

# Patron's Drinks, Alice Springs

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Women lawyers of Alice Springs convened the NTWLA's Patron's Drinks to hear about pathways to and views from the bench from Justice Judith Kelly and Judge Sarah McNamara on Thursday 21 September. Having exhausted her sittings in Alice Springs this year, our Patron, Justice Jenny Blokland, was represented by Justice Kelly.

For the first time in the history of the Australian legal profession, women outnumber men amongst legal professionals. The National Profile of the Profession published by the NSW Law Society in 2016 revealed that women lawyers make up 35 799 or 50.1% of lawyers compared to 35 710 or 49.9% men in the profession.

In Alice Springs, we have two strong legal services catering predominantly to women clients, CAWLS and CAAFLU, and the Working Women's Centre, which have gained strong reputations and established to solid careers for the women legal professionals they employ. Women lawyers are also making their presence felt in organisations that do not primarily cater to women's legal needs. We comprise 15 of the 23 lawyers at CAALAS, including the Supreme Court Practice Manager, 5 of the 10 Prosecutors in the Alice office, 2 of whom are Crown Prosecutors, and 9 of the 13 lawyers at the Central Land Council, including the Legal Practice Manager.





Women's strength in numbers in the whole of the NT is also showing in our presence in leadership roles in the profession here. The NT Legal Aid Commission's Principal Legal Officer is the formidable Susan Cox. NAAJA's CEO is the equally formidable Priscilla Collins and the NT Solicitor General is the accomplished Sonia Brownhill. Five of 13 local court judges are women, including Alice Springs' own Judge Sarah McNamara, and of the 7 Supreme Court Justices, 2 are women whose remarks really pack a punch. Alice Springs' second Supreme Court Registrar, Sally Bolton, also the second consecutive woman in this significant role after Judge McNamara, who established this role for ten years prior to being called to the bench. Amongst NT lawmakers 5 of our 8 Cabinet Ministers are women, including our deputy Chief Minister and Treasurer, Nicole Manison, and our Attorney General, Natasha Fyles.

However, we still have a way to go to see the numbers of us in the profession equate fully to numbers that count in senior positions outside government, in our back pockets, and in diversity of representation.

It's still difficult for women lawyers to arrive and thrive at the bar—and our numbers are much smaller in the NT's 3 chambers with women making up only 5 of 20 barristers at William Forster Chambers, 2 of 9 at John Toohey Chambers, and 1 of 3 at Edmund Barton Chambers.

Of all of the local women lawyers and women leaders of our profession in the NT that I've referred to here, only 4 are women of colour.

And in a jurisdiction where Indigenous Australians make up a third of the population and own over 50% of the land, there are still few Indigenous women lawyers, especially in positions of leadership.

Struggling to advance in a legal career can be lonely for women and it can be so much harder to find or give support amongst women lawyers when we must employ so much more energy to overcoming the challenges that most of our male colleagues and counterparts don't face (not least of which is the double burden of professional and domestic roles that regularly reconfirmed statistics show we carry).

That's why there is NTWLA and why we get together. To share, to get organised, and to laugh together (at just how awesome a force we are professionally, politically, and heck, personally too!). To that end, Central Australian women lawyers gathered to hear from Justice Kelly and Judge McNamara on their reflections on pathways to and time on the bench.

The first question was whether their Honours had been treated differently on account of their gender. Both were firm that this had not been their experience with male colleagues and superiors at all, although occasionally with clients. Neither felt that being a woman had inhibited their progress to significant roles in legal practice. Justice Kelly asked those women present whether they themselves had experienced a difference in treatment in their careers and 3 senior women lawyers responded with observations and experiences of such.

Women constantly hear the phrase 'work/life balance', a phrase imbued with the assumptions that women bear more domestic responsibilities and are more pressured to create careers that are flexible or expendable to maintain their personal relationships as parents, partners and carers for elderly family. On the other hand, we know that great careers do require a degree of support and accommodation in the home environment and family. Justice Kelly told us that "[t]he most important thing you can have to succeed

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in the law is a supportive spouse". She shared an example of such support, an occasion when, working late nights to establish a new private firm with her partners, her Honour received a visit from Mr Kelly, who set her office table with linen and flowers, served their dinner and wine, ate with her, packed up and left her to continue working.

Judge McNamara described growing up in a domestic world where women's interests and education were supported. This meant that when she and her partner started their family, there was a clear expectation that domestic responsibilities and parenting would be shared equally between both of them. Having 4 children in 2 years, Judge McNamara shared that being a parent with a significant professional role meant adjusting her expectations of herself as a mother and having to accept that "[t]he singlets aren't always going to be ironed and things will be a bit chaotic". Nevertheless, she highlighted that seeing their mother working and cooperative parenting creates a healthy environment for her children to grow up in.

When asked what women on the bench can do to support women lawyers to stay and advance in the profession, and

achieve equal pay to their male counterparts, Justice Kelly stated that Judges are not handing out the work but can show equal respect and courtesy to all who appear before them, regardless of their gender. Justice Kelly strongly encourages those agencies generating work for barristers to adopt an equitable briefing policy and consider whether briefing a woman barrister might not be worthwhile next time. Judge McNamara stated that the fact women are on the bench demonstrates that women can hold adjudicatory roles, which provides some symbolic encouragement. While concurring with Justice Kelly that Judges are not in a position to allocate work to lawyers, Judge McNamara did highlight the mentoring and advisory role that women on the bench can provide to women lawyers seeking pathways to senior roles in the profession. Such mentorship and advice was well-received by the women lawyers of Central Australia at Patron's Drinks in 2017.

Their Honours' tips for good advocacy:

- Be businesslike, logical and prepared—known your law and the facts of the matter well;





- Be sincere—grandstanding, dishonesty and minimising the difficulties or weaknesses of your client do not go over well;
- As consumers of advocacy, juries and judges like a story. Tell the case in a pictorial or interesting way;
- Keep your cross examination questions simple, direct and respectful for Aboriginal witnesses, and make good use of the Aboriginal Interpreter Service whenever possible;
- Intimidating or denigrating a witness never impresses a judges;
- Questions are an opportunity not an interruption nor an invitation to repeat yourself;
- Don't repeat the judge—for example, you don't need to tell the jury about the judge's role and the burden of proof after the judge has done so;
- Use clear, concise English in written and oral submissions;
- Don't forget the eye-contact: seek it and maintain it as much as possible.

## Notice to practitioners

Northern Territory Government Gazette – No. G39, 27 September 2017

As from 1 October 2017 the maximum amount of damages a court may award for non-pecuniary loss pursuant to section 27(1) of the Personal Injuries (Liabilities and Damages) Act is \$660,000.00

<http://www.territorystories.nt.gov.au/jspui/bitstream/10070/270356/1/G39%2027%20September%202017.pdf>