



**Law Council**  
OF AUSTRALIA

# Talent Attraction and Retention

**Speech delivered by Law Council of Australia President, Mr Greg McIntyre SC at the 34<sup>th</sup> Presidents of Law Associations in Asia Summit, Hong Kong.**

**Friday, 7 June 2024**

Good morning.

It is a pleasure to be here with you today and to be discussing the Keys to Sustainability of the Legal Profession.

The topic I have been asked to speak with you on – Talent Attraction and Retention – could not be more topical or timely in terms of the Australian profession.

A survey last year of the Australian profession, by Thomson Reuters, found talent retention and attraction is a major challenge for three in five legal professionals.<sup>1</sup>

Perhaps most concerning about the findings of this report was how quickly the level of difficulty in attracting and retaining talent has increased.

In the 2023 survey, 71 per cent of respondents cited retaining and attracting talent as a priority. This was up from 50 per cent just a year earlier.

To put it bluntly, we now have a war for talent.

So, what can firms do?

Back in 2022, the International Bar Association released its Young Lawyers Report.<sup>2</sup> It found that in the next five years, half of young lawyers are somewhat likely, or highly likely, to move to a new workplace, a third to a new legal profession and a fifth to leave the legal profession entirely.

Reasons for this exodus include work-life balance, workplace culture, mental health, and a desire to work overseas.

The IBA found salary was the biggest factor in decision making, but flexible working arrangements – which is a more recent evolution – also play a role.

Post COVID, many professions are confronting the expectation that work arrangements will include some flexibility for staff to work from home.

Local law firms have been quoted as saying that often the first thing potential new staff ask in an interview is whether they offer work from home options, and that hybrid work arrangements, where lawyers work a few days in the office and some at home, are here to stay.

This observation is consistent with the findings of another Thomson Reuters report from 2022,<sup>3</sup> which compared the retention rates of law firms and surveyed their staff to identify the attributes of law firms in which lawyers were more likely to stay.

That study found that firm culture, the quality of work the lawyer did, the availability of flexible work practices and opportunities for career and personal growth to be more significant drivers to stay in their firm than the level of compensation.

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<sup>1</sup> Thomson Reuters, *Tech & the Law 2023 Report* (2023)

<<https://insight.thomsonreuters.com.au/legal/resources/resource/tech-and-the-law-2023>>.

<sup>2</sup> International Bar Association, *IBA Young Lawyers' Report*, <<https://www.ibanet.org/document?id=IBA-Young-Lawyers-Report-2022>>.

<sup>3</sup> Thomson Reuters, *Law firms competing for talent in 2022 - Will lawyers stay or will they go?* (2022) <https://www.thomsonreuters.com/en/reports/law-firms-competing-for-talent-in-2022.html>.

While the contest for talent is tough across our profession, it is a critical issue in rural and remote parts of Australia.

As part of our efforts to enhance access to justice across Australia, the Law Council is doing quite a bit of work to try and improve attraction and retention of lawyers in rural, regional and remote – what we refer to as RRR – areas.

Australia has a system to help people afford to attend university and obtain a tertiary qualification called the Higher Education Loan Program, or HELP.

Essentially, HELP allows students to defer the costs of tuition until their taxable income reaches a certain level at which repayments commence.

At the end of last year, the Law Council released a position paper advocating for HELP debt reduction and indexation relief for legal practitioners living and working in RRR locations.

We have received a positive response to this idea to date from our Parliamentarians and the profession and will continue to push this recommendation forward.

We also believe more needs to be done to promote diversity and equity within our profession.

The Law Council considers diversity, inclusivity, and accessibility as crucial to the sustainability of the profession as a whole.

Studies show that diversity and equality in representation positively influence factors such as performance, quality, innovation, risk reduction, and client satisfaction.

While more than half of Australian solicitors are female, the average age of women in the legal profession is lower than for males, suggesting that while we are attracting new female graduates, we are not necessarily retaining them.

Research by the Law Society of NSW has shown that a gender pay gap remains evident in the majority of practice sectors and that wage disparity increases in line with seniority.

In 2016, the Law Council launched the Equitable Briefing Policy with the aim of improving the retention of women barristers, and addressing the gender pay gap and underrepresentation of women in superior courts.

Since the launch of the Equitable Briefing Policy, we have seen some significant improvements in terms of briefing rates to women barristers and the value of brief rates.

The Equitable Briefing Policy has been effective in drawing attention to issues of gender equity and causing entities to consciously reflect on their briefing practices.

The overwhelming majority of large Australian law firms formally signed onto the Equitable Briefing Policy from its commencement and have been strong supporters.

Finally, let me again reiterate what a pleasure it is to be here with you. I enjoyed our discussions yesterday and look forward to the interesting conversations we have before us today.

Thank you.

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