On the 10 August 2020 the first webinar for the Young Lawyers Making Change Festival (YLMC) took place. This was the third YLMC conference but the first time it has ever been held virtually. The ‘in conversation’ format saw a lively and insightful discussion between two prominent legal professionals: Mary-Rachel McCabe and Professor Jo Delahunty QC. They discussed their career history and journeys to the Bar, before delving into issues within the industry and how to tackle these, and concluding with a final Q&A.

Mary-Rachel McCabe is a barrister at Doughty Street Chambers, specialising in social welfare and mental capacity law. She is involved with protecting children’s rights by frequently acting in judicial review proceedings for homeless children. Additionally, she has been involved in the Justice Alliance campaign advocating for equal access to justice for all.

Professor Jo Delahunty QC is one of the UK’s leading family barristers as well as being a Recorder and legal academic. Jo has won multiple industry awards for her work in contentious cases involving complex scientific and medical evidence and catastrophic injuries to / the death of a child, child sex abuse involving babies as young as a few months old, witchcraft/ ritualised abuse and ISIS radicalisation cases. Delahunty has been identified as a leading London Silk in the industry bibles. A fierce advocate for improving diversity at the Bar, she is a mentor for the Association of Women Barristers and patron of ‘Bridging the bar’, a charity set up this year to broaden the social and ethnic make- up of the Bar.

McCabe opened discussions by exploring her journey to the Bar as the first in her family to go to university. She obtained a first-class degree from the University of Sussex in Law and Spanish. Her life after university commenced with a volunteering job working with a charity that helped asylum seekers. After this, McCabe obtained an internship at Hackney Community Law Centre which she explained is one of the reasons she is able to do what she does now. After the internship and a paralegal job, McCabe knew that she wanted a career in legal aid. She targeted her applications to a limited number of chambers to achieve her aim and at 26 years old McCabe obtained her pupillage.

Delahunty followed this by sharing her journey to the Bar. Similar to McCabe, she was raised in a working-class family and obtained a scholarship to study at the University of Oxford. She admitted that her years at university consisted of partying and missing lectures. After university she went into child abuse and child protection law, emphasising her love for what she does now. Delahunty took Silk in 2006.

After discussing their personal journeys to the Bar, the panellists went on to discuss the variety of skills which prospective legal aid lawyers should seek to develop to work within the sector. Delahunty emphasised the importance of having good communication skills, as talking to and working with a number of people from a variety of backgrounds is an integral part of a lawyer’s routine. She emphasised that legal professionals, particularly barristers, surprisingly ‘do not work in a vacuum’.

The panellists discussed the importance of building trusting relationships with their clients. McCabe stated that due to cuts in legal aid, sometimes barristers are required to fill the additional role of solicitors, counsellors and babysitters. However, it was stressed by both panellists that while it is vital to gain the client’s trust, their ultimate role was not to be the client’s friend, but to be their lawyer and to win.

The next important topic was wellbeing at the Bar. McCabe began by discussing the many issues facing barristers such as sleep deprivation, lack of free weekends, 5am starts and judicial bullying. She admitted that the fast-paced lifestyle does come at a personal cost. McCabe described a wellbeing conference she had spoken at which, despite being an inspiration to many, was only attended by a handful of men. The panel analysed why this might be the case by exploring the societal pressures faced by men, maintaining that when it comes to mental health, men are not encouraged to express their wellbeing concerns.

Continuing on the topic of wellbeing, McCabe asserted that while some stress is an inevitable part of the job, there are several ways in which a person can improve their wellbeing at the Bar. This included: sleeping well, eating well, doing yoga and making room for personal time. She maintained that these can be achieved by saying no to extra work.

The panellists then discussed the difficulty that junior barristers face when saying ‘no’. Both speakers recognised that juniors struggle to say no to extra work when their wellbeing is at risk, in fear of not progressing professionally. Delahunty recognised that this was not a problem that juniors ought to deal with alone, but rather there should be systemic change within the judicial system to remove the stigma. She suggested that this change ought to begin by ensuring that seniors are more vocal and encourage juniors to speak out when they are struggling.

Delahunty highlighted the other ways in which a lawyer’s wellbeing is jeopardised in the legal sector. She emphasised that judicial bullying and sexual harassment are still problems which plague the Bar and explained that she is still scarred by some of her experiences of work-place bullying. She observed that one of the reasons for this continued behaviour is due to the fear of speaking out. Delahunty asserted that in order to put an end to this issue, juniors must be encouraged to speak out because ‘silence is acquiescence’. Nevertheless, she recognised the understandable fear individuals have of speaking out about sexual harassment, especially for male victims.

The panellists shared insights into the many societal issues that continue to riddle the legal sector. McCabe was critical of the lack of diversity within the Bar and how the legal sector does not at all reflect the society that it represents. She illustrated the point with statistics on women at senior levels at the Bar, noting that only 14 percent of silks are women. McCabe and Delahunty then began to analyse the reasons for this figure, explaining the hidden discrimination which exists when fighting for briefs and the external pressures or responsibilities which may force women to leave the Bar. At the end of this section both panellists addressed the other forms of discrimination that they have not personally encountered but which also exist within the bar, such as racism, disability discrimination and LGBTQ+ discrimination.

Next, both speakers explored the sexism that women faced historically and continue to face at the Bar. McCabe shared an anecdote of how she was encouraged to speak in a lower voice, in order to sound more manly. Delahunty corroborated this statement by explaining that she would lower her voice to sound more manly in order to ‘resonate with the judges’.

Delahunty discussed ways to diversify the Bar. She maintained the importance of talking to students long before university, in order to show young people the opportunities the Bar has to offer. However, she recognised that this was not enough to overcome the financial barriers many students face and went on to suggest the implementation of more scholarship schemes. Lastly, she emphasised that in order to draw attention to the issues at the Bar, ‘people with more money need to make more noise’.

Finally, the webinar concluded with a Q&A section. Lucie Boase, a co-chair of Young Legal Aid Lawyers (YLAL) and trainee solicitor at Hodge Jones & Allen, asked the panellists a series of questions from audience members. When answering the question, ‘What advice would you give to final year university students?’, McCabe emphasised that it was important to be yourself and not pretend to be someone you are not because inevitably people will see through it. Delahunty similarly maintained that students should try to maintain their individuality and stressed the importance of not losing your edge. She later emphasised the importance of preserving this versatility in the judicial sector, noting that lawyers ought not to be afraid of having tattoos, multiple ear piercings or wearing red lipstick.

One audience member asked the panellists what advice they would give to students looking to enter the Bar during the COVID-19 pandemic and what implications this would have on self-employment. Both panellists highlighted that while the already high financial burden of the Bar may be exacerbated by the pandemic and ensuing recession, it could be ameliorated to an extent by researching and applying to chambers which offer schemes with good financial support.