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LEGAL MARKETING

Gender Diversity and Inclusion in Legal Directories

The progress of gender
representation within legal
directory rankings and how
more can be achieved

Introduction

The presence and progress of gender diversity within legal directory rankings continues to be a growing and critical priority for the legal sector.

Laws protect workers from discrimination, harassment and victimisation in the workplace, with legislation such as the UK's Equality Act 2010, multiple Acts enforced by the USA's Equal Employment Opportunity Commission and the European Commission's Directive 2000/78/EC and 2006/54/EC to name a few. Despite this, women continue to be under-represented in the legal profession, with significant inequalities at more senior levels.

“One of the root causes of inequality in the legal sector is a lack of diverse role models. Third party recognition is a critical element impacting a lawyer’s perceived success. Chambers is failing to support role models by not recognising more female and diverse lawyers in its rankings.”¹

Chris Arnold, Partners, Mayer Brown

The pandemic further compounded these issues and is having a devastating effect on women's career progress, with the potential to seriously set back and suspend professional trajectories. Remote working has hindered vital networking opportunities, and many are juggling the demands of family life in lockdown with a career. While these challenges undoubtedly affect both women and men, women are often impacted disproportionately.

Statistically, women were more likely to be furloughed during the pandemic² as well as manage the majority of childcare and housekeeping while still working from home.³

We have yet to see the breadth of consequences arising from COVID-19 on future research cycles in legal directories, but it is highly likely to have an inevitable knock-on effect on Diversity & Inclusion (D&I) within the legal profession.

¹<https://www.globallegalchronicle.com/>

²<https://www.gov.uk/>

³<https://www.ons.gov.uk/>



Over recent years, there has been visible progress in gender representation in legal directories, driven in large part by a series of pledges to increase diversity in the legal profession. In 2019, Chambers & Partners launched their D&I Charter and began to include diversity and inclusion criteria in their submissions process. There has also been welcomed support from initiatives such as The Legal 500's Diversity and Inclusion hub, the IFLR1000 Women Leaders Index, and Women in Law awards.

“The issue has clearly resonated across the entire profession globally and I believe there is now positive momentum to address it in the broader context of the diversity and inclusion initiatives that the industry had been implementing in recent years.”⁴

Chris Arnold, Partner, Mayer Brown

Yet, further progress must be made to ensure equitable diversity throughout the profession and particularly within legal directory rankings. While D&I issues encompass a range of inequalities including culture, ethnicity, religion and sexual identity, this white paper considers the main challenges and achievements of gender diversity and outlines what more can be done to address gender inequalities within legal directories.

⁴<https://www.globallegalchronicle.com/>

1 Gender equality in legal directories: where are we now?

2 Not just directories: The necessary cultural changes

3 Improving your D&I rankings through your submissions

4 The benefits of increased D&I

5 Infographic: Gender equality in legal directories

6 Conclusion

Gender equality in legal directories: where are we now?

1

Critical issues and challenges being raised by the pandemic, coupled with increasing demands on women to balance a career with a range of caring duties, means there has never been a more critical time to shine a spotlight on gender diversity and its progress – or the lack of it – in the legal sector.

There have long been concerns within the sector around the perception of traditionally “Male, Pale and Stale” law firms. And while progress has certainly been made within the lower levels of rankings, where intake and new rankings are more equal between women and men, under-representation gradually widens up the ladder of seniority.

There have been recent and very public criticisms of the severity of under-representation within the rankings. One notable example is Mayer Brown Partner, Chris Arnold. Due to the lack of female lawyers in his practice area, Capital Markets: Derivatives, in the Chambers UK 2020 guide, Arnold requested his withdrawal from inclusion until at least 25% of the category was female. He made public this request on a post on LinkedIn, which gained an enormous amount of attention.⁵

A slow increase

A sample of global legal directory rankings shows a varied picture of gender representation across the sector.

The Chambers USA 2021 guide shows that 35% of new rankings were female lawyers, up from 32% the previous year. The guide also reached gender parity in new Associates (50%) as well as having women constitute 23% of all rankings and 45% of the Up and Coming table.⁶

Currently, legal directory rankings within Chambers Global 2021 showed a 9% increase in the total number of ranked female lawyers across the Global guide from 2015-2021. Progress is seen in female practitioners holding 20% of all individual rankings across the guide compared to 15% in 2015.⁷

For the UK Bar Guide, 26% of rankings are women in the 2021 guide, an increase of just 2% from the previous year, and only a 4% overall increase since 2016 – showing a slower rate of progress for gender equality at the Bar in the UK. However, a more promising statistic of the top 100 new up-and-coming rankings in the 2021 UK Bar Guide is that 47% are held by women. This is a significant increase from 30% in the 2020 guide.⁸

The situation does vary – sometimes widely – between jurisdiction and regional rankings. For example, within the 2021 guide, the USA increased its proportion of female lawyers by 55%. Furthermore, 47 jurisdictions saw the proportion of ranked female lawyers increase by more than double. Of particular note was Honduras, which increased its proportion of ranked women lawyers by a staggering 533%.⁹

Conversely, The Legal 500 Deutschland recorded disappointing overall figures, reflecting the larger structural issues within the German legal market. Out of a total of 437 lawyers achieving a listing as Leading Individual in the latest guide, only 63 are women. This equates to only 13% of Germany’s most recognised private practice legal experts being female.¹⁰

Ultimately, these figures make the strongest case to demonstrate that more can, and should, be done to improve gender D&I and representation at all levels of seniority.

⁵ <https://www.lawgazette.co.uk/>

⁶ <https://on24static.akamaized.net/>

⁷ <https://chambers.com/topics/>

⁸ <https://chambers.com/guides/>

⁹ <https://chambers.com/topics/>

¹⁰ <https://www.legal500.com/>



2

The necessary cultural changes for gender diversity

Looking more broadly across the legal profession, legal directories are just a symptom of a wider range of issues around gender diversity. Across the Bar, private practice and in-house, there are concerns about under-representation of women within senior roles. Acknowledging the fact that women continue to face disproportional barriers compared to their male counterparts.

Organisational culture

The Law Society's Women in the Law 2018 project reported that the main barriers to career progression were:

- Unconscious bias
- Unacceptable work/life balance required to reach senior levels
- Traditional routes to promotion being male oriented¹¹

In addition, its findings showed that currently women comprise around 28% of Partners in private practice and that around 25% of employed female solicitors work in-house (a significantly higher proportion than for men).¹² While these figures highlight that in-house law is a popular career choice for female lawyers, there is an obvious question over whether their choices arise from any barriers across other areas and roles. There also remains a significant gap between the number of women entering the profession and those progressing to hold senior positions.

From the statistics alone, it is evident that an inclusive cultural shift is required, starting from the top down, and including a robust and broad review of company values and behaviours.

Role models

Having a substantial number of female lawyers holding senior positions at a firm leads to more advocates for gender equality higher up the corporate ladder and demonstrates career advancement opportunities to younger female practitioners.¹³ There are many female legal professionals who attribute their career success to the early presence of a strong female role model.

“We need to give female associates the assurance that there are prospects for career progression. The way we do that is for them to see women in the partnership, at the top of their game. But it is not just about work – our female associates not only want to see that we have successful careers, they also look to us to demonstrate that we can balance work and family and lead fulfilled, well-rounded lives.”

Melissa Ng, mentor and corporate Partner, Clifford Chance, Singapore¹⁴

In the same vein, an increase in mentoring and sponsorship opportunities facilitate the career progression of young female lawyers.

Such schemes promote a flexible approach to share skills and experience and help to improve secondments for female legal practitioners, particularly into more senior roles.

However, there must be enough women in senior roles ready and able to provide this female leadership. With more practices and approaches to enable women to balance their working lives, there can be more support for women to rise within the ranks.

“...it is crucial to have positive role models who demonstrate that a career is possible with a family, including part-time partnerships.”

Munich-based Mayer-Trautmann¹⁵

¹¹ <https://www.legalleadership.co.uk/>

¹² <https://www.legalleadership.co.uk/>

¹³ <https://www.jbarkers.co.uk/>

¹⁴ <https://www.legal500.com/>

¹⁵ <https://www.legal500.com/>



The Mansfield Rule

One way in which law firms can ensure more female lawyers enter senior roles is to achieve Mansfield Rule Certification. The Mansfield Rule is an increasingly prominent movement in the US which aims to increase diversity in law firms through recruitment practices. It is named after Arabella Mansfield, the first female lawyer in the US.

To attain Mansfield Rule Certification, law firms must demonstrate a year-long commitment in increasing the diversity of their senior recruitment and leadership considerations. At least 30% diverse candidates for such roles. According to Lisa Kirby, Chief Intelligence & Knowledge Sharing Officer at Diversity Lab, 30% is the necessary benchmark to “disrupt bias”. The wider goal of the Mansfield Rule is to redefine leadership stereotypes and increase transparency in the recruitment process.¹⁶

The results have already been impressive. 100% of certified 2.0 (Mansfield Rule 2.0 includes LGBTQ+ candidates) law firms now track their pool of candidates, up from 12% prior to implementation.

The growth of the initiative continues exponentially: 100 firms are now 3.0 Certified, the programme is beginning a 4.0 iteration in 2021 as well as expansion in the UK.¹⁷

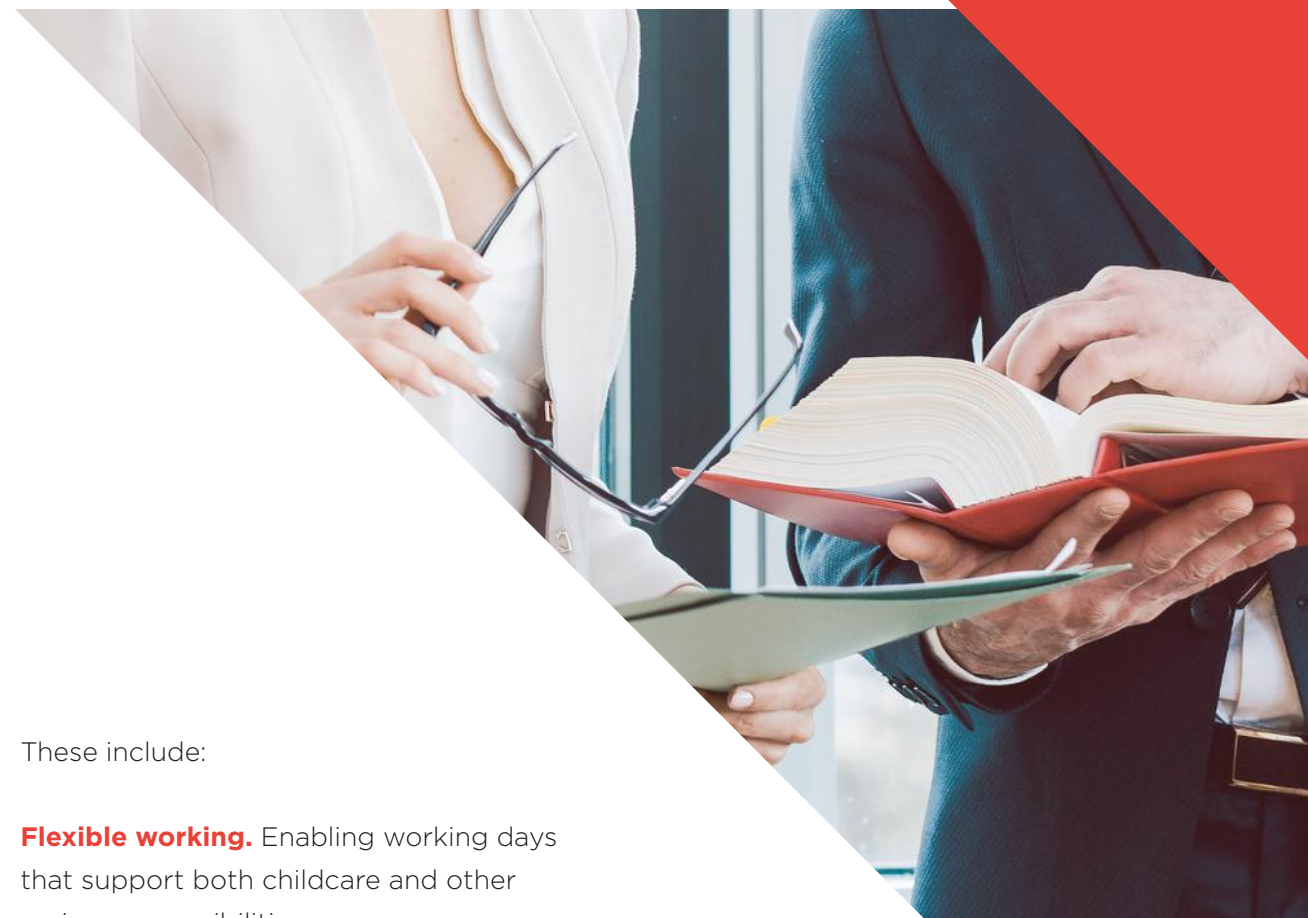
The Mansfield Rule has supported firms in diversifying their recruitment pools for both senior leadership roles and Partner promotions. While a step in the right direction, more structural changes must be implemented to fully facilitate the career progression and retention of female legal practitioners.

Making change happen

The numerous achievements of global practices and new policies prove that progress can take place at a faster pace. There are other wide-ranging and on-going initiatives within the profession with the potential to make substantial improvements across gender D&I and, eventually, legal directory rankings.

¹⁶ <https://www.legal500.com/>

¹⁷ <https://www.diversitylab.com/>



These include:

Flexible working. Enabling working days that support both childcare and other caring responsibilities.

Unconscious bias. Increasing awareness and highlighting the barriers to gender equality, with senior leadership support to highlight its importance and value in achieving gender diversity.

Using diversity data as part of any selection criteria. To set out clear expectations for gender equality during the recruitment process.

Increasing the talent pool. Working closely with a variety of schools, colleges and universities to encourage female students to consider all areas of law.

Increasing gender diversity in legal directory rankings is not just the work of the directories themselves. To witness effective and long-lasting change, law firms need to shift their culture to improve gender diversity.



Improving your D&I rankings through your submissions

While increasing gender diversity in the legal industry goes beyond solely legal directory rankings, there are methods that law firms and Partners can use to ensure that their lawyers are represented at the level they deserve.

Increasing gender representation

Many directories have already put in place changes to address and reflect the practices above and include D&I in their ranking criteria. From the 2020/21 research cycles, Chambers now requests D&I information within its submissions process, as part of the overall Chambers research and editorial approach. With the Chambers 2021 UK Bar Guide, the submission included a question on D&I in their research cycle, along with a request for an even gender-split of client referees.

To increase gender representation within the rankings firms must take multiple components of the submissions process into account: lawyer biographies, work and narrative highlights, and the client and peer referee processes. These areas, coupled with addressing unconscious bias, are critical to the overall approach to increasing gender diversity.

For legal directory submissions, firms should:

- Reject gendered language and promote non-gendered language
- Raise awareness of and address unconscious bias
- Put forward a proportional gender split of Partners for ranking

Equally, the client and peer referee process also provides opportunities to support female lawyers:

- Encourage referees and clients to praise career or work traits rather than focus on personality
- Compile a diverse list of referees and clients
- Raise awareness of and address unconscious bias

Research cycles for each legal directory guide occurs only once a year. However, D&I is a year-round concern. Increasing your firm's awareness of unconscious bias and equipping your Partners with the tools to address it through training workshops reinforces the long-term benefits and effects.

Chambers has used a number of key initiatives to improve gender D&I, including:

- A new approach to lawyer interviews with a 50/50 split of male and female lawyers and gathering feedback from a more diverse group of people including all seniority levels
- D&I training for researchers to aid the interpretation of feedback and submissions. From analysing submissions to spot subtle biases or inconsistencies to adapting their techniques in interviews
- Additional space in the submission template for lawyers to explain any lack of work during this research cycle (i.e., due to family or caring responsibilities or health issues)¹⁸

¹⁸ <https://open.spotify.com/>



Language and unconscious bias

Words matter. Language can both propagate and highlight broader underlying stereotypes about women and men in the workplace, influencing perceptions, deepening existing unconscious biases and perpetuating existing inequalities.

One of the key areas highlighted within rankings is the difference in perception between female and male legal professionals.

"...language subtly reproduces the societal asymmetries of status and power... which are attached to the corresponding social roles"

'Gender Bias and Sexism in Language'¹⁹

In legal directory submissions, this manifests as the language used to describe women in submissions. Descriptors of women often refer to them as being 'softer' or 'less aggressive' than those used to describe male counterparts.

Similarly, a review undertaken by Allen & Overy of London Bar rankings cited a tendency to describe female barristers with words such as 'pleasant' and 'sensible', while male barristers are seen as 'heavyweight' and 'authoritative'.

As a result, this year the Bar editor has decided to tackle this issue head on during the research process, by requesting referees avoid gendered adjectives when describing the individual strengths and qualities and/or weaknesses of a barrister.²⁰

Many others are also introducing similar approaches, including the Legal 500.

Gender-neutral language can be summarised as: 'a generic term covering the use of non-sexist language, inclusive language or gender-fair language. The purpose of gender-neutral language is to avoid word choices which may be interpreted as biased, discriminatory or demeaning by implying that one sex or social gender is the norm'

'Gender Neutral Language' European Parliament guidelines (2018).²¹

Within Chambers processes, researchers are trained to ask follow-up questions where generic descriptors are used. For example, if an interviewee described a female barrister as 'polite' or 'personable' they would be prompted to give more feedback on her technical competencies. Firms and chambers are also being asked to provide a more diverse range of client references.²²

The inclusion of seemingly small processes such as these can greatly influence final legal directory rankings. While increased awareness of unconscious bias and gendered language will lead to improved D&I with greater opportunities for women from recruitment through to promotion.

¹⁹ 'Gender Bias and Sexism in Language', Michela Menegatti and Monica Rubini, Oxford Research Encyclopaedia: Communication (September 2017)

²⁰ <https://www.counselmagazine.co.uk/>

²¹ <https://www.counselmagazine.co.uk/>

²² <https://www.counselmagazine.co.uk/>



4

The benefits of increased D&I

“We need firms to put forward more talented women across all practice areas – if your partnership is 30% female then arguably 30% of those you are putting forward for consideration for an individual ranking should be female.”²³

Legal 500 editors Georgina Stanley and Ben Wheway

Law firms need to be ahead of the curve. Promoting the changes we all want to see in the world, demonstrating and sharing best practice, and setting an example with a law-abiding, ethical and principled approach to diversity and inclusion. Broader solutions such as flexible working, job sharing, part time options, mentorship and sponsorship programmes and substantial parental leave (for both women and men) are all practices and approaches which can help support women to stay and thrive in the workforce for longer and rise to higher levels of seniority.

Legal directories and the gender diversity within them can contribute to significant changes, as well as bring several benefits, including:

- A platform to show your firm's support of D&I at all levels and promote its culture of inclusivity and support
- Enabling more women to see more female role models at senior levels, increasing perceptions of accessibility and opportunity
- Consideration and understanding of these issues will be rewarded with employee loyalty and talent, and client attraction
- A diverse workforce that will bring more diverse perspectives, with different ways of thinking and problem solving
- The client base is better represented, with a broader, more inclusive understanding and awareness of the changing market.

Positive effects

While more certainly needs to be done, there have been improvements. Within the Chambers 2021 UK guide, 48% of new rankings are now female lawyers (an increase of 6% compared to last year). Plus, the proportion of women achieving the highest rankings increased by 11% compared to last year. Parity has also been achieved across many areas, often for the very first time, with 53% of female Associates compared to 45% last year. Similarly at the Bar, 43% of junior up-and-coming barristers are women (compared to 30% last year). 26% of all rankings are held by women.²⁴

Changes in legal directory submissions and processes can often demonstrate improvements for gender representation in a single research cycle. But it is the solid structural changes that will ensure sustainable long-term improvements, paving the way for more inclusive representation across every area and at every level in the legal profession.

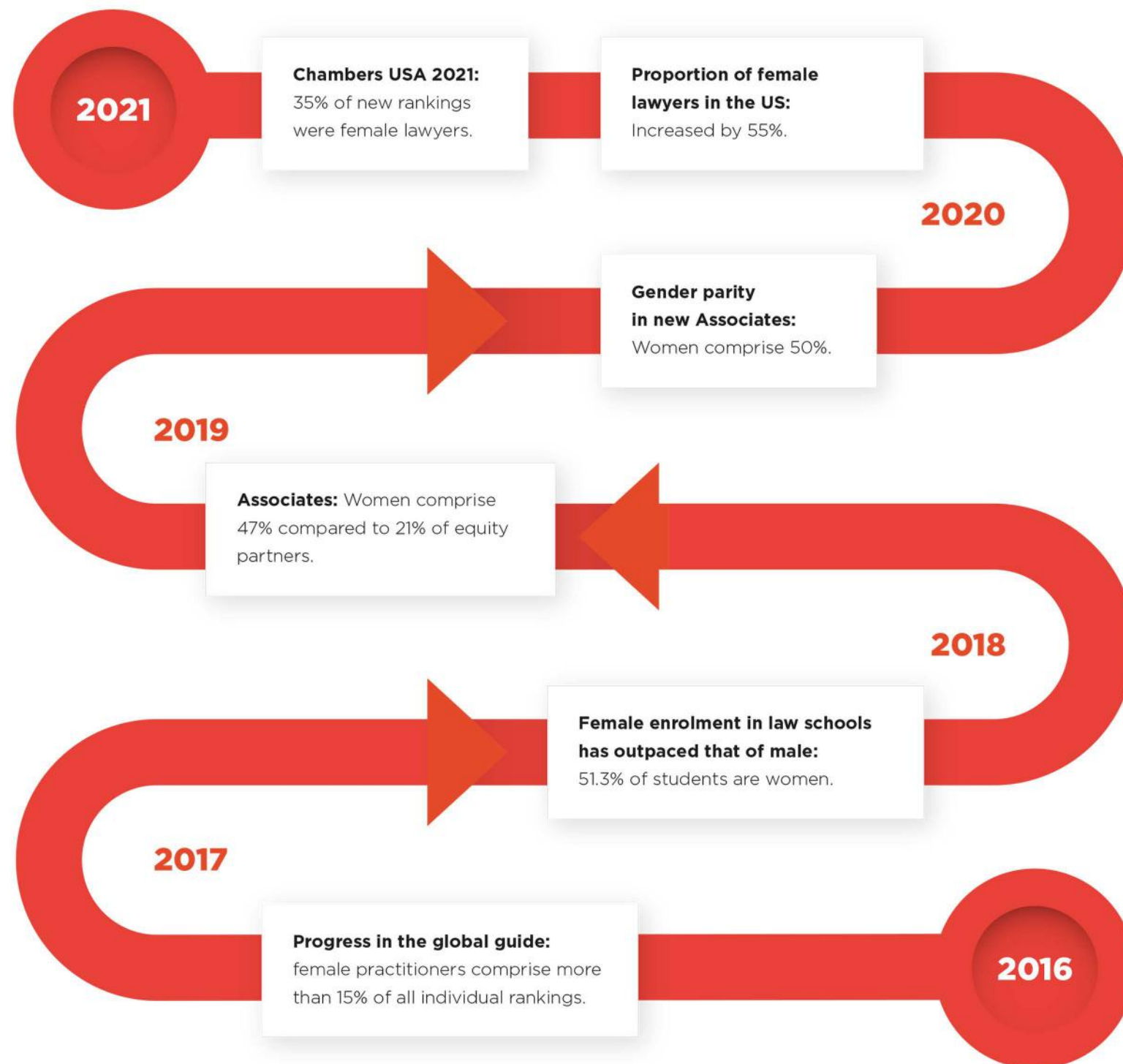
²³ <https://www.legalbusiness.co.uk/>

²⁴ <https://open.spotify.com/>



Infographic: Gender equality in legal directories

5



6 Conclusion

Steps and progress have been made to improve and increase gender D&I across the rankings often with notable results and significant achievements.

Yet it is also apparent that much more can be done to reach a diverse talent pool, attract and recruit for diversity, and create a culture where lawyers are retained and are fairly and equitably rewarded and promoted.

Several objectives can continue to support progress, including (though not limited to):

- An examination of Junior, Middle Management and Partners, considering the factors affecting females at each of these levels and examining the training roles and working practices required to deliver D&I throughout the workplace.
- Reviewing unconscious bias and gendered language within legal directory submissions
- An equal gender split when selecting Partners and compiling referee lists.
- Embracing policies and practices which encourage corporate and societal changes, from reviews of parental leave (both male and female), flexible working and increased mentorship and sponsorship opportunities – enabling more women to enter, stay and progress in the sector.
- Striving to ensure that female lawyers have the same opportunities to work on high-profile mandates and can build their market profile in the same way as male lawyers.

Gender D&I within legal directories continues to play a critical role for law firms who seek representation for their female Partners. As this white paper has outlined, there are several steps to enact to achieve this goal. Both in the legal directory submissions process and the wider legal sector.

Kidd Aitken recognises that integrating these processes into a firm's legal directory submissions process can increase the workload of your Partners, in-house marketing teams and other stakeholders. Do contact us for personalised advice or insights into your legal directory submissions and how your firm can ensure deserved representation for your female lawyers and overcome any D&I shortfalls.



About Kidd Aitken

Kidd Aitken is the world's largest legal directories and awards consultancy. We believe that appearing in the top tiers of legal directory rankings is the best form of marketing any law firm can have. Our international team comprises former editors and researchers from Chambers, Legal 500 and other major legal directories who operate in both US and UK time zones. We undertake the entire legal directory submission process, significantly easing the burden on firms

and ensuring in-house marketing teams and Partners are free to direct their time and resource to other projects. We deliver both first-time and improved rankings for firms of all sizes and sectors in all major directories. We have a wealth of other resources available online to help firms optimise and strategise for their submissions processes. Including our new Best Practice Guide to Chambers & Partners Submissions and our library of on-demand webinars.



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