

Feminization of Advocacy and Ascension of Women in Law Brazilian Offices

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Submission: September 04, 2024 ; **Published:** September 12, 2024

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Abstract

The article provides on the internationalization and feminization of advocacy, which in Brazil took place simultaneously to the stratification of the profession. The massive entry of women in advocacy failed to reverse the male logic with which it was built, in the early twentieth century, with women concentrated in the early stages of career. The research presented investigated the main obstacles and the strategies used by women to ascend professionally in ten of the twenty largest law offices in the city of São Paulo.

Keywords: Feminization; Women in Advocacy; Attorney Training Program (ATP); Culture of accountability; Maternity Leave

Introduction

Private advocacy has basically been carried out in Brazil in three ways: a) one or a few lawyers, in a modest office, serving clients who need, usually individuals in small lawsuits, such as divorce, eviction, small amounts labor claims, among others; b) some lawyers gathered in slightly larger offices, specialized in a particular area(s) of Law, most often headed by a great jurist, well-known: These are called “boutique law offices” and they are often hired including by other offices, to prepare opinions in the area of their specialty; c) in medium or large offices - often quite large, with hundreds of lawyers and several units in the country and even abroad - structured in the law firm format, turning to service exclusively companies, in general foreign or multinationals, in its several legal issues in the country [1]. Law firms have mushroomed all over the world, mainly from the 1990s, with globalization of the economy, which led to the spread of a global form of provision of legal services and constituting an important part of the private advocacy market in Brazil, where, according to the Brazilian Bar Association (OAB), there are about 35 thousand of these offices - and only in the State of São Paulo, more than 15 thousand [2].

Some of these law firms are classified as the largest in the state and even nationally, by rankings that in the last decades, seek to stratify the advocacy, using as main criteria the number of lawyers who are part of the law firms, the revenues obtained and recognition among the pairs. There is in this advocacy model, the practice to rank the law offices and a real struggle to occupy

the first places in the rankings in the several areas. This article is a result of Postdoctoral research referred to as “WOMEN IN ADVOCACY: career male patterns or glass ceiling”, performed by the Superintendency of Education and Research of the Carlos Chagas Foundation in São Paulo, during the year 2015 under the supervision of Doctor Professor Maria Rosa Lombardi. Qualitative research conducted for this purpose was applied in 10 of the largest full service [3] lawyers’ firm of the São Paulo capital, according to the major international ranking Chambers and Partners [4], 2014 edition. Semi-structured interviews were applied to 32 lawyers of these 10 offices, of both genders in order to understand the functioning of these law firms and how the professional growth in these offices takes place.

Internationalized and Feminized Advocacy

In the second half of the twentieth century, women began to be increasingly present in higher professions once considered “male bastions”, evidencing the occurrence of situations before unthought in professional practice [5]. Simultaneously, the advocacy has undergone substantial changes, being no longer exercised almost exclusively by lawyers alone or associated with a few colleagues, serving those who seek them, in various legal issues, from evictions to divorces. During the last decades of the twentieth century occurred in almost all over the globe the phenomenon referred herein of the Advocacy Internationalization, marked by the emergence of large Law Firms to meet foreign

corporations in their legal issues from different orders, adopting an international standard in provision of services linked to performance and management.

In Brazil, the Advocacy Internationalization was a business strategy of an elite of this traditional profession, which until the 1990s was mainly carried out by self-employed professionals in small and medium-sized offices. At that time, there was a boom of private law courses, with considerable increase in female participation, in addition to increasing specialization, especially

in business areas as a response to the many privatizations and outsourcing carried out by the government. These privatizations were responsible for closing legal departments of companies, which have to hire offices to carry out these services [6]. The table below shows the growth in the number of professionals from both genders enrolled in São Paulo Section of OAB - Brazilian Bar Association from the 1930s, allowing to check both the proliferation of these professionals, as the process of feminization of the profession through the decades (Table 1).

Table 1.

OAB-SP Total of enrolled per Decades and Gender		
Decade	Male	Female
30	376	3
40	895	28
50	2055	177
60	6419	1289
70	19919	6724
80	25708	16769
90	37153	33173
2000	61475	65573
2010	25903	27826

Source: Press Office OAB-SP, 2014.

As can be seen, there was a significant numerical growth of women entering the table of enrolled in OAB-SP, which also occurred in other Sections of the entity. This quantitative increase, however, should not let us lose sight of the fact that the processes of feminization of professions also involve quantitative components, major changes in the labor market and in the exercise of professions [7]. Often the entry of women in a professional field is accompanied by a process of closure, consisting of “maintaining the monopoly of certain skills by some social actors”. The process of “closing” in large offices translates into hierarchical structure and increasing sexual division of labor [8].

According to Bonelli, the feminization of advocacy is simultaneous to a stratification of the profession, where “the intensification of the social division of labor was accompanied by the sexual division of labor” [9]. Thus, the logic that has marked the feminization of the profession is in line with the very object of investigation in this research, it would have guaranteed an army of labor reserve, subject to inferior working conditions [10].

During the 1990s, the neoliberal ideology has produced strong impact on the world of work. With regard to advocacy, traditional offices, which had as main characteristics the independence and personality in the relationship with clients, gave way to law firms, acting through governance based on business principles. These societies, zealous of their “brand” and acting in all areas of business

law, are able to provide legal advice to foreign clients in the same way of the offices of the host countries of the corporations that seek them.

Among the strategies used by major law offices for its internationalization are the participation of international office networks, association with foreign offices, the training of Brazilian lawyers in large law firms and the international “ranking” of offices. The Provision No. 91/2000, of the Federal Council of the Brazilian Bar Association, establishes restrictions on office association of Brazilian advocacy with foreign board, with foreign professional accredited to operate abroad forbidden to provide legal services in Brazil, unless that is authorized by OAB to exercise consultant activity in foreign law corresponding to their country or state of origin, which does not cover the exercise of the lawyer profession and advice or consultancy in Brazilian law. Nevertheless, in this research we observed that occurs effective cooperation between domestic and foreign law offices.

All these Law Firms participate in international networks - and even global - of offices, such as Lex Mundi, Interlex, *Clube de Abogados*, the World Law Group and Terralex, since, in most cases, turn to mainly meet foreign or multinational companies operating in the Brazilian market [11]. These networks annually publish a guide that allows its members (and clients) quick access to contacts of offices and its professionals worldwide, pointing to

an international standard in the advocacy practice. Lawyers are encouraged to perform LLM (Master of Laws) in some foreign countries and work or interning in foreign offices - a practice called Attorney Training Program (ATP), while it lasts the course. Many offices finance the LLM and mediate placing his/her lawyer in the partner office abroad, which serves more than to learning of foreign law, to the adaptation of the lawyer to the management model of advocacy, and especially to establishment of a network of contacts and future clients abroad.

In face of the marketing prohibition for lawyers from the Brazilian Bar Association, the advocacy market uses rankings, pointing to the professionals it stands out. The Chambers and Partners [12] was the ranking used for the delimitation of the field of this research, in the face of being recognized accepted, globally, for having a large number of professionals interviewing during the whole year, companies, clients and offices in order to classify them. It is an advocacy marked by performativity and managerialism. According to Ball, performativity is the construction of indicators to classify and evaluate, differentiating the professionals in terms of results. "Managerialism searches to instill performativity in the worker's soul" [13]. These are the main aspects of the advocacy model that has spread in Brazil from the second half of the twentieth century, having been established in the 1990s, whose structuring of career was researched by us.

The Careers in Lawyers' Firms

Most of these firms do not work with lawyers employed under the regime of the Consolidation of Labor Laws (CLT), but with professionals hired as Associates. Associate Lawyers, in most of the researched Law Firms, are those who perform their professional activity without employment, getting a certain percentage of the fees paid in cases in which they participate. Although integrate the Law Firm, would maintain certain autonomy, being governed by a specific contract, approved by the Commission of the Law Firms of the respective Section of OAB [14].

The figure of Associate is one of the most lend themselves to fraud, since they tend to meet the requirements established by the Consolidation of Labor Laws (CLT) to set someone as an employee: be an individual entity, providing services to others, with regularity, personhood, subordination and remuneration. As Associates, they are not entitled to the labor rights contained in the Constitution of 1988 and the legislation itself, including the limitation of working hours and the right to overtime, when it is exceeded. On the other hand, would not be so burdened by the IRS, considering that Complementary Law No. 147/2014 included Lawyers in the National Simplified Taxation System. That law, which expanded the cast of economic activities benefited by the National Simplified Taxation System is a subject of the Direct Action of Unconstitutionality 5216, proposed by Febrafite - Brazilian Federation of State Taxes Fiscal Associations, before the STF - Federal Supreme Court, still not appreciated [15].

While the decision of the SUPREME COURT is not issued, the Associate Lawyer is considered a mandatory individual insured of the Social Security and shall contribute with 20%, when providing services to an individual entity. However, Law Firms exercise corporate advocacy and Lawyers providing services to legal entities, contribute with the percentage of 11%. Thus, most professionals hired as Associates considers advantageous hiring as Associates - and many of those who don't think so stop judge labor complaint pleading the employment relationship after they have their contracts terminated, due to fear of falling into a kind of "black list" of the major offices and be unable to return to this labor market. These law firms often prefer to hire young Law students as Interns, and expect some of them to develop their careers within the Office, system referred to as "organic growth", which usually ensure that the professional learns how to operate Law and, especially, the organizational culture.

Some of these offices use the system up or out, which means that the professionals who are not ascend to partners, after a certain number of performance evaluations, shall be automatically terminated. The career suffers some variations, from one law firm to another, but, in general, involves three levels - Junior, Senior and Full Lawyer -, each with several sublevels (I, II, III ...), before professional get to the top of the career: the Law Firm. The Partner condition of a large office is the largest indicative of the success of a professional of advocacy.

The Partner participates in the property of the company and oversees the work of other lawyers, receiving a percentage of the profits of the office. In addition, in this new model of advocacy exercise, the Partner exercises an activity more managerial than technical-legal itself. Both the operation, as the system of career structuring of these law firms have been inspired by what is practiced in England and United States, having been the model transplanted to Brazil along with companies, mostly North-American, to whom these offices provide services.

Below, an explanatory table of each of the offices researched, as regards labor strategy and percentage of women as Associates or Employees, as well as Partners: (Table 2)

From the table above it remained evident the disproportion between the large percentages of women lawyers in the base and percentages well more modest of female professionals in the top of the career, where, only in Offices I and J, there has equitable percentages of men and women in the condition of partners, whose reasons shall be examined below. However, this does not seem to refute the hypothesis that there is a glass ceiling to prevent much of the women lawyers rise in these offices, which we shall examine from now on.

Women Lawyers and The Glass Ceiling

The literature, mainly foreign, is abundant in dealing invisible barriers (hence the metaphor "of glass") that the members of some groups considered as minority, such as women and blacks,

face to ascend in the organizational structures, a phenomenon usually referred to as vertical segregation [16]. It was attributed to the scarce female presence in the summits of the companies, the existence of a glass roof (or ceiling), which would prevent women to overcome determined level of the organizational hierarchy. This

phenomenon is also checked in law firms. Men become partners of these offices more often than women, and those who ascend to the top of these organizations still are few and regarded as “exceptional” [17].

Table 2.

Identification of the Office in Research	Labor Strategy	Percentage of Associate Lawyers or Employees	Percentage of Partners
Office A	Lawyers are employees	61% are women	32% are women
Office B	Lawyers are employees	About 50% are women	The partners women are 12.8%
Office C	Lawyers are Associates	As Senior Lawyers, at level 4, they are 50% women and at level 3, totaled 61.7%. Among the Juniors, 58.9%	On December 2014, 37.5% of the partners were women
Office D	Lawyers are employees	Women are 40% of the Lawyers in São Paulo/SP. In Brazil, 41.6%	25% of Partners are women
Office E	Lawyers are employees	55% are women	37% of Partners are women
Office F	Lawyers are Associates	Women were 64% of Lawyers of the Office (National figures, it did not disclose specific numbers related to SP)	Women were 32.8% of the Partners (National figures, it did not disclose specific numbers)
Office G	Lawyers are employees	Women are 54% of the Lawyers	25% of Partners
Office H	Lawyers are Associates	42% is the percentage of Lawyers (national) and 44.8%, the percentage of Lawyers for São Paulo	20% is the percentage of Partners (national) and 21%, the percentage of Partners for São Paulo
Office I	Lawyers are Associates	Women are about 50% of Professionals, Both in level Brazil as in São Paulo	The percentage of partners women in Brazil is 47.91%, and in São Paulo is 50%.
Office J	Lawyers are Associates	58% of Associates are women	54.5% of Partners are women

Consider as “exceptional”, women who ascend or stand out in their respective areas of expertise strengthens the rule of inferiority of “ordinary” women. Women who manage to cross the glass ceiling - “exceptional” women - tend to incorporate the male model, denying their belonging to the female gender [18], evidencing a dialectic relationship between the adoption of male model and professional success. The incorporation of women to the labor market spaces, previously dominated by men, has occurred to subvert the male logic with that such spaces were built. Many women, aiming to be accepted, assimilate the male pattern, not always intentionally, but even by the absence of female models to mirror themselves.

According to Wajcman, the incorporation of the male model would position woman as if she were “out of place” and the construction of the idea that the woman is different from man who has been one of the mechanisms used for the maintenance of the male power in workplaces [19]. This domination is reproduced,

both in the material scope as in the symbolic one. Relationships are completely impregnated of the gender identity of the one who exercises power in the spaces. This is evidenced, for example, in clothing worn by Women Lawyers, who prioritize little suits and tailleurs, inspired in male clothing. Gherardi and Poggio argue that gender asymmetries are constantly produced and reproduced in organizations, through cultural and symbolic practices continuously used, responsible to keep women “in their place”, perpetuating a dichotomous order in which men and women are considered opposites and in which to them are assigned different behaviors and ways of thinking.

The Feminization of the Advocacy and the reproduction of a hierarchical order have not gone unnoticed in interviews performed, having appeared mainly in the lines of the women lawyers. It was the case of E23, a Partner, with 46 years of age and there are 26 years working in the Office G:

E23: At the beginning of career, without a doubt, most are women lawyers. But I don't look at the beginning of career. My focus today is the end of career. It is useless to have 50% girls, 50% boys in the base, or 60% girls and 40% boys in the base, if I look to the law firm and no matter how hard I have advanced I have 25% of women partners. 75% of men. What is happening in the middle of the road? To the extent that evolves in career, that gets very close to the law firm and I was talking [about it] at lunch today. My partner said: "- I do not see any difference between man and woman. I think it has no prejudice, I think that does not have it...". I said: "- The question is no longer this one". I don't think woman is suffering prejudice and having opportunities denied. She's being dwarfed. That is not the question. The question is to know why this woman who arrives in the top, not makes the choice? She chooses to leave. What we are doing wrong that we are not allowing [that she chooses to stay]... She can leave the office for a job with more routine; work in a company. Working on a smaller structure where she will have more flexibility to work. She can go home, wait a little for kids grow up...

The Partner shows, in the excerpt from her interview transcribed, that the feminization of advocacy not translated into equal opportunities for professional growth in Law Firms for men and women, highlighting a point that appeared in all the interviews conducted in this research: the incompatibility between the routine of work carried out in offices and domestic demands placed on women, especially those related to children. The evasion of Full and Senior Women Lawyers highlighted as a problem largely due to interviews conducted with lawyers from both genders, related directly with motherhood [20], and also with the fact that these women don't believe they have a good chance to ascend in these Law Firms, what comes to the meeting of the results of research conducted by Walsh in England. The author interviewed 384 Women Lawyers, aiming to investigate the ambition to become partners of the offices in which they worked, having found that, even among women focused on work, one third of them had small children and experienced significant tension between family life and professional life.

Several of women lawyers heard in this research mentioned the low expectation to reach a position of Partner, linking to that reports about women who come out of their Offices to work in the Legal Department of the company, in which there is a regular schedule of work, facilitating the conciliation between work and family. On the other hand, among men at the beginning of their careers researched, only E20, a Junior Lawyer of 28 years, stated to have "low expectation" to become a Partner. It is therefore important to investigate to what extent remained the sexual division of labor for these women lawyers and if these law firms and women lawyers themselves consider motherhood and career as incompatible.

Even The Sexual Division of Labor?

Laís Abramo demonstrated that prevails in Brazilian society the conception that women would constitute a secondary labor force, being "specialized" in housework, unpaid and invisible, which justifies that they keep getting lower wages in the labor market and remain responsible for most of the activities carried out domestically, having a short time for qualification, rest and recreation.

In the interviews conducted, the male participation in the domestic activities was informed repeatedly as "aid", transpiring that the understanding of the majority of the interviewed ones, from both genders, of those activities still fit to the women. Although some Women Lawyers have described their working routine as more demanding than from the husband, these women are still assuming positions such as from E30, Partner of 41 years of the Office I, when describing the moments in which she gets more overloaded:

E30: If you are away, you can't do... The children feel, with certainty. Because I still think as much as the husband "helps a lot" and my husband helps a lot, they miss it. So, for example, yesterday he arrived earlier than me, my son was there, sick and he runs out of patience after a while. He handles there, see if gives a remedy, but then becomes: "-Do you not come here? Because I don't know what..." And I hear the boy wailing in the back. I dropped everything and went.

The importance that the care with children takes over for the majority of working women - and it's no different for the Women Lawyers - causes, many times, they are considered "less committed" than the male counterparts with respect to productive work, which has provided justification for the non-professional rise of women with family responsibilities. Wallace points out that the time spent in the workplace has been understood by others as an indicator of commitment, but draws attention to the fact that working long hours means not being productive, and this criterion may be questioned.

Study carried through by Dedecca et al., from Pnad - National Research for Sample of Domiciles, on the use of the time for men and women in Brazil, showed that the women are penalized by its condition of main responsible for the tasks of the reproductive world, what causes them 18 hours on average more than the work per week (considering the total of hours dedicated to the productive and reproductive work). However, the more favorable for their occupational insertion, the greater the possibility of recourse to the hiring of domestic servants, prioritizing the working hours of the market, which enables them to work more hours, fulfilling working hours closer to men with regard to their duration. Still, women shall continue dedicating more hours to reproductive work than men. In this way, the time dedicated by

women to reproductive work is important because of its more precarious insertion in the labor market.

Wallace suggests a change in the criteria to measure commitment, so that the permanence of the Women Lawyers in the Offices, after having children, knowing that they will be subject to juggles from all the luck to conciliate professional schedule with family demands, turns to a big indicative of professional commitment. Gherardi and Poggio develop the same line of reasoning, by defending the replacement of a “culture of presence” for a “culture of accountability”, considering necessary a debate on broader level that takes into account, in the labor policies and organizational strategies, a substantial equality inside and outside the workplace.

In this research, as already expected, all the managers heard had been emphatical in denying that it has any form of discrimination in relation to gender and the familiar condition in the researched offices, however almost all the women lawyers had recognized the existence of this inequality of treatment and in attributing it to motherhood. However, few have been as blunt as E9, a Junior Women Lawyer with 25 years, unmarried and childless.

E9: For them, woman is such as a time bomb, they look and speak: “-Oh, she goes to marry in a little while”, “- Oh, she goes to have a baby”. It’s funny. In my teenage years, in College, we always heard the stories of male chauvinism, of this, that. I thought it was all theory, which people were exaggerated. I was innocent. Today I know completely what is male chauvinism, this difference of career that you hear to say of woman and man, you always find that is a very theoretical thing that you never go to live in the practical one, but today I know accurately what it is in the practical one, I know that differences exist and they prefer the profile of people who are willing to dedicate themselves exclusively to that.

When the young women lawyer claims that managers prefer the profile of people who are willing to dedicate themselves exclusively to the Office, suggests that the Offices prefer to hire male professionals, or even women adapted to a male career profile (without family demands, or because they chose not to marry and/or have children or because has delegated children creation to other women, the most found in the accounts the grandparents of children and domestic servants).

The Maternity Leave as Prejudice to the Career of Women Lawyers

The problems of the women lawyers start already during maternity leave, whose impact on the career of these women is very relevant. We find reports, in interviews conducted, about the Women Lawyer’s concern with the possibility that your place is “filled” by the team and that she is no longer required (E2 and E3, for example), that the license is “a cost for the Office” (E12)

and even the clearance period is included in the calculation of professional productivity (E9):

E9: How has annually evaluation, at the end of pregnancy you won’t be working as a person that is not pregnant, and then you will come out, be several months off and when you come back, depending on the time of year you come back, sometimes you don’t get the promotion, because if you come back in October and the promotion is in November and that year you stayed several months out, then your billing... Anyway, a lot depends on team to team, because in theory it will assess how long she worked, the previous time up, because she knows that this person just hasn’t had this productivity because she wasn’t working, but what happens to many is that you back and is not promoted, and there if you stay two years without be promoted you automatically comes out” (emphasis added).

Reports of women lawyers about having worked during the maternity leave (and even on medical leave) were also common:

E17: I was away 4 months, but I was away [only] physically from the office, because I worked always at a distance, because I had some help. I had a nanny at home, I managed to hire a nanny. She helped me with children and I worked. That I did. So, the Office H, as it is a system of a quota in the contract, since I entered I knew that, in the period in which I was having a baby, I would not get anything at all. But the attraction of depend on what I actually could charge to the client and the client pays, and the flexibility that was proposed to me here, made me took the decision to leave a place that was CLT, because I was in the Office A, and come here. As I already knew that I would have a prejudice in time for the kids, I’ve programmed. And I worked hard from home.

Speech transcribed above, from women Lawyer E17, underscores the issue of flexibility, strongly linked to the work of the woman that must conciliate domestic demands with professional life.

Flexibility, Home Office and Part-Time Work

Work at home office could be an alternative to the women lawyers with family responsibilities, however, in this research, that possibility appeared very exceptionally and still liable to cause professional damages to the women lawyer that use it, as can be seen from the statement of E2, 37 years, divorced and childless, Senior Associate in the Office B:

E2: We have possibility of remote work. It’s not going to happen as a rule, but it does help a lot of women who have to leave, take her son at school, put the child to sleep and get back to work after. This happens a lot. But a lot of things can happen in the Office, especially in Business [Law] in the afternoon, in the night... Suddenly, the person [Partner] will talk with you and you’re not there. The more you’re online, another Associate is there, passes [the cause] for him. It’s a question of visibility...

Only exceptionally, in two cases, in this research, the working at distance was mentioned as a successful experience and quite important to made available women's work. The first example is that of E4, 36 years and 2 children, which keeps a completely atypical work regime with the Office D, in which she was authorized to work in home office two days a week, after the birth of her second child, due to reside about 100km from São Paulo. Regardless, or maybe exactly because of it (because feel immense gratitude to the Office, something that always appears in your lines) – your productivity is one of the largest in the Office D. Her regime of work is only in the Office, was established in those terms at her request, but the Office D proved since the beginning of this research, differentiated from others: has many academics, values training of professionals, does not accept as natural the working hours that extend into the night long [21].

Another successful case of home office is the Office J, which shows great concern with the productivity of their lawyers. E30, a Partner of 41 years, mother of two sons, noted:

E30: Home office, I wouldn't say. But we have a flexibility of schedule. Even because if you work in the scheme that we work, direct, weekend, holiday, Christmas, New Year, dawn.... So, Oh, it is not possible that you have to arrive 9.00 a.m.. Do you understand? The logic is more or less this way. And you have a goal to meet, fulfilling, it doesn't matter where you are, is it not? (our emphasis).

In these cases, the flexibility allows the work to invade your life, every moment [22]. The technological innovations of recent decades exercised a strong impact on the work of these lawyers, which are permanently at the disposal of clients, mostly foreigners and often in countries with large time difference with respect to Brazil. However, despite the large investment made by the big offices in technology, the working at distance is not yet considered, as a rule, as a full work. The same can be said of a part-time work. Although sometimes formally exists the possibility of the workers choose to work with a reduced working hours, this possibility has just not being used, because of the loss that usually lead to careers, because it seems like a lack of commitment. Wallace, in his research, heard workers that, by working on a part-time basis, felt became invisible in the Office. Thus, "working part time does not always mean working the shortest hours, but often translates into career stigma and penalties [23]" (free translation by the author) [24].

It was no different what we found: few times in which appeared the possibility of a women lawyer, after maternity leave, choose to work on a part-time basis (Offices C and E), it was observed that these women would be automatically excluded in a dispute over promotion. The Partner E5, from Office E, stated that the Office is still treating with equality the women lawyer who chose to work on a part-time basis, but added: "We do not only provide great projects to be lead, by her, because she does not have this

availability", what it means that this professional will have her career parked.

These policies are often adopted by pressures of foreign companies with which the Offices doing business, as Partner E28 observation: "Nowadays, there is foreign client that makes compliance research, there are foreign client who sees how the Office deals with social responsibility, how do it deals with gender..." Thus, many times, even so exist formalized politics of conciliation between the work and familiar life, they match with the culture of the office, which can, for example, value long working hours developed in its premises. And this is not a solely Brazilian issue, because the foreign literature is rich in reports that conciliation policies between work and family produce this type of prejudice to career of women who use them, regardless of whether, in theory, a right.

Outsourcing The Creation of Children

As seen, the feminization of advocacy and massive entry of women lawyers in large companies did not alter the sexual division of labor: they are still responsible for most of the work done in the household, especially the care of the children. Maria Fernanda Diogo and Maria Chalfin Coutinho distinguish two forms of constitution of the difference: the difference as domination and as right. The difference is used to domination when reproduces inequalities, which must be rejected. It should be used as right: recognized as the intrinsic pluralism to democratic societies. In the face of reiterated incompatibility between family and professional demands, domestic activities delegation appeared in interviews as the primary resource used by women lawyers to facilitate this conciliation.

Replied E10, the Founding Partner of Office G, retired today, 75 years, when asked about what he believes is important for a woman to be able to dedicate herself fully to the advocacy:

E10: Need to have a mounted structure, which is expensive. Need to have a really good nanny. Need to have a very good chauffeur. And don't let the education of the child is given by the nanny and the chauffeur (laughs). Especially when it's tiny. So, it's a reality of life.

From the same generation, E26, a Partner with 71 years of Office B, also retired, reported what enabled her to exercise the law activity:

E26: I had just an advantage, it was not exactly an advantage, but, anyway, it was a differential: my two sisters lived in the houses next door and also had children. So, it was a mixture of son on one side, son on another side. Helped a little. Go at the pool of one, go to play with each other. Sometimes, I often look back and wonder: "-How did I do this?" I don't know how I did. We went doing schemas. Nor had so much nanny at that time. Today everybody has a nanny, nurse, even the devil. I had a couple that

was living in my house, who had worked with my mom before. More or less such as homemade. Sometimes, I often look back and wonder: “-How did I do this?” I don’t know how I did. The Office had other branches, I traveled all the time. The gym to do these trips and still be home, I cannot tell you. But, it’s all right, it’s over, it’s over. I survived and I’m here.

The Women Lawyer, who arrived at the top of one of the biggest offices of the São Paulo capital, tells that, to have professional success, she had to make choices. The professional growth, according to the Partner, led to the breakup of her marriage, as the following transcript excerpt:

E26: I had to make many choices in life, because you end up choosing. The marriage failed because of that. He looked like he was willing [to accept my job], when he got married. Then he wasn’t. And man can’t stand, or not stand, this competition. He wanted me to stop working, especially when the children were born. Did not impose thus: “-Or, or.” But practically making it difficult, complicating everything, so I stay at home, criticizing, more and more complaints. And arrived a hour.... That is quite normal. Until today this it happens. And then, in the second [son], I said: “-Now it stops.” And I think really to stop [working].

Other Women Lawyers have described the “schemes” that allow them to step back, at least partially, of the reproductive work, so that they can advocate. Below the statement of E17, a Partner of 38 years, married and mother of 2 children:

E17: Right now my kids go to school. But I still need the nanny, because I don’t have time to get out, I don’t have time to enter. Yesterday and day before I was in another State. I may need to go at any time. Next week, I will go to the United States, I was invited to speak at an event that will be there in the Office. I need a nanny, without a nanny I can’t work.

Women Lawyer highlights an important issue, regarding the delegation: women delegate household chores, but remain responsible for their supervision.

The delegation was seen as quite negative by Juniors interviewed, although as inevitable. A Junior Women Lawyer of 25 years, unmarried and childless, considers incompatible work on long working hours, required by the Office, and motherhood:

E9: Last year, two women became Partners, one of them has no child and the other has a child, but cared by grandmother totally. I don’t know how is her daily life at home, but a person who spends time inside the Office has no way of living both at the same time. In a big Office, I can identify that there are people who can have a very good family structure. A nanny who lives at home, a domestic servant who lives at home, a mother who is close.... You build a structure that your son is always with someone. The driver takes at school, someone who takes back home. It has a structure... to be able to [combine]. The ones that do not have this structure completely mounted already lose a little for the way. Because these

have a person who’s going to take at school, so she can get every day at the same time, she might not have time to get out, but she could handle a tranquility within the work because outside she has very well scheduled, and we can notice those that don’t have it, the school calling because the child has a fever and the person is desperate because sometimes there’s no one to fetch him/her and need to leave anyway...

Speaking of the Junior Women Lawyer registers the difference, in terms of dedication and tranquility to develop the work at the Office, among the Women Lawyers that have a satisfactory scheme set up to meet the children and those who do not have it. She records that, despite having a boyfriend for 6 years, which she wants to build a life together, still don’t think about it, because understands the dedication that is required at the Office and a marriage, especially motherhood as irreconcilable.

Jumped in the eyes, in this research, the importance attached by the Junior Lawyers, from both genders, as regards the care with the children. The Women Lawyers interviewed recorded, almost unanimous, intent on leaving the Office to have their children. The Lawyers say want to be more available to the family, when they become parents. The only difference between men and women was highlighted by E14, single, 25 years:

E14: When I think of being a dad, I think of being present in the life of my son. That maybe I can’t be working ‘thirty thousand’ hours per day. It’s something that’s going to have to weigh, but the difference is that I can choose to have children later. I can sit and plan my life later, but sometimes women have to give up sooner. I think this timing complicates...

Do not disregard the different impact of children on the career of men and women, since male professionals having children means being more worthy of respect, more responsible, while for women involves receiving the “label” of less committed, to have less time, but we think important to point out that Junior Lawyers heard, from both genders, seem to be part of a generation that wants to raise their children.

Charging, Feelings of Guilt and Lack of Family Support: Constituent Elements of Daily Life of Women Lawyers

The interviews revealed a comprehensive daily, in addition to a very strong and permanent charging on the women lawyers which ascend or wish to ascend. These professionals are charged not only complying with the goals and staying long hours in the Office, but they are excellent mothers and housewives, who are always with the nails done and tidy hair, in good physical shape, among many other things...

The Partner E17 highlighted in her interview, spontaneously, some of these charges, most of them from other women:

E17: We get a lot of charges. This is an issue that we discuss a lot. My sister just had a son and she is a Director in a multinational

company and she feels charged a lot for the other women as well: “-Oh, how much time you go to be at home? You already have a nanny? How was the childbirth? Cesarean section?”. She said: “-I feel myself in the obligation of speaking: -It was cesarean section because he was sitting”. We get this charge in the Office too, to be wonder woman, which is humanly impossible. But we get the charge. At the time I had the first child, not yet had these internet bloggers, which tell the truth: that breastfeeding is not smoothly, on the contrary, there is a lot of stuff wrong, the child cries all the time, you don’t know how to breastfeed. So, we have all these discussions, which are reflected also in the work: “-How do you go to have a baby? Are you going to keep working? Are you not going to be an involved mom? The nanny will create your son?...” But it happens and there’s nothing to do, you have to overcome. At the school of the children have a mother who doesn’t let the kid play with a kid who stays with nanny. There have been restrictions of friends [from my children] to go to my house, because I’m not at home, it’s just the nanny...

She wasn’t the only one to highlight charges by other women - and either to note that, for a woman with family responsibilities have professional success, she need to get rid of guilt, feeling reported almost unanimously by the interviewed ones, that accompanies them permanently, always associated to the difficulty of conciliating professional and domestic demands, more specifically to motherhood.

One of those women lawyers, a 41-year-old partner, suggests in her report how much still bears a guilt for absences in the past, when the children were small:

E30: Oh, there is guilt. I had more guilt when they were minors. There was another operation that I did, I had to travel a lot. And to this day I think my youngest [son] has somethings like that, shortage, because I really wasn’t there. He has a thing with me. Do you know? And I still think it’s from that era. I remember that he started having trouble in school, hitting children, bit I don’t know who, he was unruly, suddenly.... I did a lot of meeting there [in school], then I consulted a psychologist, talked a lot with her, she gave me some tips. There’s a little bit of personality with, it’s not just that fact, but I think he got a shortage. Oh, it was. Then, today I have that to give an super attention to him. (our emphasis)

The Women Lawyer still is trying to compensate the youngest son for her absences, which, according to her, would have caused a shortage to him. She, such as the others interviewed, takes to herself the full responsibility by the unruly behavior of the son - and this is just an example.

Among the more mature partners, however, there is a consensus: that woman needs to learn to live with these difficulties, if wants to stay in Office and ascend. Small councils emerged to alleviate all the suffering that entails for women the conflict between its multiple roles: always check the child’s birthday party

for a Sunday, don’t try to be 100% on the performance of each of these roles...

In fact, if the feeling of guilt is inevitable for these women, those who ascended, mainly older women, seem to have learned to deal with it and – at least those that we heard – care in making the lighter burden to the young ones, whether lending them shoulders and ears, either mobilizing institutional efforts to promote female ascent [25].

However, if something appeared as essential to the success of these women in advocacy, it was the support of the family. Whether from their mothers or sisters, to take care or assist the children of these women lawyers, either from their husbands, what appears to have been the key to the success of several of them:

E21: I think I grew up so [for the encouragement of husband] and because my mom also gave the highest support. She was taking care of my daughter. I left home, leave my daughter on my mother and went to work. I forgot about the life. If she sneezed, she already went in pediatrician and came back. When I came back, she was [medicated]... Later, at another time, we hired a driver, when she was bigger, but I took some times [to School], and my mother took. My husband passed and took in my mother’s House, he’d take me in the Office. It was a rush. And this was possible, really thinking, thanks to the support of them. And then, later on, from my own daughter, to understand that I was missing a lot. So, I think that had a lot of support from my husband and my mother and... And often, when I was weaken, my husband said: “-Stops of being soft. That’s the way it is.” He has always supported. So I stayed and grew up to be quite honest, I think a lot because of his support.

E32: My husband is “mega” life partner. (...)He did not have the same career projection than me, although he had the same background. He is in a company, where receives much less than me. He says that: “- You could receive much more, that it does not have problem.” But I don’t know, I think there may be some discomfort. In fact, there is, because he said that if I stopped working, he wasn’t going to stop. If he had enough money to be able to stop working, he wouldn’t stop, because he doesn’t want to be completely supported by the woman. But outside this context, he is a super dad.

Although the woman lawyer shows the nuisance of your husband earn unless than her, she reports how much him supports, overcoming their difficulties. On the other hand, points out that the absence of this support by the life partner is one of the main causes of many women limit their careers, leaving to pursue promotions, or even abandoning the advocacy:

E32: Here at the Office we have some parents similar to my husband. But there are parents, married with billing [26] women lawyers and that working a lot, which are not equal. Several

women lawyers who were very good and had a great career to follow here, left the Office because husband was not a partner at home, in terms of helping with the children. It's not money, it's a matter of [support]... Many of them, friends of mine who left, talked like this: "-If today I have to work until midnight, I need to get an extra nanny or ask for my mother to stay with my children, because my husband not stays. In fact the husband values the woman up to a certain limit, which does not harm his comfort. I saw it several times and still see here at the Office. I see husbands binding and speaking: "-Will you not go home now, and things like that? Because the kids are calling you." She speaks: "-But I am in a project and today I need to be until later". The "man" use his son as a pretext and it makes the desperate woman, because is her child. But it's actually for his comfort. And then she has to re-evaluate her career, because she won't let her son in the final analysis. She ends up having to limit her career, because her husband is not an integral life partner. My husband fully leveraged my career.

Support of the life partner is, for all the professionals, an important step towards success, in this research very evidenced as a practice most common among men, whose wives were socialized to provide them all the structure they need to perform their role of provider. Women, however, have not had the same luck - at least most of them, - and charged that they play multiple roles efficiently, often without the support of the life partner, and even suffering a certain sabotage.

Count on the support from other women, then, would be fundamental, but even that, in many cases, does not occur, because many female professionals, when ascend, incorporate the discourse of meritocracy, forgetting completely the difficulties encountered in the path: "if I obtained, the others also can..."

Conclusion

The feminization of advocacy is evident in Brazil from 1980s. In the São Paulo Section of the Brazilian Bar Association, that includes the scope of coverage of this research, the enrollments of women per decade had jumped from 25.33% to 39.47%, in only one decade. In the last two decades, the enrollment of women in the tables of the Brazilian Bar Association has exceeded that of men, being close to 52%.

This research has shown that, with regard to major law firms, however, the female professionals are still concentrated at the base of career, as Lawyers Employed or Associates, comprising on average 49% of these professionals, while at the top of career this percentage does not reach 30%, on average, in the offices researched (in Office B they're only 12.8% of partners). Thus, there is a glass ceiling that prevents most of them to ascend to the status of partner. This glass ceiling is strongly associated with motherhood, which, in the discourse of professionals of advocacy,

from both genders, is incompatible with the professional practice, in the face of the dedication required by offices, translated into long presential working hours. Moreover, the criteria for assessing the professional commitment, among which is the long working hours and the continued availability to the client, were built in male patterns.

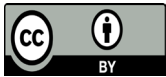
So much so that working at home office, although sometimes is formally available to professionals, often cause them damage to career, such as maternity leave itself, although the labor laws recognize it as a right, in the case of employees. The women lawyers feel culprits before many charges (and auto charges) that fall on them, and many abdicate to ascend. Many others leave the office, preferring to work in legal departments of companies where there is a defined working hours, enabling a better conciliation of work and family demands.

We find in the offices researched some senior partners who play an important role, to serve as a mirror for the younger and also generously guide their careers, with a kind of volunteer mentoring. However, among the professionals that can break the glass ceiling and rise, there are many that assimilate and reproduce the discourse of meritocracy, forgetting the difficulties encountered during the journey, so that this does not translate into learning for other women.

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2. (2015) The numbers were provided via email by the Commission for the Law Firms of the São Paulo Section of the Brazilian Bar Association.
3. Full service office is the one that offers to the client a service in several areas of law, serving contentious, corporate and advisory demands.
4. The Chambers and Partners ranking is regarded worldwide as one of the most qualified. Uses, for the classification of the largest law firms, about 150 researchers who hear professionals from advocacy and clients around the world, adopting the criteria mentioned above. For more information, see: <<http://www.chambersandpartners.com/>>.
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20. Many women lawyers prefer to get out of their offices to work in legal departments of companies, where there are clearly defined working day, which makes it possible to reconcile career and motherhood.
21. Later, we see that this Office is considered one of the greatest in the ranking used due to its turnover, and not for the number of lawyers.
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23. In the original: "...working part time does not always mean working the shortest hours, but often translates into career stigma and penalties."
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25. Several of these women develop a kind of volunteer mentoring of the youngest, guiding their careers.
26. The verb "bilar" comes from the English noun "bill" (account). A billing women lawyer is the ones that has high fees.



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DOI: [10.19080/JOJS.2024.03.555624](https://doi.org/10.19080/JOJS.2024.03.555624)

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