

**Australian Women Lawyers 10th Anniversary Dinner
Friday 7 September 2007**

Celebrating the Past, Creating the Future

On Friday 19 September 1997, Women lawyers from around Australia met to celebrate the launch of Australian Women Lawyers. The Hon Justice Mary Gaudron QC was the speaker at the launch where she stated:

I see the Australian Women Lawyers as the beginning of a new era for women and for women lawyers, an era in which people realise that equality, equal justice and equality of opportunity are complex ideas, difficult to implement and achievable only by the sustained efforts of those committed to those ideals. They are not achievable simply on the basis that the doors are open, be they held open or battered down.

On Friday 7 September 2007, we will gather in Melbourne to reflect upon a decade of sustained work and the achievements of Australian Women Lawyers commitment to those ideals.

There is certainly great value in having a national women lawyers organisation. It creates and fosters collaboration and communication between state organisations that enable us all to participate in national debates with a unified voice. This has been particularly important with Government, Chief Justices, sponsors, the public, the media and national law firms. Being a national organisation has given AWL a basis on which to address issues that have national impact including in relation to briefing practices, appointments, representation and work life balance.

It has enabled us develop a continuing relationship with the Commonwealth Attorney General and department which has lead to improved consultation in relation to Federal and High Court appointments

For smaller women lawyer organisations there has been great value in belonging to a national organisation. They benefit from hearing about what the larger members are doing and it enables them to participate in national campaigns that might previously have been hindered by a lack of resources.

Why Australian Women Lawyers in 2007

Australian Women Lawyers believe that women lawyers make and will continue to make an important and distinctive contribution to the law and the administration of justice.¹

Women Lawyer associations are still relevant in 2007, because we still talk about women appointed to the High Court in terms that describe them as pioneers in the law. This week it was observed widely in the media that Justice Susan Kiefel is the third woman out of 46 appointments in the 104 year history of the High Court to be appointed to its Bench.

Membership of women lawyer organisations in Australia is diverse and includes solicitors, large and small city and country firms, corporations, academics, government solicitors, legal centres and law reform agencies, barristers, the magistracy and judiciary, law students, reflecting the diversity of career paths in the law in Australia today.

Objectives of AWL

The objectives of AWL include:

1. Achieving justice and equality for all women;
2. Furthering understanding of and support for the legal rights of women;
3. Identifying, highlighting and eradicating discrimination against women inherent in the legal system and in the community in general;
4. Advancing the interests of women in the legal profession;
5. Providing a professional and social network for women lawyers;
6. Creating and enhancing awareness of women's contribution to the practice and development of law.

¹ Justice Mary Gaudron QC, Sydney, 29 September 2006 EQUALITY: THE GUARANTEE OF EXCELLENCE

Some Important contributions by Women Lawyers Associations

It is impossible to make a list of all of the contributions made by Women Lawyers Associations nationally. The following is by no means exhaustive:

- VWL pioneered the gender appearance surveys in Victoria
- VWL's 360° overview put the spotlight on the real barriers to flexible work practices within the profession
- Victorian Women Lawyers Achievement Awards
- NSW Women Lawyers have contributed to policy development regarding work life balance through the Federal Inquiry Balancing Work and Family
- QLD Regional Woman Lawyer award, offered bi annually to acknowledge and celebrate the achievements of not only 'the Award winner' but all women lawyers practising in regional Queensland.
- Una Prentice Award that annually celebrates and rewards the achievements of the top female law graduate from each law school in Queensland
- Most states maintain search engines for women lawyers and women at the bar
- Pro Bono contribution of members to non profit organisations such as World Vision's submission concerning People Trafficking undertaken in NSW
- Women Lawyers of Western Australia run a very successful advocacy series for members and hold regular networking and educational seminar events
- All states continue to hold networking and mentoring functions for members with speakers relevant to the development of legal and other skills relevant to their members professional development

Personally, I have found that the networking and mentoring aspects of association with AWL and the state associations offers women in the law a

camaraderie which cannot be underestimated. This was demonstrated most strongly at the Inaugural National Conference in 2006.

Equal Opportunity for Women in Law

AWL remains concerned that women continue to be under-represented in the Australian judiciary despite the fact that over the last 20 years, female representation in undergraduate and graduate law programs has been greater than 50 per cent on a national basis. Women form half of those entering the legal profession each year².

In October 2002 a report titled '*After Ada' a New Precedent for Women in Law*' was adopted by the NSW Law Society Council. The paper critically evaluated the role and experience of women in the legal profession and provided an agenda for change.

Ada Evans was the first female law student to graduate in Australia. She graduated from Sydney University in 1902. However, women were not entitled to practice law in NSW until 1918. The first woman to enter the legal profession in Australia was Flos Grieg who was admitted as a barrister in Victoria in 1905. Marie Beuzeville Byles became the first female solicitor in NSW in 1924

The '*After Ada*' report found that while women were graduating from law schools in equal or slightly greater numbers than men and while similar numbers of men and women are moving into legal practice, women were leaving legal practice in far greater numbers. Female solicitors were not promoted at the same rate as their male colleagues, experienced more harassment and discrimination, and received low levels of remuneration. Additionally, women were under represented in senior positions in the profession i.e. in partnerships, as senior advocates and in the judiciary.

The report noted that a study undertaken by Keys Young in 1995 identified adverse consequences of these trends for clients, women lawyers, the legal profession and in relation to the way law is practiced. Adverse consequences included: lack of diversity in the profession; loss of talent; lack of role models for women lawyers; few women mentors; lack of critical mass of women necessary to make it easier for women in the lower ranks

² Law Council of Australia, "*2010: A Discussion Paper. Challenges for the Legal Profession*", 2001, 18.

of the profession to change the legal corporate culture; and, the structuring of law firms and legal practice in a way that suits men rather than women.³

In November 2005 Victorian Women Lawyers launched a report titled “A 360° Review: Flexible Work Practices”. VWL commissioned the study to examine the nature of flexible work practices used in the legal profession, perceptions surrounding those practices and the impact on career progression of those using flexible work practices.

In essence the study identified that the “real” barriers to legal organisations embracing flexible work practices were related to the culture of legal organisations and the attitudes of its leaders more so than its clients or staff. Clients, co-workers, support staff and those using flexible work arrangements perceived that there was an absence of meaningful practical support and encouragement from organisations to support flexible work practices. Lawyers using flexible work practices, co-workers and partners all perceived that working flexibly negatively impacted on career progression.

When AWL considered the overall picture of judicial appointments of women to all the State and Federal superior courts in Australia in October 2006, 109 women had been appointed nationally. Out of a total pool of 504 judges appointed to Australian superior courts, women represented a national average of 21.63% or just over one-fifth of all appointments.⁴

Results of Australian Women Lawyers gender appearance survey published in August 2006 demonstrated that women advocates are not being regularly briefed in more complex and senior matters and are thereby being denied the same opportunity for career advancement afforded to male advocates.⁵

The Australian Bar Association Gazette published in April 2007 showed that since the commencement of 2006, 7 out of 48 new silk appointments were women, approximately 14% of new appointments.

Similarly the Australian Financial Review survey of 2006 partnership appointments suggest that on average, only 19.6% of partners at leading law firms were women.⁶

³ After Ada, Women in Law Judy Harrison, Convenor, National Women’s Justice Coalition

⁴ Kirton C, “*Has the System Failed Women*” Australian Bar Association Judicial Appointments Forum 26 October 2006

⁵ Kirton C, AWL Gender Appearance Survey “*Explanatory Memorandum*” 10 August 2006

⁶ Australian Financial Review survey 15 December 2006

All of the figures suggest that despite an apparent equality of educational opportunity in the law that has existed for Australian women for more than 20 years, they remain under represented in senior positions across the profession. This is reflected in their under representation in judicial office. There is evidence that discredits the “trickle up” theory. Genuine barriers still exist to women’s equal participation across the legal profession.

As Justice Mary Gaudron QC stated in 1997, the creation of AWL had

implicit in it a demand that the legal profession take stock of itself and of those practices which have resulted in the under-representation of women in important areas of legal practice and in the judiciary, not because women should have a larger share of the spoils of legal practice, but because they have the potential to improve the law and the administration of justice.

Australian Women Lawyers believe that the community will be better served if both women and men are appropriately represented in the judiciary and in senior roles across the profession. Their under representation is a matter which should remain a matter of serious concern to the legal profession as a whole as well as the Australian community.

That is why Australian Women Lawyers remains as relevant today as it was at the time of its creation in 1997.

Achievements

Some of the most significant achievements of AWL in the recent past include:

- Publication of the Gender Appearance Survey in August 2006. This was the culmination of more than three years work by many volunteers, in cooperation with Superior Court Judges, Associates and Registries around the country. It was a mammoth achievement and has provided necessary evidence concerning gender disadvantage experienced by women at the Bar.
- The inaugural Women Lawyers Conference held in Sydney in 2006, to Celebrate Excellence of Women in Law, was widely praised and a major success for AWL.
- The creation of the Model Equal Opportunity Briefing Policy in conjunction with the Law Council of Australia.

Australian Women Lawyers is presently

- Pursuing the creation of a women lawyers scholarship in conjunction with the Law Council of Australia;
- Continuing to work with the Law Council of Australia to develop the Model Equal Opportunity Briefing Policy;
- Participating in the EOL Committee of the Law Council of Australia;
- Participating annually in the Federal Attorney General's NGO Domestic Human Rights forum;
- Working with the Law Council of Australia to obtain funding to commission a further national gender appearance survey
- Organising a further AWL Conference to be held in Melbourne in June 2008.

In 2007, a career in the law offers a wide range of opportunities and many diverse career paths for women. In 2007 Australian Women Lawyers have a right to expect that they should participate fully in the profession no matter what their career goals in the profession might be.

Australian Women Lawyers will continue to work with Federal and State Attorney Generals, the Judiciary, Bar Associations, Law Societies and the Law Council of Australia to advance the interests of women in the legal profession and seek to eliminate barriers to the equality of their opportunity in all that the profession has to offer, so that the profession and the community might benefit from their unique potential to improve the law, and the administration of justice.

Janean Richards
President
Australian Women Lawyers

5 September 2007