

The NSW Bar & COVID-19

By Melissa Fisher

What do I know about the impact of COVID-19 on the NSW Bar? I know that colleagues have experienced financial hardship, stress, anxiety and disruption to their practises. I am well aware that some members of the Bar have had to leave as the impact of COVID-19 was the last straw for them.

I am an enthusiastic adherent of the proverb 'chance favours the prepared mind'. It has stood me in good stead over many years. However, no lawyerly mind could have been prepared for COVID-19. Thus, the fact that I ended up being better placed than others to ride out the disruption has come down to nothing more than sheer luck and timing.

When lockdown commenced in mid-March, I was already set up to work from home. I started at the Bar almost 17 years ago in August 2003, with a 9 month old baby and a 3 year old. The capacity to work efficiently from home has been an essential element of my practice since that time. Thus, I had one less challenge to address in March than most members of the Bar, one less cultural shift to make.

My kids are now 20 and 17 years old. As a result, unlike many of my colleagues, in lockdown I was not confronted with the massive challenge of caring full-time for pre-schoolers and primary school children while working from home or appearing in court remotely.

That is not to say parenting older kids through COVID-19 has been without any challenges. The 17 year old is in Year 12 and has required support to stay engaged in his HSC preparation during this hugely disruptive time. He also required support to adapt to doing all his classes on Zoom for many weeks. At the end of day 3 he reported "doing Zoom all day, every day, is REALLY tiring and we're not really learning".

The 20 year old was completing year 2 of a 4 year degree at University of Edinburgh. On 18 March, with the Prime Minister indicating that Australia would be closing its borders, my husband and I made the decision to bring our daughter home as soon as possible. Within the space of 72 hours, she had packed up her flat, got herself to London



and was boarding a Qantas flight out of Heathrow. With no study, no job and unable to go out with her friends, she has had many idle weeks in lockdown. Like many others, she continues to have months of uncertainty ahead of her.

In the week we went into lockdown, I was preparing for a hearing in South Australia commencing the following Monday. I was booked to fly to Adelaide on the Sunday night. My instructing solicitor was flying from Melbourne.

As the week unfolded, there was uncertainty as to whether the hearing would go ahead. My instructing solicitor (who had a new baby and a 2 year old at home) advised me he did not relish the possibility of developing COVID-19 symptoms during the hearing and having to quarantine in Adelaide for 14 days. That gave me pause. My husband's company had already banned all business travel for safety reasons and my husband was expressing concerns about the heightened risk of me contracting COVID-19 through travelling on planes and traversing airports.

Herein lay a barrister's dilemma. Despite these reasonable concerns, if the hearing was going ahead and I was healthy, I had no option but to appear in person, did I not? In the end, the hearing was vacated on the Thursday. Ironically, by the weekend, South Australia had closed its borders to NSW and Victoria.

With my hearing vacated, it occurred to me to tap into the fact that, over the past few years, I had developed a busy advice practice. I emailed my instructing solicitors to gently suggest that if any clients were contemplating obtaining Counsel's advice on any matter, now would be an excellent time to get that advice. After a lull of about a week, the work began to flow in (not just advice work but other work), for which I am extremely grateful.

In the result, unlike many people, during lockdown I was very busy with paid work, sometimes working 6 days a week and long hours to meet deadlines. No cupboards were cleaned out, no bread baked. Our garage remains a clutter zone of epic proportions.

In amongst all of this, I am grateful to COVID-19 for teaching me an important lesson. Like most barristers, if asked, I would say my job was stressful. However, when there was nowhere to go and no-one to see, when my life was stripped of all the various external demands on my time, when all that existed was a sedate home life and my work, I discovered that my life was pretty much stress-free.

In many ways, lockdown suited me just fine. My challenge now is to work out how to emerge from it without re-embracing those external factors that are potential stressors.

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