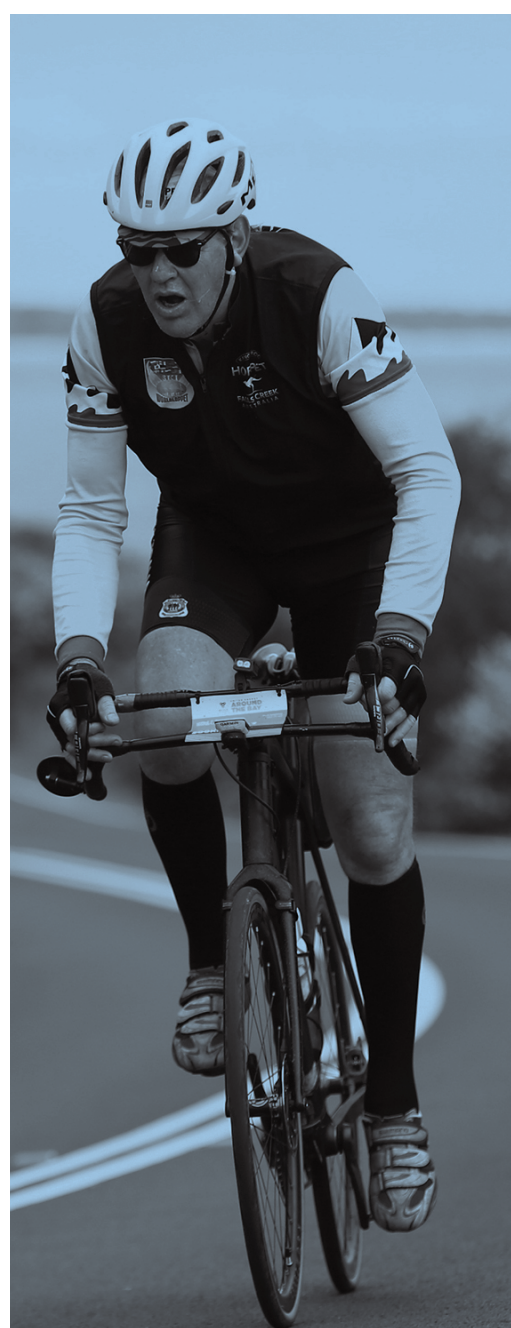
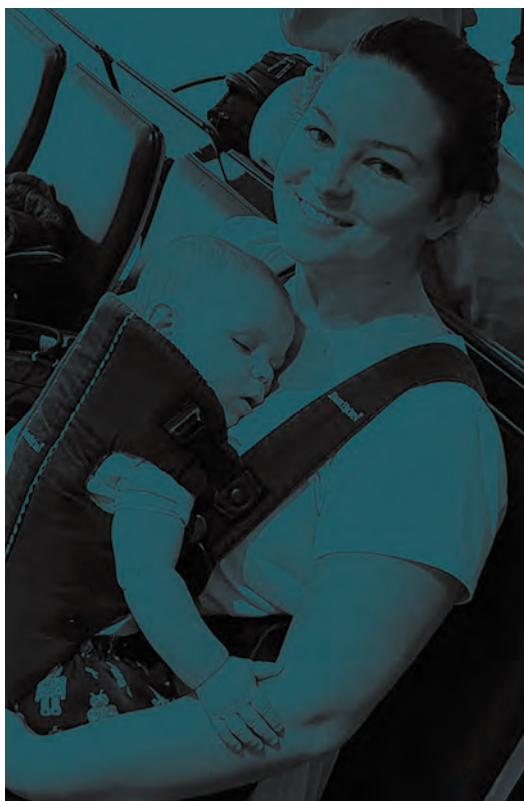




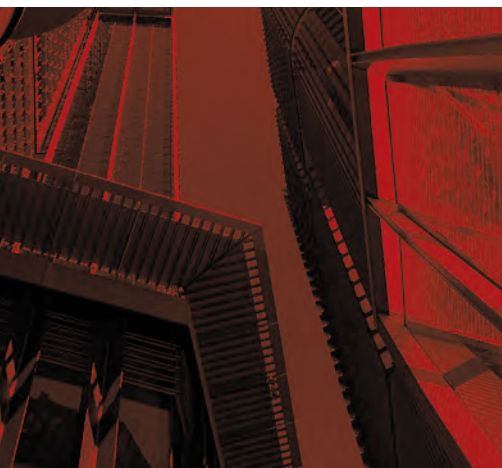
GREAT EXPECTATIONS

What does a sustainable career in the legal profession look like? The Law Society Journal speaks with practitioners who entered the law for different reasons and at different times of their lives, and are now at various stages of their respective careers. They share their challenges and learnings, and what's kept them in the profession.





"We changed again, and yet again, and it was now too late and too far to go back, and I went on. And the mists had all solemnly risen now, and the world lay spread before me." **CHARLES DICKENS**



I never thought I would be a lawyer,” Lucinda Walder declares at the beginning of her interview with the *Journal*, speaking from Legal Aid NSW’s Orange bureau, where she works as a solicitor for the organisation’s Civil Law Service for Aboriginal Communities.

“My dad finished school in year 10 and managed a hardware store. He was cluey but did not go any further. My mum was studying to be a teacher the same time I was studying law, but she did it remotely. We didn’t have a lot of family who either finished high school or went on to do further education,” Walder explains. “The school I went to told me I would not amount to anything more than admin. I became stuck in that mindset for a while.”

The proud Indigenous woman, from Nowra on the NSW South Coast, had a

EARLY CAREER

A HEADLINE TO GO HERE

*standfirst standfirst
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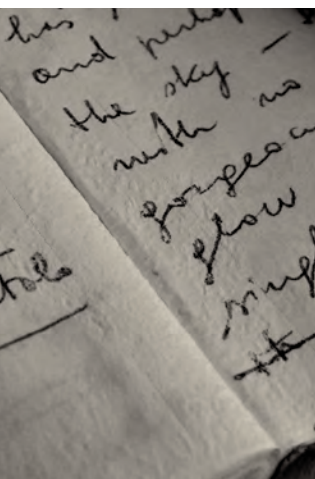
KEELY MCDONOUGH

non-linear path into the legal profession, one that twisted and turned for 10 years until she was finally admitted as a solicitor in February 2022. Although she describes this journey as “one of the greatest” of her life, the 29-year-old mother-of-three admits it has not always been smooth sailing, and at times questioned whether a legal career would materialise.

As a high school student, Walder became curious about the law after witnessing several family members engaging with the justice system in a negative way, including her grandfather, who spent time in prison for unpaid fines. A longing to understand the wheels of justice propelled Walder into work experience with the local Aboriginal Legal Service. Then came what she describes as her “pivot point”, when she was accepted into the Indigenous Pre-Law Program at UNSW on the path to studying law and



“In terms of a sustainable career in the law, you have to be interested in what you are doing. I think as a junior, you are not necessarily getting the most interesting work. You are the foot soldier; you are the one doing the grunt work.”



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subsequently packed up her life in Nowra and moved to Sydney.

“I knew I wanted to do law, but I didn’t know if I wanted to be a lawyer or work in policy at that time. I just knew that was the area I wanted to be in because I was always passionate about fighting for justice and advocating for Aboriginal people,” Walder says.

Walder praises her experience at UNSW and the support of the Aboriginal Student Centre, Nura Gili, for supporting her through her degree.

“Other people came from the same background as me (my mum grew up on the mission and my dad grew up in town, with not much). There were other Aboriginal people from around the country, coming together for a common cause, working out what university life was like, and what our careers could look like. It felt like a family.”

However, Walder says most of her colleagues in her Pre-Law cohort dropped out of their degrees, which she attributes to the “culture shock” of moving from the bush to the city.

The statistics on law dropouts (see p. xxx) are unsurprising to Shaaron Dalton, the managing partner at Eaton Strategy + Search, which provides strategic advisory and talent search services to law firms and corporates. Dalton has worked in legal recruitment for the better part of 30 years and is best placed to comment on the “trigger points” for lawyers, at all stages of their careers.

Dalton is calling on firms to create better structures to support junior lawyers, to prevent the haemorrhaging of talent that is currently plaguing the profession. While there are processes in place to transition lawyers into the workforce, like the mandatory Practical Legal Training and graduate programs, Dalton has observed how the catastrophic shortage of staff has put pressure on workloads and the ability to provide quality training.

“Back in the 1990s, you would have lots of lawyers at all levels, and a great deal of partner contact. Firms would train lawyers by having them in the room with the partner. But as pressures increased on partners to be more than just a lawyer, ... to be a

caption caption caption



business developer and a manager, they moved away from that style and took more of a mass education approach. This put more onus on senior associates to be the managers of the junior lawyers.”

Dalton says the most common reasons she hears for lawyers leaving the profession in the first two years is that the work is not what they expected, or they want to do something that gives them a greater sense of purpose.

“There are many young lawyers who want to be involved in human rights law, or policy, because they want to feel like they are making a difference ... There are more people now that are going to follow those goals, and fewer who are going to hunker down and wait until it gets better. If someone comes to us in the early stage of their career, we tell them to hang in there, find themselves a mentor to help them through this difficult point.”



“You need time to not be a lawyer, not be a high achieving university student or high school student. There has to be space for the rest of you.”

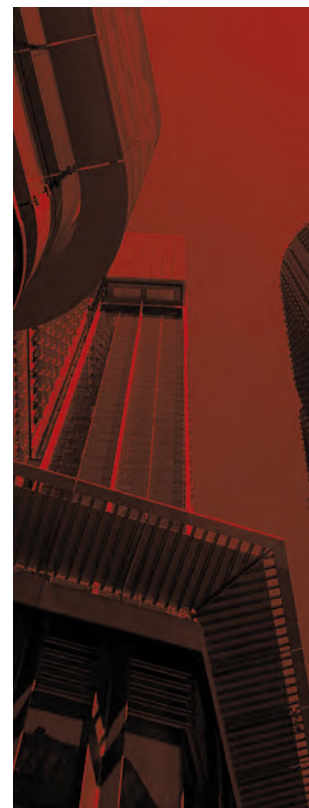
Not the sole identity

The final stage in George Stribling’s career plan was to be a corporate lawyer in a top tier firm. Now the 25-year-old is working in the Pro Bono team at Clayton Utz in Sydney as part of the graduate program.

“I didn’t like the first three years of law school. I wasn’t engaged with it, partially because I was doing it because I could and it felt like the right thing to do, rather than what I wanted,” Stribling admits.

Stribling was 17 and fresh out of high school when he moved to NSW from WA to study law at Sydney University. He tells the *Journal* it was no surprise that, after his third year, he chose to take a year out from studies to reevaluate his career plan and live his life. This involved doing transcription work in courts, and travelling around the world, studying audio engineering and volunteering in community legal centres. Until something clicked.

“I think it is a Type A lawyer personality thing where we feel we have to keep on going and succeeding. The idea of taking a year to bum around and not do that is invaluable. But the ability to do that comes from a



position of great privilege and I am massively aware of that.

"I honestly do not think I would have finished my degree if I hadn't taken the year out. I certainly would not be doing what I am now, and even if I had gotten here, I probably would not have lasted that long. You need time to not be a lawyer, not be a high achieving university student or high school student. There has to be space for the rest of you."

Dalton agrees, and sees this as a shifting focus for many lawyers at all levels: "The move towards identifying yourself on factors other than what you do in your career is a good idea for young lawyers because it will calm that anxiety. People who are happy in the law are those for whom being a lawyer is not their sole identity."

Stribling's passion area is disability law, and he previously worked at the Australian Human Rights Commission and the Australian Centre of Disability Law while studying. In his current role, there are not always opportunities to exercise these interests, but he keeps the fire lit by participating in extra-curricular activities, and is the current chair of the NSW Young Lawyers Human Rights Sub-Committee.

"In terms of a sustainable career in the law, you have to be interested in what you are doing. I think as a junior, you are not necessarily getting the most interesting work. You are the foot soldier; you are the one doing the grunt work. Being on committees is a chance to think bigger."

Walder's decade-long path in the law has been filled by work in a plethora of areas, including but not limited to juvenile justice and out-of-home care, fisheries matters for Legal Aid's Civil Law team, and corporate work for Qantas. Now, as part of her role in Orange, she conducts outreach and runs face-to-face clinics in Aboriginal communities, including at Condobolin, Lake Congelligo and Murrin Bridge.

Although she admits at times it has been overwhelming moving her young family interstate, Walder tells the *Journal* she is living out the career she has always dreamed of.

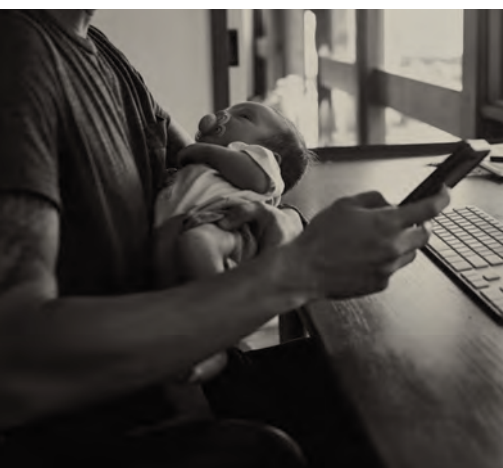
"Always aim high. You might not go the direction you think you are going to go, but you must enjoy the journey. A lot of my peers got there faster than I did, but one thing I am thankful for is all those experiences I had along the way. They have made me a stronger, confident solicitor."

Not always a smooth landing

A Law Graduate Study published in February 2022 by consultancy firm Urbis provides insight into the experiences and career situation of early career lawyers, four years after graduation. Only 70 per cent of the 931 final-year law students surveyed graduated in 2017 with an undergraduate degree. Of alumni, one-third were no longer working in the profession four years on.

But encouragingly, of the majority still working in law, 87 per cent said they intended to stay practising.

The highest agreement point among respondents was that graduates need more support transitioning into the workforce. Eighty per cent felt overworked, and more than a quarter believed their legal skills lacked relevance to their current work.



When CEO and Founder of Her Lawyer Courtney Bowie was pregnant with her son in 2019, she was afflicted with extreme morning sickness, a condition known as *hyperemesis gravidarum*, meaning she could barely work.

Her business, the first commercial law firm in Australia to be both female-focused and 100 per cent virtual, was also an infant and on the cusp of growth, having been operational for less than two years. After Bowie unexpectedly fell pregnant, her husband quit his fulltime job in sales to join the firm as its practice manager.

"I would take a call with a client in my bed, and I would have to put them on hold while I vomited in the bathtub. It was so bad, and I was hospitalised," Bowie tells the *Journal*.

"My husband and I were thinking,

PARENTAL PAUSE

"THE SEASON OF SACRIFICE"

Changes to the Government's parental leave scheme have created a positive ripple effect in private firms across Australia, with an increasing number implementing greater support for families. How is the profession retaining practitioners at this critical stage of their lives and careers?

KEELY MCDONOUGH

'what have we done and how are we going to survive?.'

After giving birth, Bowie took only six weeks' parental leave, not because she felt well enough to return to work, but because she felt there was "no other option" to keep her business afloat and support her family.

"My husband and I were home together. He was working in the office, which was our spare room, and would come out during the day to ask me questions so we could keep the business going. We had an amazing lawyer help us. But, because the pregnancy was unplanned and I was unwell, we did not have enough time to find her, train her and set her up for success. We crawled to the end of those six weeks."

The entrepreneur speaks openly about the challenges and joys of juggling motherhood and business, particularly through the added stress of the turbulent



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“It takes a takes a village to raise a child, but it also takes a village to support a person. Especially if a firm is expecting someone to spend 10 hours a day tied to their desk: then they need to offer staff the opportunity to be supported through the really hard times.”

pandemic years. Bowie tells the *Journal* the main lesson learnt from this period of her life is that she had not given enough thought to how her business could run without her when it needed to. Bowie says she would like to see managing this situation as a topic in mandatory practice management courses that solicitors must undertake before becoming a principal of a firm.

“What are you going to do to continue to support your family if you can’t work? Or if something comes into your life adding more responsibility? Whether that is a new child, or an ageing parent who needs you? You are a person first, not a lawyer or a business owner. Most sole practitioners became one to be freer, so how can you build something for yourself that gives you that freedom?”

Legal recruiter Shaaron Dalton says the period when solicitors become parents is a “key trigger point” for retention in the profession, and sees many practitioners leave around this time.

“Having children is a major life change, and people have other life changing events also. Now firms are starting to factor these big life changes into the way they support their staff,” Dalton says.

“Firms are trying to come to the party to support people throughout their personal lifecycle, as well as their career lifecycle. It



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takes a village to raise a child, but it also takes a village to support a person. Especially if a firm is expecting someone to spend 10 hours a day tied to their desk: then they need to offer staff the opportunity to be supported through the really hard times.”

Creating a level playing field

The Federal Government’s current Paid Parental Leave scheme provides eligible working parents (primarily mothers) with up to 18 weeks of pay. Dad and Partner Pay offers two weeks.

But from 1 July 2023 the scheme is changing to combine the two schemes so that eligible parents can split 20 weeks’ leave between them. By 2026, this will increase to 26 weeks. The legislation change will remove any notion of “primary” and “secondary” caregivers.

Dalton says private firms are also starting to implement major changes to their parental leave policies not only to better support staff, but also because they want to be at “the forefront of the war for talent”.

Gadens offers permanent employees 30 weeks’ paid leave irrespective of gender identity, from their first day at the firm. Baker McKenzie also offers staff 26 weeks’ parental leave for all its Australian employees, which can be used in blocks within the first two years of the birth or adoption of the child. This was increased from 18 weeks in June 2022.

Paid maternity leave entitlements

OECD figures at national/federal level, for 2022 (Australia from July 2023)

Country	Number of weeks	Average payment rate (%)	Full-rate equivalent (weeks)
USA	0	0.0	0.0
Ireland	26	25.7	6.7
Australia	18 (20 if split with partner)	43.1	8.6
Japan	14	67.0	9.4
UK	39	29.5	11.5
New Zealand	26	48.9	12.7
Germany	14	100.0	14.0
France	19	91.4	14.6
Netherlands	16	100	16.0
Italy	21.7	80.0	17.4
Chile, Colombia, Norway	18	100	18.0
Iceland	26	71.3	18.5
Hungary	24	100	24.0
Greece	43	65.1	28.0
Luxembourg	20	100	20.0
Mexico	12	100.0	12.0
Poland	20	100.0	20.0



“If I work full time, I’m a bad parent. If I work part time, I am a bad lawyer. Why can’t I be both? Why can’t I be good parent and a good lawyer at the same time?”

“I can look back at the day when, if you went on parental leave, you lost your client base. Lawyers have never had it so good. But society has changed and people’s perceptions of what they are prepared to do have changed,” Dalton says.

“Working from home as a result of COVID was not a disaster for law firms. So hence it’s given firms confidence to build on that flexibility model and to create a hybrid arrangement where people can enjoy both flexibility and touch point at the office.”

When the *Journal* speaks with Nicholas Kraegen, a Senior Associate at Baker McKenzie specialising in media law, he has recently returned from a stint of parental leave with his second child, born in September 2022. Kraegen agrees with Dalton’s comments, adding that if firms don’t adopt progressive policies they will instead be “drawing their talent from a more constrained pool” and ultimately be left behind.

“There is a reason male persons taking parental leave comes up in the conversation about gender equity. I think if I didn’t have this opportunity, the burden would fall far more disproportionately on my partner than it has already,” Kraegen says.

“Hopefully what firms are creating is a generation of men and women who view parenting as something that everyone should have equal opportunity to do and participate in. Parenting is something that may happen for someone in the context of a long career, and even as we work harder and faster in the modern world, it is always going to be an important and sacred thing.”

Kraegen says Baker McKenzie’s supportive parental policy has given him invaluable “space and time” to “stop and evaluate” how his personal and professional lives can work together.

“I spent my first five years of legal practice working hard and learning. Then, when my first child came along, it would have been very difficult to only have two weeks off and then suddenly be thrown back into work and either sink or swim with the new dynamic,” Kraegen says.

“I have a good relationship with the partner I work with. He is extremely supportive of the leave I have taken and that I will take. I feel like I am involved in the conversations about the larger objectives of the practice, and I understand how my leave fits in to that. I don’t feel like that compromises my professional progress in any way.”

“One of the many aspects of male privilege is that you don’t have highly structured and developed expectations put on you socially in terms of what your parenting is supposed to look like. I have been able to chart my own course through that quite independently of any social pressure. I won’t purport to speak to women’s experiences, but I think women are in a different position when it comes to that.”

Bowie agrees with Kraegen’s comments about societal pressure on working mothers. She says the changes to parental leave are important steps on the way to a broader cultural transformation about gender equality in the profession. Moreover, Bowie says that if both genders are on equal footing, it will remove



the anxiety that plagues many parents when confronted with the decision about when to return to work after having children.

“As a profession, we think working all the time is what makes us good at our job. That is untrue. We must shift the way we think about the value of our profession. Is it because we are always available and always working? Is that the value we provide to our clients? Absolutely not. They say if you are happy, you are more productive. If you are driving yourself into the ground, working full time and trying to parent in the gaps, you are going to be terribly unproductive at work.

“If I work full time, I’m a bad parent. If I work part time, I am a bad lawyer. Why can’t I be both? Why can’t I be good parent and a good lawyer at the same time?”



Enduring enthusiasm for the law characterises Fiona Crosbie, Chair of Allens, one of the largest international commercial law firms in the Asia-Pacific region. She is also a senior partner, practising in competition, consumer and regulatory law. Among her many achievements, in 2021 Crosbie became a Fellow of the Australian Academy of Law.

Crosbie has been in the law all her working life. She entered law school “because I liked writing, argumentation, debating, analysis.”

And, she says, “working in the profession has exceeded my expectations, by an order of magnitude.”

“I was always interested in policy, the political dimensions of the big issues in the economy and in society. I work in regulatory matters, where you have to do a deep dive into an industry and talk to people in many areas, understand the

SENIOR LAWYERS

HERE TO STAY

What keeps people in this demanding profession at the senior level? How have they managed to sustain that early dream of making a difference, attaining a prestigious position, and managing the work-life balance?

AVRIL JANKS

regulator. The environment is so stimulating. It’s fantastically interesting work. I love it.”

Ngaire Watson, a barrister based in Murwillumbah on the NSW Far North Coast, is also enthused about the law after two decades in the profession.

Unlike Crosbie, Watson had no expectation of becoming a lawyer in her early career. She initially trained and worked as a nurse and psychoanalyst.

In her early forties, Watson switched professions, qualifying as a lawyer. “I didn’t have a particular vision about where the law was going to take me. The move wasn’t career driven or financially motivated. I came to the law predominantly with curiosity. And the law continues to feed that.”

But, Watson says, finding a graduate position was hard: “Firms appeared to be looking for a certain kind of person to mould.”



“I’m really enjoying the work. Law is a great profession if you’re interested in thinking. It educates you in the way of thinking about problems, viewing the world, understanding how society works”

“So I took the bar exam. I like learning, and didn’t find it arduous. And working as a barrister specialising in health and medical litigation turned out to be a natural fit for me.

“I’m really enjoying the work. Law is a great profession if you’re interested in thinking. It educates you in the way of thinking about problems, viewing the world, understanding how society works. If you’re interested in those questions, as I am, there’s a good chance you’ll enjoy law on a long-term basis.”

Perseverance and perfectionism

But what about those who don’t stay in the law long term because of issues impacting their wellbeing? Andrew Wong is well positioned to advise on this. He is a psychologist working as Senior

Manager (Forensic Services) at Veretis Legal Psychology. He did a double degree in psychology and law and worked as a lawyer before commencing his current role in xxxx.

Wong observes that it’s not surprising mental health issues are experienced by people working at all levels of the profession and in all types of practices. “The law is a very detail-oriented job, and admin heavy. It requires the cognitive and personality traits of someone with very good concentration, grit and perseverance.”

In addition to this lawyers tend to have “the personality traits of perfectionism and over-conscientiousness”, Wong says, which can lead to their feeling very anxious about their work, “even obsessive”.

The Law Society’s Solicitor Outreach Service reports that, since its inception in 2020, anxiety is the major mental health issue for which solicitors have sought support. And, Wong says, where anxiety and perfectionism are not managed, burnout can result. He outlines the warning signs.

“The first stage of burnout is the honeymoon phase: high job satisfaction, commitment, energy, creativity, and you feel you’re doing well, being challenged by your responsibilities.

“Stage two is the onset of stress. Your optimism starts to wane and you begin noticing symptoms like higher blood pressure, the inability to focus, irritability, poor sleep.

“Stage three is chronic stress. You stop doing things you normally do, like engaging in your hobbies; you start missing work deadlines, feel persistently tired, procrastinate, and start taking sick days.

“The fourth stage is burnout. You feel empty, pessimistic, start obsessing over problems. It’s often too late to do anything but leave the job.”

Self-awareness is crucial for dealing with this and other mental health issues arising from your work, Wong advises. “Everyone responds to stress very differently,” he says. “You need to have a basic understanding of how stress affects *you* and what your triggers are. If you’ve had past personal traumas you may be at greater risk of burnout, or of vicarious trauma.

Gender disparity in senior legal roles

Women continue to be underrepresented in senior roles within the legal profession, despite outnumbering men.

Some statistics at December 2022:

- For the fifth consecutive year, female solicitors outnumber male solicitors (in NSW, the split is **54 per cent** female and **46 per cent** male)
- The proportion of women in partnership positions is **32.1 per cent**
- The appointment of women to the partnerships of Australia's 50 biggest law firms is at its **lowest rate in three years**
- Only **40.9 per cent** of the 352 lawyers offered promotion positions for 2023 were women – down from **47 per cent** the previous year
- Only **16 per cent** (eight) of the top 50 firms have female leaders in the managing partner or chief executive role

Many law firms have adopted targets for partner appointments, with a common target being 40 per cent men, 40 per cent women and 20 per cent women, men or non-binary.

“That’s secondary trauma, where you display clinical or subclinical symptoms of PTSD that mirror the experiences of traumatised clients. You could start experiencing the same sort of anxiety, intrusive memories, flashbacks, nightmares. You may also feel sadness, grief, emptiness, anger, irritability, anxiety, hypervigilance, and sometimes even survivor guilt.”

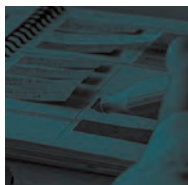
Wong advises, “Maintaining good mental health in your job should be all about balance. To reduce stress, you need to consciously make time for more activities that are pleasurable and relaxing. Ensure you have a good supervisor. And maintain connections with friends and family, so you’re not isolated.”

Collaboration is alive and well

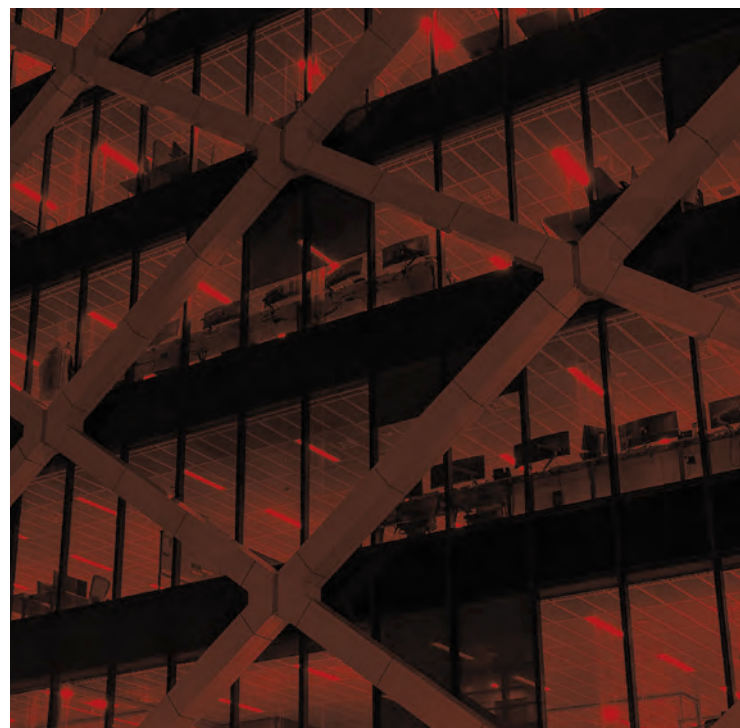
Relationships are key to a sustainable career in the law, Watson says.

She tells the *Journal*, “As a barrister you work to quite a high extent as an individual, and I also live alone and work from home. But my move from the city to a regional area worked because it’s a more sustainable way of living for me, and I’m able to engage with others.

“I can work with solicitors in various locations. And I can support them. Working in medical negligence, there are many



“With the Bar, there’s this unspoken rule that you’ll help each other. If I have a difficult question I just pick up the phone and ask. I’ve never been rebuffed. And I do the same for others. Collaboration is definitely alive and well between lawyers.”



emotionally challenging cases of human suffering. I can assist my solicitor colleagues, if they haven’t had the training I’ve had, to manage it.”

She also maintains close ties with others at senior levels. “With the Bar,” Watson says, “there’s this unspoken rule that you’ll help each other. If I have a difficult question I just pick up the phone and ask. I’ve never been rebuffed. And I do the same for others. Collaboration is definitely alive and well between lawyers.”

For Watson, volunteering is an additional way “to keep in contact with others.” As a long-term volunteer with the Australian Lawyers Alliance, she is a driving force in its policy work, advocacy and education in the area of medical law, and its bimonthly journal.

“This also satisfies my strong ethical need to work in an area that’s consistent with social justice,” Watson says.

Crosbie observes that for those in leadership positions to build and maintain a good relationship with younger staff, dialogue is crucial. “We’ve found young lawyers make assumptions that the people they consider successful within the organisation have different personal stories from theirs – different backgrounds, education and values. So now, to make the firm feel inclusive, people talk about their own journeys.”

“I’ve come to realise the magnitude of the impact of senior people being seen to support staff,” she adds. “I think a big part of leadership is listening to your people. And young people are very purpose-driven. They need you to make the case for your own law firm, for the profession.



“Maintaining good mental health in your job should be all about balance. Ensure you have a good supervisor. And maintain connections with friends and family, so you’re not isolated”

ANDREW WONG
VERETIS LEGAL PSYCHOLOGY



“Stay agile, and you can get taken to pretty interesting places ... you have a baseline of competence and knowledge, and your personal skill set, and this steers you to an area that becomes your niche.”

FIONA CROSBY
ALLEN

“And they look for role models; that means being ever mindful that what you do and say has an impact. When they see that you love the work and really enjoy brainstorming with them, and you expect them to think deeply about things, that’s infectious and generates great energy.”

Crosbie’s combination of warmth and success are a positive force for young women contemplating staying in the law at senior level. And although there is still gender disparity in senior positions, she notes that Allens, like many other large law firms, is working towards a target of 40 per cent female partners by 2025. Already, at the end of 2022, 36.4 per cent of Allens partners were female, and other firms are seeing similar growth.

“I wouldn’t have expected those targets to be so effective, but then we lawyers are competitive people, and don’t like to miss targets,” she says.

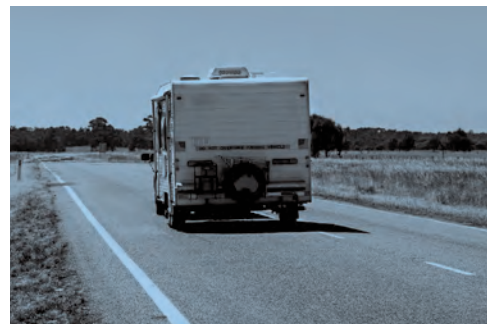
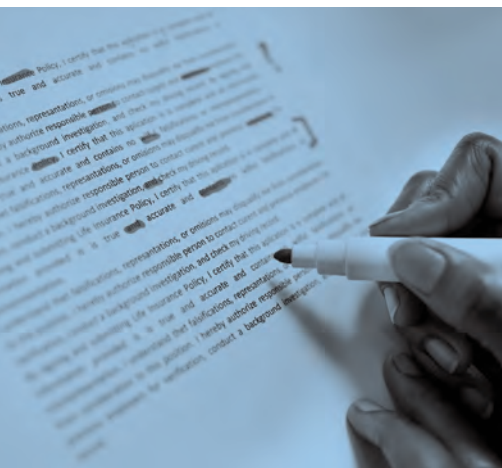
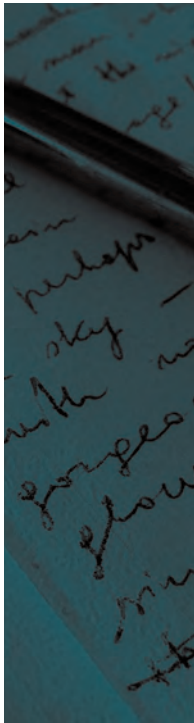
She encourages all lawyers, whatever their background and experiences, to remain in the profession long term.

“Stay open. The law can take you to all sorts of places. Don’t be deterred if your career path doesn’t appear to be straightforward. Remember that careers aren’t linear – there are setbacks. You’ve got to bounce back, be resilient.

“At senior level, you’re equipped to let your perfectionism go, and start embracing notions of materiality. If something goes wrong, you’re well able to, reframe the pain, perceive the seeming catastrophe as a challenge to turn on its head.

“Stay agile, and you can get taken to pretty interesting places. And that’s one of many great things about the law: you have a baseline of competence and knowledge, and your personal skill set, and this steers you to an area that becomes your niche.”

Watson affirms this. “There are other ways of being a lawyer than the traditional way. I’ve been able to carve out my own niche. With an unusual set of qualifications, I’ve been able to work successfully. It just requires tenacity, a bit of creativity, and backing yourself.”



Chris Wall, a solicitor in Cooma in southern NSW, was “expecting to stay four years” in the practice he joined 41 years ago. Wall explains: “I moved here because I discovered cross-country skiing and wanted a job close to the Snowy Mountains.” He worked in and then bought the practice Walker, Gibbs & King, but now hopes to hand over the reins to the right person. However, succession is difficult in country practices.

Though 26 per cent of Australians live in rural and regional areas, only 10 per cent of lawyers work there. Wall lists some of the assumptions that deter lawyers from working in regional areas: reduced earning power, lack of good schools, and lack of legal networks.

For Wall, it’s the location that has kept him in the legal profession for the totality of his working life.

RETIREMENT

LIFE AFTER LAW

What happens at the latter end of a long legal career? Meet three people whose years of practice have brought new learnings on life in the law – and beyond.

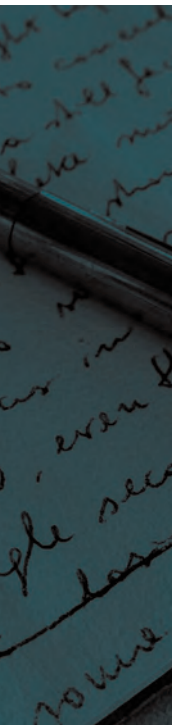
AVRIL JANKS

“It’s got everything,” he says. “First, there’s the variety of work in a regional practice. You have to be across so many areas. Then there’s work-life balance.” Work is a short walk from home, and he has time for the activities he loves: kayaking, skiing and cycling.

“It’s a great place to live and bring your kids up in. You live among people from all social strata, and small communities are very supportive,” he says.

The lawyer is a trusted figure in this environment. “You’re likely to do ‘family counselling’ in a small town. There’s a level of responsibility because you work with people you see all the time. If you work in the city, you can just do your work and the collateral damage never comes to your eyes.”

His advice: “Prioritise doing a good job. Knowing your stuff, and looking after your clients. Prioritise your family.



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Prioritise having a life outside work, because that’s what keeps you sane.

“The law is not inherently just hard work or a rewarding profession. It depends on what you make of it.”

An ecosystem of belonging

While Wall says the most important thing is to get the physical environment (the practice’s location) right, for Katrina Rathie it is the internal environment we should concentrate on: the workplace.

Rathie’s career embodies her view that inclusion in the workplace is the key factor in retention. She was the first Australian with a Chinese cultural background to be employed by Stephen Jaques in 1985 and the first Asian Australian equity partner appointed at Mallesons Stephen Jaques, now King Wood Mallesons. She retired in 2019 as the firm’s most senior female partner.

Rathie has won many accolades for her contributions to leadership in the law, and her advancement of gender and cultural diversity. Her roles in this area include active membership of the Law Society of NSW’s Diversity and Cultural Committee and the Asian Australian Lawyers Association.

Now Rathie’s career has taken a different path. She’s moved into the business world. “I realised what I’d done in the law could be taken into other spheres of influence.

“My legal education taught me negotiation skills, how to speak up and speak out. You can take those skills with you for life – whether into a courtroom or the boardroom.

“I realised I wanted to have impact on Australian and Asian business. So I retired and began a board career, as an independent non-executive director.”

She adds: “I always will be a lawyer at heart. Law equips you for life.”



Caption caption



“The law is not about prestige, money and power. It’s about whether you have the passion and the love to really help people.”

Rathie highlights the importance of sponsorship for supporting people from diverse backgrounds to rise to senior levels in the profession. “It’s all about succession planning,” she says.

“Women in the law, and culturally diverse women particularly, need sponsorship, someone in the partnership to push them up to partner, or senior associate. Or to be promoted to the judiciary. They need a loud person at the table who’s able to advocate for them.

“After you attract the talent, the retention of that talent is about the chemistry and the magic between the employee, the employer, the team. And for culturally diverse employees it takes a bit extra to feel a sense of inclusion.

“What determines their sense of belonging and joy in their work is seeing how everyone is given opportunities, and has the chance to succeed and feel valued. That sense of fairness and equity is incredibly important. As is knowing the leaders are asking, ‘Do you have the right sort of work? Are we enabling you to have a life as well? Do you feel fulfilled?’ With those care and culture factors you’re creating an ecosystem of belonging.”

Research bears out Rathie’s advice. Diversity Council Australia’s 2021–2022 Inclusion@Work Index shows that working in an inclusive team has a significantly positive impact on a worker’s mental health (see page 67). The report recommend managerial behaviours to improve inclusion and, therefore, retention:

actively seeking out information and ideas from employees to inform decision-making; addressing behaviour that excludes people because of their age, culture, ethnicity, disability, gender, Indigenous background, or sexual orientation; and consciously including everyone, not only those who look, think or act like them.

“The law is not about prestige, money and power,” Rathie says. “It’s about whether you have the passion and the love to really help people.”

A life in the law

A few hours before former Justice Michael Kirby spoke to the *Journal*, he had a revelatory experience. Reading an article about the James Webb Space Telescope, the most powerful of its kind, he was captivated by the images it produces.

“I realised,” he said, “seeing these images of the universe in its enormity, its infinity, its eternity, that in this age we can’t just retreat into little thoughts of local law. We have to have a bigger mindset, adjust our thinking to both the wonder and the dangers of our world.

“Though lawyers aren’t the most important actors in the drama, we have a very important role. And the role of international law is vital. We have to ensure its principles are a major influence in our legal system, to remind us that we’re all part of this one blue planet, and we’ve got to protect it.”

Kirby retired as a judge at the mandated age of 70. Now in his eighties, he is still deeply



Future proofing through inclusion

Diversity Council Australia's 2021–2022 Inclusion@Work Index shows that fostering inclusion may be key to "future proofing" the legal practice.

The research behind the Index found that workers in inclusive teams are:

- **4 times** less likely to leave their job in the next 12 months
- **10 times** more likely to be very satisfied
- **4 times** less likely to feel work has a negative or very negative impact on their mental health.
- **5 times** less likely to experience discrimination and/or harassment
- **11 times** more likely to be highly effective than those in non-inclusive teams
- **10 times** more likely to be innovative
- **6 times** more likely to provide excellent customer service
- **4 times** more likely to work extra hard



Photo: Sasha Hodden

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engaged in the law. His roles after his judicial retirement include President of the Institute of Arbitrators & Mediators Australia, Editor-in-Chief of *The Laws of Australia* and Co-Chair of the International Bar Association's Human Rights Institute.

His involvement in justice began early. "As a young person, I found that being gay was not acceptable. I knew this was unjust, and that injustice in this area meant there were injustices in other areas. That led me to become an agent for change. Through civil society, I found opportunities to involve myself in activities to defend what I considered justice and the rights of disadvantaged people, including Aboriginal people, Asian Australians, women.

"My desire for a more just society, and activities to achieve this, continued throughout the time that I was a solicitor and a barrister."

When he retired from the High Court of Australia in 2009, Kirby was Australia's longest serving judge. His leadership roles included inaugural Chairman of the Australian Law Reform Commission, Judge of the Federal Court of Australia, and President of the NSW Court of Appeal. He was a member of many international bodies, including the WHO Global Commission on AIDS and the High Commissioner for Human Rights' Judicial Reference Group.

His experience has taught him that "lawyers have to develop skills in listening carefully, and advising wisely, because they are helping people with problems – in both criminal and civil law cases."

He adds: "The law is inherently stressful, involved with conflict resolution. So we have to be kind to ourselves, and to each other."

Work-life balance is vital, Kirby says. "I have a passion for the law, but I'm not obsessive ... I enjoy classical music, international affairs and history. And it helps having a partner who's not in the law, who keeps me conscious of the limitations of life in the law."

As Kirby reflects again on the immense power of the images generated by the telescope, he notes the contribution the legal profession can make to ensuring our planet's future. "Uphold the principles of civil society," he advises. "Join organisations of people who are striving for things you can support, like animal welfare, refugees – whatever moves you.

"That's the key: being a joiner and seeing beyond the narrow world of the legal problems your work or studies are focusing on.

"That way we can work out how to make the rules of law more effective. And get all of humanity to agree on the steps we need to protect the future of our universe." ❶