

# Factors Contributing to Social Dilemma of Female Lawyers

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**Abstract:** *An increasing number of women are demonstrating exceptional performance in nearly all areas of life. However, there exist certain concerns that need to be resolved in order to facilitate a seamless growth process for women. Despite a recent increase in the number of women advocates, they continue to be underrepresented at the highest echelons of the legal profession. The present essay endeavors to comprehend the various aspects involved in the identification of gender disparities that are prevalent within the legal profession. The main reasons of gender imbalance in the legal profession have been identified as six factors: discrimination, sexual harassment, work-life balance, stress, impersonal treatment, and working with the public. In order to enhance the degree of engagement among women lawyers, it is imperative to implement appropriate measures aimed at mitigating gender-related challenges. This research seeks to identify potential gender barriers that impede the advancement of women legal professionals and proposes strategies to ensure gender equality. The subsequent section presents previous research pertaining to women in the legal profession.*

**Keywords:** Women's empowerment, dilemma, social barriers, legal professionals, prejudice

## I. INTRODUCTION

There is still the belief that when all other options are exhausted, one can still seek help from the judicial system. The trajectory of women in the legal profession might be characterized as an ongoing endeavor marked by persistent obstacles. The societal position of women in India has experienced significant transformations. The active participation of women activists and good government actions has led to the notable advancement of women across several domains. Despite the numerous advancements and accomplishments, women continue to encounter a multitude of challenges. Given the emergence of mechanisms aimed at effecting social change, it is imperative to thoroughly examine options for the advancement of women, tackle the challenges associated with them, and devise strategies to attain sustainable development for the broader segment of society.

India boasts the second largest legal profession globally, employing over 600,000 individuals in the field of law. India boasts the second largest legal profession globally, with individual lawyers and small companies serving as the primary service providers (India Law Essay). The legal profession plays a crucial role in upholding integrity within the system. In the absence of a well-structured legal profession, the courts would be unable to effectively administer justice. This is because the evidence in favor of or against the parties involved in a lawsuit cannot be adequately arranged, facts cannot be accurately presented, and the most compelling legal arguments in favor of or against the parties' case cannot be presented before the court. The presence of a well-structured system of judicial administration is essential for ensuring the effectiveness and efficiency of the legal system. Additionally, the establishment of a well-regulated profession for presenting legal arguments is a crucial requirement for enhancing the overall quality of justice. In the era of globalization, the legal profession in India has undergone significant transformations. Historically, the legal profession in India has predominantly been dominated by males. In the past twenty years, India has addressed its status as a highly promising country by establishing new types of "global" legal work environments that have attracted significant attention and provided ostensibly gender-neutral benefits for its employees.

Currently, the representation of women in high courts is below 7% of the overall number of judges. Throughout its 58-year history, the Supreme Court has only had three female justices. Currently, none of the judges in the Supreme Court are women. In contrast, the 21 high courts in the country have 42 female justices and 561 male justices (Malathi Nayak,

2008). According to the Bar Council of Tamil Nadu (2011), there are approximately 7691 female lawyers in Tamil Nadu, whereas the number of male lawyers is around 44,429.

The inaugural female judge in India was Anna Chandy, hailing from Kerala, in the year 1937. In 1959, she was elevated to the position of Kerala High Court, being the inaugural female judge to attain this esteemed position. She likely became the second woman globally to attain the position of a high court judge, namely in the High Court of Kerala. Although women are prevalent in the legal profession, they have not yet attained commensurate advancements in authority and prospects.

The legal system should proactively gather comprehensive data on the experiences of female lawyers in several domains, including advancement, leadership prospects, remuneration, flexible work arrangements, job satisfaction, and instances of sexual harassment. (Rodrige, 2001). Discrimination is not limited to the legal profession, but rather extends throughout the institutions of law education. The influence of gender is evident among law school students throughout their legal education. Hence, inequity commences even at the time of their graduation. Therefore, it is imperative to direct attention on the factors that contribute to gender disparities. The study conducted by Moira MacMillan, Nick McKerrell, and Angus McFadyen in 2005 examined the primary concerns related to women lawyers, including professional advancement, wage disparity, work-life equilibrium, and gender bias. In a study conducted by Krakauer and Chen (2003), it was determined that gender exerts a significant influence on the career trajectories of legal professionals. Mallinath and Gurunath (2017) published a study. The author suggests that it would be beneficial for law students to be informed about the diverse obstacles faced by women legal practitioners, such as gender bias, sexual harassment, limited opportunities for career advancement, financial disparities, and work-family conflict.

In research conducted by Catrin Mills in 2010, it was determined that approximately 25% of lawyers express a desire to leave the profession as a result of stress and excessive working hours. While individuals across several industries experience stress, legal practitioners have heightened levels of stress due to factors such as intense competition, challenging professional interactions, and perpetual deadlines. Therefore, in this study, the challenges encountered by female lawyers are classified into six categories, as determined by prior research. There are several issues that need to be addressed, including

- prejudice,
- harassment
- work-life balance
- stress
- impersonal treatment
- working with the public

This research seeks to identify potential gender barriers that impede the advancement of women legal professionals and proposes strategies to ensure gender equality. The subsequent section presents previous research pertaining to women in the legal profession.

## **II. REVIEW OF LITERATURE**

According to Sharyn Roach Anleu's research in 1993, women earn approximately twice the much as men, and this disparity is increasing over time. The income disparity can be attributed to two primary factors: the sporadic nature of women's careers, primarily owing to maternity, and the limited representation of women in traditionally female-dominated fields of law. Glass ceilings impose limitations on the opportunities available to women. The research has revealed that a significant number of female lawyers depart from the profession due to the incongruity between their roles as parents and lawyers.

According to a study conducted by Susan, Ehrlich Martin, and Nancy C. Jurik in 2006, it was noted that women are not adequately represented in terms of power, position, and salary. The research has also determined that gender has a significant influence, notwithstanding its lack of impact. Women are subject to gender-based deprivation of rights and are not afforded equal chances as their male counterparts. The research has revealed that men have superior skills in balancing their professional and personal lives in comparison to women. Women choose to leave their career due to their inability to effectively balance the demands of work and family responsibilities. The study concludes by highlighting that a female lawyer is mostly assessed based on her gender.

According to a study conducted by Kay, Masuch, and Curry (2004), it was observed that a greater proportion of women are employed in low-wage occupations, while a smaller proportion are employed in high-wage occupations. The study has revealed the presence of gender disparities between males and females in various aspects, including income, social advancement, authority, independence, opportunities for personal development, and levels of job contentment. These disparities persist regardless of individuals' levels of experience, whereby women who possess comparable experiences to males are not afforded equal opportunities. The study has uncovered instances of bias in multiple domains, including as career advancement, exit and re-entry into the profession, wage disparities, geographical location and practice type, and job satisfaction. This bias is manifested through the exclusion of women from informal gatherings and their refusal to undertake demanding tasks.

According to Aspasia Tsaoussis (2003), the profession of law is characterized by its resilience and intense competition, and it was historically dominated by males. However, women have now begun to achieve equal success in the profession of law as males. Women have made significant progress in achieving gender equality. However, there are still other factors that influence gender equality, making it extremely difficult to eliminate. The findings of the study demonstrate a significant presence of gender difference in both income and position. One primary factor contributing to women's lower levels of success is the excessive weight they bear in terms of home responsibilities and child-rearing obligations. The study has revealed that gender does not exert a significant influence on the negotiation process. In her research, Shanta Astige (2011) sets herself apart from other studies by asserting that women in the legal profession do not experience any form of discrimination. Instead, she argues that women are expected to demonstrate that they are not inferior to their male counterparts. The study has indicated that despite encountering numerous obstacles in their professional careers, women are highly esteemed in certain aspects of their practice, such as customer interaction, arbitration, and assertiveness. The author emphasizes the proficiency of female lawyers in effectively handling their cases. The research indicates that there is a relatively low representation of women in the higher echelons of the legal profession, notwithstanding the implementation of antidiscrimination measures in the field of law. The study's findings indicate that working women receive higher prestige and respect compared to housewives.

### **Approaches for the progression of women in the legal profession**

The existing body of research substantiates the persistent disadvantage experienced by women within the legal profession. Currently, the pace of policy changes and developments is sluggish and has not yet resulted in the required modifications to ensure that women make their full contribution to all aspects of the profession. The legal system in India lacks proactive measures to create a conducive work environment that enables women to effectively operate within the core sectors of the system. It is imperative to establish policies that are conducive to gender equality and incorporate facilities for parental leave and flexible work schedules for moms. It is imperative to provide transparency in departmental rules and procedures pertaining to matters concerning recruiting and promotion. These policies should include measures for the advancement of female lawyers. It is imperative to establish measures that facilitate the augmentation of female representation within decision-making panels. Women have a more significant role in assisting their female colleagues inside the profession. Hence, it is imperative to provide a fair allocation of leadership roles in order to foster the advancement of women within the legal system. In order for the legal profession to serve as a catalyst for fostering a culture of harmony and sustainable human development based on principles of equity, justice, unity, and independence, it is imperative to thoroughly acknowledge and address the gender dimensions inherent in its activities.

## **II. CONCLUSION**

This research will contribute to the multifaceted and varied aspects of job satisfaction among women in the legal profession, specifically focusing on gender-related concerns. This research study employed the Partial Least Squares method to examine the impact of several concerns on the selected sample respondents. These issues include but are not limited to discrimination, harassment, work-life balance, stress, and working with the public, with the exception of impersonal treatment. The primary factors contributing to women's departure from the legal profession have been identified as sexual harassment and work-life balance. Therefore, it is imperative to implement appropriate strategies aimed at mitigating workplace concerns in order to decrease the attrition rate among female lawyers. The findings of the study unequivocally demonstrate a negative correlation between the amount of issue and job satisfaction.

The review of the concealed obstacles within the legal profession is vital, since they have a significant impact on both the profession as a whole and the performance of individuals. Policy makers should prioritize addressing the subtle gender bias that hinders women lawyers in the legal system and assist them in overcoming the psychological barrier known as the "glass ceiling." It is imperative for male lawyers to collaborate and provide help to their female counterparts in doing demanding tasks. Consequently, it will establish a secure and equitable work environment and enhance the empowerment of women. Hence, the study elucidates the necessity for substantial modifications in the legal framework aimed at fostering equality, thereby enabling women to attain their utmost capabilities within the professional sphere.

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