

Professional monopolies and divisive practices in law: ‘les femmes juridiques’ in civil law, Canada*

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Abstract

This paper examines women’s entry and advancement within Québec’s, civil law tradition of a dual system of notaires and avocats in law practice. The two arms of the profession have developed along exclusive legal jurisdictions codified through law, contrasting professional structures, and different styles of legal practice. Yet, they share a common foundation through law school and professional training and their respective practices of law occasionally overlap and conflict in the competition for clientele, services and professional status. Women’s representation in Québec law practice has risen to nearly fifty percent and their entry to law in large numbers coincides with the emergence of exclusionary processes within and across the professional divide. Bourdieu’s theory of cultural capital provides new insight to gendered career dynamics in law practice, specifically an understanding of cultural repertoires of resources mobilised in successful careers, resources that are also at the centre of disputes over the professional status and legal jurisdictions between notaires and avocats. The analysis demonstrates that women and men within these two professional groups are not only equipped with differential stocks of capital, but that the conversion rates also differ. Particularly among the avocats, men receive greater exchange on their investments in human and social capitals and their cultivated ‘habitus’ also better enables men to garner enhanced job rewards.

Introduction

Women’s profile in the world’s contemporary legal professions has undergone tremendous transformation (Schultz, 2003). Women’s representation in law far surpasses the token numbers of the 1970s, with women making inroads into all sectors of practice, elite law firm partnerships, the bench, and governance of the bar (Kay and Gorman, 2008). In several countries, women have attained a level of ‘critical mass’ and new questions are emerging. Have women achieved equality in the legal profession, shattering the ‘glass ceiling’? What barriers to gender equality persist within the profession? How has women’s presence and rising status in the profession encouraged restructuring and

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cultural change to either the substance of law or the activities of lawyers (Martin and Jurik, 1996; Menkel-Meadow, 1989a; Shaw, 2003; Schultz, 2003)? The province of Québec, Canada, is a leading jurisdiction for women's representation in law. Currently, nearly half of all legal professionals in the province are women (Barreau du Québec, 2008; Chambre des notaires du Québec, 2008b). The rate of women's entry to law in Québec has outpaced all other Canadian provinces, the United States and many nations, both of civil and common law jurisdictions, over the last thirty years. The province provides an ideal opportunity to explore women's entry and career advancement in the context of a rapidly changing profession.

Research on the legal professions internationally suggests gender inequities persist, despite women's growing representation. Studies of lawyers' earnings generally report that women earn substantially less than men. Women's earnings are, on average, 52 to 64 percent of men's earnings. The size of the earnings gap declines but persists as significant when law school status, academic performance, practice setting, specialization, hours worked, family situation and dimensions of social capital (e.g. family background and social networks) are taken into account (Dixon and Seron, 1995; Hagan, 1990; Hersch, 2003; Huang, 1997; Kay and Hagan, 1995b; Laband and Lentz, 1993; Robson and Wallace, 2001; Wood, Corcoran and Courant, 1993). Women are also dramatically underrepresented in partnership positions. In 2007, women represented 45 percent of associates but only 18 percent of partners in large US law firms (National Association for Law Placement (NALP), 2007). The experiences of practising law also appear to be highly gendered. An array of studies documents that many women lawyers face gender discrimination, including harassment, demeaning comments and a negative courtroom environment (Kay, Masuch and Curry, 2004; Rhode, 2001; Ross *et al.*, 1992; Wilder, 2007). Furthermore, women are overrepresented among lawyers leaving the profession (Hirsch, 1989; Kay, 1997; Menkel-Meadow, 1989a; NALP, 2003; Otvos, 1992; Patton, 2005; Spurr and Sueyoshi, 1994).

At the same time, studies of women in the legal profession also reveal more muted gender differences and suggest promising inroads to change. Women are entering law in higher numbers than ever, often at 50 percent of law school entrants (Kay and Gorman, 2008). Women perform well, often better than their male peers, in law school (Clydesdale, 2004; Garrison, Tomko and Yip, 1996; Teitelbaum, Lopez and Jenkins, 1991). Recent cohorts of women are securing employment across a range of firm sizes and diversity of practice settings in equal proportions to men (Carson, 2004; Gorman, 2005). And, while there is evidence of some gender imbalance across substantive practice areas, it has decreased with women's growing representation in the profession (Jacobs, 1989, pp. 160–162). Lingering imbalances are confined to certain specialties and exhibit no clear pattern of gender domination (Gorman, 2005; Hunter, 2005; Taber, Grant, Huser, Rise, Sutton and Wong, 1988; Teitelbaum *et al.*, 1991). Women appear to be slipping through the 'glass ceiling', and by virtue of leadership roles within law firms and organisations, are developing new career models and innovative workplace policies (Menkel-Meadow, 1994; Sommerlad, 2003; Webley and Duff, 2007).

In this paper, I explore gender differences in the Québec legal profession with attention to four aspects of careers, including opportunities for remuneration, professional hierarchy, job satisfaction and anticipated job changes. This work extends research in three ways. First, the bulk of research on the legal profession has tended to focus heavily on lawyers working in law firms (Beckman and Phillips, 2005; Galanter and Palay, 1991; Nelson, 1988) and primarily within common law jurisdictions (for exceptions, see Karpik, 1999; Friedman and Pérez-Perdomo, 2003). My work broadens analyses to examine law practice in the context of civil law¹ tradition across a breadth of practice

1 The term 'civil law' here denotes the system of law 'whose origin and inspiration are largely drawn from Roman law and in which public authority and doctrine have a central role' (Gall and Eliadis, 2004, p. 263). Civil and common law systems share numerous similarities, but their fundamental approaches to law are different. The common law approach scrutinises the judgments of past cases to extract general principles that

settings. Second, a substantial body of work has explored the jurisdictional and political power struggles between the professions (e.g. Abel, 2003; Halliday, 1987; Moorhead, Avrom and Paterson, 2003), yet little research has examined jurisdictional disputes and careers within a divided profession. Such a divided legal profession exists in civil law jurisdictions such as Québec. Law practice in Québec consists of two professional groups, *avocats* and *notaires*, both fully-fledged members of the legal profession, yet often in conflict over jurisdictional terrain, governance and political influence. Third, I introduce a cultural capital perspective that highlights the import of symbolic and relational dynamics in the acquisition of career rewards for men and women within these contestant professional groups. As Davis (1982, p. 585) observes, ‘new theories, perhaps more cultural than structural, may be in order’ to explain gendered hierarchy and differentiation in legal careers.

Cultural capital theory

Pierre Bourdieu’s (1984) cultural capital theory provides new insight to the career dynamics of men and women across these two streams of law practice. The theory is inviting for several reasons. First, cultural capital theory advances our understanding of both the social and symbolic resources that are amassed in successful legal careers. In addition, the approach emphasises the importance of systems of legal education and apprenticeship that inculcate understandings of what it means to be a legal professional in a civil law context. Finally, the theory outlines cultural repertoires of power mobilisation clearly in sync with the larger professional status and legal territory disputes between *notaires* and *avocats*.

Most salient to the careers of legal professionals are cultural symbolic and social capitals, coupled with a dispositional quality, termed ‘habitus’, that come together in fields, or social spaces, of power negotiations. Bourdieu’s original emphasis was on how children from higher social classes acquire cultural resources (that is, dispositions, behaviours, habits, good taste, *savoir faire* and attitudes) at home that facilitate academic achievement (Bourdieu, 1977; Bourdieu and Passeron, 1979; Katsillis and Rubinson, 1990). The educational system contributes to the reproduction of social structure through the sanctioning of hereditary transmission of cultural capital (Bourdieu, 1986). Thus, cultural capital offers an understanding of the incorporation of symbolic and cognitive competences via implicit learning processes primarily through family socialisation and elite education (Joppke, 1986, p. 57). These acquired skills and facilities function as assets (and liabilities), similar to economic capital, that their possessors deploy in markets – investing, displaying, trading or otherwise using them to maintain or enhance professional positions (Berger, 1986, p. 1446). Applied to the profession of law, this approach suggests outsiders to the profession (by virtue of social class, gender and ethnic/cultural backgrounds, for example) will be disadvantaged in their capital stocks and their strategic positioning to deploy these stocks toward career advancement and the marketplace for legal services, more generally.

In addition, Bourdieu pays particular attention to *symbolic capital*, a form of cultural capital that is perceived and acknowledged-as-legitimate by others. Examples include the prestige of a field of specialisation, the reputation of an individual lawyer or law firm, and the reputational ranking of the law school from which a lawyer graduated (Dezalay and Garth, 1996, p. 18). Prestige is difficult to define because it ‘exists only, and through, the circular relations of reciprocal recognition among peers’ (Bourdieu, 1985, p. 19). As Jean-Paul Sartre (1948, p. 98) remarked, ‘There are qualities that we

are then applied to the case at hand. In contrast, the civil law system begins with an embraced collection of principles that are declared in the civil code. Individual cases are then decided in accordance with these basic principles (Gall, 2004, pp. 30–31). For the various meanings of the concept of civil law as it is understood in Québec law, see Québec Research Centre for Private and Comparative Law, *Private Law Dictionary and Bilingual Lexicons* (Montréal QC: Q.R.C.P.C.L./l’Éditions Yvon Blais, 2003), pp. 42–43.

acquire uniquely through the judgement of others'. Symbolic capital is thus dependent on its affirmation by communicative practices (e.g. knowledge shared among members of the legal community), and in this regard cannot be objectified or institutionalised; it is merely a subjective reflection, mark of distinction and tacit acknowledgement of a worthy endowment of capitals (Bourdieu, 1985, p. 19; Joppke, 1986, p. 60). As such, symbolic capital exists only in the eyes of other legal professionals.

The idea of *social capital* is also considered by Bourdieu as among the forms of capital and key to the communication and invocation of cultural capital, though the concept is often treated as equal or distinct from cultural capital per se. Bourdieu defines social capital as:

'the aggregate of the actual or potential resources which are linked to possession of a durable network of more or less institutionalized relationships of mutual acquaintance and recognition – in other words, membership in a group – which provides each of its members with the backing of the collectively-owned capital, a 'credential' which entitles them to credit, in the various senses of the word.' (Bourdieu, 1986, p. 248)

In this regard, social capital is a network of social connections (Bourdieu, 1986, p. 249) essential to attracting clientele in a law practice (Kay and Hagan, 1998) and impressing gatekeepers toward promotions and other career distinctions (Dinovitzer, 2006; Kay and Hagan, 1995a; Sandefur and Laumann, 1998). Lawyers build reputations and status through a cultural process enacted in the course of exchanges in relatively diffuse social networks (Burt, 1997; Lin, 2001). The ability to participate in the prestigious status culture of a law firm, government department or corporation, for example, is a cultural resource that enables lawyers 'to get ahead by managing impressions, developing positive local reputations, impressing gatekeepers, and constructing social networks that may be useful in' advancing legal careers (DiMaggio and Mohr, 1985, pp. 1235–1236).

Important to Bourdieu's theory is the part of cultural capital that is incorporated in durable dispositions, which he terms *habitus*. Bourdieu and Passeron (1979) define this somewhat elusive concept as 'a system of durable, transposable dispositions which functions as the generative basis of structured, objectively unified practices' (p. vii). *Habitus* is therefore a system of dispositions or sensibilities which are created as objective structures (e.g. economic conditions) and personal biographies (e.g. family upbringing, educational opportunities) converge. *Habitus* inheres three dynamics. First, *habitus* is the result of an organising action. Second, it implies a way of being, a habitual state. Third, it expresses the idea of a tendency, propensity or inclination (Bourdieu, 1977). This acquired system of thought, the *habitus*, makes possible all thoughts, expressions, and actions – 'whose limits are set by the historically and socially situated conditions of its production' (Bourdieu, 1980, p. 55). These schemes of thought generate practices of an appropriate and effective kind (Nash, 1990, p. 43). Bourdieu eloquently describes these *cognitive* and *motivating* structures as:

'A system of lasting, transposable dispositions which, integrating past experiences, functions at every moment as a matrix of perceptions, appreciations, and actions and makes possible the achievement of infinitely diversified tasks, thanks to analogical transfers of schemes permitting the solution of similarly shaped problems.' (Bourdieu, 1971, p. 83)

Thus, social origins and past experiences provide a platform for taken-for-granted perceptions of what is possible and the instinctive actions in response to career opportunities or obstacles (Harker, Mahar and Wilkes, 1990). Through legal education, articles and professional mentorship (and their own biographies), lawyers also acquire cultural repertoires that foster familiarity and skill in negotiating legal careers (Kennett, 1973, p. 242).

Bourdieu's cultural capital theory comes together in his concept of *fields*. Bourdieu (1991) describes the social world in the form of intersecting fields. Individuals are 'defined by their relative positions in this space' (p. 230). The properties that construct the social space are the different kinds

of capital relevant to a given field. Therefore, 'the structure of the field, ie., the space of positions, is nothing other than the structure of the distribution of the capital or specific properties which governs success in the field and the winning of the external or specific profits . . . which are at stake in the field' (Bourdieu, 1983, p. 312). Bourdieu uses the analogy of a card game to demonstrate investment of capital and returns through educational attainment. The trump cards are habitus (i.e. dispositions, ease of manners, sense of competence, etc.) and capitals (i.e. inherited assets of connections and reputation) (Bourdieu, 1991, p. 230). These concepts of capital and habitus define for legal practitioners the possibilities inherent in the field. Cultural, social and symbolic capitals convene to construct a professional space, which integrates the spheres of culture and social relations into the hierarchy of a civil law practice.

Professional outcomes depend on the nature of the capital initially held as well as a knowledge for the 'game' and a degree of skill or strategy to profit from resources (Bourdieu, 1976; Lamont and Lareau, 1988). Individuals, directed in part by dispositions or habitus, invest and convert their cultural, social and economic capitals to maximise career mobility (Bourdieu, 1990). This approach has less in common, however, with rational choice theory than one might assume. Bourdieu (1990) maintains that real life rarely affords conditions under which rational calculations may take place. Rather, individuals follow a 'logic of practice' which is rooted in enduring exposure to conditions into which individuals are born, educated and mentored professionally. Cultural capital theory's gem lies in this understanding of the partly incorporated and partly institutionalised resources that legal professionals use to support their strategic positions in the struggle for wealth, status and professional power (Joppke, 1986, p. 58).

Cultural capital theory's conceptual schema is highly relevant to the study of legal professionals' mobilised resources and consequent career mobility in a civil law context. The theoretical architecture of Bourdieu's work, articulating the connections between cultural capital and processes of social stratification, has been affirmed in studies of educational attainment (Sullivan, 2001), social stratification (Dinovitzer and Garth, 2007; Savage, Warde and Devine, 2005) and mobility strategies (Devine, 2004). However, the theory's explanatory contribution toward gender inequalities is less transparent. While some feminist scholars such as Skeggs (1997) and Lawler (2001) have employed Bourdieu's concepts to elaborate the relationship between class and gender inequalities, considerable debate wages amongst feminists as to the value of Bourdieu's thinking (see Adkins and Skeggs, 2005; Silva, 2005). Yet feminist scholarship does not appear entirely at odds with Bourdieu. Rather, the objective is one of rethinking the roles of gender, home and family in the acquisition and transmission of cultural capital – that is, how the concept of cultural capital can be useful in terms of theorizing gender (Silva, 2005, p. 85). This paper contributes to this endeavour through an analysis of the ways in which cultural and social processes contribute to gendered hierarchies within a divided legal profession.

The cultural and social context of law practice: Québec's civil law system

Québec's legal system consists of an unusual hybrid of sorts. The private law system of Québec operates under civil law originating with the French settlers in the 1600s. However, the public law system and court structures of Québec are based on a common law system that is shared with the rest of Canada (Gall, 2004, p. 265). Laws in 'English' Canada, the provinces and territories outside of Québec, were established by subsequent British colonisation and thus developed as common law jurisdictions (Gall, 2004; Howes, 1987). The structure of the legal profession also varies across the legal jurisdictions of Canada. The legal profession in Québec is represented by two organisations: *Le Barreau du Québec* (BQ), representing the *avocats* and *La Chambre des notaires du Québec* (CNQ), representing the province's *notaires*. Over the last 125 years the two arms of the profession have battled repeatedly to position themselves as 'true defender' of the *Code Civil* (Brierley and Macdonald,

1993), to shape curriculum within law schools (Thomasset, 2000) and to promote divergent approaches to law reform (Brierley and Macdonald, 1993; Morin, 1998). In English Canada, lawyers operate as ‘barristers and solicitors’, though lawyers may classify their work as primarily that of a solicitor or as a barrister or litigator. Notaries exist without the requirement of a law degree, and are largely limited to administering oaths and attesting documents (Brockman, 1997, 1999).²

Therefore, it is critical to observe that the Québec *notaire* (Latin ‘notary’) is by no means equivalent to notaries in English Canada or the United States (notary public). The Québec legal system defines *avocat(e)s* and *notaires* as both members of *la profession juridique* (the legal profession). Both *notaires* and *avocats* are described as ‘lawyers’ (Lambert, 2008).³ Both professional groups carry the title of *Maître*, denoting a member of the profession of law (for example, M^e Chantal Boisvert, *notaire* or M^e Michel Savard, *avocat*). I retain the original terms *notaire* and *avocat* because English translations are too easily confused with very different professional groups in common law jurisdictions.

The professional groupings of *notaires* and *avocats* share common professional roots through law school education and professional training. In the third year of law school, the two streams (*notaires* and *avocats*) specialise.⁴ *Notaire* students then complete a diploma in notarial law (DDN) through a further year of university study,⁵ followed by a thirty-two-week articling period (e.g. apprenticeship) under the supervision of *La Chambre des notaires du Québec*. There is then an evaluation, after which graduates are officially sworn in and admitted to the profession as *notaires*.⁶ In contrast, after their third year of law school (completion of the bachelor’s degree), *avocats* complete a four-month course of study at *l’École du Barreau*, followed by the Bar admissions exam, and a six-month period of articles in law firms, private industry or government under the supervision of *Le Barreau du Québec* (CNQ, 1980, p. 226; Kay and Brockman, 2000, p. 170).⁷

The two professional groupings differ in their legal jurisdictions and approach to law practice. By tradition, *notaires* are firmly established in civil law and serve as an accessible consultant to those seeking legal advice (Brierley and Macdonald, 1993, p. 62). As legal counsel, *notaires* may express opinions in all areas of law.⁸ Unlike *avocats*, however, *notaires* are public officials, required to exercise neutrality and provide advice to all the parties involved (Brierley and Macdonald, 1993; CNQ, 1993;

2 In one of the few studies of notaries in English Canada, Brockman (1997, 1999) has documented how British Columbia notaries have managed, through numerous acrimonious battles with lawyers, to continue to share a monopoly on some services together with lawyers (e.g. house transactions, drafting simple wills).

3 For an historical overview of the role of *notaires* in Québec authored by Jean Lambert (2008), see www.cdnq.org/en/notariesinQuebec/history/html [last accessed 7 April 2008].

4 Six universities offer a degree in civil law (McGill University, Université de Montréal, Université du Québec à Montréal, Université Laval, Université de Sherbrooke (Québec) and the University of Ottawa/Université d’Ottawa in Ontario). At both McGill University and the University of Ottawa it is possible for students to obtain both common law and civil law degrees.

5 *Notaires* complete a bachelor of laws degree (three years of study) alongside students pursuing careers as *avocats* at the following universities: Université d’Ottawa (section droit civil), Université Laval, Université de Sherbrooke, Université de Montréal, Université du Québec à Montréal (UQAM), and McGill University. *Notaire* students must then complete a further one year of study in notarial law at one of the following four universities: Université Laval or Université de Sherbrooke (campus Sherbrooke et Longueuil), Université de Montréal, and Université d’Ottawa. See www.cdnq.org/fr/professionNotaire/jeunesse/html/comment_devenir.html [last accessed 6 April 2008].

6 See www.cdnq.org/en/notariesinQuebec/essence.html [last accessed 7 April 2008]; see also www.fd.ulaval.ca/site/cms/affichage.php [last accessed 7 April 2008].

7 See www.barreau.qc.ca/pdf/publications/brochure-profession-avocat.pdf [last accessed 8 April 2008].

8 For example, *notaires* provide confidential legal advice on family affairs; secure charters for joint stock companies; receive oaths and statutory declarations; are entrusted with the management of estates; file reports on titles; and negotiate loans and act as the agent for the sale of real estate (Demers, 1985, pp. 57–71; Morier, 1997, p. 48; Vachon, 1962, p. 40).

Kimmel, 1984). In contrast, litigation and advocacy fall within the domain of *avocats* and it is only *avocats* who can be appointed judges (Kay and Brockman, 2000, p. 50). *Avocats* represent clients in areas of law that typically involve court appearances (e.g. criminal cases, civil litigation, divorce). Although the *Code Civil* specifies some exclusive jurisdictions, the core distinction between the two professional groups is perhaps based less on substantive practice areas; rather, a more meaningful separation lies in the distinction between litigation versus advising and preparing legal documents (Kay, under review b).⁹

This study examines the civil law legal professionals during an historic period of professional uncertainty and rapid change. The late 1990s was an era of struggle, sometimes referred to as a '*période noire*', for the *notariat* profession in Québec (Kay, under review a). During the late 1990s the *notaires* appeared to be displaced to the margins of the legal profession's status hierarchy, having lost substantial terrain in the realms of legal jurisdiction, law school curriculum, law reform and political power. By the late 1990s, the balance in numbers had tipped strongly in favour of the *avocats*. In 1999, *notaires* represented 15 percent, and *avocats* 85 percent, of the Québec legal profession.¹⁰ Yet little is known about women's entry and mobility within law practice and across this professional divide during an era of heated jurisdictional and governance conflict.

At the time of this study, women represented 43 percent of *notaires* and 40 percent of *avocats*, both figures far exceeding women's representation in the legal profession elsewhere in Canada (women represented, for example, 30 percent of Ontario lawyers in 1999) (Kay and Brockman, 2000, p. 56). Women's representation among Québec legal professionals would continue throughout the next ten years to outpace women's entry to law elsewhere in Canada and the United States. Women's growing representation in the Québec legal profession is a curiosity, particularly given that Québec was the last province to admit women to the profession (Mossman, 1988; Smith, Stephensen and Quijano, 1973). Their entry to law was perhaps spurred by the postwar boom, the feminist movement and Québec's 'Quiet Revolution' of the 1970s (Hagan, 1990; Kay, 2002; Kay and Brockman, 2000). The reforms of the Quiet Revolution stimulated a private sector among francophones that revitalized the Québec economy and introduced an emerging and influential new business class among francophones, creating new opportunities in law, particularly attractive to the rising aspirations of women (Behiels, 1985; Bélanger, Comeau and Métivier, 2000; Desbarats, 1965; Gagnon and Montcalm, 1992; Sloan, 1965; Thomson, 1984).¹¹ New questions are emerging as women's presence in Québec law practice has become established. To what extent have women been fully integrated into the legal profession of Québec? How have women fared across these two professional divides of *notaires* and *avocats*? Within these professional domains, are women represented across a diversity of practice settings and areas of law? Are women successfully reaching the upper echelons of power and earnings? What of women's satisfaction with their law practice and their rates of retention within the profession?

9 For an historical account of the development of the two professional corporations, *Le Barreau du Québec* and *La Chambre des notaires du Québec*, see Kay (under review a); Common (1958); Thomassat (2000).

10 Currently, *avocats* represent 87 percent and *notaires* 13 percent of the Québec legal profession – a shift downward of only 2 percent since 1999 in the overall representation of *notaires* among the larger Québec legal profession. For additional information on numbers and demographics among Québec legal professionals see: www.cdnq.org/fr/professionNotaire/jeunesse. See also: www.barreau.qc.ca/fr/publications/rapportsannuels/rao505.pdf [last accessed 8 April 2008].

11 Québec's Quiet Revolution was a period of political conflict and rapidly advancing secularisation and modernisation of Québec society. This period saw a rising urban-centred middle class, increasingly militant labour movement and implementation of far-reaching reforms in areas such as education, hospitalisation, social welfare and essential services including hydro-electricity. Countless other reform projects were initiated for regional development, greater francophone participation in the industrial sector and renewal of government administration at all levels (Behiels, 1985; Bélanger, Comeau and Métivier, 2000).

Research design

Data

The data for this paper derive from two separate surveys of the legal professions that were conducted in the province of Québec. The first survey was mailed in November 1998 to a random sample of 1,000 *notaires* with the co-operation of *La Chambre des notaires du Québec*. A stratified simple random sample was selected using the membership records of *La Chambre* to obtain equal numbers of men and women *notaires*. The second survey was conducted in January 1999 with the co-operation of *Le Barreau du Québec*. Again, a stratified simple random sample was generated using the membership records, this time, of *Le Barreau*. The survey was mailed to 1,000 *avocats*, with equal numbers of women and men to facilitate gender comparisons.¹² Questionnaires were produced in French and were accompanied by letters of support and endorsement from *Le Barreau du Québec* and *La Chambre des notaires du Québec*. *Avocats* and *notaires* were sent an introductory letter and twenty-eight-page mail-back survey that included questions about respondents' education and professional training, job satisfaction, aspirations, opportunities and conditions of work, professional work history, and family demographic information. After two weeks a postcard reminder was sent. A follow-up letter of encouragement together with a second questionnaire was sent to non-respondents after one month, and a follow-up postcard reminder after another two weeks. At the request of approximately thirty English-speaking *avocats*, questionnaires were translated into English and mailed to these *avocats*. These extensive follow-up efforts served to enhance the response rates, notoriously low among professionals (Cooper, Brockman and Hoffart, 2004; Wallace, 1999).

In total, 608 usable surveys were returned in the survey of *notaires*, yielding a 61 percent response rate. A total of 580 surveys were returned in the survey of *avocats*, yielding a 58 percent response rate. Taking into account the number of legal professionals (*notaires* and *avocats*) who had departed from law practice and deceased members of the profession, the adjusted rate of response is 62 percent among *notaires* and 60 percent among *avocats*.

Measurement of dependent variables

A core area in the study of gender inequities in the workplace centres on earnings gaps (Dixon and Seron, 1995; Huang, 1997; Robson and Wallace, 2001). Yet earnings are not the only career dimension of importance to professionals. Legal professionals are also concerned with the degree of professional autonomy or authority their position affords, their level of job satisfaction, and concomitant, their intentions to forge on in the practice of law. I therefore examine four dimensions to lawyers' careers: remuneration, authority, job satisfaction and intentions to stay or leave current job settings. The first two job outcomes are more tangible, extrinsic rewards, while the latter two job outcomes emphasise internal assessments and intrinsic dimensions to jobs (Dreher and Cox, 1996; Wallace, 2001). The analysis focuses on gender comparisons within and across each of the two professional groups. Table 1 reports means and standard deviations for all lawyers in Québec, as well as for men and women across each of the professional groupings, *notaires* and *avocats*. I begin by discussing the measurement of the dependent variables and gender contrasts across the two professional groups.

Consistent with broader research on women in the legal profession (Hagan, 1990; Hersch, 2003; Huang, 1997; Kay and Hagan, 1995b; Laband and Lentz, 1993; Robson and Wallace, 2001; Wood *et al.*, 1993), a sizeable gap in pay exists between women and men, both as *notaires* and as *avocats*. Clearly, *notaires* earn, on average, more than *avocats*. *Notaires* average just \$45,502 compared with an average income of \$71,409 among *avocats* ($p < 0.001$). While the earnings are, on average, much higher for

¹² The sampling scheme employed in this study used an over-sampling of *notaires* to enable comparative statistical analyses between the two professional groups. Therefore, 52 percent of the legal professionals in the study sample worked as *notaires* and 48 percent worked as *avocats*. The representation in the larger population was 15 percent *notaires* and 85 percent *avocats* in 1999.

Table 1 Descriptive statistics for legal professionals in Québec

Variables	All	Notaires		Avocats	
		Males (n = 349)	Females (n = 260)	Males (n = 338)	Females (n = 232)
<i>Dependent variables:</i>					
Earnings	58033.81 (51528.12)	53200.21 (35982.21)	35181.81*** (20235.37)	84268.23 (72004.24)	52662.12 (43614.44)***
Hierarchical authority	16.85 (4.80)	17.67 (4.32)	16.01*** (4.54)	17.63 (5.11)	15.41*** (4.84)
Job satisfaction	3.33 (0.96)	3.05 (0.99)	3.12 (0.91)	3.64 (0.88)	3.50† (0.90)
Change jobs	2.71 (1.26)	2.75 (1.26)	2.95* (1.23)	2.43 (1.20)	2.77** (1.30)
<i>Independent variables:</i>					
<i>Demographics:</i>					
Minority	0.11 (0.31)	0.10 (0.30)	0.03*** (0.16)	0.19 (0.39)	0.11** (0.31)
Married	0.77 (0.42)	0.86 (0.35)	0.78** (0.41)	0.76 (0.43)	0.65** (0.48)
Parent	0.64 (0.48)	0.79 (0.41)	0.57*** (0.50)	0.67 (0.47)	0.45*** (0.50)
<i>Human capital:</i>					
Grades	4.71 (1.06)	4.59 (1.07)	4.75 (1.03)	4.73 (1.08)	4.80 (1.06)
Years of experience	15.22 (10.36)	22.03 (10.58)	10.96*** (6.47)	15.48 (10.20)	9.37*** (7.40)
Hours/week	45.46 (9.38)	45.23 (11.36)	43.45* (9.81)	47.24 (9.84)	47.05 (8.40)
<i>Symbolic capital:</i>					
Elite law school	0.44 (0.50)	0.41 (0.49)	0.42 (0.49)	0.48 (0.50)	0.43 (0.50)
Prestige of area	5.81 (0.65)	5.66 (0.39)	5.71 (0.50)	6.05 (0.80)	5.81*** (0.77)
<i>Social capital:</i>					
Private school	0.31 (0.46)	0.38 (0.49)	0.29** (0.45)	0.24 (0.43)	0.31† (0.46)
Club memberships	0.35 (0.48)	0.36 (0.48)	0.25** (0.43)	0.42 (0.49)	0.33* (0.47)
Corporate clientele	18.60 (29.10)	16.61 (22.58)	10.04*** (17.74)	30.39 (37.11)	14.00*** (29.57)
Language of clients	23.93 (22.44)	15.88 (17.00)	16.43 (15.45)	33.36 (25.84)	30.70 (23.51)
Clientele contact	4.16 (1.01)	4.36 (0.83)	4.08*** (1.09)	4.16 (0.97)	3.93** (1.15)
<i>Cultural capital:</i>					
Individualism	3.77 (0.91)	3.70 (0.96)	3.80 (0.92)	3.84 (0.86)	3.77 (0.91)
Judicial trust	3.09 (0.96)	3.03 (0.96)	2.84** (0.88)	3.36 (0.98)	3.08*** (0.92)
Status aspirations	2.31 (0.67)	2.42 (0.69)	2.51 (0.66)	2.21 (0.62)	2.09* (0.64)
Legal activism	2.07 (0.66)	2.06 (0.64)	2.14 (0.69)	2.00 (0.62)	2.11* (0.66)
<i>Work context:</i>					
Solo practice	0.31 (0.46)	0.45 (0.50)	0.41 (0.49)	0.17 (0.38)	0.16 (0.37)
Small org. (2–10)	0.23 (0.42)	0.33 (0.47)	0.30 (0.46)	0.13 (0.34)	0.13 (0.34)
Mid-size org. (11–50)	0.07 (0.26)	0.07 (0.25)	0.05 (0.21)	0.10 (0.30)	0.07 (0.25)
Large org. (50+)	0.06 (0.25)	0.00 (0.00)	0.01* (0.11)	0.17 (0.38)	0.06 (0.24)
Private practice	0.67 (0.47)	0.85 (0.36)	0.77** (0.30)	0.57 (0.50)	0.43*** (0.50)
Corporate	0.08 (0.28)	0.03 (0.17)	0.08** (0.27)	0.10 (0.31)	0.13 (0.34)
Government	0.22 (0.41)	0.11 (0.31)	0.12 (0.33)	0.27 (0.45)	0.39** (0.49)
Urban setting	0.54 (0.50)	0.44 (0.50)	0.45 (0.50)	0.69 (0.46)	0.59** (0.49)
N	1179	349	260	338	232

Note: Numbers in parentheses are standard deviations. All numbers are rounded to two decimal places.

† $p < 0.10$; * $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (two-tailed tests)

avocats, the gender gap in earnings is also substantially greater among *avocats*. Among *avocats*, men earn, on average \$84,268 while women earn, on average, just \$52,662 (a gap of \$31,606) ($p < 0.001$). Among *notaires*, men earn an average income of \$53,200, while their female counterparts earn on average \$35,182 (a gap of \$18,018) ($p < 0.001$).

Men are also advantaged in terms of hierarchical authority in the legal workplace. Hierarchical authority was a measure designed to incorporate self-reported levels of policy decision-making, supervisory authority, autonomy to design aspects of work and to implement ideas, and authority in hiring, assignment of files, management, and remuneration decisions. This seven-item index of hierarchical authority builds on earlier efforts to assess power and control in the practice of law (see Hagan, Zatz, Arnold and Kay, 1991; Kay and Hagan, 2003; Robson and Wallace, 2001). The measure allows us to examine finer distinctions of authority and autonomy across practice settings than simpler distinctions between formal job titles or status distinctions (Halaby and Weakliem, 1989) and the index is applicable across work settings of both *avocats* and *notaires*. *Notaires* and *avocats* both averaged close to seventeen points on the hierarchy index, with no statistically significant difference. However, notable gender differences were apparent. In both professional groups, men held positions of higher authority and decision-making powers than their female colleagues in law ($p < 0.001$).

Job satisfaction was measured through an index using two items adapted from Aryee and Luk (1996) and Ducharme and Martin (2000). The two questions asked: 'How satisfied are you with the way your job allows you to balance work and your personal life?' and 'Would you recommend your job to a friend?' Respondents chose from Likert-style responses ranging from 'very dissatisfied' (coded 1) to 'very satisfied' (coded 5) for the first question and 'discourage it greatly' (coded 1) to 'recommend it highly' (coded 5) for the second question. Job satisfaction was significantly higher among *avocats* than their *notaire* counterparts ($p < 0.001$). Significant gender differences in job satisfaction did not emerge, though male *avocats* were borderline more satisfied with their legal jobs than were their female counterparts ($p < 0.05$, one-tailed test).

I also examined lawyers' intentions to stay with their current job or to make a move. Intentions to leave current job were measured using two items adapted from Jinnett and Alexander (1999) and Lichtenstein, Alexander, McCarthy and Wells (2004). Respondents were asked whether they are looking at *the moment* for a new job and whether over the *next year* they plan to look for a new job. Respondents chose from Likert-style responses ranging from 'definitely not' (coded 1) to 'definitely' (coded 5). *Notaries* were more likely to express a desire to change jobs at this point in their legal career ($p < 0.001$). Among both *notaires* and *avocats*, women were more likely than their male colleagues to be actively seeking a new job ($p < 0.05$).

Results

Mean differences

I turn next to explore the gender differences across the explanatory variables. The measurement of these variables is detailed in Appendix A. Numerous gender differences are noteworthy. First, women are less likely to be minority group members (ethnic and racial communities) than their male counterparts, among both *notaires* ($p < 0.01$) and *avocats* ($p < 0.001$). Ten percent of male *notaires* identified as minority group members compared with only 3 percent of women *notaires*. Similarly, 19 percent of male *avocats* were minorities compared with 11 percent of women *avocats*. Women were also less likely to be married or cohabiting across both professional groups. In our sample 86 percent of male *notaires* and 78 percent of women *notaires* were married or cohabiting. Among *avocats*, 76 percent of men were married or cohabiting, compared with 65 percent of women ($p < 0.01$). Men, across both professional groups, were also more likely to be parents. Among *notaires*, 79 percent of men were parents compared with 57 percent of women. Among *avocats*, 67 percent of men were parents, while 45 percent of women were parents ($p < 0.01$).

We also consider individual investment and productivity characteristics (e.g. experience, academic performance) emphasised in the human capital perspective (see Becker, 1994; Becker and Murphy, 2000; Brown and Jones, 2004). Women had, on average, significantly fewer years of experience in the practice of law. Women *notaires* averaged 11 years, while men averaged 22 years. Among *avocats*, women averaged 9 years, while men averaged 15.5 years ($p < 0.001$). Interestingly, there was no statistically significant difference in the hours worked per week among male and female *avocats* (both averaging 47 hours/week), though among *notaires*, men worked longer hours (mean = 45.23) compared with their female counterparts (mean = 43.45, $p < 0.05$).

I use two measures of prestige and reputation to capture the symbolic capital that 'tacitly privileges' legal professionals: law school and field of law. Law schools have a less established hierarchy of status in Canada (Hagan, 1990; Stager and Arthurs, 1990) than in the United States (Heinz and Laumann, 1982; Heinz, Laumann, Nelson and Schnorr, 1997; Nelson, 1994). Yet, distinctions exist. McGill University and Université de Montréal are defined as elite law schools in Québec.¹³ There were no significant gender differences in elite law school graduation. Prestige of area of law is the second dimension of symbolic capital. Significant gender differences emerged in the areas of law practised by men and women *avocats*. Men, on average, practised in more prestigious areas than their female counterparts ($p < 0.001$), though there were no significant differences in the prestige of areas practised by male and female *notaires*.

In our analysis, social capital originates from two sources: connections derived through private schools, club membership and language acquisition, on the one hand; and contemporary clientele networks on the other. Male *notaires* were more likely to have attended private schools than their female counterparts ($p < 0.01$) and among both *notaires* and *avocats* men were more likely to hold club memberships than their female colleagues. In terms of the language spoken by clientele, there were no significant gender differences within either professional group. However, women across both professional groups spent less of their practice time in contact with clientele and women were less likely to serve corporate clientele. Among *notaires*, 17 percent of the clients served by men were corporate, compared with 10 percent of women's clients. Among *avocats*, the gap is even more noticeable: 30 percent of men's clients were corporate compared with only 14 percent of women's clients ($p < 0.001$).

Finally, measures of cultural capital were included to reflect Bourdieu's emphasis on habitus and dispositional inclinations. These dispositions are relevant to determining career outcomes because Bourdieu (1980) suggests that dispositions produce strategies and actions in direct response to the daily challenges of careers and shifting legal markets. The measures used in this study tap three core dimensions: individualism, judicial trust and aspirations (traditional status or legal activist aspirations). Individualism denotes a sense of self-empowerment or internal locus of control (Rotter, 1966). Individuals who believe that outcomes are due to their own efforts have an 'internal' locus of control while individuals who believe that outcomes are due to luck have an 'external' locus of control (Coleman and DeLeire, 2003; Maddux, 2002). Trust denotes a sense of confidence in others, and in the context of this study is tailored to reflect confidence in the legal system. Aspirations indicate motives reflected through intentions to succeed in various facets of law practice. There were no gender differences in terms of individualism among either *notaires* or *avocats*. However, male *notaires* ($p < 0.01$) and male *avocats* ($p < 0.001$) expressed greater trust in the judicial system than their female counterparts. There were no significant gender differences among *notaires* in terms of their aspirations (status or activist), though

13 National rankings of Canadian law schools place McGill University second to the University of Toronto among common law schools and Université de Montréal in first place among civil law schools on the basis of graduate quality (based on elite firm hiring, national reach and supreme court clerkships) and faculty quality (based on faculty journal citations). See *Maclean's* first ranking of Canada's law schools (2007) at www.macleans.ca/education/universities/article.jsp [last accessed 13 November, 2007].

interesting gender contrasts surfaced among the *avocats*. Men were more likely to hold traditional status goals ($p < 0.05$), while women were more likely to hold legal activist goals ($p < 0.01$).

Men and women legal professionals varied in the organisational context of their work. Within private practice, male *avocats* were more likely than their female counterparts to work in large law firms (of over fifty lawyers): 17 percent of men worked in large law firms compared with only 6 percent of women ($p < 0.001$). Further gender differences emerge across sectors of practice and these differences vary across the two groups of legal professionals. Men were more likely than women to work in private practice and this was consistent across both professional groups. Eighty-five percent of male *notaires* worked in private practice, compared with 77 percent of women ($p < 0.01$). Similarly, among *avocats* 57 percent of men worked in private practice, compared with 43 percent of women ($p < 0.001$). In the corporate sector (e.g. '*conseil juridique*' or in-house counsel) of law practice, women *notaires* are slightly more highly represented compared with men (8 percent compared with 3 percent of men, $p < 0.01$). In government service, the gender difference is among *avocats*, where 39 percent of women work compared with 27 percent of men ($p < 0.01$).

Finally, there is the regional setting of law practice. The majority of *avocats* work in urban settings, primarily Montréal and Québec City, while *notaires* are more dispersed geographically across the province of Québec. Men and women *notaires* were evenly represented in urban centres (about 45 percent), whereas male *avocats* were significantly more likely than their female counterparts to work in the province's two largest cities. Sixty-nine percent of male *avocats* worked in Montréal or Québec City, compared with 59 percent of female *avocats* ($p < 0.01$).

Regression results

My estimation strategy is to regress the explanatory variables described above on the four job outcomes (e.g. earnings, hierarchical authority, job satisfaction and intention to change jobs) on a combined sample of *notaires* and *avocats*. Next, I examine the two professional groups separately to assess the specific contributions of human, social, symbolic and cultural capitals, while controlling for work context, within each of these practice domains of Québec civil law. Finally, I introduce a series of interaction tests to evaluate gender differences in the efficacy of capital resources across the careers of *notaires* and *avocats*.

One of the most striking findings in Table 2 is that net of the explanatory variables in our full model, *notaires* earn less, on average, compared with *avocats* (approximately \$11,574 less annually) ($p < 0.001$). *Notaires* also possess lower hierarchical authority than *avocats* in their workplaces ($b = -0.820$, $p < 0.01$) and are less satisfied in their jobs ($b = -0.243$ $p < 0.001$); though, net of other work-related factors, they appear no more inclined to change jobs ($b = 0.104$, n.s.). The reduced hierarchical authority may reflect, in part, *notaires*' greater representation in solo and small-sized offices. These work contexts offer fewer opportunities to supervise others, hire articling students, assign files or make management decisions regarding the remuneration of others. The nature of notarial work translates into less hierarchical authority, but likely greater autonomy (through management decisions and the ability to design work and implement ideas independently). While reduced hierarchical authority (relative to *avocats*) may be explained, at least in part, by the context of notarial law practice, other professional differences – dampened earnings and lower job satisfaction – more likely reflect the dispiriting era of the late 1990s for *notaires* in Québec. With a difficult economic climate, declining real estate market and changing fee structure among *notaires*, the late 1990s represented a particularly bleak period for their law practices (Kay, under review a).

Job outcomes among *notaires*

Examining the regression models for *notaires* only (see Table 2), we see that the gender gap in earnings remains persistent. Men *notaires* garner an additional \$8,296 annually, on average, compared with women *notaires*, controlling for work context, experience, hours worked and a host of

Table 2 OLS regression models of job outcomes for *notaires* (unstandardised effects shown with standard errors in parentheses)

	Earnings	Hierarchical authority	Job satisfaction	Intend to change jobs
	b (SE)	b (SE)	b (SE)	b (SE)
Notaires^a	- 11573.62 (3135.70)***	- 0.820 (0.314)**	- 0.243 (0.061)***	0.104 (0.089)
<i>Demographics</i>				
Male	7926.28 (2823.63)**	0.385 (0.393)	-0.148 (0.087)†	0.036 (0.120)
Minority	-5584.27 (4944.25)	-0.984 (0.688)	-0.033 (0.152)	0.306 (0.211)
Married	7090.80 (3249.43)*	0.340 (0.452)	-0.066 (0.100)	-0.063 (0.138)
Parent	571.89 (2899.55)	0.863 (0.403)*	0.122 (0.089)	0.021 (0.123)
<i>Human capital</i>				
Grades	2047.30 (1105.32)†	0.253 (0.154)†	-0.021 (0.034)	-0.037 (0.047)
Years of experience	786.88 (135.44)***	0.047 (0.019)**	0.009 (0.004)*	-0.018 (0.006)**
Hours/week	358.65 (111.41)*	0.037 (0.016)**	-0.016 (0.003)***	0.013 (0.005)**
<i>Symbolic capital</i>				
Elite law school	-1356.51 (2345.15)	-0.228 (0.326)	0.115 (0.072)†	0.016 (0.100)
Prestige of area	3840.82 (2720.66)	0.537 (0.379)	0.122 (0.083)	-0.019 (0.116)
<i>Social capital</i>				
Private school	3301.95 (2424.14)	0.252 (0.337)	0.194 (0.074)**	-0.042 (0.103)
Club memberships	8758.93 (2526.05)***	0.669 (0.351)*	0.075 (0.077)	-0.034 (0.108)
Corporate clientele	127.83 (57.48)*	0.023 (0.008)**	0.000 (0.002)	0.000 (0.002)
Language of clients	290.08 (76.10)***	-0.008 (0.011)	0.000 (0.002)	-0.005 (0.003)
Clientele contact	1880.62 (1360.74)	1.309 (0.189)***	0.024 (0.042)	-0.127 (0.058)*
<i>Cultural capital</i>				
Individualism	239.70 (1212.78)	-0.157 (0.169)	0.242 (0.037)***	-0.162 (0.052)**
Judicial trust	245.26 (1245.49)	0.231 (0.173)	0.115 (0.038)**	-0.217 (0.053)***
Status aspirations	-1637.24 (2166.95)	1.188 (0.302)***	0.073 (0.067)	0.044 (0.092)
Legal activism	-88.74 (2178.73)	-0.029 (0.303)	-0.089 (0.067)	0.278 (0.093)**
<i>Work context</i>				
Solo practice ^b	- 20632.53 (3844.27)***	- 0.153 (0.535)	- 0.433 (0.118)***	- 0.023 (0.164)
Small org. (2-10)	- 17773.79 (3906.95)***	0.419 (0.544)	- 0.458 (0.120)***	0.034 (0.166)
Government	- 4.56 (4795.82)	- 1.454 (0.667)*	0.444 (0.147)**	- 0.734 (0.204)***
Urban setting	- 6538.34 (2389.57)**	- 0.331 (0.332)	0.045 (0.073)	- 0.107 (0.102)
Intercept	- 18835.87 (19770.11)	0.569 (2.751)	1.896 (0.606)**	4.166 (0.842)***
F	9.797***	11.099***	8.777***	4.726***
R ²	0.271	0.296	0.250	0.152
Adjusted R ²	0.243	0.270	0.221	0.120

*p < 0.05; **p < 0.01; ***p < 0.001 (two-tailed tests); † p < 0.05 (one-tailed tests).

^a *Notaires* compared with *avocats*, full sample, saturated models regressed on each dependent variable.

^b Reference category is private firms or offices of eleven to forty-nine legal professionals.

capital resources (e.g. human, social, symbolic and cultural capitals). The gender gap in earnings among legal professionals is nothing new (Dixon and Seron, 1995; Hagan, 1990). More intriguing perhaps is the lack of significant gender differences across the job outcomes of hierarchical authority, job satisfaction and plans to change jobs. Certainly at the bivariate level, men appeared to hold

positions of higher authority than women ($b = 2.22$, $SE = 0.427$, $p < 0.001$) and were less likely to plan on leaving their jobs ($b = -0.339$, $SE = 1.07$, $p < 0.01$). In order to unpack the causal processes at play, I estimated a series of reduced equations, starting with demographic and human capital variables, then introducing symbolic, social and cultural capitals, and finally adding work context variables.¹⁴ The gender gap in hierarchical authority remained with the inclusion of human capital variables ($b = 1.276$, $SE = 0.442$, $p < 0.01$), as did the gender gap in intentions to change jobs ($b = -0.232$, $SE = 1.12$, $p < 0.05$). Social and cultural capitals played an important role in explaining the initial gender gap in authority. The amount of contact with clients, percentage of time spent with corporate clients and traditional status aspirations appeared to be the three factors most relevant to explaining men's enhanced hierarchical authority (over and above the impact of years of experience). In contrast, gender differences in plans to leave jobs were explained largely by years of experience. It may be that job moves are more characteristic of early career phases and the majority of women *notaires* are still within their first decade of practice.

Other variables have impacts as predicted by theory. For example, years of experience in law practice enhanced earnings, authority and job satisfaction, while reducing intentions to change jobs. Working long hours in the practice of law augmented earnings and led to (or accompanied) positions of higher authority; though working long hours also undermined job satisfaction and stimulated interest to pursue alternative employment opportunities. In terms of social capital, club memberships offered sizeable income returns, and earnings were enhanced through corporate clients and English-speaking clientele. More time devoted to corporate clients and direct clientele contact also led to positions of higher authority. Cultural capital dimensions were less salient to earnings determination, though they influenced other job outcomes. For example, traditional status aspirations elevated hierarchical authority and individualism increased job satisfaction, while dampening inclinations to change jobs. Similarly high judicial trust enhanced job satisfaction, while reducing intentions to leave jobs. In contrast, legal activism, the goal to lead through legal education, law reform, politics and service to disadvantaged groups in society, encouraged *notaires* to pursue new job opportunities. Work context factors also had their predicted effects. *Notaires* in solo practice and those working in small offices (e.g. associations of ten or fewer *notaires*) suffered a sizeable earnings disadvantage compared to *notaires* working in larger offices. Solo *notaires* and *notaires* in small offices were also less satisfied than their colleagues in larger organisations. Finally, urban settings resulted in a sizeable earnings disadvantage to *notaires* of approximately \$6,538 per year.

Job outcomes among *avocats*

The story is quite different among *avocats*. Most notable is perhaps the lack of gender differences across extrinsic and intrinsic job outcomes. Bivariate analyses revealed significant gender differences, with men receiving a sizeable earnings advantage ($b = \$31,606$, $SE = \$5,289$, $p < 0.001$), greater hierarchical authority ($b = 2.22$, $SE = 0.427$, $p < 0.001$), and reduced intentions to leave jobs ($b = -0.339$, $SE = 0.107$, $p < 0.01$). Parallel to the analysis of *notaires*' earnings, I estimated a series of reduced equations, introducing conceptual blocks stage by stage (see Table 3).¹⁵ The statistically significant gender differences persisted with the introduction of demographic and human capital variables. However, the earnings gap was rendered statistically insignificant with the introduction of social and symbolic capitals. Specifically, opportunities to work with corporate clients and English-speaking clients, as well as practising in prestigious areas of law, contributed significantly to

14 Zero-order effects and reduced model estimates are not shown. Results are available from the author by request.

15 The series of equations consist of the three blocks of variables: (1) demographics and human capital; (2) symbolic, social and cultural capitals; and finally (3) work context variables. Zero-order effects and reduced model estimates are not shown in tables. Results are available from the author by request.

Table 3 OLS regression models of job outcomes for *avocats* (unstandardised effects shown with standard errors in parentheses)

	Earnings	Hierarchical authority	Job satisfaction	Intend to change jobs
	b (SE)	b (SE)	b (SE)	b (SE)
<i>Demographics</i>				
Male	1982.43 (4769.04)	0.477 (0.430)	0.072 (0.075)	-0.120 (0.111)
Minority	8039.73 (6148.75)	-0.197 (0.555)	0.136 (0.097)	0.129 (0.143)
Married	3575.20 (5066.02)	0.367 (0.457)	0.077 (0.080)	-0.052 (0.119)
Parent	1049.87 (4991.81)	0.201 (0.450)	-0.015 (0.078)	-0.128 (0.117)
<i>Human capital</i>				
Grades	1229.94 (2023.93)	0.081 (0.183)	0.034 (0.032)	-0.082 (0.047)†
Years of experience	2556.67 (261.64)***	0.153 (0.024)***	0.003 (0.004)	-0.014 (0.006)*
Hours/week	660.19 (233.46)**	0.070 (0.021)***	-0.019 (0.004)***	0.000 (0.006)
<i>Symbolic capital</i>				
Elite law school	7793.07 (4584.24)†	-0.253 (0.414)	0.184 (0.072)**	-0.083 (0.107)
Prestige of area	2727.75 (2972.80)	0.152 (0.268)	0.141 (0.047)**	-0.022 (0.069)
<i>Social capital</i>				
Private school	-5861.18 (4873.03)	0.476 (0.440)	0.188 (0.077)**	-0.191 (0.113)†
Club memberships	628.35 (4527.93)	0.423 (0.409)	0.030 (0.071)	0.198 (0.106)†
Corporate clientele	150.47 (72.29)*	0.018 (0.007)**	-0.002 (0.001)†	-0.004 (0.002)*
Language of clients	326.38 (92.20)***	0.000 (0.008)	0.000 (0.001)	-0.003 (0.002)
Clientele contact	4923.07 (2098.02)**	1.128 (0.189)***	0.022 (0.033)	-0.061 (0.049)
<i>Cultural capital</i>				
Individualism	1636.56 (2477.52)	0.021 (0.224)	0.221 (0.039)***	-0.186 (0.058)***
Judicial trust	1261.54 (2291.70)	-0.030 (0.207)	0.181 (0.036)***	-0.063 (0.053)
Status aspirations	8883.82 (4152.03)*	1.064 (0.375)**	-0.107 (0.065)†	0.107 (0.097)
Legal activism	-3208.97 (3947.53)	-0.324 (0.356)	0.015 (0.062)	0.285 (0.092)**
<i>Work context</i>				
Solo practice ^a	-20271.24 (6934.79)**	-0.266 (0.626)	-0.210 (0.109)*	-0.088 (0.164)
Small org. (2-10)	-18179.57 (7474.10)**	1.268 (0.674)†	-0.146 (0.117)	-0.497 (0.174)**
Large org. (50+)	33998.21 (8281.88)***	-0.210 (0.747)	0.153 (0.130)	-0.547 (0.195)**
Government	-467.05 (6250.49)	-0.473 (0.564)	0.322 (0.098)***	-0.286 (0.146)*
Urban setting	9334.20 (4722.03)*	-0.386 (0.426)	0.076 (0.074)	-0.012 (0.110)
Intercept	-84641.05 (28648.71)**	3.004 (2.585)	1.812 (0.450)***	4.213 (0.674)***
F	13.391***	8.254***	8.092***	4.911***
R ²	0.395	0.259	0.256	0.176
Adjusted R ²	0.369	0.228	0.224	0.14

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (two-tailed tests); † $p < 0.05$ (one-tailed tests).

^aReference category is organisations of eleven to forty-nine legal professionals.

explaining the gender gap in earnings (beyond the impact of human capital). Working with corporate clients and a greater percentage of time spent in contact with clients, as well as holding traditional status aspirations, reduced the gender gap in authority below significance (again, beyond the impact of human capital variables). Further, the gender differences in intentions to leave jobs fell below statistical significance with the inclusion of corporate clientele (social capital) and activist goals (cultural capital). Working with corporate clients reduced intentions to leave jobs, while

activist goals elevated job change inclinations – women typically had far fewer corporate clients and held stronger legal activist goals.

There are also effects that operate in tandem for both professional groups. As was the case with the analysis of *notaires*, *avocats* benefited with higher earnings from advanced years of experience, working longer hours per week, serving corporate clients and English-speaking clientele, and increased levels of client contact. Holding traditional status goals augmented earnings, as did working in large law firms (over fifty lawyers) and in urban settings (note that *notaires* incurred an earnings penalty for working in urban centres). The hierarchical authority experienced by *avocats* was enhanced through greater years of experience, working longer hours, serving corporate clients, spending greater time in contact with clients and holding true to traditional status goals. As was the case with *notaires*, some factors that enhanced extrinsic rewards (of earnings and authority) also were double-edged swords that undermined job satisfaction. For example, working long hours in the practice of law elevated earnings and hierarchical authority, but dampened job satisfaction. Traditional status goals also elevated earnings and hierarchical authority, while reducing job satisfaction. Furthermore, cultural capital was important to the intrinsic job outcomes of *avocats*, as it was for *notaires*. For instance, high individualism encouraged high job satisfaction and reduced inclinations to leave existing jobs. Similarly, increased judicial trust also enhanced job satisfaction, while declining intentions to quit existing jobs. Thus, trust in the justice system buoys the job satisfaction of *avocats* while securing their commitment to stay with the current employment setting. Somewhat surprising among *avocats* is that, despite large law firms offering superior pay, government lawyers exhibited significantly greater job satisfaction overall ($p < 0.001$). Compared with other sectors of practice, government lawyers were also less disposed to want to leave their job. Within private practice, sole practitioners were the least satisfied, though *avocats* in mid-sized firms (eleven to fifty lawyers) were more inclined than either sole practitioners or *avocats* in others sizes of firms (small or large) to be in the process of a job search.

The efficacy of capital resources on job outcomes

Although the main effects results reveal an absence of dramatic gender differences across these various job outcomes (with the exception of earnings among *notaires*), our cultural capital model hints that capital resources may play out differently for men and women in law practice. In order to examine whether capital resources operate differently among male and female legal professionals, I introduce a series of interaction effects. Interaction effects in regression produce large standard errors in the lower-order independent variables and multicollinearity between the interaction terms and the variables from which they are comprised, all of which can lead to computational problems (Aiken and West, 1991). This is remedied by standardising the lower order variables by transforming them into Z-scores (Aiken and West, 1991; Baron, 2004). Therefore, variables were centred before the multiplicative terms were created (see Gorman, 2006, p. 876). The interaction terms are introduced singly into the equations and tested for their explanatory contribution (see Baron, 2004; Cernovich, Giordano and Rudolph, 2000; Paternoster and Mazerolle, 1994). One-tailed tests of statistical significance are used where they are justified by theory; otherwise, two-tailed tests are employed (see Jang and Johnson, 2003).

The upper half of Table 4 shows the results for *notaires*. In terms of social capital assets, men benefit more than women from their club memberships in generating elevated earnings ($b = 2479.47$, $p < 0.05$). These club memberships also afforded men greater opportunities for positions of hierarchical authority ($b = 0.406$, $p < 0.01$). Increased clientele contact appears important to women's footing as they ascend the ladders of authority ($b = 0.339$, $p < 0.05$). Among the cultural capital resources, men possessing more individualistic dispositions were more likely to consider changing jobs than their female colleagues of similar dispositions ($b = 0.092$, $p < 0.05$). Work context also had gendered effects such that male solo *notaires* report having lower authority in their law practices ($b = -0.539$, $p < 0.001$) and male solo *notaires* were also more likely to be actively seeking job changes

Table 4 OLS regression interaction terms for capital resources and work context conditioned by gender, *avocats* and *notaires* (unstandardised effects shown with standard errors in parentheses)

	Earnings	Hierarchical authority	Job satisfaction	Intend to change jobs
	b (SE)	b (SE)	b (SE)	b (SE)
Notaires				
<i>Human capital</i>				
Hours/week x male	396.63 (1124.30)	-0.089 (0.156)	-0.079 (0.034)*	0.102 (0.048)*
<i>Symbolic capital</i>				
Elite law school x male	-1154.74 (1157.60)	-0.035 (0.161)	0.023 (0.036)	-0.016 (0.049)
Prestige of area x male	2055.24 (1679.41)	0.352 (0.234)	-0.002 (0.052)	0.073 (0.072)
<i>Social capital</i>				
Club memberships x male	2479.47 (1193.33)*	0.406 (0.166)**	-0.007 (0.037)	-0.020 (0.051)
Corporate clients x male	2478.47 (1708.23)	0.251 (0.238)	-0.023 (0.052)	0.101 (0.073)
Clientele contact x male	-1074.99 (1213.32)	-0.339 (0.168)*	0.040 (0.037)	-0.020 (0.052)
<i>Cultural capital</i>				
Individualism x male	-758.70 (1112.85)	-0.184 (0.155)	-0.024 (0.034)	0.092 (0.047)*
Judicial trust x male	609.17 (1200.85)	0.003 (0.166)	0.002 (0.037)	-0.079 (0.051)
Status aspirations x male	1467.39 (1142.01)	0.230 (0.159)	0.030 (0.035)	-0.015 (0.049)
Legal activism x male	1060.56 (1118.49)	0.017 (0.200)	0.027 (0.034)	-0.031 (0.048)
<i>Work context</i>				
Solo practice x male	-1522.34 (1076.96)	-0.539 (0.148)***	-0.040 (0.033)	0.080 (0.046)†
Small firm x male	936.84 (1030.59)	0.246 (0.143)†	0.049 (0.032)	-0.034 (0.044)
Avocats				
<i>Human capital</i>				
Hours/week x male	57.10 (2453.31)	-0.218 (0.221)	-0.067 (0.038)†	0.127 (0.058)*
<i>Symbolic capital</i>				
Elite law school x male	2607.58 (2122.84)	-0.218 (0.192)	0.031 (0.033)	-0.075 (0.050)
Prestige of area x male	253.91 (1778.66)	0.175 (0.160)	-0.019 (0.028)	0.096 (0.041)*
<i>Social capital</i>				
Club memberships x male	594.68 (2126.09)	-0.043 (0.192)	-0.015 (0.033)	-0.022 (0.050)
Corporate clients x male	-574.54 (1946.84)	0.106 (0.176)	0.044 (0.031)	-0.090 (0.045)*
Clientele contact x male	4066.72 (2012.36)*	0.106 (0.182)	0.017 (0.032)	-0.012 (0.047)
<i>Cultural capital</i>				
Individualism x male	-85.83 (2196.30)	-0.223 (0.198)	-0.038 (0.034)	-0.029 (0.051)
Judicial trust x male	189.92 (2197.41)	0.219 (0.198)	0.059 (0.034)†	-0.074 (0.082)
Status aspirations x male	1815.58 (2281.28)	-0.187 (0.206)	0.013 (0.036)	-0.063 (0.053)
Legal activism x male	-391.75 (2184.83)	-0.134 (0.197)	0.059 (0.034)†	-0.083 (0.057)†
<i>Work context</i>				
Solo practice x male	-560.52 (2643.95)	-0.259 (0.238)	-0.040 (0.041)	-0.064 (0.082)
Small firm x male	-1318.43 (2667.05)	0.343 (0.240)	0.005 (0.042)	-0.074 (0.062)
Large org. (50+) x male	3301.85 (1896.35)†	-0.031 (0.173)	0.047 (0.030)	-0.090 (0.044)*

* $p < 0.05$; ** $p < 0.01$; *** $p < 0.001$ (two-tailed tests); † $p < 0.05$ (one-tailed tests).

($b = 0.080$, $p < 0.05$, one-tailed). A surprising twist is to be found in the impact of human capital assets. Investment in long hours at the office is often highlighted in the literature on women and paid work as one of the reasons for women's job dissatisfaction (Brockman, 2001; Epstein, Seron, Oglensky and Sauté, 1999; Kay and Bernard, 2006; Leiper, 2006; Reichman and Sterling, 2002). The results show that men were in fact *more* dissatisfied with working long hours ($b = -0.079$, $p < 0.05$) and they were also more likely to intend to change jobs as a result of these long hours ($b = 0.102$, $p < 0.05$). It appears that despite a persistent gender gap in earnings and differential returns on social capital assets toward authority in the workplace, women may be entering *le notariat* and finding balance (through predictable hours), authority and independence in solo practice, and commitment to continue in their notarial practices.

The gender dynamics among *avocats* (see lower half of Table 4) are equally provocative. In terms of earnings, men gain more than their female colleagues through interaction through regular and frequent contact with clients ($b = 4066.72$, $p < 0.05$). Larger organizations (of fifty or more lawyers) also reward men with higher salaries than women, controlling for a host of variables, including years of experience, areas of practice, corporate clientele responsibilities and hours worked ($p < 0.05$, one-tailed). The effects of judicial trust and legal activism on job satisfaction are both conditioned by gender. Men perceiving a sense of trust in the judicial system ($b = 0.059$, $p < 0.05$, one-tailed) and strong legal activist goals ($b = 0.059$, $p < 0.05$, one-tailed) exhibit greater job satisfaction than their female colleagues with similar ideals. Each of the four capital resources (e.g. human, symbolic, social and cultural) proved salient to the decision to change jobs. Men working longer hours ($b = 0.127$, $p < 0.05$) and in prestigious areas of law ($b = 0.096$, $p < 0.05$) were more inclined to change jobs than were their female colleagues. Yet serving corporate clients ($b = -0.090$, $p < 0.05$) and holding legal activist aspirations ($b = -0.083$, $p < 0.05$) both interacted with gender to reduce men's motivations to change jobs. Finally, the impact of working in large law firms (over fifty *avocats*) on plans to change jobs was conditioned by gender. Men working in large firms were significantly less likely than their female colleagues to consider leaving their jobs ($b = -0.090$, $p < 0.05$). The storyline among *avocats* thus contrasts with that of the *notaires*. A much clearer gender division exists, with men *avocats* receiving greater exchange on their investments in human, social and cultural capitals.

Discussion and conclusion

This study set out to investigate gender differences across a divided legal profession within Québec, a civil law jurisdiction of Canada. Attention focused on four aspects of careers, including opportunities for remuneration, professional hierarchy, job satisfaction and plans to change jobs. Sizeable gender differences appeared between men and women, with women earning significantly lower salaries, holding positions of reduced authority and being more inclined to leave their current jobs. However, with the exception of earnings inequities among *notaires*, these gender differences were explained by the integrated cultural capital resource model. The statistically significant gender gap in earnings was resilient but of a magnitude far below the sizeable earnings gap documented in common law jurisdictions of practice (Dixon and Seron, 1995; Hagan, 1990; Kay and Hagan, 1995b; Hersch, 2003; Huang, 1997; Robson and Wallace, 2001). Is the Québec legal profession a more gender equitable profession than exists in neighbouring common law jurisdictions, for example, in English Canada and the United States?

The results show that the possibilities for accumulation and conversion of capitals available to each gender differ across professional boundaries. As a baseline for comparison, gender differences across an array of factors were noteworthy within each of the professional groups. Among *notaires*, men were more likely to hold club memberships, to serve corporate clientele and to spend more of their practice time in contact with clients. Men expressed greater trust in the judicial system than did their female colleagues. Men *notaires* were also more likely than women to work in private law practice, while women were slightly more highly represented among in-house counsel in the corporate sector.

Among *avocats*, men, on average, practised in more prestigious areas of law than their female counterparts. Men were also more likely to hold club memberships, to serve corporate clientele and to spend a greater proportion of their time in contact with clients. Men expressed greater trust in the judicial system than did their female colleagues. Men were also more likely to hold traditional status goals, while women were more likely to hold legal activist goals. Women were more likely than men to work in government service, while men were more likely to work in private law practice. Within private practice, men were more likely than women to work in large law firms. Finally, male *avocats* more often than their female colleagues were located in the province's two largest cities.

Not only are men and women equipped with differential stocks of capitals, but the conversion rates also differed in important ways.¹⁶ The defining characteristic of capital – whether financial, human, social or cultural – is its fungibility, the idea that it may be converted into something of value, such as earnings, professional status, prestige or power (Aguilera and Massey, 2003; Harker, Mahar and Wilkes, 1990). The findings of this study clearly demonstrate the unique and profitable returns of investment in symbolic, social and cultural capitals, over and beyond investment in human capital and taking into account variation across work context. For example, among *notaires*, club memberships offered greater payoff in terms of earnings and hierarchical authority to men, though male solo *notaires* reported lower authority and greater inclination to leave their solo practices than their female colleagues. A twist in the capital resource story lies with human capital. Men were more dissatisfied with working longer hours than their female colleagues and they were more likely to change jobs as a result of these time commitments. Despite a resilient gender gap in earnings, women *notaires*, compared with their male colleagues, appear more satisfied with their level of authority and autonomy in solo practice, less aggravated with their hours of work and less likely to be actively seeking to change jobs.

Social capital among *avocats* was also conditioned by gender in important ways. Men gained more in earnings than their female colleagues through frequent contact with clients. Even when controlling for variation across the range of capital resources, women remained disadvantaged in larger firms (over fifty *avocats*) when it came to salaries. Dispositions toward legal activist goals and a sense of trust in the justice system also augmented men's job satisfaction beyond that of women's satisfaction in law practice. Furthermore, a host of capitals were conditioned by gender in the decision to seek out new jobs. Men working longer hours and in prestigious areas of law were more inclined to change jobs than were their female colleagues; though serving corporate clients and holding legal activist aspirations interacted with gender to retain men's presence in existing jobs. Further, male *avocats* receive greater exchange on their investments in human and social capitals, and their cultivated habitus or dispositions also better enable men to negotiate legal careers.

Beyond these gender comparisons, our analysis revealed a bleak portrait of notarial law practice during the tumultuous 1990s. *Notaires* earned less, had fewer opportunities for positions of hierarchical authority, were less satisfied with their jobs and, though perhaps surprisingly considering these professional outcomes, were not more inclined than *avocats* to quit their legal jobs. This lack of intent to change jobs may reflect, at least in part, the fact that *notaires* generally work as independent practitioners, either as solo *notaires* or as *notaires* working in association with other *notaires*, sharing office space and staff personnel. The idea of changing jobs is perhaps not as simple as that of an *avocat* moving between law firms, but likely requires contemplating a full-out exit from the notariat profession. Interestingly, during the late 1990s, women's representation was rising particularly rapidly among

16 Bourdieu (1984, p. 125) observes that the possibility is 'always available, of converting one type of capital into another; however, the exchange rates vary in accordance with the power relation between the holders of the different forms of capital'. For example, Dinovitzer (2006), in her study of Jewish and non-Jewish lawyers migrating from Québec, demonstrates that disadvantaged groups do not simply possess diminished stocks of capital; also salient are social positions and the resources to transform accumulated capitals as individuals build legal careers.

le notariat. Women represented 43 percent of *notaires* and 40 percent of *avocats* in the late 1990s.¹⁷ Women entered in growing numbers a struggling *notariat* during a difficult economic era.¹⁸ Yet, the attraction of notarial law for women law graduates and the subsequent career pathways of women who entered the Québec *notariat* at this time of professional uncertainty remain unanswered questions.

Cultural capital theory provides new insight to our understanding of what it means to be a legal professional in the context of a divided profession of *notaires* and *avocats*, each group seeking to define and dispense law within its respective civil law jurisdictions. At the same time, this perspective is attuned to the unique dispositional qualities cultivated through legal education, the social and symbolic resources that are amassed by legal professionals in the course of their careers, and the differential returns of such investments for women and men within a divided profession.

Future research will benefit by considering a number of conceptual elaborations. First, measures of habitus or dispositions explored in this study underscored three dimensions: individualistic drive, judicial trust and career goals. These dispositional qualities were of particular relevance to the job outcomes under study (e.g. earnings, hierarchical authority, job satisfaction and intent to change jobs). However, Bourdieu's conception of dispositions is suggestive of *aesthetic* dispositions: manners, tastes, linguistic competence, erudition and manifest preferences linked to families of privilege and elite educational systems (Berger, 1986; Bourdieu and Passeron, 1979). Research needs to develop more precise measures of dispositions relevant to law practice, particularly dispositions that encourage adaptation to changing markets for legal services. Are markers of class origins as salient to law practice, particularly to a profession that has not greatly diversified in class composition (see Abel, 2003)? In the context of Québec society with corporate ties to English Canada and the US, multilingual legal professionals may be at an advantage to recruit and manage elite corporate clients. Cultural capital, then, perhaps needs a more fluid grounding than social class hierarchy to incorporate aspects of elitism through linguistic facility, social closure by dominant cultural groups and ties to business relations beyond provincial borders. Bourdieu's cultural capital theory was developed in the context of highly stratified and distinct French society. Québec, while historically a French colony, is characterised by its own dynamics of migration, multiculturalism (and interculturalism) and cultural distinction within Canadian society (Bouchard and Taylor, 2008). These unique characteristics stretch cultural capital theory's conception of habitus in new and challenging ways.

Cultural capital theory faces an even more direct challenge through the incorporation of gender. As noted earlier, feminist scholars have critiqued Bourdieu's theory of cultural capital, particularly his arguments regarding his thinking of a resilient traditional pattern of masculine domination (2001, 2002) constitutive of Western gender habitus (see Adkins and Skeggs, 2005; Silva, 2005). Further, feminist scholars have critiqued Bourdieusian thinking on gender relations as characterised by biological foundationalism, misconceiving capital as gender neutral and treating women as predominantly 'aesthetic objects' (Silva, 2005). Yet, rather than dismiss cultural capital theory outright, feminist scholars have attempted to incorporate into a Bourdieusian framework implications of recent transformation in home family living, gender role transformations that are argued to have destabilised the gender order (Silva, 2005). The task is one of integrating the roles of gender, home and family in the acquisition and transmission of cultural capital. Judith Butler (1997), for example, contends that gender itself can be a form of cultural capital. Other feminist scholars show that access to gender capital is not universal, but rather hidden and asymmetrical and only some individuals are

17 Presently, nearly half of all legal professionals in the province are women: women represent 50 percent of *notaires* and 46 percent of *avocats* (BQ, 2008; CNQ, 2008).

18 Over the next decade of the new millennium, the Québec *notariat* would recover significant professional status, social and political influence, jurisdictional terrain and the ability to recruit new members with increased professional rewards (including reputation, job satisfaction and enhanced earnings) (see Kay, under review b).

Appendix A: Variables, definitions, ranges and reliability

Variable	Definition	Range	Alpha reliability
<i>Dependent variables:</i>			
Earnings	Respondents' total annual earnings from the practice of law before taxes and other deductions were made for the year, 1998.	5,000–500,000	
Hierarchical authority	Includes self-reported levels of policy decision-making, supervisory authority, autonomy to design aspects of work and to implement ideas, and authority in hiring, assignment of files, management, and remuneration decisions. Items adapted from Hagan <i>et al.</i> (1991) and Kay and Hagan (2003).	6–26	0.75
Job satisfaction	Is measured by two items adapted from Aryee and Luk (1996) and Ducharme and Martin (2000). This index of job satisfaction is composed of two questions: 'How satisfied are you with the way your job allows you to balance work and your personal life?' and 'Would you recommend your job to a friend?' Respondents chose from Likert-style responses ranging from 'very dissatisfied' (coded 1) to 'very satisfied' (coded 5) for the first question and 'discourage it greatly' (coded 1) to 'recommend it highly' (coded 5) for the second question.	1–5	0.67
Change jobs	Is measured using two items adapted from Jinnett and Alexander (1999) and Lichtenstein <i>et al.</i> (2004). Respondents were asked whether they are looking at <i>the moment</i> for a new job at the moment and whether over the <i>next year</i> they plan to look for a new job. Respondents chose from Likert-style responses ranging from 'definitely not' (coded 1) to 'definitely' (coded 5).	1–5	0.92
<i>Independent variables:</i>			
<i>Demographics:</i>			
Minority	Respondents who self-identified as a member of a minority group by virtue of ethnicity or race, religion, physical disability, language or sexual orientation were coded as minority status. Minority = 1; others = 0.	0–1	
Married	Married = 1 (includes cohabitation); else = 0.	0–1	
Parent	Has one or more children. Parent = 1; childless = 0.	0–1	
<i>Human capital:</i>			
Grades	Respondents self-reported their overall academic performance in law school on a scale: (1) high A (A+) [90–100%], (2) A [80–89%], (3) high B (B+) [75–79%], (4) B [70–74%], (5) high C [65–69%], (6) C [60–64%], (7) D [50–59%] (reverse coded).	1–7	
Years of experience	Years since 'call' to <i>Le Barreau</i> or <i>La Chambre</i> .	0–63	
Hours/week	Hours worked per week on average, including weekdays, evenings and weekends.>	10–90	
<i>Symbolic capital:</i>			
Elite law school	McGill University and Université de Montréal = 1; other law schools = 0 (Kay, under review; Dinovitzer, 2006).	0–1	
Prestige of field	Respondents reported their main area of specialisation and they also assessed each field of law on a ten-point scale of prestige (see Hagan, 1990; Kay and Hagan, 1998). A graded scale of sixteen specialisations resulted in two unique prestige scales, one for <i>notaires</i> and one for <i>avocats</i> .	4.02–7.60	

Appendix A: (Cont.)

Variable	Definition	Range	Alpha reliability
<i>Social capital:</i> Private school	Respondents indicated whether they had attended private school during either elementary or secondary schools (private school = 1).	0-1	
Club memberships	Respondents also reported whether they were members of any clubs (e.g. social clubs, political party, community organisations, sports clubs, etc.) (club membership = 1).	0-1	
Corporate clientele	The proportion of time spent representing corporate clients during the past twelve months.	0-100	
Language of clients	The percentage of English-speaking clientele.	0-100	
Clientele contact	Respondents assessed the degree to which their work involves interaction with clients. Response categories ranged from (1) a great deal, (2) considerable, (3) some, (4) little, to (5) none (reverse coded).	1-5	
<i>Cultural capital:</i>			
Individualism	Is measured by four Likert-style items ranging from 'strongly disagree' (coded 1) to 'strongly agree' (coded 5). The items were adapted from research on locus of control (Levenson, 1973; Wallace, 2001). Statements included: 'I am responsible for my own success', 'I can do just about anything I really set my mind to', 'My misfortunes are the result of mistakes I have made' (reverse coded), 'I am responsible for my failures' (reverse coded). Respondents rated statements with Likert-style responses ranging from 'strongly disagree' (coded 1) to 'strongly agree' (coded 5).	1-5	0.79
Judicial trust	Is measured with a single-item indicator: 'On average, our justice system is fair.'	1-5	
Status aspirations	Included: seniority in a firm (small, medium and large), seniority in a corporate legal department, a strong solo practice, a strong <i>notaire</i> office, leader in a corporation, and financial rewards.	1-4	0.82
Legal activism	Included leadership in agencies concerned with public administration, politics, community institutions, legal education, law reform, as well as service to disadvantaged groups in society (Kay and Hagan, 1998).	1-4	0.81
<i>Work context:</i>			
Organisational size	Coded into four dummy variables: solo practice, small (2 to 10 <i>avocats/notaires</i>), mid-sized (11 to 50), and large firms or organizations (50 or more) (see Nelson, 1988; Robson and Wallace, 2001).	0-1	
Sectors of practice	The sectors of practice were coded as private practice (sole practitioners and firm <i>avocats</i>), corporate (corporation, private industry) and government (government, Legal Aid, legal academic, judge, community or non-profit organization) (see Dixon and Seron, 1995).	0-1	
Urban setting	The region in which lawyers work was coded as urban (including Montréal and Québec City) in comparison with other regions (e.g. Richelieu, Saguenay, Trois-Rivières, Bas Saint-Laurent, Longueuil, Abitibi-Témiscamingue, Laurentides-Lanaudière, Hull, Laval, Saint-François, etc.). Montréal and Québec City = 1; other regions = 0.	0-1	

able to convert gender into a resource (McCall, 1992; Skeggs, 1997). Through analyses of gender, researchers can develop a more elaborate account of the accumulation and convertibility of capital in the careers of professionals (Savage, Warde and Devine, 2005).

Finally, the concept of cultural capital offers a strategy for investigating the legitimising of social differences and highlights the importance of inherited social dispositions where the market for cultural competencies has been destabilized (Silva, 2005, p. 99). Certainly in the late 1990s the legal profession of Québec entered an era of rapid transformation, changing demographic composition, destabilised markets for legal services and heated jurisdictional dispute between the professional domains of *notaires* and *avocats*. Women's rising representation in the Québec legal profession, during a period of professional uncertainty and shifting markets, raises important questions about women's integration, mobility and the ways in which cultural processes are implicated in the reproduction, generation and contestation of social division within law. Bourdieu's ideas are also relevant to interpreting sociocultural change within the professions. For example, Bourdieu discusses how 'new cultural intermediaries' play a key role in cultural innovation (1984) and these ideas have been seized upon by several scholars (Featherstone, 1982; Warde, 1997; Wynne, 1996). Bourdieu viewed these cultural intermediaries as the bearers of new forms of cultural capital, influential in reshaping class relations (Savage and Bennett, 2005, p. 3). To what extent have women played an active role as new cultural intermediaries, introducing different social and cultural capitals, or stimulating innovative cultural transitions within law practice?

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