Diversity, Elitism and Exclusion? Understanding Perceptions of Diversity and Inclusion Efforts in Elite City Law Firms

Abstract

This research explores the perceptions of practising solicitors to diversity and inclusion efforts in elite law firms in The City of London. Many law firms in The City have been implementing diversity and inclusion strategies for several years, sometimes for decades, with mixed results. The Black Lives Matter protests of 2020 reinvigorated conversations about racism and inequality in wider society. Diversity and inclusion agendas were adopted in increasing numbers by law firms, and clients increased the pressure by finding various ways to signal that they expected law firms to take diversity seriously. At the same time the COVID-19 pandemic required people to work remotely, which many law firms had previously resisted, despite suggestions that it could help to improve gender equality at senior levels.

This qualitative research, based on 19 semi-structured interviews, investigates the perceptions of lawyers working at law firms in The City to diversity and inclusion efforts. It aims to understand how the participants frame workplace diversity in City law firms - organisations which are exclusive in nature and lack diversity on several measures. The findings reveal several tensions, for example the role of clients in accelerating diversity, while simultaneously being held responsible for the status quo. In addition, the findings support the contention that the events of 2020 have altered the framing of organisational diversity but with significantly more impact with regards to race and ethnicity than other demographics; gender inequality continues to be framed as insurmountable due to motherhood. The study provides suggestions for City law firms wanting to improve diversity and inclusion, as well as avenues for further research.

Keywords: Diversity and inclusion, workplace diversity, law firms, framing, social dilemma

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1. Introduction

*I walk into an internal meeting room for a client call. The professionals working on the deal number 30 – 40, two of whom are women; about 10 people are expected on today's call. "I've just realized there are more Andrews joining **this call** than there are woman working on the whole deal!" I say. My colleague Vishnu chimes in "there are more Vishnus on this deal than there are women!". At this moment, my boss walks in and says "Yes, but there's only one Nigel", and we all chuckle[1].*

There were many times during my legal career that I was aware of being outnumbered by men, but this one stuck with me as it reminded me how readily the lack of senior women was accepted, often with a 'shrug' and a sense that nothing could be done, just a fact of life in a City law firm[2].

Elite law firms in The City of London ("The City") have been looking for ways to increase the proportion of women at partnership level for decades, but while the numbers have risen, they are hardly overwhelming (The Law Society of England and Wales, 2020). And it is not only women who are underrepresented at the partnership level in City law firms. Put another way, relative to the population of London, the population of law graduates leaving university with top grades, or even the population of trainee solicitors entering the profession, privately-educated white men are overrepresented at partnership level (Bridge Group, 2020; The Law Society of England and Wales, 2020).

Following the murder of George Floyd and the Black Lives Matter protests of 2020, law firms publicly stated their 'messages of solidarity' against racism; later, many spoke out against anti-Asian racism stirred up during the COVID-19 (Coronavirus) pandemic (Ames, 2020; Mawardi, 2020; Rogers, 2020). Many firms made public declarations to redouble their diversity and inclusion efforts, with a particular focus on race and ethnicity (Hussain, 2020; Mawardi, 2020; Patel, 2020; Roberts, 2020).

Although the moral basis for improving diversity is not completely absent from U.K law firms, the predominant rationale is the 'business case'. Despite sustained academic opposition (Kersten, 2000; Noon, 2007; Zanoni et al., 2010), the business case advantages persists as a common way for organisations to frame their diversity programmes. The response to Black Lives Matter, however, suggests a shift may be underway, with moral and social arguments gaining traction. Some scholars argue that a complete 'reframing' is required to move away from organisations approaching workplace diversity through a lens of

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[1] Names have been changed.

[2] I use the term City law firms to refer to those predominantly serving financial and professional service firms in the City of London. Typically, the clients of these firms are international corporates, private equity firms, sovereign states and high net worth or powerful individuals.

their own self-interest, and towards a comprehension of it as a social tragedy requiring a collective response (Jonsen et al., 2013). The way in which a particular matter is framed can change over time, or be 'reframed', impacting the way in which it is conceptualized (Cornelissen & Werner, 2014). Understanding frames in context is arguably the first step to determining possibilities for reframing (Chong & Druckman, 2007; Cornelissen & Werner, 2014). This project deploys qualitative methods to explore the frames used by solicitors to conceptualize diversity and inclusion efforts in a highly competitive, elite and exclusive working environment. This is a necessary first step towards understanding the possibilities for reframing the organisational self-interest of law firms with respect to diversity, so as to pursue the collective approach advocated by Jonsen et al. to resolve the 'tragedy of the uncommons' (2013).

The research question guiding this study is: **how do solicitors in elite City law firms perceive diversity and inclusion efforts?**

2. Literature review

2.1. Making the case for Diversity

Over the last three decades, as organisational heterogeneity has increased (Barak & Travis, 2012; Roberson, 2019), academics in numerous disciplines have considered how best to manage the multiplicity of demographics and identity we find in modern workplaces (Holck, 2016; Homan et al., 2007; Jonsen et al., 2011; Kalev et al., 2016; Roberson, 2019; Zanoni et al., 2010). At the same time organisations have sought to implement 'on the ground' policies, often driven by the business case for diversity which focuses on highlighting economic benefits for diverse organisations (such as, increased innovation or efficiency, or widening the pool from which to find talented employees) (Agócs & Burr, 1996; Gilbert, J. A., Stead, B. A., & Ivancevich, 1999; Köllen, 2021), and has steadily replaced the moral basis (Edelman et al., 2001; Kelly & Dobbin, 1998; van Dijk et al., 2012). Over time diversity rhetoric, in organisations and academic literature, has broadened from a focus primarily on gender and race to encapsulate other facets of diversity including other demographic categories, background, experience, and group identities (Jonsen et al., 2011; Klarsfeld et al., 2016; Köllen, 2021; Roberson, 2019).

The interplay of the moral and the business case, however, is by no means a settled debate (F. Tomlinson & Schwabenland, 2010). Academic studies paint an inconclusive picture that emphasizes the contingent and contextual nature of the business advantages (Pendry et al., 2007; Van Dijk et al., 2012). The shaky empirical basis for the business case has the potential to undermine diversity work in practice since its corollary suggests that diversity policies should be abandoned if they cannot be shown to increase organisational performance or where the implementation costs outweigh the financial benefit (Kersten, 2000; Noon, 2007). In reality, organisations make use of both the moral and the business case rather than viewing them as logically inconsistent (Ashley & Empson, 2016; F. Tomlinson & Schwabenland, 2010). People's attitudes towards diversity interventions have been shown to be affected by a combination of their group identification and whether diversity programmes are justified using a 'morality' based framing or by emphasizing the business advantages (Harrison et al., 2006). Utilising both rhetorics arguably increases the arguments in favour of pursuing a diversity agenda and may limit pushback. Yet despite undertaking diversity work motivated by these dual foundations law remains a largely homogeneous profession, particularly at partnership level (Bridge Group, 2020; Sundeep et al., 2017).

Jonsen et al. (2013) employ Hardin's 'tragedy of the commons' to critique current workplace diversity practices, highlighting key contradictions that prevent diversity management from fulfilling its stated aims. In the 'tragedy of the commons', common land is shared by a number of herders; individual herders act in

their self-interest and contrary to the collective good of all users, resulting in resource depletion through uncoordinated action (Hardin, 1968). In this analysis, organisational approaches to diversity, while not wholly ineffective, are viewed as simplistic and piecemeal, reproducing conflicts between collective and individual interests. Accordingly, central to diversity management's problems are the twin tensions of voluntarism versus coercion and individualism versus collectivism (Jonsen et al., 2013). Voluntarism, they argue, lays bare the faults of the 'business case' for diversity as it "*contributes to the polarization of the organizational and collective interests. In doing so, voluntarism legitimizes and justifies firms acting solely on the basis of self-interest without being constrained by coercive regulation*" (op cit., pg 276). There is a mismatch between societal needs and the rational self-interest of individual organisations, as well as a misalignment of timeframes for considering the success or otherwise of diversity efforts which may in some cases elude measurement altogether (Holck, 2016; Noon, 2007).

The second dilemma, individualism versus collectivism, is traced back to the change in diversity paradigm from the moral to the business case (Jonsen et al., 2011, 2013). As many critics point out, diversity interventions in organisations tend to lean heavily on what Mor Barak terms narrow diversity categories (Mor-Barak, 2005) treating employees as isolated individuals. This leads to definitions of diversity which ignore power structures and systemic inequality, and avoid mentions of terms such as racism and sexism (Agócs & Burr, 1996; Jonsen et al., 2013; Kelly & Dobbin, 1998; Tatli, 2011). Critical scholars note that conceiving diversity work as individualized in this way not only ignores key conceptualisations of organisations as gendered and racialized, but additionally marginalises social class in the face of evidence demonstrating its pernicious impact in elite UK organisations (Acker, 2009; Friedman & Laurison, 2020; Lorbiecki & Jack, 2000; Meyerson & Kolb, 2016; Zanoni et al., 2010). Added to this, diversity categories are often considered by organisations as fixed, singular and immutable which simplifies the work of those in charge of delivering diversity management strategies but at the cost of intersectional and collectivist approaches (Holck et al., 2016; Tatli & Özbilgin, 2012; F. Tomlinson & Schwabenland, 2010).

In response, it is argued that current formulations of *both* the business case for diversity and the moral argument are unsuitable frameworks with which to devise a solution due to the interrelation between different organisational and social actors and the power systems in existence (Jonsen et al., 2013; Zanoni et al., 2010). The tension between short-term organisational timeframes for assessing results and the longer-term lens to regard diversity work, must also be recognised. Organisations acting alone suffer fatal limitations; a collective approach supported by coercive actions is proposed (Jonsen et al., 2013). The business case should be rendered 'true' by establishing a legal and regulatory framework in which operating a business which is not diverse is financially penalized (for example, with fines for non-diverse organisations or by supporting diverse ones with tax incentives) (Dickens, 2006; Jonsen et al., 2013).

Laying bare the true cost to society and business of not addressing workplace inequalities may galvanise organisations into lobbying more effectively for the necessary social frameworks (Dickens, 2006; Jonsen et al., 2013; Sabelis & Schilling, 2013; Verniers & Vala, 2018).

Where then does this leave practitioners hoping to improve diversity and promote inclusive cultures, while working within the current legislative and regulatory framework? Organisations can start by taking actions appropriate to their circumstances, supporting inclusion and building psychologically safe cultures (Jonsen et al., 2013; Roberson, 2006). Understanding what those appropriate actions might be depends in part on better understanding where organisations and industries are currently, and how receptive people within those organisations are. While attitudes to diversity and inclusion interventions and programmes have been considered (Harrison et al., 2006; Kravitz et al., 2000; Van Knippenberg et al., 2013) there is less research considering the process people undertake in making sense of those policies. Investigating perceptions gives insight into how people formulate those attitudes, what factors they include, what they ignore, highlighting potential improvements to diversity programmes. Some scholars suggests that more contextualized diversity research is needed to answer the questions of "*where, when and how diversity dynamics evolve in organisations*" (Roberson, 2019, p. 83; see also Joshi & Roh, 2009; Zanoni et al., 2010). Further, this study considers whether the media attention garnered by social justice movements and the changes to how and where we work wrung by the COVID-19 pandemic have already gone some way reframing diversity work as a collective social need.

2.2. Framing

What is meant by 'framing'? Chong & Druckman define framing as "*the process by which people develop a particular conceptualization of an issue or reorient their thinking about an issue*" (2007, p. 104). The ability of framing to influence the way in which people conceptualize an issue renders it a powerful tool for influencing opinion. Experimental research has delineated framing from belief change by showing that people may change their minds or express a different attitude about an issue following a change in the emphasis placed on components of the message, even in the absence of new information or content in the message itself (Nelson et al., 1997). Within the particular context of diversity in organisational settings, the attitudes of people undertaking diversity training were influenced by (a) their gender and (b) the framing of the training (Holladay et al., 2003). In general men reacted more negatively to diversity training; additionally, framing the training with a traditional title ('Diversity Training' as opposed to 'Building Human Relations') and a broad focus (i.e. describing the content as covering race, gender, lifestyle and personality differences rather than focusing on race alone) resulted in more positive reactions to the training notwithstanding the same course content was presented (Holladay et al., 2003). Framing can affect the

extent to which positive discrimination or affirmative action policies are likely to suffer from perceptions of unfairness (Gamliel, 2007; Harrison et al., 2006); and, can be used in stakeholder management to counteract assumptions that certain Board appointments are made with diversity in mind over profit (Solal & Snellman, 2019).

The majority of extant research on the impact of framing with respect to workplace diversity is quantitative, considering whether a particular frame influenced an attitude at a particular time. This suggests a frame-setter and a receiver whose attitudes can be influenced, but the context in which frames operate is indubitably more complicated (Druckman, 2001).

Over time the frames of a particular concern can change and evolve, opening avenues for 'reframing' based on "*salient discourses that are culturally significant at a particular point in time*" (Cornelissen & Werner, 2014, p. 210). Cornelissen and Werner note future research opportunities in detailing the "*sources of influence on framing in context, and specifically the openings and opportunities for alternative frames*" (op cit., pg 216). They also contend that further research into the real-world adoption and grounding of frames as a process that is interactional in nature and influenced by lived experiences, is key to better understanding institutional change (Benford & Snow, 2000; Cornelissen & Werner, 2014; Dewulf et al., 2009; Smets et al., 2012). The ability of social contexts beyond individuals and organizations to provide new platforms for discussion is pertinent here since movements such as 'Black Lives Matter' and 'Me Too' have reinvigorated debates about race and gender. The COVID-19 pandemic has caused en masse conversion to lawyers working from home[3] and reopened discussions about flexible working. By employing qualitative methods this research explores whether these external social contexts have impacted discourses of diversity and inclusion in organisations in ways which are rendered visible to the individuals working in them.

2.3. Socio-economic Context - Law Firms

Industry bodies such as The Law Society and the Solicitors Regulation Authority[4] have advocated for diversity in law firms on the basis of the business case argument for over 15 years, and many UK law firms

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[3] The UK Government issued a 'stay at home' mandate in March 2020.
[4] The Law Society is the independent professional body for solicitors; the Solicitors Regulation Authority is the industry regulator.

have adopted this approach (Braithwaite, 2015; Kumra, 2015). The Equality Act 2010 aims to protect those with certain characteristics from discrimination. Even so, a pervasive disconnect exists between the demographic representation of those who study law, those who start the profession at City law firms, and those who make partner (Kumra, 2015).

Women have accounted for half or more of new trainees each year since 1986[5] (Braithwaite, 2010). Yet, the proportion of women partners across all firm types in 2019 was only 31% (The Law Society of England and Wales, 2020); the prospects of making partner as a woman at a City firm is even more elusive. Analysis from 2017 showed that the average probability of becoming partner in a City-boutique or large corporate firm (one with a presence in The City and regionally) was far higher for white men (72.5%; 65.7%, respectively) than for BAME men (32.4%; 28.1%, respectively), white women (20.6%; 18%, respectively) or BAME women (17.3%; 10%, respectively) (Sundeep et al., 2017). Additionally, research published in 2020 has shown that at a group of 10 leading City law firms over half of partners (53%) were privately educated (and close to half of all solicitors – partners and associates (47%)), compared with 7.2% of school children in the UK (Bridge Group, 2020). The same report found that 48% of partners are white men. With numbers of BAME law students growing (The Law Society of England and Wales, 2020), understanding whether the structures in place elevate white men to the detriment of others is a necessary and urgent endeavour. In such an exclusive environment, what impact are diversity and inclusion efforts making?

Law firms are by their nature strictly hierarchical, have a long-hours culture, there is a very set idea of how one must behave in order to advance, but the 'meritocratic myth' holds strong (Friedman & Laurison, 2020; Sabelis & Schilling, 2013; Sommerlad, 2016; J.
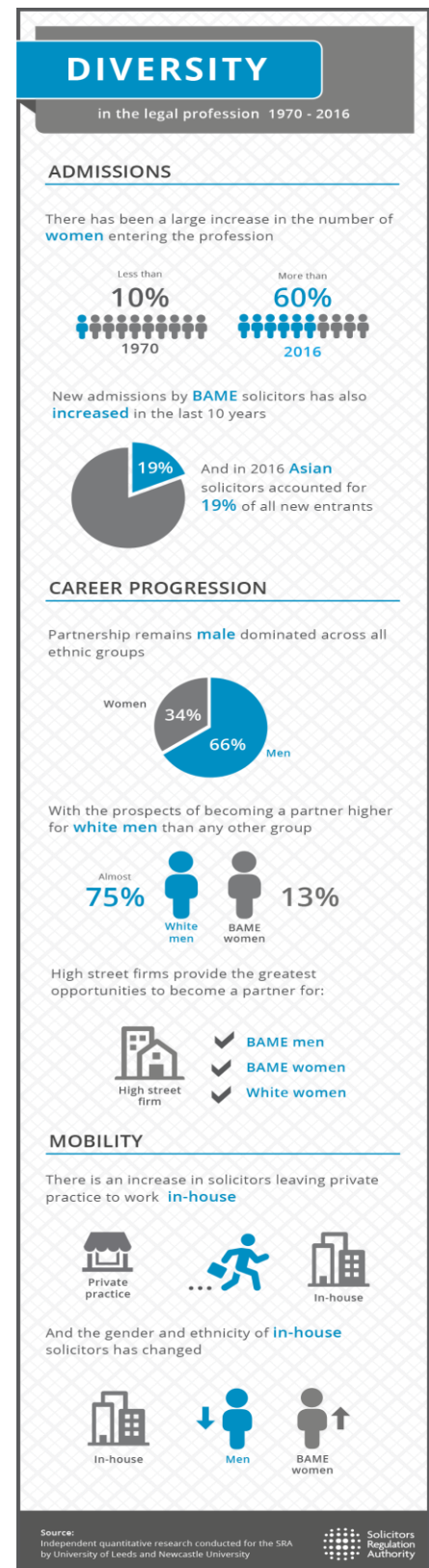
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[5] https://www.lawsociety.org.uk/topics/research/annual-statistics-report-2019

Figure 1: Info-graphic from https://www.sra.org.uk/sra/how-we-work/reports/diversity-legal-

Tomlinson et al., 2013). They are 'gendered' organisations, with formal and informal practices, and workplace norms that reflect a way of working built for heterosexual, white men (Acker, 1990; Meyerson & Kolb, 2016); an unrestricted availability to work is not so much rewarded, but is regarded as a pre-requisite to do the job (Fortney, 2002; Kumra, 2015; Sommerlad, 2002; Thornton, 2016a). The extent to which law firms expect women to fit the mould was underscored in June 2021 with the proud announcement by certain City law firms that they would now be offering women the opportunity to freeze their eggs (Beioley, 2021).

Through their research in three leading UK accountancy firms Ashley & Empson found that the 'client service narrative' significantly undermined both the business and moral case for diversity (Ashley & Empson, 2016). Law firms, like accountancy firms, justify a long-hours culture through deployment of the client service case, raising questions of whether research conducted amongst lawyers will find similar themes. The present research is situated in a particular industry context and at a particular point in time in which, albeit for different reasons, race and gender have become amplified in social discourses. It aims to add to the extant diversity literature though understanding the hows, whys and whats of evolving diversity dynamics in law firms by asking: **how do solicitors in elite City law firms perceive diversity and inclusion efforts?**

3. Methodology

3.1. Research Design

This research investigates the themes outlined above by exploring how solicitors working in elite law firms in The City perceive diversity and inclusion efforts within their organisations and the wider industry. While there is no shortage of academic literature on diversity and diversity management within different organisational structures and across industries, including the legal industry, the majority is US based, and/or quantitative (Jonsen et al., 2011; Roberson, 2019). In addition, during the last 12-18 months the legal industry, like others, has been subject to a series of exogenous shocks with the potential to impact diversity and inclusion. The COVID-19 pandemic has recalibrated previously entrenched attitudes against remote working. Meanwhile protests against racism have received significant media attention, leading to a renewed focus on diversity and inclusion by elite professional service firms operating in The City (Mawardi, 2020; Roberts, 2020). Against this unique backdrop, I adopted a qualitative approach to better understand the sensemaking process of, and frames applied by, practising lawyers to questions of diversity and inclusion in an industry that remains homogeneous at senior levels (Ames, 2020; Bridge Group, 2020; The Law Society of England and Wales, 2020). Approaching the material in this manner allowed for an exploration of a range of perspectives (Bauer & Gaskell, 2011), moving beyond the quantitative question of success or failure of diversity management policies (Risberg, 2020). The contextual fabric could also be considered, the organization, the legal industry and the wider socio-political landscape.

Since my interest was exploring personal and subjective perceptions, one-on-one interviews were deemed appropriate (Bauer & Gaskell, 2011; Flick, 2012). Questions of demographic diversity and personal experiences of inclusion (or otherwise) are, to an extent, always sensitive. I was mindful that the current socio-political environment can be considered polarising, such that participants with strong views on the topic may feel uncomfortable expressing them in a focus-group setting (Bauer & Gaskell, 2011). By choosing semi-structured interviews and emphasising anonymity, I hoped participants would feel less pressure to give socially desirable responses, while the format also gave room to explore emerging topics (Flick, 2018).

3.2. Data Collection and Analysis

3.2.1. Participants

I conducted 19 interviews with people working as solicitors in The City. Given the research question and the intention to explore how increased attention in the industry to diversity and inclusion was experienced by people 'on the ground', I wanted to interview participants currently working in the industry. Participants

working in private practice were sought since historically diversity has been particularly elusive in these organisations.

By design, I recruited participants from a range of firms, with approximately half of the participants being partners and half associates of differing degrees of seniority. I did not seek to limit participants by gender or other demographic criteria as I wanted to explore the perceptions of people who could potentially benefit from diversity related interventions and initiatives, and those who may not consider themselves to be the 'target audience'.

3.2.2. Data Collection

Convenience sampling was used to recruit initial participants, by approaching contacts made during my legal career. Snowball sampling was also used; at the end of the first seven interviews I asked to be put in touch with colleagues or personal contacts who might be interested in taking part. Eight of the 19 interviews were arranged in this way.

All interviews were conducted via the video-conferencing platform Zoom and were video and audio-recorded with consent as described below. I sought written consent from all interviewees prior to the interview (Appendix 2), allowing the opportunity to discuss any queries or concerns they had 'offline' and providing time to reflect on whether they were happy to go ahead. Verbal confirmation of consent was requested prior to starting the recording of each interview and was given by all participants.

Demographic data was collected during the interview itself, by asking participants their age, and whether they considered themselves to be 'diverse'. This approach allowed participants to determine what aspects of their identity they considered salient. When quoting participants, I have included in parentheses the demographic information they provided during the interview (either in response to that question or otherwise), along with their assumed gender and whether they are an associate or a partner. This information is presented in a way that is not fully systematic since it reflects the information participants offered and no equivalence is implied in the order of presentation – for example it just so happened that those participants who identified themselves as 'LGBTQ' were not parents, and those that were parents did not provide any additional information as to their sexual identity.

The table in Appendix 1 provides a summary of the key characteristics of the sample. I interviewed 11 women (3 partners; 8 associates), and 8 men (5 partners; 3 associates). Interviews ranged from 35 minutes to 1 hour and 5 minutes, lasting an average of 52 minutes. The full topic guide can be consulted in Appendix 3.

3.2.3. Data Analysis

To achieve the aim of the research in considering the perceptions and sensemaking of participants I adopted a thematic analysis methodology (Braun & Clarke, 2006) to identify salient (and latent) recurring patterns (Attride-Stirling, 2001; Boyatzis, 1998) and examine divergences as well as complex relationships between themes (Braun & Clarke, 2006).

Particular care was taken during data analysis – which I approached in the systematic way described below - in an attempt to mitigate against drawing unfounded conclusions based on assumption and personal experience (Flick, 2018). Interviews were transcribed verbatim (an example is provided in Appendix 4), then subjected to repeated readings, combined with replaying the interview recordings, allowing me to employ an inductive approach to the identification of initial themes and codes (Boyatzis, 1998; Gioia et al., 2012). Using the coding software NVivo, I adopted the methodology proposed by Gioia et.al, (2012), to elucidate first-order codes using the interviewees' own words and phrases. The second step was to consider "*similarities and differences*" in an iterative process that involved moving between the data and coding, while considering the theoretical framework of the research underpinned in the literature review (Braun & Clarke, 2006; Gioia et al., 2012). Less-relevant codes were discarded, and others were combined. Certain themes and tensions came to the fore, which in conjunction with revisiting the literature, allowed me to develop second-order codes, which were further analysed and interpreted to produce aggregate categories (Gioia et al., 2012). See Appendix 5 for the codebook.

3.3.   Research Limitations and Reflections

The context of data generation inescapably impacts that which is co-constructed during the interview process and therefore I offer these reflections. When approaching participants I emphasised that no prior knowledge of diversity and inclusion efforts, nor any particular opinions, were necessary, but it would be naïve to think that busy professionals would give up their time to discuss topics on which they have no prior thoughts. Participants were likely to be those who felt they had something to contribute to the topic, and one assumes then that they would have considered diversity and inclusion in some form, be that socially or within their own organisation.

Certain of my own characteristics and prior experience bear mentioning when thinking about my impact as researcher. I previously worked as a senior associate in a City law firm, and I am a woman with two young children. These are facts that may lead to assumptions about my opinions on certain aspects of the topic under discussion. Certain narratives which are now considered outdated and not socially desirable, such as that women 'choose' to leave law and do not need any 'special treatment' were less likely to be expressed openly in this context. It was, however, helpful in providing a common base of knowledge with regards to

the profession, and the demands of private practice (versus an in-house legal career, say), in particular. Further, as a cis-gender, heterosexual, white woman, participants may have been hesitant to discuss certain aspects of their identity (particularly relating to their gender, sexuality, religion, race or ethnicity) which may be salient to their experience of diversity and inclusion within law firms, although I did not experience any hesitation or resistance during the interviews that would suggest this. To mitigate against these factors, I took care to emphasize that the purpose of the interviews was to explore the participant's personal views, that they would remain anonymous as would any colleagues or firms they mentioned, and that there were no 'right or wrong answers' to my questions. When asked, I politely declined to give my opinion on certain matters, and I consciously worked to avoid wording follow-on questions or probes in a way that suggested I either agreed or disagreed with any opinions expressed by the interviewees. The length and depth of the interviews provides some mitigation, and overall, the range of opinions expressed by the interviewees gives some reassurance as to the impact of these elements.

4. Findings

Below I illustrate how solicitors working in elite law firms in The City perceive diversity and inclusion efforts. The findings are organized by the main themes that emerged during the interviews (fig. 2):

- Defining Diversity and Inclusion: What and Why?
- Making Sense of Law Firms' Lack of Diversity
- Effecting and Managing Change: Catalysts, Interventions and Pushback
- Thoughts for the Future

These findings demonstrate that the research participants were committed to the rhetoric of diversity and inclusion, believing that it is a legitimate concern for law firms. There were however several tensions at play exposing a range of concerns about how diversity and inclusion practices are characterized and implemented within organisations. A tendency to favour voluntarism, and an opposition to state coercion, was found; coercion from clients was regarded by most as positive leading to real action by law firms. The findings also demonstrate that workplace diversity is broadly enacted in ways that individualize difference, but that many support a more collective framing.

Aggregate Categories	2nd Order Themes	1st Order Codes
Defining Diversity – what and why?	What - Defining diversity (outside of 'self')	– Equal opportunity – Different backgrounds, culture, personality etc – Inclusion
	What - Defining diversity with respect to 'self'	– Race and ethnicity – LGBTQ – Gender – Socio-economic background – Not 'Oxbridge'
	Why - Moral based arguments	– Equal opportunities – Fairness / Right thing to do – Representation / reflect society
	Why - Business case reasons	– People do better work – Winning and keeping clients – Representing your client base – Talent management
Making sense of the current lack of diversity	Getting in	– The 'right' school / university – 'their own image'
	Getting on	– Long hours culture / demanding job – Don't see yourself – Discrimination, inappropriate behaviour or comments – Unconscious bias
	Gendered expectations and assumptions	– Privilege / benefit / white men – Boy's club – Different expectations for Women – Motherhood / children
	Organisational / systemic barriers	– The structure / model
Effecting Change: Catalysts and Interventions	External	– Clients – If one firm does it / social pressure – Black Lives Matter / Stop Asian Hate – Covid / normalising remote working – Positive Discrimination – Regulation (as a positive)
	Internal	– Top Down / Leadership Messaging – Mentors / role models – Recruit from wider base / access initiatives – Conversations / dialogue / transparency – Hiring / Targets
Hurdles / Managing change	(Not) Taking responsibility for change	– Part-time - unrealistic – Client expectations – "That's a social problem"
	Resistance	– Regulation is unnecessary or unworkable, a step too far – Regulation or Quotas causing Resentment; Resistance to regulation – Box-ticking, lip service – Gone too far, where do you stop?
Future	Change is inevitable, but slow	– Hopeful – Change is slow – 10 years

Figure 2: *Table showing aggregate categories, 2nd order codes and 1st order codes of thematic analysis*

4.1. Defining Diversity and Inclusion: What and Why

4.1.1. What is Diversity and Inclusion?

Perhaps unsurprisingly given the plurality of academic definitions of diversity and inclusion, several participants expressed difficulty in articulating what they thought diversity and inclusion to mean in a broad sense. Some focused their definition on 'fairness' or 'equality', while others oriented theirs on the need for law firms to reflect and accommodate 'difference':

> *"I think it means having a range of different opinions, people from different backgrounds, different walks of life. People that just can you know, they have different experiences, it's not just like people that just look the same, been to the same kind of universities, etc, and just kind of being open to listening to people that you know, aren't like you."* **P_6 (Female Associate; Asian, British)**

Although participants were asked what they understood 'diversity and inclusion' to mean, only six participants discussed them as distinct concepts. Most participants expressly gave definitions that went beyond narrow characteristics such as race, gender, age: "*If someone had asked me about diversity, as you did, years ago, I would have said that diversity is all about race and gender. And I think it's much more than that.*" **P_1 (Male Partner; White, Irish, State School, Father)**, yet as the interviews continued responses were generally framed in terms of race and gender, suggesting a tendency to fall back on narrow categorisations which perhaps feel more manageable than something more amorphous such as 'diversity' or 'inclusion' and reflects the notion of 'protected characteristics' in existing legislation.

Participants were asked whether they considered themselves to be diverse. In discussing diversity with respect to the 'self', we can see how in addition to using categorisations such as race, ethnicity or sexual orientation, participants also situated the question, giving answers that often reflected the context of their profession. For example, people noted that they considered their socio-economic background to play a role or highlighted that not attending Oxbridge meant they felt 'diverse', either in isolation or in combination with other characteristics:

> "*um, I, I guess, I was from a non-typical background in terms of the trainees, like, for example, my trainee intake I was not Oxbridge, I hadn't gone to a private school, I was the only Black person in my intake, and and it wasn't an intake that had a massive amount of, I guess BAME people anyway.*"
> **P_12 (Female Associate; Black, British, State School, Mother)**

Those who had a private school education, and Oxbridge graduates, are disproportionately overrepresented in City law firms; a fact not lost on participants. As one partner reflected, *"...[firms] look at diversity and*

gender diversity and sexual preference and obviously race now, but in terms of social mobility, I think that was one that is not talked about sufficiently." **P_11 (Male Partner; White, British, State School, Father).**

Additionally, many of the women noted that their gender was a factor in considering themselves to be diverse:

> *"In some regards, yes. You know I'm a woman, I come from kind of low socio-economic background, but you know, in some respects, you know, I'm white, I'm British, I'm not diverse at all."* **P_18 (Female Partner; White, British, State School, Mother)**

It is worth noting that disability and neuro-diversity were barely mentioned, with only a small number of participants making fleeting mentions of disability, which I suggest reflects a general absence of conversation in elite law firms with regards to these two topics. No participants commented on the fact that most diversity and inclusion efforts in City law firms apply to lawyers only and not to other professional or support staff.

4.1.2. *Why should organisations consider diversity and inclusion?*

Without exception, all participants thought law firms *should* consider diversity and inclusion, giving reasons that reflect both the moral arguments and the business case. People understood there to be internal organisational benefits such as increased creativity and efficiency, being a more enjoyable place to work, but they also perceived a more direct business case driven by client expectation:

> *"from a purely profits perspective, you know, they absolutely should. You know, because that's, you know it's not just, and that's why I do think there's been a, call me cynical, but that there has been a move in that in that direction, because frankly clients expect it now."* **P_13 (Male Partner; White, British, State School, Father)**

While only a small number of participants limited their reasoning to the 'business case' alone, the moral basis was often skipped over as 'obvious'. Conversely, nobody limited their response only to moral grounds. Even participants who felt the moral case should be sufficient, believed that organisations were compelled to act by clients:

> *"I think that's probably one of the big pressure points, not just you know the moral imperative of having diverse teams, but the business clients actually asking for a diverse team"* **P_12 (Female Associate; Black, British, State School, Mother)**

Another way in which the business and moral framings were mixed in people's responses was with respect to talent management. One partner noted that "*If we automatically have people leaving because they don't feel included, or if they feel like they're on the outside, like I did a little bit when I first joined, um whether*

that be the for diversity or not, then I think that's a loss of talent, right." **P_10 (Female Partner; Asian, British, Mother)**, while another put it thus:

> *"...to continue to justify that we are providing a really exceptionally high service, and we are offering value that others couldn't, and we are therefore worth the money that makes the hours worthwhile frankly, um then I think you have to, you have to be sure that that's genuine, and it's not credible to say 'well yeah it just happens that the hundred best M&A lawyers in the world are all white man, because the hundred best paid M&A lawyers are all...', well no, that's clearly bullshit!"* **P_7 (Male Partner; White, British, Private School, Father)**

4.2. Making Sense of Law Firms' Lack of Diversity

The explanations for the lack of diversity in City law firms were varied and multi-faceted. People reflected on how pre-requisite for academic excellence created and reinforced structural barriers to access, particularly impacting Black candidates and those from lower socio-economic backgrounds:

> "*Black people tend to live in more deprived areas, they tend to go to schools which are not as academically challenging, we don't do as well academically, so they don't get into the right universities, ..."* **P_12 (Female Associate; Black, British, State School, Mother)**

The importance of the 'right' school or university went beyond academic achievement and fed into an integral sense of 'fitting in':

> "*I've been on calls, where over half the people on the call went to my school. There were, in my intake of 90 at [firm1] there were four of us from my school, I mean that's not, that's not very normal. And in part, you know, obviously, that that gives you a certain comfort, that you know the people around you*" **P_7 (Male Partner; White, British, Private School, Father)**

Those who overcome these access barriers find themselves working a demanding job, where very long hours are the norm. While this no doubt impacts diversity with regards to motherhood (discussed further below), its was perceived to also exacerbate the struggle faced by lawyers from 'diverse' backgrounds:

> "*I think those challenging days can resonate harder, if you already feel like you're in an uphill battle because quote 'no one really understands you'.*" **P_10 (Female Partner; Asian, British, Mother)**

Law firms should not underestimate the insidious nature of not 'seeing anyone like you' in the higher ranks; several participants noted that doubts linger despite positive feedback:

"...when I look at the people in those positions, I don't see people that I can look up to, people that look like me. So then I'm like, ...despite all the encouragement, etc, I don't, I feel like it's not, um, it isn't like possible to reach that. Like, the likelihood is so low I'm like well, that's all well and good you saying that, but in reality it's probably not going to happen, is it?" **P_6 (Female Associate; Asian, British)**

To compound matters, there was a perception that people recruit or support progression in 'their own image'. For these reasons, role models and sponsors who are themselves 'diverse', were seen as key to disrupting the uniformity of law firm partnerships.

Unconscious bias was suspected, yet a number of interviewees described incidents of overt racism and sexism, suggesting that not enough is done to tackle inappropriate behaviour or foster a culture of inclusion. Gendered double-standards were recognised by both men and women along with a culture that can also be less welcoming to women or others who do not fit in:

"*if you're, you know, being a bit more tough then you're a bitch, or you know if you do, do exactly the same thing as a man would do, you would tend to be labelled a bitch or any similar word. So, I think, as a woman, you have to work harder to actually be, be taken seriously, and at the same time, not be labelled such so and it's a very, very fine balance to strike.*" **P_14 (Female Partner; White, Dutch, State School)**

The gendered expectations and assumptions were most prevalent in the context of motherhood. Many of the women who were mothers reported having to deal with comments querying their ability to continue doing their job now that they were a mother, while women who had not yet had children but one day hoped to, already questioned how they could balance the job and motherhood:

"*I feel like if there's a situation where I feel like I'm the primary carer, and I want to have children, I feel like that's going to be difficult, like, I feel like I know that already."* **P_19 (Female Associate; Asian, British, State School)**

Some fathers too had faced assumptions, for them it was expected that the children would be cared for by wives or partners who gave up their careers leaving them feeling uncomfortable with the idea of asking for extended parental leave or carving out specific time to attend to childcare duties. In this sense the law firm 'model' is built on the idea that (male) lawyers with children can continue to work in the same way that they did previously:

"So so the partnership response [to men requesting full parental leave] is different from from team to team, some some teams, departments are, let's say, more open minded and and will say, 'go

ahead, I understand', some others will say 'that's ridiculous, you have a wife. Take a month and come back.'" **P_9 (Male Associate; Chinese, LGBTQ)**

Where the organisational expectation is one of long hours and 24-7 availability, anything in your personal life which could disrupt that is viewed as a problem rendering the career "*extraordinarily elitist, for only those people who can afford to do that, and also those who are willing to sacrifice everything else"* **P_5 (Female Associate; White, British, State School, Mother).**

Despite this hostile environment towards anyone with caring responsibilities, particularly women, the model was viewed as immutable. Flexible working was perceived as becoming more acceptable following enforced working from home in the pandemic. On further enquiry, however, what was meant by 'flexible working' was limited to choosing to work from home some days or, being unavailable for a short period while picking up children then carrying on with work once they were in bed. Alternative working schedules, job shares and part-time were dismissed as unworkable – "*I think, in all honesty working as a lawyer it's it's rather difficult to work on a part time basis.*" **P_14 (Female Partner; White, Dutch, State School)**. Clients were generally blamed for this, which belied a resistance to change the law firm business model: "*Well until your clients change their spots I think it's pretty difficult. Or you just accept a completely different profitability…[trails off]*" **P_11 (Male Partner; White, British, State School, Father)**.

Where part-time was offered, it was on a case-by-case basis and only to the most highly regarded women who justified the partnership making accommodations for them: *"we're saying we need to find a way not to lose you, and we need to adjust and make allowance, and maybe that's going to hurt us"* **P_7 (Male Partner; White, British, Private School, Father)**.

The high incidence of mental health related illness in City law firms would suggest that a change would benefit more than just working mothers (Slingo, 2021).

4.3. Effecting and Managing Change: Catalysts, Interventions and Pushback

At the same time, many clients are using their buying power to advocate for greater diversity in law firms. This development was regarded as positive by all, although many also expressed frustration that it took intervention by clients to engender change:

> *"What I see working and I don't like, [laughs] kind of like an ends justifies the means approach, what I see working is clients demanding diversity in teams. Because law firms don't typically respond because it's the right thing to do, law firms respond because they need to…"* **P_16 (Female Associate; White, British, State School, LGBTQ)**.

The limitations of client pressure were also reflected upon, with some noting that the different practical approaches clients took could support or undermine their stated commitment to diversity (for example being flexible about scheduling calls around children's bedtimes). Others perceived a delineation by client industry for those that cared about diversity in law firms and those that did not:

> *"I don't think private equity clients care, but I do think corporate clients have, um, and financial services clients, have a lot greater, you know, they're they're very concerned about this, but... So they need to put more pressure on the firm's, but if you're a firm that doesn't rely on those clients, you know, it is not, there's no, there's not the same imperative to change the structure."* **P_5 (Female Associate; White, British, State School, Mother)**.

Black Lives Matter and Stop Asian Hate were also regarded as external influences representing necessary catalysts for meaningful change, facilitating conversations around race, unconscious bias, and privilege:

> *"I think the Black Lives Matter movement has really increased awareness at the firm of the lack of diversity. And I think, you know it was, it it sparked a conversation with a number of clients and internally about you know about bias, unconscious bias, and just representation within the firm. We have one black partner, and that's it across the partnership."* **P_4 (Female Associate; White, Australian, Mother)**

For the majority, increased dialogue at all levels of the organisations was welcomed, leaving people feeling more empowered. Participants cautioned, however, that organisational diversity efforts should be more relational, less imposed by way of training or events:

> *"it wasn't a question of questioning what the firm can do better, it was more 'Oh, this was shit, we're sorry. Please hold two events'. There didn't seem to be any self-reflection, to put it that way."* **P_9 (Male Associate; Chinese, LGBTQ)**

The view that law firms should speak out on 'social matters' when it comes to race, is starkly contrasted with the views expressed on gender equality. Here organisations were regarded as having little or no ability or responsibility to address the fact that having children impedes on women's careers:

> *"I think great strides have been made in relation to gender equality. There's there's still clearly a very long way to go, but it may be that the obstacles that are faced by women in the law, um to some extent that they're insuperable..."* **P_3 (Male Partner; White, British, Private School, Father)**

A small minority argued that it was time for organisations to adapt,

"*the whole way women think about these type of things it's not going to change, I don't think. So, then something needs to change in the organization in the way of working.*" **P_14 (Female Partner; White, Dutch, State School)**

but predominately the clash of childcare and furthering a career was characterised as a 'social problem' that organisations could not be expected to fix:

"*the biggest obstacle for women is, you know, the job they have at home. but that really is more to do with kind of you know the family support structure and, probably, you know the attitudes of men towards their role, their own role in the household changing, quite frankly. …, and you know, so, I'm not sure it's more of a kind of an employer intervention, it's more kind of attitude and society changing.*" **P_18 (Female Partner; White, British, State School, Mother)**

In this sense, organisations were regarded as somehow separate from 'society', as opposed to social actors with influence to shape the society within which they exist.

Participants suggested interventions that *were* within a law firm's remit, individual level interventions such as running mentoring schemes, confidence and networking training, unconscious bias training etc – aimed at fitting an individual into the law firm mould, even though it is clearly not working for families. At the very same time, though, these interventions were the ones mentioned by participants as having little or no discernible impact. It was interesting to note that although COVID-19 was seen as having proved law firms wrong in their prior resistance to remote working (not that that ever seemed to a problem when it involved having someone work during the evenings, the weekend or while on holiday), this had not resulted in any deeper reflection on whether other organisational norms might also benefit from revisiting.

In a similar vein, external regulation that goes beyond current equalities legislation, such as enforced quotas or positive discrimination, were regarded as a step too far, an unwelcome interference in the proper running of a business:

"*I don't think there's a role for external regulation. Um, and I really don't think there's a role for external regulation. Because, I don't think, I think it creates really fucked up incentives. Internal quotas, yes, but in my view, it should be explanatory. I'm I'm very wary of externally driven targets. I mean, ultimately, this is somebody's business and somebody's livelihood, and they need to be allowed to run it how they want to run it…*" **P_7 (Male Partner; White, British, Private School, Father)**

For some this was due to potential resentment or undermining that might result in people being promoted to fulfil such quotas, but there was a misunderstanding of how positive discrimination operated. Several

participants proclaimed themselves against positive discrimination, only to say they would be comfortable with something else, going on to give a description remarkably close to positive discrimination:

> "*I don't believe in kind of positive discrimination, necessarily. I think, sometimes it can be more, more harmful to the, to the candidates, right. Like I would not want to be hired to tick a box and I would really, like, I think it would crush my like internal confidence if I knew that I had been.";…*
>
> "*I think if, if there were two otherwise identical people, I think the diverse person probably is bringing a little bit more than table, because they're going to add a different view on things, and so in that sense, positive discrimination is fine, if they are otherwise the same.*" Both quotes from **P_2 (Male Associate; White, British, LGBTQ)**

Internal targets were viewed more favourably. It was reasoned that targets send a strong internal message as to the organisational commitment to diversity and inclusion (regarded as imperative), articulating an objective aim, providing a benchmark for progress, and fuelling isomorphic processes:

> "*I think where one group of law firms leads, the others inevitably have to follow at some point.*"
> **P_18 (Female Partner; White, British, State School, Mother)**

Culture change, while of critical importance, would follow from external pressure from clients and changing industry expectations.

Lastly, widening access to careers in City law firms was seen as imperative. Although this too was perceived as a 'social' problem, in this case it was argued that law firms did have a role to play:

> "*It's really just trying to redress balance, because at the moment, it, it's terribly unfair. I mean if you are in that kind of school, you're probably never even going to consider a career in law, it's probably not even going to cross your mind, and even if you did decide that you wanted to do it, you probably wouldn't know where to start, and that is one thing that we can do as a as a firm.*"
> **P_3 (Male Partner; White, British, Private School, Father)**

4.4. Thoughts for the Future

Overall, participants felt that the events of the last 18 months had reinforced diversity and inclusion as a key concern for City law firms and their clients. There was a sense of 'hope' that a turning point had come:

> "*I think I think that as as the partnership loses some of his older members they will become increasingly savvy and cognisant of the importance of D&I. So, the future I hope looks bright for D&I and its place in law firms, and partnerships recognizing it's importance.*" **P_9 (Male Associate; Chinese, LGBTQ)**

This was tempered with caution on all sides, however, with some believing that resentment would build if firm culture changed too quickly or deeply, such that the business of being a law firm was somehow forgotten or took a back-seat:

> "*you know the partnership here's been great at bringing lots of these initiatives and social concerns and inequalities, everything to the fore, sometimes you can forget you're a law firm, you know it's more like a pressure group sometimes.*" **P_11 (Male Partner; White, British, State School, Father)**

On the other hand, relying on clients to drive forward the business case for diversity was seen by a minority of participants as reductionist with a potential to devalue the moral imperative for law firms to query the ways in which they perpetuate systemic inequality:

> "*But the one thing I will say about clients is, what I worry is that clients will make demands for diversity and inclusion and it will just be lips…, you know the firm will just pay lip service to it, and it'll only do the minimum necessary to attract, like you know, to get that bid or to get that work, as opposed to make meaningful change.*" **P_16 (Female Associate; White, British, State School, LGBTQ)**

On both sides of the fence there was agreement that change was somewhat inevitable but likely to be slow (a 10 to 15 year time-frame was frequently mentioned):

> "*I think at the junior level we are seeing more diverse candidates coming through, and so I think, I hope that over time, and I'm talking about the next 10 years maybe, at the end of a 10 year, 10-15 year period, I think the people that are today law students will then you know at that point, hopefully, be kind of coming through the ranks. And I think it's at that point that things will really start to change.*" ***P_2 (Male Associate; White, British, LGBTQ)***

5. Discussion

The aim of this research was to explore the **perceptions of solicitors to diversity and inclusion efforts in elite City law firms**. While on a superficial level participants perceived homogeneity in City law to be problematic, there appears to be a lack of coherent strategy to tackle it. Throughout every interview a dichotomy emerged in the terms used to explain a lack of racial and ethnic diversity and the underrepresentation of women in City law firms; motherhood remains a convenient explanation, divesting law firms of any responsibility to change a business model which came into existence before women were even allowed to practise law (Verniers & Vala, 2018). Part-time schedules are offered as a temporary fix and at huge accommodation by the law firm, leaving them available only to a few, if at all (Sommerlad, 2016; Thornton & Bagust, 2007). Elite law firms pride themselves on providing an exceptionally high standard of service, on a 24-7 basis, putting their client's needs above all else (Sommerlad, 2002; Thornton, 2016a, 2016b). They expect individual lawyers to do the same, rather than creating the organisational infrastructure necessary for this to be a team objective. Combined with a linear, ascendent career trajectory, these are organisational factors known to impact working parents, and women in particular (Sabelis & Schilling, 2013; Schneider, 2011).

Clients are perceived as both catalysts for change and simultaneously the reason why elite law firms cannot move away from an always-on mentality (Ashley & Empson, 2016; Sommerlad, 2002). Certain clients are making the diversity business case true for law firms by penalizing those that do not address the current demographic uniformity and rewarding those that do. Putting in place a regulatory framework to do the same thing, however, was seen as overreaching. Leaving it to clients has many pitfalls, including piecemeal, ad hoc, short-term interventions, which may win a client pitch but do nothing to address the root causes of the problem (Braithwaite, 2010), and uneven application across specialisms As argued by Jonsen et al voluntarism cannot account for the "*asymmetry between organisational interests and social needs and therefore the willingness to pursue workforce diversity will vary tremendously*" (Jonsen et al., 2013, p. 275) a sentiment reflected by some participants who noted the different stances to diversity and inclusion within law firms taken by clients in different industries.

It begs the question, why are clients doing this? If they too believe in the 'good of diversity' based primarily on a business case argument, where does that leave law firm diversity if the business case is weakened or fails? If clients, for whatever reason, decide they no longer care about diversity and inclusion, is it the case that neither will law firms? The business case as currently framed is dubious at best; at worst, it is dangerous in its deflection away from the moral and ethical imperatives for organisations to address the structural inequalities they perpetuate (Kersten, 2000; Lorbiecki & Jack, 2000; Noon, 2007). The privately educated are disproportionately overrepresented amongst City law firms, and nearly half of all partners in those firms

are white men (a figure that would undoubtedly be larger if only senior partners are considered). Relying on law firms and their powerful, wealthy clients to voluntarily determine the importance of workplace diversity highlights the extent to which any solution is likely to reproduce patterns of gendered and racialized power (Acker, 1990; Holck et al., 2016; Meyerson & Kolb, 2016; J. Tomlinson et al., 2013; Zanoni et al., 2010). For law firms to release 'statements of solidarity' against racism only to rely on client pressure to effect change is disingenuous and hypocritical. Further, the limited mention of disability (only 3 participants made any mention of it at all), combined with the fact that in most law firms' diversity efforts are focused only on lawyers and not the wider staff population, serves as a reminder that people who face inequality of opportunity should not be left to the whims of clients or the fate of today's news stories. Defining diversity work on 'narrow' individualistic terms may render it more susceptible to short-term changes in focus based on such media trends and industry fashions. This is bad news for diversity since it is divisive and makes collective action harder to mobilise while obscuring the similarity in the systemic challenges faced by various disadvantaged groups (Tatli, 2011; Tatli & Özbilgin, 2012). Relatedly, it impacts the ontological foundations of diversity management in practice with interventions currently understood and implemented as linear, one-way processes, when this research reveals a wish for a relational underpinning with a focus on 'conversations', 'openness' and 'transparency'.

Finally, the belief expressed by many participants that diversity in the senior ranks of law firms will naturally change over the next 10-15 years given the increased heterogeneity at the point of entry to the profession seems naïve given the historical trajectory of women in the profession. More than that, it is a woefully inadequate response to the inequity being faced *today* by many in the legal profession, those trying to become lawyers and those who have changed, or will change, their career paths because they do not 'fit' the ideal.

By reframing diversity as a 'tragedy of the uncommons', as advocated by Jonsen et al., a social rather than a strategic choice, the rationale for collective action becomes clearer. The business case can be made true, not be clients, but by the state acting in a coherent way (Jonsen et al., 2013). Recognising that corporations wield huge amounts of power (Korten, 1995) and reframing the pursuit of diversity as a collective societal good, not an individualistic and strategic one, may mobilise organisations to lobby for change outside of their own institutions and increase acceptance of regulatory or legislative frameworks supporting diversity.

5.1. Practical Implications for Organisations

In the absence of the changes advocated above, what can law firms do? The clear message from participants in this research is that diversity and inclusion work in law firms is not a 'nice to have' but an expectation integral to attracting and retaining talented lawyers. Law firm leaders and management should voice loudly their commitment to creating a diverse and inclusive culture, publish diversity related data and set targets.

Initiatives to increase access are widely acknowledged as necessary, but alone are not sufficient. Ensuring mentoring is not based on social affiliations or having attended the same school or college, and increasing transparency about the path to partnership, are also required. Progressive policies regarding paternity leave, alternative work schedules and non-linear career paths should be available for all to use without fear of penalty or an implication that they are only accessible by 'superstars'. Law firms that are serious in their intentions should revisit structural barriers to diversity such as time recording requirements and billable hours targets which measure inputs over work product and reward inefficiency. Lastly, firms are encouraged to make diversity management a relational exercise in which ideas are sought from those in the minority and active dialogue is pursued.

5.2. Further Research

Having explored the perceptions of solicitors and the frames utilised when considering diversity and inclusion, further research should seek to understand the strength of impact 'reframing' could have, and specifically whether the recognition of a broader social mandate would result in greater acceptance of an enhanced legal and regulatory framework. Another avenue for research is presented by switching the focus of intra-organisational programmes from interventions enacted upon individuals or specific groups, to ones with a relational basis. Lastly, inter-organisational efforts - which are nascent in the industry and arguably one of the primary benefits of client engagement with law firm diversity work – provide fertile grounds for research asking are these programmes effective, what conditions are required, and do they trigger resentment or pushback from non-participants?

6. Conclusion

This study aimed to explore the perceptions of solicitors to diversity and inclusion efforts in elite City law firms, with a view to revealing the frame(s) through which those efforts are currently understood. The findings indicate that participants espouse both a moral basis and a business case argument for pursuing greater diversity with law firms, though they assume that the organisations themselves act primarily for business reasons. Client pressure was regarded as a driving force behind law firm action on diversity and inclusion. This was tempered by a strong 'client service' narrative which is used to justify a long-hours culture and deify constant availability, uncovering an inherent tension. By better understanding how diversity and inclusion policies are perceived by lawyers across all levels of seniority, a number of pitfalls for organisations to be aware of are laid bare. In turn, opportunities are presented for law firms to engage more productively with lawyers (and non-lawyer employees) by adopting a relational view of diversity management, and by reframing themselves as organisational actors addressing a collective, social need.

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Appendix 1: Participant matrix

Participant	Age	Partner / Associate	Years PQE[6]	Gender (assumed)	Race or ethnicity (self-described)	LGBTQ (self-described)	School Background	Parent
P_1	55	Partner	30	Male	White, Irish	-	State School	Y
P_2	29	Associate	4.5	Male	White, British	LGBT	-	N
P_3	50	Partner	Circa 23	Male	White, British	-	Private School	Y
P_4	31	Associate	7	Female	White, Australian	-	-	Y
P_5	55	Associate	31	Female	White, British	-	State School	Y
P_6	32	Associate	6.5	Female	Asian, British	-	-	N
P_7	38	Partner	12.5	Male	White, British	-	Private School	Y
P_8	26	Associate	1	Female	White, British	-	State School	N
P_9	32	Associate	7	Male	Chinese	"Not straight"	-	N
P_10	37	Partner	12	Female	Asian, British	-	-	Y
P_11	54	Partner	28	Male	White, British	-	State School	Y
P_12	37	Associate	12	Female	Black, British	-	State School	Y
P_13	40	Partner	11	Male	White, British	-	State School	Y
P_14	34	Partner	7	Female	White, Dutch	-	State School	N
P_15	30	Associate	5.5	Female	Chinese	-	State School	N
P_16	32	Associate	3	Female	White, British	LGBT	State School	N
P_17	31	Associate	3	Male	Black, British-Somali	-	State School	N
P_18	37	Partner	12	Female	White, British	-	State School	Y
P_19	26	Associate	2.5	Female	Asian, British	-	State School	N

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[6] Private practice law firms employ a highly linear approach to promotion and often have a lock-step based on the number of years post-qualification experience a solicitor has (known as PQE); it takes 2 years working as a trainee solicitor ('trainee') to qualify and therefore lawyers have usually been working professionally in a law firm for 2 years longer than their PQE. The average PQE for making equity partner is 7-10 years PQE

**THE LONDON SCHOOL
OF ECONOMICS AND
POLITICAL SCIENCE ■**

Lawyers' Perceptions of Diversity and Inclusion in Law Firms

Researcher: ▮▮▮▮▮▮

Department of Psychological and Behavioural Sciences

The London School of Economics and Political Science

Information for participants

Thank you for considering participating in this study which will take place within the upcoming weeks. This information sheet outlines the purpose of the study and provides a description of your involvement and rights as a participant, if you agree to take part.

1. What is the research about?
I am interested in the lawyers' perceptions of diversity and inclusion efforts in law firms. Many law firms spend time and resources looking at different ways to attract and retain women lawyers and lawyers from a diverse range of backgrounds, and to creating inclusive working environments. My research is designed to explore how lawyers (of any gender and of all backgrounds) working in top-tier international law firms think about and respond to these efforts.

2. Do I have to take part?
It is up to you to decide whether or not to take part. You do not have to take part if you do not want to. If you do decide to take part I will ask you to sign a consent form which you will sign and return in advance of the interview.

3. What will my involvement be?
You will be asked to take part in an online "face-to-face" interview with the researcher through an online platform such as Zoom. The interview will take approximately 45-60 minutes.

4. How do I withdraw from the study?
You can withdraw from the study at any point up until 15 June 2021. You do not have to give a reason. If any questions during the interview make you feel uncomfortable you do not have to answer them. Withdrawing from the study will have no effect on you. If you withdraw from the study I will not retain the information you have given thus far, unless you are happy for me to do so.

5. What will my information be used for?
I will use the collected information for the purposes of my dissertation at the London School of Economics and Political Science.

6. Will my taking part and my data be kept confidential? Will it be anonymised?
The records from this study will be kept as confidential as possible. Only myself and my supervisor will have access to the video and audio files. Your data will be anonymised and you will be given a pseudonym for the purposes of the research – neither your name nor the name of the firm you work for will be used in any reports or publications resulting from the study. All digital files, transcripts and summaries will be given codes and stored separately from any names or other direct identification of participants. Any hard copies of research information will be kept in locked files at all times.
Limits to confidentiality: Confidentiality will be maintained as far as it is possible, unless you tell us something which implies that you or someone you mention might be in significant danger of harm and unable to act for themselves; in this case, we may have to inform the relevant agencies of this, but we would discuss this with you first.

8. Who has reviewed this study?
This study has undergone ethics review in accordance with the LSE Research Ethics Policy and Procedure.

9. Data Protection Privacy Notice
The LSE Research Privacy Policy can be found at: https://info.lse.ac.uk/staff/divisions/Secretarys-Division/Assets/Documents/Information-Records-Management/Privacy-Notice-for-Research-v1.2.pdf?from_serp=1

The legal basis used to process your personal data will be Students "Legitimate interests". The legal basis used to process special category personal data (e.g. data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs, trade union membership, health, sex life or sexual orientation, genetic or biometric data) will be for scientific and historical research or statistical purposes.

To request a copy of the data held about you please contact: glpd.info.rights@lse.ac.uk

10. What if I have a question or complaint?

If you have any questions regarding this study please contact the researcher, ██████ at ██████.

If you have any concerns or complaints regarding the conduct of this research, please contact the LSE Research Governance Manager via research.ethics@lse.ac.uk.

If you are happy to take part in this study, please sign the consent sheet attached.

CONSENT FORM

How Solicitors Perceive Diversity and Inclusion in Law Firms

████████

PARTICIPATION IN THIS RESEARCH STUDY IS VOLUNTARY

I have read and understood the study information dated 19/05/2021 or it has been read to me. I have been able to ask questions about the study and my questions have been answered to my satisfaction.	YES / NO
I consent voluntarily to be a participant in this study and understand that I can refuse to answer questions and that I can withdraw from the study at any time up until 15th June 2021 without having to give a reason.	YES / NO
I agree to the interview being audio and video recorded.	YES / NO
I understand that the information I provide will be used for the researcher's assessed project and, later the researcher's dissertation project, and that the information will be anonymised.	YES / NO
I agree that my (anonymised) information can be quoted in research outputs.	YES / NO
I understand that any personal information that can identify me – such as my name, address, will be kept confidential and not shared with anyone other than the researcher.	YES / NO
I give permission for the (anonymised) information I provide to be deposited in a data archive so that it may be used for future research.	YES / NO

Please retain a copy of this consent form.

Participant name:

Signature: _____   Date _____

Researcher name: ████████

Signature: _____   Date _____

For information please contact:

████████

Appendix 3: Interview Topic Guide

<u>Introduction:</u>

- Introduce myself.
- My research is exploring the perceptions of solicitors to industry efforts to increase diversity at senior levels of law firms.
- You, and any firms mentioned, will remain anonymous.
- You are welcome to express your opinion, there are no 'right or wrong answers', can decline to answer any question and can stop the interview at any time.
- reconfirm permission to record interview.
- Check if there are any questions before starting.

[Start recording]

Main Themes / Questions:

Personal Background

Some easy qu to start with:
- How long have you been qualified? How long have you been with your current firm?
- How old are you or which age bracket do you fall into?
- Please could you tell me about your career journey and any challenges you might have had along the way?
- In what way, if any, has your background been relevant to you in your career?
- Do you consider yourself to be diverse / from a diverse background?

Diversity in Law Firms in General

- Broadly, what do you understand diversity and inclusion to mean?
- Do all law firms need to care about diversity? Why / why not?
- We know that across the industry some groups are underrepresented at senior levels. In your opinion what factors contribute to that?
    o Are there different reasons for women and lawyers from diverse backgrounds?
    o Would you say there is a 'confidence gap' between women and men / or affecting lawyers from diverse backgrounds in law firms?

Specific – Your Firm

- Thinking about DE&I initiatives at your firm, what do you see working or not working? What would you do differently?
    o Recruitment level
    o Promotion to partnership
- Have the last 12 months (Covid / BLM) impacted diversity and inclusion at your firm?
    o In what ways?
    o Do you see lasting change coming from this?

Interventions / Strategies / Change?

- What sort of interventions / changes do you think are needed to achieve equality and inclusion at senior level, if any?
    - Are different approaches needed for diversity v gender?
    - If so, what interventions are need for gender equality?
    - What interventions / changes are needed to improve diversity more generally?
- Who should be responsible for change?
    - Is there a role for regulation in this area? What would that look like?
    - What do you think about clients pushing for change?

Future

- What do you see in the future for law firms and D&I?

Finally

- Is there anything else you would like to mention before I switch off the recording?
    - Are there any question you think I should have asked you in the interview? Do you have any questions for me?
- Thank participants for their time and stop recording.
    - Request connections to other people to participate.

Appendix 4: Full Interview Transcript

00:00:02.610 --> 00:00:10.410

Interviewer: Okay, so um, I like to start with some easy questions, at least I hope they're easy! Can you just let me know how long you've been qualified?

Oh hang on we've got a visitor.

[recording paused]

Interviewer: How long have you been qualified and how long were you with your current firm or last firm? [*participant had recently given notice*]

Participant_9: I am now six years and 10 months qualified, so almost seven PQE, and I was with the same firm that I trained up so coming up to nine years, until only two weeks ago.

Interviewer: And how old you are or which age bracket to fall into?

Participant_9: I'm 32.

Interviewer: Could you tell me a little bit about your career journey, and why you chose law, challenges you might have had along the way?

Participant_9: Wow! What a question! [laughs]

Er, I chose law because I grew up in an academic family, who were all scientists and after, or at A-levels I decided to finally rebel and not read a STEM subject, and between, I think it was economics and law. I chose, I chose law because there was a clear career path, so even at 17 I thought it would be easier once I finished to to have something clearly mapped out for me. Um, But, which was wrapped up in a structured fashion.

Um, Any difficulties along the way? That's an interesting question. I, nothing to do with the law itself, I really enjoyed actually, the study of the law and the black letter bit of it, learning learning all the stories I guess, what's quite quite fun. Ummm, is this a question that also encompasses my time at a law firm or more just a journey to it?

Interviewer: Yeah, no, no, absolutely including yeah up to today.

Participant_9: Right, um there were a lot of difficulties when I was a trainee, er, because a certain senior partner, who is who is now retired, had a lot of, was very antagonistic towards trainees and he was in charge, and it was it was a he, of training and I was not given the seat that I wanted, which was tax.
Um, sorry just just to backtrack. I, I had a few vacation schemes, each of which I had tax seat, if we can call it that in a vac scheme, because I just for some reason really wanted to do tax law. And so when I decided to come, to to go to [*firm1*], that was very much on the

understanding that I would do tax law as a seat, and that was made clear to to the partners, at least, who were involved in my recruitment. But when it came down to actually giving me a seat what had happened is that the partner allocated repub…responsiblity for that decision decided not to give it to me, because two foreign offices requested that I be seconded there. And he thought that it will be too much to give me a choice of a seat because of that, in that, for reasons of fairness he would refuse to give that to me. It got to such a point that there were partners trying to fight for my side and say, here's a guy who's coming on the understanding that he would do a tax seat and become a tax lawyer, and he's the only one in this year has that clear wish, it is quite a niche wish at 20.

Interviewer: Yeah.

Participant_9: Um, not 20, at like like 23 um why, why are you being so annoying? And the senior partner thought that was me treading on his toes and actually threatened to kick me out of the firm if I wanted to do a tax seat, and that he said, 'you should know your place. And that, if this is the way I think training should go, this is the way it should be'.

I don't know if there was any, um you know, particular diversity query hanging over that, you know he he was just a very difficult man to to everyone. But you know, in the course of this thing he did call me different names, you know because he was getting a bit old and there were, there was more than one Chinese person in in the cohort, so he started calling me the other person's name but that….

Interviewer: So different, different Christian names, as opposed to…

Participant_9: Correct yes.

Interviewer: …racial epithets?

Participant_9: Correct correct, so you said there was one there was one particular meeting where it was me and him and, um, a I guess you can call her a HR lady, quite a senior HR manager, where he made the threat, or where she came in with the concern that some partners had told her 'here's a guy wants to do tax, why are you not giving it to him?' and and he said, that he put his foot, that's my decision I don't want trainees treading on my toes to get partners fight against me. Um, you know, if you want to do it go to somewhere else, we don't need we don't want you here. And it was that that meeting, where halfway through the meeting he started calling me using the other person's name, and not mine. And the HR lady, at the end of the meeting, she rolled her eyes, because she knew he was like after everybody. So I brushed that off, but that's kind of, in my whole time at the firm, the main and the biggest sort of difficulty that I had. And, as a result of not having a tax seat, that actually changed the course of my career effectively, because a practice like that it's quite difficult to as an NQ [newly-qualified] go somewhere else and be a tax lawyer, without having a tax seat when you train at a firm that has a tax department.

It's saying my Internet connection is unstable, can you still hear me?

Interviewer: Yeah I can still hear you.

Participant_9: Ok, yeah.

Interviewer: um, why do you think he was allowed to get away with that behaviour if he was known to be difficult with a lot of people?

Participant_9: um because he held the biggest client mandate at the time. He had one or two or several of the biggest clients that fed work to the office, and was instrumental in building up the office to what it is today. I mean he's, he left many, many years ago now, but some of his client relationship still remain because he handed them over to some of the other partners, so he held sway over you know not not only the business side, but also on other sides of of the firm as a business as it were.

Interviewer: Do you think that still happens today, that certain partners are seen as being able to get away with behaviour because they have important client relationships?

Participant_9: So I think if he were around today, that would be much more difficult for for him to get away with. It, it the structure, structurally at the time um you know, as you know, it it is an American firm with a, a effectively a satellite office in London; management structure, the whole firm has their super rigid, less clearly structured way of doing things, so so the fact, so it wasn't so much that there wasn't processes, there weren't processes in place to stop things like that from happening, it was more that because the office was the size it was, it wasn't really big enough for any of that to flow down. And, yeah, and the, small things like calling use somebody else's, mistaking you for somebody else if you're an ethnic minority, he wasn't the only person to do it, but it's the sort of thing that just happens happens to, er you know, it just happens all, in daily life, it wasn't really a law firm thing either.

Interviewer: yeah hmm. Do you consider yourself to be diverse or from a diverse background?

Participant_9: Um, yes. [smiles]

Interviewer: Would you mind elaborating?

Participant_9: um. I, I am living in England, where although London is great and cosmopolitan, the majority, it's like minus 90% of England is still white British, or at least white, I don't recall which it is. So to me diverse just means that anything other than that, um on the race front. And I'm not straight, to that puts me in a separate category for that.
And I, er, I only came to London at the age of 18 for uni, and I grew up, well I moved I moved to England at the age of 15 so I've had quite a an interesting journey to get to where I am today, so I think just the difference in my background and experience puts me, puts me in that bracket. I don't have to the same childhood experiences or knowledge as a lot of the other people at my old f...well, a lot of people.

Interviewer: Do you, do you think there are any ways in which that background has been relevant in your career in particular?

Participant_9: It's helped me a lot! Because people in senior positions have valued, have valued that actually, that I can see things differently, um. Primarily because I'm I'm fluent in other languages. Um, mainly my mother tongue which I can work in a business context is Mandarin, and um I can also do French, which is where I met, same course I was on with [*name*], and, and that that has been of great value to them from a business p perspective.

And I don't know if there's a concrete way of saying what else I bring but, but you know I I bring perspectives from, from different angles, different perspectives.

Interviewer: Very broadly, what do you understand, diversity and inclusion to mean?

Participant_9: Err, [pause] the recognition that there's more than one kind of person and that your attitude er towards anything in life should recognize that, it's is what I I think D&I means.

Interviewer: And do you think that all law firms should care about D&I?

Participant_9: Yes.

Interviewer: Could, why do you say that?

Participant_9: Because if if we're talking about um a professional slash City firm that I'm familiar with, rather than sort of high street kind of one-man band, I mean it's obviously also important for them, but, but it's quite different kind of setup. For for professional firm in the City of London or any of the other major cities in the UK, you're operating in the public sphere as a private enterprise, and you should recognize the value that D&I brings to you because that's how the world is. You are no longer in a world where a white male, an all white, all male partnership reflects society and reflects how people are, and people think and how people act.

Interviewer: so just to make sure I'm understanding, when you talk about recognizing the value of D&I, I understand you to mean sort of in the broader context, not just um monetary value in terms of client relationships. Is that right?

Participant_9: yeah that's right. The perspective a mother would bring to to what legal practice means, perspective of someone who is disabled might bring to to the fact that you know a tiny step on the door is an impediment to getting a wheelchair over it. Things like that, they're all very valuable to to any company, especially law firms.

Interviewer: We know that the industry, and particularly City law firms, there are certain groups that are very underrepresented at senior levels, um what factors, do you think contribute to that?

Participant_9: To me, I think it's a structural issue rather than like an individual issue. Er, primarily, the structural issue comes down to the billable hour. It is, um it is a paradox, and a tyranny at the same time, where efficiency it's not valued as a matter of economics, because if something's worth more to you the longer you work at it. And that that has structural

effects, whereby working long hours becomes the norm, if you mix in the general working culture of the professional services in in, quote unquote, The City long hours are the norm and the sort of slightly masochistic 'oh I worked until 2am' seems, still today, to be a badge of honour, even though it really shouldn't be. Um, all of that drives a work practice that suits a single man.

And, all the efforts you can throw at recruiting diverse people, um very often you're not a single man, and that causes people to drop out. Other things like, perhaps not so big in a structural way, are things like mentorship - you know, you don't see people in senior positions who are like you, that that has a great, I don't if you can call it a psychological effect, but that certainly has some effect where things like, er picture, you know poster for the firm of an all-white partnership, that that that makes you feel different, I don't know how to say it but that that is just different and, um, yeah, I think those are the two things that come immediately to mind.

Participant_9: I don't know, is the answer. Um I think, I think it would have a bigger effect on women, because women still bear the brunt of of home work, if you can call it that, like children and you know looking after the home. That that cause more, calls into question what the hell the men are doing at home but, but I think the reality is that women, you know, do do that, do the childc.. looking after the children and and all the hours that you, that a woman would have to commit to commit to that, um you know breaks you away from from a career that you wanted to have.

Interviewer: Do you think um, have you sort of had any experience of a confidence gap either between men and women, or between sort of men from the majority background versus people from diverse backgrounds?

Participant_9: 'Confidence' meaning..?

Interviewer: Well, in in what, what you as a sort of layperson would take it to mean.

Participant_9: Er, I know that there are differences in how a man and a woman, in a kind of macro way overall, statistically, would approach say question of work for a particular client relationship, and women deal with things differently, on the whole. Confidence does come to into it, I've read things like applying, applying for a job that you might be less qualified for, men would be much more likely to just say 'fuck it! let's just go for it'. Whereas, whereas women will be much more cautious about doing that. The cultural question is an interesting one, I'm involved, actually with – oh actually I can put you in touch with them if you need people – with an organization called the East Asian lawyers' organization and we often talk about, certainly for people of East Asian descent, er certain characteristics or traits that will get you ahead. We are culturally taught out of, um, not the confidence part, you know I am confident, I still, love public speaking advocacy but, at work, I wouldn't, I would be much more hesitant to say walk into a partner's office and demand a promotion, for example, I just think that is something that is, feels, feels that it's not something I should do. It's quite weird

to articulate but it's something that we've been talking about a lot more recently, what some people like to call, in the group call the 'Bamboo Ceiling' because of cultural differences that are innate to a certain group, that doesn't, um that effect is less pronounced say on South Asian groups who are on the whole slightly more confident, in that sense, than East Asian, and that has a cultural impact, that has an impact because of culture. The reason we're talking about it is because they are not, there is not enough statistics in this country, but there, there is in the US. And some of the guys have read, you know things from from studies in the US as to how how you cultural background does impact how you approach things, in in the sort of the confidence way.

Interviewer: That's really interesting, umm, do you think there are ways that firms can support those those differences in approach between men and women, or different cultural differences to sort of help reduce any of that that impact?

Participant_9: Um, perhaps not one for all firms, it's an extremely good question, I think, for me to even think about, how to approach it. One thing that is specific I can think of certainly to to somewhere like [*firm1*] that is less structured is a clear policy or roadmap or document of some kind to progression. Um, I know from friends in other US firms in London that progression is often extremely opaque. So, so unlike friends who are in English firms or even the magic circle, where there is very, very clear, and often quite a long document, that sets out 'okay every two or three years, you should be thinking about hitting A, B, C, D, E, F, and where is what A, B, C, D, E, F you know mean'. US firms don't have that, that's simply because of size of the office here. That that's something that could help, at least bring everyone's attention to the fact that there is an issue here of, you can't just be a partner thinking 'Oh, I like this guy because he's done X' without a clear metric of what that X that you are liking is or means and whether somebody else might not be doing X, might not be showing this particular characteristic because that might just be a cultural thing. But that's an extremely difficult question, I don't really know how to answer.

Interviewer: So more transparency around career progression and, um, competencies at different stages?

Participant_9: Competencies at stages, I think is the best way of putting it, yeah. It's, I think it's not really about the progression question, it's more about knowing what it is the firm is looking for in its employees. It's, it's, that's a much more fundamental point than just progression.

Interviewer: Yeah, so an articulation of underlying kind of firm cultural expectations.

Participant_9: Yes, yep, yeah.

Interviewer: And, thinking then I guess specifically about your firm, the firm you were most recently at, did they have specific D&I initiatives?

Participant_9: Yes, they did. In very much the same way as everyone else, where they they launched a you know 'we've launched a - what they called - an affinity group' and that

affinity group was then in charge of setting up X number of events, a year to raise awareness, and that was it!

Interviewer: and do you think that initiative is in any way helpful?

Participant_9: Helpful in the general sense, yes, but very often it was already lagging behind wider societal trends, playing catch up, rather than, playing quite slow catch up, rather than actually thinking about, thinking hard about the problem. It's the kind of thing where it seems, at least from the outside, like the partners decided that they needed to do something about it, they decided that that the thing they're going to do about it is set up like a D&I group, and that was their solution, there wasn't any more thinking about the problem.

Interviewer: Um, could you just expand on on what you mean by lagging behind what was happening in wider society?

Participant_9: Um, thinking things like Black Lives Matter, and more recently er Stop Asian Hate. The firm's reaction was outstanding, partnership all came out in support, they even put up a big statement and donated money to these causes in America, because that's where the majority of the partnership are based. Um, but things things like querying er the wellbeing of its Black employees, er all came as a very knee-jerk reaction, certainly the view from this side of the pond, to to the bigger, to the bigger issue and it wasn't it wasn't a question of questioning what the firm can do better, it was more 'Oh, this was shit, we're sorry. Please hold two events'. There didn't seem to be any self-reflection, to put it that way.

Interviewer: In your opinion, or if you're in charge, what do you think the firm could do better?

Participant_9: The very fundamental thing that the firm can do better is not make associates deal with D&I and then say, this is good, this is good for you as an employee but it's not billable. As a firm, which I can sure you will appreciate simce you were at [*firm2*], where you have quite high targets, um taking any hour away to do something that 'might be good for you', because the partnership said so it's an extremely taxing thing. And, and the very least a firm can do is invest in in professionals who can do this properly, who, you know, a diversity manager of some kind, whose job it is to, if the partners don't want to think about it properly, at least have somebody who's there professionally to think about it properly. And not have employees who are already working on, you know 10 projects to take on another one, and then complain that an event was maybe not well attended or didn't feel right.

Interviewer: So does it fee.., would it be fair to say, it felt like an extra burden being somebody who is diverse that there was then this expectation that you would kind of work on projects that people who are not from a diverse background or not female would not be expected to do?

Participant_9: Yeah, yeah. Correct. Very much so.

Interviewer: And do you think there is any….

[cross talk] **Participant_9**: It felt like, it felt like, the partners' knew diversity and inclusion was a worthwhile thing um but the only way they could do it was to make any one who was diverse, or felt should be included, do the heavy lifting, rather than the other way around.

Interviewer: Do you think the sort of past year, the Black Lives Matter movement, Stop Asian Hate, working from home as well to an extent, COVID, do you think any of those will have had a lasting impact on D&I within law?

Participant_9: Um, not specifically within law, I think, I think, just as a societal thing, it would have an impact on the individual people. I don't really know how this would have impacted law firms specifically.

Interviewer: Um do you think sort of an increase in remote working or normalization of remote working will help in any way?

Participant_9: Oh yes, that that that, the pandemic would help, yes I think so definitely. Um one, the reason I say that is there's one particular example of a female associate at [*firm1*] who in 2018 or 19 um, had her first child and requested to have one o.., one day of working from a week, and the partners laughed her out the door, and effectively told her to 'fuck off!', at which point HR had to step in and say you can't do that, because that's very unfair, there's no reason why you can't work from home, and half of you [*the partners*] don't turn up to the office one or two days a week, anyway. So why are you refusing this request? So HR had to intervene in that request and make make that happen. So, so that the famous associate could raise her first child, you know at home, one one day a week, which is insane, should be, should be much more than that, but anyway. So then COVID hit, about a year after that particular incident, um, and it was a case of her turning around and saying, 'I told you so', you know, everyone is working from home, everyone's billing much longer hours, because everyone's… for all the reasons that, that that working form home has worked out for like professional services.

And I think that that is a great driver for for change and flexible working. You don't need to be in the office five days a week, that's a very Victorian way of thinking about what's work and what the office means.

Interviewer: And, given the reaction that you described to that woman's situation, what do you think, do you think the firm would in any way support part-time working, and do you think that, they would support somebody who didn't want to work kind of in the traditional way if it were for a reason that wasn't children?

Participant_9: Er, I think I think the firm's view of part-time working from the last conversation I had in a casual context, with with quite a senior, though only one senior partner mind not any more, is that his view of the, of flexible working in the part-time sense of saying, you know, I should be offline from X hour to X hour, usually for a day, day or possibly two, he thinks it's laughable at the firm, at a firm like [*firm1*] because um the the service that is offered is a 24-7 service and if one member of, and and sorry the teams are very small, because the other aspect of the service is that it's very personal and everyone on the case throughout, so I was on the disputes team, everyone on the case knows every aspect

about your case, so if the client calls you, you can answer any question. Which is highly demanding tasks, which meant that, and I was looking back at this only the other day, over nine years has not been um, there's not been one holiday where I've not had to give up one or two days just to just to work, even though I'd booked say a week off, because that's just what the work meant. So so the idea that somebody because you've had a child or because of any other reason you might want to take an hour, a day off, or even a half day off and set an out of office, is anathema to to the very service the firm is providing.

So what what I think from from that perspective is there is an expectation that that this is, this is the, this is your employment contract, you signed up to giving this service, and and you can't step away from that unless you leave the firm. And this was only about a year ago, this conversation.

Interviewer: Would you agree that within that sort of model, within setting itself up to provide that service, would you agree that part-time is sort of unworkable in that setup?

Participant_9: I don't know the answer to that question, because I can see arguments from both sides, because it is within the partner's power to tell a client that this person from the team is not available, or even for the the that person to say I'm not available today. And clients are people, they they understand that you might take a day off or that you're on holiday and that somebody else in the team can step up. That is much [*inaudible*], so that's the client perspective.
Secondly, from a staffing perspective, the fact that you staff cases that are worth billions with three people is your problem, it's a partnership problem, you can throw another body at it, might reduce your bottom line of it but so what? You know, so there's there's all sorts of answers to to that. Um, but but I do you see the kind of business sense, business case that the partners was raising. Whether that is correct is a much harder question.

Interviewer: What what if anything, what sort of interventions or changes do you think are needed to help achieve equality senior level?

Participant_9: I I like initiatives such as the Mansfield Rule, because, because it it drives it drives for change, it forces people at a senior level to think about these things properly and at a point, at a point that matters to them and not just throwing it down to somebody else to manage it, the diversity group. So so things that force people to think about problem I think would work.

Again, unfortunately I don't know, any measures or how to do it um but that's, the first thing that comes to mind, is saying that you need to put forward X number of people who are are diverse immediately brings your to attention to, to the issue.

Interviewer: And who do think should be responsible for driving that change?

Participant_9: Ah. I don't know, I don't know if the questions, what it means rather?

Interviewer: So I guess if we were to kind of give some options, um you know law firms can take responsibility for themselves, you have something like the Mansfield Rule which is you know, an external body but it's not, but it's voluntary, clients can be responsible for

Participant_9: Oh, ah, ok. Yep, I see, um..

Interviewer: I guess, sorry it, just to add to that, I guess also some people would say that it's actually none of those, and it's very much an individual thing, and that individuals should change.

Participant_9: Okay, so, so I don't I don't think that should be regulation in the the governmental sense. If if the regulatory bodies, the Bar Council, the Law Society um can step up and say something along the lines of these should be guidelines that you should be thinking hard about, that would really help.

So just taking a little bit of a tangent here when I got my, on this point, is when I got my training contract offers when I was at uni, there was a law society guidance guideline that said law firms can only offer it to you in the first week of September, or something, that if you are to be offered anda TC you will all be offered it at the same time, so that you don't have a firm offering it in July and you still have a vac scheme August. But that guideline was withdrawn, and as I understand it, students now have competing offers where where in July, they can get an offer from [*example1*] and they'd say but in August, I have a vac scheme with [*example2*], you, but you've given me one week to decide. So so something as simple as the Law Society stepping up and saying something is a guideline that they recommend people should follow has a strong, powerful effect in the real world. I don't know to what extent um the Law Society recognise that. I think there's there's a new female president, and I think that hopefully will drive some change. But, uh yeah so so so that was something I only found out recently because I didn't know that changed until one of my trainee told me.

Was the question again? Who should drive the change? Client, clients demanding change is very powerful. Um law firms at the end of the day serve their clients, and and if there's sufficient traction in the market, where big clients or even small clients, are saying show us your diverse organization is a powerful way of doing it. I, I think, leaving the question to law firms themselves and departments themselves clearly hasn't worked, I mean D&I is not a new thing, as far as I'm aware, it was already quite an established thing when I was applying for jobs. And nothing's really happened as far as I understand it, so so clearly that doesn't work.

Interviewer: And that reminded me of a question that I had earlier that I didn't ask, which was, did [*firm1*] have a paternity policy that you were aware, or did people use it at all?

Participant_9: um great question! [laughs] I have a story for you.

This is, so, from what I understand a lot of the issues around women taking leave, also come to the fact that husbands, boyfriends, partners can't take leave in their place. And having an adequate paternity policy is equally important to to diversity as as anything else. So [*firm1*] up until about a year or two ago had a very poor, almost non-existent paternity policy, and taking a step back it's maternity policy was, both were extremely extremely poor until two or

three years ago. Um the reason for that is because, as you might know in the US, I think maternity cover is, varies by state, there's no federal provision, I don't know the exact position, but something strange like that.

[cross-talk] **Interviewer**: It's almost non-existent, yeah.

Participant_9: Yeah yeah exactly, so the worldwide policy that [*firm1*] had for maternity cover was poor, just because everyone just mirrored the US provision when, well that's ridiculous, and so there was a big drive in Europe for that change, on the maternity cover side to happen, and it did, but again, that was within memory two or three years. Um the the paternity policy issue was never raised by anybody, because everyone saw how difficult it was for the maternity cover fight, um and the female associates who led that, and I think a lot of the guys, who are parents, I said, well, I'm not taking that thing on. Until one of the partners had a child and he's gay, so he had no option but to exercise paternity cover and he had almost none. So he kicked up a huge fuss about it and and caused the change, but you know that that was only a year or two ago again and and it's astounding that in in the 21st century, you need quite a senior partner to um who is gay to cause that change, and nobody else had thought about it. So, so the cover I think now is that it's it's matched to some extent, or it can be shared, but but it's much improved paternity cover.

Interviewer: Do you think that even with that policy in place, do you think that you know, say, particularly straight men who would have a partner who had maternity cover somewhere else, do you think that men would feel able to exercise the policy that exists?

Participant_9: So I know from anecdotal evidence at [*firm1*] people like I know personally, um straight men, straight white men um have taken, have asked for the full paternity cover, and the response has varied depending on which team they're in. So so the partnership response is different from from team to team, some some teams, departments are let's say more open minded and and will say, 'go ahead, I understand', some others will say 'that's ridiculous, you have a wife. Take a month and come back.'

Interviewer: And nobody kind of takes responsibility for creating a sort of partnership view?

Participant_9: Er the partnership view I think they will probably say, it's in the policy and and I don't think the policy says, you must let the person take the full amount. If you feel you're a sufficiently powerful partner, I'm sure you can get away with blue murder.

Interviewer: And my last question is, what do you see for the future of law firms and D&I?

Participant_9: Ooo, um. I think I think that as as the partnership loses some of his older members they will become increasingly savvy and cognisant of the importance of D&I. So the future I hope looks bright for D&I and it's place in law firms, and partnerships recognizing it's importance. I don't know how widespread the practice is, but I know, for example, [*firm3*] who who were in the in the wharf with [*firm1*], they have a global D&I manager, who's not a partner, so that manager he's sole job, and he's quite sen.., he has a whole team under him, sole job is to deal with diversity and out of that has bloomed a number of initiatives, events, whatever you might call it, that raises awareness and and and drives

change. Um, I think that that's a good good move, good progression. I think because before the head of diversity used to just be a partner but now, there was an actual separate arm of the firm dealing with this specific issue, and I think that's a good way forward for law firms. I mean, a partner, partnership is a very strange business model in first place, so I think that's again it's a structural issue and if you have a partnership that's good at bringing in profits, you have very warped incentives to do anything else that comes with a modern company. A modern company you know answers to different stakeholders and not just to it's shareholders and Friedman's shareholder theory is is now 50 something years old, and it's dying away, and in a partnership structure where the owners, the owner-directors are the shareholders, that is an extremely antiquated way of doing business and in a big, in the big big farm that model might not necessarily drive the change that is needed.

Interviewer: Do you think that firms that don't address D&I will start to suffer in any way?

Participant_9: I feel like there'll be increasingly called out for their lack of diversity and if clients work on that, then yes they will suffer, if clients work on calling them out that is. Um, and unless someone like the Law Society comes forward and says that's unacceptable, I think, other than that, they won't really suffer that much. I mean we are still predominately in a top, in in the kind of practice where people that are predominantly white, white and male and old so I don't think they're necessarily suffer that much.

Interviewer: Okay I'm gonna switch off the recording. Thank you very much.

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Appendix 5: Thematic Analysis Codebook

Aggregate Categories	2nd Order Themes	1st Order Codes	Definition	Quotes
Defining Diversity and Inclusion – what and why?	What - Defining diversity (outside of 'self')	Equal opportunity	Emphasising that diversity should be defined as providing equal opportunities for all and/or fairness	**P_15 (Female Associate; Chinese, State School):** Um, I would say diversity and inclusion is to have fairness for everyone, regardless of their ethnicity, gender, LGBT, yeah to be treated fairly despite those characteristics, and to have equal opportunities. **P_16 (Female Associate; White, British, State School, Gay):** It's just a really hard, I guess it's it's hard because it's so complex to achieve, but I guess like in general terms, it is insofar as it is possible, equal opportunities for everyone and yeah viewing everybody equally, and creating an environment, let's say whether it's a workplace, whether it's a café, whether it's walking down the street, where everybody feels equally welcome, equally safe, equally valued, and equally appreciated. And that is you know, that goes to say that it's whatever diverse aspects you have, it applies to everyone. Understanding that that will be more difficult to achieve for some than others.
		Different backgrounds, culture, personality etc	Placing the emphasis on differences when defining diversity	**P_1 (Male Partner; White, Irish, State School, Father):** If someone had asked me about diversity, as you did, years ago, I would have said that diversity is all about race and gender. And I think it's much more than that. I think it has a lot to do with your social background. I think definitely race and gender are relevant. I think your culture and your personality, and how you manage yourself, all have a great bearing on the prejudices that you have to live with and manage. **P_6 (Female Associate; Asian, British):** I think it means having a range of different opinions, people from different backgrounds, different walks of life. People that just can you know, they have different experiences, it's not just like people that just look the same, been to the same kind of universities, etc, and just kind of being open to listening to people that you know, aren't like you.
		Inclusion	Defining diversity and inclusion (rather than focusing on exclusively on diversity)	**P_19 (Female Associate; Asian, British, State School):** I always find this pretty tricky actually, because I feel like sometimes they almost sound like an oxymoron, because you've got, diversity to me is sort of having a group of people that are from different backgrounds, whether that be race, gender, you know education, upbringing, um and those sort of, having that range of people doing the same thing, or in the same profession, or in the same group. But then, and it's almost like celebrating those differences, but then inclusion, on the other hand, is actually kind of making sure those differences don't sort of stop you from getting to the same place or or participating in the same thing. So on one hand you're kind of celebrating it, and on the other hand, you're kind of like actually everyone should be the same, we should all be equal.
	What - Defining diversity with	Race and ethnicity	Participants who defined themselves as diverse on the basis of race or ethnicity	**P_9 (Male Associate; Chinese, LGBTQ):** I, I am living in England, where although London is great and cosmopolitan, the majority, it's like minus 90% of England is still white British, or at least white, I don't recall which it is. So to me diverse just means that anything other than that, um on the race front.

Aggregate Categories	2nd Order Themes	1st Order Codes	Definition	Quotes
	respect to 'self'	**LGBTQ**	Participants who defined themselves as diverse on the basis LGBTQ status	**P_16 (Female Associate; White, British, State School, LGBTQ):** …I'm LGBT., um but obviously the LGBT is a difficult one, well not difficult one, but like it's not something that's visible, like it's not a diverse characteristic that's instantly visible when you walk into a room. You know I either you know I can say my girlfriend, or I can say my partner, or I can just not talk about them right, and that's how you get by that.
		Gender	Participants who defined themselves as diverse as they are women in law	**P_16 (Female Associate; White, British, State School, LGBTQ):** Um, again, depends what you'd consider diverse; I'm a woman… **P_15 (Female Associate; Chinese, State School):** The second is my a gender as a female in law. **P_18 (Female Partner; White, British, State School, Mother):** In some regards, yes. You know I'm a woman, I come from kind of low socio-economic background, but you know, in some respects, you know, I'm white, I'm British, I'm not diverse at all.
		Socio-economic background	Participants who defined themselves as diverse on the basis of socio-economic background	**P_19 (Female Associate; Asian, British, State School):** I mean, I think weirdly for me it's almost gone beyond just being like a female from an ethnic minority group, I think one of the biggest things we experienced, probably started at uni, and then law firm to law firm is I actually feel like the biggest, the bigger differentiator to me sometimes, is actually coming from a state school background. **P_11 (Male Partner; White, British, State School, Father):** I went to a state school in Essex, I had supportive parents, so you know people take the piss out of Essex and people can take the be… oh and you know because people.. you know I do, when you get, look at diversity and gender diversity and sexual preference and obviously race now, but in terms of social mobility, I think that was one that is not talked about sufficiently.
		Not 'Oxbridge'	Participants who defined themselves as diverse on the basis they did not attend an Oxbridge university	**P_12 (Female Associate; Black, British, State School, Mother):** um, I, I guess, I was from a non-typical background in terms of the trainees, like, for example, my trainee intake I was not Oxbridge, I hadn't gone to a private school, I was the only Black person in my intake, and and it wasn't an intake that had a massive amount of, I guess BAME people anyway. **P_1 (Male Partner; White, Irish, State School, Father):** I found it pretty challenging at the beginning. There were 14 partners at [*firm1*] and all 14 were Oxbridge. Of the nine people who were taken in as trainees with me, I think about two-thirds of those were Oxbridge, and I think, I was their, their trial. I was the one that they were going to give to go and see how it worked.
	Why - Moral	**Equal opportunities**	Organisations should be providing equal	**P_16 (Female Associate; White, British, State School, LGBTQ):** Like aside from the fact that it is inherently right that everybody should have the opportunity to work in a law firm and progress through a law firm on an equal footing.

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	based arguments		opportunities to people	**P_7 (Male Partner; White, British, Private School, Father):** for me what's more important is to ensure that everyone's given a fair chance to do their own best, rather than it being focused on where you end up, it needs to be ensuring that you're not preventing somebody from making the most of themselves.
		Fairness / Right thing to do	Diversity is a matter of fairness and is the right thing to do	**P_3 (Male Partner; White, British, Private School, Father):** I think from a social responsibility perspective it's important that law firm should have diversity right up there in terms of their agenda for recruitment. **P_13 (Male Partner; White, British, State School, Father):** I think it's also, it's the right thing to do because it's not right for people to be excluded based on something that is absolutely nothing, no nothing of their choice, what their background is or where they came from, or how they I identify. I think that's how I understand it.
		Representation / reflect society	Law firms should reflect society and aim to be representative of society	**P_5 (Female Associate; White, British, State School, Mother):** you know, to reflect society as it actually is **P_9 (Male Associate; Chinese, LGBTQ):** Because if if we're talking about um a professional slash City firm that I'm familiar with, rather than sort of high street kind of one-man band, I mean it's obviously also important for them, but, but it's quite different kind of setup. For for professional firm in the City of London or any of the other major cities in the UK, you're operating in the public sphere as a private enterprise, and you should recognize the value that D&I brings to you because that's how the world is. You are no longer in a world where a white male, an all white, all male partnership reflects society and reflects how people are, and people think and how people act.
	Why - Business case reasons	**People do better work**	Diversity makes law firms nicer places to work which leads to more productivity, creativity, efficiency etc	**P_2 (Male Associate; White, British, LGBTQ):** I think firms that are better with diversity tend to be more open, and so I think people tend to do better work when they're happy. Right? It's the kind of old adage that happy employees are productive employees, and I think if people are happy and they see a future for themselves inside the firm, so they see an ability to progress, then people will want to progress and people will want to put in that hard work to progress. **P_8 (Female Associate; White, British, State School):** …you're going to be more creative and innovative when you've got people bouncing different ideas off each other that you might not have otherwise had. **P_14 (Female Partner; White, Dutch, State School):** Creativity and and quality, I would say. Thinking outside the box, perhaps a bit more.
		Winning and keeping clients	Diversity is good for business as clients expect it and are increasingly	**P_12 (Female Associate; Black, British, State School, Mother):** I think they gave like a 20% weighting, it was quite a high, high weighting, so I think that will also help. And it wasn't, and generally I think it's starting, so before it was more American clients were on it, but this was an English client asking and, you know, really drilling down on the diversity aspects of the team that was going to be working on the transaction. So I think that's probably one of the big pressure points, not

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			demanding it from the firms they hire	just you know the moral imperative of having diverse teams, but the business clients actually asking for a diverse team, whether or not they care that it's diverse is another thing, but the fact that you actually have to meet that requirement, I think, will make a difference, and has, and does make a difference to the composition of teams. **P_13 (Male Partner; White, British, State School, Father):** from a purely profits perspective, you know, they absolutely should. You know, because that's, you know it's not just, and that's why I do think there's been a, call me cynical, but that there has been a move in that in that direction, because frankly clients expect it now.
		Representing your client base	Law firms should aim to reflect their clients / more diversity allows you to connect with a broader range of clients	**P_18 (Female Partner; White, British, State School, Mother):** Yes, absolutely. I think all organizations should care about diversity. From a pure business perspective I think it makes sense, you know, your clients are going to be a very very diverse group of people, and therefore you can be as representative of them as possible, it's going to kind of increase your chances that one of your employees is going to kind of forge a strong connection with with you know, one of your clients.
		Talent management	You cannot attract the best people without diversity	**P_7 (Male Partner; White, British, Private School, Father):** I think there's that element too - that to continue to justify that we *are* providing a really exceptionally high service, and we *are* offering value that others couldn't, and we are therefore worth worth the money that makes the hours worthwhile frankly, um then I think you have to, you have to be sure that that's genuine, and and if it's not credible to say well yeah it just happens that the hundred best M&A lawyers in the world are all white man, because the hundred best paid M&A lawyers are all, well no, that's clearly bullshit! That must be because of some systematic failing for that to be the case, um and so we need to be very careful to make sure that we don't become detached from the wider world, because there's sort of moral hazard in that. **P_10 (Female Partner; Asian, British, Mother):** I think that diversity is important because it represents talent. If we automatically have people leaving because they don't feel included, or if they feel like they're on the outside, like I did a little bit when I first joined, um whether that be the for diversity or not, then I think that's a loss of talent, right.
Making sense of the current lack of diversity	**Getting in**	**School / university**	Participants reflected how attending the 'right' school or university had helped them, while others felt not doing so had held	**P_12 (Female Associate; Black, British, State School, Mother):** Black people tend to live in more deprived areas, they tend to go to schools which are not as academically challenging, we don't do as well academically, so they don't get into the right universities, they don't do necessarily the right subjects to get into these, you know into the milk rounds, into the interview process, into you know to tick tick the boxes that fill the algorithms to even get them an interview in the first place so I don't know, is the question what can law firms do to change that, I mean what what does society do to change that?

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		them back in some way		**P_7 (Male Partner; White, British, Private School, Father):** I've been on, um I've been on calls, where over half the people on the call went to my school. There were, in my intake of 90 at [*firm1*] there were four of us from my school, I mean that's not, that's not very normal. And in part, you know, obviously, that that gives you a certain comfort, that you know the people around you, you're very much you know all the sort of bullshit sort of cost of being seen as a fish out of water, or you know not quite fitting you know, I've never had to deal with.
		'their own image'	People hire or provide support in 'their own image', to people from similar backgrounds. So it replicates the status quo	**P_8 (Female Associate; White, British, State School):** So I think probably historically it's been, um quite a, I don't know why really, I think it's been quite male, white male dominated, and I think people kind of hire people that look like them because they can relate to them.
				P_6 (Female Associate; Asian, British): I think it's very easy for people to get comfortable, um you know with with people that are like them, and so they're more likely to promote or help help people that come from, you know people that they can bond with because they have a very similar background. Um, and so yeah they probably just didn't really see that there were any problem or an issue like, this, this works, it has worked for so long, like these kind of people being at the top. So there's no need to change it
	Getting on	Long hour culture / demanding job	The working culture is demanding, with long-hours the norm	**P_5 (Female Associate; White, British, State School, Mother):** Hardly any people in practice can work those hours unless you're, you know, a very privileged person whose got a full-time wife at home, or partner at home, or staff, you know people just simply can't work those hours so it's made, it makes it extraordinarily elitist, for only those people who can afford to do that, and also those who are willing to sacrifice everything else.
				P_10 (Female Partner; Asian, British, Mother): …it was actually fantastic, great experience, lots of hours, hard work very, very, intense period of my time actually, it was a regular years of plus 2400, 2500 billable, year-on-year, multiple periods of kind of over 100 hour weeks you know week on week, going on, but I say that, but it was a time in my life when it was perfect for me, married no children, work was my focus and it came at the right time.
		Don't see yourself	Reflecting that people leave law firms because they don't see others like them, particularly in more senior roles	**P_6 (Female Associate; Asian, British):** I don't feel like anyone has ever said anything to me that made me feel like I'm not, I can't get to a particular position if I did want it, but I kind of look at it from the perspective of, when I look at the people in those positions I don't see people that I can look up to, people that look like me. So then I'm like, that's probably when I say like I feel very cynical about it, I feel cynical about it because I don't feel like, you know despite all the encouragement, etc, I don't, I feel like it's not, um, it isn't like possible to reach that. Like, the likelihood is so low I'm like well, that's all well and good you saying that, but in reality it's probably not going to happen is it?
				P_2 (Male Associate; White, British, LGBTQ): it's a bit chicken and egg scenario, in the sense that if you don't see people at the top, and if there aren't diverse people at the top, then you haven't got sponsors to bring you through the system and equally you don't necessarily want to go through the

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				system, because you think it won't align with the lifestyle, that you won't make it, or whatever it might be.
				P_10 (Female Partner; Asian, British, Mother): I think it, it can be easier to feel like you're an outsider, and when you have challenging days it can be harder just to keep going, and be like 'no I'm going to really stay', to keep going on those pseudo-challenging and everybody, even if you're in club, you have challenging days but it's just how, what is the effect of those challenging days? I think those challenging days can resonate harder, if you already feel like you're in an uphill battle because quote 'no one really understands you'.
		Discrimination, inappropriate behaviour or comments	Individual instances of discrimination that interviewees had faced	**P_9 (Male Associate; Chinese, LGBTQ):** …in the course of this thing he did call me different names, you know because he was getting a bit old and there were, there was more than one Chinese person in in the cohort, so he started calling me the other person's name.
				P_15 (Female Associate; Chinese, State School): I mean the comment came from we were at an event and, I don't really drink alcohol, not for religious reasons, but I just don't really drink much alcohol and, the partner walked past me and saw that I wasn't drinking alcohol, and the comment was 'You better not be pregnant!'
				P_12 (Female Associate; Black, British, State School, Mother): I was on a call, and this would never happen to any of my colleagues, and the partner pauses the call, likes mutes it and just asks me if I'm from Africa! [shakes head] Um, yeah, he had a, he had a model of a an animal specific to Southern Africa, so he did explain why he asked, but it would just you know, you would never, it just would never have happened to any of my Caucasian, um, not necessarily because well were you raised in Africa, but you know he would never stop a call and be like 'So what exactly is your like ethnic background, are you like Anglo Saxon, are you Latin?' you know, never happen! So in that in that kind of, sense of, you're already othered.
		Unconscious bias	Law firms lack diversity due to unconscious bias	**P_18 (Female Partner; White, British, State School, Mother):** I think there's probably always an element of kind of subconscious prejudice with all, with all of the kind of underrepresented people, and I think that's probably quite a difficult thing for people to hear but, but I think it's true.
	Gendered expectations and assumptions	**Privilege / benefit / white men**	White men retain a kind of privilege over others because the law firm structure was designed by them	**P_16 (Female Associate; White, British, State School, LGBTQ):** So that law firms were created by middle class white men for middle class white men as their working environment right, and the law is inherently something that aims to exclude, like it's a very elitist set of rules, blah blah blah blah, we know. So I think those foundations make it really hard for the status quo to be undone.
				P_6 (Female Associate; Asian, British): I think even the partners that are aware of it, and they do talk to you about stuff and obviously they're still talking from it from a position where they are generally, because this is the majority of the partnerships in legal firms, they're all white men. You

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				know, they might be more aware or whatever, but they still kind of have benefited from that white privilege and got to that, where they are.
		Boy's club	Interviewees considered some behaviour, which was tolerated and/or accepted, to reflect a 'boys' club' mentality	**P_1 (Male Partner; White, Irish, State School, Father):** I'm speaking of personal experience of of my daughter, as a lawyer in a predominantly male team, where it was considered appropriate to be going out to, you know, bars where they get into private rooms and throw food in walls and misbehave, and generally be a 14-year old delinquent. And if you're not to be seen to be participating in that you have an issue, and if you want to succeed, it's it's you either say 'okay, I will succumb' or 'I will will walk away', so those are very blatant examples of you know reasons why people don't proceed and might decide to go off and become an in-house lawyer and not deal with the nastiness of private practice.
				P_4 (Female Associate; White, Australian, Mother): I think there can be a bit of a boys' club in law firms, and so, if you have a group of senior lawyers who are you know who are connecting at the pub after work and are watching the footy together and who are going for beers then, I think, naturally, that creates and fosters a culture of like-minded people and can make it very difficult to to have things like you know, if you're trying to get a mentor in a law firm.
		Different expectations for Women	Women are held to a different standard	**P_13 (Male Partner; White, British, State School, Father):** I don't know whether there's you know, traditional traditional expectations of women in senior positions, as opposed to expectations of men in senior positions. And what is, what is expected of you, sometimes there's that, there's that, that view that if you're a man and you're ordering people around you're not being bossy, but if you're a woman and you're ordering people around then you are being bossy, you know. I do think there's some of that definitely…..[I] do think there is that, I do think there's that that in law firms a little bit, or a 'ball breaker', which you wouldn't, which is, you wouldn't, you wouldn't, that wouldn't be said about a man but it might be said about a woman, when it's just like the man or woman simply saying we need you to do this.
				P_14 (Female Partner; White, Dutch, State School): Particularly for women, speaking of my own experiences, if you're, you know being a bit more tough then you're a bitch, or you know if you do do exactly the same thing as a man would do, you would tend to be labelled a bitch or any similar word. So, I think, as a woman, you have to work harder to actually be be taken seriously, and at the same time, not be labelled such so and it's a very, very fine balance to strike there, meaning also you have to work much harder on that than I think men would have to do.
		Motherhood / children	Women are expected want children before they have them, are expected to to leave when they do	**P_12 (Female Associate; Black, British, State School, Mother):** …it wasn't said to me, but it was said to another one of my colleagues, basically that it, and this is from a partner, he didn't see how being mother was compatible with with the job.
				P_14 (Female Partner; White, Dutch, State School): Um, I don't have kids myself, but I also know you know a lot of friends, they yeah it's also do something they really want to do so. I think that's an

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			have children, and if they stay are met with assumptions about how they will manage work and children. Men are also impacted as these assumptions stop them from being more fully involved in parenting	important important point so there's also a lot of women who just don't want to. But I think the essence of it all is that it should be made more possible actually to have that work life balance in order to stimulate more women. Because the whole, I think the whole way women think about these type of things it's not going to change, I don't think. So, then something needs to change in the organization in the way of working. And that's, the only way, in my view, that's, the only way how you're going to achieve this. **P_19 (Female Associate; Asian, British, State School):** I feel like if there's a situation where I feel like I'm the primary carer, and I want to have children, I feel like that's going to be difficult, like, I feel like I know that already. **P_9 (Male Associate; Chinese, LGBTQ):** So I know from anecdotal evidence at [*firm1*] people like I know personally, um straight men, straight white men um have taken, have asked for the full paternity cover, and the response has varied depending on which team they're in. So so the partnership response is different from from team to team, some some teams, departments are let's say more open minded and and will say, 'go ahead, I understand', some others will say 'that's ridiculous, you have a wife. Take a month and come back.' **P_4 (Female Associate; White, Australian, Mother):** when I came back from maternity leave, I had a lot of, er, sort of a lot of assumptions from the male partners about what evenings would look like, because I think in their mind if you're a working woman you worked like a man, and you, you know, like the men at the law firms. And so the concept of me not being available all through a weekend, or having chunks of time in the evening where I might need to be putting my daughter to bed, were quite foreign. **P_5 (Female Associate; White, British, State School, Mother):** I kept getting promoted which is nice, but then once I had kids, suddenly I became nobody.
	Organisational / systemic barriers	**The structure / model**	The hierarchical structure and profit-model have an impact on diversity and inclusion	**P_1 (Male Partner; White, Irish, State School, Father):** So law firms, are basically measured in terms of success, individual lawyers in terms of success, both in terms of their chargeable hours and in terms of their ability to generate. And I actually don't think, that they sit very comfortably alongside diversity. So I think that they law firms should embrace it, but I think there is a cost. **P_9 (Male Associate; Chinese, LGBTQ):** To me, I think it's a structural issue rather than like an individual issue. Er, primarily, the structural issue comes down to the billable hour. It is, um it is a paradox, and a tyranny at the same time, where efficiency it's not valued as a matter of economics, because if something's worth more to you the longer you work at it. And that that has structural effects, whereby working long hours becomes the norm, if you mix in the general working culture of the professional services in in, quote unquote, The City long hours are the norm and the sort of slightly masochistic 'oh I worked until 2am' seems, still today, to be a badge of honour, even though it really shouldn't be. Um, all of that drives a work practice that suits a single man.

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Effecting Change: Catalysts and Interventions	**External**	**Clients**	Clients exerting pressure on law firms by expecting a diverse team to work on their matters	**P_16 (Female Associate; White, British, State School, LGBTQ):** What I see working and I don't like, [laughs] kind of like an ends justifies the means approach, what I see working is clients demanding diversity in teams. Because law firms don't typically respond because it's the right thing to do, law firms respond because they need to **P_17 (Male Associate; Black, British-Somali, State School):** I think it is great. Ultimately we're in the business of providing service to our clients. If you are a Tesco, and nobody wants to buy mango, then you will stop providing, stop selling mango. It's, it's the same, it's, in some ways, I mean in an ideal world, you wouldn't rely on clients to make those sort of changes about you own, your own organization and how you do business ultimately. But I think it's positive, when I do hear about clients you know, actively promoting diversity and inclusion. **P_5 (Female Associate; White, British, State School, Mother):** I mean we have a lot of private equity type clients and entrepreneurs, they're going to be, no I don't think, I honestly don't think private equity clients care. I mean I did a 1am zoom on New Year's day, and with half an hour's notice. And I don't think private equity clients care, but I do think corporate clients have, um, and financial services clients, have a lot greater, you know, they're they're very concerned about this, but… So they need to put more pressure on the firm's, but if you're a firm that doesn't rely on those clients, you know, it is not, there's no, there's not the same imperative to change the structure.
		If one firm does it / social pressure	If one firm leads on diversity and inclusion, others will follow	**P_18 (Female Partner; White, British, State School, Mother):** I think where one group of law firms leads, the others inevitably have to follow at some point. **P_3 (Male Partner; White, British, Private School, Father):** Lots of firms are doing similar things but it's one of those ones where I think if a huge firm was doing this kind of initiative and there was you know, er it was really high profile, I think other firms always looking over their shoulder and thinking 'wow you know [*firm4*] are doing this, maybe we should be doing something similar'.
		Black Lives Matter / Stop Asian Hate	Protests against racism in 2020 sparking law firms to take action on diversity and inclusion	**P_9 (Male Associate; Chinese, LGBTQ):** The firm's reaction was outstanding, partnership all came out in support, they even put up a big statement and donated money to these causes in America, because that's where the majority of the partnership are based. Um, but things things like querying er the wellbeing of its Black employees, er all came as a very knee-jerk reaction, certainly the view from this side of the pond, to to the bigger, to the bigger issue and it wasn't it wasn't a question of questioning what the firm can do better, it was more 'Oh, this was shit, we're sorry. Please hold two events'. There didn't seem to be any self-reflection, to put it that way. **P_16 (Female Associate; White, British, State School, LGBTQ):** Absolutely, I think it has. I think, as far as as far as race relations is concerned, I think the the death of a George Floyd has definitely changed, has definitely changed, at least the perception of D&I in in in in in organizations, and people are far more conscious of of racial equality.

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				P_4 (Female Associate; White, Australian, Mother): So thinking about Black Lives Matter, I think it has, um I think the Black Lives Matter movement has really increased awareness at the firm of the lack of diversity. And I think, you know it was, it it sparked a conversation with a number of clients and internally about you know about bias, unconscious bias, and just representation within the firm. We have one black partner, and that's it across the partnership.
		Covid / normalising remote working	Work from home mandate issued by UK government in response to the global pandemic normalising 'remote working'. Previously law firms were very resistant to remote working or flexible working	**P_8 (Female Associate; White, British, State School):** I mean in terms of the pandemic it's shown that everybody can work successfully and well from home. And people ended up quite liking it, so I think that they'll definitely be more, especially with the return to the office coming up in a few months, hopefully maybe.
				P_9 (Male Associate; Chinese, LGBTQ): …the pandemic would help, yes I think so definitely. Um one, the reason I say that is there's one particular example of a female associate at [*firm1*] who in 2018 or 19 um, had her first child and requested to have one o.., one day of working from a week, and the partners laughed her out the door, and effectively told her to 'fuck off!', at which point HR had to step in and say you can't do that, because that's very unfair, there's no reason why you can't work from home, and half of you [*the partners*] don't turn up to the office one or two days a week, anyway. So why are you refusing this request? So HR had to intervene in that request and make make that happen. So, so that the famous associate could raise her first child, you know at home, one one day a week, which is insane, should be, should be much more than that, but anyway. So then COVID hit, about a year after that particular incident, um, and it was a case of her turning around and saying, 'I told you so', you know, everyone is working from home, everyone's billing much longer hours, because everyone's… for all the reasons that, that that working form home has worked out for like professional services. And I think that that is a great driver for for change and flexible working. You don't need to be in the office five days a week, that's a very Victorian way of thinking about what's work and what the office means.
		Positive Discrimination	Thoughts on whether positive discrimination is helpful to diversity and inclusion / should be adopted	**P_13 (Male Partner; White, British, State School, Father):** if there's two very equal candidates then I can see why in, depending on the context of the team, it makes sense to promote the the female or the Black candidate because that that person or that that that sex, or that specific racial background, or socio-economic background is not reflected in the team.
				P_2 (Male Associate; White, British, LGBTQ): I think if, if there were two otherwise identical people, I think the diverse person probably is bringing a little bit more than table, because they're going to add a different view on things, and so in that sense, positive discrimination is fine, if they are otherwise the same.
		Regulation (as a positive)	Some people expressed support	**P_1 (Male Partner; White, Irish, State School, Father):** …at the senior level what needs to happen, until we have a change of culture where it becomes much more of a second nature, is that we need to have, we need to have quotas imposed, we just have to have quotas imposed, and it is going to be artificial and there are going to be some people who are going to make it based on, on they fit the

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			for regulation as a way to spur change	quota, and they may not, on other measures be considered the best candidates, but I think that just has to be a cost of imposing the change because I think otherwise, it'll take too long. **P_5 (Female Associate; White, British, State School, Mother):** yeah, there probably does need to be some kind of regulation because, yeah, there's not, there's no, there's no, there's not enough reason for firms to make the real changes.
	Internal	**Top Down / Leadership Messaging**	For change to happen, it has to come from the top	**P_15 (Female Associate; Chinese, State School):** I think it has to come from the top, if the message comes from the CEO and trickles downwards, I think that works much better. If the CEO doesn't care about it, I don't think there's enough emphasis to push it, whereas if the message comes from the top, there's so much more movement happening. **P_17 (Male Associate; Black, British-Somali, State School):** It has to be from the top. There is no point of allocating that to someone else, it has to be people with the sort of real decision making. So in this case, would be the management committee. The people that actually run the business of the firm. **P_10 (Female Partner; Asian, British, Mother):** ultimately this needs to come from the heart of management, right, not not the women's committee or the chair of the women's committee, it needs to come from the most people, senior people who represent the firm, and become part of the wallpaper of the firm.
		Mentors / role models	Mentoring and role models were regarded as an important intervention supporting change	**P_2 (Male Associate; White, British, LGBTQ):** …it's a bit chicken and egg scenario, in the sense that if you don't see people at the top, and if there aren't diverse people at the top, then you haven't got sponsors to bring you through the system and equally you don't necessarily want to go through the system, because you think it won't align with the lifestyle, that you won't make it, or whatever it might be. **P_5 (Female Associate; White, British, State School, Mother):** But it's really difficult because I know enough, you know, we have so few partners from a different ethnic background. There are no role models.
		Recruit from wider base / access initiatives	Access to the profession at the junior level needs to be more diverse	**P_3 (Male Partner; White, British, Private School, Father):** It's really just trying to redress balance, because at the moment, it, it's terribly unfair. I mean if you are in that kind of school, you're probably never even going to consider a career in law, it's probably not even going to cross your mind, and even if you did decide that you wanted to do it, you probably wouldn't know where to start, and that is one thing that we can do as a as a firm
		Conversations / dialogue / transparency	Participants were encouraged by or wanted to see more conversation / dialogue / openness	**P_12 (Female Associate; Black, British, State School, Mother):** I think there's definitely more listening going on, and more understanding about diversity, and more of the partners are you know willing to speak about how they're diverse, and are willing to talk to you about diversity. So people have you know, in a way that no one has ever really asked any questions in the past, people seem to

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		/ a willingness to listen		be engaging, and asking, and wanting to understand things, and wanting to understand your perspective or my perspective on certain things, in a way that generally hasn't happened in the past. **P_19 (Female Associate; Asian, British, State School):** "I would, maybe just get more ideas from the people, who I think are like from diverse backgrounds, just to be like what actually, what, what do you actually think works or would you like to see? Rather than those kind of ideas coming from like you know, a senior committee. I think it's really important to get like information on the ground from associates"
		Hiring / Targets	Internal targets or soft quotas as a tool for change	**P_10 (Female Partner; Asian, British, Mother):** …people hearing targets on D&I, I think can be very powerful, like we want to get to X by this year, this is how we're going to do it, and the reason I think clients play such an important role, is because I think they're the reason why management to do care. **P_16 (Female Associate; White, British, State School, LGBTQ):** Policy change, a firm policy that says we will strive, I don't think you can set it in stone, to have X number of partners, female partners by this date.
Hurdles / Managing change	**(Not) Taking responsibility for change**	**Part-time - unrealistic**	Many felt the law firm structure made part-time work difficult or impossible	**P_14 (Female Partner; White, Dutch, State School):** I think, in all honesty working as a lawyer it's it's rather difficult to work on a part time basis. **P_7 (Male Partner; White, British, Private School, Father):** "And then, um finally just making sure that we understand the flexibility she she may need and that we're not saying, this is what's expected of an associate and therefore you have to fit into that, we're saying we need to find a way not to lose you, and we need to adjust and make allowance, and maybe that's going to hurt us and mean we have more work to do. Maybe that's going to mean the juniors you know on your deal are sometimes going to have more work to do, but we as a culture are going to make the conscious choice to absorb that, for you, so that we can compete because, overall, the benefits of having you as part of the team in whatever capacity are better than losing you. Um, but ultimately as a junior partner she is still going to need to be doing junior partner hours, and taking on that role, it it's sustainable for a senior associate but it's not for junior partner, because you just can't you can't make the maths add up to actually take on a role." **P_9 (Male Associate; Chinese, LGBTQ):** So so the idea that somebody because you've had a child or because of any other reason you might want to take an hour, a day off, or even a half day off and set an out of office, is anathema to to the very service the firm is providing.
		Client expectations	Client expectations were blamed for structural change being difficult	**P_11 (Male Partner; White, British, State School, Father):** Well until your clients change their spots I think it's pretty difficult. Or you just accept a completely different profitability…[trails off] you know, in transactional work it's impossible, when you know you look at job sharing and, things like that, and just the duplication of roles and handovers and things, it's pretty impossible.

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				P_14 (Female Partner; White, Dutch, State School): And the point is that on the client side that's not yet accepted so ultimately something has to change on both sides, I think that's the, that's the problem.
		"That's a social problem"	Certain diversity related problems, particularly with regards to parenting, were considered outside of law firm's area of responsibility	**P_13 (Male Partner; White, British, State School, Father):** So I think, I think that's actually a lot to do with it, but, yeah I mean, I'm not sure what else can be done though. There is, there is a biological factor as part of that, which means it will be, and some people might just be right done, and you know there will be stay at home dads rather than stay at home women, and we're seeing that but it's not 50/50. I think that's the answer, if if society had a 50/50 of that then you would start to see that reflected more in law firms, but it isn't that way is it, so, so I think that, I think that's got a huge amount to do with it.
				P_18 (Female Partner; White, British, State School, Mother): the biggest obstacle for women is you know the job they have at home but that really is more to do with kind of you know the family support structure and, probably, you know the attitudes of men towards their role, their own role in the household changing, quite frankly. You know my own husband, and he's one of the better ones, is guilty of it. You know I'm the one that does all the kids, you know, dentist appointments, doctor's appointments, the homework, have you got your backpack, you know me and my nanny together manage that, and you know so I'm not sure it's more of a kind of an employer intervention, it's more kind of attitude and society changing. And if that happens it's going to be a really slow slow burn.
				P_3 (Male Partner; White, British, Private School, Father): I think great strides have been made in relation to gender equality. There's there's still clearly a very long way to go, but it may be that the obstacles that are faced by women in the law, um to some extent that they're insuperable on the basis that if you are a woman and you have a successful career and you have children, um you're going to have these conflicting views on how on how best to manage that.
	Resistance	Regulation is unnecessary or unworkable, a step too far	Regulation was considered unnecessary or unworkable	**P_7 (Male Partner; White, British, Private School, Father):** I don't think there's a role for external regulation. Um, and I really don't think there's a role for external regulation. Because, I don't think, I think it creates really fucked up incentives. Internal quotas, yes, but in my view, it should be explanatory. I'm I'm very wary of externally driven targets. I mean, ultimately, this is somebody's business and somebody's livelihood, and they need to be allowed to run it how they want to run it.
				P_13 (Male Partner; White, British, State School, Father): I think, I don't think, I don't think regulation is probably the answer. I don't think, I think putting like blunt rules on you know, um sort of, you must have,…um like say I mean, I'm not sure what form that regulation would take.
				P_16 (Female Associate; White, British, State School, LGBTQ): Um, I don't think that there should be formal regulations. I don't think that, you know that there should be rules that require, you know and sanctions if you know, if whatever quota or percentage isn't met.

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		Regulation or Quotas causing Resentment; Resistance to regulation	Regulation could cause resentment or a feeling that people were hired or promoted for reasons that were not purely meritocratic	**P_2 (Male Associate; White, British, LGBTQ):** I don't believe in kind of positive discrimination, necessarily. I think, sometimes it can be more, more harmful to the, to the candidates, right. Like I would not want to be hired to tick a box and I would really like, I think it would crush my like internal confidence if I knew that I had been. **P_10 (Female Partner; Asian, British, Mother):** I wouldn't go as far as regulation as I almost think that does a double harm. Like I think you then create a victim group out of…, actually I'd rather it be organic, is my personal view.
		Box-ticking, lip service	Change needed to be more than / be seen to be more than just box-ticking or lip service	**P_16 (Female Associate; White, British, State School, LGBTQ):** But the one thing I will say about clients is, what I worry is that clients will make demands for diversity and inclusion and it will just be lips…, you know the firm will just pay lip service to it, and it'll only do the minimum necessary to attract, like you know, to get that bid or to get that work, as opposed to make meaningful change.
		Gone too far, where do you stop?	Rhetoric around diversity and inclusion had gone too far or had the potential to go too far	**P_13 (Male Partner; White, British, State School, Father):** It's very much like, it's kind of almost like hitting people over the head with it, and say this is like what we do, and it's like well do you really do that, or is it just you say you do that for promotional materials, and because that's what clients have asked for? **P_11 (Male Partner; White, British, State School, Father):** you know the partnership here's been great at bringing lots of these initiatives and social concerns and inequalities, everything to the fore, sometimes you can forget you're a law firm, you know it's more like a pressure group sometimes.
Future	**Change is inevitable, but slow**	**Hopeful**	Participants were hopeful that real change with regard to diversity and inclusion was occurring	**P_7 (Male Partner; White, British, Private School, Father):** I'm hopeful that that just naturally, that lifting of standards, will will have a big impact on the legal career,and make it very hard to go back on because because it ceases to be a sort of nice idea and becomes a core belief. **P_18 (Female Partner; White, British, State School, Mother):** Well, I hope it's the same for, you know all organizations. I hope you know in an ideal world, ultimately, we will end up with you know, an employee base and a management base that is reflective of our society, you know, and it is as diverse as the cities that we live in. Yeah, so I hope that's where we will end up, I think that's where we will end up, but I'm not sure how long it will take. **P_9 (Male Associate; Chinese, LGBTQ):** I think I think that as as the partnership loses some of his older members they will become increasingly savvy and cognisant of the importance of D&I. So the future I hope looks bright for D&I and it's place in law firms, and partnerships recognizing it's importance.

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		Change is slow	Change is a process that happens slowly	**P_15 (Female Associate; Chinese, State School):** I think we will become more diverse but it's just a matter of how soon. My impression of law firms is that, in terms of diversity and improving, that is quite slow.
				P_6 (Female Associate; Asian, British): I don't I don't think anything's going to change very quickly, it's probably going to be quite slow, but I would like to think that with increased kind of focus by law firms and scrutiny from clients it will result in some change, even if it is slow.
		10 years	It would take 10-15 or 20 years before real change was visible	**P_4 (Female Associate; White, Australian, Mother):** But I think you know I think over time, I imagine 10 years we will be looking much better, and another 10 years after that, hopefully, will be much better, but I do think it's more of a longer term ambition to see proper representation and inclusion, rather than a short term one.
				P_2 (Male Associate; White, British, LGBTQ): I think at the junior level we are seeing more diverse candidates coming through, and so I think, I hope that over time, and I'm talking about the next 10 years maybe, at the end of a 10 year, 10-15 year period, I think the people that are today law students will then you know at that point, hopefully, be kind of coming through the ranks. And I think it's at that point that things will really start to change.