Workplace diversity & equality

Law firms under pressure to make more women partners

Recent promotion rounds show progress but senior ranks still dominated by men

Kate Beioley in London OCTOBER 29 2023

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It was during her maternity leave that Megan Gray, a corporate lawyer at an elite international firm, realised she could not return to her job as it was.

“In corporate, transactional practices the model is being always on, always working, with no shut-off or delineation between work and home,” she says. “I started thinking how could I do this again? It felt physically impossible.”
Gray asked her employer at the time, Freshfields Bruckhaus Deringer, if she could work set hours — more like nine-to-five — on her return, for less pay, but the firm refused on the grounds that it would not be compatible with client-facing, transactional work.

Gray left Freshfields two years ago as a result and, like many of her peers, believes law remains a brutal industry for parents, particularly mothers who still tend to shoulder more childcare responsibilities. She says a systemic rethink is needed to usher more women into top jobs.

Women account for more than 60 per cent of solicitors in England and Wales but only about one-third of partners in law firms, according to the Solicitors Regulation Authority, a figure that has barely budged in five years. The number of female solicitors in England and Wales grew at three times the rate of men in the decade to 2021, according to separate figures from the Law Society trade body, but the top echelons remain dominated by men.

Green shoots are starting to emerge, however, with big international law firms increasingly promoting as many women as men as part of a concerted push to redress the balance.

In the latest round of promotions, almost 60 per cent of new partners at Hogan Lovells were women, and more than half of Freshfields’ pool. At Allen & Overy, Linklaters and others, more than 40 per cent of promotions were women, according to statements from the firms.

The higher proportion of female promotions has been driven by the recent introduction of targets — several firms, including Freshfields and Linklaters, are aiming for women to make up at least 40 per cent of new partners by 2030 or before.

“There has never been a better time [for a woman] to want to become a law firm partner,” says legal recruiter Siobhan Lewington. “There is so much pressure on law firms [to improve partnership diversity.]”

Improvements in recent promotion rounds have already boosted the overall number of female partners.
Exclusive data provided by Leopard Solutions and law firms shows that several of the world’s biggest law firms have increased the overall proportion of female partners from less than or about 20 per cent, to closer to 30 per cent, in the past five years. Firms that made the biggest jumps between 2018 and 2023 include Freshfields, which has boosted its overall proportion of female partners from just under 15 per cent to about 27 per cent, and Goodwin Procter, which has gone from just under 22 per cent to 32 per cent.

But the proportion of women generally drops off at more senior levels. Also, partners do not share equally in a firm’s profits, while law firms are notoriously quiet about how profits are divvied up. That means that, according to gender pay gap reporting, female partners often take home less than their male peers, on average.

At US firm Latham & Watkins, for example, female partners earned 24 per cent less than their male counterparts per hour, on average, in 2022. Allen & Overy’s partner pay gap stood at 18.6 per cent for the same year.

City firm Macfarlanes had a pay gap of more than 70 per cent last year when partners and all employees were combined, due to its relatively small number of senior female partners. Macfarlanes said it had increased its proportion of female partners by 10 per cent in the past five years and was “confident that the pay gap will close over time” as more female partners moved into senior positions.
International law firms are targeting more female partners

% of female partners, Q1 2023 | Change since Q1 2018 (ppts, %)
---|---
Ropes & Gray | 32.9
Kirkland & Ellis | 32
Goodwin | 32
Baker McKenzie | 30.7
Jones Day | 30.6
Morgan, Lewis & Bockius | 30.4
Dentons* | 29.7
Sidley Austin | 29.1
Hogan Lovells | 29
Norton Rose Fulbright | 28.8
Gibson Dunn | 28.2
King & Spalding | 26.6
Simpson Thacher & Bartlett | 26.4
Latham & Watkins | 26
Greenberg Traurig | 25.8
Skadden | 25.6
DLA Piper | 24.7
Clifford Chance | 24.2
Linklaters | 23.9
Allen & Overy | 23.8
White & Case** | 22

Sources: Leopard Data Solutions and law firms’ own data • *Q4 figures 2017 and 2022 **2018 and 2022. Law firm names shortened in some cases. List of global firms taken from Am Law 200, 2022

Path to partner

The gruelling road to making partner at elite international law firms means being on call for clients 24/7, and significant pressure to drum up new business. To be considered for “partner track”, lawyers must demonstrate they have developed important client relationships, and are billing in some cases more than 2,000 hours a year, as well as spending time on business development and training. The performance metrics can act as a barrier to progression for those who take time out, for example parental leave.
“Most law firm partner metrics include credit for originating work . . . and often also for maintaining and growing an existing client relationship . . . Any period of leave is going to impact that,” says Sarah Chilton, senior partner at CM Murray, which specialises in employment law for partnerships.

“Firms need to ensure those taking maternity leave aren’t just judged against a blanket set of objectives that ignores that period of absence and, crucially, the impact it had beyond the physical time spent out of the business,” she adds.

Ria Karnik, a managing director at legal recruiter Major Lindsey & Africa, says: “In an industry where results are driven by 12-hour days and billable hours, women are at a direct disadvantage if they are expected to look after children at the same time.

“A big concern for senior associates is that maternity leave will hinder, or potentially delay, the growth of their book of business. I have spoken to a number of candidates who felt they were sidelined once they announced they were pregnant.”

Lawyers and recruiters say barriers to progression for parents are not inevitable. However Lewington notes that attitudes have improved dramatically in the past decade.

A study last year from the lawyers’ regulator for England and Wales found that a fifth of women surveyed had been promoted while on maternity leave. However there were still instances of bad practice — one UK-based lawyer had been told pregnancy was “unprofitable” and that she would not be promoted after having a child.

Kate Broer, inclusion officer at Dentons, says: “I had two kids when I was a partner, and we have routinely made people partner when they’ve been pregnant, or on maternity leave. These things are not unsolvable, we just need to take a long view, which is not law firms’ strongest suit.”

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According to Broer, policies that focus on both parents are crucial to improving inclusion. In 2020, Allen & Overy increased paternity leave from two paid weeks to 12 in the UK and enhanced adoption leave. Ashurst announced in 2021 it was abandoning “maternity” and “paternity” leave in favour of 26 weeks’ paid leave for any new parent.

Some lawyers have credited the coronavirus pandemic with dismantling blockades to flexible working — a landmark shift at high-pressure law firms where presenteeism was an accepted norm.

Georgia Dawson, senior partner at Freshfields, says “professional service industries historically weren’t built to accommodate flexible working and family life”. She adds that a “changing attitude to agile working has been one of the silver linings to emerge”.

But Gray, who was on maternity leave during the pandemic and then did a stint as an in-house lawyer at a big UK company, warned against seeing remote work as a panacea. She says: “It was lovely when I was able to come down, grab lunch and read my daughter a story.” But she adds: “We need to be mindful of viewing [agile working] as a cure-all . . . You might be able to log off, put your child to bed, and log back on . . . But I’m not sure it’s healthy to be working every night til 2am to meet the demands of the job.”

She says alternative working models, in particular fixed hours, would “drastically improve” the ability of mothers to remain at corporate law firms.

Gender disparities remain acute in some areas of corporate law, in spite of the growing acceptance of flexible working. These include transactional law, according to University of California law professor Afra Afsharipour, where rainmakers working on big mergers and acquisitions command some of the highest pay in the industry.

In a 2021 study looking at the American law firms advising on 700 of the biggest deals between 2014 and 2020, Afsharipour found women accounted for just 10.5 per cent of the lead advisers.
At Wall Street law firm Wachtell, Lipton, Rosen & Katz, where partners took home more than $7mn on average in 2022 according to industry publication the American Lawyer, six women held 13 lead roles on deals in the time period examined. In contrast, 40 men held 299 roles. The firm did not respond to a request for comment.

Afsharipour found “biases (both explicit and implicit) about women and perceptions about the necessary attributes for successful M&A practice, promotion, credit and pay disparities that often result in attrition of women attorneys”.

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