

The Legal Profession: Challenges and Opportunities for Women with Reference to Sri Lankan Study

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Abstract: *In recent years, there has been significant progress in the representation of women in the legal profession, as seen by the increasing number of female law students surpassing their male counterparts in law faculties at universities and law colleges in Sri Lanka. Nevertheless, despite the considerable influx of women into the legal field in Sri Lanka, there is a noticeable disparity in the representation of women in leadership positions and prominent roles within the Attorney-at-Law profession. In Sri Lanka, men advocates hold a significant majority in the legal profession. Furthermore, it is noteworthy that women constitute nearly 33% of the overall judiciary and have held the esteemed position of Chief Justice. The lack of female representation in the legal profession can have detrimental effects on women's rights and their ability to access justice, while also diminishing the overall effectiveness of the justice system. The data suggests that a significant proportion of female law graduates opt not to pursue professional paths as practicing lawyers, prosecutors, or judges. Instead, they tend to seek employment opportunities within private sector corporations and other financial institutions and organizations. This essay aims to examine the obstacles and the experiences of women in entering and staying in the legal profession. This study examines the outcomes of two-panel deliberations that took place in two districts in Sri Lanka, within the context of my professional experience as a gender specialist in a justice project. The analysis is grounded in the firsthand accounts provided by the Panellists, as well as the input gathered from female advocates and female law students who participated in the panel deliberations conducted in the two districts. This study examines the experiences recounted by female advocates and proposes novel strategies for surmounting obstacles.*

Keywords: female advocates, obstacles, legal field, law students, prospects

I. INTRODUCTION

In essence, the legal system in any country serves as the regulatory framework that governs the exterior conduct of its citizens. It safeguards individuals' rights and puts obligations upon them. Due to these factors, the legal profession holds significant importance in the coexistence of any civilized community. During its early stages, the legal profession exhibited a lack of inclusivity towards women, since it predominantly catered to male practitioners, while simultaneously supporting the rights of individuals. While the profession safeguards the rights of individuals, it also infringes upon the rights of women inside the profession.

Throughout history, women have been historically marginalized from the legal profession due to their lack of acceptance and entrance. Ms. Margret Brent holds the distinction of being the inaugural female legal practitioner during the colonial era. Ms. Brent's request to vote in the Maryland Assembly was documented in history on two occasions: once as a landowner and once as an attorney for Lord Proprietor. However, officials rejected both of her requests. In 1872, women gained access to the legal profession when Illinois passed laws to eliminate sex disqualification. As a result, Myra Bradwell became eligible to practice law in 1872. Despite being admitted to the Supreme Court of the District of Columbia in 1873, Bella Lockwood was not granted the privilege to practice at the Supreme Court of the United States until legislation was enacted in 1879. Cornelia Sorabji, the inaugural Indian woman to engage in legal profession both within India and in Britain, encountered early exclusion from pursuing her studies at Bombay

University due to her gender. Cornelia was the inaugural female to pursue a legal education at Oxford University in 1892. Consequently, Oxford declined to acknowledge her degree upon completion of her studies. During the 1920s, India embraced the inclusion of female lawyers, prompting Cornelia to establish her legal business in Kolkata, so facilitating the advancement of female lawyers in the country.

Women in Great Britain gained independence in the early 1990s through the implementation of the Sex Disqualification (Removal) Act 1919, which granted them access to numerous professions. Nevertheless, the inclusion of women in the legal profession in Sri Lanka was only granted subsequent to the implementation of the Sex Disqualification Removal (Legal Profession) Ordinance No. 25 of 1933. The aforementioned examples illustrate the challenges faced by female lawyers in their pursuit of a career in the legal field throughout history.

FEMALE REPRESENTATION IN THE LEGAL PROFESSION IN SRI LANKA

The legal profession has experienced notable transformation in recent years, characterized by a substantial increase in the representation of women within its ranks. The aforementioned obstacles to accessing the legal profession, as highlighted in this article, were courageously overcome, resulting in a notable decline in women's representation in this field. Furthermore, there has been a notable rise in the number of female graduates from law schools over the past few decades. During an interview with a senior professor affiliated with the faculty of Law at the University of Colombo, it was ascertained that a significant proportion, exceeding 80% and occasionally reaching 95%, of the student population in law schools in Sri Lanka consists of females. However, men hold a significant majority in the justice system in Sri Lanka. Currently, the Supreme Court has a mere 2 female judges, while the Court of Appeal has just 3 out of 12 female judges. Similarly, the Executive Committee of the Bar Association of Sri Lanka has only 3 female members out of 31.

PURPOSE

There is a wide range of academic publications and reports that address the difficulties and gender bias in the legal field in many nations. However, there is a lack of research studies specifically focusing on women in the legal profession in Sri Lanka. Therefore, it is a compelling endeavor to investigate the various obstacles encountered by female lawyers within the legal field in Sri Lanka. This study aims to present a comprehensive analysis of the issues that arose during the panel deliberations about the obstacles encountered by women lawyers in the legal field, as well as the suggested strategies for addressing these challenges.

This paper presents a reflective account of my involvement in organizing a series of forums aimed at empowering women in the legal profession. The primary objectives of these forums were to foster the exchange of experiences and information, explore potential solutions and strategies for progress, and serve as a platform for advocating for women to assume more diverse and influential leadership positions within the legal field. This study centers its attention on the examination of two-panel deliberations that were carried out in two districts, namely Colombo and Kandy, located in Sri Lanka. Both seminars were open to everyone, with a particular focus on women lawyers and law students. Around 200 women lawyers and law students took part in the activities. The initial deliberations conducted in Colombo comprised a group of accomplished and well-established female legal professionals who are currently employed or have prior experience in many domains, such as the judiciary, the corporate sphere, and international development. The panelists addressed the obstacles and difficulties they encountered in their pursuit of leadership roles in their respective domains. The perspective was highly subjective and tailored, enabling the audience to actively connect with the shared experiences and thoughts. The panel for the second deliberation in Kandy comprised of experienced female lawyers who are now practicing and former presidents of the Kandy Bar. The Colombo deliberation mostly centered on the obstacles encountered, whereas the Kandy deliberation primarily centered on strategies to surmount the hurdles encountered by women lawyers within the legal profession. The conversation commenced by inquiring about the panelists' personal experiences.

CONSTRAINTS

This study specifically examines the two-panel deliberations involving 200 female lawyers and law students, rather than encompassing the broader legal profession. Furthermore, due to the specific date and approach employed in this research, it simply presents the issues that arose and provides early recommendations. However, its capacity to

thoroughly examine these findings and recommendations is rather restricted. It is important to acknowledge that there are numerous prospects for additional investigation in this field; this study aims to offer a thought-provoking and initial foundation for such research. Subsequent investigations would be enhanced by enlisting significantly larger cohorts of female advocates to qualitatively examine their encounters and obstacles within the field. Additionally, it would be intriguing to undertake a comparative analysis of larger cohorts of female legal professionals in relation to urban and rural environments, bar associations, and the distinction between private and public legal practices.

Since the 1970s, the profession has experienced numerous transformations, such as bureaucratization and heightened specialization. The panel's personal experiences revealed that during the 1970s, the legal profession was predominantly male-dominated and characterized by stereotypical attitudes. In the given setting, there was a complete absence of fundamental rights, human rights, and the concept of women's rights. Consequently, women encountered several obstacles and difficulties in their pursuit of upward social mobility.

The presence of gender prejudice attitudes hinders women from following their aspirations, resulting in several challenges due to the absence of gender sensitivity within the system. A panelist, recounting her personal experience, expressed the following:

"I have pondered my own shortcomings and endeavored to embody masculinity in order to endure in the field." It was highly disheartening and injurious. I had to face an environment that was predominantly male-dominated and characterized by stereotypical attitudes. However, when I faced greater pressure, my resilience increased. When faced with lemons, I resorted to making lemonade, selling the glasses, and generating a profit from it. Challenges serve a purpose, namely the development of one's character. It is imperative that individuals confront these challenges with fortitude, perseverance, a positive mindset, and a witty disposition.

As indicated by the aforementioned panelist, a significant proportion of individuals perceive gender bias views as demeaning. The perception of a lawyer among law students undergoes a transformation upon entering the legal profession. Law students are instructed solely to adopt a lawyer's mindset, disregarding the practical aspects of the legal profession. Upon entering the profession, many fail to see that being a woman does not pose a hindrance to the career. According to a recent study conducted by the Commission on Women in the Profession of the American Bar Association and the Minority Corporate Counsel Association, it has been found that women experience higher rates of interruptions, misidentification as non-lawyers, engagement in office-house tasks, and limited opportunities for securing high-quality job assignments compared to their male colleagues. In my opinion, acquiring a deep understanding of the field is crucial prior to embarking on a career in it.

The absence of adequate transportation security during nighttime poses a notable concern that undermines the abilities of aspiring female lawyers who lack the financial means to possess their own means of transportation for commuting. One persistent obstacle that hinders women from advancing in their professional trajectories to the same extent as males. Despite the fact that women make up the majority of the student population, all committees consist of men because women and girls find it challenging to remain outside for extended periods of time.

The topic of work-life balance has surfaced as a significant concern during the course of the conversation. The topic of flexibility in parental childcare leave has been extensively examined in numerous research studies, scholarly articles, and journals (Rhode, 2002; Cunningham, 2001). A panelist strongly asserted that;

"A woman should not be solely responsible for managing marriage, career, and children." If we are addressing gender equality, the next step we need to take is shared parenting.

Research has demonstrated that the presence of both parents in a child's life is positively associated with a higher IQ. However, a significant proportion of female lawyers have challenges in establishing their careers following childbirth or maternity leave, primarily due to insufficient familial support from their husbands and a lack of shared responsibility. Numerous publications issued by bar associations and law societies in Western countries have called for the implementation of workplace family accommodations rules. However, it is noteworthy that the legal profession in Sri Lanka does not exhibit any such policies. However, several private firms in Sri Lanka have already introduced measures such as flexi-time, part-time work, and paternal leave. However, it is important to note that these policies may not have been universally adopted in the corporate sector of Sri Lanka. The achievement of a work-life balance is widely recognized as a significant impediment that hinders the professional advancement of female lawyers in Sri Lanka.

A panelist representing the corporate sector expressed the view that there is no glass ceiling and that we collectively establish our own barriers to advancement. Nevertheless, contemporary society places growing demands on both genders, necessitating the establishment of an institutional framework to enable women to attain a harmonious equilibrium between their professional and personal lives.

Female litigators encounter numerous obstacles. Attending court proceedings on a regular basis, confronting adversaries, meeting client demands, and striving for victory in all instances presents a significant challenge. Being a litigator requires significant commitment and time, which may be highly demanding. For a lawyer hired by a client in the private sector, the work becomes even more challenging. Conversely, married women lawyers who lack familial support encounter greater difficulties in this regard. Women occasionally choose to temporarily cease their practice and return to work due to a variety of circumstances, primarily ones associated with their families. While the majority of women initially choose to pursue a career in the legal profession, many of them decide to leave shortly after getting married. The majority of female lawyers saw this as a regression. In Sri Lanka, it is usual for women lawyers to choose employment in the business sector, banking, or other vocations after getting married and starting a family. This is because they struggle to achieve a work-life balance in the legal profession. In contrast to legal practice, the resumption of employment in the corporate sector or banking following childbirth does not entail any obstacles. According to Kannan (2013), female lawyers frequently choose for an exit plan when confronted with the quandary of balancing their professional and familial responsibilities. Female lawyers exhibit a higher rate of job turnover compared to their male counterparts, primarily due to their greater familial obligations. Women in all professions face the issue of managing their homes and work, as they are consistently responsible for domestic tasks.

The challenge is heightened by the fact that the judicial system is designed with a male perspective (Kannan 2013). Women lawyers encounter challenges in establishing their legal profession following childbirth, primarily due to time constraints and unsupportive spouses. According to Rhodes (2001), women often face significant challenges in managing their work and family duties within an unsupportive work environment, necessitating a high level of dedication. Inequity and gender bias are prevalent throughout various sectors. Sri Lanka exhibits a high level of sophistication in comparison to other nations. In contemporary society, it is uncommon for someone to directly express their disapproval of someone based on their gender. These occurrences transpire with great subtlety.

The preference of customers in India for male lawyers over female lawyers, as exemplified by Bhagya Lakshmi, presents a comparable issue for female lawyers in Sri Lanka, as highlighted during the Kandy deliberation. According to a panelist who has a prominent position in the field of criminal law, the presence of professionalism and self-confidence is crucial for women lawyers to effectively handle criminal cases. It has been observed that there exists a limited number of female lawyers within the criminal practice in Sri Lanka. There is a prevailing belief that women are not well-suited to practice criminal law due to its inherent masculinity. An additional challenge that arises is the unequal presumption of competence and dedication experienced by female advocates in comparison to their male counterparts (Rhodes, 2001). The research of women lawyers in Zimbabwe uncovered a comparable scenario, where there is a presumption of competence based on the concept of "gendered specializations," which refers to the applicability of specific types of law based on one's gender.

In her paper, Bhagya Lakshmi highlighted that women lawyers must navigate their path through genuine sincerity and efficiency, as a complete shift in customers' perception of gender bias is unattainable. Sri Lanka, akin to India, exhibits a male-dominated society characterized by gender bias that favors male professions. The two-panel talks revealed a deficiency in self-assurance and leadership abilities among female lawyers in Sri Lanka. From my perspective, women possess an innate ability to manage various duties. Therefore, it is necessary for them to develop leadership skills and self-assurance in order to overcome obstacles. It is important to acknowledge that junior women lawyers have a greater opportunity to acquire the aforementioned abilities compared to their married counterparts.

Additional concerns arose during the deliberation conducted in Kandy, where the panel comprised experienced female lawyers in active practice. Upon recounting the story, it became evident that the level of support provided by senior individuals 35 years ago was far greater in comparison to the present. Furthermore, the absence of reciprocal assistance from female lawyers is also perceived as a drawback. Junior women lawyers are reportedly overwhelmed with the workload and are not remunerated with a fair compensation. The majority of them attend court proceedings primarily to secure a date or maintain a case for their more experienced male advocates. Furthermore, the absence of assistance,

guidance, and the absence of demanding and prominent tasks are among the concerns that have been brought up. This could be attributed to the presumption that senior advocates, who are overwhelmed with their workload, are hesitant to allocate their limited time to mentoring women who appear to be at risk of leaving. According to Epstein (1992), Kay and Gorman provide evidence that employers' presumptions about women's unique personality features result in the provision of work assignments and career possibilities for women that are typically less demanding or less prominent compared to those available to men. In the context of Sri Lanka, it is observed that women lawyers tend to prioritize teaching employment, which is comparatively less demanding, above engaging in legal counseling. Additionally, it has been noted that certain female lawyers restrict their professional activities to teaching or practicing Notaries. Women's inability to acquire the essential legal skills necessary for career progression in the legal profession leads to their departure from the field.

The presence of a close relative in the family, such as a father, husband, uncle, or brother, who is also a lawyer, tends to create a more advantageous condition for women lawyers. It has been noted that female legal counsels in Sri Lanka possess a strong legal foundation, which enables them to receive the essential assistance and guidance from their family members. Conversely, there exist a limited number of extraordinary instances wherein individuals lacking familial ties have achieved success as legal counsels by virtue of diligent effort and unwavering dedication. Rhode (2001) conducted an analysis on the absence of mentorship for female lawyers and reached the following conclusion:

The findings indicate that a significant number of female lawyers are excluded from opportunities for career advancement. They lack sufficient knowledge of their organization's covert procedures and political dynamics. Insufficiently demanding and prominently displayed assignments are assigned to them. They are not afforded the opportunity to participate in social activities that offer professional prospects. Furthermore, they are not provided with assistance in acquiring the essential legal and marketing skills necessary for progress.

Research on women legal professionals in India reveals a significant surge in the representation of women in the legal profession, reflecting a positive shift in societal attitudes. Nevertheless, this rise is solely in terms of quantity, rather than quality. The underrepresentation of women professionals in legal proceedings, resulting in poor remuneration, is a concerning reality. In Sri Lanka, there is a comparable scenario where the growth is primarily measured in terms of quantity rather than quality.

The insufficiency of career advancement prospects for female lawyers in Sri Lanka has been duly noted. Young female lawyers are burdened with a significant amount of administrative tasks, resulting in limited room and prospects for professional growth. While ad-hoc professional development programs exist, there is a lack of organized mentoring programs for junior lawyers in Sri Lanka. This phenomenon could potentially be ascribed to the relatively modest income levels, namely within the legal profession.

Sexual harassment is prevalent in all occupations and professions, including the legal field, where it is extensively addressed in various articles, papers, and studies. Interestingly, the issue of sexual harassment did not arise as a significant obstacle during the course of these two-panel deliberations. Nevertheless, it has been observed that numerous female lawyers encounter the dissatisfaction of their peers when presenting their arguments before the court. The panel's reaction to this matter indicated that the culture being fostered exhibits a strong emphasis on masculinity and patriarchy. Hence, it is crucial to associate with encouraging companions and be unaffected by such backward mindsets. Men are socialized and raised in a manner that leads them to unintentionally engage in these behaviors. In my perspective, the extent of harassment experienced is directly proportional to the level of reactivity exhibited by male peers. In endorsing the panelist's reaction, it is imperative to foster a resolute stance towards derogatory comments and foster a positive professional rapport among peers as a means to address instances of sexual harassment. A senior male lawyer made a significant remark stating that sexual harassment is not accepted in that specific branch bar, and strict measures will be implemented to address any such complaints.

Another significant finding that has surfaced is that the male lawyers affiliated with the same branch bar express their endorsement for the appointment of a second female president to that specific branch bar, as they perceive her to be the most appropriate candidate for the role. The presence of a gender disparity in leadership roles within the Bar Association of Sri Lanka (BASL) and its affiliated branches has been duly noted. What I have noticed is that although there are experienced female lawyers who have the ability to assume roles, they are hesitant to step forward.

II. CONCLUSION AND SUGGESTIONS

The number of women entering the profession in Sri Lanka is on the rise; nonetheless, they have encountered challenges in attaining higher positions within the profession. Remaining in the profession is more challenging than entering it, as it is very competitive. The success and longevity of women in the legal profession sometimes rely on the support and involvement of close relatives, such as their father, uncle, or husband. It was noted that not all lawyers registered at the Bar are actively practicing, as many leave the field after a few years, primarily owing to family-related reasons.

During the aforementioned panel discussions, attendees believed that the panelists' experiences in identifying and overcoming difficulties were highly informative. Furthermore, the Law students gained valuable insights into the field through the forum. The primary obstacles that arose throughout the two conversations were gender bias, achieving a balance between work and personal life, advancing in one's profession, and experiencing sexual harassment. Notably, the difficulties were also addressed through the exploration of potential remedies, such as implementing structural modifications.

Here are some suggestions for tackling these challenges:-

Prior to entering the legal profession, it is crucial to provide law students with a comprehensive understanding of the field. While there is already a course on professional ethics, it is crucial to emphasize Professional Responsibility to the students.

Female students lack awareness regarding the challenges inherent in their chosen profession. Therefore, it is necessary to inform them about the possible barriers that may hinder their progress. The kids' lack of awareness of the practice areas was noted during the conversation. Consequently, they continuously engage in experimentation in order to reach the appropriate domain and invest a greater amount of time in establishing their presence in the legal profession. Hence, engaging in conversation forums with experienced advocates from various fields would provide interns with valuable insights to select their future practice area.

It was also proposed to allocate additional time for practical training.

Formal mentorship programs were proposed as a solution to tackle the problem of career progression among women lawyers. The initiation of a formal mentorship program for junior advocates is being undertaken by the BASL. Developing young women lawyers is crucial for their progress.

BASL conducts career progression programs and leadership skills programs in partnership with other institutes. Additionally, it is important to endorse voluntary women's networks that offer informal mentoring and professional support.

Ensuring gender parity among BASL committees. It was noted that the majority of BASL posts were occupied by males. Encourage female lawyers to assume leadership roles within the legal profession.

Creating a more inclusive environment for women in the profession by dismantling internal obstacles, such as establishing a childcare facility for the children of female lawyers.

Ultimately, the women must recognize the obstacles that hinder their ability to engage in active practice and devise strategies to overcome these hurdles.

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