

EIP

Women in Law: A Legal Timeline, in celebration of Women's Equality Day

In 1859, Maria Rye started a business in teaching young women to copy legal documents at Lincoln's Inn Fields, and in 1870, promoted the Married Women's Property Bill ^[1] allowing women to legally earn and own money and inherit property. ^[2] In 1888, Eliza Orme became the first woman to get a law degree, in 1922, Carrie Morrison qualified as the first woman solicitor, and in 2009, Lady Brenda Hale became the first woman Justice of the Supreme Court. There is no doubt that these trailblazers in law have provided the launch pad from which society as a whole has ultimately benefited, and from which the ongoing discourse on equality is spurred.

In a 2019 lecture given at her very own Girton College at Cambridge University, Lady Hale described what her colleague Lord Hope coined as the "Brenda Agenda" as "quite simply, the belief that women are equal to men and should enjoy the same rights and freedoms that they do; but that women's lives are necessarily sometimes different from men's and the experience of leading those lives is just as valid and important in shaping the law as is the experience of men's lives." ^[3]

Thanks to the path paved by the early pioneers affecting the remarkable advancement of women in law over the last century, women now make up the majority (52%) of lawyers at firms and pupils at the Bar in the UK, which has risen by about 0.5% each year over the last five years. An even greater proportion (74%) represent women working in law as support staff. ^[4] These statistics are reflective of the progress of equality in the industry and should be celebrated, particularly on the 100th anniversary of Carrie Morrison's admission to practice. So then what is there left to be improved? In 2021, the seniority gap between female partners and solicitors was reported at 35%, a reported 1% narrowing from 2019. ^[5] A similar proportion of barristers currently practising are

women.^[6] The significant underrepresentation of female partners and practising female barristers sheds light on the sentiments of Lady Hale in her Girton College lecture. The question going forward is: What can and must be done to ensure an industry where women make up its majority cultivates a culture that validates and serves the needs of that majority?

To begin unpacking that question, we look to the data. In a 2018 survey run by the Law Society of England and Wales across 7,781 respondents (the largest global survey ever conducted on women in the law), 60% reported that they were aware of a gender pay gap within their organisation.^[7] What is more informative is that 74% of men reported progress in gender equality compared to 48% of women.^[8] This data shows there is a large disparity in perception by gender. In the same survey, 52% responded that unconscious bias^[9] was the main barrier to women's career progression in law, ^[10] validating the perception by gender statistic. In response to this feedback, and in collaboration with several law firms, the Law Society has established an International Women in Law (IWIL) roundtable methodology which aims to identify, from women's perspective and experiences, appropriate strategies to generate transformative changes within their firms and organisations. From these roundtables, it was reported that the most common bias that exists is the gender traditional roles and stereotypical attitudes which directly affect women; that is, there is still a male-dominated system of values and roles which expects women to play a greater domestic role in society. ^[11]

What this data tells us is that there is work to do in our law firms and barrister offices. It is not acceptable that only a third of the partnership at law firms are made up of women where women make up over half of the lawyers at those firms. Most women do not feel there is enough progress in gender equality and attribute that to unconscious gender bias in the workplace. From the day-to-day responsibilities of women to the way we plan our careers, the reality is "that women's lives", as Lady Hale puts it, "are necessarily sometimes different from men's". The challenge ahead lies in how women and men in law today engage with this discourse in order to validate and address such differences. The urgency of doing so is reflected in the data.

Engaging with the topic can start by simply having conversations with our peers and leaders about what makes women's lives and needs different and naming the underlying assumptions which obstruct those needs from being fulfilled. Continually questioning the assumptions which we make about women in law, often unconsciously, is the most effective way^[12] to tear down the barriers to their career progression. A more inclusive culture will allow women to enter the partnership and courtroom in numbers that are proportionate to their participation in the industry as a whole.

The trailblazers got us to this point, and now the work starts in creating a culture of true inclusivity and equality from which we can all benefit.

[1] Now the Married Women's Property Act 1870.

[2] 'Celebrating International Women's Day - The History of Women in English Law', Farrer & Co, [7 March 2019]: <https://www.farrer.co.uk/news-and-insights/celebrating-international-womens-day---the-history-of-women-in-english-law/>

[3] 'An Insider's Account of the 'Brenda Agenda'', Joshua Rozenberg, The Law Gazette (3 February 2020): <https://www.lawgazette.co.uk/commentary-and-opinion/an-insiders-account-of-the-brenda-agenda/5102903.article>

[4] 'How Diverse is the Solicitors' Profession?' (29 April 2022): <https://www.sra.org.uk/sra/equality-diversity/diversity-profession/diverse-legal-profession/>

[5] Ibid.

[6] Ibid, no 2.

[7] 'Advocating for Change: Transforming the Future of the Legal Profession Through Greater Gender Equality – International Women in Law Report', Law Society of England and Wales (June 2019): <https://www.lawsociety.org.uk/topics/research/international-women-in-law-report/>

[8] Ibid.

[9] 'Unconscious Bias', Equality, Diversity, and Inclusion, Imperial College London: <https://www.imperial.ac.uk/equality/resources/unconscious-bias/>

[10] Ibid, no 7.

[11] Ibid, no 7.

[12] 'How Unconscious Gender Bias Affects All Women Across the Workplace', EW Group UK (2022): <https://theewgroup.com/blog/unconscious-gender-bias/>