

## IBA Inspirational Legal Women Podcast Series 2

### Episode 4

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### Geraldine Clarke



**Sara Carnegie (SC):** Welcome to Inspirational Legal Women, 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 they have seen for women in law. I'm delighted to welcome Geraldine Clarke today, a partner at Gleeson McGrath Baldwin and former President of the Law Society of Ireland. She is also one of the few solicitors in Ireland who can refer to herself as senior counsel, as the government has recognised her special expertise in specific areas of law.

Geraldine has been a member of the IBA for many years, holding different positions of responsibility, including most recently Chair of the Professional Ethics Committee for four years and is now on their advisory board, as well as being a member of the Constitution and Governance Committee. Geraldine had been practising since 1978 and has witnessed and shaped profound change in the Irish legal profession. Geraldine, it's a real pleasure to have you with us today. Thank you for joining us.

**Geraldine Clarke (GC):** Well, it's a very great honour for me to be interviewed by you, Sara, among such distinguished other colleagues. I was born on a farm in the west of Ireland and I have a brother, and he and I were encouraged to do all the things that young children raised on a farm do together. I was always made to feel that I was no different from him in what we did and that included learning to drive a tractor at a very young age. And that was actually very interesting in later years; I will come back to that when I tell you about my first job after I qualified. I went to boarding school and I was involved in debating, not being very sporty, and it was the headmistress, who was a nun, who told me that she thought I ought to study law because I would

talk for Ireland. But before I studied law, I did my primary degree in Trinity College in Irish and French, and I never regret that actually because I think it gave me a base which was broader than just pure law. And I'm not really a pure lawyer in the sense of being a very academic lawyer; I'm much more a practical practitioner. So that's where it started and it took a long time to get there until I qualified in 1978.

**SC:** That would look quite different to perhaps how it looks today. But did you think at that point in time that you had every opportunity available to you? Did it feel any different being a woman at that moment in time?

**GC:** It was always very different being a woman because my first job, in 1978, was in the middle of a recession. There weren't very many jobs for lawyers. Firms were not expanding. So, I went to work in a rural practice in Longford where I was the first female solicitor not only in that town but on the entire circuit. So, my first Christmas party there were 50 men and me. It was a very good experience in a lot of ways. I was lucky in the sense that they were mainly supportive, but the clients were a different ball game. They had never seen anything like me, other than those working as a secretary in their solicitor's firm. So, to be told that they were now going to deal with a mere woman to give them legal advice came as a bit of a shock to a lot of them. And back to the tractor, one of the clients in the firm at the time had a dealership in tractors and the first time I went to visit him at his premises, he asked me if I had ever seen a tractor before. I was able to tell him that not only had I seen one, but I had learned to drive one when I was 16. He was bit gob-smacked, to put it mildly. But yes, it was a totally different time. It was challenging because I was young, I was in a town which was quite small and I was the only female solicitor, but also when socialising I was easily identifiable as the only female with the groups of lawyers who were with me. So, it was fun.

**SC:** Just before you qualified and you came through law school, were there a reasonable number of women in your cohort, in your class?

**GC:** There were and the sad thing about it is, Sara, that the top four people in my year when we qualified were female. And three of them left law entirely within, I suppose, four or five years when they got married and had children. They didn't stay in the profession and that was quite common at that time. It was very difficult to bring up a family, to look after your children, to practise law, particularly in areas such as litigation, which demands the lawyer to be present in court when the court is sitting. We didn't have the luxury of being able to work from home and of course, it wasn't generally accepted that men had any involvement whatsoever in rearing children, so it was very different. I think things have progressed enormously. Obviously, it's still difficult and it's still not equal, but it has changed hugely.

**SC:** You've mentioned the challenges around litigation. We know that it's not an easy path, particularly with balancing home life and work life, of course. Was there a case or an experience early in your career that really tested you or perhaps shaped the type of lawyer that you then became?

**GC:** Well, when I came back to Dublin, I joined a small law firm which then was one of the few specialising in intellectual property, giving advice on copyright and related issues to mainly the music and entertainment business. And Irish music had made a breakthrough at that time – there

were groups such as U2, Boomtown Rats, the Dubliners becoming well-known on the international stage – and I began to do litigation in that area. One of the cases that I was involved in, and in fact there were a number of cases, was a dispute relating to the entitlement of venues to use recorded music; discotheques in other words. The strategy of the plaintiff involved was to go into court for an injunction to stop the venues operating, mainly at times such as Christmas, Easter, bank holidays. So, I spent the day before Christmas Eve, which was our office party, and all of Christmas Eve in court one day, waiting for a decision on an injunction application. At about six o'clock on Christmas Eve, and in those days shops didn't stay open all night, I got home to almost an empty house in terms of food that was available for Christmas.

So, litigation is a bit like that. It can be very challenging. It can be difficult to combine home life with life in court and then of course at the end of a long day in court, the desk is still waiting with all the other work that hasn't been got to while we've been in court. But what's happened since those early days is that now many court applications can be dealt with remotely so that there isn't the same imperative to be in court all the time for every single case. Also, I think there is more acceptance that if one is the solicitor in charge of the litigation, there are others available by backup. So, it isn't such a lonely existence as it was when I started first.

**SC:** I wonder whether you think from your perspective that opportunities and expectations on women lawyers now feel quite different to perhaps how they were when you were starting your practice.

**GC:** Well, yes. It has a long way to go in some respects, but the entitlement to, for example, extended maternity leave, the entitlement to work from home, at least when you're not expected to be in court; there's an expectation for most that they can do quite a lot of work from home. I think that makes it easier. But some of the challenges that are now being experienced by our younger colleagues, we didn't have. By way of example, we did not have mobile telephones. The most, what would we say, important demand one could make of a colleague was that they replied to something by return post, which was two days, maybe three days. We didn't have the demands of clients for immediate attention, which our younger colleagues experience. So, an email followed by a text message followed by a telephone call, and the time to think has been truncated enormously, and I think that imposes huge pressure. And as colleagues, we often impose unnecessary pressure on each other. We should be the voice of reason, if that's the right expression. We should not transfer the aggression that sometimes exists between our clients to ourselves as professionals advising in the case.

**SC:** Yes, and I imagine that that's come through in the ethics work that you've been engaged in while chairing the Professional Ethics Committee. I know it's become an increasingly core consideration for professionals in many jurisdictions in light of recent years, recent criticisms and concerns raised about the role of the legal professional. Is that something that you feel you still believe we've got a long way to go in tackling?

**GC:** I think we need to tackle it. I spoke recently to an event organised by the Law Society for young lawyers, and before I did so, I asked in our own firm where most pressure was coming from on young lawyers. Was it work? Was it volume of work? Was it ability to cope? And a sizeable proportion of them responded that the pressure was coming from dealing with other

lawyers. I think that's really sad because aggression does not equal ability in my view, and I do think it's an issue that needs to be addressed.

**SC:** As former President of the Law Society of Ireland, you've seen the profession from both the practising and from the policy development side. Where do you think the Irish legal community has done well in advancing women and perhaps where is there still unfinished business? If you're able to give me any thoughts on how you think it compares with what you see happening internationally based on your work with the IBA, that would be very interesting.

**GC:** Well, I think huge strides have been made. And the professional bodies, the Law Society and the Bar Council, have stepped up to the plate to a great extent. It is now, I think, recognised that support from the professional body is necessary for the profession and a lot is being done to provide that support. I know my Law Society of which I was president provides a course called Well Within the Law. It's a whole platform of events, which are aimed at providing young lawyers with the space to discuss issues such as stress, mental health issues and pressures of work. That would have been unheard of when I qualified.

I think it's really important that that be available and I would also encourage of course all young lawyers qualifying to become part of their bars, to become a member of either the law society, the bar council, younger members' committees so that they can get the support and they can see what is happening with others who are not necessarily colleagues in their law firms. Sometimes it can be quite difficult if one is a young lawyer to go to somebody within the firm and say, 'look I'm not quite sure what I should be doing here' [or] 'have you come across this before?' It's often easier to discuss those issues with a colleague who is not in the same firm, maybe through the bar association with a colleague who is older and has more experience. It may be difficult for a young lawyer to ask their boss, their immediate boss, something, but it might be much easier for the same young lawyer to ask a colleague who is not connected with their firm.

**SC:** Do you think that the IBA provides that kind of platform for collegiate engagement across the different cultures? Have you found it to be true from your perspective?

**GC:** Well, I should also mention the IBA because I have had a little bit to do with the younger members' committee of the International Bar Association. I think that wonderful work is being done and what I love is the idea that, through a lot of the sessions at the IBA now, we see collaboration between the committees. So, you find the Law Firm Management Committee are organising something in conjunction with the Young Lawyers' Committee, who may be involving the Professional Ethics Committee as well. That's a really good interaction and very important.

I suppose, from the Irish perspective, not everybody has the opportunity to participate in the International Bar Association and law firms [are] very careful about how they deploy their resources, financial resources, and it is important I think that the IBA make it reach out particularly to the corporate members to explain the benefits of being able to deal or young lawyers being able to deal with international colleagues and to see how things are done elsewhere.

**SC:** Yeah, it's a two-way thing, making sure law firms allow their younger lawyers to take the time to engage, as well as the IBA making sure we have that space. I hope you may have had chance to have a quick look at our global report and that reflects the voices of more than 5,000 women

in law worldwide who have fed back on their experience working in different sectors and having access to different initiatives. I'm just wondering, once you've thought about that scale of shared experience, whether any of the themes which emerged resonate with what you've experienced or perhaps what you have seen in Ireland with your firm or with colleagues?

**GC:** Well, there are two things, Sara. First of all, I think it's a wonderful report and there are two specific areas that resonate with me. One is that burnout, stress and poor mental wellbeing remain widespread. That is my experience and it ought to be and must be addressed because the reality is that if lawyers are stressed and if they're not in a good place mentally, then there are risks to themselves and to their firms. You can't possibly give the best advice to a client if one isn't in a good place mentally, and if one is stressed out. That's the reality. I think it's your conclusion that the legal workplaces must recognise this and that it must be a core component of professional competence, and that's a given as far as I'm concerned.

And the other one is, and I've said this ad nauseam, that the bar associations provide great support and collegiality to young lawyers from every size law firm and an opportunity to meet colleagues who become friends. I mean, a lot of my closest friends are people I have met either through the Law Society on my way through or through the International Bar Association, or I should say *and* through the International Bar Association. And you know, they're friends – they're colleagues, but they become friends. The ability to discuss life in general and work in particular with people from different backgrounds, working in different areas, having experience of different clients and different work practices; that can't be underestimated.

**SC:** Yeah, I would completely second that, absolutely. And the wellbeing point, both absolutely vital. Finally, Geraldine, for women starting out in law today, perhaps feeling a little daunted by prospect of what were they going into, potentially even the prospect of leadership at some point, what would you most like them to understand about their own resilience and potential, and perhaps some tips that you held onto or learnt as a result of being a busy professional balancing your home life and your professional life.

**GC:** Well, the first thing I might say to them, Sara, is that if you're looking for an easy life, you may be in the wrong place. There are easier ways of making a living sometimes than practising as a lawyer. But that being said, I don't think that there are any that are more rewarding. And I would say to them, remember your reputation is everything. At the end of the day, all you will have is your reputation. So, be kind. Aggression does not necessarily signify ability. Be kind to your clients, be kind to your colleagues, be kind to yourself, and remember your obligations. First of all, your duty to the court, your duty to your client, your duty to your colleagues and your duty to yourself, and the duty to yourself is probably the greatest. You must keep yourself well because if you don't then you will not practise to the best of your ability. And I would say to them, just don't be daunted by anything. Women, you can do anything. Young women can do anything that young men can do in law. I also would have to say that a lot of stress that young women lawyers feel, young male lawyers experience the same. A lot of the issues are similar. I think women have the ability to do anything they want to do, provided you believe in yourself, but also love it, because you're going to be doing it for a long time, so you need to love what you're doing.

**SC:** Thank you. That's fantastic.