

CHAPTER 5

Do Prizes Have Any Point? The Potential for Diversity Initiatives to Change the Ethnic Profile of the Solicitors' Profession

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Introduction

When it comes to the ethnic makeup of commercial law firms, the industry isn't as representative of contemporary society as it could be. Firms are replete with white men and women, but individuals from ethnic minority backgrounds can ... be few and far between. Where, I hear you ask, are the Black rainmakers? (Dikko 2018)

At the culmination of three decades of change, we have a solicitors' profession which is more representative of ethnic diversity in the general population (Aulakh et al. 2017: 11–12). Yet despite changes the profession remains stratified. It is dominated at its top by white graduates from higher socio-economic backgrounds (Bridge Group 2020; Law Society 2020a), especially white men at partnership level (Aulakh et al 2017; Fouzder 2017a). Less than one per cent of partners in large law firms are black (Extense 2022). This chapter considers what role diversity and social mobility initiatives play in increasing ethnic

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diversity in the solicitors' profession and considers the potential of such initiatives to influence law firm structure in the future.¹ It focuses on black males as a particularly underrepresented group,² and though the situation does not appear to be much better for black women (Bindman 2020; Law Society's Fiona Woolf Lecture 2020), their consideration is outside the scope of this chapter. In focusing on black males, the chapter uses Freshfields Bruckhaus Deringer's diversity initiative, the Freshfields Stephen Lawrence Scholarship (FSLs), as a case study, although other law firms' initiatives are briefly considered by way of comparison and contrast. The chapter considers the impact, and thus the value, of these initiatives in promoting access by black males to elite sectors of the 'top ten' solicitors' firms.³ The central question is then, are initiatives important in changing the culture of large City law firms? And ultimately, do they have potential to effect sustained change to the perceived old, white male face of the profession more generally (University of Law 2021)?⁴

The chapter begins with mention of methodology, then considers context and background on the profile of the solicitors' profession, before examining the FSLs as a case study and highlighting other diversity and social mobility initiatives. It moves on to consider the potential impact of these initiatives on the profile of the solicitors' profession. The chapter ends with a discussion and concluding remarks.

Method

The method employed in this chapter is that of desktop analysis of available statistical data on the legal profession and analysis of data on minorities both in legal education and practice. I also review the reports, academic and

¹ The Bar faces similar issues, see for example, The Bar Council, (2021). *Race at the Bar: A snapshot report* (www.barcouncil.org.uk/uploads/assets/d821c952-ec38-41b2-a41eb28e5/Race-at-the-Bar-Report-2021.pdf); The Bar Standards Board, (2022). *Diversity at the Bar 2021* (www.barstandardsboard.org.uk/uploads/assets/be522642-160b-433b-af03a910a5636233/BSB-Report-on-Diversity-at-the-Bar-2021.pdf); and Freer's in depth study of social mobility and the legal profession which examines access to the Bar and uses Inner Temple's Pegasus Access and Support Scheme as a case study: Freer, E. (2018). *Social mobility and the legal profession: The case of professional associations and access to the English Bar*. London: Routledge.

² Solicitors Regulation Authority statistics for 2022 show that black lawyers make up 2% of all lawyers in law firms and that there are fewer men (46%) in the legal profession than women (52%).

³ Considered in this chapter as firms inhabiting the magic and silver circles (see further pp92–99).

⁴ This perception is, to a great extent, borne out by the current statistics on the profession (see Context and Background, pp79–85).

professional, that examine professional widening in relation to minorities, and the regulatory changes that have occurred in the light of calls for widening diversity in the legal profession. The key part of this chapter is a close examination of the FLS. This is based on available statistics (some of which were provided by Freshfields to universities considering entrants for the scholarship), data from social media sites such as LinkedIn, and my own involvement with students from the University of Westminster School of Law who have entered the scholarship initiative. Examination of other firm's initiatives are limited to those in the magic and silver circles with data being gathered from the firm's website and the website of the organisations with which they collaborate. The main reason for this is the finding that transformation happens when driven and facilitated by those at the top (see for example, Braithwaite 2010).

Context and Background

As indicated above lack of diversity in the legal profession is not a new issue and can be traced back to at least the mid 1970s. Before this it was rare for ethnic minority graduates to pursue careers as solicitors because, until 1974, only British subjects could enter the solicitors' profession and because overseas (mainly Commonwealth) students primarily trained for the Bar as this gave them an option to practise in their home countries (Goulbourne 1985: 5). Because of the myriad problems faced trying to practise at the Bar,⁵ the trend then became for law graduates to select the solicitor route into the legal profession. According to Goulbourne, this increased pressure for access and exposed the solicitors' profession's 'conservatism' (ibid.).

By 1979, the Benson Report (1979) warned that the consequences of conservatism could be a profession bifurcated along lines of ethnicity because minorities, unsuccessful in securing positions in large law firms or Chambers for failure to fit the received profile, would set up on their own.⁶ Placing responsibility on the two branches of the profession to achieve full racial integration, the

⁵ Including the difficulties of earning a living wage during the early years and the resulting uncertainty of a long-term career at the Bar (Goulbourne 1985), see further Zander, M. (1980). *The state of knowledge about the English legal profession*. Chichester: Barry Rose. Moreover, for ethnic minority barristers finding seats in Chambers in the first instance was much more difficult than for their non-ethnic counterparts (Benson Report 1979).

⁶ The report found evidence that ethnic minority barristers were the least successful in finding seats in Chambers and were conscious of the fact that there were sets of Chambers exclusively made up of ethnic minorities. Consequently, Benson was concerned that, with the increased number of ethnic minority solicitors, 'if the present pattern of events were repeated the results would be that firms of solicitors composed exclusively of members of ethnic minorities would set up in practices in areas with a substantial minority population ... there would be a clear division on

report recommended, inter alia, that they should set up procedures for keeping records on ethnicity. In turn these records would provide the evidentiary basis for future policy making. Unwilling to acknowledge racial discrimination in the profession, the Law Society did not follow this recommendation. Its reluctance was somewhat explained by a confidential report from a working party of the Professional and Public Relations Committee in 1983 which had found no evidence of racial discrimination and thus no need for remedial action, explicitly ruling out the need for ethnic monitoring (Goulbourne 1985: 12–13).

By the 1980s there was a groundswell of opinion that the composition of the profession should be more reflective of society (Twining 1989; Boon 2014), and the Law Society faced the heavy weight of adverse publicity in the media (including *Legal Action*, *The Guardian* and *The New Statesman*) as well as calls from campaigning groups (like *The Trainee Solicitors Group* and *The Minority Access Project*) to at least take minimal measures to demonstrate some commitment to examining racial discrimination in the profession (Goulbourne 1985: 13). Consequently, the Law Society established a working party for this task (*ibid.*). Then in 1984 the Law Society published its first Annual Statistics Report (ASR) on trends in the solicitors' profession. These reports aim to provide a comprehensive picture of the changing size and structure of the legal profession over time, including its ethnicity profile.

With acceptance of the need for monitoring the composition of the legal profession, the 1990s saw the Law Society act to deepen its understanding of entry into the profession by funding two research studies into training and putting further measures in place to respond to discrimination issues. In assessing the impact of the Legal Practice Course (LPC),⁷ the first study (Goriely & Williams 1996) found that when assessing applicants, the main consideration for law firms was, 'are they one of us?' (*ibid.*, as cited by Boon 2014: 579; see also Rolfe & Anderson 2003). As Boon (2014) observed, '[t]his potentially discriminated against anyone who was not male, white or middle class' (*ibid.*: 579). The findings of Goriely and Williams drove the second bout of research, the Law Society's longitudinal 'Cohort Studies',⁸ tracing a

racial lines in the practice of the law and, to some observers, the administration of justice itself' (para. 35.2).

⁷ The LPC was introduced in 1993 replacing the Law Society Finals as the new training schemes for solicitors. See Wallach, S. (1992). Transforming knowledge into know-how: The Law Society's finals are to be replaced with a one-year training scheme that will emphasize practical skills. *The Independent*, 20 August.

⁸ Published from 1994 to 2000 there were six cohort study surveys conducted by different teams of academics. The first, Halpern, D. (1994). *Entry into the Legal Professions: The Law Student Cohort Study Years 1 and 2*. London: The Law Society. The second, Shiner, M. and Newburn, T. (1995). *Entry into the Legal Professions: The Law Student Cohort Study Year 3*. London: The Law Society. The third, Shiner, M. (1997). *Entry into the Legal Professions: The Law Student Cohort Study Year 4*, London: The

large group of undergraduates into practice (*ibid.*). In terms of more concrete measures the Law Society, in 1995, appointed an Equal Opportunities Officer and introduced the Solicitors Model Anti-Discrimination Policy⁹ (*ibid.*: 578). The policy is noteworthy in that it obligated firms not only to take ‘positive action to ensure greater representation of unrepresented groups’ but also to ‘compl[y] with Law Society policy on targets for the employment of ethnic minorities’, defined as people of ‘Asian, African-Caribbean, African or Chinese origin’ (*ibid.*).

By 2002, the Chief Executive of the Law Society declared a good record of tackling unlawful discrimination in the legal profession but admitted considerable obstacles to achieving a representative profession remained (Boon *ibid.*). This admission currently holds true, but the data does demonstrate some progress. In its ASR 1990 the Law Society found that just over 1% (n=709) of the solicitors’ profession were known to be ‘from the ethnic minorities’, but the ethnic origin of 30% (n=16,622) of solicitors was unknown (Law Society 1990: 4). However, over 30 years later, known numbers have grown and Black Asian and Minority Ethnic (BAME)¹⁰ solicitors with practicing certificates (PCs) now make up 18.1% of all PC holders (Law Society 2022a: 11).¹¹ This is higher than the 13.4% of BAME in the wider working population (Law Society 2020b: 4). On average the decade 1990 to 2000 saw an increase of around 400 BAME PC holders per annum. The next two decades saw an increase of around 800 per annum (see Figure 5.1 below).

Law Society. The fourth, Shiner, M. (1999). *Entry into the Legal Professions: The Law Student Cohort Study Year 5*, London: The Law Society. The fifth, Duff, E., Shiner, M., Boon, A. and Whyte, A. (2000). *Entry into the Legal Professions: The Law Student Cohort Study Year 6*. London: The Law Society.

⁹ Rooted in the Sex Discrimination Act 1975 and the Race Relations Act 1976.

¹⁰ I am aware of the debates surrounding the use of this term and its acronym as ‘masking tremendous heterogeneity’ (Webley et al 2016: 202) and being unreflective of communities and their experiences, alongside calls for the term to be discontinued (see for example, The Commission on Race and Ethnic Disparities 2021: 32). Indeed, in answering these calls, the UK government now no longer uses the terms BAME and BME when writing about ethnicity but instead refers to ethnic groups individually (www.gov.uk). However, the term is used here because of its widespread currency and application in much of the relevant research on which this chapter relies.

¹¹ There remains concern about underreporting of ethnic background particularly among newly qualified solicitors with a record 33,561 solicitors of unknown ethnic origin in 2020, almost 5,000 more than in 2019 (Law Society March 2022b: 8). The Law Society explains this number as likely being due to an increase of non-reporting of ethnicity. Its report observes: ‘most newly admitted solicitors do not provide their ethnic origin on the mySRA website. Unless this data is collected through other means, the ability to monitor diversity trends based on individuals’ ethnicity will be further impacted’ (*ibid.*).

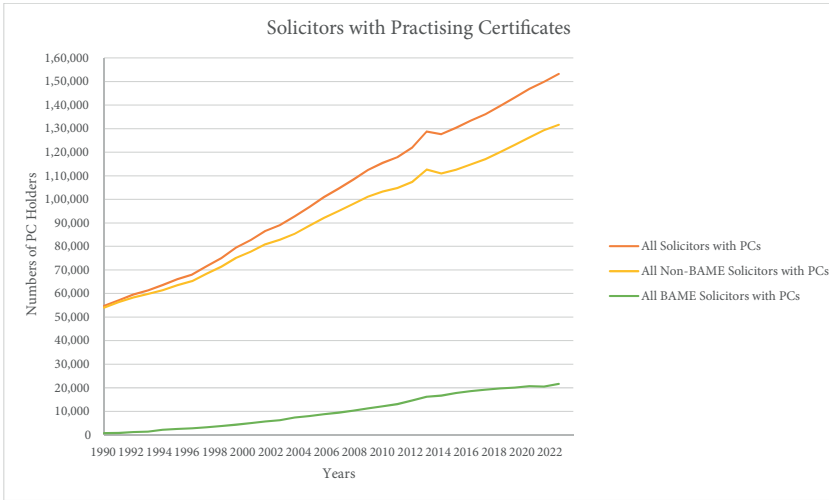


Figure 5.1: Solicitors with Practising Certificates 1990 to 2022. Source: Compiled from the Law Society Annual Statistic Reports (1990 to 2022) and tables detailing the ethnicity of solicitors holding PCs.

Furthermore, the Solicitors Regulation Authority (SRA), in its 2021 biennial survey of law firm diversity,¹² found that 17% of solicitors are of BAME origin (SRA 2022). Asian solicitors account for approximately two-thirds of this number at 12%, whereas black solicitors account for 2% (ibid.). The latter figure is roughly in line with the percentage of black people in the general working population (3%) (ibid.) whereas Asian solicitors make up near double their proportion in the working population (7%) (ibid.). Mixed/multiple ethnic groups accounted for 3% of solicitors (compared to 1% of the workforce) and ‘other’ ethnic groups made up 1% of solicitors (compared to 2% of the workforce) (ibid.). So, whilst other ethnic groups appear to be thriving, black groups appear to be lagging behind.

The SRA statistics (ibid.) also show that more BAME solicitors can be found in firms mainly undertaking less prestigious and remunerative criminal and private client work than those doing mainly more prestigious and remunerative corporate work. In criminal firms, 5% are black and 21% Asian (overall 30% BAME). In private client firms, 8% are black and 22% Asian (overall 33% BAME). By contrast, in corporate¹³ firms, merely 18% of lawyers are BAME

¹² Under paragraph 1.5 of the Code of Conduct for Firms it is a regulatory requirement that all regulated firms, regardless of size, must collect, report and publish data about the diversity make-up of their workforce every two years (SRA *Reporting your Firm Data*, www.sra.org.uk/solicitors/resources/diversity-toolkit/your-data).

¹³ The SRA statistics concentrate on corporate rather than commercial law, a focus of this chapter. Though they are both related to business, they are separate fields of law

(10% Asian and 2% black). Likewise qualitative studies suggest BAME lawyers are concentrated in the less prestigious and lucrative sectors of the profession (see e.g., Ouseley 2008; Aulakh et al. 2017; Hinde, Marchant & Lay 2020). The SRA's statistics further show that firms undertaking mainly corporate law have the lowest proportion of state secondary-educated solicitors at 45%, compared with 70% state educated solicitors in firms mainly undertaking criminal law (SRA 2022). Those attending private fee-paying schools dominate the corporate and arguably the commercial world. Indeed, Aulakh et al. (2017: 5) have commented:

... 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 and have a family background of attending university.

Although it has clearly taken time, and though some areas remain stubborn in the face of change, the profile of the profession is slowly shifting, particularly in relation to ethnic diversity. The research has identified a number of reasons for this shift. There is altruism, with law firm decision makers championing diversity and inclusion and possibly 'competitive altruism' between firms (Hull 2013). There is also belief in the business case of a strong correlation between inclusivity and profits (Hunt et al. 2015 (known as the McKinsey Report) and 2018; Parker 2017 and 2020), i.e., the 'diversity dividend' (www.Arrival Education.com).¹⁴ Urwin et al. (2013) question, however, the limited quantitative data that evidences belief in a business case. Ely and Thomas (2020) go further by stating that none of these claims are supported by 'robust research findings', whereas there is abundant research supporting the finding that increasing the number of those traditionally unrepresented in a workforce does not *automatically* lead to notable improvement in firms' effectiveness or financial performance (ibid.). They characterise this as an 'add diversity and stir' approach which, if business continues as normal, has little effect on the bottom line (ibid.).

Legal and regulatory objectives and obligations have also contributed to the shift. The Legal Services Board (LSB) and legal service regulators (including

covering and governing different areas of a corporation's activities. Broadly speaking, corporate law concerns corporate governance and corporate finance. Whereas commercial law concerns the day-to-day aspects of running a business such as commercial transactions and business deals. Commercial law is therefore broader than corporate law. All the law firms considered here conduct both.

¹⁴ The 'diversity dividend', a phrase coined by Arrival Education, expresses the commercial potential for those companies who can diversify their workforce at all levels.

the Law Society¹⁵ and the SRA¹⁶) share an objective under the Legal Services Act 2007 to encourage an ‘independent, strong, diverse and effective legal profession’ (Legal Services Act: s.1(1)(f); and see further Braithwaite 2008 and p99 in this volume). Furthermore, the legal profession must meet its duties under the Equality Act 2010 to avoid discrimination in employment and service provision and the SRA’s equality and diversity requirements and expected outcomes¹⁷ (see further p99).

A critical role is also played by other outside parties, most importantly clients, the media and interest groups, pressuring firms to take action on diversity (Braithwaite 2008: 3). One very effective way they do this is by inventing and awarding prizes, for example, the UK Diversity Legal Awards,¹⁸ and by running league tables. Indeed, following a study analysing a decade of information from the Black Solicitors Network (BSN) Diversity League Tables (DLT),¹⁹ Dame Linda Dobbs DBE suggested, ‘since publication of the first Diversity League Table, there has been positive change for which the DLT can take much credit’ (Urwin & Gould 2017: 3).

There is, however, frustration at the pace of change which, in relation to progress at the top for black ethnic minority lawyers, the BSN has called ‘painstakingly slow’ (BSN in DLT 2020a: 38). This frustration centres especially on large law firms whose record on diversity is consistently problematic (Braithwaite 2010: 142) and on top commercial firms who tend to have narrow diversity profiles (Business In The Community n.d.; Tillay 2020); the frustration is often manifested in firms, alongside the profession in general, being challenged to talk less and do more about ethnic diversity (Redfield 2009; Mattu 2020). This frustration and call for action is set against a global backdrop which has seen growing and intense focus on diversity and inclusion due to the

¹⁵ The independent professional body for solicitors in England and Wales. Run by and for its members, the Society is the ‘voice of solicitors’.

¹⁶ As the largest regulatory arm of the solicitor’s profession, the SRA serves the public interest and protects consumers of legal services.

¹⁷ These are set out in principle six of the SRA Principles (‘you act in a way that encourages equality, diversity and inclusion’ www.sra.org.uk/solicitors/standards-regulations/principles/); chapter one of the SRA Code of Conduct for Solicitors, Registered European Lawyers and Registered Foreign Lawyers (www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors/); and the SRA Code of Conduct for Firms (‘you do not unfairly discriminate by allowing personal views to affect your professional relationships and the way in which you provide your services’ www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms/).

¹⁸ Founded in 2009 these are the only industry awards which focus solely on recognising, promoting and celebrating equality, diversity and inclusion across the legal profession.

¹⁹ Started in 2006, The Law Society sponsored Diversity League Table is now widely considered to be one of the legal profession’s leading diversity reporting initiatives and publications.

#BlackLivesMatter²⁰ movement and in particular the death of George Floyd, a black American man, at the hands of white police. His death swelled a world-wide tidal wave of conversations.

The legal profession took part in these conversations, with firms acknowledging the fact that the profession is not immune from charges of racial inequalities, prejudice and unfairness (Ashurst 2021: 12). Senior lawyers added their voices, characterising the circumstances of Mr Floyd's death as a catalyst for deeper change (Cohen et al. 2020).²¹ Moreover, the Black Solicitors Network (2020b) wrote an open letter to all law firms and legal service providers calling on them 'to "walk the talk", to turn positive intentions into positive actions and create a level playing field for all.' The letter continued by outlining five 'action points' around which firms and providers could anchor their diversity efforts (metrics, targets and accountability; retention; promotion; organisational culture—inclusive leadership; and external diversity engagement/social impact (ibid.)). The action points distilled by the BSN are not new. Over the years many firms have taken up these types of challenges, making conscious efforts to diversify their workforce and foster inclusivity (Dikko 2018), often covering some or all the action points. However, perhaps the times in which they are now operating and the will to engage with them are new or at least have been reinvigorated. If this is the case then there is potential for the face of the profession to darken.

The next section is an in-depth examination of the Freshfields Stephen Lawrence Scholarship (FSLs) as an example of the ways one global law firm is responding to the challenges as they relate to black men as high-status practitioners in commercial law. For comparison, context and contrast, it also highlights some of the analogous initiatives offered by other firms.

The Freshfields Stephen Lawrence Scholarship (FSLs)²²

Black teenager Stephen Lawrence was murdered in an unprovoked racist attack while waiting at a bus stop in south-east London in 1993 (Macpherson 1999). Five years later the Stephen Lawrence Charitable Trust was founded by his mother, Doreen Lawrence, to provide support and bursaries to young people from disadvantaged backgrounds who, like Stephen, wanted to become

²⁰ See <https://blaclivesmatter.com/about/> for more information.

²¹ Clifford Chance issued a forthright statement from Senior Partner Jeroen Ouwehand and US Head Evan Cohen which acknowledged they could and would do more to tackle racial injustice. Other firms issuing statements included Bryan Cave Leighton Paisner, Baker McKenzie, Linklaters, and Allen & Overy.

²² In relation to the scholarship, much of the information in this section is taken from Freshfields website pages (including its interviews with scholars) and the additional information the firm shares with the University of Westminster Law School as one of the universities from which it recruits its scholars.

architects (BBC n.d.). The trust went on to expand its horizons ‘to include ambitious “Access to Professions” schemes and programmes enabling young people to challenge the confines of “Elitist Britain”’ (ibid.). One such scheme was the Freshfields Stephen Lawrence Scholarship (FSLs). After a trial run in 2012, in 2013 Freshfields Bruckhaus Deringer set up the FSLs with the support of Stephen’s mother (who, in the same year was made Baroness Lawrence of Clarendon OBE). Hailed as a ‘first-in-kind race and social mobility scheme’ (Legal Business Awards 2014) and the most innovative diversity initiative in the City (BITC n.d.), it aimed to address the disproportionate underrepresentation of black and black mixed-race males from low-income households and less socially mobile backgrounds, in large commercial law firms.²³

The scheme is annual and is open to every UK University Law School. Since the scheme’s launch Freshfields has worked with over 70 universities across the country. Universities nominate candidates they think eligible and exceptionally talented enough to be considered for a scholarship. Exceptional talent is not measured by a minimum grade requirement, it is judged in the round. Therefore, candidates must exhibit ‘desk smarts’ (explained as problem solving and lateral and agile thinking, the ability to identify key issues and see the ‘big picture’), ‘street smarts’ (explained as commercial and international instinct, plus common sense and numeracy), communication skills (including the ability to clearly explain concepts), people skills (including leadership potential), resilience (including a ‘can do’ attitude), drive, rigour and a passion for learning (including self-awareness and the ability to learn from mistakes).²⁴

The Eligibility, Application and Award Process

To be eligible not only must candidates be exceptionally talented and, of course, interested in a legal career (or one in the City) but they must also be male, black (African, African-Caribbean, or mixed-race thereof), generally speaking, in their first year of studying for a law degree at a UK university, state school educated and meet specified socio-economic criteria (for example being in receipt of a maintenance loan or having received free school meals).

Once the conditions for eligibility are established, the application proceeds in two stages. Firstly, the application itself is made by the university, which completes the application form having identified the exceptionally talented candidate(s) and having discussed the scheme with them (universities cannot nominate a scholar without first having a conversation with him about why

²³ In 2017 the scholarship was expanded to cover their underrepresentation in the City of London, i.e., the financial services sector.

²⁴ The Freshfields Stephen Lawrence Scholarship Scheme 2021, Universities Day Slides 21 Jan 2021, slide 29.

Table 5.1: FLS Candidate Summary 2013–2020.

	2013	2014	2015	2016	2017	2018	2019	2020	Totals	Averages
Insight Day	26	36 [+10]	47 [+11]	53 [+6]	93 [+40]	110 [+17]	102 [−8]	88 [−14]	555	69
Assessment Centre	30	42 [+12]	51 [+9]	50 [−1]	68 [+18]	86 [+18]	93 [+7]	68 [−25]	488	61
Runners-up	24	36 [+12]	44 [+8]	40 [−4]	55 [+15]	74 [+19]	79 [+5]	55 [−24]	407	51
Runners-up Follow-up meetings	14	12 [−2]	26 [+14]	23 [−3]	25 [+2]	51 [+26]	55 [+4]	41 [−14]	247	31
Runners-up work shadowing	5	5	10 [+5]	21 [+11]	19 [−2]	35 [+16]	28 [−7]	30 [+2]	153	19
Scholars	6	7* [+1]	7	10 [+3]	13 [+3]	12 [−1]	14 [+2]	13 [−1]	82	10

Note: The figures in brackets represent movement in numbers from the previous year.

* The number of candidates attending each stage of the scholarship process and becoming scholars is taken from the information Freshfield provides to universities. There is an error here as, based on the number attending the Assessment Centre (42) and becoming runners-up (12), six (not seven) scholarships were to be awarded.

they think him exceptional enough to be put forward). Secondly, candidates submit a two-minute supporting video.

Prior to the university making applications on the behalf of eligible students, they are all invited to an *insight meeting* at Freshfield's offices in London (Freshfields 2022). Financed by Freshfields, the meeting takes about a day and students gain an understanding of the purpose and content of the scheme and what Freshfields looks for in its scholars, as well as what the firm does. Not only do candidates meet staff from Freshfields and those from other City organisations but also previous scholars. Candidates have the opportunity to ask questions and discuss the Assessment Centre stage of the process. Though attendance is voluntary, and does not form part of the application process, the insight meeting presumably allows candidates to make an informed decision about their nomination and allay any fears they might have about the next stage of the process. However, as the insight meeting is not mandatory it is not possible to substantiate these assumptions from the available data or quantitatively assess the impact the meeting has in driving candidates to the Assessment Centre (see Table 5.1).

Candidates whose nominations are successful are next invited to attend an *Assessment Centre*, which is also fully funded by Freshfields (Freshfields 2022). Attendance is compulsory and over two in-person days, followed by some

further virtual assessments via Microsoft Teams. Candidates learn and are tested, individually and in groups, on competencies covering not merely intellectual ability but skills such as critical thinking and problem solving. Personal characteristics are also tested. The tests are aimed at assessing exceptional talent and gauging potential across many areas. Hence there are exercises covering all the exceptional talent competences as explained above and including ‘desk smarts’ and ‘street smarts’. This type of aptitude testing for disadvantaged groups may be seen as a more efficient and objective method of selection than traditional interviews and exams, which are possibly more biased in favour of more privileged groups (Twining 1989: 279). Indeed, there is much evidence to suggest that assessment centres are perceived as fair (Thornton & Byham 1982; Robertson et al. 1991) and that their procedures do not disproportionately reject candidates from any particular social group (Huck & Bray 1976; Ritchie & Moses 1983).

Characterised as being ‘fun, challenging and constructive’, regardless of whether candidates are ultimately selected as scholars (Freshfields 2022: 9), the Assessment Centre process is clearly very influential as it is after this that candidates are selected for scholarships. Scholarship support then begins in the summer of the year in which the application was submitted.

The scholarship lasts 15 months and its benefits are bespoke, so tailored to meet the needs of each individual scholar. They include a £5,000 contribution towards course and associated study-related costs; skills workshops; an alternative route to a guaranteed interview for a Freshfields training contract; mentoring; work shadowing; and development opportunities such as careers advice, interview coaching and support with job applications, networking and commercial awareness. Freshfields collaborates with clients and partners, e.g., Goldman Sachs and the Bank of England, to deliver aspects of the scheme.

A vital component of the scholarship, worth final mention is *Project Week* wherein scholars are given an ‘authentic experience of working in a high-pressure corporate environment’ (Danby 2020). Without prior notice, at the beginning of the week scholars are given a brief on an important topical issue and, by the end of the week, must produce a comprehensive report and present their strategies and findings (ibid.). The week enables scholars to get as close as possible to real client work without being qualified lawyers (Danby 2020). In reflecting on his experiences of the FSLs one scholar commented:

One of the best highlights would be when we did the project week ... we got a taste of the hours that people do here. I quite enjoyed that myself ... you’re working midnight hours and you’re in this group of people all coming together to try and just get it done. (Bingham 2018)

From this explanation of the FSLs we move on to measure its effectiveness at a micro level, i.e., from the perspective of nominees, runners-up, scholars and the firm. This is done by analysing the numbers passing through the scheme

and their career destination as well as the effect the scholarship has on the firm and its members.

Measuring the Effectiveness of the Scholarship

When the FSLs started in 2013 six scholarships were awarded. Almost triple that number were awarded in 2022 bringing the total to 111 with an average of approximately 11 scholars each year (see Table 5.1). There is no maximum intake but clearly this is not, and does not aim to be, a volume scheme. Rather it is about exposing high performing black males to an environment they may be unfamiliar with or may have self-selected out of, on the assumption their face would not fit. Though there are relatively few scholars the numbers going through the scholarship process has generally increased year on year (ibid.).

When the scheme first began there were 15 participating universities. Currently 31 universities take part. Information on the number of candidates each university puts forward is not publicly available. However, bearing in mind the eligibility requirements, the numbers attending the insight meeting and the Assessment Centre, and personal knowledge of the numbers put forward from University of Westminster Law School, it is possible to estimate that each university nominates one to four students. An estimated yearly average of nominees would therefore be 108.

The numbers going to the insight meeting and through the Assessment Centre have increased reasonably steadily over the years (see Table 5.1). There was a huge jump in 2017 when an extra 40 students came to gain an insight into life at Freshfields (ibid.). This was due, at least in part, to the scheme being opened up to non-law students. In 2020, numbers were down at each stage of the scholarship process, probably due to the Covid-19 pandemic. However, this did not impact the number of scholarships awarded which, at 13, was above average. Overall, Freshfields has assessed 488 candidates since 2013, one in six of whom secures a scholarship (c.17%).

Though the numbers are small the scheme is successful at the micro level. Nominees who do not progress to the Assessment Centre stage report a boost in confidence and motivation in having been identified as ‘exceptionally talented’ and thus nominated – a fact which has appeared on disappointed nominees’ LinkedIn profiles.²⁵ From the insight meeting, candidates get a glimpse of a world that has not been part of their vision, which encourages them to challenge and reset their low expectations. As a 2017 runner-up put it:

Initially I didn’t have a clue about what went on in the professional legal world. The process has helped me to understand how a large successful

²⁵ LinkedIn describes itself as the world’s largest professional network on the internet. As a social networking site, it is designed specifically for the business community, allowing professionals to connect, share and learn from each other.

firm operates. I had vague ideas about employment, but my sights were set quite low. The Stephen Lawrence Scholarship process opened my eyes to the scope of legal roles and helped me to focus where I want to be when I enter the profession. (Daliel 2017)

Runners-up value the Assessment Centre experience for giving them a better understanding of working in a corporate environment and for learning about the skills, attributes and experience they need to pursue a commercial law career or one in the City. Participation also provides valuable experience for future assessments. Furthermore, runners-up receive feedback, are invited to follow-up meetings and are given the opportunity of work shadowing. The benefits of participating in the process are encapsulated in the words of a 2013 runner-up thus:

I came out of the scheme with newfound energy to strive for more [and] made friends ... I didn't think I was good enough and now I know I am good enough. Often you feel inferior when you come up against people from certain backgrounds but when you recognise your own strengths that is no longer a factor. I earned it. He's there by merit. (Colas 2013)

And in the words of a 2018 scholar thus:

I think one good thing about this whole programme is that even if you don't win it, you are part of that family regardless. We still keep in contact. I heard back from some other scholars who may not have won the scholarship but they're still excited because they just got off doing their one week work experience, so everybody is appreciative of what's going on regardless. (Biney 2018)

One concrete measure of the scheme's success is the career destinations achieved by its scholars. At present, some scholars have still to reach recruitment stage. Of those who have, two-thirds have roles at leading commercial law firms or barristers' chambers and investment banks, or are studying for their Master's degree (see Table 5.2). To scholarship year 2019, 16 scholars had accepted training contracts at Freshfields, an average of two trainees per year.

Overall, there is substantial attrition in numbers from nomination to award. It is conceivable that participation in the process confers the main benefit, as candidates change their vision of the possibilities open to them and have opportunities to network. Indeed, many scholars use the professional networking site LinkedIn to connect with one another²⁶ and some have set up networks

²⁶ For example, Freshfields Bruckhaus Deringer Scholars: Kamso Nwokolo (2022), Tyron Denton (2022), Idris Noor (2022), Yemi Adeboyejo (2022), Jason Mbuku (2021), Jeante Nero (2021), Theo Duah (2020) and Curtley Bale (2019).

Table 5.2: FLS Career Trajectory by year (and number of scholars).

	2013 [6]	2014 [7]	2015 [7]	2016 [10]	2017 [13]	2018 [12]**	2019 [14]
Continuing studies	1		1		3	6	13***
Legal analyst	1						
Civil Service (fast stream)	1						
Training contracts: qualified		2	2	7	4	3	1
Goldman Sachs contract		1		1	2	2	
Qualified Lawyer		4*					
The Bar			2				
Leaving FLS with a first-class degree			1				
Business			1				
In work/recruiting	3			2	4	2	

* One at Freshfields and three elsewhere.

** These figures were taken from the information Freshfields provides to universities. There appears to be an error as 12 scholarships were awarded in 2018, however, 13 destinations are noted.

*** Includes one defer/resume studies.

of their own to support aspiring commercial lawyers with their insights and advice (e.g., www.thelegallineup.com).

Success can also be looked at from the perspective of Freshfields and its staff. Indeed, Urwin and Maatwk found that the FLS has had ‘significant impact on Freshfields’ culture, particularly in the way it views and addresses inclusion’ (2021: 23). The scholarship is clearly an important part of the firm’s social mobility activities and practically demonstrates its commitment to equality, diversity and inclusion. This commitment was recognised in 2016 at the UK Diversity Legal Awards, when Freshfields won the law firm award for the FLS, as the Diversity and Inclusion Initiative of the Year (www.diversitylegalawards.org). It is noteworthy that all stages of the scholarship are solely financed, organised and operated by the firm, which is unusual as typically firms out-source at least one stage of the process (Legal Business Awards 2014). Over 230 Freshfields volunteers are involved in the scholarship at various stages. Benefits include gaining unique insights from the type of black males they might not typically have encountered. Such publicity and kudos are obviously beneficial to the firm. Before and since the introduction of the FLS other initiatives have emerged with similar aims. The next section considers some of these.

‘Magic and Silver Circle’ Law Firms and Internal Diversity Initiatives

Freshfields is one of five ‘magic circle’ firms, the others being, Allen & Overy, Clifford Chance, Linklaters, and Slaughter and May (Chambers Student n.d.). These firms are global leaders and deemed ‘the best’ at corporate, banking and finance work (ibid.). Claims are also made of a ‘silver circle’, the band of five law firms falling just below those in the ‘magic circle’ (ibid.).²⁷ All these firms typically rank highly in the Social Mobility Index (Social Mobility Foundation, 2022: 3).²⁸ Figures from the latest index show over one third of the top 75 social mobility employers are law firms (n.35 = 48%) and of these 23% (n.8) are magic and silver circle (ibid.).²⁹ As firms in a position to make real changes, it is worth taking time to consider their commitment to diversity and in particular to bringing more black males from low-income backgrounds into their ranks.

All these firms have *internal* mechanisms, groups and networks addressing inequalities of ethnicity, diversity and inclusion (EDI) (see Table 5.3). For example, Ashurst has the Ashurst Black Network, the Social Inclusion and Mobility Network and the Race and Ethnicity Equality Group (Ashurst 2021: 30). However, none of the firms have initiatives precisely the same as the FSLS, though, some have some similar attributes (see Table 5.3). In particular Linklaters’ Making Links Scholarship and Herbert Smith Freehills’ Roger Leyland Memorial Excel Scholarship are both aimed at black and minority ethnic students interested in a career in commercial law (ibid.).

‘Magic and Silver Circle’ Law Firms and External Drivers

Magic and silver circle firms, in addition to or instead of internal initiatives often partner with *external* organisations to deliver on their EDI promises (see Table 5.3). For instance, Clifford Chance partners with Aspiring Solicitors, which aims to increase diversity in the legal profession (www.aspiringsolicitors.co.uk) and Slaughter and May partner with upReach, which works to assist undergraduates from less-advantaged backgrounds to access and sustain high profile graduate positions (<https://upreach.org.uk>).

²⁷ They are Ashurst, Bryan Cave Leighton Paisner, Herbert Smith Freehills, Macfarlanes and Travers Smith.

²⁸ Established in 2017 it highlights employers doing the most to change how they find, recruit and advance talented employees from different social class backgrounds.

²⁹ Four magic circle (MC) firms and four silver circle (SC) firms are in the Index. At no.3 is Herbert Smith Freehills (SC), no.9 is Bryan Cave (SC), no.24 is Allen & Overy (MC), no.27 is Slaughter and May (MC), no.28 is Linklaters (MC), no.37 is Freshfields (MC), no.52 is Macfarlanes (SC), and no.69 is Ashurst (SC).

Table 5.3: Magic Circle and Silver Circle Law Firms Initiatives on Ethnic Minorities and Diversity.

		Magic Circle				Silver Circle				
Name and (year established)	Allen & Overy	Clifford Chance	Freshfields	Linklaters	Slaughter and May	Ashurst	Bryan Cave Leighton Paisner	Herbert Smith Freehills	Macfarlanes	Travers Smith
	Allen & Overy Scholarship (2022)	Clifford Chance Scholarships for Diverse Students in Europe (2022)	Freshfields Stephen Lawrence Scholarship (2013)	Making Links Scholarship (2019)	Slaughter and May Scholarship Scheme (2021) NB: Law Springboard Programme (upReach)	None but note Access Ashurst Award	Diversity Scholarship Program (USA only)	Roger Leyland Memorial Excel Scholarship (2014)	Macfarlanes Training Scholarship (2022)	None
Internal Diversity Initiatives, Networks, Groups etc.										
Race & Ethnicity	Race & Ethnicity Network (including REACH & Smart Start Mentoring 2009)	Ethnicity (Includes REACH)	Race & Ethnicity (including their global Black Affinity Network (2015))	Race & Ethnicity (includes INspire 2018 and the Race Action Plan 2020)	Employee Networks (Includes DIVERSE ethnic, racial & social diversity)	Inclusion, Diversity and Belonging: Multiculturalism (includes Ashurst Black Network (2020) and the Race & Ethnicity Equality Group)	Internal Diversity Networks: BAME (including Race for Change)	Internal Diversity Networks: Reverse Mentoring	Inclusion: Ethnicity (includes REACH and the BME Reverse Mentoring Programme)	Internal Diversity Networks: BAME inclusion

(continued)

Table 5.3: Continued.

		Magic Circle				Silver Circle					
		Allen & Overy	Clifford Chance	Freshfields	Linklaters	Slaughter and May	Ashurst	Bryan Cave Leighton Paisner	Herbert Smith Freehills	Macfarlanes	Travers Smith
Internal Diversity Initiatives, Networks Groups etc.											
Others	Disability Gender Health/ Wellbeing LGBTQ+ Social Mobility Working Families	Disability Faith Gender Inclusion and Diversity LGBTQ+ Social Mobility Wellbeing	Disability Gender Health/ Wellbeing LGBTQ+ Social Mobility Working Families	Diversity, Equity & Inclusion Age & Lifestyle Diversabilities Gender LGBTQ+ Social Mobility	Empowered (disability & health) Family Network GEN (gender equality & equal opportunities for people of all gender identities) PRISM (LGBTQ+)	Thrive (mental health & wellbeing) J-Net (Jewish Network) Muslim Network Christian Network	Caring Responsibilities Disability & Wellbeing Gender Equality LGBTQ+ Social Inclusion & Mobility	Disability Gender Health/ Wellbeing LGBTQ+ Social Mobility Working Families	Ability Family Gender Equity LGBTQ+ Multi-culturalism Military Social Mobility	Gender Health/ Wellbeing Social Mobility	Disability Gender Health/ Wellbeing LGBTQ+ Disability Gender Health/ Wellbeing LGBTQ+
External Diversity Initiatives, Partnerships and Commitments											
#10000 Black Interns (2020)	x	x	x	x	✓	✓	x	x	x	x	✓
Aspiring Solicitors (2014)	✓	x	✓	x	x	x	✓	✓	✓	✓	✓

(continued)

Table 5.3: Continued.

	Magic Circle					Silver Circle				
	Allen & Overy	Clifford Chance	Freshfields	Linklaters	Slaughter and May	Ashurst	Bryan Cave Leighton Paisner	Herbert Smith Freehills	Macfarlanes	Travers Smith
	External Diversity Initiatives, Partnerships and Commitments									
Bright Network (2013)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Law Firm Antiracism Alliance (2020)	✓	✓	✓	✓	✗	✓	✓	✓	✗	✓
Legal Core (2021)	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗
Mansfield Rule (2021)	✓	✓	✓	✗	✗	✗	✓	✗	✗	✗
NOTICED (2013)	✓	✓	✓	✗	✓	✓	✗	✓	✓	✗
PRIME (2011)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗
Rare Recruitment (2005)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rare Race Fairness Commitment (2020)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

(continued)

Table 5.3: Continued.

		Magic Circle				Silver Circle					
		Allen & Overy	Clifford Chance	Freshfields	Linklaters	Slaughter and May	Ashurst	Bryan Cave Leighton Paisner	Herbert Smith Freehills	Macfarlanes	Travers Smith
External Diversity Initiatives, Partnerships and Commitments											
Social Mobility Pledge (2018)	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓
upReach (2012)	✓	✓	✗	✗	✗	✓	✗	✗	✗	✓	✗

Source: Firms websites and external partners website (information as posted by April 2023).

#10000 Black Interns: Large companies (including law firms) have promised to cumulatively hire 10,000 black interns, offering paid work experience, providing training and development opportunities and creating a sustainable cycle of mentorship and sponsorship for the black community to improve the diversity of the UK's professional industries (www:10000blackinterns.com/sectorlist/legal-services).

Access Ashurst Award: Recognises one student each year, from their Access Ashurst programme, who has demonstrated outstanding commitment and passion for commercial law over the course of the programme. The recipient receives an annual bursary of £2,000 for the duration of their undergraduate course (www.ashurst.com/en/careers/students-and-graduates/uk/work-experience/access-ashurst/access-ashurst-award/).

Allen & Overy Scholarship: Supports the education of four students from lesser privileged backgrounds while studying law at the National Law School of India University (www.allenoverly.com/en-gb/global/news-and-insights/news/ao-encourages-social-mobility-in-the-legal-community-in-india-by-collaborating-with-nlsiu-on-scholarships#:~:text=B%20(Hons)%20and%20LLB%20(ratio%20in%20the%20scholarship%20candidates).

Aspiring Solicitors: Is a legal diversity platform focused on increasing diversity and inclusion within the legal industry. It partners with firms helping them hire diverse aspiring solicitors by targeting diverse undergraduates, postgraduates and graduates aiming to enter the legal profession through a combination of mentoring and coaching services, diversity specific events, placements and competitions (https://www.aspiringsolicitors.co.uk).

Bright Network: A free membership network designed to help university students and recent graduates across the UK connect with employers and get the support they need to fulfil their potential (www.brightnetwork.co.uk).

Clifford Chance, Scholarship for Diverse Students in Europe: Part of the firm's Race Equality and Celebrating Heritage (REACH) diversity and inclusion initiative, the scholarship aims to improve social mobility within the legal sector and ensure the firm's workforce better represents the social and economic diversity across continental Europe. The Scholarship (three per annum) targets university students with a diverse cultural or social economic background, in their final years of law studies, majoring in business law and interested in pursuing a career in an international law firm (https://careers.cliffordchance.com/spain/your-career/reach-scholarship.html).

(continued)

Table 5.3: Continued.

INspire: This Minority Ethnic Talent programme is designed as a career accelerator to progress talent from minority ethnic backgrounds helping them to overcome progression barriers and ensure that the Linklater's working environment is inclusive for all (<https://careers.linklaters.com/en-us/early-careers/diversity#:~:text=Our%20INSpire%20Minority%20Ethnic%20Talent.environment%20is%20inclusive%20for%20all>).

Legal CORE: A collective of firms across the UK's legal industry, collaboratively addressing and tackling the lack of representation of ethnic minority talent, to substantively increase the representation of ethnic minorities in private practice. Working collectively firms aim to drive action and facilitate a fundamental shift across the legal sector, more substantial and sustainable in impact than could be achieved by acting individually (www.legalcore.co.uk).

Macfarlanes Training Scholarship: A programme developed within the firm, delivered in partnership with Brunel Law School at Brunel University London and using Rare Recruitment's contextual recruitment system. It is designed to tackle the socio-economic barriers that discourage talented students from joining the legal profession. The firm supports three Brunel law students annually, through a fully funded programme from the first year of their law degree onwards. This includes tuition fees, paid work experience, a paid placement year at the firm, and mentoring from senior lawyers throughout (www.macfarlanes.com/join-us/early-legal-careers/macfarlanes-training-scholarship).

Making Links Scholarship: Designed to help talented university students from underrepresented groups (from a social mobility background) succeed in their early careers. The scholarship offers coaching, work experience and £6,000 in financial support to students committed to pursuing a career in commercial law (<https://careers.linklaters.com/en/early-careers/making-links>).

Mansfield Rule: Introduced in 2021 the Mansfield Rule is a 12-month certification process that measures whether law firms have considered at least 30% women, racial and ethnic minorities, LGBTQ+ lawyers, and lawyers with disabilities for leadership and governance roles, equity partner promotions, formal client pitch opportunities, and senior lateral positions (see <https://www.diversitylab.com/pilot-projects/mansfield-overview/>).

NOTICED: The UK's legal profession's first inter-firm diversity network aimed at promoting networking opportunities to integrate, celebrate and educate on diversity across the legal sector and to work towards resolving issues faced by ethnic minority individuals. The network is supported by The Law Society (<https://noticed.org.uk>).

PRIME: An alliance of law firms across the UK and Republic of Ireland determined to improve access to, and socio-economic diversity within, the legal profession. Every firm involved in PRIME makes 'the PRIME Commitment', of which there are nine, including providing fair access to high-quality work experience for young people who have least opportunity (<https://primecommitment.co.uk/about-us>).

Race for Change: A annual event (recruitment initiative) run by the Bright network with Bryan Cave Leighton Paisner aimed at supporting black aspiring lawyers (undergraduates and recent graduates) to enter the legal profession and increasing their number in private practice law firms. It offers access to role models and networks, along with practical tips and advice on how to succeed when applying for law firm training contracts and vacation scheme places (https://trainee.bcplaw.com/media/BCLP_London_Apprentice_Booklet_2021_36pp_DIGITAL.pdf).

Rare Recruitment: Helps drive social mobility in graduate trainee selection. Their Contextual Recruitment System helps put candidates' achievements into context, measuring them against a classification system they have developed, and thus identifying outperformers others may have missed (www.rarerecruitment.co.uk).

Rare Race Fairness Commitment: A signed mutual pledge to strive for racial equality within legal organisations using specific data points, which signatories are mandated to calculate and strongly encouraged to publicise. This internal monitoring of aggregated data measures the signatories' records in hiring black and other ethnic minority lawyers, plus their progress up the career ladder when compared to white colleagues. It also ensures that race and racism are talked about in every induction and every exit interview, and that junior ethnic minority staff have access to the most senior management (www.racefairnesscommitment.com).

(continued)

Table 5.3: Continued.

REACH Network (Clifford Chance): The Race Equality and Celebrating Heritage network focusing on ethnicity, culture, race and heritage that reflect the wide variety of people who make up the firm (www.cliffordchance.com/about_us/inclusion-and-diversity/ethnic-diversity.html).

REACH Programme (Allen & Overy): An internal network which aims to support ethnic minority employees and those from disadvantaged socio-economic backgrounds in their career progression (Urwin & Maatwk 2021).

Roger Leyland Memorial Excel Scholarship: Developed by Rare and Herbert Smith Freehills to provide exceptional black and minority ethnic students with a high level of financial support and unique access to work experience opportunities. It is open to first year BAME students interested in a career in commercial law. Students must be Rare candidates in order to apply. One scholar each year receives £9,000, over three years of study, paid work experience and a guaranteed spot on the summer vacation scheme (www.rarerecruitment.co.uk/excel).

Slaughter and May Scholarship Scheme: Provides bursaries to high-potential undergraduates from less advantaged backgrounds interested in a legal career. Working with upReach, the Scheme provides tailored leadership development opportunities in addition to financial support. The firm funds three cohorts of 10 students per year, for three years of university study (www.slaughterandmay.com/news/slaughter-and-may-announces-new-bursary-scheme-to-support-increased-diversity-in-the-legal-sector).

Smart Start: A work experience and skills programme for Year 12 or equivalent students from disadvantaged backgrounds. It is designed to give students who might not have considered a legal career an insight into the legal environment and potential career opportunities (https://www.allenoverly.com/en-gb/global/about_us/responsible_business/our_pro_bono_and_community_work/who_we_support#eligibility).

Social Mobility Pledge: A coalition of 550 businesses globally, as well as more than 50 universities, pledging commitment to social mobility by committing to outreach, access and recruitment by working with local schools and colleges, offering work placements and apprenticeships and adopting open recruitment policies (www.socialmobilitypledge.org/about).

SPARK: Open to exceptional first year law students, second year students of a four-year law degree or penultimate year non-law students, this is a five-day paid scheme during which students experience an intensive schedule of classroom-based learning, complemented with time spent shadowing Clifford Chance lawyers, gaining hands-on work experience.

Students are exposed to a variety of networking opportunities and receive a weekly salary of £450.00 (<https://careers.cliffordchance.com/london/what-we-offer/spark.html>).

upReach: A social mobility charity which, through partnerships with top employers and universities, uses an intensive programme of tailored career support to help disadvantaged UK students access to a comprehensive range of opportunities and activities to broaden their horizons, understand career pathways and develop the skills, networks and experiences needed for professional success and ultimately to access, secure and sustain top graduate jobs (<https://upreach.org.uk>). One example is upReach's Law Springboard exclusively sponsored by Slaughter and May. It is a two-year programme of personalised careers support, designed to help eligible university students looking to join the commercial law sector.

All the circle firms are signatories to PRIME. Launched in 2011 it is an alliance of UK (and Republic of Ireland) law firms determined to improve access to and socio-economic diversity within the legal profession (<https://primecommitment.co.uk>). More recently all circle firms have signed up to the RARE Race Fairness Commitment (launched July 2020), which is a series of commitments for the recruitment, progression and retention of black and all ethnic minority talent for businesses operating in the UK (<https://racefairnesscommitment.com>). By signing, the firms are mandated to calculate specific data points on race as a means of measuring their efforts to eradicate institutional racism, and are strongly encouraged, though not obliged, to make their data public (*ibid.*). All circle firms (Ames 2015) use RARE's real time, Contextual Recruitment System, which integrates with their recruitment system and measures disadvantage (e.g., qualifying for free school meals) as well as performance (i.e., outperformance against students at the same school) (GC Magazine—The Legal 500, n.d.). As a result, firms can identify exceptional candidates they may otherwise have missed and improve workplace diversity. Furthermore, seven of the ten firms have signed up to the Social Mobility Commission's first sector specific toolkit, launched in 2020 (<https://socialmobilityworks.org>).³⁰ By exploring best practices in the sector, the toolkit seeks to supplement and boost current initiatives and provide new insights into best ways of levelling the playing field for the socially disadvantaged, driving positive and impactful change while retaining organisations competitive advantage (*ibid.*).

Regardless of what firms do under their own steam, they must comply with legal and regulatory requirements on equality and diversity. First, the overarching Equality Act 2010 provides a comprehensive legal framework to avoid discrimination in employment, to protect individuals' rights and to advance equality of opportunity for all. The Act, as a matter of good business practice, permits employers to take *positive action* as a means of alleviating disadvantage experienced by people with a protected characteristic(s), such as race and sex, without that action being classed as unlawful discrimination (see s.158).³¹ It also introduced a specific exemption for positive action in relation to recruitment and promotion (see s.159).³² Secondly, and specific to the field of law, there are the key provisions under the LSA 2007, mentioned earlier, encouraging an independent, strong, diverse and effective legal profession (s.1.(1)(F)).

³⁰ At the time of writing, Clifford Chance, Ashurst and Travers Smith have not signed up.

³¹ S.158 *allows*, rather than requires, 'any action' to be taken to support those with a protected characteristic, as long as it is a 'proportionate means'.

³² S.159 *allows*, rather than requires, an employer to take a protected characteristic into consideration when deciding whom to recruit or promote, where people having the protected characteristic are at a disadvantage or are underrepresented. This positive action can be taken only where the candidates are 'as qualified as' each other.

Meanwhile, the Law Society's and the SRA's commitments and actions in this area must be examined if we are to fully appreciate the potential of initiatives to open doors to the world of commercial law to black males from unrepresented backgrounds, and also, more broadly, their potential impact on the profile of the solicitors' profession. The Law Society demonstrates its commitment to a more diverse legal profession with its Diversity Access Scheme (DAS), Solicitors for Social Mobility: The Ambassadors scheme and its new Diversity and Inclusion Framework.³³ Ten DAS awards are given annually and support promising entrants to the solicitors' profession facing exceptional social, educational, financial or personal hurdles to qualification (www.lawsociety.org.uk/campaigns/diversity-access-scheme). The scheme provides LPC or SQE scholarships, mentoring by practising solicitors and work experience (*ibid.*). The Ambassador's scheme promotes role models from non-traditional backgrounds who, having achieved their ambitions, are willing to support up and coming youngsters (www.lawsociety.org.uk/law-careers/Becoming-a-solicitor/equality-and-diversity/social-mobility-ambassadors). The Framework encourages and guides firms in taking a systematic approach to embed diversity and inclusion in a sustained and meaningful way. This is done using the Society's three-step action plan and accompanying resources. If firms are already taking action the Framework helps with reviewing that action and identifying gaps or areas for continuing improvement (www.lawsociety.org.uk/topics/diversity-and-inclusion-framework).

The SRA runs a significant programme of work on EDI,³⁴ work which necessarily accords with the LSA 2007 s.1(1)(f) objective and with the Legal Services Board's (LSB) diversity outcomes. These involve building a better understanding of diversity in the profession, using *evidence* on diversity to inform and evaluate its regulatory arrangements and operational processes, working collaboratively and being more accountable about its diversity work (<https://legalservicesboard.org.uk/about-us/diversity-and-inclusion>). Specifically, the LSB's requirement for evidence, mandates collection and publication of data on diversity in the legal profession. This is the first and only direct regulatory intervention with regard to diversity in the profession (Vaughan 2015)

³³ The framework builds on and replaces the Diversity and Inclusion Charter which was a public statement of its signatories' commitment to promote the values of diversity and inclusion throughout their business. Signatory firms represented over a third of the profession and included all members of the magic and silver circle. The framework represents a practical way of accomplishing action rather than a commitment to act.

³⁴ See, for example, StaRs (Standards and Regulations) launched in November 2019, where the SRA sets out key obligations placed on firms in respect of encouraging EDI (see Principle 6) and prohibiting discriminatory behaviour (see chapter one of the SRA Code of Conduct for Solicitors, RELs and RFLs and the SRA Code of Conduct for Firms) (SRA n.d.).

and highlights how critical data collection is in developing an effective race and ethnicity strategy. Consequently, biennially, the SRA obliges every law firm in England and Wales to conduct a demographic survey of the makeup of its workforce, then publishes its diversity profile of the profession (www.sra.org.uk/sra/equality-diversity/key-findings/diverse-legal-profession/). Undeniably, the publication is important as it allows the Authority to better understand diversity in the profession and how/whether it is changing. It allows firms to better understand and assess how different groups are represented and making progress, whether the actions they take to address imbalances are having an impact, and to benchmark themselves against others in their sector. The obligation does not carry with it any accountability though. So, the SRA does not impose any sanctions on firms with poor diversity records.

The foregoing suggests that, at least at a micro level, these schemes may be measured as successful and effective for participants and for firms providing them with opportunities. It is more difficult to measure their effectiveness over time and at a macro-level in terms of changing the profile of the solicitors' profession. A macro-level view may suggest they will not cause perceptible alteration in the profile of the solicitors' profession, especially in the commercial law field. However, there may be an extent to which they change perceptions and attitudes towards further action. The next section goes on to explore these suggestions.

Discussion and Conclusions: The Potential and Future of Diversity Initiatives to Change the Profile of the Profession

Research makes it incontrovertible that ethnically diverse lawyers are under-represented in some sectors and at some levels of the legal profession. This is particularly the case for black male lawyers in the fields of commercial and corporate law.³⁵ As this chapter illustrates, many firms have now recognised the need to put in place measures to counteract their deficit of minority ethnic lawyers and to change the profession's profile towards more inclusivity and diversity (see Table 5.3); but the pace of change is slow despite the many actions taken to address the issues. A reason for this may be the lack of comprehensive and sustained longitudinal quantitative data allowing law firms to evaluate the impact of their initiatives and say what does and does not work. Such data may provide a key to unlocking the potential for increased diversity in the field of commercial law and in the 'upper echelons' of the legal profession (see also in this volume Chronopoulou: Chapter 4) more generally, because it would allow firms to identify any gaps in diversity, concentrate on areas requiring action and gauge progress. Therefore, rather than firms' data gathering merely being about collating numbers, they could leverage that information with a purpose

³⁵ Though black women may fare no better – see p78.

(MacArthur 2020). Indeed, the Legal Services Board (2021) recently commissioned an independent research report (Bridge Group 2021) to, *inter alia*, investigate the degree to which regulators assess the impact of their diversity and inclusion initiatives. The report findings led to the Board's call for regulators to use the data they collect about legal professions to do more to understand what programmes and initiatives are the most successful at improving diversity and inclusion in the legal sector and as a result to focus on those which make a 'meaningful difference for professionals ...' (LSB 2021). Like Hinde et al. (2020) this research found but few instances where the direct impact of individual initiatives was being measured, though admittedly they may be measured privately but not publicly declared. For instance, by internally keeping track of its scholars' career progression, Freshfields is able to monitor its success in facilitating and fostering entry of black males from low-income backgrounds into the world of commercial law. By contrast the alliance of firms signing up to the PRIME commitment (which includes Freshfields, see Table 5.3) did not focus on data and how to track the progression of teenage work experience students, so 'evidence' of impact is more anecdotal (GC Magazine – The Legal 500, 2019).

The FLS and similar initiatives, potentially have important parts to play in changing the profession's profile at the junior level. The more schemes and initiatives that embed, the more likely the presence of ethnic minorities, such as black males, will become normalised. This may in turn increase their general access to the fields of law typically viewed as the preserve of the 'privileged'. Indeed, there are 'good' levels of ethnic minority representation at trainee solicitor stage, but the further ethnic minority solicitors move up the profession's ladder, the higher the attrition rate (Urwin & Gould 2017: 15). So, at the peak of the 'diversity pyramid', i.e., partnership, levels of ethnic minority (and female) representation drops substantially (*ibid.*). Consequently, when measuring the success of schemes and initiatives in increasing diversity, we need to do so, as Tomlinson et al. (2019) state, by focussing on career progression to senior lawyer or partnership roles.

Much qualitative research has been done on the reasons for lack of progression, suggesting a variety of factors as barriers. These include aspirant lawyers not possessing 'the right' educational backgrounds, which is of course one of the factors used to measure socio-economic diversity,³⁶ itself a barrier to progression (Bridge Group 2018). There is no denying the ethnic diversity in our body of law students or the entrenched stratification of our Higher Education institutions (HEI) between the elite/'old' HEIs and 'new' universities (see

³⁶ Socio-economic status (SES) is a combined (economic and social factors) measure of a person's or family's social and economic position in relation to others in the community, the social hierarchy. Not only is your level, amount and type of education a factor but so too is your level of income and wealth, your type of occupation, your access to good nutrition (including whether you receive free school meals) and where you reside (Baker 2014)

further Bourne: Chapter 6 in this volume). The latter has contributed to the fact that diversity at the stage of legal education has not directly translated into sustained diversity throughout all levels of the legal profession. The bias for leading firms, including large commercial firms, to recruit from elite HEIs has long been acknowledged (Rolfé and Anderson 2003) and as more ethnic minority students can be found at new universities, they are obviously less likely to be recruited. Prior to attending an elite HEI, lawyers in the upper echelons of the profession will typically have attended an independent school. One study called the lack of socio-economic diversity among a group of partners at leading firms in England and Wales ‘acute’, finding that 48% of those partners were white male and 52% of those white males had attended an independent school (Bridge Group 2020: paragraph d.). The study went on to describe the pipeline to progression for state school attendees as ‘disproportionately narrow’ (ibid.: paragraph g.).

High socio-economic status (SES) often correlates to the upper classes, middle SES to the middle classes and lower SES to the working classes and the poor. While Ashley and Emson (2013) concede that SES cannot be directly mapped onto class position their ‘... research has identified a relationship whereby relatively privileged individuals, based on socio-economic factors, are more likely to gain access to leading law firms’ (ibid.: 223). They note a marked preference in these firms for the relatively privileged in terms of material advantage and the privately educated at an ‘old’ university, preferably Oxbridge (ibid.). Social stratification based on class does have an exclusionary role to play in career progression (Skeggs 1997; Goldthorpe 2000).

Finally, the interplay between class and race is a significant obstacle to climbing the career ladder. If ethnic minority members from a lower social class do not, for instance, possess social capital, have parents who are professionals (parental occupation can be a proxy for class) and attend high status schools, they may not be seen long term, as the right fit for the law firm (see Chronopolou: Chapter 4). Obstacles to progression can also be internal. For instance, minority ethnic middle-class participants in Archer’s study (2011), constructed ‘middle-classness’ in a range of ways but generally regarded it as unachievable because of its association or conflation with ‘whiteness’ (ibid.: 148–9). This led to feelings of exclusion from ‘authentic’ middle-classness (ibid.), and may mean individuals do not aspire to join elite law firms in which they do not see themselves truly belonging or, if they overcome these feelings and clear the external hurdles to join this elite, they leave to join smaller firms or other parts of the legal profession they see as more inclusive (Hinde et al. 2020; RARE 2020). It is worth noting that currently there is nothing embedded in the law which prevents discrimination based on class, i.e., there is no legal framework to tackle it. Consequently, individuals may be denied opportunities based on their accent, their postcode, or any other marker of their socio-economic status (Rickett et al. 2022). This has led to calls for social class to be made a protected characteristic under the Equality Act 2010 (ibid.).

By contrast with the qualitative research highlighted above, and as Tomlinson et al. (2019) and Urwin and Gould (2017) found, there is limited quantitative evidence permitting the accurate mapping of career trajectories of ethnic minority (and women) employees in UK professions. Moreover, even if the data is being gathered it is most likely not being shared publicly. For instance, the Race Fairness Commitment (see Table 5.3) obliges firms to internally collect and monitor the aggregate measure of very specific data points in hiring black (and other ethnic minority) lawyers as well as their career progress in comparison to their white colleagues. However, firms are *encouraged* but not mandated to make this data public, and though RARE (n.d.) produces an aggregate report of data points this is available only to the signatory firms. Consequently, it is difficult to ‘differentiate between ... possible relevant drivers/barriers to identify which one “bites” and when’ (Urwin & Gould 2017: 16). Though, one quantitative finding Urwin and Gould made, which is of particular relevance to this chapter, is that diversity policy and practices have ‘no significant impact ... on subsequent levels of gender and ethnic diversity’ (ibid.: 13). In looking at trajectory rather than less revealing yearly proportions, they concluded firms ‘with higher policy scores³⁷ do not experience a significant upward “diversity trajectory” (ibid.: 46). So, despite implementation of policy and practices which would be classed as diversity good practice, levels of representation at the peak of the profession remain quite stagnant (ibid.: 25). Thus, the increasing numbers of ethnic minorities entering the profession are doing so with ‘very little prospect of moving to the top (when compared to their white and/or male counterparts)’ (ibid.: 25). One suspects that this is true, however, contextually speaking the FLS has only been running for a relatively short time. Beginning in 2013 with scholars in the first year of academic study these scholars would, roughly speaking, be in their fifth year post-qualification as solicitors. Therefore, they would not be expected to meet senior lawyer status as yet. If the beneficiaries of these types of schemes do progress in the profession they will act as role models and have the potential to become advocates for, and mentors to, new generations, and their success might further break down bias and prejudice.

While diversity initiatives may make a difference to the profession’s profile, legislation possibly deters law firms from engaging with them in any event. For instance, despite its good intentions, the Equality Act 2010 has done little to quicken the pace of change. As illustrated in Table 5.3, employers are willing to use, and are open about using, scholarships, internships, outreach measures and more, to redress disadvantage but may be wary of taking direct positive action as envisaged by s.159³⁸ (Davies & Robison 2016). Being highly sensitive

³⁷ This was made up of points scored for a range of equality and diversity ‘policy’ questions including those surrounding monitoring information, leaders championing these issues, the firms external/public face, staff development and support, and recruitment, promotion and retention (see Urwin & Gould 2017: 64–65).

³⁸ See footnote 31.

to risk they are concerned about actions that could expose them to claims of reverse discrimination (*ibid.*).

Boon (2022) argued that lawyers' constitutional duty to the rule of law embraced principles of equality and rights. I argue that these duties apply to lawyers' collegial obligations to each other and to society just as much as they do to the rights of clients. Therefore, whatever view one might take on the effectiveness of initiatives, in order to sustain change in the profession's profile, it must deploy every available resource. Additionally, firms must question and publicly *evidence* how their initiatives, practices and policies, work on the ground and fundamentally whether their workplace culture actually supports, promotes and sustains ethnic diversity.³⁹ This chapter therefore ends with three suggestions. The first is that the legal profession and its associated professional bodies should expand the research in this field. A single case study is reported here and others are referred to but we need sustained research across access to the legal profession. While ad hoc studies have been made, generally it is difficult to draw strong conclusions on the progress, or lack of it, in this particular field. Longitudinal research, perhaps analogous to the 'After the JD' study by the American Bar Foundation,⁴⁰ and 'The Law Student Cohort Study' by the Law Society,⁴¹ would lay the groundwork for real substantive change to occur by providing constant scrutiny of the legal profession's ideals and actions. The second suggestion is that the array of regulators remain committed to change by funding research and using it to ensure the appropriate regulatory framework exists. The third is not so much a suggestion but more of an important appeal. Change within the legal profession and law is slow, perhaps rightly, but nevertheless change must occur. The rule of law (Boon 2022) depends on a fair and just system that believes in access for all in all areas of the legal system. Our treatment of minorities is a good index for change and adherence to the rule of law.

References

Ames, J. (2015). Contextual recruitment hits magic circle: Firms to consider students' economic background and personal circumstances. *Legal Cheek*, 3 September. <https://www.legalcheek.com/2015/09/contextual-recruitment-hits-magic-circle-linklaters-to-consider-students-economic-background-and-personal-circumstances>

³⁹ Indeed, it may be possible to measure law firm culture using cultural inventory tools which can give firms better understanding of their culture and how to manage it (Henry 2023).

⁴⁰ See After the JD Series at <https://www.icpsr.umich.edu/web/ICPSR/series/1560>. See also ABF Learning and Practicing Law Projects at <https://www.americanbarfoundation.org/research/learning-and-practicing-law/>.

⁴¹ See footnote 8.

- Archer, L. (2011). Constructing minority ethnic middle-class identity: An exploratory study with parents, pupils and young professionals. *Sociology*, 4(11): 134–151.
- Ashley, L. and Empson, L. (2013). Differentiation and discrimination: Understanding social class and social exclusion in leading law firms. *Human Relations*, 66(2): 219–244. <https://journals.sagepub.com/doi/epub/10.1177/0018726712455833>
- Ashurst. (2021). *Diversity and Inclusion Annual Report 2020*. London: Ashurst.
- Aulakh, S., Charlwood, A., Muzio, D., Tomlinson, J. and Danat, V. (2017). *Mapping advantages and disadvantages: Diversity in the legal profession in England and Wales. Final Report for the Solicitors Regulation Authority*. University of Leeds and Newcastle University Business School: Centre for Employment Relations and Innovation and Change.
- Baker, E. H. (2014). Socioeconomic status. In: Cockerham, W.C., Dingwall, R. and Quah, S. R. (eds.) *The Wiley Blackwell Encyclopedia of Health, Illness, Behavior and Society*. Oxford: Wiley Blackwell.
- Bar Council. (2021). *Race at the Bar: A snapshot report*. <https://www.barcouncil.org.uk/uploads/assets/d821c952-ec38-41b2-a41ebee362b28e5/Race-at-the-Bar-Report-2021.pdf>
- Bar Standards Board (2022). *Diversity at the Bar 2021*. <https://www.barstandardsboard.org.uk/uploads/assets/be522642-160b-433b-af03a910a5636233/BSB-Report-on-Diversity-at-the-Bar-2021.pdf>
- BBC. (n.d.). Stephen Lawrence Charitable Trust. <https://www.bbc.co.uk/programmes/b0547v6h>
- Benson, Sir H. (1979). The Royal Commission on Legal Services: Final Report. Cmd 7648. London: HMSO.
- Bindman, D. (2020). Black women lawyers outline struggles of succeeding at City firms. *Legal Futures*, 1 December. <https://www.legalfutures.co.uk/latest-news/black-women-lawyers-outlines-struggles-of-succeeding-at-city-firms>
- Biney, I. *The Experience: 2018 Scholars Stories*. Video. https://www.freshfields.com/en-gb/about-us/responsible-business/freshfields_stephen_lawrence_scholarship/
- Bingham, S. (2018). *The Experience: 2018 Scholars Stories*. Video. https://www.freshfields.com/en-gb/about-us/responsible-business/freshfields_stephen_lawrence_scholarship/
- Black Solicitors Network. (2020a). *Diversity league table: Profiling successful change in change in diversity & inclusion: Law firm case studies, 12th edition A report from the BSN*. https://www.1kcloud.com/edlv_qQGTu/#38
- Black Solicitors Network. (2020b). *BSNs' Open letter: A call to action for racial diversity*. 22 June. <https://www.blacksolicitorsnetwork.co.uk/bsns-open-letter-a-call-to-action-for-racial-diversity/>
- Boon, A. (2014). *The ethics and conduct of lawyers in England and Wales*. Oxford: Hart Publishing.
- Boon, A. (2022). *Lawyers and the rule of law*. London: Hart Publishing.

- Bourne, J. (2024). The colour of shame: The lack of ethnically diverse university senior academics and professors – can, and should we, expect the law to provide equality? In: Whyte, A. et al. (eds.) *The long walk to equality: Perspectives on racial inequality, injustice and the law*. London: University of Westminster Press.
- Braithwaite, J. (2008). *Power, prizes and partners: Explaining the diversity boom in City law firms*. (PhD), Queen Mary University of London.
- Braithwaite, J. (2010). Diversity staff and the dynamics of diversity policy-making in large law firms. *Legal Ethics*, 13(2): 141–163.
- Bridge Group. (2018). *Socio-economic background and early career progression in the law*. London: Bridge Group.
- Bridge Group. (2020). *Socio-economic background and progression to partner in the law*. London: Bridge Group.
- Bridge Group. (2021). *Legal regulation to promote diversity and inclusion: literature review*. <https://legalservicesboard.org.uk/wp-content/uploads/2021/05/Bridge-Group-Legal-Regulation-Literature-Review.pdf>
- Business in the Community. (n.d.). Race Equality Awards 2016 – Recruiting Diverse Talent (private org) – Freshfields Bruckhaus Deringer. <https://race.bitc.org.uk/all-resources/impact-stories/race-equality-awards-2016-recruiting-diverse-talent-private-org>
- Chambers Student. (n.d.). Magic circle law firms. <https://www.chambersstudent.co.uk/law-firms/types-of-law-firm/magic-circle-law-firms>
- Chambers Student. (n.d.). The silver circle. <https://www.chambersstudent.co.uk/law-firms/types-of-law-firm/the-silver-circle>
- Chronopoulou, A. (2024). Neo-tribal sociality in the upper echelons of the legal profession: Issues of race. In: Whyte, A. et al. (eds.) *The long walk to equality: Perspectives on racial inequality, injustice and the law*. London: University of Westminster Press.
- Cohen, E., Ouwehand, J., Layton, M. and Brady T. (2020). A call to action for racial equality. www.cliffordchance.com/news/news/2020/06/a-call-to-action-for-racial-equality.html
- Colas, C. (2013). *Freshfields scholars stories*. Video. https://www.freshfields.com/en-gb/about-us/responsible-business/freshfields_stephen_lawrence_scholarship/
- Commission on Race and Ethnic Disparities. (2021). *The Commission on race and ethnic disparities: The report*. London: The Commission on Race and Ethnic Disparities.
- Daliel, J. (2017). UWE law students say, ‘magic circle’ scheme opens up a whole new world. *Bristol Law School Blog*, 5 May. <https://info.uwe.ac.uk/news/uwenews/news.aspx?id=3591>
- Danby, T. (2020). Stephen Lawrence Scholarship project: Empowering future sustainability experts. <https://sustainability.freshfields.com/post/102g7m3/stephen-lawrence-scholarship-project-empowering-future-sustainability-experts>
- Davies, C. and Robison, M. (2016). Bridging the gap: An exploration of the use and impact of positive action in the United Kingdom. *International Journal of Discrimination and the Law*, 16(2–3): 83–101.

- Dikko, H. (2018). How the legal industry is tackling its diversity head-on. *The Lex100*. <https://www.lex100.com/2018/12/04/how-the-legal-industry-is-tackling-its-diversity-issue-head-on/>
- Diversity Legal Awards. (2016). Freshfields Bruckhaus Deringer. <https://diversitylegalawards.org/law-firm-diversity-inclusion-initiative-of-the-year-winner-freshfields-bruckhaus-deringer/>
- Duff, E., Shiner, M., Boon, A. and Whyte, A. (2000). *Entry into the legal professions: The law student cohort study year 6*. London: Law Society.
- Ely, R. J. and Thomas D. A. (2020). Getting serious about diversity: Enough already with the business case. It's time for a new way of thinking. *Harvard Business Review*, November-December. <https://hbr.org/2020/11/getting-serious-about-diversity-enough-already-with-the-business-case#:~:text=The%20Context,results%20in%20better%20financial%20performance>
- Extense. (2022). *The 1% study*. <https://www.extense.co.uk/#study>
- Fouzder, M. (2017a). White men dominate law firm partnerships. *The Law Society Gazette*. 31 October. <https://www.lawgazette.co.uk/practice/white-men-dominate-law-firm-partnerships-sra-research/5063473.article>
- Fouzder, M. (2017b). Law school tackles profession's dearth of black men. *The Law Society Gazette*. 12 September. <https://www.lawgazette.co.uk/practice/law-school-tackles-professions-dearth-of-black-men/5062756.article>
- Freer, E. (2018). *Social mobility and the legal profession: The case of professional associations and access to the English Bar*. London: Routledge.
- Freshfields. (2022). *The Freshfields Stephen Lawrence Scholarship Scheme 2022: Connecting exceptional talent with great opportunity*. https://www.law.ox.ac.uk/sites/default/files/migrated/fslss_2022_brochure_-_final.pdf
- GC Magazine—The Legal 500. (n.d.). Interview: Raphael Mokades, founder, Rare Recruitment. <https://www.legal500.com/gc-magazine/interview/interview-raphael-mokades-founder-rare-recruitment/#:~:text=In%202015%2C%20we%20launched%20the,get%20to%20about%2040%20clients>
- Goldthorpe, J. (2000). Rent, class conflict, and class structure: Commentary on Sørensen. *The American Journal of Sociology*, 105(6): 1572–1582.
- Goriely, T. and Williams, T. (1996). *The Impact of the new training scheme: Report on a qualitative study*. London: The Law Society.
- Goulbourne, S. (1985). *Minority entry to the legal profession: A discussion paper*. Policy Papers in Ethnic Relations No.2. Coventry: Centre for Research in Ethnic Relations.
- GOV.UK. (n.d.). Writing about ethnicity. <https://www.ethnicity-facts-figures.service.gov.uk/style-guide/writing-about-ethnicity#bame-and-bme>
- Halpern, D. (1994). *Entry into the legal professions: the law student cohort study years 1 and 2*. London: The Law Society.
- Henry, J. (2023). Everyone talks about their law firm's culture, but is it possible to measure it? *The American Lawyer*, 15 March. <https://www.law.com/americanlawyer/2023/03/15/everyone-talks-about-their-law-firms-culture-but-is-it-possible-to-measure-it/?slreturn=20230311100150>

- Hinde, J., Marchant, D. and Lay, E. (2020). *Race for inclusion: The experiences of black, Asian & minority ethnic solicitors*. DJS Research. London: The Law Society.
- Huck, J. R. and Bray, D. W. (1976). Management assessment center evaluations and subsequent job performance of black and white females. *Personnel Psychology*, 29: 13–30.
- Hull, H. (2013). Diversity in the legal profession: Moving from rhetoric to reality. *Columbia Journal of Race and Law*, 4(1): 1–22.
- Hunt, V., Dennis, L. and Prince, S. (2015). *Diversity Matters*, 2 February. New York: McKinsey & Company. https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/~/_media/2497d4ae4b534ee89d929cc6e3aea485.ashx
- Law Society. (1990). *Annual statistical report 1990*. London: The Law Society.
- Law Society. (2016). *Trends in the solicitors' profession annual statistical report 2015*. London: The Law Society.
- Law Society. (2019). Increasingly diverse solicitor profession more closely reflects society. <https://www.lawsociety.org.uk/en/contact-or-visit-us/press-office/press-releases/increasingly-diverse-solicitor-profession-more-closely-reflects-society>
- Law Society. (2020). Fiona Woolf lecture: The challenges of intersectionality – why are there so few black women lawyers in senior leadership roles in the legal profession and what can we do to change this? <https://www.lawsociety.org.uk/topics/women-lawyers/fiona-woolf-lecture-2020-the-challenges-of-intersectionality>
- Law Society. (2020a). *Diversity profile of the legal profession 2019*. London: The Law Society.
- Law Society. (2020b). *Trends in the solicitors' profession annual statistical report 2019*. London: The Law Society.
- Law Society. (2022a). *Trends in the solicitors' profession annual statistical report 2021*. London: The Law Society.
- Law Society. (2022b). *Trends in the solicitors' profession annual statistical report 2020*. London: The Law Society.
- Legal 500. (2019). Whatever happened to PRIME? <https://www.inhouselawyer.co.uk/feature/whatever-happened-to-prime>
- Legal Business Awards. (2014). CSR Programme of the Year, Freshfields Bruckhaus Deringer. https://www.legalbusinessawards.com/wp-content/uploads/sites/23/2019/09/lbas14_csr.pdf
- Legal Services Board. (2021). Legal regulators must better understand the impact of diversity programmes if we are to drive meaningful change, 28 May. <https://legalservicesboard.org.uk/news/legal-regulators-must-better-understand-the-impact-of-diversity-programmes-if-we-are-to-drive-meaningful-change>
- Loury, G., Modood, T. and Teles, S. (eds.) (2005). *Ethnicity, social mobility and public policy: A comparison of the US and UK*. Cambridge: Cambridge University Press.

- MacArthur, H.V. (2020). Data and diversity: How numbers could ensure there's a genuine change for the better. *Forbes*, 27 August. <https://www.forbes.com/sites/hvmacArthur/2020/08/27/data-and-diversity-how-numbers-could-ensure-theres-a-genuine-change-for-the-better/?sh=3ce3011d6907>
- Mastin, P. (2020). BSN – 25 years of striving for equality. *The Law Society Gazette*, 26 October. <https://www.lawgazette.co.uk/features/bsn-25-years-of-striving-for-equality/5106121.article>
- Mattu, R. (2020). Law firms urged to talk less and do more on ethnic diversity. *Financial Times*, 2 October. <https://www.ft.com/content/e4eeef88-e994-4fdd-8b9d-0d02b647ee45>
- Macpherson, W. (1999). The Stephen Lawrence inquiry. Cm 4262-I. London: The Stationery Office.
- Nicholson, D. (2015). Demography, discrimination and diversity: A new dawn for the British legal profession? *International Journal of the Legal Profession*, 12(2): 201–228.
- Ouseley Report. (2008). *Independent review into disproportionate regulatory outcomes for black and minority ethnic solicitors*. London: Solicitors Regulatory Authority.
- Parker Review Committee. (2020). *Ethnic diversity enriching business leadership: An update report from the Parker Review*, 5 February. https://www.nedaglobal.com/assets/files/New_site_PDFs/NEDA%20-%20Review%20-%20EY-parker-review-2020-report-final.pdf
- Parker Review Committee. (2017). *A report into the ethnic diversity of UK boards*. https://assets.ey.com/content/dam/ey-sites/ey-com/en_uk/news/2020/02/ey-parker-review-2017-report-final.pdf
- RARE. (2020). *Closing the ethnicity stay gap: Why firms are failing to retain ethnic minority talent and what to do about it*. https://www.rarerecruitment.co.uk/static/research/2020_Closing_the_ethnicity_staygap_v2.pdf
- RARE. (n.d.). Race Fairness Commitment—FAQs. <https://www.racefairnesscommitment.com/static/downloads/faqs.pdf>
- Redfield, S. (2009). *Diversity realized: Putting the walk with the talk for diversity in the legal profession*. Lake Mary: Vandeplas Publishing.
- Rickett, B., Easterbrook, M., Sheehy-Skeffington, J., Reavey, P. and Woolhouse, M. (2022). *Psychology of social class-based inequalities: Policy implications for a revised (2010) UK Equality Act*. The British Psychological Society. https://explore.bps.org.uk/binary/bpsworks/b5c9f3afe2f3b45b/c831f5664ba3cea5cfa8e9b372e809c81bd380dc0a801d18dd383b32b57f5abf/bpsrep_rep167.pdf
- Ritchie, R. J. and Moses, J. L. (1983). Assessment center correlates of women's advancement into middle management: A 7-year longitudinal analysis. *Journal of Applied Psychology*, 68: 227–231.
- Robertson, I. T., Iles, P. A., Gratton, L. and Sharpley, D. (1991). The impact of personnel selection and assessment methods on candidates. *Human Relations* 44: 693–982.

- Robinson, M. (2020). This is what a lawyer looks like. *The Law Society Gazette*, 6 May. <https://www.lawgazette.co.uk/commentary-and-opinion/this-is-what-a-lawyer-looks-like/5108390.article>
- Rolfe, H. and Anderson, T. (2003). A firm choice: Law firms' preferences in the recruitment of trainee solicitors. *International Journal of the Legal Profession*, 10(3): 315–334.
- Shiner, M. and Newburn, T. (1995). *Entry into the legal professions: The law student cohort study year 3*. London: The Law Society.
- Shiner, M. (1997). *Entry into the legal professions: The law student cohort study year 4*. London: The Law Society.
- Shiner, M. (1999). *Entry into the legal professions: The law student cohort study year 5*. London: The Law Society.
- Shiner, M. (2000). Young, gifted and blocked! Entry to the solicitors' profession. In: Thomas, P. (ed.) *Discriminating lawyers*. London: Cavendish, pp. 87–120.
- Skeggs, B. (1997). *Formations of class and gender*. Thousand Oaks: Sage Publications.
- Social Mobility Foundation. (2022). *Employer index report 2022*. London: Social Mobility Foundation.
- Solicitors Regulation Authority. (n.d.). *Reporting your firm data*. <https://www.sra.org.uk/solicitors/resources/diversity-toolkit/your-data>
- Solicitors Regulation Authority. (n.d.). *SRA code of conduct for firms*. <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-firms>
- Solicitors Regulation Authority. (n.d.). *SRA code of conduct for solicitors, registered European lawyers and registered foreign lawyers*. <https://www.sra.org.uk/solicitors/standards-regulations/code-conduct-solicitors>
- Solicitors Regulation Authority. (n.d.). *SRA standards and regulations*. <https://www.sra.org.uk/solicitors/standards-regulations/>
- Solicitors Regulation Authority. (2020). Five year review of our equality, diversity and inclusion work. <https://www.sra.org.uk/sra/equality-diversity/diversity-work/promote-equality-five-year-summary/>
- Solicitors Regulation Authority. (2022). How diverse if the legal profession? www.sra.org.uk/sra/equality-diversity/key-findings/diverse-legal-profession/
- Sommerlad, H. (2008). 'What are you doing here? You should be working in a hair salon or something': Outsider status and professional socialization in the solicitors' profession. *Web Journal of Current Legal Issues* 2. <http://webjcli.ncl.ac.uk/2008/issue2/sommerlad2.html>
- Thornton, G. C. and Byham, W. C. (1982). *Assessment centers and managerial performance*. New York: Academic Press.
- Tillay, M. (2020). Which law firms have the most black lawyers in the UK? *The American Lawyer*, 12 June. <https://www.law.com/international-edition/2020/06/12/which-law-firms-have-the-most-black-lawyers-in-the-uk/>
- Tomlinson, J., Valizade, D., Muzio, D., Charlwood, A. and Aulakh S. (2019). Privileges and penalties in the legal profession: An intersectional analysis of career progression. *The British Journal of Sociology*, 70(3): 1043–1066.

- Twining, W. (1989). Access to legal education and the legal profession: A Commonwealth perspective. In: Dhavan, R., Kibble, N. and Twining, W. (eds.) *Access to legal education and the legal profession*. London: Butterworths, pp. 237–279.
- Webley, L., Tomlinson, J., Muzio, D., Sommerlad, H. and Duff, L. (2016). Access to a career in the legal profession in England and Wales: Race, class and the role of educational background. In: Headworth, S., Nelson, R. L., Dinovitzer, R. and Wilkins, E. (eds.) *Diversity in practice*. Cambridge: Cambridge University Press, pp. 198–225.
- Wright Edelman, M. (2015). It is hard to be what you can't see. *Child Watch Column*. <https://www.childrensdefense.org/child-watch-columns/health/2015/its-hard-to-be-what-you-cant-see/>
- University of Law. (2021). Is this the face of the legal industry? Half of Brits assume someone working in law will be white. <https://www.law.ac.uk/about/press-releases/assumed-face-of-law/>
- Urwin, P. and Gould, M. (2017). *Barriers and drivers of diversity: Analysis of 10 years of the BSN DLT diversity survey sample of firms*. London: Black Solicitors Network. <https://www.blacksolicitorsnetwork.co.uk/the-findings/>
- Urwin, P. and Maatwk, F. (2021). *Profiling successful change in diversity and inclusion: Law firm case studies*. London: Black Solicitors Network.
- Urwin, P., Parry, E., Dodds, I., David, A. and Karuk, V. (2013). *The business case for equality and diversity: A survey of the academic literature*. London: London Department for Business, Innovation and Skills.
- Vaughan, S. (2015). Going public: Diversity disclosures by large UK law firms. *Fordham Law Review*, 83(5): 2301–2324.
- Wallach, S. (1992). Transforming knowledge into know-how: The Law Society's finals are to be replaced with a one-year training scheme that will emphasize practical skills. *The Independent*, 20 August. <https://www.independent.co.uk/news/uk/law-transforming-knowledge-into-knowhow-the-law-society-s-finals-are-to-be-replaced-with-a-oneyear-training-scheme-that-will-emphasize-practical-skills-writes-sharon-wallach-1541673.html>
- Zander, M. (1980). *The state of knowledge about the English legal profession*. Chichester: Barry Rose.