

Lesley MacDonagh

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In 1995, Lesley MacDonagh was appointed as the managing partner of Lovell White Durrant (now Hogan Lovells).¹ It was the first time a woman had been elected to lead a top 10 law firm in England & Wales. At the time of her appointment, the firm comprised 1400 partners and associate lawyers spread across nine offices in Europe and Asia. By the time MacDonagh stepped down as managing partner, 11 years later, Lovells had doubled in size, due mostly to its merger with German firm Boesebeck Droste which she led at the beginning of the millennium. MacDonagh was voted 'Legal Business Managing Partner of the Year' for the year 2000 and was the first woman elected as a member of the Justinians, a previously all-male legal dining club.

Life

Born in April 1952, Lesley MacDonagh joined Lovell White & King (as it then was) in 1978. A real estate and environmental law specialist, she was made a partner by the firm in 1981 (the firm's second woman partner),² became head of the firm's property, planning and environmental practices in 1987, and joined Lovell's executive committee in 1993. At the time of her appointment as Lovells' managing partner, MacDonagh had three children (the youngest was nine months old) and had her fourth child during her second term as managing partner.³

There were no legal connections in her family. Her father was a Dorset businessman, although her mother, as MacDonagh recounted in an interview with Elizabeth Cruickshank in 2003, 'worked in the RAF for a while, so perhaps she was a bit of a role model'.⁴ It was 'a complete outsider' who suggested that she might have some legal talent; a town clerk at a local authority for whom MacDonagh had worked during a six-month internship. Eschewing university, the local authority sponsored MacDonagh's qualification as a solicitor by the apprenticeship route (through five years of 'articles') and paid for her College of Law fees.

Away from her practice, MacDonagh has served on various boards and committees, holding a number of concurrent non-executive directorships of FTSE 100 and FTSE 250 companies. She was a Governor of the London School of Economics, a member of the Property Advisory Group for the UK Government, and a Council Member of the Law Society (there one of eight women out of 75 members). She was also a Supervisory Board Member of the Citizenship Foundation, and is currently a trustee of Sadler's Wells. With her husband, another Lovells partner, MacDonagh spends her spare

¹ A role she shared initially with fellow managing partner, Michael Maunsell (<https://www.lawgazette.co.uk/news/glass-ceiling-shattered-lesley-macdonagh-the-first-woman-to-become-managing-partner-of-a-top-ten-city-firm-/19844.article>)

² Harriet Maunsell, the first woman partner at the firm, was appointed a year earlier.

³ Indeed, the visibility of her family responsibilities in the reporting of her appointment and later interviews is striking (cf Clare McGlynn *The Woman Lawyer: Making the Difference* (Butterworths 1998) p 100-3).

⁴ Elizabeth Cruickshank, *Women in the Law: Successful Career Management* (Law Society Publishing 2003) p 190

time renovating old houses and talks of her love for shopping, and her “feminine side”, when interviewed about her life away from work.⁵

Context

The number of women solicitors did not begin to grow markedly until the 1970s, but by 1980 the proportion of new solicitors who were women equalled the number of law graduates who were women.⁶ Rosalind Bax became the first female partner of an elite law firm in 1971 (at what was then Coward Chance and is now Clifford Chance, a top five law firm). By the time of MacDonagh’s appointment in the late 1990s, women made up just under a third of the solicitors’ profession, and 15 per cent of partners in private practice.⁷ By 2000, they numbered 17 per cent of partners in the 100 biggest firms in England and Wales.

Today, women law students outnumber male law students (10:6), women trainee solicitors hold over 60 per cent of training contracts,⁸ and the number of practising women solicitors in 2016 equalled (for the first time) the number of practising male solicitors.⁹ The same, however, is not true of women partners in law firms. Episodic research by the trade publication *The Lawyer* has shown that the proportion of partners at the UK’s top 100 law firms who are women stayed static at 22 per cent in the five years 2012-2017, despite the introduction of aspirational targets by many firms (and some limited regulatory efforts in relation to diversity by the Legal Services Board and the Solicitors Regulation Authority).¹⁰ Little change has thus occurred in the last 20 years.

The rise of the ‘mega’ law firm has been one of the most interesting and important changes to the legal profession in England and Wales in the last five decades. Until 1967, law firms could, by statute, have no more than twenty partners. Since then, there has been massive expansion in corporate finance law firms. The lawyers who work for these firms bill thousands of hours each year, working late into the night and many weekends. They are paid well for their efforts, with equity partners (those who own the firm) at some ‘mega’ law firms taking home millions of pounds each year. Numerous commentators have reflected on the ‘heterosexual masculinity’ which pervades these firms and which is said to be one of the reasons why so few women make it to the top.¹¹ This is despite ‘feminisation’ (and the general opening up of the profession to ‘outsiders’) being one of the other significant trends in the legal profession over the last five decades. At the top end, the largest law firms have been accused of embedding and encouraging ‘macho’ ways of working (long hours, causal sexism, a drinking culture and so on) to the detriment of women lawyers who are said to face a lifetime of formal and informal processes, barriers and initiatives to their advancement in the

⁵ Ibid, p195-196

⁶ Richard L. Abel, ‘England & Wales’ in Richard L. Abel and Phillip S. C. Lewis (eds), *Lawyers in Society* (Beard Books 1988) 36

⁷ Erika Rackley, *Women, Judging and the Judiciary: From Difference to Diversity* (Routledge 2013) p 46

⁸ Normally, a two year apprenticeship post university as part of the pathway to becoming a solicitor.

⁹ Law Society, *Annual Statistical Report 2016* (The Law Society, April 2017)

¹⁰ The Lawyer, “The UK 200 Diversity Audit” *The Lawyer* (London, November 2015). On diversity regulation, see: Steven Vaughan, ‘Going Public: Diversity Disclosures by Large Law Firms’ (2015) 83 *Fordham Law Review* 101

¹¹ Hilary Sommerlad and Peter Sanderson, *Gender, Choice and Commitment: Women Solicitors in England and Wales and the Struggle for Equal Status* (Dartmouth Publishing Co Ltd 1998) 199

these practices.¹² It is notable, but unsurprising, that trade publication the *Law Society Gazette* in an article to mark her ground-breaking appointment included, without comment, a fellow Law Council member's description of MacDonagh: 'Oh yes, blonde, spikey hair, very tasty' alongside its own description of her as 'a good looking woman and a very snappy dresser, [who] cuts quite a dash amongst the "suits" on the Law Society's Council'.¹³

At the same time, these mega law firms appear relatively impervious to pressure to change. The clients of large law firms have a powerful role in deciding exactly who works for them and what work is done by which of their lawyers.¹⁴ Despite this, the ability for demand-side diversity drivers (that is, clients improving the diversity of their service providers via terms of engagement through, for example, requiring a woman partner to be present on work done for them) to lead to positive change has so far been limited. The exact causes for this intractability are unclear. The results are more so. In 2015, during a panel session on women and senior management inside law firms at the Global Law Summit, celebrating 800 years of Magna Carta and the rule of law, the General Counsel of Yum!, Sarah Nelson-Smith, observed that, 'In our last panel review [where businesses choose the law firms who will work for them on a recurring basis] we met more people named Mark than women'.

What happened next

MacDonagh spent 11 years (three terms) as Lovells' managing partner, stepping down in 2006. In the accounts of her time as managing partner, much is made of MacDonagh's oversight of the firm's international expansion (via mergers with other law firms in Germany, Paris and the Netherlands) and her management of the firm's move to custom-built, flagship office space on Holborn Viaduct. Much is also made of her love of detail, and of her views on the importance of the right culture in the workplace. As MacDonagh said in an interview with *The Lawyer* in 2001,

I'm very keen on lifestyle issues, trying to make sure that it's a good place to work.

Obviously, it's a place you come to work and not a holiday camp. But there are cultures and behaviours that you can reinforce. Courtesy and fun are catching – if someone is fun, you're likely to pass that on.¹⁵

Not that she was entirely unaware of her novelty as a woman. In a candid 'day in the life' report in 2002, she notes

10.45 Walk a few hundred yards from our offices, don hard hat and fetching day-glo jacket to check out progress on the fitting-out of our 300,000sq ft new London headquarters. ... I have to check out the proposed computer room (which is part of the site women don't usually visit...) and try not to let my eyes be drawn to the builders' pin ups of scantily clad

¹² Hilary Sommerlad, Lisa Webley, Daniel Muzio, Jennifer Tomlinson and Lizz Duff, *Diversity in the legal profession in England and Wales: a qualitative study of barriers and individual choices* (Legal Services Board 2013)

¹³ <https://www.lawgazette.co.uk/news/glass-ceiling-shattered-lesley-macdonagh-the-first-woman-to-become-managing-partner-of-a-top-ten-city-firm-/19844.article>

¹⁴ See: Joanne P. Braithwaite, 'The Strategic Use of Demand-side Diversity Pressure in the Solicitors' Profession' *Journal of Law and Society* (2010) 37(3) 442

¹⁵ <https://www.thelawyer.com/issues/1-october-2001/lady-of-little-leisure/>

ladies. I note that I win more points on this part of the agenda, due to the distraction levels of others (males) in the team. Resolve to hold whole of next meeting in computer room.¹⁶

While MacDonagh was only the second woman partner made up at Lovells, she refuses to accept a glass ceiling (at her firm).¹⁷ Indeed, in various interviews (while acknowledging that gendered discrimination is present elsewhere in the legal profession) MacDonagh has attributed the lack of women peers to a lifestyle choice. She maintained that rather than being blocked by prejudice, many women with family commitments had 'no inclination to get involved with partnership'.¹⁸ Heteronormative and highly gendered view of family life aside, this view is not uncommon. Nor without (some) foundation. Data collected by the Law Society and research on diversity in the profession consistently suggests that the biggest drop-off point for women lawyers is when they are in their late 20s and early 30s, often for family-related reasons. Since the mid-1990s a number of law firms have taken steps to try and encourage women to stay on in practice, through a combination of: mentoring schemes (often under the auspices of a firm's 'women's network'); increasing commitment to flexible and part-time working; the introduction of maternity provisions (often for the first time) into partnership agreements; return to work schemes; and public declarations of aspirational targets.¹⁹

These have had varying degrees of success. In 2017, ten law firms in the UK top 200 have partnerships that are at least 50 per cent women, including Kingsley Napley, a top 100 firm, which has women in both senior partner and managing partner roles, and where three quarters of the firm's lawyers are women. At the top 100 law firms, women make up 25 per cent or more of the equity partnership at 24 firms. As of July 2017, 9 women hold senior management roles in UK top 50 law firms.²⁰ Three of these are women at UK top 20 firms. There has yet to be a woman senior or managing partner at a 'magic circle' law firm (the top five in the UK).

Significance

In a sector that is known for its macho, long-hours culture, the appointment of a woman as managing partner of a top 10 law firm in 1995 was striking. The successes of Lovells during MacDonagh's time as managing partner (including significant international expansion and significant increases in partnership profits) are proof (if such proof was ever needed) that a woman can lead an elite law firm. And lead it well. MacDonagh's life away from the office (as a mother to four children)

¹⁶ <https://news.efinancialcareers.com/uk-en/7405/day-in-the-life-lesley-macdonagh-managing-partner-international-law-firm/>

¹⁷ See eg <http://www.independent.co.uk/money/spend-save/first-woman-among-equals-1572056.html> or Criukshank p 192

¹⁸ <https://www.lawgazette.co.uk/news/research-shows-stagnation-in-number-of-female-partners-working-at-large-firms/34423.fullarticle>

¹⁹ See further Clare McGlynn, XXXX At present, Ashurst, Eversheds, Herbert Smith Freehills (HSF), Pinsent Masons and Taylor Wessing are aiming for 25 per cent women partners while Berwin Leighton Paisner, Clifford Chance, Clyde & Co and Norton Rose Fulbright are aiming for a more ambitious 30 per cent.

²⁰ HSF CEO Sonya Leydecker; Berwin Leighton Paisner managing partner Lisa Mayhew; Addleshaw Goddard senior partner Monica Burch; CMS Cameron McKenna senior partner Penelope Warne; Hogan Lovells London managing partner Susan Bright; Stephenson Harwood chief executive Sharon White; Withers managing director Margaret Robertson; Trowers & Hamblins senior partner Jennie Gubbins; and Shoosmiths' CEO Claire Rowe

evidence that it is also possible for a woman to combine a family with elite law firm management (such a combination seeming to be a given for men in law firms).

One of the things I'm happiest about is that I haven't had to abandon my family or my career for the other. I have a rich family life, but I enjoy coming to the office every day. Children are such a great relaxer. As you walk in the door they require you to focus on them immediately. It's a wonderful mind-clearer.²¹

Further Reading

- Elizabeth Cruickshank, *Women in the Law: Successful Career Management* (Law Society Publishing 2003) pp190-196.
- Sharon C. and Daniel Muzio, 'Can't Live with'Em; Can't Live without'Em - Gendered Segmentation in the Legal Profession' (2007) 41(1) *Sociology* 47.
- Hilary Sommerlad, Lisa Webley, Daniel Muzio, Jennifer Tomlinson and Liz Duff, *Diversity in the legal profession in England and Wales: a qualitative study of barriers and individual choices* (Legal Services Board 2013).

²¹ <http://www.independent.co.uk/money/spend-save/first-woman-among-equals-1572056.html>