

# Balancing the scales of gender in dispute resolution and the legal sector

By Lucinde Rhoodie, Director in the Dispute Resolution practice at Cliffe Dekker Hofmeyr

According to the Lexis Nexis Legal Tech Report for 2021/22, there are 54 000 estimated advocates, attorneys, conveyancers, notaries, and candidate attorneys in over 13 000 law firms in South Africa.

Look a little closer and you will see that only 27% of these firms are fully female-owned and 26% comprise joint male and female ownership.

“These numbers demonstrate that while women are well represented at lower levels in legal practice, there are still huge discrepancies at senior levels,” articulates Lucinde Rhoodie, director in the Dispute Resolution: Litigation, Arbitration and Mediation practice at commercial law firm Cliffe Dekker Hofmeyr (CDH).

This change is discernible in the annual intake of candidate attorneys where females account for more than half of the split between their male counterparts. However, Rhoodie says fewer female associates are retained post completing their articles. For her, the biggest challenge is retaining female candidates in the profession to ensure that they become directors of law firms, senior advocates, and judges in due course.

Rhoodie started her articles in 1998, an era when women, even at candidate legal practitioner level were few and far between. “I can recall going to counsel and being in chambers with no other females and almost being expected to serve coffee.”

Advancement in the Dispute Resolution practice has everything to do with the right attitude, asserting yourself, and letting your presence be known. “I never felt that I was held back. I climbed the ranks as swiftly as my male counterparts. But, in the same breath, you can never really escape the feeling that you’ll always be part of the few women in Dispute Resolution wherever you go.”

In the last ten to fifteen years, Rhoodie says CDH has made a concerted effort in improving inclusivity and female advancement within the firm. Dispute Resolution is generally perceived as a male-dominated practice area of law; however, women are not completely unrepresented although, it is more difficult for them. Female attorneys are sometimes thrust into specific practice areas and sectors, for instance, Rhoodie says there is an unjustified generalisation that most family lawyers are women. Rhoodie believes CDH is doing particularly well in female progression at every level and predominantly in Dispute Resolution. “You need to have the drive it takes, and you see that in junior associates climbing the ranks that consist of more females than there were six years ago.”

There is also greater attrition of women in the profession than males due to factors such as motherhood and other gender issues. You cannot get away from the reality that it is challenging to be a working mother and that having children has an impact on whether certain women will stay in the profession or not.

This is not limited to the legal profession. Rhoodie points out that many occupations were built around men and a lot of these norms have stuck around. Fortunately, women are being empowered to be professionals and homemakers. There are a lot more mothers in high-level positions than there were 12 years ago. “CDH has done a lot to establish proper policies to ensure women

apposite the family, the work-life balance they need,” says Rhoodie.

In spaces such as alternative dispute resolution (ADR), women serving as mediators and arbitrators were the exceptions in the past. Though there is still room for improvement, positive and effectual developments have been made. Arbitration, and especially mediation, has become more flexible, and flexibility is key for inclusivity, particularly from a more traditional female perspective. “ADR has made it easier because it’s a process by agreement, hours can be customisable to suit respective schedules.” However, women are still unrepresented in this practice, notes Rhoodie.

Since the onset of the Covid-19 pandemic, the world has become more virtual, “I have run several arbitrations over long periods through virtual platforms, this has made a huge difference in advancing inclusivity,” says Rhoodie.

Although the scales tip towards a male majority, Dispute Resolution takes a specific type of person, this goes for men and women. To some attorneys, other areas of the law are more interesting and stimulating than Dispute Resolution and some practitioners just do not see the appeal in the confrontational spectre of the practice.

Rhoodie stands firm in the notion that correct training and equal advancement opportunities at candidate legal practitioner level would go a long way in levelling the playing field. “Proper mentoring and training at grassroots level can steer junior candidates towards their desired area of practice. Flexibility has ensured that you can be the best litigator working remotely, as we have adapted and are ensuring the significance of the family, and work-life balance from a female perspective.”

CDH offers training and has programmes that look after the mental and physical wellbeing of all practitioners as well as certain programmes that focus on female practitioners to ensure inclusivity at every level.

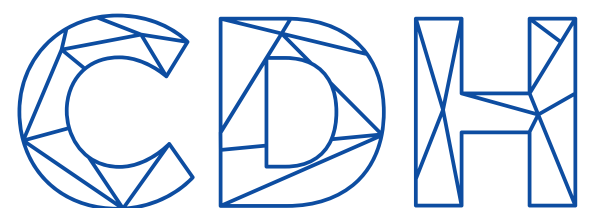
For Rhoodie, it goes without saying that to be an outstanding Dispute Resolution practitioner, you need to be articulate and detailed. Additionally, organisational skills are a given, working with multiple high-volume files is a requirement. Lastly, stress management is crucial in this demanding, fast-paced field. “I feel that these attributes come naturally to most women, which gives female practitioners an edge in Dispute Resolution, as well as ADR,” chortles Rhoodie.

Rhoodie also believes a strong will and personality are a bonus in Dispute Resolution. “Some of my fiercest opponents are female. The stereotype that women are too soft is a thing of the past. Certain women will make certain men cry in the courtroom – you’re either suited for the practice or you’re not – gender has nothing to do with it.”

Although the legal sector has made great strides in the last decade, particularly in Dispute Resolution, Rhoodie says there is still a long way to go. “This is not limited to the legal sector, but in all vocations. It’s important to keep in mind that we are not where we are supposed to be yet. There’s still a lot of work to be done to get there. The legal space is still male-dominated, and this needs to change from legal firms to the bar, all the way up to the judiciary and everywhere in between.”



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