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Law

Transgender Zeitgeist is now reaching law’s mainstream

The legal profession may be traditional but it’s embracing transitioning finds **Catherine Baksi**

A shift in the cultural zeitgeist – triggered by Bruce Jenner, a US Olympic gold medalist and reality TV star, announcing his identity as a trans woman called Caitlyn, and the success of British film *The Danish Girl* – propelled transgender issues into the mainstream.

This increased visibility, however, belies the reality that transgender people have been around for years quietly getting on with their lives under the radar – including in the law. “The year 2015 was the year of trans,” says Rachel Reese, who was until last year production director of legal courses at the University of Law and transitioned while working there in the early 2000s.

It remains potentially traumatic the House of Commons women and equalities committee reported that many trans-people experience high levels of transphobia and a third of trans-adults attempt suicide. Yet the law and legal profession appears to be a safe place, where being trans is no bar to the bench, silk or partnership.

Caroline Harrison, QC – a barrister at 2 Temple Gardens (2TG) chambers in London, who was appointed silk and elected a bencher at Lincoln’s Inn – recalls the “very deep terror” she felt before telling colleagues and clients about her planned change. However, she says that she met “not just acceptance, but positive support and encouragement,” adding: “I’ve never been busier than I am now.”

Mentoring from a City lawyer who was a year ahead of her in the transition process, she says, was crucial. “It reassured me and helped chambers develop a plan for disseminating the information.”

Speaking at last month’s launch of FreeBar, a network of chambers backed by the Bar Council and Stonewall, the charity, supporting LGBT+ (lesbian, gay, bisexual, trans, plus straight allies) barristers. Harrison quoted from the autobiography of trans professor, Jennifer Boylan, explaining the “three-stages” for trans women as: “Stage one: Wow, that guy looks weird; Stage 2: Wow, that guy looks really weird; Stage 3: Man, that chick looks ugly.”

She included the quip in the letter sent to colleagues explaining her transition. While it could be dismissed as a self-deprecating cheap gag to encourage people “onside”, Harrison says, taken seriously, it encapsulates many trans fears.

Coming into chambers for the first time in her “identified gender”, Harrison remembers that the clerks had changed the name-board to her new identity before she arrived. “That was impressive; it was caring and I was very touched.” Her chambers also prepared a glossary to help members with the appropriate terminology.

Using the correct vocabulary and pronouns might sound simple, but says Reese, who is on the committee of the Law Society’s LGBT Lawyers Division and contributed to the society’s “working with transgender employees” practice note, said: “Firms are terrified of the terminology. It is always in flux and has got very complicated.”

Trans inclusion will become particularly important for firms looking to be listed in the Workplace Equality Index, published by LGBT rights charity Stonewall. From 2018 gender identity criteria will count towards overall score and ranking in the Index. It will not be possible for an organisation to be a Top 100 Employer without demonstrating its trans credentials.

“The law is an enlightened profession and firms are already making progress,” says Reese.

However, one London barrister, who transitioned from female to male while at law school in the 1990s, and who prefers to be anonymous, cautions against complacency.

While he has not encountered trans-related prejudice from barristers, he recounts that a former head clerk disclosed his trans background to clerks of a new chambers without his permission, leading to gossip in the clerks’ room.

He hopes this would not happen



Films such as *The Danish Girl* have increased visibility but transgender people in the law such as Caroline Harrison, QC, below left, Claire Fielding, below middle, and Rachel Reese, below right have been quietly getting on with their careers.



now, but believes a trans background is “handled with differing levels of sensitivity depending on the person discussing it.”

Claire Fielding, a planning partner at Gowling WLG, transitioned in the

and they changed my name on all my records,” she says

Before her transition, Fielding feared she would be ostracised. But she found that she became the “most popular person on the block” and was affectionately named “The New Lady of Thread Needle Street”.

When she moved into law, Fielding told City law firm Slaughter and May – who funded some of her studies and with whom she qualified – about her transition. Despite its conservative reputation the firm was, she says, “completely cool about it”.

Fielding joined Herbert Smith first and then Gowling; and initially told neither about her trans identity. But when she did, says both were “totally accepting”.

Not all feel able to or choose to “come out” in their professional lives for whatever reason. Noted human rights solicitor David Burgess – also known as

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early 1990s while working as an analyst at the Bank of England by day and studying law exams by night. “In the days before anyone had policies on this sort of thing, the Bank took it completely in its stride and was sensible about it. I had a new photograph done

Sonia Jardiniere – who was responsible for landmark judgements in the House of Lords and European Court of Human Rights, and who died in 2011, maintained his male identity at work.

The move towards greater visibility are greatly welcome, Fielding says. “I thought I was the only person in the universe going through it. How amazing would it have been if I’d known when I was transitioning that there were others and that a trans person could not just hold down a job, but be successful.

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