



Overrepresentation of Black, Asian and minority ethnic solicitors in reports to the SRA: Perceptions from the profession on the factors driving reports

1. Introduction

The universities of York, Lancaster, and Cardiff were commissioned by the Solicitors Regulation Authority (SRA) to understand the reasons why there is overrepresentation of Black, Asian and minority ethnic solicitors in reports to the SRA. There are two main components to the research. The first looks at the factors, present in the legal sector and wider society, which may explain the overrepresentation in reports of potential misconduct made to the SRA. The second looks at decision making at the assessment stage, when the SRA decides which reports to progress for investigation. The reason for this focus is that the overrepresentation is particularly evident at these two early stages of the SRA's processes. It is present in the reports received and increases further at the assessment stage. The research uses multiple complementary research methods, including both quantitative and qualitative analyses, to shed further light on this subject.

The overall findings from the research, including an overview of the component parts of the project, is published separately. This supporting report is part of component one of the project and presents findings from qualitative interviews undertaken with a cross-section of the solicitor profession about the factors precipitating reports of potential misconduct to the SRA and to explore why these factors might disproportionately impact Black, Asian, and minority ethnic solicitors compared to their White counterparts.

Making a complaint about potential misconduct to a regulator, or being the subject of such a report, is a considerable event for all individuals concerned. Furthermore, the overrepresentation of Black, Asian and minority ethnic solicitors is likely to be a matter of concern for the entire profession. Consequently, a significant aspect of our research was to seek the views of individual solicitors about this issue. To do so we conducted a programme of semi-structured interviews with practising solicitors.

The interviews were intended to provide an opportunity to capture the voice of the profession in relation to the causes of the overrepresentation of Black, Asian and minority ethnic solicitors in reports to the SRA. Furthermore, the interviews also offered a way to further elaborate findings from other components of our research, with reference to the personal experiences and insights provided by individual solicitors.

Conversely, it is important to be clear that this approach cannot and, indeed, is not intended to represent the whole profession nor will it allow us to draw any statistically valid inferences. It cannot prove whether one or more factors are more or less significant in causing the overrepresentation of Black, Asian and minority ethnic solicitors in reports received by the SRA.

2. Our approach

Although our focus was the overrepresentation of Black, Asian and minority ethnic solicitors in reports received by the SRA, some of the reasons for overrepresentation may be relevant to the profession as a whole. In particular, many of the factors

identified in previous research and our quantitative analysis as potentially relevant (such as working in a one partner firm) affect solicitors from all ethnic groups.

Accordingly, we decided not to restrict our sample exclusively to Black, Asian and minority ethnic solicitors and included all ethnicities. However, given our focus on the experiences of Black, Asian and minority ethnic solicitors, we decided to over-sample on this characteristic when selecting the sample group to approach for this part of the research project. As shown in Table 1.1, two-thirds of our sample population comprised Black, Asian and minority ethnic solicitors, which is significantly higher than the proportion of all solicitors from this background (19%) – see [SRA \(2024\) Diversity in law firms' workforce](#).

Table 1.1 A profile of the sample population by ethnicity

Ethnicity	Percentage
Asian	24%
Black	22%
White	34%
Other/Mixed Race	20%
Total	100%

Table 1.2 A profile of the sample population by firm type

Firm Size/In-house	Percentage
One-Partner and Small (5 or fewer partners)	20%
Medium (Between 6 and 9 partners)	15%
Large (10 partners and more)	44%
In-house	20%
Total	100%

Besides ethnicity and the setting in which solicitors work (see Table 1.2), the SRA sought to ensure the sample population was representative – as far as possible – of three further characteristics of the profession: gender, age, and routes to admission on the roll.

Overall, taking the above mentioned criteria into account, the random selection of solicitors for the sample resulted in a sample population which compared to the total solicitor population as follows:

- an intentional overrepresentation of Black, Asian and minority ethnic solicitors
- a small underrepresentation of female solicitors
- an underrepresentation of solicitors aged 55 and over

- an underrepresentation of one partner and small firms (firms with 2-5 partners) compared to the total solicitor firm population
- an overrepresentation of medium-sized firms (with 6-10 partners) and large firms (with >10 partners) compared to the total solicitor firm population.
- an overrepresentation of solicitors admitted to the roll via the Qualifying Lawyer Transfer Scheme (QLTS).

Our sample included solicitors who had been reported to the SRA, but not those who had 'live' reports. This was to help keep the focus on the broader experiences of solicitors of the factors that might lead to a report, rather than a discussion on individual reports which were not yet concluded.

3. The interview process

The SRA provided a randomly selected sample population comprising 928 solicitors matching the criteria outlined in the preceding section (see Our approach). We intended to interview 50 solicitors from this sample during June–July 2023. However, difficulties in recruiting study participants meant we extended the data collection period and undertook further interviews between September and November 2023. Table 1.3 shows the number of solicitors contacted to participate in the study across the two phases and the number of interviews conducted.

Table 1.3: Size of interview sample and the number of completed interviews

Sample Size		Completed Interviews
Round 1	254	10
Rounds 2 and 3	728	14
Total	982	24

To elicit participation in the study, every solicitor in the sample provided by the SRA was emailed a personal invitation, requesting an interview with them. The email explained the aims of the study, how they came to be selected and reassured them that their responses would be anonymous. The majority of the solicitors in the sample did not respond to the initial invitation. Therefore, a follow-up email was sent, requesting their participation. This reminder email excluded respondents who declined participation, were taking parental leave, or had expressed an interest in being interviewed.

Those agreeing to be interviewed were sent an email thanking them for their willingness to be involved in the study and asking them to click on a link to schedule an interview at a time most convenient to them. In line with good research practice, a more detailed research information sheet was attached to the email. Not all solicitors agreeing to be interviewed went on to schedule an interview and in such cases a follow-up email was sent, politely reminding them to do so and requesting their participation.

Despite the researchers' efforts to elicit participation, Table 1.3 shows the number of completed interviews to be small given the size of the sample (approximately four percent on the first round and two percent on rounds two and three). Of those who gave a reason for not wishing to be interviewed, lack of knowledge about the overrepresentation of Black, Asian, and minority ethnic solicitors in reports to the SRA was by far the most common reason. However, a small number of individuals did not wish to be interviewed because they did not believe that the project would lead to any positive changes.

Interviews were designed to elicit respondents' opinions on the causes of the overrepresentation of Black, Asian, and minority ethnic solicitors in reports to the SRA. As such, they were semi-structured as we investigated a series of factors that had been identified from the literature review as being relevant. We also left space for new insights to emerge based on each respondent's background and personal experiences.

Factors we explored included the influence on the overrepresentation of Black, Asian and minority ethnic solicitors in reports received by the SRA of demographic characteristics (e.g., gender, age, country of qualification, in addition to ethnicity), organisational characteristics (e.g., size and culture), and case level characteristics (e.g., legal specialism).

Most interviews lasted 45 minutes, but a few were longer in duration. All interviews were recorded, except one at the request of the interviewee, and transcribed by a professional transcription provider.

Profile of study respondents

The study secured an almost equal number of interviews with male (54%) and female (46%) solicitors. Table 1.4 provides details of respondents' ethnicities and Table 1.5 provides details of the size of firm and the proportion who were in-house. The characteristics of interview respondents closely matched the study sample with one exception; a higher proportion of respondents identified as 'Other/Mixed Race ethnic group' compared to those in the sample.

Table 1.4 A Profile of study respondents by ethnicity

Ethnicity	Percentage
Asian	21%
Black	21%
White	21%
Other/Mixed Race	38%
Total	100%

Table 1.5 A Profile of study respondents by firm type

Firm Size/In-house	Percentage
One-Partner and Small (5 or fewer partners)	21%
Medium (Between 6 and 9 partners)	17%
Large (10 partners and more)	46%
In-house	17%
Total	100%

4. Introduction to findings

Transcripts of recorded interviews were read by at least two team members and coded to extract key themes. Our findings were then developed by triangulating across interviews to identify recurring patterns and themes.

Prior to their interviews, many participants were unaware of the overrepresentation of particular groups in reports received by the SRA. Accordingly, the research findings presented below are not based upon the insights of practitioners with specialist knowledge of the issue, but reflect the perceptions of a cross-section of the solicitor profession about possible risk factors contributing to the overrepresentation of Black, Asian and minority ethnic solicitors in reports received by the SRA.

Although the focus of the interviews was about the factors which made it more likely that a report would be made to the SRA, a few respondents shared their views about the SRA's approach to assessing the reports it received. Their perception was that the SRA was more likely to investigate reports featuring minority ethnic lawyers, especially those working in small firms compared to White lawyers in larger firms. The purpose of this research project is to understand the reasons why some groups are overrepresented in the SRA's enforcement processes, so perceptions like these can be addressed in the light of the study's overall findings.

Respondents identified three areas they believed explained why Black, Asian and minority ethnic solicitors are more likely to be the subject of a report compared with

White solicitors: (i) bias; (ii) organisations and resources; and (iii) clients, and work. We have extracted quotes from the interviews to illustrate these themes, drawing on the lived experience or the informed views of respondents based on their practising career. In the rest of the report, we explore each theme in turn.

Respondents' perceptions of bias in the sector

Some of our respondents, even when they had no prior knowledge of the matter, were not surprised by the overrepresentation of Black, Asian and minority ethnic solicitors in reports received by the SRA. These respondents tended to view this as the result of structural biases pervading the profession as well as society as a whole.

In this context, respondents suggested that Black, Asian and minority ethnic solicitors faced more difficult working conditions, as they could appear as 'outsiders' (solicitor who is Male, Black and working in a large firm) who did not fit into the profession, and as a result were under more pressure to 'prove' (solicitor who is Male, Other ethnic group working in a medium-sized firm) themselves and 'were not given the benefit of the doubt' (solicitor who is Male, Black and working in a large firm) when things went wrong.

As such, some of our respondents felt that other solicitors and clients might be more likely to complain about Black, Asian and minority ethnic solicitors as they are more likely to presume their culpability.

Indeed, in the words of one of our respondents:

I would imagine that those people from ethnic minority backgrounds would not be given the benefit of the doubt in complaints, compared to a white demographic

(solicitor who is Male, Black and working in a large firm).

Some respondents thought bias also existed within the profession, with more senior solicitors being less likely to support, provide guidance to and help train junior Black, Asian and minority ethnic solicitors. Here the issues such as networking and mentoring were particularly prominent. At the same time there was a sense that if things went wrong, Black, Asian and minority ethnic solicitors were less likely to be 'trusted', 'believed' (solicitor who is Male, Black and working in a large firm) or 'supported' (solicitor who is Female, Other ethnic group and working in a large firm) by their own organisation and professional institutions. One respondent reflects on the issue of isolation that affects Black, Asian and minority ethnic solicitors, even in the context of large firms:

So in firms where you are very much in isolation, this exposes people from different backgrounds even more because cultural norms are new to you and if you don't have a network of support, you will not see it [the risks] and you are at a disadvantage

(solicitor who is Male, Other ethnic group and working in a large firm).

When asked, respondents drew similar conclusions about the causes of overrepresentation in reports received by the SRA in relation to other demographic characteristics such as gender, age, or country of qualification. Specifically, they thought that women, more recently qualified solicitors, and those qualified in the

global south (The Global South broadly comprises Africa, Latin America and the Caribbean, Asia (excluding Israel, Japan, and South Korea), and Oceania (excluding Australia and New Zealand) jurisdictions would also experience similar biases and negative stereotypes, leading to a higher likelihood of a report being made to the SRA.

There was also some awareness of the possibilities of intersectionality whereby the effect of different individual characteristics combined and compounded each other. For this reason, one respondent identified female Black, Asian and minority ethnic solicitors as being the most likely group to be exposed to the possibility of being reported to the SRA (solicitor who is Female, Other ethnic group and working in medium sized firm). However, it must be noted that this hypothesis is not supported by the literature or data analyses conducted as part of this research, which shows male Black, Asian and minority ethnic solicitors as being more likely to be reported.

Organisations and resourcing

A common theme across many interviews were the challenges that Black, Asian and minority ethnic solicitors experienced when working in smaller organisations. In particular, working in one partner law firms and smaller firms increase the likelihood of being the subject of a report to the SRA. Significantly for this project, Black, Asian and minority ethnic solicitors are more likely to be found working in such organisations – our analysis showing there are 166% more Black, Asian and minority ethnic solicitors practising in one partner firms when compared with the whole population of solicitors. Our interviews help to shed light on ways in which contextual factors in one partner and small law firms (with five or fewer partners) increase the likelihood of being the subject of a report received by the SRA. We raised these issues with all the respondents and have reflected the broad themes through the quotes provided in each section. Some of the quotes are from solicitors currently working in small firms, so may come from lived experience, other quotes are the perceptions of solicitors working in larger firms.

Resources to reduce risk

Solicitors' access to organisational resources emerged as a key issue from our interviews. Specifically, our respondents felt that one partner and small law firms tend to lack the necessary resources to minimise the risk of a report being made to the SRA. In the following quotation, a respondent captures this situation both in general terms and how it specifically relates to ethnicity.

...small firms, especially ethnic minority firms, they don't have as much access to resources as other firms. So even like for like high street firms, where one firm is a white firm and the other is predominantly ethnic minority, you find that the resources [available to] the white firm...[are] greater than what an ethnic minority firm would have

(solicitor who is Female, Black and working in a small firm).

More specifically, respondents suggested that, unlike their larger counterparts, one partner and small firms are unlikely to have internal advisory functions, such as

'internal Counsel' roles or 'in-house psychologists' (solicitor who is Male, Other ethnic group and working in a large firm), and suffered from an absence of supporting procedures and protocols designed to minimise the risk of misconduct. As a result, solicitors, and especially earlier career solicitors, may not have easy access to support and guidance mechanisms that can help avoid circumstances that are more likely to result in a report being made to the SRA.

Respondents also suggested that in smaller firms there was a lack of formal training programmes designed to ensure compliance. Indeed, in the words of one respondent this lack of training meant that 'the chances of actually learning [how to avoid and manage potential issues] and becoming a good lawyer...are much less at a small firm' (solicitor who is Female, Other ethnic group and working in a large firm). A related topic that emerged from several interviews was the challenge of understanding how to properly interpret and follow SRA rules. Again, some respondents thought that solicitors in smaller firms, due to a relative lack of resources, may struggle to make sense of how to comply with the many rules set out by the SRA.

Relatedly, respondents mentioned the sense of isolation or loneliness that can characterise working in smaller firms. They described the challenge of having a limited number of other people to share problems and contentious decisions with. This limited their ability to get feedback and triangulate decisions.

The effects of isolation were also perceived to be exaggerated for early career solicitors in small firms, as they had a limited number of more experienced professionals to turn to for guidance. This in turn made it harder to check decisions and develop confidence in making ethical decisions or judgements in difficult situations which comply with the SRA's principles-based approach.

...the smaller the firm, the more likely the chances that you would have complaints, because there are few people dealing with this person [client]. They [client] only see that one face or very few people around, so they feel they can target [i.e. make a complaint], it's a small firm, there's not much by way of checks within there

(solicitor who is Female, Black and working in a small firm).

Resources to manage client concerns

An important topic of discussion with some respondents related to how a lack of resources affected the ability of solicitors in smaller firms to manage client relationships and, especially in situations when clients are unhappy. Smaller firms were perceived by some respondents as being less likely to have dedicated client relationship procedures, processes and personnel that could help ensure service standards are met in a consistent way and risks mitigated appropriately.

At a very small firm, in the view of respondents, a solicitor is more likely to have to deal with a client concern with little support from others. Whereas in larger organisations a dedicated individual or team is more likely to respond using defined procedures.

Now the big national law firms have the resources to invest in compliance. They have teams of compliance people. You don't even have to think about compliance because there will be someone there who knows this [compliance] inside out and who will look after you..... A smaller firm has fewer resources,...[which means] not only are you having to know your own practice area inside out, you are having to know all the compliance inside out, so I can see quite easily that someone could make a mistake there

(solicitor who is Female, Other ethnic group and working in a large firm).

Some respondents suggested that a combination of all of the resource related factors outlined here could lead to solicitors feeling threatened, fearful and thus defensive when a concern is raised by another party. This can lead to clients perceiving the response of a solicitor to be unacceptable, thus heightening the chance of a report to the SRA.

Resource strains

Respondents also identified a number of other strains on solicitors working in smaller firms that can increase the likelihood of a report being made to the SRA.

Strain can be financial. Smaller firms were perceived by respondents to be more likely to experience precarious income streams and engage in less profitable work such as Legal Aid. In response, solicitors working in these firms might feel under pressure to take on more work than they could reasonably handle or to take on matters in which they lacked sufficient experience or expertise.

I think when you are a sole practitioner, when you are in a very small law firm, exacerbated by challenges around what has happened to Legal Aid and all the rest of it, I think actually it is really quite difficult because they don't have the resources, the infrastructure to really support education and development, I think in the same way that big city law firms do

(solicitor who is Male, Asian and working in a large firm).

A related form of strain refers to caseload. A combination of being fearful of refusing work, and the lower fee levels for some of the more readily available work, can lead to solicitors in smaller firms handling 'hundreds of clients at any one time' (solicitor who is Male, Other ethnic group and working in a large firm). This caseload strain can make it hard to ensure all clients receive appropriate service levels. Tracking progress with each client's case and reviewing decisions becomes difficult when client number grow. In turn this creates more opportunity for oversights or errors that could be the basis of a report to the SRA.

Finally, strain can also be personal. Respondents described how in some smaller firms there was often no-one to turn to for moral or practical support, thus creating a stressful working environment. Respondents talked about how this could result in an

inability to pass-on work during periods of illness or family emergency, and thus a higher likelihood of delays and poor client service occurring.

Clients and work

One of the most prominent findings to emerge from our interviews is the belief that the SRA is likely to receive more reports about those engaged in work associated with some legal specialisms rather than others.

Our respondents referred to a presumed distinction between more personal specialisms like family law, personal injury, and residential conveyancing and more criminal oriented specialisms. The presumption here was that in the former, clients are likely to be much more emotionally invested in their case because the result may have life-changing consequences for them. They might stand to lose their jobs, their children or even their freedom.

As such, since the stakes are so high, if things are perceived to have gone wrong (or an outcome is not as the client wished) there is more likelihood of a report being made to the SRA than with commercially orientated work. Indeed, in the words of some of our respondents:

areas like family law, private client – anything that is litigation where there is high emotion and you are dealing with individuals rather than businesses - can be quite difficult [and liable to more complaints]

(solicitor who is Female, Asian and working in a large firm).

family and crime [are examples of practice areas more susceptible to complaints because]...you are dealing with a huge amount of stress at a personal level, so family for obvious reasons, crime, potential deprivation of liberty

(solicitor who is Female, Other ethnic group and working In-house).

Respondents also suggested that clients associated with personal law specialisms might be more likely to make a report to the SRA because they were less regularly in need of legal help. These clients use lawyers sporadically and often in situations of vulnerability. In this context, as captured by the quote below, they may have unreasonable expectations of what their solicitor can do for them.

it's quite tricky working with individuals because I mean you can handle a case properly and the recipient or the client is just not happy with the decision either you or the courts take

(solicitor who is Female, Black and working In-house).

Also, since clients associated with personal law specialisms are often one-time or very infrequent consumers, they do not have long term relationship with their solicitors or the same mechanisms to respond to concerns as commercial clients. For example, as indicated by the quote below, whilst commercial clients can address a problem via a negotiation as part of a long-term relationship with their advisors (e.g., via a discount on future work or by developing better communication protocols), this option is not available for one-time users:

There are more chances of clients complaining in small firms because if you are a huge company [like] Apple or Microsoft, they solve their problem by other means. [Generally] big clients just won't submit a complaint to SRA, they will communicate directly to their partner

(solicitor who is Female, Other ethnic group and working in a large firm).

5. Conclusions

Our respondents did not tend to have prior experiences of being reported to the SRA. Nor had many given any prior consideration to the issue of overrepresentation. As such it was interesting to find that most of them were unsurprised by this issue. When probed, their explanations, even if tentative, were in some aspects consistent with findings from previous studies (as summarised in our [literature review](#)) as well as with the other components of our analysis.

In particular, respondents were attuned to the impact that the context of practice may have on the likelihood of a report being made to the SRA. Thus, most respondents were unsurprised to learn that solicitors working in smaller firms, or those with one partner were more likely to be the subject of a report to the SRA. Respondents, as also recognised in the literature, tended to attribute this situation to a lack of appropriate resources as well as to the effect of various forms of strain, which made it more likely for problems to arise in the first place whilst also reducing the ability of firms to respond before the matter was escalated to the SRA.

Respondents also believed that certain types of work, such as family or criminal law, were more likely to generate reports to the SRA. For our respondents this reflected differences in client profiles across legal specialisms. In particular, they thought that individuals, especially when they were less experienced in using solicitors and more emotionally invested in the matter at hand, were more likely to make a report to the SRA than corporate clients, who often had access to other problem resolution methods.

Finally, a number of respondents also acknowledged the impact of societal biases which adversely affected Black, Asian, and minority ethnic solicitors, effectively placing them under a higher level of scrutiny and leading to scepticism from their White peers.