

## Sotto voce

By Advocata

'Every woman at the bar should have voice lessons' one of my first leaders flung at me from across the room. 'It's no good if no one can hear you. You need gravitas, physical presence. Few women have that'. He swept past me with his hands tucked up high in his little bar jacket pockets, his buttons crying out to be eased and his jabot offsetting his ever-flushed face. My concern that being led by this man could be an early low point of brand definition was replaced with the niggles that I was cursed from the start by phrenology's ugly sister.

There are certain people who are marked out as contenders on the day they front the bar reader's course. Former judge's associates who have long forgotten that they aren't their judge; partners of law firms who you can only assume ate a lot of what they killed to get there; children of famous lawyers. For a while these people walk more tall. But at some point the yawning divide between wanting something from the judge and asking for it must be crossed by all. Not everyone saunters across that rubicon.

'The reason that I'm afraid' I once told a more senior male colleague, 'is not that I have a bad voice but I have a small voice'. He, generally untroubled by self doubt, revealed that for years he struggled to reliably make any sound at all. 'Randomly, usually in packed directions hearings, my breath would catch in my chest with such vigor that I could not form a word' he said. 'Nothing. I would stand there willing the noise to start soon. I'm lucky it didn't end in suffocation'. From a man who seemed able to construe all of life's ambiguities his way, this seemed an apparition of humility. 'Then

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I realised that people just assumed I was thinking before I spoke' he said. 'It actually made me look more considered than I am'.

A floor colleague of abilities celebrated annually in all kinds of lists confessed to an early tendency towards a wavering voice. 'An uneven voice is fine' he said 'it can be interesting. Voices that turn husky with nerves, that's ok too. It's a little bit Keith Richards. But what is not acceptable, not ever,' he said looking slightly ashamed, 'is to sound scared'.

I was scared. Scared enough to see a voice coach. Famous because she worked with Cate Blanchett, or someone who sounded like her, she told me that I needed to exhale as I spoke. 'Let your words tumble forward from you,' she said, 'like hair falling from a bun'. Suspicious but hopeful, I test drove this advice before the registrar in Equity. Sounding alarmingly like a Benson and Hedges ad, I breathed out my request for an extra two weeks. 'I sympathise with you' the registrar said 'because I am recovering from the flu myself, but could you speak up just a little?'

I asked my clerk about the need for a commanding voice. 'It's a good start' he said. 'But not essential. Many of the greats were equity whisperers'. He rolled off a list of men of whom I had not yet

heard but intuited that most had long been tucked in their graves. 'What does that even mean?' I asked. 'That you are a gun at submissions but you can't cross examine to save yourself' said one of the smug looking portly men who congregate in the common areas of the older floors and seem slightly bewildered about what to do after tort reform. 'No barrister wants to own to being an equity whisperer' said another of his kind 'not unless they are on the Court of Appeal or trying to get there'. Too early for that approach then.

A silk told me that he routinely vomited before the first day of a hearing. He said he felt better about it when he heard that Steve Waugh was often sick before he went in to bat. 'If I stop being sick, I'll have stopped caring' he said. 'I'd never really set much store by test cricketers' ideas before and I struggled to embrace the need for such a physical commitment. I was relieved to hear another silk drone on a little about how his effectiveness was inversely proportionate to his depth of belief in this case. This seemed a more attractive philosophy.

Shortly afterwards I watched a senior junior with a gigantic reputation appear in court. His advocacy was a kind of hero's journey. He started out for all the world a hesitant, humble and yet brave young man who had been tossed into

Gallipoli. Things looked dire for him – a slight stutter; a shaky hand; an obvious touch of fur mouth. He seemed vaguely flushed and the rest of the room seemed on tenterhooks. Opposing numbers exchanged worried glances, the tipstaff stared at the floor. We all wondered 'could this be happening to him?' Even the silk on the other side looked like he was willing a safe passage over a vulnerable start. Then about five minutes into the show my friend warmed up. His voice smoothed out; he took a sip of water; he cracked a little joke. And we all smiled with him. There was a discernible collective relief. The judge seemed visibly glad for the turn of events. In the cockles of my heart I knew this kind of Christmas Miracle only happened to people who had been captain of a private boys school. I needed a different tack.

'The main thing for a woman is to not sound like a school teacher,' one of the bar's famed aging lotharios advised me, 'no judge wants to be hectored'. Another barrister told me that the worst thing women did was have an upward inflection 'like Julia Gillard's'. As though it was perfectly logical that a voice could be sufficiently intelligible to secure election as the prime minister of Australia but not make the grade at the NSW bar. Another chap who got overly enthusiastic with the cheap wine at the Bench & Bar

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Dinner one year said to me that 'Women with American or UK accents are fine at the bar but otherwise I just don't think clients want a female voice'. That guy also thought it acceptable to try to seat the receptionist on his lap and that no one noticed he dyed his hair. So it wasn't possible to take offence.

I was told by a reliable source that the greatest trial lawyer that NSW has ever produced was J W Smyth QC, who seems to have achieved this around the time my parents started high school. So I read Mr Smyth's article on cross examination which was reprinted in the Autumn 1988 *Bar News*. The references to women are sparse in that work: they include a Chinese lady who was revealed as a liar because she was so keen to clarify that her children were male; and another untruthful lady who, after being caught out fabricating which night she went to the pictures, looked like a 'startled rat'. Mr Smyth also highlighted the effectiveness of a particular approach by stating 'How much more successful, for instance, would you be at home if you

could manoeuvre your wife into that situation'. Nevertheless, the substance of Mr Smyth's advice seems perfectly egalitarian and universally applicable. 'In most situations I would suggest that a pleasant manner is more effective than an unpleasant one' he writes. 'Courtesy will more often than not pay off better than rudeness'. Less easy to wholeheartedly embrace was his emphasis on cultivating your own style. This seemed more useful if your natural game resembled that of JW Smyth QC.

Eventually, like everyone, I gave up trying to renovate my voice. Graver concerns, for example negligence, caught my attention. I still can't pronounce mellifluous and I continue to startle myself with the voice of a trembling truckie. I try to follow the instructions of the man with a comforting military bearing who directed my bar reader's course pretendie equity application focus session that 'commercial barristers should speak slowly into the microphone for the transcript and not at a non-existent jury'.