

# Struggling with juggling: Gender and work/life balance in the legal professions

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## Synopsis

Since the 1960s, women have begun emerging into the public sphere and the public/private divide has been eroding. However, women's participation in the public sphere remains limited by the ongoing need to do two jobs ('the double day'), working both in the home and in the labour market. Thus, a study conducted into gender difference in the legal professions in Ireland [Bacik, Ivana, Costello, Cathryn, and Drew, Eileen (2003), *Gender InJustice: Feminising the legal professions?*, Trinity College Dublin Law School, Dublin.] found that, while women are entering legal studies in increasing numbers, they remain concentrated at the lower levels of practice. Women lawyers have immense difficulty in achieving work/life balance, due to the long hours culture, an ingrained hostility to flexible work arrangements, and to the fact that they retain a disproportionate caring burden in the private sphere. Changes in the structuring of legal work are clearly required to address this gender imbalance and the associated work/life imbalance—but cultural changes are ultimately needed to end the ongoing "struggle to juggle."

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## Introduction

A major theme of feminist literature is the emergence of women into the public sphere after the second wave of the feminist movement in the 1960s and the erosion of the public/private dichotomy (Eisenstein, 1981; O'Donovan, 1985; Olsen, 1983; Pateman, 1988). Pateman's (1988) concept of the 'sexual contract' challenges the assumption that labour market work and work at home are independent of each other. Rather, she has highlighted the gendered division of labour whereby women's caring role is institutionalised in the home, in a 'contract' which leaves men free to sell their labour on a public market. Furthermore, Thornton (1996, p. 15) cites Pateman's concept in stating that the very:

construction of the feminine in terms of corporeality, reproduction, love, and peculiarity has supposedly rendered women unfit for participation in public life,

as these characteristics by their nature prevent women from developing a sense of justice.

The public and private divide, although no longer impermeable, remains. As Eisenstein (1981, p. 22) writes, "although the meaning of 'public' and 'private' changes in concrete ways, the assignment of public space to men and private space to women is continuous in Western history." Walby (1990) has extended this to the theory of patriarchy and the phenomenon of occupational segregation as a crucial mechanism for ensuring women's subordination. According to Walby, the strategy of exclusion was the prevailing one in 19th century Britain that evolved into a segregation strategy by the 20th century in Britain and elsewhere. Hence, this represented a shift from 'private' patriarchy in which women were excluded from paid work and restricted to the domestic sphere to 'public' patriarchy in which women gained limited access to lower grade and lower paid work, often performed on a part-time basis.

55 In particular, the gendered reality of caring continues to  
56 affect the participation of women in the public sphere in  
57 three distinct ways. First, in practice for many women, it is  
58 difficult to do two jobs ('the double day') in the home and  
59 in the labour market, particularly if they have dependent  
60 children or are caring for an elderly parent. This is not to  
61 suggest that all women bear caring responsibilities, or that  
62 no men do. However, the dual burden of work and care  
63 afflicts women disproportionately.

64 Second, the construction of women as paid workers has  
65 been notably shaped by the assignment of responsibility  
66 for caring. Women are generally employed to 'soften' or  
67 humanise the environmental backdrop of the workplace,  
68 and this may be reflected both in the tasks they are  
69 assigned and in the behaviour they are expected to  
70 demonstrate. Thus, women in paid work are allocated or  
71 choose roles that are derivative of caring, as their area of  
72 specialisation or as a gloss on their designated work.  
73 According to [Mata Greenwood \(2001, p. 71\)](#) learned  
74 gender roles (e.g. as parent, housekeeper, provider) largely  
75 determine the type of work men and women do: "For  
76 example, given their traditional role as homemakers, more  
77 female than male workers tend to combine economic  
78 activities with household (non-economic) activities, to  
79 work intermittently over the year and to work closer to  
80 home." She claims that a further area of gender  
81 differentiation occurs in the allocation of resources and  
82 benefits among household members, thus determining  
83 their different needs and constraints. Hence, female  
84 participation in the labour market is highly dependent on  
85 their marital status and whether they have small children  
86 and/or have to care for other persons in their households.

87 [Hakim \(2000, p. 283\)](#) has propounded 'preference'  
88 theory to explain the "remarkable success and effective-  
89 ness of male solidarity and male organisation in all modern  
90 societies." She attributes the heterogeneity of women's  
91 preferences and interests: "for a lifestyle centred on the  
92 home, or on public life, with or without role segregation"  
93 as representing fundamental divisions through which male  
94 dominance is sustained in modern societies.

95 Labour market segmentation has also been used to  
96 explain women's disadvantage in assigning women  
97 disproportionately to the 'secondary' sector and men to  
98 the 'primary' sector ([Anker, 1998](#)). These parallel sectors  
99 would normally offer radically different pay, conditions,  
100 and job security. However, in relation to the legal  
101 professions, the entry routes and professional require-  
102 ments do not support labour market segmentation theory  
103 per se. However, they do offer insights into explaining  
104 vertical occupational segregation according to gender,  
105 where men are more likely than women hold better quality  
106 jobs in the same occupations ([Anker, 1998](#)). In the context

of the legal professions, for example, research into the  
effect of gender upon legal careers tends to show that  
family law in particular emerges as a particular area of  
specialisation for women. There is also evidence that the  
areas in which women are concentrated have lower  
earnings thresholds than those dominated by men.

Third, an additional problem arises in careers like those  
in the legal profession where emphasis is placed upon the  
possession of 'social capital.' This concept, derived from  
[Bourdieu \(1986\)](#), refers to the number of culturally,  
economically or politically useful relations accumulated  
by an individual. A person with low educational capital but  
high social capital may advance further in some profes-  
sions than a person with high educational capital but low  
social capital. In the context of legal careers, [Sommerlad  
and Sanderson \(1998, p. 17\)](#) write that "A woman can work  
hard, perform exceptionally in examinations, become  
expert in her field, only to discover that she is regarded as 'a  
good technician,' a 'back room girl,' since what may be  
required for 'partnership material' is someone who is  
'clubbable,' or 'lady' or attractive." [Thornton \(1996\)](#) sim-  
ilarly considers that the culture of the legal workplace  
rests on a 'fraternal contract,' meaning that engaging in  
after-hours socialisation, or excelling in sports talk or  
sports activities is crucial to progress in legal careers. [Jack  
and Crowley Jack \(1989\)](#) even argue that the role of sport is  
so prominent in the promotion of lawyers that learning to  
excel at a sport is "the first stage of pre-law training."

These and other studies have found that women are  
often at a disadvantage in the accrual of this type of social  
capital, both in terms of engaging in sport or other after-  
hours socialisation. It is true that men who do not con-  
form to a heterosexist model of 'hegemonic masculinity'  
([Connell, 1995; Collier, 1998](#)) are also at a similar dis-  
advantage in being, like many women, overtly or subtly  
excluded from such activities. However, women face  
especial difficulty in accruing social capital because of  
the disproportionate caring burden that they tend to  
shoulder in the private sphere.

Particular problems for women are therefore associated  
with a 'long hours' culture. [Sommerlad and Sanderson](#)  
argue that the emphasis on long hours as the key deter-  
minant of 'commitment' to work, and the related elevation  
of 'commitment' as the overarching professional value,  
leads to a situation in which women lawyers are signi-  
ficantly disadvantaged, again due to the fact that women  
continue to be the primary caregivers, even in dual-earner  
family households.

Restrictions like these on women's entry into, and  
participation or progress within, the public sphere are  
therefore clearly evident in legal practice, just as they are  
in other occupations and professions. In particular, it is

159 especially difficult for women to achieve a satisfactory  
160 balance between work and home life, if they wish to  
161 advance their legal careers.

## 162 ‘Gender InJustice’—the 2003 Irish lawyers’ survey

163 This paper takes up these themes explored in literature  
164 elsewhere in order to examine the different home/family  
165 circumstances of women and men in the legal professions  
166 in Ireland, to determine the degree to which both female  
167 and male lawyers have been able to access and achieve  
168 work/life balance, and to assess the extent to which a  
169 gender difference exists in the experiences of juggling  
170 work and home commitments among lawyers.<sup>1</sup>

171 In doing so, the paper draws upon an extensive study  
172 recently conducted into the position of women and men in  
173 the Irish legal professions, published in 2003 as ‘Gender  
174 InJustice’ (Bacik, Costello, & Drew, 2003).<sup>2</sup> This study,  
175 the first of its kind to be conducted in Ireland, aimed to  
176 document and analyse significant recent change in gender  
177 breakdown among lawyers, and to highlight the increasing  
178 feminisation of the legal profession (women now make up  
179 66% of law students nationally in Ireland). Despite this  
180 change, anecdotal evidence had tended to show that  
181 discrimination against women in legal practice was still a  
182 real problem, so the study also sought to examine the extent  
183 to which gender discrimination occurs. The particular  
184 difficulties associated with protecting against gender  
185 discrimination, given the high levels of self-employment  
186 attached to legal practice in Ireland, were also examined.

187 Quantitative information was gathered from the pro-  
188 fessional bodies on the age, gender, and professional  
189 status of lawyers in Ireland, while qualitative data were  
190 sought on the motivations and aspirations, career paths,  
191 family status, and experience of discrimination, of male  
192 and female lawyers. In order to gather this data, a mailed  
193 questionnaire was issued to 3422 recipients in May 2002

<sup>1</sup> The legal profession in Ireland is divided into two branches: solicitors and barristers. Barristers’ work is primarily in litigation and courtroom advocacy, while solicitors tend to do a broader range of work including conveyancing (property transactions), wills and probate, commercial transactions, and some litigation. Barristers are self-employed and work independently. Unlike in the UK, they may not form chambers. They depend on solicitors’ instructions for their cases. Solicitors, in contrast, deal directly with clients. Many solicitors are employees of firms or self-employed partners in law firms. Sole practice is also a feature of the legal profession for solicitors in Ireland, in particular outside of Dublin. Each branch of the profession is regulated by its own professional body; the Law Society for solicitors and the Bar Council for barristers.

<sup>2</sup> The survey was funded by the Department of Justice, Equality, and Law Reform under the Equality for Women Measures of the Operational Programmes of the National Development Plan 2000–2006 as the first national study of gender in legal practice in Ireland.

for self-completion. In total, 788 legal professionals  
completed and returned the questionnaire, including 32  
judges, 518 solicitors, 220 barristers, and 18 other legal  
professionals (a response rate of 23%). Statistical analysis  
of the information gathered through the questionnaire was  
conducted based on Pearson’s chi-square test.

Further qualitative data were collected through a series  
of focus groups and interviews conducted with legal  
professionals. Three women-only focus groups were held  
involving legal professionals in which a total of 13 women  
participated. A further focus group involving male lawyers  
was also held with five participants. Two further mixed-  
gender focus groups comprising students on the postgrad-  
uate training courses run by solicitors’ and barristers’  
professional bodies were also held, involving nine  
students in total. In addition, interviews were conducted  
with eight individual women who had each achieved a  
noteworthy status within the Irish legal profession, to gain  
further in-depth insights into their own career progression.

The findings of the study established that structural  
gender discrimination exists in the legal professions in  
Ireland, and that despite the many advances made by  
women lawyers in recent years, barriers to women’s  
career progression remain, particularly in the form of  
exclusionary practices, pay inequity, and structures that  
impede the achievement of work/life balance. In this  
paper, however, it is proposed to focus in particular on the  
findings of the study related to work/life balance issues.

## Work/life imbalance—context

The issues of balance between work and non-work life  
and the gender division of labour can be traced to the 19th  
century. Noting the ‘long hours’ culture in law and the  
absence of any flexibility in the existing structures, Leila  
Robinson, who was first admitted to the Massachusetts  
State Bar in 1882, asked if “it is practicable for a woman to  
successfully fulfill the duties of wife, mother, and lawyer at  
the same time?” (Boston Bar Association Task Force, 1999,  
p. 5). Such structures are not limited to working hours but  
spill over into the fraternal camaraderie associated with  
professional socialising (such as playing golf), referred to  
above and identified as crucial to progress in the legal  
professions. In such a culture, it is difficult to introduce  
flexible working arrangements, career breaks, or family  
friendly workplace practices.

Thus concern about the difficulty of achieving work/life  
balance in the legal profession, and the specific impact of  
this difficulty upon women lawyers, continues today. A  
recent American Bar Association (ABA, 2001) study was  
devoted exclusively to the topic, noting that the proportion  
of women who doubt the possibility of combining work

244 and family life has tripled over the last two decades, due at  
245 least in part to the exponential increase in expected billable  
246 hours. A survey conducted by the ABA of 1400 lawyers  
247 found that, while 95% of firms have policies that allow part-  
248 time work, only 3% of lawyers actually work part-time.

249 The elements of pressure to work longer hours, and a  
250 tendency for flexibility to be viewed with disdain, as  
251 signalling a lack of interest in career progression, are not  
252 confined to the legal professions. Another Irish study  
253 (Drew, Murphy, & Humphreys, 2003) captured information  
254 on 912 organisations in manufacturing and private/  
255 public services. This study showed that the higher the level  
256 of responsibility, the more likely it was that staff had to  
257 work longer than their standard hours. For senior managers/  
258 professionals, the level was 86% of all 912 organisations  
259 surveyed, while for junior managers/professionals it was  
260 61% of all organisations. In contrast, manual/non-manual  
261 workers were expected to work beyond their standard hours  
262 in 30% of the respondent organisations. Furthermore, over-  
263 time or time off in lieu was least common among managers  
264 compared with manual/non-manual workers who are more  
265 likely to be compensated.

266 The study also showed that organisations need  
267 flexibility in order to conduct their day-to-day operations  
268 but that this flexibility tended to be unidirectional. While  
269 part-time working, flexitime, and home working were  
270 available in a majority of organisations, the take-up rate  
271 was extremely low and mainly confined to women in  
272 clerical posts (Drew et al., 2003). Employers tended not  
273 to make flexible working available to staff for reasons  
274 associated with customer needs, production process/  
275 shifts, and seniority/grade. Others mentioned small size  
276 of business, additional costs, business needs, and lack of  
277 demand by employees.

278 In a parallel survey of 1006 employees in five  
279 organisations, it was noted that most employees believe  
280 that, while their current working arrangements suit their  
281 family/personal life, there is evidence of 'long hours' as a  
282 standard arrangement, often without any form of com-  
283 pensation (Drew et al., 2003). This occurs mainly in order  
284 to get the job done or when there is an increased workload  
285 or a backlog. The survey showed that 62% of male  
286 employees and 38% of female employees work longer than  
287 standard hours. More women avail of flexitime, while  
288 working from home is more popular to men. Part-time  
289 working is very rare among male employees (1%) but is  
290 availed of by a substantial proportion of female employees  
291 (17%) (Drew et al., 2003).

292 Among employees who can access flexible working,  
293 the perceived advantages are in easing commuting/parking,  
294 greater autonomy, quality time with family and/or savings  
295 on childcare, and ability to schedule day time personal

appointments. The main disadvantages cited are difficulties  
in providing cover/scheduling work and adverse impact on  
promotional prospects, since there is a perception that take-  
up signals that an employee is not fully committed, and a  
proportional reduction in earnings (Drew et al., 2003).

The findings of the employer/employee surveys in  
Ireland have validated international patterns in which  
workload pressures clearly prevent some employees from  
taking up flexible work arrangements; they simply feel that  
pressures of work would not allow it. These barriers appear  
to be particularly strong among employees working long  
hours, in professional environments or where an organi-  
sation is already experiencing staff shortages.

Concerns that availing of family friendly working  
arrangements would damage career prospects are evident  
in the international literature. Research conducted by Kodz,  
Harper, and Dench (2002) and Hogarth et al. (2001), for  
example, provides strong support for the belief that availing  
of family friendly working arrangements would be seen as  
a lack of commitment to one's career. Men, in particular,  
tended to claim that availing of family friendly working  
arrangements would not be regarded as 'acceptable.'

The absence at senior management level of role  
models who had either worked, or are currently working,  
in flexible arrangements further heightened these con-  
cerns. Kodz et al. (2002) had surveyed UK participants  
who had taken-up family friendly working arrange-  
ments, a portion of whom referred to work loads that  
were not reduced commensurate to their reduction in  
hours, and as a result who ended up bringing home work  
to complete, for which they were not paid.

Thus, despite increasing rhetoric from policymakers  
and legislators about the need to ensure work/life balance  
generally, a culture of long hours and of hostility to  
flexible working appears to prevail in a wide range of  
professions and occupations. The remainder of this paper  
explores the extent to which the same culture exists  
among Irish lawyers. Responses received to the 2003  
survey indeed demonstrate that many of the difficulties  
with achieving work/life balance identified in the  
national and international literature, are also evident for  
legal professionals in Ireland (Bacik et al., 2003).

## Gender and age profile of Irish lawyers

The 2003 lawyers' survey found that the legal  
professions in Ireland are becoming increasingly femin-  
ised, due to the high entry levels of female graduates since  
the 1980s. This is borne out by the finding that 66 per cent  
of undergraduate law students were women in 2001/  
2002. Women have been entering legal studies in Ireland  
in large numbers since the 1980s. In fact, equal gender

346 balance in the study body at university law courses  
347 occurred in the mid-1980s (Bacik et al., 2003, p. 88).

348 In 2002, 41% of solicitors and 34% of barristers in  
349 Ireland were women, but these women are concentrated  
350 at the lower ends of both professions. At the more senior  
351 level, legal practice remains resolutely male-dominated.  
352 Only one in five judges were women in 2002 (21%) and  
353 among barristers women comprised only 9% of Senior  
354 Counsel. In the 12 largest solicitors' firms in Ireland,  
355 women made up, on average, only 24% of partners.  
356 Women constituted more than one-third of the partners  
357 (36%) in only one of those firms.

358 Female respondents to the Irish survey had a younger  
359 age profile than their male counterparts. More than two-  
360 thirds (67%) were aged under 40 years of age, compared  
361 with 40% of the men. These differences were statistically  
362 highly significant, confirming the increasing feminisa-  
363 tion of the legal professions. The smaller proportion of  
364 women among older legal professionals may be  
365 presumed to reflect the historic fact of lower levels of  
366 entry to the professions, and/or higher levels of wastage/  
367 exit from legal careers, by women.

### 368 **Family status—gender differences**

369 Allied to their younger age profile, female respondents  
370 were also less likely than their male colleagues to be  
371 married or formerly married. Over one-third of the women  
372 (34%) were single while this applied to only one-fifth  
373 (22%) of the men; two-thirds of whom (68%) were married.  
374 In contrast, only half of the women who responded (51%)  
375 were married. However, 11% of the women were living  
376 with their partner, compared with 5% of the men. These  
377 differences between women and men are highly significant.

378 A total of 346 respondents had children. The proportion  
379 of women with children was lower among survey res-  
380 pondents, 43% compared with two-thirds of men (67%).  
381 This difference was highly significant. While the women  
382 comprise 65% of survey respondents, they collectively had  
383 less than half of the children (49%). Few of the fathers had  
384 only one child—28 in total compared with 57 women.  
385 Men were more likely to have more than three children,  
386 whereas female respondents had smaller families. In  
387 noting the rise in childlessness in many countries, Hakim  
388 (2000) refers to this trend as 'voluntary,' arising from the  
389 contraceptive revolution, and an expression of women's  
390 choice. However, the survey responses among women in  
391 the Irish legal professions point to at least some degree of  
392 involuntary childlessness or 'postponed parenting,' where  
393 women tended to delay having children due to their fears  
394 about the consequences of parenthood for their career  
395 progress. One focus group participant, herself both a

396 mother and a partner in a solicitors' firm, said that she had  
397 "waited until I was well in as a partner. Instinctively I felt it  
398 would be to my disadvantage earlier." Another participant,  
399 a younger newly qualified solicitor, said about her  
400 aspirations to be a mother that she "would feel I was  
401 selling myself out, studying so long...I would like to be  
402 established as a solicitor before that..."

403 The perception among women lawyers that they need  
404 to delay having children if they wish to succeed in their  
405 careers may be seen as justified at least partially on an  
406 examination of the childcare arrangements of those men  
407 and women lawyers who are parents. The gender dif-  
408 ferences were statistically very significant. Fewer than 1  
409 in 10 of the women with children (9%) could rely on  
410 childminding by their partner at home, compared with  
411 two-thirds of the men (65%). Hence, women were much  
412 more likely to use a childminder (79%), compared with  
413 21% of men. Men were less likely than women to use a  
414 crèche, relative, or other childcare arrangement.

415 The issue of childcare also came up frequently during  
416 focus group discussions. One woman lawyer, also a  
417 mother, summed up her solution: "You need support—  
418 nannies." Clearly, this was not so true of the male lawyers  
419 surveyed, 39% of whom had a partner who was not in  
420 paid employment and a further 21% had partners work-  
421 ing only part-time outside the home. In contrast, 92% of  
422 the women surveyed had partners working full-time  
423 outside the home. Only 4% had partners engaged in  
424 unpaid work in the home and a further 4% had partners  
425 working part-time outside the home.

426 Thus, there is a marked disparity between men and  
427 women lawyers, in terms of their family or parental status,  
428 their childcare arrangements, and the occupation of their  
429 spouses or partners. This issue was raised in focus group  
430 discussions. One woman commercial partner in a  
431 solicitors' firm noted that "We are the first generation of  
432 women to work full-time all our lives, women in our  
433 forties. The men above us in their fifties all have wives at  
434 home." She and others also remarked that until recently a  
435 higher proportion of the small number of women partners  
436 had remained unmarried, compared to male partners.

437 The need for men to take an equal share of res-  
438 sponsibility in the home, where both partners are work-  
439 ing, was stressed by many. One woman said "As for  
440 children, a lot depends on the other person, if there is one,  
441 in the relationship, and their job..." Another said:

442 It's fundamental that home life be more equally carried  
443 by men, so that your social life doesn't have to stop as  
444 well. The domestic burden must be spread more  
445 evenly. Women always assume the homemaking role,  
446 it's our own fault. It's up to us to get men on board.

448 **Impact of family status upon legal careers**

449 Studies referred to earlier in this article have established  
450 the difficulty of achieving work/life balance in the legal  
451 profession, and the specific impact of this difficulty upon  
452 women lawyers. Among Irish lawyers, the issue of how to  
453 achieve balance was seen as especially problematic for  
454 those women with children, many of whom were very  
455 pessimistic about the prospect of achieving any kind of  
456 balance. One woman solicitor summarised her predicament thus:  
457

458 I'm a bit negative—I think it's impossible. I think  
459 women can't have it all. It's something we bought into,  
460 talking about children. I knew it was going to be  
461 difficult, but for me it can't be done... Even being there  
462 is difficult sometimes, always the time factor, conflict.  
463 I work four days now after the birth of my child, but I  
464 haven't got it right or figured it out. The price is high.

466 Another woman agreed with this view, saying she  
467 had asked herself recently:

468 What did I do wrong? All our mothers were stay at  
469 home. We were carried by the feminist revolution, we  
470 got on this wave; house, job, children. Is it a myth, a  
471 chimera? It's very hard to balance.

473 And another said:

474 I feel I work too hard...I am hoping to change that  
475 some day soon...I try to manage work and children...  
476 It's giving giving giving, a constant juggle.

478 Finally, another said simply: "I think it's a myth, you  
479 can't have it all and family or partner."

480 Many referred to the real difficulty of trying to fit in  
481 work, family life, and some sort of social life/holiday time  
482 or leisure activity of their own. One woman said she could  
483 not achieve this sort of balance, so "Now I don't take  
484 holidays because I'm trying to manage family, juggle days  
485 and hours." Others commented that men can maintain the  
486 work/family balance, and keep hobbies or leisure  
487 activities going as well, but this is because "I don't  
488 think things have changed since my parents' time." Some  
489 thought men are better at "compartmentalising" work and  
490 family life, but others felt men had the same difficulty as  
491 women, due to the long hours and heavy workload.

492 The physical bond of having children was seen as  
493 another factor that was difficult to adjust to, for new  
494 fathers as well as new mothers. Also, the issue of guilt  
495 was raised, with concern expressed about the effect upon  
496 children where both parents work long hours. Due to all  
497 these factors, the desire to improve work/life balance and  
498 particularly to spend more time with children was seen as

a significant reason for exiting from a legal career. 499  
However, once again, this was more frequently cited by 500  
women than men. One male solicitor noted that "many 501  
talented women come up and drop out of firms due to 502  
relationships." 503

However, where women leave legal careers ostensi- 504  
bly for family reasons, some participants in the study 505  
questioned whether this was their true motivation: had 506  
they actually enjoyed legal work itself? According to one 507  
participant: "Love of work/motivation/excitement/ 508  
adrenalin/love of argument" are the motivating factors 509  
for women working in law. These, said another, are "why 510  
and how you manage the balancing. But if you don't like 511  
the work, your family will take priority." 512

**Flexible working arrangements and leave entitlements** 513  
514

In an attempt to address the difficulty of achieving 515  
work/life balance, legislation has been introduced provid- 516  
ing for a range of leave entitlements, many derived from 517  
European Community employment law.<sup>3</sup> The Maternity 518  
Protection Act 1994 entitles a pregnant employee to 18 519  
consecutive weeks' maternity leave, around the time of 520  
birth. There is an option to take up to a further 8 conse- 521  
cutive weeks unpaid additional leave immediately after 522  
the 18 weeks. Although there is no obligation on the 523  
employer to pay an employee while on maternity leave, 524  
maternity benefit from the Department of Social Com- 525  
munity and Family Affairs is usually available.<sup>4</sup> Employer 526  
paid maternity leave is also common, but at the time of the 527  
survey, by no means widespread. However, very recently, 528  
the solicitors' professional body, the Law Society of 529  
Ireland, adopted a recommendation to ensure that 530  
maternity leave is paid by law firms to their female 531  
employees at full salary.<sup>5</sup> Adoptive leave is available on 532  
terms similar to those for maternity leave. 533

The Parental Leave Act 1998 provides for an 534  
additional entitlement to unpaid parental leave, available 535  
for each parent for up to 14 weeks, to be taken before the 536  
child is five years of age. *Force majeure* (emergency) 537  
leave provisions in the same Act allow for short periods of 538  
paid leave for up to 3 days/year, only available when 'for 539  
urgent family reasons owing to the injury or illness' of a 540

<sup>3</sup> These are dependent on the status of 'employee' so are not generally applicable to barristers or partners in law firms, who are by definition self-employed.

<sup>4</sup> The rate of the statutory benefit is low. In 2005, it ranged from €165.60 to €249. Available at: ([http://www.oasis.gov.ie/birth/benefits\\_and\\_entitlements\\_relating\\_to\\_birth/maternity\\_benefit.html](http://www.oasis.gov.ie/birth/benefits_and_entitlements_relating_to_birth/maternity_benefit.html)).

<sup>5</sup> McCaffrey, Una, 'Solicitors vote to change maternity pay system,' *Irish Times* newspaper, 9 February 2005.

541 family member, ‘the immediate presence of the employee  
542 at the place where the ill or injured person is situated, is  
543 indispensable.’<sup>6</sup> Other forms of leave, such as compas-  
544 sionate leave, are discretionary. There is no provision for  
545 paid paternity leave in Irish law. Nor is there any provision  
546 for the taking of leave by those who are self-employed.

547 Perhaps because of this, the results of the 2002 survey  
548 indicate that a large proportion of lawyers have never  
549 taken any leave. The pattern of take-up of leave, where it  
550 occurs, is highly gendered. Among male lawyers  
551 participating in the survey, the maximum number availing  
552 of any form of leave was as follows: paid sabbatical/study  
553 leave (20 men), *force majeure* (9 men), and compassionate  
554 leave (7 men). Women participants had availed of: fully  
555 paid maternity leave (76 women), maternity leave with  
556 statutory benefit only (43 women), followed by paid  
557 sabbatical/study leave (31 women), and paid compas-  
558 sionate leave (30 women). A total of 19 respondents had taken  
559 unpaid parental leave—all but one of whom were women.

560 The study established a similarly low level of take up  
561 of flexible working arrangements more generally. More  
562 women than men *could* avail of reduced hours among  
563 legal professionals, but only 44 women and 6 men availed  
564 of this arrangement. Fewer than 10 men had availed of  
565 flexitime/reduced or part-time hours, while 20 female  
566 respondents worked flexitime and 11 more had a job-  
567 share or part-time arrangement. The clear gender dif-  
568 ference in take-up of flexible working arrangements was  
569 confirmed by discussions in the focus groups, where the  
570 male participants agreed that it would be difficult in  
571 practice for a man to avail of flexible work arrangements,  
572 even where these were made available: “For a guy, you  
573 have to prove you’re critically ill to get it.”

574 When asked why they had not taken leave or sought  
575 to avail of flexible working arrangements, the most  
576 common reason given was that respondents, both male  
577 and female, said they have never needed it. A smaller  
578 group of respondents to the survey said they regretted  
579 not taking leave, but had either not been allowed to take  
580 leave by their employer, were unaware of its availabil-  
581 ity; or could not take leave due to being self-employed.

582 The persistence of this culture can mean for example  
583 that women simply do not take maternity leave, even  
584 where they are statutorily entitled to do so as employees.  
585 One woman solicitor said that she had “returned to work  
586 2 weeks after the birth of each child—did not feel leave  
587 was necessary.” In the same vein, a woman barrister noted  
588 that “due to the fact that I was self-employed I worked  
589 until the day my daughter was born and returned to work  
590 3 days later.”

591 The difficulty with taking maternity leave was  
592 emphasised further in focus group discussions. One real  
593 problem is that even where family leave was negotiated for  
594 all partners and/or employees in a firm, in practice, men do  
595 not take it, so the pressure is on women to: not take it either,  
596 or to cut it short. One woman solicitor recalled being the  
597 first in her firm to take maternity leave some years pre-  
598 viously and being told by a male partner “I don’t know  
599 why we employ women; they go off and have babies.”

600 Similar difficulties arose where lawyers had sought to  
601 avail of flexible work arrangements. For some, the main  
602 obstacle was the fact of being self-employed. One female  
603 solicitor commented: “This is a normal consequence of  
604 being self-employed.” Another said: “Attempts to work  
605 both reduced hours and to work from home have proven  
606 difficult because of client requirements and requirements  
607 to meet fee targets.”

608 Even for those lawyers in employment, flexible work  
609 arrangements were difficult to negotiate due to opposi-  
610 tion from employers. One lawyer commented: “Endea-  
611 voured after birth of kids to take full period of maternity  
612 leave—unsuccessful. Also tried to work part-time for a  
613 short period i.e. 1 month—again unsuccessful.” Another  
614 said simply: “Part-time working/working from home—  
615 no one here knows the drill and some have different  
616 understanding from others. Poor admin and personnel/  
617 HR procedures.”

618 Where lawyers had successfully negotiated the taking  
619 of leave or the introduction of flexible working, many  
620 explained that this had adversely affected their career  
621 development, confirming the findings of Kodz et al. (2002)  
622 and Hogarth et al. (2001), for example, that availing of  
623 family friendly working arrangements is often seen as a  
624 lack of commitment to one’s career. Significantly more  
625 women had experienced an adverse impact on their careers  
626 when they had availed of forms of leave/flexible working  
627 arrangements. More female respondents believed that  
628 availing had affected them ‘a lot’ (20%) or ‘a little’ (19%)  
629 compared with their male colleagues (8% and 5%).

630 Three main effects from the taking of such leave or  
631 flexible working arrangements were identified by  
632 respondents:

- 633 (a) loss of promotional opportunity—“any attempt to  
634 do less than full time work affects one’s promo-  
635 tional prospects”;
- 636 (b) loss of clients/earning potential—“Lost clients  
637 because of maternity leave”; “As a part-time  
638 working mother the areas of law in which I was  
639 given work were limited due to my partial un-  
640 availability. My earning potential was reduced”;  
641 “Pay remained stagnant during periods of maternity

<sup>6</sup> Parental Leave Act 1998, Sections 13 and 14.

642 leave. No proper mechanisms in force for take-over  
643 of workload during maternity absence”; and  
644 (c) negative perceptions of colleagues—“perceived as  
645 willing to settle for less”; and this comment from a  
646 woman barrister: “When I decided to return to  
647 work full time about 9/10 years ago it took 4/  
648 5 years for solicitors and colleagues to accept that I  
649 was now taking the job more seriously.”  
650

651 However, some respondents regarded these effects as  
652 short-term only: “Maternity leave followed by returning  
653 to work part-time has probably affected my chances of  
654 partnership for the next few years but I don’t think it will  
655 long term be a problem”; “Halted career progression but  
656 hopefully will not result in permanent damage.”

657 For others, the effect was more fundamental, for ex-  
658 ample the woman solicitor who said: “I basically had to  
659 start all over again after returning to workforce.” Another  
660 respondent, a woman barrister, similarly recalled:

661 As a result of taking short periods of time out and then  
662 working part-time I was left behind by my contempor-  
663 aries who continued to advance. Following my return  
664 to work full time I had to work very hard to attempt to  
665 make up lost time and found this task very difficult.  
666

667 In focus groups, it was acknowledged that availing of  
668 leave or flexible work arrangements did impact adverse-  
669 ly, particularly upon women, since only women tended  
670 to avail. For example, few of women who worked part-  
671 time in solicitors’ firms are likely to become partners.  
672 Another obstacle to advancement related to transactional  
673 work in corporate firms. If a solicitor does commercial  
674 transactional work, participants pointed out that the same  
675 team is needed throughout the deal. Thus, the nature of  
676 the job requires both long hours and continuity, so work  
677 cannot be delegated, and women partners on short time  
678 work find that they are often still working when they are  
679 supposed to be at home on a short-time week.

680 The disadvantage suffered by women seeking to  
681 avail of shorter working hours was summed up by one  
682 participant who recalled:

683 I was working on a transaction with another woman  
684 lawyer who was part-time and had to be out of the  
685 office every day at 3 pm, every time I spoke to her I  
686 could hear the fear in her voice about having to get  
687 out. It wasn’t fair on her or the firm to allow her to  
688 go flexi-time and stay in that line of work.  
689

690 The consensus across different groups was that the  
691 only way to manage reduced hours is to work a 4-day  
692 week, rather than to work shorter hours each day, since  
693

694 as one solicitor said, “The files are like ghosts, floating  
695 around—it’s hard to leave them behind.”

696 Most participants also agreed with the conclusion  
697 that, even for salaried solicitors in firms offering the  
698 option of flexible working hours, only the women avail  
699 of this arrangement—and this fact adversely affects  
700 women, since they are not seen as being sufficiently  
701 committed to their career. As one male participant asked,  
702 “If someone is on shorter time, you ask how committed  
703 are they? How much can they achieve in four days? This  
704 is a practical question, not gender-related.”

705 However, a difference of view emerged among the male  
706 participants in terms of the availability of shorter working  
707 time or flexible working arrangements for men. Some  
708 argued that a man could now seek to work short-time and it  
709 would be received as well as if a woman sought it. However,  
710 while one man denied that availing of such arrangements  
711 disadvantaged women’s careers, he asked: “Could we run a  
712 firm if all our partners did it? It would be difficult” and he  
713 added: “If a man did it you’d think he was a slacker.”

714 Moreover, none of the male participants knew any  
715 man who had ever sought flexible work arrangements,  
716 although they pointed out some firms have male con-  
717 sultants who work shorter days than employees or  
718 partners—but they are not considered to be availing of  
719 ‘flexible work arrangements.’

720 Other participants noted that in many cases men  
721 actually take time off too, but on an informal basis, for  
722 example to play golf. The double standard this entails was  
723 summed up by one woman solicitor, who said (without  
724 irony): “We don’t have flexible arrangements for partners,  
725 it’s not like taking a day off for golf; that’s managing time,  
726 not flexible arrangements.” When respondents asked about  
727 taking time out from their careers, 80 women and 21 men  
728 gave their reasons. These were highly gendered. Travel  
729 was the reason cited for taking time out by 3 men and 24  
730 women. However, 21 women professionals mentioned  
731 family reasons including 9 women who had taken time out  
732 before/after having children. In contrast, only one male  
733 respondent mentioned family as a possible reason. Health  
734 was important to both women (17) and men (5). Other  
735 reasons related to time out between jobs, alternative  
736 employment, and leisure pursuits other than travel.

## 737 **Improving work/life balance**

738 Given all the problems identified in seeking to achieve  
739 work/life balance, respondents to the survey were asked to  
740 rank the importance of different measures that might im-  
741 prove work/life balance in their profession. Gender dif-  
742 ferences again emerged in the rankings offered. Women  
743 respondents generally found the adoption of a part-time or

744 reduced hours option to be the most important of these  
745 measures. Women also tended to rank the adoption of a  
746 comprehensive maternity/parental leave policy as impor-  
747 tant. By contrast, men found these measures less important.  
748 Perhaps surprisingly, the provision of a workplace crèche  
749 was not ranked highly by respondents of either sex.

#### 750 **Reduced/flexible work**

751 More than half of the female respondents (57%)  
752 ranked the adoption of a part-time/reduced hours/flexible  
753 work arrangements scheme as 'very important' and a  
754 further 23% ranked it as 'important.' In contrast, only 37%  
755 of male respondents ranked such work arrangements as  
756 'very important' and 26% as important. These differences  
757 are highly statistically significant.

#### 758 **Comprehensive WLB policies**

759 Almost half the women (46%) ranked the introduction  
760 of comprehensive policies (e.g. on maternity/adoptive/  
761 paternity/parental/force majeure leave) as 'very impor-  
762 tant' and a further 23% ranked their introduction as  
763 'important.' Only 31% of male respondents considered  
764 the introduction of such policies as 'very important' and  
765 24% as 'important.' These gender differences in responses  
766 were highly statistically significant.

#### 767 **Locum/substitute**

768 The provision of a formalised locum/substitute scheme  
769 for those on leave/reduced hours received lower rankings  
770 by women and men and the differences between the  
771 rankings by men and women were not statistically sig-  
772 nificant. Under one-third of the female respondents ranked  
773 the provision of such as scheme as 'very important'  
774 compared with 25% of men. In addition, a further 24% of  
775 women and 22% of men ranked this as 'important.'

#### 776 **Workplace crèche**

777 The provision of a crèche facility in the workplace was  
778 ranked as 'very important' by less than one-third of the  
779 female respondents (30%) and just over one-quarter of male  
780 respondents (26%). An additional 14% of the women and  
781 11% of the men ranked a crèche facility as 'important.' There  
782 were no significant gender differences in the responses.

#### 783 **Other measures to improve work/life balance**

784 When asked what other measures could improve work/  
785 life balance, respondents gave many diverse answers;

some suggested extremely lengthy and thoughtful lists of 786  
potential measures. A substantial number focused on the 787  
lack of any provision for childcare/maternity facilities— 788  
among barristers, suggestions to remedy this included: 789  
"Provision of creche facilities in or near the law library part 790  
subsidised"; "Maternity paid by Bar Council"; "Some kind 791  
of recognition that women should have at least 3 months 792  
leave when recovering from the birth of a child and that 793  
work and loyalty briefing should take this into account." 794

One barrister emphasised the importance of measures 795  
like these, and the effect of their absence on her career 796  
and life: 797

There appears to be no system in place whereby 798  
'temporary' or 'locum' barristers can be taken on in a 799  
case while the original barrister is on maternity leave. 800  
There should also be a formal system whereby cases 801  
are not set down for trial during a barrister's maternity 802  
leave. There needs to be a new culture in the legal 803  
profession including the law library whereby pregnant 804  
women are respected and given certain rights. The 805  
present position is that having a baby adversely affects 806  
your career unless you come back to work almost 807  
immediately after the birth. For me, this is the single 808  
most difficult aspect of being a barrister—I have been 809  
putting off the prospect of pregnancy for that reason. 810

However, the majority of answers fell into the general 812  
category of easing the pressure of work or changing the 813  
long hours culture: "Work/life balance within own 814  
control"; "The ability to take leave for a year or two to 815  
have a family and then to be able to resume career at full 816  
speed"; or the following suggestion: 817

Home working/annualised hours/term-time working/ 818  
public transport it has a serious impact on hours. Elec- 819  
tronic file/laptops enabling home working. Remem- 820  
bering that the whole person comes to work i.e. with 821  
the fact that they may have family commitments too. 822

This attempt to tackle the culture of long hours was 824  
echoed by others, some of whom took a particularly 825  
pessimistic view: "The law is still a male-dominated area 826  
especially as they are normally 'partners.' Very few women 827  
in my area have been made 'partners.' V. inflexible hours. 828  
Huge pressure of work. Very hard on your own personal 829  
life. Very difficult life." 830

However, there were many innovative solutions offered 831  
from within the solicitors' profession: "Refresher courses 832  
targeted at persons wishing to return to work after some 833  
years absence"; "Options for leave during school holidays 834  
even unpaid"; "Job sharing. Colleagues in Law Centres can 835  
avail of this and it seems to work very well"; "Law Society 836  
to promote technology awareness to provide for more 837

838 flexible routine e.g. parent can work more effectively from  
839 home...”

840 Barristers also offered some creative suggestions:

841  
842 Proper insurance for time out”; “Paid devilling from  
843 a central fund of the bar...”; “A chance to get  
844 reasonable affordable desk/office facilities and an  
845 improved communal computer room...”; “Increased  
846 use of IT throughout courts system to reduce  
847 outdated work practices.

#### 849 **Conclusion—‘struggling with juggling’**

850 As this paper outlines, the 2003 Irish lawyers’ survey  
851 demonstrates that a marked gender difference is evident in  
852 the ability to achieve work/life balance in the legal  
853 professions in Ireland. First, male lawyers are more likely  
854 to have a spouse or life partner who is working part-time or  
855 working in the home, whereas only a very low proportion  
856 of women lawyers have a spouse or life partner in any of  
857 those categories. Of those women who have a spouse or life  
858 partner, the majority of their partners are working full-time  
859 outside the home.

860 Second, a marked gender difference is discernible in  
861 terms of the findings about children. According to the  
862 survey, women lawyers are less likely to have children than  
863 men. Of those women who do have children, the norm is to  
864 have only one or two, whereas the tendency among male  
865 legal professionals is towards larger families. Men tend to  
866 have their children cared for by their life partner, whereas  
867 women are more likely to use a childminder or crèche.

868 Demand for, and take-up of, work/life balance options  
869 also varies according to gender. Men are reluctant to avail  
870 of family leave or flexible working time arrangements; so,  
871 when women do, it impacts, or is perceived to impact,  
872 adversely upon their careers since colleagues or superiors  
873 may question their commitment to their professional role.  
874 This is particularly so as ‘commitment’ to practice is  
875 valued above all else. Double standards thus apply, to the  
876 detriment of women within the legal professions in  
877 Ireland. As a result, many women are struggling with the  
878 impossible task of trying to balance a busy working life  
879 with the raising of children and the running of a household  
880—and are selling themselves short in terms of social life,  
881 holidays or leisure pursuits. Creative solutions were  
882 suggested by some participants to the study as to how  
883 pressures might be eased in legal work—but many others  
884 saw the struggle as an inevitable part of a legal career.

885 As a result of the gender divide on work/life balance  
886 issues, both male and female lawyers participating in the  
887 study agreed that the most important way to improve  
888 opportunities for women in law is to achieve a greater

889 facilitation of work/life balance and to change the ‘long  
890 hours’ culture. Clearly, other issues also contribute to the  
891 existence of structural gender discrimination. The study  
892 identified, in particular, a persistent culture of exclusion,  
893 described by many women lawyers as an ‘old boys club.’  
894 This culture operates to deprive women of the chance of  
895 participating in sporting and social networks and events  
896 that are highly influential in furthering a legal career. As  
897 [Sommerlad and Sanderson \(1998\)](#) have written, this  
898 exclusionary culture means that women are less likely to  
899 develop the sort of ‘social capital’ necessary for promo-  
900 tion, and certainly is a significant factor in hindering  
901 women’s career paths. However, the greatest obstacle to  
902 women’s career progression identified by the study  
903 remains the difficulty of achieving work/life balance.

904 The study therefore indicates a demonstrable need for  
905 the adoption of policies on work/life balance by the  
906 professional bodies, and a need for employers to be more  
907 flexible in accommodating and facilitating homework-  
908 ing, reduced hours, and other flexible working arrange-  
909 ments. Similarly, legal professionals need to be made  
910 aware, by professional bodies and employers, of their  
911 statutory and any additional employee rights in relation  
912 to maternity, parental leave and work/life balance  
913 arrangements.<sup>7</sup> However, in order for real balance to  
914 be achieved for working lawyers, this sort of policy  
915 change will need to be supplemented by action to ensure  
916 that employees do not suffer disadvantage to their care-  
917 ers when taking family-related leave, or when availing  
918 of flexible working arrangements.

919 In addition, it will be necessary for professional bodies  
920 to provide a system of locums or substitute professionals  
921 who can be appointed to temporarily replace men and  
922 women who take leave. The demographic findings of the  
923 study indicate that there will be an increasing demand for  
924 childcare facilities among lawyers in the future, and this  
925 demand should be met through the introduction of crèches  
926 at legal workplaces and/or financial concessions towards  
927 childcare costs.

928 Despite the feminisation process in the legal profes-  
929 sions, evident over the last two decades, the idea that  
930 women will inevitably ‘trickle up’ through the legal  
931 hierarchy by dint of sheer volume of numbers has been  
932 exposed as a fallacy. In Canada, for example, on-going  
933 barriers to women’s career progression were reviewed in a  
934 report published 10 years after a seminal study conducted  
935 in 1993 by the Canadian Bar Association Gender Equality

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<sup>7</sup> The recent recommendation of the Law Society of Ireland, referred to earlier, that maternity leave be paid by law firms to their female employees at full salary is a welcome example of good practice.

936 Task Force (CBA, 1993). The follow-up report noted that,  
 937 although women have been entering legal practice in  
 938 significant numbers since the end of the 1970s, they have  
 939 yet to make the inroads in career advancement comparable  
 940 to their male contemporaries (CBA, 2003). Similarly, an  
 941 international research project compiling data on women  
 942 lawyers across 15 countries and four continents also iden-  
 943 tified particular issues impeding women’s career progres-  
 944 sion as lawyers, despite the increasing numbers of women  
 945 entering legal practice (Schultz & Shaw, 2003).

946 The legal professions in Ireland, and elsewhere, have  
 947 become dramatically feminised over the last few decades,  
 948 as evidenced by the recent increase in women entering  
 949 legal studies. But this study, like those conducted in other  
 950 jurisdictions discussed earlier, confirms that significant  
 951 difficulties are encountered by women when confronted  
 952 with the need to combine work and family responsibil-  
 953 ities. In particular, a consensus emerges from the literature  
 954 that parenthood does not adversely impact on the careers  
 955 of men to the same extent. Changes in the structuring of  
 956 legal work and family work are clearly required to address  
 957 this gender imbalance. Cultural changes are what will  
 958 ultimately provide the necessary means to end the  
 959 ongoing ‘struggle to juggle’ for women lawyers, both in  
 960 the public and in the private sphere.

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965 **References**

966 American Bar Association Commission on Women in the Profession  
 967 (1990). *Lawyers and balanced lives—a guide to drafting and*  
 968 *implementing workplace policies for lawyers*. Washington DC: ABA.  
 969 American Bar Association Commission on Women in the Profession  
 970 (2001). *Balanced lives: Changing the culture of legal practice*.  
 971 Washington DC: ABA.  
 972 Anker, R. (1998). *Gender and jobs: Sex segregation of occupations in*  
 973 *the world*. Geneva: International Labour Office.  
 974 Bacik, Ivana, Costello, Cathryn, & Drew, Eileen (2003). *Gender*  
 975 *InJustice: Feminising the legal professions?* Dublin: Trinity College  
 976 Dublin Law School.  
 977 Boston Bar Association Task Force on Work/Family Challenges  
 978 (1999). *Facing the grail: Confronting the cost of work–family*  
 979 *imbalance, Boston*.  
 980 Bourdieu, Pierre (1986). The forms of capital. In J. Richardson (Ed.), *A*  
 981 *handbook and research for the sociology of education*. New York:  
 982 Greenwood Press.  
 983 Canadian Bar Association (1993). *Touchstones for change: Equality,*  
 984 *diversity and accountability*. Ottawa: CBA.  
 985 Canadian Bar Association (2003). *Annual equality report, ten years*  
 986 *into the future: Where are we now after touchstones?* Ottawa: CBA.

1047

Collier, Robert (1998). *Masculinities, crime and criminology*. London: 987  
 Sage. 988  
 Connell, Robert (1995). *Masculinities*. Cambridge: Policy. 989  
 Drew, Eileen (2005). Work/life balance: Senior management cham- 990  
 pions or laggards? *Women in Management Review*, 20(4), 991  
 262–278. 992  
 Drew, Eileen, Murphy, Candy, & Humphreys, Peter (2003). *Off the*  
 993 *treadmill: Achieving work/life balance*. Dublin: Family Friendly  
 994 Framework Committee. 995  
 Eisenstein, Zillah (1981). *The radical future of liberal feminism*. 996  
 London: Longman. 997  
 Hakim, C. (2000). *Work–lifestyle choices in the 21st century:*  
 998 *Preference theory*. Oxford: Oxford University Press. 999  
 Hogarth, Terence, Hasluck, Cris, Pierre, Gaëlle, et al. (2001). *Work–*  
 1000 *life balance: 2000, baseline study of work–life balance prac-*  
 1001 *tices in Great Britain*. London: Department of Education and  
 1002 Employment. 1003  
 Jack, Rand, & Crowley Jack, Dana (1989). *Moral vision and*  
 1004 *professional decisions: The changing values of women and men*  
 1005 *lawyers*. New York: Cambridge University Press. 1006  
 Kodz, Jenny, Harper, Heather, & Dench, Sally (2002). *Work–life*  
 1007 *balance: Beyond the rhetoric, research report no. 384*. Brighton:  
 1008 Institute for Employment Studies. 1009  
 Mata Greenwood, A. (2001). Gender issues in labour statistics. In M. F.  
 1010 Loutfi (Ed.), *Women, gender and work: What is equality and how*  
 1011 *do we get there?* Geneva: International Labour Office. 1012  
 O’Donovan, Katherine (1985). *Sexual divisions in law*. London:  
 1013 Weidenfeld. 1014  
 Olsen, Frances (1983). The family and the market: A study of ideology  
 1015 and legal reform. *Harvard Law Review*, 1497. 1016  
 Pateman, Carol (1988). *The sexual contract*. Cambridge: Polity Press. 1017  
 Schultz, Ulike, & Shaw, Gisela (Eds.). (2003). *Women in the world’s*  
 1018 *legal professions* Oxford: Hart Publishing. 1019  
 Sommerlad, Hillary, & Sanderson, Peter (1998). *Gender, choice and*  
 1020 *commitment: Women solicitors in England and Wales and the*  
 1021 *struggle for equal status*. Aldershot: Ashgate.

Thornton, Margaret (1996). *Dissonance and distrust: Women in the*  
 1023 *legal profession*. Melbourne: Oxford University Press. 1024  
 Walby, S. (1990). *Theorising patriarchy*. Oxford: Basil Blackwell. 1025

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 Law School, 2003) with Ivana Bacik and Cathryn Costello. 1045  
 1046