

"Girlfriends of the Court"

Amicae Curiae

ALRC, equality, feminism, gender equality, lawyers, VEOHRC

After 20 years, do the numbers stack up?

In Advocacy, Barristers, Career, Education, Hegemony, maternity, Solicitors, women on December 5, 2012 at 1:26 pm



(<http://amicaecuriae.com/2012/12/05/1290/nine-to-five/>)

What do we have to do to make a difference? *

Nearly twenty years ago, the Australian Law Reform Commission, in its report "Equality before the Law: Women's Equality (ALRC Report 69 Part 2 (<http://www.alrc.gov.au/report-69-part-2>))" examined the place of Women in the Legal Profession (<http://www.austlii.edu.au/au/other/alrc/publications/reports/69part2/9.html#Heading2>), and said

Women make up 50% of law school graduates, and 25% of the legal profession as a

whole. However, women leave the profession at a much higher rate than men, and they are clustered in the lower ranks of the profession. [footnotes omitted]

Fast forward two decades and the VEOHRC (<http://www.humanrightscommission.vic.gov.au>) has released its latest report into research on women in the law, entitled Changing the rules: The experiences of female lawyers in Victoria (http://www.humanrightscommission.vic.gov.au/index.php?option=com_k2&view=item&id=1811:changing-the-rules-the-experiences-of-female-lawyers-in-victoria&Itemid=690). This report focused on (http://www.humanrightscommission.vic.gov.au/index.php?option=com_k2&view=item&id=1811:changing-the-rules-the-experiences-of-female-lawyers-in-victoria&Itemid=690) discrimination, sexual harassment and the accommodation of parental and carer responsibilities.

The Commission sought to understand how prevalent these problems were, why they were occurring, and how they impacted on the lives of women who had experienced them.

The report at page 6 states that 46% of lawyers practicing in Australia today are women (as reported by the Australian Law Council (<http://www.lawcouncil.asn.au/lca/index.cfm?221084D4-A4F5-64C9-1A80-AAE85ADD284B>)), this is consistent with the figures for female solicitors in NSW, published by the Law Society of NSW (<http://www.lawsociety.com.au/idc/groups/public/documents/internetcontent/579007.pdf>) in 2011. The VEOHRC report states;

As the profession becomes more diverse, it could be assumed that women will eventually share the same career pathways and opportunities as men. However, even with more than 30 years of equal opportunity legislation, it appears that the 'pipeline' of increasing numbers of women in the law has not resulted in equality in the profession

So:

- even after the law schools are filled to bursting point with smart keen young women law students (61.4% of law graduates are female (http://humanrights.gov.au/sex_discrimination/programs/women_leadership.html)) ,
- even after the numbers of women lawyers has nearly doubled,
- even after we have had 4 female High Court justices, the Chief Justice of Family Court, the federal Attorney General, deans of law school, heads of law reform commissions, and chiefs justices of state appeal courts,

WHY has there been so little shift in the proportionate retention and elevation of women in the legal profession?

Have you read what the Report has to say about this? What do you think?

Melissa Castan and Kate Galloway each teach and research in Australian law schools. You can find them on twitter at [@mscastan](https://twitter.com/MsCastan) (<https://twitter.com/MsCastan>) and [@katgallow](https://twitter.com/katgallow) (<https://twitter.com/katgallow>).

*Image thanks to <http://filmhash.wordpress.com/tag/nine-to-five/>

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