

Bridge Group research action equality

**Socio-economic background
and progression to partner in
the law**

September 2020

Preface

The Bridge Group has undertaken this research in collaboration with the law firms listed below.

- > Allen & Overy
- > Ashurst
- > Bryan Cave Leighton Paisner
- > Clifford Chance
- > Freshfields Bruckhaus Deringer
- > Herbert Smith Freehills
- > Hogan Lovells
- > Linklaters
- > Slaughter and May
- > Towerhouse

This research has been made possible by the quarter of a million data-points and 60 hours of interviews that we have analysed and undertaken with these organisations.

We recommend reading this alongside the Bridge Group report 'Socio-economic Background and Early Career Progression in the Law', available [here](#).

This report is a summary version of the full publication.

www.thebridgegroup.co.uk

If you want to succeed in the law, you might have been born with a silver spoon, but you still have to work bloody hard. All I can tell you is that in this firm, from all the hard evidence that I see around me, it is incredibly meritocratic.

Provided you are good and clients like you, you have the chance to go all the way.

(Partner)

Partners would probably say that the firm is entirely meritocratic and that background factors are irrelevant. I am sure that's their intention, but what you see as merit is influenced by your own preconceptions.

(Senior Associate)

These relentless hours that are so unhealthy, and the pressure. It forces you to side-step any situation that involves effort that isn't rewarded – including connecting with colleagues who you can't quickly click with. You know, because it's your reputation on the line.

And you convince yourself of this meritocracy, it's how we have all defined ourselves.

You get defensive, or even protective ... but who wants a company, and a legal system built on conformity and insecurity? I've never said that out loud.

Does it make sense?

(Partner)

Nobody knows how the process of getting to partner works and you are a bit in the dark as to how long it is going to take, when it's going to be your year. People only talk to you about the process once they know you are in the process. For me it is a very opaque process even when you are in it. The most stressful part is the uncertainty.

(Senior Associate)

Those from poorer backgrounds who are still around at senior associate level are probably more successful because they have had to overcome more and deal with setbacks to stay on course. People from privileged backgrounds won't realise that.

You really need someone powerful pushing you through. Someone you connect with, and who is prepared to trust and invest in you, and put their neck on the line for you.

(Partner)

We've been talking about this for years now. We want some real evidence, some challenge – proper guidance on what to do.

Especially now, with everything going on.

I can't stand more debate. Let's get something done.

(Managing Partner)

Socio-economic challenges connect with all diversity and inclusion strands, but the impact of an individual's background on access to opportunity, retention and career progression can be difficult to quantify.

To see firms collaborating on research of this kind, sharing resource and data to get to the heart of the issue is a good sign, as only by working together as a profession will we really be able to make a difference. Building on previous Bridge Group research on the relationship between early career progression in the law, this latest report gives us a fuller picture of the impact that socio-economic background has on varying stages of the employee life cycle and asks us difficult questions.

Many law firms are doing great things and have made good progress, more can and will be done.

(Simon Davis, President of the Law Society)

Executive Summary

- a. Partners at leading law firms help shape the fabric of our society. They make decisions that affect justice, equality and representation, and often have a large financial stake in organisations that are critical to our legal system. They also decide who will succeed them, to shape things to come.
- b. We found through this study of partners at a group of leading law firms in England that these partners are deeply lacking in diversity, and most acutely by socio-economic background. For example, more than half of partners employed across the participating firms attended an independent school (53%); this figure is 47% for the wider associate, senior associate and partner population (5,016 individuals).
- c. This proportion is higher than that of the subjects in [Who's Who \(45%\)](#), and much higher than amongst senior professionals from across sectors analysed in the recent [Elitist Britain](#) report (39%). It is also significantly higher than the proportion of the wider population of London-based law partners who were educated privately (35%, in [Solicitors Regulation Authority](#) data). However, it is lower than the same figure for the judiciary, where 65% attended an independent school (see [Elitist Britain](#), above).
 - > This [compares with](#) 7.2% of school children in the UK who attend independent schools, rising to 15% of pupils aged 16 and over, and 9% of UK-domiciled full-time undergraduates enrolling in higher education.
- d. An important contributing factor to the acute lack of socio-economic diversity among law firm partners is that White males dominate this population (48% of partners are White male and 52% of White males attended an independent school).
- e. The proportion of partners who attended independent school varies across the firms participating in this research, from 39% to 55%; and varies by practice area, with Finance (50%) and Global Regulatory (57%) being the highest.
- f. There is a dominant narrative across the legal sector that the challenge of diversity is concerned mostly with the early career pipeline, i.e. that adjustments to access

and early outreach are the solution, because those then completing traineeship experience equality of progression and professional opportunity.

- g. While there has clearly been much progress in diversifying early talent at some firms, this study challenges the view that the pipeline is the problem. While recognising that there is much effort across the firms to create diverse and inclusive cultures, there is much more to do. While access is an issue, our data analysis does not suggest that it is the only one, nor that diversity will improve over time. Although there is greater diversity in the senior associate population (where 39% of solicitors attended an independent school), 46% of associates attended an independent school. The pipeline is still disproportionately narrow for those from state school backgrounds. It is highly likely that the predominance of independently schooled associates will in future be at least replicated at partner level.
- h. Our analysis of over a quarter of a million data-points on progression reveals that the inequalities in access and early career progression (as noted below, revealed in our [earlier research](#)) are replicated and reinforced as professionals undertake the uncertain journey to partner.
- i. During the five-year period covered by this study, those from lower socio-economic and other minority backgrounds progress less quickly from senior associate to partner than peers from the dominant group (White males from higher socio-economic backgrounds). There is no evidence in our analysis (quantitative nor qualitative) to indicate differential performance based on demographic background.
 - > Those from lower socio-economic backgrounds take a year and a half longer on average to reach partner than their more advantaged colleagues.
 - > Females take nearly a year longer to reach partner compared with males.
 - > Those who identify as White progress to partner nearly two years more quickly than those from other ethnic groups.
 - > These background characteristics combine to create compounded inequalities, though small numbers in the data mean that solid conclusions in this area are problematic.
- j. Lateral hiring (i.e. appointing from other companies) appears to be contributing only minimally to partner diversity. For example, among the participating firms, 48% of partners appointed from outside the firm in the five-year period attended a

state school (compared with the 47% of the overall partner workforce).

- k. Socio-economic equality is also key in understanding and addressing inequalities based on ethnic group and gender. For example, Black employees and females in this research are much more likely to be from lower socio-economic backgrounds (23% of Black female employees attended independent school, compared with 52% of White male employees, and 60% of Asian males). Ethnic group and gender also combine with socio-economic background to amplify the inequalities in rates of progression outlined above.
- l. Exploring the factors behind this data, interviewees considered who reaches partner, and how. They typically refer to criteria such as winning new business, high billing, client relations and broader cultural fit; and usually consider these to be essential and objectively assessed. However, many also consider these criteria to be a construct of: working long hours; mobilising familial, professional and social networks; demonstrating authority and gravitas in daily exchanges; and engaging proactively with the demanding and opaque process of being "on track" for partner.
- m. Many interviewees feel that while these criteria, and the process for assessing them, are appropriately demanding, they are not neutral in relation to background. They feel that demographic characteristics, including socio-economic background, affect access to the qualities, resources and experiences that enable prospective partners to excel.
- n. For example, some groups feel much less able to engage in long work hours due to childcare and family responsibilities, whereas others 'benefitted' from children being at boarding school, or employing a full-time nanny, which for them are cultural norms. There were also many interviewees who felt that their progress is hampered because they do not share some of the social and cultural references of their peers (colleagues and clients) – often historically and sometimes contemporarily.
- o. Many interviewees reflected more generally on how their firms' dominant culture benefits certain groups and drives systemic biases. For example, a significant proportion of senior associates and partners highlighted the customary practice of recruiting and promoting in one's image.
- p. The influence of the dominant culture is also evident in the widespread tolerance for microaggressions, performed by colleagues at all levels and experienced by colleagues at all levels, including some senior leaders. These microaggressions occur in internal and client meetings, and in quasi-social settings at work. The

dominant culture also tends to influence informal work events, thus reducing their inclusivity, even when their intended aim is inclusion.

- q. There is a view among partners that partner recruitment processes are becoming more transparent. However, interviewees (and especially senior associates) also highlight a lack of transparency in how potential partners are identified and then “put forward” for this process. Furthermore, being put forward for the process, and succeeding in it, can place much emphasis on competencies not connected to job performance – but rather relating to social and cultural norms associated with the dominant culture.
- r. Interviewees commented that being “put forward” involves having a sponsor (typically a partner), who will endorse an employee to colleagues and clients. Sponsors are responsible for boosting an individual’s visibility and making sure they secure the right type of work to advance their career. These sponsor relationships appear to be a key component of promotion to partnership. Yet since sponsors are often more likely to sponsor someone who feels similar to them, this sponsorship tends to disadvantage individuals from lower socio-economic groups.
- s. There is a contradiction within interviewees’ views about the extent to which client demands are motivating or working against law firms’ investment in diversity and inclusion. We heard how clients are increasingly requesting diversity in teams (typically relating to gender and ethnic group), but we also heard how clients expect 24-hour access to legal teams, and of sensitivity amongst partners for ensuring clients meet the “right people” (often connected to socio-economic background).
- t. Many talented solicitors from lower socio-economic backgrounds are excelling in these law firms. However, many also described the excessive energy spent in assimilating to the dominant culture – often over decades and sometimes to the detriment of their wellbeing and perceptions of their own performance.
 - > They typically characterised this culture in terms of: deep-rooted networks (often stemming from family, school or university connections); exclusive social and cultural experiences; and managing and meeting client expectations. This process of necessary assimilation is considered by interviewees to be most acute during early years in the profession – and resonates with Bridge Group research on this topic as referenced below.
 - > Building on this, many senior associates and partners from lower socio-economic backgrounds described “imposter syndrome” and a feeling that,

despite their efforts to assimilate, they are still outside the dominant culture. Men and women were equally likely to mention this.

- u. However, it was mostly female senior associates who described the need to make an active choice between progression to partner and a committed family life. All interviewees associated partnership very strongly with a detrimental life balance. While interviewees reported that flexible working is a more common practice at all levels, they typically consider working part-time or reduced hours to be incompatible with progressing to partner.
- v. Many senior associates and partners described how progressing to partnership is decreasingly the aspiration amongst talented colleagues – much talent is being lost to US law firms or the finance sector. Senior colleagues also have the view that many associates have redefined definitions of professional success and have a stronger desire for balancing work and life compared with earlier cohorts.
- w. In summary, our analysis of quantitative progression data and interview themes indicates significant inequalities.
 - > The quantitative data shows that those from lower socio-economic backgrounds and those who are female and/or do not identify as White progress less quickly to partner than White males from higher socio-economic backgrounds. This evidence, compounded by the lack of diversity at more junior levels within firms, suggests that increased diversity will not simply happen over time.
 - > The qualitative data from interviews highlights factors that contribute to this. These include: a non-inclusive culture within firms; and processes for progressing to partner that are in part opaque and in part indirectly disadvantaging colleagues who are not White men from higher socio-economic backgrounds.
- x. These inequalities and the acute lack of socio-economic diversity highlighted in this study matter now more than ever. The combined effects of Brexit and Covid-19 are intensifying the societal and organisational challenges relating to equality. It is expected that this environment will heighten competition for clients, contracts and talent – in turn, this is likely to increase 'risk aversion' in recruitment and promotion, which is well evidenced to work against diversity and inclusion.
- y. Considering this study in the wider context of our other studies for leading law firms, the lack of diversity in the sector is caused by a mix of factors. These compound to deter many talented people from lower socio-economic backgrounds

in entering the profession, or motivate them to leave it if they do get in. Some of these factors are outside of the scope of this report, but are explored robustly in earlier Bridge Group studies.

- z. These include access to the profession (where those from higher socio-economic backgrounds are more likely to succeed in the application process), and unequal early career progression (where [our study](#) last year highlighted that trainees from lower socio-economic backgrounds are statistically more likely to be in the top decile of performers, but less likely to progress and more likely to leave their employer). We have also published in 2020 reports on the [reforms to solicitor qualification](#) and an analysis of [admissions to selective law schools](#) in the UK. These studies highlight existing and anticipated additional inequalities.

Recommendations

- R1. Lobby for socio-economic background to be a protected characteristic, enacting Section One of the Equality Act.** This would ensure that socio-economic diversity is a key mission across the whole of society. Enacting the 'socio-economic duty' clause of the Equality Act 2010 should be the centrepiece of this. Access to opportunities should not be dependent on the social class you grew up in, and socio-economic background should be considered similarly to ethnicity and gender.
- > Enacting Section One of the Equality Act, obligating public bodies to give due regard to how they can reduce the impact of socio-economic disadvantage, would send a signal that opportunities should be for everyone. The legal sector is naturally in the strongest position to lobby for this and should progress this urgently.
 - > This would clearly require an agreed definition of socio-economic background, which is addressed in this report.
- R2. Engage your colleagues in this research.** The findings here should provoke open conversations at the participating law firms and more widely across the sector - and include an opportunity for those at all levels to contribute. This evidence provides new momentum for action relating to socio-economic diversity and inclusion - not least because it intersects in critical ways with other diversity characteristics, and because the pandemic and Black Lives Matter are heightening the need for urgent action.
- R3. Review and re-shape the working culture of your firm.** Develop safe opportunities for staff at all levels and from all backgrounds to voice their experiences and contribute to shaping change.
- > This should include discussions about "fitting in". Assimilating to dominant cultures typically requires significant effort, which is often unseen or overlooked by those in the dominant group.
 - > A good paradigm in which to explore these matters is to ask an organisation "is it our job to help people fit in better, or to reform our working culture to ensure all the talent we welcome can excel?".

- > Greater awareness about people's lived experiences can contribute to a more inclusive and open working culture which in turn can lead to better leadership, employee satisfaction and ultimately increased profitability.

R4. Embed diversity and inclusion (with respect to socio-economic background and other characteristics) within leadership responsibilities and the firm's performance review processes, and fund change. Discrete diversity and inclusion programmes are necessary, but far from sufficient.

- > Progression appears to be determined mainly based on client outcomes. The ability to effectively identify and manage diverse talent, and to support more junior colleagues is understandably side-lined since it holds little currency in decisions about pay, bonus, and overall credibility and respect among the most senior colleagues. This needs to be reviewed.
- > There are a range of diversity initiatives and training programmes in place (e.g. mentoring programmes, diversity networks, bias training, coaching for partner candidates). These can be important in, for example, raising confidence amongst individuals or promoting general awareness of issues. However, diversity and inclusion need to be embedded within leadership responsibilities and the firm's performance review processes, and to be adequately resourced (in terms of time and cash).
- > Senior leaders are critical in creating inclusive working cultures and promoting equal opportunity for progression. They need to be: offered appropriate support and training; required to engage in diversity and inclusion discussions to help shape employees' lived experiences; and have clearly defined responsibilities for achieving change. This includes monitoring the recruitment, retention, remuneration and progression of colleagues in their area from lower socio-economic backgrounds and with other characteristics, and considering this as part of senior leaders' performance review processes, connected to reward wherever possible.
- > Clear responsibility with "middle managers" at practice level (e.g. within finance and corporate) will be critical to making change.

R5. Review the criteria for progression to partner. There are widespread perceptions about the characteristics of an effective partner, which have been shaped over many years by the dominant culture amongst partners (mostly affluent White men). Law firms should identify skills and attributes that correlate to effective performance in the role of partner (rather than, for example, "polish" or shared social, educational and cultural experiences). Ultimately this should

result in a much clearer and transparently shared outline of the requirements of partners, and include explicit statements about what matters less.

- > Discuss with employees at all levels the qualities and metrics used to identify and assess potential partners, and invite critique and challenge. This will contribute to a fairer, more equal and inclusive decision-making process. It is also likely to improve the image of the partnership and make it more attractive to aspirant associates from all backgrounds.
- > Demonstrable commitment to diversity and inclusion should be a key metric in the selection and recruitment process for partnership – because it is a key aspect of good leadership. Potential partners should only be considered if they can outline the ways in which they have led measures to advance diversity and inclusion.

R6. Greater transparency is needed with respect to the process of identifying potential partners. Consider how to assess performance while on track more objectively and transparently.

- > There is currently a lack of clarity about how potential partners are “put forward” for consideration, with some interviewees having to interpret “hints” and “signals” from partners to know whether they are in contention. There should be greater transparency about who gets put forward and how. This follows on from the process of identifying the qualities and metrics used.
- > Key to the process of being “put forward” is the emergence of a partner sponsor. Our interviews indicated that senior associates from backgrounds different to those of partners (or to what they perceived partners’ backgrounds to be) feel disadvantaged by this requirement. Firms should explore alternative options, potentially involving a mechanism for senior associates to express interest in becoming a partner and being matched with a sponsor.

R7. Greater flexibility to the partnership track is needed, along with identifying alternative routes. The route to partnership needs to become more flexible to incorporate career breaks, family life etc. Identify alternative routes to partnership and ways in which people from diverse backgrounds (notably those working part-time or reduced hours) can still take part in the process. For example, review the way that individual performance metrics are considered in line with flexible or part-time working.

- R8. Introduce formal mentoring programmes for associates and senior associates to counterbalance unequal access to informal socio-cultural networks and senior sponsorship.** Partner-mentors could be formally assigned mentees based on division/area of practice.
- > We recommend that a mentoring programme would be on rotation (3-6 months) to ensure that associates benefit from encountering a diverse range of experience and expertise (and to minimise any personal tensions or interests). All associates and senior associates should benefit from a mentor, but with a particular focus on the groups who are typically disadvantaged as identified in this research, and regardless of whether or not they are running for partner.
- R9. Develop and disseminate clear expectations for clients.** Our research shows that firms' decisions about whom to make partner are driven foremost by client expectations. Clients often demand diverse legal teams, but at the same time also have expectations and norms that can work against diversity. Firms should consider how best to address these paradoxical and conflicting demands with clients. This remains an underexplored area which requires further research.
- R10. Ensure robust data collection and analysis is in place to inform and evaluate progress.** All law firms should follow the best practice guidance included here on the collection and analysis of socio-economic data, to help understand better the challenges associated with progression, to inform changes in policy and practice, and to monitor progress in this area.
- > We advocate strongly that law firms should submit workforce diversity data to a trusted third party to benchmark data anonymously across the sector, and to begin to explore in more detail why there is significant variance between firms with respect to socio-economic diversity.
 - > The established PRIME programme could expand its work and be an important vehicle for undertaking this analysis across a wider group of firms, and we encourage firms to consider the progress that has been made in this regard by Access Accountancy – this consortium has also shared, interrogated and discussed effective practices in relation to access, diversity and inclusion.
- R11. Context matters – it is important for firms to understand their data relative to others, and the different levels of inequality within organisations.** Our range of recommendations naturally need to be considered within these contexts and focus applied to those areas that are most in need of attention. To complement this aggregated report, we are also submitting

bespoke analysis and recommendations to each of the participating firms, and strongly encourage each to develop an action plan in response to this.

Scope and methodology

1. This study has explored the following research questions:
 - > Is there any relationship between progression from senior associate to partner and socio-economic background?
 - > If so, what are the factors that contribute to this?
 - > What are the implications of these findings?
 - > If there is a relationship between socio-economic background and progression, what practical recommendations can be implemented to deliver greater equality?
2. To deliver these objectives, we have undertaken the following:
 - > Quantitative analyses, comprising:
 - socio-economic background (i.e. secondary school type, parental degree/first generation to attend university status), gender, ethnicity and sexual orientation data for an aggregated dataset of 5,074 legal professionals across eight firms, including associates, senior associates, counsel, and partners, and comprising both employees and leavers;
 - descriptive statistics on the background characteristics of all senior solicitors (associates, senior associates, counsel, and partners) aggregated, by firm, by practice area, at the beginning of the research period (2014) compared to the end (2019), and for lateral/experienced hires and leavers;
 - progression analysis on the basis of years of post-qualification experience by background characteristics in aggregate, and where possible by firm and practice area, and also looking at those who do not progress; and
 - comparison of reason for leaving by background characteristics and by role.

- > Qualitative fieldwork and analysis, comprising 61 interviews across the ten participating firms, 35 with partners and 26 with senior associates
 - > Synthesis of these findings with our extensive knowledge and experience of socio-economic diversity and inclusion in the legal sector, and more broadly across the professions and higher education. Further information about the Bridge Group and our wider research is available online.¹
3. Quantitative data analysis was tailored to the data that was made available by firms, so that datasets could be compared across firms and also presented at the aggregate level. Where more detailed data was provided by firms, greater granularity of analysis has been possible and is shared here.
 4. The primary focus of the quantitative data analysis was on the background characteristics of those in more senior positions, progression into these roles, and joining and leaving behaviours. The results of these comparisons provide insight into the patterns of progression, retention and recruitment of more senior solicitors of different backgrounds in aggregate and by firm, where possible.
 5. Interviews were shaped around an agreed topic guide, with interviewers taking a conversational approach to draw out individual narratives. Interviewers also adopted an iterative approach, identifying and cross-checking emergent themes in later interviews. Qualitative data from the interviews was collated and coded to identify key themes. These themes were then sense checked across interviewers to ensure their validity. Each theme identified is a valid and representative reflection of the full qualitative research.
 6. Given the sensitive nature of the interview content, each firm invited solicitors from a variety of backgrounds (in relation to socio-economic background, gender, ethnicity etc.) to volunteer to be interviewed. The topic guides for interviews and interview protocols are available in the appendix.

¹ <https://www.thebridgegroup.org.uk/>

Closing remarks

7. The practical recommendations of this report require leadership from current partners and commitment from solicitors at all levels in the participating law firms. The recommendations point to changes in policy and process, but also to changes in individual behaviour, from the client meeting room to the watercooler.
8. Change at the personal level is difficult. We believe that it is underpinned by a genuine understanding of other people's experiences and accelerated by senior partners' modelling of an inclusive culture. Unpicking long-established assumptions about the qualities of a partner and the conventional processes for becoming one is also complex. But in the context of Brexit, Covid-19, Black Lives Matter and more, action is what now counts.
9. Our sense is that many senior leaders in participating firms already recognise both the business and societal case for change in relation to diversity and inclusion; and understand how these two cases relate to each other. Our report adds to the evidence by illustrating starkly that firms are increasingly likely to be missing out on talent at partner level. Our analysis of quantitative data finds that those from lower socio-economic backgrounds and those who are female or non-White progress less quickly to partner than White males from higher socio-economic backgrounds. Our interviews with both senior associates and partners reveal that the requirements associated with being put on track and of becoming partner are making that goal increasingly unattractive.
10. The relevance and impact of this report and its recommendations will also critically extend beyond the primary focus of socio-economic background and progression to partner; progress in this area will undoubtedly also contribute to greater diversity and inclusion more widely, and overall equality and business benefits. Change will require action and investment from many stakeholders, and we look forward to this journey with you.

**Bridge
Group**
research
action
equality