

The sustained success of female executives in elite law firms in South Africa

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Abstract

In South Africa, there are currently more female law graduates than male law graduates. However, it was generally reported that women continue to be under represented at senior levels within the legal industry. This reality is also reflected in elite law firms - a niche segment of the legal industry, with women remaining under represented at equity and partnership level despite their increased numbers.

The objective of this research was to ascertain the career progression of female executives within the elite law firm industry; understand the factors which have enabled the small number of female executives to succeed; and identify any barriers which may be preventing other female attorneys from advancing to partnership and equity partnership levels.

The study itself was qualitative in nature and utilised purposive sampling. 15 female executives/partners/directors participated in the study. The results were reported using direct content analysis.

The main themes which emerged from the study was that there is in fact increased representation of women within elite law firms in South Africa. However, promotion criteria to reach director/partnership/executive levels remains highly gendered to the advantage of male attorneys. It was reported by the Participants that even though elite law firms in South Africa had made a concerted effort to increase the number of women within their structures, women remain under represented at partnership and equity levels. Should these promotion criteria remain in place – and structural changes are not made to change unequal practices, the sustained success of female executives within elite law firms in South Africa will be hampered over time

Keywords

Law Firms, female executives, leadership

Declaration

I declare that this research project is my own work. It is submitted in partial fulfilment of the requirements for the degree of Master of Business Administration at the Gordon Institute of Business Science, University of Pretoria. It has not been submitted before for any degree or examination in any other University. I further declare that I have obtained the necessary authorisation and consent to carry out this research.

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Signature _____

Date: 30 November 2020

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CHAPTER 1: PROBLEM DEFINITION AND PURPOSE

1.1 Problem Identification

Female executives remain underrepresented in professional services firms. In developed economies, 40% of the workforce comprises of women but just 16% of top executive and director positions are occupied by them (Fernandez-Mateo & Fernandez, 2016). In South Africa, the department of labour recently reported that only 23.5% of top management roles in the country were held by women (DOL, 2019).

This disparity in representation has been widely reported on (Thomas, 2018; Bresscoll, Andrea, Dovidio, Tyler, & Napier, 2018; Dang, Houanti, Teulon, & Vo, 2019; DOL, 2019). If the current rate of senior female appointments and the consequential underrepresentation of women is maintained at senior management levels, the gender employment gaps would only be eradicated in 84 years (Scheepers, Douman, & Moodley, 2019).

There is a large body of research on the barriers which impede women from succeeding into the executive level of management. These have been reported to include: unfavourable working conditions, lack of a work-life balance; societal gender stereotypes (which are then replicated in the workplace); and sexual harassment (Carnahan & Greenwood, 2018; Klaaren, 2015; Thomas; 2018; Moalusi & Jones, 2019). Several authors have conducted research on how these barriers and how gender inequality in the workplace can be overcome (Moodley, Kuyoro, Holt, Leke, Madgavkar, Krishnan, & Akintayo, 2019; Moalusi & Jones, 2019). The situation in law firms is no different.

There has been an increase in the number of females who are appointed in professional services firms (Pinnington & Sandberg, 2013). While overall female representation numbers at management levels are low, the numbers were far more encouraging in relation to women who hold professional qualifications – these women represented 44.9% of the workforce (DOL, 2019). It is the researcher's contention that specific focus and study should be directed into professional services industries generally as they have the biggest potential for effective change. Due to the fact that

females in law all happen to possess professional legal qualifications to practice – it was deemed an apt area of study.

In fact, it appears that, globally, since the beginning of the last decade, more than 50% of all new entrants (into the legal industry) in North America, Australia and the UK were female. Women now comprise more than 15% of the general counsel of Fortune 500 companies and a third of all legal departmental positions are occupied by women (Pinnington & Sandberg, 2013). This reality has not transcended in to the upper echelons of management in the United States of America (USA), while 60% of all attorneys are female they occupy only 15% -17% of equity partners positions. In Australia, this number was reported as being between 13 -15% (Pinnington & Sandberg, 2013). In South Africa, the situation is just as dire with the upper levels of top corporate law firms dominated by white males (Klaaren, 2015).

Even in instances where there are more female entrants into an organisation - it has been reported that only 15%-20% of these entrants will be promoted to partnership. In fact, a number of studies have concluded that female graduates/associates are still far less likely to be promoted to partnership/directorship in professional services firms (Klaaren, 2015; Walsh, 2012; Pinnington & Sandberg, 2013; Thomas, 2018). It appears that women employed at professional services firms do not even advance to the levels required for them to be promoted into the partnership/director levels (Castro & Holvino, 2016). To understand this phenomenon – it is necessary to look at the career progression of this industry (with particular focus on law firms).

The typical career progression in a law firm is a linear one, which typically adopts an “up- or- out” system (Smets, 2016; Kumra & Vinnicombe, 2008). The career path in South Africa is depicted in Figure 1 below.

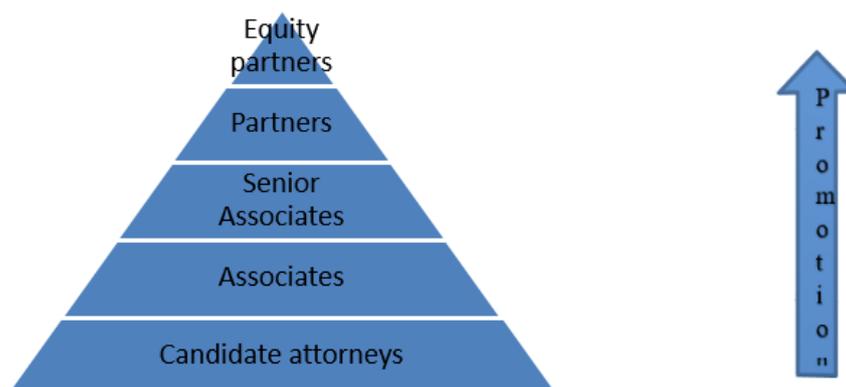


Figure 1

Figure 1: Organisational structure at a law firm

As is depicted in Figure 1, a typical organisational structure within a law firm is hierarchical in nature: with the larger number of employees comprising candidate attorneys and associates at the bottom and a smaller elite group of equity partners. Partnership within these firm structures is converted. In order to be promoted (or invited to partnership) associates and senior associates must meet set performance criteria. These criteria includes: being adept at the right work; achieving a set number of billable hours (and collected fees); and possessing the right network (Pinnington & Sandberg, 2013). While law firms are expected to remain an attractive industry for females – it is anticipated that the low representation of females at partnership and equity levels will remain as is, if structural changes are not put in place (Ely & Padavic, 2020). The widespread utilisation of the up-or-out system means that those deemed not to be good enough (unable to meet the milestones) will over the passage of time be required to leave the organisation. Many of the people who leave organisation in this manner are women.

One study concluded that underrepresentation has been due to the fact that promotions are based on criteria which is skewed towards stereotypical “male” ideals: collegial meritocracy; organisation power; career tournaments; and competitive business strategies (Pinnington & Sandberg, 2013). These ideals/criteria are by their very nature designed for the consequential exclusion of women. It has also been controversially stated that women who are more career-centred as opposed to being familial driven are more likely to be promoted in the workplace largely because they differ in their work orientation and labour market behaviour. Women are also said to have different goals from men – they are more likely to pursue agreeableness as opposed

to competition and place greater value of family life than career (Hakim, 2006). Law firms themselves have blamed low representation at this level. on the nature of this work and how it is inherently unsuited for females who wish to pursue both a family life and pursue a career (Pringle, Harris, Ravenswood, Giddings, Ryan, & Jaeger, 2017). Organisations are of the view that women naturally prefer raising a family over pursuing such a demanding career path.

The aforementioned propositions have been refuted by other researchers who have argued that the traditional male ideals are of equal importance to female and male lawyers alike. In fact, they posit that the reason that female lawyers are reportedly experiencing diminished career satisfaction (delayed or lack of progression) is that they are afforded less career opportunities than their male counterparts (Loi, Foley, & Hang-yue, 2004). Opportunities which would have, if they were equally afforded, allowed females to have the same chances of achieving the set milestones/criteria required for promotion. Ely and Padavic (2020) state that in relation to a managing consulting industry (an industry similar in organisational structure and working hours as law firms) that the females are not making it to the top positions because of the accommodations that are solely afforded to female employees. Accommodations which often lead to those who took them up being stigmatised and their career paths permanently derailed.

The call to action to eliminate obstacles and inequalities in the work place has grown increasingly louder (de Beer et al., 2016). Recent worldwide demonstrations centring around the elimination of institutional barriers which prevent any minorities (including woman) from being able to realise their potential have dominated news headlines (Associated Press, 2020)

1.2 Research Objectives

1.2.1 Business Need for the Study

Boasting a diverse workforce, which includes female executives, is regarded as a strategic asset which, if managed well, is a competitive advantage (Tran, Garcia-Prieto, & Schneider, 2011). Professional services firms are dependent on long standing relationships. It is therefore not difficult to buy into the argument that the loss of

any employee can lead to increased recruitment and staffing costs, impaired customer service and negatively impact an organisations financial performance (Waldman et al., 2015).

There are currently more female than male attorneys entering the legal profession (Law Society of South Africa (2020) but these numbers are not reflected in the demographics of senior positions held in the legal industry; and specifically within elite law firms in South Africa. In order to continue to be successful, elite law firms need to ensure that they retain and promote the female lawyers they already have. Doing so, will secure the competitive advantages achieved through the possession of a diverse workforce.

1.2.2 Theoretical Need for the Study

While research has described the various barriers, which impede the career progression in law firms, there is still limited literature on the reasons as to why organisations still choose to structured themselves to result in the exclusion of women in their top structures (Pinnington & Sandberg, 2013).

There is also limited research available on the lived experiences of female partners in law firms (Pinnington & Sandberg, 2013). Further, the data captured in relation to female representation in the legal industry is often dated, unreported and inaccurate (Klaaren, 2015). There is a pressing need for accurate information on how influential the corporate legal sector is in South Africa (Klaaren, 2015). Such information should also be in such detail that it refers to relevant recommendations and solutions which are relevant and accurate. This would help to grow the general body of research on the application of human resource practices in professional services firms as this area is limited (Martinez-Costa, Mas-Maschuca, & Olivilla, 2019). A study on the lived experiences and the sustained success of females who have overcome these barriers is of vital importance.

Much of the research does not go beyond the reiteration of the organisational barriers (created by the firm's business model and promotional practices) which remain in place within law firms.

1.3 Scope of Study

The aim of the study was to explore and understand how an organisation's structures and a woman's social identity influenced her progression within an elite law firm in South Africa. The data and information which as collated for the purposes of this study was obtained via semi-structured interviews and as a requirement for the completion of the researcher's MBA qualification.

The research seeks to shed light on the reasons why some female executives have managed to make it into the coveted partnership levels (when the majority of female entrants have not). It is intended as a guide for elite law firms when making recruitment decisions and other human resources interventions (which can have been implemented to ensure increased diversity and overall increased female representation at partnership levels). While law firms will be the basis of the study, the findings are intended to be useful to other professional services firms such accounting and consulting firms.

The remainder of this report covered and reviewed pertinent literature around the chosen topic and formulated research questions, and reported on the findings of the interviews conducted with Participants. It then drew conclusions and comparison to the literature with reference to the obtained interviews. It finally closes off by providing recommendations for business and future research.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

The purpose of this chapter is to provide an overview of the relevant literature around the selected research topic. This was achieved by providing a discussion around the women in leadership; gender stereotypes; the Attraction–Selection -Attrition Model; a discussion on identity with specific focus on social identity theory; and a discussion on the factors which contribute to the success of women in the workplace.

2.2 Women in Leadership

It has been reported that women around the world have remained under-represented in managerial roles despite the fact that a larger number of them have entered the workforce (Moalusi & Jones, 2019; Fernandez-Mateo & Fernandez, 2016; DOL, 2019; Statistics South Africa; 2017; Dudley, 2018). Numerous barriers hamper women's upward mobility within their organisations: the existence of higher turn-over rates of female employees in comparison to male employees; childbearing and responsibilities still being regarded as the burden of females (causing them to be unduly sole burdened and encumbered from pursuing a full-time career); the perceived diminished organisation commitment of females in comparison to their male counterparts; sexual harassment of female employees in the workplace; toxic male dominated cultures; and skewed mentorship and/or development opportunities for female employees in comparison to their male counterparts (Pinnington & Sandberg, 2013; Dang, Houati, Teulon, & Vo, 2019; Ribeiro, Bosch, & Bekker, 2016; Soleymanpur, Alizadeh, & Esmaeeli, 2015).

Historically, and on a global scale it has become commonly accepted that women as a group have been under-leveraged as a subset of employees within organisations (Kossek & Buzzanell, 2018). The underutilisation and lack of progression for women had permeated a variety of industries - especially those which had been previously viewed as male dominated; such as: business; politics; and science. The situation has become untenable especially when considered against the fact that women make up more than half of the world's population but remain economically under-

represented. Women only earned 77% (on a sliding scale) of what men earned. Women's earnings were reported as having often be dependent on: the geographical location (where they were born); their age; the number of children they had and their racial classification (Kossek & Buzzanell, 2018).

That reality has led into various research initiatives which have studied the progression of females in the workplace. Spearheading that research was the growing need to see equal employment opportunities regardless of gender; social justice initiatives from various sectors; as well as the national and industrial objectives of various countries and large organisations (Kossek & Buzzanell, 2018).

2.3 SA Context

2.3.1 Low Representation in Leadership Roles

In South Africa, low representation of females in leadership positions has been persistent (DOL, 2019). This despite the legislative and organisational interventions which have been undertaken by government and private business (de Beer, Rothmann & Pienaar, 2016; Bac, 2018). An example of low female representation was evidenced by the fact that only 4% of Chief Executives of the top 40 JSE listed Companies are female (Faku, 2019). It has been reported that in terms of economic decision-making roles only 23% of those positions were currently being occupied by women (Hill, 2016, as cited in Scheepers, Douman, & Moodley, 2018).

2.3.2 Legislative Interventions

Legislative interventions have been in the form of: the Employment Equity Act of 1998 (whose objective is to promote equal equality in the workplace and ensure that opportunities for advancement are afforded equally to all categories of employees (Labour Guide, 2020); the Broad-Based Black Economic Empowerment Act, 2003 (which is intended to ensure equal economic participation within the broader economic landscape through skills development and employment equity, preferential procurement, etc. (Department of Economic Development, 20180; and the Constitution of the Republic of South Africa, 1996 (which affords all people of South Africa

with the right to equality and fulfils this by creating a basis for equal treatment of its citizens) (Norton Rose Fulbright , 2008).

These legislative interventions have required larger organisations to implement affirmative action measures which were designed to ensure equal representation of ethnicities and genders on all employment levels (de Beer et al., 2016). It was interesting for the researcher to note that these legislation interventions applied to elite law firms in South Africa, but despite this positive obligation on law firms – they remained largely unequal with clear under representation of women on their boards and partnership levels (Klaaren, 2015).

2.3.3 Gender Inequality and Stereotypes

Gender inequality was determined to occur through four inter-related processes: Organisational Structure; Organisation Culture; Everyday Interactions and Individual Identity (Pringle, Harris, Ravenswood, Giddings, Ryan, & Jaegar, 2017).

Organisation structure refers to the societal division of work between male and females, where females are expected to be responsible for child rearing etc. and men are viewed as providers and therefore ambitious. This can, and has led, to the stereotype that women are not as ambitious as men (unless they are completely career orientated) (Loi, Foley, & Hang-yue, 2004; Pinnington & Sandberg, 2013). Gendering cultures are the cultural artefacts that may be present within law firms that reinforce gender divisions(Pringle et al., 2017). Within an organisation this is inclusive of titles, wording, client events and marketing which have been centred around traditional activities such as golfing and/or cricket days. Gendering Division was defined as a process where everyday interactions which could cement the roles of dominance and submission between different gendered individuals. For instance, if a law firm had only male partners – who are in turn treated with reverence – it will become the norm for organisational members to treat female attorneys less favourably or require submission from them on the sole basis that they are women. Gendered identity refers to how a person presents themselves as a member of a particular gender through their behaviour and appearance (Pringle et al., 2017). Gender stereotypes often expect women to be more subdued and dress in a particular way or the converse to

associate particular dress and demeanour with power and expect women to display more masculine characteristics once they become partners.

Stereotypically women have not been regarded as natural leaders with their position in society being regarded as secondary to men. Unfortunately, imbalances in society have been mirrored in organisations (Rodríguez, Holvino, Fletcher, & Nkomo, 2016). If men are regarded as the head of households or are afforded greater rights within our society solely because of their gender - it has followed that that social reality has been reflected in the organisational makeup of companies and has perpetuated through repeated behaviour (Cassim, 2019).

2.4 Attraction – Selection - Attrition Model and Re-enforcing Homogeneity Perspective

Schneider proposed the ASA model in 1987. The model assumes that firms will, over time, evolve to a state of interpersonal homogeneity (Oh, Haan, Holtz, Kim & Kim, 2018). From a supply side –attraction - it postulates that individuals are drawn to organisations through similarity attraction (Dang et al., 2019). People will want to and work for organisations who employ others who are like themselves (King, Ott-Holland, Ryan, Elizondo, & Wadlington, 2017). Those who are responsible for recruitment in those organisations will favour individuals which resemble themselves or others within their organisations. Recruits who do not fit will inevitably leave or be fired from the organisation (King et al., 2017) – attrition. Through the repetition of this cycle, it is argued that organisations will become more homogeneous over time. Accordingly, the ASA model hypothesises that companies are the product of employee behaviour and beliefs (King et al., 2017).

The fact that women are applying and being employed in the legal industry to practice law is indicative of the fact that it remains an attractive employer to females (Walsh, 2012; Pinnington & Sandberg 2013). Specific to South Africa, legal firms continue to attract and hire a larger number of candidate legal practitioners (CLP) who are female (candidate attorneys are newly graduated legal degree holders) (Klaaren, 2015). In fact, as at January 2019, the majority of registered CLPs - 57% were female. Female

job seekers will be attracted to firms which have female executives holding non-stereotypical decision-making roles as it may signal organisational justice and support enhancing an organisation's attractiveness to job-seekers (Iseke & Pull, 2019)

What was evident from the limited literature available was that it appeared from an attraction perspective that more women were entering law firms. It was inferred that female graduates viewed themselves as possessing enough similarities to be able to apply to law firms and in turn these firms were employing these females as persons whom they deemed would fit within their respective cultures. But this was not the case in the partnership/executive/director or board levels at the same firm (Klaaren, 2015). This phenomenon can also perhaps also be explained through the Re-enforcing Homogeneity Perspective.

An organisation has been said to have followed the Re-enforcing Homogeneity Perspective (RHP) when it has a majority of employees who have similar physical characteristics and traits. RHP is an organisational approach undertaken by an organisation that sought to promote "sameness" among its employees through the promotion of staff members who have similar characteristics of the dominant group (Moolman & Cassim, 2020). The result of the RHP approach is an overrepresentation of a particular racial or gender group (Moolman & Cassim, 2020).

It has also been argued that men, through their organisational structures, have promoted those who looked like themselves and whom they would then regard as natural leaders. This was a sad reality especially given the fact that people have been shown to want to work for organisations and with persons who most resembled themselves (King et al., 2017). This is a reality that, Rodriguez et al. (2016) warn against and appropriately advise that organisations need to be wary of not consciously reproducing social inequities within organisations by employing those who resembled ourselves.

Given that majority of these partners are men (Klaaren, 2015), and that promotions (as reported in Chapter 1) are given based on "male" ideals (Pinnington & Sandberg, 2013) it should therefore have not been surprising that firms have potentially created homogenous cultures that benefit men as predicted by Attraction-Selection-Attrition model (Dang et al., 2019). If this reasoning was accepted as the status quo, it seems

likely that men will continue to dominate partnership levels of law firms. An unsettling reality and blow to gender equality given that a recent study has shown that the ideology of male partners is significantly more influential than that of female partners at the same level (Carnahan & Greenwood, 2018).

There were also a number of reasons which have been attributed to the slower advancement of woman to managerial positions. The least of which is the high turnover rate of skilled female employees (Riberio, Bosch, & Becker, 2016). The “up-or-out model” employed in law firms been said to have led to higher attrition (Smets, 2016; Kumra & Vinnicombe, 2008) rates of female attorneys and has been a contributing factor in the low number of female partners/directors. However, there are still a good number of female partners that have made it and stayed at the top of these law firms - despite literature predicting the contrary result or outcome over time. The study sought to determine who are these women and how they managed to achieve this.

2.5 Social Identity Theory

According to Social Identity Theory (SIT) individuals categorise themselves (and others) into social categories or groups (Ashforth & Mael, 1989; Dang et al., 2019; Brown, 2020). This theory was first formulated by Tajfel and Turner in 1979 and stated that there were three distinct stages in SIT: social categorisation; social identification and social comparison (Hogg, Terry, & White 1995; Henri & Turner, 2004). This social classification not only provided individuals with a sense of belonging but also created what they defined as “in” and “out” groups. If an individual was part of the “in-group” they will bear similar good characteristics to members of that group and vice-versa (Brown, 2020). People were said to be driven to positive self-identification, that there would have been an inherent need to associate themselves with the in group and a resulting maximisation of those individual characteristics which were associated with the in-group (Dang et al., 2019). Gender was one of the social characterisations that individuals created (Dang et al., 2019).

SIT theory states that if a person is part of the outgroup they will either minimise the differences between themselves and the in-group (Ashforth & Mael, 1989). If this doesn't work, the proposition is that members of the outgroup will adopt different strategies to edge themselves closer to the in group (Brown, 2020). These include:

finding new comparative criteria for self-assessment, seek the reevaluation of the in-group criteria or identity with a group where they are able to create outgroups (Brown, 2020).

In Brown's (2020) landmark article he makes a thorough assessment of the evolution of social identity theory in from the first articulation of the theory by Tajfel and Turner in 1979. He states that theory was initially intended to explain intergroup behaviour to "one of the most widely used perspectives in social contemporary psychology" (p5). Social identity theory has over the years been utilised by illustrate for explain three concepts.

The first concept is inter-group relations. Firstly, inter-group with the concept of "in" and "out" groups as illustrated above. Brown concludes that the researchers who had initially undergone initial studies of social identity theory did so to prove or disprove the initial hypothesis by: demonstrating that people obtained their identity from social groups and then would therefore conduct themselves in manner which was conducive to this social group membership.

The theory was also used as a basis for the explanation of intergroup conflict; as a theory of identity and, more recently, as a theory to explain prejudice and discrimination (Brown, 2020). For this report the researcher relies on the fact that it can be used to explain for in-group favouritism and not to explain wide spread discrimination.

It has been said that in South Africa, women in senior roles will experience what is regarded a "social identity crisis" (Scheepers, et al., 2018). This in part may be due to the fact that being female has long been historically associated with non-desirable characteristics. It was inferred by the researcher that any feminine characteristics would have to be minimised if those who were deemed to be in the in-group were predominately male. This view/assertion was confirmed by Hogg et al. (1995) who state that once an individual becomes part of an in-group they would naturally begin to regulate their own behaviours in order to become "group stereotypical" (Hogg et al., 1995). Directors within a law firm form part of a particular social group. They were indeed a group of individuals who view themselves as part of particular social category in that they are remunerated more than other categories of employees; and are regarded with reverence within their organisations (Stets & Burke, 2013).

In order to be appointed as a partner within a law firm, it can therefore be argued that women needed to position themselves as part of the “in group”. As individuals they would have had to minimise the differences (their gender) and enhance the similarities between themselves and the already appointed directors in order to be accepted as part of the in-group i.e., there would have needed to be an acceptance by the male directors that they in fact belonged.

The acceptance of promotion being sufficient for women to be regarded as part of the in group has however been disputed. The researcher found commentary by a researcher in the US who argued that belonging (promotion) is not enough; that even after overcoming barriers and making it into partnership – female executives/partners will continue to face discrimination (Thomas, 2018). Carnahan & Greenwood (2018) agree with this ascertain by stating that in their study they concluded that the ideology of male directors within organisations is significantly more influential than that of their female counterparts — irrespective of whether or not those differently gendered directors were at the same level (Carnahan & Greenwood, 2018). This is further compounded by the idea of in-group favouritism. A recent study on gender in-group favouritism firstly proved its existence, and secondly postulated that men generally rated other males far more favourably than women (Brescoll, Andrea, Dovidio, Tyler, & Napier, 2018).

In concept of in-group favouritism feeds into the idea that, the reason that women have not promoted to directorship/executive/board level may be due to fact that they have not generally been rated and appraised on an equal playing field. As previously outlined in Chapter 1 – in order to be promoted to partnership associates and senior associates, they must meet certain predetermined milestones. They must also have been exposed to the right work and have been mentored by a senior practitioner in order to possess the right skill set and network to qualify for invitation to partnership/directorship. Carnahan & Greenwood (2018) demonstrate in their work that if supervising partner is less gender-biased they are more likely to hire and provide development opportunities to females (Carnahan & Greenwood, 2018). It was interesting to note from the outcome of this study how female executives have regarded themselves as part of the in-group (irrespective of their gender); whether or not they had assimilated masculine characteristics to belong to this group and

whether or not they have perceived their mentors to be less gender biased. However, in coming to this finding, the use of SIT alone will not be sufficient in meeting the research objectives.

Brown's (2020) criticism of SIT lacks specificity to make it a properly testable theory. To demonstrate this, he explains that it is not always possible to explain through the use of SIT that disadvantage members will always leave – something that the researcher hopes to test and understand in terms of this study. He has however noted that is a useful and relevant starting point in trying to understand the group dynamics and has provided a solid foundation for beginning an enquiry (Brown, 2020).

It is for this reason that the researcher has used SIT theory to understand the dynamic of the in and out groups but also then uses other relevant literature to explain the nuances for which SIT theory would fall short. These are discussed below as: intersectionality of identity, the work-life narrative, confidence, the role of mentorship and sponsorship and organisational support.

2.6 The Intersectionality of Identity

2.6.1 Race and Gender

There are a number of ways in which a person's identity can be determined. One of the manners in which it can be ascertained is by asking the questions: "who am I?" and "what do I stand for?" (Cassim, 2019, p. 4). When deciding of someone's identity, it is pertinent that one notes that persons comprise of more than just a single identity; and if in fact can shift between identities depending on the situation in which they find themselves (Metcalf & Woodhams, 2012). What cemented this point is the large body on identity work which deals with intersectionality (Holvino, 2010). Intersectionality hypothesizes that separate identities can simultaneously exist within one person. Identity markers such as "male"; "rich" and "African" can and have existed co-dependently (Holvino, 2010). This co-existence which leads to a level of complexity, especially when it relates to gender equality (Holvino, 2010).

The study sought to look at what leads women to make it to partnership levels. The study sought to look at gender-specifically in relation to the experiences of top female lawyers in elite law firms. Historically gender inequality has been researched with specific reference to: access to the workplace; access to advancement opportunities; and the pay disparity between women and men at the same level (Holvino, 2010). However, Holvino (2010) posits that studying gender inequality and feminist theory in his way is exclusionary of non-white women. She states that it becomes impossible to separate the racial and class stories of women to deal with gender as race and class are central to the experience of non-white women (Holvino, 2010). Holvino (2010) posits that women of colour would not necessarily think of men as their oppressors but white people in general. Lived experiences of racism, and not sexism, would lead women of colour to prioritise race as a starting point of their self-identification. In fact, she states that black women will generally side with black men rather against white oppression than band together with white women over gender inequality and access to equal opportunities.

Gender has been regarded as a historically determined difference but the argument is that it can never be studied in isolation from other social processes such as race, ethnicity and class.

2.7 Gender and Management Identity

Cassim and Nkomo (2016) suggest that when women move into managerial positions they begin adopting behaviours necessary to execute their new roles as managers. That is, they move from being passive and submissive (as is expected by society due to their gender) to having to be more assertive (historically viewed as a masculine characteristic) (Cassim & Nkomo, 2016). They are said to develop what is regarded as a “managerial identity” which is not only formed because of their new elevated social status brought on by virtue of their positions as managers but also by the socio-historical and the cultural contexts in which they have now found themselves.

2.8 Minority Groups and Psychological Well-being

Socially disadvantaged groups suffer a number of threats to their psychological well-being (Outten, Schmitt, Garcia, & Branscombe, 2009). Women have been regarded as a socially disadvantaged group. Being unfairly mistreated or rejected on the basis of gender or some other group membership such as race can lead to further social devaluation which has been correlated with lower self-esteem and depression (Outten et al., 2009).

Members of disadvantaged groups were able to mitigate the consequences of being part of a marginalised group if they were able to identify successfully with other members of their minority group. In terms of the study, it would be females being able to positively identify with other females within their respective law firms. Importantly, they pointed out that, when *“one lacks the social mobility to leave lower class group and join the relevant higher-status group, then a more viable option is to identify with one’s lower-status in-group and work to protect its identity and interests”* (Outten et al., 2009, p. 149).

Having a shared identity and finding a group in which to identify has been shown to be an effective adaptive strategy that can be employed by socially disadvantaged groups to mitigate against the mistreatment of higher status groups. Shared identity assists people to get ahead and buffer disadvantages inherently felt by members of an out-group (Outten, et al., 2009). Outten et al. (2009) citing Haslam & Ellemers (2005) and Voci (2007) state that: “shared social identities are the basis for trust; member of the same social groups are assumed to share similar social perspective and generally more trusted than out group member” p151. This position was more recently supported by other researchers who agree that if disadvantaged individuals are able to identify with others – they have greater feelings of being able to achieve their personal chosen objectives (Greenaway, Haslam, Cruwys, Ysseldyk, 2015) With an increase of females not only in the legal profession as practitioners and as partners – it could be argued that they have felt that they can have more of a voice because there are others who resemble them. If the literature is to be believed, even if women remain the minority within their organisation – the presence of others within

this disadvantaged group should lead to a collective feeling that more could be done and that they can achieve more as a collective than as an individual.

2.9 Work Life Narrative and Nature of the Work

While conducting the literature review – there was a repetitive narrative which advanced the idea that the women were not able to advance up the corporate ladder due to: Firstly, management roles inherently required more commitment and hours at the office which women did not have due to the home commitments (Cassim, & Nkomo, 2016; Ely & Padavic, 2020); secondly, lack traditional gender roles which dictated that women had more childcare responsibilities at home than their male counterparts – expressed through the additional mental load that women had in comparison to their husbands (Robertson, Anderson, Lewis Hall, & Kim, 2019); The same arguments have been in relation to women in the legal profession – that they simply are unable to balance and handle the long hours and pressure required to be able to make it as a partner within an elite law firm (Pinnington & Sandberg, 2013; Pringle et al., 2017).

Ely and Padavic (2020) recently conducted a study in a management consulting firm (which has a similar organisational structure as a law firm) to ascertain if that assertion and the pressure of the work family narrative was true. That is, that women were leaving the firm at faster rates than their male counterparts because of their inability to balance wanting a family and their demanding work commitment. What was noteworthy from their study was that they in fact concluded that the work family narrative did not correspond with the data which they had collected. It appeared that both men and women suffered from the ‘work-family commitment narrative’- men wanted to have a balance work and family life - but still only women had managed to not get promoted.

From the data they collected it also appeared that turnover had not been gender dependant. Primarily they found that it was the long hours coupled with the fact that women were thereafter given accommodations consisting of either: reduced budgets and hours and/or away from client facing work (both accommodations were required

as milestones for promotion). Affording the accommodations resulted in highly qualified women who took the accommodations from being ineligible for promotion (Ely & Padavic, 2020).

An over-reliance on the work/family commitment narrative was perceived by the researchers to be a social defence mechanism as it has permitted organisations to not have to deal with the real and tangible problems within its immediate environment which have led to skewed gender imbalances at the top of organisations. (Ely & Padavic, 2020). As suggested by Kossek and Buzzenel (2018) in order to successfully navigate the identified problems law firms will have to go further than just describing the problem but offer effective and tangible solutions. Ely and Padavic (2020) had offered the following solutions to combat the problem: (i) address the crushing work culture as it creates discontent for all staff members (irrespective of gender) and (ii) stop providing gender-specific accommodations as it only serves to derail careers of female stars by keeping them off the partner track while simultaneously stigmatising them as less committed.

They also pointed out that their study found that directors, in order to keep their clientele often oversell and over deliver (similar to law firms). Law firms have created an expectation that the most committed employee is one who works the most hours and is able to deliver great work on unreasonable deadlines (Kumra & Vinnicombe, 2008). Women who are not available for the 24/7 culture are regarded by their organisations as less committed. Specifically, mothers were found to be regarded as having a secondary focus to their career since it was assumed that motherhood would be their primary focus.

2.10 Why Women Have Succeeded to Leadership Positions

As described in Chapter 1 of this report, there have been numerous studies that have described the reasons why women have been unable to succeed to the top of their organisations: sexual harassment, gender stereotypes which are skewed to the advantage of male employees, toxic work cultures, mental workload and lack of home support (Robertson et al., 2019; Carnahan & Greenwood, 2018; Klaaren, 2015; Thomas; 2018). Moreover, there is a general consensus that action needs to be done to address these barriers which impede the advancement of women within organisations (Moodley et al., 2019; Moalusi & Jones, 2019).

This marked shift in thinking had led to more women entering workplaces and even a number of them being promoted to coveted leadership positions (Pringle et al, 2017). In the current study, the researcher identified female executives who were asked questions which sought to provide reasons as to why they had managed to succeed in an industry where there is skewed gender representation. From the literature review it became apparent that some of the reasons why women succeed in their careers were: perceived organisational and country support; target initiatives, high self-confidence and mentorship and sponsorship.

2.10.1 Perceived Organisational and Country Support

It was reported in the course of the literature review that women tended to be more successful when there was perceived overall support for work life initiatives within the country in which they were a resident and the organisation in which they worked (Outten et al., 2009). When this support is present women had higher career aspirations, felt more able to take on flexible working arrangements without compromising on their career or feeling stigmatised.

2.10.2 Targeted Initiatives

It was found that organisations and nations which made use of programs specifically tailored to the development of women's leadership while building on assisting women in navigating and strengthening the required resources to help women effectively navigate their effective work, maternal and organisational commitments (Kossek & Buzznell, 2018)

2.10.3 Confidence

. It was found that women who were less confident of their ability as top performers were less likely to have positive experiences as women because they would inherently feel the need to take part in socially accepted gender-specific behaviours (Kossek & Buzznell, 2018). It has been suggested that self-confidence (or lack thereof) can be utilised to explain the current gender gaps in many professions – asserting

that women's lack of confidence had impeded their prospects of promotion (Guillen, Mayo, & Karelaia, 2018). (Smith, 2015, as cited by Guillen, Mayo, & Karelaia, 2018) states that it appeared that whether or not an individual had high self-confidence would influence whether or not an individual would be hired by and promoted within an organisation.

2.10.4 Mentorship and Sponsorship and Other Gender-Specific Interventions

Law firms have in the past few years implemented policies and interventions to transform themselves to be more representative (Martinez et al., 2017). In some instances, law firms have amended their business models, provided flexible working arrangements, extended maternity leave and afforded mentoring and coaching programs directly to female employees (Martinez-Costa, Mas-Maschuca, & Olivilla, 2019). These interventions were intended to alleviate the burden of the barriers experienced by female lawyers. However, females remain under-represented at partnership level. This study was intended to understand the reasons why certain women have made it within their organisations.

2.11 Conclusion

From the literature review it was apparent that in order to be promoted – women had to meet a set number of criteria which included factors such as tenure, the ability to cultivate relationships and skill set. Many of these skills are acquired through exposure to the right work and being provided with relevant opportunities.

It was also reported that there was an increased number of women who are attracted to the elite law firms – the majority of graduates are female. However, these numbers do not translate to the top of the organisation where the majority of the partners/director/executives are male. Some reasons which have been advanced is that women are unable to cope with the demands at home in conjunction with the demands of their jobs. However, the work demand narrative has been challenged as being outdated and false. That if in fact, the reasons why women failed to advance to the top was because they were offered accommodations (extended maternity leave, non-client facing roles, etc.) which essentially derailed their careers.

Despite all of these challenges there are women who have still managed to be promoted to directorship and/or equity partnership levels within a law firm. Literature states that there are in and out groups and those within the out-group are most likely to diminish those characteristics which are not universally shared by the in-group. Given that the majority of directors are male it would be interesting to note whether women have been made to assume stereotypical masculine characteristics. If the RCP and ASA theories are to be believed – organisations are more likely to recruit, train and promote those who look like themselves. This does not easily explain –how or why a small number of women have advanced to the top (unless of course the organisations or people they worked for did not display a gender biases).

Women as a socially disadvantaged minority would suffer psychological damage in an environment where they were mistreated because of their gender. The result is subsequent lack of confidence and disillusionment within the workplace. The mitigating factors would be if they were able to identify with others within that environment – shared identity. Having a shared identity with others actually results in women feeling that they can achieve their goals not only on a collective level but an individual level as well.

The proposed study was formulated through the lens of the existing theory and literature. It is intended that through the research questions – the researcher would be able to understand: the lived experiences of female directors within the law firm. And in doing so, provide insight and further information into the limited information which exists on female executives within law firms in South Africa.

CHAPTER 3: RESEARCH QUESTIONS

The research aims to understand the lived experiences of female executives within elite law firms in South Africa. It hoped to identify factors which led to the success of the women who were promoted to director and equity partnership level. Each of the questions were derived from the reviewed literature as articulated in Chapter 2. Social identity theory and the Attraction-Selection-Attribution Models provided a theoretical foundation for this research.

3.1 Research Question 1:

Identify the tangible factors which played a part in the sustained success of female executives within legal industry – Does the organisation that a female attorney joins have an impact on the ability to be promoted to equity partner?

This question is linked to the Attraction-Selection-Attrition Model (Oh, Haan, Holtz, Kim & Kim, 2018; Dang, Houanti, Teulon, & Vo, 2019). The aim of this question was to explain the career path of the female executive in order to understand the factors and/or performance requirements that she had to meet in order to be promoted to a partner/director (King et al., 2017). This question was also intended to comprehend/probe the individual reasons behind a female executive's choice to join the respective organisation (organisational structure and gender being a factor) and how that particular individual was able to assimilate/stay with her chosen organisation (King et al., 2017). The specific questions posed under research question one were also intended to understand what milestones the executive had to meet to be appointed to an executive level and whether there were any impediments to reaching these milestones (Carnahan & Greenwood, 2018; Klaaren, 2015; Thomas; 2018; Moalusi & Jones, 2019).

3.2 Research Questions 2:

How does an Individual's social identity relate to her role as a partner/executive role in a law firm?

Gender is a classification factor in social identity theory (Turner & Tafjel, 1979; Dang et al., 2019; Ashforth & Mael, 1989). In this context, being classified as female could lead to being regarded as being part of the “out” group due to low female representation at director/partnership level within a law firm. The questions posed under this research question specifically related to a female executive view of the gender dynamics of her organisation and sought to understand whether her self-identification as a female: (i) influenced her career progression (Hogg et al., 1995); and (ii) how to affected the manner in which she saw herself as a director of a law firm (Scheepers et al, 2018).

3.3 Research Question 3:

Which individual traits, interventions and/or factors that have led to the advancement of females to partnership/executive partnership positions with a corporate law firm?

From the literature review it was noted that the barriers which prevented women from advancing to directorship within law firms were well documented and researched (Kumra & Vinnicombe, 2008) (Martinez-Costa, Mas-Maschuca, & Olivilla, 2019) (Pringle, et al., 2017) (Pinnington & Sandberg, 2013). From that research it was established that law firms have been implementing a number of initiatives in order to retain and promote more women within their ranks (Martinez-Costa, Mas-Maschuca, & Olivilla, 2019). The aim of this question was to understand if any of those initiatives had played a role in the promotion of females to the executive/partner/director levels. It was also evident from the literature review that personal individual traits and characteristics potentially played a role in determining whether or not an individual ascended to the top management of organisations. These as questions set out in the interview questionnaire were aimed at identifying unique personal attributes which distinguished female executives - attributes which would have been a contributing factor to their success.

CHAPTER 4: RESEARCH METHODOLOGY

4.1 Introduction

This chapter is intended to explain and defend the research methodology and design undertaken by the researcher in preparation of this research report. The study was qualitative in nature with data collected from female executives in top tier law firms in South Africa. The data was collected by making use of a semi-structured questionnaire.

4.2 Defence of Research Methodology

4.2.1 Research Philosophy

Interpretivism refers to how researchers understand elements of a study by integrating the human elements of that study. In essence as a philosophy, interpretivism it concerns itself with the understanding of human subjects through their actions. An interpretivism approach will require a researcher to appreciate the social differences between people (Saunders, Lewis, & Thornhill, 2012). Given that the data was collected from individuals and is aimed at studying female executive career paths: progression, hindrances and motivations through their own actions and experiences the research philosophy followed undertaken by the researcher was deemed to be interpretivism (Walsham, 1995).

As stated the proposed study was undertaken by formulating research questions through the lens of existing theory (see Chapter 3), and investigating the questions through the use of a semi-structured questionnaire. Deductive reasoning is said to be applied when a researcher uses theory to come up with research questions. In this study, the research questions were investigated through the formulation of a semi-structured questionnaire and information gathered during interviews. The research questions (and interview questionnaire) were developed from existing theory which is why deductive reasoning was applied by the researcher.

4.3 Research design

The research was aimed at understanding the various themes and concepts in relation to the research questions which had arose from the literature review (discussed in depth in chapters one and two of this report). The study itself was thus exploratory in nature because as information was be derived from exploring the research topic which is not yet apparent to the researcher (Saunders & Lewis , 2012). As indicated in Chapter 1, current research into the sustained success of female executives in South Africa was limited. The limited reports that do exist, have been criticised for their veracity as they have been found to either not provide sufficient or accurate information or that they do not accurately capture the lived experiences of female executives in elite law firms. The research was undertaken to a gain a better understanding of the challenges experienced by this identified group of women. The study was not intended to provide a conclusive answer or develop new theory but rather intended to gain a deeper understanding of this business problem that exists within law firms in South Africa through a theoretical perspective. The exploratory and deductive nature of this study is further evidenced by the fact that no hypotheses was developed prior to undertaking this study. The researcher concedes and had hoped that once a deeper understanding had been obtained on the subject; that, in time, a hypothesis could be developed for potential further study. The developed suggested ideas for research are listed in Chapter 7.4. of this report.

The chosen method deemed most appropriate by researcher in answering the research questions was a study which would be cross sectional and qualitative in nature as exploratory research tends to be qualitative in nature. Qualitative research can be understood as the combined set of activities which seek to provide explanations for certain activities and outcomes (Saunders & Lewis, 2012).

Cross sectional studies are studies which by their very nature seek to report occurrences over a set period of time (Saunders & Lewis, 2012). The researcher had a limited time frame in which to collect and report on the data collated in this period. For the reasons cited above, the researcher method of data collection was deemed to be the most appropriate for undertaking the study.

4.4 Population

The population is discussed in relation to the Participants and the organisation.

4.4.1 Participants

For research purposes, a population or universe was understood as a distinct group of persons who possess common traits (Saunders & Lewis, 2012). Following the advice provided by Saunders & Lewis (2012), the researcher identified a set population in order to obtain adequate sources for data collection (Saunders & Lewis, 2012). The identified population was females who currently serve as directors/partners/executives in top tier law firms in South Africa. The distinction of title names was wholly dependent on the nomenclature specific to a respective law firm. Some law firms (depending on how the organisation was incorporated) referred to their top employees as “Directors” while others used the titles “Executive” or “Partner”. All these individuals were the Participants have made it up the ranks of their respective organisations from candidate attorney and to associate, to senior associate and then director (as depicted in Figure 1).

Studies show that minimum of 12 Participants are required to reach data saturation (Guest, Bunce, & Johnson, 2006). For the purposes of this study 15 female partners and director were interviewed. Due to the fact that 15 Participants were interviewed within a limited time available to conduct interviews, the sampling frame was deemed to be sufficient. As will be demonstrated in Chapter 5 and as discussed in Chapter 4, the number of Participants was demonstrated to be sufficient in answering the research questions as set out in Chapter 3.

4.4.2 Organisations/Law Firms

For the purposes of this study top tier law firms were identified as: those firms with a partnership of at least 50 partners; situated in South Africa; and are rated as a top law firm by a leading international legal directory (in this case Chambers Global).

4.5 Sampling Method and Size

The researcher utilised purposive sampling. Purposive sampling is defined by Saunders and Lewis (2012) as a sampling technique where the researcher will utilise his or her judgment to select sample members based on a set list of predetermined reasons. Purposive sampling is the most frequently utilised form of non-probability sampling; the size of the sample is mostly determined at the point where no new information can be obtained i.e. saturation (Guest, Bunce, & Johnson, 2006). For the purposes of this research report the selection was made based on occupation and organisation associational. In order to achieve this the researcher approached and spoke to female executives who were employed in law firms as described in 4.3. 2. The identities of the identified population group were easily ascertainable from the target firm's websites where the females' titles and contact details were displayed.

The researcher intended to make use of the snowball technique by requesting additional Participants following the conclusion of each interview. The snowball technique was deemed to be appropriate as it was noted that the same top tier law firms (and individuals) tended to work on opposite ends of transactions, had attended the same tertiary institutions and could therefore easily each contact details through their and professional relationships with one another. However, while no new Participants were identified using this method a number of the Participant were more willing to take part in the research comfortable in the knowledge that another executive had assisted in completion of this research project.

4.6 Unit of Analysis

The unit of analysis which was used was the individual female experiences and perceptions of the reasons which led to their being able to attain the position of executive or director in their respective law firms.

4.7 Measurement Instrument

A semi-structured interview guide/questionnaire was utilised to guide the interview process. A draft copy of the interview guide questionnaire has been attached as Appendix 3. The questions for the proposed study were derived and formulated from the literature review and formulated as explained in Chapter 3. The reason why this mode of data collection was selected is because it ensures that the set list of themes and topics are covered but allows the researcher to omit topics where deemed inappropriate (Lewis & Saunders, 2012). Use of the semi-structured questionnaire as method of acquiring data allowed the researcher: to delve deeper into any relevant topic or comment made by a Participant; facilitated the natural flow of conversation; and allowed for the collection of sufficient information to answer the research questions.

4.8 Data Collection

Individuals who met the criteria for the population were invited to participate in video conference interviews. Due to the COVID-19 epidemic, the researcher conducted the interviews via a video conferencing platform. The videos were all conducted via Microsoft Teams and initially recorded on the researcher's phone. The recordings were then uploaded on the transcription software application, Otterai.

The interviews were conducted with only the researcher and the Participant present. The average duration of the interviews is set out in Table 2 in Chapter 5. The Participants were contacted via email wherein: a request for an interview was made; the purpose of the interview explained and the necessary consent form attached for review and signature. An example of the email template which was sent to the Participants is attached as Appendix 1; and the consent form is attached as Appendix 2.

Written consent was required and obtained for two reasons: firstly, as set out Saunders and Lewis (2012), it is an ethical way in which research should be conducted; and secondly, it was a specific requirement of the institution where the researcher is a student and is required in order to be obtain ethical clearance. Ethical clearance is

discussed below. Prior to the commencement of each interview, the researcher: reiterated the purpose of the interview; advised each Participant that the identity of the Participant and their respective organisations would remain confidential (except for submission to the university and to relevant transcribers); reminded the Participants that the interview was going to be recorded; and encouraged the Participants to speak as freely and as openly.

The researcher then posed questions as per the interview questionnaire. She simultaneously recorded and made hand written notes. While the researcher followed the interview guide, where necessary she asked follow up questions and invited Participants to make further explanations to clarify any additional comments or interesting statements which were made. During the course of the interview, the researcher followed the advice given by Saunders & Lewis (2012) by inviting Participants to ask questions and make closing remarks (see question 3.2 of the interview guide in Appendix 2).

The recordings were transcribed mostly by the researcher and with the assistance of a transcriber. The interview transcriptions have been cross referenced to ensure that they have been captured correctly (Saunders & Lewis, 2012). A copy of the non-disclosure agreement signed by the transcriber is attached to this report as Appendix 5.

4.9 Ethical Clearance

The researcher submitted her proposal and ethical clearance application to the GIBS Ethical Committee (GEC) on 28 August 2020 and received approval for the study from the GCE on 2 September 2020. A copy of the ethical approval sent to her supervisor is attached as Appendix 4. The Researcher subsequently requested a written approval which was sent to her on 22 October 2020 and is attached to this report as Appendix 4.2.

4.10 Data Analysis

There are various methods which can be utilised to analyse data. Content analysis was described as a widely used qualitative research technique. In order to conduct this content analysis, it is said that there are three approaches which can be utilised to analyse content, namely: directive, conventional summative (Hsieh & Shannon, 2005).

The main differences in the utilised method are in the coding schemes, categories and threats of accurateness. The differences were summarised by Hsieh & Shannon (2005) and are seen in where the study begins, the timing of defining key words and phrases and the sources of the key words and phrases.

After reviewing the article, the researcher deemed that the directed content analysis was the most appropriate as an approach to analysing the information obtained from the interviews for the following reasons: (i) the study began with a literature review theory (as articulated in Chapter 2) and the research questions were derived from the literature and is deductive in nature, because of the fact that she would initially identify codes from the literature review (Hsieh & Shannon, 2005).

As previously articulated, all interviews were transcribed by the researcher. The transcriptions were then read by her together with all the handwritten notes which she had made during the interview process.

The benefits of using this approach are found in the fact that existing theory can either be expanded or disproved not to be applicable in a particular context (Hsieh & Shannon, 2005).

4.11 Data Validity and Reliability

Qualitative research, by its subjective nature, can give rise to biases and then threaten the validity of the study (Saunders & Lewis, 2012). There are various ways to ensure the validity and integrity of a research study. Morse, Barrett, Mayan, Olsen and Spiers (2002) propose verification strategies in order to establish the validity and

reliability of qualitative research. They further argue that without implementation of validation methods the research would be without utility.

In determining validity four critical aspects for 'trustworthiness' need to be determined: credibility, transferability, dependability and confirmability (Guba & Lincoln, 1985, as cited by Morse et al., 2002).

Morse et al. (2002) suggested that when conducting research, it was important that the researcher constantly review their process while the research was underway and not the end of the process – this allows for mistakes to be picked up early and course corrected. In their paper they further highlight the importance of verification and investigator responsiveness in the qualitative research process. Verification is the process of rechecking, confirming at every step of the research process to ensure that the researcher remains focused while investigator responsiveness refers to the flexibility and adaptability required by the researcher – the ability to reformulate questions if they are deemed not to be fit for purpose while conducting the interview.

The following verification strategies were suggested and applied by the researcher in the following way:

4.11.1 Methodical Coherence

Methodological coherence is concerned with demonstrating the relationship between the research question and components of the method. In prior sections of this report the researcher has already attempted to demonstrate alignment of her research question and research methodology and also the fact that the data will match the analytical procedure. A consistency matrix was utilised in preparation of her proposal for approval to be by the GEC. Sampling plans and data collection were reviewed, tweaked and discussed with her allocated supervisor during the course of this study.

4.11.2 Appropriateness of Sample

Appropriateness of sample requires that the Participants must have the requisite knowledge to be able to answer the research question in order to obtain saturation and

replication of categories (Morse, 1991 as cited by Morse, et al., 2011). Codes and categories were able to be identified by as set out in 4.9 and reported on Chapter 6 – this is demonstrative of the fact that the sample was in fact appropriate.

To limit potential biases, the semi structure interview was utilised solely as guide in order to allow the Participants to give an accurate account of their lived experiences.

4.11.3 Concurrently Collecting and Analysing Data

To achieve reliability and validity, Morse et al. (2011) state the importance of simultaneously collecting and analysing data. As explained in 4.9 the researcher begun determining relevant codes while undertaking the interview process and literature review..

4.11.4 Thinking Theoretically

Thinking theatrically was defined by the Morse et al. (2011) as requiring: “macro-micro perspectives, inching forward thinking without making cognitive leaps, constantly checking and rechecking, and building a solid foundation” (p. 18). During the research process, she endeavoured to constantly think theoretically – that is, re-checking the theoretical framework and seeking to seek if the collected data can be explained by existing theory which she may not have considered. The literature review was therefore supplemented on various occasions where necessary.

4.11.5 Theory development

Theory development is concerned with the progression from understanding and interpreting the data collected while undertaking the study to a broader theoretical contribution. Admittedly this was a challenging area since the researcher is not a subject matter expert and has limited skill and knowledge in academic research but will ensure that her research will move at least to a deeper understanding and applicability of social identity theory, namely women in leadership, ASA model and the lived experiences of women in professional services firms with specific focus in South Africa.

4.12 Limitations

There are limitations in all research studies (Lewis & Saunders, 2012). The foreseeable limitations to this study are:

- As explained an inductive approach was followed by the researcher and as such (and as recommended) she utilised the directive content analysis. Researchers who utilise this method of analysis often begin their analysis from a large base of knowledge (Hsieh & Shannon, 2005). This approach may have resulted in an inherent bias by the researcher when analysing the research.
- Due to the inherent bias – the researcher is likely to have found evidence which supported her initial views rather than having contradicted them.
- The overemphasis on theory when formulating the questions may have blinded the researcher to other relevant categories or codes which would have emerged though a more general study.
- The study was cross sectional in nature; as such it only reports on a particular period in time and can therefore be distorted.
- Qualitative research requires “investigator responsiveness”. There was a limited time period provided for conducting the interviews and the strict instructions which were provided by the institution in terms of submission times etc. The researcher responsiveness has therefore been somewhat limited.
- It has been recommended that an auditor should be used to review the definitions of the categories and coding process. Due to the limited time available to the researcher, an auditor was not utilised and the codes are derived as per the researcher’s understanding of the theoretical frameworks outlined in Chapter 2.
- The researcher is not an expert interviewer or researcher, as such, despite the best effort’s mistakes could be made.
- Key observations may have been lost due to the fact that interviews were not conducted in person which is the recommended method of obtaining qualitative data.

- Replicability of the study - the study is focused on a small group of women in a specific geographic location and the results may differ across industries and countries.
- The researcher is not an academic researcher and may have implicit bias when interpreting the data.
- The generalisability of the study could potentially have been affected as its population group interviewed is limited was limited Participants.

4.13 Conclusion

Hasieh and Shannon (2005) have reported that in order to conduct thorough research process there are seven steps which must be followed by a researcher. The seven steps and how they have been complied with by the researcher in conducting this research are outlined below and described below. Step 1: Formulating the research question (this has been demonstrated in the conclusion of Chapters 1, 2 and 3); selecting the sample size (a detailed explanation has been found in this Chapter) defining the categories to be applied and outlining the coding process (described above); implementing the coding process (as evidenced by Chapter 5) and providing an analysis of the coding process (as evidenced by Chapter 6).

CHAPTER 5: RESULTS

5.1 Introduction

The aim of this chapter is to outline the data obtained from the semi-structured interviews. The objective of the study was to find out the reasons for the sustained success of female executives within the elite law firms in South Africa. The research questions as set out in Chapter 3 and the questions set out in the interview questionnaire were posed in a manner which will answer the research objective.

5.2 Sample Overview

As set out in Chapter 4, a total of 15 Participants were interviewed in this study. All the Participants were female, held titles such as director, executive or partner in their respective law firms; were admitted attorneys and as such at a minimum held a bachelor of laws degree. The Participants' demographics are depicted in the Table 1.

5.3 Interview Summaries

A total of 15 Participants were interviewed. Table 1 provides a summary of the interviews – including the date, time and length of the interviews.

Table 1: Interview summary

Participant	Interview Date	Duration	Firm	Race
1	25-Sep-20	34:23:00	Firm F	Indian
2	28-Sep-20	25:22:00	Firm B	White
3	29-Sep-20	41:39:00	Firm E	Black
4	29-Sep-20	21:09:00	Firm F	Black
5	30-Sep-20	28:33:00	Firm F	White
6	02-Oct-20	33:04:00	Firm F	Black
7	05-Oct-20	45:01:00	Firm A	Black
8	05-Oct-20	43:37:00	Firm C	Black
9	05-Oct-20	37:31:00	Firm F	Indian
10	06-Oct-20	36:44:00	Firm D	Indian
11	07-Oct-20	30:37:00	Firm A	White
12	08-Oct-20	55:41:00	Firm C	White
13	12-Oct-20	43:35:00	Firm C	Indian
14	13-Oct-20	31:16:00	Firm C	White
15	23-Oct-20	35:16:00	Firm A	Indian
Total Recording Time		509:05:00		
Average Recording		33:56:20		

Firm names were disguised and described as either Firm A, Firm, B etc. This was done to protect the privacy of the Participants and the identity of the organisations.

Racial identity is reported herein for illustrative purposes as there was a marked difference in experiences reported by the Participants along racial lines.

5.4 Interview Method

Due to the current COVID-19 pandemic, all 15 interviews were conducted via video conferencing facilitated through Microsoft teams. This method allowed for the researcher to observe the Participants while providing a clear recording of the interviews. The researcher approached the analysis of the information received from the semi-structured interviews in the following manner:

- i. She reviewed and went through the literature review section and identified pre-determined codes and categories;
- ii. In each question she identified categories which she thought would emerge from the questions;
- iii. She had initially made use of the Atlasti to code but soon abandoned this approach for a more manual approach as evidenced by the codes in Appendix 6
- iv. Re-read and analysed the transcript and highlighted and made notes in respect of information which corresponded to the identified codes;
- v. Any text which appeared to not be easily placed within an existing code was given a new code;
- vi. If text appeared to be interesting but not worth coding she made a note of it and highlighted it in hard copy on text (in case it was information which would later prove to be repetitive or worth reporting);
- vii. Through this process, she was able to determine subcategories which were noteworthy and worth reporting categories; and
- viii. Finally, the researcher reported her findings as has been completed in Chapter 5 of this research report.
- ix. The tests for saturation, verification and how to mitigate threats to validity and reliability were discussed at length in Chapter 4.

5.5 Presentation of Results

In this chapter the interview results will be presented in the same order as the interview questionnaire attached to this report as Appendix 3. Each section is set out as

follows: reiteration of main research question and purpose of the question; the actual interview question posed to the Participant in terms of the interview guide; and a table which sets out the summary of the answers received from the questions and any relevant quotations from the interview.

5.5.1 Results for Research Question 1

Identify the tangible factors which played a part in the sustained success of female executives within the legal industry – Does the organisation that a female attorney joins have an impact on the ability to be promoted to equity partner?

Research question 1 was aimed at understanding the career path of the female executive within an elite law firm and to understand the factors and/or performance requirements which they had to meet to be promoted to their current levels. The questions posed herein were intended to gain insight into her choice of organisation and understand the milestones which had to be met in order for her to be promoted. The research question also sought to ascertain if there were any obvious impediments which would have deterred her career path in any way.

Question 1.1 What led you to join the current organisation?

There were a number of reasons which were advanced by the Participants as to the reasons why they chose to join the organisation. A total of eight categories were identified and are represented in Figure 2. Each of these categories are discussed below.

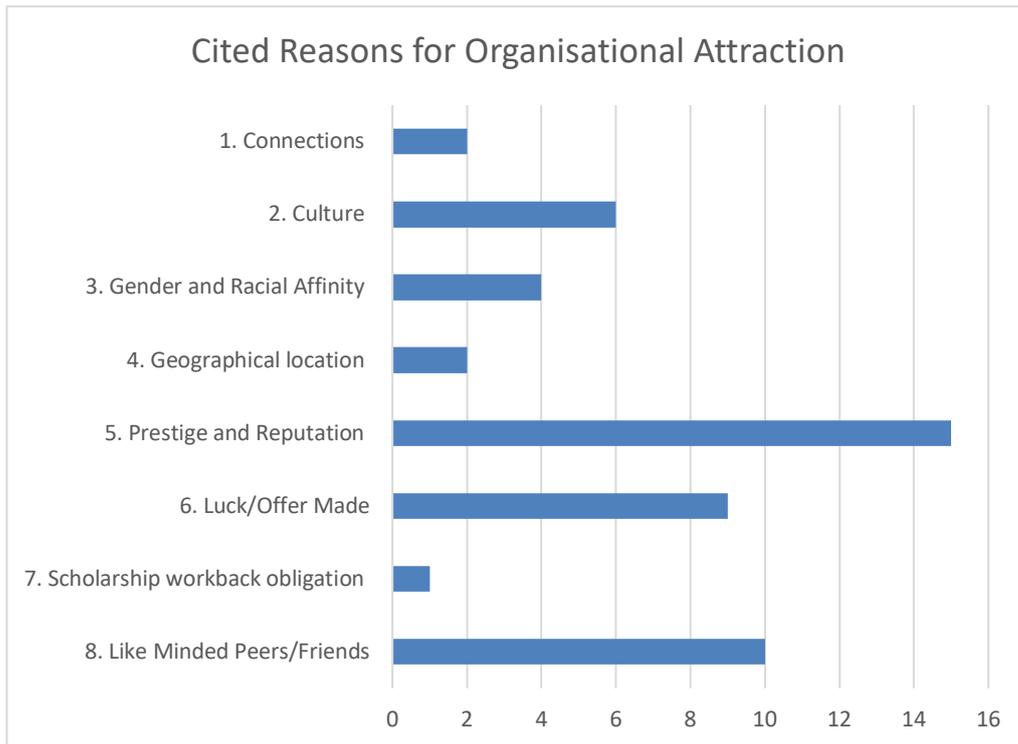


Figure 2: Reasons for organisational attraction

Please note that reasons 1-5 were cited by mostly by those who had moved laterally and reasons 5-8 were most commonly cited as reasons for joining a law firm as graduate appointments. Those who had more than one offer would then cite any number of the reasons located in 1-5. The relevance of this distinction is discussed in depth the discussion of the results in Chapter 6.

5.5.1.1 Prestige and Reputation

The biggest reason that the Participants chose for joining their respective organisation related to the size, prestige and reputation of that law firm. The firms which they were attracted to were ones which they perceived as; doing the best legal work in the country market, attracted the biggest transactions, remunerated at the highest levels and which they assumed would provide them with opportunities to learn and grow.

For the Participants the lure of working for a big organisation was paramount and attributed to potential future success of that individual. Specifically, one Participant remarked:

“I was kind of intrigued by the bigger matters and the biggest firms, and I didn’t want to join the smaller firms where there was going to be one or two employees or one of two candidate attorneys... I wanted to go somewhere, which was big enough [in order] to be successful, you must try and find like a niche where you can really offer something that that is special...that sets you apart... But the pull for me was, at Firm F was just areas of deep specialization there. And that if I could get a job at Firm F, and if I could make it Firm F, then I would be kind of at the forefront of whatever that particular area was.” P5.

One Participant, who had driven past her current organisation as a child said the following about her experience of seeing the building in Sandton, Johannesburg;

“It was just majestic and an unbelievable thing to see. And I saw...a whole lot of fancy cars coming out of the one entrance”. When she enquired what the building was and who worked there, she had been informed that it was an incredible place to work. From that moment, she had wanted to work for the organisation and to that end remarked that: “And so from then, I was always aware of who Firm F was and how big they were.” P1.

An interesting theme which emerged was that the identity of the law firm was irrelevant when candidates were applying at level. For many, what mattered was that the firm was viewed as one of the “big four” or “big five” and would therefore be in position to provide them with unique opportunities. Reflecting on this point, a female executive had the following to say:

“Because they were firstly, like, top five or top four at least. And it was the sort of platform that you would need to get exposed to the big sexy commercial transactions. And yes, it would, it could have also been either Firm C or Firm B. It’s just that’s where the opportunities came up.” P9.

“...I thought Firm C, I just, you know, it appealed to me it was a top tier law firm. Above all else that I could get great experience there... So, I wasn't actually made an offer at any of the other big firms for that year. So that's why I decided to also go with Firm C. I had a few offers at smaller firms, but Firm C was obviously the preferred choice.” P11.

Being afforded an opportunity at one of these firms was viewed as prestigious and elite in the sense that it was notoriously difficult to be employed at one of these firms. Candidate who were offered a position having to demonstrate superior capability and intelligence in order to deal with the complex legal transactions which these firms dealt were famous for. Upon reflection of her job search process and selection, a female partner from Firm A remarked that even though she was not at the top end of her class it had been an ambition of hers to be admitted to a top law firm.

“So, I've never been a straight A student. And I wasn't at varsity either. Like my report card was B's, was C's, I'm pretty sure I had a D here and there...But when I was applying, and when I was on the come up, that's all that mattered...” P7.

5.5.1.2 Like Minded Peers/Friends

From the interviews, it became increasingly apparent that while the Participants had chosen a career in law, a substantial number of them had not been aware of the existence of these elite law firms. It was when other students began applying to these firms that their interest peaked (and they followed suit) in trying to win a place in these firm's graduate recruitment process.

Participant 12 said that she was: “swept up in the application process”. When her fellow law students and her friends began applying to these law firms. Participant 13 remarked that:

“So, it just so happened that I wasn't really clued up... But... my other friends who were applying for articles as early as second or third year, [they] were applying to all of the big law firms across the country. I just woke up to the realization that I have to apply to articles in I think my third and early final year. I got lucky in terms of my application process.” P13.

Specifically, Participant 12 remarked that:

“...you get to your penultimate year of LLB, and suddenly everyone's talking about vac[ation] work, and law firms. And up until that point, I don't think I've even thought about like, the job that I needed to get after my degree. And then I realized that, oh, actually like, they start this process way before you've even finished. And I guess I kind of got swept up in that process...”. And I did a number of interviews all for vac[action work] of the big firms. But that's mainly because my colleagues or my peers at university, we're all interviewing with those firms.” P12.

5.5.1.3 Luck/Offer Made

It was interesting to note that many of the Participants viewed their selection as “luck”. Many of the Participants applied to various law firms and viewed their selection a consequence of chance. Many would readily accept an offer from any elite law firm— viewing the selection as an achievement in itself. Participant 2 described her job search process thus; going through the then prominent legal directory Hortors, selecting the firm with the greatest number of partners, and ensuring that the firm was in Johannesburg (because they would pay more). She attributes receiving an interview and subsequent job offer as “*literally dumb luck*”.

Almost a decade after Participant 2's application process – it appears that the process of applying to all the top law firms had changed – as long as it was a top firm. To reiterate this point, Participate 3 stated the following:

“You applied everywhere and the first place that you got a decision - you took [it].... And I've got an interview at Firm E and I literally got an offer the following day. And I gladly took it... I didn't know much about the firm then. But I was happy to have gotten a place at one of the big firms because back then, obviously, I didn't know much about firms” P3.

It appears when selecting a potential law firm – graduates applied to as many firms as possible with the hope that one of those firms would provide a positive response.

However, not all the Participants made decisions in this manner and for some other factors were of greater importance. The distinction was most prominent when the Participant moved laterally between firms when there was more than one offer at university level. These will be discussed in detail below.

5.5.1.4 Gender and Racial Affinity

It was interesting to note that Participant 8 (who is currently employed at Firm A) stated that racial and gender representation at partner level was of particular importance to her – a possible indication that she would be guaranteed success at a firm whose demographics reflected her own. She noted the following:

“And I remember as a varsity student, because I had two offers. I had an offer from Firm A, and offer from Firm X. What swayed my decision was that I pulled a picture of the then partnership of Firm A and then partnership of Firm X... the partners of Firm A had more black women, and more black people, generally, and more woman than Firm X. And so, I kind of thought that's probably where I'm going to make it. And as I decided to go for Firm A.”

As demonstrated in Figure 3, 33% of the Participants had moved to another elite law firm during the course of the careers. For these women – gender representation, connections and culture were key drivers as to why they joined the organisation.

In respect to gender as a pull factor leave Firm A in order and join Firm F as a partner, Participant 6 noted that besides the fact the compelling fact that Firm F had recently been named as the top law firm she felt that she was: *“...ready to join a department headed by a woman, you know, so having had the experience of really only senior males in the department, I didn't love that thought...I actually want to work in that environment where it's okay to be a woman to be a mother too.”*

5.5.1.5 Culture

Referencing the culture of the organisation as a motivating factor for her move to another organisation, Participant 11 noted; *“So the pull factors about Firm A was the*

culture, the people...I mean, I suppose the difference between when I accepted Firm C's offer for articles and Firm A's offer as senior associate is that when I joined Firm C...I knew which team I was going to."

5.5.1.6 Connections

Having connections within an organisation was reported by 26% of the Participants as a reason to join a law firm. They were attracted to move laterally and join other organisations - within the elite network of firms - because they knew people who worked within these organisations. When considering a lateral move - having connections was important for Participant 6 and 14 – both making specific reference to the fact that they had friends were employed as directors in their new firms.

5.5.1.7 Other

Other reasons which were cited by Participants are self – explanatory and will not be discussed in the results section.

Question 1. 2: Please describe our career path until now?/What are the milestones which you had to meet in order to be appointed to partner?

5.5.1.8 Career Path

As outlined in Chapter 2 the career path of traditional law firms is linear. Graduates are recruited as candidate attorneys (CA) and serve a two-year training period which makes them eligible to be admitted as attorneys. If the law firm is of the view that the CA has met their required standards – they then make an offer as an associate which hereinafter referred to as 'retention'. Those who are retained will, if they meet particular requirement, rise up the ranks to salaried partner/director and then equity partnership.

From the interviews, the researcher noted that 93% of the Participants had been recruited to the elite law firms from university level and retained after the mandatory two-year article period into their law firms. 33% of the Participants had however left their initial firms and had moved across to other firms as either as partners or senior

associates (and thereafter promoted to partner and/or equity partner level). This is demonstrated in Figure 3.

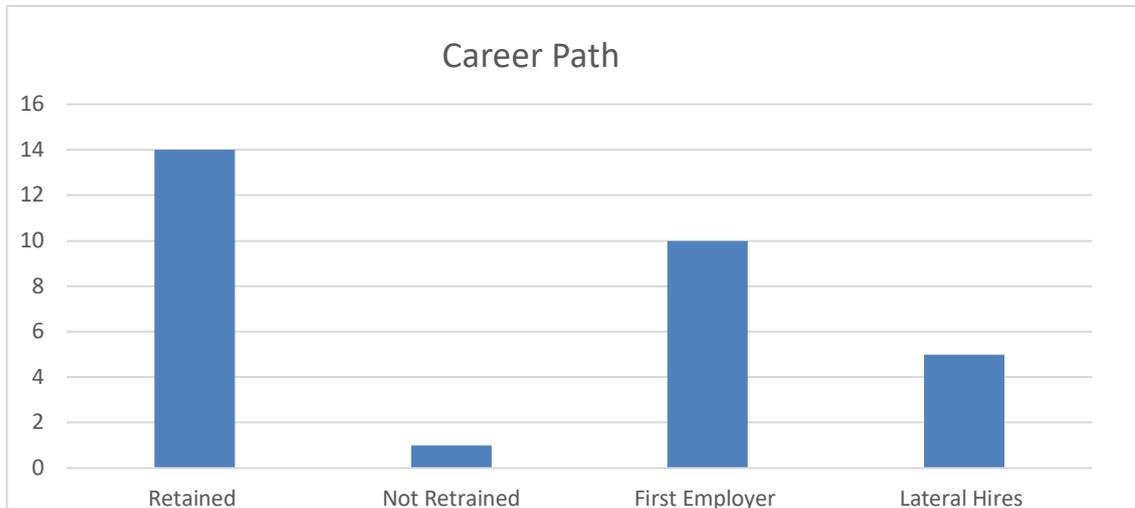


Figure 3: Career path

5.5.1.9 Milestones

The Participants were asked to articulate the milestones which they had to meet in order to be promoted to directorship and/or partnership. The most common milestones and frequency are articulated in Figure 4.



Figure 4: Milestones

A few noteworthy themes were highlighted by the Participants and are described below.

5.5.1.10 Brutal and tough environment

A number of the Participants struggled in the beginning of their careers. Participant 1 who works at Firm F stated that:

“I didn't think I'd be good at it...so it was a little bit of a shock to the system. And so, articles, as you know, is already very hard and very brutal...I just felt in the dark, under water at all times just, you know, running around like a headless chicken. So, articles was very brutal for me.”

Participants also reported struggling to adjust to the culture and the norms of the firm. One Participant remarked that:

“How did I know if it was the right place? For me it took a while for me to feel like this is a place where I want to be purely because it was just I had nothing to compare it against.” P3.

Participant 3, also reported that the firm she had joined was quite anglicised and foreign to her, she felt out of place and it took a few months for her to adjust to the environment including the food and how members of the organisation socialised with one another. She remarked: “I think around about six to seven months when I had found my sea legs. So that's me also understanding how to talk the talk, walk the walk and finding my groove within the institution.”

Most of the Participants referred to the long hours, demanding clients and how they struggled to make the adjustment from university to the working world. Specifically, Participant 7 remarked that: “quite a lot of resilience is required to thrive, I suppose. And I struggled a lot in the beginning.... So, it took a lot of hard work, sweat and tears. Blood, sweat, and tears.”

In order to thrive and be retained the Participants had to initially demonstrate that they could endure and thrive under intense pressure and be able to assimilate to their environments or cultures. Alternatively, it had to be an environment in which they could easily thrive.

As listed in Figure 3, the Participants reported that as they enhanced their technical skills they grew in confidence, established better relationships internally within their teams and organisations – allowing them to build the type of practice which would allow them to be promoted to executive. In order to be promoted to director, the female executives had to show a commitment to the firm and mentoring and training junior staff members. In particular Participant 8 stated that her mentoring and training of junior staff members was one of the major reasons why she was promoted to partner.

Being placed in the right team, being adequately mentored and trained is a central theme which emerged from the interviews with each of the Participants. Participant 3 remarked that she was fortunate to be working for a partner who was committed to her development as a lawyer; he had previously and continuously uttered to her that "I'm building you as a lawyer and not as an admin clerk". She notes that it was at this stage that she truly believed that the organisation was invested in her professional development which is one of the reasons why her entire career has grown within the same organisation.

The women executives who moved across to other elite firms generally did so in order to advance their own careers. Specifically, Participants 4, 6, 9, 10, 11 and 15 stated that they moved laterally due to: toxic masculine cultures towards environments in which they either believed they would not be discriminated against and towards cultures where they would be encouraged, mentored and opportunities would be provided for them in order to facilitate upward mobility to either partnership and/or equity partnership.

5.5.2 Conclusion of Results from Question 1

In conclusion, Participants reported the most prominent reasons for applying and accepting offers as graduate appointees are: Prestige of and reputation of the firms; luck and having likeminded friends – these will remain true if a law graduate only has one offer from an elite law firm.

Participants also reported that organisational attraction, for those who have more than one offer at graduate level; or those who are currently employed as attorneys at elite law firms was determined by: gender and racial identification; having a connection or friends within a prospective employer; and prestige and reputation of an elite firms.

Ninety-three percent of all Participants had been hired from university level into the elite law firm segment of the legal services industry. Ninety-three percent had been retained (kept on) after the end of their two-year training period. Even when they resigned following retention and joined new firms, they chose firms within the elite service industry. All who had moved had subsequently been promoted at their new firms to either director or equity partner.

All directors had to meet (and sustain) the milestones depicted in Figure 2. Not only to be promoted to director - but to remain in the role – and then to further promotion and ascend the equity bands. The relationship between these milestones and Research Question 2 became increasingly clearer as the answers to Research Question 2 were given. This relationship is discussed at the of section 5.6 and in Chapter 6.

5.5.3 Results for Research Questions 2: How does an Individual's social identity relate to her role as a partner/executive role in a law firm

There are fewer women at director and partnership level within elite law firms. The research question and the specific interview questions which were posed herein were intended to ascertain: (i) each Participant's view on the gender dynamics of their law firms; (ii) if a female executive's gender had any bearing on her career progression within the law firm; (iii) how she viewed herself after she had achieved the title of director, partner or executive within her respective firm. The following themes were identified and discussed by the Participants in respect to research question 2: increased representation of female attorneys; influence; tenure, practice size; women-led teams/female support; client preferences; the "boy's club" and motherhood as a distinguishing factor.

Question 2.1 What do you think of the gender dynamics of your organisation?

5.5.3.1 Increased representation of female attorneys (but...)

All Participants agreed that there was an improvement in the number of women represented within their respective organisations. The reported increases were due to the fact that in the years since they had joined their firms there appeared to be an increase in firm initiatives to hire more women. Lauding her firm for what they had done to advance women over the years, Participant 8 made the following statement:

“I think the firm is really good about trying to create, equal opportunity for women and breaking down the barriers which would classically hinder women from progressing. And there have been a lot of sort of formal firm initiatives around that.” P8.

“I think the ratio in terms of females is quite great. Actually, quite a fair balance. You'll find a fair number of female attorneys. There's obviously always room to grow, because it'll never be 50-50 down the line...” P3.

“So, at Firm C there's a very strong gender drive. We have various committees, both from a transformation and a purely gender perspective...There is a very real and pointed...endeavour... developing policies around gender equality, pushing gender stereotypes into a place where they can be...brought into the light, debated... To ensure that the women that are being grown in the organization are supported...” P13.

“...there has been a more (let me call a concerted effort) to look at stats around the firm and see how females are performing in relation to men. Whether this is not caused by some biases...the firm actually is recruiting in theory at least more females than males. Having said this, and as you move up the ranks, there is a definite attrition of females throughout the different levels...” P8.

Female partners who had been working at law firms for the past two decades remarked that a lot had changed. Specifically, when it came to gender initiatives and

issues within law firms in South Africa. They stated that they have experienced a concerted effort to get more women within elite law firms; coupled with the implementation of initiatives for benefit of the advancement of women within each of their organisations (P2, P6, P9). They stated that many of these initiatives were not in place when they were rising up the ranks in the early 2000s.

There was general acknowledgement of the major strides that law firms have made for the advancement of female attorneys. But, there was equal acknowledgement that more needed to be done – especially in relation to female representation at equity partner levels. To this end, Participant 8 stated that:

“We don't have enough black Equity Partners. We don't have enough black female Equity Partners (relative to the amount of black people that we're bringing in at CA level). People drop out along the way and I still think there's a lot of work that needs to go to fixing that... And we don't have enough...black female salary partners. So again, there's a lot of work that needs to go in there to make sure that we're bringing in talented people and keeping them. I think there's a big retention piece that we need to work on. And for the first time I'm starting to feel like there's alignment internally regarding this as a strategic imperative... So there's been quite a lot of work spent bringing people along on the transformation journey. I think people are finally on board and we're now rolling up our sleeves and just doing the right things and making the right decisions. But yeah, it's taken long to get people here...” P7.

In support of the work that need to be done to create equal gender representation one Participant (who sits on her firm's transformation committee) that: *“We are still very white to pale male dominated gender dynamics...but also hoping to change the narrative. And it's not going to be an overnight change” P4.*

The drive increase representation of women appears to be due to the following reported facts: (i) there are now more female directors (with decision making power) who are pushing a gender transformation agenda and therefore the necessary pressure to change from the immediate environment; and (ii) pressure from foreign clients

who are demanding to work with gender equal firms. In support of this assertion, one Participant remarked the following:

“... right now, because it's such a hot, hot topic, people want to be seen to be doing the right things and saying the right things. And so that's happening. But we still have a long way to go, because that's sort of driven by what our external environment is currently doing and sort of the macro factors. But I still think that deep down - within people, there are still massive sort of prejudices that are held and sort of settle unconscious biases, etc. That constantly make it an uphill battle for a female in the world.” P9.

5.5.3.2 BUT Influence is gendered

There is an increase in female representation but influence (and power) is gendered. Even though women themselves were represented partnership and other levels – a number of Participants were of the view that they did not participate on equal footing when it came to influence and decision-making power. In particular, Participant 15 remarked that even though she was situated in a team which was predominately female, she had noticed that decisions were made by male partners within her team.

Participant 8 had the following to say regarding influence: *“there isn't as much female representation as much as I would like to see at least at the top level, and even if you have female partners, the level of influence that these people partners have, in my mind is still not enough. I'm pretty sure that the firm is got more female, I think, or maybe partners or maybe the 50% mark... However, for me, it doesn't translate to the same as influence.” P8.*

From the interviews it became increasingly clear that women were (in many instances) viewed differently from men. Participant 15 remarked that she often thought that as female legal practitioner, she was there to exert the will of her male directors essentially act as facilitator. Participant 5 thought that she was viewed early on as non- threatening by her male partners – something she now thinks may have led to her success later on – in the beginning she could organise and take instruction from her older male partners who were only happy to teach her. Besides, receiving work – how does one obtain influence in an elite law firm?

5.5.3.3 BUT Practice Size is Gendered and Matters

Influence within a law firm is attributed to the size of a particular partner's practice: how many clients they have; billed and collected fees; etc. Participant 8 reported the following in explaining the relationship between practice size and influence:

"...in law...a lot of your power is basically attributable to practice. So, the stronger the practice, you have, essentially, the more sway you'll have. Because, I mean, you are a 'Heavy Hitter' or 'Rainmaker'...You can have female partners, but they may not have the biggest practices...they may not have the might [to] take up the majority of the board." P8.

5.5.3.4 BUT Tenure Matters (and is often gendered)

Possessing the title director will not automatically lead to an individual possessing equal influence among partners. To illustrate this point - Participant 3 remarked that she did not think that possessing her title enabled her to immediately influence others, outcomes or firm wide decision making. She was of the view that influence was closely related to tenure and aptly described it as a ranking system wherein one essentially had to *"...earn your stripes as a director...and that only comes in time. And [only] then people will be like, okay, what you said about certain people or what her view is on another person can be something that is valid..."*

In conclusion, Participants reported that even though there was an increase in female representation in law firms – female influence and power was limited by tenure and practice size.

It should be noted for the purposes of this report that there were a small number of Participants who reported an acknowledgement by their firms of this dynamic. They reported that their firms had recently appointed female department heads; and had begun succession planning in order to ensure a future with a larger representation of women in firm wide decision-making roles and at board level. To this end, it should

be noted and reported that two Participants in this study were the heads of a successful department and/or practice area within their respective firms. Had the sample size been larger (and the study not cross-sectional in nature) more women may have reported being as practice and departmental heads *albeit* at a lower frequency than their male counterparts.

Question 2.2 Has gender played a role in your career progression?

The Participants were asked if they felt that their gender played a role in their career progression.

5.5.3.5 Gender and Race

For the researcher, it would be interesting to note that when the question of how gender has played a role in their career, non-white Participants made specific reference to race. It appeared from the answers received from the Participants that their gender was closely tied into race when making specific reference to their identity.

To illustrate this observation, the following remarks are specifically noted. Participant 3 noted that she felt that her experience as a black female partner would be different from that experienced by a white female partner. She remarked that she felt that her race had disadvantaged her far more than her gender.

“...I feel, unfortunately.... whilst we might still be females, our struggles are completely different. And that's been something that I've had to learn the hard way. That, yes, you might be with another woman...our struggles are just not the same. She will never have the same assumptions. Or she'll never have to work as hard as I do in order for her to prove herself” P3.

Participant 8 also made clear references to negative inferences being made about her technical competence based on her race. She remarked that she did not consider gender as her primary identifier but rather race. Because she felt that the discrimination which had been levied against her was because she was a black woman.

“Firstly, it was always a shock...And people would be genuinely surprised at the fact that I'm really good at what I do! It was always a shocking thing and

was like that thing of...you have assumed incompetence...When it comes to me, because in my mind it was because I was black... I never thought it was because I was black and female.” P8.

“...it's just people see a woman and make certain assumptions. When people see a woman of colour they make even worse assumptions. And as soon as you sort of assert yourself or stand up for yourself, you're in this, being seen as sort of ‘too pushy’, or ‘aggressive’, or ‘arrogant’, or ‘bossy. Whereas if a man said exactly the same thing, it's not viewed like that at all. So, if I were a man, I firmly believe that I would have been classed as an absolute superstar and treated that way from a long time ago.” P9.

As stated above, the researcher observed that it appeared that for non-white Participants' gender and race were tied together when expressing their identity. This does not mean that race does not matter as an identifier to white Participants but rather that it was not brought up by them as a topic when questioned about the role of gender and career progression.

5.5.3.6 Gender and Career Progression

When asked if gender had played a role in their respective career progressions – there was a mixed response. The frequency of the responses are detailed in Figure 5 below.

Figure 5: Gender and career progression

When asked if gender had had an impact on their career there was a mixed response. The minority of women felt that it had not. They specifically, noted the following:

"I don't think I was at a disadvantage to any of my male colleagues... maybe... You know, I think...depending on what department you're in...but in the department that I'm in, I don't think gender played such a huge dynamic in that...I think from my career development as a woman in my department, my gender hasn't been a disadvantage. I don't believe that." P14.

"...being a woman has never put anybody off in giving me work...." P3.

The majority had had felt that their gender had played a negative role along their career paths in the following ways:

"So, I definitely think, yeah, I felt at a disadvantage being a female. I perhaps felt that a bit when I was at Firm C, but not at Firm A" (P11).

Participant 11 specifically remarked that the discrimination she felt was prevalent in her department and not specific to the firm that she had initially joined from university. When comparing both firms, she stated the following: *"I think it was quite obvious that at Firm C, you know, it was a very male dominant department. I'm not talking about the firm, generally, I'm talking about the department...And I'd never seen a female be promoted in that team. I'd seen males promoted, but I hadn't seen a female being promoted. And so, it was clear there. At Firm A, I think my gender has actually probably been to my benefit in the sense that the competition team at Firm A is very much female dominated."*

Participant 9 when describing how her gender had affected her negatively, she noted that:

"Definitely more against me, I would think it was like, swimming upstream. And it's actually the only the only reason I don't think it actually worked for me."

It might now going forward because of people wanting to be seen to be doing the right thing. But up to this point, no, it hasn't.

Some Participants reported uncertainty about the role that gender had played in their career progression – even though she felt that she had to prove herself more than her male colleagues.

Specifically, Participant 12 stated that: *“I don't know. It's a little difficult to tell honestly. So, I do feel like there's a little bit of you know, you have to prove yourself a little bit more.”* P12.

It was thus interesting to note that whether or not one experienced gender discrimination was very much tied to not only the organisation but also to the team one was in. Even when the Participants were part of incredibly supportive (and gender inclusive teams) they referred to being aware of gender discrimination within their respective organisations *albeit* in other departments (Participants 1, 2, 3, 5, 6, 7, 11, 14); or being at the receiving end of discrimination in the course of interactions with male attorneys outside of their organisations; and when interacting with clients (Participants 1, 3, 5, 6, 8, 9, 10, 13 and 15).

5.5.3.7 Women Led Teams and Female Support

When trying to ascertain the role of gender and how women rose up the ranks, the researcher noted an interesting pattern in almost half of the Participants – many had worked for or had been part of teams which were predominately female when they rose up the ranks. The significance of the presence of women was noted as follows when it was related back to career progression;

Participant 1 related a story wherein she was discriminated against because of her gender and was subsequently defended and supported by her female departmental head:

“...every moment with Person Y [female department head] was amazing, like the most unbelievable experience. But also, the most scary at the same time...Just so you know...I think from a gender perspective, there was no doubt that any kind of discrimination is not going to be tolerated.” P1.

The significance of women being present within a team was a relevant factor in the upward movement for women. Many reported feelings that gender would not be used against them and had not been used against them because they worked in departments with powerful and successful female partners.

5.5.3.8 Client Preferences

The importance of clients and their preferences was noted by several Participants. Specifically, one Participant acknowledged the significance of client preference in the elite law firm industry: *“But you know, we are still very much a client driven...we are a service industry. And how the pressure clients put on, who is in a team and who leads them - a Lead on the matter counts, like I think [it] still has a massive impact.”* P12.

Client preference is noted specifically with respect to how it relates to the milestones that must be met (and sustained) by partners and directors in law firms. This was noted in research question 1 and depicted in Figure 4. Major milestones which client preference impacted on was reported as business/development and the meeting of financial targets. How client preference plays either negative or positive roles are discussed in relation to sustaining the practice of a female executive is outlined below.

5.5.3.8.1 Positive Impact of Client Preference on Gender Dynamics of a Law Firm

The positive ways which impact the gender dynamics of an organisation are when they specifically make it a requirement for there to be gender diversity in their legal matters – meaning that female attorneys will receive the exposure to the legal work and gain relevant experience and fees (as required for promotion).

Participant 4 noted the following: *“I suppose in some aspects it has assisted for, for specific clients who want to work with women. I, so I would say that that has put me in good stead...”*P4.

The pressure that clients who want to see gender diversity on the matters has incentivised elite law firms to empower women within their law firms. As previously noted,

client satisfaction is of paramount importance in elite law firms, and as such, they do not want to fall foul of client requirements so external client influence does impact internal practices. To illustrate this point, Participant 9 stated that: “...people want to be seen to be doing the right things and saying the right things. And so that's happening. But we still have a long way to go, because that's sort of driven by what our external environment is currently doing and sort of the macro factors.” P9.

5.5.3.8.2 Negative Impact of Client Preference on Gender Dynamics of a Law Firm

However, clients influence was also reported to have a negative impact on gender representation within a law firm if they demand that a particular person be included on their matter. If clients keep demanding male attorneys as lead on matters – the law firm will comply and which was reported by Participants as instances for and reasons why they have not gained requisite or necessary legal experience. In picking male lawyers to work on their teams, it was reported that clients will cite – legal expertise or experience.

“the pressure clients put on who is in a team and who leads them...I think still has a massive impact. And I have had experiences in the past where it's like, it's kind of subtle, but you know, that they're not interested in your opinion, it's a little bit hard to tell if it's because you're female, or if it's because they think you're too inexperienced...” P12

Historically, the legal industry was reported as male dominated – see results of research question 1. The consequence thereof is that the majority of the most experienced lawyers in particular practice areas are older and men. When clients approach the firm with a legal matter – some clients will make remarks which a female executive state exclude her (and other younger female partners) from being lead on a matter (P12).

The following scenario was related by Participant 5 to the researcher to explain the practice and comments from clients: “..they'll say, "Oh, we need some grey hair on this or whatever." And then you know, so they'll rather give the matter to [Person X] or [Person Y]...But I do think like a client's point of view, especially when it's very

high-profile matter or whatever, it's just like, it's starting to be a bit of an innate thing to say, well, it's to go to the older, more experienced person..."

The relationship between this theme and milestones was noted by the researcher and pointed out by Participants. They noted that building a practice, collecting fees was a difficult milestone to meet and the biggest barrier to their success. Clients demonstrating a preference for working with only male attorneys or more experienced attorneys (the majority of whom are male) is a barrier which is difficult for women to break through.

For junior executives the most noticeable milestone was centred around practice building and attracting new clients.

"And you walk into meetings and everybody on the other side's a lot more experienced, older, whiter, male, you know, how do I get clients to want to pay me to do stuff when people who have so much more experience. So that was a long journey in partnership." P1

There is a clear expectation to not only demonstrate that you can service clients but also that you can run a business or practice within a law firm. To illustrate this Participant 7 and 12 said the following:

"I had, you know, all sorts of concerns in my head, you know, around whether, you know, I would be able to build a practice as a black woman in corporate South Africa and in a big law firm. But when I came up... when I overcame those challenges, I think I had a path to a successful practice." P7

"There is a definite shift at partnership level, where it is no longer about technical skill but relationship building capability and business acumen. I think it was that shift from being like a good lawyer to being a good business person. You know, it's not something that the Firm really prepares you for. Honestly, the only time you come face to face with it is when you are the person on the front line answering to a client. And because I don't think I was like missing business minded, so it was a tough learning curve. And especially if you're

building your practice on your own and you haven't inherited, aren't inheriting the goodwill" P12.

Participant 5 noted that even if she does the majority of the legal work on a matter – the insistence of clients on having a senior male attorney on the matter is a barrier to promotional prospects due to the insistence by that senior male attorneys on getting credit on the matter on the firm's internal system - meaning that the practice milestone was then attributed to senior male attorneys. Participant 5 also remarked that that clients are often unaware of the internal milestone and promotion criteria within a law firm and how their actions inadvertently contribute to lower number of female equity partners.

Client preferences therefore can have either a negative or positive impact on the career progression of women. So even within a law firm which promotes the advancement of women, even when there are support female leaders it was reported that client preference can indirectly hinder the progression of females through the implementation of milestones – which are skewed towards older male partners.

5.5.3.9 The Boy's Club Phenomenon

Some Participants referred to the existence of an internal "boy's club" within law firms. The specific references made by Participants were noted as:

"...there will always be this concept of a boy's club, right?" P9

"There's also a degree to which like the guys to look after each other. I mean, even in our team, we have a bit of a 'boys club'. And you like, you'll see that, like this kind of, I mean, we always speak about unconscious bias. And that happens, both in terms of race and gender..." P12.

The Participants described the boy's club as a pattern of behaviour practiced by male colleagues which specifically led to their exclusion on the basis of gender. The practice was said to evidence itself though the allocation of opportunities. It was reported that in the 'boys club' work is allocated and referred internally by men exclusively to other men. When these men do the work they are able to generate fees and the

generation of high fees is a prerequisite for measuring performance (milestones see Figure 1).

To demonstrate the existence of the boy's club, Participant 12 stated that on reflection of her career path, despite having risen in the ranks within her team – she had never been provided with the same amount of work or access in comparison to her male colleagues, by her male team leader. Males within her team were able to generate higher fees because work was continuously referred to them by other male directors.

This behaviour is described on an organisational level as skewed briefing pattern. Briefing is reported as a practice where one lawyer receives work internally from another practitioner for two reasons: one would be if additional capacity was required to conduct the instruction or to request a more specialised practitioners in a practice area, in order to service a client. It was noted that there were still instances within law firms where men refer work to other men only (P7, P12 P6).

Insight on the impact of the boy's club came from Participant 12, when she noted the frustration with she felt with the detrimental effects of the boy's club in relation to non-white lawyers and females:

“And you'll be like, don't we have a policy about trying to brief like non-white people! So they kind of still look out for each other. That's all I can say. And it bothers me when my male colleagues gripe about the fact that they're like, somehow being shut out. And transformation...because I'm like, you guys totally look out for each other all the time. So, I mean, that's, that's on a race side of things. But it also happens on like, the female, the gender side to a degree.”

5.5.3.10 Motherhood as a distinguishing factor

There was a general acknowledgement reported by Participants that motherhood made it far more challenging (not almost impossible) to meet the demands of practice.

Participant 12 stated: *“And I have also like, obviously you, last couple years, observed more and more like my own peers, becoming mothers. And I think that is quite a big distinguishing factor.”* P12

Participants lamented the fact that there was a general belief within elite service firms that a female executive (who was also a mother) was less committed or ambitious. A few examples from the interviews have been provided to illustrate this point.

When Participant 2 was a new mother she was overlooked as a candidate for an international door knocking trip because her fellow partners assumed that she would not be interested in attending the trip (she subsequently corrected this assumption and was then invited along).

Participant 5 stated that every time she left the office during the day to attend an offsite business meeting those of her colleagues who observed her leave always assumed that she was headed home to tend to her children when in fact she was undertaking a business activity. This was an assumption she says would not have been made had she been male or childless. Two other Participants remarked that they had been overlooked for promotion in the years that they had taken maternity leave (P7 and P10).

Female executives also pointed out that even after receiving fully paid maternity leave, getting back into practice was a unique challenge which they had to experience. Some of them had their colleagues who “stole their clients”, those long fought for and won external client relationships having deteriorated and internal briefings having completing dried up over the four to six-month maternity leave period.

One such Participant who had recently had a child noted the following in respect to the thought of having a second child:

“...my career... it's tougher. And even the knowledge of knowing that if I want another child, I'm going to have to reinvent a career again...I don't think a man has to think about those things. I don't think those are issues that they face” P14.

The realisation of the challenges that women face has led some women to put off bearing children, viewing it as a necessary “sacrifice” for working in an elite law firm. Participant 1 remarked:

“I think more probably needs to be done with women with children, I mean I don't have children. Its, as I said, it's been a personal sacrifice up until this point in time, I don't know what my trajectory would have been if I did, and the people who I know who are moms, I think, are battling it incredibly.” P1

Talented female attorneys have left elite law firms because of the dual difficulty in sustaining a practice and having a family. This difficulty of being a mother in a demanding law practice was noted by Participant 6 when she said that:

“People leave because they can't sustain being a mom and the demands of practice. Not hard to attract people but it's harder to retain them in the long run.” P6

5.5.4 Conclusion of Results from Question 2

In answering research question 2 the following results were noted in elite law firms in South Africa:

Gender dynamics of elite firms were found to be as follows:

There is increased representation of female attorneys in law firms but partnership and equity levels remain skewed because male and female executives do not have the same amount of influence.

Lawyers with the largest practice sizes tend to be men and influence is determined by practice size. A particular individual's influence is tied to how many years they have been a director – because numbers are only just improving it's a means tenure is used for determining influence – and it is skewed in favour of male executives.

The career progression of female executives was found to be positively impacted by the following:

Overall gender is still a determining factor of whether or not a candidate will make it to director status. All Participants were directors and they often lamented the barriers which had been placed in their way. The internal metrics/milestones described in research question 1 was seen by the researcher to have been of particular importance in research question 2 in the following was:

Metrics such as meeting financial targets or having a good practice were often skewed against Participant's because of the proverbial "boy's club" and men were often on the receiving end of more work from their other men (to the exclusion of women) which made it difficult to compete against these men. Clients asked to work with senior male attorneys even when there were female executives, who were just as skilled which meant that senior male attorneys continued to get credit for the practice building milestone.

The demands of working in an elite law firm were already strenuous already and were exaggerated for mothers in the following ways: (i) perceived lack of commitment; there as a wrong and negative perception that women who are mothers are less committed than their male or childless colleagues (ii) women who go on maternity leave face unique challenges with additional threats to their practice from colleagues who effectively either steal their practice or fail to acknowledge and reintegrate female executives on their return to the workplace.

5.5.5 Results for Research Question 3

Question 3.1: How and why did you make it this far in your career? Question 3.2 Is there anything that stands out to you as positively relevant to the reason why you've made it to partner/director/executive?

Chapter 2 had identified a number of barriers which prevent women from being able at ascend to the top echelons of their organisations. The purpose of the questions asked herein was to ascertain the barriers that women faced, any interventions or

factors which had assisted them in overcoming those barriers and if there were any common characteristics that the women shared.

The following categories were highlighted by the Participants as to what they thought led to their sustained success: strong support systems, sacrifice, female role models, ambition/perspective, confidence, relationships/trust, nature of the work.

5.5.5.1 Strong Support Structures

The majority of Participants attributed their successes to having strong support systems. Support was divided into two categories either work support or at home support.

5.5.5.1.1 At home support

Participants remarked that they had strong support structures from their partners, family and childcare providers (P1, P2, P3, P5, P7, P8, P10, P13). Support had been either achieved currently or was reported as being continuous as well.

5.5.5.1.2 Organisational Support

Almost all Participants cited that a positive and enabling work environment with the support of seniors was integral to their success. The following statements were made by Participants in support of this view in relation to how support improved her confident (which is a necessary attribute of a partner as outlined in research question 1) Participant 1 said:

“I think, an empowering, immediate environment was critical for me. I think that gave me confidence. And that support gave me confidence, to get over my own traps, my own imposter syndrome, and to give me the strength to keep at it, because I think if that environment isn't rewarding you, patting you on the back somehow, acknowledging your value, you know, why are we doing this? You know, it becomes very easy not to have the confidence, not to want to do it to become deflated.” P1

The existence of a sponsor or champion within an organisation was seen as a critical enabler by Participant 3. She described how her male Principals always made sure she received the right work and spoke up for her within her firm:

“If someone puts up their hand and speaks up for you, even when there are complaints...around a person's competency and efficacy, we have someone who's is going to say, well, hang on, that's not been my experience of that particular individual...It's making sure that the person is gainfully employed, they're getting good, substantial work that builds them in getting the necessary exposure. And that if there's something to be said about them in context or in meetings, or in spaces where you don't have access to, that person is going to speak up for you.” P1

The Participants noted there was a marked commitment by their direct supervisors/principles to enable their success. To cement this point Participant 2, 3 and 7 remarked that it mattered whom you worked with and the team that surrounded you. Participants reported doing well if your team was behind you and made sure you were exposed to good work and learning opportunities.

Participant 7 remarked: “But honestly, from a, from a work exposure, I've always worked on the best deals with the best lawyers. I was always given access to the top clients, I was always given a fair shake in terms of the kind of work that I... that my peers were getting, and I always had great mentors and great sponsors that were wheeling and dealing in the background so that I can become a success” P7

While support was received by many - it was not a universal or a constant experienced among all Participants. In describing her climb to the top, Participant 9 remarked that she had received the opposite of support: *“It was almost as if people expected you to fail. And the more that you push to succeed, people questioned and tested it like, it was okay, you actually succeeding, but let's see if it's real, you know, and you get pushed more and tested.”* She stated that even once she had defied the odds, her success was not acknowledged or supported.

5.5.5.2 Sacrifice

The notion of sacrifice was a theme which emerged in the interviews with the Participants. Sacrificing health, familial relationships, religious commitment due to the hard hours at work – putting off having children, personal relationships and spending more time than others at work, were common themes which emerged from the discussions with the Participants.

5.5.5.3 Female Role Models

The existence of female role models was another theme which emerged from discussions with the Participants regarding what they think contributed to their success. Participant 1 made the following remarks:

“[having] strong female role models and support...the role of senior women, empowering those who come after you, not squashing you, you know, because sometimes women can be each other's enemy, you know. I definitely think having the strong forces of female empowerment were critical.” P1

In support of the idea that having female role models was a contributing factor to her success, Participant 15 said that:

“.. in my career, it's been very important to me, to have women in the teams that I've worked with that I've really admired and looked up to. And more than any men I've ever worked with... the women that I've been around...have been people who I can feel open and safe with... I can manage to build trust relationships [with]... and there'd be people on the team who I know would take off their partner hats and hear me out as a person and be there for me and advise me... As a young woman you really need to feel as though someone understands what you're thinking and where you're coming from...I find it incredibly difficult to get that out of a man and the people who have really been able to make me feel... or who I've been able to open up to and words for advice, have been women and in Firm A...there were several of those women.” P15

5.5.5.4 Ambition/Persistence

Participants reported that they had a sheer will and ambition to succeed. And had set clear goals and plans for themselves in terms of where they had wanted to see themselves within the firm while they were coming up the ranks – so when they were met with disappointment (or outright discrimination) or when things did not go their way – instead of giving up they had chosen to stick out and find other ways to succeed (Participants 12, 14, 8, 9). Wanting to see herself do better than her parents had and to acknowledging the support she had received from her parents, Participant 7 spoke about her ambition to succeed as follows:

“And when you've got ambition to achieve stuff, you've got to wake up every day and push for that ambition. And when you've got people that you want to make proud, you kind of wake up every day, and you put your best foot forward” P7.

The elite law firm environment was found to have been a contributing factor in honing and developing the ambition to succeed, in that it requires one to have an ambitious and high performing personality. To highlight this point, Participant 7 noted how the environment had moulded her to be more ambitious and persistent:

“I think being at a top law firm turns you into... (I don't believe I was ever) an A-type personality. At least when I was at school, and when I was in varsity, I was never a top student. I mean, I did well, but I was never like, you know, never competitive. I've never needed to be the top and the best, but I think being in an environment of a top law firm [has made me that way]” P1.

5.5.5.5 Confidence

A universal theme was confidence. All Participants highlighted the existence of confidence (or the lack thereof) in their interviews. In order to succeed at this job Participants reported that a female executive partner or lawyer had to display and have high levels of confidence. Reference to lack of confidence was reflected upon on their upward journey as either an initial lack of confidence reported by Participant 1 in her career reflection as:

“imposter syndromes and, you know, we, or I placed on myself was definitely... I'm not good enough... Is this good enough? Am I good enough? Can I do it? ...it's so easy to want to put oneself down. It's funny, I don't know, I don't know if it's a female thing, or a male thing, or whatever it is, and definitely females are able to just doubt themselves...” P1.

Participant 1 later reported an upsurge in her confidence levels with continued support from her team. However, not all Participants have amazing confidence levels; with Participant 12 saying that she is still struggling with her confidence. She said that lacking confidence can lead to clients not being reassured about your technical ability – even when it is quite strong. She stated that in comparison to her male colleagues she had often felt they are taken more seriously because they are able to project confidence when articulating themselves, she said:

“They just speak and ... people feel reassured and they're like: ‘okay, okay, this is good.’ You know, they have to screw up really badly for people to change their minds about that. I don't know if in my like mannerisms, or the tone of my voice people read like a lack of confidence or something.” P12

The lack of confidence can be a barrier to the upward mobility of women as was stated by Participant 8 when she remarked that:

“For me, I think there's a lot of there's a lot of things which I would walk into situation with already I've told myself that I'm not good enough. And, and I, no one had to tell me anything or no had said anything or not have done anything....and that mentality of downplaying myself before I even got into a situation was a huge barrier for me, because it stopped me from doing many things.” P8

Overcoming this confidence barrier and continuously growing one's confidence is critical to the success of female executives. For Participant 9, she knew she had reached the epitome of her career growth when her skills matched her confidence levels. She stated that:

“In order for me to have said something with confidence and debate something and argue something it has to be 100%, 150% correct” P9.

5.5.5.6 Ability to form Trust Relationships

The existence of relationships built on trust was said to be paramount in elite law firms. How to build these relationships and achieve trust was by delivering consistently good work and continuously meeting deadlines. The ability to be able to build these relationships was viewed as integral to the success of attorneys within the elite law firm environment, and something which many women said that they had managed to do.

“You pay your dues or whatever it's, you know, people call it. But by the time that I wanted to be more flexible, I had built the trust relationships to be able to do that. So oftentimes, I would say, no, sorry, I can't do this right now. I'll do it tonight. And if people trust that, that's the truth, and you are going to do it tonight, then it's not a problem. And that's true, both internally and externally.” P2

There was a definitive politicisation of having good relationships reported and how having good relationships and how having good relationships is also politicised influenced success within a law firm. To explain this relationship between the significance of trust, relationship and practice building, one Participant noted the following:

“I think that's the thing about being at a big law firm, like when I've spoken to people, like who run their own practices, like your own law firms or smaller places, is that you're always answerable to someone. And there's always some sort of big power play. And you've always got to be worried that you're not stepping on this one's toes or offending that person. Because then you won't get fed work, or you won't, you'll be iced out on this level, or you'll be this and this, like, it's a very big, I think, a big law firm. It's a very big political, political game, you're always playing it.” P14

The Participants reported that the failure to build adequate relationships or play a political game can be detrimental to a legal career. When people don't trust you, or

have a relationship with you – you won't be given work as referenced by Participant 14 in the above remark – as being “iced out”.

However, not all women are adept at building these trust relationships. Some women often due to either their personality, conflicting/homework priorities or lack of interest in power plays and conflict unlikely to be involved in power plays. To illustrate her point, Participant 15 stated:

“I think it's because of how things have always been. So, I think part of it is legacy ... those are the people who've stayed around and made it to the top and not sort of earning the most and have those positions. women that we see, a lot of them are interested in doing the work, being good at what they do, not necessarily being involved in the politics of the firm...but they aren't aggressive in the way that men may be. It's just playing that spot.” P15

5.5.5.7 Resilience – the ability to overcome barriers

There were many experienced barriers that the Participants reported having either personally experienced or being aware of others experiencing on their upward progression; sexual harassment, unfair stereotypes; gendered briefing patterns to name a few. All the women in the study spoke of how they overcome either one or multiple barriers in order to succeed – which is why they were ultimately successful. Participant 5 put it most powerfully when she said:

“You can bash me but I'll come up... I still rise. Like, seriously on a serious note, I think I really think it's my resilience that put me this far, and just the support, I have from my family. And, you know, my mentors. I think it's a mixed bag. But definitely. Number one.”

5.5.5.8 Loving the Work (notwithstanding of a tough environment)

As demonstrated above, success was attributed to a multitude of reasons. Over and above what was described above including being at the right place at the right time (P8; P12), luck at having been selected to join an elite firm in South Africa and men-

torship. But what became increasingly clear is that while the work was hard, the environment challenging – female partners in South Africa loved their work and what they did. This was described by Participants as follows:

“The work itself is very hard – harder to try to move in a system that allows for limited flexibility for female lawyers and you must still come back and perform at the same level as your male counterparts.” P6.

“organization aside or organization efforts aside, the truth is, the actual job is just difficult. And there’s only so much an organization can do. But, you know, the more we try and do something, the better” P1.

When describing their jobs, and the love for what they did had to date, outweighed the negatives. And the love of what they did was described by a number of Participants in the following way:

“I had a deep love for the work that I did at that level, because I could see the impact that it made in society was quite nice to pick up the business day and see the transactions we’re working on in there...” P7.

“So, I started in X Department...And I just absolutely loved it because it was my all the thinking work and the like, you know, that’s a real law that I wanted to do...I loved the property law aspect of things” P4

“That for me, is the passion, and the reason why I practice law and why I practice at Firm C. So, it’s its purpose, really. The short answer is purpose in life.”P13

The importance of love and passion was not felt by all Participants. Participant 7 reported that she had in fact lost this love for what she did. And because she had lost it – she was strongly considering leaving the profession all together. She said the following to explain her imminent departure:

“Honestly... I have all of a sudden, zero positive emotion out of doing the work. And it’s sort of like declining returns, you know before you’ve worked

really hard, but that was okay because it felt really good...I'm at a point where it just doesn't...I don't feel good about the good things that I do." P7.

A point which cements the result which suggest that a common characteristic that all the interviewed female executives have is that they love what they do notwithstanding a tough environment.

5.5.6 Conclusion of Research Question 3

The answer to research question 3 to ascertain the reasons why female executives have managed to make it this far despite all the barriers that the literature review indicated they would face were related as external to themselves and in relation to the organisations which they worked for was the existence of strong support structures (at organisational level and at home), and the presence of female role models in their immediate environments.

Individual reasons were cited as the fact that all female executives had made a lot of sacrifices along the way, had built up technical know-how and confidence, were ambitious and persistent, were resilient, had the ability to form trust relationships within their organisations and loved what they did.

CHAPTER 6: DISCUSSION OF RESULTS

6.1 Introduction

In this Chapter, the results of the interviews as outlined in Chapter 5 will be discussed relative to the literature review which was conducted in Chapter 2; in an effort to respond to the research questions as set out in Chapter 3.

6.2 Research question 1: Does the organisation which a female attorney join have an impact on her ability to be promoted to partner?

Females are currently underrepresented at partnership level in elite law firms in South Africa (Klaaren, 2015); and as such remain an underleveraged subset of employees within organisations (Kossek & Buzzanell, 2018). This research question was related to the Attraction- Selection-Attrition Model. The aim of the question was to why the Participants had selected to work in their respective organisations; and to ascertain the milestones which Participants had to meet in order to make to directorship/partnership and/or executive level.

6.2.1 Reasons for Organisational Attraction will vary along a female attorney's career path

The findings suggest that at graduate level – prospective lawyers are not concerned about the identity of the organisation as long as it was deemed to be one of the top five. Law graduates, prior to applying to elite law firms in South Africa did not really care which law firm they went to, as long as it was one of the top 5: a prestigious and reputable law firm. They were influenced to apply by their peers and they deemed themselves fortunate to have been accepted to start their training at an elite law firm.

However, if a graduate had more than one offer; or when moving laterally as admitted attorney were that they were attracted to that organisation because of the prestige and reputation of the elite law firm, or gender and racial identification; or having a connection or friends within a prospective employer. They reported the following reasons why they left their former firms; toxic male cultures of the departments became

intolerable; or when they realised that they would not be able to be promoted “*I'd seen males promoted, but I hadn't seen a female being promoted*” (P11); or when there were better opportunities elsewhere.

The literature was clear in respect of organisational attraction and articulated Schneider's ASA model. It states that, over time, firms will evolve to a state of interpersonal homogeneity (Oh, Hann, Holtz. Kim & Kim, 2018; Dang, Houanti. Teulon, & Vo, 2019). Candidates will be attracted to organisations who most reflect the values which they have. Organisations will select candidates who most resemble themselves, and those who are selected but do not meet the set criteria will be leave or be pushed out of an organisation (King et al., 2017).

The *attraction, selection and attraction* is discussed in turn as it relates to the results.

6.2.2 Attraction

The literature states that from the supply side attraction works differently for seasoned and graduate hires: people will want to work for organisations through similarity attraction (Dang, et al., 2019); that is noting something about that organisation which they see in themselves. The results suggests that this in fact true for seasoned hires but not for law graduates.

Female executives stated that when they were law graduates they were attracted to organisations because of geographical location, peer pressure, gender and racial affinity, connections within the organisations, luck (being made a job offer) and prestige and reputation (in that the law firm was a top 5 firm). Due to the fact the number of candidate attorney positions within these law firms are limited and that one needs to undertake a mandatory two-year article period prior to being admitted as an attorney, it appeared that most candidates would have wanted to be appointed to an elite law firm at any cost.

Seasoned hires (defined as those who had moved laterally between firms) or those graduates who had more than one offer were the ones who proved to be attracted by similarity attraction. This was evidenced by Participant 8 and 6.

Participant 8 stated that when she was presented with two competing offers from law firms, what swayed her decision was that her current firm had more black people and women partners in general. Participant 6 remarked that her choice to move firms was driven by the fact that she felt that she was: *“ready to join a department headed by a woman, you know, so having had the experience of really only senior males in the department, I didn't love that thought...I actually want to work in that environment where it's okay to be a woman to be a mother too...”*P8. Beyond the attraction component in the ASA model – Participant 8's attraction to want to work in an organisation with a powerful woman at the helm of a department is supported by literature. Iseke and Pull (2019) also found that women will be attracted to work for organisations where other women hold top non-stereotypical economic decision-making roles.

ASA proposition that under attraction, that prospective employees (PEs) are drawn to organisations only through similarity attraction appears to be superfluous. The answer regarding organisational attraction (as suggested by results) is that it depends on which stage in their career a prospective job applicant is. Other elements of the ASA model: selection and attrition are relevant for the next research finding and will be discussed in detail there. But for the sake of completeness

6.2.3 Selection

The selection component of the ASA model refers to the process in which those who are responsible for recruitment within organisation will recruit, and then retain, those who most closely resemble themselves (King et al., 2017; Oh et al., 2018). As described in Chapter 1 (and the description of the Participants career paths) there are various stages within a female executive career path where this selection happens .



Figure 6: Selection component of ASA model

Selection at this level was reflected in fact that 93% of had all joined elite law firms from varsity level, and then where they had all been retained at candidate attorney level.

6.2.4 Attrition

The literature was clear when it came to the attrition component of the ASA model: King et al. (2017) stated that recruits who are do not fit into the culture or model of the organisation, will inevitably be fired or chose to resign from the organisation. The results supported the literary assertion when they demonstrated that 33% of these Participants had in fact moved laterally from other firms (as depicted in Figure 3). The reasons cited for leaving were due the fact that they had been repelled by a toxic male culture within departments (i.e. did not fit into the culture or model of the organisation).

Additional reasons for leaving and joining other organisations which do not subscribe to the ASA model were:

6.2.5 Obvious Gender Discrimination

Experiencing overt gender discrimination Participant 11, stated the following in respect to why she chose to leave her then law firm:

“I think it was quite obvious that at Firm C... it was a very male dominant department. I'm not talking about the firm, generally, I'm talking about the department...And I'd never seen a female be promoted in that team. I'd seen males promoted, but I hadn't seen a female being promoted. And so, it was clear there...at Firm A, I think my gender has actually probably been to my benefit in the sense that the competition team at Firm A is very much female dominated” P11.

Participant 11's experience was mirrored in the literature. Pinnington and Sandberg (2013) noted that often promotions are based on the ideation of male ideals. In law firms where the majority of partners are male, it is possible that the majority of promotions will be given to men – a reality which only serves to reproducing social inequalities within organisations (Rodriquez et al., 2016) and perpetuating the underrepresentation of women at executive level (Klaaren, 2015; Fernandez-Mateo & Fernandez, 2016; Brescoll et al., 2018). And when women are unable to rise within an organisation – they are essentially forced out. The literature per Smets, 2016; and Kumra & Vinnicombe, 2008 states that law firms generally employ an “up-or-out” career progression where those who do not make up the hierarchal ladder will either resign or will be pushed out.

6.2.6 Female executives in a law firm are most likely to have been recruited at into the elite legal services industry from trainee level

93% of all Participants had been hired from university level into the elite law firm segment of the legal services industry. 93% had also been retained (kept on) after their two-year training period. Even when they resigned from elite law firms they joined other firms within the elite services segment. All who had moved, had subsequently been promoted at their new firms to either director or equity partner.

The researcher speculated whether when selection/recruitment occurs between these firms – the firms themselves tended to favour candidates who initially trained within other elite services law firms. Doing so, seeking out characteristics which they value as predicted by the ASA model except resulting in a homogenous industry and not organisation as predicted by the ASA model. In the event that these law firms are only recruiting and hiring persons who most resemble themselves – then they may be making decisions from the Reinforcing Homogeneity Perspective resulting in employees who are have similar characteristics and display behaviour which is similar in nature (Moolman & Cassim, 2020); and all have worked and are successful in a similar industry. This finding was a surprising observation from the research and not one which the researcher is able to draw a conclusive conclusion.

6.2.7 Milestones which women must are not only for initial promotion but are closely related to the gender dynamics of an organisation and career progression

All directors had to meet (and sustain) the milestones depicted in Figure 2. Not only to be promoted to director - but to remain in the role – and then to further be promoted up the equity bands. The relationship between these milestones and Research Question 2 became increasingly clearer as the answers to research 2 were given. This relationship is discussed at the of section 5.6 and in Chapter 6.

The literature stated that partnership was coveted in law firms and in order to be promoted to this level associates and senior associates must meet set criteria which the literature cited as including: being competent at doing the right work, achieving a set number of billable hours, having a clientele and fees (Pinnington & Sandberg, 2013).

The results are indicated in Figure 4 at Chapter 5 and demonstrate that female attorneys needed to meet the below criteria in order to be promoted to partner. These criteria and its similarity to the literature is noted in Table 2.

Table 2: Criteria for promotion

Promotional Criteria (Milestones) as reported in results	Comment (Milestones as it relates to Pinnington & Sandberg, 2013)
Organisation Support	Additional criteria reported by female executives.
Confidence	Confidence was relevant in relation to how a partner dealt with matters in the firm and their own confidence in their technical ability. Aligned to literature respect of “being competent at doing the right work”. But expanded here because confidence was also described as very personal to the individual i.e. when Participants referred to previously suffer from imposter syndrome etc.
Demonstrated Commitment to the Firm	Additional Criteria as explained by Participants in how they took part in additional firm wide activities.
Mentoring and Training Junior Lawyers	There was a strong emphasis on mentoring others reported by the Participants
Business Development/Practice Development	Relatable to having a clientele criteria.
Financial Targets	Relatable to literature in having to achieve a set number of hours and fees

The relationship between milestones which were identified in question 1 and results obtained in research question 2 were found to be closely linked. The achieved of these milestones was found to be gendered. Therefore, the milestones results in question 1 will therefore be discussed and referred to when discussing the results of research question 2.

This finding – while surprising to the researcher and noteworthy - was supported in Ely & Padavic (2020)’s study on gender representation in management consulting firms. Management consulting firms have a similar promotional structure to law firms.

They found that in relation to performance criteria that it was unfairly skewed to the advantage of men. And they also stated that if the criteria is not adjusted (and accommodation note afforded to just women) gender inequality will be perpetuated in organisations (Ely & Padavic, 2020).

6.3 Research question 2: How does an individual's social identity relate to her role as a partner or executive of the firm?

6.3.1 Gender and Race are intersectional and cannot be separated

Non-white female executives remarked that they had not considered gender as being a primary focus of where they would have encountered challenges but rather race. Participant 3 stated that the struggles faced by white women were different from hers in the sense that a white female's technical competence would not have been challenged as much as hers' had – because of her race. Similar remarks were made by all the Black Participants. Participant 9 illustrated this point by stating that: *"It's just people see a woman and make certain assumptions when people see a woman of colour and make even worse assumptions"* P9.

This finding was consistent with the literature around gender and identity in the following respects: identity being highly dependent on the situation which someone finds themselves and the fact that an individual can possess more than one identity (Metcalf & Woodham, 2012). Holvino (2010) cautioned around isolating gender from other identities such as race and class – arguing that identities in fact existed simultaneously and are intersectional in nature. Beyond the descriptive differences highlighted herein, an in-depth study was not conducted as the question was to only ascertain the relational aspects of gender identity and career progression.

6.3.2 Definitive increase overall representation of women in legal industry in South Africa

The results aligned with the literature and showed an increase in the number of women in the legal industry (Pinnington & Sandberg, 2013; Klaaren, 2015; Thomas 2018). Participants noted that elite law firms had made a concerted effort to at least

hire female graduates in elite law firms in South Africa. This finding is further evidence by Participant 3 stating that *“I think the ratio in terms of females, there is quite great, actually quite a fair balance, you'll find a fair number of female attorneys”*.

The understanding of how an individual's identity affects her role as a partner or executive of the firm was discussed using social identity theory and other relevant literature. The question was centred around ascertaining the role that a female executives gender affected her career.

Social identity theory postulates that people naturally organised themselves into categories and groups (Dang et al., 2019; Ashforth & Mael, 1989). Due to the fact that women are often categorised as socially disadvantaged groups (Otten et al., 2009; Holvino, 2010) if the categorisation of “in and out” groups were deemed to be true then they would have naturally regarded themselves as part of the out group and their gender would have to be a factor which they would have had to minimise in order to be promoted and essentially form part of the in group. Gender, being female would be regarded as a social characteristic which would impede their upward progression.

However, when Participants were asked if gender had negative role in their upward progression –some Participants reported that it had not. Specifically, some of the relevant quotations was as follows:

I don't think I was at a disadvantage to any of my male colleagues. I think from my career development as a woman in my department, my gender hasn't been a disadvantage. I don't believe that.” P14

“...being a woman has never put anybody off in giving me work....” P3

The literature stated that representation at partnership and equity is heavily skewed towards males with the top end of Elite law firms still being dominated by men (Pringle. et al., 2017, Pinnington & Sandberg, 2013; Thomas, 2018); even in South Africa (Klaaren, 2015).

6.3.3 Gender still negatively affects career progression of female executives within elite law firms in South Africa because...

The milestones discussed in 5.5.10 must be met on a continuous basis by female executives within a law firm. However, milestones are highly gendered. On the right of the table the milestones are listed and on the right is which gendered dynamic i.e. structural problems - within law firms perpetuates inequality at equity and partnership levels.

Table 3: Milestones and gendered dynamics

Promotional Criteria (Milestones) as reported in results	Structural problem
Organisation Support	Reduced organisational support in the form of the boy's club; negative stereotypes on mothers regarding organisational commitment.
Confidence	Boy's club: reduced work opportunities resulting in less confidence on ability
Demonstrated Commitment to the Firm	Negative stereotypes about motherhood
Mentoring and Training Junior Lawyers	No effect.
Business Development/Practice Development	Client Preferences lead to reduced ability to garner work if preference in favour of senior male attorneys. Boy's club – work is referred internally to work colleagues – hindering ability for female practitioners to get build practices or have a wide exposure to clientele.
Financial Targets	Boy's Club. Internal male only referrals which lead to male attorneys.

6.3.3.1 Influence Matters and is Highly Gendered

As evidenced by the Participants – there are women who are making it partnership levels but having the title does not mean they are now necessarily viewed on the same level as their male colleagues. According to SIT theory – women by social status would be part of the out group (Ashforth & Mael, 1989; Dang et al., 2019; Brown, 2020). But by virtue of the fact that the Participants are partners they should be considered as part of the “in group” and should therefore have the same benefits and rights as all members of that “in group”.

However, the results showed that female partners were not regarded as equals. Making partnership did not automatically make one a full member of that social group with everyone having equal influence – results echoed the remarks made by Thomas (2018): female partners have continued to face discrimination even after overcoming the barriers and making it to partnership – belonging is just simply not enough. The ideology of male directors being seen as significantly more influential than female directors (Carnahan & Greenwood, 2018) proved to be true – a sentiment repeated in the results by Participant 8 when she remarked that even with increased representation of female partners: “the level of influence that these female partners have, in my mind is still not enough”.

6.3.3.2 Boy’s Club Briefing Patterns

The boy’s club and its inherent skewedness had negatively impacted the ability of female practitioners to generate fees. Male attorneys tended to brief only other male attorneys. The effect of the boy’s club meant that male attorneys/partners scored higher on fees and business development. This practice permits directors to move through the partnership and equity partnership ranks at a faster pace than their female counterparts.

6.3.3.3 Client Preferences

In order to obtain and maintain the title of partner – women attorneys needed to demonstrate that they had the ability to build and sustain a practice. It was found that

clients influenced the progression of female attorneys in positive and negative ways. The positive influence was centred around the fact that clients (especially foreign clients) wanted to see more women working on the instructions which they gave to law firms and negatively in that they would: either want older male partners - to serve as an “overseer” on matters. These older male partners would then in turn demand to be given credit for bringing in the client as per the firm’s internal processes. Being given this credit for bringing in work is of paramount importance in law firms and has a direct bearing on the influence that a lawyer has within a law firm, title , shareholding and profit sharing.

Clients Preferences, coupled with the requirement to attract work to one’s self and how credit is assigned for attracting work within elite law firms appear to be the most difficult barrier for women to overcome in elite law firms.

6.3.3.4 Females who work for women (or in less gender bias teams are most likely to succeed)

93% of Participants reported having worked in female dominant teams or where they said that their male directors did not discriminate against them based on gender and afforded the same experience and working opportunities. This finding was aligned with the assertion by Carnahan & Greenwood – managers who are less gender biased are more likely to provide development opportunities to females; and possibly in group favouritism which denotes that women are more likely to be support of those of their own gender (Brescoll, 2018).

Literature also stated that women are a socially disadvantaged group (Outten et al., 2009); and as such will suffer threats to their psychological wellness because of the mistreatment by the dominant group. Working in a female-lead team and having other women to identify with buffers the disadvantages suffered by them (Haslam & Ellemers, 2005, as cited by Otten et al., 2009) and increases their ability to achieve their goals. This was consistent with the finding that influence of other women in ensuring their success is a factor which was highlighted and repeated by a number of Participants signalling the importance of not only having male allies but the support of other females as well.

6.3.3.5 *Motherhood is challenging but does not denote less organisational commitment*

The elite law firm environment was described by Participants as a brutal one: requiring frequent long hours and much sacrifice by the female executives. The literature demonstrated a narrative that the underrepresentation of female practitioners is largely due to the fact that: women are unfairly burdened with home and childcare commitments (Robertson, et al., 2019; Ely & Padavic, 2020; Cassim & Nkomo, 2016).

The idea that (i) female executives within elite law firm environments are not familial minded which is why they have succeeded (Hakim, 2006); or (ii) that they are less committed to the organisation because they are mothers (as suggested by the Participants of a previous study by Ely & Pavadic (2020) was not consistent with the result. More than half of the women who participated in the study were mothers, and therefore familial minded and reported being just as motivated and ambitious, as their male counterparts.

In relation to career progression motherhood was a dominant topic. Mothers reported not having been promoted in the year that they had had children. The decision to have a child negatively impacted their ability to meet the set milestones. It was acknowledged by Participants that it was tough going trying to balance motherhood and a career.

One Participant remarked on the difficulty of getting back into practice after maternity leave by stating that: *“my career, it's tougher, and even the knowledge of knowing that if I want another child, I'm going to have to reinvent a career again”*.

Participants reported that more recently, elite law firms are intentional on accommodating women who are mothers. Balancing the demands of being a mother and practice were also noted by female who themselves were *not* mothers. Mothers are also still being stereotyped as being less committed than their male counterparts (a result which was consistent with Ely and Padavic's (2020) study on the attitudes of other colleagues on female colleagues who are also mothers).

Accommodations provided to these women – either less worked hours or extended maternity leave – had in some instances derailed their careers.

There were some Participants who were mothers who felt that the women who were leading initiatives (in support of other women) were not sympathetic to mothers and that they had assumed “masculine” characteristics. This experience is not unlike that which was described by Scheepers et al. (2018) when they posited that women within senior roles in South Africa suffer from a social identity – in trying to manage a feminine expectation of themselves because of society and then managing their roles as senior leaders. That experience of other senior female partners may be true, senior women adjust to their managerial identity (as described by Cassim and Nkomo (2016)) to acclimate to their new social status.

6.4 Research Question 3 – Which individual traits, interventions and/ or factors that have led to the advancement of females to partnership/executive partnership positions with a corporate law firm

The individual traits, factors and or internal and external interventions which have led to the advancement of women are depicted in Table 4.

Table 4: Traits, factors and external interventions leading to advancement

External Reasons (Not relative to the individual)	
Strong support structure at home and at organisational level	Female Role Models
Internal Reasons (Relative to the Individual)	
Sacrifice	Ability to build Trust Relationships
Confidence	Resilience
Ambition and Persistence	Loved Work

Findings which support the literature:

6.4.1 Having a strong support system at home and at an organisational level contributes to the success of female executives

The results showed that having the support of a partner or spouse as well as having organisational support (in the form of mentors and champions) had contributed to the sustained success of female executives within elite law firms. On a firm level, success was also determined by the team in which one was placed and the work experiences and opportunities which were provided by that team.

This result was supported by the literature which stated that women were more likely to be successful if they had organisational and country support (Otten et al., 2009).

6.4.2 The existence of strong female role models is important and fosters the development of other women with the team and the broader organisation

The results indicated that female executives attributed their own success to having had the support of strong female role models. Working with other women and being led by other women was a contributing factor to their success.

Consistent with the literature, within an organisation, a member of a disadvantaged group is most likely to meet their own personal objectives if they are able to have alliances with other members of a disadvantage group or minority (Greenaway et al., 2015).

6.4.3 Being Ambitious and Persistent is a common trait shared by female executives in elite law firms in South Africa

Female executives had succeeded to their roles when they had set clear goals and plans for themselves in terms of where they had wanted to see themselves within

the firm. Participants also noted that when things did not go their way – instead of giving up, they had chosen to stick it out and find other ways to succeed.

In the literature review it was controversially stated by Hakim (2006) that women were not as ambitious as men – and those who were familial minded were unlikely to succeed to the top end of their organisations (Loi, et al, 2004; Pinnington & Sandberg, 2013).

The results from this part of the study have been in direct divergence of the literature. In fact, it shows that even when organisations have created a gendering culture – were women are required to be more subdued as described by (Pringle, et al, 2017) – female executives have remained just as ambitious as their male counterparts. A characteristic which had allowed them to succeed.

6.4.4 Female executive in elite law firm have high levels of Confidence

The results demonstrated an almost universal theme around confidence and its impact on their ability to make it to the top. The Participants' confidence influenced whether or not they put themselves up for promotion and their inherent belief that they would be able to goals.

This result also corresponded with relevant literature in the sense that – possessing high confidence positively influences hiring and promotion decisions internally (Smith, 2015, as cited by Guillen et al., 2018).

Findings which diverged from the literature

6.4.5 Female executives excel at building Trust Relationships

The success of female attorneys as they were rising up the ranks was largely influenced by relationships which they were able to build with their own teams, other attorney, firms and clients.

Trust was a central theme – Participants believed that if trust was built – more opportunities were then afforded to them and better work streams came their way from

internal referrals and externally from clients. Part of building that trust was consistently delivering good work and meeting set deadlines.

6.4.6 Loved Work

The final and perhaps the most poignant reason why female executives succeed in elite law firms in South Africa is because they love the work they work they did despite the tough environment in which they operated.

6.4.7 Female executives have sacrifice a lot to get where they are Sacrifice

Participants reported sacrificing: health, familial relationships, religious commitments in order to ensure that they met their goals of becoming directors. Due to the hard hours at work. Participant 1 even reported putting off having children, having to break of personal relationships and spending more time than others at work in other industries.

6.4.8 Female executives all possess resilience

All the Participants in the study spoke of how they had overcome either one or multiple barriers in order to succeed. Participant 5 put it most powerfully when she stated “ *I think I really think it's my resilience that put me this far*”. Having resilience is a common individual trait that all Participants in the study shared.

6.5 Conclusion: Discussion

In conclusion the results of the main research question indicate that female executives at elite law firms in South Africa were most likely recruited in the elite law services segment of the legal industry from university level. Initially when selecting firms, female lawyers had indicated that had done so with the hope of just being accepted into a law firm – as long as it was one of the elite law firms in South Africa.

Having diversity representation in the form of other female partners, cultural and racial representation was only relevant once they had spent some time in the elite law firm environment.

The milestones/performance criteria which were identified and had to be achieved by female executives (before being promoted to partner) were found to be relevant for the sustained success of female executives within elite law firms in that they had to be continuously met: performance was the largest barrier to women entering partnership level and equity levels. With the additional impediment for the advancement of female executives being the fact that these performance criteria were gendered to the exclusion of women.

Therefore female executives in elite law firms are a disadvantaged group due to their gender but have been able to make it to the top end of their because they were sometimes provided with equal opportunities to learn, exposure to work and organisational support.

It appears that the limited number of female executives is due to the fact that no attorney can be promoted without meeting or surpassing the relevant criteria. However, meeting this criterion is made more difficult by internal institutional practices (the boy's club and skewed briefing patterns which exist within organisations) and the external environment – client preferences which are skewed to the advantage of men.

If women are to make the promotion criteria, a concerted effort needs to be made by law firms to not just ensure the increased representation of female attorneys in the workplace but also remove the systematic practices which make it harder for the reach the prescribed milestones.

The presence of a support system, strong female role models and the fact that these women loved what they did – were instrumental in building the necessary resilience to continue in an environment which is heavily skewed against them.

CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS

This chapter will outline the main principle conclusions of this research report, discuss the implications for management and other relevant stakeholders in the elite law firm segment of the services industry, discuss the limitations of this research and finally provide suggestions for future research (Hsieh & Shannon, 2005).

7.1 Principle Findings

The findings of the research are listed below each research question together with a synopsis of the relevant theory relevant to each question.

Research question 1: *Does the organisation which a female attorney join have an impact on her ability to be promoted to partner?*

- Reasons for organisational attraction vary and is dependent on the stage on a female attorney's career path.
- Female executives in elite law firms in South Africa are most likely to be recruited into elite law firms in South Africa. ASA model proposed that an organisation will through the repetition of the attrition, selection and attrition element evolve to a state of interpersonal homogeneity (Oh et al., 2018; Dang et al., 2019). It appears that because 93% of female executives are either all initially trained within an elite law firm environment that it is not just firms which are reaching the stage of interpersonal homogeneity but also the elite services industry as a whole.
- Promotional criteria/milestones must be met by all female executives in order to be promoted to partner and/or director. The criteria has evolved beyond what is included in the literature as stated by Pinnington & Sandberg (2013) to include the ability to build trust relationships; the ability to garner organisational support and the mentoring and training of juniors. Due to fact that the criteria is continuously applicable; must be met in order to be further promoted to equity bands; is influenced by gender dynamics it is closely related to the outcomes of research question 2.

Research question 2: *How does an individual's social identity relate to her role as a partner or executive of the firm?*

- Gender and Race are intersectional and cannot be separated when studying identity. This finding mirrored previous research conducted by Metcalfe and Woodham (2012) and Holvino (2010): persons possess multiple identities and gender intersects multiple dimensions of identity such as race.
- There is an increase in the overall number of female attorneys within the law firms in South Africa. The finding was consistent with the research by conducted by researchers in other jurisdictions around the world Thomas (2018), Pinnington and Sandberg (2013); and commentary on the representation of diversity categories in South Africa provided by Klaaren (2015).
- Gender still negatively impacts the progression of women in elite law firms in South Africa (even after they make director). They were found not to be promoted to director. Something that should have happened once they made met the criteria of the “in group” (as expected through the application of social identity theory - Dang et al., 2019; Ashforth & Mael, 1989; Brown, 2020). When assessed through the lens of the performance criteria it was found that female executives are unfairly disadvantaged since the performance criteria is skewed towards male attorneys. The relationship between how performance criteria was affected by institutionalised practices within law firms is represented in the table below. Institutionalised practices such as the existence of the boy's club (skewed and gender briefing patterns) and client preferences a negative impact on women and has led to the continued low representation of women at partner and equity partner levels

Table 5: Summary of milestones and structural problems

Promotional Criteria (Milestones) as reported in results	Structural problem / Institutional Practices and Effect
Organisation Support	Reduced organisational support in the form of the boy's club; negative stereotypes on mothers regarding organisational commitment.
Confidence	Boy's club: reduced work opportunities resulting in less confidence and experience over time.
Demonstrated Commitment to the Firm	Negative stereotypes about motherhood
Business Development/Practice Development	Client Preferences lead to reduced ability to garner work if preference is in favour of senior male attorneys. Boy's club – work is referred internally to male colleagues – hindering ability for female practitioners to build practices by providing a wider exposure to clientele.
Financial Targets	Boy's Club. Reduced fee earning opportunities for females.

- Females who work for women; or in teams which are dominated by demographically by women; or are led by men who don't have a gender bias, are more likely to be promoted to partner. This finding was consistent with Carnahan and Greenwood (2018)'s assertion that less gender bias managers will provide development opportunities to women and Bresscoll (2018) is research that women are more likely to support members of their own gender; and Haslam & Ellermers,(2005) as cited by Otten et al. (2009) assertion that

women are more able to achieve their goals when there are other women who they can positively identify with.

- Motherhood is challenging but does not denote reduced organisational commitment. Being a mother is an additional challenge faced uniquely by female executives within law firms. The idea that females who are familial minded are less committed to the organisation, or less ambitious, was found not to be true.

Research Question 3 - Which individual traits, interventions and/ or factors that have led to the advancement of females to partnership/executive partnership positions with a corporate law firm

The individual traits, characteristics and factors which have enabled the advancement of women are were depicted in the table below (categorised as external and internal factors).

Table 6: External vs internal factors of advancement

External Reasons (Not relative to the individual)	
Strong support structures at home and at organisational level	Female Role Models
Internal Reasons (Relative to the Individual)	
Sacrifice	Ability to build Trust Relationships
Confidence	Resilience
Ambition and Persistence	Loved Work

Consistent with the literature, the following findings were reported:

- Having a support system at home at an organisational level contributes to the success of female executives (Otten et al., 2009).
- The existence of strong female role models within an elite law firm will enable other female attorneys to advance to executive level and succeed (Greenway, et al., 2015).
- Being persistent and ambitious is a common trait shared by Female executives in elite law firms in South Africa (consistent with literature except in respect of the ideal that those who are familial minded are unlikely to succeed (Hakim, 2006; Loi, et al., 2004; Pinnington & Sandberg, 2013).

- Female executives in elite law firms in South Africa have high levels of confidence (Smith, 2015, as cited by Guillen, et al., 2018).
- Findings which did not correspond with any of the literature directly cited in Chapter 2.
- Female executives excel at building Trust relationships. They were able to deliver consistently good work and meet deadlines which is how trust is fostered with clients and superiors within a law firm.
- Female executives succeeded because they loved what the work that they did.
- In order to succeed as a female executive – an individual made sacrifices to their health, family religious commitments and time.
- Female executives all possessed high levels of resilience. Despite all the barriers which they spoke of and performance criteria being skewed against them they were able to withstand these challenges and forge ahead.

7.2 Implications for management and other relevant stakeholders

In order to remain competitive, elite law firms need to ensure that they have a diverse workforce which includes the representation of women at the top levels of their organisation: at partnership and equity levels. Boasting a diverse workforce has been shown to be a lever of competitive advantage and can serve as strategic asset if managed properly (Tran et al., 2011). Elite law firms, like professional services firms, are dependent on long standing relationships (Waldman, 2015). In order to be successful elite law firms, need to ensure that they not only retain female executives (in order to reap the benefits of diversity as a competitive advantage) but also that these women are able to advance to the top end of their organisations.

This study has demonstrated that promotional criteria within the elite law firm environment continues to be gendered in the sense that female executives are provided with less work opportunities and the ability to grow their practices in comparison to their male counterparts.

Law firms should reassess promotion criteria and remove practices within law firms which are to the detriment of women. One way in which they can do this is by placing metrics on all partners to determine how they allocate and distribute work internally

– thereby eliminating the practices and effects of the boy’s club. Tracking internal briefing patterns and requiring partners to instruct women attorneys as a performance requirement may be a way in which law firms insure that metrics such as fees collected and practice size are fair and not gender bias.

Diversity and sensitivity training should be implemented by the Human Resources department to educate senior male partners on the specifically including women in transactions and dispelling stereotypes that women are less committed than their male counterparts.

Women are unfairly treated within law firms but the experiences of black women are nuanced in relation to their white counterparts – when implementing recommended solutions, it would be critical to ensure that they in fact address the issues experienced by all women. Gender is not a one dimensional - it covers a spectrum of identities and women should not be viewed as one or another.

7.3 Limitations of the research

The following specific limitations were identified by the research study:

- The research sample was limited to female executives within elite law firms in South Africa. The generality and replicability of the study may therefore be affected and the experiences reported by the Participants may be generalised to only apply to elite law firms in South Africa.
- The interviews were conducted via an electronic video conferencing facility were observations and meaning could have been lost due to the platform used.
- The extent of the implications of race and gender were not explored by the researcher.
- The research was qualitative. The researcher followed a deductive approach coupled with recommended directive content analysis. Analysing content in this manner may have led to an inherent bias by the researcher (Hsieh & Shannon, 2005). Due to this resultant inherent bias– the researcher is likely to have found evidence which supported in her initial views rather than have contradicted them.

- Data analysis and the interpretation was subjective. An auditor was not used to confirm the codes from the directed content analysis and as such the veracity of the codes used is limited to the researcher's understanding.
- Researcher bias was also a possibility as the researcher is employed in the elite legal services segment of the legal industry and is passionate about subject matter. In order to ensure the reliability of the study – the researcher constantly reviewed her data gathering and analysis process by aligning it to the theoretical framework.

7.4 Suggestions for future research

Research on the experiences of women in law firms – and in elite law firms in South Africa is limited. Research into the following areas within elite law firms will be useful in trying to further understand the limitations that are faced by women in this industry and how to effectively implement changes (which would have the effect of increased gender representation at the top of these organisations):

- The exact percentage representation of women relative to men at partnership and equity levels at elite partnership levels has not been reported on in South Africa. While there is an acknowledgement that women are underrepresented because elite law firms do not publicly share their numerical data the number of women at partnership levels (and specifically at equity levels) has not been reported on.
- Elite law firms have reported the implementing initiatives to improve the representation of women at partner level. Research into the effectiveness would be useful and has not be covered in this study.
- The experiences of non-white female partners in relation to white female partners has not been detailed in this study and presents a unique opportunity to ascertain if their experiences are indeed varied and whether gender-specific initiatives address the concerns of all female directors.
- The attrition rates of female attorneys in relation to their male counterparts and the specific effect that these turnover rates have on elite law firms was not covered in depth in the study.

REFERENCE LIST

- Ashforth, B. E., & Mael, F. (1989). Social Identity Theory and the Organization. *Academy of Management Review*, 14(1), 20-39.
- Bac, L. (2018). *Percentage of Women in Senior ROles in South Africa Creeps Up*. Retrieved from Brief: <https://www.bbrieff.co.za/2018/03/08/percentage-of-women-in-senior-roles-in-south-africa-creeps-up/>
- Brescoll, V. L., Andrea, C. V., Dovidio, J. F., Tyler, T. R., & Napier, J. L. (2018). Differential Support for Female Supervisors Among Men and Women. *Journal of Applied Psychology*, 103(2), 215-227.
- Brown , R. (2020). The Social Identity approach: Appraising the Tajfellian Legacy. *British Journal of Social Psychology*, 59, 5-25.
- Cambridge Dictionary . (2020, September 30). *Cambridge Dictionary* . Retrieved from <https://dictionary.cambridge.org/dictionary/english/identity>
- Carnahan, S., & Greenwood, B. N. (2018). Beliefs and Gender Inequality among Sub-ordinates: Does his ideology Matter More than Hers? *Administrative Science Quarterly*, 63(2), 287-322.
- Carrim, N. M. (2019). The In-Betweeners: Racio-ethnic and Masculine Identity Work of Indian Male Managers in the South African Private Sector. *Journal of Man's Studies*, 27(1), 3-23.
- Cassim, N. M., & Nkomo, S. M. (2016). Wedding Intersectionality Theory and Identity Work in Organisations: South Africa Indian Women Negotiating Mangerial Identity. *Gender. Work and Organisation*, 23(3).
- Castro, M. R., & Holvino, E. (2016). Applying Intersectionality in Organizations: Inequality Markers, Cultural Scripts and Advancement Pracitices in a Professional Services Firm. *Gender, Work and Organizations*, 23(3).
- Dang, R., Houanti, L., Teulon, F., & Vo, L.-C. (2019). Antecedents of Female Representation on Corporate Boards: An Exploratory Analysis at Board Level of a Socialised Perspective. *Management International*, 23(special), 52-63.
- de Beer, L. T., Rothmann, S., & Pienaar, J. (2016). Job Security, career opportunities, discrimination and turnover intention in post-apartheid South Africa: examples of informative hypothesis testing. *International Journal of Human Resources Management*, 27(4), 427-439.

- Department of Economic Development (2020). *Black-based Black Empowerment* . Retrieved from Republic of South Africa Economic Development Department : <http://www.economic.gov.za/about-us/programmes/economic-policy-development/b-bbee>
- DOL. (2019). *Department of Labour 19th Commission for Employment Equity Annual Report* . Pretoria : Department of Labour . Retrieved from <https://www.labourguide.co.za/workshop/1692-19th-cee-annual-report/file>
- Dudley, D. (2018). *Openside*. Retrieved from <https://www.openside.group/women-top-professional-services-firms/>
- Ely, R. J., & Padavic, I. (2020). Whats really holding Women Back: Its not what most people think. *Harvard Business Review*, 98(2), 58-67.
- Erksine, S. E., Bilimoria, D., Milosevic, I., & Combs, G. M. (2019). White Alleyship of Afro-Diasporic Women in the Workplace: A Transformative Strategy for Organisational Change. *Journal of Leadership & Organizational Studies*, 23(3), 319-338. doi:10.1177/1548051819848993
- Faku, D. (2019). *Only a Minute Number of Women are Chief Executives , report finds*. Retrieved from <https://www.iol.co.za/business-report/companies/only-a-minute-number-of-women-are-chief-executives-report-finds-29348220>
- Fernandez-Mateo, I., & Fernandez, R. M. (2016). Bending the Pipeline? Executive Search and Gender Inequality in Hiring for Top Management. *Management Science*, 62(12), 3636-3655.
- Greenaway, K. H., Haslam, S. A., Cruwys, T., Ysseldyk, R., Branscombe, N. R., & Heldreth, C. (2015). From "We" to "Me": Group Identification Enhances Perceived Personal Control With Consequences for Health and Well-Being. *Journal of Personality & Social Psychology*, 109(1), 53-74.
- Guest, G., Bunce, A., & Johnson, L. (2006). How Many Interviews are Enough? An Experiment with Data Saturation and Variability. *Field Methods*, 18(1), 59-82.
- Guillen, L., Mayo, M., & Karellaia , N. (2018). Appearing self-confident and getting credit for it: Why it may be easier for men than women to gain influence at work. *Human Resource Managementnet*, 57(4), 839-854.
- Hakim, C. (2006). Women, Careers, and worklife preferences . *British Journal of Counselling*, 34(3).

- Henri, T., & Turner, J. C. (2004). An Integrative Theory of Intergroup Conflict. In M. J. Hatch, & M. Schultz, *The Social Psychology of Intergroup Relations - The Roots of Organizational Identity in Sociology and Social Psychology* (pp. 38-43). New York: Oxford University Press.
- Hogg, M. A., Terry, D. J., & White, K. M. (1995). A Tale of Two Theories: A Critical Comparison of Identity Theory with Social Identity Theory. *Social Psychology Quarterly*, 58(4), 255-269.
- Holvino, E. (2010). Intersections: the Simultaneity of Race, Gender and Class in Organization Studies. *Gender, Work and Organization*, 17(3).
- Hsieh, H.-F., & Shannon, S. E. (2005). Three Approaches to Qualitative Content Analysis. *Qualitative Health Research*, 15(9), 1277-1288.
- Iseke, A., & Pull, K. (2019). Female Executives and Perceived Employer Attractiveness: On the Potentially Adverse Signal of Having a Female CHRO Rather than a Female CFO. *Journal Business Ethics*, 156(4), 1113-1133.
- King, D. D., Ott-Holland, C. J., Ryan, A. M., Elizondo, F., & Wadlington, P. L. (2017). Personality Homogeneity in Organizations and Occupations: Considering Similarity Sources. *Journal of Business Psychology*, 32, 641-653.
- Klaaren, J. (2015). Current Demographics in Large Corporate Law Firms in South Africa. *African Journal of Legal Studies*, 8, 174-181.
- Kossek, E. E., & Buzzanell, P. M. (2018). Women's career equality and leadership in organisations: creating evidence-based positive change. *Human Resource Management*, 57(4), 813-822.
- Kumra, S., & Vinnicombe, S. (2008). A study of the Promotion to Partner Process in a Professional Services Firm: How women are disadvantaged. *British Journal of Management*.
- Labour Guide (2020). *Labour.gov.za*. Retrieved from <https://www.labourguide.co.za/download-top/135-ee/pdf/file>
- Law Society of South Africa. (2020, 3 August). *Statistics for the Attorney's Profession*. Retrieved from <https://www.lssa.org.za/about-us/about-the-attorneys-profession/statistics-for-the-attorneys-profession/>
- Loi, R., Foley, S., & Hang-yue, N. (2004). The Effect of Professional Identification on Job Attitudes: A Study of Lawyers in Hong Kong. *Organizational Analysis*, 12(2), 109-128.
- Martinez-Costa, C., Mas-Maschuca, M., & Olivilla, J. (2019). Staffing Policies of Leading Professional Services Firms. *Intangible Capital*, 15(1), 38-56.

- McCuster, K., & Gunyadin, S. (2015). Research Using Qualitative, Quantitative or Mixed Methods and Choice Based on the Research Question. *Percussion*, 30(7), 537-542.
- Metcalfe, B. D., & Woodhams, C. (2012). Introduction: new directions in gender, diversity and organizational theorising - re-imagining feminist post-colonialism, transnationalism and geographies power. *International Journal of Management Reviews*, 14(2), 123-140.
- Moalusi, K. P., & Jones, C. M. (2019). Women's Prospect for career advancement: Narratives of Women in core mining positions in a South African Mining Organisation. *SA Journal of Industrial Psychology*, 45(0).
- Moodley, L., Kuyoro, M., Holt, T., Leke, A., Madgavkar, A., Krishnan, M., & Akintayo, F. (2019). *The Power of Parity: Advancing women's equality in Africa*. McKinsey Global Institute.
- Moolman, L., & Cassim, N. M. (2020). *Managing Diversity in the South African Workplace*. Pretoria: Van Schaik Publishers. Retrieved from [https://wizebooks.vitalsource.com/#/books/9780627037399/cfi/6/6!/4/2/2/2@0:0](https://wizebooks.vitalsource.com/#/books/9780627037399/cfi/6/6!/4/2/2/2/@0:0)
- Morse, J. M., Barret, M., Mayan, M., Olsen, K., & Spiers, J. (2002). Verification Strategies for Establishing Reliability and Validity in Qualitative Research. *International Journal of Qualitative Methods*, 1(2).
- Norton Rose Fulbright. (2008). *Broad-based black economic empowerment - basic principles*. Retrieved from <https://www.nortonrosefulbright.com/en-za/knowledge/publications/fe87cd48/broad-based-black-economic-empowerment--basic-principles>
- Oh, I.-S., Haan, J. H., Holtz, B., Kim, J. Y., & Kim, S. (2018). Do birds of a feather flock, fly, and continue to fly together? The differential and Cumulative effects of attraction, selection, and attrition on personality based within organisation homogeneity and between organizational heterogeneity progression over. *Journal of Organisational Behaviour*, 39, 1347-1366.
- Outten, R. H., Schmitt, M. T., Garcia, D. M., & Branscombe, N. R. (2009). Coping Options: Missing Links between Minority Group Identification and Psychological Well-Being. *Applied Psychology: An International Review*, 58(1), 146-170.

- Pinnington, A. H., & Sandberg, J. (2013). Lawyer's Professional Careers: Increasing Women's Inclusion in the Partnership of Law Firms. *Gender, Work and Organization, 20*(6).
- Pringle, J. K., Harris, C., Ravenswood, K., Giddings, L., Ryan, I., & Jaeger, S. (2017). Women's Career Progression in Law Firms: Views from the Top, Views From Below. *Gender, Work and Organisation, 24*(4).
- Riberio, S., Bosch, A., & Becker, J. (2016). Retention of woman accountant: The Interaction of Job-Demands and Job Resources. *SA Journal of Human Resource Management, 14*(1).
- Robertson, L. G., Anderson, T. L., Lewis Hall, E. M., & Kim, C. L. (2019). Mothers and Mental Labour: A Phenomenological Focus Group Study of Family-Related Thinking Work. *Psychology of Women Quarterly, 43*(2), 184-200. doi:10.1177/0361684319825581
- Rodriquez, J. K., Holvino, E., Fletcher, J. K., & Nkomo, S. (2016). The theory and praxis of intersectionality in work and organisations: Where do we go from here? *Gender, Work & Organisation, 23*, 201-222.
- Saunders , M., Lewis , P., & Thornhill, A. (2012). *Research MMethods for Business Students*. Pearson Education Limited .
- Saunders, M., & Lewis , P. (2012). *Doing Research in Business and Management: An Essential Guide to Planning your Project*. London: Pearson Eduction .
- Scheepers , C. B., Douman , A., & Moodley , P. (2019). Sponsorship and social identity in advancement of women leaders in SOuth Africa. *Gender in Management: An International Journal, 33*(6), 466-498.
- Scheepers, C. B., Douman, A., & Moodley, P. (2018). Sponsorship and social identity in advancement of women leaders in South Africa. *Gender in Mangement: An international Journal, 33*(6), 466-498.
- Schmitt, M. T., Spears, R., & Branscombe, N. R. (2003). Constructing a minority group identit out of shared rejection: The case of international studnets. *European Journal of Social Psychology, 33*, 1-12.
- Sevingsson, S., & Alvesson , M. (2003). Managing Managerial identities: organisational fragmentation, discourse and identity struggle. *Human Relations, 56*(10), 1163-93.
- Smets, M. (2016). Career Pathing and Innovation in Professional Services Firms. *30*(4), 369-383.

- Soleymanpour, O. M., Alizadeh, H., & Esmaeeli, B. (2015). The analysis of the Glass Ceiling Phenomenon in the Promotion of women's abilities in organisations. *International Journal of Organizational Leadership*, 4(3), 315-323.
- Statistics South Africa. (2017). Retrieved from <http://www.statssa.gov.za/?p=10325>
- Stets, J., & Burke, P. (2013). Identity Theory and Social Identity Theory. *American Sociological Association*, 63(3), 224-237.
- The Legal 500*. (2020, August 2). Retrieved from <https://www.legal500.com/c/south-africa/>
- Thomas , F. C. (2018). Partners are Individuals: Applying Title VII to Female Partners in Large Law Firms. *U.C.L.A Law Review*, 65(2), 488-530.
- Tajfel, H., & Turner, J. C. (1979). An intergrative theory of intergroup conflict. In W. G. Austin , & S. Worchel, *The Social psychology of intergroup relations* (pp. 33-47). CA: Monterey
- Tran, V., Garcia-Prieto, P., & Schneider, S. C. (2011). The role of social identity, appraisal, and emotion in determining responses to diversity management. *Human Relation*, 64(2), 161-176.
- Waldman , D. A., Carter, M. Z., & Hom, P. W. (2015). A multilevel Investigation of Leadership. *Journal of Management*, 41(6), 1724 -1744.
- s
- Walsh. (2012). Not Worth the Sacrifice? Women's Aspirations and Career Progression in Law Firms. *Gender, Work and Organization* , 19(5).
- Walsham , G. (1995). Emergence of Interpretivism in IS Research. *The Emergence of Interpretivism In IS Research*, 6(4), 376-394.

APPENDICES

Appendix 1: Invitation to Participate in Research Study

Dear [Insert Participant name]

Thank you for taking my telephone call earlier today [if relevant].

I am currently a student at the University of Pretoria's Gordon Institute of Business Science and completing my research in partial fulfilment of an MBA. I am currently conducting research on the factors that contribute to the sustained success of females in elite law firms in South Africa. To complete the research process, I am looking to interview female directors/partners/executives at elite law firms in South Africa. I would greatly appreciate your participation in this research.

Please let me know if you are able and willing to participate in the study? I am hoping to conduct individual online interviews from 6 September – 6 October 2020. The duration of the interview will be between 30 – 45 minutes.

Please note that the content of the interview will be confidential and all information collected will be anonymised and only used for the purpose of the study.

Should you be able to participate and be available for an interview, please let know and I will scheduled it accordingly in your diary.

I have also attached a consent form (which contains my contacts as well as those of my allocated supervisor). Please note that the form will have to be completed prior to our scheduled meeting.

I look forward to hearing from you,

Kind regards

Pfano

Appendix 2: Consent Form

INFORMED CONSENT LETTER - FACTORS THAT CONTRIBUTE TO THE SUSTAINED SUCCESS OF FEMALES IN ELITE LAW FIRMS IN SOUTH AFRICA

Researcher: Pfanor Rasivhetshele

Contact details: 0823104314; pfanorasivhetshele@gmail.com

Supervisor: Suzanne Myburgh

Contact details: Suzanne.Myburgh@fnb.co.za; 072 406 9191

I am currently a student at the University of Pretoria's Gordon Institute of Business Science and completing my research in partial fulfilment of an MBA.

I am conducting research on the factors that contribute to the sustained success of females in elite law firms in South Africa. The interview is expected to be approximately 30 – 45 minutes in length and will enable us to understand which factors enable female attorneys to reach partnership/director or executive level at their respective law firms. **Your participation in this study is voluntary and you may withdraw at any time without penalty.**

Name _____ of _____ Participant: _____

Organisation: _____

Please Mark with an X

1) I confirm that I understand the purpose of the research	YES	NO
2) I understand that my participation is voluntary and that I can withdraw my participation at any time.		
3) I have agreed to take part in the research		
4) I agree to the <u>anonymisation</u> of quotations in the research.		
5) I agree that the audio is to be recorded but only utilised for the purpose of completing the research		
6) It has been explained and I have agreed that the data and my identity will remain anonymous		

Participant's Signature: _____

Date: _____

Researcher's Signature _____

Date: _____

Appendix 3: Interview Guide

INTERVIEW GUIDE

Name:

Start Time:

Organisation:

End Time:

Job Title:

Date:

Housekeeping

Step 1: Thank Participant for agreeing to the research and confirm that I have received the signed consent letter.

Step 2: Confirm that the interview is recorded and that the Participant consents to the recording

Step 3: Explain purpose of the interview as:

As you know, my research is titled factors that contribute to the sustained success of females in elite law firms in South Africa.

As you may be aware, women remain underrepresented on the directorship/executive/partnership levels in law firms.

The key objective of my research is to understand the factors which have led to your success/promotion as a female executive/partner director at a top tier law firm in South Africa.

I have personally found very limited research on the lived experiences of female executives within law firms and I would like to pick your brain by asking you a few questions. This interview is intended to be conversational – please feel free to stop me or explore any topic as you may see fit.

Research Question 1: Identify the tangible factors which played a part in the sustained success of female executives within legal industry – Does the organisation that a female attorney joins have an impact on the ability to be promoted to equity partner?

Question 1.1: What led you to join the current organisation?

- Prompts:
 - recruitment process – good or bad?
 - Why did she apply and/or remain in her current organisation?
 - Why law versus another industry of field?

Question 1. 2: Please describe our career path until now?/What are the milestones which you had to meet in order to be appointed to partner?

- Prompts:
 - How long did she remain an associate to senior associate to executive level? Reasons?
 - Were the promotions “on time” or did were the factors which led to a delay?
 - What are the factors that she believes made her “director material”?

Research Question 2: How does an Individual’s social identity relate to being partner/executive role in a law firm.

Question 2.1 What do you think of the gender dynamics of your organisation?

- Prompts
 - Organisational makeup – i.e. are there more males to females in junior levels? Or senior levels?
 - Why does she think this has happened (either way)?

Question 2.2: Has gender played a role in your career progression?

- Prompts
 - Why/Why not
 - How she feels that she relates to the current partnership;
 - Does she feel that female make her role harder/easier?
 - How does her gender influence (if at all) the way in which she relates to junior staff?

Research Question 3: What role do individual traits, interventions and/ or factors that have led to the advancement of females to partnership/executive partnership positions with a corporate law firm

Question 3.1: How and why did you make it this far in your career?

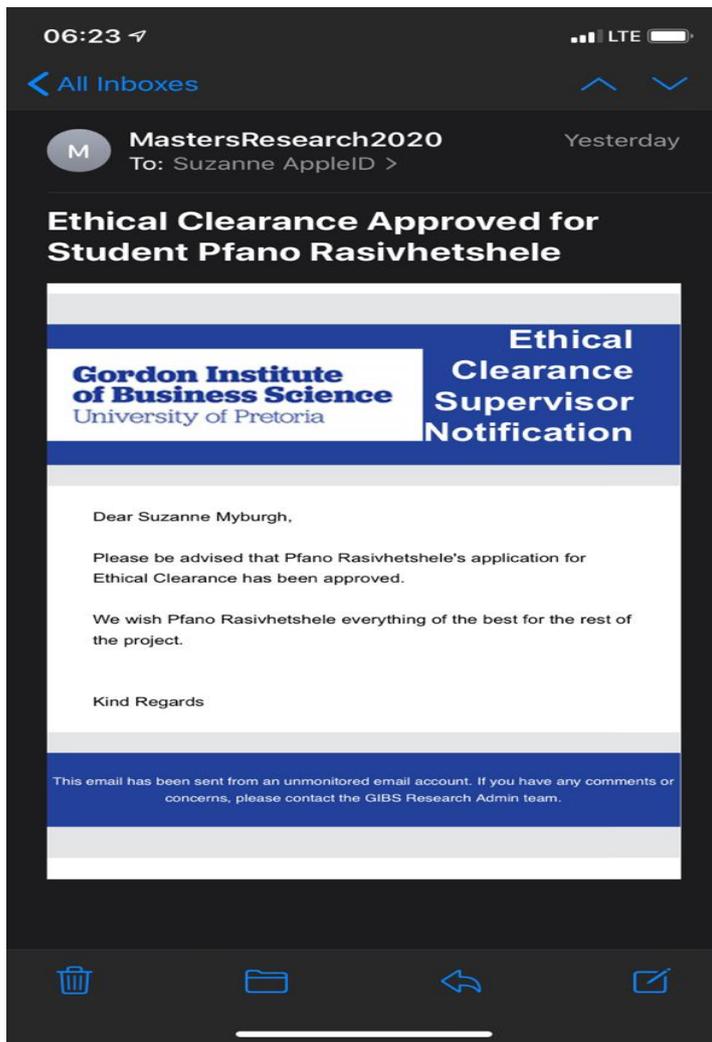
- Prompts

- personal traits and/or characteristics that she feels that possesses?

Question 3.2 Is there anything that stands out to you as positively relevant to the reason why you've made it to partner/director/executive?

- Prompts:
 - Support structures in her life and career?
 - Essentially what (anything) that differentiates her from others.

Appendix 4: Ethical Clearance



**Gordon
Institute
of Business
Science**
University
of Pretoria

22 October 2020

Pfano Rasivhetshela

Dear Pfano

Please be advised that your application for Ethical Clearance has been approved.

You are therefore allowed to continue collecting your data.

Please note that approval is granted based on the methodology and research instruments provided in the application. If there is any deviation change or addition to the research method or tools, a supplementary application for approval must be obtained

We wish you everything of the best for the rest of the project.

Kind Regards

GIBS MBA Research Ethical Clearance Committee

Appendix 5: Non-Disclosure Agreement

CONFIDENTIAL INFORMATION

In this Agreement, "**Confidential Information**" shall mean any information disclosed by the Parties to this Agreement, directly or indirectly, in writing, orally, which by its nature or the circumstances of its disclosure should be reasonably construed as being confidential, including but not limited to any and all information relating to existing and future strategic objectives, business plans and corporate opportunities, scientific, commercial and technical data or statistical information, any information concerning the current or proposed business of the Parties including, without limitation, product innovations, concepts, know-how, trade secrets and trademarks, information regarding the operations, future plans, projected sales, marketing, economic and financial information, costs, production, growth and distribution, technical information, information about its officers, consultants, management, employees, customers, delegates, students and other related parties, patents, intellectual property and information relating to products and/or services, whether patentable or not, or whether able to be copyrighted, or not, and all products and technology in research and development by the Parties, received directly or indirectly by the Parties verbally or in documents, writings, charts, drawings, computer generated data and any other form of data, no matter how acquired, deduced or delivered, as well as notes, correspondence, analyses, documents and any other written or computer generated records containing Confidential Information.

It is a condition of engagement that the Parties shall preserve and aid in preserving all Confidential Information, in particular any confidential company information, which may be revealed during the course of interactions of the Parties. Such Confidential Information relates to information that is not in the public domain.

1. The Parties shall at all times keep the contents of the initiative/s being proposed by either Party, and this agreement, confidential and shall use its best endeavours to keep confidential any information which it has acquired or may acquire pursuant to this initiative/s. For the purposes of this clause, Confidential Information excludes information which:

1.1 is publicly available or becomes publicly available through no act or default of any Party;

1.2 was in the possession of a Party prior to its disclosure otherwise than as a result of a breach by any Party of any obligation of confidentiality to which it is subject;

1.3 is disclosed to either Party by a person which the person did not acquire the information under an obligation of confidentiality;

1.4 is independently acquired by either Party as a result of work carried out by a person to whom no disclosure of such information has been made;

2. The Parties undertake in relation to the Confidential Information, as follows:

2.1 not to use any Confidential Information for any purpose (including any technical or commercial purpose) other than for the Permitted Use;

2.2 not to disclose any part of the Confidential Information to any third party; and

2.3 not to disclose any part of the Confidential Information to its employees or professional advisors, except to those employees or professional advisors who are required to receive the Confidential Information for purposes of the permitted use, it being understood that the Parties shall –

2.3.1 inform such employees or professional advisors of the confidential nature of such information; and

2.3.2 instruct them to treat such information confidentially in accordance with the terms of this Agreement; and

2.3.3 be responsible if its employees or professional advisors to whom it has disclosed the Confidential Information should fail to treat such information confidentially in accordance with the terms of this Agreement.

3. Neither Party shall use or disclose Confidential Information except with prior written consent or in accordance with an order of a court of competent jurisdiction or in order to comply with any law or governmental regulations by which any Party concerned is bound or as may be lawfully requested in writing by any governmental authority.

4. In the event that the receiving party should breach the provisions of this agreement and fail to remedy such breach within 7 (seven) days from date of a written notice to do so, then the disclosing party shall be entitled to invoke all remedies available to it in law including the institution of urgent interim proceedings and/or an action for damages.

5. The Parties undertake to permanently delete any electronic copies of Confidential Information received, and destroy any confidential printed documentation or similar material in their possession promptly once they are no longer required for the negotiation of a proposed services or on completion of the contracted services.

6. Upon termination of negotiations for a proposed service or on completion of the contracted service, the Parties are to confirm to each other that they are no longer in possession of any Confidential Information.

7. In the event of any one or more of the provisions of this Agreement being held for any reason to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision was not a part of this Agreement, and the Agreement shall be carried out as nearly as possible in accordance with its original terms and intent

8. The confidentiality obligations as contained in this Agreement shall commence from the date of signature of this Agreement and shall remain in force indefinitely irrespective of the termination of the contracted services.

Signed at _____ on this ____ day of _____ 20__.

on behalf of: _____

Name: _____ Signature:
_____ duly authorised and warranting such authority

Signed at _____ on this ____ day of _____ 20__.

Name: _____ Signature:

Appendix 6: List of Code – Initial Sample of codes extracted before categories)

RQ1	RQ2	Rq3	Other
Home grown	More women at lower levels	Gender representation has improved	Masculine women
Moved Teams	Multiple offers were wooed into organisation	Gender Representation is unequal at board level	Confidence
Female lead team	Family member or acquaintance	Women have as many opportunities as men	Passion
On time promotions	People looked like me	Influence	Resilience
Took time to feel at home in organisation	Culture of the organisation	Politics	Passion
Junior Not confident	Swept up by the recruitment process	Men Decide and the women practice the law	Liked work
Dominant Male culture	Being black worse	Women led teams	Pale -white men
Unhappy	Fought stereotypes	Had to prove themselves a lot more	Wanted more
Like minded women	Assumption incompetence		Set Goals
Black women	Likeminded people	have to work harder than the guys	Helped others
Building relationships	Boy's club	Never giving up	Strong women
	Advantage being female	Trust	Mentors
	Disadvantage being female	Relationships with seniors	Imposter syndrome
	Practice size men	Handle clients	Uncertainty

	Non-authentic gender champi- ons	Being a mother	
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