE



Respondents were asked to provide their employers' names. From this, respondents were sorted into six categories based on employment type: those working at the biggest

private law firms (31+ partners/directors and 150+ solicitors), medium-sized private law firms (11-30 partners/directors),⁶ and the smallest private law firms (1-10 partners/directors), those working in the public sector (defined broadly to include those working for government departments, local government, Crown Law and the Public Defence Service), those working as in-house counsel for non-legal employers, and those working for a barrister/chambers or at the bar. The proportion of respondents at each type of employer is set out in Figure 5 below. For simplicity, these categories will be referred to for the remainder of this report simply as “big firm”, “medium firm”, “small firm”, “public sector”, “in-house”, and “barrister/chambers”. Because comparatively few respondents worked in-house or for a barrister/chambers (33 and 30 respectively), all results pertaining to those two employer types should be treated cautiously.

As Figure 6 illustrates, three quarters of respondents (75.0%) worked in Auckland, Wellington, or Christchurch. In total, 80.8% of respondents worked in the North Island.

FIGURE 5 RESPONDENTS BY EMPLOYER TYPE

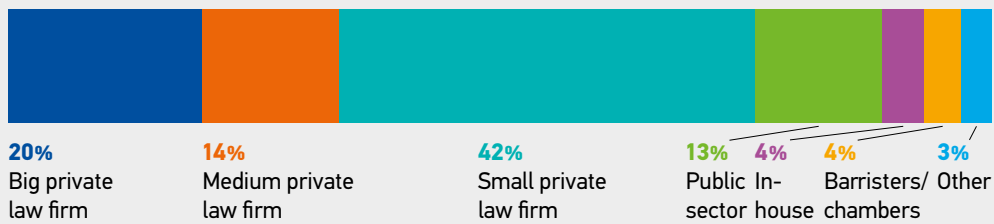
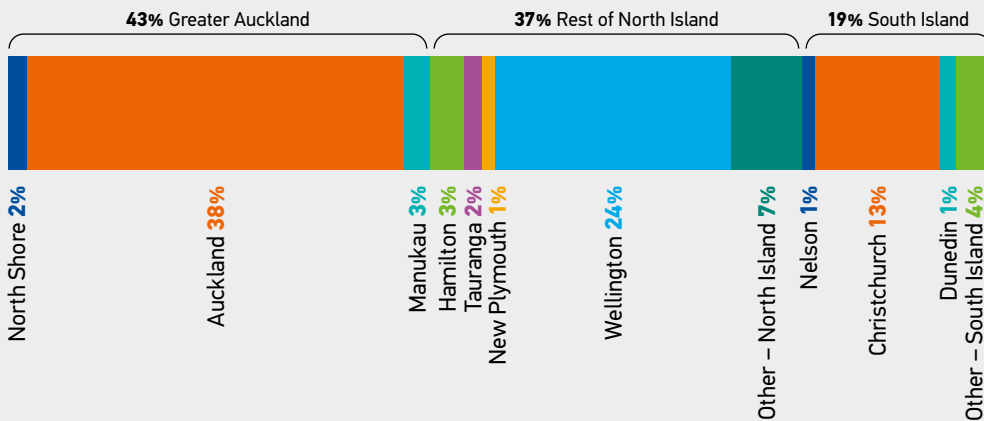


FIGURE 6 RESPONDENTS BY LOCATION OF WORK



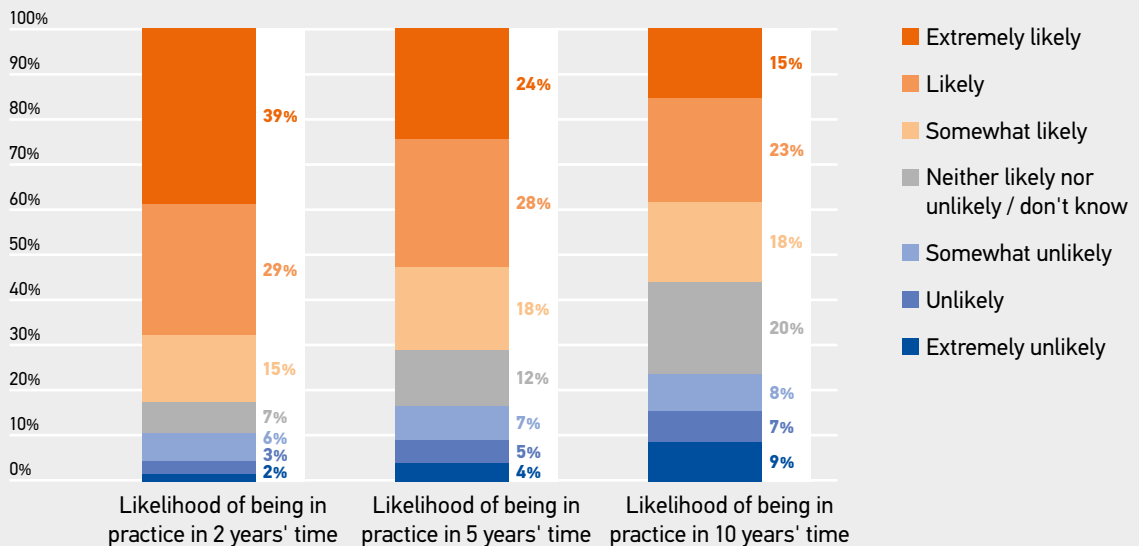
6 One private law firm had more than 30 partners/directors, but fewer than 100 solicitors. It was categorised as a “medium” private law firm.

Part 2: Current junior practitioners' future plans

WHILE SOME OF the interviewees who are currently in practice held firm views about whether or not their professional future lay in the law, the vast majority were, at least to some extent, undecided and open-minded about the matter. The non-committal views of one interviewee were fairly typical: "In 18 months or two years when I get sick of this [current legal] role, if another legal role comes up that I'm interested in then I'll take it. If a role comes up outside of [the law] that also interests me then I'll take that." Interviewees often defined their future ambitions in terms of personal goals and values, rather than by reference to specific roles they wanted to work in in the future. One interviewee said that her decision to stay in her current job or to move on would depend on "whether I [still] feel that I can do this job and enjoy it".

Survey respondents were asked to rate the likelihood of their remaining in legal practice in two, five and ten years' time, on a seven-point scale ranging from "Extremely Likely" through to "Extremely Unlikely". Their responses are represented in Figure 7 below. As the orange sections of Figure 7 illustrate, a majority of respondents considered it more likely than not that they would remain in practice in each time period: 82.3% considered it more likely than not that they would be in practice in two years' time,

FIGURE 7 ALL RESPONDENTS' LIKELIHOOD OF REMAINING IN PRACTICE AT GIVEN POINTS IN THE FUTURE

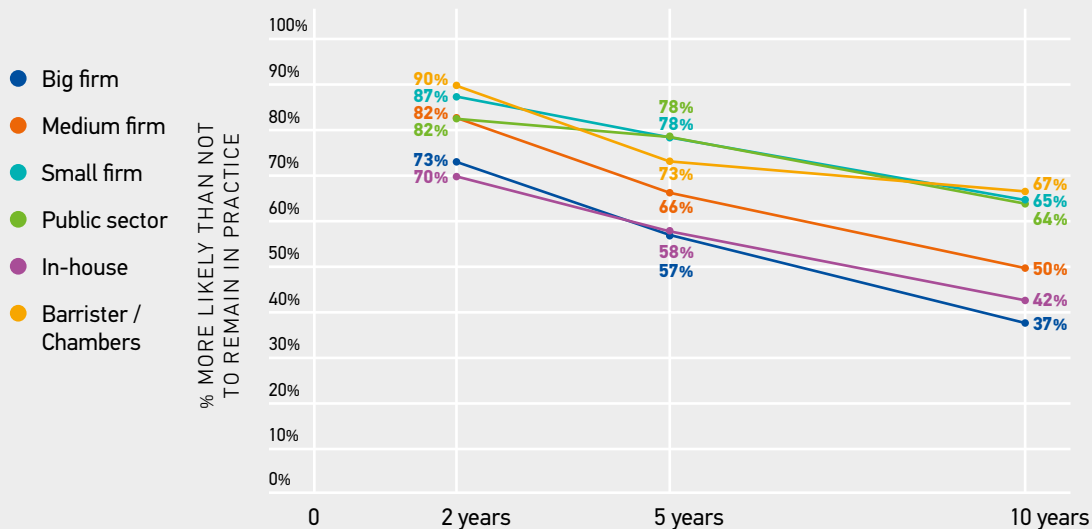


falling to 71.0% in five years' time and 55.9% in ten years' time. Put the other way, the percentage of practitioners who were either neutral or consider it unlikely that they would remain in practice (the blue and grey sections of Figure 7) is, in two years, 17.7%, in five years, 29.0%, and in ten years, 44.1%.

It should also be noted that many of those who considered it more likely than not that they would remain in practice at a given point in the future expressed this likelihood in weak terms ("Somewhat likely" to remain in practice - the light orange area). Such responses accounted for 14-19 percentage points in each time period.

There were marked differences in responses to this question by employer type. In particular, respondents at big firms and working in-house were far less likely to remain in practice at all points in the future than their counterparts in small firms, in the private sector, and working for a barrister/chambers. For instance, only 56.8% of respondents at big firms considered it more likely than not that they would remain in practice in five years' time, compared to around 78% of respondents at small firms and in the public sector. Figure 8 below illustrates these differences.

FIGURE 8 ALL RESPONDENTS' LIKELIHOOD OF REMAINING IN PRACTICE AT GIVEN POINTS IN THE FUTURE BY EMPLOYER TYPE



Respondents were asked how likely they were to spend time working overseas in the next five years. 61.2% thought it more likely than not that they would do so, 11.9% were neutral, and 26.9% thought it unlikely.

There was a clear sense among interviewees that their legal background had prepared

FIGURE 9 ALL RESPONDENTS' LIKELIHOOD OF WORKING OVERSEAS IN THE NEXT FIVE YEARS

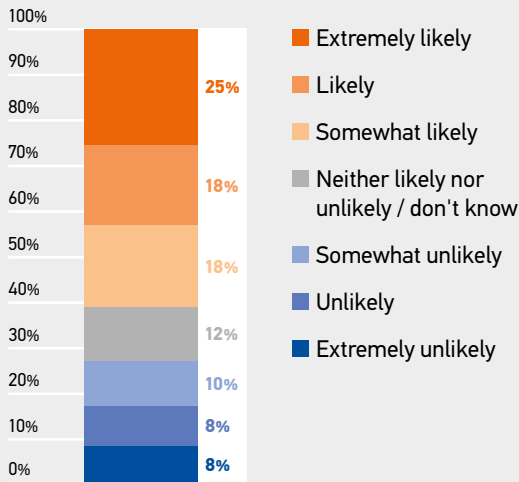
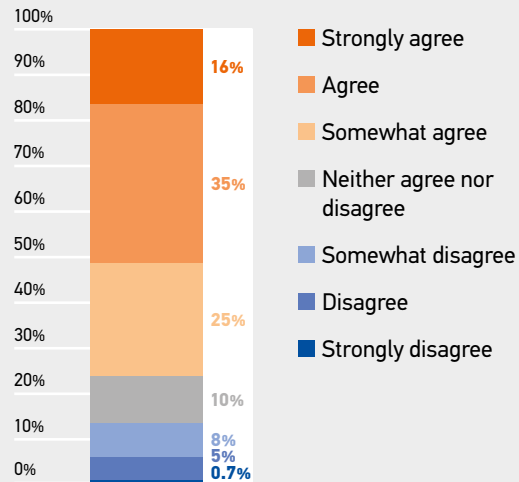


FIGURE 10 RESPONSES TO THE STATEMENT "THE SKILLS I GAINED AT LAW SCHOOL STAND ME IN GOOD STEAD FOR A CAREER OUTSIDE THE LAW, SHOULD I CHOOSE TO PURSUE ONE"



them well for careers outside the law. Almost all of those interviewees who had already left legal practice considered that their legal training and experience had helped them find work outside law, both by equipping them with useful skills and by functioning as a strong signal of quality to non-legal employers. Survey participants were asked whether they agreed with the statement: "The skills I gained at law school stand me in good stead for a career outside the law, should I choose to pursue one". 76.4% of respondents expressed agreement, 13.4% expressed disagreement, and 10.2% responded neutrally ("Neither Agree nor Disagree").⁷

Respondents were asked to name areas of work they would be interested in pursuing if they chose to leave the law. The word cloud below presents a visual impression of the most common responses, with the size of words corresponding to the frequency with which they were entered.

⁷ The small number of respondents who answered "Don't know / Cannot say" to this or other questions are treated as having "passed" on those questions. Their responses are not included in the percentages presented in this and other graphs, but they are listed in the tables in the Appendix.

Part 3: The early years in practice

3.1 The transition from university to practice

ONE INTERVIEWEE DESCRIBED starting out in practice as akin to being asked to drive a car for the first time after spending all her university years merely studying the operating manual. Another interviewee, who worked in litigation – which a number of interviewees perceived as being the “most similar” area of practice to university – put it this way: “When I finished university, I obviously didn’t expect I’d go into the workforce and automatically be this fantastic lawyer who knows how to do it all. [But] I was ... surprised about how much you do have to learn after you’ve finished university. That’s ranging from basic stuff like billing and running various internal things in the law firm [to] just how a law firm operates, picking all that stuff up. Then also, more nuanced stuff such as the fact that ... you need to give commercially oriented advice. ... That’s very, very difficult to pick up, it takes a long time [to learn].”

There were mixed views as to whether this perceived gap between university and practice was “just the way it is” or whether it reflected shortcomings in the way in which law is taught in New Zealand. Many interviewees expressed the view that their training at law school ought to have been more practical, either by placing more emphasis on practical skills or by focussing more on real-life application of the law (for instance, through assignments involving mock files). One interviewee gave the following example: “You do a year-long course at [law school] on land law and large parts of that are spent discussing landlocked land. I don’t know anybody who has ever worked on landlocked land issues. [Whereas] day-to-day, doing residential property law, you’ll need to read [Land Information Memoranda] ... they can be complicated and there’s all sorts of problems that can arise and things that can get you into a lot of trouble and things that could save your client lots of money, but you never discuss that at university.” Others disagreed. One interviewee put it this way: “Every now and then you get people talking about how ... law school needs to be more practically focussed but I think you can’t avoid the fact that to be a lawyer, in almost any area of law, you do just need to have a good fundamental knowledge of the law itself and of various laws, even if it’s just as simple as you roughly know where to look to find what you need. I think it’s also extremely important that you’ve got good legal critical thinking skills and I think you can’t avoid the fact that you do need to spend the majority of your time of your [Bachelor of Laws] developing just that.”

To explore these ideas further, survey respondents were asked to respond to several propositions: “Law school gave me a good grounding in legal theory and analytical skills”, “Law school prepared me well for practising law”, “Law school gave me a good grounding in practical legal skills” and “My training at law school ought to have been

more practical". Responses on a seven-point scale ranging from "Strongly Agree" to "Strongly Disagree" were permitted. These responses are illustrated in Figures 12–15 below.

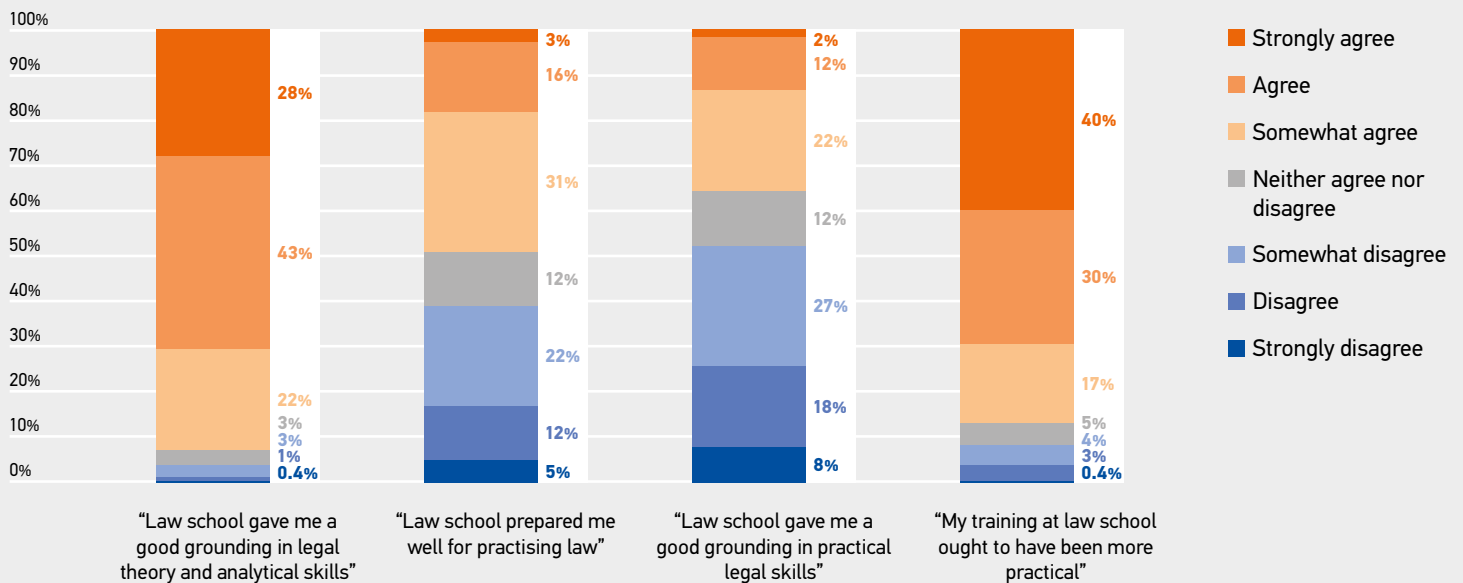
The vast majority of respondents (92.7%) agreed that law school had given them a good grounding in theory and analytical skills. 49.1% agreed with the statement "Law school prepared me well for practising law", while 39.0% expressed disagreement, and 12.0% were neutral. Only slightly more than a third of respondents (35.7%) agreed that law school had given them a good grounding in legal practical skills, with a majority (52.4%) expressing their disagreement with that proposition. Almost seven out of every eight respondents (86.7%) agreed that their training at law school ought to have been more practical.

FIGURE 12 RESPONSES TO THE STATEMENT "LAW SCHOOL GAVE ME A GOOD GROUNDING IN LEGAL THEORY AND ANALYTICAL SKILLS"

FIGURE 13 RESPONSES TO THE STATEMENT "LAW SCHOOL PREPARED ME WELL FOR PRACTISING LAW"

FIGURE 14 RESPONSES TO THE STATEMENT "LAW SCHOOL GAVE ME A GOOD GROUNDING IN PRACTICAL LEGAL SKILLS"

FIGURE 15 RESPONSES TO THE STATEMENT "MY TRAINING AT LAW SCHOOL OUGHT TO HAVE BEEN MORE PRACTICAL"



Almost three-quarters (74.0%) of those survey respondents who had completed a Professional Legal Studies course in New Zealand expressed agreement with the statement: "The Professional Legal Studies course was a useful bridge between law

school and legal practice”. However, the views expressed in interviews tended to be more nuanced. Many of those who had found their course useful overall still expressed strong reservations about its timing and content. A number of interviewees felt that having to complete a Professional Legal Studies course after university, and (often) while working full-time, meant that the course was seen as something that simply had to be

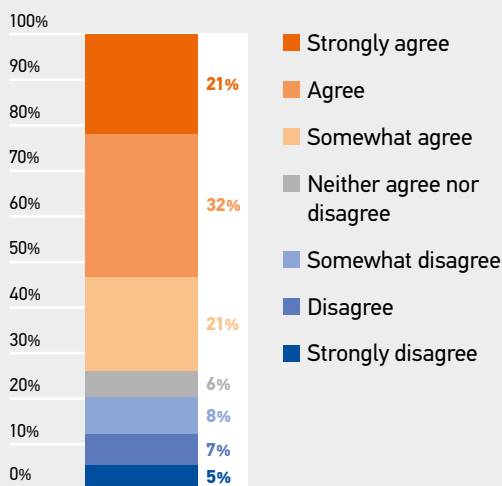
endured, rather than something to properly engage with. Some interviewees considered that a significant proportion of content in the courses repeated university, or simply required them to “go through the motions”. The phrase “box-ticking” came up time and time again: “Profs was a box ticking exercise and a time-consuming one at that”; “It did in the end feel like a big tick box that you just have to get”; “I guess the attitude towards Profs and the way Profs was run, it was quite a ‘ticking-the-box’ kind of exercise.”

Putting to one side the merits or otherwise of making law school more practical, the responses to these questions are of interest for this report because they provide context for understanding a sentiment frequently expressed in interviews: because legal practice is very different to university, the first year or two in practice are a time of significant adjustment, learning and challenge. One interviewee described herself as a “blank slate” on her first day in practice. Another said: “Basically, everything you do in the first year is new, whether it be emailing a client or writing a memorandum on a

specific point of law that’s going to a client, [and it is all against] a completely different administrative background in terms of billing time and saving documents to numbers”. Several interviewees reported the amount of on-the-job learning required to become a useful lawyer in practice was such that the early stages of practice felt akin to “an apprenticeship”.

It is perhaps for these reasons that, when asked what characteristics an ideal employer of junior lawyers would have, a common response was: “Someone who remembers what it’s like to be a junior”. Descriptions of the ideal employer included the following: “An employer that actually recognises how far they’ve come and remembers

FIGURE 16 RESPONSES TO THE STATEMENT “THE PROFESSIONAL LEGAL STUDIES COURSE WAS A USEFUL BRIDGE BETWEEN LAW SCHOOL AND LEGAL PRACTICE”



what it was like to be a grad, I think is quite important”; “Patience. There’s one partner at my work who is fantastic and he’s really young; he’s about 32 and he remembers what it’s like to be a grad”; “Someone who’s supportive, someone who remembers what it’s like to be [junior], doesn’t just feel like they’ve known it all forever, knows what it’s like to walk into a new job and a new role and be scared out of your mind”; “Patience is the biggest thing for an employer and just that understanding too, that we might know it but putting it in practice is something completely different”; “Being a bit more understanding of the difference between going from university to work”; “They have to realise your limitations because being in practice is enormously different from what they teach you at law school”.

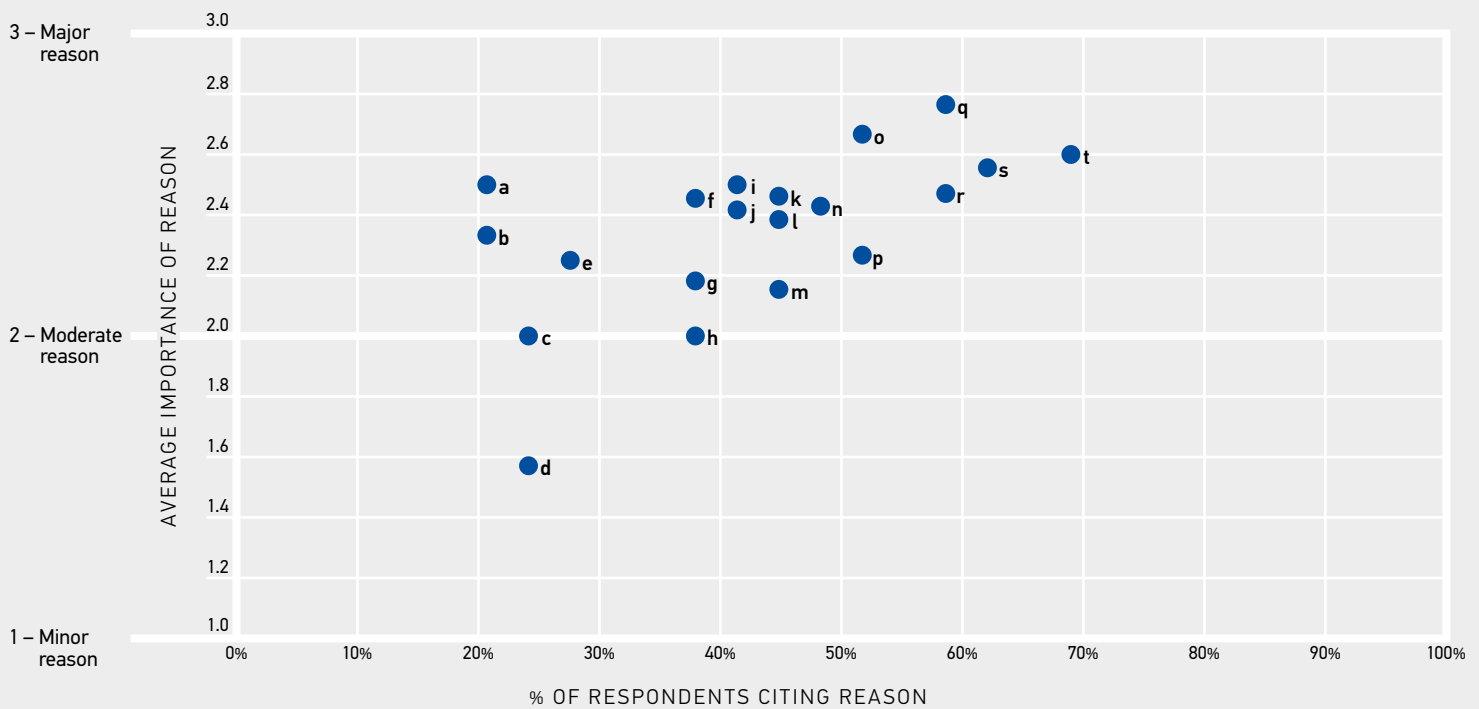
3.2 The early years in practice can “make or break” a career in the law

GIVEN THAT MANY interviewees were undecided about whether their profession futures lay in the law (see Part 2), and the challenge that the first few years in practice can entail (see Part 3.1), it is perhaps unsurprising that a number of interviewees reported that the early years in law had the potential to “make or break” a legal career. The “sink or swim” metaphor was frequently employed. One interviewee put it this way: “Your junior years in law are like your formative years in childhood. I think they colour your experience of the law, your training, your direction, your work ethic, everything, just the way you that you go about things and your outlook on the law and the legal profession.” Interviewees who had had positive experiences in their first year or two tended to be upbeat about the profession and their possible future in it, with one putting it this way: “Once you actually start to get a handle on it and you know what you’re doing and you actually understand nine-tenths of what you do, it’s really enjoyable”. Interviews with former practitioners confirmed that the converse is also true: the first few years in practice have the potential to put juniors off the law entirely.

Some of these former practitioners had never planned to remain in the law long-term, but for others, negative experiences in the first few years of practice had contributed significantly to the decision to leave practice. Moreover, these interviewees frequently reported that negative experiences in their first job had coloured their perception of careers not just with their former employer but also in the legal profession as a whole. According to one: “The law and [the firm] did merge into one and ... one tainted the other”, while another said: “Because I was so sure that I wanted to leave [the firm] it really did make me pull away from any other law options.” According to another: “I had such a bad experience and my feeling of self-worth in a professional sense was so low that I couldn’t see myself being a particularly good lawyer anywhere. ... I didn’t actively pursue other legal opportunities”. Another former practitioner recounted how “one bad egg” could “ruin your own view of the industry”.

That workplace dissatisfaction can contribute to juniors' decisions to leave the law is supported by the results of a mini-survey of 27 former junior practitioners. Because the sample size is small (owing to the difficulty in identifying and contacting former junior practitioners), and because the group of participants was self-selected, data from the survey must be interpreted cautiously. Even so, the gist of results is informative. These

FIGURE 17 FORMER PRACTITIONERS' 20 MOST FREQUENT AND IMPORTANT REASONS FOR LEAVING PRACTICE



Reasons for leaving practice

- a. Leaving law was part of my career plan
- b. Lack of opportunities for advancement
- c. I wanted to work in a more team-based environment
- d. I felt personally or ethically conflicted in my work
- e. Not feeling competent
- f. Greater responsibility elsewhere
- g. Dissatisfaction with relationship(s) with senior(s)
- h. More flexible work arrangements elsewhere
- i. I did not feel valued
- j. Better remuneration elsewhere
- k. Dissatisfaction with the way I was managed
- l. Too much stress/pressure
- m. Wanted to work in a different sector
- n. Better work hours elsewhere
- o. More autonomy working elsewhere
- p. Better work-life balance elsewhere
- q. Dissatisfaction with workplace culture
- r. More interesting or varied work elsewhere
- s. Dissatisfaction with the type of work I did
- t. Better opportunities to make full use of my skills elsewhere

Note: Alphabetical order assigned from the reason's position on the chart from top-to-bottom, left-to-right and is not indicative of relative importance.

former practitioners recorded very low satisfaction with almost all of the aspects of working life that they were asked about: the type of work they did, the way in which they were managed, the hours they worked, and so on,⁸ and they cited aspects of this dissatisfaction as reasons for leaving legal practice. Comparatively few respondents (around one-fifth) reported that part of the reason they left the law was that doing so had been part of their career plan. This is illustrated in Figure 17 below, which shows the 20 most frequently cited reasons for leaving legal practice and indicates the importance respondents attached to those factors.

8 On average, across all the specific dimensions of work satisfaction discussed in Part 5 below, only 42.8% former practitioners reported having been “Satisfied” in their most recent legal employment. 48.1% had felt valued by their employer, 37.0% had enjoyed their work overall, and only 18.5% reported that they had looked forward to going to work.

Part 4: Work satisfaction

THE RESULTS REPORTED in Part 3.2 suggest that workplace satisfaction is relevant to questions of retention because juniors' decisions to remain in the profession or not can depend, at least to some extent, on how satisfied they are or are not at work. This is supported by overseas studies in which former practitioners' reported reasons for leaving the law were observed to coincide with aspects of workplace dissatisfaction identified by practising lawyers.⁹ For these reasons the online survey of current practitioners included a number of questions about work satisfaction. While this project did not seek to construct a formal model of retention in terms of satisfaction and/or other variables, the data collected does illustrate clear links between how satisfied respondents are at work and their reported likelihood of remaining in the practice in the future.¹⁰ Moreover, even in the absence of a formal model, data on work satisfaction gives employers, and the profession as whole, indications as to where, in the words of the Law Society's Insights Committee, "[junior lawyers'] expectations differ from older generations".¹¹

It should be noted that there are limitations to using self-reported measures of satisfaction. Economists have traditionally, although not exclusively, sought to understand satisfaction by observing people's preferences as they are revealed (through choice) rather than stated (through, for instance, surveys).¹² Moreover, it is known that most people, across most occupations, tend to report that they are "satisfied" with what they

9 See for instance "National Attrition and Re-Engagement Study (NARS): Report" (2014) Law Council of Australia <www.lawcouncil.asn.au> at 57. Compare David B Wilkins, Bryon Fong and Ronit Dinovitzer "The Women and Men of Harvard Law School: Preliminary Results from the HLS Career Study" (2015) Harvard Center on the Legal Profession <www.clp.law.harvard.edu> at 33.

10 Moderate and highly statistically significant correlations were observed between respondents' responses to the question "Overall, I enjoy my work" and their likelihood of remaining in the profession in the future (for the likelihood of remaining in practice in two years' time, $r_s = .515$, $p < .001$, $n = 785$). An ordinal logistic regression model was also used to investigate if the distribution of responses for the question about remaining in practice in two years' time was associated with respondents' scores for the four factors underpinning work satisfaction identified in Part 5 below. A statistically significant association ($p < 0.001$) was found for both Work Substance Satisfaction and Work-Life Satisfaction. People with higher Work Substance Satisfaction scores were significantly more likely to have responded towards the higher ("Extremely Likely") end of the scale when asked about their likelihood of remaining in practice in two years' time, compared with people with low Work Substance Satisfaction scores who tended to respond towards the lower ("Extremely Unlikely") end of the scale (odds ratio = 1.7, 95% Confidence Interval (1.35, 2.14)). The association with Work-Life Satisfaction was statistically significant and similar in nature, though the effect was not as strong (odds ratio = 1.35, 95% Confidence Interval (1.13, 1.64)).

11 See text at note 3 above.

12 Daniel Kahneman and Alan B Krueger "Developments in the Measurement of Subjective Well-Being" (2006) 20(1) *J Econ Persp* 3 at 3.

do,¹³ and that self-reported satisfaction data has limited ability to capture phenomena such as discrimination and inequality.¹⁴ However, self-reported satisfaction is still, and perhaps increasingly, considered useful for helping to understand “whether people are getting what they want out of their lives”,¹⁵ and the technique is relied upon in the leading studies of the legal profession.¹⁶

This Part presents results from general questions about work satisfaction, while the results from more specific questions are presented in Part 5.

4.1 General indicators of work satisfaction

PARTICIPANTS WERE ASKED to respond to the following statements: “I feel like a valued member of the organisation I work for”, “I look forward to going to work”, and “Overall, I enjoy my work”. Responses on a seven-point scale ranging from “Strongly Agree” to “Strongly Disagree” were permitted. For simplicity, these responses have been reduced to “Agreement” (encompassing “Strongly Agree”, “Agree”, and “Somewhat Agree”), “Neutral” (“Neither Agree nor Disagree”), and “Disagreement” (encompassing “Strongly Disagree”, “Disagree”, and “Somewhat Disagree”). These responses are illustrated in the charts on page 20.

A NOTE ON INTERPRETING THESE STATISTICS

The statistics that follow are mostly presented in terms of the percentage of respondents who recorded agreement with a particular statement. It should be kept in mind that such a percentage *does not* indicate the extent to which the “average” respondent agreed with that particular statement. Rather, it communicates simply the percentage of respondents who expressed overall agreement – whether very weak or very strong – with the statement. This percentage can be thought of as being analogous to the percentage of students who “pass” a course by scoring higher than 50%, as opposed to the average mark obtained by all students.

83.7% of respondents agreed that they felt like a valued member of the organisation they worked for, while 11.0% disagreed and 5.1% responded neutrally. 76.1% of respondents agreed that they looked forward to going to work, while 13.8% disagreed and 9.9% were neutral. 85.4% of respondents agreed that they enjoy their work overall, while 9.2% disagreed and 5.4% were neutral.

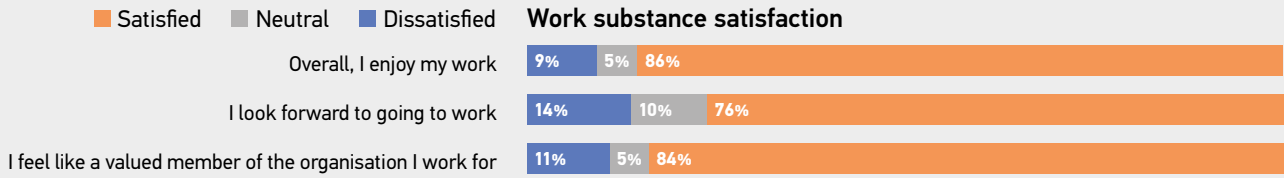
13 Ronit Dinovitzer and Bryant G Garth “Lawyer Satisfaction in the Process of Structuring Legal Careers” (2007) 41(1) *Law & Society Review* 1 at 2, citing Glenn Firebaugh and Brian Harley “Trends in Job Satisfaction in the United States by Race, Gender and Types of Occupation” (1995) 5 *Research in the Sociology of Work* 87.

14 Dinovitzer and Garth, above n 13, at 2.

15 John Monahan and Jeffrey Swanson “Lawyers at Mid-Career: A 20-Year Longitudinal Study of Job and Life Satisfaction” (2009) 6 *Journal of Empirical Legal Studies* 451 at 456.

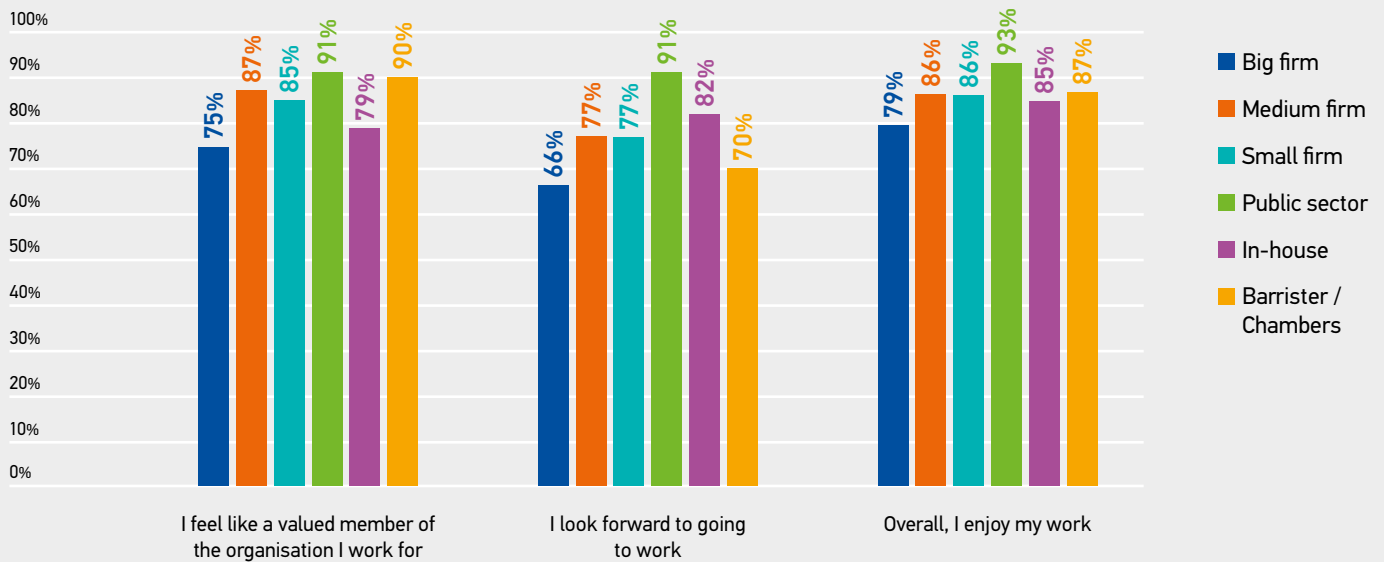
16 See for instance Ronit Dinovitzer and others “After the JD: First Results of a National Study of Legal Careers” (The NALP Foundation for Law Career Research and Education and the American Bar Foundation, 2004) at 14.

FIGURE 18 RESPONSES TO GENERAL WORK SATISFACTION STATEMENTS



Responses to these questions differed significantly by employer type. Most strikingly, respondents working at big law firms were the least likely to report that they felt valued, looked forward to going to work, or enjoyed their work overall, while those working in the public sector were the most likely to report all of those things. Slightly fewer than three-quarters of respondents at big firms (74.7%) agreed that they felt like a valued member of the organisation that they worked for, compared to 91.2% in the public sector, 90.0% working for a barrister/chambers, 87.2% at medium firms, 84.9% at small firms, and 78.8% in-house. Just under two-thirds of respondents from big firms (66.2%) agreed that they looked forward to going to work, compared to 91.2% in the public sector, 81.8% working in-house, 77.1% at medium firms, 76.7% at small firms, and 70.0% working for

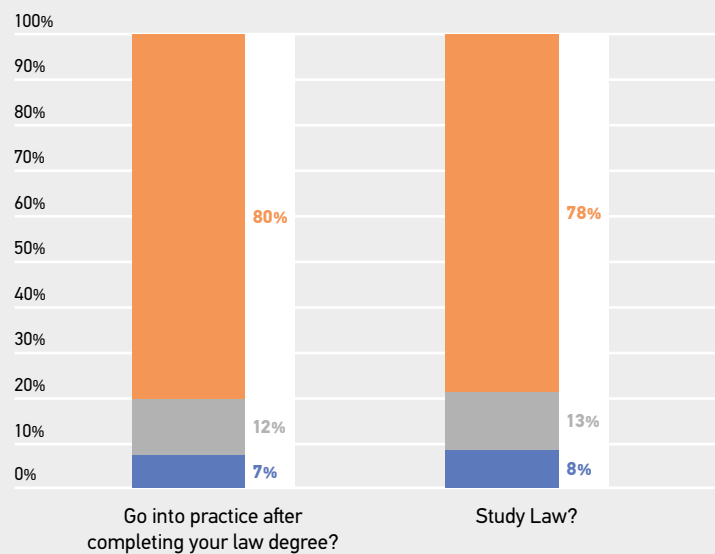
FIGURE 19 AGREEMENT WITH GENERAL WORK SATISFACTION STATEMENTS BY EMPLOYER TYPE



a barrister/chambers. 79.4% of respondents at big firms agreed that they enjoyed their work overall, compared with 93.1% in the public sector, 86.7% working for a barrister/chambers, 86.2% at medium firms, 86.1% at small firms, and 84.8% working in-house.

Respondents were asked: "If you were able to go back and make the choice again, would you still choose to study law?" 78.0% answered in the affirmative (either "Definitely Yes" or "Probably Yes"), 12.7% were neutral ("Might or might not / Don't Know"), and 8.4% responded in the negative (either "Definitely Not" or "Probably Not"). They were also asked "If you were able to go back and make the choice again, would you still go into practice after completing your law degree?" 80.4% answered affirmatively, 12.2% were neutral, and 7.4% responded in the negative. Those working in-house were least likely to report that they would still go into practice if they had the choice again (69.7% of such respondents), followed by those at big firms (74.8%), small firms (81.9%), medium firms (82.6%), those working for a barrister/chambers (83.3%) and those in the public sector (84.3%).

FIGURE 20 RESPONSES TO "IF YOU WERE ABLE TO GO BACK AND MAKE THE CHOICE AGAIN, WOULD YOU STILL CHOOSE TO..."



Respondents were also asked how stressful they find their work. 1.3% of respondents reported that they found their work “Not at all stressful”, 27.8% “Only slightly / sometimes stressful”, 53.6% “Moderately stressful”, and 17.3% “Highly stressful”. Those at big firms were most likely to report finding their work “Highly Stressful” (21.4% of such respondents), followed by those at medium firms (19.3%), small firms (17.4%), those working for a barrister/chambers (17.2%), those in the public sector (10.9%) and those working in-house (6.1%).

FIGURE 21 HOW STRESSFUL RESPONDENTS FIND THEIR WORK

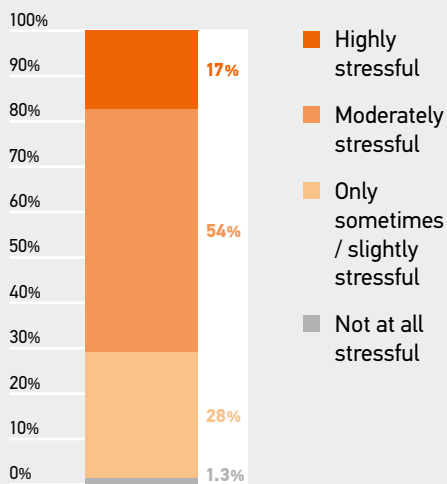
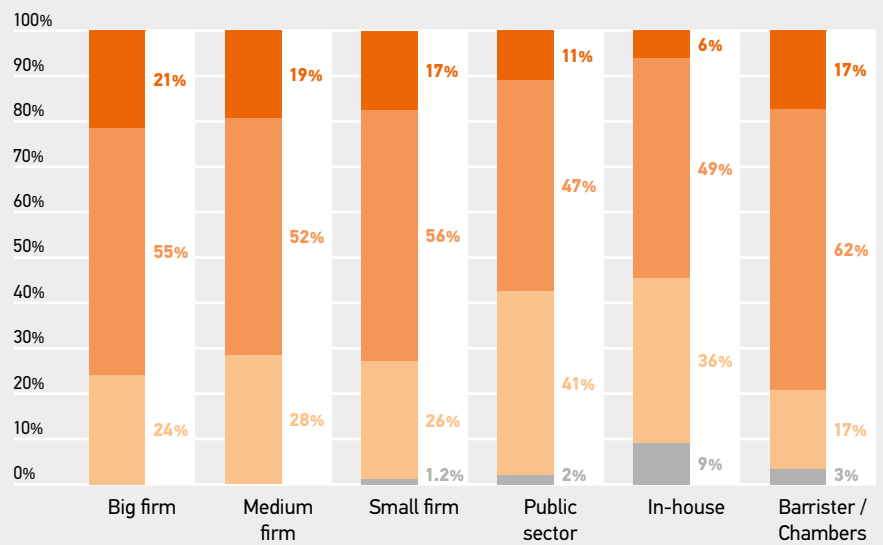


FIGURE 22 HOW STRESSFUL RESPONDENTS FIND THEIR WORK BY EMPLOYER TYPE



Part 5: Specific aspects of work satisfaction

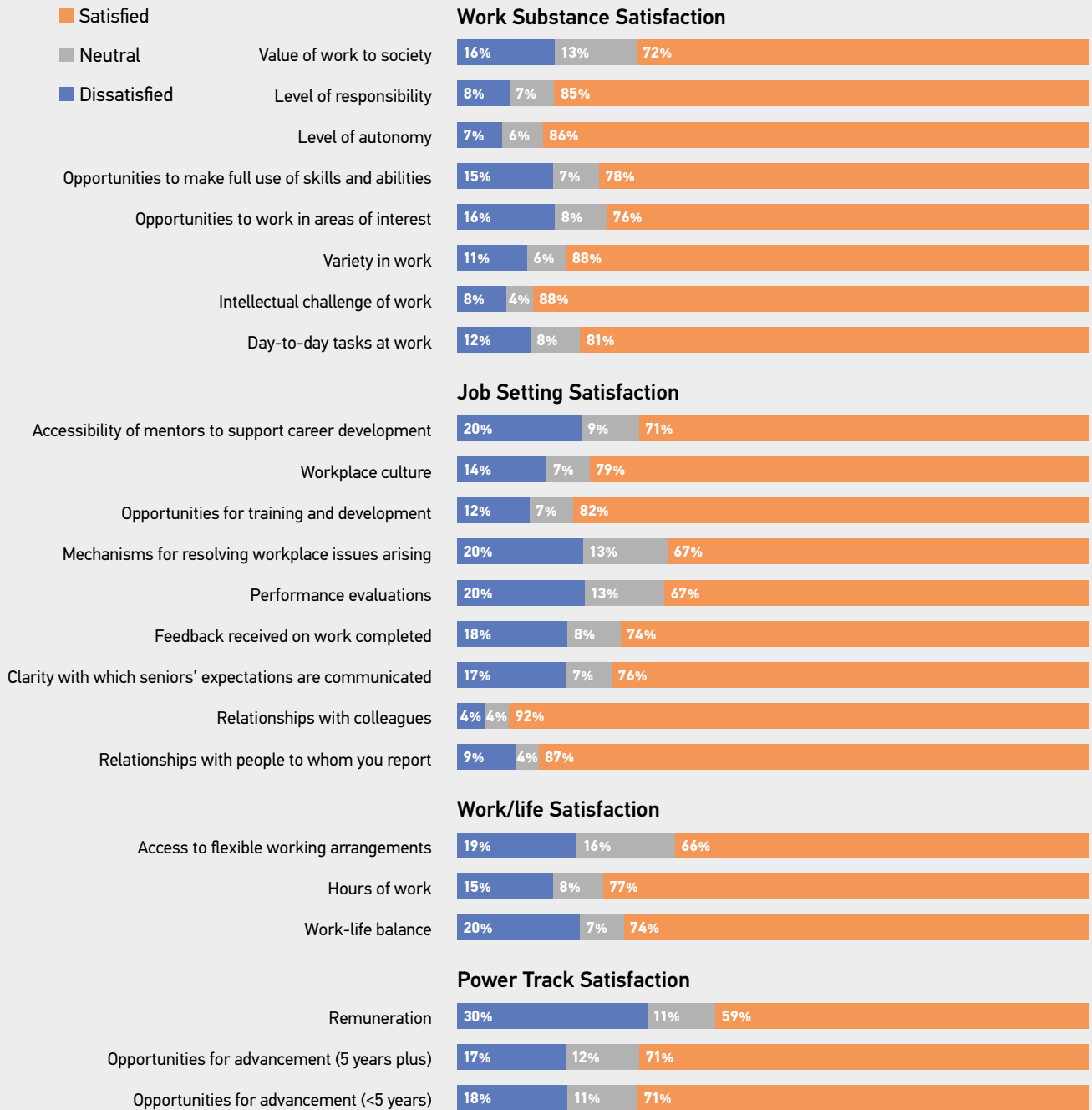
INTERVIEWEES HELD DIVERSE views on the factors that can make the early years of practice particularly “good” or “bad”. One factor that came up frequently as being central to interviewees’ experience in the profession in their formative early years (see Part 3) was the way in which they were managed and mentored, including the way in which work was directed to them, the clarity of instruction and availability or otherwise of help from more experienced colleagues, and the feedback and evaluation they did or did not receive. In the words of one interviewee: “So much of your work, and [therefore] your day-to-day life, is subject to whether or not someone is managing you well.” Work-life balance and remuneration were among the other aspects of work satisfaction most frequently mentioned in interviews.

Survey respondents were asked to rank their satisfaction with 23 different aspects of working life on a seven-point scale ranging from “Extremely Satisfied” through to “Extremely Dissatisfied”. Overall responses – simplified into the percentage of respondents who were “Satisfied”, “Neutral” or “Dissatisfied” – are presented in Figure 23 on page 24.

A statistical technique called factor analysis was used to distil from these responses four factors underpinning respondents’ overall work satisfaction. These “factors” can be thought of as representing four key dimensions or groupings of work satisfaction. The first factor, which has been termed “Work Substance Satisfaction”, includes respondents’ satisfaction with the tasks they do on a day-to-day basis, the intellectual challenge of their work, the variety in their work, their opportunities to work in areas of law they are interested in, their opportunities to make full use of their skills and abilities, the level of autonomy they have, the level of responsibility they have, and the value of their work to society. The second factor, “Job Setting Satisfaction”, comprises respondents’ satisfaction with their relationships with the person to whom they report, their relationships with colleagues, the culture of their workplace, the clarity with which seniors’ expectations are communicated, the feedback they receive, any informal and formal performance evaluation, the accessibility of mentors, mechanisms for resolving any workplace issues that arise (for instance, human resources staff), and their opportunities for training and development. The third factor, “Work/life Satisfaction”, includes respondents’ satisfaction with the hours they work, the balance between their work and personal life, and the accessibility of flexible working arrangements. The fourth factor, “Power Track Satisfaction”, includes respondents’ satisfaction with remuneration, opportunities for advancement in the short term (the next five years), and opportunities for advancement in the long term (five years plus).

Figure 24 shows how overall scores for each of four satisfaction factors varied by employer type. The mean score for each factor is set to zero, meaning that a positive score indicates better-than-average satisfaction with a particular factor for a given employer

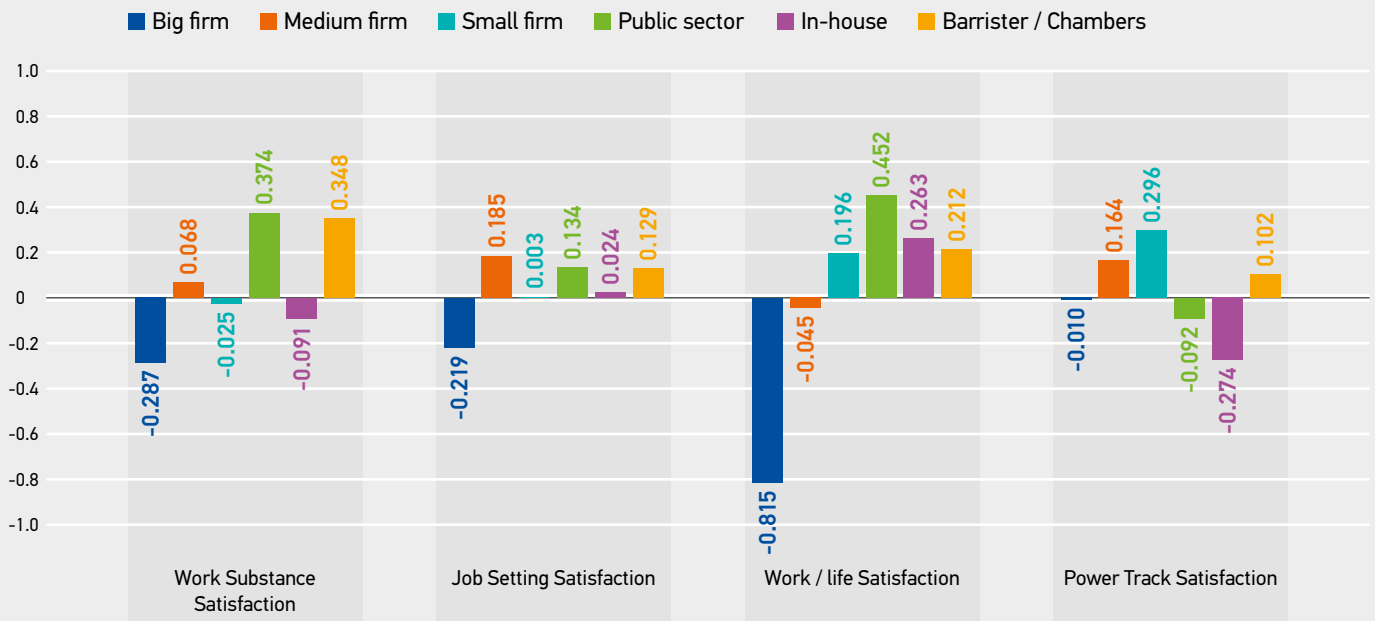
FIGURE 23 SPECIFIC DIMENSIONS OF WORK SATISFACTION (ALL RESPONDENTS)



Specific aspects of work satisfaction

type, while a negative score indicates the opposite.¹⁷ Comparisons of these factor scores are discussed in more depth below.

FIGURE 24 FACTOR SCORES BY EMPLOYER TYPE (MEAN = 0)



5.1 Work Substance Satisfaction

AROUND FOUR OF every five respondents (80.5%) reported being satisfied with the tasks they do at work on a day-to-day basis, and with the variety in their work (82.7%). Nearly eight in nine respondents (88.0%) were satisfied with the intellectual challenge of their work. 84.6% of respondents were satisfied with the level of responsibility they have, and 86.4% with the degree of autonomy they are afforded. Fewer respondents were satisfied with the opportunities that they have to make full use of their skills and abilities (77.6%), their opportunities to work in areas of law they are interested in (76.4%), and the value of their work to society (71.6%).

The type of work interviewees reported doing, and their satisfaction with their work, varied enormously across workplaces and geographical setting. Some interviewees had appeared in court dozens, or even hundreds, of times, some considered bringing new

¹⁷ The satisfaction scores of the 24 respondents whose employer type was categorised as “other” have been included for the purposes of calculating the mean.

clients into their firm part of their job, and many had responsibility for whole files and clients themselves. Other interviewees described themselves as “the monkey out the back”, spending most of their time doing repetitive process-oriented tasks. One interviewee who had left practice said: “90% of my job, I could have done when I was 16.” Interviewees generally acknowledged that a certain amount of tedious work was an inevitable part of being a junior. It was when tedious work was the norm, when there was very little variety, or when discrete tasks were given no context that interviewees tended to report the least satisfaction with the substance of their work.

Figure 24 on page 25 shows that respondents working in the public sector and for barristers/chambers scored highest overall for Work Substance Satisfaction. Those at medium and small firms scored around the mean. Those working in-house scored lower for Work Substance Satisfaction than the average, while those at big firms were the least satisfied of all. Differences across employer type are set out in more detail in Table 2. Strikingly, only 47.7% of respondents at big firms reported being satisfied with their work’s value to society.

TABLE 2 PERCENTAGE OF RESPONDENTS SATISFIED WITH ASPECTS OF WORK SUBSTANCE SATISFACTION, BY EMPLOYER TYPE

	ALL EM- PLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN- HOUSE	BARRISTER/ CHAMBERS
% satisfied with day-to-day tasks	80.5%	72.9%	80.6%	81.0%	89.2%	78.8%	83.3%
% satisfied with intellectual challenge of work	88.0%	88.3%	92.7%	84.0%	95.0%	84.8%	96.7%
% satisfied with variety in work	82.7%	76.6%	85.2%	80.1%	94.0%	87.9%	93.3%
% satisfied with opportunities to work in areas of law they are interested in	76.4%	72.1%	81.7%	74.0%	88.2%	60.6%	80.0%
% satisfied with opportunities to make full use of skills and abilities	77.6%	67.7%	82.6%	76.2%	88.2%	78.8%	86.7%
% satisfied with level of autonomy	86.4%	72.3%	89.8%	90.6%	91.2%	78.8%	96.6%

Table continued on following page.

Specific aspects of work satisfaction

	ALL EM- PLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN- HOUSE	BARRISTER/ CHAMBERS
% satisfied with level of responsibility	84.6%	76.1%	89.0%	84.9%	92.1%	84.8%	86.7%
% satisfied with value of work to society	71.6%	47.7%	73.4%	73.8%	92.2%	66.7%	86.2%

Table continued from previous page.

5.2 Job Setting Satisfaction

91.8% OF RESPONDENTS reported being satisfied with their relationships with colleagues. Interviewees frequently reported having made good friends in practice, and several of those interviewees who have left the profession cited the social and collegial nature of practice as something they missed about the law, with one putting it this way: “I miss the feeling of a community, of being in a reasonably small sized profession with other professionals working in that community.” A slightly lower proportion of respondents (87.2%) reported being satisfied with their relationship with the person or people to whom they reported. Slightly fewer than four in every five respondents (79.0%) expressed satisfaction with the culture of their workplace.

Around four in five respondents were satisfied with opportunities for training and development (81.6%). Interviewees largely reported satisfaction with their training and with their employers’ attitudes to the Continuing Professional Development requirements. The type of training described in interviews varied across workplaces: more hands-on training and learning through feedback at smaller firms and in the public sector, with more organised seminars at larger employers.

Fewer respondents were satisfied with the clarity with performance evaluation processes (67.2%), feedback received on work completed (74.1%), the clarity with which seniors’ expectations were communicated to them (75.6%), and the accessibility of mentors to assist with career development (71.2%). Interviewees stressed these factors as particularly important in the formative early stage of a legal career (see Part 3). One interviewee said: “In an environment where you’re not getting feedback. ... it slows down [the process of becoming confident in your work]. You become confident by doing something the same way five times and nothing terribly wrong happening rather than by someone just saying ‘Yeah, that was right, well done’.” Another said: “You could have the hardest job possible given to you but if you had someone who recognised that and stepped you through it [with clear instructions], it would be a manageable amount of stress. However, if you got a relatively easy job and you were working with someone who made you feel anxious, the process overall is one of anxiety”.

Overall, interviewees reported a vast range of management styles. Some interviewees

described how they felt comfortable asking questions of seniors, were actively given feedback, could learn by making mistakes, and felt that those managing them were actively interested in helping with their development. Some described being left without any guidance to “flail in the water”, while others had been made to feel as if they were not trusted and not on the same “team” as those senior to them. One described this as akin to being “in the trenches [with] someone on your own side shooting at you”. Some juniors reported that seniors would “test” them by, for instance, deliberately withholding information from them. Others reported being made to feel incompetent by seniors, with one saying: “I had my own office but the partner’s chair squeaked so when she stood up, you’d know she was coming in and she’d come over and stand behind you. She’d nit-pick everything you were doing and she’d keep referring to how long you’re taking on something and how she could have done it a lot better. It was really stressful and really scary.” One summarised it this way: “We should be aiming to train our young lawyers in the way that they achieve and they want to achieve and that they thrive, not to show them how much we know as compared to them and let them fail”.

A number of interviewees felt strongly that lawyering skills and managerial skills were not necessarily coincidental. One put it this way: “There is definitely a big range in quality and how good the managers are in the firm. ... looking at the [partners], when you think about why they have become a partner..., it’s always a combination of how good a lawyer they are and how good a manager they are. Some of them are just very, very good lawyers. ... Then, others are just very, very good managers. ... The ones who are more there because of their legal skills rather than their managerial skills can be very difficult to work for at times. They’ll do many of the bad management things ... like unrealistic deadlines, poor feedback, poor delegation.” There were reports of certain partners, or teams within employers, with well-established reputations for “burning through” high numbers of junior lawyers in short spaces of time.

Only two-thirds of respondents (66.7%) were satisfied with mechanisms (such as human resources staff or an approachable senior) for resolving any workplace issues that arose. This issue came up frequently in interviews with both current and former practitioners. One interviewee at a big firm said of her employer’s human resources staff: “I do not envy them that position because I think it’s a position full of conflict. Their first duty has to be to ... the partners but I think they hold themselves out to be or are held out to be or are perceived to be the engine of pastoral care. [It is perceived that] you should be able to go and honestly talk to your HR manager but in reality, I don’t think you can. Our HR department is ... full of heart and they do really try to deal with issues that staff have and make the firm a happier, inclusive place but their loyalties are always going to be divided.” Another put it simply: “At the end of the day, HR are employed by the partnership”. Former practitioners who had been unhappy at work frequently reported that they had not been honest with human resources staff in exit interviews: “It wasn’t going change what they did and at the time, I was thinking I

may want a reference from them so why rock the boat, it's not going to do anything." Of course, these views were not shared by all interviewees, nor by the majority of survey respondents who did record their satisfaction with this aspect of working life. And as Table 3 below shows, dissatisfaction with mechanisms for resolving workplace issues was not confined to the private sector.

As Figure 24 (see page 25) illustrates, respondents at medium firms, in the public sector and working for a barrister/chambers recorded the highest scores for overall Job Setting Satisfaction. Those at small firms and working in-house recorded scores around the mean, while the lowest Job Setting Satisfaction was recorded at big firms. Differences across employer type are set out in more detail in Table 3.

TABLE 3 PERCENTAGE OF RESPONDENTS SATISFIED WITH ASPECTS OF JOB SETTING SATISFACTION BY EMPLOYER TYPE

	ALL EM- PLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN- HOUSE	BARRISTER/ CHAMBERS
% satisfied with relationship with people they report to	87.2%	84.4%	88.9%	86.7%	93.1%	84.8%	96.6%
% satisfied with relationships with colleagues	91.8%	92.9%	96.3%	90.3%	93.1%	84.8%	96.6%
% satisfied with clarity with which seniors' expectations are communicated	75.6%	69.0%	81.7%	76.6%	79.4%	72.7%	80.0%
% satisfied with feedback received on work completed	74.1%	67.5%	80.7%	73.8%	77.5%	72.7%	83.3%
% satisfied with performance evaluation processes (formal or informal)	67.2%	68.9%	70.8%	65.4%	62.6%	78.1%	72.4%

Table continued on following page.

Specific aspects of work satisfaction

	ALL EM- PLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN- HOUSE	BARRISTER/ CHAMBERS
% satisfied with mechanisms for resolving workplace issues arising (for instance, Human Resources staff or an approachable senior)	66.7%	59.5%	71.8%	67.0%	66.0%	81.8%	69.0%
% satisfied with opportunities for training and development	81.6%	88.9%	86.1%	78.3%	83.3%	75.8%	73.3%
% satisfied with workplace culture	79.0%	71.2%	88.1%	78.6%	82.4%	84.8%	75.9%
% satisfied with accessibility of mentors to support career development	71.2%	70.1%	73.4%	70.2%	77.5%	60.6%	73.3%

Table continued from previous page.

5.3 Work/life Satisfaction

WORK-LIFE BALANCE AND hours worked were frequently discussed by interviewees. Some interviewees were very happy. One, at a medium firm, reported that her employers promoted outside activities and the importance of having a positive work-life balance: "If I stayed a minute past five, one of the partners would pop their head into my office and go, what are you doing? Just shoot essentially, go home, there's nothing that can't wait until tomorrow. I really appreciate that because work is not the be all and end all for me; it's more a means to an end and it's cool being able to do other stuff outside of [work]." Many interviewees were less satisfied, though not necessarily because they had an expectation of leaving work at 5.00 pm. There were stories of hundred-hour weeks and of people working months without a full day off. One interviewee said of her time at a big firm that she was forced to "stop scheduling anything at lunchtimes or after work because I knew the inevitability was that nine times out of 10, I'd have to cancel it. ... My work became [what] dictated all of my days or all of my weekends". Several discussed the difficulty of maintaining non-lawyer relationships. According to one: "My flatmates [would] joke that they didn't live with me. ... You don't see your friends."

Many interviewees emphasised that it was not so much the hours that mattered, but rather the control or lack thereof over the relationship between their working and private lives. One interviewee who worked 50–60 hours per week was very happy with

her “work-life blend” because she could control her hours and work from home when needed, and had never been forced to miss a scheduled event in her personal life. Another interviewee who was unhappy explained that it was “the unpredictability, the lack of control” that got to her: “You have no ability, you have no autonomy to be able to put good boundaries in place and say, ‘I need to keep this one evening a week for myself.’ It’s just ad hoc if work’s going to come in at 5 pm and someone makes you do it, you can never predict when that’s going to happen, you can never predict when something’s going to land on your desk. It’s safer and easier for you not to ever schedule [activities outside work] so all that other stuff drops off.”

Other interviewees perceived that poor management or a workplace culture led to their hours being longer or more unpredictable than was necessary or efficient. One described a situation where “It’s 5:30 at night and a senior says to a junior, ‘Here’s this urgent task, it needs to be done tonight so kiss goodbye to your night.’ Then, the junior realises ... by looking at the stamp of the email from the client, that the senior had been originally given the task at 11 o’clock that morning. ... it’s really, really bad when there is poor time management like that in the context of a job which is extremely time consuming in the first place”. A number of interviewees reported cultures of “presenteeism” – the phenomenon of having to be seen to be staying late at work regardless of whether one had anything to do.

Overall, 73.6% of all survey respondents reported satisfaction with their work-life balance, while 65.5% were satisfied with the accessibility of flexible working arrangements. 76.9% of respondents reported being satisfied with the hours they worked. Respondents were also asked to record the hours they work per week. Table 4 presents these results, and Figure 25 illustrates how these hours varied by employer type.

TABLE 4 RESPONDENTS’ AVERAGE HOURS WORKED PER WEEK¹⁸

Hours per week	<35	35-39	40-44	45-49	50-54	55-59	60+
% of respondents	0.4%	8.4%	38.3%	30.5%	14.7%	5.7%	1.9%

As Figure 24 shows, respondents in the public sector scored most highly for Work/life Satisfaction, followed by respondents working in-house, for a barrister/chambers, and at small firms. Respondents at medium firms scored slightly below the mean, while respondents from big firms scored the lowest for Work-life Satisfaction by a distance. Differences across employer type are set out in more detail in Table 5. Strikingly, fewer than half of respondents at big firms were satisfied with any of these aspects of working life.

¹⁸ This table and Figure 25 below exclude responses from the 12 respondents who reported working part-time.

FIGURE 25 HOURS WORKED PER WEEK BY EMPLOYER TYPE

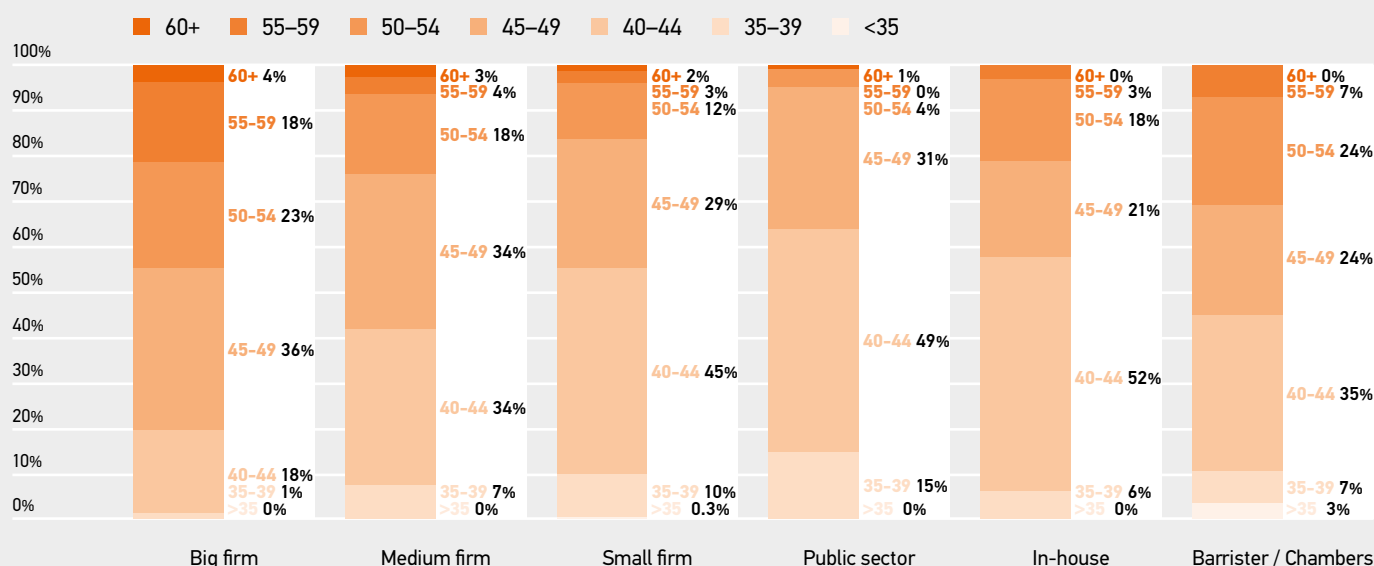


TABLE 5 PERCENTAGE OF RESPONDENTS SATISFIED WITH ASPECTS OF WORK/LIFE SATISFACTION BY EMPLOYER TYPE

	ALL EMPLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN-HOUSE	BARRISTER/CHAMBERS
% satisfied with hours of work	76.9%	49.0%	78.0%	85.5%	87.1%	81.8%	76.7%
% satisfied with work-life balance	73.6%	49.0%	73.4%	81.5%	85.3%	75.8%	65.5%
% satisfied with access to flexible working arrangements	65.5%	39.4%	56.1%	71.9%	80.0%	78.8%	78.6%

5.4 Power Track Satisfaction

Fewer than three in five survey respondents (59.1%) reported being satisfied with their remuneration. Salaries were a frequent talking point in interviews. A number of interviewees considered that their pay compared unfavourably to that of their contemporaries working in areas such as medicine, banking, engineering, architecture, and in

Specific aspects of work satisfaction

less-qualified areas such as administration. Interviewees in private practice frequently compared their pay to the amount that they billed for their employer. One said: “[Feeling that the pay is inadequate is] made harder simply by the fact that you can actually calculate to the cent how profitable you are and obviously you have your billable hours; you can count out your hours every month and you can figure out exactly how much your time was billed. You’ve got to take overheads and insurance and profit margins out of that but you still sit there and think, I made [my employers] six times my salary last year, which makes it difficult to swallow.” Several interviewees expressed the view that an oversupply of applicants for graduate law jobs gave employers the power to pay very little. Others referred to their belief that starting salaries have barely gone up in the last ten years, despite increases in the price of living and wage inflation, and to the perception that the biggest employers all appear to offer a standardised starting salary.

For some interviewees, low remuneration communicated something to them about the regard their employer held them in: “We’re not living in poverty or anything ... but it’s more about your value. Often the money’s not about the money, it’s what the money says about how you’re valued”. For many, satisfaction or lack thereof with pay was often tied to other aspects of work satisfaction, such as the hours they were required to work. One interviewee said: “People [at my workplace] work really long hours and if you work out your hourly rate, you’d be better off at McDonalds”. It was perhaps for these sorts of reasons the respondents at big firms were the least satisfied with their remuneration, despite earning more than many of their contemporaries (compare Tables 6 and 7 on pages 34 and 35).

Some interviewees were dissatisfied with the lack of transparency around pay at different levels within their organisation. Some interviewees at smaller provincial firms recounted how their employers referred to the work-life balance that they (the interviewees) were able to enjoy to justify paying them less than their contemporaries at big firms. One called this “reverse logic”: “I know that as a graduate lawyer, it’s naïve to expect that you’re going to be able to leave work at five every day, which almost no one does, so I accept that I’m fortunate to be able to do that. But I don’t think that the fact that you do get to leave at five should be an excuse for paying you less [in his case, around \$33,000].”

TABLE 6 MEDIAN SALARIES OF RESPONDENTS IN FULL-TIME EMPLOYMENT BY TIME IN PRACTICE AND EMPLOYER TYPE

	ALL EM- PLOYERS	BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN- HOUSE	BARRISTER/ CHAMBERS
0-1 years in practice	\$45,000	\$51,500*	\$44,000	\$42,000	\$50,000	\$60,000*	\$40,000*
1-2 years in practice	\$52,000	\$54,000	\$50,000	\$50,000	\$55,000	\$57,000*	\$50,000*
2-3 years in practice	\$62,750	\$67,000	\$60,000	\$57,000	\$63,500	\$75,000*	\$52,500*

* Indicates fewer than 15 respondents for the given combination of time in practice and employer type. These values should accordingly be treated with caution. More data on salaries are available in the New Zealand Law Society and Hays Legal Salary Guide.¹⁹

71.4% of respondents were satisfied with the opportunities for advancement in the short term (next five years) at their workplace, and 71.0% with such opportunities in the longer term (five years plus). Interviewees' views on perceived opportunities to advance were very varied. Some were happy with the career path before them, some felt that promotion processes lacked transparency and could depend on luck, and others – typically in bigger organisations – felt that that path to seniority was so long as to be unappealing. One interviewee who had left legal practice said: “Maybe 30 years ago, someone in my position could see a pathway to partnership ... and I think nowadays, that pathway isn’t as clear and it takes a lot longer. It used to be [that] the average time to get to being partner was 10 years [which] doesn’t seem that long whereas ... today, no matter how hard I worked, I don’t think I could guarantee that I’d be a partner in 20 years”. Others felt that the new generation of lawyers did not necessarily want the same thing as the previous generation. Comments included: “I think our generation is a lot more picky and choosy and the grass is always greener and we’ve got so many options, some of us can’t really sit still”; “I think we’re of a generation now where it’s not about staying at a job or just continuing to work hard, we’re quite entitled and we see a [senior and think] ‘that’s not what I want to do’”; “Back in the day, it wouldn’t have seemed such a big issue hanging out for 10 years in one [workplace] just to get to the next level [but now] young people are career jumping and sticking around for one year and then thinking it’s time to move onto the next job.”

As Figure 24 (see page 25) illustrates, respondents at small firms scored the highest for overall Power Track Satisfaction, followed by those at medium firms and those working for a barrister/chambers. Those at big firms scored slightly below the mean,

19 “New Zealand Law Society & Hays Legal Salary Guide 2015” (2015) New Zealand Law Society <www.lawsociety.org.nz>.

while respondents working in the public sector and in-house recorded the lowest Power Track Satisfaction. Differences across employer type are set out in more detail in Table 7.

TABLE 7 PERCENTAGE OF RESPONDENTS SATISFIED WITH ASPECTS OF POWER TRACK SATISFACTION, BY EMPLOYER TYPE

	ALL EMPLOYERS	EM-BIG FIRM	MEDIUM FIRM	SMALL FIRM	PUBLIC SECTOR	IN-HOUSE	BARRISTER/CHAMBERS
% satisfied with remuneration	59.1%	51.0%	52.3%	60.8%	72.5%	78.8%	60.0%
% satisfied with opportunities for advancement in the short term (next five years)	71.4%	68.6%	72.9%	75.2%	65.6%	63.6%	78.6%
% satisfied with opportunities for advancement in the long term (five years plus)	71.0%	71.1%	76.4%	72.8%	64.1%	64.5%	82.1%

Part 6: Informational problems in the market for legal graduate jobs

The vast majority of interviewees reported that their employment decisions out of university had not been particularly well informed, in two ways. First, interviewees tended to report that they had known “very little” or “not much” about what the practice of law involved when they left law school. One said: “I knew it wasn’t going to be like *Suits* but other than that [I knew] bugger all”. Survey respondents were asked how well informed they had been about what the practice of law involved at the time they left law school. 1.1% considered they had been “Very well informed” and 16.1% “Well informed”, 60.3% reported being “Only slightly informed”, and 22.5% “Not at all informed”. Put another way, almost five in every six respondents (82.8%) reported being either not at all or only slightly informed about what practice involved.

Some interviewees acknowledged that it is simply “very difficult from the outside” to know what a job involves “without being there and doing it”. Still, the general feeling was that knowing more about what legal practice is like would have allowed them to make more informed decisions. One interviewee said: “I don’t think I was necessarily aware of how different [law school and practice] actually were”; while another said “You’re at law school and you have this idea of what it’s going to be like but the reality is quite different”. As one interviewee put it: “Law school probably set me up for a fall because law school is academic and I loved it; I loved legal analysis and reasoning and ... in the line of work that I do ... there’s very little of it. [I didn’t realise that] being a lawyer is completely different”.

Interviewees who had summer clerked or worked as an intern reported mixed views as to whether this had given them an accurate picture of what working as a legal graduate would involve. For some such experiences had been very useful: “Summer clerking is a really, really valuable thing to do. It was probably at that stage that I started comprehending more what the profession was like and what the potential challenges would be once I started as a [graduate].” Others took the opposite view: “When I was a summer clerk ... I felt impotent, I wasn’t really involved in much work. I didn’t really have that much insight into what they were doing. People, on an ad hoc basis, would take you to a meeting or let you sit in on a call but they forget about you because they figure you’re there to have fun. ... the whole impression that came from the firm was ‘it’s loads of fun, just come have fun’ which I found fine but didn’t really understand that much more about the firm.”

The second sense in which interviewees reported feeling uninformed at the time that they left university was as to the full range of career options available to them. Interviewees typically reported that they had only really been informed about careers

FIGURE 26 HOW WELL INFORMED RESPONDENTS WERE ABOUT WHAT THE PRACTICE OF LAW ENTAILED WHEN LEAVING LAW SCHOOL

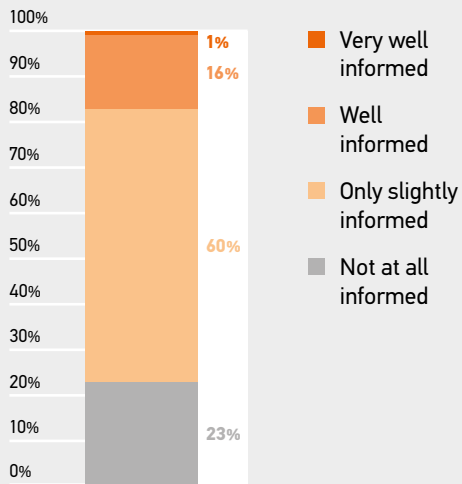
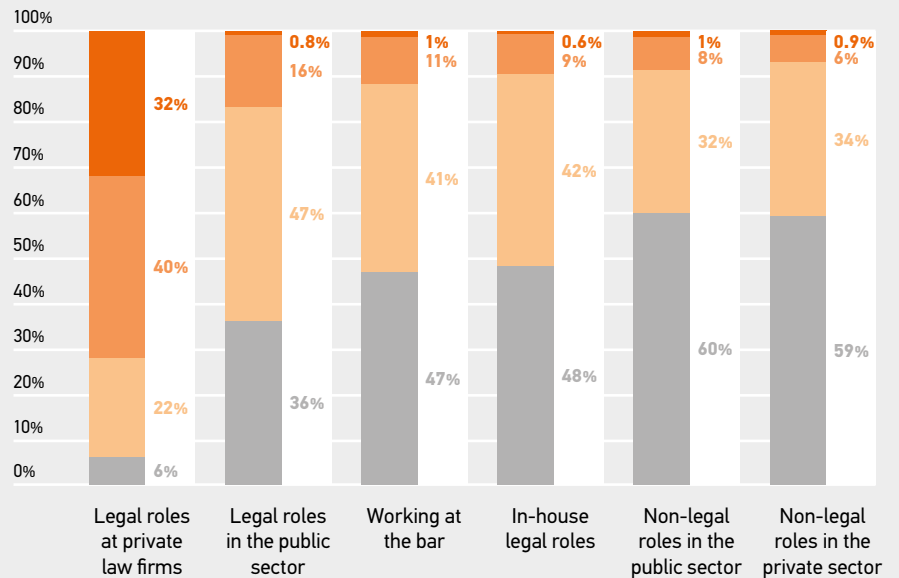


FIGURE 27 RESPONDENTS' AWARENESS OF DIFFERENT CAREER OPTIONS AT THE TIME THEY LEFT LAW SCHOOL



with private firms, and more specifically, only the largest private firms. As one interviewee put it: “It felt like there weren’t too many options [at law school]. It felt like you either go to a big firm or you don’t do law”. According to another: “I think that I wasn’t aware that there were ... places like Luke Cunningham Clere, Meredith Connell and Greenwood Roche. I just wasn’t aware that firms that size, that what they did, was an option. I wasn’t aware that ... you could be a lawyer for Government. I’d never heard of Crown Law. I didn’t even contemplate doing in-house at a big corporate. I think I only really knew about the big firms.” For most, awareness of options at law school came largely from graduate recruitment advertising: “All the things you get through law school from memory are the big firm clerkships, emails about that, posters about that. Little firms that want clerks, they don’t tend to get involved with law school, it’s just word of mouth.”

Many interviewees reported that the biggest firms had done a successful job of creating the impression that they were the best place for graduates to go, or, in the words of one, “the only way to do well”. One described the “culture of fear” at his law school around failing to get a job with one of the biggest employers. Others talked about the “prestige” of being associated with a top firm and the “stigma” of “failing” to secure such an internship or graduate position. One recounted how working at small

firm was portrayed as something “you definitely don’t want to go do”, because “that’s where people with lesser quality degrees go”.

Respondents to the online survey were asked how well informed they had been about different career options at the time that they left law school. Responses are shown in Figure 27 on page 37. 72.2% of respondents considered themselves to have been “Very well informed” or “Well informed” about legal roles at private law firms. For legal roles in the public sector the equivalent figure was 16.8%; for careers at the bar, 11.8%; and for in-house legal roles, 9.6%. Awareness of non-legal options was even lower. 8.6% of respondents were “Very well informed” or “Well informed” about non-legal roles in the public sector; for non-legal roles in the private sector the figure was 6.9%.

Part 7: Gender

There was very little difference between male and female responses to the various work satisfaction questions. Indeed, as Figures 28 and 29 show, female respondents were slightly more satisfied on all the main measures. As Figure 30 shows, male and female respondents gave very similar answers to the questions about the likelihood of remaining in practice at various points in the future, although slightly fewer female than male respondents considered themselves likely to be in practice in 5 years' time (70.1% of females, 73.1% of males) and in ten years' time (55.0% of females, 58.1% of males).

FIGURE 28 FACTOR SCORES BY GENDER (MEAN = 0)

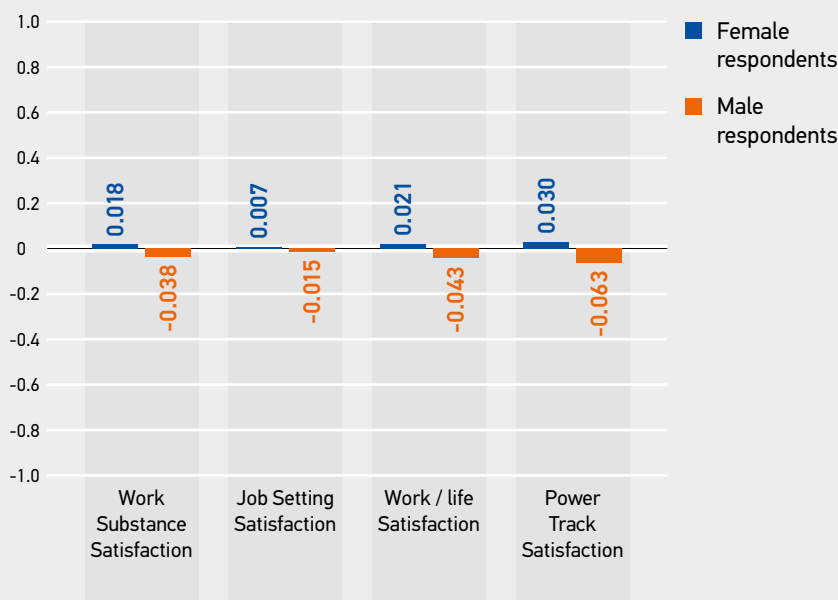
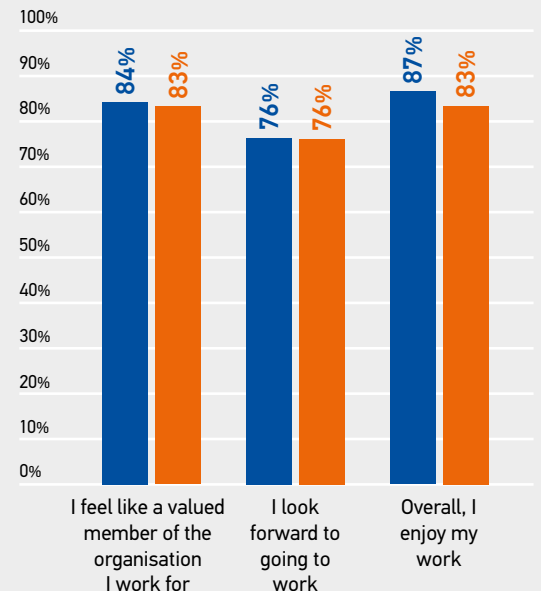
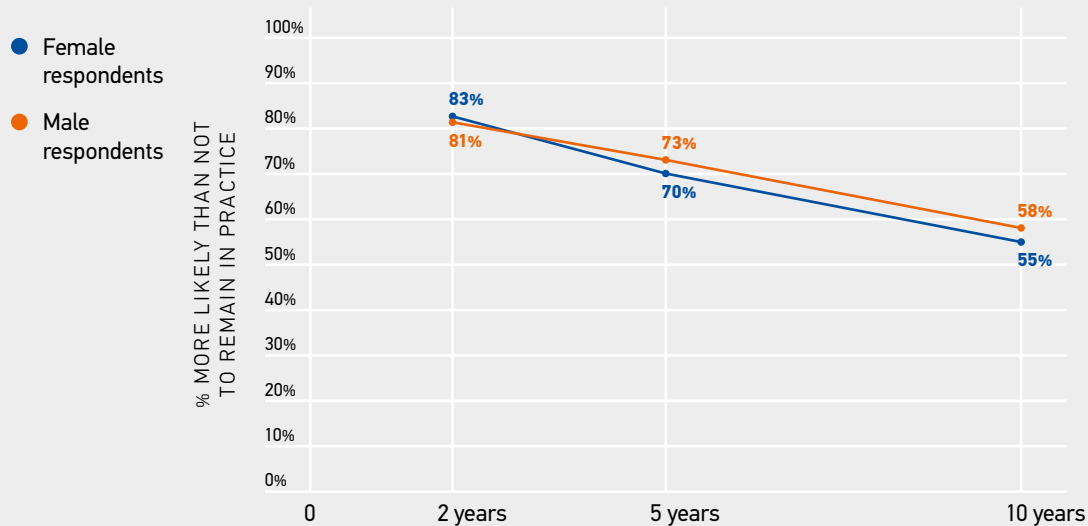


FIGURE 29 AGREEMENT WITH GENERAL WORK SATISFACTION STATEMENTS BY GENDER



Despite the fact that junior female lawyers were not less satisfied overall in their work than their male counterparts, and did not consider it significantly less likely that they would remain in the profession in the future, many female interviewees reported that their gender presented a variety of challenges. Survey respondents were asked: “Do you consider that your gender has any bearing on your prospects or future in the legal profession?” Of the 531 female respondents, 354 – precisely two-thirds – answered “Yes”. That junior female practitioners perceive there to be obstacles to their future advancement, despite not being less satisfied in their work, might be seen to align with Australian

FIGURE 30 LIKELIHOOD OF REMAINING IN PRACTICE BY GENDER



research that suggests entering and starting in the profession may not be as difficult for women as is progressing into more senior roles.²⁰ But it should also be recalled that, as noted above, self-reported satisfaction data is known to have a limited ability to capture discrimination and inequality.²¹

Respondents who considered that their gender did affect their prospects in the profession were given the option of explaining their views. A summary of the range of these views is presented below.

OVERALL, IT IS HARDER TO PROGRESS / WOMEN ARE PAID LESS

Almost all female respondents who chose to explain their views reported that it is more difficult for women than men to progress in the law. Some explained this in general terms. One respondent said: “Despite the increasing number of females studying and practising law, men continue to earn more money in the same role, and outnumber women in leadership positions. The numbers just don’t add up”. In the words of another: “[The vast majority] of graduates from law school are women, yet the higher ranks of most law firms are men. There is still a glass ceiling for women progressing in the law and while unconscious bias is increasingly being spoken about, I am yet to see a shift

20 See “National Attrition and Re-Engagement Study (NARS): Report”, above n 9, at 22.

21 See text at note 14 above.

in the hiring practices that occur at the higher level of firms in reality.” Another said: “As a female it seems statistically likely that I will progress slower and ultimately be paid less than male colleagues”.

The relative lack of female seniors and role models influenced respondents’ perceptions of what it was possible to achieve in the profession. One respondent at a provincial firm said: “Given that in [my firm’s] illustrious 100 year history there have only been 2 female directors ... there seems to be little chance of getting ahead in the firm”. Another said: “I did not feel, and still do not feel, that I could see the person that I could become at [her former employer]. There was no clear role model that I could aspire to, and it is important to me to have a role model of the same gender.” Another respondent said: “Men are more often given senior leadership roles. I do not expect my firm to be any different”.

Some respondents expressed the view that not all senior females were necessarily positive role models. One said: “At the partnership level at [her workplace] there were very few women who I would look up to as an example of what I could achieve. ... only [around 10%] of the partnership were female. Of the female partners, [half] were single and did not have families. This was not a great example for me, and wasn’t something I want for my own life. I would have benefitted greatly from female role models at partnership level who effectively managed their personal lives. The absence of this made career progression unappealing and appear unattainable”. Another said: “Women at the top have in some cases made it more difficult for other women to excel in the profession.” One felt that: “There is a lot of discrimination towards women at a young age such as myself who have children especially from older women in the legal field”.

HAVING AND RAISING CHILDREN (OR EVEN THE PERCEIVED POSSIBILITY THEREOF) CAN IMPEDE CAREER PROGRESSION

Many respondents pointed out that having and raising children required women to take time out from work, which would slow their career progression. One put it this way: “I am aware that having children, taking maternity leave and raising a family while working all have a large impact on a female lawyer’s career development. ... I don’t think I would necessarily be deprived development within the profession because of having a family, but it would certainly take me a lot longer to achieve the same type of success than if I did not have children, or if I did not take at least half the responsibility for childrearing.” Another said: “When [women who have left to have children] come back to the firm, the males who they were at senior associate [level] with are now partners, with no room for entry [to partnership].”

Some respondents expressed the view that the impact of family commitments upon a career was not specific to the law. However, others considered that the adverse effect of having children on career development was exacerbated by certain characteristics of the profession. As one put it: “When I do re-enter [the profession after having children], it will be difficult to have flexible working hours to keep a foot in the door while at the

same having sufficient time off to raise children. This problem would be a lot less worrying if the legal profession was open to flexible working arrangements.” Another said: “While all firms have been making noise about introducing flexible working arrangements and actively developing women, the reality I’ve seen is that doesn’t make a difference in the end. Firms are ultimately concerned about availability to clients over the needs of their staff.” According to another: “I think [certain firms] don’t offer sufficiently flexible working arrangements for lawyers to balance their work and family obligations. It’s disappointing to see that we still have [so] few female partners and female lawyers, and I am not convinced that there will be any dramatic changes to this trend in the near to medium term future”.

Others considered this problem was linked to dominant societal norms around women being responsible for raising children. One said: “It is not my gender per se that will affect my prospects at work, it’s a combination of old-fashioned attitudes towards parenthood and lack of work-life balance that may hinder my future in the legal profession”. According to another: “I don’t see [the issue of raising children impacting on careers] as gender specific so much, because likewise I don’t think the legal profession would be particularly accommodating of a male raising/being involved with a family.” Another said: “I feel women’s careers are disproportionately affected by [the] lack of flexibility because of the social assumptions around women and family life”.

Numerous other respondents reported that the mere “assumption” that they would have children could or had affected employers’ decisions about hiring and/or promoting them. One said that, when applying for legal jobs: “I was asked at a number of interviews what my family plans were, whether I planned to have children. ... Even if it is not asked, people will assume that you want to have kids and therefore are somewhat of a liability. ... I think this is also a factor when your supervisors / employers are considering career advancement”. According to another: “Even if I don’t have children, the possibility that I could may still impact the advancement opportunities that I am offered”. Another understood that when applying for interviews, she would be pre-judged as to the length of time she would stay in employment: “I have been told not to tell prospective employers I am engaged, as it will set ‘baby alarms’ ringing”.

IMPLICIT BIASES WITHIN WORKPLACES

Many respondents considered their workplaces and/or the profession more widely to be biased against females. Some respondents felt as if they were starting at a disadvantage in terms of respect and standing. One said: “Many men from the baby boomer generation still carry a stigma about female lawyers. I will probably have to spend most of my career earning respect from people where my male counterparts will be treated as if they were born with it”. According to another: “You have to work harder to be taken as seriously as men”. One respondent overheard her boss telling a client that he would recognise her as the “pretty young blonde” when she arrived to meet him: “[This] not only made me feel uncomfortable but I find it embarrassing that he describes me this way to clients when I am trying to make an impression as a skilled lawyer”.

Other respondents felt disadvantaged because the profession valued “stereotypically

male traits". One respondent said: "As a female working in a large corporate law firm I struggled to align myself with some of the male dominated aspects of the firm culture". Another respondent considered there to be "pervasive attitudes and preconceptions about how to practice law and who, by default, is best suited to certain types of law and responsibilities". One said: "I am more likely to ... have my ideas passed over because I don't send them over the table with a bullish voice", while another said that "It may be that I do not get selected to do higher profile work because either my (male) supervisors or (male) clients do not think that I would represent the client as forcefully as a man would".

Some respondents reported the view that "women tend to have to ... take up male traits, in order to succeed like men." One said: "I often feel the need to over-compensate or 'masculinise' what I wear / how I present myself for meetings". For some respondents, playing the "male" game presented its own challenges. One said: "If we take powerful leadership roles we are deemed 'bossy'", while another reported being "fearful" of being perceived as "bitchy/bossy when being proactive or assertive". One respondent was of the view that "the majority of women in high or partnership positions in law firms act like men and that is how they have succeeded. ... The fact that women are rewarded for being masculine in the profession turns [other] women off".

Some respondents expressed the view that young men generally fitted into the profession better, given that males fill the majority of senior roles. One said: "Young male practitioners are given more respect by other practitioners than young female practitioners. Young male practitioners may also find it easier to make friendships / strong relationships with practitioners who are at the top of the profession ... given that most of these people at the top are also male. These factors make it feel more difficult for a young female practitioner to advance her career through networking." Another said that it was "harder to form social bonds with senior male colleagues as I have less in common with them / don't enjoy male 'banter'".

Other workplace biases were reported. One respondent said: "As a female, you are expected to help more with secretarial duties. ... I don't see the males helping the secretaries with administrative work". Another reported that women were "more harshly judged on [their] appearance and behaviour". According to one respondent: "There is still an old boys' culture, and even males my age that I did law with at university still make the same old jokes about females and dismiss feminism". One put it this way: "It's a man's world out there - deals still get done on golf courses and in rugby clubs".

EXPLICIT SEXISM / DISCRIMINATION

There were a number of accounts of explicitly discriminatory behaviour. One respondent said: "I've ... had my head patted in the office by a male work colleague and been told not to be upset at 'banter' when I quietly tell [a colleague] he's crossed a line around me when he's judging the interns by their looks". One respondent said that, at her firm: "Female employees are referred to as 'battery hens', and disparaging

comments about other female practitioners (including judges) are common. These include comments about women being 'on their period' ... and about female judges 'power tripping'... complaints [involving] support staff have been dismissed as a 'chick thing' about 'bitchiness' and 'defending their turf because they're women'. One interviewee reported that feeling objectified by senior male staff had contributed to her decision to leave the legal profession: "The seniors' attitude towards females [and] the way they'd talk about females in front of me was pretty bad. [They would] 'put me in my place' [and] make me feel objectified". Another talked about "a partner who routinely [made] inappropriate comments about women in general or the women working under him in particular". She went on to say: "I've heard senior partners in the law firm I summer clerked for make some seriously eyebrow-raising comments about women". A respondent who had worked at a top-tier firm said: "I was objectified, I was sexually harassed by clients. I saw sexual harassment, and worse, within the firm".

HIRING PRACTICES ARE PERCEIVED TO BE DISCRIMINATORY

A number of respondents expressed the view that hiring practices can often be discriminatory. One put it this way: "I think it's important to note the gender issue begins really early on. ... Women make up a higher proportion of honours students ... yet [some employers] insist upon hiring on a 50:50 ratio. This means that women with better qualifications either missed out entirely or received less offers than their male counterparts. It sends the wrong message really early on: that people expect you will leave the profession [or that they] value men more". Another made a similar point: "At a junior level, I have noticed that the overrepresentation of female law students in honours classes, and at law school in general, is not reflected in the hiring practices of big law firms or judges' clerking. ... While there is obviously a need for a gender balance, it's problematic given it's in a profession where there is an obvious gender imbalance in the opposite direction at the upper levels."

BIASES OF CLIENTS

Several respondents reported that clients had conscious or unconscious biases toward male lawyers. One said: "[clients] do not take you seriously / as seriously as a male colleague". Another said: "With clients, I feel that I am viewed differently, as a young, blonde female lawyer, and my skills can be doubted and I may therefore not be given as much trust, confidence or work." One respondent based in a rural setting said: "There is a large client base ... who consider that female lawyers are less aggressive or not as positional and as such are not able to get the best results". Another said: "I work in commercial and property, and the clientele is largely older males. Many significant male clients prefer to deal with more senior practitioners. I feel [that because] a number of male colleagues (who started around the same time that I did) look older than myself, clients are more willing to accept advice from [those male colleagues] than from myself."

CHALLENGES SPECIFIC TO CERTAIN AREAS OF LAW

Some respondents considered certain areas of law to be particularly difficult for females to succeed in. For instance, one respondent said that “I feel as a woman in criminal law, people think that they can dominate you easily and so take a very intimidating approach in their interactions which makes practising difficult. I have had Judges, clients and prosecutors speak to me in a way that I don’t think they would speak to a junior male lawyer”. Another said: “I am regularly the only woman in the civil list, in a court room full of grey-haired men”. According to another: “There are still remnants of a very real ‘lads’ culture in ... corporate and financial law”.

A frequently expressed view was that the lack of working flexibility in larger firms meant that other options, in particular in-house or public sector roles, were more “realistic” for women. For instance, one respondent said: “Unless there are flexible working arrangements introduced and available to me, other options such as an in-house role may become more attractive due to better work-life balance. This change will affect my future in the profession in the long-term.” Another respondent said: “If I decide to have children it is unlikely I will be able to make partnership in a top firm or have sufficient flexibility at a top firm to have a balanced family. It is likely that I would need to go outside of the legal profession, or at least to an in-house role with more flexibility, to continue to have work-life balance.”

The question whether gender bears on a respondent’s future or prospects in the profession was asked in general terms rather than being targeted at respondents’ future in their current place of work. However, differences across workplaces in how the question was answered were still noticeable, as Table 8 illustrates. Female respondents working for a barrister/chambers and for big firms were most likely to consider their gender to have a bearing on their prospects or future in the profession.

TABLE 8: PROPORTION OF FEMALE RESPONDENTS ANSWERING “YES” TO THE QUESTION: “DO YOU CONSIDER THAT YOUR GENDER HAS ANY BEARING ON YOUR PROSPECTS OR FUTURE IN THE LEGAL PROFESSION?”

All female respondents	66.7%
Respondents at Big firm	73.3%
Respondents at medium firm	68.4%
Respondents at mall firm	62.3%
Respondents in the public sector	67.2%
Respondents working in-house	56.5%
Respondents working for barrister/ chambers	77.3%

Gender

BEING FEMALE MAY HELP CAREER PROGRESSION

A very small minority of respondents considered that being a female had been or would be beneficial to their career in law. One reported that being female had helped her to be hired. One said that: "With firms committed to improving their gender diversity efforts, I feel my gender may in fact assist with my career progression". Another said: "There is a focus on females advancing in the law presently. I feel this will be advantageous to me". Another considered that: "Being female may help me get further than a male in my position because male superiors (might) prefer working with a woman [and might] offer me more work or more complex/interesting work. It may also work out that the superiors would prefer a male who they can relate to and joke with (and offer them the interesting/complex work). I think it depends on the superior giving you your work and how they are."

OPTIMISM FOR THE FUTURE

A number of respondents reported optimistic views for the future of women in the profession. One said: "I acknowledge that things are better than they were previously". Another said: "I hope that my generation will continue seeing an increase in women in higher positions, [though] the pattern up to now isn't supportive of that. I do think it will be easier for me as a woman to progress and be valued in skill, rather than gender, than it has been in the past". According to another: "I do feel confident that my prospects in the profession are positive and I am extremely inspired/motivated by successful female lawyers ... especially those who are significantly older and have probably had to go through an even tougher time of discrimination to get where they are". Another said: "The general imbalance towards males in the higher positions in law firms at the moment ... is improving, so depending on where the future leads it may have little or no effect [on me]."

MALE PRACTITIONERS' VIEWS

80 male respondents (31.6%) reported that their gender did bear upon their prospects and future in the profession.²² On the whole, the view of these respondents were similar to the views of females set out above: men are statistically more likely to be more successful and earn more in the profession than women; child care responsibilities (or even the perceived possibility of them) can disadvantage women, as does the way the "system" operates with male-biased networking activities; senior figures sometimes display subconscious biases; male juniors find it easier to develop rapport with male seniors; women who are assertive are described negatively; male juniors are sometimes

22 It is possible that some male respondents may have interpreted the question as asking whether their gender would affect their future in the profession *negatively*. If so, some respondents who consider themselves advantaged by virtue of being male could still have answered "No".

subconsciously assumed to be more competent and are more trusted; some areas of law are particularly male- (or female-) dominated. A minority of males considered themselves disadvantaged insofar as their employment or promotion would not help employers meet “diversity goals”.

Acknowledgements

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Appendix: Selected data not provided in full in body text

TABLE A1: RESPONDENTS BY GENDER

GENDER	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Male	253	32.2%
Female	531	67.6%
Other	1	0.1%
	785	100.0%

TABLE A2: RESPONDENTS BY AGE

AGE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
20-24	162	20.6%
25-29	509	64.8%
30-34	56	7.1%
35-39	23	2.9%
40+	35	4.5%
	785	100.0%

TABLE A3: RESPONDENTS BY PLACE OF LEGAL EDUCATION

UNIVERSITY	NO. RESPONDENTS	PERCENTAGE OF TOTAL
AUT University	19	2.4%
University of Auckland	179	22.8%
University of Canterbury	149	19.0%
University of Otago	181	23.1%
University of Waikato	81	10.3%
Victoria University of Wellington	157	20.0%
Other	19	2.4%
	785	100.0%

TABLE A4: RESPONDENTS BY TIME IN PRACTICE

TIME IN PRACTICE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
0-1 years	172	21.9%
1-2 years	296	37.7%
2-3 years	229	29.2%
3-4 years	88	11.2%
	785	100.0%

TABLE A5: RESPONDENTS BY EMPLOYER TYPE

EMPLOYER TYPE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Big firm	155	19.7%
Medium firm	109	13.9%
Small firm	332	42.3%
Public sector	102	13.0%
In-house	33	4.2%
Barrister/Chambers	30	3.8%
Other	24	3.1%
	785	100.0%

TABLE A6: RESPONDENTS BY LOCATION OF WORK

LOCATION	NO. RESPONDENTS	PERCENTAGE OF TOTAL
North Shore	15	1.9%
Auckland	301	38.3%
Manukau	21	2.7%
Hamilton	27	3.4%
Tauranga	14	1.8%
New Plymouth	11	1.4%
Wellington	188	23.9%
Other - North Island	57	7.3%
Nelson	10	1.2%
Christchurch	100	12.7%
Dunedin	13	1.7%
Other - South Island	28	3.6%
	785	100.0%

TABLE A7: ALL RESPONDENTS' LIKELIHOOD OF REMAINING IN PRACTICE IN 2 YEARS' TIME

LIKELIHOOD	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Extremely likely	304	38.7%
Likely	227	28.9%
Somewhat Likely	115	14.6%
Neither likely nor unlikely / Don't know	54	6.9%
Somewhat unlikely	49	6.2%
Unlikely	23	2.9%
Extremely Unlikely	13	1.7%
	785	100.0%

TABLE A8: ALL RESPONDENTS' LIKELIHOOD OF REMAINING IN PRACTICE IN 5 YEARS' TIME

LIKELIHOOD	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Extremely likely	191	24.3%
Likely	222	28.3%
Somewhat Likely	144	18.3%
Neither likely nor unlikely / Don't know	97	12.4%
Somewhat unlikely	58	7.4%
Unlikely	41	5.2%
Extremely Unlikely	32	4.1%
	785	100.0%

TABLE A9: ALL RESPONDENTS' LIKELIHOOD OF REMAINING IN PRACTICE IN 10 YEARS' TIME

LIKELIHOOD	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Extremely likely	121	15.4%
Likely	179	22.8%
Somewhat Likely	139	17.7%
Neither likely nor unlikely / Don't know	160	20.4%
Somewhat unlikely	63	8.0%
Unlikely	54	6.9%
Extremely Unlikely	69	8.8%
	785	100.0%

TABLE A10: LIKELIHOOD OF REMAINING IN PRACTICE AT GIVEN POINTS IN THE FUTURE BY EMPLOYER TYPE

EMPLOYER TYPE	PERCENTAGE OF RESPONDENTS MORE LIKELY THAN NOT TO REMAIN IN PRACTICE IN:		
	2 YEARS' TIME	5 YEARS' TIME	10 YEARS' TIME
Big firm	72.9%	56.8%	37.4%
Medium firm	82.6%	66.1%	49.5%
Small firm	87.3%	78.3%	64.5%
Public sector	82.4%	78.4%	63.7%
In-house	69.7%	57.6%	42.4%
Barrister/Chambers	90.0%	73.3%	66.7%

TABLE A11: ALL RESPONDENTS' LIKELIHOOD OF WORKING OVERSEAS IN THE NEXT FIVE YEARS

LIKELIHOOD	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Extremely likely	199	25.4%
Likely	139	17.8%
Somewhat Likely	141	18.0%
Neither likely nor unlikely / Don't know	93	11.9%
Somewhat unlikely	78	9.9%
Unlikely	68	8.7%
Extremely Unlikely	65	8.3%
	783	100.0%
Missing	2	

TABLE A12: RESPONSES TO “THE SKILLS I GAINED AT LAW SCHOOL STAND ME IN GOOD STEAD FOR A CAREER OUTSIDE THE LAW, SHOULD I CHOOSE TO PURSUE ONE”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	125	16.4%
Agree	268	35.1%
Somewhat agree	190	24.9%
Neither agree nor disagree	78	10.2%
Somewhat disagree	58	7.6%
Disagree	39	5.1%
Strongly disagree	5	0.7%
	763	100.0%
Missing	22	

TABLE A13: RESPONSES TO “LAW SCHOOL PREPARED ME WELL FOR PRACTICING LAW”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	21	2.7%
Agree	122	15.5%
Somewhat agree	242	30.8%
Neither agree nor disagree	94	12.0%
Somewhat disagree	172	21.9%
Disagree	95	12.1%
Strongly disagree	39	5.0%
	784	100.0%
Missing	1	

TABLE A14: RESPONSES TO “LAW SCHOOL GAVE ME A GOOD GROUNDING IN LEGAL THEORY AND ANALYTICAL SKILLS”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	219	27.9%
Agree	334	42.6%
Somewhat agree	174	22.2%
Neither agree nor disagree	26	3.3%
Somewhat disagree	20	2.6%
Disagree	8	1.0%
Strongly disagree	3	0.4%
	784	100.0%
Missing	1	

TABLE A15: RESPONSES TO “LAW SCHOOL GAVE ME A GOOD GROUNDING IN PRACTICAL LEGAL SKILLS”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	13	1.7%
Agree	91	11.6%
Somewhat agree	176	22.4%
Neither agree nor disagree	94	12.0%
Somewhat disagree	208	26.5%
Disagree	140	17.8%
Strongly disagree	63	8.0%
	785	100.0%

TABLE A16: RESPONSES TO “MY TRAINING AT LAW SCHOOL OUGHT TO HAVE BEEN MORE PRACTICAL”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	310	39.8%
Agree	231	29.7%
Somewhat agree	135	17.3%
Neither agree nor disagree	39	5.0%
Somewhat disagree	34	4.4%
Disagree	27	3.5%
Strongly disagree	3	0.4%
	779	100.0%
Missing	6	

TABLE A17: RESPONSES TO “THE PROFESSIONAL LEGAL STUDIES COURSE WAS A USEFUL BRIDGE BETWEEN LAW SCHOOL AND LEGAL PRACTICE”

RESPONSE	NO. RESPONDENTS	PERCENTAGE OF TOTAL
Strongly agree	166	21.8%
Agree	241	31.6%
Somewhat agree	157	20.6%
Neither agree nor disagree	45	5.9%
Somewhat disagree	62	8.1%
Disagree	51	6.7%
Strongly disagree	40	5.2%
	762	100.0%
Missing	23	

TABLE A18: RESPONSES TO GENERAL WORK SATISFACTION STATEMENTS

STATEMENT	NO. RESPONDENTS AGREEING (%)	NO. RESPONDENTS NEUTRAL (%)	NO. RESPONDENTS DISAGREEING (%)
I feel like a valued member of the organisation I work for	657 (83.7%)	40 (5.1%)	86 (11.0%)
I look forward to going to work	597 (76.1%)	78 (9.9%)	108 (13.8%)
Overall, I enjoy my work	670 (85.4%)	42 (5.4%)	72 (9.2%)

TABLE A19: RESPONSES TO GENERAL WORK SATISFACTION STATEMENTS BY EMPLOYER TYPE

EMPLOYER TYPE	I FEEL LIKE A VALUED MEMBER OF THE ORGANISATION I WORK FOR	I LOOK FORWARD TO GOING TO WORK	OVERALL, I ENJOY MY WORK
Big firm	74.7% agree 8.4% neutral 16.9% disagree	66.2% agree 14.3% neutral 19.5% disagree	79.4% agree 5.8% neutral 14.8% disagree
Medium firm	87.2% agree 1.8% neutral 11.0% disagree	77.1% agree 7.3% neutral 15.6% disagree	86.2% agree 6.4% neutral 7.3% disagree
Small firm	84.9% agree 4.5% neutral 10.6% disagree	76.7% agree 10.6% neutral 12.7% disagree	86.1% agree 5.1% neutral 8.8% disagree
Public sector	91.2% agree 5.9% neutral 2.9% disagree	91.2% agree 2.0% neutral 6.9% disagree	93.1% agree 2.9% neutral 3.9% disagree
In-house	78.8% agree 9.1% neutral 12.1% disagree	81.8% agree 3.0% neutral 15.2% disagree	84.8% agree 6.1% neutral 9.1% disagree
Barrister/ chambers	90.0% agree 3.3% neutral 6.7% disagree	70.0% agree 16.7% neutral 13.3% disagree	86.7% agree 6.7% neutral 6.7% disagree

TABLE A20: HOW STRESSFUL RESPONDENTS FIND WORK BY EMPLOYER TYPE

EMPLOYER TYPE	NOT AT ALL STRESSFUL	ONLY SLIGHTLY / SOMETIMES STRESSFUL	MODERATELY STRESSFUL	HIGHLY STRESSFUL
Big firm	0%	24.0%	54.5%	21.4%
Medium firm	0%	28.4%	52.3%	19.3%
Small firm	1.2%	25.9%	55.5%	17.4%
Public sector	2.0%	40.6%	46.5%	10.9%
In-house	9.1%	36.4%	48.5%	6.1%
Barrister/ chambers	3.4%	17.2%	62.1%	17.2%
All respondents	1.3%	27.8%	53.6%	17.3%

TABLE A21: ALL RESPONDENTS: SPECIFIC ASPECTS OF WORK SATISFACTION

	SATISFIED	NEUTRAL	DISSATISFIED
Day-to-day tasks	80.5%	7.9%	11.6%
Intellectual challenge of work	88.0%	4.2%	7.8%
Variety in work	82.7%	6.1%	11.1%
Opportunities to work in areas of interest	76.4%	8.2%	15.5%
Opportunities to make full use of skills and abilities	77.6%	7.3%	15.2%
Level of autonomy	86.4%	6.4%	7.2%
Level of responsibility	84.6%	7.1%	8.3%
Value of work to society	71.6%	12.9%	15.5%
Relationships with people to whom you report	87.2%	3.5%	9.4%
Relationships with colleagues	91.8%	3.8%	4.4%
Clarity of communication of seniors' expectations	75.6%	7.2%	17.3%
Feedback received on work completed	74.1%	8.1%	17.5%
Performance evaluations	67.2%	12.6%	20.2%
Mechanisms for resolving issues	66.7%	13.3%	20.0%
Training and development	81.6%	6.9%	11.5%
Workplace culture	79.0%	6.8%	14.2%
Accessibility of mentors	71.2%	9.1%	19.7%
Work-life balance	73.6%	6.9%	19.5%
Hours of work	76.9%	7.9%	15.2%
Access to flexible working arrangements	65.5%	15.5%	19.0%
Opportunities for advancement (<5 years)	71.4%	11.1%	17.5%
Opportunities for advancement (5 years plus)	71.0%	11.7%	17.2%
Remuneration	59.1%	10.8%	30.1%

TABLE: A22 FACTOR SCORES BY EMPLOYER TYPE (MEAN = 0)

EMPLOYER TYPE	WORK SUBSTANCE SATISFACTION	JOB SETTING SATISFACTION	WORK/LIFE SATISFACTION	POWER TRACK SATISFACTION
Big firm	-0.287	-0.219	-0.815	-0.010
Medium firm	0.068	0.185	-0.045	0.164
Small firm	-0.025	0.003	0.196	0.296
Public sector	0.374	0.134	0.452	-0.092
In-house	-0.091	0.024	0.263	-0.274
Barrister/ chambers	-0.274	0.129	0.212	0.102

TABLE A23: AVERAGE HOURS WORKED PER WEEK BY EMPLOYER TYPE

	AVERAGE HOURS WORKED PER WEEK						
	<35	35-39	40-44	45-49	50-54	55-59	60+
Big firm	0%	1.3%	18.2%	35.7%	23.4%	17.5%	3.9%
Medium firm	0%	7.4%	34.3%	34.3%	17.6%	3.7%	2.8%
Small firm	0.3%	9.5%	45.2%	28.6%	12.3%	2.5%	1.5%
Public sector	0%	14.7%	49.0%	31.4%	3.9%	0%	1.0%
In-house	0%	6.1%	51.5%	21.2%	18.2%	3.0%	0%
Barrister/ chambers	3.4%	6.9%	34.5%	24.1%	24.1%	6.9%	0%

**TABLE A24: RESPONDENTS' KNOWLEDGE ABOUT DIFFERENT CAREER OPTIONS
WHEN LEAVING LAW SCHOOL**

	% VERY WELL INFORMED	% WELL INFORMED	% ONLY SLIGHTLY INFORMED	% NOT AT ALL INFORMED
Legal roles at private law firms	31.8%	40.4%	21.7%	6.1%
Legal roles in the public sector	0.8%	16.0%	47.0%	36.2%
Working at the bar	1.3%	10.5%	41.3%	46.9%
In-house legal roles	0.6%	9.0%	42.3%	48.1%
Non-legal roles in the public sector	1.2%	7.5%	31.5%	59.8%
Non-legal roles in the private sector	0.9%	6.0%	33.9%	59.1%

TABLE A25: FACTOR SATISFACTION SCORES BY GENDER (MEAN = 0)

	WORK SUBSTANCE SATISFACTION	JOB SETTING SATISFACTION	WORK/LIFE SATISFACTION	POWER TRACK SATISFACTION
Male respondents	-0.038	-0.015	-0.043	-0.063
Female respondents	0.018	0.007	0.021	0.030