

ORIGINAL ARTICLE

## Promise and peril: Gender, technology, and the future of work in the legal profession

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### Abstract

Much has been made about the impact of new technologies on the organisation of work in the professions. However, the gendered effect of technological change has rarely been a focus of investigation, even though these transformations are occurring in a context of persistent and pervasive gendered inequality. This paper aims to address this gap, using the case of the legal profession to understand the gendered impact of technological change. Drawing on insights developed through interviews with 33 senior legal stakeholders, the paper finds that technological change plays out in contradictory ways, offering both promise and peril for gender equality within the legal profession. We identify four key concepts – bifurcation, democratisation, humanisation, and flexibilisation – to elucidate the intricate interplay between technology and gendered legal careers, acknowledging the dual potential that technology holds for advancement and adversity. We argue for proactive measures and strategies to be adopted by legal institutions, professional associations, and employers, to harness the benefits of new technologies while mitigating the very real risks such technologies pose to a more gender-equitable future of work.

**Keywords:** Gender; Skill; Flexibility; Technology; Future of work

### Introduction

The widespread adoption of new digital technologies over the past decade has ignited debate about the effects such technologies will have on the organisation of work, the future of the professions, and the nature of professional practice (Hunter 2020). While there is no clear consensus about the precise impact that the advent of artificial intelligence, machine learning, and technologically enabled outsourcing solutions will have on the professions, there is little disagreement that change is afoot (Burgess and Connell 2020). Predicted impacts include increased automation and outsourcing of routine tasks, potentially leading to job displacement in some areas, while creating new opportunities in others (de Vries et al 2020). The nature of professional expertise may also evolve, with an increasing reliance on digital tools and data analysis (Susskind 2013). Additionally, new technologies could enable more flexible working arrangements, altering traditional workplace structures and dynamics (Thornton 2020a).

These technological transformations are not unfolding in a vacuum, but are set against a backdrop of long-standing and deep-seated gendered inequality in the professions, exemplified in women's under-representation at the top of professional hierarchies and

over-concentration in less lucrative specialisations and practice areas (Wald 2010). Given these existing gendered inequalities, it is likely that the impacts of technological change will affect men and women differently. However, despite much public anxiety and debate about the ‘future of work’ (Susskind and Susskind 2015), the gendered impact of technological change has received relatively little attention (for notable exceptions, see Choroszewicz and Kay 2020; Mosseri *et al* 2022; Thornton 2020a).

This paper uses the case of the legal profession to explore the gendered impacts of technological change. As in other elite professions, women now represent a growing share of legal practitioners, yet remain significantly under-represented in the profession’s senior echelons and most lucrative practice areas, owing to gendered norms, structures, and practices that marginalise and exclude women (Pringle *et al* 2017; Ryan and Pringle 2017; Thornton 2014). It remains an open question how new technological developments in the legal profession will ameliorate or exacerbate these existing inequalities.

Drawing on 33 semi-structured interviews with senior legal professionals in Australia, this paper finds that technological change is playing out in complicated and sometimes contradictory ways. It promises greater democratisation and humanisation of legal services, and increased flexibility in the organisation of legal work to the potential benefit and detriment of lawyers, while simultaneously bifurcating the industry into high- and low-value sectors, disrupting traditional career pathways, increasing precarity, and undermining the value of legal services just as women are becoming numerically dominant within the profession. These findings highlight the need for active strategies to mitigate the very real risk new technologies pose to a gender-equitable future of work in the legal profession.

## **Technological change in the legal profession**

Recent technological advances have significantly transformed the nature and organisation of legal work. Rules-based computer programmes and artificial intelligence have emerged to complement or, in some cases, fully automate routine legal tasks such as contract drafting and management, document review and discovery, legal research, and due diligence (Hunter 2020; Waye *et al* 2018; Webb 2022). Additionally, the expansion of technology-enabled flexible work – driven by advances in digital communication tools and cloud-based computing and accelerated by the COVID-19 pandemic – has greatly enhanced the perceived sense of autonomy and control among lawyers, while simultaneously increasing the volume and intensity of their work (Foley *et al* 2024). Technology has also facilitated the emergence of so-called ‘NewLaw’ firms, characterised by fixed-fee, remote, and/or outsourced legal services provided by contract lawyers via digital platforms (Thornton 2019, 2021).

Scholars have predicted that these technological changes will reorder the legal profession in positive and negative ways. Automation may free lawyers to focus on more meaningful tasks and enhance the value of ‘human’ skills (Legg *et al* 2020). However, it may also disrupt traditional career progression pathways by displacing junior lawyers who perform the bulk of routine legal services under informal apprenticeship structures (Armour *et al* 2020). Furthermore, the shift towards flexible, freelance work facilitated by NewLaw models could benefit some lawyers by allowing them greater control over their work, while increasing financial risk and undermining professional prestige for others (Thornton 2019; Yao 2020).

Feminist technology scholars argue that technological developments do not emerge in a vacuum but within a socio-cultural context of gendered inequality (Cockburn and Ormrod 1993; Wajcman 2010). Gendered power structures and dynamics shape how new technologies are developed and deployed and, in turn, shape the socio-cultural impact

of technology. Therefore, to understand the gendered implications of technological change in the legal profession, it is essential to first recognise the dimensions and drivers of gender inequality within the profession.

### **Dimensions and drivers of gender inequality in the legal profession**

Over the past fifty years, women have entered legal study and practice in vast numbers and now represent a majority of legal practitioners in Australia (The Law Society of NSW 2023). Despite the increasing numerical feminisation of the profession, persistent structural inequalities remain (Bolton and Muzio 2008). Socio-legal scholars have identified three main dimensions of gendered inequality in the profession: *stratification*, *segmentation*, and *sedimentation* (Bolton and Muzio 2007). Women remain significantly under-represented in the highest ‘strata’ of the legal profession, including equity partnerships and the judiciary, and overrepresented in the profession’s lowest rungs (Campbell and Charlesworth 2012; College of Law 2022). Women are disproportionately concentrated in lower-paid specialisations, such as government and in-house legal services (The Law Society of NSW 2023), and are marginalised from its more lucrative ‘segments’, such as corporate and commercial practice. Women lawyers are also commonly encouraged to leverage stereotypically feminine competencies, such as empathy and communication, and are steered into practice areas commonly associated with these skills, such as family law, relegating them to lower-paid, lower-prestige ‘sedimentary’ layers of legal practice (Sommerlad 2002).

Scholars have identified several key drivers underlying these dimensions of inequality; these include a culture of extreme working hours, gendered systems of patronage and sponsorship, and workplaces characterised by gender discrimination and disrespect. These factors coalesce to exclude women from the most prestigious strata and segments and reinforce their collective sedimentation. Each of these drivers is addressed in turn.

#### **Extreme working hours**

Like many elite professions, the norms of the legal profession demand extreme working hours and hyper-availability, which are seen as symbols of commitment, rewarded with career opportunities and promotions (Sommerlad 2016; Tomlinson et al 2013). This system is entrenched through the billable hours structure, where performance is measured by client-chargeable hours (Campbell and Charlesworth 2012; Pringle et al 2017). Structural changes within law firms have led to fewer partnership positions, increasing competition among lawyers (Choroszewicz and Kay 2022; Wald 2010). These expectations marginalise those with unpaid caring responsibilities or who take time out of work for family-formation purposes, predominantly women, who in turn face stalled careers or ongoing work-family conflict. Consequently, women are often excluded from the most senior roles and ranks of the profession, contributing to gendered stratification, while their limited ability to meet extreme hours requirements pushes them into less time-hungry specialisations and practice areas, reinforcing gendered segmentation.

#### **Patronage and sponsorship**

Career progression in the legal profession heavily relies on informal systems of patronage and sponsorship. Junior lawyers depend on powerful partners for career advancement (Pinnington and Sandberg 2013). The informality and opacity of promotion processes heighten the importance of influential sponsors (Pringle et al 2017). These systems often privilege men, as selection committees and partnership panels are dominated by men who

are more likely to mentor, advocate for, and make space for other men (Pringle *et al* 2017), facilitating men's advancement into senior leadership roles and positions. Relationships with colleagues, superiors, and clients are often developed through male-dominated social activities, making it challenging for women to build the necessary networks for career advancement (Pinnington and Sandberg 2013). This perpetuates stratification by maintaining male dominance in senior positions and limits women's access to high-value segments.

### **Gender discrimination and disrespect**

The legal profession is characterised by a culture of gender discrimination and disrespect. Women lawyers face persistent 'gender harassment', including being talked over, ignored, and subjected to disparaging jokes (Hunter 2002; Nelson *et al* 2019; Pringle *et al* 2017). Women are often framed as possessing stereotypically feminine skills, such as empathy, which marginalises them from prestigious and lucrative legal roles (Bolton and Muzio 2007). Sexualisation and inappropriate behaviour from colleagues and clients further compound these experiences, leading many women to switch jobs or leave the profession altogether (Sommerlad 2016). This culture of discrimination and disrespect further exacerbates gender stratification by driving women out of senior roles and prestigious segments. It also entrenches segmentation by pushing women into lower-paid, less prestigious specialisations. Additionally, the pervasive gendered disrespect and marginalisation into stereotypically feminine roles reinforce sedimentation, as women are encouraged to leverage these competencies in lower-prestige areas of legal practice.

Research has demonstrated that the legal profession is characterised by significant gendered inequalities. Given the extant dimensions and drivers of inequality in the profession, it is likely that technological change will have differential impacts on men and women in the profession. Thus, this paper seeks to examine how women and men lawyers understand and experience changing technologies at work.

### **Methods**

This paper employed a multi-phased research design, which aimed to understand the gendered impact of technology and the future of work (Grant No. LP190100966). Interviewees included judicial members, legal academics, legal specialists with expertise in business, human resource management and technology in the law, senior members of state, national and/or international industry associations, senior members of key regulatory bodies, and senior legal practitioners from government, non-profit agencies, and the private sector. These interviewees were identified because of their breadth and depth of expertise in and knowledge of the structure of the legal profession; career trajectories and gender dynamics in the legal profession; business models in the legal profession; and major technological trends shaping the profession.

Interview participants were identified and recruited via two main channels. First, the research team identified and approached potential interviewees, using industry reports, website searches, and our knowledge of high-profile and experienced leaders in the profession. Second, the researchers employed snowball sampling to recruit additional interested interviewees, using the networks of our two main partner organisations: The Law Society of New South Wales and Women Lawyers Association of NSW. The final sample included 23 women and 10 men across a range of legal practice areas, as shown in Table 1.

Semi-structured interviews, lasting approximately one hour each, were conducted with interviewees online using videoconferencing between October 2020 and April 2021. The interview guide included questions designed to elicit information about the new

**Table I.** Interviews, by category and gender

Category	Pseudonym	Women	Men	n =
Judicial member	Margaret, Tracey, Zachary	2	1	3
Legal academic	Bonnie, Charlotte, Guy, Vickie	3	1	4
Legal specialist, business	Kurt, Lynne	1	1	2
Legal specialist, human resources	Grace, Jackie	2	0	2
Legal specialist, technology	Greg, Philip, Wesley	0	3	3
Senior member, industry association	Carrie, Charles, Stanley	1	2	3
Senior member, regulatory body	Jane	1	0	1
Senior practitioner, government	Caitlin, Carole, Penny, Todd	3	1	4
Senior practitioner, non-profit	Fran, Robert	1	1	2
Senior practitioner, private sector	Carmen, Denise, Donna, Fleur, Rhonda, Sandra, Sally, Samantha, Yolanda	9	0	9
Totals		23	10	33

technologies being used within the legal profession, the changing nature of legal service delivery, the impact of these changes on legal career pathways, and on women and men lawyers' work and careers. Interviewees were also asked to reflect on the gendered dynamics of work and technological change within the legal profession.

Interviews were conducted at the height of the COVID-19 pandemic and at the time of associated state-mandated lockdowns. As a result, interviewees and researchers naturally discussed the impact of the pandemic on lawyers' work and how the pandemic had accelerated the adoption and implementation of new digital technologies. The interview guide allowed for flexibility in interviewing, for instance, asking additional questions as interviewees identified interesting themes or focusing on fewer themes depending on the interviewee's specific area of expertise. Relevant, interesting, or unexpected themes that emerged in prior interviews were also interrogated further in subsequent interviews. Interviews were audio recorded and professionally transcribed. All participants were assigned pseudonyms to protect confidentiality.

### **Data analysis**

Interview transcripts were analysed using thematic analysis, and a mix of inductive and deductive coding. Reading and construction of codes were grounded in the data and senior leaders' perceptions but were also informed by the researchers' existing knowledge of the scholarship on technologies in the legal profession and workplace gender inequalities. Analysis focused on meanings identified in the data while also being sensitive and open-minded to data, which might align or conflict with existing understandings. Analysis commenced with a dual process of data exploration and preparation. First, the researchers aimed to identify initial interesting concepts across the transcripts to obtain a shared sense of the data. All individuals in the research team read two to three transcripts in full, making notes about key themes identified, and then shared these in a meeting to confirm or challenge interpretations. As a next step of familiarisation, the data were indexed according to the interview guide. During this process, memos were made on the data and a journal about interesting concepts arising was maintained. The researchers then moved to

coding the indexed portions of the transcripts with a focus on technological changes and implications for gender inequality in legal careers. Analytic codes were constructed, drawing on ideas identified in the data and informed by earlier memos and discussions, such as ‘high value work’, ‘low value work’, and ‘human’ skills. Based on these analytic codes and memos, commonalities in senior leaders’ perceptions of major technology changes in the legal profession were developed, such as the proliferating use of systems to conduct routine legal work. The researchers also found nuances in senior leaders’ understandings, for instance, regarding how specific segments of the profession, such as large and small firms, or groups of lawyers, such as women and junior lawyers, were experiencing major technology changes.

## Findings

Interviewees identified multiple forms of technological changes occurring in the legal profession, such as the proliferation of digital communication platforms and the use of artificial intelligence to automate routine work, including contract creation and document review and discovery. Interviewees also emphasised disruptions to traditional legal service delivery or ‘NewLaw’, including organisations providing lawyers on a contract basis, digital platforms through which freelance lawyers can work, and the outsourcing of legal tasks like contract management.

Some interviewees recognised that while these changes had been occurring for some time, the COVID-19 pandemic had increased the pace of change incredibly – such as the shift to an online justice system and flexible working arrangements – forcing the profession to ‘catch up’ (Samantha). Other interviewees noted that lawyers were now required to be ‘technologically savvy’ (Carole), with technology an ‘inherent requirement’ of being a lawyer (Carrie).

While many interviewees viewed these technological changes as a generally positive development for the profession, there was also ambivalence about the potential impacts of persistent gender inequalities in legal careers. Specifically, this study identified four key narratives in relation to the technological change underway in the legal profession, and the implications for gender inequalities in legal careers, namely 1) bifurcation; 2) democratisation; 3) humanisation; and 4) flexibilisation. Each of these themes is discussed in detail.

### Bifurcation

Technology-enabled automation and artificial intelligence were widely seen as breaking down the components of legal work in law firms and in-house legal teams, with routine tasks, such as discovery and contract creation, separated from more complex legal advice. Interviewees overwhelmingly described this trend as driving a ‘bifurcation’ (Carole) or ‘fork in the road divide’ (Charles) in the legal profession, between complex ‘higher-value’ legal advice (Philip), and ‘low-value’ (Fleur), ‘low status’ (Guy) routine legal work, which could be easily automated or outsourced to alternative providers and supported by legal staff. For many interviewees, this ‘unbundling’ (Wesley) of high- and low-value work was understood to liberate lawyers from ‘boring’ (Charlotte) and ‘less exciting’ (Guy) tasks so that they could contribute to more bespoke legal and client-focused advice:

*Technology’s role in the legal profession is to augment and supercharge lawyers, so that they can work on more meaningful, higher value work and spend more time talking to and understanding their client and their needs. (Philip)*

Despite these potential advantages of the bifurcation of legal work and the legal profession to high-value bespoke legal advice and low-value automatable legal services, interviewees acknowledged that it was likely to disadvantage some groups of lawyers. For example, some interviewees perceived that smaller private practice law firms and ‘high street’ lawyers (Guy) offering routine and generalist advice would be less able to compete with large law firms or to invest in new technologies enabling them to remain competitive with larger firms. Interviewees thus projected a technology-induced challenge to small firms’ survival, or a ‘hardship looming in small law’ (Charles).

Several interviewees identified that newer entrants to the legal profession, who are predominantly women, were more likely to suffer from the shift from high to low-value legal work. They noted that the outsourcing and automation of tasks such as document review and due diligence would reduce the ‘daily bread and butter’ (Guy) on which junior lawyers were trained, or ‘cut their teeth’ (Lynne). This was considered by interviewees as a challenge to junior lawyers’ job readiness because ‘you’re going to have lawyers who’ve come up who haven’t necessarily had the experience’ (Lynne). Other interviewees argued that, faced with the cost-efficiency of automation and clients’ unwillingness to pay for junior lawyers, larger law firms would be less likely to employ junior lawyers:

*That grunt work that we did as junior lawyers or junior practitioners can now be done by AI in a more cost-effective way . . . I just don’t know what the answer to that is, because there’s no motivation. There’s going to be no motivation for the big law firms to pay for those people. (Zachary)*

Other interviewees expressed concern that the bifurcation of the profession into high- and low-value segments would further divide the profession along gender lines. They observed that businesses and teams conducting low-value technology-enabled legal work were ‘primarily female teams’ (Fleur) or areas where women lawyers were ‘disproportionately represented’ (Guy). Many interviewees argued that women were drawn to these areas because teams conducting this low-value work had ‘a better kind of work/life balance, generally speaking, because it’s not as spiky in terms of the work demands’ (Guy). Fleur, a senior leader of a legal innovations team, reflected that she had entered legal innovations for this reason:

*I think it was more by default that I landed up in that [innovation] position. I sort of came out of client facing law initially when I had young children just because I didn’t think the hours were sustainable with a very young family. (Fleur)*

Other interviewees argued that the relative overrepresentation of women lawyers in lower ranks of the profession would place women in lower-value work and at disproportionate risk from artificial intelligence and automation:

*If there is going to be a detrimental impact of AI, it’s going to be on the bottom end of the profession, and that’s where the majority of women are. (Carrie)*

Similarly, the dominance of men lawyers in senior segments of the profession doing ‘high value’ work, such as in commercial contexts and client negotiations, was seen to protect men from the negative consequences of automation. For example:

*Whose work and experience will remain valuable? It’s going to be the people at the senior end of the profession, who have the experience and the expertise that you can’t automate, that people, clients will still pay for. And as we know, despite three or four decades of gender parity at entry-level, that hasn’t translated into gender parity at the top. (Stanley)*

### Democratisation

A second theme identified, *democratisation*, was that technological changes were creating a legal profession, which was fairer and more accessible, allowing new and diverse groups of people to enter and enjoy careers in the profession.

Several interviewees discussed the ways in which technological changes had the potential to ‘democratise’ (Donna) the legal profession. Interviewees explained how NewLaw business models, such as ‘contract platforms’ (Donna) connecting freelance or ‘gig’ lawyers with clients, and ‘flexible resourcing organisations’ (Robert) deploying contract lawyers to client organisations, had the potential to make legal services more accessible to individuals and organisation, thereby opening a ‘whole new market’ (Philip) for legal services. This would enable lawyers to work more flexibly, either for others or on a freelance basis, while building their careers. Other interviewees described this technologically facilitated change in legal practice as creating ‘more equality’ (Sandra) by reducing participation barriers:

*It’s actually democratising legal services and the types of people who can provide them and the ways they can provide them . . . you no longer have to have a big office with a lot of physical infrastructure and significant barriers to entry. (Donna)*

Some interviewees argued that the more dispersed organisational structures associated with NewLaw businesses would further democratise the profession by reducing barriers to progression in the profession. They saw this potential underpinned by the alternative to partnership and the ‘hierarchical structures of which, harassment, bullying and various other things and ridiculous pressures . . . have been a part’ (Charles).

Several interviewees perceived that ‘gig’ or freelance work, and providing online advice, offered ‘flexibility and empowerment’ (Stanley) so that lawyers could ‘be in charge of their own ship’ (Sandra) regarding their working conditions. Robert explained that lawyers working for contract, secondment, and flexible law firms:

*. . . have much more flexibility about what work they do, when they do it, who they do it for, how long they take any particular engagement for and then, what that means for them in terms of being able to accommodate other things that are important in their lives, whether that’s family or travel or lifestyle more generally. (Robert)*

This flexibility was seen to be especially beneficial to women lawyers, who were seen to have greater responsibility for family and other caring responsibilities. Interviewees argued that women would likely be more attracted to these models due to their disproportionate ‘responsibilities around family care’ (Guy), or simply because they just ‘want the flexibility’:

*I think a lot of lawyers also and probably more women, because women need – they want the flexibility, they don’t need the collegiality of a bunch of blokes and so they go off and they start their own thing. They might do contracting, or they might start their own micro firm (Lynne)*

While many interviewees saw the benefits of flexible and freelance lawyering to both women and men, some cautioned against the risk of increased outsourcing by large firms and the rise in insecure employment or the ‘Uberisation’ of the law. Interviewees noted although NewLaw and platform-based legal models offer flexibility, they also come with a large dose of insecurity, ‘particularly if it means that more and more firms shed full time stable positions for greater resourcing on those precarious positions’ (Stanley).



## Humanisation

Another strong finding from our data was *humanisation*, whereby interviewees believed that the legal profession would retain its human-centred element, despite new technologies and legal business models threatening traditional working practices.

Interviewees predicted that people-focused, human-oriented ‘soft skills’ would become increasingly important to being a successful lawyer. Many interviewees recognised that while some legal work would inevitably be replaced by automation and artificial intelligence, at its core, the law was still a ‘*people-centred business*’ (Bonnie), with client interactions and relations still fixed at the centre of lawyers’ working practices. As such, the human element of the profession would be difficult to entirely erase:

*There’s certainly a lot of hype around lawyers being replaced by robots and machine learning is going to change the way that things happen. I don’t know whether it’s just the type of work that I do, but it’s still largely dealing with people with quite individual problems – you can’t get rid of the human element easily. (Donna)*

Vickie argued that technological change was re-humanising the profession, by refocusing lawyer’s attention to the deployment of these people-focused, human-oriented ‘soft skills’:

*Despite the fact that we’ve been using more technology, it’s also focused us back on our humanity, and really focused for us the importance of relationships, connection, sociability and empathy in a way that I think we’ve not seen in the profession for quite some time. (Vickie)*

Some interviewees argued that there were ‘*limits on technology*’ (Bonnie) and that human, ‘*interpersonal*’ (Fleur), or ‘*soft*’ (Denise) skills must still accompany the provision of legal services. Many interviewees regarded these soft skills – ‘*empathy*’ and ‘*communication*’ (Bonnie) – as increasingly important for working in the profession, to ‘*differentiate human lawyers from AI*’ (Jackie) and enable lawyers to navigate complex client matters and relationships, which technology could not emulate. Harnessing communication skills for negotiation and client relations, for example, was seen as essential in giving lawyers a competitive edge:

*I still think communication needs to be the biggest skill a lawyer needs to have. Irrespective that we are now not going to be face-to-face as much or use more technology, it’s about the way we communicate. (Samantha)*

However, in the ‘*move to digitisation*’ (Lynne), many interviewees recognised that legal skills were evolving, placing demands on lawyers to be ‘*technologically literate*’ (Peggy) to enhance their ability to provide legal advice and client service:

*Lawyers need to understand the various technologies, what is available to enable them to think about how they continually improve the way in which they deliver legal services. They need to understand how AI works to enable them to then have conversations with their clients where they are informed. (Fleur)*

Several interviewees spoke of technological skills as a ‘*hard dividing line between people who are successful and people that are not successful*’ in the legal profession (Carrie). Some expressed concern that women lawyers may be disadvantaged by this trajectory given the overrepresentation of men in other technology-heavy segments of the labour force such as information technology:

*I think it's going to be a real problem for women, because the tech space, there's few women in it. So, men will drive this area. I think we need more support for women in the tech space, particularly law and tech. (Bonnie)*

Some interviewees suggested strengthening women lawyers' technological capability now, to ensure they did not get left behind:

*I'd be providing very, very good training and education in the use of technology for women [lawyers], because I think that will give them more choices. (Carole)*

### **Flexibilisation**

Finally, technological advances were widely seen as supporting a *flexibilisation* in the legal profession, empowering lawyers with the autonomy and temporal and spatial flexibility to work in ways that suited their lifestyles. Many interviewees suggested that technological advances in the legal profession were providing lawyers with 'more freedom around how they work' (Grace). Interviewees noted that the COVID-19 pandemic had helped 'break through' (Jane) expectations of physical presenteeism in traditional and large law firms, because it was 'demonstrated that a person can be a successful lawyer and provide good quality service to their clients by working remotely' (Carrie). Interviewees said that this had compelled many law firms to modernise their ways of working by embracing flexible work:

*Required attendance in person is almost irrelevant now. The courts have embraced video appearance, for example, which was probably one of the only remaining 'have-to-be-there-in-person' type jobs in the law . . . my genuine experience in our firm is that flexible work and the advance of technology has allowed for far more flexible work. (Sandra)*

The move to greater acceptance of flexible working arrangements was described by several interviewees as a prerequisite for achieving gender equality in the legal profession, given that flexibility is an important part of reconciling family and other caring responsibilities and managing work-life balance. By building flexibility into work practices, interviewees argued that the profession would be 'an easier place to stay' (Carmen) for lawyers with caregiving responsibilities:

*The fact that you have more flexibility to work from home and everything is great because it means you can, if you have caring responsibilities, better manage both. (Charlotte)*

However, other interviewees viewed flexible modes of working as a 'blessing and a curse' (Stanley), with lawyers spending more hours on legal work and 'falling into the pattern of working even longer hours' (Penny). Many interviewees recognised that the ease of use of a wide variety of communication platforms meant that lawyers were required to be 'always on, always available' (Stanley):

*There's a proliferation of different platforms being used and there's also a big blurring between personal and work life in terms of, you are expected to be available at all times on your personal communication devices. (Carmen)*

Many interviewees argued that work was infiltrating the private lives of lawyers through longer hours and the use of communication platforms. For example, Sandra noted that she had experienced difficulties disconnecting from her work while working from home:

**Table 2.** Gendered impact of technological change in the legal professions

Positives	Negatives
Access and progression (democratisation, flexibilisation)	Segmentation and stratification (bifurcation, humanisation)
Sustainability and wellbeing (democratisation, flexibilisation, bifurcation, humanisation)	Precarity and poor quality (democratisation, flexibilisation)

*My workstation is just in our lounge room . . . I can't get away from it. Even when you're not actively working, it's just in the back of your brain all night. (Sandra)*

Some interviewees warned that technology-enabled flexible and remote working had the potential to privilege lawyers working from the office with greater visibility and career opportunities. Jackie, a specialist in human resources in the legal profession, observed that in her firm, men were more likely to be seen working in the office, and expressed her concern about the creation of a 'two-tiered system where being in the office is sort of higher on that hierarchy of place'. Sally, a senior practitioner working in the private sector, agreed, adding that for many lawyers, particularly women lawyers, flexible working simply meant working longer and more inconvenient hours without sufficient recognition or career and financial reward:

*Working from home, you can work, you can be productive, and you can continue to make a contribution . . . I think that's all been a great benefit to women and also the organisation of work, but that has to come with some careful monitoring - that it doesn't then become a tool of exploiting women. (Sally)*

## Discussion

This article has examined the likely gendered impacts of technological change on the legal profession. Rather than marking the 'end' of the profession (Susskind 2008), our findings demonstrate that new technologies are restructuring the profession in complicated ways. As shown in Table 2, we find that these transformations are likely to have both positive and negative implications. In so doing, we extend the existing scholarship on gendered legal careers and technological impacts on gender dynamics in the profession and make several key contributions.

First, our findings suggest that, on some measures, technological changes are improving the capacity of women lawyers to access and progress careers in the legal profession. New business models and modes of operation, such as NewLaw and technology-enabled flexible working, appear to be 'democratising' the legal profession. These changes were understood as enabling previously excluded groups to access legal careers and removing rigid barriers to entry to the profession, like the requirement to work at certain times and places. Such changes were seen as helping women lawyers to access and progress to successful careers by offering alternatives to the hierarchical, competitive path to partnership, and the extreme working hours long known to frustrate women lawyers' career success. By affording greater freedom in how, when, where, and for whom women lawyers work, these changes were seen as disrupting powerful informal closure mechanisms, which have historically marginalised women within the profession.

Current technological changes are also likely to improve some women lawyers' career sustainability and wellbeing. The opportunity for lawyers to embrace entrepreneurial modes of working, made available through NewLaw models and technology-enabled

flexible working, was seen as providing new opportunities to tailor legal careers to suit personal needs. Consistent with prior research, our findings suggest that these developments are improving the ability of some lawyers to create sustainable career pathways that balance their work and personal responsibilities and facilitate more enjoyment of work (Thornton 2020b). This newfound enjoyment includes an embrace of ‘human’ skills liberating lawyers to concentrate on more meaningful tasks and client relationships, and alternative career pathways offering reprieve from bullying and harassment associated with the traditional partnership track, long identified as a barrier to women lawyers’ wellbeing and career success (Bagust 2014). Technological changes in the legal profession thus offer the potential to improve career sustainability and wellbeing for women lawyers, a significant and positive finding given the high rates of gendered stress, anxiety, and depression documented in the profession (Chan and Poynton 2014; Pinnington and Sandberg 2013).

On the other hand, our findings reveal that these technological transformations have a darker side, with the potential to exacerbate existing gendered segmentation and stratification in the legal profession. We find that the automation of routine tasks runs the risk of further segregating men lawyers into higher value, bespoke legal work and women lawyers into less prestigious and less lucrative, or ‘lower value’ routine tasks. Although our interviewees suggested that stereotypically feminine or ‘human’ skills, such as empathy and communication, will become crucial to successful legal careers in the future, we caution that, if women are perceived as better suited to these stereotypically feminine skills, there is a risk they will ultimately become further ‘sedimented’ into low-paid feminised specialisms (Bolton and Muzio 2007).

Technology changes are also likely to compound gendered stratification. In line with existing research, we find that the automation of routine legal tasks is likely to reduce employment and training opportunities for newer entrants into the profession, the majority of whom are women (Armour *et al* 2022). Along with women’s segmentation into lower-value work, the reduced access to training and employment will likely frustrate women lawyers’ career and promotion opportunities, widening the gulf between women below and men above the partnership line (Pringle *et al* 2017). We find, concerningly, that current technological changes are likely to reproduce and amplify persistent patterns of gendered stratification and segmentation.

Finally, despite its potential to provide lawyers with greater freedom and flexibility around where, when, and how they work, this study finds that technology also risks embedding precarious and poor-quality work into the profession, particularly for women lawyers. Our findings suggest that women lawyers may be attracted to NewLaw, and other technology-enabled flexible career pathways, for the temporal and spatial flexibility offered by such opportunities, and because flexible resourcing is most likely to replace the lower-level positions within traditional law firms where women have historically been overrepresented. Thus, this study adds weight to emergent scholarship arguing that women risk becoming the legal profession’s ‘new precariat’ (Thornton 2019). Further, we find that although technology-enabled flexibility enhances the ability of some lawyers to participate in legal careers, particularly those with intense caring needs and responsibilities, it also has the potential to significantly increase work volumes and intensity.

Our main contribution is an overarching framework for understanding the gendered impact of technological changes on the legal profession. To the best of our knowledge, this study is the first to empirically identify how current technologies are likely to impact gendered careers in the profession, across business models, technologies, ways of working, and skills. As shown in Table 2 above, our framework demonstrates that technological changes are playing out in complex and contradictory ways, offering both promise and potential peril for gender equality in the legal profession. New technologies are improving

access to the profession, providing new career progression pathways, and supporting career sustainability and wellbeing for lawyers with intense caring needs and responsibilities. However, these new technologies also risk reproducing and amplifying existing inequalities by increasing precarity, raising the volume and intensity of work, and replacing physical presenteeism with digital presenteeism. These complex impacts are generated through the mutual interplay of current technological changes and existing gender relations within the profession.

In light of these findings, we argue that the profession's leaders must take an active role in designing 'in' the benefits of technology changes to women lawyers' careers while designing 'out' the negatives. This could include supporting access to quality flexible working for all lawyers while disrupting the persistent norm of the 'ideal worker' and ensuring that career opportunities do not favour lawyers who work extreme hours in the office. Noting the difficulty in shifting the long working hours culture in the legal profession to date, a legislated right to disconnect, which has gained scholarly attention as a potential mechanism for gender equality, may support these efforts (Fiata 2023). Developing secure career development pathways for women and junior lawyers to build digital, legal, and relational skills may also help to harness the benefits but minimise the negatives of technology change on gendered legal careers. As many of the gendered impacts of technology identified in our study were borne from existing gender relations within the profession, more powerful strategies to design 'in' gender equity would include breaking down existing inequalities. This includes gendered stratification, by improving the representation of women in leadership positions, and gendered segmentation, by promoting gender diversity across legal specialisations and practice areas.

## **Conclusion**

The findings show that the implications of current technological transformations within the legal profession are complicated and contradictory. Drawing on interviews with senior leaders from across the Australian legal profession, we develop an overarching framework for understanding how current technology changes are likely to impact gendered careers in the legal profession, in both positive and negative ways. These transformations are likely to offer women lawyers improved access to and progression within the profession, breaking down long-standing closure mechanisms, and support greater career sustainability and wellbeing through a range of alternative career pathways. At the same time, the uptake of current technologies within the profession is coalescing to reproduce and amplify existing gender inequalities. This includes the segregation of women into low-value, less prestigious routine legal work and men into high-value, lucrative legal areas, and a likely widening of the gap between men in senior leadership and women in more junior legal roles. The changes are also likely to embed precarity and poor quality into legal careers, particularly for women lawyers.

It is impossible to predict with certainty how technological transformations will play out within the legal profession. However, the possible futures uncovered in this paper make it difficult to foresee that the changes underway will significantly disrupt the existing composition of the profession's prestigious and senior ranks. It appears equally unlikely that the practices historically supporting male lawyers' career progression, such as extreme working hours cultures and networks of patronage and sponsorship, will be dramatically shifted by the uptake of current technologies. We therefore argue that active strategies by the profession and employers are required to ensure the benefits of current technologies can be harnessed while mitigating the challenges to the future of gender equity in the legal profession.

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