

Black Firsts in British Law

By
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The Black Firsts in British Law project at the University of Sheffield School of Law carried out interviews with Black lawyers who achieved ‘firsts’ in various legal professions. The interviews were conducted by several students and me during spring and early summer 2014. We interviewed lawyers of Caribbean and African backgrounds who have reached top positions in the judiciary, prosecution service and policing, and in-house counsel in financial services and city government. We asked them about the barriers they encountered along the way and their strategies for overcoming them.

Rationale

The project was informed by an earlier project completed in the United States. In 2003/4, I interviewed 27 African-American firsts in North Carolina. Most of those interviewed worked in some aspect of criminal justice: judges, public defenders, detectives, police chiefs, youth justice providers, prosecutors, prison managers and sheriffs. They spoke about barriers based on ‘race’ as well as gender and class. Almost all of them had first-hand knowledge of life in segregated society; many had been active in the civil rights movement. When asked strategies for success, they mentioned churches and HBCUs—historically-Black colleges and universities.

Somewhere I read about Michael Fuller, who became Britain’s first Black chief constable in 2004. It raised several questions. What were the strategies for success among Black lawyers in the UK? Could the church have been as important? What about the lack of Black universities? What about other strategies? When LERN agreed to fund my proposal, I recruited some law students to help with interviews, and we began to look for the answers.

The Black Firsts in British Law project had two primary aims:

1. To learn about the operation of law in a diverse society. We wanted to understand barriers to career progression in legal professions, and to map strategies for success.
2. We wanted to explore this aspect of Britain’s legal heritage. The interviews document notable achievements and detail the role of Black lawyers in legal history.

Given the importance of this to legal education, it was essential to include students. Students contributed to each part of the research, from identifying firsts and producing transcripts of interviews. The students had a chance to firsts and I got a chance to see what the students made of the firsts.

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Methods/problems

In the autumn 2013, I invited students in my seminars to contact me if they were interested in participating in a research project involving interviews with Black firsts. Several students did so, I interviewed them, and we formed what became the interview team for the project: Doug Scott, Sanna R. Aslam, Amy Richards and Ellen Bower. As a second-year student, Ellen Bower was eligible to apply for the SURE scheme, the Sheffield Undergraduate Research Experience, and her application was successful. The SURE scheme provided her with a stipend for eight weeks during summer 2014 and she helped with management of the project.

We identified persons to interview from information available on the internet. Many were listed in the Debo Nwauzu's *Black Law Directory*. We made contact by letter, by email, and followed up by text message and telephone. We sent a letter explaining the project, and the questions in advance of the interview, and we explained that those we spoke to that they would receive a transcript of the interview and have the opportunity to make corrections.

The interviews paired me with one of the students. The interviews consisted of 10-15 open-ended questions; they ranged from 45 minutes to 90 minutes. Most took place in London, in offices, and occasionally, a café or coffeehouse. We asked if we could record the interview with a digital voice recorder, and all agreed, except for one person. (I took notes and the person interviewed made additions/corrections.) The students then prepared a transcript and sent it to the person for review. Some made no changes, some minor changes, and a few made quite a few changes.

Person	Current position	Significant achievement	Place of interview
Paul Boateng	House of Lords	One of first 'Black' MPs; first 'mixed-race' Cabinet minister	London
Charlotte Boaitey	Head of Chambers, 12 Old Square	Only Black woman to head her own chambers (took over from Mavis Gibson, first Black woman to open her own chambers)	London
Patricia Dangor	High Court of Bermuda	First Crown Court judge of Caribbean origin, 1999-	London
Michael Fuller	Chief of HM Crown Prosecution Service Inspectorate	First Chief Constable, Kent 2004	London
Linda Dobbs	LBD Associates	First Black lawyer on High Court, 2004	London
Gifty Edila	Director of Legal Services, Borough of Hackney	First Black woman in-house legal counsel for London borough	London

Barbara Mensah	Judge, Luton Crown Court	First Crown Court judge of African origin, 2005	Luton
Debo Nwauzu		Founder of Black Law Directory	London
Sandie Okoro	General Counsel, HSBC Asset Management	One of the first Black women in-house counsel in financial services	London
Grace Ononiwu	Chief Crown Prosecutor	First Black Chief Crown Prosecutor	Birmingham
Carol Taylor	Regional Employment Judge, London East	First Black Regional Employment Judge	London

This model of a face-to-face interview involving staff and student interviewers had two advantages.

1. It enabled learning from those we interviewed: about their career progression, about Black legal history in the UK. The firsts enjoyed engaging with the students and it made for a productive atmosphere.
2. It also had the advantage of allowing me to learn from the students who assisted with the interviews: what they made of their personal encounter, the significance of Black firsts in a diverse society. The students had the chance to visit the House of Lords, Supreme Court, Lincoln's Inn and other British legal landmarks.

We did encounter some problems:

1. Contact information. For some individuals, contact information was readily available on the worldwide web. For others (retired individuals, for example), it was difficult to come by. I made a trip to Durham when I heard Linda Dobbs was giving a talk there so that I could meet her. I wrote to the High Court in Bermuda to reach Patricia Dangor in London.
2. Consent. Many individuals readily agreed to be interviewed. They were already 'public personalities' and quite comfortable with answering questions about their professional lives. Some were reluctant; they had not sought a presence on the web, had not thought about the significance of being a 'first', or both. This required a vetting process through a third party who knew the person to be interviewed and could explain my interest. I established contact with one of the judges through a judge in Sheffield. I was introduced to one first by another—Linda Dobbs, Paul Boateng, Barbara Mensah, Carol Taylor and Gifty Edila were especially helpful in this way.
3. Late start. The late spring/summer start made it more difficult to involve the students. After exams, they went home. So, we had to work around arriving at the same destination from different starting places.

4. Schedule changes. The persons interviewed were busy people with schedules likely to change. More than once, the date or location of the interview changed. This meant purchasing new railway tickets, pursuing a refund for old tickets (where we could). We planned to go to Chelmsford and ended up needing to go to Birmingham; we travelled to Luton twice; we rescheduled trips to London more than once.

Key Findings

In addition to producing material about Black legal history in Britain, the interviews yielded quite a number of findings about overcoming barriers.

1. Nearly all made a point of saying barriers along racial lines remain, although lawyers from ethnic-minority backgrounds starting out now will not experience them in the same way as the generation of firsts that made the initial breakthroughs. The 'first' make it more likely there will be a 'second', a 'third' and so on; but the fact of a first does not mean there are no more barriers or resistance to overcome.
2. A number spoke of lack of confidence, being reluctant to try at first, or being sceptical that they would be considered. 'Feeling that you don't belong', as Grace Ononiwu put it, was a significant barrier that had to be broken.
3. When asked, 'To what do you attribute your success?', legal education barely received a mention. Gifty Edila emphasised this, but she was the exception.
4. Most often, Black firsts identified family background as the reason for their success. Professional networks, such as those organised for women in the judiciary, were important. Carol Taylor, Barbara Mensah, to name a few, mentioned this.
5. Mentors to a lesser extent. Many said they did not have a formal mentor or single role model, but said they would not have tried if they had not been encouraged by someone in the legal profession. Most stressed the need for mentors now. Barbara Mensah, Michael Fuller, Linda Dobbs, Gifty Edila—most, in fact, have been especially generous in working with new talent coming up through the ranks.
6. It came as a surprise that so many Black firsts were women—Linda Dobbs, Barbara Mensah, Patricia Dangor, Grace Ononiwu, and the list goes on (Patricia Scotland, for example). This is counter-intuitive, given the research on cumulative disadvantage, but it does seem that the kinds of barriers in place in the British legal profession during the past 10 years or so have made it less difficult for Black women than for Black men. As important as the argument is for more women in the judiciary (Erika Rackley has made the point effectively), I would emphasise the significance of getting Black men in the judiciary.
7. The empire was, surprisingly, important. Several firsts—Paul Boateng, Patricia Dangor, Charlotte Boaitey, Barbara Mensah—talked about growing up in the

West Indies or Africa; they had relatives who were already lawyers so it seemed a logical career choice. Looking at this the other way around, it suggests there is something disabling about being Black in the educational system in Britain.

8. Another surprise: religion. Paul Boetang and Charlotte Boaitey emphasised their Christian background. Others did not mention this at all. But I think it's a mistake to assume it does not matter.

Value/impact

There are several implications for legal education, I think. The ideals surrounding the legal profession—pursuing justice, advocacy, etc—attract and motivate young people. Gifty Edila and Sandie Okoro both mentioned the *Crown Court* TV series as their initial motivation for studying law. Students are familiar with the statistics about the difficulty of getting a training contract and so on; they have been told of the difficulties ahead. But all students, and not just those from widening participation backgrounds, need encouragement and confidence building. Mentors, in the sense of people who made a difference for Black lawyers, included White English women, Jewish men, and others. In other words, all legal professionals have the potential to help, whether 'ethnic minority' or not. One further benefit: We learned of at least a dozen more firsts, less well known perhaps, that would be extremely beneficial to interview.

Planned/completed diffusion

So far the Black Firsts in British Law project has yielded presentations at several academic conferences:

- Veronica Cano and Paul Knepper, 'Latinas and Blacks: Comparative research across the UK and USA' American Society of Criminology, San Francisco, November 2014.
- Paul Knepper, 'Legacy of empire? Black Firsts in British Legal History' 4th Meeting of the British Crime Historians, University of Liverpool, September 2014.
- Veronica Cano and Paul Knepper, 'Latina Girls and Black Lawyers: Doing comparative research in the UK and USA' European Society of Criminology, Prague, September 2014.

Ellen Bower made a presentation, 'Breaking Barriers: Black Firsts in British Legal Professions' at the University of Sheffield SURE Scheme event, December 2014 and will make a presentation this spring in my module, Crime, Law & History, which will introduce oral history methods.

As a consequence of the Black Firsts project, I met Erika Rackley and Rosemary Auchmuty, participated in an organisational meeting for their Women's Legal Landmarks project, and will contribute to the final product. I have been asked to contribute an article on Mavis Gibson, the first Black woman to set up her own chambers in England, and Ellen Bower has been asked to write about Cornelia Sorabji, the first Indian woman called to the bar.

In addition, I plan to write an article for an academic journal, the *Oxford Journal of Legal Studies* or *Modern Law Review*. The article will draw on the 'mixed legacy' model of the British Empire, developed by Kwasi Kwarteng in his book *Ghosts of Empire*. I want to include information about lawyers from ethnic minority backgrounds in the colonies, about which next to nothing has been written, so this will require some work with the Colonial Office records at the National Archives at Kew.

Finally, the model of student research into the legal profession is set to become a permanent part of the Law School offering at the University of Sheffield. I proposed a new module along these lines and it has been approved for inclusion in a new curriculum to begin next year.

Conclusions

This project, although quite small in terms of the number of persons interviewed, confirms the presence of barriers in the legal profession. These have been documented in other research by Hilary Sommerlad. The project also suggests several aspects of law in a diverse society the merit further research, such as the role of mentors, the means of confidence building, and the contribution of professional networks to career progression. Further, this project made an important start on writing the history of Britain's Black lawyers. My historical question, about how Black lawyers in Britain succeeded without the institutions available in the American context, is provisionally answered by the historic role of the inns of court and the law centres of the 1970s. But the story is only starting to be written.