

International Women's Day 2024

Sophie Hicks: Hello and welcome to the very first episode of FortyTwo Talks, the podcast which takes a deep dive into the legal world, led by the experienced members of 42BR Barristers. I'm Sophie Hicks, Chambers Marketing Manager, and I'm absolutely delighted to be hosting this International Women's Day special alongside Rachel Chan and Ann Osborne. Welcome to the podcast.

Ann Osborne: Thank you, Sophie.

SH: So, I'd like to start by asking you both a little about yourselves.

Rachel Chan: So, I'm Rachel, I'm a family practitioner at 42BR and I specialise in care work.

AO: I'm Ann, I am also a family practitioner at 42BR and, like Rachel, I specialise in care work.

SH: Lovely, thank you. So, aside from being family law practitioners, I think our listeners may be interested in hearing a little bit about what you do outside of court.

AO: Well, that's a loaded question. I am owned by one child who informs me regularly that she is now a *tween*. And what that means is that my life is dictated by ferrying her to different activities, which she has many. Won't give them up. I am constantly exhausted, and I battle the constant refrain of what's next, and I hope deeply that what's next will allow me to have a moment of lying down.

I then juggle that time with planning furiously for meals of the week, ordering shopping, because oddly it doesn't really seem to happen unless I do it. My husband will buy a bare minimum and then we run out of things. Copious amounts of laundry, it's always amazing how much laundry a family gets through.

Managing on a down day to go and have long coffees with friends, which are entirely precious. Going along to a bi-monthly book club that myself and my friends organise. And, expanding my horizons, choosing books that I wouldn't ordinarily have gone to read. And that really is my life as a sum total.

Occasionally I get to play tennis very badly. I've injured my wrist probably doing that. But that's how I try and balance out the not being embarrassed a bit.

SH: Rachel?

RC: So, I consider myself as a bit of a taxi for my children. And I'm always taking them here, there and everywhere. It's pretty full on and I do get the question, how do you do it? I have no idea. I'm constantly juggling.

SH: Thanks, Rachel. I'm sure they do appreciate it! So, you're joining me today to talk about International Women's Day, which takes place annually on the 8th of March. This year's theme is 'Inspire Inclusion' and I'd like to have a quick chat about what that means to you guys.

AO: I think for me, inspiring inclusion isn't just about seeing inclusion for myself, but also seeing it widely, across chambers, across the Bar generally, and hopefully that little ripple spreads beyond so more women at the Bar, non-traditional people at the Bar really, and hoping that that message continues to spread and including the judiciary as well.

RC: So, for me, inspiring inclusion is quite close to my heart, coming from a non-traditional background, my parents having never been to university, and I think it's important that we do inspire inclusion, particularly at the Bar, because it needs to reflect the society that we represent.

SH: Yeah, no, definitely. So, what challenges do you feel women face at the Bar?

RC: That's a really interesting question. So, I think it's fourfold. First is women who want to start a family and thinking they've left it too late. Second, being able to talk about miscarriage or baby loss. Third is where women do start a family and wishing to come back to work far too early because they're worried about solicitors forgetting them or that their career is going to be on a back foot.

Or even financially, because most barristers are self employed, not having the financial ability to keep yourself going for a sustained period. I think that that is something that we need to address. Chambers are a lot better about addressing that with proper maternity policies, but still there needs to be more work.

I think it's the mentality of women as well that they're thinking, actually, I want to go back to work early because I don't want to be forgotten, I don't want to be left behind, I need to be continually working to prove my work. And I think it's that mentality to some extent that is a challenge that faces us.

AO: I think that one of the other challenges that faces us is there is, there really isn't a global thought process of if someone's got caring responsibilities, asking them to start a hearing at 9am, wherever, is an impossibility. Because the assumption is that there's always someone in the background who's going to help out with childcare and that's not always the case.

There are single parents at the Bar. How does that work for them? Asking people to have adequate meetings at 6pm and at 6:30pm, how does that really fit with family life? And at the 11th hour, it doesn't fit with family life. Sending papers so late in the day when it's actually painfully clear that they've had them for some time.

It really fails to engage with the reality that a lot of women, no matter how successful you are, you're still doing the household shopping. You're still organising school trips and outfits and things like World Book Day costumes for tomorrow and going home to make them. Those are things that are being juggled constantly as a working parent, and the need to also be available for those important activities at school that your child is performing in.

And I'm not sure that we've really got to grips with some of the things that we are asked to do. And that's not a reticence to do it, but it's about how that's all fitted in.

RC: And isn't it interesting that women at the Bar have always just muscled on without even raising an eyebrow or even raising that with court, but the increased number of male barristers in court saying, well, I can't do that because I've got X, Y, Z. And it's interesting, I think, it's even that ability to even say, I'm really sorry, I can't actually get to court for 9:30 tomorrow because of X, Y, Z. But that request is increasingly made by male barristers and on Twitter, it's been celebrated. The judge is being really understanding about that. But as women at the bar, we've been dealing with this for decades and just getting on with the job.

AO: Yes.

RC: Also quite interesting and a live topic is how the menopause effects working and obviously it doesn't affect men, but female barristers also have that to contend with. But being self-employed also prevents them perhaps from taking time off. But there was a recent, was it a recent decision?

AO: Yeah, it's an unseen disability.

RC: Yeah, so I think that there's so much more to be done.

AO: I think so. And one of the things that I worry a little bit about is that whilst it's great for our male colleagues to be able to say 'actually I've got these caring responsibilities, can we have a reasonable adjustment?', I think as women we also feel quite guilty when we've said it and it's also about re-educating some of our solicitors. I remember one who rang me one weekend and a female advocate said I'm at my child's rugby match, I can't deal with this, I don't work on weekends. They said 'How dare this person say that? Is the Bar's Wellbeing Guide really a thing?' And it had been out for two or three years, but that hadn't trickled down.

RC: Was that a female barrister?

AO: It was a female barrister and a female solicitor who didn't understand. We really should know better, shouldn't we? So, we've got a way to go, but hopefully that, I think, trickles down. I think you're right.

RC: So, I think female judges have in the past been a lot harder on other women barristers than they are today. I think the current set of female judges that I have been in front of have always been really understanding, really caring, and in a way champion our own welfare when we don't do it ourselves.

AO: I think that's right.

RC: It's a great time to be a female barrister.

AO: It is.

SH: So, moving on just slightly, I would like to ask you who your favourite female barristers are to see at court, or be against, or to simply spend time with.

RC: So, I had a case being led by Jo Delahunty, always a champion of equality and inclusion. In that case was also our head of Chambers, Tina Cook. And we were in front of the formidable Mrs. Justice Tice, who is also a champion for, in my view, women at the Bar. They were awesome to watch. In terms of juniors, I have to say my best buddy, Shell, who's in Chambers with me, had a case with her recently, really enjoy watching her work. Sharon Bhachu. And recently I was against Danielle Lewis from Coram and she was very good, very safe pair of hands. I thought she was pretty awesome.

So, I would say these are the ones that spring to mind immediately, but I have so many more. I think that it's a really good time to be a female barrister, because there are so many of us who are really good. Ann, what about you?

AO: I always delight in being on a case with Elpha LeCointe. You're greeted by a smile, good humour, and a clarity of thought. She is calm and meticulous, and it's really nice watching how she delivers her advocacy. It's always a learning experience for me.

I also enjoy being on cases with Ramanjit Kang of Coram. I mean, she's a lovely friend, but again, someone who is unflappable and really good at her cross examination.

I steal questions from her sometimes, because those are people who put themselves out to be at the top of their game. They're generous with their advice and their guidance. And you can have a to and fro with them. Hala Mustafa is another person that I enjoy being on the case with. You know, it's made easy.

RC: That's a good shout.

AO: You have good dialogue. You can share ideas. Watching her cross examine, it's always joyous, no wasted questions. Those are the people that I'm really very happy when I'm on a case with them, and I know that I'm going to come away with something extra to put in my arsenal. I like watching judges and I think Michelle Corbett, extremely supportive, very pro female advocates, pro developing their careers.

The same with Eileen Downey, whose judgments are just beautiful, but I get lost in watching how she thinks through and explains her judgments. And there's always another learning opportunity for me as to how better to set out my submissions and to cover all the points. So those are my heroes.

SH: Brilliant, thank you both. So, my next question is, what do you think, as current members of the Bar, you could do to inspire the younger generation?

AO: I think that we need to make ourselves available, even if it's a remote availability. One of the things that I think has been useful for some of the people that I've met, is things like the King's Mothers and Daughters Mentoring Program, getting the opportunity to speak to women at the bar, to find out what life is like at the bar, some tips about how to go about the application process, helping with preparing for interviews, but also that visibility of knowing that there are a wide range of people at the bar, understanding the journey that's taken them there and how they can develop once they're at the Bar, and also looking at our own internal recruitment policies. Are we keeping abreast with the time?

RC: I think outreach really needs to be targeted. And looking at deprived areas, looking at where there is a very high proportion of children on pupil premium, free school meals, because you do see people doing outreach work and it's quite hard to see how much more it benefits, for example, schools with a large amount of resources already and has those contacts.

Whereas, I think that schools that don't have those contacts would really benefit from that extra push. And when I went to a secondary school as part of the Bar Council's social mobility careers talk, it was really interesting to see how some of them finally caught on. Actually, maybe I could do it. Maybe I could have a career in the law because the people who actually did that talk all came from non-traditional backgrounds. And that was really lovely to see because the questions that we were being asked were really, well, that's amazing. How do you think we can do it? So, very inspiring.

AO: I think that's absolutely right. One of the, and that's really something that I am very much committed to and passionate about. My first mentee, we targeted her school. We were looking for girls who had no family member who'd gone to university, who lived in the most deprived areas in London and were on free school meals.

My mentee fitted all of those criteria. And it was nice meeting her at 15 and then watching that journey over five years when I mentored her to ending up at Cambridge, graduating. Sadly, she didn't come into the law, but she went on to work for the civil service. And one of the things that she said to me was if she hadn't had that mentoring opportunity, she would not have considered university as something for her, let alone the universities she applied to.

But there we were, you know, Muslim girl, Bengali background, ending up at Cambridge, going on to the Civil Service Graduate Training Scheme. Those are the sorts of things that I think that we do as people who have actually managed to achieve what we set out to do, we can pay it forward by doing it and it's so important to keep making that effort to do that targeted outreach. Those are the people that need it.

SH: Thanks for sharing that, Ann. It's brilliant that you can make such a difference to a young woman's life. Which leads me on to my next question, if you could meet your younger selves, what kind of advice would you give her and how would you inspire her to join the Bar?

RC: I think I would have benefited from someone telling me to be confident about your ability and to not worry about the challenges that you might face. The challenges that faced me were more prevalent than they are now. There's a lot more transparency in recruitment. There's a lot more measures that are designed to help people from different backgrounds to get to the Bar.

So that's a real positive. So, I think I'd tell a younger Rachel to be confident and to go for it. Because I doubted myself a lot at the beginning.

SH: Yes, yes. Ann?

AO: I think that I would say to a young Ann, stick to your guns. One of the things that I experienced at a young age was that, although I knew I wanted to come to the Bar and my parents were very supportive and said you can do it, I remember when I was doing my A-levels, the head of sixth called me in and said people like you don't apply to these universities and handed me a pad and paper and said, now you write a withdrawal letter to UCAS. That was something that was quite stealing to continue on, but it was very upsetting that at that sort of age and in that environment, there was that doubt about what people like me could and couldn't do.

I refused to write the letter and said, I'm going to keep going. I know people like me can do it. I've seen that within my own family. But when I meet young people today through mentoring programs, I'm still hearing stories of teachers telling non-traditional background children that they can't. And that's one of the reasons that I mentor, in a number of different areas, because I don't want that message to be the message that's kept.

I think it's important when I go out to do outreach, you can't be what you don't see. And it's important for those young people to see, actually, those teachers are wrong.

SH: Yeah, no, absolutely. I think that leads on nicely to ask you both about your mentors and tell me a little bit about, you know, family members or even members of Chambers who have really spurred you on to be who you are today.

AO: I would say that my mentor at an early age were my parents. My mother always said don't let other people tell you what you can do. You're the person that decides what you can do. I had my father, who was a barrister himself, and he would let me come into work with him and sit in the back of his Chambers and observe what was happening.

When he sat, then, as a judge, then I would be able to sit in the back and look in and see what that life was like. So, I was very keen and clear that that's what I wanted to do. And I suppose he was also a bit of a feminist that he'd say, don't let men tell you what you can't do. To the degree of teaching us how to change a car tyre, because he said women should be independent, stand on your own feet, stand in your own right.

So that was actually a very important thing for me, and that's really the thing that's kept me going throughout.

RC: So, my mentor, I would say, is actually the family group within Chambers. We've got a really good team of family practitioners who I've always been able to bounce ideas off and they're amazing as support. Both champions of well-being and mental health, but also in terms of I'm having a really bad day at court, I'm not really sure that this is the right thing to do. You can bounce ideas off them and they'll give you a nice answer. So, I think our team is actually pretty impressive.

AO: I think that's right, Rachel. We do have a very supportive team. We have a really supportive head of the team that we can always reach out to. And that's important as one develops in this often-lonely profession.

RC: And I think the brilliant thing, I'm not just focusing on the women in chambers, but the men in chambers are very inspiring. They always try and encourage us to put ourselves forward for things. So, I think that in terms of inclusivity, that's a real bonus.

AO: I think that's right. We don't have that sense of one person or a couple of people holding on to the limelight. It's very much a shared exposure, an encouraged exposure. And I think that that's similarly fair for most of our clerks as well, if not all of them.

SH: So, you've highlighted that 42BR are particularly inclusive, but what do you think the Bar as a whole could be doing better to promote inclusivity for women?

AO: That program that I was part of was something that the Bar Council picked up the mantle on when it started looking at inclusivity at the Bar. I think that the Bar really needs to focus on understanding why it's not attracting those sorts of candidates. Looking at the representation within Chambers, not just at the barrister level, but in the admin staff level, across clerking, it's one of the things that we've asked ourselves.

Is it purely that we want young people who are applying for mentorship to think about life at the Bar as an only career opportunity, or do we want to expand horizons to say, well, you could be a clerk, you could be marketing manager. These are all integral parts of the life of a barrister. And I'm not sure that the Bar Council has entirely got to grips with that.

The attrition rate of women from the bar is rising, and one of the things we don't seem to have gotten to grips with is the demands of the work, and whether that's being understood at senior levels of the judiciary, whether that's being understood by the service levels of clients who will send you papers at eight o'clock at night and expect you to have them ready the next morning- forgetting that there may be a family life to be had.

Those are the sorts of things that we really need to drill down to, and we really need to make ourselves available to do that outreach to schools. It's not just about the young people, it's also about their attitudes, of the teachers servicing them, and them recognising that young people who aren't traditional-looking young people are also members of the Bar.

RC: I read on that almighty platform, Twitter, that female barristers are still earning a lot less than their male counterparts, although they're the same call, and I think that really needs addressing, and we need to get to the root of, well, why is that? Why are female counterparts not earning as much as the male barristers?

All things being equal, and that really does need to be addressed. I know they're on it and I know that that gap has been, slowly diminishing, but that gap shouldn't be there.

SH: Okay, so we've discussed what's changed, we've discussed inclusivity, and I would like to close please with your hopes for the future in terms of inclusivity for women. What would you like to see?

AO: I would like to see women being retained at the bar. I think that we have lots of women who join the Bar and far too many who feel pushed out of the Bar. I'd like to see more women of a rainbow colour at the Bar, and not just staying at the Bar, but being elevated to judicial positions.

I'd like to see that we keep appraising how we recruit pupils, how we support pupils, and how we support people when they are at the Bar. Sometimes, it can very much feel like once you've crossed this golden threshold you're on your own, sink or swim. But we do need to understand that supporting each other at

the Bar isn't because we are dumbing things down, for want of a better phrase, but we're recognising that if one improves, we all improve and we are providing a service that is more fit for the community that we serve, because that's ultimately what we do, we provide a service.

RC: I think Ann's touched upon a lot of topics there. In terms of women in law, we could do with a lot more female clerks. Nine times out of ten, you'll go into a clerks room and you'll find that it is very male dominated. Sometimes, female barristers feel more comfortable talking to a female clerk about feminine problems.

SH: I'm just going to stop you there, Rachel, as we've been talking for nearly half an hour. To Rachel, Ann and our listeners, thank you so much for joining me for this International Women's Day special and I really hope you're able to take something away from it.

RC: Thank you very much, Sophie, and thank you listeners for listening to us.

AO: Thank you so much, Sophie. It's been lovely getting to know a little bit more about Rachel, as well.

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Goodbye for now.