

Raising the Bar:

International Women's Day 2025

Jude Shepherd: Hello and welcome to 42BR Barristers panel discussion to mark International Women's Day. As it's a day to celebrate the achievements of women around the world and also to reflect on what more can be done to help forge equality for all, we thought what better way to do that than celebrating some of our own talented women here at 42BR, but also to share our thoughts and ideas on issues of equality, and particularly in our own little world of the bar and of Chambers.

I'm Jude Shepherd. I'm a barrister specialising in employment law here at 42BR and I also sit as a fee paid employment judge in Scotland. And I'm joined by some of my lovely colleagues, and I'm going to let them introduce themselves. Maybe start with Sharan, who's sitting next to me.

Sharan Bhachu: Hi there, I'm Sharan Bhachu. I'm one of the family barristers here. I've been at 42 for about 13 years, but I've been practicing for about 22 years, all in child protection. I'm also a mum to three girls, so this is a really important topic for me.

Zoe Gentleman: Hi, I'm Zoe Gentleman. I've been with 42 since 2014 now. I am Chambers' Banking and Fees Assistant, and I also have three children myself, and I'm excited to be here today.

Matthew Timm: Hello, I'm Matthew Timm. I did my pupillage here ending in October 2024. So I've been a tenant for around six months across all Chambers' practice areas and I'm here just to support women, which is important to me and important in this role.

Ellie Sanders: Hi, I'm Ellie Sanders. I'm one of the civil practice managers. I've been at Chambers since June this year, but I've been clerking for eight years in multidisciplinary sets as well as commercial.

Karolina Zielinska: And my name is Karolina Zielinska, and I'm a junior civil practitioner.

Jude: Thanks, everyone. So, just to kick us off, I want to start by asking everyone, if you had to give one piece of advice to your younger self, starting out in your career, what would it be?

Sharan: So I think I'm going to start this one off. I'm going to give myself the advice that was given to me in my last year of secondary school by my form tutor, who, having had us over the years of secondary school, knew us all really, really well in advance.

And she had given us a letter, in German because she was our German teacher as well as our form teacher, which we then had to work out for ourselves. And it's something that I put to one side and didn't really go back to look at it until a few years later. And I really wish I had remembered it much earlier.

So that's the advice I'm going to give myself, which was: to have the confidence to be true to yourself. I think that once I'd gone back to it and looked at it and really understood what she meant by that, it made a big difference to me in how I perceived myself, but also how I perceived how others viewed me as well.

So that's the advice that I would give to myself. Have the confidence in yourself.

Zoe: That's lovely. I feel like I joined Chambers in 2006 is when I started my career and I would have told myself to not feel intimidated by the big strong presence around me and just to have known that I held my own and I'm here for a reason.

That's probably what I would like to have told myself.

Ellie: I would say to my younger self to be confident, speak up, push for those opportunities. And sometimes clerking can be quite intimidating, as said by Zoe, but resilience pays off and that we should be pushing for those movements forward in terms of mentorship, pay structures and see that senior progression that could be more visible, I think, in Chambers.

Matthew: In a similar theme, the two words I've written down are 'be confident'. And I think you just have to find the way that you channel that confidence. So for me as a junior practitioner, it was, I love dance music and so it's listening to my favourite track on the way to court and channelling that energy as if I was on an Ibiza dance floor by the time I got into court.

And so I think you just have to find what works for you. And you've worked so hard to be where you are that, back yourself, believe in yourself, and you are good enough. And once you get that confidence, you'll notice that people pay attention and are interested in what you have to say.

Sharan: Karolina before you just do yours, can I just butt in on that? Because Matthew was my pupil for six months, and can I tell you, three months in fact, can I tell you that that change he made for me was me not listening to Radio 4 on my way in, but listening to positive thinking and it absolutely has changed things.

Karolina: I think certainly I would echo what a lot of you are saying today in that I think my flip side of being confident has always been to stop apologising and that's something that I'm still working on, but certainly that is advice that I want to give to my younger self. And as part of that, not being afraid to ask for help and put yourself forward for opportunities.

I think often there can be a lot of self-restriction if you're lacking in confidence or self-belief. And so, certainly, I want to encourage myself to put myself forward for as many opportunities as possible because they're there and often, once I followed through and did put myself out there, then it led to success and development that I might not have always had.

Jude: There's definitely a theme there, I think. I mean my advice to my younger self, I think, would be don't be afraid to take up space as a woman, which I, frankly, after 25 years at the Bar, I'm still learning how to do. I spent a lot of years pretending that things weren't a problem when they were, from the challenges of taking maternity leave and having children at the Bar, difficulties like judges expecting you to sit late or do submissions overnight when that's really challenging, particularly when your children are younger and sort of not having the confidence to say, actually, no, that doesn't work for me, and realizing I have to learn to advocate for myself as well as I do for my clients. And if we don't do that, what's ever going to change?

So it takes, I think it takes a lot of courage when you're younger and starting out. But eventually with years you do get the ability to do that. But I am still, I'm still doing that. I'm still, not all, it's being my authentic self and pretending it's all fine, but I'm, I'm learning.

And so I suppose that leads me to wonder about your views about how you perceive sort of the current state of gender equality in the legal profession generally. I mean, where do we all think we are both in terms of representation and opportunities for advancement?

Where have we got to and where are we going?

Zoe: I would say that I think there's definitely been a positive rebalance since joining in 2006. We're not quite there yet, but there are a lot more female clerks, female CEOs. I'm not quite sure how many female senior clerks there are, I'm sure there are, but I feel like we've come on a long way. There are a lot more clerks' room that have a lot more women, girls involved. It's not just men anymore. So I think there has been a slow change, but a change.

Jude: Yes, you've got to see it to be it, haven't you? It's a, it's a very gradual thing. Once more girls see that that's a career path for them, then hopefully just built on that.

Zoe: It will trickle down hopefully.

Jude: And what do you think Zoe that, is there more that Chambers could be doing to, to make that happen or to encourage that development?

Zoe: I think, again, going back to it, it feels like when I started it was so long ago, but it was very, you started at the bottom, you were pushing those trolleys, you were lugging those boxes, and I felt like it was naturally seen, I hate to say it, but as a boy role.

And I would say, maybe because of COVID, and because of how we just have switched to digital, we're not doing the trolley pushing, we're not loading the boxes anymore, it's kind of opened up a bit to just show that it's not just for boys. That's a view that I've taken from it.

Ellie: I think the same in the sense that obviously I haven't started, I think I started eight years ago, so a bit before COVID and I think it is just like historically a male kind of clerking role, just because of that kind of genre of things that you need to do. I came out of university and the thought of, I suppose, pushing trolleys and boxes, but it is kind of, you've earned the next step and everyone has to wear that thing.

But I think that has changed a bit from when I was even a junior clerk. But at the same time I do feel that obviously I'm the only female on civil clerking side and we have Niamh who is in the family team. But I feel like different sets have different things, but there has been a wave, a bit of more of people going from just doing the junior clerk role as a female to pushing for those more senior roles and having those clear career pathways is going to just only better Chambers as a whole.

Matthew: Can I just say, as a male colleague, what an asset Ellie is to the civil team, that she's really thoughtful and caring, not to say that the boys aren't, but for when I've really enjoyed a case or I said I want to do more of this work, Ellie's really sat down and thought about it and made sure that I've been put forward for opportunities in ways that sometimes that may have been overlooked or that those comments may not have been picked up in the same way.

So, I think it's really valuable to have someone like Ellie on the clerking team and I've noticed a big difference to my practice and I'm absolutely loving it. So I'm all for more balance in the clerking room.

Jude: That's interesting. It's better, isn't it, that greater gender diversity can change the culture as a whole. I think you're so right about that. We've got so used to things being done a particular way, but once you introduce that diversity of all kinds, that can only be a positive thing for everybody in your Chambers.

I think things certainly have improved since I started out about 25 years ago. I would say that junior barristers today definitely are more comfortable with articulating their needs than I ever was. And actually, I've learned from my younger colleagues that I can do that, I can sort of speak out, but I think there is definitely still a lot of work to be done.

I don't know if everybody saw The Bar Council's latest report on gross earnings at the self-employed bar, which makes very depressing reading, I'm afraid. There are still very significant earning disparities persisting across all areas. I think it said that junior women are basically earning about 77 percent of what their male colleagues are earning. For Silks that's about 67%. That's something that I think Chambers really needs to focus on.

Sharan: Yes, and it's about having those open conversations, isn't it? Within Chambers and across the board, not just within, but with other colleagues outside as well.

Jude: And do you think there are, because we've got a good diversity of people on the panel today, what do you think are the unique challenges in your work environment when it comes to things like professional development, career progression, or just generally, what challenges do you face?

Sharan, I'd be interested to know your perspective.

Sharan: I really struggle with the traditional role of being a mum, and what that entails in terms of not just the practical, sorting out dinner, making sure they get to their netball and all that sort of stuff, but actually just being around for them emotionally as well at different stages.

So that means that sometimes, in fact quite often, I can't go to events because they take precedence, whereas my husband never has that issue, and it doesn't feature in his thinking. And that's a conversation that he and I try to have. But it always ends up being me, because I think that's just the way that I'm probably wired to believe - I'm the mum so therefore I'm the one that's there for them. And that can be quite difficult, because it does mean that you are then slower in your progression compared to others around you. Zoe you're nodding and I think you might be feeling the same feeling.

Zoe: Yes, my husband is a Senior Clerk at another Chambers, so we're both in this world and I understand that he won't be home in time, he has various events he needs to go to so, for me, I have naturally taken on that role of mum, but of being the person that will always be there when I can be there.

And that's where 42 have been amazing for me. I now have three children, but each time I've had a child, my job role has changed, my hours have changed, my days have changed, and 42 have been great with that flexibility and allowing me to still be able to work at home and be a mum at the same time.

Really I can't thank them enough because I don't know if I would have had that sort of opportunity. I was close after my second child to not coming back at all because I thought I can't do both. And then Vincent sat me down and was like, we can, we will make this work. And it's been great.

Jude: Do you think those attitudes are true across the board at the Bar or is there a vast difference?

Zoe: I think, again, it's getting better. I don't know many other people in my position where they're able to be at home full time, but there's definitely that flexibility of home a couple of days, in a couple of days, reducing your hours, I would say across the board...

Jude: I suppose Covid probably has changed that culture a little bit because it's made people realise you can make it work.

Zoe: Definitely, definitely.

Ellie: I wonder if that will happen from a clerking perspective. Obviously I don't have any children but in my future that might be the case. And I wonder if, I haven't seen in my experience of being a clerk, many women who have been able to juggle the two and that might lead to why we don't see such a visibility of more senior female clerks because you'd hope that there is ever changes, but I suppose it'll be interesting because obviously, traditionally, and the other people that sit in my room, they won't have that situation as such right now.

So, it will be interesting to see what happens and I would hope that Chambers apply the same thing, I'm sure they would, but that hasn't been conversation yet.

Zoe: You're right. That will be interesting to see, definitely.

Sharan: I would just like to echo what Zoe was saying about 42, though, because I have been at previous Chambers.

I don't know whether, Jude, you've been here...?

Jude: I've been here all my life, all the way back...

Sharan: Because I have been at other Chambers. And I can say that this is the first Chambers that I've come across that really looks to see how they can promote you, and what they can do to support you, as opposed to saying that you have to deal with it and you have to sort it out.

Jude: The reason why I've been in these Chambers all my life is because we have a kind culture. We've changed, we were originally 22 Old Buildings, and Chambers looked very different when I joined it. We weren't so advanced, I suppose. I remember writing a new maternity leave policy for Chambers, which was embraced by a lot of people, but equally, at the same time, some people weren't happy with it.

But before that, we didn't have a maternity leave policy at all. But the beauty of this Chambers is that it's always been very open minded and wanted to embrace change, I think. And its culture is very much about supporting each other. And that's why I've never wanted to move.

Karolina: If I may, as someone who joined relatively recently, I think that in terms of the way that you create that sort of supportive culture, what I noticed both as a pupil and then as a very junior tenant was that I was repeatedly told by barristers of varying levels, your voice in Chambers is just as important as everybody else's

voice in Chambers, you are part of this entity, and you have an equal voting share to everybody else, and so you shouldn't be afraid to speak up for what you would like and put forward ideas that you have.

And because of those repeated reminders from lots of people across Chambers, I've always felt very safe and secure in raising problems as and when they come up, because I know that people are at least willing to listen to me and have a think about what I'm putting forward.

Jude: That's so refreshing to hear because I think that is a change. I mean, I didn't feel that way as a pupil, as much as I love this Chambers, it was a different picture 25 years ago when you just kept your head down and there was a point at which you'd achieved certain amounts of seniority where you could start speaking up.

So it's really great to hear that.

Sharan: I was only able to take three months off maternity leave with my first two because the Chambers that I was in then just made it clear that they would impede my progress if I took more time off. I mean, that's really significant when you look at it now.

Matthew: I was going to say I completely agree with Karolina, and I think as a junior person entering for the first time, what's so good about 42BR is there's so many leading women. And so, especially when I was doing my family, people like Sharan, who was amazing, also Katie Phillips, who's just got King's Council, and I think that sets the culture at the top that you see these women doing amazing and doing such good roles, but also they're supportive, they want to listen, and they want to encourage new talent coming through.

And so I think that's what we, that balance is really good at 42BR, that across all levels there's a good mix between the genders, and that's why it's so important to make sure that women can get in those senior positions, because it's a great culture to be in, and one that you feel supported.

Karolina: That was actively a reason why I chose Chambers, because I think, particularly as somebody who is looking to have a broad civil practice, the reality is that even at the junior end of certain areas of civil and commercial law, that gender balance is just not there in many Chambers and, quite frankly, when I was looking through, on Chambers' websites, lists of current members, recent pupils, recent tenants, where I wasn't seeing myself you just can't envisage how you would fit in within that organisation, and it's hard to be the first. It's hard to be a

lone junior in a very male dominated Chambers where you don't necessarily have women at the higher end of the profession who are available to help mentor and support you and to set an example that you can follow.

And that's certainly one of the things I really appreciated about 42 before joining, that across all levels of the profession within Chambers we have some fantastic women who've been incredibly generous with their time in helping the young women who have come into the profession.

Jude: And would any of you say you've experienced differences in how sort of female barristers and male barristers are treated in the courtroom or indeed by colleagues and clients?

Sharan: I've got an interesting take on that because my experience as a pupil coming in was that there were senior women of similar ethnic background to me, who you would have thought would be very supportive, but were not and actually made life quite difficult at times, and I really struggled with that.

So one thing it's done for me is to make sure that I am as supportive as I can be across the board, no matter who you are because I don't understand why you wouldn't be.

Jude: I recognise that. What I refer to as kicking away the ladder.

Sharan: Yes.

Jude: I think women of that generation have had to really struggle to get where they are. And sadly quite a lot of those women think, *'Well I had to do this and I had to struggle. So that's the way to get to the top. That's the way you have to do it.'* And of course, I think that that's wrong. And I actively try and remind myself of that all the time, that you shouldn't be kicking away the ladder at all, quite the opposite. You've got to actively be supporting the next.

Sharan: And that's something really different here. As Matthew says and Karolina say, I mean, people like Tina Cook KC, Gemma Taylor, Iris, they have all been really supportive, not just in terms of emotional stuff, but actually career progression as well, and conversations that you don't really hear elsewhere.

Jude: Matthew, from your perspective, would you say, do you notice differences in whether in the courtroom or elsewhere?

Matthew: I think so. So when I go into court, just as a white male, demand immediate respect and you can tell the judge, sometimes, they'll just come to me first and say, *'Well, where are we? Where are things?'*

And sometimes I have to remind myself and say, well, say if it's the other side's application, it shouldn't be me who's starting. Or if my female colleague has an important point to say, well, Judge, I think you should deal with that first. And so I think for me, because I'm aware of that, and I know that I think it's just giving that space and maybe just correcting where you see slight things like that, but I definitely noticed that I haven't had any issues myself, and that sometimes things slightly haven't been done the way they should because I've been against a female opponent, but at the junior end, more and more, I tend to have female opponents, female judges quite regularly in cases that I've had. I think that's a good thing.

Karolina: I'll echo this by saying it starts when you get to court. So, I personally would say I feel like I've experienced any overt differences once I'm in the courtroom. But certainly I remember having a court usher tell me, *'Oh, I didn't think you were a barrister.'* And when I said, *'Oh, you know, what have I done?'*

Then she explained that I wasn't as loud as some of the men who'd come in and start walking around and telling their client where to sit, what to do. And so she'd assumed that that wasn't my role. And I thought that was quite an interesting comment because it shows that there are a wide range of approaches to things that can be brought to the fore by having a better gender balance within the profession. Hopefully widening that idea of what a barrister is like, and can be.

Jude: I mean what's your perspective from a clerking perspective?

Ellie: Well, I can't say I've had too many overtly in terms of when it comes to female and male barristers. I suppose I've had the odd occasion where it is kind of like asking for, say, dates to avoid in the diary, and I've had solicitors pick up the phone me and then asked me why have they got that big chunk out of their diary, are they on holiday?

And it's like, you've asked for a set of list of dates, why are you questioning it? And I have had that with particularly a female barrister. It does beg to differ why they are asking that question. And sometimes it obviously, it's not my prerogative to be transparent as such with that, but I haven't had it as much with males, I don't think.

And then from a clerking view, I do have, unfortunately, it's not always, but even when I've come here, when I have a phone call come through and it's transferred from reception, I pick up the phone, it's like, am I speaking to a clerk? And it's reiterating that yes, you are through to a clerk. Because I've spoken and obviously I am a female, it's constantly having to reaffirm that I am the clerk, because they're speaking to a female and I hope that is going to change as the years go on, but it is something that I've probably faced since I started clerking.

Karolina: It's interesting to hear that in terms of how solicitors are approaching instructions and their comments to you because I recall one occasion where I had a returned brief from a male colleague at a very similar level to him, frequently instructed by the same solicitor, and upon receiving his brief I could see the differences in the way it had been addressed to him. They'd added a title, it was all just slightly different in terms of the approach that they'd taken to his instructions versus my own.

I wouldn't have known unless I'd had his return brief. But even if it wasn't overtly offensive or a problem, it was just indicative of a different attitude in the way that they were approaching female counsel as opposed to male counsel. It is a shame to still see that even if it's not as explicit and overt as it may well want to be.

Sharan: Being female very differently on the family side of things. I mean, these days, I really notice when I've got male opponent because it's become rarer and rarer.

I don't know if you remember that from some of the cases we did?

Matthew: Yes.

Sharan: It was, It was quite rare wasn't it? And I think it may just be because it's a particular area of work that we do, some more females are drawn to it, I don't know. It's different.

Karolina: That's interesting. Because I mean, certainly I've found that often, again one of the more overt differences I've found with people's approach to Barristers' gender, is that it's often assumed that you want to do a particular area of law, or you practice in that area, and I can understand the stereotype based on certain areas of law historically having been less, more resistant to, allowing women to rise through the ranks, but again, those attitudes very much still persist today.

Jude: I suppose I'm lucky in the sense that I spend most of my time kicking around employment tribunals and that jurisdiction is obviously very familiar with the concept of equality and discrimination. I would say that that area is also not immune. I can think of one occasion, I suppose, where I absolutely was treated differently by an Employment Judge to my male opponent in quite a shocking fashion.

My clients, who were also lawyers, actually, were also very shocked by it. I'm ashamed to say that I didn't call it out. I called it out on behalf of my clients in a certain way, but I didn't then go on later to do anything about it, and I caught the train home. And I spent the whole time on the train home, debating whether I should've called it out.

I thought if I was somebody more junior I might just have walked away and thought the Bar is not the life for me. And I still regret not having done more about that particular incident. And I think it was entirely for selfish reasons that I decided not to stick my head above the parapet and I still wish I had done so in the future.

Sharan: I wonder whether that's because I find that I will happily stand up for juniors and make sure if we've got lots of juniors in a case, I will say to the Judge, no, we can't do that because we need to be thinking about well-being. But I will happily not say to a Judge when it's me...

Jude: I'm exactly the same. It's very difficult to get over that hurdle having spent years just sucking it up.

Sharan: And you will advocate for everyone else.

Jude: Yes. I think that's really interesting.

So how do we think we can sort of better encourage diversity and gender equality across roles in the legal profession?

Sharan: So for me, it's about open conversations. I think the more conversations that we have with colleagues, with people that we see at court or events and stuff about some of the issues that we face, some of our experiences, just daily life sometimes, just talking about kids and how that impacts some of the things that you need to deal with, I think makes a big difference because the more open you are, the easier those conversations are to have.

Zoe: I think it's almost as well similar to what Karolina was saying in that it's what people expect a barrister to be. And I would say that maybe on the client level, you're still getting them asking solicitors, I need a strong male, I need a strong female, rather than just I need your strongest barrister. So I think there's a lot of work still to do from them as well, but I don't know how.

Matthew: It's so interesting that you mentioned that because one of the most amazing things that I learned from Sharan was outside the court it can be quite easy when you first arrive in the morning and everyone's got lots of different opinions on what should happen and it's trying to narrow the issues to say, well, what do we agree on and what do we disagree on?

But in a way that, well, let's put that to the Judge and we don't need to have a rehearsal of the arguments outside of court. And I think seeing that approach has been so good. And so I try and do that as much as possible, but also thinking about my junior female colleagues. If they've done something really well in court or a judge has been slightly harsh and it's and it's gone against them, I always try and have a conversation after to say either well done or I thought that was slightly unfair, but keep going. I think when you have male colleagues, you kind of just go in and say your piece, you win or lose, and then you leave.

And I, as a person, I'm just generally quite interested in what the other person thinks and like to discuss it afterwards. I think it is just having a few more conversations and realising we're all human and just trying to get on with the job.

Sharan: Yes, Karolina and I were talking before we started this about positive comments that people have made.

Karolina: Yes.

Sharan: ...and how they stick with you. Regardless of you are. I do try, even if it's someone wearing something nice, but I think, oh, that really suits you. New haircut, Karolina.

Jude: I'm trying to get better at doing that. I got off the train in Huddersfield a couple of months ago, and a lady came up to me and said, I absolutely love your dress. I just stepped off the train and I was like...

Sharan: Good advocacy or really, really amazing clerking. It makes such a big difference to you, not just your day, but actually to who you are. So more of that.

Karolina: I would also say in terms of encouraging more women in your own organisation or Chambers, whatever it might be, putting your money where your mouth is, is very important.

So if you, as you were saying, Jude, for example, with the absence of a maternity policy that you then had to draft, if you want to support women, have that policy in place, don't leave it to them to have to draft it, or implement it as and when it becomes a problem. Try and pre-empt those things as much as possible.

Set up those mentorship circles, opportunities to raise issues or have difficult conversations if necessary before you have to have them. And then it becomes much more encouraging to those who are looking to find a place of work that works for them.

Jude: I think a lot of the change starts with the judiciary too.

So I think, now sort of sitting as a fee paid Employment Judge, I see a different side of it. There is definitely much more training of the judiciary generally on equality and diversity issues and sort of some of the softer skills, but I think we still have lots of work to do.

I don't know what you guys think, but it's still very common for me to be expected to sit late, or certainly to churn out written submissions overnight. I know that's true amongst my colleagues even in the employment tribunal where you would think that people might be more mindful of the challenges that that is going to bring.

Only a few weeks ago, I had a judge say to me, *'I know this is difficult, Miss Shepherd, but that's a career at the Bar for you.'* Well is it? Does it have to be? It doesn't have to be, actually, when I'm sitting as a Judge I am very mindful that when I have parties in front of me, whoever they are, that they have a life outside. The irony of being an employment barrister obviously is you spend your days litigating all of these challenges, but this is our workplace and often we're expected to accept all sorts of things we're litigating about.

And I think it's important for the judiciary to remember that. And really the only way that is going to be on their radar, is for us all to have the courage to speak up and say, actually, I can't do those submissions overnight because I've got children to get to bed or whatever it may be.

Sharan: And the more of us that say it, the stronger it becomes.

Jude: Yes. And I think there's a perception that also judges, they might be more mindful for women who you might perceive are younger and therefore maybe parents of younger children that might be more of a challenge, but I'm definitely at that middle age stage where I am juggling still young children but also elderly parents...throw menopause into the mix and brain fog and goodness knows what else and the idea of staying up all night and writing submissions is pretty challenging. I can't do it the way I used to be able to do in my late twenties and thirties.

Unless we start saying these things and actually putting it on people's radars, how are we ever going to change it?

Should we call that discussion to a close? We could absolutely talk all day about this topic, but I hope you have enjoyed that discussion.

We'd love to hear your thoughts or comments about these topics. Thank you for joining us and we wish you a good day.