



WLA Newsletter

Volume 1, Issue 1,

March 2007

Special points of interest:

Introducing our new President

New look newsletter for 2007

Who are we?

WLA Membership

Future WLA events

WLA website

WLA committee 2007

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In this edition we welcome our new President Kerry Clark. Kerry is currently an Associate of the commercial firm Johnson Winter & Slattery and practises in the areas of Dispute Resolution and employment.

Kerry joined the firm as a law clerk in December 2003 and prior to that was involved in the representation of detainee asylum seekers through work for the Refugee Advocacy Service of South Australia.

Kerry is also a member of the Human Rights committee of the Law Society and the

South Australian representative on the board of Australian Women Lawyers.

Kerry's interests include travel, languages, reading, wine and scuba diving.

Kerry has a Bachelor of Laws with Honours and a Bachelor of International Studies from Flinders University and was admitted to the South Australian Supreme Court, High Court and Federal Courts of Australia in 2004. In 2005 Kerry was an Associate to Justice



Bleby of the Supreme Court of South Australia .

The Women Lawyers' Association (WLA) committee congratulates Kerry on her appointment as President of the South Australian branch of

Women Lawyers and looks forward to working with her in the coming year.

See page 3 for the WLA President's introduction and update for 2007.

Women Barristers Under Represented in Court

Late last year the Australian Women Lawyers Association (AWL) released the results of its Gender Appearance Survey into the number of appearances by men and women barristers appearing in the Supreme Courts of the ACT, NSW, NT, SA, Qld, Tas and WA, in the Court of Appeal in Qld, in the District Courts of SA and Qld and in the Federal

Court. Each survey was conducted over a 2 or 3 month period between August 2004 and September 2005.

The primary reason for carrying out this research was to enable AWL to collect data to measure whether there was equality between male and female barristers in the important practice area of courtroom advocacy.

It was hoped that the collection of such data would provide an objective means of testing hitherto largely anecdotal evidence about the infrequency of briefing of female barristers.

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Women Barristers Under Represented in Court cont.

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Australian Women Lawyers (AWL) viewed the relevance and importance of the collection of this data as especially pertinent in light of the Law Council's adoption of a National Model Briefing Policy for Female Barristers and Advocates in 2003.

This policy had subsequently been endorsed by various firms, government organisations and law societies across Australia.

An overview of the completed surveys collected revealed that there were 3,862 appearances in total by men and 889 by women. This meant that out of every 5 barristers appearing in the courts, 4 were men (81.9%) and 1 was a woman (19%).

Given that women have been graduating in equal numbers with men from law schools across Australia for the last 25 years one has to question why they are not appearing in equal numbers in court.

In all jurisdictions other than in the Federal Court, women barristers who did appear, appeared in greater numbers in criminal rather than in civil matters.

The higher proportion of women in the criminal jurisdiction is not surprising.

In South Australia for instance, where the contrast was marked (3 times more appearances by women in criminal matters (36%) as opposed to civil matters (12%)), the conduct of criminal matters is in

the hands of the DPP;

the DPP's office employs a high proportion of women as solicitors and barristers who, belonging as they do to a fused profession, are entitled to and do make many appearances in court.

The relatively high employment of women by Directors of Public Prosecution across the country tends to explain the relatively higher number of appearances by women in criminal matters across all jurisdictions surveyed.

Another worrying trend revealed by the survey was that women were not getting access to the longer trials. For instance in the Federal Court the average length of hearing for a male senior counsel was 119.7 hours whereas for a female senior counsel it was 2.7 hours. Junior female counsel fared even worse, with 1.4 hours compared to the 223.6 hours of their male counterparts.

Not only are longer matters more lucrative; they also provide junior barristers with invaluable experience, which they need if they are to become competent advocates in the Superior courts and which they need on their CV's if they are ever to apply for silk.

What are our concerns?

The first is that many judges are drawn from the ranks of practising barristers.

If women are not getting major speaking parts in the courts they are less likely to ascend to the bench.

The other reason is economic. Women, like men, seek to earn



their livelihoods at the bar. If younger female practitioners perceive an inequality in briefing between men and women they won't go to the bar as they know they won't be able to earn a decent living.

Many of the brightest and finest minds will be lost to the profession to the detriment of society as a whole.

Caroline Kirton, the former president of AWL has urged law firms and governments to turn their minds to this matter and to use female advocates where and when it is appropriate to do so.

Jane Knowler

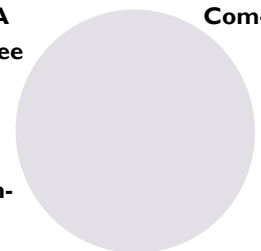
Lecturer Flinders University Law School

'Many of the brightest and finest minds will be lost to the profession to the detriment of society as a whole'.

**WLA
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'If women are not getting major speaking parts in the courts they are less likely to ascend to the bench'.

President's Message

Welcome to the first newsletter for 2007, which I hope will be a productive and successful year for Women Lawyers' South Australia.

This year we intend to host a number of social events, starting with what has become an annual tradition - a table at the Unifem International Women's Day breakfast on March 8.

We also hope to better support women at the Bar in our State through the establishment of a Women Barristers sub-committee and continue the young women practitioners mentoring project with the judiciary.

I would like to welcome to our committee several new members and thank those continuing members for their on-going hard work and support.

The WLA Committee for 2007 comprises of the following representatives:

Katherine Arcondoulis
Sarah Attar
Melissa Balantyne
Anne Barnett
Ruth Beach
Shelley Broadbent
Amy Challans
Jo-Anne Deuter
Polly Dixon
Anne Hewitt
Lisa Jarrett
Anna Kennett
Jane Knowler
Karla McCulloch
Christina Von Meunster
Sarah Mitchell
Claire O'Connor

We also welcome the elevation of Her Honour Justice Kelly to the Supreme Court and the appointment of Elizabeth Bolton to the position of Chief Magistrate. Congratulations!

It is with great sadness that we note the retirement from our committee after many years of dedicated work, of Charlotte Kelly.

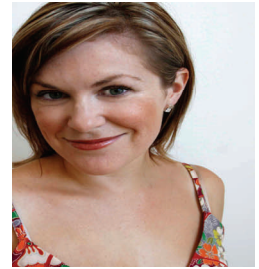
However we extend our warmest congratulations to her upon her recent, much deserved, appointment to the position of Federal Magistrate.

I hope you enjoy our new look newsletter and don't forget to keep an eye out for upcoming WLA events through out 2007!

Warm wishes

Kerry Clark

President Women Lawyers Association of SA Inc.



*'Congratulations to
Charlotte Kelly on
her appointment
as a Federal
Magistrate'*

Christmas Drinks with the Judiciary 2006!

On 22nd November 2006 the Women Lawyers' Association (WLA) Committee held its annual Christmas Drinks with the judiciary at the Law Society.

The celebration also doubled as a farewell to Justice Kemberi Anne Murray of the Family Court who announced her retirement after a long and distinguished career in the profession.

Justice Murray was appointed to the bench of the District Court in 1973 and to the bench of the Family Court in 1976.

Over 100 members of the legal community attended the event including practitioners, law students, magistrates and judges

from the Supreme, District and Family Courts.

The Association's newly appointed President Kerry Clark addressed attendees and welcomed new members of the Committee.

The event also raised money for Catherine House one of the charities supported by the Women Lawyers' Association.

A big thank you to everyone who took time out of their busy schedules to attend and we look forward to seeing you again for Christmas drinks in 2007!

Amy Challans

WLA Committee Member



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Renewal of Practising Certificates - not a simple process after a three years lapse

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One of the many renewal forms likely to arrive in your in-box towards the end of this financial year will be for the renewal of your practising certificate.

While you are in practice, this application form doesn't require much thought. You (or your firm on your behalf) will automatically renew your certificate – your livelihood depends on it!

But for people considering taking time out of practice, the question regarding whether or not to renew their practising certificate is a complicated one. Why?

Because if your practising certificate lapses you may find that renewing it is not as simple as you might think.

If your practising certificate lapsed less than 3 years ago, renewal should be a simple matter. An application accompanied by an affidavit should be made to the Legal Practitioners Registry.

If all is in order, then it is likely that your practising certificate will be renewed without any restrictions.

Similarly, if your practising certificate lapsed more than 3 years ago, but you been continuously practising interstate during that period, it is unlikely that the Board will impose any conditions upon you when you renew it in South Australia.

The problems with renewal occur after a lapse of 3 years in the currency of your practising certificate.

Rule 9 of the Rules of the Legal Practitioners Education and Admission Council provides that after a 3 years lapse in registration a practitioner is not eligible to obtain a renewal unless the practitioner first obtains and complies with the directions (if any) given by the Board of Examiners.

The Board of Examiners considers such applications, and makes a decision about whether a renewal will be permitted, and on what conditions.

The Board may require that the practitioner undertake practical training and/or gain additional practical experience before the practitioner's unrestricted practising certificate is reissued.

Examples of the kinds of conditions that can be imposed after a 3 year lapse in your practising certificate are:

- A period of supervised practice (during which a restricted practising certificate is issued). This could be a period of up to 12 months.
- Completion of one or more of the following courses within 12 months of the issue of your practising certificate:
- A risk management education programme
- A trust accounting refresher
- 12 hours of structured continuing legal education approved by the Board

If you are considering taking time out from practice, or you are currently doing so, you should be aware of the consequences of the 3-year rule.

Perhaps this financial year might also be a good time to think about getting your practising certificate back, if it has not been renewed for a while?

If you are thinking of renewing your practising certificate, application should be by statutory declaration lodged with the Board of Examiners setting out the evidence of your practice history and exhibiting thereto any documentary evidence that you want to rely upon.

For further information you should contact the Law Society.

Anne Hewitt

Lecturer Adelaide University Law School

WLA Committee Member

'The problems with renewal occur after a lapse of 3 years in the currency of your practising certificate'.

Life Beyond Corporate Law

For the last five years, I worked as a corporate lawyer, initially in commercial litigation, and later in intellectual property. In large part, I spent my days grappling with the nicer points of the law on obviousness and other technical questions of patent law.

The job was often enormously intellectually satisfying, but early this year, I decided I wanted another perspective on the practice of law.

I applied to AUSAID for a position as an Australian youth ambassador, helping the Lao Bar Association, a relatively new organisation in Laos, to establish itself as a reputable and independent professional body.

My application was successful, and in February of this year, I bid farewell to my view of the Docklands and the Yarra, packed up my office in Melbourne's Stock Exchange building, and moved to Vientiane, in Laos.

Now, my office overlooks a green meadow fringed with palm trees. Occasionally, there are goats grazing in the meadow. From my old office window, I could watch, but not hear, cars ceaselessly crisscrossing the city, at all hours of the day and night. Now, my work is accompanied by the constant sound of motorbikes passing our small building.

The task facing the Lao Bar Association is a huge one. To give some information that puts the project in context, the Lao Bar Association (LBA) was established in its present form in 1996 and currently has 69 members (not including new applicants who are seeking to qualify for admission to the bar).

While this number has grown significantly in the last few years, it should be compared to the number of prosecutors (approximately 600)

and judges (approximately 300) in Lao PDR.

The challenges that Laos faces in realising the Lao PDR government's commitment to establish the rule of law are enormous and multifaceted.

Lao prosecutors and judges are learning about the role that lawyers have to play in the judicial system.

At the same time, the Lao Bar Association is grappling with the challenge of trying to educate the population about its rights and the ways lawyers can help to defend those rights.

The Lao Bar Association is also working to educate its lawyers so that they can fulfil this role. All this is taking place in the larger context of Lao's enormous poverty.

Laos is one of the least developed nations in the world. Many parts of the country are inaccessible by road for large parts of the year during the rainy season. Education, especially in rural areas, is rudimentary. Life expectancy is very low.

The struggle to reform the judicial system is part of a larger vision by the Lao PDR government to lift Laos out of the least developed nation category by the year 2020. Above all, there is a need to develop a justice system that will serve the needs of a largely poor, ethnically diverse, and spread out population.

Part of this project involves thinking critically about the kinds of institutions that make up the judicial system – for example, Laos has implemented village mediation



units to supplement the court system.

Part of the project involves considering practical ways to increase access to justice – for example, the Lao Bar Association is currently designing a pilot legal aid project. Under this project, the Lao Bar will establish two legal aid offices – one in an urban area, and one in a rural area – which will offer free legal assistance to vulnerable citizens – women, children and those charged with serious crimes.

My role at the Lao Bar Association is fluid. My primary role is to design a training program for new lawyers to give them the practical skills to practice, and a grounding in the ethical principles and jurisprudential theory that underpin the legal system.

But I also help to write annual reports and plans, design the legal aid project, work on stocking the Lao Bar Association's meagre library of reference texts, liaise with donors and other bar associations, review our recruitment strategies, and work on public education programs.

Of course, all of this work is carried out with a view to reducing the Lao Bar Association's reliance on external advice and in the long-term transferring responsibility for my tasks to Lao nationals by ensuring that I share the benefit ...

Continued on page 6...

'I applied to AUSAID for a position as an Australian youth ambassador, helping the Lao Bar Association'.

Life Beyond Corporate Law cont...

Continued from page 5...

Of my professional experience with the Lao people I work with.

When I leave in March 2007, if I have done my job properly, my position should be redundant.

Sometimes the job is frustrating – the pace of change seems slow and there are often significant obstacles in achieving our objectives – until I put my work into a larger context.

I am used to working toward goals in the timeframes set by commercial litigation – where things happen in months or years. Since 1996, the Lao Bar Association has come an enormous way in achieving its objectives, and its growth over the last couple of years has been exponential.

I am working with passionate, committed Lao individuals who believe in the ideal of a fair justice system, and who are working to that end. There is still a long way to go – the master plan for the Lao justice system which is currently being written covers the next twenty years – but progress is being made.

By transferring some of my skills, I have the opportunity to help the Lao Bar Association a little in making that progress.

There are also other benefits to life here in Laos. Work/life balance, which seems to be both a mantra and the impossible dream in Australia, is very easy here.

Our office is very small, but exceptionally friendly.

Our office hours are 8:00 am until 4:00 pm, and while I sometimes work longer when we need to get a job done, the president of the Lao Bar Association has been known to banish me from the office at 4:30 on a Friday afternoon.

He is also arranging to take me on a picnic with the rest of the office and their families, because he thinks that if we work too hard, I won't get the most out of my time here.

I try and practice my rudimentary Lao on my workmates, who are mostly concerned with my sleep (did you have good dreams is a frequent, and polite, question), my happiness (I am constantly asked 'are you happy?') and most importantly, my eating (when I first arrived, my boss correctly, if mysteriously, diagnosed that I was a vegetarian 'because you

Whenever I leave the office, I am bidden to eat well, and when I return, I am asked if I did eat well, and if so where. Often, my work mates take matters into their own hands, and either bring in food for me, or take me to local restaurants). It would be hard – if not a little churlish – not to be well rested, well fed and happy here. And I have enough spare time to pursue some hobbies – I am learning to play tennis and guitar, and even engaging in the national pursuits, ten pin bowling and roller skating.

In sum, the decision to move to Laos was a good one. My job here has given me a fresh perspective on the role of lawyers, and the importance of the rule of law. And the experience has made me realise that there is life outside corporate law.

Clare Cunliffe

Australian youth ambassador working with the Lao Bar Association

If you would like any further information about the Lao Bar Association, please contact the Executive Director Somphou Keomounmany at lba@laopdr.com

New Look Newsletter

This is the first edition of the Women Lawyers' Association's (AWL) new look newsletter.

The WLA committee has endeavored to provide our readers with a publication that is easy to read and provides a range of feature articles as well as updates on future events.

The newsletter has adopted the colour purple to tie in with its logo which was introduced in 2006.

Over the coming months the WLA newsletter will be introducing a range of profiles on members of the committee as well as prominent female members of the judiciary .

We will also be keeping you up to date with our new range of fundraising and professional development events to be held in 2007.

If you have a particular article, event, seminar or professional development item that you would like to be included in our newsletter please don't hesitate to contact us.

The Committee is also happy to receive any feedback or ideas that you may have in order to improve our newsletter and make it relevant to your needs.

If you are interested in becoming a member of the Women Lawyers' Association please refer to our website at

www.womenlawyerssa.org.au

and download the membership form. We hope you enjoy this newsletter,

Happy reading!



Human Rights Internship Program

The Human Rights Internship Programme, jointly run by the University of Adelaide Law School and the Flinders University Law School, encourages students to serve the community by undertaking internships with Non Government Organisations (NGOs) that work in the field of human rights law and/or international law.

One of the aims of the internship programme is to stimulate and assist students to contribute to civil society through volunteering their time and legal skills.

Since the programme's establishment in late 2002, over 30 law students at the University of Adelaide have undertaken organised internships, with roughly half choosing to do internships with NGOs in developing countries.

Almost ninety per cent of the interns have been women, indicating that female law students have a particularly strong commitment to civil society and service to the community.

Internships usually last for three months but many students prefer to stay 6 months. Some students have undertaken multiple internships, with the record going to Katherine Harris who undertook a fourteen-month internship with three offices of the United Nations High Commissioner for Refugees in Africa

'Since the programme's establishment in late 2002, over 30 law students at the University of Adelaide have undertaken organised internships, with roughly half choosing to do internships with NGOs in developing' countries.

While some students have received assistance via the limited number of scholarships generously provided by outside organisations the huge number of interested students means that some interns like Katherine have had to pay their own way to take up a paid position at UNHCR's office in Sudan's capital Khartoum.

Katherine Harris writes below about her fourteen-month internship experience with Refugees in Africa.

Katherine's Story

Refugees, women's rights, civil war - the list goes on – all issues that over a year ago I had little understanding of. In November 2004 I headed off to Cairo, Egypt, for a three-month internship with the United Nations High Commissioner for Refugees (UNHCR) as part of the University of Adelaide Law School's Human Rights Internship Programme.

I went off with some trepidation, some naivety, but overall was very excited about what was in store for me. The three months in Cairo turned into nine months, followed by almost two months in a refugee camp in Kenya and then three and a half months in Accra, Ghana; all with the UNHCR.

I began work in the UNHCR's Resettlement Unit where I continued working for the whole 14 months. My work involved interviewing recognised refugees in order to identify their vulnerabilities.

The interviews involved listening to many difficult, sad, but also courageous, stories. In the beginning, I was very much affected by these stories. It took some time before I learnt to insulate them and create a barrier.

Regardless of being able to do that, there are several stories that I will never forget, and which will always remind me how lucky I am. I thoroughly enjoyed the work but it was hard, working many twelve-hour, and longer, days. The work completely opened my eyes to the extreme disparity that exists within the world.

For the first time I became aware that being a woman could have a large impact on my situation in society and how people would interact with me.

For eight months in Cairo I worked on a project that involved Somali females considered to be vulnerable. These were women who had generally lost male protection and were suddenly head of their household.

For the first time, I think I realised the manifold rights and opportunities that I have as a woman in Australia compared to so many other women in the world. Working with these women was uplifting, challenging and distressing. These Somali women were some of the strongest women I will ever see.

What affected me the most was the treatment that victims of rape faced from the Somali community. The women were often shunned from the community and a child conceived by rape was seen as a bad omen. During my work I came across a woman whose family had forced her to marry her rapist. While I am sure this was not an isolated event, I found it very difficult to comprehend

I didn't really want to come home, but I knew that if I wanted to pursue a career in this field that I had to finish my law degree.

One supervisor at the UNHCR stressed the importance of finishing my degree but also made me realise what my law studies so far have taught me: how to analyse situations and clearly and critically set out an argument..

So sadly for me, but I think happily for my parents, I returned to Adelaide at the beginning of the year, with the hope of heading back to Africa with my law degree in hand at the end of the year.

Katherine Harris

Former Intern, United Nations High Commissioner for Refugees, Africa



- Women Lawyers' Association Committee Members**
- Katherine Arcondoulis
 - Sarah Attar
 - Melissa Balantyne
 - Anne Barnett
 - Ruth Beach
 - Shelley Broadbent
 - Amy Challans
 - Jo-Anne Deuter
 - Polly Dixon
 - Anne Hewitt
 - Lisa Jarrett
 - Anna Kennett
 - Jane Knowler
 - Karla McCulloch
 - Christina Von Meunster
 - Sarah Mitchell
 - Claire O'Connor

WLA who are we?

The Women Lawyers' Association of South Australia Inc is a professional Association that represents the interests of women legal practitioners across South Australia. The Association is an affiliate of the national branch of Women Lawyers and meets once a month at the Law Society of SA.

The SA branch of the Association runs many fundraising events for charity as well as making representations to parliament and other bodies on issues that impact upon the status of women in the law and society.

Membership

Membership of the Association is open to all female practitioners and female law students who wish to further the interests of women under the law and women legal practitioners in South Australia. To find out how to become a member of the Women Lawyers' Association of SA log on to our website at www.womenlawyerssa.org.au or contact the Law Society of South Australia.

Upcoming WLA Events

Unifem Breakfast	Adelaide Convention Centre	March 8th
New Graduates Networking and Nibbles	Law Society, Waymouth Street	March 22nd
WLA—Women Lawyers' Dinner—NEW EVENT!		TBA

WE ARE ON THE WEB!
WWW.WOMENLAWYERSSA.ORG.AU

