

Although there is legal definition of equal opportunity, in general practice the term “equal opportunity” is accepted as the principle of treating individuals and/or groups fairly, and without discrimination. Explain why equality and diversity is important within the legal profession.

This essay will be examining the importance of diversity within the legal system. To do this properly it will also be looking at the regulations already in place and how the culture effects legal practice.

Solicitors have a regulating body known as the SRA or Solicitors Regulation Authority. This body is used to ensure that solicitors operate in a dignified and respectable way. Regarding this essay they have also got policies in place to aid diversity and inclusion. Principle 6 of the SRA (2018) standard and regulations states ‘in a way that encourages equality, diversity and inclusion.’ What is Equality? According to the SRA it is the state of being equal to others, having equality of opportunity so that everyone is on a level playing field and finally to ensure that nobody is treated differently or discriminated against due to intrinsic traits. Following on from this Diversity is a state of being diverse, it is the practicalities of equality, taking account of people from different groups and seeing the positive of it.

What benefits does the SRA believe equality brings to the legal practice. Firstly, they believe in the idea of reflecting society as seen in SRA (2022). A publication called Elitist Britain (2014) has a good quote ‘The risks [of a lack of diversity] are 'group think', and a lack of understanding of those of different backgrounds. Certain professions should arguably be representative of the public for reasons of legitimacy.’. The essence of this quote is that if everyone in power comes from the same socioeconomic background it will be difficult for them to empathize with and understand a large percentage of different people. Secondly research has been done to show that a diverse and inclusive workforce is more profitable. Articles such as this one (Vivian Hunt, Dennis Layton, and Sara Prince 2015) present this information about higher financial gain. Following on from that is the concept of a wider pool for recruitment. This leads to the idea that a more diverse workforce necessitates that recruiter will have greater freedom to find talented people that would usually be overlooked. ‘Diversity is sometimes said to be the enemy of merit. I do not agree provided that diversity is properly invoked, it is not merely consistent with merit: it reinforces merit. I have already explained that the more inclusiveness we have the bigger the pool of potential judges, and the bigger that pool the higher the quality of judges’ Neuberger LJ, Rainbow Lecture 2014 on Diversity, House of Commons, (12 March 2014).

Next is the concept of professionalism, as a solicitor you are responsible for how you conduct yourself in your personal and professional life. With that comes an expectation that you will act with dignity and respect towards others. It has been seen before that solicitor that are unable to maintain a dignified approach will be struck off (The Telegraph, 2018). Solicitors must ensure that personal views are not imposed on others and to not leave a negative impact on them. It is good practice, and most firms will have policies and procedures regarding equality, diversity and inclusion. Finally, like any other type of work

it is expected that a solicitor would be fair and inclusive when interacting with others such as judges' clerks and other solicitors.

Overall equality and diversity is promoted positively within the SRA due to how higher levels of it is beneficial in all areas of law. As shown in the articles it appears that a higher level of acceptance and inclusion breeds a happier, more productive workforce able to produce new ideas. For legal practice they can also bring new experiences and empathies in different ways.

Moving on within the United Kingdom there is legislation in place to aid with equality and diversity. It is called the (*Equality Act 2010*), chapter 1 of the act lists out and defines protected characteristics, and what would constitute an attack. Following section 14 of the act goes into the idea of dual characteristics and the ways in which that can be used to harm someone, and so lays out what is unacceptable in that regard. Other sections such as part 11 of the act focus upon promoting an advancement of equality dependent on the situation. After seeing this legislation for a solicitor this should set bare minimum obligation in regarding to how you act. The actions you take must be in a way that is fair, inclusive and transparent.

Following on from that a very interesting article was released called the Equality act 2010, a time for celebration. This article was released on the 10th anniversary of the Equality Act and was a retrospective to gauge how effective it has been. While the article's tone is relatively positive, there were some negative aspects to it. Due to this article releasing within 2020 during the pandemic that was referenced within it. Within the article a big light was placed upon the idea that despite legislation aiding diversity, the culture that was already present was in and of itself discriminatory. A quote from the article (Wakeling 2020) states 'Covid has shown there is further inequalities, the EHRC stated "shone a light on long-standing, structural race inequality in Britain"' this is pointing to the concept of institutional discrimination. The idea behind this is that no actor involved needs to be discriminatory for it to occur, it's an issue of preconceived culture, 'UCL reports that outlawing discriminatory behaviors, as the equality act does is not enough to combat structural inequality alone'. A final quote for this is 'Issue with certain cultures in workplaces mean that even if progressive laws and rules pass people can become complacent.'

Overall, this segment on the equality act 2010 is trying to get across the idea that for certain issues such as diversity and equality, even with legal protective processes in place unintentional discrimination may still take place. Equal opportunity is an incredibly important aspect of our legal system and should be treated as such, however due to preexisting cultures it may take a while until all discrimination is gone.

An interesting survey was undertaken in 2021, regarding diversity within UK law firms. In the breakdown of the survey (SRA 2022)

It was found that the number of women and disabled lawyers had increased since the previous survey in 2019. An interesting note regarding female lawyers is that while their overall number increased a very small amount of that was found to be in senior positions such as partner. The point of this survey is to show that even in small amounts it is good to see an increase in diversity in the legal profession.

The final section of this essay will be focused on the judiciary. Or more specifically the issue female judges report to face within it. The focus will be on this journal called Women Judges: Gendering Judging, Justifying Diversity. This journal has some interesting arguments for why diversity is good for law such as (Feenan, 2008 PG 450-519) '. It has also been argued that women will improve justice by judging differently from men, by bringing a different voice, perhaps even changing the position of women in law more generally', this is followed by further concepts such as 'Subsequently, a different argument emerged, energized by Carol Gilligan's thesis that women bring an ethic of care to issues of justice in contrast to the rights-based approach of men', both these quotes mimic positive aspects akin to the SRA. This journal continues and mentions similar criticisms regarding culture and institutional discrimination. However maintains a positive outlook as seen in 'A more compelling rationale for greater diversity in the judiciary lies in a synthesis of arguments about representation and probable difference based upon background and experience'

In conclusion Equality and Diversity are both important within the legal profession since they allow a greater understanding and representation. Throughout this essay there have been a lot of mentions of institutional discrimination, and culture. While currently there are still reports of it, as seen in the SRA survey the role of a solicitor is becoming more diverse. A more positive aspect of this is the seeming benefits to companies and law firms, which will become more of an incentive as progress is made.

Overall equality and diversity are important as the more diverse a law firm is everyone benefits, the clients get better representation, people can feel more welcomed, the company makes more money.

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