

**Power-Dependence, Success and Influence in the Legal Profession:
A Gendered Perspective**

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Statement of Originality

This is to certify that, to the best of my knowledge, the content of this thesis is my own work. This thesis has not been submitted for any degree or other purposes. Dr Rhonda Daniels AE professionally edited this thesis.

I certify that the intellectual content of this thesis is the product of my own work and that all the assistance received in preparing this thesis and sources have been acknowledged.

McCaye Badger Nixon

27 November 2023

Dedication

This thesis is dedicated to Calvin (10), Hannah (8), Penny (6), and Walter (2).

You don't always make life easy, but you make it worth it.

As you grow up, I hope you always remember the importance
of working hard and being kind to others.

Thank you, Chris, for your love and support.
I couldn't have done this without you!

Abstract

This thesis, titled *Power-Dependence, Success and Influence in the Legal Profession: A Gendered Perspective*, examines the complex relationship between gendered power dynamics and power-dependence in the legal profession. The research presented in the thesis is grounded in the framework of power-dependence theory, which has never previously been used to understand gendered vertical stratification and horizontal segmentation which contributes to hierarchical disparities in the legal profession. Four primary research questions guide the study: How is power defined in the legal profession?, What are the sources of power in the legal profession?, How is power-dependence experienced in the legal profession?, and, In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession? A qualitative methodology was selected to answer these research questions, including 32 in-depth semi-structured interviews with solicitors at an international private practice law firm across six different career stages: graduate, associate, senior associate, non-equity partner, of counsel and equity partner. Data analysis followed a six-stage hybrid approach of inductive and deductive coding and theme creation. The comprehensive thematic analysis and interpretation of the data generated insights into how power is recognised, acquired and experienced in the legal profession.

This thesis presents six key findings which add nuance to the understanding and application of power-dependence theory.. First, solicitors view power as having the potential to influence decisions and behaviours at an individual, team and firm level. Second, power, career success and autonomy often intertwine, with each factor amplifying the others, leading to a self-reinforcing cycle of professional growth and influence, and greater career success and autonomy. Third, not surprisingly, lawyers saw structural power as reflective of hierarchical positions in the organisation where individuals at ‘the top’ have greater access to power than lower-level individuals. Fourth, influential partners were more likely to mentor junior solicitors with whom they shared similarities. As such, solicitors who deviate from the ideal professional image have less access to power and all it brings. Fifth, the findings demonstrate that power-dependence manifests through imbalanced work relationships, conformity to professional norms, personal sacrifices, and sometimes personal redefinition of career success. Importantly, power-dependence was shown to be a vital component of gender inequality in the legal profession. Finally, these outcomes underscore the significance of powerful law firm partners as gatekeepers and the persistence of ‘insiders’ and ‘outsiders’ in the profession.

Overall, the thesis finds that in order to understand and explain gendered inequalities and careers in the law it is vital to recognise power dynamics and power-dependence. Importantly, this study provides a gendered analysis of power-dependence theory which has not been a focus of most power-dependence theory research. The study further contributes to existing research on the legal profession by highlighting the evolving landscape of alternative career paths and the impact this may have on access to structural power. To ensure a dynamic and diverse future for the legal profession, there is a pressing need to understand, disrupt and transform these entrenched power structures and dynamics. The thesis concludes with a call for the design and implementation of gender equality strategies, including new promotion systems, increased autonomy, and HR support, to address gender inequalities in the legal profession, which explicitly foreground and target power imbalances in the legal profession and private practice firms.

Chapter 1 – Introduction

Gender inequality in the legal profession is a pervasive outcome that has tainted the profession for generations. This enduring problem, manifested through disparities in job opportunities, wage gaps and limited access to senior roles, raises critical questions about the underlying structures that perpetuate inequality. The dimensions of this inequality encompass not just gender disparities but extend to facets such as deep-rooted biases woven into the legal industry's professional fabric. Researchers and scholars from various disciplines, including sociology, gender studies and law, have grappled with these issues for decades, attempting to reveal the underlying causes and potential solutions for these disparities.

To foster a deeper understanding and bring fresh perspectives to this age-old issue, this thesis uses the lens of power-dependence theory to explore the elaborate power dynamics in the legal profession. Adopting this approach, this study examines how power is defined, acquired and experienced, providing an opportunity for new scholarly insights that seek to explore hierarchical disparities in the legal profession. Specifically, this study is structured around four primary research questions: How is power defined in the legal profession?, What are the sources of power in the legal profession?, How is power-dependence understood in the legal profession?, and In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession? By seeking to answer these questions, this thesis aims to enrich the existing scholarly dialogue and pave the way for strategies to finally disrupt the entrenched problem of gender inequality in the legal profession.

1.1 Research motivation

The dynamics of power and ongoing gender inequality have long been scrutinised in the legal profession. Despite substantial increases in the number of women entering the law in recent decades, men continue to dominate the most senior positions and the most prestigious sectors and practice areas. Women, who have comprised a majority of law degree graduates in Australia since 1990 (Thornton & Bagust, 2007), are over-represented in entry and mid-level positions, evidence of *gender vertical stratification*. Women are also over-represented in lower-paying, less influential sectors and practice areas, constituting *gendered horizontal segmentation* (Bolton & Muzio, 2007). Decades of gendered vertical stratification and horizontal segmentation have created an unequal distribution of power between men and women in the legal profession.

Over the past five decades, the legal profession in Australia has witnessed significant strides towards gender equality, marked by increased representation of women in legal roles and advancements in workplace policies. A notable landmark was the establishment of the Women Lawyers Association of New South Wales in 1952, advocating for gender parity and fostering a supportive network for female legal professionals (O'Brien, 1996). Additionally, legislative reforms such as the Sex Discrimination Act of 1984 and subsequent amendments have played a pivotal role in dismantling barriers to women's participation in the legal workforce, contributing to a more equitable and inclusive professional landscape (Australian Human Rights Commission, 2014). Notwithstanding significant progress in recent years, gendered vertical stratification and horizontal segmentation persist. The disparities in leadership representation and career trajectories between men and women legal professionals are emblematic of these enduring inequalities. However, the complex interaction of power and gender inequality extends beyond these disparities, encompassing a network of internal closure regimes and gendered power relations that shape the profession's culture. Considering these complex dynamics, this research is motivated to explore the interplay of power and power-dependence in the legal profession.¹ By exploring the mechanisms behind gendered vertical stratification, gendered horizontal segmentation, internal closure regimes and gendered power dynamics, this study seeks to shed light on the nuanced dimensions of gender inequality in the legal profession and pave the way for transformative change.

1.1.1 Vertical stratification and horizontal segmentation

Gender inequality in the legal profession manifests in various ways. Two primary dimensions include vertical stratification and horizontal segmentation. Vertical stratification is conceptually demonstrated by gender disparities in hierarchical rank. For example, in private practice law firms, men hold the majority of equity partner positions, which represent the apex of the profession's hierarchy, while women dominate associate positions (Choroszewicz & Kay, 2022; Epstein et al., 1995; Gorman & Kmec, 2009; Kay, 2009; Markovic & Plickert, 2023). Men's position at the top of the pyramid remains a prevailing pattern despite men's lower graduation rates from law schools and declining entry into the profession over the past

¹ The researchers' personal motivation and interest in the legal profession was sparked by a family member's legal career.

30 years (Sommerlad, 2016). Gender inequality also occurs in horizontal segmentation, characterised by women's disproportionate concentration in particular practice areas and sectors (Markovic & Plickert, 2023; Menkel-Meadow, 1989). The practice areas dominated by women, such as family law and real estate, are less lucrative, offer fewer opportunities to progress in law firms and wield less influence in law firms (Kay & Hagan, 1995). Vertical stratification and horizontal segmentation happen simultaneously and are mutually reinforcing, compounding women's professional disadvantage (Bolton & Muzio, 2007; Dixon & Seron, 1995).

Gender vertical stratification has proven to be a persistent problem globally and in Australia. Research highlights gender inequality in England and Wales (Tomlinson et al., 2019), the United States (Wald, 2011; Walsh, 2012) and Canada (Kay, 2009). In each of these countries men are over-represented in equity partner positions, the most senior level in law firms, and under-represented in entry (1–3 years' experience), mid (4–7 years' experience), and senior (8–15 years' experience) associate solicitor positions. The National Association for Law Placement in the United States, the body that advises law students and lawyers in North America, reported that, in 2022 women held 49% of associate positions and only 13% of equity partner positions in large US law firms (2023). In equity partner positions, men gain access to higher pay, greater autonomy, and more influence over firm governance, such as new partner selection.

At the same time, horizontal segmentation is displayed through men's over-representation in elite and prestigious sectors and practice areas (Bolton & Muzio, 2007). Private practice is the most lucrative sector, signified by higher salaries and more opportunities for promotion to senior positions. For example, the earnings potential of in-house lawyers, or lawyers working for a single organisation, over time is much less than private practice (Kay & Hagan, 1995), and there are few opportunities to join the organisational executive team. Practice areas that are 'hypermasculine', where men account for an overwhelming majority of the workforce (Foley et al., 2020), include mergers and acquisitions, corporate governance, and private equity (Urbis, 2020). Conditions of entry and success in male-dominated practice areas are based on stereotypical 'masculine' traits, which reinforce gender biases and perpetuate a professional culture that values aggressiveness, competition and other traditionally 'masculine' behaviours. This not only marginalises individuals who do not conform to these stereotypes but also creates a working environment that can be hostile and unwelcoming to women, thereby sustaining a cycle of gender inequality that limits diversity and inclusivity in these practice

areas. The resultant lack of diversity can further entrench power imbalances, creating a self-fulfilling prophecy of gender discrimination that restricts the growth and evolution of the legal profession.

Men's over-representation at the top of the legal profession's hierarchical pyramid and in prestigious practice areas is a problem at the firm, industry and societal levels. First, organisational rules and regulations at the firm level are dictated by senior partners in the firm who have benefitted from and, therefore, are inclined to reproduce established norms and practices (Sommerlad, 2016). In the law, these 'inclusion and progression criteria' (Bolton & Muzio, 2007, p. 60) tend to disadvantage women and contribute to greater vertical stratification. Second, an examination of horizontal segmentation in the legal profession by Dixon and Seron (1995) showed that practice areas dominated by men have higher salaries compared to female-dominated areas. This contributes to the gender pay gap throughout the industry (Singh, 2020; Sommerlad, 2016) and reinforces men's higher earnings over their careers. Third, men's over-representation in private practice does not match industry workforce demographics (Urbis, 2019). In 2018, men represented less than half of all Australian solicitors; however, they accounted for 53% of private practice employment (Price & Mallon, 2019). During the same period, men represented 42% of solicitors in the corporate legal sector and only 34% of government legal solicitors (Urbis, 2019). Furthermore, men are significantly over-represented at the bar and in the judiciary (Price & Mallon, 2019). For example, the Law Society of New South Wales (2020) reports that men represent 76% of barristers and 88% of senior counsel. Section 1.2 provides an overview of the legal profession in Australia and examines Australian industry data in greater detail.

1.1.2 Internal closure regimes

There has been considerable research on the reasons for women's exclusion from elite organisational roles and lucrative practice areas (Bolton & Muzio, 2007; Castilla, 2008; Thornton, 2016b; Thornton & Bagust, 2007; Wald, 2009). One explanation is that women are disadvantaged by the operation of 'closure regimes' (Bolton & Muzio, 2007), defined as 'the process by which social collectives seek to maximise rewards by restricting access to rewards and opportunities to a limited circle of eligibles' (Parkin, 2018, p. 3). Internal closure processes are exhibited through industry work practices, including long work hours, inflexibility, opaque promotion requirements, and lack of formal mentoring programs. For example, private practice solicitors are expected to be available outside of normal business hours, and seemingly neutral

criteria such as billable hours targets and revenue generation KPIs act as powerful exclusionary mechanisms and reinforce a masculine code of professionalism. There is also little flexibility regarding when and where Australian solicitors may work and a limited supply of part-time roles (Sommerlad, 2016).

Gendered organisational norms also produce internal closure regimes that disadvantage women. For example, Acker's (1990) 'ideal worker' is defined as someone who can commit their very long hours, full-time and undivided attention to professional endeavours. The acceptance of an 'ideal worker' has been shown to marginalise women and men with caring responsibilities, and because women do the lion's share of this work in families, this has a disproportionate impact on women (Borgkvist et al., 2018). In the law, the ideal worker norm is compounded by a competitive ideology that promotes an 'up-or-out' promotion system (Tomlinson et al., 2019), which means solicitors are expected to continually progress upwards or exit the law firm. This trajectory does not accommodate non-linear career paths commonly taken by women (Sabelis & Schilling, 2013). Internal closure regimes portrayed through work practices and cultural norms have effectively created a system that disadvantages women and leads to gender vertical stratification and horizontal segmentation.

1.1.3 Gendered power relations

Internal closure regimes contribute to unequal structural power distribution, recognisable through vertical stratification and horizontal segmentation. Structural power 'is an attribute of relations, not individuals, and it is determined by the control actors have over events or resources that others value' (Molm & Hedley, 1992, p. 2). The unequal distribution of power between men and women is a clear indicator of gender inequality at a macro level (Molm & Hedley, 1992). A less understood key dimension and, as this thesis demonstrates, driver of inequality in the legal profession is the nature of power-dependence, the accumulation of power, and how these systems may link to, reinforce and amplify gender inequality. Logically, there would seem to be a link between the processes and dynamics of power acquisition and gendered outcomes. At a micro level, gendered power dynamics can be identified and brought to the surface by examining social exchanges of resources, including rewards and punishments (Molm, 1989, 1997). Social networks facilitating such exchanges may consist of two individuals in a dyadic relationship or multiple individuals forming an exchange network (Cook et al., 1983; Markovsky et al., 1988). As resources are exchanged, an individual becomes dependent based on the resource value and resource availability. For

example, if a senior associate is dependent on a partner for a highly valued resource, such as important client referrals, the partner has increased power over the associate. The more frequently these exchanges occur, the more power the partner gains and the more dependent the senior associate becomes (Cook & Emerson, 1978; Lawler & Yoon, 1996; Molm, 1997). If left unchecked, power imbalances can lead to a toxic workplace (Kusy & Holloway, 2009; Thornton, 2016a), employee burnout (Bergin & Jimmieson, 2013, 2014), bullying (Hodson et al., 2006; Omari & Paull, 2013), and harassment (Foley et al., 2020; McDonald, 2012; Thornton, 2002; Victorian Legal Services Board & Commission, 2020).

Understanding the consequences of power-dependence in the legal profession sheds light on the deeper structural issues and paves the way for recognising the tangible and sometimes severe consequences that emerge from unchecked power imbalances. This scrutiny of the core of the profession reveals a precarious landscape where the constant exchanges of resources can foster environments rife with toxicity, burnout and bullying. As various studies reveal, a continued cycle of such exchanges can exacerbate an individual's dependency, engendering situations that may escalate to serious harassment.

1.2 Overview of the legal profession in Australia

The legal profession in Australia encompasses a diverse landscape characterized by a range of employment opportunities for law graduates. Graduates may find employment in various sectors, including private practice, government agencies, corporate entities, non-profit organizations, and academia. Private law firms, varying in size from boutique practices to large multinational firms, constitute a significant portion of the legal sector. Legal practitioners, commonly classified as solicitors and barristers, play integral roles in the delivery of legal services. Solicitors engage directly with clients, providing advice, drafting legal documents, and representing them in various legal matters, while barristers specialize in courtroom advocacy, presenting cases before the judiciary. The Australian legal market features both sole practitioners and expansive law firms, with major cities housing numerous legal offices. The size distribution of legal firms contributes to a dynamic professional environment. According to recent statistics (Urbis, 2023) the legal profession in Australia comprises over 90,000 practicing solicitors, reflecting the country's robust legal infrastructure.

While gendered vertical stratification and horizontal segmentation are common features in the legal profession globally, this study specifically addresses the professional landscape in Australia. The Australian legal profession was chosen as the focal point due to enduring gender

inequality. Gendered vertical stratification and horizontal segmentation in the Australian legal profession have been depicted in numerous industry reports, including the National Profile of Australian Solicitors (Urbis, 2019; Urbis, 2020), the Law Firm Comparison Project (2021), and Workplace Gender Equality Agency (WGEA) data (2018–2019). This section reviews these reports to demonstrate the magnitude of inequality in the industry.

The National Profile of Australian Solicitors (Urbis, 2019), commissioned by the Law Society of New South Wales, provides a detailed snapshot of solicitor demographics in Australia. The report shows that women account for 52% of total practising solicitors across a range of sectors, including private practice, corporate legal and government legal, with government being the most female-dominated sector, as shown in Table 1.

Table 1. *National profile of Australian solicitors, 2018 (adapted from Urbis, 2019)*

Size of profession		
Total practising solicitors in Australia	76,303	
Gender		
Women	52% of total solicitors	
Men	48% of total solicitors	
Age		
Mean age of all solicitors	42 years	
Mean age of women solicitors	38 years	
Mean age of men solicitors	46 years	
Employment sector	Men	Women
Private practice	53%	47%
Corporate legal	41%	59%
Government legal	34%	66%
Other	35%	65%
Total	48%	52%
Private practice size		
Sole practitioners	79%	
2–4 partners	7%	
5–10 partners	1%	
11+ partners	1%	
Employment location		
City-based	54%	
Suburban location	32%	
Country/rural	10%	
Interstate or Overseas	4%	

Australian solicitors work in a range of sectors including community legal, government departments, in-house private sector, and private practice (Law Society of New South Wales, 2020). The partnership structure in private practice law firms varies from practice to practice. Generally, junior lawyers advance to associates, followed by senior associate positions that feed into partner positions. It typically takes solicitors 12–15 years working at a top law firm to reach the partner level. Partnerships are separated into two groupings: equity and non-equity.

Equity partners share in firm profits and wield real power in firms. Non-equity partners do not have an ownership stake in the law firm or share in their profits (Serrill-Robins, 2010). These non-equity positions are traditionally seen as probationary and are typically held for one to three years, at which point the partner can then share in the firm profits (Kane, 2019), enjoy autonomy and job security (Kay & Gorman, 2008) and contribute to firm governance.

Statistics compiled by the Law Society of New South Wales (2021)² show that women represented 26% of equity partners and 39% of non-equity partners, and 30% of partners overall in 2020-2021.

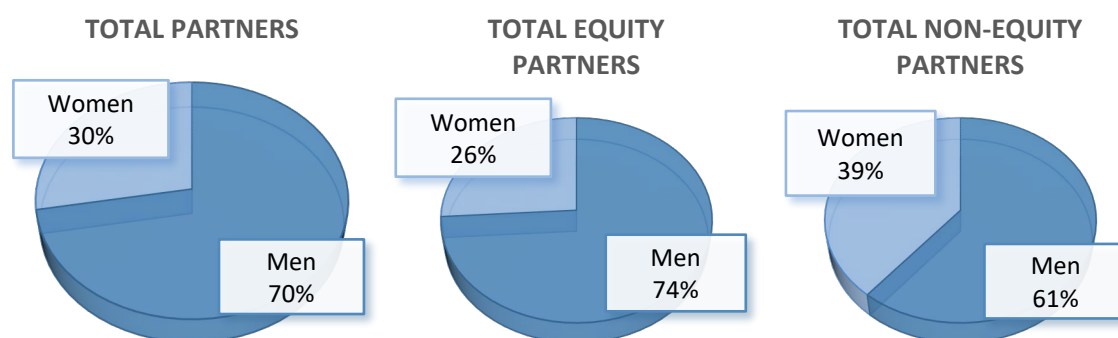


Figure 1. *Partnership composition in Australian law firms, adapted from the Law Firm Comparison Project 2020/2021 (Price et al., 2021)*

Workforce Gender Equality Agency (WGEA) data for 2017–2018, shows that 45 of 61 reporting organisations had more than 70% male partners (Price & Mallon, 2019). However, men represented less than half of senior associates, the position preceding partnership during this same period. This calls attention to men’s over-representation at the top of the hierarchy and under-representation at the bottom.

Inequality in the legal profession in Australia is also seen in the under-representation of culturally diverse solicitors. Industry data collected and reported by the Law Society of New South Wales shows that 26% of Australian solicitors were born outside of Australia, with 21% speaking a language other than English at home (Law Society of New South Wales, 2021). Importantly, greater cultural diversity is seen in lower levels of private practice organisational hierarchies while becoming increasingly sparse at more senior levels. According to the Law

² The Law Firm Comparison Project 2021 compiled data from the Workplace Gender Equality Agency (WGEA) reporting period 2018–2019, the Australian Financial Review’s Law Partnership Survey 2020 and 2021, plus additional details from reporting law firms.

Council of Australia's National Profile of Solicitors report (Urbis, 2020), while 20% of all solicitors in Australia identified as having a culturally and linguistically diverse background, this proportion dropped to just 7.9% at the partner level.

In recent years, numerous Australian legal professional associations have introduced measures to address gendered vertical stratification in the legal profession. In 2016, the Law Society of New South Wales (2016) introduced the 'Charter for the Advancement of Women in the Legal Profession' that is designed 'to promote and support strategies to retain women throughout their careers and encourage the progression of women in the profession' (p. 1). The Women Lawyers Association of New South Wales (WLANSW) has created additional recommendations to boost gender diversity at the partnership level (Price & Mallon, 2019). Concurrently, several strategies to promote gender diversity have been put in place by individual law firms. The strategies centre on monitoring gender diversity programs, introducing flexible work arrangements, work-life balance programs, formal mentoring, and skill-building courses aimed at women (Law Council of Australia, 2012; Mundy & Seuffert, 2020; Sommerlad et al., 2010; Wald, 2011). Assessing the effectiveness of gender equality strategies introduced by law firms and legal associations in addressing gendered vertical stratification and horizontal segmentation in the Australian legal profession requires a nuanced evaluation. The success of gender equality strategies depends on factors such as the firm's commitment, leadership buy-in, and the extent to which these initiatives are integrated into the organisational culture. Collaborative efforts between law firms, societies, and associations to share best practices and enforce industry-wide standards may contribute to more consistent progress. Additionally, ongoing research and transparent reporting on gender-related metrics can facilitate a better understanding of the strategies' efficacy and areas needing improvement. According to the National Attrition and Re-engagement Study, created by the Law Council of Australia (2012), 'visible monitoring of gender-diversity programs by the CEO and executive team' significantly increased gender diversity (p. 83).

1.3 Research overview and aims

Analysing power and power-dependence is crucial to understanding and addressing the underlying causes of gendered vertical stratification and horizontal segmentation in the legal profession. This research aims to recognise gender inequality in the legal profession through the lens of 'power dynamics' by explicitly examining how power and power-dependence are understood and experienced by women and men and how power inequality perpetuates vertical

stratification and horizontal segmentation. This study builds on existing research by focusing on how power is recognised, acquired and experienced. Therefore, this study is driven by four primary research questions.

RQ 1 How is power defined in the legal profession?

RQ 2 What are the sources of power in the legal profession?

RQ 3 How is power-dependence understood in the legal profession?

RQ 4 In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession?

To explore these questions, this study synthesises research relating to intraorganisational power, foregrounding power-dependence theory, which offers a framework for understanding and analysing how power is created through dependency and exchanges. An existing understanding of gender inequality is informed by the theory of gendered organisations and the sociology of the professions, which provides an interpretation of women's experiences in law and gender-specific barriers. In addition, the existing research on men and 'hegemonic masculinity' in organisations offers insights into how masculine norms and work culture have shaped the legal profession. This comprehensive synthesis establishes a foundation for a nuanced exploration of the power dynamics and gender in the legal profession, revealing both familiar ground and novel insights that are positioned to make a scholarly contribution to the broader discourse on these important issues. The ensuing chapters provide empirical data and theoretical frameworks that further unravel these complex dynamics, ultimately contributing to a greater understanding of gender inequalities in the legal profession.

The next section outlines the thesis structure, with an overview of each chapter. With each successive chapter, the study reveals the layers of gendered power dynamics in the legal profession, culminating in a robust discussion that addresses the primary research questions and sheds light on the transformative potential of the findings.

1.4 Thesis structure and chapter outline

This thesis is organised into eight chapters, each contributing to the understanding of the complicated gendered power dynamics and power-dependence in the legal profession.

Chapter 2 – Literature review: This chapter reviews the existing body of knowledge, exploring the concept of power in depth. It investigates various sources of power in organisational settings, along with a comprehensive examination of power as it has previously been studied in the legal profession. Importantly, the literature review establishes a theoretical

framework rooted in power-dependence theory, thereby laying the conceptual groundwork for the study.

Chapter 3 – Research methodology: This chapter outlines the study’s design and sets out the qualitative methodology. It provides an overview of the chosen approach for the data collection phases and explains the analysis procedures used to derive meaningful research insights.

Chapter 4 – Findings and analysis: Recognising power: This chapter presents and analyses the research findings related to the first research question. The exploration of the definition of power in the legal profession and its nuanced interplay with autonomy is thoroughly discussed.

Chapter 5 – Findings and analysis: Acquiring power: Building on the previous chapter, this chapter addresses the second research question, exploring the sources of power in the legal profession. The impact of powerful partners as gatekeepers and their influence on solicitors’ career progression is examined.

Chapter 6 – Findings and analysis: Experiencing power-dependence: This chapter investigates the third research question, and the outcomes of power-dependence are thoroughly investigated. This chapter discusses the imbalanced work relationships, pressure to conform to professional norms, personal sacrifices, and the evolving definition of career success in the legal profession.

Chapter 7 – Discussion: Centred on answering the fourth research question, this pivotal chapter synthesises the findings from the preceding chapters. Four significant contributions of the research are analysed in the context of gender, power and power-dependence in the legal profession.

Chapter 8 – Conclusion: The concluding chapter summarises the research journey, reiterating the key findings and their implications. This study aims to understand power recognition and acquisition in the legal profession using a qualitative methodology. Importantly, power-dependence is shown to be a vital component of gender inequality in the legal profession. This chapter concludes with gender equality strategies, including new promotion systems, increased autonomy, and HR support.

Chapter 2 – Literature review

2.1 Introduction

The extant research on gender inequality in the legal profession has yielded critical insights into the experiences of women lawyers, including barriers to career advancement (Bolton & Muzio, 2007; Kay & Gorman, 2008; Sommerlad, 2016; Tomlinson et al., 2019; Wald, 2009), wage disparities (Dixon & Seron, 1995; Markovic & Plickert, 2022) and work–life balance (Drew et al., 2015; Thornton, 2016a; Thornton, 2016b). These studies have illuminated the pervasive nature of gender-based vertical stratification and horizontal segmentation in law firms, repeatedly revealing how organisational practices and hierarchical structures reinforce traditional gender roles and stereotypes. This study takes a distinctive perspective by framing the study of gender inequality in the legal profession through the lens of power-dependence theory (Emerson, 1962). This theoretical framework offers an understanding of how power imbalances in organisations can perpetuate gender disparities in organisations. Power-dependence theory (Emerson, 1962) posits that individuals or groups rely on others who hold positions of power in specific relationships. It emphasises the unequal distribution of power and resources in relationships and underscores how the less powerful party depends on the more powerful for resources and favourable outcomes. Focusing on how power is recognised, acquired and experienced can deepen the understanding of the factors perpetuating gender inequality in the legal profession.

Section 2.2 reviews the theoretical foundation of power and dependence in social exchanges, grounded mainly in the work of Emerson (1976) and later expanded upon by Molm (2015). Notwithstanding the rich insights provided by power-dependence theory, this section notes significant gaps in existing research, notably the limited exploration of these theories outside laboratory settings and the insufficient attention to the role of gender in power dynamics, which has historically been treated merely as a control variable. Section 2.3 on how power is recognised seeks to highlight how power has been conceptualised through diverse interpretations and manifestations, emphasising its intangible yet influential role in shaping social structures and dynamics at the macro and interpersonal levels. Following this analysis, Section 2.4 on how power is acquired explores research that proposes power acquisition as an outcome of material assets, knowledge, hierarchical positioning and social networks while noting an existing gap in the research on the relationship between these variables.

This literature review contributes to the ongoing research and scholarly discussion of gender inequality in the legal profession and lays the groundwork for the empirical investigation and analysis of the thesis. The chapter argues that there is merit in applying power-dependence theory to organisational contexts because it provides a framework for identifying power dynamics amongst individuals and how these dynamics shape behaviours and outcomes. By applying a power-dependence lens to the examination of the legal profession, there is an opportunity for an enriched analysis of the much-discussed phenomena of gendered vertical stratification and horizontal segmentation in the legal profession by examining gender's role in shaping power dynamics and power-dependence.

2.2 Power-dependence theory

The study of *who* possesses power and *how* power is accumulated has been a major focus of social and political theorists throughout history (Foucault, 1965; Hobbes, 1650; Marx, 1973; Weber, 1978). Exchange theorists, including Blau (1964), Emerson (1962, 1976) and Thibaut and Kelley (1959), developed an understanding of power that emphasises the 'ties of mutual dependence that underlie all social structures' (Molm, 1997, p. 1). The ties that unite people also form a structural basis for power exchanges and dependencies. As a result, one person's dependence creates another person's power. Exchange theories propose that power exchanges are comprised of four factors: 1) the actors involved in an exchange, 2) the resources being exchanged, 3) the structure of an exchange, and 4) the process of an exchange, including exchange transaction and exchange relations (Molm, 1997). These assumptions of social exchange are defined in Table 2.

Table 2. *The scope of assumptions of social exchange theory (Molm, 1997, p. 13)*

Actors	Actors behave in ways that increase outcomes they positively value and decrease outcomes they negatively value.
Resources	Every class of valued outcomes obeys a principle of satiation (in psychological terms) or diminishing marginal utility (in economic terms).
Structure of exchange	Exchange relations develop within structures of mutual dependence.
Process of exchange	Exchange transactions: benefits obtained from other actors are contingent on benefits given in exchange. Exchange relations: actors engage in recurring, interdependent exchanges with specific partners over time.

Power-dependence theory, developed by sociologist and exchange theorist Richard Emerson (1962), aims to understand how power is created and maintained through structural social relations. Rather than conceptualising power as a force wielded by individual actors, power-dependence theory asserts that power dynamics are created through social exchanges based on the degree of dependence one social network or actor has on another. Each social exchange outcome is based on rewards received (e.g., acceptance, support, promotion, and autonomy) minus the costs (e.g., time, money, effort, compliance). Power-dependence theory is built on the equation that ‘the power of A over B is equal to, and based upon, the dependence of B upon A’ (Emerson, 1962, p. 33). This understanding of power dynamics and social exchanges creates the framework for analysing the resources, or cost and rewards, being exchanged and the role of power exchanges in creating and reinforcing vertical stratification and horizontal segmentation.

Furthermore, Emerson proposed that power outcomes are influenced by structural power, or an actor’s position in a social network. As dictated by Molm, Emerson (1962, 1976) argued that ‘power exists in all social relations, even intimate ones; that its use involves no necessary intent to harm, coerce or even influence’ (Molm, 1997, p. 1) Molm (1988, 1989, 1990) further developed power-dependence theory to include the use of coercive and reward power in social exchanges. Molm’s expanded theory (Molm, 1997) extends beyond structural forms of power and allows consideration of other factors, including ‘cognitions, affect, risk, and fairness’ (p. 3). This is an important inclusion as it enables researchers to understand power, exchanges and dependencies as a result of personal choice or strategy, in addition to social exchanges dictated by structure.

While considerable research exists on social exchange theories (Blau, 1964; Emerson, 1976; Thibaut & Kelley, 1959) and power-dependence theory in particular (Bacharach & Lawler, 1976; Cook, 1977; Emerson, 1962; Molm, 1997), there remains ample opportunity to extend further the understanding of social exchanges, exchange networks and power dynamics. For example, Emerson’s original power-dependence theory (1962, 1976) and Molm’s theory of coercive power (1997) were developed in a laboratory setting, and most of the studies applying exchange research have also been limited to a controlled environment (Cook et al., 1983; Lawler & Yoon, 1996; Ridgeway, 1992). Cook et al. (2006) acknowledged the need to use power-dependence theory outside of a laboratory ‘to extend the range and scope of the theory’ (p. 208). A key point in relation to the research in this thesis is that power-dependence theory has largely excluded gender when examining social exchanges and power relations. As

a result, power-dependence theory and other exchange theories (Bacharach & Lawler, 1976; Cook & Emerson, 1978) do not address, or attempt to address, the impact gender may have on structural and social power exchanges. This thesis represents one of a very small number of studies that highlights gender in the analysis of power-dependence and, in so doing, illuminates the ways in which power-dependence shapes gendered experiences and outcomes. Accordingly, an examination of gendered power dynamics and social exchanges can build on the existing theory of power-dependence and provide an expanded understanding of power dynamics and inequality in the legal profession.

Specific to the legal profession, research has shown that private practice law firms are prone to imbalanced power dynamics which contribute to a toxic work environment (Thornton, 2016a), employee burnout (Bergin & Jimmieson, 2013, 2014; Chlap & Brown, 2022; Nickum & Desrumaux, 2022), bullying (Omari & Paull, 2013; Wallace & D'Souza, 2020) and harassment (Thornton, 2002). This study aims to build on the existing research to better understand how power dynamics and power-dependence contribute to gender inequality in the legal profession. Prior to identifying power-dependence it is essential to understand how power has been previously recognised and defined. The following section discusses how power has been defined in general, in organisations, and in the legal profession specifically.

2.3 How is power understood?

Power, an intangible yet profoundly impactful social force, has long captivated scholars and practitioners alike (Dahl, 1957; Foucault, 1965; Lukes, 1974; Marx, 1973; Weber, 1947). Recognising power and identifying its presence, nuances and dynamics is foundational to understanding its effects on social structures, relationships and organisations. The works of Marx (1926), Weber (1947, 1978), Dahl (1957, 1964), Lukes (1974) and Foucault (1965, 1982, 1988) provide a foundational understanding of how power has previously been defined, recognised and understood.

Marx, a prominent philosopher and economist in the 19th century, offered an extreme and critical understanding of power, primarily focused on class (Marx, 1926). For Marx, power is inherently bound by economic relations, with the capitalist class wielding power through their control over the means of production, and the economic exploitation of the working class. This exploitation leads to class struggle, which Marx envisioned as the driving force of historical change and societal development (Marx, 1926). Furthermore, Marx developed the theory of ideology, which explains how dominant ideas reinforce the ruling class's power,

thereby contributing to the perpetuation of class inequalities and the capitalist system (Marx & Engels, 1970).

Building on the work of Marx, Weber, one of the founding figures of modern sociology, proposed a definition of power that continues to influence contemporary discussions. In his seminal work, 'Economy and Society', Weber (1978) defined power as 'the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests' (p. 53). Weber's characterisation of power extends beyond coercion or force, encompassing various forms of influence and authority. He identified various types of legitimate authority, including traditional, charismatic and legal-rational, each representing different mechanisms through which power is exercised and sustained. Weber's conceptualisation of power and authority has been instrumental in shaping the discourse on power dynamics, social structures, and forms of governance in sociology and political science (Weber, 1947, 1978).

Dahl, a notable political theorist, advanced a theory of power that has significantly impacted political science and the study of power dynamics. In his seminal work, 'Who Governs?' (1964), Dahl proposed a pluralist view of power, arguing that power is distributed among various groups and individuals in a democratic society. In his early work, Dahl (1957) proposed 'A has power over B to the extent that he (sic) can get B to do something that B would not otherwise do' (p. 203), highlighting the relational and situational aspects of power. Importantly, this conceptualisation contrasts with earlier views of power by emphasising the role of decision-making and control over outcomes in defining power relationships (Dahl, 1957).

The important work of Lukes (1974) offers a multi-dimensional conceptualisation of power that has significantly shaped the discourse in political and social sciences. Lukes (1974) argued that power is not just about who makes decisions (first dimension) or who controls the agenda (second dimension), but also about who shapes the way people think and what they desire (third dimension). In this third dimension, power can shape people's perceptions, cognition and preferences, even if it is against their best interests. Lukes' perspective reveals power as residing in observable conflicts and decisions and operating in the hidden mechanisms of societal norms, ideologies and structures.

The work of Foucault, a 20th-century French philosopher and social theorist, has also been instrumental in broadening the understanding of how power is constructed, maintained and experienced in contemporary societies and its relational base. For Foucault, power was not

simply a commodity one possesses but a relational phenomenon, pervasive and diffused throughout society (Foucault, 1982). He argued that power operates at multiple levels, both institutionally and individually, and is intrinsically tied to knowledge, a relationship he termed 'power/knowledge' (Foucault, 1988). Foucault contended that power produces knowledge, and this knowledge, in turn, reinforces power structures.

Despite their varied conceptual frameworks, a common thread across the work of Marx, Weber, Dahl, Lukes and Foucault is the foregrounding of power as a relational and social construct, impacting and shaping individual and collective behaviours and structures. Furthermore, across the work of these disparate scholars, there is a shared acknowledgment of the multi-dimensional nature of power, displayed through economic structures, social relations, behavioural dynamics, discourses and ideologies. Although using different lenses, these scholars collectively contribute to a rich, detailed understanding of power, emphasising its omnipresence and influence across different aspects of society.

Most early studies on power recognition employ philosophical and qualitative methodologies, analysing historical instances and conducting case studies (Dahl, 1957; Foucault, 1965; Lukes, 1974; Marx, 1973; Weber, 1947). In contrast, modern conceptions of power often use sociological and psychological approaches to quantify power dynamics, such as Cook (1977), Molm (1990), Pfeffer (1992) and Tjosvold and Wisse (2009). For example, Cook examined how power is cultivated and maintained in social structures, emphasising the role of dependence and trust in shaping power relations (Cook, 1977; Cook & Emerson, 1978; Cook et al., 2006). Cook (1977) theorized that power is inherently relational and is manifested in social exchanges where dependence is a key factor. In line with Cook, Molm (1997) categorised power as inherently relational, arising from the dependencies created through social interactions and exchanges. Specifically, she explored power dynamics in asymmetric relationships and the role of risk and uncertainty in shaping power imbalances.

Similar to the perspectives of Cook and Molm on the role of dependency in relational power dynamics, Pfeffer and Salancik (1977) also emphasise the importance of understanding and navigating power relationships in organisational contexts for achieving success and advancement. Pfeffer and Salancik argue that the accumulation of power is crucial for organisational success and individual career advancement, and emphasise the importance of understanding organisational politics and developing political skills (Salancik & Pfeffer, 1977). Pfeffer's conceptualisation underscores the role of dependency, resource control, and strategic contingencies in power dynamics (Pfeffer, 1981). Building on the foundations laid by Cook,

Molm, and Pfeffer and Salancik, Tjosvold and Wisse further examine the intricacies of power dynamics, questioning not only their impact on organisational effectiveness but also their psychological underpinnings.

Tjosvold and Wisse are noted for their insights into interpersonal and organisational power dynamics. Notably, they argue that power can be defined in multiple ways including:

The potential to influence another's actions, the potential to overcome resistance, the potential to affect outcomes, the potential to bring about desired change, actual influence over decisions, and as overcoming resistance from opposing priorities (Tjosvold & Wisse, 2009, p. 3).

Tjosvold's work emphasises how power relationships, founded on mutual goals and cooperation, can foster productive conflict and enhance organisational effectiveness (Tjosvold, 1985). On the other hand, Wisse investigates the psychological underpinnings of power dynamics and the behaviour of individuals in power. Wisse focuses on the interplay between power, morality and emotion, examining how power affects ethical decision-making and emotional responses in organisational settings (Wisse & Rus, 2012).

Despite considerable research on the nature of power (Cook, 1977; Dahl, 1957; Foucault, 1965; Lukes, 1974; Marx, 1973; Molm, 1988; Salancik & Pfeffer, 1977; Tjosvold & Wisse, 2009; Weber, 1947), numerous considerations and unanswered questions remain. For example, the complexity of the exercise of power raises questions about whether it is always relational or can exist autonomously. Additionally, scholars continue to face the challenge of precisely measuring discreet and hidden forms of power and developing a universally applicable definition across various contexts. Examining the interaction between individual power dynamics and larger societal structures is also essential for developing a theory that explains power dynamics on multiple levels. This thesis highlights the importance of examining power dynamics in specific professional sectors to gain a clearer insight into how power theories apply to specific industries.

2.3.1 Intraorganisational power

This subsection explores how power within organisations has been previously examined and understood. It proceeds with a general definition of intraorganisational power as presented by Pfeffer (1981, 1992), and Elliott and Smith (2004), followed by an analysis of career success as it relates to power (Abele & Spurk, 2009; Abele et al., 2011; Eagly & Carli, 2018; Judge et al., 1995). Finally, research on autonomy is presented as a vital component of intraorganisational power and career success (Anderson & Brion, 2014; Bacharach, 1980;

Greenhaus et al., 2003; Poelmans et al., 2008).

Pfeffer (1981, 1992, 2022) has significantly contributed to the understanding of intraorganisational power dynamics. Pfeffer (1981) theorises that power within organisations is essentially the capacity of an individual to influence outcomes, often focusing on the distribution of scarce resources, decision-making authority, and information. He explores the various bases of and mechanisms for enacting power, such as control over uncertainties, formal authority, and control over information (Pfeffer, 1992). Pfeffer argues that organizational structures, relationships and processes are arenas for power struggles where individuals and groups seek to secure and enhance their influence. He emphasises that understanding these dynamics is crucial for individuals navigating organisational life, as power relations shape actions and decisions, ultimately impacting organisational and career outcomes. Pfeffer's conceptualisation of intraorganisational power has guided subsequent research and theory, providing a foundational framework for exploring how power operates in organisational settings.

Building on the work of Pfeffer, Elliott and Smith (2004) examined the social aspects of organisational power dynamics, emphasising the role of networks and relationships. Accordingly, Elliott and Smith (2004) recognised the importance of social networks and relationships in understanding power dynamics. They argued that power is not only a top-down phenomenon but also manifests and is reinforced through horizontal relationships and social connections. In their research, Elliott and Smith examined how power is embedded in social structures and interactions within organisations by exploring how individuals navigate and negotiate these relationships to mobilise resources and shape organisational outcomes. Elliott and Smith's work contributes to a nuanced understanding of power dynamics within organisations, highlighting the importance of social relations and networks in shaping power structures and influence.

Importantly, Pfeffer (1981) and Elliott and Smith (2004) offer distinct but complementary perspectives on intraorganisational power, each adding a unique dimension to the understanding of power dynamics within organisations. While these scholars approach intraorganisational power from different angles, their work collectively underscores the multi-layered nature of power, highlighting the interaction between structural, relational and social elements. These researchers agree that power is not solely a function of hierarchical position or resource control but is deeply embedded in and shaped by organisations' social and professional norms. This thesis aims to contribute to the understanding of intraorganisational

power by addressing how power is defined, acquired and experienced in the legal profession.

Power and career success. In the study of intraorganisational power, power serves as a catalyst for achieving career success, or ascending organisational hierarchies. The ability to influence decisions, access resources, secure promotions and wield authority is inherently tied to an individual's career trajectory. Formal power structures within organisations, such as management positions, often correlate with objective career success markers, including status, rank and financial compensation. Moreover, informal power, manifesting through networks, mentorship relationships and social capital, can significantly shape an individual's career advancement. This subsection provides a preliminary understanding of how career success has been previously conceptualised (Abele & Spurk, 2009; Abele et al., 2011; Eagly & Carli, 2007; Judge et al., 1995) and allows for a deeper analysis between power and career success that is undertaken in this study.

Judge et al. (1995), Eagly and Carli (2007) and Abele and Spurk (2009) have significantly contributed to the literature on career success, each with a distinctive focus and approach. In the disciplines of management and psychology, it is widely accepted that professional success may be both objective (extrinsic) and subjective (intrinsic). In contrast to 'subjective' career success, which is typically defined as career satisfaction, and is linked to positive psychological outcomes, 'objective' career success includes tangible professional achievements that can be observed and measured in a standard way (Abele & Spurk, 2009; Bagdadli & Gianecchini, 2019; Judge et al., 1995). The tangible achievements of status, rank and pay, as described by Abele and Spurk (2009) and Judge et al. (1995), are not just markers of objective career success, they are also integral elements that bolster an individual's power in an organisation. This, in turn, facilitates their ability to influence decisions, access vital resources, secure promotions, and ultimately wield greater authority, thereby shaping an individual's career trajectory in a profound way.

Other researchers have examined the relationship between individual characteristics and career success, offering insights into how personality and motivation can shape career trajectories and influence outcomes. Importantly, Judge et al. (1995) showed that variables that contribute to objective career success are different from the factors that lead to subjective career success. For example, their findings revealed that individuals with assertive and extroverted personalities often secure more rapid promotions and higher-status positions, aligning with objective career success markers. On the other hand, subjective career success was frequently associated with traits like job satisfaction, work-life balance, and a sense of fulfilment. This

differentiation underscores the back-and-forth that takes place between personal attributes and career outcomes, demonstrating that the pursuit of power and career success may take distinct routes depending on whether an individual seeks tangible professional achievements or desires to achieve a deep sense of personal contentment and wellbeing in their career.

In contrast, the work of Abele and Spurk (2009) provides an important perspective on how subjective evaluations of career success can impact an individual's understanding of their position and influence in an organisation. As such, their work emphasised that career success is not solely determined by external metrics but is deeply linked to an individual's subjective evaluation of their progress and alignment with personal goals. Their research argues that when people compare their objective career success to that of their peers or colleagues, it can affect how they subjectively assess their own career. For example, if someone receives a promotion and sees that their colleagues are also getting promoted, they may feel less satisfied compared to if they were the only ones promoted. This implies that the perception of career success is not solely based on individual achievements but is influenced by how one's achievements compare to those of others. This 'comparative evaluation' can shape an individual's subjective view of progress and achievement. Moreover, the comparative evaluation of an individual's career success, as suggested by Abele and Spurk (2009), can impact how individuals perceive their own power in the organisation. By highlighting the relationship between objective career success, subjective assessments and power in the context of an individual's career it becomes clear that there is a complex dynamic influencing how individuals perceive their own achievements and standing in an organisation.

Eagly and Carli (2007) have made notable contributions to understanding career success, particularly in their findings on the gendered aspects of career success. In their seminal work, 'Through the labyrinth: The truth about how women become leaders' (2007), they challenge the traditional metaphor of the glass ceiling, proposing instead that the labyrinth is a more accurate representation of the complex and numerous barriers women encounter in pursuing career advancement. This adds significant depth to the discussion of gender and career progression by highlighting the many obstacles faced by women in the workforce and interrupting their career navigation. Their conceptualisation underscores the need for a more inclusive understanding of career success, considering the diverse experiences and challenges different groups, particularly women, face.

When comparing the research of Judge et al. (1995), Abele and Spurk (2009) and Eagly and Carli (2007), Judge et al. and Abele and Spurk provide a gender-blind perspective on career

success, while Eagly and Carli's work is instrumental in highlighting the gender-specific challenges and power dynamics in career success. Despite the variations in their thematic focus and methodologies, all three works intersect through their exploration of factors influencing career advancement and success in organisational settings. These nuanced power dynamics extend beyond professional achievements, as they also interact with personal circumstances, societal norms and organisational structures, ultimately forming individualised interpretations of career success. Importantly, the relationship between career success and power varies depending on the type of career success being pursued. As such, this thesis examines how participants define career success in order to better understand how power and career success interact.

Power and autonomy. Understanding the connection between autonomy and power is essential in the study of power-dependence because autonomy can significantly shape the power dynamics within an organisation. Autonomy refers to an individual's degree of freedom and discretion in their roles, affecting their ability to make decisions, access resources and influence others (Campbell & Charlesworth, 2012). Those professionals with greater autonomy often possess more power as they can exercise more control and influence over their work and others within an organisation. In the scholarly exploration of autonomy and power, the works of Bacharach (1980), Greenhaus et al. (2003), Poelmans et al. (2008) and Anderson and Brion (2014) have contributed distinct perspectives and insights.

Bacharach (1980) analyses the intersection of autonomy and power in organisational contexts. In Bacharach's conceptualisation, autonomy is not simply about individual freedom or the capacity for self-direction but is deeply connected to power. He theorises that autonomy can be seen as a resource that actors within an organisation might seek to control or distribute. Powerful organisation members often regulate autonomy, bestowing or withholding it to maintain control or confer rewards. Moreover, for Bacharach, autonomy becomes a site of contestation and negotiation. The more autonomy an individual or group has, the more they can resist external pressures and define their paths, thereby displaying their own power. Conversely, limiting someone's autonomy can be a method of exercising power over them.

Autonomy and power have also been examined in the context of work-life balance. Greenhaus et al. (2003) depict how an increase in autonomy can elevate one's sense of control and power over personal and professional responsibilities. By dissecting the relationship between autonomy and power, Greenhaus et al. (2003) show that autonomy and power interact to shape individuals' experiences and trajectories in the workplace, offering insights into the

mechanisms through which autonomy can be a source of, and pathway to, power. Also investigating the relationship between autonomy and power in the workplace, Poelmans et al. (2008) introduce an international comparative dimension to the discussion, dissecting how cultural differences influence the perception and manifestation of autonomy and, subsequently, power. Lastly, Anderson and Brion (2014) focus on the psychological aspects of power and autonomy, exploring how perceived autonomy can shape individuals' sense of power and influence in organisational settings.

Despite the depth and diversity of these studies, a gap persists in a full understanding of autonomy and power. The relationship between autonomy and power at the intersection of individual, organisational and societal domains demands further exploration, because these three domains significantly shape how an individual experiences autonomy and power. This thesis adds to the discussion by exploring the intersection of autonomy and power in organisations, specifically addressing how autonomy can reinforce, and challenge established power dynamics.

2.3.2 Power and gender

The discussion in this subsection highlights the important relationship between power and gender, establishing a critical perspective necessary to answer the research question: 'How is power defined?'. Organisational scholars such as Molm (1988, 1990, 1997, 2015), Connell (1987, 1998, 2005, 2013) and Acker (1990, 2006, 2012) illuminate the nature of gendered power dynamics. This subsection examines the pivotal role that gender plays in power recognition and acquisition, and how it impacts both individuals and organisational structures. An exploration of gender norms, along with organisational policies, reveals how gender norms cultivate distinct patterns of power distribution and influence strategies.

The complicated connection between power and gender has been a subject of scholarly attention for decades, leading to significant revelations about how gendered dynamics influence power recognition, acquisition and use. In the academic discourse on power and gender, several scholars stand out for their pivotal contributions (Acker, 2006; Cech & Blair-Loy, 2010; Connell, 1987; Kanter, 1977; Molm & Hedley, 1992). One such researcher is Molm (1988, 1990, 1997, 2015), whose work has shaped the broader scholarly understanding of the tangible effects of power on individual and collective dynamics in a laboratory setting. Through her experiments on power and dependence, Molm illustrates the various behaviours resulting from power imbalances, such as increased compliance, fear-driven performance, reduced self-

efficacy, and the potential for exploitation, which often foster environments of mistrust and strained relationships. This exploration was further deepened in her collaboration with Hedley (Molm & Hedley, 1992), which emphasises how gendered stereotypes magnify power discrepancies, especially in the exchange of resources. Molm and Hedley (1992) argue:

One of the most basic indicators of gender inequality is the distribution of power between men and women. Across time, across societies, and across a wide range of settings, men have had greater power than women. (p. 1)

Introducing and refining the concept of ‘hegemonic masculinity’, Connell’s work (Connell, 1987, 1998, 2005, 2013) delineates how societal norms and expectations shape power distributions and the construction of male identity. ‘Hegemonic masculinity’ refers to the dominant form of masculinity in a particular culture or society, characterised by traits such as strength, dominance and emotional restraint. This concept is instrumental in analysing how power hierarchies rooted in established masculine norms are instrumental in sustaining gender inequalities. Such a lens becomes indispensable when deciphering how power hierarchies rooted in established masculine norms sustain gender inequalities.

Acker’s research (1990, 2006, 2012) spotlights the structural aspects of gendered power. Examining the intrinsic gendered practices and culture of organisations, Acker shows that the acquisition of power, far from being gender neutral, is enabled by organisational norms and policies that frequently uphold male-dominated power structures. While Connell and Acker have made significant contributions to the field of gender studies, their work has not been without criticism. One common critique of Connell’s concept of ‘hegemonic masculinity’ (Connell & Messerschmidt, 2005) is that it tends to oversimplify the complexity of male identities and the ways in which power operates among men. Critics argue that by focusing primarily on a single, dominant form of masculinity, Connell may inadvertently reinforce a binary understanding of gender and ignore the diversity of men’s experiences (Beasley, 2008). Acker’s work on the gendered dynamics of organisations (Acker, 1990) has also faced criticism (Bates, 2021; Bridges & Messerschmidt, 2017). Some scholars have argued that Acker’s emphasis on structural constraints can sometimes overshadow the agency of women and marginalised groups in challenging and reshaping organisational norms (Bates, 2021; Sayce, 2018). Kanter (1977) provides a compelling counterpoint to Acker’s argument, suggesting that power inequality is a function of structural imbalances in organisations rather than overt gendered discrimination.

2.3.3 Power in the legal profession

Power in the legal profession has been highlighted in studies examining *hierarchical structures* (Bolton & Muzio, 2007; Epstein et al., 1995; Galanter & Henderson, 2008; Galanter & Palay, 1994; Gorman & Kmec, 2009; Kay & Gorman, 2008; Sommerlad, 2016), *economic dimensions* (Bagust, 2013; Manch, 2013; Regan, 2010) and *gender* (Kay & Gorman, 2008; Kay & Hagan, 1995; Sommerlad, 2016; Thornton & Bagust, 2007; Tomlinson et al., 2013; Wald, 2009). This subsection explores how these themes relate to this research on power in the legal profession, offering both a comprehensive discussion of how power has been previously recognised and understood in research on the legal profession, and how this thesis contributes to the extant research.

Hierarchical structure and power in the legal profession. The extreme hierarchical structure in the legal profession plays a vital role in facilitating unequal power dynamics, where individuals in very senior positions, for example equity partner, hold exponentially more power than solicitors in lower levels of the professional hierarchy. While not exclusive to the legal profession, the hierarchical pyramid structure is a characteristic feature of many law firms, particularly large, traditional firms. Other professions that experience similar gendered power imbalances and hierarchical structures include consulting and finance (Cooper et al., 2021; Jones, 1998; Sheerin & Linehan, 2018). Bolton and Muzio (2007) discuss how the pyramid structure of private practice law firms inherently breeds power imbalances and perpetuates inequalities, benefiting those at senior levels. Similarly, Epstein et al. (1995) explore the mechanisms of this hierarchical structure, explaining that it systematically restricts access to decision-making processes for junior members and fosters a culture of exclusivity and elitism that further entrenches the imbalanced power dynamics at play.

Numerous studies show that the partnership model gives most of the power to the partners, affecting firm strategies and workplace culture (Galanter & Henderson, 2008; Galanter & Palay, 1994). Gorman and Kmec (2009) scrutinise this concentration of power at the top of the professional hierarchy and investigate the barriers marginalised groups face in ascending the hierarchical ladder. Importantly, research by Gorman and Kmec (2009) highlights the compounded challenges encountered by women and ethnic minorities, who hold fewer equity partner positions, illustrating the persistent homogeneity of white men in leadership roles. This important relationship between gender and hierarchical power is examined in detail in the subsection ‘Gendered power dynamics in the legal profession’.

Sommerlad (2016) extends the dialogue on hierarchical structure and power by

exploring the systemic barriers within hierarchical structures, emphasising that ingrained gendered biases and exclusionary practices hinder the diversification of power. For example, the prevalence of traditional networks and mentorship patterns favour individuals who fit the existing mould, often excluding lawyers from under-represented backgrounds such as solicitors without any legal professionals in their families or personal networks. Additionally, these barriers are exacerbated by the reliance on practices of ‘billable hours’ and ‘rainmaking’ as key criteria for partnership consideration, which tend to favour those who can conform to established professional norms and have access to client networks. Moreover, Sommerlad (2016) reveals that commercial pressures in the legal profession reinforce power dynamics and contribute to the perpetuation of inequalities.

Economic dimensions of power in the legal profession. The extant research shows a clear connection between financial incentives and power structures in the legal profession (Bagust, 2013; Dezalay & Garth, 2011; Epstein et al., 1995; Manch, 2013). One aspect of this relationship is the role of client acquisition and retention, which is described by Epstein et al. (1995) as fundamental to an individual’s authority in the legal field. The economic capital obtained through these client relationships is a significant factor influencing power dynamics because it directly contributes to a solicitor’s revenue, which in turn can be used to leverage additional resources, opportunities and influence. In this way, the acquisition and retention of clients serve as a crucial mechanism through which power is negotiated, maintained and displayed in the legal profession.

The financial mechanisms that facilitate the acquisition of influence and control in law firms are explained by Bagust (2013). According to Bagust, the revenue generated by solicitors plays a critical role in determining their influence and, in turn, their access to resources, professional opportunities and new clientele. Manch (2013) further explores the connection between economic variables and power dynamics, with a specific emphasis on compensation models and profit-sharing partnerships. These economic factors play a pivotal role in shaping the relationships and power balance in law firms.

Regan (2010) expands on these ideas by examining how economic factors interact with organisational structures to influence power relations. His study points to the significant role that market forces, commercial interests and financial incentives play in shaping legal practice, as well as the decisions and behaviours of legal practitioners. Furthermore, Regan’s research highlights the multifaceted nature of economic influences on power. For instance, the revenue streams and client portfolios of law firms can grant them considerable leverage and authority

in negotiations. Importantly, Regan also emphasises how economic factors can either reinforce or challenge existing power structures, providing a comprehensive view of the interplay between economic dimensions and power dynamics in the legal profession.

Gendered power dynamics in the legal profession. This subsection focuses on the gendered power dynamics deeply rooted in the tradition and hierarchical structures of the legal profession, a critical component in understanding how power is recognised. By examining the research of Dixon and Seron (1995), Bolton and Muzio (2007), Kay and Gorman (2008), Wald (2009, 2011, 2014) and Sommerlad (2016), this subsection scrutinises the experiences and challenges of women solicitors, highlighting the implications gender has on career progression, pay, cultural norms and access to power. This subsection sets the stage for a deeper understanding of how power in the legal profession is recognised.

A growing body of research has examined gendered career progression in the legal profession. For example, research by Bolton and Muzio (2007, 2008) illustrates that hierarchical structure and partnership tracks, coupled with long-standing male dominance in the profession, inherently favour men. The works of Dixon and Seron (1995) and Wald (2009, 2011, 2014) further highlight the stark disparities between men and women in the legal profession. Gendered vertical segregation identified by Dixon and Seron (1995) and the ‘glass ceiling’ effect described by Wald (2009) are indicative of a profession that, while having significantly improved in terms of gender representation, still grapples with deep-seated biases and stereotypes that hinder the career advancement of women. Women solicitors’ careers are also impacted by horizontal segmentation where ‘female specialisms offer lesser opportunities for career progression’ (Bolton & Muzio, 2008, p. 286). This ongoing struggle with gender inequality has profound implications on the overall career navigation for women in law, often limiting their access to mentorship, key assignments and leadership positions, which are vital for professional growth and advancement in the legal profession.

Gendered power dynamics in the legal profession are also displayed through gender pay gaps (Markovic & Plickert, 2022). The gender pay gap is a significant issue in the legal profession, with women often earning less than men for the same or similar work (Dau-Schmidt et al., 2009). Studies of the legal profession in Canada and the US show that ‘on average, women earn 52–77 per cent of what men earn’ (Choroszewicz & Kay, 2022, p. 132). In Australia, ‘men earn higher incomes than women overall, at both the lower and higher ends of the salary range’ (Seuffert et al., 2018, p. 40). Dixon and Seron (1995) highlight that the discrepancy in pay is not just a matter of individual negotiation skills but is reflective of broader

structural inequalities that disadvantage women. This sentiment is echoed by Kay and Gorman (2008), who emphasised that the gender pay gap is a symptom of the pervasive discrimination that women face in the legal profession.

A driving force behind gendered power dynamics in the legal profession is prevailing cultural norms. Several studies have revealed women solicitors are forced to assimilate into established cultural norms that frequently benefit men (Gorman, 2006; Ridgeway, 2001; Sterling & Reichman, 2016). These norms include an expectation of working regular extreme hours, often juxtaposed and clashing against their predominant load in caregiving and household labour (Thornton, 2016a). Thornton underscores how these demanding work hour expectations exert a power dynamic that adversely affects women in law, a sentiment echoed by Sommerlad (2016). Sommerlad's research in the UK indicates that the pervasive culture of extended working hours tends to favour men who are devoid of external commitments. This serves as a potent demonstration of power-dependence, where the existing system indirectly mandates long hours and, in doing so, disadvantages individuals, primarily women, with caregiving responsibilities.

Gendered cultural norms are also experienced through masculine stereotypes as argued by Bolton and Muzio (2007). Their research shows that the legal profession is steeped in traditional gender roles, with women often expected to conform to feminine stereotypes through dress, speech and personality traits while men are encouraged to exhibit masculine traits like aggressiveness and competitiveness. This cultural normativity contributes to a hostile work environment for women, as they are often penalised for failing to conform to these expectations. The impact of professional norms on power dynamics in the legal profession is further highlighted by Wald (2009, 2011, 2014). Wald's work examines the influence of prevailing gender stereotypes on career trajectories and outlines the systemic gender biases that disadvantage women. These biases are perpetuated by ideologies such as meritocracy, which purports that success is based solely on hard work and merit, while in reality, gendered stereotypes and structural barriers play a significant role.

Consequently, access to power in the legal profession is heavily influenced by gender. Sommerlad (2016) demonstrated that women are often excluded from the informal networks and mentorship opportunities that are crucial for career advancement. Moreover, women are frequently passed over for leadership roles, as the decision-makers in the legal profession tend to be men and are more likely to promote other men. This lack of access to power has profound implications for women's career progression and professional development. This thesis aims

to address women's lack of access to power by spotlighting gender in the analysis of power-dependence and, in so doing uncovering how power-dependence shapes gendered experiences and outcomes in the legal profession.

2.4 How is power acquired?

When examining who holds power in organisations, two theoretical approaches come to the forefront. First, macro-level theories describe power as a function of structural position (Emerson, 1962; Wrong, 1968), while micro-level theories attribute power to individuals' behaviours (Rubin et al., 1975; Tedeschi, 2017). Importantly, the research of Molm and Hedley (1992) and Brass and Burkhardt (1993) examines strategic and structural power sources simultaneously. This section provides a comprehensive assessment of structural power, strategic power and power outcomes in general, followed by specific structural and strategic sources of power in the legal profession.

2.4.1 Sources of power: Structural power, strategic power, and power outcomes

In organisational contexts, power derives from structural and strategic sources. Structural power pertains to the overarching systems, professional norms and frameworks in a given society or institution that dictate how authority is distributed and maintained (Astley & Sachdeva, 1984; Brass & Burkhardt, 1993). Additionally, 'structural power is the potential power of actors to influence others. It is an attribute of relations, not individuals' (Molm & Hedley, 1992, p. 2). A deeper examination of structural power suggests that gender inequality is woven into the fabric of society and organisations through the unequal distribution of structural power between men and women, where men have more access to and control over resources and more formal power because of positions of authority (Molm & Hedley, 1992).

In contrast, strategic power refers to the agency individuals or groups use to attain or consolidate their influence, often through negotiation, alliance-building, and calculated actions (Hickson et al., 1971). Strategic power derives from purposeful actions and decisions to accrue, maintain or amplify influence. It underscores the agency of individuals or entities in navigating power dynamics. Yukl and Falbe (1991) emphasise the tactics and manoeuvres that individuals employ to assert influence over others. Their exploration provides insights into the dynamic nature of power, not just as a passive result of structure but as a consequence of deliberate strategies. In their interaction, structural power and strategic power largely determine power outcomes or the success of an individual's attempted influence (Bacharach & Lawler, 1981;

Molm, 1990; Molm & Hedley, 1992).

Crucially, power acquisition results from both structural position and specific strategies employed to harness it. The resulting power outcomes shape interactions, define relationships, and significantly influence the trajectory of decision-making processes. An understanding of these nuances, as derived from extensive research (Astley & Sachdeva, 1984; Bacharach & Lawler, 1981; Hickson et al., 1971; Molm & Hedley, 1992; Yukl & Falbe, 1991), lays the groundwork for examining the specifics of power acquisition in the legal profession. Moving forward, the manifestations of these sources of power are examined specifically within private practice law firms, shedding light on the unique dynamics at play.

2.4.2 Sources of power in the legal profession

In the legal profession, structural power sources are primarily anchored in established hierarchies and the control of critical resources. A central element of this is the hierarchical organisation of private practice law firms and judiciary bodies where power is intrinsically linked to positions such as equity partners or high-ranking officials, thus providing individuals in those roles with a substantial degree of control and influence (Abel & Lewis, 1989). Besides hierarchy, access to critical social networks form an important structural power base, affording select individuals entry into circles of influence and reflecting the broader dynamics of social capital in the legal profession (Dezalay & Garth, 1996).

In the legal profession, strategic sources of power fundamentally arise from individual skillsets, expertise and the capacity to forge influential relationships with powerful partners. Among these strategic sources of power are expertise and specialisation, which equip lawyers with a unique niche that can offer exclusive and indispensable services, cementing their role and enhancing their influence in legal settings. As Dixon and Seron (1995) argue, a lawyer who has built a reputation for integrity and success naturally attracts clientele and commands respect, not just from peers but also from judges and other stakeholders in the legal profession. By cultivating a charismatic presence, lawyers can enhance their persuasiveness and foster relationships that facilitate a strong network, thereby wielding influence in a pervasive and enduring manner. This strategic approach to acquiring power points to a dynamic landscape where influence is developed through expertise, communication skills and personal branding. It portrays a profession where strategic power sources are as diverse as they are central to achieving success and prominence.

Adding a psychological dimension to the discourse, the works of French and Raven

(1959) identify various bases of social power, encompassing aspects like referent and expert power. Applying this lens to the legal profession aids in discerning different displays of power dynamics involving expertise, reverence and charisma, which often describe the pathways of influence in legal firms. Furthermore, expert power, derived from one's skills and knowledge, holds substantial weight in the legal profession. Legal professionals often harness this power to establish authority and credibility in their field.

Mentoring as a source of power in the legal profession. An emerging theme in the research shows that mentoring relationships are critical to career success and power acquisition (Eby et al., 2008; Higgins & Kram, 2001; Moore & Sangaria, 1979; Ragins, 1997; Ramaswami & Dreher, 2007; Young et al., 2006). Importantly, mentoring has been identified as a key source of power in the legal profession (Epstein et al., 1995; Kay & Wallace, 2009; Mobley et al., 1994; Mundy & Seuffert, 2020; Reichman & Sterling, 2001; Riley & Wrench, 1985), by offering a myriad of professional benefits and opportunities. Mentoring not only enhances mentees' skills and knowledge but also provides them with essential insights into the complexities of the legal profession. This subsection explores various themes related to the impact of mentoring on power dynamics, noting both the similarities and differences in the findings across diverse research studies.

In general, studies have consistently shown that mentoring relationships contribute significantly to career advancement (Ragins & Cotton, 1991), professional skill enhancement (Eby et al., 2008), leadership development (Scandura & Williams, 2001), and employee retention (Kram, 1988). Moreover, these benefits are often long term, with mentees continuing to reap the rewards of their mentoring relationships well into their careers. The research further indicates that these mentoring benefits translate to improved employee wellbeing (Wanberg et al., 2003), highlighting the positive ripple effects mentoring can have on an individual's professional life.

Furthermore, mentoring has been highlighted as a vital tool for addressing gender inequality in the legal profession. Epstein et al. (1995) posit that mentoring relationships are instrumental in mitigating gender disparities, offering women lawyers essential guidance, support and access to opportunities in a traditionally male-dominated profession. This assertion is crucial because it underscores the role of mentoring as an empowering tool for women in law. This view is echoed by Reichman and Sterling (2001), who argue that mentoring can transform existing power structures that impede women's progress in the legal field.

Building on this perspective, Kay and Wallace (2009) conceptualise mentors as a form

of social capital that is especially vital for women in private practice law firms. The researchers contend that mentoring relationships serve as invaluable sources of influence, information and support, shaping women lawyers' career trajectories and facilitating their accumulation of social capital. In addition to these benefits, mentoring also provides a platform for women to develop confidence and assertiveness, critical traits for success in the competitive legal environment. This, in turn, enables them to navigate and impact the power structures in the legal profession, ultimately influencing their career success.

Despite the potential benefits of mentoring for women lawyers, Mundy and Seuffert (2020) reveal a concerning power dynamic where some senior male professionals may opt out of mentoring female colleagues, fearing it may not enhance their professional image. This reluctance reflects broader gender-related power imbalances in the legal profession, underscoring the need for institutional support and policies that actively promote mentorship for women and other under-represented groups. Moreover, it highlights the need for a cultural shift in the legal profession to ensure that mentoring relationships are not hindered by gender-based biases and stereotypes. The concluding chapter of this thesis provides recommendations based on the study findings that address gender bias in mentoring relationships, and cultural norms that perpetuate gender power imbalances in the legal profession.

2.5 Conclusion

This chapter has summarised the extant scholarship on power, and how it is recognised, acquired and experienced in the legal profession, leveraging historical and contemporary perspectives. The chapter has presented a detailed examination of a wide range of studies and seminal works that underpin insights into the accumulation and exercise of power in the legal profession. Throughout the review of the research, diverse perspectives and definitions of power have been explored, from foundational works by Weber and Lukes to more contemporary research by Cook, Molm and Pfeffer. This diversity of research underscores the complexity of power recognition and the need to better understand how power is recognised in the legal profession. Therefore, among the four research questions answered by this thesis, includes the first question, How is power defined in the legal profession?

Furthermore, by synthesising a range of scholarly works and theoretical perspectives, this literature review has contributed to understanding power dynamics and their implications for individuals and organisations. It has revealed the complex relationship between structural and strategic sources of power while providing a foundation for further research and critical

inquiry into power imbalances and their consequences. Hence, this thesis aims to answer the second research question, What are the sources of power in the legal profession?

Despite abundant research on power, there remains a gap in understanding gendered vertical stratification and horizontal segmentation in the legal profession. As such, there is a need to examine gender inequality through the lens of power-dependence theory to shed light on how positions of power and dependence in the legal profession are impacted by gender. This framework has the potential to reveal the underlying mechanisms that foster gender inequalities, paving the way for more inclusive policies. By examining the manifestations of power-dependence, the barriers faced by under-represented groups, and the consequences of power imbalances, this research aims to contribute to the broader discourse on diversity, equality and inclusion in the legal profession. Accordingly, the final research questions are, How is power-dependence understood in the legal profession?, and In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession?

Chapter 3 – Research methodology

3.1 Introduction

This study is guided by an interpretivist research philosophy, including a relativist ontology and constructivist epistemology. An interpretivist orientation is best suited to meet the aims of this research, mainly to recognise gender inequality in the legal profession through the lens of power-dependence theory and to answer the primary research questions of this research.

Following a discussion of the guiding research philosophy, this chapter continues with an explanation of and justification for the research design, which comprises a qualitative approach, case study selection, data collection and ethical considerations. As discussed in Chapter 2, existing research on power-dependence theory has been limited to laboratory studies (Emerson, 1962, 1976; Molm, 1997; Molm et al., 2007) and is missing a nuanced perspective that can be gained through a qualitative approach, which may add an expanded understanding of how resources are exchanged and how individuals understand their positions of power or dependence. Accordingly, the selected methodology offers deep insights into how the accumulation and ‘trading’ of resources contribute to gender inequality in the legal profession. In so doing, this thesis provides a unique perspective on and understanding of power-dependence theory.

The chapter discusses the data collection procedures, including the three-phase process, detailed in the subsection on data collection, that included key informant interviews, open-ended survey questions, and one-on-one semi-structured interviews. The final section describes the data analysis procedures used in this study, including inductive and deductive code development and theme generation. The chapter concludes by presenting the final code manual, which consists of five primary themes and accompanying sub-themes.

3.2 Research philosophy

Fundamental philosophical principles are embedded in all research, including ontology, or the nature of reality, epistemology, or the nature of knowledge, methodology and methods (Alharahsheh & Pius, 2020; Myers, 2019; Neuman et al., 2013). Alternatively, as Mills et al. (2006) argue: ‘To ensure a strong research design, researchers must choose a research paradigm that is congruent with their beliefs about the nature of reality’ (Mills et al., 2006, p. 2). This section explains the paradigmatic orientation of this study, including an interpretivist research

paradigm comprising a relativist ontology and subjectivist epistemology, as well as how these philosophical assumptions support the selected methodology and research methods.

Interpretivism is a research paradigm, or a guiding framework, that ‘aims to achieve a deep understanding of the social phenomenon under study and recognises the importance of participants’ subjectivity as part of this process’ (Rashid et al., 2019, p. 4). Interpretivism is an ideal paradigm for understanding individual perspectives on gendered power dynamics because interpretivist research acknowledges that there are many interpretations of reality rather than one collective reality (Chowdhury, 2014). Moreover, interpretive research is recognised for its value in providing contextual depth (Chowdhury, 2014). In contrast, the positivist paradigm assumes that there is a single observable reality that is jointly understood and can be measured.

Within interpretivism lies a relativist ontology. Ontology refers to the researcher’s view of the nature of reality and ‘is associated with a central question of whether social entities need to be perceived as objective or subjective’ (Dudovisky, 2018, p. 39). From a relativist perspective, this means that reality is socially constructed, is subjective and may change. Equally important to understanding the nature of reality is identifying what can be accepted as knowledge, characterised as epistemology or ‘how reality is being known by the researcher’ (Alharahsheh & Pius, 2020, p. 40). The chosen epistemological position for this study accepts knowledge as being subjective and open to interpretation. Within a subjective epistemology, the interaction between the researcher and participants is necessary to gain an understanding of the phenomenon being studied. Table 3 outlines the philosophical concepts guiding this research.

Table 3. *Interpretivist paradigm, key philosophical concepts and questions (adapted from Dudovisky, 2018)*

Philosophical Concept	Main Question	Approach for this Research
Ontology	What is the nature of reality?	Relativism – Reality is socially constructed, subjective, and may change. No single reality.
Epistemology	What can be accepted as knowledge?	Subjectivism – Focus on the details of a situation, the reality behind these details, subjective meanings, and motivating actions. Focus on a specific context.
Methodology	How can knowledge regarding given questions be produced?	Qualitative, single organisation case study
Methods	What specific ways of data collection and data analysis can be used?	Small sample, in-depth investigations, surveys with open-ended questions and semi-structured interviews

Using an interpretivist framing enables researchers to understand participants' individual experiences related to power dynamics, success and influence and to reflect on their careers in legal private practice. Accordingly, interpretivism is an appropriate research paradigm for answering the primary research questions guiding this research:

RQ 1 How is power defined in the legal profession?

RQ 2 What are the sources of power in the legal profession?

RQ 3 How is power-dependence understood in the legal profession?

RQ 4 In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession?

Based on the employed interpretivist paradigm and ontological and epistemological assumptions, a qualitative methodology was selected as the most appropriate approach to answer these research questions. Accordingly, a qualitative research methodology, in the form of semi-structured interviews, was adopted for this study. Qualitative studies promote an examination of deeper meanings that participants attach to their experiences (Sommerlad et al., 2010, p. 21). A semi-structured interview approach allows for an examination of 'both retrospective and real-time accounts by those people experiencing the phenomenon of theoretical interest' (Gioia et al., 2012, p. 20).

Sections 3.3–3.5 detail the research design, methodology, implications of the research philosophy on the research strategy in general, and the choice of primary data collection methods specifically.

3.3 Research design

This study employed a case study approach, defined as ‘an in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, program or system’ (Simons, 2009, p. 21). Case studies are best suited to answering ‘how’ and ‘why’ questions and examining real-life events in a specific context (Yin, 2009). The case study tradition is built on the seminal work of Robert K. Yin and Kathleen Eisenhardt (Eisenhardt, 1989; Yin, 1981).

While Yin and Eisenhardt are often referenced as a team with identical views, there are important differences in how they approach the case study in social sciences research. As an inductive exploration of a single case, this research most closely aligns with Yin’s interpretation of the case study. Understanding the differences between the Yin and Eisenhardt approaches to the case study provides a clear justification for the methods used in this research.

First, while Yin acknowledges that the multiple case study approach promotes robust research, he also feels there is a place for a single case study approach (Yin, 2009). In contrast, Eisenhardt favours the multiple case study, as ‘theory building from multiple cases typically yields more robust, generalisable and testable theory than single case research’ (Eisenhardt & Graebner, 2007, p. 27).

The second difference between Yin and Eisenhardt is their opposing views on the role of grounded theory in the case study. Yin adapts quantitative experimental techniques to produce qualitative rigour, validity and generalisability. On the other hand, Eisenhardt supports the use of grounded theory developed by Glaser and Strauss (1967) by ‘importing key procedures such as theoretical sampling, theoretical saturation and joint collection and coding of data’ (Piekkari & Welch, 2018, p. 7).

Finally, Yin identifies three purposes for the case study: the exploratory case study (inductive), descriptive case study (deductive) and explanatory case study (deductive) (Piekkari & Welch, 2018). In contrast, Eisenhardt only takes a theory-building approach (inductive) to the case study. Arguably, this is the most important difference between Yin and Eisenhardt as their approaches relate to this research. Through a deductive approach, Yin uses existing theory as a starting point and then extends or modifies the theory where the data

indicates (Ridder, 2017). Following Yin's approach has allowed for an in-depth understanding of the specific phenomenon of gendered vertical stratification and horizontal segmentation in a private practice law firm through the lens of power-dependence theory. This extends the application of power-dependence theory to qualitative research and offers a new perspective on how individuals view the exchange of resources and positions of power and powerlessness. The next section introduces the case study organisation and explains why the selected law firm is appropriate for this study.

3.4 Case study organisation

The law firm selected for this research is a large international private practice law firm referred to as LawCo throughout the thesis. LawCo employs roughly 900 legal professionals in Australia with a footprint in several major capital cities and more than two dozen offices globally. LawCo is a member of the 'Big Six', a term given to the six biggest law firms in Australia, where firm size is based on revenue and total lawyer head count. LawCo may also be described as a 'top-tier law firm' or a 'global elite law firm' (Big Six (Law Firms), 2023).

The employee demographics of LawCo illustrate vertical stratification, with 42% of senior associates being men and 68% of partners being men. As discussed in Chapter 1, vertical stratification is conceptually demonstrated by gender disparities in hierarchical rank where men hold the majority of partner positions, which represent the apex of the profession's hierarchy (Epstein et al., 1995; Gorman & Kmec, 2009; Kay, 2009). A breakdown of practice area demographics was unavailable, so it is unknown whether LawCo also displays horizontal gender segmentation.

LawCo uses the titles 'Graduate, Associate, Senior Associate, Of Counsel, Consultant and Partner' in their organisational chart. The most junior position is an 18–24 month graduate rotation, which is a requirement for recent graduates to become full-fledged lawyers in Australia. At LawCo, graduates complete multiple six-month rotations in different teams. Following the rotation program, graduates apply for a Practising Certificate. Once the certificate is granted, they begin work as an associate solicitor. Associates with seniority, technical expertise and leadership qualities advance to the role of senior associate generally within 3–5 years. Senior associates are expected to take on additional responsibilities, including business development, client relations, and supervising associates and graduates in their team. The role of special counsel, also called 'of counsel' or 'executive counsel', is for individuals who are specialised in a particular area but are not part of the partnership. In some law firms,

special counsel is an alternative to partnership, while other firms include special counsel on the path to partnership. In both situations, this is a leadership role with increased autonomy. However, most special counsels still report to a supervising partner. Consultants are also considered to be senior and are commonly contracted by a firm to provide expertise on a specific case or project. Finally, partners sit at the top of the organisational hierarchy and have a minimum of 10–15 years' experience. Partners are expected to maintain client relationships, generate new business, develop their team and oversee firm governance. LawCo has two classifications of partners: equity partners and non-equity partners. Non-equity partnerships are salaried positions and act as an intermediate step between senior associate and equity partner. Table 4 illustrates the firm demographics of each position at LawCo 2022, with equity and non-equity partners reported together. As shown in Table 4, LawCo firm demographics mirror gendered vertical stratification and horizontal segmentation seen throughout the legal profession. Where women are concentrated in lower levels of the hierarchy while men hold a majority of partner positions.

Table 4. *LawCo firm demographics 2022*

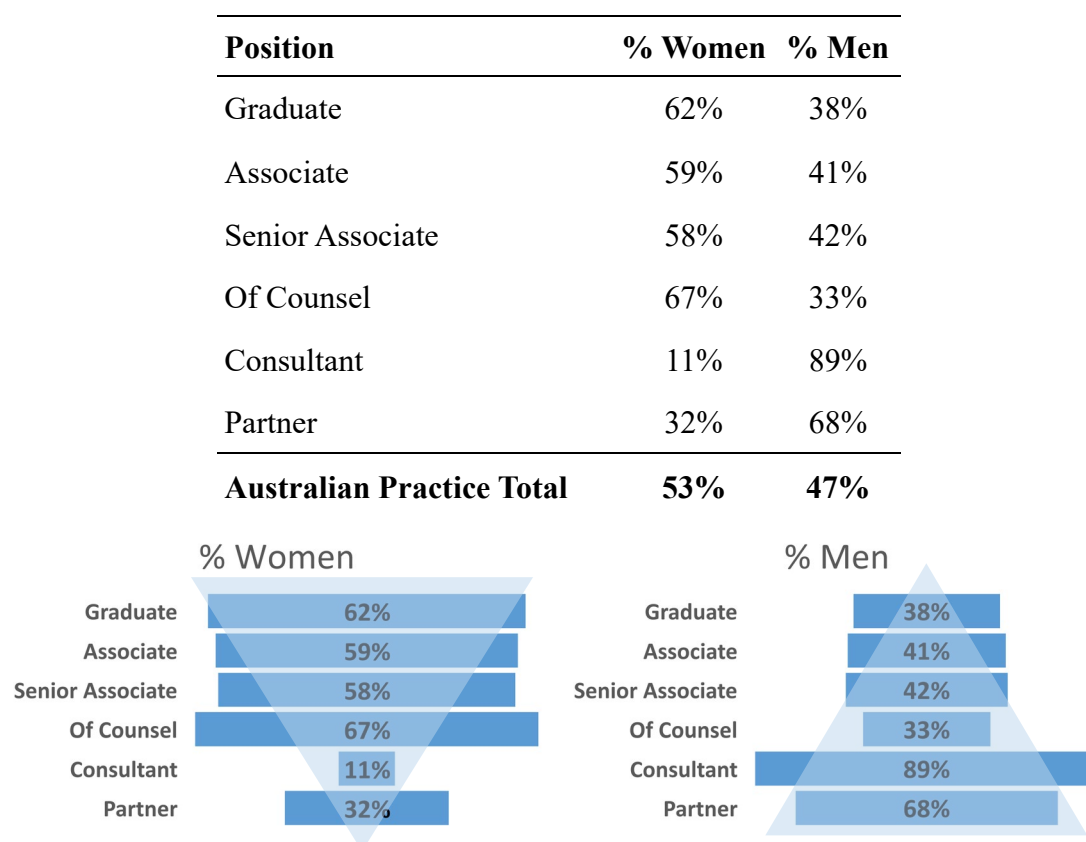


Figure 2. *LawCo firm demographics at time of data collection*

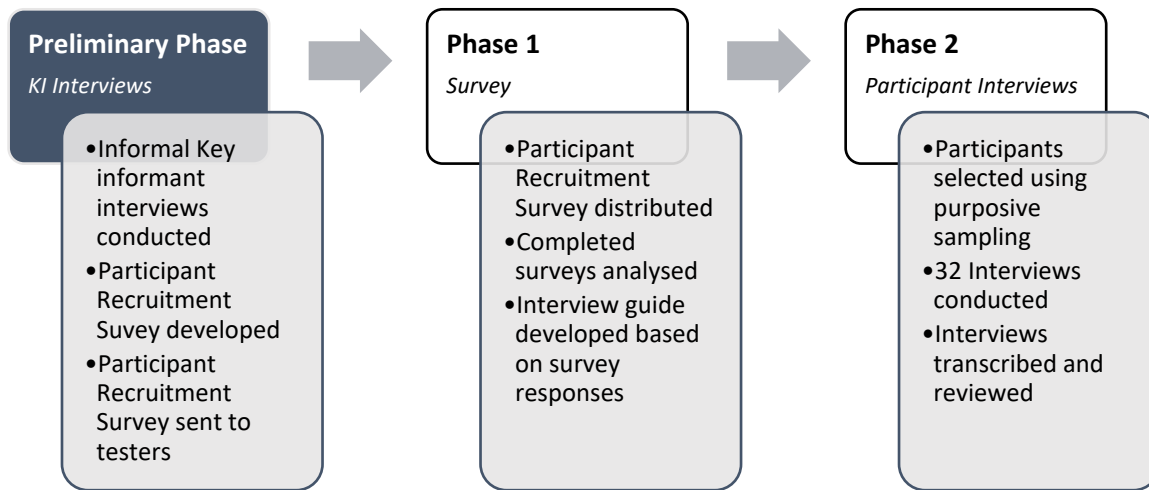
LawCo has invested considerable time and resources in diversity and inclusion initiatives. For example, LawCo offers inclusive leadership training, support for parents such as paid parental leave, women's support networks that organise leadership and career development events, formal sponsorship and mentoring of junior solicitors and has established gender targets for senior leadership. LawCo also reports to the Women in Law Firms Data Comparison Project (WLFDCP), which compiles law firm data annually and ranks Australian law firms on gender diversity criteria. Reported data includes a snapshot of the partnership group, including female equity partners and female non-equity partners, part-time and paid parental leave options, whether the firm has conducted a gender pay audit, and other diversity and inclusion initiatives (Seuffert et al., 2018).

The Women in Law Firms Data Comparison Project (WLFDCP) was started by the Women Lawyers Association of New South Wales (WLANSW) in 2012 as a tool that women lawyers could use to assess gender equity indicators at various Australian law firms. The WLFDCP acquires data directly from law firms and from the federal Workplace Gender Equality Agency (WGEA). WGEA is an Australian Government statutory agency created to promote and improve gender equality in the workplace. Importantly, WGEA runs a voluntary recognition program called the Employer of Choice for Gender Equality (EOCGE) citation, which is awarded to organisations that meet gender equality criteria. The assessment criteria include 'leadership, strategy and accountability; developing a gender-balanced workforce; gender pay equity; support for caring; mainstreaming flexible work; preventing gender-based harassment and discrimination, sexual harassment and bullying; and driving change beyond the workplace (*Employer of Choice for Gender Equality* | WGEA, 2023). For the 2021–2023 reporting period, four of the 'Big Six' Australian law firms hold the WGEA Employer of Choice for Gender Equality Citation.

Based on the data reported by the Women in Law Firms Data Comparison Project and the Workplace Gender Equality Agency, LawCo is not identified as being a top performer among other similarly sized law firms in Australia, however the firm has shown a commitment to improving diversity and inclusion over the past decade.

3.5 Data collection

3.5.1 Data collection preliminary phase

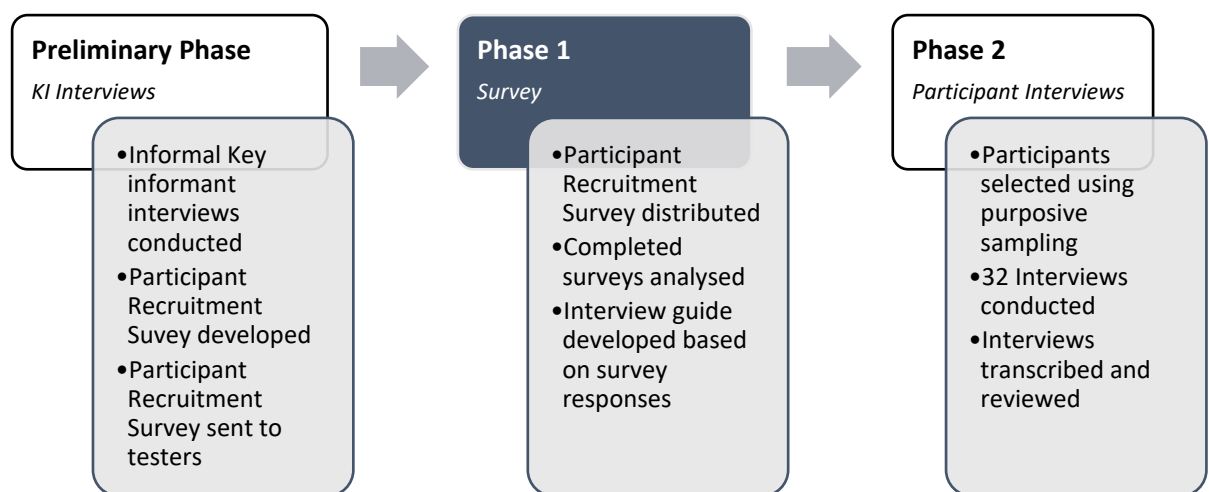


Data collection occurred in three distinct phases. The preliminary phase included two informal interviews with key informants at LawCo, including senior Human Resources leaders. The early informal interviews helped the researcher assess whether LawCo was suitable for this study and to gain authorisation from senior leaders in the law firm for the study to proceed with them. This phase also helped inform the researcher of standard practices at LawCo, including professional terminology, position titles and survey distribution methods. During the initial key informant interview, both key informants were asked to review the participant recruitment survey to confirm the language used in the survey and supporting ethics documents applied to LawCo. The participant recruitment survey was developed to screen potential study participants and to generate qualitative data through open-ended questions. The open-ended questions were informed by previous studies related to gender inequality and the sociology of the professions (Bolton & Muzio, 2007; Sommerlad et al., 2010). After reviewing the participant recruitment survey, the key informants provided feedback that ‘some female partners refuse to participate in a survey which asks their age because they feel strongly that the answer is never to their advantage’. Accordingly, the participant recruitment survey was edited to include a ‘prefer not to answer’ option for age and income demographic questions. An early draft of the participant recruitment survey did not include the positions ‘of counsel’ and ‘non-equity partner’ because these positions do not exist at all law firms. After meeting with the key informants, the survey was changed to reflect the language used by LawCo for the following position titles, listed in order of seniority: Equity Partner, Of Counsel, Non-

Equity Partner, Senior Associate, Associate and Graduate. The key informants provided insight into the best time and method to distribute the participant recruitment survey in order to maximise the response rate. After checking LawCo’s internal communication calendar, a date was selected to launch the study. The participant recruitment survey was sent to eight test participants first to ensure the survey was understandable to the audience. The test participants were solicitors at LawCo in a range of positions and practice areas and were selected by the key informants. After sampling the participant recruitment survey, the test group confirmed that the questions on the survey were relevant to LawCo and that the terminology used was applicable.

Ethics approval was subsequently applied for and granted by the University of Sydney Human Research Ethics Committee on 15 February 2021, Sydney Ethics Protocol number 2020/727. The committee approved the Participant Information Statement (Appendix 1.1), Participant Consent Form (Appendix 1.2), Participant Recruitment Survey (Appendix 1.3), Interview Protocol (Appendix 1.4) and Interview Themes (Appendix 1.5).

3.5.2 Data collection phase 1



Phase 1 of the research involved the distribution of a participant recruitment survey, which was used to select a purposive sample of participants for phase 2 and to aid in developing the interview protocol. The information gained in phase 1 also offered insights into how solicitors feel about various work practices at LawCo and to gauge how potential participants understood their own, and others’, access to power and obstacles that may keep a solicitor from gaining power, success and influence. As discussed in section 3.5.1 the participant recruitment survey was informed by key informants, subject matter experts and the extant literature. The open-ended questions included in the participant recruitment survey were as follows:

1. Thinking of your career in the law, what three words would you use to explain how individuals achieve power, success and influence?
2. In general, what do you think is the biggest challenge to achieving power, success and influence in the legal profession?
3. In your own legal career, what impediments, if any, have you experienced in achieving power, success and influence in the legal profession?

The first question provided an understanding of how potential participants understand their own career trajectory and personal acquisition of power, success and influence. The second question focused on a broader view of barriers that legal professionals may face in their careers, and the third question offered insights into actual barriers that individuals have experienced. Combined, these three open-ended questions aided the purposive sample selection, supplied qualitative data that informed interview questions and contributed to the study findings.

Phase 1 began on 15 March 2021 with the distribution of the participant recruitment survey digital link. The researcher sent an email to the key informant, who then forwarded the research information and survey link to all Australian-based HR business partner section heads, with the email subject line ‘Opportunity to participate in leading research with the University of Sydney’. The section heads then emailed the survey link to all Australian solicitors in their group, along with an invitation for anonymous participation in the study. This path of email distribution was done strategically and purposefully to distance the research from the inclusion and diversity team in an effort to increase the response rate from individuals who do not normally feel that gender diversity initiatives apply to them. This approach also complied with the University of Sydney’s ethics requirements for arm’s length recruitment and had the support of the participating firm.

The survey closed on 9 April 2021 with 128 completed surveys, but 15 surveys were excluded from the study because they did not pass the screening question ‘are you a practising solicitor employed by LawCo and currently located in Australia?’. Of the remaining 113 completed surveys (Figure 3), 43 individuals indicated a willingness to participate in the next phase of the research, namely an in-depth interview, and provided their contact details (Figure 4). Ultimately a total of 32 individuals participated in the interviews.

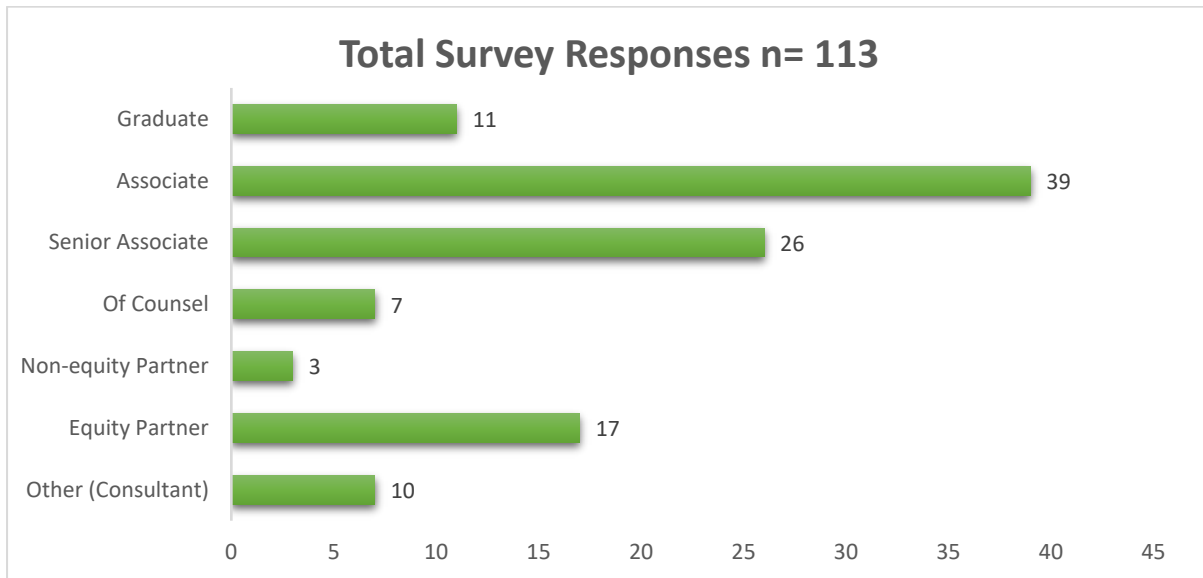


Figure 3. *Participant recruitment survey response by position*

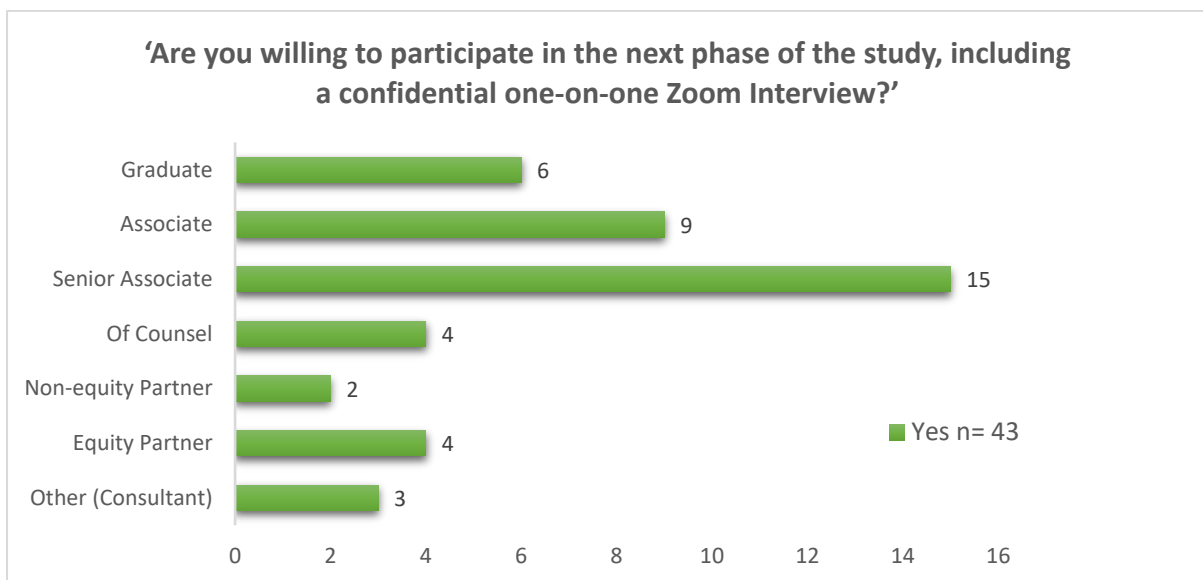


Figure 4. *Survey respondents willing to participate in interviews*

Before scheduling and conducting any interviews, the three open-ended questions asked in the participant recruitment survey were analysed using NVIVO (release 1.6.1). An analysis of the completed 113 surveys led to the development of three prevalent themes for each question, presented in Table 5, Table 6 and Table 7. Outliers were also identified in the survey analysis and are noted below.

An analysis of the question ‘Thinking of your career in the law, what three words would you use to explain how individuals achieve power, success and influence?’ led to the development of three core themes. When describing how individuals achieve power, success

and influence, many survey respondents included personality characteristics such as ‘ambitious’, ‘driven’, ‘charismatic’, ‘intelligent’, ‘resilient’ and ‘confident’. The second core theme was ‘network and connections’, where survey responses included ‘mentoring’, ‘networking’, ‘connections’, ‘relationships’, ‘pedigree’ and ‘client relationships.’ The final core theme was ‘skills, abilities and hard work’. Codes related to this theme included ‘hard work’, ‘talent’, ‘technical expertise’, ‘strategic thinking’, ‘dedication’, ‘competence’, ‘quality work’ and ‘long hours’. Not all survey responses fit into one of the three core themes. In those instances, the responses were noted as outliers, for example, ‘luck’ and ‘right place’. These core themes and outliers are presented in Table 5 below.

Table 5. *Participant recruitment survey themes and coding descriptions for mechanisms*

<i>‘Thinking of your career in the law, what three words would you use to explain how individuals achieve power, success, and influence?’ (Participant Recruitment Survey)</i>	
Core themes	Description of codes
Personality	Descriptions of personality characteristics included ambitious, driven, charismatic, intelligent, resilient and confident.
Network & connections	Explanations of network and connections included mentor/mentee relationships, client relationships, internal networks and pedigree.
Skills, abilities and hard work	Words used to describe skills, abilities and hard work included talent, technical skills, dedication, competence, strategic thinking, quality and long hours.
<i>Outliers</i>	Included descriptions of luck or being in the right place at the right time.

In an analysis of the question, ‘In general, what do you think is the biggest challenge to achieving power, success and influence in the legal profession?’ three core themes emerged: ‘unrealistic expectations of workload and long hours’; ‘lack of leadership support and professional network’; and ‘discrimination and gender bias’. Many survey respondents provided examples of working long hours, struggling to meet billable targets, and expectations of being in the office full-time. A lack of leadership support and professional network was described as feelings of isolation, a lack of mentorship, and not receiving support from a supervising partner. Finally, discrimination and gender bias were linked to unequal client allocations and promotion opportunities. In a small number of instances, respondents perceived other individuals as not being interested in increasing their own power, success and influence. These core themes and outliers are described in Table 6 below.

Table 6. *Participant recruitment survey themes and coding descriptions for challenges*

<i>‘In general, what do you think is the biggest challenge to achieving power, success, and influence in the legal profession?’ (Participant Recruitment Survey)</i>	
Core themes	Description of codes
Unrealistic expectations of workload and long hours	Description of long hours, high billable targets, and inflexibility of when and where work can be completed.
Lack of leadership support and professional network	Descriptions of feeling isolated at work, not having a mentor or supportive peer group, and not receiving support from supervising partner.
Discrimination and gender bias	Examples of client allocation and promotion opportunities being impacted by gender.
<i>Outliers</i>	Individuals not interested in increasing power, success and influence.

An analysis of the question ‘In your own legal career, what impediments, if any, have you experienced in achieving power, success and influence in the legal profession?’ led to the development of three core themes. Many individuals felt that their own careers had been impeded by their own unwillingness to sacrifice work–life balance. Responses related to this theme included descriptions of how seeking work–life balance had negatively impacted their career progression and professional success. Individuals also felt that conscious and unconscious bias towards gender and personality traits had been an obstacle to attaining power, success and influence. Finally, a lack of professional connections, mentoring and networking was attributed as having a negative impact on an individual’s career. In rare instances, some individuals felt that they had not faced any barriers when seeking power, success and influence during their careers. These core themes and outliers are displayed in Table 7 below.

Table 7. *Participant recruitment survey themes and coding descriptions for impediments*

‘In your own legal career, what impediments, if any, have you experienced in achieving power, success, and influence in the legal profession?’ (Participant Recruitment Survey)

Core themes	Description of codes
Unwilling to sacrifice work–life balance	Descriptions of how seeking work–life balance has negatively impacted career progression and career success.
Bias against gender and personality traits	Experiences of being unfairly passed over for promotions based on gender and personality traits.
Lack of professional connections	Examples of how an individual’s career is negatively impacted without a strong professional network.

<i>Outliers</i>	Individuals who have not faced any barriers in achieving power, success and influence.
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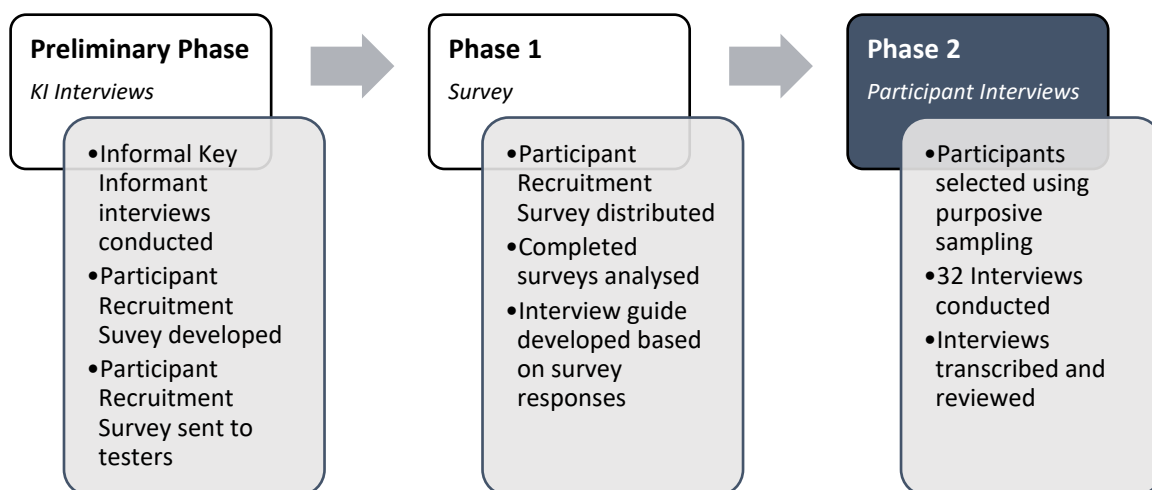
The insights gained from this preliminary analysis informed specific questions and general themes used in the semi-structured interviews in the next phase of data collection. A specific question related to the core theme of personality was, ‘Imagining an individual within the firm that holds power, how would you describe his or her personality?’. The theme of network and connections informed the questions ‘what strategies have you used to expand your professional network? How successful has that strategy been?’. Additional interview questions based on participant recruitment survey themes are in Table 8.

Table 8. *Thematic development of interview guide*

Participant recruitment survey theme	Example of interview questions
Personality	<i>Imagining an individual within the firm that holds power, how would you describe his or her personality?</i>
Network and connections	<i>What strategies have you used to expand your professional network? How successful has that strategy been?</i>
Skills, abilities and hard work	<i>Prior to mentoring a junior lawyer, what skills and abilities do you look for?</i>
Long hours and sacrifices	<i>What sacrifices have you made personally and professionally to advance in your career?</i>
Personal and professional connections	<i>Thinking about your own career, are there people who have helped you develop or advance your career?</i>

In addition to generating specific interview questions, the survey responses also helped to develop a better understanding of the general work atmosphere at LawCo. For example, the survey responses demonstrated frustration with an opaque promotion system, perceived bias and discrimination, and burnout. Positive experiences were also shared by survey participants, including the influence of supportive mentors, access to satisfying projects, and recognition from supervising partners. Moreover, the survey responses showed the interconnection between power, success and influence and highlighted the need to clarify these themes during the interview phase of data collection.

3.5.3 Data collection phase 2



Phase 2 of the research design involved participant selection, one-on-one interviews, and interview transcription. As is standard with interpretivist case studies, participants were selected using purposive sampling, a non-probability sampling technique. Non-probability sampling, also known as non-random sampling, uses specific criteria developed by the researcher to determine the targeted population (Dudovisky, 2018). The inclusion criteria which were used to recruit the final sample for interviews allowed for greater precision in understanding how power-dependence plays out in and shapes the progression within legal careers. Participants were selected for the study based on four inclusion criteria:

- 1) Lawyers employed by LawCo and currently located in Australia.
- 2) Holding a range of positions (Graduate, Associate, Senior Associate, Of Counsel, Salaried Partner, Equity Partner, Other)
- 3) Lawyers from a male-dominated practice area
- 4) Lawyers from a female-dominated practice area.

The participant recruitment survey (Appendix 1.3) commenced with the screening question, ‘Are you a practising solicitor employed by ‘LawCo’ and currently located in Australia?’. This screening question imposed the first two inclusion criteria and acted as a mechanism to exclude individuals who did not meet the requirements. Prior to conducting interviews, participant demographics were reviewed to ensure that the remaining inclusion criteria were met and that a wide range of practice areas were represented in the sample.

Australian-based solicitors who completed the participant recruitment survey could opt-in to participate in the one-on-one semi-structured interviews by providing their first name and email address. These individuals were then sent an email with an invitation to schedule their interviews using Calandly.com. To ensure confidentiality, firm and participant identifiers were removed from all reported material. Interviewees are thus noted by their position, self-nominated gender, and a randomly assigned number.

The interview guide was developed based on the researcher’s analysis of the themes that arose from responses to the participant recruitment survey and from the extant literature. Interviews began on 9 April 2021 and continued until 22 May 2021. All interviews were conducted via Zoom due to COVID travel restrictions that prevented the researcher from visiting several Australian states. Thirty-two interviews took place in total with solicitors from various positions and practice areas. Figure 5 displays the interview sample population sorted by practice area, and Table 9 expands the sample demographics to include practice area and participant alias.

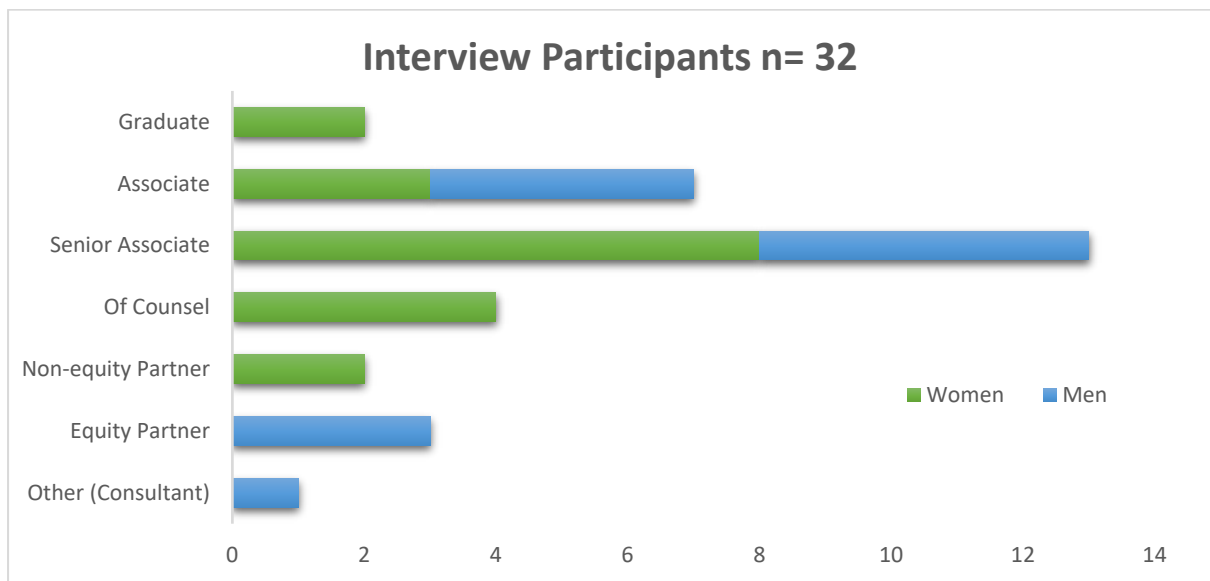


Figure 5. *Interview sample population*

Table 9. *Interview sample demographics*

Alias	Position	Gender	Practice Area
G02_W	Graduate	Woman	Commercial Litigation
G03_W	Graduate	Woman	Technology, Media & Entertainment, & Telecommunications
A01_M	Associate	Man	Environment, Planning & Communities
A02_W	Associate	Woman	Dispute Resolution
A04_W	Associate	Woman	Dispute Resolution
A05_W	Associate	Woman	Dispute Resolution
A06_M	Associate	Man	Finance
A07_M	Associate	Man	Finance
A11_M	Associate	Man	Financial Services Regulatory
SA01_M	Senior Associate	Man	Intellectual Property
SA03_M	Senior Associate	Man	Corporate Crime & Investigations
SA04_W	Senior Associate	Woman	Mergers & Acquisition
SA05_M	Senior Associate	Man	Corporate Governance
SA06_W	Senior Associate	Woman	Mergers & Acquisition
SA07_W	Senior Associate	Woman	Dispute Resolution
SA08_W	Senior Associate	Woman	Real Estate
SA09_M	Senior Associate	Man	Real Estate
SA10_W	Senior Associate	Woman	Finance
SA11_W	Senior Associate	Woman	Projects
SA13_M	Senior Associate	Man	Competition, Regulation & Trade
SA14_W	Senior Associate	Woman	Intellectual Property
SA16_W	Senior Associate	Woman	Unknown
OC01_W	Of Counsel	Woman	Restructuring, Turnaround & Insolvency
OC02_W	Of Counsel	Woman	Real Estate
OC03_W	Of Counsel	Woman	Finance
OC04_W	Of Counsel	Woman	Dispute Resolution
NEP01_W	Non-equity Partner (Salaried Partner)	Woman	Financial Services Regulatory
NEP02_W	Non-equity Partner (Salaried Partner)	Woman	Class Actions
EP01_M	Equity Partner	Man	Dispute Resolution
EP03_M	Equity Partner	Man	Commercial Litigation
EP04_M	Equity Partner	Man	Private Equity
C02_M	Other (Consultant)	Man	Regulatory Change

Every semi-structured interview began with permission to record and was directed by an interview guide (see Appendix 1.5). Interviews lasted between 30 and 45 minutes. The semi-structured nature of the interviews allowed for some topics to be explored in greater depth, and

both the researcher and participants determined the progression of the interviews. This fluid process permitted unexpected findings to be explored and informed the line of questioning for future interviews. The completion of all 32 interviews marked the end of data collection. Data analysis is discussed in detail in Section 4.6.

3.5.4 Ethical considerations during data collection

The law firm's identity has been excluded from all research documentation, and all individuals were de-identified to maintain confidentiality. Ensuring confidentiality helped participants feel comfortable speaking freely and sharing their personal experiences without fear of negative repercussions.

On the Participant Information Statement (see Appendix 1.1), participants were advised that LawCo offered an Employee Assistance Program in case individuals found specific subjects troubling. During multiple interviews, the interviewees shared examples of bullying, harassment, mental health, thoughts of suicide, and instances of peer suicide. When sensitive topics were shared, the participants were asked if they felt comfortable continuing the interview and if they were familiar with the available resources. On all occasions, the participants said they were happy to continue the interview.

3.5.5 Limitations

Two methodological limitations can be identified. First, the response rate from individuals willing to participate in the interviews was low at 7.5%. Given the demanding work and high billable hours associated with the legal profession, it is not surprising that many solicitors were unwilling to participate. However, the study would have benefited from a higher response rate in order to gain a broader range of solicitors from which to sample purposively. For example, all equity partners who participated in the interviews were men, and all non-equity partners who participated were women. Because LawCo does not report the breakdown between equity and non-equity partners separately it is difficult to say conclusively that more men hold equity positions than women at LawCo. However, industry data shows that in Australia men hold the majority of equity partner positions (Price et al., 2021), which may explain why all equity partner interviewees were men and all non-equity partner interviewees were women. As such, the perspective of women equity partners is missing from this study, along with the experiences of men non-equity partners.

Second, the data was captured over three intensive weeks, and each participant was

only interviewed once. This created a snapshot of how participants understood power dynamics and power-dependence at a single time rather than over an extended period of time. While a longitudinal perspective would help explain how perspectives on power change over time, the objectives of the study were not impacted, and the employed methodology resulted in detailed data that provided an in-depth understanding of the phenomenon being examined.

3.6 Data analysis

Data analysis and thematic coding (Fereday & Muir-Cochrane, 2006), where patterns recognised in the data formed themes, continued directly following the first interview and were done in tandem through all phases of data collection using NVIVO (release 1.6.1). This process followed the six-stage hybrid approach of inductive and deductive coding and theme creation developed by Fereday and Muir-Cochrane (2006). A deductive and inductive approach allows for a balance between themes derived from the theoretical framework (deductive) and themes that may emerge during data collection and analysis (inductive). The stages of data analysis are represented in Figure 6.

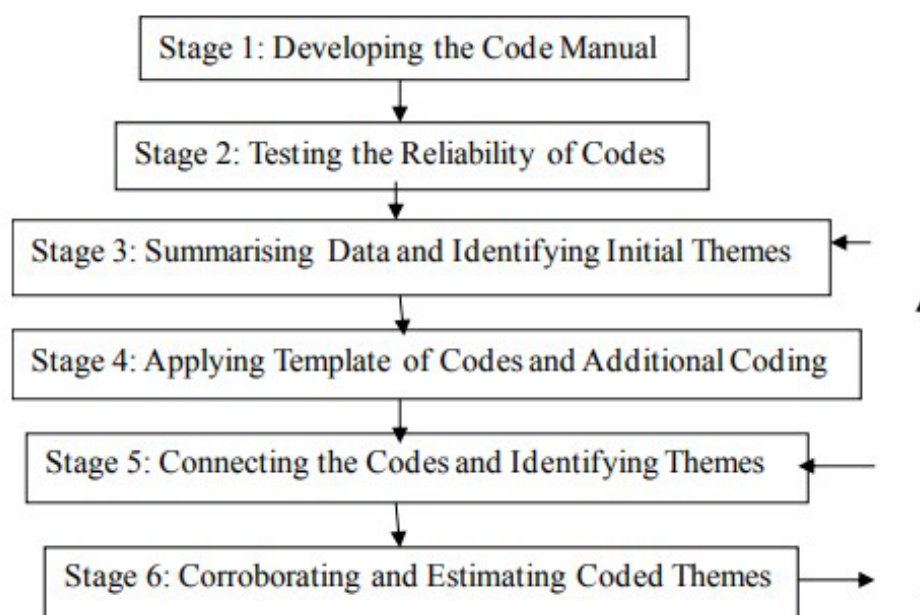


Figure 6. Diagrammatic representation of the stages undertaken to code the data (Fereday & Muir-Cochrane, 2006, p. 84)

The initial interview code manual was theoretically driven and informed by power-dependence theory, the theory of gendered organisations, and hegemonic masculinity, see Table 10, following the deductive process outlined by Crabtree and Miller (1999). Importantly, the study employs a gender lens on the phenomenon under examination. Adopting this lens

does not mean undertaking a direct male lawyer verses female lawyer comparison. But, seeks to uncover the ways in which social and economic issues play out in a gendered way and are structured by the gendered dynamics in organisations, professions, and the labor market.

Table 10. *Initial code manual*

Code name	Description
<i>Power-dependence theory</i>	
Social networks	Illustrated when mutual dependence brings individuals together to form social networks (Cook, 1977; Cook & Emerson, 1978; Emerson, 1976).
Resource exchange	Demonstrates exchanges being made between two actors or social networks – a power imbalance results from an unequal dependence of one network on another (Molm & Hedley, 1992; Molm et al., 2007).
Cost	Described as negative consequences of a decision, for example, loss of time, money, effort (Cook et al., 2006; Markovsky et al., 1988; Molm, 1997).
Rewards	Rewards may be intrinsic (i.e., feeling fulfilled, sense of achievement) or extrinsic (i.e., promotion, money, recognition, improved social status) (Cook et al., 2006; Molm, 1988; Pfeffer, 1992).
<i>Gendered organisations</i>	
Ideal worker model	The ideal worker is described as being totally committed to work (Acker, 1990).
Inflexibility	Restrictions on when and where work must be completed (Chung, 2018; Thornton & Bagust, 2007).
Linear/nonlinear career path	Traditional and non-traditional models of career advancement (Pinnington & Sandberg, 2013; Tomlinson et al., 2018).
Meritocracy ideology	A system where power and success are vested to those who display talent, effort and achievement (Castilla, 2008; Castilla & Benard, 2010).
Mentoring	An individual who acts as a role model, coach and trusted advisor. Mentoring may be formal or informal (Blickle et al., 2009; Mobley et al., 1994).
<i>Hegemonic masculinity</i>	
Hypercompetitive ideology	Pressure to work longer hours and solicitors who fail to drive profits and advance are forced out (Connell & Messerschmidt, 2005; Thornton, 2014).

After the initial code manual was developed and the first interview was conducted, the Zoom recording was transcribed verbatim by a transcription service, and the transcript was reviewed for accuracy. All personal and firm identifiers were removed from the transcripts, and names were replaced with the assigned alias. Each transcript was then imported into NVIVO, and a file was made for each interview. The initial code manual was also entered into NVIVO with a separate 'node' designated for each theme. Data collection and analysis continued in tandem until all the interviews were conducted, and data analysis continued following data collection.

The interview transcripts were then read multiple times, and individual passages of text were highlighted and assigned to a corresponding node. As data analysis progressed, additional nodes were added as themes developed, signalling the inductive stage of analysis. Braun and Clarke (2006) define a theme as capturing 'something important about the data in relation to the research question and represents some level of patterned response of meaning within the data set' (p. 82).

Concurrently, in a separate Word document, the name of the new node was added to the code manual along with a description. The coding process was iterative and continued until every transcript was coded. Once complete, the nodes were examined individually to ensure the highlighted segments belonged, and quotes were reassigned to new nodes when necessary. Multiple nodes were compressed together during this final review due to overlapping themes. For example, the nodes 'career progression' and 'access to promotions' were combined into a single node titled 'promotions'. Finally, the nodes were analysed, five main themes and accompanying sub-themes were identified, and a final code manual was created, see Table 11.

Table 11. *Final consolidated code manual with primary themes and sub-themes*

Primary theme & Sub-themes	Description
Recognising power as influence	Descriptions of an individual's ability to impact decisions and behaviours. It can occur at an individual, team or firm level.
<i>Alternative definitions of power</i>	Described as respect, control, being liked, and having opportunities to help others.
Power as career success	Defined by participants may include motivations, pay and promotion milestones, engaging work, autonomy, and work–life balance.
<i>The path to partnership</i>	Descriptions of how individuals reach partnership, including 'of counsel' and 'non-equity partner' pathways.
<i>Autonomy</i>	An individual's ability to dictate specific aspects of their career.
Strategic access to power	Descriptions of deliberate actions to gain power within the law firm and externally with clients.
<i>Networking</i>	Descriptions of expanding a professional network within the law firm and externally with clients.
Structural access to power	Perceptions of how position within the firm has impacted career progression, power acquisition and access to power.
<i>Promotions</i>	Examples of promotion criteria and specific promotion practices.
<i>Mentoring</i>	Perceptions of how mentoring has impacted career progression, power acquisition and access to power.
Barriers to acquiring power	References to any obstacle that impedes access to and the accumulation of power.
<i>Personal sacrifices</i>	Examples of sacrifices made in order to progress in their careers include time with family and friends, poor health, and neglected hobbies.
<i>Work culture</i>	Includes diversity and inclusion, work–life balance, bullying and harassment, long work hours, law firm values, and billable hour quotas.
<i>Feelings of powerlessness</i>	Perceptions of not having control of professional decisions.
<i>Exchange of resources</i>	Descriptions of exchanges between two people, can be formal or informal, one-sided or mutually beneficial.

The NVIVO code manual was saved at regular intervals, and a version history shows how the code manual was developed. Throughout the analysis, patterns were discovered between different themes and the comprehensive thematic analysis and interpretation of the data led to insights into how power is recognised, acquired and experienced. The findings presented in Chapters 4, 5 and 6 are the result of this analysis and address the aim of this research.

3.7 Conclusion

This chapter has described the methodology used to answer the questions guiding this research: How is power defined in the legal profession? What are the sources of power in the legal profession? How is power-dependence understood in the legal profession? In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession? It has been argued that a qualitative case study methodology is appropriate to answer the research questions and aligns with the researcher's interpretivist philosophy. The research methodology and research design were introduced.

The case study organisation, LawCo, was introduced. LawCo is appropriate for studying gendered vertical stratification in the legal profession due to the gendered imbalance that is seen at entry-level positions compared to the partnership group. Gender inequality persists at LawCo despite leadership training and diversity initiatives.

The data collection process of three distinct phases was described: informal key informant interviews and the development of the participant recruitment survey, distribution of the survey and survey analysis, and semi-structured interviews.

Data analysis procedures consisted of deductive and inductive thematic analysis. This process was iterative and resulted in five general themes: recognising power as influence, power and career success, structural access to power, strategic access to power, and barriers to acquiring power. The following chapter explores important power dynamics in the legal profession, focusing on 'recognising power as influence' and 'power and career success'. Importantly, solicitors perceived power as the ability to influence decisions at various levels, alongside trust, respect and authority. Chapter 4 expands on these findings and illuminates the connection between career success, autonomy and power in the legal profession.

Chapter 4 – Findings and analysis: Defining power

4.1 Introduction

In answering the first research question, How is power defined in the legal profession?, this chapter presents the findings related to two of the four main themes created during data analysis, specifically ‘recognising power as influence’ and ‘power and career success’. The findings of this study are the result of a rigorous inductive and deductive thematic analysis of 32 in-depth interviews in combination with three open-ended survey questions. The complete data analysis process was described in Chapter 3.

Central to this study, power-dependence theory provides a lens through which gender inequality in the legal profession can be better understood and offers a framing for how resources are being controlled and exchanged. Power-dependence theory is built on the assumption that the power of individual A is equal to the dependence of individual B, and the more that two individuals exchange resources, the greater the positions of power and dependence become (Emerson, 1962, 1976). As Molm (2015) noted, ‘social exchange relations develop within structures of mutual dependence in which actors control resources valued by each other’ (p. 2). The outcomes of these social exchanges may be ‘tangible objects such as money or goods, social rewards such as status or approval, or psychological states such as happiness or self-esteem’ (Molm, 1990, p. 428). Importantly, power-dependence theory informs the analysis of solicitors’ experiences in the legal profession by contextualising participants’ recognition and understanding of their own power, the power of others, and the resources involved in those relationships.

The themes explored in this chapter provide a foundation for understanding how power is generally understood, recognised and accepted in the legal profession. The remainder of this chapter presents the findings related to the themes ‘power as influence’ and ‘power and career success’ as well as an analysis of how these themes contribute to the aim of the research, which is to understand gender inequality in the legal profession through the lens of power-dependence theory.

4.2 Recognising power as influence

As discussed in Chapter 2, in relation to organisations, power has been defined in many ways, including the potential to influence another’s actions, the potential to overcome resistance, the potential to affect outcomes, the potential to bring about desired change, actual

influence over decisions, and as overcoming resistance from opposing priorities (Tjosvold & Wisse, 2009). Power can be seen when an individual exercises control over valued resources (Dahl, 1957) or even the '*possibility* of inducing forces' over another individual (Lewin, 1935, p. 228). For example, a partner can dictate and influence when their team is in the office, including long hours exceeding a regular workday, because they have control over case allocation, performance reviews and promotion decisions. As a result, junior solicitors must accommodate the demands of the partner to gain favourable assignments and receive positive performance reviews and promotions. Likewise, in an examination of the power dynamics in organisations, Brass (2017) defines intraorganisational power as 'the ability to get others to do something that they would not otherwise do' (p. 138). These definitions of power provide a framework for understanding how solicitors understand power in the legal profession as a social force and exchange of resources between two or more individuals, as it is operationalised in this analysis.

Analysis of the 32 interviews conducted as part of this study revealed that many participants recognised power as the potential to bring about desired change or an individual's ability to influence decisions and behaviours at a team and firm level. This definition of power recognises the ability of a high-power individual to dictate how things are done in their peer group, team or organisation. An analysis of the interview data revealed examples of power utilisation at a micro level, where a high-power individual may petition for higher pay, request specific clients or dictate work schedules. As described by an equity partner:

I guess [power is] the ability to cause change...The ability to sort of say that you want something to happen and then have it happen. (EP01_M)

The view that power allows individuals to influence decisions at a micro level was not only held by an equity partner at the top of the hierarchy but also by solicitors in lower-level hierarchical positions, as described by a senior associate:

The more seen you are, the more powerful you are...you have more control over the way your team or the firm is run and the work that you do and that others around you do. (SA07_W)

This quote also describes how powerful individuals can influence firm-wide decisions outside of the immediate workgroup. In numerous cases, interviewees recognised the role that power has at a macro level in the firm, where individuals who hold power can affect how the firm is run by influencing policy and practices such as promotion criteria, team workload allocation, billable targets, and firm governance. The following quote from a senior associate

illustrates: ‘I think power means the ability to influence the direction of the law firm, or a practice group, as a whole’ (SA14_W). When describing influence at a macro level, one participant explained that powerful partners could influence decisions and dictate what happens within the partnership:

I think the ability to influence in to sort of ‘call the shots’. I certainly wouldn’t say that all of the partners have power. In the sense of the word that I think of it like I, I have a sense of who I would say the powerful partners...sort of really call the shots to drive what happens within the partnership. (OC04_W)

Likewise, an associate shared the view that powerful individuals can impact firm-wide initiatives and promotion decisions:

When I thought about the question of power, I thought about how is your opinion and your viewpoint taken into consideration? You know, if there’s an initiative that the firm is running in recruitment or developing juniors in the firm or promoting seniors, then how much is your viewpoint taken into consideration when those questions are being answered? (A06_M)

As expressed by participants, power enables individuals to dictate not only aspects of their own individual careers but also the trajectory of the careers of others and, more broadly, to shape firm management practices and governance. This places individuals without power in positions of dependence and at risk of being negatively impacted by the preferences of high-power individuals. This can have a significant influence on individuals’ experience of working life. As described by an associate, ‘[Partners] have almost total control over what everyone below does’ (A11_M). That same participant explained that his supervising partner has control over the hours he works and that there is an expectation that everyone on the team is in the office from 9 am until midnight nearly every weeknight.

The data also revealed that the ability to influence others could be achieved regardless of hierarchical position, as stated in the following comment: ‘There are certainly people within our team and within the organisation that are not sort of senior in the hierarchy, but they certainly have a lot of influence’ (SA09_M). Participants identified personality traits that boost influence, including *charisma* – ‘the ability to influence people, charm people’ (SA_03) and *dedication* – ‘an all-encompassing dedication to your work’ (A02_W). Participants also emphasised the importance of collaboration in attaining power and influence at LawCo:

So, people have the power to influence each other and also to get a particular outcome because they’re working together. We’re very much about collaboration. (NEP01_W)

To achieve global growth over the past 30 years, law firms have adopted an individualistic culture which has become the norm: ‘rewarding breakout performers and innovators spurs growth and speeds market dominance’ (Manch, 2013, p. 41). However, as competition increases and markets slow, some firms have pivoted towards a somewhat more collective and collaborative culture and the behaviours of team members in these areas were seen as being increasingly recognised as part of expected performance. A senior associate described the balance between individual revenue generation on the one hand and peer collaboration on the other in the following way:

In terms of the stuff that the firm very directly rewards, there’s a few things. One is revenue generation, which will shock absolutely no one, and another is collaboration and your ability to work with other people. (SA05_M)

Accordingly, solicitors at LawCo have adapted their behaviours to reflect a firm culture that rewards collaboration. This highlights the notion that as policies change, behaviours will follow, reinforcing the need for equitable policies and reward structures.

As presented, the data analysis indicates that solicitors understand power as the ability to influence individual, team and firm decisions. This influence and ability to cause change allows individuals who hold power to make crucial decisions to benefit their own careers and the careers of others. The following subsection offers alternative views of power described by a few participants in the study.

4.2.1 Alternative definitions of power

While most participants described power as imposing influence, a few individuals had a different view of power. Power was also defined as an opportunity to gain respect and trust. For example, when asked, ‘within the context of the legal profession, what does power mean to you?’ a senior associate responded:

I see it as the ability to be a respected and trusted adviser to clients... When I look at our firm as a microcosm of the legal industry, I think there is a difference between the highest paid or highest profile and people who actually have a big impact. I think the ones who are the most impactful are the ones who have the respect and trust of their colleagues. (SA05_M)

The previous quote highlights two relationships where power is identifiable: the first is between a solicitor and their clients, and the second is between colleagues. In both cases, trust and respect give an individual power. This view was shared by another senior associate who felt that ‘power goes hand in hand with being respected’ (SA16_W).

For one participant, power was defined as authority that developed as a direct outcome of seniority: ‘length of experience is something that will give you authority’ (OC03_W). This type of power was ascribed to ‘partners of law firms, judges, and lead barristers’ (SA01_M). According to the New South Wales Bar Association (2023), women barristers make up only 25% of practising barristers in New South Wales. Women’s representation at the bar becomes even more unequal at the senior counsel level, where women represent only 14% of senior counsel in New South Wales. Due to men’s over-representation in those positions, men have increased access to power and authority when compared to women. Importantly, in 2022, for the first time in Australia’s history, the High Court of Australia had a majority of women on its bench, potentially indicating progress towards more equal power distribution in the judiciary. This shift is likely a reflection of the current Australian government and their focus on appointing women rather than a signal that the profession as a whole is changing.

Chapter 5 further explores how power develops as a condition of hierarchical position and the impact this has on gender inequality in the legal profession. The next section of this chapter presents the findings and analysis on the second theme, ‘Power and career success’.

4.3 Power and career success

The second theme that emerged from the analysis of interview data was power’s role in shaping career success. For some participants, power directly resulted from achieving career success; for example, when an individual joins the partnership, they gain power and influence in the firm by virtue of their senior position. Other participants argued that one needed power and influence in order to gain autonomy and realise their goal of work–life balance, which some study participants saw as a feature of career success. The relationship between career success and power varies depending on the type of career success an individual pursues. Therefore, examining how participants define career success is necessary to understand better how power and career success interact.

It is well established in the fields of management and psychology that career success can be objective (extrinsic) and subjective (intrinsic). Objective career success includes tangible professional achievements that can be observed and measured in a standard way (Abele & Spurk, 2009; Bagdadli & Gianecchini, 2019; Greenhaus et al., 1990; Judge et al., 1995), including status, rank and pay, while subjective career success is typically described as career satisfaction linked to positive psychological outcomes (Converse et al., 2012; Spurk et al., 2019). Nicholson and De Waal-Andrews (2005) expand the definition of subjective career

success to include pride in achievement, self-worth, commitment to work or an institution, fulfilling relationships, and intrinsically rewarding experiences.

Extrinsic descriptors of career success did not figure prominently in interviewees' accounts of their career goals and aspirations. When asked 'what does career success look like for you personally?' only a few individuals included pay and promotions, for example, 'I want to be in a position where money is not a worry' (A01_M), 'financial, I think is a big priority' (SA14_W), and 'I've always had the goal of partnership. So that's obviously an attainable goal for the level that I'd like to get to' (SA04_W).

For some participants, partnership was far from the ideal career. When asked, 'Are you hoping to be put on a partnership track?' an associate responded with distaste, 'I would rather be unemployed. And it's the last thing I want in a way. It just looks like an awful life; money is not that important' (A01_M). A senior associate echoed this sentiment by stating that they had zero desire to achieve partnership, 'for me, it's much more about enjoying what I'm doing' (SA05_M). The feelings expressed by both participants reveal a rejection of the demanding work culture and lack of balance that has historically been a trademark of a partnership role in private practice law firms.

While women more frequently included objective measures of career success, subjective career success was described by both men and women when relating their ideal legal careers. Examples of subjective career success were expressed in the following ways: 'I just want to have a happy, healthy, balanced lifestyle' (G02_W); 'for me, it's very much about enjoying the clients I'm working with, enjoying the work that I'm doing, and enjoying the team that I work with' (SA05_M); and 'what success looks like so far in my career, feeling like I've got partners that trust me' (A07_M). When describing his ideal career, a senior associate described a successful career as being one where he finds balance and avoids burnout from overwork:

I would describe [career success] as balance. Maintaining enough of a balance in your career, that you are doing things that you find interesting, that you are not working so hard that you're burnt out...I would see a successful career as a balanced one. (SA03_M)

Another example of objective career success was given by a senior associate who values being seen as an expert and having the trust of clients and professional peers:

But for me, that means more than just being a partner, I think that will be such an affirmation as well, I've got all the hard work and the knowledge level, like you don't get there unless you're an expert in your field, unless your clients consider you to be like their trusted advisor. (SA04_W)

Participants also described how their idea of career success has changed over time. Frequently, this change happened in relation to major life milestones like graduating from university, getting married and starting a family. For example, a graduate at LawCo had imagined career success as being a senior barrister, also known as a 'silk'. However, after working in private practice for a few months they were unsure what success would ultimately look like.

Two years ago, I would have been like, I'm gonna be a Silk that's the epitome of like, you know, making it in the law, but now I really don't know. I don't know. (G02_W)

Another participant re-evaluated her definition of career success after having two children, resulting in greater emphasis being placed on spending time with family:

I think it's changed for me a lot, in the last five years, I've got two kids now. And to me, I think that career success isn't purely career driven anymore. So I have very strong boundaries around like how much of my family life I'm prepared to sacrifice for work. If I'm not happy in my family life, then I'm not really enjoying my career, even though it might be really challenging. So, I mean, what I decided that I wanted to do was work on really challenging matters for really great clients. (OC04_W)

One senior associate described how she did not know what career success would look like in the future as she prepared to welcome her first child:

Career success is something that I'm sort of reassessing at the moment because it's going to obviously look quite different when I go on maternity leave. And given that it's our first baby, we sort of don't really know how it's all gonna go, we're just sort of feeling our way along, I guess, and figuring it all out as we go. So, while a couple years ago, I might have said, you know, it obviously looks like partnership. Maybe that's something that we are reassessing as a family unit. And it might be that success actually looks like not partnership, but something else that works better with family life. (SA16_W)

Interestingly, the senior associate's husband was also a solicitor, and when she was asked in the interview, 'do you feel like your husband is making the same recalibrations in his own career?' she responded:

Um, not necessarily. And that's not a criticism of him that's a criticism of the industry in general and the profession in general. You know, we've discussed about whether he would take time off and whether that's something that we want to do to

sort of maximise the time that we get with the baby as a family, and what does that timeout mean, for our respective careers?

I made the point to him, ‘Well, I don’t have a choice, you have a choice!’ And you can say, ‘Well, I don’t want to take that big chunk of time out of my career at this point in my career, because I think it will sort of be a step back’. I don’t have that choice to say that. I’m having the baby, so I have to take the time off. It’s definitely not a criticism of him. It’s a criticism of the profession in general. (SA16_W)

The previous quote demonstrates how women’s careers are disproportionately disadvantaged when starting a family. In the legal profession, women are more likely than men to leave private practice, change jobs more frequently, and ‘to move to a position of lower prestige when changing jobs’ (Reichman & Sterling, 2004, p. 30). One of the main reasons attributed to the differences between men’s and women’s career paths is the assumption of family responsibilities (Aiken & Regan, 2016). In striking contrast, research has shown that men’s careers benefit from the addition of children, where women experience a ‘motherhood wage penalty’, but men are likely to collect a ‘daddy bonus’ (Hodges & Budig, 2010), as well as increased opportunities for promotion. An account was shared by a woman counsel who pulled back from her career to take care of children and to allow her husband to engage more in his career. Her experience further highlights the difference in men’s and women’s career paths:

My husband’s a lawyer as well. He’s a partner at another law firm and we actually met at the same firm and always were on the [partnership] track together. And we got to a point where we realised we couldn’t both be pushing for partnership and be juggling a young family with three kids, and it made more sense not just because I was female, but it made more sense for where we’re at with in our life, and the likelihood of who was going to get there next. It made more sense for him to push forward. So I kind of was like, well, I don’t want to be [seeking partnership] the same time as him because neither of us will ever be home. So, I made a conscious decision...

But I perhaps underestimated how hard that would be, and how, how weird it was when he did progress to partnership and then I was at the same firm working three days a week as a senior associate. In some ways, his progression had an impact on my career and my progression, also having kids had an impact on my career and my progression. (OC01_W)

These accounts highlight the ways in which family and gendered roles can impact women’s progression in their careers. As a result, women are at a disadvantage when it comes to acquiring power and influence. This gendered nuance has not been a major theme in the research on power-dependence theory. The data suggests a need to incorporate the perspective

of traditional gender roles in relation to intraorganisational power. Sources of power and power acquisition are further examined in Chapter 5.

4.3.1 Opposing views of power and career success

In the academic study of power, power is essential to the discussion of career success, where objective and subjective career success are achievable to a greater extent when power is used. In contrast, in the academic study of career success, power is only subtly embedded in the idea that power is a simple by-product of senior hierarchical position. Importantly, individuals are at a disadvantage when they fail to appropriately identify the role that power has in achieving career success. According to leading power researcher Jeffery Pfeffer, ‘when people learn how to obtain and use power, and when individuals overcome their reluctance or inhibitions in doing so, they can substantially accelerate their career progress’ (2022, p. 1).

When participants were asked, ‘From your point of view, are individuals with social power more successful in their private practice careers?’, two contrasting views appeared from the analysis. On one side, participants felt that individuals with greater social power and influence were more successful than individuals without power. These individuals argued that without power and influence, they would be unable to develop a professional network, receive promotions and develop loyal client relationships. Below is an excerpt from a discussion with a senior associate describing a positive relationship between career success and power, where power and influence lead to promotions, relationships with clients, autonomy, and larger practice groups:

If you don’t have the influence, or the power, the trajectory of promotions would sort of stall. I think clients in our industry recognise power and influence. And even if it’s not sort of within our organisation, but within the profession as a whole.
(SA09_M)

The judgement that power leads to career success is supported by research on dominant personalities, which shows that dominant individuals are more likely to gain power and use the same personality traits to achieve career success (Guinote, 2017). According to experimental psychologist Ana Guinote (2017), dominance is the trait that best predicts upward mobility, where ‘dominance refers to motivated behaviours aimed at increasing power in relation to others’ (p. 361). Individuals with dominant personality traits use their dominant behaviours like confidence, assertiveness and decisiveness to gain power and achieve further goals. As described by an equity partner in this study, ‘I think this is the sort of correlation between some of the skills that help you accumulate power are also skills which will help you succeed in

practice' (EP03_M). Data from the participant recruitment survey adds further evidence to this view. When describing how individuals achieve power, success and influence many survey respondents included dominant personality characteristics such as 'ambitious', 'driven' and 'confident'.

When power and success are synonymous with specific personality traits, such as dominance, individuals who diverge from the 'professional norm' are disadvantaged (Gregory, 2016). Historically, the legal profession has espoused the ideal professional image as being white, male, and middle or upper class (Aiken & Regan, 2016; Ragusa & Groves, 2012; Wald, 2014). The 'reproduction of inequality is a learned behaviour' (Ragusa & Groves, 2012, p. 3) and is reinforced by longstanding cultural norms where members of the accepted group are not incentivised to challenge or change the norms and expectations that have benefitted them.

Interestingly, some participants disagreed and did not see a connection between power and career success, with one individual plainly stating, 'I don't think [power] is aligned to success' (NEP01_W). An associate agreed with this sentiment by asserting, 'Yeah, I don't think [power] would necessarily make them more successful' (A07_M). Individuals who shared this view generally expressed a negative impression of power and, as such, did not believe that power would necessarily result in career success. For example, a negative view of power was shared by an associate who felt strongly that most individuals in leadership positions had 'way more power than they need' (A01_M) and argued that they used that power to create chaos and feelings of uncertainty in their teams, as described below:

If you create an element of chaos, people won't know what they're doing, and they'll always look [to the partner] for a leader...The limitless use of power goes unchecked, and that obviously goes unchecked because everyone just cares about the bottom line. (A01_M)

Abuse of power has been well documented in the legal profession, including accounts of bullying and sexual harassment (American Bar Association, 2019; Chan et al., 2014; Collier, 2016; Epstein et al., 1995; Law Council of Australia, 2012; Omari & Paull, 2013; Thornton, 2016a; Victorian Legal Services Board & Commission, 2020). This abuse has a disturbing gendered angle. For example, a 2012 inquiry by the Victorian Equal Opportunity and Human Rights Commission found 'as many as one in four women lawyers surveyed had experienced sexual harassment at work' (Wallace & D'Souza, 2020, p. 81). Worryingly, power is at the heart of most harassment and bullying incidents where individuals in lower power positions are victims (Omari, 2010), and unequal access to power leaves some individuals in vulnerable

positions of dependence. Harmful aspects of power and power-dependence are examined further in Chapter 6.

4.3.2 Crafting alternative legal careers and power

Not all interviewees imagined having a successful career with their current employer, LawCo. Instead, some participants described their ideal career outside of a large law firm. When asked, ‘do you imagine that you will stay in private practice until you become a partner?’ an associate responded:

I don’t imagine so. Maybe I’ll stay at a large commercial firm, and maybe I could go somewhere smaller, where the hours might be a little bit better? Or, you know, I still want to be a lawyer, but maybe try something a bit different, because what I’ve seen at work is the partners have worked incredibly hard to get where they are. And once they become a partner, they continue working that hard. Or harder. (A06_M)

Other career aspirations included starting a business, working in government, and transitioning to in-house legal work in the public or private sector. One associate shared his dream of owning his own business:

I might go back to government eventually. But my dream has always been to run my own business. Whether it’s as a lawyer or not, I would love to be a sole practitioner and sort of help people out for nothing here and there... But something that’s wholesome. (A01_M)

Another interview participant explained that he does not plan on staying in private practice and that even in an in-house role, he does not have the desire to reach the top of the organisation’s hierarchy:

Not to be in a private law going forward. [laughing] Probably to move eventually to in a senior position of an in-house team, not necessarily the general counsel, the final, the top of the chain, but to settle down in house that would probably be the extent of my own aspirations. (SA01_M)

An additional example was shared by a senior associate who enjoyed being a lawyer but was unsure if he would seek partnership at LawCo, at a different law firm or leave private practice altogether to practice law in a government or in-house role.

I want to be a lawyer, like I really like being a lawyer, I just don’t know if I want to be a partner at this firm, or a partner in any sort of commercial practice. I’d probably like to do something else. Yeah, more likely to be government, maybe in house, if it was the right organisation. (SA03_M)

Considering the substantial time and commitment it takes to achieve equity partnership,

and the demands on time and life that maintaining such roles entails, it is understandable that some solicitors may question that career path. Appropriately, alternative career paths are available to solicitors who remain in private practice but are not interested in equity partnership, including counsel and non-equity partner roles. Chapter 5 further examines the relationship between alternative career paths and access to power.

As presented, career success and power are interconnected and reliant on each other. In some instances, having a successful career enables solicitors to gain power. In other instances, increased power directly leads to more successful careers. Importantly, the more aware individuals are of the relationship between power and career success, the more likely they are to use power to achieve greater career success strategically. The following subsection highlights a benefit that accompanies both power and career success.

4.3.3 Autonomy

Gaining autonomy over work schedules, client allocation and team members was frequently expressed as a benefit accompanying power. The relationship between power and autonomy was explained in the following way:

But with that [power] comes autonomy. And that ability to actually sort of define for yourself, what your practice is going to look like and what you want to do and how you want to spend your time. (EP03_M)

In an industry known for its long work hours and high billable targets, autonomy can provide respite from the never-ending demands. Importantly, individuals who manage to gain autonomy can navigate previously constructed closure regimes, as introduced in Chapter 1. Internal closure regimes are ‘the process by which social collectives seek to maximise rewards by restricting access to rewards and opportunities to a limited circle of eligibles’ (Parkin, 2018, p. 3). Autonomy grants access to those resources that might otherwise be restricted, for example, controlling when and where work is conducted. As more solicitors seek work–life balance, autonomy becomes a highly sought-after reward.

From a gendered perspective, autonomy allows women to balance work and family responsibilities without disengaging from their careers. Multiple stories were shared by participants who had the flexibility to leave work at a reasonable hour, enjoy dinner with their family, put their children to bed and then log on and finish a few more hours of work.

I leave here at five o’clock or a quarter to five, go home, feed, you know, dinner, bath, bed, and then I jump back on the computer and finish my work. My partner said to me, you’d never know that I leave for those hours. So provided that there’s

no sort of difference in the level of service and a client's not gone 'You weren't available when I needed you', it's not a problem. (SA04_W)

Autonomy was not only discussed as a by-product of power but also as a form of career success. One participant highlighted the connection between autonomy and career success when asked 'what does personal career success look like for you?':

I think just having autonomy...and being able to manage my own files, and clients, etc...But it's more about autonomy, I think and being able to do those things that I think are important without people sort of telling me what to do all the time. (OC02_W)

The same individual went on to say that they believe partners wield very little power and influence in large international firms, and instead of increasing influence, partners earn autonomy.

The type of autonomy granted to lower-level solicitors can be described as '*task-level autonomy*', where individuals experience a limited amount of discretion over when and how they complete their allocated assignments (Campbell & Charlesworth, 2012). However, this task-level autonomy is still constrained by large workloads and tight deadlines dictated by supervising partners and clients. While equity partners face similar constraints, they have greater access to '*operational autonomy*', where they can decide how specific tasks should be undertaken, as well as '*strategic autonomy*', which enables individuals to set their own goals and team objectives. A senior associate described how a supervising partner exercises strategic autonomy and dictates the work culture in their team:

If you work in a team your way of doing business is very defined by the way that your boss operates, that can vary hugely across the firm. People can talk about a firm culture, and I think there is definitely a firm culture at LawCo but ultimately there is such huge variation across teams, people who work on the same floor can have completely different experiences of this place and have a completely different view of what's expected of them, what's expected of others. You are kind of subject to their little fiefdom and that person can set the tone. Yeah, I guess having power maybe you can shape the narrative a little bit more, you can help direct some of those decisions. (SA06_W)

Another example of strategic autonomy was shared by a senior associate when they were asked to describe their idea of career success:

[Career success] is getting to do what I want to do, and I think that would be a function of doing the work that I want to do. Having enough business to be able to pick and choose what you do, you know, turn away work, move towards a certain area. (SA13_M)

In order for individuals to have complete autonomy over their careers, they must progress to senior positions, with the most significant autonomy given to equity partners.

As presented, autonomy is a valuable and prized resource in the legal profession, and it is a reward that increases with power. Accordingly, individuals with power can control work assignments, how tasks are performed, when and where work is completed, and policies and behaviours that influence work culture in their team and organisation. While individuals without power may still enjoy autonomy to some extent, their discretion and freedom are limited.

4.4 Conclusion

This chapter included an in-depth examination of the findings and analysis related to ‘recognising power as influence’ and ‘power and career success’, including accompanying sub-themes, providing a foundation for understanding how power is generally understood, recognised and accepted in the legal profession. Importantly these themes directly relate to the first research question, How is power defined in the legal profession?

The analysis of power, influence and career success produced a number of valuable insights. First, the data indicates that solicitors understand power as the ability to influence individual, team and firm decisions. This influence and ability to cause change allows individuals who hold power to make crucial decisions to benefit their own careers and the careers of others. Power was also defined as trust, respect and authority.

Second, career success was described as being both objective (extrinsic) and subjective (intrinsic). Women were more likely than men to include objective descriptors, including status, promotions and pay. In contrast, both men and women described subjective career success such as balance, career satisfaction and work enjoyment. The analysis of power and career success revealed that participants disagreed on whether power leads to increased career success or if career success generates greater power, with a few participants asserting that there was no connection between power and career success. Importantly, LawCo offers counsel and non-equity partner positions, giving solicitors alternative paths to achieving career success. While adding these roles has allowed LawCo to retain individuals who may have otherwise left private practice, alternative pathways have also extended the time it takes to become an equity partner.

Finally, autonomy is a valuable resource that increases with both power and career success. Individuals in lower-level positions have limited access to task-related autonomy,

where they may dictate where and when they complete their work. However, this form of autonomy is constrained by individuals with greater power. As solicitors progress into senior positions, they gain greater freedom and increase access to operational and strategic autonomy.

Chapter 5 builds on this foundation by introducing specific strategies and structural dynamics leading to power acquisition and power-dependence through a detailed examination of structural and strategic access to power. The significance of the findings to the research aims is further explored in Chapter 7.

Chapter 5 – Findings and analysis: Sources of power

5.1 Introduction

This research aims to understand gendered inequality in the legal profession displayed through vertical stratification and horizontal segmentation in the legal profession through the lens of power-dependence theory. This chapter explores issues that are critical in understanding how power is gained by identifying and understanding sources of power in a private practice law firm by answering the second research question, What are the sources of power in the legal profession? As presented in Chapter 4, participants defined power as synonymous with influence, where decisions and behaviours were affected at an individual, group or organisational level. Similar to how power can operate at both a macro and micro level, power can also be gained at a macro level dictated by hierarchical position or at a micro level through strategic power acquisition.

The findings presented in this chapter show that participants classified structural power as a function of seniority and hierarchical position. At the same time, examples of strategic power acquisition, as discussed by participants, included deliberate actions taken to gain experience and exposure, such as mentorship, international assignments, working for numerous partners, helping co-workers, and expanding client networks. Significantly, an organisation's power distribution is determined by strategic behaviours and structure simultaneously (Brass & Burkhardt, 1993). This chapter proceeds as follows. First, structural access to power is examined, including promotion criteria and expectations. Next, the impact that mentoring has on power acquisition is explored, and characteristics of 'insider' and 'outsider' groups are identified. Finally, the impact of alternative career pathways on access to power is analysed.

5.2 Structural access to power

Structural power is seen relative to hierarchical position in organisations where individuals at the top have greater access to power than individuals at lower levels. Hierarchical power is one of the strongest sources of power due to longstanding societal and institutionalised norms (Brass, 2017). Not surprisingly, participants expressed in interviews that equity partners had the greatest access to structural power of all lawyers in their networks. Importantly, the interview data illustrated that working for a powerful partner is vital for career progression and necessary to gain power. This section describes how structural power is achieved and the importance of working for powerful partners.

A common theme shared by participants was that solicitors in private practice do not gain ‘real’ power until they become equity partners. According to one senior associate, ‘The people with the most power are just the partners. So, the title does matter, unfortunately’ (SA08_W). Other participants echoed this: ‘I’m not sure how much power you really have until you’re a partner’ (SA05_M); ‘All the power rests with the partners’ (A11_M); and ‘My view is that status gives you the microphone’ (A01_M).

Similarities can be drawn between the thesis finding that power and hierarchical position gives equity partners a platform to express their views and the research on organisational voice behaviours (Dyne et al., 2003; LePine & Van Dyne, 1998; McClean et al., 2018; Morrison, 2011). Employee voice occurs when employees intentionally communicate, rather than suppress, ‘relevant ideas, information, and opinions about possible work-related improvements’ (Dyne et al., 2003, p. 1360). Furthermore, voice behaviour research shows that ‘those with higher status will be better able to influence others and compel deference to their suggestions because individuals will want to align themselves with the high-status team members’ (McClean et al., 2018, p. 1873). This view was shared by a counsel who described the influence that partners have when they voice their opinions:

I think there’s another cohort, who are just the super established partners that have been here forever. They operate a bit differently, I think they aren’t so much sort of loud and driving meetings, but when they speak everyone listens. You know, they might not say much, but when they do, everyone’s like, okay, that’s what we’ll do then. (OC04_W)

Crucially, participants explained that solicitors working for influential equity partners have an easier time gaining power, as described by a senior counsel: ‘The more powerful person you work for, the more likely you are to accumulate power, it’s just so obvious...If you are really good, but also the partner that you’re hitched to has power...then your ride home is going to be very, very easy’ (OC04_W). Here the interviewee implies that talented solicitors working for powerful partners will have an easier time progressing in their careers. Essentially, powerful partners use their influence to advocate for their proteges or mentees during promotion discussions. Because the partners hold a significant amount of social capital and power, their candidates have an easier time progressing in their careers. Moreover, participants argued in interviews that the promotion and career advancement of solicitors at LawCo was not solely based on their individual merits and abilities but rather a complex interplay between social dynamics and organisational power structures. Solicitors with powerful mentors seemed more likely to have increased opportunities for career advancement and were more likely to receive

favourable treatment during promotion discussions.

The finding that power is granted to individuals at the top of the hierarchy and then passed down to handpicked solicitors in their teams has significant implications for understanding why women in the legal profession are under-represented among equity partners. When powerful individuals act as gatekeepers to structural power, working for an influential equity partner becomes vital to securing power and career success. Accordingly, individuals who do not work for powerful partners were perceived by interviewees as being less likely to be promoted. As illustrated by a special counsel interviewee who argued, ‘someone who might be the very best person there, but they work for a partner who’s not as powerful, they won’t do as well’ (OC04_W). This scenario was described by a counsel when she expressed her disappointment at being passed over for a promotion because she did not have a powerful partner championing her, despite being successful and well-liked:

I didn’t have that one powerful person who was super invested in me specifically...The people that ended up going through were the people who have the powerful partners. (OC04_W)

These accounts emphasised that influence and power are primarily accessible to individuals at the top of the hierarchy. While this finding is not novel, it reinforces the argument that women in the legal profession maintain positions of dependence due to their weaker presence at the top of the hierarchy. The perception among interviewees that individuals who do not work for powerful partners are less likely to be promoted underscores the importance of social networks and power dynamics in shaping career opportunities. Women, who are often excluded from traditional male-dominated networks, are disadvantaged in building the types of social networks necessary for career advancement. This dynamic can create a self-reinforcing cycle in which women are excluded from positions of power and influence, making it even more difficult for them to secure the positions necessary for career advancement.

The following subsections expand on these findings by exploring how solicitors become equity partners through structural and strategic methods. Specific conditions required for promotion include ‘rainmaking’ or revenue generation, long work hours and hard work, individual attributes, mentorship and professional networks.

5.2.1 Rainmaking

The ability to bring in revenue, or rainmaking, was seen as central to the acquisition of power. Many participants perceived that, within the firm, more significant revenue generation

equated to greater power. As discussed by a senior associate in an interview, ‘there’s an economic reality to the way that this place works, which is that if you earn more money, you have more power’ (SA03_M). An equity partner expanded on this idea by identifying ‘rainmakers’ as individuals who hold power in the firm:

If we talk power at a very large law firm, power is often earned because of financial success, so the rainmaker or the person who brings an enormous amount of money has currency. (EP04_M)

Previously, the equity partner used the word ‘currency’ to refer to social capital, or resources, afforded to powerful individuals. For instance, it is ‘the ability to sort of say that you want something to happen, and then have it happen’ (EP01_M). Participants identified specific examples where social capital is used, including hiring decisions, dictating firm management, and influencing promotion criteria.

Interestingly, within the partnership group, power was not seen to be distributed evenly. A senior associate explained the power dynamics at the top of the hierarchy, where only 10% of partners actually influence firm decisions. Another senior associate highlighted the substantial influence that some partners wield, including the power to remove obstacles and sway the views of their peers:

[An influential partner] becomes someone that everyone listens to, and they do have an outsized influence on decision making. Those people do have a significant impact.

In the Australian office, there would be 10 to 20 people who are in that category, and can unblock blockers, and you probably don’t want to make huge decisions without consulting with them first. So, it’d be maybe 10%, would be my guess, and I think the people whose names come up again, and again, and again, and again. (SA05_M)

The notion that influential partners who generate the most revenue will wield considerable power and influence is a common theme in many organisations. Even when facing resistance or opposition, these individuals are likely to have the final say in decision-making processes, as their ability to bring in significant amounts of revenue provides them with substantial bargaining power. The ability of these powerful individuals to advocate for themselves and their allies also further solidifies their positions of influence in the organisation.

This concept is epitomised by the popular idiom ‘money talks’, which implies that individuals possessing significant financial resources also hold considerable power and influence. In the context of the legal profession, this means that influential partners who can generate high levels of revenue can often leverage this success to achieve their desired

outcomes, even in the face of resistance from others in the organisation. Moreover, these influential partners often have the ability to smooth the way for favourable decisions, both for themselves and for those who are aligned with their interests. This is because their power and influence often extend beyond their ability to generate revenue, encompassing a broad range of social, political and cultural factors that allow them to sway decision-making processes in their favour.

Considering these dynamics, it is clear that power and influence in the legal profession are closely tied to financial success and the ability to generate revenue. While this reality can create opportunities for partners who are able to leverage their financial resources effectively, it can also entrench existing power structures and limit opportunities for those who are less financially successful.

5.2.2 Hours and effort

The legal profession is well known for having an extreme long hours culture, driven by billable hours targets, client demands and technology that keeps everyone connected to work 24/7 (Campbell & Charlesworth, 2012; Thornton, 2016a). Not surprisingly, participants perceived that working hard and meeting their billable targets created opportunities for promotion. An associate explained that a successful career requires significant drive and dedication to succeed. She also acknowledges that not everyone is willing or able to make these sacrifices and that the demands of the profession can be a significant barrier to advancement:

My experience is that just like such gruelling hours, and you need to have a lot of drive, to be willing to do that, and you need to be willing to work incredibly hard. And I think there are a lot of people who, no criticism of them, but who aren't willing to put in those sorts of hours, I would probably count myself one of them. But you need to be willing to put in those sort of hours for 10–15 years to be able to make it to partner. (A04_W)

Most participants agreed that 'hard work' was necessary to gain power in the legal profession: 'the people who are willing to put in the hard hours and the time and the effort do get ahead' (SA08_W). One equity partner commented that working hard is simply part of the job. However, he questioned if working 'stupid hours' was necessary:

The profession is demanding...I started in 1994, there was a very strong culture of working long hours, and you have to do the hard yards. And I actually say to young lawyers, that they should not be fearful of that...It's a different question as to whether the profession should tolerate people working stupid hours. But all the people who end up at large law firms have, in a way, satisfied that they can work hard. I think if you want to do well in the law, you have to have that discipline to

seek to understand the law and become technically very strong, and you kind of have to work hard. (EP04_M)

Simply stated, it is impossible to be successful in a private practice law firm without ‘consistently working hard and improving your knowledge and your skill’ (SA04_W).

This perspective raises important questions about the role of long work hours in the legal profession and how they impact the career trajectories of individual solicitors. While an intense work schedule has become a defining characteristic of the legal profession, it has been scrutinised in recent years. Critics argue that long work hours are detrimental to the wellbeing and health of lawyers (Beck et al., 1995; Bergin & Jimmieson, 2014; Thornton, 2016a). At the same time, defenders of the profession argue that long work hours are a necessary and unavoidable aspect of legal work, and they are essential for ensuring the successful functioning of the legal system (Empson, 2017). Due to the profession’s demands, solicitors with caring responsibilities or those seeking a more balanced lifestyle may find it challenging to achieve equity partnership, limiting their access to hierarchical power. This theme of long work hours and work–life balance is further examined in Chapter 6.

5.2.3 Individual attributes

A few participants identified other strategies solicitors employ to gain power, including being well-liked, nurturing relationships with clients, developing a wide range of technical skills, exuding confidence, engaging in self-advocacy, and working hard. Additionally, some participants recognised the benefits of enhancing structural power with strategic practices.

One participant credited likability as a way to gain power in the firm, as explained by a consultant, ‘social power is developed by being a person who is regarded as open, willing, supportive, and, you know, nice to work with’ (C02_M). While some participants agreed that likability is important, one senior associate stated, ‘Presenting up, likability is really important. Presenting down, yeah, doesn’t matter at all’ (SA13_M). He continued by sharing that ‘the most powerful partners are very good at switching on likability for clients and senior people’ (SA13_M). This indicates that powerful partners deliberately use power acquisition strategies, such as likability, to strengthen their influential position in the firm.

Participants also perceived that being well-liked naturally eases client interactions and strengthens client relationships. To illustrate this point, a senior associate spoke of the differing experiences that outgoing and non-outgoing solicitors had:

I think the more likeable you are, the easier it is to be introduced to clients. And I think the more outgoing fun people would have it easier... There's a lot of non-outgoing, introverted, not fun partners. But they would have a very different journey to the solicitor who likes going out to dinner and drinks and you know that clients find really easy to relate to. (SA13_M)

Participants also expressed that client relationships were nurtured by 'the ability to be confident with clients' (C02_M) and gaining respect by 'providing excellent service' (A06_M). As conveyed by a senior associate:

To have power, you need to have respect. And to have respect, you need to be able to deliver a good product. (SA09_M)

Which means that to attain power, one must earn respect from others. In order to earn respect, it is necessary to provide a quality product or service valued by others. This could include delivering good work, demonstrating expertise, or exhibiting strong leadership skills. Essentially, power is not granted solely based on one's position or title but must be earned by demonstrating competence and reliability.

Other individuals noted the value of demonstrating a wide range of skills and abilities: 'it takes all types of personalities, all types of skill sets and expertise, to create a successful partnership' (SA04_W). One senior associate described the evolution of skills throughout a solicitor's career, with technical legal ability being greatly valued at the start of an individual's career and managerial skills increasing in importance with each promotion:

The qualities of people who managed to progress higher and higher would be that as a baseline you need to have a kind of basic level of legal ability. So technical, legal ability, the ability to research and analyse and interpret law and draft material on the basis of the law... in more recent years, [law firms] are putting more emphasis on people's management ability when they're promoting people. So, it's not enough to just be good legally, you also have to be good at managing both junior lawyers and clients.

I've seen, more recently that people who are technically very, very good, still not being able to progress because their management abilities are not good enough. (SA07_W)

Interestingly, an equity partner remarked that solicitors are trained in legal practice, but becoming a partner requires an understanding of the firm's management, which is not explicitly taught, and that becoming a successful partner requires innate abilities and characteristics, as well as learning on the job:

[Lawyers] are trained in the practice of the law, and then if you make partner, it becomes about the business of the firm. There's no training for that. You pick

things up as you go along, which comes back to I guess to your innate abilities and characteristics. (EP04_M)

The expectation that successful partners have innate abilities and characteristics can have a negative impact on women, by perpetuating gendered stereotypes that women are not as naturally suited to leadership roles. As a result, women solicitors may face biases and discrimination, where their skills and abilities are overlooked or undervalued.

An additional strategy that participants frequently discussed was the ability to exude confidence – '[solicitors] in our firm who lack confidence, no matter how good they are, they can't get to the top of the pile' (SA13_M), and market themselves – 'I think all of that comes down to how you're able to market yourself in the firm' (SA10_W). A senior counsel explained that solicitors who do not advocate for themselves would not advance in their careers:

There's a lot of quietly ambitious people, often females, that are very good at what they do. But I think at the end of the day, if you're not promoting yourself, if you're not making it clear that you are ambitious, or that you have particular goals that you're trying to achieve, and you're not telling everyone how great you are, you don't get very far. (OC03_W)

The previous interview account draws on an important distinction that women may be more 'quietly ambitious' than men. This view is supported by research on impression management which shows that 'unfortunately, women who behave confidently and assertively are not as well received as men who engage in the same behaviours' (Rudman, 1998, p. 629). This can create a double standard where women are penalised for displaying the same behaviours expected and rewarded in men. Consequently, women may be less likely to advocate for themselves, which can lead to missed opportunities for career advancement. The following view shared by a senior associate highlights the importance of self-advocacy in achieving career goals:

You might be doing all of the right things and ticking all the right boxes, and you're actually getting positive support. But at the end of the day, unless you really push for what you want nothing's necessarily going to be offered. So, I think self-advocacy...you really do have to hammer it home. (SA10_W)

This insight also suggests that there may be a disparity between the support and feedback a solicitor receives and the promotion opportunities offered. In other words, even if a solicitor is doing well and hearing positive feedback, there is still a need to actively advocate for oneself in order to advance to equity partner.

Another senior associate emphasised the importance of confidence and self-promotion

while acknowledging that it is equally important to be connected to the right people:

I think that hustle requires you to kind of know what you bring, and marketing yourself. So, I think that's a really important part of the power. But I also think the second part to that is, it's still who you know. (SA04_W)

Importantly, it was observed that when partners use their seniority in combination with strategic behaviours, they can amass more influence. A special counsel argued that simply generating revenue was not enough; solicitors must also be committed to the success of the firm itself:

I think there's a real combo. It's not just bringing in the money, being incredibly successful is a qualifying factor...I think it's really about a combination of being very successful on a kind of financial metric basis, and then also people who are invested in the firm itself. (OC04_W)

As an example, a senior associate emphasised the lack of influence that partners have when they rely solely on structural power and neglect strategic power:

There's definitely an element if you bring in the most revenue within the firm, then arguably, you have a higher status than someone who maybe doesn't bring in as much revenue and other things. But at the same time within the firm there's always discussions about certain partners getting frustrated because they see themselves as the rainmakers, but they're not necessarily having the same influence that they want, or they feel like they should have... Revenue doesn't equal greatest power, but certainly it's not a hindrance. (SA10_W)

While bringing in more revenue can undoubtedly enhance a partner's status in the firm, it does not always translate into the greatest power. Other factors, such as expertise, reputation and relationships, also play a critical role in determining an individual's power and influence.

This subsection identified strategies solicitors employ to gain power and advance in the organisational hierarchy. Participants identified likability, confidence, hard work, and nurturing relationships with clients as some of the tactics necessary for acquiring power. They also recognised the value of demonstrating a wide range of technical skills and abilities, including leadership and management skills. The following subsection explores the role that mentoring plays in a solicitor's access to power.

5.2.4 Mentorship

This section explores the importance of specific strategies, particularly mentorship, in accessing structural power in the legal profession and the barriers some solicitors face in developing those crucial relationships. First, the concept of strategic power acquisition is

defined. Second, the benefits of mentoring, as described by participants, are examined. Next, the concept of an ‘ideal legal professional’ is reviewed in coordination with participants’ identification of ‘insiders’ and ‘outsiders’ in the legal profession. Finally, an analysis of how being an outsider in the legal profession limits access to structural power is presented.

Strategic power acquisition derives from an individual’s knowledge, skills and traits, including deliberate actions that increase access to power. During the 32 in-depth interviews, mentoring was among the most discussed topics, illustrating the importance of accessing structural power through strategic mentoring relationships. Mentoring was seen as a crucial tool for developing the knowledge, skills and networks necessary for accessing and wielding power. Through mentoring relationships, participants described gaining access to key decision-makers and learning how to navigate the informal power structures in the firm.

As introduced in Chapter 2, previous research has found that mentoring relationships provide mentees with role modelling, coaching, friendship, exposure, visibility, confidence, and challenging assignments that build professional competence (Epstein et al., 1995; Kay & Wallace, 2009; Mobley et al., 1994). As a result, mentees are more likely to improve job performance, expand professional networks, and understand internal and external career prospects (Ramaswami & Dreher, 2007). The results of this study corroborate the findings of previous research on mentoring relationships and highlight the make-or-break nature of mentoring relationships in the legal profession. For example, when asked, ‘How important do you think it is to have a partner that champions you throughout your career?’ one senior associate responded bluntly, ‘If your partner doesn’t back you, you need to find a new partner or a new job’ (SA06_W). Moreover, previous research has argued that individuals with powerful mentors have greater access to power due to the mentors’ influence, increased exposure, an expanded network, and professional expertise (Kanter, 1977; Ragins, 1997).

In this study, interviewees described numerous positive impacts of mentoring. Specifically within the context of *navigating a career*, ‘[mentors] take you on board and give you direction and say, this is what you should be focusing on’ (SA09_M); *achieving career goals*, ‘both my current and previous primary partner that I’ve worked for, have sort of coached me through the career progression process’ (SA13_M); *enjoying work*, ‘[mentors] really can make or break your experience’ (SA16_W); *introducing clients*, ‘[mentors] bring you into client relationships, championing you to take ownership for a particular area’ (NEP01_W); and *getting promoted*, ‘supporting me to get promotions, internally going from associate to senior associate, and eventually to partner’ (NEP01_W).

Another senior associate shared that she had gained confidence by having a mentor guiding her through her career. This perspective considers the positive impact of having a mentor and how it can lead to an increase in self-confidence and the ability to plan and achieve career goals, arguing that having access to a mentor can allow a lawyer to:

Get more confidence in yourself and in your abilities. I think I've been able to kind of get a little bit further ahead, and really plan and feel like I can get to where I need to get. (SA14_W)

Due to unspoken expectations or unwritten rules and norms that govern behaviours and decision-making, like the way solicitors dress, communicate and socialise, the legal profession can be a 'difficult place to navigate at various points' (SA14_W). When talking about this topic, participants shared that having the support of a mentor 'definitely makes that navigating of the firm a bit easier' (SA14_W). They argued that a partner could help junior solicitors develop skills, knowledge and confidence needed to succeed and advance in their careers. For example, 'if your partner's not backing you you're going to have a pretty hard time' (SA16_W), and 'if you don't have someone supporting you, you actually can do a lot of hard work, and you might be very intelligent, but you probably won't get promoted' (SA08_W).

Other participants agreed that the legal profession is difficult to navigate without mentorship. One senior associate described how his supervising partner guided career progression by introducing him to influential partners in the firm:

[Coaching] me through the career progression process, what the steps are, how I improve my prospects, through those steps, introduce me to important decision-makers that, you know, for the senior associate promotion pathway, you know, who it matters to be liked by, to sort of smooth that journey. (SA13_M)

Mentoring support can have a significant impact on a solicitor's career trajectory. Participants felt that by providing guidance and support, mentors helped junior lawyers navigate the complex and often opaque promotion process, better understand the law firm's unspoken expectations, and identify and build relationships with key decision-makers. This support was also seen to increase a solicitor's confidence, provide them with the tools to develop their skills and knowledge and help them progress more quickly and successfully through their career.

Mentors were identified as playing a key role in shielding junior solicitors from bullying and harassment, both from clients and other members of law firms. Bullying and harassment are a phenomenon that is well documented in previous research on the legal profession (Ching

& Kleiner, 2001; Omari & Paull, 2013; Wallace & D'Souza, 2020). Importantly, participants recognised that having a mentor could shield junior solicitors from bullying and harassment by clients and members of other private practice firms. A senior associate shared that her mentor and supervising partner had intervened in specific instances when other partners acted inappropriately: '[my mentor] would step in, even as I was very junior back then, and if I got bullied, he'd step in and tell the other partners off' (SA08_W).

In contrast, solicitors without the protection of a mentor had left LawCo because of bullying: 'there were other partners who were bullies, people were leaving because of that' (SA08_W). This can have long-term consequences on junior solicitors' careers, including the loss of income and decreased opportunities for career advancement. Bullying and harassment can also lead to decreased job satisfaction, increased stress and anxiety, and reduced productivity (Wallace & D'Souza, 2020). Additionally, it can negatively impact an individual's reputation and relationships with colleagues and clients. Accordingly, solicitors at LawCo who experienced bullying and harassment without the protection of a mentor experienced significant career setbacks. LawCo is focused on developing more structured opportunities for sponsorship and mentorship in an effort to address the developmental needs of all junior solicitors. Informal mentoring is also facilitated via firm diversity networks and speaker series.

Participants were near unanimous that mentoring offers individuals numerous benefits, but unfortunately, not everyone has equal prospects of being mentored. Participants without formal or informal mentors believed they failed to develop those crucial relationships because they did not fit the traditional mould. Previous research has shown that mentoring relationships are commonly established based on the similarities between two individuals. Such commonalities include 'physical characteristics, personality, attitudes, and behaviors' (Young et al., 2006, p. 152). When discussing how solicitors manage to find and keep a mentor in the legal profession, a graduate explained that 'There's no formula, you just have to find someone you vibe with, and then you build your trust and build your relationship' (G02_W). The mentor-mentee selection process described by the graduate demonstrates how mentoring relationships may be susceptible to affinity bias, also known as similarity bias. Affinity bias is one form of unconscious bias where an individual favours someone they perceive as similar to them (Oberai & Anand, 2018). The following quote from a senior associate illustrates affinity bias:

I think when senior people are making what may be subconscious decisions about who to invest time in and who to mentor, often those decisions can be based on people with whom they feel commonality. (SA07_W)

Participants observed that affinity bias resulted in individuals being sorted into ‘insider’ and ‘outsider’ groups, subjecting ‘outsiders’ to additional barriers and disadvantages in the workplace.

As discussed in Chapter 2 and Chapter 4, previous research has shown the ‘ideal’ legal professional to be white, male, straight and middle to upper class (Aiken & Regan, 2016). Similarly, a recurrent theme in the interviews was a recognition amongst participants that ‘insiders’ in the legal profession were ‘white’ (G02_W), ‘blokey’ (NEP02_W) and ‘connected’ (OC04_W). Other characteristics that determined insider or outsider status included age, cultural heritage, and educational background. Furthermore, many participants recognised that being an outsider in the legal profession restricted their access to mentorship opportunities essential to acquiring power. As a woman non-equity partner described, ‘If I was a white bloke, that barrier just wouldn’t be there’ (NEP02_W).

Several participants stated that deviation from the predominant white Anglo-Australian culture classified them as outsiders and provided limited mentorship opportunities for them because of differing cultures, social currency and interests. In the following remarks, a graduate expressed that cultural differences are about more than skin colour:

I’m kind of an outsider in this law firm. In this profession the more senior you go it is just very white, and I don’t just mean in the skin colour of the people, I mean in the culture, and the things that are a social currency and the things that people bond over. (G02_W)

The participant continued to highlight how difficult it can be to connect with peers that have different interests and hobbies:

I’m just not tapped into any of that, and I can’t fake that. I can’t walk in and be like ‘let’s talk about the footy, and what type of beer do you like?’ Because I don’t watch footy, and I don’t drink alcohol. It’s just very hard to try and form a bond with someone that you have very little in common with. (G02_W)

One senior associate, who identified as being culturally diverse, described the negative impact that lack of diversity in the partnership group has on junior solicitors:

When young lawyers of non-white backgrounds look at the partnership ranks there’s not as many role models for them to kind of look at...If they’re looking at it strictly from like a cultural diversity, identifying with that aspect of their

identities, I know for a fact that they kind of have a similar perception that it's not clear to them whether there is a pathway for them going forward. (SA01_M)

Other participants observed that family connections, educational and geographic background also acted as exclusionary criteria when developing a professional network. One participant commented, 'I'm a complete outsider to law... There's no lawyers in my family' (NEP02_W). The general perception amongst participants was that without connections in the profession, some of which may have been forged through school and family, it was challenging to secure a mentor because 'people in the law don't want to waste their time, so they're not going to become your mentor unless they're doing a favour for a friend or something' (A01_M). A similar sentiment was shared by a graduate who had failed to establish successful mentoring relations:

The legal profession is all about who you know, and how people perceive you and how they support you...I don't really come from a family that has established lawyers in the commercial world, and I don't know if I'm necessarily the type of person who is very good at putting myself out there. (G02_W)

Interviewees less frequently presented gender as the sole explanation for solicitors' exclusion from mentoring relationships. However, the view that gender was an exclusionary factor was shared by a senior associate:

The legal profession is still a profession in which at the partner level there's significant gender imbalance...I have found that in subtle ways can make it more difficult.

I think in firms that I've been in, where there's been a lot more men than women I have seen, or at least my perception is, that does result in less mentoring opportunities for women, which translates into worse performance and promotion outcomes. (SA07_W)

One reason that participants perceived the impact of gender in mentoring relationships to be not influential may be because women have successfully conformed to professional norms. As a result, men partners may perceive women as similar to themselves based on shared characteristics, such as career goals, communication styles, and assertiveness, rather than acknowledging and supporting women's unique experiences and perspectives as women in the legal profession. This argument is supported by Young et al. (2006), who state, 'perhaps gender-related factors such as marital status or family responsibilities have more import than being male or female' (p. 154). This suggests that certain gendered roles and expectations can impact career advancement and mentoring opportunities more than an individual's gender.

Professional norms in the legal profession typically refer to the unwritten and implicit

expectations of behaviour and conduct that are widely accepted and adhered to. Examples of professional norms may relate to dress code, working hours and expectations around productivity and billable hours (Aiken & Regan, 2016). Therefore, gender-related factors subtly impact mentoring opportunities when women deviate from professional norms. This was illustrated by multiple women solicitors who recounted that they had prioritised having children and forming and nurturing families over long working hours early in their careers. As a result, their career progression had been slow. For instance, ‘having kids had an impact on my career progression’ (OC01_W). As a result of slower career progression, some women felt out of place within their professional peer group because of their age. As described by one participant, ‘I think I’ve probably always felt like a bit of an outsider. I’ve come to it a bit later’ (OC02_W). That special counsel went on to explain that she had never had a proper mentor and attributed her circumstances to her age:

I’ve always felt like I’ve had people who have supported me for sure, but I don’t know that I’ve had the proper mentor... I don’t think I’ve ever really had that, because I’ve always felt a little bit of an outsider in some respect. (OC02_W)

Participants also described the intersection of other exclusionary attributes, such as cultural background and socio-economic status. Previous research has explained that intersectionality theory combines social factors to better comprehend complex human relationships and disparities in organisations and society (Acker, 2006, 2012; McCall, 2005; Tomlinson et al., 2019). Participants with multiple diverse identities perceived their position as outsiders was magnified. For example, one individual stated, ‘I’m an immigrant. So, my family doesn’t really have any connections of any sort’ (G02_W). Not only did this individual argue that their cultural diversity was negatively impacting them, but they were also disadvantaged because of the lack of family connections. As a result, this associate did not ‘really have any sort of advisor’ (A01_M).

Because many partners are seen as ‘insiders’ in the legal profession, participants concluded that the lack of diverse representation in the partnership group directly impacted mentoring opportunities for outsiders. As acknowledged by a woman senior associate:

I think it’s absolutely critical that anyone going into the legal profession needs to be able to find someone that they identify with internally, that then becomes a mentor.

From my perspective, one of the problems is that, generally speaking, the law profession is not reflective of general society, and therefore people coming in don’t always find that there is a role model that they can aspire to be or that can mentor them, that they feel that they identify with. (NEP01_W)

The lack of diverse representation in the partnership group limits opportunities for solicitors who do not align with the ‘ideal legal professional’, as communicated by a senior associate:

[The legal profession] is one of those professions where there are kind of barriers to entry and barriers to promotion, that unless you’re part of a particular circle, I think that does put a ceiling...on how easy it is to progress. (SA01_M)

Accordingly, an analysis of the data in the study shows that being an outsider in the legal profession limits mentorship opportunities and directly impacts access to promotions and structural power. Moreover, participants viewed similarity bias in mentoring decisions as creating a reinforcing cycle where diverse solicitors were excluded from mentoring because they lacked similarities and connections, making it harder for them to advance in their careers and acquire senior positions. Simultaneously, insiders with powerful mentors are perceived by interviewees to progress to the top of the hierarchy faster. The next wave of mentee selection based on similarities and connections starts over, further disadvantaging women and culturally diverse solicitors.

5.2.5 Professional networks

Developing a professional network was described as another method of strategic power acquisition. Notably, participants perceived that individuals who were well-connected in a professional network had greater access and potential control over valuable resources: ‘Fundamentally people need to be connected to and have the approval of other powerful people within the organisation’ (OC04_W); and ‘the legal profession is all about who you know’ (G02_W).

Analysis of the interview data demonstrated that it is vital for individuals to use networking opportunities to increase their power. As expressed by a senior associate, ‘people who have strong networks tend to exert more influence and get what they want, and what they need from their teams, as a result of strong networks’ (SA11_W). A senior counsel provided a further elaboration of this idea. She noted that being well-connected and having the approval of powerful individuals in the firm is crucial for career advancement. At the same time, connections more broadly in the industry are also helpful:

I think being connected within the organisation is really important. I feel like being connected is probably the most important internally, so you can’t really accumulate

power or get all the way to the top unless you kind of reach your feelers out fairly broadly.

I mean, I think fundamentally, people need to be connected to and have the approval of other powerful people within the organisation. I also think it's very helpful for those who have connections more broadly in the industry. (OC04_W)

Professional networks in the legal profession typically include solicitors at the same firm, solicitors at different firms, clients, judges, legal scholars, law professors, law students, and professionals in related industries (Heinz, 2011). In general, participants in this study referred to two professional networks: legal professionals at LawCo, and external clients.

The significance of professional networks in the legal profession becomes increasingly crucial as solicitors progress in their careers. As a senior associate expressed, 'to progress in the firm as you go along, networks become more and more and more important' (SA05_M). This quote demonstrates that power acquisition is cumulative. It starts with a powerful mentor, and then professional networks become increasingly important as a solicitor progresses. The idea that a robust professional network is necessary to advance up the hierarchy was shared by other participants. According to a senior associate, feedback from people outside the immediate team was necessary to become a senior associate. Once a solicitor reaches this level, the focus shifts to building connections across different practice groups and even different offices overseas in order to advance to partner:

To get through that gateway and become a senior associate there does need to be feedback from people outside of just your immediate team.

Then as you go on to the next stage, which is partnership, it's not just the practice group, it's other practice groups, it's other offices overseas. As you go along, if you can build your network, actually progressing becomes easier, it also becomes easier in terms of generating work as well. (SA05_M)

Expanding a professional network was seen as essential for generating work, gaining clients, and increasing revenue. Essentially, forming and maintaining connections with professionals becomes increasingly important as an individual moves up the ranks in a law firm.

As presented earlier in this chapter, revenue generation is a valued component of power and influence. As such, participants perceived that having a robust professional network increased power in the firm. This view was supported by other participants who expressed the need to establish and maintain a strong network in order to generate work:

And then in terms of networking, I think that's sort of the thing that I see being the main difference between the people who seem to make partner and the people who

remain very competent senior associates is the ability to cultivate wide networks through which business is fed into them. So, they bring in work through their networks. (SA07_W)

One senior associate explained that having an extensive professional network generates additional business opportunities through internal referrals:

If you have a broader network, there's more people who know what you do and are more likely to get you involved in their matters. By the same token, if you have a broad network, and you know what other people do, you can refer work to them, which means that actually, they're more likely to refer work to you. And it's kind of self-perpetuating. (SA05_M)

In another account, a senior associate spoke of the importance of a strong inter-firm network in order to deliver quality results to the client:

Client networks are important for bringing in new business and inter-firm networks are important often when clients bring in a legal problem. (SA07_W)

Considering the importance of professional networks, participants were asked if they had any specific strategies for expanding their network in LawCo or externally. Surprisingly, only a few participants had specific strategies for expanding their professional networks. When asked 'do you have any specific strategies for expanding your professional network some responses included 'no, not actually' (SA08_W); 'oh, limited strategies' (SA13_M); 'currently, no, I really, I don't know' (G02_W); and 'no, I don't think so' (SA09_M). Furthermore, the idea of networking was expressly avoided by this senior associate:

I feel I have been fairly happy because I am very much an introvert. I'm not one of those people who would go out and actually actively make connections. If you put me in like a networking event like the Law Institute of Victoria, or Property Council of Australia, or whatever it is, I will probably go and not talk to a single person there. [Laughing] And I will not make a single mentor.' (SA08_W)

This participant touched on a poignant concept, seeing it as a personal failing that she was ill-suited to socialise and network because of her personality. As a result, she had failed to gain a mentor. Importantly, this relates to the findings on the reproduction of the 'ideal professional' image, presented in Chapter 4 and Section 5.3, where individuals who deviate from the norm are seen as outsiders and face additional barriers in accessing structural power. As such, individuals who lack confidence, charisma and an outgoing personality may have a more challenging time developing a professional network which is a vital component of career progression. They may also internalise their situation and blame themselves rather than structural or collective forces. Furthermore, the 'making' of mentors was depicted in the

previous example as being forged by more junior lawyers rather than initiated by partners. In other words, mentorship was viewed as a bottom-up effort rather than a top-down directive, as emphasised by a special counsel when reflecting on her career development, '[mentoring] was very much to be driven by me' (OC04_W).

A few participants elaborated on specific strategies they used to expand their professional networks including *helping team members* – 'being available if they have questions, and helping out wherever you can' (SA09_M); *producing high-quality work* – 'continue to outperform' (SA13_W); and *working with a variety of teams* – 'internally and working with clients' (SA13_M). Building strong relationships with team members and producing high quality work were just a few examples of effective networking tactics. However, as expressed by a consultant, expanding one's social power within a peer group requires a different set of skills and behaviours.

I think that's how you develop social power internally if you look sideways at peer group, social power is developed by being a person who is regarded as open, willing, supportive, and nice to work with. Someone who is a safe pair of hands if you pass one of your clients to them... As a result of that you build huge respect among a peer group. (OC02_W)

A senior associate shared her curated and deliberate strategy of working internationally, strategically accepting work from multiple partners, gaining exposure from a range of groups at LawCo, and self-marketing:

For me personally I have travelled internationally within the firm itself, I've done a few years in an international office. So obviously, you must go outside of the Australian market. Also, internally, I work for multiple partners, but equally I have taken on work strategically. The nature of the work I do as well does mean I interface with other practice groups within the firm. I can always probably do more in respect of self-marketing. I think everyone always can. But again, it's sort of weighing it against all your other billables and business external facing business development as well as internal sort of profiling. (SA10_W)

This section explored the importance of professional networks and access to power. While many participants acknowledged the role that professional networks play in career progression, client acquisition and gaining power, only a small number of the participants had specific strategies for expanding their network.

5.3 Alternative career paths

The path to the top of the hierarchy, which most interviewed solicitors recognised as a source of power, is not how all participants imagined career success. As described in Section

4.3 on power and career success, not all solicitors aspired to be an equity partner; some participants felt that the benefits of partnership were not worth the sacrifices, including long work hours and missed time with family and friends. Importantly, over the past decade, the legal profession has made structural changes to the hierarchical ladder, creating options for people who do not wish to become equity partners. Instead of offering a single linear ladder with the ultimate outcome of achieving partnership, law firms, including LawCo, now offer ‘non-equity partnerships’ and ‘special counsel’ positions. This structural change has allowed solicitors to pursue their individualised notions of career success which may or may not include joining the partnership. This subsection highlights how interviewed participants perceived that they benefitted from alternative career pathways and the negative impact of alternative career pathways on power acquisition.

As described in Chapter 3, the role of counsel, also called ‘special counsel’ or ‘executive counsel’, is a position held by individuals specialising in a particular area but who are not part of the firm’s partnership group. Special counsel is an alternative to partnership in some law firms, while other firms include special counsel on the path to partnership. In both situations, this is a leadership role with increased autonomy compared to senior associates. However, most counsel still report to a supervising partner who is considerably more powerful in the organisational hierarchy. LawCo has two classifications of partners: equity partners and non-equity partners. Non-equity partnerships are salaried positions that act as an intermediate step between senior associate and equity partner. One special counsel described this alternative pathway as providing opportunities for solicitors who may, or may not, want to progress to equity partner:

Some people take the counsel role, because that’s what they want to be ultimately, they don’t have partnership aspirations. And this is kind of the pinnacle where you’re recognised as a subject matter expert, or as a leader within the firm, but you don’t have to deal with all the crap that partners deal with. (OC04_W)

Figure 7 illustrates a career progression pathway in private practice law firms, beginning at a graduate level and progressing to equity partnership, including the alternative career pathways of counsel and non-equity partner.

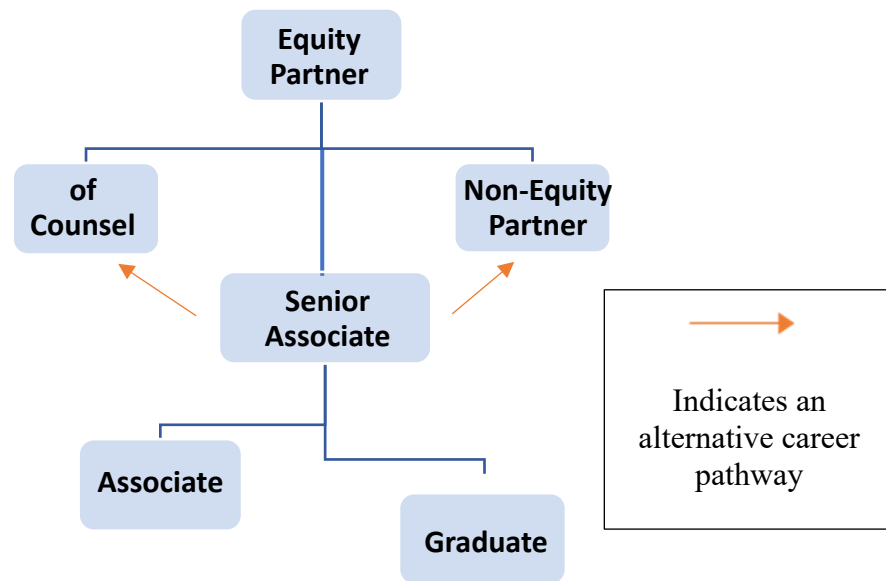


Figure 7. *Example of private practice organisational chart*

Adding alternative career pathways has allowed individuals to stay engaged in their private practice careers without seeking promotion to equity partner. A former partner described the benefits of the counsel position, including more manageable hours and different expectations such as business procurement:

I had one [senior associate] say to me, I love what I do but I don't want to be a partner. And we put her onto a pathway to become a special counsel, which is an extremely well remunerated role. But it's got much more predictable hours, more manageable hours, different expectations, different criteria for performance, your role is to deliver a certain number of hours to satisfy clients and to be technically excellent. (C02_M)

Moreover, a special counsel described how her shifting idea of career success had opened the door to having a successful non-partnership career path in private practice:

What is success? I think that's changing and because, for me, I struggle with 'oh you're a partner you're successful'. I think, for law firms to survive, I think there just has to be a broader definition of what success is. (OC02_W)

A non-equity partner reflected on the changing culture in law firms over the past two decades, where previously the only option for progression was partnership. Now, firms have created alternative roles and levels to retain talent. A non-equity partner argued:

When I first started that two decades ago, this was definitely not the way that law firms were, it was shut up or shut out. Everyone had the end of the partnership, otherwise, you know, what are you doing in the office?

That whole mantra changed a good eight to ten years ago, where alternative labels, roles for people, levels that they could get to were created to recognise the fact that not everyone wants to be a partner. We don't want people to feel they have to leave because they don't want to be a partner. (NEP01_W)

Multiple individuals acknowledged that law firms are trying to hold onto talented solicitors who may not see progressing to equity partner as their career pinnacle. For example, 'retention is something that our team and all of the teams grapple with' (SA05_W). Law firms often face challenges in retaining solicitors, particularly at the junior level. There are various reasons for this, including a competitive job market, high workload and billable hours targets, long working hours, and limited career advancement opportunities. Additionally, some solicitors may leave to pursue other career paths or to take a break from the high pressure environment of law firms. Retention efforts such as mentoring, professional development opportunities, and flexible work arrangements can help address some of these issues and retain solicitors. Participants acknowledged that LawCo had retained solicitors by offering counsel and non-equity positions that provide higher pay, greater autonomy, and flexibility while reducing the demands typically placed on equity partners. These changes are especially important for the retention of women solicitors in private practice. As expressed by a senior counsel:

There are a lot of non-partner people in law, who contribute a lot, who are so successful...you know, we need those talented, creative, smart people! A lot of people leave that we should try and find ways so they don't leave. (OC02_W)

While alternative career pathways were identified as a method of retaining solicitors, participants perceived that alternative career pathways may have negatively impacted women's access to power in the legal profession. First, the addition of alternative career pathways has made promotional practices more opaque, with some participants unsure of the path to the top of the hierarchy. For example, LawCo offers both non-equity and of counsel positions. However, when asked to explain the difference between 'of counsel' versus 'non-equity partner' (also referred to as salaried partner), one participant responded, 'We don't have salaried partners at [LawCo]. So, it's either equity partner or nothing' (OC02_W). This statement directly conflicted with data from multiple individuals currently employed as non-equity partners at LawCo and key informant HR leaders at LawCo, indicating that career paths

and promotion opportunities are ambiguous. When promotion criteria were unclear, it was seen to place individuals without power at a disadvantage because they were unsure of the steps required for career progression while also giving increased control to influential partners when making promotion decisions.

Second, the addition of alternative career paths was understood to be an example of moving the goalposts where non-equity partner and of counsel positions create another checkpoint that solicitors must complete before they acquire structural power. One non-equity partner described that as a condition of the new partnership model: ‘the structure is a staged path, for the first few years, you’re on non-equity and if you make certain financial metrics, then they say okay ‘you’re going to be full equity’. It’s another stage where you get tested before you get made equity partner’ (NEP02_W). This means that non-equity partners must prove themselves before being made an equity partner.

The staged partnership model has contributed to a lengthy career path experienced by many solicitors. Over the past two decades, the time it takes to reach the equity partner level has been extended from 7 to 8 years to 10 to 15 years, stretching the career path and deferential relationship with more senior lawyers considerably. A senior associate recounted, ‘gone is the day of making partner within 6 to 10 years’ (SA10_W). Some solicitors experience an even longer wait before they reach the top of the hierarchy: ‘I’ve already been at the firm for 15 years, it’s going to be another few years before I’m promoted to partner’ (OC03_W). An associate further explored the idea that it is taking a long time to reach partnership:

I mean I think that the reality of it these days is that it takes longer to [make partner]...You sort of hear stories back in the day of people who were getting made up to be partner at like 32. I don’t think that’s very realistic anymore. It’s a longer slog, and obviously it is a demanding, demanding job. (A07_M)

Extending the time it takes to join the partnership is an example of an ‘internal closure regime’ that limits the number of solicitors who successfully progress to equity partner each year. As defined previously, internal closure regimes are ‘systematic disparities between participants in power in control over goals, resources, and outcomes’ (Acker, 2006, p. 443). Accordingly, law firms are motivated to keep the partnership group small to maximise profits per partner, which keeps rainmakers happy and loyal to the firm (Dong, 2022). Large profit per partner ratios are also an important metric used to recruit top talent.

Accordingly, not all senior solicitors will remain on the extended partnership track long enough to enjoy the power and privileges that accompany equity partnership. Furthermore,

men partners' jobs are made easier by capable women senior associates where interviewees perceived that partners might be disincentivised from promoting women to the partnership resulting in women's legal careers stalling right before reaching equity partnership. As expressed by an associate, 'I certainly see the power of partners in keeping people down' (A11_W), meaning partners had played an active role in preventing some individuals from receiving promotions. A senior associate shared the idea that partners benefit by restricting women's career progression:

You have this level of male partners, and then you have this level of female senior associates, or executive counsel, and that's exactly what we have in our team. You have all these really senior female lawyers, that are just are not partners, and so unfortunately, maybe fortunately for some, fortunate for the partners, we take on this mothering role [on the team].

I take a real interest in making sure [graduates and associates] are getting what they need, because I want them to come back because we need succession. That's the economic model that we work for, cheaper labour, basically...I think that [partners] benefit from very engaged senior females. (SA04_W)

Bolton and Muzio (2007) argue that by extending the path to equity partner, law firms are successfully keeping structural power just out of reach from women and have transformed 'feminisation from a potential threat into a tactical resource' (Bolton & Muzio, 2007, p. 55). For example, the ratio of salaried solicitors to partners, known as the professional leverage ratio, has steadily increased over the past 50 years, coinciding with an increase in women's entry into the profession (Bolton & Muzio, 2007). As such, each partner is buoyed up by a small army of capable women solicitors who hold positions with relatively little power. Equity partners can then expand their business and increase revenue, giving them more significant influence and reinforcing men's structural positions of power in the legal profession. Ironically, a measure introduced with equity underpinnings may be playing a role in reinforcing and potentially exacerbating gendered inequities.

In summary, the data shows that not all solicitors aspire to become equity partners, as the benefits do not always outweigh the sacrifices required. The legal profession has responded to this by creating alternative career paths, such as non-equity partnerships and special counsel positions. These options allow solicitors to pursue their versions of career success, even if they do not involve becoming a partner. The interviews also revealed that while some participants benefited from these alternative pathways, they also perceived adverse effects on power acquisition.

5.4 Conclusion

This chapter has examined various factors influencing access to power in the legal profession by addressing the second research question, What are the sources of power in the legal profession? An analysis of the data revealed that power is primarily granted to equity partners due to their structural positions and revenue generation and then bestowed to junior solicitors through mentorship.

Several interviewees discussed the significance of being included or excluded from mentoring opportunities. Individuals who did not receive mentorship felt ostracised and at a disadvantage. Upon further investigation, it became apparent that race, culture, age, family connections and gender were used as determinants for either being included or excluded from mentoring relationships. Furthermore, partners were more likely to mentor younger solicitors who shared similar backgrounds, which means that solicitors who did not conform to the ideal professional image had limited access to power.

Additionally, professional networks were identified as being crucial to gaining power. Professional networks included connections in the firm and with clients and were developed by being dependable, capable, respected, confident and outgoing. Strong client networks were also credited with increased revenue generation, further supporting individuals' positions of power. Overall, this chapter has highlighted the complex nature of power acquisition in the legal profession and how individual factors and structural changes impact access to power. Chapter 6 reflects on these findings by presenting how solicitors experience power-dependence without structural power. In combination, sources of power and experiencing power-dependence provide insight into women's longstanding under-representation at the top of the legal hierarchy.

Chapter 6 – Findings and analysis: Understanding power-dependence

6.1 Introduction

By addressing the third research question, How is power-dependence understood in the legal profession?, this chapter constructs an understanding of how power-dependence is experienced in the legal profession, the factors that contribute to it, and its consequences for individuals, careers and the profession. As established in previous chapters, this thesis is guided by power-dependence theory (Emerson, 1962, 1976), which posits that power is not solely attributed to the individual or group possessing it but also to the dependency of others on that power. According to this approach, power is understood as the ability to influence the behaviour of others to achieve desired outcomes, which may be achieved through the control of resources or information. The degree of power-dependence between two individuals or groups is influenced by various factors, such as the value of the resource being controlled, the availability of alternative resources, and the importance of the relationship between the two parties. Individuals or groups may also engage in strategies to reduce their power-dependence or increase their power, such as building alternative sources of resources or increasing the perceived value of their resources.

This chapter is the third and final findings chapter and is structured around two main themes: ‘experiencing power-dependence’ and ‘outcomes of power-dependence’. In the theme of experiencing power-dependence, the sub-themes explored include work culture, billable hours, and the exchange of resources. The second main theme focuses on the outcomes of power-dependence, with further examination of sub-themes such as imbalanced work relationships, pressure to conform, and personal sacrifices. Through an in-depth analysis of these themes and their sub-themes, this chapter provides a comprehensive and nuanced understanding of power-dependence and the gendered nature of power dynamics in the legal profession.

6.2 Experiencing power-dependence

As outlined in Chapter 2, power-dependence refers to the state of being reliant on someone else who has a position of power or control in a particular relationship (Emerson, 1962; Molm, 2015). Power-dependence is often seen in organisations when one person or group has more power and influence than another person or group, and the less powerful individual is reliant on the more powerful party for resources and favourable outcomes. In this

study, participants identified power-dependence as a result of various conditions, including control of resources, the ability to make decisions and the distribution of rewards and opportunities.

To better understand how power is used in the legal profession, and the impact specific power strategies had on powerless individuals, participants were asked ‘What are partners using their power *for*?’. Responses to this question included influencing team and firm decisions, demanding long work hours of junior solicitors, and acquiring clients. In addressing this question, one associate expressed that from his point of view, partners are consumed by an endless pursuit of self-benefit and the insatiable desire for more:

Self-benefit to better benefit themselves. Just to satisfy a need for more you know once you’re a millionaire you’d want to be a billionaire. It’s just it just never ends, right? I guess just chasing and satisfying that need. (A01_M)

This quote highlights the perception that individuals in positions of power may constantly seek additional power and financial gain, even if it means taking advantage of others or sacrificing personal wellbeing. This pursuit of power and success can lead to a power imbalance where those with less power become increasingly dependent on those with more. In this case, individuals in positions of power may continue to accumulate influence, wealth and resources. In contrast, those in less powerful positions may struggle to progress in their careers while facing professional setbacks.

The interviews showed that power imbalances resulting from power-dependence manifested in numerous ways. The following subsections examine how participants experienced power-dependence through work culture, billable hours, and reciprocation of resources.

6.2.1 Work culture

The work culture in the legal profession is known for its intensity, high stress levels, and ultralong working hours (Thornton, 2016b). The competitive nature of the profession, coupled with the pressure to bill clients for as many hours as possible, can create a high pressure and even toxic work environment that is particularly challenging for junior lawyers. This subsection examines how work culture in the legal profession affects power dynamics and ultimately impacts the wellbeing of legal professionals.

Many interview participants shared accounts of the long hours they were expected to work. For example, ‘I regularly work till midnight, or beyond midnight’ (NEP01_W); ‘we keep

average hours of 9 am to...midnight most days' (A11_M); and 'I could easily work 24 hours a day, seven days a week' (EP01_M).

Some participants acknowledged feeling pressured to comply with the partners' wishes when discussing being in a position of power-dependence. This pressure encompassed various aspects of working life such as workload, hours, time spent in the office, and assignment allocation. Even when individuals did not agree with or support the directives, powerless solicitors felt compelled to adhere to them. This was driven by a desire to leverage a positive relationship with powerful individuals, as it was perceived as crucial for their career progression. An associate reflected on how she had previously resented the demands of senior solicitors in relation to long hours and tight deadlines, but that she had come to understand that those demands are merely part of the culture and the 'sacrifices' needed to succeed and progress:

I've gone through times where I've kind of resented people in more senior roles or who put demands on me. I've kind of realised now that a lot of those partners aren't putting demands on me that they wouldn't put on themselves. It's just that's kind of what they think, is normal, and it was sacrifices they were willing to make, to get this far. It's just a system where you need to work exceptionally hard to get ahead. (A04_W)

This interview excerpt demonstrates the pressure felt amongst some junior solicitors to conform to the long work hours culture that is the prevailing expectation in the legal profession. Moreover, the realisation that many partners and senior lawyers are not putting demands on junior lawyers that they would not put on themselves suggests a power dynamic in which junior lawyers must mirror the behaviours of partners in order to be seen favourably and to progress in their careers.

Expanding on the understanding that solicitors are often required to work long hours, the following account from an associate sheds light on the demanding work culture in the legal profession, where achieving success is believed to require an unwavering commitment to work. The associate acknowledged that achieving a work-life balance had been difficult, especially as her career advanced.

It's quite an all-encompassing job, it's not something that you can really switch off from I think in order to be successful, at this law firm... you've got to have an all-encompassing dedication to your work. I just kind of have the sense that you just become resilient to whatever you have to deal with, and things become relative, and you become wiser with years of experience. (A02_W)

A senior associate also acknowledged the expectation that they must work long hours

and be available outside of regular hours to meet the demands of clients and colleagues:

I think if I said to my team that I'm going home, I'm going to have dinner with my husband, and then I'm going to log back on, if I only logged off for an hour and a half, and then I did log back on and work until the work was done, it probably would be okay. If I wanted to go home at 6 pm and not log on again, then that would create a lot of difficulties both for people below me and above me. (SA07_W)

This account demonstrates a power imbalance where those with less power are expected to make sacrifices for those with more power, including forgoing their personal time and work–life balance.

Significantly, long work hours can contribute to power-dependence in three ways. First, they create a power dynamic between those who work long hours and those who do not. Those working longer hours are often perceived as having increased dedication and commitment to the job which in turn was associated with promotions and other benefits. This can create a culture of overwork, where employees feel pressured to work long hours to prove their worth and maintain their position in the organisation (Thornton, 2016a). Second, long work hours can limit employees' opportunities to develop other interests, pursue personal goals, or participate in family life, making them more dependent on their job and employer for their livelihood and even their wellbeing as individuals. Finally, long work hours can contribute to a culture of exhaustion and burnout, making it more difficult for employees to challenge power imbalances in the workplace (Bergin & Jimmieson, 2013).

A gendered analysis reveals that long work hours can disproportionately affect women in the legal profession. First, the power dynamic created by working long hours often perpetuates traditional gender roles and expectations, where women are expected to be home in the evenings preparing dinner and caring for children. While men are more likely to be praised and rewarded for their dedication to stay in the office late. At the same time, women may face implicit bias or scepticism about their commitment to their careers. This can hinder women's opportunities for promotion and advancement, reinforcing the gender gap in positions of power. Second, the limitations imposed by long work hours may have a greater impact on women who often bear a larger share of caregiving and domestic responsibilities. The lack of flexibility and work–life balance can pose challenges for women in pursuing personal goals, maintaining relationships, and fulfilling family obligations. As a result, women may become more dependent on their job for financial stability and face difficulties in achieving a healthy work–life integration. Last, the culture of exhaustion and burnout associated with long work

hours can disproportionately affect women's wellbeing, as they may face additional pressures and expectations to perform multiple roles simultaneously. This exhaustion can undermine women's capacity to challenge power imbalances and advocate for change in the workplace.

Additionally, participants perceived that the legal profession was generally unforgiving of mistakes and this was seen to contribute to power-dependence. In a high stakes and high pressured environment where mistakes can have significant consequences, individuals may need to rely on more senior or powerful colleagues for guidance and protection. One participant described the contrast between the legal profession and other professions regarding how mistakes are perceived and handled. In other professions, making mistakes is seen as a normal part of work and is not overly scrutinised or punished. However, some interviewees commented that in the legal profession, the expectation is that mistakes should not happen at all, and any mistake, no matter how small, can result in harsh criticism and consequences. As shared by an associate:

If you made a mistake in my previous experiences prior to the law you're not going to be crucified or shamed for it. You know, it's sort of just acknowledged that humans make mistakes.

But here I've been told 'we're at the top so we don't make these mistakes'. One of the mistakes that someone else made is they put two extra spaces in between sentences rather than one, which was a convention that we use. And they were absolutely torn to shreds and told 'This is a top tier firm. We need everything to be crystal clear and perfect'. And she just broke down and cried. I mean, why is something that makes absolutely no difference made into such a big deal? (A01_W)

Some participants perceived that in a high pressured work environment, like the legal profession, there was a pervasive culture of fear arising from the power imbalance between more senior lawyers and junior lawyers. Junior lawyers often felt powerless to speak up or seek support, fearing being seen as incompetent:

Early on in my career as a junior lawyer, [I was] very unsure and still learning the ropes. Not wanting to speak up in a meeting for fear of saying the wrong thing, and all those sorts of anxieties. (SA16_W)

This power dynamic can create a toxic work environment where junior solicitors are afraid to speak up and leaving them more susceptible to unfair treatment.

In contrast, a senior associate acknowledged that mistakes are to be expected and suggested a constructive approach to dealing with them:

I mean, we all make mistakes, right? I don't know of many mistakes that can't be fixed. So, I think the more important thing is that, well, you know, what's happened has happened, it's how do we fix it? (SA14_W)

The difference in attitudes towards mistakes could be attributed to several things. For example, seniority could impact an individual's attitude towards mistakes. Senior lawyers or partners have more experience and have made more mistakes in their own careers. Therefore, they may be more forgiving of mistakes made by junior lawyers. On the other hand, junior lawyers may be under more pressure to perform and may not have the same level of experience, which could lead to a fear of making mistakes. Personality and work style differences can also contribute to different attitudes towards mistakes.

The way senior solicitors and partners handle mistakes can significantly influence how junior solicitors perceive the support they receive in their personal and professional development. While some solicitors may view mistake-making as a natural part of the learning process, others see mistakes as unacceptable and indicative of incompetence, which creates an environment where junior solicitors do not feel supported. A graduate expanded on this idea:

I think on paper, it does sound like there's a lot of support. But I wouldn't say that I feel supported or valued as a person. Especially on days where you know you make a mistake, or you're not doing your best. Yes, there's support there to correct you and check your work and like make sure that the client gets the best work. But I'm not sure if that translates into support for that individual, or investment in that individual, as a person in any holistic or meaningful way. I think it's more like supporting you in the work product that you produce, rather than supporting you as a person who's on the team. (G02_W)

This account highlights the graduate's feelings of being unsupported and undervalued as a human and an employee. Participants perceived that this lack of investment in individuals created an environment where personal and professional growth was not adequately supported. The absence of this support contributed to individuals feeling isolated and disconnected from their work, which can negatively impact their performance and overall wellbeing. Moreover, in such an environment, power dynamics can come into play, where those with more power may feel less inclined to invest in those with little power, leading to a negative power-dependence dynamic. In this context, power may be defined as those who hold the decision-making authority or control over resources, such as access to mentors or training opportunities, that can facilitate individual growth and development. As a result, individuals who lack power may struggle to progress or feel valued in their team.

Another element contributing to power-dependence in the legal profession is the focus

on driving profits and expanding wealth. As one associate reflected on financial success and power, he shared the following observation:

The greed has been eye opening! I just actually didn't think that people could be that greedy. If you were earning good money already, and you were a great partner, and really successful, I probably would let everyone go home a little bit earlier. And not try and still maximise a little bit of profit. Yeah, it's just shocked me!
(A01_M)

The previous quote suggests that individuals who hold power and have achieved career success, particularly financial success, may prioritise profit over the wellbeing of others, such as allowing junior solicitors to leave work earlier. This demonstrates how power can lead to a focus on financial gain and a lack of consideration for the need and wellbeing of those dependent on that power.

Overall, the work culture in the legal profession is marked by power-dependence where individuals feel pressure to perform flawlessly and the fear of making mistakes can result in a culture of fear and an unsupportive work environment. Moreover, the focus on profit maximisation and what some individuals referred to as 'greed' can also lead to a lack of consideration for employee wellbeing and work-life balance.

The following subsection explores time-based billing and how this system perpetuates power-dependence.

6.2.2 Billable hours

Time-based billing is a crucial aspect of the work culture of the legal profession. Solicitors are expected to track their time in six-minute increments and bill clients for every minute of their work (Bill4Time, 2022). The hourly rate of each solicitor is calculated depending on the experience and expertise of the lawyer, as well as the complexity of the work being performed. Time-based billing is seen as the traditional approach to legal billing and is used at LawCo. During the interviews, many participants shared their views on time-based billing as it relates to influence and power-dependence.

One equity partner provided insight into how billable hours are used as a performance metric in the legal profession:

There's not that sort of hard target, in the way that I think some firms have... here, we track utilisation, and 100% utilised is seven and a half billable hours a day.
(EP01_M)

This participant continued the discussion by exploring how utilisation rates can impact

an individual's chances of promotion. The same equity partner also described the potential implications of low utilisation rates and suggested that such low rates may indicate a lack of trust from partners:

If you saw someone who is consistently like 60 or 70% [utilisation rate], and now being put up for senior associate, well, that's unusually low. So why is that? And why are we promoting this person? Because often an explanation for why someone is not utilised at 100% is, frankly, the partners don't trust them that much, so they don't give them as much work. (EP01_M)

Another participant argued that billable hours and billable targets place considerable pressure on solicitors. As noted by a senior associate, the potential consequences of not meeting expectations included being put on performance management programs or exclusion from future promotion discussions:

If you're fairly junior, there is pressure, or actually even if you're senior there is pressure put on you to actually increase your billable hours. And they will put you on performance management if you are underperforming. (SA08_W)

In contrast, the firm rewards solicitors who bill more hours and have higher utilisation. When asked 'How does the firm reward those that have high billable hours?' a senior associate reflected on the link between the financial contributions of lawyers and higher salaries, bonuses, and equity shares:

The most obvious way is definitely going to be higher salaries, higher bonuses, I can only assume at the partner level, probably higher equity share. I think, at a more subtle level, I think there is definitely a link between bringing those fees in and the power and influence among the partnership. When you're a solicitor it does feel like the partners that have very big practices seem to have a bit more sway. (SA14_W)

This idea was supported by another senior associate who also equated the 'capacity to bill' as a qualifier for power:

The capacity to bill a lot for partners seems to be a very big determinant of what power they have within the partnership. So, partners who bill the most money to clients are the ones who seem to have the political power. (SA03_M)

The two previous interview excerpts highlighted the connection between billable hours and power where partners who bill more hours have more influence in the firm. Continuing with the theme of billable hours and incentives, the following participant account from a senior associate sheds light on how the business incentives of law firms can drive solicitors to work very long hours:

The business incentives are aligned to have lawyers work as much as they can, because that ultimately will lead to greater profits for the firm, and therefore, for the partners. (SA01_M)

Additionally, interviewees indicated that the partners' responsibility is to ensure junior solicitors are engaged and fully utilised, driven by the goal to maximise profits for the firm. As one equity partner put it:

It's always been perceived as being incumbent on the partners to find work for the lawyers to do. They're expected to win the work. It's about the partners managing the team efficiently so that everyone's got enough work.

I think there's increasing pressure in terms of profitability to say, we need to make sure that everyone is engaged, there are some people who you never have a problem with, they're always 150% utilised. But there are people who are seemingly underutilised, why is that? And is there something we can do about that? (EP01_M)

As the previous excerpt reveals, another factor that contributes to power-dependence in the legal profession is case allocation. Junior solicitors depend on their partners to provide work through bringing in clients and cases, which means they rely on the partners for their income and job security. If a partner decides to allocate less work to a particular junior solicitor, that solicitor may have lower billable hours which in turn will negatively impact their income and job security. The dependence of junior solicitors on partners for work allocation creates a power dynamic in which the partners hold significant influence and control over the junior solicitors' success.

The demands of billable hours can also make it challenging for solicitors to engage in other professional development activities necessary for career progression, such as networking events, voluntary committees, business development, and leadership training. As shared by a senior associate:

For senior associates, it's 7.5 billable hours a day. That's quite huge. Any time we spend on learning, anything we do even on business development, if I have a client lunch that is on top of that... If I do projects, all of that, that's all on top of what my actual billable work is.

Even in my team I find it really hard to get them involved in some of this additional stuff, because for them, it doesn't make any sense. Like why would you if you're supposed to be doing 7.5 hours, you'd rather go home and actually spend your time with family and friends, rather than actually putting in extra hours for something that you're not compensated for and it's on top of your billable hours. (SA08_W)

An analysis of the data shows that the legal profession is characterised by a complex

system of incentives reinforcing power-dependence between senior and junior lawyers. The pressure to maintain high utilisation rates and meet billable hours targets can create a sense of urgency and competition in firms. This pressure can lead to imbalances within the firm, such as a lack of professional development support and limited career progression opportunities. Additionally, the link between profitability and compensation for partners can lead to a focus on short-term gains rather than long-term sustainability, which can further exacerbate power imbalances and reinforce a culture of overwork and burnout.

6.2.3 Exchange of resources and reciprocity

Reciprocity is an essential aspect of resource exchange in power dynamics and power-dependence theory. In the context of the legal profession, junior solicitors may feel obligated to reciprocate the favours or opportunities afforded them by senior associates or partners. This can create a power dynamic in which the junior solicitor depends on the senior associate or partner for career advancement or other resources, leading to a sense of indebtedness and the need to reciprocate somehow (Molm, 2010).

Many participants felt pressure to exhibit loyalty and hard work in return for mentoring, career advice, or favourable case assignments. When asked ‘After receiving support do you think there was anything expected in return?’, responses included ‘I receive a lot of support, and therefore I want to really do a good job’ (A07_M); ‘I suppose loyalty...I suppose an expectation that when they asked me to do something, I would always be willing to do it, and more motivated to work harder for them’ (SA03_M); and ‘always expecting hard work’ (SA09_M).

In all instances, the expectations of reciprocity were never explicitly discussed between individuals, in either the more or less powerful position. Instead, it was an implicit understanding that junior solicitors needed to work hard and remain loyal to senior solicitors in return for mentoring and career advice.

Senior associates and partners also supported the view that they expected junior solicitors to respond with hard work, dedication, and loyalty in exchange for mentoring and other professional support. As explained by a senior associate:

I don’t know that I have ever thought consciously when I was helping other people out that I would expect them then to be more loyal or to help me out. But I think that must be part of the motivation. (SA03_M)

The implicit expectations in the legal profession affect both the work culture and

gendered power dynamics in private practice law firms. First, these implicit expectations reflect the prevailing work culture, which emphasises long hours, dedication and loyalty as indicators of commitment and success. The expectations of hard work and loyalty in exchange for mentoring and career advice reinforce the notion that individuals must demonstrate their value and dedication through their professional performance. This work culture can contribute to a high pressure environment where long working hours and intense workloads are normalised, potentially leading to work–life imbalances and mental health and wellbeing issues.

Second, when considering gendered power dynamics, these implicit expectations can intersect with existing gender biases and stereotypes, where women in the legal profession may face additional pressures and challenges due to gendered expectations and caring responsibilities. Importantly, participants recognised that power-dependence could create a dynamic of power imbalances contributing to discrimination, harassment and inequality. One participant described how her supervising partner used his position of power to make inappropriate and uncomfortable advances towards her, such as spending time alone and making sexually explicit comments:

My supervising partner used to say really bad things to me all the time and made me feel really uncomfortable. He used to want to get me alone. We went on lots of business trips together and he would be like, ‘let’s go for a walk after dinner’. Just things that made me feel really uncomfortable. He’d say really gross things, tell me stories that were like sexually explicit, then you know, he’d say ‘it’s just a joke’. (SA04_W)

The senior associate’s experience of harassment from her supervising partner is a disturbing example of power-dependence in the legal profession. The partner’s behaviour is clearly an abuse of his power, creating an uncomfortable work environment for the junior lawyer. The participant continued by describing feeling confused and unsure how to react, highlighting the difficulty in speaking out against powerful individuals:

It just becomes part of the day and the relationship, the connections with people, it all melts into one, and it’s very confusing. When you look back, and I think as you grow up as an adult, you think that was just not okay. But at the time you just think it’s funny, or, you know, I can’t complain, or is it really bad? And well, you know, should I be worried about that? But there’s definitely many, many moments where I was very uncomfortable. (SA04_W)

This experience shows how the power imbalance between superiors and subordinates can lead to exploitation, where the partner used their position to justify their behaviour as a joke. Previous research confirms that harassment and other forms of abusive behaviour are

often perpetuated by individuals in positions of power, typically men, towards those in less powerful positions, often women (Lopez et al., 2009). This creates a gendered power dynamic, where those in power use their influence to control and exploit those in less powerful positions. In this way, power-dependence theory explains how gendered power dynamics contribute to harassment and other forms of abusive behaviours in the workplace. In fact, it may be argued that it is precisely because of power-dependence that these types of behaviours flourish.

The experiences shared by participants in the previous examples shed light on the pervasive issue of power-dependence in the legal profession. The examples of long work hours, pressure to conform to a particular work culture, and inappropriate behaviour from partners highlight how power dynamics can negatively impact junior lawyers.

Furthermore, the implicit nature of these expectations can hinder open discussions and negotiations, making it difficult for individuals to advocate for their needs and preferences, which may impact the career trajectories and opportunities available to them, especially if they feel constrained by the unspoken expectations and fear the consequences of not meeting them. The following section explores specific outcomes of implicit expectations and power-dependence through imbalanced work relationships, pressure to conform, and personal sacrifices.

6.3 Outcomes of power-dependence

The theme of outcomes of power-dependence explores participants' experiences related to their relationships with more powerful individuals, the influence of gender or cultural diversity on career trajectories, and the personal sacrifices they made in pursuit of professional advancement. These topics are important for understanding the under-representation of women at the top of the organisational hierarchy because they shed light on the systemic barriers and challenges that women face in their career progression. This understanding can help inform efforts to address and overcome these barriers, promote gender equality, and foster a more inclusive and diverse legal profession.

Notably, participants perceived that power-dependence in the legal profession could lead to several outcomes that affect individuals and the overall dynamics in the profession. Some of these outcomes included imbalanced work relationships, pressure to conform to professional norms and personal sacrifices. The following subsections examine each of these outcomes.

6.3.1 Imbalanced work relationships

As presented in Chapter 4, many participants viewed gaining control over their work schedules, client assignments and team composition as a positive outcome of having power. Conversely, power-dependence negatively affects the decision-making autonomy of individuals in subordinate positions. Those in positions of power retain the authority to make key decisions, such as case assignments, resource allocation and strategic direction. Participants observed that power-dependence in the legal profession creates imbalanced work relationships, where individuals occupying subordinate positions are disproportionately affected by the authority and control of those in positions of power. This subsection examines limited decision-making autonomy and challenges in communication and collaboration that arise due to power-dependence.

One senior associate emphasised the absence of personal control and predictability over their schedule. In the following quote, she shared how a lack of visibility regarding free time made it impossible to schedule activities on weekdays due to unpredictable work demands:

Aside from the time commitment itself is the lack of control and visibility on when you will have free time or when you'll be able to rest. For example, this year, the firm was closed for two weeks, and I had to work one of the weeks because even though the office was closed, there was some urgent stuff that a client needed. Last year, I worked on New Year's Eve because again, some random thing cropped up that needed to be dealt with.

So, I could never, for example, book a tennis lesson or something or anything regular that had to happen at a time on a weekday because I never have any visibility on when I will be able to do things on weekdays. (SA07_W)

Some participants also expressed frustration with the lack of control they had over the work they were allocated. The following account sheds light on the nature of work undertaken by graduates and associates at LawCo, and other commercial law firms, which often involves tasks that they considered 'menial':

A lot of what graduates and junior lawyers do at large commercial firms is quite menial, quite document based, that sort of thing. And I have at times worked very long hours. (A04_W)

Despite frustration with a lack of control over their work schedules and assignments, interviewed solicitors did not feel they had the freedom to express their concerns. As such, power-dependence can constrain the voice and agency of individuals in subordinate positions. Moreover, a power imbalance may silence the voices of power-dependent individuals and hinder their ability to contribute meaningfully to decision-making processes.

A graduate reflected on her fear of speaking openly about the challenges and issues in the legal profession, suggesting a power-dependence dynamic that discourages open dialogue and criticism. This graduate argued that a lack of voice and meaningful discussions around critical issues was a broader problem in the industry and not specific to LawCo:

I am still scared that someone will find out that I'm saying these things [meaning in this interview]. I think there isn't a space in LawCo to be having these tough conversations. And I'm not saying that LawCo as a firm is doing something terrible. That's definitely not what I'm saying at all. Because I know for a fact that I have friends and other firms who are having it even worse. I don't think this is an institution specific problem, it's a problem in the profession. (G02_W)

The experiences shared by participants indicate that individuals without power fear that expressing dissenting opinions may result in repercussions or retribution from powerful individuals or the firm. This reluctance to voice alternative viewpoints may stifle open dialogue, innovation, and the exchange of diverse perspectives in the workplace. As a result, power-dependent individuals may experience limited opportunities for professional growth, skill development, and the ability to contribute their unique insights and expertise to the legal team. Accordingly, a lack of diversity will ultimately hurt an organisation, as described by a senior associate:

I think studies have shown diversity of thought, diversity of person, right, whether from religion, sex, you know, belief, culturally, whatever type of diversity, ultimately will benefit your company. (SA10_W)

The hesitancy to express dissenting opinions and the subsequent limitations faced by power-dependent individuals in terms of professional growth and recognition underscore the importance of addressing diversity in hiring and promotion practices. Previous research has shown that organisations benefit in several ways by embracing diversity in hiring and promotion practices. For example, enhanced creativity and innovation, expanded talent pool, improved decision-making, increased adaptability and agility, and enhanced reputation and stakeholder relationships (Boulouta, 2013; Conyon & He, 2017; Hoobler et al., 2018; McKinsey & Company, 2007; Law Society of New South Wales, 2021). Overall, embracing diversity in hiring and promotion practices not only fosters a more inclusive work environment but also drives organisational success by leveraging the benefits of diverse perspectives, talents, and experiences.

The following subsection further explores the lack of diversity and pressure to conform as an outcome of power-dependence.

6.3.2 Pressure to conform

Power-dependence in the legal profession creates a dynamic where individuals in subordinate positions often face significant pressure to conform to the expectations and behaviours set by those in power (Brass, 2017). This subsection explores the impact of power dynamics on individuals' need to conform, examining the influence of organisational culture, professional norms, and social expectations on power-dependent individuals. It also discusses the potential consequences of conforming to these pressures, including the erosion of personal values, diminished individuality, and the perpetuation of systemic inequalities.

As with all professional contexts, norms in the legal profession can exert considerable influence on power-dependent individuals, shaping their behaviour, beliefs and career trajectories (Aiken & Regan, 2016). These norms often reflect historical power structures and traditions favouring specific demographics and perpetuating systemic inequalities. As presented in Chapter 5, 'outsiders' in the profession are individuals who do not typically match the traditional or dominant norms, including women, racial and ethnic minorities, and individuals from non-elite backgrounds. Importantly, participants expressed that deviation from the norms restricted access to power and increased power-dependence.

A senior associate who identified as being culturally diverse explained that some individuals in the legal profession often face limitations and predefined expectations based on their individual characteristics:

People get pigeonholed into particular conceptions of what kind of future or the role within particular teams they'll have. Some personalities we more readily identify as 'leadership material' or kind of suitable to be entrusted with the power in the firm. Undoubtedly, there is a cultural and gender dimension to that. It's also just kind of a common perception of what people are capable of. (SA01_M)

This example alludes to the larger issues of limited opportunities, biased perceptions, and systemic inequalities in the legal profession. The interviewed senior associate suggested that individuals are often restricted to specific roles and career trajectories based on preconceived notions and stereotypes. The mention of certain personalities being more readily identified as 'leadership material' or suitable for positions of power highlights the existence of implicit biases and assumptions about who is deemed capable or deserving of advancement.

This account also touches on the presence of cultural and gender dimensions in shaping these perceptions and limitations by suggesting that cultural norms and gender biases play a role in determining the opportunities and power dynamics in the firm. Overall, the quote points

to the larger issues of unequal access to opportunities, limited career mobility, and the perpetuation of biases and stereotypes in the legal profession, which can hinder diversity, inclusion and overall professional growth. As a result, there is a power dynamic where individuals who do not conform to professional norms have reduced access to power and become more dependent on powerful individuals.

The senior associate quoted previously remarked on concerns his father had when he told him he was entering the legal profession, due to his non-Anglo cultural background. Similar worries regarding professional progress and success were supported by other participants who identified as being culturally diverse (non-Anglo):

My dad told me to be somewhat cautious, just on the basis that he knew he had no legal background, or even very limited interactions with any kind of professionals. His perception was that it was, 'like a white man's profession'. His fear was that there was always going to be a limit on how far I could progress. And when I'm having conversations with younger lawyers, of non-white background... I know for a fact that they kind of have a similar perception that it's not clear to them whether there is a pathway for them going forward. (SA01_M)

The pressure to conform in power-dependent relationships can have several consequences, both on an individual and systemic level. Conforming to the expectations of those in power may lead to the erosion of personal values and compromising one's authentic self. Additionally, perpetuating conformity may reinforce existing power structures and systemic inequalities, hindering efforts to create a more inclusive and equitable professional environment. A senior associate described this perpetual cycle:

Ultimately, I guess you keep fighting against the same kind of barriers, and to really address that kind of diversity issue we need more sustained systemic change... it's gonna be hard to break a cycle where some people have a vested interest in making sure the system stays the same because it serves their interests, or at least the group's interests. (SA01_M)

This account underscores the connection between power-dependence and the perpetuation of barriers to diversity and systemic change in the legal profession. The participant suggested that sustained and systemic changes are necessary to address the lack of diversity. However, breaking this cycle is challenging because some individuals are motivated to maintain the status quo, which serves their own interests. This resistance to change creates a power dynamic that hinders diversity and makes it difficult for powerless individuals to gain power.

6.3.3 Personal sacrifices

One significant outcome of power-dependence is the prevalence of personal sacrifices made by those reliant on individuals in positions of power. This subsection examines the nature of personal sacrifices in the legal profession, exploring how power dynamics contribute to relinquishing personal time, limited work–life balance, and compromised wellbeing.

Notably, participants frequently found themselves compelled to relinquish their personal time to meet the demanding expectations of those in positions of power. Numerous studies have shown that solicitors feel pressure to work long hours, prioritise billable tasks, and demonstrate an unwavering commitment to their work, which often results in sacrificing leisure activities, hobbies, and quality time with family and friends (Bacik & Drew, 2006; Chan et al., 2014; Thornton, 2016a). Moreover, the relentless pursuit of professional success takes precedence over personal wellbeing and the pursuit of a balanced lifestyle. As expressed by an associate:

I think that I feel overextended a lot of the time because I do try to strive for excellence in what I do at work and wanting to be on the best matters and not wanting to say no to work. (A02_W)

A majority of the 32 interview participants described how the professional obligations and expectations set by those in power often overshadowed personal needs, making it challenging to allocate time for self-care, family responsibilities, and non-work-related activities. As such, the imbalanced power dynamics seem to contribute to a limited work–life balance for power-dependent individuals.

One senior associate remarked on the personal sacrifices she made concerning time with family and friends:

I have definitely made sacrifices in terms of time with family and friends. There were some very busy years there where my husband and I were probably ships passing in the night. (SA14_W)

Other participants shared similar accounts of the impact of demanding work schedules on various aspects of their personal lives, particularly relationships with family and loved ones. One senior associate emphasised the lack of time as a significant constraint, leading to sacrifices in relationships and missing important activities and events:

I think there's just not enough hours in the day. I think sacrifices, like your relationships suffer, missing out on things, small things, cancelling holidays and things like that. (SA04_W)

Another senior associate highlighted sacrificing time with his spouse in exchange for professional growth:

I've given up stuff outside work. So like time with my wife or with my family, to be here. So the time that I've contributed to this place it's helped with getting promotions. (SA03_M)

A third senior associate focused on missed time at home, underscoring the impact of long work hours on the dynamics of her personal relationships:

Personally, I sacrifice a lot of time with my family. I don't have any children, but I have a husband and we haven't eaten dinner together on a weekday in the last decade. We don't interact with each other much at all really on weekdays, we only really interact on the weekend. (SA07_W)

While all three of these participants address the sacrifices made in their personal lives, they differ in their specific focus and the nuances of the sacrifices mentioned, providing a varied perspective on the impact of power-dependence and the demanding work environment in the legal profession.

Imbalanced work relationships stemming from power-dependence were also shown to have detrimental effects on the wellbeing and professional satisfaction of individuals in subordinate positions. Graduates and associates frequently expressed that the pressure to meet the expectations set by those in power had led to heightened anxiety, emotional exhaustion, and a decline in overall wellbeing. The following remark depicts significant anxiety experienced by a graduate during their first year at LawCo. This example also underscores an absence of support and potential negative repercussions that can arise from acknowledging vulnerabilities in a demanding professional environment:

I was the most anxious I've ever been in my life. It was my first six months working as a lawyer and I didn't get any support for that at all. In fact, when I raised the fact that I knew that I wasn't performing my best because I was anxious it led to my probation period being tested... where I basically had two weeks to make sure that my performance was up to par... And so, it's kind of the opposite of what I'd hoped to get. (G02_W)

This account illustrates the power dynamics at play in the legal profession, where powerful solicitors hold the authority to evaluate and make decisions that can significantly impact the careers of junior solicitors. This imbalance of power and the dependence it creates can contribute to a challenging and potentially stressful professional environment for individuals who do not hold power. The following interview excerpt builds on this perspective and delves into an associate's personal journey to better understand power and undo his

position of dependence:

I see a psychotherapist twice a week, and one of the main reasons why I started seeing my psychotherapist was because of my feeling of lack of power, and to deal with my attitudes towards power. I don't like how I've seen others use power, so I don't necessarily want power. (A01_M)

In contrast to the experiences of power-dependent graduates and associates, a special counsel with greater access to power shared her experience of receiving support when experiencing anxiety. She shared a time when 'juggling work, life, kids, etc.' led to a mental health crisis:

My legal assistant was brave enough to say, 'Is everything all right?'. That helped me get my shit back together. I think that it's a reflection of a greater degree of awareness within law firms and within society. The change over the last 10 to 15 years in terms of feeling comfortable saying, 'I'm not in a great place at the moment, I need to put this down and have two or three nights of proper sleep. And then I'll pick it back up again'. That's come so far! It's so much better than it was back when I was a young solicitor, and feeling like I couldn't say anything to anyone, because it would be a sign of weakness. And that's genuinely how I felt back then. (OC01_W)

This example illustrates the positive impact of a supportive work environment on individuals' wellbeing and ability to cope with the pressures of their professional roles. In many cases, there is a perception in the legal profession that expressing vulnerability would be seen as a weakness. However, the quoted special counsel acknowledges that she has seen progress over the years with an increase in understanding and acceptance of mental health and work-life balance. This shift in attitudes and the recognition of the importance of wellbeing can contribute to a healthier and more productive work environment for power-dependent lawyers, ultimately improving their overall professional outcomes and job satisfaction.

6.4 Conclusion

This chapter has shed light on the complex dynamics of power-dependence in the legal profession, by offering valuable insights into how it is experienced, the contributing factors, its consequences for individuals at work and beyond it, and the profession itself. Guided by power-dependence theory, and the third research question, How is power-dependence experienced in the legal profession?, this research has revealed that power is not solely derived from individual attributes or hierarchical positions but is also contingent on the dependency of others. Furthermore, this chapter has explored the various factors influencing the degree of power-dependence between individuals or groups.

The analysis of the two main themes, experiencing power-dependence and outcomes of power-dependence, has provided a comprehensive understanding of the manifestations and effects of power-dependence in the legal profession. By examining the experiences of individuals and the elaborate power dynamics at play, this research has highlighted the challenges power-dependent individuals face. The findings have underscored the imbalanced work relationships, limited autonomy and control, personal sacrifices, and professional growth constraints that arise from power-dependence.

This chapter has contributed to the literature on gendered power dynamics in the legal profession by uncovering how women solicitors are impacted by power-dependence. The research has revealed that imbalanced work relationships and limited autonomy can perpetuate gender disparities, hinder career progression, and contribute to professional inequalities. The next chapter presents a comprehensive discussion that incorporates all the findings from this study.

Chapter 7 – Discussion: Power and gender inequality

7.1 Introduction

This study aimed to illuminate the landscape of gender inequality that is prevalent in the legal profession, and it underscores the significance of power as a central determinant of gendered vertical stratification and horizontal segmentation. Understanding the mechanisms of power acquisition and power-dependence is vital for uncovering and addressing the root causes of gendered vertical stratification and horizontal segmentation in the legal profession. By highlighting the role of power-dependence in women's under-representation in partner positions, this study demonstrates that individuals' access to resources, opportunities and career advancement is contingent upon their ability to navigate the power dynamics of the legal profession.

This investigation builds on existing research by exploring the concept of power, including defining power, sources of power, and power-dependence to gain comprehensive insights into the complex gendered power dynamics in the legal profession. The research departs from previous approaches by providing a deeper understanding and, importantly, a gendered perspective on the dynamic relationship between power and autonomy in the workplace. This thesis represents one of just a handful of studies that foregrounds gender in the analysis of power-dependence and, in so doing, shines a light on the intricate ways in which power-dependence shapes gendered experiences and outcomes in the legal profession.

The study's key findings shed light on the participants' perspectives on power, its sources, and the consequences of power-dependence by demonstrating that the careers of women and culturally diverse solicitors are being impacted by their dependence on powerful individuals. The findings were presented in the three preceding chapters, and this discussion chapter analyses and interprets the results for the four primary research questions:

RQ 1 How is power defined in the legal profession?

RQ 2 What are the sources of power in the legal profession?

RQ 3 How is power-dependence understood in the legal profession?

RQ 4 In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession?

This study finds, first, that power was recognised as influence; second, that power was acquired through hierarchical position and strategic actions; and third, that power-dependence was experienced through work culture, the operation of billable hours, and the exchange of resources between individuals. This chapter presents a synthesised discussion of these findings and expounds on four key contributions.

In addressing RQ 1 How is power defined in the legal profession?, this study makes a significant contribution to the understanding of the relationship between power and autonomy in the legal profession. Specifically, this study showed that autonomy was viewed by lawyers as a valuable resource which increased with power and allowed individuals to control aspects of their work, such as where and when work was conducted, case allocation, and team assignments. Inquiry into RQ 2 What are the sources of power in the legal profession? led to two significant findings that build on and expand the insights of the extant research. First, powerful partners were seen by lawyers to act as gatekeepers to power, which left promotion decisions susceptible to biases and favouritism in law firms and practice areas. Second, the persistence of ‘insiders’ and ‘outsiders’ constructed by adherence to prevailing professional norms demonstrated how power imbalances are perpetuated and how certain individuals, particularly women and culturally diverse solicitors, may be systematically disadvantaged in their pursuit of career progression and power. In answering RQ 3 How is power-dependence understood in the legal profession?, numerous important outcomes of power-dependence were identified that have previously been under-explored: imbalanced work relationships; pressure to enact professional norms; personal sacrifices; and redefining career success. Finally, RQ 4 In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession? brings together the impact of power acquisition and power-dependence on gender inequality in the legal profession.

By examining these core aspects of power acquisition and power-dependence, this discussion chapter provides a comprehensive understanding of gendered vertical stratification and horizontal segmentation in the legal profession, specifically focusing on the dynamics of power-dependence and gendered inequality. This chapter answers the guiding research questions and then examines the four significant contributions made in the study.

7.2 How is power defined in the legal profession?

Consistent with Salancik and Pfeffer’s (1977) conception of power, this research shows that lawyers recognised power as being synonymous with influence. Furthermore, they

described power as contextual and contingent upon the specific relationships in the law firm. Individuals understood that power dynamics could shift, and that maintaining power required ongoing effort and adaptation in the form of networking and rainmaking. This recognition prompted them to be attuned to changes in their environment such as identifying opportunities for strategic alliances and collaboration and proactively seeking mentorship and sponsorship from influential individuals in the firm. This ensured they could effectively navigate and leverage the evolving power structures in their legal organisations, ultimately facilitating their professional advancement and success in the dynamic legal landscape.

Additionally, participants emphasised the importance of staying informed about the shifting dynamics of power in the organisation and the broader legal profession and industry in order to anticipate and respond to changes effectively. They recognised that building and leveraging relationships was crucial for maintaining and increasing their power and for advancing their careers. Consequently, participants engaged in various networking activities, attended industry events, and participated in business development efforts motivated by a desire to strengthen their professional connections and expand their sphere of influence. This proactive approach to navigating power structures highlights the strategic and dynamic nature of power in the legal profession.

7.2.1 The interplay between power and autonomy

Closely related to participants' definition of power was the acknowledgement that career success leads to the acquisition of power, which offered senior solicitors increased autonomy and control over when and how their work was completed. Notably, this study has successfully revealed a significant relationship between power and autonomy in the legal profession, illuminating how the acquisition of power is entangled with the ability to exercise greater control over one's work, decision-making, and work–life balance. This study aligns with existing research on power and autonomy in the legal profession by confirming the importance of power in determining the level of autonomy individuals can exercise. Similar to previous studies (Anderson & Brion, 2014; Bacharach, 1980; Pfeffer, 1981), the findings indicate that individuals in higher positions of power have greater control over work assignments, decision-making, and work–life balance. The alignment with extant research reinforces the understanding that power is a critical determinant of autonomy in the legal profession. At the same time, this study adds nuance and depth to the existing body of research by examining the different dimensions of power and autonomy and their interplay. Rather than

viewing power and autonomy as separate dimensions, this research explores their dynamic relationship and how power-dependence influences the distribution of autonomy in a private practice law firm. By recognising that the type of career success pursued by individuals affects their access to power and autonomy, the study reveals the complexities of power dynamics in the legal profession. This insight sheds light on the various avenues solicitors can pursue for career success and underscores the consequences of power-dependence on their autonomy.

This study adds to the extant research by delving deeper into the role of power-dependence in shaping the distribution of autonomy in the legal profession than other scholars have attempted. While previous research has explored the connection between power, career success and autonomy (Abele & Spurk, 2009; Judge et al., 1995), this study specifically investigates how power-dependence impacts career success and autonomy in the legal profession. It uncovers that individuals' understanding of power as a means to achieve specific career goals, such as work-life balance, highlights power's nuanced and context-dependent nature in the legal profession. This contributes an expanded understanding of power and autonomy in the legal profession by shedding light on the dynamics of power-dependence that underlie the attainment of career goals.

The study's findings align with several aspects of power-dependence theory (Emerson, 1962), which posits that power imbalances in organisations affect the control and allocation of resources. This approach starts from the premise that individuals or groups with control over critical resources hold power over those people who are dependent on access to these resources. In the legal profession, powerful individuals or partners often have significant control over key resources such as client relationships, high profile cases, and access to influential networks. As a result, they exert considerable influence over the allocation of opportunities, work assignments, and career advancement prospects. In contrast, junior solicitors or those without significant power may find themselves dependent on the decisions and directives of more powerful partners, limiting their autonomy and decision-making authority. The alignment between the study's findings and power-dependence theory reinforces the notion that power dynamics significantly impact the distribution of autonomy in organisations, creating disparities in how individuals experience decision-making authority and control over their work and agency in the legal profession.

This research underscores that power and autonomy are intertwined, creating something of a double bind for women lawyers striving to advance their careers. Because, as this study has shown, autonomy is contingent on the acquisition of power, women may find

themselves in a Catch-22 situation, where they cannot access the autonomy needed to be successful and influential without first obtaining positions of power. However, due to existing gender biases and structural barriers, they may face challenges in attaining such positions, thus perpetuating their exclusion from the highest echelons of power.

This double bind helps expose why, despite increasing numbers of women entering the legal profession, women remain under-represented in positions of hierarchical power contributing to the vertical stratification and perpetuation of gender imbalances in the industry. Consequently, women's ability to achieve career success and gain autonomy over their work is hindered by the need to overcome existing gender biases and structural barriers that impede progression to higher levels of power and leadership in the legal profession. This study highlights the significance of addressing systemic barriers that impede women's progression to higher levels of power as they endeavour to secure autonomy.

The insights into the interplay between power and autonomy in the legal profession produced in this study provide valuable knowledge for organisations seeking to promote diversity and create more equitable workplaces. By understanding the relationship between power, autonomy and gender dynamics, legal firms can implement targeted strategies to cultivate a more inclusive environment that empowers all employees, irrespective of gender, to thrive and contribute meaningfully to the profession's success.

7.3 What are the sources of power in the legal profession?

This study aligns with research by Molm and Hedley (1992), in that participants in this study commonly categorised structural power as being based on seniority and hierarchical standing. In parallel, instances of strategic power acquisition, as articulated by the participants, encompassed calculated actions undertaken to amass experience and exposure. These actions included mentorship, engaging in stretch assignments, collaborating with multiple partners, providing assistance to colleagues, and expanding networks of clients. Notably, organisational power distribution is influenced by a combination of strategic behaviours and structural components (Brass & Burkhardt, 1993).

In answering the research question on the sources of power in the legal profession, participants acknowledged barriers that limited their access to hierarchical and strategic power. Two significant barriers included the role of powerful partners as gatekeepers and the persistence of 'insiders' and 'outsiders' in the legal profession. The following subsections discuss these findings as they relate to, build on, and deviate from existing research.

7.3.1 Powerful partners as gatekeepers

The second noteworthy contribution of this study centres on the pivotal role of powerful partners in shaping the career trajectories of junior solicitors. As detailed in Chapter 5, the findings highlighted that junior solicitors working for powerful partners enjoyed enhanced opportunities for career advancement. This phenomenon is a direct function of the distribution of power in legal organisations, where individuals at the top of the hierarchy wield the authority to confer power to handpicked members of their teams.

This finding confirms and extends prior research showing the relative nature of structural power in the organisational hierarchy. Consistent with prior research, this study reaffirms the argument that women in the legal profession often find themselves in positions of dependence due to the lower relative representation of women at the top of the hierarchy (Bolton & Muzio, 2007; Kay & Gorman, 2008; Sommerlad, 2016). This inequality perpetuates a cycle where individuals who do not work for powerful partners were perceived as less likely to be promoted. Social networks and power dynamics play a pivotal role in shaping career opportunities, with women, who are frequently excluded from traditional male-dominated networks, facing a disadvantage in building the necessary connections for career advancement.

This study adds nuance and depth to the existing research by unravelling the mechanisms through which powerful partners exert their gatekeeping role. While prior studies have acknowledged the importance of mentorship and sponsorship, this research examines the specific actions and choices made by powerful partners that significantly impact solicitors' career advancement. For example, junior solicitors rely on powerful partners to champion them during meetings considering promotions. Moreover, the study revealed the complexity of power dynamics, revealing how gatekeeping decisions are not only tied to mentorship but also encompass factors such as international assignments, networking, and strategic work and career choices. This nuanced perspective adds layers to the understanding of power sources and structures in the legal profession, emphasising the multifaceted nature of gatekeeping and its implications for career progression.

The research departs from the extant literature by focusing explicitly on the gatekeeping role of powerful partners as a key determinant of career advancement for professionals. While prior research has explored mentorship and sponsorship (Mobley et al., 1994; Riley & Wrench, 1985), the distinct departure here lies in the examination of *how* these powerful individuals shape access to the resources and opportunities essential for power accumulation. This deviation highlights the need to move beyond a generalised understanding of mentorship and

sponsorship to recognise the strategic and pivotal influence of specific gatekeepers. By centring on the role of powerful partners, this study provides a more targeted and precise examination of the mechanisms underlying career progression, departing from broader discussions to offer a focused lens on a crucial aspect of power dynamics.

In terms of theoretical relevance, this finding aligns with power-dependence theory in several ways while offering a nuanced perspective that adds depth to the theory. The findings align with power-dependence theory by illustrating how individuals in positions of power, in this case the powerful partners, have control over critical resources, such as mentorship, assignments and opportunities, that others desire. This control over resources grants them the ability to influence and shape the career trajectories of solicitors in large private practice law firms. The gatekeeping role of powerful partners exemplifies the central tenets of power-dependence theory, where those with control over resources wield influence over others, leading to power imbalances in organisations.

In accordance with power-dependence theory, this research introduces a different viewpoint that diverges from conventional conceptions of power attainment. It extends beyond a basic resource-oriented interpretation by highlighting the proactive and strategic decisions of influential partners functioning as gatekeepers. This departure highlights the dynamic nature of power-dependence relationships, where the gatekeepers' deliberate choices influence the career trajectories of solicitors. This approach underscores that power-dependence relationships are not solely based on the possession of resources but are also shaped by the strategic decisions made by influential individuals.

The implications of these findings on this power dynamic for gender equality in the legal profession are profound. The reliance on mostly men partners determine career advancement creates a potential disadvantage for women and culturally diverse solicitors. As gatekeepers of power, partners may unconsciously or consciously favour individuals with whom they share commonalities, perpetuating a homogenous leadership landscape. Consequently, women and culturally diverse solicitors may face challenges securing powerful mentors or encounter implicit biases that hinder their access to career-enhancing opportunities. As a result, the dependence on powerful partners to advance in the profession creates a systemic barrier for women and culturally diverse solicitors, further contributing to their under-representation among equity partners and other leadership positions.

The influence of powerful partners as gatekeepers to access to opportunities and career progression lays the groundwork for examining the persistence of 'insiders' and 'outsiders' in

the legal profession. Here, powerful partners hold considerable sway over the distribution of mentorship, advancement and structural power in law firms. This influence can create a dichotomy in the profession, where those considered ‘insiders’ benefit from influential mentorship and favourable career trajectories. At the same time, the ‘outsiders’ face barriers and limited access to resources. Understanding this division is crucial for comprehending the complicated power dynamics that shape the legal profession and contribute to the underrepresentation of women and culturally diverse solicitors in senior positions. The following subsection investigates the mechanisms perpetuating this divide and explores the implications for gender equality in the legal profession.

7.3.2 The persistence of ‘insiders’ and ‘outsiders’ in the legal profession

Closely related to the examination of sources of power in the legal profession is the third significant contribution of this study, which supports the view that the legal profession remains divided into ‘insiders’ and ‘outsiders’ based on adherence to prevailing professional norms. As illustrated in Chapter 5, the findings shed light on the enduring influence of these norms in shaping solicitors’ career trajectories and access to structural power.

The persistence of ‘insiders’ and ‘outsiders’ in the legal profession confirms power-dependence theory, which explains how power imbalances can arise from unequal access to resources and opportunities. This study extends this theory by examining the role of professional norms as a significant determinant of power-dependence in the legal profession. For example, solicitors who conform to the established norms are more likely to be considered ‘insiders’ and enjoy enhanced access to mentorship opportunities and career advancement. In contrast, those deemed ‘outsiders’ are disadvantaged, facing limited access to influential mentors and structural power. While the existing research on the legal profession has explored power-dependence and the impact on career advancement (Bergin & Jimmieson, 2014; Nickum & Desrumaux, 2022; Thornton, 2016b), this study has uncovered the role of professional norms in shaping power imbalances and access to opportunities.

Professional norms and their influence on career progression are not new (Aiken & Regan, 2016; Elliott, 1973; Kritzer, 1999; Pinnington & Sandberg, 2013). However, this study adds to the understanding of professional norms by providing a comprehensive analysis of how these norms create a reinforcing cycle of exclusion and marginalisation for women and culturally diverse solicitors. For example, previous research has highlighted the importance of mentorship and sponsorship for career advancement (Eby et al., 2008; Mobley et al., 1994;

Mundy & Seuffert, 2020; Ragins & Cotton, 1991; Reichman & Sterling, 2001). This study adds insight to reveal how mentors' selection of mentees based on similarity biases perpetuates inequality. This alignment underscores the enduring impact of social networks, mentoring relationships, and similarity biases on career advancement, reinforcing the notion that certain individuals are favoured due to their alignment with established norms and connections.

While in alignment with existing research, this study adds a layer of understanding by providing a comprehensive analysis of how 'insider' and 'outsider' dynamics perpetuate power imbalances and gender disparities in the legal profession. Unlike previous studies that may have primarily focused on the role of mentorship or networks, this study examined the complex interaction between professional norms, mentorship and the resulting power-dependence relationships. This nuanced perspective showcases that 'insiders' benefit from a cycle of reinforcement, further solidifying their advantageous position, while 'outsiders' face increased barriers to mentorship, career advancement, and access to influential networks.

The implications of this phenomenon for gender equality in the legal profession are deeply concerning. The reliance on professional norms as a basis for mentorship and promotion decisions perpetuates similarity bias, where individuals with shared backgrounds and characteristics are favoured. This similarity bias contributes to the exclusion of women and culturally diverse solicitors, reinforcing existing disparities in leadership representation.

The reinforcing cycle of similarity bias and exclusion has tangible consequences for women and culturally diverse solicitors. Limited access to mentorship and career-enhancing opportunities hinders women's progress up the organisational hierarchy, making it challenging to acquire senior positions and access structural power. As a result, women and diverse solicitors are further marginalised in leadership roles, perpetuating the homogeneity of leadership in the legal profession.

The existence of 'insiders' and 'outsiders' in the legal profession shows the need to address the barriers diverse solicitors face in accessing mentoring, professional networks, and structural power. To break the cycle of exclusion and disadvantage, proactive measures should be taken to diversify mentoring relationships and provide equal opportunities for all solicitors to develop connections with influential professionals. Creating networking events, affinity groups, and mentorship initiatives designed to foster relationships between insiders and outsiders can help bridge the gap and promote equal access to power acquisition. At the same time, partners and leaders in the legal profession should undertake bias awareness training to help recognise their own biases, and to become more mindful of how unconscious biases can

affect decision-making and behaviours. The next subsection examines the consequences, or outcomes, of power-dependence in the legal profession, including imbalanced work relationships, pressure to conform to professional norms, and personal sacrifices.

7.4 How is power-dependence understood in the legal profession?

In addressing the third research question, How is power-dependence recognised in the legal profession?, this subsection looks at the gendered dynamics of power-dependence in the legal context. As illuminated by the study's participants, power-dependence in the legal profession manifests through multiple conditions, including controlling essential resources, decision-making authority, and allocating rewards and opportunities.

Building on the examination of power-dependence in the legal profession, this study provides a significant research contribution by identifying four power-dependence outcomes: imbalanced work relationships, where the dynamics of authority and reliance shape interactions and opportunities; the pervasive pressure to align with established professional norms, often driven by the influence of more powerful individuals or groups; the personal sacrifices individuals may make to secure or maintain power, ultimately impacting their wellbeing and work-life balance; and a comprehensive redefinition of career success in the legal profession, which becomes intricately linked to power-dependence dynamics. This contribution offers a multi-layered understanding of the complex consequences of power-dependence, underscoring its profound influence on both individual experiences and the broader fabric of the legal profession.

The discussion in the following subsections aligns with and confirms several aspects of the existing literature on power-dependence and gender inequality. Specifically, the outcomes of imbalanced work relationships, pressure to conform to professional norms, and personal sacrifices resulting from power-dependence resonate with previous research on power dynamics in organisational settings (Brass, 2017; Elliott & Smith, 2004; Molm et al., 2007; Pfeffer, 1981, 1992) and the challenges faced by professionals in balancing work and personal life (Greenhaus et al., 2003; Kanter, 1977; Poelmans et al., 2008).

Confirming these experiences and outcomes adds depth and richness to the scholarly understanding of power dynamics in the legal profession and how they influence individuals' experiences and career trajectories. Importantly, this highlights the significance of power-dependence as a critical factor shaping the professional lives of junior solicitors and the dynamics in the legal profession.

Imbalanced work relationships. This research has demonstrated that power-dependence in the legal profession often leads to imbalanced work relationships between junior solicitors and their powerful mentors or partners. As discussed in Chapters 5 and 6, junior solicitors rely on these powerful individuals for access to valuable opportunities, support and guidance. This reliance creates a power dynamic where junior solicitors may feel obligated to comply with the wishes and preferences of their mentors, even if they do not agree with or support them.

The findings corroborate prior research themes by highlighting the power dynamics between junior and senior professionals, particularly in mentor–mentee or subordinate–supervisor relationships (Blickle et al., 2009; Eby et al., 2008). The alignment is evident as this study provides empirical evidence of imbalanced work relationships in the legal profession, substantiating and extending the discourse on power-dependence outcomes.

Adding a distinct layer to the existing research, this study introduces a specialised lens of analysis by focusing on the legal profession’s unique power-dependence dynamics. While previous studies have explored power imbalances in various settings, this research investigates gendered power dynamics and power-dependence in the legal profession. It unveils the nuanced ways in which junior solicitors’ reliance on powerful mentors or partners shapes their behaviour, choices and opportunities. This study enriches the understanding of imbalanced work relationships by pinpointing the legal profession’s specific power-dependence manifestations, expanding the discourse to encompass this professional context.

Importantly, this finding aligns with the concept of power-dependence theory, which emphasises the unequal distribution of power and resources in relationships by positing that individuals or groups with control over valuable resources wield influence over those who depend on them for access to those resources and desired outcomes (Molm et al., 2007). In the legal profession, this power imbalance can affect the quality of mentoring relationships and hinder the professional growth of junior solicitors. Women, in particular, may be more vulnerable to imbalanced work relationships due to gender biases and expectations that may dictate their interactions with powerful male partners (Aiken & Regan, 2016; Bolton & Muzio, 2007). This can also create scenarios where less powerful individuals are at risk of harassment and bullying.

Pressure to conform to professional norms. Another significant consequence of power-dependence in the legal profession was the pressure junior solicitors face to conform to prevailing professional norms. As presented in Chapter 6, the culture of long hours and

expectations of hyper dedication are prevalent in many law firms, creating a normative environment that rewards those who can adhere to these practices.

This finding resonates with previous research on organisational culture and power, emphasising how powerful individuals can shape and reinforce norms in a workplace (Pfeffer, 1981), as well as research on gendered organisations (Acker, 2012; Aiken & Regan, 2016), which examines how gender shapes the organisational culture, practices and power dynamics, leading to gender-based vertical stratification and horizontal segmentation in workplaces. For example, the seminal work of Acker (1990) argued that organisations are inherently gendered, with organisational practices and structures reinforcing traditional gender roles and stereotypes.

In the legal profession, the influence of powerful partners can create a culture of overwork, where junior solicitors feel compelled to work long hours to prove their dedication and commitment (Thornton, 2016b). Women, who often face the additional burden of societal expectations regarding caregiving and family responsibilities, may find it particularly challenging to conform to these norms and may be at a disadvantage relative to men as a result (Acker, 1990; Blair-Loy & Wharton, 2004).

Personal sacrifices. This research also demonstrates that power-dependence in the legal profession leads to personal sacrifices for many solicitors. As discussed in Chapter 6, the pressure to conform to professional norms and the demands of powerful partners can impede individuals' ability to maintain a healthy work–life balance, pursue personal goals, and engage in activities outside of work.

This outcome aligns with research on work–family conflict and the challenges faced by professionals in balancing their work and personal lives (Greenhaus et al., 2003; Kanter, 1977). Women, in particular, may experience additional pressures due to societal expectations and traditional gender roles (Aiken & Regan, 2016). The inability to achieve a satisfactory work–life balance may result in burnout and impact overall job satisfaction and career trajectories (Sommerlad, 2016). Importantly, the gendered perspective presented in this study provides empirical evidence to support and expand on existing theories and frameworks related to gender inequality in professional settings.

Departing from prior research, this study reveals how power-dependence directly influences personal sacrifices in the legal profession. While existing literature has explored the broader concept of power imbalances and their impact on work–life balance (Thornton, 2016a), this research uncovers the specific role of powerful partners and professional norms in shaping individuals' sacrifices. By focusing on a private practice law firm, the study captures the unique

dynamics contributing to solicitors' personal sacrifices, offering insights that may not be fully captured by more generalised research on power and work–life balance.

Redefining career success: A paradigm shift. Another notable outcome of power-dependence is an ongoing paradigm shift in how legal professionals define career success, leading to diverse perceptions of success beyond the traditional trajectory of becoming an equity partner. This transition marks a significant departure from the conventional notion of success, as junior solicitors now have alternative career pathways that align with their individual aspirations. Understanding this shift in career success definitions becomes crucial in examining how the legal profession adapts to accommodate various aspirations while acknowledging the complexities of power dynamics and their impact on gender-based vertical stratification in the profession.

Importantly, as legal professionals are reshaping their perceptions of career success, law firms are responding by introducing alternative career paths, challenging the traditional notion of success tied solely to equity partnership. As described in Chapter 5, law firms have embraced new avenues, such as non-equity partnerships and special counsel positions, which allow individuals to pursue their personalised ideas of career success. These alternative paths acknowledge the diverse aspirations of legal professionals, providing flexibility while recognising that success can be realised outside the confines of equity partnership. However, this shift also raises concerns about the potential impact on power acquisition, as some participants had less access to power as a result of these non-traditional career paths. As the legal landscape continues to evolve, it is imperative for law firms to carefully balance the promotion of individualised career trajectories with the maintenance of equitable power dynamics, ensuring that new avenues for success do not inadvertently perpetuate existing gender disparities.

The findings of this study align with existing research that explores the evolving definition of career success and the impact of alternative career paths in the legal profession. Previous research has highlighted the importance of understanding individualised notions of career success and the various factors influencing career satisfaction and engagement (Abele & Spurk, 2009; Eagly & Carli, 2018; Judge et al., 1995). Moreover, this study's emphasis on the interplay between power and career success resonates with Salancik and Pfeffer's (1977) conception of power as contextual and demonstrated within specific professional relationships.

While prior research has explored aspects of power and career success in isolation, this study uniquely integrates these themes and their complex interactions in the context of the legal

profession. By highlighting the redefinition of career success and its implications for power dynamics, this research offers novel insights into the nuanced connection between individual aspirations and institutional structures. Through its emphasis on the reshaping of career success and the ensuing ramifications for power dynamics, this research presented fresh perspectives, shedding light on the multilayered relationship between personal aspirations and organisational frameworks.

Importantly, these findings can positively and negatively impact women's access to power in the legal profession. The redefinition of career success and the introduction of alternative career paths offer potential benefits for women's access to power. By acknowledging that career success can be achieved through different routes, including non-traditional pathways like non-equity partnerships and special counsel positions, the legal profession provides more flexibility and opportunities for women to advance and exert influence. This shift may enable women greater opportunities to pursue leadership roles and decision-making positions that align with their individualised notions of success. It can empower women to pursue career trajectories that accommodate work-life balance, allowing them to exercise greater autonomy over their time and work arrangements. Furthermore, by valuing and supporting diverse career aspirations, law firms can create a more inclusive environment that attracts and retains talented women, fostering their progression to positions of power in the profession.

However, there are also potential negative consequences of alternative career paths for women's access to power. If the traditional equity partnership track remains the predominant pathway to the highest ranks of power in law firms, women may still face challenges in achieving parity with their male counterparts. The redefinition of career success might not fully address existing gender biases and structural barriers that hinder women's advancement to senior leadership roles. Overall, the introduction of alternative career paths has unintentionally led to a two-tiered system in law firms, where women and culturally diverse solicitors are more likely to be funnelled into non-traditional roles that may not offer the same level of power, influence, and advancement opportunities as equity partnership.

7.5 Conclusion

In conclusion, this discussion chapter has demonstrated how the research presented in the three findings chapters aligns, builds on and departs from the themes of the extant research. By examining the findings related to recognising power, acquiring power and experiencing

power-dependence, this research provided valuable insights into the dynamics that shape career trajectories and opportunities in private practice law firms and expanded on the relevant academic literature.

The findings of this study highlighted the persistent power imbalance in law firms, where structural power is concentrated among equity partners who hold senior positions in the organisational hierarchy. This power disparity has significant implications for women and culturally diverse solicitors, who often find themselves in positions of dependence on powerful individuals, limiting their access to power and opportunities for advancement. The reliance on mentoring and sponsorship relationships, which tend to benefit men more than women, further perpetuates these inequalities.

Moreover, this study reveals that power-dependence in the legal profession was influenced by work culture, billable hours, control of resources, and the distribution of rewards and opportunities. These factors create imbalanced work relationships, pressure to conform to professional norms, and personal sacrifices, disproportionately impacting women, and culturally diverse solicitors. Identifying the outcomes of power-dependence emphasises the need for systemic changes to address the underlying structural barriers and biases that hinder their career progression.

Theoretical implications of this research centre around power-dependence theory, as it provides a valuable lens through which to understand the experiences of individuals in the legal profession. The application of power-dependence theory contributes to our understanding of power dynamics, gender inequality and organisational dynamics. Additionally, exploring alternative career pathways challenges traditional notions of power acquisition and raises questions about the distribution and recognition of power in organisations.

The following chapter concludes the study, by synthesising and distilling the findings, discussions and insights garnered from the exploration of power dynamics and gendered vertical stratification in the legal profession. Building on the framework set by the preceding chapters, Chapter 8 presents the main messages, implications, and avenues for future research. It also reflects on the research objectives, broader implications of the study's findings, and underscores the significance of continued research in addressing gender inequalities and power imbalances in the legal profession.

Chapter 8 – Conclusion

8.1 Summary of research

This chapter presents the overall findings of the study and presents the answers to the four research questions. This study aimed to gain an understanding of the mechanisms through which power is recognised, acquired and experienced in the legal profession. Four primary research questions drove the investigation, each designed to unveil the dimensions of power-dependence and its impact on the professional experiences of solicitors:

RQ 1 How is power defined in the legal profession?

RQ 2 What are the sources of power in the legal profession?

RQ 3 How is power-dependence understood in the legal profession?

RQ 4 In what ways does the operation of power mitigate or reinforce gender inequality in the legal profession?

The literature review in Chapter 2 analysed research related to power recognition, acquisition and experience in the legal profession. A range of studies and seminal works were evaluated to shed light on how power has previously been conceptualised. A review of the existing research highlighted the complexity of power recognition and the need for further exploration into how power is defined in the legal profession.

By comparing various academic works and theoretical perspectives, the literature review illustrated that a complicated relationship exists between structural and strategic sources of power. Some individuals have greater access to structural power based on their adherence to masculine norms, while other solicitors may rely on strategic actions, leveraging personal skills and relationships to influence and gain power. By examining sources of power in the legal profession through the lens of power-dependence theory this thesis sought to uncover how different sources of power intersect with gender and contribute to vertical stratification and horizontal segmentation.

Finally, although there is a wealth of research on power, there is a lack of understanding of gender-based vertical stratification and horizontal segmentation in the legal profession. By examining the manifestation of power-dependence, the obstacles faced by under-represented groups, and the consequences of power disparities this thesis aimed to contribute to the ongoing conversation around diversity, equity and inclusion in the legal profession.

8.1.1 Research methodology and data collection

A qualitative case study research methodology was selected to answer the research questions, which involved 32 in-depth semi-structured interviews with solicitors from LawCo, a prominent international private practice law firm. The methodological approach encompassed multiple data collection phases, each contributing to a rounded understanding of power-dependence in the legal profession. This approach offers numerous benefits. First, this approach provided the opportunity to capture legal professionals' rich and nuanced perspectives regarding the complex power dynamics operating in their workplace. In-depth semi-structured interviews also allow flexibility to explore and adapt interview questions in response to emerging findings, providing the opportunity to examine the influence of specific factors and contexts of interest to the research topic. Finally, a case study approach has the potential for findings to have a direct practical implication and inform real-world interventions.

8.1.2 Main findings and key themes

Several key findings on the intertwined relationship between power, gender and career trajectories in the legal profession were presented in Chapters 4, 5 and 6. The findings presented in Chapter 4 explored solicitors' definition and identification of power in private practice. Solicitors conceptualised power as the capacity to influence decisions at the individual, team and organisational levels. This influential capability allowed those lawyers in positions of power to make important choices that advanced not only their careers but also the careers of their colleagues. Amidst these dynamics, the multi-dimensional nature of power was linked to trust, respect and authority.

Career success and power in professional contexts are inherently linked, as achieving certain milestones and positions often grants individuals greater influence, control and authority. Attaining career success can provide access to positions of higher authority, such as equity partnership or leadership roles, which have decision-making privileges and the ability to shape organisational direction. The correlation between career success and power is particularly evident in extremely hierarchical settings like private practice law firms, where reaching the highest ranks signifies personal achievement and the accumulation of authority and control over resources, tasks and colleagues. Thus, career success is a pathway to increased power, enabling individuals to exert influence and make impactful contributions in their professional domains.

Participants described career success as objective, quantifiable components (extrinsic) and subjective, personal elements (intrinsic). Both men and women solicitors underscored subjective facets of career success, such as work–life balance, career contentment, and job satisfaction. Conversely, gender disparities emerged in the analysis, where women were more inclined than men to emphasise objective markers such as status, promotions and financial remuneration. The analysis also revealed discord among both men and woman lawyers about the causal relationship between power and career success as they debated whether greater power fostered heightened career success or if career success was necessary before gaining power. A subgroup of participants even posited that no discernible connection existed between the two, arguing that power had no impact on career success, and career success had no impact on access to power. Significantly, the focal organisation, LawCo, offered alternative career pathways, such as counsel and non-equity partner roles, providing solicitors with other routes to achieving career success. Although these alternatives contributed to talent retention, they also extended the timeline required to attain equity partnership.

Finally, autonomy emerged as a prized asset that expanded in conjunction with increasing levels of power and career success. Individuals in lower tiers of the organisational hierarchy exhibited a limited sense of control over how their daily tasks were completed, including when and where their work was conducted. However, this form of autonomy remained subject to limitations imposed by individuals wielding greater power and varied from person to person. As solicitors ascended to senior positions, their autonomy broadened, encompassing operational and strategic domains. Chapter 4 laid the groundwork for subsequent discussions, uncovering strategies and structural dynamics faced by solicitors that facilitated and inhibited power acquisition and dependence.

Chapter 5 examined the complexities of structural and strategic access to power, building on this foundation to uncover the multiple pathways through which power is attained and harnessed in the legal profession. By exploring the specific mechanisms whereby power is acquired, this chapter underscored how solicitors navigated the network of relationships and career trajectories in private practice law firms.

The exploration revealed that the possession of power not only hinged on hierarchical positions but was also linked to strategic power acquisition. Individuals aimed to bolster their influence through strategic actions such as mentorship, international assignments, collaboration, and networking. This analysis expanded the understanding of power and

unveiled the active agency and calculated choices that professionals exercise in their pursuit of power, such as working for multiple partners and developing a professional network of clients.

An analysis of the interview data presented in Chapter 5 established that power was predominantly allocated by equity partners. As a result of their entrenched structural positions and revenue contributions, equity partners also had the ability to bestow power to junior solicitors facilitated by mentoring and professional networks.

A considerable portion of the interviewees reflected on the substantial implications of inclusion or exclusion from mentorship. Those individuals who lacked mentoring relationships conveyed feelings of marginalisation and disadvantage, especially during promotion conversations. A deeper inquiry exposed the role of variables such as cultural background, age, familial connections and gender as decisive factors in the inclusion or exclusion from mentoring relationships. It was noted that partners had a propensity to mentor junior solicitors sharing similar backgrounds, implying that solicitors who deviated from the established professional norms and personality traits encountered barriers in accessing power.

The pivotal role of professional networks in acquiring power was identified. Professional networks included associations within the firm and with clients, cultivated through dependability, competence, respectability, confidence and extroversion. Robust client networks also increased revenue generation, reinforcing the positions of power held by individuals. Overall, Chapter 5 highlighted the complicated nature of power acquisition in the legal profession, accentuating the interplay of individual attributes and structural position.

Chapter 6 examined the power-dependence experienced by solicitors who lacked structural power and showed that power does not solely emanate from individual attributes or hierarchical positions but is also contingent on the reliance on others.

Examining the two themes of experiencing power-dependence and the outcomes of power-dependence developed a comprehensive understanding of the manifestations and consequences of power-dependence in private practice law firms. This analysis illustrated the relationship between powerful individuals and those reliant on them, shedding light on the process of exchanging resources and the ramifications of power-dependence on marginalised individuals in the legal profession. By scrutinising individuals' encounters and power dynamics in operation, this research highlighted the challenges experienced by those reliant on power. The findings brought to the forefront the disparities in work relationships, constraints on autonomy and control, personal sacrifices, and limitations on professional advancement resulting from power-dependence.

8.2 Theoretical implications: Navigating the labyrinth of power and gender dynamics

Exploring power-dependence and gender dynamics in the legal profession yields significant theoretical insight that simultaneously extends and challenges existing theoretical frameworks. The findings align with power-dependence theory's core premise that control over resources translates into the ability to wield power (Emerson, 1962). The identification of powerful partners as gatekeepers illuminates how power is wielded in law firms. This substantiates the conceptualisation of power as a dynamic and relational construct, in line with Salancik and Pfeffer's (1977) notion that power is contingent upon specific circumstances, contexts and relationships.

This study also builds understanding of how power-dependence drives personal sacrifices and shapes career trajectories. For example, it became evident that individuals reliant on powerful mentors or partners often felt compelled to conform to prevailing professional norms, including working very long hours and meeting often overly demanding expectations of partners and clients. These mechanisms underscored how power-dependence leads to alternative career pathways, driven by the realisation that traditional routes like equity partnership might not align with individualised definitions of success, thus shaping diverse trajectories in the legal profession.

This interaction offers fresh insights into the complex relationship between power and gender in organisational settings. It underscores the need for a more holistic or comprehensive consideration of power dynamics in studies of professional fields. The investigation revealed that the power-dependence experienced by individuals can reinforce, challenge and amplify traditional gender roles and expectations. Specifically, the recognition that power is not solely a unidirectional force but can be influenced by power-dependence underscores a more complete understanding of how gendered power dynamics operate in professional domains, necessitating a broader and more nuanced perspective in future research.

The analysis presented in this thesis also contributes to the discussion of intraorganisational power by highlighting the significance of both formal and informal power structures and their interplay, revealing the subtle yet potent ways in which power is established, maintained and distributed. The analysis emphasised that although official hierarchical roles significantly affect power dynamics, the more subtle interactions, such as mentorships and gatekeeping actions, have a considerable influence. These less conspicuous mechanisms greatly influence individual career paths and access to resources, highlighting the complexity of power dynamics in the legal profession.

Furthermore, the theoretical implications of this study extend beyond the legal profession, by offering valuable insights applicable to various other fields and professions. The examination of power-dependence and gender dynamics serves as a theoretical lens that can be employed to analyse organizational structures and power relations in diverse professional contexts. The identified mechanisms of power, such as mentorship and gatekeeping, are likely to be replicated in other professions, thus providing a framework for understanding how individuals navigate their careers and negotiate power dynamics in different organizational settings. This broader application underscores the relevance and transferability of the study's theoretical contributions to advance the understanding of power relations in organisations beyond the Australian legal profession.

8.3 Practical implications: Paving the way for equitable professional practices

The practical implications are far-reaching, and the study offers insights that may produce transformative change in the legal profession. The findings underscore the need for legal practitioners, organisations and policymakers to recognise the role of power-dependence in perpetuating gender disparities in the law.

This research can catalyse strategies that promote gender equality and address power imbalances in the legal profession. Identifying power-dependence outcomes suggests the areas where intervention is most needed and may be most effective. Accordingly, specific implications have been identified for multiple actors in private practice law firms, including firm management, senior HR leaders, equity partners, individual solicitors, professional associations, and affinity groups.

First, law firms may consider developing new promotion systems that eliminate bias, preferential treatment, or the need for a powerful partner to mentor or sponsor junior lawyers. For example, a law firm in the United States recently transitioned to a structure that allows lawyers to elect their targeted annual billable hours and accompanying annual salary. New associates can self-select a billable target of 1,750, 1,850 or 1,950 hours in their first year, where each hourly total is correlated with a specific salary. Once a lawyer hits the firm-wide predetermined total of 10,500 billable hours, they become eligible for consideration to join the partnership. This system removes powerful partners as gatekeepers and allows individual solicitors to discover their preferred working hours and work-life balance while clearly understanding promotion requirements and timing. It is important to note that this approach still favours people without caring responsibilities or those who are able and willing to work

greater billable hours.

Considering the significant connection between power and autonomy, firm management should actively work to increase the autonomy of solicitors at all levels of the organisational hierarchy. Several recommendations may be considered to foster greater autonomy in law firms and empower legal professionals, including promoting flexible work arrangements, clearly communicating expectations, fostering supportive leadership, providing skill development, and training, and offering regular feedback and appraisals. Aligning these recommendations to the research's core findings regarding power and autonomy, law firms can systematically enhance the autonomy of their solicitors, cultivating an environment where legal professionals are empowered to navigate their careers with a heightened sense of control and agency. The following recommendations provide specific ways that law firms can promote autonomy to solicitors at all levels of the organisational hierarchy.

The findings and practical implications can also be extended to senior HR leaders within law firms. For example, they should focus on dismantling entrenched norms that foster power-dependence and a culture of overwork. This will empower solicitors to effectively balance their personal and professional ambitions without concern of retribution. Achieving this objective requires HR leaders and firm management to critically review their work culture, gendered practices, and promotion criteria. Clear communication of the identified goals and strategies to address these challenges is essential. HR leaders are pivotal in this process, advocating for transparency in promotion criteria and enforcing measures to rectify gender-based power imbalances. Additional recommendations for HR leaders include diversity and inclusion initiatives, leadership development, mentorship and sponsorship programs, training on gender bias, flexible work policies, regular feedback mechanisms, and support for affinity groups.

Specifically, by implementing robust equality, diversity and inclusion initiatives and leadership development programs, law firms can address gender imbalances in leadership positions. Such initiatives can strategically counter power disparities by actively promoting the representation of women and under-represented groups in decision-making roles. Moreover, developing formal mentorship and sponsorship programs, especially targeting women and under-represented individuals, can provide structured opportunities for solicitors to access powerful mentors, thereby navigating power structures more effectively. By offering training on recognising and addressing gender biases, law firms can foster a more equitable and unbiased workplace culture. Establishing flexible work policies can accommodate work-life

balance needs and provide solicitors with greater autonomy. Finally, law firms can identify and rectify power disparities and imbalances by actively seeking input through regular feedback. These recommendations align with the research's emphasis on power-dependence and gender dynamics, as they address underlying power imbalances tied to gender biases and power structures in the legal profession.

This research also provides practical implications and recommendations for individual lawyers. It highlights how power-dependence dynamics influence individual lawyers' career trajectories and work experiences. Individual lawyers can make informed decisions about their career paths and strategies by understanding how power operates in law firms and how it affects autonomy, career success, and work-life balance. The research suggests that being aware of power-dependence dynamics and actively seeking opportunities to build strategic relationships and networks can help lawyers navigate the complexities of the profession more effectively. This could include seeking mentorship from influential colleagues, proactively building professional connections, and advocating for a work environment that supports a healthy work-life balance.

Finally, professional associations and affinity groups can significantly shape lawyers' professional development and experiences. This research shed light on the power-dependence dynamics in the legal profession and how they impact gender vertical stratification and horizontal segmentation. Legal associations and affinity groups can use these insights to design targeted programs and initiatives to address these power imbalances. Some recommendations include hosting training, workshops and networking events, advocating for work-life balance, and promoting inclusive leadership. Specifically, professional associations and affinity groups can leverage the insights from this research that emphasise power-dependence dynamics and their effects on gender vertical stratification. By offering training and workshops addressing power dynamics, gender biases, and strategies for navigating power, these groups can equip lawyers with tools to counter imbalances and assert their influence more effectively. Legal associations and affinity groups can also address power imbalances stemming from overwork culture by pushing for policies that support work-life balance, such as flexible work arrangements and parental leave. Finally, encouraging diverse representation in leadership roles is a direct response to the research's focus on gendered power relations.

It is evident that power-dependence is a formidable force shaping gender dynamics in the legal profession. This study not only peels back the layers of this complicated issue but also helps multiple shareholders to navigate the path toward gender equity. These implications

resonate beyond the realm of law firms, extending to organisational practices and societal norms. By taking these practical steps, legal associations and affinity groups can create a more equitable and inclusive legal profession where power is more evenly distributed, and opportunities are accessible to all.

8.4 Limitations and future research

While this study illuminates the complex interaction of power-dependence and gender dynamics in the legal profession, it is essential to acknowledge certain limitations that may temper the scope and generalisability of the findings. First, this study focuses on the large private practice sector of the legal profession, which might limit the transferability of findings to other legal contexts, such as in-house legal departments or public sector organisations and roles. Exploring the power-dependence dynamics and gendered vertical stratification in these diverse settings could yield valuable insights into the universality of the findings and potentially reveal unique nuances specific to each context.

Future research might focus on the role of intersectionality in power-dependence and gender dynamics, exploring how cultural background and identity, socioeconomic background, and sexual orientation intersect with power imbalances. While this study has initiated an examination in this area, further refinement and investigation are warranted to address this pressing issue. Furthermore, a detailed study into the effectiveness of organisational policies and strategic initiatives aimed at reducing power imbalances may provide practical guidance for legal professionals and organisations to establish fairer and more inclusive work environments for everyone.

Another limitation of this study arises from the case study approach, which, while in line with the study's objectives, may not capture the diversity and nuances inherent in the legal profession more broadly. While the case method allows an in-depth examination of a specific context and facilitates a focused exploration of power dynamics, it also has inherent limitations related to generalisability. The unique nature of each law firm, with its distinctive organisational culture, power structures and gender dynamics, could mean that the findings may not be universally applicable to all legal settings. Future research could encompass a larger and more varied participant pool, encompassing legal professionals across different jurisdictions, practice areas and career stages, to provide a more comprehensive understanding of power-dependence dynamics.

Finally, this study used a qualitative methodology from a single point in time. Future studies could consider integrating quantitative research methods to triangulate findings and strengthen the robustness of conclusions. Moreover, an extended longitudinal study could capture the evolution of power-dependence dynamics and gender disparities over time, offering a more comprehensive and nuanced understanding of how these phenomena manifest and transform.

8.5 Conclusion and final reflection

In conclusion, this study has aimed to define, identify and understand power dynamics, power-dependence and gender inequality in the legal profession. Through a deep exploration of the concept of power, its sources and its manifestations, invaluable insights into the underlying mechanisms that perpetuate gender disparities and vertical stratification in private practice law firms have emerged. This research has demonstrated that power-dependence is not only a theoretical construct but a tangible force that shapes legal professionals' experiences, aspirations and trajectories.

By engaging with legal practitioners to reveal their experiences, the relationship between power and gender has emerged. This study has clarified how power-dependence manifests in imbalanced work relationships, conformity to professional norms, personal sacrifices, and redefined career aspirations. Shedding light on these power dynamics adds to a greater understanding of gendered vertical stratification and horizontal segmentation that has persisted in the legal profession.

This research deepened the understanding of power and gender and highlighted the pressing need for continued research and action. Like many other domains, the legal profession is at a critical juncture where recognising gender disparities and power imbalances necessitates a concerted effort for change. Acknowledging the challenges and barriers that hinder progress moves towards a future where the legal profession embraces diversity, equity and inclusion as fundamental pillars of its identity.

The insights from this study resonate far beyond the academic context in which it was produced. They have the potential to catalyse meaningful change in law firms, legal organisations and policy circles. Furthermore, the findings and study contributions underscore the urgency of redefining power and reshaping professional norms to create an environment where all legal professionals can flourish and contribute their talents without being constrained by traditional gendered expectations.

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Appendix 1.1 Participant Information Statement



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Power Dynamics, Success, & Influence in the Legal Profession

PARTICIPANT INFORMATION STATEMENT

(1) What is this study about?

You are invited to take part in a research study of men and women lawyers understanding of power dynamics, success, and influence in the legal profession. This study uses in-depth, open-ended interviews to explore the distribution and accumulation of power and success within a private practice law firm.

You have been invited to participate in this study because of your employment at LawCo. This Participant Information Statement tells you about the research study. Knowing what is involved will help you decide if you want to take part in the research. Please read this sheet carefully and ask questions about anything that you do not understand or want to know more about.

Participation in this research study is voluntary.

By giving your consent to take part in this study you are telling us that you:

- ✓ Understand what you have read.
- ✓ Agree to take part in the research study as outlined below.
- ✓ Agree to the use of your personal information as described.

You will be given a copy of this Participant Information Statement to keep.

(2) Who is running the study?

McCaye Nixon is conducting this study as the basis for the degree of Doctor of Philosophy

(PhD) at The University of Sydney. This will take place under the supervision of Professor Rae Cooper and Dr. Meraiah Foley.

(3) What will the study involve for me?

Participation in the study involves completing a brief demographic questionnaire, which will be used to determine suitable candidates for in-depth one-to-one interviews. The interview will take place via Zoom and will be recorded and transcribed with permission. All information disclosed in the demographic questionnaire and subsequent interview will be kept strictly confidential. All personal and law firm identifiers will be permanently removed from the final dissertation and any papers resulting from the study. As such, there are no risks to participating in this study.

(4) How much of my time will the study take?

The short questionnaire will take approximately 5 minutes to complete and should be completed before the interview. The detailed interview will take between forty-five and sixty minutes.

(5) Who can take part in the study?

Participants are being selected for the study based on four inclusion criteria:

- 1) Lawyers employed by LawCo and currently located in Australia.
- 2) Holding a range of positions (Graduate, Associate, Senior Associate, Of Counsel, Salaried Partner, Equity Partner).
- 3) Lawyers from a male-dominated practice area.
- 4) Lawyers from a female-dominated practice area.

Using these criteria to select participants will allow the researchers to examine power dynamics, success, and influence in the legal profession.

(6) Do I have to be in the study? Can I withdraw from the study once I've started?

Being in this study is completely voluntary and you do not have to take part. Your decision whether to participate will not affect your current or future relationship with the researchers or anyone else at the University of Sydney or LawCo.

You are free to stop the interview at any time. Unless you say that you want us to keep them, any recordings will be erased and the information you have provided will not be included in the study results. You may also refuse to answer any questions that you do not wish to answer during the interview.

(7) Are there any risks or costs associated with being in the study?

Aside from giving up your time, we do not expect that there will be any risks or costs associated with taking part in this study. If you become upset or distressed during the study, please inform the research team and you can choose to terminate your involvement.

LawCo provides support services to help team members deal with personal or work-related issues that may affect their personal or emotional well-being. More information on the

Employee Assistance Program (EAP) can be found on the LawCo intranet at:

(8) Are there any benefits associated with being in the study?

We cannot guarantee that you will receive any direct benefits from being in the study.

(9) What will happen to information about me that is collected during the study?

By providing your consent, you are agreeing to us collecting personal information about you for the purposes of this research study. Your information will only be used for the purposes outlined in this Participant Information Statement, unless you consent otherwise.

Your information will be stored securely, and your identity/information will be kept strictly confidential, except as required by law. Study findings may be published, but you will not be individually identifiable in these publications.

Data gathered from this study will only be used for the purposes outlined and ethical approval will be sought should any future projects require use of the data.

(10) Can I tell other people about the study?

No, in order to keep LawCo unidentifiable please do not tell other people about the study.

(11) What if I would like further information about the study?

When you have read this information, McCaye will be available to discuss it with you further and answer any questions you may have. If you would like to know more at any stage during the study, please feel free to contact Professor Rae Cooper at rae.cooper@sydney.edu.au, or McCaye Nixon at mccaye.nixon@sydney.edu.au.

(12) Will I be told the results of the study?

You have a right to receive feedback about the overall results of this study. You can tell us that you wish to receive feedback by ticking the relevant box on the consent form. This feedback will be in the form of a one-page lay summary. You will receive this feedback after the study is finished.

(13) What if I have a complaint or any concerns about the study?

Research involving humans in Australia is reviewed by an independent group of people called a Human Research Ethics Committee (HREC). The ethical aspects of this study have been approved by the HREC of the University of Sydney [2020/727]. As part of this process, we have agreed to carry out the study according to the *National Statement on Ethical Conduct in Human Research (2007)*. This statement has been developed to protect people who agree to take part in research studies.

If you are concerned about the way this study is being conducted or you wish to make a complaint to someone independent from the study, please contact the university using the details outlined below. Please quote the study title and protocol number.

The Manager, Ethics Administration, University of Sydney:

- **Telephone:** +61 2 8627 8176
- **Email:** human.ethics@sydney.edu.au
- **Fax:** +61 2 8627 8177 (Facsimile)

This information sheet is for you to keep

Appendix 1.2 Participant Consent Form



THE UNIVERSITY OF
SYDNEY

Dr. Rae Cooper
*Professor of Gender, Work and
Employment Relations*

**Discipline of Work and Organisational
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Power Dynamics, Success, & Influence in the Legal Profession

PARTICIPANT CONSENT FORM

I, ... [PRINT NAME], agree to take part in
this research study.

In giving my consent I state that:

- I understand the purpose of the study, what I will be asked to do, and any risks/benefits involved.
- I have read the Participant Information Statement and have been able to discuss my involvement in the study with the researchers if I wished to do so.
- The researchers have answered any questions that I had about the study and I am happy with the answers.
- I understand that being in this study is completely voluntary and I do not have to take part. My decision whether to be in the study will not affect my relationship with the researchers or anyone else at the University of Sydney or LawCo now or in the future.
- I understand that I can withdraw from the study at any time.
- I understand that I may stop the interview at any time if I do not wish to continue, and that unless I indicate otherwise any recordings will then be erased and the information provided will not be included in the study. I also understand that I may refuse to answer any questions I do not wish to answer.

- I understand that personal information about me that is collected over the course of this project will be stored securely and will only be used for purposes that I have agreed to. I understand that information about me will only be told to others with my permission, except as required by law.
- I understand that the results of this study may be published, but these publications will not contain my name or any identifiable information about me unless I consent to being identified using the 'Yes' checkbox below:

☐ **Yes**, I am happy to be identified.

☐ **No**, I don't want to be identified. Please keep my identity anonymous.

I consent to:

- | | | |
|---|------------------------------|-----------------------------|
| • Audio-recording | YES ☐ | NO ☐ |
| • Video-recording | YES ☐ | NO ☐ |
| • Being contacted about future studies | YES ☐ | NO ☐ |
| • 5-year archiving of study materials | YES ☐ | NO ☐ |

I would like to review my interview transcripts

YES ☐ NO ☐

I would like to receive feedback about the overall results of this study

YES ☐ NO ☐

If you answered **YES**, please indicate your preferred form of feedback and address:

Postal: _____

Email: _____

Signature

.....

PRINT name

Appendix 1.3 Participant Recruitment Survey

Survey Flow

Block: Default Question Block (25 Questions)

Start of Block: Default Question Block

Q28 Are you a practising solicitor employed by [participating law firm name removed] and currently located in Australia?

☐ Yes (1)

☐ No (2)

Display This Question:

If Are you a practising solicitor employed by [law firm name removed] and currently located in Austr... = No

Q29 At this time for you do not meet the requirements for this study. Thank you for your interest in our research.

Skip To: End of Survey If At this time for you do not meet the requirements for this study. Thank you for your interest in... Is Displayed

Q1 Thank you for your interest in our study.

Before completing the survey, please read the Participant Information Sheet, which has been provided to you via email. This document provides further information about the study and your rights as a participant.

This questionnaire will likely take 5-10 minutes and will be used as a baseline for the study of power dynamics, success, and influence in the legal profession. All responses will be kept confidential, and you may refuse to answer any questions you like. Based on your responses, we may invite you to participate in an interview about your experiences working in private practice.

If you have any questions or concerns, please contact McCaye Nixon, mccaye.nixon@sydney.edu.au, or Rae Cooper, rae.cooper@sydney.edu.au.

Thank you for your participation!

Q22 At which University did you complete your law degree?

Q4 How long have you worked at [law firm name removed]?

▼ less than 1 year (1) ... 20 + years (21)

Q6 What is your position at the firm?

- ☐ Graduate (1)
- ☐ Associate (2)
- ☐ Senior Associate (3)
- ☐ Of Counsel (4)
- ☐ Non-equity Partner (Salaried Partner) (5)
- ☐ Equity Partner (6)
- ☐ Other (7) _____

Q7 What is your legal area of expertise?

▼ Acquisition & Leveraged Finance (1) ... Other (102)

Display This Question:

If What is your legal area of expertise? = Other

Q27 What is your legal area of expertise?

Q11 How many billable hours do you average in a week?

Q12 How many additional non-billable working hours do you average in a week?

Q26 Thinking of your career in the law, what three words would you use to explain how individuals achieve power, success, and influence?

☐ 1) (1) _____

☐ 2) (2) _____

☐ 3) (3) _____

Q22 In general, what do you think is the biggest challenge to achieving power, success, and influence in the legal profession?

Q27 In your own legal career, what impediments, if any, have you experienced in achieving power, success, and influence?

Q10 Please describe your ability to impact decisions in the following settings:

	No influence (1)	Ideas taken into account (2)	Active participant in decision- making (3)	Decisive decision- making power and influence (4)
The Firm (1)	☐	☐	☐	☐
The partnership group (2)	☐	☐	☐	☐
My team (3)	☐	☐	☐	☐
My peer group within LawCo (4)	☐	☐	☐	☐

Q12 In the future, would you like more, less or the same influence in the following areas?

	Less influence (1)	Stay the same (2)	More influence (3)
Firm decisions (1)	☐	☐	☐
Partnership group decisions (2)	☐	☐	☐
Team decisions (3)	☐	☐	☐
Peer group decisions within LawCo (4)	☐	☐	☐

Q19 This study is interested in the experience of lawyers working in private practice. Reflecting on your experience working in private practice, please consider the following statements.

	Strongly disagree (1)	Disagree (2)	Neither agree nor disagree (3)	Agree (4)	Strongly agree (5)
Women and men are treated equally. (1)	☐	☐	☐	☐	☐
Women and men have the same chance for promotion. (2)	☐	☐	☐	☐	☐
Women and men have equal access to leadership roles. (3)	☐	☐	☐	☐	☐
I am treated with respect at work. (4)	☐	☐	☐	☐	☐

Q2 How would you describe your gender?

▼ Woman (1) ... Prefer not to answer (4)

Display This Question:

If How would you describe your gender? = Prefer to self-describe

Q22 How would you describe your gender?

Q8 What is your age?

▼ 18 - 24 (1) ... Prefer not to answer (8)

Q24 Do you identify as being culturally and/or linguistically diverse?

☐ Yes (1)

☐ No (2)

☐ Prefer not to answer (3)

Q14 Do you have any dependent children under 18 years of age?

☐ Yes (1)

☐ No (2)

☐ Prefer not to answer (3)

Q26 In which state or territory are you located?

- ☐ Australian Capital Territory (1)
 - ☐ New South Wales (2)
 - ☐ Northern Territory (3)
 - ☐ Queensland (4)
 - ☐ South Australia (5)
 - ☐ Tasmania (6)
 - ☐ Victoria (7)
 - ☐ Western Australia (8)
-

Q11 Last year, what was your before-tax annual earnings, including any performance-based compensation such as bonuses?

▼ < \$60,000 (1) ... Prefer not to answer (19)

Q23 Are you willing to participate in the next phase of the study, including a confidential one-on-one Zoom interview?

- ☐ Yes (1)
 - ☐ No (2)
-

Display This Question:

If Are you willing to participate in the next phase of the study, including a confidential one-on-on... = Yes

Q20 Thank you for completing the questionnaire.

Please provide contact details so the research team can contact you.

☐ First name (1) _____

☐ First initial of last name (3)

☐ Email (6) _____

End of Block: Default Question Block

Appendix 1.4 Interview Protocol



THE UNIVERSITY OF
SYDNEY

Discipline of Work and Organisational Studies
The University of Sydney
Business School

Interview Protocol

Time: _____

1. Download and print the individual questionnaire of each participant.
2. Create a separate sheet for making notes on the zoom call.
3. Test and prepare audio recording.
4. Set timer or clock.

Introduction:

1. Hi _____, I'm McCaye Nixon from the University of Sydney study on power dynamics, success, and influence in the legal profession. Thank you very much for volunteering to participate in this study. I am really interested to hear your insights.
2. Just a few logistical things before we start. I want to let you know that this interview will be recorded with your permission, and to remind you that your participation in this study is completely voluntary. You may stop this interview at any time and the audio and video recording will be erased and your answers will not be included in the final study. You are free to withdraw from this study any time up to the publication of results without affecting your relationship with the University of Sydney or [law firm name removed].
3. Additionally, audio and video recordings will be reviewed during the analysis phase of this study.
4. Before we start, do you have any questions for me?
5. Do I have your consent to being recorder?
6. (If yes) Record.
7. I am now recording; can you please say your name and that you consent to being recorded.

Appendix 1.5 Interview Guide

I've had a look at your survey, it's really interesting.

In your survey response, the three words you used to explain how individuals achieve power, success, and influence were _____, _____, _____. Can you expand on that?

How would you describe your idea of a successful career?

Do you feel like you have achieved the type of success you've described?

Prompts:

- If not, what barriers have you faced?
- If yes, how did you accomplish this?

Does the firm reward the type of success you've described?

Prompts:

- Can you explain to me what that means to me?
- Do you think that plays out differently for different groups?

From your point of view, are individuals with social power more successful in their private practice careers?

Imagining an individual within the firm that holds power, how would you describe his or her personality?

Prompts:

- Is this an individual you would like to work with? Why, why not?

Do you feel like you have the potential to increase your power and influence within the firm?

Prompt:

- What would this take?
- Is this something you are interested?

What strategies have you used to expand your professional network? How successful has that strategy been?

Thinking about your own career, are there people who have helped you develop or advance your career?

Prompt: If no, how do you feel that impacts you at work?

Thinking about those relationships, can you explain how they've provided help?

After receiving that support, was there a spoken or unspoken expectation of reciprocation?

At the firm, are there people you have provided career support to?

Prompt: If no, is this a role you hope to develop into as your career advances?

What sacrifices (costs) have you made personally and professionally to advance (rewards) in your career?

If there was one thing you could change in your career what would it be?

Is there anything else you'd like to talk about that you feel is relevant to power dynamics, success or influence

