



***Mentors not Icons:
Supported and suitable
success***

by

Felicity Gerry QC
8th August 2014
NTWLA Patron's Drinks Speech

THE EVENT



NT Women Lawyers Association
invites you to

Patron's Drinks 2014
5:00 - 6:30pm Friday 8th August

Hosted by Her Honour Justice Blokland
Guest Speaker Felicity Gerry, QC

Special Guest Amy Challans President Australian Women Lawyers Association

Judges Balcony, Level 6 Supreme Court
Partners and male members of the legal profession welcome
RSVP by 5 August to: ntwomenlawyersassoc@gmail.com



THE SPEECH

Mentors not icons: Supported and Suitable Success

Speech delivered 8th August 2014

Northern Territory Women Lawyers Association

Patron's Drinks, The Balcony, The Supreme Court of the Northern Territory, Darwin, Australia.

I would like to thank Patron Jenny and President Brenda for giving me the opportunity to speak at on the topic of "Mentors not Icons: Supported & suitable success" to Northern Territory Women Lawyers and I am proud to have been asked to launch an initiative to mentor women lawyers in the NT. In my view success as a lawyer takes imagination, courage and a good network.

When I was interviewed to take silk last year, Darwin was in the room with me and you are all part of my success – More of that later.

Given that Malcolm Gladwell in his book *Blink* took the view that I could only hold your attention for 2 minutes, here is the important information:

At this stage, NTWLA is asking two questions of women lawyers and the legal profession generally:

- a. Would you like to be consulted regarding the development of a mentor scheme for women lawyers? I urge you to say yes.
- b. If a scheme is implemented, are you interested in being involved (as a mentor or mentee)? (note mentors may be male or female) Again, I urge you to say yes.

As this is Australia, there is, of course, a form which we encourage you to complete. I'm told this has been tried before without success. That is no reason not to try again.

As we all know, attrition statistics are disheartening. We want to keep women in the law. Research has shown that a major factor that contributes to individual resilience is having a strong and diverse network. Numerous studies have shown the benefits of a strong network; a sense of belonging,

increased self-worth and security. Particularly for women in male dominated workplaces, the data shows that having a network of other women has a significant impact on retention and career progression.¹

I know that Jenny and Brenda would like me to tell some stories from my career. It is hard to choose the best ones from the past 20 years but here are a few relevant anecdotes based on my own meandering experience....I have no doubt that some of you will recognise that Baz Luhrmann reference:

After 20 years dealing with complex cases involving rape, child abuse, murder and fraud – dealing with evidence relating to dead babies, dead women, dead police officers, sensitive material, complex legal arguments and moments of hilarity largely with a bunch of privately educated men – perhaps it is no surprise really that tonight clashes with a golf day – I am assured that is a different “demographic” and with 100 or more of you here, that is probably right.

There are 3 slogans that I would like to use as a theme for this presentation. The first comes from my new screen saver provided by Charles Darwin University where I hold a research active post:

“Dream it, wish it, do it”. That slogan, to me, defines what you do for yourself.

When I first studied law, I thought I wanted to be an actress or a journalist but, when I went on work experience at the Bar, I discovered my vocation: Dressing up as a witch every day and coming to work for an intellectual argument seemed to me to be the ideal job. I am now living the theme to one of my favourite movies as I like to think of myself as the wicked witch of Oz – may be you will too – in a good way.

I was the first women to wear trousers in Middle Temple. It seems hard to believe but only 20 years ago the rules were that women were not allowed to wear trousers in Hall. I went to take the last of my compulsory dinners wearing a lovely trouser suit I could ill afford and the porter refused me entry – sorry Miss – no trousers allowed. Marshaling all my shortly learned persuasive powers of advocacy (thanks to Richard Du Cann QC) I

¹ Taken from the 2014 Australian Women’s Leadership Symposium resources

explained that this was my last dinner in a block of 3 that was the last block before I was called and if I didn't eat it then I couldn't be called and I would lose my place in pupillage... alright Miss, he said, roll them up and no one will know. I did. It was humiliating but it was a very good lesson in choosing one's moment. I ate my dinner, was called, started pupillage and wrote a letter to complain. I received a reply reminding me of the rules. I wrote again. A short time later the rules were changed. My involvement was never mentioned but, that is often the way. At the Women in Leadership Symposium last week I heard the phrase "call it" if it needs challenging and I believe that is what you should do – not for reward or recognition but just because it is the right thing to do for you, and for the women who come after you.

I have been criticised in the robing room for the pink shirt I wore under my suit (even though it could not be seen once I had my bands on). I have been criticised for wearing red lipstick – it took me 15 years to realise that these are my armour (my fighting lipstick) and I now refuse to change. I was pushed into family law and cases involving sexual offending, I believe because I was a woman. I decided to be the best in that field and wrote (with my excellent colleagues) *The Sexual Offences Handbook* which contains all the English law since 1957 on law, practice and procedure. This is now acknowledged as one of the most complex areas of law and practised by the cleverest of advocates – mostly women. If you are given a task – be the best at it.

It has always been my wish to work internationally. I worked locally for 10 years, nationally for 10 years and when I had the opportunity to come to Darwin it was my first step to working internationally - which I couldn't do when I had young children – I decided to get on a plane and practice in silk and publish. I am grateful to CDU for the opportunity to examine data and rights issues in relation to important matters such as female genital mutilation and the rule of law online.

Working internationally has given me the opportunity to explore ways to combat the appalling traditional practice of FGM, including being part of a working party for the Bar Human Rights Committee in the UK, whose influential report is the basis for proposed new laws. I have also had the opportunity to review the draft cyber law for Cambodia for the UNDP via the INTERNATIONAL LEGALRESOURCE CENTER of the American Bar Association, and to travel to East Timor to present a paper on human trafficking. I have the longest commute in the world and I have more

travels on the horizon. To achieve, you need a strategy and sometimes it is long term.

The second slogan comes from my lovely daughter – she would say “keep calm and carry on” – Your family can motivate you to achieve – they love you and that is the best feeling for any working person.

Being a working mother isn't easy. I can tell you the stories about when I was rocking the baby at court, dealing with a huge and complex international criminal conspiracy trial (where my client was the only one of 26 defendants who was acquitted) only it wasn't the baby; it was 4 lever arch files. I could tell you about the time I was driving to court and looked over my shoulder to find the baby still in the car. I asked “what are you doing here?” He waved his rattle at me and looked with his big eyes as if to say “coming to work with you Mummy”. Of course I had to phone court and I was against a man who had never had children and never let me forget my mistake.

I recall the time that I was in the middle of a legal argument and the judge walked out of court, the court clerk passed me the phone and it was the nursery to say my children had chicken pox. I put the phone down, called my husband (there is a man supporting me) and then carried on where I left off. Being at the Bar has that element of public duty – you cannot always go home when the children are sick and you need family support. Of course your family is also your jury and my best jury was always the dog – although I think I may have won more case in court than with him!

My 3rd slogan is my favourite and comes from the book and movie Papillion – He grips the bars after years in solitary confinement saying “I’m still here you bastards” – As those days come when you survive on coffee and Nurofen, this is when you need support to keep going.

For years when I started out, I used to hope that the toilet light was on in the robing room toilet as that would mean that there was another woman in the building. I have learned more cricket scores than I have had the opportunity to make analogies about childcare, zumba or shoes. People make more negative assumptions about women's ability – sometimes you just need to bide your time and find an opportunity to prove how good you really are. Only a month ago, after the NTBA conference I chatted to a lawyer from down south about joint enterprise murder. I understand you invite lawyers up from down south sometimes. That has to stop. He

thought the standard of proof should be lowered to the balance of probabilities and, as you can imagine, I was not too charmed with that. After a long discussion, in which I tried patiently to explain the law from a balanced perspective, he asked patronizingly; “have you ever prosecuted a case?” I had my moment – yes – the last one was a double rape and murder of a woman who died face down, asphyxiated from behind as she was raped. At trial there were 5 expert witnesses and etc etc. Savour those moments when you get the opportunity to nail those who underestimate you to the floor and make sure you have someone to tell the good things to afterwards.....as well as to support you when things are tough.....I am slightly distracted by 2 women in the audience in the same dress...perhaps a good network also extends to a discussion with your friends over what you will wear to an event like this!

My personal mentors are now all judges and I try to mentor young lawyers myself. As a mentor, you need to be aware of how you are perceived. At the Symposium last week we were asked to create our “elevator pitch”: When you meet someone for the first time, what do you say about yourself? I asked a woman lawyer present to write mine – I am sorry she is not here for me to thank, but here are some of her words on me:

Who I am – A woman, barrister, partner and mother. Loud, confident, bold and brave.

What I do – Promote development of young people and invest in happiness and well-being in both personal and professional areas. Taking satisfaction in good outcomes and seeing young people develop. A role model to other female practitioners and barristers.

Why I love it – I like people. I enjoy others company and I find others interesting. I take pride and great satisfaction in seeing results from my efforts & my contribution to others, especially young people, however large or small (I think that was the efforts not the people). From little things, big things grow.....my life, my work, my family, friends and my colleagues energise me!

Before I came to the Bar, I taught people to ride horses. One of my greatest triumphs was being beaten in the show jumping by a young woman I taught to ride.

The recent Law Council of Australia “National Attrition and Re-Engagement Study” (the NARS Report) investigated and analysed the drivers for the attrition of women from the legal profession in Australia.

The findings highlighted a number of areas of concern for the legal profession where the retention of women lawyers is concerned. It is a particular problem in private practice.

The report also provided the profession with various options to address gender diversity and retention issues. One of these options recommended mentoring and sponsorship, providing opportunities for lawyers to meet with experienced colleagues and obtain career development advice and support from them – more than just a chat in the loo – a mentoring system means there is always someone else there.

I urge you to take this opportunity to build a business network of support with like-minded people. Make a difference to yourself and the lives of others. Be passionate, driven, determined and jump the obstacles. The biggest barrier of all is when people think they know everything and don’t want to listen. You can overcome those barriers with strategies; ask for help to lift your performance and those who are mentors – learn to listen. Remember, confidence is different from confrontation – know who you are dealing with, play the game...and win!

NT Women Lawyers is interested in responding to the findings in the NARS Report. As a result, the focus during the coming year is to foster a culture of information sharing, support and relationship-building among women lawyers. If there is sufficient support, a mentorship program for women lawyers will have the following aims:

- To provide NT women lawyers with a readily accessible opportunity to develop relationships across the profession;
- To foster a culture of information-sharing, networking and support amongst NT women lawyers;
- To welcome and orientate new women lawyers to the profession and the unique legal landscape of the NT; and
- To attract new members to NTLWA;

I told you I would return to my silk interview: Without going into too much detail due to what might be called Chatham House rules.....I arrived early and was thanked for doing so.....when I said that I couldn’t

imagine who would be late (I had been the day before just to be sure of the location), I was told...”You would be surprised” and I was then asked where I had travelled from... I said “Darwin, in Australia” and one interviewer had been to Kakadu.....It was a wonderful moment of serendipity and I am pleased to be able to deliver this speech from this balcony overlooking the harbour in the place that helped me achieve those letters.

THE FINALE

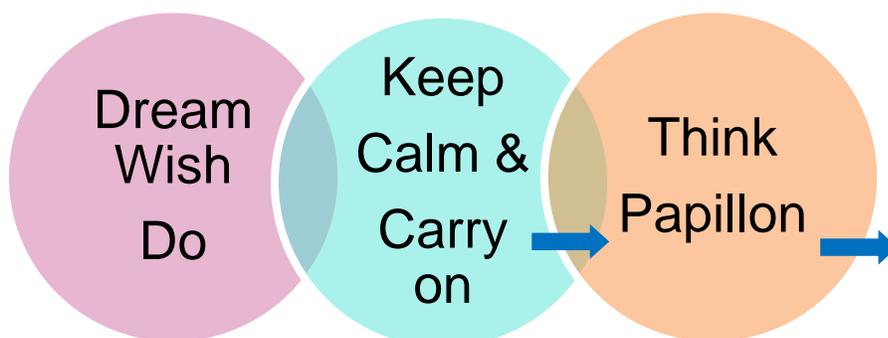
I will leave you with a few more slogans:

- Set realistic goals.
- Be true to yourself.
- Don't be afraid to admit when you made a mistake.
- If you believe in something, go for it.
- Be passionate about what you do.
- What people think of you is not as important as what you think of yourself.
- Choose something fulfilling.
- And finally....whilst some might sayonly dead fish go with the flow.....rememberthe best fish swim in shoals!

Thank you...and don't forget to fill in your form.

Felicity Gerry QC

8th August 2014



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