

Change, Challenge, Achieve: Adelaide hosts national women's conference

Samara Bell of Griffins Lawyers and Adrienne Lea, a final year University of Adelaide law student who will commence work with ALRM on admission, attended the Australian Women Lawyers' 5th National Conference in Adelaide on 3-5 October 2014. They collaborated to present some of the highlights of the conference program.

A diverse mix of practitioners from the public and private sectors, members of the Bar and law students representing Australia, New Zealand and Papua New Guinea gathered in Adelaide to explore the themes *Change, Challenge and Achieve* at the 2014 Australian Women Lawyers' 5th National Conference.

The impressive backdrop of the Adelaide Oval at the Promenade along the Torrens on set the scene for an inclusive, warm and welcoming reception. Notwithstanding the convivial and fun atmosphere, the conference commenced with a confronting reality of the participation of women in the law as outlined by the Chief Justice, The Honourable Chris Kourakis, in his keynote speech. His Honour shared some of the current statistical data, which highlighted that progress had been made, but further change was required to ensure the legal profession operated in the most productive, inclusive, and sustainable manner possible with the benefits that diversity brings.

For example, currently almost 63 per cent of law graduates are female.¹ There have been significant increases in female participation in the law since the first South Australian female, Mary Kitson, commenced law practice. However, although it is more than 50 years since the appointment of Roma Mitchell² as the first female Queen's Counsel in 1962 and as the first female Supreme Court Judge in 1965 (and first female judicial officer in the Commonwealth):

- the number of females in senior position in law practice is approximately 19 per cent,³
- female barristers in Australia comprise less than one fifth of all barristers, and approximately 6 per cent of Queen's/Senior Counsel,⁴ and
- approximately 34 per cent of Australia's judges are women.⁵

While there has been much progress since Dame Roma Mitchell's considerable achievements, there is clearly merit in analysing the factors underlying these figures. As His Honour the Chief Justice observed in his keynote speech, the traditional route to judicial office does not necessarily facilitate the inclusion of all and indeed, many of the qualities required for a successful judicial officer may be found in candidates who have not come from the Bar.

His Honour also noted that the majority of domestic duties tend to be undertaken by women.

The issue of unequal, gendered distribution of domestic responsibilities surfaced again during the conference, with the presentation of Australia-wide studies of judicial office by the School

of Social and Policy Studies at Flinders University. Responses to the judicial survey consistently pointed to a greater share of domestic and familial responsibilities falling to female judicial officers.

The current statistical material was considered during the conference with one of the key architects of the landmark Law Council of Australia National Attrition and Re-Engagement Study (NARS), Fiona McLeod SC, suggesting that merit based promotion does not exist and that in order to promote a productive, inclusive and sustainable legal profession a new language is required.

Fiona's session "A new kind of normal - transforming the legal profession" issued a challenge for immediate action to address the lack of equitable representation of women throughout the profession by first transforming ourselves, and secondly building a new kind of normal. Fiona outlined five practical steps to bring about change. These focused on career path, leadership, nurturing relationships, institutionalising change and measuring change. She made the point that you can't be what you can't see, and that men have a key role in addressing the decline of women's representation and promotion.

The findings of the Women Lawyers of Western Australia as presented in the comprehensive 20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report (and presented at the AWL 2014 Conference by a number of the contributors to the report), similarly suggest that further efforts are required to ensure that women are able to advance their careers commensurate with their full potential.

A consistent theme of the conference was the importance of women striving towards their full potential and where necessary, challenging behaviours and prevailing practices. Christine Nixon's keynote address highlighted that in her case it took incredible tenacity, persistence and courage to pursue her successful career. Christine's insights focused on her determination to address taken for granted discrimination and gender-based assumptions. Her example of the fitness test wall being a barrier to women's admission into the Police force provided a memorable example of how "walls" can be removed. Christine expressed a strong view that we can be the agents of change, we can all be leaders and must learn our own value.

The Innovations in Legal Practice session explored the exciting new approaches and business models of Hive Legal, Justitia and Keystone Legal. The session illustrated that there is considerable variation within non-traditional law firm models, particularly with regards to the level of experience required to join such firms (Keystone recruits lawyers with a minimum of 10 years' experience), opportunities for graduates (Justitia employs law students as support staff) and how "virtual firms" foster a collaborative culture between geographically dispersed staff. The IT and people solutions utilised by these firms to maximise efficiency and client contact were of particular interest. Early adoption of developing technologies to streamline document management to enable paperless, office-less meeting spaces was a common element in the new models.

The presentations highlighted the receptiveness of clients to innovative ways of delivering legal services, including a shift away from hourly billing, and the eagerness of talented lawyers to respond to that need in a way that enables them to deliver quality legal advice consistent with their values and adopt flexible or non-traditional working practices if so desired.

At the Gala Dinner, held at Adelaide Oval on the Saturday, Rabia Siddique delivered a compelling address of her experiences growing up in West Australia as the daughter of an Indian Muslim



Fiona McLeod QC (left), The Hon Diana Bryant and Christine Nixon.

father and a white Australian mother (born in Adelaide). Rabia outlined the detail of her harrowing experience of successfully using her legal skill and Arabic fluency to negotiate the release of herself, a colleague and two kidnapped British SAS operatives taken hostage by Iraqi insurgents. Equally harrowing was the fact of the subsequent lack of recognition for her efforts, as compared to the award of the Military Cross to her male colleague for his involvement. Set in the context of her cultural upbringing and personal childhood experiences, her quest for recognition and ultimate commencement of sex and race discrimination proceeding against the British Ministry of Defence was riveting.

Notably, Rabia echoed the same messages given to us by Christine Nixon at the commencement of the AWL conference: that our diverse individual backgrounds give us our own unique perspectives and values that we can, and should, confidently bring to bear in our professional lives.

The conference was a positive expression of the challenges to be overcome in the pursuit of a fulfilling career, and the courage and leadership exemplified by many.

With the impending delivery of consensus statements, goal-setting and policy formulation following the NARS report, there will be an available framework to facilitate ready adoption of policies that promote gender equality and a productive, inclusive and sustainable legal profession and optimal delivery of a diverse and rich justice system.



The Hon Margaret Nyland AM (left), Chief Justice of SA The Hon Chris Kourakis, Chief Justice of the Family Court The Hon Diana Bryant AO, and Australian Women Lawyers President Amy Challans.

Picking up on the anticipated release of that framework and the timely questions recently posed as part of the United Nations He-for-She Campaign and endorsed by Rabia Siddique at the Conference: when considering whether to be seen and heard on the question of gender equality and in the implementation of inclusive policies in your workplace and beyond, consider the benefits of a shared commitment to gender equality and ask yourselves:

- If not me, who?
- If not now, when?

We would all be well served to consider those questions in the course of our profession.

Our attendance at the AWL 2014 Conference would not be possible without the support of Women Lawyers Association of SA and the generous support of the

of Women Lawyers Association of SA. We extend our sincere thanks to both for allowing us to attend. B

(Endnotes)

- 1 Graduate Careers Australia, Australian Graduate Survey, at <http://www.graduaterecareers.com.au/Research/GradJobsDollars/BachelorAll/Law/index.htm>, viewed 14/10/2014.
- 2 AC, DBE, CVO, QC
- 3 Hlubucek, E. 'Addressing and Encouraging Re-Engagement of Women Lawyers: Retaining and Advancing Women in Professional Services', Law Council of Australia, January 2014.
- 4 Law Council of Australia, National Attrition and Re-Engagement Study (NARS) Report (2014)
- 5 Australian Women Lawyers Media Release 2013, at Australian Women Lawyers Media Release, 2013dia_Release_Gender_in_the_Australian_Judiciary.pdf, viewed 12/10/14.