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## **Gender Disparity in Judicial System of Pakistan: Attitude and Practices of Lawyers**

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Email: [adv.drmimran@gcuf.edu.pk](mailto:adv.drmimran@gcuf.edu.pk)**Abstract**

*Gender discrimination is prevailing in the legal profession all over the globe. The aim of the present study is to evaluate the attitude and practices of lawyers towards gender disparity and the factors responsible for this menace in the judicial system of Pakistan. A questionnaire-based survey was conducted. A five-point Likert scale was employed for measuring the response of each participant. The SPSS (version 21) and the Microsoft office (version 2013) were utilized for data analysis. Descriptive statistics like mean, median, and percentages along with regression analysis were used to present the data. Many participants agreed with the statement "The greatest significant issue affecting woman is considered to be sexual harassment" (84.2%). Most of the participants remained neutral in response to the statement "I value every one of my coworkers, acquaintances, professors, and family members at same amount, nevertheless of their sex specification or appearance" (84.2%). Factors like male gender, having 30-40 years of age, and practicing in civil and high courts for 5 years in the field of criminal law are associated with gender discrimination in the legal profession. The participants showed neutral attitudes and practices towards gender discrimination.*

**Keywords:** Gender disparity, Male lawyers, Female lawyers, Attitude, Practice**Introduction**

Patriarchy is deeply rooted in the society of Pakistan. As a result, many issues are prevailing like inequality, and injustice, and above all females are devoid of their rights in all spheres of life. These problems have obstructed the country's growth, development, and prosperity. In this country, the socioeconomic and cultural status of women is quite low (Riaz 2020). Gender discrimination is prominent in the gender-specific roles and division of labor in routine life. It is a norm that females must stay at home and their responsibilities are limited to looking after their families. Contrastingly, males are responsible to earn livelihood for the family. This is the reason why females are ranked as secondary citizens in society (Khan, Khalid, and Rehman 2022). Generally, women are not allowed to do tedious tasks like working in the labor market because male and female interactions are not acknowledged in society. Gender disparity is commonly seen in the choice of profession. For instance, medicine and teaching are thought to be suited for females, while engineering and armed forces are best for males. However, the trend is reversing with each passing year because more females are making their marks in the field of education now. This is primarily because of education that women are now well aware of their legal, constitutional, and fundamental rights (Amna 2022). Consequently, they tend to break the stereotypes and engage in male-centric professions. But still, females take the least part in public life and all the professions are dominated by the opposite gender.

In 2020, the report published by Women Economic Forum (WEF) on the Global Gender Gap ranked Pakistan 151<sup>st</sup> number, out of 153 countries, in gender equality in the world (Women 2021). Though the 1973 constitution of Pakistan favors gender indiscriminate in the workplace, nothing has been implemented in this context in practice (Rabbi and Badshah 2018).

Male dominance is a central point in the field of law in Pakistan. Women must face lots of problems while practicing as a lawyer. The National Judicial Policies have tried their best to outlaw such discrepancies. Thus, more females are joining this profession now. In 1965, the first female lawyer was registered to practice law in the Supreme Court of Pakistan (Jamshed and Khan 2021). Till 2019, a total of 5000 lawyers have been registered in Islamabad Bar Council (IBC), out of which 30% are females. In Faisalabad, District Bar Council has registered a total of 3100 lawyers. Among them, only 500 are females (Schultz and Masengu 2020). Though female representation in the field of law is quite low, they must face multiple problems in order to survive as a lawyer. Article 14 of the Equality and Human Rights Commission defines discrimination as, “when the favor is given to one person over the other in similar circumstances without any sound justification” (Rabbi and Badshah 2018). While gender discrimination refers to discriminatory behavior and devoid of opportunities, particularly for females. Previously, published studies in the global village have discussed gender discrimination in the field of law. But a few studies have been published on this theme in Pakistan (Anker and Krill 2021, Kiviorg). The international organizations, to which Pakistan acts as a signatory, are emphasizing gender equality in the country. But their prime focus is mainly on judges instead of female advocates. Thus, the prime focus of the present study is to evaluate the attitude and practices of lawyers towards gender disparity in the judicial system of Pakistan.

## Method

### Study Design

A questionnaire-based survey was conducted to evaluate the attitude and practices of lawyers towards gender inequality in the judicial system of Pakistan.

### Study Setting

The selection criterion of study settings was based on regional division. As Punjab is the biggest province of Pakistan based on population size and Lahore is its capital, so the investigator divided Lahore into Southern, Northern and Central divisions. Thus, the data was collected from all regions of Lahore.

### Study Sample

A simple random sample technique was employed for selecting the population for this study. By using Rao Soft sample calculator, it was decided to include the 203 lawyers in this study. The exclusion and inclusion criterion were based on the gender, education level, and years of standing at the bar. For this reason, newly registered lawyers and those having less experience were excluded from this study. All those participants who fell in our inclusion criteria were selected for this study, while rests of them were excluded.

### Data Collection Method

A survey-based methodology was adopted in which a questionnaire was interviewed from the selected lawyers. They were evaluated according to the aforesaid objectives of the study. A total of 351 lawyers were approached during October 15, 2021 to December 15, 2021. The consent of all the participants was taken before commencing the study. The researcher contacted the selected participants by visiting their chambers and Lahore High Court (LHC), while some of them were

contacted through telephone or visiting their places (e.g., houses, workplace etc.). The investigator thoroughly reviewed the previously published literature in order to formulate a self-administered questionnaire. The initial version of this questionnaire was subjected to face and content validation. The opinion of two experts in the field of gender based and legal research was taken for content validation. Both gave their views regarding relativity and importance of the content. The investigator made efforts to develop a simple and brief questionnaire. For this reason, the investigator made required adjustments and then administers it to ten participants. Afterwards, the recommended changes were made in the questionnaire. The reliability coefficient was calculated by using Statistical Package for Social Science (SPSS) version 21. Cronbach's alpha was used for measuring internal consistency and reproducibility was found out by intraclass correlation for each component of attitude and satisfaction scale. The acceptable value was set as  $\geq 0.6$ . Cronbach's alpha for attitude was set as 0.71 and for satisfaction level as 0.73. The questionnaire was designed in such a way that it had all the required information. It was divided into four major sections. The first section involved general information and second section was about demographic characteristics, age, gender, employment status, monthly income and type of offence committed. The third and fourth sections were about to evaluate the attitude and practices of the participants regarding gender discrimination in law. A five-point Likert scale was employed for this purpose. In this scale, scoring 1 was given for "strongly disagree", 2 for "disagree", 3 for "neutral", 4 for "agree" and 5 for "strongly agree".

### Data Analysis

The SPSS (version 21) and the Microsoft office (version 2013) were utilized for data analysis. Descriptive statistics like mean, median and percentages will be used to present the data. Moreover, logistic regression analysis will be employed to assess the associated factors responsible for attitude and practices of gender discrimination of the study participants. Results were presented as ORs accompanied by 95% CI and  $P < 0.05$  was employed for analyzing statically significant differences.

### Results

#### Characteristics of the Participants

Out of 203 participants, most of them were males (57.1%), having 30 to 40 years of age (46.3%), and acquired bachelor's degree in law (54.7%). Many participants had been practicing for 5 years (66%) in the field of criminal law (41.4%) and corporate law (25.1%) (Table 1).

Sr No.	Variable		f (%)
1.	Gender	Male	116 (57.1)
		Female	87 (42.9)
2.	Age (years)	30-40	94 (46.3)
		41-50	74 (36.5)
		>50	35 (17.2)

3.	Education	Bachelors	111 (54.7)
		Masters	68 (33.5)
		PhD	24 (11.8)
4.	Practice	Civil courts	125 (61.6)
		High court	78 (38.4)
5.	Years of Practice	5	134 (66.0)
		10	46 (22.7)
		>10	23 (11.3)
6.	Field of law	Criminal law	84 (41.4)
		Corporate law	51 (25.1)
		Business and Banking law	31 (15.3)
		Civil law and civil rights	37 (18.2)

**Table 1:** Characteristics of the participants

### Attitude of Participants Towards Gender Disparity in the Field of Law

Majority either showed neutral attitude or answered in agreement with the questions related to their attitude towards gender disparity in the field of law. Most of them agree with the statement “I believe in the field of law; male lawyers are given more privileges as compared to their female counterparts” (48.8%). Many participants agreed with the statement “sexual harassment is seen as the most important issue faced by women” (84.2%) (Table 2).

Sr No.	Variables	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mean	± SD
1.	I think in judiciary, any gender must be served at same amount in all domains.	0 (0)	0 (0)	0 (0)	69 (33.9)	134 (66.0)	4.98	± 0.95

2.	I believe in the field of law; male lawyers are given more privileges as compared to their female counterparts	0 (0)	0 (0)	33 (16.3)	99 (48.8)	71 (34.9)	5.09 0.92	±
3.	I believe in the field of law; female lawyers are given more privileges as compared to their male counterparts	68 (33.5)	95 (46.8)	40 (19.7)	0 (0)	0 (0)	4.79 0.96	±
4.	I believe, male attorneys must act to promote women's rights to attain justice.	17 (8.4)	32 (15.8)	0 (0)	102 (50.2)	52 (25.6)	5.06 0.89	±
5.	The greatest significant issue affecting woman is sexual harassment.	0 (0)	0 (0)	14 (6.9)	171 (84.2)	18 (8.9)	4.79 0.88	±
6.	I feel basic Gender and Development courses should be a part of a law curriculum	0 (0)	0 (0)	0 (0)	141 (69.5)	62 (30.5)	4.62 1.04	±
7.	I believe it is essential to educate my fellow attorneys about "Sustainable Growth Goal Five-Gender Equivalence."	0 (0)	0 (0)	0 (0)	188 (92.6)	15 (7.4)	4.96 0.76	±

**Table 2:** Attitude of participants towards gender disparity in the field of law

### Practices of Participants Towards Gender Disparity in the Field of Law

Majority either showed neutral attitude or answered in agreement with the questions related to their practices towards gender disparity in the field of law. Most of the participants remained neutral in response to the statement "I value every one of my coworkers, acquaintances, professors, and family members at same amount, nevertheless of their sex specification or appearance." (84.2%) (Table 3).

Sr No.	Variables	SD (%)	D (%)	N (%)	A (%)	SA (%)	Mean SD	±
1.	I watch out for any instances of gender-based abuse (i.e. sexual, physical, or misogynistic approach) happening around me.	0 (0)	0 (0)	27 (13.3)	105 (51.7)	71 (34.9)	5.09 0.911	±
2.	I speak up whoever experiencing discrimination based on their gender,	11 (5.4)	31 (15.3)	54 (26.6)	97 (47.8)	10 (4.9)	4.75 1.07	±

	gender attitude, gender specification or appearance.							
3.	I immediately communicate to appropriate officials in case of any gender-based violence such as erotic, bodily or perpetrated within home.	16 (7.9)	9 (4.4)	81 (39.9)	54 (26.6)	43 (21.2)	4.86 1.03	±
4.	I will give equivalence to all genders.	9 (4.4)	21 (10.3)	152 (74.9)	15 (7.4)	6 (2.9)	5.03 1.11	±
5.	I value every one of my coworkers, acquaintances, professors, and family members at same amount, nevertheless of their sex specification or appearance.	2 (0.9)	3 (1.5)	171 (84.2)	16 (7.9)	8 (3.9)	5.10 0.89	±
6.	I never say anything to make fun of, belittle, or degrade someone, regardless of their gender specification or presentation.	11 (5.4)	10 (4.9)	108 (53.2)	52 (25.6)	22 (10.8)	5.13 0.97	±

**Table 3:** Practices of participants towards gender disparity in the field of law

### Regression Analysis

The regression analysis revealed that factors like male gender (p value=<0.05, odd ratio=0.8338, 95%CI=0.7808-1.322), having 30-40 years of age (p value=<0.05, odd ratio=3.658, 95%CI=2.341-5.699), acquired bachelor's degree in law (p value=<0.05, odd ratio=3.540, 95%CI=2.159-5.061), practicing in civil (p value=<0.05, odd ratio=1.36, 95%CI=0.876-2.178) and high courts (p value=<0.05, odd ratio=1.24, 95%CI=0.769-2.089) for 5 years in the field of criminal law (p value=<0.05, odd ratio=1.65, 95%CI=0.467-2.457) were associated with gender discrimination in legal profession (Table 4).

Sr No.	Variable		p-value	Odd ratio	95% CI
1.	Gender	Male	<0.05	0.8338	0.7808-1.322
		Female	---	---	---
2.	Age (years)	30-40	<0.05	3.658	2.341-5.699

		41-50	---	---	---
		>50	---	---	---
3.	Education	Bachelors	<0.05	3.540	2.159-5.061
		Masters	---	---	---
		PhD	---	---	---
4.	Practice	Civil courts	<0.05	1.36	0.876-2.178
		High court	<0.05	1.24	0.769-2.089
5.	Years of Practice	5	<0.05	1.45	0.512-2.135
		10	---	---	---
		>10	---	---	---
6.	Field of law	Criminal law	<0.05	1.65	0.467-2.457
		Corporate law	---	---	---
		Business and Banking law	---	---	---
		Civil law and civil rights	---	---	---

**Table 4:** Regression analysis

## Discussion

The prime focus of the present study is to evaluate the attitude and practices of lawyers towards gender disparity in the judicial system of Pakistan. The results prescribed that most of the participants perceive that harassment is the most important issue faced by women in the legal profession. Generally, women are the victims of gender discrimination. But this problem in legal profession is slightly different (Witze 2019). At junior level, the number of male and female is almost equal, but females are least represented at higher level as compared to their male counterparts. In 2015, a survey-



based study was conducted by the National Association for Law Placement (NALP) revealed that female got only 17.4% equity in the law firms of US. While 28.8% of the women employed in US law firms as non-equity partners (Nguyen 2022). This situation was inconsistent with that of the records of the previous decades found by Bessiere et al. Misogynistic approach is commonly used in the legal profession. The perpetrators include fellow male lawyers, judges, and clients as well. It is commonly perceived that female lawyers are unable to handle any complex or aggressive litigation. In few cases, male lawyers were seeing using misogynic approach unintentionally (Bessière 2022).

Evidence suggests that the working hours of female lawyers are more than that of males, but they still must bear gender discrimination. Though male lawyers often advice clients and public to behave females with respect, but most often they tend to harass their female peers. This is an irony because these individuals are considered as the sentinels of law (Bobbitt-Zeher 2020). Studies revealed that several factors contribute in making the female lawyers a victim of gender discrimination and harassment. These mainly include frequent and long-distance travelling, long working hours, and partner autonomy. An example of harassment faced by female lawyers is the manipulation and use of gender-specific problems during the trials. It is a common observation that male lawyers often comment on the appearance of female lawyers in the court room. This problem leads to the wage gap in gender. Studies suggested that female lawyers ear less as compared to that of males (Blanck et al. 2020, Sommerlad 2018, Kricheli-Katz, Rosen-Zvi, and Ziv 2018, Hess 2018). According to the recent report published by the Bureau of Labor Statistics, there exists a 40% wage gap based on gender exists in Pakistan. This means women earned 60 cents for every dollar earned by a man (Manzi 2019, Batool 2020, Martinez 2019).

Gender discrimination is a structure and multilayered issue. No gender can be perceived superior based on appearance or muscular strength. In Pakistan, women must be given equal representation in the field of law as compared to that of males. This is consistent with aims of United Nation policies and sustainable development goals 5 (feminist movement) 16 (encouragement of fair, nonviolent and inclusive communities) and 17 (collaboration for common aims). The issue is not just with recruitment but also maintenance & advancement of woman in law subject. (Batton and Wright 2019). This is further aggravated by discriminative attitudes, prejudice comments and make unjustifiable criticism on character— that goes unnoticed or don't receive adequate support for remedy further compound this. Young female professionals lack role models and female leaders who can inspire them to set high goals and accomplish them, which deters them from entering fields they see as less lucrative for women. Not only are litigators hampered, but also female litigants who deal with an impartial legal system. Gender sensitive training is necessary for magistrate or advocate, particularly when handling cases related to sexual abuse. If judiciary has enough capacity, the formation of gender based abuse courts, which was approved by supreme courts is not being pursued politically by the current administration, will effectively address this issue (Farr and Goldberg 2018).

The present study revealed that most of the participants remained neutral in response to statement I value every one of my coworkers, acquaintances, professors, and family members at same amount, nevertheless of their sex specification or appearance. It is a common observation that male lawyers and judges are habitual of showing dominance. They practice misogyny in their personal and professional life. This might be because male holds majority of the leadership positions in the field of law. Likewise, a study conducted by Norwood et al. revealed that most of the firms prefer to hire male solicitor as compared to that of the females. This hiring can be considered against the meritocracy because no check and balance is maintained on the hiring and promotion (Norwood 2020). According to the findings of the current survey, most participants said that male attorneys must also take action to promote women's rights for female lawyers to attain equivalence. It implies that some people in the legal profession warmly welcome the participation of females, while some negate women's this due right. They argue that the attitude of a single law firm is not meant to reverse the situation for females to a great extent. Those who consider gender discrimination as a reflection of



social ill argue that legal professionals are not contributing towards this menace. But in actuality, this issue is due to ghettoized nature of this profession, subjective aspects, and the authoritative power of some legal advisors on the careers of many individuals (Hersch and Meyers 2018). Also, many male lawyers forbid females to enter in the field and continue their long-term carrier in the field. It is hypocrisy that those male lawyers who apparently seems to be a flag bearer of women empowerment and against sexism or misogynic approach gain fringe benefits and are responsible for disempowering women.

It is also believed that legal profession gives benefits to males as compared to females. It is perceived that women opt this career for getting better marriage proposals. However, most of the female solicitors are indigenous and take responsibility of earning livelihood for themselves and their families. Furthermore, most of the law graduates experience that academic learning is quite different from that of professional experience in the field of law. This may be because of the reason that fresh graduates rely on the experience of the firm which they join upon graduation. It means young graduates rely on their seniors for learning those aspects which could boost their career graph. This is the point from where female suffering begins (Tomlinson et al. 2019).

The regression analysis revealed that factors like male gender, having 30-40 years of age, acquired bachelor's degree in law, practicing in civil and high courts for 5 years in the field of criminal law are associated with gender discrimination in legal profession. The male dominated legal profession is believed to remain as it is without any alteration. Most of the male lawyers believe that females are ought to stay at home and should be married at early stage of life. A vast majority of male lawyers make it clear to the newly appointed female lawyers that this profession doesn't suit them. In many cases, female lawyers' task is just to follow her seniors, while all the cases are prosecuted by male lawyers. In this way, male lawyers grow in their careers, while female lawyers are devoid of such opportunities (Batton and Wright 2019). Female lawyers are considered weak and they don't get the opportunities to handle cases related to cooperate or criminal law. As these cases are difficult to handle, they are advised to deal with only cases related to divorce or family disputes. In such scenario, they must bear the brunt of professional bullying and must enter in such fields which is dead ended and no career growth. Such misogyny compels many female lawyers to leave the profession. Moreover, only those female lawyers who are blood relatives of established lawyers get the chance to excel in their careers. The female lawyers who become the victim of patriarchy could be very beneficial for the legal and constitutional environment of the country (Yao 2020).

## Conclusion

Gender discrimination, male dominance and misogynic approach, is ruling the judicial system of Pakistan. The results prescribed that most of the participants perceive that harassment is the most important issue faced by women in the legal profession. Most of the participants remained neutral in response to the statement I value every one of my coworkers, acquaintances, professors, and family members at same amount, nevertheless of their sex specification or appearance. It is also believed that legal profession gives benefits to males as compared to females. The regression analysis revealed that factors like male gender, having 30-40 years of age, acquired bachelor's degree in law, practicing in civil and high courts for 5 years in the field of criminal law are associated with gender discrimination in legal profession. It is a common observation that male lawyers often comment on the appearance of female lawyers in the court room. This might be because male holds majority of the leadership positions in the field of law.

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