

Podcast 5 Final Transcript for broadcast

My Lord becomes My Lady (1959-1969)

Contributors

Lucinda Acland - researcher and interviewer, First 100 Years;

Frances Burton - retired barrister and judge, Senior Lecturer in Law at Buckingham University;

The Rt Hon. the Baroness Butler-Sloss GBE - retired President of the Family Division, member of the House of Lords and chair of a number of public inquiries;

Dame Janet Gaymer DBE QC (Hon), the first woman senior partner of international City firm Simmons & Simmons, former Commissioner for Public Appointments and until recently non-executive Director of the House of Commons Commission and Chair of its Administration Audit and Risk Assurance Committee;

Susan Roscoe - partner at Linklaters.

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LA Lucinda Acland

FB Frances Burton

EB-S The Rt Hon. the Baroness Butler-Sloss GBE

JG Janet Gaymer

SR Susan Roscoe

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 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 are now involved in all aspects of the legal sector and discuss the factors that are affecting the equality of opportunity and advancement to the top of the profession.

First 100 years is a unique project set up to celebrate the history of women in law and inspire and promote opportunities for future generations.

We'd like to thank Goldman Sachs and Linklaters who have generously supported this podcast series.

The 1960's was a time of profound social change. The abolition of capital punishment, legalisation of homosexuality and abortion, the introduction of the contraceptive pill, and the Married Women's Property Act affected women's rights in everyday life. More girls than ever before went on to higher education and in 1962 there were over 26,000 women at university.

In this programme, we discuss Dame Elizabeth Lane, England and Wales' first woman High Court judge; women in the judiciary and public office; and the role of networks, leadership and flexible working.

With me today are:

Frances Burton, retired barrister and judge, Senior Lecturer in Law at Buckingham University;

The Rt Hon. the Baroness Butler-Sloss GBE, retired President of the Family Division, member of the House of Lords and chair of a number of public inquiries;

Dame Janet Gaymer DBE QC (Hon), the first woman senior partner of international City firm Simmons & Simmons, former Commissioner for Public Appointments and until recently non-executive Director of the House of Commons Commission and Chair of its Administration Audit and Risk Assurance Committee, described as 'the foremost female solicitor of her generation'; and

Susan Roscoe - partner at Linklaters and recent award winner as a 'Timewise Power Part-Timer.'

We've heard in earlier episodes that whilst women had been able to enter the profession since the Sex Disqualification (Removal) Act 1919, their progress and

promotion through the ranks was still slow. By 1969, women made up just over 3% solicitors who held a practising certificate and 5.4% of the practising Bar, with fewer than 1% being QCs.

There had been appointments to the lower, magistrates' courts and role as recorders, but the higher courts remained exclusively male until Elizabeth Lane was appointed the first woman High Court judge in 1965.

Frances Burton, Elizabeth Lane was born in 1905 into a wealthy mill-owning family and as was common for many girls of her background, she was educated at home by governesses. She did go on to school and passed the Higher Oxford examination, that allowed entry to UK universities, but she never pursued this, choosing she said to be "done with academics and have a good time". This outlook gave her a somewhat unlikely platform to go on to be the first woman High Court judge. What can you tell us about how she made the leap into the law and her early legal practice?

FB Instead of university she joined her brother in Canada and met her future husband, Randall Lane, they were engaged within three weeks, and she married aged 21. One son was born, who sadly died young. It was her husband who suggested she joined him in studying for the Bar as she showed an interest in his studies and she was called to the Bar 1940. Pupillage arranged but she was told that the clerk did not regard women as 'a good financial proposition' and she would not be able to stay on. In the event she did. She worked as many junior barristers did in what was called poor prisoners' defences and service divorces. She joined the Midland Circuit and made steady progress. In 1946 she was the first woman to appear in HL in a murder appeal – particularly important because of capital punishment.

LA She was making steady progress and in 1960 aged 36 years old, she became a Queen's Counsel. The third woman silk in England and Wales. This was a testament to her reputation, work ethic and drive and as can be seen in her additional roles as Chairman of the new Mental Health Tribunals. Frances Burton, what were her judicial achievements and their significance?

FB As she was a member of the Midland Circuit, her appointments were in this area. She was the first woman to be appointed Recorder of Derby in 1961. She gained an appointment as assistant recorder in Birmingham and Commissioner of the Crown at Manchester in 1961. The first woman to be appointed a County Court judge in 1962, she was also the first woman to be appointed a judge of the High Court in 1965. Elizabeth's significance was duly noted and she was made a Dame Commander of the Most Excellent Order of the British Empire, the equivalent of the knighthood given to men on appointment to the High Court.

LA To those outside the law, these titles and the hierarchy of the various courts can be confusing, but they were part and parcel of the means by which judges moved up the ranks and gained experience. What was the system of judicial appointment in the 1960s, and what do we know of how her reputation from within the profession?

FB Well, judicial appointments then made by the Lord Chancellor's officials – civil servants who took soundings and it a system which was known as 'the tap on the shoulder' and this was based on networks and patronage – at that time completely male-orientated. It is suggested her county court appointment 1962, was to see how she managed. She certainly passed scrutiny as the Lord Chancellor's Dept. permanent secretary described her as 'so inherently capable that she would do almost any second row judicial job thoroughly competently' She then had an appointment in 1965 as the first woman High Court Judge assigned to the Probate, Divorce and Admiralty Division – now the Family Division.

LA It is striking that she was appointed to the Family Division of the High Court (as indeed would be the next three women High Court judges) when her expertise was criminal law. In fact, woman barristers at that time almost exclusively had started out as criminal barristers, as there were no opportunities to enter commercial practices.

Why do you think this happened and can you tell us about her experiences as a High Court Judge?

FB Well prevailing gender stereotyping – led women into crime and family.

Mary Arden was first woman who managed to create a commercial career, other include Elizabeth Gloster, Florence Barron (the late Florence Barron) was a family judge). And Elizabeth Lane's title was 'Mr. Justice Lane' and in court she was addressed as 'my lord'. She was never promoted to the Court of Appeal – perhaps a step too far for the time? But in 1965 she becomes a Bencher of Inner Temple – the first woman Bencher of any Inn. There was some discussion about her admissibility because of her sex. Lane was the only woman High Court judge for nine years until 1974: Rose Heilbron was then appointed. She retired in 1979 though continued occasionally sitting as an additional member of the Court of Appeal, as men retiring from the High Court often did.

LA Her career is marked by her hard work, competence and the respect of her peers. Although she wrote her autobiography (which is a rarity for professional women of that generation) little is known of her personal motivations and approach to judging. What would you say was as her contribution and significance?

FB She claimed she stumbled into a legal career because she married a lawyer and put it down to good health, capacity for hard work, good temper, her ability to conceal her true feelings, and not becoming emotionally involved, a pleasing voice and good luck, but there must have been more to it than that. She was important as first High Court judge who was a woman and as chair of the 1971 Committee to examine the workings of the 1967 Abortion Act, which the judiciary supported. Her appointment appeared to represent the beginning of equality in the legal profession.

She brought a woman's contribution to justice and thus different perspectives, a theme often advanced by Baroness Hale, President of the Supreme Court.

LA We turn now to Baroness Elizabeth Butler-Sloss. You were born in 1933, into a legal family, your father, Sir Cecil Havers, was a high court judge and your brother a barrister, who became Attorney General and Lord Chancellor. I understand that you decided aged 13 years old, that you wanted to become a barrister, can you tell us about your motivation at the time and your family's attitude to your plan?

EBS I actually can't remember why on earth I wanted to be a barrister. I think it was because I had listened to my father in court when he was a barrister and I had very much enjoyed the cases and what was going on. My father said wait until you grow up but if you really want to do it, I'm behind you.

LA I think he also gave you two pieces of advice about lowering your voice and speaking more slowly. We've heard a number of times in these episodes that women's voices were said to be a potential barrier to becoming barristers.

Elizabeth Lane said that her 'pleasing voice' was one of the attributes that helped her. Now whilst women's voices are obviously likely to be higher and you'd have to project in a courtroom setting, I wonder whether the voice aspect was a matter that was used unfairly against women, meaning that it was another aspect about women that was placed under intense scrutiny, in comparison to men. Do you think that there is anything in that? And whether women have had to conform their attributes to become what has been described as 'honorary men'?

EB-S I don't think that we needed to be honorary men, but I do think that having a voice that was easy to understand, to speak more slowly as my father advised me. I actually practised in front of a mirror to get my voice down because it was extremely high, and this was irritating to listen to.

LA After leaving school Elizabeth, you went to Lausanne University in Switzerland. At that time there was no a requirement for barristers to have a particular degree. Can you describe your legal education and training as a pupil? And what of your fellow female contemporaries or more senior women lawyers, did they help you at all as a junior barrister?

EB-S I did try for Newnam College at the age of 16 and not surprisingly they turned me down. I was enormously helped by Elizabeth Lane. She was a close friend of my father, she was basically my mentor and she also told me keep your voice lower, speak more slowly, listen to what the judge says, watch what the judge is feeling, from how he's looking she gave me very, very valuable advice.

LA And I understand your clerk within chambers was a supportive..

EBS He was marvellous, I mean the reason I went into family chambers, but I'd always intended to go to this family set because the man prepared to take me as a pupil was a golfing partner of my father. So in those days of course I was very privileged, but I paid him, or rather my father did and I didn't get any work through that in fact I didn't get any work for several years but nor did anybody else at the junior end of chambers. We were a very well-known a very well-respected family set doing divorce and children cases and money cases. But there was a little corner in chambers that did road haulage and passenger transport and they need somebody else, and so they recruited me as one of the more senior members of chambers. I ended up being the co-author of the second edition of a book on road haulage and we did enquiries both in relation to buses and coaches and also in those days you had to have a licence to carry for hire and reward and so I did those enquiries and I eventually became one of the experts in the country

LA Turning to the question of family law and you mention that you had a very lucrative practice with the road haulage work it's been mentioned before by others that the family area for women barristers is considered an appropriate area. Was that your experience um and can you tell us more about your experience as a woman barrister at that time?

EBS Women were expected if they got to the Bar either to do crime or to do family. The idea that we should move into commercial, into things that men really did was quite, absolutely forbidden, in a sense and it was effectively forbidden because you couldn't get into those Chambers. But I had always intended to do family law so from my point of view I didn't feel discriminated against but there are no shortage of women who found it difficult and Rose Heilbron's daughter Hillary, really carved a path as a huge success by getting into very, very good civil Chambers and making a huge practice and she still does.

LA In 1970, you gave up practicing at the Bar to take up an employed position as a divorce registrar at Somerset House. Was that a difficult decision, given that it may have prevented or limited your career aspirations at the time such as becoming a QC?

EB-S Yes it was a very difficult decision. I was invited at the age of 36 to take it so I was very young I consulted my husband who said do what you think it's right I consulted my father who said you was take it and I said why? And he said you are neglecting your children and he hadn't said anything to me before. But he said you're careering all over the country the current nanny isn't particularly good. I was astonished how much my father knew and I nearly always took his advice he said you will not ever get preferment nobody has ever gone from the principal registrar higher up the ladder that's not true now but it was then, but you must do it for the sake of the family

LA So having though you had made a career limiting decision in 1979, you were actually invited to become a High Court judge. The fourth woman they had all been appointed to the family division: Rose Heilbron, Elizabeth Lane and Margaret Booth and in 1988 you were made the first woman Lord Justice of appeal the highest-ranking woman judge in the UK until 2004. I think it's been said that you felt you brought an acceptance that women could join the court of Appeal and that you had an interesting professional relationship with the master of the rolls, then Lord Donaldson who might have been a bit dubious about you.

EBS Well I got the impression that he was very dubious. So I sat with him a lot, I think he wanted to train me basically and we got on extremely well I took the view that my importance in the Court of Appeal was to be there but not to make waves I was quite concerned that if I stood out and started to say a lot of feminist things it could have an

adverse effect on the then rather conservative viewpoint as to whether any more women should join the court of Appeal and I thought by opening the door and keeping a low profile I would allow other women in behind me. Now other women judges didn't share my view on this and thought I should have done it.

LA So leading by example?

EBS Yes by example and a low profile.

LA And I think perhaps also following in that vein, you were still happy to be called Lord Justice Butler-Sloss?

EBS No I wasn't at all happy to be called Lord Justice Butler-Sloss. So I went immediately to the Master of the Rolls and said why am I called that? Shouldn't I be Lady Justice and you looked at me rather severely and said my wife is Lord Mayor of London, and that stopped that conversation and then Brenda Hale who was absolutely on my tail was very, very critical of this and she wrote an article in an American newspaper in which she said that my title was preposterous. Consequently, in those days, Tom Bingham was the Master of the Rolls, and I went to him and said look Tom I really ought to have my name changed. We're getting Brenda any minute and she won't stand for it so let's do it now. So, he got the Lord Chancellor to agree he had to think about it, this was Derry Irving. It was quite extraordinary, he spent some time wondering as to whether I could be called Lady Justice. Any way the all agreed, that was fine, we had in the Court of Appeal at the beginning of the day the Master of the Rolls said that from now on Lord Justice Butler-Sloss, will be known as Lady Justice Butler-Sloss and everybody bowed and that was fine until The Time's the next day that had a heading saying sex change judge.

LA and the world didn't come to an end

EBS No the world didn't come to an end, no.

LA In 1999 you became the first woman President of the Family Division until your retirement in 2005 and you ruled upon a number of important and difficult issues.

Many of your decisions have advanced women's' and children's' rights considerably. You join the House of Lords in 2006 as a life peer, sitting on the crossbenches.

Looking at your legal career you have pursued your ambitions, despite modifying your work to meet family commitments. You're a legal pioneer as the first woman Lady Justice of Appeal the highest-ranking woman judge for 16 years and have taken opportunities that have paved the way for other women. And yet I believe that Helena Kennedy cites you as urging women to not rock the professional boat to strenuously. Did you fear that the traditional male element at the Bar with perhaps make it more difficult for women?

EBS Well the point that I made about joining the Court of Appeal I think women who are strident and there are a few, don't advance the cause of women. I think women should be stand-up be counted I think women need to assert that they can do it as well as man is not better very often we do it better and I think when we do things well we should be blowing your own trumpets but I think it's the sort of waves that are made and I think you need to be in the right position you need to raise issues that you yourself know something in the right quarters. And this is a question of advocacy basically it doesn't mean you don't want to advance the cause of women, but you need to advance it in the most effective way. And I do know that others profoundly disagree with me.

LA I'd like to ask you Elizabeth about networks professional networks for women specifically the Association of Women barristers. I understand that you were invited to become president of the Association of Women Barristers when it was founded, but declined why was that?

EBS Well, at that time I took the view that I wanted to be a person, and not specifically run a woman's side and I didn't think, and I was wrong, but I didn't think that a Women's Barristers Association was needed and I didn't want to encourage it. I went to a dinner, they very kindly invited both my husband and me and I talked to some of the women there who are undoubtedly having a rough time and someone being discriminated against in chambers and they were obviously finding the association very helpful, so I

was wrong. Whether I was going to be a good chairman or president of it I'm not at all sure, but I think I should have been more understanding of the fact it was needed.

I think funnily enough when I started it wasn't needed because there were so few of us that really the men didn't bother, but when they were a large number of more women I think quite a lot of men well have felt threatened and when they felt threatened I think they started to turn nasty. And that's I think when this association has actually done a lot of good work. So, I was wrong.

LA I understand that you have within your Inn of Court do a lot of support and mentoring for junior barristers though, so again this is a case of leading by example do you have any particular observations about that over the years?

EBS I've tried very hard to support women students and if a woman student has come to me then yes, I've taken an interest in her and tried to help her. Clearly, I can't help her get a pupillage or a tenancy, but I can help her in other ways so women members of the Inner Temple, yes, I do think they look to me and I'm very very happy to be involved with them. I do that on an individual basis

LA Turning back to you Frances Burton, you are a retired barrister and an academic and parent, can you outline the choices you have faced and resulting impact for your professional career?

FB I was called to the Bar in 1970, I worked in private practice at the Chancery Bar and then moved to a joint academic-practitioner route to allow bringing up a family of children – including writing which is a feature of academic life. Many women barristers couldn't choose what they did, they had to like what was on offer, so I developed career patterns that suited them.

LA I'd like to come back to professional networks for women working in the legal profession. Compared to the Association of Women Solicitors, which had its origins in the period following the 1919 Act, women at the Bar had to wait until 1991, some 72 years later, why did take so much longer to establish this organisation for women barristers, Frances?

FB Barristers are self-employed. So, earning a living came first, and women in chambers were always more isolated. There were fewer women at the Bar, no significant numbers before the 1980s-90s. The Bar more conservative and the traditional arm of the profession, the Bar Council did not offer funds or the administrative support of the Law Society for women solicitors.

LA How did it come about and what have been its key achievements?

FB The AWB had been was an initiative of both common law and Chancery women barristers. The group intended to provide mutual support to women in all sectors of the Bar and to lobby for equality and diversity measures. In the 1980s it was apparent that Bar Council lagged far behind the need for equal opportunities and support for other groups (men as well as women) e.g. BAME groups who lacked the privilege of family connections and finance, had the same problems as women. Initially for social and profile raising, the Association was generating solidarity and highlighting perspectives of women e.g. the structural barriers to progress of circuit work and rigid rules for judicial office. It moved on with increased membership. Mary Arden a High Court Judge was the first President. It was a campaigning group – instrumental in bringing about change to appointment of women to the Judiciary and as QCs. Lord Irvine when Labour Lord Chancellor in Tony Blair's first government was supportive, with his mantra 'Don't be shy, apply'. We were formally involved in the Lord Chancellor's Working Party on judicial appointments and Silk (that's the appointment of QCs), we were instrumental in the creation of the Judicial Appointments Commission in place of the former system of patronage. We've still not to this day achieved a seat on Bar Council – which would give women the same voting rights as other Bar Associations – in comparison to the Association of Women Solicitors, the AWB has never had the same level of support as women solicitors have had from the Law Society – which the AWS always realised and so was as supportive as they could be to the AWB. For example, ensured the AWB was included in every women's related event at the Law Society. Now men are

associate members of the AWB, the first was Lord Goldsmith, when he was Attorney General.

LA We're now going to look at the other arm of the legal profession- solicitors. Janet Gaymer, your legal career started at the end of the decade of the 1960s. You studied jurisprudence at Oxford in the late 1960s and sought to become a solicitor. The process of seeking what were then called articles of clerkship brought you face to face with an unexpected barrier - that of being a woman. What was your experience?

JG Leaving the comparatively sheltered world of university, I had no sense that the world might be against me and that I would face discrimination as a woman. The decade of 1960 was one of tremendous optimism and a sense of liberation and that youth had control of the future, no limits were expected, certainly in relation to your career. I was therefore very surprised when applying to one particular city firm, I received a letter of rejection for interview and it said something like 'thank you for your application, 'we are prejudiced against female article clerks, due to an unfortunate experience in the past. Therefore, we will not be calling you for an interview', This was 1969, six years before the Sex Discrimination Act came into force. I simply ignored it and carried on and made other applications. And happily, one of those was successful and I joined Simmonds & Simmonds.

LA It's very revealing of the attitude within the profession at the time that they felt no compunction, indeed, in telling you that they actually discriminated against women. You did of course, receive offers and after training and qualifying at Simmonds & Simmonds, you worked in the rapidly developing area of employment law, which mirrored the changes taking place in society, in the workplace and shifting tensions between employers and employees. How did you navigate the new laws and build your practice at this time? And did you experience any disadvantages further of being a woman?

JG When I was eventually admitted as a solicitor in 1973 and towards the end of my Articles, I Sat with litigation partner and into his office one day came a case of unfair dismissal with this new law. He knew nothing about it, so he turned to me and said, 'You do it!' And I literally learnt it the night before, we won the case and of course the next unfair dismissal case that came into the office. I was asked to do it. And that was the start of my employment law practice. It was a fascinating time, to do employment law there were strikes, lots of collective bargaining issues and negotiations. Very different from the employment law landscape today. There was actually very little relevant law apart from the industrial relations Act which had just come in. We were still learning about masters and servants and about butlers who were being enticed away. from grand country houses so it was a very different time. I decided I ought to learn a little bit more about the subject and I studied a part-time master's in law at the LSE in the evenings and to actually during the course of my first pregnancy, which proved to be interesting. It was very useful, ironically, being a female solicitor because people used to phone up the firm switchboard at Simmonds & Simmonds and ask the lady did employment law, there was only one and that was me.

LA You became a partner in the firm, along with another woman in 1977, and had your first child later that year, an event that seemed to catch the partnership by surprise. From what I gather, it was fortunate that you did have employment expertise, how did you approach your maternity arrangements?

JG I remember very well, soon after being asked to be a partner, informing the Senior partner that I was pregnant, his response was 'most inconsiderate, so soon after becoming a partner.' There were no maternity policies in place in the firm and naturally they turned to me as the only employment lawyer, to tell them what I should do. I put forward a plan for six months maternity leave and staggered return to work one day at a time until I was working full-time, which seemed to work. I carried on studying for my master's degree and finished off various types of work. I had my second child in 1979 and the partnership started to look very worried about this because they were concerned that I might carry on having more children.

LA Presumably you were at an advantage as having the role of being a partner, which may not have been so, for more junior associates?

JG Well, I think that it was certainly an advantage being a partner, it helped me be part of the conversation if I can put it that way and in terms of my maternity arrangements. And there were very few other women in the firm and indeed I cannot recall any women in the firm at that time who were pregnant and having children. So, I was very much an experiment myself. I had to deploy a comprehensive childcare plan as husband was a solicitor too. So, I had two nannies who worked to cover care Monday to Thursday and my mother in law looked after the children on Fridays. That worked until all of them caught the same bug, and I had to call my husband in because I was due in court that morning. But generally, it worked, I was very fortunate to have such a supportive husband, who helped me through the difficult periods. And actually, the firm was very open minded and supportive, it went along with 'let's just try this, and see if it works. Unfortunately, these days there is so much pressure on women lawyers, who are determined to come back to work, whatever, and I have seen examples of women who do it when they're not ready and give up completely which is a real shame.

LA I understand that whilst you carried on working full time at the office, you introduced flexible working arrangements for your team. This must have been a really radical step at the time, why did you take this step?

JG Well I could see more women were coming into the profession and they were encountering exactly the same issues that I'd encountered when I had my children. And I decided that I'd experiment with members of my team. My generation were not allowed to do flexible working. But I did start with at least one female member of my team doing home working and remote working, which seemed to work very well. And then of course when other people asked the request was approved. Unfortunately it's true that women bear the brunt of childcare and family arrangements and women tend to be the 'silent sufferers' – leave work forces without really telling their employers why they are leaving. It's unfortunate that they do that they ought to speak up a little bit more and they feel, they then have this feeling that they are continually compromised with work and their family responsibilities, which is very sad.

LA It sounds as if you were able to be very innovative and forward thinking for your team at the time. That clearly required leadership and confidence in their abilities to make it work. These professional qualities must have been obvious to your fellow partners too, when they appointed you senior partner. But I was struck when I heard you speaking about your decision to apply for Senior Partner that it hadn't been a position you initially thought of, what happened in that instance and do you know why you needed persuasion?

JG A colleague of mine walked into my office one sunny day and said to me 'Janet, have you ever thought about being Senior Partner?' I laughed. When the senior partner election started, he came back into my office and said had I thought about being senior partner? I obviously didn't look very optimistic about the idea. He pushed me to one side, tapped into my computer 'I wish to stand for election as Senior Partner' and then suggested I press the send button. Which I duly did. I exhibited all the traits that I subsequently saw of women applicants when I was Commissioner for public appointments. And indeed, the same colleague said to me afterwards "women should not wait 'to be asked to dance'".

LA I am struck with the interesting parallel with Dame Elizabeth Butler-Sloss and Lord Donaldson presenting her with a completed application to apply to the House of Lords to sign. Janet Gaymer. You left private practice in 2006 and went on to work in a number of public roles, including as Commissioner for Public Appointments; Chair of the House of Commons Administration Estimate Audit and Risk Assurance Committee and Chair of the Employment Tribunal System Taskforce. One of the effects of the 1919 Act was to allow women to take public office and your career shows the contributions you've made to public life so far. We've had obvious examples of women MPs; two Prime Ministers and we've heard about women judges. What do you think

about the visibility of women in public office today and the notion of women bringing different qualities to these roles?

JG There's no question that women are becoming more visible both in public roles and generally in the commercial world. It's very heartening to see so many female CEO such as Kate Swan, Emma Warmsley and so on in the commercial world. I do hope that that will continue though it seems to be extremely slow. Women do have particular qualities that they do bring to these leadership roles and the world will be poorer if they are not used

LA What kind of qualities would you say these were?

JG I think women um are more prone to consensual leadership than men. They do go by the same result, but they go by a slightly different route and they are certainly capable of being the leader that people want to follow. But as I say their styles tend to be different, but they do get to the same result.

LA And do you think this perhaps it's a bit of a generalisation, but do you think this different style of leadership can sometimes be a disadvantage for them?

JG I think that that style of leadership can be misinterpreted. A thoughtful style of leadership can often be seen as a less impactful style of leadership, which is unfortunate because it requires patience and one gets to the right result in the end.

LA Turning now to your professional experience Susan Roscoe, you're a partner at international City Firm, Linklaters your career illustrates the navigation of career promotion leadership and choosing to work in a flexible way to suit your family circumstances. So, you trained at Linklaters and qualified in 2002. Can you describe your practice area of work?

SR So I'm a partner in the disputes practice in London I specialise particularly in contentious restructuring and insolvency work, so court aspects in particular of major often cross-border insolvencies. Recent big examples being advising the administrators Lehman Brothers in relation to the very well publicised collapse of that group, 10 years ago and Enron before that

LA Can you describe your experience as a trainee and what were the factors that lead you to practice in this area?

SR I worked and number of different groups within the firm within corporate, project finance. I did some time doing some pro bono work at the Mary Ward Centre which is an excellent organisation and in the financial markets group and of course litigation as it was known at the time. My decision to qualify into litigation was driven primarily by the fact that I enjoyed that area of work most I realise that for me that thing that I found most enjoyable was solving problems interacting with people and putting together an argument in support of a particular position and I felt like I would get the greatest opportunity to do that work in that area. I didn't to be honest, give too much thought to how my work would fit in with my family life at that point in time. Perhaps I should have been more strategic about it but really my decision was born out of a desire to pursue that area with of law which I found the most interesting. It was only later in my career that I started to think about how I could make that work with also having a family.

LA Do you have a recollection of that thing around you at seeing other contemporary women solicitors climbing the career ladder or other more senior people about how they were managing combining broader personal responsibilities?

SR So there were a number of female partners particularly within my group as I was moving up the ladder but actually their personal situations are often quite quite different not many of them had children it was quite difficult for me to see people in more senior positions and think oh ok I can see how they're making this work at this is going to be fine for me. So when I actually when I decided to start my family and went off on my first maternity leave which was just at the point when I was being promoted to partner, it was a little bit of a leap into the unknown to be honest what I did know from spending time at home with my first daughter have three daughters, it is that I couldn't continue to work in the way that I've been working with these before I went off. I realise I simply needed to spend more time at home for me at least I know if you every woman

has a different experience. For me I felt it wasn't it be possible to do 5 days and so there wasn't really an awful lot of thought at my end as a how that would work I simply knew I needed to ask to do it a slightly different arrangement and at that time I don't believe there was any other female partner with in my group who was who was working flexibly or working part-time. So, I suppose it was a little bit of a gamble but actually everybody was extremely receptive to that to that idea. I got no push back at all. Everybody in fact said of course that's fine, how would you like to do it? I also asked if I could try and work from home in the evening so leave quite early and then log on again in the evenings as a regular approach to work. And I went from five days to four days albeit my one working day was not a fixed day in the week, so I tend to move that non-working day around to take account of client commitments and court appearances and the like.

LA So that was quite a landmark I would imagine you were the first Linklaters' partner to be elected whilst on maternity leave in 201. Did you detect any resistance or hesitation on behalf of your clients for your availability or were on your...

SR You know I didn't Ready going back to the comment I made earlier by Elizabeth about women just being people when I see clients are just people who have their own families and their own extra-curricular activities and I think that as long as you are willing to be flexible to some extent and mindful of other people's needs and as long as you have a good team of people around you. Actually there's no reason on Earth why you need to be physically present in a building 5 days a week and in fact the way that the working environment is changing these days even if you're not wanting to get home to have to be with family many people are working on the move in different environments partners are often out in all day meetings elsewhere will flying overseas so the fact that you're still not in for a day a week actually is not that noticeable to be frank. You don't have to make a big deal about it you just need to be quite smart as to how you interact with people, think ahead of good communication and actually people don't mind. I've not got hidden the fact I work 4 days from clients and more senior people I haven't made a big deal about it and I think that's probably in contrast to my approach when dealing with more junior people because I do think it's quite important for people who are now trying to work their way into a senior positions to see that there are different ways of working and so actually I do try and be a little bit more open and visible about the fact that I'm not working on a particular day certainly with the more junior members of the team, because I think that's quite important in in terms of providing that visible role model which perhaps was hard for me to find we're not when I was trying to move into a more senior position.

LA It's interesting you mentioned the openness in a couple of contexts, we've heard in other episodes about people working perhaps in a more flexible way and the Importance of clear communication and trust. It's a team effort for people to work because you can support each other and the time element doesn't become the focus it's getting the job done, so that's an interesting observation I think clients do understand that because in other sectors they are experiencing it amongst their own staff and the second point - the openness about being flexible and part-time as it as a role model. In March 2018 you received an award as the timewise power part-timer can you tell us a bit about that and why you think such visible awards are important?

SR Well it's funny because actually if you'd ask that question 10 years ago I probably would have been of the view that they were a bit of a waste of time to be honest I didn't see the need to have women-focused events women-focus groups just picking up on Elizabeth's comment earlier about her slight reluctance getting involved with those types of things and I was just getting on with my job thinking well you know if I'm good I'll be fine and I think as I've become more senior, I've realised that actually it's probably my responsibility to some extent, to make a bit more of an effort in that regard and so whilst it's not something that I would naturally look to do i.e. blow my own trumpet and find platforms to go on about how I work and what I've been doing, I think actually a lot of other women do find that helpful and supportive and so actually it's part of my role

you know a partner, as a senior woman at a law firm to try and encourage others to see that they can achieve their goals and so I think that putting yourself out there a bit more than perhaps you naturally would the timewise power part-timer award is that was actually another woman within the firm who brought it to my attention, and said I think I think it would be great if you if you would apply for this and hopefully it encourages other people to try and achieve their goals and see there's a way to do things in a way that doesn't compromise other aspects of their life.

LA I think you've also been very supportive and encouraging male lawyers to consider part time work, can you tell us more about that?

SR When people ask me how we can go about helping to fix the gender imbalance if I can put it that way it seems to me and this is the message I always give that actually the key to it is to have men working flexibly as well as women I think that only by encouraging more men to work in a way that women, sometimes through necessity, find themselves having to work do you achieve a greater understanding of the differences in approach and the different challenges and so I think flexible working for men is absolutely key to that. I've been really pleased to see that a number of men within my department have chosen to take shared parental leave and that's becoming quite normal now even amongst men who are in that period a few years before partnership where they're there was he trying to trying to prove themselves and very ambitious many even there are even some of those individuals have chosen to take 3 months out of work to share that that parental responsibility. We haven't quite got the stage yet where I think men are happy to work on a part-time basis and I'm really keen to try and get somebody to bite the bullet and have a go at doing that you've been paid less and working less than 5 days a week, because I think hopefully that would then encourage more men to do the same and that I think would lead to a more balanced and diverse workplace.

LA can you tell this tell me more about your co-leading the women on boards initiative and its uptake within your firm?

SR Well again I think this ties in with my comment earlier around my initial reluctance to get involved with women specific activities. actually when I came back from my third maternity leave I was starting to build up my work profile again and an email was sent around asking whether anybody would be interested in helping out with the gender equality network generally and in particular the Women on Boards aspect of it which is initiative as the name suggests encouraging women but also more broadly, any minority actually to get involved with taking a board position on a non-executive basis and actually wants you tapped into some of these networks you realise actually what a great resource they are I'm in the at the number of women that I've met through the gender equality network and the women on boards initiative that I wouldn't necessarily have come across with within the firm and that from the business teams as well as the lawyers is really great .

LA I understand Susan that you're involved in graduate recruitment activities for the Firm, what qualities are you looking for in your prospective lawyers? Do you perceive any different approaches to wards men and women towards their workplace and if so, is this detectable at any particular stage of their career?

SR I want somebody who's got a bit of proactivity about them somebody who's extracurricular so have some hobbies and has some interest outside of work a well-rounded individual and I'm quite conscious when I'm when I'm interviewing people that I want to make sure that we tap into as broad cross-section of people as we can't say getting people that are diverse in backgrounds. I do definitely notice in the associate body so maybe 2-3-year qualified level that there are a number of women often, who will self-select out of the process of promotion. So perhaps in that I didn't as I mentioned earlier. I didn't really think too much at the beginning as to how my family life would fit with my working life. I do sometimes think that women in particular more than men start to think about that aspect at a relatively early stage and decide there not to try and take a bit of a gamble and work out how they might make the two work

together. They would prefer to take a different career path as a result we lose people who are extremely impressive and hopefully over time as more women move into those more senior positions and work in a slightly different way and hopefully as some men start also to work more flexibly and more visibly differently that will enable more women you're coming through to see that actually that there is a world in which in which they can they can they can balance the two and actually maybe this just give it a go rather than deciding for themselves at an early stage that that that they're going to take a different career path

LA So certainly women are not a homogenous group there are significant differences of experiencing in their personal and working lives and the opportunities available have expanded hugely in the last 50 years. I'm wondering what you consider the presence of women in senior professional positions in leadership roles, creating networks and in promoting different working practices brought to the legal profession that Elizabeth you've got thought about that?

EBS Well it complete full circle. I think the most important thing is that the population of this country is male and female and consequently it's very important of the population in so far as they need the help of lawyers or indeed to appear before judges or magistrate have that mix they have in the population. The thing that worries me is the woman who decides in order to succeed in what she sees is a man's world she does have to try and be like a man, that is worrying aspect there's no need to do that you must keep your own personality and the fact that you're female and be glad of it.

SR I entirely agree with all of that actually it's obvious that the world is made up of lots of different types of people and it's made up of men and women and therefore having that that balanced representation in a working environment makes make sense I also think that working flexibly and having something else in your life makes you a more well-rounded individual and therefore more effective in the working environment actually I agree with the observation made that sometimes women actually have an advantage in in fact it in terms of their approach particularly I see it in terms of collaboration and problem solving.

EBS A lot of women are able to look at themselves and say well I got that wrong men find that very difficult. And I think that is an advantage for women.

LA Frances have you got any thoughts?

FB Well I think that this has been very well addressed by Baroness Hale, who has inspired the recent spate of re-writing of feminist judgments in the cases of some quite well-known um instances um so that what is relay brought out by this exercise is that women have different perspectives, they have a much broader view very often, and I think this is particularly noticeable in cases where a women takes completely different points into account which a man may miss. And they do that from the perspective of women's experience.

LA Janet you've mentioned that your thoughts on differing female women's approach to leadership have you got any other thoughts?

JG The one thing that I think is very important is that women should be seen to lead. And I do think that role models are very very important. to make it clear to those coming through the profession that the job is do-able. You have to find your own paths in which to do it, but the job is doable and have a career, you can have a wonderful career in the legal profession, but those role models are so important.

LA Thank you very much to our contributors, Frances Burton, The Rt Hon. the Baroness Butler-Sloss, Dame Janet Gaymer and Susan Roscoe for their insights.

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, if you follow us on Twitter @First100Years

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