

FIRST 100 A CELEBRATION OF

While recognising the strides made by women law firms, Lord Sumption observes that true equality in the profession has not yet been reached.



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It is 1982, and the then Herbert Smith (no Freehills) is celebrating its centenary at London landmark Grocers' Hall by throwing a dinner for its partners.

Dorothy Livingston, who was at that time a junior partner, takes part in a photo op outside the Hall. Appearing front and centre of 50 black-tie-clad male lawyers, Livingston, in her dress, stands in stark contrast to those around her. She is the only woman in a photo celebrating 100 years of practice for a well-established firm.

THERE IS NO PLACE FOR PREJUDICE AND DISCRIMINATION IN A MODERN PROFESSION

'I was called forward by the senior partner to the middle of the picture,' recalls Livingston. 'After a couple of shots I tried to move backwards to somewhere more suitable to my petty junior status, but he refused to let me go. I think he was just being courteous – a man to a woman. I think it was a generational thing.'

Despite being a striking image now – an artefact demonstrating

just how few women made it to the senior ranks of law firms just 20 years ago – Livingston explains there were an equivalent of women inside, though it would have been the case in several other firms at the time, that if they'd have taken similar pictures, there would have been one woman in them. 'And in many of those,' she says, 'there would have been no women. So, you know, it wasn't unusual to be one on your own, or one of a handful of people, in that division.'

Two decades down the line, the photo has now become a major piece of inspiration for the First 100 Years project, an initiative celebrating the centenary of women being admitted to the legal profession and charting their career progression through the ages.

'Recently, I discovered an old image from a famous law firm. The photo was from 1982. I wondered, what was the story of the woman in the photo? How did she feel being the only one?' asks the First 100 Years founder, Dana Denis-Smith.

'The centenary of women being allowed to become lawyers will be in 2019. This is something that needs to be celebrated. What better way than to create a museum dedicated to the journey of women in law?'

And celebrate we must. The Sex Disqualification (Removal) Act 1919 paved the way for women to become lawyers. It has

been a long road for women to travel and yet it is clear we have yet to reach complete equality within the profession.

It was not until 1922 that the first women, Ivy Williams and Helena Normanton, were called to the Bar. It took the latter three decades to become one of the first women to be appointed King's Counsel.

The Bar had to wait until 1965 to see Elizabeth Lane become the first female High Court judge, and it was not until 1972 that Dame Rose Heilbron became the first woman to preside over a trial at the Old Bailey.

The solicitor profession has fared little better. Carrie Morrison, Maud Crofts, Mary Pickup, and Mary Sykes became the first female solicitors admitted by the Law Society in 1922.

But it was not until 1999 that a top 100 firm appointed its first female chairman, Diana Parker of Withers.

Third-party issues
Most recently, female lawyers have been under attack. Lord Sumption suggested that women should not rush to join the senior ranks of the profession and judiciary for another 50 years, while barrister Charlotte Proudman received immeasurable animosity after uncovering the rife sexism that still exists in the sector.

Happily for Livingston, the photo does not evoke

30 YEARS: OF WOMEN IN LAW

For women lawyers over the last century, *Laura Clenshaw* says equality in the legal profession has not yet been achieved

memories of discrimination, nor does she recall her gender, per se, impeding her progression.

'I took longer than my contemporaries to become an equity partner; within a year of that picture, I had my first child, and I think that slowed things down. Before that, I certainly didn't suffer any discrimination at all that I'm aware of – nothing that I would regard as an impediment to progress, at all, and nor after I became an equity partner – it was associated with having children rather than being a woman.'

There lies the crux of the matter. Many women do not see their sex as prohibiting career progression; it's these third-party issues – childbearing, to be exact – that 'get in the way' and which the profession has made little progress in addressing.

'It's one of the real difficulties,' says Livingston. 'Particularly when you come to promote people, you look at their track record over a number of years. If a woman has had a year out for childbearing and a man has had maybe six months on secondment, you know which record is going to look better.'

'I'm not an expert – it's already the case that this shouldn't happen – it's just I think the situation lends itself to unconscious bias,

which works in favour of the present male as against the absent female, at the stage when promotions are being considered.'

Carry On-style banter

Despite gender discrimination being outlawed since the 1970s (the Sex Discrimination Act and Equal Pay Act were passed in 1975), organisations – and all too often, law firms – are taken to tribunals to defend allegations they have treated female employees less favourably than their male counterparts, comments *Solicitors Journal* editor at large and Bircham Dyson Bell legal director, Kevin Poulter.

'The Equality Act 2010 brought together the raft of discrimination legislation that had developed in the preceding 30 years,' says the employment lawyer. 'For some employers, though, the days of *Carry On*-style banter and mistreatment of employees has continued to be tolerated and, in some disturbing cases, apparently encouraged.'

'By rights, the legal sector should be leading the way, but as recent news coverage has shown, it has been embarrassingly slow to evolve.'

As an example, Lord Sumption sent ripples through the profession when, in an interview with the *Evening Standard*, he said there could be 'appalling consequences' for the quality of British justice if equal

representation for women at the top of the profession was rushed.

I TOOK LONGER THAN MY CONTEMPORARIES TO BECOME AN EQUITY PARTNER

I ask Livingston how it feels when a Supreme Court judge remarks that the judiciary isn't ready for women, that '[i]t takes time', '[yo]u've got be patient', and '[i]t has to happen naturally.'

'Well, it's been taking place over a number of decades and it hasn't got very far,' she replies. 'And I think the bench would benefit from more women.'

'Obviously, you wouldn't wish them not to be of a suitable intellectual standard, but I don't see any shortage of women of a suitable intellectual standard,' she continues. 'The process for promotion, which concentrates very much on people's records as an advocate, unnecessarily limits the pool.'

It is not only employees who are affected, however.

Poulter explains: 'Female partners do not have the same rights or protection under

