



Women in Law & Leadership

South African Bar



PATTERNS | PROGRESS | PROSPECTS

WOMEN IN LAW AND LEADERSHIP: SOUTH AFRICAN LEGAL PROFESSION

Patterns, Progress, and Prospects



Institute for African Women in Law
African Women in Law and Leadership Initiative



The Institute for African Women in Law (IAWL) is a nonprofit, non-governmental organization established in 2015. It is committed to supporting the formidable works of women in law across the continent of Africa and the Diaspora. Our mission is to be a focal point for addressing issues across the legal and judicial professions. The institute is headquartered in Washington, DC, USA.

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We are forever indebted to the women in law who keep pushing forward, against all odds, to be heard, seen and acknowledged for their contributions to their institutions, even if they are not rewarded with the leadership roles they deserve.

FOREWORD

I started nurturing my leadership skills when I became the lead Girl Guide in primary school. I continued to lead in various forms throughout my legal career, and I am humbled to state that today I am the deputy president of the Black Lawyers Association and the Pan African Lawyers Union. I set up my first law firm, Ramothwala Lenyai Incorporated, in 1999, four years after completing my LLB. I underwent some turbulent times with that firm in a decade-long legal battle. In 2018, I established a new firm, Mabaeng Lenyai Inc. My leadership ventures and activism eventually led to me becoming the president of the Law Society of South Africa in the first quarter of 2022. I am the first woman to occupy that position. My experiences as I pursued leadership throughout my entire career resonate with this report's central aim: to identify the barriers, points of attrition, progress, and trends for female lawyers in South Africa.

For so long, the profession had been men's domain. Upon women's entry, we had to confront a number of patriarchal attitudes and male-driven barriers. Sometimes we win, and sometimes we lose. But I believe, as this report communicates, that having women equally represented in leadership is the way to go. Women's equal representation works for many reasons. It gives women an equal voice in decision-making so that decisions that affect society reflect their input. It serves as a representation for other women and young girls to know that they can make it too. It also means more female leaders can mentor younger women to rise.

This report is replete with the experiences of female lawyers in South Africa regarding leadership. It highlights barriers such as society's negative perception of women's abilities to perform hardcore legal tasks, motherhood, and the old boy club phenomenon. It also names facilitators, such as working in women-led or women-predominant firms or organizations, self-confidence, organizational support, unbiased work environment, and clients' requests for female lawyers. It draws attention to the negative and positive trends within the profession and highlights the impact of COVID-19. Positive trends of increased mentorship programs were noted, despite a negative trend of attrition, especially from big law firms. Smaller law firms have completely shut down. COVID-19 had an adverse but minimal impact on women's leadership potential. The most valuable addition this report brings to the table is targeted recommendations for law firms and organizations, law associations and societies, female lawyers, researchers, and funding agencies. These recommendations, if the respective stakeholders take them seriously, will advance women's leadership in South Africa's legal profession. I congratulate IAWL for this initiative. Well done!

Mabaeng Lenyai
President, Law Society of South Africa

FOREWORD

When I started researching African women in law in 2015, I was frustrated by what I have consistently characterized as the arid desert of information on the topic. As my research continued, I likened seeking literature to the proverbial search for a needle in a haystack. The challenge was enormous, but rather than give up, I decided to make it my mission to build this field of knowledge. This mission led to my co-edited book, *Gender and the Judiciary in Africa: From Obscurity to Parity?* (Routledge, 2016), the first book to cover the topic of gender and judging in the African context. Its success spurred me on and inspired the second book, *International Courts and the African Woman Judge: Unveiled Narratives* (Routledge, 2018), which used the power of oral narratives to center the experiences, achievements, and challenges of African women who had served on international courts and tribunals. Other books followed, which included the World Bank project *Gender and Judging in Africa: Selected Studies* (Routledge, 2021) and *Intersectionality and Women's Access to Justice in Africa* (Rowman and Littlefield, 2022).

The first two books brought two major findings to my attention –the paucity of research on African women in law, and the challenges they face in accessing training and leadership skills, contributing to their underrepresentation in leadership. These two findings led me to merge my scholarship with activism to address these challenges. The Institute for African Women in Law (IAWL) was born from my passion for women's empowerment and research. By concentrating on its four main goals, IAWL has positioned itself as a leader in promoting women's development through research, training, mentoring, and advocacy. Today, IAWL is a leading hub for research on African women in law through an exhaustive digital archive that includes research reports, women's narratives, and a Legacy Project on the subject.

This report forms part of the four-nation priority countries of Nigeria, Kenya, Senegal, and South Africa, a series of reports under the IAWL-commissioned Women's Excellence in Law and Leadership (WELL) Initiative. The overarching goals of these reports are to examine women's access to positions of leadership in the legal professions; review their retention and intersectional challenges and barriers that lead to attrition from the profession; and provide recommendations on interventions that can promote and facilitate their representation in leadership roles, with the goal of meeting UN SDG #5 on gender equality. The initiative provides a blueprint and recommendations for interventions by policymakers, gatekeepers within the profession, civil society organizations, bar associations, judicial authorities, funding agencies, and other bodies interested in promoting women's leadership in law.

This report highlights the need for more research on several questions about women in law in Africa. I am hopeful that more investments will be directed toward providing empirically rich and theoretically grounded research, as seen in this report. Beyond research, what is needed is a comprehensive portal of current data on women in the legal professions across Africa—a project that IAWL is already spearheading. I hope this report provides some glimpses of hope that the problems women in law face can be addressed by adopting the multipronged approaches provided here.

FOREWORD

To borrow from popular parlance—*you cannot fix a problem if you cannot measure it*. I invite you to support our continued efforts in amplifying women's voices in law and enhancing their capacity for positive societal change and development. Thank you.

J. Jarpa Dawuni, Esq., Ph.D.
Executive Director
Institute for African Women in Law

LIST OF ACRONYMS

CALS	Center for Applied Legal Studies
IAWL	Institute for African Women in Law
IBA	International Bar Association
JSC	Judicial Service Commission
LSSA	Law Society of South Africa
SAWLA	South African Women Lawyers' Association
SDG	Sustainable Development Goal
UN	United Nations

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Executive Summary








This study provides a broad overview of women's representation in leadership roles in the South African legal profession (the bar). While there is a focus on the representation of women in the bar in general, this study serves as a foundation to understand better the dynamics of gender inequality and the obstacles that impact the retention and advancement of women to leadership positions in the South African bar.

The legal system plays a unique role in addressing gender-based discrimination. Therefore, it is crucial for women to be well-represented in the legal sector. Based on their unique perspectives, women's participation and leadership in the justice system can play a valuable role in achieving the United Nations Sustainable Development Goals (SDGs), specifically goal number five on gender equality. This goal can be achieved by ensuring that women's specific interests and priorities are represented in decision-making processes.







The mere presence of women in a legal decision-making role can counteract both actual bias and perceptions of gender bias. For this reason, it is critical to document the existing quantitative and qualitative data that identifies women's representation in the legal profession in general and analyze it to assess the points of attrition in the pipeline, barriers to retention, facilitators of promotion, and progress and trends over time.

This report adds to the thin literature on women's leadership in the legal sector across the bar, the bench, and the legal academy – in four priority countries, including South Africa. The theoretical framework for this report is based on intersectionality, which explains the nature of the multiple social categories, identities, and contexts that influence women's ascent to leadership in South Africa's legal profession. It also draws on the glass ceiling framework, commonly used to explain systemic barriers that hinder women in corporate contexts.

Data for this report were collected through survey responses from 13 South African respondents (attorneys and advocates), 12 women and one nonbinary person predominantly working in the private-corporate legal sector, supplemented with data from a comprehensive desktop review of relevant literature. The findings from this study highlight the impact of intersectional challenges and key barriers to women's rise to leadership. These challenges affect the entire pipeline, leading to low retention in the profession and high attrition from the leadership pipeline.

	The major challenges and barriers identified include the following:
	Society's negative perception of women's abilities and motherhood;
	The old boy club phenomenon, which excludes women;
	Lack of mentorship and organizational support from law associations and societies;
	Women's burden to overperform to merit promotion and leadership;
	Mental health issues; and
	Women's empathetic traits that make them appear vulnerable.

Using action-oriented and solution-driven approaches, the study draws on the research analyses and participants' suggestions to provide robust suggestions and recommendations on interventions that can lead to positive outcomes for women.

	These facilitators of promotion to leadership and recommendations for supporting women in leadership include the following:
	Working in women-predominant firms or organizations;
	Organizational support for women;
	Clients' requests for female lawyers;
	Law firms making a conscious effort to create an enabling and unbiased work environment for female leaders to emerge;
	Law associations and societies actively advocating for female lawyers' leadership;
	Women building their self-confidence; and
	The need for longitudinal data and large-scale research on select issues, such as sexual harassment, gender-based workplace abuse, and female law students' career pathways.

Despite the challenges and barriers, women in the South African bar are forging ahead. The general patterns show a positive trend of increased mentorship programs, despite a negative trend of attrition, especially from big law firms.

The findings from this study indicate the need for multipronged approaches to addressing the intersectional challenges women face in the legal academy. These solutions will require key actors and actions from the government, legal professional organizations, civil society actors, women's groups, and male allies in the profession.

The role of philanthropic organizations and governmental funding agencies is vital to pushing SDG #5 forward to provide women equal and complete access to participating in decision-making.

The report's findings indicate the need for more research and data collection on women in the legal profession and investment in relevant leadership-boosting initiatives because of the significant role of the legal profession in shaping the drivers of the law and providing entry points for women's access to justice in society.



1 | INTRODUCTION



Similar to legal professions worldwide, South Africa has historically been male-dominated (Meyer, 2018). It is split into two parts: advocates (the bar) and attorneys (the sidebar).¹ This report focuses on female advocates and attorneys' experiences within professional organizations and law firms as partners and managing partners.

As of January 2022, about 57% of South African attorneys were men (LSSA, 2022b). Women were only allowed to join in 1923 when the Women's Legal Practitioners Act (Act 7 of 1923) was passed. The first female attorney, Constance Mary Hall, was admitted three years later (Hurter, 2018; Meyer, 2018). About 40 years later, the first Black female attorney, Desiree Finca, was admitted (Ngcukaitobi, 2018). Over the past two decades, there has been a gradual increase in the feminization of the profession. More women than men have increasingly enrolled in law programs, graduated with law degrees, and been admitted as attorneys (Meyer, 2021). In 2018, Meyer (2018) found that women constitute only 40% of private practice attorneys. A 2021 survey by LexisNexis, partnering with the Law Society of South Africa (LSSA), revealed a 5% increase in female legal professionals and a 7% increase in fully female-owned law firms in the last five years ((LexisNexis, 2021/22). Nevertheless, although South Africa's population has more women than men (Stats SA, 2021), the profession remains male-dominated in the leadership ranks (Meyer, 2021).

The representation of women decreases even further when it comes to owning and making decisions in law firms. After Hall, it took 89 years for the first woman, Sally Hutton, to be appointed as a co-managing partner of a big corporate law firm, Webber Wentzel (Lamond, 2017). A Lexis Nexis survey (2021/2022) showed that 27%, 47%, and 26% of respondents worked in firms owned by women, men, or both, respectively, and only 27% of decision-makers in law firms were women. Leadership positions in the profession, from senior partners of law firms to senior counsel at the bar, have not fully embraced women (CALs, 2014; Meyer, 2018; Morgan, 2013).

¹The split takes after the U.K. model, which has solicitors and barristers. In South Africa, attorneys can be likened to solicitors in the U.K., while advocates can be compared to U.K.' barristers.

There has also been some attrition. For example, in the Cape Bar, statistics show women leaving the bar: six in 2011, nine in 2012, two in 2013, ten in 2014, and eight as of March 2015 (Chitapi, 2015). This calls for investigating the reasons and points of attrition in the pipeline. It has been suggested that the “up-or-out” model² that some law firms use contributes to the higher attrition rates for female lawyers, hence the fewer women at the top (Rasivhetshela, 2020). In a qualitative study, Rasivhetshela (2020) found that 33% of the participants who were executives or partners in their law firms had moved in laterally from their previous firms, citing not fitting into the culture or model as the main reason. Sasinsky (2020) also showed that nine (81%) of 11 participants had left law firms for in-house legal positions at corporate organizations, which were relatively less intense and competitive.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) imposes an obligation on African states to ensure “increased and effective representation and participation of women at all levels of decision making” (ACHPRRW Protocol, Art. 9(2)). The Southern African Development Community Protocol on Gender and Development similarly mandates increasing women's representation in decision-making positions in both the public and private sectors. At first, state parties were to ensure that women have at least 50% representation by 2015 (SADC Protocol, Art. 12(1)). In 2016, that was revised, requiring state parties to ensure “equal and effective representation of women in decision-making positions in the political, public and private sectors” (Agreement Amending the SADC Protocol on Gender and Development, 2016, Art. 9). This amendment aligns with the 2015 United Nations (UN) Sustainable Development Goal 5 (SDG 5) on attaining gender equality and empowering all women and girls (Sen, 2015; UN, 2014).

SDG 5 outlines nine targets the international community should meet by 2030 (Sen, 2015; UN, 2014). Two are relevant to this study's focus. First is Target 5.5, ensuring “women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life” (UN, 2014, p.14). The legal profession contributes to political, economic, and public life, making women's full and equal participation at the senior decision-making levels imperative. Therefore, this report's inquiry into the factors that affect women's advanced ranks significantly contributes to achieving Target 5.5.

Secondly, Target 5.C requires states to “adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels” (UN, 2014, p.14). Before the UN set this target, South Africa adopted policies and laws to promote gender equality (Meyer, 2021; Rasivhetshela, 2020).³ For the legal profession specifically, efforts to develop a robust policy and legal framework began during the political reforms in the early 1990s (Meyer, 2021).

² The “up-or-out” model essentially requires someone to either rise through the ranks quickly or leave the work environment if they are unable to catch up.

³ See, for example, the Constitution of the Republic of South Africa (Act 108 of 1996), § 9(2) & 9(4); Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000); Employment Equity Act (Act 55 of 1998); National Policy Framework for Women's Empowerment and Gender Equality of 2002; Broad-Based Black Economic Empowerment Act of 2003, and Women's Empowerment and Gender Equality Bill of 2014.

The Planning Unit of South Africa's Department of Justice developed a strategic plan to transform the justice system and the legal profession in recognition of the fact that the profession prior to 1990 lacked diversity in terms of demographics. The Unit also issued three preliminary legal services charters as part of this plan (Meyer, 2021). The Legal Practice Act 28 of 2014 is the legislative framework for restructuring the profession by creating equal opportunities for all legal practitioners (Masengu, 2016; Meyer, 2021). Despite ample and robust gender equality policies and laws in South Africa, there is a lack of effective implementation, as these measures have not significantly facilitated the advancement of women (Meyer, 2018).

Driven by the need to understand and find solutions to women's underrepresentation in the leadership of the South African legal profession, this report answers two questions: (a) what are the points of attrition and barriers to women's ascent to leadership, and (b) what are the facilitators of female lawyers' promotion to and retention of leadership? The findings will enrich the data and analysis on women in law and leadership. The recommendations provided will help break down barriers and improve female lawyers' paths to career progression and leadership.



2

WOMEN IN THE SOUTH AFRICAN BAR: A REVIEW



Prior to 2013, when South African literature on women in the legal profession began to emerge, scholarship came from the Global North (Chitapi, 2015; Meyer, 2021). Understandably, much of the literature from South Africa focused on the racial diversity of the profession because of the country's racial past (Meyer, 2021).

Morgan (2013) pioneered the move toward studies on women in South Africa's legal profession. In her research assessing men's and women's perceptions of career advancement for women in law, Morgan (2013) observed that although the criterion for determining career advancement was gendered and prejudiced, the study participants had a fair and gender-neutral perception of the benchmark. Morgan (2013) identified a persistent denial of gender discrimination. For example, participants attributed women's struggle with achieving work-life balance, especially as mothers and people expected to perform certain gender roles, to personal choice instead of accepting it as a challenge common to women (Morgan, 2013). This is a myth, as evidenced by men dominating senior and partner positions at large law firms. The gender disparity in leadership is glaring (Morgan, 2013).

Focusing on the reasons for the slow change in diversity at the senior levels of South Africa's legal profession and its intersection with race and gender, a collaborative project in 2014 by the Center for Applied Legal Studies (CALs) and the Foundation for Human Rights identified some barriers to career advancement (CALs, 2014): race and gender discrimination, latent discrimination and "otherness" (invisible walls), sexual harassment, exclusionary networks, fronting/window dressing, skepticism about Black and female professionals' ability, language, accent, and class, skewed briefing patterns⁴ and work allocation, organizational and hierarchical structures aimed at profit-making rather than inclusionary workplaces, lack of training, monitoring, and accountability of early career professionals, and lack of mentoring and sponsorship (CALs, 2014).

The CALs (2014) report found that the profession permits gender discrimination, especially in relation to pregnancy.

⁴"Briefing pattern" refers to the trend of an advocate's work; that is, the nature of cases they work on, whether simple or complex. That pattern affects their clientele and financial gains.

This finding resonates with Morgan's (2013) conclusion about legal professionals seeing women's conflicting desires to rise to the upper echelons and to start a family as individual choices that have no bearing on gender discrimination, hence their denial of its existence (Morgan, 2013). Furthermore, the report highlighted the need to investigate these findings before a significant gender transformation is possible (CALs, 2014). This report's investigation is significant in that it answers that call and builds on earlier studies. Most importantly, this report moves the needle by providing concrete and tangible recommendations for investors, philanthropic organizations, and corporations interested in gender equality in the legal profession to invest in actionable projects to resolve these recurring challenges.

Beyond career progression within the bar, Chitapi's (2015) study on female lawyers in South Africa's advancement at the bar and from the bar to the bench revealed barriers consistent with those in Morgan (2013) and CALs (2014). Her findings were based on interviews with twelve female advocates at the Cape Bar and a survey of fifty women at the Johannesburg Bar. All the interviewees had at least ten years of practice experience and were eligible or approaching eligibility for judicial selection. Chitapi (2015) found the common barriers to crossover from the bar to the bench to include the challenging work environment, especially regarding maternity policies, skewed briefing patterns, lack of network and mentorship, gender discrimination, sexual harassment, hierarchical structures, and work-family balance. Chitapi (2015) also referred to the voluntary membership of the bar, which makes it a collegial yet competitive environment that results in tensions, usually against women. When asked about their judicial aspirations, considering the challenges they face at the bar, the respondents were generally reluctant to make the move. Chitapi (2015) cites, for example, a significant number of women unwilling to give up independence and work-life flexibility at the bar. Chitapi (2015) suggested that if women were willing to tolerate the demanding work environment in the legal profession, particularly at the bar, it could indicate even more challenging conditions for them on the bench.

Masengu (2016) also emphasized a connection between female advocates' and attorneys' challenges and their representation on the bench. Masengu (2016) found that unequal distribution of work and discriminatory perceptions of women's abilities were the two main challenges directly linked to women's underrepresentation on the bench. She argued that in order to increase women's representation, both challenges need to be addressed appropriately. Chitapi (2015) and Masengu (2016) indicated a considerable correlation between women's advancement at the bar, the sidebar, and the bench. Challenges at the attorney and advocate levels directly impact progression to the bench. Therefore, it is crucial to focus on the challenges women encounter at the bar to promote their advancement in that context and towards and within the judiciary. This report's focus on attorneys and advocates contributes to the scholarly attention and professional interventions needed within the wider South African legal profession.

Masengu (2016) hinted at the increasing gender diversity in the early stages of the profession, which decreases as women advance. In 2017, women were a majority (57%) of candidate attorneys (law graduates doing their articles of clerkship) (Klaaren, 2020). Pillay (2017) built on this observation by investigating the role of sponsorship in enabling more women to advance.

Drawing mainly on interview responses from 19 participants, who were either female partners through a sponsored relationship or partners who had sponsored other women to partnership positions, Pillay (2017) found seven characteristics of a sponsored relationship distinct from mentorship, counseling, and coaching and could inform a structured firm-managed program. The seven characteristics are skills development, a relationship of trust, networking, developing competence, work allocation, promotion, and creating an independent practice. Based on these characteristics, Pillay (2017) concluded that sponsorship is more career-oriented.

The findings by Pillay (2017) highlight how the role of trust in a sponsorship relationship that has traditionally been passed on from senior to junior male lawyers within the old boy club can be redefined to allow the trust to be transferred to junior female lawyers. This transfer creates a gendered workforce that instills equity and parity in the workplace (Pillay, 2017).

Meyer (2021), having studied the South African literature on women in the legal profession since 2013, made a significant contribution that narrowed the knowledge gap. She asked (a) to what extent has the profession been feminized and (b) what are the factors that impede the career prospects of women? To answer her first question, Meyer (2021) found a rapid numerical feminization at the entry level: university enrollment and graduation and vocational training and admissions. However, it has not been as rapid at the practicing and partnership levels. In response to her second question, she found three main obstacles to women's career prospects in the profession: (a) the hypercompetitive culture and long and irrational working hours; (b) the conflicting relationship between that culture and motherhood; and (c) stratification of social and cultural capital in the profession by gender, race, and class that enables women's exclusion, inequality, and marginalization (Meyer, 2021).

Rasivhetshele (2020) examined the factors that enabled female executives in elite law firms to progress and identified barriers to other female attorneys' advancement. The qualitative study involving interviews with 15 female executives/partners/directors revealed that facilitators included organizational and country support; targeted initiatives for developing women's leadership; self-confidence; mentorship, sponsorship, and other gender-specific interventions, such as extended maternity leave and flexible work schedules. Rasivhetshele (2020) found that women who work for women in less biased teams were more likely to advance. Despite some increase in representation within elite law firms, women remain underrepresented at the top—the partnership and equity levels. Promotion criteria and organizational structures were highly gendered to favor men, and motherhood slowed promotion. These findings align with the literature explaining women's underrepresentation (Rasivhetshele, 2020).

Sasinsky (2020) explored the intersectional nature of the factors influencing transformation in the South African legal profession via eleven semi-structured interviews. She focused on Black (African) female attorneys' intersectional experience and the relation to their career progression. Firstly, understanding their multiple intersecting identities helped with appreciating the impact on their performance and existence in their work environment.

For example, apart from gender and race, the “Black tax”⁵ was an additional (class) identity and commitment peculiar to Black women that impacted their progress and should not be ignored by law firms and organizations. Second, their intersecting identities contributed to their feeling of exclusion in addition to factors such as differential treatment, the hostility of the legal profession, and a lack of managerial education and understanding. Rasivhetshele (2020) found gender and race especially to be intersectional and inseparable in South Africa because the non-White female executive participants in the study considered race rather than gender to be their primary challenge.

This review has shown that the factors affecting female lawyers' rise to the higher echelons are multidimensional: the points of attrition, which Chitapi (2015) and Rasivhetshele (2020) briefly touched on, barriers, which Morgan (2013), CALS (2014), Masengu (2016), Meyer (2021), and Rasivhetshele (2020) highlighted, and facilitators of promotion and retention, which Meyer (2021) and Rasivhetshele (2020) investigated. The literature also revealed a bottom-heavy trend (more women at the lower levels). Lamond (2017) notes that despite some women occupying top leadership positions, they are “just not enough to stop anyone crying foul” (Lamond, 2017, p. 16), which endorses the significance of gender-proportionate leadership in all sectors, including the legal profession, as SDG-5 envisions. This report's findings add empirical scholarship to the nascent literature on women in leadership in the South African legal profession.



⁵“Black tax,” a term originating in South Africa, refers to workers of color's continuous obligation to financially support their family, often to pay back the family's input in raising them.

3

THEORETICAL FRAMEWORK



This report draws from the U.S. Black feminist theory of intersectionality, popularized by feminist legal scholar Crenshaw (1989), who used it to explain the connection between race and sex that influence Black American women's multifaceted experiences. The theory has since been developed by scholars who have introduced diverse conceptions (Carbado, Crenshaw, Mays, & Tomlinson, 2013; Davis, 2008; Else-Quest & Hyde, 2016; Gillborn, 2015). In a 2017 interview, Crenshaw described intersectionality theory as:

a lens through which you can see where power comes and collides, where it interlocks and intersects. It's not simply that there's a race problem here, a gender problem here, and a class or LGBTQ problem there. Many times, that framework erases what happens to people who are subject to all of these things.

According to Gillborn (2015), intersectionality involves various inequities and identities interrelating and interconnecting in different situations. Atewologun (2018) describes intersectionality as focusing on multiple positionalities of individuals and groups at different levels. Else-Quest and Hyde (2016) identify three broad common assumptions within these diverse definitions and conceptions. The first recognizes that all persons have multiple memberships in social categories that are linked such that one category's experience is connected to the other. Second, interconnections of inequality and power are entrenched in the categories. Third, all categories have individual and contextual components (Else-Quest & Hyde, 2016).

Rasivhetshele (2020) notes that although gender has been regarded as a prime difference in identities, it cannot be isolated from other social processes, such as race, ethnicity, and class. The literature has shown that the South African legal profession is gendered, racialized, and classed. Intersectionality theory explains how these multiple social categories, identities, and contexts interact to influence women's ascent to the highest rungs.

This report also takes inspiration from the glass ceiling framework, commonly used to explain systemic barriers that hinder women in corporate contexts (Johns, 2013; Ohemeng & Adusah-Karikari, 2015; Smith & Monaghan, 2013; Weidenfeller, 2012). Maunganidze & Bonnin (2021) used the framework in their work, which examined the experiences of female lawyers in Zimbabwe. It posits that women and other minorities are held back from leadership through invisible and artificial barriers created by organizational structures and practices (Johns, 2013; Mattis, 2004; Ohemeng & Adusah-Karikari, 2015; Smith & Monaghan, 2013; Weidenfeller, 2012). Structural changes and organizational commitment are necessary to dismantle systemic barriers. Women must also break the glass ceiling (Burnier, 2003; Johns, 2013). According to Ibarra, Ely, and Kolb (2013, p. 6), the invisible barriers include gendered career paths and gendered work as second-generation biases that “inadvertently benefit men although putting women at a disadvantage.” Since the framework’s inception in the 1980s, scholars have developed various conceptions and variations⁶ (Johns, 2013; Ohemeng & Adusah-Karikari, 2015; Smith, Caputi, & Crittenden, 2012). The corollary glass cliff framework suggests that when women break the glass ceiling, they continue to face subtle inequities that set them up for failure, drive them beyond their limits, and may lead to falling off a metaphorical cliff (Ryan & Haslam, 2005, 2007; Sabharwal, 2013).

Masengu (2016, p. 316) stated that “women mostly hang beneath the glass ceiling at law firms and worse yet at the bar.” From the literature, it appears that, at best, most women are used for window dressing. In this report, the glass ceiling framework illuminates the systemic barriers to women's leadership. The glass cliff framework clarifies how the profession's organizational structures, practices, and culture place female leaders at risk of falling off the cliff.



⁶The different conceptions include glass cliffs, glass escalators, glass walls, glass slippers, and glass cages.

4 | METHODOLOGY



This report relied on data from two main sources. First is a quantitative data set from an online cross-sectional survey administered to female (and non-binary) attorneys and advocates in South Africa. Quantitative research methods are used to explain occurrences or phenomena or test hypotheses by relying on numerical patterns to make their findings more representative of the target population (Bazeley, 2013). The second source is qualitative evidence from studies and literature drawn from comprehensive desktop research, including scholarly articles, books, official websites, and reports. Qualitative approaches explain occurrences or phenomena in depth and also test hypotheses (Muijs, 2010). Given the study's limitation with reaching a large number of respondents, the report drew from these two distinct data sets to complement the weakness of one approach with the strengths of the other, increasing the reliability of the findings. Findings from the qualitative data sources informed the hypotheses tested in the survey. Findings from the survey were compared with those in the literature to arrive at the conclusions presented.

South Africa's legal profession is divided into attorneys and advocates. Attorneys deal directly with clients and may represent them in lower courts. Advocates receive referrals from attorneys to represent clients in higher courts. Although both were targeted for the survey, more attorneys responded for two reasons. First, attorneys outnumber advocates. As of January 2019, there were 27,200 practicing attorneys and 7,000 candidate attorneys (LSSA, 2019). There were over 2,000 practicing advocates as of 2020 (Johannesburg Society of Advocates, 2022). Second, one of the partner organizations, the LSSA, consists mainly of attorneys.

An online survey questionnaire was created using Google Forms. An online survey is convenient because it allows lawyers, who are quite busy, to participate when it best suits them. Online surveys are also cost-effective. The survey comprised both closed- and open-ended questions. IAWL, which commissioned the research, partnered with the LSSA and South African Women Lawyers Association (SAWLA) in distributing the survey link across their membership and networks. The link was also sent to specific individuals to share across their lawyer networks. Data were collected between May and July 2022.

The sample size was thirteen lawyers—twelve attorneys and one advocate. Table 1 provides detailed participant demographics. Although this sample is not numerically representative of the attorney and advocates population in South Africa, the data are useful in drawing conclusions that corroborate or challenge existing data and are supplemented by qualitative data from research, such that the results documented in this report are reliable.

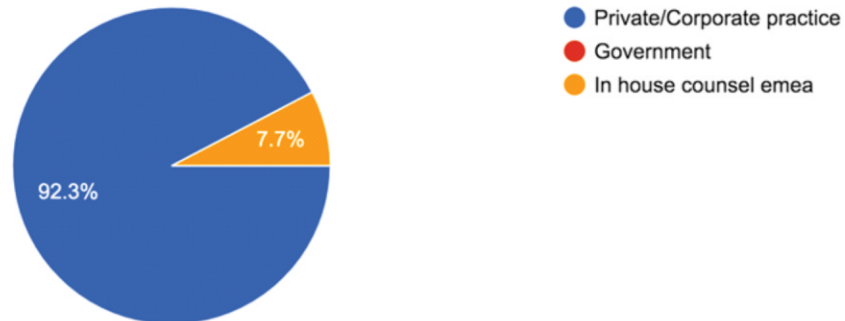
Table 1 | Profile of survey respondents

Variable	Frequency	Percentage
Gender		
Male	0	0.0
Female	12	92.3
Nonbinay	1	7.7
Race		
African	8	61.5
Colored	0	0.0
Indian	3	23.1
White	2	15.4
Years of Practice		
5 years and below	3	23.1
6-10 years	2	15.4
11-20 years	4	30.8
Above 20 years	4	30.8
Marital Status		
Single	6	46.2
Married	5	38.5
Divorced	2	15.4
Separated	0	0.0

From Table 1 and Figure 1, most respondents were African female attorneys working in the private or corporate spaces.

Figure 1 | Respondents' law practice sectors

Sector
13 responses



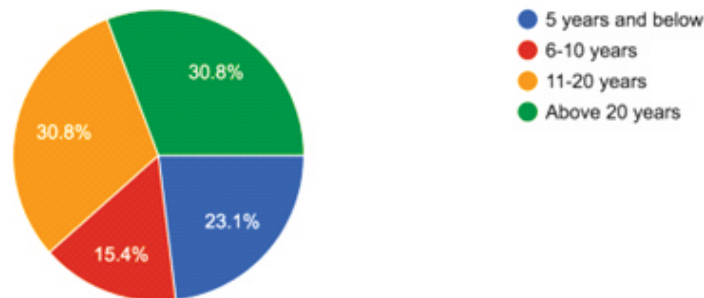
Source: IAWL survey, 2022

One respondent was an advocate, and another was an in-house counsel. Thus, this report's findings reflect much of the realities of leadership within the corporate/private spaces, particularly regarding attorneys.

As seen in Figure 2, about 62% of respondents had more than 10 years of practice.

Figure 2 | Respondents' years of legal practice

Years of Practice
13 responses



Source: IAWL survey, 2022

Therefore, the findings in this report show the views of lawyers who have been in the profession for a considerable number of years and can provide reliable information.

This report employs descriptive statistics for quantitative data and thematic analysis for qualitative data. The former was facilitated by Google Form's embedded statistical software. Themes and subthemes generated based on the study's inquiry were used to interpret and represent the qualitative data.

Respondents participated in the survey voluntarily and anonymously. It did not ask for any details that would identify them, such as name, email, phone number, or contact address. The survey contained a header at the beginning that explained the reason for the study and what their responses would be used for (research purposes) and assured the respondents of their anonymity.

A significant limitation of the study was the low number of responses to the survey, although IAWL partnered with two prominent lawyer associations. Despite periodic follow-ups, it took two months to get the thirteen responses, which required contacting other individuals outside of the two partner organizations. Two reasons could account for the nonresponse. The fact that lawyers are busy professionals who bill hourly was a potential barrier to their participation in the survey, as they may have been concerned about the impact it could have on their billing times. Similarly, the scarcity of time among lawyers was why interviews were not conducted, as they would have required even more time commitment. The second factor was the phenomenon of survey fatigue, where the intended participants may have already taken part in multiple surveys, leading to a lack of interest in participating in yet another one.





FINDINGS



5

FEMALE LAWYERS AND LEADERSHIP IN SOUTH AFRICA



5.1. Explaining the increase in the number of women lawyers

A. Progressive gender equality laws and policies

A reason that could explain the increase of women's representation in the legal profession is South Africa's constitutional and legislative efforts that entrench gender equality in all spheres of life, both public and private. The South African Constitution provides in section 9(2) that to “promote the achievement of equality, *legislative and other measures* designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.” For this reason, multiple pieces of legislation have been enacted to facilitate gender equality in various sectors. These laws include the Promotion of Equality and Prevention of Unfair Discrimination Act (Act 4 of 2000), Employment Equity Act (Act 55 of 1998), National Policy Framework for Women's Empowerment and Gender Equality of 2002, Broad-Based Black Economic Empowerment Act of 2003, and Women's Empowerment and Gender Equality Bill of 2014. The 2002 National Policy Framework for Women's Empowerment and Gender Equality is another policy measure that ensures gender equality is realized in all facets of South African society – social, political, economic, and cultural.

In line with these gender equality legislative and policy measures, the Legal Practice Act 28 of 2014 reorganized the profession by creating equal opportunities for all legal practitioners (Masengu, 2016; Meyer, 2021). Despite these progressive and comprehensive laws and policies on gender equality, effective implementation remains a problem, given the slow pace at which women are advancing, especially in leadership (Meyer, 2018).

B. Institutional efforts: The transformation agenda

Institutional efforts to transform the legal profession, including its gender composition, date back to the early 1990s (Meyer, 2021). The Planning Unit of South Africa's Department of Justice developed a strategic plan to transform the justice system and the legal profession leading to three draft legal services charters (Meyer, 2021). The Legal Practice Act 28 of 2014, which is the legislative framework for creating equal opportunities for all legal practitioners, was one of the Planning Unit's initiatives (Masengu, 2016; Meyer, 2021).

This initiative has set in motion a transformative agenda that welcomes more women into South Africa's legal profession. However, this agenda is not without flaws.

C. Increase of women at the entry points

A third factor that explains the increase in the number of women in the legal profession is the increase in the number of women who are admitted into the various law faculties and eventually graduate. In 2017, for example, a majority (57%) of candidate attorneys (law graduates doing their articles of clerkship) were women (Klaaren, 2020). Masengu (2016) touched on this increasing gender diversity in the entry levels of the profession but noted that the numbers decrease as women advance. Meyer (2021), investigating the extent to which the legal profession has been feminized, also found that there is a rapid numerical feminization at the entry level: university enrollment and graduation and vocational training and admissions. However, this feminization has not been as rapid at the practicing and partnership levels.

5.2. Female lawyers in leadership in South Africa: What we know

Although there has been an increase in the number of women lawyers generally, the rate of increase is slow in leadership. Some general statistics on South African female lawyers in leadership were provided earlier in this report (the 7% increase in fully female-owned law firms in the last five years and 27% of women being decision-makers) (LexisNexis, 2021/22). This section overviews specific examples—partners, managing partners, presidents of law associations and societies, and other top positions.

The bottom-heavy trend noted in the literature is typical of some law firms. For instance, as of 2021, 66% of senior associates and 79% of associates in ENS Africa were women, yet only 36% of executive positions went to women (IAWL, 2021). Similarly, Cliffe Dekker Hofmeyr had no female managing partner, although some women (37%) were directors. The bulk of senior associates (69%) and associates (67%) were women (IAWL, 2021).

The LSSA had not had a female president since its inception in 1998⁷ until March 2022, when Mabaeng Lenyai was elected (LSSA, 2022a). The LSSA is the umbrella organization for the Black Lawyers Association, the National Association of Democratic Lawyers, and the provincial attorneys' associations (LSSA, 2022a).

The SAWLA is a voluntary, nonprofit, and nonpolitical organization founded in 2006 and committed to promoting gender-balanced participation in the legal system (SAWLA, 2022). Its membership covers everyone within the profession—judges, magistrates, attorneys, candidate attorneys, advocates, state law advisors, corporate lawyers, prosecutors, academics, law students, and paralegals (SAWLA, 2022). As a women's association, its leadership has been female. SAWLA's commitment to ensuring that female lawyers have equal opportunities to participate in policy dialogues in South Africa extends beyond its internal operations. In 2021, the organization's president, Nomaswazi Shabangu-Mndawe, was appointed to the Judicial Services Commission (JSC) (Ramotsho, 2021).

⁷The Association of Law Societies was the predecessor of the LSSA established in 1975.

Some individual female lawyers have also made great strides. For example, in 2000, Marcelle Luter was appointed as the first female head of the State Attorney's office in the Western Cape (All Africa, 2000).⁸ Shamila Batohi was appointed by President Ramaphosa as the first female top prosecutor (National Director of Public Prosecutions) effective 2019 (AFP, 2018; NPA, 2022), and Thuli Madonsela, the first female public protector, was appointed in 2009 by President Zuma (Arowolo, 2022).

5.3. Female lawyers' representation in leadership

The survey presented respondents with three statements:

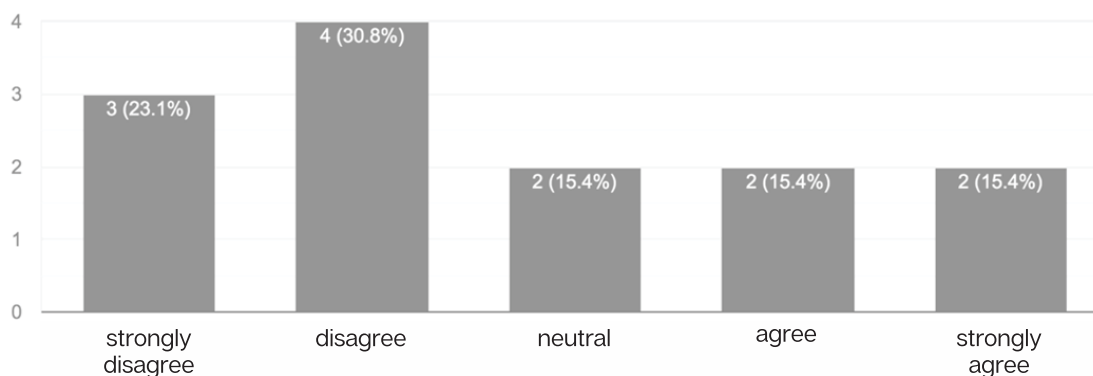
- a** There is a fair playing field for both women and men lawyers when it comes to influence and decision-making power in my firm/organization/sector;
- b** There is equal representation of women and men in the top-level positions at my firm/organization/sector; and
- c** There are more women than men at the junior levels at my firm/organization.

Figure 3 is a graphical representation of the responses.

Figure 3 | Respondents' perception of fairness in leadership in the legal profession

There is a fair playing field for both women and men lawyers when it comes to influence and decision-making power in my firm/organization/sector.

13 responses



Source: IAWL survey, 2022

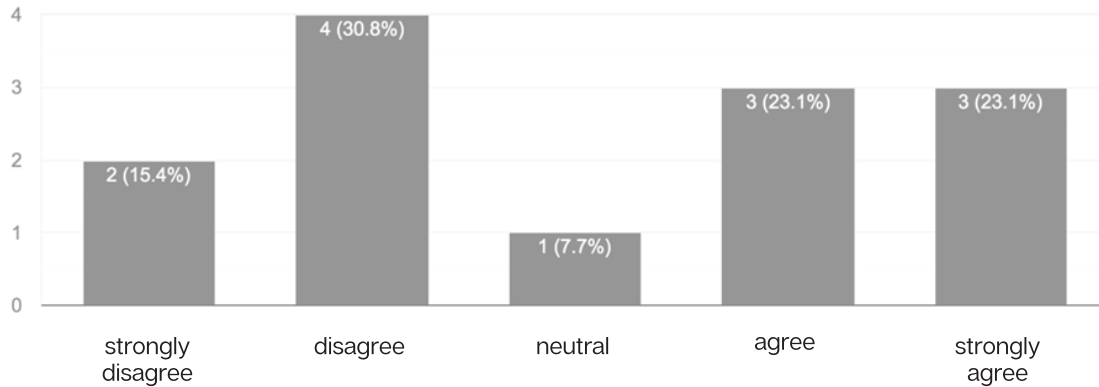
A slight majority (53.9%) disagreed or strongly disagreed. An equal number (15.4% each) agreed, strongly agreed, or neutral. One of the attorneys who strongly agreed indicated in a later response that “[w]e have a women-only law firm,” which perhaps explains her view of an equal playing field based on her experience at her firm.

⁸This information was found on only one website.

Figure 4 | Respondents' perception of women's representation in top-level positions in the legal profession

There is equal representation of women and men in the top level positions at my firm/organisation/sector.

13 responses



Source: IAWL survey, 2022

The literature showed that women's equal representation at the senior levels was lacking (Meyer, 2018, Morgan, 2013, CALS, 2014). However, the respondents' views contradicted the literature; the responses were equally divided. Concerning the statement, "There is equal representation of women and men in the top-level position at my firm/organization/sector," 46.2% of respondents disagreed or agreed, respectively, with 7.7% being neutral. It is plausible that certain respondents may have been working in female-led firms, which could have resulted in them not having to compete with men.

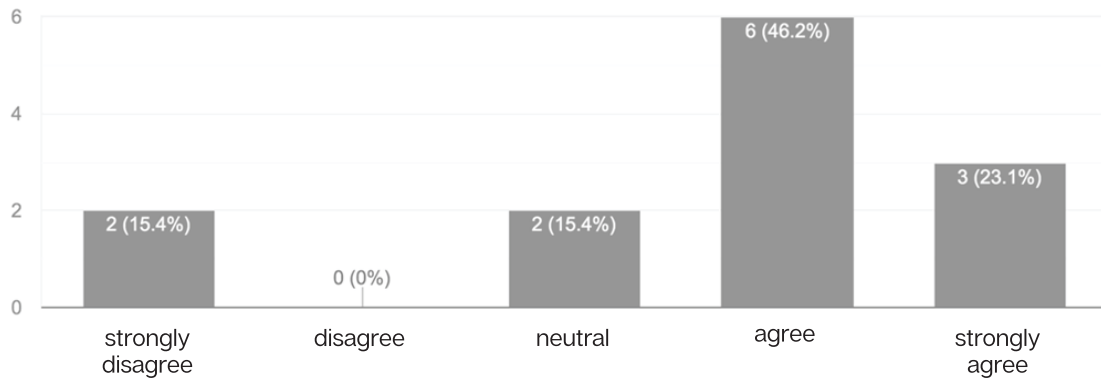
Considering that most respondents had over 10 years of experience, another reason could be that some might have broken the glass ceiling by reaching or nearing top positions. Thus, their opinion about equal representation of women is their personal reality. Finally, the literature revealed that women often take leadership positions in smaller law firms (Morgan, 2013); those who agreed could be among those.



Figure 5 | Respondents' perception of women's representation at the junior levels in the legal profession

There are more women than men at the junior levels at my firm/organization

13 responses



Source: IAWL survey, 2022

About 69% of respondents agreed that more women than men are at their firms' junior levels. This outcome is consistent with the literature showing a bottom-heavy trend (Masengu, 2016).

Overall, whether women have a fair playing field or are equally represented at senior levels is firm/organization dependent. For example, female lawyers in women-led law firms are not likely to face issues of gendered representation. However, the fact that women form the bulk of junior lawyers in law firms is largely uncontested.



6

RETENTION, POINTS OF ATTRITION, AND BARRIERS TO PROGRESS



The survey's inquiries on the points of attrition and barriers used a five-point Likert scale (1 = *strongly disagree*; 2 = *disagree*; 3 = *neutral*; 4 = *agree*; 5 = *strongly agree*). Based on the findings from the literature, 14 statements were provided, and respondents had to indicate their level of agreement with each. Respondents were also asked open-ended questions about any additional barriers they may have experienced or identified. This part discusses the responses.

6.1. Society's perception of women and motherhood

Masengu (2016) found society's discriminatory perception of women's abilities as one of two main challenges in South Africa, and CALS (2014) concurred. The survey respondents confirmed these findings: 76.9% agreed or strongly agreed with the statement, "Society's perception of women's role negatively affects women's advance in the legal profession." While describing the prevailing gendered South African society's view, an attorney with over twenty years of experience said:

“

It is ingrained in society that to be a professional worth anything, you must be an old white male.

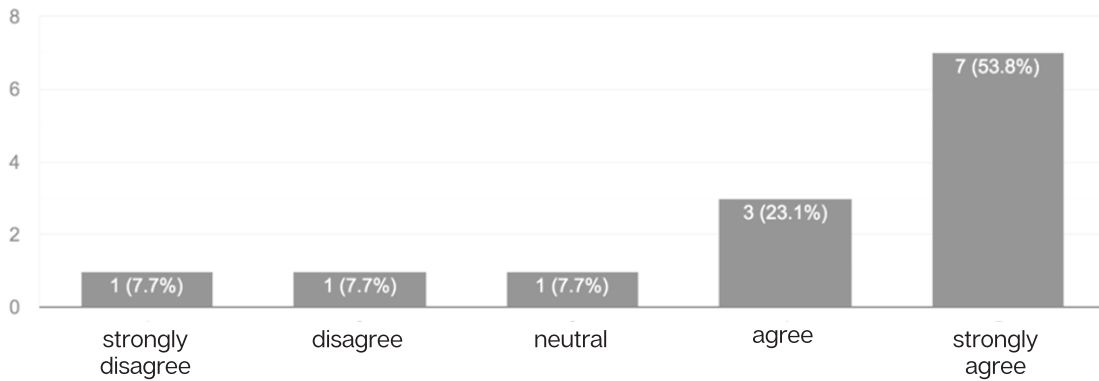
”

Similarly, in an interview with the LSSA's De Rebus, Mabaeng Lenyai, speaking on the legacy she would like to leave after having broken the glass ceiling for female attorneys, said, "You must always work hard despite what other people are telling you ... because people think that just by being a woman you need to be micromanaged" (Joubert, 2022).

Figure 6 | Respondents' opinion on the negative impact of society's perception of women on women's leadership

Society's perception of women's role negatively affects women's rise to the top in the legal profession.

13 responses



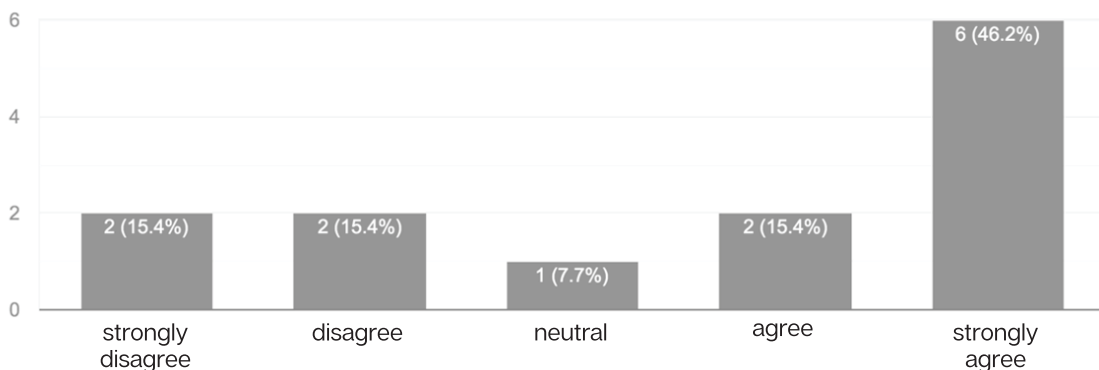
Source: IAWL survey, 2022

Closely connected to this biased perception is the impact of motherhood on female lawyers' ascension to the highest ranks. Meyer (2021) and Rasivhetshele (2020) pointed out that it was the main factor that slowed women's promotion and career prospects. As anticipated, when asked their view on the statement, "Motherhood and its attendant societal perceptions hinder women's rise to senior levels at my firm/organization," a majority (61.6%) agreed.

Figure 7 | Respondents' opinion on the impact of motherhood on women's leadership

Motherhood and its attendant societal perceptions hinder women's rise to senior levels at my firm/organization

13 responses



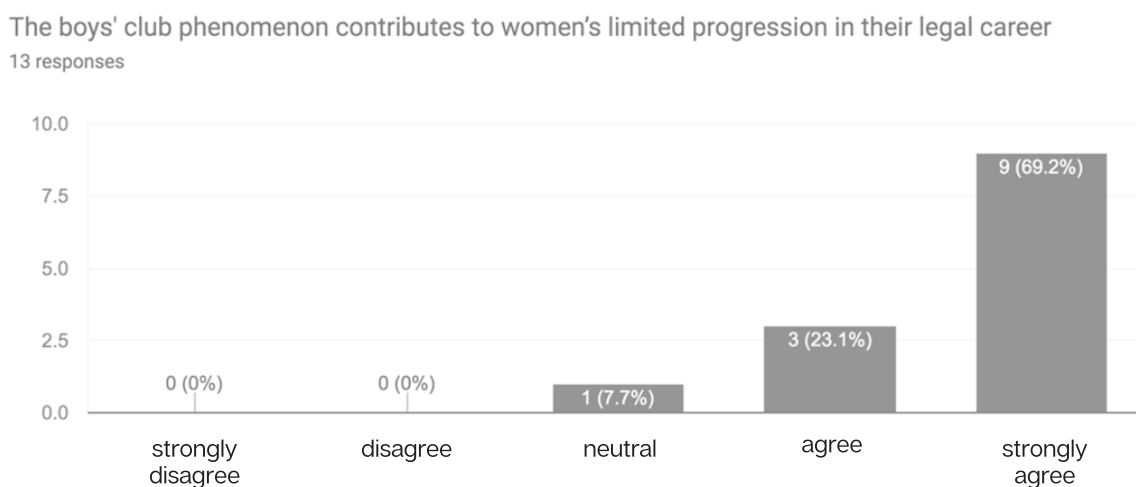
Source: IAWL survey, 2022

However, almost a third (30.8%) disagreed; surprisingly, 75% of those were married women above 50 years of age and with over 10 years of experience. Three reasons could account for this result. First, they may have either overcome the challenges of motherhood, and so did not find it a barrier or had a good support system at home and never encountered those challenges. Second, they may have had no children or older children and so could not relate to the challenges. Finally, they could belong to the class of people that Morgan (2013) described as having a deceptive gender-neutral perception that viewed women's struggle with work-life balance, especially as mothers, as a personal choice. Nonetheless, the survey findings provide additional evidence to confirm existing literature that motherhood is a barrier.

6.2. The old boy club phenomenon

A correlate of society's discriminatory perception of female lawyers' abilities and people expected to perform specific gender roles is the old boys' club phenomenon within the legal profession. As a historically male-dominated profession, it has long operated based on relationships that traditionally passed on skills, briefs, and referrals from senior to junior male lawyers (Pillay, 2017), leading to a workforce biased against women and their leadership when they were eventually allowed entry. Respondents were presented with the statement, "The boys' club phenomenon contributes to women's limited progression in their legal careers." Almost all (92.3%) agreed (one was neutral).

Figure 8 | Respondents' views on the impact of the old boy club phenomenon



Source: IAWL survey, 2022

One in-house attorney commented:

[w]e are welcome to do the dirty work—divorce and debt collecting. But the high-end commercial and litigious matters are kept closely by the boys' club.

Another attorney's remark showed the negative impact of the old boy club phenomenon, “[n]ot getting significant/ paying briefs to sustain women's practices.” With such entrenched gender-biased systems, it is not likely that junior female lawyers will have a fair chance at promotion and leadership compared to their male counterparts who have “old boy” mentors. Over time, only a few women that press on may advance, whereas the rest may exit, leading to high attrition rates.

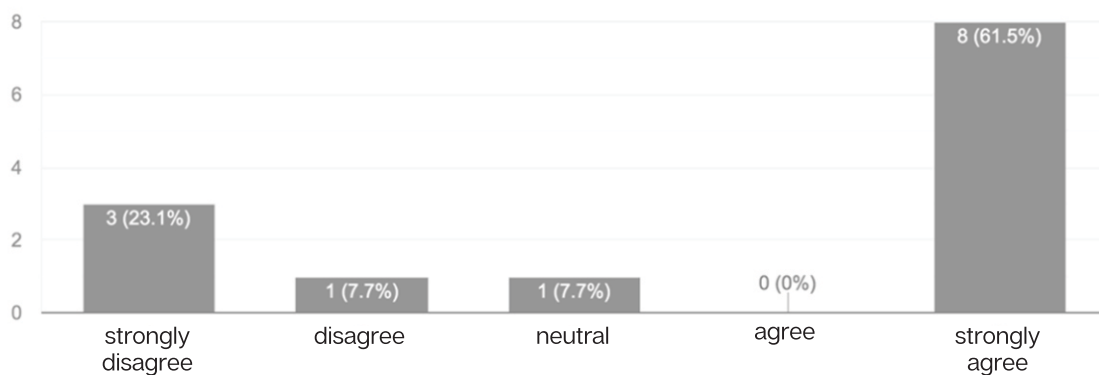
6.3. Lack of mentorship and organizational support

The lack of mentorship and sponsorship emerged in the literature as another common barrier (CALs, 2014; Chitapi, 2015; Rasivhetshela, 2020). The survey findings corroborate this barrier. Respondents mostly (61.5%) agreed with the statement, “There are not enough women mentors in leadership at my firm/organization”. One respondent who indicated that she works in an all-female law firm was part of the 30.8% who disagreed.

Figure 9 | Respondents' views on the supply of female mentors in leadership

There are not enough women mentors in leadership at my firm/organization.

13 responses



Source: IAWL survey, 2022

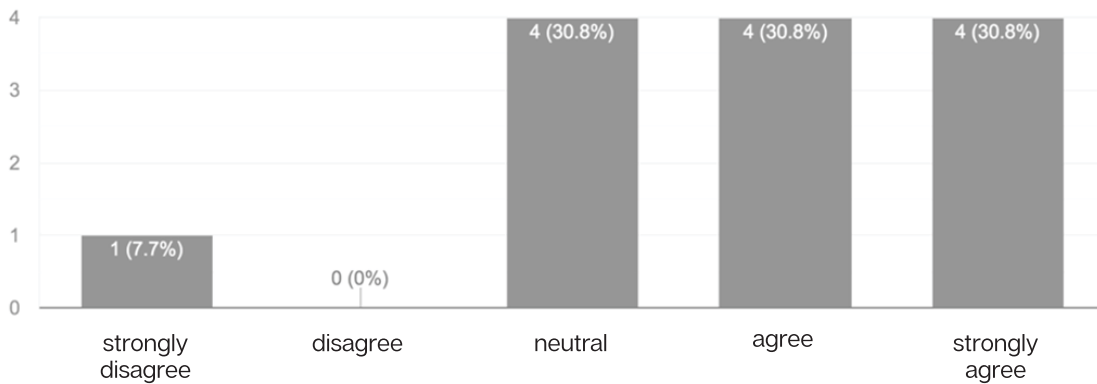
The survey presented the statement, “There is a lack of group support from associations like the LSSA for women lawyers”; 62.6% agreed, 30.8% were neutral, none disagreed, and one strongly disagreed. The results indicate that support from law associations may not be as impactful as they would wish. As one attorney with over twenty years of experience stated, “Our law soci[e]ties are [r]egulatory and do not play a trade union function any longer, sadly.”



Figure 10 | Respondents' thoughts on group support from law associations and societies

There is lack of group support from associations like the LSSA for women lawyers

13 responses



Source: IAWL survey, 2022

This discovery of limited group support for female lawyers is not surprising, as the LSSA had been male-led for its first 24 years (LSSA, 2022a). In addition, for the first time in its history, the March 2022 election led to an all-female president's committee: a female president and two female vice presidents—Joanne Anthony-Gooden and Ntlai Eunice Masipa (LSSA, 2022a). Speaking to *De Rebus*, the first female president mentioned that “the legacy I would like to leave is, work hard, be inclusive in your leadership” (Joubert, 2022). With an all-female committee, it is almost certain that her inclusive leadership would be sensitive to female lawyers' issues. Perhaps having three women in the LSSA's leadership also brings together enough women at the organization's top “to stop anyone crying foul” (Lamond, 2017, p. 16).

6.4. Female lawyers' intersectional existence and differential treatment

In South Africa, the intersection of gender and race tops the list of intersectional identities. According to Rasivhetshele (2020), gender and race are inseparable, based on the findings that non-White female executive participants had considered gender rather than race as their primary challenge. However, in this survey, 53.9% of respondents either disagreed or strongly disagreed with the statement “Race influences female lawyers' rise to the senior levels at my firm/organization”; 46.2% strongly agreed.

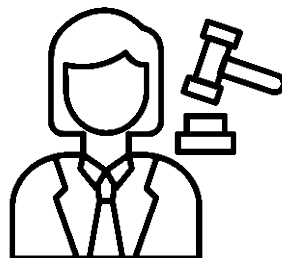
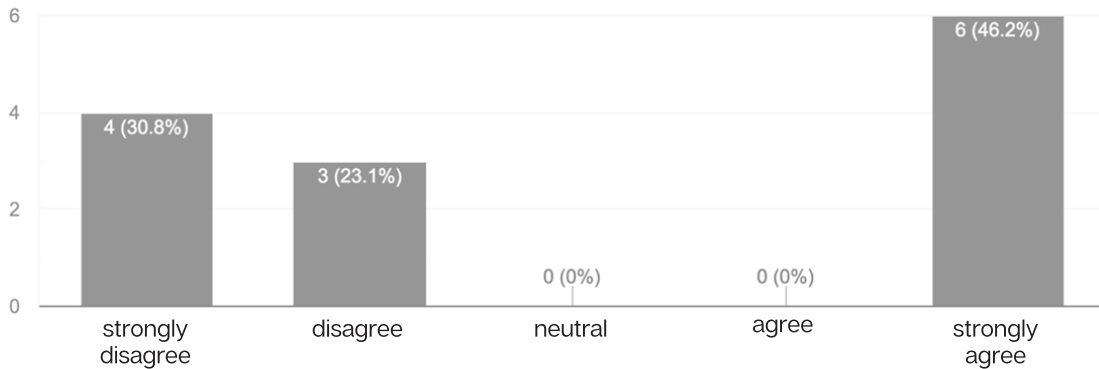


Figure 11 | Respondents' thoughts on the influence of race on women's leadership

Race influences women lawyers' rise to the senior levels at my firm/organization

13 responses



Source: IAWL survey, 2022

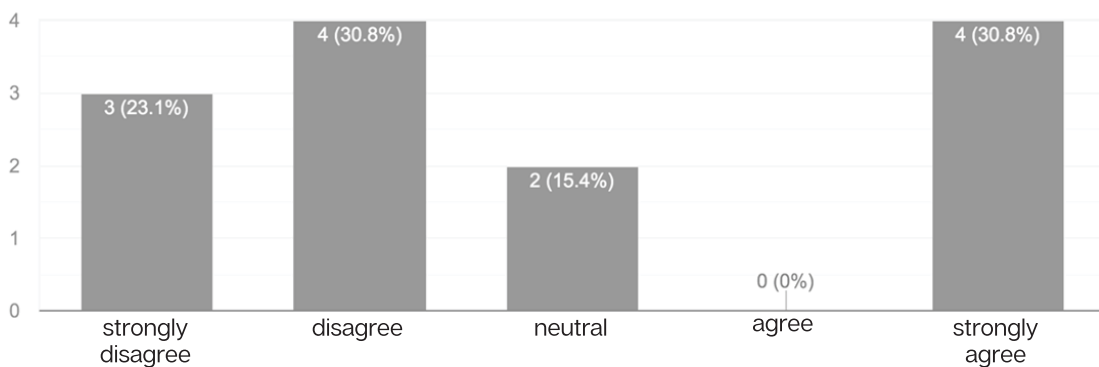
Given that the statement did not clarify whether the influence was positive or negative, it is unclear whether the responses were informed by respondents' negative or positive perspectives.

The survey also assessed the impact of age as an intersectional identity with the statement, "Younger women lawyers are doubly disadvantaged in rising to the senior levels at my firm/organization"; a majority (53.9%) did not agree, and 30.8% strongly agreed.

Figure 12 | Respondents' thoughts on the influence of age on women's leadership

Younger women lawyers are doubly disadvantaged in rising to the senior levels at my firm/organization

13 responses



Source: IAWL survey, 2022

The majority who disagreed were mostly 30–60+. The age range of those who agreed was 20–50. However, it could be, as Rasivhetshele (2020) found for the consideration of gender and race, that the respondents may not have considered age as their primary challenge.

That men and women receive different treatment in promotion, and remuneration was another barrier in the literature that had a bearing on intersecting identities. For example, Sasinsky (2020) found that Black female attorneys especially felt that they were victims of differential treatment. The survey asked respondents about their views on the following statements:

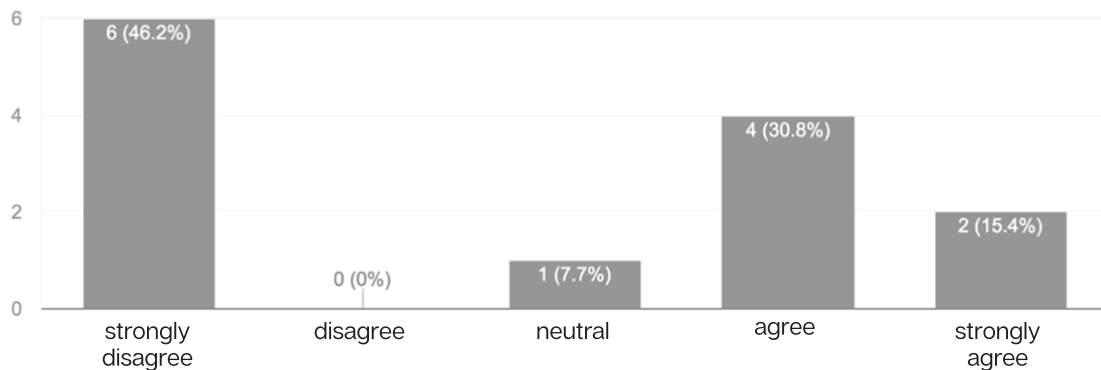
- a** There is differential treatment for women and men at my firm/organization regarding career progression and promotion.
- b** There is differential treatment for women and men at my firm/organization regarding remuneration.

However, respondents were equally divided on their levels of agreement—46.2% each agreed and disagreed—with statement (a).

Figure 13 | Respondents' views on the impact of differential treatment on women's career progression

There is differential treatment for women and men at my firm/organization when it comes to career progression and promotion.

13 responses



Source: IAWL survey, 2022

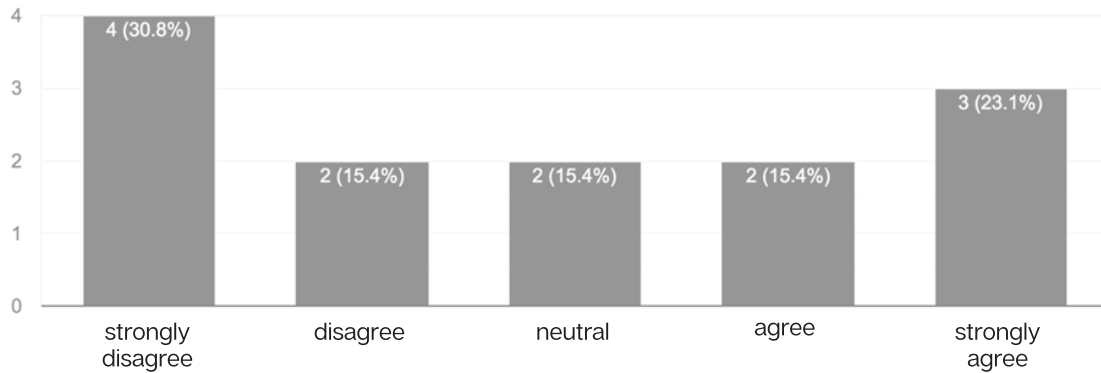
Taking out the response (“strongly disagree”) of the respondent in an all-women law firm, the results are 46.2% agreeing and 38.5% disagreeing. Of those who agreed, 66.7% were Black (African). Similarly, of those who disagreed, 66.7% were Black (African). The split signifies the varying realities of Black female lawyers and confirms that they are not a homogenous group, even with common intersectional identities of gender and race.

Regarding the second statement, responses were almost evenly divided (Figure 14).

Figure 14 | Respondents' views on the impact of differential treatment on women's remuneration

There is differential treatment for women and men at my firm/organization when it comes to remuneration.

13 responses



Source: IAWL survey, 2022

A slight majority (46.2%) disagreed, and a minority (38.5%) agreed. The outcome calls for more in-depth research. Salary structures in private and corporate legal sectors (which most respondents belong to) are not always public knowledge, so it would be difficult to draw conclusions from the survey about the reality on the ground. The divided responses to these statements could also be attributable to the multiple possible interpretations of them. Differential treatment could be good (affirmative action) or bad (discrimination).

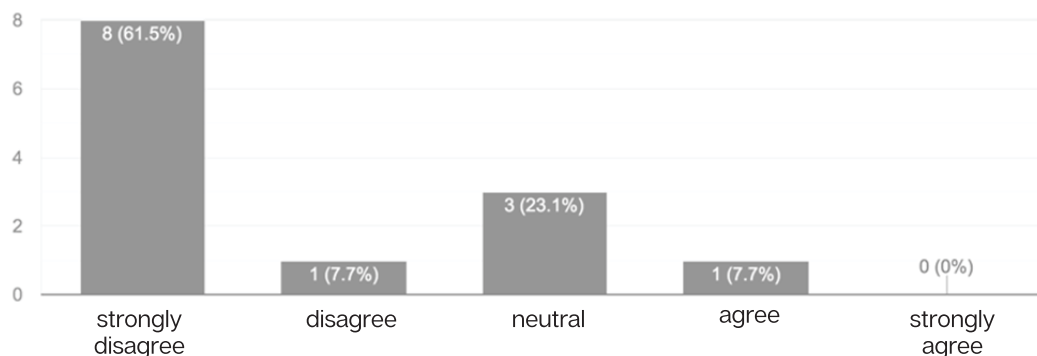
6.5. Sexual harassment

The Sasinsky (2020) and CALS (2014) reports both noted sexual harassment as a barrier. In 2019, the International Bar Association (IBA) also reported that 43% of female lawyers in its survey had been sexually harassed (IBA, 2019). Conversely, this survey's results revealed that 69.2% of respondents disagreed with the statement, "Sexual harassment at my firm/organization hinders female lawyers' leadership ambitions."

Figure 15 | Respondents' level of agreement with sexual harassment as a hindrance to female lawyers' leadership

Sexual harassment at my firm/organization hinders women lawyers' leadership ambitions.

13 responses



Source: IAWL survey, 2022

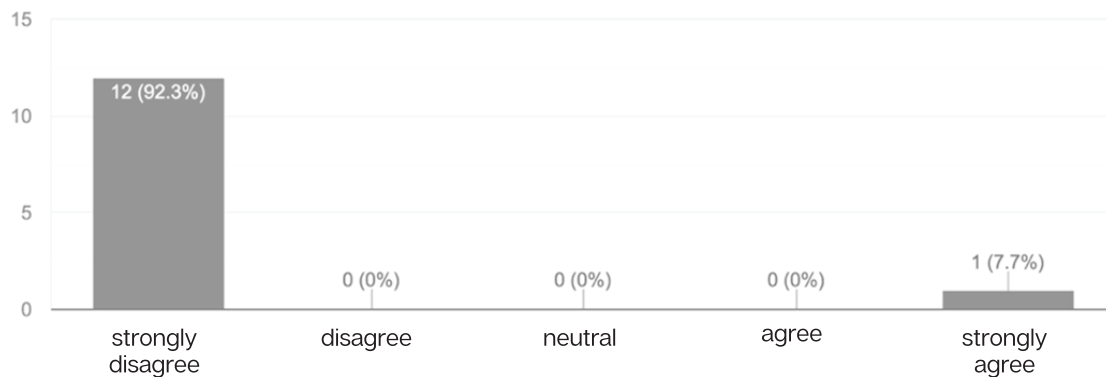
However, almost a third of respondents (30.8%) were neutral or agreed, indicating that some instances of sexual harassment exist, as the literature portrays. Additionally, sexual harassment is age and culture-dependent; based on age and cultural orientation, what one person may consider sexual harassment may not be so for another.

6.6. Physical, verbal, and emotional abuse

Similar to the uncommon experience of minimal sexual harassment, incidents of physical, verbal, and/or emotional abuse, what the IBA (2019) calls “bullying” and noted for 73% of South African female lawyers, were also rare. All but one respondent had not experienced physical abuse. In the IBA (2019) report, 73% of South African women lawyers had been bullied. Sasinsky (2020) mentioned physical abuse as a factor contributing to the hostile environment some of her participants pointed out. 92.3% of this survey's respondents strongly disagreed with “I have experienced physical abuse at my firm/organization,” which could indicate that although it may exist in some law firms and organizations, it is scarce.

Figure 16 | Respondents' experience of physical abuse

I have experienced physical abuse at my firm/organization
13 responses



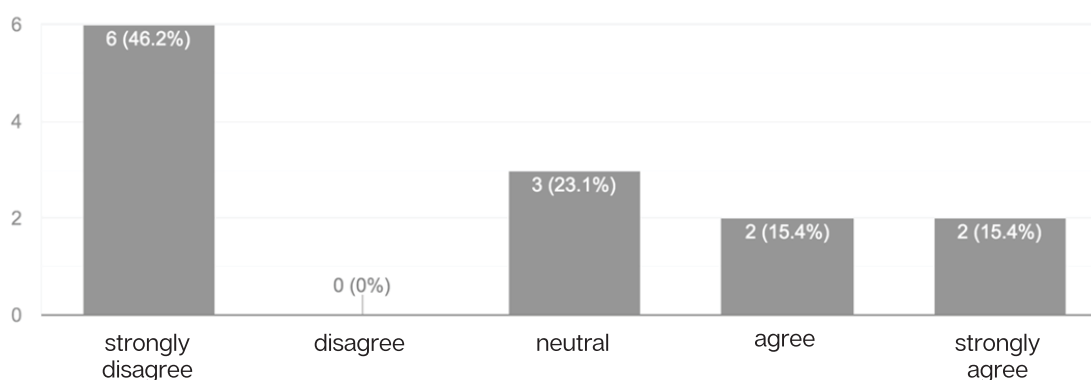
Source: IAWL survey, 2022

There appears, however, to be a considerable record of verbal and/or emotional abuse, given that 30.8% either agreed or strongly agreed with “I have experienced verbal and/or emotional abuse at my firm/organization,” although 46.2% strongly disagreed (23.1% were neutral).

Figure 17 | Respondents' experience of verbal and/or emotional abuse

I have experienced verbal and/or emotional abuse at my firm/organization

13 responses



Source: IAWL survey, 2022

What constitutes verbal/emotional abuse is age and rank dependent. For example, junior lawyers may see harsh reprimands as part of their training process. This perception creates a socialization factor that requires training on unconscious bias to unlearn and relearn what verbally and emotionally abusive behavior means to different people at different career stages. Finally, to a large extent, what is considered verbal and/or emotional abuse within the respondents' workspace will depend on if such abuses are well defined in the firm or organization's policy document, which the survey did not probe. Therefore, the responses would have to be taken at face value and as a critical jumping-off point for more comprehensive research on the nature of abuse within the legal profession and how it affects women's advancement.

6.7. Clients' demands

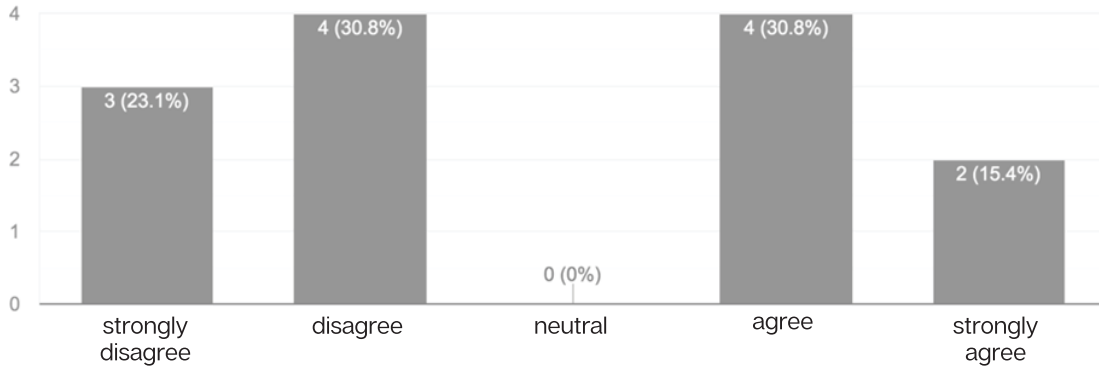
Sasinsky (2020) flagged clients' demands as another barrier, as some employers avoid diversity by hiding behind clients' requests for a particular demographic. She also found the contrary: some clients requested Black female attorneys, at which point some firms used them as window dressing. This survey presented the statement, "Clients demand male lawyers to work for them or lead the teams working for them reduces women's leadership opportunities at my firm/organization." No respondents were neutral; 53.9% disagreed, and 46.2% agreed.



Figure 18 | Respondents' opinion on clients' demands' impact on female lawyers' leadership

Clients' demand for male lawyers to work for them or lead teams working for them reduces women's leadership opportunities at my firm/organization

13 responses



Source: IAWL survey, 2022

Considering the slim margin, the survey findings seem to reflect the similar diverging results in Sasinsky (2020). The inference is that clients' demands may or may not be a barrier, which will largely depend on the diverse culture and ethics of the law firm or organization and how they communicate that to clients.

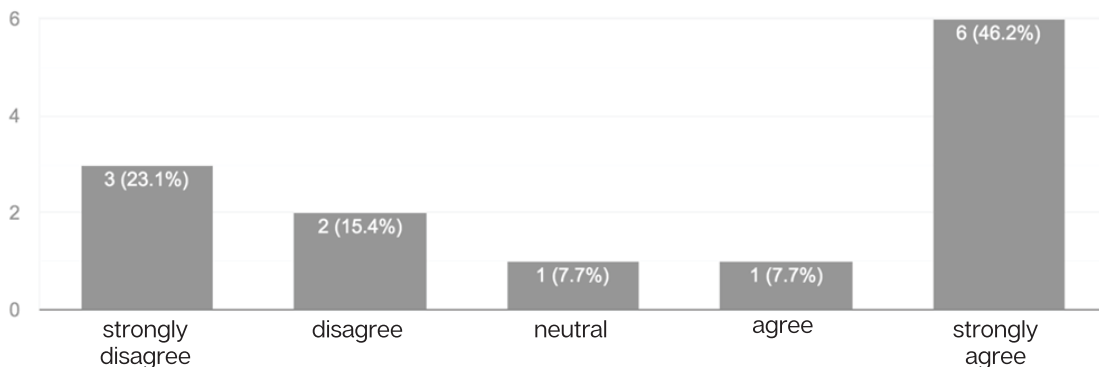
6.8. The burden to overperform

Collectively, society's perception of women's abilities and motherhood, the old boys' club phenomenon, lack of mentorship and group support, and the hostile work environment could cause attrition or create a burden to overperform to earn promotion. Thus, the survey presented the statement, "Women have to work twice as hard (overperform) to rise through the ranks at my firm/organization." A majority (53.9%) agreed, 38.5% disagreed, and 7.7% were neutral.

Figure 19 | Respondents' opinion on women having to overperform to advance

Women have to work twice as hard (over-perform) to rise up the ranks at my firm/organization.

13 responses



Source: IAWL survey, 2022

The majority's view credits the negative impact that the burden to overperform could have on female lawyers' advance, although the minority's view signifies two things: (a) a positive work environment that did not create that expectation for those respondents and/or (b) personal traits that do not easily subject them to feelings of being overburdened.

6.9. Additional barriers

Respondents were asked to identify additional barriers they may have experienced or observed. Geographical location and the nature of the boss were cited; one respondent said, “geographical location and manager who they work for; if the partner whom a [woman] works for wants to be promoted, then they are more likely to uplift the junior within their team.” Therefore, a manager who is not promotion oriented is not likely to bring a junior female lawyer along.

One attorney stated that mental health issues were another barrier. Given the hypercompetitive culture and the long and irrational working hours (Chitapi, 2015; Meyer, 2021), the mental health repercussions are unsurprising. The services offered are often highly intellectual; if mental health is a challenge for female lawyers, then service quality would be substandard, leading to women not receiving the high-rank briefs needed to boost their profiles for promotion and leadership.

Finally, the “empathetic quality that [women] generally possess” was cited. A highly competitive environment and its consequent tensions appear to offer little to no room for showing empathy, which is often associated with women. The effect is that women, such as the respondent who mentioned this barrier, who may be empathetic (sometimes to a fault) may not thrive in high-tension spaces, as they may be seen as too fragile to cope with challenging situations and times.

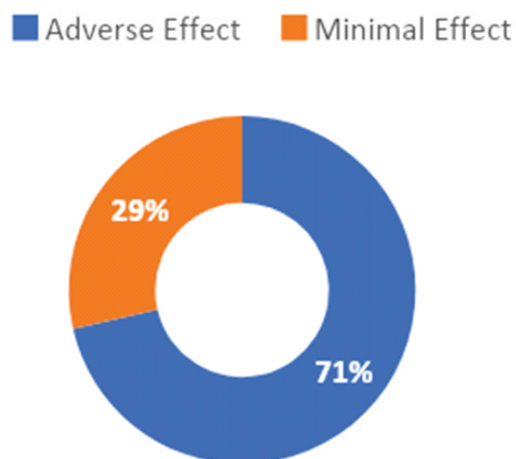
6.10. Impact of COVID-19

In the LexisNexis 2021/22 report, the survey results showed that about 60% of respondents disclosed that the COVID-19 pandemic “grossly impacted” their business (LexisNexis, 2021/22). On the positive side, 11% of the sample said the impact on wills, trusts, and estates was good. Conversely, billings for the civil procedure were hit hard (LexisNexis, 2021/22). The survey also asked how COVID-19 had affected the work as lawyers. Similar to the LexisNexis report, a majority of the responses revealed an adverse effect of the pandemic, although a minority indicated minimal effect (Figure 20).



Figure 20 | Impact of COVID-19 on female lawyers' work

How has COVID-19 affected your work as a lawyer?



The two major adverse effects were income loss and the inability to network effectively. One attorney said clients' loss of income resulted in less legal work and huge debts for law firms and organizations (because clients could not pay) that had to be written off. As one respondent explained, "clients lost job[s]. [L]osses resulted in them not being able to pay fees. [W]e had a huge debt write-off." Another said, "[t]here was no work coming through, and the profession suffered." Another stated, "[w]ork levels have dropped, economy is struggling, cannot market..." Thus, for female lawyers, the ripple effect of loss of income meant a delayed promotion for those in some firms. The reduced work engagements meant limited briefs available generally, which would put female lawyers (known victims of skewed briefing patterns) at further risk of not getting enough briefs needed to boost their promotion.

Regarding lawyers' inability to network effectively, one attorney indicated, "[f]ewer opportunities to meet people and build networks." Another said, "cannot...network by attending events in person." Given the challenge of navigating an established old boy club, networking can potentially be a valuable tool for promoting female lawyers. However, the inability to network, particularly in person, has had a significant long-term impact.

For respondents who indicated a minimal effect of the pandemic on their work, the common effect was transitioning online. "It has not impacted me materially. I shifted to online work," an advocate said. An attorney also mentioned, "No. [I] have been working online." However, one respondent who indicated an adverse effect also noted a positive impact: "it forced me to reinvent myself and my firm, which turned out positive."

6.11. Section summary

The discussion in this section highlighted some barriers that female lawyers face in their ascent to leadership. Society's perception of women's abilities and motherhood, the old boy club phenomenon, lack of mentorship and organizational support from law associations, and women's burden to overperform came up as the foremost barriers, as most respondents confirmed them. Differential treatment of women related to remuneration and career progression, the intersectionality of gender, race and age, sexual harassment, physical, verbal, and/or emotional abuse, and clients' demands were not among the leading barriers based on the survey responses, although other studies found evidence to the contrary (IBA, 2019; Rasivhetshele, 2020; Sasinsky, 2020). A large-scale investigation would be necessary to corroborate these barriers. Additional barriers not common in the literature or investigated in the survey emerged, such as geographical location, mental health issues and women's empathetic traits. The impact of COVID-19 was also discussed.



7 | FACILITATORS OF PROMOTION



Earlier studies that examined factors that facilitate female lawyers' career progression and promotion mentioned organizational and country support, targeted initiatives for developing women's leadership, self-confidence, mentorship, sponsorship, and other gender-specific interventions (Rasivhetshele, 2020). The survey inquired about some of these facilitators.

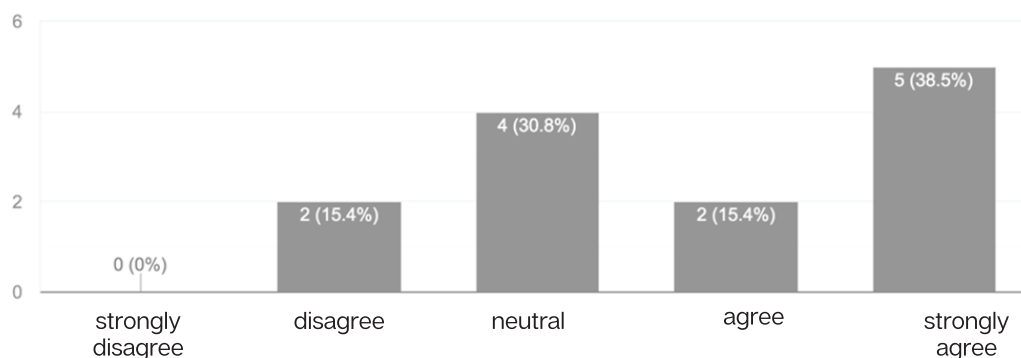
7.1. Women-predominant firms/organizations

The 2021/22 LexisNexis report showed a 7% increase in fully female-owned law firms in South Africa in the last five years (LexisNexis, 2021/22). Therefore, the survey presented the statement, "Working in a predominantly female firm/organization enhances women's career progression in the legal profession." A majority (53.9%) agreed, 30.8% were neutral, and 15.4% disagreed.

Figure 21 | Respondents' views on working in predominantly female firms' impact on career progression

Working in a predominantly female firm/organization enhances women's career progression in the legal profession

13 responses



Source: IAWL survey, 2022

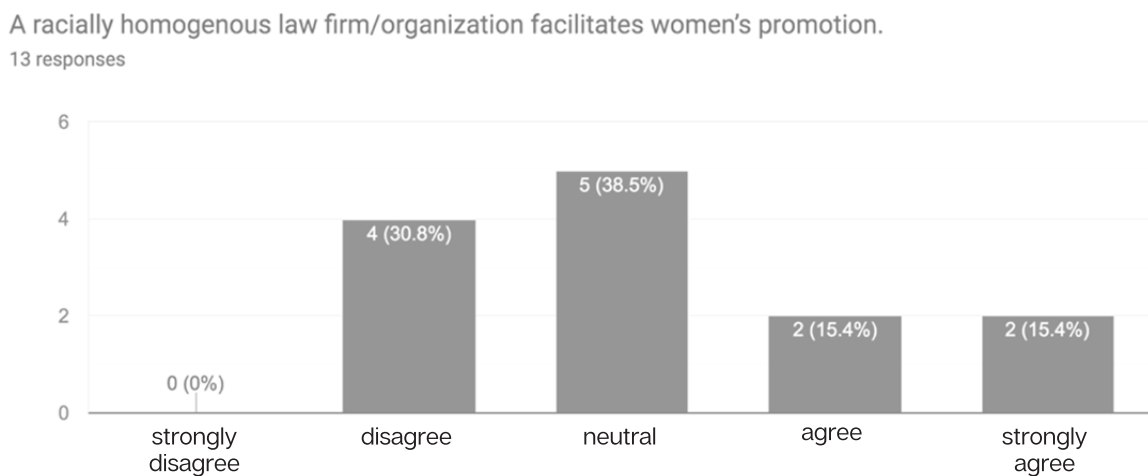
The respondent who indicated that she worked in an all-female law firm strongly agreed. It is possible that the 30.8% who were neutral, or at least some of them, could not speak to the validity of the statement because they had either never worked in such environments or done so but did not see any marked difference.

They may also have simply abstained from committing. The 15.4% who disagreed could have done so based on their experience or that of others or simply did not find the assertion tenable. Regardless, the survey results make a good case for women-predominant law firms or organizations as facilitators of promotion.

7.2. Racially homogenous firms/organizations

The survey presented the statement, “A racially homogenous law firm/organization facilitates women's promotion.”

Figure 22 | Respondents' views on how a racially homogenous law firm/organization facilitates women's promotion



Source: IAWL survey, 2022

The results (Figure 22) showed a reasonable spread of views: 30.8% disagreed, 30.8% agreed/strongly agreed, and 38.5% were neutral. These results demonstrate the varied experiences of respondents: those who (a) find the assertion to be true, perhaps through their experience in racially homogenous firms; (b) are neutral, probably because they have not worked in a racially homogenous environment before or have done so but did not see any significant impact; and (c) had not had a fostering of professional experience at a racially homogenous environment or simply disagreed with the idea of its prospects for promotion. Therefore, racial homogeneity does not appear to be a deciding facilitator of promotion.

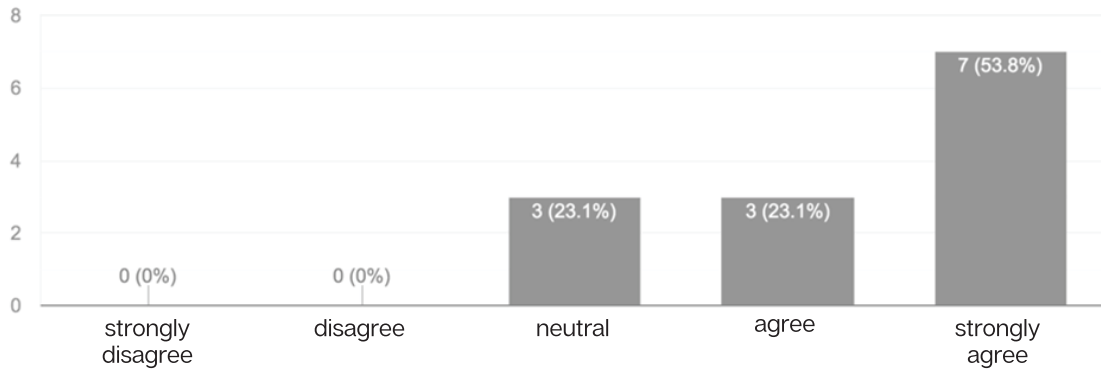
7.3. Self-confidence

The significant role of women's self-confidence in advancing their leadership is clear. Overall, 76.9% agreed that “Women's self-confidence has helped to advance their legal leadership careers.” The remaining 23.1% were neutral. This consensus is consistent with Rasivhetshele (2020).

Figure 23 | Respondents' views on women's self-confidence and their pursuit of leadership

Women's self-confidence has helped to advance their legal leadership careers.

13 responses



Source: IAWL survey, 2022

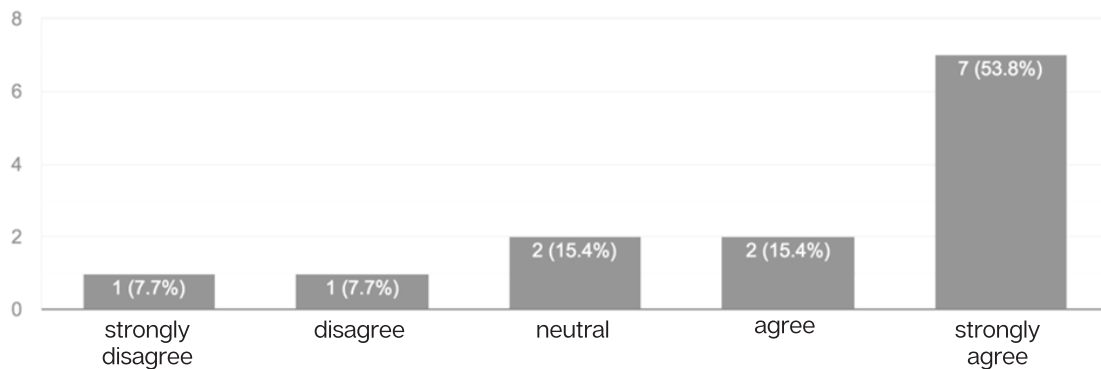
7.4. Organizational support and unbiased work environment

Rasivhetshela (2020) identified organizational support and an unbiased work environment as facilitators. Presented with the statement, “Organizational support and an unbiased work environment at my law firm/organization are helpful for women's advance,” respondents mostly agreed (69.2%).

Figure 24 | Respondents' thoughts on organizational support and unbiased work environment

Organizational support and unbiased work environment at my law firm/organization is helpful for women's rise to the top

13 responses



Source: IAWL survey, 2022

A gender-neutral yet gender-sensitive work environment and internal support system for women would advance female lawyers' leadership ambitions.

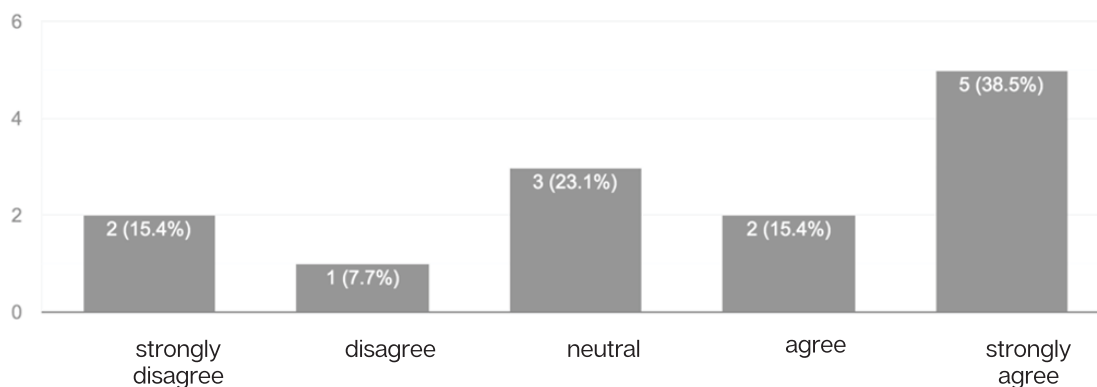
7.5. Clients' requests for female lawyers

Earlier discussions revealed that clients' demands were not strong barriers to female lawyers' leadership. The survey presented the statement, "Clients' request for female lawyers to work for them or lead teams contributes to women's leadership at my firm/organization."

Figure 25 | Respondents' thoughts on the impact of clients' requests for female lawyers

Clients' request for female lawyers to work for them or lead teams working for them contributes to women's leadership at my firm/organization

13 responses



Source: IAWL survey, 2022

A majority (53.9%) agreed. Such requests meant that women would be exposed to more briefs and build a track record that encourages advancement. This facilitator, although outside the control of female lawyers and their employers, could be furthered by organizational culture and work ethics that encourage gender equality and representation in engaging with clients.

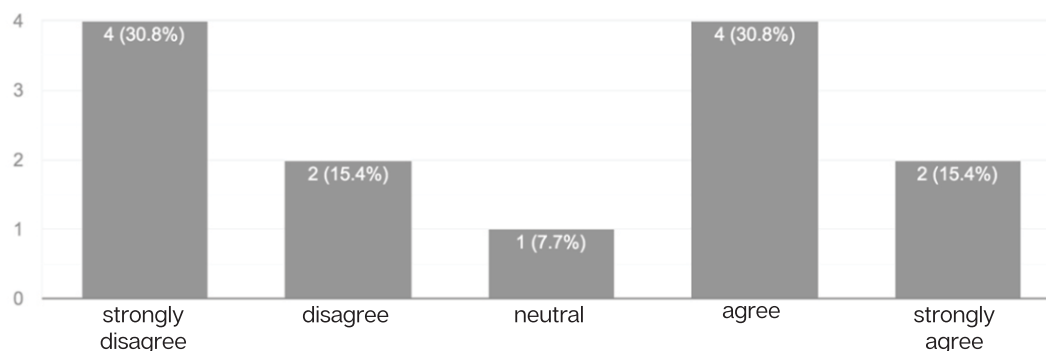
7.6. Seamless and timely promotion process

On whether the promotion process at respondents' law firms/organizations was seamless and timely, there was no consensus; 46.2% did not see their firm's promotion process as seamless and timely, the same percentage thought otherwise, and 7.7% were neutral.

Figure 26 | Respondents' thoughts on the promotion process at their law firms/organizations

Promotion process at my law firm/organization is seamless and timely.

13 responses



Source: IAWL survey, 2022

Rasivhetshele (2020) found that promotion criteria and organizational structures highly favored men, hence women's underrepresentation in leadership. A reasonable deduction is that an unbiased and well-timed promotion process could be a facilitator, but the survey results neither confirmed nor disconfirmed it. A more comprehensive study would be helpful.

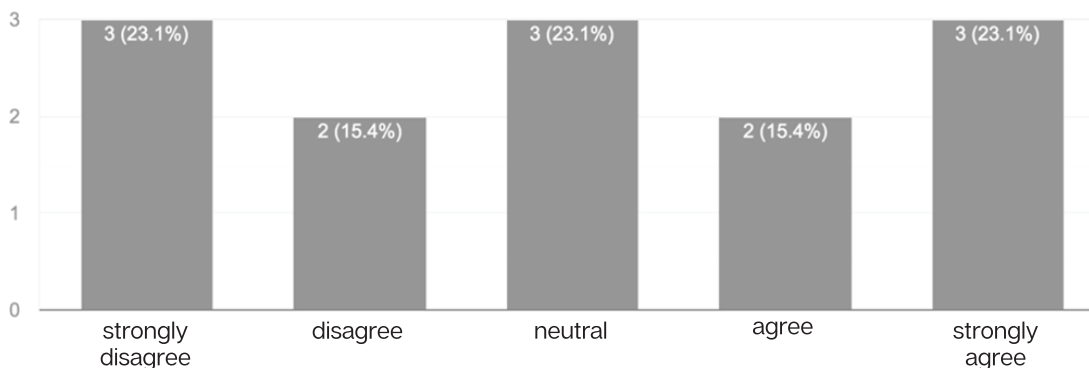
7.7. Professional and social networks

The responses were divided for the statement, "There are professional and social networks that support women lawyers' rise to senior levels in the legal profession" (Figure 27).

Figure 27 | Respondents' views on professional and social networks that support female lawyers' rise to leadership

There are professional and social networks that support women lawyers' rise to senior levels in the legal profession

13 responses



Source: IAWL survey, 2022

Respondents, depending on their experience, may or may not have been beneficiaries of such networks. Nonetheless, networking has been identified in the literature as a promoter (Pillay, 2017). One respondent also mentioned “networking and referral work” as a facilitator.

7.8. Additional promoters

In addition to the promoters that the survey mentioned, respondents were asked to offer up others from their perspectives, which included “being treated like a professional rather than a woman”; “appointing women in leadership positions in the governance of the profession”; “upskilling”; “being adequately exposed and trained in different areas of law”; and “mentoring and support.” Based on these, three categories of people could contribute to women in law’s leadership pursuits: (a) female lawyers themselves learning additional skills and taking up additional courses and certification programs in different areas of law to boost their skill and knowledge base and increase their professional value; (b) law firms and organizations, as employers, treating women as professionals capable of performing their duties, providing opportunities to upskill, instituting mentorship programs, and giving equal opportunity to be appointed as leaders; and (c) the larger society ensuring that female lawyers are treated as the professionals that they are, not merely as women expected to perform specific gender roles, and providing family support and support from law associations and societies in nominating women for leadership appointments.

7.9. Section summary

The section focused on the facilitators of promotion for female lawyers in pursuing leadership. From the discussions largely based on survey results, the most common facilitators are (a) working in women-predominant firms or organizations, self-confidence, organizational support and unbiased work environment, and clients' request for female lawyers; (b) working in racially homogenous firms or organizations, seamless and timely promotion processes, and professional and social networks were not common facilitators; (c) some respondents added that facilitators such as such upskilling, treating women as professionals, mentoring and support, adequate exposure and training in diverse areas of law, and consciously appointing women to leadership positions, were also helpful.

8

PROGRESS AND TRENDS

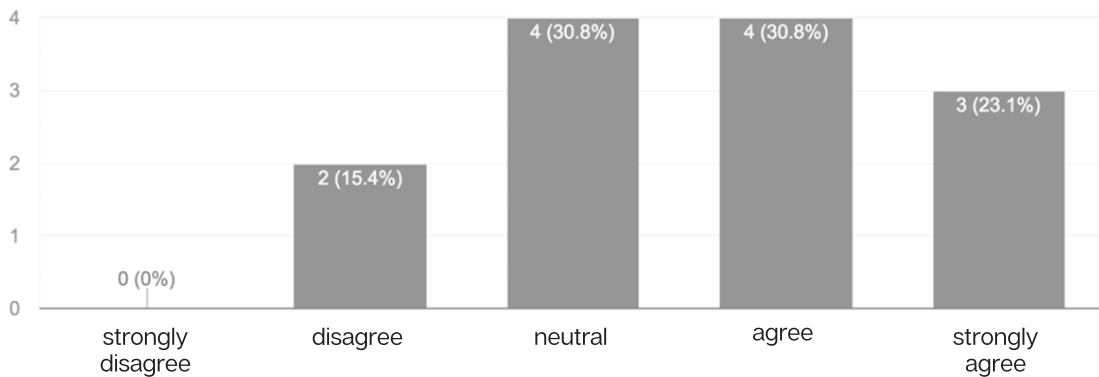


The survey inquired about progress and trends regarding women's leadership. This report began by highlighting a 5% increase in female legal professionals and a 7% increase in fully female-owned law firms in the last five years (LexisNexis, 2021/22). The survey elicited how this increased feminization had manifested in firms or organizations at senior-level positions. Thus, respondents were presented with the statement, "There has been an increase in the number of women in senior-level positions at my law firm/organization over the past 3–5 years."

Figure 28 | Respondents' views on female lawyers' representation in senior-level positions

There has been an increase in the number of women in senior level positions at my law firm/organization over the past 3-5 years.

13 responses



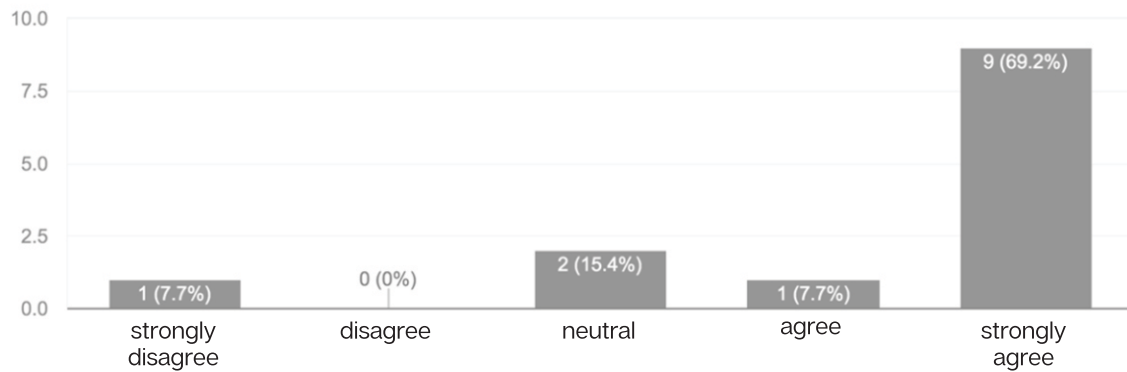
Source: IAWL survey, 2022

A majority (53.9%) agreed or strongly agreed. Almost a third were neutral. Although 15.4% disagreed, it is striking that no one strongly disagreed. Despite this progress, more remains to be done. Unsurprisingly, 76.9% of respondents agreed with the second statement: "There is more room for improvement regarding women's advance at my law firm/organization."

Figure 29 | Respondents' views on progress with female lawyers' advancement

There is more room for improvement regarding women's rise to the top at my law firm/organization

13 responses



Source: IAWL survey, 2022

Some respondents mentioned additional notable trends and progress, both positive and negative, for women in leadership at their law firms or organizations and in the profession. The positive trends were workshops and mentorship programs for female lawyers. “I conduct workshops and provide professional coaching,” an attorney said. Another stated:

“

The mentorship programme initiated by the Vance Learning Center has proven very helpful.

”

Conversely, an attorney commented on an attrition trend, stating that “more women have left big firms to start their own law firms and run [parallel] side businesses.” Another remarked about the negative attitudes toward female lawyers:

“

[w]omen [lawyers] are routinely [gaslighted] when questioning why they are treated differently.

”

In conclusion, notable progress and positive trends are (a) the increase in the number of female lawyers in senior-level positions, although this is insufficient and requires more work; and (b) the increased workshops, mentorship, and professional coaching programs to boost women's leadership potential. Two negative trends observed are attrition, especially from big law firms, and female lawyers being gaslighted for questioning a differential treatment.

9

RECOMMENDATIONS



Several recommendations for stakeholders arise from the discussions in this report. Respondents were also explicitly asked for recommendations based on their experiences.

9.1. Law firms/organizations

- 1 Employers planning ahead and putting in place measures for women's advancement was the leading recommendation. Law firms and organizations are to “[m]ake sure that the[y] [female lawyers] are exposed to the right work, at the right time—planning ahead so that they are ready after [six] plus years to make it to partnership from associate level,” a respondent recommended. Another attorney mentioned that:

“

[i]t is easy to hire many women at junior level to use them as tokens for compliance purposes, but we need to see women being given responsibility to lead in their practices and supported to succeed—and not set up to fail.

”

A respondent recommended “[c]onscious efforts to involve black wom[e]n in spaces that influence the progression of their careers.”

- 2 Organizing more training and mentorship programs to invest in female lawyers' leadership skills is another way that law firms and organizations can improve. As one respondent said, “put in measures to ensure that women are given meaningful opportunities and mentorship.” Others said, “more training and mentorship” and “mentorship, invest in women, training.” Forming “a buddy system” that will make mentoring more organic would be helpful, as recommended by another respondent.
- 3 Providing capacity building for women and coaching will also help. “Provide capacity building through continuous professional development,” an attorney stated.

- 4 Clients' demands emerged in the report as a potential barrier and a confirmed facilitator. Law firms and organizations can shape clients' demands to be fair to women by sending female lawyers. As clients continually interact with them, the prevalent bias about their abilities would gradually be eliminated. In the apt words of one attorney, “[p]rovide women with more work by allowing them to interact directly with the client.”
- 5 Earlier in this report, the diminished professional worth of female lawyers was raised as a barrier in discussing society's perception of women. “Treat us like professionals and recognize our work,” one respondent recommended. This societal perception permeates the workplace such that even lawyers who are expected to be more gender-neutral due to their knowledge and exposure tend to perpetrate some of these biases. Thus, a workplace culture and policy that recognizes female lawyers as the professionals that they are would significantly advance their leadership pursuits.
- 6 Fair briefing patterns within law firms and organizations are also recommended, so that female lawyers garner enough experience through their exposure to diverse cases rather than being assigned the less complex cases or those cases that male lawyers reject. An attorney expressed her sentiments on the issue:

“

[m]ore fair division of labour where we don't only receive the work the men do not want to do.

”

- 7 Mental health issues also emerged as a barrier. Law firms and organizations should intentionally create an enabling work environment that would not hamper lawyers' mental health, especially female lawyers. Exploring mechanisms such as working from home where possible or necessary and flexible working hours are some ways of enabling female lawyers to work with a sound mind and increase productivity.

9.2. Law associations and societies

- 1 The survey findings showed that support for female lawyers from law associations and societies was lacking despite its potential to advance women. Respondents were asked what these associations and societies can do to facilitate women. One recommendation was for these groups to organize “leadership training and mentoring” programs. An attorney said:

“

form a buddy system to pair junior lawyers with senior lawyers.

”

- 2 In addition to leadership training and mentorship programs, respondents also recommended driving consistent professional development and networking programs. “Ensure that Continuous Professional Development Programmes are ongoing, available and accessible to female lawyers. Create networking opportunities for women locally and abroad,” a respondent suggested.
- 3 Undertaking advocacy centered on advancing female lawyers was another recommendation. A respondent proposed that law associations and societies should “[a]dvocate for gender equality in the briefing patterns both in terms of value and rotation.” Such advocacy should include support for “briefing black junior females [as] mandatory for obtaini[n]g [s]ilk status or ascending to the bench.”
- 4 Law associations and societies should also explore directives to set the agenda that will promote women's advance. For example, a respondent proposed issuing “a rule or directive that a percentage of work must be given to women per year and especially women of colour,” this will create an even playing field and allow a change in societal perceptions about the ability of women of color as lawyers.

9.3. Researchers and funding agencies

- 1 Throughout this report, issues that require further studies on a larger scale have been pointed out. Research on sexual harassment and other forms of abuse among lawyers, the intersection of gender, race and age, disparities in remuneration, and mental health issues and their impact on female lawyers in leadership should be conducted comprehensively and widely. It is crucial for researchers to undertake deeper inquiries into these matters and for funders to support them to get to the root of the issues and inform actions and steps, including policy and decision-making and training programs.
- 2 Researchers should also partner with as many law associations and societies as possible to help disseminate the research findings to the most relevant stakeholders where the findings and recommendations would make the most impact.

9.4. Female lawyers

- 1 Female lawyers also have a role to play. This report identified self-confidence as one of the primary facilitators of promotion. Therefore, female lawyers must do some introspection and build on their confidence and leadership from within.

- 2 Leadership must be earned. Therefore, female lawyers must put in the work required to merit it. Mabaeng Lenyai spoke about working hard as part of the legacy she would like to leave (Joubert, 2022). Adding her voice to the importance of hard work, one attorney said:

“

continuous hard work, double the effort, triple the time to reach the same level as their male counterpart—very few have the tenacity to see it through.

”

Hard work also includes upskilling and professional development.

9.5. Other recommendations

- 1 One barrier is unconscious biases in the minds and attitudes of individuals. “It is going to take a massive paradigm shift to change the status quo and have women welcomed into the higher ranks rather than being grudgingly admitted,” a respondent stated. Thus, law associations and societies and law firms and organizations must do all in their power to ensure women are represented in leadership; more women sitting at the table send a message to all that women can be leaders.
- 2 A respondent recommended:

“

[s]upport for women owned law firms, stipends for training candidate legal practitioners and charter obliging firms to appoint women in senior positions and requirement by both state and private entities that firms show 50% of women ownership to qualify for briefs.

”

This recommendation calls for all stakeholders to play their part in contributing toward equal gender representation in leadership. It would take concerted efforts to realize this.



10 | CONCLUSION



Despite advances in feminizing the legal profession, female lawyers in leadership positions in South Africa remain scarce. This report detailed some of the barriers and facilitators. It also documented progress and trends, addressed the impact of the COVID-19 pandemic, and made recommendations. Some leading barriers reported are society's perception of women's abilities and motherhood, the old boys' club phenomenon, and lack of organizational support from law associations and societies. Geographical location, mental health issues, and women's empathetic traits were also cited as barriers. Although barriers such as differential treatment in progression and remuneration, the intersectionality of gender, race, age and sexual harassment were primary hindrances in the literature. The survey for this report did not find them as prominent as other barriers mentioned earlier; further research is recommended.

Working in women-predominant firms or organizations, self-confidence, organizational support and unbiased work environment, and clients' request for female lawyers were among the top facilitators. Others identified were upskilling, treating women as professionals, mentoring and support, adequate exposure to and training in diverse areas of law, and law firms, organizations, and associations consciously appointing women to leadership positions. However, racially homogenous firms or organizations, transparent and timely promotion processes, and professional and social networks were not widely held to be strong facilitators.

The adverse yet minimal effects of COVID-19 were also investigated, including loss of income and inability to network in person, which were critical to women's leadership pursuits. Conversely, some respondents found it to be a blessing in disguise, as it pushed them to be innovative in their approach. Notable progress and positive trends discussed included an increase in the number of female lawyers in senior-level positions in some law firms, despite room for improvement, and increased mentorship programs. Negative trends were attrition from big law firms and female lawyers being gaslighted for questioning a differential treatment. These findings led to multiple recommendations targeted at law firms and organizations, law societies and associations, female lawyers, researchers, and funding agencies.

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APPENDIX

Survey Instrument

Thank you for taking the time to participate in this survey, which should take less than 10 minutes to complete.

This survey is being conducted to better understand the dynamics of gender inequality and obstacles that impact the retention and advancement of women to leadership roles in the judiciary. The Law Society of South Africa (LSSA) is working with its partner, the Institute for African Women in Law (IAWL), Washington D.C., USA, to undertake this project.

Please note that your responses will be kept confidential, and your identity will remain anonymous.

For further inquiries, kindly contact research@africanwomeninlaw.com.

Demographics

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

Gender

- Male
- Female
- Prefer not to say
- Other:.....

Age

- 20-29
- 30-39
- 40-49
- 50-59
- 60 years and above

Race

- African
- Colored
- Indian
- White
- Prefer not to say

Current Professional Status

- Private Practice
- Government

Years of Practice

- 5 years and below
- 6-10
- 10-20
- Above 20 years

Highest Educational Level

- LL.B.
- Masters' degree
- Doctorate degree
- Other:.....

Marital Status

- Single
- Married
- Divorced
- Separated

Leadership

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
There is a fair playing field for both women and men lawyers when it comes to influence and decision-making power in my firm/organization/sector.					
There is equal representation of women and men in the top-level positions at my firm/organization/sector.					
There are more women than men at the junior levels at my firm/organization.					

Points of Attrition and Barriers to Retention

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Society's perception of women's role negatively affects women's rise to the top in the legal profession.					
There is a lack of group support from associations like the LSSA for women lawyers.					
Sexual harassment at my firm/organization hinders women lawyers' leadership ambitions.					
There is differential treatment for women and men at my firm/organization regarding career progression and promotion.					
There is differential treatment for women and men at my firm/organization regarding remuneration.					
There are not enough women mentors in leadership at my firm/organization.					
Younger women lawyers are doubly disadvantaged in rising to the senior levels at my firm/organization.					
Race influences women lawyers' rise to the senior levels at my firm/organization					
Women have to work twice as hard (over-perform) to rise the ranks at my firm/organization.					
Clients demand male lawyers to work for them or lead teams working for them reduces women's leadership opportunities at my firm/organization.					
I have experienced verbal and/or emotional abuse at my firm/organization.					
I have experienced physical abuse at my firm/organization.					
The boys' club phenomenon contributes to women's limited progression in their legal careers.					
Motherhood and its attendant societal perceptions hinder women's rise to senior levels at my firm/organization.					

What other factors would you say hinder women from taking up senior positions at your firm/organization or the legal profession in general?

.....

Points of Attrition and Barriers to Retention

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Working in a predominantly female firm/organization enhances women's career progression in the legal profession.					
A racially homogenous law firm/organization facilitates women's promotion.					
Women's self-confidence has helped to advance their legal leadership careers.					
Organizational support and an unbiased work environment at my law firm/organization are helpful for women's rise to the top.					
Clients' request for female lawyers to work for them or lead teams contributes to women's leadership at my firm/organization.					
The promotion process at my law firm/organization is seamless and timely.					
Professional and social networks support women lawyers' rise to senior levels in the legal profession.					

What other factors would you say facilitate women's promotion to senior positions at your firm/organization or in the legal profession?

.....

Progress and Trends

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

Statement	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
There has been an increase in the number of women in senior-level positions at my law firm/organization over the past 3-5 years.					
There is more room for improvement regarding women's rise to the top at my law firm/organization.					

How has Covid-19 affected your work as a lawyer?

.....

Any additional notable trends and progress made regarding women in leadership at your law firm/organization and in the legal profession?

.....

Recommendations

This section will collect your background information that will be useful in determining the multiple categories of survey respondents and inform future analysis for the study. Information given will be kept confidential and will not be traceable to you.

What can your law firm/organization do to facilitate women's promotion to the top ranks?

.....

What can Bar associations and law societies do to facilitate women's rise to the top in the legal profession?

.....

What other factors can generally contribute to women's ascension to top positions in law firms/organizations and the legal profession?

.....

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WOMEN IN LAW AND LEADERSHIP
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