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JULY: Judicial Appointments
SEPTEMBER: Death Row Cases
NOVEMBER: JAC

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THE ASSOCIATION OF

Women Barristers

President: Mrs Justice Cox DBE

Chair: Melissa Coutino

March 2009

Chairwoman's Message

1991, the year that barrister Margaret Thatcher, the first female British Prime Minister, gave up her seat in the Commons, was also the year that a group of women barristers contributed to legal history, forming the Association of Women Barristers. These women recognised that the Bar had come a long way since 1919, when the first woman barrister had practiced in England & Wales. What they also saw was that while many women were called to the Bar, only a minority stayed to establish careers and reputations.

18 years on and again, like 1991, with an uncertain economic climate, the figures are not radically different. Recently the numbers of women qualifying as barristers even exceeded the number of men in the same intake; and figures of men and women qualifying have been broadly similar for 25 years. Yet this is not borne out by looking outside the doors of most chambers to see who the tenants are; women of 25 years call number as a select few.

Of course there have been strides made, with, 55% of women who applied taking Silk in the recent round, and 45% of women being successful, in High Court appointments recently. We may not have had another female Prime Minister but we have got a female Attorney General, the first since the post was created in 1314. What we do not have is sufficient women applying for posts as a mark of recognition of their excellence or being successful. For all our progress, women are not represented in proportionate numbers, in Silk, or in the senior judiciary.

There are other professions where women do not do as well as men, but the Bar is not just another profession. Rather it is one that values excellent communication skills; the ability to multi-task with listening to arguments while preparing responses; emotional intelligence with an appreciation of how people respond to events around them; the ability to be persuasive in difficult situations; creativity. These are all skills that women excel at, which begs the question why does the Bar fail to retain women?

Our first Chair Jennifer Horne Roberts and each successive Chair has furthered our agenda of increasing opportunity for women barristers. There have been some notable successes that I invite you to read about in the following pages, but for me, one of the most significant is that following a detailed high profile study into the failure of the Gender Imbalance within the Irish Judiciary, there was a significant change almost immediately the results were published. For this reason alone, the AWB has a role in keeping relevant issues alive, so that an impact is had.

The theme I have chosen for my term of office is **Retention & Recognition**, to address the women that the Bar fails to retain. I made the point at the Bar Council's Equality & Diversity recent Round Table event on Gender that there is an important link between the two. There needs to be more evidence of recognition if there is to be retention. In order to canvass whether this was chicken and egg territory, with women not staying in the profession long enough to be recognised, we carried out some research. Again, you can read the detail of this in our next edition, but largely there have been responses from women for whom in light of no recognition nor prospect of this being apparent, re-evaluate the costs and benefits of their position. Where cost always exceeds benefit, it is a short step from here to finding an alternative job that offers more security with increased flexibility.

Good women who leave the profession early lose the potential to be an inspiration to future generations. We owe a great debt to the inspirational role models we already have but I ask that all who recognise the importance of having a legal profession and judiciary that better reflect the gender mix of the society we live in, to help keep this issue alive; the AWB certainly will. At our peril, do we remain complacent about success to date, for without future generations of inspiration, the efforts and strides made by many already may have been in vain. Instead I ask all of you who are sincere in a commitment to progression based on ability, to support all AWB initiatives.

Melissa Coutino

Clerking Barristers Upon Their Return (From Maternity Leave, or for any other reason!)

The return to practice after a period of prolonged absence whether it is maternity leave or otherwise is much easier if two specific practice meetings take place. At least one detailed discussion should take place before your departure. You may not know exactly when you are coming back, or how well you cope when you do, but that is no reason for you not to discuss matters with your Head of Chambers/Clerks as appropriate. It is worth minuting the discussion to avoid misunderstandings later. Try and agree whether you want to be offered paperwork while you are absent. Are you prepared to contribute to Chambers newsletters or seminars while you are absent? If you do not say what you want and know what Chambers are expecting, then it is all too easy to feel pestered, or alternatively ignored, if your expectations do not match up with theirs. In other words, it is good to talk!

How realistic are your expectations for your return to work? Is your practice manageable on a part time basis if you want it to be? If so, can it be organised into a 3 or 4 day week or would it be better to take longer gaps between cases, especially during school holidays? It is just as important that a return to work meeting is scheduled. It is easy to think that you can leave this until “you are ready” and then it does not happen. “I am waiting until they are ready” can easily be interpreted as “they are no longer interested in me”. Putting a date in the diary avoids such misunderstandings. It may need to be changed, but do not remove the date without first fixing another.

The modern day clerk will recognise that the Bar is ideally suited to flexible working arrangements. Many members have combined a successful practice with other work, judicial or academic appointments or writing books or newspaper columns. Therefore, there is no reason why there should be a barrier to combining a rewarding career at the Bar with childcare or other domestic responsibilities. The Bar has a long history of job sharing. The return of briefs within Chambers so that one member will cover a hearing for another who is unavailable has been a traditional benefit of the Chambers set up. Although many counsel like to consider themselves always available to clients, the truth is, they are not. For example, when in court for one client, or advising another in conference, they are not available to other clients. To a client without access to counsel, it matters not whether the barrister is in court, giving a lecture or collecting the children from school.

Many barristers have carried on successful practices working extensively from home, whilst attached to sets of Chambers. Telephone patching systems, video conferencing and e-mail has made such arrangements easier. The facilities or arrangements any particular set of Chambers puts in place will need to reflect the nature of the membership and the work undertaken. For some, it may be possible to stipulate that they will only work in Chambers or go to Court on particular days. For others, it may be more appropriate to stipulate that they will not be available on specified weeks during the year. Some practitioners may prefer to avoid working during the school holidays. To that extent, they are returning to the tradition of the legal vacation periods. To clerks who “pretend” that a member cannot possibly disappear for a month, it can be pointed out that we would be the first to accept a month’s brief in Penzance!

Another example of an arrangement that has worked well involves a barrister who stipulates that he/she will be available (in Chambers or to go to court) only every other week, with the alternate week being spent undertaking paperwork at home. This enables the practitioner to take children to and from school during the alternate week. It may not suit everyone’s practice, but works for some. That is what flexibility is all about.

In recent years, 9 Gough Square Chambers have had a number of counsel return from extended periods of absence, whether it be from maternity/paternity leave, sabbatical or from being instructed in complex, lengthy cases. All concerned have resumed a successful, rewarding practice through effective communication, careful planning and realistic expectation. There is no reason why any modern Chambers could not do the same for their members.

Michael Goodridge, senior clerk at 9 Gough Square



Bar Nursery – For What Purpose?

Our support for the Bar Nursery Association (“BNA”) was put to the vote last year. While all our members could not be consulted for logistical reasons, of those who did vote, the majority were in favour of nursery facilities for those connected with the Bar. This was not simply a matter of sentiment and criticisms from members had to be addressed.

London Centric – even those of us who live in London appreciate that it should not be the starting point for every initiative. We understand that there are barristers with young children who make a positive choice to live outside London in order to enjoy a better quality of life. We also acknowledged that there was an absence of evidence regarding research to suggest that a more significant childcare problem existed in London compared with other areas. However, we did recognise that: a) the Inns all have their headquarters in London and their support will be needed at the outset; b) given the cost of living London, it is more likely that two parents will be working. Lastly, we understand that the BNA have said that in relation to their choice of location, if successful in their pilot, their plan is to rollout nurseries across England and Wales.

Only 46% of women at the Bar have children, (reported a Bar Council Survey in 2006). While we hope that the initiatives of the BNA will offer some hope to women at the Bar who feel the incompatibility/pressures of combining childcare and good practices, nursery facilities are not just about assisting women. The nursery will be open to both men and women who wish to place their children. The figure of 46%, if taken in isolation, suggests that childcare is a minority issue, but lack of flexibility is the reason most cited, by women who leave the Bar. Moreover, this figure does not take into account the number of women who leave the Bar expressly to have children in a time when childcare is still primarily the responsibility of a female partner. Many women, who have criminal and family law practices, report that this decision is based on calculating that the disproportionate affect of working part-time does not make self-employed practice financially viable.

Those who need it most! It is true that many criminal practitioners who do not live in Central London, (given that their fees have been affected most significantly over time), may not be in a position to visit a nursery that is Central London based, in the event that they need to be at courts far removed from this location. It is true that in such a scenario that first coming into Central London to drop off a child and then returning to Central London after a busy day in court to pick up the same child, before returning home, is not an attractive prospect. While unconvinced that spouses or friends may be able or willing to do this task on a regular basis, unless their own positions allow particular flexibility, we are more convinced by the argument that in the event that significant travel is required, Central London contains the most efficient transport links to other places in England and Wales and is most likely to be used. Further, we understand that while no means testing will be used to allocate, monitoring will be undertaken to see who is actually making use of the nursery facilities.

The small number of place is disproportionate to a great cost to all. The issue of why those without children, (and who have no intention of having children in the future), should have to subsidise those who have made a positive lifestyle choice has been raised. Yes, money from the Inns could be used for other purposes, but the Inns are involved in other activities for the benefit of prospective students, lawyers in other jurisdictions and training for those in their first three years of practice, where there is no immediate affect on the majority of their members. Some altruism is called for, and a social conscience to assist those who may struggle. There may be those who use the nursery imply as a convenient alternative to existing arrangements, but if it helps even a small proportion of those with talent who might otherwise consider leaving the Bar, it deserves our support.

Esther Maclachlan is the AWB representative most closely working with the BNA. Please contact her via our website, should you wish to contribute to the debate on childcare.

Quality Assurance: A Quality Assurance pilot is currently being planned following a meeting last year with the Minister for Justice. He indicated he was keen very keen to have one standard of advocacy irrespective of which arm of the profession is delivering it and this is an issue which will be of particular interest to anyone involved in publicly funded work, in particular to criminal advocates, both prosecuting and defending. A transparent approach to quality in all courts is absolutely essential and while there will be some who will see this as a threat or as yet another administrative burden, I would urge as many women as possible to put their names forward. A quality assurance scheme that fairly tests advocacy skills might do much to stem some unwarranted criticisms that members have reported. Do get in touch, should you need further details via our website, which allows you to leave messages for us, or contact us directly.

A trip through history: AWB Chairs

JENNIFER HORNE-ROBERTS 1st CHAIR 1991-2: Every woman barrister in England & Wales, was written to for the AWB launch. Inner Temple hosted our first reception where Lady Justice Butler-Sloss welcomed our initiative and recounted how when she came to the Bar in 1955, “lack of ‘suitable’ lavatory facilities was a common excuse for not taking women on!” We supported Helena Kennedy QC’s Equal Opportunity document and lobbied the Bar Council to support this and create an Equal Opportunities Committee (“EOC”). Our members were affiliated to the International Federation of Women Lawyers (FIDA) & commissioned research into women at the Bar. We joined a professional organisation “CWN” for Networking & fundraised for worthwhile charities. We asking Anthony Scrivener (Bar Chairman) for an EOC; he quoted the 1977 Benson Report which found women barristers discriminated against in getting tenancies & work, recommending that clerking guidelines be drawn up & suggested this took precedence.

SUSAN SOLOMON: 2nd CHAIR 1992-3: There were already soundings about getting rids of robes and wigs but women were still not allowed to wear trousers in court, or in some of the Inns! A questionnaire was sent out following a pilot to look at why women were leaving the Bar and from our feedback, we recommended that a structured interview on exit should happen. A Sex Discrimination Committee chaired by Stephen Sedley QC, that automatically had a co-opted AWB member worked with the then newly appointed Dr Marie Steward as the Equal Opportunities Officer for the Bar Council, redrafting a Code of Practice. The Committee committed itself to making recommendations to the Bar Council regarding maternity leave for women following requests from our members.

ELIZABETH JONES QC 3rd CHAIR 1993-4: As a chancery specialist I held a Chancery Lunch for women barristers. It was this year that Mary Arden QC was appointed the first woman to sit in the Chancery Division of the High Court. Sonia Proudman co-ordinated an AWB position on tax-relief for child-care following involvement from a Bloomsbury Tax Inspector complaining about women barristers applying for tax-relief for childcare they were not entitled to. One of the Inns did a feasibility study on crèches but found that there was not much demand for this! It was not clear whether this was a logistical problem of travelling into the Inn with children or simply insufficient women with children remaining at the Bar. Workshops and seminars were held as often as we could manage.

JUDGE SUSAN WARD 4th CHAIR 1994-5: I represented the AWB on the Bar Council when I was Chair of BACFI as the AWB had no seat! I persuaded Jonathan Hirst, (Bar Chairman) to allow the AWB to attend Bar Council meetings, until we could show that we were a going concern. I was also the first Chairman of the Employed Bar Association, yet another seat from which I could represent the AWB. We pushed successfully for a practice direction allowing women to wear trousers in court which made a huge practical difference and touched on both soft skills and advice, such as effective presentation feminine & financial planning. Mary Arden QC became our first President.

BARBARA HEWSON 5th CHAIR 1995-6: During the time I was Chair, the AWB had the chance to give oral & written evidence to the Home Affairs Select Committee of the House of Commons on Judicial Appointments – an important milestone. We also participated in pushing forward the new Equality Code. There were waves made at Bar Council about the Bar’s Equality Code which some sets were adamant that did not want to sign up to. Despite a fight, the principle went through and the Code was accepted. Our Resolution for this at the Bar Council AGM was passed by a majority of 102 to 19. There were persuasive arguments and even some arm-twisting behind the scenes by supporters Sedley LJ & Martin Bowley QC. Huge strides were made; it was entertaining, if not printable!

JOSEPHINE HAYES 6th CHAIR 1996-8: During my watch, an energetic committee took on the indefensible prejudices and barriers that confronted women at the Bar, and made this public. My vice-chair, Daphne Loeb, produced an impressive report showing how judicial appointments were made from a very narrow base of sets of chambers, which were overwhelmingly white, male and public-school. I participated in the LCD working party on Judicial Appointments & Silk (“JAS”), and my paper on selection criteria was adopted by them. In 1997 the AWB was seeking the advice of counsel on whether the patronage-based system of judicial appointments was actionably discriminatory, when we noticed a number of appointments to barristers as standing counsel to the Government in Chancery & Revenue matters were made, without any public advertisement or other opportunity to apply. I brought an Employment Tribunal claim against the then AG for indirect discrimination in the selection of barristers for Government work. A Tribunal ruled that the secret consultations carried out in respect of candidates for appointment as counsel to the Government were not subject to PII. The claim settled, the AG paid £5K & the system changed.

JACQUELINE PERRY QC, 7th CHAIR 2008-9: I was passionate in my support for the AWB after a somewhat reluctant start! Although enormous strides were made in getting us on the map, I identified a difficulty in keeping such links going where these are due to personal contacts when committee members and key stakeholders change. I raised the profile of the AWB by inviting Barbara Mills who was DPP then to speak at our Dinner and as a result of her interest, we received greater recognition as an organisation. We built on this by inviting the newly appointed Lord Chancellor as our speaker for the next dinner and that brought out support from key players within the profession, including Lord Saville & our wonderful stalwarts, Mary Arden & Brenda Hale. We were given a ‘voice’ on the Bar Council by Dan Brennan, (then Chairman), & Geraldine Andrew was a good friend to the AWB, supporting the organisation and membership from a group of practitioners who had not seemed keen to join us up to that time!

HELENE PINES RICHMAN 8th CHAIR 1999-2001: My tenure coincided with the millennium and the promise of hope in the transformation in the way that chambers operated as well as the systems for silk, appointment of treasury counsel, and the judiciary. I was involved in drafting the AWB’s paper for the Peach inquiry into Silk appointments and had an interview with Sir Leonard Peach. I gave numerous speeches and writing articles on the need to abolish “secret soundings” which were seen as a particularly pernicious obstacle to the advancement of women. It all assisted in a fundamental reformation of the appointments process. Changes in the way that chambers operated were also pursued. I served on the Sex Discrimination Panel, ran for the Bar Council as the AWB’s representative, and pushed for all chambers to sign up to the Bar Mark equivalent. Fundamental to this was the need for chambers to develop fair and non-discriminatory methods in the selection of pupils and tenants, in the distribution of work and maternity leave policies; many chambers were resistant. We were invited to conferences to speak and kept our links with the Fawcett Society. We receiving frequent calls from the press asking our views on issues which not only affected women barristers but also women in general, for the AWB was regarded as an influential institution. We offered mentoring also legal seminars. Vera Baird was an active Vice-Chair who resigned when she became MP. (I recall a nail-biting night awaiting the election returns for Vera’s constituency in Redcar!)

FRANCES BURTON 9th CHAIR 2001-2: My year coincided with the Queen’s Golden Jubilee & as Chair of the AWB I was invited to the service at St Paul’s and to a Buckingham Palace Garden Party along with all the other Bar Associations! We were invited to contribute to the Bar Council via Jonathan Hirst, Chairman of the Bar, past AWB Chair Susan Ward from her BACFI seat, Stephen Hockman as Leader of the South Eastern Circuit and Robert Banks, Chairman of the Sole Practitioners Group, which also had a seat. The LCD took a much more serious interest in the campaign for diversity in judicial appointments than had been indicated during the earlier history of their Working Party on JAS. This was largely due to the efforts Sir Colin Campbell, First Commissioner for Judicial Appointments, who began to adopt a keenly inquisitorial approach into the issues & invited the entire LCD working party to visit him & his fellow Commissioners at their offices to tell them how we thought progress could be made. We sat on a sub committee of the working party led by Richard Wilson QC. It was not till March 2005 at the Woman Lawyer Forum that Lord Falconer used the keynote speech to announce the present system in which all appointments were to be applied for in open competition and to introduce a lively debate, involving Lord Woolf and Sir Colin in which Sir Colin still insisted that the proposed changes did not go far enough! 4 years later: the first advertisement for a recruitment competition appeared in the press for new Law Lords!

JANE HOYAL 10th CHAIR 2002-2005: During my term of office, my committee responded to many consultations re judicial appointments, silk, equality & law reform. The Times generously sponsored our flagship newsletter. Frances Burton was our international ambassador and led contributions on many items including legal education. Our prestigious annual dinner with important guests was a highlight as was a House of Lords event, chaired by our President Brenda Hale. Here our guest, the Chief Justice of Canada spoke of the importance of an independent Judicial Appointments Commission in enabling her country to overcome years of systemic gender bias. Our President became the 1st female Law Lord; regrettably still solo. Mrs. Justice Cox became our new President.

KANDIAH BANCROFT-BINNS 11th CHAIR 2005-2006: Charlotte Burton highlighted a basic technique for enhancing self-esteem at work, something we all need at times! The Times again sponsors us allowing us to get out newsletter to many women barristers. Our Annual Dinner heard from Vera Baird and raised money for Breast Cancer, following a request from some female barristers. The secretariat support from the Bar Council ended, prompting the question of whether formal membership should be applied for. Stephen Hockman, as Chair, had been a friend to the AWB but we did not want to be at the mercy of the good will of future Chairs.

KALY KAUL 12th CHAIR 2006-2007: The AWB contributed to work undertaken by the Legal Services Commission and retained a place on their committee which allowed us to further the case for equality and diversity on behalf of women. The AWB also followed up on its response to the Law Commission’s Consultation on Manslaughter, where I drafted a response on provocation, in cases where women had been subject to domestic violence. Baroness Prasher spoke at our Annual Dinner about a more diverse judiciary. A small sub-committee did work on why women predominantly do certain kinds of work, with recommendations for change. Support came from the Nat West Bank.

BOZZIE SHEFFI 13th CHAIR 2007-2008: Dominic Grieve spoke at our Annual Dinner and raised money for Barnardo’s. The AWB offered young girls helped by Barnardo’s, the opportunity of doing work-experience in chambers. Tim Dutton, Bar Chairman supported the AWB by attending our Annual Dinner.

MELISSA COUTINO 14th CHAIR 2008-2009: In my term of office, I have sought to re-ignite the campaigning role of the AWB while getting in touch with members who have been lost. The Silk and Judicial Appointments issues are still very much alive, though there has been some progress of note, (see overleaf). We have carried on working with the JAC & luminaries including Dame Mary Arden & Sir Roger Toulson. Links have been forged with groups, including the Commerce & Industry Group of Solicitors & in-house Counsel, for professional networking. We also contributed the 2008 Bar Conference with a workshop on how to interview successfully & continue research on retaining women at the Bar. We’ve also worked with Clerks & the Bar Council to address Managing Career Breaks. We are also planning an event with the judiciary where we can attract the many women at the Bar who indicate that they would like to apply but do not actually seem to, to have an informal opportunity to ask questions.

DAME MARY ARDEN'S Speech at AGM

"I am delighted to lend my support to the AWB. I consider the AWB to have a vital role to play in helping women at the Bar, especially those seeking judicial appointments. I am concerned that there should be more women judges, particularly on the High Court Bench, given that in our legal system, succession to the appellate courts is through this means. If women can do well on the Circuit and District Bench they should be able to be appointed to the High Court also. I pointed out last year that in October 2005 no women were appointed as High Court judges and that only 10.19% of High Court judges were women. Only in April 2008 was a new woman High Court judge appointed, namely Mrs Justice King, whose appointment is well-earned but does not change 2005 figures, with the sad passing of Mrs Justice Bracewell in January 2007. No progress has been made between June 2008 and October 2005.

There are many reasons why it is desirable to appoint women judges. One reason is that women can bring fresh perspectives to the Bench. Those who counter that men may have social awareness through external voluntary activities, miss the point. The Times Law Supplement for 22 April 2008, in placing Baroness Hale of Richmond 6th in the top 100 most powerful lawyers, specifically commented on her bringing a different perspective to her rulings. Different perspectives have potential to enrich judicial decisions.

There are fewer women judges in England and Wales than in many jurisdictions throughout the world. I meet many judges as part of my responsibility, delegated by the Lord Chief Justice to me, as Judge in charge of International Judicial Relations for England and Wales. Here are some statistics that illustrate the percentages that women judges account for in the senior judiciary: 17% in the ECJ; 18% in New Delhi, India; 19% in Germany; 27% in South Africa, 29% in Australia; 30% in New South Wales; 31% in the European Court of Human Rights; 44% in Canada etc.

Given the position overseas, it would be extraordinary if the judiciary of England and Wales were left behind for long. But it will take effort. Since 2006, new provisions for the selection of High Court judges by the independent JAC signalled a new system. This is not the first time that public appointments for women have fallen in number when a new system has been introduced but we need to find out why it is happening. We also have to make up for lost time as the number of women on the High Court Bench will have to double to reflect more accurately the percentage of women in the eligible pool.

Encouraging women candidates is required as one needs confidence to apply and as much relevant experience as you can so that you do well in the application process. There must also be constant vigilance to avoid any residual disadvantage for potential women applicants. I am confident, however, that there will be more women judges in time. If, moreover, there were to be any residual feeling that women are less suited for positions of authority than men, this should be dispelled.

And now I come to the Association's role. There is a role for collective responsibility in the development of under-represented groups. The work of the Association is important both in helping women succeed at the Bar and in helping them prepare for appointment to the bench. The Association can be a vehicle for providing career development and encouraging all women to expand their capabilities in order to form a pool of suitable candidates. The Association already represents the views of women in the profession on such matters as judicial appointments and increases the confidence of women by providing support networks and mentoring. If promotion to the bench were a natural progression within a single organisation, the organisation could provide all these things. As this is not the case, professional organisations must step into the breach.

But let us think of the future. There is an old saying about two prisoners looking out from behind the bars: "One saw mud, the other stars!" Women have not done as well as I would have expected but we must try not to look at the mud and be discouraged. Even a little progress now would represent a great breakthrough. We must support the JAC & offer constructive criticism. If other countries can enjoy success, so can we."

It is gratifying that since this speech at the AGM in July 2008, that there has been some progress. Clearly there is more to be done. Specifically, we should ensure that the Bar retains women and gets them to apply.



Dame Mary Arden DBE

New QC appointments round: 55% of women applicants successful

The recent round of QC appointments was announced on 19 February, with 104 barristers being awarded this elite title. There were 247 applicants in total making for a success rate of 42%. While this was the highest ever success rate for women in a silk round, the reality is that there were only 29 applicants, meaning that **16 women** were awarded Silk next to **88 men**. As with judicial appointments the number of applicants remains low. I would ask all those of you who identify talent in others to encourage others to apply. Baroness Butler-Sloss is the interim chairman of the QC selection panel.

Our congratulations go to the following: • Raquel Agnello • Maureen Baker • Susan Campbell • Judith Gill • Ann Hussey • Christina Caroline Lambert • Rachel Langdale • Gillian Matthews • Leigh-Ann Mulcahy • Mary O'Rourke • Wendy Outhwaite • Penelope Reed • Jennifer Roberts • Daphne Romney • Joanna Smith

High Court Appointments: record number of women judges

The Judicial Appointments Commission (JAC) has reason to celebrate some success, given the previous growth of figures for women in senior Judicial Appointment, (see AGM article overleaf). However there are now 17 women High Court judges, the highest number ever. Five of the 22 High Court judges recommended for appointment by the JAC this year are women. Two of the High Court appointments, Sonia Proudman, QC and Elizabeth Slade, QC, have already been sworn in and the three other women will join the bench over the next year.

Baroness Prashar, Chairman of the JAC said: "I am delighted that we are making progress and that our strenuous efforts are beginning to show results. We expect the composition of the senior judges will gradually come to reflect society more closely."

Given that the Commission for Equality estimated a year ago that it would take 55 years for women to achieve representative equality in the judiciary, these small steps at least give us hope that this will not be the case.

President's Message

While there are more women entering the legal profession than ever before they are sadly not represented in all the categories they might. There are still a disproportionately small number of women doing Chancery and Commercial work, taking Silk or being appointed as judges. While these are not the only markers of success by any means, women are still not enjoying an equal playing field with men, despite recent attempts to dismantle formal barriers. Less formal means may therefore be worthy of consideration to discover why women are not properly represented in all fields of legal endeavour. As the AWB now approaches its 18th birthday, there is a need for all of us to be concerned at the continuing problems encountered by women barristers. 100 years ago this issue did not exist, for women had no place at the Bar. Only in 1919, when the Sex Disqualification Act was passed could women practice.

By 1991, inequality was still part of the territory with women approved to sit as Assistant Recorders at 16 years' call or more, while men were normally approved at 12 years' call. Changing legislation and attitudes have contributed to a reduction in such barriers, but inequities continue. Recent surveys indicate that only 17% of women, who entered the profession with the hope of having a Chancery practice, retain one, the remainder finding themselves doing Crime and Family. A perusal of the daily lists at the High Court does not offer the assurance that women are doing high quality advocacy there. No wonder women leave.

It is a matter of concern that women are leaving the Bar in increasing numbers as they should be becoming eligible for promotion to Silk or for judicial appointment. Explanations for the continuing under-representation of women in the ranks of leading lawyers has been attributed to hostile work practices, a lack of flexible working arrangements and the intrinsic psychological differences between women and men, with only the latter relishing a gladiatorial approach to litigation of being considered capable of such an approach. Equally plausible, is the lack of appreciation of difference, where this exists, and a failure to value this positively. Real equality requires embracing and accommodating difference, without sacrificing quality. The natural desire to promote people in one's own image, to perpetuate the status quo, must be overcome. There must also be progression away from the belief that women, in achieving success, are somehow depriving men of the success they deserve. The Bar and the Judiciary are both professions where competition from those with the most talent has a place, irrespective of gender, though the time may now have come to re-assess the attributes that determine how that talent is identified.

Can I urge you to support the AWB so that together we may fight for progress.

Laura Cox