
SCOPING STUDY FOR AN ATTRITION STUDY OF VICTORIAN LAWYERS

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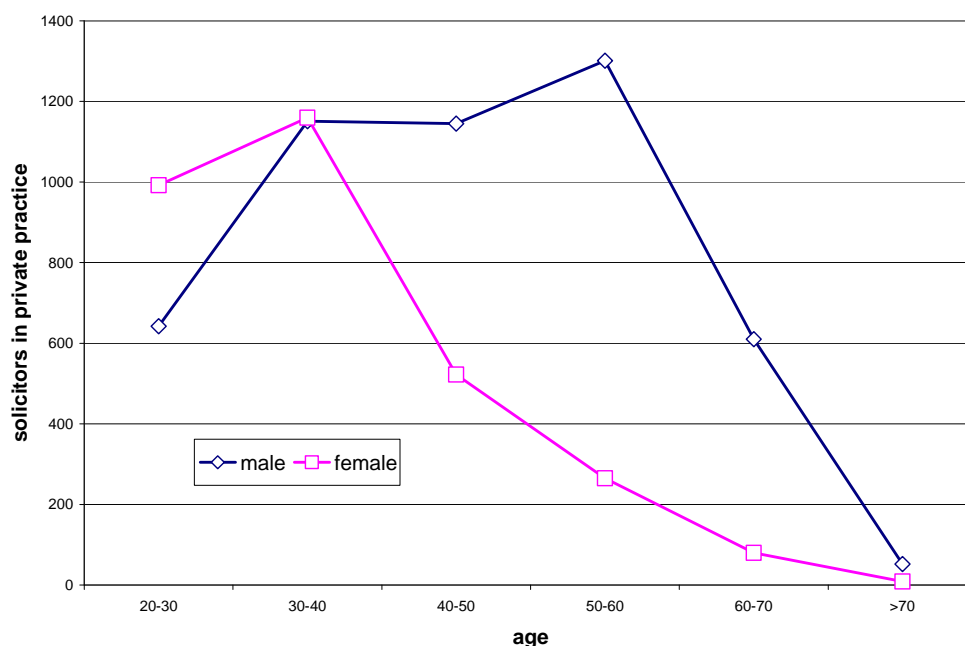
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1 INTRODUCTION: THE NEED FOR AN ATTRITION STUDY

Internationally there have been several studies of attrition of lawyers, whether attrition from individual law firms, from all law firms, or from legal practice and the profession altogether. In Australia, however, there has been little work to date on this issue. Many of the international studies have focused explicitly on attrition of women lawyers, such as the studies for the Law Society in the UK (Siems 2004; Duff and Webley 2007) and the National Association of Women Lawyers' study of retention and promotion in the US (National Association of Women Lawyers 2007). A US study on Massachusetts law firms also focused on women lawyers but collected comparative data on men solicitors (Harrington and Hsi 2007). According to this study, long work hours, workload pressures and difficulty balancing work and family were important reasons for leaving law firm practice for both men and women, although work/family reasons were more important for women.

Our research into working time and the legal profession suggests that there are large flows of solicitors out of individual law firms (Campbell, Malone and Charlesworth 2008). There is also some evidence, including that based on 2007 Law Institute of Victoria (LIV) membership data, that those exiting private practice are disproportionately women. For example, cross-sectional LIV data reproduced here in Figure 1 indicate a distinct and gendered kink, with far fewer women than men aged 40 years and over being members of the LIV. Although this may partly represent the smaller cohorts of women taking up legal practice in earlier decades, it also suggests a greater rate of exit from the profession for women than for men.

Figure 1: Solicitors in private practice, by age and sex, Victoria, 2008/09



Source: Law Institute of Victoria Membership Statistics, April 2007 (Campbell, Malone and Charlesworth 2008)

The exit from private practice is by no means confined to women, but it seems to affect women disproportionately, and it is often linked to women's greater share of child care and caring responsibilities. Two Victorian reports suggest that women are dissatisfied with conditions in law firms, including the lack of work flexibility (LIV and VWL 2006; Aqueus Partners 2005). In particular, the attrition of women lawyers is seen to reflect the poor practices of law firms, especially long hours, poor record with flexibility (including access to part-time hours), discrimination in career progression as well as the broader gender culture of the profession (Thornton and Bagust 2007; LIV and VWL 2006). When women leave private practice, they may drop out of employment altogether, take up 'non-legal' employment, move to academia, or move to legal work with corporations or in the public sector. One of the Victorian reports suggests that the move to take up in-house counsel positions is a common option (LIV and VWL 2006). Such positions are seen to offer opportunities to exercise legal skills with more attractive working-time schedules, more options for flexible work arrangements to suit the employee, and more solid career paths protected by equal opportunity policies.

It is difficult to obtain reliable data on the attrition of lawyers from private practices, although a number of reports suggest that it is very high. One industry report highlights turnover rates in law firms of between 20% to 40% per annum, which equates to a 'complete renewal of a firm's workforce around every five years or so' (LIV and VWL 2006: 3; see also IBISWorld 2007). Some of this attrition may be linked to lawyers moving to other firms. But industry consensus and the two Victorian industry reports indicate that attrition is often due to lawyers leaving private practice altogether, often to move into other professional jobs. However disputes and controversy remain and it is still unclear if the main reasons for women's exiting legal firms / legal practice are similar to those for men.

2 THE SCOPING STUDY

BACKGROUND

The Victorian Women Lawyers association (VWL) has been concerned for some time to undertake a detailed study of the career trajectory of both male and female lawyers in Victoria. The VWL is interested in particular in identifying the significant factors that affect men and women's career progression and development, including whether they remain in the legal profession.

The RMIT researchers have also been interested in pursuing a detailed attrition study in private legal practice in Victoria and had successfully applied to the Victorian Legal Services Board (LSB) for access to de-identified practising certificate data so as to ascertain whether the practising certificate data and records could be used as the platform for an attrition study of solicitors in private practice in Victoria.

Given the shared interests of the RMIT researchers and the VWL, a joint application was made in 2009 to the Victoria Law Foundation under its Small Grant Program to support a preliminary study to analyse the available LSB practising certificate data and to scope the potential and the design of a large scale attrition study of lawyers in private practice in Victoria.

Study aims

The scoping study had three main aims:

1. To undertake a cross-sectional analysis of the LSB practising certificate data to identify changes over time in the numbers and practice type (including size of firm) of men and women applying for their first practising certificate between 1998 and 2008.
2. To undertake a longitudinal analysis, where possible, to identify changes in practice type, type of position held and size of firm of two cohorts of lawyers: those who gained their first practising certificate in 1998 and those who did so in 2003.
3. To assess the feasibility and best design for a large-scale attrition study to identify:
 - o the rates of attrition of men and women away from and within the legal profession in Victoria
 - o the characteristics and destinations of those who quit private law firms or legal practice
 - o the reasons lawyers both stay and quit
 - o the consequences for those who leave private practice
 - o how legal firms might improve the attraction and retention of a diverse workforce.

3 LSB PRACTISING CERTIFICATE DATA

In order to practise law in Victoria, legal practitioners have to apply for an annual practising certificate¹. To be eligible to apply for a practising certificate a lawyer must reasonably expect to be engaged in legal practice solely or principally in Victoria.

The three types of practising certificate (PC) considered in this study are the:²

- Employee PC
- Corporate PC
- Principal PC

The LSB began managing Victorian practicing certificate data in 1997. Both the Law Institute of Victoria and the Victorian Bar have access to the data held by the Board to fulfil their delegated regulatory functions, which include licensing (issuing practising certificates).

The LSB provided the researchers with de-identified data on the annual numbers and types of practising certificates held by male and female lawyers from 1998 to 2007/08. So as to meet LSB concerns about the possible identification of individuals in different sizes of firms and types of legal practice, the data have been aggregated. This aggregation means it is not possible to analyse the data by firm size or by some of the less common types of firm.

1. Volunteer practising certificates have been excluded from the analysis. Volunteer certificates were not available before 2005/06.

² The criteria for the three main types of practising certificate are set out on the Law Institute of Victoria website: <<http://www.liv.asn.au/Practising-in-Victoria/Professional-Standards/Practising-Certificates/Types-of-Practising-Certificates.aspx>>..

LIMITS OF LSB DATA ANALYSIS

There are two important limitations to this analysis of the LSB data. Firstly, there is some concern about data integrity in the combining of the practising certificate data from the LSB, the LIV and the Victorian Bar. However, data integrity has steadily improved over time through moving to a financial-year collection in 2000/01 and then to a new software application upgrade in 2006. Small aberrations in the data have been noted in footnotes in the relevant tables.

The second limitation is that while all legal practitioners in private legal firms are required to have practising certificates, not all lawyers employed in corporate or government entities, where their job may entail the provision of legal advice, have practising certificates. This means that it cannot be assumed that legal practitioners who have ceased holding practising certificates at a point in time have altogether ceased practising as lawyers.

PRACTISING CERTIFICATES HELD BY YEAR

Type of practising certificate by year by sex

In Table 1, the distribution of male and female practitioners holding a practising certificate from 1998 to 2007/08 is set out across practising certificate (PC) type. We also include a column giving the female share of each PC type.

Table 1: Practitioners holding a practising certificate by year by sex³

PC Year	Employee PC			Principal PC			Corporate PC			Total	
	Male	Female	Female %	Male	Female	Female %	Male	Female	Female %	Total	Female %
1999	1957	1788	48	4917	1004	17	516	477	48	10659	31
2000/01	2476	2440	50	5158	1123	18	624	568	48	12389	33
2001/02	2363	2456	51	5157	1130	18	647	669	51	12422	34
2002/03	2414	2590	52	5211	1188	19	773	861	53	13037	36
2003/04	2535	2876	53	5376	1268	19	792	903	53	13750	37
2004/05	2554	2995	54	5426	1340	20	908	1076	54	14299	38
2005/06	2669	3215	55	5397	1396	21	974	1180	55	14831	39
2006/07	2714	3394	56	5479	1521	22	1050	1242	54	15400	40
2007/08	2862	3670	56	5476	1664	23	1120	1390	55	16182	42

Source: Legal Services Board of Victoria

Notes: The PC Year changed from calendar year to financial year during 2000–2001. The PC year 2000/01 is therefore an extended year of 1 Jan 2000 to 30 Jun 2001. Volunteer PCs are excluded from the table.

- The total number of practitioners holding PCs has grown from 10 659 in 1999 to 16 182 in 2007/08, a growth rate of some 51%.
- From 2003/04 to 2007/08 there was a 21% increase in the number of practitioners holding PCs.
- The growth of female practitioners holding PCs has increased at more than double the rate (28%) of male practitioners during this time (13%). As a result of this faster growth, the

3. Data for 1998 have been excluded as a base year in this table. While the data for first PCs for 1998 in Table 4 is consistent with later years, the total figure provided for PCs in this year is well below that of following years.

female share of all practitioners holding PCs has increased from 31% in 1999 to 42% in 2007/08.

- In 2003/04, almost half (48%) of all practitioners holding PCs held a principal PC. However, the proportion of men holding this type of PC (62%) was much larger than the proportion of women, of whom only 25% held a principal PC.
- In terms of the distribution of practitioners across the three PC types,⁴ female practitioners are more likely to hold an employee PC than male practitioners.
 - In 2007/08 for example, 55% of female practitioners held employee PCs, 21% held corporate PCs and 25% held principal PCs. In contrast 30% of male practitioners held employee PCs, 12% held corporate PCs and 58% held principal PCs.
 - The total number of practitioners holding employee PCs held has grown from 3745 in 1999 to in 6532 in 2007/08, an increase of some 74%.
 - The female share of those with employee PCs has also increased from 48% in 1999 to 56% in 2007/08.

The firm type of employee practitioners

Tables 2 and 3 focus on practitioners who are in legal practitioner employee positions. They set out the type of firm in which legal practitioner employees were employed in 2003/04 and 2007/08.

- For both years the majority of legal practitioner employees worked in law firms (partnership).
- In 2003/04 more than two-thirds of legal practitioner employees worked in law firms (partnership) with only 12% in sole practitioner and 14% in incorporated legal practice firms.
- There was little difference between male and female legal practitioner employees in their distribution across different types of firm.

Table 2: The firm type of those in legal practitioner employee positions by sex 2003/04

Firm type	Male	%	Female	%	Total	%
Law Firm (partnership)	2028	67	2241	67	4269	67
Sole Practitioner ⁵	395	13	365	11	760	12
Community Legal Centre	112	4	213	6	325	5
Incorporated Legal Practice	441	15	452	14	893	14
Government Employer	20	1	19	1	39	1
Other (inc. Interstate Entity, Overseas Entity, Foreign Law Practice)	36	1	42	1	78	1
Total	3032	100	3332	100	6364	100

Source: Legal Services Board of Victoria

⁴ Percentage distribution not shown in Table 1.

⁵ The LSB advises that 'sole practitioners' include both barristers who are effectively self-employed as well as solicitor sole practitioners. Some, but not all, solicitor sole practitioners are set up as incorporated legal practices (a 'company structure').

Table 3: The firm type of those in legal practitioner employee positions by sex 2007/08

Firm type	Male	%	Female	%	Total	%
Law Firm (partnership)	2196	61	2549	58	4745	59
Sole Practitioner	431	12	495	11	926	12
Community Legal Centre	166	5	388	9	554	7
Incorporated Legal Practice	776	21	939	21	1715	21
Government Employer	17	0	23	1	40	0
Multi-Disciplinary Practice	22	1	17	0	39	0
Other (inc. Interstate Entity, Overseas Entity, Non-legal Employer)	36	1	42	1	78	1
Total	3610	100	4413	100	8023	100

Source: Legal Services Board of Victoria

- In 2007/08, a smaller proportion of legal practitioner employees (59%) worked in law firms (partnership) than in 2003/04 (67%).
- The importance of incorporated legal practice is growing for employee practitioners with a fifth (21%) working in this type of firm in 2007/08 compared with 14% in 2003/04.
- Male and female legal practitioner employees are equally as likely to work for law firms (partnership) and incorporated legal practices.

First practising certificates

The LSB has data on practitioners holding a first PC in Victoria for each year since 1998 (Table 4). This provides a good indication of lawyers entering legal practice in Victoria. When practitioners first apply for a practising certificate they are assigned a unique identifier, which allows their subsequent movement amongst various PC types to be identified as set out in Tables 5 and 6 below.

Table 4: Practitioners holding a first practising certificate by PC type by sex, 1998 to 2007/08

PC Year	Employee PC			Principal PC			Corporate PC			Total	
	Male	Female	Female %	Male	Female	Female %	Male	Female	Female %	Total	Female %
1998	282	306	52	49	21	30	5	23	82	686	51%
1999	317	380	55	53	26	33	38	33	46	847	52%
2000/01	667	817	55	103	47	31	51	46	47	1731	53%
2001/02	343	469	58	55	27	33	30	47	61	971	56%
2002/03	335	496	60	52	24	32	36	54	60	997	58%
2003/04	327	505	61	56	26	32	45	72	62	1031	58%
2004/05	352	449	56	51	17	25	53	78	60	1000	54%
2005/06	399	541	58	34	18	35	66	65	50	1123	56%
2006/07	401	593	60	35	14	29	63	95	60	1201	58%
2007/08	407	592	59	31	13	30	59	82	58	1184	58%

Source: Legal Services Board of Victoria

Notes: The PC Year changed from calendar year to financial year during 2000–2001. PC Year 2000/01 is therefore an extended year of 1 Jan 2000 to 30 Jun 2001.

- The number of practitioners holding a first PC has grown significantly from 686 in 1998 to 1184 in 2007/08, a growth rate of 73%. From 2003/04 to 2007/08 the numbers of practitioners with a first practising certificate increased by 15%.
- Women have constituted a majority of practitioners holding a first PC in each year since the LSB records began in 1998.
- The female share of all practitioners holding a first PC has grown, although that share has stabilised since 2002/03, remaining at around 58%.
- In 2003/04, employee PCs were the main type of first PC, held by 81% of all practitioners (male and female) holding a first PC in that year. This proportion has subsequently grown to 84% in 2007/08.
- Female practitioners holding a first PC are more likely to hold an employee PC than male practitioners in all years. While the proportion of practitioners with corporate PCs as their first type of PC has remained steady, the proportion of those with a principal PC has decreased:
 - In 2003/04 84% of female practitioners with their first PC held an employee PC, 12% held corporate PCs and 4% held principal PCs. In contrast, 76% of male practitioners with their first PC held employee PCs, 11% held corporate PCs and 13% held principal PCs.
 - In 2007/08 86% of female practitioners with their first PC held an employee PC, 12% held corporate PCs and 2% held principal PCs. In the same year, 82% of male practitioners with their first PC held employee PCs, 12% held corporate PCs and 6% held principal PCs.

Movement and attrition of those holding practising certificates

The fact that legal practitioners are assigned a unique identifier when they first receive a PC in Victoria allows us to track the movement of practitioners over time, including their movement amongst the PC types and their movement away from legal practice requiring a practising certificate in Victoria.

Tables 5 and 6 below show the movement of two cohorts of legal practitioners who started out with employee PCs — those who held their first PCs in 1998 and those who held their first PCs in 2003/04 — to 2007/08.

Table 5: Practitioners holding employee practising certificates as first certificate in 1998 by status in 2007/08

Certificate Type PC Year	Employee		Principal		Corporate		No PC		Total N	Total %
	Male	Female	Male	Female	Male	Female	Male	Female		
1998	282	306							588	100%
2007/08	51	78	105	43	38	59	87	125	586	100%
<i>Distribution of Females</i>		26%		14%		19%		41%	305	100%
<i>Distribution of Males</i>	18%		37%		14%		31%		281	100%
<i>Distribution of Total</i>		22%		26%		16%		36%	586 ⁶	100%

Source: Legal Services Board of Victoria

6. 2003/04 data not available for one woman and one man who were included in the 1998 data.

Table 5 shows what has happened to those practitioners holding an employee PC as their first PC in 1998 in terms of their status in 2007/08. Of all those who first held an employee PC in 1998:

- 22% still held an employee PC in 2007/08, 26% held a principal PC and 16% held a corporate PC. However more than a third (36%) no longer held a PC.
- Of the women who held an employee PC as their first PC in 1998, 26% still held an employee PC, 14% held a principal PC, and 19% held a corporate PC. 41% no longer held a PC,
- Of the men who held an employee PC as their first certificate in 1998, 18% still held an employee PC, 37% held a principal PC and 14% held a corporate PC. 31% no longer held a PC.

The data highlight women's greater overall attrition from legal practice that requires a PC in comparison to men. However it is also noteworthy that almost a third of men who held their first employee PC in 1998 no longer held any type of PC in 2007/08.

The data also highlight the greater flow of men into roles that require a principal PC:

- Of those who remained in legal practice requiring a PC, men (54%) were much more likely than women (24%) to have moved into roles where they held a principal PC by 2007/08.
- Women who still held a PC in 2007/08 were more likely to hold an employee PC (43%) than men who still held a PC (26%).

Table 6: Practitioners holding employee practising certificates as first certificate in 2003/04 by status in 2007/08

Certificate Type PC Year	Employee		Principal		Corporate		No PC		Total N	Total %
	Male	Female	Male	Female	Male	Female	Male	Female		
2003/04	327	505							832	100%
2007/08	162	254	68	68	50	63	46	112	823	100%
<i>Distribution of Females</i>		51%		14%		13%		23%	497	100%
<i>Distribution of Males</i>	50%		21%		15%		14%		326	100%
<i>Distribution of Total</i>	50%		16%		14%		20%		823 ⁷	100%

Source: Legal Services Board of Victoria

Table 6 shows what has happened to those practitioners holding an employee PC as their first PC in 2003/04 in terms of their status four years later in 2007/08.

- Of all those who first held an employee PC in 2003/04, half (50%) still held an employee PC in 2007/08, 16% held a principal PC and 14% held a corporate PC. However 20% no longer held a PC.
- Of the women who held an employee PC as their first PC in 2003/04, the majority (51%) still held an employee PC, 14% held a principal PC and 13% held a corporate PC. 23% no longer held a PC in 2007/08.
- Of the men who first held an employee PC in 2003/04, half (50%) still held an employee PC, 21% held a principal PC, 15% held a corporate PC and 14% no longer held a PC

Not surprisingly, the overall attrition rate from legal practice that requires a PC is lower in Table 6 (20%) than in Table 5 (36%). However, women still had a greater overall attrition rate than men (23% compared with 14%).

7. 2007/08 data not available for one man and eight women who were included in the 2003/04 total.

The data also highlight, even over a recent four-year period, the more rapid movement of men into roles that require a principal PC:

- Of those with a first employee PC in 2003/04 who remained in legal practice requiring a PC, men (24%) were more likely than women (18%) to have moved into roles where they held a principal type of PC.
- Of those women who still held a PC in 2007/08, the majority were more likely to hold an employee type of PC (66%) than men (58%).

Summary

The above analysis of the LSB data points to three main findings relevant to the attrition of lawyers in Victoria.

1. There is a significant rate of attrition from legal practice requiring a PC in Victoria. By 2007/08:
 - more than a third of those who held an employee practising certificate in 1998 as their first PC (36%) no longer held a practising certificate.
 - a fifth of those who held an employee practising certificate in 2003/04 as their first PC no longer held a practising certificate.
2. Attrition from legal practice requiring a PC is higher for women than for men, though it is still significant for men. By 2007/08:
 - 41% of women and 31% of men who held an employee practising certificate in 1998 as their first PC no longer held a practising certificate.
 - 23% of women and 14% of men who held an employee practising certificate in 2003/04 as their first PC no longer held a practising certificate.
3. The pathways within legal practice show differences by gender. Women are more likely than men to remain in roles where only an employee PC is required, while men are more likely to move to roles where a principal PC is required. By 2007/08, of those who remained in legal practice requiring a PC:
 - 24% of women and 45% of men who held an employee practising certificate in 1998 as their first PC held a principal practising certificate, while 43% of women and 26% of men still held an employee practising certificate.
 - 18% of women and 24% of men who held an employee practising certificate in 2003/04 as their first PC held a principal practising certificate, while 66% of women and 58% of men still held an employee practising certificate.

4 VICTORIAN ATTRITION STUDY: FEASIBILITY AND OPTIONS

As part of the scoping study a literature review was undertaken of other relevant international and Australian attrition studies, broadly defined to include attrition from individual law firms, from all law firms and from legal practice and the profession altogether. An annotated bibliography listing these studies is set out in Appendix 1 and is used to identify the main options for undertaking a study in Victoria of the attrition of lawyers. The focus is on options that would best facilitate a systematic study of the attrition of employee lawyers in Victoria.

OPTIONS FOR AN ATTRITION STUDY

Five main approaches can be distilled from the literature, although a number of studies use a mix of approaches, as highlighted in Appendix 1.

1. Surveys of cohorts of university graduates, graduate destination surveys

One of the most common approaches is to focus on those who have graduated in specific years from specific universities via student or graduate records. The advantages of such an approach are multiple: i) where a recent cohort is chosen, the recorded addresses are likely to be current; ii) such studies can be nested within university graduate surveys (Chambers 1989), minimising costs; and iii) a longitudinal study of a particular cohort can be conducted over several points in time (Mattessich and Heilman 1990). It is clear that the advantages of surveying recent graduate cohorts in having access to addresses have to be balanced against the advantages of surveying older cohorts in being able to pick up changes over time.

Given that many law graduates never go into mainstream legal practice (Council of Australian Law Deans 2007), this may not be the most efficient way to study attrition of lawyers from private practice. The Harrington and Hsi (2007) study partly addressed this issue by only selecting those from a cohort of graduates who were later employed at the 100 largest law firms in Massachusetts. However it is unclear if this approach successfully captured a representative sample of those who had left these firms, given the survey was run some four years after records indicated that the graduates had been working at these firms.

2. Surveys conducted through professional associations

Another common approach is to survey the members and immediate past members of legal professional bodies in a particular location. While some surveys focus on those with current practising certificates (for example, Siems 2004), others focus directly on those who have failed to renew their certificates (for example, Brockman 1992, 1994). Another approach is to establish contact with a particular cohort with professional membership and follow them over time (for example, Kay 1997; Hagan 1990; Dinovitzer and Hagan 2006) so as to pick up on relevant changes.

3. Surveys conducted through legal firms

Surveys can also be conducted through legal firms. Such surveys focus on a firm's reports on the attrition, promotion and related data for men and women and miss out entirely on current and former employee practitioner perspectives. While some estimates as to turnover could be arrived at using this approach, the approach would not allow the identification of the reasons why men and women move between legal practices, out of legal practice or return to legal practice.

4. Nested sub-surveys within population census surveys

Only one study on attrition was identified that sent survey forms to the relevant professional grouping of US Census respondents for a certain year (Preston 1994). Such an approach in Australia would depend on agreement from the Australian Bureau of Statistics to mail out surveys to those who identified as legal practitioners residing in Victoria in a particular census year. This process may be very difficult to arrange.

5. Opportunistic surveys through networks and snowballing

Other studies are less systematic and rely on networks, word of mouth and the internet to generate interest in participating in a survey of non-renewers or leavers (for example, Royal British Institute of Architects 2003). Such studies do not provide a representative sample. They are unlikely to generate reliable estimates of rates of attrition, though they could be useful in other ways, such as by identifying likely reasons for attrition.

Suggested approach

Based on an analysis of the relevant literature, it would appear that a multi-method approach to identifying the attrition of employee lawyers from and within private practice in Victoria would be most appropriate. Clearly the study would need to be grounded in a comprehensive and representative survey of those who remain in legal practice, have left legal practice or who have returned to legal practice. The survey findings could then be used as the basis of in-depth individual interviews and interviews with HR and other relevant personnel within legal firms as set out below.

Phase 1: Survey of selected cohorts of current and former employee lawyers

There are two main options that could be pursued to undertake a systematic attrition survey:

1. The LSB could be asked to contact lawyers who held their first employee practising certificates in 1998 and in 2003/04. Another option would be to contact lawyers who hold current certificates and then to contact those who did not renew their certificate in the last year. If agreed, a letter with LSB endorsement would be sent by the Board to the last known address of these lawyers advising them of the survey and how they could participate if they wished. A brief summary of the project, details about informed consent and confidentiality requirements would be provided as well as details of the researchers should they require further information. There are however two possible limitations to such an approach:
 - o LSB staff indicate that most lawyers provide only the address of the law firm at which they work at the time of applying for or renewing their practising certificate. The annual practising certificate form only requests an address for notice of service, not necessarily a residential address. This would make it difficult to contact those who no longer held practising certificates.
 - o LSB staff have expressed concern that contacting those who currently hold or have in the past held practising certificates about an externally conducted survey may not be consistent with Victorian privacy legislation. However the view of staff from the Office of the Privacy Commissioner is that the proposed approach would not breach Victorian privacy legislation — since the LSB contacting those who hold or have held practising certificates to let them know about an attrition survey is at least ‘a related secondary purpose’, if not a ‘primary purpose’, under the Information Privacy Principles 2.1 (a) and (c) of the *Information Privacy Act 2000*.

2. The LIV could be asked to contact its employee full practising members about an attrition survey or indeed distribute a survey with its annual membership renewal forms, as the Queensland Law Society did in 2003 (Hutchinson and Skousgaard 2008), in addition to sending out a survey to members who had not renewed their membership in the last two years. While residential addresses are requested along with business addresses on LIV membership forms (see LIV membership form),⁸ one possible limitation to ensuring a representative survey of lawyers in private legal practice is that not all practising lawyers are necessarily members of the LIV. On the other hand those who are no longer in legal practice, such as legal academics or those who have gone to work in non-legal roles in government or corporations, may well maintain membership.⁹

The survey instrument would be an anonymous online survey developed in conjunction with the Victorian Women Lawyers.

No personal details other than employment and demographic data would be required to complete the survey. The survey would be used to identify a number of key factors including:

- The current employment and working conditions of respondents, including employer type, type of practice, hours worked, full-time or part-time status, access to paid leave, access to flexible working hours, and promotion/partnership opportunities;
- The career trajectory and progression of respondents within legal practice and outside legal practice since being first admitted and factors affecting this progression;
- The reasons respondents leave legal practice, as well as their characteristics, including sex, age, years of legal practice, caring responsibilities;
- The reasons why those respondents who remain in legal practice do so, as well as their characteristics including sex, age, years of legal practice, and caring responsibilities;
- Where respondents who leave private legal firms go, including to other private firms, other legal practice as well as to positions outside the law; and
- The consequences for those who leave private practice in terms of income, career progression, and working conditions.

Phase 2: In-depth individual interviews

In depth interviews could then be undertaken with up to 50 individuals in order to provide further data on issues raised in the analysis of the online survey.

The interviews would be confidential and the interviewees would not be identified by name nor would any other identifying data used in any publication. The sample could be gathered from respondents to the survey, who agreed to be approached for a subsequent interview. Alternatively, a snowball sampling method could be used. In the first instance, survey respondents will be asked to contact the researchers by email if they wish to be interviewed in the third phase of the project. In addition the VWL could promote the study both within the LIV and also within broader legal circles so that those who are interested can contact the researchers. Where individuals agree to be interviewed they will also be asked to inform others who may be interested in the study and to contact the researchers if they would like to be interviewed.

8. All qualified lawyers with practising certificates, whether in private practice or in corporate or government sectors, can become full members of the LIV. Associate membership is available to barristers, academics, trainees, lawyers working interstate and overseas, legal executives, and other professionals working in the legal industry. See <<http://www.liv.asn.au/Membership/Join-the-LIV>>.

9. In 2008, there was a total of 11 106 full practising LIV members (LIV Annual Report 2009). According to LSB data, however, in 2007/08 there were 16 182 lawyers with practising certificates (see Table 1).

Interviews would typically be an hour in length and would be conducted in a venue that suits the participant. Broadly, the themes raised could include:

- Experiences of legal practice, including hours worked, type of work, and conditions
- Opportunities and impediments for career progression within legal practice
- Reasons for remaining in or leaving legal practice
- Consequences of doing so in terms of career progression, conditions, hours of work and work/life balance
- How legal firms might improve the attraction and retention of those with caring or other responsibilities

Phase 3: Interviews with Legal Firms HR managers

Around 20 in-depth interviews would be conducted with the HR managers or relevant partners from a range of legal firms both in terms of size and areas of practice in order to tease out the issues that arise in the survey from the perspective of individual firms.

A number of firms would be identified and the relevant HR managers contacted by letter in the first instance and asked if they would be willing to participate in the interviews. Interviewees would not be asked to provide any personal details but to comment both in regard to the firm in which they work and the industry generally about:

- turnover rates of employee lawyers
 - the key drivers of turnover for different groups of lawyers
 - difference in this respect between male and female lawyers and reasons for this
- recruitment and retention policies and practices
 - data from exit interviews and so on
- any costs or benefits of attrition.

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APPENDIX 1: ANNOTATED BIBLIOGRAPHY: LEGAL AND RELEVANT ATTRITION AND OTHER STUDIES

Several of the studies highlighted below were identified from references in various articles on the legal profession. In some cases the original study was not available in university library databases nor on the internet. Where details on the methodology used in the study was provided in a secondary source, a reference to that source is provided. However a number of studies which had collected primary data on the attrition of lawyers that was referred to briefly in the literature were not able to be located or had to be purchased. They are listed at the end of the bibliography.

1. Graduate Destination Surveys

International Studies

Baker, J. G. (2002) 'The Influx of Women into Legal Professions: An Economic Analysis', *Monthly Labor Review* 125:14–24.

This paper analysed data from the 1993 National Survey of College Graduates. The survey sampled approximately 215 000 individuals, of which approximately 168 000 responded (78% response rate). The article found that the legal profession had the lowest female labour force participation rates of the compared profession fields, and ranked very high in terms of 'voluntary' labour force exit. However women were able to maintain high levels of participation in later career, in contrast to the steep decline in late career participation in other professions.

Caplow, S. and Scheindlin, S. A. (1990) 'Portrait of a Lady: The Woman Lawyer in the 1980s, symposium on Women in the Lawyering Workplace: Feminist Considerations and Practical Solutions', *New York Law School Law Review*, 35: 291.

Polled women lawyers from graduating classes of 1975 and 1976. The questionnaire targeted general information about professional, personal and financial facts and narratives. The questionnaire was sent to female graduates of 14 law schools in the Northeast. Mailing lists were obtained from alumni offices or mailed by alumni offices themselves. A total of 1160 questionnaires were mailed and 586 valid answers were returned — a return rate of almost 50%.

Catalyst (2001) *Women in Law: Making the Case*, Catalyst: New York 2001, <http://www.catalyst.org/file/165/women_in_law_making_the_case.pdf>.

A survey was mailed to 6300 graduates of the participating law schools. The graduates were divided evenly into 10-year cohorts from the classes of 1970–1999. The participants were randomly selected within each cohort and evenly distributed throughout the five schools, resulting in 1260 surveys being sent to graduates of each school. A 24% response rate resulted in 1439 respondents. Interviews and focus groups were also conducted.

Chambers, D. L. (1989) *Accommodation and Satisfaction: Women and Men Lawyers and the Balance of Work and Family*, *Law & Social Inquiry* 14: 251.

Three studies of the graduates of the classes of 1976–1979 were carried out. Mail surveys were sent out each year after the graduates had been outside law school for five years, part of an ongoing survey by Michigan Law School of its graduates. The surveys inquired about the graduates' jobs and families and were modified to include questions tailored to explore gender differences. Of the 1502 graduates in the four classes studied, 1070 responded to the survey.

Harrington, H. and Hsi, H. (2007) *Women Lawyers and Obstacles to Leadership: A Report of MIT Workplace Center Surveys on Comparative Career Decisions and Attrition Rates of Women and Men in Massachusetts Law Firms*, <<http://web.mit.edu/workplacecenter>>.

Survey #1—Rates of Attrition in Massachusetts Law Firms (see below)

Survey #2—Career Decisions in the Practice of Law, 2001–2005

The second survey went to individual attorneys and sought information from women and men on their career decisions between 2001 and 2005 and the reasons for them. It gathered basic demographic data, including detailed information about family situations and information comparing the career paths of women and men while in practising in firms and subsequent to leaving. It also explored the present use of flexible work arrangements by women and men in law firms, their effectiveness in reducing the difficulty of combining work and family, and the present state of support for flexibility by law firms in their policy and practices. This survey was deployed, on-line and on paper, in November 2005 and closed in March 2006 following a series of reminders. To reach people who could have made partner and then practised for several years, as well as those at more junior levels, it went to all attorneys who graduated from law school in 1987 or thereafter and were at one of the 100 largest firms in Massachusetts in 2001. The survey went to 2755 men and women and produced 971 completed returns for a response rate of 35%. Virtually the same number of men and women responded (approximately 440 each).

Liefland, L. (1986) 'Career Patterns of Male and Female Lawyers', *Buffalo Law Review* 35: 601.

Study designed to compare the career patterns of male and female law school graduates from the classes of 1976, 1977 and 1978. A questionnaire was sent to 1036 graduates from four prominent law schools. The questionnaire asked questions about first jobs, current jobs and family life. Liefland contacted eleven prominent law schools and requested lists of the names and addresses of the graduates. Four of those schools provided an alumni directory. A total of 1036 names were randomly selected. From each class of each school approximately the same number of men and women were selected, and the same number of names. Each alumnus was sent a questionnaire, cover letter, postage paid return envelope and postage paid return postcard. Alumni who did not respond were sent follow-up letters. There were 497 usable responses, 239 from men and 258 from women. The response rate was 48%.

Mattessich, P. and Heilman, C. (1990) 'The Career Paths of Minnesota Law School Graduates: Does Gender Make a Difference?' *Law and Inequality Journal* 9: 59.

To ensure that those who had left the practice were included in the study, the sample was selected from graduates of Minnesota's three law schools. Graduating classes of 1975, 1978, 1982 and 1985 were selected. The study was designed to emphasise a longitudinal view of the graduates' careers after law school. The instrument was a telephone interview focusing on law school experience, employment experience, personal and family issues, priorities and goals.

Lists of graduates from the selected years were obtained from each law school. Research staff randomly selected the names of 15% of all male graduates and 50% of all female graduates, with the disproportionate sampling of women taken to allow for a later analysis of the career paths of women and men. Of the respondents who could be located, 90% agreed to be interviewed.

Taber, J., Grant, M. T., Huser, M. T., Norman, R. B., Sutton, J. R., Wong, C. C., Parker, L. E. and Picard, C. (1988) 'Gender, Legal Education and the Legal Profession: An Empirical Study of Stanford Law Students and Graduates', *Stanford Law Review*, 40: 1209.

This study compared the responses of female and male Stanford law students and graduates regarding questions about their experiences. The entire population of 516 students enrolled in Stanford were surveyed and 66% of the students responded. A total of 1528 graduates were surveyed and 58% responded to the questionnaire. Questionnaires were mailed to the residential address of the selected graduates and students.

Tucker, M., Albright, L. and Busk, P. L. (1990) 'Whatever Happened to the Class of 1983?' *Georgetown Law Journal* 78: 153.

Questionnaires were mailed to graduates from sample schools that participated in an earlier National Association for Legal Professionals (NALP) survey. A follow-up letter was sent. The response rate was 39%. The study found, among other things, that most respondents took time off between college and law school, that approximately 40% of the respondents were in their second legal job (two years after graduation), and that women were less satisfied than men with their careers.

Australian Studies

Evans, A. and Palermo, J. (2006) 'Preparing Australia's Future Lawyers: An Exposition of Changing Values over time in the Context of Teaching About Ethical Dilemmas' *Deakin Law Review* 11(1): 103-130.

In Year 1, surveys were designed to ascertain ethical values of Australian lawyers were distributed to final-year students by law faculties across Australia. Of the 4000 final-year law students, 700 people responded (18%).

In Year 2, Year 1 respondents who had consented to longitudinal participation were contacted via email, phone or mail. In Year 2, 412 participants returned completed surveys: 65% of respondents were in legal practice. In Year 3, 362 participants returns completed surveys.

Jackling, B. De Lange, P. and On, J. (2007) 'Accounting Graduate Employment Destinations and Commitment to CPD: A study from two Australian universities', *Accounting Education*, 16(4): 329-343.

A sample was drawn from two universities in Victoria (Deakin and Monash Universities) and a questionnaire was distributed to a sample of graduates from 1999-2003 (n = 1190). There was a response rate of 26%, with 310 usable responses returned after one reminder letter. The article does not indicate how the sample was chosen.

Sumitra Vignaendra, (1998) *Australian Law Graduates' Career Destinations*, The Centre for Legal Education DEETYA .<<http://www.dest.gov.au/archive/highered/eippubs/eip98-9/eip98-9.pdf>>

A 1991 cohort and a 1995 cohort were surveyed. The graduates were contacted by the university alumni offices on the researcher's behalf via university alumni lists. All Australian universities who had law graduates were invited to participate in the study, and all universities accepted. After two reminder letters, the response rate was 32% for the 1995 cohort and 26% for the 1991 cohort.

2. Surveys via Professional Bodies

International Studies

Bacik, I and Drew, E (2006) 'Struggling with juggling: Gender and work/life balance in the legal professions', *Women's Studies International Forum* 29: 136-146.

Referring to the 'Gender InJustice: Feminising the Legal Professions?'¹⁰ 2003 Irish lawyers' survey (Bacik, Costello and Drew 2003): Quantitative information was gathered from the professional bodies on the age, gender and professional status of lawyers in Ireland. Qualitative data were also sought on the motivations and aspirations, career paths, family status and experience of discrimination of male and female lawyers. In order to gather this data, a mailed questionnaire was issued to 3422 recipients in May 2002 for self-completion. In total, 788 legal professionals completed and returned the questionnaires, including three judges, 518 solicitors, 220 barristers and 18 other legal professionals (a response rate of 23%).

Further qualitative data and interviews were collected through a series of focus groups and interviews were also conducted with legal professionals. Three women-only focus groups were held (total of 13 women). A further focus group involving male lawyers (five participants), two mixed-gender groups comprising students on the postgraduate training courses run by professional bodies. Interviews were undertaken with eight individual women who had achieved noteworthy status.

Brockman, J. (1992) 'Resistance by the Club' to the Feminization of the Legal Profession', *Canadian Journal of Law and Society* 7(2): 47-92.

This paper reports on the results of a survey of former members of the Law Society of British Columbia which examines the reasons why these former members did not renew their memberships in the Society, their perceptions of gender bias in the legal profession, and their suggestions for improving it.

A questionnaire was sent to all former members of the Law Society who had not renewed their membership between 1 January 1988 and July 1989. The response rate was 43%. Of the original list, 23% were returned to the Law Society without reaching their destination. Respondents were asked how relevant each of ten factors was in their decision not to renew their membership. They were also asked to specify any other factors which were relevant to their decision.

Brockman, J. (1994) 'Leaving the Practice of Law: The Wherefores and the Whys' *Alberta Law Review* 32: 116-80.

A five-page questionnaire was sent to all members of the Law Society of Alberta who had become non-practising members between 1987 and 1991. The response rate was 54%. The respondents were asked how relevant each of 17 factors was in explaining why they were not practising law.

10. Not publicly available.

Dinovitzer, R. and Hagan, J. (2006) 'Lawyers on the move: the consequences of mobility for legal careers', *International Journal of the Legal Profession* 13(2): 119–135.

A study of lawyer mobility first located lawyers who moved from Montreal to Toronto through archival research of the Bar Admission records in Toronto. Respondents were asked to complete a 'mailback' survey, which resulted in a 56.4% response rate.

The second dataset drew on a longitudinal survey of the legal profession in Toronto (Hagan 1990) which followed a cohort of lawyers over an 11-year period beginning in 1985. The first wave of surveys had a 65% response rate with 1051 respondents, the second wave resulted in 815 respondents, and the third wave had 652 respondents.

Hagan, J. (1990) 'The Gender Stratification of Income Inequality among Lawyers', *Social Forces*, 68: 835–855.

A disproportionately stratified random sample of Toronto lawyers was selected from the membership list of the Law Society of Upper Canada, the counterpart to an American state bar association. The sample was stratified by gender and type of practice to include approximately equal numbers of men and women in large firms, small and medium firms, and non-firm settings. A mailback survey was used with two follow-up reminders. A total of 1051 surveys were returned (65.3%). The survey asked questions about income, 'class power', specialisation status, sectoral movement (job histories to capture movement of respondents within and between the internal and external markets of the legal profession, and between first entry and current positions), human capital and ethno-religious backgrounds and structural change.

Kay, F. M. (1997) 'Flight from Law: A Competing Risks Model of Departures from Law Firms', *Law and Society Review* 31: 301–555.

A disproportionately stratified random sample of lawyers was selected from the membership lists of the Law Society of Upper Canada. The sample included approximately equal numbers of men and women called to the Ontario Bar from 1975 through 1990. A total of 1597 surveys were returned after one follow-up reminder (68% response rate). Kay used a competing risk model to consider transitions to multiple destinations. She defined four types of transition from law firm settings: invitation to partnership, movement to self-employment as a sole practitioner, movement to other areas of non-private legal practice, and complete departure from the practice of law.

NALP Foundation (2004) *After the JD: First results of a national study of legal careers*. <http://www.nalpfoundation.org/webmodules/articles/articlefiles/87-After_JD_2004_web.pdf>

This study obtained initial mailing addresses from US state bar authorities. It used extensive internet searches and other follow-ups, but could not locate 20% of the individuals in the original sample. Although most respondents in the JD dataset were fewer than three years out of law school, more than a third had already changed jobs at least once (and 18% twice or more) during their legal careers — not counting those lawyers who obtained clerkships after law school as having changed their job.

A longitudinal study seeking to follow a sample of slightly more than 10% of all the individuals who became lawyers in 2000. AJD researchers selected a sample that would be representative of the national population of lawyers who were first admitted to the bar in 2000. The first phase of the study began with a mail survey to the lawyers in the sample. The survey found data about more than 4500 individuals. The survey data is to be supplemented by data from face-to-face interviews, underway at the time of publications, with a sub-sample of roughly 10% of the survey respondents.

The study employed a two-stage sampling process. In the first stage, AJD researchers divided the nation into 18 strata by region and size of the new lawyer population. Within each stratum one primary sampling unit (PSU) — the metropolitan area, a portion of a state outside large metropolitan areas, or an entire state — was chosen. In the second stage, individuals were sampled from each of the PSUs at rates that would, combined, generalise to the national population. Researchers also added an oversample of 1465 new lawyers from minority groups (African American, Hispanic, and Asian American). The final sample included just over 9192 lawyers in the 18 PSUs. Working with a major academic survey organisation (NORC, a national organisation for research), AJD researchers attempted to locate all of these lawyers and survey them.

Following the initial mailing of surveys in May 2002, non-respondents were followed up by mail and phone. About 20% of the individuals in the sample could not be located, and roughly 20% of those able to be located proved to be lawyers moving from one state bar to another rather than lawyers entering the bar for the first time. Researchers opted to keep these 'movers' in the sample as long as they had graduated from law school no earlier than 1998.

Of the original sample members who were located and who met the criteria for inclusion in the study, 71% responded either to the mail questionnaire or to a telephone interview based on the mail questionnaire, for a total of 4538 valid responses. This report presents data mainly from the national sample of 3905 individuals. The minority oversample of 633 respondents (and the 'all eligibles' sample of 4538, which combines the national sample with the minority oversample) is used to augment the national sample when comparisons are made among different minority groups. The data in this report are presented in unweighted form, and results will be slightly different once differential selection probabilities and non-response are taken into account in weights.

The *After the JD* project will continue by contacting and surveying both the respondents and the non-respondents from the original sample. Researchers planned to mail questionnaires in March of 2006 and again in March of 2010.

Siems, J. (2004) *Equality and Diversity: Women Solicitors Research Study 48*, Vol 1: Quantitative Findings, The Law Society, London.

This study, later complemented by the qualitative Duff and Webley study (2007), was based firstly on an analysis of data on those holding practising certificates. The analysis of practising certificate data allowed the identification of male and female 'leavers', those who had failed to renew their practising certificates and 'returners' who had gaps in their practising certificate history. The second part of the Siems study was a set of questions on solicitors' work experiences and career aspirations included in the Law Society's annual omnibus survey, which surveyed 1121 solicitors from private practice and the employed sector.

Australian Studies

Hutchinson, T. and Skousgaard, H. (2008) 'Women in the Queensland Legal Workplace: A Snapshot' *Deakin Law Review* 13(1): 37.

This article reports on the Queensland Law Society's Equalising Opportunities in the Law Committee 2003 Membership Survey. The survey formed part of the Annual Practising Certificate Survey. The survey incorporated two main parts. First, basic descriptive questions were asked regarding factors such as age, gender, minority identification, years in practice, employment role, salary, hours of work, location and size of practice, engagement in pro bono work or other employment, and the subject area of their practice. Other questions focused on job satisfaction and career prospects, any time out of practice and the reason for this time away. Secondly, the

study analysis sought to identify the perceptions of discrimination within the legal community. The Survey was distributed to all Queensland Law Society members with their renewal forms in 2003. Approximately 6401 survey forms were distributed. There were 2536 respondents, which represents a response rate of 41.5%.

The Institute of Chartered Accountants in Australia (2007) *Employee Loyalty Research Institute of Chartered Accountants in Australia*, <<http://www.charteredaccountants.com.au>>

This paper is based on the responses of 281 Chartered Accountants under the age of 35 to an online and telephone questionnaire seeking information about their employment activities. The statistics quoted in this paper and summarised in the accompanying charts are drawn from the results of this survey and these opinions helped to form the more general conclusions of this report. Nearly 45% of the survey respondents agree that they plan to stay with their employer for less than three years. It is also interesting to note that 64% of respondents do not intend to be in their current position for more than three years.

3. Surveys through Firms

International Studies

Harrington, H and Hsi, H. (2007) *Women Lawyers and Obstacles to Leadership: A Report of MIT Workplace Center Surveys on Comparative Career Decisions and Attrition Rates of Women and Men in Massachusetts Law Firms*, <<http://web.mit.edu/workplacecenter/>>

Survey #1 — Rates of Attrition in Massachusetts Law Firms

The first survey, Rates of Attrition in Massachusetts Law Firms, was deployed in August 2005, both online and in paper form, to collect attrition, promotion and related data for men and women in the years 2002, 2003 and 2004. Following the survey practice of the Massachusetts Lawyers Weekly, the MIT survey was sent to the Managing Partners of the 100 largest firms in the state. Fifty firms responded to the survey, accounting for a 50% response rate. However, the 50 respondents include nine of the 10 largest firms in the state, so that overall the 50 firms that supplied data for the survey account for 62% of lawyers employed at the 100 largest firms.

Survey #2 — Career Decisions in the Practice of Law, 2001–2005 (see above)

NALP (2003) Keeping the keepers – strategies for associate retention in times of high attrition (NALP): this survey was distributed broadly to NALP-member law firms. A total of 84 firms representing a range of sizes and geographic locations provided detailed data on 7227 entry-level associate hires and 5976 lateral associate hires between 1997 and 2003

Note: this report is only available by purchase.

National Association of Women Lawyers (2007) *National Survey on the Retention and Promotion of Women in Law Firms*

This is a national survey which tracks the professional progress of women in law firms by providing a comparative view of the careers of men and women lawyers at all levels of private practice. The survey was sent in 2007 to the 200 largest law firms in the US, which were asked to provide information about the firms of US-based lawyers. A total of 112 firms responded to the survey.

Women's Bar Association of Massachusetts [WBA] (2000) More Than Part-Time: The Effect of Reduced-Hours Arrangements on the Success, Retention, and Recruitment of Women Attorneys in Law Firms, <<http://womenlaw.stanford.edu/mass.rpt.html>>

This report draws on quantitative and qualitative survey data on part-time work arrangements collected by the Women's Bar Association of Massachusetts Employment Issues Committee between 1998 and 1999. Data were collected from three surveys of:

(i) The 100 largest law firms in Massachusetts. The response rate from the firms was 45%, with respondent firms representing over 3000 attorneys.

(ii) Attorneys who, as of 1999, were working a reduced-hours arrangement at one of the 100-largest law firms in Massachusetts. Because the firms were reluctant to give out information on the employment arrangements of specific attorneys, the WBA provided the appropriate number of surveys to the respondent firms and requested that they distribute the survey to their attorneys with a reduced-hours arrangement experience. Because respondents were given the option to remain anonymous and because the WBA took efforts to distribute and publicise the survey to attorneys at firms that did not respond to the firm survey, it is not possible to calculate the response rate for this survey with absolute accuracy. Altogether, the WBA received 143 responses from attorneys with a reduced-hours arrangement.

(iii) Women who, for any reason, left one of these law firms during the period 1996-1998. This survey was distributed to firms' former women attorneys in the same manner as the second survey. Because the WBA made efforts to obtain responses from women who had left firms and who had not responded to the firm survey, it is not possible to determine the response rate. The WBA received 105 responses from women who had left one of the 100-largest firms within the last three years.

Australian Studies

Law Institute of Victoria and Victorian Women Lawyers (2006) Bendable or Expendable? Practices and Attitudes towards Work Flexibility in Victoria's Biggest Legal Employers LIV and VWL

The 2005 study research project involved a survey of firms and a survey of employees (see below). The firm survey was sent to the top 60 employing firms in Victoria (as identified in LIV data) in 2005. Of these firms, 57 agreed to participate (a response rate of 95%). The survey was sent to HR managers or to staff partners / office managers in firms where there was no HR manager. The aim was to provide a comparative study against the benchmarking survey conducted by Victorian Women Lawyers in 2001, A Snapshot of Employment Practices 2001: A Survey of Victorian Law Firms.

4. Survey through census and national surveys

Preston, A. E. (1994) Where Have All the Women Gone? A Study of Exits of Women from the Science and Engineering Professions. *American Economic Review* 84:1446-62.

Occupational exit rates were estimated using the Survey of Natural and Social Scientists and Engineers, conducted by the National Science Foundation in the United States in 1982, 1984, 1986 and 1989. In 1982, the survey was sent to a stratified systematic sample of more than 100 000 respondents of the 1980 Census who worked in a set of targeted science-related occupations and who had four or more years of college education. The response rate in 1982 was 72%. Those not in the labour force were asked the reason for their not working during the targeted week. They were divided into two categories: family responsibilities reasons and other than family-related reasons.

5. Surveys through association membership, word of mouth and networking

Law Institute of Victoria and Victorian Women Lawyers (2006) Bendable or Expendable? Practices and Attitudes towards Work Flexibility in Victoria's Biggest Legal Employers LIV and VWL

The 2005 study research project involved a firm survey (see above) and an employee survey. The employee survey was based on 335 respondents and included employees from VWL membership and a sample of employee LIV members, including a number from each of the employer firms invited to participate in the employer survey. Employees participated in the survey in response to invitations issued via Friday Facts (the LIV's weekly e-bulletin) and VWL email promotion.

Royal Institute of British Architects (2003) Why Do Women Leave Architecture? <<http://www.architecture.com/Files/RIBAProfessionalServices/Education/DiscussionPapers/WhyDoWomenLeaveArchitecture.pdf>>

Respondents were found through networking, word of mouth, media, the Royal Institute of British Architects itself and internet publicity. A web-based questionnaire was used. A total of 174 responses were received globally.

Articles/studies noted but not publicly available

International Studies

Spaniel, C. L. and Patton, P. A. (2005) *Toward Effective Management of Associate Mobility: A Status Report on Attrition* 19, 53, National Association Law Placement Foundation. (Available for purchase only.)

NALP (2000) *Beyond the Bidding Wars: A Survey of Associate Attrition, Departure Destinations, and Workplace Incentives*, NALP Foundation for Research & Education. (Only available for purchase.)

Australian Studies

Goodluck J. (1996) *Women Working in the Legal Profession in Tasmania: Final Report*, prepared for the Women Lawyers Association of Tasmania by Ireland and Goodluck Corporate Consultants, December 1996. (Not publicly available.)

Law Council of Australia (2004) *National Young Lawyers Survey 2004*. (Not publicly available.)

Law Institute of Victoria survey report: annual survey of legal practitioners. January 1999. Analysis of the responses to a questionnaire that was distributed with the practising certificate renewal forms in September 1998, (not available online but through LIV library.)

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