

Back to basics



As Chairman of the Bar Council for 2016, Chantal-Aimée Doerries QC has been at the forefront of a challenging year for British lawyers. A champion of the profession for the advocacy, freedom, independence and strive for excellence that comes with it, she stresses the importance of lawyers stepping back and remembering that they are part of a profession, not a business.

Speaking of the depiction of judges as ‘enemies of the people’ in the press as proof of the need for better public legal education, here she tells the Wibl group what the Bar Council is doing to provide it.

Having studied history at university, can you explain a little about how you ended up where you are today?

I always enjoyed politics and debating, and I had a lot of friends who were reading law. So I thought I’d try the law conversion course to see

if I enjoyed it, and from there I found my way to the Bar really by accident. I met a senior barrister at a party who asked if I had ever thought about it, which of course I hadn’t; I have no family background in law.

But since then I’ve never looked back. I love the advocacy and the freedom. It can be quite solitary, but running a case is incredibly exciting and rewarding.

Then I began getting involved with the Bar Council a long time ago, working with the international committee which I went on to chair. It builds relations overseas, identifies rule of law issues, and provides pro bono support to countries with no Bar associations or ethical codes, and I really enjoyed that. I later decided it would be a real privilege to chair the Council, so I put my name forward and here I am.

How have attitudes towards women and minorities changed since you qualified?

The simple answer is that the profession has changed a huge amount since I qualified 24 years ago, but importantly, the essence of the profession is the same. It’s still about excellence in advocacy, independence from both clients and the courts, and about judgment and freedom, and that hasn’t changed.

For women and minorities it’s more complicated. There are horror stories from around the time I qualified, so without a doubt I was very lucky. My first chambers had a female head which back in 1991 was most unusual, particularly since it wasn’t a family set. There were also

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two female silks, so really I wasn't aware of the extent of the challenges that existed elsewhere.

When I took silk in 2008 it really hit me. I was sent a list of all the women who had ever been appointed QC. When I came to the Bar in 1992 only around 50 women had ever been appointed, and by 2008 I was number 200. I don't believe the list is kept anymore. It's of course still special for every individual, but it's not as remarked upon and to my mind that is the beginning of real change: when you stop counting.

Last year at the Bar Council, the Treasurer, the Chairman of the Young Bar and I were all female, which shows the change in real terms. That isn't to say there is complete equality by any means. We have done a lot of research at the Council into this and the figures are really encouraging. At qualification it's about a 50/50 split and has been for over 15 years, but the real and continuing challenge is not attracting women to the Bar but keeping them at the Bar. It's that 35-40 age bracket where we have continue to face a real challenge. We're not alone in that, but there are different pressures in a profession that's predominately self-employed.

In terms of minorities the Bar's real challenge is career progression. Our momentum studies report is encouraging in terms of the numbers at the Bar, but raises concerns around QC and judicial appointments, where more work is needed.

So has it changed? Undoubtedly. Do we have further to go? Undoubtedly. Does the profession recognise that? Definitely.

In the past you've warned that the high costs that come with qualifying as a barrister will damage diversity. What is the Bar Council doing to promote both social mobility and diversity?

The substantial costs involved in qualifying are a hindrance to social mobility, and a real issue for us. I came to the Bar with scholarships and with some support from home, but I doubt that I would be able to make it with today's tuition costs. For students completing a first degree not in law, like myself, and then doing a law conversion course before completing we estimated a possible cost of £128,000, including living costs. I know that people often work alongside their studies but I do query if they should have to.

I worry that the real progress we have made in attracting a more diverse group of people to the Bar will be impeded if students are saddled with so much debt at the start. And when you add to this the substantial cuts to public funding, there is a real risk that a career at the Bar, particularly the publicly funded Bar, becomes a less viable option. It's our good fortune that enough young people seem to want to come to the Bar, but the challenge is making sure we end up with the best, irrespective of social or financial background.

We continue to lobby on offering an educational route that is more affordable and we've been very active in increasing opportunities for students from non-traditional backgrounds. The Bar Council runs placements in Liverpool, Manchester, Birmingham and London where for a week the students spend time in chambers with barristers and have lessons in advocacy. It's not just about encouraging them to come to the Bar, which would be great, but about giving them skills that will help them later on in life. A few years ago one of the students told us she had learnt from this placement that it was possible to

disagree in a civilised way. She'd never seen, or understood, that before, and I'll never forget that.

We also go into schools across the country as part of a mock trial competition where the students play the advocates, jury and witnesses and compete. It's a lot of fun for all involved and increases knowledge about our justice system as well as advocacy skills among the students. The last 15 or so teams come to the Old Bailey for the final. It's fascinating to see them – I doubt I would've been that competent at that age! But it's about showing them that a career at the Bar is possible. We reach out to schools because if we only work with people once they aspire to a career at the Bar, we risk missing those who haven't even thought about it.

Often the divide between men and women at work does not start until they have children. What more could the legal services industry do to champion women returning to work?

We have been working on making parental leave a viable option for both men and women – and in particular ensuring that shared parental leave becomes more acceptable. Attitudes to this appear to be changing among younger generations.

There's always a temptation to look at the problems, and it's important that we do, but it's as important to recognise the advantages a career at the Bar offers and to make those work better. One of the real advantages is that you do have a degree of flexibility. One challenge is around court hearing times which can be unpredictable, making childcare arrangements tricky. We hope that some of the court reforms currently underway may increase the predictability of court hearings. Being self-employed does mean you're not playing the political or corporate game that often comes with working for a large organisation. It's certainly a lot easier than it has been – or at least less hard, I should say.

For me it is really about wanting to improve things, but being realistic. About 18 months ago I was at an event in Leeds with four other women, judges and barristers, all with entirely different career paths. Some of the stories were hard to hear and I wondered how positive a story we told. Then a year later I was at a Bar dinner and a young barrister who was at the Leeds event told me that it was one of the best events she had attended; she thought it was refreshing and useful to hear women talk openly about the real challenges they'd faced.

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You're never too old to learn, so the lesson there for me was that as long as you can tell those stories in an approachable way, then it is good to talk. It helps to see that others have made it work, even if it isn't always easy.

How can we ensure the diversity conversation includes all minorities, and not just white women?

It is important that our community includes all minorities. One of the challenges is in ensuring that we bring everyone into the fold. It is important to focus on what we have in common as well as on our differences.

In my year as Chairman I've been involved in a number of LGBT+ events, and opening that conversation has been really interesting. I met a young pupil who was concerned about applying to a chambers which might not be welcoming to the fact he was gay, so he had done a lot of research and opted for sets that acknowledged their support for LGBT+. Having that conversation was quite an eye-opener because it is easy to underestimate the concerns that still exist for applicants. It highlights the need for a visibly open and inclusive community.

In terms of BAME [black, Asian and minority ethnic] if anything we probably have a higher proportion qualifying and staying at the Bar. But our challenge is getting a better number of those people through to QC and judicial appointments.

What did you hope to achieve when becoming Chairman of the Bar Council 12 months ago, and what progress have you made?

What I really wanted to do, and this is a long term aim of the Council, was improve the image of our profession from the outside. I can't pretend that in 12 months we've made a radical change, but I do think we are moving in the right direction. We've become much more vocal on social media and reaching out beyond our own members. We are also better at keeping our own members informed about what we do. We do a huge amount, but we haven't historically been that good at talking about it. I've also tried to make the Council itself much more active as a body –

encouraging active participation by members and ensuring that we debate the important issues affecting the Bar. In short, increasing engagement by and with the profession.

We've also tried to be more visible where we can and should be. Some of it, like improving diversity or promoting the Bar, was planned. Other things, like addressing the fallout from the article 50 litigation, were unexpected.

The past year has really flagged the need for public legal education. As an organisation we represent our members, but we also feel very strongly that we act in the public interest on a number of issues affecting the justice system. Speaking out in support of the importance of an independent judiciary and a respected justice system has given us an opportunity to reiterate that.

The UK legal profession has been on the receiving end of some sharp criticisms in the press in recent months. What can lawyers do to offset that criticism?

Unbalanced press coverage is a much longer term challenge for the profession. It's not completely new. Personally I would not want to stifle debate. I think it's healthy to discuss judgments, to debate the role of lawyers and judges and how judges are appointed. But the headlines that suggested that the judges were the enemies of the people, or pitted the judges against the people were very worrying. These headlines misrepresented the role of the judiciary and ran the risk of undermining our system of justice, which is a foundation stone of our democratic system. It is not just about this particular case, but more broadly about ensuring that people understand how our system works. It's important that there is a fuller debate around those issues. We need to engage a lot more.

I see myself very firmly as a professional and not a businesswoman. There has been a desire in recent years in some corners to commercialise legal services. So the challenge for lawyers as a whole, and for professional bodies, and dare I say it regulators too, is to remember that at heart we are professionals. A better understanding of this would help the public to better understand how our justice system works.

What's interesting is that our judges, solicitors and barristers are fantastically well-respected overseas. It's particularly perverse to see them attacked here when there are many countries that face very real challenges around financial and political corruption in their judiciary. Maybe as lawyers we need to engage more and shout about what we do a bit louder. A lack of understanding of the justice system in the wider society is potentially very worrying, so we need to remember why we are a profession, and why that's a good thing.

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