

**Title: Glass Ceilings, Glass Cliffs and Beyond in the Legal Profession of Solicitors in
England and Wales**

Developmental Paper

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Abstract

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Summary

Despite the global acknowledgement of the moral, social, and economic significance of achieving gender equality, women remain in the minority in decision-making positions across all industries. In the legal profession of solicitors, women have formed the majority at the entry level since 1990, yet they only represent a third of the partners in law firms. This paper will explore the challenges for women solicitors in reaching the higher echelons of the profession, referred to by the metaphor of the "glass ceiling." It will also explore the relatively recent "glass cliff" phenomenon, which refers to the higher tendency for women than men to be appointed to precarious leadership positions that are prone to failure. A multifaceted, multiply determined, and contextual phenomenon, it will be explored through elite interviews with women partners contextualised in law firms in England and Wales to help improve gender equality in leadership.

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Introduction

Aim: This developmental paper aims to understand the factors contributing to the underrepresentation of women solicitors in senior roles in the legal profession of solicitors in England and Wales. The researcher will design the research questions to address this objective.

Research Methodology and Assumptions: The study examines the lived experiences of women solicitors in senior roles within the legal profession in England and Wales. Employing a qualitative paradigm, the cross-sectional research utilises semi-structured interviews as the primary data collection method. The data will be analysed using reflexive thematic analysis, grounded in the researcher's pragmatist epistemology and subjective ontological beliefs.

Background: Given the dearth of women at the upper echelons of organisational hierarchies, this topic is of great interest and importance to the corporate world and academia. McKinsey's research has established the business case for diversity, "Why Diversity Matters" (Hunt et al., 2015), finding that corporations in the top quarter for gender diversity were 15% more likely to experience above-average profitability, rising to 21% three years later (Hunt et al., 2018). Despite the legislation for equal opportunities and organisations promoting diversity, women remain primarily in the minority in positions of power and influence. Making this even more significant as a research area is the impact of COVID-19, which has been especially harmful to working women, thereby slowing the already sluggish progress of women's rise to senior management positions further. A McKinsey Global Institute study found that although women comprise 39% of global employment, they account for 54% of overall job losses (Madgavkar et al., 2020). Women in senior leadership roles were 1.5 times more likely than men to consider slowing down or leaving (Kahng, 2021).

Literature Review: The difficulty women encounter in attempting to achieve promotion into the top management levels is referred to by the metaphor of "glass ceiling," "a transparent barrier that (keeps) women from rising above a certain level in corporations" (Morrison et al. 1987, p. 13). More scholarly investigations of smashing glass ceilings were called to improve organisational efficiency (Powell and Butterfield, 2015). While researchers have shown much interest in the glass ceiling, they have made little effort to develop a deeper understanding of the phenomenon, its precursors, and its potential consequences (Powell and Butterfield, 2015). Babic and Hansez (2021) added organisational gender culture to the situational and interpersonal factors identified by Elacqua et al. (2009) as responsible for the perceived differential treatment of women, which in turn gives rise to the perception of a glass ceiling.

Cumulatively, these factors adversely affect women's job stress and commitment, job satisfaction, and intention to quit (Babic and Hansez, 2021) Figure 1 below.

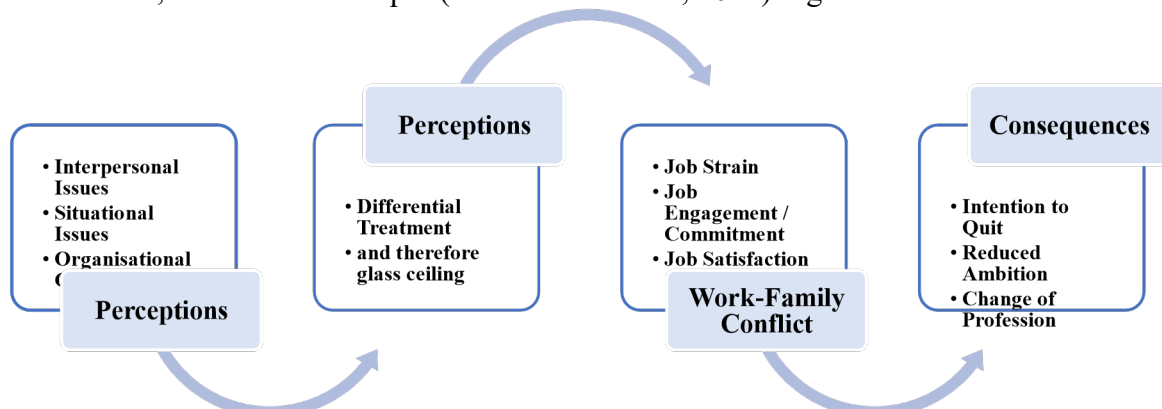


Figure 1 - Precursors and Consequences of Glass Ceiling Phenomenon (Adapted from Babic and Hansez, 2021)

Theoretical clarification of the scarcity of women in senior roles has come from social psychologists who explain leadership as a construct that bears qualities most associated with male attributes, including confidence, decisiveness, risk-taking, and ambition (Schein, 1973;1975; Croson and Gneezy 2009). Theories such as social role theory (Eagly, 1987; Eagly et al., 2000), role congruity theory (Eagly and Karau, 2002; Koenig et al., 2011) and "think manager think male" (Eagly and Karau 2002; Schein 1975, 2001) all link leadership positions to qualities most associated with men. The think-manager-think-male notion (Schein, 1975) has overshadowed the leadership literature and has since been simulated and confirmed in numerous backgrounds, including international research (Schein and Mueller,1992; Eagly, 2005; Schein, 2001). The communal traits accredited to women include being kind, affectionate, gentle, nurturing, sensitive, empathetic, and accommodating (Eagly and Karau, 2002). Researchers contend that women face disadvantages in leadership roles because their rarity as leaders draws greater attention, making them more easily singled out for disparagement (Brescoll, Dawson, & Uhlmann, 2010; Eagly & Karau, 2002; Hegarty & Bruckmuller, 2013). This paradox results from the conflict between women's social roles in society and the traits linked to being in a leadership role. Therefore, gender as a differentiating characteristic in employment, pay and presence in leadership positions continues to play a persistent part (Barreto et al., 2009).

Such reproachful scrutiny was covered in an article published by *The Times* (Judge, 2003), concluding that women had "wreaked havoc" on the organisations they had led and that "Britain would be better off without women on the board" (Judge, 2003, p. 21). Research into this claim showed that women were highly likely to be chosen for board positions when a company was in crisis. This set of circumstances was named the "glass cliff" phenomenon (Ryan & Haslam, 2005; 2007) to encapsulate the loftiness of these positions and their intrinsic precariousness. The irony is that women who manage to smash the glass ceiling are likely to be placed in glass cliff positions, prone to failure. The visual image of the metaphor "glass cliff" might insinuate that women are pushed off certain positions. However, in their seminal work, Ryan and Haslam (2007) identify the fundamental attributes of a high-risk job, typically characterised by a combination of challenging factors such as insufficient recognition, support, and information, along with inadequate resources and tight deadlines for completing tasks (Ryan, Haslam, Hersby, et al., 2007) and can have varying outcomes.

Consequently, as shown in Figure 2 below, the net result of the glass cliff effect is multifaceted, culminating in shorter tenure for women leaders compared to their male counterparts and a higher turnover rate for the companies (Pearson & Clair, 1998). Further, women are adversely impacted by suffering high levels of stress, becoming disenchanted and demotivated with a reduced commitment to the organisation (Ryan, Haslam, Hersby, Kulich, Wilson-Kovacs, 2009). Although validated through empirical research and anecdotal backing (Ryan et al. 2016), the support for the glass cliff phenomenon has not been unequivocal. Some quantitative studies (Adams, Gupta and Leeth, 2008; Esposito, 2021) have found no evidence of the glass cliff phenomenon.

However, the presence of a glass cliff is context-dependent (Morgenroth et al., 2020; Ryan et al., 2016), and perceptions play a vital role in ascertaining the glass cliff effect (Haslam et al., 2010; Ryan et al., 2016). Sabharwal (2013) also calls for considering perceptions and broader circumstances, highlighting the need to gain insights from the experiences and stories of women leaders to identify ideas and best practices. More recently, Esposito (2021) also intimated that interviewing both senior and middle management women would invite observations of what opportunities for senior leadership positions they have encountered and the reasons for taking them up since women are shown to be more risk-averse than men (Charness and Gneezy, 2012).

yet presenting a paradox by ending up in riskier positions (Darouei & Plutt, 2018). Understanding their experiences in the job, whether they have considered leaving, and, if so, the reasons for their decisions (Esposito, 2021) would inform the presence, causes and responses to the glass cliff phenomenon in the context of the solicitors' profession.

To summarise, when women break through the glass ceiling and attain leadership positions, they often face the possibility of being placed in glass cliff positions. Figure 2 below details the possible causes and implications of the glass cliff phenomenon, along with factors that may moderate its impact. So far, the glass cliff phenomenon has been tested predominantly by quantitative, archival and scenario-based experimental studies. Since its conception in 2005 by Ryan and Haslam, the focus has been on the intentions of the organisations appointing women into glass cliff positions (Haslam et al., 2010; Ryan et al., 2016). This paper aims to examine the perceptions of the position holders of their lived experiences and the circumstances surrounding the appointments qualitatively in the context of the solicitors' profession in England and Wales. This study would, therefore, add to academic knowledge on these phenomena and gender equality in leadership and align with the Diversity and Inclusion drive in the business world and the solicitors' profession.

This developmental paper addresses the underexplored area of women's perceptions and contextual factors surrounding glass cliff positions within the solicitors' legal profession. Despite comprising 62% of new entrants into the solicitor profession, women only represent 37% of partners in law firms (SRA, 2023). To date, scholarly inquiry into the glass cliff phenomenon within the legal profession remains sparse. Previous research has primarily focused on scenario-based studies involving law students (Ashby, Ryan & Haslam, 2007), which, while insightful, lack the firsthand perspectives of actual position holders. Consequently, a gap exists in understanding how women in senior solicitor roles perceive and navigate these potentially precarious leadership positions, particularly concerning their decision-making processes and the nuanced organisational and interpersonal dynamics they encounter.

Contribution to Knowledge and Practice: This research will investigate the perceptions of women solicitors' journeys to senior positions within a qualitative paradigm. It offers methodological diversity by examining their lived experiences within the context of the solicitors' profession through semi-structured interviews. This methodology will enable the capture of the rich insights necessary for exploring their perceptions of the two phenomena, their impact on their journeys, and what and who, in their perceptions, can help moderate their impact. This research will make numerous contributions not only from a theoretical standpoint but also from a practical perspective. Gender equality and inclusion are high priorities for businesses, including The Law Society and the legal profession (SRA, 2023). However, statistics indicate that talented and skilled women solicitors are leaving the profession in large numbers. The study also contributes to the literature on gender and leadership stereotypes and their impact on the career progression of women solicitors within law firms. Alvesson (1993a) asserts that culture centres on lived experiences, emphasising individuals, relationships, meanings, and emotions. It involves how people within groups interpret and value their reality similarly and how these interpretations and values differ among different groups. Alvesson (2002) further acknowledges that gender, generation, class, and occupational groups enhance cultural diversity rather than uniformity.

Further, this research will also equip legal firms and other employers with insights to foresee and counteract this extra layer of subliminal sex discrimination in the workplace. By increasing awareness, this research hopes to move the profession's focus from numerical feminisation (Menkel-Meadow, 1989; Bolton & Muzio, 2007) to meaningful integration of women solicitors into the profession's higher echelons, thereby helping improve organisational selection policies to help retain the skills but also helping increase their commitment and retention. By aligning

their gender equality policies and nurturing female talent, in light of the findings, they can help provide the necessary resources women solicitors need to do justice to the leadership positions.

Finally, this research will help inform women in general, and women solicitors in particular, who aspire to reach the highest pinnacles of their careers by increasing awareness of the relatively recent glass cliff phenomenon. This heightened awareness will enable them to adopt a holistic perspective on leadership positions and the surrounding circumstances, including the risk of failure and the possible motivations of the organisation (Figure 2). Consequently, this insight will empower them to make more discerning decisions

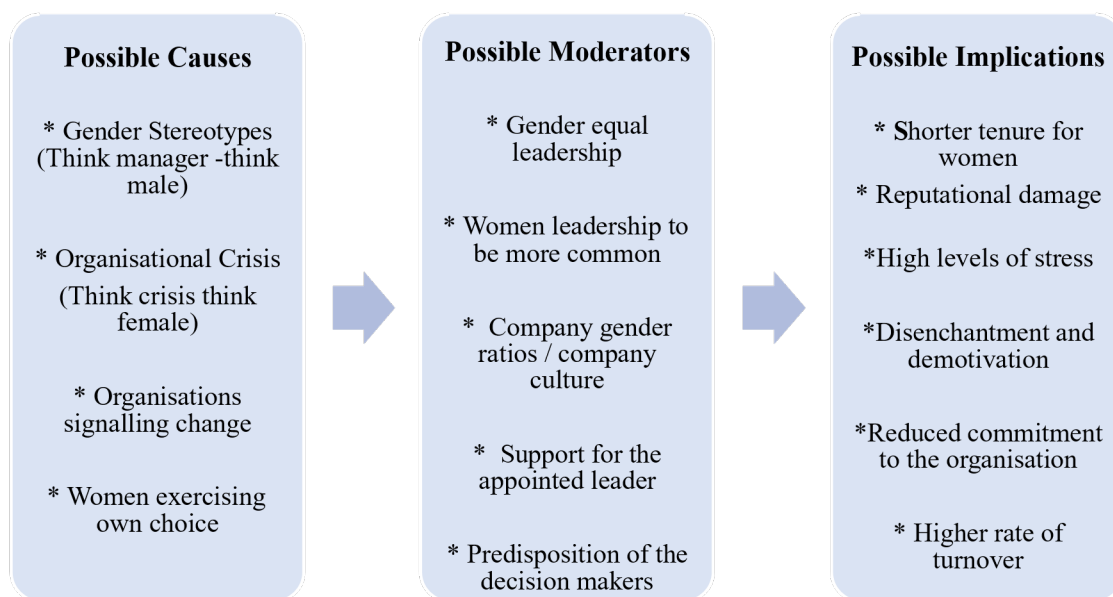


Figure. 2 – Possible Causes, Moderators and Implications of the Glass Cliff Positions

Next Steps: The next steps for this developmental paper would be for the researcher to evaluate the perceptions of women solicitors in senior positions within a qualitative research strategy employing semi-structured interviews through reflexive thematic analysis (Braun and Clarke, 2022). Examining the rich insights gained from women's lived experiences in senior solicitor roles and contrasting them with the existing literature will enable us to draw conclusions and formulate recommendations regarding the potential emergence of the glass cliff phenomenon. Conducting elite interviews presents a compelling challenge, particularly in managing the power dynamics between the elite interviewees and the interviewer within the context of semi structured interviews. This dynamic will necessitate a heightened awareness of the researcher's identity and reflexivity, constituting a critical research methodology component. As the research progresses, the findings will contribute to theoretical and practice-based understandings of the glass ceiling and cliff phenomena and guide future research directions.

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