

## **Barriers to the legal market**

### **Executive Summary**

The provision of legal services at the highest levels and in the most prestigious firms is dominated by white, male lawyers from the highest socio-economic groups. Our belief is that such an outcome does not occur as a result of overt discrimination but instead barriers to entry and progression occur over the lifetime of individuals seeking a career in law. This review analyses the research looking at the barriers at each stage in an aspiring lawyer's career: initial education; university; work experience; post-graduate education; training contract; and in career progression.

#### **Initial education**

Children from disadvantaged social backgrounds, with lower family income, from a lower social class or parental education have been found to achieve less educationally than their more advantaged peers; the "socio-economic group achievement gap" (Feinstein 2003). This difference may in part be attributed to the drive and support of the parents, as twice as many parents in professional occupations expect their children to go to university compared to parents from lower socio-economic groups (Panel on Fair Access to Justice, 2009).

The in-built advantage that children from higher socio-economic groups have is supplemented by links that have built up over time between independent schools and legal firms. Rolfe and Anderson (2003) found that some law firms have developed stronger links with selective and independent schools, compared to comprehensives. This is illustrated by the evidence that the majority of leading judges and barristers attended independent schools - 70% and 68% respectively (The Sutton Trust 2009).

#### **University**

Twenty-five percent of young people entering higher education were from less advantaged socio-economic backgrounds, compared to half of the population coming from these backgrounds. Those from less privileged backgrounds are concentrated in new universities, with well over half (56%) of those who attended a comprehensive school attending a new university, as had 59% of those whose parents did not have a degree or professional qualification. This was in comparison to 33% who had been to an independent school and 34% of those who had a graduate parent (Shiner, 1995).

Research has shown that the desire to 'fit in' and belong at university (Read et al, 2003) affects the choice of institution among BME and working-class students. This theory is supported as only 16% of students at the Russell Group universities originating from lower socio-economic backgrounds (Higher Education Statistics Agency) in contrast to around 60% of all BME students are concentrated in new London universities (Bhattacharyya et al, 2003).

#### **Work experience**

Having relevant experience significantly increases the chances of being offered a training contract with 63% of those who had carried out vacation work being offered a contract in

comparison to 43% of those who had not carried out work experience (Shiner and Newburn 1995). Work experience can take place at an early stage with 18% of students having undertaken it in Year 10 or 11, aged 14-16 (Francis and Sommerlad, 2008). Students with connections to the professions are twice as likely to have secured early work experience as those without such connections (Francis and Sommerlad, 2008). Those from a background in which internships are commonplace are more likely to know of their existence and have the social networks to know the qualities that the firms are looking for (the Panel on Fair Access to the Professions, 2009).

### **Post-graduate education**

There is an evident financial barrier to completion of the LPC with tuition fees in the region of £11,000 (Young Legal Aid Lawyers, 2010) depending on location and quality of institution. The cost of the BPTC depends, on some extent, on the provider. Currently, the College of Law charges £14,670 for a one year course in London. On its own, these are large sums to pay but even more burdensome when adding living costs. For many, securing a training contract will mean that these course fees are paid for them.

### **Training contract**

Attendance at certain universities nearly doubles the chance of securing a training contract, with 64% of those from old universities, excluding Oxbridge, securing contracts in contrast to only 33% from new universities (College of Law, 2008). Attending a new university was found to have a more significant impact than the gender, ethnicity or socioeconomic group of applicants for training contracts (Shiner and Newburn, 1995). 79% of those who gained a first or 2.1 from an old university were offered a training contract in comparison to 60% of those who had achieved the same from a new university.

### **Career progression**

Women today account for 46.1% of solicitors with practising certificates, a figure steadily increasing (the Law Society, 2009). Women are well-represented at the entry stage to the profession accounting for 61% of law students (statistics from Higher Education Statistics Agency) and 61.7% of all trainees (the Law Society, 2009). Despite this increase in the number of women entering the profession, women still account for considerably less than a quarter of all partners, 21.5%.

Moreover, women have been noted to be more likely to work in community orientated and lower paid fields, such as family, employment and benefits (Bolton and Muzio, 2007) or pursuing careers outside of private practice (Law Society, 2004).

### **Conclusion**

The report concludes that inequality within the legal profession is determined by factors such as gender, ethnic background and social class, impacting on outcomes such as pay and career prospects.

At each stage of the process of entry into the profession, those from higher socio-economic backgrounds are at an advantage. The dominant culture of the profession then prevents equality of treatment and progression for those who enter the profession.