**The Association of Women Barristers**

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Unlike the Association of Women Solicitors, with its origins in the period immediately before and after 1919, the Association of Women Barristers (AWB) did not play even a minor role in or around the year of the professional enabling Act. At that time, and for nearly seven decades from 1922 when the first women were called to the Bar, the women barrister pioneers who would eventually establish the Association in 1991 were at least two generations away, and the AWB not even imagined as a potential element of the much more conservative half of the practising legal profession.

Thus it is 1991, not 1919 – same figures but a very different origin – which is the AWB’s contribution to women’s legal landmarks. That is not to say that there is no connection between the AWS and AWB, as the former was a significant inspiration and support to the latter: indeed at the very time at which the AWS’ role has been declining towards its closure by the Law Society in the early years of the 21st century, the AWB has been growing and spreading its influence, and resisting suggested suppression by the Bar Council on the grounds of perceived irrelevance in modern times. This growth and development would almost certainly not have taken place without the established model of the AWS, and not least without the fact that women barristers looked with envy on the AWS, which was recognised by the Law Society as one of its ‘Groups’ even if it was not one of the Law Society’s professional ‘Associations’ as such, which to this day represent specialist areas of practice within the solicitors’ sector of the legal profession.

**Context**

Foundation of the AWB in 1991 came about as the result of an initiative of a group of Common Law and Chancery women barristers, who called a meeting to discuss the concept of an association which would provide mutual support to women at all sectors of the Bar and to lobby for some of the equality and diversity measures then significantly lacking in the profession generally. The Association’s first Chairwoman was Jennifer Horne-Roberts from the Common Law Bar. At the time it was clear that today’s standards of equal treatment were not available even to many *men*, a lack felt by many of them as much as by women, and particularly by black, Asian and other minority ethnic men (*and women*) as well as by barristers of either sex who had no strong family or other connections with the Bar - or otherwise with the Establishment: for this was the day of the pre-Judicial Appointments Commission ‘tap on the shoulder’ for elevation to the Bench, when the patronage of the Lord Chancellor - for both appointments to the judiciary and as QCs from which the judiciary was mostly selected - was the only route to ultimate career advancement.

With the benefit of hindsight it may therefore be arguable that the establishment of the AWB in 1991 was as much in its way a watershed as the 1919 Act or the gradual evolution of the AWS, which had already emerged within a dozen years of the Act from the Law Society’s informal encouragement of their early women solicitors to become the formally constituted Association of Women Solicitors. For it was the precedent of the AWS, with its Law Society budget, and Law Society administrative support, which generated discussion amongst women at the Bar: first, as to why there should not be a similar organisation of women *barristers* and, secondly, why the establishment of the AWB should not encourage other specialist minority groups whose collective voices – soon including lesbian and gay perspectives as well as the main ethnic groups - would swell the movement for genuinely equal treatment.

At the time, while the influence of European law was improving the impact of Equality and Diversity principles in Employment Law in England and Wales, increasing the incidence of such studies in universities, the Bar Council was lagging far behind in recognition of the need to consider the still manifestly unequal position of women at the Bar: this was probably largely because the leadership of the time was more concerned with more general reform and reorganisation, such as the blueprints for Chambers governance, which was then still run mainly through ‘the old boys’ network’ approach without any kind of constitution as was required from 1995[[1]](#footnote-1).

**The landmark**

The early years were fairly proactive and, at first, tentatively majored in generating solidarity amongst women at the Bar and in public relations: its early activity was mainly social and profile raising, e.g. regular early evening Drinks meetings for members in a bar off Chancery Lane and a garden party (following the model of other Bar Associations such as BACFI – Bar Association for Commerce, Finance and Industry to which many AWB members who were employed as in house counsel belonged).

By the mid-1990s, however, the Association had a constitution, a membership of several hundred, a woman High Court Judge as President (Mary Arden[[2]](#footnote-2)) and a proactive committee chaired successively by Chancery, Employed and Common Law Women Barristers. This brought the perspectives of women at all these sectors of the Bar to the Association’s work. This soon benefited from a concurrent equality and diversity movement at the Bar generally when the Bar Council’s Equality Committee, and Sex Discrimination Sub-Committee, were set up, enabling the AWB to achieve representation on the Sub-Committee, to send a delegate to the European Women Lawyers’ conference held in Paris on CEDAW and to participate in some, if not all, of the formal work of the Bar Council.

More importantly, membership of the Bar Council’s SDC enabled the AWB to play an active part in the early work to widen the pool of appointable women from which both the judiciary and QCs could be selected. The 1997 Labour Government, which included Lord Irvine as Lord Chancellor, was the catalyst in this respect, when he announced in his speech to the Association’s Dinner in that year the first relaxations in the rigid rules previously surrounding qualification for judicial office, which had made many women’s domestic commitments an ill fit for the then standard terms of judicial appointment: encouragingly introducing the changes he announced on that occasion with the memorable exhortation ‘Don’t be shy, apply’.

This was the first of several advances achieved by the Association in the late 1990s. The second, even more far reaching, was membership for the Chairwoman of the Association of the Lord Chancellor’s Working Party on Judicial Appointments and Silk, the initial key report of which was drafted by the holder of that office at the time, Chancery barrister Josephine Hayes, who had already flexed the Association’s growing collective muscle by successfully suing the Attorney General for indirect discrimination in making an unadvertised appointment through secret consultations, in contravention of the accepted principal that all such appointments would be open to fair competition. When this was followed by the appointment of the Commissioners for Judicial Appointments, led by Sir Colin Campbell, the Association’s third achievement was the successful lobby for severance of all judicial and Silk appointments from the remit of the Lord Chancellor: this was generated by the plenary meeting of the full panel of all the Commissioners with leaders of all the interested groups in which the key paper was presented by the AWB, urging that only a completely independent Judicial Appointments Commission could achieve the transparency in equality and diversity which a modern appointments system required.

From this point the Association went from strength to strength, although it did not achieve (and still has not achieved) the seat on the Bar Council which would have given the AWB the same voting rights as other Bar Associations such as the Sole Practitioners’ and the Employed Bar Associations. This was a disappointment since at the Law Society the AWS received not only equivalent recognition but also a formal budget, administrative support and a place for its Chair in the annual ceremonies at the Opening of the Legal Year (although the Chairwoman of the AWB was only given a seat in the congregation at Westminster Abbey and unlike the AWS Chair was not included in the procession). However this exclusion from the Bar Council was justified by them because of the decision made in the Alexander Report[[3]](#footnote-3) that the AWB did not qualify as a ‘Bar Association’ entitled to such Bar Council representation, which was defined as one of practitioners in a specialist field, which did not include the AWB since Women Barristers did not represent such a specialist field of practice but only a group defined by gender. In practical terms, this mattered little at first, since the first Chair of the Employed Bar Association[[4]](#footnote-4) happened also to be a former Chair of the AWB and was happy to represent its interests at Bar Council meetings; and indeed because others with seats on the Bar Council, such as the then Leader of the South Eastern Circuit[[5]](#footnote-5), offered to do so as well; and he did his best to see that the AWB was included in Bar Council events where other Bar entities were represented, while the next Chairmen of the Bar invited the Association’s Chairwoman to attend meetings.

However in 2002, to the Association’s surprise, the Chairwoman of the AWB was formally invited (as a member of the SDC) to the Queen’s Golden Jubilee Service in St Paul’s, and with a variety of other representatives of the legal profession to the Buckingham Palace Garden Party. Meanwhile the Association had continued to be grateful to the AWS and women generally at the Law Society for their solidarity in always including the AWB in Law Society events centred on their own women members. In 2002-3 when Carolyn Kirby was first woman President of the Law Society the AWB Chair was promptly invited to Dinner at her official residence and thereafter the Law Society’s Chief Executive, Janet Paraskeva, made sure that the AWB was included in every women related event held by the Society.

**What happened next**

Over the years since that early time, and even without a seat on the Bar Council, the Association has been involved in every major consultation and advance in equality and diversity which has benefited not only female but also male barristers, including pressing for an effective Equality Code for the Bar – although, sadly, incidences are still reported of discrimination, since there are clearly still many ways of evading the letter of the Code.

In 2011, the Association celebrated 20 years of such work with a Dinner arranged by one of its former Presidents, Lady Hale, at the House of Lords, and in October 2016 there was another such Dinner under her auspices there, this time to celebrate the Association’s 25th anniversary. The current President is Lady Justice Hallett, a Lady Justice of Appeal of the Court of Appeal, who in 2017 succeeded Mrs Justice Cox, a Judge of the High Court and formerly a well- known Equality, Diversity and Human Rights specialist at the Bar, under whose presidency of the Association a strong link was established between the AWB and the UK Association of Women Judges (set up by Baroness Hale in 2003) with which the AWB now periodically holds joint events. Lady Justice Hallett brings to the AWB Presidency strong links with the history of the Association’s struggle for professional inclusivity for women at the Bar since she was herself a role model for women barristers, having in 1998 been the first woman Chair of the Bar Council.

Despite the fact that there have now been 8 women appointed to the Court of Appeal and in 2017 Lady Hale became the first woman to be appointed to the Presidency of the Supreme Court, women remain under represented in high judicial office. In November 2011 the Association joined with the AWS in giving oral evidence to the House of Lords Constitution Committee Inquiry into the working of Judicial Appointments, where several passages of the AWB’s prior written submissions were quoted with approval by the Constitution Committee, and the AWB was able to press home the message that while quotas or any dilution of the merit criterion should not be allowed to impact on appointments of those best suited to the achievement of a quality judiciary, it was clear that there are still some unexplored avenues through which the appointment pool might usefully be widened.

**Significance for women**

In recent years, the Association has become much younger in membership and outlook, and now largely communicates in modern idiom through news posted on its website [www.womenbarristers.co.uk](http://www.womenbarristers.co.uk), and through Facebook and Twitter, which have now also become indispensable professional marketing tools even at the Bar. This has indeed added a vibrant new dimension in the AWB’s work, constituting a major advance from the landmark start in 1991, for example in promoting the Association’s key role in providing information and a valuable practical communication channel by their attendance at the annual Pupillage Fair, through its clinics to support the various stages of women barristers’ career advancement, its now annual appearance in a workshop at each autumn’s Bar Conference and its support of campaigns of the moment (such as the current initiatives against female genital mutilation, which despite long criminalisation, enforcement of which was strengthened in the Serious Crime Act 2015, remains a harmful cultural practice which has not been eradicated in some minority ethnic communities, either in the UK or the wider world).

This holistic advancement of women’s interests is clearly an extremely positive development in supporting women at the Bar, especially when the latest research by the Bar Council indicates the ongoing difficulties in retention after a few years’ practice, although women start at the Bar education stage in equal numbers with men[[6]](#footnote-6).

Unfortunately, however, this immediacy in contemporary forms of communication has also had a downside, in discontinuance of the Association’s printed Newsletter[[7]](#footnote-7), which (in the articles regularly written over the first 20 years, for example by Sir Stephen Sedley and others of similar distinction) contained much more than news. This was an inevitable result of the move both to secure that immediacy of contemporary communication now used by most Chambers and firms of solicitors, and to conserve the Association’s restricted resources (which still depend entirely on member subscriptions). Such economies have enabled delivery of as many practical services as possible to members, for example permitting development of the Association’s Pupillage and Judicial Appointment advice evenings and of regular modest social events which are of more instant value in keeping the membership in touch. There is, nevertheless, a current initiative to locate and assemble a collection of past memorabilia, including some of the early editions of the Newsletter which record interesting perspectives on the development of the Association in serving women’s interests, for deposit in the Women’s Library at LSE before these are lost to future researchers.

**Further reading**

*Counsel* , the monthly journal of the Bar, [www.counselmagazine.co.uk](http://www.counselmagazine.co.uk), [www.barcouncil.org.uk](http://www.barcouncil.org.uk), in both print and online versions, in which there are periodically articles by the AWB officers, committee and members.

The Association’s website, [www.womenbarristers.co.uk](http://www.womenbarristers.co.uk), which now includes a growing archive.

1. See *Practice Management at the Bar,*  the Bar Council’s report of that year on optimum chambers’ management, commissioned from Central Law Training and recommending a formal system of governance by committee to replace the then common ‘benevolent despotism’ of the Head of Chambers . [↑](#footnote-ref-1)
2. Elizabeth Butler-Sloss had declined the invitation, advising that the Association might ‘antagonise the men’, although she attended the Association’s launch in Inner Temple. [↑](#footnote-ref-2)
3. The Alexander Report was of a working party set up by the Bar Council to consider the composition of the Bar Council following the decision to give full advocacy rights to barristers employed as in house counsel. The Report, published in 2000, was so called as the working party was chaired by Lord Alexander of Weedon QC, an innovative former Chairman of the Bar whose year of office in 1985 had set the Bar on a pathway to reform in various respects, but whose 2000 leadership of this important working party proved to be somewhat conservative. [↑](#footnote-ref-3)
4. Susan Ward, a Vice-President of BACFI. [↑](#footnote-ref-4)
5. Stephen Hockman QC, later himself Chairman of the Bar. [↑](#footnote-ref-5)
6. See the Bar Council website, [www.barcouncil.org](http://www.barcouncil.org), and press release 23 July 2015. [↑](#footnote-ref-6)
7. Once sponsored by *The Times.* [↑](#footnote-ref-7)