

WOMEN BARRISTERS FORUM

REPORT OF THE CHAIR ON ACTIVITIES 2013 - 2014

In the last year, our activities have been varied. Highlights are indicated below.

EQUITABLE BRIEFING POLICY

The Law Council of Australia developed a Model Equal Opportunity Briefing Policy for Female Barristers and Advocates policy in 2004. The policy was adopted by the NSW Bar Council in the same year. The policy recommends that counsel and clerks include the name of a female barristers who practises in the relevant area when asked for recommendations. We ensured that a flyer regarding the policy was included in the kit that went to clerks at the Clerks Conference. We encourage floors to adopt the policy and to develop an implementation plan. WBF stands ready to provide speakers to any interested floor.

ON-LINE SURVEY

In April 2014 the WBF conducted an on-line survey of women at the NSW Bar about what issues need to be addressed for women to thrive at the Bar. 76 of the 411 women at the NSW Bar who currently hold practising certificates completed the survey, representing just over 18% of women at the Bar. Some key results were:

- 89% of respondents rated equal opportunity at the Bar (eg equitable briefing policy) as very important or important and 82% thought it should be the responsibility of the Bar Association to address this.
- 92% rated advancement/opportunity at the Bar, including opportunities to appear in court/higher court as very important or important. The majority of respondents thought that this could be addressed through policy, institutional response and education.
- 89% rated availability of work and quality of work as very important or important.
- 86% rated bullying by fellow barristers or judges as very important or important.

- 89% rated depression, mental health, isolation as very important or important.
- The next four matters rated as important/very important were work/life balance, child care, networking opportunities and protecting and promoting the public image of the profession.
- Other issues raised were the cost of professional indemnity insurance, networking opportunities among women barristers, sexual harassment by members of chambers and tutors, opportunities to license/lease chambers during a period of absence.

Respondents thought that the Bar Association had a responsibility to advance matters in all these areas and also wanted the WBF to work on equal opportunity at the Bar, networking opportunities with solicitors; advancement opportunities at the Bar (including opportunities to appear in the higher courts), CPD programs at breakfast and lunch times and CPD/CLE presentation opportunities.

FORUM

A Forum of the WBF was held in Saturday April 2014 in the Common Room, attended by about 30 women barristers. Justice Melissa Perry QC presented a talk entitled “Women at the Bar: Aspirations and Inspirations” followed by small group discussion on issues facing women at the Bar. Results have been collated. Some of the issues that emerged strongly were the following:

- Promotion and implementation of the Equitable Briefing Policy through working with individual floors, barristers and clerks, a Silks pledge, inclusion of a criteria on the silk application form as to how a barrister has involved and worked with women, unconscious bias seminars and other means;
 - Measures to combat sexual harassment, nasty highly sexualised talk and demeaning references to women by male colleagues which are still occurring.
- A number of measures were recommended, such as provision by the Bar Association of two senior persons on staff (one male and one female) to whom reports of sexual harassment, could be made, with the possibility of a person being called to account by senior members of the Bar or Bar Council, counselled and/or disciplined for such conduct;

- The need to ensure that business models that facilitate return from pregnancy and parental leave are in place and give further consideration to matters such as the cost structure of accommodation, register for sharing rooms for part-time barristers, use of Bar Association conference space, virtual chambers, ensuring that women on maternity leave remain connected with their floors through continued licensing, invitations to functions etc);

The Forum also considered the question of whether the Women Barristers Forum should remain a section of the Bar Association or become a committee of the Bar Association. There was considerable discussion. A final vote will be taken at the Annual General Meeting on 22 May 2014.

ZOE'S LAW

The WBF Executive expressed its support for the stance taken by Bar Council in relation to "Zoe's Law" and made this known to the President.

CPD

Early in 2013 we also continued a successful series of lunchtime CPDs on work/life balance, presented by women barristers of varying levels of seniority, suggesting strategies for managing the demands of family and work.

We have encouraged women to present more CPDs to showcase the talented women at the Bar. Two members of the Executive, Brenda Tronson and Ingrid King, teamed with Sandra Duggan SC and Margaret Allars SC respectively, to present 2 CPDs on environmental and administrative law in the Common Room. We hope that more women will feature in CPDs in the future. It seems that many women are not aware that if they wish to present a CPD, they should notify Chris D'Aeth of the Bar Association.

MENTORING

We have worked co-operatively with the EOC to develop the mentoring program that was originally started by the WBF. The program now includes mentoring for both males and females who opt in to the program. The Bar Association has, in consultation with the EOC and WBF, engaged McCarthy Mentoring to help

professionalise the work of connecting people in their second and perhaps third years at the Bar with a mentor. The expectation of the mentoring relationship is confidential advice and encouragement, not briefs, for a 12 month mentoring period. In most cases fruitful relationships have resulted.

PREGNANCY DISCRIMINATION

The WBF and EOC worked together on a submission to the Australian Human Rights Commission enquiry on pregnancy discrimination that was approved and sent. It looked at potential barriers facing women at the Bar in pregnancy and where positive contributions have occurred, such as chambers agreeing to keep a woman's name on the Chambers signboard, reducing fees during parental leave, continuing to invite those on parental leave to functions and in touch with floor matters, permitting licensing of a room during parental leave, encouraging briefs upon return and the like.

JANET COOMBS LUNCH FOR FEMALE READERS

We continue to co-host, with Women Lawyers (NSW), a lunch for the two batches of women readers every year. This is an opportunity for the new women readers to meet other women barristers and female members of the judiciary. It is well appreciated and enjoyed.

WOMEN SILKS DRINKS

The Women Silks Drinks seem to be enjoyed by all those who attend and well appreciated by the newly appointed women silks. WBF is delighted to host the event to congratulate the women who are appointed silk.

NSW WOMEN LAWYERS ACHIEVEMENT AWARDS

WBF nominated candidates for the woman advocate of the year for NSW award.

BAKER AND MCKENZIE WOMEN'S INTERVARSITY MOOTING TOURNAMENT

WBF has supplied, from the ranks of women barristers, judges for this annual mooting competition involving women from most of the law schools in NSW.

RESPONSE TO NARS REPORT

A WBF sub-committee is working with Ms Julia Baird SC, who has been appointed to the Bar Council working group on the subject, with responsibility to consult with the WBF.

THANKS

I wish to acknowledge the hard work of the members of the Executive of the WBF over the past year, which has been greatly appreciated.

The WBF wishes to acknowledge, with great thanks, the real support of the Bar Association for the work of WBF, expressed particularly through the provision of the services of Ms Megan Black, to liaise and work with the WBF. Megan has made a great contribution to the work, both in policy terms and in practical support, for which we are most grateful. We also thankfully acknowledge the work of Ms Katie Retford, Ms Roshana Wickramanayake and Mr Chris D'Aeth, who have assisted Ms Megan Black from time to time in work involving the WBF. We really appreciate the consistent support of the Bar Association that has been shown to the WBF.

GOING FORWARD

We look forward to further progressing some of the matters referred to above with the Bar Association, especially promotion and implementation of equitable briefing, work on sexual harassment and bullying and on business structures to facilitate retention of women at the Bar. We would appreciate opportunities for further consultation, through meetings with Bar Council or a sub-group thereof and the Executive of the Bar Association.

Mandy Tibbey

Chair, Women Barristers Forum.