

‘Own your responsibility for being an ally’

Barrister Brie Stevens-Hoare QC wants the real estate sector to “get over itself” when it comes to prioritising diversity and inclusion. By Jess Harrold

Before the first question lands, Brie Stevens-Hoare QC has an important query of her own. “How full-on do you want me to be?” she asks. “I tend to be very!” That’s fine, I assure her – the more opinionated, the better. Her vivid orange canvas backdrop, perfectly matching the striking frames of her glasses, already promised as much, but now it is clear: this is going to be a colourful interview.

Stevens-Hoare, joint head of Hardwicke Chambers, is an award-winning silk – one of the most sought after in the real estate field. She is a passionate advocate for diversity and inclusion, being an active supporter of the charity Stonewall and, until recently, a board member of Freehold, the LGBTQ+ property network.

She includes her personal choice of pronouns in her e-mail signature, a rarity among lawyers. She rides a motorcycle – a Triumph Bonneville T100, in white and tangerine, naturally. Her passions include bungee jumping, roller-coasters and body flying, as well as travel to such far-flung places as Iran, Kurdistan and the North

PAULA STEVENS-HOARE

Pole. At the latter, she went swimming off a Russian nuclear icebreaker. This is not your typical barrister – she stands out from the crowd.

The invisible difference

Stevens-Hoare has made no secret of her desire to encourage colleagues across the industry to take their own pride in standing out from the crowd – and for the industry to do more to encourage and accept it.

“As a barrister joining the bar in the mid-1980s, I had the visible difference that I was female – oh, horror, female doing civil work,” she says. “And then there’s the fact I’m pansexual. So I have both a visible and not visible difference.”

In the same way that race and gender are not always physically obvious, Stevens-Hoare feels that this factor adds a layer of complexity when it comes to LGBTQ+ inclusion.

“The mechanisms of being other – feeling safe, all of the ways that your workplace treats the group that you are part of – operate differently, depending whether your involvement in that group is visible or invisible,” she says. “Am I excluded every time I walk into a room because everyone can see I don’t belong here, or am I excluded because I can walk in the room and mix with these people, who engage with me and then say a truly homophobic thing with no appreciation that I’m part of that group?”

Real estate has “come a long way” and “done an element of catching up” with other sectors in this regard, she says, highlighting the changes she witnessed during her nine years as a Freehold director. “When we started having conversations with big players, they would say to us: ‘We’re fine. There’s not a problem, we just don’t have any gay people.’ We’d say: ‘You’ve got X thousand employees – you’ve got gay people.’ Now, the conversation has moved on. And most of the big players are doing a lot. The whole job isn’t done by any stretch, but it’s moving in the right direction.”

Stevens-Hoare is speaking shortly after the release of EG’s LGBTQ+ in real estate survey. She is understandably disappointed that there has been a “sliding backwards” in terms of the confidence of LGBTQ+ professionals about their treatment in the sector. In part, she attributes this to a sense of isolation during lockdown: “It is still, unfortunately, a community where significant proportions do not have the family support and connection that most of the rest of the population has. They feel the need of safe spaces that they’ve not been able to access in order to feel

robust, to deal with the stuff that does go on,” she says.

But there has also been a step backwards in terms of rights, she adds.

“Internationally, I think it’s been brought home to people very strongly that hard-fought-for rights can be lost again – what happened in America, but also here and the toxicity of trans issues,” she says. “Quite frankly, people with a whole range of views feel like they can’t say something. We’re in real trouble when we can’t talk about it. What’s happening to trans people now reflects the narratives of what was being said 10, 20 years ago about LGB. I think, one, it’s our trans siblings who are on the wrong end of this and that’s not acceptable to me; and two, is it coming in my direction? Is this where we’re now going?”

To would-be allies reticent about getting involved, she is forthright: “I would say to them what I say to myself about being an ally in the trans space: get over yourself. Own your responsibility for being an ally. Own the fact you may get it wrong. Have a bit of humility. If you’re prepared to take the risk of getting it wrong, then be told you’ve got it wrong, then you are on the road to being a good ally. At the end of the day, whoever you are, everybody has had the experience of feeling like you’re in a space where you’re not wanted or you don’t belong... Make it clear that people are invited in.”

Without prioritising diversity and inclusion, Stevens-Hoare says, businesses risk failing to capitalise on the talent they have. “People are waking up to the fact that... they have some very talented people who have actually been uncomfortable most of their professional lives – and could have been even more talented, if only they would have made it apparent.”

But companies will also fail to attract talent that they could have. Stevens-Hoare cites a conversation she witnessed at a networking event between a young barrister and a senior clerk. The barrister had turned down a job offer from the clerk’s chambers and, asked why at this event, said: “To be honest, because I didn’t think I would be welcomed as a gay man.” Stevens-Hoare says the clerk himself was gay but not out. “This barrister, who they thought was the best one they saw that year, didn’t go to them because it wasn’t apparent it would be a welcoming place,” she says. “They lost talent because of that.”

The pandemic and property law

Stevens-Hoare is just as “full-on” when discussing the changes afoot in the industry as it exits lockdown and moves to the next stage of the coronavirus crisis.



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Like many, she has spent the past year working from home. She misses site visits, but says she has grown used to virtual hearings, both as a practitioner and as a part-time judge in the First-tier Tribunal (Property Chamber) (Land Registration Division). But she has been struck by the variety of responses from courts and tribunals across the country.

“Unsurprisingly, the Court of Appeal and the High Court got up and running much quicker and have been properly resourced,” she says. “Even some tribunals got there very quickly. Others much, much slower. Some county courts were really struggling. There were very different attitudes about forcing people to go into court in person – a huge range across the



Stevens-Hoare is a passionate D&I advocate

country. It's been a very varied experience – very patchy, shall we say."

She predicts that the new way of working will have a lasting impact for the court system: "For everyone apart from a few die-hard dinosaurs, it has forced a speeding up of what technology was bringing. Certainly for procedural hearings, the vast majority will be online and probably never go back to being in person. It will be trials, and maybe some heavier procedural hearings, that take place in person. But I think other than taking evidence from witnesses, there's little to recommend going back to the in-person approach. And we all know, being in the property sector, that the relevant government departments have been very keen at selling off the buildings that courts and tribunals are in. So it will be every encouragement to them to carry that process on."

Stevens-Hoare believes most relationships between landlords and tenants are working "reasonably well" as the pandemic progresses, and says that the cases that have crossed her desk tend to involve a "major outfit" tenant "really putting the screws" on a smaller landlord. In sectors less affected by Covid-19, she

feels some tenants may have seen the crisis as "an opportunity", but worries about how retail and hospitality will recover. "I think landlords know exactly what's happening to those sectors," she says. "By and large, there is co-operation. But what we have is a storing-up of a lot more problems further down the line."

The moratorium on eviction, commercial rent arrears recovery and winding-up petitions – now further extended to 30 June 2021 – has to end at some point. What then? "I think there'll be a lot of blood on the stair carpet."

As a result, for property litigators, "the future looks rosy", Stevens-Hoare says, but that doesn't fill her with glee: "That's never great for our clients. But there are going to be so many situations where deals didn't take."

With disputes starting to come to court, Stevens-Hoare believes that standard cessation of rent clauses is unlikely to bring much joy for tenants – and another issue looming on the horizon will be questions of disrepair.

"Empty buildings don't tend to fare very well when they're not lived in and loved at least a little bit," she says. "In some places where they've been completely

empty, there are repairs that haven't been done. Then someone's going to be arguing about whether those works are costing more because they weren't done before. Probably not for another two years after people start really going back into their buildings, but I can see that being a big problem. And in sectors where people are exiting leases, there's going to be huge dilapidations arguments."

In addition to her adversarial work, Stevens-Hoare is also a highly experienced mediator, and she recommends alternative dispute resolution as the way forward for landlords and tenants. To the property sector, her message is simple. "I spend my life advising against my own financial interests," she says. "Litigation rarely makes anyone happy. It makes one person a heck of a lot more pissed off than another, but it rarely makes either of them happy. So, be realistic – and actually do mediate, collaborate, negotiate, find ways forward."

It might hit her in the pocket, but this advice – like everything Stevens-Hoare says – is well worth listening to.

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