

Analyze the Importance of Diversity in the Legal Profession, Using the Example of the LGBT Subgroup

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Abstract: In recent years, the diverse professional backgrounds of legal practitioners have aroused research interest among scholars, as well as practitioners in the practice field. This essay focuses on LGBT subgroup in diversity, who are vulnerable to exclusion from others due to special gender identity and sexual orientation, and there are barriers to entering the legal profession. However, the entry of this group into the legal field may increase the diversity of the legal profession and contribute to the realization of justice, the formation of an ethical climate and economic benefits. In this regard, this essay provides suggestions on promoting LGBT groups to enter the legal profession from the perspectives of judicial policy, legal industry recruitment, and the establishment of a sense of belonging. This essay selects the diverse LGBT subgroup to discuss its importance in the legal profession and its significance to social development, which could fill the research gap to a certain extent.

Keywords: diversity, LGBT, legal profession

1. Introduction

Diversity of the legal profession has always been one important topic, and legal practitioners with diverse backgrounds are advocated by the United States, the United Kingdom, France, and many countries.[1] In recent years, the discussion of LGBT subgroups in minority has increased. For example, in 2011, the United States abolished "Don't Ask, Don't Tell", and made a judgment to allow same-sex marriage in 2013.[2] This essay focuses on LGBT subgroups in the legal profession, thereby illustrating the role of the diverse legal professionalism. At present, the LGBT group is still discriminated against. Some studies show that, in the youth survey of LGBT group, more than 90% of participants experienced insults, threats, rejection, family disapproval, and friendship breakdowns due to their sexual orientation.[3] Based on these unequal treatment, LGBT groups experience obvious economic disadvantages and mental risks, so corresponding organizations have adopted recruitment strategies and resource tilts of medical institutions for them.[4] In fact, aside from financial and psychological impairments, professional development of LGBT subgroup in the judicial and legal fields is still relatively rare, and academic research on minority groups in legal professionalism has not been sufficient enough.

This essay first explains the definitions of diversity, LGBT subgroup and the legal profession, and attempts to analyze the relevance of these concepts. Then, this essay will discuss the importance of a diverse legal profession in promoting practitioners' professional abilities such as collegiality, public service orientation, autonomy, and task diversity from three aspects: fairness and justice, moral

culture, and economic benefits. Finally, the essay calls for the establishment of relevant judicial policies to promote the appreciation of diversity in legal work, the reduction of discrimination, and the establishment of greater social belief that promotes humanistic care for the LGBT community.[3]

2. Overview of diversity, LGBT subgroups and legal profession

Diversity can be defined as the objective or subjective differences in the objects, such as differences in gender, age, race, religious belief, educational background, sexual orientation, etc., which are of great significance in the contemporary era of globalization and cross-cultural development.[5] Research shows that diversity may bring about group bias, reduce identity and increase conflict, but people from different backgrounds may bring about different ways of dealing with problems, resulting in creativity and long-term development. Some scholars divide the value of diversity into diversity preference, diversity attitude, and diversity perspective,[5] which represent a decreasingly positive impact. In the field of legal profession, whether diversity or homogeneity is more dominant and how valuable the diversity is what this essay will explore below. This research will be carried out about this issue from three aspects: justice, morality, and economic benefits.

To make this general question concrete, this essay selects the LGBT subgroup as the research focus in a diverse context. This subgroup refers to Lesbian, Gay, Bisexual and Transgender, who have specific gender preferences and sexual orientations. They belong to the minority group, which is part of diversity, along with other subgroups of color, women, and children, etc. As mentioned, LGBT law students and recent graduates have both the advantages and disadvantages of diversity in participating legal field.[6] These different views will be affected by traditional concepts, individual differences, and stereotypes. These specific pros and cons comparisons will be explained in the following sections.

There are traditionalism and professionalism perspectives of the legal profession. The traditional legal profession requires legal practitioners to make their own discretion in legal knowledge; complete various tasks such as sorting out facts, negotiating, drafting documents, etc.; building good working relationships with other lawyers or organizations; tending to serve others and contribute to society potential value.[7] While professionalism focuses more on the legal skills of legal participants and encourages a high degree of market competition. This essay mainly focuses on the needs of several traditional legal professions such as cooperation, serving the public, autonomy, and completing various tasks. It analyzes whether the LGBT group has the potential to meet the above characteristics and attempts to analyze the impact of the LGBT group entering the legal industry. In fact, there is no direct relationship between the category an individual belongs to and whether he or she can do a good job in legal practice. Differences in objective or subjective background are also independent of age, academic qualifications prerequisite, practical legal training prerequisite and moral character requirements in the lawyer's application requirements.[8] Therefore, belonging to a minority is not a reason for inability to enter the legal profession, on the contrary, a diverse legal profession may have many advantages, and there is reason to expect a positive correlation between the two,[5] which is discussed in detail later. However, based on the instinct of convergence, even if people understand the advantages of accepting diversity, they may still tend to maintain the status quo of discrimination and non-acceptance. So, the judiciary, legal industry leaders and individuals all need to take steps to embrace diversity, achieve inclusion and encourage diverse backgrounds and perspectives.[6]

3. The importance of LGBT subgroups entering the legal profession

As mentioned above, to explore the importance of LGBT subgroup entering the legal profession is mainly analyzed from the three aspects of justice, morality, and economy, combined with the collaboration, public service, autonomy, and complex task completed of the lawyer profession.

3.1. A legal profession that includes LGBT subgroups contributes to fairness

A diverse legal profession is more likely to achieve fairness and justice [1] and better represent the public from diverse backgrounds.[9] This is likely to promote the collegiality and public service orientation of the traditional legal profession,[7] which is also in line with the ultimate ideal of equality and justice in legal profession.[1]

Existing of diverse groups is an important manifestation of fairness and justice. Creating a fair social environment and performing public service are also important tasks of the judiciary and the ultimate goal of all legal practitioners.[10] If the social participation of LGBT subgroups can be enhanced, rather than excluded due to specific gender identities, it will help to build the capacity for mutual assistance among people on a larger scale, and promote the values of fairness expected in a society ruled by law.[11] Additionally, the participation of people from diverse backgrounds in legal work avoids arbitrary power and contributes to a more cohesive and resilient society.[12] LGBT subgroups also have the right to participate in all aspects of social life, and can contribute their own productivity and innovation based on their knowledge and background, and cooperate with other subgroups to develop democratic vitality. At the same time, diverse judges and lawyers meet the expectations of diverse citizens. For example, the LGBT citizens may trust judges and lawyers with the same background more, and thus have more confidence in getting a fair judgment. [1] Many times, because LGBT subgroups are underrepresented, they may be ignored in policy and legal reforms,[13] which is unfair to protect the rights of minorities. However, admitting LGBT groups into the legal field may effectively solve this problem. Diverse legal professions can help to propose policies and guidelines applicable to different groups and ensure comprehensive coverage of social protection. Meanwhile, it is worth noting that, under discrimination and a poor sense of social belonging, LGBT people may ignore their rights and do not know how to solve legal problems, and special sexual orientation can also bring complex legal needs.[13] Lawyers of the same background can communicate better with them and solve problems, reduce their social isolation and decreased self-confidence, act as therapeutic justice, and promote mental health, which also corresponds to the requirements of public service in the legal profession.[14]

3.2. LGBT subgroup participation in the legal profession contributes to an ethical culture

A diverse legal professionalism helps to form a moral climate that accepts diverse groups,[15] reduces unconscious discrimination, prejudice, and stereotypes against minorities in society, and helps to achieve cooperation and serve the needs of the public in the legal profession.[9]

Acceptance of diversity is one of the moral consciousnesses in the legal profession for the benefit of others,[16] and it is a good manifestation of the formation of universal values, attitudes, and emotions.[15] Taking the LGBT community as an example, if appropriate policies and procedures can be adopted to create culture and ethical climate of workplace that accepts minorities,[15] legal practitioners are likely have colleagues from different backgrounds, and they are willing to build positive and respectful relationships among different backgrounds, which facilitate the realization of collegiality in legal profession.[15] Meanwhile, diverse legal practitioners are likely to have a stronger sense of public service.[17] As mentioned earlier, LGBT lawyers might communicate more empathetically with LGBT clients, embrace the diversity of client groups, and address LGBT-related legal challenges more effectively. In addition, diversity in the legal profession may also foster

acceptance of diversity in other professions, and even society as a whole. People are easily influenced by the environment,[16] and follow the lead of authority in ambiguous situations.[18] When there is a good acceptance of the LGBT community in the judicial field, it is easy for people to continue and strengthen this acceptance in other fields, which is conducive to the deep reflection of each individual in social life and becomes part of the intuition,[19] thereby strengthening identification with the LGBT community. The resulting professional values of appreciating diversity help to form value convergence with colleagues and clients,[17] to complete legal practice involving complex issues and real emotions, and to promote the formation of common value norms of the society that accepts diversity.[19] Conversely, if a positive moral climate is not established, excessive hierarchy awareness and hierarchical organizational culture[16] will reduce the sense of belonging of the individual, which is not conducive to the realization of individual initiative.

3.3. LGBT subgroup participation in legal profession boosts economic benefits

A diverse legal workplace [9] can foster trust between legal practitioners and organizations and improve employee retention.[20] Different staff can also provide different ways of thinking and current affairs knowledge [1] to serve customers with different backgrounds,[20] which is conducive to realizing the autonomy and task variety competence in legal professionalism, thereby bringing more economic benefits.

In addition to establishing a long-term working relationship, the independent application of knowledge to resolve legal disputes, complete multiple legal tasks, and bring economic benefits to law firms are also important elements of legal profession.[7] People from different backgrounds have different skills and social networks,[1] and the LGBT community is no exception. Their entry brings new cultures, ways of thinking and life experiences. Through the cooperation and communication of different colleagues, the integration of legal issues is more conducive to providing clients with solutions to different legal dilemmas, helping to exert these legal practitioners' talents and improve their professionalism.[5] At the same time, according to the theory of organizational support, if the organization pays more attention to the well-being of employees, it is conducive to the establishment of trust between employees and the organization and the development of personal intelligence.[21] Thereby, courts or law firms support for LGBT subgroups are likely to promote their self-efficacy and complete complex tasks.[3] Some data also shows that in 2013, 88% of Fortune 500 companies opposed discrimination and promoted diversity,[21] which hints that diversity can be profitable. Diversified legal professionalism will retain talents with different expertise for the company, bring more human resources, which is good for the credit rating of company.[21] For knowledge-dependent law firms that need stable talents and good reputation, it is an effective organizational policy to undertake social responsibilities, ensure diversity, and support LGBT employees.[21] Although employees from different backgrounds are more likely to work together to generate friction and conflict, this essay argues that the negative impact of this is far less than the improvement of economic benefits, and these possible disadvantages can be solved by promoting the interdependence of different individuals.[5]

4. Policy setting and future research perspectives

According to the above analysis, it can be found that diversity plays an important role in strengthening fairness and justice, establishing a moral climate, and promoting economic development in the legal profession. But research states that about 75% of LGBT people still do not have access to justice after homophobic or transphobic abuse.[13] This shows that discrimination against LGBT groups still exists, judicial protection is not strong enough, relevant remedies have not been improved, and measures to promote LGBT groups into the legal profession still need to be formulated. Firstly, at the

judicial level, professional bodies and regulators should embrace diversity, [15] formulate policies that are appropriate for various groups of people,[13] and treat it as part of legislative reform.[22] Secondly, law firms and the judiciary could conduct diversity recruitment and diversity training and strive to achieve an organizational structure in which staffs from different backgrounds cooperate with each other. The law firms can also establish interdependent goals or common pursuit goals [5] for staffs from different backgrounds, build trust between individuals in different subgroups, and deepen anti-discrimination policies.[2] Thirdly, Australia has insufficient quantitative research on specific subgroups such as LGBT, and scientific research departments could pay more attention to the LGBT group. They may conduct sufficient data collection and analysis to gain an in-depth understanding of the legal demands of this group and provide the most accurate information for the legislative reforms mentioned above.[13] Finally, at the societal level, more work can be done about reducing camps, spreading more beliefs that support diversity,[5] enhancing opportunities for LGBT law students to connect with industry veterans, and building LGBT subgroup's sense of belonging with the whole society.[6]

It is worth noting that a general discussion in this essay is not enough, each subfield within LGBT has its own unique elements and should be considered in the larger context of sexism, racism, religious culture,[4] such as lesbian-LGBT [6] and aboriginal-LGBT. They may face more complex dilemmas than those discussed above, and they may not be able to apply experiences from one identity domain to another.[3] For them, there are more barriers to obtaining fair social benefits and having equal interpersonal relationships, which are parts that can be studied in the future.

5. Conclusion

Using the LGBT community as an example, this study attempts to explore the importance of diversity in the legal profession. Firstly, by describing the elements of the LGBT community and the traditional legal profession, this essay clarifies the fact that diversity and legal professions are not inseparable and the possible advantages of a diverse legal profession. Subsequently, this study demonstrates the importance of LGBT groups entering the legal profession from the perspectives of fairness and justice, moral culture, and economic benefits, and further demonstrates the importance of a diverse legal profession to social development. This essay then provides strategies for diversifying the legal profession in terms of policy development, recruitment, training, and quantitative research. However, this essay only makes a general analysis of the LGBT group. In the future, it is still necessary to conduct specific research on LGBT sub-fields, such as the lesbian group. This facilitates the expansion of research on diverse legal professions and could be recommended in more detail in the future.

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