

IBA Inspirational Legal Women Podcast Series 2

Episode 5

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Sara Carnegie (SC): Welcome to Inspirational Women in Law, a podcast series from the International Bar Association's Legal Policy and Research Unit, where we speak with remarkable women from across the global legal profession about their careers, leadership experiences, and the changes that they have seen for women in law.

I'm delighted to welcome Berit Reiss-Andersen today. Berit is a Norwegian lawyer and an author with a legal career spanning more than four decades. She began her career as a prosecutor with the Oslo Police, before establishing her own legal practice and later joining DLA Piper. Berit has also held major leadership roles within the profession, including serving as President of the Norwegian Bar Association and as State Secretary to the Norwegian Minister of Justice. Internationally, she is widely known for her work with the Norwegian Nobel Committee, the body responsible for awarding the Nobel Peace Prize, where she served as chair from 2017 to 2023 and as a member of the board of the Nobel Foundation until 2025. She is currently a Special Advisor to the Norwegian Red Cross on International Humanitarian Law and a project manager involved in updating the San Remo Manual on Naval Warfare at Sea.

Berit, it's fantastic to have you with us today. Thank you so much for joining us.

Berit Reiss-Andersen (BR-A): Thank you. I'm delighted to be here.

SC: I think if we can start from the beginning, your career has taken you across quite a wide range of activities. You've worked with criminal prosecution to legal leadership and global public service. So, I'd like to start at the beginning and what first drew you to the legal profession.

BR-A: It was really not the plan to join the legal profession. I didn't know any lawyers. Nobody in my family was engaged in law. But at university, when I did my undergraduate, I got very high scores in logic. And somebody said, well, law would be something for you. I didn't have the foggiest idea of what a lawyer really did. But that's how I entered law. It was random. But, I soon realised this really appeals to me because law is an entrance to understand the different functions of society. It's all regulated in law. So I enjoyed the study.

SC: And did that automatically lead you to criminal law?

BR-A: Not really. Criminal law grew on me when I started out in an administrative position in the Department of Justice, actually after a very short stint in the body that regulates refugees, and it's the worst place I ever worked. So, after three months, I called the Department of Justice and said, 'could somebody please get me out of here?' And it's bravest thing I've ever done in my life, and it was decisive.

So when I got the chance of being a prosecutor on the lowest level in Oslo, I was sent to the courtroom on my first day at work and it was love at first sight. I just loved the atmosphere of the courtroom, I loved the pressure, I loved the anxiety, I loved the improvisation. So when I first realised my life belonged in the courtroom, the rest was easy.

SC: Were there many other women who were practising or did you feel like you were a trailblazer?

BR-A: I think the latter and there weren't that many women practising and I remember particularly one judge saying to me when I was a bit stressed and I lost a piece of paper on the floor and my face flushed and he just screamed, 'I hate female lawyers who blush in my courtroom.' I always think I'm grateful to those kinds of bullies because they helped me to toughen up and it was so blatantly unfair that I thought, 'one day I'm going to get back on you' and sort of just insisting and continuing doing my part with or without the blush. Because it's part of the role of being in the courtroom that somebody is always your opponent, either your opponent, or the judge, or the client on the other side. You live in that environment of conflict and you better just get used to it.

SC: Yes, I'm also a criminal barrister, so I understand the adversarial nature of how that works and it can be stressful. It's certainly not for the faint-hearted, I would say. But I'm interested to know over the period that you've practiced, it's been a period of significant change in most countries in the world in terms of women and their opportunities and expectations within the professions, and other professions, of course. How can you help us understand perhaps how things have evolved in Norway during your career?

BR-A: Yes, even if the presence of female lawyers came very early to Norway; our first barrister started to practice in 1904. But there were very few women up until my time, I graduated in 1981, and I was one of the first groups of lawyers where we were about 50 per cent women and men. But still, taking the career of being a litigator was rare for women. My first 20 years in the Bar Association, it was less than 20 per cent and then climbed over to 20 per cent members that were women. So, when we sort of walked around and did our job, it was with the attitude. My attitude was, I will never identify the obstacles that I'm facing. Just stay calm and carry on. I never

said I had small children or a small child, I only have one child, that I had to fetch from kindergarten or go to a school activity. I sort of settled by calling family or friends to help me out. My son had sort of a small emergency pack, a small backpack with a magazine and something to eat and some money and he was instructed how to take a taxi to the courtroom or the police station or wherever I was.

What's really changed is that both women and men and judges say, 'no, sorry, we have to close today because I have to fetch a child in kindergarten or I have some other business to attend to.' We just never ever said that in the 80s and the 90s. And then by the time everybody else said that, my child was an adult, so I think I got the raw end of the deal in both periods, but there is a change in that family life is acknowledged as part of the life for a barrister or a litigator.

SC: Yes, and thank goodness for that because we know some of the difficult experiences as women that we've experienced, and we know we want to see that change and continue to change but there is still some way to go. Looking back on your career as well, was there a particular case or experience that shaped how you think about the role of lawyers in society? Was there some specific experience where you felt that what you were doing was particularly valuable or needed to change or that there was something more specific that had to be done?

BR-A: Well, there's a general answer and there's a specific answer. The general answer is that when I started off my practice, I was predominantly working with family law and refugee law, and these were clients where the outcome of the case was detrimental to them. The stakes were very high for the client. So, I felt every day that how I handled their cases really mattered to individuals, but there was one particular case that I had for a father who was fighting for custody for his daughter and he was fighting against both the mother who kidnapped the child and the child welfare authorities. And the case went to the Municipal Court, it went to the Appeal Court, and it raised many principal matters between administrative law and private law and so forth. And I appealed the Appeal Court's decision to Supreme Court and the case was admitted to Supreme Court. And I was looking for an experienced litigator to take the matter for the Supreme Court and somebody said, 'but why don't you do it? You know the case.' And I said, 'no, I'm too young, I am too inexperienced.' And the person said, 'what nonsense, just do it.' And to appear in front of the Supreme Court in Norway, you have to take a particular bar exam and it's actually litigating two cases. You will get intricate questions from the judges and so on. I've never been as terrified in my life when I entered the Supreme Court first time. And the case was actually scheduled for seven days, which was absolutely insane and very long. And apparently they liked my work, so that gave me, one, a new boost of confidence that I can litigate on this high level, but also it taught me how to litigate in a principled manner and to understand that when you argue a case in front of judges, the law is not set in stone. You can contribute how to develop law so that it meets the needs of society.

There's a very honorable position in Norway where you are asked to be the permanent counsel for the Supreme Court, and not so long after that, they contacted me and asked me to apply for a vacant position as permanent counsel. It was a mandate of eight years, and you get an enormous amount of cases to litigate for the court. And that really gave me that much larger perspective, understanding how political change, legal change and the needs of societies are really interconnected. That's been the most important experience in my legal life.

SC: That's an amazing story and but for your colleague encouraging you to take that on and believe in yourself, your course of your life may have been quite different. How many years qualified were at the time when you went to appear in the Supreme Court?

BR-A: Seven years, I think. So, it was rather early on. Yes, and that was an enormous reward for me. And really, the confidence it gave me was not that I, in the future, was not terrified walking into a courtroom sometimes.

SC: You've served in one of the world's most extraordinary roles, some might say, as Chair of the Norwegian Nobel Committee and, without asking about the confidential work of the committee itself, has that experience shaped your perspective on the role that lawyers can play in defending peace, justice and human rights globally?

BR-A: Yes, absolutely. First of all, I think my perspective of using law as arguing on how to improve different parts of society and my international engagement brought me to the committee in the first place. And I realised, when I entered the committee, you are a bit burdened by this enormous task and honestly you wonder, 'what am I doing here?' Because the choices you make have such worldwide significance. But I realised for one that there's never been a lawyer who's in private practice and a litigator in the committee before. And with that background, you know a lot about conflict, but you also know a lot about resolving conflict because lawyers do that all the time. You try to make settlements and arbitrate disputes between clients outside of criminal law, of course, and I realised that the alternative to war and conflict is in fact legal instruments as human rights, as inter-parliamentary arbitration, as treaties, as international institutions like the United Nations, and the whole range of institutions that grew up post-Second World War to regulate different aspects of society. And I also understood that the analytic methods that we use in law are actually very helpful [in] analysing the different candidates and where you are and where would like to go with the annual Nobel Peace Prize. And I'm not saying that is the only way to work, but the Nobel Committee is like any other board of directors. It's the combination of the different aspects of what you bring into the work of the committee that is helpful. So, I did in fact feel that my legal background was the value that I really brought into the committee.

SC: And did you find yourself resolving conflicts on a regular basis within the committee?

BR-A: Yeah, that too, because it's a very small committee of five individuals with different political backgrounds. So, yes, sometimes I thought my task is not only to create worldwide peace, but also to create peace in the committee. Yes.

SC: I think that sounds like the most phenomenal experience to have had the privilege of engaging with that over many years.

The IBA, as you know, has recently published a global report based on the experiences of women in law. We had over 5,000 women from 100 countries who responded to a global survey. And when you think about those collective voices of women experiencing all of the legal sectors, not just private practice, what recommendations do you think that the profession should take most seriously?

BR-A: Well, my starting point is that the survey really reminded me of is [that] the global perspective is a very diversified perspective. So, we have to bear in mind there's no answer that fits all sizes, not at all. But what I think is very important, it all begins with education. It begins with women's health. It begins with acknowledging that women are bearing children. So, you need some level of flexible hours, you need some levels of childcare being in place so that law is not only for the privileged few who can pay for everything themselves.

And as a personal recommendation, I would say find yourself a partner who really believes in gender equality or that you have a common interest in the workplace taking a significant space in family life. I would also say that on an individual level, first of all, it's smart getting your children while you're young and not to wait very long because then it's much more of a disruption in your career. You're more flexible when you are young and you also have to be aware of what you are willing to give up. I think a lot of the frustration of women in the workplace is that we want to be perfect in all aspects of life. Chuck that. If you're really dedicated to your profession and you really love it, you give that priority. If you're not really dedicated to the profession and don't really love it, don't become a litigator.

And also, I think one of the big significant changes in my lifetime is to see that also men are struggling with the same challenges. And there is a common interest in being dedicated to your work, but also having some sensible balance to the rest of your life.

Well, that was a lot of advice in one spoonful, but I think it's along those lines we really have to think and I just want to add one last thing. I see unconscious bias training has been mentioned in the survey very often. I'm totally biased to unconscious bias training. I hate it. I think it takes a sort of moral superior perspective instead of acknowledging the complexities in how human beings communicate. So, I'm dead against that. That's my point.

SC: No, no, that's actually not an unusual finding. There's been a lot of criticism of that type of training and the reliance placed upon it, perhaps artificially so. But I think what you mentioned a moment ago about the importance of recognising that men also struggle and the different generation of men really are keen to share childcare more, and I say that with a somewhat generalised perspective, but certainly we've seen that through our work on wellbeing in the profession, on young lawyers, and on other studies that have taken place. And I think that's an important part for leadership and for governance bodies to remember and understand that this doesn't have to be a sole focus on women, albeit that that's the work that we've been doing. This is a broader consideration about how people in the workplace can be better supported and enabled to share burdens and to truly make the best of their career with the opportunities fairly available to them. So, I really hope that that is something that continues to be pursued in good companies and organisations out there.

Finally, Berit, for women entering the profession today, perhaps wondering whether they can combine ambition, purpose and leadership and you mentioned a bit about how we want to be perfect. What would you most like them to believe? What would be your final parting comment about their potential and the profession today?

BR-A: Well, first of all, it gives you a deeper understanding of life, living in a family and raising children. So don't look at that as a hindrance, but it is a challenge, there's no doubt. And so this

is also a message to men that they can improve by engaging them more in different aspects of life. I think the role of the lawyer who dedicates him or herself to 18-hour work days and only thinks about billable hours, money and clients is a very old-fashioned role model. Your clients need a very varied kind of experienced lawyer. So, just go for it and use your own talents and create your own role. That is the most credible way of entering a profession and I would say to all young people out there, good luck. It's a wonderful profession.

SC: Thank you, Berit. It's been an absolute pleasure speaking with you today. Thank you.