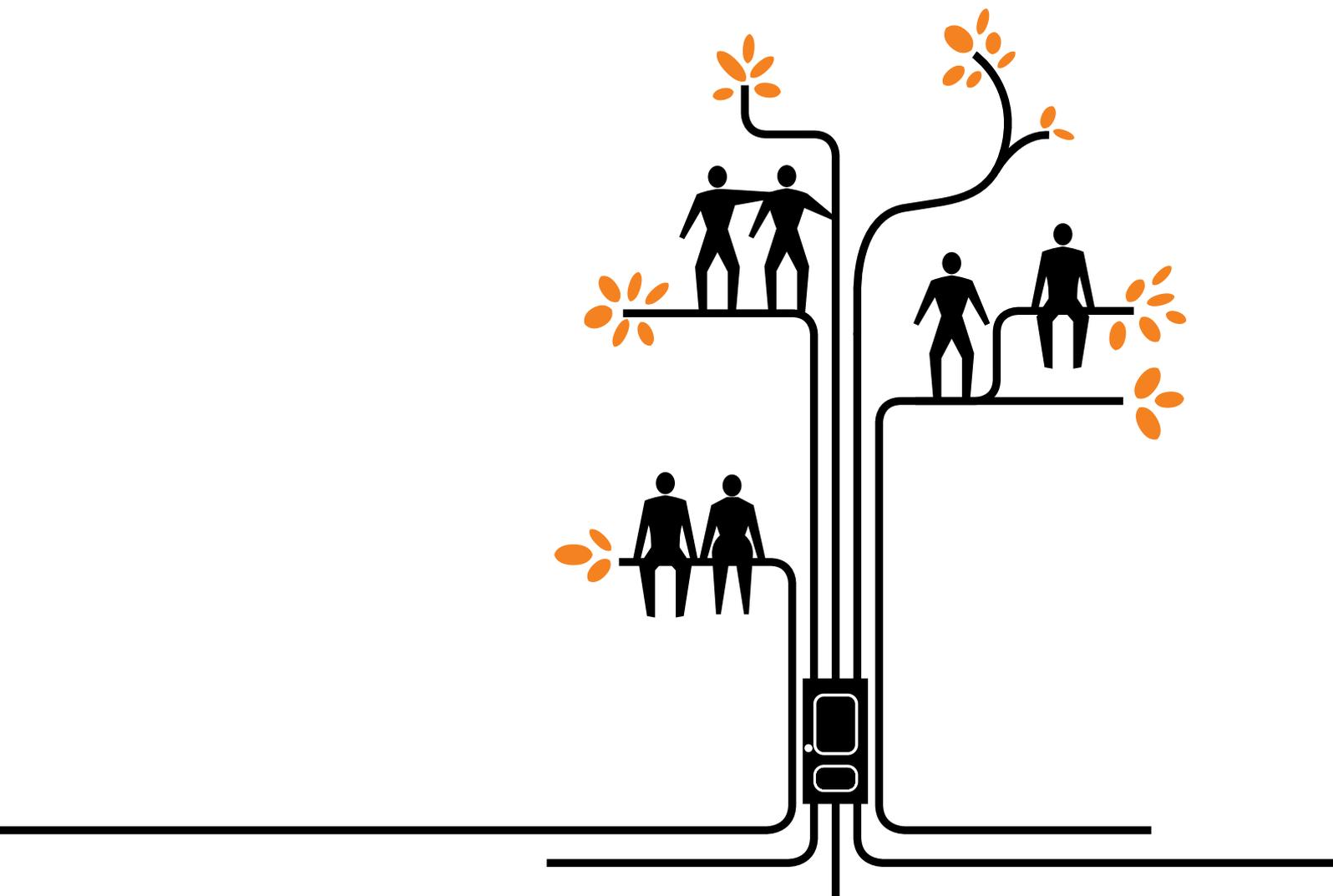


Opening up or shutting out?

Social mobility in the legal profession

October 2015



Foreword

This insightful– at times disturbing, but ultimately extremely helpful– report is a very welcome addition to the diversity debate in the legal profession. I commend Funke Abimbola for having the inspiration and drive to make it happen and Byfield Consultancy for their work in capturing some important messages and themes.

Nobody who is serious about diversity thinks that the issues which the legal profession faces can be resolved overnight, but everyone who is serious about diversity should welcome the recommendations of this report. At Hogan Lovells, we already subscribe to them and we encourage others to do the same. This report is not only urging law firms to do better. It goes much further than that.

Although the routes into the judiciary are very different in the UK, with no “career judiciary” as in much of Europe, it is still astonishing that the Council of Europe reports that across Europe only two countries have fewer women amongst their judiciary – and women are relatively well-represented compared to those from ethnic minorities. We must do better.

That is essentially the message that comes from this report to the profession generally: We must do better. It is common sense. It is morally right. It is good for business. The evidence is overwhelming. There are beacons of excellence which shine bright but there is much work still to be done.

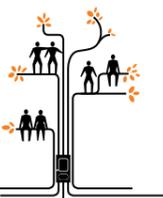
Conscious discrimination is rare in our profession and we must never lose sight of that when analysing the statistics but Lady Justice Hallett puts it well when she says that “unconscious bias means that those involved in the selection process do not always appreciate the extent to which the

playing field has been uneven.” That applies at every level – in the selection of the schools and universities from which we think our future lawyers will come, in the selection of colleagues to work on our transactions and cases, in the selection of individuals for promotion to partnership or high office. We must work harder to level the playing field but sometimes it is only those on the field who are aware of the uphill struggle that they face. We need those who are putting the players on the field to realise that those playing uphill are at a disadvantage. Then we can do something about it.

We should not delude ourselves, however. There is no easy or quick fix and the legal profession cannot do this alone. There are some deep societal issues embedded behind the numbers. We can, though, make a difference. We must make a difference. There are some inspiring stories in this report and we should make sure that they, and the many others like them, are heard. We need to work harder to overcome the sense that so many have that they cannot achieve success because of their gender, sexual orientation, ethnicity or background. They can, if only they are given the opportunity to do so. We need to create the opportunities for them to succeed.

This report helps to explain why and how to do that. It is up to all of us to make it happen.

Nicholas Cheffings
Chair, Hogan Lovells



Introduction



It has been a real pleasure to see this report develop from a conversation I had with Gus Sellitto and Lydia Rochelle (both of Byfield Consultancy) and the journalist Jon Robins earlier this year. Ever supportive of my diversity efforts, the brief was simple: to determine to what extent the law has become a more inclusive profession since Alan Milburn (chair of the Social Mobility and Child Poverty Commission) published his report, *Fair Access to Professional Careers in May 2012*.

It has now been three years since that report. Milburn said there had been “growing public concern” that social mobility in Britain had been “stagnant for far too long”.

In his 2012 report, Milburn found that the legal sector was “starting to make real efforts in addressing fair access and social mobility”. “In some cases the legal sector is at the forefront of driving activity aimed at changing access to professional jobs, whether this is through coordinated outreach programmes or by introducing socio-economic data collection,” he said.

But there was “a lot more that needs to be done”. “The further up the profession you go, the more socially exclusive it becomes,” he said. “Even more worryingly, entry to the law – and therefore the lawyers of the future – is still too socially exclusive.”

Overall, law was on the right track. “But its progress is too slow. It needs to significantly accelerate.”

There are any number of statistics recording diversity – or the lack thereof – in the legal profession. They can often make grim reading. That there are still no black, Asian or minority ethnic judges in either the Court of Appeal or

Supreme Court says much about Britain in 2015.

Alan Milburn is right to pay tribute to those City firms at “the forefront of driving activity” through any number of imaginative schemes to reach out to disadvantaged young people. This report shows that 95% of Top 50 law firms carry out CSR initiatives to support diversity. But there is an obvious and bitter irony: the chances of any of those young people lucky enough to secure a place on such a scheme – even the most brilliant – are vanishingly slim.

The debate around social mobility in the legal profession can seem exclusively focused on the activities of City law firms. And yet it has been high street legal practice where many lawyers without family wealth have begun and pursued their careers. With an eye to the most recent worrying developments for legal aid firms, this report explores the relationship between social mobility in the profession and publicly funded law.

Inevitably the statistics don’t offer a complete picture. There are multiple reasons for this: not least, the law is a complex and increasingly disparate profession. There is still a marked reticence of many firms to provide transparency when it comes to their own diversity. To help with this, we conducted our own research by sending out a short questionnaire to gauge the approach

towards diversity amongst the top 50 UK law firms. Over half (26) of those firms responded to the anonymous survey. It is telling, however, that despite the security of anonymity many respondents chose not to reveal their own firm’s statistics, instead opting for the ‘prefer not to say’ response.

Out of the firms we asked, just 19% of trainees were educated outside of the elite Russell Group. The majority of our respondents failed to identify these figures among their partnerships, which is a revelation in itself. However, some firms were keen to highlight the implementation of CV-blind interview processes and over 66% of respondents have entry-level broadening access programmes.

Over the past decade, women have consistently comprised approximately six out of 10 City law firm’s new trainees. Yet women comprise just 19% of the partnership at Magic Circle firms, 17.5% at US firms and 25% at other London firms.² Our own research into the UK’s top 50 law firms mirrors this. While over half (58%) of trainees in the law firms we asked are women, this figure dwindles to just 24% when looking at the number of female partners among these leading firms.

But the big idea of this report is for lawyers - from the high street to the City and industry, from legal apprentices to Court of Appeal judges – to talk candidly about their own experience of the law. This, together with the data from our own and other existing research, should paint a much clearer picture of the current status of the social mobility issues within the UK legal profession.

Finally, our recommendations. We would like to see the Top 50 firms embrace the following modest

proposals in the hope that, through their example, best practice can percolate through the profession:

- ◆ To agree and maintain a set of key diversity data;
- ◆ To commit to being transparent about such data;
- ◆ To agree to the adoption of social mobility targets (rather than quotas) using established initiatives like the 30% Club as a model;
- ◆ To promote recruitment practices specifically designed to broaden intake - for example ‘CV-blind’ policies or contextual recruitment systems;
- ◆ To broaden access at entry level, for example through apprenticeships, early outreach schemes aimed at bright state school students from deprived backgrounds, mentoring, role modelling, sponsorship, coaching, and the provision of financial bursaries and;
- ◆ To promote unconscious bias training.

Funke Abimbola
Managing Counsel (UK & Ireland), Roche UK



Key findings

Gender statistics

- ◆ The majority (58%) of trainees in the firms we surveyed are female
- ◆ This figure drops to 24% at partner level

Social mobility

- ◆ Just 19% of trainees graduated from a university outside of the Russell Group
- ◆ 10% of trainees are Black and Minority Ethnic, but the percentage drops to 4% at partner level

Firm-wide diversity initiatives

- ◆ 95% of respondents have a formal diversity and inclusion policy in place
- ◆ Just 19% of firms set diversity targets or quotas
- ◆ 86% of firms carry out unconscious bias training

Clients

- ◆ Almost 30% of respondents said that between 31% and 50% of clients question diversity when assessing their external law firm panels
- ◆ The top criteria are (respectively):
 - » Supporting diversity through CSR initiatives
 - » Female quotas/statistics
 - » Jointly BME quotas/statistics and LGBT quotas/statistics

This shows that while gender, race and LGBT levels are still high on the agenda, disability and background comes lower down in the pecking order for law firms and businesses looking at diversity measures.

CSR

An overwhelming majority of respondents (95%) stated that their firm carried out CSR initiatives which support diversity.

Transparency

Despite the security of anonymity, many respondents preferred to avoid full disclosure and chose the 'prefer not to say' option.

Funding and access

Interviews highlighted the vital role of publicly funded law in allowing access to the profession to a diverse talent pool.

Methodology

Twenty six firms out of the UK Top 50* took part in the survey, which was carried out between April and May 2015.

All results are based on a sample and are therefore subject to statistical errors normally associated with sample-based information. It should also be noted that due to the sensitivity of some of the information asked for, many respondents did not answer each question fully.

The Author

Jon Robins is an award-winning freelance journalist who has been writing about the law for close to 20 years. His books include *The First Miscarriage of Justice* (Waterside Press, 2014) and *The Justice Gap* (Legal Action Group 2009). More information at www.jonrobins.info



In the City

Education and background

On average, just 19% of trainees at the leading law firms we asked had gone to university outside of the elite Russell Group. Why do City law firms recruit their bright young things from (mainly) just two universities? “We cannot say that we’re not going to recruit from Oxbridge. We know that there is a very good bunch of people there - some of whom we would very much like to recruit,” comments Ruth Grant, partner and co-chair of Hogan Lovells’ diversity committee. **“We find that some candidates who come via a slightly harder route can often be more successful,”** she adds. **“They are more resilient and their ambition is maintained longer.”**

Hogan Lovells broadened its recruitment pool increasing the number of universities it visits to 30 in 2014, up from 24.

The harsh and inescapable reality for lawyers from ordinary backgrounds is that the odds are piled against them. The top City firms can receive 2,000-plus applications for just 50 training contracts every year. They are the kind of odds where a brilliant student – straight As and a first-class degree – can get overlooked whatever his or her background.

But increasingly, social mobility and diversity is raised as an issue by law firm clients. Supporting diversity through CSR initiatives, and quotas/statistics on gender, sexual orientation and ethnicity were cited as the top criteria for clients assessing their law firm panels. Despite this demand, just a fifth (19%) of the firms we asked set diversity targets or quotas.

At the end of last year, the then deputy prime minister Nick Clegg announced that Linklaters and Baker & McKenzie - alongside the accountants Deloitte and EY, The Co-Operative Food and

Standard Life – were to be amongst 12 social mobility ‘champions’. The idea is that, as signatories of the government’s Social Mobility Business Compact, they would build a new benchmark by committing to hit a set of criteria.

“The idea goes back to the Alan Milburn report and the fact that the legal profession has been languishing behind one or two of the other professions– notably accountancy– in championing social mobility,” comments Linklaters’ partner Simon Branigan.

Branigan acknowledges that his firm’s recruits are largely drawn from Oxbridge. “It depends on who we think has performed most strongly in interviews and, in the last few years, when I have been graduate recruitment partner, that has been the Oxford and Cambridge candidates” he explains.

Linklaters’ ‘champion’ status was in recognition of the firm’s work over the last seven years. It was the first firm to publish diversity and social mobility statistics. Its ‘Learn for Work’ program, launched in 2007, reaches some 10,000 young people - 2,500 in London – in some 78 schools in 16 countries every year. Activities include debating, tutoring, mentoring, as well as work experience, careers events and enterprise projects.

“I am from a very normal working class family,” says Branigan. “I am just the kind of person who would be targeted by the kind of schemes we have in place. No one in my family had even done A levels, let alone gone to university.”

Access programmes

“Almost at the outset the profession entry-level is skewed towards those who have either been privately educated or who have been to a top grammar school,” reflects Roche UK managing

counsel Funke Abimbola. “The top 200 firms tend to only want to recruit from the Russell group. Some of the top 10 will mainly go for Oxbridge. **I know one US firm that will not even look at anyone outside of Oxbridge.**” It is worth noting that just 14% of the firms we asked use CV blind interviews for new recruits.

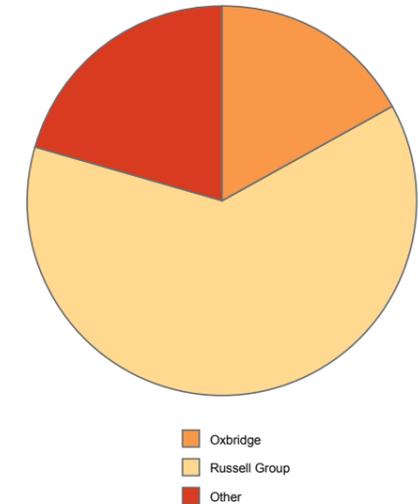
“To go to a Russell group university to read law, you need to have exceptionally high grades,” Abimbola continues. “And, generally speaking, if you are state school-educated, you’d only get those high grades if you attended an outstanding state school - and there are not many of those now that are non-selective.”

As Hogan Lovells’ Ruth Grant puts it: **“One of the challenges that we have as a City law firm is that that we cannot fix the education system, although we are trying in our own way.”** She adds that her firm can use its “buying power and influence.”

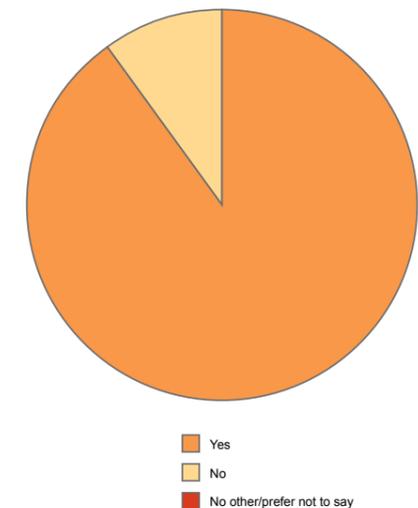
Grant cites PRIME, a social inclusion initiative launched in September 2011 to provide fair access to work experience for school-age students from less privileged backgrounds. Hogan Lovells, one of 23 founding law firms behind the scheme, offers around 380 work experience opportunities for people from under-privileged backgrounds through a variety of different programmes every year.

Nicholas Cheffings is Chair of Hogan Lovells and began his legal career in 1981– as did Ruth Grant. “In some respects it was easier in 1981– there was greater access to university, more public funding and, to an extent, a slightly easier entry for those who would otherwise be socially disadvantaged. Several people, including myself, who came into the firm at that time, were the first of the family to go to university. They were able to do that because

What percentage of your firm’s trainees went to which university?



Does your firm support diversity through any CSR initiatives?



Case study: Linklaters

Linklaters' Simon Branigan attended a state grammar school and was the first member of his family to go to university. "When I joined the firm in October 1998 it did feel like a very different place. Diversity, in all its aspects, was something that was never talked about. Social mobility was never discussed."

The firm today is "almost unrecognisable", Branigan reckons. "When you walk around you see the international nature of this place. It feels like a bubble - even living in a multicultural place like London - but in a good way. You come across all nationalities, all religions, all colours every day just walking down the corridor. That is right for a firm like ours. We want to reflect the global environment in which we work."

Coming from a state school and making it to partner, you must be in a minority? "You're wrong," Branigan says. According to the firm's own figures - and he points out that not everyone responds to the survey - partners going to private/ independent schools are the minority.

"That changes as you go through the firm progressively more in favour of fee-paying schools when you reach associates - senior and junior - and also trainees," he says. "The firm has made real progress on diversity and so, in our last round of partner appointments, 40% of the new partners were female. When I joined the firm that was pretty unusual. We have made enormous strides on BME recruitment - one in three of our most recent intake of trainees. So far the focus has not been social mobility, however the spotlight has now fallen on that."

the state funded their education."

As brilliant as the students might be who are lucky enough to find places on diversity schemes run by City firms, they are highly unlikely to find jobs at those firms. Cheffings describes the plethora of diversity schemes run by the firm - a long and impressive list of schemes is provided ahead of the interview - as "investments in the future - not necessarily in the future of Hogan Lovells".

The firm's 'Ladder to Law' programme was set up as a result of a 2009 report by the Panel of Fair Access to the Professions chaired by Alan Milburn. The idea was to create a route to the City for young Londoners. The firm currently works with seven schools offering a range of work opportunities from Year 10 to Year 12. It also runs a mentoring programme for a secondary school close to the firm, that currently has 30 students.

Nicholas Cheffings hopes that maybe half of those involved in the scheme might have "a career of some sort in law". "It might not be commercial law and it might not be Hogan Lovells," he says.

"The idea is to broaden their horizons. 'What is this thing that they are talking about and perhaps I can be part of it'," adds Ruth Grant. "A lot of the activity is about engaging with people like Ruth and myself," adds Cheffings. "It's a daunting thing just coming into an office like ours. It can be hugely intimidating."

Of the firms we asked, 95% have a formal diversity and inclusion policy in place, and 86% carry out unconscious bias training.

Clients' expectations

To what extent are changes being driven by the expectation of corporate clients? "Law firms are slowly waking up to the fact that this is not going to go away," says Alison Kay, general counsel at National Grid. "Some have paid lip-service to diversity, others have truly embraced it and genuinely want to do something."

Blind CVs

What about a new approach? Clifford Chance has been pioneering its 'CV blind' programme to boost the number of first generation university students on its much sought after work placements.

Prospective candidates are set a 500-word essay and their university background is kept hidden. Since the scheme began in 2013, the intake of students from universities outside of those Clifford Chance has traditional ties with, has tripled. Of 16 students on the firm's paid two-week scheme last year, 10 went on to win training contracts. The firm has also adopted a 'CV blind' policy for final interviews with potential recruits.

"I'd definitely welcome that approach," says Alison Kay. "We have spent a lot of time at National Grid putting everyone through unconscious bias training. There is no doubt whatsoever that if you read something about

someone's background you form an immediate view as to what that person is like, whether you are going to like them and whether or not they're going to fit it. **Any way that we can break the stereotypes is to be welcomed.**"

Hogan Lovells' Ruth Grant isn't convinced. "I think it is a rather blunt tool," she says adding that there is no working definition of 'CV Blind'. "We are looking at a more sophisticated approach around adjusting the way we measure or rank schools, universities and grades etc."

An absolute 'CV blind' process is "almost impossible to run", Grant adds. "The first question you ask - for example, 'what have you done at university?' wipes out the process immediately." Much better is "a contextual approach to measuring their backgrounds - but we will keep it under review".

Would National Grid exclude a law firm because of its approach to diversity at the top of that firm? "We will certainly be expecting firms to put together a sufficient mix of diversity, not just women but also BME and social diversity," Kay answers. "We will definitely evaluate firms on that basis."

Is there sufficient transparency from law firms for you to make a considered judgment about how committed your panel firms are?

"I think the legal profession is becoming more transparent," Kay says. "Actually, **I do not think they have any choice. In-house, who after all instruct them, are really ramping this up the agenda.**"

National Grid has held an inclusion and diversity panel for the last three years. "All 16 of our panel firms come together and we talk about issues of inclusion and diversity. We talk about the fact that

it is not acceptable anymore not to have regard to diversity and inclusion when looking to do work for us as a firm. And as we look to pull together our tender, which we are about to do, I have told all the firms to make no mistake that this is a big thing for us."

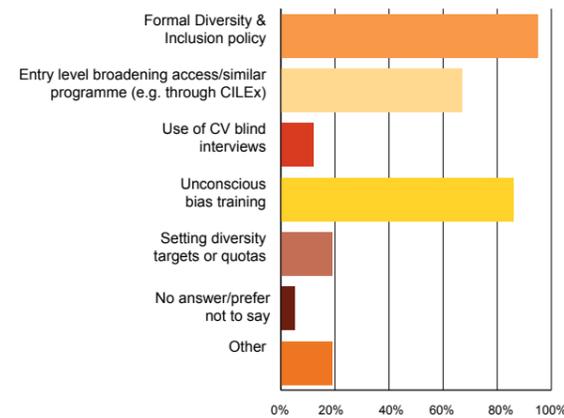
Roche's Funke Abimbola agrees. "I challenge every single member of our panel firms to commit to a major diversity initiative. A lot more work has to be done within private practice. Law firms really need to start at grass-roots level and focus on disadvantaged groups, because otherwise it will continue to be a very exclusive profession. If we genuinely want to commit to diversity, we must look at those disadvantaged groups. We have to reach out early, as early as the ages of nine and ten." Some law firms are doing extraordinary work in this, she adds.

"Clients are increasingly diverse now," Abimbola continues. "This is the thing that law firms need to

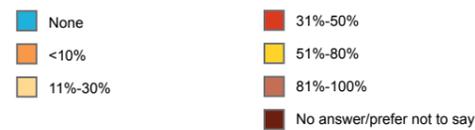
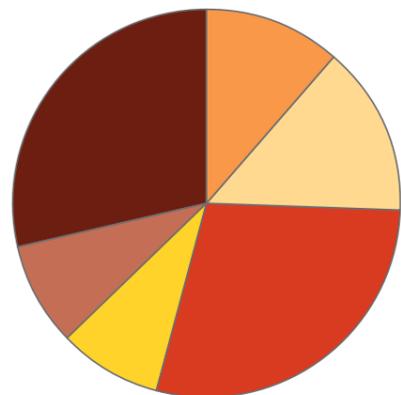


How do you incorporate diversity into your firm's recruitment and talent retention processes? Please select all that apply

Answered: 21 Skipped 5



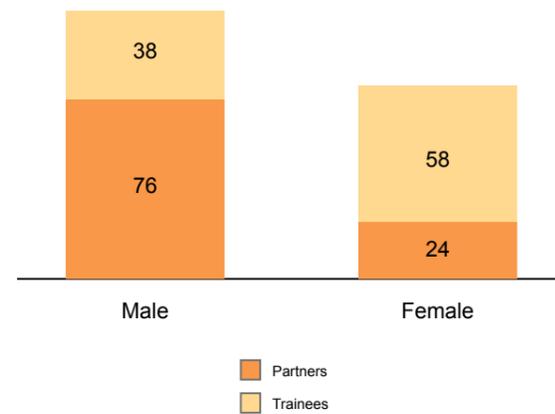
What proportion of your clients will raise diversity as an issue in assessing their external law firm panels?



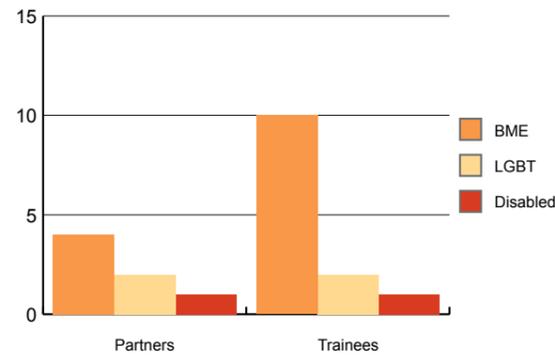
Priorities

While gender, race and LGBT levels are still high on the agenda, disability and background comes lower down in the pecking order for law firms, and businesses looking at diversity measures.

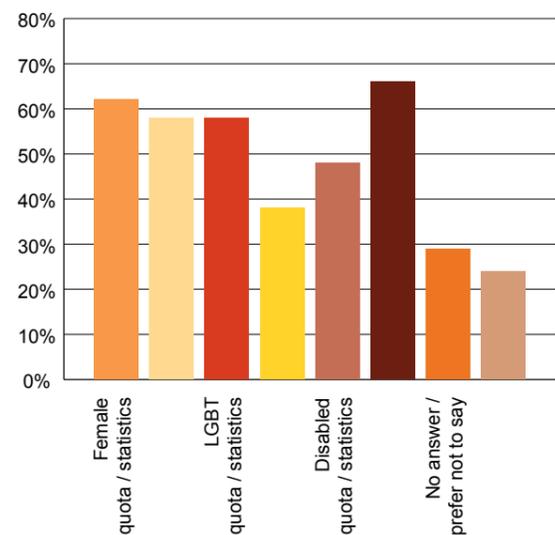
About what percentage of your firm's partners and trainees are male and female?



What percentage of your firm's partners/trainees can be classified according to the following categories?



Which of the following diversity metrics do your clients enquire about during a panel selection process? Please select all that apply



appreciate. Clients who are committed to diversity are also looking for diversity in their legal panel." It is a point echoed by Alison Kay. National Grid is "a heavy engineering company. It is a very male-dominated industry but we have made some very big strides."

The irony that an engineering business has achieved greater diversity than the law firms it routinely instructs – at around 23% at all levels for women (except for its gas field workers) – is not lost on Kay. "Those firms that have just paid lip service to diversity are beginning to realise that they will lose business if they do not start to up their game," she adds.

Hogan Lovells' Nicholas Cheffings accepts that client expectations are increasingly putting pressure on law firms and that it is having an impact – up to a point. "If we are going through the formal panel pitching process one question that we will inevitably be asked is 'What's our policy on diversity?'" he says. "If you cannot answer those questions in a convincing manner, you're not going to go on the shortlist." However, he adds it is often "a procurement question". "Give a satisfactory answer, then you can tick the box," he adds.

Private practice vs in-house

A sentiment frequently expressed from in-house lawyers who come into the law from relatively ordinary backgrounds (i.e., non-Oxbridge) is how much more comfortable they feel in the world of commerce as opposed to private practice.

"There is a huge difference between private practice and in-house legal teams," reflects Funke Abimbola. "In-house teams are much more diverse in general. There's a really healthy split between both genders. Less so on the ethnic minority front, I must say, but certainly in terms of gender."

"When I got a job in a law firm and looked around me, it felt pretty exclusive. That was not just because I was black and from East London. A lot of people feel the same way," says Denise Nurse.

Nurse was in-house counsel for BSkyB from 2001

before setting up Halebury, which she describes as "an alternative law firm".

Nurse started her legal career at Charles Russell LLP ("a lovely firm"). "But there was a feeling that it was a closed shop," she says. "A lot of people, who are all very similar, run these firms. It wasn't something that I aspired to join. I did not want to be a partner sitting around the table and being the one partner who was different."

"In-house you are within a much broader team of people," Nurse says. "You are mixing with commercial and marketing teams as well as customers. There is much more diversity and we wanted to bring that to Halebury."

Looking at the diversity statistics at the top firms, does it look as though the legal profession is stuck in the past? "Yes. But frankly, the media industry behaves in the same way – as does the financial industry," Nurse says. "It is not just the lawyers. It is how it has always been."

Recommendations to Top 50 law firms

- ◆ Agree and maintain a set of key diversity data;
- ◆ Commit to being transparent about such data;
- ◆ Adopt social mobility targets (rather than quotas);
- ◆ Promote recruitment practices specifically designed to broaden intake - for example 'CV-blind' policies or contextual recruitment systems;
- ◆ Broaden access at entry level, for example through apprenticeships, early outreach scheme aimed at bright state school students from deprived backgrounds, mentoring, role modelling, sponsorship, coaching, and the provision of financial bursaries; and
- ◆ Promote unconscious bias training.



The Judiciary: 'An overwhelming potential for cloning'

A report by the Council of Europe published at the end of last year found that women made up only 25% of judges in England and Wales – only Azerbaijan and Armenia fared worse. There are still no black, Asian or minority ethnic judges in either the Court of Appeal or the Supreme Court.

Our judiciary remains – in large part – overwhelmingly white, male, middle class and Oxbridge. Lady Hale, the only woman in Britain's highest court, recently made the case for positive discrimination in order to redress the gender imbalance among senior judiciary.

"We have a long way to go," acknowledges Lady Justice Hallett in an interview for this report. But as the fifth woman to sit as an Appeal judge, she points out judicial selection draws from a legal profession "where the proportion of women at the top is disappointingly small".

"This picture, sadly, is not unique to the law," Lady Justice Hallett continues. She would also like to see women "far better represented in the higher echelons of the judiciary - and the Lord Chief Justice has made clear so would he". "But, we are making progress - albeit slowly - and if you look at the judiciary as a whole, the picture is much better," she adds.³

Gary Hickinbottom: from part-time parking adjudicator to High Court judge

When Gary Hickinbottom became a High Court judge in 2009, he was only one of three solicitors to have risen to that rank (alongside Lawrence Collins and Henry Hodge). In 2015 he is the only High Court judge to represent that side of the profession.

"Gary Hickinbottom must be the only lawyer to have worked his way up from part-time parking adjudicator to High Court judge," wrote the

journalist Joshua Rozenberg in a profile for the Daily Telegraph in 2008.

Judge Hickinbottom's father was a baker from Wednesbury in the West Midlands who sat as a magistrate. He wanted his two sons to be lawyers. "He strongly pressed us to do law at university, almost to the point of coercion," he says. But, "I wouldn't have wished to do anything else," he says. "We are talking about the 1960s. A lot of people in trade wanted their children - particularly their sons - to be professionals." His brother is a district judge.

So is the law in 2015 a more diverse profession? And if so, how would he characterise the change in the law over the course of his career? "Yes; but the going has certainly been slow," he says. "However when I look back, the very first woman social security commissioner in 1985; the very first solicitor circuit judge in Wales in 1981. We have moved on. There are more solicitors in the judiciary - except at the very highest echelons."

A new recruitment system

The launch of the Judicial Appointments Commission (JAC) almost 10 years ago swept away the "tap on the shoulder" method of appointment and its "overwhelming potential for cloning" (as the Labour peer and barrister Helena Kennedy once put it).

The old "secret soundings", taken from judges and other leading legal figures, were described by one lawyer as "a licence to discriminate and perpetuate

a judiciary which is perceived as being not only pro-white and male, but which also has a built-in bias against minorities, women, solicitors, and anybody not perceived as being a 'safe pair of hands'".⁴ Another said: "It's still very much who you know, not what you know."

Lawyers now have to apply for a job and go through an interview just like any other job candidate. Under the Constitutional Reform Act 2005, the Commission has three statutory responsibilities including "to have regard to the need to encourage diversity in the range of persons available for judicial selection".

It is a million miles from the old "secret soundings" to a selection exercise that began in July this year for up to 14 deputy High Court judges, no previous judicial experience required. The Judicial Office will arrange for work shadowing, mentoring as well as workshops for candidates. Places are limited to women, black, Asian and minority ethnic (BAME) candidates and those from a less advantaged background.

Gary Hickinbottom recalls the first JAC competition for High Court judges which produced **"a succession of individuals with very, very similar backgrounds... public school, Oxbridge, white, male and even their age was from a very narrow range of, say, 57 years to 62 years"**.

"I don't believe that was because of direct prejudice but because those individuals are most likely to have the evidence upon which the competition was based. It was just more inherently likely," he adds.

Tan Ikram: 'I'll be honest, I come from Slough'
Tan Ikram became a Deputy District Judge in 2003

(and a District Judge in 2009). "It was the first year that the Department of Constitutional Affairs, as it then was, introduced interviews and selection exercises for the role of Deputy District Judge. I thought to myself 'I can do that'. Up until then, it had all been very mysterious."

Ikram was previously a partner for a large regional firm specialising in fraud, serious and complex crime. "When I came into partnership I was one of very few Asian solicitors in my home town," he says.

"I'll be honest, I come from Slough," Ikram says in his profile on the JAC website. "I wasn't sure people like me became judges". As a defence lawyer was he aware of the judiciary not representing the community that he came from? "I am not sure that I focused on it as an issue," he says. "My view was that they were good judges and I always found that when I was in front of them that they were very fair. What mattered to me was whether my clients got a good hearing."

Did he always want to be a lawyer? "No, no, and no. Very few people in my circle even went to university," Tan Ikram says. "If someone did, it was a big deal. Most of my mates I played cricket with ended up running shops, one of them ran an estate agency, and another ended up driving a taxi. We weren't destined for 'the professions'." Ikram did go to university but, inspired by the recent launch of the ZX Spectrum computer in 1982, he studied engineering at university before switching to the law.

Was there a culture shock when he started working at a law firm? Not at all, he says. "I joined a high street firm. I ended up representing people who were often like me - lads from Slough and they tended to be lads. I did not find the client



relationship difficult at all.”

Did he ever encounter any discrimination? No, he says. “I might have been very fortunate but when I have applied for a position, I have been successful,” he says.

Do solicitor appointments meaningfully contribute to making the judiciary more diverse? Yes, replies Gary Hickinbottom because the solicitors’ profession itself is more diverse than the Bar in terms of gender and BME. “So, **statistically speaking, the more solicitor appointments, then the more diverse the judiciary is likely to become,**” he replies.

Not only that, but solicitors bring different attributes to the bench. “Diversity is based upon the traditional characteristics – and they are vitally important – but I don’t regard diversity as being simply about equal opportunities,” he says.

Judge Carol Atkinson: ‘a woman with no legal connections whatsoever’

Judge Carol Atkinson, the designated family judge for the East London family court, was called to the Bar in 1985. What legal role models did she have to inspire her to be a lawyer? “I didn’t have any. I didn’t know any lawyers. In my family I was the first person to go to university. I am still the only one,” she says.

Atkinson grew up in North Yorkshire, her father was a middle manager and mother was a bookkeeper. It was watching the actress Margaret Lockwood in the Yorkshire TV drama ‘Justice’ in the early 1970s that first stirred an interest in the law. (“She was a female barrister in a world of men. I thought that that was such a fabulously exciting thing to do.”)

If she had any role models it was her own parents. “My father was a man who was frustrated by his own lack of social mobility. He was an intelligent man who came from a working-class family who had to leave school when he was 15 years old,” she says. “My mother is an intelligent woman, an

excellent mathematician but had to leave school, go into a typing pool and get married.”

As soon as she was identified as “pretty bright” (in her words) at school, her father “lived his dream through me”. “He always told me that I could achieve what I wanted to achieve if I put my mind to it.”

She recalls in 1976 at the age of 14 years writing to a firm of solicitors in Middlesbrough to find out more about becoming a barrister (barristers’ chambers weren’t listed in the phone book). “When the solicitor wrote back to me he enclosed an article about a female barrister who won over a jury because she was wearing Chanel No 5,” she recalls. The solicitor arranged for her to spend a day at Teesside Crown Court shadowing a barrister.

“At the end of my day, the head of Chambers invited my father into his room. He told him in no uncertain terms that - whilst he was delighted that I was very enthusiastic about a career at the Bar – frankly, it was going to be nigh on impossible because I was a woman and came from a background with no legal connections whatsoever.”

The same message was imparted to her at her girls’ grammar school. “I was told I ought to think about being a personnel manager. That was a red rag to a bull,” she says. “Coming from a fairly ordinary background I just wanted to achieve something and the law seemed a way to do that. I have always been ambitious.”

Carol Atkinson was called to the Bar by Dame Rose Heilbron. “One of the outstanding defence barristers of the postwar period, she was the first woman to win a scholarship to Gray’s Inn, the first woman to be appointed silk, the first to lead in a murder case, the first woman recorder, the first woman to sit at the Old Bailey and the first woman treasurer of Gray’s Inn,” according to an obituary in the Guardian (December 13 2005). “A fabulous role model,” she says.

Atkinson recalls doing pupillage in a busy criminal

set of 35 tenants, only four of them women. Her first pupil supervisor – “a really gritty woman from Blackpool” – encouraged her to stay on for a second six months “and then they took on a female junior tenant”. “She told me that there was no point in me staying because ‘they have another woman at the bottom and they will not take another one on for years’. That’s the way it was back then.”

The inns have since ditched the old rules that obliged students to consume 24 dinners over a two-year period before they could practice at the Bar. Now they have to complete 12 ‘qualifying units’ which come in a variety of forms, including dinners. As someone from a non-moneyed background, what did she make of the dinners?

“You sat on long benches in messes of four,” she recalls. “There was a way to pass the port around. If you didn’t do it properly, then you’d be challenged. It was like being publicly lampooned because you haven’t used the correct cutlery.” She describes it as “the most terrifying time of my life - and I’m not easily scared”.

“I suffered not only because I was female but because I was Northern, working class and went to a state school,” Atkinson continues. In one pupillage interview, she was asked “whether, when I got married, I would move back up north because ‘northerners usually do’”. During pupillage, she recalls being called “a northern oik” by a colleague.

The Bar: then and now

How does the present day Bar compare to the 1970s and 1980s? “It is unrecognisable,” reckons Carol Atkinson.

What has been her experience of discrimination in the profession? “As time wore on and I became more senior – and also the profession began to change – it became less of a concern,” says Judge Atkinson. The first chambers where she did her pupillage there were 35 tenants and four women (“I’m not going to name them, they are a big

Lady Justice Hallett

“Horrible” was how Lady Justice Hallett described one particularly nasty incident in her early years at the Bar. “I was offered a position about which I was proud and a senior male judge said ‘Are you pleased to have got that particular position?’ I said ‘I’m thrilled’, and he then made it plain how I could thank him,” she recalled in an interview in the Evening Standard (November 7 2011). That’s what life was like in the 1970s and 1980s. “When she was a young woman, “there were men in every walk of life who believed they had the right to make sexual advances to anyone they chose”, she told the journalist.

criminal set”). “They’re now 70-strong and have 18 women. That might not sound like much - entry to the bar is 50/50 now - but it’s progress.”

Heather Hallett was made a High Court Judge in 1999. How much more inclusive has the judiciary become since then? “I have far more female colleagues in the Royal Courts of Justice and far more colleagues from non-traditional backgrounds like mine,” she replies; adding that she does “not feel in any way different and I have never experienced hostility from colleagues on the basis of my gender or background”.

However Lady Justice Hallett recognises that there is “an issue of unconscious bias”. “Unconscious bias means that those involved in the selection process do not always appreciate the extent to which the playing field has been uneven,” she says.

Gary Hickinbottom, a diversity leader for the judiciary agrees. “We have to be careful of a lack of sensitivity to the fact that people with different characteristics, different backgrounds, may find the going harder. So, for example, when applying for a judicial post, some candidates might find it more difficult to get references or to put forward



evidence upon which appointments are rightly made. The JAC is now far more willing to accept a wider pool of evidence.”

Why is it taking so much time for such change to make its way higher up and in the judiciary? Two reasons, says Carol Atkinson. Firstly, “few of us are coming through at this level and so change is slower”. **“Secondly, you cannot ignore the impact of children.** When I came to the Bar, there were six of us in a female friendship group and there are only two of us left in the profession. Families took over.” That said, in Atkinson’s court – the East London Family Court - across its three centres there are eight circuit judges and five of them of women. “There are about 20 district judges and 10 of them are women. So out of 28 judges 15 of them are women.”

The Judiciary vs private practice

The pace of change might appear glacial at the top end of the judiciary – but judicial diversity at

One in five circuit judges are women; there are 21 female judges in the High Court out of 108; and eight women in the Court of Appeal out of 38.

that level is no worse than at partnership level in City firms or QCs – and judges insist that their appointment process is a meritocracy of sorts (and a transparent one at that). “Nobody ever says that judge is there because she is a woman,” comments Gary Hickinbottom. “Everyone is perceived - and I think rightly - to have attained the post on merit.”

“If you are sitting in that chair then the public need to know you are there because you were appointed fairly and that you got the job because you were best suited for the position,” reflects Tan Ikram.

Interview with Lady Justice Hallett, Court of Appeal

In the Supreme Court, 11 of 12 judges are white men. Only eight of 38 judges in the Court of Appeal are women. What does this say about our judiciary in 2015?

It says we have a long way to go. Judges can only come from the legal profession, where the proportion of women at the top is disappointingly small. This picture sadly is not unique to the law – there are too few women newspaper editors, too few MPs and Cabinet Ministers and not enough directors of FTSE 100 companies. I would like to see women far better represented in the higher echelons of the judiciary, and the Lord Chief Justice has made clear so would he. But, we are making progress albeit slowly and if you look at the judiciary as a whole, the picture is much better.

As the daughter of a policeman and a secretary, what made you embark upon a career in the law?

I suspect it was my father’s interest in the law. He reviewed legal books for police journals and left them lying around the house along with legal fiction by authors such as Henry Cecil. My family always supported me in everything I tried to do, but not my school. I attended three grammar schools and received little encouragement to apply to university, let alone become a barrister. Aspirations for the likes of me were not generally high.

In your early days at the Bar you experienced some unpleasant instances of discrimination. Have those attitudes disappeared?

It was not very pleasant. But in those days most women felt they could do nothing about it. The Bar is no different from the rest of society.

When I was a young woman, there were men in every walk of life who believed they had the right to make sexual advances to anyone they chose. It is becoming far less common that women are subjected to unwanted attention but it has not gone away completely. At least now, I hope that women feel more confident about complaining.

You were made a High Court Judge in 1999. How much more inclusive has the judiciary become since then?

I have far more female colleagues in the Royal Courts of Justice and far more colleagues from non-traditional backgrounds like mine. I do not feel in any way different and I have never experienced hostility from colleagues on the basis of my gender or background. I do not know of any overt discrimination in the judiciary today. Any brought to our attention would be stamped on.

According to one 2014 survey, close to half of partners in City firms attended Oxford or Cambridge. Is there a particular problem in the culture of those firms?

As someone who fought against the odds to win a place at Oxford I am probably not the right person to ask.

Oxford and Cambridge are still two of the best universities in the world. It is not surprising that the best law firms will look for new entrants at the best universities. This is not an issue provided the state provides students with a sufficiently good education to enable them to compete with those from fee paying schools - as it did when I obtained my place – and provided Oxbridge operates a fair selection process.



Making it happen: Legal aid and the high street

Funding diversity

Subashini Nathan, a 24-year old Asian woman with a first class degree in law, is in her fourth year of applying for pupillage. She recalls being in the library of a barristers' chambers ("I'm not going to say where"). She was with two white male candidates on a mini pupillage. A member of chambers walked in, turned to the two men and invited them in for a coffee leaving Nathan sitting alone by herself. "He completely blanked me. He probably thought I was the cleaner," she recollects.

Some 2,941 students applied for the Bar Professional Training Course last year however just 397 pupillages were available, the lowest figure since the Bar Standards Board started publishing recording five years ago.

There are fewer pupillages than ever because there is less work than ever which is largely, but not exclusively, the result of the crisis in the publicly funded Bar. "Sadly the shrinking pupillage pool impacts disproportionately on those from less advantaged backgrounds, who cannot afford the risk," a Bar Council spokesman told the Law Society's Gazette earlier this year.

Much of the debate about diversity and the law in the legal press is directed at the City law firms. However, traditionally, most BME lawyers have begun their careers on the high street and, in particular, in legally aided practices in urban areas advising the communities from which they come.

Consequently, the crisis in legal aid has a disproportionate impact on diversity in the legal profession. At the time of going to press, defence lawyers are taking direct action to protest the government's imposition of an 18.5% fee cut on solicitors' fees and its plans for a forced consolidation of the market.⁵ Solicitors claim not to

have received an increase in fees for over 20 years. On the civil side, the Coalition government's Legal Aid Sentencing and Punishment of Offenders Act removed £350m publicly funded social welfare advice from the legal aid scheme in April 2013.⁶

Increasingly, young lawyers without family wealth are finding their entrance into the profession blocked. **"High levels of debt combined with low salaries make legal aid work unsustainable for those from lower socio-economic backgrounds,"** concluded a 2013 study by the Young Legal Aid Lawyers.

It is easy to see why aspiring lawyers from ordinary backgrounds are deterred from pursuing careers in the law. According to YLAL's research – called One Step Forward, Two Steps Back – more than half of its members (56%) who completed the Legal Practice Course paid fees of between £9,000 and £12,000 and most of those who studied the BPTC/BVC paid over £9,000 in course fees (over a third, 35%, paid over £15,000).

The problem of high levels of debt is compounded by the fact that firms increasingly regard unpaid work experience for aspiring lawyers – or else poorly paid jobs – as a rite of passage. **"Unpaid work experience represents a significant barrier to social mobility,"** the report found. Most young legal aid lawyers (89%) had done unpaid work experience. "Those from lower income backgrounds simply cannot afford to work for free as a stepping-stone to qualification," the group said.

Publicly-funded law

Subashini Nathan is the daughter of Sri Lankan refugees who arrived in the UK in the 1980s. In her fourth year of searching for that elusive pupillage, she had two interviews in her first year; about five

or six in years two and three; and has done two so far this year. "I have been lucky. If I did not have the support of my family - basically being able to live rent free - I would have given up this year," she says.

Mary-Rachel McCabe is a paralegal at the charity Just for Kids Law and has been offered pupillage at Doughty Street. She attests to the overwhelming negativity of older lawyers to those pursuing a career at the publicly funded Bar.

"You have it drummed into you from the moment that you suggest you might want to go to the Bar. Everyone is telling you not to do it," she says. **"I cannot remember a single person being encouraging."**

Subashini Nathan recalls her first dining session and talking about her interest in practising in criminal law when she was told that "as a woman - and an Asian person - you're going to have real difficulties getting into crime. That said, I just rise to the challenge and continue going forward."

Attending a pupillage fair in 2012, she recollects saying to one of the chambers that she had a first in law "but it isn't from Oxbridge. Would you take me on?"

"Before I apply to chambers I do my research - and so I might look at the last five candidates who have got tenancy - and see how I compare to them," Nathan says. "When I looked at most sets they are all men, all white, all Oxbridge."

The interviews start at the end of May and students find out whether they have been successful in August. "I did this for two summers on the run. The experience was ultimately worth it – but it's brutal," McCabe says. "I was working all the time

and, all I did on the days I did not have interviews, was work and prepare for interviews," she says.

Mary-Rachel McCabe is one of the lucky few. She begins her pupillage with Doughty Street Chambers in October. She describes her background as working-class. "My mum was a housewife and my dad is a builder. We never had any money."

Why did she want to pursue a career at the Bar? **"I was open to both professions; but I took finances into account.** The only way to fund a solicitors' course [LPC] is to get a training contract with a corporate firm - I didn't want to do that – or else take out a £12,000 loan to pay for fees, which I also didn't want to do." McCabe successfully applied for a scholarship at Middle Temple.

What about the dinners? Do you still have to pass the port? Apparently, so. "It is very elitist," says McCabe. "You have to stand up and face the benchers when they walk into the room. They are always all white men. I make a point of counting how many women there are – and I reckon there might be three female benchers out of up to 100. It is easy to feel alienated. I don't think any of the benchers are from BME backgrounds. The last time one of the benchers asked me where I had been skiing and I told him I had never been skiing. So that was that."

What about the impact of the legal aid cuts on diversity at the Bar?

"Catastrophic" is McCabe's verdict. One chambers had offered her just £12,000 a year living in London. "I had palpitations when I got through to the final round of interviews. I really wanted it but at the same time I did not think I could survive. The only people who can afford to go there are going to be people from wealthy backgrounds."

⁵ The number of firms with 'duty' contracts - to provide representation to suspects in the police station or defendants in court - is to be reduced from around 1,600 to 527

⁶ LASPO saved £350m from the £2.2bn legal aid bill by removing most social welfare law advice from the scheme - in other words, housing (except where there is homelessness), employment, welfare benefits and debt, and most family (except where there is domestic violence).



The Black Solicitors Network

Cordella Bart-Stewart was one of a number of lawyers who set up the Black Solicitors Network in 1995. Back then most African-Caribbean solicitors worked in small inner city high street firms. **“Legal aid is what gave most of us a start,”** she says. “It gave us our opportunity, especially when legal aid was quite well funded. That is going to go.”

The legal aid cuts, plus what Bart-Stewart calls the “overregulation” of BME firms and “all the problems of setting up a new business anyway”, are conspiring to make it more difficult for young black lawyers to set up on their own.

Joe Mensah-Dankwah is director of the Black Solicitors Network. Government calls for reorganization of the criminal defence profession began under New Labour back in 2003. “There were concerns that there were too many defence firms in London,” he says. He reckons that “between 45% to 49%” of small legal aid criminal solicitors’ firms in London were BME-owned at that point.

Why? “Increasingly, BME solicitors found that that there was no career progression and so they would leave to set up their own practices,” he replies. “I would expect that figure to be higher now.”

Mensah-Dankwah grew up and trained to be a lawyer in Ghana before coming to the UK to practice in 1986. Prior to setting up his firm, Forresters, in Walthamstow, East London, he was working in one of the largest criminal defence firms in London. He was frustrated at being overlooked as other colleagues joined the partnership. He was one of four solicitor advocates in a firm of 20 solicitors and the only one who conducted the trials and had a caseload. He was also a supervisor and a welfare benefits adviser. “I was the only person to hold

all four roles. That is because I was enthusiastic and whenever I was asked I would say ‘Yes’.”

Is that feeling of being blocked in his career consistent with the experience of many BME lawyers? “Absolutely. The concerns that drove lawyers to form the Black Solicitors Network in the 1990s remain,” he says. **“In the City the problem is retention. People do get into the firms now but they do not move up the partnership greasy pole - and they don’t stay. The glass ceiling remains.”**

Transparency and the quota debate

Only a small minority of partners come from a BME background (5.7%), according to the Black Solicitors Network’s 2014 Diversity League table. The proportion of black partners – who are, as Cordella Bart-Stewart puts it, the group’s “core demographic” – is a tiny 0.5%. The picture is “very, very bleak”, she says.

So what progress has been made over a decade of BSN diversity league tables? “Well, 10 years ago that figure was probably zero,” Bart-Stewart says. She points out that only 41 firms participated – significantly down on the previous year – and that the position is likely to be worse because of the “self-selecting” nature of such surveys. “The firms that have participated we think are doing well. Overall, it is not an optimistic picture,” she adds.

In her introduction to a report accompanying last year’s figures, Nicky Morgan, then minister for women and equalities and now education minister, noted that: “Transparency in companies goes a long way to solving the problem of diversity.”

Why don’t more firms take part? Apparently, the first year was the best year in terms of participation. “We targeted 100 and got 60 respondents,” says Bart-Stewart. “I’m not sure whether we frightened the horses but some firms have persistently refused to engage.”

She points out that the Law Society was “dead against” the initiative when it was launched. Why was the Law Society reticent? “Fear of upsetting the firms,” she replies. “They weren’t expecting the firms to engage in the way that they have done. It was a lesson for them I think.” She calls Chancery Lane signing up to a diversity and inclusion

charter (‘to help practices turn their commitment to diversity and inclusion in to positive, practical action...’) in 2009 “a major step”.

Bart-Stewart came in for some criticism herself from solicitors for apparently calling on regulators to consider introducing quotas and targets to promote diversity.

Cordella Bart-Stewart makes a distinction between “quotas” and “targets”, favouring the latter. **“It is no use expecting firms to self-impose targets. There has to be a stick,”** she says. “I have spent 30 years talking about this issue and, to be honest, it is very wearisome having the same conversation year after year after year. When does it stop and you actually see some resolution? It does need to be addressed.”

How useful is a focus on social mobility? Does it take the spotlight off race and discrimination? “It does,” she replies. But, as a university governor of a post-1992 university, “social mobility is very much on my radar”. “It is difficult isolating race from social mobility. All the different ‘isms’ overlap - sexism, racism, sexual orientation – often those issues overlap in an individual,” she says.

“There is a disparity in outcome throughout the whole education system from primary school onwards, but in universities it has been recognised that there is a disparity for BME students in terms of getting firsts and 2:1s,” she says. “You’re not going to get a training contract with a city firm unless you have a 2:1. You cannot look at the legal profession in isolation from what is going on in the rest of society.”



The future: Changing access to the profession

There is one part of the legal profession that stands out as a shining beacon for social mobility. Where, for example, for more than eight out of 10 lawyers, their parents did not go to university.

Mandie Lavin became chief executive of the Chartered Institute of Legal Executives (CILEx) earlier in the year. "Some 74% of our members are women and a third of our new students come from BME backgrounds," she says. "I have been to all sorts of dinners since I joined but, at the top firms, there are still a lot of men wondering around in grey suits."

The whole point of the legal executive movement is to provide a route into the profession without the need for a law degree. That it is a genuine facilitator of social mobility in the legal profession is convincingly borne out by the statistics. Some 75% of CILEx members attended a state school and a sizeable number came from households receiving income support or other means-tested benefits (17%).

For more than eight out of 10 CILEx members (86%), neither parent went to university. "Neither of my parents went to university. I did an apprenticeship route myself albeit through the barrister route," says Lavin. "I was working as a nurse and couldn't get a job as a lawyer." She's a powerful advocate for the Institute's 'earn as you learn' model.

The rise of the legal executive over recent years has been aided by the recent fundamental regulatory reforms, as well as changing industry demands. It was the Legal Services Act 2007 that enabled legal executives to become partners in law firms in 2009. The following year Ian Ashley-Smith became the first CILEx fellow to be appointed to the bench

when he became deputy district judge on the South Eastern Circuit in 2010.

"The broadening of opportunity has come at a time when the environment is entirely right," says Lavin. She cites last year's decision to allow legal executives to practice independently – and not under the supervision of solicitors – in key areas of legal practice. "We want our members to have aspirations. We want to see our practice rights taken up. We want to see the first CILEx-regulated entity," she says. As of this year, law firms can apply to ILEX Professional Standards for authorisation as a legal business.

CILEx has also been the driving force behind the promotion– and training of– legal apprentices as a way of training young people as paralegals. There are some 300 apprentices working at 90 different organisations in England and Wales now. Up until recently, there was no national framework for legal apprenticeships. CILEx introduced its apprenticeship schemes (at levels 3 and 4, equivalent to A level and first year university degree respectively) in 2013.

Traditionalists in the legal profession complain of 'dumbing down' and a dilution of the solicitors' brand. Some say that law firms' enthusiasm for apprentices smacks of opportunism or even exploitation. "I hope a generation of bright young minds don't fall for this ruse," wrote one commenter on a legal website in response to news that a major firm launched a CILEx apprenticeship scheme. They accused the firm in question of "capitalising on the tuition fee fear" amongst impressionable 17 to 18-year-olds who might otherwise have the grades to qualify as "a 'proper lawyer'" and persuading them "to settle to a lifetime of mediocrity, and a salary ceiling of about £30k". "If you have the grades to get onto this scheme, and you want to be a lawyer, take the hit on the student loan and fulfil your potential,"

the comment continued. "Be a lawyer, not a scared wannabe."

It's not just CILEx providing this route. Dozens of paralegals unable to find training contracts have taken advantage of a new, more flexible route offered by the Solicitors Regulation Authority. Robert Houchill, a paralegal in the immigration department at London firm Bates Wells Braithwaite, became the first solicitor to qualify through the alternative method of 'equivalent means' in April this year.

"I am sympathetic to people who are anxious this is going to undermine the profession or reduce the quality of people being admitted," He told the Law Society's Gazette; before adding that it was "a demanding process". His qualification followed four-and-a-half years as a paralegal.⁷ Apparently 28 paralegals have so far applied for qualification through this route.

Simon Lindsey: from legal executive to judge

Simon Lindsey was the second legal executive lawyer to be made a judge in late 2013. Lindsey, an associate partner at Greenwoods Solicitors in Hampshire, sits about three days a month as a deputy district judge.

He became a legal executive in 1980. He describes the gradual opening up of the profession over the last 12 years – from the ability of legal executives to swear oaths ("a fairly modest step"), to allowing legal executives to become partners and take on judicial roles.

Is he persuaded that this is all going in the right direction? "I am, but only up to a point. I don't agree with the attempt to turn paralegals into another limb of the legal profession," he says. "Back in the 1980s only about 5% of people went to university, and the profession made solicitors graduate-entry. The role of legal executive was well regarded at the time because the pool of graduates that firms recruited from was so small."

What was his own experience of the law? "I

Mandie Lavin, CILEX

"Over the last 25 years more than 100,000 people have pursued qualifications with us," says Mandie Lavin. "It is the only route that is open to all regardless of education, social status and background," she says.

What does that say about the legal profession that more than four out of 10 partners went to two universities? "It poses challenging questions about selection, how talent is nurtured and the environment that people are working in," she replies. "Just by virtue of going to Oxford and Cambridge doesn't make you somebody who shouldn't be at the head of a little firm but one would hope that the people who are there, are there by virtue of merit. How do people who have merit but don't have those advantages get into those positions? That's the big question."

secured my first job as a result of simply writing to most of the firms in the local Yellow Pages," he says. There were no lawyers in his family but his father was a court liaison officer for the social services department.

Was there a division between solicitors and non-graduates like himself when he joined the firm? "No. But when I started there were lines of demarcation," he replies. "You were never going to be a partner. That was never going to happen. Some still don't want that."

Do legal executives get treated as the poor relation of solicitors in firms? "I cannot say that I have ever been treated badly as a legal executive, other than the occasional snobbery," he says. "Frankly, that's not something that I have noted in the profession generally, whether from counsel, people I have worked with or those on the other side. Legal execs have always been valued by the firms."

He describes his part of the profession as "a meritocracy now. It definitely wasn't back then. I would say there is an underlying racism in the legal profession. That has been my experience in the context of recruitment and getting a foot in the door in particular."



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