

# Should it matter?

The LSLA's first woman president **Francesca Kaye** considers the interest surrounding her appointment

In 2012 you would hope that the fact that the president of an association such as the London Solicitors Litigation Association (LSLA) was a woman was of little or no interest or consequence. The fact that it is reflects poorly on the state of equality and diversity in the world of litigation.

The LSLA elects its presidents on merit and judges them on their record over their two years in office. That is how it should be. The president's gender is not (and should not be) a factor in the election process.

## Women in the legal profession

There is a fair amount of soul-searching currently about the role and status of women in the legal profession. Last month, the Law Society and LexisNexis unveiled the results of a survey on *Women in the Law* for the Law Society's International Women in Law Summit, held on International Women's Day (see "Tackling female brain drain", NLJ, 9 March 2012, p 336). The Ministry of Justice (MoJ) is currently consulting on appointments and diversity in the judiciary. Both initiatives reflect concerns that insufficient women are reaching the most senior levels in the legal profession.

In my view, equality and diversity in the law does not require or mean equal numbers. What is required is a system that creates genuine equality of opportunity at all levels and allows lawyers whatever their gender to make career and life choices from an equal position.

Discussion about the role of women in the law tends to be poorly focused. The *Women in the Law* survey attracted 1,144 responses from around the world—hardly representative of women in the law in England and Wales. Respondents were asked to choose from a limited number of statements to determine why women do not attain senior positions—the questions assuming that women's failure in this regard was merit-based. Respondents were given a narrow range of options as to how to change working practices to improve

prospects for women reaching senior levels in firms; options which could equally apply to men or ethnic minorities in any organisation. This demonstrates what should be best practice in any organisation that values its staff and wants people to aspire to take on more senior roles.

## Reinforcing preconceived ideas

The results of such surveys will only ever be as good as the questions asked and the people of whom they are asked. Ask someone to choose from a series of options all of which assume a level of discrimination or victimisation and you will get a result that shows there is victimisation or discrimination. Surveys like this reinforce preconceived ideas. They do not assist our understanding of what the issues are and how they might be addressed.

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In business more generally, the move towards what are termed gender-neutral environments have had some positive effects on the balance between men and women in the workplace. However, the most recent research has recognised that no matter how hard businesses try to create a gender-neutral environment there will be a decline in the number of women who want to progress their careers to the highest level, irrespective of how much support and encouragement is given.

Why is this so surprising? We have spent so long assuming that victimisation



- Lawyers, whatever their gender, should be able to make career & life choices from an equal position.
- We are yet to reach a gender blind work environment.

and discrimination have obstructed women's progress that we find it difficult to accept that we can open the door but the individual still has to decide whether or not they want to walk through.

## Still work to be done

It is true that we have yet to reach a perfectly-balanced world where the working environment is gender blind. In many areas and in many cases there is still work to be done. Some of that work is as much about instilling a desire and sense of self-belief in women capable of running law firms, becoming judges or even of becoming a sector association president—that they can and want to do these things while ensuring their gender is not an impediment.

Maybe, for that reason, the milestone step taken by the LSLA this spring is important. As the president, like my predecessors, I will be exploring ways of ensuring the LSLA continues to be relevant to and represents its 1,000 individual members who range from solicitors who are sole practitioners to those in the largest national and international practices in London. We are a broad church and, as such, are concerned to provide a voice for all litigators in London, irrespective of their gender or the size of the firm to which they belong.

I want to build on the fact that the LSLA is one of the oldest solicitors' representation groups other than the Law Society and to exploit the unique position of influence we have earned over the years.

If being a woman in this role illustrates what can be achieved when we choose to walk through the door of opportunity and is an encouragement to other women litigators I will be delighted—we do bring something different to the party. In the end, however, like my male presidential predecessors, I will be judged on my contribution to the LSLA in the next two years with no concession to my gender.

**NLJ**

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