

Speech: Spark21 conference 2018: David Gauke speech on diversity in the legal profession

Introduction

Thank you, Jo.

It is such a pleasure to be here today, supporting Spark21's Levelling the Playing Field event. As we lead into the centenary of the Sex Disqualification (Removal) Act 1919 – which took the first steps in breaking down the barriers to the involvement of women in civic life, including in practising the law – I think it is important that we consider what 'celebrating the past to shape the future for women in law' really means. It is an opportunity for each of us to re-examine and renew our commitment to a strong, equal and diverse legal profession.

Gender inequality is an issue that affects all people and is not just "a struggle for women by women", men need to be agents for change too.

The trailblazers on this have of course been representatives of diverse groups themselves. From Eliza Orme – the first woman in England to gain a law degree, to Baroness Hale – the first woman Law Lord and later first woman President of the Supreme Court, the people who have led the way on this have done so by demonstrating the breadth of their talent.

I think perhaps 'champion' is too grand a word but if I as the Lord Chancellor and a former solicitor myself can play a part in championing diversity in the legal profession then I will do so. And I don't say that for its sake. I don't say it because it's trendy or because it is 'the done thing'. I say it because I think it would be foolish not to do so.

In fact, I would go so far as to say that maintaining the status quo could damage our potential as a nation. In that sense, this isn't just an issue for the 47% of the UK workforce who are women – it's one that 100% of us are invested in.

In terms of the huge pool of female talent that exists in this country, McKinsey estimate that bridging the gender gap in work could add £150 billion to the UK economy by 2025 – £150 billion! That is a figure that we simply cannot afford to ignore.

What's more, companies in the top quartile for gender diversity are 15% more likely to have profits above their industry average. Those are astonishing figures and should serve as a call to arms to all of us that committing to gender equality – becoming champions for change – is the smart thing to do.

A diverse justice system is a healthy one

I'm pleased to say that there is much for us to celebrate in terms of diversity in the legal profession. It is important we remember that for the first time in the UK's history the Presidents of the three Law Societies are all women. It is encouraging to see our Law Societies not only lead in this area, but practice what they preach!

More than 50% of all practising solicitors are women; while BAME lawyers now account for 21% of lawyers working in law firms. These figures surpass the UK generally where women make up 47% of the workforce; and BAME people make up 11% of the workforce.

And this isn't just encouraging because of the financial benefits it no doubt brings, it's also crucial to maintaining healthy outcomes in justice – because a well-functioning justice system should accurately reflect the society it serves.

Despite some encouraging progress in the legal profession, we can aim for more.

The figures show us that the diversity of entrants to the profession is not where the problem is – it's in the senior roles and leadership that gaps appear. When we look at the senior leadership in law firms, while women make up 59% of non-partner solicitors, they account for just a third of partners.

In the biggest firms that figure falls to just 29%. And while figures at the Bar have been moving in the right direction over the last few years – with a greater proportion of female pupils than males – just 37% of barristers currently practising are women. And just under 15% of Queen's Counsel are women.

Judicial diversity

That means fewer women in the pipeline of candidates to join the judiciary. Appointing by merit is, of course, the most important criterion for retaining the quality, independence and impartiality of our judges. But we should remove the barriers to talented women and other under-represented groups applying to join the judiciary. That's why government, alongside the legal professional bodies, judicial representatives and the Judicial Appointments Commission, supports the work of the Judicial Diversity Forum. At its heart, the forum aims to remove the barriers to talented women and other under-represented groups applying to join the judiciary.

I am particularly pleased that we've gone from having just one female justice in the Supreme Court to now having three. However there is more to do.

I know the Lord Chief Justice shares this view. That's why the Judicial Diversity Committee, chaired by Lady Justice Hallett, run a number of schemes to encourage and support under-represented groups. As well as pre-application seminars, the Judicial Work Shadowing Scheme provides insight into the work of judges and the Judicial Mentoring Scheme ensures there are role models for

lawyers intending to apply for their first judicial appointment. They also run an annual support programme for women and other under-represented groups interested specifically in applying to the Deputy High Court Judge selection exercise.

In April this year I announced Ministry of Justice funding for the Pre-Application Judicial Education Programme. The programme is the first joint initiative of the Judicial Diversity Forum, designed to support and encourage lawyers from under-represented groups to apply for judicial roles.

We are working with the senior judiciary, Judicial College, Judicial Appointments Commission and the legal professional bodies to develop an online learning platform and judge facilitated discussion groups which will launch in the Spring.

And I do think it is absolutely right that we encourage people from across the legal professions – including solicitors and other non-barristers – to apply for judicial roles. The government will therefore be doing everything it can to promote people from all legal backgrounds bringing their talent and skills to strengthen the judiciary. To this end we are working with the Law Society, who have kindly agreed to chair and host a joint roundtable for senior partners and law firms to explore what support is needed to encourage more solicitors to apply for judicial office.

Broad leadership will bring lasting change

Ultimately, turning the dial on diversity in the legal profession requires a joined up and wide-ranging response from us in government and the profession itself.

Some of the figures highlighting the disparities in the profession are stark but I think the legal profession has a real opportunity to blaze a trail on this. And I'm pleased to say that it is already doing some amazing work to address the issue head on.

The Law Society's recently published 'Women in Leadership in Law: Toolkit' is one example of that work and I would encourage anyone who hasn't seen it to contact the Law Society for a copy. It not only brings together research and key statistics on female diversity in the law, it also gives practical advice on the challenges – in unconscious bias, the gender pay gap, flexible working, and best practice – that the profession faces in tackling the diversity question.

I want to pay tribute to Christina Blacklaws, President of the Law Society, not just for getting the Toolkit published, but in her wider leadership on this issue, where she is making women in leadership in law a key theme of her tenure. That drive for change should inspire others to follow suit.

As one of the oldest and most recognised professions in the world, it would be fitting for the legal sector to lead the way on this more generally in our country – in making progress on diversity not just for its sake but in the interests of excellence.

We must all promote diversity throughout the law. I really want to see things change so that it's the norm to see women at the very top of their professions, rather than a rarity.

Conclusion

As we head into 2019 and mark the centenary of women being able to practise law in this country, I think it is absolutely right that we renew our commitment to diversity within the legal profession. My message is clear – this isn't a 'nice to have' and we should not be paying lip service to it. A truly diverse legal profession is absolutely crucial to maintaining and improving the performance of our sector.

When we consider that legal services is currently worth £24 billion every year to our economy, it would be remiss of us to ignore how that figure could grow if we encouraged a more diverse workforce. The potential for adding billions to the economy by 2025 is too big a prize to pass up – certainly not for the sake of maintaining a tired and outdated status quo.

By making sure that the profession mirrors the make-up of our society as it exists today, we can build trust in a system that works for all people – no matter their gender, ethnicity, sexuality or any other factor.

Together we can show real leadership on this issue, demonstrating its practical benefits to become one of the leading lights on diversity in our country as a whole. I know that's what our legal profession is capable of and I am committing myself anew to doing everything I can to support it in that endeavour.