

Sally Penni:

Hello and welcome to Talking Law, the podcast where you can hear barristers, judges, solicitors, managing partners and more, talk about their lives and careers.

I'm Sally Penni, MBE, I'm a barrister at Kenworthy's Chambers in Manchester, the Joint Vice Chair of Association of Women Barristers and founder of Women in the Law UK.

Before you meet today's guest, a reminder that tickets for the Women in the Law UK Annual Dinner and Conference in Manchester this November are on sale now. Please visit womeninthelawuk.com for more details.

I'd also love you to watch my recent Ted Talk, where I discuss whether love can conquer hate. Please head to Ted.com and search for Sally Penni.

Today I'm Talking Law with President of Magdalen College, Oxford, Dinah Rose QC.

Over the past 30 years, Dinah has appeared in many of the leading cases in the fields of public law, human rights, employment law, and competition law and is ranked as a 'star individual' in the current edition of Chambers & Partners for multiple areas of law.

I began by asking Dinah what led her in to law.

Dinah Rose:

I have lots of answers to this, and I'm never sure. Which is the truth.

Sally Penni:

<Laugh> Tell me all of them.

Dinah Rose:

It certainly is true that when I was a small child, I quite early on developed a burning sense of injustice and fairness and the importance of fairness. I remember an episode when I was at primary school and I think I was about six years old and a teacher sent me on an errand to find another teacher and I couldn't find them. While I was looking I opened a door where another teacher was teaching a music lesson and this teacher complained about me and said, I burst into her lesson, which was completely untrue.

Dinah Rose:

And I got told off without ever being asked for my side of what had happened. Mm. And I remember throwing the most, absolutely extreme tantrum because the outrageousness of the fact that nobody had asked me for my side or for my defense. At age six struck me as completely outrageous. And, and I think that was quite a lot of it. I also love arguing and I love the idea that you could be paid to do that as a profession.

Sally Penni:

Yes. Yes. Well, when you've done it, so, so well, but I mean, would I be writing, calling a human rights lawyer because you are set. And I, I think you're still a door tennant there.

Dinah Rose:

There. I, I'm still very much a tenant,

Sally Penni:

A tenant there. What will you class yourself as a human rights lawyer, as I was sort of thinking about the cases you've been involved

Dinah Rose:

In well, amongst other things, yes. I've done a lot of human rights cases. I've done a lot of public law cases. I've also done a lot of employment cases. Yeah. And in more recent years, probably the most important part of my practice was competition law.

Sally Penni:

All of your achievements were well whilst having three children, two children, two children. Right. I dunno why I always thought you had three children. I know you've got a dog, so maybe yeah. <Laugh> he he's counting as the third <laugh>. But deal with it. How did you manage?

Dinah Rose:

So I had my first child in 1997 and I remember when I was pregnant, I was doing an, an employment tribunal case against the QC. I was a junior barrister at time. Yes. But I had a case, it was actually about women in combat against a very senior silk who I won't name. And the, we had a preliminary hearing and I was about 12 weeks pregnant. And the court wanted to list the trial for a date when I'd be 36 weeks pregnant. And I remember my, my opponent saying, well, you can't do that. You can't. And me saying, why, why ever not, you know, being sort of actually amazed that he would think I couldn't do it. And, and I did. And I did do that hearing. And I remember cross-examining these enormous burley Royal Marine command those while I was 36 weeks pregnant <laugh> and a lot of people used to say to me, 'well, you know, you're working very hard now.

Dinah Rose:

You'll feel very differently after the baby's born'. And after the baby was born, I felt exactly the same way. I didn't feel any different. I still wanted to work. I still wanted to be at the bar. Yeah. I took some time off about five months and then I had a full-time nanny. Yeah. And with my second baby, I took only, I think about six or seven weeks maternity leave. Wow. Because I already had my nanny in place. Yeah. Paying for it. Who, you know, who I trusted and who lived next door to us. Yeah. So it was easy to go back to work. And the honest truth is I wanted to go back to work. Yeah. And you know, I, I recognize that there are lots of people who don't feel that way. Yeah. But it is the way I felt. And then when the children were five and eight, we moved house. And our wonderful nanny who'd been with us for eight years. Couldn't move with us because she wanted to live in a different part of town. Yeah. And so she left and we were interviewing nannies and my husband said, you know, I could do this job. And he gave up work and he was a house. He was a house husband for a number of years until the children had finished school.

Sally Penni:

In truth, could you both be at were, do you think?

Dinah Rose:

Well, we were for while the children were really small. Yeah. he, he was a TV producer and I was a barrister and there were times when it was really difficult.

Sally Penni:

Yes. Big jobs.

Dinah Rose:

So not, you both have a crisis on it. It is very difficult. Yes. And very stressful. We were very, very lucky in that we did have an extremely good nanny, Rachel Herford, who was our only nanny ever, and is still a wonderful person. And my parents live in London, so they were around, you know, we, we were very lucky. I had enough money to pay for good childcare and I had a supportive family. I can't really claim to have struggled.

Sally Penni:

No. And I have to say, I didn't know if you remember this, the Association of Women Barristers held an event in Grays Inn mm-hmm <affirmative> and and you spoke on the panel. And it, wasn't all positive, not you, some of the other panel members and lots of women came up to you. You were very honest and Frank about your career, how you you'd manage it. And I certainly were one of the people who found it helpful

But I'd like to back to your career - I want to ask you about if you've got a memorable case. Now, a friend of mine, who's absolutely nothing to do with the law Stacey Copeland, she's a teacher and the set of a charity called Pave the Way was a professional footballer and then subsequently a professional boxer. So you mean a lot to her. In fact, she's got a t-shirt, which I forgotten to bring.

Sally Penni:

In a memorable case to her. So she's just a lay person, but maybe we can start by you telling us about that case and why I made history and why people go around wearing the t-shirts with your on it!

Dinah Rose:

It's about Jane couch. Jane, the Fleetwood Assassin. Jane, who is a, a really wonderful person and a fighter in every sense. So she came from a very deprived background and she became a boxer. She was very talented boxer. Yes. And she fought successfully in the United States and she wanted to fight professionally in the UK.

And the British boxing board of control refused to give her a license to be a boxer. Wow. And their reason was quite blatantly because she was a woman. And they came up with two reasons for this one was that professional boxers were supposed to fight stripped to the waist. You know, you could do something about that. Yes. And the second was, and I swear, this is true. Women are emotionally unstable because they menstruate. Ugh. That was their, that was their case. So I remember this case came to me in fact, just after I'd come back from maternity leave. Oh, right. And I remember seeing it and just thinking, 'Good God, this is an amazing case. It's amazing'

Dinah Rose:

So we brought a case to an employment tribunal for sex discrimination and for unlawful restrained trade. Oh, that's interesting. Yes. Not, not something that often happens. No. and it was the most

extraordinary hearing. It was quite unbelievable. The media of course were fascinated. Yes. because at that time it was still very controversial. The idea that women might be boxers really. I mean, we, we think, you know, after the London Olympics, it was tremendously affirmative and people were really keen on women boxers. Yes. Yeah. But in the 1990s a lot of people were very hostile and they would write articles saying things like it's disgusting to see women fighting. It's Puritan, what we do. If women are injured, it's revolting, you know, people were quite viscerally, disgusted. Wow. By the idea of women as boxes. So at the hearing, the British boxing board called a doctor to give evidence that women were emotionally unstable because they menstruate. Oh goodness. Because they, so I said to him, 'so presumably on your evidence, you wouldn't want women to do lots of responsible and difficult jobs, like, you know, airline pilot or a barrister or anything like that' medicine judge. And he said, 'yes. He said, yes, absolutely'. And I said, 'well also, presumably on your evidence, it'd be a very bad idea to leave a woman alone in charge of small children'.

Dinah Rose:

<Laugh>. And, and there was just kind of laughter in court, you know, the, the kind of ludicrousness of this case they were running was, was kind of bizarre. So obviously we won.

Sally Penni:

Rightly.

Dinah Rose:

But she, she still had a really difficult time and it was really too late for her to make a career, I think, out of it.

Sally Penni:

Yeah. But that really paved the way didn't

Dinah Rose:

It for women in boxing

Sally Penni:

For women in boxing.

I want to ask you actually - have you got a memorable case, that really means a lot to you. I mean, I have a favorite case of yours, which is the one about fees for employment cases, the UNISON case, the unison case in the Supreme court. Yeah. And because that's fundamental for me probably an employment practitioner to access to justice. So I don't want to list all my favourite cases <laugh> but I wondered just for you, whether you had a case that was either a favorite or a first case or memorable, for whatever reason that perhaps you could share with us.

Dinah Rose:

Well, I'm the UNISON case definitely would be right up there as, as one of my favorites. Yeah. Because of its enormous significance for so many people, it's it? One of the most satisfying things you can do as a barrister is to be involved in a case that has a real impact on people's lives. And that case undoubtedly did. It, it gave people back rights that had been taken from them by the employment tribunal fees. And for anyone who doesn't recall it, the government introduced regulations saying that you had to pay a

fee of up to 1200 pounds yeah. To ring claims and employment tribunal. So for a discrimination came, it was 12, 1200 pounds. Yes. And the effect of this was that discrimination claims plummeted unfair dismissal as well. Yeah. But discrimination in particular absolutely plummeted because people simply couldn't afford yeah.

Dinah Rose:

To enforce their rights. And if you've just lost your job, the last thing you're gonna be able to do is pay a court fee. Yes. and the case had been argued below on the basis of European law. And I was asked, I was brought in, in the Supreme court and asked to argue the case. And I, and I said that, I thought we should refocus it to focus on the Common Law right. Of access to justice. Yes. Which I've always thought is a very powerful, right. And also, you know, I know that it's attractive to the Supreme court, that kind of common law basis for civil liberties. So we did, we argued it on that basis and, and the government very angry and kept saying things like you've completely changed the basis of your case. It just was, 'yes we have, what are you gonna do about it'? Because it's just a pure legal argument. They can't really make too much real fuss but I mean, it was quite blatant that we were arguing the case in a different way. Yes. And we had a court presided over by Lord Reed,

Sally Penni:

Current president,

Dinah Rose:

The current president. oh, actually was Brenda, no, maybe Lady Hale was presiding, but he was definitely on the court. And I knew that this line of argument would appeal to him. And so it proved, I mean the, the judgment that Lord Reed wrote in the UNISON case. Yeah. I think is one of the great judgements. It's, it's an amazing vindication of the right of access to justice. It's a fundamental Common Law. Right. And he cites all my favorite people like Blackstone <laugh> so it was, you cites Magna Carta, which I have to say, I didn't have the guts to cite <laugh> if you find yourself citing Magna Carta to the Supreme court, you are in a lot of trouble.

Sally Penni:

And then that's what I was just thinking

Dinah Rose:

But they can cite it to you. That's <laugh>

Sally Penni:

I mean, it's extraordinary. Cause you were a frequent appearer if that's even a word in the Supreme court.

Dinah Rose:

Oh yeah. I love it was my favorite tribunal. Undoubtedly. I loved the Supreme Court.

Sally Penni:

And very relaxed, no robes. Yeah. Just tell me a bit about that. All I always say the new Supreme court, I don't mean it like that. Cause previously he was in the House of Lords. Of course wasn't it. But as you

know, these are the greatest legal minds. You can't hide behind wig and go so to speak, you know, bad head or you are just there with your legal arguments. As we saw in the Prorogation Case for those who perhaps don't watch regularly, why is it one of your, well, if not your favorite

Dinah Rose:

Tribunal definitely always was my favorite tribunal and a number of reasons. Part partly I think the way the court was set up was really good. Yeah. They've always had lovely staff there who go out of their way to make you feel welcome and relaxed. Yes. And that makes a lot of difference. Yes. There was a striking difference between the Supreme court and the house of Lords. The house of Lords would look at you, like you're a piece of dirt on their shoe and you walked in because you weren't a peer, but the Supreme court was always very welcoming and friendly. So that, that was one thing. It was also a very comfortable court for an advocate. Really good facilities. I know this sounds ridiculous, but these things do make a difference.

Sally Penni:

No they do, but they do!

Dinah Rose:

It. It had on, and this is part of the culture of the court. There was a wonderful atmosphere. The judges are very bright, but they would never attack counsel. They were extremely courteous. Very thoughtful, very polite. You always felt like your arguments got a proper fair hearing. Yeah. They would ask you probing and difficult questions, but they were always fair questions. And I don't think I ever came away from a hearing in the Supreme court, whether I won or lost yes. And thought, damn, I haven't had a fair hearing.

Sally Penni:

Wow. I mean, that, that's extraordinary to say and you are all on the same level. Yeah. You know, no other court perhaps in, in well employment tribunal. You're kind of some you kind of on the same level, but do think

Dinah Rose:

That's the same, you know, they're just the quality of the judges. That's the other thing. Yes. Because I think, you know, if you do a lot of advocacy, some, some judges are better than others.

Sally Penni:

Of course they are.

Dinah Rose:

And there's nothing more frustrating than the judge. Who's not quite getting your argument. Yes. And some judges, when they don't quite get your argument, it makes them angry and frustrated. Yeah. And then they start to get aggressive and those kinds of hearings can be deeply frustrating for everybody, for the barrister, for the court, for the client and in the Supreme court, the judges are so good and that doesn't happen. Yeah. They, they might not agree with your argument. They might very politely tell you that you're going to lose. And that of course is part of the game, but you never feel like they haven't understood the point you're trying to make. You're trying to, and that makes it very satisfying.

Sally Penni:

Absolutely.

Now I want to move on. Cause there's so much I want to get through. How did you come to be where you are now, your at the bar, highly successful barrister, then you took silk. Then you, I want say you were deputy high court judge or you master, I can't deputy. I thought you were a deputy high court judge. And then suddenly you are here at Magdalen college. What's the attraction. I mean, it's a beautiful sunny day.

Dinah Rose:

You're sitting here in my

Sally Penni:

Study. I know it's, it's wonderful. I want to just go on the river and drink PIs quite frankly. But you know, as I'm here feeling, you know, all academic, actually, I can see the attraction. But I just wanted to just talk me through why you made that move.

Dinah Rose:

So I'd been at the bar for nearly 30 years. And our younger daughter went to university in 2019 and team. And with my husband, Peter, we decided that we should take a break because I've been working really hard for a very long time. Absolutely. And you know what it's like at the bar. Yeah. It's very intense. Yeah. And you know, you, you never really switch off.

Sally Penni:

No, no Ever!

Dinah Rose:

There's always something worrying you. Yeah. There's always a case coming up and you're thinking, is everything okay? Is there more I need to be doing? And then, you know, the papers come in and the papers get bigger and bigger and bigger and the cases get bigger and bigger and bigger. And the responsibility is ultimately on your shoulders. Yes. And in recent years I was leading big cases where there might be two or three silks, two or three juniors, sometimes two city law firms. Yeah. You know? And so you've got a massive team of people. Absolutely. And it's a huge amount of responsibility all the time. And, and so I thought let's take a break. And we went, we had a wonderful, wonderful holiday in New Zealand. In retrospect we timed it perfectly. This was just the beginning of 2019 <laugh>. So we had a fantastic time in New Zealand. And then we have a house in the late district, which we've had for a long time and I always wanted to spend the spring and summer in the late district.

Sally Penni:

Yeah.

Dinah Rose:

So we did that. And the idea was that I would then go back to London, go back to work. Yeah. And I realized by June, I didn't really want to go back to London. I was just loving being in the late district. Yeah. And we put our house in London on the market.

Sally Penni:

Who does that?!

Dinah Rose:

Nobody! But I just felt, it was kinda, I suppose it was a sort of midlife crisis, you know? And just at that moment. Yeah. I got a call from a headhunter about this job in, in Magdalen. So the timing was perfect. It happened just at the moment when I'd already really taken the decision that I wanted a change of direction. I wanted to do something different and I decided I didn't want to go on the bench, but while, while we were in New Zealand,

Sally Penni:

Cause I was coming to that.

Dinah Rose:

Yeah. Well, so I was, I was asked, I, I had a an email from the law chief justice asking if I would extend my tenure as a deputy. Yeah. Cause it was a four year term. And I thought about it while we were in New Zealand and wrote back and said, no, thank you. And I realized, I didn't want to do that. I didn't want to be a judge. So, you know, at that point I didn't really have any other ideas. So this, this offer sort of, I mean it was, you know, after the head on track, go through a grueling, I was going to say the selection procedure culminating in a 12 hour long selection day, the gosh, 9:00 AM - 9:00 PM. Of course the most important part was dinner. <Laugh> that's always the most important part. Absolutely. When they tell you it's all over. It sort of just came at the right moment.

Sally Penni:

And I mean, you're loving it here and you know, you are making great impact, but just because you decided not to be a judge, I wonder if I can ask you this question, you know, Lord Reed said, I think it was years ago now there must be more diversity in in the Supreme court. And he would like to see diversity before he retires. I think it's four years now left before he retires, maybe five. And of course when he said it, they had three women yeah. In the Supreme court, they now have gone backwards. Yeah. And then now only have Lady Rose.

Dinah Rose:

And still no people of colour.

Sally Penni:

Still no people of color. So why didn't you decide, you know, not, not to stay because you could, in theory be in a Supreme court, mean you still can.

Dinah Rose:

Well, there, there are lots of reasons. I, I enjoyed sitting as a judge. Yes. I very much enjoyed deciding cases. What I didn't like was the feeling of being a kind of cog in the Ministry of Justice's machine.

Sally Penni:

Yes.

Dinah Rose:

I don't think I thrive well in those kinds of institutional environments. It's interesting. We, we spend a lot of time in this country criticizing the way that America appoints its judiciary Supreme court. Yes. And you and I were discussing before we started recording. Yes we were. And Brett Kavanaugh - the circus of the confirmation hearing, particularly in his case. Yes. And the very polarized politicization of the Supreme court in the states. Yeah. And we tend to look at that rather smugly.

Sally Penni:

Yes we do. Cuz we think we're better.

Dinah Rose:

Yeah. But I think our system has almost the equal and opposite flaws, which is its lack of transparency, the secrecy of the process. Yes. And I think, you know, I don't wanna criticize any individual Judge. I've seen, I've heard a lot of very senior members of the judiciary talk about the importance of diversity and I have then seen a striking lack of any great progress certainly at the level, the Supreme court. I, I think it has to be said that the diversity of the high court and the court of appeal has improved significantly.

Sally Penni:

Yes.

Dinah Rose:

But when you look at things like the Supreme court appointment process, it's still very opaque. And I dunno if you read the diaries of Lord Hope.

Sally Penni:

Yes.

Dinah Rose:

And if you look at those together with the memoirs of Lord Dyson,

Dinah Rose:

It's very clear that there was a kind of little ganging up to stop Lady Hale being president. Yeah. And that, that was done because she was a feminist. Yes. And I wasn't very long ago.

Sally Penni:

No.

Dinah Rose:

So, you know, I think our system still has quite a long way to go.

Sally Penni:

Yeah. Yes. Well, I wonder if I can ask you about I suppose advice for young people, you know, COVID has been a disaster for everybody in many different ways, but for young people wanting to enter the profession, cause there are less places depending on what areas they want to go to. And I wonder if you had maybe quick for anybody wanting to enter law now. And, and then actually I'll move on to ask you about the retention because nutrition rates for women, underrepresented groups are still quite poor.

Dinah Rose:

Yes. I mean obviously my own experiences are, are massively out of date now. Yes. but I see the experiences of my students. Yeah. And I think there's no doubt that the bar still has a great appeal and I understand why. Yeah. and I think one of the great tragedies of the last few years is how the criminal bar is now no longer really seen as a viable career by young people. Yeah. And you can understand why totally. I you'd have to be. You either have to have a trust fund behind

Sally Penni:

Who has that?!

Dinah Rose:

Exactly. Or, or be quite mad to decide to do it be because the idea that you're actually gonna be able to make a living at clinical bar is, you know, farfetched at the moment and, and the quality of life is, is abysmal. But other areas of the bar is still very appealing. And yeah. I mean, none of this is rocket science, but I mean, a lot of my students are involved heavily in, in mooting. Yes. And I think that's still really important first because it's probably the best way to discover if the bar is right for you. If you hate mooting, you're not gonna be a barrister. Yeah. But if you discover that you enjoy it and you've got an aptitude for it, it's a pretty good indication that you would be a good barrister. And I think now postgraduate degrees are much more expected of those who want to go to the bar.

Dinah Rose:

In my day, lots of people, I mean, I I'm, I didn't even have a law degree. I did a history degree. Oh. Then I did, I did a one year postgraduate diploma. That was the only law I ever studied apart from bar school. <Laugh>. But nowadays people, you know, they, they will routinely do the BCL or a masters. Yeah. You might go to Harvard or Cambridge, you know, people are expected by a lot of chambers to have some kind of postgraduate qualification, which of course means that the amount of money you have to invest is even more.

Sally Penni:

Yeah.

Dinah Rose:

So that's definitely a factor. And the other one, which is, again, not rocket science is getting as much various experience as you can at many pupillages summer internships, just going along to your local court and watching some

Sally Penni:

Hearings. Yeah.

Dinah Rose:

There's no substitute

Sally Penni:

For that. No, no, not at all. And, and what about women? I mean, firstly, who gave, we are in a profession where you kind of wait for somebody to say, oh, have you thought about silk? Oh, have you thought about sitting? Oh, have you, is not a job where you get an appraisal of any sort. No. so where did your kind of courage come from? If I can put it that way to apply for silk or take the opportunity? Did you have mentors or sponsors? Yes. What advice would you have for perhaps women where they are leaving. Yeah.

Dinah Rose:

I mean, so, so two different things there. What, what about progression another about women

Sally Penni:

Leaving women leaving?

Dinah Rose:

Yeah. And I think so far as women leaving is concerned, a lot of that is about the, the difficult stage that a lot of women go through often, not with their first child, but with their second child. Yes. And I think there are lots of women who will continue at the bar after they have one baby, and then they have a second and everything really gets much tougher.

Now from my perspective, yeah. I've told you already that, oh, of course. I wanted to go back and, and, and I was always the main breadwinner.

Sally Penni:

Yeah.

Dinah Rose:

So the reality is I didn't have a great deal of choice. And in a way that makes it a lot easier because I think we all need not all, but most of us need two spurs to ambition. One is that what I think of as the positive impetus, I really want to do this. I really want to be the best. Yes. And the other is the negative impetus, which is, 'if I don't do this, I won't gotta pay the mortgage' .

Sally Penni:

Yeah.

Dinah Rose:

But without the financial necessity, I think the temptation to stop is very great because particularly life as a senior junior and a lot of women will be at, at that life stage when they have their second child, there'll be somewhere in their mid to late thirties. Yes. And you know, life as a senior junior is exhausting and intense and stressful. And if you've got a partner who's earning good money and is saying, you don't need to work, or you don't need to work full time or you don't need to work so hard, that's an incredibly tempting thought. And if you really don't need to do it financially, I can see why a lot

of women throw in the towel and think, you know, I, I'm not doing this anymore. It's just too painful. Yeah. Because the bar is often agony. You're often at the same time colossally stressed and colossally bored.

Sally Penni:

Yes.

Dinah Rose:

It's true. And those two emotions are not good ones. And particularly when you have both of them simultaneously, of course, there are other times when it's utterly exhilarating. Yeah. When you feel on top of the world and a lot of people will do it for those highs. Yeah. But that balance can be quite delicate when you have young children.

Sally Penni:

It can, it can. And I suspect the criminal bar, those highs are probably some of the things that I've kept so many of us at it.

You raise an important point there about wellbeing, which I was going to ask you about a bit later on, but let's deal with it now. Wellbeing of the bar let's face it. You know, we're not great at it. No. You know, the burnout rate it's pants, we've all had weeks. I mean, I was thinking about, oh gosh, you know, those cases, we, you just drink coffee. You spend all day in court, get home, have coffee, say goodnight to children. And then up the next day - out. Yeah. You know, grass, doesn't get cut all, all those other things in, in our lives. And I just wondered what you do for wellbeing, what you did do at the bar for wellbeing and what do you do now?

Dinah Rose:

Yeah. So I, I suffered a bad episode of stress in around 2004 when I was involved in a long trial in Croydon, which is not convenient. Let's be honest. And our nanny went down to appendicitis. Oh gosh. And my parents were away on holiday and we were moving house and all of these events happened simultaneously. Gosh, we had two children.

Sally Penni:

And moving house itself is the most stressful thing apparently,

Dinah Rose:

But, but everything else on top, on top. So that was, that was the most stressed I've ever been. And I became so acutely stressed that I actually had to take time off sick. Oh gosh. And it was a real eyeopener for me in, in some ways I found it utterly humiliating. Yeah. Because your first reaction as a barrister is I can't take it. Yes. And that's my weakness. Yeah. And I think we are so strongly conditioned to blame ourselves

Sally Penni:

For that. Yeah we

Dinah Rose:

Are. So I found that very difficult personally, but in the end it was enormously beneficial to me and looking back on it, I, in some ways it's a turning point of my career where I became a much more mature advocate. Yeah. Because I learned to detach myself much more from my cases. Yeah. And I think you have to put up a barrier of objectivity between you and your cases. You can't embrace every aspect of the case. You have to give yourself space. The other thing was to make sure that when I took on big and stressful cases, I had proper resources yeah. To make sure that there would be enough barristers instructed to take on the workload so that I wouldn't have to shoulder too heavy burden. Yeah. And I think sometimes we don't do that and I would, the client may not be able to afford it.

Dinah Rose:

But then the answer is 'I'm not gonna do the case'. Be because I, I don't wanna jeopardize my mental and physical health absolutely. From taking on a burden of work that I can't accommodate. So that was very important. Yeah. There were some rules that I always applied. I almost never worked late at night. I would get up early in the morning. So if I was in court, I would regularly get up at 4:00 AM. Wow. But I would always knock off six. Yeah. So I would always see my children at dinner time and bath time and have a relaxing evening. I would not go back to work after the children were in bed. I would normally be in bed quite early. Cause I would, you know, often get up very early. Yeah. And that worked for me because mentally I tend to be sharpest early in the morning. And I think that helped a lot. And the other thing is making sure that you get proper holidays and enough exercise. I mean, you know, none of this is rocket science.

Sally Penni:

No, but we just don't do it.

Dinah Rose:

Do you know, one thing that I think really improved my mental health, do you remember a few years ago when they were doing renovation work at the Temple? Yeah. And they closed Temple tube.

Sally Penni:

Yeah. They did for ages.

Dinah Rose:

I think it's about a year and a half or something. And so because they closed the temple, I started walking from Embankment through the gardens. Yeah. Which are lovely, beautiful gardens. And when the temple came back on stream, I continued to walk from Embankment because I found that 10 or 15 minutes. Yeah. So good for me, it was really enjoyable and calming and I loved just watching the way the garden would change over the course of the year. You know, the tulips would come and then the summer be would come. It was just great. Wow. So it's little things like that. Yeah. Would make a lot of difference.

Sally Penni:

Wow. I think I might try the early, early start as well. <Laugh> but I, I might

Dinah Rose:

Struggle, but not everybody is a lot.

Sally Penni:

No, no, they they're not. I want to ask you a very serious question about your faith. You're Jewish. What impact has your faith played in your professional career?

Dinah Rose:

I think the first thing to say is I think Judaism or being Jewish, is not just about faith. No, it's an, it's an ethnic identity and a cultural identity. Yes. As well. Yeah. And there are lots of atheist Jews who identify as Jews. Actually I'm not an atheist. I am practicing Jew. Yeah. But lots of people who are Jewish aren't, so it's not, it's much more complicated than just being about faith. Yeah. It's more about identification. I think that Jews are a small group, although probably more Jewish lawyers than in many other professions.

Sally Penni:

Yes. There are

Dinah Rose:

<Laugh>. And I think sometimes that can mean that they're a little bit isolated or invisible. And I, I couldn't say it have ever affected my profession or my career, but sometimes, sometimes you hear the odd comment that makes you eyebrow raise.

Sally Penni:

Yes. Yes. But what do you think about diversity in the profession? Do you think we're getting better? I mean, either the bar or even on the bench, because I'm looking for the future and I'm here in this wonderful college and thinking about your students, you know, what's your intake like, and can you confidently say, 'come to the bar? It's so much more diverse now'.

Dinah Rose:

The bar is so much more diverse when I went, mm. I mean, when I went to the bar women were a small minority and the number of women QCs was very, very small. Yes. And one of the reasons I chose my chambers, which is chambers it's now Blackstone. Yeah. At that time it was called Two Hair Court. Oh yeah. Yeah. One, one of the reasons I chose that chambers to the pupillage was that there was a woman QC there and for there to be a woman QC in a commercial set of chambers at that date was unusual. Yes. That was Barbara Doman - one of the pioneer pioneering women commercial silks. So we have definitely made great strides. I mean, I, I remember when I was a bar student attending a moot competition at middle temple where a friend of mine was mooting and there was a drinks reception afterwards. And one of the benches said to me that he thought the reason women didn't tend to succeed at the bar was because judges found their voices irritating because they were too shrill.

Sally Penni:

I feel like doing a 'shrill' now!

Dinah Rose:

Now. It's amazing. Isn't it? Howangerous so you do, you, you do get that, that, you know, that was a not uncommon view of women advocates to that date. And I think that ethnic minority barristers were

really tiny minority intended to be confined to certain sets of chambers doing certain kinds of work, particularly immigration and crime.

Sally Penni:

Yes. And, and there were classes, ghetto chambers.

Dinah Rose:

Yeah. Which is appalling when you think really appalling it's shocking. It's shocking. And, and everyone just kind of, you know, shrugged, that was the way it was. So I think things have improved and I think more for certain groups than for other groups. I think that for South and East Asian barristers, there are now significant numbers.

Sally Penni:

Absolutely.

Dinah Rose:

I think for black barristers, there's still more, more issues.

Sally Penni:

Yeah. And they're different now.

Dinah Rose:

Yeah.

Sally Penni:

Yeah. Tell me what of the ways you use your voice is on Twitter.

Dinah Rose:

That's true.

Sally Penni:

<Laugh> and I mean, sometimes it's just basically pictures of flowers, like I, the

Dinah Rose:

Dog and, and, and the dog, the, the dog and

Sally Penni:

The cat. Yes. I must say I love the, the Christmas time when there was a photo of the cat, what it Christmas cause when it snow. Yes. And it just looked so beautiful.

Cause you've got thousands of follows. I think you up to you 10,000 now can't

Dinah Rose:

Most of them are probably bots,

Sally Penni:

But are you comfortable using these platforms? Cause I think it's important that

Dinah Rose:

We'll use yes. I'm gonna regret things probably, but, but yes. I mean, I, I am very careful with what I say on Twitter.

Sally Penni:

Yeah.

Dinah Rose:

Yes. I think you'd struggle to find me getting involved in any kind of argument on Twitter. Yeah. I don't tweet about party politics and I've never tweeted about cases I'm involved in. Yeah. So I think those are two golden rules.

Sally Penni:

Absolutely.

Dinah Rose:

A lot of what I tweet is about college or about life here. Yeah. if I do tweet on any small-p political question, it will normally be about access to justice. Yeah. Or the rule of law, because I feel that is a non-party political question on which I do actually have something to say. Yeah. And it is the issue about which I feel most strongly, which is one of the reasons that the UNISON case is my favorite case. Because yeah, I think, I think access to justice is the, the fundamental right. That underlies all the others. Yes. Because if you can't enforce any right. Doesn't matter what rights you have in a constitution or in the European convention or a common law. No. If you can't enforce them, they're meaningless.

Sally Penni:

Absolutely. AB do you think the rule of law is still so important now? I mean, I agree with you about access to justice, you know, and I'm a trustee of the Access to Justice foundation. Do you think we are still as a country, very keen to enforce and reassure people. The rule of law is important exist and we as lawyers and academics are part of that process and, and, and we are important in enforcing it.

Dinah Rose:

I think the rule of law has been really badly eroded. I think that when you have a government that talks about lefty right on lawyers I mean today the prime minister has been quoted as saying that lawyers who were making submissions to seek an injunction to stop the flight to Rwanda were abetting criminal gangs. You know, that, that kind of comment being made by the prime minister is appalling yeah. In its implications. And it has become commonplace. We've had the home secretary making similar comments. I think it's devastating. Yeah. I mean, you know, it's, again, this is not a party political question. Cause David Blunkett is probably the person who started that trend. But you know, it probably reached an early high with the infamous 'Enemies of the People' headline yes. In the daily mail and, and things have only got, you know, things have never got better from, from that

Sally Penni:

Point. Mm. In which case then the independence of judges, then is crucial?

Dinah Rose:

Absolutely critical

Sally Penni:

To that. Well, we're coming towards the end now, but I want to ask you about books. Cause I love books. There's a book club of women in the law. I wanted to ask you if you've got a favorite book and if you can share it with us and why, but also if you've got a favorite legal character.

Dinah Rose:

I'm assuming the book doesn't have to be a

Sally Penni:

Legal theme. Absolutely not.

Dinah Rose:

My favorite book is probably Jane Eyre.

Sally Penni:

Yeah.

Dinah Rose:

I first read it when I must have been about 12 or 13 and the feminist message that you've got to make your own living is so fantastic. Yeah. The idea that she cannot be content to be kept by a man, she has to be financially independent. That that's what the whole theme of the book is. Yes. Yeah. And I love that and I still love it. It's a wonderful book. Legal character. I must say I was very taken with Maxine peak in silk. Yes.

Sally Penni:

I know she'll be listening to this. So she'll be delighted.

Dinah Rose:

<Laugh> I thought her performance is sort of late night frazzled, barrister, alone, raiding the fridge. You know, that that's, I think that resonates with women at the bar, even though I have to say that the court scenes in silk were never quite as realistic as the chambers scenes.

Sally Penni:

No interesting. Actually, because I know she did spend time with Helena Kennedy, at some point

Dinah Rose:

It was really the dialogue. I mean yeah. You know, the, the number of case, the number of times that, you know, suddenly the brilliant point comes at you, but <laugh>

Sally Penni:

Well, let me ask you this actually, as you raised it Maxine - she's been on this podcast. Oh, has she was? Yeah. And so she says that in her prep for that role, she found a thought that barristers were actually just like actors. Yeah. and would you agree with that?

Dinah Rose:

Totally. Yes. I mean, when I was at university, the main thing I did was acting. And I loved acting and I did seriously consider going on the stage before I realized this would be madness because I would never make a living. Yes. But I think the bar is very similar actually. Particularly the criminal bar.

Sally Penni:

Yeah.

Dinah Rose:

Yeah. I think the camaraderie that you find at the criminal bar which you don't find in the same way at the civil bar. I think it's one I love, I love criminal barristers. I love, I love the kind of the kind of Gusto, the war stories, the heavy drinking, the, you know, it's, it's wonderful. They are, they're still, they're the Buccaneers of the bar.

Sally Penni:

Yes. Yeah. All the albeit poor. Very

Dinah Rose:

Poor. Poor. Yeah. Yeah. But they were all the fun is yes. I there's a part of me that feels that I'm not a real barrister because I've never addressed the jewelry. I think that's, that's the real, that's that's the true art.

Sally Penni:

What what's despite changing laws. I mean, how many barrister say, well, you know, when we're all trying to lobby the government to increase pay and fund the system less so by our pay and it needs

Dinah Rose:

A few years ago. It be interesting. I was involved in this really fun charity event was a charity called the Shakespeare in schools foundation.

Sally Penni:

I've heard of it.

Dinah Rose:

They're they're wonderful. They, they basically encouraged school children to perform Shakespeare on professional stages. And they had a charity fundraiser where they hired a west end theater and they put McBeth on trial and they had Mr. Justice Burton was the judge and Jeremy Paxman was the foreman of the jewelry <laugh> and they had four QCs representing the prosecution of the defense. And I, and I co-defendant MC be <laugh> and Christopher was the defendant and we had so much fun and, and we had

lady McBeth as a surprise witness. Did you, Hayden, Gwen was lady McBeth. And the great fun part of it was of course it, it wasn't actually a trial. It was actually drama. Yeah. And so we could basically make whatever we wanted happen. So we cooked up this little scheme where she was gonna break in the witness box and sort of the whole horror of the blood would suddenly overtake her.

Dinah Rose:

And it was, it was just enormously good fun. And what was great about it was the feeling of collaboration. Yeah. That everyone there is a team. Yes. Doing it for the entertainment to the audience. Yes. And at the end, I think if you want to know the single reason why I moved on from the bar. Yeah. I think that is it that after 30 years, that slightly coring at the bar - that it's always adversarial yeah. Slightly gets to you. There's something slightly destructive about the bar. And the thing about the job I'm doing now is it's all about team working and collaboration and working to make this already great institution even better. Yeah. And that's enormously satisfying.

Sally Penni:

Wow. I don't want people to go and sort of leave the bar now cause make every do something, but that's really powerful. As the single reason.

Well Dinah, finally, as somebody who's appeared in so many great cases and, and Germany great course, if you like I wanna ask you about advocacy. I teach advocacy. I forgotten it. How long now to young people at the bar and can give us perhaps three tips about a good advocate. I mean, what should people be thinking about respect of advocacy?

Dinah Rose:

The first thing, and this is I'm afraid, not what people want to hear. And it's very dull is preparation, preparation, preparation. There is no substitute for that. And it is at the end of the day, what makes the difference? Yeah. The barrister who knows every single fact who has read every single case and who is right in there instantly with the floor in their opponent's argument is more likely to win. So that's the first thing. There's no shortcut to that. And you do have to work enormously hard to be a really, really good barrister. Yeah.

The second thing is I think advocacy, good advocacy about storytelling, but it's one thing to think, well, I have these three points. The question you've gotta ask yourself, especially if you're an, appelete advocate. Yeah. Is how can I mold those points into a narrative and into a narrative that takes the judge down the route that I would like them to go.

Dinah Rose:

And that's partly about working out how you're gonna order your points. Do you wanna start with the facts or do you wanna start with the legal principles or maybe an overview of the facts and then more on the law? How, how is it most attractively presented? Which one of your legal submissions do you want to take first? That's always one of the most difficult questions. Yes. There might be something that logically comes first, like a jurisdictional point. Yes. But it might not be your strongest point. And if it's not your strongest point, do you want to take it first or do you want to go straight in with your strongest point? If you do that, you're gonna telegraph to the court that you did on your jurisdictional point. Yeah. And these kinds of questions, those questions of judgment, I think are what make the difference.

Dinah Rose:

The third point is keep it simple. And the great example of this is David Pannock. Yes, the, the amazing talent of David Pannock. I mean, you know, there's so much you can say about his advocacy. Yeah. But the, the absolutely amazing thing about him is you will see him in any case, the most complicated case he'll get on and say, my Lord, I have three points come out with three points. And I mean, it's, it's almost a joke in chambers that that is what he will do. And that's just brilliant. And sometimes I see my opponents and they're going my Lord, eighthly. And I go, no, never Aly. It's never Aly. Cause if you say that to a judge that they're immediately suicidal. Yes. You know, how many more of these points are there? I can't take it. So, you know, think about that.

Sally Penni:

I love that. I absolutely, I have three points not eight. Yeah. That is wonderful. That is wonderful. Well, Dinah, it's been so wonderful. I want to carry on. I want to have an excuse to come back here and I'm hoping actually that you'll appear in the Grays Inn, which seems to go on in the end cuz you and I are both sound members of grazing and hear more acting. But you know, on an average day, what would your day entail here at the college?

Dinah Rose:

What one of the joys of this job is there are no average days.

Sally Penni:

Oh right.

Dinah Rose:

It's incredibly varied. So I could be doing anything from presiding over a committee to having tea with an extraordinary range of very interesting people. To taking delivery of a pair of Samurai swords sort have been bequeathed to the college. Wow. To drafting new disciplinary processes for the university to traveling to America, to see alumni. Yeah. Enormous variety of different activities. Seeing students, you know, it's, it's an amazing and varied job. Fascinating. And the college is so complicated. It, it has so many different facets and there are so many different constituencies here. Yes. The students, the fellows, the staff, the alumni, yeah. Who all have different needs. And as the president, you are the one person who is really responsible for trying to ensure that all of those very different needs are being met.

Sally Penni:

What a fascinating, fascinating job.

Thank you so much for your time. And thank you for sharing your career. With us on talking

Dinah Rose:

At all, it's been a pleasure, Sally.

Sally Penni:

A big thank you to Dinah Rose QC for Talking Law with me, Sally Penni MBE.

If you would like to support Talking Law, then please get in touch. You can find me on twitter @sallypenni1 or search for Sally Penni or Women in The Law UK on LinkedIn or Instagram.

Do make sure you catch up with previous episodes of Talking Law where you can hear my interviews with guests such as the first female president of the Supreme Court, Lady Hale and Judge John Deed himself, actor Martin Shaw

Before I go, just a reminder to get your tickets for the Women In The Law UK annual dinner and watch my Ted Talk at [Ted.com](https://www.ted.com)

Thanks to our production team, Sam Walker and Michael Blades at What Goes On Media.

I'm Sally Penni MBE, Bye for now.