

4-28-2021

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Aidan Ricciardo

Stephen Puttick

Shane Rogers
Edith Cowan University

Natalie Skead

Stella Tarrant

See next page for additional authors

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[10.1177/1037969X211007576](https://doi.org/10.1177/1037969X211007576)

This is an author's accepted manuscript of: Ricciardo, A., Puttick, S., Rogers, S., Skead, N., Tarrant, S., & Thomas, M. (2021). Perceptions of LGBTQI+ diversity in the legal profession: 'It's happening slow, but it's certainly happening'. *Alternative Law Journal*, 46(2), 100-107. (SAGE). <https://doi.org/10.1177/1037969X211007576>

This Journal Article is posted at Research Online.
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Authors

Aidan Ricciardo, Stephen Puttick, Shane Rogers, Natalie Skead, Stella Tarrant, and Melville Thomas

Perceptions of LGBTQI+ diversity in the legal profession: 'It's happening slow, but it's certainly happening'

Aidan Ricciardo

Law School, The University of Western Australia

Stephen Puttick

Law School, The University of Western Australia

Shane Rogers

School of Arts and Humanities (Psychology), Edith Cowan University, Australia

Natalie Skead

Law School, The University of Western Australia

Stella Tarrant

Law School, The University of Western Australia

Melville Thomas

School of Indigenous Studies, The University of Western Australia

Abstract

This article reports on a qualitative study aimed at understanding how LGBTQI+ law students and recent graduates perceive and experience the legal profession. While we found that several participants self-censor in interactions with the profession, others considered their LGBTQI+ identity as advantageous – enabling them to benefit from 'diversity hiring'. Despite this, many participants regarded the legal profession as 'conservative' and influenced by the 'old guard' which remains unaccepting of LGBTQI+ identities. Participants also considered the profession to be more accepting of some LGBTQI+ identities than others. We conclude by suggesting strategies to improve perceptions and experiences of the profession.

Keywords: Diversity in law, LGBTQI+ inclusion, legal profession, Western Australia

Corresponding author: Aidan Ricciardo, Law School, The University of Western Australia, 35 Stirling Hwy, Crawley WA 6009, Australia
Email: aidan.ricciardo@uwa.edu.au

Thomas is 19 years old. He was born and grew up in an affluent inner-city suburb. He attended an elite private boys' school. His father is a successful lawyer. Thomas identifies as gay, though has felt unable to 'come out' to friends and family. He is now in the first year of law school and aspires to attain graduate employment at a large commercial firm. Charlotte is a 27-year-old transgender woman. She has lived out of home, and been estranged from her parents, since she began to live openly as female at 15 years of age. She is in the second year of her law degree and hopes eventually to practice in family law.

How do Thomas' and Charlotte's perceptions of the legal profession differ from each other, and from those of others? How do, or will, their backgrounds impact on their experiences with, and as part of, the legal profession both during and after law school?

While these examples are fictional, the questions raised are very real for many law students and recent law graduates. In this article we explore these questions and report on a qualitative study that sought to understand how LGBTQI+¹ law students and recent law graduates perceive and experience the legal profession. In doing so, we provide an outlet for the voices of this cohort. Based on the interviewee responses, we suggest practical recommendations to assist the legal profession to understand, promote and support LGBTQI+ diversity and inclusion in law.

Background

While law school cohorts are becoming increasingly diverse,² the legal profession is often criticised for its lack of diversity.³ Professional bodies have now acknowledged that embracing diversity, including in relation to LGBTQI+ people, is imperative.⁴ The Law Council of Australia has emphasised that a 'strong and fair' profession is one 'comprising, accommodating, encouraging and respecting a diverse range of individuals and views'.⁵

However, existing research indicates that Australian legal professionals do not yet think that their profession is truly inclusive of LGBTQI+ people. For example, a 2017 Thomson Reuters survey of 653 Australian lawyers reported that an overwhelming majority of the LGBTQI+ respondents believed the profession as a whole needs to do more to improve diversity and inclusion for LGBTQI+ people.⁶ This finding was replicated in a similar *Lawyers Weekly* survey of 468 lawyers

¹ The acronym includes lesbian (L), gay (G), bisexual (B), transgender (T), queer/questioning (Q), and intersex (I) people, as well as other people who do not identify as cisgender and/or heterosexual (+). A range of other terms and acronyms are used to refer to this group of identities (or some of these identities). It should be noted that the research on LGBTQI+ people over time has focussed on different groupings of identities, including LGBT and LGBTI classifications. Studies have not always considered the full range of LGBTQI+ identities, in part because the identities regarded as falling within the LGBTQI+ umbrella have expanded over time. Given that some research has excluded particular identities within that umbrella, the term 'LGBTQI+' is used here somewhat imprecisely.

² See, eg, Mark Israel et al, 'Fostering "Quiet Inclusion": Interaction and Diversity in the Australian Law Classroom' (2017) 66(2) *Journal of Legal Education* 1, 5–6, cf, eg, David Weisbrot, 'Recent Statistical Trends in Australian Legal Education' (1991) 2(1) *Legal Education Review* 219.

³ See, eg, Angela Melville, 'Barriers to Entry into Law School: An Examination of Socio-Economic and Indigenous Disadvantage' (2014) 24(1) *Legal Education Review* 44; Law Council of Australia, *Equality and Diversity Charter* (2015) <https://www.lawcouncil.asn.au/files/web-pdf/1508-Charter-Diversity-and-Equality-Charter.pdf>.

⁴ See, eg, The Law Society of New South Wales, *Diversity and Inclusion in the Legal Profession: The Business Case* (Report, 2017).

⁵ Law Council of Australia (n 3).

⁶ Thomson Reuters, *LGBTQI Inclusion and Diversity Among Legal Professionals* (4 February 2018) <https://insight.thomsonreuters.com.au/legal/resources/resource/lgbtqi-inclusion-diversity-infographic?rview=1>; Jerome Doraisamy, 'Law and LGBTQI Rights: Where are we at?', *Lawyers Weekly* (30 May 2018) <https://www.lawyersweekly.com.au/biglaw/23345-law-and-lgbtqi-inclusivity-where-are-we-at>.

in 2020. That survey also found that 'legal professionals believe that broader Australian society is performing better than the profession itself when it comes to LGBTQI+ inclusion'.⁷

To date, there is no published research exploring the perceptions of LGBTQI+ law students and recent law graduates on these issues. Yet, understanding how they perceive and experience the profession is important. Their views provide valuable insights into how factors like representation and acceptance can significantly influence a person's career choices and how the profession can and should adapt to accommodate and promote diversity and inclusion into the future.⁸

Overview of the empirical study

An aim of our qualitative study was to understand how LGBTQI+ law students and recent law graduates perceive and experience the legal profession.⁹ We invited LGBTQI+ law students and recent graduates from all five Western Australian (WA) law schools to participate in semi-structured interviews. Participation in the study was voluntary and participants gave informed consent prior to their participation. In total, we interviewed 23 LGBTQI+ students and recent graduates from three of the five WA law schools.¹⁰

We undertook interpretative phenomenological analysis (IPA) of the interview transcripts. The aim of IPA is not to produce a definitive reading of participant accounts but is instead recognised as a co-construction between participants and analyst.¹¹ In accordance with IPA method, a member of the research team who is an empirical researcher read all transcripts multiple times and analysed each, one by one. They identified the broad themes following a first reading of all transcripts, and then extrapolated and expanded on each theme following subsequent reads. They also considered how each theme related to other themes. The themes that emerged from the interviews are discussed below, using pseudonyms in place of the participants' actual names.

Findings from the study

Stereotype and remaining influence of an 'old guard'

The interviewees had differing views on whether the legal profession is accepting of LGBTQI+ people. One common theme was the perception of an 'old guard' that still influences the overall culture of the profession:

⁷ Jerome Doraisamy, 'Perceptions on LGBTQI+ Inclusion Efforts Differ Depending on Sexual Orientation', *Lawyers Weekly* (13 December 2020) <https://www.lawyersweekly.com.au/biglaw/30266-perceptions-on-lgbtqi-inclusion-efforts-differ-depending-on-sexual-orientation>; Jerome Doraisamy, 'How #Auslaw is Faring with LGBTQI+ Inclusion', *Lawyers Weekly* (7 December 2020) <https://www.lawyersweekly.com.au/biglaw/30202-revealed-how-auslaw-is-faring-with-lgbtqi-inclusion>.

⁸ See generally Cheryl Hetherington and Ann Orzec, 'Career Counseling and Life Planning with Lesbian Women' (1989) 68(1) *Journal of Counseling & Development* 52.

⁹ This study complied with the National Health and Medical Research Council of Australia's National Statement on Ethical Conduct in Human Research (2007). Institutional ethics approval for the study was obtained from the UWA Human Research Ethics Office (RA/4/20/5525).

¹⁰ Twelve interviewees were from UWA, four from ECU, and seven from Curtin. It is unclear why no students from Murdoch or Notre Dame, Fremantle volunteered to be interviewed. Of the interviewees, 21 were between 22 and 27 years old; one was 19 and the other was 41. Eight were JD students, ten were LLB students, and five had recently graduated from a WA law school. Nine identified as female and 13 as male. One identified as non-binary, having been assigned male at birth but questions whether they are transgender. Thirteen (or 93 per cent) of the interviewees who identified as male or who were assigned male at birth identified as gay and one as uncertain but definitely as LGBTQI+. Only two female interviewees identified as lesbian, with the others identifying as bisexual.

¹¹ Carla Willig, *Introducing Qualitative Research in Psychology* (Open University Press, 3rd ed, 2013).

I'd still say it's a very conservative profession. I wouldn't say, of all the industries, I'd feel the most accepted. I think it has a long way to go... the older generation. [Wendy, student]

I find because the area of law for past generations has been very much a white male-dominated field, that is the people with power and they have firms and stuff like that. ... That I think your sexual orientation could be problematic depending on what stage the firm is at. [Kip, student]

I think that there's an impression of the industry that I get that it's quite conservative or maybe a little bit old fashioned. I don't know if that's the reality or if that's just my perception from things that I've heard. [Jon, student]

That said, those interviewees who had experience of working in the profession, or at least know someone working in the profession, appeared to be a little more optimistic that recruitment and progression in the profession was based solely on ability and performance:

I have a couple of friends who have studied and worked in law. From what they've told me it almost seems a little bit irrelevant, your identification, it's more, can you do your job ... that's all cool, we'll support you absolutely. What comes first is, can you do your job? [Nate, student]

A recent graduate working in a law firm added:

More and more, it's not being seen as something that's an issue or is a big deal. It's part of who someone is but that doesn't affect how good a lawyer they are. That's what firms are looking at now, they're realising, or they have realised that it doesn't affect what product they can do. At the end of the day they want to make money. As long as it doesn't affect how they make money, they don't mind. [Quinn, graduate]

However, several interviewees expressed a sense of cynicism, identifying tolerance rather than acceptance within the profession. For example:

It's not so much as that they understand and they accept, and they support LGBT people as much as they tolerate it. It's very much got this atmosphere of like, 'You can be gay, but don't shove it down my throat.' That kind of stuff. [Emma, student]

These days, I think there's a general fear of discrimination and firms need to treat people right and they don't want that public image to come back at them. [Umar, graduate]

Recruitment and 'diversity hiring'

Many interviewees reported experiencing stress about obtaining employment in the legal profession:

I think there's a lot of stress coming out of the pressure to find a job and that is itself a huge source of stress for students, probably the biggest source of stress. [Paul, graduate]

I truly think it just comes down to the fact that there's so many law students, but there's not enough offers and jobs and stuff. [Ara, student]

The interviewees acknowledged, however, that this is not a peculiarly LGBTQI+ issue. It is a concern shared by many, if not all, law students. Despite these concerns, when asked if they felt that their LGBTQI+ identity might hinder their career opportunities, several interviewees commented that being LGBTQI+ might not be an obstacle, and that they expect it might be helpful. In particular, many raised the notion of 'diversity hiring':

I feel like I can have somewhat of an advantage being LGBTQI. I feel like dropping that in an interview actually increases my chances. I think because firms, in order to attract clients, need to be able to

show that they are diverse and that they are taking these issues seriously. In order to diversify, they need to actively recruit diverse people. [Roman, graduate]

When I applied for a job I ticked the box to say I fell into that bracket. For all I know, they were like, 'We need to up our diversity numbers', that sort of thing. [Wendy, student]

However, some interviewees felt conflicted on this issue:

I think when you're developing your reputation, I want it to be merit-based but if I think that my sexuality can help me get opportunities, then I'll utilise that because it's very competitive, but yes, it's complicated. [Isobel, student]

I don't know but I think if push came to shove, I could probably use it to an advantage but I feel bad doing that because it feels very tokenistic and doing it for the sake of doing it. Rather I'd just be evaluated based on my performance and how I can do the job which is hopefully how I do at things normally like as if my gayness is just part of me, it's not the thing that I do. [Umar, graduate]

By contrast, other respondents were not so ambivalent, and clearly opposed the notion of diversity hiring and using their LGBTQI+ identity to get a job. For example:

I would be uncomfortable to get opportunities for being gay, I think people should only be given opportunities because they deserve it. [George, student]

One interviewee had particularly strong views on this:

It definitely bothers me. It bothers me in every way because I hate the idea of people being hired over someone that like is better for the job and possibly worked harder just because they identify as gay or something like that. No matter what, I would rather someone get somewhere by being deserving rather than something like that... [Kip, student]

Interestingly, one interviewee, who considered their LGBTQI+ identity as a potentially positive factor professionally, nevertheless wondered if being open about their LGBTQI+ identity in recruitment processes might be misinterpreted:

... sometimes you feel like, if you do bring it up, if there's no real reason for you to bring it up, the worry that maybe this person's going to try and see it as you trying to get a favour point, like a brownie card. [Fanya, student]

The ambivalence about disclosing one's LGBTQI+ identity in recruitment processes may reflect the dual concern that, first, one can never be certain of the response the disclosure may elicit in an interview,¹² and second, the view that law firms do – or at least should – consider a wide range of more relevant intrinsic factors in recruiting suitable graduates; factors such as work ethic, emotional intelligence, maturity and professionalism. And, of course, grades.

It is interesting that some interviewees held seemingly conflicting perceptions of the profession: on the one hand of an unaccepting 'old guard', and on the other of diversity hiring. It might be that interviewees perceived the old guard and diversity hiring to exist within different pockets of the profession. For example, research from the United Kingdom has found that the Bar is relatively unaccepting of LGBTQI+ people, whereas diversity hiring is most often associated with large corporate firms.¹³

¹² See, eg, Crystal L Hoyt, Thekla Morgenroth and Jeni L Burnette, 'Understanding Sexual Prejudice: The Role of Political Ideology and Strategic Essentialism' (2019) 49(1) *Journal of Applied Psychology* 3.

¹³ Marc Mason and Steven Vaughan, *Sexuality at the Bar: An Empirical Exploration into the Experiences of LGBTQ+ Barristers in England & Wales* (Report, University College London Centre for Ethics and Law, 2017).

Visibility and invisibility

A theme emerging from many of the interviews was that visibility matters. That is, being seen for who you are and the importance of seeing people in the profession who are 'like you'. In this regard, it is relevant that for many LGBTQI+ people their sexual orientation or diversity of gender or sex may not be readily identifiable. This appeared to be especially so for those interviewees who did not identify as cisgender males. For example, one interviewee referred to herself as:

... a gay ninja or something. ... I think the fact that I'm a woman and I'm also bi, I kind of feel like I'm a hidden LGBT person. It would never come out obviously. I think it's just so much more obvious of what your sexuality is if you're, for example, a gay man who's more feminine in representing themselves. For me specifically, I don't feel like my LGBT-ness affects that. It's not very obvious, and what stands out more when you see me is that I'm a woman and I'm brown. [Valeria, student]

Similarly, another bisexual female interviewee commented:

I can blend in a lot easier than a lot of people. There's this delicate balance between feeling like I'm blending in but also without compromising myself. I take comfort in the fact that I can, but then I'm also annoyed that I should feel I ever have to. [Isobel, student]

A parallel theme was the notion that the typical LGBTQI+ person in law is a gay, white man:

Everyone that I know. I can't think of any lesbian women or trans people that I know that are working in big law firms. They are all gay men but yes, I don't know if that's like a cause and effect thing or if that's just how it is. [Toni, graduate]

One interviewee suggested that this may originate from law being an historically white male-dominated profession:

It's that people have come up in a culture where everyone was a straight white man. Then everyone, their mentors, their seniors were, the people below them were, and so that's just the culture and it's the friendship groups that they have. Then the introduction of someone who doesn't fit that raises concerns. If you had a choice between someone that looks like you, talks like you, acts like you and someone who doesn't, and you don't have any other factors to consider, you're going to go with the first one. That is what has happened and it does still happen... [Quinn, graduate]

And similarly, if not cynically:

I think definitely that the experience for a gay man would be very different to someone who is transgender, for example, or any other No, definitely. I think that I'm very lucky to look like the established norm beforehand but be slightly different so that I count as a diversity hire. [Sam, student]

Indeed, across the interviews, a general attitude emerged as to the variability of acceptance in the legal profession of different LGBTQI+ identities. The interviewees perceived gay men as the most accepted, visible, and typical LGBTQI+ identity in the profession, followed by bisexual people and lesbians, then by transgender and gender non-binary people. Transgender and non-binary individuals, in particular, were recognised by interviewees as experiencing the most difficulties:

I guess when you're going for a job, you need to conform initially just while you test the waters out. I think that that is more extreme if you're a transgender woman or a transgender man. Even more so extreme when you don't really conform to the gender binary because people really do expect that conformity. [Kip, student]

Many interviewees expressed that, while the legal profession has probably developed to become quite accepting of gay males, they doubt that this is so for other identities under the LGBTQI+

umbrella. These views are consistent with the existing research, which has found that even those within the legal profession perceive that there is little willingness to reflect on, and change, dominant cultures within the profession.¹⁴

Optimism for a more inclusive legal profession

Many interviewees felt that there is scope for the legal profession to become more accepting of LGBTQI+ people. At the same time, there was a general sense of optimism that the profession is positively changing and becoming more LGBTQI+ inclusive. More specifically, there was a sense that some leaders within the profession are having a positive influence:

It feels like from my impression of law firms and stuff, that there's movement of things and there's already people in the generations above that have done that movement. I mean like Michael Kirby is an example of that in terms of gay men, but also in terms of women and female partners and all that stuff happening. It's happening slow, but it's certainly happening and the people that have been pushing for it for a long period of time have just got to the top where they can start to make the bigger changes... [Sam, student]

Other interviewees expressed the sentiment that younger professionals are having an influence on the culture:

... I think younger people, they're not trying to get rid of old people but I think that with more younger people, they're able to change the attitudes of older professionals. I think the older professionals are just experiencing, some of them, probably experiencing this for the first time. I think the legal profession is changing for the better. [Olly, student]

An interviewee summed up the perceived changing professional culture as follows:

I think as we're progressing past obviously that generation, I really believe that it will turn to a point of indifference and it'll be your skill and your talent and your ability to work. Rather than anything to do with race, gender, sexuality, all that stuff. [Kip, student]

Meanwhile, others thought that cultural change will take time:

I think that the profession will change and the best kind of lawyers will not be a suit-wearing part in the middle of the head white man, but I think at the moment, that's what people expect the best kind of lawyer to be and to get over that initial hurdle is difficult for people. [Umar, graduate]

Overall, even the interviewees who felt optimistic about growing acceptance still felt that more could and should be done to support LGBTQI+ diversity and inclusion in the legal profession. These responses appear consistent with the views of those within the profession. For example, the 2017 Thomson Reuters survey, mentioned earlier in this article, reported that 66 per cent of the legal professional respondents believed that the profession as a whole needs to do more to improve diversity and inclusion for LGBTQI+ people. Among LGBTQI+ respondents, 89 per cent thought more needed to be done. That survey also reported that many LGBTQI+ lawyers felt that their employer's efforts in this area are only 'tokenistic', with less than half saying that their employers went beyond 'tokenism' in this regard.¹⁵ However, there is some evidence that perceptions are changing in relation to the success of these efforts. The *Lawyers Weekly* survey conducted in 2020 found that, while roughly the same proportion of LGBTQI+ lawyers (86 per

¹⁴ Hilary Sommerlad et al, *Diversity in the Legal Profession in England and Wales: A Qualitative Study of Barriers and Individual Choices* (University of Westminster Law Press, 2nd ed, 2013) 8; Helia Garrido Hull, 'Diversity in the Legal Profession: Moving from Rhetoric to Reality' (2013) 4(1) *Columbia Journal of Race and Law* 1, 10.

¹⁵ Thomson Reuters (n 6); Doraisamy (n 6).

cent) said the legal industry needed to do more in this space, 70 per cent of LGBTQI+ respondents thought their employer's efforts had a 'positive' or 'very positive' impact.¹⁶ This indicates that the optimism expressed by interviewees in our study is justified and that initiatives within the industry are making meaningful changes.

The importance of being 'out' at work

An encouraging finding from the 2020 survey was that 83 per cent of respondents thought LGBTQI+ legal professionals could be themselves among immediate peers and colleagues. However, the survey did not disclose whether LGBTQI+ respondents (who formed only 41 per cent of those surveyed) felt differently to non-LGBTQI+ respondents in this regard.¹⁷ In contrast, our study indicates that LGBTQI+ law students are not as certain that they can be themselves at work. Despite their optimism for change in the profession, several interviewees felt the need to self-censor their gender identity and/or sexuality in the workplace:

I think if I get to a stage where I'm really comfortable or if I confidently believe that it's not going to affect my career or if I were to get into academia or anything else like that, if the circumstances made it so, I absolutely would [be out at work] because it's something that I feel very comfortable with, but as things land, I don't think I can be out. [Valeria, student]

At my firm currently, I haven't talked, nobody senior knows. Nobody other than the secretary who I sit with, knows. I guess I can't say it's super important, but I guess long-term it's important for me that I work in a place that I can do that, yes. [Wendy, student]

I guess in the professional environment, I often feel like I have to be a little bit less queer-presenting and more centred and less camp or whatever it is. [Sam, student]

This is significant because, of course, working in an environment which is perceived as unsafe or unwelcoming can negatively affect LGBTQI+ employee well-being, organisational culture and productivity.¹⁸ Indeed, many interviewees expressed the importance of working in a safe and inclusive environment in which they do not feel a need to self-censor:

I don't think I could probably function and do my job properly if I wasn't [openly out] because it's such a big part of myself. In that sense, this is very important because I guess if I wasn't, I'd probably feel restricted, probably unable to fulfil what I need to do to the best of my ability, probably feel I'd be constantly like, 'Oh, what happens if they find out?' Whereas, I guess, being out in the workplace, it just takes all that pressure away and it's like, 'That's cool'... [Nate, student]

It does not appear, however, that self-censorship is peculiar to the legal profession. Previous research has found that many LGBTQI+ people hide their sexuality or gender identity when at work (39 per cent),¹⁹ with young people aged 16 to 24 most likely to do so.²⁰

In addition, self-censorship was not considered by all interviewees as an exclusively LGBTQI+ issue:

¹⁶ Doraisamy (n 7).

¹⁷ Ibid.

¹⁸ Leah P Hollis and Scott A McCalla, 'Bullied Back in the Closet: Disengagement of LGBT Employees Facing Workplace Bullying' (2013) 4(2) *Journal of Psychological Issues in Organizational Culture* 6, 6–8.

¹⁹ William Leonard et al, *Private Lives 2: The Second National Survey of the Health and Wellbeing of GLBT Australians* (Report, Australian Research Centre in Sex, Health and Society at La Trobe University, 2012) 47.

²⁰ Ibid.

I think in terms of work, as a professional, there has to be a slight disconnect from your personal. I don't think that would be any different if I was straight. ... The way you purport yourself as a professional is different to the way you act as a normal individual at home. [Brigid, student]

Limitations

The ability to draw conclusions and make recommendations on the basis of our study was limited by several factors. First, selection bias may be present because participation was voluntary, and participants self-selected. Second, as we only conducted 23 interviews, the perspectives presented in this article may not be broadly representative of the cohort across WA, and indeed, Australia. Similarly, as only five of the 23 interviews were conducted with graduates working within the profession, it was unclear whether the perceptions and experiences of LGBTQI+ law graduates materially differ from those of LGBTQI+ law students. For the same reason, our study was also unable to provide strong evidence of the experience of LGBTQI+ law graduates in the legal profession – however, it is worth noting that several of the student participants were also working within the profession (as paralegals, legal assistants, and practice managers). Nevertheless, our methodology has enabled this paper to provide a platform for the authentic voices of LGBTQI+ law students and recent graduates. Despite its limitations, our study provides novel and valuable insights into how LGBTQI+ law students and recent graduates perceive and experience the legal profession.

Reflections and recommendations

Several of the findings from our study are comforting, with many interviewees indicating that they feel accepted within the profession. That said, our study indicates that many of the interviewees, and perhaps many in the LGBTQI+ law student and recent graduate population, believe that there is still much to be done to create a legal profession that broadly demonstrates visible acceptance of, provides tangible support for, and is genuinely inclusive of LGBTQI+ people. Although many law firms and other employers of law graduates already make considerable efforts to promote LGBTQI+ diversity and inclusion,²¹ it appears that some LGBTQI+ people feel that various diversity and inclusion initiatives in law firms are 'tokenistic' or unsuccessful. To combat these perceptions, law firms might consider developing a greater range of visible and tangible strategies to ensure a safe, inclusive workplace in which all employees can feel safe and succeed.

Although the findings of our study do not provide direct support for any particular strategies, the legal profession might consider implementing initiatives such as mentoring opportunities for junior LGBTQI+ lawyers with senior members of the profession. The profession could also adopt an initiative similar to the ALLY program run in Australian universities and some Australian law firms.²² For example, the ALLY program at the University of Western Australia aims to create a more inclusive campus by promoting greater visibility and awareness of LGBTQI+ issues through diversity training for staff that raises awareness of the lived experiences, challenges and needs

²¹ See, eg, Herbert Smith Freehills, *Double Recognition for Herbert Smith Freehills by Stonewall for Commitment to Workplace Equality* (July 2019) <https://www.herbertsmithfreehills.com/news/double-recognition-for-herbert-smith-freehills-by-stonewall-for-commitment-to-workplace>.

²² See, eg, Corrs Chambers Westgarth, *Diversity and Inclusion Progress Report* (2019) 3 https://corrs.com.au/site-uploads/images/PDFs/Documents/Diversity_Progress_at_Corrs_Dec_18_v3.PDF.

of LGBTQI+ staff and students.²³ Employees who have undergone training can place a rainbow ALLY sticker on their office door and in their email signature to provide a visible sign of support for LGBTQI+ students and colleagues. Such programs ensure that issues such as perceptions about 'otherness' and future career prospects, while not unique to the LGBTQI+ population but nevertheless particularly acute within it, can be more fully addressed. These measures also provide a visible indication of persons to whom LGBTQI+ individuals can turn for support if they need to do so.

Our study also indicates that a number of LGBTQI+ law students and recent graduates feel there is a stark need to more clearly engage with and embrace *all* LGBTQI+ identities and individuals – not just cisgender gay males. To change the perceptions of law students and recent graduates in this regard, further efforts might be made to demonstrate engagement with all LGBTQI+ identities in recruitment activities across all sectors of the profession. Firms and other employers could consider taking further steps to remain acutely conscious, particularly in hiring procedures and practices, to provide opportunities for all LGBTQI+ identities so as to dismantle the 'mirroring' in recruitment whereby new hires tend to reflect the demographics of those already within the profession – and, particularly, those who are responsible for hiring decisions. In some firms, for example, recruitment tools like the Rare Contextual Recruitment System (RCRS) inform the equitable and effective recruitment of those with the greatest potential by using Big Data to factor cleavages of disadvantage into the selection process.²⁴ Recruitment tools like this could factor in a person's LGBTQI+ identity among other indicators. While we are not necessarily proposing law firms adopt the RCRS or other tools, which raise complex issues relating to intersectionality, we are suggesting a careful, considered and deliberative approach to recruitment that recognises latent potential that may have been masked by systemic and structural disadvantage. Similar comments apply in relation to internal promotion procedures and practices.

Law firms can also demonstrate tangible support for LGBTQI+ people through their engagement with the broader community. As recommended by the Law Council of Australia, legal practices can sponsor community LGBTQI+ initiatives, support employees to participate in those initiatives, and provide pro bono services to support LGBTQI+ rights.²⁵

Adopting and maintaining strategies such as these might help to make more LGBTQI+ law students and recent graduates feel accepted, respected and safe to be themselves in their interactions with the legal profession. In conjunction with existing efforts, this progress can help to create a 'strong and fair' legal profession in Australia that is 'comprising, accommodating, encouraging and respecting a diverse range of individuals and views'.²⁶

²³ See generally Duc Dau and Penelope Strauss, *The Experience of Lesbian, Gay, Bisexual, and Trans Students at The University of Western Australia* (Report, The University of Western Australia, 2016) 7.

²⁴ See, eg, Allens, *Why We Use the Rare Contextual Recruitment System* (June 2018) <https://www.allens.com.au/careers/student-newsletter/inside-allens/previous-editions/ed-04-jun-2018---rare/>.

²⁵ Law Council of Australia, *Making your Legal Practice LGBTI+ Friendly* (Web Page) <https://www.lawcouncil.asn.au/policy-agenda/advancing-the-profession/equal-opportunities-in-the-law/making-your-legal-practice-lgbti-friendly>.

²⁶ Law Council of Australia (n 3).

Funding

This project was supported by a grant from the Public Purposes Trust of the Law Society of Western Australia: 'Understanding, promoting and supporting diversity in legal education and the profession'. The views expressed are those of the authors and are not necessarily those of the funding body.

Aidan Ricciardo is a Lecturer at the UWA Law School at The University of Western Australia.

Stephen Puttick is an Adjunct Research Fellow at the UWA Law School at The University of Western Australia.

Shane Rogers is a Lecturer in the School of Arts and Humanities (Psychology) at Edith Cowan University.

Natalie Skead is a Professor in Law, and Dean and Head of School at the UWA Law School, The University of Western Australia.

Stella Tarrant is an Associate Professor at the UWA Law School at The University of Western Australia.

Melville Thomas is a Lecturer in the School of Indigenous Studies at The University of Western Australia.