

MARTA CHOROSZEWICZ

Department of Social Sciences, University of Eastern Finland

WOMEN'S SENSE-MAKING OF OPPORTUNITY STRUCTURES IN THE PROFESSION OF ATTORNEY IN POLAND

INTRODUCTION

Gender still plays a significant role in organizing professions, occupations and workplaces across a number of late-capitalist economies (Acker 2004, 2012; Bloksgaard 2011; Haynes 2012; Huppertz 2009, 2012; Kantola 2008; Pacholok 2009). The profession of attorney¹ (adwokatura) is an example of an old profession which has been internationally identified as a masculine territory that is hostile to women (Brockman 2001; Epstein 1993; Hagan, Kay 1995; Sommerlad 2016). Historically, while candidates to the profession were carefully selected among others in terms of gender (Friedrichs 2006), the formal exclusion of women and thus overt gender discrimination is no longer possible. Yet, women's entry into law professions was accompanied by differential professional expectations. For example, female lawyers were expected to contribute with their unique perspective on lawyering, characterized by collaboration and emphatics (Epstein 1993; Gilligan 1982; Menkel-Meadow 1985, 2005). Gender as a source of potential for women's agency across occupations and

Correspondence address: marta.choroszewicz@uef.fi

¹ The profession of attorney is referred to as a legal profession or legal practice in the international literature. In Poland, to be able to practice law with the title of attorney, one needs to have, besides a master's degree in law, a completed attorney apprenticeship, combined with practical training, and must have undertaken the Bar exam. However, some groups of lawyers can be exempt from the obligation of the Bar exam or/and attorney apprenticeship (see Nascimbene 2009: 98).

work environments has become particularly relevant in late capitalism, with a flexible and service-oriented economy in which emotions as a tacit type of labour are widely utilized (Archer 2000; Bolton 2005; Salmela, Mayer 2009).

The profession of attorney is one of the top legal bastions, which remains highly stratified, specifically in terms of gender. Women continue to experience barriers and constraints, specifically as they approach job positions and legal specialties that are characterized by greater prestige, authority and influence. The absence of women from the upper echelons of law firms and the profession itself indicates that women are included in the profession in exclusionary ways (Bagust 2012; Bolton, Muzio 2007; Pinnington, Sandberg 2013). Exclusion often takes the form of subtle and hidden processes that rest upon certain assumptions around work commitment and professional roles. While these processes might be similar across cultures, there are also important differences due to the impact of national variations in the organization of legal education and the legal profession.²

Women attorneys in Poland have been the subject of only limited research attention (i.e. Choroszewicz 2014a, 2014b, 2015; Fuszara 2003, 2005; Szafraniec 1982). While women constitute only about one-third of all Polish attorneys,³ their share varies between 19 and 41 percent across regional chambers of the Bar (Choroszewicz 2014a: 237). Women have been involved in the profession of attorney since 1925 (Burakowski 1976: 20). Despite the ongoing boom in the number of female law students and graduates and more recently female attorney apprentices, women's presence in private practice and in the leading institutions of the Polish Bar⁴ in Poland has improved only marginally in the last two decades (Choroszewicz 2014a; Fuszara 2003: 373). For example, after 1989, Polish female attorneys benefited from the lucrative professional status of independent law practitioners, whose numbers were strictly regulated by the profession itself. However, with the growing number of lawyers and their increasing employment within law firms, women attorneys may find themselves in new occupational circumstances. Moreover, women's participation in the work force in Poland has not received much legislative support compared to other countries, which is attributed to the high rate of women who stay at home full time with children as a result of expensive and not readily available childcare (EIGE 2013; Plantenga, Remery 2010; Plomien 2009). The employment of nannies and additional housework help is a solution that

² Lawyers' education and qualification are still very highly related to national jurisdictions, which impedes lawyers' mobility in search of better career opportunities.

³ The last available official statistics are from 2009.

⁴ The profession of attorney is organized around association membership. The leading regulatory and representative body is the Supreme Council of the Bar (Naczelna Rada Adwokacka), which is the national umbrella association for all 24 regional chambers of the Bar (Okręgowie Rady Adwokackie).

professional women in Poland use to mitigate work-life conflict (Choroszewicz 2014a; Rollnik-Sadowska 2010; Wóycicka 2009).

This article contributes to the body of knowledge on gender inequality in the profession of attorney in Poland, with insights into the ways in which women attorneys make sense of their differential opportunity structures. The topic is specifically relevant today because of the intensification of competition in the Polish labour market for legal services, which is due, among other things, to the rising number of attorneys and the vanishing of jurisdictional differences between attorneys and legal counsels⁵ (Mrowczynski 2016). Not only have legal counsels broadened their scope of legal jurisdiction, but attorneys are also increasingly providing legal services to corporate clients (Fuszara 2005). Both professions are also growing significantly in terms of the number of members. Nevertheless, there continues to exist institutional division between the two professions, which is justified by the differences in the statutes and code of ethics. Polish attorneys are still excluded from employment relationships and are not allowed to advertise their legal services, which are regarded as the reasons for the rather low proportion of women among attorneys (Fuszara 2005). Female attorneys have limited rights to maternity leave and are often required to continue paying the costs linked to their solo practices and Bar membership⁶ while caring for their new-borns (Choroszewicz 2014a: 99–102). Ignorance regarding the challenges facing women in private law practice may result in an exodus of women from the profession of attorney to other law professions, the very phenomenon that plagues the profession in other countries (Kay, Alarie, Adjei 2013, 2016).

The analysis presented in this paper demonstrates the ways in which women attorneys make sense of their career opportunities while trying to reconcile the often conflicting expectations and roles of professional and personal lives. They navigate their careers within highly competitive male-dominated professional structures that evaluate women's and men's contributions in an unequal manner. The analysis draws on Joan Acker's theory of gendered organizations and a narrative approach to the analysis of interview data with 15 Polish female attorneys who practice law as members of the Warsaw Chamber of the Bar. The article makes a number of contributions to the existing body of research on the persistence of gender inequality among attorneys in Poland as well as in male-dominated professions in general. However, the key contribution is the insight into the shared, albeit varied, reality of female attorneys'

⁵ One of the remnants of the socialist past is the division of the Polish legal profession into two self-regulated professions: attorneys (*adwokaci*) and legal counsels (*radcy prawni*). Originally, attorneys were licensed private-practice lawyers who provided legal services to individual clients, and legal counsels, as a professional group, were established during the communist dictatorship to work exclusively in state organizations (Mrowczynski 2016; Fuszara 2005).

⁶ Since last year, women attorneys can apply for a six-month suspension from the payment of the Bar membership.

professional and personal lives. The findings identify four gendering processes that venture from the structure of the profession of attorney and the social mechanism of work-life conflict in Poland. The analysis also demonstrates the diverse ways in which women experience, confront and make sense of the gendering processes identified, which are influenced by women's social standing, family situation and career stage. Women are not only the passive victims of these processes; they also actively engage with the processes to exert agency in their pursuit of a legal career.

GENDERED ORGANIZATION AND WOMEN'S SENSE-MAKING OF OPPORTUNITY STRUCTURES

The article draws on the influential framework of Joan Acker (1990, 1992) to analyze the legal profession as an example of gendered organization, the structure and culture of which disadvantage women professionally. This disadvantage originates from the normative and hidden assumptions instilled in its processes, working ideals and expectations, which do not necessarily fit with women's life experiences and the expectations placed on women in society (Brockman 2001; Epstein 2007; Meyerson, Fletcher 2000).

I consider Acker's framework especially useful to the analysis of gender inequality in traditionally male-dominated professions, such as the profession of attorney, as most of the barriers that persist against professional women are often subtle and informal. The gender bias is deeply entrenched in the working culture and professional ideals, which are shared and woven into the fabric of lawyers' identity and organization of legal work. This bias might be difficult to challenge when the processes causing it are not made visible (Meyerson, Fletcher 2000). Even those women who are impacted by it might feel pressure to deny its existence and to look for reasons elsewhere, for example, in themselves (Biese, Choroszewicz 2018). Acker's approach redirects the focus of the analysis from individual women towards processes that lie at the heart of hidden forms of gender discrimination. Acker (1990: 146–147) distinguishes five interacting processes that produce and sustain gender differences and hierarchies: gendered symbols and images, gendered identities, gendered division of labour, gendered interaction and processes for creating and conceptualizing social structures.

In this article, I focus specifically on the first two processes, which stood out as especially salient among the Polish interviewees. These two processes allow for an examination of the ways in which women subjectively make sense of the choices within the structures of this male-dominated profession. Yet, gendering processes are never purely constraining, but they also enable individuals to engage with them through these individuals' interpretations of these processes (Choroszewicz 2016). Archer's (2000) argument, that individuals exercise agency when they reflect on their structural conditions, brings together

discussion on structure and agency. The discussion helps to situate women's experiences within the contextual settings of their personal and occupational lives. Women engage and confront gendering processes when they give meaning to their own experiences of constraints and opportunities, which in turn influence their strategies to cope with the disadvantageous structures of the profession. Their abilities to interact with these structures are linked to their perception of possessed resources and thus choices within the given circumstances. For example, the processes that produce gendered images and identity impact women's different interpretations of career choices and the legal specialties available to them as female attorneys. Thus, women may perceive certain legal specialties and work environments as more compatible with their life experience, skills and attributes (Choroszewicz 2014a; 2014b; Hearn et al. 2016: 55–56; Pinnington, Sandberg 2013). They can also be channelled by their employers, colleagues and clients into certain tasks and jobs that are perceived as more appropriate for them as female attorneys (Bolton, Muzio 2007; Pierce 2010). Nevertheless, these women's presence across the gamut of legal specialties suggests that it is less about universal structures that hold women back in their career progress and more about the ways in which women make sense of their circumstances and opportunity structures in relation to their social standing, family situation and career stage. Thus, gender emerges as a potential source for action that individuals "practice" or "do" in relation to a cultural repertoire of gendered scripts that are available to them in their contexts (Martin 2003; Poggio 2006). Women may draw less or more reflexively on a class of gendered practices available to them in certain social and work contexts to enhance their career choices.

DATA AND METHOD

The article is based on a doctoral study in which the focus of analysis was the professional status and career choices of female attorneys in Finland and Poland (Choroszewicz 2014a). The study applied a mixed-methods design to the analysis of statistics, survey responses and 25 semi-structured interviews with Finnish and Polish female attorneys. This article is based on the analysis of interview data with 15 Polish female attorneys who are members of the Warsaw Chamber of the Bar (Okręgowa Iza Adwokacka w Warszawie), which is the largest and the most rapidly growing regional chamber. The interviews lasted between 40 minutes and 2.5 hours. The recruitment of interviewees took place through a survey in which the respondents were asked to provide their email addresses if they agreed to participate in a follow-up interview. The interviewees differed in terms of age, career phase and family situation (Table 1).

The method of analysis used was the narrative approach, which rests on the assumption that individuals construct their narratives within a particular context that must be examined in order to understand what lies behind their nar-

rated experiences (Polkinghorne 1988). It is through narratives that individuals make sense and add meaning to their experiences, which can be discerned by a critical examination of the content of the interviewees' narratives (Polkinghorne 1988). The analysis was guided by the leading research question: what processes disadvantage female attorneys in pursuing a legal career in Poland? The processes were identified and examined with the application of Acker's framework of gendered organization. This framework enabled an identification and description of four processes emerging from the interview data. As the fieldwork turned out to have only limited outreach in explaining women's diverse engagements with those processes, other theoretical perspectives (i.e. Archer 2000; Martin 2003) were applied to better capture the dynamics of women's agency within social and professional contexts.

The data analysis was organized in three phases. First, I read the 15 transcripts to select the passages relating to women's career disadvantages. Second, I applied Acker's typology of five gendering processes to the reading of the selected passages, which lead to their organization under two categories of processes: gendered images and identity. Third, the passages were analyzed with regard to their content and the women's responses to them. The final results are divided into four processes that are described in the next section.

PROCESS 1: PROFESSIONALLY COMMITTED WOMEN ARE NOT LIMITED BY THEIR FAMILY LIFE

Gendered differences and hierarchies can be produced and reproduced through certain beliefs, practices and expectations, which are considered intrinsic to professional roles. These include, for example, long working hours, face time and the ability to prioritize work over family life, which may function as indicators of lawyers' work commitment and productivity in the eyes of employers, colleagues and clients (Moen, Kelly, Hill 2011: 72). These indicators originate from the historical division of household work, which was primarily the domain of women (Meyerson, Fletcher 2000: 129). Traditionally, men have had more opportunities to fit into these requirements due to their limited roles in household work and caregiving. By contrast, these requirements continue to be more problematic for women and thus impose more difficult choices on them in terms of career and family (Mossman 1994).

Work-family conflict continues to disadvantage female lawyers in their career advancement across cultures (e.g. Bacik, Drew 2006; Pinnington, Sandberg 2013; Walsh 2012). It appears also salient to the interviewees. The numerous interviewee accounts point to the expectation that, as attorneys, they should be capable to devote unlimited time to their professional roles. In order to fit into this expectation, the interviewees feel pressure to suppress their maternal roles so that their responsibilities in the area of home and family appear invisible and thus irrelevant to their work and career. This expectation is deeply

Table 1

The main characteristics of the interviewees

No.	Type of law practice	Current job position	Age	Work experience (yrs.)	With/without children
1.	solo practice in a shared office and with shared administrative staff	solo practitioner	41	7.5	2
2.	small law firm	owner	34	5	—
3.	solo practice	solo practitioner	51	12	1
4.	corporate firm	partner	40	9	1
5.	solo practice	solo practitioner	31	4	1
6.	solo practice in a shared office and with shared administrative staff	solo practitioner	35	3	2
7.	small law firm	associate	33	4	2
8.	solo practice, small law firm	solo practitioner and associate	31	3	—
9.	corporate firm	partner	40	11	—
10.	solo and joint practices	solo practitioner and co-partner	42	7	—
11.	solo practice in a shared office and with shared administrative staff	solo practitioner	81	51	1
12.	solo practice	solo practitioner employing apprentice	40	11	1
13.	solo practice	solo practitioner	61	34	2
14.	small law firm	attorney apprentice	30	4	—
15.	solo practice, shared office	solo practitioner	33	6	1

Based on own research.

instilled in the role of being an attorney, so women may see it as obvious and natural. It may also go unnoticed until it is identified. For example, during the interview, an interviewee has described strategies that she had used to hide her pregnancy and her caregiving responsibilities to avoid possible misconceptions from her clients about her work commitment. It has been in the interview that she has realized the assumptions behind her actions:

Honestly, I have to admit that as long as it was possible, I tried to hide my bump. I know it is awful, but for example I often did not stand at the table. The client would come in, but

I did everything possible to avoid standing. The secretary knew that she needed to bring me the documents when I called her in so that nobody could see my stomach [...] For sure, it is more convenient when the pregnancy is not visible and you do not need to explain it to clients [...] There is also no need to inform them that you have small children because I don't think it is anyone's business to know that, and also because then someone may think "Oh, small children, so she might not be available or flexible enough, and there will be problems; so I try not to talk about it [...]" I know it might sound irrational to say this, but I have always thought that for clients, professional women have no personal life. So if I am late arriving somewhere, I try not to say that it is due to the children. I prefer to figure something else out [as an excuse]. [6]

The expectation that, as committed attorneys, they should not be limited by their caregiving responsibilities pressures women to appear to their clients, employers and colleagues to be as flexible as their male colleagues. Balancing work and family demands is a struggle that the interviewees need to cope with on an individual basis. For instance, they do not feel professionally comfortable to take a longer than 3–4-month maternity leave even though they are legally eligible for a year-long leave. One of them, who owns a small law firm which employs predominantly female lawyers, comments on the issue of maternity leaves as follows:

If she [a female attorney on maternity leave] is sensible, she will limit her maternity leave so that she does not lose contact with reality in the legal sense. Unfortunately, after a year's break without intensive contact with legal acts and regulations, I think that it is difficult to come back to this profession because the regulations are in constant flux [...] and unfortunately, these are the requirements and the nature of this profession. [2]

The interviewees who took maternity leave argue that while on leave, they had to continue to work on a part-time basis to keep their solo practices alive. Acting as an attorney implies considerable uncertainty in terms of, for example, the duration of legal cases. Even if they try to finalize their cases before the birth of their children, it is not always possible. Court appointments are strict and often impossible to change (see Choroszewicz 2014a: 94–100). When they work as solo practitioners, they often do not have anyone to take on their cases. Even if they could, their reputation would be on the line, and they would carry the responsibility for work done by someone else. If they had enough experienced and trusted attorney apprentices or colleagues, they would perhaps ask them for help. Otherwise, many of them feel that they have no choice but to juggle the new role of being a mother and the professional role of an attorney, as the following quotes demonstrate:

I gave birth to my daughter on one day, and ten days later, I needed to be present for a court case. Later on, I managed to find a replacement, but then [four months later] I needed to go to court again. [7]

When I, for example, began maternity leave, I had to organise someone to take on my client responsibilities. But it is often also the case that during maternity leave, we are still professionally active to the extent that it is possible. For example, we work at night, or we

organize someone to care for the child from time to time so that we can work. Maybe we are not working and available full time, but we meet clients and go to court if needed. In reality, it is not possible to leave all of that and take maternity leave. [1]

Still, women who work as solo practitioners or in small joint practices report having greater autonomy and control over the combing of work and family life compared to their colleagues who work for bigger law firms. As solo practitioners, they can decide on how many and what type of cases they accept and how they organize their work. By contrast, women working for bigger law firms, are expected to be capable of organizing their family life around work demands. The childless interviewees are aware of the difficulties they might face once they have children:

I do not know if I will be able to do it in the future, especially if I have children. At the moment, I am newly married, but after 2 or 3 years, I would like to have, or I should like to think about having children. So there is the question of whether it will be possible to combine children with my work. But I guess it is a common dilemma familiar to every woman in this profession [...] and I think that this is the problem in this profession when you have children and you want to work at full capacity; it is just impossible. [8]

The above-mentioned concern is also prevalent in the accounts of interviewees who work as partners in law firms, as they feel torn between work and family demands. The expectation of making their family life invisible results in women's sense of insecurity once their families grow. The women report feeling that they need to be specifically indispensable to their workplaces so that their maternal role does not undermine their professional status. The pressure to be indispensable seems to continue or even increase after they achieve senior positions:

I coped very well, although I do not know whether I will cope so well for years onwards. I do not know that, I have no idea. My child is still small. I do cope well, but if, for example, we have a second child, I do not know how it will work, and maybe they may lay me off. I hope not because I have my own work, which I have control of, and nobody sticks their nose into it. So as long as everything works, nobody will say a word to me [...] the ugly truth is that you are only valuable to the corporation as long as you are profitable. [4]

With the growth of their families, their maternal role and caregiving responsibilities grow, while at work, their expectation remains comparable to those of their male colleagues who carry very limited caregiving responsibilities and can thus devote 10–15 hours a day to their professional role. The interviewees feel a sense of loneliness in the face of their work-life conflict, which they need to solve on individual basis. They do not feel that they are in a position to negotiate more flexible gender roles in their homes due to the prevalence of the traditional family model in contemporary Poland and the lack of recognition of fathers' caregiving rights and responsibilities (Choroszewicz 2014a). They feel torn between the work they like and the family life that is important to them. This conflict limits women's career choices, as they feel

limited agency to change the situation when they work for bigger law firms. As these firms do not offer them solutions that can assuage the work-life conflict, they opt for their own solo practices:

I stopped working with that law firm because I could not promise them that I would be so flexible and that they would be able to count on me in every situation they wished, and I didn't know whether it would be possible to do so in my situation [due to by second pregnancy], and now I see it would have been impossible to be so flexible. [7]

It was the optimal choice for me, as at the moment of coming back [from abroad], I had a small child who needed my time, and I had to organize everything. Now my daughter is older and more independent because these are her first years of school, but she is still a child, and she needs attention. So the kind of work I experienced earlier in the large law firm was not possible because I prefer to limit my income so that about 4.00 p.m. when she is at home and has lunch I can then be with her, talk to her and do homework together. So my practice is only now kind of taking off. [12]

Independent solo practices or small joint practices comprising colleagues who understand their needs and life situations are the solutions women develop to decrease work-life conflict and avoid misconceptions about their work commitment (Biese, Choroszewicz 2018). In addition, in the early stage of their career, the interviewees may decide to work simultaneously for bigger law offices and their own solo practice so that they could have other career options available when they have children and are no longer capable of living up to the law firms' working conditions. Thus, the interviewees in this study exercise their agency by developing forms of work organization that provide them with alternative options.

PROCESS 2: MEN ARE ATTRIBUTED GREATER AUTHORITY

Gendered organization may also be sustained through the higher level of symbolic value attached to masculine assumptions around notions of authority, competence and expertise, which are instilled in the professional culture and structures (McCall 1992; McNay 1999). Becoming a professional is a dynamic process that includes doing a masculine gender, that is, acquiring and exposing the attributes and patterns of behaviour that are socially associated with masculinity (Davies 1996). Men can be seen as more competent and committed workers or professionals by virtue of being male (Bourdieu 2001).

The interviewees who work in bigger law firms and in legal specialties like litigation, criminal or corporate law, admit that these work environments are occupied by more men; consequently, women may face more challenges with regards to the acquisition of work experience in these areas. Three interviewees also notice that their male colleagues receive more interesting and challenging legal cases. However, instead of seeing this as discrimination, they focus on developing strategies to overcome this disadvantage. For instance, one of the interviewees who works as a partner in a law firm acknowledges that her male

colleagues are more visible in the rankings of lawyers as they tend to lead more strategic projects. She has made herself indispensable to the firm through her work on smaller projects that provide her with greater flexibility in terms of working time. She is content with her job situation as she does not need to work around the clock like her male colleagues.

Two other interviewees have developed their own strategies to cope with the symbolic value of masculinity. An interviewee who has a joint practice with another female attorney argues that she insists on acquiring a male partner to their joint practice in order to attract more interesting legal cases:

In general, the business is very male. We have been thinking for a long time about getting a man here because I am convinced that if we had a male co-partner, we would receive different kinds of cases and that we would have more interesting cases. I have even suggested to my co-partner that we need a male co-partner. [10]

I would say that men more easily attract clients and that it is easier for them to demand higher payments for their services. They also have greater emotional distance to the cases. [1]

The third interviewee notices that some of her clients doubt her legal advice and that they need confirmation from male attorneys. Thus, she draws on her professional contacts from law studies to collaborate with male lawyers whom she trusts and to whom she sends clients who require a second opinion on her legal advice.

Even today, if I need some help, for example, with some clients, I ask my male colleagues to cooperate with me, or if I see really strong resistance from a client, I will then let him go to some male attorneys who will tell him the same thing [...] Recently, I had at least two clients who needed to check my advice with male attorneys and who decided to work with me afterwards [...] This is the group of people [male colleagues to whom she sends resistant clients] I always talk with and who I can always call. [5]

Some interviewees appear to be specifically aware of being embedded in professionally unequal circumstances compared to their male colleagues. While they feel that their male colleagues are more likely to be attributed with more credibility in their professional roles, they do not identify this as a barrier or discrimination. Analogically to women in other male-dominated professions (e.g. Kantola 2008: 217–220), they refrain from seeing themselves as passive victims. Instead, they draw on their professional networks to find individual solutions to overcome these structural problems. The solution requires that female attorneys build their professional networks to include male colleagues on cases in which they need a masculine authority to affirm their professional credentials. However, their individual solutions do not solve the structural problem of masculine authority that lies in the formation of the legal profession and operates as an invisible barrier against women's career progression. While women may acquire masculine attributes and patterns of behaviour through

legal education, job training and work experience, they can rarely escape the limitations linked to the symbolic value of masculinity.

PROCESS 3: WOMEN NEED TO INVEST MORE IN ACTIVITIES THAT GENERATE BUSINESS

Male advantage in a gendered organization is sustained by the greater value assigned to activities performed by men, which is reflected in a system of assessment, rewards and promotion (Acker 1990, 2012). This implies that if women want to enjoy equal career opportunities, they need to act more like men. In the case of law firms, a recent body of research demonstrates that women's disadvantage regarding career progression is nowadays related to the so-called rainmaking phenomenon, that is, an ability to bring in new clients to firms (Sterling, Reichman 2016: 376).

The need for women to adopt a more masculine style of acting as attorneys is also evident in the interviewees' responses about the different career advancement possibilities for male and female lawyers. The interviewees who practice corporate law have had experience collaborating with both male and female lawyers and have had the opportunity to observe some differences in terms of quality and style of work, diligence and activities. The interviewees in leadership positions argue as follows:

Women are more disciplined and solicitous in their work, but they have difficulty prioritizing and thus organizing their work assignments. If I give three time-consuming tasks to a woman, she will complete none of them. If I give them to a man, he will do all of them but with poor quality. [2]

Work goes better with women [...] I think, and according to my observations, women are more capable of systematic work on smaller things. Women do not get angry if they are asked to do something that requires less in terms of intellectual demands. If I asked any of my girls to translate a contract into a foreign language, she would have no problem with it, and she would not respond that it is the job for a translator. Instead, she says "There you go, I'll do it." If I ask any of them to answer some stupid messages, they answer it and do not try to discuss with me [...] If there is something to be done, we just do it, and nobody gets offended that it is a smaller or bigger challenge. [9]

While the women's diligence and solicitousness make them sought-after employees, these are insufficient for career progress towards the higher positions of law firms. For example, the female partner explains her understanding of the reasons behind women's slower career progression:

I think that women are very hard-working, and they put their heart in their cases and the everyday administration of these cases so that they are on time with their work and that the work is done according to standards and so on. Men seem to put less effort into it, but they attract more attention to marketing activities such as presenting at conferences and publishing and so on [...] I see similar regularities in my own work. I usually prefer to

concentrate on actual work in order to do what is required for projects instead of investing extra time doing something that will bring more business for me in the future. [9]

While female attorneys appear to be increasingly recognized in the profession for some of their strengths in client service, it may generate an assumption that women are more prone to work on smaller and less strategic projects and client retention instead of investing their time in activities that attract new clients. The traditional masculinist structure and culture of the profession puts the blame on women for not doing the work that is more visible and thus more prestigious. However, research demonstrates the way in which the current business model of law firms, with its emphasis on business generation, disadvantages women in particular due to their limited access to social and business networks compared to their male colleagues (Kay, Alarie, Adjei 2016; Sterling, Reichman 2016).

PROCESS 4: WOMEN ARE MORE EMPHATIC

Gendered organization is also produced by different revaluations of female and male attributes and skills. Gendered organization places greater value on traits that are stereotypically associated with men, such as aggressiveness, assertiveness, decisiveness and toughness (Meyerson, Fletcher 2000: 129). Historically, women in male-dominated professions have been torn between living up to the ideal of a male professional while preserving their femininity in their personal lives. Women infrequently legitimately display behaviour that is against their archetypal feminine nature, such as arrogance and aggressiveness (Thornton 1996: 172). Instead, professional women in male-dominated professions and leadership positions might need to be able to strike a happy medium between the behaviour that generates effect in the field and behaviour that is expected of them as women (Choroszewicz 2014a; Hearn et al. 2016; Simpson, Ross-Smith, Lewis 2010). Thus, female lawyers might display more aggressive behaviour in courtrooms but might be friendly and caring towards office colleagues (Pierce 2010).

Some interviewees seem to be motivated in their professional roles by their gendered life experience and skills. Therefore, guided by their gendered identity, some interviewees feel entitled to display emotional input along with the legal service, which is not necessarily expected from male attorneys (Choroszewicz 2014a; Pierce 2010). Those interviewees argue that a broader perspective on their professional roles means finding the best possible solutions for the situation at hand:

I think it is easier for us [female attorneys] to reach an agreement because I very often invite both sides here to the office, and we discuss the conditions of, for example, divorce or childcare plans [...] Women here [in family law] very well realize their potential. [5]

Two other interviewees who work with indigent clients feel particular legitimacy in drawing on the emotional work that accompanies their day-to-day working practices and client care. They refer to their gender-specific competence in rendering certain tasks as natural to them. They claim to come across as compassionate and caring to their clients:

I work in a very specific legal area, namely, compensation lawsuits, which primarily deals with traffic collisions and medical malpractice. This is like a tailor-made area for female attorneys because these people are individual clients... here comes such an individual client who needs to be taken care of in the literal sense. Sometimes, you also need to be a psychologist as well as be able to send a person to particular social assistance offices and tell them where and what needs to be arranged, what kind of documents/papers they need. I sometimes have the impression that I need to provide them with some kind of full service. [6]

Women are more empathic, and it is easier for them to understand their clients and advise them in these types of cases [family law] [...] while male attorneys prefer to get tasks: they get a case, go to court with it, win it, and this is it. Women have different attitudes to these cases and devote more attention to them, and maybe this is why they are more often occupied with them [...] I do not think that this level of emotionality towards clients and their cases is something unprofessional. I think it can even sometimes be very useful in order to solve cases and present them in court in a proper way. [1]

By contrast, in male-dominated legal specialties, the interviewees feel a greater need to navigate between traditionally male and female traits. As a female law firm partner explains:

I try not to use aggression because it is against my nature, but I am definitely combative and use my own initiative; so I have all the features needed in this profession. If needed, I can scold someone. But I try not to do it without a reason, and I do not treat it as the method of my everyday work [...] but I know both male and female colleagues who use it daily, and they are perceived as bloodsuckers. There is also a category of clients who like it or search for it in lawyers. [4]

Additionally, one interviewee who owns a small law office and exclusively employs young women due to their diligence and solicitousness, explains that she has never experienced career disadvantages due to gender stereotypes. Instead, she assures that there are advantages relating to gender stereotypes in her legal specialty:

I have never experienced gender stereotypes as disadvantageous to me professionally. Certainly, we may hear from time to time sexist retorts and improper jokes, but personally, I do not care about them [...] It is a service-oriented profession, and I have noticed that men derive pleasure from being served by an attractive female attorney who does what they tell her to do. Our clients are all men, and I have an impression that they like it. They might have some gender stereotypes, but I do not see reason to fight them, as they might also be beneficial. [2]

The interviewees are aware that they chose a very demanding profession in which they feel the need to navigate between traits that are stereotypically associated with men and women. They also see differences across legal specialties

in terms of the professional expectations of them as female attorneys, which may have influenced their career choices. The interviewees who work as solo practitioners feel motivated to draw on their gendered skills as women. In legal work involving the provision of legal advice to clients in disadvantageous life situations, they mobilize cultural assumptions around womanhood that operate as symbolic resources. This encourages them to opt for work environments and legal specialties in which they can capitalize on their life experience and skills. While this legitimizes women's claims to master special expertise, it also sustains the gendered division of legal work and gendered hierarchies within the profession by assigning legal tasks and specialties as more appropriate for women or men (Bolton, Muzio 2007; Choroszewicz 2014a).

Some interviewees are also engaged in joint activities with other female lawyers, which provide them with greater professional visibility as solo practitioners. This is specifically common among the interviewees from solo and joint practices who provide legal services to individual clients and who have greater autonomy to develop their own patterns of collaboration:

There are seven attorneys here, all women. Each of us has our own solo practice, but we share the cost of renting and secretarial assistance. [1]

Here, we work together as a co-working space, but each of us has our own solo practice. At the moment, there are three of us women here [...] We are really a well-matched team. We often meet just to have a chat. We also have common projects. Recently, as a co-working space, we issued a common legal guidebook [...] We celebrate Christmas Eve together as well as Easter. We have many meetings just like that in order to be together and invite other people, keep contact with other people, judges, prosecutors in order to keep these relations friendly because these are often also people from university. It somehow helps [to keep contact with them] [...] if I have some problem, I call a judge I know, and I ask her what to do or a prosecutor; of course it helps. [6]

Huppatz (2009: 57), in her study on women in feminized occupations, argues that women "are creating conditions under which 'femaleness' can act as capital." This study provides some evidence that it is also relevant for women in the profession of attorney to abstain from the pressure to fit into existing professional structures and, instead, to establish their own forms of organizing and collaboration, which are more compatible with the interviewees' life experience and situation. The interviewees' accounts indicate that in some legal specialties and work environments, women have greater sense of capacity to make a resource out of their gendered life experiences.

DISCUSSION AND CONCLUSIONS

This article has analyzed the ways in which Polish female attorneys make sense of their opportunities and disadvantages in the profession. The results demonstrate that women are aware of the structural conditions under which

they develop their careers, which are characterized by four co-existing and interacting processes that they navigate in pursuit of a legal career in Poland. According to these processes: professionally committed women are not limited by their family life; men are attributed greater authority; women need to invest more in activities that generate business; and women are more emphatic. All four processes are related to the construction of professional images and identities that influence women's spectrum of available career choices and strategies. These processes rest on the clear division between work and non-work spheres and asymmetrical assumptions surrounding masculinity and femininity, which continue to undermine women professionally, specifically in male-dominated professions such as the profession of attorney. Additionally, the post-socialist context of Poland puts female attorneys in particularly challenging situations due to traditional gender roles and norms, both in family life and working life, as well as insufficient work-life reconciliation policies (Choroszewicz 2014a; Plomien 2009). Even though women have been present in the profession of attorney since 1925 (Burakowski 1976: 20), they still need to navigate the competing pressures of professional and family life as well as gendered expectations of them as female attorneys.

This study has also provided insights into the ways in which female attorneys manage their disadvantages in a male-dominated profession and how the changes in the market for legal services may support professional women in their claims to professional expertise. The identified processes do not undermine all interviewed women in their pursuit of a legal career in a universal way. Women's abilities to act upon the disadvantageous structures are related to their social standing, family situation and career stage. Thus, women can and are negotiating their career opportunities when they develop individual strategies to manage the structural disadvantages inherent in the profession of attorney in Poland. For instance, as they carry greater caregiving responsibilities compared to their male colleagues and spouses, they opt for work environments or legal specialties in which they feel greater flexibility to draw on their gendered life experience and skills. Self-employment is not only a professional obligation for them but also a conscious choice that they make to avoid negative misconceptions about their work commitment and to gain greater control over combining work and family life. Thus, women in this study seek work environments and legal specialties in which they can exert more agency with regard to their professional credibility. They also build their professional network in the way that it benefits their careers.

Finally, the study has also demonstrated that in late capitalism, the male gender is not the only source of capital (Acker 2004). Women in this study make a resource out of their life experience, gender differences and hegemonic ideas about womanhood to justify their claims to professional expertise and to improve their career prospects. By doing so, they do not only develop their own forms of organizing and collaboration, but they also negotiate their oppor-

tunity structure with a use of a cultural repertoire of gendered scripts (Martin 2003). This echoes Rhode's (2003: 7) apt observation that "particular groups of women under particular social conditions practice their professions based on different expectations and experiences than men." Women as active and reflective agents turn the feminine gender into a source of professionally valuable capital in the circumstances (both enabling and constraining) they confront. Notwithstanding, the recognition of these resources across legal specialties is not even, and thus, women might need to make career choices in terms of work environment and legal specialty that could provide them with flexibility to draw on the gendered skills that legitimize their claims to mastery in special expertise. This, in turn, sustains the gendered classification of work and tasks within the profession, which is specifically disadvantageous to women who are more often attributed with work that is less financially and professionally rewarding. While it is beyond the scope of this article, future research should examine male attorneys' sense-making of opportunity structure to account for possible disparities among them with regards to social standing, class and age.

REFERENCES

- Acker, Joan. 1990. "Hierarchies, jobs, bodies: A theory of gendered organization." *Gender and Society* 4(2): 139–158.
- Acker, Joan. 1992. "From sex roles to gendered institutions." *Contemporary Sociology* 21(5): 565–569.
- Acker, Joan. 2004. "Gender, capitalism and globalization." *Critical Sociology* 30(1): 17–41.
- Acker, Joan. 2012. "Gendered organizations and intersectionality: Problems and possibilities." *Equality, Diversity and Inclusion: An International Journal* 31(3): 214–224.
- Archer, Margaret. 2000. *Being Human: The Problem of Agency*. Cambridge: Cambridge University Press.
- Bacik, Ivana, Eileen Drew. 2006. "Struggling with juggling: Gender and work/life balance in the legal professions." *Women's Studies International Forum* 29(2): 136–146.
- Bagust, Joanne. 2012. "Keeping gender on the agenda." *Griffith Law Review* 21(1): 137–163.
- Biese, Ingrid, Marta Choroszewicz. 2018. "Creating alternative solutions for work: Experiences of women managers and lawyers in Poland and the USA." In: S. Taylor, S. Luckman (eds.). *The 'New Normal' of Working Lives: Critical Studies in Contemporary Work and Employment*. Cham: Palgrave Macmillan.
- Blair-Loy Mary. 2003. *Competing Devotions: Career and Family among Women Executives*. Cambridge: Harvard University Press.
- Bloksgaard, Lotte. 2011. "Masculinities, femininities and work—the horizontal gender segregation in the Danish Labour market." *Nordic Journal of Working Life Studies* 1(2): 5–21.
- Bolton, Sharon C. 2005. *Emotion Management in the Workplace*. New York: Palgrave Macmillan.
- Bolton, Sharon C., Daniel Muzio. 2007. "Can't live with 'em; Can't live without 'em: Gendered segmentation in the legal profession." *Sociology* 41(1): 47–61.
- Bourdieu, Pierre. 2001. *Masculine Domination*. Cambridge: Polity Press.
- Brockman, Joan. 2001. *Gender in the Legal Profession: Fitting or Breaking the Mould*. Vancouver: University of British Columbia.

- Burakowski, Tadeusz. 1976. "Trudna droga kobiet do adwokatury" [Women's difficult path to the profession of attorney]. In: R. Łyczewek (ed.). *Szkice z dziejów adwokatury polskiej* [A sketch about the history of Polish Bar]. Warszawa: Wydawnictwo Prawnicze.
- Choroszewicz, Marta. 2014a. *Managing Competitiveness in Pursuit of a Legal Career: Women Attorneys in Finland and Poland*. Joensuu: University of Eastern Finland.
- Choroszewicz, Marta. 2014b. "Exposing the myth of equal career opportunities: Women attorneys in Finland and Poland." In: M. Virkajärvi (ed.). *Työelämän tutkimuspäivät 2013. Työn tulevaisuus* [Conference on work research 2013: Future of work]. Työelämän tutkimuspäivien konferenssijulkaisu 5. Tampereen yliopisto: Työelämän tutkimuskeskus.
- Choroszewicz, Marta. 2015. "'It is also about helping people'. Women attorneys' commitment to public service and incentives for pro bono work in Finland and Poland." Shaping and Re-Shaping the Boundaries of Working Life Labournet conference. Tampere, Finland, October 2015.
- Choroszewicz, Marta. 2016. "Women attorneys and gendering processes in law firms in Helsinki." *Sociologia* 53(2): 122–137.
- Davies, Celia. 1996. "The sociology of professions and the profession of gender." *Sociology* 30(4): 661–678.
- EIGE. 2013. "Report: Review of the implementation of the Beijing platform for action: Women and the economy: Reconciliation of work and family life as a condition of equal participation in the labour market." Luxemburg: European Institute for Gender Equality. Available at: <http://eige.europa.eu/rdc/eige-publications/reconciliation-work-and-family-life-condition-equal-participation-labour-market-main-findings> [access date: 22.06.2016].
- Epstein, Cynthia Fuchs. 1993. *Women in law*. Urbana: University of Illinois Press.
- Epstein, Cynthia Fuchs. 2007. "Great divides: The cultural, cognitive, and social bases of the global subordination of women." *American Sociological Review* 72(1): 1–22.
- Friedrichs, David O. 2006. *Law in Our Lives. An Introduction*. Los Angeles: Roxbury Publishing Company.
- Fuszara, Małgorzata. 2003. "Women lawyers in Poland under the impact of post-1989 transformation." In: U. Schultz and G. Shaw (eds.). *Women in the world's legal professions*. Oxford: Hart.
- Fuszara, Małgorzata. 2005. "Kobiety prawniczki" [Women lawyers]. In: M. Fuszara (ed.). *Kobiety w Polsce* [Women in Poland]. Warszawa: Trio.
- Gilligan, Carol. 1982. *In a Different Voice: Psychological Theory and Women's Development*. Cambridge: Harvard University Press.
- Hagan, John, Fiona M. Kay. 1995. *Gender in Practice: A Study of Lawyers' Lives*. New York: Oxford University.
- Haynes, Kathryn. 2012. "Body beautiful? Gender, identity and the body in professional service firms." *Gender, Work and Organization* 19(5): 489–507.
- Hearn, Jeff, Ingrid Biese, Marta Choroszewicz, Liisa Husu. 2016. "Gender, diversity and intersectionality in professions and potential professions: Analytical, historical and contemporary perspectives." In: M. Dent, I. Bourgeault, J.-L. Denis, E. Kuhlmann (eds.). *The Routledge Companion in the Professions and Professionalism*. London: Routledge.
- Hochschild, Arlie. 1983. *The Managed Heart: Commercialization of Human Feeling*. Berkeley: University of California Press.
- Huppertz, Kate. 2009. "Reworking Bourdieu's 'capital': Feminine and female capitals in the field of paid caring work." *Sociology* 43(1): 45–66.
- Huppertz, Kate. 2012. *Gender Capital at Work*. Hampshire: Palgrave Macmillan.
- Kantola, Johanna. 2008. "'Why do all the women disappear?' Gendering processes in a political science department." *Gender, Work and Organization* 15(2): 202–225.

- Kay, Fiona M., Stacey Alarie, Jones Adjei. 2013. "Leaving private practice: How organizational context, time pressures, and structural inflexibilities shape departures from private law practice." *Indiana Journal of Global Legal Studies* 20(2): 1223–1260.
- Kay, Fiona M., Stacey Alarie, Jones Adjei. 2016. "Undermining gender equality: Female attrition from private law practice." *Law and Society Review* 50(3): 766–801.
- McCall, Leslie. 1992. "Does gender fit? Bourdieu, feminism and conceptions of social order." *Theory and Society* 21(6): 837–867.
- McNay, Lois. 1999. "Gender, habitus and the field: Pierre Bourdieu and the limits of reflexivity." *Theory, Culture and Society* 16(1): 95–117.
- Martin, Patricia Yancey. 2003. "'Said and done' versus 'saying and doing' gendering practices, practicing gender at work." *Gender and Society* 13(3): 342–366.
- Menkel-Meadow, Carrie. 1985. "Portia in a different voice: Speculations on a women's lawyering process." *Berkeley Women's Law Journal* 1(1): 39–63.
- Menkel-Meadow, Carrie. 2005. "Portia redux: Another look at gender, feminism, and legal ethics." In: S.D. Carle (ed.). *Lawyer's Ethics and the Pursuit of Social Justice: A Critical Reader*. New York: New York University Press.
- Meyerson, Debra E., Joyce K. Fletcher. 2000. "A modest manifesto for shattering the glass ceiling." *Harvard Business Review* 78(1): 126–137.
- Moen, Phyllis, Erin L. Kelly, Rachelle Hill. 2011. "Does enhancing work-time control and flexibility reduce turnover? A naturally occurring experiment." *Social Problems* 58(1): 69–98.
- Mossman, Mary Jane. 1994. "Lawyers and family life: New directions for the 1990s." *Feminist Legal Studies* 2(1): 61–82.
- Mrowczynski, Rafael. 2016. "Institutional professionalization of lawyers in state-socialism and post-socialism: Poland and Russia compared." *International Journal of the Legal Profession* 23(2): 157–184.
- Nascimbene, Bruno. 2009. *The Legal Profession in the European Union*. Alphen aan den Rijn: Kluwer Law International.
- Pacholok, Shelley. 2009. "Gendered strategies of self: Navigating hierarchy and contesting masculinities." *Gender, Work and Organization* 16(4): 471–500.
- Pierce, Jennifer L. 2010. Women and men as litigators: Gender differences on the job. In: J. Goodman (ed.). *Global Perspectives on Gender and Work: Readings and Interpretations*. Plymouth, UK: Rowman & Littlefield Publishers.
- Pinnington, Ashly H., Jörgen Sandberg. 2013. "Lawyers' professional careers: Increasing women's inclusion in the partnership of law firms." *Gender, Work and Organization* 20(6): 616–631.
- Plantenga, Janneke, Chantal Remery. 2010. *Flexible Working Time Arrangements and Gender Equality: A Comparative Review of 30 European Countries*. Luxembourg: Office for Official Publications of the European Communities.
- Plomien, Anna. 2009. "Welfare state, gender, and reconciliation of work and family in Poland: Policy developments and practice in a new EU member." *Social Policy and Administration* 49(2): 136–151.
- Poggio, Barbara. 2006. "Editorial: Outline of a theory of gender practices." *Gender, Work and Organization* 13(3): 225–233.
- Polkinghorne, Donald E. 1988. *Narrative Knowing and the Human Sciences*. Albany: State University of New York Press.
- Rhode, Deborah. 2003. "Gender and the profession: An American perspective." In: U. Schultz, G. Shaw (eds.). *Women in the World's Legal Professions*. Oxford: Hart.
- Rollnik-Sadowska, Ewa. 2010. *Przedsiębiorczość kobiet w Polsce* [Entrepreneurship of women in Poland]. Warszawa: Difin.

- Salmela, Mikko, Verena Mayer (eds.). 2009. *Emotions, Ethnics and Authenticity*. Amsterdam: John Benjamins.
- Simpson, Ruth, Anne Ross-Smith, Patricia Lewis. 2010. "Merit, special contribution and choice: How women negotiate between sameness and difference in their organizational lives." *Gender in Management: An International Journal* 25(3): 198–207.
- Sommerlad, Hilary. 2016. "'A pit to put women in': Professionalism, work intensification, sexualisation and work—life balance in the legal profession in England and Wales." *International Journal of the Legal Profession* 23(1): 61–82.
- Sterling, Joyce S., Nancy Reichman. 2016. "Overlooked and undervalued: Women in private law practice." *Annual Review of Law and Social Science* 12: 373–393.
- Szafraniec, Jolanta. 1982. "Kobieta w zawodzie adwokata" [A woman in the profession of attorney]. *Palestra* 26(8): 71–82.
- Sztanderska, Urszula, Gabriela Grotkowska. 2009. "Rynek pracy kobiet w Polsce w latach 1992–2007" [Female labour market in Poland in years 1992–2007]. In: I.E. Kotowska, U. Sztanderska, I. Wójcicka (eds.). *Strukturalne i kulturowe uwarunkowania aktywności zawodowej kobiet w Polsce* [The structural and cultural determinants of women's professional activity in Poland]. Warszawa: Scholar.
- Thornton, Margaret. 1996. *Dissonance and Distrust: Women in the Legal Profession*. Oxford: Oxford University Press.
- Walsh, Janet. 2012. "Not worth the sacrifice? Women's aspirations and career progression in law firms." *Gender, Work and Organization* 19(5): 508–531.
- Wójcicka, Irena. 2009. "Model opieki w Polsce" [The care regime in Poland]. In: I.E. Kotowska; U. Sztanderska, I. Wójcicka (eds.). *Strukturalne i kulturowe uwarunkowania aktywności zawodowej kobiet w Polsce* [The structural and cultural determinants of women's professional activity in Poland]. Warszawa: Scholar.

Abstract

The article examines the ways in which women make sense of the opportunity structures in which they operate as female attorneys in Poland. The study applies Joan Acker's theory of gendered organization and a narrative approach to the analysis of interview data with 15 Polish female attorneys who practice law and are members of the Warsaw Chamber of the Bar. These women are pursuing their careers in a highly competitive and still male-dominated profession. The results demonstrate the continuing struggle of women to reconcile the often conflicting expectations and roles of professional and personal lives. The findings point towards four gendering processes that venture from the structure of the profession of attorney in Poland: professionally committed women are not limited by their family life; women need to invest more in activities that attract new clients; male attorneys are attributed greater authority; and women are more empathic. These processes sustain gender inequalities in the profession of attorney as they carry expectations of women to adapt to the existing professional structures in order to access more equal career opportunities. However, by making sense of the shared experiences of work-life conflict and of the feminine/masculine dichotomy, women exert agency to their claims to professional expertise.

Key words: female attorneys, gendering processes, gender, the profession of attorney, opportunity structure, Poland