

Nonpracticing Female Lawyers: Why Did They Leave and Where Are They Now?

Ellen V. Schlesinger, Counsellor & Consultant
Lee Butterfield, Adler School of Professional Psychology

Abstract

Since a greater proportion of female lawyers leave the law profession, the present study investigated women lawyers' decisions to transition from the practice, their feelings at the time they decided to leave, and the characteristics of their current careers. Thematic Analysis of the interviews with nine female participants highlighted the nature of legal work and family responsibilities as the main reasons participants left the legal profession. Most participants reported experiencing anxiety, depression or burnout at the point they decided to change careers. Participants described their transition into new careers, the characteristics of their new work, and reflected on their decision to leave. Implications for career counsellors are considered.

The attrition rate for women lawyers called to the bar in British Columbia as recently as 2003 is 34% (Law Society of BC, 2011). Low retention of female lawyers is occurring alongside female lawyers' continued experience of discrimination in hiring, remuneration, career advancement, access to clients, assignment of files, access to partnership, and accommodation for family commitments (Brockman, 1992, 1994, Chiu, 1998; Hagan, 1990; Hull & Nelson, 2000; Kay, Alarie, & Adjei, 2013; Kay & Hagan, 1995; Mueller & Wallace, 1996; Scharf, Oblander, Trost & Tipton, 2009). A recent study from Ontario found that over the ten year period of 2003 –

2012, a disproportionate number of female lawyers (74%) and female law students (75%) complained of being discriminated and harassed by other lawyers (Peterson, 2013).

Older studies have documented the following items of dissatisfaction among female lawyers: opportunity for advancement and financial rewards, the competitive work atmosphere, long work hours, lack of control over their work, lack of balance between work and personal or family life (including competing child care obligations), job insecurity, the stressful nature of the work, lack of flexibility in law firms, and burnout (Brockman, 1992, 1994, Chiu, 1998). Meanwhile, studies on the job satisfaction of female lawyers have been inconclusive. One study found no significant difference in job satisfaction between male and female lawyers (Mueller & Wallace, 1996); one found lower overall job satisfaction for female lawyers (Chiu, 1998); and one found lower job satisfaction for female lawyers once symptoms of depression were taken into account (Hagan & Kay, 2007).

The present study sought to investigate the themes related to women lawyers' decisions to leave the practice of law, their emotional experiences at the time they transitioned, as well as the characteristics of their current careers. It wished to update the literature and explore whether past items of dissatisfaction continued to be relevant to women leaving the legal profession today. The study also hoped to fill a gap in the literature as the qualities of the

new careers or workplaces entered by women leaving the practice of law, along with the emotions experienced by women at the time of leaving legal practice, do not appear to have been studied.

This article begins by exploring further gender perspectives on being a lawyer, the importance of studying emotion in relation to career experiences, and the theorized impact of the structure of opportunity on career transition. It will then outline the research questions and the design of the qualitative study conducted with nonpracticing female lawyers. Finally, it will discuss the study's results and their implications for career counselling with this population.

Gender Perspectives On Being a Lawyer

Women lawyers report a higher rate of negative affect (Mueller & Wallace, 1996) and more depressive symptoms (Hagan & Kay, 2007) than male lawyers. It has been found that female lawyers internalize their feelings of job dissatisfaction, resulting in increased feelings of depression rather than outward expressions of job dissatisfaction (Berger, 2000; Hagan & Kay, 2007).

Women lawyers perceive negative consequences to having children (Hagan & Kay, 2007), and about 20% of female respondents to a survey of lawyers who had not renewed their membership with the Law Society of BC in 1988 were homemakers (Brockman, 1992).



Additionally, female lawyers have fewer children and are less likely to be married (Hagan & Kay, 2007; Kay & Hagan, 1995) than their male counterparts.

Kay et al. (2013) found that taking a parental leave increases female lawyers' chances of leaving private practice by 37%, whereas there was no significant impact for male lawyers. Similarly, women lawyers' risk of leaving private practice increased by 53% with the birth of one child, 69% with the birth of two children, and 106% with three children, while male lawyers' risk of leaving private practice fell by 42% with the birth of two children and by 53% with four or more children (Kay et al. 2013).

Emotional Reactions to Work Transitions

Kidd (2008) found career experiences elicited a mixture of positive and negative emotions in her study of individuals in managerial and professional occupations. Interestingly, career transition was found to be the most frequently cited positive experience. Goodman, Schlossberg, and Anderson (2006) noted that transitions have the ability to provide an opportunity for psychological growth but also warned clients may experience periods of psychological decline. Borgen, Butterfield, and Amundson (2010) found psychological and emotional impacts to be prominent themes in the experiences of workers who had undergone recent changes that affected their work and who self-identified as doing well with those changes. Thus, in the present study, we wished to attend to, and explore, the emotional experiences of participants in relation to their career transition.

The Impact of the Structure of Opportunity on Career Transition

Astin (1984) theorized that career expectations can change depending on the actual and perceived structure of opportunity in the workplace (i.e. distribution of jobs, sex typing of jobs, discrimination, job requirements, the economy, family structure, and reproductive technology). When the structure of opportunity changes, so too do people's expectations, which leads to changes in career choice and work behaviour. Astin noted that a woman's family role becomes a critical variable in determining her career or constraining it. Applying Astin's career theory, the practice of law may present a diminished structure of opportunity for women, leading them to change their career expectations and then change their choice of career. Similarly, Kay and Brockman (2000) commented that the result of women's disappointment with the organization of legal practice is that they are increasingly likely to change jobs or leave the practice of law entirely. Other researchers have hypothesized that once women lawyers experience barriers to their advancement, their preferences and career choices would change (Krakauer & Chen, 2003). The present study sought to explore the aspects that led female participants to leaving the practice of law as well as investigating what they enjoy about their current careers outside the legal profession.

Research Questions

The present study was designed to shed light on the following questions:

1. Are there themes to female lawyers' decisions to transition from practicing lawyers to nonpracticing lawyers?
2. How were they feeling at the

time they made their decision?
3. What are the characteristics of their current careers?

Method

Recruitment Strategy

Participants were recruited through the following methods: networking; flyers distributed to the Lawyers Assistance Program of BC; word of mouth and snowballing (referrals from initial contacts to other individuals). Recruitment materials consisted of a poster and an e-mail invitation. Both invited women who had left the practice of law to participate in a 30- to 60-minute interview about their decisions to transition from practicing lawyers to nonpracticing lawyers, their feelings at the time they made their decision, as well as the characteristics of their current careers.

Participants

Nine female nonpracticing lawyers participated in this study. To qualify as a nonpracticing lawyer, the participants had to no longer be members of a provincial law society, not even a member whose current status was nonpracticing. Table 1 provides a demographic summary of the participants. The majority attended law school and articulated in private law firms in western Canada. Most participants were between 25 and 31 years of age when called to the bar and spent 2 years or less practicing law in private law settings.

Participants were mostly in their 30s or 40s at the time of the research interviews. The average age of participants was 41 years of age, with the youngest being 30 and the oldest 56 years of age. The majority of participants identified their ethnicity as Caucasian. About half of the participants were married, the re-



Table 1

Demographic Summary of Participants

	Participant								
	1	2	3	4	5	6	7	8	9
Province attended law school	BC	BC	Nova Scotia	BC	BC	BC	Ontario	Ontario	Ontario
Work setting articulated	Nonprofit	Private law firm	Federal court, Private law firm						
Location of articles	BC	BC	BC	BC	BC	BC	Ontario	BC	Ontario and BC
Age called to bar	28	27	25	27	40	25	31	25	30
Years in practice	Under 2	2	10	Under 2	7	Under 2	1	1	5
Work settings	Nonprofit	Private law firm	Federal court, Private law firm						
Income range in law	20,000-40,000	Above 100,000	80,000-100,000	Under 20,000	20,000-40,000	60,000-80,000	20,000-40,000	20,000-40,000	40,000-60,000
Current age	34	30	36	49	56	35	48	40	44
Ethnicity	Caucasian	Caucasian	Caucasian	Caucasian	European	Caucasian	Caucasian	South Asian	Jewish
Current income	Under 20,000	Under 20,000	60,000-80,000	80,000-100,000	60,000-80,000	40,000-60,000	40,000-60,000	60,000-80,000	60,000-80,000
Marital status	Married	Single	Married	Married	Widowed/single	Single	Separated	Divorced/single	Married
Number of children	1 (expecting second)	None	1	2	2	None	1	1	1

maining were single, divorced, or widowed. Only two participants did not have children. Finally, about half of participants were earning less in their current career than when they practiced law.

Qualitative Thematic Analysis Approach

The research method for the present study was a qualitative thematic analysis of the experiences of nonpracticing female lawyers. It was used to generate answers to the following three research questions: (1) Are there themes to female lawyers' decisions to transition from practicing lawyers to nonpracticing lawyers? (2) How were they feeling at the time they made their decision to transition from the practice of law? and (3) What are the characteristics of the current careers they have chosen? The flexibility of thematic analysis, which allows patterns to emerge from the data, made it the most appropriate way to explore the topics under investigation. In the present study, it allowed participants' responses to be summa-

rized and categorized. Further advantages of thematic analysis are that it can produce new insights, it allows for social and psychological interpretations of data, and its results can be used to inform policy development (Braun & Clarke, 2006).

Instruments

An interview guide (appended) was developed for use in this study. The study collected contextual information using open-ended, semi-structured questions that asked participants to describe their experience transitioning from practicing lawyer to nonpracticing lawyer, their feelings at the time they made their decision, and their current career. Data was collected through face-to-face and telephone interviews with the participants conducted by the first author (EVS). Participants were given an informed consent form to review and sign prior to participating in the interview. The interviews were digitally sound recorded and later transcribed. The length of the interviews ranged from 15 to 60 minutes.

Data Analysis

Braun and Clarke's (2006) six-step approach to thematic analysis was used to analyze the data by finding patterns of meaning. In the first step, the researcher (EVS) became familiar with the transcribed data, by reviewing the participant interview transcriptions along with the audio recordings of the interviews to ensure the accuracy of the transcriptions and become more familiar with their content. At this stage, she began to search for meanings and patterns through the data corpus.

In step two, ATLAS.ti was used to generate a data set of participants' responses to each interview question. The data sets for Interview Questions 1, 2, and 3, were then merged into a data set for Research Question 1; the data sets for Interview Questions 4 and 5 were merged into a second data set for Research Question 2; the data sets for Interview Questions 7, 8, and 9 formed a third data set for Research Question 3. Interview Questions 6 and 10, which asked participants to provide one to three words that best reflected both their decision to leave the practice of law as well as their current career, consisted of two data sets that were reported verbatim.

As the third step, the researcher reviewed each of the three data sets and organized the data into meaningful groups. In the fourth step, the researcher reviewed these groups of data extracts and then organized the groups into broader themes. Next, in the fifth step, the researcher refined and more clearly defined the themes, ensuring each theme had a concise and descriptive name. Finally, in the sixth step, the researcher reported the themes in answer to each of the three research questions.



Credibility Checks

Credibility checks were employed to increase the trustworthiness of the present research study's findings. Braun and Clarke (2006) offered two credibility checks, which were incorporated into the analysis. Because greater credibility checks have been developed for the Enhanced Critical Incident Technique (Butterfield, Borgen, Maglio, & Amundson, 2009), several credibility checks from this method were borrowed and adapted to thematic analysis.

First check: Descriptive validity. The first credibility check was borrowed from the critical incident technique (Butterfield, Borgen, Amundson, & Maglio, 2005). Descriptive validity ensures that the researcher accurately captures the information provided by the participants in their interviews (Maxwell, 1992). This was accomplished by audio taping the participant interviews and then transcribing them to accurately reproduce the participants' words (Butterfield et al., 2005). Descriptive validity ensures that the data being analyzed accurately reflect the information provided by the participants.

Second check: Independent data extraction. The second credibility check was also borrowed from the critical incident technique. After the researcher had completed the initial data extraction, an independent judge was asked to do the same: to independently extract data identified as relevant to the research questions. The independent judge was a Master of Arts student in counselling psychology who was familiar with qualitative research. The level of agreement between the data extracted by the researcher and the independent judge was calculated and reported. The more the two are in

agreement, the more credible the data extracts are thought to be (Butterfield et al., 2005). Butterfield et al. (2005) recommended that 25% of transcripts, selected randomly, be provided to the independent judge for such review. Because the researcher conducted nine interviews, three were randomly provided for this credibility check (specifically, the transcripts for Participants 3, 6, and 9). The researcher compared her extractions with those of the independent judge and found a concordance rate of 97.5% for Participant 3 and 100% concordance rates for Participants 6 and 9. The researcher had extracted one further data item relating to the third research question in Participant 3's transcript. After discussion, the independent judge agreed to include this data extract, and therefore the final concordance rate was 100%. The data extracts are therefore thought to be credible.

Third check: Researcher review. The third credibility check was taken from Braun and Clarke (2006). Within the fourth step of thematic analysis (in which the researcher organized the groups of data extracts into broader themes), Braun and Clarke suggested that the researcher read all collated data extracts for each theme to consider whether they form a coherent pattern. If the data extracts seem consistent with the theme, a thematic map begins to be presented. The next check was to consider what Braun and Clarke described as the validity of each theme in relation to the data set and whether the thematic map reflects the meanings in the entire data set. The researcher was satisfied with the thematic map created for each research question after re-reviewing the data extracted from each participant interview in support of each theme. Additionally, the researcher re-reviewed each data set (which consisted of the interview

question responses related to each research question) to ensure that the themes appeared consistent across each data set and that nothing was missed. The researcher then successfully moved on to the fifth step (where themes were clearly defined with concise and descriptive names).

Fourth check: Independent placement of data extracts into themes. The fourth check was borrowed from the critical incident technique (Butterfield et al., 2009). A second independent judge was asked, after the researcher gave concise and descriptive names to the themes, to place data extracts into the themes formed by the researcher. Using a different judge from the one employed in the second check ensured that the judge had no prior familiarity with the data. This second judge was also a Master of Arts student in counselling psychology who was familiar with qualitative research. The higher the agreement rate between the researcher's placements of data extracts into themes and the independent judge's, the more sound the themes are thought to be. The researcher randomly chose at least 25% of the data extracts within each theme (if a theme had only one supporting data extract then the entire data extract, 100%, was chosen; if a theme had two supporting data extracts, then one, or 50% of extracts, were chosen; if a theme had three data extracts, then one theme or 33% was chosen; if a theme had four or more extracts, then 25% were chosen) and sent them to an independent judge along with the thematic headings. The independent judge was asked to place the data extracts into the thematic headings. The researcher then compared her own and the independent judge's placement of data extracts into the themes (Butterfield et al., 2009). A match rate of 80% or higher is needed for the themes to be



considered credible (Andersson & Nilsson, 1964). For Research Questions 1 and 2, the concordance rate was 100%. For Research Question 3, there was one of the 10 data extracts that was not put in the same thematic heading, and therefore the concordance rate was 90%. Overall, because the concordance rates were 90% to 100%, the thematic headings were considered credible.

Fifth check: Theoretical validity. The fifth check was also borrowed from the critical incident technique. It was accomplished by comparing the identified themes to the literature to see if there was support for them, also known as theoretical agreement (Butterfield et al., 2005, Butterfield et al., 2009; Maxwell, 1992). Butterfield et al. (2005) noted that lack of theoretical agreement “may mean the study has uncovered something new that is not yet known to researchers” (p. 488). For this check, the importance was to scrutinize the themes against the literature and “make reasoned decisions about what the support in the literature (or lack of it) means” (Butterfield et al., 2005, p. 488). Newly found themes can point to the importance or need for further research (Butterfield et al., 2009). Overall, past studies supported the majority of themes (seven of nine, or 78%) for Research Question 1 (Berger, 2000; Brockman, 1992, 1994; Chiu, 1998; Dau-Schmidt, Galanter, Mukhopadhaya, & Hull, 2009; Hagan & Kay, 2007; Krakauer & Chen, 2003) and for five of seven themes (or 72%) for Research Question 3 (Brockman, 1994; Chiu, 1998). Although no similar studies of lawyers existed for Research Question 2 (the feelings of female lawyers at the time they made the decision to leave the practice of law), past studies in the career transition literature offered support for the two largest themes found in the

present research study (Borgen et al., 2010; Kidd, 2008). Overall, based on the results of these five credibility checks, the results of the present research study may be considered trustworthy.

Results

Female Lawyers' Decisions to Transition

The first research question sought to answer the question: What themes emerge from female lawyers' decisions to transition from practicing lawyers to nonpracticing lawyers? Interview Questions 1, 2, and 3 formed the data set for the first research question. Interview Question 1 asked participants why they had stopped practicing law. Interview Question 2 asked participants what factors had led to their decision to stop practicing. Interview Question 3 asked participants whether any particular events had influenced their decision to leave the practice of law. From the responses, nine themes were found to female lawyers' decisions to transition from practicing lawyers to nonpracticing lawyers, which are described in Table 2 and summarized below.

Theme 1: Nature of legal work. Eight participants (89%) spoke about not liking particular components of the practice of law, which were broken down into the following subthemes.

Subtheme A: Long hours. Eight of nine participants in this study (89%) disliked the long hours, billable hours, or unpredictable hours expected in the practice of law.

Subtheme B: Not liking the work. Five of nine participants (56%) spoke about not liking, or not

enjoying, the work of a practicing lawyer.

Subtheme C: Hierarchical structure of law. Five of nine participants (56%) spoke about disliking the hierarchical structure of law. These responses pointed to disliking both the vertical employee structure of law firms as well as the inaccessibility of law to lower income groups.

Subtheme D: Litigious nature of the work. Three of nine participants (33%) spoke about disliking the litigious, adversarial, nature of legal work.

Theme 2: Family responsibilities. Six of nine participants (67%) commented that family responsibilities influenced their decision to leave the practice of law.

Theme 3: Interests were elsewhere. Five of nine participants (55%) discussed leaving the practice of law because their interests, or passions, lay elsewhere.

Theme 4: Depression or burnout. Four of nine participants (44%) noted depression or burnout as a reason for leaving the practice of law.

Theme 5: No longer a job a requirement. Four of nine participants (44%) commented that their decision to transition from practicing lawyer to nonpracticing lawyer was influenced by the fact that in their current job, or career, being a member of a provincial law society was not a requirement.

Theme 6: Disrespectful treatment. Three of nine participants (33%) cited disrespectful treatment, or not being personally valued by their law firm, as influencing



Table 2

Female Lawyers' Decisions to Transition

Themes	Subthemes	Number of Participants	Representative Participant Quote
1- Nature of Legal Work	A. Long hours	8	"There were a lot of things I was unhappy with. . . . A lot of it was the hours, the hours I [was] expected to work. . . . I didn't really realize that the whole billing system was connected with the hours. . . . If you work efficiently, then the reward is more work." (Participant 9)
	B. Not liking the work	5	"I actually just don't enjoy it as a job. I thought it might be different if the context was different, so when I was a sole practitioner working for myself, it was part-time, as part-time as you can get, like a couple of hours a day really, and I still found that even in that context I didn't enjoy the work." (Participant 3)
	C. Hierarchal structure of law	5	"You're often, I feel, not addressing necessarily the biggest most important issues. . . . You feel like a bit of an ass, like if you're working for a community working on like a big title case, or . . . something that's very high level, it can seem very remote from the average person's existence. . . . You just feel really divorced from kind of the reality on the ground. . . . I don't like the split, I don't like hierarchies. . . . I hate that money is such a large part of it, because the areas I like working in, the people I like being able to work with, are usually people who have no money." (Participant 2)
	D. Litigious nature of the work	3	"I could tend to see both sides of various issues, and I didn't really like the fact that you had to be on one side all the time, [and] that it was so adversarial". (Participant 9)
2 – Family Responsibilities		6	"I value family, and I want to spend time with them and have a life. So I found the work–life balance . . . a contributing factor, probably a primary reason for not wanting to practice". (Participant 3)
3 – Interests were Elsewhere		5	"There were other things that I really enjoy doing and I feel are maybe some of my better strengths that are not really part of the law world". (Participant 2)
4 – Depression or Burnout		4	"I was burning out. . . . I just felt like I just couldn't do it anymore. It was burnout. I just, I couldn't even bring myself to do another file. . . . I kind of got to a point where I thought, 'Well, this is really classic burnout.' . . . I became very cynical." (Participant 5)
5 – No longer a Job Requirement		4	"It's not necessary for me to be a practicing lawyer for this job" (Participant 3).
6 – Disrespectful Treatment		3	"I didn't feel particularly valued or cared about as a person in the firm. . . . I was sitting in my office crying one day, and the door was closed, and a partner in the firm just opened my office door, walked in, saw me crying, dumped a stack of work on my desk and left. I didn't see that as particularly atypical." (Participant 9)
7 – Gender Discrimination		2	"When I won something in court, it was like, 'Oh it's because you're cute.' When I lost something in court, it was because I was a dumb blond. And that didn't just come from the men." (Participant 7)
8 - Cost of Bar Fees		1	"It was expensive to annually keep up my bar fees. . . . I figured that if I ever wanted to go back to practicing law I could later redo what I needed to get back, called to the bar, and in the meantime it wasn't cost-effective for me to do that." (Participant 4)
9 – Lack of Mentorship		1	"I wasn't given a lot of the mentorship in my articles, . . . and then I wasn't at a firm where there was a [feeling of] 'we're going to nurture you, we wanted you to stay with us and grow with us.' I was on a contract." (Participant 6)



Table 3

Feelings at the Time of the Decision to Transition

Themes	Subthemes	Number of Participants	Representative Participant Quote
1- Adverse Emotions	A. Anxious Emotions	5	"Anxiety, fear, . . . like unable to cope, overwhelmed". (Participant 5)
	B. Depression or Burnout	3	"I certainly had a big long period where I was quite depressed, and I think I sort of started to make the decision at that time. . . . I know that early on in the decision I was really depressed and I felt like a failure and all that." (Participant 9)
2 - Favourable Emotions		4	"As soon as I had actually made the decision to quit I felt like I had won the lottery. I was so relieved to have that pressure off." (Participant 5)
3- Ambivalent Emotions		1	"Maybe a little ambivalent about that I enjoyed my [current] job. . . . And it was a good career. It was interesting work I was doing." (Participant 4)
4 – Indifferent Emotions		1	"I didn't really feel regret. . . . Indifference. . . . It wasn't a traumatic thing. . . . It was just like, 'You know what? I'm done.'" (Participant 7)

Theme 3: Ambivalent emotions. Just one participant (11%) cited feeling ambivalent about her decision to transition from the practice of law.

Theme 4: Indifferent emotions. Additionally, one participant (11%) felt indifferent at the time she decided to leave the practice of law.

Additional information gathered.

Further information was mined from the interview questions related to the feelings experienced by nonpracticing women lawyers at the time they made their decision to transition. Although Interview Question 4 asked participants to describe how they felt at the time they made their decision to leave practice, nearly half the participants (four of nine, or 44%) said that their decision to leave the practice of law was a gradual process. Furthermore, three of nine participants (33%) reported that at the beginning of their decision to leave the practice of law, they were experiencing adverse emotions, but as they progressed along their decision path, they experienced favourable emotions.

Reflections on their decisions to leave the practice of law. Interview Question 6 asked participants to provide one to three words that best reflected their decision to leave the practice of law. The majority of participants viewed their decision to leave favourably (eight participants, 89%). They used words such as: "rewarding," "extremely satisfying," "affirming," "exciting," "freedom," "self-aware," and "successful". Three participants had both favourable and adverse reflections. These less favourable reflections were directed at the uncertainty of

their decision to leave the practice of law.

Theme 7: Gender discrimination. Two of nine participants (22%) noted the presence of gender discrimination in their experience as practicing lawyers.

Theme 8: Cost of bar fees. One of nine participants (11%) mentioned the expensive cost of bar fees as a reason to leave the practice of law.

Theme 9: Lack of mentorship. One of nine participants (11%) cited lack of mentorship as a reason for leaving the practice of law.

Feelings at the Time of the Decision to Transition

The second research question asked whether there were themes to how nonpracticing women lawyers were feeling at the time they made their decision to leave the practice of law. Interview Questions 4 and 5 formed the data set for this inquiry. Interview Question 4 asked participants to describe how they were feeling at the time they made their decision to leave the practice of law, and Interview Question 5 asked participants to give a name or word

to how they were feeling. The data extracts from these two interview questions were grouped into four themes that are described in Table 3 and summarized below. It is important to note that many participants experienced multiple emotions.

Theme 1: Adverse emotions. Eight of nine participants (89%) experienced adverse emotions. This theme was subdivided into two subthemes: anxious emotions and depression or burnout.

Subtheme A: Anxious emotion. Five of nine participants (56%) experienced the adverse emotions of anxiety, apprehension, and uncertainty at the time they made their decision to leave the practice of law.

Subtheme B: Depression or burnout. Three of nine participants (33%) experienced the adverse emotions of depression or burnout when they were deciding to leave legal practice.

Theme 2: Favourable emotions. Four of nine participants (44%) experienced favourable emotions when they made their decision to transition from practicing lawyers to nonpracticing lawyers.



Table 4

Characteristics of Current Careers

Themes	Number of Participants	Representative Participant Quote
1- Better Fit with Strengths and Skills	8	"It uses skills that I enjoy employing, so I really like interviewing people. I like pulling issues out of . . . information that I receive and investigating them or finding more information about them, and I like writing so I get to write my reports at the end of the day, so it contains components of actual work that I like." (Participant 3)
2 - Work of Social Value or Personally Meaningful.	7	"It's all about helping other people develop themselves, develop their own potential. . . . I feel like I'm giving back and sharing my wisdom and that sort of thing." (Participant 9)
3 - Reasonable Work Hours	5	"It's 9:30 to 5:00." (Participant 6)
4- Low Stress	3	"I drive home at night with no stress. No stress from the job". (Participant 7)
5- Extended Health Benefits	3	"I have benefits. . . . I can have a sick day. I can have a mental health day if I want". (Participant 5)
6 - Positive Work Environment	2	"[My colleagues] are very pleasant. There's no . . . politics. . . . It's mostly women. . . . It's very pleasant." (Participant 7)
7 - Stability	1	"It's nice to have . . . a stable position". (Participant 6)

their endeavours. They used words such as: "uncertainty," "naïve," "serious decision," and "emotional decision". One participant (11%) additionally reported an indifferent reflection, stating, "Easy come, easy go . . . lackadaisical. . . . It didn't feel like a life or death decision" (Participant 7).

Reflections on transitioning. Three participants provided anecdotes about their experiences transitioning from practicing lawyer to nonpracticing lawyer. Participant 7 felt she was pigeonholed with her law degree whereas Participant 2 felt that she was a unique candidate for employment. Participant 1 felt that the experience of transitioning helped her to be more confident in herself and her decisions.

Current Career Characteristics

The third research question asked whether there were themes to the characteristics of the current careers of nonpracticing female lawyers. Interview Questions 7, 8, and 9 formed the data set for this research objective. Interview Question 7 asked participants to describe their current career, Interview Question 8

asked participants what they liked about it, and Interview Question 9 asked what drew them to it. The current careers of nonpracticing female lawyers are characterized by seven themes described in Table 4 and summarized below.

Theme 1: Better fit with strengths and skills. Almost all participants (eight, or 89%) commented that in their current careers they employ their strengths and skills (some even specifying their legal skills).

Theme 2: Work of social value or personally meaningful. Seven of nine participants (78%) asserted that their current career had social value and felt it was personally meaningful and gratifying.

Theme 3: Reasonable work hours. About half of participants (five of nine, or 56%) thought their current career had reasonable work hours.

Theme 4: Low stress. Three of nine participants (33%) reported that their current careers were characterized by low stress.

Theme 5: Extended health benefits. Another three of nine par-

ticipants (33%) also noted that their careers offered extended health benefits.

Theme 6: Positive work environment. Two of nine participants (22%) judged their careers as taking place in a positive work environment.

Theme 7: Stability. Only one participant (11%) described her career as stable.

Reflections on current career. Interview Question 10 asked participants to provide one to three words that best reflected

their current career. All nine participants (100%) had favourable reflections about their current career, using words such as: "creative, intellectually demanding," "challenging," "exciting," "rewarding, diverse," "socially useful," "gratifying, meaningful," "fulfilling," "helping, satisfied," "work-life balance," "stability, low stress," "flexible, mentorship," "relaxed work environment, very communicative". Three participants (33%) also had some adverse things to say, mostly feeling unchallenged or bored: "tedious," "pretty administrative," "not fulfilling," "not interesting," "a touch of boredom".

Additional information collected. Four additional observations were collected from the interview questions related to the characteristics of participants' current careers and their reflections about them. First, Participant 1 found her current career was linked with her parenting, such that mothering informed her work practice:

You can't . . . look after a baby I think and sort of get away with certain traditions that we hold in the academy. I think even people who have a very critical mindset in . . . an academic set-



ting as well as in legal practice, for sure we kind of pretend like the mind–body split is a real thing and you can't kind of live your day like that if you have a baby.

Second, the two oldest participants, aged 48 and 56, commented that they were considering returning to the practice of law because their children were grown; they felt there were more opportunities for women in law; and they experienced some boredom in their current career. Third, three participants discussed how they were currently less financially secure than their colleagues who had continued practicing law.

Lastly, two participants commented about observing the work or emotional states of their colleagues who were practicing law. It appears that the negative observations gleaned by these participants may have influenced their personal judgments about the opportunities for success in the practice of law. For example, Participant 7 noticed the unhappiness experienced by her legal colleagues after spending 5 or more years in the practice of law: "I had friends who were already lawyers and I could see about the 5-, 10-, 15-year mark—[they] were just miserable and I kind of thought I was being smart by avoiding getting those golden handcuffs."

Discussion

This discussion focuses on the three main research questions explored in the present study, namely female lawyers' decisions to transition out of practicing law, women's feelings about transitioning, and the characteristics of their current work. The research findings are compared to the existing literature, highlighting findings that have increased or diminished in importance over time, that are similar to

results of previous studies, as well as calling attention to new findings.

Analysis of Female Lawyers' Decisions to Transition

Nature of legal work. In Brockman's (1992) study, 44% of the 52 female respondents cited the nature of legal work as influencing their decision to leave the practice of law. In the present study, 8 of 9 participants cited this as a reason.

Long work hours. The hours required of the work was an important component to the nature of legal work in the present study, with 8 of 9 participants noting long work hours as contributing to their reason to transition. In Brockman's 1992 study, this was important to 35% of respondents and in Brockman's 1994 study, it was important to 73% of the 77 female respondents. The number of hours worked might be an increasingly important issue, as increased lawyer salaries demand increased billable hours (Choo, 2001).

Not liking the practice of law. The majority of the present study's participants cited not liking, or not enjoying, the work of practicing law as a factor influencing their exit from legal practice. Not liking the work represents a dimension not previously found in the literature. In the present study, it was found to be distinct from other characteristics of the nature of the work, such as long hours, the hierarchical structure of law, and the litigious nature of legal practice. It was found to be a unique subtheme because participants described not enjoying various tasks required of legal work distinct from the other items mentioned.

Hierarchical structure. A greater proportion of participants in the present study (5 out of 9) cited

the hierarchical structure of law as a reason for their decision to leave the practice than was reported in Brockman's (1994) study which found 30% of participants were dissatisfied with their organization's administration. The increased importance of this theme in the present study may be because it encompasses both the vertical management style at law firms as well as the inaccessibility of the legal profession to those in society with less financial means. Similarly, Kay et al. (2013) found "organizational structure" as an anecdotal reason lawyers left private practice in their longitudinal panel surveys (1990-1996-2002-2009) of male and female lawyers who were called to the bar of Ontario between 1975 and 1990.

Litigious nature of legal work. Similar proportions of participants cited the litigious nature of legal work as influencing their decision to leave the practice of law in the present study as in an earlier study (Brockman, 1994). It appears that the experience of legal practice as adversarial and litigious has remained consistent for lawyers who have left the profession.

Family responsibilities. The present research study found 6 of the 9 participants citing childcare commitments as a reason for leaving the practice of law compared to 30% in Brockman's (1992) study. Perhaps the increased billable hour targets make balancing work and family even more challenging. Kay et al. (2013) had found that women lawyers were challenged in their career commitment after having children. As reported earlier, Kay et al. found having children increased women lawyers' risk of leaving private practice. From the results of the present study, it appears that the accommodation of family commitments is a growing factor in women



lawyers' decisions to leave the practice of law altogether.

In their broader discussion of career development and counselling for women, Coogan and Chen (2007) noted that women experience increased employment interruptions as a consequence of bearing the bulk of family responsibilities. Evers and Sieverding (2014) conducted a prospective study of doctors spanning 15 years from the time participants completed their second year of medical training. They found female doctors experienced longer career interruptions than their male counterparts, and these interruptions were attributed to child care leaves. We can thus see that mothering continues to have tangible impacts on the career journeys of women.

Interests were outside the practice of law. Another new finding of the present study was participants noting that their interests, or passions, were outside the practice of law. It could be postulated that the theme of not liking one's work is related to the theme of finding one's interests were elsewhere. That is, if a person is not enjoying her work tasks, it might lead her to conclude that her true interests are outside the scope of her current employment. Further anecdotal evidence from participants of Kay et al. (2013)'s longitudinal panel surveys found the "pursuit of other interests" was another reason lawyers cited leaving private practice.

Depression or burnout.

Brockman's (1994) survey of women who became non-practicing members of Alberta's law society found that 43% cited burnout as a reason they were no longer practicing law. A similar rate was found in the present study, with 44% of participants (four) citing depression or burnout as influencing their decision

to leave the practice of law. The experience of depression appears to continue to be a contributing factor toward women's decision to leave the practice of law.

Anecdotal evidence from participants of Kay et al. (2013)'s longitudinal surveys of practicing lawyers found burnout to have contributed to the transition from private practice. Hagan and Kay (2007) found that the perceived negative consequences of having children were the greatest contributor to women lawyers' feelings of depression and despondency. Whether there is a link in the present study between family responsibilities and depression or burnout is not clear.

Not a job requirement to be a practicing lawyer. In Brockman's (1992) survey of lawyers who did not renew their memberships with the Law Society of BC, over a quarter of female respondents located a better position outside the practice of law, and just under a quarter cited loss of employment as a reason for no longer practicing law. If combined, these two quantitative findings amount to an approximate proportion of women who left the practice of law in the present qualitative study (44%), because they entered other jobs or careers in which it was no longer a job requirement to be a member of a provincial law society. Similarly, in the present research study, some participants discussed how unemployment, or a move to other provinces, led them to opportunities outside the practice of law.

Gender discrimination and disrespectful treatment.

Brockman's (1994) survey of non-practicing members of Alberta's law society found almost three quarters of the female respondents personally experienced discrimination on the basis of sex, and almost all female

respondents reported the existence of gender discrimination in the legal profession. The present study did not ask each participant whether she had personally experienced gender bias, but two of nine participants (22%) cited the existence of gender discrimination and three of nine participants (33%) cited disrespectful treatment as influencing their exit from legal practice. While participants in the present research study did not make any connections between being treated disrespectfully and gender discrimination, it does appear that women lawyers continue to be affected by negative treatment in their workplace. Coogan and Chen (2007) noted that a woman's experience of discrimination in the workplace affects her career development, career choice, and job satisfaction.

Cost of bar fees and lack of mentorship. The cost of bar fees and a lack of mentorship diminished in importance as factors influencing female lawyers' departures in the present research study as compared to the literature (Brockman, 1992). The cost of bar fees may currently be a less pressing factor influencing women's decisions to leave the practice of law while mentorship may not be as effective a strategy to keep women practicing law. These interpretations, however, warrant further study.

Explanation of new findings. As noted above, participants' experiences of not liking the work of practicing law and finding their interests were elsewhere are new findings, not previously found in the literature. It is possible that the present study's qualitative design allowed for the collection of new information related to the reasons women leave the practice of law. The present research study allowed for the collection of contextual in-



formation through its use of open-ended, semi-structured questions. In contrast, most research on practicing and nonpracticing lawyers has taken a quantitative approach, using questionnaires with structured, close-ended questions requiring respondents to rate or rank how meaningful or relevant each response is to them (e.g., Brockman, 1992, 1994).

Analysis of Women's Feelings

The second research question examined how nonpracticing women lawyers were feeling at the time they made their decision to transition from practicing to nonpracticing lawyer. The two largest themes for the feelings participants reported in the present research study (adverse emotions and favourable emotions), had similar response rates to those found in Borgen et al. (2010) study of the experience of workers who had encountered recent changes that had affected their work and who self-identified as doing well with those changes. In that study, the largest theme capturing the changes experienced by participants was occupational changes. These changes had a large emotional impact on the lives of these workers, with 85% of participants citing negative emotions (such as feeling fearful, frustrated, stressed, angry, grievous, worried, anxious, depressed, and lost) and 51% of participants citing positive emotions (such as feeling happy, free, more relaxed, less worried, excited, joyful, and more appreciated). Some of the negative emotions experienced by participants in Borgen et al.'s study paralleled the sub-themes of the present research study's theme of adverse emotions, which were anxious emotions and depression. The fact that participants in the present research study, as well as in Borgen et al.'s study, experi-

enced emotions related to their work experiences supports Kidd's (2008) conclusion that "emotions are fundamental to careers" (p.181).

Participants of the present study often experienced overlapping emotions, which is similar to Kidd's (2008) finding that 54% of her study's participants experienced a mixture of positive and negative emotions in response to a particular career experience. This is also comparable to Borgen et al.'s (2010) finding that the same participant often oscillated between positive and negative emotions, and positive and negative psychological impacts.

In the present research study, the most prolific theme of adverse emotions is consistent with Berger's (2000) case study of her client, Meg, a female lawyer who presented for counselling for depression and paralyzing anxiety. Berger commented that in her experience, female lawyers were presenting for therapy in growing numbers, with symptoms of acute stress, burnout, and disillusionment about their careers. Meg, in particular, described "feeling spent and used up" (Berger, 2000, p. 667) at the end of each workday.

Analysis of Current Career Characteristics

Employment of strengths and skills and personally meaningful work. The third research question investigated the characteristics of the current careers of nonpracticing female lawyers. The two largest themes related to this research question were absent in the literature. The largest theme found eight participants (89%) characterizing their current careers as employing their strengths and skills, which, in turn, made their current careers feel like a better fit. The second largest theme that emerged was nonpracticing female lawyers char-

acterizing their work as having social value and being personally meaningful (noted by seven of nine participants, or 78%).

There are three potential reasons for the absence of these two themes in the literature. First, as previously noted, most research on practicing and nonpracticing lawyers has taken a quantitative approach. Questions related to Themes 1 and 2 did not appear to have been incorporated into the questionnaires of past studies, and therefore no data were collected in relation to them (Brockman, 1992, 1994, Chiu, 1998; Dau-Schmidt et al., 2009;; Hagan & Kay, 2007; Kay, 1997; Kay & Brockman, 2000; Kay & Hagan, 1995; Mueller & Wallace, 1996). Secondly, the current study's qualitative research design, which used open ended, semi-structured questions, may have allowed for the collection of new information. Thirdly, there is an absence in the literature of studies investigating the characteristics of the new careers of nonpracticing female lawyers.

Reasonable work hours, low stress, extended health benefits, and positive work environment. The findings in the present study that participants characterized their current careers as having reasonable work hours, little stress, and extended health benefits, is consistent with Brockman's (1994) study which found women lawyers were dissatisfied with the balance between their work and personal lives, the stressful nature of the work, and a lack of benefits. Participants in the present study also characterized their careers as taking place in a positive work environment. This is consistent with past complaints by women lawyers with regard to working in a competitive atmosphere (Chiu, 1998).



Job stability. The security of one's career was found to be a less prevalent theme in the present study than in Brockman's (1994) study. It is unclear why there is a disparity between the two studies in terms of the importance of work stability and this may warrant future investigation. It could be that participants in the present study viewed other characteristics as more important. Additionally, Canada has recently undergone a recession, which may have altered society's perception of the availability of job stability. Borgen et al. (2010) noted challenges related to career adjustment are no longer limited to initial entry into the workforce and will be experienced throughout workers' lives.

Limitations

A first limitation of the present research study involves its qualitative research design. The study results cannot be generalized, or projected, to a larger population of nonpracticing female lawyers. However, the results may be used to inform future studies on this population. They may also help inform counselling practice with this population. Another limitation of the present research study's qualitative design is the subjectivity of the researcher in the creation of themes from the data. To control this subjectivity, the following credibility checks were undertaken: descriptive validity (Maxwell, 1992); independent data extraction (Butterfield et al., 2009); re-review of data (Braun & Clarke, 2006); independent placement of data extracts into themes (Butterfield et al. 2009); and comparison to the literature (Butterfield et al., 2009; Maxwell, 1992). As noted previously, the credibility checks met or exceeded the established standards (Butterfield et al., 2009), suggesting the results of the

present research study are trustworthy.

Implications for Future Research

The following are further questions raised by the results of Research Question 1 (the themes related to women lawyers' decisions to leave the practice of law): (1) Have women lawyers' interests and passions been met by the practice of law, and if not, has this led to their dislike of legal work? (2) How are women lawyers encouraged or constrained from integrating their maternal roles with their professional roles? (3) Is there a relationship between the disrespectful treatment of women lawyers and gender discrimination? (4) Does having a mentor make a difference to the decision of women lawyers to leave the practice of law? (5) Is the cost of bar fees truly of less importance than other factors in influencing women lawyers' decisions to leave the practice of law?

With regard to Research Question 2 (themes related to how nonpracticing women lawyers were feeling at the time they decided to leave the practice of law), future research could investigate such questions as: (1) Are practicing female lawyers experiencing higher levels of anxious emotions than their male counterparts? (2) What would be most helpful to women while they undergo a career transition from practicing lawyer to nonpracticing lawyer?

With regard to the last research question (themes related to the characteristics of nonpracticing lawyers' current careers), the following suggestions for future research would further build on the present study's findings: (1) What do women lawyers identify as their strengths and skills, and are these being utilized in a satisfactory way within the practice of law? (2) What

type of work is perceived by women lawyers as having social value and being personally meaningful? (3) What is the importance, or perceived availability, of job stability for women lawyers who have transitioned out of the practice of law?

Finally, it would worthwhile investigating what factors practicing women lawyers identify as helpful to their retention within the legal profession.

Implications for Counselling

Explore interests and skills. From the new findings of the present research study, it would be useful for career counsellors to explore with their clients (both practicing and nonpracticing female lawyers) whether their interests and passions are being met by the work of practicing law as well as what it is that they do not enjoy about the practice. This would address the newer themes related to the reasons female lawyers leave the practice of law. Conversely, in describing the characteristics of their current careers, a large majority of participants characterized their current careers as employing their strengths and skills, which, in turn, made their current careers feel like a better fit. Career counsellors can assist women lawyers to articulate what their strengths and preferred skills are and whether they view them as being utilized in a satisfactory way within their current profession, and if not, explore what type of work (either within or outside of legal practice) might make use of them. The current career characteristics of the nonpracticing women lawyers in the present study may help career counsellors explore workplace options with both practicing and nonpracticing female lawyers.



Investigate workplace constraints. Astin's (1984) career theory considered how the structure of opportunity affected the career choices of women. She proposed that as the structure of opportunity changes, so too does a woman's expectations, leading to changes in career choice and work behaviour. Career practitioners are invited to explore the meanings female lawyers derive from their reasons for leaving the practice of law, paying particular attention to aspects related to the structure of opportunity and workplace constraints, such as the experience of discrimination, long hours required of the job, and family responsibilities. This is supported by Coogan and Chen (2007) who suggest a counsellor should become "a constructive advocate on women's career development concerns" (p.199).

Discuss emotions. Clients can benefit from counsellors who engage in a discussion of their emotional reactions to career experiences as it has been found that individuals' perceptions of their transition, their resources and limitations, and their overall ability to cope affect the outcome of their transition (Goodman et al., 2006). Amundson, Borgen, Jordan, and Erlebach (2004) found that workers who had survived downsizing responded positively to counsellor-led workshops where they had opportunities "to discuss and validate their emotional reactions" (p. 269). Borgen (1997) advocated for counsellors to normalize the experiences of clients undergoing career changes. He described the counselling process as a venue that allows clients to safely experience their emotional reactions.

Most participants of the present study experienced adverse emotions, including anxious or depressive emotions, at the time they

made their decision to leave the practice of law, but the same majority also looked back favourably on their decision to transition from the practice of law. Career counsellors may use this information to instil hope in this client population. Furthermore, three of nine participants reported that at the time they were about to make their decision to leave the practice of law, they were experiencing adverse emotions, but that once their decision was made, they then experienced favourable emotions. This further lends optimism to clients who are at the beginning of their decision-making process, suggesting their feelings may shift from adverse emotions to favourable emotions the further along they are in the process of leaving the practice of law.

Options to return to practice. From the additional information collected in the present study, older female lawyers who have left legal practice may consider returning. Career counsellors may wish to explore with these clients their options for returning to legal practice as well as any challenges of re-entering law at an older age (which may include age discrimination and the absence of their currently favoured career characteristics). These clients may benefit from informational interviews with law firms and older lawyers to assess practical issues, including options and constraints, with regard to their re-entry into law.

Uniqueness of experience. Participants provided varying anecdotes on their experiences transitioning from practicing lawyer to nonpracticing lawyer (from feeling pigeonholed as lawyers to unique candidates for employment). This information reminds career counsellors that no two clients make the same meaning of their experience.

Financial considerations. Career counsellors aiding practicing female lawyers through a career transition, ought to be aware of potential financial struggles of this client population. These clients may need to mourn the pay differential they might experience as a result of their decision to leave a lucrative profession. Career counsellors may consider referring clients to financial planners to assist in the planning or strategizing of a career transition. Valcour and Ladge (2008) in their study of over 900 employed women found that income continued to be positively related to subjective career success.

Social observations. Career counsellors may also wish to explore their client's social observations. That is, who in the client's social circle of friends or colleagues are enjoying their careers? A career counsellor may wish to explore what the impact of these observations have, if any, on the client's view of the practice of law and the opinions, perceptions, or feelings the individual has formed about it.

Preparing women to enter the legal profession. Krakauer and Chen (2003) proposed aiding female law students develop the skills necessary to address gender barriers as they enter the legal profession. They recommended matching them with role models and mentors, informing them about how networking exists in the profession, reviewing coping strategies to deal with the emotional anxiety of gender barriers, and creating a peer support group to diminish female law students' sense of isolation and frustration.

Based on the results from the present research study, we recommend career counsellors begin working with women prior to their application or attendance to law school. Specifically, career counsel-



lors can encourage prospective applicants to research legal careers to get a realistic sense of the work conducted by lawyers as well as the professional culture in which it is practiced. This can be accomplished by reviewing job postings, conducting informational interviews with a variety of lawyers, speaking to law school career advisors, as well as consulting provincial law society websites to gain information about current practice issues facing female lawyers, such as retention and discrimination (Kay et al., 2013; Law Society of BC, 2011; Peterson, 2013). Career counselling clients need to consider whether they would actually like working as a lawyer and whether other aspects of the nature of legal work (such as long hours, litigious nature of the work, hierarchical structure) suit their personality preferences and personal values.

Career counsellors can also encourage prospective or current law students to research and identify legal careers containing work of social value that is personally meaningful, with reasonable working hours, and lower stress (the top themes characterizing the current careers of participants in the present study). Another avenue of investigation with clients is to examine how law may, or may not, be a good fit with their strengths and skills and to hone in on areas of legal practice that make best use of their abilities and aptitudes.

Consider family planning.

The present study's participants identified family responsibilities as the second largest reason that led to their exit from legal practice. It would therefore be beneficial for career counsellors to discuss family planning with clients. This discussion would include an examination of what supports are available to assist with family responsibilities

(such as a partner, extended family, daycare, and/or a nanny) as well as providing information on the effect of career interruptions on the careers of women (Coogan & Chen, 2007; Evers & Sieverding, 2014, Kay et al., 2013). As Coogan and Chen (2007) propose: "the counsellor needs to possess the sensitivity, knowledge and skills of working with issues that are of particular concern to women's career needs, and experiences" (p.198).

Conclusion

The participants of this study, like other women who have left the practice of law, have gone on to make contributions in other fields. However, how they would have influenced the practice and culture of the legal profession had they continued practicing law remains a question. Provincial law societies and law firms may wish to closely study and implement the positive aspects that characterize the current careers of nonpracticing women lawyers so as to increase the retention of women in the practice of law.

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Appendix

Interview Questions

1. Tell me about why you stopped practicing law.
2. What factors led up to the decision to stop practicing law?
3. Were there any particular events that influenced your decision to leave the practice of law?
4. Describe how you were feeling at the time you made the decision to leave the practice of law.
5. If you had to give a name or word to the feeling(s), what would it be?
6. Give me one to three words that best reflect your decision to leave the practice of law?
7. Describe your current career.
8. Tell me what you like about it?
9. What drew you to it?
10. Give me one to three words that best reflect your current career?