

## FEMALE LAWYERS. THE EQUILIBRIUM OF TWO WORLDS – ON THE BENCH

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For over a century women have been part of the lawyer profession, an exceedingly demanding profession which has been attributed with the adjective “fighting”, especially in the cases of active freelance lawyers. Since the early appearances of women lawyers in court, continual changing of the times with regard to economic, political and social norms have contributed to the fragmentation and segmentation of the practice of law, on both the national and european levels.

The profession of the lawyer, as a primarily liberal profession,<sup>1</sup> has certain characteristics of particular sociological interest. The research approach of liberal professions depends upon key sociological considerations within the context of the historical specificity of each country. Among other common features, the liberal professions are enjoying privileges, and therefore their public image is a standard to be imitated, they hold a key place in the structure of social classes –particularly in the middle and upper class– and are being appropriate as channels of social mobility and reproduction. The long-term specialization and practice that they presuppose imply social and economic rewards, power and participation in the formation of elites.

Within the ever growing field of the practice of law since the 1950s, women have been increasingly involved. They have deman-

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1. For more on the lawyer profession in Greece and the practice of law in Athens in particular, see Lambiri-Dimaki, 2004.

ded the removal of all inequalities regarding the exercise of their duties. Over time the number of women law practitioners outnumbered that of the men. However it must be emphasised that despite the numerical superiority of the women in the field,<sup>2</sup> it is hard to distinguish between mere registered and real practitioners and therefore any depiction of the share of women in the profession would lack plenitude in the case of Greece.

It seems, however, that the call for removing inequalities and the numerical superiority of women does not imply the feminization of legal profession.<sup>3</sup> ‘Feminization’ of the legal profession as referred to, actually relates to the working life<sup>4</sup> of both sexes and consequently to family life. It seems that some issues branded as “female issues”, are not actually related to women exclusively. “Men face similar problems for other reasons. Work environments that are reluctant to accommodate working mothers pose similar resistance for fathers.... discouraging male lawyers from equal participation in domestic obligations and therefore reinforcing gender gaps”.<sup>5</sup>

## *1. Research framework*

Among the various statuses<sup>6</sup> that co-exist today, regarding the practice of law, the study focuses on mothers with kids, practicing

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2. Only in the Athens Bar Association, which is the first and largest bar association in the country, in a total of 21,766 registered lawyers, 9,263 are men and 12,503 women (2015); almost two out of three lawyers are women (Athens Bar Association). The total number of registered lawyers in the sixty three Bar Associations in the country in 2014 is 41.992 (<http://www.eklogesds.gr/>). For a more general picture at european level, see the relevant table of the Council of European Bar Associations (CCBE) <http://www.ccbe.eu/>.

3. For the relative theoretical reflection on the simplicity of the arithmetic correlation to essential feminization see more in Menkel-Meadow, 1986.

4. Worldwide, on the basis of the International Labor Office (ILO) statistics, the persistence of inequalities between the sexes in the field of work is being proven out (International Labor Office, 2016). Regarding employment in nowadays Greek reality, see the GSEE Labor Institute, 2016.

5. Rhode, 2002, p. 2217.

6. So, the profession of lawyers presents many categorizations that completely

the profession as freelancers. The goal was to investigate their work-life relationship, any problems with respect to its balance, as well as the ways to solve them. The original material derives from ten semi-structured interviews conducted, with cases covering the entire range of ages (from 30 to 53 years), being mothers with young children (one, two and three children), which also ranged from an infant of three and a half months, up to 17 years of age. Through the portrayal of their life's trajectory (biographical story), their options (procedure of the selection of profession, family planning, etc.) and the strategies that have been developed, not only in the current context, but in all stages (over time) of both their professional and family life, were documented.

The research included the influence of the economic crisis and the changes which have resulted in both the professional and the familial aspects of their lives. Another important element for interpreting the empirical data is that all the interviewees live and work in Athens. Also, the interviews were carried out while a lengthy lawyer strike was in motion in the country, opposing the new legislation concerning the changes in the health and retirement funds of attorneys that have been mandated by the state.

## *2. Findings*

Despite the idea that a presupposed social background consisted of lawyers would be prevalent, the cases that were examined revealed a wide range of origins and social stratification from the emergence out of a rural family, up to continuing a family tradition in practicing law to its third generation.

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differentiate its veneer from its practice, i.e. the form of the profession. For example, a lawyer (in urban centers) can work in free practice law, and combine it with working on retainer, or working exclusively on retainer. Considerable variations of the profession are also the object of many disputes upon consultancies and clients' support. We can observe lawyers, as quasi-business executives, shareholders and board members of law firms; in general, there exists a concentration of the legal services market.

Not any specific pressure as to the selection of the profession has been detected, except when the interviewees themselves acknowledged a conscious or unconscious attachment and attraction towards the particular social image of the lawyers' profession due to the pre-existing optimistic conditions and beneficial circumstances of practicing law. So, becoming a lawyer was an informed choice, although when the research moves towards younger ages it is often reported that there have been unsuccessful attempts by them in the past to be employed in other not freelance posts. Motherhood was also a conscious decision. There were detected some common positive characteristics and traits attributed to the profession, such as social advancement or the desire of the preservation of social and family status, the breadth and capabilities of legal studies, as well as the perception of the profession as a public function, its social contribution and the participation in the political process. A common feature of all ten completely different cases that have been examined, has been their profound personality, and their multilateral analytical perspective and potential, with respect to their thoughts, emotions and experiences.

Liberal professions in general, and practicing law, especially, are considered incompatible with motherhood, because they cannot function with time constraints and due to the dedication, they require. Furthermore, there is no statutory provision for women lawyers despite repeated claims to the Association. There is no provision for postponing any professional matter due to anything that may be related to the child, illness or school. In addition, no provision is made for the periods when the children's school is closed, since all public education operates within standard business hours<sup>7</sup>. So all kinds of help and supporting networks are being employed.<sup>8</sup>

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7. The incompatibility of operating hours as to service social functions, is generally particularly pronounced in Greece (Mouriki, 2008, p. 24). Also, despite the establishment of a strengthened institutional framework for gender equality in Greece, after the political changeover and the institutional reforms, there are defaults and significant shortcomings.

8. We also note that in our country the existence of informal support networks is linked to the impressive lack of demand for family-friendly policies and is one of the

Thus, assistance is welcome, from any support network, wherein it may be found. Significant support is provided by the parental family, the children's grandfathers and grandmothers, and the endorsement of the parental role or even the understanding of its challenges from the husband, as well as by the financial wherewithal that will ensure the provision of different services both for the home with respect to the child and the office. These kinds of support, ideally, should be offered simultaneously, and often they are.<sup>9</sup> The whole situation is more balanced when, the support involves the parents or the father, within the upbringing of the child, which often happens. A remarkable finding, is that for the younger ages, of the cases studied, some husbands and fathers prefer to take care of the child or the house, than to struggle in the world of work.

Despite the help and the unlimited assistance offered by parents and by additional paid services, there remains a deep feeling of *“overdrive, continuous overdrive”*, as was mentioned, *“if you want to be adequate –and not just to be called a lawyer– if you want to be present in the life of your children”*.

*“It requires strength and courage to be a lawyer and a mother, at all ages of the children, since this must happen in a hostile city for children, and for the practice of law. Until recently there were evening shows, scattered courtrooms, bureaucracy”*.

They are two worlds, *“totally incompatible for the present circumstances.”*

*“It is about ‘super-heroes’... conception, flexibility and stress. It’s a crazy combination... searching the self to find your limits and*

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inhibiting factors for the obvious absence of a coherent harmonizing policy (Mouriki, 2008, p. 47).

9. For example, one interviewee, and a mother of three children, expressed that she had experienced the relationship of family and work as a relatively balanced one, but she had the support of four parents, an assistant at home and in childcare, and her husband was a lawyer as well, who supported with the children, as well as her work.

*tremendous balance, diplomacy... and mainly an ensuing battle with yourself”.*

It has been quite clear that within the context of the current form of society “*the needs of the family are assigned to both parents.*” while role assignment is often dependent on which job earns more money. In general, both the personal experience of the narrators along with the broader experience of their professional circles provide a wide variety of family models and choices that reinforce the view of the dominant role of personal perceptions in the reconciliation of professional and family life<sup>10</sup>.

### 2.1. ‘Fighting’ lawyers and ‘fighting’ mothers

Motherhood automatically places you within a “*world of remorse*” as was said.

*“You feel inadequate with your kids, with your job, with your partner and with yourself. You feel you are doing poorly in every aspect of life, and that you are sloppy. And the truth is, you are exactly that sometimes...your children talk to you and your attention must be elsewhere, because you must be alert to check your email for a time sensitive answer you are expecting. All the things are done in half, nothing is complete... it’s a tragedy”.*

*“You must combine the incompatible, you have to be a super hero to manage all this”.*

This so clearly expressed conflict also seems to be ‘nourishing’ and fulfilling, as a challenge for a woman’s diverse potential. It is hectic but also charming. Most women can derive satisfaction from the fact that they are capable to manage all the daily fluctuations, and the sexist discrimination or the hostility towards motherhood, especially,

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10. See Kalliath and Brough, 2008.

as was reported, from other women. This achievement can be attributed to ‘feminine’ qualities, such as multitasking in intelligence, adaptability, endurance in toil, pain, and in tolerance of conflict and adversity. Moreover, the conflicting nature of family and professional life, can also have its positive aspects for an active worker mother, such as setting an equal standard, and self-realization, which contributes to the independence and accountability of children. However, the result, is bitter. Discounts everywhere and decline in every aspect of life, have enormous psychological costs. Despite the manoeuvres and the stresses that are or were prepared to be made by the women interviewed, their losses are compounded and vary in domains: in the moments that were lost from the mother-child relationship, in the marriage breakdown, the workplace, in personal health as there were reported many autoimmune diseases<sup>11</sup>. Conversely, there are also benefits, for motherhood and self-realization through a career and in some cases the possibility of being absent from home during the adolescence of the children.

The prolonged recession that is facing the country has effects in all aspects of daily life. Revenues are decreasing, and thus, cuts must be made at home and at work, especially with respect to paid assistance. There is often the need to spend even more time, with the family, or within the office. In some cases, of mothers of younger children, the professional hardship might lead to the acquisition of valuable experience such as having lunch together. Teen mothers have an additional role, of battling with themselves, and changing roles when turning home, to appear optimistic, so that their children are not let down from what is happening around them, so as not to amputate them.

*“Working from home requires diversity, but, mainly, to underplay the maternal role. But, generally, the office, whether there is work to do, is a living organism.”*

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11. Many surveys globally have identified women’s health problems, recording disproportionately high levels of anxiety, substance abuse, reproductive malfunctions, and mental health difficulties, see Rhode, 2002, pp. 2208-2209.

*“If you leave it, it will leave you”.*

The situation facing law firms is bleak. Customers are going berserk and must be appeased, many are intolerant and hostile, while others have just mentally collapsed, and need to be supported psychologically. The months of absence from the job have created anxiety and insecurity. The education and health care sectors are collapsing. A completely disorganized judicial system, is exacerbated by lawyers being accused of lack of sensitivity and fairness. In areas affected directly (e.g. redundancies and general labour law cases) it can take a decade for a court to reach a final decision. There exists a denial of justice, which hurts the profession and the confidence of the citizens in the institution.

## *2.2. Prospects*

The prospects of the profession are generally bleak, with women being the most affected. Many threats have been already identified: the work degenerating to clerical status, the inhuman working conditions, the meagre wages,<sup>12</sup> the obligatory cooperative dynamics one must engage in, either factual or superficial, and the early retirement. Many women lawyers are already seeking ways of escaping this situation, especially younger women lawyers that are also mothers. Despite the pessimistic predictions, some outlined proposals requiring financial support that may be able to introduce measures to raise societal awareness and consolidate maternity protection and parenting in general.

Considering the terms of practicing law nowadays, our research has shown a shift to dependent work, inhumane working conditions, poor pay, compulsory consolidation in co-operational schemes, either actual or virtual, early retirement, search for other professional solutions. This latter trend is exactly contrary<sup>13</sup> to the stated desire

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12. By today's standards, new lawyers entering the profession speak of twelve-hour workdays for a monthly remuneration of 400€.

13. As shown in research conducted prior to the advent of the current crisis, a



for the liberal practice of the profession and, above all, to the reasons inducing for its choice. However, in some cases, the clerical post perception appearing on the horizon of lawyers' profession is treated as an uncomely working condition that may perhaps facilitate maternity because of fix working hours. Further, in some cases the lack of measures by the state, forces to the abandonment of the profession, with the false hope for a future come-back.

## *Conclusions*

The issues of work-life balance, life beyond work and gender-based division of labor can be traced back to the 19th century. Noting the culture of “*many working hours*” in the legal professions, Leila Robinson, who was the first to be admitted as a member of the Massachusetts Bar Association in 1882, questioned whether “it is feasible for a woman to perform successfully the duties of the spouse, the mother and the attorney, at the same time?”<sup>14</sup>

The liberal professions in general, and the practice of law specifically, are considered incompatible with motherhood, because they cannot be exercised within temporal constraints. From the investigation of the work-life balance of self-employed women lawyers in the context of the present case study, there were revealed many aspects of the relationship between work and family life. These sketch a ‘world of remorse’, a ‘self-nourishing conflict’, that can offer satisfaction and a continuous excess. Significant support must be provided by the parental family, and the predisposition of the parental role or, at least, understanding from the husband, and the financial wherewithal to ensure the provision of various services; all

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high percentage of respondents' satisfaction has been recorded about the form of lawyer profession they are practicing. The rest would prefer to work as freelancers and, even more so to maintain stable clientele, getting paid by fixed remuneration. It is less desirable to join any group of law-practitioners, in the form of lawyers' firms. Absolutely undesirable is the dependence on “employers” lawyers. (Rethymiotaki, 2005, pp. 258-316).

14. Bacik and Drew, 2006, p. 138.

these parameters, ideally, should be met simultaneously. Despite the manoeuvres and the stresses that are or were prepared to be made by these women professionals and mothers, grave losses are sustained that vary in origin: moments that were lost from the mother-child relationship, marriage breakdown, workplace inefficiencies, and personal health deterioration. The crisis facing Greece in all aspects of daily life has considerably worsened the situation and the prospects of the profession in general. Women lawyers have been affected the most.

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