

'Fitting-in' and 'Opting-out': Exploring How Law Students Self-Select Law Firm Employers

Abstract

In this paper we draw on interviews with 15 law students at the University of Birmingham in the UK to explore the extent to which law students critically self-evaluate themselves against their perceptions of the preferences of elite law firms. While the small scale of the data set means our conclusions are necessarily tentative, we are able to show how some law students 'opt-out' of applying to certain law firms where they perceive there is no fit between themselves and that law firm. Equally, our data also shows that some students are capable of recognising that, despite not having a supplementary fit with a firm (i.e. they can see that they do not 'match' that firm's current crop of lawyers or what they think is the firm's culture), they realise that they can instead be a complementary fit for the firm, and hence realise that their potential to add something 'new' to the law firm (by way of increasing diversity) can secure them a vacation scheme or training contract. Finally, and perhaps somewhat unsurprisingly, a proportion of students play 'the numbers game' and, despite determining a law firm 'misfit', still proceed to apply to as many law firms as possible on the basis that more applications meant (they thought) a higher chance of success.

Keywords

training contract; diversity; legal profession; fit

For three decades, there has been significant academic focus on why there is continuing social exclusivity in elite law firms in England & Wales.¹ In the mass of literature in this area, many academics have looked at the recruitment strategies of those law firms to help explain why there is a lack of diversity amongst the trainees, associates and partners (lawyers) who work there. Strikingly, there has been no qualitative research conducted since the 1980s to determine how and why undergraduate law students choose the law firms that they apply to for a vacation scheme (a formalised type of internship) or a training contract (the post law degree apprenticeship-like pathway to qualification), and therefore no analysis regarding how these choices may impact on the diversity of lawyers within such firms. This paper goes some small way to remedy that deficit.

In what follows we draw on interviews with 15 law students at the University of Birmingham in the UK to explore the extent to which law students critically self-evaluate themselves against their perceptions of the preferences of elite law firms. We are clear that the limited nature of the fieldwork means that the conclusions we draw are necessarily tentative. Nevertheless some clear themes emerged, in an area lacking other data. Below, we situate the accounts from this exploratory, small-scale study in the work of Kristof on 'person-organisation fit' (P-O fit).² In so doing, we come to three tentative conclusions (which might usefully be explored in further work). The first is that some law students 'opt-out' of applying to certain law firms where they perceive there is no fit between themselves and the law firm. This has implications for the social mobility and diversity of trainee solicitors in more elite law firms, and suggests that, for some students, the perception of the diversity of a law firms' lawyers, the firm's culture, and who the firm would want as its future lawyers, is a key consideration in choosing would-be employer law firms. Our second conclusion is that some students are capable of recognising that, despite not having a supplementary fit with a firm (i.e. they can see that they do not 'match' that firm's current crop of lawyers or what they think is the firm's culture), they realise that they can instead be a complementary fit for the firm, and hence realise that their potential to add something 'new' to a law firm (by way of increasing diversity) can secure them a vacation scheme or training contract. Finally, (and for those who teach law students – and for law firm graduate recruiters - perhaps somewhat unsurprisingly) a proportion of students play 'the numbers game' and, despite determining a law firm 'misfit', still proceed to apply to as many law firms as possible on the basis that more applications meant (they thought) a higher chance of success.

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¹ See, for example: H. Sommerlad and P. Sanderson, *Gender, Choice and Commitment: Women Solicitors in England and Wales and the Struggle for Equal Status* (Ashgate, 1998); H. Rolfe and T. Anderson, 'A firm choice: Law firms' preferences in the recruitment of trainee solicitors', (2003) 10 *International Journal of the Legal Profession*, 315; L. Ashley and L. Empson, 'Differentiation and discrimination: Understanding social class and social exclusion in leading law firms', (2013) 66 *Human Relations*, 219; A. Cook, J. Faulconbridge and D. Muzio, 'London's Legal Elite: Recruitment through Cultural Capital and the Reproduction of Social Exclusivity in City Professional Service Fields' (2012) 44 *Environment and Planning A*, 1744.

² A. Kristof, 'Person-Organization Fit: An Integrative Review of Its Conceptualizations, Measurement, and Implications', (1996) 49 *Personnel Psychology*, 1.

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There is a great deal of empirical literature on the subject of student entry into the solicitors' profession. This work tends to revolve around five predominant themes: (i) the recruitment practices of law firms in general; (ii) the issues of perceived discriminatory law firm recruitment; (iii) the importance of vacation schemes and other work experience as gateways to training contracts; (iv) how law firms sell themselves to prospective trainees; and (v) student perception of law firm recruitment practices.

It is a truth universally acknowledged that training contracts are difficult to obtain.³ In 2013-2014 around 5,000 training contracts were registered with the Solicitors Regulation Authority and in the same year 16,116 students graduated with degrees in law in England and Wales.⁴ While it is of course true that not all law students intend to pursue a career, "... in the legal profession, previous studies have found that a substantial percentage do have this intention".⁵ In the 1990s, The Law Society of England & Wales funded a longitudinal study quite unlike any of the other literature on law firm preference: a mixed quantitative and qualitative research endeavour with the "principle long-term aim of... [developing] a practical understanding of the factors affecting patterns of entry into the legal professions in England and Wales".⁶ The six year study involved half of all undergraduates in England in their second year of law school in 1992.⁷ Using the method of a recurrent but modified survey each year, The Law Society was able to demonstrate the preferences of law firms in showing the demographics and characteristics of those students that did succeed in securing a training contract. Using this data, Shiner and Newburn came to the conclusion that:

"Ethnicity, social background and institution type provided the most striking disparities in terms of gaining a training contract. People from ethnic minority groups, those with less privileged backgrounds... and those who had studied at new universities were dramatically less likely than others to have received an offer..."⁸

These conclusions have been recurrent themes ever since. Each study on law firm preferences concludes that students from lower class backgrounds, from ethnic minority groups and from post-1992 universities face bigger obstacles in accessing a training

³ R. Sullivan, 'Barriers to the legal profession', (2010) *Legal Services Board*, pp.1-22. Available at: <https://research.legalservicesboard.org.uk/wp-content/media/2010-Diversity-literature-review.pdf> (Accessed: 14th August 2016).

⁴ The Law Society (2014) *Annual Statistical Report 2014*. Available at: <http://www.lawsociety.org.uk/support-services/research-trends/annual-statistical-report-2014/> (Accessed: 25th August 2016).

⁵ P. Childs, N. Firth and H. de Rijke, 'The gap between law student career aspirations and employment opportunities', (2014) 48 *The Law Teacher*, 51, at p.55.

⁶ D. Halpern, *Entry into the Legal Profession – The Law Student Cohort Study Years 1 and 2* (Law Society, 1994).

⁷ Halpern, *ibid*; M. Shiner and T. Newburn, *Entry into the Legal Professions: The Law Student Cohort Study Year 3* (1995, The Law Society); M. Shiner, *Entry into the Legal Professions: The Law Student Cohort Student Year 4* (1997, The Law Society) M. Shiner, *Entry into the Legal Professions: The Law Student Cohort Stud Year 5* (The Law Society, 1999); E. Duff, M. Shiner, A. Boon, and A. Whyte, *Entry into the Legal Professions: The Law Student Cohort Study Year 6* (2000, The Law Society).

⁸ Shiner and Newburn, *ibid*, p.81.

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contract,⁹ and that women face a series of direct and indirect forms of discrimination in becoming (and then being) lawyers.¹⁰

Ashley and Empson ask why it is that leading law firms discriminate on the basis of social class.¹¹ They suggest that firms are looking for "specific forms of institutional and embodied capital in their trainees",¹² and that law firms discriminate on the basis of social class because "... [it] enable[s] these law firms to present an 'upmarket' image and therefore verify their claims to knowledge".¹³ Their research, involving six leading firms, demonstrated that discrimination on the basis of social class is a competitive and conscious act in recruiting trainees.¹⁴ In a similar vein, the work of Cook, Faulconbridge and Muzio empirically assesses through a multi-methods approach why there is a reproduction of social exclusivity in London commercial law firms.¹⁵ Their study, which draws on a database which included the educational backgrounds of 1,594 lawyers from the top 10 law firms in the country and 48 interviews, led them to conclude that:

"... at all stages of the recruitment and selection process... [there is emphasis on] the possession of specific forms of cultural capital... [this] leads to the reproduction of an homologous City culture and to dynamics of social exclusion, since opportunities through which such forms of cultural capital can be acquired and displayed are disproportionately available to individuals drawn from certain family (upper-middle-class) and educational (private schooling and elite universities) backgrounds."¹⁶

Collier's research takes a somewhat different approach and "presents an analysis of the way in which, through words and pictures [i.e. law firm recruitment literature], a career in law is 'sold' to prospective trainee solicitors."¹⁷ One is that law firms sell the 'complete life style' of a lawyer in a large firm, from working hard to playing hard.¹⁸ Another was that the firms in their recruitment literature demonstrate their inclusiveness of trainees of different races and ethnicities. Although Collier stresses that he is not charging "...firms with the accusation of tokenism",¹⁹ we were curious whether such representations in recruitment literature did draw students from ethnic minorities to apply to a law firm.

Despite the relative wealth of empirical work on law firm recruitment processes and preferences, the lack of qualitative data on how LLB law students perceive those practices

⁹ Shiner and Newburn, *supra* n.7; M. Shiner (2000) 'Young, gifted and blocked! Entry to the solicitors' profession', in Thomas, P. (ed.) *Discriminating Lawyers* (Cavendish, 2000); Rolfe and Anderson, *supra* n.1; Sullivan, *supra* n.3.

¹⁰ D. Nicolson, 'Demography, discrimination and diversity', (2005) 12 *International Journal of the Legal Profession*; L. Ashley, (2010) 'Making a difference? The use (and abuse) of diversity management at the UK's elite law firms', (2010) 24 *Work, employment and society* 711; Ashley and Empson, *supra* n.1.

¹¹ Ashley and Empson, *ibid*, p.219.

¹² *Ibid*, p.237.

¹³ *Ibid*, p.237.

¹⁴ *Ibid*, p.238.

¹⁵ Cook, Faulconbridge and Muzio, *supra* n.1.

¹⁶ *Ibid*, p.1758.

¹⁷ R. Collier, "'Be smart, be successful, be yourself...?': representations of the training contract and trainee solicitor in advertising by large law firms', (2005) 12 *International Journal of the Legal Profession* 51, p.51.

¹⁸ *Ibid*, p.61-62.

¹⁹ *Ibid*, p.73.

(and how they choose which firms to apply or not apply to) is striking.²⁰ Some longitudinal based studies have targeted LLB students as their research population with the aim of collecting data regarding students’ career aspirations and then the actual career trajectories that follow.²¹ Although these studies are important, they do not explore undergraduate student perceptions of law firm recruitment practices and how such perceptions affect their choice of law firm when applying for a vacation scheme or training contract. In Hardee’s research, law students were asked if their career intentions had changed from their entry into the Qualifying Law Degree (QLD) to the time of completing the questionnaire and, if so, why.²² She found that, “21% of respondents cited concern about discrimination in the profession [both the barristers and solicitors’ profession] as influencing their change of career intention”.²³ This indicates that a perceived lack of diversity in the professions can lead to students ‘opting-out’ of a particular career choice. We explore this further through our data below.

Rolfe and Anderson’s research, based on interviews with law firm personnel, was undertaken to, “...find explanations for inequalities in the allocation of training contracts according to gender, ethnicity, social class, university and route of entry...”.²⁴ They conclude that:

“Some firms suggest that destinations of students at old and new universities are not a result of firms’ preferences, but of trainees themselves, and that changes in firms’ practices are unlikely to be effective in increasing diversity within the profession... law firms suggest that the market for trainees is highly segmented, with higher proportions of men and Oxbridge students applying for places in the largest law firms, and more women, ethnic minorities and mature entrants applying for training contracts in small firms. Previous studies, while not denying that firms have their own preferences, suggest that this reflects different interests among applicants for working in particular firms. *The question is whether such patterns reflect real differences in interest or different expectations of success that arise from the widespread acknowledgement that large firms favour Oxbridge graduates. It is not*

²⁰ Here, there is some work on LPC students and training contracts. See: H. Sommerlad, ‘The commercialisation of law and the enterprising legal practitioner: continuity and change’, (2011) 18 *International Journal of the Legal Profession*, 78; A. Francis, ‘Legal Education, Social Mobility, and Employability: Possible Selves, Curriculum Intervention, and the Role of Legal Work Experience’ (2015) 42 *Journal of Law and Society*, 173. While this work on LPC students is interesting, “...graduate recruitment process... is becoming an increasing feature of first-year student life” (L. Etherington, (2016) ‘Public professions and private practices: access to the solicitor’s profession in the twenty-first century’, (2016) 19 *Legal Ethics*, 5).

²¹ L. Norman, *Career Choices in Law: A Survey of Law Students* (The Law Society, 2004); Childs, Firth and Rijke, *supra* n.5; J. Webb, J. Ching, P. Maharg and A. Sherr, ‘Setting Standards: The Future of Legal Services Education and Training Regulation in England Wales’, (2013) *Legal Education and Training Review*. Available at: <http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf> (Accessed: 29th August 2016).

²² M. Hardee, ‘Career Expectations of Students on Qualifying Law Degrees in England and Wales’, (2012) Higher Education Academy. Available at: https://www.heacademy.ac.uk/resources/detail/disciplines/law/Hardee_InterimReport_2014FINAL

²³ *Ibid*, p.85.

²⁴ Rolfe and Anderson, *supra* n.1, p.316.

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possible to answer this without more information on how applicants for training posts decide which type of firm to apply to..."²⁵

More than a decade later, despite Rolfe and Anderson's determination that we need to discover more about how applicants for training posts decide to apply to law firms, there has been no research addressing this question. Understanding how law students choose law firms may clarify if there is some truth to the theory, proposed by larger law firms, that the social inequalities amongst their trainees is not a reflection on their recruitment practices but instead on the applicants who choose to apply (i.e. the issue is with students, not firms). Rolfe and Anderson question if students choose not to apply because they do not expect to succeed because of law firm preferences. Here, and as part of The Law Society's 1990s cohort study ('The Law Student Cohort Study Year 3'), graduates were asked the following question:

"7.4. When you were applying for a training contract (articles) how important were the following considerations in your decisions about which firms or organisations to apply to?"²⁶

This closed question provided various statements and then a Likert scale (very important; quite important; not important) for the graduates to tick. 41 percent of those graduates thought that the 'chance of acceptance' was important. However, the data is somewhat limited and, in this regard, the study only offers up the following conclusion:

"...candidates were very practical about their immediate and long-term prospects of success. They clearly target those places where they thought they had a chance of being accepted."²⁷

Even earlier, in the 1980s, Sherr and Webb, conducted longitudinal survey research on Warwick University law students.²⁸ Their intent was to compare, through the study, the career expectations of students when they began their law (or law with sociology) degree compared with their resulting careers after university education.²⁹ Sherr and Webb were particularly interested in whether "students possess, or develop, a set of values and expectations that emphasize the role of the 'big city' practice over other forms of legal work."³⁰ Interestingly, they discovered that the students in their study did not "consistently rate the image of the 'City firms' more highly than other forms of practice."³¹ Sherr and Webb go on to suggest that:

"The strongest evidence of such a bias lies in the high proportion of students wishing to work in London, but even that does not necessarily imply a 'City firm' orientation. In terms of the sample's career intentions, many favoured smaller, more conventionally sized firms to the 'corporate' giants of the City of London, though

²⁵ *Ibid*

²⁶ Shiner and Newburn, *supra* n.7, p.8.

²⁷ *Ibid*, p.79.

²⁸ A. Sherr and J. Webb, 'Law Students, the External Market, and Socialization: Do We Make Them Turn to the City?' (1989) 16(2) *Journal of Law and Society*, 225

²⁹ *Ibid*, p.229

³⁰ *Ibid*, p.225

³¹ *Ibid*, p.246

there was some evidence within the entering and first-year groups that the pattern may have been changing more in favour of the latter."³²

These findings, as they involve data from students in the 1980s, relate to a time when the legal career market was very different to how it is now. Long gone are the days where City law firms could "swallow annually almost all the law students who wish to go into practice after their university or polytechnic education."³³ As we set out above, there are simply too many law students today for this to be the case. As such, this research, while a useful point of historical comparison, is therefore somewhat dated in trying to understand the law firm choices of the modern law student.

Methodology

The literature we have just reviewed suggests: (i) a lack of diversity in elite law firms; (ii) that such is a complex and dynamic issue; and (iii) that elite law firms actively target certain types of universities for recruitment purposes (by attending university law fairs, sponsoring events and presenting workshops on campus).³⁴ A good deal of the literature in the area looks at issues of potentially discriminatory law firm recruitment practices, and is robustly empirical. And yet, despite all this literature, there is almost nothing which offers up the voices of the law students who go on to become the lawyers in the non-diverse elite firms. Given this, we were interested in exploring with our students a number of issues, including: (i) why do law students of an 'elite university' choose the law firms they apply to for vacation schemes and/or training contracts?; and (ii) to what extent are law students' decisions to apply to a law firm impacted by their perception of a law firm's recruitment practices? We were also specifically interested in whether a law student's choice of a law firm was influenced by either or both of: (i) law firm recruitment practices on campus; and (ii) the diversity of a law firm's lawyers.

To answer these questions we conducted 15 telephone interviews with University of Birmingham law students during the summer of 2016. Interview schedules provided a series of themes and questions (based on the issues set out above and our reading of the literature) to be explored in a semi-structured dialogue between interviewer and interviewee. As we have acknowledged earlier in this paper, this is a small scale, exploratory study. We make no claims that the data on which we draw is representative. It is not. But it is, we would suggest, an important and powerful insight into how the students we spoke with think about the topics we are interested in, and in an area where comparable empirical work is seriously lacking.

Participants for this study were recruited in May 2016 through email. We sent one initial email (and two chasers) to all undergraduate law students in their second and final years of study, and to all postgraduate taught (LLM) students, in the University of Birmingham Law School asking for volunteers for interview. The email outlined that we required participants who had applied for either training contracts or vacation schemes, in the preceding twelve months, to law firms in England and Wales. The email also detailed that participants would be given a £10 Amazon voucher for their time. Of the 15 students who volunteered to

³² *Ibid*

³³ *Ibid*, p.225

³⁴ On this latter point, see: Sullivan, *supra* n.3, p.12.

participate in the project, 11 were female and 4 were male. Of these participants, 6 had successfully obtained offers for vacation scheme placements and/or training contracts, and 9 had not been successful in their applications. We interviewed everyone who came forward from our email requests.

Once the interviews were transcribed, we used NVivo to draw topic and analytical codes.³⁵ Our analysis took an inductive approach as little is known about how and why students choose the law firms they apply to for vacation schemes and training contracts.³⁶ The project had ethical approval from the University of Birmingham. Below we use the identifiers ‘S1’ to ‘S15’ for the students who took part.

The University of Birmingham is a large Russell Group university. Its Law School is also large, with around 400 undergraduates in each year, roughly one third of whom are black or minority ethnic and join from local communities. Two thirds of undergraduate law students at the Law School are women. Ranked 21st for Law in the Good University Guide, and 29th in the Guardian University Guide, students are asked for A-A-A grades at A-level for entry (comparable with many other Russell Group law schools). Given the small-scale, exploratory nature of this research, we do not (and can not) suggest that our findings would be the same if similar work were undertaken in other (Russell Group) law schools. Indeed, and as we set out below, further work on this topic could very usefully be done and we would hope that this research might act as a stepping-off point for future additional studies. We might hypothesize that our results would track those of other (non-Oxbridge, non-London) Russell Group law school students but, at this point, such would be mere conjecture.

3. Students, Law Firms and ‘Fit’

During coding, one dominant theme became apparent: the concept of ‘fit’. This was seen in if or how a firm ‘fits’ (supplies and satisfies) the demands of the student. It was also seen in if or how the student feels that they ‘fit’ (supplies and satisfies) the demands of the law firm. And it was seen in if or how the student can identify himself or herself as being a ‘fit’ with the relevant law firm’s culture. Given this dominant theme, we use the work of Kristof on ‘person-organisation fit’ (P-O fit) to interrogate how our law students chose the law firms to which they applied.³⁷

Kristof argues that “most researchers broadly define P-O fit as the compatibility between individuals and organisations. Compatibility, however, may be conceptualised in a variety of ways”.³⁸ Within the literature P-O fit is conceptualised into four categories.³⁹ Supplementary fit “occurs when a person supplements embellishes or possesses characteristics which are similar to other individuals in an environment”.⁴⁰ And ‘complementary fit’, “occurs when a person’s characteristics ‘make whole’ the environment or add to what it is missing”. (1996,

³⁵ P. Burnard, P. Gill, K. Stewart, E. Treasure and B. Chadwick, ‘Analysing and presenting qualitative data’, (2008) *British Dental Journal*, p.429; L. Richards, *Handling Qualitative Data: A Practical Guide*, (3rd edn. Sage Publications Ltd, 2014).

³⁶ A. Bryman, *Social Research Methods* (4th edn. Oxford University Press, 2012) p.539.

³⁷ Kristof, *supra* n.2.

³⁸ *Ibid*, p.2.

³⁹ *Ibid*, p.4.

⁴⁰ *Ibid*, p.3.

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p.3). The two other conceptualisations of P-O fit are 'need-supplies' and 'demand-abilities'. From the needs-supplies perspective P-O fit occurs when an organisation satisfies individual's needs, desires or preferences. In contrast, the demands-abilities perspective suggests that fit occurs when an individual has the abilities required to meet organisational demands.⁴¹

Much of the literature on which Kristof draws uses conceptualisations of P-O fit to analyse whether persons in current employment are objectively well matched with the organisation they work for. Although Kristof does discuss "direct assessment of perceived fit" and the consideration of P-O fit during job choice and organisational entry, this is the first time this lens has been used in relation to the legal profession.

Considering 'fit'

We began by asking our interviewees an intentionally broad question: "What sort of law firm do you want to work for?" This elicited a range of responses. S10 set out that they were looking for:

"...probably a mid-sized commercial firm, outside of London ideally, because I don't like the idea of being part of a big intake where I am treated more as a number as opposed to a person with kinds of aspirations etc and also I want to stay fairly local to the Midlands." [S10]

Considering Kristof's framework, S10 is insinuating that the characteristics of a commercial firm in London are not a supplementary fit with his personal characteristics. This is because he perceives that such firms do not hold the same values that he does regarding the treatment of their staff. S10 also perceives that London commercial firms are not a complementary fit on the basis of needs-supplies fit, as he does not feel he will be given the opportunities and psychological support he wants from an employer. Instead, he wanted to work, "where I am treated as more as a number as opposed to a person with kinds of aspirations". S10 had also come to the conclusion that the location of a London commercial firm does not fit his needs.

Interestingly, S10 had not considered the demands-abilities fit in framing what firms he would like to work for. It was also interesting that S10 partly rationalised his decision to apply to a mid-sized firm on the basis of what he perceives he will not like about large city law firms. This may demonstrate that there is an underlying 'belief' amongst some students that there is somehow a 'norm' to wish to apply to larger city law firms. So much so that S10 thought it necessary to justify his decision, from the beginning, not to apply to a larger city law firm. This belief may be an outcome that is created by the actions of larger city law firms targeting elite universities to recruit their trainees. It is also interesting that this viewpoint contrasts with Sherr and Webb's findings that, in the 1980s, Warwick University students did not have "a set of values and expectations that emphasize the role of the 'big city'."⁴²

The importance of S10's words "I don't like the idea" highlights that this is merely his *perception* of a firm's characteristics. This perception is also not a very well informed perception as S10 was a student who had not, at that time, secured a vacation scheme or

⁴¹ *Ibid*, p.2.

⁴² Sherr and Webb, *supra* n.28, p.225

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training contract. Furthermore, he had not undertaken any informal work experience with a London firm. The issue, that students have to make choices with little direct experience of a law firm's characteristics, was a frustration expressed by S13. S13 stated that she wanted to work for a medium size law firm because:

"...having done work experience I really appreciate the connection between the employees and how they work together rather... than I was thinking a bigger law firm where it would be more independent...I don't know I haven't been in a massive law firm but from my experience I am thinking that in a bigger law firm you are left more to your own devices." [S13]

Further on into the interview, she said:

"...it's ridiculous because they want us to be perfect in our studies and to have all the work experience... we are only human, they are expecting us to go above and beyond... there are some of us that cannot do it, it is not accessible for all of us." [S13]

This issue was addressed by Francis and Sommerlad who provide that there is an "implicit class bias" in the preferences law firms hold in vacation scheme and work experience applicants.⁴³ In their work, they argued that, "These employers' preferences are likely to combine to filter out those who, for instance, have had to fund themselves through A-levels and university by working part-time".⁴⁴ S13 was, in fact, a student working part-time to help fund herself through her studies.

Importantly, some of our student interviewees did not qualify their reasons for choosing to apply and wanting to work in a regional-medium sized law firm by reference to what they perceived they would not like about large city law firms. This is in some contradiction to Boon's findings in his qualitative work on the Law Society cohort study.⁴⁵ That is, for some of our interviewees, working in a medium sized firm was a *positive pro-active* choice rather than a *rejection* of London life. For example, S9 told us that:

"Mid-sized regional firm which is you know, a full service one has offices that type of thing, which is kind of strong in the areas I want to go into, I definitely want to go somewhere that has a family department also I look for places who have offices in Manchester but like the larger ones really."

At no time during her interview did S9 say that she had considered working in a City firm or a Magic Circle firm. Rather, S9 was confident that regional firms would offer her the needs-supplies fit she desired.

⁴³ A. Francis and H. Sommerlad, 'Access to legal work experience and its role in the (re)production of legal professional identity: Report on the first year findings', (2010) *UKCLE Report*. Available at: <http://ials.sas.ac.uk/library/archives/ukcle/78.158.56.101/archive/law/files/downloads/130/638.f7192dfa.FrancisInterimfinalWEBversionUKCLE.pdf> (Accessed: 1st September 2016), p.75-76.

⁴⁴ *Ibid*, p.75.

⁴⁵ A. Boon, 'From public service to service industry: the impact of socialisation and work on the motivation and values of lawyers.' (2005) 12(2) *International Journal of the Legal Profession* 229, p.241

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Conversely to S10, some other participants did consider the law firm's demands-abilities fit in their responses, whereby they self-selected out of more elite, London-based firms:

"...I did go to a few of the Magic Circle firms offices and the kind of the obviousness of their sort of working environment being extremely pressured and... kind of ruled them out quite early days... I didn't really find any kind of cultural fit for myself there... I didn't have a particularly good first year grade wise, so that was a big consideration when I was looking into what firms and whether or not I should apply... that ruled out quite a lot of the kind of top tier firms anyway which was fine for me because... I knew those weren't for me anyway." (S3)

At the beginning of his answer, S3 detailed how certain firms were neither a supplementary fit nor a complementary fit. S3 perceived, from visit-days to magic circle firms, that the working environment was extremely pressured. S3 therefore initially frames his self-selection out of choosing certain firms in terms of them not meeting his needs-supplies fit. S3 also told us that he "didn't really find any kind of cultural fit", demonstrating his determination that magic circle firms were not a supplementary fit. Despite S3 having more of an informed choice, as he had experienced 'visit-days' with the firm, he still has to form his decisions largely based on perception of a wide field of law firms. As S2 noted in his interview, even when students "...go for a one day open day somewhere... they [the law firm] put on a bit of a show so you don't get a true picture of what it is like". S2 further reflected that to get a real understanding of P-O fit, or more specifically in this case student-firm fit, "you have to spend a lot of time there [at a law firm]".

Strikingly, S3 states in the quotation above that he determines he does not meet the demand-abilities fit that the magic circle firms are looking for in terms of desired academic grades. We began to wonder if, potentially, students were using issues of supplementary and complementary fit as a distraction to conceal their fear of rejection based on the firm's academic demands. As such, we tentatively wonder whether S3 was trying to 'explain away' the real reasons as to why he opted-out of applying to larger law firms. Similarly, in response to the question "What type of law firm would you like to work at?" S2 clearly told us: "I don't think I will get to the point of top five law firm, sort of level". When we asked how he had come to this conclusion, S2 said:

"I would rather *not* want to work in London and then find out that it is a lot harder to do and I might not get the chance anyway than wanting to work in London and then not get in." [S2]

This clearly indicates that this student, in-part, self-selects out of applying to these firms to prevent or avoid rejection. We decided to push this student on this point:

"I: What do you think that the top 5 are looking for that they could not find in you?

S2: I think they are looking for someone who is really, I think you can just tell from certain people that they are the *right material* for it - they can *talk-the-talk*... there are a couple of my mates who have got on to vac schemes with city firms and they are all very similar... the majority are from *private school*... that is the template of a top 5 lawyer."

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What is of interest here is that S2's personal academic achievements are not the reason why he has self-selected out of applying to magic circle firms. S2 had predetermined that, to be accepted into a top five law firm, he needs to be an automatic supplementary fit – being the “right material” and having the same educational background of those that he perceives are the “template of a top five lawyer”. For academics who advocate for social-mobility in the solicitors' profession and for university careers services, these decisions based only on supplementary-fit will be of concern. There is the potential that applicants, by self-selecting out of applying to elite firms on the basis of supplementary-fit reasons, are restricting the social diversity of recruits because those from *more* privileged backgrounds do *not* opt-out on this basis. Rolfe and Anderson suggest in their study that some larger firms believe that:

“...changes in firms' practices are unlikely to be effective in increasing diversity within the profession [because] higher proportions of men and Oxbridge students [are] applying for places in the largest firms, and more women, ethnic minorities and mature entrants applying for training contracts in small firms.”⁴⁶

This example, where a student has opted-out on the basis of supplementary fit, indicates that there may be a problem that students from lower social class backgrounds are removing themselves 'out of the running' purely on the basis that they think they do not fit with the culture of the firm. Therefore, applicant choices based on supplementary fit could result in continued social exclusivity. This demonstrates not only that student choice can be affected by their perception of law firm recruitment, but also that students are affected by the social diversity of a law firm's current lawyers. S2 perceived that his supplementary misfit meant he should not apply when in fact he may have considered himself a complementary fit. As Kristof's sets out, supplementary fit and complementary fit are “distinct dimensions on which fit or misfit may occur.”⁴⁷

At the same time, our data suggest that some of our students, despite determining they are a supplementary 'misfit', do try to gain entry to elite firms on the basis of complementary fit. S11 is an example of this practice. In asking S11 what sort of firm she would like to work for, she provided that: “Well I... I have been offered a training contract at a magic circle law firm...” As she had already had a training contract, we asked her how she came to determine that that firm was where she wanted to work.

“I did some work experience in commercial law firms... but small ones... work there was [not] that exciting... it wouldn't make me want to get up in the morning and go “right I'm ready for work” so I was like “OK if small firms aren't right for me then I should probably try bigger ones who are dealing with more challenging clients and more challenging work itself”.” [S11]

Unlike S2, S11 recognised her needs-supplies fit with magic firms. When we congratulated S11 on obtaining the training contract she wanted, she replied:

“S11: I am very lucky... I [had not] expected to go into law... I came from state school... my parents didn't go to university... I found it challenging initially...”

⁴⁶ Rolfe and Anderson, *supra* n.1, p.332.

⁴⁷ Kristof, *supra* n.2, p.4.

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- I: Those things... being from state school – having parents that didn't go to university... did they worry you? Did you think you would not fit in?
- S11: It wasn't about fitting in - I am usually quite good at speaking to people and reading people... it wasn't the people that were the issue... I think it was more just whether I would *have a good a chance* as anyone else... having attended open days I think it was heavily private schooled based, but I mean yeah I would like to *change* that at some point. Yeah I have already discussed with law firms... but I don't think they do enough within schools themselves... and with all firms I have been really open about helping... I think a lot of law firms are missing out on really bright talented people because they are not getting to children young enough... and making sure they have the confidence to apply..."

Despite S11 clearly perceiving that she was not a supplementary fit with top five law firms, due to her social background (her own and her parents' education), she had recognised that she could be a complementary fit. As detailed earlier in this paper, complementary fit is where a person adds something to an organisation that it is missing. Here, S11 was confident that she could complement the firm to which she had applied. Her stated aim to help 'change', at some point, the social class imbalance of the lawyers within her law firm, demonstrates her desire to add something new to the organisation. Her successful application for a training contract with such a firm also demonstrates that the firm in question thought that the student satisfied their demand-abilities fit. It is these narratives which should be heartening for social-mobility advocates as they demonstrate that some students are aware of the diversity issues amongst current lawyers in law firms but do not assess supplementary fit as the only way in which access can be achieved.

Student 'Demands'

Our data showed that some law students have incredibly specific demands when choosing law firms.⁴⁸ In discussing her vacation scheme with a law firm, S15 stated that the reason for her decision to apply to this law firm was because "they are the first in the world, bar one in Australia, that has floated on the stock market". S6 determined that she would only apply to higher ranking law firms within 'the top 50' because, "although a lot of law firms made it through [the economic crisis] they are still recovering and they aren't really sure of where they are going and a there are a lot mergers".

When we asked S7 to discuss the processes of choosing law firm, she detailed her organised approach. In this she was unusual:

"I had this little notebook and I basically listed all the subjects I was interested in at the time... then I went through one of the legal careers websites and then I literally wrote every single firm that practiced in that area and then I had a scoring system... if they had an office in London, if they covered LPC cost, if they have international offices... if they didn't score at least three I wouldn't apply to them." [S7]

On the other hand, some other participants demonstrated that they would compromise on their preferences and apply anywhere in order to gain a training contract.

⁴⁸ Here, student preferences are phrased as student demands in accordance with Kristof's P-O fit model.

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"I mean to be totally honest, because I know how hard it is to get a training contract *I would honestly take any training contract in any area of law*, even if it wasn't with a criminal firm... which is probably quite... not sticking to my morals but ... I just want to qualify as a solicitor." [S12]

Despite S12 determining that he has an interest in criminal law he had decided he would take a training contract in any area of law, even though he told us it was against his "morals" to do so. We did not push the student on this in interview which, on reflection, was perhaps a mistake. Did S12, for example, have a morally-motivated desire to work as a criminal legal aid lawyer which became crowded out by a stronger desire for employment at any firm doing any sort of work? No other student referenced any form of 'moral dilemma' as to his or her preferences for potential employers. Rather, the 'values' students spoke of in their interviews went to how they thought they would be treated as employees, and *not* to the content of the work of elite firms (i.e. mainly working for large wealthy corporations or individuals). This could usefully be explored in further work, which might seek to confirm or confront Boon's finding, in 2005, that, "limited availability of public interest jobs or skewed financial rewards may predispose law students to be more self-interested as their employment concerns increase."⁴⁹

When we asked S12 if he had a good understanding of what firms are looking for from him in his applications, he told us that he thinks that London law firms are looking for more elite students: "...if they are going to pay £50,000 a year they are going to want maybe Oxford and Cambridge graduates". He went on to say: "I could be wrong... I mean, their application process hasn't closed yet... it's open for a few weeks and I haven't heard back yet." Despite his determination that the law firms in question do not meet his demands, and despite him thinking that he will not meet the law firm's demands, he still applies. This process of evaluating fit and then making decisions incongruous with perceptions of fit is something S2 labelled as "the numbers game". A number of students believe that, in applying to as many firms as possible, they are increasing their chances of success. S13, after detailing she made 20 applications for training contracts, told us, "the more the better". We asked whether all of these firms were commercial firms and therefore met her preference (previously raised with us in the interview) to practice in commercial law. S13 stated in response: "I think the majority were..." This ambivalent and apparently random approach in choosing law firms, which students have previously determined as an unsuitable fit for both their demands and the demands of the firm(s) in question, is striking. The potential pitfalls in this approach are obvious. If students are choosing firms purely on the basis that 'the more applications they make the better the chances of success', they may be jeopardising the quality of their applications and not demonstrating in each application why they are a complementary fit for the firm. Here, it is notable that the three students who took such an approach were yet to secure a vacation scheme or training contract and none of these students accessed help from the university careers service.

Diversity of a Law Firm's Lawyers

We have already discussed that students recognise there is a lack of social-diversity amongst lawyers in certain law firms. It has also been discussed how this can affect how students choose law firms and determine whether they are a suitable fit for the firm, and if the firm is

⁴⁹ Boon, *supra* n. 45, p.251.

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a suitable fit for them. On the issue of diversity, one international student, when asked what type of law firm she wanted to work for said to us:

"I want to work in a law firm that is beyond regional... I am also looking at law firms that value diversity... I come from an ethnic minority group so that's why I do look out for diversity in the different firms that I apply to" [S4].

We went on to ask this student how they determined if a firm valued diversity:

"I actually looked at league tables where they list... the number of associates that come from black and minority groups... I look at the different initiatives... some of the firms would have things like diverse committees... where they promote diversity and show that solicitors from minority groups would be able to have a sustainable career path." [S4]

Our data suggests that the social and ethnic diversity of a law firms' lawyers can impact the decisions of students. Where students had not mentioned unprompted anything relating to the diversity of a law firm's lawyers, we specifically asked if they consider the diversity of a firms' lawyers when choosing law firms. The question elicited very honest answers from some participants:

"I know that they are trying to *do* diversity but speaking as a middle class white girl it isn't that prominent to me" [S5]

"I have to be honest I didn't look at that at all – I looked quickly at the firms I applied to their sort of diversity policy but it wasn't something that affected my decision to apply to them – at all" [S6]

Perhaps more encouragingly S8 told us that:

"Yeah I think it is very important... I wouldn't want to be in a firm that was like an old boys club, just middle class white males... I don't think it would necessarily change my mind about taking the job – the training contract, I just think it would encourage me to move up the ranks and make a change... encourage the law firm to be more diverse." [S8]

The overall perception was that students realise they should consider issues of diversity but at the 'end of the day' they want to secure a training contract. This resonates with our 'moral dilemma' discussion above and is a reasonable (i.e. economic-rational) determination by most of the participants. However, some of the answers do call for the further education of prospective solicitors on the importance of equal opportunities regarding entry and progression in the solicitor's profession. It is heartening to discover that S11 and S8 realise the impact they could have on the issues of social mobility and diversity of lawyers, once qualified.

Summary Conclusions

While this study is small scale, and further work could be usefully done to push this research further, we think it is possible to draw out a number of tentative conclusions from our data. First, some law students do 'opt-out' of applying to law firms where they perceive there is

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no supplementary fit between themselves and the law firm. This has implications for the social mobility and diversity of trainee solicitors in more elite law firms. This indicates that, for some students, the perception of the diversity of a law firms’ lawyers, and whom the firm would want as its future lawyers, was a consideration in choosing firms. If this is the case, then this may have important knock-on considerations for how law firms target under-represented groups. However, and second, our data also shows that some students are capable of recognising that, despite not having a supplementary fit with a firm, they can be a complementary fit: realising that their potential to add something new to a law firm can secure them a vacation scheme or training contract. This, for some students, is empowering and these messages (that one can fit it despite not fitting in) may be useful in law firm recruitment practices and in messages given out by university careers services.

Finally, our data shows that a proportion of students were playing ‘the numbers game’ and, despite determining a law firm ‘misfit’, still proceeded to apply to as many firms as possible on the basis that more applications meant a higher chance of success. As there is a lack of data on the success rates of students in securing vacation schemes and training contracts, we are unable to collaborate whether this is best practice. We know anecdotally however (one of us having been in practice on law student recruitment panels and from three years as Birmingham Law School’s Director of Careers) that the ‘numbers game’ is not usually an effective application method. This is because it may lead to non-personalised, or not very well thought-out applications, to different firms which in turn could mean students are not demonstrating ‘complimentary fit’.

These findings, although tentative, offer an important insight into how student application choices may be impacting law firm recruitment of underrepresented and less privileged groups. Recently, the Social Mobility Commission has published a report entitled ‘Time for a Change: An Assessment of Government Policies on Social Mobility 1997 to 2017’.⁵⁰ In this report, there is a suggestion that the Government should:

“Encourage universities to focus on helping students succeed in the labour market by measuring graduate outcomes and offering better careers advice and work experience opportunities.”⁵¹

If further research demonstrated that the issues of ‘fit’ and ‘opting out’ are representational issues within the law student population, it may be advisable that universities better inform and coach students in ‘complementary fit’ practices. Despite the advice of the Social Mobility Commission Report, many students and staff in universities across the country would likely recognise that there has been a recent increased emphasis on better careers advice and measuring graduate outcomes. However, without a broader and more comprehensive understanding of the student population, and student application choices and methods, career advice cannot be appropriately tailored and administered to help advance the Government’s social mobility objective. We hope that this exploratory study

⁵⁰ Social Mobility Commission Report: ‘Time for Change: An Assessment of Government Policies on Social Mobility 1997-2017’ Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/622214/Time_for_Change_report_-_An_assessment_of_government_policies_on_social_mobility_1997-2017.pdf

⁵¹ *Ibid*, p.9

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can act as a springboard for further work in this area, and for plugging the gap of the voices of those wanting to enter the profession.