

Women needed help and now they are getting it

By Virginia Lydiard, Chair of the Equal Opportunity Committee



In 1982 I was studying law at the University of New South Wales and, in conjunction with a fellow student, I wrote a paper on 'Women in law in New South Wales'.

Our introduction stated that:

Of all the professions it seems that the legal profession has been the hardest for women to enter. Of the women who have become lawyers, few have attained the upper reaches of the profession.

I was in my final year of studying graduate law, having attained an Arts degree some years earlier. I was a single mother, with three teenage children, so whatever I was to do with my law degree, it had to fit in with my primary role as a mother. In other words, I had to find an income-earning situation that gave me flexibility with time.

Joining a law firm would not have given me that flexibility, whereas going to the Bar would. However, before making a final decision, and having familiarised myself with the difficulties for women entering the legal profession through writing the abovementioned paper, I sought advice. The women lawyers I spoke to said, 'You must be a solicitor first- you just can't go straight to the Bar. It is so difficult for women!' The men said, 'If you want to go to the Bar, go straight to it - don't waste time.' And time was important, not just in the sense of being available for my children, but important because time was running out: I was nearly 40.

To the Bar I went, becoming the first female member of 16th Floor Wardell Chambers. I remained there for more than sixteen years before joining the crown prosecutors in 2000.

Gender inequality in briefing practices

When I came to the Bar I was totally inexperienced and had few contacts in the legal profession. I was extremely fortunate in joining a floor that gave me all the support and assistance I required. I read with two tutors over two years, and they not only gave me advices to draft and mentions in which to appear, but they also introduced me to their solicitors. In due course, some of those solicitors began to brief me in my own right.

However, the greatest source of work was the floor clerk, who would be asked by solicitors to recommend a suitable barrister for a particular matter. The clerk was required to put forward a number of names. Of course, mine was the only female name, being the only female member of the floor at that time. Invariably, the solicitor would choose a male barrister. To counter this, the clerk would provide only surnames. However, if mine was selected, the problem of gender would still often raise its ugly head, when the solicitor would say, 'Oh, I think my client would prefer a male.'

Having had first-hand experience of the difficulties female barristers face, and as Chair of the Equal Opportunity

Committee, I am delighted that our Bar Council and the Law Council of Australia have adopted equitable briefing policies. The object of such policies is to change the attitudes of solicitors and do away with the gender inequality in briefing practices. Without being given an opportunity in the early years to hone one's advocacy skills at the Bar table, it is impossible to reach the level of excellence that makes a barrister desirable for briefing in more complicated matters later on. Hopefully, this will encourage more women to become barristers or advocates, and will encourage them to stay on in the profession, having joined it.

'The solicitor would say, 'Oh, I think my client would prefer a male.'

Over the years I have been greatly supported by female solicitors who, like me, were all too familiar with the perception that female lawyers were an oddity, or indeed as Sir Leslie Herron said, 'an aberration of nature.' But I have also found that other female lawyers, and in particular some female barristers, are very protective of their own position and practice, and are very critical of other women. That attitude also needs to be addressed.

Bar Association initiatives

The Bar Association began addressing the problems faced by female barristers in 1995 when it established a Gender Issues Committee. On 2 June 1995 the Bar Council adopted a Sexual Harassment Policy, which has been amended from time to time. The Gender Issues Committee was later renamed the Equal Opportunity Committee (EOC).

The EOC, under the chairmanship of Michael Slattery QC, put in place a number of programmes to help women establish successful practices at the Bar.

In 2001 it adopted a programme of visits by final-year female law students. These are conducted three times a year and all law schools, from the various metropolitan universities, including Wollongong, are invited to participate. The purpose of the programme is to familiarise female law students with the workings of the Bar and to encourage them to consider coming to the Bar.

Since 2001 there has been a voluntary mentoring scheme in place for female barristers, to assist them in the development of their practices, particularly in their second and third years at the Bar.

A model Sexual Harassment Policy, for adoption by individual chambers, was endorsed by Bar Council in 2004 and is in the course of being implemented.

An emergency child care scheme, reported in the Winter 2003 edition of *Bar News*, was piloted in 2003 with very positive

results. The EOC is hoping to extend this into a permanent scheme in 2004. On 22 April 2004 Bar Council approved a permanent child care scheme.

The current EOC is committed to ensuring the continuation of the abovementioned schemes as well as developing other programmes to assist women at the Bar. The committee currently has in train the organisation of a number of programmes to be held in 2004. These include talks on 'how to set up a small business', 'how to finance your entry to the Bar and the early years in practice', and 'how to network'. The details of speakers and dates will be announced in the near future.

There is no doubt that women have made progress since I came to the Bar in 1983, and much has been written about the progress of female lawyers over those years. The fact remains, however, that the progress has been slow and in 2004, women barristers represent less than 14 per cent of approximately 2000 barristers. However the EOC hopes that the progress of women at the Bar will be accelerated through the introduction of the abovementioned policies and programmes so that, in the not too distant future, the make up of the Bar and the judiciary has gender balance more closely reflecting the 50 per cent or more of law graduates who are women.



The Health Club

No1. Martin Place—The Health Club stands alone in the range of services we offer our members which include:-

- Fully Equipped Cardio and Weight Training Rooms
- Personal Training - to Guarantee you Results
- Spacious Group Fitness Exercise Area with Domed Ceiling
- Extensive Selection of Classes incl. Pilates and Yoga
- Life Coaching – Motivation and Goal Setting
- Nutritional Evaluation and Consultation
- Massage Therapy - Relaxation and Stress Management
- Executive Health Testing
- Suspended Heated Indoor Pool
- Steam Room

Limited Membership Places Available.

CALL TODAY on 9232 1500

Mention Bar News for a Complimentary Personal Training Session

4th Floor, Former GPO, Pitt St. Entrance Tel: 9232 1500 Fax: 9232 1502
www.no1thehealthclub.com.au e-mail: admin@no1thehealthclub.com.au