

We are the bar

A special edition on diversity

Diversity is very much in the public mind at present. It was highlighted in the tragic mass shooting event that transpired in Christchurch and the reaction after it, led so intelligently, emotionally and steadfastly by Prime Minister Jacinda Ardern. The event itself demonstrated that there is considerable diversity already within our societies in all manner, covering disparate cultures, nationalities, religions, sexes, ages and socio-economic groupings. Immediately after it, Prime Minister Ardern spoke about the victims in the most inclusive of ways: 'They are us' she declared. It is the sentiment in this statement that underlines the drive for diversity across our institutions, businesses and professions, the judiciary and bar included. All of them need to ensure that they are drawn from 'us'. If they are not, they risk undermining the confidence of the public in those institutions and professions, in the manner identified by our President in his column.

After I commenced as editor I approached each of the Bar Association's committees and asked them to consider working with the *Bar News* Committee to produce a special edition focussing on the issues that concern that committee. The Diversity and Equality Committee, chaired by Kate Eastman SC and assisted by Ting Lim of the Bar Association, took up that invitation. Members of that committee have been instrumental in putting together this special edition focussing on diversity at the bar. I am pleased they did. Enhancing diversity is one of the important issues that faces the bar.

Quintessentially, addressing this subject in print requires great diversity in topics, thought and contributors. This edition contains analysis of issues that affect diversity within the profession, and the backgrounds and experiences of various individuals. I want to acknowledge the very generous contributions that have been made by the many who have brought this issue to life, particularly those who have shared their intensely personal stories.

The bar has changed. It is substantially more diverse than it was 20 years ago. There are more women at the Bar, more barristers who practise part-time, more barristers



The bar has changed. It is substantially more diverse than it was 20 years ago.

from non-anglo backgrounds, in short more barristers who are not 'straight white men' (to adopt Hament Dhanji's phrase). It is important to record this change. I could think of no better way to do that than by a 'Vanity Fair' style cover, recording how the Bar is changing. This edition celebrates the diversity that exists while identifying the challenges that remain.

Any discussion on diversity necessarily focuses on statistics and data (which Chris Winslow and I have summarised from the 2018 Survey of the Bar). One cannot address an issue one does not understand. But it is important that analysis of diversity does not just concentrate on numbers. When we consider diversity we are discussing people, and every person has their own story of how they have travelled to where they are and their own view of their experiences along the way. Focussing on diversity enables us to hear a wider collection of stories

than we might otherwise hear. It helps us understand one another and in turn gives each of us a richer experience when we hear them. This issue of *Bar News* has uncovered some of those stories. We have a generous contribution from the recently appointed Advocate for Change and former President of the NSW Bar Council, Jane Needham SC, who in interview provides her reflections on her journey to a career at the Bar and her experience as a barrister, professing the importance of diversity for the Bar and outlining some of the challenges that she has experienced along the way. Hament Dhanji SC, in a second interview, discusses how the bar is changing. His bar course 20 years ago was dominated by 'straight white men'. Now an Advocate for Change he has come to the view it is important to go to schools and 'in a sense show my face, a bit darker than the ... stereotype'. Issues of racial and cultural diversity at the Bar are covered in several

other pieces. First by the personal story of Bilal Rauf, who tells us how he found his way into the law and then eventually the Bar, noting the lack of diversity he has experienced at several stages of his career, why it is so important for that to be addressed and how he has seen it being addressed in recent times. Kavita Balendra has written about her experiences in common law, including her view that her version of diversity has acted to her advantage in practice. Samuel Pararajasingham writes about the significance of racial and cultural diversity at the Bar and why those matters should be addressed. The issues raised for achieving gender diversity have been at the forefront for the Bar in achieving greater diversity over the past several years. Much of that work has been underpinned by the statistics that have been gathered within the past five years. Continuing their considerable work in gathering and presenting the statistics on court appearances by women across the various jurisdictions, Richard Scruby SC and Brenda Tronson have written further about the experience of women at the Bar, particularly emphasising the lower quality of the work performed by women, the resultant impact on their incomes and their attrition from careers at

the Bar. These observations are underpinned when one considers the economic cost from discrimination, about which Penny Thew and Brenda Tronson have written, concluding that there are considerable gains to be made from greater diversity, particularly in productivity and income. The experiences of those working flexibly at the Bar and the issues that they need to address have been well analysed and captured by Surya Palaniappan, Nicholas Kelly and Alexandra Rose. The changes that have occurred in this regard over the past 20 years have been considerable. One imagines that the pace of technological change will continue to support those who wish to practise in that way. In the UK discussions about increasing diversity at the Bar include a strong focus on improving socio-economic diversity. Here in Australia, where we pride ourselves on a mistaken view that we are classless, there has been little focus on examining what barriers may exist to prevent those from disadvantaged backgrounds from coming to the bar and from succeeding when they arrive. Joe Edwards has been brave enough to take up my request to write about this difficult subject, in a piece that is accompanied by interviews with two barristers who describe

their path to the bar. Another topic that does not get the attention it deserves is disability. Brenda Tronson and Aditi Rao explode the myth that having a physical disability is in some way incompatible with being a barrister. If there is an overarching message from

"... there is obvious sense in the Bar Association's Strategic Plan stating that for the bar to represent clients from a cross-section of society, it must reflect that society."

the various articles, it is that there is obvious sense in the Bar Association's Strategic Plan stating that for the bar to represent clients from a cross-section of society, it must reflect that society. Public confidence in the bar, and by extension the judiciary which is largely appointed from the bar, would be eroded by a perception that it was overwhelmingly drawn from only a portion of society.

Diversity needs to be encouraged so that

over time the leaders of the bar become visibly representative of our society. This will in turn send a message to those from diverse backgrounds: if you are bright, articulate and hard working you will succeed at the Bar regardless of your gender, ethnic or cultural background.

Can I end by thanking the hard working members of the *Bar News* committee, who have written a number of great pieces for this edition, including Kevin Tang for the significant number of excellent articles recording appointments, retirements and obituaries and Victoria Brigden for her wonderful interview with the outgoing President of the Court of Appeal, the new Governor of NSW, Margaret Beazley AO QC. I would like to acknowledge the large amount of time and effort taken by Mark Machonchie to create his marvellous photo essay of four of the commencement of term religious ceremonies, and thank those involved in organising the ceremonies for making him welcome. Finally, I thank Anthony McGrath SC, the previous chair of the Equality and Diversity Committee, for his assistance, including with this editorial

Ingmar Taylor SC

Legal Home Loans is the only financial services company in Australia that specialises in financing lawyers.

LEGAL HOME LOANS

LOANS TAILORED FOR LAWYERS

As a high performing barrister, your focus is delivering the best outcomes for your clients. We understand this, which is why we offer an exclusive and bespoke lending solution tailored to the needs of elite legal professionals.

We have strong relationships with financiers that understand your profession, allowing streamlined credit review and favoured outcomes.

Trust the arduous task of organising your finances with a Legal Home Loans broker that understands your needs & high expectations.

CONTACT US

(02) 9030 0420

legalhomeloans.com.au

enquires@legalhomeloans.com.au

21/133 Castlereagh Street, Sydney, 2000

YOUR PROFESSION, OUR PASSION

Disclaimer: Credit Representative (492085) is authorised under Australian Credit Licence 389328. Your full financial situation would need to be reviewed prior to acceptance of any offer or product.