

portia

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Regional Practitioners



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The Objectives of the Association

- (a) to provide a common meeting ground for women lawyers;
- (b) to foster the continuing education and development of women lawyers in all matters of legal interest;
- (c) to encourage and provide for the entry of women into the legal profession and their advancement within the legal profession;
- (d) to work towards the reform of the law;
- (e) to participate as a body in matters of interest to the legal profession;
- (f) to promote the understanding and support of women's legal and human rights; and
- (g) such other objectives as the Association may in General Meeting decide.

Further, the Association also adopts the objectives of the Australian Women Lawyers and is a Recognised Organisation of that Association:

- (a) achieve justice and equality for all women;
- (b) further understanding of and support for the legal rights of all women;
- (c) identify, highlight and eradicate discrimination against women in law and in the legal system;
- (d) advance equality for women in the legal profession;
- (e) create and enhance awareness of women's contribution to the practise and development of the law; and
- (f) provide a professional and social network for women lawyers.

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convenor's column

Edition 33



Virginia Jay

Welcome to the first edition of Portia for 2006, our tenth anniversary year!

The focus of this edition is on rural practitioners, and what life in the law means for those practising beyond the bay. While there are many common aspects of practice for Victorian women lawyers regardless of their location, it is interesting and useful to learn more about the differences. I know from friends and colleagues who have opted for a 'sea change' (or 'tree change' as the case may be), that many make the move because of the perception that rural practice means a better balance of hours spent inside the office to those outside. Hopefully you will find that the articles in this edition shed further light on the 'ins and outs' of rural practice.

The focus on rural practitioners in this edition also reflects one of our aims for 2006, which is to extend the benefits of VWL membership to more women lawyers in rural practice. It is hoped that by increasing access to information channels, educational resources, networking opportunities and representation to more women lawyers across the state, we will continue to strengthen the representation and voice of women in the profession. I also strongly encourage our rural members – and all members for that matter – to join one of VWL's committees. Active involvement in a VWL committee can be your way of personally contributing to the objectives of the association.

In our tenth anniversary year, it is timely for VWL as an association to take stock; to assess whether we are meeting our objectives, and to elucidate our goals for the future. An interesting comment I heard recently was that if VWL was doing its job, it shouldn't exist. And if our primary objective is to achieve equality of women in the law, then this statement is quite correct. But VWL does exist, and for good reason, as there is much work still to be done.

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And so in our tenth anniversary year we reflect not only on our achievements to date but reaffirm our commitment to achieving our objectives.

Vital to achieving these objectives is the presence of a strong unified voice on issues of significance to women. This is something VWL endeavours to make available to its members – the opportunity to be vocal on matters of importance to women, women lawyers and women in the broader community. A recent example of women coming together to promote change on a women's issue of great significance was the private members bill in respect of RU486. Without delving into the contentious issues which the bill raises, I found it inspiring to see women MPs from across the

political spectrum come together to achieve legislative change on a matter of such significance. It demonstrates to me what women are capable of if we present a coherent voice and I am hopeful that it precipitates continued reform on women's issues more broadly.

And so in 2006, VWL's tenth anniversary year, I warmly encourage you to take full advantage of the many and varied benefits of your membership, whether that is joining a committee, drafting a policy submission or attending one of our many functions to listen to inspirational speakers and meet other women lawyers – the choice is yours!

Virginia Jay
Convenor

editorial

BY KATHRYN HAMILL – SOLICITOR, RUSSELL KENNEDY

The theme for this edition of Portia – our first for 2006 – is regional practitioners.

VWL membership figures throughout the years have consistently shown that the majority of our members work at CBD-based firms. Further, a large percentage of these members work in medium to large firms.

Therefore, the day-to-day lives and pressures faced by our regional counterparts – many of whom are sole practitioners or who work in smaller firms – would be somewhat alien to the majority of VWL's members.

However, as you will see from the interviews of female regional practitioners featured in this edition, whilst some of the challenges they face – among them, the pressures of working with the circuit Court system and experiencing the tyranny of distance when visiting clients or trying to obtain CPD points – are not experienced

by their city counterparts, some of their experiences should raise murmurs of recognition from all female practitioners.

Also in this edition, VWL Secretary Jones & Koller recruitment consultant Anne Winkel examines the results of the LIV's research on Regional and Country Recruitment and Retention, and following VWL's submission to the Victorian government's Human Rights Consultation Committee last year, Jan-Maree Fraser critiques the proposed Charter of Rights and Responsibilities.

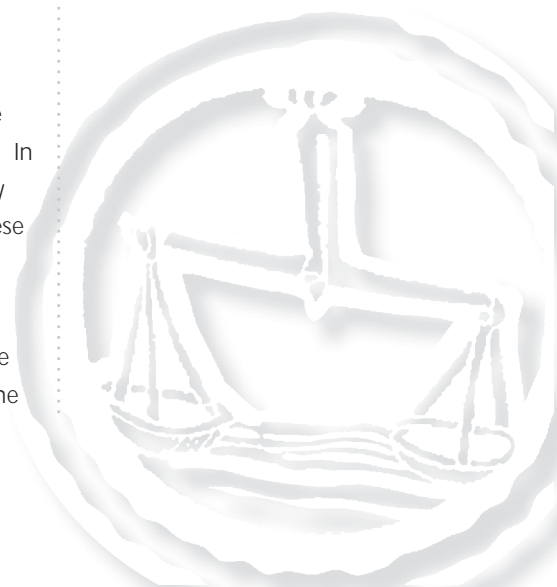
This edition also features several event reports from the latter half of 2005, and Portia's Breakfast, which took place to celebrate the beginning of the 2006 legal year. In particular, we hope you will enjoy the photographic coverage of these events – and perhaps recognise yourself amongst the revellers!

The next Portia will commemorate the tenth anniversary of VWL. The

editors welcome contributions from readers about your memories of VWL events, the impact you believe VWL has had on you, and on the profession as a whole, and your thoughts about the direction the organisation should take into its next ten years.

Finally, in keeping with our efforts in 2005 to update Portia's look, this edition is the first to be printed on recycled 'glossy' paper – we hope you like it.

Kathryn Hamill on behalf of the Communications Committee



Interview: Karen Probst

“Running a Sole Practice”



INTERVIEW BY CLAIRE NUSKE - LEGAL COUNSEL
– COMPLIANCE, COMPUTERSHARE INVESTOR SERVICES

Karen Probst is a solicitor who runs a sole practice in St Arnaud, a north-central Victorian town. Situated 241 kilometres north-west of Melbourne, St Arnaud has a population of approximately 2,800 and was named after Marshal Jacques le Roy de Saint Arnaud, General in command of the French forces in the Crimean War.

When you were studying law, how did you foresee your future within the legal profession prior to practising?

I actually went to university to be an accountant and also studied law because I enjoyed legal studies. During second year, I decided I hated auditing and I started looking for Articles at the end of university instead of accounting jobs. In a way, I just fell into a legal career and didn't really make a determined decision that law was what I wanted to do.

It's so long ago that I can't really remember specific thoughts on what I wanted to do or achieve. I was never interested in working in family or criminal law or doing court work, but I did want to help the ordinary person – not work in a large city firm. I applied for Articles in a few suburban firms and was a bit disappointed that I didn't get offered a job, but then I realised that none of the jobs really interested me much anyway. I went to the Leo Cussen Institute, where my decision that I didn't



want to do family or criminal law was reinforced. It was good to get an overview of practice in different areas and I would recommend Leo Cussens as an alternative to Articles. At the end of Leo Cussens, I applied for a job in a suburban firm with a focus on business law, and was given the position.

How did you find your initial years as a solicitor, and what areas did you practice in?

I worked for three years with Riordans in Hawthorn, and it was an excellent place to work. I concentrated in tax and business work for small to medium business clients, and I also did wills and a bit of advertising work, which involved checking advertisements and arranging permits for competitions.

After living and working in the city, what were your reasons for moving to the country, and was it a difficult decision to make?

I actually followed my husband to the country. We had been married for about four years, working for three, and he had quit his job as a scientist at Royal Melbourne Hospital about six months earlier, with the aim of working in a country area. I didn't mind the idea of moving to the country; I just hadn't

expected it to happen so soon.

Anyway, a scientist job happened to be advertised in St. Arnaud, when we were on a weekend trip up that way, so we dropped into the hospital to apply. My husband got the job, and then had to decide whether to accept it. We had decided to start a family six months earlier, so I thought that my work was going to have to change when we eventually had children, so we went. It was sad leaving Riordans – I had a few tears in my eyes when I was clearing out my office.

Was it difficult to find work in St Arnaud?

I called one firm in St. Arnaud, but they had just put on an Articled Clerk so didn't have an opening. There was one other firm in St. Arnaud which I was going to contact, but when I arrived I had no idea when, if, or how I would work in law again. That wasn't meant to sound dramatic - it's just that the future was open.

I arrived in St. Arnaud at the end of November 1990 and approached the other firm. They were open to discussion, but wanted me to come back after Christmas. In case nothing eventuated, I enrolled at Bendigo University to do a Diploma of Education and felt very old on enrolment day! I was all of 26, but everyone else looked straight out of high school. Anyway, I got the job and started work in a general legal practice in early 1991.

Starting work in general practice,

working for someone else was hard after doing reasonably specialised work in Melbourne. I was thrown in at the deep end doing a bit of crime. My first criminal client was a bored youth who stole a car for a joy ride and tried to hide the evidence by driving it into a dam. The car got stuck on the levy bank and he got caught.

I also practised in family and conveyancing. I like to feel confident that I know what I'm doing, so that was a bit intimidating. I quit after about 18 months, shortly after my father died, which was a contributing factor to my decision. I obtained my practising certificate and continued to do some legal work, but not much.

At the end of 1993, one of the local solicitors was leaving town and offered me his practice. I decided to take up the challenge. If I hadn't, I probably wouldn't have worked in the law again. So in January 1994 I started working for myself and I love it.

Compared to working in a city environment, how have you found practising in the country?

One of the hardest parts of being a sole practitioner in the country is the expectation that because you are a solicitor, you can do all areas of law. It took a while to get the confidence to tell people "No". Now, I only do the work I like doing, including conveyancing, wills, estates and mainly small pieces of advice pointing people in the right direction. People often come in for help filling out forms, or writing a letter or just general advice over something that is worrying them.

I have three other offices, in towns about 40-50 kilometres away, which I visit weekly. With two young children, now I only go for appointments because life is a lot

busier than it used to be. Having the bigger population base means I only have to do the work I like. I enjoy visiting the smaller towns as they appreciate the service and I feel a part of the community. Some people refer to me as "my solicitor", even if we have never met, just because I am the local! It's also fun playing sport on the weekend against the other towns and meeting clients on a social basis.

What difficulties, if any, have you found working in the country?

The obvious one is education and keeping up with changes. There are often 1-2 hour updates in Melbourne that I wouldn't mind attending, but three hours' travel each way doesn't justify it. Now with the compulsory CPD, there are a lot more regional seminars, which tend to be practical and relevant. The availability of information on the Internet through government sites and email updates is also much improved.

Being isolated means I usually get to know people over the phone, not face to face, so at seminars I keep squinting at people's nametags. I really should get my glasses checked, so I can see if I know the name!

What would you describe as being the benefits of working in the country?

I think the best is that I live about 100 metres from work so can walk to work every day. My children are now four years old and 21 months, so each morning I leave at 8:30 am with Campbell on his push bike and Georgia in the pram, and we walk to Glenda's, a lady who looks after children in her own home. I can chat to Glenda and walk to work and be there just after 9:00 am. On Kinder days I have to leave a few minutes earlier so I can walk

Campbell to Kinder by 9am. I also try to walk to pick him up and take him back to Glenda's. It takes about 40 minutes (a long coffee break), so I don't always achieve it. It is too easy to get caught up in the rush of life, and I am making a concerted effort to take advantage of the benefit of everything being within walking distance.

When my children were younger I would bring them to work with me. I would work while they slept, and then I'd breast feed, play with them and put them back to sleep again. Clients were excellent and would nurse them while I took notes – I've even been known to breast feed while interviewing clients! I can also duck home for lunch with my husband and take the washing off the line if it starts to rain.

The country lifestyle is a plus. There is more opportunity to be involved in community activities including sport, the hospital board, local government issues, organising community activities and more. Though I am taking a back seat at the moment while Campbell and Georgia are young, my turn will come again when they start being involved with Kinder and school sports.

I saved three hours a day in travel when I moved to the country, so I took up indoor cricket, squash, basketball and hockey. The only sport I played in Melbourne was tennis, because there wasn't time for anything else.

Generally, you get to know your clients well, as a result of meetings and playing sport with or against them. It can be good to have a bit of background to help in asking the client the right questions, though sometimes it can be hard if I act for someone that my sporting partner is having a dispute with! With conveyancing, that doesn't

happen too often. Although with farm transfers involving siblings trying to sort out who gets what parcel of land or what equipment, it can pose difficulties. You also build up a greater relationship of trust with other solicitors, because you tend to deal with the same ones on a regular basis.

How would you compare clients in the country to city clients?

One thing I noticed when first moving to the country was that clients are more trusting. I would start to go through a person's will with them and they'd say, "If you say it's okay, where do I sign?" and I'd have to convince them to let me go through the will with them. That may also be a result of moving from business clients to personal clients.

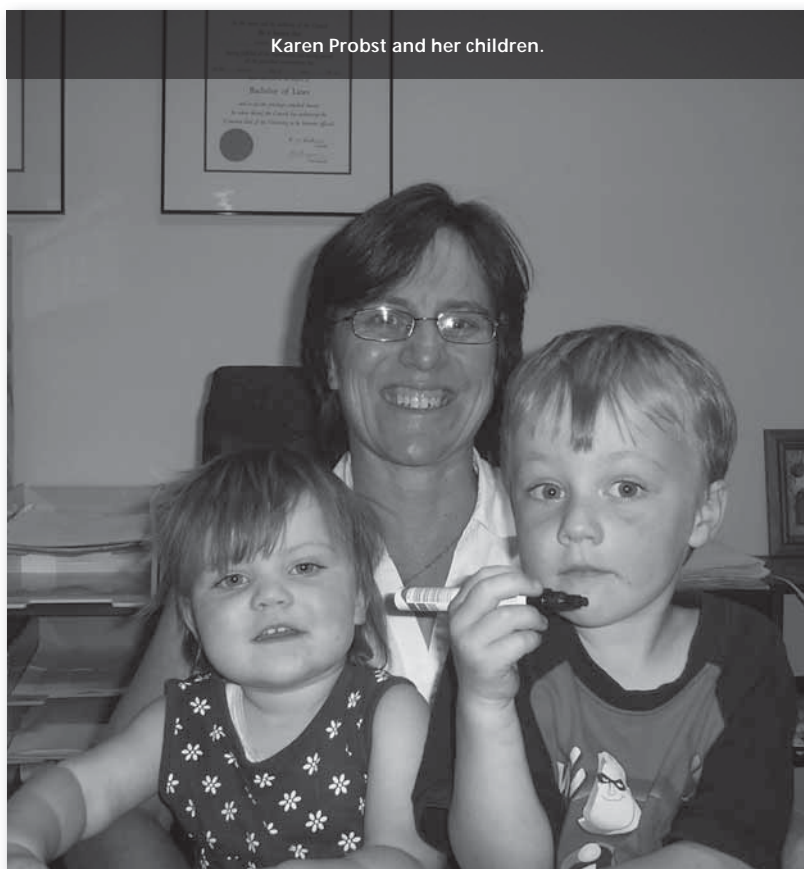
I also find that clients may come in with issues that aren't legal, but they just need some assistance, as they don't have the skills themselves. So I point them in the right (I hope!) direction and ask them to make a donation to a local charity!

In which areas do you currently practice?

I do mainly conveyancing, wills, estates and farm transfers, passing on the farm to the next generation, trying to get a balance in wills between the farming children and the non-farming children. Every situation is different, and a lot depends on the attitude of the family, so it's a matter of chatting, asking questions and trying to work out what is important to them, then steering them in a direction that achieves their objectives, as well as reducing the possibility of claims against the estate.

How would you describe the working environment in the country?

Relaxed, friendly, fun and co-operative.



Could you describe a significant moment in regard to your legal career since beginning your country practice?

It was when I started working for myself and the gradual road to having more confidence in my own abilities and realising that other solicitors aren't super brilliant, but have similar questions to me.

What support is available to female lawyers in country Victoria?

Ballarat Law Association has recently started sending e-mails about dinners for female lawyers, which is an excellent idea. I think Bendigo has something similar, but as Ballarat is still one and a half hours away, I haven't been able to go.

I feel guilty at times that I work full-time and don't see my kids enough, so I don't often do extra activities after work. It's an excellent idea though, as just being able to talk to others in a similar situation helps.

Otherwise, how do you get that balance between work, home, husband, children and self? Talking to others and realising none of us gets it right all the time (or even some of the time) makes me realise I'm not the only one with similar concerns. Usually, though, I don't realise that I'm a female and most other solicitors are male. I just work together with my clients.

Finally, would you recommend working as a legal practitioner in the country to other female lawyers?

Yes!



Interview: Jayne Law

“Being a Young Female Partner”



INTERVIEW BY KATHRYN HAMILL

Jayne Law works at law firm Camerons, in the regional centre of Shepparton. Shepparton is located approximately 200 kilometres northeast of Melbourne. A total of 60,000 people live in the greater Shepparton area, 30,000 of them in the town of Shepparton. In July 2005 Jayne, a native of Shepparton, became the firm's youngest, and first female, partner.

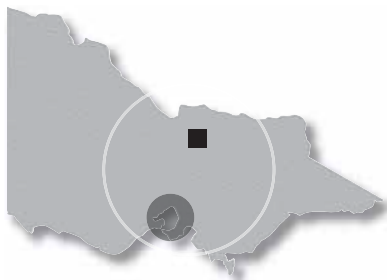
How did you decide to become a lawyer?

I've always wanted to become a lawyer. It's all I ever wanted to be. I think it started when I was quite young, from watching television shows and reading books, and developed further after I visited a lawyer with my parents a couple of times regarding wills and property matters.

Fortunately, after studying law and commencing work in the legal profession, I feel that I made the right decision.

How did you come to join Camerons?

In Year 10, we arranged work experience interviews through our school program. I applied for an interview & work experience position at Camerons. When I arrived for my interview, I had a good talk to one of the then-Partners and the firm offered me an after-school job involving filing, doing the mail, reception and other administrative tasks. I started that job immediately, working from 4:00 to 5:30 pm on



weekdays, so found myself already working at the firm by the time I actually did work experience.

Eventually I worked full time during many of my school holidays, then one day a week while I was living in Melbourne to study at university. As I progressed through university, my work at Camerons changed to include settlements and paralegal-type work.

I commenced my Articles at Camerons in 2002, and continued with the firm as an employee solicitor until I was offered a Partnership, commencing in July 2005.

Tell us a little about the firm

Camerons was established in 1887. We presently consist of four Partners - Simon Furphy, Graeme Ingram & Anthony Coote and myself. We also have two Consultants, three employee solicitors and an Articled Clerk. In total, including all support staff, there are around twenty-five people working in our office.

Camerons consists (quite generally) of two departments - "commercial" and "litigation". Basically the commercial end undertakes work including property and business sales and purchases and all other property-type transactions, leasing, wills, trusts, powers of

attorney, agreements, franchising, local government work, business structures etc. I work in the commercial department.

The litigation department covers family law, criminal law, commercial disputes, court work, Legal Aid, victims of crime, etc. - a very wide range of litigious matters.

In a regional area like Shepparton, there are some lawyers who specialise in certain areas of law. But most offices, like ours, offer an extremely wide range of services.

In which practice areas do you personally focus?

I work predominantly in the commercial area, concentrating on property and business transactions. I don't believe there is any difference in our business transactions as compared to those in Melbourne. In fact, many of my clients (both Shepparton and Melbourne-based clients) enter into many transactions outside of our regional area. Most of the issues they face are the same.

There are many similarities and also many differences between property work in the city and in regional areas. I act for clients who purchase properties all over Victoria, so I am familiar with issues that arise both in city and regional areas.

One matter type I attend to regularly which is quite particular to our region is the transfer of farms. There are many issues which arise in farming-type matters which do not arise as a matter of course in standard conveyancing transactions, such as transfers

and subdivision of water rights, cropping agreements, share farm agreements, farm leases, stamp duty exemptions and savings, and GST implications relating to farm plant and equipment and stock.

In addition, I have undertaken the conversion of General Law land to the Torrens System. I have a current file whereby I will be receiving a General Law chain of Title at settlement, which I will then have to convert.

I have also been involved in adverse possession and vesting order applications.

Has it always been a goal to become partner?

Yes – it is certainly something I have always aspired to. I certainly didn't expect to become a partner so soon. But I think it is exciting and rewarding to me (for obvious reasons) but also an incentive and encouragement for other young lawyers - one can see that if you work hard and put your mind to it, it really is possible to achieve your goals.

How have you found your first six months as a partner? What's been the reaction - both within and outside the firm - to the news?

I have had a wonderful time over the past six months. In reality, my workload and areas of practice have not changed at all. But I now have added responsibilities with respect to operating my own business and making decisions on a daily basis, which is very rewarding. I now attend our monthly partners' meeting, which is teaching me about the general operation of a legal firm together with resolving issues specific to our practice.

The reaction to my partnership both within and outside the firm has been very positive. I think



Jayne Law (photograph courtesy of Shepparton News)

inside the firm, my peers have been pleased to see that my hard work was rewarded. In addition, I have had a lot of feedback indicating that the employees are happy to have a young female employer offering a (sometimes) different point of view to the other partners, all of whom are men.

Have you encountered any difficulties being the youngest and only female partner?

Absolutely not. I find that my partners value my opinion and treat me equally, even though they have had significantly more experience than I have. Sometimes I think others are surprised when they meet me for the first time and find out I'm a partner (due to my age rather than my gender), but I guess that's to be expected. I certainly haven't encountered any problems due to being the only female partner in our firm.

There is a common perception that the pace of legal practice in rural areas is relaxed and that lawyers' relationships with their clients are more casual than in the city. Have you found this to be the case?

Well, as I haven't worked in the

city, I have nothing to compare. I certainly have good relationships with the vast majority of my clients. I am more casual with some of my clients than others. I think that is a very important part of our job as lawyers - being able to relate to our clients as individuals. Further, in a place the size of Shepparton, it is likely that we will encounter our clients regularly on a work basis and a social basis - I play tennis against some of my clients very often!

With respect to the pace of legal practice, again I have no comparison. We are a very busy firm with plenty of varied files to attend to - certainly more than I have time to do! We also work long hours, and on weekends like our city counterparts. I would like to think that I would not need to adapt too much to manage the pace of working in a large city firm.

How have you found the level of support - both with regard to problems or questions to have about the law and with non-legal matters - for female rural practitioners such as yourself?

I really don't think female lawyers are regarded any differently to male lawyers in regional areas. I have access to many skilled, intelligent,

experienced and helpful senior lawyers, both in my firm and in other firms in Shepparton. We always try to help each other out and it is not uncommon for me to receive a call from another young practitioner on an almost daily basis asking for help. In return, I have a lot of questions too, for other practitioners. Fortunately, I haven't been in a position where I have needed specifically to speak with a female senior lawyer about any "non-work related" issues. We have a very good support network within our office, what with some very experienced partners and also some senior female law clerks. Further, our office practice administrator is female, and extremely approachable.

Do you see any areas that require improvement? Is there any service you would like to see available to female practitioners in rural areas?

At one stage we had a local Women Lawyers Group. I don't think it's currently operating on a formal basis, rather, the women lawyers in our region have formed informal groups and some strong connections based on the other practitioners they deal with on a regular basis.

I think that most of the female lawyers in our region would be happy to help out or give advice to other female practitioners in the area.

Occasionally you hear that rural firms have difficulty attracting practitioners - has Camerons encountered this problem?

Rural firms have typically experienced difficulties attracting long-term practitioners. Fortunately we have had a very stable group of practitioners for a couple of years now, and our office is at its absolute maximum capacity. We

regularly receive applications from prospective Articled Clerks and lawyers. I think sometimes people get confused between the different sized regional areas - a city like Shepparton with 30,000 residents is really quite different from some other smaller regional areas which have a population of only several hundred. Sometimes practitioners are surprised when they come to a place like Shepparton and they realise that we have approximately 20 to 25 law firms, which are made up of many lawyers, and that we offer a full range of legal services.

How does your firm provide support for its female practitioners?

Support and assistance is decided (and provided) on a case-by-case basis. The firm is, in fact extremely understanding to all practitioners, male and female. Those with families are able to leave early if necessary for family commitments, and we try to fit their holidays into the school holiday period as much as possible. We offer flexible hours to practitioners for all number of reasons. We encourage our young lawyers – including our female young lawyers – to become involved in the community and we enjoy assisting on boards and other community based forums.

Would you ever consider coming to the city to practise - by expanding the firm's practice to a city office, for example?

Certainly not at this time. We, the partners, do not believe that expansion necessarily equates to success. We do not believe that it would enhance our practice to expand to the city. Already many of our clients are from the city, and today's technology means it is not as difficult for us to act for our city clients as it has been in the past. I think that sometimes opening a

branch firm can create a division between the practitioners and work types, which can be detrimental to the firm in the long run.

Do you have any long-term goals as partner?

To increase my shoe collection to rival that of Imelda Marcos! No, really, I'm just getting used to being a new partner at this stage. Perhaps once I've fully settled in and I'm familiar with all of our procedures, I will then find things to improve and set myself further goals.

What do I think are the benefits of rural practice?

We enjoy working in our rural community. We have a great bunch of people to work with within our office, and we also regularly encounter clients, agents, accountants, other practitioners, etc., so we become very familiar with them. Another benefit of working in a regional community is the fact that we do not have to battle with traffic every morning on the way to work. In fact, I walk from my home to work in 15 minutes. We can also go home for lunch! In short, I would encourage anyone who is thinking about working in the country to 'give it a go'.



Interview: Lara Block

"Across the Border"



INTERVIEW BY MICHELLE TESORIERO

After commencing her legal career at Wisewoulds, in 1998 Lara became a partner at Harris Lieberman Boyd, a six-partner firm with offices in Wodonga, Victoria, and across the Murray River in Albury, New South Wales. Albury-Wodonga is located on the Hume Highway three hours from Melbourne and six from Sydney, and the region has a population of over 90,000.

Tell us about yourself

I was born in Melbourne and grew up in Mount Waverley. My favourite subject at school was legal studies, so when I graduated from school, I enrolled in a law degree at Monash University in Clayton.

I started my career at Wisewoulds, running property and personal injury files for various insurers including TAC, the VWA, GIO and Royal and Sun Alliance.

After five years, I had experienced enough of working in the city to know it was not for me. I decided to go bush! Despite growing up in suburbia, I was mad about horses and have ridden for most of my life. So I guess I have always had a yen to live in the country.

My husband and I chose the Albury-Wodonga region because we had visited relatives there and liked it.

I started at Harris Lieberman Boyd in Wodonga and was made partner several years later.

I have three children and live on a property in Wooragee, which is 30km from Wodonga and is situated between Beechworth



Lara with her twins

and Yackandandah.

What kind of work do you do in your current role?

Most of my files are personal injury files for injured plaintiffs. Since joining Harris Lieberman Boyd I have gained specialist accreditation in Personal Injury Law in Victoria and NSW.

I have many clients who have been injured at work or in motor vehicle accidents. Most of my clients come from remote areas (even coming to Wodonga is seen as coming to the big smoke!) Often they will have little money, which means that the majority of my files are run on a "no-win/no-fee" basis. I give a lot of "free" advice and usually end up discounting my fees when an outcome is not as successful as I had hoped.

I find working for individuals far more rewarding than working for larger insurance companies, as the result is so much more

important to them. They are also far more dependent on my advice and more dependent generally for help and assistance.

How does country practice compare to city practice?

There is a lot more camaraderie between country practitioners and less aggression than I experienced in Melbourne. Whereas in Melbourne you might never have to deal with specific practitioners more than once, in the country you deal with the same people over and over again. This makes it important to develop good working relationships.

What are the difficulties of country practice?

There is a lot more travelling, as most meetings and mediations are in town. Also, until recently Wodonga did not have its own County Court, so most of my Victorian cases were tried in Wangaratta. It is also harder to get CPD points!

What are the benefits of country practice?

Better Lifestyle. Better work-life-family balance. Easy car parking.

If you love country life and want a better lifestyle for raising a family, I would definitely recommend working in the country.

What are your career highlights?

Being offered a partnership two years after joining the firm of Harris Lieberman Boyd, and becoming the youngest partner in a firm of six partners where all the other partners are male. Also, achieving my specialist accreditation in

two states where the laws are totally different and cross border issues extremely complex.

What support is available to female lawyers in country Victoria?

Not a lot! But the benefit of working in the country is that you can combine work with family, as most solicitors working in the country have a better work-life balance. Plus, the firms need to keep their experienced practitioners and accordingly are more willing to accommodate job sharing and/or part time working arrangements.



Interview: Helen McGowan

“Different Perspectives”

INTERVIEW BY PRUE BURRELL

“We are soft and they are hard, we are heart and they are dollar - we are the same profession but we come from different perspectives”.

Helen McGowan has worked in both worlds - community practice and private practice – and is therefore well placed to comment on their differing priorities and approaches.

Helen McGowan was born in Wodonga, attended school in Beechworth and after completing university at Monash, returned “home” to complete her Articles.

Helen worked as a solicitor in private practice before taking up her current role as a solicitor with the Albury Wodonga Community Legal Service (the Service) six years ago. The transition from private practice to community practice started when Helen became involved in the development of a community advisory committee at a time when the Federal Coalition Government was promising to



promote the growth of rural and remote Community Legal Services.

As Helen explains,

“In the past, Community Legal Services had been organic. They had grown from a bunch of concerned lawyers and law students saying, ‘How do we help out our inner urban community?’ That hadn’t developed in the same way in the bush, because lawyers weren’t speaking out and saying things were crook”.”

To remedy this problem, a community advisory committee was formed in 1998. At the time, Helen was a private legal

practitioner and assisted as a project worker to establish the Service. She later took up a job as a solicitor with the Service.

In the early years (and to some degree today), the Service saw a lot of clients who more properly belonged in the private legal sector or with Legal Aid. The Service directed those clients to the appropriate sector of the profession. As Helen puts it, “We were basically like a sorting yard for people asking, ‘What do I do with this problem?’”.

The Service also played, and continues to play, a role in assisting people who are eligible for Legal Aid, but for one reason or another are unable to successfully obtain a grant without assistance. Helen says, “Many people do qualify for Legal Aid, but they just don’t know how to get it. Applying for Legal Aid can be quite onerous and difficult, and requires a certain level of literacy, so we have trained our paralegal workers to help

with the application for aid”.

The Service also helps those individuals who can't afford their own lawyers but don't qualify for Legal Aid. Clients of the Service have legal problems ranging from family law-related matters to civil matters such as debt issues, tenancy issues and criminal matters. For this reason, the Service's solicitors need to be able to provide a wide range of legal advice. “We are generalists and we are generalist service. We have developed a very general knowledge – that really does keep us on our toes”.

“The composition of the Service means that a family first policy is paid more than just lip service.”

The Service is unique in that all of its employee lawyers are women with families. The Service also has 25-odd volunteers, including some male solicitors who come in after their practice in the day.

As Helen says, “We have leaders and managers who lead by example. They will say, ‘I am off this week, because I am attending my child's speech night’, or whatever it is. We talk about our family commitments and will leave work at office hours to attend that commitment”.

The CLS also encourages a work/life balance by offering flexible working hours.

“We also have a time in lieu policy, so people are encouraged to work whatever hours suit them and often people will be working on the weekends because maybe their partner has their kids down at the footy or something and they could actually get in a good six hours”.

As Helen appreciates, this type of flexibility isn't necessarily compatible with the billing pressures characteristic of private practice. “To me, the great joy of community practice is that you don't have the heat of the dollar and making budget and time costing. When I was in practice, the model of practice was that you turned up, you worked very hard, you worked long hours, and even though we are still working in regional Australia, regional Victoria, Albury Wodonga, it was still a really intensive type of practice. At one point I looked around and I thought, ‘Well, actually this doesn't leave much time for me to have a life and develop my relationships, or hang out with the school board, or play hockey’. There was whole lot of stuff which I liked to do, which that style of practice didn't suit”. This prompted Helen to leave practice altogether for

a period, during which time she lectured at university and worked in legal recruitment before returning to practice on a part-time basis.

As Helen explains, “The work life balance for me is a work place which says your family comes first - which is horrendous to most law firms”.

The Service also places a strong emphasis on supervision. “In our workplace, supervision has three components. One is your accountability - are you doing the job with your key performance indicators on time and is it reliable? The second is professional development – for your next year where do you want to be growing and how do we factor that into our budget? The third is communication – is your supervisor communicating enough with you, are you feeling that you are being included?” Helen explains that each of these elements of supervision is a part of what they term “reflective practice”, which involves talking about how they are feeling.

“The most rewarding thing about community practice is actually having time to be with the clients. We can actually take more of a holistic approach to legal practice.”

Helen McGowan at the 2005 launch of the Victoria Law Foundation CLC fellowship with Justice Bell (Supreme Court), Alice Bryant (Associate to Justice Bell), and Kevin Lyons, VLF Board Member. Helen was the inaugural winner of the fellowship. (Photograph courtesy of VLF).



“My experience is that the community legal service has a strong team ethic, and when I was in private practice we didn't have that – we basically had our own case load, our own budget and we just had to work pretty much as a solitary fee earner and there wasn't a lot of time for conversation. In the community legal centre the doors are open and someone will say, ‘I am stuck with this; where should we be referring this one on?’ So people come with different experiences and we like to just banter a little bit”.

As Helen goes on to explain, students come from law school or from Articles and in the early years they are very focused on 'the problem' and with getting 'the answer' in the quickest possible time. "We basically say, 'Well, that's fine, but is the real problem here the fact that a father is not seeing his kids?' And yes, we will pursue the legal issue, however [we will also

ask] 'What can we do here to help them with their fathering?'" This multi-disciplined approach means that lawyers are encouraged to look at legal remedies, but also what else can be done that is non-legal. Often this involves simply taking a bit more time to let that person talk. As Helen adds, I remember in practice taking control over the interview and

saying I don't need to know about that and being very prescriptive of what information I needed to know as a lawyer. The most rewarding thing now is that I can actually listen to the client and take the non-legal approach as well as the legal, without the time constraints".

Interview: Rachel Schutze

"Foreseeing my Future"



INTERVIEW BY RENEE OW

Rachel Schutze is a personal injury lawyer with Maurice Blackburn Cashman, which, along with its Melbourne base, has offices in a number of suburban and rural centres. Rachel is based at the Geelong office. Geelong, 75 kilometres south-west of Melbourne and with a population of over 230,000 people, is Australia's largest regional municipality.

When you were studying law, how did you foresee your future within the legal profession prior to practising?

Whilst studying law, I had completed several clerkships at large law firms. It was mostly through these experiences that I knew I wanted to practice in litigation and more particularly, in the area of personal injuries litigation.

How did you find your initial years as a solicitor, and in which areas did you practice?

I really enjoyed the transition to work from University. It was fantastic to be finally practising law rather than just learning about it. As far as the early years



"I love practising law in Geelong. There is a real sense of community and of people looking after their community, which I enjoy."

go, I spent the first two years of practice working in the area of public/product liability and non-personal injury insurance litigation. I then spent two years working on class actions involving the Legionnaires' Disease outbreak at the Melbourne Aquarium and the contamination of aeroplane fuel involving Mobil Avgas.

After living and working in the city, what were your reasons for moving to the country and was it a difficult decision to make?

My partner Richard lives in Geelong, and whilst I still occasionally miss the variety of retail therapy available in Melbourne, having moved to Geelong to live approximately four years ago, I can say that Geelong is a fantastic place to live and a great place to raise kids. In that sense, the decision for me to move here was an easy one.

Was it difficult to find work in regional Victoria?

Having made the decision to work in Geelong, it did take some time to find the right job for me here. However, the time taken was worth it. My colleagues at Maurice Blackburn Cashman have given me every opportunity to be successful and deliver the best possible personal injury representation and advice to the people of Geelong.

Compared to working in a city environment, how have you found practising in the country?

I love practising law in Geelong. There is a real sense of community and of people looking after their community, which I enjoy. There is also a greater sense of professional autonomy in running

the regional office of a large law firm, which is very rewarding.

What difficulties, if any, have you found working in the country?

There are very few difficulties. Geelong is a great place to work, my staff are wonderful, and the office is having great success for some very worthy clients. The cyclical nature of the Court Circuit takes a little getting used to. It's meant we have had to learn to resource differently according to Geelong's unique Court schedules.

What are the benefits of working in the country?

Aside from the sense of community, which I enjoy, for me the practical benefit is not having to commute to and from Melbourne each day. Removing the travel from my day has allowed me an extra 10 hours a week to spend with my family.

How would you compare clients in the county to city clients?

There is really no difference. In my experience, both country and city clients want hard working, committed lawyers who will fight for them and achieve the best results possible. Our aim is to ensure all of Maurice Blackburn Cashman's Geelong clients get this service.

“In my experience, both country and city clients want hard working, committed lawyers who will fight for them and achieve the best results possible.”

In which areas do you currently practice and what is the majority of your workload associated with?

My area of specialty is personal injury litigation and most of my work is in the areas of Workcover

and Public Liability Claims. Maurice Blackburn Cashman Geelong is having great success with Transport Accident claims, superannuation claims and asbestos claims.

“Aside from the sense of community, which I enjoy, for me the practical benefit is not having to commute to and from Melbourne each day. Removing the travel from my day has allowed me an extra 10 hours a week to spend with my family.”

Would you recommend working as a legal practitioner in the country to other female lawyers?

Absolutely!

How would you describe the working environment in the country?

The working environment is largely dictated by the Circuit Court system. The Circuit Court does lend a cyclical nature to the work, so there will be periods of time where you are frantically preparing ten cases to run over a two-week period. Fortunately, working in a large law firm, we are able to resource these periods properly, which is of great benefit to our clients.

Could you describe a significant moment in regard to your legal career since beginning your country practice?

There are some surprisingly gratifying moments in this business. I was at an under 9's basketball game one early Sunday morning, and a 15 year-old basketball referee, whom I had never met, came up to me and introduced himself and then thanked me for looking after his mum's case.

What support is available to female lawyers in country Victoria?

I have found support to be more informal than formal - it is about building both professional and personal networks. The opportunity to do that in Geelong is easier, as there is a smaller group of people that you constantly meet and interact with. I have found the Geelong legal community to be both welcoming and supportive.



Rural Recruitment

“What attracts lawyers to the country?”

BY ANNE WINCKEL, SECRETARY VICTORIAN WOMEN LAWYERS,
NATIONAL DIRECTOR, LEGAL & EXECUTIVE RECRUITMENT,
JONES & KOLLER, FARMER'S DAUGHTER



Anne Winkel

If you grew up on a farm like I did, you would know that “farm kids” are different to “town kids” (who are, of course, poles apart from “city kids”)! But I also knew that kids from my town (population 849), were very different to the kids who came from large regional satellite towns where regional law firms are generally located.

Never assume that “country kids” will be more inclined to practise law outside of the city of Melbourne. The truth is, you may have just as much trouble convincing a farmer’s daughter to work in regional Victoria, as you may have convincing a city-bred lawyer to make the move. Town and country life are not necessarily the same thing.

In July 2005, the Law Institute of Victoria (LIV) published a Survey Report entitled Regional and Country Recruitment and Retention. The goals of the research included reviewing the problems associated with retaining legal practitioners in regional and country areas, and surveying young lawyers about their attitudes to working in the country.

It was reported that 42% of respondents would consider employment in a country or regional practice, 48% would not consider it, and 9.8% were undecided.

“Never assume that “country kids” will be more inclined to practise law outside of the city of Melbourne. The truth is, you may have just as much trouble convincing a farmer’s daughter to work in regional Victoria, as you may have convincing a city-bred lawyer to make the move.”

One could consider this to be a very positive result – nearly half of respondents would consider working in the country. But when you look more closely, it becomes apparent that nearly two-thirds of the respondents were already working in suburban or country practices, and only 12.7% were employed in “larger firms” – denoted as ten partners or more.

“I have been a legal recruitment consultant for more than five years, and in my experience, the two key motivators for young lawyers are quality of work, and quality of mentoring.”

So where does that leave us? Clearly, a whole lot less than 42% of young lawyers would actually consider working in

a country practice. So how do you turn the tide?

In August last year, the LIV Council passed a set of measures that were aimed at solving the problem. A Solutions Paper was prepared in response to the Survey Report. The solutions included: a web page “job forum” listing regional jobs; a campaign to promote the advantages of rural practice; and plans to lobby government for financial support and incentives for solicitors working in the country.

A website is unlikely to turn the tide without a very effective “campaign” to promote the benefits of working in the country. But even then, there are other obstacles to overcome. The original report highlighted what employee respondents considered to be the “strongest motivators” for working in the country: “lifestyle reasons”, “fewer hours”, and “greater flexibility”.

Ironically, these motivators are the exact opposite of the core factors that I have seen driving young lawyers in today’s market. I have been a legal recruitment consultant for more than five years, and in my experience, the two key motivators for young lawyers are quality of work, and quality of mentoring

The Survey Report points out that many employers also see “quality and variety of work” as a key selling point. Clearly there is a strong need for greater communication of

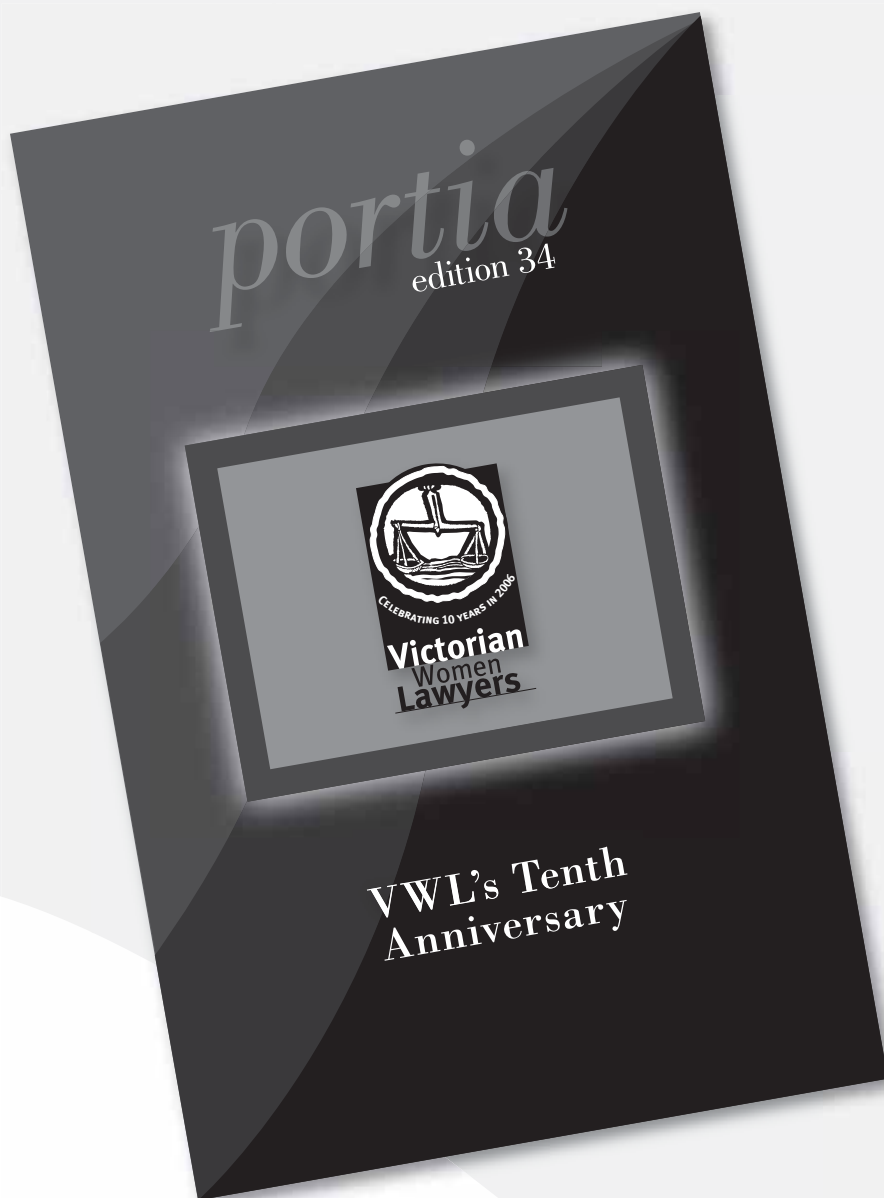
this benefit, given that it appears none of the employee respondents mentioned it. For instance, some lawyers who have worked in regional firms who have learned strong client relationship skills at an early stage, and have had the benefit of getting their hands on the “the whole matter”, when their CBD colleagues are often stuck in large due diligence teams or drafting leases one after another.

“the possibility of an accelerated career path, and the attraction of autonomy and breadth of experience – may actually attract talented city lawyers to rural practice more successfully than over-selling the “lifestyle” elements.”

It was reported in the Law Institute Journal last year (2005, 79(10) LIJ, p20) that 26 year-old Jayne Law had made partner at her Shepparton law firm after only three years of practising (see Jayne Law’s interview on page 8). These advantages – namely the possibility of an accelerated career path, and the attraction of autonomy and breadth of experience – may actually attract talented city lawyers to rural practice more successfully than over-selling the “lifestyle” elements.

The LIV’s media release regarding the Survey Report, and a link to the full Report is found at http://www.liv.asn.au/media/releases/20050830_rarliv.html.

LIV members can download a copy of the Solutions Paper from https://www.liv.asn.au/members/news/pdf/20050826reg_country_solutions_paper.pdf.



Portia Contributions

The next edition of Portia will commemorate VWL’s tenth anniversary. The editors welcome contributions from readers about your memories of VWL events, the impact VWL has had on you, and on the profession as a whole, and your thoughts about the direction VWL should take into its next ten years.

If you would like to contribute an article to the tenth anniversary edition, or suggest a theme for a future edition, please contact one of the co-chairs of the Communications Committee:

Kathryn Hamill - khamill@rk.com.au

Renee Ow - Renee.Ow@sro.vic.gov.au

A brief Snapshot

The Proposed Victorian Charter of Human Rights and Responsibilities

BY JAN MAREE FRASER – POSTGRADUATE, UNIVERSITY OF MELBOURNE



J. M. Fraser

The Victorian State government is considering implementing a Charter of Human Rights and Responsibilities (“Charter”). To this end, it has established a Human Rights Consultation Committee and engaged in a consultation process to ascertain the views of individuals and groups in Victoria.

As you can imagine, positions on this issue have the potential to be many and varied. Even those with broadly similar ‘base positions’ (that is, either ‘for’ or ‘against’) may form those views for different reasons and with differing degrees of sophistication and subtlety. In this context, it is not possible to easily identify a position for Victorian Women Lawyers (VWL) which would take into account the multitude of positions held by its members.

Nevertheless, informed by best practice from Auckland Women Lawyers’ Association (in a different consultation process), the VWL Executive determined that it was important to engage in the consultation process and tender a submission that honoured VWL’s

objectives but also recognised that members have their own positions on this issue. The submission tendered by VWL is attached to the end of this article for your reference. Suffice to say, it supported the introduction of a Charter to the extent that it furthered women’s legal and human rights, advocated equality and justice for all women and encouraged law reform which sought to eliminate discrimination against women.

“VWL supported the introduction of a Charter to the extent that it furthered women’s legal and human rights, advocated equality and justice for all women and encouraged law reform which sought to eliminate discrimination against women.”

Notwithstanding the fact that it has a written Constitution, Australia does not have a Bill of Rights. There are certain rights that flow from the Constitution, but there is no domestic legal instrument at the federal level to encapsulate the basic human rights to which individuals and groups in Australia are entitled. Moreover, at present, the ACT, with its recently enacted Human Rights Act 2004, is the only state or territory in Australia to have a legal statement of human rights.

In this respect Australia, at a domestic level, is in stark contrast to other Commonwealth legal systems. Countries such as New Zealand,

Canada, India, South Africa and more recently the United Kingdom have legislation expressly outlining rights that the government (and public officials/public agencies) owes individuals in those countries. In addition, other non-Commonwealth countries, such as the United States, have legal instruments which legislate for human rights.

At an international level, Australia has ratified several conventions/treaties which deal with human rights. The International Covenant on Civil and Political Rights (ICCPR)¹ is a multi-national treaty which enumerates rights and freedoms which States Parties owe to those within their territory and/or jurisdiction.² As its name would suggest, this instrument concerns civil and political rights. There is an Optional Protocol³ to the ICCPR, which enables individuals whose rights have been breached to complain to the Human Rights Committee.⁴ While there is no

“There are certain rights that flow from the Constitution, but there is no domestic legal instrument at the federal level to encapsulate the basic human rights to which individuals and groups in Australia are entitled.”

enforcement mechanism or penalty per se, the fact of ‘naming and shaming’ countries that have violated the Covenant holds some sway in the international

legal and political arena. This model – known as Declarations of Incompatibility – is not uncommon at a domestic level with countries such as New Zealand and the UK adopting a similar approach.

The Charter of Human Rights and Responsibilities that the Victorian government is proposing is similar to the UK and New Zealand legislation inasmuch as it would be an ordinary Act of Parliament. It would not be constitutionally entrenched legislation.

The proposed Charter would require courts to interpret other legislation in a manner consistent with the Charter, including consideration of the purpose of that legislation. This purposive approach to statutory interpretation is favoured in human rights law jurisprudence, which provides that legislation should be interpreted in a way that gives effective and meaningful consideration to, and protection of, the rights of individuals. To do otherwise is inconsistent with a human rights culture and framework of analysis.

There is some (valid) criticism of the Victorian government's preferred model. The draft Charter proposes Declarations of Incompatibility where legislation or subordinate legislation is incompatible with the Charter. Prima facie, this model does not provide effective or meaningful protection for individuals whose rights have been breached.

John Tobin, a legal academic from the University of Melbourne, provides a useful critique of the proposed Charter in the September 2005 edition of the Law Institute Journal.⁵ He critiques the substantive content of the Charter (civil and political rights versus economic and social rights), the lack of an effective enforcement

mechanism, and the omission of rights that specifically address minority groups. Furthermore, he argues that the consultation process is not truly participatory and that the combination of a lack of genuine participation and insufficient timeframes for effective consultation result in a flawed consultation process.

In his Mallesons Stephen Jaques Human Rights Day Lecture 2005, Justice Kevin Bell comprehensively discussed many of the issues surrounding the proposed Charter.⁶ Both of these articles are recommended reading for those with an interest in this area.

To finish with the words of John Tobin: "Finally, it is worth recalling that tragic things have and will continue to be done within the letter of the law. A Charter of Rights will not necessarily prevent this.... But a Charter of Rights with a content that properly reflects the values, needs and experiences of the people within Victoria and with mechanisms that allow for its effective enforcement provides some cause for hope that the law will have a greater capacity to guarantee fundamental human rights and promote a stronger commitment and culture for their respect in Victoria."⁷

1. *International Covenant on Civil and Political Rights*. Adopted and opened for signature, ratification and accession by the United Nations General Assembly Resolution 2200 A (XXI) of 16 December 1966. Entered into force on 23 March 1976, in accordance with Article 49. Sourced: [25+ Human Rights Documents](#), (3rd edition), Center for the Study of Human Rights, Columbia University, New York, 2001.

2. Article 2, ICCPR

3. *Optional Protocol to the International Covenant on Civil and Political Rights*. Adopted and opened for signature, ratification and accession by the United Nations General Assembly Resolution 2200 A (XXI) of 16 December 1966. Entered into force on 23 March 1976, in accordance with Article 9. Sourced: [25+ Human Rights Documents](#), (3rd edition), Center for the Study of Human Rights, Columbia University, New York, 2001.

4. Australia ratified the ICCPR on 13 August 1980. It made reservations against articles 10, 14 and 20. It acceded to the First Optional Protocol to the ICCPR on 25 September 1991. It made no reservations or declarations at the time of accession. Ratification is where a State party becomes a signatory to an international instrument before it comes into force. Accession means that the State party signed up to the international instrument after it was already in force.

5. John TOBIN, 'What's wrong with the Charter of Rights?' *LLJ* (2005) 79(9), September, pp. 40-43

6. Justice Kevin BELL, 'A Bill of Rights for Victoria: an historic opportunity', for the Mallesons Stephen Jaques Human Rights Day Lecture 2005, 09 December 2005. Sourced: <http://www.supremecourt.vic.gov.au/CA256CC60028922C/page/Publications-Speeches>

7. John TOBIN, 'What's wrong with the Charter of Rights?' *LLJ* (2005) 79(9), September, p. 43

VWL HUMAN RIGHTS CONSULTATION SUBMISSION 2005

Victorian Women Lawyers' Association is a professional body of women lawyers.

The Executive of VWL is mindful that within its membership women lawyers will have many and varied views about the proposal of a Charter of Human Rights for Victoria.

For that reason we feel that it is important to stay within our mandate and to that effect, VWL submits the following based on the objectives of our association:

- VWL supports any legal reform which promotes understanding and support of women's

legal and human rights

- Justice and equality for all women should be pursued
- It is important to identify, highlight and eradicate discrimination against women in law and in the legal system

Inasmuch as a Victorian Charter of Human Rights would further these objectives, VWL tenders its submission in support.

Submitted on behalf of Victorian Women Lawyers by Anne Winckel.

Pre-launch of *A 360° Review: Flexible Work Practices* *Confronting myths & realities in the legal profession*

BY KATHRYN HAMILL – SOLICITOR, RUSSELL KENNEDY



Juliet Bourke, Author of the Report, Prof. Kathy Laster, Director of VLF, the Chief Justice Marilyn Warren, Rosemary Peavey 2005 Convenor of VWL at the Pre-Launch.

On the evening of 10 November 2005, members of Victorian Women Lawyers and representatives from a number of leading Melbourne firms gathered at the Supreme Court for an exclusive 'pre-launch' of the 360 Degree Report at the invitation of the Hon Marilyn Warren, Chief Justice of the Supreme Court and VWL Patron.

The evening, organised by the special steering committee of the Work Practices Committee in charge of the Report – with the assistance of the Networking Committee – took place in the stately surrounds of the Court's 'McCubbin Room' – so named for the portrait by Frederick McCubbin of his wife, Annie, which hangs there.

The event was designed to recognise the special steering committee's invaluable contribution to the Report, and to provide human

resources managers and managing partners from VWL sponsor firms – some of whose employees contributed to the report – with the opportunity to peruse copies of the Report in advance of its official launch the following day. The Report's author, Juliet Bourke from Aequus Partners, and Prof Kathy Laster from the Victoria Law Foundation (which provided sponsorship for the Report) were also in attendance.

2005 VWL Convenor, Rosemary Peavey, introduced the Chief Justice, who commended everyone involved in producing the Report. Her Honour recalled her recent attendance at the High Court in Canberra to welcome new High Court Justice Susan Crennan – where she was joined by Diana Bryant, Chief Justice of the Family Court, Pamela Tate SC, Victorian Solicitor-General and Kate McMillan SC, Chairman of the Victorian

Bar – as a sign of the continuing advancement of women within the Victorian legal profession.

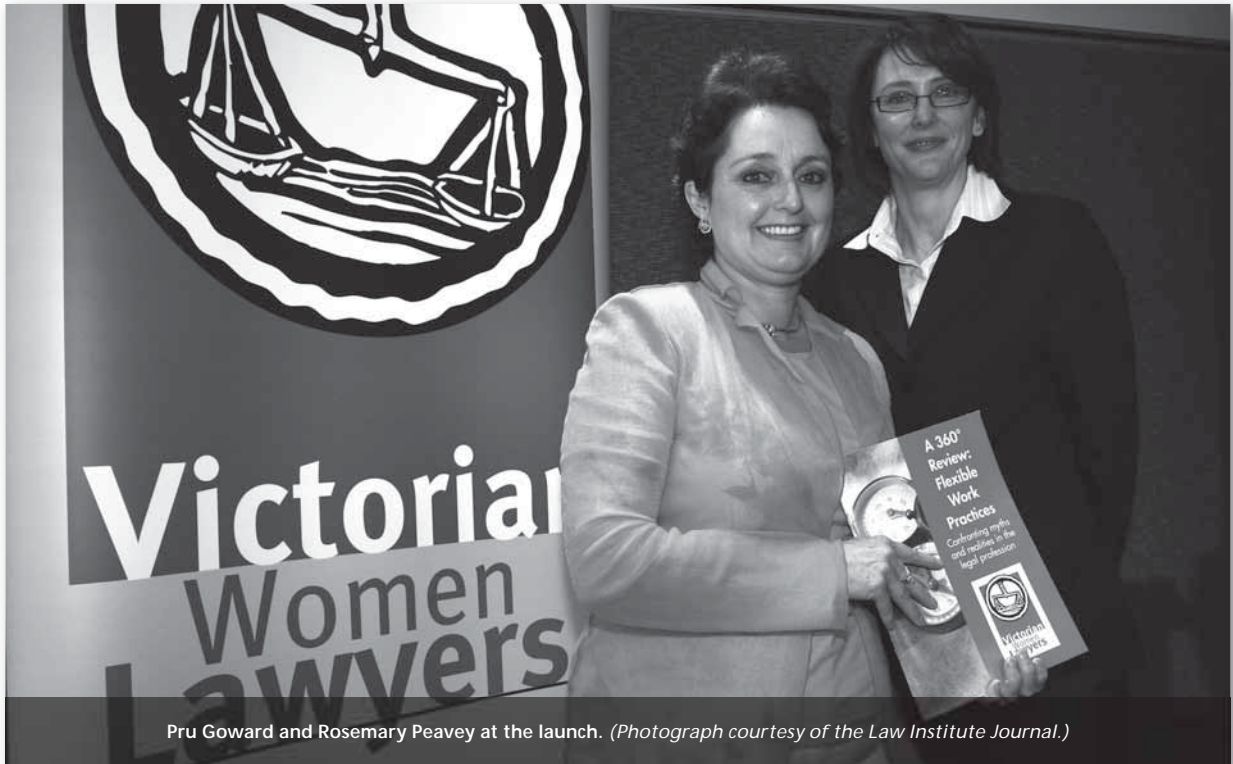
Her Honour spoke of the importance of embracing flexible working arrangements to enable the continued advancement of women in the profession, and concluded by suggesting that those in attendance place copies of the report at prominent places within their firms, such as in the reception area, so that the report may be widely read – commenting that she was intending to do the same in the hope the report would provide 'food for thought' for the Court's judges.



launch of

A 360° Review Flexible Work Practices: Confronting myths & realities in the legal profession

BY RENEE OW - PUBLIC RULINGS
AND EDUCATION OFFICER, STATE REVENUE OFFICE



Pru Goward and Rosemary Peavey at the launch. (Photograph courtesy of the Law Institute Journal.)

“A 360° Review Flexible Work Practices: Confronting myths and realities in the legal profession” is VWL’s most recent report. Its aim was to examine the nature of flexible work practices used in the legal profession and to explore what are the successors and inhibitors to successfully establishing and maintaining flexible work arrangements. The report also sort to expose some of the myths about flexible work practices in the legal profession.

The Report was successfully launched on Remembrance Day, 11 November 2005, at the LIV Workplace Relations Conference 2005 by Ms Pru Goward, the Federal



Chris Molnar at the 360° report launch.

Sex Discrimination Commissioner. After a morning tea break of delectable muffins and pastries, Mr Chris Molnar of Harmers Lawyers introduced Rosemary Peavey, 2005 VWL Convenor. After providing the background leading up to the production of the Report, Ms Peavey introduced Pru Goward. Ms Goward commended VWL in its significant effort on

producing the Report. Ms Goward commented on the significance of the myths surrounding flexible work practices in the legal profession uncovered by the report, and indicated that flexible work practices are the only way to go in the future. Just before midday, the Report was officially launched. In closing the launch, Ms Peavey thanked Ms Goward and all parties involved in the production of the Report.

Pru Goward’s speech is reproduced in full. A link to this speech, along with other speeches by Ms Goward, can be found on the Human Rights and Equal Opportunity’s website at http://www.hreoc.gov.au/speeches/sex_discrim/index.html

A 360° Review

LAUNCH SPEECH BY PRU GOWARD - FEDERAL SEX DISCRIMINATION COMMISSIONER



Pru Goward

Thank you so much for inviting me to be part of this launch today. And what a great effort it has been on the part of the Committee – busy people with never enough time. Let’s not ask them how their work-life balance has been over the past two years as they have worked their way through this!

Congratulations on such an important piece of research, and to the [Victoria Law] Foundation for having the confidence and commitment to back Victorian Women Lawyers to do this important work.

I am not sure whether the research set out to prove these myths were really myths or whether you were genuinely surprised by the findings. The work has immediately identified two myths which are crucial in the work-family debate.

The first myth is that people have to be present twenty-four hours a day, seven days a week because that is what clients want.

I have to say I have always wondered when clients ate or slept or took time off for this to be the case, but significantly, the clients surveyed confirmed their acceptance of flexibilities, their capacity to work around them, and that they saw flexibility as

preferable to losing continuity of contact with a professional who was familiar with their case.

Of course they need reassurance about billable hours, but that is an issue of transparency more than anything else.

Perhaps they were censoring themselves. Perhaps they felt they had to say these things when Victorian Women Lawyers started asking the questions, but perhaps they might also have felt it was their chance to set the record straight. Clients get very bad press in the work and family debate.

“the clients surveyed confirmed their acceptance of flexibilities, their capacity to work around them, and that they saw flexibility as preferable to losing continuity of contact with a professional who was familiar with their case.”

Having gone around Australia listening to employers explaining to me that they wanted to provide flexibilities but their big bad clients wouldn’t let them, I found this particular finding especially heartening.

Ditto the acceptance by co-workers, who unexpectedly were also comfortable working with part timers and others whose hours at work were more varied than their own. The significant proviso they placed on their acceptance of flexible work colleagues was their need for supervisors to recognise the efforts they made to ensure these flexibilities worked

for the firm, and their frequent disappointment at the lack of information flow about what was expected of everyone concerned.

They didn’t like having to tell lies either. Again, it is frequently claimed that co-workers resent these flexibilities enjoyed by parents and again, frequently used by managers to argue the case against their introduction.

It strikes me in a profession as rigorous as the law, it is particularly concerning that law firms proceed on the basis of assertion or assumption, not fact, with no thought of the need to test the evidence in order to confirm whether or not their reasons for refusing to provide family-friendly working conditions would, as it were, stand up in Court.

It suggests that law firm partners, in common with leaders in other professions and industries, operate very much on the basis of gut-instinct – guessing at the reasons instead of testing for the reasons. Yet modern management is very much evidence-driven; people management needs to be every bit as rigorous as financial management.

Let’s hope that with such excellent qualitative research now available, law firms – and for that matter, other types of firms – may get the hint.

Perhaps they will either do some in-house research of their own, or make a decision to adopt a new gut-instinct this time, informed by this research instead of their own assumptions and uninformed prejudice.

Even if firms do not actually broaden the availability of family flexibilities, the evidence from co-workers demonstrates they have to be a whole lot more communicative about staff terms

“It tells us how resistant culture is to change, how we don’t mind living on our prejudices instead of our wits, because that’s really where we are comfortable.”

and conditions for the existing ones, and certainly more grateful to those staff who go the extra metres to make up for any shortcomings, the sticky-tape that holds the flexible workplace together.

But perhaps I should not be so optimistic.

Because it should not have needed a survey by a group of concerned volunteers to sort myth from reality.

Running a law firm is big business, the investment in staff is considerable; people easily make up the most significant cost of running a law firm.

In an age where there are now more women law graduates than men, and where so many of them ask for work conditions which enable them to also be responsible and engaged parents, you might have thought basic financial management concerns could have driven these sorts of inquiries within firms themselves.

That it has not, that instead either parents are denied these flexibilities or essentially demoted if they take them up, that co workers have to lie to clients and are frequently in the dark themselves about the flexible worker’s arrangements, suggests many managers are more comfortable with their own

presumptions than with reality.

What a great shame, especially in such a people-competitive profession.

But it goes further than this. It tells us how resistant culture is to change, how we don’t mind living on our prejudices instead of our wits, because that’s really where we are comfortable.

It tells us something else too, almost as depressing. If this is how hard it is at the top of the tree in law firms, where keeping the best people really counts, no wonder it is proving so hard to achieve

“The research findings establish that 100% of managers and firm partners believed it was possible for staff to work flexibly and have a career, even though they appear to be the most significant obstacle to this actually happening.”

cultural change in other parts of the Australian work place where managing these issues is less critical.

Of course law firms are frequently not managed by managers, but by lawyers, who happen to have management as part of their partnership responsibilities.

If the partners in law firms are at all comparable with partners in other parts of professional services sector, then I would have a guess and say that most partners are still men with wives or consorts at home, full time care givers and primary parents.

A law partner’s working hours and own ambition have frequently dictated this course. After all, they do call law firms the new salt mines.

It must be difficult for people who have never had to juggle their

work and family responsibilities in quite the same way as women or men with working partners, to understand or perhaps even sympathise with the plight of the young parent up and comer.

If it is not something we see as possible or desirable for ourselves, understandably we are probably less sympathetic to countenancing its possibilities for others.

Which is not a plea for partners’ wives to go out to work, but rather a reminder again that we tend to judge other people’s lives by our own – a dangerous assumption indeed when we are managing a multi-million dollar business.

Let me make one more observation about the results of this survey, this time about the career outcomes for the young professional working parents.

The research findings establish that 100% of managers and firm partners believed it was possible for staff to work flexibly and have a career, even though they appear to be the most significant obstacle to this actually happening.

Co-workers and flexible workers

“Well let’s get with the program – working flexibly has to be the future of work in a world where people are expected to work more, not less, both to save for their own (extended) old age and to stave off the day when they must begin living off their life savings.”

themselves take a much dimmer view of it. Around two-thirds of these flexible workers are dissatisfied with the negative impact it has on their career, and less than a half agree it’s possible to work flexibly and have a career.

This is more the case in private law firms.

Co-workers by and large agree with them.

And perhaps this is because the same people who believe it is fine in theory to work flexibly and progress up the ladder suspect people who want to work flexibly are less ambitious than their full timers.

Again, maybe because they themselves weren't flexible workers.

Well let's get with the program

– working flexibly has to be the future of work in a world where people are expected to work more, not less, both to save for their own (extended) old age and to stave off the day when they must begin living off their life savings.

It will increasingly not be just about women having children or sensitive new age dads from Generation Y – it will be about middle-aged workers needing to care for parents as well as to work, and about still-older workers looking for a slightly

less intense working life down in the salt mines, as they seek to do the things they have always wanted to do while they still have their health and energy.

This research could not have come at a better time. Nobody now has any excuse. They just have to do it.

I have pleasure in launching the report, A 360 Degree Review: Flexible Work Practices – confronting myths and realities in the legal profession.



Attendees at the Launch (360° Report)



Welcome

VWL ADMINISTRATOR

In 2005, Suzanne Jukic, VWL's administrator for over seven years, left to pursue a new career. Suzanne has been replaced by Michelle Sampieri, whom we warmly welcome.

If you have any queries regarding your membership or VWL events, please contact Michelle on (03) 9607 9390 or by email at msampieri@liv.asn.au

Exploring Pro Bono *beyond the six minute unit*

SPEECH BY VIRGINIA JAY - SOLICITOR, MINTER ELLISON



Virginia Jay

On 20 October 2005, VWL and LIV Young Lawyers held a joint forum to explore the benefits of pro bono legal work. Representatives from PILCH, COHRE, Amnesty Legal, Refugee & Immigration Legal Centre and Women's Legal Service talked about their organisations and Julian Burnside QC and Virginia Jay also spoke about their experiences doing pro bono work. Virginia Jay's speech is reprinted below.

I've been asked to talk briefly this evening as a young Victorian woman lawyer about my experiences doing pro bono work. And so, thinking about what I might talk about tonight, I asked myself the question – why do I do pro bono work?

Reflecting on the answer to this question as I rode my bike home from the Fitzroy Legal Service one Tuesday evening, I thought about the clients that I had seen that night.

The first client was a man in his mid-fifties who had a court hearing that Thursday. He was facing charges of theft of a camera and a car stereo. He told

me that he'd already had two adjournments to give him time to obtain legal representation, but that this was the first time he'd seen a lawyer. I asked him about his criminal history and income and he told me that he had previously been in prison and that his sole means of income was a disability support pension.

“by volunteering just a small amount of my time, I'm able to, in a very small way, contribute toward increasing access to justice for all members of our society.”

I thought that he probably had a good chance of receiving legal aid funding so we started filling out the application form. When we got the part about whether there was any information of a medical nature that might be relevant to his application, he told me that he had previously been a heroin user but that he'd been clean for six months and was now successfully participating in a methadone treatment program.

My next client was a very different kettle of fish. He was a teacher in his twenties working in the Catholic school system. He'd recorded a conversation on his MP3 player that he'd had with a politician about the deportation of Scott Parkin, unbeknownst to

the politician. The politician has made a particularly juicy statement and the client wanted advice about the legality of using the recording to write an article on the issue. He was also concerned about being sued for defamation.

So we discussed issues surrounding his use of the recording and the sorts of risks he faced in speaking out in this way.

And so on my way home that night, I thought about what a contrast these two clients had been, both in the sorts of people they were and in sorts of issues they were seeking legal advice on. And I started to think about how in some way these two clients and their issues represent two of the fundamental reasons for why I do pro bono work.

The first is that by volunteering just a small amount of my time, I'm able to, in a very small way, contribute toward increasing access to justice for members of our society. One of the most identifiable issues when considering access to justice is the staggering cost of obtaining legal representation, even for people of means. When you add to this court fees, a litigation process susceptible to all kinds of delaying tactics by more wealthy litigants and fear of substantial costs orders being imposed even in cases of

significant public interest, costs are more than just a barrier to justice – they may be wielded as a strategic weapon by more influential and wealthy litigants in the adversarial process.

“Access to information about the existence of rights and the ways and processes by which they may be enforced is something which, by virtue of our education and understanding of the framework of rules that govern us, we as lawyers are uniquely privileged to have.”

A recent example in Victoria of significant public interest litigation not going ahead because of costs issues was the appeal by Debra Schou to the High Court. It was hoped that that appeal would help to clarify the scope of indirect discrimination provisions and would test the Victorian Court of Appeal's findings on the duties of employers toward workers with family responsibilities. However, Ms Schou decided not to pursue the appeal after her employer, the State of Victoria, refused to agree not to pursue a costs order against her in the event that the appeal was unsuccessful.

But for many people with an issue, before there is any question about the cost of hiring a lawyer, they do not even know where to start in trying to resolve an issue; that their rights are being infringed or that a legal remedy is available to them. Access to information about the existence of rights and how to enforce them is something which, by

virtue of our understanding of the framework of rules that govern us, we as lawyers are uniquely privileged to have.

This knowledge is something which many members of our community do not have – in particular, people who have come from groups within society that suffer distinct disadvantage. These include persons from non-English speaking backgrounds, indigenous Australians, disabled people, people who suffer from mental illness and homeless people. In order that these people may have real access to justice, society must recognise and seek to reduce the structural disadvantage these groups face.

An example of such structural disadvantage is the issue of voting and homelessness. In a submission by PILCH this year to an Inquiry on Electoral Matters, it was reported that approximately 76 per cent of homeless people were eligible to vote but did not vote in the 2004 Federal election. The reasons for this range from lack of information and misinformation about enrolment, inaccessibility of voting stations and the general social exclusion experienced by this group in society.

By doing pro bono work, I am able, at a local level, to provide access to information, either by providing legal or practical advice on how to go about resolving an issue, or by pointing a client in the direction of someone who will be able to help. And in doing so, I gain an insight into the real everyday predicaments facing people whose lives and backgrounds are very different

to mine which, in turn helps me to understand the practical effects of areas of the law that I don't normally practice in. This really hit home to me when the first client, the man facing theft charges, told me that the way he'd been apprehended was by a random spot search of his bag by police officers. I thought about the fact that I wouldn't expect this to happen to me and the indignation that I would feel if it did.

When we consider the notion of 'access to justice' in the much broader sense of social justice, we must also consider how the law, as an instrument of public policy, is used to promote or intrude on our individual and collective rights as citizens. Which brings me to the second reason for doing pro bono work, epitomised by our Catholic schoolteacher wanting advice on his right to have his voice heard.

“When we consider the notion of 'access to justice' in the much broader sense of social justice, we must then consider how the law, as an instrument of public policy, is used to promote or intrude on our individual and collective rights as citizens.”

His desire to participate in the public debate surrounding the deportation of Scott Parkin is a perfect example to me of the process we should all engage in as active citizens in a representative democracy. That is, to take an interest in, and to be part of, public debate about matters of public policy which affect the rights of Australians

as individuals and the identity of the nation as a whole.

The proposed anti-terror laws are a current pertinent example of the type of laws which we, as lawyers, have a duty to critically appraise.

“I think that the responsibility to contribute to society in our professional capacity is something which continues throughout our careers.”

The recent comments by the Honourable Alistair Nicholson, former Chief Justice of the Family Court regarding these laws, and the views expressed by many other lawyers, indicate a widely held view that laws such as these represent a more serious threat to our liberties and democracy than those posed by terrorists.

But it takes courage to speak out in this way on controversial issues. Those currently questioning these laws, and who point to the possibility of their having a disproportionate impact on certain groups in society, have been accused of assisting terrorists by detracting from counter-terrorism efforts, or as simply representing minority views of the intelligentsia elite. But in our society, it is lawyers who are able to understand the full impact of the proposed laws and who can appreciate the potential for their misuse. For this reason, we should be actively engaged in questioning these sorts of proposals and in demanding that they stand up to scrutiny.

And so I would encourage all lawyers to become involved

on pro bono work and there are a variety of ways in which to do so. You can offer your time at a community legal centre that provides face-to-face advisory services. You can encourage your employer to take on pro bono work in the form of conducting public interest litigation or providing advice to not-for-profit organisations. You can get involved in an organisation which has input into public debate on matters of concern to you, such as Australian Red Cross, Amnesty International, Greenpeace, PILCH or Victorian Women Lawyers. You can write to members of parliament and make submissions to government inquiries.

Pro bono work is something which all lawyers should undertake, and not just young lawyers, because the responsibility to contribute to society in our professional capacity is something which continues throughout our careers. But as young lawyers we have a special opportunity as our careers take shape to have, as part of that, an active engagement in promoting access to justice for all Australians and to contribute to shaping policy direction in Australia.

The following pro bono organisations were represented at the pro bono forum. If you would like more information about their activities, their contact details are below:

AMESTY LEGAL

Jacqueline Cole
Clayton Utz
T: (03) 9286 6000

COHRE - Centre on Housing Rights and Evictions, Asia and Pacific Programme
Ken Fernandes
T: (03) 9417 7505
E: ken@cohre.org

WOMEN'S LEGAL SERVICE VICTORIA

Allyson Foster
T: (03) 9642 0877
E: allyson_foster@fcl.fl.asn.au

RILC - Refugee and Immigration Legal Centre Ltd
Charlie Powles
E: charlie@rilc.org.au

PILCH - Public Interest Law Clearing House (Vic) Inc
Paula O'Brien
T: 9225 6680
E: ed2.pilch@vicbar.com.au

oh what a night...

ANNUAL GENERAL MEETING AND 2005 CHRISTMAS PARTY



Michelle Sampieri, Vicki James and Geva Murano



Verity Sheperdson and Melissa Maquire



Musician Dan Melita entertains the guests



Christmas Party Attendees



Leanne Hughson, Renee Ow and Rosalind Robson



Beryl McMillan from Zonta International

Photographs by Kathryn Hamill and Genevieve Wilkinson

VWL's Annual General Meeting was held on 29 November 2006 at Freehills, and was followed by the Christmas Party.

Outgoing VWL Convenor Rosemary Peavey thanked the 2005 Executive for its tireless work, and the 2006 Executive was appointed.

The new Executive comprises:

Convenor

Virginia Jay (Minter Ellison)

Assistant Convenor

Justine Lau (Maddocks)

Immediate Past Convenor

Rosemary Peavey (AWB)

Secretary

Anne Winckel (Jones & Koller)

Treasurer

Leanne Hughson (Hall & Wilcox)

General Members

Rebecca Anselmi (Middletons)

Ann Ray (IPA Legal)

Brooke Dellavedova

(Maurice Blackburn Cashman)

along with the Chairs of each VWL Committee.

After the business of the AGM was complete, guests got down to another sort of business – celebrating another successful year of VWL! Those in attendance enjoyed canapés provided by our host, Freehills, and were entertained by a musician engaged specially for the event.

Attendees also heard from guest speaker Beryl McMillan from Zonta International – a worldwide service organization of business and professional executives, with over 33,000 members, which is committed to improving the legal, political, economic, health, educational and professional status of women. More information on the work of Zonta International can be found on its website (www.zonta.org).



Virginia Jay, Debra Robinson, Pia Di Mattina and Christine Melis



Rebecca Hanley, Christine Tackage and Vered Feldman



Roanne De Menezes, Carly Mansell and Theresa Wright



Christmas Party Attendees

Committee Reports 2005

NETWORKING REPORT

MANDY BEDE - CHAIR

In 2005 the Networking Committee organised many successful events, including:

- Social evening – annual Members and Guests' night (80 + attending)
- Inspirational Careers – this year concentrating on experienced speakers from a variety of areas of legal life (60 attending)
- Introduction to skills base needed to become a board member (in conjunction with Minter Ellison) (50 attending)
- Panel discussion encouraging women to consider taking up positions on the bench (with LIV, the Attorney General and the Women Barristers' Association) (50 attending)

- Networking event with barristers – to be an annual Barristers/ Solicitors Meet and Greet (again with the Women Barristers Association) (100 attending)
- Behind the scenes work on the 360 Degree Report launch
- The Christmas drinks this year held in conjunction with Freehills

Our thanks go to VWL

Administrators Suzanne Jukic and Michelle Sampieri for their prompt, professional and patient support.

Many VWL members have enjoyed the events run by Networking, and non-members have been introduced to VWL.

The Networking Committee has concentrated on:

- Organising events referred to it by the Executive
- Initiating events
- Preparing and circulating an annual calendar of events
- Establishing check-lists for organising events

Much hard and time-consuming work has been done by a small committee made up of good natured women from various backgrounds and various ranges of experience.

If you would like to contribute to the Networking Committee, please contact its chair:

Mandy Bede

E: abede@mbc.aus.net

T: (03) 9605 2764

COMMUNICATIONS REPORT

RENEE OW AND KATHRYN HAMILL, CO-CHAIRS

The Communications Committee co-ordinates and promotes communication between VWL and the legal profession and amongst VWL's members.

The committee's most significant ongoing contribution is the production of VWL's journal, Portia. In 2005, the committee produced two 'bumper' editions of Portia, which have focussed on legal issues, debates and challenges and immigration success stories. Members may also have noticed a revamp in Portia's layout, which was implemented this year.

While Portia gives members the

opportunity to showcase their talents, and for VWL to publicise upcoming events and report on those that have already taken place, the committee also welcomes feedback from Portia's readers on articles they have read or on challenges or issues faced by themselves or women in the law in general, and hopes to develop a 'letters to the editor' column in future editions of Portia, as a means of sparking debate and providing members with the opportunity to express their ideas in a relatively informal way.

The committee's other major contribution is the ongoing

development and maintenance of the VWL website (www.vwl.asn.au), which provides an easy reference point for VWL's activities and events to members and non-members alike. In 2005, the committee, with the invaluable assistance of 2005 Assistant Convenor Brooke Dellavedova, redeveloped the VWL site with a view to providing an easily accessible, user-friendly interface between VWL and the general public. The new-look site – which was re-launched at VWL's members and guests' night in July – provides details of VWL's past and current contributions to issues important to women in the profession, advises members of

upcoming events, and contains a photo gallery of past events.

Despite these changes, the committee is attune to the need for continual improvement, to ensure Portia and the website caters to the needs of members, and is seeking feedback about the design and content of the website and Portia.

As VWL celebrates its tenth anniversary in 2006, the communications committee intends to produce a commemorative edition of Portia to highlight the history of VWL and the contribution of its members over the years. The committee is also hoping to

develop a database archiving VWL in the media, and a long-term project in planning is an exhibition of images of women in the law.

Internally, the committee saw a number of changes in 2005, with the departure of co-chairs Erin Brown, who is taking a break from the law to teach English in China, and Prue Burrell, who has left the legal profession to pursue a career in television production. October 2005 saw the departure – albeit temporary – of long-standing committee member and current co-chair Barbara Watroba on maternity leave. We thank Erin and Prue for

their contribution to the committee and wish Barbara good luck.

If you have comments on Portia or the website, are interested in contributing to Portia, gaining experience in working on a publication or becoming involved with the Communications Committee, please contact one of the committee's co-chairs:

Renee Ow
E: Renee.Ow@sro.vic.gov.au
T: (03) 9628 0085

Kathryn Hamill
E: khamill@rk.com.au
T: (03) 9609 1583

JUSTICE REPORT

VICKI JAMES AND ROSE CATTERMOLLE, CO-CHAIRS

One of VWL's main annual events – and the Justice Committee's main project – is the Dame Roma Mitchell International Women's Day Luncheon, which celebrates the extraordinary life of Dame Roma and her contribution to the law. It is organised in conjunction with VWL's major sponsor, the Law Institute of Victoria.

Last year's speaker was Her Honour Felicity Hampel who spoke to over 200 guests about women and domestic violence, from an international and local perspective. Her speech was entitled "Sticks and Stones may Break her Bones but Myths will Always Harm Her". The Justice Committee would like to thank Sarah Coffey for her invaluable contribution to the running of this very successful event.

Recently, the Justice Committee co-hosted with the Young Lawyers section of the Law Institute of Victoria a very successful forum entitled "Exploring Pro Bono

Opportunities", which was held on 20 October 2005 at the LIV. The forum was aimed at encouraging members of both VWL and the LIV to go beyond the "six-minute unit", and gain satisfaction and experience from giving back to the community. The forum highlighted the activities of several not-for-profit organisations with representatives from PILCH, COHRE, Amnesty Legal, Refugee & Immigration Legal Centre and Women's Legal Service speaking about their organisations and the opportunities for volunteering. In addition, we heard from the practitioner's side of pro bono work, with Julian Burnside QC and Virginia Jay of Minter Ellison talk about their experiences volunteering. All speakers, and in particular Julian and Virginia, provided lively, informative and passionate talks about the pro bono experience.

In 2004 the Inaugural VWL Essay Competition was held and following its success, was run again earlier this year. The competition is open

to law students currently enrolled in a Law Degree at a Victorian University. The committee plans to again run the competition in 2006.

The committee membership has changed during the year, with the departure of three long serving members Megan Edsall, Anne Winckel and Jan-Maree Fraser. The remaining members of the committee would like to express their appreciation for the excellent service of these long-time members.

The committee is always looking for new members. If you are passionate about justice related issues and are able to attend monthly meetings on the first Friday of each month in the city, please contact one of the committee's co-chairs:

Vicki James
E: vicki.james@customs.gov.au
T: (03) 9244 8709

Rose Cattermole
E: rcattermole@kligers.com.au
T: (03) 8608 8888

WORK PRACTICES REPORT

MICHELLE WHYTE AND CHRISTINE MELIS, CO-CHAIRS

The Work Practices Committee's primary focus is to explore, critically evaluate and publicly comment on the state of flexible working arrangements for lawyers in Victoria.

In 2005, the committee, in conjunction with external facilitators and sponsors, conducted and launched VWL's third major research project, 'A 360 degree Review: Flexible Work Practices. Confronting Myths and Realities in the Legal Profession'.

The Committee has also scoped VWL's next major project, organised a seminar on the path to partnership (to take place in 2006), and made submissions on proposed legislative amendments and discussion papers.

A 360 Degree Review: Flexible Work Practices

On 11 November 2005, Pru Goward launched VWL's latest report entitled 'A 360 degree Review: Flexible Work Practices. Confronting Myths and Realities in the Legal Profession'. The report was the result of a fair amount of hard work over the last few years by a number of the report steering committee members, and was funded by a generous grant from the Victorian Law Foundation.

The report follows on from previous reports by VWL in 2002 which examined flexible partnerships and in 1999 which examined the status of women in the law generally. The aim of this study was to examine the nature of flexible work practices used in the legal profession and to explore what are the successors and the inhibitors to successfully establishing and maintaining a flexible work arrangement. The

study was conducted via surveys and focus groups of lawyers with flexible work practices in private law firms, the government sector and in-house. The focus groups were facilitated by Juliet Bourke of Aequus Partners, a consulting firm in Sydney specialising in this field.

Key findings of the report included that:

- (a) there is a gap between organisational policy (ostensibly in support of flexible work practices) and the application of the policy in practice
- (b) creating a supportive work group (ie: a team-based approach) plays a critical role in enhancing the effectiveness of flexible work practices
- (c) co-workers perceive that their organisations do not actively encourage them to support lawyers using flexible work practices and that using flexible work practices limits career progression, and that this reduces co-workers' own levels of commitment to the organization
- (d) clients reject the general assumption that they are opposed to, or dislike per se working with a lawyer using flexible work practices. Clients suggest that the actual/real barriers to flexible work practices are lawyers themselves, and the culture of law firms

In summary, the report concluded that lawyers using flexible work practices, partners and managers, co-workers, support staff and clients all agree that developing and implementing changes to improve the integration of flexible work practices into the legal

profession is both desirable and achievable, albeit challenging.

Women with Children – Where are they Now?

Heading into 2006, we are also embarking on another new project in conjunction with the LIV which will be called 'Women with Children – Where are they Now?' The key question the proposed research project will examine is: What has happened to women lawyers in private practice in Victoria after they have had a child/ren part way through their legal career?

Pathway to Partnership Seminar

In early 2006, the Work Practices Committee will present a seminar titled 'Pathway to Partnership'. The seminar aims to demystify the process of becoming a partner and will focus on:

- the criteria for becoming a partner
- the "financials" of becoming a partner
- options other than becoming a full-time partner

Striking the Balance submission to HREOC

In October 2005, a special working group of the committee prepared a submission to the Human Rights and Equal Opportunity Commission on its discussion paper 'Striking the Balance: Women, Men, Work and Family.' The submission provides an insight into the experiences of women lawyers working in private law firms in metropolitan Melbourne; the difficulties they face in balancing their paid and unpaid work, what domestic arrangements are in place within their families and the issues

attendant upon their seeking to obtain flexible and family-friendly working conditions. The submission was based on findings from three major reports published by VWL.

Submission to Senate inquiry into Voluntary Student Unionism

In June 2005, Virginia Jay from the committee prepared a submission to the Senate inquiry into the provisions of the Higher Education Support Amendment (Abolition of Compulsory Up-front union fees) Bill 2005. The submission advocated amendment to the Bill to reflect the relevant provisions in the Tertiary Education Act 1993 (Vic), under which universities may levy non-academic services and amenities fees ('NASAF') from students; where student services and representation are funded by NASAF and are provided predominantly via independent student organisations which are

required to account for their expenditure; where membership of the student organisation is optional; and where all students have equal access to services offered by the student organisation on campus and benefit equally from representation of their interests in decision-making processes within the university by elected student representatives.

The basis of the submission was that the Bill in its present form – in prohibiting universities from levying NASAF – will have a deleterious impact on the provision of services to students in Australian universities, and will adversely affect student representation and participation in decision-making processes on matters which directly affect students. These detrimental effects, it is submitted, will have a disproportionately adverse impact on women as a sub-group within the university community because,

there are various issues of particular significance for female students for which specific services and focussed representation is required.

The committee is always exploring ideas for new projects and planning activities for the times ahead.

If you are interested in joining the Work Practices Committee, please contact one of its co-chairs:

Michelle Whyte
E: mwhyte@mbc.aus.net
T: (03) 9696 8811

Christine Melis
E: christine.melis@minterellison.com
T: (03) 8608 2398

MEMBERSHIP REPORT

JUSTINE LAU AND BETH HILTON-THORPE, CO-CHAIRS

The Membership Committee is responsible for:

- Collecting and analysing information about VWL members
- Seeking feedback from members as to how VWL can better service their needs
- Growing the VWL membership base

In 2005, we built on the ground-work the committee put in place last year, including again hosting a stall at the Victorian Council of Law Students' Societies' Careers Fair on 6 September 2005, and exploring a mentoring program within the membership of VWL for practitioners. Throughout the year, the Membership Committee has also maintained and updated the VWL membership database.

Significantly, the Membership Committee, in conjunction with the Executive Committee have also been reviewing the options for sponsorship of VWL. It is anticipated that a revised sponsorship program will be finalised in 2006.

Also on the agenda for 2006 is a forum or lecture series on 'Women in the Law', aimed at encouraging women law students to challenge their ideas of what career options are available to them after law school. In conjunction with the commencement of a new legal year, the Membership Committee are also planning a "Healthy, Wealthy and Wise" seminar to be held in early 2006, offering members the opportunity to hear from


specialists in the fitness, beauty and financial planning industries.

The Membership Committee welcomes your ideas for how to make VWL more relevant and beneficial to its members. If you are interested in becoming involved in the Membership Committee, please contact one of the committee's co-chairs:

Justine Lau
E: justine.lau@maddocks.com.au
T: (03) 9288 0555

Beth Hilton-Thorpe
E: jthorp@bigpond.net.au
T: 0416 127 157

PORTIA'S BREAKFAST 2006



“Portia’s Breakfast provided a relaxed and inclusive celebration to mark the start of the legal year.”

Those who hauled themselves out of bed on 31 January 2006 and made their way to Hardware Lane on what proved to be unseasonably chilly morning were not disappointed, as Portia’s Breakfast provided a relaxed and inclusive celebration to mark the start of the legal year.

The Breakfast was organised by the Victoria Law Foundation, in conjunction with Australian Women Lawyers, the Judicial College of Victoria, Leo Cussen Institute, LIV Young Lawyers’ Section, the Sentencing Advisory Council, Victorian Law Reform Commission, Equal Opportunity Commission Victoria, Women Barristers’ Association, Women’s Legal Service Victoria, and last but not least, VWL.

Notable attendees amongst the 300 guests enjoying coffee donated by Hardware Lane restaurants, delicious fruit platters and Brunetti’s famous pastries, included the Prof The Hon George Hampel QC, then Law Reform Commission head and recently appointed Court of Appeal Judge Prof Marcia Neave, Her Honour Judge Lawson of the County Court, and Her Honour Deputy Chief Magistrate Jelena Popovic.

Liberty Sanger, Victoria Law Foundation Member and partner at Maurice Blackburn Cashman, thanked those who attended, and Victoria Marles delivered her first public address since being appointed Victoria’s Legal Services Commissioner.

Entertainment was provided by the Legal Women’s Choir, which was organised especially for the occasion, and courtesy of a raffle, with prizes donated by local businesses. As in previous years, all proceeds benefited Women’s Legal Service Victoria.



The Legal Women’s Choir



Prof The Hon George Hampel QC, Monash University, Victoria Marles, Legal Services Commissioner, Her Honour Deputy Chief Magistrate Popovic and Prof Kathy Laster, Vic Law Foundation. (VLF)



Victoria Marles and Liberty Sanger speak at Portia’s Breakfast. (VLF)



The crowd at Portia's Breakfast. (VLF)



Lyn Slade, Chief Executive - Judicial College of Victoria, Georgina Frost, Minter Ellison and Marissa Dosen, Leo Cussen Institute.



Gordon Tippet, The Institute of Arbitrators and Mediators Australia, Angela O'Brien, The Institute of Arbitrators and Mediators, Jo Beckett, Magistrates' Court of Victoria, and The Hon Chief Magistrate Gray.



Dr Helen Szoke and Fiona Smith, Equal Opportunity Commission Victoria and Her Honour Deputy Chief Magistrate Popovic. (VLF)



Mary Polis, Victorian Law Reform Commission, Sue Tait and Rai Small, Office of Police Integrity and Her Honour Judge Lawson, County Court of Victoria. (VLF)

Becoming a Member

Membership

Ordinary membership (annual fee \$65*)

- persons admitted to practice within Australia

Student and Articled Clerk membership (annual fee \$22*)

- students of Australian Law Schools
- Articled Clerks

Associate membership (annual fee \$45*)

- persons supportive of the VWL's objectives but not currently practicing
- members of Women Barristers' Association

Name

Name of Employer

Nature of work *(please tick or describe)*

☐

community

☐

government

☐

student

☐

corporate

☐

private firm

☐

other

☐

counsel

☐

sole practitioner

Address

Dx

Telephone

Fax

Email

Signature

I work in *(please tick or describe)*

☐

Melbourne CBD

☐

Melbourne suburbs

☐

Rural Victoria

☐

other

What do you hope to gain from your VWL membership?

How did you hear about VWL?

I want to become a member of the Victorian Women Lawyers' Association. If I am admitted as a member, I agree to abide by the rules of the Association, I enclose a cheque for \$ payable to the Victorian Women Lawyers' Association.

OR

Please charge this purchase to my MasterCard/Visa/Bankcard.

My full card number is

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Post form and cheque to Michelle Sampieri, Law Institute of Victoria (Ph: 9607 9390)
GPO Box 2314V or DX 350 Melbourne Victoria 3001
or visit our website and sign up on-line at www.vwl.asn.au

*membership fee inclusive of GST