

What sort of profession do we want to have? – young Black lawyers on diversity, inclusion, and what needs to be done

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‘There’s lawyers all over the world. The question isn’t whether or not Black people can be lawyers. The question is, what is it about England and Wales that means that Black lawyers don’t get the same opportunities as their white counterparts? And there’s no way to explain that other than racism.’

This comment from one City associate frankly states the issue. Law firms are, perhaps understandably, reluctant to use words like racism in their communications. But failure to acknowledge the problem makes it all the harder to resolve.

Again and again, young Black lawyers interviewed for this article expressed frustration at the way their concerns had been brushed aside or steamrolled beneath a veneer of corporate respectability.

Still, ‘The firm is getting more progressive’, in the words of a third-year trainee at an international firm. ‘And with firms doing more, it should continue to.’ According to the lawyers interviewed, progress will require active support from senior lawyers and leadership, pressure from clients, and a consistent willingness to do the work.

It is at the early stages of application and recruitment that the legal profession’s efforts on race have been most successful. Dedicated open days for Black lawyers make the first visit to a firm ‘more comfortable’, in one lawyer’s words, while an ever-growing web of networks within and without firms helps ensure those coming into the profession have access to advice and support.

The Stephen Lawrence Scholarship is a Freshfields initiative that was singled out by many as one of the strongest law firm efforts for Black lawyers. Launched in 2013 for first-year students at UK universities, the scheme provides a 15-month programme coordinated by Freshfields and a range of partner organisations, including the Bank of England and Goldman Sachs. ‘The scholarship offered a great way to gain some exposure to the City and to career paths that up to that point were pretty opaque’, says Freshfields associate and 2017 scholar Jamaal Jackson. ‘It was the point at which I felt the door start to open for me.’

‘We get a lot of minority lawyers at the junior end’, says one associate. ‘The issue now is what’s happening at the middle to partnership promotion level. That’s where you get the tailoff.’ SRA data bears this out: a 2023 survey found that 2% of solicitors in firms with 50 partners or more were Black, compared to 1% of salaried or partial equity partners and 0% of full equity partners.

Several lawyers reported not being retained or being turned down for promotions.

The causes of this tailoff are varied and murky. For one in-house counsel, ‘One issue is certain people not being given certain types of work. The person who’s white, who’s come from Eton and Oxford, whose dad is maybe friends with a partner – they might find it easier to get a certain kind of work, whereas people without that background might struggle.’

These experiences often prove alienating and frustrating – and lead some to question firms’ claims to progress on diversity. ‘Are you really doing anyone a favour if you put them through the system to inflate your diversity numbers, and in two years they’re back to square one?’, asks one former lawyer.

Young Black lawyers argue that the key factor that determines how well firms perform is the extent of senior support – crucially, financial support. This is all the more important when participation in mentoring and networks adds to Black lawyers’ already high workloads.

While ‘representation matters’, in the words of one associate, firms that don’t provide sufficient support can go from representation to tokenism. A former associate recalls: ‘Every year at the firm that I trained at there were two Black trainees in the graduate recruitment intake, and at least one of them would always be on the website. It’s a fine line – you want to attract more Black talent to apply, but you don’t want to use people as mascots.’