



InterLaw  
Diversity Forum

# WOMEN'S FACTSHEET

Key findings from the 2021 research report,  
**Career Progression the Legal Sector**

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The Burford logo, consisting of the word "Burford" in a bold, sans-serif font, preceded by a red L-shaped graphic element. The logo is contained within a white rectangular box with rounded corners.

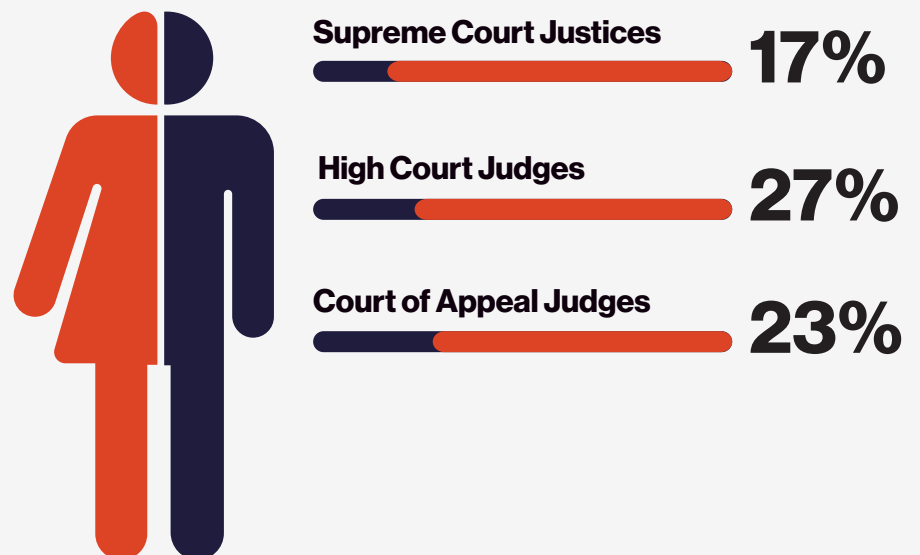
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It has been 100 years since Carrie Morrison became the first woman solicitor in England & Wales. Since that point, progress on gender diversity and gender equality in the legal profession has been painfully slow, with women under-represented at partner level in firms of all sizes and under-represented at senior levels in the judiciary. The pandemic highlighted and exacerbated existing inequalities relating to the unequal burden of unpaid care work on men and women. This led to a larger proportion of women reducing their hours or leaving work altogether compared to men.



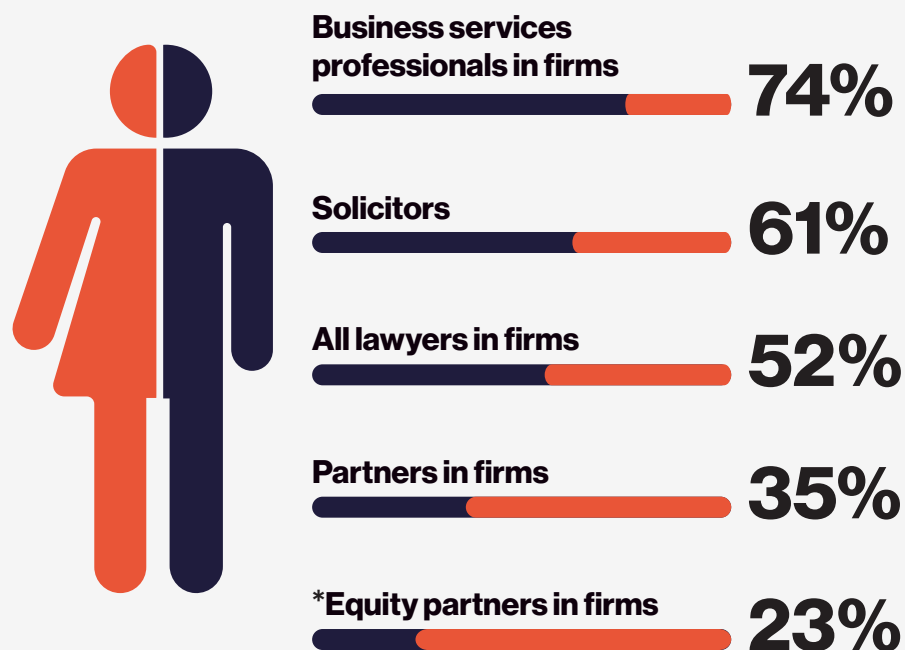
**Among senior positions in the judiciary, women represent:**



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According to the SRA's 2021 diversity data collection exercise, women represent:

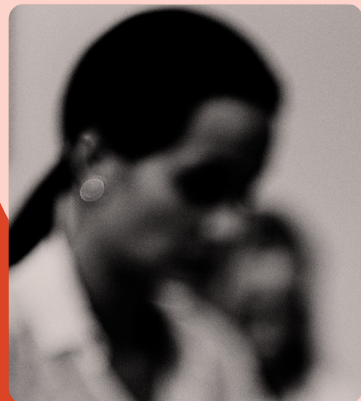
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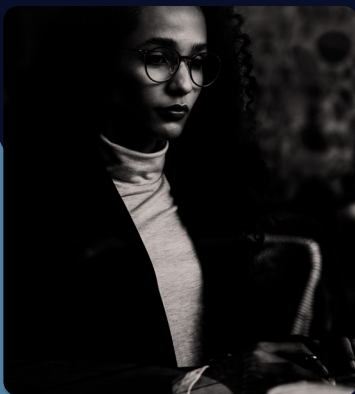
\*While the SRA does not currently distinguish between equity and non-equity partnership in its diversity data collection, **PwC's Law Firms' Survey 2021** found that women accounted for just 23% of full equity partners in the top 100 UK firms.

The challenges faced by women in the legal profession that lead to low representation of women in equity partnership and leadership are well documented – from bias, to unequal access to career enhancing work, to discrimination and sexual harassment.

The gender disparity at senior levels of the profession cannot be blamed on a lack of ambition or aspiration. As our findings show, women lawyers report higher desires and expectations for promotion than their male counterparts. Whilst gender networks and initiatives are welcome, the firms who will go on to achieve meaningful change are scrutinising their cultures and addressing the systemic issues which have historically held women back.







# Women in Law: The Slow Pace of Change

1888

Eliza Orme becomes the first woman in England to earn a law degree.

1922

Carrie Morrison becomes the first woman admitted to the roll of solicitors in England & Wales. Carrie is quoted as saying "Men say the law is too rough and tumble for women".

1975

The Sex Discrimination Act is introduced, protecting men and women from discrimination on the grounds of sex or marital status.

2010

The Equality Act 2010 comes into force, protecting people from discrimination, harassment, and victimisation, covering nine protected characteristics: age, disability, gender reassignment, marriage and civil partnership, race, pregnancy and maternity, religion or belief, sex, and sexual orientation.

2017

Women represent over half of all solicitors in England & Wales for the first time.

2021

The InterLaw Diversity Forum introduces the UK Model Diversity Survey as a means for clients to collect meaningful, consistent diversity data from their panel firms, in turn reducing the resource burden on firms to manage multiple, varied requests.

1919

The Sex Disqualification Act comes into force, allowing women to become lawyers, barristers, and magistrates.

1970

Following a strike of 850 female machinists at the Ford factory in Dagenham, the Equal Pay Act is introduced. The Act seeks to ensure men and women received equal pay for equal work.

1992

Women outnumber men for the first time in new entrants to the legal profession.

2017

The Equality Act 2010 (Gender Pay Gap Information) Regulations 2017 are launched, requiring employers with 250 or more employees to publish information on the difference in average pay between men and women in their workforce.

2018

All five magic circle law firms are compelled to reveal their gender pay gap – including partners – by the parliamentary committee investigating the effectiveness of the reporting requirements.



# Key findings from our latest Career Progression Report

## Introduction

This factsheet is based upon the research conducted by the InterLaw Diversity Forum for our research report, **Career Progression in the Legal Sector 2021**. This was a follow up to our first Career Progression Report published in 2012.

**The 2012 report** was unique at the time in that it covered disability, gender, sexual orientation, race, and social mobility and explored important intersections. We uncovered common challenges and found that, generally speaking, the more an individual diverged from the elite-educated, straight white male norm, the less well-paid and the less satisfied they were with their career progress. The 2012 report inspired the InterLaw Diversity Forum to expand the scope of our mission and to place intersectionality at the heart of our work.

2021 saw the publication of our follow-up report, supported by the **SRA** and **The Rt Hon Baroness Scotland of Asthal QC**.

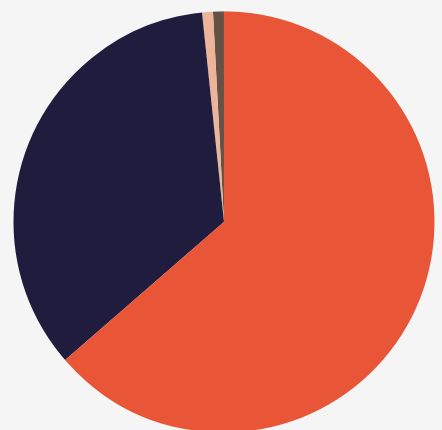
The report presented findings from an extensive online survey, gathering a range of data on key points of career progression.

## Our objectives included:

- Providing a 'no holds barred' insight into diversity in the legal sector.
- Re-focusing firm diversity efforts on tangible outcomes and talent, rather than marketing and profile building.
- Identifying shortfalls and barriers experienced by those in diverse and under-represented groups, through an intersectional lens.
- Providing a roadmap for improvement, allowing firms to map their own data against the report.
- Sharing the experiences and amplifying the voices of diverse and under-represented talent in the legal profession.

## 1 Participants

Our data collection exercise was trans inclusive and provided the option to select male or female as well as a third option, allowing people to identify in another way. Unfortunately, the participation rate of those who do not identify as either male or female was not high enough to provide statistical significance, and so this factsheet primarily focuses on disparities in responses of men and women.

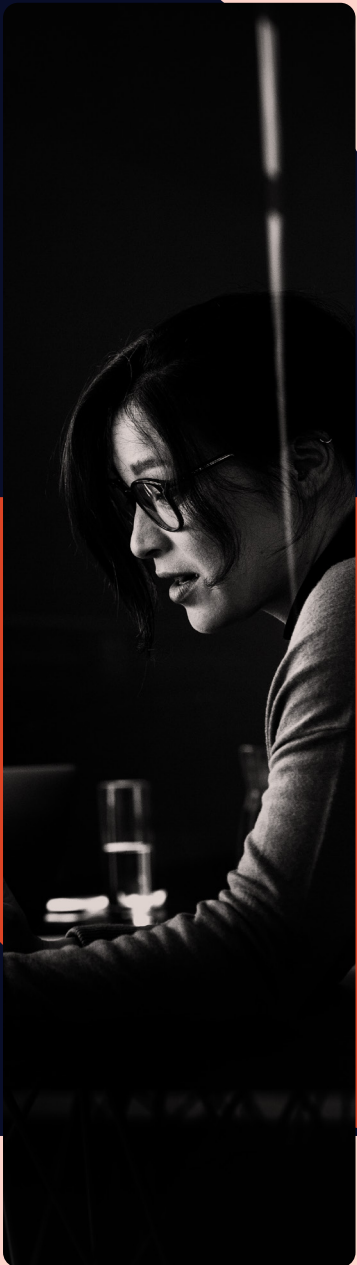


63.9% women

34.9% men

0.5% other

0.7% prefer not to say



## ② Pay disparities

One of the standout findings in our analysis is the disparity in pay between men and women. Pay disparities often become even more pronounced when different diversity characteristics are considered together. **The compensation range of highest earners (top 10%) differs greatly when we consider the intersection of race and gender, or the intersection of gender and sexual orientation.**

To illustrate this, the highest earning Asian men (top 10%) make between £700,000 and £1,000,000, while at the other end of the scale the highest earning Black women (top 10%) make between £50,000 and £100,000.

### TOP 10% EARNERS BY GENDER & ETHNICITY

#### ASIAN MEN

£700,000 – £1,000,000

#### WHITE BRITISH MEN

£600,000 – £700,000

#### WHITE BRITISH WOMEN

£200,000 – £300,000

#### BLACK MEN

£200,000 – £300,000

#### ASIAN WOMEN

£200,000 – £300,000

#### BLACK WOMEN

£50,000 – £100,000

### TOP 10% EARNERS BY GENDER

#### MEN

£500,000 – £600,000

#### WOMEN

£200,000 – £300,000

### TOP 10% EARNERS BY GENDER & SEXUAL ORIENTATION

#### STRAIGHT MEN

600k to 700k

#### GAY MEN

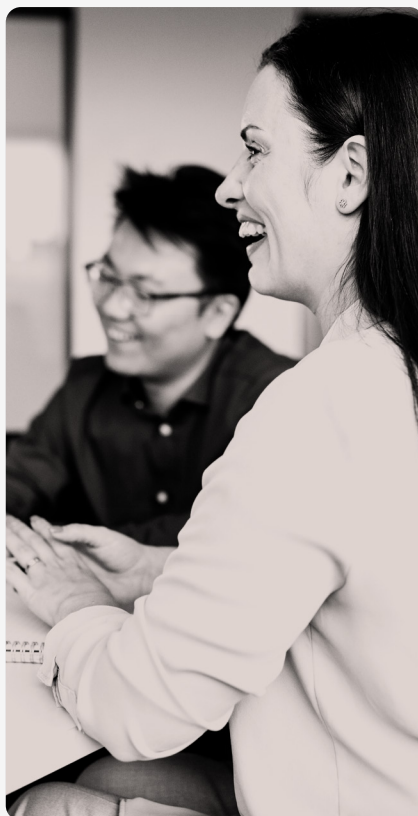
300k to 400k

#### LESBIAN WOMEN

200k to 300k

#### STRAIGHT WOMEN:

100k to 200k





### 3 Cumulative disadvantage

The report highlights that differences persist in the perspective and experience of men and women lawyers relating to compensation, job satisfaction, and job security. A trend across all indicators of career success finds men at a consistent advantage over women.

While in some areas these advantages are relatively small, these incremental disparities aggregate and accumulate into substantial gender differences and inequities over time.

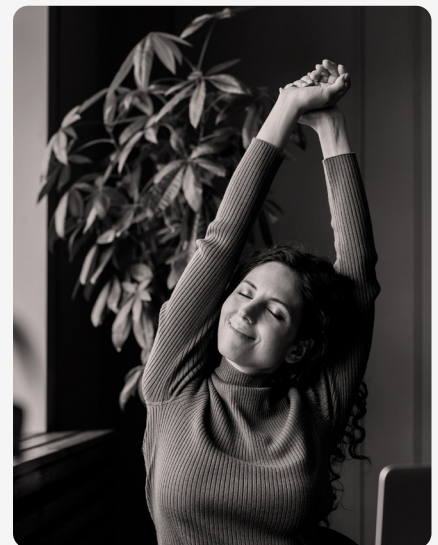
### 4 Organisational Equity & Diversity Efforts

Respondents were asked whether their organisation lives up to its public commitment to equality and diversity, and whether they are satisfied with their organisation's equality and diversity practices. The response from men to these questions was more positive than that from women. Since our 2018 survey, the response from both men and women has dropped, with a more significant drop from women.

While many organisations have increased their focus on equity and diversity in recent years, clearly some see these efforts as style over substance.

### 5 Job Satisfaction

While job satisfaction ratings were generally positive for men and women, the response from men was slightly higher. Our analysis found a strong association between the job satisfaction of women participants and their perception of fairness and transparency, both in relation to work allocation and promotion and reward. For Straight and Gay men, the most important determinant of job satisfaction was fair promotion practices. Job satisfaction among Lesbians was most strongly impacted by perceptions of fairness, discrimination, harassment, and bias relative to their straight, gay male, and bisexual comparison groups.

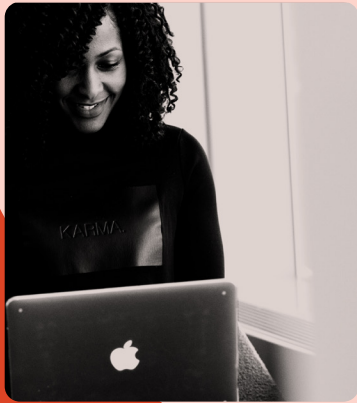


### 6 Bullying, discrimination, and bias

There was a disparity in the response from men and women to questions on bullying, bias and discrimination with the responses from women being less positive than the responses from men. The disparity became even more pronounced when accounting for sexual orientation.

The experiences of personal discrimination for men and women were generally very low. However, the women still reported more experiences of discrimination than men. Women were also more likely to believe their workplaces were in fact impacted by unconscious bias.





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## 7 Promotion

While women reported a slightly higher desire to be promoted and a slightly higher expectation of promotion than men, they also reported lower opinions that workplace promotion systems are transparent and fair.



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## 8 Training

We asked participants to rate the training available to them personally as well as the adequacy of training provided to managers. Men rated training provisions consistently higher than women. Notably, women rated the adequacy of line manager training considerably less positively than the relevance and suitability of training available to them personally.



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## 9 Networks

Membership in networks was generally fairly low for both men and women. But participation in external networks varied significantly when analysing responses through an intersectional lens. 47% Black women reported participation in external networks and 39% reported participation in workplace diversity networks. This compares to 12% White men reporting participation in external networks and 21% reporting participation in workplace diversity networks.



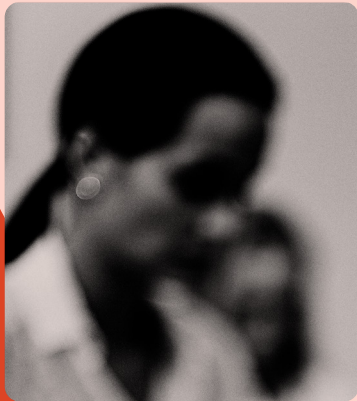
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## 10 Work Allocation

Women responded on average less positively than men that work is allocated transparently, fairly, or evenly. Again, the difference was compounded by sexual orientation. Gay men responded to questions relating to work allocation slightly more positively than straight men. And Lesbian women responded slightly less positively than straight women.







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## 11 Work Flexibility

Whereas both groups reported fairly positive opinions of part-time work and the organisation's approach to flexible/agile working, men were slightly more positive than women.



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## 12 Disability

A higher percentage of women with a disability asked for workplace accommodations than men. Women more frequently reported being satisfied with accommodations than men.



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# Top Tips for supporting gender equality, inclusion and equity for organisations and individuals

Everyone in an organisation has a role to play in supporting gender equality, inclusion, and equity, but firms must review their systems and processes to root out bias and hold leaders and middle managers accountable for their behaviour.

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## 1 Don't pay lip service to diversity

Increased expectations from clients and employees have led firms to make more stretching commitments around diversity and inclusion. It's important to ensure that these statements ring true. Take the time to review your firm's public and external statements relating to diversity. Assess the degree to which these commitments are backed up by action – and set a clear plan where there are shortfalls.

## 2 Critically review promotion processes

Conduct a review of succession planning and promotion, ensuring your process is objective and free from bias. Consider steps you can take to increase the level of transparency around promotion, for instance by publishing criteria and details of your promotion process and timeframes. Think beyond promotion alone and consider gender in succession planning for key roles, from governance committees to client relationship partners.

## 3 Focus on hybrid inclusion

As new ways of working become more established, review practices and processes to ensure that remote workers are actively included and not overlooked or disadvantaged.

## 4 Create an forum to listen and learn

Ensure you remain connected to gender-related views and experiences in your firm and consider these through an intersectional lens. Hold regular listening exercises where your people feel safe to share their perspectives and raise concerns. Use these insights to review and assess diversity and inclusion interventions and wider people practices.

## 5 Track and measure the impact of diversity initiatives and interventions

Identify a clear purpose and goal for diversity talent initiatives and programmes from the outset. Be clear on what you are trying to achieve. Introduce tracking mechanisms to measure whether initiatives are fulfilling their purpose and be prepared to course-correct. Use data from the UK MDS to track and measure your programmes' effectiveness.

## 6 Measure the gender balance in external communications

Assess the gender balance across external facing firm communications and promotional literature – from directory submissions and industry press through to firm social media. Put in place concrete plans to address imbalances, ensuring you consider intersectionality.

## 7 Review work assignment systems and processes

Consider the introduction of structured, objective work allocation programmes and systems. This would ideally include specialised resource allocators who are independent of the partnership and sit between the partners and associates, taking into account both the business needs for projects and the career development needs of associates. Track work assigned through the lens of gender and take steps to intervene if disparities occur.

## 8 Recognise and reward diversity contributions

Involvement in diversity programmes and initiatives not only benefits those participating but contributes towards organisation-wide gains. Ensure that meaningful contributions to diversity, from mentoring and sponsorship to network involvement, are recognised and rewarded, for instance by providing billable credit, bonuses, and pay rises for meaningful diversity related work.

## 9 Prioritise inclusive leadership skills

Review the effectiveness of your existing people management training and assess participation levels. Ensure everyone with people management responsibilities, including supervising lawyers and partners, have attended adequate mandatory people management training. Ensure that people management capabilities form a clear and meaningful part of your performance assessment and reward process and that poor managers are held accountable.

## 10 Address bias once and for all

Review your employee lifecycle to identify the processes which are at greater risk of bias. Conduct a culture study to find out what is going well and where you can improve your workplace culture. Take meaningful steps to 'de-bias' processes and to raise awareness of bias and how to interrupt it among decision makers. Encourage and empower your people to speak up if they witness or experience bias.

## 11 Ensure reporting lines are actively promoted

Review the visibility of reporting lines and responsibility for bullying, harassment, and discrimination procedures, and audit these functions to ensure they are effective. Ensure all partners and employees understand behaviour that is not tolerated in the workplace, including micro-behaviours. Set out and clearly communicate a zero-tolerance approach to any form of bullying, harassment, or discrimination.

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# Driving Change

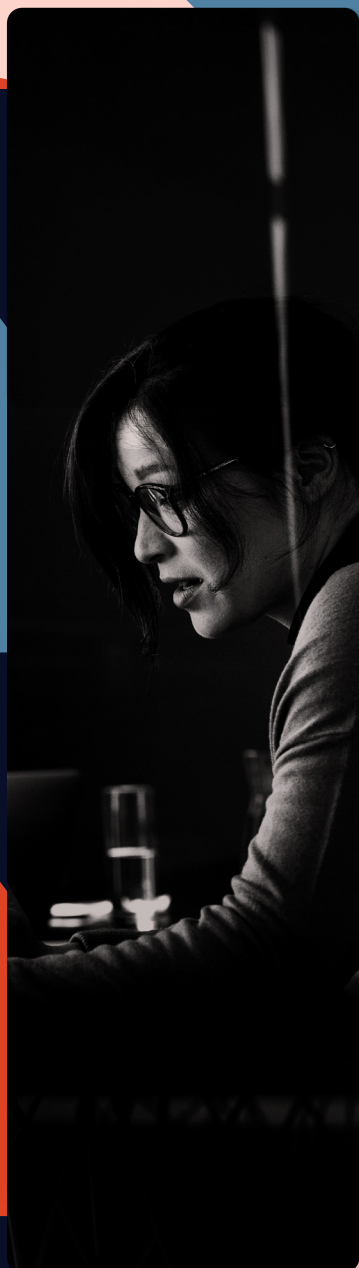
## Recommendations & Next Steps

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Our **Career Progression in the Legal Sector** report identifies clear differences in the experience of men and women in the profession, differences which are often compounded when other diversity factors are taken into account. In order to effect change, organisations must place their focus on culture change and accountability.

### We recommend six clear steps:

1. Focus on data by participating in the InterLaw Diversity Forum's **UK Model Diversity Survey**
2. Use this data to shape your cultural change programme
3. Collaborate with clients and peers to share best practice
4. Adopt meaningful targets and reporting
5. Launch leadership training programmes
6. Address social mobility across your organisation, including at senior levels
7. Ensure you take an intersectional approach to gender across race & ethnicity, LGBTQ+, disability, social mobility, etc.





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# Driving change through accountability

## The UK Model Diversity Survey

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### UK MODEL DIVERSITY SURVEY

### CURRENT CLIENT SIGNATORIES

The InterLaw Diversity Forum's UK Model Diversity Survey (UK MDS) launched in 2021 as a supplier diversity questionnaire which law firms and legal service suppliers complete for their corporate and financial institution clients.

#### The objectives include:

- Enabling major purchasers of legal services to drive progress around I&D
- Providing a solution for firms to the resource-intensive process of reporting diversity data in multiple ways to multiple clients
- Providing a robust and consistent method of diversity data collection for in-house teams
- Driving greater accountability in firms by making aggregated diversity data relating to hiring, promotion, attrition, and pay available to their clients
- Providing intersectional data which has, until now, been unavailable to clients, despite clear trends relating to intersectionality and attrition, progression, and pay

Participating clients invite their panel firms to participate in the survey. Firms complete the survey once a year, with clients receiving access to a dashboard allowing them to compare data across panel firms – and to assess progress over time. The UK MDS will assist law firms in providing uniform, thorough, and accurate information to their corporate and financial institution clients. Further, it will streamline D&I data collection for law firms by allowing firms to provide a single, uniform set of data to multiple clients.

- Barclays Europe
  - Boston Consulting Group (BCG)
  - BT
  - Bupa
  - Cable & Wireless Communications
  - Cambridge University Press & Assessment
  - CBRE
  - Credit Karma
  - EE
  - GLP
  - Google
  - HSBC
  - Jefferies
  - Kantar
  - Meggitt
  - Microsoft
  - Morgan Stanley
  - NatWest
  - NBCUniversal
  - Peloton
  - PGIM
  - Rokos Capital
  - Santander
  - Southern Water
  - Springer Nature
  - The Crown Estate
  - Uber
  - UBS
  - Visa Europe
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## Get involved with **The Equity Project**

The Equity Project is an award-winning initiative from Burford Capital to improve gender and racial diversity in the business of law by addressing the woefully persistent diversity gap in senior levels at law firms.

With \$100 million of legal finance capital earmarked to fund commercial litigation and arbitration led by female and racially diverse lawyers who have been historically underrepresented in the business of law, The Equity Project enables diverse lawyers to build books of business and increase stature in their firms.

### **The Equity Project gives legal departments and law firms a tool to support change:**

- **Legal departments** can incentivize law firms to put women or racially diverse litigators or arbitrators on their matters and ensure the diverse lawyers working on their matters are being awarded adequate origination credit.
- **Law firms** committed to gender and racial diversity can encourage women and racially diverse litigators to take on matters that require significant investment but offer substantial success fees.

**Find out more about the Equity Project.**





## Get involved with the **InterLaw Diversity Forum**

The InterLaw Diversity Forum works to foster inclusion for all diverse and under-represented talent working in the legal sector, and to promote meritocracy in all sectors by working to 'level the playing field' in order to create environments where the best talent can succeed. We take an intersectional approach across all strands of D&I and social mobility with a focus on allyship.

The InterLaw Diversity Forum currently has more than 9,000 members and supporters from over 300 law firms and chambers, and over 500 corporates and financial institutions.

For more information on the InterLaw Diversity Forum please see our **2020 Annual Report**.

For information on our key projects see below:



**InterLawADVANCE**

