

# Settled

By Michelle Swift



This is the post I put on Facebook after a long day in an empty court, an empty Downing Centre, on a social distancing day. It was the middle of April, and everything was still scary, but this day was an epiphany for me. I missed other lawyers.

Since the beginning of Lockdown, it has been a tough time for everyone. The world started going pear-shaped for me, personally, when an inquest which was sitting in Taree pulled up stumps and adjourned to a mention date in June. The week before Lockdown, it was a little amusing, I had made cake and offered it around court. It seemed hilarious that we were allowed water bottles on the bar table. Revolution! Chaos! Imagine!

I had already been making nervous jokes about the virus, and diligently using the new hand sanitiser bottles on the bar table. But it was starting to get scary, and just felt more and more wrong just being in court. I was staying with my Mum, who has a serious lung condition. I started to worry about going home to her after being at court all day.

Shutting down that coronial inquest was a tidal change. I had a trial listed in Gosford the following Monday, and I did not want to go. Legal Aid paid for a car, so I could avoid public transport and for a cute little AirBnB house, so I didn't have to deal with 'other people' in a hotel, so off I went. It felt good that my instructor, and Legal Aid were so supportive of my concerns.

The matter was listed to be a judge alone trial, but everything at court felt off-kilter and dangerous. Some might think the

District Court might always be dangerous, but there was definitely a change in mood.

It is hard now to remember how ominous everything felt in those early days. The trial sorted itself, the client was sentenced quickly later in the week, and I will not forget appearing in court, by AVL, fully robed, from the front veranda of the AirBnB. This was much to the amusement of passers-by. When I got back to Sydney I hired a van, emptied chambers, and set up a home office. My AVL prison visits were sometimes interrupted by my clients, trying to look behind my image asking questions like 'Hey, is that your bedroom?'. That was a new kind of creepy. It was my lounge-room, but this was all part of the bleeding of boundaries between work and home that I had diligently set up during my year at the Bar.

My neighbours now commented that they watched me at my computer in court at 'Albury' and 'Parramatta'; again fully robed. My written submissions blew out to 25 pages, just in case the connection dropped or the judge only heard every second word.

Despite being busy, I started walking 10 km a day, meeting work and non-work friends for socially distanced coffee/cocktail-ing walks, depending on the time of day. Instead of the Bench and Bar Dinner, a fantastic dress up GayBar Zoom drinks was held.

Hearing that a large criminal law firm had dismissed a large number of their staff, and of the almost complete shutdown of the Local Court, meant that many of my solicitor colleagues were distressed and concerned.

I ran into a fellow barrister who had made 600 dollars since the middle of March and was looking very downhearted. He was hanging around for an in-person mention. When I attended the Downing Centre for a rare 'in-person' hearing, it was a ghost-town. Previously it was hard to imagine the public being denied access to the 'justice' process. Now, having our names checked off a list and having temperatures taken at the door is the new normal.

It is interesting that so many of the women solicitors I knew were working from the kitchen table and home-schooling children, while many of the men had the spare room, coming out only for meals. It seems that the pandemic has brought out the best and the worst, the flaws and the strengths of the criminal legal system in which we all work. As we move out of this limited court, and back into jury trials, I am curious about what we will keep, what we will change, what we have learned.

As for me, I have been heartened by the efforts made by different chambers and law firms to look after their people and maintain connections. I have been amazed at how quickly the courts adapted to online mentions and court appearances. I have been belatedly cranky about the NBN. I have been worried about the mental and physical health of my clients, stuck in the gaols with no family contact visits. I miss my mum. And, so I learned, I also missed other lawyers. I really missed other lawyers. **BN**