

B E T W E E N:-

Ms A Bailey

(Claimant)

-and-

Stonewall Equality Limited

(First Respondent)

Garden Court Chambers Limited

(Second Respondent)

**Rajiv Menon QC and Stephanie
Harrison QC, sued as
representatives of All Members of
Garden Court Chambers except
the Claimant**

(Third Respondent)

Claimant's Witness Statement

I, Allison Bailey of Garden Court Chambers, 57-60 Lincoln's Inn Fields, Holborn, London WC2A 3LJ, am the Claimant in this matter. I shall say as follows:

1. Introduction

- (1) I am a criminal defence barrister and a tenant of Garden Court Chambers. I am a lesbian. I have fought against inequality all my life, particularly racial inequality, and for the rights of lesbian, gay and bisexual people.
- (2) Since 2018, I have become concerned at a particular form of campaigning being done in the name of trans rights. This campaigning has been substantially led by Stonewall. It has been adopted by many members of Garden Court to the extent that it has in practice become a corporate campaign for Garden Court. This particular form of trans rights campaigning involves the proselytization of gender theory. Gender theory states that biological sex is secondary to the concept of innate gender which is unrelated to biological sex.

- (3) I believe that gender theory is discriminatory against gay and lesbian people: our sexual orientation is defined by being biologically same sex attracted. Therefore, our identities are eroded by the concept of biological sex being eroded.
- (4) I am concerned for the same reasons about the effect of gender theory on women: women's rights have been won in order to protect us from harms that arise as a consequence of our sex. If we are no longer defined according to our sex, and instead are only defined by a concept of gender which is unrelated to biology, then our protections and rights are lost.
- (5) I have campaigned against the proselytization of gender theory, and against Stonewall's role in that proselytization. As a consequence of that campaigning, Garden Court took action against me. Some of this was at the behest of Stonewall, about whom I had been vocal in my criticism.

2. My Background

My childhood in Oxford

- (6) My personal history is relevant to understanding my beliefs about sex and gender and why they are so important to me. My experience of being female has not been defined by my *feeling* female. I don't know what it means to feel female, I just *am* female.
- (7) My life has been defined by having a female body: gynaecological problems, sexual abuse in childhood, sex discrimination, being a lesbian, a black woman, gender non-conformity, and menopause. These experiences are all located in my physical, female body. I cannot identify into or out of them.
- (8) I was born in Oxford, England in 1970. My parents were Jamaican immigrants who came to England in the 1950s, by invitation of the British Government, to fill a shortfall in the labour market after the Second World War. They were British subjects and considered themselves British. They were what has become known as the Windrush Generation. My father was working as a bus conductor and my mother was training to become a state

registered nurse at a nursing college in Amersham. They met on the bus and fell in love.

- (9) By the late 1960s, my father took over the licence of the Duke of Edinburgh public house, at 76 Saint Clement's Street, Oxford. He was reportedly the first black publican in Oxfordshire. The pub was frequented by an eclectic mix of black Caribbean immigrants, the white working-class and a few white middle-class people. My parents were aspirational and for a time we were financially comfortable, enough for me to be sent to a private preparatory school. My parents were well known and well respected, in particular within the Afro-Caribbean community in Oxford.
- (10) My father was a flawed man who I loved very much, but as a younger man he was at times very violent towards my mother, typically when he had been drinking. On one occasion, when I was about 6 years old, I witnessed my father strangling my mother. She was close to losing consciousness. I cried and shouted for him to stop, grabbing at his legs and he stopped. My mother divorced my father soon afterwards. We left the pub to stay with family until we could move into an end of terrace house my parents owned in Cowley, east Oxford. My father emigrated to the USA. This experience of male violence against women was formative for me, as I have expanded upon below at paragraph (48).
- (11) I went into the state school system. My experience of school was difficult. In the 1970s and 1980s, black children like me were often put into the lower bands at school and teachers had low expectations of us. That was my experience. There were kind teachers and some happy memories. However, I think it is fair to say the school system was institutionally racist. My school years were marked by the constant struggle by my mother, who fought my school for me to take O-Levels instead of the considerably less well regarded CSEs. I achieved 5 O-Levels and I went on to study A-Levels in sixth-form.
- (12) My mother struggled as a single parent to make ends meet, working night shifts at the John Radcliffe Hospital as a state registered nurse, moonlighting

on days off at private nursing homes, all to ensure the mortgage was paid and her children were taken care of.

Sexual abuse

- (13) My mother met a man called Joseph MacDonald Armotrading. He was an insurance salesman and was outwardly the epitome of respectability. He was in fact a sexual predator and a paedophile. I was sexually abused by him on a number of occasions. I was between 9 and 11 years old. I did not tell anyone about the abuse until I was a teenager. This experience of male sexual violence was central in shaping my view of the world, as I have expanded upon below at paragraph (48).
- (14) The relationship with my mother, whom I also loved very much, became very strained and at the age of 17 I left home. I went to live in a hostel for young women who needed affordable accommodation in Oxford, it was run by the Girls Friendly Society.

Coming out as a lesbian

- (15) By the age of 15, I realised that I was a lesbian, and I was in turmoil. I was coming to terms with the sexual abuse and my burgeoning sexuality.
- (16) I studied for but did not sit any of my A levels; I would later attend Oxford College of Further Education, where I studied for 2 A levels and sat and passed one.
- (17) I experienced suicidal ideation when I was 18 years old, and I made plans to end my life. It was the late 1980s and section 28 of the Local Government Act 1988 was making its way through parliament. Section 28 prohibited local authorities from promoting homosexuality. It was the era of AIDS and there was widespread panic about gay sex. It left lesbian, gay, and bisexual youth like me stigmatised and completely without support from schools, colleges and official agencies and organisations.
- (18) I discovered the gay scene in Oxford. It wasn't much reflecting on it now, but it offered me a lifeline. There were two pubs in town and a regular club night

above the co-op on the Cowley Road. I found a community of people who were happy in their sexuality. I had found the lesbian and gay community, and it is no exaggeration to say that it saved my life.

New York and San Francisco

- (19) In 1990, when I was nineteen, I moved to New York, to stay with my father. He lived in a rooming house in multiple occupation in New Rochelle, Westchester County, New York. We shared a bathroom with other tenants and there was no kitchen. My father had work, but it was precarious; he worked as a sous chef in the Country Clubs of Westchester County, New York. I lived with my father for a few months and then moved out. I lived in budget hotels and hostels. I was 19 and in New York, it was exciting but also difficult. My social life centred around Greenwich Village, the heart of lesbian and gay New York.
- (20) I lived in New York for one year and then moved to San Francisco, where I knew no-one, having travelled by Greyhound Bus for three days to get there. I stayed there for five years. I lived in a hotel where I worked on reception in return for a shared room. I obtained a licence from the City of San Francisco to ride a pedal pedicab and take paying customers up and down San Francisco's Embarcadero.
- (21) One of my colleagues and dear friends at that time was Tede Mathews, a gay man and a well-known, respected gay rights activist. He was a flamboyant figure within the gay community in San Francisco. He was fluent in Spanish and was a champion of Latin American literature and rights. He was on the collective that ran the left wing, progressive, bookstore called Modern Times, after the Charlie Chaplin film. I met him when I was doing bar work for an event that Modern Times was hosting. He liked me and suggested that I apply to join the collective. He was gender non-conforming in his manner and in the past, he had lived and passed as a woman, although he never regarded himself as being transsexual. He was a proud gay man. He lived as a woman at times because it was safer than being a feminine man.

- (22) I was with Tede at his bedside with other close friends when he died of AIDS in 1993. The AIDS pandemic hit San Francisco hard. Many lesbians loved and supported our gay brothers in their hour of need.
- (23) I joined the collective that ran Modern Times Bookstore in 1991. It was a renowned institution of the American left. I had a patchy secondary school education, but at Modern Times I was exposed to many of the critical thinkers of the day, many of whom passed through the store, to read their latest book, to give lectures or to just hang out. One of these was the academic Judith Butler, who I met on a few occasions. She lived above the bookshop for a period of time. Her area of study was gender theory and queer theory.
- (24) In the early nineties, Judith Butler wrote several books (*Gender Trouble*, *Imitation and Gender Insubordination* and *Bodies that Matter*) that would define gender identity theory. When I met her, she was new to San Francisco and had arrived to take up a position on the faculty at The University of California, Berkeley. We supplied her work as well as books on gender and queer theory to university departments in the San Francisco Bay Area.
- (25) I have not read Butler's books. But my understanding of the central thesis underpinning Judith Butler's work is that biological sex is a construct which does not define what it is to be male or female; that, in fact, "male" and "female" (and "man" and "woman") are identities, based on social norms. A person may very easily identify into either (or neither) male or female, and be of that identity for all purposes merely by identifying into it. Essentially, Butler says, male and female are merely labels, which can be adopted or rejected by anyone. It is a theory that is based on post-modernism and post-structuralism: the idea that a label is not just a reflection of the thing it labels, but that it also changes and defines the thing it labels.
- (26) I remember at the time Judith Butler joined the faculty at UC Berkeley, my colleague, Michael Rosenthal, who was a founder of the bookstore and a senior member of the collective, telling me that there was some disquiet at UC Berkley about whether Judith Butler was too radical for them.

- (27) Butler's work has been hugely influential. I believe that everything that has since followed around the conflict between sex and gender arises from Butler's work, and in particular from those three books.
- (28) By this time, I lived in a shared house on The Castro above a gay bar. I marched in San Francisco Gay Pride, carrying the Rainbow flag. I attended groups for black lesbians. I volunteered at the National Black Women's Health Project, a support network for black women from all walks of life, lesbian, straight, economically stable, and poor. We explored how racism, homophobia, poverty, and sexism negatively impact black women's lives and our communities, and we met to discuss strategies for resistance and social change.
- (29) It was in San Francisco that I first started the lifetime's work of piecing together that part of me that had been shattered by being sexually abused in childhood. I started to receive first counselling and later psychotherapy.
- (30) A theme that has carried me through my adult life is that as a lesbian, whatever prejudice that I knew I would have to face, I also knew that I had a community to fall back on. I cannot overstate this, the lesbian, gay and bisexual community was a place where I felt safe. It was a safe haven in a world that is still hostile to lesbians and gays.

University and working with female survivors of child sexual abuse and their children

- (31) I returned to England in 1996, six years after I left, with the confidence to go to university as a mature student. I won a place at Manchester University to study full-time for a bachelor's degree in Sociology, where I obtained a first-class degree with honours in 1999.
- (32) I had to work throughout my undergraduate education because my years overseas meant that I was treated as an overseas student. I received no grant and no loan to pay my way, so I had to work to pay my tuition fees and living expenses. I worked multiple jobs, as a cleaner, bookseller, and bar work at a night club.

(33) I also worked as a housing support worker at the Manchester Survivors Project, for women survivors of sexual violence in childhood and their children. That job in particular had a lasting effect on me. I was responsible for individual keywork with the women I supported, who lived semi-independently in the supported residential accommodation we provided. I advocated with a wide variety of agencies on behalf of individual women and the project. It is some of the work in my career that I am most proud of. It reinforced my understanding that women and girls need dedicated facilities where they can feel safe and where they are safe.

3. Early Legal Career

(34) After my undergraduate studies, I was invited to study for a PhD in sociology in the sociology department at Manchester University. I loved urban sociology and researching how urban life can reproduce inequality or encourage greater equality, health, community, and well-being. I was also very interested in the law. It offered a way to make a real and immediate positive change in people's lives. I knew I wanted to advocate for people in need, and I decided to move to London to study for the Common Professional Examination (CPE), a post-graduate qualification which is also known as the law conversion course. I won a place at what was then the College of Law, Store Street, London, where I studied for the CPE full-time, while also working two jobs part-time.

(35) In the civil arena, I worked for O.H Parsons & Partners solicitors, a busy central London firm handling a volume of mesothelioma and vibration white finger claims. Much of my work involved issuing proceedings in the High Court in these cases. In the criminal arena, I worked as an outdoor clerk at a busy west London law firm called Farrell, Mathews & Weir. I clerked criminal cases in the crown court, instructed counsel on the direction of the solicitor, booked in new clients, took a note of proceedings at court and ensured that the lay client was happy with their representation.

(36) While studying for the CPE, I saw and confronted Joseph MacDonald Armotrading in the street. It was entirely unplanned. I turned around and

there he was. I was twenty-nine and had not seen him since I was a child. He worked in the area. He is a big man, well over 6ft and the sight of him made my skin crawl and I was filled with panic. But I stood my ground and told him that he was not going to get away with it. In the end, it was he and not I who ran off. For years, when I was in England and the USA, I would experience a sense of panic when I saw any man who looked like him. The experience of confronting him left me very shaken.

- (37) After I saw him, I sank into depression. I was struggling to study full-time and to work as well. My living accommodation was very unstable. I would rent rooms in various houses as a lodger. I was struggling financially, and I was lonely and new to London, and one of the worst things that I could conceive of happening had just happened, I had confronted my abuser. I had thoughts of harming myself and I sought help from a GP who arranged talking therapy. I did not sit my exams at the College of Law in the summer of 2000, but I sat and passed them in the autumn of that year, passing the CPE.
- (38) I won a place at the Inns of Court School of Law, where I studied full-time for the Bar Vocational Course (BVC), which provides a vocational postgraduate qualification for training for the Bar. I joined the Honourable Society of the Middle Temple, where I interviewed for and was awarded two scholarships: the Blackstone Entrance Exhibition and Benefactors Scholarship. I was also, as part of the scholarship package, given accommodation in the student lodgings at Three Temple Gardens, Middle Temple Lane, for the duration of the BVC course. I passed the BVC with a grade of Very Competent.
- (39) I secured and completed pupillage at two prestigious barristers' chambers: Took's Court, the chambers of Michael Mansfield QC, and Doughty Street Chambers, the chambers of Geoffrey Robertson QC.

4. Garden Court Chambers

- (40) Garden Court chambers was one of the chambers where I most wanted to complete pupillage, the others were Doughty Street Chambers and Took's

Court. I was particularly drawn to these three sets because of their reputation as radical, progressive sets. This was the kind of law that I wanted to practice, and this was the kind of set I wanted to practice in. I applied for tenancy at Garden Court but was not taken on at the first attempt, but I was told that I should consider applying again. It was on the second attempt that I secured a tenancy in November 2004. I was delighted, relieved and exhausted. It felt like a huge milestone for me, I had qualified as a barrister and secured a tenancy at one of the finest sets in the country and had overcome significant adversity to do so.

- (41) I was attracted to Garden Court because of its diversity and its commitment to bring access to justice to some of the most disadvantaged in society. At the time, Courtney Griffiths QC and Owen Davies QC were joint heads of chambers. A black man and a white man. Chambers said it was committed to excellence and diversity at the Bar, particularly along race and class lines. Maya Sikand was someone who I knew from the criminal bar. I had seen her on her feet in court. I regarded her as a mentor, friend and colleague. She was instrumental in my joining Garden Court. She was very supportive when I was taken gravely ill in 2006/07, and later when I was preparing to undergo major surgery, taking me out to dinner before I went into surgery and visiting me in hospital. I visited her in the hospital the day after she gave birth to her son.
- (42) Garden Court has a long and proud history of fighting injustice and holding public authorities to account. The barristers at Garden Court are responsible collectively for some of the most consequential legal victories against the state since it was founded by Henry Blaxland QC, Marguerite Russell, Ian MacDonald QC, Helena Kennedy QC, and others 50 years ago. Securing a tenancy and practising from Garden Court Chambers is one of the achievements in my life that I am most proud of.
- (43) When I joined the crime team in 2004, I informed the clerks that I would not represent any defendant charged with a sexual offence and I have not done so. I believe there were one or two other female barristers who took a similar approach. I understand that historically, when Garden Court and Toops were

formed, the progressive sets did not represent men accused of rape and sexual offending but that changed. As a defence barrister I believe passionately that defendants are innocent until proven guilty, and everyone deserves a fair trial. However, I believe that the failure of the state, Crown Prosecution Service, and the police to improve rape and sexual offending convictions means that far too many men are walking free, and I wanted to make a principled stand.

- (44) All barristers are junior until such time as they are made a QC, what we call “taking silk”. Year of call becomes relevant to differentiate between senior juniors and juniors, with anyone over 13 years’ call regarded as a senior junior. We obtain work, instructions, or briefs through our clerks. The relationship a barrister has with their clerks is therefore a crucial one.
- (45) Our head clerk at Garden Court is Colin Cook. He was the first black head clerk. I think Colin is a good man who has achieved a great deal. But in the 16 years (at 2020) that I have been in chambers, I do not think there has been any other black criminal clerk and only one black woman, who I believe clerks in the family team. There has been a distinct absence of women criminal clerks and no senior female criminal clerk. This is a recognised problem in Garden Court and in 2017 was referred to in the Women’s Task Force (“WTF”) Report, to which I return below.
- (46) I built a practice at Garden Court of which I am very proud. I was instructed as a led junior and as a junior alone in complex and important trials, and represented defendants up to and including at the Court of Appeal, for example:
- (a) Junior alone, R v Nicholls & Others (2010), a large-scale criminal damage, political protest case. I represented a defendant as a junior alone. Henry Blaxland QC and Dexter Dias (now QC) each represented a defendant and led the wider defence team. This was a Very High Cost Case (VHCC) and was paid under that scheme.

- (b) Led by Queen's Counsel, attempted murder of a serving police officer. Guideline case on judges not intervening to cross-examine a defendant (R v Mitchel (2010) EWCA Crim 783).
- (c) Azelle Rodney (2012). Leslie Thomas and Adam Straw (now both QCs) represented the mother in this public inquiry set up to establish how an unarmed black man was shot and killed by an armed police officer. It was the first of its kind to replace the role of an inquest and was chaired by Sir Christopher Holland. It established that Azelle Rodney had been unlawfully killed. I attended the inquiry pro bono with Leslie Thomas. I wrote small sections of cross-examination of the police officers.
- (d) Junior alone in a large-scale conspiracy to produce class A drugs (MDMA) at Plymouth crown court and later at the Court of Appeal, R v Curtis & Others (2014) EWCA Crim 1897.
- (e) Led by Queen's Counsel, murder, R v Tebbs (2014).
- (f) Junior alone, assisting an offender charged with murder R v Carrol (2015).
- (g) Junior alone, R v Pursell protest case (2016) EWCA Crim 828.
- (h) Junior alone, largescale conspiracy to commit armed robbery of betting shops, R v Marrat and others (2017 – 2019).
- (i) Junior alone, aggravated burglary and threats to kill (R v Irwin & Others (2017)).
- (j) Junior alone, perverting the course of justice (R v Guichard-Joseph (2018)).
- (k) Junior alone, supplying drugs to a serving prisoner (R v Swaysland (2019)).
- (l) Led by Queen's Counsel, multi-defendant murder (R v Calder & Others (2020)).

(47) I am – and I think justifiably – proud of my achievements at the bar. That I developed a practice at all was no small achievement. But my time at Garden Court was marked by real financial hardship. I was also paying 21% of my gross income to Garden Court in rent.

5. My Beliefs About Male Violence

(48) I have experienced male violence and observed it in my work with women survivors, and professionally in 20 years practising at the criminal bar. Most of the clients I have dealt with over the past twenty years have been men accused of serious violence up to and including murder. In many instances, these men have not wished to have been violent, and deeply regretted it. They wished that they were not violent. But they were. There is a clear problem of men being violent to women, and other men, and on a huge scale. I do not believe that this problem is fully understood – whether it be a cultural problem or something else – but it is observed, and it is a problem overwhelmingly of males against women, children, and other males. It cannot be identified out of.

(49) I have also referred above to Arnotrading. His violence was calculated, sexual and predatory towards me as a child. I believe that sexual violence is in an entirely different category and distinct from non-sexual violence. The distinction between these two categories is what led me to decide not to defend sexual crimes as a barrister.

(50) Although these two categories are different, what they have in common is that they are inherently sexed: they are perpetrated overwhelmingly by males. Legally and socially, we recognise this and have developed a range of responses and mechanisms to address it. These are also inherently sexed, in the form of single sex spaces and a general recognition across society that males as a class pose a very different risk profile to females.

(51) All these issues are about biological sex. They have nothing whatsoever to do with gender identity or with concepts of gender at all.

6. My Health

- (52) I was diagnosed with having fibroids in my early 20s. In November 2006, I suffered a massive saddle Pulmonary Embolism (PE) that I was extremely fortunate to survive. I was hospitalised and gravely ill. I spent over a month in hospital as investigations were undertaken to find the cause of the PE. It was a very rare condition called intravascular leiomyomatosis; essentially a fibroid tumour that had found its way into my vascular system and Inferior Vena Cava (IVC) and my heart. In January 2007, I underwent a complex open heart surgery procedure to remove the large tumour that was filling the right side of my heart, and which had caused the PE to form. It was a successful operation. However, following the operation, the disease had spread to the lungs, possibly having seeded during the open-heart surgery. Disease remains in my pelvis, with lesions on my heart valve and in my lungs. The disease is hormone sensitive, stable and is considered histologically benign.
- (53) Unfortunately, the disease recurred in my IVC in 2010, and I began treatment with a gonadotropin-releasing hormone agonist (GnRH analogues). These are from the same class of drugs that are used off-label to block puberty in children diagnosed with gender dysphoria. It is one of the reasons that I am opposed to 'puberty blockers': the powerful effects of these drugs, and the awful side effects that they cause, many of which are long term, is what has reinforced my belief that it is abhorrent to give them to physically healthy children. I was also prescribed letrozole, an aromatase inhibitor, which is typically used after surgery for hormonally sensitive breast cancer. The side effects that I have experienced from these drugs include chronic insomnia, low mood, weight gain, fatigue, lethargy and joint pain. The side effects of these two drugs were so severe that I was unable to work for nearly three years between September 2010 and April 2013. Return to work was possible after I stopped taking Letrozole. Despite the impact that this had on my health, I was nevertheless able to build a successful practice, as set out below.

- (54) The effects of GnRH analogues are also sometimes referred to as being reversible, but my experience was that doctors are extremely reluctant to prescribe them because of serious side effects, both short and long term. The enduring side effect that I still suffer from is insomnia, which I have learnt to live with.
- (55) I believe that GnRH analogues should only be used in chronic disease and even then, with caution, and that to give these drugs to young, healthy children is abhorrent.
- (56) I have been very candid with Garden Court about suffering from chronic ill-health and when I have needed to, I have taken time away from work. My last period of sustained absence from work was nearly a decade ago, when the disease recurred in my IVC in 2010 and I was put on hormone suppressing drugs as detailed above. The disease is asymptomatic most of the time, with the exception of the PE in 2006. When the disease causes me problems now it is invariably the fibroids in my pelvis that are the problem and when symptomatic they cause excruciating pain.
- (57) Since 2006, I have lived with chronic illness, but I am able to work with modest adjustments of which the clerks are aware, such as staying within an easy commute of London. I prefer to do longer cases rather than lots of smaller ones. It is much harder on counsel to do lots of short cases, and it offers little hope for career advancement or to get to a stage when one would have the practice to apply for silk. I also said I needed to have a gap of a few days between cases. Clerks have always been aware of my need for these adjustments when considering the clerking that I received in relation to the detriments about which I complain.

7. Armotrading Trial

- (58) Following the Jimmy Saville revelations, I became increasingly concerned about whether Joseph MacDonald Armotrading was alive and had access to children. I Googled his name and found him. I had hoped he was dead. He was alive and seemed to have access to children. He was a man in his late

70s. I reported him to the police in 2012. In 2015 he stood trial at Oxford crown court charged with four counts of assault by penetration of a child under the age of 13: me.

- (59) I was the chief witness for the prosecution. He was convicted after trial and sentenced to 10 years' imprisonment and a lifetime on the sex offenders' register.

8. Culture of Garden Court

- (60) Garden Court prides itself on its campaigning, radical ethos. We are associated with left wing causes. Our crime team undertakes no prosecution work. We have, I think, a very good reputation, based in part on this clear identity. Our motto reflects this: "Do right, fear no-one". But we are not above the ills, injustices and inequalities that exists in the wider society.
- (61) At the heart of any chambers is the clerks' room. The clerks' room is the engine room of a barristers' chambers: nearly all the work comes in through there, and all of the billing goes out through there. Barristers are dependent on the clerks for work, but also for all sorts of administrative assistance, including managing communications with courts, solicitors, and clients
- (62) Stories of chambers getting rid of barristers by effectively withdrawing their clerking are well known to every barrister. We are dependent on the work we receive. All barristers are – to a greater or lesser extent – therefore dependent on their clerks, because that is where the majority of work comes in. This means that the culture of a clerks' room is vital to the fair distribution of work and where that culture is open to the influence of chambers 'politics', or other informal influences then favouritism or discrimination can become a real problem. Of course, this does not necessarily happen overtly or even consciously, but as in any organisation can result simply from ingrained culture or attitudes or from the conscious or subconscious influence of chambers 'politics' (i.e. who is known to be influential or in or out of favour at any particular time).

(63) For example, when I joined Garden Court in 2004, I became aware that some women barristers practising in crime felt they were treated unequally when it came to how they were clerked, which as I will describe was supported by Garden Court's own internal investigations. I recognise, of course, that my claim is not about direct sex discrimination and so I do not make this point because of the particular type of discrimination, but for the more general illustration that it provides about the way that clerking at Garden Court is susceptible to a culture of discrimination and favouritism, in particular one in which a lack of transparency in the allocation of work makes it easy for an informal culture of assumptions, stereotypes and 'politics' to influence how work is allocated.

9. My own previous experience of unfavourable clerking

(64) In 2015 I had an experience of unfavourable clerking which chimes with the (later) findings of the WTF report and which I believe further illustrates the ways in which clerking at Garden Court is susceptible to the influence of Chambers' internal politics and culture, including discriminatory aspects of that politics and culture.

(65) In February 2015, I complained to Henry Blaxland QC and Kathryn Cronin about my clerking and income in an email I sent to them (**Bundle Page 310**). The catalyst for my email was that the clerks had improperly failed to bring to my attention a potentially lucrative instruction which I had only discovered by chance when I met the solicitor. In raising that issue, I also referred to the fact that, having asked the clerks not to be sent to multiple short hearings (following my return from a period of ill-health to which I have referred above), I then found myself completely without work.

(66) I told Kathryn Cronin that I feared I would have no option but to leave chambers. I was being clerked as though I was a pupil or newly qualified barrister. I had earned £39k in 2014, which after chambers rent (21%) and taxes left me with £20k. I was struggling to pay my chambers rent, my housing rent, living expenses and even transport to court. I had to ask the

clerks to send me to courts that I could walk to because I couldn't afford train fare.

(67) Kathryn Cronin responded the same day 2nd February 2015. Her response was constructive (**Bundle Page 310**). Kathryn Cronin is referred to below in respect of a complaint I made about Stephen Simblet in 2021. Her change of tone towards me between 2015 (**Bundle Page 310**) and 2021 (**Bundle Page 3917-3929**) is clear.

(68) My clerking did not improve, and my income remained low. However, this was not just a problem that I experienced. Problems and complaints with unfair and biased clerking were very common. There were discussions and complaints about systematic inequality in clerking for women in the criminal clerk's room from at least 2016. This led to the WTF Report (see 6343).

10. WTF Report

(69) The way in which that culture operated in relation to sex discrimination is illustrated by an internal report known as the "WTF Report". In 2017, the women in Chambers organised to address sex discrimination within chambers and within the clerking teams, both civil and criminal, via the Woman's Task Force (WTF), which culminated in a report (**Bundle Page 5948**). This was a brave initiative that was driven by Maya Sikand (now QC) and Mia Haki-Law, Director of Operations and Human Resources.

(70) Officially the report was in response to the relative lack of women QCs at the time (in the period 1988 – 2017, of the 20 barristers at Garden Court appointed QC, only three were women, and were appointed in 2010, 2011 and 2017; of the 20 QCs appointed 14 were in the crime team and included two of the three female silks). But there was a recognition that women were being treated less favourably generally within Garden Court. There was some indignation about this among women at Garden Court. I believe that the choice of title of the report (and its abbreviation to WTF – also a common acronym for "What The Fuck?") was a reflection of the indignation of women in Garden Court at their treatment, and the need for a report at all.

(71) The report, which was conducted by way of survey with the ability to add more narrative descriptions to answers, was sobering. The research showed **(Bundle Page 5903):**

- (a) *“a significant discrepancy across practice areas, and in every income band, other than the lowest ones, between men and women(...) on the face of it, the figures produced show that women tenants appear to be at a disadvantage compared to men. The analysis over a three-year period also shows some general improvement across the main income ranges. However for a meaningful in-depth analysis to be undertaken more detail is needed, such as the working pattern of individual barristers.”*
- (b) The majority of the women that responded to the survey were 13 years call and above which as the authors noted (paragraph 10, **Bundle Page 5950**) was *“significant as these are women who should, in theory be receiving a certain quality and quantity of work”*.
- (c) *“(A) third of those surveyed say they know of a case that they were suited for but which went to a male colleague. Following on from that, unsurprisingly, 62% of those surveyed think that the work at their call level is not fairly distributed.”* (paragraph 15, **Bundle Page 5951**)
- (d) *“(N)early two thirds are not satisfied with their earnings. 70% said their caring responsibilities affect their earnings and 61% were dissatisfied with their earnings.”* (paragraph 17, **Bundle Page 5951**)
- (e) To the question *“Do you know of a particular case of (sic) cases you have been well suited for, but were or believe you were overlooked in favour of a male colleague?”* 34.48% of women answered “yes”. (Q3, **Bundle Page 5952**)
- (f) To the question *“Do you think that the work at your call level is fairly distributed in your area of practice?”* 62% answered “No” (Q8, **Bundle Page 5953**)

(g) To the question, “*Are you satisfied with your work?*” 56.67% answered “No” (Q10, **Bundle Page 5953**)

(72) It can therefore be seen that women who answered this survey spoke of no effective practice development from the clerks, when they saw it for their male colleagues. In the section of the report that allowed for more detailed answers - rather than a straight yes or no – responses had a number of recurring themes which point to a systematic problem of sex discrimination across practice areas, influenced by an ingrained culture of stereotyping and favouritism towards male colleagues in the clerks’ room:

(a) “*Although one criminal practitioner said she was well supported by the clerks’ room, and a few others felt there was more hope since MHL introduced training, overall it was clear that there was insufficient support.*” (paragraph 22 a), **Bundle Page 5955**)

(b) “*(T)here is no transparency when it comes to allocation of cases both legally aided and privately paying*”. (paragraph 22 b), (**Bundle Page 5956**)

(c) “*Amongst criminal practitioners, the repeated complaint was that there is a diet of “soul-destroying” sex cases for women, whilst they are constantly being passed over on fraud, serious violent crime, and terrorism. Practitioners’ views were that they get pigeon-holed and their career does not progress. Terrorism and fraud, in particular, were two areas of work given to or received by exclusively male tenants.*” (paragraph 22 b), **Bundle Page 5956**)

(d) “*(W)omen are overlooked for cases they are qualified for (in some cases more qualified than their male colleagues) in favour of their male colleagues. This is linked directly to repeated complaint of lack of transparency at Garden Court re work allocation.*” (paragraph 22 c), **Bundle Page 5956**)

(e) “*(T)here is little or no awareness of how to assist those with ongoing caring responsibilities / geographical and other restrictions as a result*

*and how to develop their practice. Where a woman cannot travel outside of London or environs, for example she is seen as “difficult to clerk” /left to her own devices because clerking in GCC is based on an archaic, outdated “bums on seats” model.” (paragraph 22 e), **Bundle Page 5957**).* This “bums on seats” model is returned to below.

- (f) *“(T)here appears to be a lack of understanding by Practice Management(...) as to what fair allocation of work actually is and that, as a result some practices (such as instructions being based on who the clerk socialises with) are unfair and disadvantage female members” (paragraph 28 c), **Bundle Page 5959**)*

- (g) *“(T)here is a practice in a number of teams to send an email out seeking expressions of interest for a particular brief (sometimes high profile ones) and then a “beauty parade” of barristers are given to a solicitor. There is a feeling that this is a fundamentally flawed way of allocating work as whilst in theory it gives everyone a chance to email back the solicitor may just choose the most senior person, especially if a silk. There is no real clerking involved in this process and this is not fair distribution.” (paragraph 28 g), **Bundle Page 5959**). (An example of a “beauty parade” is at **Bundle page 3208**)*

- (h) *“(S)ilks and leading juniors (men and women alike) are choosing their own juniors (when it's not entirely a solicitor's choice) without any heed to fair distribution of that work. Whilst it may be that senior barristers like working with a particular junior this is simply not a fair practice.” (paragraph 28 i), **Bundle Page 5960**)*

- (i) *“It is evident from the responses to the survey that a large number of those surveyed believe that there is a lack of transparency when it comes to the allocation of cases and the perception is that cases are not allocated fairly. This has already been addressed to an extent in that all new cases are now (since 26th of April 2017) entered in LEX as an “Opportunity” case meaning the clerks need to enter information which should show clearly why someone has been (or not been)*

*instructed in a case. The reports show who was offered for which case, the reason behind it, on which basis (i.e. fees) and the reason they were not instructed” (paragraph 32, **Bundle Page 5960**).* However, in practice these details were often still not being entered and, as the report had already acknowledged, simply giving a solicitor a “beauty parade” list of names did not actually amount to fair or effective clerking.

- (73) This was a commendable effort to get at the root causes of sex discrimination within chambers. It was all accurate. What it shows is how the entrenched cultures and internal politics operating at Garden Court can and do influence clerking and, in particular, who is preferred and who is not in the allocation of work – which remained during the period to which my claim relates (and to this day) untransparent and open to these influences. For example, it remains the case that simply including a barrister's name in a “beauty parade” list of people in theory available for a case is not evidence of fair or effective clerking. What is much more important is how much effort is put into matching particular barristers with particular opportunities that are likely to advance their careers. The effort put into that remains as susceptible to how the clerks view barristers based on the culture and internal politics of chambers as it ever did.
- (74) After the WTF Report, clerking improved. The quality of the work I was clerked for also improved, and this led to a significant improvement in my work in 2017/2018.

11. My health 2017-19

- (75) I detail elsewhere in my witness statement suffering from serious ill-health in the past and living with a very rare medical condition. Here I deal with my state of health, which was good, in 2017-19.
- (76) During the period 2017 -19, my medical condition prevented me from working for a period of two weeks in July 2019. I was at all other times fit and able to work.

- (77) In 2017, I benefited from improved clerking, I think as a direct result of the WTF Report.
- (78) In 2017, I was sick on two days in March, and I attended routine, pre-planned doctor's or hospital appointments on four occasions, one was dental related.
- (79) In 2017-19, I was conducting complex criminal trials, concerning allegations of serious and organised crime and violence, as a junior alone (without Queen's Counsel) in London and Norwich: multi-defendant conspiracy to commit multiple armed robberies, multi-defendant largescale firearms importation, assisting an offender charged with murder, multi-defendant GBH, multi-defendant conspiracy to supply class A drugs, and multi-defendant conspiracy to commit aggravated burglary. In some of these cases, counsel involved have since been appointed Queen's Counsel, which is some indication of the complexity of these cases and the experience needed to defend and prosecute them. I have referred below (paragraph (220)) to a very kind letter I received after one such case from the Judge.
- (80) In 2019, I was fit and able to work, save for one occasion in June when I fell ill mid-trial, and was signed off work for 3 weeks but returned in two weeks. I have returned below to the work I did in 2019, but I deal here with the incident of ill health that I experienced.
- (81) In June 2019, I was junior counsel alone in a complex conspiracy to commit robbery matter, which was on its fourth attempt at trial, the jury having failed to reach a verdict on the previous occasions, and because of the ill health of the defendant. I went to my GP because I was in great physical pain and needed prescription medication. The GP gave me a Fit Note, which I forwarded to the trial judge in the case; abandoning a trial midway is a serious and costly event and I wanted the judge to know it was with good reason. The resulting Fit Note, which was for a period of three weeks was sent to the judge and the barristers involved in the case (**Bundle Page 4274**). Because my very rare condition is treated and monitored at the Sarcoma clinic, even though I don't have a sarcoma, and never have, my GP mistakenly wrote "*complications arising from Sarcoma*" on my Fit Note. At

the time I thought it was an absent-minded error, but unimportant. My condition is very hard to explain, even to a GP. It is difficult enough to get one GP appointment and getting another to correct an error on the Fit Note seemed unnecessary, particularly given that I was unwell. I had previously stressed to the judge and my colleagues in email correspondence that I have a longstanding condition, which rarely causes me absence from work, but when it flares up it leaves me in excruciating pain.

(82) In these proceedings, I was asked by Garden Court to disclose the Fit Note **(Bundle Page 5816)**. In fact, Garden Court already had it, because I had given it to my clerks when I had originally received it. My solicitors wrote to Garden Court and told them that I objected to this Fit Note going in the Bundle. They explained that the reference to “Sarcoma” was mistaken and that I had never had a Sarcoma. My solicitors pointed out that there was a real risk of a false impression being caused that I was suffering from a Sarcoma and that this could cause me to lose work in the future: solicitors and clients may be less likely to instruct a barrister with a serious condition such as sarcoma, because there is a reasonably high risk that the barrister will not be able to do a trial because they will fall ill. My solicitors pointed out to Garden Court that this was the only period that I had taken off through ill health in 2019; that it was for a fixed period of three weeks, although I returned to work in two weeks; that Garden Court had already received the Fit Note at the time; and that they knew of the medical condition I actually do have, which was not and has never been sarcoma. On that basis, my solicitors asked Garden Court not to agree to include the Fit Note in the Bundle, and agree a joint statement about my sickness absence in June 2019, the facts of which are not in dispute.

(83) Garden Court refused and insisted “*We are including your client’s sick note in the bundle. It is relevant and material*” **(Bundle page 5809)**. At a Preliminary Hearing on 31 March 2022, their Counsel continued to insist that I had been “*diagnosed with a Sarcoma*”. Even after I procured a letter from my GP confirming I had “*never been diagnosed with a sarcoma as was incorrectly stated on her medical certificate at that time*” **(Bundle Page**

4275). Garden Court continued to insist that the Fit Note went into the Bundle. I think this is representative of the level of hostility towards me that Garden Court have shown in these proceedings.

Justine McNally

- (84) Chambers has always done cases relating to trans rights. In recent years, to the best of my knowledge, this stemmed from a case in which chambers was involved on behalf of a client called Justine McNally, who was a woman accused of sex by deception.
- (85) “Sex by deception” involves situations where a person consents to sex with a partner, and only after some sexual act has taken place discovers that the person to whom they have given consent is transgender and therefore of the opposite sex than they had been assumed to be. For example: a woman consents to lesbian sex with a woman and then discovers she is in fact having sex (or has had sex) with a male. Criminal cases arise when the person giving consent says that consent would not have been given had they known the sex of the person to whom they were consenting. These cases go to the heart of what it means to give consent to sex.
- (86) I was the barrister that the McNally family approached to advise them on appeal after the client was convicted and sent to prison because she had had sex with her partner whilst presenting as a man. She had pleaded guilty in December 2012, was placed on bail until 21 March 2013 when she was sentenced to a term of immediate custody of three years. I was instructed weeks later, and I visited Justine McNally in Holloway prison on 11 April 2013, shortly after her conviction.
- (87) I was horrified by the outcome of her case. It appeared to me to be a manifestly excessive sentence. Lesbians are treated particularly harshly by the courts in these deception cases.
- (88) I handed the case to Tom Wainwright because I had made public statements in support of Justine McNally and I did not want this to cause complications to the case. I had absolutely no doubt in my ability to advise the client, but I

did not want something that I said to cause difficulty. I took advice from a senior member of chambers and the BSB and stepped aside. I continued to assist on the case pro bono and was present at the Court of Appeal and with the family when Tom and Shahida Begum argued the case at appeal – unsuccessfully in relation to the conviction, but successfully in relation to sentence. I chose Tom because he is very bright and very able. I considered him – before I saw what he has said about me in documents disclosed in these proceedings – a friend. I think he did a very good job for the client, and I was pleased that he did so because I wanted her to receive the very best representation, given that I could not do the case.

12. Gender Identity Campaigning at Garden Court Chambers

- (89) By 2016, there was an increased interest in trans rights generally, and in chambers in particular. From the disclosure I have seen, it seems as though Tom Wainwright, Stephanie Harrison and Michelle Brewer were central to this. To my knowledge, I have never met Michelle Brewer. At the time of the events to which my claim relates, she was a barrister member of chambers, I believe specialising in public law. Her chambers profile in 2016/17 highlights that trans legal work was at the centre of her practice (**Bundle Page 331-332**), and that Ms Brewer was “*one of the founding members of the Trans Equality Legal Initiative*” which billed itself as being the first UK wide initiative “*aimed at empowering trans people to access legal protection and to support the learning of legal and other professionals who wish to work with the trans community in an inclusive and informed way.*”
- (90) I now know, but did not fully appreciate at the time, that the barristers in chambers who were undertaking this work from around 2015 onwards tended to adopt a particular philosophy of gender identity espoused by the external trans rights organisations and activists with whom they engaged on these issues, to an extent that is to my knowledge uncommon when compared to any other area of legal practice. For example, the slogan “Trans Women Are Women” is meant wholly and literally (an example of Stonewall CEO Nancy Kelley explicitly confirming this in a BBC interview is at **Bundle Page 4266**). While I always knew that there were trans rights activists that

believed in this, I did not understand that this belief was held by the lawyers that advised and represented actual clients. It appears from the disclosure I have had in these proceedings that the people who undertook that work actively hold and directly profess the beliefs of the clients for whom they acted, to the extent that it appears that the holding and professing of these beliefs was expected by the clients.

(91) This is of a very different nature to the work done on behalf of trans clients in the past, which was objective, legal advocacy standing up for the rights of clients. The wholesale adoption and proselytization of the gender identity theories and beliefs – independently of any particular case or client – was an entirely new development.

(92) Further, although I did not fully appreciate this in advance, it has also become clearer to me as a result of the treatment about which I complain and the disclosure with which I have been provided, the strength and extremity of the gender identity beliefs professed by the people in chambers who did trans rights work exerted a strong influence on the culture and politics of chambers, to the extent that contrary beliefs such as mine became unacceptable. I will set out the main facts which show this.

TELI

(93) TELI, the Trans Equality Legal Initiative, was “founded by a coalition of lawyers and activists”, including Michelle Brewer (**Bundle Page 4436**).

(94) In May 2016 Garden Court held an event called the “TransJustice Conference”. It was billed as exploring “(c)urrent challenges faced by trans and gender nonconforming people in the criminal justice system” (**Bundle Page 324**).

(95) Tweets sent by Garden Court from this event are in the Bundle. At **Bundle Page 5905** is a tweet reporting Alex Sharpe’s speech at the event. The Garden Court tweet asks “What has led to the increase in “gender fraud” prosecutions? @AlexSharpe64 offers some insight” The image shows Alex Sharpe standing in front of a slide that reads:

Why are “gender fraud” prosecutions being brought?

NO “gender fraud” prosecutions between:

R v Saunders [1991] unrep AND

R v Barker [2012] unrep

Why the shift in CPS policy?

(i) post-Savile environment?

(ii) impact of feminist activism?

Leading to:

(i) crackdown on those considered sexually deviant/corrupt?

(ii) CPS abandonment of the 51% rule in bringing prosecutions?

(iii) the embedding of a more absolute idea of sexual autonomy?

(96) These appear to be highly contentious statements, made by a Garden Court barrister, at a Garden Court event, tweeted by the Garden Court twitter account. It appears to state the feminist activism and/or some form a reaction to Jimmy Savile has resulted in more prosecutions of “sex by deception” cases. It is reasonable for someone to identify these views as the views of Garden Court.

(97) Alex Sharpe’s contentious views on sex by deception, were promoted by Garden Court elsewhere too. For example in its tweets on **Bundle Page 5927-8**. The tweet on **Bundle Page 5298** publicises an Author Q&A with Prof Sharpe promoting a book she had written about sex by deception. The Q&A is at **Bundle Page 353**. Professor Sharpe appears to provide the argument skeletonised on the slide above. Professor Sharpe’s arguments are that (**Bundle Page 354**):

My opposition to prosecution [for sex by deception] is also founded on arguments derived from poststructural feminism and queer theory.

Here I offer a critique of the criminal law and philosophical concepts of consent, harm and deception. Thus I take seriously ‘apparent’ consent. After all, in the context of desire-led intimacy, it is surely spurious to deny desire for the masculinity or femininity on offer. In this respect, the book foregrounds the concept of agency, and highlights the inadequacy of some strains of feminism.

In relation to harm, I consider what is at stake for both parties to desire, not merely complainants, while also asking after the sources of harm. For it seems inescapable that ‘harms’ cisgender people experience are inextricably connected to cisnormative ideology. It is, I argue, precisely this ideology that renders transgender and other gender non-conforming people deceptive, their deception being an effect of cisnormative privilege and power, through which ontologies and epistemologies are constituted

- (98) That section - in its reference to “apparent’ consent” which I understand to mean situations in which explicit consent is not required, and consent to sex can be deemed to have been provided based merely on one’s action – is capable of interpretation as a justification for rape. It appears to equate the experience of complainants of sexual assault with the experience of trans people who desire sex, defining each as being of equal or at least “inextricably connected” harm. These are extremely controversial opinions for Garden Court to have been promoting. Nevertheless, Garden Court hosted and advertised the launch for Professor Sharpe’s book in which these arguments were made **(Bundle Page 5927)**.
- (99) TELI held an all-day conference held at Linklaters, supported and sponsored by Garden Court, in November 2016, which “brought together the lawyers, academics, third sector communities and members of the public to discuss key areas of concern facing members of the trans community in the UK” **(Bundle Page 1019)**.
- (100) Chambers’ support for and sponsorship of TELI, which included allowing the use of Chambers logo on the TELI website – which I think would have been

approved internally by marketing and/or the management committee – indicates, in my view, that this affiliation with TELI and its objectives went beyond the mere participation of two Garden Court barristers in their individual professional capacities, and was something that would have been agreed and approved at an organisational level.

(101) It is clear to me that chambers was content for Garden Court members to identify themselves as such in associating themselves with TELI and its objectives. In addition, tweets from the Garden Court Chambers main account @gardencourtlaw promoting TELI conference 2016, expressed support for and quoted key individuals from Garden Court who were taking part in the conference, under the hashtag #TELI16 on 16 and 18 November 2016. In giving the conference its corporate imprimatur – including Garden Court’s advertising in the run up to the conference (**Bundle Page 5908**) that it was a “brilliant initiative promoting trans rights” (**Bundle Page 5904**) – the stream of tweets sent by Garden Court was effectively endorsing and adopting the positions set out in the more controversial tweets and overall was endorsing the objectives of TELI and the messages about trans rights being set out at its launch.

(102) The particularly contentious tweets included the following:

(a) “#TELI16: @HelenCBelcher raises so-called gender fraud sex cases, asks *‘why is gender “deception” different from deception about anything else?’*” The answer to this question is plain: because to many people the biological sex of a person is material to any question of consent to sex and to suggest otherwise is to endorse a highly controversial position based on the ideology of gender identity theory (which is also not the law).

(b) “Prof @AlexSharpe64 on “gender fraud” cases: *“if gender is ‘material’, it must be limited to gender identity & not extend to history”* #TELI16” (**Bundle Page 5903**). This is an explicit argument in relation to Sex by Deception law, to the effect that the law should be abolished and that a person has no right to know the sex of the person to whom they are

giving consent. This is a statement of (highly controversial) belief, not a statement of law, which Garden Court was endorsing as part of its overall sequence of tweets about the TELI launch.

- (c) “Stephanie Harrison QC @GardenCTPublic *“The whole notion of difference & diversity is being challenged” in current political context #TELI16.*” This is a controversial statement because it may reasonably be taken to suggest that concepts and groups who are protected under the current notions of “difference and diversity” will have less protection. In the context of Alex Sharpe’s tweet above, one such protected group is potentially biological women who may not know of the “history” of the biological sex of the person to whom they are consenting for sex.
- (d) “@wainwright_tom highlights *“need to engage & educate the judiciary, as well as lawyers, in trans issues @UKTELI” (Bundle Page 5908)*’. This is uncontroversial on the face of it, but the endorsement of gender identity theory at this conference raises the prospect of a plan to proselytize to the judiciary on a particular belief system, without acknowledging and respecting very strong differences of opinion that exist.
- (e) “*As lawyers, trans experience has to be at the heart of any legal strategy we adopt*” – Garden Court’s Michelle Brewer #TELI16 @UKTELI.” **(Bundle Page 5902)**. This is not a statement in keeping with the best traditions of the bar. A lawyer representing, for example, a complainant in a case against a transwoman should not put “trans experience at the heart of any legal strategy”. There will of course be cases where it is appropriate to do so. But to advocate for putting trans experience at the heart of any legal strategy is proselytization. It is a remarkable and troubling statement for any lawyer to make, and even more so for a barristers’ chambers to promote.
- (f) “Michelle Brewer. *“To stop acting unlawfully I believe the gov has to adopt method of gender recognition based on self-determination”*”

#TELI16.” (**Bundle Page 5921**)’ This is a contentious statement, which takes one side over another in a binary debate around self-ID. By tweeting it out in the context of the overall sequence of tweets as outlined above, Garden Court were in my view (and I think in the view of any reading the sequence of tweets) effectively adopting this position.

- (103) These are contentious issues. The particular positions being expressed are also contentious and, to many, damaging to the rights of women and offensive. It is clear to me that in the November 2016 TELI conference (as can be seen in the tweets referred to above) they were not being debated. A single, one sided view was being proselytised. Further, it was a view to which Garden Court as an organisation was prepared to lend its support, its sponsorship, its logo, and its endorsement in a series of tweets from its official Twitter account.
- (104) As is set out below, the barristers named on **Bundle Page 5906** - Stephanie Harrison QC, Michelle Brewer and Louise Hooper (and Tom Wainwright who is not named on that page, but was also speaking at the conference) - all played central roles in complaining about my gender critical beliefs, organising opposition to them and me and in Stephanie Harrison’s case, directly participating in the investigation of them and the production of a report on me for alleged transphobia.
- (105) I now know that Garden Court hosted a further TELI event on 3 October 2017. This was entitled “progress and challenges in advancing equality for trans people in the UK” (**Bundle Page 5931**). This seminar used the January 2016 House of Commons Women and Equality Select Committee report on transgender equality and the announcement in July 2017 to “*launch a new consultation on proposals to streamline and de-medicalise the process of legal gender recognition*”. It was said that the “*seminar will provide a timely opportunity to hear from leading activists and legal practitioners on the challenges facing trans people in the UK (...) in relation to gender recognition, the criminal justice system and for those seeking asylum, explore how litigation can be used as a tool to advance equality*” (**Bundle**

- Page 336**). It was chaired by Stephanie Harrison QC. Speakers included Bex Stinson of Stonewall and Michelle Brewer. Again, this was the adoption of a singular and one-sided view on a matter of contentious debate. I did not know at the time that Garden Court had taken that position. It was never explained or communicated to Garden Court Members. I would certainly have objected, but I never got the opportunity.
- (106) I do not know why Chambers did this. I suspect that the driving factor for many people and for chambers was in getting “trans rights work” in the hope that it would bring in revenue to chambers. In principle, that is a legitimate thing for Garden Court to do. But there was no requirement to adopt and proselytise contentious theory to this extent in order to achieve that aim. Some of the material that they published is entirely unobjectionable (for example the top tweet on **Bundle Page 5909**: “*Garden Court’s Louise Hooper highlights the discriminatory legal measures facing trans refugees in their home countries*”). Tweets like this demonstrated that it was not necessary to adopt gender identity theory wholesale in order to pursue business development on trans rights.
- (107) But the extension of this into contentious queer-theory, led I believe by Michelle Brewer, presented this as a drive to get privacy and public law cases more generally (the reason why I think this is that it is referred to in the emails around the Trans Rights Working Group (**Bundle Page 1023**)). However, the reality was that little paid work seems to have been brought in. Instead, there seem to have been requests for pro bono work for Stonewall and other organisations, and the utilisation of chambers’ resources for this purpose. One example of this is in the Bundle – advice on prisons policy prepared by David Neale, chambers in-house (directly employed) researcher (**Bundle Page 6075-6**).
- (108) In a blog published in October 2018, (which she called “a takedown of the legal arguments on which TERFs rely”) Prof Sharpe wrote that the reasoning deployed by HHJ Richardson in R (Green) v Secretary of State for Justice [2013] EWHC 3491 was “*nothing short of transphobic nonsense and is a spectacular example in the exercise of power and subordination*”. The

particular reasoning that attracted this description was that the proper comparator to a transwoman without a GRC who was claiming direct discrimination on the grounds of gender reassignment discrimination would be a person bearing all the characteristics of the claimant except the protected characteristic of gender reassignment, i.e., a non-trans male. This would appear to be a straightforward and correct piece of legal reasoning, and not “transphobic nonsense”. This blog was publicised by Garden Court in a tweet which referred to Professor Sharpe as “Our @AlexSharpe64” **(Bundle Page 5911)**. An academic that Professor Sharpe had tagged to publicise her article wrote “*Thanks for this Alex. I don’t think the TERF label helps a respectful debate though.*” Garden Court’s twitter account was copied into this exchange **(Bundle Page 5912)**.

- (109) Neither was Garden Court merely promoting its own barristers, or its own work. On 18 October 2018, it tweeted about a “Must-read article” **(Bundle Page 5909)** by three academics making a gender identity theory argument. The article argued against its own summary of gender critical feminism and stated:

“We are not saying that simply because the feminist argument we want to reject shares structural similarities with these right-wing claims, it must be right-wing. Nor - to be clear - are we saying that the argument is automatically transphobic because it does not grant that ‘trans women are women’. We’re saying that attending to the reality of trans women’s social situation and their relation to patriarchy should suggest to us that this feminist argument is right-wing and transphobic – just as attending to the reality of race and immigration in Britain, and the relationship between this reality and the oppression of the so-called ‘white working class’, shows the parallel arguments about this to be right-wing and racist”.

- (110) Thus, Garden Court became an advocate of gender identity beliefs, rather than merely an advocate for trans clients or for its barristers acting for trans clients.

- (111) At some point (I do not know exactly when) a trans rights working group (TRWG) was set up in chambers. Garden Court suggests that this was a purely informal grouping with no authorised or official status, but the documents which have now been disclosed to me suggest that at least by 2018 it was treated as a group with standing to engage externally with potential training providers, receive funding from chambers, have clerking support, use a dedicated email address, and benefit from chambers-funded childcare during its training events. I believe that this reflects the fact that as set out above chambers had by this point explicitly endorsed the trans rights agenda promoted by TELI and, I believe, therefore recognised the TRWG as acting on behalf of chambers to develop this area of work in line with the trans rights agenda that chambers had endorsed.
- (112) I did not know at the time, but I know now from disclosure that Maya Sikand was a member of the TRWG. My clerking arrangements changed in early January 2019 and Luke Harvey was effectively clerking me most the time. I did not know at the time that he was the de facto clerk for the TRWG. On 9 May 2018, Luke emailed the group about potential internal training events. Also on the TRWG were Jo Cecil and Anna Morris (crime practitioners). There appears to have been an intention to do a Trans Prisons training with these two women (**Bundle Page 340**). Other topics mooted were family law, immigration, housing, healthcare, Education, Harassment and Civil Claims. On the same day, (9 May 2018), Michelle Brewer contacted a potential external trainer in media/privacy law “in the context of chambers trans rights working” (**Bundle Page 378**).
- (113) The cost of a two-day training for TRWG using the external media, privacy and data protection trainer contacted by Michelle Brewer was estimated to be £200 per person. Email correspondence (**Bundle Pages 341, 342 and 344**) shows Maya Sikand and Stephanie Harrison both suggesting that the costs should come, at least in part, out of Garden Court public law budget. This was therefore training being paid for by GCC.
- (114) The documents disclosed in these proceedings show that by 2019, Michelle Brewer was working closely with Stonewall on its lobbying efforts.

(115) At **Bundle Page 1342-1349** is a thread of heavily redacted emails showing this work. In disclosure there were dozens, if not hundreds of pages of a similar nature. The names redacted on **Bundle Page 1342** demonstrate that Ms Brewer was working with a range of organisations, led by Stonewall, on this campaigning. They include individuals from Amnesty, Liberty, Mermaids, Barnados, Gendered Intelligence, Scottish and Northern Irish trans campaigning groups, LGBT Foundation, All About Trans, Genderjam, the Equality Network, and others.

13. Garden Court's In-House Training

(116) Within Garden Court, Michelle Brewer was promulgating a partisan gender theory view of trans issues. In May 2018, she organised in-house training on the Gender Recognition Act. The reason she gave at the outset of this training was because “if we are going to have any credibility as a group working with trans clients and on trans rights generally – it is important to understand the context of this consultation and in particular what is controversial” (**Bundle Page 476**). However, although she had expressly recognised the controversy surrounding the consultation, the training itself demonstrates how gender identity theory was being discussed within chambers. The video from which the transcript was taken was published as a video by Garden Court on its YouTube channel meaning you would need to have the specific URL to access the video. I only saw it when reference was made to Garden Court's disclosure documents (**Bundle Page 496**).

(117) Ms Brewer's training was delivered to Louise Hooper, Maggie Jones, Stephen Lue, Jo Cecil, (a crime practitioner), Ronan Toal and Stephen Clarke. In it, a highly contentious view of Trans Rights campaigning was presented as non-controversial fact. Examples of this included:

The importance of lobbying as opposed to legal work

(118) Although Ms Brewer made reference to law and legal authority, the tenor of her training was that the changes she was advocating for (and seeking Garden Court to advocate for across practice teams) were not in fact

achievable through legal routes. Instead, they needed lobbying and campaigning to achieve them **(Bundle Page 5990)**:

“So, the reality is that legally we're not going to win. If you were to bring a challenge, and there has been a challenge in the UK against this evidence requirement, you're not going to win on Article 8 grounds and you are not going to win in Strasbourg for quite some time because their focused is on the countries that do sterilisation, less than sterilisation you're just not going to have a run with it. So, from my perspective, because I do think that the pathologizing, linking legal recognition with medical pathologizing, is harmful to members of the community. I think it needs to be changed through consultation and lobbying because you're not going to succeed in challenging it in the courts”.

(119) This lobbying extended to “round tables” – though not with gender critical organisations including A Woman’s Place UK, because “they just don’t like transwomen” **(Bundle Page 6020)**:

“MB: So, we are going to a lot of work around that issue, and we're hoping to have some round tables with the women's sector probably not with Woman's Place, who don't believe that trans women are women, because I don't think that they would be fruitful to discussion.

Female off camera Is there any evidence to support this dispute.

MB No, no.

SL They just don't like trans women.

MB They don't like trans women, they don't like trans men either because trans men are really lesbians and their identity is being erased (sarcasm).

Female off camera: So that's interesting, I don't think people understand. So if you're a trans woman you self-identify as trans but

you've not gone through the GRC, you could still access women's only spaces.

MB Of course, under the Equality Act to refuse you would be to, because it's all self-identification under the Equality Act.

SL Ahh”.

- (120) It is not true that A Woman’s Place “just don’t like transwomen”, but rather that A Woman’s Place are a gender critical organisation, who use a biological definition of sex. This is a variation on the slur that gender critical people are transphobic. As set out below, I subsequently chaired and spoke at A Woman’s Place events. I did not know when I did so that these views were held by people within Garden Court.
- (121) My understanding is also that this is a misrepresentation of the Equality Act, which does not provide for Self-Identification. Yet it is being presented as fact in a Garden Court internal training video, posted to the internet for public viewing by anyone with the URL.

The “Spousal Veto”

- (122) The “spousal veto” is contentious terminology which refers to the right of a spouse to secure an annulment of a marriage where their spouse secures a Gender Recognition Certificate. My understanding is that the law recognises that in such circumstances, the non-trans spouse finds herself (legally) in a same sex marriage, to which she may not consent. The mechanism that the law therefore allows is for the spouse to extricate herself from that marriage, which is to annul the marriage. An interim Gender Recognition Certificate is issued for up to six months while the annulment takes place, following which a full GRC is issued. The phrase “spousal veto” is misleading, because the spouse cannot prevent her partner from securing a Gender Recognition Certificate and thus she has no veto. The mechanism merely provides recognition that a person whose spouse may acquire a Gender Recognition Certificate will find herself in a marriage very different from that she he had

originally envisaged, and that she has the right to consent or not to remaining in that marriage. But Michelle Brewer's training did not reflect this at all:

“Essentially, essentially, what it means, right, if you're married your spouse has got to consent to being, remaining married to you, heaven forbid, because you identify differently from the gender you may have identified with when you married, or you may not have disclosed that you have been that gender when you got married, but if the spouse doesn't consent, you will only get an interim Gender Recognition Certificate, and that's only temporary for six months. So this is what's called the spousal veto and we'll discuss again the issues around the spousal veto (Bundle Page 5977).

I marry you but I don't tell you I'm recorded male at birth, as far as you're concerned I am a woman, I marry you and you later find out I was assigned male at birth, that's grounds for annulment” (Bundle page 5978).

and

No the spousal veto is about it, clearly being a harm to your spouse to be stuck married to someone who is trans, that's essentially, it's a kind of homophobic, trans homophobia, and the like essentially is, that heaven forbid you're a woman married to man who suddenly is a woman, suddenly you're in a gay relationship because your spouse is in fact a woman (Bundle Page 5933).

and

the spousal veto (...) kind of just smacks of homophobia/transphobia but I think it was succinctly put, I'm using other people's descriptions because I think there (sic) much better than mine “trans people are the only group that can have their civil rights delayed by another. What is clear is the effect of the veto is that the feelings of the non- trans spouse are given more importance than the rights of the trans person to gain full civil participation. There is a clear indication that

the government considers trans people are less than equal” (Bundle Page 5996).

and

What Alex Sharpe wrote a lot about was, well, you wouldn't have that same position for instance you're a racist and you marry someone that's mixed race and you don't know that they were mixed race and you later find out that they are mixed race or you're Jewish and the person you're married to his (sic) anti semitic or path particular politics all the person that you're married to is bisexual and you didn't know there are all of these series of things that on a personal level certainly not on my personal level but you can see that but it's not a basis to annul marriage and it's not a basis to withhold consent (Bundle Page 5997)”.

The relationship between gender dysphoria and trans identity

- (123) In delivering the training, Ms Brewer communicated that a connection between gender dysphoria and trans gender identity was itself discriminatory because it required “pathologizing”. This is controversial because gender dysphoria is a medical condition, and it can require medical treatment. I believe that the effect of removing the connection between the medical diagnosis and the inner identity is to introduce pure self ID, extending to self-diagnosis for medical treatments. But this was not reflected at all in the training:

“The biggest, one of the biggest controversies (with the Gender Recognition Act 2004) is that legal recognition requires a pathologizing of your identity, it requires you to provide a medical diagnosis, not for the purposes of accessing clinical treatment, not for the purposes of a medical transition pathway, because you can get that irrespective of having legal recognition, but purely to satisfy some panel that you are in fact a person that identifies in the gender that you say you identify. And this has been really heavily criticised as having such a hugely

stigmatising effect on people in the trans community; it's reinforcing stereotypes that actually there's something wrong with trans people, that their weird, that they're mentally ill, and in a number of jurisdictions we've seen this model where you require a medical diagnosis and medical kind of pathologizing as justifying discrimination” (Bundle Page 5983).

and

“there's been important links to be made when being gay was classified as a mental illness and was pathologized and we know certainly that the entrenchment of that exacerbated discrimination and harm to the LGB community and so really that's how pathologizing and connecting it so closely and intimately with legal recognition” (Bundle Page 5984)

Children

- (124) Ms Brewer communicated the highly contentious (and I believe simply wrong, for the reasons I have given at paragraph (125) below) viewpoint that children should always be affirmed into their identified gender, including with the permanent medical treatments that accompany this:

“In the states are moving to a model that they think is far less harmful to the trans community, particularly young members of the community, where you don't have to pathologize to enable people to access medical transition pathways, you can just have someone essentially give their informed consent to, for instance being prescribe cross sex hormones, medical surgical pathways, if that's the route you want to go down, without necessarily having to have some “diagnosis” that you've had gender dysphoria (Bundle Page 5985).

finally the one that I think I'm incredibly invested in, and really, really, interested in, is the age limit. So, the age limit currently for legal recognition to make an application is 18 (Bundle Page 6005)”.

“MJ: Fluidity is much more, people may disagree, it seems to me that fluidity is much more, what's the right word, dealable with for say young teenagers, you know between 12 and 16, there would be you know, huge, huge discussions if one could take steps, not steps as medical steps, but you can do medically before 16.

MB You can get hormone blockers.

MJ Yes but that's not, that can be reversed, can't it?

MB Yes. (Bundle Page 6008)

and

MB: In the states, like to say that medical, the evidenced around gender expression and gender identity, of young people, is a lot more further along, it appears to me then here. And there certainly, most clinicians, I think, work in this area say that generally by the age of about 10 or 11 you're going to have a pretty fixed idea of what your gender identity is.

SL The age of 10?

MB Yeah. That doesn't necessarily mean that that's the case that doesn't necessarily mean that children who are much younger don't have a fixed idea of their gender identity because at The Tavistock their getting kids referred in at ages 3 and 4 (Bundle Page 6009).

and

But certainly studies show that by, so that by supporting children. So the fluidity, I think that one of the things that I would be cautious about, I think, it's absolutely right if a child identifies as fluid or doesn't want necessarily to pin their colours to the mast, but if you have a young trans girl 13 or 14 years old who is saying I do not want to be called Kevin, I do not want to partake in single sex spaces where I am the only girl, you need to respect my gender identity, that has to be, for me, that has to be it (Bundle Page 6010).

Ah, I'll tell you, it's all very exciting, but just kind of rounding up the age restriction provision, I think that it's going to be the general consensus, is that it needs to come down from 18 (Bundle Page 6015)".

Detransitioning

(125) I stated above that I believe that is wrong that children should *always* be affirmed into their identified gender. The reason for this is that children have been shown to have changed their mind about their gender identity as they get old. Children who have been unquestioningly affirmed into their gender then detransition. But where they have undergone medical transition – including cross sex hormones, and even surgery – that process can be extremely difficult, as well as very painful and damaging. The appropriate approach, in my view, is not to unquestioningly affirm children, but to provide for “watchful waiting”: that is, to provide careful, thoughtful therapy in order to allow children to reach a considered and balanced view, thus minimising the risk that hasty medical transition leads to the subsequent need to detransition.

(126) Stephen Lue asked a question relevant to this in the training:

“Stephen Lue: So say I live in Scotland I'm going through some stuff as a teenager, I'm at boarding school and I really like other boys and I'm born a boy. Everyone is cool about the trans stuff in my peer group and I decide that actually on balance it's much easier to be a girl and like boys and everyone gets that and the school have a framework around dealing with that but later on I don't have any surgery but I go and get the certificate when I'm under the age of 18 but then I get to 18 and I get to Uni and it turns out that I really still like boys but I'd like to live as a man again, can I reverse it?”

MB: Yeah.

SL: Okay.

MB: I mean that's part of that's, yes you can, you can.

SL: Can you do that in the UK. (talking over each other)

MB: You have to make an application for a Gender Recognition Certificate in the gender which you now wish to identify as (Bundle Page 6006-6007)."

- (127) My understanding is that this is simply incorrect, and one cannot make an application for a second Gender Recognition Certificate in this way. For one thing, a GRC requires a medical diagnosis of gender dysphoria, and a detransitioning person by definition ceases to have gender dysphoria because they are no longer dysphoric about their birth sex. For another, they would have to live in their birth sex for two years before applying, so in the example given above, the boy could not simply "reverse it" at 18. I believe that this is a blasé and ill-informed attitude towards people who detransition, which is a common marker of the Stonewall-led gender identity activism.
- (128) There are more aspects of the training that I could cite, but I think the above sections make plain what was happening in Garden Court at the time (and which Garden Court were publishing on YouTube). These are highly contentious, and in some respects legally incorrect assertions which proselytised the narrow Stonewall view of Gender Identity Theory.
- (129) I knew about TELI and about some, but by no means all, the work that chambers was doing under the umbrella of "trans rights". I did not know and could not have known the extent to which chambers had explicitly endorsed and aligned itself with the trans activist position or the hostility that existed to any view which ran contrary. In practice, Garden Court had taken a particular stand on this issue, without consulting chambers, and the effect of this was that it had become an organisational position within chambers to support the trans activist line and the gender identity philosophy which underpins it. This position is, I believe, apparent from the matters I have already referred to, but it is reinforced by the other matters which I address below, including my own treatment. Given that (as I will explain further below) people with gender critical beliefs are regarded by trans activists and people who espouse gender identity theory as being transphobic and bigoted, one consequence

of Chambers having aligned itself so closely with the trans activist position was that my beliefs would be regarded in that way.

- (130) There was clearly a plan to do an organisational response to GRA reform. There must have been some awareness about competing views on the subject within Garden Court **(Bundle Page 476)**.
- (131) The clear alignment of chambers on this issue is also reflected in the fact that Garden Court barristers were involved in the most contentious issues in the trans debate and on each occasion Garden Court was supporting the trans rights activists' position with no regard and open disdain for opposing views, particularly of women. Helen Belcher (who spoke at the Garden Court Trans Conference – see para (102)(a) above) wrote to Michelle Brewer seeking support for an “Open Letter regarding Trans Representation in the Media” **(Bundle Page 518)**.

“you may have noticed coverage in the media in the past few days about Girlguiding expelling two members as well as a student who was removed from an editorial position on a student paper. All were removed because of how they questioned their organisations’ policy on trans inclusion. Once again the trans communities were subjected to days of brutal statements, often unchallenged across mainstream media. These included alleging that trans women and girls were inherently dangerous, potential sex offenders; attempting to draw a distinction between some trans women and cis women with the assumption that trans women should not be allowed to use single sex spaces.”

- (132) This related to the case of an individual named Katie Alcock who was expelled from Girlguiding for holding gender critical views. That is now the subject of litigation. I have never seen the proposition that “trans women and girls are inherently dangerous” expressed “across the mainstream media”. The proposition is that males are responsible for the vast majority (around 99%) of sex offences, and to include transwomen in women only spaces means including males. This does not label them “inherently dangerous”

because they are trans: it reflects the reality of male pattern violence, which is not resolved by a man's gender identity causing him to identify as something other than male.

(133) The tenor of the email is entirely dismissive of women's concerns. Single sex spaces provide protection for women and girls' dignity and safety based on sex, not on what someone feels themselves to be. However what Helen Belcher was proposing along with Trans Media Watch, the Stonewall Trans Advisory Group and the LGBT Consortium was a letter that focused entirely on the vulnerability of trans people and excluded the vulnerability of women. This email was forwarded by Michelle Brewer to the trans rights working group, Claire McCann, and Alan Briddock (**Bundle Page 518**) and was apparently signed by Ms Brewer.

(134) Professor Alex Sharpe is a door tenant at Garden Court. Prof Sharpe has a clear disdain for women who express concern about the effect on women's rights of replacing the concept of sex with the concept of gender. A Twitter thread from September 2018 (**Bundle Page 1051-1054**) is illustrative of Alex sharp's frequent use of the term TERF as an expletive and an insult (I refer later in this statement to various material which shows that 'TERF' is used as a term of abuse, of which I believe Prof Sharpe must have been well aware). I have referred to on example of Prof Sharpe using the term TERF (paragraph (108) above). In a Twitter thread dated 20 September 2018, when challenged on the use of the word TERF, Prof Sharpe responded (**Bundle Page 1029**):

“while I receive plenty of abuse, I have abused no one. TERF is an abbreviation for trans exclusionary radical feminist. Its what it says on the tin... if it has become a pejorative, this is because of the disdain right minded people feel towards those who live under its banner.”

(135) Another twitter exchange, between Professor Sharpe and Professor Rosa Freedman is in the bundle. Subsequently, Prof Freedman was found by Akua Reindorf to have been the victim of discrimination at Essex University

on the basis of her gender critical beliefs. Tweeting at Prof Freedman, Sharpe wrote (**Bundle Page 1054**):

“if you wish to exclude trans women from women-only spaces then you would appear to be trans-exclusionary. If you have no problem with trans women in said spaces, then the term would not appear to apply to you.”

And then

“TERFs oppose the term cis because they reject trans people’s gender identities as real or legitimate. You can stand with them or you can take an ethical turn. Love over hate” (**Bundle page 1053**).

- (136) This framing of gender critical beliefs as being unethical and hateful is a feature of extremist gender identity views. There is nothing unethical or hateful in recognising the importance of biological sex. There is also nothing exclusionary about it and it is false to say that retaining single sex spaces excludes trans people. Trans people are not excluded from single sex spaces for females: only males are excluded. Trans men (who are female) are not excluded.
- (137) I was still unaware at the time that I expressed concern about Stonewall in December 2018, and when I launched the LGB Alliance in October 2019 just how embedded Gender Identity theory was at Garden Court.

14. Stonewall Diversity Champions

- (138) On 14 December 2018 at 15:29 (**Bundle Page 558**) Stephen Lue wrote to everyone in chambers to announce that we as a chambers were now officially a Stonewall Diversity Champion. I did not know before this that Diversity Champion Membership was being discussed.
- (139) In his email, Mr Lue gave five supposed benefits of this membership: Stonewall would be reviewing our policies and procedures regarding human resources, training would be provided with ‘best practice’ for recruiting, procurement analysis, access to a jobs board targeting LGBT candidates,

we would be able to use Stonewall's logo in our marketing, and what I regarded as the biggest carrot that was held out to Chambers, business development: we would become an organisation to whom who Stonewall referred their discrimination work, LGBT asylum work, same sex family cases, surrogacy, criminal cases involving gender fluidity and consent and so on. Stonewall was looking for a partner in strategic litigation regarding the upcoming Gender Recognition Act becoming law. Mr Lue also said that we would be able to make an application to be ranked in the workplace index. This email was presented in a celebratory fashion.

- (140) When I read it, I had a sense of horror. I believed (and still believe) very strongly that Stonewall – in the context of the conflict between gender critical feminism and trans rights – was (and is) a highly partisan and indeed unethical player. I did not think that we as a Chambers should be engaging in this way.

15. My beliefs about Sex, Gender and Stonewall's Campaigning

- (141) I have set out above how my beliefs in relation to sex arose from childhood. Over the past six years or so these beliefs have become especially relevant to debates around sex, gender, and the manner in which campaigning by gender identity theorists – particularly as led by Stonewall - has been pursued.
- (142) During 2016-17, I had started to use Twitter (after being relatively inactive on it for several years) because of the inauguration of Donald Trump. I was concerned as to what was happening in US politics and twitter was a source of information.
- (143) Around the time of Trump's inauguration in 2017, I became aware of the controversy surrounding trans rights and women's rights. It was happening in the periphery (as many such debates and arguments happen on twitter) and at first, I took a decision to ignore it. I thought it was nothing that concerned me. I was wholly in favour of trans rights because I had not

realised that trans rights activism had become something which was oppositional to women's rights and lesbian rights.

- (144) Some time later in 2017 I saw a link to a site called terfisaslur.com. I clicked on it. It was page after page of screenshots of images of trans rights activists attacking women in the most violent language and imagery possible. I was appalled. These were self-declared LGBT activists calling for, and celebrating, violence against women.
- (145) A selection of the images on terfisaslur.com is in the bundle from **Bundle Page 777**. These images were not selected to be any more offensive than any others: they are an entirely representative selection. In preparing this statement I have looked again at the site to try to estimate how many images there are on there. There are thousands upon thousands of these images, which I think illustrates the scale of this problem.
- (146) It was at the point that I saw terfisaslur.com that I realised what the controversy was about, and that much of mainstream trans rights activism had evolved into something misogynist and abusive. I understood why so many feminists were so oppositional to this form of trans rights activism. From that point onwards I stopped ignoring the issue and became more engaged with it.
- (147) Prior to 2015, I was a staunch supporter of Stonewall and the work it did campaigning on behalf of LGB rights. In 2015 however, it became a very different organisation: following the passage of same sex marriage legislation, when in my view it realised that there were no significant legislative goals for LGB rights left to achieve in the UK, it effectively re-established itself as a trans rights lobbying campaign. Because Stonewall is the largest such charity in the UK, it has effectively become the umbrella under which all trans rights activism in the UK takes place: there are other organisations, but they co-ordinate closely with Stonewall.

- (148) The disclosure provided in this case demonstrates this: it is heavily redacted and the names under the redactions are the names of the other trans rights (and even civil liberties) organisations, as set out at paragraph (115) above.
- (149) Central to Stonewall’s trans rights activism is a collection of slogans. Perhaps most crucial of these is the slogan that Trans Women Are Women. This is not a shorthand for a more complex or qualified principle: as set out above, the slogan means that transwomen are literally and for all purposes women. This also does not mean transwomen with a GRC: it means any male that identifies as a woman. It can include a male with a beard, as is the case with Alex Drummond, returned to below. Accordingly therefore, according to Stonewall the definition of the word “woman” has no relationship with biological sex: it is purely a matter of identity.
- (150) I believe that this slogan is materially untrue: women are female, and transwomen are male. This is extremely important in all areas in which biological sex is important and where the distinction between the sexes matters. A person cannot change their sex. It is written into every cell of their body. In some situations, sex is extremely important.
- (151) Such is the scale of the significance of sex to all aspects of human life that it is extremely difficult to usefully evidence all of this in a single witness statement. I have included in the bundle a submission made by the campaign group Sex Matters to the Women and Equalities Select Committee in 2020, which I think is a very useful summary of these issues. Although it post-dates many of the material events in this case, the issues and headings it identifies are the issues and headings which help to define my gender critical beliefs. In particular, at **Bundle Page 4574**, the document answers the question “What else should the government have included in its proposals (for GRA Reform), if anything?” with “The government should consider the impact on women in any proposal on GRA reform and in clarifying how the GRA and Equality Act interact.” From **Bundle Pages 4574 to 4579**, the evidence for that answer is given. The answer, and the evidence which underpins it summarises precisely my beliefs about sex and gender, and the basis for holding those beliefs.

- (152) In the criminal justice system of which I am a part, I believe that Stonewall's brand of trans activism is particularly wrong. I have dealt above with the concept of sex by deception. In addition to this, women in the criminal justice system who are victims of male violence may be and have been compelled to label and address their male attackers as female because they identify as such. I refer below to the case of Maria McLachlan, a middle-aged gender critical woman who was violently attacked at Speaker's Corner by a six foot male trans campaigner. At the resulting trial (in which her attacker was convicted) she was compelled to refer to her attacker with a female pronoun. Crimes committed by males on women are recorded as having been committed by women. This mislabelling of male criminal behaviour both defames women and obscures the reality of male violence, thus hindering attempts to prevent and address it. These are very serious issues.
- (153) There are a number of contradictions at the heart of Stonewall's trans rights agenda. For example, Stonewall is a prominent advocate for what it terms "trans health", being the process by which trans identifying people can undergo medical treatment to change the appearance of their bodies in order to look more like a member of the opposite sex. But concurrent with this, Stonewall also says that trans is not a medical condition and should not be treated as such.
- (154) I am vehemently opposed to Stonewall's particular trans rights agenda. I believe it is one of the most dangerous political and cultural movements we have seen in the west. It is an undemocratic and vicious movement. Most trans identified men are heterosexual. Stonewall could not have failed to realise that extending the trans umbrella to include cross-dressers (and in Scotland, for a time Stonewall included cross-dressing for sexual purposes) was going to destroy lesbian rights and women's rights and boundaries.
- (155) Stonewall is a political lobbying apparatus: in an interview with Emma Barnett on BBC Radio 4 Woman's Hour in 2021 (which I believe reflects Stonewall's approach since 2015), Stonewall CEO Nancy Kelley said (**Bundle Page 4259-60**):

“Nancy Kelley: I don't think we've had any real influence over editorial policy, it would be lovely to have more, we would love to be able to kind of have a great amount of influence over the way that the LGBTQ stories are covered by everyone,

Emma Barnett: you would love to have more influence over,

NK: of course,

EB: the BBC, and its editorial policy,

NK: we'd love to have more influence in the world, we want to be more inclusive”.

- (156) But in pursuing that lobbying, it is *not* being inclusive. Stonewall propounds awful and vindictive lies about its opponents. Lesbians are likened to racists **(Bundle Page 4602)** simply for being same sex attracted and not being attracted to males, I believe that this is naked, base homophobia, perpetrated by the charity which is supposed to campaign for lesbian and gay rights. Gender critical beliefs are likened to anti-Semitism **(Bundle Page 6072)**. This language is used by the current CEO of Stonewall, but it is wholly of a piece with Stonewall's approach since 2015.
- (157) Yet Stonewall and its umbrella cohort presents itself as the single monolithic view of all Lesbian, Gay, Bisexual and Transgender people as though there is no plurality of view within that group. It would be ridiculous to say that all heterosexuals believe exactly the same thing on any particular topic. Yet as homosexuals we are supposed to agree with everything the Stonewall lobby says and are cast as akin to racists if we do not. No dissent whatsoever is permitted from the Stonewall line in respect of gender identity theory.
- (158) Homosexuality and heterosexuality are simply sexual orientations, and nothing more. But the Stonewall trans activism campaign has required homosexual people to adopt and to profess a particular belief system, or to be excluded from the LGBT community. Governments would not listen to a political organisation for heterosexuals that said that it represented the one

and only view about heterosexuality and everyone else is wrong and hateful. But that is precisely what has been demanded (with considerable success, it must be noted) by Stonewall.

(159) I believe that the conflation of trans rights and gay rights into the principle of LGBTQ+ is entirely inappropriate. As with campaigns for any set of two or more different minority or oppressed groups, there may be areas on which trans rights and gay rights overlap. But there are, I believe, many areas where they directly conflict. Homosexuality is same sex orientation. I believe that it is absolutely inseparable from biological, binary sex. Gender identity theory requires the abandonment of biological sex in favour of an identified gender. These two principles directly conflict and, I believe, involve an attempt to define away the very concept of same sex attraction, and by extension to undermine the rights of lesbians and gay men as groups defined by same sex orientation.

(160) Prior to Stonewall's change in 2015 into a trans rights movement, it did not seek special treatment for LGB people, and LGB people did not demand it. We simply asked to be treated with respect and as equals in society. Nothing that we sought required the loss of rights for others. But the Stonewall trans rights movement emphatically does seek the removal of others' existing rights. All rights which are based on the concept of biological binary sex – single sex spaces, sex segregated sport and prisons, positive discrimination efforts such as the (misnamed) gender pay gap and all-women political shortlists - and even the collection of accurate census statistics to measure women's oppression in order to combat it – I believe that these are all directly attacked by the principle that gender trumps sex so that "Trans Women are Women".

(161) By assuming all lesbian, gay and bisexual people under the gender identity theory umbrella of LGBTQ+, I believe that Stonewall has also deprived LGB people who do not ascribe to gender identity theory of a distinct voice. LGBTQ+ is one form of the acronym among many – LGBT, LGBTQI, LGBTQIA, all with or without the plus at the end – which all mean the same thing: a single homogenous group, all members of whom must ascribe to

gender identity theory. This is exclusionary to all of those, like me, who are lesbian (or indeed gay, bisexual or transgender) but who do not ascribe to gender identity theory, do not wish their sexuality to be defined by gender, but who instead are same sex attracted.

- (162) As would subsequently be recorded in the report sent to me by Maya Sikand on 11 December 2019 (**Bundle Page 3321**), in an attempt to explain what was objectionable about LGB Alliance:

“Whilst LGB Alliance appears to be organised around sex (and sexuality) and not gender, and therefore argues trans people are not included by definition, the term “LGBT” has become a “norm”.

- (163) This definition of “LGBT” as a “norm” is one of the core objections I have to Stonewall’s campaigning. It removes the agency of lesbian, gay, bisexual and trans people to identify, organise and speak on their own account about their own identities. Instead, they must conform to “the norm”, set by Stonewall, which is that our sexual orientation is not same sex, but same gender. Stonewall has in effect monopolised the concept of homosexuality, and, having monopolised it, has redefined it to be something which is in conflict with its core definition of same sex attraction.

- (164) I believe that the very notion of gender itself is sexist. It oppresses women. There is no definition of woman – other than “Adult Human Female” – which is not either self reflective (“a woman is a woman” or some variation of that) or which does not rely on the principle that there is a particular, appropriate way for women to behave. Such a principle fundamentally relies on sexist stereotypes in order to define itself. I believe that a man who professes to identify as a woman does not identify as a woman, because he has no frame of reference from which to do so. What he in fact identifies with are the social concepts and stereotypes that have been misogynistically applied to women by a patriarchal society. A woman is not a woman because she wears a dress and make up, or behaves in a particular way, or has particular feelings; and neither is a man. And yet, according to gender identity theory, these reductive stereotypes are precisely how a woman is defined.

- (165) Stonewall and its cohort of campaigners pursues a particular focus on children, propounding the idea that a child questioning their gender identity is by definition trans and should therefore be given medical treatment, all or nearly all of which is irreversible to some degree. In my personal experience a significant portion of lesbians – probably the majority – experienced some form of unhappiness with their female body in adolescence. This is a result of a society that has historically shunned gay people, meaning that adolescents who are same sex attracted wonder if there is something wrong with them. Similarly, young people who do not conform to the reductive stereotypes around their sex (and who are therefore gender non-conforming, as is the case with many lesbian and gay young people) also wonder if there is something wrong with them. There is of course nothing wrong with them, with gender non-conformity, or with same sex attraction. Most lesbians come to realise this as they realise their sexuality. I believe that treating a child who is experiencing this unfamiliar but relatively common anxiety with hormones and surgery is abhorrent.
- (166) None of this is to say that gender dysphoria is not real, debilitating and very serious for those who suffer from it. Neither is it to say that a trans person should not be respected or should be discriminated against. I have known and defended trans people throughout my life. I respect them entirely. Not all of them share a belief in gender identity theory, and there are trans people – including some I know, and including Miranda Yardley who spoke very powerfully at the launch of LGB Alliance in October 2019 – who do not believe in gender identity theory. The assertion that trans people are all adherents to gender identity theory – and therefore that rejection of gender identity theory is a rejection of trans people – is as false as the assertion that all homosexual people are one monolithic entity with a single homogenous view.
- (167) Gender identity theory is a belief set. I do not hold those beliefs, and in common with any other belief set, nobody is compelled to hold those beliefs and everybody is free to reject them and to express that rejection. Neither is anything in this a comment about trans people. My rejection is a rejection

only of a theory, propounded by Stonewall and trans rights campaigners, many of whom are not trans.

16. My response to the Diversity Champion announcement

(168) On 14 December 2018 (**Bundle Page 557**), I responded to the announcement that we were to become a Stonewall Diversity Champion. I “emphatically” objected to any formal association with Stonewall. It was my view that this needed to be considered very carefully by chambers. Although it was my view that we should have nothing to do with their organisation I recognised that there may be a case for doing so, and I was advocating for careful consideration.

(169) I said in my email that

“there are many of us within the LGBT community who fully support trans rights but who do not support the trans extremism that is currently being advocated by Stonewall and others in respect of the proposal for self ID under a revised GRA. Stonewall has been complicit in supporting a campaign of harassment, intimidation and threats made to anyone who questions its trans self ID ideology, especially lesbians and feminists. Those who object or even question the Stonewall self ID ideology have and continue to be threatened often with rape and serious violence -- by self ID trans women.”

(170) The campaign of intimidation and harassment I was referring to was the general abuse and intimidation of women online and in person that I had observed over the previous year or so, including on [terfissues.com](https://www.terfissues.com). Much of this was in the form of immediate abuse, threats and character assassination that women and lesbians who opposed gender identity theory were subjected to on Twitter. But there were also specific examples. Taken together, I saw this as an environment of widespread misogynist abuse, which Stonewall were helping to facilitate.

(171) The specific examples I had in mind were

- (a) The treatment of Professor Kathleen Stock at the University of Sussex. Although her situation rose to national prominence in 2021 when she left the University of Sussex, even in 2018 she was the subject of abuse and vilification as a result of her writing, and I was aware of it.
 - (b) The treatment and vilification of lesbians at Lesbian and Gay Pride in the summer of 2018; Lesbians marched ahead of the parade with a banner saying “Transactivism Erases Lesbians” and “Get the L Out”. This was condemned as transphobia by TELI, Louise Hooper and Michelle Brewer of Garden Court (**Bundle Pages 5915-8**) and Garden Court retweeted this from its corporate account, although I did not know this at the time.
 - (c) The treatment of the late Magdalen Berns, an outspoken and inspirational lesbian feminist opposed to gender identity politics. She was subjected to online abuse, including after she died, in her early thirties, of brain cancer.
 - (d) The assault of Maria McLachlan at Speakers Corner by a male trans rights campaigner and her subsequent treatment by the magistrate that heard her case (to which I have returned to below).
- (172) The criticism that I was making about Stonewall in that email was about Stonewall’s campaigning around gender identity substantively, but also about its method of campaigning. On a substantive level, I took the view (and still do) that Stonewall was seeking to remove some of the protections that the Equality Act gives to women and to lesbian and gay people. These protections included the right to single sex spaces for women, and the right of lesbian and gay people to identify as (and to have protections from discrimination against) being specifically same sex attracted. The effect of self ID would have been to remove these protections because males would be permitted in women’s spaces, and lesbian and gay people would be reclassified as same gender rather than same sex attracted.

- (173) Additionally, I was referring to the particular method that trans rights activists (who were effectively under the Stonewall banner) used to further those campaigning aims. This included aggressive and abusive language, including the word TERF, and referring to people who opposed the Stonewall view as being transphobic and bigoted. This extended to services and workplaces. At the time, I of course did not know that it would subsequently happen to me, in my workplace. But I knew of other instances
- (174) As set out above, my opposition to Stonewall arose from my gender critical beliefs. My opposition to Chambers' partnership with Stonewall through the Diversity Champion scheme was also as a result of my Gender Critical beliefs. I have explained above why my choice of profession, chambers and work arose as a result of my personal beliefs which in turn had arisen from formative experiences. It was therefore particularly important to me that a radical, progressive, important set of barristers such as Garden Court did not become an extension of Stonewall. I feared that this is what would happen as a result of the Diversity Champions announcement.
- (175) From the disclosure, I now know that this email "marked my cards" in Chambers. I had no idea about the extent to which Garden Court had already adopted a pro trans rights, Stonewall, activist ethos, which had at its heart viewing women and feminists who questioned self ID and who were opposed to it as bigots and transphobes. I knew this was happening outside in the Twittersphere and in the real world but I was naive in not anticipating that I would also be subjected to immediate condemnation.
- (176) Michelle Brewer responded to my email on 14 December 2018 at 1715 (**Bundle Page 1068**). It was a personal email directed at me but sent to everyone in chambers including staff and pupils. She wanted to know whether I was equating support for self ID with trans extremism. She said that she did not consider herself to be an extremist but she strongly supported self ID. She said she was unfamiliar with the concept of trans extremism. She wanted me to explain how Stonewall was complicit in the campaign of harassment, intimidation and threats to gender critical feminists she said it was news to her that Stonewall has behaved in this way. I did not

reply to that email because I regarded it as being disingenuous and I did not want to get into a direct confrontation on that basis. For the reasons I have set out above, I believe (and continue to believe) that much of Stonewall's campaigning, and Michelle Brewer and TELI's positioning, was indeed extreme, but I recognised there was absolutely nothing to be gained in setting this out in correspondence because there was no prospect at all of changing Ms Brewer's mind.

(177) However, her email was clearly a rebuke to me, deliberately copied to everyone in Chambers including the clerks and it was not met with any attempt by the Heads of Chambers or anyone else to mediate the debate or make clear that I was entitled to raise my concerns. I now know from the disclosure to which I refer below that this was a deliberate decision by Judy Khan to allow Michelle Brewer's rebuke of me to stand because she agreed with its sentiment.

(178) Stephen Lue is a barrister who specialises in family law matters and I regarded him as a friend. I had spoken to him about the possibility of pursuing Arnotrading through the civil courts for compensation, and Stephen had been kind and compassionate in our discussions about this. I assumed because of these conversations he would have known why I was so concerned about what gender self ID would mean to women and girls' safety and dignity from all men. In an email sent on the 14 December 2018 at 1734 (**Bundle Page 1071**) Stephen told me that he understood the decision had been taken at board level but he said that he would take my concerns back to management and he wished me well.

(179) But at the same time he was presenting an entirely different view to management. In an email that I did not see at the time (14 December 2018 at 17:12) (**Bundle Page 1070**) – which he had sent before his reply to me, he said:

“we can't go back now. It would be deeply embarrassing to go back to Stonewall and say that we have changed our mind. Plus we are already

committed financially. The message it would send would be counterproductive in the marketplace”.

- (180) Stephen Lue had said he would bring my concerns to chambers, but he did the exact opposite. I was naive to have believed him. I had thought that my concerns would be taken seriously.
- (181) Others contacted me to express support for my email about Stonewall. Kirsten Heaven replied on 14 December 2018 at 18:16, **(Bundle Page 1077)** that these were her thoughts exactly and that she would help gathering evidence in response to Michelle Brewer's email. I responded to thank Kirsten for her support on the 14 December 2018 at 18:23 **(Bundle Page 1078)** and I assured her that her communication would be in strict confidence. This was because I was aware from Michelle Brewer's email to me that anyone who opposed Stonewall was at risk. Senior women barristers were fearful of expressing their views about their rights freely.
- (182) I heard from Kirsten Heaven again on the 14 December 2018 at 18:29 **(Bundle Page 1079)**. She said that she would contact prominent feminist Julie Bindel and that the issues were complex. Kirsten acknowledged to me that *“this is a political association that doesn't sit well with all feminists.”* This was clearly Kirsten's view expressed in correspondence which she knew to be confidential. It is notable to compare this with how she plainly felt she had to express herself when speaking to chambers management **(Bundle Page 942)**.
- (183) Kirsten also sent me a petition asking Stonewall to reconsider its approach to gender identity issues **(Bundle Page 1134)**. Dated 17 December 2018 at 11:31. I responded that I had already signed it (17 December 2018 11:31 **Bundle Page 1135**).
- (184) In the disclosure that I subsequently received, there was email communication from 14 December 2018 between Michelle Brewer, Shu Shin Luh and Stephen Clark in reaction to my reply to Stephen Lue **(Bundle Page 1067)**. Shu Shin Luh asked “is this what we were talking about the other

day? I'm really confused by this!" And Michelle Brewer responded "Lol – yes!" There are no other emails between Michelle Brewer and these individuals save for the ones mentioned that have been disclosed. It appears that these people had been discussing me (and potentially other people) who opposed Stonewall's ideology and it is clear what Michelle Brewer's position must have been in those discussions.

(185) Judy Khan QC responded to Steven Lue on behalf of the heads of chambers, who were copied into her email on the 14 December 2018 at 19:04:01 (**Bundle Page 1085**). I was immediately cast as the bad person. Ms Khan wrote:

"as far as I'm concerned, Allison's view is not representative of chambers on this and we will not withdraw our collaboration with Stonewall. I am sorry that Allison emailed in those terms - please do not take it to heart. You have our full support".

(186) I did not see this email until it was disclosed in these proceedings. I did not know that Chambers had a "view" at this time. The "view" was in effect a corporate position, which can only have been the view of Heads of Chambers, based on the lobbying that they had received from trans rights campaigners within chambers. The corporate position was that discussed above: a position at one extreme end of the sex and gender debate. It was adopted without any inquiry of chambers and without any attempt to facilitate open and honest dialogue about what people really felt.

(187) It is particularly notable that this was communicated in this fashion by Judy Khan QC. She was the head of chambers and a very senior member within the crime team with the ear of the clerks. It is notable that there was no response from anyone who received that email to query the existence or substance of the chambers position.

(188) Marguerite Russell wrote to Stephen Lue on the 14 December 2018 (**Bundle Page 1093**). She was trying to reach out to both of us in a friendly and respectful manner. Marguerite Russell is one of the founding members of

Garden Court and one of the senior members within chambers. It is telling in my view that she felt the need to keep her views from the wider chambers management. She wrote:

“I wanted to let you personally know that as someone involved in feminist and lesbian activism for most of my working life I too am concerned at finding that some trans activists do want to create a new binary ie I am no longer a woman but cis woman. I believe it is important for us to understand our own oppression and understand their differences. (...) I have seen women who worked all their lives as feminists trashed and vilified in recent times in this debate and I am amazed at the virulence of the response to anyone who wants to discuss how to make our movement safe for everyone”.

- (189) There is no evidence in the bundle that Stephen Lue passed on these comments to anyone else.
- (190) Stephen Lue, Marguerite Russell and I exchanged emails later on the 14 December 2018 (**Bundle Page 6205**). He wrote *“rest assured that Alison (sic) and I have been in touch with one another privately and there is only good between us. We have solidarity with one another quite apart from this issue. I too respect you both and know how much you care.”* I responded *“yes, absolute love and respect between Steven and I”* (**Bundle page 6222**). Knowing now that Stephen had gone to the heads of chambers to make sure that there would be no discussion, I find Stephen’s actions deeply disappointing.
- (191) Nerida Harford-Bell, a senior barrister within the crime team at Garden Court, replied all to my email of 14 December 2018 and said she was meeting with the Chair of Stonewall Ruth Hunt and would raise my concerns with her. Michelle Brewer commented on this in an email to Stephen Lue (**Bundle Page 986**). She wrote *“great now Allison's wholly unfounded allegations are going to be aired with Ruth – nothing like washing our dirty transphobic laundry in public.”* I did not see this email until my Subject Access Request

response was received (and the names of Ms Brewer and Mr Lue were redacted until I received disclosure in these proceedings).

(192) Therefore, on the day that I raised concerns about Stonewall I was labelled by Michelle Brewer as having “wholly unfounded” and “transphobic” concerns. Michelle Brewer at the time was a senior barrister practising in public law, judicial review and had worked alongside senior members of chambers including senior members of the crime team in crossover judicial review and public law proceedings. She was well respected and had the ear of senior members of the crime team and of chambers.

(193) Other than Michelle Brewer, the only person to reply all to my email voicing any reservations about Stonewall and its self-ID agenda was Terry Munyard. He expressed that he understood my concerns but that Stonewall's long history of fighting for lesbian gay and bisexual rights should mean that we should not close the door on what could be a valuable association with them. He wrote (**Bundle Page 910**):

“I have great respect for Peter Tatchell but was dismayed by his recent refusal to engage with a group of concerned feminist lawyers and others who were seeking space to discuss this unemotionally”.

(194) Monifa Walters-Thompson also wrote to me as a result of my reply to Stephen Lue (**Bundle Page 6223** on 16 December 2018 16:32). She wrote that she wanted to better understand the issues. I sent her (**Bundle Page 6224**) an article in *The Times* by former EHRC head Trevor Phillips (**Bundle Page 6201**) “Trans Extremists Are Putting Equality at Risk”.

(195) David Neale is a barrister directly employed by Chambers as a Researcher. He wrote to the Heads of Chambers and Sharon Thomas, the Head of HR and Operations, to complain about my email of 14 December (**Bundle Page 562**). His email was written on the same day at 17:47. He said he found my email personally very upsetting. He said “A close family member of mine is a transgender woman, and many of my trans friends have faced transphobic abuse from the “gender critical” feminists. He said he considered my email

to be “transphobic, offensive and hurtful” and did not think it should have been sent. He singled out Stephanie Harrison and Michelle Brewer for the important work they are doing in trans rights and said that he felt very strongly that chambers should be a “trans-inclusive space”. I had not said anything about chambers not being a trans inclusive space and I never have – I agree that chambers should be trans-inclusive. I knew of TELI, although not the detail of their work or their public statements and I did not try to shut them down or otherwise destroy their reputations and chase them out of chambers.

- (196) David Neale received a response from Judy Khan on 14 December 2018 (**Bundle Page 561**) at 19:51. She said “*that unfortunately some members of chambers do not always express themselves in a way that we would wish*”. She reassured David that:

“chambers will of course, continue to be a trans inclusive space and nothing that Allison has said will alter that fact. Michelle has sent a very clear response and I did not intend to respond to Allison in light of that, as I do not want to encourage a lengthy email debate. If you want to treat this as a formal complaint against Allison – let us know. As far as I am concerned our collaboration with Stonewall will continue and is welcome”.

- (197) This was another email that I did not know existed until it was disclosed. It was omitted from the Subject Access Request response that Chambers sent me. Given the wide distribution list that this email had, and the fact that it was so directly relevant to my 14 December protected act – which was provided - I cannot see how this email can have been unintentionally overlooked.

- (198) Judy Khan’s response to David demonstrated that (unknown to me at the time) Michelle Brewer was effectively speaking for the Heads of Chambers when she sent that email to me. Judy Khan’s email to David Neale was copied to the Heads of Chambers and Sharon Thomas (**Bundle Page 1082**). It made it very clear she as joint Head of Chambers was strongly opposed to

me. Judy Khan QC even invited a formal complaint from David Neale against me.

(199) Later that evening, Leslie Thomas replied (**Bundle Page 1088**):

“ completely agree with the sentiment and way forward as expressed by Judy. Alison (sic) views are not shared by the heads or the vast majority of chambers”.

He signed his email “in solidarity, Leslie”. Again, this was an email I did not see until late on in the disclosure process, and which was excluded from the SAR Response that Chambers sent to me.

(200) I did not know at the time, but I know now that Sharon Thomas (whom I have no recollection of ever meeting) wrote to the Heads of Chambers, Leslie Thomas, Judy Khan and Mark Willers copied to David Neale, to say (**Bundle Page 1111**) that they were sorry David was upset by my email and offering him a time to chat. No one from chambers management wrote to me in anything approaching sympathetic terms for my position.

(201) In short, the response to my protected act was that I was labelled relatively widely among chambers, including to Heads of Chambers and with their apparent agreement, as transphobic. The label “transphobic” is particularly damaging in a set such as Garden Court, which identifies so strongly as a morally correct organisation. Being labelled as transphobic within Garden Court is at least as bad as being labelled a racist, although if I had been labelled as a racist, my views would at least have been challenged, and I would have known that the view was held about me. With the exception of Michelle Brewer (paragraph (176) above) nobody – including the Heads of Chambers who appeared to share the view that I was transphobic – put their views to me. In respect of Michelle Brewer’s email, I have dealt above with the reasons why I did not reply to her.

(202) Had anybody sought to engage with me on a reasonable basis, or conveyed that I was viewed as I was, I would have engaged with them, and explained why the label of transphobic does not apply to me. I would have shared

information to justify the positions I had expressed. I would have shared my personal experiences, as set out above, to explain my experience of male violence and why it shapes my beliefs about sex and gender. To the extent that I was able, without breaking confidences, I would have referred to the private correspondence I had received from other Chambers members to demonstrate that my views were not exceptional within Chambers. I would have referred to my work with women, and with transwomen, to show that I have experience of the issues to which I was referring. I could have put beyond doubt (or at least been given the opportunity to try to put beyond doubt) the reality that the existence of single sex spaces is not trans exclusionary, but only male exclusionary – and that it is so for very good reasons.

(203) But instead, there was a whispering campaign, of which I knew nothing, that allowed these false labels of me to persist and fester. I was written off as a bigot. This was done with the express involvement of Heads of Chambers.

(204) Although I did not know the detail, I knew that something was wrong because I had received no response except those detailed above. I was intimidated by the silence, particularly from Heads of Chambers. I became concerned about my physical security in light of my email of the previous day expressing a lack of support for chambers affiliating with Stonewall. I had read Alex Sharpe's twitter comments, and I had seen Michelle Brewer's email to me so I suspected that my email about the Diversity Champions scheme would be discussed within chambers (even though I did not see that correspondence until later). I was also worried that this might be discussed outside chambers, including among trans activists.

(205) The previous year (2017) a feminist in her sixties, Maria McLachlan, had been assaulted at Speakers' Corner. She was struck in the face by a male trans person who was in his twenties, and over six feet tall. The incident was captured on video and posted on YouTube, where I had seen it. The sight of a peaceful middle-aged woman being beaten to the floor by a trans activist distressed me greatly. I cannot now recall if I was at that stage aware that other acts of violence had been perpetrated against women by trans activists,

but there are others: Julie Bindel was assaulted in the street outside an event; a meeting in the shadow of the Grenfell Tower, which I attended, was (shamefully, given the location) smoke-bombed and the women who attended were abused and intimidated. As some women tried to leave, they were surrounded by trans activists wearing masks and physically intimidated. I was surrounded by several trans activists when I tried to leave, lights were shone in my face, I thought I was about to be assaulted as several activists got really close and surrounded me. I was rescued by a security guard the venue had hired; a meeting at the Labour Party Conference was surrounded by activists banging on the windows and hurling abuse, and there are various other such examples which occurred before and after December 2018, and which continue to occur. I was worried that some of these activists might come to know of my opposition to Stonewall and that this might put my safety at risk. It was a non-specific fear, but I felt genuinely about it.

17. My Security Concerns

- (206) On 15 December 2018, I wrote to the heads of chambers and to Glenn Fletcher, then CEO, about security. I was concerned in particular that an easily accessible address list and telephone list of barrister members that used to be available on our intranet should be secured (**Bundle Page 570**).
- (207) The same day, Judy Khan replied to me seeking clarification which I provided to her. This email was then met with no response from Judy Khan so I had to chase it up on the 21st of December (**Bundle Page 569**) and thereafter there was a lack of sympathy for my position from all the heads of chambers. I had direct communication with Leslie Thomas also and told him about the levels of abuse that women were experiencing online in the name of trans activism and gave him the website terfisaslur.com so that he could familiarise himself with the truly abhorrent abuse that was being meted out to women. His response to me is in the Bundle (**Bundle Page 566**). I know Lesley and I could read the hostility towards me in his email. That hostility is plain when his email to me is read alongside the email he had sent a few days previously to David Neale (**Bundle Page 1088**), but which I did not know existed at that time.

- (208) Lesley challenged me to enquire if I had been threatened directly. His tone was confrontational and challenging and directly replicated the tone I recognised from his cross-examination technique, which I had seen him use to great effect when cross examining police officers. I knew that this demonstrated that he held a very negative attitude towards me.
- (209) In my email to Leslie, I raised the behaviour of Alex Sharpe on Twitter and her use of TERF and what I regarded as the goading and baiting of senior gender critical women professors at other universities (referred to above at paragraph (135)). Throughout this correspondence I was met with zero empathy or sympathy or concern and there was a complete lack of interest in the concerns I raised about Alex Sharpe’s use of abusive language on Twitter (where she identified herself as a member of chambers). This stands in stark contrast to the later treatment of my tweets. Judy Khan QC did reassure me that there were limited people who would have access to the names and addresses but that she was unprepared to make any chambers wide policies about security based on my concerns (**Bundle Pages 566-570 and 1151-1152**).
- (210) I sent an email to the heads of chambers and Glenn Fletcher on 22 December 2018 at 14:13 (**Bundle Page 1153**) drawing their attention to the fact that the *Economist* magazine banned the use of the term TERF “in the interests of fostering open debate”. I received no reply from any of them. It is material to note that at the time that Alex Sharpe was making these comments on Twitter, her profile named her as being a member of Garden Court (**Bundle Page 5909**). Garden Court also used its corporate twitter account to amplify her tweets and her work (**Bundle Pages 5903, 5905, 5911 and 5928**).

18. My diary in 2019 compared to 2018

- (211) In discussing clerking below, I have referred to three methods by which, in my experience at Garden Court, barristers receive work:

- (a) Work which is **Primary Clerked**: A solicitor comes to clerks looking for a barrister for a particular case. In theory, the barrister receives the work because of the efforts of the clerk. Although this was criticised because in practice it often involved simply giving the solicitor a list of names to choose from and them choosing the most senior: This is the “beauty parade” referred to in the WTF Report (paragraph (72)(g) above). But ideally Primary Clerking involves the clerks selling the barrister for cases which they know they are well suited for.
- (b) Work which is **Secondary Clerked**: A solicitor comes to clerks knowing they want to instruct a particular named barrister and the new instruction is entered into that barrister’s diary. The work of the clerks is minimal. An example of this is at **Bundle Page 1175**.
- (c) Work which is **Non-Clerked**: The solicitor goes straight to the barrister. The clerk has no role in securing the work and at some point the solicitor calls and the work is put into the barrister’s diary.
- (212) Both barrister and chambers benefit when a barrister brings in work. Chambers gets to deduct a percentage from the gross fees received (21%) to pay chambers’ administrative costs; at Garden Court we also paid a further amount of our gross income into a Social Fund, which we distributed to various good causes each year, such as supporting underfunded legal initiatives. The clerks have a running total of a barrister’s income and would be able to see if a barrister was experiencing low income and take corrective steps to remedy this.
- (213) Cashflow is often an acute problem for barristers practising in the criminal law on legal aid. This is because you cannot bill a case until it concludes. It can take one year or more for cases to conclude.
- (214) In 2018 I had a good year professionally and financially, and the clerks would have seen this, and they would also have been aware of a sharp fall in my income in 2019 but took no corrective steps to remedy this.

- (215) The way that work translates into income is governed by the Legal Aid rules. These were (and are) governed by the Advocates' Graduated Fee Scheme (AGFS). AGFS 9 came into force on 1 April 2012. It governs cases with legal aid certificates from this date until AGFS 10, which came into force on 1 April 2018 and superseded AGFS 9. This was then replaced by AGFS 11 30 December 2018.
- (216) The change from AGFS 9 to AGFS 10 caused a significant drop in legal aid criminal barristers' income. Primarily, this was because we were no longer paid for the pages of evidence in a case or the number of witnesses.
- (217) The date of the legal aid certificate determines which AGFS scheme an advocate is paid under. This meant that most of my work in 2018 (which had legal aid certificates mainly from in 2017 or earlier) was under AGFS 9. The trial work coming through in 2019 included work with a legal aid certificate dated after 1 April 2018 and was therefore under AGFS 10 and was therefore less well paid.
- (218) By 2018/19 we were all working with a smaller pot of money. A consequence of this, however, was that any inequalities in the distribution of work became more stark.
- (219) By the end of 2018, I had clearly demonstrated an ability to manage very complex criminal trials. This was the quality of work that I was capable of and was doing in 2018. But the quantity of this work had fallen off a cliff in 2019. Although in 2018, I had brought in the majority of this work, in 2019, the clerks seeing my income stall, should have clerked me for other such cases by means of Primary Clerking but they failed to do so.
- (220) On 5 November 2018, Her Honour Sally Hales QC wrote to me after we had a case dinner (**Bundle Page 1050**). After a long trial it is tradition that the barristers in the case from both prosecution and defence take the judge out for a dinner. In her letter dated 5 November she thanked me and said that she:

“really enjoyed the trial, my longest as a judge and so a great learning experience for me. In the best traditions of the bar you showed such tenacity and hard work over and above the call of duty - I very much enjoyed your closing speech. Thank you for bearing my occasional impatience with good humour.”

- (221) As I do not do sex cases, my “bread and butter” caseload is serious violence, including murder, attempted murder and GBH, firearms, robbery, drugs, aggravated burglary, conspiracies and the like. It is old fashioned Serious and Organised Crime work. I enjoy it and I am good at it. However, in order to make a living, one has to do either a volume of small cases or longer cases. I find doing lots of smaller cases more exhausting (for reasons I explain above), less rewarding and less challenging professionally than doing longer, complex trials. My goal at 16 years call was to be instructed in longer trials. By the end of 2018, I thought I had finally broken through and would be Primary Clerked for longer trials and I would continue to receive Secondary and Non-Clerked work that I would bring into chambers myself.
- (222) Even though we were all facing difficulties in 2019, my work in 2019 dropped off a cliff to an extent that cannot be explained by the changed legal aid environment alone, especially when my 2019 practice is compared to the point my practice had reached by the end of 2018 (when I emailed questioning chambers’ association with Stonewall). In 2018 I had fee income of £157,000 gross and billed £166,489.54. In 2019 I billed £39,553.55 and received £51,682.10. The reason why my income fell away so significantly in 2019 is because the work dried up, not because I was paid less for the work that I did. The reason why the work dried up is because I stopped being adequately clerked. I went back to the position I had been prior to the WTF Report.
- (223) Throughout 2018, most of my clerking had been done by Charlie Tennent, the senior clerk. Luke Harvey became in practice my main clerk from around January 2019, although it was never formally announced that he had taken over my clerking from Charlie. Luke was junior to Charlie and had no previous experience of criminal clerking. The replacement of Charlie with

less experienced clerk and that didn't know me and couldn't sell me to solicitors.

(224) As I have noted above, Luke was also the clerk for the TRWG and would (along with all other staff) have received Michelle Brewer's rebuke of me for raising my concerns about Chambers' affiliation with Stonewall. I have also described how it was clear to me (even without knowing the full extent to which I had been falsely labelled a "transphobe") that my email (and my subsequent correspondence elaborating my concerns and complaining about Alex Sharpe's abusive tweets) had gone down badly with chambers' management. Knowing how the politics of chambers worked, I believe that it must have been clear to the clerks that I was out of favour as a result of the concerns I had raised about Stonewall, and I have explained above how the clerking culture and practices at Garden Court were susceptible to such influences, in particular in the allocation of work. Whether consciously or not, I believe that my clear fall from grace was as a result of the concerns I had raised about Chambers' affiliation with Stonewall and the view that I was a transphobe impacted negatively on my clerking in 2019 and was why my practice and income declined so much more steeply than other people's.

(225) During 2019, my trial work was as follows:

(a) Between 7 January and 22 January 2019 (**Bundle Page 5391**), I was a junior alone in a twelve day multi defendant drugs supply trial in Lewes. This had originally gone into my diary in mid-2018.

(b) Between 11 March and 1 April 2019 (**Bundle Pages 5393-5394**), I was a junior alone in a 16 day multi-defendant GBH trial (which had originally been charged as attempted murder). This was Secondary Clerking that Colin Cook informed me about on 4 March 2019 (paragraph (238) below).

(c) Between 23 April and 30 April 2019 (**Bundle Page 5395**) I was a junior alone in another multi-defendant GBH trial. This had gone into my

diary last minute, and is returned to below. This was one of two cases that I received via Primary Clerking from my clerks in 2019.

- (d) Between 29 May and 5 June 2019 (**Bundle Page 5397**) I was a junior alone in a six day drugs trial. This had gone into my diary in 2017.
 - (e) Between 17 June and 1 July 2019 (**Bundle Page 5397-5398**) I was a junior alone in a multi defendant conspiracy to rob trial (I fell ill during that trial). This went into my diary in 2017.
 - (f) Between 14 October and 17 October 2019 (**Bundle Page 5402**) I was a junior alone in a four day fraud. This went into my diary in 2016.
 - (g) Between 25 November 2019 and 23 January 2020 (**Bundle Page 5403-5405**) I was led by Queen's Counsel in a 38 day murder trial. That went into my diary in 2019. This was the second Primary Clerking case that I received in 2019. It was clerked by Christine Eleftheriou, an assistant to the crime team and not a clerk.
- (226) I brought in to chambers another murder case in 2019, through a solicitor who regularly instructs me. This went into my diary for 2020. This was Non-Clerked.
- (227) I brought in to chambers a third murder case in late 2019, which was also Non-Clerked. The lay client wanted a specific Queen's Counsel, James Scobie QC, and he in turn wanted to choose his own junior, and it was not me. So, although I brought in the case to chambers, I handed it to James Scobie QC to choose his preferred junior.
- (228) There was also another large case I brought into chambers – a large drugs conspiracy matter – which went into my diary for 2020. This was also Non-Clerked.
- (229) However, in March 2020, the pandemic struck and nobody could do trials.
- (230) I started off 2019 as I had finished 2018, with a significant trial (“SS”) in Lewes. But when I finished S, my diary was empty. I expected my clerks to call me

with new work, but none was forthcoming, save for a sequence of small, low value work. I realised that things had reverted to the pre-WTF state of affairs. I became dispirited about the criminal bar, my future and about Chambers

- (231) From early on in 2019, the quality of work offered to me dropped off significantly. Matt O'Dowd emailed me on 5 Feb 2019 17:59 (**Bundle Page 6052**) offering me a three day warned list trial in Oxford in the week of 18 February. My heart sank. This was really very junior work. This is the work I was trying not to do. Warned List means the case may or may not be called in, and even if it's called in the case may still not be heard and therefore I would not be paid. I declined this brief.
- (232) My worry was that my diary would get "blocked out" (sometimes also called "block booking") by this kind of small, low paying work. Block booking is what happens where a small, short, low value piece of work in a barrister's otherwise quite empty diary causes the barrister to be passed over for a long, higher value trial that may subsequently come in. For example, if I was committed to a three-day trial then this would "block out" my diary preventing me from taking, for example a one month trial. This is what I feared happening here.
- (233) Late on in these proceedings, I found an email I had sent to one of my instructing solicitors on 13 February 2019. This captures the despondence I felt on that day. When I sent that email, it was not a considered feeling, it was an off the cuff response to a solicitor, talking in the context of a particular client, specific to that particular client's circumstances.
- (234) This did not last however, and the same solicitor sent me three big cases (Non-Clerked) in 2019.
- (235) Within a few days of my email to the solicitor, I can see from the documents in the bundle that my despondency had passed, and I had rallied. I emailed Charlie Tennent and copied Colin Cook on 18 February 2019 at 08:48 (**Bundle Page 1293**). I was concerned that my clerking had regressed following the conclusion of "SS", and that I was being under clerked. I wanted

to nip this in the bud, if possible. I raised the prospect of a Practice Review. I said that I would be away from 19 February to 18 March (I actually said 19 February to 18 February, which was a typo that I later corrected). I was unhappy the clerks were not providing any Primary Clerking. I also wanted to prevent any “block booking” taking place. However, I continued to work during this time, as my diary shows.

- (236) I continued to receive low quality work, which I declined. In an email to me from Luke Harvey on 4 March at 15:31 (**Bundle Page 1173**), I was offered a three day Possession With Intent to Supply case (PWIS) in Guildford. The length of this trial would mean it was a straightforward case. If it was remunerated under AGFS 9 and assuming it was PWIS Class A, the brief fee would be £800 with a £350 daily refresher; counsel is not paid for the first day of trial under AFGS 9. The total value of this work would therefore be £1,500 gross. Whether and to what extent I would get my travel costs paid would be decided by the Legal Aid Agency. This is the kind of work that a pupil barrister or very junior barrister would be expected to undertake.
- (237) I was surprised that Luke thought it was appropriate. I replied to Luke (**Bundle Page 1173**) enquiring about the information he had been given as to what work I was to be clerked for.
- (238) Colin Cook spoke to me twice in 2019 about work. The first occasion was on 4 March 2019, when he told me that a solicitor had requested me personally for an attempted murder case (it was actually a GBH that had originally been charged as attempted murder) (**Bundle Page 1175**). This was Secondary Clerking/Non-Clerking. The second case that Colin Cook was involved in attempting to clerk me for was a bail application. This was Primary Clerking (paragraph (245) below).
- (239) On 17 April 2019 at 16:46 (**Bundle Page 6207**), Charlie emailed me to tell me he had put a two day sentence at Croydon Crown Court in my diary. This was an example of Primary Clerking. This was on a matter in which I had not been the trial advocate – no-one in chambers was instructed in this case. The defendant was very unhappy with the barrister that had conducted the

trial and he wanted to parachute in a new barrister to specifically deal with sentence. This case was paid under AGFS 9, so sentence is included in the brief fee: there is no separate fee for doing the sentence hearing. I had been clerked for something that I would not get paid for. It was not a case I would have taken in the circumstances, quite apart from the problem of remuneration. I couldn't understand the lack of care that this showed. I replied to Charlie at 17:05 expressing how unhappy I was with this (**Bundle Page 6207**). I wrote a short informal advice to the solicitor explaining what I thought she should consider with her lay client. I did not advise that he change his counsel for the sentence hearing (**Bundle Page 1395**).

- (240) On 1 May 2019, Charlie Tennent emailed me about a PWIS case at Wood Green Crown Court. This was also an example of Primary Clerking (**Bundle Page 1409**). It was a straightforward PWIS: a single defendant with a small quantity of drugs.
- (241) I was very disappointed because the instructing solicitor was someone who had briefed me on complex drug supply conspiracies when I was a newly qualified barrister. I responded to Charlie the same day to express my frustrations that my practice appeared to be going backwards and declined the brief (**Bundle Page 1405**).
- (242) On 15 July 2019, I was asked if I wanted to put my name forward for a three-week GBH trial at Lewes Crown Court. I replied that I did. I was not given the brief and I don't think I ever heard anything about it again.
- (243) On 29 July 2019, I emailed clerk Michael Barrett to say that I would take the rest of August as leave because a large trial that had been in my diary had been relisted to the following year. I said I would cover a case listed on 9 August 2019 and in the event, I also covered cases listed on 12 August 2019 and two on 13 August 2019.
- (244) On 4 September 2019 (**Bundle Page 1743**), Colin Cook asked me to cover a bail application. This was an example of Primary Clerking. I declined. It was the only time I had heard from Colin about any new work in 2019. He

had contacted me in March with a new GBH matter referred to above (paragraph (242)), which was Secondary Clerking. because I had brought this brief into chambers and the solicitor asked for me specifically, having observed my advocacy in another trial. This solicitor has gone on to send me weighty criminal work up to and including murder.

(245) The 4 September 2019 the bail application was another example of very junior work: it was for a case listed for a trial for 4-5 days in January the following year that another barrister couldn't do because they were booked up that far in advance with trials and Colin told me the client wanted to see what his new brief would be like on a bail application. But it was a firearms case and so a successful bail application was very unlikely. It wasn't my case, and I wouldn't be paid for any work I did on it until the trial concluded the following year, and even then, I would only be paid a Standard Appearance Fee (SAF) for this matter, £87 plus VAT, if it paid at all. Under AGFS 9, there are a total of four SAFs that an advocate can be paid for; above that, there is a depletion of the brief fee for SAFs, which has caused huge injustice to advocates in cases that require many SAFs. Under AGFS 10 there was a slight improvement in that there was no depletion on SAFs and the advocate would be paid £90 plus VAT for such hearings.

(246) It is one thing to ask a barrister to help out in a case when you are clerking them well but is exploitative when you are not. This was precisely the kind of "bums on seats" clerking referred to in the WTF Report (paragraph (72)(e) above, (**Bundle Page 5958**) that in the best case scenario would block out my diary with a short case in the middle of January.

(247) On 27 September 2019 (**Bundle Page 6217**), Michael Barrett, a junior criminal clerk emailed to offer me a short fraud trial which was floating at Woolwich Crown Court. He asked me because the clerks were "low on numbers". Again this was the "bums on seats" approach to clerking that the WTF noted. Floating cases are much like warned list cases: there is no guarantee that the trial will actually be effective. I had two murder cases at the Old Bailey, one was very new and was due to be called in the coming days for a pretrial hearing and I wanted to be available. I declined this brief.

(248) The effect of receiving only poor-quality work from the clerks was not only financial. It was also spirit crushing.

(249) As part of the disclosure process in these proceedings, my solicitors sought disclosure of the work and fees earned by others in the same cohort of barristers to me in Garden Court. The information disclosed by Garden Court is at **Bundle Page 5521**.

(250) My solicitors analysed these figures and wrote to Garden Court (**Bundle Page 3898**), including the tables they had prepared to analyse Garden Court's information (**Bundle Page 3904-3913**).

(251) The tables are arranged as follows:

(a) In these proceedings, there was a dispute as to how best to calculate my loss of income. Garden Court wanted to use a figure of £111,000 for my income in 2018, and my view is that correct figure was for billing (and not income) which according to the information I had at the time (**Bundle page 5516**) was £157,000 (though I now accept the figure was higher at £166,489.54). Both approaches are set out in the tables. With the exception of the use of £157,000, all of the data is provided by Garden Court.

(b) There are four different analyses, each applied to both the £111,000 and £157,000 figure: On each table, the data referring to me is highlighted in yellow. Each of the other rows refer to another barrister in my cohort (that is, a junior barrister of at least fifteen years call)

i. Table A1 (**Bundle Page 3904**): Using Garden Court's £111,000 income figure, the barristers are ranked by year of call.

ii. Table A2: (**Bundle Page 3905**): Using Garden Court's £111,000 income figure, the barristers are ranked by the amount of reduction in income between 2018 and 2019 (I am ranked second worst off, losing £60,000 on Garden Court's figures).

iii. Table A3 (**Bundle Page 3906**): Using Garden Court's £111,000

income figure, the barristers are ranked by their 2019 income expressed as a percentage of their 2018 income. On Garden Court I am ranked the worst off, with my 2019 income only 45.94% of my 2018 income.

- iv. Table A4 (**Bundle Page 3907**): Using Garden Court's £111,000 income figure, a Headline Daily Amount is given. This is a notional day rate, taking into account Garden Court's Keep Free Days – essentially The Headline Daily Amount is the average amount earned by each barrister on each day that they actually worked. I am ranked the worst off all barristers in the cohort, earning the lowest amount for each day worked.
- v. Table B1 (**Bundle Page 3908**): The same as Table A1 above, but this time using my billing figures of £157,000 rather than £111,000 income.
- vi. Table B2 (**Bundle Page 3909**): The same as Table A2 above, but using billing rather than income figures. My reduction (£106,000 year on year) is the worst of my cohort, £36,000 worse than the second worst ranked barrister.
- vii. Table B3 (**Bundle Page 3910**): The same as Table A3 above, but using billing rather than income figures. My 2019 billing was only 32% of my 2018 figures, the worst of my cohort. The next worst off was 51%.
- viii. Table B4 (**Bundle Page 3911**): The same as Table A4 above, but using billing rather than income figures. My Headline Daily Amount was the worst off.
- ix. Table B5 (**Bundle Page 3912**). This applied rankings to each of the cohort for 2018, and for 2019, and measured the change in rank. I lost 13 places. Nobody else lost more than 4 places.

(252) This analysis showed that that (**Bundle Page 3901**):

(a) I had received the fifth highest billing in 2018 but the lowest in 2019;

- (b) That the cohort had experienced a fall in earnings between 2018 and 2019 of around 10%, but I had suffered a fall of 68% (the largest in the cohort);
- (c) My Headline Daily Amount was the lowest of all barristers in the cohort;
- (d) My “Keep Free” days were only the fifth highest of all barristers in the cohort, despite my income being the lowest;
- (e) There was no correlation between barristers’ Keep Free Days and income;
- (f) I had experienced a loss of income of £106,000 between 2018 and 2019. Only two others had lost more than £50,000 and the average across the cohort (not including me) was £12,588.24. My loss was therefore approaching 10 times the average of the rest of my cohort.

(253) My solicitors wrote that none of the three reasons that Garden Court has advanced to explain my loss of income in 2019 are capable of proving an explanation (**Bundle Page 3902**). The first two of these reasons are:

- (a) “The vicissitudes of a career at the bar” (**Bundle Page 56-7**). This is not a sufficient excuse, given the scale of the collapse in my income after I made my protected act in December 2018, particularly in light of the comparison with my peers (above).
- (b) That I took time away from work. They have not been able to clarify precisely how many days they say I took away from work (what is termed “Keep Free Days”).

(254) The reason why they are unable to say how many days I took away from work is because they have mis-defined the term “Keep Free Days”. They have applied this term to mean I was not available for work on days which I was marked “Keep Free” in the diary. In reality, as I have described above on nearly all of these days, I was working, usually preparing for trials. The time was marked “Keep Free” in my diary to prevent my clerks adding small

and non-lucrative court appearances into my diary, mentions and short warned list trials, when I needed to prepare for upcoming trials. Even where it was marked “Keep Free”, work was still inserted in (as I have set out above), and the clerks well knew that they could contact me if good work came in to check my availability to work on those days. This is all standard practice and well understood by Garden Court, so their attempts to suggest in their pleading and correspondence that they believed that all days marked “Keep Free” in the diary are days when I was not working or available for work are not credible.

- (255) I also – as I had done throughout my time at Garden Court, including in 2018 when my income was triple what I received in 2019 – took a short rest period of one to two days after a long trial.
- (256) I had one period of illness in 2019, falling ill at a trial on 1 July 2019 (leading to the Fit Note discussed above). I am marked as keep free for the rest of July, but was in fact working in this period, as the clerks were aware. I managed my absence with clerks (**Bundle Page 1601**).
- (257) Therefore, the number of days when I was actually taking leave and not working, or was unable to work due to sickness, during 2019 was 32:
- (a) Leave on 2 – 4 January 2019 (3 days).
 - (b) Two weeks off when I was ill on 1-15 July 2019 (10 days).
 - (c) The month of August, save those days that I was in court (19 days).
- (258) In any event, in the analysis prepared by my solicitors, my “Keep Free” days were ranked alongside my cohort in the data provided by Garden Court Chambers: there were four colleagues who had more Keep Free days than me in 2019 and all of them earned significantly more than me (**Bundle Page 3904**). As set out above, there is no correlation between “Keep Free” days and income loss in 2019.

- (259) The third reason offered by Garden Court for the drop in my income in 2019 was that I was spending time working on LGB Alliance. As is set out below, this is not capable of forming the reason: LGB Alliance formed out of a meeting on 22 October 2019. While others who set it up did work preparing for that meeting, I did not. I attended only one social event, in a friend's flat one evening for less than an hour, in the summer of 2019. After the 22 October 2019 meeting, I was involved more, but again not in a way that could or did distract me from work. As my diary makes clear (**Bundle Page 5402**), the period after LGB Alliance was set up (from 22 October 2019 to the end of that year) was my busiest time of work for the year, and I had a full chambers diary, mainly on an Old Bailey murder trial. Even if I had been working flat out on LGB Alliance in that period (and I wasn't) it could not have had any impact on my work or earnings.
- (260) On 25 September 2019 (**Bundle Page 1830**) Charlie Tennent emailed me to see how I was and how my diary was looking. By this date my diary looked very full for the autumn. I had brought into chambers a murder and large multi-defendant conspiracy that would go in for trial in 2020. At the time of Charlie's email, a murder case was listed for trial in October, from memory, but this was put back to November 2019. I replied that I was fine and doing exciting "extracurricular" stuff. There was no point complaining again about my diary up to that point. I was looking ahead, and my diary had filled up. Charlie knew that if any new work came in during this period, privately paying or legal aid, he would run it past me.
- (261) At the time Charlie Tennant sent this email I cannot now remember what specifically I was excited about doing, but it was to do with Twitter and removing my anonymity. I had only recently put my full name and profession on Twitter, and I was tweeting as an openly gender critical barrister. I had felt a sense of shame about not having previously been brave enough to tweet in my full name and I felt a corresponding sense of relief, exhilaration, and pride that I had overcome that fear. However, none of this was a bar to taking on work: Charlie was asking after my wellbeing, and I was saying that I was fine. I was not indicating that I did not want any work.

- (262) During the week or so between Charlie Tennant's email and the start of trial preparation, I spent a lot of time on Twitter reading tweets about what lesbians and women were discussing around gender theory and their rights and protections. I was trying to get informed, to educate myself about the issues and reading related articles on the subject, and of course tweeting.
- (263) A few days prior to Charlie Tennant's email to me, Nicholas Hellen, at *The Times*, had written an article on 22 September 2019: "Anti-woman policy may split Stonewall". I had responded to that article in a tweet, reproducing it, tweeting:
- "Not *may* - it has. Stonewall has gone rogue & is putting women & children at risk. LGB Alliance, waste no time, you have my full support. Breakaway now, post-haste, right now. Long live LGB Alliance (or whatever name you settle on)".*
- (264) I didn't hear anything more about LGB Alliance until I was at Conway Hall on 22 October 2019.
- (265) I understand from disclosure requests that Garden Court may be labouring under the mistaken belief that I was working on launching LGB Alliance and that this is the "extracurricular" activity that I referred to above. This is simply not the case.

19. Exchange with Tom Wainwright

- (266) In early 2019 I had a difficult exchange with Tom Wainwright that I think illustrates both the difficulty around clerking issues and communication, and the fact that I was out of favour and viewed negatively at this point.
- (267) On 7 January 2019 (**Bundle Page**), Tom Wainwright emailed everyone to say there was a new Fraud Team Steering Committee seeking to increase white collar and financial work coming into chambers, which would have a separate page on the website and would be marketed separately from the crime team. To join the fraud team there were various criteria one would have to show: direct experience or through writing or speaking on relevant

issues. I read this as a group (whose membership was not specified) seeking to gatekeep lucrative area of work and advertise themselves. I was concerned by this. This was not self-interested: I have no interest in white collar and little experience of top level fraud but I was concerned for what this signalled, which was precisely the issues that the WTF Report had identified two years earlier. People need opportunities to be exposed to this work that they were not getting. I feared this was an excuse to formally ringfence an area of practice for a few people. I objected to it on principle, noting that it would cement exclusivity within chambers and was not a progressive step. Although I was not interested in white collar fraud, the persistence of gatekeeping practices in the criminal department more generally could affect me.

(268) I emailed Tom asking if his email had been sent to everyone (**Bundle Page ___**). I then sent an email to everyone (**Bundle Page**) to say that I was concerned about the risk the steering group would simply reproduce inequality by requiring people to demonstrate they met the criteria by 11 January 2019. What followed I regarded as a threat from Tom that “*no-one was getting dumped, save perhaps those unprofessional enough to air their grievance by way of Reply All emails*”. It is clear that Tom Wainwright felt empowered to talk to me in the way that he did and must have been confident that the senior team shared his view of me to respond in this manner. His treatment of me in this way is consistent with the view that the disclosure shows had been adopted amongst the Heads of Chambers and other senior members following my concerns about chambers’ affiliation with Stonewall – that I was a problematic and unreasonable person.

(269) Three senior practitioners, Marguerite Russell, Mark Gatley and Susan Wright sent direct emails to me expressing support (**Bundle Pages 1193, and**). By contrast, Judy Khan treated the exchange as if I was being abusive and closed it down, she was supported by James Scobie (see fraud emails xx 564-567 (**Bundle Page**)). Again, I think this is illustrative of how I was viewed by the Heads of Chambers and other senior members following my concerns about chambers’ affiliation with Stonewall.

20. Chambers' relationship with Stonewall from early 2019

(270) I didn't know at the time, but know now from material provided in disclosure, that in early January 2019 there was a flurry of correspondence between Garden Court and Stonewall:

- (a) At **Bundle Page 1182** the significance of Garden Court to furthering Stonewalls aims, and the role that Michelle Brewer had already played in offering ad hoc advice.
- (b) At **Bundle Page 1059-1060** is a thread of emails in which Stonewall and Garden Court discuss how the Diversity Champions Scheme would assist Garden Court.
- (c) In their internal communications, Stonewall saw an opportunity to "investigate a future pro bono working relationship" with Garden Court (**Bundle Page 1233**). Specific thought was given to how this would benefit Stonewall (**Bundle Page 1244**).
- (d) Stonewall were open about this with Garden Court. In an email on 17 July 2019, the client account manager wrote (**Bundle Page 6063**):

I have flagged you internally as a Diversity Champion we hope to work closely with and hope you are willing to partake in a network of legal experts committed to extending LGBT rights through strategic litigation and trying to advance laws and create precedent surrounding trans issues for example. As you mentioned you have a Trans Working Group, I thought you could really help drive discussions and provide valuable contributions. We are hoping to hold a roundtable discussion in a few months and I really hope you would like to be involved

- (e) At **Bundle Page 6040**, the Stonewall client account manager for Garden Court, Reg Kheraj emails with his review of Garden Court's policies.

- (f) At **Bundle Page 1240-1243**, another Stonewall member of staff seeks guidance from Garden Court about Stonewall's guidance document on how to write a Maternity, Paternity and Parental Leave Policy. This includes the advice that "*The body of a policy should always use gender neutral language, e.g. instead of 'mother' use 'pregnant employee or 'birth parent'. 'Mother and other pregnant employees/ birth parents' is also acceptable*". In her subsequent interview with Emma Barnett in 2021 (**Bundle Page 4261**), Stonewall CEO Nancy Kelley appeared to deny that the removal of the word "mother" was advocated by Stonewall.
- (g) At **Bundle Page 1312**, there is reference in internal Stonewall emails to "guidance with opinions from barristers at Garden Court", which appears to have come from Garden Court barrister Lyndsay Sambrooks-Wright and Michelle Brewer (**Bundle Pages 1314-1315**)
- (h) At **Bundle Page 1468-1470** a new Stonewall client account manager is introduced to Garden Court.
- (i) Further correspondence follows on from that at **Bundle Page 6065-6071**, including Stephen Lue stating, "*We are also keen to be sent the link to identify where Garden Court features as one of your service partners, now that we are a Stonewall Champion?*" **Bundle Page 6069**.
- (271) The Stonewall Inclusive Policy Toolkit was provided to Garden Court on 16 January 2019 (**Bundle Page 1200**). It was provided again on 17 September 2019 (**Bundle Page 1758**). The documents appear to me to demonstrate that Stonewall sought to use their Diversity Champion scheme, including in this instance with Garden Court, to influence internal organisational policies to reflect and embed their position and not the actual current legal framework under the Equality Act.
- (272) This is demonstrated in the removal of the word "mother" from policies, but also in the "scoping" that was apparently prepared by Stonewall before a

meeting with Garden Court (**Bundle Page 1248**). The Stonewall Inclusive Policy Toolkit that was issued to Garden Court also advocated “going above and beyond legal compliance” in using “gender identity” in policies rather than the statutory language of “gender reassignment” which Stonewall referred to as only “a very narrow definition of what it means to be trans” **Bundle Page 4517**. This message is reinforced at **Bundle Page 4464** (Bullet point 3).

- (273) Also at **Bundle Page 4464**, Stonewall stipulates that “*all employees should be supported in accessing the facilities, spaces and groups which align with their gender identity*”. A specific example of a policy to this effect is at **Bundle Page 4453**, which is at the University of Essex: it gives an explicit definition of bullying as “*denying a trans person or people access to the appropriate single sex facilities*”. Another, at **Bundle Page 4466** is from the University of Wolverhampton, which states that “*Where female only spaces exist within the University, they should be open to all whom self-define as women, including trans women*”.
- (274) These policies appear to ignore the law, which provides that single sex facilities are permitted, if justified, under the Equality Act 2010. The Stonewall Diversity Champions scheme of which Garden Court was a member pursued the ideology that trans people should in all circumstances be treated in accordance with their gender identity rather than sex, and anything short of this would be defined as transphobic bullying or harassment. This is an interpretation of the law as Stonewall wishes it to be, not the law as it is.
- (275) Evidence in the bundle (of which I was unaware at the time) shows Chambers’ continued adoption, at an organisational level, of the trans activist position during 2019. This included:
- (a) the ongoing work of the TRWG;
 - (b) the ongoing relationship with TELI and;
 - (c) the parallel engagement with Stonewall (in addition to the Diversity Champions affiliation) via the LGBT Consortium.

(276) For example, at **Bundle Page 1254** is a thread of emails between Stonewall staff, Shaan Knan and others, planning a meeting “*joining up all of our lobbying efforts (...) on the parliamentary aspect of GRA Reform*” (**Bundle Page 1264**). An invite (**Bundle Page 1260**) and agenda (**Bundle Page 1261**) was circulated, and then an attendee list (**Bundle Page 1259**). On **Bundle Page 1254** Shaan Knan wrote

Fantastic news – Michelle Brewer is joining us... GC Chambers to send RSVP to Robbie.

(277) The final (redacted) attendee list for that meeting is at **Bundle Page 1349**. Michelle Brewer is listed as “TELI/Garden Court Chambers”

(278) What appears to be the minutes of that meeting are at **Bundle Page 1287**, which records at **Bundle Page 1289** that:

Michelle Brewer/Garden Court Chambers could reach out to organisation like Women in Prison and the Howard League to discuss policy on trans inclusion.

(279) At **Bundle Page 1386**, Stonewall staff are co-ordinating some form of open or public letter. One of the signatories is listed as “TELI/Garden Court Chambers”.

(280) In May 2019, Michelle Brewer was given access to Stonewall’s online/electronic internal messaging facility “The Wall” (**Bundle Page 1425**).

(281) At **Bundle Pages 1655-1659**, Michelle Brewer communicates advice given by Chambers’ directly employed barrister researcher David Neale about an EHRC policy.

(282) Further correspondence in relation to this policy, the EHRC, and Garden Court’s advice is at **Bundle Page 1312-1316**.

(283) In these documents:

(a) Michelle Brewer is consistently identified as representing both Garden Court and TELI;

(b) It appears that the TRWG operates on behalf of Chambers to strengthen and deepen its relationship with trans rights organisations including Stonewall, and to directly facilitate Stonewall's lobbying efforts;

(c) Shaan Knan appears to be both the coordinator of the LGBT Consortium and a member of the Stonewall Trans Advisory Group and it appears that it is in the latter capacity that Shaan Knan has access to "The Wall". As set out at **Bundle Page 4414**, STAG "*exists by creation, and for all practical purposes, under the Stonewall umbrella*".

(284) These relationships and activities further demonstrate the on-going and deepening organisational commitment by Garden Court to the trans activist campaign and viewpoint, led by Stonewall.

21. My Gender Critical Campaigning in 2019

(285) Throughout 2019, discussions around Gender Recognition Act Reform continued and debates around gender identity theory gathered momentum. I watched this over Twitter and made contact with many gender critical campaigners. The overwhelming majority of these people were women, many of whom maintained anonymity to the world at large because they were fearful of repercussions if their identity became known.

(286) I had set up a twitter account in 2010. During 2019 I increasingly tweeted about issues that were important to me and gender identity theory in particular. My username was @BluskysAllison, before that it was @fibroidwise. I chose the name @BluskysAllison as a reminder to self that when I am feeling depressed, I should wait for the clouds to clear and for there to be blue skies. I tweeted anonymously until around the time of Magdalen Berns' tragic death from a brain tumour in September 2019. Ms Berns was an outspoken and inspirational advocate for women's sex based rights and protections, and among other things co-founded the campaign group For Women Scotland. She was the subject of constant and vicious abuse, including after her death, by Trans Rights Activists.

- (287) During Pride month, in June 2019, my colleague Stephen Lue gave a speech at a Pride event at Middle Temple about his experiences as a gay lawyer. He also advocated for the Inn to forge closer links with Stonewall. I thought it was a brilliant speech. But I remained very concerned about Stonewall's activities, and wrote too Middle Temple to express this **(Bundle Page 1597)**.
- (288) During 2019 I observed similar abuse being directed at Professor Kathleen Stock, and I read that this was being facilitated by her employer, the University of Sussex. I sent her a message of support and solidarity, and she invited me to an informal get together of five or six gender critical people at a flat in Covent Garden in the summer of 2019.
- (289) Some other gender critical people were there whom I knew from Twitter. I did not stay very long. No one was talking about leaving Stonewall and setting up a new organisation. On the contrary, the focus was on how we could persuade Stonewall to understand our concerns.
- (290) I have since learned that Bev Jackson had been invited to speak at an event at the LSE to commemorate the foundation of the Gay Liberation Alliance on 22 October 2019. The meeting had then been cancelled, so the idea was to hold a gender critical meeting on the same evening because people would have a space in their diaries. The venue was Conway Hall, which is close to the LSE and which is well known historically as a venue for political and campaigning meetings, which this was intended to be.

22. Complaint by Michelle Brewer

- (291) I did not know at the time, but found out later (partially through the Subject Access Request when some documents were provided to me and others were not; and then in more detail, eventually, in disclosure) that Michelle Brewer made a complaint about my use of twitter on 16 October 2019 **(Bundle Page 917)**.
- (292) Michelle Brewer wrote that I had criticised Garden Court events, which was not true. I had attended an event that Garden Court hosted for Mermaids, which included Garden Court barrister Stephen Clarke on the panel. It

attracted a majority of feminists critical of its objectives, including me. I tweeted a thread critical of the views I heard expressed by the speakers of that event. The criticism I made of a speaker is at **Bundle Page 1642**. Stephen Whittle said, on the subject of single sex spaces and women's changing rooms in particular, that "*men have always had access to women's changing rooms, all they needed to do was grab a bucket and make like a cleaner.*" I considered that this was delusional, ill-informed and anti-women, and I said so.

(293) She wrote that I had said that there are "no outrageous levels of violence against trans women in the UK or US". The statement, on its own terms, is true. To be clear: all violence is outrageous. All violence against trans people is outrageous. But the statement that "there are outrageous levels of violence against trans women in the UK or US" implies that the violence suffered by trans women is at a greater and disproportionate rate in comparison to other groups, or in comparison to other countries.

(294) There is no data to suggest that the levels of violence against trans women in the UK or US are at levels which are disproportionate, or that the rates of violence that they face is because they are trans. I have read the link that Michelle Brewer provided in her complaint as evidence to justify her opposition to my statement. The evidence she provided gives two sources for the murder of black trans women in America. One source gives a figure of eleven black transwomen killed in America in 2017, and the other source gives the figure as thirteen. Each of those is absolutely tragic and I have tweeted as much. The figure should be zero. But in a country with the murder rate of the US, these are relatively small numbers. In the UK, there has been no murder of a transwoman for several years. This is to be celebrated. But the propagation of misleading and hyperbolic language about threats to trans people necessarily means that resources are diverted from work focused on other vulnerable groups. It is also used as a justification by advocates for gender identity theory for the removal of the rights of others, including women, who do suffer – on any measure – outrageous levels of violence.

- (295) Ms Brewer's complaint then went on to cite chambers' work with the LGBTQ+ community, falsely placing me at opposition with lesbian, gay and bisexual people as well as trans people. This is offensive and ludicrous. She referred to work around GBV (Gender Based Violence), positioning me in opposition to that work too. GBV is a term which primarily refers to violence against women. Of course, I do not oppose work to eradicate that. And to be clear, nor do I oppose work to eradicate violence against trans people or anyone else: as I have said and wish to re-emphasise, I abhor all violence and support all work to eradicate violence against anyone.
- (296) This was a prime example of how trans rights activists frame people who disagree with gender identity theory and the Stonewall brand of trans rights activism as being racists, homophobes and misogynists. I am a black, lesbian woman and yet this ludicrous slur can be made against me (without my knowledge) and taken seriously. In any other context it would be treated with the incredulity it deserves. The reason why it is not treated with incredulity in this instance is because it is done in the name of gender identity ideology.
- (297) The complaint was taken seriously. In her response to the complaint, Mia Haki-Law wrote "this email is very timely" (**Bundle Page 916**). She said that a social media policy had been prepared which was "intended to deal with situations like this". She invited Michelle Brewer to call her to discuss this further.
- (298) The version of the email in my Subject Access Request did not show that Mia replied to anyone except Michelle Brewer. But (perhaps because she was Bcc'd), somehow Maya Sikand replied to Mia Haki-Law's email (**Bundle Page 916**). Maya Sikand then forwarded Michelle's complaint to the Heads of Chambers, the Deputy Head of Chambers, and the Trans Rights Working Group. She attached eight .PNG files to her email. Those files have been requested by my solicitors but have not been disclosed. Maya wrote that, because I had said "*own views not that of @gardencourtlaw*" on my twitter profile, this "*might make any censorship impossible?*" Whatever correspondence that followed has not been disclosed. But the fact that there

was a discussion about how to apply “censorship” to me was completely unknown to me at the time. Maya Sikand was subsequently presented to me (and in pleadings and in Judy Khan’s first witness statement in this case) as independent and of an open mind. This correspondence shows that this was not true. The fact that she was already compiling my tweets by 16 October 2019 demonstrates that she was not independent. There is still nothing disclosed by Garden Court to explain why or on whose authority she was doing this at that stage.

- (299) The effect of Maya Sikand sending the complaint to the Trans Rights Working Group email address was that it was then shared between other members of chambers, including those who were not members of the Trans Rights Working Group, who gossiped about it and about me (**Bundle Page 1990**). My fellow barristers believed that I had been “*linking trans people to sex offenders*”. I knew nothing about this, and I did not even know the complaint existed, let alone that it - and I - was being discussed like this. When I saw this in disclosure I was appalled and humiliated.
- (300) Separately, although I did not know about it at the time, an anonymous complaint was received about me on 17 October 2019 23:20 (**Bundle Page 2029**). The complaint accused me of “spreading bigoted remarks about trans-women” and gave a link to one of my tweets. The tweet in question was a reply I had made to an MP in which she had used the term “political football” (**Bundle Page 726**). My tweet was not bigoted. It did not mention trans women. This complaint was discussed between Emma Nash, a member of the clerking team. Ms Nash then forwarded it to Mia Haki-Law and David de Menezes saying that she knew “Michelle has spoken to you both about the tweets issue” (**Bundle Page 2028**). The complaint was never raised with me until it was included in Ms Sikand’s investigation.

23. Launch of LGB Alliance

- (301) I met Kate Harris at a get-together in a Covent Garden flat. Later she would invite me to the launch of LGB Alliance. I met Bev Jackson for the first time at that launch on 22 October 2019. They are two lesbian women who were

similarly commenting on gender identity theory and shared my views of Stonewall activism. Bev had been one of the founder members of the Gay Liberation Front, a forerunner of Stonewall, in the 1970s. Kate had been a feminist campaigner and had set up women's shelters, and had gone on to be a senior executive at American Express. Both had been, before 2015, staunch supporters of Stonewall and were very upset by what they (and I) saw as Stonewall's abandonment of gay rights, and of lesbians in particular. They invited me to the 22 October 2019 event via an e-invite I received on 4 October 2019 (**Bundle Page 2004**).

- (302) I was not involved in setting up or preparing for the 22 October meeting. On the day of the meeting, I had been in Belmarsh prison all day at a client conference and took a bus and train up to Holborn for the meeting. I did not really know what to expect but I recall expecting it to be rather downbeat and morose. That was the prevailing mood among many gender critical people at the time, because it was felt that the Stonewall agenda had taken such deep root.
- (303) But the meeting was fantastic. There were around 80 people there. Speeches were given by Bev, Simon Fanshawe (one of the founders of Stonewall), Miranda Yardley (who is a transwoman), and others. Various people spoke from the floor. The mood was upbeat, celebratory, and fun. There was energy and, despite the seriousness of the matters at hand, laughter. People spoke of their fears of losing livelihoods for criticising Stonewall and gender identity theory, but speakers also repeatedly referred to the surrealism of a situation in which people were facing these penalties simply for recognising material reality. The black humour in that surrealism was cited repeatedly.
- (304) Not one speaker said anything in any way disrespectful of trans people. There was no transphobia at all. The focus was on gender identity theory and beliefs, and the negative effects of those beliefs. Stonewall, its proselytizing of those beliefs, and its abandonment of LGB people were repeatedly criticised in very strong terms.

- (305) I got the bus home from the meeting. While I was sitting on the bus, I sent out the tweet of 22 October 2019 (**Bundle Page 2129**). There was no prior plan for me to do so, and nobody knew or asked me to do it. It was spur of the moment that reflected my relief that something concrete was being done to challenge Stonewall and gender identity politics that had taken over lesbian and gay rights. In fact, I found out later that there had been a plan (or at least, the recognition of a need for a plan), which I was not aware of, to set up and announce the formation of LGB Alliance in a more formal and structured way. By sending that tweet I effectively launched LGB Alliance prematurely and by accident.
- (306) From 23 October 2019, I worked with Kate, Bev, Malcolm Clarke and Ann Sinnott on the Steering Group, and continued to do so for the first 7 months of LGB Alliance's existence. I believe my support was crucial. I was I think one of only a handful of higher professionals to support the organisation publicly and unequivocally.
- (307) As I have said above, although I worked intensely on the LGB Alliance Steering Group, it was at no cost to my professional responsibilities, and I was in court almost every day for the remainder of 2019, in complex cases.
- (308) We knew we needed legal advice on how to set up as a charity, so I found charity solicitors (Bates Wells and Braithwaite) and opened a file with them quickly. The file was in my name because as a barrister I could avoid sometimes lengthy identification checks required by anti-money laundering regulations, because my identity is a matter of public record.
- (309) I suggested that we seize on the initial enthusiasm and open a JustGiving account to harness that support. Very quickly, in what was to become a recurring pattern, the page was closed down because of complaints that LGB Alliance was "transphobic" because we did not campaign for trans people, and was a "hate group". I was truly dismayed when that and every fundraising attempt was closed down. It was chilling. We were being targeted. We were being told that we had to be politically joined at the hip to an LGBTQ movement with which we profoundly disagreed.

- (310) During 2020, I decided to step back from LGB Alliance. I was very sad to do so. I am still a staunch supporter of theirs. I was delighted that they asked me to give the Key Note speech at their conference in November 2021. It was posted on YouTube and has received over 12,000 views to date and over 1,000 likes. The text of the speech, which has been prepared and inserted into the Bundle by Garden Court, is at **Bundle Page 5110**.
- (311) The Tweet that I sent launching LGB Alliance went viral – I do not have any way of checking the numbers now, but evidence in the Bundle shows that by the following evening it had received over 1,800 likes, 668 retweets and 779 comments (**Bundle Page 2018**). Another screenshot in the Bundle (**Bundle Page 2129**) shows that around 36 hours after I had sent it, it had been retweeted 895 times and liked over 2,700 times (the number of comments are not given in the screenshot).
- (312) The ratios of likes, retweets and comments indicate that the tweet was generally met with approval: people will generally only like a tweet if they approve of it. (I say generally – some people will like a tweet as a kind of bookmark, so that they can come back to it later, but this is relatively uncommon and tends only to happen to tweets that link to something else, for example an article or blog. That was not the case here.) People tend to retweet also as a mark of approval. They might also retweet to draw attention to something they disapprove of, although this is less common because it can be difficult to tell. A retweet is a republication of the original tweet and shows on a person's profile, so it is relatively rare for people to associate themselves with something that they strongly disapprove of. A like is not a republication in the same way, so a retweet is more often than not a mark of stronger approval than a like. Most tweets that meet with approval get more likes than retweets because people are generally more likely to approve of something to an extent which merely acknowledges it (a like) than they are to approve of something so strongly that they actively republish it (a retweet).
- (313) The other way that people can engage with a tweet is to comment on it, by way of a reply, giving their view. Comments are less easy to analyse because they can be both positive and negative (or indeed neutral) and any

given tweet will have a different mix of these. But if a tweet has a similar or higher number of likes and retweets as it has comments, then the tweet has been met with, on balance, positively. A tweet which has more comments than likes or retweets has been met with negatively, because people are talking about it without showing approval.

- (314) The greater the disparity between comments and likes/retweets tends to demonstrate the intensity of the negative reaction. The numbers of likes, retweets and comments – when compared with the number of followers that the individual who published the tweet has – is also an indicator of the intensity of the reaction. I had 3,088 followers shortly after I sent the LGB Alliance launch tweet on 22 October 2019 (**Bundle Page 6272**) but I was acquiring a lot of followers very quickly and my follower count was considerably lower before I sent the tweet. This shows that the reaction was quite intense, because more people engaged with the tweet than followed me when I sent it, and this is unusual, because people tend to engage more actively with people they follow (and therefore people whose views and opinions they can use as a lens through which to view the tweet they are engaging with).
- (315) The reaction to my LGB Alliance launch tweet was polarised: more people were supportive than oppositional. But in both respects, many were extremely so. Some of the tweets I received were direct threats to me. These were also complaints to chambers. The aim of these was obviously to threaten my livelihood. Various examples are in the bundle and some became the basis of the investigation that was subsequently undertaken.
- (316) The threats and complaints therefore became an attack on me. But the corresponding messages of support did not carry any benefit. It is apparent from the documents to which I will refer that Garden Court placed no store by these, or by the communications it received in support of me, when the complaints to chambers started to be noticed.
- (317) This is set out in David de Menezes's email to the Heads of Chambers the evening after I sent the tweet (I didn't see this until the Subject Access

Request response, and it was heavily redacted there) (**Bundle Page 611**).

He wrote:

This tweet has received 1.8K likes, 668 retweets and 779 comments. Her tweet is generating a strong reaction on Twitter as you can see from the tweets below which are specifically directed at Garden Court. In addition there have been a number of highly critical comments (not mentioning GC) to her tweet which can be viewed here: (link to the tweet)

- (318) This demonstrated that Garden Court knew at this early stage that I was getting abuse.
- (319) There were three sources of information provided by David to Heads of Chambers in this email to assess the popularity of the tweet:
- (a) The ratio of likes to retweets to comments, which he did not explain (and which perhaps he did not understand);
 - (b) Tweets sent to Chambers. By their nature, tweets sent to a person's employer are more likely to be designed to criticise: you would rarely contact a person's employer to say that you agreed with a view shared on twitter. I took a screenshots of a number of complaints that were being made about me to chambers via Twitter. The majority were from anonymous accounts. Garden Court has disclosed a screenshot of tweets they received about me on 24 October 2019, and these were almost all supportive of me (**Bundle Page 2151-2156**). One of them was from Debbie Hayton, who is a transwoman and who had been at the LGB Alliance launch.
 - (c) The comments under my tweet. By this stage there were 779 of these. The ratio indicates these probably would have been more positive than negative but of course I cannot be sure of this. In any event none of the Heads would have read 779 tweets in order to identify the extent to which my tweet was supported.

(320) David went on to state that:

“there are also responses which are supportive of her position. The LGB Alliance describes itself on their Twitter profiles as “Asserting the rights of lesbians, bisexuals and gay men to define themselves as same sex attracted”.

The fact of supportive responses was therefore tempered by the implication that these were supporters of LGB Alliance, and a summary of the fact that LGB Alliance were gender critical.

(321) Later, David de Menezes would say that the responses on Twitter to my LGB Alliance tweet on 22 October were “mostly very critical” (**Bundle Page 2637 paragraph 24**) and “overwhelmingly very hostile” (**Bundle Page 705**), including on 25 October, after Garden Court tweeted about me. While I have no doubt at all that there were very critical and very hostile responses, I am skeptical that these were in the majority, but of course I cannot be sure. My skepticism is based on the ratio discussed above, and on the screenshots in the bundle, which appear to show that the majority of messages were supportive of me. In any event, given that there were 779 such messages by 23 October and many more by 25 October, I would be surprised if David had actually read all of them.

(322) At **Bundle Page 611**, David continued in that email to point out that many of the people complaining about me “don’t seem particularly reputable”, and then stated:

“As you might be aware, Michelle Brewer has raised concerns about the tweets posted by Allison on transgender issues and the Gender Recognition Act, but Michelle also said to me that she is not saying that she is against free speech”.

(323) I do not know for sure what the concerns of Michelle Brewer are that are referred to. There was a wide distribution list for those concerns, but David de Menezes was not part of it. The distribution list to Maya Sikand’s 16 October email was to the same people to which David was writing, and he

wrote only that they “might be aware” of Michelle Brewer’s complaint. The fact that he goes on to point out that I stated on my profile that my views were not those of Garden Court (which Maya Sikand had explicitly raised in her email of 16 October 2019) would suggest that he was not aware of Ms Sikand’s email, and therefore of Ms Brewer’s complaints to Mia Hakl Law. It therefore appears that there must have been other discussions or communications involving or relating to concerns being raised about me by Michelle Brewer which were either verbal or have not been disclosed. In either case, this illustrates the broad reach of the communications critical of me taking place amongst management and senior members of chambers, in which Michelle Brewer appears to have been involved and influential.

(324) At the same time that Michelle Brewer was complaining about me on 16 October 2019 (as dealt with from paragraph (291) above), she was continuing to work closely with Stonewall. In the bundle are heavily redacted emails between Shaan Knan (of the Stonewall Trans Advisory Group and the LGBT Consortium) and Michelle Brewer from 1 October 2019 onwards about an event which Garden Court were hosting for Stonewall and others on the evening of 23 October 2019. The event was discussed within Stonewall. Kirrin Medcalf, who would go on to write the Stonewall complaint about me to Chambers on 31 October 2019 attended this meeting **(Bundle Pages 1848-9)**.

(325) The trans rights meeting Michelle Brewer had organised with Stonewall went ahead on 23 October, with Stonewall representatives present. It took place in the building at Garden Court Chambers. I did not know anything about it, or that it was happening. Michelle Brewer, who had set up the meeting (and who, as a Garden Court barrister, was effectively its host) was in fact in Scotland and had given her apologies. She did however ask Shaan Knan of the Stonewall Trans Advisory Group to pass on a message to the attendees, asking them to make complaints about me to my Heads of Chambers. The communication in which she made this request has not been disclosed, though it may have been a verbal request. However, Shaan Knan did as

Michelle Brewer requested. The minutes of the meeting record him saying
(Bundle Page 3847):

“Community encouraged to write to Garden Court Chambers Heads in the next couple fo [sic] days to express concern about Allison Bailey’s (barrister) transphobic comments on Twitter. Chambers having a meeting to decide on formal action against barrister Allison Bailey”.

(326) Two of those present in that meeting were Kirrin Medcalf, the Head of Trans inclusion at Stonewall, who wrote the Stonewall complaint against me, and Josh Bradlow, the Head of Policy at Stonewall, who was Mr Medcalf’s boss.

(327) Knan’s reference to the “meeting” to decide on formal action against me (which in the event took place on 28 October) is the first mention of it in the bundle. Neither Garden Court nor Stonewall have disclosed any document in these proceedings to explain how Shaan Knan knew such a meeting was to take place. It appears that he must have been told about it by Michelle Brewer, which in turn provides further evidence that she was in discussion with the Heads of Chambers and others about me and the prospect of taking “formal action” against me.

(328) After the meeting, Michelle Brewer contacted Shaan Knan who reported back
(Bundle Page 2138). He wrote:

“I did bring up briefly the issue with the terfy barrister and asked people to support and write to Head of GC. I hope to put something together tonight. We won't of course engage with her on social media”.

(329) I return below to the actions that Shaan Knan then took.

24. Additional Protected Acts

(330) I sent a number of tweets around the launch of the LGB Alliance. I have set out from **Bundle Page 215** the background and meaning to these.

25. Events from 24 October 2019

24 October 2019

- (331) At 08:28 on 24 October 2019 (**Bundle Page 2017**), Leslie Thomas QC wrote to the other two Heads of Chambers, the chief Executive and member of the communications team about me. He queried whether I had breached the BSB Code (he was a board member of the BSB) and whether I had unlawfully discriminated against any person. He had not read my tweets.
- (332) Tom Wainwright sent an email to the heads of chambers, copying Emma Nash, Michelle Brewer, Stephanie Harrison QC and all members of the Trans Rights Working Group at 08:39 on 24 October (**Bundle Page 919**). Tom Wainwright's email was a reply to Mia Hakl Law's response to Michelle Brewer's 16 October 2019 complaint about me (**Bundle Page 921**). Tom Wainwright wrote that I had:
- “formed or is part of a new Anti-Trans LGB Group. ... There must be something in our constitution or diversity policy which precludes this.”*
- (333) Rather than asking for evidence for the remarkable (and untrue) statement that I had formed an “Anti-Trans” group, Judy Khan replied around 20 minutes after Mr Wainwright had sent his email, thanking him “– and Michelle – for bringing this to our attention”. (**Bundle Page 2021**). In that email, Judy Khan said that a new social media policy had been drafted, and that Lesley Thomas QC would be sending an email to all members of chambers regarding BSB guidance on social media use.
- (334) About 15 minutes later, Lesley sent the email that Judy Khan had previewed on the use of Social Media (**Bundle Page 924**). Garden Court has put I think four copies of this email in the Bundle, but none show that it was sent to all members of chambers, which was the case. The email did not mention me, but I recognised correctly that it was directed at me.
- (335) There had been a discussion about social media use around two months previously, and I had agreed that policy was required (**Bundle Page 1682**). It arose from a case at Doughty Street Chambers where a barrister had been uncovered as an anonymous abuser of a chambers colleague on Twitter.

- (336) At this point on 24 October 2019, nobody in Chambers had approached me at all about the LGB Alliance launch tweet. I was getting abuse as well as support online, which Garden Court knew. On previous occasions when other members of Chambers had been the subject of such abuse, Chambers had been very supportive. An example of this is in the Bundle at **(Bundle Page 1000-1003)**, when our colleague Jodie Anderson was being abused in May 2018.
- (337) I replied to Leslie to say that I was aware of the BSB Guidance (which I was) and to indicate that I knew that his email was a veiled warning to me. I asked that Heads of Chambers should contact any barrister and raise any concerns that may be held **(Bundle Page 2047)**. Shu Shin Luh responded to Michelle Brewer about this email, asking if I were “delusional” and Michelle Brewer replied that I was **(Bundle Page 975-976)**. Shu Shin Luh also wrote to Tom Wainwright, who responded that I was a “massive hypocrite” **(Bundle Page 2024)**. I did not see any of this at the time.
- (338) At 9:57, prompted I believe by my suggestion that any concerns about a barrister should be raised with the barrister, Judy Khan wrote to me **(Bundle Page 2045)**, copying in the other Heads of Chambers and Mia Haki-Law. She said that “more than one complaint has been received about your tweets on the transgender topic”. I did not know at this time of the 16 October complaint by Michelle Brewer, and I thought she was referring to my tweet launching LGB Alliance. She also said “if you made a complaint about someone else in GC, we would adopt exactly the same approach”. As set out below (“Complaints Against Other Barristers”), that was not the case. She finished by saying “We will, of course, take into account your views”.
- (339) Replying to my response to Leslie, a chambers colleague Tim Baldwin wrote to me to share my concerns about the BSB policy, and suggesting that Leslie may have a conflict of interest because of his role within in the BSB **(Bundle Page 2055)**. Subsequently, I asked Leslie to recuse himself from the Chambers investigation into me because of this potential conflict. I return to this below.

- (340) At 12:45, Marc Willers QC replied to Judy Khan, cutting me out of the email thread and copying in David de Menezes. Mr Willers said that he had asked David de Menezes to prepare a Garden Court response to be published on Twitter because they had received press inquiries (**Bundle Page 2044**). Judy responded shortly afterwards suggesting that Chambers “need to immediately disassociate ourselves” from my comments (**Bundle Page 2056**). Leslie Thomas replied to that to stipulate two actions that Chambers should require that I “should take today” – removing reference to Garden Court on my profile, and withdrawing “the tweet”.
- (341) Leslie followed that up four minutes later at 13:15 by expressing concern that “this is damaging to our reputation” and asking whether he could confirm that they were investigating a complaint. He stated that “*the suggestion that she may have breached the equalities Act [sic] is very serious*” (**Bundle Page 2059**). I had not breached the Equality Act and it should have taken no more than a moment’s consideration to make this clear, as it is obvious that the Equality Act is not breached by comments on a matter of public interest on Twitter that have no bearing on any relationship covered by the Act or on any individual. However, the kneejerk reaction from Heads of Chambers was to lend immediate credence to this allegation, and respond to it by issuing a public statement about me, to which I return below. I do not believe that this would have happened had I not been gender critical and expressing my beliefs about sex, gender and the Stonewall agenda.
- (342) In particular, the idea that – in relation to the expression of any other belief – chambers would make public statements about an investigation into complaints – which chambers’ policy expressly says should be treated confidentially (Complaints Procedure, paragraph 12 (**Bundle Page 4391**)) – is not credible. It is to my knowledge unheard of for a chambers, let alone Garden Court Chambers, to make a public statement about an investigation of this kind – still less to do so, as I will describe was done in my case, without the courtesy of so much as a consultation or warning with the member in question.

- (343) This extraordinary behaviour can only be explained by the hostile view of me held in particular by those involved in determining Chambers' reaction, which was because of my particular beliefs. This led to their knee-jerk desire to distance themselves and Chambers from my particular beliefs and reaffirm their commitment to the Stonewall gender identity ideology. I have referred below to the example of a colleague, who was publicly accused of antisemitism. There is absolutely no similarity between how I was treated, and how he was treated.
- (344) Separately, Mia Haki-Law replied to Marc Willers 12:45 email with copies of three complaints that had been received about me (**Bundle Page 2043**). This included the complaint in respect of the "political football" tweet, described at paragraph (300) above.
- (345) Throughout the course of the afternoon of 24 October, the head of chambers' marketing David de Menezes drafted the wording of the further tweets that Chambers would publish about me. Very early on in this process at 14:22 on 24 October 2019, they were discussing whether or not to threaten me with expulsion from chambers (**Bundle Page 2061**). This was on the basis that I had damaged Garden Court's reputation and had been accused of breaching the Equality Act. None of the people in this thread, which included three Queen's Counsel and at least three part-time judges (Recorders), stopped for a moment to ask whether there was in fact any truth in the allegations against me, or even considered whether that might be something they should consider before they published a statement naming me.
- (346) Throughout this period, Garden Court were continuing to get messages supporting me, and congratulating me. There was a request for a media interview (**Bundle Page 2068-2069**). This was not communicated to me. I had already decided not to give any media interviews in any event. Subsequently, when someone asked to interview me "*for an article about ... LGB alliance and the exclusion of the trans community*" – i.e. from someone who was identifiably opposed to LGB Alliance – this was directed to be forwarded to me (**Bundle page 2533**).

(347) At 15:39, Marc Willers wrote to me (**Bundle Page 2070**) (this version is the draft agreed by Heads of Chambers, but an email in the same terms was sent to me at 15:39. I do not know why Garden Court have not included that version in the bundle) to tell me that Garden Court had received “*several formal complaints about tweets that (I) had posted over the past 24 hours*”. He said that chambers would “*need to investigate the complaints made against (me) in accordance with our complaints procedure as soon as possible.*” He also said that “*the complaints raise concerns about a breach of the equality legislation and we are also concerned that your tweets on this subject (which was unspecified) may breach the BSB Social Media policy*”

Garden Court’s Tweets about me

(348) David de Menezes proposed a draft two-tweet statement in an email at 17:03. Judy Khan and Leslie Thomas approved it (**Bundle Page 2072- 2073**). At 17:18, David said that he “will send out now” (**Bundle Page 2078**). David then suggested (at 17:34, which I think but cannot be sure was after he had sent the tweets) that I should be informed that the tweets would be published (**Bundle Page 2080**). This never happened. I did not know the tweets would be published until I saw them. Nobody seems to have considered the complaints procedure, in particular the clear requirement that “All conversations, records and documents relating to the complaint will be treated confidentially” (paragraph 12 **Bundle Page 4391**).

(349) Examples of the tweets are at **Bundle Page 6088-6089**. This is only some of the tweets sent I believe – the same tweets were sent many more times. The tweets were all the same - two separate tweets directed at various complainants:

(a) “*We are investigating concerns raised about Allison Bailey’s comments in line with our complaints/BSB policies. We take these concerns v seriously & will take all appropriate action. Her views are expressed in a personal capacity & do not represent a position adopted by Garden Ct.*”

(b) *“Garden Court Chambers is fiercely proud of its long-standing commitment to promoting equality, fighting discrimination and defending human rights”*

- (350) By naming me in conjunction with an allegation of breach of BSB policies there was an obvious implication that I had committed an act at least capable of being described as professional misconduct. By bracketing my name and the investigation against me with a statement reaffirming Chambers’ *“long standing commitment to promoting equality, fighting discrimination and defending human rights”*, the clear implication that I was in opposition to these. Of course I was not.
- (351) These tweets breached the explicit requirement in Garden Court’s complaints procedure for confidentiality. They did this without the courtesy of warning me that they would do it, and they came as a complete surprise and shock to me. I first became aware of the Garden Court tweets because I was tagged into them by Garden Court (the tag of my twitter handle @BluSkyeAllison is visible on the tweets at **Bundle Page 6089**).
- (352) The tweets were interpreted (as of course was Garden Court’s intention) as Garden Court deliberately distancing itself from me. They implied a prejudgment that on I had done something that needed to be “taken seriously”, investigated and the subject of “appropriate action”. They were in fact interpreted in that way: for example, in the Pink News article (rightly) characterising the tweets as meaning I had been “thrown under the bus” (**Bundle Page 4550**) (to which I return below). The effect of this on me was severe. I had been thrown under the bus, and it felt like it. An example of the kind of abuse I got is at **Bundle Page 6105**. The first tweet tells me to “shut the fuck up, TERF”. The remainder of the tweets are an attempt to shut down conversations of people expressing support for me, by flooding the discussion with obscene, violent and sexualised language.
- (353) Although I received abuse, Garden Court’s tweets elicited comments in support of me. At **Bundle Page 6095-6104** are the replies to Garden Court’s tweets at one of the complainants, @TJTypes. The majority of these replies

are in support of me, and the majority of those who are expressing support appear to be women. Each of the tweets that Garden Court sent received similar replies, mainly in support of me and critical of Garden Court's decision to tweet about me.

Garden Court's website statement

- (354) Separately to the tweets about me that they published, Garden Court also wanted to put a statement on their website. This appears to have arisen from a request by Louise Hooper on behalf of the Trans Rights Working Group. She wrote to Heads of Chambers at 17:51 (**Bundle Page 626-7**). She complained that the launch of LGB Alliance was:

doing actual harm to the mental health of friends and others. We as a chambers are clearly associated with the group in all of the papers (links below) with Mumsnet celebrating GCs involvement with A Woman's Place and their anti trans activities.

- (355) On its face, that comment ought to have drawn some query from Heads of Chambers, who ought to have asked "how can the formation of a group cause "actual harm"? What is wrong with Mumsnet celebrating a member of Garden Court Chambers? Who is A Woman's Place and why is our connection to them a matter of concern? What are their supposed anti trans activities?" The answers to any of those questions would have demonstrated that there was no basis to complain against me. But none of these questions were asked.

- (356) In her email, Louise Hooper also proposed the wording of the statement, which she asked to be published by Garden Court "*ideally under a large trans banner*". Tom Wainwright replied to Louise Hooper's email agreeing with it, and stating that "*We need to get something out there as a matter of urgency.*" (**Bundle Page 927**)

- (357) In a reply to Louise Hooper, Michelle Brewer, Tom Wainwright and Heads of Chambers at 19:22 (**Bundle Page 647**), Judy edited Louise's statement and told her what it would say.

(358) Judy emailed me at 19:49 (**Bundle Page 2092**) that night, to provide me with the proposed statement for the website.

(359) It is material to note here that nobody in Garden Court chambers had paused to ask what it was that LGB Alliance stood for, and what as a consequence Chambers were publishing a statement distancing themselves from and implying opposition to. They could not know because at this point (as a result of my accidentally launching LGB Alliance via a tweet I sent on a bus less than 48 hours previously) LGB Alliance had not published anything.

(360) At 19:49, I wrote to the Heads of Chambers to reply to Marc Willers' email to me at 15:39. I expressed how upset I was with how they were treating me (**Bundle 622**). I said that Chambers must follow:

“a process that is both procedurally fair and utterly transparent. That has not been the case thus far.

I cannot agree to take any steps in response to complaints made without knowing what is being said or represented about me and by whom.

Similarly, I cannot respond to the suggestion that I am bringing chambers' reputation into disrepute until I see what is being said and by whom and how and on what basis chambers considers that I am in the wrong.

I must be given an opportunity to see the complaints, not least so that I can see for myself whether they are of any substance and judge whether chambers are acting properly in seeking to enforce a very serious curtailment of my freedom of speech and professional standing in these chambers.

I ask that chambers confirms what procedure it is following, whether under the grievance procedure, complaints procedure or both, and furnish me with a copy of the procedure(s) being adopted and the named barristers involved in investigating this matter.

Recusal of Leslie Thomas QC

(361) In that email, I also asked that Leslie Thomas should recuse himself, given his role on the BSB (**Bundle Page 622-3**). Tim Baldwin had raised this with me already (paragraph (339) above) and I was worried about it. I wrote:

“Anything that is said in this process that BSB board members are involved in could prejudice any complaint I have to defend before the BSB. No discourtesy to him or anyone else is intended or implied”.

(362) As set out below though, he continued to be involved, despite the ostensible position taken by Garden Court that he had recused himself. The other Heads of Chambers continued to keep him copied into correspondence (for example at **Bundle Page 2121**, but also generally). On 4 November 2019, he called Maya Sikand to tell her that “of course” my actions were a breach of the BSB Code, a question that had been explicitly put to him by Stephanie Harrison in his capacity as a member of the BSB Board (**Bundle Page 2545**). This was precisely the kind of conflict that I was seeking to avoid when I asked Leslie to recuse himself, which he understood when he agreed to do so.

(363) I followed up my 19:49 email (paragraph (360) above) with an email at 20:12 (**Bundle Page 622**) reiterating that chambers should not publish anything to suggest that I am transphobic or not supporting of trans rights.

(364) I was completely distraught at how Garden Court were treating me. I am still astonished that they could have thought that this was an appropriate way to treat anyone.

(365) Separately, David de Menezes was also discussing this with Michelle Brewer (**Bundle Page 957**).

(366) David then suggested to Heads of Chambers (**Bundle Page 625**):

given where we are now I think we could also tweet that to all our followers with a Trans flag attached to the tweet if everyone is ok with that?

- (367) Mia Haki-Law replied that the “*trans flag is not necessary atm* (at the moment)” (**Bundle Page 624**).
- (368) At 8:11 PM, Judy Khan wrote to Heads of Chambers (**Bundle Page 2114**) to report that I had referred to the proposed website statement as defamatory. She also said in that email that I had been sent the wording of the tweets that had been issued, implying that I had been sent the wording before the tweets had been published by Garden Court. As set out above, I had not, and the first I knew of the tweets was when they were sent, tagging me in. She said that she could see why I would be upset by the tweet referring to an investigation, but that it was not in her view defamatory. Reading that email in disclosure, I read her only concern to be the legal risk from me to Chambers, and there was no concern about me, or what I was going through.
- (369) Throughout 24 October, I had been in turmoil. The reaction to my tweet had been visceral. Death threats, memes with firearms, numerous “fuck terfs” messages and threats were made against me. I turned off my phone. I was contacted by some feminist lawyers who gave me moral support, but I was extremely upset. I told them of the wording that had been put to me by Judy, and they offered me legal advice. That advice is privileged and privilege is not waived.
- (370) Some time before 9pm on 24 October, Judy called me. She subsequently sent an email to Heads of Chambers, Mia Haki-Law and David de Menezes at 21:23 (**Bundle Page 2121**). As best I recall the conversation, Judy’s note of it is correct, but she omitted to mention that she told me on the call that someone had compiled what she referred to as a “dossier” of my tweets. She said that the dossier of my tweets had already been compiled prior to my LGB Alliance tweet and that this person was adding to it with more recent tweets. I asked her who this was, but she would not tell me, only that it was “someone who I would trust”. Subsequently, my solicitors wrote to ask for a copy of this dossier, and Garden Court’s lawyers denied that it existed or that Judy had ever mentioned it. Looking through the disclosure, I think what Judy may have been referring to as a dossier were the tweets that Maya Sikand had originally compiled on 16 October 2019 (paragraph (298) above).

If that is the case, then she was right that Maya was “someone who I would trust”, and I did trust Maya. But I know now that I was wrong to do so.

(371) At 22:30 I wrote to Judy to ask her to take down the Garden Court tweets about me (**Bundle Page 659**).

(372) Late into the night I was still getting abusive and threatening tweets directed at me. A typical one, which was sent at 23:11, reads (**Bundle Page 787**):

“Choke on your own blood and die in your sleep TERF, nobody will miss you”.

25 October 2019

(373) Just after midnight on 25 October, Judy emailed me to tell me that the tweets Garden Court had published would be taken down by David (**Bundle Page 2266**) “if possible”. My reply to her at 01:05 demonstrates the frame of mind I was in: I was still extremely upset.

(374) I saw in disclosure that she had asked David de Menezes to take down the Garden Court tweets at 23:45 (**Bundle Pages 656-9**). After she had told me that they would be taken down, he refused to do so, on the basis that (**Bundle Page 657**):

“If we now delete our replies to these people, we will end up with a hugely adverse reaction from these people and an even more epic Twitter storm which is highly likely to get reported in the media. In my view it will be a PR disaster(...)

it will also look like we are no longer investigating the complaints”.

(375) She replied to him at 00:48 to acknowledge that he would not do so (**Bundle Page 654-5**). I replied to Judy at 01:05, not knowing that she had now agreed that the tweets would not be taken down (**Bundle Page 2266**). She never told me that she had decided not to do so – the tweets were just left up.

(376) The first thing the next morning, I wrote to the Bar Council because I felt that what Garden Court had done to me the previous day was completely

unconscionable. I thought that they had all taken leave of their senses and that their actions would cause huge and irreparable damage to Chambers. I believed that they were causing huge damage to me also, and that I might need to take legal action against them to protect my professional reputation. I wanted someone from outside Chambers to intervene and tell them this, in that hope that some sense would prevail before things escalated (**Bundle Page 2165**).

- (377) After that I wrote to Judy Khan, again asking her to take the tweets down as she had promised but not done. I summarised the advice that I had been given (**Bundle Page 661**). I was trying to get them to see that their actions were extremely unwise, and trying to get them to pause and discuss matters in the hope that they would see sense.
- (378) Judy wrote back to me at 08:50 (**Bundle Page 680**). She gave me the wording of a statement they wanted to put up (“We wish to make it clear that the LGB Alliance is separate from GC and not reflective of the collective views of GC”). She said that they would discuss the removal of the tweets later that morning. I agreed to that statement being published. It made no statement about me, or about LGB Alliance, other than the plainly observable fact that Garden Court’s collective position was not the same as LGB Alliance’s. I asked to hear back “asap” about the removal of the tweets, not knowing that they had already decided not to remove them.
- (379) At 10:19 on 25 October, (**Bundle Page 2200**) Marc Willers sent to the other Heads of Chambers a shorter form of the further statements that had been drafted the previous day. Judy responded to say that a website statement along these lines had “already been approved by Allison” (**Bundle Page 2199**). This was not true. I had not approved anything that mentioned me by name.
- (380) There seems, from the disclosure, to have been a meeting between the Heads of Chambers in the morning of 25 October. An email sent at 11:37 gave the draft of what would be sent to me (**Bundle Page 2198**). It was sent by Judy at 13:11 **Bundle Page 678**.

- (381) The email she sent me addressed my safety, and the threats that I had communicated to her that I had received, which I had told her about in my call with her the previous evening. At the time, I read this section of her email as telling me that they were not interested. Reading it back now, I think that reading of her email was fair.
- (382) She also stated “We have not, as yet, made any decision about the action to be taken”. The disclosure shows that this is false: they had decided to have a meeting to discuss me on Monday 28 October, which Stonewall by that stage already knew and were co-ordinating around.
- (383) During the course of 25 October, at least in part I think as a result of Garden Court’s tweets about me, the press started to take an interest. In the Bundle is an email from the *Mail on Sunday* (**Bundle Page 2206-2207**). In the afternoon, I received a call from Nicholas Hellen from *The Sunday Times*, and spoke to him. In the course of the day, and as a result of the broken promise made the previous night to take down the tweets about me, I formed the view that Garden Court were not prepared to pause or see sense as I had hoped earlier in the morning. I had also been traduced in the press by Pink News and the Independent, and I could see that keeping silent was only allowing false and damaging statements to be made about me which were compounded by Garden Court. An example of this is the Pink News Article about me from 26 October, pasted into an email by David de Menezes to Heads of Chambers at (**Bundle Page 4550**).
- (384) I also believed – correctly, in light of what was subsequently disclosed to me - that Stonewall was a factor in this. I felt that my criticism of Stonewall in December 2018, and in the tweet launching LGB Alliance caused particular animosity towards me by GCC.
- (385) After I spoke to Nicholas Hellen of *The Sunday Times*, he then contacted Garden Court for a quote. The quote from Judy Khan is in *The Sunday Times* article at **Bundle Page 296**:

“We are investigating complaints that have been made about tweets that Allison has sent. We have not made any finding of fact or made any ruling.” When pressed, she added: “We utterly condemn any threat made to any person in chambers or otherwise”.

(386) This therefore reiterated that an investigation was underway into complaints receive about Tweets that I had sent.

(387) I had not “gone to *The Times*” as Judy Khan was to characterise it (**Bundle Page 2208**), they had come to me.

(388) I continued to receive messages of support (when I was next to return to Chambers, I was greeted by over 200 cards of support, and gifts such as flowers and so forth). Some people wrote directly to the Heads of Chambers, and these (or some of these) are in the Bundle, for example at (25 October 2019 16:52 **Bundle Page 2212**). David de Menezes, missing no opportunity to think the worst of me, assumed that I had co-ordinated this:

“I think I know what’s happening here. Looks like Allison has sent a tweet out to her supporters with our contact details. We can no longer see her tweets because she has made her account private except for her followers. Are you also receiving these emails?”

(389) I had made my account private because of the abuse I was getting, as I had told Judy the previous evening. I had not encouraged anyone to send any message to anyone at Garden Court. I had not shared their contact details. As David was subsequently to point out, Garden Court had access to my Twitter feed even though it was set to private, and Judy could have checked to see that this assumption about me was false. She could have contacted me to check whether I had done this. She did not do so.

(390) Judy would subsequently repeat the false assumption that I had done this on further occasions, mocking me saying “*surprisingly for a champion of women’s rights*” and asserting that I had “*chosen the one female head as the person to focus the response on*” (**Bundle Page 2214**). Although Judy Khan says in that email that “this (letter supporting me) is one of many”, they do

not appear to have been provided in disclosure in these proceedings, despite my solicitors' requests, and the disclosure statements provided by Garden Court.

- (391) Another example of Judy asserting incorrectly that I had encouraged people to write to her is at **Bundle Page 2333**. A further example is **Bundle Page 2422**: *"I've had multiple emails generated by Allison giving out my email address and suggesting that any supporters should email me directly"*. I had not done this, and there was no reason for Judy to have concluded that I had. I believe that Judy's continuing insistence that I had done it was evidence of the animosity that she felt towards me, which I think was caused by her view of me because of my beliefs.
- (392) There is another example of Garden Court incorrectly assuming I had done something of a similar nature: they formed the impression (I assume at around this time) that I had made a referral of them to the BSB, our regulator. Their solicitors wrote to mine requesting disclosure of this referral, communicating that Garden Court was "adamant" that I had done so. But I never made such a referral. My solicitors asked for disclosure of any document which could explain why this false belief about me was adamantly held (**Bundle Page 5805**). No such disclosure was provided.
- (393) With the exception of messages from Lou Crisfield and Harriet Wistrich (dealt with below), Heads of Chambers do not appear to have read any of the messages they were receiving from people about me. All of these were ignored and therefore effectively dismissed. The evidence that Garden Court has disclosed does not allow an analysis of whether or not the messages in support of me outnumbered the messages complaining about me. But the former were ignored, and the latter investigated. I believe that this is an example of the way in which gender critical views (as were expressed by the majority of those who wrote in support of me) were dismissed as bigoted and unworthy of respect at Garden Court.
- (394) The complaints about me were simply assertions that I was in some way bigoted or transphobic (or that LGB Alliance were; and thus that I was too,

by association). The complaint from Shaan Knan, received 25 October **(Bundle Page 892-893)** is a prime example. It contained nothing to explain why my actions were “extremely harmful and completely against the ethos of Garden Court Chambers” except the mere assertion that they were. The only thing that lent the complaint any substance at all was his organisation’s existing connections with Garden Court.

(395) At this point, it appears that Garden Court had no clear idea of what they were doing. They were simply acting on the basis of their knee-jerk assumptions and prejudices about me and my beliefs. They had not considered what I had actually said. They had published on twitter a statement that they were “investigating complaints raised about Allison Bailey’s comments in line with our complaints/BSB policies”, and issued an on-the-record comment to *The Sunday Times* saying effectively the same thing. But when Stephanie Harrison asked Judy Khan “OK so, *Maya is not investigating a formal complaint as such but is considering whether any of the social media content crosses the BSB line?*”, Judy replied “*That’s right*” **(Bundle Page 2340)**.

(396) Judy Khan replied in terms that indicated that Maya Sikand was effectively conducting an audit of “all of” my social media material to prepare a report on it, regardless of any “complaints” **(Bundle Page 2340)**. Indeed, although a number of “complaints” were later assembled as part of Maya Sikand’s investigation and I did not at the time consider whether they fell within Chambers’ policy, now that I have had a chance to consider the Garden Court Complaints Procedure and the definition of a “complaint” within that, it is by no means clear to me that at this point on 26 October (and despite what I had been told and what had been tweeted out publicly by chambers) anything had been received that would fall within that definition: it is clear that that policy is directed at “lay and professional clients” who may be “dissatisfied with the service you have received” and that any complaint would need to be addressed specifically to the Heads of Chambers identifying the complainant’s name and address and identifying the matter complained about. It therefore appears to me in retrospect that Judy Khan

must be right in saying that there were no actual complaints being investigated and that she at least correctly understood this at the time.

- (397) This was, however, entirely at odds with what they had told me, which was contained in Marc Willers' email to me of 15:39 the previous day (paragraph (347) above: that I was being investigated in response to specific tweets that I had published in the previous 24 hours, in accordance with Chambers' complaints policy.
- (398) The collation of material by Maya Sikand appears to be another reference to the dossier that Judy Khan referred to in the conversation that I dealt with above at paragraph (370) but which Judy Khan has since denied ever existed.
- (399) On 25 October 2019 at 8:27 PM (**Bundle Page 2183**). Shaan Knan wrote on "*The Wall*" (Stonewall's internal electronic message board/chat facility) encouraging people to write to Garden Court Chambers to complain about me.

STAG

- (400) The capacity in which Shaan Knan had access to *The Wall* was as a member of the Stonewall Trans Advisory Group (STAG), a group created by Stonewall. Documents disclosed by Stonewall state that (**Bundle Page 4414**):

STAG exists by creation and for all practical purposes, under the Stonewall umbrella. STAG Chair and Vice-Chair (and STAG members by extension) are ultimately accountable to Stonewall..."

- (401) The same document also states that STAG was tasked with, amongst other things, engaging with third parties on trans rights issues "under direction from Stonewall". A "Mind Map" setting out the relationship between Stonewall and various groups, including STAG is at **Bundle Page 6271**. Stonewall have also disclosed what appear to be handwritten notes leading to that document (**Bundle Pages 4426-4431**).

(402) In his post on *The Wall*, STAG member Shaan Knan said (**Bundle Page 2183**):

There will be a meeting on Monday with the Head of GC Chambers to discuss if any formal actions against Bailey should be taken. Their point is that Bailey has expressed extreme personal views via social media that are now associated with GC Chambers' 'label'. This is obviously not acceptable. As you know, I had a round table there last week around trans data collection, Census etc (Kirrin, Josh from Stonewall attended).

I spoke to Michelle Brewer (co-founder of Teli) <https://www.gardencourtchambers.co.uk/barristers/michelle-brewer/sao>

who told me she encourages the trans community to write messages of support (supporting action against Bailey) to the Head of Garden Court Chambers.

(403) I did not know that there was to be a meeting about me on Monday, but Stonewall did. The meeting is only mentioned once in the Bundle before this message, which is in an email sent to the Trans Rights Working Group by Judy Khan the previous day, again in breach of the explicit requirement for confidentiality in Garden Court's complaints procedure (**Bundle Page 4391**). The fact that Judy Khan felt it appropriate to communicate with the TRWG about this issue is again evidence of the involvement and influence of that group in the decisions being taken about how to deal with me at that time: it was clearly regarded as a group with particular standing in relation to these issues. Someone had in turn clearly communicated the content of this email to Shaan Knan. No document has been disclosed to explain how and when this was communicated to Mr Knan, unless Mr Knan's reference in his "*Wall*" post to speaking to Michelle Brewer was a reference to that communication, and not a reference to their communication before the meeting at Garden Court on 23 October. Later on 25 October, Michelle Brewer also told a representative of Gendered Intelligence, another trans rights campaign

group that works closely with Stonewall, about the meeting that would take place on Monday (**Bundle Page 1827**)

- (404) Shan Knan followed up his message later that evening (**Bundle Page 3809**) restating that Michelle Brewer was encouraging complaints about me and asking “*Please take action by Monday morning*”. Alex Drummond replied the same evening “*Done.*” (**Bundle Page 3810**). This complaint sent by Alex Drummond is at **Bundle Page 2576**. He wrote requesting that “Allison Bailey can be dissuaded from a misguided mission and or distanced from tarnishing the otherwise good name of your chambers.” I believe that the reference to me being “distanced” from Chambers was an attempt, emanating from Stonewall, to remove me from Chambers.
- (405) Kirrin Medcalf replied to Mr Knan’s Wall post on the Monday morning at 09:34 “*Done! (also discovered that she was one of the people targeting a trans member of our staff with online abuse so have put that into email as well)*” (**Bundle Page 3810**) Although it wasn’t in fact “done” – the email would not in fact be sent until 31 October 2019 – when it was finally sent, this was the Stonewall complaint, to which I return to below.
- (406) Shaan Knan had also been posting messages about me on the private Stonewall Facebook page (to which I again understand he had access in his capacity as a member of STAG). On 25 October 2019 he wrote (**Bundle Page 3812**):

“Hi everyone I posted on stag wall just now asking for your support (by Monday). Trans ally barristers at Garden Court Chambers are meeting Head of Chambers on Monday, hoping to take formal action against barrister Allison Bailey who has posted anti trans messages on social media in her barrister capacity (Pro LGB Alliance launch etc). We need messages of support for our friends there eg Michelle Brewer. Alex Sharpe. Pls read on The Wall.

Let's not let Bailey get away with it!”

- (407) I do not know whether this statement was accurate, and that “trans ally barristers” met with “Heads of Chambers on Monday” 28 October 2019. No document has been disclosed which relates to such a meeting.
- (408) In reply to this, Alex Drummond wrote “Got a result:” and posted a link to the Pink News article about me being “thrown under the bus”. When I read this, I took the reference to “a result” to mean that Alex Drummond had briefed Pink News in order to get the article written, and was now boasting on Stonewall’s private Facebook page that he had done so.
- (409) Later, on 16 April 2020, when Stonewall were preparing their response to my Subject Access Request, Kirrin Medcalf provided a timeline to the then Chief Executive of Stonewall regarding the complaint he had written. It is at **Bundle Page 6132**.
- (410) On the evening of 26 October, I travelled to Oxford for the Women’s Place UK meeting, where I was chairing a panel discussion at Oxford University. The speech I delivered is at **Bundle Page 6086**. Until the last minute, I did not think I could go, because I was so distraught. I am glad I went. Like the launch of LGB Alliance earlier in the week, being in the presence of hopeful, determined people was extremely positive. I was showered with support and solidarity from the women – and it was almost exclusively women, around 100 of them – who attended. Despite what was happening, of which everyone present was aware because of the publicity that had enveloped me, I made no comment at all about Garden Court.

27 October 2019

- (411) An article by the (strongly Stonewall supporting) Pink News was published on 26 October 2019, stating that Garden Court had “thrown me under the bus” (**Bundle Page 4550**). As set out above, it appears that article had been placed with Pink News by Stonewall STAG member Alex Drummond.
- (412) On the morning of 27 October, this article, another in the *Mail on Sunday*, and more letters of support for me (which include those cited at paragraph (393) above) were distributed by David de Menezes to Heads of Chambers

(Bundle Page 2349). It is notable that one of these correctly stated that Garden Court's Commitment to Equal Opportunities Policy mischaracterised the Equality Act and omitted the protected characteristic of sex. This was a substantive complaint about the Equality Act 2010, in contrast to those which had been made about me. It was not considered further by Chambers.

- (413) During 27 October, the twitter storm continued. *The Guardian* journalist Owen Jones tweeted about me. He called me "frightening and nasty" **(Bundle Page 6108)**. This led to me receiving another round of abuse (interspersed with support) on a scale I cannot quantify – but I think there were hundreds if not thousands of tweets directed at me as a result of Owen Jones. The screenshot at **Bundle Page 6109** shows that by 2 November, his tweet calling me "frightening and nasty" had been retweeted 805 times. He has over 1 million followers. When someone with that number of followers directs abuse, it only requires a very small percentage of his followers to follow up to result in a vast, vast number of tweets being directed. This is known on Twitter as a "pile on". At **Bundle Page 6108** is a tweet by journalist Sarah Ditung labelling Owen Jones' tweets to me as a pile on. Owen Jones is well known for such behaviour on twitter and generally, particularly against gender critical women.

28 October 2019

- (414) On the morning of 28 October, *The Times* published another article about me and Garden Court. The story was circulated by David de Menezes to Heads of Chambers at 08:30 **(Bundle Page 684)**. It was strongly critical of Garden Court. However, David de Menezes was pleased that "Stonewall seem to have sided with us in a roundabout way".
- (415) When I read this email in disclosure, one aspect that I found so remarkable about David's response to *The Times* article was the fact that Harriet Wistrich had been so critical of Chambers in it, and he (and they) did not seem to care. Harriet Wistrich is one of (if not the) most respected feminist lawyers. She has a long and important relationship with Garden Court. Later that morning, she wrote in support of me to all of the Garden Court barristers she

had ever instructed, which was a list of over thirty barristers (**Bundle Page 942**). This would cause significant consternation within Garden Court, as I return to below. But the sight of her stringently criticising Garden Court in an article in *The Times* appeared to be of “not great” concern to David, and was ameliorated by Stonewall seeming to side with Garden Court “in a roundabout way”. None of the Heads of Chambers that he wrote to in that email appeared in any way concerned.

(416) By this stage, LGB Alliance had launched a JustGiving page in order to accept donations. Their statement was circulated by David in the same email as *The Times* article. This was the first time that anyone at Garden Court knew what it was that they were reacting so strongly against.

(417) In the morning of 28 October 2019, the *Law Society Gazette* appears to have contacted Garden Court asking for a comment about their treatment of me. This was communicated by David de Menezes to Heads of Chambers (**Bundle Page 2428**). He proposed a response which included reference to the threats I had been receiving:

“Also we need to condemn the abuse suffered by Allison online to show that we are not silent on that matter if a member of our chambers is trolled. Judy you made a good comment in the Times on that score which I’ve included in response”

(418) As set out above, I had told them about the abuse I had been receiving on 24 October 2019. Their sole response was to invite me to take it to the police. I have also set out above the different approach that was taken in May 2019 to Jodie Anderson (**Bundle Page 1000**) (paragraph (336) above). When I read that email in disclosure, I interpreted it as indicating that Garden Court were only interested in the appearance of supporting me. They gave me no support at all, and the comments they made about it in the press were entirely disingenuous.

(419) Judy’s response to David was (**Bundle page 2435**) to express that “*we must resolve it early this week (...) it will be consigned to the dustbin of history*

once we have reached a decision and decided on the public statement". She then followed this with a clarification (**Bundle Page 2425**):

"Sorry - I should have made myself clear - I am not saying that we should announce our decision publicly without prompting. Fact is - we will be forced to say something. I had no desire to say anything on Friday, but had a metaphorical gun against the head. LGB Alliance wants to get as much publicity as possible. They will announce our decision and a media storm may ensue - it's all about damage limitation. (They will probably call for a public apology to Allison.)"

- (420) When I read this in disclosure, I took this to mean that they had already decided on the outcome that the investigation was to reach, and that they would have to exonerate me because despite the knee-jerk hostility that had driven their reactions up to that point, they could now see that there was no proper basis for action against me. I cannot see any other reading of that statement, other than this. However, it appears from further correspondence which then ensued that even at this point no proper consideration had actually been given to the relevant material. They were still acting in complete contravention of the requirement for confidentiality in the complaints procedure, and were indeed planning on further public statements.
- (421) Thus, in a further email that morning (**Bundle page 2422**) Judy asked David to provide copies of the complaints that had been made against me, and "*to collate Allison's tweets so that we can actually now consider whether the complaints being made were justified*".
- (422) When I read this in disclosure, I was appalled. The storm that I was put through from 24 October was in large part fueled and prolonged by the tweets that Garden Court had published about me saying that I was under investigation. Four days after they had published this, causing me to be "thrown under the bus", and leading to newspaper stories about me in *The Independent, The Times, The Sunday Times, the Mail on Sunday* – and after hundreds if not thousands of tweets about me – Judy was only now

considering whether or not the complaints that had elicited this treatment from chambers “were justified”.

- (423) Harriet Wistrich sent her email to the Garden Court barristers (referred to above at paragraph (414)) at 09:06 that morning. It caused a great deal of concern within chambers, because of her seniority. The first recipient of the email to register concern was Shu Shin Luh (**Bundle Page 2403-4**), who wrote to Judy Khan almost immediately. She wrote that what Harriet had said was “*quite uncomfortable to receive (...) inaccurate (...) premised on a specific position being correct. It shuts down any disagreement / dissent and prevents any claim and measured discussion on an issue which is contentious to start with.*”
- (424) As is plain from reading Ms Wistrich’s email (**Bundle Page 2404**) none of that is true. It is a straightforward description of what had transpired over the previous week, and then a personal invitation to “*speak out to protest her treatment (even if just within chambers) whatever your views are about the LGB alliance.*”
- (425) Mia Hakl-Law responded to Shu Shin Luh blaming “*inaccuracies in the way this was reported in the press*” causing “*this kind of comment/ misunderstanding of what’s actually happening*”. That was also not true. Nothing in Ms Wistrich’s email was based on misreporting in the press.
- (426) At **Bundle Pages 938-946 and 969-970** of the Bundle are the various emails that were sent regarding Ms Wistrich’s email about me. Leslie Thomas drafted a response to her, which was amended by Henry Blaxland.
- (427) One effect of this was that Mia Hakl Law wrote to the Heads of Chambers and Henry Blaxland at 10:20:18 to say (**Bundle Page 2417**) that:

“the word “investigation” has been blown up into something huge and the situation is being described as “gcc investigating Allison” when that is simply not the case. We are doing what we do with every single complaint or concern, we look into it according to our complaints procedure”.

- (428) This was despite the fact that Garden Court had published a statement saying that they were investigating me; they had given a statement to *The Times* saying they were investigating me; and that they had received multiple complaints and concerns about those statements but looked into none of them.
- (429) I think Judy Khan took Mia's email on board and this why Judy then told the Management Committee meeting later that I was not under investigation (even though I plainly was, as all of the Heads of Chambers were well aware).
- (430) Garden Court held a Management Committee meeting in the evening of 28 October 2019. One of the purposes of this meeting, as Stonewall had been told (but of which I was unaware), was to discuss the action that would be taken against me. The only document in the bundle which relates to this meeting is at **Bundle Pages 2460-2461**. My solicitors asked for disclosure of any notes, draft minutes, emails or other communications about this meeting. Garden Court responded that there was no disclosure to provide: that no document was produced by any of the twelve lawyers at this board meeting either before, during or after it took place. Anyone who has had any dealing with lawyers knows that it is unusual for a lawyer to attend a meeting without taking notes, and for twelve to have supposedly done so is extremely unlikely indeed.
- (431) According to the notes of that meeting (**Bundle Page 2461**):
- “JKQC confirmed that AB was not being investigated but the complaints were the subject of consideration by the HoC and other senior members as well as DDM”.*
- (432) Unknown to me at the time, various barristers were writing to Henry Blaxland to express concern about how Chambers had decided to treat me. Rajiv Menon (**Bundle Page 2431**) said that I had been made into a “martyr”, a comment which I found very distasteful when I read it, given the abuse I had

received, which included threats of violence. Hossein Zahir pointed out that **(Bundle page 2433)**:

“What Alison has done is completely within the bounds of free speech and political activism in chambers. We don't do this to anyone else”.

(433) In a separate email to Henry Blaxland, Mr Zahir wrote **(Bundle Page 2378)**:

“I completely agree but I wonder why we put out a statement at all ... we wouldn't ordinarily respond to every campaign people are involved in...”

(434) Alison Munroe wrote **(Bundle Page 939)**:

“...whilst I don't agree with AB going to the press and The Times of all outlets, I do not agree or in any way endorse the statement put out by chambers which understandably people on the outside will perceive as being in my and other tenants names. A number of women both black and white in chambers have voiced the same to me today. I do think that this whole issue, the way chambers responded (and indeed Allison's response) has ramifications for individual members of chambers in different ways.

As a black female it is inculcated from childhood that one has to be exceptionally strong, because in this world black women know that when push comes to shove, we are often expendable.

I have already been told today that a black woman barrister that I know from a different set has described GC in extremely unflattering terms because of what she perceives as the ill treatment of a black woman. A number of anonymous persons who say they are lawyers have said the same online. I expect to receive more complaints of a similar nature from friends in other chambers, sols and at least 1 black Judge I can think of, who is very good friends with Simon Fanshawe another founding member of LGB Alliance.”

29 October 2019

- (435) I think Maya Sikand had been on leave since before 23 October, and the first contribution from her in the Bundle since her dossier email on 16 October is at page **Bundle 2421** in which she asks Mia Haki-Law to send her “*Our complaints or grievance policy? Or whichever relevant structure we need to follow*”. This was shortly before 8am on 29 October 2019, only a few hours after Judy Khan had told the Board meeting that I was not under investigation. I cannot understand the purpose for which Maya would need the documents she asked for, if she were not conducting an investigation. These documents, and the tweets that were under investigation, were provided at 09:38:34 (**Bundle Page 2466**).

Stephanie Harrison QC and “the Investigation Committee”

- (436) From this point onwards, Stephanie Harrison QC took a more direct role. I have referred below to “the Investigation Committee”. This comprises the group who investigated me: Stephanie Harrison QC, Maya Sikand, Judy Khan QC, Marc Willers QC and Mia Haki-Law. It was the Heads of Chambers, with Deputy Head of Chambers Stephanie Harrison QC, and was therefore the people who controlled and ran Garden Court.
- (437) Despite the active role Ms Harrison played, she recognised by 5 November 2019 that she was not an appropriate person to investigate the complaint (**Bundle Page 723**) – “*I don’t think I can do any investigation given my work on trans rights both legally and on the campaign front over the years.*” Judy Khan agreed at 09:28. Yet she was explicitly and in the same email directing the investigation, and would subsequently be responsible for the informal BSB input to which I return below.
- (438) Messages of support for me continued to come in. A woman wrote to Judy and David “to iterate my utmost support for Alison Bailey and the organisation she has helped to found” (**Bundle Page 2449**). Again, her email was reasoned and detailed. Again (as far as I can tell from the disclosure that has been provided), it was ignored.

(439) I started to receive messages of support from colleagues in Chambers. Liz Davies wrote to me first. I did not ask her to do so, but she wrote in my support to Heads of Chambers (**Bundle Page 2542-2543**) (I don't think I knew she had done so until I received disclosure). She wrote:

“My view is that this is entirely a matter of free speech. I cannot see that Allison has tweeted, or posted elsewhere on social media, anything that would amount to hate speech or other reason to curb her freedom of expression. There is nothing that is transphobic from her on twitter or elsewhere. If there is no hate speech, or similar offensive tweets, then quite simply there can be no basis for upholding a complaint.”

(440) Maya Sikand replied to this email four days later (**Bundle Page 2540**) with an article in *The Times* about a barrister who “was suspended for ten months for making lewd social media posts in which he referred to wearing a Margret Thatcher mask and treating “dwarves as sexual objects””. I think the implication was that she was comparing that barrister's conduct to mine, which I think is more revealing about her prejudiced and misplaced views regarding me and my beliefs than it is about anything I had said. She also specifically referenced the Stonewall complaint.

(441) Other barristers were also getting messages. In the disclosure I observed that Professor Alice Sullivan of University College London (**Bundle Page 299-300**) wrote to my roommate in chambers David Renton. I infer from the content of that email exchange that they knew each other personally. He never told me that he had received this. He also appears, other than a brief, non-engaging reply to Prof Sullivan, not to have shared her concerns with anyone.

(442) However, at or about the same time, David Renton contacted Michelle Brewer to report a telephone conversation he had overheard me having in our shared room (**Bundle Page 6262**) some time previously. The only conversation I can think of that it could relate to was a call I had with the journalist Sonia Poulton (who I think was at Sky News at the time), because I can recall having a conversation with her in which we discussed the

relevance of transwomen in the female prison estate. I did not say, as David reported to Michelle Brewer, that “*all trans prisoners were male bodied and rapists*” because of course that is not true. Transmen, for example, are not male bodied, and not all trans prisoners are rapists. I might well have said that all transwomen prisoners are male bodied, because that is true and in the context of a discussion about transwomen in the female prison estate it is relevant. I may also (I cannot recall) have referred to the fact that transwomen prisoners in the female prison estate have a significantly higher incidence of convictions for sex offences than women, because that is true and in the context of a discussion around transwomen in the female prison estate it is relevant. It was obviously clear to David from his email that “*chambers has a collective view*” of sex and gender, which was contrary to my beliefs “*and that is also the view of a great majority of us*”.

(443) In the Bundle, there is also a note apparently written by David Renton recording a conversation with me (**Bundle Page 3626**). I think it is extremely odd that my roommate would make an attendance note of a conversation in this way.

(444) Meanwhile correspondence was being sent, supporting me, and complaining about Garden Court’s treatment of me. (**Bundle Page 2526**).

30 October 2019

(445) On 30 October 2019, Mia Haki-Law wrote to me to tell me that complaints had been received about my tweets, and that Maya Sikand was looking into them (**Bundle Page 2885**).

26. Complaint from Stonewall

(446) Although he had indicated on *The Wall* on 28 October that he had lodged Stonewall’s complaint about me to Garden Court, Kirrin Medcalfe actually did not do so until 31 October 2019. The complaint is at **Bundle Page 2721-2722**. The first sentence of the complaint identified him as “Head of Trans Inclusion at Stonewall”.

(447) The plain meaning of the complaint was that Garden Court should cease associating with me – or in other words, expel me:

“However, for Garden Court Chambers to continue associating with a barrister who is actively campaigning for a reduction in trans rights and equality, while also specifically targeting members of our staff with transphobic abuse on a public platform, puts us in a difficult position with yourselves: the safety of our staff and community will always be Stonewalls first priority.

I trust that you will do what is right and stand in solidarity with trans people”.

27. The First Sikand Report

(448) Throughout these proceedings, Garden Court has taken the position that there was only one Sikand Report (for example referring to “Maya’s Report”). In fact, there were two Reports, and both of those had many iterations and drafts.

(449) The First Sikand Report document, dated 4 November 2019, was an internal document prepared by Maya Sikand to frame the complaint being made against me and how chambers would investigate it. It was not provided to me or referred to at all until disclosure in these proceedings. The First Sikand Report and all reference to it was omitted from the Subject Access Request I received. It is not mentioned in pleadings, or in Judy Khan’s first witness statement. Had Garden Court succeeded in their attempt to strike out my case, I would never have known it existed.

(450) There were various iterations and drafts of the First Sikand Report. At each stage, the amendments were made in conjunction with (and on most occasions directly by) Heads of Chambers themselves. A document which shows all amends made between Sikand’s first draft of the First Sikand Report, and the final draft of the same document is at **Bundle Page 1953-1973**. Sikand’s first, unamended effort is at **Bundle Page 714**, which had been sent to Marc Willers QC prior to 04 November 2019 at 18:14 (**Bundle**

Page 710). This version illustrates the process of Heads of Chambers directing and amending the First Sikand Report (see the amendment from Marc Willers QC: “Does that mean you will determining them or just making a recommendation to the HoC?” **(Bundle Page 2621)**). The last version of the First Sikand report is at **Bundle Page 2654**.

- (451) The First Sikand Report followed Chambers’ decision to investigate me as a result of the tweet I had sent on 22 October 2019 (para 18 “The tweet that sparked something of an outcry was as follows” **(Bundle page 716)**).
- (452) However, In the preparation of the First Sikand Report, the scope of the investigation significantly widened so that by the end of the process of preparing the Report, the 22 October tweet was of secondary importance.
- (453) The importance and seriousness being attached to the Stonewall complaint was driven by Chambers management. On 4 November 2019, at 19:18, Deputy Head of Chambers Stephanie Harrison QC raised the Stonewall complaint. She stated, “I think this will have to be addressed separately and specifically” **(Bundle Page 708)**.
- (454) At this point, the issues under investigation were separated: the matters forming the basis of the complaints that had led to Maya Sikand being appointed to investigate were effectively concluded, and the Stonewall complaint formed the basis of the ongoing investigation.
- (455) This fundamentally changed the First Sikand Report, because it excised the Stonewall complaint from the investigation (which had already concluded effectively with no case to answer), and held it back, thus creating the need for a more substantial investigation. In an email from Maya Sikand to Stephanie Harrison, Ms Sikand wrote **(Bundle Page 2590)**:

“Fine I’ll excise that one and we deal with it separately. The thing is all of those tweets pre-date the 22/10 one. I agree now this has to be separate. Trouble is it will have to be disclosed her and her account taken etc. Let’s think about how to approach it then, maybe once you’ve spoken to BSB”.

- (456) In the course of the evening of 4 November 2019 – after the first draft of the First Sikand Report had been submitted by her to Heads of Chambers, and following Harrison’s circulation of the Stonewall Complaint – the scope of matters under investigation broadened. Maya Sikand and Mia Haki Law seem to have spent the night of 4 November 2019 going through my twitter feed. This was not a response into complaints made against me, but a general investigation into my beliefs and my expressions of them. Evidence of this is at **Bundle Pages 2587-2591**. Of apparently particular relevance was my references to Stonewall (*“Christ I had no idea she was sitting there slagging off Stonewall to that degree”*) (**Bundle Page 2587**).
- (457) The first draft of the First Sikand Report (**Bundle Page 714**) concluded that no further steps should be taken against me, except solely in respect of Stonewall (**Bundle Page 722**):
- “Whilst we can draw a line under the tweet of 22 October and its aftermath, I advise that AB must be told that, she, like everyone else, will have to abide by any future Chambers’ policy. (...)HoC (...) may wish to specifically draw attention to this point to AB that once the policy is in place. There is also an on-going issue with tweets about Stonewall which may or may not offend any new policy and / or the BSB policy”.*
- (458) Amendments to first draft of the First Sikand Report were made by Heads of Chambers and Stephanie Harrison. The first amendments seem to have been made by Judy Khan QC **Bundle Pages 2644-2652** Ms Sikand accepted these and re-sent another version under cover of an email sent at 23:30 on 4 November 2019 (**Bundle Page 2631**).
- (459) Heads of Chambers continued their drafting of the First Sikand Report. Judy Khan sent some edits on 5 November 2019 at 01:12 (**Bundle Page 2666**).
- (460) At 08:10 on 5 November 2019 (**Bundle Page 2698**), Ms Sikand proposed that *“HOC write to her saying that I have looked into the complaints relating to her tweet of 22/10 (specify content) and have come to the view that there is no further action to be taken.”*

(461) By 09:28 (**Bundle Page 2663**): it was agreed that the investigation would now proceed on matters which were not related to the public announcement of investigation that Garden Court had made on Twitter on 24 October. My tweets that had caused the public announcement had been investigated, and Ms Sikand had concluded that there was no breach. Judy Khan wrote (**Bundle Page 2663**):

“I think we should deal with the ones that sparked our tweeted response separately. That is straightforward. We should advise her that further complaints have been received since then in relation to other tweets and that these are now being looked into.”

(462) But at 09:50, Maya Sikand told the Heads of Chambers that Ms Harrison had “a different view, re: the implications of doing this piecemeal (I’m just off the phone to her)” (**Bundle Page 2663**).

(463) David de Menezes also plainly intended that disciplinary action should be taken against me specifically because of the relevance of Stonewall. He did not name Stonewall, but the implication is obvious: at 09:57 on 5 November (**Bundle Page 2711**) he asked whether:

“Chambers has means of taking action against tenants who bring chambers into disrepute or damage our commercial interests (e.g. by criticising our stakeholder groups) through words or actions not related to something they have said on social media or in the media. Perhaps there is such a clause already? There are many examples in the past (and possibilities for the future) where chambers and law firms could find a member brings their organisation into disrepute through incidents such as: emails sent; speaker platforms shared with organisations that clash with our ethos; sex scandals reported in the media; embarrassing photos.”

(464) Ms Harrison then amended the First Sikand Report again. This is version starting at **Bundle Page 728** (see for example the tag “SH” against the comment on **Bundle Page 734**).

- (465) On 5 November 2019 at 12:03, Ms Sikand circulated another version of the First Sikand Report **Bundle Page 2678**. What I understand to be the final draft of the First Sikand Report is at **Bundle Page 2654**.
- (466) The First Sikand Report was the skeleton of all of Ms Sikand's reports that followed, including the final outcome which was sent to me on 11 December 2019 (the Final Sikand Report). A document showing the portions of the final 11 December 2019 outcome which were retained from the final version of the First Sikand Report is at **Bundle Pages 3373-3404**.

28. Letter of support from Lou Crisfield

- (467) I received an unsolicited letter of support from Lou Crisfield and forwarded it to Mia Hakl-Law on 6 November 2019 (**Bundle Page 750**) who forwarded it to the Investigation Committee. I did not know Ms Crisfield, and did not solicit this. She also wrote directly to the Heads of Chambers (**Bundle Page 753**).
- (468) GCC's reaction to Lou Crisfield's email is, I believe, illustrative of their dismissive and hostile approach to gender critical people:
- (a) Maya Sikand wrote "*This caseworker expresses typically inaccurate views. We are not investigating her for her political views but as to whether her tweets offend the BSB. Ffs (For Fuck's Sake)*" (**Bundle Page 2826**).
 - (b) This was agreed by Mia Hakl-Law at 09:46 (**Bundle Page 2826**).
 - (c) Marc Willers appears to have been of the same mind in an email he sent at 09:46 "*we as HoC ought to write to her and put her right*" (**Bundle Page 2830**).
 - (d) Judy Khan replied: "*Agree with all of that*" (**Bundle Page 2833**).
 - (e) Ms Sikand remained dismissive: "*there is nothing to respond to here in my view, partic not from a misguided casework somewhere (...) We will bear it in mind...*" (**Bundle Page 2852**);

(f) Subsequently she wrote (**Bundle Page 2872**): *“Although maybe you’re right Leslie we could say to this (annoying and inaccurate) person Garden Court is not investigating AB because of her involvement in LGB Alliance. Or ignore it. We have received many e-mails of support, etc and could not possibly write to each”*.

(469) Ms Crisfield’s 2019 job title “Caseworker” is misleading. Although she was not known to me, Ms Crisfield was clearly a senior lawyer, and has since been elevated to the Partnership of her firm. In her letter of support, she says she “regularly instruct(s) civil barristers from your set.” Her firm’s website records the same, including her instruction of a Garden Court barrister in a “landmark” case and a silk in successful judicial review. (**Bundle Page 6245**). This was plainly a relationship of professional and financial value to Garden Court, and this must (or ought) have been apparent to the Heads of Chambers and others when they read this email. In contrast, there is no evidence that any of the work Garden Court did for Stonewall (or on Trans Rights more generally, elicited any income at all). In the emails set out above therefore, Garden Court leadership was denigrating and insulting a valuable commercial partner purely and simply because she had supported me, and because she had expressed views which Garden Court took to be opposed to Stonewall. I believe that this demonstrates the extent to which Garden Court treated people who expressed Gender Critical views to be unworthy of respect.

(470) When I read the correspondence in disclosure, I believed that Ms Sikand’s assertion that they were not investigating political views, but instead whether I had breached the BSB, to be weak and possibly bad faith. Ms Hakl Law wrote (**Bundle Page 2832**):

“I would also like to put it in terms of this being investigation into complaints about her tweets, rather than the way she put it “investigating her” (which though not very different in practice is deliberate).

- (471) Ms Sikand agreed: “*Yes good idea, thank you*” (**Bundle Page 2832**). But as set out above (paragraph (456)), both Ms Sikand and Ms Haki Law had been up until around midnight the previous night reading my tweets and adding them to the matters under investigation (in other words, explicitly “investigating her”).
- (472) Despite the apparent agreement to write back to Lou Crisfield, it does not appear that anyone from Garden Court ever did.

29. Letters of Support

- (473) Ms Crisfield’s Letter of Support was only one among many. Despite, in Ms Sikand’s words (**Bundle Page 2872**) there being “so many letters of support etc” that “we could not possibly respond to each”, not all of these appear to have been disclosed in these proceedings, despite requests to do so.
- (474) The external letters of support that have been disclosed are in the Bundle:
- (a) Lou Crisfield (above).
 - (b) Ermine Amies (**Bundle Page 676-7**).
 - (c) An Australian woman, whose name is redacted in the Bundle (**Bundle Page 2395**).
 - (d) Harriet Wistrich (para (474)).
 - (e) Professor Alice Sullivan (**Bundle Page 300**).
 - (f) Jane Callaghan (**Bundle Page 2449**).
 - (g) Anonymised individual (**Bundle Page 2212**).
 - (h) Frances Davidson (**Bundle Page 2214**).
 - (i) Anonymised individual (**Bundle Page 2333**).
 - (j) Emma Wilkes (**Bundle Page 6230**).

(k) A letter of support from a Door Tenant at Garden Court, [REDACTED] [REDACTED] (**Bundle Page []**) was sent personally to Leslie Thomas QC, Judy Khan QC and Marc Willers QC on 25 October 2019 at 20:38. This email was never disclosed to me. I discovered its existence when Ms [REDACTED] sent it to me directly on 30 November 2021. I think it is remarkable that all three individuals overlooked serving this email in their Subject Access Requests or in disclosure in these proceedings. I do not know how many other such letters have not been disclosed.

(475) With the exception of the individual at paragraph (474)(i), to whom Judy Khan referred to as “a man”, these are all women as far as their sex can be identified.

(476) In addition to this there were many internal expressions in support of me to Garden Court management and directly to me from other members of chambers. These are in the Bundle:

(a) Kirsten Heaven (paragraphs (181)-(183) above, (**Bundle Pages 942, 1079**).

(b) Marguerite Russell (paragraph (188) above, (**Bundle Page 1101**).

(c) Liz Davies (paragraph (439) above).

(d) Allison Monroe (paragraph (434) above).

(477) Not all of these expressed support for gender critical beliefs. But they were in support of me, and they were effectively discarded.

30. Notification of complaint

(478) Maya Sikand sent me the complaint on 11 November 2019 (**Bundle Page 2885**) inviting my response. She required the approval of Heads of Chambers to do so and there was extensive communication between Ms Sikand and them ahead of her writing to me (**Bundle Page 2853-2858**). She did not provide me a copy of the First Sikand Report, which I did not see until disclosure.

(479) When I read what Ms Sikand had sent, I was both shaken and incensed. I was aghast that the very subject of my criticism of Stonewall – the campaign of intimidation and harassment – was being given life in this complaint. The complaint that was being investigated was made by Stonewall on 31 October 2019 – after chambers had made public statements on 25 October that I was under investigation for complaints.

(480) In her email to me, Ms Sikand stated that **(Bundle Page 2885)**:

“I make it plain that I have not formed any final view on these tweets”

(481) Ms Sikand had formed a view on my beliefs generally, and on a far greater number of tweets than only those two particularised in the Stonewall complaint. I did not know that she had done so however.

(482) I took a great deal of time and effort over my response **(Bundle Page 762)**. It sets out my reaction and response to the points raised in the complaint. However, in light of the grounds on which the complaint was subsequently upheld, I wish to make some further points.

(483) There were two tweets under investigation: one about Morgan Page, and another I sent to *The Times* journalist Nicholas Hellen.

(484) In relation to both of the two key tweets under investigation, Garden Court took an extreme interpretation of what I had written, and then concluded that this extreme interpretation cannot be supported. But if the you read the tweets in the context of my response to them it is clear that:

(a) The “appalling levels of intimidation, fear, etc” referred to in my tweet to Nicholas Hellen does not mean that Stonewall is directly behind an organised “criminal campaign” (the interpretation that Garden Court chose to make of the tweet).

(b) Rather, my own recent experiences (on which *The Times* article I was commenting on was reporting) were themselves an example of “appalling levels of intimidation, fear & coercion” which commonly

characterised the response to anyone questioning the self-ID agenda led by Stonewall.

- (c) The response to my LGB Alliance launch tweet had demonstrated this, as set out above.
- (d) Stonewall itself was sometimes complicit in such actions, as again was the case with me (although I did not specifically know until later that this was the case – for example with the Pink News article which appears to have been placed by Alex Drummond) But that is not to say that Stonewall directed a criminal conspiracy.
- (e) That such a strained and extreme interpretation was even made by Garden Court is more revealing about the attitude of the person adopting that interpretation than the tweet itself.
- (f) But the existence of appalling levels of fear, intimidation and coercion was clearly justified by the material which I referred to in my response. And even on a more extreme interpretation, that material shows the very serious nature of the reaction commonly associated with any dissent from the self-ID agenda led by Stonewall.
- (g) The Morgan Page/Cotton Ceiling tweet was similarly subjected to a overblown and extreme interpretation, which was not justified by my words in the tweet, or by my formal response to the complaint.
- (h) It expresses a broader concern than “encouraging (criminal) sexual assaults on young women” (which is the interpretation in the final Sikand report).
- (i) Rather I was referring to the broader coercive implications of the concept of the ‘cotton ceiling’ and coaching to overcome it, even if that coaching takes the form (in the words of the final Sikand report) of ‘education, integration, discussion (or) myth-busting’.
- (j) That is because (as is more than justified by the material to which I referred in my formal response) it is inherent in the concept of the ‘cotton

ceiling' that lesbians ought to be attracted to heterosexual men who identify as women, that it is "transphobic" of them not to be, and that "overcoming" this (whether by way of education, integration, discussion, myth-busting or otherwise) thus involves telling lesbians that being same-sex attracted is wrong and putting (at its lowest) social and cultural pressure on them to accept male sexual partners.

(k) Therefore, even if one takes the material at its lowest and adopts the Sikand report's terminology of 'education, etc', it is still entirely legitimate and appropriate to describe 'education, etc' of that kind as coercive and, specifically, as coercing young lesbians into having sex with males.

(l) But again, even taking a more extreme interpretation, the material justifies the characterisation of coercion: it is difficult to see how telling a lesbian that she is a bigot unless she agrees to consider male bodied sexual partners could be seen as anything other than coercion. Of course it is coercion. It is also repulsive homophobia.

(485) In disclosure, I saw the reaction that Sikand had (**Bundle Page 2952**) to reading my Response. It was dismissive:

"on a very quick read appears to accuse us of harassment for "accepting" the complaint.

...

The tone of this whole passage is concerning and appears to be full of improper allegations".

(486) I do not think such a dismissive response was warranted by the content of my response. I believe that it was reasoned and supported with references to demonstrate the points I was making.

31. The McGahey Advice

(487) In preparing their report, Garden Court sought the advice of a member of the Bar Standards Board Ethics Committee. Originally, Leslie Thomas had been

tasked with finding someone to provide this advice, even though he had supposedly recused himself from any involvement in investigating me.

- (488) The person who provided the advice was Cathryn McGahey QC. Looking at the disclosure, I have no criticism at all to make of the job that Ms McGahey did. She was fed a very limited set of information, and gave her advice with caveats that were edited out by Garden Court.
- (489) All communication between Garden Court and Cathryn McGahey was conducted by Stephanie Harrison QC (despite Ms Harrison and Judy Khan acknowledging that Harrison should not investigate me (paragraph (437) above).
- (490) The initial information given to McGahey in order for her to reach her view is at **Bundle Page 3226**, sent on 28 November 2019 at 17:32. It comprised solely the Stonewall complaint and the two tweets that were under investigation. My response to the complaint was never provided to her. It does not appear from the documents that Ms McGahey was even told I had submitted a response.
- (491) Perhaps recognising the limited information she had been given, Ms McGahey wrote to the Investigation Committee on 29 November 2019 at 09:11 (**Bundle Page 3224-3225**). She asked for more information.
- (492) In response, some other information was provided to Ms McGahey – a copy of *The Sunday Times* Article, and some material advertising and justifying the “Overcoming the Cotton Ceiling” event (**Bundle Page 292**).
- (493) Maya Sikand recognised that what they were providing to Ms McGahey was not my response, but “extracts from it” (29 November 2019 15:15 **Bundle Page 2983**). Even the extracts were partial. The extracts were:

“Re coercion – she told us this:

“The term “Cotton Ceiling” refers to people who were born as men but identify as women being unable to have sex with lesbians because lesbians do not want to have sex with someone who has a penis. I

believe that a person with a penis is by definition a man. I believe that it is profoundly homophobic to require a lesbian to have sex with a man and to call her transphobic or otherwise bigoted should she refuse to do so.

34. This is coercive sexual behaviour; if it were not, no workshops would be necessary. It is regarded by many women and lesbians as an example of rape culture.... (Bundle page 2980)”

(494) In fact what I had said about coercion specifically was more detailed, The sentence that was quoted by Ms Sikand above contained **(Bundle Page 768)**: “...It has been reported in the national press for some time. See for example:..” and I gave five internet links. These could have been provided to Ms McGahey, but the Investigating Committee withheld them.

(495) Ms Harrison did not even give Ms McGahey the little information that Ms Sikand had suggested. All that Ms Harrison told Ms McGahey was **(Bundle Page 297)**:

“There is nothing about the context of the workshop that can on the face of it justify the allegation of coercion of young lesbians.

It is described as coercive sexual behaviour because otherwise why would a workshop be necessary. It is said to be regarded by many women and lesbians as an example of rape culture”.

(496) My Formal Response, setting out by belief in the truth of the Cotton Ceiling Tweet is at **Bundle Pages 767-8**. The last two sentences of Ms Harrison’s email to Ms McGahey above were taken from the start of paragraph 34 of my Response. The rest was obscured from her.

(497) The Investigation Committee withheld my response from Ms McGahey **Bundle Page 2979**, on the basis that Ms Harrison said she had “no consent to do so”. This was agreed by Judy Khan and Maya **Bundle Page 2983** and **Bundle Page 2992**. It is pleaded at paragraph 67.5 of the Re-Reamended Grounds of Response **(Bundle Page 90)**.

(498) But my consent to share my response with Ms McGahey was never sought. I did not even know that Ms McGahey (or anyone else) had been invited to give a view until this was pleaded in the Grounds of Response. All documents relating to Ms McGahey were withheld by Garden Court in their Subject Access Request response to me. Had I been asked, of course I would have given consent to share my Response. In fact, had I known that Ms McGahey (or anyone else from the BSB) had been asked to give a view, I would have insisted that they were given my response. The entire purpose of the response was to respond to the complaint. Had I known that Ms McGahey required any more information about the Cotton Ceiling or Morgan Page, I could have provided her with the article at **Bundle Page 4537**, in which a young woman describes inappropriate sexual behaviour by Morgan Page (*“She spoke about sex, drugs, porn, and kink as if it were a normal part of our lives because we were trans”* (**Bundle Page 4540**)).

(499) Ms McGahey had given express permission for Garden Court to disclose her involvement: (**Bundle Page 3004**).

“CMQC says the confidence is not owed by us so we can share it if we want to do so (we shouldn’t in the first instance in my view). We can tell her we sought and received informal advice. Up to others. I don’t have a strong view on that”.

(500) Ms McGahey provided her advice to the Investigation Committee on 3 December 2019 22:12 (**Bundle Page 2994-2997**). Maya Sikand copied and pasted – and changed – sections of that advice into the final outcome report that was sent to me, even though no one told me that the advice had been provided or that it was being relied on in this way. I was not given an opportunity to comment on the advice, including in particular what Ms McGahey identified as the potential interpretations of the two tweets (which I have discussed above) or what she indicated was the key question as to whether the truth of the tweets (when given their proper interpretation) could be substantiated.

(501) My solicitors have prepared a document which shows precisely which elements of the McGahey advice were inserted into the Final Sikand Report (**Bundle pages 3161–3163**). Comparing this document with the McGahey advice, shows how Ms McGahey’s advice was altered in the Outcome Report:

(a) Ms McGahey’s conclusion in regard to Tweet 1 (**Bundle Page 2996**) was:

*“to publish a serious allegation that cannot be substantiated **may well** be found to be a breach of CD5, and possibly of CD3. (The latter would depend on any finding made by the BSB as to the basis for Allison’s belief. The BSB might have to address the question of whether she was reckless as to the truth of the statement, which would indicate a lack of honesty and integrity, or whether (as I am assuming) she honestly believed her allegation to be true.*

The emboldened “**may well**” above was changed in the Final Sikand Report (paragraph 54, **Bundle Page 3162**) to “**is likely to be**”:

*to publish a serious allegation that cannot be substantiated **is likely to be** found by the BSB to be a breach of CD5 and/or CD3 ... Even if AB honestly believed it to be true, if it could not be substantiated, then it could still constitute a breach of CD5.*

(and, at para 55 **Bundle Page 3163**:

*“In my view **it is likely** that this tweet would be found to be in breach of CD5 and/or 3)”*

(b) Similarly, Ms McGahey’s conclusion in respect of Tweet 2: (**Bundle Page 2997**) was:

*“I think that the tweet can reasonably be read to imply that Stonewall itself is behind a criminal campaign against those who oppose its views on trans issues. For similar reasons to those I have set out in relation to Tweet 1, **if that allegation** cannot be substantiated, then I think*

*again that Allison **may be at risk of** a finding of a breach of CD5 and/or CD3. I do not believe that CD8 would be engaged by either tweet”.*

Whereas again, the Final Sikand Report upgraded “**may be at risk of**” to (paragraphs 57-58, **Bundle Page 3163**)

*“**is at real risk of** ... I take the view that the tweet **is likely to be in breach of those duties...***

*58. The fact that I take the view that the BSB **would be likely** to make findings that the two tweets breach CD5 and/or CD3...”*

- (502) These are significant changes for lawyers such as those who were involved in editing the final report to make. If a client asked about prospects of success in a case, there is a world of difference between the lawyer advising “you may well be found guilty” as opposed to “you are likely to be found guilty”.

32. Final Sikand Report

- (503) The Final Sikand Report is the name I have given to the Report which was sent to me on 11 December 2019 as the final outcome of the investigation into me. As with the First Sikand Report, it was not written exclusively by Maya Sikand. As set out above, it was based on the First Sikand Report, and thus was in part amended by the Investigation Committee, and in its final form incorporated large parts of Ms McGahey’s advice, which was as I have described based on partial information and not disclosed to me for comment. The version of the Final Sikand Report sent to me is at **Bundle Page 3309-3327**.
- (504) Apart from the drafting in it retained from the First Sikand Report and the incorporation of the McGahey advice, the authorship of the report is as follows:
- (a) Maya Sikand prepared a first draft alone, and sent it to the rest of the Investigation Committee on 11 December 2019 00:01 (**Bundle Page**

3071) inviting their comments (“please get back to me URGENTLY if you have any obs”. Her first draft report itself is at **Bundle Page 3072**.

- (b) This first draft more accurately reflected McGahey’s hedging (see para 54: **Bundle Page 3083**): “*there is a risk that the BSB would find*” and “*may well be found by the BSB to be a breach*”. Note that in their pleadings (para 49.6, GCC state that “*Ms Sikand concluded that ... it was likely that the BSB would have found the tweet breached CD5*”). This was not the conclusion of the First Draft Final Report.
- (c) On receipt of the First Draft Report, Stephanie Harrison QC did not accept it. On 11 Dec 2019, at 09:28, she wrote to Maya Sikand and the Heads of Chambers (**Bundle Page 3096**) “*I am afraid I don’t see how we can just proceed on the basis that there is a risk they are a breach – we have to make a finding don’t we?*” Maya Sikand replied to this at 09:59 “*I don’t agree – I can’t say definitively – no-one can*” (**Bundle Page 3095**). At 10:13 Ms Harrison replied: (**Bundle Page 3095**). “*That doesn’t answer the complaints made to us. We are not in the same position as CM she did not have the explanations.*”. This explicitly acknowledged:
- i. That they felt they had to “answer the complaints made to us” by Stonewall; and
 - ii. That Ms McGahey (“CM”) did not have the material necessary to reach firm conclusions, because “the explanations” were not provided to her.
- (d) Stephanie Harrison then amended Ms Sikand’s draft Final Report **Bundle Page 3100-3112**. The amends she made in particular were:
- i. In a comment attributed to “SH” :“Should we add when she agreed to put the disclaimer on her own twitter feed which **we** footnote in 3?” **Bundle Page 3107** indicating that Harrison at least recognised that the “Sikand Report” was in fact a report being written by her also, as part of the Investigation Committee;
 - ii. The insertion of the word “sole” at paragraph 53 (**Bundle Page 3110**);
 - iii. Amendments to paragraphs 55-62 at **Bundle Pages 3111** onwards, which substantially change the Report and makes the conclusions that

Maya Sikand refused to make immediately prior to Harrison writing them in Sikand's name ("I can't say definitively – no one can").

- (e) Maya Sikand's reaction to Stephanie Harrison's amended report was negative "*I didn't ask for tracks Steph! I'm not your junior in a case!*" 11 December 2019 10:17 (**Bundle Page 3113**).
- (f) There was then a final exchange. When my solicitors read the above exchange in disclosure, it ended with the email referred to above. They made a specific disclosure request to Garden Court for the remainder of the exchange, and were told it didn't exist. Garden Court's disclosure continued to contain obvious omissions, and the Tribunal took the unusual step of ordering Garden Court to provide a signed statement of truth confirming that they had made adequate disclosure. The first time this was provided, the statement was insufficient. When it was made for the second time, Garden Court then provided the remainder of the exchange. It is at **Bundle Pages 278-286**. It still does not explain how Stephanie Harrison's amendments to Maya Sikand's report came to be accepted in the report despite Maya Sikand's objection to them.
- (g) The Report was sent to me the same day 11 December 2019. At **Bundle Page 1922** is a document prepared by my solicitors comparing Maya Sikand's First Draft of the Final Report with the version sent to me. Some of these changes are in formatting, and are not material. But others are substantive, in particular paragraphs 56-59 (**Bundle Pages 1949-1952**), which appear to show the changes made to the report by Stephanie Harrison after it was submitted to Heads of Chambers by Maya Sikand, but before it was sent to me.
- (505) Four days after the Report was sent to me, Judy Khan wrote to me (**Bundle Page 817**):

"Dear Allison

Marc and I have carefully considered the thorough report prepared by Maya Sikand and have also discussed the contents. We have decided to accept Maya's findings and recommendations".

- (506) This was wholly disingenuous, as the evidence referred to above shows: of course Judy Khan QC and Marc Willers QC decided to accept the findings in the Report, because they had directed and helped write it.
- (507) In these proceedings, Garden Court disclosed an exchange of emails between Maya Sikand and Stephanie Harrison QC which I think gives some insight into their view of Gender Critical beliefs, and their protected under the Equality Act. Following the first instance judgment in Forstater v CGD Europe & Ors, and the High Court decision in Miller v College of Policing, Karon Monaghan QC had written an article arguing that the first instance decision (which held that Gender Critical beliefs were not protected under the Equality Act 2010) was wrong. The blog is at **Bundle Page 4175**.
- (508) In discussing this article, Stephanie Harrison wrote “Oh dear!” (**Bundle Page 3756**). Ms Sikand replied:
- “In all this, lawyer or not, it’s where you stand on the central issue of the relationship between sex and gender. I think her critique of Forstater is quite nuanced?. Her support for Julian’s approach in Miller tho is, in my view, predictable (not just cos they were both at Matrix)!*
- Luckily I did not need to grapple with any of this in a value judgment sense, only whether a barrister has used social media within our regulator’s rules”.*
- (509) Liz Davies replied (**Bundle Page 3755**) to make a comment about the tone and heat of the debate. Ms Sikand replied: “It’s the Strasbourg approach that needs to be adopted - respecting inherent personal dignity.”
- (510) I do not believe that there is a way of expressing my gender critical views that Ms Sikand would accept as “respecting inherent personal dignity”. Based on what I have read, I believe that any expression of, for example, the belief that transwomen are not women would in Ms Sikand’s view be disrespecting of the inherent personal dignity of transwomen.

(511) I also believe that Ms Sikand did need to “grapple with ... this in a value judgments sense” in my case, and that she in fact did so, resulting in the finding against me.

33. My reaction to the Report Outcome

(512) When I saw the report outcome I felt like I had been attacked. Even at that late stage, I still thought that Garden Court would see sense. I felt that (and I still feel that) my Response was sufficient to demonstrate that the Stonewall complaint was unsustainable, and moreover was malicious and vindictive. Their decision to uphold it felt to me like an adoption by Garden Court of Stonewall’s vindictiveness. It was like my own chambers had taken up Stonewall’s cudgel at beaten me with it.

(513) I can appreciate that, on one level, the fact of upholding the complaint and the request to take down the tweets might not seem to be a particularly stringent penalty. But it absolutely is: it is a declaration that I can only say what I am permitted to say – in my private time, on my own Twitter account – by Garden Court and, through them, by Stonewall. Further, it says that that my own Chambers will themselves apply the gag to stop me speaking, on behalf of Stonewall. For a barrister’s chambers to conclude that one of their barristers has breached BSB guidance and the Code of Conduct is undoubtedly a very serious matter for that barrister and for their professional standing, their standing within chambers, and their reputation – whatever the precise sanction. This was my chambers telling me, at Stonewall’s behest, that I was not allowed to express the beliefs I hold about the coercive nature of the ‘cotton ceiling’ concept and the culture of harassment and intimidation that regularly accompanies and drives the Stonewall self-ID agenda – on pain of being regarded by my chambers as breaching BSB guidelines.

(514) This was in itself a striking example of the kind of harassment and intimidation – in this instance directly at the behest of Stonewall – that gender critical people like me commonly experience when we express a belief that is critical of gender identity ideology, the agenda for self-identification or the

drive for 'no debate'. This is a state of oppression that I could not have believed had I not experienced it.

(515) I understand, of course, that there are limits on free speech, and that barristers have a higher barrier to what they can say than others. We are a regulated profession. This is a necessary restriction. But I had not remotely transgressed my professional standards or the parameters of free speech which barristers are permitted to exercise. Although I did not know of Ms McGahey's involvement, I was sure that the BSB would not agree with the conclusions of the Sikand Report.

(516) In fact, I have been referred to the BSB on various occasions, and on each occasion the BSB has found in my favour (**Bundle Pages 4139, 4148, 4154 and 4161**). In much the same way as the Stonewall complaint was made: in an attempt to damage my livelihood in punishment for expressing gender critical views. On one occasion it was because a named LGBT and charity officer had liked a tweet threatening to burn down my house. I took issue with that, so he referred me to my regulator. They dismissed the complaint.

(517) I wrote to Judy on 15 December 2019, asking her about Maya Sikand. I felt that Ms Sikand's report had been biased against me, for the reasons I have set out above. I asked her (**Bundle Page 807**):

“Did Maya Sikand express concern about my tweets before or after my LGB Alliance tweet of 22/10, but before she was appointed to undertake an independent review of those very same tweets?”

Was Maya Sikand the person in chambers that you told me about in a telephone conversation in late October 2019 who you said was so concerned about my tweets that they were poised to provide chambers with a dossier in support of the complaints?”

(518) The telephone conversation I was referring is the one at paragraph (370) above. In reply to these questions, Judy wrote (**Bundle Page 806**):

“Maya was appointed because she is (a) independent minded (as I’m sure you will appreciate) (b) she had not expressed concerns about your tweets before being appointed (c) she had not undertaken work for and does not have any affiliation with Stonewall. Nor has she done any trans-rights cases. I do not recall saying that a member of Chambers was “poised” to produce a “dossier” in support of the complaints. I do not believe that I said such a thing. Members of Chambers had expressed concerns. As already stated, Maya was not one of them”.

- (519) As set out above, whether or not Maya Sikand is “independent minded” (as to which I would say she is no more or less independent minded than any other barrister), she did not conduct her report independently. She had expressed concerns about my tweets, including on 16 October, and when conducting the audit of my twitter feed. She may not have undertaken work for Stonewall, but she was part of the Trans Rights Working Group. I did not know any of these things at the time that Judy Khan sent me this email, and reading it now, I think she was trying to mislead me.
- (520) I refused to take down the tweets as requested in the Final Sikand Report. Had I done so, I knew, those in chambers who were opposed to me because I would never support Stonewall would continue to pursue me unless I shut up. And I saw no reason to shut up.

34. Complaints against other barristers

- (521) Garden Court’s treatment of me can be compared to complaints made against other barristers. Their treatment of me (including when I have been the complainant) has been uniformly negative.
- (522) There are various complaints made to Garden Court about other barristers’ conduct, which demonstrate this. I have referred above to complaints I made about Professor Sharpe in 2018 (paragraph (207)). No steps were taken against Professor Sharpe. Examples of Professor Sharpe’s twitter conduct are in the Bundle at **Bundle 1029, and 1051-1057. At Bundle Page 5919,**

Professor Sharpe asserts that GC (Gender Critical) lesbians are in fact bisexual. This is deeply offensive.

(523) In addition to this are the following other complaints:

The 2020 Antisemitism Complaints

(524) In 2020, various antisemitism campaigners, including the Campaign Against Antisemitism, complained to Garden Court that one of its barristers had published material on his twitter account, and that Garden Court itself had published material on the barrister's website profile, which was considered to be antisemitic.

(525) The CAA complaint is at **Bundle Page 4021** (the Campaign Against Antisemitism's name has been redacted by Garden Court for inclusion in the Bundle, for reasons which I do not understand, although their name is in the footer of the document.)

(526) Other complaints along the same lines were made by others: **Bundle Pages 4044 – 4045**. Judging from the responses which were sent by Garden Court, there appear to have been other complaints received, but these were not disclosed.

(527) The responses are between **Bundle Pages 4023 and 4043**. Interim/holding responses were sent, and then final responses. In their final responses, Garden Court exonerated their barrister (using the example at **Bundle Page 4034**):

(a) The substance of the response was that issues around Israel/Palestine and allegations of antisemitism was not a settled issue. At paragraphs 9-12 of the response, the fact of dispute over the definition of antisemitism was referred to (**Bundle Page 4037- 4039**). No such nuance was reflected in the outcome to the Stonewall complaint against me.

(b) Reliance was made on a number of sources that the barrister in question had provided in his response to the complaint (for example

paragraph 17, **Bundle Page 4040**). This was not the case in the Stonewall complaint against me.

(c) The barrister's assertions were treated as sufficient to respond to the complaint (paragraph 20 et seq, **Bundle Page 4040**). None of my assertions were treated in the same way.

(d) At paragraph 27 and 28 (**Bundle Page 4042**) a number of factors are given to exonerate the barrister, all of which (with one exception – the barristers' offer a mediated meeting with the complainant) applied in the case of the Stonewall complaint.

(e) In respect of the website profile (paragraph 29, **Bundle Page 4042**), this was put down to an "oversight". In response to another complaint about the content of the website, Garden Court wrote back to the complainant to say that offending page had been taken down and (**Bundle Page 4025**):

"In light of the fact that the XXXX' profile has been taken down from the website, I do not consider it is now necessary to determine your complaint in the abstract."

(528) The BSB referred these complaints to its IDB (Independent Decision-Making Body) who dismissed the complaint under A.10 ECHR grounds (**Bundle Page 4046**).

(529) I believe that the different approaches taken by Garden Court to the antisemitism complaint and the Stonewall complaint was purely a matter of choice by Garden Court. They could have applied the same approach to them both. The reason that they did not was because of their value judgement of my Gender Critical beliefs.

The Simblet Complaint

(530) This is at **Bundle Page 3930**. In essence, the complaint was that Stephen has been very rude towards me and my solicitor. It was investigated by Garden Court. The outcome was that although Mr Simblet should apologise

to the me, I should also apologise to him, notwithstanding that he had raised no complaint about me (*"I therefore also recommend that Allison apologises to Stephen for her remarks"*). Although I felt that this was entirely unreasonable, I nevertheless made the apology (**Bundle Page 3988**). The reason for this was that I did not want to remain at loggerheads with a Chambers colleague, which would have been the case had I refused the apology, notwithstanding that I did not feel that the request to make the apology was fair.

- (531) Although I was aggrieved at Stephen's conduct towards me and my solicitor, Garden Court's treatment of my complaint demonstrated that even where conduct towards me was unacceptable, it could not be seen as such, and had to be tempered with criticism of me. Again, I believe that this was because of Garden Court's general view of me, which was informed and defined by their view of my Gender Critical beliefs.

The Gatley Complaint

- (532) This complaint arose from a colleague refusing to provide the name of an expert witness to me for a lay client. My request is at **Bundle Page 4186**. Mr Gatley's response was *"Hi Allison, are you still suing us? (Bundle Page 4185)*. I replied that I was asking for assistance with a case, and that it was disappointing to receive a message like this (**Bundle Page 4184**). Mr Gatley wrote *"I understand that, but if you're fighting people who have been your friends and your family for many years, how can you even dare to expect their support?" (Bundle Page 4184)*.
- (533) Via my solicitors, I stated that this was victimisation (*"I trust that you will not attempt to assert that this is anything other than an act of unlawful victimisation"* **Bundle Page 4187**) and I said the same directly to Rajiv Menon QC **Bundle Page 4194**).
- (534) In a report he then prepared (**Bundle Page 4239**), Rajiv Menon QC denied the existence of victimisation. He wrote (**Bundle page 4246**):

Section 27 of the Equality Act 2010 defines victimisation inter alia as subjecting a person to a detriment because that person has brought proceedings under the Act. Despite what MG said in his first two emails, he gave AB what she asked for in his third email, namely the details of an expert. Consequently, AB did not suffer a detriment.

- (535) I believe that this is an wholly incorrect definition of victimisation under the Equality Act, and the content and tone of Mark's emails were detrimental to me. I wrote back to Rajiv Menon, setting this out (**Bundle Page 1749**).
- (536) I was not seeking to litigate this, and have been at pains to point this out at various points in these proceedings. I have amended my claim since this incident occurred, and could have added the incident as an act of victimisation had I chosen to. But I was not interested in such a claim. Although I had been treated very badly by Mark Gatley, my concern was that Garden Court were perfectly content for this to happen, to the extent that the Head of Chambers was prepared to give a definition of victimisation which he must have known (I have no doubt would also have been told) was wrong, purely to defeat the valid complaint that I had made.
- (537) It was further investigated, and I was offered the option to escalate it yet further. I declined on the basis that there was no real prospect of a fair investigation given that the Head of Chambers had set out (wrongly in my view) the law on victimisation. Any further escalation could only turn into a direct conflict between me and Rajiv Menon, which I had no appetite to pursue. Arising from this incident, I requested and was granted sabbatical from chambers until after these proceedings are completed.
- (538) Although not complaints, the concerns raised about my safety (by me in December 2018 at paragraphs (206) above, and by Nicholas Hellen of *The Times* in his conversation with Judy Khan QC at paragraph (385) above) similarly demonstrate that I was not given a level of courtesy or respect that another barrister might expect. On both occasions, I was essentially given the brush off. Nothing was done.

35. Subject Access Requests

(539) I submitted Subject Access Requests to Garden Court (**Bundle Page 3784**) and to Stonewall (**Bundle Page 3896**) on 30 January 2020.

Stonewall

(540) Stonewall responded by a letter incorrectly dated 11 April 2019 but sent on 24 February 2020 (**Bundle Page 3805**), stating that they held no documents about me. I knew that this was not true, because I had already been provided with the Stonewall complaint of 31 October 2019, which would have fallen within the documents to which I was entitled.

(541) My solicitors wrote back telling Stonewall that I knew they held documents about me, because I already had one (**Bundle Page 3789**). We received another response on 4 April 2020, this time of around 90 pages.

(542) I still thought that they had not provided an adequate response, so my solicitors wrote again. In disclosure, there was extensive evidence that further searches yielded extensive further documents. These were not provided to me, and instead my solicitors received a letter dated 12 June 2020 (**Bundle Page 6316**) saying that they had complied with their obligations. I do not believe that they did.

(543) In disclosure, Stonewall have disclosed a letter they wrote to the ICO about my DSAR, saying that they had only provided me with a partial response, and that a full response would be provided to me by 15 June 2020 (**Bundle Page 3833**). As set out above, that was never done.

Garden Court

(544) Garden Court sent three lever arch files to my solicitor on 3 March 2020. I have set out above some of the material which was missing from that response, but the key aspects were that they had withheld all mention of the First Sikand Report and the McGahey advice. I did not know about the First Sikand Report until I received disclosure in these proceedings.

- (545) Even from first receipt of the response however, I could see there were documents missing. On 13 March 2020, my solicitors wrote to Garden Court **(Bundle Page 6281)**. It set out and requested some documents that we knew then were missing **(Bundle Page 6283)**. There were 16 categories of data missing.
- (546) It was not until I read the Subject Access Request that I realised the full significance of the 14 December 2018 protected act. I realised at that point that it had led to the downturn in work I had received in 2019. Prior to that, I had known that I had received some pushback (including mainly from Michelle Brewer) and I had been aware of the hostility Leslie Thomas had shown me when I complained about Alex Sharpe. But I did not realise the extent to which this had been across chambers and the influence that Michelle Brewer had. It was at this point that I realised the significance of my change of clerking in early 2019 and understood that I had a claim relating to my clerking. This was after I had commenced Early Conciliation.

36. CrowdJustice

- (547) Garden Court has required that documents relating to my attempt to crowdfund for these proceedings through the online platform Crowdjustice. I launched a crowdfunding campaign on that platform on 20 June 2020, after I had prepared and submitted the text for my page and which Crowdjustice accepted and published. Early that afternoon, the page was taken down, without any forewarning. My solicitor got in contact and asked them why this was. He was told that complaints had been made about the content of my page. Subsequently, we made a Subject Access Request in order to see the complaints. There appear to be three complaints, which are at **Bundle Page 3879-3880**. As with the complaints made about me to Garden Court, there was nothing of substance about anything I had actually said, merely opposition to my criticism of gender identity theory.

37. Lucy Masoud

- (548) In 2021, I was contacted by Lucy Masoud. She is, like me, Gender Critical, black and lesbian. She told me she had read about my case and that it had similarities with her own experience. She said that she had been critical of Stonewall, and suspected that they had tried to contact her employer (the Fire Brigades Union, or FBU) in an attempt to damage her reputation at work or otherwise undermine her livelihood. She had made a Subject Access Request to Stonewall, the response to which she sent to me. It is in the Bundle.
- (549) The documents within the Subject Access Request response seem to show:
- (a) That Lucy Masoud was interviewed on the BBC Radio 4 Today programme about All Women Shortlists in the Labour Party, which Stonewall considered “problematic”. Apparent quotes from the interview were distributed within Stonewall (**Bundle Page 6154**).
 - (b) In an internal Stonewall document relating to its “client” the London Fire and Emergency Planning Authority, Lucy Masoud is recorded as having made “transphobic” comments (**Bundle Page 6154**).
 - (c) Preparations were made to issue a comment about “FBU Transphobia” (**Bundle Page 6156**).
 - (d) In an email, two Stonewall employees referred to her as a “committed transphobe” (**Bundle Page 6157**).
 - (e) An email exchange entitled “To flag: Lucy Masoud/Radio 4” was almost entirely redacted (**Bundle Page 6163**).
 - (f) In an email exchange, two (or more) Stonewall individuals discussed a meeting “to discuss ways to deal with any potentially/challenging conversations/individuals because Lucy Masoud is part of their network and may rear her head” (**Bundle Page 6159**).

(g) Such a meeting was scheduled for 14 June 2021: “Courageous Conversations with problematic DCs/Network members (Lucy Masoud) (**Bundle Page 6170**).

(h) In another email she was referred to as a “notorious transphobic hate preacher” (**Bundle Page 6177**).

(i) In 2018, Stonewall staff appear to have discussed how to “tackle her or any situations that may arise in regards to anything that she has said, which is obviously in contradiction to Stonewall’s position on things” (**Bundle Page 6178**).

(550) I believe that these documents show Stonewall applying pressure to an individual’s employer because of criticism that she had made about Stonewall, and using their Diversity Champions (“DC”) scheme to do so. I think there is a clear parallel with my experience and that this shows a course of conduct by Stonewall.

38. Use of Diversity Champions Scheme

(551) Other examples of Stonewall exerting pressure through its Diversity Champions Scheme are redacted in the Bundle. My solicitors were only given permission to inspect the unredacted documents, not to take copies of them. My solicitor informed me of the relevant portions. My solicitors have asked Stonewall to unredact the documents, but they have refused to do so. At **Bundle Page 6273** is the internal media briefing document for 4 November 2019. The section in relation to me and LGB Alliance is unredacted (**Bundle Page 6274**).

(552) My solicitor has informed me that the redacted section at the top of the page refers to another news story that day. Pink News had run a story concerning a transwoman who had been refused use of Centre Parcs single sex facilities “until she had fully transitioned”. Under the “our response/approach” section, the Stonewall briefing stated that Stonewall has been in contact with Center Parcs “to let them know our concerns that their policy is not compliant with the Equality Act”. According to the briefing, Center Parcs press team were

nevertheless insisting that they were compliant, and Stonewall were trying to convince them otherwise.

(553) My solicitor has also informed me that the briefing also said that:

“the media team is also drafting a letter from Paul (whom I assume to be the Stonewall then CEO Paul Twocock) to send to the Center Parks (sic) CEO. Our hope is that they will change their mind before the story gets bigger. We are also issuing the statement below to publications already covering the story, however not going out proactively with this at the moment, so as not to elevate the story. Memberships and Sports teams have also been made aware in case any DCs get in touch with questions about their own organisations/policies”.

(554) My reading of this is therefore that Stonewall did not use the Diversity Champions Scheme just a vehicle for internal HR matters at its member organisations, but also as a tool to push Stonewall-approved policy, including as it impacted members of the public, and this was often contrary to equality law.

(555) Center Parcs were apparently not a DC member. A further example is on the same page (though still redacted). This is a similar briefing regarding Marks and Spencer and changing rooms. The briefing recorded that an individual named Jean Hatchet had tweeted M&S to complain that its changing rooms were not single sex, and that this had been picked up by the press. The briefing records that: *“M&S are a DC, we’ve been in touch via their CAM and they are holding fast to their inclusive line and aren’t too worried about media coverage”.*

(556) Although this specific example was not public, Stonewall’s use of Diversity Champions as a tool to further Stonewall’s public affairs campaigns (rather than as a tool for internal HR) – and the “bleeding of the boundaries” between internal HR and external public affairs - was explicitly referred to in Nancy Kelley’s interview by Emma Barnett on Woman’s Hour in 2021 (**Bundle Page 4260**):

“Emma Barnett: We're talking about an employer that just left your scheme because it was concerned about that. But you say that, and I suppose you've just said they're two separate teams. So which is it, you've got your HR,

Nancy Kelley: We are Stonewall, (...)

Emma Barnett: you are displaying the exact issue here, you're bleeding the boundaries.

Nancy Kelley: the point that I would make is that whether we're engaging with employers through the rest of champion scheme, or we're engaging with a media company or any other organization, we're always going to be interested in progressive changes. That's what the job of Stonewall is to do”.

39. Irish Therapists

- (557) In 2022, I was contacted by two Irish therapists. These women had (with a third woman) written an article in the Irish Times which argued that a ban on “Conversion Therapy” could have the consequence of preventing therapists from appropriately treating gender dysphoric children. As a result of this, a Stonewall employee had published their details on twitter, including the clinic where one of them worked, calling for it to be boycotted. This had caused the women extreme distress and they had complained to Stonewall. The Stonewall employee in question was Toryn Glavin, who is mentioned at various places in the Bundle.
- (558) A meeting took place between the therapists and Nancy Kelley. The minutes are at **Bundle Page []**. I believe that this, together with my experience and with Lucy Masoud’s experience detailed above, demonstrates a pattern of Stonewall employees threatening the employment and livelihood of women who make public statements that are contrary to Stonewall’s political objectives.

40. Public Hostility towards Me

- (559) Since October 2019, I think in large part because I was named in the Garden Court tweets announcing they were investigating me, I have become a lightning rod for abuse.
- (560) This has included regular abuse and threats online, much of it sexist and racist. It has itself demonstrated the harassment and abuse driving the self-ID agenda, which I had referred to in the tweets Stonewall complained about. Usually the people directing this abuse at me are anonymous, but very often they profess “LGBTQ” identities in their anonymous profiles, demonstrating the absurdity that I as a lesbian should be pigeon holed into the same community as my abusers. This is without question the worst racist, sexist, and homophobic abuse I have ever known or faced.
- (561) I have reported two matters to the police. They were investigated by a Detective Sergeant who placed a marker on my home address for urgent assistance if I ever call the emergency services.
- (562) This has all happened without the slightest support from Chambers. Apart from individuals acting entirely on their own initiative, nobody on behalf of Garden Court has ever once reached out to me to see if I am OK. I have little doubt that they are fully aware of what is happening, not least because evidence of this abuse has been disclosed to them in these proceedings.
- (563) It is unthinkable to me that this would happen in any other set of circumstances, and the experience of Jodie Anderson in May 2018 (paragraph (336) above) demonstrates what would normally be the case – Chambers and its Members rallying around and supporting a colleague.

41. Gender Critical Beliefs as Held by Women and Lesbians

- (564) Part of my claim is that gender critical beliefs are held disproportionately more commonly by women and are held disproportionately more commonly by lesbians. I do not say that most women (or lesbians) are gender critical, or even that the majority are – I do not know. But when the gender critical

population is considered as a whole, there are more women (and lesbians) in it than in the general population as a whole.

- (565) This should not be surprising. Gender Critical beliefs have arisen out of feminism, and radical feminism in particular, where there is high representation of women and lesbians. For the reasons I have set out above, gender identity theory impacts more strongly on women and lesbians than it does on men, and therefore it is logical that women should be overrepresented in the group of people that hold gender critical beliefs.
- (566) An article in the Bundle (**Bundle Page 4594**) demonstrates the particular relevance of Gender Critical beliefs to lesbians. It records that Angela Wild, a lesbian campaigner, had distributed an online survey for lesbians, and that of the 80 women who did respond, 56% reported being pressured or coerced to accept a transwoman as a sexual partner.” (**Bundle Page 4597**).
- (567) I refer the Tribunal to the other witnesses who have provided statements in support of my claim, who have given evidence on this issue. I also refer the Tribunal to the various instances where people have expressed support for me at various times, as referred to above. They are (nearly all) women. I have listed these above at paragraphs (474) and (475).
- (568) I would also refer the Tribunal to the Screenshots in the Bundle of people who sent tweets of support to me (**Bundle Page 2151-2156**). The Tribunal will note that they are overwhelmingly women.
- (569) Finally I refer the Tribunal to **Bundle Page []**, which are ONS statistics showing the number of lesbian women in the UK – around 2.5% of the population.

42. Decision to take sabbatical

- (570) This has been one of the most shocking and traumatic experiences of my life. A chambers that I had invested 16 years of my professional life was behaving in a way that has and continues to leave me vulnerable to the worst abuse.

(571) By September 2021, the Gatley debacle and the inability of Garden Court to treat me fairly became too much. I felt that I would not be supported if I needed assistance or advice when I was in trial. I dreaded meeting colleagues in the robing room at court. These were distractions that could compromise my ability to properly represent my lay client and so I am currently on sabbatical.

43. Amending My Claim

(572) In September 2022, I applied to amend my claim, to include belief discrimination. Much of the reason why I did not include such a claim when initially commenced these proceedings is privileged, and arises from legal advice. At the time that I lodged the case, Maya Forstater had lost at first instance, and had indicated an intention to appeal to the EAT. This had two implications for me:

- (a) Primarily I did not know if I had a case to bring because the ruling of the ET was that my belief was not protected. I felt that a speculative claim was not a reasonable use of mine or the Tribunal's resources.
- (b) It would have meant that these proceedings would have been queued behind Ms Forstater's EAT matter (and potentially subsequent appeals), thus causing delay and additional cost, and delaying the point at which I could have got to a full merits hearing. That would in turn have disadvantaged me, because as Claimant it is my claim to bring, and the longer period between the material facts of a case, the more people's memories fade and therefore the harder it is for a Claimant to win.
- (c) It would have meant an additional Preliminary Hearing on the subject of belief, which would not otherwise have been necessary. In the event, these proceedings have had seven preliminary hearings, but I had no means of foreseeing this at the outset of the proceedings.

(573) After Maya Forstater's appeal was successful in June 2021, I instructed my lawyers to file an amendment application. That was heard at the next Preliminary Hearing, and the application was granted.

44. Conclusion

- (574) On 22 October 2019, when I attended the meeting at Conway Hall, I felt relief that something was being done to give lesbians, gays and bisexuals who do not subscribe to Stonewall's gender identity theory an organisation that could meet their needs. I felt a sense of optimism. Within hours of that meeting finishing, I had sent a single tweet that propelled me onto the international stage. I was unprepared for the onslaught of abuse that was directed at me. It was calculated to cause maximum distress and to destroy me, my reputation, profession and deprive me of my livelihood.
- (575) I had helped to found a truly grassroots organisation, literally overnight, with an international reach. I had foolishly thought that Garden Court would be proud of me.
- (576) I knew that there would be people at Garden Court who held different views, that much was clear from the reception to my email of 14 December 2018, but I was stunned when within hours of online complaints, many from anonymous Twitter accounts, a chambers where I had spent 16 years of my professional life showed me no loyalty, concern, or compassion whatsoever. Garden Court was only concerned to protect its brand and show fealty to Stonewall's gender identity theory. Garden Court's actions left me vulnerable to serious online abuse. Instead of protecting their brand, they have done serious harm to it, all entirely self-inflicted. They have also betrayed their motto, "Do right, fear no-one".
- (577) Stonewall, an organisation that was founded to protect and campaign for my rights as a lesbian, effectively told Garden Court to expel me from chambers or face being vilified and ostracised by them. They used their immense power and reputation to try to destroy me, my profession and means of earning a livelihood. They have made adherence to gender theory a prerequisite or

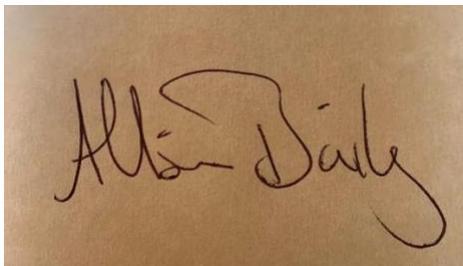
condition of service; they will only advocate for lesbians who agree with them, worse, they will target and try to destroy those who do not. The Stonewall of today is a dangerous and vicious organisation.

(578) I have fought against injustice all my life, overcoming personal adversity to do so. Had it not been for the truly astonishing levels of support from women and men from around the world, I think the stress of the past two and a half years would have destroyed me.

(579) I did not expect to have to litigate against my own chambers and Stonewall, but I was left with no choice. I hope through this process to obtain justice for myself and an acknowledgement of what was done to me.

Statement of Truth

I believe that the facts in this statement are true.

A photograph of a handwritten signature in dark ink on a light brown, textured paper. The signature is written in a cursive style and reads "Alison Bailey".

14 April 2022

Signature

Date