



# **Sustainable Transformation of the Legal Profession in South Africa: Diversity versus Inclusion**



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The legal profession has long since recognised the necessity of transforming from a white male dominated arena to one which is more representative of the racial and gender demographic of our diverse South African society.

Diversity focuses on the differences such as race, gender, age, sexual orientation and physical ability of people. It is the minimum measure implemented to improve access of previously disadvantaged marginalized groups to the profession.

While the concerted efforts to achieve quantitative diversity undertaken by private law firms, the public legal sector and the advocates' profession must be commended, this remains insufficient to sustainably transform the profession and achieve equity.

Measures which do no more than facilitate previously disadvantaged groups from entering the profession, are short – term solutions destined for failure if these individuals are hired or selected merely as window dressing, are treated with disrespect and are excluded from career growth opportunities, business networks and leadership positions.

Inimical to sustaining a diverse legal profession is the creation of an inclusive environment where individuals are genuinely welcomed, valued, included and respected.

To achieve inclusion, sufficient remedial action must be taken to provide a supportive environment, access to educational and professional opportunities and involvement in governance structures.

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While diversity focuses on transforming the bottom end of the spectrum, inclusion facilitates the progression of legal practitioners from aspirant prosecutors to senior state advocates, from candidate attorneys to directors of law firms, from pupils to senior counsel, and eventually to the judiciary.

In contrast, a lack of inclusivity contributes to the high attrition rate of legal practitioners, particularly those in private practice.

Having long – since recognised the need for diversity in the legal profession, the shift towards creating an inclusive legal profession is indeed welcomed so that the power imbalance is addressed and equity is achieved. This will result in sustainable transformation.