

THE ASSOCIATION OF
WOMEN BARRISTERS

President: The Honourable Mrs. Justice Cox DBE

Winter/Spring 2006

Chairwoman and Editor's Message

The AWB Committee hopes you had a refreshing holiday and sends greetings for the New Year. We thank all of you who attended the AWB Annual Dinner on 17th November 2005 and supported the first ever AWB raffle which was in aid of Breakthrough Breast Cancer. The Dinner recognized the achievements of the AWB and the commitment of members who dedicate so much of their free time to serve on the committee. My decision to introduce a raffle, which was fully supported by the committee, should be continued at future annual events. The Breakthrough Breast Cancer dinner raffle was particularly poignant for me. In March 2005, *Anna Sheaf*, Solicitor, at the age of 31, passed away due to breast cancer. She was a major inspiration for me in deciding to study law. Anna represents so many beautiful and courageous women who pursue their dream whilst remembering those who are less fortunate. Her dedication for social justice and highly supportive nature amongst those who knew her meant that her friends were truly honored to have had her as part of their lives. Our thoughts are with Anna's family at this time.

The AWB would like to thank Marks and Spencer and Lancôme Paris for donating raffle prizes for the Annual Dinner, as well as Spa Illuminator for providing each guest with a deluxe goody bag. The breakthrough raffle raised £500 on the night. The Committee worked extremely hard organizing this event. All proceeds have been donated to Breakthrough and will contribute towards their research and campaigns for better services and policies which affect all women undergoing treatment.

It was great to see so many dinner guests who consistently support our events throughout the years. There were over 100 guests in attendance.

Guests included the Rt Hon Sir Mark Potter and Mrs Undine Potter, Jane Hoyal (Former Chairwoman of the AWB) and family, The Honourable Mrs Justice Cox DBE, The Honourable Mrs Justice Dobbs DBE, Stephen Hockman QC (Chairman of the Bar Council 2006), Vera Baird QC MP, Mrs Boma Ozobia (Chairwoman of the Association of Women Lawyers), Frances Gibb (Legal Editor of The Times), Stephanie Hawthorne (Editor of Counsel), Frances Burton

(Former Chairwoman of the AWB), Lady Justice Arden and Lord Mance, Louise Cheung and Deborah Granville (Breakthrough Breast Cancer), Mr Timothy Dutton QC (Leader of the South East Circuit), Mr David Wurtzel (Editor of The Circuiteer), The Rt Hon Lord Justice Sedley and Lady Sedley, Baroness Scotland, Professor Frances Heidensohn (Commissioner for Judicial Appointments), Kathryn Hamylton and Angela Campbell (Bar Council Equal Opportunities), Baroness Hale and Dr Julian Farrand QC, Professor Hugh Bevan, Ward LJ, Wilson LJ, Lady Wilson, Josephine Hayes, Arthur Goddard, Tove Goddard, Judith Willis and Anthony Higgins.

On behalf of the Committee, I would like to thank Sir Mark Potter, Dame Laura Cox and Vera Baird QC for participating at the annual dinner and for sharing their experiences of life at the Bar with dinner guests.

The AWB congratulates Dame Rosalyn Higgins QC on becoming the first woman President of the International Court of Justice. The AWB is particularly proud of this appointment, as Dame Rosalyn Higgins is an Honorary Vice President of the AWB.

THE TIMES

LAW

Every Tuesday

We don't skirt the issues

www.timesonline.co.uk/law

I attended the Bar Conference on 15th October 2005. It was great to network with so many conference delegates and distribute AWB newsletters. I left empty handed! The AWB thanks the Bar Council for their continued support and we look forward to working with Stephen Hockman QC.

On 6th December 2005, members of the Committee met with ICSL students to discuss "Challenges of Life at the Bar & Pupillage". The AWB has been meeting ICSL students for a number of years and this relationship has led to some members becoming involved with an ICSL Advocacy Club. The Committee is grateful to Linda Turnbull (Mentoring) for taking the lead on the ICSL programme.

Pam Moore is the new Hon Website Co-coordinator and is currently representing the AWB at Law Fairs across the country. The AWB welcomes Michelle Terry (CPS) and Melissa Coutino (GLS) as new members of the Committee. They were co-opted in January 2006.

The AWB conveys their utmost commiserations to the family of Her Honour Judge Angelica Mitchell who passed away on 7 February 2006. Angelica was a great supporter of the AWB. She was called to the Bar in 1972 and specialized in family law. Helena Kennedy describes Angelica's legal career in a moving obituary which has been reprinted in this newsletter.

As we look forward to Spring, may it bring a season of renewal – a renewed commitment to develop and foster contacts amongst women lawyers and a renewed consultation between the AWB and the organizations which affect the interests of women barristers.

With Best Wishes

Randiah

Chairwoman of the AWB 2005/06

Waterloo Legal Advice Service

HIGHLIGHTS THEIR COMMITMENT TO PRO BONO WORK

*W*aterloo Legal Advice Service is a pro bono Legal Advice Centre designated by the Bar Council based next to Waterloo station. Owing to increasing demand for our services, we are now looking for qualified lawyers and trainees to join us as volunteers.

Who We Are

Founded by Baroness Helena Kennedy QC in 1971, WLAS is one of the oldest, largest and best-regarded pro bono advice centres in the United Kingdom. Our all-volunteer team consists of around twenty lawyers from both private practice and in-house. Our team includes a broad mix of barristers, GLS lawyers, City and high street solicitors.

We are funded by a number of City law firms and individual donations. We are a member of the Federation of Independent Advice Centres and our parent organisation, Waterloo Action Centre, is a registered charity.

What We Do

WLAS is a "drop in" centre which is open every Thursday, between 6.30pm and 8.00pm, and which provides advice and assistance to local residents. The main areas of work are housing, employment, consumer, contract, small claims, debt and personal injury. Unlike many advice centres we provide a full range of services, from one-off advice to more complex matters, such as preparing for Court hearings.

What We Need

We are looking for qualified and trainee solicitors, barristers and pupils to join our team. You must be interested in helping people solve real legal problems and because you will have your own clients, you should be prepared to commit yourself to attend every Thursday evening, unless prevented by work, illness or holiday. You do not need to have prior knowledge or experience of the type of work we do: you will sit alongside an experienced team member until we and you are happy that you should see clients on your own, after which you will have the support and assistance of the other members of our team.

What We Offer

We are a dedicated and very sociable, non-political, team of professionals. We are democratic and dynamic, with most of our lawyers in their twenties or thirties, and offer a great way of meeting other lawyers from all kinds of backgrounds. We welcome applications from trainees, solicitors, pupils and barristers and we are committed to equal opportunities.

If you're interested in finding out more about what we do, we'd be very pleased to talk to you. Please contact one of the following:

Zachary Bredemear

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Mail: james.mcgregor@rdffmedia.com

Breakthrough Breast Cancer is the leading charity committed to fighting breast cancer through research and education.

www.breakthrough.org.uk

This certificate is in recognition of the outstanding fundraising achievement of


Association of Women Barristers

in raising

£500.00

from a raffle

Thank you!



Pete Rey

Director of Fundraising
Breakthrough Breast Cancer

Date 30th November 2005

UNITED KINGDOM
Association of Women Judges

JANUARY 2006

President: Baroness Hale of Richmond
Secretary: Her Honour Judge Frances Kirkham
Treasurer: District Judge Suzanne Stephenson

The Association is holding its third Conference on Sunday 26 March and Monday 27 March 2006. We do hope you will be able to come!

We shall begin on the Sunday evening with supper. Vera Baird QC MP will speak informally at the supper. I suggest that we meet at the restaurant by 1930 hrs at the latest.

The conference itself will be held on Monday 27 March at the Council House, which is in the centre of Birmingham. Access to the city is easy. If anyone has any particular problem with transport, do contact me and I'll try to help.

Do remember that full-time members of the Association are entitled to treat attendance at the Conference as a sitting day, so there is no need to take a days' leave to come!

I hope that you will agree that we have an excellent programme for the Monday. Coffee and tea will be available from 1000 hrs and we shall begin at 1030 hrs. The theme for the morning session will be The Voice of the Child in the Justice System. Our speakers will be Rt Hon Sir Mark Potter, President of the Family Division, Sheriff Douglass Cusine and Ms Christine Smart, Children's Rights Director, CAF/CASS.

The afternoon session will comprise a panel session,

with Baroness Usha Prashar, Chair, Judicial Appointments Commission for England and Wales, Sir Colin Campbell, Chair, Commission for Judicial Appointments, Her Honour Judge Gemma Loughran, Member, Judicial Appointments Commission for Northern Ireland and Sheriff Principal Kerr, Judicial Appointments Board for Scotland.

That session will finish by 1600hrs at the latest and will be followed by the Association's AGM. We aim to finish no later than 1630 hrs.

The price for attending the conference on Monday will be £30 for full members of the Association and £38 for others. That includes coffee or tea on arrival and lunch. It will be possible to buy drinks at the bar at lunchtime.

If you would like help with arranging hotel accommodation, the Birmingham Convention Bureau Accommodation Services will assist. You can contact them on: **0121 202 5100** or by e-mail on: bcb.accommodation@marketingbirmingham.co

It would help us if you would kindly send separate cheques for supper on the Sunday, the conference on the Monday and (if you are taking this opportunity to join or to renew membership) the membership fee.

Do call me if you have any queries or suggestions, and we all look forward very much to seeing you in March.

Frances Kirkham

AWB Annual Dinner 2005

Having been the lone man at the 2005 AWB annual general meeting, it was cheering to be part of a larger minority at the dinner on 17th November 2005. Guests included distinguished present and former members of the profession—the incoming Chairman of the Bar, Stephen Hockman, QC, the Leader of the South Eastern Circuit, Tim Dutton, QC (Sappho Dias's husband), Lord Mance (Lady Justice Arden's husband) and Lord Justice Sedley. It was generous to give us all a goody bag (from Spa Illuminator), which made everyone feel a winner, and not just those who did well out of the raffle (which included well-received signed pictures of John Terry, England and Chelsea Defender, and of Arsenal's Thierry Henry, along with a Lancôme beauty treatment and an M&S Hamper). That raised £500 for

Breakthrough Breast Cancer. Dinner itself was also a treat – vegetable terrine, corn-fed chicken and chocolate truffle.

The meal was preceded by drinks, which gave us a good opportunity to mingle. I swapped notes, so to speak, with Baroness Hale of Richmond, former President of the AWB.

After dinner, there were a number of fine speeches, led by the Society's new President, Mrs Justice Cox, and followed by a keynote speech from the President of the Family Division and Head of Family Justice, Sir Mark Potter.

Mrs Baird passed on the congratulations of Eleanor year of achievements and campaigns for diversity in

the judiciary. Eleanor Sharpston has herself scored a notable success in that area. In October 2005, she was appointed an Advocate General to the Court of Justice of the European Communities, for the balance of Francis Jacobs' term, to October 2009. She is the first woman to hold the British post. She has been a lecturer at Cambridge University and is a Bencher of Middle Temple. As a practitioner, none of the many cases she argued before the ECJ was as well publicised as her prosecution in January 2001 of the 'metric martyr', Steven Thoburn, the Sunderland produce salesman who would not deal in kilos. "This case is not about prosecuting Mr Thoburn for selling a pound of bananas", she told the court, "but about

avoiding the 'consumer confusion' that would arise if apples in Sainsbury's were priced in metric, while apples sold on Mr Thoburn's stall were sold in pounds and ounces, thereby preventing price comparisons".

Afterwards, Dame Laura, who herself has received a lifetime achievement award from Liberty and from Justice for her commitment to equality and human rights, praised Vera Baird for her accomplishments.

We came to enjoy ourselves and went away admiring one of the most civilised Bar dinners I have attended.

David Wurtzel

Editor of The Circuiteer

Be an Effective Communicator

Humans are not the only species to have some form of communication. Yet we do have the most complex forms of communication extant. Hundreds of differing spoken languages and dialects, several visual languages, and several different alphabets, not to mention the various codes based on tones, beats etc, exist - all of which are there for the purpose of communicating with other people. Human beings are social creatures - communication amongst ourselves is part and parcel of everyday life. Yet many people have "poor communication skills". Why is this so, when we seem to have developed an extraordinarily complex system able to convey a multitude of different purposes?

The Purpose of each Communication: Differences in Style

All communication has a purpose, be that talking to clients over the phone, chatting with friends or presenting a report. What are the purposes here? In all cases there are a variety at work: maintaining or building relationships, answering specific questions, giving an expert opinion, re-framing events in light of previous experience to make them seem more normal, exchanging news to satisfy curiosity, teaching others by grouping seemingly separate pieces of information into a cohesive whole, the list could go on for a very long time from just three different situations in which communication is the main part. The important thing to realise here is the differing variables of communication depending on the situation. The main variables are: amount and mode of information received (voice, body language etc), role being played, number of people being communicated with at once (and thus the amount of differing sets of information being received), vocabulary set being used.

This all seems very complicated: so how are we meant to learn this so-subtle skill of communicating effectively? In actuality, there are a few separate

skills, all of which can improve your communication abilities and that are relevant to all situations you can possibly face. It is not some strange and unintelligible science that is out of reach of most people, but rather it is accepting that to be an effective communicator you must change your communicating style to match that of the person you are communicating with: it is no use expecting them to change for you.

Communication Part 1: Listening/Observing

Communication can be separated into two parts: the first part is being able to listen and observe. People speak at 100 to 175 words per minute (wpm), but they can listen intelligently at 600 to 800 wpm. Since only a part of the mind is paying attention, it is easy to let the mind drift. The cure for this is active and effective listening - which involves listening with a purpose such as to gain information, obtain directions, understand others, solve problems, share interest, show support, etc. By defining your purpose in listening, you can moderate your responses to accomplish your purpose.

Active & Effective Listening

So how do you listen actively? First of all, you must be able to yank your mind back from wherever it might drift during a conversation: being able to concentrate exclusively on someone else can be quite difficult for any length of time. With practice, you can listen to others without having random thoughts intrude - many people find that meditation helps with this skill as it trains the mind in exactly this fashion. The second way people are distracted during a conversation is by thinking up the reply while the other person is still speaking - a really easy way to miss the point of what another person is saying! Thirdly, you can focus on many different things to make this more interesting so as to prevent your mind from wandering. Concentrating on body language can do this: see how your correspondent is

sitting/standing - is it closed or open (closed is turned away or blocked by another part of the body, such as crossing the arms, open is facing you and arms and legs not blocking the body). Are they looking at you or are they avoiding eye contact? If it is the latter, they may not be interested in the conversation, they may be lying, and they may be uncomfortable. Are they acting nervously by tapping, twitching or fiddling with something? Are they appearing happy/sad/emotionless? Are their facial behaviours matching or contradicting their bodily behaviours (e.g. nervous tapping of the foot yet open body language and happy appearance)?

Build Rapport through Mirroring

Building rapport is vital in ensuring effective communication and while you are listening you are able to do this by mirroring or matching what your correspondent is doing. For example, if you cross your legs in the same way as them, and put your arms in a similar way, this puts you on the same wavelength as your correspondent and will make them be more receptive to what you have to say when you do get around to saying it.

Mirroring can also be done through the use of the specific NLP type vocabulary. Notice any clues for NLP type, for later use in responding. An abbreviated explanation of NLP types is that the visual type uses the words "I see what you mean" and similar, while the auditory type uses the words "I hear what you're saying", and the kinaesthetic will use the words "I feel I understand this".

If you note down what kind of vocabulary is being used, and then use this with people you are more likely to be understood, as well as being more able to be in rapport with them. Try noting down what types your colleagues or your family are: then try deliberately using the wrong type of vocabulary in what you are saying and seeing what the difference can be to when you use the correct type for the person you are talking to, it flows very differently and you can hear the discord.

Communication Part 2: Responding

The first thing to learn in this part is that you will find communication much easier if you are speaking in the same way (same tone, tempo and rhythm) as your correspondent: if you usually speak fast, find someone who speaks slowly (or vice versa) and match their tempo when you are talking with them, and then measure how successful that conversation was in comparison to a conversation with them which was entirely on your natural tempo. Be sure you are matching all three (tone, tempo and rhythm) - most people who say that this doesn't work are not matching all three correctly! Usually this sort of thing is natural: if you've ever been to the US, you may have noticed that you started ending sentences on an upward inflection automatically: not a typically British way of speaking. You just picked it up from others and naturally matched it. But if you are to be a highly successful communicator you need to be aware of what actually works rather than just

stabbing in the dark and going with what comes out of your mouth without thinking about it.

Use Positive Directions

The second thing that is most important to learn about responding to others is to use positive sentences - I don't mean being nice to people, although that is all to the good, but by expressing your purpose in a specific way: "do this" rather than "do not do this". The brain works extra hard to create the representation of the thing not to be done and superimposes some kind of negative - and in all the brain processing that happens afterwards the negative frequently gets lost so leaving an extra strong impression of the thing not to be done - without its negative. For example: if I were to say, "Do NOT think of a bright red cat", what are you thinking of? Most of you will honestly admit to having had some kind of representation of a red cat flash across the mind, furthermore this representation of a red cat will be something you remember more readily than something I say in the positive sense. Also, there is the contrary nature of the mind to contend with: there is always the fascination and compulsion with what we are told not to do, why else does negative psychology work so well with teenagers?

Take a Meta-View

The last important thing to learn about communication skills is the goal of the communication: you must keep this in mind when entering into any communication for you to be able to measure its success and thus moderate your future attempts to achieve your goals through communication. If your goal is to cheer up a friend, you will be able to tell if you have been successful by comparing the tone of the friend at the beginning and at the end of the conversation. Or if your goal is to build a relationship more solidly, then you can compare your correspondent's mood before and after each communication: and the attitude with which they receive you. If they are happy to see you, all the better, but you can tell something is wrong if they are consistently displeased to see you. For positive proof you need several communications to base your conclusion on: there are other factors at work as well, such as your correspondent's internal mood state - which frequently has very little to do with you - take a "meta-view" stance and see what the overall picture is before coming to any conclusions about your communication skills.

Charlotte Burton, BSc, AMAC, is a Career Coach and Psychometric Assessor. A complimentary consultation is available for all those interested in finding out how to improve your career skills such as communication, confidence, time management, and work-life balance, among other skills. Please look at the website at <http://www.lifeisvital.com> or email her on: charlotte@lifeisvital.com.

Her bi-monthly ezine which explores all topics connected to improving your work life is free: sign up at the website www.lifeisvital.com.

Her Honour Judge Angelica Mitchell

21ST AUGUST 1948 - 7TH FEBRUARY 2006

In the last decades huge changes have taken place within the law. With growing recognition that the legal system did not reflect the real world, it became imperative to secure public confidence by tackling the unrepresentative nature of the judiciary. The nineties saw the opening out of the appointment procedures and an active attempt to recruit judges of a different stamp. If the public wanted a new kind of judge, progressive and in touch, firm but humane, fair minded and clever, the perfect answer was found in Angelica Mitchell, who has just died of cancer at 57.

Angelica was born in Roehampton in 1948 and went from Putney High School straight to the College of Legal Education in 1967. Angelica's family home was a magnet for all her friends. Her parents, Elizabeth and George, were attractive left-wing intellectuals, who read voraciously, barracked the television and argued with the newscaster, discussed the latest novels and raged over politics. They were both lawyers: Elizabeth chaired an Industrial Tribunal and George was a QC and parliamentary draughtsman under the Scottish Lord Advocate.

To be drawn into the embrace of the Mitchell clan was to be inducted into a world of opera and wine and high-voltage debate. When still an adolescent Angelica was active in CND and she remained passionately anti-war till her death. She knew as much about Jane Austen, George Bernard Shaw and Virginia Woolf as she did about contract and tort.

Angelica's mother had rebelled against her privileged background, abandoning the conventional for the unorthodox, but Angelica somehow bridged those two worlds so that certain upper-class proprieties and affiliations at times collided with her egalitarian instincts. The contradictions only made her the more glorious to know. Even as a student she would take taxis to see the bank manager at Coutts about her overdraft.

In 1972, Angelica was called to the Bar and over the subsequent years she built up a practice in family law, acting in divorce settlements and contests over child custody and access, always on legal aid. She was very perceptive and intuitive. She made strong moral judgments and could be fiercely argumentative but when she came to deal with people face-to-face, she was not the least judgmental. She had the most exquisite manners, which meant absolutely everyone was treated with the utmost respect. Her good sense, humanity and insight made her a great negotiator and she was able to persuade the most bitterly estranged couples to rise above their animosity for the sake of their children. As her practice developed she was increasingly instructed in care proceedings where there were appalling allegations of child sexual abuse, yet she was able to handle them with consummate professionalism because she was so emotionally grounded.

In 1981 she married Nicholas Browne, another barrister

– a really great marriage that brought the gift of two wonderful daughters. But Angelica was confronted with all the dilemmas that face women over work and family life. They were particularly stark at the Bar at that time. She made a conscious decision to strike the balance in favour of her children, reducing her practice to be with her girls during school holidays, turning down the brief that might take her out of London, eschewing the long hours culture that meant not being there for bathtime. She knew there was a professional cost but she put her energies into her children and her incredible network of friendships. That was what really mattered to her but it was ridiculous that such choices were forced on a brilliant lawyer.

Her gift for friendship was extraordinary. Her emotional truthfulness drew her to people and was the reason why people were drawn to her. All paths crossed in Angelica, bringing together the world of theatre and film through law and politics to the faded aristocracy and, best of all, she knew absolutely everything about all of them. Boy, could she make you laugh.

But people also turned to Angelica when they were in a jam, marital or otherwise. She was an encyclopaedia on childcare, an expertise she claimed was rooted in her anxiety not to get it wrong. Indeed on most matters medical she was my preferred authority.

She slowly built her practice up again once the children were a bit older but like so many women she never had a career plan. She needed encouragement to even consider becoming a judge. Yet when she was appointed to the circuit bench in February 1998, it was as though all her life had prepared her for this role, especially once she was back in the family division. She had the perfect skills and her appointment was a triumph for the new policy of bringing more women on to the Bench. She also proved that good judges can be made of a very different weave. She was efficient, principled and fair. She knew that justice depended on understanding the world beyond the courtroom door. And she also listened. She was hugely popular with her judicial colleagues, lawyers and all the court staff. She was widely respected by litigants. She was the perfect judge and for women throughout the profession she was a mentor and source of encouragement, urging us all on to new heights.

The diagnosis of lung cancer two years ago was devastating for everyone who knew her. She was never self-pitying or complaining. She embarked on this journey as she did with every other challenge in life, her survival for so long a product of sheer will. When she lay dying she told me she had been lucky, but all of us who came within her orbit were the really lucky ones.

Helena Kennedy

This article was printed in The Guardian on February 9th 2006

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MEMBERSHIP APPLICATION FORM

Please return this whole form to the Membership Secretary with your cheque/SO

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