

Review of published evidence on the equality of pay in legal services

Research summary

Inequality of pay raises career progression questions in legal services

Studies of earnings in the legal profession have consistently shown that women earn less than men and that individuals from Black and Minority Ethnic (BME) groups earn less than their white colleagues. This is confirmed in a review by the Legal Services Board (LSB) of the quantitative data available on the earnings of legal professionals in England and Wales. The LSB published the [Review of published evidence on the equality of pay in legal services](#) on 28 February 2013

The purpose of the review is to establish from the evidence currently available what can be understood about the equality of pay in the legal services sector in England and Wales and highlight what action is needed.

The review looks at issues in relation to the protected characteristics of gender and race but wider consideration of the other protected characteristics is also needed.

The review highlights valuable work completed by the Law Society in 2009, which identified significant gender and race pay gaps of 29 percent and 18 percent respectively in the earnings of solicitors in private practice.

As would be expected, progression is a key factor affecting the inequality of pay, with the Law Society research highlighting a strong correlation between the sex or ethnic background of a solicitor and their level of seniority. Men and white solicitors significantly outnumber women and BME solicitors in senior roles.

However, a lot of the data is now quite old and needs to be updated in order to understand how much the situation affecting legal services professionals from protected groups has changed, if at all.

There is also a need for specific research on the reasons behind the choices that legal professionals make in their careers and the issues that they face. The relevance of common explanations for the inequality of pay, such as differences in the attributes of men and women, lifestyle choices, etc., need to be more thoroughly considered in any analysis of data on earnings.

Current developments

The 177 firms that are signatories to The Law Society's [Diversity Charter](#) are leading the way in tackling diversity in the solicitors profession.

However, only a sixth of the large firms that are signatories have undertaken an equal pay review and are now taking appropriate following action. Delivering on equal pay has been identified as a priority area for the Charter firms and all legal service providers need to be challenged to undertake and publish equal pay audits. Voluntary action is preferred on this but only if it results in the changes needed.

The LSB has looked at the gender balance at different levels of seniority in the top ten law firms by size of turnover in 2011-12^[1], to see whether the picture in these firms corresponds with the findings in the earlier Law Society research on pay.

A significant imbalance between men and women at partnership level has been identified, with an average of four male partners for every one female partner. A much more even spread of men and women is found at solicitor and trainee level, which suggests that firms are not having a problem finding suitably skilled women but that these employees are not necessarily seen as appropriate candidates for partnership level roles.

If the total number of partners remained the same at these firms they would need to appoint an average of 27 more female partners to reach 30 percent women partners, 63 more to reach 40 percent and 113 more to reach 50 percent.

Given the numbers of women at solicitor and trainee level in the profession, we would expect to see the number of women making their way to partnership steadily increasing. It would also seem reasonable to expect that it shouldn't take much longer than the length of time it currently takes to become partner, before the male/female split at partnership level much more closely reflects what we are currently seeing at the lower levels.

Conclusion

The problems the review has highlighted are not new and a number of initiatives and legislative requirements have been introduced in an attempt to address them without so far having had the desired effect.

To really tackle these problems action is required right across the legal services sector with the managers and owners of law firms and chambers being held to account on the diversity of their workforce by fully informed regulators, clients, consumers and the public.

^[1] Allen & Overy, Clifford Chance, DLA Piper, Eversheds, Freshfields Bruckhaus Deringer, Herbert Smith Freehills, Hogan Lovells, Linklaters, Norton Rose and Slaughter and May.