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Abstract

The experience and marginalised status of women lawyers within the Australian legal profession has been well documented over the past two decades. However, very little is known empirically about the ways in which 'rural' space and place might transform or impact that experience, and their relationship with the retention of women in rural, regional and remote (RRR) practice. This article reports on a phenomenological study of the lived experience of female solicitors practising in RRR communities in Queensland. The study asked 23 solicitors (male and female) about their experience of life and legal practice in their communities. This article concludes that women's practice experience is more complex, and shaped by a distinctive gender experience. It highlights the role that socio-cultural constructions of gender and 'rurality' can play in the negotiation of women's legal practice experience and considers the implications of this for their retention to practice.

Keywords

regional, remote, communities, legal, experience, imagined, practice, women, rural, lived, engendering, queensland

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ENGENDERING 'RURAL' PRACTICE

Women's Lived Experience of Legal Practice in Regional, Rural and Remote Communities in Queensland

Trish Mundy*

The experience and marginalised status of women lawyers within the Australian legal profession has been well documented over the past two decades. However, very little is known empirically about the ways in which 'rural' space and place might transform or impact that experience, and their relationship with the retention of women in rural, regional and remote (RRR) practice. This article reports on a phenomenological study of the lived experience of female solicitors practising in RRR communities in Queensland. The study asked 23 solicitors (male and female) about their experience of life and legal practice in their communities. This article concludes that women's practice experience is more complex, and shaped by a distinctive gender experience. It highlights the role that socio-cultural constructions of gender and 'rurality' can play in the negotiation of women's legal practice experience and considers the implications of this for their retention to practice.

This article explores the gender experiences of female solicitors practising in regional, rural and remote (RRR) communities in Queensland. It seeks to fill a gap in experiential knowledge and contribute to what has been, to date, a surprisingly limited exploration of the ways in which 'rural' space and place might transform or impact the systemic disadvantage experienced by women in the profession more generally, and their relationship to the retention of female solicitors in RRR practice.

While the past decade has seen considerable focus on the ways in which women lawyers have been 'othered' in the profession more generally,¹

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¹ The contemporary picture of Australian legal practice for women lawyers has been well documented over the past two decades. Since Margaret Thornton's seminal work in *Dissonance and Distrust* in 1996 there have been at least 23 reports or studies that have been conducted across Australia in relation to the status and position of women in the Australian legal profession. See Trifiletti et al (1999) for a comprehensive bibliography of reports and studies up until 1999 when the report was published. Since 1999, major reports have included: Victorian Women Lawyers (2001); Kaufmann and Frost (2001); Law Society of New South Wales (2002); Victorian Women Lawyers (2005); Law Institute of Victoria and Victorian Women Lawyers (2006); Hutchinson and Skousgaard (2008); and Neal (2009). Taken together, it is clear that these studies continue to find that little has changed for women in the Australian legal profession, and that their career

limited attention has been given to the particular experiences and retention of women lawyers in RRR practice and how the othering of women in the context of 'rural' social space might bear on their practice experience. Feminist scholarship has particularly highlighted the performative nature of gender,² while rural feminist scholarship has pointed to the constitutive role that rurality plays³ in the context of this performativity. Together, these suggest a need to 'engender' rural practice through the lens of women's lived experience so as to increase our understanding of these intersections.

This article outlines a phenomenological research project exploring the lived experience of female solicitors practising in RRR communities in Queensland.⁴ Its findings suggest that women's practice experience is shaped by a distinctive gender experience – one that many participants link to 'old-fashioned', 'out-dated' and conservative attitudes and practices of male colleagues and, more generally, to the RRR context itself. Some of these were found to have implications for the retention of female lawyers to RRR practice.

The article begins by considering the professional and theoretical contexts, including an exploration of 'rurality' and its relevance to the experiences of gender in RRR communities. It then outlines the methodology of the research project followed by detailed accounts of female lawyers' distinctive gender experiences along with consideration of their relevance for women's retention in RRR practice.

Professional Context

There has been a steady decline in the proportion of solicitors practising in RRR communities in Australia, leading to a critical shortage in many geographical areas.⁵ Female practitioners, in particular, are not choosing to practise in RRR areas at the same rate as men, and are more concentrated in city and suburban practice. Very little is understood about why this might be so. Table 1 shows a comparison of the levels of female and male participation across practice locations nationally and in Queensland.⁶

patterns are 'remarkably similar' across Australian jurisdictions, with 'a range of exclusionary workplace practices that operate to hold women back from career progression as well as gender stereotyping, role traps and otherness that have historically underpinned the profession of law': Trifiletti et al (2001), p 19.

² Butler (1993).

³ See, for example, Little (1997, 2002); Pruitt (2008a), p 372.

⁴ This article discusses one aspect of broader doctoral research. The full research project comprises two parts: the first is a phenomenological study of the lived experience of female and male lawyers practising in RRR areas of Queensland; the second involves a narrative analysis of in-depth interviews with final-year law students in order to explore their 'imagined' experience of RRR practice. See Mundy (2013).

⁵ See, for example, Urbis (2013), p 8; ABC (2002); Legal Aid Commission of NSW (2006); Ferguson (2004); Law Council of Australia and Law Institute of Victoria (2009), p 2.

⁶ Urbis (2012), p 32.

Table 1: Solicitor location by gender

	<i>% female in Qld</i>	<i>% male in Qld</i>	<i>% female nationally</i>	<i>% male nationally</i>
City	47.8	52.2	47.0	53.0
Suburban	42.5	57.5	44.3	55.7
RRR	40.4	59.6	40.2	59.8
Total	45.9	54.1	45.4	54.6

Anecdotal evidence offers conflicting messages about women's relationship to RRR legal practice. On one view, RRR practice is said to offer the opportunity of a very different practice experience for women because of an enhanced lifestyle, improved capacity for work/life balance and the ability to achieve partnership more quickly and balance family responsibilities more easily⁷ through the increased flexibility offered in 'country' practice. Other views suggest that RRR practice is a male domain, alienating and more difficult for women.⁸

The private sector has been a site of particular criticism in terms of women's disenfranchisement within the legal profession, and arguably is causally connected to women's retreat from the private sector.⁹ There is some evidence to suggest that this trend away from the private sector is more pronounced in RRR areas, pointing to the possibility of a greater sense of disenfranchisement. While no national or Queensland data are published on gender representation, New South Wales data show that the gender distribution within the New South Wales RRR private sector is approximately 65 per cent (1642) and 35 per cent (881) male and female solicitors respectively, compared with 59 and 41 per cent male and female private-sector participation across the profession.¹⁰

Additionally, female solicitors are predominately engaged as employed solicitors, and tend to be concentrated in the younger age brackets of the profession, with a significant majority having been admitted only in the last ten years.¹¹ This distinction, too, is considerably sharper in the RRR sector, where more than 62 per cent of the female lawyers practising in RRR areas

⁷ Brown (2000), p 18; Teerds (2009), p 21.

⁸ Brown (2000), p 26; Mundy (2011).

⁹ There continues to be a move away from the private sector by female lawyers across all states and territories (apart from the Northern Territory). Nationally, and in Queensland, there is roughly a 60/40 per cent split in the private sector participation of male and female solicitors respectively, while their overall presence in the legal profession is 55 and 45 per cent male and females respectively: Urbis (2012).

¹⁰ I acknowledge and thank the Law Society of New South Wales for providing this data in relation to gender distribution in RRR areas of New South Wales as at 1 July 2010.

¹¹ Urbis (2012), p 9; Hutchinson and Skousgaard (2008), p 37.

have less than five years' post-admission experience.¹² Together, this data points to a practice context that is dominated by older¹³ male practitioners, has a considerably younger and less experienced female workforce, and has experienced a more pronounced retreat from the private sector.

It is against this backdrop that this research has sought to gain insight into the particular practice experiences of women in RRR communities and a better understanding of any link to their retention to practice. This has never been explored empirically within the context of Australian legal practice and – apart from empirical work by US scholar Nina Tarr, who studied the experience of two female attorneys in rural Kansas in 1992¹⁴ – has also been absent within international scholarship. This dearth of material specifically considering female lawyers' experiences within the context of RRR practice reflects an implicit – and inappropriate – assumption of spatial and gender normativity, and fails to acknowledge how the othering of women in the context of 'rural' space might impact on the practice experience.

Theoretical Context: Gender and 'Rurality'

Having explored the professional context, I now consider the theoretical setting, including an exploration of socio-cultural constructions of gender and 'rurality'. There are various ways of conceptualising 'the rural'. Popularly, such distinctions are generally based on physical and geographical demarcations, and measured using indicators such as population density, levels of remoteness, accessibility to services¹⁵ and economic activities.¹⁶ In Australia, there are three main ways of classifying degrees of rurality. These are the Rural, Remote and Metropolitan Area Classification (RRMA), the Accessibility/Remoteness Index of Australia (ARIA) and the Australian Standard Geographical Classification Remoteness Areas (ASGC-RA).¹⁷

While functional understandings¹⁸ such as these can be important to attracting and retaining lawyers in RRR areas,¹⁹ it is well recognised that RRR

¹² Urbis (2012), p 18.

¹³ Forell et al (2010), p 124; Law Council of Australia and Law Institute of Victoria (2009), p 5. Former president of the New South Wales Law Society, Kim Cull, also reported that 'most country solicitors are aged 45 years and over and it appears that one third of those will retire in the next 10 to 15 years, leaving a gap which must be filled by other practitioners'.

¹⁴ Tarr (1992), p 25. Tarr also notes the dearth of material considering the question of gender in the context of small-town practice.

¹⁵ Institute for Regional and Rural Research (2004), p 2; Gorman-Murray et al (2008), p 38.

¹⁶ Gorman-Murray et al (2008), p 38.

¹⁷ Institute for Regional and Rural Research (2004), p 2.

¹⁸ Cloke (2006); Bryant and Pini (2011), p 4.

¹⁹ See the Literature Review of Mundy (2008), which canvasses issues related to lifestyle, accessibility, availability of services and social opportunities, and their relevance to recruitment and retention.

areas are not merely physical spaces, but social spaces as well,²⁰ where meanings of 'what is rural' are shaped and understood through lived experience, and are negotiated, contested and fluid.²¹ As Mormont suggests, 'rurality is not a thing or a territorial unit, but derives from the social production of meaning'.²² Australia has powerful and symbolic attachments to areas outside of capital cities, along with the communities, people and practices that we associate with 'Rural Australia'.²³ Thus, in understanding the rural, there is no one single rural space; instead, there is a multiplicity of social spaces that overlap the same geographical area²⁴ and shift subtly over time.²⁵

Feminist and social geographical scholarship has particularly highlighted the socially constructed nature of rural space and the 'powerful formative influence'²⁶ that rurality has in terms of women's experience, identity construction²⁷ and the centrality of gender in rural community life.²⁸ Recent work on gender and rurality has also highlighted the importance of intersectionality to understanding the experience of gender in rural places, thus reminding us that 'gender coexists and melds with [other social locations, such as] Indigeneity, ethnicities, class, sexuality, disability, and age'.²⁹

While acknowledging the contested nature of 'what is rural' and the diverse experience of gender in these spaces, I seek here to highlight a number of broad socio-cultural differences that have been identified between 'rural' and 'urban' culture more generally, and that shape our understanding of gender in both urban and rural spaces. One particular difference that has been identified in the context of rural space is the operation of a more conservative and traditional gender regime. This includes increased social and political conservatism,³⁰ more traditional gender expectations within families,³¹ a 'mythology of mateship' among men, 'reinforced patterns of female subservience'³² and 'stronger social controls operating through informal and intimate processes and mechanisms'.³³

²⁰ Mormont (1990); Neame and Heenan (2004); Cloke (2006), Pruitt (2008a, 2008b); Bryant and Pini (2011).

²¹ Bryant and Pini (2011), pp 4–5.

²² Mormont (1990), p 36.

²³ Neame and Heenan (2000).

²⁴ Little and Austin (1996), p 102.

²⁵ Little and Austin (1996), p 102.

²⁶ Little (1997), p 142.

²⁷ Little (1997), p 142; Little (2002), p 665; Pruitt (2008a), p 372.

²⁸ Alston (2005), p 139.

²⁹ Bryant and Pini (2011), pp 1–2.

³⁰ Kelly (1989), p 5; Pruitt (2008a).

³¹ Women's Services Network (2000), p 5; Dempsey (1992), p 5.

³² Gibson et al (1990), p 24.

³³ O'Connor and Gray (1989), p 5.

Rural feminist scholarship has also highlighted the male domination of rural institutions, the exclusion of women from decision-making and rural leadership positions,³⁴ and the continuing expectation that rural women will devote themselves to family and community, despite considerable changes in their educational and other opportunities.³⁵ There is also a significant lack of child-care facilities in rural communities, and many commentators note that the burden of family and child-care responsibilities rests with women in these communities.³⁶

Teather writes about a persistence of a 'rural mindset' or 'country-mindedness'.³⁷ This rural mindset, she suggests, is one marked by the 'intransigence of gender relations [in which] most rural men stubbornly cling to patriarchal attitudes and expectations'.³⁸ Smaller, agriculturally based rural communities particularly experience a 'resilience of gendered arrangements',³⁹ perpetuated in part through the continuing practice of patrilineal farm inheritance, which contributes to men's control of much of the economic wealth in these communities.⁴⁰

A growing body of literature has developed around the role of rural hegemonic masculinities in understanding the place of gender in rural space. It seeks to explore the question of men's advantage and the 'actions, practices and discourses' that support it.⁴¹ Hegemonic masculinity is a particular expression of masculinity that is culturally elevated compared with other subordinated masculinities; it is a prevailing discourse whereby 'some men come to legitimate their power over some other men and over women'.⁴² Hegemonic masculinities shift our gaze from simplistic ideas of gender as sex-roles to the recognition of gender as a process,⁴³ and thus an acknowledgement that masculinities are multiple and hierarchical, and subject to change in that different masculinities are hegemonic depending on time, place and context.⁴⁴

In rural areas, Alston argues that hegemonic masculinity is evident in the array of institutional structures operating within rural communities, through which gender relations are (re)enacted in everyday life; they not only elevate male power and influence, but also normalise it and project it on

³⁴ Pini (2008), p 18; Alston (2005), p 139; Pini (2006), p 401.

³⁵ Teather (1998), p 215.

³⁶ Alston (2005), p 139.

³⁷ Teather (1998), pp 209–10.

³⁸ Teather (1998), p 215.

³⁹ Alston (2005), p 140.

⁴⁰ Alston (2005), pp 145–6.

⁴¹ Carrigan and colleagues introduced the notion of hegemonic masculinity: see Carrigan et al (1985); Pini (2008), p 1.

⁴² Pini (2008), p 10.

⁴³ Bryant and Pini (2011).

⁴⁴ Pini (2008).

to women as natural.⁴⁵ She also suggests tacit support of hegemonic masculinity by women in rural communities.⁴⁶ While some suggest there are fewer sites for patriarchal dominance in rural communities today, Alston argues that hegemonic masculinity 'still dominates and constrains gender negotiations'.⁴⁷

A particularly strong discourse of hegemonic masculinity in rural space concerns ideas about 'the farmer' and male dominance over land and environment.⁴⁸ Other discourses include the masculine narratives of rural men as 'tough' and 'powerful leaders'.⁴⁹ Conversely, dominant discourses of femininity in the context of agriculture are seen as based in nurturing and helping roles. This promotes popular discourses about gender roles and gendered capacities.⁵⁰ The ways in which women are represented in rural media have also been found to reinforce hegemonic masculinity, and work to 'normalise and legitimise' certain masculinities.⁵¹ The media, the church and the market are also said to actively reconstitute gender relations.⁵²

Pini has explored the poor representation of women in positions of leadership in agri-politics generally, and more specifically within the Australian Farmers Union.⁵³ In doing so, she adopts Collinson and Hearn's conceptual framework on managerial masculinities, which identifies five hegemonic forms of managerial masculinity: authoritarianism, careerism, informalism, entrepreneurialism and paternalism.⁵⁴ Pini finds that dominant discourses of masculinity in the Australian Farmers Union are those of paternalism and, to a lesser degree, authoritarianism. The features of paternalistic management include an emphasis on hierarchical structure, gendered division of labour, uni-directional dialogue and homo-social reproduction.⁵⁵ An authoritarian managerial masculinity is said to be associated with bullying and coercion, dictatorial control and aggressive masculinity. Pini notes that a more authoritarian discourse was engaged when hegemonic paternalism came under threat.⁵⁶ Such work is useful in highlighting the role of hegemonic masculinities in understanding gendered practices and discourses operating within some rural organisations.

It is against this professional and theoretical backdrop that this research has sought to explore intersections of gender, rural social space and the legal practice

⁴⁵ Alston (2005), p 141.

⁴⁶ Alston (2005), p 143.

⁴⁷ Alston (2005), p 143.

⁴⁸ Liepins (2000), p 609.

⁴⁹ Little (2002).

⁵⁰ Liepins (2000), p 613.

⁵¹ Liepins (2000), p 613.

⁵² Alston (2005), p 141.

⁵³ Pini (2008).

⁵⁴ Pini (2008), p 52.

⁵⁵ Pini (2008), pp 55–60.

⁵⁶ Pini (2008), p 68.

experience, and its relevance to the retention of female lawyers. This article now turns to describing the research project and its methodology.

The Research Project

This research involved conducting a phenomenological study of the lived experience of 23 solicitors (male and female) practising in RRR communities in Queensland. Phenomenology is a method of qualitative inquiry that is concerned with how individuals experience and make sense of their lived experience. It seeks to identify, describe, understand and interpret the day-to-day lived experience of people.⁵⁷ In the context of this research, I sought to enter the world of solicitors practising in RRR communities and interpret the meaning they gave to their experience, looking at what led them to enter RRR practice; the challenges and opportunities they faced; how they viewed their careers; and what might cause them to leave.

Participants were recruited through several avenues. Initially, an information brochure was distributed through Queensland Regional Law Associations and the community legal sector. The Queensland Law Society also included a short piece about the research in its 'QLS Update', a weekly newsletter to members, in which interested lawyers were invited to contact me if they wished to participate. In addition, Lexon Insurance made available an information brochure about the research at its risk-management forums held in a number of rural and regional locations in Queensland. From these recruitment methods, a total of 29 people responded, requesting more information about the research and/or expressing their willingness to participate. All respondents were then provided with additional information and a consent form, which they were asked to sign and return if they were willing to be interviewed. A total of 23 people who returned the consent form were subsequently interviewed and included in this research. Two others were interviewed but later determined that they fell outside the geographical and methodological boundaries set for this research, so were not included in the study. Four made no further contact.

The research technique adopted was the qualitative interview. One interview was conducted in mid-2010. The remaining 22 interviews were conducted by telephone in the first half of 2011.⁵⁸ The objective of the interviews was to provide the solicitors with an opportunity to describe their experiences from their own perspective in terms of their significance and importance. The interviews were conducted one on one, and loosely structured 'in order to hear what [interviewees] had to say in their own terms rather than test preconceived hypotheses'.⁵⁹ The interviews ranged in duration from fifteen to 59 minutes, with an average duration of 30 minutes. Participants were given

⁵⁷ Morrissey and Higgs (2006), pp 161–81.

⁵⁸ Initially, it was planned that interviews would be conducted in person. However, due to the catastrophic flooding of much of RRR Queensland, including the devastation wrought by Cyclone Yasi around this time, the planned field trip became impossible. Interviews were postponed and subsequently conducted by telephone.

⁵⁹ McLeod (2011), p 133.

the option of choosing the time and location of the interview. All interviews were confidential and conducted on the basis that participants would not be identified. Interviews were audio-recorded and subsequently transcribed for the purpose of completing a thematic analysis. Participants have been given a pseudonym rather than their real name being used.

Who are the Participants?

A total of 23 solicitors participated: fifteen women (65 per cent) and eight men (35 per cent), practising in a diverse range of geographical areas across Queensland. This research adopted the Australian Standard Geographical Classification System – Remoteness Areas (ASGC/ARIA) developed by the Australian Bureau of Statistics as a means of classifying levels of geographical remoteness and as a tool to conceal participant location and identity. The ASGC/ARIA assigns one of five population size classes: 'Major Cities', 'Inner Regional', 'Outer Regional', 'Remote Centres' and 'Very Remote Centres'.⁶⁰ Of the female participants, six (40 per cent) were from 'Outer Regional' areas and seven (46.5 per cent) were from 'Inner Regional' areas. The remaining two were from Remote Centres (13.5 per cent). There were no female participants from 'Very Remote' areas of Queensland. Of the male participants, three (37.5 per cent) were from 'Outer Regional', a further three (37.5 per cent) from 'Inner Regional', one (12.5 per cent) from a 'Remote' centre and one (12.5 per cent) from a 'Very Remote' centre. Table 2 summarises the geographical location of the participants of the research based on the ASGC/ARIA geographical classification system.

Table 2: Geographical location of practice of solicitors

<i>Geographical location</i>	<i>Female</i>	<i>Male</i>
Outer regional	6	3
Inner regional	7	3
Remote centre	2	1
Very remote centre	0	1
Total	15	8

Seventeen (73.9 per cent) of the 23 participants had a connection to and/or background in RRR Australia, nine of whom were female and eight of whom were male. Four participants came to their RRR practice experience from a 'major city', all of whom were female. There were also two female participants who were overseas-born. While participants came from a range of legal settings, most were engaged in the private sector.

⁶⁰ Institute for Regional and Rural Research (2004).

Twenty (86.9 per cent) of the 23 participants were engaged in private practice, twelve of whom were female and eight of whom were male. Two female participants were from the community legal sector and one from the corporate sector.

Having outlined some of the key geographical and professional characteristics of the participants, this article now turns to the accounts of female lawyers' lived experience.

Women's Lived Experience: Gender Narratives

A key research objective was to better understand the lived experience of female solicitors practising in RRR communities and the relationship of this experience to their retention to practice. This research affirms that, for many male and female solicitors, RRR legal practice offers some very clear and positive benefits. These include lifestyle rewards, more opportunities for work/life balance, a greater breadth of professional experience much earlier in one's career, and an increased capacity for professional autonomy. Notwithstanding these positive features, however, women's accounts also reveal a distinctive meta-narrative that points to a far more complex experience. This meta-narrative can be understood in the context of two intertwining themes: namely, RRR practice as a *gendered* experience and as an *old-fashioned* or *out-dated* experience.

Eleven (73.3 per cent) of the fifteen female solicitors interviewed made reference to gender or gender issues as being relevant in some way to their experience of RRR practice,⁶¹ whereas no male practitioner made reference to gender as relevant to theirs, pointing to the centrality of gender to women's experience. A distinctive theme evident across these gendered accounts related to the experience of the RRR context as somehow conservative, outdated and 'old school'. These views were explicitly or implicitly connected with their gendered experience, pointing to the operation of the 'old boys' club'. They related to two main contexts – the workplace and their social and community setting – and encompassed such experiences as gender-based discrimination, remarks about a lack of maternity leave available to women in regional practice and illustrations of a dominant masculine culture within their community and/or practice setting. Each of these contexts will be considered in turn.

The Workplace Context

The workplace has long been a challenging site for women lawyers. This is reflected in the findings of a substantial body of empirical studies and academic scholarship over the past two decades that has highlighted the marginalised status of women lawyers in the Australian legal profession. Broadly, this research concludes that women face significant systemic disadvantage within the profession, resulting in a clustering of women in

⁶¹ I note here that two of the four solicitors who did not raise issues of gender were from a remote region and worked within a firm with a female sole principal.

entry-level careers,⁶² work segmentation,⁶³ pay disparity⁶⁴ and much higher levels of gender-based discrimination – all of which adversely impact women's overall satisfaction levels and rates of retention.⁶⁵ The private sector has been the focus of particular criticism in this regard, and is linked to women's retreat from the private sector.⁶⁶

The present research broadly confirms these trends insofar as it finds that women's relative workplace satisfaction was a key factor in their retention in RRR practice and that this satisfaction was lowest within the private sector. The most satisfied were the female sole practitioner and those female solicitors employed within the corporate and community sectors. They all voiced high levels of work satisfaction, collegiality, cooperation and job flexibility, while private sector experience tended to be characterised as more difficult, hostile and problematic in terms of management and supervisory practices.

The most explicit references to such a gendered practice experience were made by two female participants, Queenie and Samantha, both of whom spoke about 'the boys' club' in the context of their workplace. Queenie is a young woman who had been employed in private practice for a period of five years. She studied law at a Brisbane university, thereafter returning to her home and family in an inner regional centre to begin her practice career. She recounted a highly stressful and unhappy practice experience, characterised by 'bullying and harassment', as a result of which she moved away and exited legal practice altogether:

Queenie: ... Eventually I just ended up hating my job.

Int: Okay. Why was that do you think?

Queenie: Well a number of reasons: the hours, the boys' club [and] the pay was miserable ... And in the end the final straw for me was getting yelled at at 11.30 pm on a Tuesday night for not coming in on a Sunday ... He didn't approach me until Tuesday night ... I was leaving at about 11.30 pm and he called me into his office and spent an hour chastising me about my lack of dedication and my lack of care and attention and that I told him I was coming in on the Sunday, which I denied. I said I may have come in you know I certainly didn't have any ... I certainly did have attention to detail and care. I wouldn't have been there at 11.30 pm on a Tuesday night otherwise ... Yeah, not much fun.⁶⁷

Queenie connects this and her many other difficult experiences in the workplace to what she refers to as 'the boys' club'. When asked to explain

⁶² Law Society of New South Wales (2002), p 5.

⁶³ Law Society of New South Wales (2002); Hutchinson and Skousgaard (2008), p 37.

⁶⁴ Urbis (2012), p 8; Law Society of New South Wales (2002), p 8; McLeod and Kennedy (2010), p 354; Hutchinson and Skousgaard (2008), p 47.

⁶⁵ Trifiletti (1999), p 6; Neal (2009), [3.11]; Law Society of New South Wales (2002), p 14.

⁶⁶ Law Society of New South Wales (2002), p 10.

⁶⁷ Female Solicitor, Outer Regional, telephone interview recorded on 11 April 2011.

this phrase, she pointed to a work environment in which her male boss was very ‘aggressive’, ‘chastising’ and ‘ruled with fear’. She also described an environment where women were expected to ‘know their place’. Queenie believes her experiences of bullying and harassment were symptomatic of, or symbiotically connected to, generational or ‘old school’ attitudes and practices of the firm’s male partners:

Well, yeah, effectively what it [my unhappiness] came down to is just the way, without getting personal, I guess, my boss was very ‘old school’. He obviously like things done in a certain way, in a certain timeframe, in a certain language, in a certain file order, things like that and that’s fine that’s how he wanted to run the show. But he was also very aggressive and very personal when it came to criticism ... and he was one of eight partners at the firm who ran his own office. He was the only partner in the [location] office ... and it was his show up there, like you couldn’t speak to any of the other partners in [other regional offices] because you would effectively be going over his head.

While she pointed to the boys’ club, ‘old school’ attitudes and gendered expectations, she also observed that junior male solicitors in the office were not shielded from the worst of practices either, commenting that often their treatment ‘would probably have been ... worse’:

Int: In terms of the way you were treated and your strong sense that this is about the boys’ club, do you think that if you were a man you would have been treated differently?

Queenie: Oh, they would probably have been treated worse ... Some of the male solicitors that came and went while I was at the firm, he would come down harder on them.

Int: And why was that, do you think?

Queenie: Umm, because he thinks that tough love is a method of teaching and that. You know I was standing outside an office when he called a junior solicitor a ‘soft cock’ ... Some of the language, in any other workplace, would not be tolerated.

Int: So why do you think that tough love was the thing for boys ...? Why was he tougher on the boys?

Queenie: Well, I mean, he was tough on everyone [but] I don’t think he’d be as crude as he was to boys ... But certainly he was, you know, a very chastising person and ruled with fear.

Queenie now works outside of the legal profession and, while she misses aspects of practice, has no intention of returning. She says she could perhaps be tempted ‘for the right price’, but even with this was clear that she would not again choose to work in a small organisation, commenting that:

When you go back to a bigger firm or bigger organisation, a national company that has standards and ... things like that, where [bullying and harassing] behaviour is just not tolerated and if you have a complaint you can go to the next manager or the manager up from them because there is much more power given to employees.

Firm size was an issue raised by a number of female practitioners who connected difficult or negative aspects of their experience with the small-firm environment of RRR practice. They considered that a predominance of small or smaller firms was problematic in terms of the conditions of employment such firms can and do offer. Reference was also made to their more informal management structure, and a belief that they were less able to deal with conflict and poor behaviour. Some women were very clear that they would not choose to work in, or return to, a small-firm environment, preferring larger organisations as they were thought to have stronger employment standards and greater accountability structures, and were perceived to have less tolerance for bullying and harassing behaviour. Small firms were seen by some as a 'law unto themselves' – private and untouchable. In this way, some women appeared to view firm size as a proxy for a firm's progressiveness.

Another participant, Samantha, also explicitly referred to the negative impact of the 'boys' club', and linked it to what she believed was the more conservative environment of RRR. Samantha is a mature-aged woman who came to the practice of law later in life and had been a partner for many years in a medium-sized regional firm in Queensland. She considered 'the boys' club' to be the least satisfying aspect of her regional practice experience:

[T]he boys' club still exists – and in a strong way. As I said, I have been fortunate along the way, whether I chose to ignore or whether it just never really mattered to me ... it is only in the last few years that I have perhaps seen it working a bit more up close.⁶⁸

Samantha's experiences of 'the boys' club' manifested somewhat differently than it did for Queenie. While Queenie spoke of an overtly aggressive and bullying work environment, Samantha described more covert behaviour. As a partner of the firm, she spoke of occasions where less senior male practitioners in the firm would 'try to work against' her or do other things to 'undermine' her. She expressed concern more generally about the increasing prevalence of 'more insidious forms of discrimination' against women lawyers that she said were harder to detect and act upon. When asked about personal experience, she gave an example of her exclusion from a work fishing trip:

I'm trying not to be critical of them ... I worked with a brilliant team of male partners who would hate to think that they were ever chauvinistic in any way ... and then there was the phone call to say 'We're going fishing on a charter boat for a day, we'll do something with you another day.' It wasn't even, 'Would you like to come?', it's just you're not invited. But on the face of it – some of them might have clicked – but they just didn't see anything wrong with that. I was a bit flabbergasted, but just let it slide. They wouldn't have thought twice about what the issues were there. I think that's what's part of it ... there's not enough understanding of what it really means

⁶⁸ Female Solicitor, Inner Regional, interview recorded in Brisbane, 9 June 2010.

when things like that are said; what message is being sent. So, that's difficult whereas [my current partner] we were talking about the State of Origin and getting Brisbane tickets. He said, 'Oh my brother's got some. We'll see how many I can get. Even if it just means you and I going' ... It was a breath of fresh air. That's where I see the differences. With some people, not only is being female not an issue, it's not even on his radar.

Samantha's comments in relation to operation of the 'the boys' club' and her account of gender-based discrimination also connect to ideas of a more conservative practice experience in the context of RRR. While Samantha identified the problem of gender discrimination as one affecting female lawyers regardless of location, she felt that RRR practice may present particular challenges for female lawyers because of a greater conservatism found in rural practice:

Samantha: I think it [a conservative attitude towards women] is no doubt everywhere but I think it is highlighted in RRR because the way I saw it that the larger, older more established firms are still male partners now in their 50s and 60s. They were brought up with mums at home and dad runs the farm. It's how they operate and as much as I said they accept that females are equal, it's really in their blood that they're not. And yeah so, as I said ...

Int: It's a generational thing?

Samantha: Absolutely.

The accounts of Queenie and Samantha not only highlight a more conservative gender regime, but more particularly suggest the performance of certain rural 'managerial masculinities'. These masculinities, explored earlier in this article, point to 'authoritarianism' and 'informalism' as present in some sites of RRR practice. Authoritarianism is said to 'celebrate a brutal and aggressive masculinity',⁶⁹ and this is reflected in Queenie's accounts of the 'boys' club', overt bullying and the creation of a fear-based work environment. Samantha's comments and her experiences of the 'boys' network' and exclusion from the work fishing trip point to both informalism and paternalism.⁷⁰ Informalism refers to 'the way in which men are said to build informal work-place relationships with one another on the basis of shared masculine interests and common values' in order to establish an 'in group' and differentiate themselves from women.⁷¹ This suggests that 'homosociability of the metaphysical "club"' mentioned by Margaret Thornton is alive and well.⁷²

The experience of male participants in the research suggests that there is a high level of clarity for men in relation to their career trajectory and

⁶⁹ Collinson and Hearn (1994), p 13.

⁷⁰ Collinson and Hearn (1994), p 15.

⁷¹ Collinson and Hearn (1994), p 14.

⁷² Thornton (1996b), p 564.

practice future.⁷³ This was much less evident for women, whose experience pointed to a more complex and parlous set of retention factors.⁷⁴ A number of women expressed uncertainty about their career progression as female solicitors in the context of RRR practice because their firm (and regional firms more generally) did not offer paid maternity leave. While female participants generally felt that firms offered adequate work flexibility, the absence of firm policies offering paid maternity leave was seen as a real issue for five of the female practitioners. None of the women knew of any firm in their area offering this, apart from the larger multi-office firms. While paid maternity leave is an issue for female lawyers, regardless of location, it would appear that female lawyers in RRR feel more acutely disadvantaged due to the small firm context of RRR. There is arguably some basis to this, as a Victorian study into flexible work practices found that paid parental leave was more commonly offered in large firms (15 per cent), while small firms were more likely to offer flexible holiday rosters (34 per cent), the ability to work from home (20 per cent) and the option of part-time work (15 per cent).⁷⁵

All five female participants expressed uncertainty about the extent to which their firm would support them with paid maternity leave. It was generally felt that they were left to independently negotiate an entitlement in an environment of uncertainty. Paternalism is arguably reflected in this, as women are forced to individually negotiate an entitlement, thus 'legitimis[ing] managerial prerogative', which is said to be a feature of paternalism.⁷⁶ This managerial prerogative was a key element of women's dissatisfaction, along with their concern that the predominately male partnership could not really understand their needs – particularly as the partnership consisted of men with wives at home assuming the primary carer responsibilities.

With the exception of one firm, none had female partners. One firm had one female partner. All five women expressed concern about whether the male partners would or could understand their needs around maternity leave and family responsibilities more generally. Greta felt that her firm would

⁷³ All male solicitors interviewed were quite clear about their career trajectory and where their future lay in the context of RRR practice. Apart from Noel, who planned to retire within twelve months, all indicated an intention to remain in their current practice, and/or RRR practice more generally, in the short, medium and in most cases longer term. Three of the male solicitors did give some qualification to their intention to remain in their current position, but not to their long-term intention to remain in RRR practice.

⁷⁴ Only three (20 per cent) female solicitors indicated an unequivocal intention to remain in their job and RRR practice on a continued basis. The experiences of the remaining twelve female participants point to a more complex mix of retention factors. Five (41.6 per cent) indicated a *qualified* intention to remain in their current position and/or RRR practice. One (8.3 per cent) participant intends to remain in their position in the short and medium term; two (16.6 per cent) had already left RRR practice at the time of being interviewed, while the remaining four (33.3 per cent) expressed an intention to leave.

⁷⁵ Victorian Women Lawyers (2005).

⁷⁶ Collinson and Hearn (1994), p 13.

probably support her, but that ‘sometimes without meaning to there are overtones or hints otherwise’. She attributed this to ‘there being so many male partners.’ Three of the women considered that this reflected a more conservative environment in RRR practice, explicitly connecting this absence not only to the predominance of male partners but also to their ‘outdated’ or ‘old world’ thinking. This is captured by Joanne:

I’ve always said I wanted to be a partner at [firm]. I’ve always said that because I do think it is a good firm but I think the firms up here are a little outdated in terms of their thoughts and they’re predominately male based, the partners. Umm, and I’m not just talking about [my firm], I’m talking about the regional firms ... They are predominately male-based in terms of their partners and I think that the partners are a lot older too. They’re about 50 to 70 years of age. So I think that there’s a bit of that ‘old world’ thinking and that sort of stuff.⁷⁷

It is evident that firm attitude and practice in relation to paid maternity leave, and family friendliness more generally, are factors for women in deciding whether to remain in or leave their position – and, for some, RRR practice more generally. This was particularly an issue for women working in the private sector. Of the five women who identified this concern, two felt that the firm’s response to their request for maternity leave would influence such decision-making. Joanne, for example, commented that while the firm’s attitude was unlikely to affect her decision to continue working for the firm in the immediate future, it would certainly force her to ask whether this was a firm to which she would want to commit to partnership in the future:

I know the flexibility is there when I come back it’s just really the paid maternity [leave] or not ... The situation either way I don’t think would affect my decision to continue to work at [firm] but it would certainly colour my view on how ... on whether I feel comfortable that the firm is in a direction that I would like to be a partner at.

Joanne spoke at length about the possible option of starting her own firm in the future. While she was worried about the financial risks involved in such an endeavour, she also spoke of her desire to create a more ‘progressive’ firm and to ‘leave a legacy’ within the legal industry:

I think [the benefits of going out on my own are that I am able to] run it the way that I think a firm should run. And making it a progressive firm; building it up so that when I do retire I leave a legacy behind of a progress[ive] firm in the legal industry so to speak ... really leave something behind for future generations in terms of people coming into the legal industry and new solicitors starting out and getting that experience.

Greta questioned the effect that twelve months’ maternity leave would have on her ‘career progression as a female solicitor’. For instance, could

⁷⁷ Female Solicitor, Outer Regional, telephone interview recorded on 14 February 2011.

she really 'expect to come back where [she] left off' or would she have 'lost touch ... with updates to the law'? She also felt that her firm made women feel guilty for taking time out of work to have a family, and concluded that she may have to 'look for a different path' or a 'different career' when the time came.⁷⁸

Greta's account highlighted her belief that taking time out to have a child may be incompatible with working in private practice, and perhaps with legal practice more generally. This was also the view of Dawn and Ingrid, two female participants engaged in the community and public sectors respectively. Both described how they had worked in private practice environments immediately before coming to their current positions. Both commented on what they saw as the lack of family friendliness within the private sector context. Dawn, for example, felt she was 'lucky ... [to have] found a really good job [in a community legal centre where it is] very family friendly'.⁷⁹ She was aware, though, of other women who had given up the law altogether because firms in the private sector were known to have low tolerance for those who prioritised their families.

Finally, a number of other female participants also particularly identified 'generational' factors as affecting the attraction and retention of younger solicitors more generally. Karen spoke of the difficulties of attracting and retaining young solicitors in her area, and the impact of what she termed 'one-man-band' law firms. She characterised these firms as run by older, male sole practitioners with inadequate supervision practices. She was particularly concerned that young lawyers were being 'thrown in the deep end', essentially kept office bound and expected to manage on their own without adequate supervision:

Probably the thing that I don't like to see here is ... your 'one man band' law firm. [T]hey'll hire a graduate straight from uni [and] the solicitor goes off to court all day and leaves the one solicitor in the office to fend off all these multiple areas of law because a lot of the smaller firms just dabble in the generals ... I think for a young solicitor to come out of uni and be thrown in the deep end like that is probably a bad experience like ... I don't know, the frustration I hear from the young ones when they move.⁸⁰

The absence of technology within the practice context was also remarked on to by two female practitioners, Queenie and Ingrid. Ingrid commented on her feeling of 'moving back to the dark ages' because the firm did not have the internet, 'feeling really lost ... academically' and being 'unable to do the job properly'.⁸¹ Queenie also complained of difficulties in doing her job, commenting that 'the hardest part I found was making change

⁷⁸ Female Solicitor, Outer Regional, telephone interview recorded on 1 February 2011.

⁷⁹ Female Solicitor, Inner Regional, telephone interview recorded on 27 January 2011.

⁸⁰ Female Solicitor, Inner Regional, telephone interview recorded on 4 March 2011.

⁸¹ Female Solicitor, Outer Regional, telephone interview recorded on 11 February 2011.

... technologically speaking. You know the filing system [and] we still had dictation on tapes. The firm hadn't moved past that.' She said of the firm:

[It] prides itself on being 100 years old and it still behaves like it too. But aside from that everything was still on paper on a hard file. Umm you know everything was ... would try to avoid electronic filing and things like that but that was basically because the boss just didn't like it.

The Social and Community Context

A number of female participants also identified gendered aspects at play outside of the workplace context that directly affected their workplace experience. Three women made reference to the presence of what I have collectively termed a 'dominant masculine culture' within their community experience. All three examples convey implicit overtones of conservatism. This is captured by Karen's account:

Karen: My friends just think, 'Why would you want to live in [regional area]?' and I'm like 'Cos I live 1 km from work and my work gives me this ... you know?'

Int: So your friends don't really get why you're in [regional area] and why you'd want to stay there?

Karen: No.

Int: [T]hey obviously have an idea about what it would be like to practise [there] ... what sort of things do they say, if anything, about it?

Karen: Well, when you come up here some of my friends have noted that it's extremely male. Like if you go out on the town or whatever like there's five guys to one girl and so some of my friends are scared of the amount of males 'cos we have a lot of mining and all that sort of thing here. So it's very testosterone.⁸²

When asked how she felt about her town being 'very testosterone' and whether this impacted on the way she practised, Karen related a particular experience with a male client:

Karen: Well I used to be offended when clients – because I do rural work and so a few of them would be like 'Oh where's John?' as in [the] supervising partner or whatever, but I think I just had to earn their trust and probably learn to speak differently, not speak so legal and just change the manner in which I explained things.

Int: And what do you think they got from John that they perceived they weren't going to get from you as a woman?

Karen: It was number 1 that he was a guy and number 2 it was that I wore pink shoes and things like that, you know what I mean? Umm and then ... when I listened to John speak he knows all the cattle breeds and he asks the right questions when they come in the door; like he'll go, 'Get much rain out there?' and you know, he would just

⁸² Female Solicitor, Inner Regional, telephone interview recorded on 4 March 2011.

make them comfortable with the few sentences whereas I was straight into the business. I have just learnt to be a bit more approachable.

Karen's experience has taught her that she needs to change to better accommodate the client's needs and expectations – specifically, to accommodate more of what 'John' was thought to provide. Her experience shows several layers of gendered 'othering', whereby the practices of male solicitors are accepted (whether consciously or unconsciously adopted) as the norm, and if women wish to be acknowledged and treated with respect as professionals, their behaviour needs to mirror that of male solicitors.

A second perspective in relation to a 'dominant masculine culture' was related by Ingrid. Her account told of the invisibility of women within the structures of power and decision-making in the context of legal practice and the broader business environment. Ingrid is employed 'in house' as a corporate lawyer. She was formerly employed in the same town as a solicitor within private practice. She comments on the limited networking opportunities for women in private practice:

Ingrid: If you want to have a glass of champagne and a chat [it's fine] but in terms of the work that I wanted to do it was of low value because the women aren't in the powerful business positions to make the legal purchasing decisions that were relevant to what I would need to build a business.

Int: Right. So in terms of women in those positions, are they there for you in [your area] and how do you tap in to those?

Ingrid: The answer was probably not ... most of the clients tended to be men in business so they're private companies not public companies ... run by men ... I don't think that that holds women back but it just means that you have to establish your relationships with the men to get the work rather than women to get the work.⁸³

Generational factors were also mentioned in the context of limited opportunities to develop social networks within the legal profession. Carol commented on the dominance of 'older men' and the presence of 'just a handful of women' in the legal industry in her area. She related how this had limited her social connections with other lawyers. Karen, too, connected a lack of social networks in her area to a generational gap:

Karen: ... probably the only thing that I would notice up here is something that I miss very much from home ... like when I was at home my friends were accountants, teachers and you know I had like quite a good 20 something or 30 something network down there but up here there is this gap in age group – people tend to leave at 22 and come back at 40. And that's the same with the legal profession ... Most of the law firms in town, everyone's either 23 or 50.

Int: So younger or older and the in-between leave for a period?

⁸³ Female Solicitor, Outer Regional, telephone interview recorded on 11 February 2011.

Karen: And honestly I miss my friends. I miss social networks. I don't have that here.⁸⁴

Both Karen and Ingrid's accounts describe the relative absence of females in their RRR communities and the problems of professional and social isolation that arise for them in the context of this 'generational gap'. These highlight the gendered invisibility in a physical sense, while Queenie and Samantha's experiences of exclusion and the 'boys' club' point to a broader invisibility in the context of a more conservative gender regime.

Conclusion

This article has presented a selection of case studies that help to highlight aspects of the lived experience of female lawyers practising in RRR communities in Queensland. While it is clear that legal practice in RRR communities can offer a range of positive and beneficial experiences for many male and female solicitors, women's accounts of their particular lived experience have highlighted two distinctive and intertwining narratives that construct RRR practice as both a *gendered* experience and an *old-fashioned* or *out-dated* experience. Together, these point to the operation of the 'boys' club' and suggest a more complex experience than that of either their rural male counterparts and their female urban counterparts.

While the experience of these participants cannot be seen as representing all female lawyers' experience, the recurrence, repetition and forcefulness⁸⁵ of this meta-narrative across this study suggest the importance of these themes and the need to make visible the ways in which the othering of women in the context of rural social space can act to compound the already challenging and gendered nature of the legal practice experience, and lead to women exiting RRR practice.

These narratives clearly situate women's experience of bullying, exclusion, managerial practices, more limited availability of paid maternity leave, technological conservatism, and social and professional isolation within a broader context of 'rurality' and the performance of a more conservative gender regime. They particularly highlight the performance of certain 'rural' masculinities and link socio-cultural constructions of gender and 'rurality' to the departure of some women from RRR practice.

Female participants' accounts suggest that RRR practice is, for some, seen as non-accountable, non-progressive and 'out of touch' with the needs of women and contemporary practice. Strongly implicated in this view is the small-firm environment of RRR practice, where firm size is viewed as a proxy for accountability and the relative progressiveness of attitudes and practices that either support or devalue the role of women. One such attitudinal barrier concerns the absence of paid maternity leave in RRR practice. This was seen to reflect a predominance of 'old-fashioned' or 'out-dated' male-dominated firms, and caused some to question their

⁸⁴ Female Solicitor, Inner Regional, telephone interview recorded on 4 March 2011.

⁸⁵ Owen (1984), p 275.

commitment to a firm that they felt failed to value them. When considering the higher rates of female sole practitioners within RRR practice and the more limited availability of paid maternity leave, it is possible that female solicitors view the opportunity of starting their own practice as a way of achieving a more progressive, relevant and responsive practice experience for both themselves and other women.

It is argued that retaining women in the RRR profession will require more than simply trading on possibilities of work/life balance, a sense of community or a broader professional experience. Rather, this research suggests that meaningful change will require a frank reappraisal of firm culture and practices in RRR. At the early stages of this study, it was suggested to me that the question of gender in legal practice had, in effect, 'been done', and that to explore gender in the context of RRR practice would simply be further 'bashing' the small businesses that were the struggling face of access to justice in RRR Queensland. Having had several years' experience as a regional practitioner who knows the importance and place of the RRR lawyer, this was never my intention, and I hope that in exploring some of these key narratives arising from the interviews, this lived experience might help to inform the future of RRR practice.

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