



Gender in Justice – Women in the Law in Singapore

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This paper was delivered at the LAWASIA Biennial Conference in March 2005. It is reprinted with permission from the Singapore Law Gazette, where it originally appeared in October 2005. It explores the relevance of gender in the advancement of women in the legal profession in Singapore, the impact of the new legions of women lawyers, the challenges faced by women lawyers and their high attrition rate, as well as puts up some recommendations for changes in the way lawyers have traditionally held their practices.

Does gender matter in the legal profession in Singapore?

This paper cannot provide a definitive answer and does not purport to be a scholarly discourse. Instead, my intention is to present some context from which readers can draw their own answers and their own sense of the relevance of gender in legal practice.

The first part of this paper presents some historical and statistical information from the most recent decades – when women entered and graduated from law school and entered and remained in the legal profession in enough numbers to reliably track their professional presence. The second part includes an interpretation of some of the numbers, in general terms. The third discusses how women have been (or the ways they have not been) integrated into the legal profession in Singapore and the particular challenge they face of achieving a work-life balance in the profession. Finally, I make some recommendations on the way forward.

Background

Equality before the law is a constitutionally enshrined right of every Singapore citizen.¹

Singapore acceded to the Convention on the Elimination of All Forms of Discrimination Against Women ('CEDAW') Convention on 5 October 1995, although it must be noted that as late as 2001,² Singapore expressed reservations to arts 2, 9, 11, 16 and 29(2) of the Convention.³ Notwithstanding this, by the time of Singapore's submission of its Third Periodic Report late last year,⁴ significant legislation and policies had been reviewed and revised to improve the position and rights of women in Singapore. Chief among these is the

Constitutional Amendment in May 2004 to accord the same citizenship rights to the children of Singaporean women as for Singaporean men. Another significant policy change has been the equalisation of benefits of the current medical scheme in the Civil Service for male and female officers.

The Government of Singapore has also declared its commitment to achieving the goals set in the Beijing Declaration and Platform for Action ('Beijing POA' for short) adopted at the 4th UN World Conference on Women held in Beijing in September 1995 to achieve gender equality.

Finally, Singapore ratified the International Labour Organisation ('ILO') Convention No 100 on Equal Remuneration for Men and Women Workers for Work of Equal Value in May 2002, to affirm its commitment to equal pay for equal work.

It is against this backdrop that we examine the relevance of gender in the advancement of women in the legal profession in Singapore.

Women in the Law

Historically, women have played a significant role in the legal profession and in the area of legal education in Singapore.

As revolutions go, it was quiet. There were no banners, barricades or picketing, or high-profile martyrs or heroines. No men stood in the law school doors or took women to court for taking their places. Rather than a battle of action and reaction, this appears to have been a quiet revolution of attitude, formed in the minds of young Singapore women, who looked beyond their gender's traditional roles and saw themselves as lawyers and judges and even deans of law school. The movement began in the 1960s and gained momentum in the 1980s and 1990s. In fact, by the mid-1970s, more than half the students entering law school were women and this trend has continued into the new Millennium.⁵

Now that women have achieved parity with men in law school admissions, is it only a matter of time before they achieve parity in the profession?

Admittedly, the numerical gap is quickly closing. In 1973, only 70 out of 461 (15 percent) of lawyers in Singapore were women.⁶ Today, their share of the profession has risen to more than one-third.⁷ More women have become partners, senior counsel, judicial officers and judges and law professors than ever before. Perhaps the only statistical category men may expect to dominate for the next several decades will be in lawyer deaths, as the men who built and sustained the old boy networks pass on.

The Bench

In the past decade, three women have been appointed to the Supreme Court Bench,⁸ forming 21 percent of the composition of the 14-strong Bench.

Incidentally, all three were litigators from the legal profession before their appointments. A substantial percentage of district judges and magistrates in our subordinate courts and family and juvenile courts are women: 47 percent in 2002, 44.4 percent in 2003⁹ and 45 percent in 2004,¹⁰ as are our justice law clerks, senior assistant registrars and deputy registrars. Mrs Koh Juat Jong was appointed as Registrar of the Supreme Court on 6 December 2003.¹¹

Law school

The first local graduate, and youngest person to become dean of the Department of Law in the then University of Singapore in 1968 was also its first woman dean.¹² In 1980, the National University of Singapore Faculty of Law saw its second woman dean taking office.¹³ The National University of Singapore's Faculty of Law now sees 33 percent women in its permanent teaching staff.¹⁴ In terms of student enrolment, since 1975 (barring a few years), the University has seen a higher percentage of female students to male students enrolled into its Faculty of Law.

In all, since the birth of the university's Faculty of Law, some 2,579 women (49 percent) have graduated from Law School, as against 2,663 men.¹⁵ This is reflecting a slow feminisation of the legal fraternity. However, the study cannot stop at mere visibility of women in positions in the law hitherto not seen, even though their presence cannot be ignored.

The Bar

Women have also made strides at the Bar, with five having been appointed senior counsel¹⁶ (one of whom was subsequently elevated to the Bench), with the total number of senior counsel (excluding appointments to the Bench) being 37. A credible number of large law firms or law corporations see women managing partners or directors at their helm, with many having a successful corporate practice. In the leadership of the profession, the first woman¹⁷ was elected as president of the Law Society in 1979. More than two decades later saw the second woman president elected to office.¹⁸

Politics and policy-making

In parliament, there has been a two-fold increase in the number of female Members of Parliament ('MPs') and Nominated Members of Parliament ('NMPs') in the reporting period 2002 to 2004. As at September 2004, ten out of the 84 elected MPs are women (12 percent), with one woman lawyer amongst them, and five out of the nine NMPs are women (56 percent), compared to the four out of 83 elected MPs (four percent) and two out of nine NMPs who are women (22 percent) as at June 1999.¹⁹ Incidentally, the Singapore government, under new Prime Minister Mr Lee Hsien Loong, made a significant advancement forward for women in politics and policy-making when he appointed three women political office-holders as part of his team in August 2004. They are the Minister of State for Finance and Transport (two portfolios), the Minister of State for Community

Development, Youth and Sports, and the Mayor of Southwest Community Development Council.²⁰

Women are therefore now a substantial visible minority in all facets of the law and law-making in Singapore.

Yet, when preparing this paper, I was struck by the lack of empirical data specifically on women in the law in Singapore and the absence of scholarly research on this theme. Local professional bodies have not been prompted to take action in this area, and even basic historical gender data is difficult to locate or non-existent.²¹

Perhaps the one question that then underlies this paper's title is: whether we think about law practice issues in terms of gender in Singapore, and if we do not, should we?

Meritocracy has long been touted to be the very cornerstone of Singapore society, and this perhaps has been the reason why the issue of gender has not been played up in the assessment of women's progression in the legal profession. However, meritocracy can be discriminatory if there is no attempt to level the playing field.

So, while it would appear that we do not think about law practice in terms of gender, perhaps it is time that we should, because (and only as long as) gender affects fairness or creates unseemly biases.

Moreover, differing career experiences of men and women, and the different perspectives they bring to the table, make it apropos and relevant still to ask about the role and power of gender in the legal profession. Life experience and the way facts are analysed can be informed differently, in part, according to one's gender. The other concern is the effect of gender on our assessment of the creation of a work-life balance in the legal profession. The time has indeed come to recognise and celebrate the achievements of our gender in the law and assess strategies for moving forward.

Turning to the Numbers

In 1973, women lawyers in Singapore constituted 15 percent of all lawyers.²² In June 1992, there were 816 female practitioners, representing 39 percent of the profession.²³ Today, over 30 years later, there are 1,339 female lawyers, representing 38 percent of all Singapore lawyers in private practice are women.²⁴

For the past five years, women have hovered at the 38–40 percent mark of all Singapore lawyers.²⁵

This seemingly stagnant number (notably strange in relation to the percentage of women entering and graduating from law schools) can perhaps be explained. One reason is that despite earning a law degree, women, in higher proportion than men, are not seeking to practise or maintain a practising certificate and instead seek alternative careers as corporate counsel or in the legal service or even outside of the law. The statistics bear this out, with a higher percentage of women (1.6 percent) as against men (0.4 percent) who are legal officers holding practising certificates.²⁶ Another reason is that more male lawyers who are retired or semi-retired might maintain practice certificates as consultants or commissioners for oaths, even though they are not really a part of the active workforce (3.3 percent men as against 2.5 percent women). This practice keeps the statistics of male lawyers holding practising certificates fairly constant, even though many may not be actively practising in the marketplace, which skews the statistics of who actually is out there to retain as counsel.

In terms of legal education, in the last decades women have made up more than 50 percent of law students in the National University of Singapore Faculty of Law. The growth of the numbers of women enrolled in law school began to take off from the mid-1970s. This is a far cry from the eight female students (out of a total 22 students) in the very first batch of law students in 1961.²⁷

Changing social norms and an education system based on meritocracy and equal opportunity may be some of the causes of this ongoing growth. Contrast this to the field of medicine, where there had been, until very recently, unabashed positive discrimination against women in keeping the quota of female medical students low. In 1979, a one-third quota on the intake of female medical students at National University of Singapore was introduced. This was sought to be justified by the fact that comparatively, more female doctors left the workforce prematurely or switched to part-time work. Although this has been the bane of the women's movement in Singapore and protested against by women activists and NMPs in parliament,²⁸ it was only in 2003 that this quota was removed and even so, due to the fact that in recent years, the attrition rate for female doctors has decreased substantially, and is only slightly higher compared to the attrition rate for male doctors.

There has been no such known policy or restrictions for female entry into law school.²⁹

Women Lawyers' Career Paths

Once matriculated and graduated, where do women enter the legal practice employment stream?

As earlier mentioned, 38 percent of all lawyers in Singapore holding practising certificates as at February 2005, are women. Of these women lawyers, 39.8 percent hold the position of director or partner in a law firm (as against 52.5

percent of men), with another 7.4 percent of women lawyers managing their own law firm as a sole proprietor (as against 16.8 percent for men). The majority of women lawyers (48.6 percent) as at February 2005 are found to be at the level of associates (as against only 27 percent of men).³⁰

As at February 2005, there was a higher percentage of women lawyers (46.2 percent) in large law firms (characterised as practices with more than 30 lawyers) as compared to male lawyers (31.4 percent). On the other hand, 45.6 percent of male practitioners practised in small firms of one to five practitioners as against 25.3 percent of female practitioners.³¹

The largest percentage of women lawyers choosing not to renew their practising certificates as at 30 September 2004 was found to be in the Junior category for practitioners of zero to seven years in practice (57 percent).³² In fact, 87 percent of the total number of women lawyers not renewing their practising certificates was made up of Junior and Middle category practitioners (zero to less than 12 years). Fifty-one percent of these lawyers were from large firms of 31 to 200 lawyers.

Integrating Women into the Legal Profession

So what has been some of the impact of the new legions of women lawyers? Women do not seem to have the same proportionate percentage rate of presence in legal profession leadership. For example, women comprise 11 percent of the Law Society of Singapore's Council, whereas they comprise 38 percent of all Singapore lawyers holding practising certificates.

But encouraging proportionate rates for women are being seen in the judiciary (at 21 percent in the Supreme Court and 45 percent in the subordinate courts); in law firm partnerships (at 18 percent of law firm proprietors, partners and directors); and in law school faculty (37.5 percent of professors and professorial fellows; and 32 percent of associate professors and professorial fellows). Women law school professors and lecturers are important for women in the profession, not only as role models but also for their influence on gender bias issues in law student training, and in the different perspectives and gender-based substantive content they can, and often do, bring to legal scholarship. Notably, the highest percentage of women in academia is in the legal writing instructor position (with women representing 85.7 percent of the department).

Women in Practice Settings

How are women faring in the economics of law?

For women lawyers entering law firms, government or corporate legal departments directly from law school, their first year's salary and bonus schedule generally tend to be on par with their male counterpart³³ Law firms, particularly

large law firms, offer extremely aggressive starting salaries. Certainly pay is lower at smaller firms, within government positions, or within corporate legal departments, but at least at entry-level, there is generally no wage discrimination based on gender.

But for women with experience, salaries do suffer when compared to those of their male counterparts. Nationally and in available statistics (as at June 2003) from the Department of Statistics, female lawyers polled earn slightly less than men³⁴ (\$5,384 versus \$5,648 median monthly salary, women's equalling 95 percent of men's median salary). As for legal officers polled, the discrepancy is slightly more (\$4,540 versus \$5,685, women's equalling 79 percent of men's median salary).

By way of comparison, it should be noted that in 2003, the average monthly earnings of females across broad occupational groups was 72 percent that of the males, with the difference being narrower at higher skilled occupations.³⁵ This has been stated as 'reflecting the tendency for females to disrupt their participation in the labour market for childcare and household responsibilities, hence reducing their years of service and experience'.³⁶

For example, take the work-family balance women wish to achieve. At some point, most women lawyers may have family commitments in the form of children, spouses or partners, and aging parents. While many men have similar commitments, women still shoulder most family-related responsibilities. Currently, the demands of the average woman lawyer in private practice may be too great to allow time for dealing with family issues. The top firms promote lawyers who are able to bill large amounts of hours above the average. For women to achieve the same bonuses, raises and leadership opportunities as men in the legal profession, they must commit to this intense working life, one that leaves no room for family let alone social pursuits. Even after advocating for part-time schedules or flexible work arrangements, many women are still working 40 or more hours per week. And to make it worse, many feel disparaged and marginalised by their colleagues and supervisors.

This discrepancy in latter years' salary is more likely to be because women work in less prestigious and lucrative areas of law and partly because they are paid less for comparable work and for reasons not related to actual work performance. Statistically, women earn less in part because of 'years of practice' differences and 'areas of practice' differences between the genders.

Demographically, women lawyers are clustered in the lower age brackets as associates (48.6 percent as against male lawyers at 27 percent).³⁷ While new women lawyers might be making more to increase the median gender-based income, the few number of women with 12 years and above of experience results in a lower women's median net income; just the opposite demographic is true

among men. Indeed, men lawyers in practice for 12 and above years make up 50.3 percent of the male lawyer cohort.

Other factors are in play, including traditional practice structures. The percentage of women being hired at the large firms, where lawyers generate higher average income, is slowly increasing (for example, firms of more than 30 lawyers consist of 46.2 percent of women lawyers as compared to 31.4 percent of male lawyers). But we have seen that it is also women from large law firms who tend to leave the profession early.

Law firm culture and structures are still fairly entrenched in traditional means of, and measurements for, professional advancement. For example, the billable hour system works against women. Women tend to bill fewer hours to begin with, even when time had been expended. Women with family responsibilities statistically are caught up short: (a) it is difficult to put in the 70- or 80-hour weeks; and (b) the billable hour system does not reward any efforts for efficiency in work habits. Lawyers who bill fewer hours hurt the firm's bottom line. Even though the lawyer's work product meets the client's needs, the billing system works against the lawyer's professional development, her partnership track, and her income. Management increases professional responsibility for and entrusts bigger cases to the more 'seasoned' lawyers and ones with travel flexibility. Women, often responsible for family care and who take maternity leaves, do not fall into these categories – and their long-term economic stability and advancement can suffer for it.

Further, fewer women than men are in private practice, and women generally tend to be in solo or small to medium practices and, therefore, gross and net less income. They also tend not to practise in substantive law areas that are more lucrative; for example, fewer women practise civil and commercial litigation, which can bring in substantial fees from corporations and retainer clients and thus higher pay. Instead, women in higher numbers concentrate on areas of practice such as family law that commonly are not as lucrative as other substantive practice areas and that have higher numbers of just simply unhappy individual clients who cannot or will not pay earned fees.

Law practice structure and part-time employment also need to be mentioned. Most law firms in Singapore only make part-time employment available on a case-by-case basis. Very few lawyers work on a part-time basis, irrespective of whether the work setting is a law firm, government office, or public interest entity. Why so few take advantage of part-time job availability is not known, but the speculation is that part-time lawyers will be seen as not being as seriously committed to the law, that a part-time job will grow into a near full-time job with part-time pay, or the belief that certain kinds of work can only be done on a full-time basis.

Work-Life Balance

What changes are women making in how lawyers practise? Even as one looks past discredited gender stereotypes, there is still a marked difference between men and women on the issue of an appropriate balance between personal and professional lives.

Bearing in mind that the average female law graduate enters the profession in her mid-twenties, the first 12 years of her practice life are not only generally the period important to career development, but also during which women are having and caring for young children. Overall, the desire for sufficient time to meet personal and family needs is a more important consideration for women lawyers than for men. In a perfect world, men should have the same level of concern, but they do not. It has taken the increased participation of women in our profession to awaken a consciousness regarding issues of work and family balance.

Another 'not practising' factor is one's perception of whether one can advance in the legal profession. My own informal anecdotal survey found that both men and women are less optimistic that women lawyers' prospects for career advancement are equal. Also, many women lawyers do not believe that women are treated at work the same as men are treated. Many women find it tough to combine a career and family, citing inflexible working arrangements, pressure of work and the need to be visibly present in the office to put in the billable hours.

The most commonly noted obstacle to a balanced life for women lawyers in private practice is the burdensome number of billable hours expected in many firms. Many firms measure the worth of their associates and partners based on this male model of commitment. The billable hour is fraudulently presented as a gender-neutral measure of a lawyer's contribution to a firm, but it is not gender-neutral at all; in fact, it has a discriminatory negative impact on women through its inherent hostility to family needs.

The harmful effects of the billable hour system are well known, and steps have to be taken to come up with billing alternatives that are less harmful to the profession and to the people in it.

Many large firms are slowly 'getting it', and they are adopting more enlightened policies for alternative work schedules, family leave and organisational support, all of which should improve the ability of their lawyers to balance personal needs against professional demands.

However, even in those firms with de jure flexible schedules and part-time work arrangements, the women who select these options are too often fearful of being excluded from the partnership track. The stereotyped assumptions of incompetence, weakness, lack of commitment and over-emotionality undermine the efforts of many women lawyers to balance work and family.

Solutions that focus on the need for women lawyers to learn better time-management strategies also tend to suggest that the problem is their own deficiency rather than the gender-bias of the system.

So having policies in place and having a culture where women feel free to use them are two different things. Unfortunately, most women lawyers are reluctant to take advantage of these options, out of fear that to do so will harm their careers. Only after some pathfinders demonstrate that taking advantage of available accommodations does not damage a lawyer's career will more women (and men) be willing to use them.

For women lawyers who may feel intimidated by the large-firm culture, and want to avoid billable hours altogether, there should also be other good options, like government or corporate practice. Women can also gain more freedom to make lifestyle choices by forming or joining small firms. This option is particularly attractive in Singapore, because smaller firms predominate.

Otherwise, women, more likely than men, will choose to leave the profession.

After leaving their professional careers to advance their domestic careers, the issue then facing many women lawyers becomes one of re-entering practice. It was with this in mind that during the presidency of the Law Society of Singapore's second woman president that the idea of a locum practice was mooted.

In her address at the Opening of the Legal Year in 2003,³⁸ Mrs Arfat Selvam, spoke of the Society's proposal to introduce a scheme that would allow lawyers to hold practising certificates without the need to be attached to any particular law practice. Lawyers holding such practising certificates will not be able to directly offer their services to clients, but they can be engaged by law firms or law corporations to do so. During such time they will act as members of their employer firm. One of the benefits of this scheme to the profession is that it will encourage part-timers to return to practice as:

There is a large pool of qualified lawyers who do not practise because they cannot go into full-time work (such as mothers with young children) or because they wish to have a less stressful lifestyle (such as senior experienced practitioners). These two groups of lawyers are among the many who may be encouraged to return to practice because the scheme would allow them flexibility to adjust their time according to their needs.

The necessary amendments to Singapore's Legal Profession Act have since been effected by parliament and lawyers as of 1 April 2005 have the option of a locum practice.³⁹

While the idea of a locum practice is a new one in Singapore, it is hoped that it will 'reactivate more women (and men) who had left the profession early in their

professional lives to return to active practice steadily over the successive decades.

So, there is good news, too. Women have more opportunities than ever before in the legal profession. As the number of women lawyers increases, women will undoubtedly influence the industry's culture toward better work-life balance.

Law firm culture, work-family balance issues, alternative work arrangements, and old-line perceptions combine to make advancement to partnership, general counsel, or even elected office more difficult for women. The demands of the economy tend to exacerbate the problems, because the focus on productivity (ie billable hours) becomes even more intense. So both male and female lawyers would benefit from addressing and making a sustained commitment to equal opportunity within the legal profession.

With dual income households practically a necessity these days, many male lawyers are facing the same work-life balance issues as women do. Male and female lawyers, who share a concern for creating an environment conducive to both productive work and time for family, surely will soon outnumber those who have climbed the ladder through the old structure. Equal opportunity will continue to increase, and higher morale and overall happiness of all attorneys will be the result.

It is still too early to know the full impact of gender equality. We do know women are a force in restoring balance to the lives of lawyers, male as well as female, and that is a welcome and needed influence.

Challenges Ahead and the Way Forward

With respect to gender bias, there still exists what Yale Professor Deborah Rhode calls the 'no problem' problem – the misperception that the 'women problem' has been solved.⁴⁰

People today believe that women are no longer discriminated against in the legal profession. The common assumption is that equality in the legal world has been achieved.

According to Rhode, this is hardly the case. There are many gender inequality issues in the legal profession that still need to be addressed. The real factors at the root of the problem include traditional stereotypes, lack of mentoring and inflexible workplaces. Traditional stereotypes still say that what is assertive in a man is abrasive in a woman. Women must walk a tightrope to avoid being considered too weak or too aggressive. Lack of mentoring is another factor. Too many women remain out of the loop because they do not have a role model to usher them into the legal world. Women would feel more comfortable adjusting to a firm if they could see that other women were accepted there. Plus, an

atmosphere that fairly represents both genders would allow women to feel more at liberty to ask questions and participate because there would be no need to prove anything or fear that they were constantly being judged.

The issue of workplace structures needs to be addressed. While many firms are awakening to the problem, they have yet to solve it. Many firms keep inhuman hours and, as a result, female lawyers are forced to choose between work and family. Today, lawyers are tied to the workplace via e-mail, faxes and mobile phones as if it were an all-consuming 24-hour commitment. Many women feel pressured into accepting this full-time commitment because any restriction on the hours will carry a permanent price. Men, too, fall victim to these unrealistic workplace schedules.

As can be seen, it has only been in the past decade that the Singapore government has ratified CEDAW and only in the turn of the century was a gender-bias reform effort initiated with legislative, judicial, administrative and other measures adopted by Singapore to give effect to the provisions of the CEDAW. But this must not be seen and accepted as having solved the problem.

The above figures show that while women are now graduating from law schools in equal or slightly greater numbers than men and while similar numbers of men and women are moving into legal practice, women are then leaving legal practice in far greater numbers in the first 12 years of practice.

Female lawyers appear to be promoted at a slower rate than their male colleagues and remain longer at the associate level and receive low levels of remuneration. Additionally, women are still relatively under represented in senior positions in the profession ie in partnerships, and as senior counsel, compared to the total composition of women in the legal profession. Such trends will have adverse consequences for clients, women lawyers and the legal profession, and in relation to the way law is practised, which include: lack of diversity in the profession; loss of talent; lack of role models for women lawyers; few women mentors; lack of critical mass of women necessary to make it easier for women in the lower ranks of the profession to change the legal corporate culture; and, the structuring of law firms and legal practice in a way that suits men rather than women.

The above results may be summarised by saying that despite the many advances made by women lawyers over the past decades, barriers to women's career progression still remain, particularly in the form of exclusionary practices, structures that impede work-life balance, and pay inequity.

Many women believe that an 'old boys club' still exists within the profession, and they feel excluded from commercial and social networks that are highly influential in furthering a legal career. Disproportionately, it is women who have

experienced the use of inappropriate language in the workplace, with harassment or bullying occurring at certain levels.

However, it must be emphasised that the greatest obstacle to women's career progression remains the difficulty of achieving work-life balance within the 'long hours' culture that both men and women overwhelmingly agree exists in the legal workplace. This culture impacts particularly upon women where men are not taking on an equal caring role.

It is therefore timely that professional law associations now be charged with the task to consider the impact of gender issues on the legal profession, and assess the status of women in the legal profession. It is also incumbent on them to identify barriers to advancement and to take preventive action to remedy the culture of discrimination experienced by women lawyers.

Responsibilities for furthering equality within legal practice also need to be borne by other bodies and institutions, including the government.

Accordingly, I now examine some recommendations aimed at women lawyers as individuals, the professional bodies and the university law schools, and also of the importance of further research. These recommendations seek to achieve gender equality in the law, both through countering specific instances of discrimination, but also through the development of comprehensive strategies at a broader level to address the structural obstacles that continue to prevent women from succeeding professionally.

An Agenda for Change

Women as individuals

On an individual level, women lawyers can help themselves by doing the following:

Actively participate in our professional bodies

Professional bodies are associations which afford women lawyers, judges and academics to network, which is crucial for system change. It is only as the number of women lawyers increases and more women step up and are elected to professional association office, that the opportunities for change will multiply.

Network with senior corporate women

Law firms need to reflect the clients they serve. As the number of women in senior level positions in the corporate world rises, law firms will need to retain and promote women to remain economically viable. Networking with women in senior level corporate positions will also facilitate change. When women in powerful corporate positions demand representation by women in law firms, change will become necessary.

Advocate for change

Just as women lawyers, academics, politicians and activists have led the way in establishing redress for domestic violence, and continue to lobby against discriminatory policies, women lawyers and judges can work together to reform the practice of law itself. If women choose to work at only those firms that strive to eliminate inequality, then perhaps other firms will get the message. Ultimately, the refusal of women to accept inequality will be the most persuasive factor in eliminating the 'no problem' problem.

Professional bodies

To achieve equality, institutional commitment is also required. While women have adapted to professional roles, the professions have not entirely adapted to the presence of women. Individual women can be agents of change, but collective responses are also required, and it is time for a commitment to institutional change. Such change requires leadership, in order to build a moral and pragmatic case for gender equality, and to translate this case into reality. Equality commitments and goals must be clearly spelt out and transparent. Only then can professional bodies and employers be held accountable.

We must also recognise that there are limitations faced by individual enforcement. We must therefore have a comprehensive range of strategies in order to make policies effective and achieve goals. The view expressed by the government has been that any woman who is of the view that she is subjected to unequal treatment in legislation and/or unequal treatment in executive decisions can bring the matter before the courts.⁴¹ However, as well as traditional judicial enforcement of individual rights, other regulatory tools should also be employed (including education and training; voluntary codes; equality auditing; and economic incentives).

Professional bodies should bear greater responsibility, on behalf of their increasingly female membership, to ensure gender equality. In particular, the existence of gender discrimination within the legal profession must be acknowledged. The adoption of an Equality Statement and/or Code, to be incorporated into our rules of professional conduct, governing relations among members as well as between members and third parties, should be considered.

Professional associations should consider the drafting of model policies and protocols for law firms and lawyer-employers to adopt, addressing in particular: (a) harassment and bullying; (b) work-life balance and the long hours culture; (c) pay equity; and (d) gender-sensitive evaluation methods and promotion criteria. Women should be encouraged to run for election to the governing body of professional organisations. Women lawyers' groups and networking on gender issues should be actively encouraged by professional bodies. Disparities in pay and retirement arrangements between women and men, and the lack of transparency around pay levels, need to be addressed.

Professional bodies should conduct equality audits on earnings to ascertain the true extent of the gender pay gap, and seek to remedy it. The use of inappropriate and/or sexist comments in the legal workplace need to be challenged through the provision of information on and training in appropriate language use and language sensitivity.

Finally, professional bodies need to take responsibility for monitoring our membership according to gender. Data must be kept on applications for membership, entrants to the professions, career progression, and attrition rates.

Work-life balance

Barriers to women's career progression will remain as long as work-life balance is seen as solely a 'women's issue'. Instead, any effort towards introducing reforms in this area should be based on the premise that any flexible working arrangements introduced to foster such balance should be strictly gender neutral, available on the same conditions (in policy and in practice) to men and women. In this regard, the recently introduced locum scheme by the Law Society of Singapore is a welcome move.

Professional bodies should adopt policies on work-life balance, and encourage employers to be more flexible in accommodating and facilitating working off-site from home, reduced hours and other flexible working arrangements. A policy providing for cover (preferably through the appointment of a locum or substitute) for both men and women, who wish or need to take leave from work, should be developed. Parental and work-life balance policies should be publicised by professional bodies and employers to ensure a greater level of awareness about entitlements. Employees should not suffer disadvantage to their careers in taking statutory maternity leave, other forms of leave or reduced hours arrangements.

Legal education

In the field of legal education, gender issues should be mainstreamed through their inclusion on the curriculum and incorporation into law teaching generally. Ideally, a structured career guidance programme should be introduced at the post-graduate training stage to assist students setting out on legal practice in order to reduce gender segregation in choice of specialisation, and to address gendered career paths in the longer term. Networks should also be developed between generations of women lawyers, to provide role models, mentoring and support to students embarking upon a legal career.

Law firms

Law firms and lawyer-employers should adopt a statement/code on equality, and one against harassment and bullying, including reference to relevant procedures and monitoring practices. Firms and employers should make clear through codes, training and practices that the use of inappropriate language is not acceptable in the workplace, and that lawyers should not be assigned inappropriate tasks or be victimised for unwillingness to perform such tasks. The career ladder or glass

ceiling widely evident in law firms needs to be restructured to facilitate reduced working time arrangements and leave, and to ensure that uptake does not impact adversely upon a lawyer's career.

Parental leave and flexible working arrangements should be made available to all lawyers, men as well as women, and men should be encouraged to take up leave and flexi-time options, to end the double standard where such arrangements are seen as available only to women.

Practical assistance by large law firms in the provision of childcare support or facilities should be considered. Support staff and locum cover should be provided where necessary to ease the pressures of the 'long hours' culture upon employees. Greater transparency and objectivity in the partnership selection process should be introduced. All processes by which solicitors become partner should be based on objective criteria relating to merit. The introduction of structured role model or mentoring systems by firms could encourage women's progression to partnership.

Further Research

It is the intention of this paper more to raise issues than provide answers, some of which inevitably require further research and analysis before more substantive recommendations may be made. More research is needed into the histories of the 'pioneers' and the early women lawyers who paved the way for future generations, apart from just knowledge of their existence as a statistic.

Professional bodies should institute further research into the extent of gender disparity in lawyers' pay. Longitudinal research, based on actual cohort studies, is needed to provide a fuller picture than what can emerge from a questionnaire survey or statistics, as to disparity in the career progression of women compared with men. Where particular problems or issues are identified through monitoring data on a gendered basis, professional bodies should sponsor further research into potential gender differences in legal practice and develop strategies to tackle them.

Conclusion

This general study of women in the law in Singapore shows that the legal landscape is changing. If current trends in law school graduands continue, women's representation in the profession should equal men's in the foreseeable future. Already, women's advancement in law school enrolment, in active practice and in law-related leadership positions are cause for great optimism and celebration.

Whether equal numbers alone will be enough to bring on equal opportunities remain to be seen. Much will depend on the profession's willingness to address gender issues and break down barriers that persist.

Women in the law should seize the opportunities presented to them, so that there is reason to anticipate that soon, we may not need to pose the question of whether gender matters in the legal profession.

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Endnotes

- 1 Article 12, The Constitution of Singapore.
- 2 Singapore's Initial Report to the UN Committee for CEDAW (2000), Ministry of Community Development, pp i–iii.
- 3 Articles 2 and 16 concern the modification or abolition of laws and customs that discriminate against women. Article 9 concerns equal rights with respect to nationality. Article 11 refers to the elimination of discrimination against women in the field of employment, and art 29(2) requires States parties to submit to arbitration any unsettled dispute concerning the interpretation of the Convention.
- 4 Singapore's Third Periodic Report to the UN Committee for CEDAW (2004), Ministry of Community Development Youth and Sports, pp i–iii.
- 5 Statistics on male and female graduates from session 1960/61 to 2003/04, courtesy of National University of Singapore, Faculty of Law.
- 6 Kevin Tan, ed, *Change and Continuity: 40 years of the Law Faculty* (1999), p 39.
- 7 Statistics on Female Practitioners as at 22 February 2005, The Law Society of Singapore.
- 8 Ms Lai Siu Chiu was appointed Judicial Commissioner on 2 May 1991 and Justice of the Supreme Court on 2 May 1994; Mrs Judith Prakash was appointed Judicial Commissioner on 1 April 1992 and Justice of the Supreme Court on 1

April 1995; Ms Belinda Ang was appointed Senior Counsel in 1998, Judicial Commissioner on 1 February 2002 and Justice of the Supreme Court on 2 January 2003.

9

Gender Statistics: Women in power and decision-making; Number and proportion of judges by gender (Subordinate Courts).

10 Supra note 4, para 7.5.

11 Mrs Koh was Principal District Judge, Family and Juvenile Justice Division until her appointment as Registrar.

12 Dr Thio Su Mien graduated in 1961; joined the Faculty's teaching staff in 1962, was appointed Vice Dean in July 1968 and appointed Dean at the end 1968. She remained Dean until 1971 when she left for private practice.

13 Associate Professor Tan Sook Yee (1981 to 1987).

14 This excludes adjunct lecturers and the teaching staff of the Legal Writing Department

15 Supra note 5.

16 Belinda Ang Saw Ean (1998), Engelin Teh Guek Ngor (1998), Molly Lim Kheng Yan (1998), Deborah Barker (2001), and Indranee Thurai Rajah (2003).

17 Ms Phyllis PL Tan (1979).

18 Mrs Arfat Selvam (2003).

19 Supra note 4, at p 7.

20 Mrs Lim Hwee Hua, Mrs Yu-Foo Yee Shoon, and Dr Amy Khor, respectively.

21 The Law Society of Singapore has only in recent years started keeping statistics based on gender. The Singapore's Ministry of Community Development and Youth and Sports provides gender statistics to provide an overview of the status and progress of Singapore women, vis-à-vis the areas of concern of the Beijing POA. In the area of Women and Decision-making, these include statistics on women in parliament and the judiciary.

22 Statistics on Female Practitioners as at 22 February 2005, The Law Society of Singapore.

23 Wong and Leong, eds, *Singapore Women: Three Decadaes of Change* (1993) p 276.

24 *Supra*, note 22.

25 *Supra*, note 22.

26 *Supra*, note 22, although it should be noted that the available statistics from the Law Society only captures the data from legal officers who hold a practicing certificate.

27 *Supra* note 5

28 Lee, Campbell and Chia, *The Three Paradoxes: Working Women in Singapore* (1999).

29 As a matter of interest, when it comes to lawyers leaving the profession, the September 2004 statistics of the Law Society of Singapore showed an almost equal percentage of men (51 percent) and women (49 percent) not having renewed their practicing certificates for the past year.

30 *Supra* note 22.

31 *Supra* note 22.

32 Statistics on Male and Female Practitioners who did not renew PCs as at 30 September 2004, The Law Society of Singapore.

33 Save in that there are employers known to offer male graduands from the same cohort a slightly higher starting salary to compensate them for having taken two years' off to serve National Service before entering law school.

34 *Supra* note 4, pp 115 & 125.

35 *Supra* note 4, p 54.

36 *Supra* note 4, p 55.

37 *Supra* note 22.

38 Opening of Legal Year 2003, Speech of the President of the Law Society of Singapore, *Singapore Law Gazette*, January 2003.

39 President's Message 'Locums at Last'; 'The Launch of the Locum Solicitor Scheme', *Singapore Law Gazette*, March 2005

Deborah Rhode, 'Gender and the Profession: The No Problem Problem' (2002) 30 Hofstra Law Review 1001 (2002). See also Deborah Rhode 'Equal Justice Under Law: Connecting Principle to Practice' (2003) 12 Washington University Journal of Law and Policy 47 (2003).

41 Supra, note 4, p 14, para 2.7.