



Inns of Court Alliance for Women

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On a deliciously sunny evening in late June, I found myself ensconced in The Walks in the company of nearly 700 barristers, mostly women and a handful of men, listening intently to Baroness Helena Kennedy speak. Against the backdrop of a crepuscular sky, she spoke with flair and verve. She was explaining why the Inns of Court Alliance for Women, ICAW for short, was important and necessary. She likened the Alliance to a Wonderbra: it provides support whilst lifting everyone up. Giggles rippled across the crowd. Followed by undulating nods of agreement and recognition. She had acknowledged what everyone gathered in The Walks, glasses in hand, already knew: women at the Bar need support because the profession is stacked against them.

ICAW is an alliance between the four Inns of Court to encourage and support women in the profession. The word 'Alliance' was chosen to signify the institutional alliance between the Inns of Court and to demonstrate an alliance of purpose: to providing a safe forum where issues facing women in the profession can be discussed with an intersectional emphasis to ensure a commitment to equality, diversity, inclusion and social mobility. The Alliance is committed to promoting initiatives across the four Inns to support access, retention and progression of women in the profession.

The Alliance has a considerable pedigree. It originates from the Temple Women's Forum, a joint initiative started in 2011 by Professor Dawn Oliver QC, then Treasurer of Middle Temple, with Inner Temple. 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. The Alliance was birthed and has 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; and from Gray's Lady Justice (Master and soon-to-be Treasurer) Nicola Davies DBE.

The Alliance was formally launched in the Bingham Room on 8 February 2022 by Lady Justice Nicola Davies. She explained the necessity for this Alliance:

'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.'

Indeed, only a day before its launch, the Bar Standards Board released its 'Income at the Bar by Gender and Ethnicity Report' (Female barristers continue to earn less than male barristers, and barristers from ethnic minority backgrounds continue to earn less than white barristers (barstandardsboard.org.uk)). Note that this 2022 report builds on previous research by the BSB published in 2020 and research into incomes undertaken by the Bar Council in September 2021 by considering a wider range of factors linked to income (such as seniority and location) as well as comparing pre and post pandemic income levels. The report made for deeply unpleasant reading by setting out in unembellished, empirical terms what many women, especially women of colour, have known and experienced anecdotally for years: 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 in the 2022 report: female barristers from minority ethnic backgrounds are at the bottom of the earnings ladder. They earn just 41% of what white male barristers earn when considering the profession as a whole. (White male barristers are at the top of the earnings ladder.) 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 and importance of an intersectional approach, considering gender, ethnicity and other factors of advantage and disadvantage 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 equivalents' earnings. And the problem appears to be growing, not receding. Perhaps the most alarming 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.



Master Nicola Davies, Leigh-Ann Mulcahy, Judge Khatun Sapnara and Master Helena Kennedy.

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 (eg, the prorogation case before the UKSC). Similar issues have been identified in the Commercial Court and at the Chancery Bar: see Chancery Bar Association's report, 'Voices of Women at the Chancery Bar' and also Marcia Shekerdeman QC's article in *Counsel* entitled 'Voices of Women at the Chancery Bar' (19 January 2022). See also the 'Routes for Real Change' report, written in response to the Voices report, published August 2021. The evidence is there, the issues are endemic, institutional and widespread.

From its inception, the Alliance's co-convenors were determined that it would be an agent for real change in the profession. The first event, 'Foundations for a Fairer Future', held on 9 March 2022 at Middle Temple

and online, concerned the fair allocation of work for women and was directed to heads of chambers and senior clerks. This was an important, considered choice: 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 was 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. With over 300 attendees and a panel chaired by Maggie Semple OBE and featuring speakers from magic circle firms, the Treasury Solicitor and heads of chambers, it was an evening to identify issues and constructively discuss practices to address barriers facing women.

As the Alliance prepares for the next term, the focus is on ensuring that women's voices from across the full breadth of the profession are heard. The Alliance has been collaborating with Dame Siobhan Keegan, Lady Chief Justice of Northern Ireland and Bencher of Gray's, and Lady Dorrian QC, Lord Justice Clerk of Scotland, on outreach to our northern neighbours. It was wonderful to have representatives from the Northern Irish Bar attending the June drinks in The Walks. As we roll into autumn and winter, the Alliance will aim to ensure that its programme

of events extends beyond London. This is an important element of the Alliance's commitment to providing a safe forum where issues facing women in the profession can be discussed. Being committed to supporting equality, diversity, inclusion and social mobility through an intersectional approach requires acknowledging and understanding the

unique experiences of women across the profession as a whole, not just those based in London.

On that sultry summer evening in late June, listening to Baroness Kennedy speak, I scanned the audience around me. I saw Afghan judges and lawyers who had risked their lives and those of their families to do their jobs. I saw members of the profession from Northern Ireland. I saw members from the highest levels of the UK judiciary. And I saw all the young women (and some men) at the dawn of their careers. I realised then that this wasn't just a drinks party; this was the safe space women often fantasise about, where you can let your hair down, share experiences without censorship and feel supported, indeed even uplifted because you realise you are not alone in the trenches, you are surrounded by wonderful, formidable, accomplished colleagues who share your vision for a better, fairer future. An Alliance indeed. ■