

Interview with Sharyn Hall SC, the LGBTQI Advocate for Change

Interviewed by Claire O'Neill



In 2022 Sharyn Hall SC of Samuel Griffith Chambers was appointed as the Bar Association's LGBTQI diversity advocate for change. She was interviewed about this role, the challenges faced by LGBTQI barristers and what we can all be doing better.

Claire O'Neill (CO): *If you're prepared to discuss it, have issues of identity or sexuality intersected with your professional life?*

Sharyn Hall SC (SH): One of the things that I've learned from taking on this position and the number of talks that I have already been asked to give, is that people really want to know what your experience is. I always assumed no one wants you to talk about your war stories because everyone else has got their own. But people do want to hear about it.

When I first started studying law, I remember talking to a friend of mine and saying, 'Well, I don't even know if I'd come out. Would I tell people?' And I did. At my very first job as a law clerk, I was working at a firm of solicitors, and one of the clients of the firm was another solicitor and she was a lesbian. She was seen as this really formidable woman who knew her mind and was very firm about what she wanted, and here I was, so junior in my first job, and everyone was saying, 'Oh well, she'll get on well with you.' The clear implication was that she would only like me because I'm a lesbian, and she would give me a good go because I'm a lesbian, not because I'm good at my job. And I just thought it was so disrespectful to both of us, because either as women or as lesbians we can't be respected for being good at our jobs.

The other thing about it was it felt like everyone was having this conversation about me and around me, and I felt like I did not own that conversation at all. And so I sort of decided that any job I took after that, I was going to own the conversation a bit more, that I was going to control it a bit more, and it's a difficult thing to do.

The importance of the visibility of people who identify under that rainbow is that the more of us that there are, the more confident and comfortable you feel to be able to be

out, so that the conversation is not being had around you, so that there doesn't need to be that conversation, so that it's just something that is accepted and doesn't need to be discussed.

That is why things like pronouns are important, as uncomfortable as it is especially for the cisgendered among us. I'll be honest with you – I struggled with whether I should put my pronouns on my signature block. But when we launched the Bar Association's principles of inclusion, one of the things that Chris Nelson said to us from ACON Pride In Diversity was that it's not necessarily about you, it's about the people who interact with you. And so when people get your emails, they think, 'She's thought about this.' So even though I am a cisgendered woman, I've given some thought to it so that people who receive my email can go, 'Oh wow, someone like her is thinking about this. That's great because it means if I need to raise that issue or if I want to say my gender is different to how I might appear or how I identify, then I'm comfortable to do that.' That's why it's so important to have allies, because little things like that just make so much difference to people and you don't even know it. You can't see it, you can't see the impact and you don't know what's going on inside someone's brain, but you can have a simple impact like that.

CO: *What did it mean for you to be appointed the LGBTQI diversity advocate for change?*

SH: It was actually quite daunting. I knew the people who had gone before me in the role. It had always been a man before. And they were very large boots to fill. Obviously, it's an honour to be even in the same conversation as these people, but it's daunting because it's such a diverse group of people that you purport to represent.

I don't consider myself as speaking

for everybody, but you are certainly a representative or a touch point for people and since taking on the position, I have held myself out as being a contact for people to come to if they have issues or if they want to talk about anything. It's also challenging and it's a good challenge in a lot of ways because you can learn from what's gone before you and also mould the position into how you see it being most effective.

CO: *What do you think is one of the bigger challenges of the role?*

SH: Look, I think the bigger challenges are engaging with the broader bar, and that's the importance of having someone senior in the role so that people don't just dismiss it as a figurehead that we don't have to worry about. I think if you have someone who's senior, then it demonstrates to the rest of the bar that this is something that the Bar Association takes seriously and that they want everyone else to take seriously.

I think engaging with the broader bar in bringing people along as allies is really important because it then reflects so much better on the bar itself to the outside, both to the solicitors, the people who instruct us, but also the people who come across us as clients, as witnesses, as people who intersect with the justice system in all of its various jurisdictions.

If we reflect that across the bar, not just the people who identify under the LGBTQI broad rainbow, but also the allies, then that reflects well into the community.

CO: *What other things do you think we can do to promote a more inclusive profession?*

SH: I think that the issue of gender diversity is a real issue for the profession. As a criminal lawyer, a lot of my work is in court, and what's become apparent to me and become a

real concern recently is how that appearance in court is a barrier to people who are non-binary or who don't identify with the gender that they were allocated at birth.

If mentioning your appearance is a source of some degree of anxiety, if not trauma, for you, then that's a barrier to you participating in the system. As an advocate, I've heard some horror stories about clients who identify in a particular way, the court has been told they identify in a particular way, and certain judicial officers have struggled to consistently reference the client in the appropriate way. What I'm trying to encourage during my tenure in this role is a discussion about how we deal with that, maybe some sort of pro forma that we can put together so that when people note their appearance there's a consistent way throughout all of the courts, at least in NSW, so that particularly people who are non-binary or who are gender diverse have the ability to appear in court without that appearance being traumatic.

CO: *Yes, I had a hearing recently where a witness was non-binary and I realised I don't know what to put in front of their last name when I'm cross-examining them.*

SH: I think at the bar I'd like us to have that conversation. If people are reading this article and have any thoughts on it please get in touch with me and let's start that conversation, because I think we need to have it, and then we can also consult with our friends at the Law Society, and then we can go to the judiciary and we can consult with them, and educate the judiciary so that there is uniformity as to how people are addressed when they're in court. I know consistency doesn't work for everybody all the time, but it would be good to have a rule of thumb so that we can all be respectful.

What happens for example, if you've transitioned? I heard a story about someone who was appearing in a Local Court somewhere and they had to send a letter to the registry setting out their story and how they'd like to be addressed and it horrified me, quite frankly, because as individuals we shouldn't have to do this. I don't want to think of practitioners, especially junior

practitioners, having to go through the anxiety of wondering, 'Do I have to send a letter to every court I appear in saying that I'm non-binary?'

CO: *What are some other barriers that limit the full promise of the bar to LGBTQI lawyers?*

SH: The other barriers, other than what we've spoken about, are really just the barriers you get in most workplaces and they are just almost like lifestyle stereotypes. Things have changed, I accept, since marriage equality, but once upon a time just referring to the gender of your partner was something that was difficult. You know, the way you talk about what you're doing on the weekend or what you're doing tonight doesn't present a barrier to a heterosexual couple. But if you're in a same-sex relationship and you start talking about my wife or my husband, *Are you really comfortable doing that?* You talk about your kids, and other people sort of stop and do the double take. What we've learned from our friends at ACON Pride In Diversity is the importance of people feeling comfortable to bring their whole selves to work.

Not everyone wants to merge everything or all parts of their life. And there are a lot of people who like to keep it private. But for those who want to be able to say, yes, my wife and kids are going away this weekend and they're female, they should be able to feel comfortable to do that.

CO: *Sometimes the bar has events focussed on the LGBTQI community. Is it appropriate for people who don't identify to attend those events?*

SH: Absolutely. I do think it's really important not only that people feel comfortable coming to those events if they don't identify, but that they do actually attend, because it sends a message to those of us who do identify that we have support and it's nice to know who the supporters are.

One of the things that's changed significantly in my lifetime is that it's not obvious who's who anymore. It used to be that if you were female with short hair and flat shoes, that you were easily identified,

but nowadays you can't tell. We don't have a secret handshake. That means it is really important for people to be a bit more obvious in their support now, and it is really helpful to know who's out there but also who your supporters are. A really obvious way of doing that is by coming to functions that we do have. And I mean, it goes without saying that we are obviously fabulous and entertaining people to boot.

CO: *My final question is what does the bar need to do better? Where are we failing?*

SH: I think we're actually pretty good at trying to send a message of support to people who do identify, although we can always do everything better. But I think what we're least good at is the allies thing. You don't have to be wearing a rainbow pin every day, but there are things you can do to be supportive of people who are in chambers who you know identify.

I work in crime, and so one of the other things that I think that we're particularly bad at is having a rainbow network in crime. I think it's something that the uptown firms do very well. They all have diversity networks in the big firms, and I think that flows through to people who've gone to the bar from that end of town, but I think in crime we're not as good.

We're all working so hard and we're always in court, but we can do better at having those support networks both of people who identify, and people who identify as allies. So keep an eye out for functions that are dedicated criminal law functions because I really want to get together people from the bar and people from private practice, from Legal Aid, from the DPP, the ALS, all of those organisations to try and bring everyone together so that we do have a bit more of a network.

I think criminal practitioners have a good network generally, but for those of us who identify as LGBTQI it would be good to have that little extra connection. That's something I'm working towards over the next hopefully six months. We'll have a function up and running then. **BN**