

## Book Reviews/Comptes rendus

JEAN MCKENZIE LEIPER, *Bar Codes: Women in the Legal Profession*. Vancouver: University of British Columbia Press, 2006, viii + 242 p., index.

*Bar Codes* provides a vivid portrait of the legal profession (encompassing law schools, law firms and other legal work settings including government offices and the courts) from the perspective of practicing women lawyers in Ontario. Women now constitute the majority of those entering Ontario law schools but despite remarkable progress in gender representation in recent decades, there remain serious limits to full participation and career progression in the legal profession for women lawyers. There are codes – formal and informal, written and unwritten – which serve to limit the success and progress of women in the legal profession. The book presents data collected through in-depth personal interviews conducted over a 12-year period with 110 women lawyers practising throughout the province of Ontario. The longitudinal sample design provided two primary interviews with subsequent follow-up as recent as 2006 to track the career paths and personal experiences of women lawyers over time. The sample was stratified geographically to include 30 lawyers from Toronto (interviewed initially in 1994 and again in 1998), 30 from London, and another 50 lawyers from other parts of the province (interviewed in 1996 and again in 2000).

The important symbolism of the process of robing for women lawyers is explored in the second chapter, with literary reference to the complex character of Portia from William Shakespeare's *The Merchant of Venice*. Robing marks "a rite of passage from student to professional status" (24), but also serves to heighten personal confidence, to enhance presence and image, and to strengthen professional identity and legitimacy when women lawyers meet with clients and appear in formal courtroom settings. The process of robing assumes even greater importance in marking status given the wide diversity in social class and background experiences of women attending law school, articling and being "called to the bar," and subsequently practising in the profession – "Some of them come from wealthy families while others are single mothers struggling to get through school in search of a secure income. Some of them are very young and inexperienced but others are looking for a second or third career" (75).

Time is a critical concept to contextualize gender differences in career progression within the legal profession, and the author applies feminist theories in her examination of many facets of time and their impact upon

the professional and personal lives of women lawyers. Work time within the legal profession is typically highly structured with precise accounting – formal docketing of time in six-minute segments to accumulate “billable hours” with very demanding performance quotas, particularly in large law firms. By contrast, time for women (especially family time for those raising young children) is unpredictable in nature, and “is often fragmented and spread thinly across a range of social networks” (114). Conflict ensues as unrealistically high professional expectations (demanding extensive time commitment to meet pre-set high billing quotas, and beyond-work time to build up social capital with clients and professionals in the field) clash with family needs related to childcare, other family and domestic responsibilities, leaving women lawyers “caught in the time crunch” (79).

Drawing on the rich descriptive detail captured in qualitative interviews as well as responses to standardized survey questions from her own research, and augmented with a quantitative analysis of “time crunch index” data collected as part of 1992 and 1998 cycles of the Canadian General Social Survey, the author employs methodological triangulation to broaden the understanding of “time crunch” experienced by women lawyers in comparison to working women in general. Above-average levels of “time crunch” were found for women lawyers (“especially with respect to their daily accomplishments, their time-related stress, and their lack of time for family and friends” – 102), with over two-thirds of her sample reporting moderate or high levels. Women lawyers practicing in large urban areas were impacted to a greater extent, but those with young children at home were most likely to experience the negative and punishing effects of “time crunch.” These time-related stresses and pressures lead the author to conclude: “Until the profession changes its expectations about the double burden of career and family responsibilities, accepting pregnancy and parenthood as valued aspects of life, women will continue to attempt the precarious balance of doing it all. This pattern is evident among working women everywhere, but it is most pronounced in professions such as law” (142).

Within the chapter on “careers and curricula vitae,” the author carefully addresses the unique career trajectories of women lawyers, concluding that for her sample “women’s careers defy categorization,” and selecting instead to place their career experiences “along a continuum stretching from the classic linear career to the most extreme variation on this theme” (147). She argues that the traditional career theory literature portrays an outdated and simplistic model “still anchored in a masculine vision of career as an unbroken, upwardly mobile path to status, money and power” (173). Drawing on the career experiences of women lawyers from her sample, she observes “as we move along the continuum, we find that family obligations, friendship networks, volunteer commitments, personal interests, and changing health statuses tend to draw women away from an exclusive focus on their work” (147).

Beyond the “classic linear career” (148), the author outlines several other common career paths exhibited by women lawyers in her sample. Careers

may be segmented as exemplified by “the large firm as one stage in a career” (157), noting that several women in her sample had “successful mini-careers” with large law firms but left for a variety of reasons. A more common career path is illustrated by “life in medium-size firms” (163), which is better suited for practices in some specialized areas, and does not generally entail the “steep linear trajectory” associated with careers in large law firms. Another career form is represented by “sole practice” (167), accounting for about one in five women lawyers in this small sample. “Sole practice” may constitute a career stage, entered voluntarily or otherwise, which can enhance time flexibility to achieve a better balance between work time and home time for childcare and other family responsibilities. Furthest along the career continuum are “women in search of new lives” (172), with about one in ten from her sample having gone through a process of disengagement and role exit, and leaving the legal profession altogether for other careers or endeavours.

Despite the wide variations in career trajectories and outcomes, the author’s own data reveal considerable evidence of career progress and success among this small sample of 110 women lawyers practising in Ontario. Drawing on appendix data tracking employment changes between 1994 and 2006 (Table A1, page 191), over a third of her sample achieved the status of “partner” in a law firm (considering firms of all sizes), with approximately one in eleven women having experience as a partner in a large law firm at some point over time. About one in fourteen women in her sample attained judicial appointments over time, with other high-status positions and titles including senior government lawyer and vice-president. Combining these high-status positions, well over a third of women lawyers in this small sample had highly successful careers in the legal profession as clearly revealed by their employment experiences over time. As well, the vast majority of women attained high-status positions within the legal profession did so while raising children at home.

Beyond the status attainments noted above, it remains clear that many women lawyers do not follow a traditional career trajectory of upward status mobility over time, and in fact experience a range of upward, downward and lateral mobility over the course of their working careers within and beyond the legal profession. Hence, evolving models of spiral and transitory career paths are often more relevant to describing and accounting for career experiences of women lawyers. To illustrate this point, even women lawyers who have achieved partner status in large law firms may explicitly choose to modify their working roles by becoming a “special partner,” reducing billable hours and work time commitments to achieve better balance in their lives. The author highlights the need for new theories to help account for the diverse career paths illustrated by the women lawyers from her sample: “Careers are dynamic and the best way to track them is to keep listening to the stories that emerge when people describe their working histories. The experiences of women in the legal profession will help to generate new career theories, serving as guides in other occupations and professions” (174).

Since the sample of interviewed lawyers is exclusively female, direct comparison to the experiences of male lawyers is not possible. It would be helpful to compare and contrast the actual experiences of a similarly representative sample of male lawyers practising in Ontario with the women lawyers from this sample. Would we find markedly greater proportions of male lawyers achieving high-status partner positions or judicial appointments relative to those found for this small sample of female lawyers? What magnitude of time differentials (total working hours, “billable hours”) would exist between practising female and male lawyers? Do male lawyers experience comparable pressures and “time crunch” as exhibited by this sample of female lawyers? Along similar lines, the perspective of spouses or partners with respect to actual division of labour within the household and related to child care responsibilities would also be useful and informative. The traditional stereotype of a male lawyer devoted to his career with a spouse at home raising children and managing the household has most likely been supplanted with the modality of dual-career families, of both spouses/partners working full-time and managing careers, and both juggling family and domestic responsibilities as best they can.

Barcodes makes an important contribution to the study of the legal profession and the evolving role of women in that profession, to understanding the career and personal experiences (successes and failures, opportunities and hardships) of women practising in a traditional male-dominated profession. The richness of the qualitative data captured through in-depth personal interviews demonstrates the true diversity of career experiences of these women lawyers. This book will be of particular interest to those within the legal profession (judges and lawyers, faculty in law schools, officers with law societies and bar associations); those with interests in the sociology of work, occupations and professions more generally; and especially students contemplating a career in the legal profession.

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