



The Law Society

LONDON CALLING: AN OVERVIEW OF THE LGBT LEGAL PROFESSION IN THE UNITED KINGDOM

Out & Equal Workplace Summit 2010

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Introduction

- Background on the Law Society and the InterLaw Diversity Forum
- LGB Solicitor Career Survey 2009/2010
- Women and Black and Minority Ethnic (BME) Solicitor Studies 2009/10 by the Law Society
- LGBT Judicial Diversity Survey 2009/2010
- Stonewall Presentation on the Work Equality Index (WEI) and the Legal Sector in the United Kingdom

LGB Solicitor Career Survey 2009/2010

LGB Solicitor Career Survey 2009/2010

Background and Methodology

- Little is known about the career experiences of lesbian, gay and bisexual solicitors.
- Update of the Law Society's ground breaking 2006 study *Career experiences of gay and lesbian solicitors*.
- Goal of the Law Society and InterLaw Diversity Forum from launch in 2008 to update study with broader pool of potential respondents.
- The online questionnaire was developed by a group of volunteers from the InterLaw Diversity Forum.
- 443 respondents with 298 gay men, 100 lesbian women and 37 bisexuals.

LGB Solicitor Career Survey 2009/2010

Uses of the Study

- To increase understanding of and provide data on the career experiences of LGB solicitors.
- To develop action plans for the career progression of LGB solicitors.
- Study complements findings of the Law Society's reports on women and BME solicitors.
- It will also provide data to the Law Society and the InterLaw Diversity Forum to set an agenda for LGB legal professionals.

LGB Solicitor Career Survey 2009/2010

"I am not certain what an LGB is, but I suspect that it has something to do with non-legal activities. In that case this survey has nothing to do with the practice of law or the Regulation of solicitors and is a scandalous waste of time and money. The Law Society should be ashamed of itself."

—R294

LGB Solicitor Career Survey 2009/2010

Preliminary Findings

- The results suggested that the experience of LGB legal professionals is mostly positive.
- Suggests that the workplace is more welcoming and that law firms are more reflected of the sexual diversity in wider society than in the past.
- A total of 96% of gay male and 92% of lesbian respondents stated that they were 'out' in their personal life.
- Differences in respondents' willingness to be open about their sexuality at the start of their career suggests a change in assumptions and expectations about the culture of law firms:
 - 15% of 51-55 year olds and 16% of 46-50 year olds felt able to be out at their first firm
 - while 60% of under 25 year old lawyers who now feel able to come out at their first firm.
- However, only 9% of gay male and 27% of lesbian respondents described themselves as fully 'out' in the workplace.
- Career advancement, including “pink plateau” and “double-glazed glass ceiling”

LGB Solicitor Career Survey 2009/2010

“My civil partner is known and liked and invited to functions in the same way as the husbands/wives of other partners and staff members.”

—*R140, Lesbian, 31-35 years old*

“Officially, yes, but in practice this would cause quite a few ripples.”

—*R209, Gay male, 26-30 years old*

LGB Solicitor Career Survey 2009/2010

Career landscape: out or not?

- This survey also sought to draw out the reasons for respondents' evident trepidation about being out in the legal profession. Several key drivers in respondents' attitudes can be identified, namely:
 - (1) their age;
 - (2) the existence of unpleasant experiences of direct discrimination, or the perception that there is scope for such behaviour from co-workers;
 - (3) perceptions that indirect forms of discrimination may persist, and that sexuality may therefore have an impact upon career progression; and
 - (4) the extent of the support that is available or perceived to be available.

LGB Solicitor Career Survey 2009/2010

“I am disappointed when there is a negative or positive discrimination in relation to sexual orientation. It is an intrusion into a person’s private life to ask about or comment on it.”

—R360, Gay male, 61-65 years old

“I have been consistently ‘out’ as a lawyer, during my training contract and as a qualified lawyer. I believe that my honesty and directness in this area of my life is reflected in the way that I work, build teams and supervise people...”

—R340, Lesbian, 36-40 years old

LGB Solicitor Career Survey 2009/2010

Shifting Attitudes Across Generations

- Younger respondents were far more willing to be out at work than the older age groups.
- Possible influences on this trend are that older age groups' perceptions of how they will be treated may well be derived from the time in which they were young, when discrimination was more open and commonplace.
- Other respondents referred to a less sociable business culture in previous times, one which placed less of an onus on networking and team bonding, and therefore engendered a more private attitude to the workplace.

LGB Solicitor Career Survey 2009/2010

“The legal profession is incredibly homophobic and I would never dream of coming out at my present firm.”

—R149

LGB Solicitor Career Survey 2009/2010

Direct discrimination: negative experiences and the perception of scope for such experiences

- A total of 16.9% respondents stated that they had direct experience of homophobic discrimination—71 of the 443 people who responded to the survey had experienced such abuse.
- The survey also drew out non-quantitative data about individual instances of abuse. Such instances of discrimination were of particular concern in the context of the legal profession and the values which it is charged with upholding.
- Furthermore the survey suggested that such individual instances can have a compounded impact beyond their effect on the particular individual concerned
- Assists in explaining why the number of people who are 'out' in their professional lives is at odds with the same respondents' 'outness' in their personal lives.

LGB Solicitor Career Survey 2009/2010

“I have been repeatedly passed over for promotion and despite turning in better than average performances have always felt that others thought I was somehow untrustworthy.”

—*R366, Gay male, 41-45 years old*

LGB Solicitor Career Survey 2009/2010

Indirect discrimination: perceptions of sexuality and career progression

- A degree of unease was demonstrated amongst a **majority** of respondents regarding their sexuality's potential to impact negative upon their career.
- A total of 45% of gay men and 36% of lesbians who responded to the survey stated that they did not think their sexuality would affect their career progression at all.
- Many respondents gave extensive descriptions of circumstances when they have felt inhibited or treated differently because of their sexuality.
- Many respondents stated that they felt 'lucky' not to have experienced discrimination in their career.

LGB Solicitor Career Survey 2009/2010

“It has been very encouraging to have openly gay role models at senior levels in my current firm.”

—R2

“LGBT friendly cultures are developed from the top down. Senior management must show the lead.”

—R30

LGB Solicitor Career Survey 2009/2010

Support and networks

- Several grounds for complaint were raised regarding LGB networks within firms.
- Whilst 76% of respondents stated that their firm had an organised LGB network, many stated that their firm's network was inactive or struggling within their firm.
- Others pointed out that such network groups were almost impossible to make viable in a smaller firm.
- Some respondents pointed out that networks are more difficult to establish in regional firms.
- A total of 41% of respondents said that they had an open LGB co-worker who they considered to be a 'role model'.
- However, it was evident from the results that such positive contributors to a person's experience of the workplace were widely disparate.

LGB Solicitor Career Survey 2009/2010

Preliminary Conclusions

- Actual equality could be considered to be a scenario whereby all LGB people can progress up the legal career ladder on an equal footing to, and be judged on, the same basis as non-LGB people.
- The survey has shown respondents' experiences to be widely divergent, and many to have been positive; however negative experiences are still not uncommon and equality does not appear to be a consistent expectation across the profession.
- The most positive aspect of the results is the improvement seen in the confidence of young LGB people in the legal profession, but again, this is not a consistent pattern, with 40% of under 25 year old lawyers still choosing not to be 'out'.
- Furthermore, the survey unearthed concern that such confidence does not represent a guarantee of actual equality for these more confident young legal professionals.
- In general the results pointed to a need for greater leadership, and amongst the issues such leadership would need to address are those drivers for inequality that respondents indicated in the survey.

LGB Solicitor Career Survey 2009/2010

“Although, as a trainee, I was afraid that being out would cause problems at work, my work actually benefited greatly by my being out (less distracted/anxious) and it has been very encouraging to have openly gay role models at senior levels in my current firm.”

—R37, Lesbian, 30-35 years old

LGB Solicitor Career Survey 2009/2010

Next steps

- Final report in Autumn 2010 with concrete conclusions for creation of an action plan.
- Protocol for diversity charter to be developed work with law firms and other legal employers.
- Final report to be used in conjunction with other Law Society studies on BME and women solicitors where we see much commonality on experiences and issues.
- Focus on culture and “in groups” and “out groups” (i.e. elephant house and zoo scenario).
- Survey on LGBT career advancement in 2011.
- Update survey in 2012.

LGBT Judicial Diversity Survey 2009/2010



LGBT Judicial Diversity Survey 2009/2010

Background and Methodology

- Little is known about the barriers to judicial appointments perceived and experienced by lesbians, gay men, bisexuals and transgender legal professionals.
- Research the Judicial Appointments Commission (the "JAC") in 2008-2009 on barriers to judicial appointment addressed gender and ethnic minorities. -- *did not address sexual orientation.*
- Research was conducted by the InterLaw Diversity Forum with the Bar Council's Equality and Diversity Committee and the Law Society.
- The questionnaire was modelled on the JAC's research with their consent.
- 187 respondents including 142 men and 42 women.

LGBT Judicial Diversity Survey 2009/2010

Uses of the Study

- The preliminary findings have been shared with the Ministry of Justice's Advisory Panel on Judicial Diversity chaired by Baroness Julia Neuberger DBE.
- Neuberger report available online (includes sexual orientation and LGBT references):
<http://www.justice.gov.uk/publications/docs/advisory-panel-judicial-diversity-2010.pdf>
- It will also provide data to the JAC, the Law Society, the Bar Council and the InterLaw Diversity Forum to promote judicial office as a career move for LGBT legal professionals.

LGBT Judicial Diversity Survey 2009/2010

“As a lesbian recorder...I was surprised to be selected as I was very clear on my application about my sexuality...I still feel that I cannot be entirely open about my sexuality, although I do not conceal it.”

LGBT Judicial Diversity Survey 2009/2010

Preliminary Findings

- The most striking finding was that participants who considered themselves well qualified and capable of pursuing a career in the judiciary, stated that they would be highly unlikely to actually apply for such a role.
- The explanations for this situation which emerged from the survey data were two-fold. There were:
 - (1) a **lack of practical information** about:
 - the work of the judiciary;
 - the entry requirements; and
 - the application process; and
 - (2) there were a number of **negative perceptions** of the judiciary.

LGBT Judicial Diversity Survey 2009/2010

“What I found put me off initially was that there is no positive statement anywhere (application form/adverts/website/monitoring questionnaire) that the JAC positively welcomed applications regardless of sexuality.”

LGBT Judicial Diversity Survey 2009/2010

Perceptions of the Judiciary

- Some of participants' negative view of the judiciary were of a more **general nature** which have also been reflected in other JAC studies (for example, having the right **contacts or background** was an important element of an application)
- Many others focussed on issues derived from being an **LGBT** individual; for example few respondents considered that being an LGBT person was an asset.
- In contrast the same respondents perceived that being a member of an ethnic minority would have a positive impact on an application and among the same respondents ***some considered that being LGBT might have a negative impact*** on an application. (Particularly those over the **age** of 45).

LGBT Judicial Diversity Survey 2009/2010

“I think one of the things that frightens LGBT practitioners from judicial office is the perceived additional scrutiny they will receive as a judge.”

LGBT Judicial Diversity Survey 2009/2010

Attitudes Towards Judicial Office

- Aspects of the judiciary which appealed to respondents included:
 - Public service;
 - Making a difference in the law;
 - Change of career focus;
 - Provided interesting work; and/or
 - Opportunity to be a decision maker.
- On the other hand, aspects of the judiciary which least appealed to respondents were:
 - Potential hostility towards me because of my sexuality/gender;
 - Judicial establishment/culture;
 - Isolated nature of role; and/or
 - Loss of flexibility.

LGBT Judicial Diversity Survey 2009/2010

“I always thought that the judiciary was a closed shop reserved to QC’s and members of a generally white, male, middle class, Oxbridge-educated, heterosexual group of barristers.”

LGBT Judicial Diversity Survey 2009/2010

Lack of Information

- LGBT lawyers still seem to be **under informed** about the **role of the judge** and the **appointments process**.
- The majority of respondents were “not very well informed” or “not at all well informed” about the **judicial role** (53%) and these numbers significantly increased when asked about the **selection process** (80%).
- The vast majority of respondents said they would be **more likely to apply** for a judicial role if they had:
 - more information on judicial roles;
 - more information on selection process;
 - more information on minimum entry requirements; and
 - access to work shadowing/mentoring schemes.

LGBT Judicial Diversity Survey 2009/2010

Conclusions

- Judiciary is **not** on the career horizons of many LGBT legal professionals.
- **Need for role models and mentors:**
 - over 70% said more openly LGBT members of the judiciary would encourage them to apply for a judicial career.
- Image of the judiciary remains static:
 - middle aged, middle class, and drawn from a very narrow pool of persons who are already well connected and 'in the know'.

LGBT Judicial Diversity Survey 2009/2010

“I did apply and was successful.”

LGBT Judicial Diversity Survey 2009/2010

Preliminary Proposals

- More work needs to be done with the LGBT legal community to show a stronger commitment to them and to:
 - embed 'the judiciary' as a career option;
 - transform understandings about the appointments process;
 - encourage visible LGBT role models and mentors within the judiciary; and
 - raise awareness and the profile of the judiciary more generally.



The Law Society

The Law Society represents 130,000 solicitors qualified in England and Wales and practising around the world. From negotiating with and lobbying the profession's regulators, government and others, to offering training and advice, we're here to help, protect and promote solicitors.



The InterLaw Diversity Forum for Lesbian, Gay, Bisexual and Transgender (“LGBT”) Networks (the “InterLaw Diversity Forum”) was founded in March 2008 by Daniel Winterfeldt, Simmons & Simmons corporate partner, working with other top London law firms including Allen & Overy, Baker & MacKenzie, Clifford Chance, Eversheds, Herbert Smith and Hogan Lovells. The InterLaw Diversity Forum is an inter-organisational forum for the LGBT networks in law firms and all personnel (lawyers and non-lawyers) in the legal sector, including in-house counsel (the “LGBT Legal Community”). The overall objective of the InterLaw Diversity Forum is to encourage LGBT diversity and inclusion in the legal sector. The InterLaw Diversity Forum has over 1,000 members and supporters from more than 70 law firms and 45 corporates and financial institutions.

The InterLaw Diversity Forum has been recognized as a driving force for the LGBT Legal Community by the media and industry awards. The InterLaw Diversity Forum is honoured to have been recognized in 2008 by being ranked first for Diversity by the FT Innovative Lawyers Report, as well as “Highly Commended” at the Law Society’s Excellence Awards in November 2008. The InterLaw Diversity Forum was also shortlisted by The Legal Business Awards 2009 for CSR Initiative of the Year and shortlisted by the Law Society’s Excellence Awards for Excellence in Equality and Diversity and Excellence in Community Service in 2010.

For additional information on the InterLaw Diversity Forum please visit www.interlawdiversityforum.org or contact our co-chairs Daniel Winterfeldt (daniel.winterfeldt@simmons-simmons.com) or Emma Woollcott (emma.woollcott@mishcon.com) .