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Diversity Report | February 2024



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Diversity: The way we were



By Dominic Carman

What is diversity? Despite a multiplicity of available definitions, there is no straightforward answer to this apparently simple question. Indeed, the 5.6 billion results provided by a quick Google search of the word shows that diversity ranks midway between comparable searches for the word God (6.6 billion) and religion (4.6 billion). This neat bisection is appropriate since the meaning of diversity has gone well beyond simply rejecting any form of discrimination and embracing the benefits that a more diverse workforce can deliver. It has become something of a twenty-first century religion with myriad interpretations, millions of devoted followers, and yet no uniform or unifying consensus as to its precise meaning.

Not that law firms are, or should be, particularly concerned with any philosophical or etymological analysis of the word, now commonly expanded to the broader Diversity Equity and Inclusion (DEI). But almost without exception, big law firms are extremely concerned to support, recruit and actively promote, according to what they perceive to be general DEI principles and values. And to be seen to do so in a very public way. Collectively, they wear their diversity badges with enthusiasm and parade their diversity data with pride. For the majority of firms, this long overdue commitment is entirely genuine. But for a minority, there may be an element of virtue signalling, driven by a combination of peer pressure and a desire to avoid adverse media comment.

One factor behind the relatively recent conversion to diversity might also result from guilt concerning the way things were at many law firms: invariably managed and staffed by middle-class, male lawyers, who were white, straight,

often privately-educated, and generally conservative with both a small 'c' and a capital 'C'. That characterisation, commonplace 50 years ago, has changed beyond all recognition. Today's law firms tacitly acknowledge that how they used to be for much of the twentieth century is no longer acceptable. Far from it, any continuation of the previous set of deeply engrained cultural norms has become totally unacceptable.

State of flux

Law firms find themselves in a state of flux as they gradually integrate diversity into every sphere of their operation – from recruitment to partnership and across firm management. For some commentators, the pace of change is not fast enough. A few years ago, the UK Solicitors Regulation Authority (SRA) report on diversity in the legal profession concluded:

“Although the legal profession has become more broadly representative of the population over the last twenty years, with more women and minority ethnic groups entering it, the profession remains heavily stratified by class, gender and ethnicity. Large city law firms undertaking the highest paying legal work are dominated by white men, who are likely to have attended fee-paying schools

“ Large city law firms undertaking the highest paying legal work are dominated by white men, who are likely to have attended fee-paying schools and have a family background of attending university

Solicitors Regulation Authority

and have a family background of attending university.”

I do not claim to be a diversity expert, merely a keen observer of events, including the gradual advent of greater diversity in law firms over the past thirty years. This report aims to look at where we have come from, where we are now, and where we are headed in overcoming diversity challenges. In looking back as well as forward, it is comprised of two elements.

First, it provides a subjective, sometimes anecdotal account which draws on discussions with innumerable managing partners and partners in multiple jurisdictions. The second element is more objective: highlighting diversity developments, identifying key trends and drawing conclusions as to where law firms are headed in their journey towards achieving their diversity goals.

Gender norm

My formative years were often spent in the company of lawyers. In particular, I met with several prominent female barristers, some of whom became judges: Dame Rose Heilbron, Dame Joyanne Bracewell, Dame Janet Smith, Helen Grindrod QC and Cherie Booth KC (wife of British prime minister Tony Blair). Growing up, I saw women being in legal positions of power and influence as a norm.

Only later did I come to realise that in the 1970s and 1980s they were trailblazers of what was to follow in terms of women's progress in the law. Heilbron, Bracewell and Smith were, respectively, the second, fifth, and twenty-seventh women to be appointed as High Court judges, while Grindrod and Booth were the twelfth and seventy-fourth women to be appointed as QCs.

Statistics detailing the number of female barristers over the past century provide some context. In 1921, there were 20 women listed



as called to the Bar; in 1929, 67; by 1955, there was a decline to 64; by 1965, the figure rose to 99, in 1970, it was 147, and in 1976; 313. The proportion of women at the Bar almost doubled after 1990, from 21.6% to 38.1% in 2020. In 1990, there were 2,058 practising female barristers; by 2020, the figure was 6,679.

For anyone growing up in the closing decades of the last century, sexism – although diminishing glacially year-by-year – was a regrettably integral feature of everyday life. The law was no exception, and in my twenties, I sometimes heard male lawyers make casual remarks objectifying their female counterparts that were akin to what workmen on a building site might have said. One of the more memorable misogynistic comments was attributed by the male barrister who repeated it to me as originating from a sitting High Court judge: women don't make good lawyers; they think through their ovaries.

Slow progress

Comparable data for female solicitors shows that progress for women was just as slow. Gwyneth Bebb, the first woman to get a first in Jurisprudence at Oxford, applied to become a solicitor in 1913, only to be told by the courts that the word "person" in the Solicitors Act, did not mean a woman.

The law changed with the passing of the Sex Disqualification (Removal) Act 1919, which abolished the previous bar on women serving as lawyers, judges or magistrates. In 1922, Carrie Morrison became the first woman to be admitted as a solicitor in England and Wales, and by 1931, there were around 100 female solicitors. As recently as 1967, only 2.7% of solicitors holding practising certificates were women. With each passing decade, the percentage grew: by 1977, it reached 7.3%; in 1987,

“ Arguably, law firms began to acknowledge diversity in 1993 between the end of Thatcher as PM and the first Oasis LP

it had doubled to 16%, and by 1997, it had doubled again to 32.7%. Today, 53% of all practising solicitors are women, as are 60% of newly-qualified solicitors.

Among City law firms, progress was slower than in the wider profession: during my initial meetings with the likes of Linklaters, Freshfields and Slaughters, none of the 30 or so partners whom I met were female. Diversity was not a dirty word among lawyers back then, it simply did not feature in their vocabulary. In his *Annus Mirabilis* poem, Larkin wrote that 'sexual intercourse began in nineteen sixty-three, between the end of the Chatterley ban and the Beatles' first LP'. Arguably, law firms began to acknowledge diversity in 1993 between the end of Thatcher as PM and the first Oasis LP.

High achieving lawyers

But women were certainly making an impact well before then, as Dorothy Livingston, former partner of Herbert Smith (legacy) from 1980 to 2008 confirms in her blog: "I was an Oxford graduate. A number of us chose to join large City firms – not small practices or as family lawyers, which were the options nearly all women lawyers had taken up to that time. Of my Oxford women contemporaries, Janet Gaymer became the senior partner of Simmons and Simmons. Three others had successful careers at the Bar, two becoming judges. Of the dozen women in my year reading law (there were over 150 men) at least half became high achieving lawyers.

"When I started as a trainee at Herbert Smith in 1970, society was changing, and it was the era of women's liberation. It was a male-dominated environment, but so was Oxford. I was promoted alongside my contemporaries right the way through, becoming a salaried partner in 1980."

Livingston, who eventually became an equity partner in 1986, has outlined a combination of factors that she believes adversely affect women becoming partners of City law firms:

- There are still elements of bias, often unconscious, regarding the role for a woman – especially a woman with children – which may colour not only promotion opportunities, but training and work allocation in earlier years.
- Partnerships come later – often late thirties – and are hard fought for in a relatively mature profession. But for many women, having children has moved from their twenties to their thirties, making the record looked for in aspiring partners more difficult to achieve in years interrupted by maternity leave.
- There are more options which do afford career progression and partnership is not the only option. Priorities are shifting and work-life balance can trump a career as a partner.
- Some women choose full-time family life over a career. Men also have freedom of choice, but are less likely to choose a path involving either full-time family life or alternative career choices in the law.

Denning resigns

During the early 1980s, I lived in Lincoln's Inn whose buildings are occupied by barristers' chambers, law firms and several dozen flats reserved for members of the Inn. Our flat was on the second floor of Old Square. Immediately beneath us was a set of chambers, where all the barristers were black. It was

explained to me that they had not been accepted by other chambers: in effect, this was the product of an unstated colour bar.

Lord Denning was then Master of the Rolls; today, he is still cited as one of the greatest ever English judges. In meeting him as a teenager, I managed to ask a few juvenile questions. His 1982 book *What Next in the Law* contains the following: "The underlying assumption is that all citizens are sufficiently qualified to serve on a jury. I do not agree. The English are no longer a homogeneous race. They are white and black, coloured and brown. They no longer share the same standards of conduct. Some of them come from countries where bribery and graft

are accepted as an integral part of life and where stealing is a virtue so long as you are not found out... They will never accept the word of a policeman against one of their own."

These remarks followed a trial over the 1980 St Pauls riot in Bristol where most of the defendants were black. The contemporary headline in the *Daily Telegraph* read: "19 Police Hurt in Black Riot." Two black jurors who had heard the evidence threatened to sue the Master of the Rolls and the Society of Black Lawyers wrote to the Lord Chancellor to request that Denning "politely and firmly" be made to retire. In July 1982, he did exactly that – shortly after a dinner was held in

Lord Denning's 1982 book *What Next in the Law* led to his resignation over comments about race ▼

his honour, attended by the senior judiciary, the then prime minister Margaret Thatcher, and half the Conservative cabinet. At the time, there were no black High Court judges and very few black solicitors.

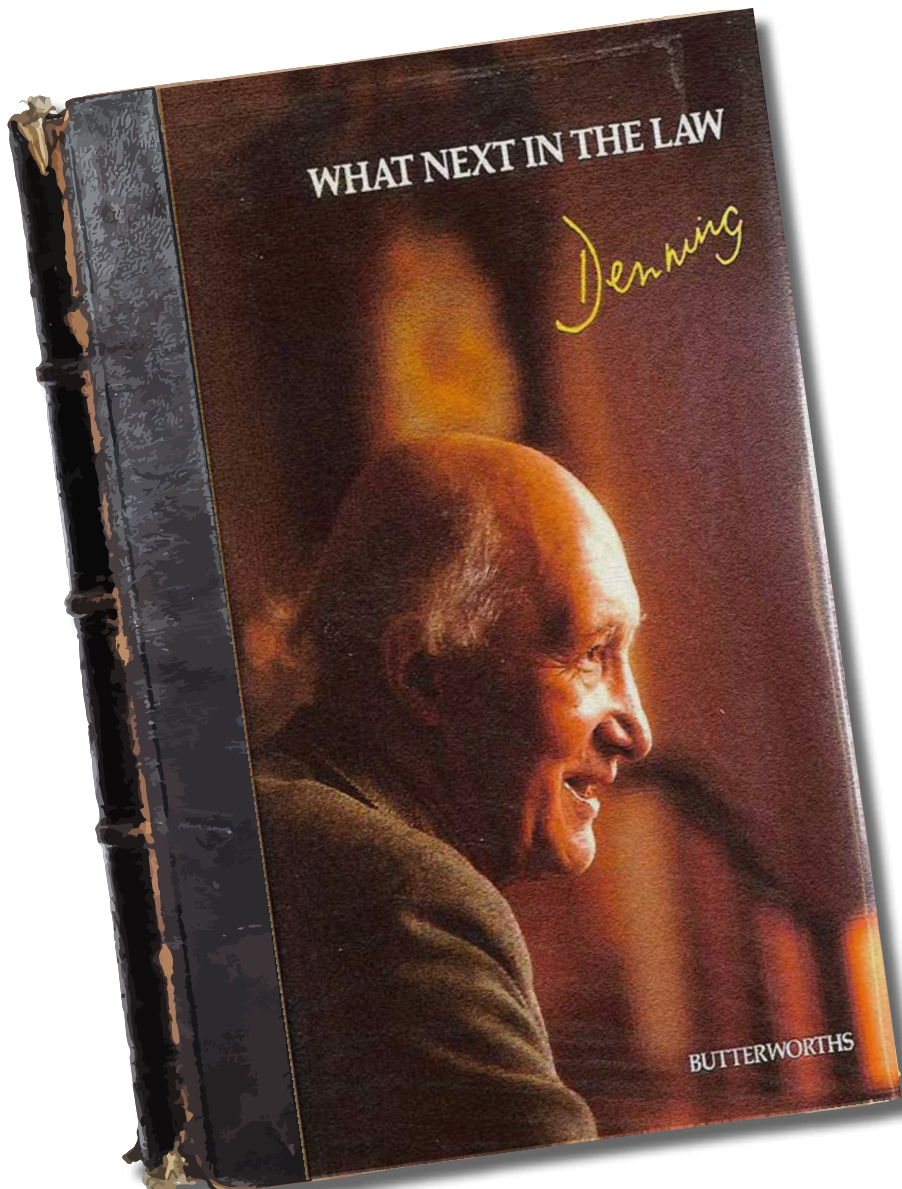
If elements of the legal profession could be described as having been racist in the fairly recent past, the same was also true of other sections of British society. In 1999, Sir William Macpherson, a retired High Court judge, found that the Metropolitan Police was institutionally racist in his report following the Stephen Lawrence inquiry. Attitudes have since changed for the better.

Baddiel joke

Over recent years, law firms have changed too, making big strides in their hiring and recruitment to create a more diverse workforce – a trend which arguably accelerated following the murder of George Floyd and the impact of the Black Lives Matter movement. As protests against racism swept across the US, law firms were forced to deal with inequality and diversity in their own ranks.

An increased focus on diversity has led to more chief diversity officers (CDOs) being appointed in US law firms since 2021. To some extent, that trend gathered momentum on both sides of the Atlantic. In terms of headcount, some of the bigger global law firms now have diversity teams of ten or more.

It is not possible to identify every driver of change, but one small joke might have had some influence. In December 2014, the comedian David Baddiel hosted the British Legal Awards dinner which I attended as an awards judge. Baddiel began by telling various anecdotes, observing that he had previously hosted awards for the Society of Black Lawyers. "But tonight," he quipped. "It seems like I will be presenting



awards to the Society of White Lawyers.'

To the 500+ black-tie wearing partners of City law firms in attendance that evening, it was a deliberately provocative remark, generating nervous laughter and equally nervous glances around the room as they were forced to confront the visible evidence underscoring Baddiel's jibe: almost everyone attending the dinner was white. Not a Macpherson moment perhaps, but it may have made some of them think that they could and should be doing more to change the ethnic composition of their firms, starting with the junior intake.

As the problem of racial inequity became more acute in the public consciousness and in the workplace, demands for greater transparency regarding diversity and inclusion rose in parallel. The publication of annual diversity data by the Solicitors Regulation Authority (SRA), the Law Society and various legal trade publications have added further pressure on law firms to step up. Over the past decade, ethnic minority representation has begun to improve, but we still have a way to go before Baddiel's joke becomes entirely obsolete.

Seismic shift

According to the latest YouGov poll on how people regard LGBTQ+ people, 2313 adults were asked: How positively or negatively do you view lesbian and gay people? Only 7% responded negatively. Over the decades since it was decriminalised in England & Wales by the Sexual Offences Act 1967, attitudes towards homosexuality have changed beyond all recognition. Notably, the law was not changed until 1980 for Scotland, and 1982 in Northern Ireland.

In support of the Bill for its decriminalisation, the then Labour home secretary Roy Jenkins told the House of Commons in July 1967: "It would be a mistake to think...

“ Tonight... it seems like I will be presenting awards to the Society of White Lawyers...

Comedian David Baddiel at the British Legal Awards in 2014

that by what we are doing tonight we are giving a vote of confidence or congratulation to homosexuality. Those who suffer from this disability carry a great weight of loneliness, guilt and shame.”

A celebrated liberal by instinct, Jenkins' language may shock modern readers. But his words were carefully calibrated to appease public opinion at the time, which was somewhat opposed to decriminalisation, as summarised by Conservative MP Sir Charles Taylor in the parliamentary debate over the Bill: "The Government are completely out of step with the people, who do not believe in buggery."

Nearly 20 years later, during a House of Lords debate on the Local Government Act 1986 about the notorious Section 28, Lord Denning boasted of having sentenced men to prison for "the abominable offence of buggery", warning that "we must not allow this cult of homosexuality, making it equal with heterosexuality, to develop in our land." In 1990, he opposed homosexuality among judges, claiming it would result in blackmail and improper relations with barristers.

Sea change in sexual mores

In October 2016, Lord Etherton became Master of the Rolls. An openly gay man, who entered a civil partnership in 2006, Etherton later married his partner Andrew Stone in 2014. Arguably, no single event is more emblematic of the sea change in sexual mores that has occurred since the 1990s, both in the legal profession and in wider society.

Since 2000, a raft of legislation has transformed LGBTQ+ rights, granting individuals the right to adopt children, change gender and get married. This led to the UK having some of the world's most progressive equality legislation. Although they may still face challenges in their daily lives, it is now rare for LGBTQ+ lawyers to face discrimination in the workplace on account of their sexual orientation.

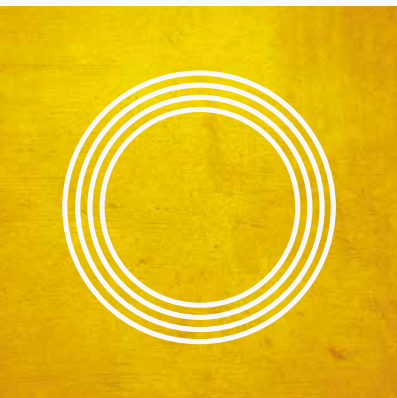
Simultaneously, law firms have become increasingly keen on promoting their LGBTQ+ friendly credentials. Among the pioneers was Morrison & Foerster (MoFo). In visiting their San Francisco headquarters, this was apparent when they became the first major law firm to elect Keith Wetmore, an openly gay chair, in 2001. Shortly afterwards, he gave an extensive interview to the American Lawyer, in which he revealed that he had originally come out during his interview with the firm in 1982 – something that would have been unthinkable in most US or UK firms at that time.

When asked by the American Lawyer "What have you done to recruit diverse associates?", Wetmore replied: "Ten or 15 years ago, we would write to gay and lesbian law student organizations on campus, and just assure them of our non-discrimination policy." He was further asked: Do you think that you would have been able to get to this position at a less liberal firm? To which he replied: "My sense is, there are other institutions almost as good. I'm not sure there are a whole lot. But I think that's changing."

Attitudinal changes in the intervening years have probably surpassed Wetmore's expectations. Although we still do not live in a world where everyone is able to be themselves at work, law firms have made remarkable progress in making their workplaces supportive and welcoming of LGBTQ+ people. ●



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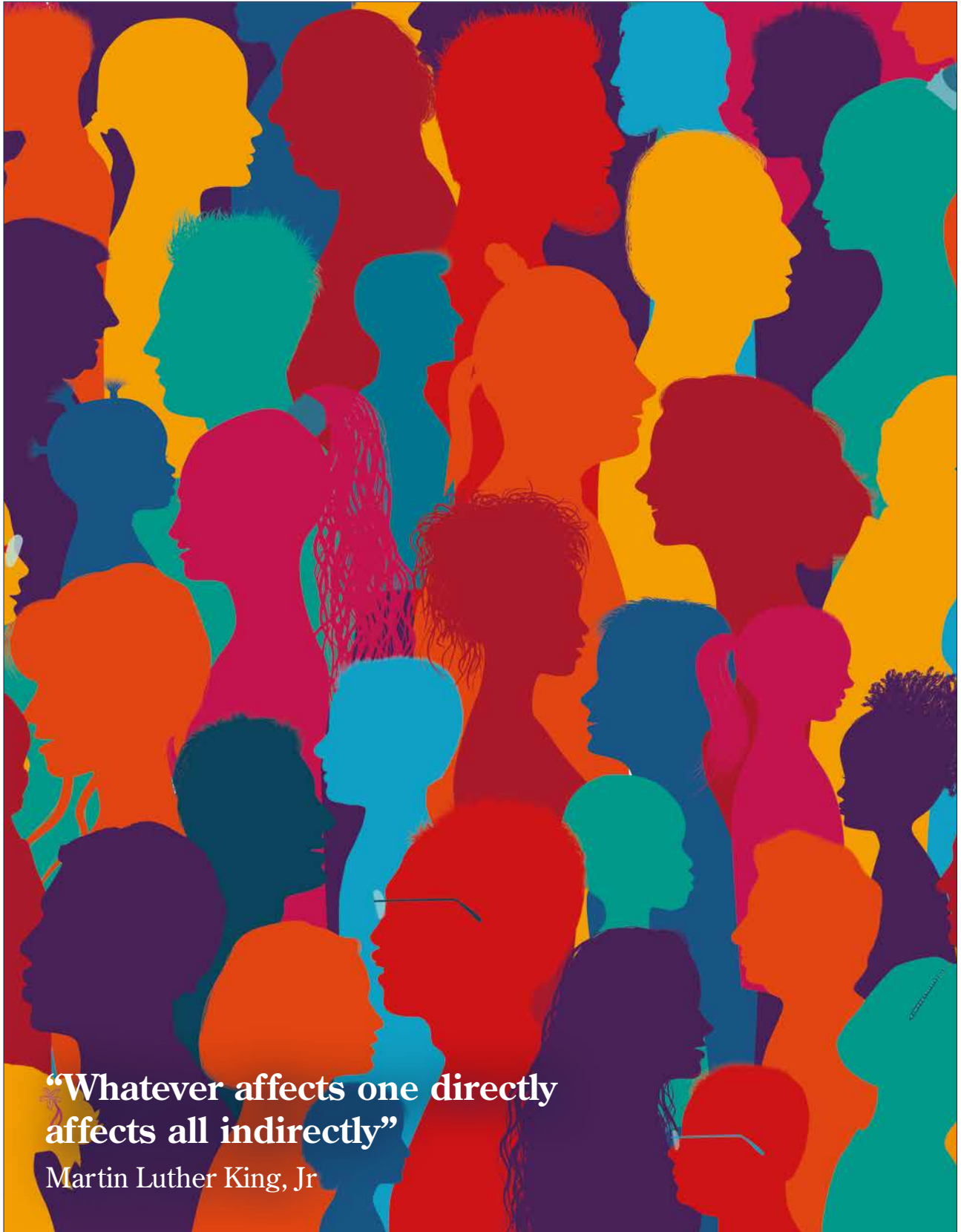
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Diversity: The way we live now



By Dominic Carman

No one can doubt that law firms are significantly more diverse than they were a generation ago.

They have collectively bought into the wealth of research which shows that more diverse and inclusive teams make better decisions and help to deliver better financial outcomes.

They also acknowledge that the DEI engine is comprised of many moving parts: gender, ethnicity, sexual orientation, gender identity, disability, age, and faith all play a part, as do background and education. In support of this, there is an increased focus on data gathering, pay reporting, and the setting of diversity demographic targets.

Yet despite the pace of change continuing to accelerate, there is still a way to go. This really hit home when the much-lauded managing partner of a large UK law firm recently told me: “Ah yes, diversity – we’ve all ticked that box.” To spare blushes, that person is not identified, but the view that diversity is no more than a box to be ticked only serves to underline the scale of the challenge that persists.

By contrast, in interviewing the heads of diversity at more than 20 UK law firms – a role that did not exist a generation ago – their lexicon is rich in DEI-positive labels such as ‘building an inclusive culture’, ‘bringing together varied lived experiences’, ‘leveraging differences’, ‘increasing engagement’, and so on. Targets, initiatives and networks proliferate; one industrious interviewee sent me more than 100 pages of global DEI strategy documents after our meeting. Confession: I only skim read it.

Despite the demand for clear DEI policies in the workplace, US law firms are reportedly

“ This really hit home when the much-lauded managing partner of a large UK law firm recently told me: ‘Ah yes, diversity – we’ve all ticked that box’

struggling to find and keep DEI executives. A DEI Framework analysis by Bloomberg Law with 55 US-based law firms found that at least 80% of the top firms had a full-time senior DEI position. However, many of them had difficulty in obtaining and retaining people in such positions – a key challenge is the lack of clarity, making the roles less desirable to suitable applicants.

Poetic pulse

Online clarity also matters. One firm’s website poetically refers to DEI as ‘the pulse of our firm, running through our global business strategy and firmly embedded in our culture and values.’ Another aims “to make a meaningful, positive impact on everyone at our firm by fostering an inclusive culture that celebrates and values difference and empowers our people to thrive as their authentic selves.” Fair enough. But read through scores of similar examples and the diversity narrative soon becomes repetitious.

A simpler, arguably more authentic mission statement can be found at Paul Weiss, which has made recent headlines for its sustained partner hiring spree in London: “Our firm has been committed to inclusion since its founding – a dedication that has shaped the intellectual and cultural character of Paul, Weiss over many decades. Most elite law firms profess a devotion to

diversity and inclusion, but none can match Paul, Weiss’s history of putting it into practice.” Elsewhere, the firm adds: “Inclusion is not a department or an initiative, it is an integral part of our culture.” A New York conversation with Brad Karp, chair of Paul Weiss, confirmed that he embodies these sentiments without any need for hyperbole or cliché.

Magic circle catch up

Data published by the SRA last December shows that the proportion of women in UK law firms rose from 48% in 2015 to 53% in 2023. It noted that the seniority gap for women remains, but has narrowed slightly since 2015 with women now comprising: 32% of full-equity partners, 47% of salaried partners, and 62% of solicitors. Although these figures show that gender diversity continues to improve, a continuing gap prevails between small and large firms: at firms with more than 50 partners, only 28% are women.

In 2015, I wrote a piece for Law.com about women at the biggest UK law firms, under the headline Why has no woman ever run a Magic Circle firm? It is reproduced below:

“ It’s more than 20 years since Lesley MacDonagh did it. Glass ceiling shattered – the first woman to become managing partner of a top 10 City firm, ran the Law Society Gazette headline. Celebrating her appointment, Legal Business followed up with a suitably stylish cover.

Over the next decade, MacDonagh excelled. As managing partner of Lovell White Durrant (the UK predecessor of transatlantic powerhouse Hogan Lovells), she held the position uncontested for three terms: overseeing the firm’s growth, doubling its lawyer headcount to more than 1600, completing

several mergers, and taking the total number of offices to 27 worldwide.

Following MacDonagh's success, others soon followed, not least employment law guru Janet Gaymer, now Dame Janet, who became senior partner at Simmons & Simmons. Today, there are several outstanding female managing partners in top firms on both sides of the Atlantic. It has become the new normal.

But not among the five London-based law firms that comprise the Magic Circle: Allen & Overy, Clifford Chance, Freshfields Bruckhaus Deringer, Linklaters, and Slaughter and May. As Allen & Overy announced this week the eight partners hoping to succeed the retirees (current managing partner, Wim Dejonghe and senior partner, David Morley), there was not one woman on either shortlist (of four) for each position.

It was the same story a few months ago at Linklaters when the Silk Street communications team announced a six-man shortlist to replace Simon Davies as managing partner. Go back a decade to when the great (Sir) Anthony Salz stood down as co-senior partner at Freshfields: another all-male shortlist of six emerged.

The same pattern was repeated at Freshfields this year, when only men contested the senior and co-managing partner vacancies, while the only woman partner tipped for the job, Caroline Stroud, decided not to run. It's been a similar story too over the years at Clifford Chance, most recently when Matthew Layton replaced David Childs as managing partner.

In his exit interview with the FT in November 2013, Childs expressed disappointment that there were too few women



partners at Clifford Chance, and none on the management committee. Despite setting a target in 2008 of women forming 30% of the worldwide partnership, it languished at 15.3%. "It's not good enough," Childs said. "It's disappointing."

So, what about a woman in charge of Slaughter and May? Urbane and funny, Chris Saul steps down as senior partner next June. He works closely with the firm's practice and executive partners: no position in this triumvirate has ever been held by a woman. But will the conservative firm break the mould?

I decided to ask a respected Slaughters' partner over dinner.

**“It's not good enough...
It's disappointing**

David Childs, former managing partner at Clifford Chance, on the number of female partners at the firm

▲ Brad Karp, chair of Paul, Weiss (right), met with Dominic Carman (left) in New York to discuss diversity

"Not during my time left at the firm," came his Delphic response. In pursuing the point further, his logic was not driven by any hint of sexism, more by a perceived lack of desire among his female cohort: although there are very able women partners at the firm, he argued, none of them would want the job.

Last Sunday, I chatted to a female partner at A&O, and asked her the same questions. There are women who could do it, but they don't want to, she concurred. Why? I asked. "Too busy with their work, and no great ambition to be in the spotlight," she suggested, explaining that there had been moves to push one woman onto the shortlist, but she eventually baulked at it.

For the Magic Circle firm that eventually does have a woman, or even women, on their managing or senior partner shortlists, it will be a bold step. And for the first of their number that actually appoints a ►

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woman as managing or senior partner, it will potentially make the biggest contribution to gender diversity among City law firms so far this century.

Freshfields first

It took another six years. But eventually, Freshfields got there first, appointing Georgia Dawson as senior partner in January 2021. Linklaters soon followed, appointing Aedamar Comiskey as senior partner in May 2021 (having originally shortlisted her for the role in 2016, before appointing Charlie Jacobs instead). A year later, Deborah Finkler became managing partner at Slaughter and May in May 2022. Among other big firms, Rebecca Maslen-Stannage was appointed as senior partner at Herbert Smith Freehills (HSF) in March 2021, while Hogan Lovells appointed its first female solo chair, Marie-Aimée de Dampierre, in May 2021.

According to the SRA's report published last December, there has been a steady rise in the proportion of black, Asian and

minority ethnic lawyers in UK law firms – from 14% in 2015 to 19% in 2023 (comprised of 12% Asian, 3% Black, 3% Mixed/Multiple and 1% Other.) Set against the 2021 Census results, there is a clear disparity: black people constitute 3.3% of the population of England and Wales, while Asians make up 7.5%.

The difference is even greater at partnership level. There are nearly five times more Asian law firm partners than black partners, according to a report published in October 2022 by extense, a specialist legal sector inclusion consultancy. The 1% Study, named after its main finding, found that just 90 out of 13,000 (0.7%) of partners at law firms in England and Wales were black.

David Lammy, the shadow foreign secretary, who undertook a landmark review into racism in the criminal justice system, wrote in the foreword to the 1% Study "The fact that only 1% of partners at major law firms in the UK are black highlights the importance and urgency with which barriers to progression, including those specific to



▲ David Lammy, shadow foreign secretary: "issues of racial inequity have been thrust into the spotlight"

race and ethnicity, need to be addressed by the legal profession.

"This figure lags significantly behind the black population in the UK. In recent years issues of racial inequity have been thrust into the spotlight. We must seize this momentum to drive positive societal change. Improving representation in the legal profession will enable the sector to benefit from the brilliance of difference, leveraging the rich and diverse tapestry of cultures and ethnicities that make up our national identity; and better

Magic Circle trio, left to right: Aedamar Comiskey, Deborah Finkler and Georgia Dawson ▼



reflect the global client base that the legal sector serves.”

The Bar and the judiciary fare no better. According to Race at the Bar report 2022, of the 2,016 KCs just five were black females a figure which rose to seven last year following the latest appointees. Meanwhile, the judiciary said that only 1% of judges in courts and tribunals were black, a figure that is unchanged since 2014.

No black High Court judges

Notably, there are currently no black judges sitting in the High Court or Court of Appeal, and there has never been a Supreme Court justice of colour. When I interviewed Dame Linda Dobbs, the first black QC to become a High Court judge in 2004, she was confident that more would follow in her footsteps. Since her retirement in 2013, no black man or woman has yet done so. In 2015, Mrs Justice Cheema-Grubb became the first Asian woman to serve as a High Court judge, and in October 2023, Dame Sue Carr became the UK's first ever Lady Chief Justice.

Some law firms have made a consistent push over time to increase black recruitment. One prominent example is the Freshfields Stephen Lawrence Scholarship Scheme, which is designed to address the disproportionate under-representation in large commercial law firms and other City institutions of black men from less socially mobile backgrounds. The scheme is aimed at eligible first year law students at participating universities.

Over the past decade, the scheme has been a real success with 111 scholarships awarded. From these, 21 scholars have so far accepted training contracts at Freshfields, while many scholars have since qualified as solicitors or barristers, or have roles at other leading City institutions or professional services firms.



Meanwhile, in Slaughter and May's last partnership round of ten partners, women made up 40% of the appointees, while 30% of new partners were from ethnic minority backgrounds. This included the firm's first female partner with black heritage, Lorna Nsoatabe. Slaughters is well-placed to achieve its aims: a minimum of 40% of the firm's equity partner promotions being women by 2027, and a minimum of 15% of equity partner promotions in London and Brussels being from ethnic minority backgrounds by 2025.

Clifford Chance – Number One

Many other UK-headquartered firms are making equally strong progress, including Clifford Chance, HSF, Allen & Overy, Ashurst, BCLP, Macfarlanes, Hogan Lovells, Simmons & Simmons, Clyde & Co, and Bird & Bird. In their 2022 intake, HSF and Clifford Chance had the highest percentage of

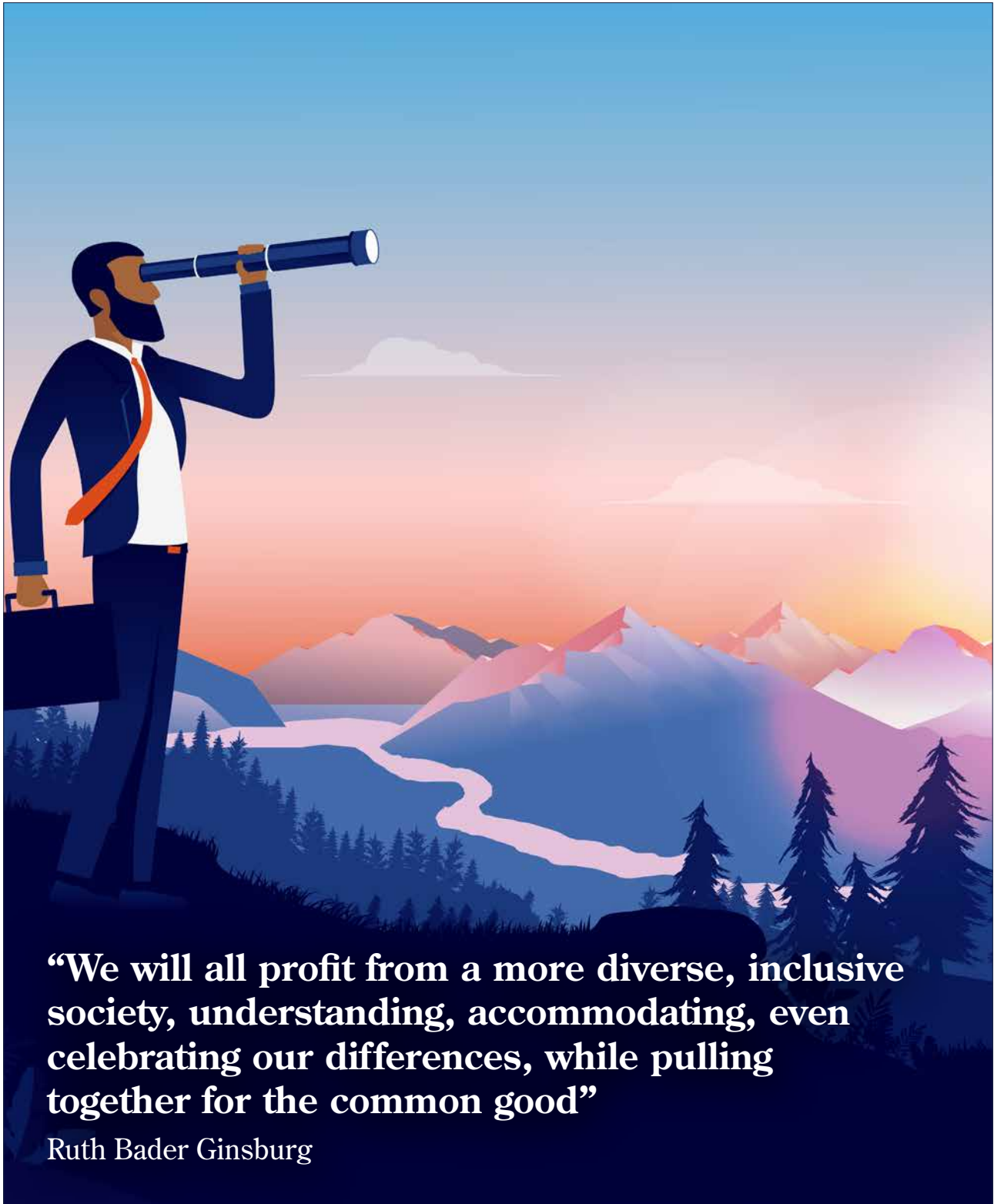
▲ **Lorna Nsoatabe, Slaughter and May's first female partner with black heritage**

black trainees, recording 16% and 14.3% respectively. They spearheaded the move by the UK's largest law firms to recruit more black lawyers.

Stonewall, Europe's biggest LGBTQ+ charity, compiles an annual Top 100 UK employers derived from a Workplace Equality Index, which highlights employers' commitments to supporting LGBTQ+ employees, as well as championing LGBTQ+ equality across the UK. The Top 100 list is a benchmarking tool for LGBTQ+ inclusion in the workplace with Stonewall awarding a wide range of employers in public, private and third sectors.

In 2023, 11 law firms made the Top 100 list. Clifford Chance took the number one spot while Linklaters took ninth place. For two magic circle firms to appear in the top ten of all employers shows just how successful the legal sector has been in becoming LGBTQ+ champions. ●

Diversity: The shape of things to come



“We will all profit from a more diverse, inclusive society, understanding, accommodating, even celebrating our differences, while pulling together for the common good”

Ruth Bader Ginsburg

By Dominic Carman

Predicting the future is always dangerous. But one prediction can be made with a degree of certainty: the more diverse that law firms become, the less their commitment to diversity will need to be analysed and discussed. For now, most firms still have a great deal to do – even those which are ranked highly by the ever-larger assortment of data. Diversity will, therefore, continue to make news and command attention.

As the definition of diversity continues to expand, DEI is increasingly being put under the broader ESG (environment, social, and corporate governance) umbrella. Businesses are increasingly incorporating DEI within sustainability and specifically within the social and governance aspects of ESG in their business strategy, rather than as stand-alone programs.

A recent Linklaters blog provides context: “DEI and ESG are about building a sustainable workforce, like a sustainable environment or sustainable governance. Using the lens of DEI, people are at the heart of every element of ESG...Slotting DEI under the ESG umbrella is helpful, if it encourages senior leaders of companies to pay attention to it.”

More working-class lawyers

Beyond the big three diversity issues – gender, ethnicity and sexual orientation – social mobility has received less media attention. But last July, that changed with the following headline in the Times: Slaughter and May seeks more working-class lawyers.

The article reported that Slaughter’s is aiming for “a quarter of its workforce to have come from lower social backgrounds in the next decade, in a move it claims makes it the first magic circle player to set

“Working class people – who are under-represented across organisations and at senior levels – report feeling less included in the workplace

I Stephanie Boyce, former president of the Law Society

targets for social mobility.” This will involve boosting the current proportion of people from lower social backgrounds from 18.8% to 25%. Within this, only 10 per cent of the firm’s lawyers are currently from lower social background; it wants to increase this to 15 per cent.

According to the Times report. “Someone’s social background is determined by their parents’ occupations when they were 14. Those whose parents were in roles such as plumbers or receptionists are deemed to be from a lower social strata.”

Slaughter’s already use a recruitment system intended to broaden its hiring pool by filtering applicants against their socioeconomic background: the Rare Contextual Recruitment System, which is also used by a number of other law firms to take account of candidates’ educational achievements against their wider personal circumstances.

According to the SRA, the proportion of lawyers from a professional socio-economic background decreased from 60% in 2019 to 57% in 2023, while lawyers from lower socio-economic backgrounds reduced from 21% in 2015 to 18% in 2023. SRA figures also show that 21% of lawyers attended an independent/fee-paying school, compared to 7% nationally. That figure rises to 33% among

commercial lawyers at large City firms like Slaughter’s.

Seeing is believing

The Law Society’s **Social Mobility hub** launched 18 months ago, begins with the following message: ‘Where you start in life should not determine where you end up, but for many people, it still does.’ It also offers guidance on: **How to boost social mobility in your law firm.**

I Stephanie Boyce, former president of the Law Society, has said: ‘Working class people – who are under-represented across organisations and at senior levels – report feeling less included in the workplace. As a child brought up in a single-parent household on a council estate I can understand why people from similar backgrounds may feel left out in the workplace.’

The focus on social mobility is not just confined to Slaughter’s. The Social Mobility Employer Index – an annual benchmarking and assessment on employer-led social mobility – shows that law firms are doing remarkably well. Firms listed (in order) in the top 10 of the 2023 Index were: Browne Jacobson (2nd), Linklaters (6th), Allen & Overy (7th), and BCLP (9th).

Considerable energy and effort are being made within the legal sector to achieve tangible DEI change. We can expect to see law firms move ahead with their DEI agendas in response to an increased regulatory focus by the UK government, an increased focus by the legal media, and an increased client demand for DEI to be evident in the advisory teams which their law firms provide.

If there is one DEI lesson for the future that is relevant to every law firm, it may come from the late Queen Elizabeth II, who said: ‘I have to be seen to be believed.’ For diversity to work in the eyes of clients and employees alike, it too has to be seen to be believed. ●

Diversity and inclusion in the legal profession: *A personal perspective*

Drawing on her own experience, Tameka Davis, Partner and Chair of Conyers' Global Diversity and Inclusion Committee, outlines her thoughts on D&I priorities

As someone who grew up in Jamaica, I was only confronted with racism when I left the comfort of home. At 16, I was awarded a full academic scholarship to represent Jamaica at the United World College in Flekke, Norway. The college is a safe space for international students with promise. Its very ethos and reason for existing was and remains to be cultivating peace and a sustainable future by uniting students from different cultures through education. It was only when I ventured off campus and into the real world that I became aware of my "otherness", and even then my experience in Norway was one of subtle curiosity rather than racism.

I came to know a much more jarring experience later, however, when I began to navigate more racially hostile environments. Absent what often felt like a herculean effort, it was exceedingly difficult to thrive in that terrain. Diversity and inclusion initiatives are about implementing strategies to avoid that experience.

Informed by my own personal lived experience, discussion with others and research, my views

on diversity and inclusion are somewhat nuanced. Although I have spent the entirety of my career working in countries where I was not a minority, as a litigator I have always been a double minority, both black and female. That has made my professional journey harder than that of many of my contemporaries. Notwithstanding this, I am not antagonistic or unsympathetic to the slow pace of change. It takes time to change mindsets forged over many generations.

The American Bar Association's 2020 report on diversity and wellbeing in the legal profession, for example, documents that the percentage of female lawyers in the US has grown from 31% in 2010 to only 37% in 2020. The same study shows that the percentage of black lawyers, just 5%, has not changed in those ten years. Having said that, I have been practising long enough to bear witness to some of the change that is so badly needed. Firms are now much more aware of the need to implement



diversity initiatives and for them to have meaningful and tangible outcomes. Whilst it is my view that the push for diversity has ultimately been motivated by market forces rather than the altruism of businesses, there is movement in the right direction and that ought to be celebrated.

Although diversity initiatives require both planning and commitment, they have proven to be good for business. At their core, programmes which recognise and cater to the uniqueness of the workforce can only bring out the best in those teams. Diversity and inclusion programmes in the workplace should not be about tokenism or special privileges for minorities. They are programmes to attract talented individuals, whatever their race, gender or socio-economic background, and to remove barriers to career progression for all hardworking people.

As is well known, many law firms have either lost women to motherhood or seen them forgo that life experience for the sake of a successful career. No one should be forced to make that choice. Initiatives such as flexible and remote working, creativity in re-defining roles, reshaping how we view maternity and indeed paternity leave, and family centred social events are all powerful tools in ensuring the profession retains talented women. In doing so, we send a clear message that you can excel in your chosen profession and also be a mom, or whatever else you choose to be. There is the old adage that says you can't have it all. In my view, implicit in that messaging is a flawed characterisation of what "having it all" really means. The opportunity to have a fulfilling career that sustains you, and a family of your own if so desired, is the very least one can ask of the human experience.

“ At the second formal interview stage we aim, as far as possible, to ensure the involvement of a minority partner to provide their perspective

Tameka Davis, Partner and Chair of Conyers' Global Diversity and Inclusion Committee

Of course, diversity and inclusion is not just about race, gender or parental status. It also encompasses nationality, ethnicity, age, disabilities, socio-economic background, sexual orientation, gender identity, religious beliefs and political views, in addition to many other perhaps less obvious characteristics. A firm that actively promotes initiatives which recognise that depth of the human makeup is already a few steps ahead in actualising change.

I firmly believe that diversity initiatives will not work without allies – people in positions of power and influence who are willing to step into the role of advisor to minorities. Whether through mentorship, introduction to clients and exclusive networks, or offering professional support to minorities in gaining the same recognition and accessing equal opportunities: the active involvement of leaders is integral to the success of these programmes. There have been and still are mentors and friends who have given me counsel and advocated for me along the way, and for that I will always be grateful. I have benefited from allyship and, in what can be characterised as a full circle moment, am now in a position to do that for others.

No discussion of diversity and inclusion is complete without considering recruitment.

At Conyers we know that recruitment is central to a successful diversity programme. In addition to encouraging agencies to send us more diverse candidates, we have also adopted a blind recruitment process. At the first stage of selection, details that might reveal irrelevant elements of an applicant's background are redacted. At the second formal interview stage we aim, as far as possible, to ensure the involvement of a minority partner to provide their perspective in deciding a candidate's suitability. Although not a perfect process, it does assist us in our efforts to eliminate subconscious or indeed conscious biases, and focus primarily on the merit of the applicant.

As the Chair of Conyers' Global Diversity and Inclusion Committee, I am increasingly pleased by the strides that continue to be made by the firm with its Diversity and Inclusion programme. When we set about devising the programme, we aimed to ensure that it was detailed, meticulous in its approach, led to measurable outcomes, was informed by research and included concrete action-steps and opportunities for feedback. As we look to the future and the continued evolution of the firm, we hope to continue to attract and retain the diverse talent that sets us apart from our competitors, and I am proud to be on the frontline of that initiative. ●

5%
Percentage of Black lawyers in the US, according to the American Bar Association

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Dominic has been involved in legal publishing for 30 years in London, New York and Hong Kong. A regular media contributor, he was a legal feature writer for *The Times*. Dominic undertakes diverse projects for international law firms, speaks at events, and judges the British Legal Awards and the Legal Week Innovation Awards. See more about Dominic on [LinkedIn](#).

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