

LAUNCH OF CAREERS INTENTIONS REPORT 30th JULY 2015

The Honourable Acting Justice Jane Mathews AO - Speech

This survey had its origins in a speech I gave in 2007 at the biennial Women Lawyers Association Achievements Awards dinner. In that speech I bemoaned the paucity of women at the Bar, and said that we really needed to know why so few women were choosing the Bar as a career. Because until we know what the problem is, we can't take steps to address it. Lee-May Saw, who was at that time in her previous incarnation as President of the WLA, took this on board. She formed a Career Intentions Survey sub-committee and has tenaciously pursued the issue ever since. She has been the driving force for all those years. Without Lee-May there would have been no survey, there would be no report, and we would not be here this evening.

At that time, in 2007, women constituted less than 17 % of barristers, and only 5% of senior counsel. Much of my concern related to the impact of these numbers on the constitution of the Bench, as the great majority of judges – as we all know - are appointed from the bar, and particularly from the senior bar. The position both at the Bar and on the Bench has improved since then, but we still have a very long way to go. Currently women constitute 21% of barristers, and 10% of senior counsel. As to the bench, in common with many other countries, we have something of a pyramid effect, with the majority of women being clustered on the lower levels. I do not have the numbers from the Local Court, but there are quite a number of women magistrates. In the District Court 14 out of 64 judges, or 22%, are women. In the Supreme Court the numbers are 10 out of 52, or 19%. Where we differ from many other countries is that we then have a sudden blossoming at the top, with 3 of our 7 High Court judges being women. This is in huge contrast with the UK, where, on their top court which consists of 12 judges, there is still only one woman – the first and only woman ever to sit on that court. In comparison with that, we in this country seem to be positively enlightened.

And things are certainly moving in the right direction. The fact is that, for decades now, more women than men have been graduating in law. This is a far cry from the situation when I was at law school – admittedly a very, very long time ago - when there were hardly any women law students. The real problem today relates to what happens to the women after they have completed their studies. And this is where this Careers Intentions Survey comes in.

The survey was administered to male and female law students in their final years of studies at all 10 law schools in NSW, and also at the College of Law. Five survey “waves” took place, one in each of semesters 1 and 2 in 2013 and 2014 and the last in semester 1 this year, 2015. In all, there were 1,403 responses. Not surprisingly, there were significantly more female respondents than male ones...two thirds to one third. As to the demography of the respondents, one surprising feature was that 29% were born overseas, and 34% primarily spoke a language other than English at home. 54% were between 22 and 25 years old, and 74% were single. 79% were studying at metropolitan institutions and 21% at regional universities. 37% had completed previous degrees, most of these being JD students.

That is enough about the demography of the respondents. Now we come to the really fascinating aspects of this report, namely what the respondents had to say. Some of these responses have already been publicised, but a few still bear mention. Some of them were not at all surprising to me, whilst others were. But I suspect that this is likely to vary to a significant extent according to the individual’s pre-conceptions on gender issues. For instance, I have always known that women are the selfless, idealistic members of society, on whom one can always rely, whereas the men are the hard-headed, ambitious ones, with their self-interests at heart. (Please don’t take me too seriously on this!) So I was not at all surprised to see that, when asked their key reasons for studying law in the first place, the females were more likely to have done so because they had an interest in social justice; whereas the males were more concerned with the good income, as well as the prestige and status, that a legal career would offer. The age of the respondent also had a significant effect on this: the older ones were more likely to have studied law because of their interest in social justice, whereas the younger ones were more concerned with the job opportunities. Another unsurprising response, when you think about it.

As to their career aspirations – which is, after all, what this survey is all about - some very interesting insights came to light. Only 61% of respondents intended to practise as a lawyer.....a further indication, if we needed it, that law is becoming more and more of a generalist degree, undertaken because it offers entry into all sorts of different fields. The students were asked to nominate what those other fields were. The most popular were: the banking and financial sector, closely followed by government and politics, and then by executive and corporate strategy. Interestingly again, the proportion of males and females who wanted to go into the first and third of those fields was roughly equal. But a significantly greater proportion of women wanted to go into government and politics.

Unfortunately, the actual numbers were fairly low, so I'm afraid that it does not necessarily mean that we are suddenly going to be swamped by a huge influx of female politicians. But you never know: we can always hope!

As to the 61% who did intend to practise as lawyers, there were again significant differences between male and female respondents: more females intended to work as government lawyers or in community-based legal centres; whereas most males intended to work as solicitors, barristers, or in-house/corporate lawyers. Again, not surprisingly (in my entirely unbiased opinion), the females were more likely to choose their practice area because it offered good work/life balance, and because they had a personal interest in social justice and advocacy, whereas the males were more concerned with the financial rewards that were offered. As to the actual fields of law they aspired to, criminal law was at the top of the list for both males and females...yet another indication of how things have changed over the years: when I was at the Bar, aeons ago now, criminal law was the poor relation. Most barristers – certainly the more prominent ones – wanted nothing at all to do with it. Indeed that was how a lowly female like myself was able to break into this field.

So this finally brings me to the question of females going to the bar, which was, after all, the catalyst for this survey in the first place. 26% - just over a quarter - of female students said that they intended to go to the bar, as opposed to 37% of males. However a significant proportion of both sexes had not ruled out the bar as a possible career choice, or said they proposed to work first as a solicitor and then decide whether to go to the bar.

Now it is time to cut to the quick: the four principal reasons why the females, as opposed to the males, were not interested in the bar as a career. They are: first, because the bar involves too much stress and pressure; secondly, it is too intimidating; thirdly it is not family-friendly and finally it is too male-dominated. The last one, of course, is entirely self-perpetuating. Had it been the primary reason, we would all be in despair. Even as the fourth reason, it is a matter of serious concern that 31% of female students are deterred from going to the bar on this account. It makes it all the more important that the first three issues be addressed.

Turning then to those first three issues, namely that the bar is a pressured, stressful, intimidating and un-family-friendly environment. I would like to think that some of these responses are based on pre-conceptions about the profession which are not necessarily correct. A number of people here are in a much better position to assess this matter than

I am. But let us take, for example, the concept that the bar is not family-friendly. Over recent years a number of initiatives have been introduced to address this very issue, particularly under the leadership of the current president of the Bar Association, Jane Needham. Certainly some of these might not have been in place when the earlier waves of the survey were conducted. But it is extremely important that law students be made aware of these matters, and of the fact that the bar is not necessarily the intimidating, difficult environment that some of them clearly perceive it to be.

This brings me to the very important recommendations in this report which relate to the provision of information and mentoring opportunities to aspiring lawyers. The Women Lawyers Association is already involved in initiatives with this in mind. It has student membership, it provides opportunities for informal networking and mentoring at its events, and it holds a seminar each year on “the law as a career: coming to the bar.” But this association cannot bear full responsibility for this. In any event, these services need to be made available to all law students, not just the females. So the report recommends that the law schools themselves, with the assistance of the professional bodies, provide students in the latter stages of their legal studies with meaningful information about professional life, and with mentoring opportunities. I consider this to be a pivotal matter, given that the survey reveals a surprising lack of understanding on the part of many students as to the realities of professional life.

Having said that some of these responses are based on misconceptions, the unfortunate fact is that there is also considerable substance in some of the concerns of these students. It is now recognised that many lawyers – and not just barristers – suffer from stress and anxiety. Their workloads can sometimes be overwhelming, and these workloads often allow very little time for other activities, particularly the demands of caring for children. Also, the work itself can sometimes be very confronting indeed, particularly for those involved in litigation, as barristers, virtually by definition, almost invariably are. I have seen some extremely confronting situations myself, over the years, both at the bar and on the bench.

Indeed, it has now been shown that the legal fraternity is particularly susceptible to mental health issues. In 2004 a young lawyer, Tristan Jepson, completely unexpectedly, committed suicide. It turned out that he had been battling with depression for some time, but had kept it to himself. Then it emerged that a number of his colleagues in the profession were in exactly the same situation. As a result, Tristan’s parents started the Tristan Jepson Memorial Foundation, in 2008. The principal goals of this foundation are to

raise awareness, improve education and provide support relating to mental health issues within the legal profession and the legal education system. And the foundation's research has revealed that legal practitioners, especially those in the early stages of their career, are particularly susceptible to depression and anxiety. Many of them, like Tristan himself, have been reluctant to admit to these vulnerabilities, partially because of the expectation that they, as legal practitioners, should consistently be performing at a very high level.

So it turns out that there is, at least to some extent, a real underlying basis for many of the concerns of the students who completed the Career Intentions survey. It is important that we recognise this, and that the institutions concerned – both the educational and the professional ones – take steps to address the issue. My understanding is that this is already happening. One of the many benefits of this survey is that it has thrown light upon this very important issue. Indeed, one of its recommendations is that mental health initiatives be put into place which take into account the origins of stress and pressure on lawyers and law students.

There are many other illuminating insights to be derived from this report, and they are by no means restricted to gender issues. This was the first survey of its kind in this country, and the report provides unique information as to the aspirations and concerns of budding lawyers. It is a ground-breaking document, and I congratulate everyone who had a part in it. It is extremely important, in my view, that follow-up surveys be conducted to determine what in fact happens in the careers of these respondents. It would also be extremely valuable to have a similar survey conducted on a national level. All these issues are dealt with in the report's recommendations.

Surveys and reports like this involve a huge amount of work, and obviously cost money. A number of organisations have generously contributed towards this enterprise, and I would like to give them my heartfelt thanks. Without their support, this ground-breaking project could not have been undertaken.

My sincere thanks also go to the team of Urbis, who conducted the survey on behalf of the Association, and who put together this very comprehensive report.

So it gives me very great pleasure to officially launch the Final Report of the Careers Intentions Survey.