Race for inclusion: the experiences of Black, Asian & Minority Ethnic solicitors

Representation of Black, Asian & Minority Ethnic solicitors is improving but varies greatly between different backgrounds...

The Annual Statistics Report 2019, states that Black, Asian & Minority Ethnic solicitors represent 17.5% of PC holders with known ethnicity.

However, representation across Black, Asian & Minority Ethnic groups shows a mixed picture...

10% of lawyers are Asian compared to 7% of the workforce in 2019.

3% of lawyers are Black matching the workforce in 2019.

Black, Asian & Minority Ethnic representation is lower in larger firms and Black, Asian & Minority Ethnic solicitors are also less likely to reach senior positions in these organisations.

In the top 50 UK firms, more than twice as many white solicitors as Black, Asian and Minority Ethnic solicitors achieve partner equivalent status.

Several barriers to progressing to partnership have been identified, including a lack of sponsorship and guidance, differential allocation of good work opportunities and, more generally, not fitting in to the (predominantly white) culture of the company.

The desire to raise issues around diversity and discrimination, is felt to be at odds with progressing to the level of partnership.

Black, Asian & Minority Ethnic solicitors are more likely to work in particular sectors and earn less overall...

A 2017 SRA report shows an increasing share of Black, Asian & Minority Ethnic solicitors leaving private practice to work in-house, especially Black, Asian & Minority Ethnic female solicitors and particularly Asian females.

Some solicitors recall that recruiters often suggested they enter into less lucrative and competitive fields of law. The common perception is that Black, Asian & Minority Ethnic candidates are more likely to be successful with applications to these areas.

“I did a vacation scheme, and the feedback was ‘You are very engaging. You come across really well. I think you would make it in the legal profession, but you should stick to High Street firms. People like you are better suited there’.”

Results from this research:

A significant proportion of solicitors participating in the roundtable discussions are the first within their family to go to university. They often don’t have the knowledge or connections others might benefit from. They are often not ‘expected’ to go into professions like law by careers advisers.

“I came from a rough area but got into a good university where others had parents in law. They had invisible advantages, of getting work experience, knowing how to talk better. They had support with applications, and I didn’t.”

“In my firm, partnership is still an exclusive bubble. You have to be likeable. I need to be agreeable and moderate myself. If I am seen as the troublemaker raising these issues, they won’t want me at the table.”

In single partner firms

8% of Black, Asian & Minority Ethnic partners

20% in single partner firms

The study found Black, Asian & Minority Ethnic solicitors felt white trainees were typically encouraged towards corporate and commercial work, whilst they were ‘pushed’ towards personal injury, legal aid, immigration and family work.
When Black, Asian & Minority Ethnic solicitors speak up on matters of race and inequality, they feel disheartened that the ‘safe’ environments in which to do so, often just become talking shops. There are few opportunities to raise such issues with those at the top.

The feeling of having no voice, has led many to struggle with their mental health, paying for counselling or taking a break from the profession. Some note feelings of guilt for not doing enough to raise these issues.

“I burnt out. Now that I’m on a break, I haven’t been afraid to say controversial things. If I don’t, the cycle won’t change. People need to feel uncomfortable, because what I have experienced is the reality, and a lot of people who look and sound like me have experienced the same.”

## What works: best practice highlighted by the research

Some of the initiatives respondents have said worked in supporting diversity in the legal profession.

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| 1. Entry to the profession | Measure entry level representation and breakdown data for groups within the Black, Asian & Minority Ethnic category.  
Focus outreach, paid work experience and internships on people who face greatest barriers (e.g. because of socio-economic background). |
| 2. Retention, development & progression | Monitor representation, retention and progression for different Black, Asian & Minority Ethnic groups.  
Set targets for senior partners/leaders and for key points in the pipeline.  
Provide structured mentoring programmes so Black, Asian & Minority Ethnic/all solicitors can easily establish mentoring relationships.  
Monitor work allocation to ensure more equitable distribution of development opportunities.  
Put in place a more systematic approach to partner selection. |
| 3. Focus on inclusion | Encourage and lead conversations about race, and have a senior level sponsor for race inclusion.  
Use reverse and reciprocal mentoring to develop more inclusive leaders.  
Provide diversity training – ideally face-to-face and impactful – including on allyship.  
Ensure confidential ways of reporting racism, bullying and harassment, and microaggressions so staff feel safe speaking up.  
Include questions in staff surveys to assess inclusion and wellbeing, and analyse results by ethnicity.  
Ensure culturally diverse and inclusive corporate and staff events. |
| 4. Data & evaluation | Address any gaps in ethnicity data and improve response rates by being clear about how data will be used.  
Take a data-driven approach to D&I, use metrics to identify problem areas and design interventions.  
Publish key metrics such as the ethnicity pay gap and representation in workforce and at senior levels.  
Evaluate D&I interventions to learn what works and what further action is needed.  
Tie senior leaders’ pay and bonuses to D&I outcomes. |