

1 September 2011

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Ms Fiona McLeod SC
Chair, Equalising Opportunities in the Law Committee
The Law Council of Australia
PO Box 1989
CANBERRA ACT 2601

Dear Fiona

**Strategy for Advancing Appearances by Female Advocates in Australian Courts; and
Suggested Best Practices Action Plan**

I refer to a memorandum of 8 August 2011 from the Secretary-General of the Law Council, Mr Grant, in which he asked that Constituent Bodies provide you with a report on progress made in adopting the recommendations contained in the above Strategy and Action Plan. We report as follows:

Strategic Goal 1(a) - Increasing the proportion of women going to the Bar

In the period 2008 – 2011, the number of women practising at the Bar in South Australia has increased by approximately 25%, which the Women Lawyers' Committee considers substantial progress in achieving strategic goal 1(a).

Factors which may have contributed to the increase are

- a greater number of rooms in chambers available to rent, rather than to buy
- greater movement of barristers between chambers; the establishment of new chambers and the expansion of existing chambers
- increased use of technology by barristers, allowing for more flexibility in work practices
- informal mentoring of women considering coming to the Bar by junior women barristers, including the provision of frank and transparent information about how different chambers operate, financial and income considerations
- formal mentoring and advocacy training via the Bar Readers' course, which from 2010 has been a requirement of entry to the South Australian Bar Association (SABA)
- "Snowball" effect; interested women are encouraged by observing their peers make the successful transition from solicitor to barrister.

The Women Lawyers' Committee continues to offer speakers to the Law Schools to present on the topic of "alternate careers" in the law. "Alternate" in this instance encompasses everything outside of work as a solicitor in a private firm, including the Bar. The annual seminar in conjunction with the Adelaide University Law Students' Society is now in its sixth year.

Strategic Goal 1(b) - Retention of women at the Bar

There has been some attrition due to interstate/overseas moves and at least one due to family responsibilities in period since the 2009 Court Appearance Survey. One female SABA member is not currently practising due to parliamentary duties.

Continued membership of SABA and Law Society of South Australia (LSSA) is encouraged, which leads to invitations to attend Continuing Professional Development (CPD) and social functions and thereby remain connected with the profession.

CPD seminars run by SABA are free for its Members. LSSA seminars are available at a substantially reduced fee for Members or for those not working.

SABA has recently established an Equal Opportunity Committee of the Bar Council, to be chaired by Frances Nelson QC. The committee has yet to meet (due to competing demands on the Committee Members' time!)

SABA has hosted one event aimed at women barristers (at which the speaker was The Honourable Cathy Branson QC) and a second event is scheduled for September this year (speaker will be The Honourable Justice Virginia Bell). There is no Women Barristers Association or similar group in SA and there is probably insufficient interest and numbers to justify one. Women-only events are controversial. It has been suggested that there be greater support of all junior barristers.

The Honourable Chief Justice Doyle was consulted about court start and finishing times with the result that counsel are encouraged to speak out if a matter is listed at a time which conflicts with family responsibilities (typically very early or late in the day). Judges of the Supreme and District Courts have been encouraged to take such requests into account whenever the court list permits.

Consideration could be given to offering a conference in SA that is similar to the Law Institute of Victoria's/Victorian Women Lawyers'/the Victorian Bar's upcoming "Re Launch" career conference.

Flexible childcare in the Courts' precinct is limited. SABA is considering whether it can partner with a childcare provider to offer its Members a specialised service. This is a long term goal and requires suitable premises to succeed. A survey of barristers to gauge numbers/interest/services required would be instructive.

Parental leave and how to manage it is problematic, particularly due to the Adelaide Bar working from many small, separate chambers. It is assumed that parental leave would be difficult to arrange without imposing a financial burden on a small number of colleagues in chambers. Government-funded parental leave would be unlikely to cover a barrister's ongoing expenses in maintaining chambers, let alone provide an income. This issue has been placed in the "too hard basket" and no action has been taken by the Bar as yet. Individual chambers' policies are unknown and many are likely to be *ad hoc*.

Strategic Goal 1(c) – Advancement of women at the Bar

A large proportion of women barristers in South Australia are still very junior. The strategy which the Law Council Strategy suggests could be effective in increasing opportunities for those women to accept junior briefs. This should be advanced by SABA.

Representation of women on the SABA Bar Council is strong.

The Women Lawyers Association, SABA and the LSSA are all consulted as part of the procedure for the appointment of Senior Counsel.

Strategic Goal 2 – Increase engagement of women barristers in appearance work by private law firms

The only action to date has been promotion by the LSSA and the Women Lawyers Association of the Equitable Briefing Policy. It is unclear whether this has translated into any change in briefing practices. It has, interestingly, resulted in some negative comments from solicitors, but hopefully they were expressing a minority view.

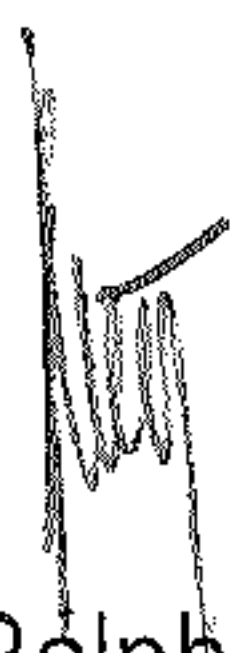
The LSSA is probably best placed (due to large solicitor membership) to take action relevant to this goal. Social/networking functions which bring together women barristers and senior litigators may be fruitful in assisting the women barristers to raise their profiles. Many firms brief the same people/chambers repeatedly and profess limited knowledge of the wider independent Bar.

Strategic Goal 3 – Increase appearance times of women barristers

The 2009 Court Appearance Survey found no statistically significant difference in the length of appearances by men and women Counsel in South Australia. Accordingly, this goal has been given low priority and no steps have been taken as yet.

I trust this report is of assistance. Should you have any questions relating to it please do not hesitate to contact me.

Yours sincerely



Ralph Bönig
PRESIDENT

cc Ms Anne Hewitt
Mr Bill Grant
Ms Emma Hlubucek