

news in depth

PROFESSION'S PERFECT PARITY

It's 92 years since Ireland's first woman solicitor was admitted and, in 2015, there is, for the first time, a female majority in the profession. **Teri Kelly** takes stock



Teri Kelly is the Law Society's director of representation and member services

Quietly, and without much fanfare, a major landmark for the solicitors' profession was passed at the end of 2014. For the first time, the number of female practising certificate holders exceeds their male counterparts. To our knowledge, this is the first time a female majority has existed in any legal profession anywhere in the world.

The fact that there are now 4,623 female practising solicitors (compared with 4,609 male practising solicitors) is a remarkable achievement. It is even more incredible when we consider that the first female solicitor in Ireland was not admitted to the roll of solicitors until 1923.

Until that time, there had been no law expressly prohibiting women from working as lawyers – it was merely accepted custom that women were considered unfit for the work. In fact, the *Solicitors Act 1843* provided that any 'person' with the required qualifications was entitled to train as a solicitor. However, when a few brave women did apply to sit the solicitors' examinations or become a member of the Bar, their application was invariably dismissed.

Step by step

Gwyneth Bebb and three other women (Karin Costeloe, Maud Ingram and Lucy Nettlefold) took a step further when, in 1913, they brought a case to compel the English Law Society to permit them to sit the solicitors' exams. The society successfully argued that a woman was not a 'person', relying on the long-established common law principle that no woman should hold a public office, and the action failed.

It was an Irish woman, Georgina Frost, of Sixmilebridge, Co Clare, who was the first to successfully challenge the prohibition of

women to hold public office in Ireland or Great Britain. Frost brought her case to the High Court and the Court of Appeal, before eventually finding satisfaction at the House of Lords. She was finally named clerk of the petty sessions for the district of Sixmilebridge and Newmarket-on-Fergus in 1920.

During the First World War, women fulfilled many of the jobs previously held by men who were away fighting at the front. The experience shifted public opinion towards the belief that women could fulfil a variety of roles in society, and led to the publication of the

Barristers and Solicitors (Qualification of Women) Bill 1919. That bill evolved into the *Sex Disqualification (Removal) Act*, which also gave equal access to voting, public functions, jury service and civil posts to both sexes.

The act became law in Britain and Ireland in 1919 and finally recognised women as 'persons', enabling Frost's petty sessions clerk appointment – and all the appointments of women that came after her.

Proud Mary

Mary Dorothea Heron was admitted as Ireland's first woman solicitor in 1923.

Heron worked at her uncle's firm in Belfast until 1946, mainly doing probate work. This was not unusual. There was a perception in these early years that women solicitors were largely engaged as assistants in conveyancing or probate work. In fact, many of these women did not hold practising certificates, which was a convention permitted by the Law Society at the time.

The number of women solicitors was very small from the 1920s through to the 1950s. Eric A Plunkett (secretary to the Law Society from 1942-1973) noted

that, from 1923-1953, only 107 women had been admitted to the solicitors' profession and remarked: "The number, however, is increasing, although in proportions still too small to cause alarm to the advocates of male predominance in the profession."

The number of women slowly started to climb in the 1960s. In 1960, no female solicitors were admitted to the role, and only 39 female solicitors were admitted over the entire decade. In contrast, 273 men were admitted during this period.

The women's movement and the expansion of higher education through the 1970s and 1980s served to drive up the number of women entering the profession. From the mid 1990s, the number of women entering the profession started to exceed men, and it has been expected for some time that, eventually, women would become the majority.

Other professions not traditionally regarded as careers for women have seen a similar move towards equality, though not to the same extent as the solicitors' profession. Chartered Accountants Ireland reports that 39% of its members are female. The Medical Council of Ireland states that 41.3% of doctors are female.

But does it matter? Will the fact that there is now a female majority in the profession change it in any way?

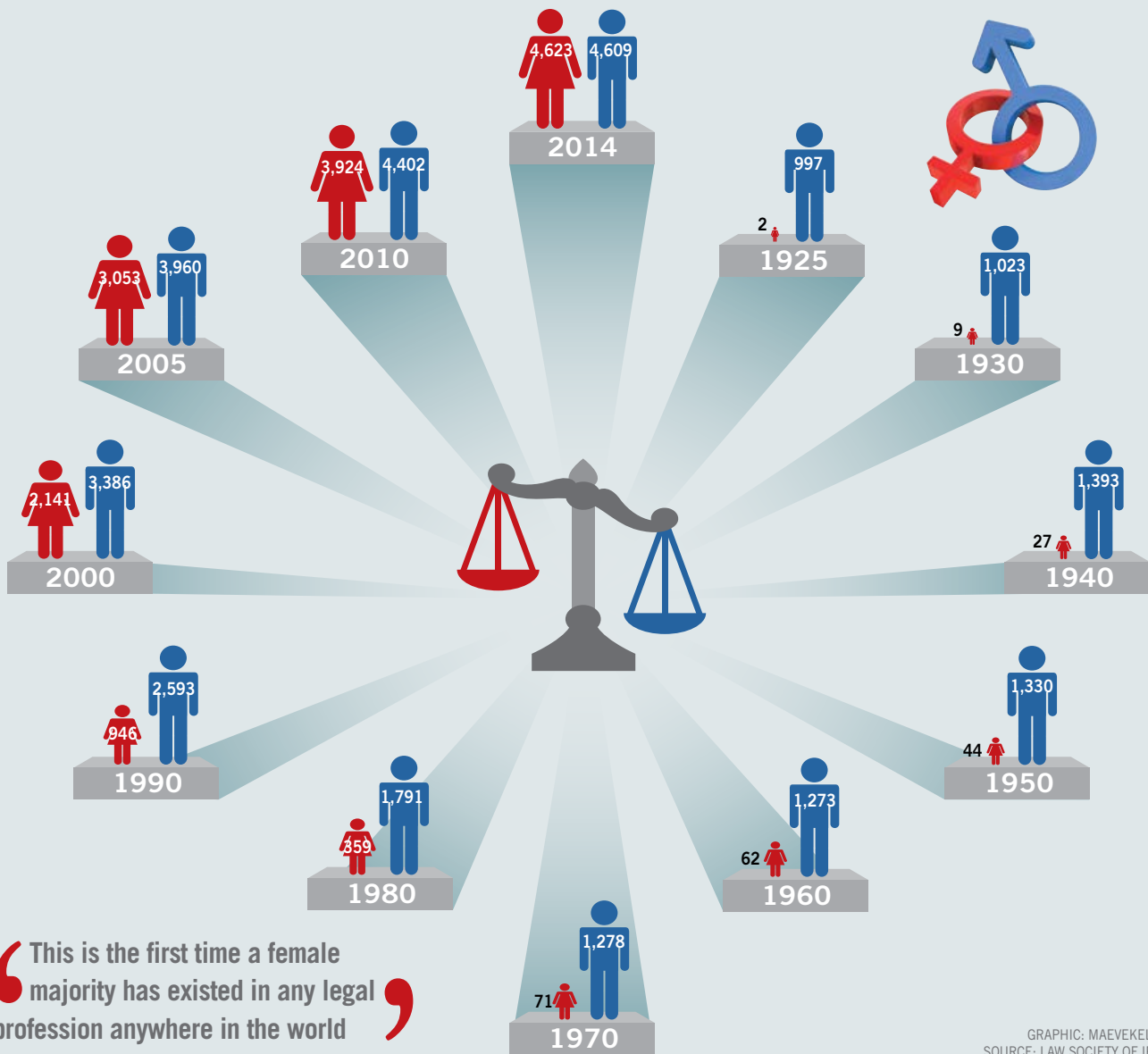
"I don't think it changes a thing," says director general Ken Murphy. "Lady Justice is blind, and all are equal before the law. Being a solicitor takes intelligence, determination and hard work – gender doesn't come into it, nor should it. However, I do think this current balance is something we can be proud of – that within 90-odd years, women have moved from being excluded from our profession to a point of perfect equality."

You've come a long way baby

Women currently dominate the State's senior appointments in law and justice. Last year saw the appointment of the first female Garda Commissioner,

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NUMBERS OF FEMALES AND MALES WITH PRACTISING CERTIFICATES SINCE 1925



Nóirín O’Sullivan, and the third female Minister for Justice, Frances Fitzgerald. These appointments can be added to the first woman Chief Justice of the Supreme Court, Susan Denham; the first woman Director of Public Prosecutions, Claire Loftus; the first woman Chief State Solicitor, Eileen Creedon; and the first woman Attorney General, Máire Whelan.


Geraldine Kelly (Geraldine Kelly & Co, Solicitors) and former president of the Dublin Solicitors’ Bar Association, qualified in 1988 and has witnessed the rise of women first-hand. “It makes me very proud, as a female solicitor,

to see so many women achieving such success,” she says. “However, I don’t know if having a female majority in the profession will change it in any way – I haven’t noticed any changes yet.”

Norma O’Sullivan, who qualified in 2013 and is a solicitor with KPMG Legal Services, is grateful for the women who have so capably forged a path for her and other young female solicitors: “There have been several high-profile women in the legal profession who have set a high bar for young female law graduates, giving us the inspiration and confidence to refuse to be restrained by gender,”

she says. “With the benefit of higher education, travel and a wider range of work experiences, today’s young Irish female solicitor is confident, highly ambitious, and less concerned about stereotypes or obstacles, with career progression being very much her focus.”

The first female president of the Law Society, Moya Quinlan (1980/81), who qualified in 1946, has said that women lawyers are “lawyers who just happen to be women”. She says the fact that she is a woman has not made her experience as a lawyer any different than a man’s. When told that

women are now the majority of the solicitors’ profession, she did not want the issue to in any way divide solicitors: “The legal profession is going through a rough time,” she said. “Focusing on men and women is a waste of time. We are all lawyers. What we need is a united profession.” 

The author wishes to thank Mary Redmond for her chapter, ‘The emergence of women in the solicitors’ profession in Ireland,’ in The Law Society of Ireland, 1852-2002, edited by Eamon G Hall and Daire Hogan, which heavily informs the historical analysis in this article.