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## Monica Geikie Cobb, First Woman Barrister to Appear in Court, 1922

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CAROLINE DERRY

On 1 December 1922, Monica Mary Geikie Cobb became the first woman barrister in England and Wales to appear in court. She had qualified as a barrister on 22 November that year, one of the first small cohort of women to do so intending to pursue a legal career. Their success followed a long battle for admission into the legal professions, against resistance by the professional bodies. It became possible only after the Sex Disqualification Removal Act 1919 became law, opening the legal professions, magistracy and juries to women.

When Cobb won her case at the Birmingham Assizes just nine days after qualification, that success did not only represent a milestone in women's entry to the legal professions and a personal triumph. It also, thanks to press interest in the occasion, played a vital part in shaping public perceptions of women barristers, confirming that they were capable professionals. Cobb's court appearance was thus one significant step in a much longer process that continues today.

### I. Life

Cobb was born in 1891, the third child of the Rev Dr Geikie Cobb. He was an active supporter of the women's movement, favouring women's ordination and supporting the Order of Women Freemasons; he was later to speak at Emmeline Pankhurst's funeral. It is unsurprising, then, that Cobb was able to pursue higher education. After graduating from University College London (UCL) with a BA in Philosophy in 1914, she returned four years later to take her LLB, which she completed in 1921.<sup>1</sup>

Cobb had worked during the First World War, and then through her LLB and Bar examinations, as Joint Secretary of the Professional Classes War Relief

<sup>1</sup> Caroline Derry, 'Cobb, Monica Mary Geikie (1891–1946)', *Oxford Dictionary of National Biography* (8 November 2018).

Council. She received an MBE for her work.<sup>2</sup> Among the many bodies represented on the Council, which aimed to relieve distress among the professional classes through practical assistance, were the Barristers' Benevolent Association, General Council of the Bar, National Union of Women's Suffrage Societies and National Union of Women Workers, suggesting possibilities for useful connections for her future career.<sup>3</sup>

She was called to the Bar by Middle Temple in November 1922: an event that marked her qualification as a barrister.<sup>4</sup> Her subsequent appearance for the prosecution at Birmingham Assizes was widely reported in the press. Articles recorded how she successfully prosecuted bricklayer Thomas Fallow for bigamy, but they showed more interest in the novelty of the woman barrister. However, despite this initial success, establishing a legal practice was not easy. Cobb found a pupillage with Theobald Mathew, whose other pupils would include the future Lord Diplock, Lord Hailsham and Clement Attlee, but she seems to have struggled to find work. She registered for a PhD at UCL in 1925, which suggests that she was contemplating leaving the Bar for academia, but did not continue her degree after being appointed deputy chairman of London's Court of Referees in 1926.<sup>5</sup> This appointment, with its fee of 2½ guineas a sitting for hearing cases under the Unemployment Insurance Act 1920, seems to have enabled Cobb to remain at the Bar. Although details of women's legal practice are scant, it seems that Cobb became the most successful of her cohort, specialising in commercial cases.

## II. Context

Women had been struggling to enter the ranks of lawmakers – lawyers and politicians – for over half a century by the time Cobb was called to the Bar. The fight for the vote is relatively well known.<sup>6</sup> The legal profession proved no less resistant: women had been studying law at university since the 1870s but could not enter the professions.<sup>7</sup> The four Inns of Court (Inner Temple, Middle Temple, Lincoln's Inn and Gray's Inn), which controlled admission to the Bar, and the Law Society, which fulfilled a similar role for solicitors, adamantly refused to admit women. The first requests, in the 1870s, were rebuffed by Lincoln's Inn and the Law Society. Eliza Orme sidestepped these restrictions and opened her own office in 1875, doing legal paperwork for male lawyers.<sup>8</sup> Cornelia Sorabji was the first woman to study

<sup>2</sup> *Third Supplement to the London Gazette* (30 March 1920) 3822.

<sup>3</sup> Professional Classes War Relief Council, *Professional Classes War Relief Council* (1914).

<sup>4</sup> 'Calls to the Bar' *Solicitor's Journal and Weekly Reporter* 67 (25 November 1922) 115.

<sup>5</sup> The Court of Referees reviewed disputed decisions about unemployment benefit claims.

<sup>6</sup> See '**Representation of the People (Equal Franchise) Act 1928**'.

<sup>7</sup> Rosemary Auchmuty, 'Early Women Law Students at Cambridge and Oxford' (2008) 29 *Journal of Legal History* 63.

<sup>8</sup> Mary Jane Mossman, *The First Women Lawyers: A Comparative Study of Gender, Law and the Legal Professions* (Hart Publishing, 2006).

law at Oxford University, taking her postgraduate Bachelor of Civil Law examinations in 1892, but could not be called to the Bar and was only able to practise in the Indian courts after being given special status to do so.<sup>9</sup> Bertha Cave's appeal against rejection of her application to join Gray's Inn in 1903 was heard and refused by a panel of judges in the House of Lords.<sup>10</sup> Noted suffragette Christabel Pankhurst responded to her rejection by Lincoln's Inn by co-founding the Committee for the Admission of Women to the Legal Profession in 1904. Another clergyman's daughter, Gwyneth Bebb, lost her case against the Law Society in 1913.<sup>11</sup>

While some women won the vote in 1918, the legal professions remained closed. Among the women challenging their exclusion was Helena Normanton, a suffragette with longstanding ambitions to become a barrister. She applied to join Middle Temple and was refused; while her petition against this decision awaited a hearing, the Sex Disqualification (Removal) Act 1919 received the Royal Assent on 23 December. Thanks to her relationship with the Middle Temple, the treasurer's office opened specially to admit her.<sup>12</sup> Other women, including Cobb, followed at the first opportunity, in the New Year. The legislation applied throughout the United Kingdom, and indeed lawyers qualified earlier in Scotland and Ireland: in 1920, Madge Easton Anderson was admitted as a law agent (solicitor) in Scotland, while Frances Kyle and Averil Deverell were called to the Irish Bar in 1921.<sup>13</sup> In England and Wales, the first woman solicitor, Carrie Morrison, was admitted in December 1922.<sup>14</sup> **Ivy Williams** had already become the first woman barrister in May 1922 but never practised. It is not known why Cobb was the first of the 10 women called in November to be briefed, but the explanation may lie in her father's connections with solicitors who supported the women's movement.

### III. What Happened Next

Cobb's court appearance was a landmark not just because it was the first by a woman. It also set the tone for women's entry into the courtroom – and that

<sup>9</sup>Mary Jane Mossman, 'Cornelia Sorabji (1866–1954): A Pioneer Woman Lawyer in Britain and India' (2019) 29 *Women's History Review* 737.

<sup>10</sup>Judith Bourne, 'Cave [Married Name Altof], Bertha (1881–1951), Campaigner', *Oxford Dictionary of National Biography* (8 November 2018).

<sup>11</sup>*Bebb v The Law Society* [1914] 1 Ch 286; Rosemary Auchmuty, 'Whatever Happened to Miss Bebb? *Bebb v The Law Society* and Women's Legal History' (2010) 31 *Legal Studies* 199; and see generally Mossman, n 8; Patrick Polden, 'Portia's Progress: Women at the Bar in England, 1919–1939' (2005) 12 *International Journal of the Legal Profession* 293.

<sup>12</sup>Judith Bourne, 'First Woman to Be Admitted to an Inn of Court, Helena Normanton, 1919' in Erika Rackley and Rosemary Auchmuty (eds), *Women's Legal Landmarks: Celebrating the History of Women and Law in the UK and Ireland* (Hart Publishing, 2019) 147.

<sup>13</sup>Liz Goldthorpe, 'First Woman to Practise as a Barrister in Ireland and the (Then) United Kingdom, Averil Deverell, 1921' in Rackley and Auchmuty (eds), n 12, 175.

<sup>14</sup>Elizabeth Cruickshank, 'First Woman Solicitor in England and Wales, Carrie Morrison, 1922' in Rackley and Auchmuty (eds), n 12, 183.

mattered, because their appearances would remain a matter of lively press interest for some years. National papers reported women's first appearances in murder trials, in the higher courts and so on, but local papers were equally interested in the first women to appear in their local magistrates' courts.

The press attention was unhelpful to these women as they sought to establish a practice, since clients rarely welcomed the media spotlight and the Inns frowned upon any hint of self-publicising by barristers. Common themes, already apparent in the reports of Cobb's courtroom debut, did little to challenge sexist stereotypes. The focus in many news stories upon women's appearance was patronising: Cobb was depicted as 'trim and neat, in her perfectly fitting silver horse-hair wig and black gown'.<sup>15</sup> They frequently pretended a condescending surprise that women could contain their supposed natural loquaciousness, finding it necessary to point out that Cobb 'was the soul of brevity'. In retrospect, however, it is apparent that the critical element of the press appraisal was its conclusion that Cobb 'confined her remarks to essential points in the charge, every one of which she drove home with clarity and force'.<sup>16</sup> She thus challenged stereotypes of women as lacking the intellectual focus and precision needed for law. Key criticisms of women barristers were therefore countered at the outset, helping to pave the way for her own and others' careers. Like many barristers of the period, Cobb moved away from criminal cases as she gained in experience. She became a specialist in commercial law, and thus also challenged the assumption that women would make their careers in more 'feminine' fields of law.

That is not, of course, to say that women barristers' struggles were over. Having achieved the landmark of qualification, they faced a continuing and uphill battle for work. Barristers are self-employed, so their workload and income depend upon their being briefed in individual cases. Establishing themselves was not easy for most barristers, but particularly difficult for women who faced sexism from clients, solicitors and the chambers clerks who allocated work, as well as the threat of press scrutiny. In 1937, Cobb's peer Ethel Bright Ashford expressed her doubts that 'many women ... were making a large, or even a subsistence living out of their practices'.<sup>17</sup> Unsurprisingly, some of the first women to qualify soon left the profession. Others remained at the Bar but did not make a living there, relying upon private means or other work such as journalism.

The number of practising women barristers remained tiny until late in the twentieth century. Today it is significantly higher but barriers remain, particularly at the higher levels of the profession. Fewer than a third of barristers with over 15 years' experience, and fewer than a third of judges, are women. They make up only 17 per cent of King's Counsel (senior barristers recognised for their advocacy and experience).<sup>18</sup> At the time of writing, there are three times as many men called

<sup>15</sup> 'Women Lawyers' *Aberdeen Press and Journal* (4 December 1922) 3.

<sup>16</sup> *ibid.*

<sup>17</sup> Portia 'House and Home', *Hull Daily Mail* (22 December 1927) 10.

<sup>18</sup> Ministry of Justice, 'Diversity of the Judiciary: Legal Professions, New Appointments and Current Post-Holders' (Ministry of Justice, 2020) 11–18.

David as there are women among the 12 Supreme Court Justices: in fact, there is just one woman, Lady Rose.<sup>19</sup>

#### IV. Significance

In a common law system such as that of England and Wales, the law is shaped by the cases that are appealed and the ways in which counsel argue them and judges decide them. Women's exclusion from the Bar thus cut them off from this aspect of law-making as thoroughly as their inability to vote or stand for Parliament excluded them from the legislative process. There were also more immediate implications: a woman appearing in court (whether as a party or a witness) would find herself in masculine territory. The lawyers, court staff, judges and jurors would all be men. They would listen to, cross-examine her on, and make judgments about the most intimate areas of her life without relevant lived experience or attention to women's subjectivities. The courtroom could therefore be a hostile space for individual women, while the law it ultimately developed took little account of their perspectives.<sup>20</sup>

That did not change overnight once Cobb stepped into Birmingham Assize Court, but her appearance did mark the start of a crucial shift. Far too slowly, but inexorably, women have risen through the ranks of the legal profession. We had to wait until after the interwar period for the first women King's Counsel (Rose Heilbron and Helena Normanton, 1949)<sup>21</sup> and first woman High Court judge (Elizabeth Lane, 1965),<sup>22</sup> while the first Black woman High Court judge, Dame Linda Dobbs, was appointed only in 2004<sup>23</sup> – the same year Brenda Hale made history as the first woman Law Lord (and later, Justice of the Supreme Court).<sup>24</sup> Women's presence in the judiciary, however slowly it has been attained, matters. Its importance is manifest not only in feminist judgment projects that reimagine key legal rulings, but also in the actual feminist judgments of women such as Lady Hale.

The law has not been magically transformed by the admission of women into its professions. Feminists remain rightly cautious about its seductive promises, which are often diluted or distorted in practice. Nonetheless, key advances have

<sup>19</sup> In October 2023 it was announced that the King had approved the appointment of Lady Justice Simler.

<sup>20</sup> See, eg, Helena Kennedy, *Eve Was Framed: Women and British Justice* (Vintage, 1993); Helena Kennedy, *Eve Was Shamed: How British Justice Is Failing Women* (Chatto and Windus, 2018); Ngaire Naffine, *Criminal Law and the Man Problem* (Hart Publishing, 2019).

<sup>21</sup> Laura Lammasniemi, 'First Woman to Hold Regular Judicial Office in England and Wales, Rose Heilbron, 1964' in Rackley and Auchmuty (eds), n 12, 257.

<sup>22</sup> Judith Bourne and Frances Burton, 'First Woman High Court Judge in England and Wales, Elizabeth Lane, 1965' in Rackley and Auchmuty (eds), n 12, 271.

<sup>23</sup> 'High Court Gets First Black Judge' *BBC News*, 2 September 2004.

<sup>24</sup> Erika Rackley, 'First Woman President of the UK Supreme Court, Brenda Hale, 2017' in Rackley and Auchmuty (eds), n 12, 645.

been made – and they have been achieved largely because women do now have an increasingly powerful voice in the legal system. The process is by no means complete (nor is progress steady or certain), but that does not diminish the importance of its beginning: when Monica Geikie Cobb stepped into a court and, under the scrutiny of the press and the profession, demonstrated that women could hold their own in the hitherto masculine domain of the courtroom.

## Further Reading

- Rosemary Auchmuty, ‘Whatever Happened to Miss Bebb? *Bebb v The Law Society* and Women’s Legal History’ (2010) 31 *Legal Studies* 199.
- Caroline Derry, ‘Cobb, Monica Mary Geikie (1891–1946)’, *Oxford Dictionary of National Biography* (8 November 2018).
- Rose Pearson and Albie Sachs, ‘Barristers and Gentlemen: A Critical Look at Sexism in the Legal Profession’ (1980) 43 *Modern Law Review* 400.