

Closing the Gender Gap at Partner Level: Why is Progress So Slow and How Do We Overcome This?



I had the pleasure of chairing the inaugural London Solicitors Litigation Association Roundtable ("LSLA") in October. The LSLA will be hosting these periodically, to bring together members from all parts of the profession and hear their views on a variety of topics.

We began with a discussion about closing the gender gap at partner level, a topic close to my heart. Where are all the women partners? Earlier in the year, I was asked to write an article for International Women's Day about the gender gap at partner level. I knew we were a long way from equality but it wasn't until I started digging into the stats that I realised just how slow progress has been. Far too slow, in my opinion, particularly when most law firms have been talking about this for at least a decade.

Dipti Hunter, a partner at Keidan Harrison recalled a Channel 4 interview she did in 1995 about gender parity in the legal sector, saying "I think we were all expecting gender parity within quite a short space of time, but maybe we were all very naive then". Certainly, when I joined the profession in 2005, I thought it was on the horizon and wouldn't be something I needed to worry about almost 20 years later. How wrong I was!

Today, despite over 60% of solicitors in England and Wales identifying as women, the most recent figures from the Solicitors Regulation Authority (SRA) say they make up only 35% of law firm partners and over the last decade this figure has crept up at a painfully slow rate from 31% in 2013.

I invited practitioners from a broad cross section of the profession and a lively discussion followed. Claire Rason, founder of Client Talk, warned that based on her extensive research, the reasons for the gender gap is systematic "lots of interventions are directed at individuals and they fail to address the system and sometimes they uphold the system."

We agreed that both systematic and individual interventions are needed and were able to identify five themes that have contributed to the gender gap and are crucial to increasing the speed of change in the legal sector.

1. Nurturing Individual Potential

Addressing the gender gap in law firm partnerships requires a proactive approach, with thought and care at the early stages of a woman's legal career. Farmida Bi CBE, EMEA Chair of Norton Rose, noted that "Early on in their careers women are already writing themselves off. They make decisions and choices based on what they perceive will be limitations, at a very early stage." This may be due to a confidence gap, many women lack the confidence that seems to be inherent in many men. "Too many women don't realise that they are the quality of person that would make a fantastic partner. Pointing out to women early in their career that they have immense potential, makes a real difference."

The confidence gap is linked to myths and stereotypes that begin at school age. Claire Rason pointed out that law firms are gendered organisations, with an "ideal worker". Traditionally this has been "someone who is unencumbered by family and able to drop everything." In her research she found that "the traits we view as traits of partners are gendered male – things like ambitious, assertive, competitive. This stereotype plays against women."

Debunking these myths and stereotypes is a crucial step in fostering a supportive environment that encourages women to pursue their ambitions without self-imposed limitations. Natalie Osafo, Senior Associate at Stewarts Law identified one key myth,

“that women are less ambitious than men.” It just isn’t true. “To address the equity, we need to take it back to the individual and understand what do they want as an individual and when and how and why? Is it confidence? Is it visibility? Is it flexibility? We need to move away from equality, which is women being more like men and move to equity – how can we make sure there is an equal opportunity for the best and most talented people to move to the top of law firms? Have the conversations early and take an individual approach.”

These conversations should not be reserved for women, we agreed. Individual conversations of this nature are essential for all lawyers at an early stage of their career. Coaching emerged as a key tool, providing tailored support that addresses individual needs. It is a way of embedding DE&I into workplace culture. Charlotte Hill, partner at Penningtons Manches Cooper, noted that coaching can be transformative, helping individuals to overcome stereotypes and combat imposter syndrome. She found coaching in the lead up to her application for partnership invaluable “it really taught me to speak up, to find my voice, to have confidence.” She noted, with hindsight, that it would have been really useful to have this earlier in her career.

2. Creating a Supportive Culture: Beyond 24/7 Expectations

Culture is key and it starts from the top. The prevailing 24/7 culture within many law firms was identified as a significant impediment to women's progression to partnership. Indeed, there are also many men coming into the profession who now reject this culture. With a plethora of interesting, rewarding and well paid roles within the legal profession that don't adopt the 24/7 culture, why would partnership be an attractive option?

Ceri Morgan, professional support consultant at Herbert Smith Freehills, is one of the many talented women in the profession who chose to move away from a fee earning role to commit more time to her family. She explained that for her “it's not about the volume of work, I'm really happy to work super hard, but my priority is these two little people, and I need to have face time with them, live face time. I want to be present, I want to hear about who they played with at play time.”

Nina Best, general counsel at Delinac agreed “being present with my children is incredibly important to me and I'm able to be in a demanding job because of the flexibility. I have a huge volume of work but I don't need to fit it into nine to five. I can pick my kids up from school, have dinner with them and then start work again in the evening. The 24/7 culture is one of the reasons I wouldn't return to private practice, it just wouldn't suit me.”

Alexa Segal, senior lawyer at BT Group, agreed that women have no issue with hard work or large volumes of work. She has seen this in the diversity data of a wide range of law firms “almost all the law firms had more than 60% of senior associates who are

female, it is the jump from senior associate to partner that is most difficult. Women have no problem working the hours that are necessary to be a senior associate but they are not making that jump to partnership.”

Simon Taylor, partner and head of dispute resolution at Howard Kennedy identified that “it is an absolute disaster if we are losing our top talent because we aren’t able to support them as they manage other parts of their lives. It is about embedding the practices and making it visible.”

The narrative of associating success with an unrelenting commitment to work is a problem that we all agreed needs to change. Senior leaders within law firms play a pivotal role in initiating cultural change. The responsibility lies in embedding practices that accommodate the diverse needs of legal professionals and visibly championing these changes.

Simon Davies, past president of both the London Solicitors Litigation Association and The Law Society and partner at Clifford Chance for over 20 years, called for positive action. He noted that high quality, visible, relationship building is a key component of being a successful partner. When firms ask “what are we doing to make sure that women, individually and as a group, are visible, you start to find some really interesting things. Many women do much more non chargeable work than men. Some only work for two or three partners. Some aren't in key client relationship groups. You discover that men are much more visible.” When that is the case, a supportive environment means taking positive action to ensure that women aren’t missing out on opportunities open to men.

3. Role Models: Lead by Example

The significance of role models in shaping women's success in law firms was a recurring theme throughout the discussion. We all know people who have set aside their ambition to become a partner because they look to the top and they don’t see themselves reflected, whether that is related to their identity characteristics or to the traits, life choices and background of those they see at the top. We need a diverse range of role models, male and female, with different skills, different experiences and different stories.

Stories matter; they inspire, guide, and break down barriers. Sharing experiences fosters a sense of possibility, which is essential for those who are less represented at the top of an organisation. But, it doesn’t stop with having role models in place. Partners need to lead by example, bring others along on the journey and speak up when things are wrong.

Amy Hobbs, associate at Norton Rose, said “the single most impactful thing that I have seen was a very senior male partner who was running an incredibly busy trial, saying

to us in very big team meetings with counsel, I won't be online from 6:30pm to 7:45pm because I do bed time". It made her think "maybe it is doable, maybe it is accessible, because every other message that trickles down to you is that it isn't possible". She was referring to being a successful litigation partner in a top city firm and also having some uninterrupted quality time with your family, on a day to day basis.

Seeing men take shared parental leave is another great example of how the actions of senior men can positively impact women. The start is for law firms to have a good policy in place, one that allows fathers to take an equal amount of leave to mothers. The next step is for men to be encouraged to use it. As Amy said, when you see this happening "it really does send the message that it's not just lip service. Of course, it is an individual personal choice for each family but it doesn't have impact until we see people actually doing it and those people are still being rewarded and promoted in in the team".

Nadia Osborne, partner at Fladgate, added that as well as leading by example, partners need to be "educating their team and enabling them to have the confidence to speak up about their needs and the skills to find a way to make this work".

Kathleen Harris, partner and head of the London office of Arnold & Porter, agreed. Those in the role of partner "can't believe that you float on water, you're there to be a positive role model". Partners need to be intentional and think about the impact of their actions. Do you really need to send that email at 10pm or can it wait until the morning? Are you creating a competitive atmosphere between your senior juniors? Are you ensuring that the non chargeable work is equally divided between the team or rewarded and celebrated at the same level as fee income? "When you are in a senior role and on committees, you need to encourage your fellow partners to look at the other contributions that a female practitioner might make. They might not be the biggest rainmaker in the firm, but you have to recognise that part of your success is down to those other people, and the contribution that they make."

Partners can influence client relationships. They can control how visible women are. They can create competition between the juniors or they can create a supportive culture. It is incumbent on senior leaders to step up now and make that change.

4. Transparency: A Simple Step towards Equity

Dana Denis-Smith, CEO of Obelisk Support asked "Why can we not be transparent about what it takes? What does the partner in the 21st century look like? If I look back at my legal career, nobody spelled it out. When I joined as a trainee, I would have loved to have known but nobody demystified it." Many women speak of the goal posts being moved. They think they are on track, then they realise they aren't on track but no one is explaining why.

Dana suggests, "We could just make it simple. Where is the partner job description? I'd like to see it." There are job descriptions for every job, there should be one for the partner job. Law firms need to clearly communicate what it takes to become a partner and what the expectations are when you are in that role. Then women can make an informed choice about whether they are interested, rather than writing themselves off because of assumptions that may be incorrect.

Others agreed that the opaque nature of partnership selection is a challenge. The guess work is exhausting. As Alexa Segal pointed out, "It's not like a job comes up as for a partner in real estate, and you ask all the best qualified people who are interested to apply, and then you assess them." Instead, it is often a case of "tap someone on the shoulder three years in advance and say, I think you might be good for partner, let's work with you to get you to the position where you can present us with a business case." The lack of a transparent route makes breaking the mould more difficult because traditionally, those who get a tap on the shoulder are more likely to look and sound like the existing partnership.

The lack of transparency also means that people often assume they only have one chance. The phrase "making partner" is universally used within the profession, yet we all agreed that it shouldn't be a race. Not being a partner by the time you are 10 years PQE should not be seen as a failure. Why can't law firms allow "wonky careers"? Why is it so rare for lawyers to take some time out or take their foot off the gas for a period of time, to focus on other parts of the life, and then when the time is right, they can apply for partnership.

Amel Fenghour, Senior Investment Manager at Innsworth Advisors pointed out that the transparency can be an easy win "one cost free thing that firms can do today is publish your maternity and paternity policy online." It's not something most people are comfortable asking about in an interview but it is important and a reflection of a firm's approach to gender equity

5. Clients: Leveraging External Pressure

The role of clients in paving the way for change should not be underestimated. They hold a lot of power. As Farmida Bi pointed out "you can say that it is fair that if 50% of intake are women, then 50% need to be partners, and people will agree or not agree. But if a client won't give you a deal, because your team is made up of men, nobody questions the need to have a more diverse team. And that pressure from clients, which is relatively new, has resulted in a substantial change, for the good."

Amel Fenghour agreed "until you start losing money because clients are giving their work to other firms with more diverse teams, I am quite cynical about the ability to get past the 30% ish figure, because things are very ingrained in the structural mechanisms".

BT Group are setting a great example. It was well publicised that they awarded an automatic place to Addleshaw Goddard on their next panel as the existing panel firm with the best DE&I statistic and the most work towards diversity.

Alexa Segal was part of that process and said that she is not interested in working with “teams that are not diverse. They are not creative, they are not thoughtful enough, they're economically less capable, they're financially worse models, they're less likely to have longevity in their teams, which means I'm less likely to get good work out of them long term. So if your team is not diverse, I as a client, am not interested in working with it, and I say that to law firms all the time.”

This is not an easy job for clients. As Nina Best explained, she is often “presented with a diverse team in a pitch but part way through the job it becomes apparent that the team doing the work is not the diverse team I was presented with and often, by then, you are so busy that you just need the job done.” So the role of the client isn't just to ask for diversity, it is to challenge when that isn't the reality.

All participants agreed that tokenism at pitches is a big problem. The key, said Kathleen Harris, is “embedding it in the culture, and making sure that you are not just saying it, because we can all say the words. I'm tired of reading brilliant words, I read it across websites, I look at competitors all the time. It's wonderful but it needs to be the actual lived values”.

It's not all doom and gloom ...

While the discussions painted a sobering picture of the challenges women face in reaching partnership, everyone agreed that there are visible signs of change. The fact that women are now being promoted while on maternity leave or as part-time partners represents a positive shift. Men are taking shared parental leave. Clients are demanding diverse teams. The young practitioners coming into the profession, both male and female are more mindful about where they're working, what they find acceptable and what their options are. All of these things show progress but if there is any prospect of reaching gender parity in the next decade, this is not nearly enough. Firms need to go the extra mile, break barriers and try different things to move away from tokenism and change the way they do business. This means looking at the gender gap and also other minority groups who are waiting in the wings and deserve their place at the table.

We ended the discussion agreeing that we had only just scratched the surface. There was much more to say and we need more men in the room. We would love to hear your thoughts. If you would be interested in attending a follow-up discussion in smaller groups, please get in touch.

Chair: Nikki Edwards, Vice President of the LSLA and Partner at Howard Kennedy

Keynote speakers: Farmida Bi CBE, Norton Rose Fulbright; Dana Denis-Smith, Obelisk; and Claire Rason, Client Talk.

Around the table: Alexa Segal, BT Group; Amel Fenghour, Innsworth Advisors; Amy Hobbs, Norton Rose Fullbright; Ceri Morgan, Herbert Smith Freehills; Charlotte Hill, Penningtons Maches Cooper; Dipti Hunter, Keidan Harrison; Kahleen Harris, Arnold and Porter; Natalie Osafo, Stewarts; Nina Best, Delinian; Simon Davis, Law Society Past President; and Simon Taylor, Howard Kennedy.