

LAW AND EQUITY BREAKFAST ALSA CONFERENCE 2009

Thank you for your invitation to be the keynote speaker at this inaugural equity and the law breakfast at the ALSA conference which is being held in Brisbane this year.

I well remember the last time the ALSA conference was held in Brisbane, in 2003, where the national association hosted an important forum on double jeopardy and I was asked to speak at the conference dinner: a fabulous event with hundreds of law students nation wide present; but, after dinner, perhaps a little less sober than you are at breakfast this morning, for which I must admit I'm grateful.

You have asked me here this morning not only to speak on equity but also to launch the national pro bono practices guide. That reminds me of an anecdote that I told when speaking at the conference dinner about the process of applying for positions with law firms. The story is American in origin but had a great resonance when I told it.

Two of the top partners of a top American law firm were wooing a hot, young, Ivy League law school graduate, whom they wanted to recruit very badly.

The firm flew her down, gave her the grand tour, showed her the fabulous suite she'd have, as well as the car and other perks. The grad took all this in, was duly impressed, and told the two partners, "This is all very impressive, and quite generous, but before I could commit to you I have to know one thing: what kind of pro bono program does the firm have?"

The two partners looked at each other, back at the grad, asked her to repeat the question: what kind of pro bono program does the firm have? They asked for a minute to confer. In the corner of the conference room, they huddled briefly, then seemed to come to a consensus. They walked back over to the young graduate; whereupon the older, very distinguished partner said, "What's pro bono?"

Let's hope those days are absolutely over so you don't get to hear stories like this:

The crusty old managing partner of a top law firm finally passed away, but his firm kept receiving calls asking to speak with him. "I'm sorry, he's dead," was the standard answer. Finally, the receptionist who fielded the calls began to realize it was always the same voice, so he asked who it was and why he kept calling. He replied: "I used to be one of his articulated clerks, and I just like to hear you say it."

May I return to the main topic of my talk and that is how we ensure proper equitable representation in this and other organisations. I was told the impetus for this event came out of the most recent meeting of the ALSA Council at which it was noted that although 60 per cent of law students are female, only five of the 30 Law Student Society Presidents in attendance were female.

Let's interrogate that figure. Change is happening. It is extraordinary that 60 per cent of law students are female; but they fill less than 20 per cent of the leadership roles in their own student representative bodies. Change doesn't happen if we sit back and wait for it to happen. It needs encouragement from those who are prepared to put their heads above the parapet and demand it happen.

Your statistics reminded me of another national conference in which I am involved. 2010 will see the Australasian Law Reform Agencies Conference held in Brisbane. It's a large conference drawing law reformers from throughout the world although its beginnings were more modest amongst Australian, then New Zealand and then including South Pacific law reform agencies. The last national conference in Brisbane was held in 1996. The Chair of the Queensland Law Reform Commission was a respected Supreme Court Judge and as a barrister I was Deputy Chair.

At the end of the first day the various heads and chairs and presidents of law reform commissions thought that the group had become large enough for them to need a subgroup of their own. They suggested that they should form a group of the heads of law reform agencies to meet regularly. Yes I quipped you could call it "CHAPS"; for although women have long been well represented in law reform agencies to that point there was not at that time a female President, Chair or Head of a law reform agency. Unlike the meeting of ALRAC which had good gender representation, a meeting of CHAPS would be all male.

In 2009, I am Chair of the Queensland Law Reform Commission and there is a female Chair in Western Australia but apart from that the Heads, Chairs and Presidents of law reform commissions in Australia, New Zealand and the South Pacific are still all male.

University participation has massively changed. A recent study by the Australian National University showed at the time of the 1911 census there were 539 women at University in Australia which was 22 per cent of the total number of students. Female participation grew until 1950

when there was a steep decline to less than 20 per cent. Parity was finally achieved in the mid 1980s and women now represent 55 per cent of all University students. With increased numbers there should be a concomitant increase in leadership roles.

The questions about equity remind me of a favourite movie of mine “Ratatouille”. As you no doubt know that is a story of a rat, Remy, who dreams of becoming a chef. He is inspired by Anton Gusteau’s motto “Anyone can cook”. When the master critic Anton Ego visits the restaurant where the little chef Remy is guiding the new cook, Linguini, Anton asks for a little perspective and then says “Since you are all out of perspective and no one else seems to have it in this bloody town, I’ll make you a deal. You provide the food, I’ll provide the perspective, which would go nicely with a bottle of Cheval Blanc 1947.”

So why is it important that anyone can do it? What do we lose if we restrict the group artificially? To understand you just have to have a little perspective. Diversity gives any organisation strengths because it adds the perspective which an organisation would otherwise lack. Women are not only 50 per cent of the population but they also provide a different perspective from those who are not women; as do people from different national backgrounds or those for whom English is not their first language or who have another language in which they’re fluent. They understand without any effort that the world can be seen from different points of view; and so do people from different religious backgrounds.

Those who don’t have disabilities think in a paradigm of what people who have disabilities lack but the fact is we should look at what they have, which is missing from others. A blind person can smell, touch and

hear much more acutely than a person who has sight; a person in a wheelchair has to plan wherever they go with the knowledge that access may be difficult and will at least have to be thought of; but, all things being equal, if someone has to walk and someone else is in a wheelchair, they'll get there much more quickly than someone who's walking.

Importantly, an Aboriginal or Torres Strait Islander student has an understanding of the history, culture, kinship and lore of this land which those who are not Indigenous lack. And so it goes on. Those who provide equity in organisations are not doing those outside the dominant group a favour. They are doing themselves a favour by strengthening their organisation.

The same is true of course for law firms that provide pro bono services. They understand that meeting their professional responsibilities makes their law firm stronger and gives it a moral authority that it would lack without that commitment; and they also know that it matters to the smartest and most resourceful of the people that they are trying to recruit into their law firm.

It gives me great pleasure to launch this wonderful resource the Pro Bono Practices Guide a national guide to the pro bono practices of 30 Australian law firms published by the National Pro Bono Resource Centre and the New South Wales Young Lawyers. I wish those law firms who value pro bono work and the Australian Law Students Association many happy diverse years ahead.

Justice Roslyn Atkinson