

Podcast 4 Final Transcript for broadcast

A Hostile Culture (1949-1959)

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Speakers

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HG – Helen Glew

HH – Hilary Heilbron

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LA Welcome to the First 100 Years podcast series.

Join me, Lucinda Acland and guests, as we reveal, decade by decade, the history and lives of the women in the legal sector, over the course of the last century:

- the stories of the courageous pioneers and their struggle to practice law;
- The incredible rise in numbers of women who now are involved in all aspects of the legal sector;
- and discuss the factors affecting the equality of opportunity and advancement to the top of the profession.

First 100 years is unique project set up to celebrate the history of women in law and inspire and promote opportunities for future generations and we'd like to thank Goldman Sachs and Linklaters who have generously supported this podcast series. The 1950s were characterised by a post-war growing economy and technological advances there was full employment and women had shown during World War II that they were more than capable of doing all types of work.

Despite this after the war, working women either returned to the home or were squeezed back into lower paid positions. Women's status overall declined and the gender wage gap increased. Career choices were universally constricted by the opinion that woman's place should be in the home. This is restrictive outlook pervaded the professions too and inherent prejudices and discriminatory practices played a large role in the very slow progress of women in the legal sector. Indeed the culture of the time is described as 'mostly hostile' towards women. When we look at the numbers they are woeful.

In 1950 out of 925 solicitors on the Roll, only 25 are women and in 1954 women comprise 3.5% of the practicing Bar, and this is fewer than in 1939. But fortunately it was not all doom and gloom; a few women were scaling the heights and remarkable careers of being forged.

In this programme, although there's clearly no linear progression, we are going to look at some of the themes across the decade of the 1950s in particular the experience of women in the legal profession at this time against the wider backdrop of prevailing barriers in the workplace in particular the marriage bar; the life and career of Dame Rose Heilbron a woman of many legal firsts and of Nemone

Lethbridge, whose legal career has been described taking her from outlaw to feminist icon.

With me today are Dr Helen Glew, Senior Lecturer in History at University of Westminster; Hilary Heilbron QC, barrister and international arbitrator; and Nemone Lethbridge herself, barrister and writer.

Helen Glew, one of the barriers to career progression for women in the workplace generally, was the practice of the marriage bar. This was something that the government as an employer had formalised and which private companies followed suit. It seems such an outrageous discriminatory practice to our modern sensibilities, can you tell us how it operated?

HG

Yes, the marriage bar was set up as you suggested by the Civil Service actually before the first world war and essentially it was a clause put into women's contracts that said that when they married, they had to resign, they had to give up their jobs. It wasn't actually a piece of legislation so it was something that the Civil Service put into its contracts and it went into a lot of contracts for women teachers as well and it also then gave licence for private employers to do the same thing to follow suit effectively and because also there was a kind of longer standing social expectations that women 'just wanted to be wives and mothers' the marriage bar was seen as kind of backing up those kind of social expectations.

LA

How did this practice eventually come to an end did it take a lot of campaigning and was it universally ended?

HG

There was a lot of campaigning actually right from the moment where it became commonplace. It's really after 1919 that it becomes commonplace in quite a lot of public and private sector employment. And throughout the 20s and particularly the 1930s you see a lot of women's organisations particularly those attached to women in the professions campaigning for the marriage bar to be lifted and certainly by the mid to late 30s there's been much more debate in the Press and you can see the people aren't actually convinced. The general public at large is starting to question whether employers should have the right to demand that women give up their jobs on marriage. They're starting to think of it in terms of this should be a decision for women to make and with the husbands. But really the big change comes in the second world war, as you can imagine with the need for labour the marriage bar is essentially lifted in pretty much all of the occupations in Britain or really suspended for the second world war. And then of course the debate comes as the war is coming to an end, you know, are you going to put it back? It was raised in teaching in 1944 as part of the 1944 Education Act and the civil service debate is fascinating actually because although some in the civil service hierarchy, no longer see the marriage bar as something that is sort of fit for purpose, and there are so many exemptions to it that they wonder if you should actually exist. There's a real kind of discussion and debate about this and it's really kind of equivocal decision about should the marriage bar be put back or should it be lifted.

And in the end the Chancellor is actually all for putting the marriage bar back and so returning back to the kind of status quo in terms of women having to leave the workplace. But the government realises it would be contradictory to be calling for

women to remain, married women to remain in the workplace to support various of the post-war initiatives around higher production and increased turnover of goods in the workplace.

The government realises essentially that it would be contradictory to have the marriage bar in place for women civil servants whilst at the same time calling for married women to stay in factory work, in typing, in clerical work and things like that. So the marriage bar is eventually lifted in the civil service but not from real, any kind of recognition that this is an issue with justice or equality or fairness or it's not about woman's right to choose either it's simply about the fact that the government can't have two contradictory policies at once.

It does take a while for the marriage bar to filter through for the changing attitudes to sort of filter through. So once the marriage bar has formally gone, you still I think have these kind of underlying attitudes that of course if women are getting married, of course they are going to leave the workplace and I think you then have more informal expectations around the fact that well obviously they'll just leave when they have their first child. So it's no longer marriage itself, but the expectation that women are going to have children and therefore they will leave employment when they have their first child

LA

And what do we know of the wider public opinion on this topic was it was it a matter of press interest or debate? As I understand it was also on going argument for equal pay for women?

HG

Yes growing campaigns for equal pay particularly for women teachers and women in the civil service at this point and then more widely there was some discussion in the Press about it in this period.

What you do see before and after the second world war is that people questioning the right of employers a bit more to make that stipulation so whilst you don't have huge numbers in the population who are supportive of the idea of married women working, they also don't think employers should necessarily have, have a say in the decisions that families and couples make. So it becomes much more about individual choices rather than following a sort of employer mandated regulation.

LA

So it appears that there are important parallels here to understand the experience for woman lawyers at the time. It's quite interesting to note at the time of the Sex Disqualification Removal Act in 1919 that allowed women to enter the professions, a clause that had been put into end the marriage bar was actually removed women still could be barred from parts of the civil service including the foreign and diplomatic service.

So, we've heard about the prevailing work culture at the time, we'll turn now to the experience of women working at the bar. Hilary Heilbron, your mother Rose Heilbron was born in 1914, into a non-legal family, and indeed into a world where women did not yet have the vote and were barred from many of the professions. She went on to become one of the most outstanding criminal barristers of her generation, a judge and a household name, and acquirer of notable firsts as a woman in the legal profession. She had gained a first class honours degree at Liverpool University and an LLM whilst studying for her bar exams.

She was the first woman to receive a scholarship at Gray's Inn in the mid 30s to study for bar exams, and became one of only two women to hold a master of laws degree in 1937.

Despite her obvious academic achievements and abilities, she did face direct discrimination at the outset of her career. What was her experience?

HH

I wrote her biography a few years ago this was one of the questions I ask myself because I knew from conversations with her as a child and later that she obviously did experience discrimination in her practice but getting actual evidence of it was not very easy. I did for example find that she had great difficulty and I knew this from her telling me in getting pupillage and she retained one letter which was addressed to her from her former Dean at university where he explained that it would effectively wouldn't be in her interests to do a pupillage in those chambers because the other men in the chambers and the clerk wouldn't welcome a woman pupil. And there's no doubt that if there is functions and various other times she was warned that it would be difficult to succeed at the Bar because of the mantra that was always used in those days the smallness of women's voices and the prejudice of solicitors. As to the former, my mother had a trained voice and so that I think didn't actually really deter her at all but the prejudice of solicitors obviously was a factor. She was lucky in one sense in that she started her career at the time of the second world war when there was a shortage of barristers because a lot of the men were away at war and I suspect the evidence therefore of prejudice at that particular juncture was somewhat limited obviously there was much more prejudice further down in her career so I think in summary basically there was certainly evidence of initial prejudice getting started. Once she got a pupillage, I think she really was able within reason to make her own way and the prejudice although there, wasn't probably overt. Later I think it became more overt.

As a junior barrister, she took cases at local magistrates courts and built up her experience and practice in that way. By 1946, she had appeared in 10 murder trials and her presence attracted a lot of attention from the press, being a young, very attractive woman made her very photogenic and sought after by the media, how was this covered?

HH

Well she was a sort of darling of the press and I think some of the stars of today would give their eye teeth for the sort of publicity she had because in all the press cuttings I looked at I never once found anything unfavourable said about her, and what was ironic was this was at a time when as a member of the Bar it was professional misconduct to even speak to the press let alone giving interview or pose a photograph. I think probably the reason that she attracted so much publicity is that she was young, she was attractive she was a working mother with a young child, i.e. me and she used to go round to what are now called Magistrates Courts but then were called police courts and then later as she got more experience to the higher courts I don't know how many you mentioned 10 whether that's accurate but certainly she did a large number of murder trials which of course attracted a lot of publicity in those days because of capital punishment but although she got all the publicity for a criminal practice she also had a huge Common Law Practice by which I mean medical negligence, accidents at the workplace, car accidents, libel, some

family law at all these cases had human interest and so whenever she went and was the first woman to appear at a police court, there would be a little snippet in the paper. And as she was more and more successful, in some of the cases because she was good at what you did, she then got a reputation and she would appear, 'Woman barrister does this' because she was so unique she was blazing a trail basically in those days, and the other thing is as she got more well-known she started to give speeches about women, about equality for women in various respects so that again brought publicity. I think it was generally the unusual factor of having a workingwoman who was successful at what she did.

LA

We now reach a highly significant legal professional landmark: for women to be appointed as Kings Counsel a senior position awarded in recognition of excellence in advocacy and to lead bigger, more complex cases. In 1948, Margaret Kidd was appointed Kings Counsel in Scotland, the first woman in UK. The next year, 1949, Rose Heilbron was appointed one of the first two female King's Counsel in England and Wales. Aged 34, she was the youngest KC since 1783. The other, Helen Normanton, was the first woman to practice and who retired a couple of years later). What do we know Hilary Helbron about your mother's court performances?

HH

Well sadly, I can't give first hand knowledge because I really only heard my mother in court just at the end of her career as a barrister. But from what I've heard from others, she was an extremely effective advocate. She was clear, she did a lot of work she was a very hard-working very conscientious and she had this rather special rapport with juries who would apparently hang on her every word. She had this ability I think to encapsulate in words that juries understood what the key point was in favour of her client and she became ultimately, a pretty much, certainly in the northern area of the country, a household name. and people would queue to listen to her in court remembering of course that particularly with murder trials there was no television in those days and I suppose that you was a sort of form of ghoulis entertainment that people would want to go and listen to.

When I did some research at the public records office I did find various interesting snippets about when she took silk and how the Lord Chancellor was advised to mention that she was a young mother with a 3 month old baby and I also found, though not at the public record office but amongst my mother's papers, the specific dress code that they have to work out for her and Helena Normanton they never having been Silks who wore skirts before.

LA

And that takes us very nicely to the taking a look at her personal life and as you say the appointment of being a KC took place just a few months before your birth Hilary Heilbron, and as we know and I've heard from others it's one thing to reach career milestones and yet another to sustain a practice particularly with the demands of parenthood. This is such an obvious challenge for many women and must be particularly so at a time when we've heard how much the prevailing attitude was against women working once they were married, let alone having children and how do you think she managed her work her family commitments and her continuing professional successes?

HH

Well, I think on that I do have a little insight, as I was the recipient obviously of her warmth and her love as a mother. She herself lost her own mother at a young age which was devastating for her and also later in life that was a practical difficulty because she had no mother to call onto to assist her. But my father was a doctor and he used to come home in the middle of the day for his lunch, he would be there every evening he didn't travel. She travelled a bit, but not as one does today to different countries or at least very occasionally she would be away for two to three days. But my father was always there. She had to employ domestic help to assist because otherwise she couldn't have coped. But they were long holidays in those days when you were a barrister and they coincided with my school holidays. I never felt deprived at having a working mother, I often say that I saw more of my mother than I would have done if I gone to boarding school. and I gained a lot I had a lot of advantages I probably wouldn't otherwise have had. She also had, reading back into papers, the most enormous stamina how she managed to do it all, but of course she was younger and presumably in your thirties and early forties you have more energy than you do when you get a little bit older. So I think a combination of the support from my father, at having to employ help, having fairly long holidays and her own enormous energy and stamina all contributed to making it possible.

LA

We're just going to pause there in time on the brink of the 1950s, to include the experiences of other women lawyers at this time. Nemone Lethbridge, you were born in 1932, and so some 18 years younger than Rose Heilbron. However, still women at the bar were still very much a rarity. I understand that you wanted to go into politics, and thought a law degree seemed a good way in. You read law at Somerville College, Oxford and were called to the bar at Gray's Inn in 1956. As we've heard, this was almost exclusively male and very traditional profession in its outlook towards women barristers, and you seem to have come across the good, the bad and the ugly in terms of your legal education and experience. Can you tell us something of how it was for you back in those days?

NL

Well I was fortunate that I had no difficulty getting pupillage but alas it wasn't on merit. It is by nepotism my father at the time was chief of intelligence for the British army of the Rhine and he worked very closely with the prosecuting team at the Nuremberg Trials. He became very friendly with David Maxwell Fyfe as he was then, later Lord Kilmuir, Lord Chancellor and he was of course one of the leading counsel prosecuting at Nuremberg and his junior was Mervyn Griffith-Jones and my father through the good offices of David Maxwell Fyfe got Mervyn to take me on as pupil. Mervyn was extremely very reluctant to do this he was very embarrassed he was an extremely an old-fashioned man, he was a nice man, a very kind man but Victorian in his outlook and when he spoke to his senior clerk, who was a redoubtable old gentleman called Henry Twelvetree, who wore a brocade waistcoat and a bowler hat said that he wanted to take a woman pupil Twelvetree was absolutely horrified but then hearing how this had how this had come about you said to Mervyn, 'Sir this is a Royal Command you have to obey it, but the experiment may never need be repeated'. And so I duly presented myself at Harcourt Buildings where the Chambers were on the first morning of my pupillage and the clerks looked me up and down and the first thing that Henry Twelvetree did, was to look at my hands and send the

junior clerk, George up to Fleet Street to Boots to get some nail varnish remover and they solemnly removed my nail varnish and looked me up and down thought that was fit to go to court. Except I had a beautiful pair of pink kid gloves, all the girls wore gloves in those days and all the chaps wore bowler hats. Mervyn looked at my gloves he simply said 'Pink gloves, Nemmie at the Old Bailey I think not.' And so answer my beautiful pink gloves were removed and I went black and white like a penguin off to do my first day's pupillage.

LA

Just turning back to your time at Sommerville in Oxford it sounded like your legal education was a somewhat eccentric affair and it was very much sink or swim when you became a pupil what sort of preparation did you have?

NL

Well, I never researched the course that we were going to embark upon, before I went to Sommerville, I was surprised to find the first year was done entirely in Latin. and it involved reading the institutes of Justinian and Gaius and I can tell you how to manumit, a slave but I couldn't tell you what shoplifting was. The second year was largely medieval land law which was done in Norman French. So there wasn't much preparation academically another girl and I were the only two reading law at Somerville and there wasn't a law tutor so when they farmed out to tutor in Keeble who didn't appear to have a christian name and is known as Davidge's father because he was the father of an eminent rowing blue. and Davidge's father to learn the law and he didn't think much of us he after a couple of tutorials he said 'neither of you are clever, the idea of you going to the Bar is absolutely laughable, but it doesn't much matter because you'll commit matrimony anyway.'

LA

And thinking about when you were doing your pupillage, certainly people's were thrown in the deep end. From day one you were off to court, can you tell us a little love how that was?

NL

Yes was no rules saying that you had to done 12 months pupillage or that you are attending certain lecturers, for anything like that. The moment you were called you are ready to go and my first case was at the Old Bailey it was a dock brief if it's shocking to think no I was such an untutored and uneducated, really a child and I was thrown in front of the recorder of London was a terrifying a gentleman called Sir Gerald Dodson on a case of arson, a very serious matter. Arson with intent to endanger life, and my poor client chose me on a dock brief which is strange a system whereby unemployed young barristers filed into court and the chap in the dock was allowed to choose one just by the look of them. And this unfortunate fellow chose me and I got him seven years. Which was a great shock to me, he was an elderly recidivist and when he was sentenced he said to the recorder, 'I'm a dying man, as he was, he had a terminal illness I'll never do this sentence.' and Sir Gerald just said to him, 'Do your best, do your best.' and he went to do his seven years.

LA

That was certainly a different time, in your second six months of pupillage who's was at 3 Pump Court and I believe you met Rose Heilbron at that time?

NL

Yes she had a room there, she was a member of Chambers. The head of chambers was Euan Montague, who was at that time the chairman of Middlesex Sessions which is now occupied the building which is now the Supreme Court. They were a much more forward looking set of Chambers, than Mervyn's obviously because they had accepted Rose Heilbron as a tenant. and she was extremely kind to the pupils very lovely unspoiled woman. Not only very clever but also very kind and it was wonderful being in her company she was an inspiration to me and she's always been my heroine. So I joined the Western circuit and there the way one got work was to go on the circuit this is before the Crown Courts Act when in assizes and the night before the assize sat, the Bar would assemble in a nominated hotel in the cathedral city which had its own wine cellar and we would all have dinner in the common dining room but curtained from members of the public so we shouldn't by any chance see a juror or a potential witness and as dinner began the wine waiter went round with the soup, at the time of the soup, and he poured the wine and he'd go up behind the junior members of the ... circuit and say 'Miss Acland, would you take the case of Smith tomorrow and give you the papers under the table and so he had patronage over the work that was the minor prosecuting work, not obviously the heavy stuff was properly nominated but this is how the youngsters found their feet and is still the term the soup list is still used with reference to the lightweight prosecution work

LA so it was a way of you being able to be enterprising to get your own work?

NL yes.

LA

Hilary Heilbron, On this get on with the attitude it's an approach is often cited by pioneering women both as lawyers and in other situations it seems that it reflects that certainly to get on and progress there is no realistic alternative other than to accept the status quo then which was quite discrimination for women at the time and they were overt or inherent barriers can you tell us of a what you know from your mother's history?

HH if I can add a reflection of my own my own experiences at the Bar I think what has changed from my mother's time and when I first came to the Bar and what Nemone has just been saying is that, in those days women at the Bar had aspirations now women justifiably have expectations. In those days you had to get on with it but that didn't mean you agreed with it. My mother always used to say 'well you've got to have patience and it'll come in the end' and her career is really a reflection of that and supports that, because she got there in the end. But you always had to wait that little bit longer, now remembering also in those days there wasn't the body of women who could propel change in the way that it can be achieved today, but looking forward there is such a huge influx of women into the profession that this attitude of just get on with it, has really given way now to the fact that, it's not perfect by any means but that women are getting the opportunities in a way that in there when Nemone's day or my mother's day or even when I started weren't available. So much from her perspective yes she just did get on with it as I said didn't agree with it and she was supportive of other women she used to talk a lot about things like equal pay and equal opportunity for women she often gave speeches at to that effect and so she was encouraging changes, but in her own career at she did

basically at what she could. And there were lots of a silly little rules which applied which she had to just stomach for example she wasn't allowed to go to something called Bar Mess, which was an evening dinner on circuit and she in particular she wasn't allowed well in to till the 1970s, when she became leader to go to Grand Court, in case they said some or told some rude jokes which her it was assumed that she wouldn't like.

In those days understand that some of the barriers such as being excluded from Bar Mess and certainly access to robing rooms was not just the sort of men only spaces but the would be times of socialising and networking and certainly in robing rooms settlement discussions might have started?

HH

I'm not sure about robing rooms that means I know when she first went to the House of Lords she was allowed to use the Peeress' loo rather than the robing room and toilets of the men. But I would be surprised if it affected her work in the sense of the professional duty to her client.

I don't think that that would have happened, it probably affected other aspects of her career because she didn't have the same sort of camaraderie as men would have had in all male clubs or all male gathering. So she missed out on that but other than that I don't think it had it affected individual cases at all.

LA

Turning to you Helen Glew, I understand that similarly jobs involving travelling in the civil service were barred to women so that socialising and networking opportunities were prevented to them and so they didn't get the visibility that's basically required to apply for higher positions. Do you think this was a policy to actively retain the preserve of male power and privilege?

HG

Certainly after the second world war I think that is starting to shift it's one of those things that obviously takes a lot of time to kind of filter through we're talking about shift in attitudes as well as a shift in policy. Certainly in the interwar years and for a number of years afterwards many senior positions were closed to women in the civil service if not de jure then de facto closed to women some of thejobs that required travel away from home, for example there are all kinds of questions about accommodation for women and could a woman travel by herself with male colleagues, so all kinds of all kinds of questions like that.

LA

I think it's quite staggering to think now how open people were in being so comfortable in being blatantly discriminatory. I think you had I just frosty reception when you became a tenant, perhaps you could tell us about this?

NL

Yes, I became a tenant at 3 Hare Court which is right at the top of middle Temple Lane I suppose it must have been 1957 and I was the first woman they taken on. The clerk was very nice and very welcoming, but it had been agreed before I arrived that I wouldn't have access to the chambers lavatory and on the day I arrived they fitted Yale lock to it and all the chaps are given a key and I wasn't. I was told I'd have to go up into Fleet Street and use the Cardoma café and of course it was difficult because I had no access to the pool of chambers work. It was a prosecuting set and this is

before the setting up the CPS when all the London prosecuting work was in the gift of the Scotland Yard solicitor and he wouldn't instruct women.

So the bulk of chambers work was unachievable for me but they wouldn't even let me do the minor traffic cases, you know, dangerous driving and that sort of thing is what's the young fellows in chambers cut their teeth on. So I was told I really must go out and get my own work and one was the dock brief, second was the soup list and the third was purely by luck. I was instructed by a firm of Orthodox Jewish solicitors who couldn't go to court on Saturday and who were looking for a gentile was happy to do this and that was me and so I this firm of solicitors had a lot of work in the east end and good heavy criminal work and one of their favourite clients were the Kray brothers. So I went to court on many occasions on a Saturday morning for minor cases for the Kray Brothers I didn't get their 30 years, that was during my time in the wilderness. They used to be arrested on Friday night regularly for silly crimes like under the old SUS laws which no longer pertain and picked up by a local ambitious policeman who would say them had been seen trying car door handles in Whitechapel High Street or something of that sort. The offences was loitering with intent being a suspected person loitering with intent to commit a felony.

LA

Well you must have been hugely busy at that time and building your practice and learning a huge amount very much at the sharp end of the criminal law but sadly this was to come to an abrupt halt in the early 60s after only a few years of practice when the news of your marriage to Jimmy O'Connor a convicted murderer became public. He always maintained his innocence and indeed you've continued your challenge to his conviction. Can you tell us what happened to your career?

NL

Well for three years we were married we got married in Ireland so that there be no record at Somerset House. In those days the press were more discreet in what they wrote and they wouldn't dare write that two people with living together, but they were married which is a matter of public record office would obviously make you fair game, so we got married in Ireland to avoid there being any public record of it and chambers were happy with that, but it was the moment the story broke in the press that the head of Chambers who was the Conservative Solicitor General of the time was obviously embarrassed which is understandable I suppose. And I had taken my mother to Greece because I knew that the publicity was very hurtful to her and I wanted her to save her from the paparazzi so I took her to Greece, when I get back my name had been removed from the door of Chambers and I was told I was no longer welcome and I could not get other Chambers.

I went round and asked various people including Joe Gardner who at was some stage Labour Lord Chancellor and he was a nice to me and you said 'you know I'm so sorry this is an awful thing and I wish you all the luck in the world unfortunately we don't take women in these chambers. So it took me 18 years to get back but I did in the even get back.

LA

I understand that your husband became a writer for television and radio and you too wrote successful television plays featuring criminal courtroom dramas with female lawyers but you were keen to return to the law which you did in 1981?

NL

Yes. I was invited to join the chambers of an old gentleman at the Chancery Bar, called Louis de Pinna a gentlemen who was very much his own man and didn't bother with public opinion.

LA

I think you practiced from 1981 to 2007 and you're still working to this day?

NL

I still do a law centre yes we still have what I think is a very good system of Justice but people can't access it and what is the used to have the best system in the world if none but the rich could access it and so a man called Mark Twomey, who is now silk in the family division and I set up a law centre in Stoke Newington which is still going, going great guns.

HH

So if I can I can just pick up on a couple of points that Nemone's mentioned, perhaps the last one first, legal aid of course a lot of my mother's work in those days was done either the poor persons act which was virtually no payment or legal aid and for her first place in silk which lasted 2 weeks I think she got paid 15 guineas. People seem to assume that success in those days brought riches but it didn't. You did the work because you enjoy the work and you if you were a barrister it something called the cab rank rule, where you were under a duty to take all cases that came within your expertise. And as to the story about toilets or lavatories I experienced that myself because when I came to the Bar in the early 70s, chambers were just beginning in London, were just beginning to take their first woman tenant and I was the first woman in my tenant and remain the sole one for many years, but the excuse that was used always was that they weren't separate lavatories for women. That seems to have been something in different forms have pervaded all generations and barristers' chambers.

LA Certainly there seems to be interesting intersection touched upon about the television plays. As I understand that in the early 1960s a UK TV series called Justice was broadcast, where Margaret Lockwood the actor played a certain female barrister from the North West. A series that ran for 39 episodes and I believe was inspired by your mother, Rose Heilbron. Certainly there was much to be inspired by. And turning back to her actual career in 1956 she was made Recorder of Burney a part-time appointment. But it was not until 1974 at the age of 60, that Rose was finally appointed as the second woman High Court Judge. There was ...widespread recognition that the appointment was long overdue, and that had she been a man, she would have been appointed ten years earlier. What were her views on this?

HH

Well, just let me pick up on Margaret Lockwood I remember as a child watching that and enjoying the series. Yes, my mother became the first woman recorder in 1956 and even as a recorder she got back position later than you would have done had she been a man. So far is judicial appointment as a high court judge, yes that's correct she also got that much later than she would have done as a man. It was said that she should have gone into other division other division because her experience was in criminal law and civil law as well as family law, but personally she was always very pleased to get these achievements. It was others those who I think would comment on it there are lots of articles in the papers at various times. But the fact is she achieved becoming a high court judge.

LA

You've written that 'she never set out to blaze a trail' and while she knew she had a fascinating story to tell, she refused offers of writing her memoirs. What did she make of her private professional ambitions?

HH

Well I think as Nemone said she was very humble. She was also really quite shy. And I think when she achieved these things although probably she would have liked to achieve them earlier, she was so pleased that she got these appointments as she wasn't sort of person to go round and complain. She would accept them and I'm afraid to use that phrase we use before get on with the job.

LA

Thank you, Nemone can I ask you to tell us about the other women lawyers, solicitors and barristers it you will come across and can you tell us a bit about your contemporaries and whether you joined any women and professional associations or other networks?

NL

My exact contemporary was Anne Kernow we were both in Grays' Inn and we did our Bar exams together. She was a very bright woman and she joined 6 Kings Bench Walk as a pupil. She was John Buzzard's pupil. He was Treasury Council and he used to prosecute all the heavy frauds at the Old Bailey. He found that she was a treasure she was very hard-working and very clever and so she spent the whole of her professional life at 6 KBW.... She took silk she was treasury counsel for time she used to sit as a recorder and she married a judge at the Old Bailey. Neil Dennison who was the most delightful man and a brilliant judge. The most impressive woman I knew who was in fact senior to me was a Jean Southworth she was one of made an absolute nonsense of this business of women having poor voices. Jean Southworth was very clever she had a beautiful contralto speaking voice. She'd been at Bletchley Court, she'd been in the WRENS in the war: she joined KBW where she stayed but she's never really had the recognition she deserved she's absolutely outstanding and again very nice woman.

Then Monique Viner became a county court judge she was another Grays Inn-er barrister another clever woman. Nina, well she was originally called Noreen Collins. Then married Ted Gardener, Conservative MP, ended up married to Dick Lowry a judge of the Old Bailey and she became a judge of the Old Bailey now there a lot of women and it's wonderful when one find someone's pupils sitting on the bench I've got a pupil at Snaresbrook on a pupil of Birmingham Crown Court which makes me very happy, both very bright women, who've done well.

LA

Hilary Heilbron, did your mother mention any contact she had with other women barristers or solicitors that you know of?

HH

Well there weren't in those days the organisations of women barristers and women solicitors certainly on the circuit where she was. But what she did get heavily involved with was Soroptimists. And she became president of the local branch of Soroptimists. Now Soroptimists is another word for sisterhood and effectively was an organisation of people not just in the law but in other professions and working women and they used to have regular meetings and speakers and so she was heavily

involved in that and as I said earlier she used to go and speak to other organisations and speak on the topic of women and progression for women but I'm not aware of particular women lawyers association. I mean things like the women barristers' Association are really quite recent.

LA

Hilary Heilbron, you've given us the background to your mother as a person and insights into her determination and drive which highlight the hard work she put in over many years to achieve her well-deserved success and fame. Nemone Lethbridge, you've given first hand accounts, which bring to life the day to day reality of pursuing a career in the law. We know that only two other women took Silk between 1949 and 1969. In the mid 1950s there were still only 64 women practising at the Self-Employed Bar, which increased to about 100 by the mid-1960s. By the end of the 1950s there were 407 solicitors women with practising certificates, representing about 2% and we'll be looking at experience of women solicitors further in later episodes.

But it seems clear, given that we know that these women considerable talent and ability and in face of hostility, considerable determination, the slow progress reveals the extent of the institutional and structural barriers that these women faced. Do have any further thoughts about this and given that these issues still persisting today, what views do you have about improving them?

HG

It's been really really interesting to hear your stories Nemone and stories of your mother, and your experience is Hillary as well and I'm just struck as a historian who could have looked at these issues in these decades and earlier about the ways in which women are constantly reminded in this. period and indeed later that they don't quite belong they have to do something extra it going to take them longer the expectations are different. It's always toilets it's always things about accommodation and space for women and all the kind of issues that are thrown up about why women you can't quite take part on the same terms as men. I think I'll leave the question of the future to the others

LA

Hilary Heilbron

HH

Well it's been a slow progress. if you think in 1987 when I took silk, I was still only 29th woman silk. My mother having taken silk, 38 years before. It has improved dramatically since then and one of the problems I think were there weren't the pool of women. And hopefully now with the huge influx coming in from the universities and although they don't all stay the course the swell of numbers will propel a much more balanced allocation of men and women at the Bar which I can speak about and already one sees a lot more women in the profession I notice particularly because I do a lot of international arbitration and you see the women in their 40s now in all these big firms across the globe and quite frankly without them I suspect a lot of these firms will be in real trouble because they're all excellent they don't have squeaky voices they all but most of them are very good at speaking they're very bright and they are the backbone I think of you know the future legal profession and I think it will be recognised soon that there is a huge talent pool out there and it's recognised to some extent now but I think if we don't continue to help women it will

be a deleterious for the legal profession as a whole. So I'm optimistic there is still work to be done but I think we progressed a long way and I think we particularly progressed a long way in the last 20 years and that simply because of the swell of numbers are I should have speaking myself I'm not a quota person. I think women should be judged on merit I think it's in their interests they should be judged on merit but I think that there will be so many more women around in the profession that will become easier.

LA

Thank you Nemone Lethbridge, do you have any thoughts about how women can be helped further?

NL

I'm against positive discrimination and it's attractive when there's a problem but in practice I think it can be counterproductive

During the years of the Callaghan government there was a move to. advanced positive discrimination and there were some bad appointments as a result of this and these in the end are counterproductive because people takes example of a woman judge who's not quite up to it and say 'ha her look what happens when you appoint women to the bench' it's much better to let it go along with its own pace and to promote entirely on merit and I believe this in all spheres not only in the law it some attractive but can be counterproductive.

LA

Thank you, you can find more information about the stories of women and the law suggested reading and more resources on the first 100 years website. you can also get news of our further episodes of your followers on Twitter @first 100 years we certainly welcome your participation in the project events, suggested additions to our timeline or articles it's also important to note that you can add your own story as a woman in law or if you're inspired by women and or go to our website and other digital Museum tab and please enter your story. And we'd like to thank Goldman Sachs and Linklaters who have generously supported this podcast series.

Thank you goodbye

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