

100 Years of Women in Law in NSW

The Honourable Justice Margaret Beazley AO

18 October 2018

WOMEN'S LEGAL STATUS ACT.

Act No. 50, 1918.

An Act to provide that women shall not by reason of sex be deemed to be under any disqualification to hold certain positions or to practise certain professions; for that purpose to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Sydney Corporation Act, 1902, the Acts relating to Local Government, justices, magistrates, and legal practitioners, and certain other Acts. [Assented to, 21st December, 1918.]

George V,
No. 50.

**Women in the law
The takeover
begins**

LADY LAWYERS

IN PORTIA'S FOOTSTEPS.

THE STATE'S FIRST LADY LAWYER.

A CHAT WITH MISS I. E. EVANS.

A representative of the "Evening News" had the felicity of a half-hour's chat to-day with Miss Ida Emily Evans, who, on Saturday, received the degree of LL.B. at the Sydney University.

Miss Evans was born in Woodford, Essex, England, and, on arriving in this State, attended the High School, passing the Junior University Examination five months after. Her matriculation followed in a little more than 12 months. Having accomplished so much, and being still too young to go to the University, Miss Evans returned to the school, passed the Senior Examination, and a year later entered the University. Further successes followed, and in 1896 she graduated B.A. It was not until 1898, however, that Miss Evans entered the law school, devoting herself in the interval to a study of painting.

This interview took place at the Law School, Phillip-street, and Miss Evans freely gave her views on, not only women's possible aspirations in the direction of the law and other professions, but upon other matters affecting the welfare of her sex.

"Do you contemplate practising?" Miss Evans was asked.

"There are great difficulties in the way," was the reply. "I have tried to get admittance to practice in some form. The Chief Justice, when I wanted to be admitted some time ago, pointed out that women were not admitted in London, and so could not be here. I didn't like that, for I don't think we should slavishly follow London. I consider conveyancing excellent work. In England women do all the hard work, and get no 'kudos' for it. I have been informed that they did a lot of work, such as drafting and conveyancing. At the present time typewriting women do a lot, but in cases where women have the brains to do the other part of the work why should they not be paid for it?"

"How do you propose to meet these difficulties?"

"I think a bill should be passed through Parliament. I don't mean womanhood suffrage," Miss Evans smilingly interrupted herself. "I hope to see a bill passed to open up the professions for women."

"How about the bar?" was the next question.

"Well, I don't know that we should be very brilliant successes at the bar. But, surely, in such work as conveyancing, there is room."

Miss Evans chatted on, and mentioned the names of several women who had climbed high. Mrs. Garrett Anderson, who had entered the medical profession, was referred to; and then

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Evening News (Sydney)
22 April 1902

MISS F. M. GREIG.

OUR FIRST LADY BARRISTER.

But Miss Greig declares she is not going to follow in Portia's footsteps and don the wig and gown to prove herself a second "Daniel come to judgment." She means rather to take up practice as a solicitor, as she thinks there must be an opening for a woman in such a position, now there are so many women engaged in business—they will need legal advice in the management of their affairs, and surely a woman would enter more into their feelings and understand their difficulties better than any man, and could consequently advise more understandingly.

Miss Greig is utterly unlike the accepted type of the strong-minded woman. She is petite, slight and fair, essentially feminine and fond of pretty clothes, of social life, and of such an absolute frivolity as dancing. She comes of a Scottish family, and speaks with a Scottish accent, and with a quiet, almost timid manner, which rather suggests nervousness.



Photo by T. Humphrey and Co.

Miss Flos Greig.

VICTORIA'S FIRST LADY BACHELOR-OF-LAWS.

SHALL WOMEN BECOME
LAWYERS?

A LOCAL APPLICATION.

REFERENCE TO THE FULL
COURT.

AFFIDAVIT OF MISS E. HAYNES.

AN AMUSING ARGUMENT.

When the Full Court was opened at Perth before the acting-Chief Justice, Mr. Justice McMillan, and Mr. Justice Burnside on Tuesday, Mr. Haynes, K.C., said he desired to move for a rule nisi for a mandamus compelling the Barristers Board to admit Miss Edith Haynes, an articled clerk, daughter Haynes, to examination.

THE LADY LAWYER.

NOT TO BE ENCOURAGED.

A DISAPPOINTED WEST AUSTRALIAN
APPLICANT.

PERTH, Wednesday.—An application was heard before the Full Court to-day, on behalf of Miss Edith Haynes, for an order compelling the Legal Practitioners' Board to allow her to present herself for examination, with a view to admission to the profession.

An affidavit was filed in the case, stating that the applicant had been duly articled in a solicitor's office, and she now wished to present herself for the first examination. Mr. Haynes, K.C., appeared for the applicant, who is his niece. The Court decided against the application.

The Chief Justice said that the Court would follow the decision given by the Lord Chancellor in England in the case of Miss Cave, who wished to be called to the Bar, and in whose case the Chancellor decided that as there was no precedent for such a course he would not create one.

TELEGRAPHIC.

A WOULD-BE LADY LAWYER.

CASE OF MISS HAYNES.

APPLICATION REFUSED.

PERTH, Aug. 10.

WOMEN'S LEGAL STATUS ACT.

Act No. 50, 1918.

An Act to provide that women shall not by reason of sex be deemed to be under any disqualification to hold certain positions or to practise certain professions; for that purpose to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Sydney Corporation Act, 1902, the Acts relating to Local Government, justices, magistrates, and legal practitioners, and certain other Acts. [Assented to, 21st December, 1918.]

George V,
No. 50.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Women's Legal Status Act, 1918."

2. A person shall not by reason of sex be deemed to be under any disability or subject to any disqualification—

Positions for
which there
is no sex
disqualifi-
cation.

- (a) to be elected and to act as a Member of the Legislative Assembly;
- (b) to be elected and to act as Lord Mayor or alderman of the Municipal Council of Sydney, mayor, president, alderman, or councillor of any municipality or shire under the laws relating to local government;
- (c) to be appointed a judge of the Supreme Court of New South Wales, or of a district court of New South Wales, or chairman of Quarter Sessions, or a stipendiary or police magistrate, or a justice of the peace;
- (d) to be admitted and to practise as a barrister or solicitor of the Supreme Court of New South Wales, or to practise as a conveyancer,

any law or usage to the contrary notwithstanding.

Early Dates and Milestones

- 1902** **Ada Evans** – first woman to graduate with LLB
- 1903** Vic passes *Women's Disabilities Removal Act*
- 1904** Tas passes *Legal Practitioners Act*
WA Supreme Court refuses to admit Edith Haynes
- 1905** Qld passes *Legal Practitioners Act*
Flos Greig – first Australian woman to practise law
- 1911** SA passes *Female Law Practitioners Act*
- 1918** NSW passes *Women's Legal Status Act*
- 1923** WA passes *Women's Legal Status Act*
- 1924** **Sibyl Morrison** – first female barrister in NSW
Marie Byles – first female solicitor in NSW
- 1925** **Mary Kitson** and **Dorothy Somerville** establish first Australian female legal partnership
- 1927** **Christian Jollie Smith** – first woman to establish a legal practice in NSW

The Sydney Morning Herald.

SATURDAY, JUNE 11, 1921.

WOMAN'S PROGRESS.

The appointment, for the first time in New South Wales, of a number of women as justices of the peace has given rise to a mild controversy. Some correspondents have deplored the innovation; in their eyes it is another milestone on that *via dolorosa* along which modern woman persists in travelling. It is a further stage in the insidious process of "unsexing" which has already gone so far. Others reply that the phenomenon of a female J.P. is no more abhorrent to nature than that of a male-milliner. If a woman may become a member of Parliament or a lawyer, why should she be denied the privilege of enrolment in an order whose commission does not, after all, carry very exacting responsibilities. The man in the street sometimes wonders why the distinction should be so highly coveted, and is a little vague as to the precise duties of a metropolitan justice of the peace. The

LADY BARRISTER

S.M. Didn't Know Her

WATER COURT INCIDENT

Mrs. Sibyl Morrison, the lady barrister, caused a flutter at the Water Police Court when she held a brief from Mr. Harry Brown in a small debts case.

She arrived a little late, and took a seat at the solicitors' table.

No woman had sat there before.



Mrs. Morrison

Everybody stared. She wasn't even given elbow-room.

As soon as the case was called on Mrs. Morrison stood up to inform the magistrate for whom she appeared.

"Who are you?" asked the magistrate.

"Mrs. Sibyl Morrison," she answered.

"Are you a solicitor?" asked the magistrate.

"No," said Mrs. Morrison, "I'm a member of the Bar!"

The magistrate looked embarrassed. Mrs. Morrison smiled and bowed.



MISS MARY KITSON
(Mrs. Tenison Woods).

NEW LEGAL FIRM

Women Lawyers Join Forces

ADELAIDE LEADS WAY

"KITSON & SOMERVILLE."

A Pioneer Firm.



MISS DOROTHY SOMERVILLE.

WOMEN LAWYERS' ASSOCIATION

The Women Lawyers' Association has been formed by a group of 17 women lawyers in Sydney. Miss Veronica Pike, who is a practising solicitor, is the convenor of the association.

Its chief purpose is to give representative opinions of women lawyers upon community questions, to entertain visiting members of the profession, to welcome new members, and to provide study groups.

Sydney Morning Herald
29 August 1941

WOMEN LAWYERS MEET TO FORM NEW ASSOCIATION

THE first move to group the 62 women lawyers in New South Wales into a formal association was made at a meeting convened by Mrs. Tom Bateman and held at the Pickwick Club during the week.

Sunday Herald
11 November 1951

Women in Legal Representative Institutions

- 1925** **Marie Byles** – first woman to attend Incorporated Law Institute (ILI) AGM
- 1941** First informal meetings of association of women lawyers in NSW
- 1951** **Margaret Degotardi** – first woman to put herself forward for election to ILI Council
- 1952** First meeting of formally constituted NSW Women Lawyers Association (WLA)
Elizabeth Evatt – first student member of WLA
- 1960** ILI is re-branded as NSW Law Society
- 1972** **Ann Plotke** – first woman elected to Law Society Council
- 1976** First time minutes of Law Society's AGM became gender neutral
- 1979** **Mahla Pearlman** – first woman appointed to solicitors' admission board
- 1981** **Mahla Pearlman** – first female President of Law Society
- 1983** **Robyn Druitt** – first woman to head up NSW Young Lawyers
- 1984** **Daphne Kok** – first Australian woman elected President of International Federation of Woman Lawyers
- 1989** **Mahla Pearlman** – first President of Law Council of Australia
- 1997** Australian Women Lawyers founded as peak representative body
- 1999** **Ruth McColl** – first female President of NSW Bar Association



Female Presidents of NSW Bar Association

- Ruth McColl (Nov 1999 – Nov 2001)
- Anna Katzmann (Nov 2007 – Nov 2009)
- Jane Needham (May 2014 – Nov 2015)

Female Presidents of NSW Law Society

(Clockwise from top left)

- Mahla Pearlman (1982)
- Margaret Hole (1999)
- Kim Cull (2002)
- June McPhie (2006)
- Mary Macken (2010)
- Ros Everett (2014)
- Pauline Wright (2016)





Presidents of the NSW Bar Association

Justice Evatt to get new job

The Family Court Chief Judge, Justice Elizabeth Evatt, is to be appointed the new President of the Law Reform Commission.

The Attorney-General, Mr Bowen, said in a statement yesterday that Justice Evatt was expected to begin her new job on January 5. The appointment will be for five years and will expire in November, 1993.

Mr Bowen also announced that Victorian Supreme Court judge Justice Alistair Nicholson would replace Justice Evatt as the new Family Court Chief Judge. Justice Evatt has served as Chief Judge of the court since it was established on January 5, 1976.

Justice Nicholson will also be appointed a judge of the Federal Court, and will be the first judge to hold a dual commission on both the Federal Court and the Family Court.



Elizabeth Evatt AO



Justice Evatt will head Family Court

The Chief Judge of the Family Court of Australia will be Justice Elizabeth Evatt, and the ACT judge will be Mr John Ellis, a Canberra lawyer.

The Attorney-General, Mr Enderby, announced these and three other appointments to the new court yesterday.

The other judges will be Mr Austin Ashe, QC, of Victoria, Judge John Marshall, of South Australia, and Mr Kenneth Pawley, of NSW.

Mr Enderby said the judges of the court in Tasmania and Queensland would be announced.

The court will begin operating in all States except

Western Australia on January 5, when the new Family Law Act comes into effect.

Western Australia will set up its own State family court later. It will be funded by the Australian Government and its judge will be appointed after consultation between the State and the Federal Government.

It is understood that it will begin operating in about March next year.

Mr Enderby said work had already begun on the selection of premises, placing advertisements and selecting suitable people for appointment as staff for the new courts.

Justice Evatt is a Deputy President of the Conciliation and Arbitration Commission.

Mr Enderby said that as a Member for Canberra he

was particularly pleased that Mr Ellis would be the first ACT legal practitioner

to receive judicial appointment.

Mr Ellis, 40, is holidaying in Fiji until the end of next week.

He was admitted to practice in Sydney in 1958 and spent a short time there working as a Broken Hill practice lawyer.

He returned to Sydney and was admitted to the Bar, where he practised as a barrister for almost 10 years.

Mr Ellis specialised in family law work, and had a general practice before coming to Canberra in 1967. He is a member of the ACT Law Society, the Law Firm of Abbott, Tout, Owen and Wilkinson, and was president of the Society of the ACT Judges of the Court in 1970 until 1973. He is also a member of the Law Council of Australia.

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Miss E. Evatt Tops Law Exam.

SYDNEY, Friday. — Miss Elizabeth Evatt, 20, daughter of the Minister for Housing (Mr. Clive Evatt) topped the list of Third Year law results released to-day.

Elizabeth Evatt (1933 –)

- 1955** First woman to win university medal in law at Sydney University
Admitted as a barrister in NSW
- 1956** Awarded LLM from Harvard University
Admitted to the bar at Inner Temple in London
- 1968 –73** Worked at England and Wales Law Commission
- 1973** Appointed Deputy President of Commonwealth Conciliation and Arbitration Commission
- 1974 – 77** Chaired Royal Commission on Human Relationships
- 1976** Appointed inaugural Chief Judge of Family Court
- 1984** Appointed as member of United Nations Committee on Elimination of Discrimination
Against Women (Chair of Committee from 1989–1991)
- 1988** Appointed President of Australian Law Reform Commission
Appointed Chancellor of University of Newcastle
- 1992** First Australian to be elected as member of United Nations Human Rights Committee
- 1995** Appointed part-time Commissioner of Human Rights and Equal Opportunity Commission
- 1998 –
2007** Served two consecutive 5 year terms as Judge of World Bank Administrative Tribunal
- 2003** Elected as Commissioner of International Commission of Jurists
- 2006** Blue Mountains Community Legal Centre renamed Elizabeth Evatt Community Legal Centre

Equality Before the Law (1994): Key Recommendations

Part I: Justice for women	Part II: Women's equality
Strengthen the <i>Sex Discrimination Act</i>	Enact an <i>Equality Act</i> that enshrines equality in law and consider its impact on government and courts
Improve Legal Aid processes	Establish a presumption of standing in public interest litigation and a women's equality advocacy fund
Commonwealth funding for an additional women's legal service in each State/Territory	Improve legal education in schools, practical legal training courses and continuing legal education
Funds to expand existing court support schemes and establish new schemes	Professional associations to proactively support women through promotion of opportunities, development of policies and proper handling of complaints
Improve court facilities and processes to facilitate access to justice	Establish an advisory commission to advise Attorney-General on suitable candidates for judicial office and publication of selection criteria
Extend additional support to victims of domestic violence who are sponsored by Australian citizens	Endorse national legislation that allows compensation claims for loss of capacity to perform unpaid housework and recognise economic role of rural women
Establish guidelines and conduct further research into the situation of refugee women who are victims of violence	Amend the Code of Banking Practice to address the prevalence of sexually transmitted debt
Focus on women's perspectives in the development of the Uniform Criminal Code and establish a Violence Against Women Unit in the federal Attorney-General's Department	Extend support to women in remote communities, particularly Norfolk Island

Justice Mary Gaudron:

“I knew, before the meeting, that for a woman to succeed, she had to be better than her male counterpart. I knew, after the meeting, that that was as simple as learning to touch type – hardly an insuperable task. And I knew, too, that the women who offered us that advice were speaking from their own experience: the hurdles they had to jump had been much higher than those we were ever likely to confront.”

(Speech delivered at the Launch of Australian Women Lawyers, 19 September 1997)

SA appoints Australia's first woman judge

ADELAIDE, Thursday. — Miss Roma Mitchell was appointed Australia's first woman judge today by the South Australian Executive Council.

mitted to the bar in 1934 and has always practised in South Australia. She was the first woman Queen's Counsel in Australia when appointed in 1962.

Born in Adelaide, she was educated at St Aloysius College and the University of Adelaide where she is lecturer in family law.

Miss Mitchell is vice-president of the Council of the Law Society of SA and vice-president of the Law Council of Australia.



Mr Justice Mitchell

New judge is Her Honour, Justice Mitchell

ADELAIDE, Friday. — The appointment of Miss Roma Mitchell, QC, to the South Australian Supreme Court Bench has led to a new style of address for members of the Bench.

In future all will be referred to as "Justice" instead of "Mr Justice."

The new judge will be referred to personally as Her Honour, Justice Mitchell.

Earlier the Chief Justice of South Australia, Sir Mellis Napier, had said Justice Mitchell would be known as Mr Justice Mitchell.

Justice Mitchell will present her commission at a

The president of the National Council of Women, Mrs H. S. Bourke, welcomed the appointment.



Why no woman judge?

By F. E. MOSS

HAVE WOMEN a place in law and, if so, are they destined ultimately to acquire complete equality with men or, by their very nature and by reason of male prejudice, are they doomed to play no more than a secondary role?

Some 552 practising barristers, an almost equal number of barristers not practising, and 4,550 solicitors serve New South Wales. Of this number 16 barristers and 190 solicitors are women. It is 52 years since the first woman began to practise in law, but no woman has ever been a judge of a New South Wales Court, or even a Queen's Counsel, so that at present there may be complete equality of opportunity in theory between the sexes but none in fact.

The first male solicitor was William Henry Moore, who began practising in 1815. The first woman in law was Miss Ada Evans, who graduated in 1902 but was not admitted to practise as a barrister until May 12, 1921.

The first woman solicitor was Miss Marie Byles, who was admitted on June 4, 1924. Thus 109 years elapsed between the time of admission of the first male solicitor and the time of the first woman solicitor.

The prejudice against women entering the profession was finally overcome by Act of Parliament, the Women's Legal Status Act, 1918, which declared that a person shall not by reason of sex alone be deemed to be under any dis-

ability or subject to any disqualification to be appointed a judge or to be admitted and to practise as a barrister or solicitor.

The change came in the wake of the first world war, during which women had been drawn largely from domestic occupations to take the place of men sent overseas. One woman wrote to the authorities: "Having passed all the examinations, why should I be debarred from reaping the fruits of my labour?" Why indeed?

Foresight

Owing largely to the wisdom and the foresight of the then Attorney-General, D. R. Hall, Parliament unanimously declared that women should be given equal opportunity to practise law.

One member said: "The point is whether we are entitled any longer to withhold from women who wish to exercise these responsibilities the right to do so."

The same point could be raised today, whether the opportunity to sit on the Bench should be withheld from women who are qualified to do so. Until a qualified woman has been appointed to the Bench of a State court, obstacles which caused the Legal Status Act to be brought on the Statute Book have been only partly removed (for prejudice still remains) and the purpose of the Act has not been entirely fulfilled.

A distinguished law lord once remarked: "Some day a woman will be appointed to

the Bench. By that time, thank God, I will be dead."

Women lawyers have many qualities not the least of which is courage. It took courage (male barristers have a less kind word for it) for the first woman barrister to enter the exclusively male Bar Common Room, thereupon throwing overboard all the previously held views on superiority and on quality and, as a consequence, consternation reigned supreme.

How do the women lawyers of today, the judges of tomorrow, rate with males in the profession? They are accepted by male barristers as persons and not as women, which is a considerable advance in status, and for their ability rather than on account of their sex.

Despite male acceptance, women barristers feel that they are still subject to some degree of appraisal and that comparisons are drawn which are not applied to males. In this the women are quite wrong—male barristers are not above directing an enormous amount of criticism at other male barristers, but only and strictly within the confines of the Bar.

Conservative

As to male solicitors, they are more conservative. They regard women barristers to some extent as interlopers, even so far as being transgressors, and this attitude stems from the fact that males have little, if any, professional communication with women barristers and, to a large extent, they are controlled by their client's reluctance to experiment with counsel over a matter which

may be the only important event in the client's life.

In the face of prejudice and suspicion, women have found a place for themselves in the most exacting of all professions. While the older generation of women barristers preferred to confine their activities to family law, their younger sisters no longer recognise these self-imposed restraints on their abilities and they frequently appear as counsel in many and varied jurisdictions.

Quieter fields

Women solicitors (like the males) are conservative to this extent, that they prefer the quieter, less demonstrative fields of the law, such as conveyancing and probate and family law, and are usually more than happy to pass over to their male partners whatever litigious matters come their way.

Nevertheless, they have brought to the practice of the law their own particular skills and their own seemingly peculiar attitudes to legal problems which can be beneficial to the people.

Generally, they are found to have a sound knowledge of legal principles, are clear thinkers and show a precision and diligence in their work, qualities not always found in men practitioners. They are also extremely loyal to their partners and less inclined to change firms.

But one should not be beguiled by the charm of manner, for an element of toughness lurks behind that pretty face.

A Snapshot of Women in the Judiciary

- 1965** Dame Roma Mitchell – first female judge in Australia, appointed to the SA Supreme Court
- 1970** Margaret Sleeman – first female Local Court Magistrate in NSW and Australia, and the first woman to sit on NSW Coroners' Court
- 1975** Elizabeth Evatt – inaugural Chief Justice of Family Court of Australia
- 1980** Jane Mathews – first female Judge in NSW
- 1986** Pat O'Shane – first Indigenous Australian to be appointed as a Magistrate
- 1987** Jane Mathews – first woman appointed to NSW Supreme Court
Mary Gaudron – first woman appointed to High Court
- 1992** Mahla Pearlman – first woman to head up a NSW Court, as Chief Judge of Land and Environment Court
- 1996** Margaret Beazley – first woman to sit as Judge of Appeal on NSW Court of Appeal
- 1999** Margaret Beazley, Ruth McColl and Carolyn Simpson comprise first all-female bench in NSW Court of Criminal Appeal – first all-female bench in common law world
- 2003** Marilyn Warren – first female Chief Justice in any state or territory
- 2008** Julie Ward – first female solicitor to be appointed directly to NSW Supreme Court
- 2013** Margaret Beazley – first female President of NSW Court of Appeal
- 2017** Susan Kiefel – first female Chief Justice of High Court

Govt. Wants Woman S.M.

The State Government wants a woman with legal qualifications to be appointed a magistrate of the Children's Court.

The Minister for Education (Mr. Drummond) has conveyed this wish to the Public Service Board.

"The woman to be chosen must be properly trained in psychology and sociology," he said last night.

No Legal Bar

"She will be available to deal with cases of female delinquency."

Mr. Drummond said last night that under present laws sex was no bar to an appointment.

The Women's Legal Status Act of 1918 made adequate provision, and under the Justices Act the Governor had power to "appoint any person."

The Government had no doubt about the value of qualified women magistrates, and wanted an appointment made promptly.

1939

Woman SM



Mrs Sleeman, SM

SYDNEY, Monday. — Mrs Margaret Sleeman, 36, of Ashfield, the first woman magistrate in NSW, was commissioned today at the college where she is completing a course in the administration of justice.

She will not sit on the bench as a magistrate until she has completed her present course. It is likely that she will serve in the metropolitan area when she starts full magisterial duties, probably in a few weeks.

1970

Jane Mathews





Picture by RICK STEVENS

Justice Mathews after her swearing-in yesterday as NSW's first woman Supreme Court judge.

New judge seeks justice for women in law

By JENNY COOKE

It's been too long in coming, but Justice Jane Hamilton Mathews is gratified to be the first female to be appointed to the NSW Supreme Court bench, and only the second in Australia.

At her swearing-in at the Banco Court in Queens Square yesterday, Justice Mathews, 46, told her new fellow judges, barristers, lawyers, friends and relatives that it was the most significant day in her 27-year legal career.

"I would like to think that significance goes to some extent beyond me, personally, and attaches to women practitioners generally," she said.

Justice Mathews said that she did not see herself as a trailblazer of the ilk of Dame Roma Mitchell, who became a Supreme Court judge in South Australia in 1965.

But she said: "I think that a woman who is seen to achieve prominence in a field is,

hopefully, helping other women coming up the ranks."

Justice Mathews's career has been dotted with firsts. A solicitor with various firms for 11 years, she was admitted to the Bar in 1968, was appointed the first female NSW Crown Prosecutor eight years later and, in 1980, became the first woman NSW District Court judge.

She married the retired Supreme Court judge Hal Wootten 11 years ago, and is now the first woman in Australia — if not the English-speaking world — to sit on the same court as her husband had.

"I cannot thank him enough for the support he has given me over the years," she said.

Justice Mathews worked on the Human Relations Commission in the mid-1970s, the Royal Commission into Prisons, was a member of the Aboriginal Legal Service and the Council of Civil Liberties, and was a part-time member of the Law Reform Commission.

She adjudicated on some significant cases during her time as judicial head of the Equal Opportunity Tribunal — an area of law with complex issues and important social significance which she considers the most important with which she has been involved.

Although about half all Australian law students are women, Justice Mathews said it was unfortunate that they were not coming through the Bar proportionately.

That showed, she said, the continued existence of "powerful disincentives" to women trying to achieve prominence at the Bar in a male-dominated profession.

"Although we have a long way to go, there is one thing of which we can be absolutely confident. It will be nothing like 22 years before we see the next appointment of a woman to the Supreme Court."

Her advice to aspiring female lawyers? "Simply plug at it and do your best."

Jane Mathews (1940 –)

- 1969** Admitted as Barrister in NSW – Sir Lawrence Street was her tutor
- 1974–77** Counsel assisting Royal Commission into Human Relationships
- 1977–78** Counsel assisting Royal Commission into NSW Prisons
- 1978** Appointed Crown Prosecutor
- 1980** Appointed Judge of NSW District Court – first female judge in NSW
- 1985** Appointed Senior Judicial Member of Equal Opportunity Tribunal – handed down landmark decision of *Leves v Minister for Education* (1986) EOC 192-166 in 1986
- 1987** Appointed Justice of NSW Supreme Court
- 1988** Handed down *R v Harris and McGuinness* (1988) 17 NSWLR 168
- 1991** Established Australian Association of Women Judges (President from 2001–2006)
- 1992** Appointed Deputy Chancellor of UNSW
- 1994** Appointed Judge of Federal Court, President of Administrative Appeals Tribunal and Deputy President of National Native Title Tribunal
- 2001** Returned to NSW Supreme Court as Acting Judge
- 2005** Awarded Order of Australia for “*service to the judiciary, to the legal profession, to the University of New South Wales, and to music*”





MAHLA PEARLMAN

The Police Department's State-wide essay competition on *Safety First*, for children up to the age of 12 years, was won by Mahla Pearlman, aged 10 years, daughter of Mr. and Mrs. Mark Pearlman of "Herzton" station, Boggabri.

Mahla, who is a pupil of Boggabri Public School, was dux of her class this year.

How six women won a place on Sly & Russell's letterhead

The big law firms are slowly allowing women as partners; one firm leads the way, as PHILIPPA GEMMELL-SMITH reports.

couple of cases she encountered doing general work.

Margaret Sidis specialises in local government work, while another Sly and Russell partner, Ydeet Winter-Irving, does property and commercial work. (Ydeet's unusual Christian name is a by-product of her parents' marriage in



MAHLA PEARLMAN 1937-2011

A first class lawyer of the land

Mahla Pearlman was the first woman president of the Law Society of NSW when elected to the position in 1981, one of a string of firsts which also included first woman chair of the board of governors of the College of Law from 1982-87 and first woman president of the Law Council of Australia in 1989. She was an inspiration to a generation of women lawyers and honoured for exemplary service not only to the legal profession, but to the law itself, to the administration of justice, and to the



Mahla Pearlman's presidency of the Law Society coincided with delivery of a major NSW Law Reform Commission Report into regulation of the legal profession.

PHOTO: URBAN PHOTOGRAPHY

continue to serve, and to win further high office, in her chosen profession in the following years, and in 2004 was made an Officer of the Order of Australia for service to the law and the judiciary, to the development of professional practice standards, and to the community.

Past editions of *Who's Who in Australia* record that she went on to see the enactment of the *Legal Profession Act*

“I had a client who almost fell off his seat when he met me. He said: Don’t tell me this document was written by a woman. But that was 15 years ago and he’s still a client.”

Marla Pearlman

‘How Six Women Won a Place on Sly & Russell’s Letterhead’, *Good Weekend*, 1-2 July 1985

Mahla Pearlman (1937–2011)

- 1960** Graduated from a postgraduate degree in Law with Honours
- 1966** Became partner at Lieberman & Tobias
- 1976** Became councillor of NSW Law Society
- 1979** First woman appointed to Solicitors' Admission Board
- 1981** First female President of NSW Law Society
- 1983** Became chairwoman of board of Governors of the College of Law
- 1985** Appointed a Member of the Order of Australia for services to the legal profession
- 1988** Appointed Deputy President of International Bar Association
- 1989** First female President of Law Council of Australia
- 1992** First woman to head up a NSW Court – Land and Environment Court
- 1994-98** Served as a part-time member of NSW Law Reform Commission
- 2003** Retired from Land and Environment Court
- 2004** Made an Officer of the Order of Australia



Mary Gaudron (1943 –)

- 1960** Won a scholarship to the University of Sydney
- 1964** Approached Women Lawyers' Association with Daphne Kok as student representatives frustrated with policy of city firms not appointing women as articled clerks
- 1965** Graduated with First Class Honours
First part-time student to be awarded University Medal in Law, achieved whilst working full time and raising her first child
- 1968** Admitted to NSW Bar
- 1972** First woman appointed to NSW Bar Council
- 1973** Appeared before Arbitration Commission in the *Equal Pay* case
- 1974** Appointed as Deputy President of Commonwealth Conciliation and Arbitration Commission, the youngest person ever to become a federal court judge
- 1981** First woman in any Australian State to be appointed Solicitor-General
Australia's first female QC
- 1987 – 2003** First female judge of High Court of Australia
- 2003-12** Served on International Labour Organisation's Administrative Tribunal

EQUAL PAY CASE REOPENED

Government urges quick decision

The Federal Government urged the Commonwealth Arbitration Commission yesterday to implement equal pay for all female employees as quickly as possible.

But, the Government said, the period of introduction was a matter for the commission to decide.

The Government's submissions were put by Miss M. G. Gaudron, a Sydney barrister, after the commission agreed to reopen the national wage and

no longer reflect the Commonwealth's position."

Employer and union interests present in court did not oppose the Commonwealth's application to have the case reopened.

Mr Justice Moore, presiding, then gave Miss Gaudron leave to put her submission.

Miss Gaudron said the



Miss Gaudron

"The new group says it should be introduced as quickly as possible and says nothing about the economic impact."

Mr Maddern said the Commonwealth now said there should be no delay in handing down the national wage case decision.

But it did not say why the Commission was entitled to rely on the submissions put by the previous Government.

"We contend that the national wage case should be dismissed or deferred," he said.

Mr Maddern said that the reopening of the case had given the opportunity for one political group, recently elected to power, to put a point of view.

Gender Pay Gap

- National gender pay gap:14.6%
- Gender pay gap in legal profession: 29.7%
- Male equity partners earn on average 27% more than female equity partners across 51 countries surveyed
- Female law graduates earn less than men on average at entry level

Pat O'Shane (1941 –)

- 1976** Admitted as Barrister in NSW, becoming first Indigenous barrister in Australia
- 1981** Appointed as head of NSW Aboriginal Affairs Department, the first Indigenous person to head a government department
- 1986** Appointed as Magistrate in NSW Local Court, the first Indigenous person to be appointed a Magistrate
- 1995** Appointed Chancellor of University of New England



Pat O'Shane

Eminent gathering honours judges



Picture: RICHARD BRIGGS

The new Chief Justice, Sir Anthony Mason, centre, with Justice Mary Gaudron and Justice John Toohey yesterday.

travelling. It is a further stage in the insidious process of "unsexing" which has already gone so far. Others reply that the

Sydney Morning Herald
11 June 1921



'QC Pleads for Justice for Women Lawyers'
Sydney Morning Herald, 31 March 1994

Sex remark draws support

SYDNEY: The NSW Bar Association came out in support of a federal industrial court judge yesterday after outrage at his comment that it was not unusual for a woman to "sleep her way to the top".

Justice Jeffrey Spender told an industrial court hearing in Townsville last week it was easy to pontificate and become "holier than thou" when dealing with the subject of sexual relationships in the workplace.

The comment on using sex to succeed sparked outrage in women's groups and renewed calls for more women on the Bench and training on

rit and I think they would be offended by such a generalisation," Reynolds said.

She described Justice Spender's comment as inappropriate and said the judiciary could benefit from education on women's issues.

Justice Spender's comments were made during an appeal against the reinstatement of former James Cook University drama lecturer Dr Brian Chambers after he was sacked for sexual harassment last June.

Two mature-age women students claimed they were sexually harassed by Dr Chambers and had had sex with him. Justice Spender has reversed his decision.

Canberra Times
18 April 1995

Go for equality, female lawyers told, but don't mention the hormones

Michael Pelly

The president of the NSW Bar Association has dismayed women lawyers by declaring that "hormones and chromosomes" have no relevance in their fight for equal opportunities.

Ian Harrison, SC, said yesterday that women's lobby groups had failed to increase opportunities for female lawyers and in many cases had been "unfortunately counter-productive".

The argument by leaders such as the former High Court judge Mary Gaudron, that women brought special qualities to the practice of law, was unhelpful.

"I think people sometimes use that argument to discriminate against women on the basis that their particular skills do not suit them for the brief . . . that they aren't good enough."

Mr Harrison believes gender should not come into it, writing in the current issue of the association's journal, *Bar News*, "advocacy is at its purest form an intellectual exercise where hormones and chromosomes have no relevance".

He believes women should not cast themselves as a separate



group and that his association could better advance their cause by directly lobbying companies.

But the president of Australian Women Lawyers, Jennifer Batrouney, SC, says affirmative action is needed because "equality involves the recognition of genuine difference and, where it exists, different treatment".

Statistics proved that "hormones and chromosomes" worked to the distinct disadvantage of women advocates.

Justice Gaudron, still the only female High Court judge, told a dinner last year: "There will be women [on the High Court] and there must be women, because we do make a difference."

She said the largely male profession had failed to advance individual rights: "I am driven to the conclusion that women lawyers are the law's only real hope."

Marilyn Warren, Chief Justice of Victoria, also says that women make a difference, because they "identify an issue quickly, focus on it and persuade rather than dictate".

Ms Batrouney said Mr Harrison's goal of equality at the NSW bar was "a long way off".

"Male silks now represent 97 per cent of the practising silks at the NSW bar in circumstances where men comprise 86 per cent of that bar. On the flip side, of the 1913 practising members of the NSW bar, only nine are women silks."

Until there were equal opportunities "there will be a continuing need for women to speak out as a separate group".

Mr Harrison said that anyone who wanted to paint him as anything other than a champion of women was "either scurrilous or illiterate". The Law Council had made gender inequality its priority at its final meeting for the year last weekend.

Women lawyers raise the bar

Kate Marshall

Are male lawyers an endangered species? If the current trend at undergraduate level is anything to go by, there will be far more women at the top of the profession in about 15 years.

Women undergraduates are outnumbering men by as much as 70 per cent in some law faculties. They are giving men a run for their money by snatching university medals and academic prizes.

But women lawyers groups say the status quo in which men

Ms Naylor intends to make student and graduate recruitment a priority for her term in office and is hoping to appoint an officer to launch a drive for younger members.

But that doesn't mean established lawyers will be neglected.

Ms Naylor also has to build membership among city lawyers, where numbers have declined slightly.

She wants to put on more WLA events outside the CBD to cater to the increase in suburban membership.

But all that is small beer compared with what needs to be done to

set up a NSW section of AWL.

A new appointments protocol failed to make any difference to the number of women appointed this year, despite the number of suitably qualified candidates.

Ms Hogan-Doran said women barristers in Victoria were making more headway and had better support during work hours.

She attributed this to the strong leadership shown by Victoria's nine female silks (out of a total 253). The NSW figures are eight from 265.

The Bar recently hosted its first pilot group of 20 female law students

Talented women ignored at the bar

25 August 2003

One law for men, another for women

WHEN a prominent Melbourne Queen's counsel said a couple of years ago that it appeared to be an advantage for candidates seeking

Her admission actually entailed the passage of enabling legislation through the Victorian Parliament.

It would be another 57 years before South Australian Roma Mitchell became the country's first

manner and because she was a woman. Her husband, lawyer John

McGrath, says her rapid rise brought resistance from an old guard within the ranks who simply did not want

25 September 2005

Law – where men still rule the roost

Even today women lawyers face an uphill battle. **Katherine Towers** reports.



LITTLE CHANGE AT TOP-TIER

Firms	Number of women partners	Total number of partners	Percentage
Lawson Waldron	30	185	16

9 May 2001

NATIONAL

High Court judge raps her 'sexist' colleague

15 June 2002 – 10:00am

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Justice Mary Gaudron of the High Court has rebuked a judge whom she said was so anti-women that female lawyers may not get a fair hearing before him.

At a dinner in Sydney attended by the New South Wales Attorney-General, Bob Debus, other judges and many women lawyers, Justice Gaudron went out of her way to admonish Justice Roddy Meagher of the NSW Court of Appeal.

She strongly disagreed with remarks he made questioning the competence of women barristers and opened a debate about the merits of the men who dominate in legal circles.

Judge must be chosen on intellect, not gender, says Ruddock

High Court Judge Justice Michael McHugh wants his replacement to be a woman, but Attorney-General Philip Ruddock says the choice will be based on intellect and ability, not gender.

Justice McHugh, who retires next November, has sparked a debate over discrimination against women in the legal profession, saying women had constituted 50 per cent of law graduates for many years and their results showed they were superior to male graduates.

But he said only one woman had served on the High Court bench in Australia — Justice Mary Gaudron, who sat for 16 years and retired last year. She was replaced by Justice Dyson Heydon.

In a speech to a private dinner of the Western Australian Law Society in Perth late last month and posted on the High Court web site, Justice McHugh queried why women had so few speaking parts in the High Court, either as judges or advocates.

He said it couldn't be through lack of ability or numbers.

"The inescapable conclusion is that it is the product of the discrimi-

natory, systemic and structural practices in the legal profession that have been well documented in recent years, and which prevent female advocates from getting the same opportunities as male advocates," he said.

However, Mr Ruddock said yesterday he wanted the High Court to have a "quality bias" and this would not be achieved by appointing people on the basis of gender.

"I'm saying my view is there has to be a quality of intellect and ability — particularly in relation to legal matters — on which you make the decision," Mr Ruddock said.

"And I'm saying that it doesn't matter what your gender is.

"It may well be that when I make recommendations it will include a woman or a number of women or only women."

Mr Ruddock said that when he went through law school there were very few women and it was graduates of his generation who were generally appointed to the most senior judicial positions. He said the fact that his wife and daughters were lawyers would not influence him, either.

"The women around me are no

slouches ... but it doesn't alter my view that, inevitably, the very best people will take these positions, and I don't care whether they're all women if they are the very best," he said. "But I'm not going to be benchmarked on the basis... that you should put somebody there simply to have a woman. I'm saying that we will make that decision without considering gender."

Justice McHugh said he and three other High Court judges would reach the mandatory retirement age of 70 and depart over the next four years.

"These retirements will present the Federal Government with a remarkable opportunity to ensure... that the composition of the High Court approaches an accurate reflection of the place of women within the judiciary, within the legal profession, and within Australian society more generally," he said.

Justice McHugh practised what he preached — employing a total of 35 associates over his long judicial career of whom 24, or 68 per cent, were women.

Women in law firms

- 24% of partners in Australia's large law firms
- 3.4% of managing partners
- 25.8% of partners across all law firms
- 2017: 1/3 of new partners in major law firms were women

Jun 29 2017 at 11:00 PM
Updated Jun 29 2017 at 11:00 PM

'Glacial pace': one third of new law firm partners are women

by **Katie Walsh**

One-third of the 192 new partners appointed or hired at the nation's leading law firms in the past six months were women, pushing the total proportion above the one-quarter mark for the first time – just.

The Australian Financial Review's July 2017 Law Partnership Survey shows the proportion of women partners is now 25.2 per cent; this time last year, it was 24.4 per cent. Described by one lawyer as "glacial", the pace of change is a key reason the Law Council of Australia has rolled out nationwide training to overcome unconscious bias and boost diversity in the profession.

Jul 12 2018 at 11:00 PM
Updated Jul 12 2018 at 11:00 PM

Women are taking over the engine room of law firms



by **Michael Pelly**

Women are dominating the next generation of law firm leaders as they take over the engine room of practices in increasing numbers.

The July edition of the *The Australian Financial Review Law Partnership Survey* shows females now comprise almost two-thirds of senior associates after firms swelled their ranks by 6 per cent in the first half of 2018.

Women at the Bar

- 23% of practising barristers in NSW
- 11% of senior counsel

Female barristers are barely seen and rarely heard in our High Court

By [George Williams](#)

24 February 2017 – 2:03pm



I sought to discover if women are now getting their fair share of opportunities to appear before the High Court. Every case heard by that court over the 2015-16 financial year was examined. The results of this co-authored study in the [Australian Law Journal](#) were surprising and disappointing, especially to those women who aspire to the highest ranks of the bar.

Over this period, women appeared in the High Court more often than they did in 1997, but still on very unequal terms – 529 barristers appeared in person at least once before the court, but only 117 or 22 per cent were women. In more than half (51 per cent) of the matters before the court, no female barrister appeared at all, despite the average number of barristers in each case being 4.3.

The figures are even more striking in regard to the roles played by barristers. A male barrister spoke before the High Court 438 times. A woman did so only on 42 occasions. In most cases, women were silent, instead playing a support role for a male barrister.

Another way to express these figures is that if a man appeared before the High Court, he had a 63 per cent chance of having a speaking role, while a woman had a 25 per cent probability. This is due to clients more often briefing men as their lead counsel: 58 per cent of appearances by men were as lead counsel, compared with 25 per cent of appearances by women.

The Sydney Morning Herald

NATIONAL NSW

NSW Bar push for national targets for briefing women barristers

By [Michaela Whitbourn](#)

Updated 2 September 2015 – 11:45pm, first published at 5:17pm



They are graduating from NSW law schools in numbers greater than their male counterparts, but women still make up just over 20 per cent of barristers, spend fewer hours in court and get paid hundreds of thousands of dollars less in fees.

Now the NSW Bar Association is proposing national targets and reporting requirements to tackle 'head-on' the lack of gender diversity at the bar and create a level playing-field for men and women.



Source: Equitable Briefing Working Group report, 2015. Design: Michael Howard

A working party commissioned by the association's president, Jane Needham SC, [has recommended](#) new targets for briefing women barristers that would apply to law firms with at least 25 lawyers and all government agencies.

In a report released this week, the working group says that by July 1, 2017, the firms and agencies should give 10 per cent of all briefs to women silks. The target rises to 20 per cent of all briefs given to junior counsel with at least five years' experience, and 35 per



'Talented Women Ignored at the Bar'
Australian Financial Review, 25 August 2003

The Legal Profession Today

- 44% of Magistrates, 35% of District Court judges, and 23% of Supreme Court judges
- 29% of members of NSW Legislative Assembly are female, including Premier
- 23% of barristers in NSW are female
- 51% of practising solicitors in NSW are female
- over 60% of law graduates are female

A Litany of Female Firsts in NSW

- 2007** Gillian Triggs – first female Dean of Sydney Law School
(Rosalind Croucher – first female Acting Dean of Sydney Law School and Dean of Macquarie University from 1999–2007; later female deans include Lesley Hitchens, UTS, and Joellen Riley, Sydney Law School)
- 2008** Julie Ward – first female solicitor appointed directly to NSW Supreme Court
- 2011** Natalie Adams – first female NSW Crown Advocate
- 2013** Margaret Beazley – first female President of the NSW Court of Appeal
Sue Kench – first female managing partner of one of the big six firms (KWM)
- 2015** Gabrielle Upton – first female Attorney-General in NSW
Lea Armstrong – first female Crown Solicitor of NSW
First time women held majority on Law Society Council
- 2016** Inaam Tabbaa – first female Acting Chief Commissioner of the Industrial Relations Commission and first Muslim head of a tribunal in Australia
Sarah McNaughton – first female Commonwealth Director of Public Prosecutions
Women outnumber men in legal practice for the first time in NSW

Female judges control the Bench in landmark sitting



"This will happen from time to time" . . . from left, Justice Simpson, Justice Beazley and Justice Bell in the Court of Criminal Appeal yesterday.

Photo by BRENDAN ESPOSITO