



Barbara Mills KC, Chair of the Bar Inaugural address

Wednesday 8 January 2025, Inner Temple

CHECK AGAINST DELIVERY

Introduction

Good evening: Master Treasurer, distinguished guests, family, friends and colleagues. A very warm welcome to Inner Temple Hall.

The baton has been handed over from Sam Townend KC. Sam, thank you for all your work last year and for showing us all what it looks like to be prepared to go the extra mile for the profession. You will be missed, and we owe you a debt of gratitude.

I am delighted and deeply humbled to be given the opportunity to lead our profession in 2025. I will do so flanked by Kirsty Brimelow KC, who is the Vice Chair, and the Treasurer is Lucinda Orr. This is the first time in the Bar Council's 131-year history that all three of its office holders are women. About time too frankly! It is a proud moment for our profession, and we must celebrate that too this evening.

This evening is my opportunity to tell you who I am, what made me put my hand up to be your chair and outline my – and the Bar Council's – priorities for 2025.

Who am I?

The story began here in this very hall on Tuesday 16th October 1990, when at 23 I was called to the Bar. With me were two of the most resilient women I have ever known: my (very proud) mother, Rosa and my sister, Linda. Sadly, my mum is no longer with us but, if she was here, she would have the broadest of grins and would be telling the person next to her "Oh yes – she is one of mine!" I am delighted that my sister has travelled from her home in the USA to be with me tonight.

I had secured pupillage at 4 Paper Buildings, then a common law set, but I was assigned to two family practitioners: Anna Pauffley who specialised in children work and Jonathan Cohen who was particularly known for his work in financial remedy cases. Both became High Court judges. I learnt my craft from the best.

To begin with, I did all aspects of family work. Then I specialised in the law involving children. I did not stop there. By the early 2000s, more research was emerging of the real

damage that can be caused to families by the litigation process. I, and others, could see that mediation was the future so, in 2005, I jumped at the chance to train as a mediator. That decision baffled my senior clerk who was not convinced that a set of chambers should offer a service that kept people out of court. I convinced him that the world would change and catch up – which, happily, it did. Mediation, and other non-court dispute routes, are now considered to be the first ports of call for family disputes.

The development of my mediation practice was the stepping stone into further forms of dispute resolution as well as into the judiciary. I became a Recorder in 2011, an arbitrator in 2016 and in 2023, a Deputy High Court Judge. Along the way, I took silk in 2020.

Three things have made a real difference to me over the years.

First, very early on, I learnt the importance of actively planning my career. During my pupillage, I spent several months in Toronto as a Pegasus Scholar. There I met young lawyers most of whom had a clear plan about their professional development. To have such a sense of direction was a revelation and it was an approach that I embraced. Have a plan. Aim high.

Secondly, I learnt that my wellbeing was not something that I turned to occasionally or when things were falling apart – I needed to touch base regularly and assess how things were going. I came to see this as an important skill that had to be woven into practice in order to thrive.

Finally, I owe a debt to the allies and champions from across the sector – judges, more senior barristers, solicitors and clerks – who provided me with work, ensured that I was paid properly, who led me and mentored me. They shone a light on me and helped me to see what I could become.

My involvement with the Bar Council started in the mid-1990s, when I was a member of the Professional Conduct and Complaints Committee.

After a break when my daughter was young, I returned in 2018 as the Family Law Bar Association's representative and joined the Equality Diversity and Social Mobility Committee. Between 2020 and December 2023 I was the co-chair of the Race Working Group and delivered the Snapshot of Race at the Bar report in 2021.

In 2022, I decided to seek the profession's backing to serve as Chair of the Bar... You know the rest.

Why did I decide to stand? In part to show what is now possible in this profession and to pass on what has helped me and many others to succeed. On paper, I didn't fit the stereotype in 1990, fair or unfair. Not a man. Not white. Didn't go to Oxbridge, I studied law at Hull University and lacked parents with resources. And – last but not least – I had no connections within the profession.

But I backed myself, felt resilient and adaptable, and was prepared to work hard and seize opportunities when they came along.

Martin Luther King Jnr avowed the critical importance of “a deep belief in your own dignity, your worth and your own ‘somebodiness’”.

I felt I was somebody, and I wanted to make something of myself – always driven to show that, if I got there, I could show what’s possible.

The wider context for 2025

Enough of me: what about the year ahead?

The Chair’s year seems to me to be made up of three parts: the things we inherit, the areas we identify as our own priorities to champion and take forward, and the curveballs – the things that none of us can predict, but that are bound to shape our tenure.

Many of the issues facing the Bar remain the same year after year. I am the latest in a line of Chairs inheriting a justice system in need of repair. Record backlogs in courts across jurisdictions, delays across the system with people having to wait years for their day in court, undermining trust and confidence. Legal aid unavailable despite the increasing number of people who need it. A criminal justice system at breaking point after over a decade of neglect and insufficient resources.

I know that the publicly funded Bar is disillusioned and exhausted. They are working harder than ever, doing work that is demanding and often unpaid. Barristers working on criminal cases – like family, immigration and housing practitioners – are often working for no money or working on cases that are bounced out of the list at the last minute.

Just before the Christmas break the Ministry of Justice announced a welcome – and long overdue – increase in criminal legal aid fees for solicitors. But what about the criminal Bar? We urgently need to see a change, not only in remuneration but also in relation to workload and predictability, as well as parity between defence and prosecution fees. Otherwise, we will continue to lose talented barristers from the Bar.

Ahead of the spending review, expected in June, the Bar Council set out our priorities for restoring the justice system and putting it on a sustainable footing, in line with the new government’s plan to fix the foundations and its missions to kickstart the economy, modernise public services, and halve violent crime and violence against women and girls.

In our manifesto for justice last year, we called for a Royal Commission on the criminal justice system – recognising that real change needs cross-party political support. So, we are pleased to be engaging closely with the Gauke review of sentencing and the Leveson review of criminal justice, and we’ll be highlighting the Bar’s position and perspective on both.

But there is more for us to value and protect beyond the largely publicly funded areas of practice. Legal services contribute huge sums to the British economy (£34bn in 2022) and the

Bar plays a key role within the sector – particularly the commercial and Chancery Bars. The UK accounts for around 10% of the global market for legal services, second only to the US. It is also the largest market in Europe, accounting for around a fifth of Europe’s legal services fee revenue.

Our Bar is often the first choice for citizens and businesses across the world on an ever-growing range of issues. The quality of our legal services coupled with the pre-eminent reputation of the law of England and Wales, the independence of our judiciary and the rule of law is what makes our jurisdiction so attractive. But we cannot take this for granted.

Competing international dispute resolution centres around the world are taking active steps to promote themselves as suitable jurisdictions for the resolution of cross-border disputes. I will continue to promote England and Wales as the law and jurisdiction of choice for international contracts and disputes and highlight the immense and enviable expertise of our Bar.

My priorities

As for my personal priorities for the year, I wish to make progress on three broad areas. I intend:

- a. To raise the profile of family law and to help the Government in its mission to halve violence against women and girls.
- b. Secondly, I want to pass on the benefits of respecting our wellbeing enough to make it a skill and a core part of effective practice management as a barrister.
- c. Finally, I want to ensure we make further strides in our pursuit of equality, diversity and inclusion.

Family justice – why is it a priority?

The Bar has not had a specialist family practitioner as its chair since 1988. 2025 provides the opportunity to focus on the central importance of effective family law to a civilised society. The family courts hear cases dealing with all aspects of human existence. They attempt to bring order to chaotic lives. They attempt to protect the vulnerable, and to ensure that people can live with means. Much of what is heard is distressing and difficult. The family courts are, it could be said, the courts of life itself, touching us all, and, as such they have work to do for society.

Arguably, no other sector of the law has such a wide variety of cases. Our work spans from the beginning of life – modern family units created by assisted reproduction and surrogacy – to the end of life where the court is asked to intervene in medical treatment cases. If the assisted dying bill becomes law, the Family Division is where cases that require court intervention are likely to be brought. In between life and death, we deal with disputes about land and property, the welfare of children, the protection of the vulnerable from violence or as a result of incapacity.

It is now time to proclaim why family justice needs attention, and to be clear, this is a request for investment that can both save money and grow the economy.

Over the last decade, we have seen real per person term cuts of 22% in our justice system. At the same time, case volumes and backlogs have increased. What remains, following a huge number of closures, is a court infrastructure that has become dog-eared, moth-eaten and unfit for purpose. To complicate things, the social and economic pressures on people have intensified.

Lack of access to legal advice, whether through legal aid or otherwise, has swollen to the point at which, at times, neither party is represented in as many as 40% of family dispute cases. That means four out of ten people may have had no advice, have no real idea about their rights or whether the court is even the best forum to resolve their dispute.

This results in serious dis-function in our justice system – cost, delay, injustice, fear, uncertainty and lives put on hold are the bitter fruits of under-investment.

Despite the cuts across the civil justice system, barristers have continued to step up and plug the gaps wherever possible. Pro bono work exemplifies the Bar's integrity. The cost-of-living crisis has driven record demand for the services of our pro bono partners, Advocate and the Free Representation Unit. I thank them for the work they do but the system must not rely on that goodwill.

The Bar Council has long warned of these strains on the justice system, across the civil and criminal courts, and made the case that investing in justice both saves as well as grows the economy in the long term.

I am hopeful that, even in these cash-strapped times, Ministers are beginning to get the message and the early signs from this relatively new government are encouraging with the announcements of new funding for criminal legal aid for solicitors and the promise of additional funding for the housing and immigration sectors.

We continue to make the case, across criminal and civil legal aid, and we are waiting to see what funds will be made available to family justice this year.

Apart from the need to make the case for investment into family justice, I will take the opportunity to showcase how some of the innovations created to provide solutions to families might be transferred to other sectors.

When a family is in crisis, the family justice system is interested in what has gone wrong, but only as a baseline for assisting us to try to predict the future and to formulate sustainable solutions. The family approach could inform new thinking in the work of other courts.

Take for example the Family Drug and Alcohol Court (“FDAC”) launched in January 2008 as an alternative court for proceedings where parental drug misuse is the reason to worry about the safety and wellbeing of any children. Evaluations since then have shown positive outcomes in the FDAC. Children with a primary carer in FDAC care proceedings are more

likely to be reunited with their primary carer at the end of the process. A higher proportion of parents got off drugs or alcohol. And overall, children in the FDAC had a lower probability of being placed in local authority care.

A success story so far, and perhaps one that the criminal jurisdiction could draw from.

Meanwhile, the Government has said it wants to halve violence against women and girls (VAWG). An effective and properly funded family court system should be front and centre of hitting that target and that is plain when you look at some of the data.

In the latest Femicide Census (2021) of the 147 women killed, 78 were killed by a current or former partner and over half occurred as the women were taking steps to leave the relationship. And at least 40% of private children cases in the family courts involve allegations of domestic abuse.

To be successful in tackling VAWG, I urge the Government to provide a clear definition of VAWG, one that encompasses all forms of violence and harmful practices specifically aimed at women and girls. I also urge the Government to recognise that VAWG is preventable so that policies extend beyond reactive measures to incorporate prevention and early intervention strategies.

The family courts are ideally placed to tackle VAWG work – but they will need effective and sustained investment.

At the very least, every complainant and every alleged perpetrator should have access to legal advice and representation in the family court.

And we need a package of measures to enhance the approach to VAWG, including:

- specialised domestic abuse and child abuse support and assessment services
- trauma-informed measures such as installing screens in all court buildings and providing trauma-awareness training for Cafcass officers and case progression officers, and
- the rollout of the Pathfinder courts which have been piloted in Wales, Bournemouth and Birmingham

In summary – fund the family courts and end the horrific roll call of violence against women.

Wellbeing

The work that we do as barristers is intense and highly pressured.

Barristers in 1990 did not openly talk about mental health and wellbeing or childcare or heaven forbid, menopause, and any barrister who thought to complain about being under stress would have been met with a derisory snort and encouraged in the direction of a stiff gin and tonic in Dalys after work.

Most people will agree that by the time a client needs a barrister, things are not going well or as planned in their life. What we now know is that professionals exposed to the trauma and distress experienced by clients can themselves suffer the same vicariously. If you add the relentless pressure and high expectations, the competitiveness required of barristers and the repercussions in an adversarial process of showing any weakness, it is little wonder that this can lead to chronic and unmanageable fatigue, burnout and illness if left unchecked. Other professions with similar pressures have incorporated systems which support their members' wellbeing. I would like to explore ways to offer barristers coaching or supervision – which provides the barrister with the opportunity to have regular confidential check ins with a professional.

As Vice Chair, I discussed wellbeing whenever I had the opportunity - to get a sense of how people are looking after themselves. I will never forget asking a member of the criminal bar in the robing room how she was doing. Fighting back the tears, she thanked me for asking and then said she was overwhelmed. She did not feel she had been able to support her children, and her daily diet of RASSO work had left her unable to sleep. She did not know how to access help, and she worried about the expense.

And then there was the young civil practitioner who had spent the last 2 years having therapy which he was advised to pursue after something went wrong in a case and he lost his confidence. He wondered why he could not claim the costs of therapy as a tax-deductible expense as he could other practice-related work.

It seems to me that whilst much is said about wellbeing now, the emphasis remains centred around crisis management.

What I would like to see in the profession is wellbeing losing its stigma as a sign of weakness and elevated to the same non-negotiable level as having an accountant or having insurance.

I do not doubt that there is considerable interest in this idea of proactive coaching across the Bar. The benefits can be transformative.

My intention is not to reinvent the wheel but to build on the fantastic work that the Bar has done in relation to wellbeing over the last 10 years.

I am very grateful to Charlotte May KC who has agreed to chair a working group to explore and pilot some of the options.

We hope to collaborate with the Circuits, Inns and the Specialist Bar Associations and will be seeking the views of the profession as we go along.

Equality, diversity and inclusion

Flowing from my concerns about our overall wellbeing, my third priority is to continue to pursue the Bar Council's long-term agenda for equality, diversity and inclusion.

What is now becoming clear is that the question of one's wellbeing at the Bar is affected by several factors such as working conditions, remuneration, feeling excluded and experiences of bullying, discrimination, and harassment.

The key findings of the Wellbeing at the Bar report published in January 2024 tell us that those who report lower overall wellbeing are women, barristers from an ethnic minority background, younger and more junior barristers, those in criminal and family practice, and those who had experienced or observed workplace bullying or harassment.

So, what are the next steps? 2025 will be a year in which I will focus on the 3 As – greater awareness, acceptance and action.

Awareness and acceptance will be achieved by having greater dialogue.

Dr Sanjiv Lingayah, one of the founders and directors of "Reframing Race" an organisation focused on Race and Racism spoke last year about the importance of dialogue which I believe bears repeating.

He said: "the thing about talk is that it carries power. Talk is a place where life-affirming ideas, visions and dreams are carried, where we find connection with one another and where we signal who we are and who belongs... When it comes to fostering an inclusive culture talk is not cheap."

So, who will I want to talk to. First, to our frontline regulator, the Bar Standards Board (The BSB). In September last year, the BSB published a Consultation in which it announced plans to replace Core Duty 8 – do not discriminate – with a more proactive duty to advance and promote equality, diversity, and inclusion.

While I do understand why the BSB wants to see faster progress, I do not believe their new proposals will achieve the intended aim and we have provided our reasons in a detailed response to that consultation.

In short, we are concerned about the BSB's intention to use the code of conduct which is designed to set a minimum professional standard which protects people when we represent them, as the vehicle to attempt to change our culture.

Secondly, we are concerned that the framing of the proposed core duty, to impose a duty to deliver a more diverse profession, is unlawful and misguided.

We are concerned that the proposed regulations may hinder progress in this area given what we believe to be ambiguity and potential ineffectiveness of the regulations as proposed.

The consultation has generated more heat than light and is a great reminder of the care with which we must take, that any attempt to improve equality, diversity and inclusion does not create unhelpful division. The road to hell, it is often said, is paved with good intention.

Mark Neale, the director general of the BSB was interviewed by Joshua Rozenburg in September last year. I was very encouraged to hear him say that the consultation really is a consultation and that the BSB is keen to hear from the profession. Nothing appears to be set in stone and that opens up the opportunity to discuss and move in collaboration with the BSB to develop a practical framework that genuinely delivers diversity and inclusion.

I am therefore keen to work with the BSB and to open meaningful dialogue. On this and other issues, it is my intention to foster positive and collaborative relationships with both the BSB and the Legal Services Board.

The Bar is a broad church and I represent members who do not agree with me on EDI. So I will continue the conversation that persuades, not forces, those who disagree that it is both reasonable and realistic to expect members of chambers, employers, and Bar stakeholders to put practical measures in place to monitor internal practices and take steps to challenge inequalities. All individuals who work at the Bar should be treated fairly, regardless of their background and protected characteristics.

So here is my invitation to all who disagree with me on EDI. If you are serious and ready to bridge the gap between us, if you are prepared to have respectful dialogue backed by evidence, then my virtual and real doors are open. Please don't sit behind your screen and only put your thoughts on social media. This is too nuanced and important. Come and talk to me.

Talking alone is not enough. The actions I will take will focus on what we know from the Wellbeing report about bullying and harassment, the Young Bar and the earnings disparity and finally the employed Bar.

Bullying and harassment

One aspect of our workplace culture which is being brought further into the light is bullying and harassment.

The independent review into Bullying and Harassment commissioned by Sam Townend KC will report in June this year. I am committed to working with Baroness Harman and providing her with the support she needs to finalise her review, and I look forward to working with her and the profession to consider the findings and her recommendations for action.

The review provides an important opportunity to reset our culture and improve the working lives of all in our profession and I intend to give it the priority it deserves.

While we await the findings, I would remind everyone working in and around the Bar to make use of the support and reporting mechanisms available – from Talk to Spot to the Wellbeing at the Bar resources.

The Young Bar

Addressing earnings disparities must be at the top of our agenda, especially at the junior end of the profession – earnings in early years can set a trajectory for an entire career. Appointing barristers from underrepresented groups without supporting them to earn as much as their male/white counterparts is discriminatory.

Experience shows advancements in numbers does not ensure better retention, progression, cultural change, or income equality. A focus on earnings highlights inequality in access to work that affects our opportunity to progress.

The Bar Council's November 2023 report on earnings highlights the variability in barristers' practices, making comparisons challenging, but the key findings indicate a consistent pattern where men's median gross earnings surpass women's.

Specifically, the earnings gap begins at the very start of a woman's career and widens, peaking at a 30% difference in the 11-15 years Call band. Women silks earn about 71% of their male counterparts' median earnings, translating to a nearly 30% shortfall.

Even though both men's and women's earnings have slightly increased over the past year, the earnings disparity remains unchanged. Additional analysis reveals that median incomes for Black and Asian barristers are generally lower than those for White barristers, with Asian KCs out-earning White female KCs but earning less than their White male peers. Notably, Black KCs, numbering only 24 in 2023, earn a median of 44% of White KCs' earnings.

The Young Bar are the lifeblood of the profession so I will start there. During a circuit visit, a group of young barristers revealed they were unaware of the Bar Council's 2024 0-3 earnings gap report and the Bar Council's toolkits for meaningful practice reviews. That lack of knowledge was matched by another group telling me that they find practice and income reviews impossible to deal with.

To address this, I will collaborate with Inns' course providers to incorporate information about practice management and review into new practitioner programmes and continue to raise awareness of what tools and resources are available to the whole Bar.

The Employed Bar

According to our most recent Barristers' Working Lives survey data, nearly 18% of barristers are in employed practice. Just over a half (54%) work in the public sector and the other half work in the private sector.

There is a huge breadth and quality in the work that employed barristers undertake, across many sectors of the economy and justice system. A potential key driver of the success of the employed Bar is its diversity – the employed Bar is more diverse than the self-employed Bar – and its culture of flexibility.

Career progression has been highlighted to me as a key challenge for the employed Bar. There is a feeling among some employed barristers, particularly in the public sector, that their skills and experiences are underutilised, so exploring how we encourage employed

barristers to make full use of their skillsets should be a priority. Similarly, at the more experienced end of the employed Bar, there is the issue of how seniority is defined, when KC applications are so heavily focussed on advocacy, which some very senior members of the employed Bar may not exercise.

I will work closely with the Employed Barristers' Committee to address these issues.

Engagement with the Bar Council

As to the third part of a Chair's year – the curveballs. I'll have to wait and see what's thrown at me, but I know I will be well supported by Malcolm Cree and the fantastic team at the Bar Council.

I am incredibly grateful to the hundreds of barristers who generously give up their time for the good of the profession with special thanks to the chairs of the various committees as well as the chairs of the Specialist Bar Associations. I want to thank Lorinda Long for her 8 years of service as the Bar Council's Treasurer and Amrit Kaur Dhanoa – our outgoing Young Barristers' Committee Chair for her excellent year supporting and promoting the young Bar. And I look forward to working with new YBC Chair Lachlan Stewart over the coming year.

This year I want to draw more colleagues into the Bar Council, and I'd like the Bar to feel – whether you're working in Newcastle or in Newport – that you're a part of, and matter to, the Bar Council. I hope that when it comes to subscribing to the Bar Representation Fee that, like me, you see the value in what the Bar Council does with that funding to support and promote the Bar.

I will also be working closely with the Circuit Leaders and look forward to my upcoming first visit to the Wales and Chester Circuit next week, as well as hosting Bar Conference on the Midland Circuit on 6 June – I hope to see you all there.

Thank you, Baroness Hallett, Mrs Justice McGowan, Chantal-Aimee Dorries KC, and Amanda Pinto KC, for your inspiring leadership as the previous female chairs of the Bar. Your achievements provided the strong shoulders for me to stand on and enabled me to dream, and eventually achieve, what once seemed impossible – becoming Chair myself.

And to my younger self. Thank you – for ignoring those who said Black women who went to Hull University could not make it at the Bar, for having the audacity to boldly try new things and be prepared to do whatever it took to push past the discomfort when you felt you did not belong.

As children growing up in Ghana, our elders needed us to look after one another so would often keep us in check with reference to an old African proverb:

“If you want to go fast, go alone. If you want to go far, go together.”

I am ready to serve this amazing profession of ours. Walk with me so we can go far together.