



Précis Paper

Women in Law: Celebrating 100 Years

A discussion on the 2018 centenary of women practicing law in New South Wales including pivotal moments in history, influential women in the law and what lies ahead for women in legal practice.

Discussion Includes

- Support of women in law
- The Women's Legal Status Act 1918 (NSW)
- Changes for women in law over recent decades
- Encouragement for women in the later years of their career
- The First 100 Years
- Defining moments in history
- Takeaways for Practitioners

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Women in Law: Celebrating 100 Years

1. In this edition of BenchTV, Holly Lam (Senior Associate – HWL Ebsworth Lawyers, Sydney) and Rachel Scanlon (Consultant – Peerpoint, Sydney) discuss the 2018 centenary of women practicing law in New South Wales including pivotal moments in history, influential women in the law and what lies ahead for women in legal practice.

Support of women in law

2. The Women Lawyers Association of NSW has been dedicated to improving the status and working conditions of women lawyers in NSW since 1952.
3. The aims of the Women Lawyers Association is to encourage junior women lawyers to become the leaders of tomorrow and to help women senior lawyers break through the glass ceilings to reach leadership positions.
4. The first 100 years initiative is a project which recognises the achievements of women lawyers in NSW since the passing of the *Women's Legal Status Act* in 1918.
5. The NSW centenary of women practicing law is 2018. It was only 100 years ago that women obtained the right to become practicing solicitors in NSW.
6. At present, the majority of practicing solicitors in NSW between the ages of 30-50 are women.
7. In around the year 2000 there were 15,000 solicitors in NSW and 5,000 of those were women.
8. Now, we have 33,000 solicitors in NSW and of these, 17,000 are women solicitors.
9. There are more women at the junior end of legal practice and it tapers off quite significantly in the 40+ category where there are significantly more men in legal practice.
10. It is only recently that NSW has had its first female Crown Solicitor and also only recently since the appointment of Justice Kiefel, the first female Chief Justice of the High Court.
11. Justice Kiefel follows the footsteps of Mary Gaudron who was appointed to the High Court about 30 years earlier.

The Women's Legal Status Act 1918 (NSW)

12. Ada Evans was the first female law student in NSW. She graduated law school in 1902 but was not able to get admitted to practice as the law at the time was that for a person to be admitted to practice, they had to be a suitable person. It was the interpretation of the time that a 'suitable person' could only be a man.
13. Between Ada graduating from law school and the passing of the Act in 1918, World War 1 broke out.
14. At this time, the women who were leading the Red Cross and wives of lawyers stepped up and took control of legal practice whilst the men were away.

15. Through 1917, there was a lot of effort to lobby for women's rights and for women to enter legislative assembly and practice law in NSW.
16. This all came around the time of suffrage for women.
17. Men could no longer claim that women were incapable as women had proved that they had the capacity to do it during wartime.
18. Even though the *Women's Legal Status Act* passed in 1918, the first woman solicitor in NSW was not admitted until 1924.
19. Once the College of Law was established in the 1970s, women were able to do a course of study and qualify as a solicitor, which made it much easier for women to practice.
20. With the introduction of law schools at University of New South Wales, UTS and Macquarie there were a great many more women who were able to participate in the studies of law.
21. By 1981 about a third of the students in law schools were women.
22. It was the introduction of law school at the universities as well as the change to the College of Law that were also very much defining moments for women in law.

Changes for women in law over recent decades

23. The focus on unconscious bias and a recognition of diversity and inclusion have been the biggest changes for women in the legal industry in recent decades.
24. Traditionally, success and leadership in the legal profession are defined by what may be known as 'masculine values' for example, aggression and a 'take charge' personality.
25. Increasingly there does not seem to be much of a difference in litigation between men and women in the courtroom.
26. However, it does still seem that the majority of speaking roles in the courtroom are taken by men.
27. The rise in remote working has helped women in the legal sector as it reduces the need to be present in an office.
28. When starting out in legal practice there is not much difference between a male and a female graduate.
29. However, it is within the senior associate sector, which tends to require more time and more presence, that we see a reduction in females.
30. As long as a lawyer has clear lines of communication with their clients, a support structure and the ability to delegate to other members of the team, it is not as urgent for them to actually be present in the office.
31. The Law Society of NSW has now got a Charter for the advancement of women which has 5 principles, one of those being to encourage flexible working.

Encouragement for women in the later years of their career

- 32. Flexible work arrangements is an important initiative to encourage women in senior positions in law.
- 33. Clients are increasingly global, time frames are becoming shorter and everyone is working to a budget therefore the value for money proposition is increasingly important and clients are increasingly cost conscious.
- 34. Many corporations have enthusiastically braced flexible work arrangements.
- 35. The client-lawyer relationship has become more of a partnership; a collaborative effort.
- 36. Flexible work arrangements are not just beneficial for women, but for men and people who are not parents also.

The First 100 Years

- 37. The First 100 Years has been transformed into a project of awareness which aims to celebrate the past and to shape the future.
- 38. More information regarding the initiative can be found at first100years.com.au.
- 39. The project collates the history and looks at ways to encourage women in the law in the future.
- 40. Part of what the First 100 Years initiative is doing is celebrating and commemorating the past and putting things in their place historically.
- 41. The First 100 Years initiative also sets out to achieve goals such as more women at senior levels and more women returning from maternity leave and sustaining a legal career.
- 42. As part of the broader women's movement, many of the professions such as dentistry and medicine, did allow women in but law was a tightly held profession, an 'old boys club' for a very long time.
- 43. It is the law that underpins our ability to live a civilised life and for women to be able to take a part in that, to be practicing as lawyers and be part of the judiciary means that women are taking part in the running of society.

Defining moments in history for women in the law

- 44. Arguably, the most defining moment in history for women in the law was the passing of the *Women's Legal Status Act 1918* (NSW).
- 45. The creation of the College of Law marked the official barrier dropping for women in NSW not having to be articled anymore and opened up the profession.
- 46. The law is one of the only professions, if not the only profession that requires one to be introduced into the profession by an existing practitioner.
- 47. The establishment of the College of Law broke one of the many barriers preventing women from getting into the legal profession, being the need for legal connections.
- 48. Cybil Morrison was the first female barrister to practice and she received a large proportion of her work from the first female solicitor, Marie Byles.

- 49. Women leaders in the legal profession tend to keep the door open for other women.
- 50. Women helping women is important because often women are in the minority and do benefit from the help.
- 51. However, no change in the minority takes place without the embracing from the majority and the support of men for women and diversity in the workplace is highly important.

Takeaways for Practitioners

- 52. Looking back over the last 100 years there has been a lot of rapid change and moving forward, there is going to be much of the same.
- 53. As a legal practitioner one needs to adapt to client's needs while at the same time maintaining the professionalism and technical expertise that is required
- 54. It is important to encourage men and women to stick with the law as it enables one to play a very important part in society

BIOGRAPHY

Holly Lam

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Holly is the President of the Women Lawyers Association of NSW. She is a Senior Associate at HWL Ebsworth Lawyers specialising in insolvency and commercial litigation. Holly regularly advises and appears in the Federal Courts of Australia as well as the Local, District and Supreme Court of NSW. She joined the executive committee of the Women Lawyers Association of NSW in 2013 and has been President since 2016.

Rachel Scanlon

Consultant – Peerpoint, Sydney

Rachel is an internationally experienced financial services lawyers, specialising in regulation, funds and derivatives. She is the founder of First 100 Years (Australia), an initiative celebrating the 2018 centenary of women in law in NSW. Rachel is also the Director on the Boards for International Women's Forum Australia and The Song Company.

BIBLIOGRAPHY

Legislation

Women's Legal Status Act 1918 (NSW)