

Equitable briefing policy

Kellie Grainger

Acting CEO

Law Society Northern Territory

In August the Council of the Law Society Northern Territory approved the adoption of the Law Council of Australia (LCA) *Equitable Briefing Policy*. This is an important step towards achieving greater gender diversity in briefing practices in the Northern Territory and supporting the local bar.

At present the Society is one of five Australian law societies to adopt the policy along with a number of law firms and bar associations, including the Northern Territory Bar Association. The number of law firms and clients adopting the policy is growing as evidenced by the names of adopting entities published on the LCA website.

Following the release of the *National Attrition and Re-engagement Study (NARS) Report* in 2014 and recommendations from a subsequent NARS workshop, the LCA worked with its constituent bodies to develop an equitable briefing policy that was relevant and workable for the modern profession. The LCA launched and adopted its updated *Equitable Briefing Policy* in June 2016. At that time LCA President-elect, Fiona McLeod SC, observed:

“We want women barristers to be considered based on their skill, experience, expertise, and interest. But for that to happen we need to promote a cultural shift, and that means encouraging participants to seek out women barristers appropriate for the relevant matter.”

The targets in the policy were considered carefully by the LCA and include recognition that in smaller jurisdictions such as the Northern Territory there may be challenges achieving the target due to the small nature of the bar and consequent lower number of female barristers locally.

Whilst the number of female law graduates and women entering legal practice has continued to increase over the past few decades, the same cannot be said for the engagement of women at the bar. The statistics about court appearances¹ and fees on brief² earned by

women barristers persistently lags behind that of their male counterparts.

The equitable briefing policy strives to encourage law firms and practitioners to think about their briefing practices and actively consider whether or not a female barrister would be appropriate for the brief, rather than resting with their usual briefing preferences. In an effort to call out unconscious bias, that tendency we all have to engage with someone like us, the policy aims to promote thought about our briefing practices and begin the cultural shift necessary to see a change in the level of women routinely standing at the bar table in complex and varied matters in all courts.

The policy includes suggestions to assist firms and practitioners in implementing an equitable briefing practice within their firm and collecting the data to report about their measures and achievements.

A copy of the policy can be found on the Society’s website and on the LCA website. The Society encourages all Northern Territory practitioners to take a moment to read the equitable briefing policy, to think about their own briefing practices and to adopt the policy within their firm. If your firm adopts the policy please show your support and register on the LCA website³.

- 1 Law Council of Australia Beyond the Statistical Gap: 2009 Court Appearance Survey https://www.google.com.au/search?q=lca+2009+court+appearance+survey&sourceid=ie7&rls=com.microsoft:en-US:IE-Address&ie=&oe=&gfe_rd=cr&ei=lvQWWNDFNqPr8Afw2pt4Aw
- 2 <http://www.smh.com.au/comment/australias-top-10-jobs-with-the-biggest-gender-pay-gap-revealed-20160608-gpezg8.html> research according to an analysis of 2013–14 raw figures by Ben Phillips, principal research fellow at the Australian National University’s Centre for Social Research and Methods.
- 3 <http://www.lawcouncil.asn.au/lawcouncil/index.php/current-issues/equitable-briefing-policy>