



INTERNAL GENDER-EQUITY MOVES NOT CUTTING THROUGH

# Women partners stalemate

## PARTNERSHIP SURVEY

NICOLA BERKOVIC

YEARS of internal changes by the nation's leading law firms have failed to make any impact on the number of women becoming equity partners.

Women still make up only 17.4 per cent of equity partners, according to *The Australian's* partnership survey undertaken by Beaton Research + Consulting, slightly lower than the 17.5 per cent recorded at this time last year.

Once salaried partners are taken into account, the proportion of female partners rose slightly to 22.4 per cent, up from 21.5 per cent a year ago.

Family Court chief justice Diana Bryant urged law firms to set targets to drive and measure change at the top.

"Things do have to change and they're not changing quickly enough," she told *The Australian*.

Chief Justice Bryant, the patron of Australian Women Lawyers, said major companies set gender targets for boards and law firms could "do with targets as well".

Law firm K&L Gates, formerly Middletons, has shown that strong leadership can transform culture. Women at the firm now make up 22.4 per cent of all partners, up from 6 per cent in 2009.

The firm's Australian managing partner, Nick Nichola, said the turnaround was the result of a deliberate and strategic decision made five years ago to improve the firm's gender diversity.

"It was absolutely conscious," he said. "It's been a dramatic improvement but the cynics would say it was from a low base... and we do still have a long way to go."

Mr Nichola took ownership of the strategy, which included aspirational gender targets, a program for high-potential women and women-in-business forums.

"The biggest change has been the unrelenting focus on, initially, gender diversity, and now just diversity," he said.

He said promotions were still based solely on merit but opportunities had been opened that previously were being unwittingly closed — and the organisation was stronger for it.

Gilbert + Tobin had the highest proportion of female equity partners, as it has done for more than 10 years. However, the firm has slipped backwards — women now comprise 32.6 per cent of equity partners, down from 36.5 per cent in 2009.

When salaried partners are included, TressCox Lawyers topped the list of firms at which women do well, with a partnership that is 39.2 per cent female. However, only 12.8 per cent of equity partners at TressCox are female.

TressCox chairman Scott Chapman said the firm did not have overt policies aimed at promoting or retaining women.

However, he said it operated a meritocracy and had policies such as flexible work arrangements and the ability to purchase extra leave that benefited all staff.

Several law firms surveyed for

the first time outperformed the large, top-tier law firms. Their results are on *The Australian's* website so as not to distort the comparisons with the survey's historical data.

At Swaab Attorneys, females make up 71.4 per cent of equity partners; at Banki Haddock Fiora, 57.1 per cent; and at Seyfarth Shaw, 28.6 per cent.

Beaton Research + Consulting executive chairman George Beaton said he believed traditional law firms that did not do enough to attract and retain female lawyers would see a "hollowing out" of their talent — with women now accounting for more than 60 per cent of all law graduates.

"Five and 10 years from now, looking back, you'd say what a mistake we made — either we didn't attract them, or we had them and we didn't hold them," he said.

One of those shaking up the status quo is industry newcomer Hive Legal, launched just five months ago.

Managing director Jodie Baker, who started her career at Minter Ellison, said the firm had been built from the ground up to be gender-neutral. It has five principals drawn from top-tier firms — three of whom are female.

"We value outcomes," she said. "That's what drives us, that's what drives our remuneration structure, that's what drives our culture."

The firm offers "value pricing" or mainly fixed-price billing.

Ms Baker said all employees were set up to work from home and could work wherever and at whatever time of day suited them.

She said Hive's model worked especially well for those juggling work and outside commitments. "Eliminating the expectation of face-time changes things enormously in terms of gender equity," she said.

"We've got a very efficient bunch of people in our organisation. If we are speaking specifically about the women, they are phenomenally efficient — but time-recording doesn't reward efficiency."

She said when long hours of face-time were expected, women were often forced to choose between their careers and their personal life.

"There is an enormous amount of skill and experience and talent that is wasted in that scenario," Ms Baker said. "Economically, that's just appalling and from a personal perspective I find it very disappointing that we don't value those skills more highly and make it more possible for women to stay engaged."

The survey revealed women are making headway at a number of firms. Squire Patton Boggs, Cooper Grace Ward, TressCox and Wotten + Kearney all had all-female partner intakes, while at Allens 37.7 per cent of new partners were female and at Griffith Hack it was 64.3 per cent.

However, at other firms, women fell further behind. Gadens, Gilbert + Tobin, Hopgoodganin and McCullough Robertson all had male-only partner intakes.

Minter Ellison chose not to participate.



Jodie Baker, managing director of newcomer Hive Legal, where three of the five principals are women

AARON FRANCIS

## EQUITY PARTNERS

The overall proportion of female partners with equity

Firm	Six months to July 2014				Twelve months to December 2013				Six months to July 2013			
	Women as % of equity partners	Number of equity partners	Total number of partners	Female equity partners	Women as % of equity partners	Number of equity partners	Total number of partners	Female equity partners	Women as % of equity partners	Number of equity partners	Total number of partners	Female equity partners
GILBERT + TOBIN	32.6%	63.5	67.1	20.7	34.0%	62.1	65.9	21.1	34.3%	63.9	67.5	21.9
HALL & WILCOX LAWYERS*	29.7%	25.6	40.7	7.6	31.7%	20.5	35.9	6.5	27.2%	20.6	35.0	5.6
KING & WOOD MALLESONS AUS†	26.2%	143.0	143.0	37.4	24.8%	140.6	140.6	34.9	25.4%	153.9	153.9	39.2
HOLDING REDLICH	24.6%	34.5	51.0	8.5	25.0%	36.0	51.0	9.0	27.3%	38.5	50.0	10.5
HUNT & HUNT	23.6%	28.8	55.6	6.8	23.6%	28.8	54.6	6.8	10.9%	25.8	57.8	2.8
NORTON ROSE FULBRIGHT AUS†	20.8%	99.8	137.6	20.8	19.6%	100.8	135.4	19.8	16.4%	100.5	145.4	16.5
HERBERT SMITH FREEHILLS AUS†	19.9%	174.9	174.9	34.8	19.1%	163.4	173.4	31.3	21.0%	174.9	181.9	36.8
DLA PIPER AUSTRALIA	19.4%	93.7	93.7	18.2	19.8%	96.0	96.0	19.0	19.3%	104.0	104.0	20.1
ALLENS	18.6%	150.7	154.7	28.0	17.0%	154.2	158.2	26.2	16.7%	157.6	162.6	26.3
ASHURST†	17.9%	111.8	164.8	20.0	17.4%	114.8	166.6	20.0	19.2%	122.6	186.4	23.6
JACKSON MCDONALD	17.7%	20.3	26.9	3.6	17.1%	21.1	28.5	3.6	17.1%	21.1	28.5	3.6
GRIFFITH HACK	17.4%	21.8	35.6	3.8	17.4%	21.8	32.6	3.8	17.4%	21.8	32.6	3.8
CLAYTON UTZ	15.6%	150.8	187.5	23.6	14.7%	153.8	196.3	22.6	15.9%	159.6	196.9	25.4
CORRS CHAMBERS WESTGARTH	14.8%	78.6	119.2	11.6	14.6%	79.6	119.2	11.6	15.3%	82.1	118.6	12.6
GADENS LAWYERS	14.5%	62.0	136.7	9.0	13.1%	61.0	140.2	8.0	16.4%	65.8	139.3	10.8
HOPGOODGANIM	14.3%	21.0	32.2	3.0	13.6%	22.0	32.4	3.0	19.0%	21.0	32.4	4.0
HWL EBSWORTH LAWYERS*	14.0%	129.0	186.0	18.0	13.9%	108.0	166.0	15.0	12.2%	98.0	154.0	12.0
SPARKE HELMORE LAWYERS	13.9%	36.0	61.6	5.0	15.2%	33.0	59.8	5.0	20.0%	35.0	61.8	7.0
TRESSCOX LAWYERS	12.8%	19.5	34.2	2.5	8.3%	21.8	37.2	1.8	7.9%	22.8	38.2	1.8
MILLS OAKLEY LAWYERS	11.1%	27.0	57.0	3.0	0.0%	14.0	44.0	0.0	0.0%	13.0	44.0	0.0
WOTTON + KEARNEY	11.1%	9.0	15.0	1.0	12.5%	8.0	14.0	1.0	25.0%	8.0	13.0	2.0
DIBBSBARKER	9.6%	39.6	46.0	3.8	14.0%	42.8	42.8	6.0	14.2%	45.2	45.2	6.4
MCCULLOUGH ROBERTSON	9.4%	32.0	50.0	3.0	11.2%	33.8	52.3	3.8	13.4%	35.8	52.2	4.8
BAKER & MCKENZIE AUSTRALIA	8.9%	45.0	84.0	4.0	11.4%	44.0	84.0	5.0	11.6%	43.0	83.2	5.0
ARNOLD BLOCH LEIBLER	8.3%	24.0	35.8	2.0	12.0%	25.0	37.0	3.0	12.0%	25.0	37.0	3.0
COOPER GRACE WARD	7.7%	13.0	21.0	1.0	4.1%	14.6	21.4	0.6	3.8%	15.6	21.4	0.6
MORAY & AGNEW LAWYERS	7.1%	28.0	74.0	2.0	7.1%	28.0	67.0	2.0	7.4%	27.0	69.0	2.0
PIPER ALDERMAN	6.7%	30.0	51.6	2.0	6.5%	31.0	52.8	2.0	6.7%	30.0	52.8	2.0
COLIN BIGGERS & PAISLEY*	0.0%	15.0	56.4	0.0	0.0%	14.0	54.8	0.0	0.0%	12.0	43.9	0.0
SQUIRE PATTON BOGGS	0.0%	10.0	14.6	0.0	0.0%	12.0	14.0	0.0	0.0%	12.0	15.0	0.0
CURWOODS LAWYERS	0.0%	6.0	16.0	0.0	0.0%	6.0	15.0	0.0	0.0%	6.0	14.0	0.0
COWELL CLARKE	0.0%	9.0	14.0	0.0	0.0%	9.0	14.0	0.0	0.0%	9.0	14.0	0.0
TOTAL	17.4%	1752.9	2438.4	304.7	17.0%	1721.5	2402.9	292.3	17.5%	1771.1	2451.5	310.0
TOP TIER/AUSTRALIAN	19.1%	292.9	373.8	55.9	18.7%	295.5	381.4	55.3	19.6%	305.6	383.0	59.9
MID TIER	13.6%	631.1	1097.3	85.6	13.5%	600.2	1053.3	80.9	13.9%	597.0	1036.1	82.7
TOP TIER/INTERNATIONAL	19.7%	828.9	967.3	163.2	18.9%	825.8	968.2	156.1	19.3%	868.5	1032.4	167.4
TOTAL	17.4%	1752.9	2438.4	304.7	17.0%	1721.5	2402.9	292.3	17.5%	1771.1	2451.5	310.0

\* Figures include growth from mergers in the last 12 months † Firms that report only Australian figures

Source: *The Australian's* partnership survey, conducted by Beaton

## ONLINE VIDEO

It's getting tougher to get to the top. Everyone is suffering,

GEORGE BEATON

[www.theaustralian.com.au/business/legal-affairs](http://www.theaustralian.com.au/business/legal-affairs)


## Challenges of a shifting landscape

GEORGE BEATON

FIVE or more years ago, grouping the major Australian corporate and commercial law firms was relatively simple.

Everyone largely agreed there was a top tier of between six and 10 firms. Membership was largely determined by size, capital city and some Asian offices, big-end-of-town clients, and heavy-hitter partners.

Then there was the mid-tier of 20 to 30 firms, each typically offering a wide range of services. Many offered a combination of advisory work and volume insurance or banking practices in the same firm.

Several firms, Gilbert + Tobin for example, didn't quite fit into either group.

Since 2010, much has changed. International firms, the mergers of mid-sized firms and breakaways, particularly from the top tier, have changed the legal landscape.

To accommodate these changes and still offer a grouped analysis of firms, Beaton Research + Consulting has adopted three categories for the firms that contributed their data. Top-tier international, 11 firms, a diverse group by size and provenance; top-tier Australian, four firms, a relatively homogeneous group by size and market position; and mid-tier, a diverse group by size, client and practice type.

## Judge calls for NSW Bar to alter culture, brief female juniors

NICOLA BERKOVIC

BARRISTERS' chambers in NSW will be urged to adopt new flexibility policies to support those who take a career break or have caring responsibilities, including allowing room-sharing and licensing and the provision of technology for barristers to work from home, under changes approved by the NSW Bar Council.

However, two of the nation's most respected female judges have urged the NSW Bar to go further and embrace measures including an undertaking by silks to brief female juniors.

NSW Court of Appeals judge Ruth McColl said she believed the culture of the NSW Bar needed to change to enable more women to reach the top of the profession.

Justice McColl told *The Australian* it was "disheartening" how few female advocates were given speaking roles in her court.

"We see terrific women barristers in the Court of Appeal, but we don't see them often enough," she said. "When they turn up they are terrific but people aren't sending them up enough."

She said she believed this was the result of a "cultural issue" at the Bar.

"It's about not only changing the views of those who brief women... but I think changing the culture of the Bar," she said.

"The more people accept women as being leading advocates across the profession, the more opportunity women will have to be given those sort of briefs."

She said clients were influenced by advice from their solicitors.

"If they're getting the message that this is the right person for the brief, I suspect most clients would accept it," she said.

Justice McColl, the first female president of the NSW Bar Association, urged the NSW Bar to adopt Victoria's undertaking — to recommend at least one new woman for a junior brief or research task a year — to help address the gender imbalance.

"The more junior women can be exposed to seeing what happens in court, the more they will be able to perform," she said. "It just enhances one's ability to know how to conduct yourself in court."

That call was echoed by Family Court Chief Justice Diana Bryant, who said Victoria's full seven-point plan — which also includes unconscious bias training, mentoring for women and support for those on career breaks — should be rolled out across the country.

"I think everyone should have that," she said.

"There is still a reluctance to brief women. It's improving, but in the higher courts and especially the High Court it's still happening and it shouldn't be."



JAMES CROUCHER

Ruth McColl

NSW Bar Association president Jane Needham SC, elected four weeks ago, has vowed to get people thinking about "who they brief and why", and to encourage more women to join the bar.

"We've had an equitable briefing policy for 10 years and there needs to be some lateral thinking and some new approaches," she said.

Women make up 11 per cent of silks in NSW.

Ms Needham said things were improving — out of 50 silks appointed in the past two intakes, one-third were women.

However, she said the Law Council of Australia's National Attraction and Re-engagement Study had revealed shocking levels of discrimination and harassment at the Bar.

She said young, talented female barristers who took a break to have children often struggled to find work when they returned.

"It is really unfortunate because they have so much good experience and value and energy and they're just cut off at the knees," she said.

"What we need is voices... to say you can't just assume people aren't going to give you the time or the energy or the commitment just because they've had a baby."

Last week, the Bar approved new best practice guidelines for chambers aimed at helping barristers with caring responsibilities to take time off and return with the assistance of their floors. It also updated its sexual harassment, bullying and discrimination policies.

New committees also have been set up to consider a response to the issues raised in the Law Council's NARS report and to deliver more equitable briefing. They will consider the measures adopted in Victoria, including the silks' undertaking and unconscious bias training, as well as other initiatives.

Ms Needham — who has personal experience of the challenges working mothers face, with a 12-year-old daughter and seven-year-old twins — said a "whole of problem approach" was needed and she wanted to put that in place early in her term as president.

## New appointments

The partners of Arnold Bloch Leibler are pleased to announce the following partner and senior associate appointments, effective 1 July 2014:

### Partners

**Susanna Ford**, litigation & dispute resolution, Sydney  
**Tyrene McCarthy**, property & development, Melbourne

### Senior associates

**John Kim**, commercial & corporate, Sydney  
**Eva Vicic**, property & development, Sydney  
**Tanya Bastick**, building & construction, Melbourne  
**Katharine McPherson**, workplace advisory, Sydney  
**Are Watne**, banking & finance, Melbourne  
**Albert Ounapu**, litigation & dispute resolution, Melbourne  
**Emily Simmons**, commercial & corporate, Melbourne  
**Liam Thomson**, property & development, Sydney  
**Jason van Grieken**, commercial & corporate, Melbourne  
**Elyse Hilton**, litigation & dispute resolution, Melbourne  
**Amelia Smith**, litigation & dispute resolution, Sydney

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## Three States. One Focus.

Insurance law specialist Wotton + Kearney congratulates Heidi Nash-Smith and Raisa Conchin on their promotions and welcomes them to the Partnership.



**Heidi Nash-Smith**  
Partner  
Sydney office



**Raisa Conchin**  
Partner  
Brisbane office

The firm also congratulates the following lawyers on their promotions: