



NATIONAL COLLEGE OF IRELAND

NATIONAL COLLEGE OF IRELAND

CERTIFICATE

*A study of the career histories  
of female barristers in Ireland from 1983 to 2003.*

By



*Martina Hegarty*

A dissertation submitted in partial fulfilment of the requirements for the  
degree of Bachelor of Arts in European Business and Languages

The National College of Ireland

April 2003

Research Supervisor

Dr. Maeve O'Riordan

Course Director

Mr. Dirk Köhler

## Authorship declaration

I, Martina Hegarty, declare that I am the sole author of this dissertation, that during this period of registered study I have not been registered for any other academic award or qualification, nor has any of the material been submitted wholly or partly for any other award. I have personally carried out all the work of which this is a record. The programme of study of which this is a part has been delivered by the National College of Ireland, Mayor Street, I.F.S.C., Dublin 1.

Signed:

*M. Hegarty*

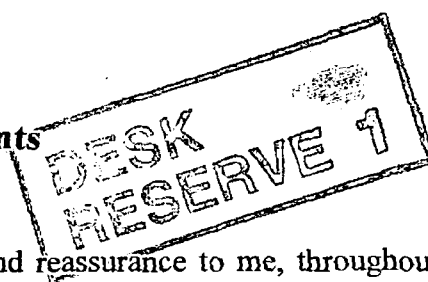
Date:

*25<sup>th</sup> April 2003*

 NORMA SMURFIT LIBRARY  
NATIONAL COLLEGE  
OF IRELAND

DESK  
RESERVE 1

## Acknowledgements



Many people provided great advice, inspiration and reassurance to me, throughout the course of this dissertation. I would like to take this opportunity to thank them, as without their help, I would not have made it to this point.

To my supervisor, Dr. Maeve O'Riordan, for her excellent guidance, assistance and unbelievable commitment. She incessantly made herself available to me from the very beginning to the very end and for that I am very grateful. She always had words of encouragement and constantly motivated me during the development of this study.

To my dad, who always had faith in me. To my mom, whose prayers really helped. To Caron and Paul, whose support from afar was much appreciated. To Trish, who endured the most of all and yet never ceased to reassure me. To Noel, who was always there to listen and to give advice.

To Aideen, who selflessly devoted much of her time to aid my research process.

To Alice, who was permanently available at the end of the phone line.

To all of the female barristers who generously gave up their time and allowed me to interview them.

To Mary Buckley and all the staff in the Norma Smurfit Library at the National College of Ireland for their help and tolerance throughout the year.

Lastly, to all my friends, especially Emma, for their support and inspiration right through the year.

## Table of Contents

	<b>Page</b>
Authorship declaration.....	i
Acknowledgements.....	ii
Table of Contents.....	iii
List of Appendices.....	viii
 Abstract.....	 1
<b>Chapter One: Career progression of Irish female barristers</b>	
1.0 Introduction.....	3
1.1 Women at the Bar.....	3
1.2 Research objective.....	5
1.3 Research question.....	5
1.4 Contribution to knowledge.....	5
1.5 The structure of the research.....	5
Notes to chapter one.....	6
<b>Chapter Two: Literature review</b>	
2.0 Introduction.....	8
2.1 Women, fertility and emigration in Ireland.....	8
2.1.1 Fertility decline.....	9
2.1.2 Emigration.....	9
2.1.3 Education.....	10
2.1.4 Labour supply.....	10
2.2 The glass ceiling.....	11
2.3 Career progression and part-time work.....	12
2.4 Social origins, education and career prosperity.....	15
2.4.1 Social origins.....	15
2.4.2 Irish educational system.....	17
2.4.3 Educational exclusion.....	17
2.5 Female barristers.....	19
2.5.1 Networks.....	21

2.6	Social origins of law graduates.....	23
2.6.1	Paths to the legal profession.....	24
2.6.2	Social origin.....	25
2.6.3	Networks, cultural capital and self-employment.....	26
2.6.4	Conclusions of Hansen's (2001 study).....	27
2.7	Conclusion.....	28
	Notes to chapter two.....	29

### **Chapter Three: Research theory**

3.0	Introduction.....	37
3.1	What are social networks?.....	37
3.2	Lack of research on social networks.....	37
3.3	Absence of study on women in law.....	38
3.4	Networks and gender.....	38
3.4.1	Informal networks and social capital.....	39
3.5	Conclusion.....	39
	Notes to chapter three.....	40

### **Chapter Four: Research methodology**

4.0	Introduction.....	42
4.1	Semi-structured interviewing.....	42
4.2	Limitations and bias.....	43
4.3	Secondary research.....	43
4.4	The sample and sampling frame.....	44
4.5	Observation and participation.....	44
4.6	Conclusion.....	44
	Notes to chapter four.....	45

## **Chapter Five: Interviews with female barristers**

5.0	Introduction.....	47
5.1	Profiles of interviewees.....	47
5.2	Interview number one: Áine.....	47
5.2.1	Career history.....	47
5.2.2	Interesting quotes.....	47
5.2.2.1	Choice of career.....	47
5.2.2.2	Contacts.....	48
5.2.2.3	Domestic responsibilities.....	48
5.2.2.4	Like marry like.....	48
5.2.2.5	Work-life balance.....	48
5.2.2.6	Barriers.....	49
5.2.2.7	Political affiliation.....	49
5.2.2.8	Tribunals.....	50
5.2.2.9	Income.....	50
5.3	Interview number two: Brid.....	50
5.3.1	Career history.....	50
5.3.2	Interesting quotes.....	51
5.3.2.1	Gender of master.....	51
5.3.2.2	Income.....	51
5.3.2.3	Work-life balance.....	51
5.3.2.4	Social life.....	52
5.3.2.5	Networks.....	52
5.3.2.6	Politics.....	52
5.3.2.7	Contacts.....	53
5.3.2.8	Female drop out rate.....	53
5.3.2.9	Domestic help.....	53
5.3.2.10	Sexist attitudes.....	54
5.3.2.11	Promotion.....	54
5.3.2.12	Family connections.....	54
5.4	Interview number three: Caitriona.....	55
5.4.1	Career history.....	55
5.4.2	Interesting quotes.....	55

5.4.2.1	Marriage bar.....	55
5.4.2.2	Work-life balance.....	55
5.4.2.3	Relationship building and mentoring.....	56
5.4.2.4	Solicitors.....	56
5.4.2.5	Barriers.....	57
5.4.2.6	Incestuous.....	57
5.4.2.7	Social networks.....	57
5.4.2.8	Domestic responsibilities.....	57
5.4.2.9	Delayed child rearing.....	58
5.4.2.10	Like marry like.....	58
5.4.2.11	Family law.....	58
5.4.2.12	Politics.....	58
5.4.2.13	Tribunals.....	59
5.4.2.14	Payment problems.....	59
5.4.2.15	Relationships with solicitors.....	59
5.4.2.16	Income.....	59
5.5	Interview number four: Deirdre.....	60
5.5.1	Career history.....	60
5.5.2	Interesting quotes.....	60
5.5.2.1	Career choice.....	60
5.5.2.2	Equality in law.....	60
5.5.2.3	Work-life balance.....	60
5.5.2.4	Evening meetings.....	61
5.5.2.5	Networks.....	61
5.5.2.6	Panels.....	61
5.5.2.7	Social networks.....	62
5.5.2.8	Contacts.....	62
5.6	Interview number five: Eilís.....	62
5.6.1	Career history.....	62
5.6.2	Interesting quotes.....	63
5.6.2.1	Social life.....	63
5.6.2.2	Barriers.....	63
5.6.2.2.1	Subtle barriers.....	63
5.6.2.3	Children.....	63

5.6.2.4	Inequality.....	64
5.7	Interview number six: Fionnuala.....	64
5.7.1	Career history.....	64
5.7.2	Interesting quotes.....	64
5.7.2.1	Choice of career.....	64
5.7.2.2	Legal connections.....	65
5.7.2.3	Delayed child rearing.....	65
5.7.2.4	Stressful profession.....	66
5.7.2.5	Work-life balance.....	66
5.7.2.6	Child birth.....	66
5.7.2.7	Law library ethos.....	67
5.7.2.8	No fees.....	67
5.7.2.9	Political affiliation.....	68
5.7.2.10	Barriers.....	68
5.7.2.11	Devilship.....	69
5.7.2.12	Social networks.....	69
5.7.2.13	Formal networking association.....	69
5.8	Conclusion.....	70

## **Chapter Six: Results and analysis**

6.0	Introduction.....	72
6.1	Why the Bar?.....	72
6.2	Contacts.....	73
6.3	Family situation.....	74
6.4	Work-life balance.....	76
6.5	Features of the profession.....	77
6.5.1	Devilship.....	77
6.5.2	The price of success.....	79
6.5.3	Stress.....	82
6.5.4	Politics.....	82
6.5.5	Law library atmosphere.....	84
6.6	Networks.....	85
6.7	Barriers.....	90



6.7.1	Family responsibilities.....	90
6.7.2	Opportunities within different legal fields.....	91
6.7.3	Access to panels.....	91
6.7.4	Glass ceiling and old boy networks.....	92
6.8	Conclusion.....	93
	Notes to chapter six.....	94

## **Chapter Seven: Conclusions**

7.0	Introduction.....	98
7.1	Summary of findings.....	98
7.2	Female success at the Bar.....	99
7.3	Summary of literature analysis.....	99
7.4	Conclusions.....	100
	Notes to chapter seven.....	102

<b>Bibliography.....</b>	<b>103</b>
--------------------------	------------

<b>Appendices.....</b>	<b>107</b>
------------------------	------------

## **List of appendices**

- Appendix A: Glossary of terms
- Appendix B: Interview number one
- Appendix C: Interview number two
- Appendix D: Interview number three
- Appendix E: Interview number four
- Appendix F: Interview number five
- Appendix G: Interview number six
- Appendix H: Observation

## **Abstract**

The career progression of women in the workplace is an ongoing discussion. Female barristers are therefore no exception to this. Many factors affect the career advancement of women barristers including; domestic responsibilities, connections and networks.

The basis of this dissertation is centred on the fact that social networks act as a barrier to female barristers practising at the Bar. This is largely due to the fact that women are kept out of informal networks which determines who, within the profession, acquires resources, information and in due course opportunities (Meyerson and Fletcher 2000). Not many women experience these forms of social networks (Meyerson and Fletcher 2000).

This has been confirmed throughout the research process, consisting of interviews with six female barristers and also an experience of 'shadowing'. Interviewees agreed that most women do not participate in networking, either deliberately or unconsciously. As networking has been shown to create employment prospects, particularly for those who are self-employed like barristers, the fact that women are rarely involved in this type of career promotion consequentially results in them missing out on professional openings.

The issue of informal networks and whether they hinder or help the career paths of female barristers will be examined throughout the evolution of this study.

# Chapter One

# Chapter One

## 1.0 Introduction

In the past female barristers were poorly represented in Ireland. In fact according to Hall and Hogan (2002 p. 31)<sup>1</sup>, during the 19<sup>th</sup> Century women were actively disallowed from practising law. The reason for this was that, according to common law, women were governed by a general disability due to their gender which prohibited them from becoming lawyers, (Hall and Hogan 2002 p. 31)<sup>2</sup>. However, since the mid 1960's, more and more women have joined the legal profession, further bridging the gender gap. This brings us to today, when the numbers female law graduates outweigh that of their male counterparts. Clearly, education has played a key role in this progression. However, it remains to be seen if this advancement continues throughout the career path of these female graduates.

## 1.1 Women at the Bar

Frances Kyle was the first Irishwoman called to the Bar\* on November 1<sup>st</sup> 1921, however later that same day Averill Devereill was subsequently called to the Bar and went on to become the first Irish female barrister to practice law (*The Bar Council* 2003)<sup>3</sup>.

Frances Elizabeth Moran became the first female Senior Counsel in 1941. She combined both an academic career and a prosperous practice as a well-established barrister. She held the post of Reid Professor in the Trinity law school from 1925-30, a position which was also held by Mary Robinson, Mary Mc Aleese and currently by Professor Ivana Bacik, and subsequently worked as a law lecturer at Trinity College between 1930 and 1934. In that year she was appointed Professor of Laws for the next decade. In addition, she held the position of Professor of Equity, Pleading & Practice from 1932 to 1968 at King's Inns. There have been many other successful Irish female barristers as previously mentioned, Mary Robinson, the first female President of Ireland and our current President, Mary Mc Aleese to name but two.

---

\* See glossary of terms (Appendix A)

However, despite all of the above breakthroughs, there are still fewer women than men 'taking silk'<sup>\*</sup>, that is being promoted to Senior Counsel, and the reasons behind this are varied. These variations range between family responsibilities, connections, networks, area(s) of work and political affiliation.

Therefore it could be assumed that there is no one correct explanation for women's success or failure at the Bar. To support this, the participants of a study of female barristers carried out by Connelly and Hilliard (1993 p. 216)<sup>4</sup> revealed that the lives of female barristers were "less easy to map" than that of male barristers.

It has also been noted in this study carried out by Connelly and Hilliard (1993)<sup>5</sup> that connections, be they family, social or political are almost essential to ensure success at the Bar. Therefore one could expect that women who are successful barristers have some or all of the aforementioned connections.

As with a lot of careers pursued by women, barriers can obstruct their prosperity. It has been accurately portrayed by Meyerson and Fletcher (2000 p. 127)<sup>6</sup> that the majority of the barriers that women face in their careers these days are 'insidious'. Female barristers are no doubt an exception to these subtle restrictions. Nevertheless these barriers interfere with women's progression. It could therefore be said that connections and networks, or lack thereof, are subtle barriers facing women at the Bar.

Conversely, it can also be argued that lack of connections and social networks are not gender-based and ergo, these barriers could exist for men. Whilst this is a possibility according to Professor Ivana Bacik, cited in Cullen (2002 p. 112)<sup>7</sup>, the legal profession is still very much an 'old boys' club'. Meyerson and Fletcher (2000)<sup>8</sup> have also noted that women are shut out of informal networks which decide who, within the ranking of the company, categorically obtains resources, information and ultimately opportunities. According to Meyerson and Fletcher (2000)<sup>9</sup>, few women are exposed to these types of social networks. This theory will be further discussed throughout the development of this dissertation.

---

<sup>\*</sup> See glossary of terms (Appendix A)

## **1.2 Research Objective**

The objective of this research is to examine the career progression of female barrister-at-law graduates from 1983 to 2003.

## **1.3 Research Question**

How do social networks affect the career paths of female barristers?

## **1.4 Contribution to knowledge**

On exploring this topic, it was discovered that data and statistics appraising the role of women working in the legal profession in Ireland were not freely available. The information collected in this dissertation will endeavour to contribute to the knowledge of anybody who has an interest in this area, to the Central Statistics Office, to The Honourable Society of King's Inns, to The Bar Council & to the 'Women in Law' project currently being carried out at Trinity College by Professor Ivana Bacik, Dr. Eileen Drew and Ms Cathryn Costello (Finnegan 2002)<sup>10</sup>.

## **1.5 The structure of research**

In chapter two the literature on this topic will be reviewed in order to investigate both the research question and objective. All literature relating to this subject will be summarised. The research carried out in chapter three will develop a theory which will outline whether or not social networks have an impact on the career paths of female barristers. In chapter four, the methodology for information collected will be drafted. Chapter five will reveal the analysis of the data obtained. Subsequently, chapter six will assess the theory using the information gathered in previous chapters. Lastly, the conclusions will be investigated in chapter seven.

## Notes to chapter one

1. Hall, E. & Hogan, D. (2002) The Law Society: Progress of a Profession. *Law Society Gazette*, 96 (8) October, p.31.
2. Ibid.
3. The Bar Council. 2003. *About us: Prominent barristers*. [Online]. Law library. Available from: <http://www.barcouncil.ie/aboutus/historical.asp> [Accessed 21/01/03].
4. Connelly, A. & Hilliard, B. 1993, 'The Legal Profession' in *Gender and the Law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.
5. Ibid.
6. Meyerson, Debra E. & Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
7. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
8. Meyerson, Debra E. & Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
9. Ibid.
10. Finnegan, C. 2002. *Women in Law Project*. [Online]. Trinity College Dublin. Available from: <http://www.tcd.ie/Law/WomeninLaw.html> [Accessed 26/09/02].

## **Chapter Two**



## **Chapter Two**

### **2.0 Introduction**

This chapter will endeavour to explore the current literature related to the advancement of women in the world of work and also in the legal profession itself.

### **2.1 Women, fertility and emigration in Ireland**

The first draft of the National Plan for Women (2001-2005)<sup>1</sup> released in August 2001, by the Department of Justice, Equality and Law Reform, drew up some interesting proposals for women. The final draft of this plan will link into the ideas laid down in the Beijing Platform for Action and Declaration which has been taken on by representatives from 189 countries at the UN Fourth World Conference on Women in Beijing in 1995. We are told by the Department of Justice, Equality and Law Reform (2001 p. 1)<sup>2</sup> that the Beijing Platform for Action is a programme not only for governments to follow but also for the international community, non-governmental organisations and institutions over a ten year period to “work towards the advancement of women in all areas of society”.

According to the Plan (2001 p. 2)<sup>3</sup>, in order to achieve this an agreement has been established by governments willing to implement it in the following “critical areas of concern”; poverty, education and training, health care and related services, violence against women, conflict on women, economic structures and policies, sharing of power and decision-making at all levels, promote the advancement of women, human rights of women, stereotyping of women, gender inequalities, discrimination against and violence of the rights of the girl child.

### **2.1.1 Fertility decline**

Recent statistics, published by the Central Statistics Office in Ireland, conclude that women are giving birth to less and less children. The total period fertility rate in 1960 was 3.76, in 1980 falling slightly to 3.23, in 1990 dramatically dropping to 2.12, in 1995 decreasing further to 1.85 and finally in 2000 a miniscule increase to 1.89. As stated by Fahey, Russell and Smyth (2000)<sup>4</sup> questions linger regarding the equality between the genders in Irish society.

According to Fahey, Russell and Smyth (2000)<sup>5</sup> the fact that women are having fewer children means they have more time available to work in paid employment. Women's social position has altered, particularly in the areas of fertility, with more and more births occurring outside of marriage, and in the female labour force, participation with long-term trends rapidly changing with time (Fahey, Russell and Smyth 2000)<sup>6</sup>. The issues assisting with the participation levels of women working are: changes in fertility, education, changes in legislation and social provision and changes in the nature of labour demand (Fahey, Russell and Smyth 2000)<sup>7</sup>.

### **2.1.2 Emigration**

Emigration is still very much a part of Irish society today and will probably increase even more over the next few years as the Celtic Tiger is no longer roaring as loudly as it was in the mid 90's or perhaps it could even be said that it is long dead. Emigrants today are seen somewhat as 'homing pigeons' (Fitzgerald 2000 p. 30)<sup>8</sup>. This point is highlighted by the fact that, particularly during the prosperous 90's, more and more emigrants returned to Ireland bringing with them all the new experiences that had occurred while they were away (Fitzgerald 2000)<sup>9</sup>. According to Fahey, Fitz Gerald and Maître 1998 (cited in Fitzgerald 2000 p. 30)<sup>10</sup>, the 'educational attainment' of these emigrants changed significantly over two decades.

In the 1960's only 20% of emigrants had a third level education as opposed to 1/3 of emigrants in the 1980's (Fitzgerald 2000)<sup>11</sup>. It was also discovered by Fitzgerald (2000)<sup>12</sup> that of these emigrants, those with a substantial education were more likely to emigrate and equally likely to return to Ireland.

The influx of multinational companies to Ireland further assisted this boom, whilst simultaneously gaining access for these companies to the EU market (Fitzgerald 2000)<sup>13</sup>.

The educational attainment of these emigrants as noted by Fitzgerald (2000 p. 35)<sup>14</sup> was largely due to government action to spend more on 'human capital, education and training and industrial policy'.

### **2.1.3 Education**

Free second level education was introduced in 1967 (Fitzgerald 2000)<sup>15</sup>. The involvement levels in third level education has been steadily increasing since the 1990's, with the introduction of 'free fees' for all third level students in 1994 by the government (Fitzgerald 2000)<sup>16</sup>. Furthermore, the birth rate in Ireland has fallen since the 1980's, meaning the amount of people on the labour market has increased (Fitzgerald 2000)<sup>17</sup>. Fitzgerald (2000) stipulates that over the next five years the effects of this birth rate decline will come into affect on the Irish labour market. As a result of this, in the twenty years after 2015, there will be a sharp increase in 'old age dependency' as is already obvious in Germany (Fitzgerald 2000 p. 41)<sup>18</sup>.

### **2.1.4 Labour supply**

The two main policies that have affected the supply of labour over the past three decades (Fitzgerald 2000)<sup>19</sup> were modifications in the education and the social welfare system. Fitzgerald (2000) notes that, the involvement of women in the labour force and the variations of migration have also affected the supply of labour in Ireland. The increase in spending on education had particular consequence for the supply of female labour, as involvement levels of females are strongly associated with level of education (Fitzgerald 2000)<sup>20</sup>. The results of this are that more and more women will stay in the labour force when they begin to start a family or return to work having had children. The female labour force participation rate was 44% in 1999 and inward migration was higher than out-migration by 19,000 (Fitzgerald 2000)<sup>21</sup>.

## 2.2 The glass ceiling

The glass ceiling concerns “a barrier so subtle that it is transparent, yet so strong it prevents women and minorities from moving up in the management hierarchy” (Morrison and von Glinow 1990: 200 cited in Powell 2000 p. 236)<sup>22</sup>.

According to Deeks (2000)<sup>23</sup>, women working at senior levels within a company feel that starting a family would be harmful to their careers and that advancement within a career means giving work commitments priority over family commitments. Studies carried out by Opportunity Now and Catalyst, suggest that women holding chief executive posts and women at senior level within a firm have very different views in relation to the barriers facing women during their careers (cited in Deeks 2000)<sup>24</sup>.

Deeks (2000)<sup>25</sup> discovered that Chief executives felt that openings for women at senior level had greatly improved and women in general had not been in the pipeline long enough to progress to those kinds of levels within a company. These views were not held by senior women (Deeks 2000)<sup>26</sup>. As stated by Deeks (2000)<sup>27</sup>, chief executives held the view that time would resolve all, whereas senior women believed that attitudes should be reformed immediately. Both the senior executives and the senior women conceded that the largest barriers facing women’s progression were ‘commitment to family responsibilities, male preconceptions about women’s abilities; and a lack of visibly successful female role-models’ (Deeks 2000 p. 6)<sup>28</sup>. Senior women felt that the keys to success were always outdoing performance assumptions and cultivating a ‘style’ with which male managers felt at ease (Deeks 2000 p. 6)<sup>29</sup>.

Meyerson and Fletcher (2000 p. 127)<sup>30</sup> remarked that most of the barriers that women face in the business world today are ‘insidious’. They feel that women can shatter the glass ceiling through ‘small wins’; changes directed at prejudices so deep-rooted in the system that they’re not even perceived until they have vanished (Meyerson and Fletcher 2000 p. 128)<sup>31</sup>. According to Meyerson and Fletcher (2000)<sup>32</sup>, the majority of companies have been made by and for men and their foundation is built on male practice.

Organisational traditions reflect the patterns of society (Meyerson and Fletcher 2000)<sup>33</sup>. Meyerson and Fletcher (2000 p. 130)<sup>34</sup> concluded that there are four ways to approach gender discrimination:

1. Women should take on more male traits and play the 'games their mother never taught them'.
2. Oblige the requirements and circumstances of females: mentoring schemes have been put in place where possible in order to counteract women being shut out from informal networks which, according to Meyerson and Fletcher (2000)<sup>35</sup>, decide who, within a company, categorically obtains resources, information and ultimately opportunities. It has been noted by Meyerson and Fletcher (2000)<sup>36</sup> that few women are exposed to these types of social networks.
3. Organisations relinquish support and help and rather highlight the variations of approach to work that women have to offer.
4. Inequality between the genders is ingrained in our society and is therefore reflected in our organisations.

### **2.3 Career progression and part-time work**

A study carried out by O'Riordan and Humphreys (2002)<sup>37</sup> (Career progression in the Irish civil service) noted that money spent on employee career development can not only be of aid to companies but also to specific employees. O'Riordan and Humphreys (2002)<sup>38</sup> found that universal data confirmed that applying schemes, with continuous monitoring, such as performance management, mentoring and training and development were all beneficial for employee progression.

The monitoring of these schemes 'processes and tools' according to O'Riordan and Humphreys (2002 p. xiii)<sup>39</sup> are an important part of ensuring the progression of careers. In order to achieve this progression of employees within the Irish civil service, it was determined by O'Riordan and Humphreys (2002 p. xv)<sup>40</sup> that the following should be taken into consideration; 'organisation culture, an appropriate and honest career development message and monitoring and evaluating'.

The myth investigated by Catherine Hakim 1995: 439 (cited in Walsh 1999)<sup>41</sup> (Grateful slaves thesis) that women involuntarily work part-time as their care and household duties give them no other choice is not held by Ginn et al. Ginn et al 1996 (cited in Walsh 1999)<sup>42</sup> debate that in order to fully comprehend the enticement of part-time work, one has to take into consideration all the factors, including the amount of time that women have available and the cost of child care.

The study carried out by Walsh (1999)<sup>43</sup> challenges the conception of female employees as holding the same personality traits and bearings, and endeavours to analyse possible differences within the part-time workforce. According to data from 'Social Change and Economic Life Initiative (SCELI)', which was observed by Tam 1997 (cited in Walsh 1999)<sup>44</sup>, the satisfaction levels of employees greatly differed as educational attainments and choice varied. That is to say that, part-time female workers were more content with their posts than full-time female workers and younger women who were somewhat over qualified part-time workers in addition to those who had little variation in their occupation, both seemed less fulfilled in their employment.

Walsh (1999)<sup>45</sup> outlines that, demarcation may arise within the part-time work force on the following grounds: differences in the calibre and substance of part-time jobs, variations in the interests of part-time workers in pursuing and obtaining part-time employment and part-time workers' orientations and obligation to work may be changeable and liable to shift over the course of the family life cycle.

Tilly 1992 (cited in Walsh 1999 p. 181)<sup>46</sup> remarked that 'retention' or 'secondary' are the two types of part-time jobs in existence. 'Retention' posts consist of high salaries, significant ability levels and job security and exist in leading labour markets (Tilly 1992 cited in Walsh 1999 p. 181)<sup>47</sup>. However, 'secondary' posts consist of the opposite, low salaries, insignificant ability levels and little or no job security and scarce opportunities for career betterment. It is also noted that 'secondary' jobs are easier to come by, while 'retention' jobs are few and far between (Tilly 1992 cited in Walsh 1999)<sup>48</sup>.

Variations in the interests of part-time workers in pursuing and obtaining part-time employment may be due to: financial reasons, family obligations or it may be transitional type of work (Walsh 1999)<sup>49</sup>. Walsh (1999)<sup>50</sup> also points out that there may be a significant link between the demographic features of part-time female employees and their inclination to be in intentional or unintentional part-time employment.

Part-time workers' orientations and obligation to work may be unpredictable and susceptible to change over the course of the family life cycle (Walsh 1999)<sup>51</sup>. This is reiterated by Rubery, Horrell and Burchell 1994 (cited in Walsh 1999)<sup>52</sup>, stating that females are not fixed indefinitely in either full-time or part-time posts but that their job situation changes with their circumstances and their current family lifecycle situation.

Having conducted a multiple-item random sample survey in a sizable banking and financial organisation in Australia, Walsh (1999 pp. 198-199)<sup>53</sup> concluded the following; no confirmation was found to suggest that the participants were cornered in part-time posts due to few openings to shift to a full-time post, at least one in five respondents viewed part-time employment as transitional employment to full-time work, women who had been full-time carers were extremely content with their present part-time work arrangements and had little interest in full-time employment.

## **2.4 Social origins, education and career prosperity**

### **2.4.1 Social origins**

Layte and Whelan (2000 p. 91)<sup>54</sup> discusses the position that education plays between “social class origins and destination class”. Layte and Whelan (2000)<sup>55</sup> state that in old Ireland inheritance of the family business was very strong. During the 1960’s the primary industry was agriculture. Layte and Whelan (2000)<sup>56</sup> conclude that during the 1970’s Irish society was headed more towards an industrialised one, with tertiary industry’s playing a much larger role. The main factors affecting the relationship between class origin and destination are: entry barriers to agriculture, existence of hierarchies, within-property movement and additional advantages associated with self-employment and inheritance (Layte and Whelan 2000)<sup>57</sup>.

The IMS (Increased Merit Selection) hypothesis by Jonsson 1993 (cited in Layte and Whelan 2000)<sup>58</sup> suggests that, with increased industrialisation, class origin is less likely to determine the key to education and also that class position is more and more determined by educational attainments, as the prestige of family background and contacts become immaterial. The results of this hypothesis are as follows: the relationship between class origins and educational attainments is reinforced, the effect of educational qualifications on class destinations lessens and the direct effect of class origins on destination enhances somewhat as shown by improved access of those from farming backgrounds to the professional and managerial class (Jonsson 1993 cited in Layte and Whelan 2000)<sup>59</sup>. However it is questionable as to whether this theory exists in practice and specifically in relation to the career progression of female barristers.



Egerton (1997)<sup>60</sup> observed the following through a National Child Development Study:

1. Educational success was higher in children of professionals than children of managers.
2. Professional family foundations promote access into professional posts, unaided by educational achievements. The absence of educational accomplishment among children of managers had more of a negative impact on the occupations of daughters than of sons.

Cultural capital has been seen to play a role in relation to the educational qualifications of parents and to those of their offspring according to research carried out in Europe (by Robert, 1991; Blossfeld and Shavit 1993, in the United Kingdom by Kerchhoff and Trott 1993) and in the United States of America (by Mare 1981; Hout et al 1993 cited in Egerton 1997)<sup>61</sup>.

In this study, carried out by Egerton (1997)<sup>62</sup>, the service class is made up of jobs which provide assurance of tenure, high salary and defined occupational advancement. The professional sector of the service class is located in occupational labour markets and commands formal educational attainments. The remaining group of occupations were managers and administrators which do not require educational attainments.

Goldthorpe 1987 (cited in Egerton 1997)<sup>63</sup> remarks that the benefit that sons of professionals have over sons of managers is that they attain service class occupations sooner in their careers. Savage et al 1992 (cited in Egerton 1997 p. 265)<sup>64</sup> have noted that in relation to social mobility, the reason professional families' progress is perhaps through their competency in taking advantage of the educational system, "purchasing cultural capital through expensive schooling".

According to Dale 1987 and Dex 1987 (cited in Egerton 1997)<sup>65</sup>, women who have a good education are much more likely to return to work after having children. Statistics from the NCDS (National Child Development Survey) (cited in Egerton 1997)<sup>66</sup>, show that children of professional are much more likely to follow in their parents' footsteps and also pursue a professional career than children of managers.

In addition to that, as put forth by Egerton (1997)<sup>67</sup>, there is a tendency that women who have a well educated female role model, such as their mother, are more inclined to strive for a professional occupation. It has been noted in this research by Egerton (1997)<sup>68</sup> that cultural capital may not be the only reason for the advantages that children of professionals appear to have over children of managers, property assets or social networks could also be part of the reason. If this suggestion bears some truth, then the previously mentioned IMS hypothesis by Jonsson 1993 (cited in Layte and Whelan 2000)<sup>69</sup> is rejected.

#### **2.4.2 Irish educational system**

As stated by Smyth and Hannan (2000)<sup>70</sup> there have been some radical modifications in the Irish educational system since the 1980's. However, despite changes such as, free second level education which was introduced in the 1960's, free third level education which was introduced in 1994 along with local area partnership giving children from underprivileged areas assistance in obtaining a third level qualification, education inequalities still prevail (Smyth and Hannan 2000)<sup>71</sup>.

#### **2.4.3 Educational exclusion**

Smyth and Hannan (2000)<sup>72</sup> claim that, 80% of children (12-15 year olds) from traveller families do not frequent second level schools and the majority of the remaining 20% do not see it through past the second year. Overall, however, since 1979 the number of people going on to study at third level has doubled (Smyth and Hannan 2000)<sup>73</sup>.

In the early 1980's more males than females pursued a third level education, but time has countermanded that (Smyth and Hannan 2000)<sup>74</sup>. Although, gender differences still remain in certain courses (Smyth and Hannan 2000)<sup>75</sup>.

Participation levels of people entering into third level education are higher among individuals whose parents had a good education and among those with fewer siblings (Smyth and Hannan 2000)<sup>76</sup>. According to Smyth and Hannan (2000)<sup>77</sup> children whose parents who are employed are more likely to complete the Leaving Certificate or equivalent than children whose parents are unemployed. As stated by Smyth and Hannan (2000)<sup>78</sup>, the rift between professional and unskilled manual groups access to full-time third level education is expanding.

The 'meritocracy hypothesis' of employment opportunities (as already discussed and cited in Layte and Whelan 2000)<sup>79</sup> is that over time, education will triumph over all else, including social class. This theory is not shared by Smyth and Hannan (2000)<sup>80</sup>, as they believe that other factors may still play an important role in securing employment, such as informal networks and social capital. Despite the virtual non-existent Irish research on this area, it may be a worthy explanation for the constant leverage of familial status on early employment (Smyth and Hannan 2000)<sup>81</sup>.

## 2.5 Female barristers

Statistics compiled by Ruane and Sutherland (1999, pp. 68-79; Department of Justice, Equality and Law Reform June 2000) and Humphreys, Drew and Murphy (1999, p. 82; Galligan, 1999, p. 296; Department of Finance) in 2000 indicate the female representation in the judiciary as follows: Supreme Court 29%, High Court 7%, Circuit Court 19% and District Court 18%. In 1999 the percentage of female students studying law was 31%.

Connelly and Hilliard (1993)<sup>82</sup>, having conducted a study on both female solicitors and barristers in Ireland, discussed the following topics during interviews with various female barristers at different stages in their career: the insight into how they became barristers, what their ambitions were, what they specialised in if at all, what was the atmosphere and ethos like in the law library\*, what personal attributes were needed in order to be a success in law, what was the importance of networking and contacts in the legal profession and lastly what their family/home obligations were.

Outcomes were as follows. The two main paths for becoming a barrister were upon obtaining a degree in law one can then complete a degree of barrister-at-law, which takes two years, awarded by the Honorable Society of King's Inns. The second manner was open to primary degree holders (with the exception of law) or to persons over 25 years of age who do not hold a primary degree. This involved taking a two year course in legal studies provided by King's Inns, which is somewhat of a condensed degree in law, and then the completion of the barrister-at-law degree. After this a year as an apprentice barrister or also commonly know as a "devil"\* period with a qualified barrister or a "master"\* was obligatory for all barrister-at-law graduates (Connelly and Hilliard 1993 p. 125)<sup>83</sup>.

---

\* See glossary of terms (Appendix A)

\* Ibid

\* Ibid

After this period of learning, the newly qualified barrister is permitted to practice without the supervision of a “master” (Connelly and Hilliard 1993 p. 215)<sup>84</sup>. On holding the barrister-at-law degree, the graduate is authorised to be called to the Bar by the Chief Justice, thereby permitting the graduate to practice (Connelly and Hilliard 1993)<sup>85</sup>. Interviewees in this study, according to Connelly and Hilliard (1993)<sup>86</sup>, came into the legal profession from both paths.

Connelly and Hilliard (1993)<sup>87</sup> revealed that the general consensus during this study, in relation to ambitions etc., was that both men and women found it very difficult to secure themselves and their practice in the legal profession. Connelly and Hilliard (1993 p. 216)<sup>88</sup> noted upon the suggestion of participants that junior male barristers followed a “predictable life pattern”, which involved buying a car, living at home for longer and then marriage. According to Connelly and Hilliard (1993 p. 216)<sup>89</sup> some participants felt that female barrister lives were generally “less easy to map”.

There was a general belief that a break in the course of the career of a female barrister was due to home/family responsibilities (Connelly and Hilliard 1993)<sup>90</sup>. Some females who were interviewed, according to Connelly and Hilliard (1993 p. 217)<sup>91</sup>, felt that no women were in the “mega buck” category of earnings. Connelly and Hilliard (1993 p. 217)<sup>92</sup> stated that, some women were interested in a “traditional career path”, that is, Senior Counsel or otherwise known as “taking silk” and eventually judge. Others were not and were more concerned with the attainment of work-life balance (Connelly and Hilliard 1993)<sup>93</sup>.

With regard to specialisation, it seemed that more women leaned towards family law (75%-80% of interviewees) and criminal law appeared to be a more male dominated area (Connelly and Hilliard 1993)<sup>94</sup>.

As regards the atmosphere and ethos at the library, the following was remarked by the participants in Connelly and Hilliard (1993 p. 218)<sup>95</sup> that; the law library had an intimacy attached to it, there was a sense of “camaraderie” within the library and it was a place of much gossip. There was also a general feeling that being seen in the library was of significance (Connelly and Hilliard 1993)<sup>96</sup>. The job itself was summed up as being antagonistic, stressful, with laborious work and lengthy hours (Connelly and Hilliard 1993)<sup>97</sup>.

The personal attributes needed to be a success, according to the interviewees who participated in the study (by Connelly and Hilliard 1993 p. 220)<sup>98</sup> were; “ability, hard work, calm temperament which can accommodate and cope with stress”. It was also felt that in order to achieve prosperity; a temperament of an extrovert, confidence and self-assertiveness were indispensable (Connelly and Hilliard 1993)<sup>99</sup>. There was also a general feeling that high ability was essential for a female’s career but not essential for a male’s (Connelly and Hilliard 1993)<sup>100</sup>.

According to the results of the study, networks and contacts hold a very high importance, particularly for success at the Bar (Connelly and Hilliard 1993)<sup>101</sup>. It was felt, by one young barrister, that contacts held more significance over ability or confidence and specifically at entry-level at the Bar (Connelly and Hilliard 1993)<sup>102</sup>.

### **2.5.1 Networks**

According to the study, networks that were of notable consequence were; family connections, political affiliation, the “master” for whom one “devilled”\*, part-taking in leisure activities such as golf and horseracing (Connelly and Hilliard 1993 p. 222)<sup>103</sup>. Social networks of importance were; being present at the law library, high profile in activities outside the legal profession and socialising in pubs (Connelly and Hilliard 1993)<sup>104</sup>.

---

\* See glossary of terms (Appendix A)

It was also stipulated in this study by Connelly and Hilliard (1993)<sup>105</sup> that in regards to family/home obligations that time taken off around the birth of a child was of significance. In addition, female barristers who were successful had ample aid at home in the form of hired help and huge stress was experienced by those who had an “unsatisfactory” childcare setup (Connelly and Hilliard 1993 p. 224)<sup>106</sup>.

In order to be permitted to practice, membership of the law library, which is administered by the Bar Council\*, is essential for all barristers, despite where they perform the majority of their business (i.e. working from home) (Business and Finance cover story 2000 p. 24)<sup>107</sup>. The process of being eligible to practice, can be an expensive one (Business and Finance cover story 2000 P. 24)<sup>108</sup>. It has been identified by some as being ‘a non-essential additional restriction to those who have qualified to practice as barristers’ (Business and Finance cover story 2000 p. 24)<sup>109</sup>. Another restriction would be the fact that barristers, like solicitors and accountants in the past, are not allowed to advertise their services and cannot deal with a client directly without the use of a solicitor. Although the exception to this is the direct professional access (DPA) scheme (Business and Finance cover story 2000 p. 24)<sup>110</sup>.

This scheme “enables members of professional bodies and institutions (known as ‘approved professional bodies’) to instruct barristers directly” (*The Bar Council* 2003)<sup>111</sup>. The membership subscription fee to the law library is graduated depending on the length of time a barrister is practising (Business and Finance cover story 2000 p. 24)<sup>112</sup>. It can extend from €1,265 to €5,696 per year (Business and Finance cover story 2000 p. 24)<sup>113</sup>. Membership is only open to full-time practising barristers (Business and Finance cover story 2000 p. 24)<sup>114</sup>. Jerry Carroll, Director of the Bar Council, feels that membership of the library is the one way in which the Bar Council can monitor the profession whilst also supplying barristers with much needed day-to-day resources and facilities vital to their practice (cited in Business and Finance cover story 2000 p. 24)<sup>115</sup>.

---

\* See glossary of terms (Appendix A)

According to Cullen (2002 p. 11)<sup>116</sup>, Ireland's barristers have been described as 'law library rockstars' and as the 'fattest, sleekest and best nurtured cubs of the Celtic Tiger'. However, barristers who live, as described by Cullen (2002 p. 11)<sup>117</sup>, this 'bon viveur' lifestyle are thought to be only those at the top level of the profession. Senior Counsel Tribunal lawyers can earn between €2,250 and €2,500 per day and juniors can earn between €1,500 and €2,000 a day (Cullen 2002)<sup>118</sup>. It seems, as stated by Cullen (2002)<sup>119</sup>, that the reason behind these high fees is that competition is non-existent and that the rule of barristers taking on too much work is completely ignored by the majority of the profession. The costs to practice are as follows: a seat in the law library can cost up to €2,500 p.a. and the compulsory professional liability insurance\* can also cost €2,500 (Cullen 2002)<sup>120</sup>. To share a typist can come to €5,000 (Cullen 2002)<sup>121</sup>. The area of commercial law is one that seems to attract the highest earners (Cullen 2002)<sup>122</sup>.

However social capital exists in law as much as it ever did, as identified by Professor Ivana Bacik in Cullen (2002 p. 12)<sup>123</sup>, as still being an 'old boys' club'. Recently it was discovered that 22 out of 32 higher court judges had attended only seven of the fee-paying schools in the country (Cullen 2002)<sup>124</sup>. Thirty percent of the members of the law library are women and just 20 have been promoted to senior Counsel out of a total of approximately 200 senior Counsel (Cullen 2002)<sup>125</sup>. A quarter of the Supreme Court judges are women (Cullen 2002)<sup>126</sup>. Connections and political affiliation (Cullen 2001)<sup>127</sup> still seem to play a big role in the promotion of barristers to higher ranks.

## **2.6 Social origins of law graduates**

Having conducted a study on 'the impact of social origin on the educational and occupational success on graduates of law in Norway', Hansen (2001 p. 480)<sup>128</sup> noted that one significant attribute controlling 'occupational success' is 'social class origin'. Despite the cultural difference between Ireland and Norway, an additional difference for the benefit of this study is the contrast of third level educational systems for the study of law.

---

\* See glossary of terms (Appendix A)



### **2.6.1 Paths to the legal profession**

Ireland, as previously mentioned in this chapter, has two main routes to studying law, both of which are primarily based on academic achievements. The first, as stated by Connelly and Hilliard (1993)<sup>129</sup>, is through obtaining a degree in law and then completing a degree of barrister-at-law, which takes two years, awarded by the Honorable Society of King's Inns.

The second manner according to Connelly and Hilliard (1993)<sup>130</sup> is open to primary degree holders (with the exception of law) or to persons over twenty five years of age who do not hold a primary degree. This involves taking a two year course in legal studies provided by King's Inns, which is somewhat of a condensed degree in law, in addition to the completion of the barrister-at-law degree (Connelly and Hilliard 1993)<sup>131</sup>. Admission to the Barrister-at-Law degree course is via an entrance exam (*The Honorable Society of King's Inns* 2003)<sup>132</sup>.

Both paths are very competitive, with the points system determining who is accepted into various different law and other primary degrees and sometimes requiring students to acquire all A grades in order to be admitted.

This is not the case in Norway where, according to Hansen (2001)<sup>133</sup>, education in law is accomplished through an open university educational field, with lower entry requirements than other professional fields. So, one could assume that inequalities were lessened due to this fact, however, the outcomes of this study will demonstrate that this is not the case.

### 2.6.2 Social origin

As noted by Hansen (2001)<sup>134</sup> the results showed that there is a prominent level of social prejudice in scholarly accomplishment, which is more prominent at later than initial stages in the educational pursuit. It was also found by Hansen (2001)<sup>135</sup> that earnings disparity was plentiful and increasing. The article attempted to investigate hypotheses with regard to the benefits of the upper classes in the educational system and the labour market (Hansen 2001)<sup>136</sup>. The main issue being researched by Hansen (2001)<sup>137</sup> is to what degree social origin influences the level of prosperity of graduates of law. Two groups of consequences are discussed; educational achievement, calculated by grades, at various points during the educational career and occupational success determined by salary (Hansen 2001)<sup>138</sup>.

Many law graduates are self-recruited and pursue the career paths of their fathers, (Hansen 2001)<sup>139</sup>. According to Weber 1978 (cited in Hansen 2001)<sup>140</sup>, law makes up the foundation for a prestige class culture. And as noted by Hansen and Mastekaasa 2000 (cited in Hansen 2001)<sup>141</sup>, the above may provide an understanding into why graduates with a legal background are more inclined to achieve prominent academic success than graduates with an alternative background, although this trend is not apparent among non-law graduates.

The possible explanation for that is that students with law origins have the upper hand because of their possibility to obtain outside instruction (Hansen 2001)<sup>142</sup>. Hansen (2001)<sup>143</sup> suggests that, students with varied social roots become more alike at the higher educational levels. Based on that, Hansen (2001)<sup>144</sup> assumes that the impact of social rank on academic attainment is more prominent at the lower than the higher educational levels. The hypothesis put forward by Hansen (2001 p. 492)<sup>145</sup> is 'graduates with law origins tend to reach a higher academic performance than other graduates, and the impact of social class on academic performance decreases during the educational career'.

However on the other hand, as mentioned by Hansen (2001)<sup>146</sup>, students with higher-level social origins may therefore be more inclined to achieve a higher level of academic achievement than students with lower-level origins. Furthermore, it is conceivable that the legal profession is the foundation for a prestige class culture, and it is the exposure of this culture that is honoured (Hansen 2001)<sup>147</sup>. In that respect, Hansen (2001)<sup>148</sup> stipulates that, students with a legal background may be surmised to hold the most notable levels of academic achievement. The second hypothesis put forward by Hansen (2001)<sup>149</sup> is 'graduates with law origins tend to reach a higher academic performance than other graduates, and the impact of social class on academic performance does not decrease during the educational career'.

### **2.6.3 Networks, cultural capital and self-employment**

Various findings, as remarked by Hansen (2001)<sup>150</sup>, argue that education decides success and social origin has no bearing, however it is suggested by cf. Hansen 2001 (cited in Hansen 2001)<sup>151</sup> that it is likely that social backgrounds are significant for prosperity in small elect groups such as the legal profession. To further aid the dismissal of the meritocracy hypothesis, others cf. Bourdieu 1984, Coleman 1990, Granovetter 1973, 1974, 1983 (cited in Hansen 2001)<sup>152</sup> are of the opinion that social networks or social capital may influence occupational prosperity. This is because those emerging from the upper classes have larger social networks and affiliation with more instrumental people which they may use to their advantage when searching for a job or when in a struggle to obtain a promotion (Hansen 2001)<sup>153</sup>.

In addition to this, cultural capital may also play a role in controlling occupational success, which is that people have a tendency to promote or employ those who are comparable to themselves according to cf. Bourdieu 1984, 1986 (cited in Hansen 2001)<sup>154</sup>. If law is the foundation for a prestige class culture, then having a background in this culture may be a useful benefit in the labour market (Hansen 2001)<sup>155</sup>.

One reason for the financial triumph among graduates with a legal background, or perhaps an alternative upper class background, may be that they more frequently than others become successful self-employed practitioners (Hansen 2001)<sup>156</sup>. The accomplishment of self-employment approaches may depend on being acquainted with the 'right' kinds of people, and subsequently having a particular type of cultural capital (Hansen 2001 p. 494)<sup>157</sup>. Additionally, Hansen (2001 p. 494)<sup>158</sup> notes that, obtaining access to 'family based financial capital' would aid self-employment start up and would therefore give those who have access to it an important advantage over those who may not have access.

According to Hansen (2001)<sup>159</sup> the impact of social class origin on occupational prosperity may be forecast to intensify in the course of the career. Both social and cultural capital may be anticipated in negotiating benefits at various times during an individual's employment (Hansen 2001)<sup>160</sup>. Barron 1984 (cited in Hansen 2001 p. 494)<sup>161</sup> states that, an anecdote that those who are at first seen as 'stars' are regarded as stars for the remainder of their career.

Hansen (2001)<sup>162</sup> remarks that, the influence of social roots should develop because of the impact of self-employment in professional careers such as law. The hypothesis based on the above information is 'given equal levels of academic performance, graduates with law and manager origins will have the greatest economic success, and the impact of social origin on educational success will increase during the occupational career' (Hansen 2001 p. 494)<sup>163</sup>.

#### **2.6.4 Conclusions of Hansen's (2001 study)**

Results of the study conducted by Hansen (2001)<sup>164</sup> pertaining to academic attainments are as follows; graduates from a legal background are inclined to achieve the highest level of scholarly accomplishment, superseded by those with other roots in the higher level cultural sector. Whereas, lowest grades were received by graduates from a working class background (Hansen 2001)<sup>165</sup>. It was determined that male graduates received larger salaries than female and the income differences determined by sex increased each year after graduation (Hansen 2001)<sup>166</sup>.

Therefore, it can be assumed that class origins affect income (Hansen 2001)<sup>167</sup>. It is also suggested, by Hansen (2001)<sup>168</sup>, that graduates from working class backgrounds do not experience prejudice in the beginning of their careers, however this quickly shifts and the increase in income is particularly evident for those with legal and managerial backgrounds.

The results of the study conducted by Hansen (2001)<sup>169</sup> pertaining to self-employment and economic success are as follows; self-employment has a positive effect on income, and this effect increases each year after graduation. It was also discovered, by Hansen (2001)<sup>170</sup> that graduates with higher grades achieved better economic prosperity as a self-employed lawyer compared to those with lower grades.

Law graduates from managerial backgrounds seemed to be more prosperous as self-employed lawyers than law graduates with alternative backgrounds (Hansen 2001)<sup>171</sup>. Therefore, Hansen (2001)<sup>172</sup> notes that, social class background still alters salaries when self-employment is controlled, however the impact of self-employment changes according to social class background. The conclusion made by Hansen (2001)<sup>173</sup> was that open university does not guarantee parity for law students from varied social backgrounds.

## **2.7 Conclusion**

Having reviewed all the relevant literature pertaining to this research topic, it was realised that several issues aid and/or obstruct the career advancement of women, these include, education, fertility decline, part-time work, social foundations, cultural capital and networks. The following chapter will explain the theory of this study, which relates to networks, and the affect they may have on women's employment prosperity and specifically on the career success of female barristers.

## Notes to chapter two

1. Department of Justice, Equality and Law Reform (Aug 2001), Draft 1 on *National Plan for Women (2001-2005)*, Dublin, Department of Justice, Equality and Law Reform.
2. Ibid.
3. Ibid.
4. Fahey, T., Russell, H. and Smyth, E. 2000, 'Gender equality, fertility decline and labour market patterns among women in Ireland' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
5. Ibid.
6. Ibid.
7. Ibid.
8. Fitzgerald, J. 2000, 'The story of Ireland's failure- and belated success' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
9. Ibid.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.
17. Ibid.
18. Ibid.
19. Ibid.
20. Ibid.
21. Ibid.
22. Powell, G. N. 2000, 'The future- Organizational and Government Initiatives' in *Women in Management: Current Research Issues Volume Two*, eds M.J. Davidson and R.J. Burke, Sage Publications, London.

23. Deeks, E. (2000) Directors and top women disagree on career blocks. *People Management*, 6, 28<sup>th</sup> December, p.6.
24. Ibid.
25. Ibid.
26. Ibid.
27. Ibid.
28. Ibid.
29. Ibid.
30. Meyerson, Debra E. and Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ibid.
37. O'Riordan, J. and Humphreys, P. C. (2002) *Career Progression in the Irish Civil Service*, Dublin, The Institute of Public Administration.
38. Ibid.
39. Ibid.
40. Ibid.
41. Walsh, J. (1999) Myths and Counter-Myths: An Analysis of Part-time female employees and their orientations to work and working hours. *Work, Employment and Society*, 13 (2) June, pp.179-203.
42. Ibid.
43. Ibid.
44. Ibid.
45. Ibid.
46. Ibid.
47. Ibid.
48. Ibid.
49. Ibid.
50. Ibid.

51. Ibid.
52. Ibid.
53. Ibid.
54. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
55. Ibid.
56. Ibid.
57. Ibid.
58. Ibid.
59. Ibid.
60. Egerton, M. (1997) Occupational inheritance: the role of cultural capital and gender. *Work, Employment and Society*, 11 (2) June, pp.263-282.
61. Ibid.
62. Ibid.
63. Ibid.
64. Ibid.
65. Ibid.
66. Ibid.
67. Ibid.
68. Ibid.
69. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
70. Smyth, E. and Hannan, F. 2000, 'Education and inequality' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
71. Ibid.
72. Ibid.
73. Ibid.
74. Ibid.
75. Ibid.



76. Ibid.
77. Ibid.
78. Ibid.
79. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
80. Smyth, E. and Hannan, F. 2000, 'Education and inequality' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
81. Ibid.
82. Connelly, A. and Hilliard, B. 1993, 'The legal profession' in *Gender and the law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.
83. Ibid.
84. Ibid.
85. Ibid.
86. Ibid.
87. Ibid.
88. Ibid.
89. Ibid.
90. Ibid.
91. Ibid.
92. Ibid.
93. Ibid.
94. Ibid.
95. Ibid.
96. Ibid.
97. Ibid.
98. Ibid.
99. Ibid.
100. Ibid.
101. Ibid.
102. Ibid.
103. Ibid.

104. Ibid.
105. Ibid.
106. Ibid.
107. Business and Finance cover story. (2000) Barristers and the law library.  
*Business and Finance*, 7<sup>th</sup> December p. 24.
108. Ibid.
109. Ibid.
110. Ibid.
111. The Bar Council. 2003. *About us: Direct Professional Access*. [Online]. Law library. Available from: <http://www.barcouncil.ie/aboutus/dpaccess.asp> [Accessed 24/01/03].
112. Business and Finance cover story. (2000) Barristers and the law library.  
*Business and Finance*, 7<sup>th</sup> December p. 24.
113. Ibid.
114. Ibid.
115. Ibid.
116. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
117. Ibid.
118. Ibid.
119. Ibid.
120. Ibid.
121. Ibid.
122. Ibid.
123. Ibid.
124. Ibid.
125. Ibid.
126. Ibid.
127. Ibid.
128. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.
129. Connelly, A. and Hilliard, B. 1993, 'The legal profession' in *Gender and the law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.

130. Ibid.
131. Ibid.
132. The Honorable Society of King's Inns. 2003. *Education: Perspective Students*. [Online] The Honorable Society of King's Inns. Available from: [http://www.kingsinns.ie/html/prospective\\_students.html](http://www.kingsinns.ie/html/prospective_students.html) [Accessed 24/01/03].
133. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.
134. Ibid.
135. Ibid.
136. Ibid.
137. Ibid.
138. Ibid.
139. Ibid.
140. Ibid.
141. Ibid.
142. Ibid.
143. Ibid.
144. Ibid.
145. Ibid.
146. Ibid.
147. Ibid.
148. Ibid.
149. Ibid.
150. Ibid.
151. Ibid.
152. Ibid.
153. Ibid.
154. Ibid.
155. Ibid.
156. Ibid.
157. Ibid.
158. Ibid.
159. Ibid.

- 160. Ibid.
- 161. Ibid.
- 162. Ibid.
- 163. Ibid.
- 164. Ibid.
- 165. Ibid.
- 166. Ibid.
- 167. Ibid.
- 168. Ibid.
- 169. Ibid.
- 170. Ibid.
- 171. Ibid.
- 172. Ibid.
- 173. Ibid.

## **Chapter Three**

## **Chapter Three**

### **3.0 Introduction**

For the purpose of this dissertation the theoretical discussion at the core of the research design is the issue of social networks and the affect they may have on career progression for Irish women barristers.

### **3.1 What are social networks?**

According to Macionis and Plummer (1998 p. 186)<sup>1</sup>, a network is 'a web of social ties that links people who identify and interact little with one another'. Gronovetter 1973 (cited in Macionis and Plummer 1998 p. 186)<sup>2</sup>, remarked that social networks amount to 'clusters of weak ties', however in relation to the career progression of female barrister-at-law graduates, it would appear to represent something stronger than the above description.

### **3.2 Lack of research on social networks**

Since, according to Smyth and Hannan (2000)<sup>3</sup>, the relationship between informal networks and employment/career opportunities has been practically ignored with regard to Irish research being carried out; therefore this area is of immense interest in the study of female barristers' career progression within the Bar.

Ireland, nevertheless, does not appear to be the only nation where research on social networks is practically non-existent. According to Putnum, author of the Bowling Alone Thesis (2000 p. 23)<sup>4</sup>, 'exhaustive descriptions of social networks in America- even at a single point in times- do not exist'.

### **3.3 Absence of study on women in law**

The area of female lawyers is one that is currently being researched at Trinity College due to the researchers (Professor Ivana Bacik, Ms. Cathryn Costello and Dr. Eileen Drew) discovery, at the Conference on Women Lawyers held at Dublin Castle in November 2000, that there was a severe “lack of empirical data of women lawyers in Ireland, and the absence of scholarly research on this theme” (Finnegan 2002)<sup>5</sup>.

The Department of Justice, Equality and Law Reform has financed this research project; ‘Women in the Law’ (Finnegan 2002)<sup>6</sup>. This study is the first of its kind, examining the lives of lawyers (both solicitors and barristers) in Ireland and the position of gender in these professions (Finnegan 2002)<sup>7</sup>.

The combination of social networks and career progression of women barristers, both subjects which are lacking any real Irish research, is one that should make for a stimulating and unique study.

### **3.4 Networks and gender**

So, the old saying of ‘it’s not what you know, it’s who you know’ may very well come into play during the evolution of this dissertation. According to Denny, author of ‘Succeed for Yourself’ (cited in O’Callaghan 2003 p. 17)<sup>8</sup>, “Networking has to be the easiest, cheapest and most successful way of building a business”. This has great significance for female barristers because they are self employed; they therefore have to build up their own practice.

Gender also has an affect on networks. According to Moore 1991, 1992 (cited in Macionis and Plummer 1998)<sup>9</sup>, despite the fact that the networks for males and females are essentially of equal proportions, the essence of men’s networks are dissimilar to that of women’s. As noted by Moore 1991, 1992 (cited in Macionis and Plummer 1998)<sup>10</sup>, female networks consist more of relatives and male networks are made up more of colleagues. Thus female networks do not have the same impact or influence as typical male ‘old boy’ networks do, as believed by Moore 1991, 1992 (cited in Macionis and Plummer 1998 p. 187)<sup>11</sup>.

If this theory on networks and gender holds some truth, then the road to success may be that little bit longer for women than for men, however it must also be noted that as disparity between the sexes curtails, these differences of networks is lessening with time (Moore 1991, 1992 cited in Macionis and Plummer 1998)<sup>12</sup>.

Marsden 1987 and Kadushin 1995 (cited in Macionis and Plummer 1998)<sup>13</sup> remarked that certain people have closer networks than others. Usually the most far-reaching social networks, as stated by Marsden 1987 and Kadushin 1995 (cited in Macionis and Plummer 1998)<sup>14</sup>, are nurtured by those who have the following characteristics and demographics; young, well educated and residing in a metropolitan area.

### **3.4.1 Informal networks and social capital**

The meritocracy hypothesis, according to Jonsson 1993 (cited in Layte and Whelan 2000)<sup>15</sup>, of employment opportunities is that over time, education will triumph over all else, including social class. This hypothesis is not shared by Layte and Whelan (2000)<sup>16</sup>, as they believe that other factors may still play an important role in securing employment, such as informal networks and social capital.

On simultaneously questioning the meritocracy hypothesis, it may be assumed that the majority of Ireland's barristers possess these traits; 'young, well educated and residing in a metropolitan area', so therefore informal networks and social capital have a significant part in success at the Bar. However, from the above distinction of networks between the genders, we know that the assumption of holding the above traits does not necessarily constitute the achievement of widespread social networks as this does not appear to be the case for women.

### **3.5 Conclusion**

This theory of social networks and whether or not they affect the career paths of female barristers will be further examined in chapter five. The following chapter, chapter four, will discuss the methodology used for this dissertation.



### Notes to chapter three

1. Macionis, J.J. and Plummer, K. (1998) *Sociology: a global introduction*. 7<sup>th</sup> ed. New Jersey, Prentice Hall Europe.
2. Ibid.
3. Smyth, E. and Hannan, F. 2000, 'Education and inequality' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
4. Putnum, R. D. (2000) *Bowling Alone: The Collapse And Revival Of American Community*. New York, Simon and Schuster.
5. Finnegan, C. 2002. *Women in Law Project*. [Online]. Trinity College Dublin. Available from: <http://www.tcd.ie/Law/WomeninLaw.html> [Accessed 26/09/02].
6. Ibid.
7. Ibid.
8. O'Callaghan, S. ed. (2003) *South Dublin Chamber of Commerce Yearbook and Member Directory*. Dublin, Whitespace Ltd.
9. Macionis, J.J. and Plummer, K. (1998) *Sociology: a global introduction*. 7<sup>th</sup> ed. New Jersey, Prentice Hall Europe.
10. Ibid.
11. Ibid.
12. Ibid.
13. Ibid.
14. Ibid.
15. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
16. Ibid.

# Chapter Four

## **Chapter Four**

### **4.0 Introduction**

In order to fully comprehend the theoretical discussion outlined in chapter three, it was necessary to carry out semi-structured interviews.

### **4.1 Semi-structured interviewing**

The reasoning behind choosing semi-structured interviews was that the retrieval of data on female barristers' lives and careers was more effective with qualitative interviewing, as it gave the opportunity to discover information which would be difficult to retrieve from a questionnaire. It also provided the interviewees with scope for elaborating on anecdotes and examples backing up their answers to various questions.

As suggested by Bell (1999)<sup>1</sup>, it was decided to pilot a prototype interview schedule. The author selected topics which coincided with the ontological and epistemological position and therefore tied in with the research question and objective. The areas were as follows; age, marital status, children, educational qualifications, work experience, work-life balance and background. The questions were as follows; what are the barriers, if any, that women face when pursuing a career in law and how do social networks affect the career paths of female barristers?

The benefit of using these types of interviews as opposed to in-depth interviews was that there was a freedom in the types of questions I could develop on and ask. On the completion of these interviews, themes and experiences will be analysed and highlighted.

## **4.2 Limitations and bias**

The difficulties and limitations which were experienced during the research process were that although the interviewees came from various different backgrounds and were at different points in their lives; the sample can not or attempt by any means to represent all people who are at the same point in their lives, with comparable characteristics and demographics as the interviewees.

Other limitations experienced were time and resource constraints, particularly in relation to transcribing the interviews, using the field notes and recording from a Dictaphone along with the search for secondary data and information. An additional limitation of this study is that no males were researched, interviews conducted consisted entirely of females. This was again due to time and resource constraints.

The use of the Dictaphone was helpful, especially when trying to be as objective as possible in order to avoid bias. In a further attempt to prevent bias, the same primary questions were asked in each interview and will therefore become the main focus when analysing and profiling the data. Carrying out the interview in an ethical and professional manner was adhered to.

As advised by Mason (2002 p. 80)<sup>2</sup> 'informed consent' was received by all interviewees with the added assurance of anonymity. In order to ensure all participants identities were concealed, pseudonyms were used in profiling the data.

## **4.3 Secondary research**

Through the process of this study it was necessary to gather and collect relevant data pertaining to the main focus, that is, social networks and how they affect the career paths of female barristers. This, however, was a difficult task as very little Irish research has been conducted on either of these areas. Despite this, text books, journal, newspaper and magazine articles plus various internet sites helped me to educate myself more extensively on this subject.

#### **4.4 The sample and sampling frame**

It was originally determined that the sampling frame would consist of approximately ten interviews, however, this was neither necessary nor possible. Due to time constraints and after having accumulated adequate data subsequent to six interviews, it was decided that this would be sufficient for analysis.

Most of the women interviewed were as a result of 'snow balling' (Mason 2002 p. 142)<sup>3</sup> which is explained somewhat by its name. It usually involves one person who then puts you in contact with another and so on and so forth. The semi-structured interviews took place over a period of four months from November 25<sup>th</sup> 2002 to March 6<sup>th</sup> 2003. These interviews were conducted with six female barristers, with age ranges between twenty eight and forty eight, all of whom were at various different stages in their careers. On average the interviews lasted between ten and thirty minutes each.

#### **4.5 Observation and participation**

In order to develop a deeper knowledge of the careers and lives of female barristers, the author took part in 'shadowing', with her informed consent, one of the interviewees, Brid. The setting was the Northern Circuit\*, Letterkenny Circuit court. However the journey from Dublin to Donegal provided some interesting insights into career progression at the Bar. (See Appendix H)

#### **4.6 Conclusion**

On completing six semi-structured interviews and an experience of 'shadowing', it was evident from the interview transcripts and fieldnotes that themes and experiences were beginning to appear which tied in with my research objective and question. These interviews will be profiled in chapter five, highlighting relevant quotations and summarising the career histories of each of the interviewees.

---

\* See glossary of terms (Appendix A)

## Notes to chapter four

1. Bell, J. (1999) *Doing Your Research Project*. 3<sup>rd</sup> ed. Buckingham, Open University Press.
2. Mason, J. (2002) *Qualitative Researching*. 2<sup>nd</sup> ed. London, Sage Publications.
3. Ibid.

# **Chapter Five**

## **Chapter Five**

### **5.0 Introduction**

This chapter will examine the semi-structured interviews carried out with a particular focus on the theoretical discussion summarised in chapter three. In order to conceal the identity of the interviewees pseudonyms have been used. Irish names were chosen which run in alphabetical order.

### **5.1 Profiles of Interviewees**

The participants were profiled, noting interesting quotations and also summarising the career histories of each barrister.

### **5.2 Interview number one: Áine**

#### **5.2.1 Career history**

Having completed her studies with a Bachelor of Arts and a Bachelor of Laws (LLB) degree from National University of Ireland Galway, a Barrister-at-Law degree from King's Inns and a Master of Laws (LLM) from Queens University Belfast, Áine then taught in the Institute of Technology in Waterford and also in the National University of Ireland Galway. Her current post as a lecturer brings in a reliable income and therefore allows her to practice as a barrister within specific areas, such as intellectual property and Information Technology related issues. She has also published two books.

#### **5.2.2 Interesting quotes**

##### **5.2.2.1 Choice of career**

On being asked why she chose a career at the Bar, Áine replied, noting flexibility as her major reason: "I decided to do the Bar because I wanted the flexibility as opposed to working for someone else in an office environment eight to eight".

Áine was then asked why she had combined both practising at the Bar with lecturing, she responded with: "Well originally that was definitely for financial reasons".



Áine describes her motivation for studying law at university: “I suppose how I got into to studying law was I didn’t like science subjects, didn’t have a massive interest in business and hated languages, so I was sort of left.....it just happened that I sort of drifted into law”.

#### **5.2.2.2        Contacts**

Áine having had no legal connections when entering the Bar, illustrates what is necessary for career success: “If you don’t have contacts then you really do have to carve out a niche for yourself and that’s really what I had to do.....Contacts have more bearings than education”.

Áine indicates her fear regarding nepotism within the legal profession: “If you have a solicitor that gives you a lot of your work you permanently live in fear that they’ll produce a child who’ll they’ll then give all your work to”.

#### **5.2.2.3        Domestic responsibility**

On being asked if she had any children, Áine answered: “No. But I have a cocker-spaniel which I definitely think qualifies”.

#### **5.2.2.4        Like marry like**

Áine is married to another barrister for the last eight years and notes that this is quite usual: “It’s quite common for barristers to marry barristers”.

#### **5.2.2.5        Work-life balance**

Áine is then asked how she manages her busy schedule of practising full-time at the Bar with lecturing and also making time for herself and her husband: “We didn’t originally but now we have a sort of set thing where we will not work at weekends”.

### **5.2.2.6 Barriers**

Áine notes the difficulties faced upon entering the Bar: “It is very difficult at the Bar you have to really get a niche area and work specifically within that and so you need to be sort of an expert really”.

*“I don’t think there are any massive barriers for women anymore in law..... it’s definitely equal at this stage. Whether it’s equal in terms of opportunities within different legal areas is another thing. I find my husband and I are in the same area but he would get a lot of intellectual property/patent law, technical things, whereas I am more inclined to get the data protection issues”. And do you think that’s because you’re a women? “That could be”.*

Áine describes other barriers faced by women practising at the Bar. Time off around child birth appears to be a big problem, as barristers are self-employed, the regular Maternity Leave Act leave does not apply. “Other things would be women giving birth that sort of thing. I had a friend who gave birth there last year and she was back into work the following day.....You would run the risk of loosing business so you would be inclined not to take that time off”.

Áine further observes that income inequality at the Bar exists: “Just in relation to barriers to women definitely the top end of barristers who are earning most of the money, I would think a relatively small proportion of them are women”.

### **5.2.2.7 Political affiliation**

Áine remarks that politics can play a major role in an individual’s success at the Bar: “Joining a political party would be a big thing”.

### **5.2.2.8 Tribunals**

Áine also points out that there are a limited amount of women working on the tribunals, she subsequently notes that this is due more to political affiliation than to gender:

*“If you look at tribunal work even, there isn’t a massive representation of women there. It’s a great thing for getting your name heard it’s a real money spinner and very little else.....Yeah you don’t see a lot of women working in the tribunals. A lot of them are political appointments as opposed to whether you’re male or female. It could be quite political I would think. You tend to see a lot of the women as researchers”.*

### **5.2.2.9 Income**

Áine indicates that income disparity is a barrier to the prosperity of female barristers:

*“If you are just looking at people in the law library say of barristers as a whole. There’s approximately 10% I would think maybe of people there that are earning 80% of the total income of the Bar...I definitely think that the top end the women would probably be quite limitedly represented.....I would think that 10% of the people in the law library are earning 80% of the total earnings at the Bar. And I would think a huge proportion of them are male”.*

## **5.3 Interview number two: Bríd**

### **5.3.1 Career history**

While studying at King’s Inns, Bríd participated in temping jobs to subsidise herself. She also worked in fund administration to support herself through college. Bríd is a newly qualified barrister; she was called to the Bar in 2000, and is currently building up her practice. She works on the Northern Circuit at the moment, whilst also practising full-time in Dublin.

## **5.3.2 Interesting quotes**

### **5.3.2.1 Gender of master**

Brid notes various different reasons for choosing a master, based on gender, specialisation or myths.

*"In terms of choosing a master you might choose a master from an area of law that you might be interested in specialising in, you might have other criteria. You might decide on the gender of your master for various reasons perhaps based on myths that you've heard on say how female barristers behave in the library. Some women might prefer to deal with men, men who are married and not available".*

### **5.3.2.2 Income**

On being asked how she supported herself through college and through the first few years of practising, Brid replied: "I re-mortgaged my house to pay for the first few years.....people subsidise their income and some people have parents who look after them".

### **5.3.2.3 Work-life balance**

Brid describes the difficulty she experienced whilst trying to balance her work, her life and also working on the Northern Circuit:

*"The first few years are difficult because you're committing yourself entirely to building up a practice and particularly if you're on Circuit it's very anti-social for women in particular who might want to start a family. It entails a lot of driving and a lot of long hours and trying to fit in the paper work in between and that can mean working on weekends or working late nights. And it also entails staying in hotels a lot which can be a bit lonely as well. It does tend to be harder on women. A lot of people have dropped out of the Northern Circuit particularly women".*

#### **5.3.2.4 Social life**

Brid describes the social life surrounding practising at the Bar:

*"The other thing you find you can fall into is the whole social-life around the library and around other barrister and attending whatever might be on, receptions.....So it's quite hard to get out of the circle...it's probably true to say that only barristers know what you go through on a week to week basis".*

#### **5.3.2.5 Networks**

On being asked about the significance of networking, Brid answered: ".....there are other things people do, who choose to network, it wouldn't really be my thing but people join golf clubs, there's a tennis club and a soccer club and so on. It is a form of networking with other barristers and maybe with solicitors".

#### **5.3.2.6 Politics**

Brid, like many of the other interviewees, agreed that politics played a part in success as a barrister.

*"Definitely. Its no secret that being a member of Fianna Fáil is obviously useful because if you want a position on the judiciary of anything or to become a member of a tribunal. The state's tunnels are less than transparent in terms of the reasons, the criteria, for getting on them.....It was a big thing because Fianna Fáil have their big fund raising dinner before Christmas and who went. A lot of barristers went for different reasons and it's a shame because they're supposed to be completely independent".*

### **5.3.2.7      Contacts**

Brid points out the importance contacts have on an individual's prosperity at the Bar:

*"I do think that if you have contacts that are practising as solicitors it can be an initial boost to somebody's practice.....people I know who had fathers practising as solicitors ended up getting a lot of work through their fathers or mothers practices. That's an initial boost but obviously it's your own skills and ability is going to get you through and determine your success in the long term.....I think that you have to work a lot harder if you don't have contacts".*

### **5.3.2.8      Female drop out rate**

Brid indicates the reasons for women discontinuing to practise at the Bar, the principle cause being domestic responsibilities:

*"In terms of women coming into the Bar I believe it's about 50/50 at the moment, male-female ratio. In terms of the overall ratio I think it's one in three are women. Over time it appears to reduce more women tend to drop out for family reasons beyond any other reasons. It does entail long hours so it wouldn't always be conducive to family life".*

### **5.3.2.9      Domestic help**

Brid reveals that many female barristers who have children also have home help:

*"....some women have it sorted out very well a lot of female barristers would have house-keepers and nannies or else they can work out a situation where they are working from home a lot depending on what the husband is doing".*

#### **5.3.2.10 Sexist attitudes**

Brid notes that sexist attitudes may be experienced by her from time to time and also notes that some women at the Bar use their sexuality to aid their careers:

*"You might get a little bit of male attitude towards you from maybe your other colleagues or other men in the business in terms of whether you're attractive or not.....I'd say it's [success at the Bar] more to do with your ability and the way you deal with your colleagues than anything else...some women might disagree with me they would use their sexuality quite a lot during their work in terms of what they wear.....Women who use that to try and aid their career, they generally get a negative name for themselves".*

#### **5.3.2.11 Promotion**

Brid remarks that career promotion for women is progressing more slowly than it is for men:

*"There are still very few women taking silk in comparison with their male counterparts and very few women getting appointed on the judiciary.....I still think that there's a tendency to appoint men before women for whatever reasons I don't know but definitely it's improving".*

#### **5.3.2.12 Family connections**

On being asked if the majority of women on the judiciary had good connections, Brid replied:

*"Yes they would generally have a brother or a sister or a husband in law unfortunately. A lot of judicial appointments would be like that. Very rarely would you see a judicial appointment coming from nowhere. One would hope that that would change over time".*

## **5.4 Interview number three: Caitriona**

### **5.4.1 Career history**

Caitriona went back to study law having raised her children and been a home maker for 27 years. She was called to the Bar in 1999 and now practices primarily in family law. Before she began to start a family, Caitriona worked as a trainee accountant whilst also attending college to qualify fully as an accountant, she got married two years into her training and decided to discontinue her accountancy. During her 27 years as a home maker she worked for her brother's business part time as his book keeper.

### **5.4.2 Interesting quotes**

#### **5.4.2.1 Marriage bar**

On being asked if she was obliged to leave her previous job in an accountancy firm upon getting married, Caitriona replied: "No but you weren't exactly encouraged to stay either. At the time it was sort of prohibitive to stay because we'd to pay tax on every penny we earned as married women. I think we'd an allowance of £5 a week".

#### **5.4.2.2 Work-life balance**

Caitriona describes how she manages her work and her life whilst practising at the Bar:

*"My social life has practically vanished because the nature of being at the Bar is that you don't really know too much in advance how busy your week is going to be....But I just enjoy it, I like doing it and it certainly beats sitting at home, which is essentially what I'd be doing if I didn't do it because I wouldn't do a nine to five office job. I was too long away from that to go back to it. But this can be pretty much nine to twelve though. You know when you come home at night and work".*



### 5.4.2.3 Relationship building and mentoring

It is evident that relationships between devils and masters are very significant at the Bar, Caitriona confirms this:

*"There's always this loyalty thing. 'Oh Caitriona devilled with Joan so we must give her a hand out'.....He [Caitriona's second year master] is still there and he is my main mentor down there. And he and I have become great friends. That happens down there; you become very good friends with your master...Most devils going in would try and align themselves with a master who they think would help get their practice get going.....I think that's a problem too with people taking devils where they want them for the motions\* because they all can be stuck, but they really can't afford to share their practice with them".*

### 5.4.2.4 Solicitors

Caitriona points out the underhand way that devils may behave in order to network with solicitors:

*"I just needed advice and help and I wasn't interested in and in fact the last thing I would do be to mooch in on someone's practice. I had a rule I made for myself with John and Joan (Caitriona's masters) I would never ring their solicitors after I would do a job for them..... That is a way of mooching in and a lot of devils do that, they go and ring the solicitor immediately. I always felt it was a bit disingenuous to do that".*

However, Caitriona was lucky as she had some contacts with solicitors before entering the Bar:

*"And then I was fortunate, I didn't have to do it because I was one of five mature students in UCD and the other four all became solicitors, and three of them feed me....if you have a barrister whose wife or husband is a solicitor people sort of say; "oh you're alright".*

---

\* See glossary of terms (Appendix A)

#### **5.4.2.5 Barriers**

Caitriona felt that they weren't any gender-based barriers at the Bar, however, she noted political affiliation as being a general barrier to career success of barristers: "Being politically connected is certainly very important. That would be denied by a lot of people but it's blatant".

#### **5.4.2.6 Incestuous**

Caitriona also remarked that she felt the law library was incestuous both physically and in reality: "....that would be the one draw-back of the library it is a dreadful rumour-mill. You kind of hear it there first. It's also a bit incestuous. Even the nature of the place, the desks are on top of each other....".

#### **5.4.2.7 Social networks**

On being asked if she felt social networks affected the career paths of female barristers, she answered: "I think that if you are member of a certain group.... then your name will be known and you'll be recommended by someone to someone to someone or whatever. It's that kind of job".

#### **5.4.2.8 Domestic responsibilities**

Caitriona does not use social networks for career advancement and in addition still holds the same domestic responsibilities she did before she returned to work:

*"I don't engage in social networks because I have a good feed system already, it's enough for me, I'm happy with it. If it was any more I couldn't cope. And the reason I wouldn't be able to cope is because I still sort of take on the responsibility of the house, the home as I did before I started back to work.....Whereas I wouldn't have what other barrister in there would call a full-time practice, it's surely full time for me because it's all the time I could spare. I don't do half the things I used to do in the house; I now pay someone to do some of those things for me".*

#### **5.4.2.9 Delayed child rearing**

Caitriona herself studied law and became a barrister when her children were grown up, nonetheless, she notes how some successful and well-established barristers cope with raising children and managing a full-time career:

*"I was only talking to a very successful barrister recently and she was telling me she has two small children. So she wouldn't have had her children until she was in her thirties and well established. She's a very established criminal barrister. She was telling me that when she comes in, in the evenings, she says she's absolutely wrecked and she knows she still has three or four hours on the computer before she goes to bed and she's to spend a couple of hours with the kids so the only way she can manage is au pairs and housekeeping".*

#### **5.4.2.10 Like marry like**

Caitriona mentions, like Áine, that it's quite common for barristers to marry other barristers: "A lot of barristers are married to other barristers and they'd sort of share the work load. The husband-wife teams are great because they do each others motions and sort of help each other out in that way".

#### **5.4.2.11 Family law**

On being asked if there are some areas of law that more women are geared towards, Caitriona answered:

*"Yes, family is pretty much run by female barristers...And they'd all be pretty busy and they're very (pauses and laughs), they run a tight ship...And they look strangely at the new people mooching in. Not welcoming, no way. But everybody's watching their own patch".*

#### **5.4.2.12 Politics**

Caitriona also agrees that political affiliation will aid an individual's career at the Bar: "Political involvement will definitely promote your career there's no two ways about it".

#### **5.4.2.13 Tribunals**

In addition, Cairtriona remarks that a position on a tribunal is very much politically based, 'who you know, as opposed to what you know': "You find these people on tribunals, if you ask the rights questions, you'll find they're members of political parties or they're involved or they support or whatever".

#### **5.4.2.14 Payment problems**

Cairtriona, like many other barristers, has experienced problems with getting paid for work already completed, however, like promotion prospects at the Bar, the procedure for rectifying lack of payment by solicitors is unjust:

*"Huge difficulties, every barrister has. You're supposed to go to the Bar Council after one year, if you have been left for more than one year waiting on money, but nobody will do that because if you do, that solicitor will never brief you again and he'll probably make sure some other solicitors won't brief you".*

#### **5.4.2.15 Relationships with solicitors**

Cairtriona notes the advantage solicitors take of newly qualified barristers: "A lot of solicitors use newly qualified barristers.... They think they should be glad to get the work and the experience and to hell with the payment".

#### **5.4.2.16 Income**

Cairtriona indicates that maintaining a good income at the Bar can be difficult: "If I had to make a living I certainly couldn't be doing this, I'm not making that kind of money".

## **5.5 Interview number four: Deirdre**

### **5.5.1 Career history**

Deirdre is a Senior Counsel barrister. Before she began practicing as a barrister, she worked for one year in a trade mark agent's office. She was called to the Bar in 1977 and has been practicing since 1978. She has worked full-time throughout her career apart from when she gave birth to her youngest child; she then gave up her full-time practice and worked part-time for four years. She doesn't specialise but has a general civil practice.

### **5.5.2 Interesting quotes**

#### **5.5.2.1 Career choice**

Deirdre indicated her reason for pursuing a career in law was her mother: "Eh, my mother really. My mother was a solicitor, she's obviously long retired. She worked full-time all her life and she had six children and so she did that in a time when it wasn't fashionable or it certainly wasn't the norm".

#### **5.5.2.2 Equality in law**

Deirdre noted the legal profession as being reasonably equal in terms of opportunities: "I think it is in fact, it's one of the few places where, you've a fairly even playing field, fairly even, I wouldn't say absolutely, but FAIRLY even playing field".

#### **5.5.2.3 Work-life balance**

It was also pointed out by Deirdre that work-life balance in the legal profession can be difficult for a woman to attain:

*"Like with all jobs that women do full-time, sometimes our work strays beyond office hours, not just sometimes, a lot of the time and that is not obviously family friendly...And it is difficult when you're juggling and you're making phone calls and you can't admit that you're doing all of that and you have to and things are going on at home and it's seven o'clock and you're still here...A man in that position doesn't have those difficulties, he just lifts the phone and says; 'well I won't be home I'll see you whenever I see you'".*

#### **5.5.2.4 Evening meetings**

Deirdre additionally revealed that meetings can run late and that this is obviously not family friendly: “And that can happen with our job and sometimes where the people who are arranging the meetings are men, you’ll find that meetings will be arranged for five o’clock, six o’clock..... I’ve been here some nights until twelve o’clock”.

#### **5.5.2.5 Networks**

Deirdre notes how men tend to network more than women, and that women generally don’t participate in networking:

*“The men network more than the women do. The men are members of golf clubs, they’re members of tennis clubs, they’re members in whatever, political parties, you name it.... Women don’t think to network and generally speaking women are busy. And if they’re young women they probably have young kids to worry about, they haven’t have time to think out their career in those terms. Men do those things. So they put themselves in positions where they meet people, where they become known”.*

#### **5.5.2.6 Panels**

Deirdre pointed out some interesting issues regarding the selection process of panels of barristers:

*“And it seems to me that panels<sup>\*</sup>, certainly for junior counsel, are more weighted towards the men then they are towards the women...But in terms of access to panels I think it’s easier for men than it is for women...it’s [selection process for getting onto a panel] all unofficial. So it’s word of mouth, you’re told your name has been put on the panel, but you can’t apply to have your name put on the panel”.*

---

<sup>\*</sup> See glossary of terms (Appendix A)

### **5.5.2.7 Social networks**

On being asked if she felt social networks affected the career paths of female barristers, Deirdre replied:

*"Most definitely, most definitely, yeah. And I don't think that females bother about it. I just don't think it's in the nature and it's probably something that females should think about more seriously and young barristers coming in.....I never did it [speaking about networking] and I'm sorry I didn't do it. And it's something I would encourage any, young barristers, male or female, coming in to do".*

### **5.5.2.8 Contacts**

Deirdre agreed, like most of the other interviewees, that contacts were important for success at the Bar.

*"Yeah, I mean contacts always help because the thing that you need more than anything else when you come into the library is exposure, you need to be out there, you need to be standing on your feet, you need to be seen in court, if you don't have contacts, if people don't know you, well then you don't get that opportunity...so obviously that person who has personal contacts will be that little bit ahead. But I don't think it's the huge issue that people say it is. Now maybe it's easy for me to say that because I did have SOME contacts, you know".*

## **5.6 Interview number five: Eilís**

### **5.6.1 Career history**

Eilís has been practising as a barrister for seven years here in Dublin, before that she practised in London for a year. She has been teaching at Trinity College for years and before that she taught at the one of the smaller colleges in Dublin for two years. Prior to that she taught in a couple of Universities in London.

## **5.6.2 Interesting quotes**

### **5.6.2.1 Social life**

Eilís notes how she manages her job in academia with practising full-time at the Bar:

*“So I have a very active social life, but I also work a lot of weekends and a lot of evenings. But the thing is with a job like mine, combining academic and practice, your work is very much part of your life. So, I don’t have a very clear demarcation but I socialise a lot with people that I work with”.*

### **5.6.2.2 Barriers**

On being asked whether or not she felt that barriers existed for women attempting to pursue careers as barristers, she replied: “...I think the barriers are much less obvious now than they were, I mean obviously overt or direct discrimination is not as strong”.

#### **5.6.2.2.1 Subtle barriers**

In addition to this, Eilís remarked how the barriers facing women in law these days are more understated than they were in the past, many of them being social networks: “....finding that there are subtle barriers that exist, things like golf outings which women are excluded from, things like social events that women are excluded from, social networking”.

### **5.6.2.3 Children**

A more obvious barrier, identified by Eilís for female lawyers today, is family responsibilities:

*“...but I think the biggest identifiable block is that women about my stage in their careers [34 years old] take time out to have children and that is what is still setting them back. We still don’t have any structures that really facilitate the having and raising of children...You know I think that the women who are entering the profession and who aren’t having children or who don’t have children are getting on probably almost as well as men at their age”.*



#### **5.6.2.4 Inequality**

Eilís identifies gender inequalities that exist at the Bar:

*"I mean I remember entering the Bar [called to the Bar in 1994], you know not that long ago, and being told that it would take a lot longer for me to make a living at it than it would for a man. And that was probably true, but it was an off-putting thing to hear".*

### **5.7 Interview number six: Fionnuala**

#### **5.7.1 Career history**

Fionnuala is a very well established Senior Counsel barrister. She is a specialised barrister. Most of her family are lawyers. She has been working at the Bar for almost twenty years. She has also written a book in her area of specialisation. She has a large family and intentionally delayed having children until she was well established in her career as a barrister. She is also married to another barrister.

#### **5.7.2 Interesting quotes**

##### **5.7.2.1 Choice of career**

Fionnuala notes, like Deirdre, that one of her main reasons for working as a barrister was because one of her parents was already in the legal profession- her father: "The reason I came to the Bar I suppose was because well first of all I'd studied law in Trinity and then my father was a barrister".

Additionally, Fionnuala points out that upon entering the Bar, she was receiving many family law cases, an area which is primarily dominated by women:

*"When I came to the Bar I started working on the Eastern Circuit, which is Meath, Athy, places like that and Wicklow. But I found that all I was getting really was family law and the one thing I did know was that I didn't want to have anything to do with family law because I didn't I found it very depressing".*

### **5.7.2.2 Legal connections**

Fionnuala discusses the legal connections she has and how they are of significance when pursuing a career at the Bar:

*"My father left the law library about a year and a half after I was here and I inherited a bit of his business and as I say it took off a bit from there .....I'm married to a barrister.....Yeah, my father was a barrister, and then he became a judge. And I have a brother who is a solicitor and then my two sisters are solicitors".*

Upon being asked did she think that contacts had a strong bearing at the Bar, she answered:

*"They do yeah, they do. There is absolutely no doubt. They cannot but help you start off, well that's what I'd say, but it's up to you then to capitalise on that...I suppose because I initially had the contact of my father, that's how the work came to me and then you just build up and then you get a reputation, so that's how it happens".*

### **5.7.2.3 Delayed child rearing**

Fionnuala highlights the importance of career establishment particularly for women at the Bar and how having a family was deferred in order to ensure career prosperity:

"I put off having children deliberately for, I suppose, three to four years because I wanted to establish myself and I felt myself that if I immediately started having babies that it wouldn't help my career and I think I took the right decision".

#### **5.7.2.4 Stressful profession**

Fionnuala describes the stress associated with working at the Bar and how important the holidays during the summer are for barrister to relax and catch up on their paper work:

*“I wrote a book... I got the time to do that during the long vacation, because the barristers you have spoken to probably will all agree that one of the wonderful things about our business is that we actually have, although it's a very stressful profession, you can actually wind down during that time...when I say holidays, I suppose holidays is not correct because when the courts are closed we don't just say 'great I'm on my holidays' what you sort of say is 'great I can get my paper work done, I can get my research done' and all that sort of stuff...Because barristers are accused of having a nice relaxed life-style, that is not the case, as I say there are different facets of our work and if it were the case that you were in court the whole time, then people would not be getting proper representation, because barristers would be absolutely burnt-out”.*

#### **5.7.2.5 Work-life balance**

Fionnuala feels that working at the Bar can be more flexible than most nine to five jobs because of the fact that barristers are self-employed and so work-life balance, she believes, is easier to attain: “Well I think that for women at the Bar it's probably a bit easier, funny enough, because, one, we're self employed and we can play around with our time”.

#### **5.7.2.6 Child birth**

Fionnuala notes, like Áine, that time taken off around the birth of a child is of importance and returning to work as soon as possible is vital: “I had the baby in term time I always have to try and get back after a week. That's the thing about the Bar if you're not seen, they'll forget you and that's it, you know there are plenty of others to take up. So you really have to mind your back”.

### **5.7.2.7 Law library ethos**

Fionnuala illustrates how fellowship is strong within the Bar:

*"Now it's a great business though, it's absolutely wonderful; it's a very good feeling of togetherness. Also, I find now because I have become established in a particular speciality, I find that a lot of people, younger people, will come up and say 'how do I do this, how do I do that' and the practice at the Bar is just push all your books away and say 'now how can I help you?'".*

### **5.7.2.8 No fees**

Fionnuala points out how many barristers including herself will not charge for their services, particularly when the client cannot afford to pay:

*"But a lot of people, I don't know if the people you interviewed said anything about this, but you will find that a huge amount of the profession will not charge fees for people who haven't got the money, they just won't. And nobody ever says that about us, for example even in my bit of business, if I had a little widow who's licence lapsed because she couldn't afford to pay her tax, and she couldn't get a tax clearance certificate, I wouldn't dream of charging her. On the other hand of course, if I have a big, wealthy pub baron, naturally I'll charge what is the going rate".*

### 5.7.2.9 Political affiliation

Fionnuala, unlike many of the other interviewees, felt that political affiliation did not promote your career at the Bar. However, she did agree that it did have a bearing on whether or not an individual became a judge or received state legal work:

*"None whatever, absolutely nothing whatever got to do with it [political affiliation]. It [political affiliation] does have a bearing on whether you become a judge or not, there's no doubt.....But most people will apply [to become a judge], it goes through a judicial commission which is made up of judges of various courts and from lay persons as well and the names are put forward to them. And what they will do is they will make a choice and pass on various names to the government and the government will then decide. But there's no doubt that certain ministers will lobby for certain names and they're obviously not going to lobby for names they don't know. And so that's how I think it is. At the Bar, it's nothing whatever got to do with it, accept maybe if you do state work, you know maybe your minister might say 'oh give such and such a bit of work from such and such a department', maybe that's it".*

### 5.7.2.10 Barriers

On being asked whether any barriers existed for women pursuing a career at the Bar, Fionnuala replied:

*"When I came to the library being a woman, I thought, was a bit of a barrier. Now, eh, just the 'old boy' network, there's an element of an old boy network still I think, and in particular for women barristers on Circuit. Because, for women barristers; how can they go drinking with the lads after work? They can't really, (1) they have families or (2) they're young and they don't really want to be drinking with the lads and be one of the lads, it's very difficult to do that, while the lads will do it...If you are saying barriers now, definitely there are fewer barriers of women now then there were. I would still say, however, that there is a bit of a glass ceiling and I think that any woman you've spoken to that has said there isn't a glass ceiling, it's all exactly the same, that is quite wrong and they're only saying it".*

### **5.7.2.11 Devilship**

Fionnuala notes about her devilling period\*: “I did one year and I devilled with a man who did exclusively crime and he had devilled for my father”.

### **5.7.2.12 Social networks**

Fionnuala notes her feelings on social networks and how they affect the career paths of female barristers:

*“I see that one of your questions involves how do social networks affect the career paths of female barristers. I think they affect the career paths of male barristers in the way that I have spoken to you; the drinking and the playing golf. With women not really at all”.*

On being asked if she felt that networking was more of a male phenomenon, she answered:

*“I think it is exclusively male.....They [women] are certainly left out of male bonding thing, there's no doubt about that. But the way to fight back with that is to have a good female networking system and I don't think we have and I never thought we had, really we are getting worse at it. I have always maintained that if I needed to hand over a case I'd much prefer to hand it over to a woman, a good woman obviously, and that's what I'd felt”.*

### **5.7.2.13 Formal networking association**

Fionnuala subsequently remarked, regarding the possibility of a female formal networking association:

*“One of our new Circuit Court judges was one of the, I suppose, people instrumental in forming an association called ‘women in law’ and I think the whole idea was that women would become good networkers and it's a good thing that that is done. I don't know if it's ever going to be particularly successful”.*

---

\* See glossary of terms (Appendix A)

## **5.8 Conclusion**

The themes revealed in this chapter, such as; barriers, connections, networks etc., during the profiling of the data are further analysed in chapter six. Chapter six will conduct an in-depth analysis of the interviews and the experience of 'shadowing' whilst including relevant literature from other chapters.

## Chapter Six



## Chapter Six

### 6.0 Introduction

This chapter will examine the results and analysis retrieved from the interviews and observation with a clear focus on the theoretical discussion. It will attempt to provide a deeper understanding of female barristers in relation to career progression and social networks. This will be accomplished through an analysis of primary and secondary research; interview transcripts, observation notes and literature analysis. Having completed the above, the author noted the emergence of some interesting topics and themes.

### 6.1 Why the Bar?

Reasons for pursuing a career at the Bar were varied for most of the participants. However, for Deirdre it was her mother. Deirdre was the only interviewee to have had a female role model who worked in the legal profession at some point. When she was asked why she entered the legal profession, she replied:

*“Eh, my mother really. My mother was a solicitor, she’s obviously long retired. She worked full-time all her life and she had six children and so she did that in a time when it wasn’t fashionable or it certainly wasn’t the norm.....”* (Deirdre, 49, barrister-at-law SC).

This, therefore, would confirm Egerton’s (1997)<sup>1</sup> belief that women who have a well educated female role model, such as their mother, are more inclined to strive for a professional occupation. Fionnuala, on the other hand, followed the career path of her father who was a barrister and then became a judge. This verifies Hansen’s (2001)<sup>2</sup> assumption that plenty of law graduates pursue their father’s profession.

Both Deirdre and Fionnuala are Senior Counsel barristers. These highly ranked positions could be strengthened by Hansen's (2001)<sup>3</sup> view that success of law graduates with legal origins is attributed to the fact that those emerging from the upper classes have larger social networks and affiliation with more instrumental people. This may be used to their avail when searching for a job or in a struggle to obtain a promotion. The remainder of the participants had different reasons for cultivating a career as a barrister, such as, a keen interest in law, politics and/or history or by process of elimination.

Many of the women agreed that flexibility was a major factor in the decision to pursue a career at the Bar. This is due to them being self-employed, they don't have to comply with the normal office hours of nine to five, Monday to Friday, nor are they obliged to work in an office environment; they have the ability to work from home, if required.

## **6.2            Contacts**

All participants concurred that having legal contacts when entering the Bar was very helpful. Although, some believed that ability gained more significance after the initial assistance contacts provided. Áine, however, was of the opinion that "Contacts have more bearings than education". Bríd held the view that "....you have to work a lot harder if you don't have contacts".

Barristers marrying barristers or other legal professionals seemed to be common. Two of the interviewees were married to barristers and one was married to a solicitor. Áine noted that: "it's quite common for barristers to marry barristers". Caitriona pointed out that: "The husband-wife teams are great because they do each others motions and sort of help each other out in that way".

Layte and Whelan (2000)<sup>4</sup> stated that inheritance of the family business was very strong in old Ireland. This can also be seen in the legal profession. Fionnuala stated that: "My father left the law library about a year and a half after I was here and I inherited a bit of his business and as I say it took off a bit from there".

In summary, it could be concluded that contacts, whether they are immediate family, relatives, spouses or friends, are of significance and are useful when striving for a career at the Bar.

### **6.3 Family situation**

Four of the participants were married and two were not. Three of the four married women had children and all agreed it was difficult at times, managing a full-time job and children. However, Caitriona's situation was different because her children were now adults but she now had the added responsibility of an elderly mother. Caitriona also remarked that:

*"If it [the workload] was any more I couldn't cope. And the reason I wouldn't be able to cope is because I still sort of take on the responsibility of the house, the home as I did before I started back to work.....I don't do half the things I used to in the house; I now pay someone to do some of the those things for me"*

(Caitriona, 48, barrister-at-law).

Fionnuala noted that: "I put off having children deliberately for, I suppose, three to four years because I wanted to establish myself and I felt that if I immediately started having babies that it wouldn't help my career and I think I took the right decision".

It was also observed that time taken off around the birth of a child was critical. As barristers are self-employed, any time lost could result in a loss of business. Áine noted that: "Other things would be women giving birth, that sort of thing. I had a friend who gave birth there last year and she was back into work the following day".

Fionnuala herself was also of the opinion that getting back to work as quickly as possible after a birth was crucial. "I had the baby in term time I always have to try and get back after a week. That's the thing about the Bar, if you're not seen, they'll forget about you and that's it, you know there are plenty of others to take up".

Brid felt that: “.....more women tend to drop out [of working at the Bar] for family reasons beyond any other reasons. It does entail long hours, so it wouldn’t always be conducive to family life”.

However, Fionnuala did not share this opinion, as she remarked that:

*“Well I think that for women at the Bar it’s [raising a family and working full-time] probably a bit easier, funny enough, because, one; we’re self-employed and we can play around with our time. With women who work nine to five I think it’s much more difficult...”* (Fionnuala, 40, barrister-at-law SC).

Nevertheless, Brid’s opinion was echoed by Eilís:

*“...but I think the biggest identifiable block is that women about my stage in their careers [34 years old] take time out to have children and that is what is still setting them back. We still don’t have any structures that really facilitate the having and raising of children”* (Eilís, 34, barrister-at-law).

In addition to this, Deirdre remarked that: “Like with all jobs that women do full-time, sometimes our work strays beyond office hours, not just sometimes, a lot of the time and that is not obviously family friendly”.

It can therefore be inferred from the above quotations that having a family can affect the career progression of female barristers, as they are self-employed, and hence any time taken off can emanate into a loss of business. The author assumes that the majority of the interviewees are as defined by Hakim 2000b (cited in Hakim 2002 p. 435)<sup>5</sup>, “work-centred women”. These women are very focused on their careers and family life is adapted to their business practices. This could in fact be an essential trait for a prosperous career as a barrister. The interviewees with children all eventually continued working after having children (Caitriona, Deirdre and Fionnuala). This confirms Dale 1987 and Dex’s 1987 view (cited in Egerton 1997)<sup>6</sup> that women who have a good education are much more likely to return to work after having children.

## 6.4 Work-life balance

According to Jacobs and Gerson (2001)<sup>7</sup> making adequate time for both work and family have always been difficult for dual-earner couples. Thus, accomplishing work-life balance may also prove demanding for some of the female barristers. Most participants, therefore, agreed that this balance was hard to achieve, especially in the early stages of their careers, which for some, is where their professional life-cycle is currently (Áine, Bríd, Caitriona, Deirdre and Eilís).

In further support of this, an analysis by Jacob and Gerson (2001)<sup>8</sup> discovered that women in particular were finding the task of balancing work and home life more and more difficult.

For Áine eliminating weekend work was a way she managed her work and her life. “We didn’t originally but now we have a sort of set thing where we will not work at weekends.

For Caitriona, the balance between work and home has resulted in her social-life disappearing. “My social-life has practically vanished because the nature of being at the Bar is that you don’t really know too much in advance how busy your week is going to be”.

Deirdre found that having a full-time job plus children was very difficult. “I did, I mean, I had four children over eight years, which obviously was difficult and with a full-time job”.

However, Eilís on the other hand, does not have children but has an active social-life.

*“So I have a very active social life, but I also work a lot of weekends and a lot of evenings. But the thing is with a job like mine, combining academia and practice, your work is very much part of your life. So, I don’t have a very clear demarcation but I socialise a lot with people that I work with”* (Eilís, 34, barrister-at-law).

Brid notes that:

*“the first few years are difficult because you’re committing yourself entirely to building up a practice and particularly if you’re on Circuit it’s very anti-social for women in particular who might want to start a family...it [working on Circuit] does tend to be harder on women”*  
(Brid, 28, barrister-at-law).

## **6.5 Features of the profession**

There are many aspects to working at the Bar, such as, devilship, cost, stress, politics and the social-life.

### **6.5.1 Devilship**

For most of the interviewees their devilling period was one to two years long. Some had more than one ‘master’ during this time. For the majority of the female barristers, their relationship with their master was recognised as being good. For some of the participants, their master is now somewhat of a mentor to them in the law library, even though they are no longer his/her devil. This is due to the allegiance between devils and masters. This was particularly evident with Bríd and Caitriona.

Brid has a close relationship with both her first and second year masters: “My second year master paid for some of the hotel bills [while on Circuit] and lunches and so on. They [masters] generally look after you and make sure you are ok”. This rapport was clearly identified during the ‘shadowing’ experience which took place on the Northern Circuit. As already mentioned in chapter five; it was clear that Barry and Bríd had a close friendship; there was undoubtedly a sense of camaraderie between the two.

Caitriona also has a good bond with her masters:

*"He [Caitriona's master] is still there and he is my main mentor down there. And he and I have become great friends. That happens down there; you become very good friends with your master". "There's always this loyalty thing- 'Oh Caitriona devilled with Ann so we must give her a hand out'" (Caitriona, 48, barrister-at-law).*

Deirdre too, appeared to have admired and respected her master very much: "...he was a wonderful teacher and master and everything else".

According to Bríd and Caitriona, there was a criterion for choosing a master. Caitriona noted: "Most devils going in would try and align themselves with a master who they think would help get their practice get going.....a busy barrister....". However, the reverse side of the devilship, as described by Caitriona, is that people are not truthful about their devilling experience: "The one big problem in the Bar is people aren't honest about their experiences with their masters". On being asked was there a feedback system/procedure, she replied: "Well people are always advised to talk to an ex-devil of who they feel like going with. I've known people to go and talk to these devils and be given a totally incorrect picture of how their devilship went".

Bríd describes the different criteria for choosing a devil:

*"In terms of choosing a master you might choose a master from an area of law that you might be interested in specialising in, you might decide on the gender of your master for various reasons perhaps based on myths that you've heard say on how female barristers behave in the library. Some women might prefer to devil with men, men who are married and not available. But generally my criteria would have been someone who was interested in human rights" (Bríd, 28, barrister-at-law).*

The 'master' for whom one 'devilled' was described, by Connelly and Hilliard (1993 p. 222)<sup>9</sup>, as a network of notable consequence and can therefore be assumed to have an affect on career progression. Thus, devilling with the 'right' kind of barrister would make all the difference for an individual's prosperity at the Bar.

## 6.5.2 The price of success

Besides the aforementioned sacrifices some of the female barristers have made, such as, a diminishing social life (Caitriona), starting a family later in life (Fionnuala) and working weekends (Eilís), one of the most evident sacrifices and barriers is the cost of training and eventually practising as a barrister. Most of the interviewees identified the initial three to five years of practising as being the most difficult.

Áine describes the first few years while she was studying and devilling: "...went into King's Inns and then did my masters in Queens while I was devilling at the same time". On being asked if she found that difficult to manage, she replied: "No, not really, you have to really balance it and because the Bar is flexible you're not earning any money for the first couple of years anyway, so I might as well".

Brid gives her own experience. When asked about how she survived financially whilst devilling, as you don't receive an income, she replied:

*"you have to have lots of savings...I remortgaged my house to pay for the first few years, to subsidise the little income you might get...people subsidise their income and some people have parents who look after them. But it is very difficult those initial three to five years because you're waiting for cases to end before money comes through and sometimes solicitors choose not to pay you at all and some cases there is no money for anyone at the end, depending on the outcome"*

(Brid, 28, barrister-at-law).

It is noted that, as described by Brid, some people have parents who subsidise their income, particularly when starting out at the Bar as income is low, and others have to work in other jobs in order to survive financially. This would therefore confirm Hansen's (2001 p. 494)<sup>10</sup> view that; obtaining access to 'family based financial capital' would aid self-employment set up and would therefore give those who have access to it a significant advantage over those who don't. It can thus be determined that, as described by Hansen (2001)<sup>11</sup>, law is the foundation for a prestige class culture.



In order to be permitted to practice, barristers are obliged to become members of the law library. This membership is administered by the Bar Council (Business and Finance cover story 2000 p. 24). The membership subscription fee is graduated depending on length of time a barrister is practising (Business and Finance cover story 2000 p. 24)<sup>13</sup>. It can extend from €1,265 to €5,696 per year, this, however, does not include a seat in the law library which can cost up to €2,500 per annum nor does it include the obligatory professional liability insurance of €2,500 per annum (Business and Finance cover story 2000 p. 24)<sup>14</sup>. For young barristers starting out, particularly those with little or no financial support from their families, these costs could be unfeasible. Many barristers feel that compulsory membership of the law library is a “non-essential additional restriction to those who have qualified to practice as barristers” (Business and Finance cover story 2000 p. 24)<sup>15</sup>.

In addition to this, it was discovered that the majority of barristers, at one time or another, have not been paid for work they have completed. However, for some not enforcing payment is a conscious decision. When asked if she had experienced any difficulties in getting paid in the past, Caitriona replied:

*“Huge difficulties, every barrister has. You’re supposed to go to the Bar Council after one year, if you have been left for more than one year waiting on money, but nobody will do that because if you do, that solicitor will never brief\* you again and he’ll probably make sure some other solicitors won’t brief you. People just don’t do it; you do without your money. I’m owed €10,000 at the moment. And I don’t think I’ll see any of it”* (Caitriona, 48, barrister-at-law).

---

\* See glossary of terms (Appendix A)

It was mentioned by Caitriona and echoed by Bríd, that recently qualified barristers, in particular, are taken advantage of by solicitors who, on closing the case, refuse to pay them. For example:

*"a lot of solicitors use newly qualified barristers..... they think they should be glad to get the work and the experience and to hell with the payment....if I had to make a living I certainly couldn't be doing this, I'm not making that kind of money. I wouldn't be able service a mortgage or keep myself on what I am earning"*

(Caitriona, 48, barrister-at-law).

On the other hand, some more established and financially secure barristers, such as Fionnuala, consciously reject payment.

*"...but you will find that a huge amount of the profession will not charge fees for people who haven't got the money, they just wont. And nobody ever says that about us, for example, even in my bit of business, if I had a little widow who's licence lapsed because she couldn't afford to pay her tax, and she couldn't get a tax clearance certificate, I wouldn't dream of charging her. On the other hand of course, if I have a big, wealthy pub baron, naturally I'll charge what is the going rate"*

(Fionnuala, 40, barrister-at-law SC).

Some of the female barristers who took part in the study carried out by Connelly and Hilliard (1993 p. 217)<sup>16</sup> pointed out that no women were in that "mega buck" category of earnings. This was also verified by Eilís: "I mean I remember entering the Bar, you know not that long ago, and being told that it would take a lot longer for me to make a living at it than it would for a man. And that was probably true, but it was an off-putting thing to hear" (Eilís, 34, barrister-at-law).

### 6.5.3 Stress

Most participants identified working at the Bar as stressful. This was also found by Connelly and Hilliard (1993)<sup>17</sup> in their study of the profession. “It’s very stressful. Oh, it’s very stressful.....that’s the worst part of the job, it’s very stressful when you’re on feet in court” (Caitriona, 48, barrister-at-law). “Because it’s very, very stressful in the mornings when you’re in court, it’s very stressful” (Fionnuala, 40, barrister-at-law SC).

### 6.5.4 Politics

Many participants agreed that political affiliation had an affect on career progression. It was also discovered in the study carried out by Connelly and Hilliard (1993 p. 222)<sup>18</sup> that political affiliation was a network of notable consequence. This was true of Cullen (2002)<sup>19</sup> who observed that connections and political attachment played a major part in the promotion of barristers to higher levels.

*“.....joining a political party would be a big thing.....yeah you don’t see a lot of women working in the tribunals. A lot of them [being assigned to work on a tribunal] are political appointments as opposed to whether you’re male or female. It could be quite political I would think. You tend to see a lot of the women as researchers” (Áine, mid thirties, barrister-at-law).*

*“It’s no secret that being a member of Fianna Fáil is obviously useful because if you want a position on the judiciary of anything or to become a member of a tribunal. The state’s tunnels are less than transparent in terms of the reasons, the criteria for getting on them.....I think it should be absolutely politically neutral whether you get the position or not.....But all our attorney generals have been Fianna Fáil and our ministers for justice have been Fianna Fáil.....It was a big thing because Fianna Fáil have their big fund raising dinner before Christmas and who went. A lot of barristers went for different reasons and it’s a shame because they’re supposed to be completely independent” (Brid, 28, barrister-at-law).*

*“Being politically connected is certainly very important. That would be denied by a lot of people but it’s blatant.....political involvement will definitely promote your career, there’s no two ways about it.....no, it’s no secret, but it’s not sort of openly admitted, but it’s there to be seen, the facts are there before you. You find these people on tribunals, if you ask the right questions, you’ll find they’re members of political parties or they’re involved or they support or whatever” (Caitriona, 48, barrister-at-law).*

*“It [political affiliation] does have a bearing on whether you become a judge or not, there’s no doubt.....But most people will apply [to become a judge], it goes through a judicial commission which is made up of judges of various courts and from lay persons as well and the names are put forward to them [from the applications made]. And what they will do is they will make a choice and pass on various names to the government and the government will then decide. But there’s no doubt that certain ministers will lobby for certain names and they’re obviously not going to lobby for names they don’t know.....At the Bar, it’s [political affiliation] nothing whatever got to do with it, accept maybe if you do state work, you know, maybe your minister might say ‘oh give such and such a bit of work from such and such a department’” (Fionnuala, 40, barrister-at-law SC).*

### 6.5.5 Law library atmosphere

Some of the interviewees identified the social-life at the law library as revolving around the pub, the atmosphere was described by Caitriona as incestuous, but nonetheless, there was also a great sense of solidarity between the members.

*“The other thing you find you can fall into is the whole social-life around the library and around other barristers and attending whatever might be on, receptions. We even have our own members bar and everyone heads down there on a Friday evening. So it’s quite hard to get out of the circle..... it’s probably true to say that only barristers know what you go through on a week to week basis”* (Brid, 28, barrister-at-law).

It was additionally observed, by Brid and Barry on route to Donegal, that life at the Bar is centred around the pub. Law library gossip was one of the issues that dominated the conversation, for a time, on the journey to Letterkenny.

*“.....That would be one of the draw backs of the library it is a dreadful rumour-mill. You kind of hear it there first. It’s also a bit incestuous. Even the nature of the place, the desks are on top of each other, there’s an awful shortage of desks”* (Caitriona, 48, barrister-at-law).

*“Now it’s a great business though, it’s absolutely wonderful; it’s a very good feeling of togetherness. Also, I find now because I have become established in a particular speciality, I find that a lot of people, younger people, will come up and say ‘how do I do this, how do I do that’ and the practice at the Bar is just push all your books away and say ‘now how can I help you?’”* (Fionnuala, 40, barrister-at-law SC).

Caitriona, when asked about the significance of mentoring at the Bar, replied:

*"Oh God yeah, it's very important in your first few years, especially in your drafting\*. To get somebody to look over it, to make sure that you've included everything. And people at the Bar are generous that way.....you see you need friends like that in the Bar because often you need to be in three courts at the one time"*

(Caitriona, 48, barrister-at-law).

The above descriptions are similar to that described by the participants in Connelly and Hilliard's (1993 p. 218)<sup>20</sup> study; the law library had an intimacy attached to it, there was a sense of "camaraderie" within it and it was a place of much gossip.

## **6.6 Networks**

Despite the laws and plans for women set down by both the government and the European Union, including the National Plan for Women (2001-2005)<sup>21</sup>, building up female networks appears to still remain a problem for women's career progression. At the Bar, networking seems to play a major role as all barristers are self-employed and can only receive work through a solicitor. It was agreed by most of the interviewees that social networks affect the career paths of female barristers.

Áine explains how networking is important at the Bar.

*"Yeah something like that would be important. And from the point of view of networking there's a tendency to hang around with your own group but they're never going to give you work because you're competing with each other. So you need to sort of branch out and meet different people"* (Áine, mid-thirties, barrister-at-law).

---

\* See glossary of terms (Appendix A)

“A wise man knows everything: a shrewd one, everybody” Anon, cited in Michelli and Mc Williams (1996)<sup>22</sup>. The above quotation was not shared by some of the participants, as they viewed networking as a selfish and social climbing act, however, others considered it to be a very useful tool in career progression and others again didn’t feel that it was necessary for them to network. Despite this, there was a general consensus that networking was a method used more widely by men, than by women, in promoting their careers.

This is probably due to the fact that relatives mainly make up female networks, whereas men rely more on colleagues for networking (Moore 1991, 1992 cited in Macionis and Plummer 1998)<sup>23</sup>. Thus, female networks do not have the same bearing or authority as typical male ‘old boy’ networks do (Moore 1991, 1992 cited in Macionis and Plummer 1998)<sup>24</sup>.

*“.....there are things people do who choose to network, it wouldn’t really be my thing but people join golf clubs, there’s a tennis club and a soccer club and so on. It is a form of networking with other barristers and maybe with solicitors.....”* (Brid, 28, barrister-at-law).

Caitriona, when asked whether or not she thought that social networks affected the career paths of female barristers and whether she felt that networking was important, replied:

*“I’d say they do. I don’t have any great experience of it because I don’t get involved in social networks but I think they would. I think that if you are a member of a certain group... then your name will be known and you’ll be recommended by someone to someone to someone or whatever. It’s that kind of job. If you need to promote your practice, because you’re not allowed to advertise...I don’t engage in social networks because I have a good feed system already, it’s enough for me, I’m happy with it”* (Caitriona, 48, barrister-at-law).

If, according to most of the participants, women at the Bar tend not to engage in networks, perhaps the reason for this is that women are being shut out from informal networks which have a propensity to elect who, within the ranking of a company, emphatically acquires resources, information and in due course promotion prospects (Meyerson and Fletcher 2000)<sup>25</sup>. It is there safe to assume that lack of involvement in networks affects the career progression of female barristers.

*“And it seems to me that panels, certainly for junior Counsel, are more weighted towards the men than they are towards the women. The men network more than the women do. The men are members of golf clubs, they’re members of tennis clubs, they’re members in whatever, political parties, you name it....women don’t think to network and generally speaking women are busy. And if they’re young women they probably have young kids to worry about, they haven’t time to think about their careers in those terms. Men do those things. So they put themselves in positions where they meet people, where they become known”*

(Deirdre, 48, barrister-at-law SC).

When Deirdre was asked if she felt that social networks affected the career paths of female barristers, she replied:

*“Most definitely, most definitely, yeah. And I don’t think that females bother about it. I just don’t think it’s in the nature and it’s probably something that females should think about more seriously and young barristers coming in.....I never did it [networking] and I’m sorry I didn’t do it. And it’s something I would encourage any, young barrister, male or female, coming in to do”* (Deirdre, 49, barrister-at-law SC).

The meritocracy hypothesis of employment opportunities has already been debated in chapter two. This hypothesis states that education will triumph over all else, including social class (Jonsson 1993 cited in Layte and Whelan 2000)<sup>26</sup>. However, in reality and specifically in relation to female barristers, securing a successful practice at the Bar is largely influenced by informal networks and social capital. This is evident from the above quotations.



Social class is significant for prosperity within the legal profession (Hansen 2001)<sup>27</sup>. This is due to the fact that superior classes have greater social networks and association with more influential individuals which they use to their advantage when acquiring employment or a promotion (Hansen 2001)<sup>28</sup>. “.....subtle barriers that exist, things like golf outings which women are excluded from, things like social events that women are excluded from, social networking” (Eilís, 34, barrister-at-law).

*“.....lots of people responding to our surveys referring to ‘old boy’s network’ and certainly you see that in evidence at the Bar it’s still in evidence at the solicitors practice also. So I think that this is the way in which, that these are informal structures in other words, that are affecting women adversely”* (Eilís, 34, barrister-at-law).

*“So I think it’s important for women to know that there are plenty of women barristers that are doing very well and who have really forged ahead and who aren’t just pulling up the ladder after them either but who are actively trying to help and support younger women [speaking about the newly established Irish Women Lawyers Association]”* (Eilís, 34, barrister-at-law).—

Despite this recently founded Irish Women Lawyers Association, Fionnuala is of the opinion that the female networking system at the Bar is not reliable.

*“I see that one of your questions involves how do social networks affect the career paths of female barristers. I think they affect the career paths of male barristers in the way that I have spoken to you; the drinking and the playing golf. With women not really at all”* (Fionnuala, 40, barrister-at-law SC).

Q: That would be my point, in so far as, is it [networking] exclusively male?

"I think it is exclusively male" (Fionnuala, 40, barrister-at-law SC).

Q: And are women somewhat left out?

*"They are certainly left out of male bonding thing, there's no doubt about that. But the way to fight back with that is to have a good female networking system and I don't think we have and I never thought we had, really we are getting worse at it"* (Fionnuala, 40, barrister-at-law SC).

*"But just about women networking at the Bar, I was invited by the association, the government association..... to make a speech to them about, you know, how I do it all. And I started off my speech by saying 'I think it's absolutely marvellous that women, business women, have actually got together and established a situation or established an association, which is a networking association because it encourages women to come in and say 'hi, this is my name, this is what I do, if I can put business your way I'll do the best I can', there's no such networking system here [at the Bar]. One of our new Circuit court judges, was one of the, I suppose, people instrumental in forming an association called, 'women in law', and I think the whole idea was that women would become good networkers and it's a good thing that, that is done. I don't know if it's ever going to be particularly successful"* (Fionnuala, 40, barrister-at-law SC).

Q: Compared to the male one [networking system]?

"Yeah, I don't think it is. But maybe I'm wrong".

## 6.7 Barriers

According to Meyerson and Fletcher (2000 p. 127)<sup>29</sup>, most of the barriers women face in the workplace these days are ‘insidious’. This had also proved true for female barristers. Many of the interviewees agreed that barriers affecting career progression do exist; however, they are more indirect today than they were in the past.

Many barriers are present for women at the Bar today, from family responsibilities to opportunities within different legal areas to the existence of the ‘old boy’ network.

### 6.7.1 Family responsibilities

For most of the women interviewed; women discontinue working at the Bar mainly due to family responsibilities. This coincides with Deek’s (2000 p. 6)<sup>30</sup> realisation that one of the largest barriers facing women’s progression was ‘commitment to family responsibilities’.

*“I think the biggest identifiable block is that women about my in their careers [34 years old] take time out to have children and that is what is still setting them back. We still don’t have any structures that really facilitate the having and raising of children. That affects obviously fathers who want to take a hands-on role as much as it affects mothers. But at the moment, it should affect fathers I should say as much, but the reality is that women are still more adversely affected in terms of their career progression, but it happens later than it used to I think. You know I think that the women who are entering the profession and who aren’t having children or who don’t have children are getting on probably almost as well as men at their age” (Eilís, 34, barrister-at-law).*

### **6.7.2 Opportunities within different legal fields**

Áine identified this as a possible barrier to women's progression at the Bar.

*"I don't think there are any massive barriers for women anymore in law.....it's definitely equal at this stage. Whether it's equal in terms of opportunities within different legal areas is another thing. I find my husband [also a barrister] and I are in the same area but he would get a lot of intellectual property/patent law, technical things, whereas, I am more inclined to get the data protection issues"*

(Áine, mid thirties, barrister-at-law).

### **6.7.3 Access to panels**

Only one of the participants equated female access to panels as being a barrier to career progression, however, it appears to be an interesting point of view and may explain the smaller percentages of women on the judiciary, compared to their male counterparts. This vague selection criteria for advancement, allows for substantial opportunity for discretion by senior management (Coughlan 2001)<sup>31</sup>. This discretion can, therefore, cause inequalities in promotion prospects, as appears to be the case at the Bar.

*"The only area that I feel, and I don't know how true it is now, that there are barriers is that, a lot of the work that is doled out at the Bar is done on the basis of panels.....Well for example Insurance companies who represent defendants in personal injury cases, they have what they call panels of barristers. So, if insurance company A is acting on behalf of the defendant in a case, they then look to their panel before they then decide what barrister they are going to employ. So, the first step to getting work from that insurance company is to be on the panel. And it seems to me that panels, certainly for junior counsel, are more weighted towards the men then they are towards the women.....But in terms of access to panels I think it's easier for men than it is for women"*

(Deirdre, 49, barrister-at-law SC).

Q: Is there a particular procedure or criteria for getting onto a panel?

“No, it’s all unofficial. So it’s word of mouth, you’re told your name has been put on the panel, but you can’t apply to have your name put on the panel”

(Deirdre, 49, barrister-at-law SC).

#### **6.7.4 Glass Ceiling and old boy networks**

The glass ceiling is “a range of overlapping structural, institutional and attitudinal factors acting as barriers to women achieving senior management positions” (Coughlan 2001 p. 2)<sup>32</sup>. Gender-based barriers to career progression at the Bar were identified by some of the interviewees, others, however, felt that they no longer existed but that barriers such as, political connections were more obvious.

*“When I came to the library being a women I thought was a bit of a barrier.....if you are saying barriers now, definitely there are fewer barriers for women now then there were. I would still say, however, that there is a bit of a glass ceiling and I think that any woman you’ve spoken to that has said there isn’t a glass ceiling, it’s all exactly the same, that is quite wrong and they’re only saying it”*

(Fionnuala, 40, barrister-at-law SC).

Caitriona, on the other hand, did not feel that gender-based barriers affecting women’s progression at the Bar existed.

Q: Do you feel there are any barriers that women face when pursuing a career in law and if you do, what are they?

“No, I really don’t. A lot of women do. I personally don’t. There are barriers, but they’re not gender based.....being politically connected is certainly very important...” (Caitriona, 48, barrister-at-law).

“I still think that there is a tendency to appoint men before women for whatever reasons I don’t know but definitely it’s improving” (Brid, 28, barrister-at-law).

Female representation on the Irish judiciary for 2000 was as follows; Supreme Court 29%, High Court 7% and Circuit Court 19% (Coughlan 2001)<sup>33</sup>. This demonstrates that women are under-represented in the rankings of the judiciary. 'Old boy' networks have been put forth as a reason why women are over looked for promotion in the legal profession. This was also reiterated by Professor Ivana Bacik, who noted that, social capital and 'old boy' networks are still apparent in the legal profession today (Cullen 2002 p. 12)<sup>34</sup>. It was recently discovered that twenty two out of thirty two higher court judges had attended only seven of the fee-paying schools in the country (Cullen 2002)<sup>35</sup>. Perhaps the lack of women on the judiciary is due to cultural capital; like employ and promote like.

Q: Do you feel that there are any barriers that women face at the Bar today?

*"When I came to the library being woman, I thought, was a bit of a barrier. Now, eh, just the 'old boy' network, there's an element of an old boy network still I think, and in particular for women barristers on Circuit. Because, for women barristers; how can they go drinking with the lads after work? They can't really, (1) they have families, or (2) they're young and they don't really want to be drinking with the lads and be one of the lads, it's very difficult to do that, while the lads will do it"* (Fionnuala, 40, barrister-at-law SC).

## **6.8 Conclusion**

The analysis in this chapter has confirmed that many issues act as barriers to women's progression at the Bar. Informal networks are clearly one of these obstacles. The following chapter will draw conclusions based on the information found in other chapters and also based on the findings in this chapter.

## Notes to chapter six

1. Egerton, M. (1997) Occupational inheritance: the role of cultural capital and gender. *Work, Employment and Society*, 11 (2) June, pp.263-282.
2. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.
3. Ibid.
4. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
5. Hakim, C. (2002) Lifestyle Preferences as Determinants of Women's Differentiated Labor Market Careers. *Work and Occupations*, 29 (4) November, pp.428-459.
6. Egerton, M. (1997) Occupational inheritance: the role of cultural capital and gender. *Work, Employment and Society*, 11 (2) June, pp.263-282.
7. Jacobs, J. A. and Gerson, K. (2001) Overworked Individuals or Overworked Families? Explaining Trends in Work, Leisure, and Family Time. *Work and Occupations*, 28 (1) February, pp.40-63.
8. Ibid.
9. Connelly, A. and Hilliard, B. 1993, 'The legal profession' in *Gender and the law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.
10. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.
11. Ibid.
12. Business and Finance cover story. (2000) Barristers and the law library. *Business and Finance*, 7<sup>th</sup> December p. 24.
13. Ibid.
14. Ibid.
15. Ibid.
16. Ibid.

17. Connelly, A. and Hilliard, B. 1993, 'The legal profession' in *Gender and the law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.
18. Ibid.
19. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
20. Connelly, A. and Hilliard, B. 1993, 'The legal profession' in *Gender and the law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.
21. Department of Justice, Equality and Law Reform (Aug 2001), Draft 1 on *National Plan for Women (2001-2005)*, Dublin, Department of Justice, Equality and Law Reform.
22. Michelli, D. and Mc Williams, F. (1996) *The Institute of Management Foundation: Management Decisions: Networking*. Corby, The Institute of management.
23. Maconis, J.J. and Plummer, K. (1998) *Sociology: a global introduction*. 7<sup>th</sup> ed. New Jersey, Prentice Hall Europe.
24. Ibid.
25. Meyerson, Debra E. and Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
26. Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.
27. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.
28. Ibid.
29. Meyerson, Debra E. and Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
30. Deeks, E. (2000) Directors and top women disagree on career blocks. *People Management*, 6, 28<sup>th</sup> December, p.6.



31. Coughlan, A. 2002. *Women in management in Irish business*. comp. [Online]. Irish Business and Employers Confederation. Available from:  
<http://www.eiro.eurofound.ie/2002/04/Feature/IE0204204F.html> [Accessed 26/09/02].
32. Ibid.
33. Ibid.
34. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
35. Ibid.

## **Chapter Seven**

## **Chapter Seven**

### **7.0 Introduction**

This chapter will review the findings, which have been summarised and will also investigate the effect that these findings will have on the career progression of Irish female barristers.

### **7.1 Summary of findings**

It is apparent from the information gathered during the interviews and during the observation and participation process, that subtle barriers affect female barrister's progression at the Bar. The main barriers were as follows; networks, family responsibilities, contacts and political affiliation.

The core focus of this dissertation was that of social networks and how they affect the career paths of female barristers. Primary and secondary research confirmed that women generally do not participate in social networks, be it intentionally or unintentionally. Female networks are not as strong as male and therefore their influence and impact is much less than that of males.

One approach of resolving this would be through a female formal networking system, however, this is currently in the early stages of establishment at the Bar and although it was considered by many of the interviewees as an excellent idea, one barrister in particular felt that it would not be successful. The interviewee transcripts reveal evidence of more than one attempt to create a female lawyers formal networking association at the Bar, none of which have had a great deal of prosperity yet. Nonetheless, networking as a form of career progression was encouraged by most of the participants, but, one barrister did feel it was an underhanded manner to promote ones practice.

## **7.2 Female success at the Bar**

As mentioned in chapter one, more and more women have joined the legal profession as barristers. Therefore, it is evident that enormous advancement has been made by women lawyers. However, as pointed out by one of the interviewees, a glass ceiling still exists in law.

The limited female representation on the Irish judiciary could be explained by the powerful existence of the 'old boy's network' at the Bar (Cullen 2002)<sup>1</sup>. Many of the women barristers who manage to make it through this ceiling, it appears, may have excellent legal and even possibly political connections. This is the unfortunate truth of women practising at the Bar.

## **7.3 Summary of literature analysis**

Irish literature pertaining to either the affects of social networks on career progression or female barristers is limited. However, despite this fact an extensive literature review was carried out in chapter two. Some of the most important issues noted were as follows;

There is a large decline in fertility in Ireland which would therefore contribute to the influx of women into the labour force and also into the legal profession itself (Fahey, Russell and Smyth 2000)<sup>2</sup>. Education had additionally played a major part in career prosperity of females (Fitzgerald 2000)<sup>3</sup>. Unfortunately, in spite of this achievement, a glass ceiling still exists today preventing many women from obtaining the higher ranking jobs in top management and on the judiciary. Although barriers to women's career prosperity are less obvious today than they were in the past, the effects remain as damaging to women (Meyerson and Fletcher 2000)<sup>4</sup>.

Part-time work is a means by which many women manage both a career and family responsibilities (Walsh 1999)<sup>5</sup>. However, this is generally not an option for female barristers. This is largely due to the fact that membership of the law library, which is essential for barristers to be permitted to practice, is only open to full-time practising barristers (Business and Finance cover story 2000 p. 24)<sup>6</sup>. This regulation could therefore be seen as a barrier to women's advancement at the Bar and could be a major factor attributing to the fact that one of the main reasons women drop out from practising at the Bar is due to family responsibilities.

Social origin plays a significant role in prosperity at the Bar. Those who come from financially secure families are more likely to succeed as a barrister because there is the financial backing for self-employment set-up (Hansen 2001)<sup>7</sup>. Although, the idea that law represents an elitist group is denied by many, the evidence is there to be seen. From the expense of studying at King's Inns in order to obtain the "barrister-at-law" degree to the added cost of setting up practice (a self-employment) in addition to the annual compulsory law library and insurance indemnity fees, practising as a barrister can be seen as a privileged career (Cullen 2002)<sup>8</sup>. This can be further acknowledged by the affects that networking, connections and political affiliation have on career advancement and prosperity at the Bar.

#### **7.4 Conclusions**

The objective of this dissertation was to examine the career progression of female barrister-at-law graduates. This goal was achieved. The research question was: how do social networks affect the career paths of female barristers? Firstly, it was realised through primary research, namely interviews and observation and participation, that networks did affect female barrister's career progression. It impinged on their career paths because they were excluded from male networks which are more powerful than female networks. Women, therefore, were at more of a disadvantage in relation to career prospects and promotions than men. The obvious solution, as already mentioned, would be to improve female networking ability, so that the future prosperity for female barristers is bright.

However, despite the acknowledgement of this reality by female barristers, the willingness to do something radical in order to change the situation was lacking. Initiative needs to be taken and women barristers should take the launch of a networking association seriously, because without those 'clusters of weak ties', discussed in chapter three, there are no ties at all and the idea and strength they hold collapses (Gronovetter 1973 cited in Macionis and Plummer 1998 p. 186)<sup>9</sup>.

## Notes to chapter seven

1. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
2. Fahey, T., Russell, H. & Smyth, E. 2000, 'Gender equality, fertility decline and labour market patterns among women in Ireland' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell & C.T. Whelan, The Institute of Public Administration, Dublin.
3. Fitzgerald, J. 2000, 'The story of Ireland's failure- and belated success' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell & C.T. Whelan, The Institute of Public Administration, Dublin.
4. Meyerson, Debra E. & Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.
5. Walsh, J. (1999) Myths and Counter-Myths: An Analysis of Part-time female employees and their orientations to work and working hours. *Work, Employment & Society*, 13 (2) June, pp.179-203.
6. Business and Finance cover story. (2000) Barristers and the law library, *Business and Finance*, 7<sup>th</sup> December p. 24.
7. Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment & Society*, 15 (3) August, pp.489-510.
8. Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.
9. Macionis, J.J. and Plummer, K. (1998) *Sociology: a global introduction*. 7<sup>th</sup> ed. New Jersey, Prentice Hall Europe.

# **Bibliography**



## Bibliography

Bell, J. (1999) *Doing Your Research Project*. 3<sup>rd</sup> ed. Buckingham, Open University Press.

Business and Finance cover story. (2000) Barristers and the law library. *Business and Finance*, 7<sup>th</sup> December p. 24.

Connelly, A. and Hilliard, B. 1993, 'The Legal Profession' in *Gender and the Law in Ireland*, ed. A. Connelly, Oak Tree Press, Dublin.

Coughlan, A. 2002. *Women in management in Irish business*. comp. [Online]. Irish Business and Employers Confederation. Available from:  
<http://www.eiro.eurofound.ie/2002/04/Feature/IE0204204F.html> [Accessed 26/09/02].

Cullen, P. (2002) Legal Eagles: The aristo-cats. *The Irish Times Magazine*, 30<sup>th</sup> November, p.11.

Deeks, E. (2000) Directors and top women disagree on career blocks. *People Management*, 6, 28<sup>th</sup> December, p.6.

Department of Justice, Equality and Law Reform (Aug 2001), Draft 1 on *National Plan for Women (2001-2005)*, Dublin, Department of Justice, Equality and Law Reform.

Egerton, M. (1997) Occupational inheritance: the role of cultural capital and gender. *Work, Employment and Society*, 11 (2) June, pp.263-282.

Fahey, T., Russell, H. and Smyth, E. 2000, 'Gender equality, fertility decline and labour market patterns among women in Ireland' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.

Finnegan, C. 2002. *Women in Law Project*. [Online]. Trinity College Dublin. Available from: <http://www.tcd.ie/Law/WomeninLaw.html> [Accessed 26/09/02].

Fitzgerald, J. 2000, 'The story of Ireland's failure- and belated success' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P.J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.

Hakim, C. (2002) Lifestyle Preferences as Determinants of Women's Differentiated Labor Market Careers. *Work and Occupations*, 29 (4) November, pp.428-459.

Hall, E. and Hogan, D. (2002) The Law Society: Progress of a Profession. *Law Society Gazette*, 96 (8) October, p.31.

Hansen, M.N. (2001) Closure in an Open Profession. The Impact of Social Origin on the Educational and Occupational Success of Graduates of Law in Norway. *Work, Employment and Society*, 15 (3) August, pp.489-510.

Layte, R. and Whelan, C.T. 2000, 'The rising tide and equality of opportunity: The changing class structure', in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.

Macionis, J.J. and Plummer, K. (1998) *Sociology: a global introduction*. 7<sup>th</sup> ed. New Jersey, Prentice Hall Europe.

Mason, J. (2002) *Qualitative Researching*. 2<sup>nd</sup> ed. London, Sage Publications.

Meyerson, Debra E. and Fletcher, Joyce K. (2000) A Modern Manifesto for Shattering the Glass Ceiling. *Harvard Business Review*, 78, January-February, pp.127-136.

Michelli, D. and Mc Williams, F. (1996) *The Institute of Management Foundation: Management Decisions: Networking*. Corby, The Institute of management.

O'Callaghan, S. ed. (2003) *South Dublin Chamber of Commerce Yearbook and Member Directory*. Dublin, Whitespace Ltd.

O'Riordan, J. and Humphreys, P. C. (2002) *Career Progression in the Irish Civil Service*, Dublin, The Institute of Public Administration.

Powell, G. N. 2000, 'The future- Organizational and Government Initiatives' in *Women in Management: Current Research Issues Volume Two*, eds M.J. Davidson and R.J. Burke, Sage Publications, London.

Putnum, R. D. (2000) *Bowling Alone: The Collapse And Revival Of American Community*. New York, Simon and Schuster.

Smyth, E. and Hannan, F. 2000, 'Education and inequality' in *Bust to Boom? The Irish Experience of Growth and Inequality*, eds. B. Nolan, P. J. O'Connell and C.T. Whelan, The Institute of Public Administration, Dublin.

The Bar Council. 2003. *About us: Direct Professional Access*. [Online]. Law library. Available from: <http://www.barcouncil.ie/aboutus/dpaccess.asp> [Accessed 24/01/03].

The Honorable Society of King's Inns. 2003. *Education: Perspective Students*. [Online] The Honorable Society of King's Inns. Available from: [http://www.kingsinns.ie/html/prospective\\_students.html](http://www.kingsinns.ie/html/prospective_students.html) [Accessed 24/01/03].

Walsh, J. (1999) Myths and Counter-Myths: An Analysis of Part-time female employees and their orientations to work and working hours. *Work, Employment and Society*, 13 (2) June, pp.179-203.

# **Appendix A**

## Appendix A

### Glossary of terms

1. *Called to the Bar*: refers to the official process when barristers receive their professional qualification of barrister-at-law and are formally called to the Bar to serve, this then permits them to practice.
2. *Taking silk*: this is when a junior Counsel barrister is promoted to a senior Counsel.
3. *Law library*: is the workplace of most barristers. There are three law library buildings in Dublin; the main library is located in the Four Courts itself and two others are situated nearby. Membership of the law library is obligatory for all practising barristers.
4. *Devil*: the name by which a recently qualified barrister is known whilst he/she is an apprentice and therefore under the direction of a qualified barrister.
5. *Master*: the name by which a qualified barrister is known by whilst he/she is supervising a newly qualified barrister.
6. *Devilled*: this refers to the fact that a 'devil' worked as an apprentice for a 'master'.
7. *The Bar Council*: this is the body which administers the law library membership and regulates the profession.
8. *Professional liability insurance*: this is an obligatory insurance required by barristers in the event that they themselves are sued for negligence during the course of their professional careers.
9. *The Northern Circuit*: refers to the courts in the North, namely Letterkenny Circuit court. Some barristers work on Circuit, meaning they represent clients in these districts and must travel there to appear in court and meet with their clients and solicitors a couple of times a week.
10. *Motions*: are applications made to court by barristers before the initial trial/hearing.
11. *Panels*: are groups of barristers used by companies or the state, for example, insurance companies.
12. *Devil period/devilship*: this refers to the period of time a 'devil' spends training as an apprentice.

13. *Brief*: this is the document used when a solicitor contacts a barrister, requesting them to represent a case.
14. *Drafting*: this the initiating document used by barristers and the beginning of a case, applications are made to the court office.

## **Appendix B**

## **Appendix B**

### **Áine's interview transcript**

#### **Interview number one 25/11/02**

Q: How did you come to work in law?

I'm from Galway so I went to University College Galway (UCG). I did the law degree there, the Bachelor of Arts (BA) and the Bachelor of Laws (LLB). Then I had to decide whether to go on to be a solicitor or a barrister. I decided to do the Bar because I wanted the flexibility as opposed to working for someone else in an office environment eight to eight. The Bar is very very flexible as it allows you to teach and do lots of other things which I wouldn't necessarily have the opportunity to do as a solicitor. Went into King's Inns and then did my masters in Queens while I was devilling at the same time.

Q: Was that very difficult?

No not really you have to really balance it and because the Bar is flexible you're not earning any money for the first couple of years anyway so I might as well. The Master of Laws (LLM) I was doing was paid so I was getting about €20,000. Then I went up to Queens and I did my Master of Laws (LLM) in law there and I was funded, paid for €20,000. It was paid for so that was a great thing too. It subsidised me for the first two years.



Q: Why did you decide to lecture?

Well originally that was definitely for financial reasons. It's very difficult to start off. It is very difficult at the Bar you have to really get a niche area and work specifically within that and so you need to be sort of an expert really. It's a thing that happens if you don't have the proper contacts. If you've contacts say if your father is a judge and your mother is solicitor that if you have those relatives then you can take on any work they might be able to give you. If you don't have contacts then you really do have to carve out a niche for yourself and that's really what I had to do.

So when I did the Master of Laws (LLM), I then did teaching in the Institute of Technology in Waterford and I did teaching in University College Galway, and then I came to here. This is a faculty appointment it is a full-time post. The advantage of it is I am paid on a yearly basis as opposed to being paid on an hourly basis. As a barrister you take on work and you can be paid a set fee regardless of how many hours you put in. You could get some pain of a client and end up doing like a hundred hours and it would materialise into nothing. At least the job here [lecturing] allows me to subsidise myself and it allows me to focus and do specific types of work so that I am not down there dealing with trip and falls in hospitals. I don't do any of that sort of thing I only deal with intellectual property law and Information Technology related issues. I wouldn't touch anything else. I wrote two books and I suppose that was the thing that got me down into that area. So if I got something else in I would really just hand it over.

Q: Were any of your family involved in law in the past?

No nobody involved in law. I suppose how I got into to studying law was I didn't like science subjects, didn't have a massive interest in business and hated languages, so I was sort of left. It was really law and the other thing I was interested in doing at the time was town planning, architecture. It just happened that I sort of drifted into law; I made a decision in first year and just did it then.

Q: You didn't have to go automatically into law?

Yeah I don't know whether it's the same situation in University College Galway but in first year you might have four hundred people in the Bachelor of Arts law class and just twenty five get through to continue, yeah it's very competitive. It's not like that in Dublin. I suppose what happened was I just got into it then and I just kept with it. I just drifted into like that.

Q: Do you have any children?

No. But I have a cocker-spaniel which I definitely think qualifies. (Laughs)

Q: Are you married?

Yes I am. I've been married for eight years. He's a barrister also. He was a year ahead of me in college. It's quite common for barristers to marry barristers. Yeah I suppose it's so long seeing the same people all the time.

Q: Do you find it difficult to balance work and life? Do you find it difficult to make time for you and your husband and for outside activities?

We didn't originally but now we have a sort of set thing where we will not work at weekends. I would work quite a lot at home in some cases and he'd be at home as well. With both of us working similar jobs and he works in the same area as myself so we work together quite a lot. We wrote books together and that sort of thing. It's just like any other job really. We used to work odd hours but now we don't. But there might be two evenings a week where we might work until about nine or ten.

Q: Do you feel there are any barriers women face when pursuing a career in law? If so what are these barriers?

I don't think there are any massive barriers for women anymore in law. I was just looking at something recently where there were divisions in the 70's, where you used to have a lot more men, but it's definitely equal at this stage. Whether it's equal in terms of opportunities within different legal areas is another thing. I find my husband and I are in the same area but he would get a lot of intellectual property/patent law, technical things, whereas I am more inclined to get the data protection issues.

Q: And do you think that's because you're a women?

That could be. Aside from that no, there aren't any barriers. Other things would be women giving birth that sort of thing. I had a friend who gave birth there last year and she was back into work the following day. So it's different than a normal salary occupation where you'd be off for three-four months under the Maternity Leave Act. But that would be true of all self-employed people. You would run the risk of loosing business so you would be inclined not to take that time off.

Contacts have more bearings than education. If you have a solicitor that gives you a lot of your work you permanently live in fear that they'll produce a child who'll they'll then give all your work to. You do really have to carve out a niche for yourself. Also joining a political party would be a big thing. Yeah something like that would be important.

And from the point of view of networking there's a tendency to hang around with your own group but they're never going to give you work because you're competing with each other. So you need to sort of branch out and meet different people. Just in relation to barriers to women definitely the top end of barristers who are earning most of the money, I would think a relatively small proportion of them are women. If you are just looking at people in the law library say of barristers as a whole. There's approximately 10% I would think maybe of people there that are earning 80% of the total income of the Bar.

Q: How can they juggle that?

You see a lot of cases will settle. I remember when I was standing first you sort of think you're going to be in court ALL the time when in fact court is a very small proportion of it. A lot of it is research work yeah. Most cases will settle so it's a very easy juggle, provided you don't take on criminal law. It can be difficult to juggle out of criminal law, now I don't do anything like that. That can be very difficult to juggle out of.

But I definitely think that the top end the women would probably be quite limitedly represented. I don't know statistically would I be correct. I would think that 10% of the people in the law library are earning 80% of the total earnings at the Bar. And I would think a huge proportion of them are male.

If you look at tribunal work even, there isn't a massive representation of women there. It's a great thing for getting your name heard it's a real money spinner and very little else. I completely disagree with tribunals. Well from a legal point of view I don't agree with them at all. I really think the DPP (Director of Public Prosecutions) should be prosecuting these people instead of setting up these tribunals that go on for years. At least if you allow the judge to make decisions as regards sentencing or convictions. It's just fact finding and nothing else. It never leads to criminal convictions or anything like that. Yeah you don't see a lot of women working in the tribunals. A lot of them are political appointments as opposed to whether you're male or female. It could be quite political I would think. You tend to see a lot of the women as researchers.

# Appendix C

## **Appendix C**

### **Brid's interview transcript**

#### **Interview number two 23/12/02**

Q: How old are you?

I'm 28

Q: What is your marital status?

I am single and I don't have any children, but I do have a cat.

Q: What are your education qualifications?

I have a degree in social science and I majored in sociology and social policy and my minor was in psychology. I did my Leaving Cert in West Cork and then I went to University College Dublin (UCD). I had always wanted to do law but unfortunately I didn't have the points at the time to do law. I think you needed about six A's at the time.

So I went ahead with UCD and I was kind of attracted to a degree that would give me more of a grounding as such and in actual fact I've no regrets at all because it provided me with the skills that I'd need to deal with people from all different backgrounds and as you can imagine in law you are dealing with all sorts from criminals to refugees to business people to solicitors and having good people skills is very important and as well as having an understanding of where they're coming from.

So when I was in my degree a few weeks the idea of doing law was still with me and I didn't want to lose sight of that so I went to my careers advisor and she said to carry on with the degree that there was this bridging course in King's Inns that you can do and then you can take a degree of barrister-at-law. There was an open day up

carry on with the degree that there was this bridging course in King's Inns that you can do and then you can take a degree of barrister-at-law. There was an open day up there which she brought me to along with a few others and I just knew I wanted to go there. So I worked very hard in my third year got my 2:1 degree but now I understand you need an entrance exam to get into the actual degree of barrister-at-law but not for the diploma I think it's still a 2:1 as far as I understand.

So I got basically jobs temping while I was in the King's Inns doing the diploma, that's the two year degree, its six subjects I think, basic subjects, per year and I worked in the IFC (sic) for a while doing fund administration which was completely not me but you had to do anything and everything to keep yourself going.

After those two years I went into the degree of barrister-at-law and as I said you need your entrance exam and that's another 2 years. Whilst the diploma is from about 6.30 at night to 10.30, the degree runs from about 4.30 in the afternoon until 6.30 or 7 and there are tutorials as well in the degree. You can fit in a full time job if you have an understanding employer and most people were in employment at the time, there were a lot of people who actually transferred over from the civil service and had the courses paid for them. So once I finished that you get called to the Bar and there's a ceremony during the summer and it takes place in the Supreme Court and then they officially call you to the Bar.

Q: Tell me a bit about your period of devilling?

I think the name comes from doing the dirty work, doing your masters' dirty work, so you can be doing anything from making coffee to photocopying, running around after them. In terms of choosing a master you might choose a master from an area of law that you might be interested in specialising in, you might have other criteria. You might decide on the gender of your master for various reasons perhaps based on myths that you've heard on say how female barristers behave in the library. Some women might prefer to devil with men, men who are married and not available. But generally my criteria would have been someone who was interested in human rights. Both my masters were quite interested in taking the state on as such. My first year master was Brendan. He did a lot of Garda beating up cases you know where the

Gardaí were alleged to have beaten up people in custody. And then my second year master was Barry. You have to compulsorily do a year of devilling in Dublin with a master but a second year devilling is optional.

Q: And do a lot of people take the second year now do you think?

They do yeah, it has become more popular to gain more experience or perhaps to take a Circuit master for the second year.

Q: Do you have to pay your master in order to devil for them?

No although I've heard myths of people paying their masters but no in fact master will generally subsidise you in terms of your lunches, photocopying, giving you presents for Christmas. My second year master paid for some of the hotel bills and lunches and so on. They generally look after you and make sure you are ok.

Q: But as regards your own day-to-day living aside from work related expenses what do you do?

You have to have lots of savings. I wouldn't let that put anyone off because you find the money from somewhere. I re-mortgaged my house to pay for the first few years, to subsidise the little income you might get. A lot of people do reporting for journals, law reporting, reporting cases in the Irish reports.

Q: Would that pay well?

Not very well but it would be more having their name at the end of the case. A lot of people do teaching, tutoring, lecturing and lecturing up in the King's Inns or for the other colleges in law, people subsidise their income and some people have parents who look after them. But it is very difficult those initial three to five years because you're waiting for cases to end before money comes through and sometimes solicitors choose not to pay you at all and some cases there's no money for anyone at the end, depending on the outcome. You're self-employed as opposed to being a solicitor also you're not dealing with the client directly you are always dealing through solicitors as a general rule and there are exceptions to that.



Q: What are the exceptions?

Well there's something called direct professional access where professionals can avail of your services directly. That would really be the only exception.

Q: Just in relation to work life balance. Do you find it difficult with the hectic schedule that you have to try to maintain somewhat of a social life and to make time for your family?

The first few years are difficult because you're committing yourself entirely to building up a practice and particularly if you're on Circuit it's very anti-social for women in particular who might want to start a family. It entails a lot of driving and a lot of long hours and trying to fit in the paper work in between and that can mean working on weekends or working late nights. And it also entails staying in hotels a lot which can be a bit lonely as well. It does tend to be harder on women.

A lot of people have dropped out of the Northern Circuit (which is what Bríd covers) particularly women. So it is quite difficult to get the balance. The other thing you find you can fall into is the whole social-life around the library and around other barrister and attending whatever might be on, receptions. We even have our own members bar and everyone heads down there on a Friday evening. So it's quite hard to get out of the circle.

Q: And in terms of networking you're not really helping your career as you are just mingling with the competition isn't that true?

It's really just to relax and it's probably true to say that only barristers know what you go through on a week to week basis. And then there are other things people do who choose to network, it wouldn't really be my thing but people join golf clubs, there's a tennis club and a soccer club and so on. It is a form of networking with other barristers and maybe with solicitors.

Q: And do you think being a member of a particular political party is helpful in your career?

Definitely. Its no secret that being a member of Fianna Fáil is obviously useful because if you want a position on the judiciary of anything or to become a member of a tribunal. The state's tunnels are less than transparent in terms of the reasons, the criteria, for getting on them. This is something that frustrates me because I think it should be absolutely politically neutral whether you get the position or not. I don't know if there's much hope for me because I am quite left wing. I'd kind of be more Labour oriented than Fianna Fáil.

But all our Attorney Generals have been Fianna Fáil and our Ministers for Justice have been Fianna Fáil. And most of the judicial appointments over the last few years and there's a big push to get away from that but there's a bit of that going on. It was a big thing because Fianna fail have their big fund raising dinner before Christmas and who went. A lot of barristers went for different reasons and it's a shame because they're supposed to be completely independent.

Q: Do you have any family in law?

My grandfather was a barrister in London. There are no other lawyers in my family. I do think that if you have contacts that are practising as solicitors it can be an initial boost to somebody's practice. For instance the people I know who had fathers practising as solicitors ended up getting a lot of work through their fathers or mothers practices. That's an initial boost but obviously it's your own skills and ability is going to get you through and determine your success in the long term.

Q: You definitely think that ability has more prevalence over contacts and networking?

I'd say both are important. I think that you have to work a lot harder if you don't have contacts. Certainly you get a quick start if you have a parent or an in-law or somebody else in the Bar as well.

Q: Do you think there is somewhat of a stigma attached to people who go in and are somewhat handed it on a silver platter or is it just accepted as the norm?

It's accepted because most people have connections. Most people have a relative who is either a barrister or a solicitor. There's more of a stigma I think if you don't have any. But that's going as well but the whole way it is organised obviously doesn't make it easy for people outside of the kind of middle class circle and people who are already involved in law and politics to get in. There is no a real move to change that. The changes might be offering people some kind of funding for the first few years and reducing fees etc.

Q: Do you know of many barristers who have come from low income families/ under-privileged areas and have managed to get through?

Very few. Very few have made it to the top with very little behind them. One of them would be Barry my old master. Usually it would be people who have done something else during their lives, very few who come in directly. Definitely I think that there's a need for change in that area.

In terms of women coming into the Bar I believe it's about 50/50 at the moment, male-female ratio. In terms of the overall ratio I think it's 1 in 3 are women. Over time it appears to reduce more women tend to drop out for family reasons beyond any other reasons. It does entail long hours so it wouldn't always be conducive to family life. But some women have it sorted out very well a lot of female barristers would have house-keepers and nannies or else they can work out a situation where they are working from home a lot depending on what the husband is doing. So it allows quite a bit of flexibility in that regard.

Q: Do you feel that there are any barriers that women face when pursuing a career in law? And if so what are these barriers?

I mean I've heard that there are attitudes towards female barristers both from clients and solicitors who won't brief a female barrister.

Q: Have you ever experienced that?

I haven't experienced it personally but apparently it still goes on but in fact I can say myself as a female that I have only had positive experiences. I've had positive discrimination in that they would choose a female barrister to deal with female genital mutilation refugee cases or a case involving rape or sex assault would automatically go to a female barrister. So, in that sense I've only experienced only positive discrimination. You might get a little bit of male attitude towards you from maybe your other colleagues or other men in the business in terms of whether you're attractive or not.

Q: Would that have a big impact on your career progression and your networking whether or not you're good looking?

There's a little bit of that that goes on and I'd say more under the influence of alcohol than anything else. I'd say it's more to do with your ability and the way you deal with your colleagues than anything else. And some women might disagree with me they would use their sexuality quite a lot during their work in terms of what they wear, whereas I'd be very much a trouser suit type person. Women who use that to try and aid their career, they generally get a negative name for themselves.

Q: How do social networks affect career paths of female barristers?

The Female Lawyers Association feel that women can help each other by networking with each other in getting on in the library. Now there are still a lot of issues. There are still very few women taking silk in comparison with their male counterparts and very few women getting appointed on the judiciary. I think we have a few female High Court judges and 20 plus male counterparts. And I think there are 2 women on the Supreme Court out of 8, which is quite good I think. Denham and Mc Guinness are the two women. But I mean if you look at the statistics going back I think there was a situation where it was completely dominated by men.

Q: Do you think that the women in the pipeline as such are progressing slowly or not so slowly?

Yeah I think they are, I still think that there's a tendency to appoint men before women for whatever reasons I don't know but definitely it's improving.

Q: Is that in relation to promotions?

Yeah. But then I think that family might be a reason why people drop out along the way.

Q: Would you feel, that the women you do make it say on to the High court or the Supreme Court as judges, that the majority of them would have good contacts?

Yes they would generally have a brother or a sister or a husband in law unfortunately. A lot of judicial appointments would be like that. Very rarely would you see a judicial appointment coming from nowhere. One would hope that that would change over time.

## Appendix D

## **Appendix D**

### **Caitriona's interview transcript**

#### **Interview number three 5/1/03**

Q: How old are you?

I'm 48.

Q: Are you married?

Yes I am.

Q: Have you any children?

I have two children. One boy age 24, one girl age 21.

Q: What are you education qualifications?

I did my Leaving Cert at the normal age, 17. To be honest with you I can't remember what my results were but at the time they could have got me into UCD. I think at the time all you needed was three or four C's. I know I could have done law at the time if I'd wanted to, but I didn't I did accountancy. I did the first two parts of accountancy. I worked for a couple of years, 17-19, and started accountancy when I was nineteen. I did the first two parts. It was a four year course. I got married at 21 and didn't bother finishing.

Didn't like it to be honest with you, I hated it. At that stage I just accepted and chucked it there. I was finished working by the time I was 23 because I was expecting Duncan. Hannah was born 3 years later. So I was literally a house-wife between the age of 23 and I returned to part-time studies at age 38.

I went to study law. I did a part-time diploma in legal studies in Rathmines which took two years. That's where DIT held their legal studies courses. I took the six basic subjects, which were the subjects needed for the entrance exam into Blackhall. The course was Blackhall oriented. I did that from '92-'94 and from '94-'97 I was a full-time student in UCD. I did a BCL, Bachelor of Civil Law. I got that degree in '97 and between '97 and '98 I did the Kings Inns degree course. I was called to the Bar in '99. So I've a BCL degree and I've a BL degree from Kings Inns.

Q: What made you decide to go into law?

It was what I wanted to do when I left school really. At the time it was just a bit awkward. My mother was widowed and we'd six kids. I would have been fee paying back then when I did my Leaving Cert in '71 and it wasn't the right time really. So I went off and did accountancy because I was able to work and do that at night. That's really why. I supposed I'd always felt sorry that I hadn't done what I wanted to do then. I was always just interested in law I'm just that sort of person I suppose. I like to analyse things and work out the rights and wrongs of things and that's basically it so it always appealed to me. No deeper reason than that.

Q: What kind of work experience have you had?

I worked as a trainee accountant. For the first year I left school, from 17-19, I worked in several different office type jobs. At 19 I went to work in a company in Tallaght. I went in under the agreement that they would put me through my accountancy training. So I did my first two years accountancy while still working there. I left there in '78.



Q: And you weren't obliged to leave when you got married or anything like?

No but you weren't exactly encouraged to stay either. At the time it was sort of prohibitive to stay because we'd to pay tax on every penny we earned as married women. I think we'd an allowance of £5 a week. Anything over £5 I had to pay tax on. And I was running a car at the time and we'd a brand new mortgage. So we sat down and worked it out one day, my husband and I, what it was costing me to go to work and to arrange child care it just wouldn't have been worth it. So we decided I'd prefer to stay at home once Duncan was born anyway, and we could afford it, so I did it.

But I always worked on a part-time basis for my brothers' book-keeping, from the time I left the job in '78 until I went back to college in '92. I used to be able to do it from home you see, I used to do all their books for them.

Q: So when you were studying and now that you are working, do you find it difficult to manage both your work-life and your social-life?

Yeah I find it very difficult. My social life has practically vanished because the nature of being at the Bar is that you don't really know too much in advance how busy your week is going to be. I have a week where I mightn't have to go in two or three days, I mightn't have to go in because I have nothing on in court and you can work at home. But you really don't know, you can get a call from a solicitor on a Monday saying, "there's a case on tomorrow can you do it?" And then drafting is very time consuming.

Q: What exactly does that entail?

Its entails for example we'll take a personal injuries claim, where someone has been involved in a road traffic accident and they've suffered some injury. So you've to draft a Civil Bill if it's in the Circuit Court. Its paper work but you have to be very careful because you can't go outside your drafting if you take your case into court, you're stuck so you have to be very careful. Yeah, it's time consuming.

Q: Do you feel that you've somewhat missed out on other things because you may have been so consumed with work?

I don't because I can walk from it any time I like because I'm not dependant on it, and that's being honest. Financially we're secure. The house is paid for. Paul has a good income and I don't have to do this if I don't want to, I can walk. But I just enjoy it, I like doing it and it certainly beats sitting at home, which is essentially what I'd be doing if I didn't do it because I wouldn't do a nine to five office job. I was too long away from that to go back to it. But this can be pretty much nine to twelve though. You know when you come home at night and work.

Q: Did you have any family who were solicitors or barristers?

I had an uncle, who was a barrister, but he worked in land registry, he never practised. He was sent from the job to study that was back in the 70's. He was in the legal department in land registry. He trained at Trinity and Kings Inns. I also have a first cousin who is a practising barrister. He's at the Bar 25 years. I meet him regularly down there, he's a great help.

Q: Do you find that mentoring is significant at the Bar?

Oh God yeah, it's very important in your first few years, especially in your drafting. To get somebody to look over it, to make sure that you've included everything. And people at the Bar are generous that way.

Q: Did you just do one year of devilling?

I did one year devilling and the second year I had a very loose arrangement with Patrick, my master in the second year. He never quite agreed I'd be his devil but I'd go into court and do his motions for him. We did a deal; he was going to check my drafting and I would go into court and do his motions for him and take him out of a hole whenever he was stuck in one. And I still do it for him. Even though I'm in my

fourth year now, he'd still call me. And now he does stuff for me as well. Oh it's great if I was stuck he'd do it for me.

You see you do need friends like that in the Bar because often you need to be in three courts at the one time. Yeah that is a big problem. It's very stressful. Oh, it's very stressful. It's crazy so you do need to make friends down there but they do oblige each other down there. But then again it's not strictly allowed either. That's the worst part of the job it's very stressful when you're on your feet in court.

Q: Was there any reason why you chose a male for your master?

Well I've had a mix. In my first year, which isn't strictly allowed, I went with a guy for the first three months but it didn't work out between him and me even though we're great friends. He didn't really want a devil and it was just awkward but we remained friends. But we came to an agreement that I'd move on with his blessing.

So I went to a woman and she was absolutely fantastic, I have to say she was brilliant now, she was wonderful. But she has left the law library now; so I miss her dreadfully. But some of her friends, who I became friendly with as well and would be of her vintage so thirteen years down, they sort of stepped into her shoes where I was concerned. There's always this loyalty thing: "Oh Caitriona devilled with Joan so we must give her a hand out". So I went with her then for a year which brought me up to Christmas of my second year, but I left her for a term, in that time, and went over to family law and I devilled for one term with a woman in family law. But I moved around.

Q: Is that because you were interested in specialising in family law?

Well it was just to get a bit of experience in family law and because it's lucrative and I knew I'd get family work. And also Anne, my friend who is a solicitor, was getting a lot of family work in so I would then be able to take her briefs in. So it was Christmas of my second year, I would have been 18 months devilling, and I went with Patrick then for the next couple of months. He is still there and he is my main mentor down there. And he and I have become great friends. That happens down

there; you become very good friends with your master. If it works. A lot don't, I did. But he's fantastic I mean to this day he rings me up everyday, every second day; "How's is going is there anything you want me to check for you?"

Q: So there are no specific criteria for choosing a master?

Oh god yes, I didn't abide by the normal criteria. I had different needs. Most devils going in would try and align themselves with a master who they think would help get their practice get going. So they would try and go with a busy barrister, who could afford to give some work down to them or maybe recommend them to a solicitor. So they will not choose, if they can, a barrister who still hasn't quite become busy enough.

But then there are plenty of barristers who are not that busy, whose practice just sustains itself and wouldn't sustain you as well. I think that's a problem too with people taking devils where they want them for the motions because they all can be stuck, but they really can't afford to share their practice with them.

So you've got to be very careful how you choose. You need to talk to people for quite a while. The one big problem in the bar is people aren't honest about their experiences with their masters.

Q: Is there a feedback system/procedure?

Well people are always advised to talk to an ex-devil of who they feel like going with. I've known people to go and talk to these devils and be given a totally incorrect picture of how their devil-ship went.

Q: Are they afraid it will get back to their master?

Of course they're afraid it will get back to their master. And then there's the opposite there was one girl in my second year it didn't work out with her master. But I actually liked her master, she was a real nice lady and I always found her wonderful. I was very surprised it didn't suit her; she felt she wasn't being brought along to enough consultations. And she just went straight to the Bar Council and asked to be changed. I don't even think she went to her master first. Well that was the way I heard the story. Silly girl her master's now a judge. Bad move.

But I have to say the lady involved there, the master, was to me one of the nicest people and had helped me out. Yeah I'd gone to her for advice one day and she couldn't have been nicer. I think it was different needs I think. I just needed advice and help and I wasn't interested in and in fact the last thing I would do be to mooch in on someone's practice. I had a rule I made for myself with Patrick and Joan (Caitriona's masters) I would never ring their solicitors after I would do a job for them. I would just come back and put the result of it on their desk and they'd often say; "ring the solicitor" and I'd say "no, you ring the solicitor yourself".

That is a way of mooching in and a lot of devils do that, they go and ring the solicitor immediately. I always felt it was a bit disingenuous to do that. Unless specifically told to do it by your master. I even thought that Patrick in particular would say; "call" deliberately trying to get me an introduction and I'd say "no".

And then I was fortunate, I didn't have to do it because I was one of five mature students in UCD and the other four all became solicitors, and three of them feed me. So I was lucky and I didn't have to go mooching around. But a lot of devils behave disingenuously, without a doubt they do.

Q: Do you feel there are any barriers that women face when pursuing a career in law and if you do what are they?

No, I really don't. A lot of women do. I personally don't. There are barriers, but they're not gender based.

Q: What would the barriers be then in general?

Being politically connected is certainly very important. That would be denied by a lot of people but it's blatant.

Q: So that would be being a member of a certain political party?

Oh yeah, particularly Fianna Fáil, without a doubt. Most of the judges are appointed by Fianna Fáil governments. I mean all judges are appointed by governments in power at the time. Well the Attorney General changes with governments, so it'll always be the one of the day.

Also that would be the one draw-back of the library it is a dreadful rumour-mill. You kind of hear it there first. It's also a bit incestuous. Even the nature of the place, the desks are on top of each other, there's an awful shortage of desks. I still haven't got a desk and I'm in my fourth year and I still haven't been offered a desk.

Q: How much is it to have a desk in the law library?

God I don't know I think if I were to have one this year I might be paying €700 extra on my fee a year.

Q: Why, do you have to pay to practice?

Oh yeah, it's graduated. My first fee was £1200. I had to pay £1000 to enter the law library and then it was £1200 fee. The entry fee is just a one off. Then the second year my fee went up to £1400, €1800 in my third year and then this year it was €2000.

Q: Does it just keep going up each year?

Oh yeah until you get to your tenth year and in your tenth year its something like €4000/5000. And you also must have an insurance indemnity. That is all tax deductible. Oh yeah it's expensive to be there and then you're hanging around a lot so you eat there and that's expensive, very expensive. You also have travel expenses if you've to go to an outside court. Most of that is tax deductible though. Parking is a huge problem. I think the Inns were charging €750 for parking and that probably would be the cheapest way to do it and that is tax deductible as well but it's awkward in that it's a 10 minute walk down from the King's Inns car park to the courts and if you're lugging books and that it's awkward.

Q: How do you think social networks affect the career the paths of female barristers? Do you feel that networking is very important?

I'd say they do. I don't have any great experience of it because I don't get involved in social networks but I think they would. I think that if you are member of a certain group that yes I'd say definitely because the business community in Dublin is so small that if you're a member of any particular group then your name will be known and you'll be recommended by someone to someone to someone or whatever. It's that kind of job. If you need to promote your practice, because you're not allowed advertise.

Q: Do you think that will ever change though?

No I don't think that will ever change. No I don't think barristers will ever be allowed advertise. I don't engage in social networks because I have a good feed system already, it's enough for me, I'm happy with it. If it was any more I couldn't cope. And the reason I wouldn't be able to cope is because I still sort of take on the responsibility of the house, the home as I did before I started back to work. That hasn't lessened any for me. I still do all of that, the shopping, the housework and of course I have an elderly mother, which is time-consuming.

And that is probably the biggest draw back of the lot because my kids are adults now and probably would do a lot more, if they had to. I haven't really moved on from my previous situation either, so I'm trying to do it all. I think I'll have to change that. If I ever get over the guilt thing and do it.

Q: Would you feel very guilty?

Oh yeah, oh yeah, when you're doing something like that for 27 years, it's very hard to stop doing it, so I try and do it all. Whereas I wouldn't have what other barristers in there would call a full-time practice, it's surely full time for me because it's all the time I could spare. I don't do half the things I used to do in the house; I now pay someone to do some of those things for me.

Q: Do you feel that many barristers say that maybe have younger kids would have help from housekeepers etc in their house?

Yes I know they have, I talk to them. Yes they do they'd all have child-minders most of them would have house-keepers. They'd have to.

Q: Would they be earning the higher incomes in the law library?

Not necessarily. It's a question of survival. They would come home from work very tired have that quality time with the kids. I was only talking to a very successful barrister recently and she was telling me she has two small children. So she wouldn't have had her children until she was in her thirties and well established. She's a very established criminal barrister.

She was telling me that when she comes in, in the evenings, she says she's absolutely wrecked and she knows she still has three or four hours on the computer before she goes to bed and she's to spend a couple of hours with the kids so the only way she can manage is au pairs and housekeeping.



A lot of barristers are married to other barristers and they'd sort of share the work load. The husband-wife teams are great because they do each others motions and sort of help each other out in that way.

Q: So do you think a lot of nepotism would go on say in relation to solicitors and barristers?

Oh without a doubt. Oh if you have a barrister whose wife or husband is a solicitor people sort of say; "oh you're alright".

Q: It's not looked down on or frowned upon?

It's life. Well it's not always the case either, I know a girl whose husband is a solicitor and he doesn't give her very much work I suppose it's because he doesn't have the type of work that she will do.

Q: Are there specific areas that more women would be geared towards and another which more men would be geared towards?

Yes family is pretty much run by female barristers. There's half a dozen men there practising, whose main practice would be family, whose total practice would be family and the rest would probably come to thirty women and they'd be sort of running the show in Phoenix House, which is the family court. And they'd all be pretty busy and they're very (pauses and laughs), they run a tight ship.

Q: Really?

And they look strangely at the new people mooching in. Not welcoming, no way. But everybody's watching their own patch. It's the same throughout the law library; everybody's watching their own patch. A lot of my friends do crime now so I'd hear from them that; "oh so-and-so has been coming across to the criminal courts lately" and they've been watched and noticed. I suppose it's like any workplace really. Political involvement will definitely promote your career there's no two ways about it.

Q: It's no secret?

No it's not a secret, but it's not sort of openly admitted, but it's there to be seen, the facts are there before you. You find these people on tribunals, if you ask the right questions, you'll find they're members of political parties or they're involved or they support or whatever. But I think that's pretty much across the whole business community.

It is relevant to law probably, in that governments make judicial appointments and they also would have a huge input into who is appointed to a tribunal. Also you must remember that in criminal cases, well not just in criminal cases in a lot of civil cases too, the state would be the prosecutor in a criminal case. Or in a judicial review, the state would be represented or the Attorney General would be represented. They choose their barristers. So again you've a state authority choosing barristers so you always want to be in with these people, so you can be chosen, because that is lucrative work you're sure of being paid.

Q: Have you had any difficulties trying to get paid in the past?

Huge difficulties, every barrister has. You're supposed to go to the Bar Council after one year, if you have been left for more than one year waiting on money, but nobody will do that because if you do, that solicitor will never brief you again and he'll probably make sure some other solicitors won't brief you. People just don't do it, you do without your money.

I'm owed €10,000 at the moment. And I don't think I'll ever see any of it. They would be for cases, where solicitors took personal injuries cases and they were unsuccessful. And they would have done it on a; "no fee, no fee" basis. There's a lot of family law I didn't get paid for and I never will, I didn't get the money upfront from the client and therefore they've got whatever they wanted, they're divorced they're separated, and they're gone that's it.

Q: How do certain barristers make such a good living from it if that kind of thing happens?

They've just been lucky and they're good at what they do and they sort of shine in that particular area. Then it depends on the area they're doing. If you're doing criminal work and you work for the state then you get paid very well and you're sure of being paid. Tribunal work is the same. Although, you don't get paid very quickly, from what I hear, on tribunals. You'll get it but you'll wait for it but you know it's coming, it's definite.

I do a good bit of legal aid work in family. Having said that they're overdue with payments to me as well, but not terribly overdue and I wouldn't panic about it. They're supposed to pay within one month under new European legislation. But they haven't actually, they owe me two months now, it'll come I'm not too worried about that. Every single barrister I know complains that they haven't been paid for work they've done.

A lot of solicitors use newly qualified barristers. I've heard this. They think they should be glad to get the work and the experience and to hell with the payment. It's very tough for young barristers trying to get a mortgage or that type of thing. If I had to make a living I certainly couldn't be doing this, I'm not making that kind of money. I wouldn't be able to service a mortgage or keep myself on what I am earning.

Q: So do a lot of barristers do other work to subsidise themselves?

They do yeah. But they are not supposed to. You're very restricted to what can do as a barrister. You can work as a journalist; you can work at certain types of lecturing. Once you're qualified there's a certain list of profession you are allowed to work within.

## Appendix E

## **Appendix E**

### **Deirdre's interview transcript**

#### **Interview number four 9/1/03**

Q: Do you mind me asking your age?

No, 49.

Q: What is your marital status?

I'm married.

Q: Do you have any children Deirdre?

I've four. Four boys.

Q: What are your education qualifications?

BCL, UCD and BL obviously. In those days you did them simultaneously. In other words you did your BCL and when you were in second BCL you did your first BL, third BCL, second BL and then in your final year you combined, the subjects transferred from one course to the other. So in effect you could do two courses over four years, which is quite different to the way it is now. Yeah and of course it takes much longer. If you chose to do your BCL now in UCD and then you did your professional degree afterwards it would take you much longer, I don't know how many years it would take but it would certainly take you longer than that.

Q: I would imagine it was quite stressful then trying to do the two degrees simultaneously?

Ah it was in some ways but you know people just got on with it and that's what everybody did in those days. Well some people did BA's and then did their professional degrees, but the majority did either a legal science degree in Trinity or a BCL in UCD and did their professional qualification and did it over a period of four years.

Q: What made you decide to go into law?

Eh, my mother really. My mother was a solicitor, she's obviously long retired. She worked full-time all her life and she had six children and so she did that in a time when it wasn't fashionable or it certainly wasn't the norm. I didn't want to do law at all but she really pushed me hard until I finally got the bug myself and I decided. I started off doing Arts, hated it. And she encouraged me to go and listen to the law lectures and as a result of that I changed. In the year that she qualified there were two women and..... But she ended up as a law agent and then she retired. So that's how I decided.

Q: And your work experience then, you obviously went straight in?

I didn't actually. I worked in a trade mark agent's office for a year after I qualified and got fed up with that fairly quickly and then decided I was going to practice.

Q: How did you find your devilling period?

I devilled with a man who is now dead. He was subsequently a High Court judge and died very suddenly and very young but he was a wonderful teacher and master and everything else, so I was very lucky. He did a general, civil practice.

And then I devilled a second year, which is something that's very popular even up to now. It was something that was beginning to happen even at that stage, where you would decide not to go into full-practice on your own in your second year but you would do a second. It was kind of hands-off in a sense that you're starting to do a bit of your own work but you are still under the tutelage of somebody else. And that was with another man who is also now sadly deceased. And he had an exclusively criminal practice and I wanted to do crime at that stage so I devilled with him for a further year.

Q: And do you now specialise in crime?

No I didn't, I never did crime as it turned out. I don't specialise, I have a general civil practice. There are certain areas I don't do at all, I don't do any crime, I don't do any conveyancing really, after that I do whatever comes my way really.

Q: In relation to work life balance, did you find it difficult pursuing your career, I mean you're a Senior Counsel, so obviously that requires a lot of responsibility?

I did, I mean I had four children over eight years, which obviously was (sighs) difficult and with a full-time job. So when my youngest who is now twelve was born I gave up and I worked part-time for about, until he went to school really, for about four years. I deliberately stopped doing, at that stage I was doing quite a bit of family law, and I just stopped doing family law altogether. And that cut-off about 50% of my practice.

I continued doing the balance as best I could, which was general personal injury work, civil stuff and I aimed to work a half day to get home by about two o'clock. Sometimes it worked, sometimes it didn't, but by and large, it did. But as a result my practice declined over that period of time, obviously.

Q: As a result of you working part-time?

Yeah.

Q: Have you any other family or relatives in law besides your mother?

My husband is a solicitor. We were in college together. And his uncle, who he would have been an apprentice to, would have been a solicitor as well.

Q: Do you feel there are any barriers to women pursuing a career in law? And if so what are the barriers?

(Pause) It's not an easy question to answer.

Q: Just from your own personal experience?

Well I would say on the face of it, no. I would say certainly going into the law library, anybody with ability, ambition and common sense and obviously basic legal knowledge and the ability to go and find what you don't know, will make a go of it and I don't think it makes a difference whether you're male or female to be honest.

I think it is in fact, it's one of the few places where, you've a fairly even playing field, fairly even, I wouldn't say absolutely, but FAIRLY even playing field. Now as to the position at the moment with young barristers coming in, I am really not in a position to comment on that. I mean I know what my young colleagues tell me but really you need to talk to people in those age groups. Obviously for somebody at my stage and now, I would say "no" there aren't. I mean if you are a Senior Counsel by definition you have to be competent and there aren't the barriers there I don't think.

Q: For women taking silk is it?

Well you are not going to be taking silk unless you're adjudged to be of a sufficiently confident standard and then after that I would say no I wouldn't say that it's discrimination or that there are barriers in the way. Like with all jobs that women do full-time, sometimes our work strays beyond office hours, not just sometimes, a lot of the time and that is not obviously family friendly.



And it is difficult when you're juggling and you're making phone calls and you can't admit that you're doing all of that and you have to and things are going on at home and it's seven o'clock and you're still here. And you have to try and juggle all of that.

A man in that position doesn't have those difficulties, he just lifts the phone and says; "well I won't be home I'll see you whenever I see you". But I mean that is common right across the board to any job that a woman does. And that can happen with our job and sometimes where the people who are arranging the meetings are men, you'll find that meetings will be arranged for 5 o'clock, 6 o'clock. Well 5 o'clock maybe, but if the meeting starts at 5 o'clock then it could go on until 8 or 9, you know. And in relation to family law which I do a bit of, and it's not a peculiarly male phenomenon there, but it does happen that meetings can go on, I've been here some nights until 12 o'clock.

In my view there is no good reason why that should happen, if that was properly managed it shouldn't happen. And it should be possible, but I can't say for purely male or female reasons it doesn't. But when that happens, it is not very satisfactory from the view point of a woman particularly if you have kids at home and it doesn't matter whether they're two or whether they're twelve, or fifteen or eighteen, really it's just not on.

The only area that I feel, and I don't know how true it is now, that there are barriers is that, a lot of the work that is doled out at the Bar is done on the basis of panels. I don't know if anybody's spoken to you about this? No, nobody has. Well for example Insurance companies who represent defendants in personal injury cases, they have what they call panels of barristers. So, if insurance company A is acting no behalf of the defendant in a case, they then look to their panel before they then decide what barrister they are going to employ. So, the first step to getting work from that insurance company is to be on the panel.

And it seems to me that panels, certainly for junior counsel, are more weighted (pause) towards the men than they are towards the women. The men network more than the women do. The men are members of golf clubs, they're members of tennis clubs, they're members in whatever, political parties, you name it. They network far more, generally speaking, than the women do. Women don't think to network and generally speaking women are busy. And if they're young women they probably have young kids to worry about, they haven't have time to think out their career in those terms. Men do those things. So they put themselves in positions where they meet people, where they become known. And then if you look at the panels, I mean that would be a very interesting exercise to do, if you could get your hands on the panel of barristers used by say a selection of insurance companies.

The other people who use panels are the state, the state have panels for prosecution work, for, I mean you know that the state is involved in a huge amount of litigation. Take hepatitis C cases, all the prosecution work is handled by the DPP's (Director of Public Prosecutions) office. But the Chief State Solicitor's office and the Attorney General's (AG) office handles a huge volume of work as well, they have panels. Now, those panels in my view are more equal, the Attorney General panels will to some extent anyway be decided on the basis of the AG himself, who is one of us, who is in here, who sees people working and he has friends who are sort of saying: "did you see so-and-so, they're only in two or three years, very able". And whether you're male or female really doesn't matter. But in terms of access to panels I think it's easier for men than it is for women.

Q: Is there a particular procedure or criteria for getting onto a panel?

No it's all unofficial. So it's word of mouth, you're told your name has been put on the panel, but you can't apply to have your name put on the panel. Now that's a different thing from say the civil legal aid board. The civil legal aid board is again state funded so if you like it's a state panel. But that's a panel where you make application, you say I'm willing to do civil legal aid work, you fill out a form, you send it in and your name goes on a panel.

Now whether you get work after that is another day's work. But generally speaking you will once you're on the panel. But that is different to these, what I would say, they're informal, but they do exist, there are definitely panels. I mean that would be the area it seems to me the barriers exist, or to some extent anyway.

Q: So you mentioned about social networks just there. Do you feel that social networks affect the career paths of female barristers?

Most definitely, most definitely, yeah. And I don't think that females bother about it. I just don't think it's in the nature and it's probably something that females should think about more seriously and young barristers coming in. I mean for example, even things like joining the Bar golf society, and I would say that for a different reason. In our little group there's a thing called joining the Bar golf society where everybody, from somebody who's just put their toe into the law library up to the most senior judges of the Supreme Court play golf together. That is a fantastic, for different reasons, that's a fantastic step-up or entry for a junior barrister to meet their senior peers in a social environment.

Now that is not going to get you work or it's not going to advance your career in that way, but it's a very, very good thing to do. I never did it and I'm sorry I didn't do it. And it's something I would encourage any, young barristers, male or female, coming in to do.

But when I say networking, I'm talking more in terms of outside golf clubs, tennis clubs. An awful lot of people would be members of Fitzwilliam but also a Rotary Club, there's countless ways and means. And women wouldn't be tuned in, they really wouldn't, to those kinds of things, and I think by and large the men are. Not all the men.

Q: And contacts, do you feel that is an essential part of a career in law?

No I don't, I think there's loads of barristers now who have gone ahead who have no contacts at all. I mean if you're an able, ambitious, you know you're a competent, able person with common sense and you're ambitious and you really want to get ahead, I think you will. And I think that has become more so as the years have gone on since I came in. It mightn't have been as true then, but it certainly is now.

Q: When you came in did you feel that contacts were much more important?

(Pause) Yeah, I mean contacts always help because the thing that you need more than anything else when you come into the library is exposure, you need to be out there, you need to be standing on your feet, you need to be seen in court, if you don't have contacts, if people don't know you, well then you don't get that opportunity. And the longer you don't get the opportunity, the worse it is because you're sitting there, you've no work and it's a self-perpetuating thing. Your feelings of your own self-esteem and all of that, you know, it can be a very, very lonely experience.

If you have the contacts at least you know somebody who's going to say: "right ok, there's something go and do that, see how you get on". But on the other hand, even if somebody doesn't have contacts, the people they qualified with are solicitors. So your own contemporaries, you may not have any family contacts, you may not have any friends who are going to say, you know: "so-and-so is now down in the library, would you give her a bit of work". You do know solicitors who are then probably just coming up to qualification or are in the process of doing an apprenticeship.

Apprentices now in solicitor's offices do a huge amount of work, in the old days apprentices mightn't have done an awful lot of work, just sort of hanging around. Now apprentices really work their, they really work hard. And they're down here and they're in the library and so you know they're down at the library on a daily basis. So if they know you, you know, in so far as they can, they'll be saying to their master or whatever they call it, the person that they are doing their apprenticeship with: "you know I was thinking of giving that to so-and-so who was in college with me and I think they're good". And it happens like that too, so obviously that person who has personal contacts will be that little bit ahead. But I don't think it's the huge issue that people say it is. Now maybe it's easy for me to say that because I did have SOME contacts, you know.

## Appendix F

## **Appendix F**

### **Eilís's interview transcript**

#### **Interview number five 16/1/03**

Q: Do you mind me asking you your age?

No, it's 34.

Q: And your marital status?

Single.

Q: Do you have any children?

No.

Q: What are your educational qualifications?

Eh, LLB from Trinity and a LLM from..... I qualified as a barrister in London and also in Dublin. And also a BL in Dublin.

Q: What made you decide to go into law?

(Long pause) To be honest, an interest in politics and in history, and in being able to apply knowledge to work. To change things, so law was a kind of obvious choice.

Q: So what kind of work experience do you have?

I can give you a CV that would set it all out if you like.

Q: Do you find it difficult with your job to find the time to socialise and to balance work and life?

No I find it easier here in Dublin than it was in London where I worked for some years because distances are shorter and it's easier to make arrangements with people or to meet people more spontaneously in Dublin. So I have a very active social life, but I also work a lot of weekends and a lot of evenings. But the thing is with a job like mine, combining academic and practice, your work is very much part of your life. So, I don't have a very clear demarcation but I socialise a lot with people that I work with. But I also socialise completely outside law, my partner isn't in law.

Q: Do you have any family in law?

I have one uncle who was a barrister when I started studying law.

Q: So do you feel that there are any barriers that women face when pursuing a career in law? And what are the barriers?

Yes, I think the barriers are much less obvious now than they were, I mean obviously overt or direct discrimination is not as strong. You know there are less obvious barriers to entry and progression in the law. The research we are doing at the moment though, you're finding that there are of subtle barriers that exist, things like golf outings which women are excluded from, things like social events that women are excluded from, social networking. So we're finding that as quite a strong factor, probable but I think the biggest identifiable block is that women about my stage in their careers take time out to have children and that is what is still setting them back. We still don't have any structures that really facilitate the having and raising of children.



That affects obviously fathers who want to take a hands-on role as much as it affects mothers. But at the moment, it should affect fathers, I should say, as much, but the reality is that women are still more adversely affected in terms of their career progression, but it happens later than it used to I think. You know I think that the women who are entering the profession and who aren't having children or who don't have children are getting on probably almost as well as men at their age.

But we are also finding that the statistics fare out, a pay differential and all sorts of other differentials that still exist but the causes are just less obvious now. We are still finding for example lots people.....referring to "old boy's network" and certainly you see that in evidence at the Bar, it's still in evidence at the solicitors practice also. So I think that this is the way in which, that these are informal structures in other words, that are still affecting women adversely.

Q: So you mentioned about golf outings and that kind of thing, so do you feel that social networks would play a role in the career paths of female barristers?

Yes, definitely. I think that.....the Irish Women Lawyers Association last year, last June, and.....very hopeful that that'll form, for the first time really, a formal way of insuring that women are more organised together and that we can offer some sort of support to younger women entering the profession.

It also I think symbolically sends out an important message to women that women lawyers are very much a part of the legal profession and that women shouldn't feel put off doing law. I mean I remember entering the Bar, you know not that long ago, and being told that it would take a lot longer for me to make a living at it than it would for a man. And that was probably true, but it was an off-putting thing to hear.

So I think that it's important for women to know that there are plenty of women barristers that are doing very well and who have really forged ahead and who aren't just pulling up the ladder after them either but who are actively trying to help and support younger women.

Q: So there's a mentor system then?

Well.....beginning to; I mean this is all very new. When I practiced in London there was a Women Barristers Association and it was quite well established already in the early 90's and that had social groups. And we found that, myself and other friends, at our very early stage, found that very encouraging really, as an organisation. So I think that.....do the same thing in Ireland now.

Do you want me just to run through and give you the work experience?

Yeah that'd great.

I have been practicing as a barrister I think for about 7 years here and before that I practiced in England for a year. I have been teaching full-time in Trinity for seven years and before that I was in one of the smaller colleges in Dublin for two years and before that I taught in London in a couple of Universities there.

## Appendix G

## **Appendix G**

### **Fionnuala's interview transcript**

#### **Interview number six 6/3/03**

At that time women who were successful, were women who tended to specialise, for example women who did chancery, or women who did family law. And I didn't have an idea of precisely what I wanted to do. The reason I came to the Bar I suppose was because well first of all I'd studied law in Trinity and then my father was a barrister. So I thought I'd like to try it. Eh he, towards the end of his career as a barrister..... So, as I said I didn't have the slightest notion as to what I wanted to do.

When I came to the Bar I started working on the Eastern Circuit, which is Meath, Athy, places like that and Wicklow. But I found that all I was getting really was family law and the one thing I did know was that I didn't want to have anything to do with family law because I didn't I found it very depressing. I just couldn't bear it and also the people that you have to deal with and the solicitors you have to deal with in family cases are reasonably intransigent; well they're difficult to deal with and they want to ventilate all the horrible instances of domestic violence and all this sort of stuff. I wouldn't be interested in that sort of stuff. So the way things seemed to be going was I started getting phone calls about.....work and so I found that I was in Dublin a little bit more and that I was starting to do.....and it just built up from there really.

My father left the law library about a year and a half after I was here and I inherited a bit of his business and as I say it took off a bit from there. So, I am a specialist barrister. The other barristers, the way things have changed now I suppose is that yes there are still women who specialise in family law and who specialise in chancery but now things have changed to the point that you do get very successful female general practitioners, especially in Dublin.

On Circuits it's still more or less the same I think, there are women who are successful on Circuit but they would tend to do a bit more family law, for example, than men and I still think that most general female practitioners are in Dublin. That's certainly the view that I would have.

Q: Ok I just have a few specific questions to ask. Do you mind me asking your age or even an age range?

Eh, just 40. That's a dreadful question to ask, good heavens.

Yeah I know, sorry.

And do the other girls tell you their ages? (Laughs)

Q: Are you married?

Yeah, I'm married to a barrister. I met him practically on my first day in the law library. He was a general practitioner on a Circuit, on the midlands Circuit. So we got married after my being here for two years and I put off having children deliberately for, I suppose, three to four years because I wanted to establish myself and I felt myself that if I immediately started having babies that it wouldn't help my career and I think I took the right decision.

Q: What are your educational qualifications? I know you said you had a degree from Trinity.

That's right, well you know I did the usual; primary and secondary and then I went to Trinity and then the King's Inns. That's what most people used to do; they go to Trinity and then the King's Inns. Then I wrote a book. It reviews all the acts, it's a very big book, I think it's about 1500 pages. I got the time to do that during the long vacation, because the barristers you have spoken to probably will all agree that one of the wonderful things about our business is that we actually have, although it's a very stressful profession, you can actually wind down during that time.

Q: How do you deal with work-life balance?

Well I think that for women at the Bar it's probably a bit easier, funny enough, because, one we're self employed and we can play around with our time. With women who work nine to five, I think it's much more difficult because quite often, and you read stories about this in magazines and you read stories about this in papers, you see that they have to be in work at nine o'clock so they must leave the child into a crèche or whatever extremely early, get the poor little child up really before it should be getting up. Then they get home at dark, you know they leave at five or half past five, they leave and it takes them forever to get home. And then the child is there and they then have to do the dinner and they have to give quality time to the kids and they're utterly exhausted.

Whereas with us we can take the odd few days off during the week. I always thoroughly enjoy September when all the children are back at school because I can be a mammy again, it's great fun, it's really, really enjoyable. When I was doing the books, I couldn't do it because I worked all of August and all of September and I really missed that. But the kids are great, kids will adjust to anything. I think that was one of the reasons for me, because I felt that if I wasn't there all the time, they had each other. My three eldest are absolutely marvellous and very, very helpful. They put the younger ones to bed, well we all go up to bed together and the three older ones will read stories to the three younger ones. This is all ahead of you my dear (laughs). And they are allowed, when the younger ones are asleep, the older ones come down, they can have a half an hour and then they go back to bed. So that seems to work.

But I do think that anyone who is self-employed and can play around with time a little bit more and because one has such good, when I say holidays, I suppose holidays is not correct because when the courts are closed we don't just say 'great I'm on my holidays' what you sort of say is 'great I can get my paper work done, I can get my research done' and all that sort of stuff. Because being a barrister involves a number of things; court work, enterprisers work and it's not just, there's quite a lot of lobbying for people who don't really understand the Bar to get rid of the long vacation, to get rid of August and September.

Because barristers are accused of having a nice relaxed life-style, that is not the case, as I say there are different facets of our work and eh if it were the case that you were in court the whole time, then people would not be getting proper representation, because barristers would be absolutely burnt-out. Because it's very, very stressful in the mornings when you're in court, it's very stressful. And you've got the gear on and you meet your client and it's an adversarial system so, one of two people has to win, either the plaintiff or the defendant and the guy who loses is feeling bad, that is the client who loses feels bad but the barrister who represented him feels bad too. And you try the best you can but.

Q: Do you find it very difficult to make time for your family and your husband etc?

Yes, sometimes. Sometimes it can be very busy. The baby was due..... and I was hoping against hope that the baby would arrive before Christmas so that I could spend the optimum amount of time (1) recovering, because it takes so long to recover from having a baby and (2) to spend a lot of time with the children. I didn't want to be in hospital on Christmas day as you can imagine. I wanted to be there to be able to feed them and also it was a very, very busy coming to the end of term.....

So I was in court for two solid weeks before Christmas and on the.....was the day that I knew the baby was coming and the day before, I had said to my co senior 'I don't think you're going to be seeing me tomorrow' and he said 'WHAT?' because men don't really understand, I said 'I think the baby's on the way' (laughs). So it was very handy from that point of view, but if, and it has happened before, I had the baby in term time I always have to try and get back after a week.

That's the thing about the Bar if you're not seen, they'll forget you and that's it, you know there are plenty of others to take up. So you really have to mind your back. Now it's a great business though, it's absolutely wonderful; it's a very good feeling of togetherness.

Also, I find now because I have become established in a particular speciality, I find that a lot of people, younger people, will come up and say 'how do I do this, how do I do that' and the practice at the Bar is just push all your books away and say 'now how can I help you?' I mean everyday I come in I've got people coming up saying 'what do I do here, what do I do there?'

And that's the great thing. And I think that's the wonderful thing as well for the people in general, for the public in general, there are a lot of very good barristers who specialise in different areas and the wonderful thing for the general public and it's quite different in England because barristers are in different chambers, but in our country every member of the general public can have the best of barrister in a particular field. Maybe they have to pay if they loose but usually when a person gets the best barrister and that person wins the case that person has had effectively free legal access to the best brains in the country in that particular area, which is very, very good.

But a lot of people, I don't know if the people you interviewed said anything about this, but you will find that a huge amount of the profession will not charge fees for people who haven't got the money, they just wont. And nobody ever says that about us, for example even in my bit of business, if I had a little widow who's licence lapsed because she couldn't afford to pay her tax, and she couldn't get a tax clearance certificate, I wouldn't dream of charging her. On the other hand of course, if I have a big, wealthy pub baron, naturally I'll charge what is the going rate. But I think people don't realise, a lot of people whether they're women or men wouldn't dream of charging people if they've no money because you were briefed because of who you are and if there's any money you very rarely won't take. You usually will take it, because there's good and bad.

Q: And so your father was a barrister? Was he your only legal contact?

Yeah, my father was a barrister, and then he became a judge. And I have a brother who is a solicitor and then my two sisters are solicitors.



Q: So there are quite a lot of you?

Yeah.

Q: And do you think that contacts have a strong bearing at the Bar?

They do yeah, they do. There is absolutely no doubt. They cannot but help you start off, well that's what I'd say, but it's up to you then to capitalise on that. There are many people who have come in with extremely strong connections, certainly when I came in, there were people there whose parents were judges and whose grandparents were judges, but some of those people would not have succeeded because they did not put in the work or they didn't have the natural ability. So that's the bearings of connection power.

Q: Do you think that having political affiliation, being associated with a particular party, would have any bearings for success at the Bar?

None whatever, absolutely nothing whatever got to do with it. It does have a bearing on whether you become a judge or not, there's no doubt. Even though there's supposed to be transparency. What happens now is that to become a judge you must apply. In the old days you didn't have to, but now you must actually make an application or it can still happen that you are contacted by the Attorney General or the Minister for Justice who feels that you would be a wonderful judge. And then you, who may not have considered it before, would now consider it.

But most people will apply, it goes through a judicial commission which is made up of judges of various courts and from lay persons as well and the names are put forward to them. And what they will do is they will make a choice and pass on various names to the government and the government will then decide. But there's no doubt that certain ministers will lobby for certain names and they're obviously not going to lobby for names they don't know. And so that's how I think it is.

At the Bar, it's nothing whatever got to do with it, accept maybe if you do state work, you know maybe your minister might say 'oh give such-n-such a bit of work from such-n-such a department', maybe that's it. I don't think that makes a huge amount of difference really.

Q: Do you feel that there are any barriers that women face at the Bar today?

When, I came to the library being a woman I thought was a bit of a barrier. Now, eh, just the 'old boy' network, there's an element of an old boy network still I think, and in particular for women barristers on Circuit. Because, for women barristers; how can they go drinking with the lads after work? They can't really, (1) they have families or (2) they're young and they don't really want to be drinking with the lads and be one of the lads, it's very difficult to do that, while the lads will do it.

It hasn't affected me because I didn't have to do that because I didn't have to, I suppose because I initially had the contact of my father, that's how the work came to me and then you just build up and then you get a reputation, so that's how it happens. I suppose the difference between my business and the business of the women you've already been speaking to is that a lot of them would have solicitors who will exclusively brief them, whereas they would have the same ten solicitors whereas I would get solicitors from all over the country. Most solicitors have a publican client, so I would get briefs from all over the country, whereas that would have been quite unusual with a lot of the women that you maybe would have spoken to.

If you are saying barriers now, definitely there are fewer barriers of women now than there were. I would still say, however, that there is a bit of a glass ceiling and I think that any woman you've spoken to that has said there isn't a glass ceiling, it's all exactly the same that is quite wrong and they're only saying it.

Q: Just to jump back slightly to your devilling period? Did you just do one year?

I did one year and I devilled with a man who did exclusively crime and he had devilled for my father. And when I devilled, I didn't really think long enough and hard enough about what I wanted to do, really I think specialisation was more or less thrust upon me in a way. But I didn't want to do crime but I found that with this master, as it were but at that time I was also going out with my husband, Fionn, who was a very busy barrister on the midland Circuit. So what he used to do would be that he would be away on Circuit but he would have motions to do up in Dublin, so I got very, very good experience from a lot of motions he got me to do in the masters Court and things like that. So that gave me absolutely huge experience.

And he was a most unusual person at that time because he felt that women should be given every chance and even still that is quite an unusual attitude for a male barrister to have. He felt, I asked about it once, he said that 'I always felt that women would do a better job than men' you know young women starting off and the reason they would he said 'because they just work that bit harder, they'd be more organised and they'd present the case better', so naturally I agreed with him.

Q: Was there any reason why you went with that particular master?

Yes, because he was my father's devil. So I didn't think hard enough about it, if I had of really thought hard enough about it I probably wouldn't have devilled with somebody who had an such exclusively specialist career as it were, somebody who had more of a general practice. I see that one of your questions involves how do social networks affect the career paths of female barristers. I think they affect the career paths of male barristers in the way that I have spoken to you; the drinking and the playing golf. With women not really at all.

Q: That would be my point, in so far as, is it [networking] just exclusively male?

I think it is exclusively male.

Q: And are women somewhat left out?

They are certainly left out of male bonding thing, there's no doubt about that. But the way to fight back with that is to have a good female networking system and I don't think we have and I never thought we had, really we are getting worse at it. I have always maintained that if I needed to hand over a case I'd much prefer to hand it over to a woman, a good woman obviously, and that's what I'd felt.

But just about women networking at the Bar, I was invited by the association, the government association called.....to make a speech to them about, you know, how I do it all. And I started off my speech by saying 'I think it's absolutely marvellous that women, business women, have actually got together and established a situation or established an association which is a networking association' because it encourages women to come in and say 'hi, this is my name, this is what I do, if I can put business your way I'll do the best I can', there's no such networking system here.

One of our new Circuit court judges was one of the, I suppose, people instrumental in forming an association called 'women in law' and I think the whole idea was that women would become good networkers and it's a good thing that that is done. I don't know if it's ever going to be particularly successful.

Compared to the male one [networking system]?

Yeah, I don't think it is. But maybe I'm wrong.

## Appendix H

## **Appendix H**

### **Observation**

#### **The Northern Circuit 3/2/03 - 2/2/03**

Brid and the author were driven to Letterkenny by Brid's old master, Barry, a well-established Circuit barrister. The conversation during the journey which took approximately five hours was dominated by work related issues; various cases each were working on, and law library gossip. It appeared that the demarcation between life and work was unclear and one definitely seemed to flow into the other.

There was clearly a sense of urgency about arriving in Letterkenny in the shortest time possible and only one stop was made along the way, during which Barry paid for everything. This, I was told later by Brid, was tradition and was accepted as the norm by all. On route to Letterkenny, Barry and Brid made various statements regarding female barristers including; working at the Bar is more difficult for women than for men, the Northern Circuit was particularly harsh for women and life at the Bar revolves around the pub. It was very clear that Barry and Brid had a close friendship; there was undoubtedly a sense of camaraderie between the two.

---

Upon arrival at the hotel, it was observed that the loneliness of working on Circuit described by Brid during the interview was evident. Having another person there, to talk to and have dinner with, was a novelty, Brid admitted.

The following morning, Brid and the author made their way to the court at 9.30 a.m. There, the author was introduced to various other Counsel, junior and senior and solicitors. There were a total of five female barristers, four junior (including Brid) and one senior and eight male barristers, seven junior and one senior. The court sittings continued from 10am until 4pm with an hour, from one to two, for lunch.

The representatives, both barrister and solicitor, for the DPP (Director of Public Prosecutions) were both male, with the exception of the female Senior Counsel who represented one case the following day. The lunch hour was not spent having lunch, as expected, but instead Bríd conducted a consultation with a client and the solicitor representing the case, which the author was privileged enough to view. The relationship between Bríd and her client was genial and supportive.

Once the sittings were finished at approximately 4pm, most of the barristers and solicitors including the judge met for coffee in a café near the court. The day had felt long, however Bríd still had some work to do at Barry's office. Barry allows Bríd the use of the office while she is on Circuit in Letterkenny. Bríd worked for approximately another two to three hours.

At about 8.30pm Bríd and the author went for dinner at a nearby restaurant. Following the meal Bríd and the author met one of the male barristers, Patrick, at a pub close to the hotel. The dialogue during the time at the pub was comparable to that of the car journey from Dublin to Donegal which was work related.

Nonetheless, Patrick made an interesting summary of his own interpretation of women at the Bar. He felt there were seven different types of female barristers;

1. Married with children: they generally don't take too much work on and don't allow the job to stress them out;
2. Socialites: they are generally present at all social events and keep a high profile;
3. Professionals: these are women who take their job very seriously and who act in a professional manner at all times;
4. Naïve: these women enter the law library with a sense of innocence and are perhaps taken advantage of by older and more experienced male barristers;
5. Family law women: these are women who specialise in family law and who appear to be quite determined and were described by Bríd as a "coven";
6. Eccentrics: these are women who are somewhat unconventional;
7. Sexuality users: these are women who exploit their sexuality in order to get ahead at the Bar.

The following day, the author watched the jury being sworn in at a trial. The author then caught the bus back to Dublin in the afternoon, leaving Brid to complete the remainder of her cases lined up for the following day.