

Perceptions are the underlying problem

By Jane Needham

It has been fourteen years at the Bar for me this year! I have worked continuously since August 1990, although I worked part-time in 1998 and in 2002-present, taking maternity leave, and working part-time since the birth of my daughter. I currently work four days per week, with flexibility when needed. I've also taught at UTS and am currently a judicial member of the ADT, as well as having been on Bar Council and on various Bar Association committees.

It is difficult to isolate one 'most significant' professional challenge in being a barrister. What I like about the Bar is that every day is a challenge. I can point to particular cases I have argued, of course, but that's an individual approach to the question. Probably the greatest challenge to life at the Bar is maintaining the number of roles required of me: advocate, counsellor, researcher, and writer. Then personally, the greatest challenge in being a barrister is adding wife, mother and friend to all the above.

'I think that the direction in which the Bar Council is going with the child-care aspect of life at the Bar is very important.'

I find the job most challenging when I am sick or am going through a time of personal upheaval. The duty to the client and the court comes first, of course, and it's hard going at times.

The most rewarding aspect of the job? Professionally, I love the work I do. I took a decision a while ago to specialise in areas of work I enjoy, rather than work that simply pays the bills (within the bounds of the cabrank rule, of course!) and mostly I sympathise with my clients. I have had some very interesting cases, in particular Legal Aid housing matters and charitable trust cases for the Crown. Personally, the most rewarding aspect is that I have the freedom to dictate when I work, within reason, and that has allowed me to continue my practice while spending time with my daughter.

My standard answer when I am asked about being in a workplace minority is that my sister was a rouseabout in shearing sheds in western NSW, and she is the one who knows about hostile working environments!

I have very few problems with judges or opponents that I can pin down to my being female. I've had some notable exceptions to this: arbitrators who call the male barristers 'mate' and me 'Miss Needham', leaders who ask me 'who's looking after your child?' and who are horrified when I reply 'my husband' or 'my nanny', and opponents who are patronising or inappropriately touchy. But generally speaking, I find that that is now the exception, not the rule. Things have improved enormously since I came to the Bar, and I hope they'll continue to improve. I've had to get used to being the only woman in a professional role in most courtrooms, and now

it's becoming rarer that that is so. The main problems arise more from my family responsibilities rather than my gender. There is a divergence of opinion on whether you can practice part-time, as I have been doing now for over two years; I have had to shed some of my solicitors who don't like it, but I have found others who appreciate and support it. Judges, I can't do anything about, but some are aware and helpful, and others definitely are not.

Having been on the Bar Council for six years, I have no problems with the corporate attitude of the Bar and the direction in which it is going. Almost my first Bar Council meeting involved the issue of The Painting and its removal, and the next big step was the introduction of rules relating to sexual harassment. I think that leadership isn't the issue. It's more the perception, both inside and outside the Bar, that it's not really a place for women.

As to why the percentages of women at the Bar have not significantly increased over time, having spoken to young women, students and solicitors, I find that they're scared off by their preconceptions that:

- it's very blokey and your tutor needs to double in some way as protector;
- if you don't have 'protection', you end up isolated;
- it's all a bit of a grind, and not much fun; and
- you can't combine a career at the Bar with family responsibilities.

I regard all of these perceptions as wrong, and try to take some time to point out why.

I do find the Bar quite blokey, but not in a football-locker-room way, and I don't find it actively difficult to deal with (coming from a family with three brothers, perhaps I'm attuned to that kind of thing). It's easy to deal with the conception that it's not much fun, because it is, if that's what you like. The tutor-as-protector thing is interesting, and I have never considered my tutor in that light, nor seen it part of my role as tutor, but it's been said to me in a worried way by a couple of prospective readers. My floor has quite a number of women on it (seven at the moment) and it's less blokey than others, so I can show them that I work in a supportive environment by way of reassurance.

I think that the direction in which the Bar Council is going with the child-care aspect of life at the Bar is very important. Not only does it give recognition to the importance of parenting roles, it also shows that there is some movement towards making life at the Bar more family-friendly. Similarly, the attempts to show female law students what real life at the Bar is like can only improve the number of women coming to the Bar.