



# THE CHANGING FACE OF THE LEGAL PROFESSION - Conversations about diversity and inclusion

Wesleyan Roundtable Event

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# EXECUTIVE SUMMARY

Large corporate law firms have been perceived as conservative, exclusive clubs which only hire more of the same to maintain the monoculture. Thankfully, times are changing.

Firms today are sensitive and responsive to the increasing demands and expectations of regulators, clients, and their own workforce to foster a gender and ethnic conscious culture.

While significant strides have been made, there is still some way to go before gender neutrality or conscious inclusion is achieved at law firms, especially at the partner and C-suite level.

The inbuilt unconscious biases and practical obstacles to true equality of opportunity remain in the legal sector in the same way as they remain in most other workplaces.

Studies show diverse teams deliver better results. However, what steps should firms take to improve diversity and inclusion? First, they need to understand what is driving some of the main issues.

This paper sets out to help you consider and design your response to diversity and inclusion challenges and overcome barriers within your own workplaces that might prevent more people from entering and progressing in the law.

At Wesleyan, we specialise in providing financial advice to lawyers from newly qualified through to retirement. It is important to us to be fully aware of the challenges and trends affecting our professionals so that we can tailor our advice to their evolving needs.

This discussion paper will focus on some of the key issues driving the need for change in this industry and will cover:

- ▶ **Women in Law** – 80 per cent of partners at the top 50 law firms in the UK are men.\* What is stopping women from becoming partners? What steps can firms take to encourage women to rise to the top?
- ▶ **Flexible working** – the ability to work flexibly is critical for many lawyers. Many women, older lawyers, single parents and people with physical disabilities or mental health issues can only work if they can find a part-time or a flexible role. What are the issues many firms face when trying to achieve a flexible and responsible workforce? Why is a poor work-life balance and long hours culture still the norm in this profession?
- ▶ **Black and Ethnic Minorities** – Much like the gender gap, there is still a substantial discrepancy in the number of black and ethnic minority partners and trainees at larger firms, what steps can firms take to create a more diverse culture?
- ▶ **Access & modern expectations in Law** – Some out-dated attitudes still exist: failing to gain the right A-levels; not getting the right work experience in law firms, attending the wrong university, training at the wrong firm all add up to barriers that can permanently affect the careers of lawyers and segregate the market. How can we widen access into the legal profession? How can we attract and inspire the best people from all backgrounds?

\*Law Society Report – *Influencing for impact: the need for gender equality in the legal profession.*



# 1

## WOMEN IN THE LAW - WHAT ARE THE BARRIERS?

At a roundtable event held at the Law Society in London in October 2019, we invited some of the UK's leading lawyers, barristers and legal professionals from a variety of firms to discuss what is still standing in the way of diversity and inclusion within the profession.

The participants of the roundtable were evenly split male and female, from a variety of ethnicities, educational backgrounds and stages of their career.

The first topic discussed the barriers standing in the way of allowing female lawyers to rise to the top of their profession. Here are some of the questions discussed:

### What is the biggest barrier women are facing in the profession?

In a Law Society survey 2017-18 the most commonly cited reason why so few women reach senior positions in law firms was unconscious bias, reported by 52% of respondents.\*

Unconscious bias refers to both positive and negative attitudes or stereotypes that affect our understanding, decisions and actions towards or about an individual or group in an unconscious manner.



**Christina Blacklaws** – Past President of The Law Society:

*"Unconscious and sometimes conscious, biases affect the way women are measured and consequently appointed and promoted. This leads to unequal opportunities for women with business development, access to clients, shortlists for promotions and development being dominated by men."*

**Christina Blacklaws** – Past President of The Law Society:

*"The corrosive impact bias has on women in law is still shocking. Women are still assumed to be unambitious just because they are women. This has a major impact on women's willingness and desire to progress."*



**Hammad Akhtar** - Head of Corporate, Financial Services at Pinsent Masons:

*"I think we can all agree things have changed significantly in the last decade and most firms, if not all, have ambitious targets around the number of women in the partnership. But where we are still struggling is getting women to reach the top – we still have a lot of work to do here."*



**Ann Charlton** – LawCare co-ordinator for England and Wales:

*"One of the main obstacles for women in law is that it is still regarded as a male profession because of the number of male partners at the top. When we start seeing more female partners at the top the barriers will start coming down."*

\*Law Society Report – Influencing for impact: the need for gender equality in the legal profession.

# 1

## WOMEN IN THE LAW

(CONT'D)

### Do we think women need to be aware of inequalities within a law firm before joining it?

There can be a strong desire amongst women to see people in leadership who are 'like me'. Whilst organisations can be made more inclusive, unless women are promoted to the top tier, it can signal they are not wanted there.

Christina Blacklaws – Past President of The Law Society:

*“There have been generations of female lawyers now coming through the profession but we are still not seeing the number of females making partner increase, women are still facing the same barriers to progression.”*



**Mollie Ferguson** – executive committee member of Junior Lawyers Division:

*“Before taking a role at a firm I always find out what progression is like for women already in that firm. Are women there partner level? Are these women older or more qualified than their male counterparts because they have had to wait longer for their role?”*

### Do women in law believe their career will suffer if they have children?

Juggling work and caring responsibilities for young and elderly relatives falls predominantly, and often entirely, to women whilst they manage demanding careers.

A report by the Law Society stated that, because of their gender and the common presumption that they want children, many women feel that they are likely to be considered less committed, and therefore less valuable irrespective of their desire to be a mother or not.

**Mollie Ferguson** – executive committee member of Junior Lawyers Division:

*“I would like to think that in the future I would never have to make the decision, do I want a baby or do I want to become partner – but I know that this is still an issue for many women.”*



**Ann Charlton** – LawCare co-ordinator for England and Wales:

*“Raising children is an aside issue. It is after children, when a woman returns to work and works hard but she still doesn't make the partnership. We need to address the reasons behind this.”*



**Lisa Kemp** – Associate Lawyer at DLA Piper:

*“I joined the profession believing that having children will mean waiting longer to become partner and my male colleagues around me will get there first.”*

# 1

## WOMEN IN THE LAW

(CONT'D)

### Are work and progression opportunities allocated differently for men and women within law firms?

The statistics for women in England and Wales are clear; women have entered the profession at a higher rate than men for 25 years, women make up over half of practising solicitors and yet women are underrepresented in leadership positions.

According to the Law Society, in the UK women make up only 28% of partners in private practice.\*



**Lisa Kemp** – Associate Lawyer at DLA Piper:

“Females can be underrepresented at pitch opportunities and can miss out on good quality work. I worry that because of my gender there may be opportunities I will miss out on.”



**Ann Charlton** – LawCare co-ordinator for England and Wales:

“Women are more likely to be in face friendly areas of law whereas men tend to be in the commercial and the business side where the most money is generated. Firms profits are therefore mainly being generated by men.”

### What are the different challenges women are faced with when choosing a career within large city firms versus regional firms?

While still a demanding choice of career, it is often the case that the long hours culture of the big city firms is less prevalent in their smaller regional counterparts and in-house law departments.

It can also be easier to get noticed within a smaller firm, not only gaining greater one-to-one time with senior lawyers, but also to have your successes and progress noted and rewarded more quickly, through progression and promotion within the firm.

Lisa Kemp – Associate Lawyer at DLA Piper:

“**Having worked in both smaller regional firms and now a large global firm I can see the difference. . Support, processes and measures are in place for women in larger organisations and regional level firms and below have greater challenges.**”



**Sally Penni** – Barrister at Kenworthy's Chambers and Founder of Women in the Law:

“I know that there are a lot of able female lawyers that private practices have lost to in-house roles because they have failed to support and encourage their development.”

\*Law Society Report – Influencing for impact: the need for gender equality in the legal profession.

## 2

## FLEXIBLE WORKING – BARRIERS WITHIN THE LAW

The ability to work flexibly is critical for many lawyers. Many women, older lawyers, single parents and people with physical disabilities or mental health issues can only work if they can find a part-time or a flexible role.

A recent Law Society survey found that 37% of lawyers work in organisations where there is provision for flexible working but it is not consistently used and 91% agreed that a flexible working culture is critical to improving diversity in the legal profession.\*

The second part of the roundtable looked at the barriers surrounding flexible working:

### Flexible working is a part of mainstream working life, but is it commonplace for everyone within law firms and businesses?



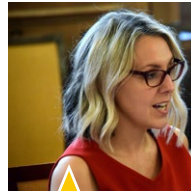
Charlotte Clayson – Senior Associate at Trowers & Hamlins:

*"I think it is assumed that all women will request flexible working for care giving responsibilities - whether that be parents or children - rather than men."*



Hammad Akhtar – Head of Corporate, Financial Services at Pinsent Masons:

*"A fully agile working environment can hinder the development and learning of junior lawyers. Senior people must be visible and available in person at least some of the time so juniors can learn from those awkward telephone calls and corridor conversations."*



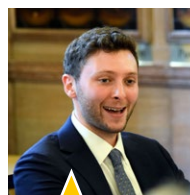
Lisa Kemp – Associate Lawyer at DLA Piper:

*"The technologies are in place for flexible working but still it is not taken up by both men and women in law. Mainly because of an outdated presenteeism culture."*

### Is it frowned upon for men in law to ask for flexible working?

William Bordell – Pupil Barrister at Blackstone Chambers:

*"There is an expectation in law that men wouldn't take time off for a new baby. They just take a couple of weeks off and come straight back to work, but I might not want to do that. Why should this be the expectation for men?"*



William Bordell – Pupil Barrister at Blackstone Chambers:

*"I think one of the main things I could do in the profession is take a four-day week when I have a family, show that it is not just women that do this, that men want to and can as well. This will help with bias and balance out presumptions. I am not sure how encouraged this would be."*

\*Law Society Report – Influencing for impact: the need for gender equality in the legal profession.

## 2

## FLEXIBLE WORKING – BARRIERS WITHIN THE LAW (CONT'D)



**Christina Blacklaws** – Past President of The Law Society:

*"A lot of men feel that requesting parental leave would be the kiss of death for their careers. Flexible and agile working needs to be taken up throughout an organisation at every level for it to become the norm."*



**William Bordell** – Pupil Barrister at Blackstone Chambers:

*"People do work incredibly long hours in the law, but there is now an increased move towards flexible working and a greater appreciation of work-life balance and managing these extra hours. I certainly don't want to be working until midnight every night in my career."*



**Sally Penni** – Barrister at Kenworthy's Chambers and Founder of Women in the Law:

*"Agile working remains an issue even for the few men asking for it."*



**Lisa Kemp** – Associate Lawyer at DLA Piper:

*"One of the reasons for long working hours is that we feel unable to push back to clients' demands; something all solicitors could manage better."*

### Is the long-hours culture in the law changing?



**Hammad Akhtar** – Head of Corporate, Financial Services at Pinsent Masons:

*"In the corporate world there is a shift away from the chargeable hours model towards fixed fees which is a positive change for flexible working. We now care less about how many hours we bill clients for, we care more about getting the job done."*

**Christina Blacklaws** – Past President of The Law Society:

**“ But the reality for many younger lawyers starting out in their careers is that presenteeism still exists and putting in extra hours is the norm. ”**



# 3

## ETHNIC MINORITIES – CREATING A DIVERSE CULTURE WITHIN THE LAW

Data from the Solicitors Regulation Authority found that out of the UK's largest law firms (50 plus partners) the proportion of lawyers at partner level who are from ethnic minorities was only 8%.\*

However, the proportion of people from ethnic minorities entering the legal profession has almost doubled in ten years.

### There are still substantial discrepancies in the numbers of ethnic minorities partners and trainees at larger firms and chambers, what is causing this?



Hammad Akhtar – Head of Corporate, Financial Services at Pinsent Masons:

*"There are appalling stats which show that retention of ethnic minority City lawyers in the first year or two after qualification is a big problem.*

*There are many reasons for this; whilst firms are hiring from diverse backgrounds there isn't enough understanding around people's culture, religion, socio-economic backgrounds and how this might impact their approach in the workplace and their 'fit' within an organisation."*

### Would setting ethnicity targets help this situation?



Shilpen Savanni – Partner at GunnerCooke:

*"I know a lot of law firms are now setting ethnicity targets but the real challenge is the pipeline just isn't there. You can have a target of having 10% ethnic minority partners by 2025 but where are those people going to come from?"*

### How can firms adapt and make themselves look more attractive to ethnic minorities?



Sally Penni – Barrister at Kenworthy's Chambers and Founder of Women in the Law:

*"Visibility is the problem, there are many minorities in the city but it can be tiresome and a lot of pressure for them to be visible all the time's. Sometimes they just want to be considered good lawyer, not always as the black lawyer."*

### When having conversations around this issue many people state they feel uncomfortable, is that why it is not being tackled properly within firms?



Mollie Ferguson –executive committee member of Junior Lawyers Division:

*"There is a fear of offending. There is a fear and reluctance of having an open and honest conversation about this issue so, they don't take place."*

\*Law Society Report – Influencing for impact: the need for gender equality in the legal profession.

# 3

## ETHNIC MINORITIES – CREATING A DIVERSE CULTURE WITHIN THE LAW CONT'D



**Sally Penni** – Barrister at Kenworthy’s Chambers and Founder of Women in the Law:

**“** *It is hard to have the conversation about race. This is a societal problem, it is a taboo sensitive subject for people, so it is avoided.* **”**

**Are firms doing enough to understand and adapt to cultural differences?**



**Ann Charlton** – LawCare co-ordinator for England and Wales:

*“From the LawCare helpline we get a disproportionate number of calls from young Asian males who are struggling with the office culture within the profession. They struggle with the shouting, the pressure and the long hours and this is because of their home culture, their religion and family background.”*

**Hammad Akhtar** – Head of Corporate, Financial Services at Pinsent Masons:

**“** *Assistance has been given to law firms and over 90% of city law firms use a contextual Recruitment tool which has been transformative to our industry. It has allowed for a fairer benchmarking of candidates making sure a firm is representing all ethnicities and socio-economic backgrounds fairly.* **”**



**Hammad Akhtar** – Head of Corporate, Financial Services at Pinsent Masons:

**“** *Eldest sons in many South Asian cultures are expected to look after their parents in old age. This can prove difficult for many Asian city lawyers with parents living elsewhere, this will have an impact on long-term career plans.* **”**



**Shilpen Savanni** – Partner at GunnerCooke:

*“The Race at Work Charter is a government initiative and it is aimed at attacking this problem. It requires firms to stand up to this problem and follow a five-point plan that looks at everything from monitoring your figures to adopting zero tolerance policies across all departments and levels.”*

# 4

## ACCESS & MODERN EXPECTATIONS IN LAW

In the profession out-dated attitudes still exist: failing to gain the right A-levels; not getting the right work experience in law firms; attending the wrong university; training at the wrong firm all add up to barriers that permanently affect the careers of lawyers and segregate the market.

### How can we attract and inspire the best people to the profession from all backgrounds?



**Lucy Scott-Moncrieff** – Managing Director Scott-Moncrieff & Associates Ltd:

*"I used to be on a committee for a Law School that had students from non-traditional backgrounds. They were the first in the family to go to university and they talked openly about the struggles they were facing in getting their first step – which was because they didn't know anyone to help them get a foot in the door."*



**Mollie Ferguson** – executive committee member of Junior Lawyers Division:

*"I think we have to go back a lot further than Law Schools; we need to target younger students and broaden their horizons at a younger age of the possibilities of the profession. We need to stop the culture of 'it's not what you know, it's who you know' in the profession."*

### Do outdated attitudes still exist in the profession?



**William Bordell** – Pupil Barrister at Blackstone Chambers:

*"I did the Law conversion course at City Law. Most there were white, middle-class and many knew each other from previous universities and colleges. I looked around the room and I recognised instantly 15 people."*

*This makes you think how narrow is this pool of people? City Law School is notorious for producing barristers that end up at good chambers. Out of 200 people on my course, so many came from the same background and many from the same Cambridge college."*

### Is it difficult for students from diverse backgrounds to get into law?



**Sally Penni** – Barrister at Kenworthy's Chambers and Founder of Women in the Law:

*"The Bar is for everyone but if there isn't financial backing or support for students it is a struggle. Oxbridge is expensive, any university is expensive - even scholarships don't cover everything."*

# 4

## ACCESS & MODERN EXPECTATIONS IN LAW (CONT'D)



**Hammad Akhtar** – Head of Corporate, Financial Services at Pinsent Masons:

*"In time many City law firms will expand their Solicitor Apprenticeship programmes; perhaps in favour of their traditional training contract programmes. Apprentices will be in a strong position with both a legal education and several years' experience. They should be better practitioners."*



**Lisa Kemp** – Associate Lawyer at DLA Piper:

*"My concern with the two routes – apprenticeships or degree – is how might people's career progression be affected? Will there be a stigma around taking the non-traditional route?"*



**Mollie Ferguson** – executive committee member of Junior Lawyers Division:

*"The problem is that an eight-year apprenticeship is a very long time, and if it doesn't work out for any reason you come out without any qualifications. It is such a long period of time, you must be so committed right from the beginning. If you spend three years doing a law degree you would always have that to fall back on and you can go down different routes."*

### What part does class difference play?



**Sally Penni** – Barrister at Kenworthy's Chambers and Founder of Women in the Law:

*"To a large extent it is the same problem, it is just that ethnicity is more visible, but actually the class and social mobility exclusion issues are the same."*



**Charlotte Clayson** – Senior Associate at Trowers & Hamblins:

*"As someone who grew up in the north west and went to state school and moved to London, I have had many experiences in my career where I have felt uncomfortable and excluded from certain conversations."*



**Lucy Scott-Moncrieff** – Managing Director Scott-Moncrieff & Associates Ltd:

*"Imposter syndrome is a real problem and is crucially important to tackle. Everything you hear will reinforce a sense of inferiority, so firms need to work hard to make everyone feel included, important and valued."*

## CONCLUSION – WHAT’S THE ANSWER?



Summary from the Chair of the roundtable Lucy Scott-Moncrieff

**“** *It is great that so many people are now thinking about these issues for the good of the law and of the profession.*

*To properly address the lack of diversity and inclusion, law firms and legal teams need to take the first step holding conversations about the importance of diversity. The topic is sensitive, but it needs to be addressed for all initiatives to be effective.*

*Understanding unconscious bias is important, often people are not aware of how their own thinking hinders them.*

*Shifting the culture of the legal industry towards more inclusivity is not easy. The onus is on partners and General Counsel to start setting the tone within their firms and in-house teams.*

*Changes will not come immediately, but they will surely spread throughout the industry in time with a concerted effort from those at the top.* **”**



Lisa Kemp – Associate Lawyer at DLA Piper:

*“It is important to have these conversations no matter how uncomfortable they are, whether it is about race or gender, keep talking and keep bringing up these issues then it will stop being uncomfortable and become second nature.”*



Shilpen Savanni – Partner at GunnerCooke:

*“Everything that has been discussed at this roundtable is interlinked, unconscious bias links all of these issues and is something that lawyers need to be above.”*



Charlotte Clayson – Senior Associate at Trowers & Hamlin:

*“The roundtable event is a reminder of how individuals can affect change, we all need to be visible, have a voice and be proactive within our own firms. If we lead from the top and all promise to be positive role models, change will happen.”*

## CONCLUSION – WHAT'S THE ANSWER? (CONT'D)

### What can we do as professionals to help break down barriers impacting inclusion and diversity in the law?

The Law Society has designed a blueprint to guide firms and businesses through these barriers. The recommendations are broad enough to be used by law firms, in-house communities, courts, chambers and legal businesses. Some of the main actions organisations need to take include:

#### UNCONSCIOUS BIAS

1. Commit to what steps can be taken to introduce unconscious bias prevention.

For example:

- implement unconscious bias training for everyone in organisation
- appoint unconscious bias champions
- introduce work allocation policies

2. Commit to reviewing the impact that unconscious bias can have on appraisal/ performance reviews and when opportunities or promotions are being addressed within the organisation
3. Commit to ensure that female candidates and ethnic minorities are considered for every high-level opportunity
4. Commit to having mixed boards and panels throughout your organisation when making decisions relating to recruitment, assessment, shortlists and promotions to take into account gender, race, age, background, ability and ethnicity.

#### FLEXIBLE WORKING

1. Commit to not making assumptions about what mothers, fathers or others with caring responsibilities need or want
2. Commit to considering the technical solutions which would help to keep the teams working flexibly
3. Commit to asking leadership teams to assess what factors are crucial to roles to determine whether they can be done from alternative locations
4. Make flexible working available to everyone by focusing on contributions rather than time spent in the office
5. Commit to asking your senior leadership team to ensure that work is evenly distributed irrespective of working arrangements
6. Commit to taking shared parental or carer leave if you are entitled to it – lead by example.

#### BEST PRACTICE FOR ALL

1. Commit to countering unfair negative presumptions and low expectations which are expressed or inferred about colleagues on gender, age, ethnicity or other immutable characteristics
2. Commit to not taking part in non-diverse panels. For example, if the panel is all male offer to source a suitable female candidate
3. Commit to establishing a working group to ensure accountability within the business that reports progress to the Board or partnership on a regular basis
4. Commit to getting involved in internal mentoring initiatives and actively support more junior staff to progress their career.

Special thanks to our roundtable attendees for their contributions:

**Lucy Scott-Moncrieff**  
**Chair of the Roundtable**  
Managing Director Scott-Moncrieff & Associates Ltd

**Hammad Akhtar**  
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**Christine Blacklaw**  
Past President of The Law Society

**William Bordell**  
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