

The Inns of Court Alliance for Women - Launch Event

Welcome to Gray's Inn and to the launch of the Inns of Court Alliance for Women. This is an alliance between the four Inns of Court to encourage and support women in the profession. The word 'Alliance' has been chosen to signify the institutional alliance between the Inns of Court and to demonstrate an alliance of purpose.

Let me begin by speaking about the context in which the Alliance will operate before providing information about it.

It is a dispiriting reflection upon gender equality within the profession in 2022 that such an alliance is not only desirable and helpful, it is unfortunately necessary given the status quo. Gender equality, which includes equality of opportunity and treatment within the profession, has a considerable way to go. Challenges and barriers to entry and thereafter progression and retention of women at the Bar require addressing, as do issues of harassment and bullying.

A specific area of current concern is that of gender income disparity as between men and women and in particular, women from ethnic minorities. Yesterday, a report published by the Bar Standards Board provided empirical evidence that women barristers are likely to earn less than male barristers and those from minority ethnic backgrounds are likely to earn less than white barristers. The starkest finding: female barristers from minority ethnic backgrounds represent the lowest earning group. Their average income is just 41% of that of white male barristers when considering the profession as a whole. White male barristers comprise the highest earning group. Even when comparing barristers in the same main practice area and seniority, by year of call, female barristers and barristers from minority ethnic backgrounds still earn less on average than their equivalent male and white barristers. These findings highlight the relevance of an intersectional approach, considering gender and ethnicity

together, when evaluating the issue of gender income disparity amongst barristers. The differences in income can be significant, for example women over 15 years call working in financial and commercial law on average earn less than half of their male equivalent's earnings. Perhaps the most concerning aspect of research in this area is that the gender income gap has consistently widened over the last 20 years despite an increase in the number of women barristers working at the Bar.

The reasons for gender income disparities are multi-faceted. Reasons identified in previous BSB research include work allocation, with male barristers more likely to be promoted to potential clients and allocated work within chambers, the difficulties encountered by women on returning from maternity leave and an expectation that women barristers were more likely to specialise in lower earning, often publicly funded areas of law, than male barristers which impacted on the type of work they were offered or allocated.

Disparity of gender income can lead to insidious consequences. Within chambers, income can be equated with merit and what is perceived as 'power' tends to rest with the highest earners who contribute most to chambers on a percentage contribution. A situation which can make it harder for women to obtain the breaks which they deserve as they are not, or may not be perceived to be, as good as the more 'successful' men.

This can impact upon the allocation of work. It is a truism that success breeds success. The barrister who is perceived to have the relevant prior experience will be attractive to solicitors and clients. Research has shown how few leading female silks are instructed as leaders in the Supreme Court. Similar issues have been identified in the Commercial Court. The evidence is there, the issues remain to be adequately addressed.

Retention of women at the Bar has been and remains a problem. Men and women are obtaining pupillage in approximately equal numbers but the retention rate for women demonstrates a

significant drop. The failure to address retention has led to a more limited pool of women barristers from whom many of the judiciary are drawn. This can properly be regarded as one factor in the disproportionately higher ratio of men to women within the senior judiciary. There are fewer female role models, one of our co-convenors Karen Schuman, Chief Chancery Master was the first woman to be appointed to the role and that was not until 2021.

Regardless of the detail of her personal ambition, what every woman has the right to expect is to work within a profession which provides the tools to support women to have the career which they want. Within the Bar and within chambers there is a need for an internal support structure, one which permits a woman to talk about a problem she encounters, rather than feeling the need to 'get on with it'. This is about valuing what women can bring to their work as a barrister. It is about providing appropriate support when needed to ensure that women do not leave because the Bar feels too alienating.

The Alliance will create a forum where issues which women continue to encounter within the profession can be openly and constructively discussed. Each of the Inns is committed to equality, diversity, inclusion and social mobility and works within the profession and through its outreach work to further that commitment. We see our role as providing a voice to women to enable issues regarding inequality, not only to be heard but to be acted upon. It is why we are seeking to promote initiatives across the four Inns to support access, retention and progression of women within the profession.

We will continue the excellent work begun in 2011 by Professor Dawn Oliver QC, then Treasurer of Middle Temple, which developed into a joint initiative with Inner Temple and became the Temple Women's Forum. The co-convenors were HHJ Deborah Taylor and Rachel Langdale QC. Lady Hallett played no small part. In December 2021, coinciding with the 100th

anniversary of the first woman to be called to the Bar, Ivy Williams, it was agreed between the Inns of Court that the forum should become an entity of the four Inns.

Within the Alliance are four teams of women representing each of the Inns. Each team includes a co-convenor: from Inner Temple Leigh Anne Mulcahy QC; from Middle Temple HHJ Khatun Sapnara; from Lincoln's Inn Karen Schuman, Chief Chancery Master; I am the co-convenor for Gray's Inn. We are ably supported by administrative staff from our Inns.

The Terms of Reference of the Inns of Court Alliance for Women represents a commitment to:

- 1) Providing a safe forum where issues facing women in the profession can be discussed;
- 2) Supporting the Inns commitment to equality, diversity, inclusion and social mobility;
- 3) Taking an intersectional approach to talks and events to ensure the voices of women facing inequality are heard;
- 4) Promoting initiatives across the four Inns to support access, retention and progression of women in the profession.

Our first initiative will take place on 9 March 2022 at Middle Temple. It is directed to Heads of Chambers and Senior Clerks. Why... because a consistent theme in recent research is that of women's unequal access to work, which encompasses not only the allocation of work but also the transparency of the process which leads to such allocation. The aim of the event is to support Heads of Chambers and Senior Clerks/Practice Directors in their development of a practical solution to ensure a fairer and more transparent allocation of work.

May I conclude by offering our thanks to Gray's Inn for hosting this launch, to our Under Treasurer Brigadier Tony Harkin and Chief of Staff Sam Hutchinson for all they have done to facilitate the event. Our thanks to the administration of Inner and Middle Temple and Lincoln's Inn, in particular Henrietta Amodio, Direct of the Treasury Office at Inner Temple, for their role in organising this launch.

My thanks to all of you for finding time in your busy schedules to be present this evening and in so doing providing your support for this important venture. Support will be critical in the years ahead. We will look to you and to others for participation in future events, to identify issues which need a spotlight, writing and talking about the issues so as to encourage an open culture regarding gender issues at the Bar. And finally. Finally, acting so as to uphold the underlying aims and purposes of the Alliance.

Lady Justice Nicola Davies

8 February 2022