

STATE OF THE NATION — TAUĀKĪ O TE MOTU

This piece brings together the voices of five wāhine toa whose voices are often missed from our conversations. They discuss 2018, and what it has meant for them, for women in the law and for the profession at large. They challenge us to change the ways of old, to change our culture and to turn our conversations into action.

Speaking for Me — **Bridget Sinclair***

I MY EXPERIENCE

It is difficult as a young female lawyer who suffered sexual assault in my first legal job not to feel defined by that moment. I have never concealed my assault because I am not the one who should be ashamed, nor is it something I want to hide. But that honesty comes at a cost.

Women who stand up and speak to their experience with sexual harassment¹ risk being reduced to only that experience. It is a sacrifice to make your experience a learning lesson for others. It is exhausting to allow one of the worst moments in your life to become a “disruption”² or a conversation starter in a staffroom kitchen.

Survivors are expected to be perfect, to have all the answers, and to articulate the perspectives of an entire movement. Perfection is demanded in the most imperfect situation. At times, I am asked to be a moral compass; “I like the dress you are wearing today ... Is it ok to say that?” I am a benchmark, a litmus test as to whether a statement is sexist. I am expected to be angry,

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1 For the purposes of this article I use the term sexual harassment generally to encompass both sexual harassment and sexual assault in all its forms. My own experience was one of sexual assault. It is unfortunate that conversations around sexual harassment in the profession have used the term in a way which minimises the type of conduct and level of harm perpetrated on survivors.

2 Letter from Kathryn Beck (President of the New Zealand Law Society) to all New Zealand lawyers regarding the results of the Workplace Environment Survey (30 May 2018).

but only at times and in ways that are palatable to others. I must manage my frustrations. I have to make sure that no-one's feelings are hurt. I have bitten my tongue in fear of embarrassing people, been asked to empathise with my oppressors, and to forgive friends that have put their career ambitions before my hurt.

My character has been called into question many more times than that of the man who assaulted me. I have been asked what I was wearing and how much I had to drink. I was petrified of being labelled “that girl”, but I was more scared of being silenced. I was terrified of what it would mean for people to know I was assaulted, and yet I was afraid not to discuss it because that would render my experience redundant. In the end, I decided that it was better to be labelled and for the injustice to be discussed, than it was for it to fade from the conversation.

It is commonly thought that to disclose sexual harassment in the workplace you must be brave. I don't believe that it comes down to courage, or that only those that discuss their experiences are brave. I believe individuals disclose their experiences when they are supported and feel they will be heard. Only empathy can empower survivors to share their stories. I have been fortunate enough to move on from the place of my assault to work at an outstanding firm. The kindness provided by my colleagues has enabled my confidence to grow at a time of vulnerability. That experience has shown me that the legal profession is, for the most part, made up of thoroughly decent individuals who joined its ranks to assist others and enable justice. I have been provided the space and support to see my previous experience was an outlier. At my current firm, I have never needed to be brave.

II THE EVIDENCE AND THE RESPONSE

On 28 February 2018, Zoë Lawton set up a #Metoo blog to enable a safe platform for members of the legal profession to share experiences of sexual harassment, bullying, and discrimination in the profession.³ In one month, Lawton received over 200 posts revealing incidents of sexual harassment. The powerful stories shared, one after the other, highlighted the power imbalance present in the legal profession that allows such conduct to take place and hinders complaints about and reporting of sexual harassment.

3 Zoë Lawton “#Metoo Blog” (2018) <www.zoelawton.com>.

The New Zealand Law Society confirmed in a recent survey that one in every three female lawyers has been sexually harassed.⁴ One in 10 women can recall five or more incidents. Nearly 40 per cent of lawyers who were sexually harassed said the experience affected their emotional and/or mental wellbeing and 32 per cent said it affected their job or career prospects.⁵ Not only is the scale of harm significant, but speaking from experience, its effects are devastating.

On 5 July 2018, Dame Margaret Bazley provided a report outlining issues with Russell McVeagh's culture.⁶ The report detailed incidents ranging from bullying and exploitation to sexual assault. Dame Bazley connected the harm to wider cultural and management issues, including a "work hard, play hard" culture, poor leadership, excessive drinking, and a lack of systems in place to adequately address the harm reported at the time. The report revealed systemic and cultural issues that Russell McVeagh, and the profession more broadly, must promptly address.

Lawyers are, quite rightly, people who focus on evidence, fact-finding, and detail. Loose accusations are repugnant to us. Ideas of due process, natural justice, and the presumption of innocence are at the very heart of our profession.

However, what we have seen this year is the shield being used as a sword. Threats of defamation are used to silence survivors, made by the wealthy, powerful, and well-connected to oppress the young and vulnerable. The standard for criminal conviction, "innocent until proven guilty", is used as a cloak of protection. If the events at Russell McVeagh concerned fraud and allegations of mishandling funds, would the focus on fact-finding and evidential proof have been so stringent? Partnership responsibility appears firmer and more responsive on matters such as health and safety liability, financial misconduct, and even a partner not meeting their budget, than it does on issues of sexual harassment.

Finally, in the year 2018, evidence has been provided to support the statements which women in the legal profession have been making for decades. The Law Society can no longer claim "shock" at the facts.⁷ Action must now follow.

4 Colmar Brunton *Workplace Environment Survey* (New Zealand Law Society, 28 May 2018) at 16.

5 At 24.

6 Dame Margaret Bazley *Independent Review of Russell McVeagh: March – June 2018* (5 July 2018).

7 "New Zealand Law Society 'shocked' at scale of sexual harassment and bullying" *The New Zealand Herald* (online ed, Auckland, 4 June 2018).

As of now, not nearly enough has been done to address what has been a significant year of upheaval for the legal profession. Lawyers sell time, so human capital is the single most important resource a law firm can have. Upon discovering the scale and significance of sexual harassment, many firms and organisations have stayed silent. Data has been gathered, policies adjusted, and staff consulted.⁸ However, practically, law firms continue to operate in the exact same way. Solutions proportionate to the harm are necessary. Structural change is required. After the year the legal profession has had, I expected an overhaul in standards. Perhaps that was naive, but, if not now, then when?

III WHAT NEXT?

Surviving sexual assault in my first legal job has given me a strength that I can draw upon for the rest of my life. It has not defined me, but it will inform the kind of lawyer, person, and, one day, employer that I will go on to be. I learnt, just as the legal profession is learning now, to be cautious of power imbalances, protect the vulnerable members of our profession, and to speak out when necessary. For those who have been forced to learn these lessons early, the experience has left an imprint that will motivate us to pursue change in the years to come. I only hope that for the first time in the legal profession's history, those of us calling for fundamental change will be going with the grain, rather than against it.

Significant challenges remain. Survivors are expected to have the answers, and, although I do not purport to have them all, there are some measures that I believe are required before meaningful change can occur. Culturally, the legal profession should not demand bravery and self-sacrifice to access justice. A survivor should not have to compromise their career prospects in order for someone who is not fit and proper to be held accountable for their failings.

Lawyers have the immense privilege of self-regulation. We are supposed to hold ourselves to a higher threshold, distinct from the criminal standard. If we, as a profession, cannot exercise this privilege to protect those in need, then we do not deserve to have it. Sexual harassment, bullying and other unacceptable behaviours must be acknowledged as misconduct and addressed. In turn, in order for that to have any real effect, there must be consequences for failing to report misconduct.

8 “What has been changing in the largest law firms?” LawTalk (31 August 2018).

Finally, we must believe those who do come forward. Empathy, belief, and understanding the personal cost of disclosing an assault, must be offered to survivors. A survivor should only need to tell their story once.

I am hopeful that this year will see the start of a change that all lawyers can contribute to. Every lawyer is expected to act decently and to meet our ethical obligations. It is as simple as acting appropriately and reporting those who do not. Those who are responsible for bringing the profession into its current state of disrepute — perpetrators, those who protected them, the enforcers who failed in their duties — need to hear that harmful behaviour will no longer be tolerated in our profession.

Me aro koe ki te hā o Hineahuone — Pay heed to the mana and dignity of Māori women^{*} **— Kate Tarawhiti and Bernadette Arapere^{**}**

In the inaugural issue of this Journal, Deputy Chief Judge Caren Fox wrote of the future of Māori women in the law and the particular challenges facing Māori women lawyers.¹ She identified many challenges, some exclusive to Māori women and some facing all women in the profession. These included race barriers and a general failure within the legal profession to understand the importance of Māori culture and perspectives; a lack of role models and role modelling for Māori women; adverse gender perceptions of women in the law; inflexible working arrangements and a failure to accommodate motherhood. The counter-factual position is that wāhine Māori in senior roles are required

^{*} Hineahuone was the first woman, shaped from red earth by Tānemahuta with the guidance of his mother Papatūānuku. Tānemahuta breathed life into Hineahuone through hongī and she replied “Tihei Mauriora” (I sneeze, therefore I live). This whakataukī recognises the status and importance of wāhine Māori. See Ani Mikaere *Colonising Myths Māori Realities: He Rukuruku Whakaaro* (Huia Publishers and Te Tākupu, Te Wānanga o Raukawa, 2011) at 209. See also Janette Hamilton-Pearce “Mana Wāhine in Information Technology: Ngā Kaiwhatu Kākahu Me Te Kākahu (Doctor of Philosophy School of Computing and Mathematical Sciences, Thesis, AUT University, 2009) at 2–3.

^{**} Kate Tarawhiti is of Waikato-Tainui descent and is a Solicitor in the Resource Management team at Lane Neave. Bernadette Arapere is Ngāti Raukawa ki te Tonga, Ngāti Maniapoto, Ngāti Tūwharetoa and is Crown Counsel in Public Law at Crown Law. This article is a reflection of the tuakana-teina model and the authors would like to acknowledge the support and awahi of Marcia Murray and the inspiring work of Ani Mikaere.

¹ Deputy Chief Judge Caren Fox “The future of Māori women in the law” [2017] NZWLJ 16 at 16–17.

to be all things to all people in the workplace, in the community and at home.

In an effort to overcome the barriers identified by Judge Fox and decolonise the structures which we practice in, more Māori women are speaking up and creating spaces of their own. As discussed by senior Māori lawyer, Annette Sykes, the entry of Māori women into the legal profession is a chance to “rebel against being made invisible as we are too oft to find ourselves in the colonising realities that most of us were born and raised into”.²

Have Māori women lawyers been made invisible in the legal profession? Are Māori women lawyers rebelling — claiming our own spaces and places in the face of a profession that is, arguably, in crisis?

I MADE INVISIBLE?

Since Judge Fox’s article, a bright light has been shone on the culture of sexual harassment and bullying in the legal profession. There have been a range of responses from the profession and from taura (students). The New Zealand Law Society commissioned a review of the adequacy of its regulatory framework in respect of harassment and inappropriate workplace behaviour.³ Law firm Russell McVeagh commissioned an independent review of the firm’s response to complaints by summer clerks of sexual harassment and bullying.⁴ Throughout the profession, seminars have been held on sexual harassment, diversity and inclusion.

However, the voices of Māori women lawyers have been largely absent in the mainstream discussions about necessary cultural change in the profession. Despite te Tiriti o Waitangi/the Treaty of Waitangi and the principles of partnership that purport to underpin much of our public law (and inform the way in which more institutions in this country are supposed to operate), the legal profession itself appears to not yet have opened its eyes to the reality of the Treaty partnership, including in decision-making.

2 Annette Sykes “Te Miina o Papatūānuku — Te Mana o te Wahine” (2015) October Māori LR 33 at 34.

3 The regulatory working group was established by the New Zealand Law Society and must consider “whether the existing regulatory framework, practices and processes enable adequate reporting of harassment or inappropriate workplace behaviour within the legal profession, along with how better support can be provided to those making reports of sensitive issues, and the adequacy of the regulatory framework to enable effective action to be taken where such conduct is alleged”. See “Law Society announces regulatory working group membership” (19 April 2018) New Zealand Law Society <www.lawsociety.org.nz>.

4 Dame Margaret Bazley *Independent Review of Russell McVeagh: March – June 2018* (5 July 2018).

This view is borne out of the fact that there were no Māori women on either the New Zealand Law Society’s Women’s Advisory Panel,⁵ or the regulatory working group reviewing the New Zealand Law Society.⁶ The recent NZ Lawyer Women in Law Summit (held in Auckland in September this year) was marketed with taglines such as: “Celebrate women, celebrate diversity” and with the goal of building a “more inclusive future for law”.⁷ That event did not include any Māori women speakers.⁸ Similarly, profession-wide seminars on bullying and harassment have had few, if any, Māori speakers.⁹

Dame Margaret Bazley’s report on Russell McVeagh lacked any consideration of the place of Māori in that firm except for noting that Māori make up a very small minority of staff. Yet the report opened with an extract from one of the most well-known whakataukī in te ao Māori.¹⁰ Māori legal academic, Khylee Quince, highlighted the misappropriation of this whakataukī in the report and noted that:¹¹

Despite several mentions, the Somewhat Elusive Other Diversity Groups ... are never given any sunlight — a two page section on “The Place of Women and Diversity” describes gender issues at some length, without going on to tell us what the “and Diversity” part was referring to.

‘Diversity’ as an idea has been heavily promoted but lacks impact when the conversation doesn’t recognise and provide platforms for wāhine Māori or other underrepresented groups to speak. This has been a common critique of the #MeToo movement globally, that is, there has been a lack of recognition of the experiences of women of colour, separate to those of white women. The impact of this is perfectly captured by Leah Whiu:¹²

5 The Women’s Advisory Panel members are Chris Moore (Chair), Ann Brennan, David Campbell, Anita Chan QC, Tiana Epati, Stephanie Mann, Phillipa Muir and Liesle Theron.

6 See above n 3. Dame Silvia Cartwright chairs the working group. The other members are Jane Drumm, Philip Hamlin, Joy Liddicoat and Elisabeth McDonald.

7 The Women in Law Summit 2018 was organised by Key Media Pty, the Australian based publisher of *NZ Lawyer* magazine, with sponsorship from a number of large New Zealand law firms.

8 “Schedule” (18 September 2018) *NZ Lawyer* Women in Law Summit 2018 <www.womeninlaw.co.nz>.

9 For example, the Law Society webinar on workplace harassment and bullying and harassment, held on 4 April 2018. The speakers were Steph Dyhrberg, Susan Hornsby-Geluk, and Hamish Kynaston.

10 *He aba te mea nui o te Ao?...he tāngata, he tāngata, he tāngata*. See Bazley, above n 4, at i.

11 Khylee Quince “It’s not people but kaupapa, Russell McVeagh” (6 July 2018) *Newsroom* <www.newsroom.co.nz>

12 Leah Whiu “A Māori Woman’s Experience of Feminist Legal Education in Aotearoa” (1994) 2 *Waikato*

It seems to me that my struggle necessarily takes account of your struggle. I can't ignore patriarchy in my struggle. Yet you can and do ignore the "colour" of patriarchy, the culture-specificity of patriarchy. And in doing so you ignore me.

II TAKING OUR PLACE AND SPACE

The experiences of Māori women lawyers may have been that they are invisible or made invisible in the mainstream. However, Māori have always rebelled against or ignored this construct by claiming our own place and space. In particular, Māori women have created spaces for dialogue and support of each other over the years. This is no surprise given the importance in te ao Māori of the collective — whānau, hapū and iwi.

Moreover, in tikanga Māori, mana wāhine and mana tāne are strong and complementary constructs.¹³ Ani Mikaere describes these complementary constructs as:¹⁴

The roles of men and women according to tikanga Māori can be understood only in the context of a Māori worldview, which acknowledges the natural order of the universe, the interrelationship or whanaungatanga of all living things to one another and the overarching principle of balance. Both men and women are essential contributors to the whakapapa that connects Māori people back to the beginning of creation. Women play a key role in linking the past with the present and the future. The survival of the whole is absolutely dependent upon everyone who belongs to it, with the result that every individual within the group has their own intrinsic value. All are part of the collective; it is therefore a collective responsibility to see that their respective roles are valued and protected.

Accordingly, responses from Māori lawyers have involved both women and men.¹⁵ As Ani highlights, it is critical that the collective takes responsibility

Law Review at 161–164.

13 Ani Mikaere "Māori Women: Caught in the Contradictions of a Colonised Reality" (1994) 2 Waikato Law Review 125.

14 Ani Mikaere *Colonising Myths Māori Realities: He Rukuruku Whakaaro* (Huia Publishers and Te Tākupu, Te Wānanga o Raukawa, 2011) at 208.

15 For example, the working group of Te Hunga Rōia Māori o Aotearoa includes Tavake Afeaki, Ophir Cassidy, Marcia Murray, Bernadette Arapere, Horiana Irwin-Easthope and Te Paea Mateo and the plenary session on culture and values in the profession at this year's Hui-ā-Tau (national conference) includes Tavake Afeaki, Pierre Tohe, Carwyn Jones, Ophir Cassidy, Khylee Quince and Jazmine Cassidy.

for initiatives of change and to ensure mana wāhine are valued and protected. Accordingly, the burden should not be placed solely on the shoulders of women to fix the broken structures of the legal profession, nor should the solutions focus on the behaviour of just one gender.

As part of the response, we have seen incredible leadership shown by our taura who have stood up to harassment and bullying. In particular, Ngā Rangahautira (the Māori Law Students' Association at Victoria University) led the way by declining sponsorship from Russell McVeagh in 2016 when made aware of issues of sexual harassment of summer clerks at the firm. Support in the form of sponsorship was declined on the basis that Ngā Rangahautira's values did not align with Russell McVeagh's.¹⁶

In April this year, Te Hunga Rōia Māori o Aotearoa¹⁷ launched the *Ngā Wāhine Rōia Māori o Aotearoa* Mentoring Programme. The programme pairs Māori women lawyers and senior taura together and is intended to tautoko (support) the growth and career development of wāhine Māori lawyers. Based on concepts of tuakana-teina,¹⁸ the programme aims to prepare and support lawyers and senior law students for success in the workforce, establish networks for mentees with senior practitioners and strengthen networks between Te Hunga Rōia members. The programme also helps to address one of the barriers identified by Judge Fox; a lack of role models and role modelling for Māori women. To date there are more than 70 wāhine from Northland to Dunedin signed up to the programme.

Local branches of Te Hunga Rōia Māori have also run various mentoring and resilience events in their rohe (regions). For example, in Wellington, Māori women lawyers and judges have set up a network and have met regularly over the last year to discuss issues of interest as well as to support and encourage each other in their professional and personal lives.

Te Hunga Rōia Māori has also developed initiatives to support members who may be experiencing workplace bullying or harassment. A working group has been established to particularly address these issues in the profession

16 Melanie Reid and Sasha Borissenko "The summer interns and the law firm" (14 February 2018) *Newsroom* <www.newsroom.co.nz>

17 Te Hunga Rōia Māori o Aotearoa is a national Māori body whose membership includes Māori members of the judiciary, members of parliament, legal practitioners, legal academics, public servants and law students. See Te Hunga Rōia Māori o Aotearoa — The Māori Law Society <www.maorilawsociety.co.nz>.

18 An older or more experienced tuakana helps and guides a younger or less experienced teina.

and within Te Hunga Rōia Māori. *Ngā Hoa Aroha*, a panel of senior Māori practitioners, modelled on the New Zealand Law Society's National Friends Panel but based on tikanga Māori, has been launched. Members of the panel will be available to tautoko any members of Te Hunga Rōia Māori experiencing professional, ethical or legal problems. The kaupapa of culture and safety in the legal profession was the topic of a plenary session at this year's Hui-ā-Tau (national conference) for Te Hunga Rōia Māori. And wāhine Māori comprised more than two thirds of the speakers at the Hui-ā-Tau. It is notable that the work and initiatives of Te Hunga Rōia Māori are carried out on an entirely voluntary basis by its members: none of the fees paid by practitioners to the New Zealand Law Society are apportioned to Te Hunga Rōia Māori.

Māori women lawyers are also increasingly rejecting the traditional law firm culture and structure and many are starting their own law firms that have tikanga Māori at the centre of how they practise law. Tukau Law and Consultancy, Kaupare Law & Consultancy, Whakamana Consultancy Ltd, Te Aki Ture and Consultancy, Whaiā Legal and Dixon & Co Lawyers are recent examples of law firms established by and for Māori women lawyers with the aim of empowering whānau, hapū and iwi through legal practice. This trend was also true in the early 2000s with firms such as Tamatekapua Law and King Alofivae Malosi and tuakana such as Annette Sykes paving the way.

We also take the time to recognise some standout achievements by Māori women in law over the past year or so: Jacinta Ruru was appointed the first Māori Professor of Law at Otago University in 2016; three wāhine Māori rōia, Kiritapu Allan, Willow-Jean Prime and Harete Hipango were elected to Parliament at the 2017 election; and Crown prosecutor, Tini Clark, was appointed to the District Court bench earlier this year.

However, many Māori lawyers are struggling. The 2018 Law Society national survey of the legal profession and current workplace environment indicated that experiences of bullying behaviour and sexual harassment are more prevalent among Māori lawyers, and that Māori lawyers perceive aspects of their workplace wellbeing less favourably.¹⁹ Specifically:²⁰

19 Colmar Brunton *Workplace Environment Survey* (New Zealand Law Society, 28 May 2018).

20 At 7, 13, 18, 39; and "Legal Workplace Environment Survey — Summary of Findings Relating to Māori lawyers", provided by the Law Society to Te Hunga Rōia Māori o Aotearoa (20 September 2018).

- i) The prevalence of sexual harassment in the past five years is significantly higher than average for Māori lawyers (16 per cent of Māori compared to 10 per cent on average). A higher proportion of Māori women lawyers have experienced sexual harassment in the past five years than average (22 per cent compared to 17 per cent).
- ii) In terms of types of harassment, Māori women lawyers were more likely than average to have experienced unwanted sexual attention and inappropriate physical contact.
- iii) Māori lawyers' reasons for not seeking support or making a complaint about bullying or harassment tend to mirror those given by other lawyers, but Māori lawyers were significantly more likely than average to say they were too scared, frightened or worried. Twenty eight per cent of Māori lawyers who did not seek support, advice, or make a complaint about sexual harassment said they were too scared or frightened, versus 15 per cent of all lawyers who did not seek support, advice or make a complaint.
- iv) Māori lawyers have higher than average overall scores for having experienced bullying.
- v) Māori lawyers are more likely than average to feel they work to unrealistic time pressures.
- vi) Physically intimidating bullying is more common among those who work in family law or Māori / Treaty of Waitangi law — areas of law in which a lot of Māori lawyers practice.

Despite the achievements of many Māori lawyers and the work by Te Hunga Rōia Māori, it is clear there is much to be done so that Māori women lawyers overcome the barriers highlighted by Judge Fox and for all Māori lawyers in the profession to be safe and supported.

III WERO

So what is the challenge to the profession and to Māori women lawyers in particular? The working group of Te Hunga Rōia Māori is continuing to consider these issues and develop responses so that Māori lawyers, wāhine and tāne, are able to work in a safe and rewarding profession. However, this is not just a job for Māori lawyers. All those who hold power and privilege need to recognise and call out that privilege. That includes the professional bodies that

represent us, the firms large and small that we may choose to work for and those who are developing regulations and policies that affect us. Māori lawyers must be part of the conversations about cultural change in the profession. In Māori terms, our success as a profession can only be judged by measuring the wellbeing and success of the collective, especially the most vulnerable and those in need of support and a voice.

Ehara taku toa i te toa takitahi, he toa takitini
My strength is not mine alone, it is the strength of many

Red stickered: a profession on notice — **Monique van Alphen Fyfe***

I have been meaning for some time to update an essay hastily written in the first year of my law degree.¹ That essay focused on the position of women lawyers 100 years after Harriet Vine became the first woman to graduate in law from what was then Victoria College. At the beginning of 2018, five years later and having spent a small measure of time practising, the time appeared ripe. 2018, however, had other ideas, leading the profession on a painful but much needed journey revealing sexual abuse and harassment, and a lack of cultural leadership by key personnel and critical institutions. This piece, therefore, mixes a cursory update with reflections on what has affected me most throughout the year.

In my earlier essay, I noted that structural sexism, coupled with its close friends structural racism and classism, is much harder to identify than overtly discriminatory practices. I suggested a seismic shift was needed to dislodge its remaining components. I welcome 2018 proving me wrong on the first point and, on the latter (I hope), proving me right.

Newsroom’s publicity of sexual assault at Russell McVeagh illuminated contradictions in the value the profession places on women in law.² Abuses of

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1 Monique van Alphen Fyfe “100 Years On, How Many More to Go? Challenges Facing Women in Law in 2013” (2014) 45 VUWLR 437.

2 For example Sasha Borissenko and Melanie Reid “The summer interns and the law firm” (14 February 2018) *Newsroom* <www.newsroom.co.nz>.

power by a partner and others at Russell McVeagh had been an open secret amongst many students and young lawyers in Wellington. Russell McVeagh's poor handling of it was almost equally well known, as was that of the Law Society. I was surprised that many young women who had studied in other parts of the country were not aware of it at all. That we are not always solely valued for our promise in legal expertise hit them particularly hard. Bubble burst. Structural sexism, and the sense of entitlement and awful behaviour it can normalise, is now a visible and undeniable part of our profession, and an undeniable part of what it is to be a woman lawyer.

This could well be the needed seismic shift. Publicity of (some of the) dreadful conduct by senior men in the profession has provoked so many other lawyers to establish and take part in various events to maintain the brightness of this newly found disinfecting sunshine and ensure cultural change — much vaunted, often unachieved — really does happen. We are all on notice.

The harassment and assault at Russell McVeagh itself has been traversed in sanitised form elsewhere. In this piece, I will focus instead on aspects of the responses to those and other events, and how that response reinforces that these matters require an adjustment in thinking at a level not yet contemplated.

I NOT A DISRUPTION, BUT AN EARTHQUAKE

As with most seismic shifts, this one has considerable energy, particularly among younger lawyers and lawyers to be, and among women who have long advocated for women's rights in the profession. It has been expressed in a variety of ways. Some of the most powerful include a rally of hundreds of students to protest Russell McVeagh's handling of the sexual assaults, a panel discussion entitled *Making Law a Safe Space* which was so oversubscribed it had to change venues twice, and the 214 submissions made to Zoë Lawton's #Metoo blog documenting harassment experiences in legal workplaces.³

There is a risk that this energy could be dissipated by a profession whose senior levels are still largely male-dominated, and by institutions that have not yet grappled successfully with their own unconscious bias and structural sexism. The key is in the words unconscious and structural. It is part of how we relate to others, how we manage difference, and how we shape our working lives. It is in the way we make small, ostensibly decorative, decisions

3 Zoë Lawton "#Metoo Blog" (2018) <www.zoelawton.com>.

and dismiss criticisms for want of seeing how it shapes the larger edifice. I will focus on a few examples to illustrate that point, but I preface this by noting these examples are not intended to be scapegoats. Each and every one of us has responsibility for examining our biases to ensure the potential of this momentum is not lost.

A Visible defects: some data

Despite representing over half of law graduates and over 60 per cent of those admitted to the bar, recent research by the Bar Association shows women appear as lead counsel in only 30 per cent of hearings.⁴ That figure reduces for the Court of Appeal and Supreme Court, where women appear as lead counsel less than 20 per cent of the time. It reduces again when counsel appearing for the Crown are excluded. Women make up only 19 per cent of QCs, who appear in court less than one tenth as frequently as their male counterparts.⁵ We are simply not being heard in court by our peers to the degree that we ought to and, worse, according the Bar Association, there is “no discernible trend of improvement”.⁶

There is improvement on the bench. In 2010, 26 per cent of judges were women and, in 2012, 27.7 per cent. That leapt to 31.7 per cent in 2017.⁷ However, at that rate of change and given parallel increases in the total number of judges, it could take 50 years to equalise the balance. Studies concerning the ethnicity of judges, their sexuality, or their socioeconomic background are scarce, if they exist at all. Representative diversity is not only important in its own right, but also in ensuring legitimacy of the courts (the judiciary is seen to reflect the population it serves), and relevance of its decisions (the judiciary makes decisions based on a broader understanding of diverse experiences). Representative diversity is some distance away.

The problem is not just lowly percentages of women progressing in the profession. The New Zealand Law Society recently completed a sexual

4 Jenny Cooper and Gretta Schumacher *Gender Ratio of Counsel Appearing in Higher Courts: Report of the New Zealand Bar Association* (September 2018) at 3.

5 At 4.

6 At 4–5.

7 Human Rights Commission *New Zealand Census of Women's Participation 2012* (Wellington, 2012) at 72; Geoff Adlam “New Zealand’s Judiciary and Gender” (11 November 2015) New Zealand Law Society <www.lawsociety.org.nz>; and “New Zealand judiciary statistics at 1 January 2017” New Zealand Law Society <www.lawsociety.org.nz>.

harassment and bullying survey of lawyers' workplaces.⁸ That survey suggested one fifth of lawyers have been sexually harassed in their working life (31 per cent of women and five per cent of men), and 20 per cent of women lawyers have been sexually harassed in the last five years. But a closer reading of the survey methodology suggests our workplaces are even more prone to accommodating this poor behaviour.

The survey took its definition of sexual harassment from the Human Rights Commission (itself not coming out of this year untarnished).⁹ That definition was taken from the Human Rights Act 1993,¹⁰ summarised by the Human Rights Commission as:¹¹

... any unwelcome or offensive sexual behaviour that is repeated, or is serious enough to have a harmful effect, or which contains an implied or overt promise of preferential treatment or an implied or overt threat of detrimental treatment.

The survey called this the “Human Rights Commission definition”. The Human Rights Commission provides examples of what constitutes sexual harassment.¹² The examples include, for instance: inappropriate staring or leering that made the victim feel intimidated; sexually suggestive comments or jokes that made the victim feel offended; implied or actual threats of differential treatment if sexual activity was not offered; and actual or attempted rape or sexual assault. The survey called these the “behavioural definition”.

The survey treated the Human Rights Commission definition and the behavioural definition as distinct, failing to comprehend that the latter provides examples of the former. The more widely publicised statistics cited above concerned the Human Rights Commission definition and are, therefore, too low.¹³ When using the behavioural definition, the percentage of women

8 A summary of the survey findings can be found online: Colmar Brunton *Workplace Environment Survey* (New Zealand Law Society, 28 May 2018).

9 At 15. For more on the controversy at the Human Rights Commission, see for example Harrison Christian “Human Rights Commission finance boss sexually harasses young intern, keeps job” (11 February 2018) *Stuff* <www.stuff.co.nz>. See also Coral Shaw *Ministerial Review of the Human Rights Commission in relation to the internal handling of sexual harassment claims and its organisational culture* (May 2018).

10 Section 62.

11 Human Rights Commission “Sexual Harassment: What you need to know” at 2.

12 At 3.

13 In addition, if a respondent answered yes to any of the behavioural definitions, but later said they did

who reported sexual harassment in the last five years jumps from 20 to 40 per cent.¹⁴ *Forty* per cent. The survey also noted that prevalence of harassment is higher for younger lawyers (up to 58 per cent). It is also more prevalent amongst those practising at the criminal bar (55 per cent). Although the results do not mention whether ethnicity affects prevalence of sexual harassment, in the context of bullying they do show that Māori, Pasifika and Asian lawyers are more likely to be targeted. An intersectional critique indicates the same is also true for sexual harassment.¹⁵

The most common types of harassment were crude or offensive behaviour, such as sexually suggestive comments or “jokes”, experienced by almost 90 per cent of women who have been sexually harassed. (Locker room talk.) Unwanted sexual attention was next, with 68 per cent of women who have been harassed reporting intrusive questions into their private life or physical appearance that were offensive. (Our bodies are public property.) Sixty six per cent reported inappropriate staring or leering that made them feel intimidated. (We are here for your visual gratification.) Unwelcome touching, hugging, cornering or kissing managed 59 per cent. (RIP bodily autonomy.)

The survey results make for unhappy reading. The report and communications about it lauded the fact that 77 per cent of women indicated their jobs gave them a great deal of satisfaction.¹⁶ I confess to being suspicious of that figure. Have women merely set the bar low to cope with experiences that we should not have to? What would retention rates and proportions of, for example, women QCs look like if we did not have to contend with the additional stress of such experiences?

What the results do provide, however, is a concrete foundation to which we can point to suggest poor retention and promotion rates are not of our own making, and upon which we can build strategies for more positive outcomes. We know now, without being able to deny it, the extent of the symptoms we

not consider it harassment, this was not counted in the survey’s harassment tally. This affected 136 responses, or 3.9 per cent of a sample size of 3,516: Colmar Brunton, above n 9, at 15.

14 At 18.

15 See the breakdown provided in Bernadette Arapere and Kate Tarawhiti “State of the Nation — Tauāki o te Motu: Me aro koe ki te hā o Hineahuone — Pay heed to the mana and dignity of Māori women” [2018] NZWLJ 22 at 28.

16 Colmar Brunton, above n 9, at 11; and Geoff Adlam “The 2018 Legal Workplace Environment Survey” (29 June 2018) New Zealand Law Society <www.lawsociety.org.nz>.

need to be rid of. What is next needed is a careful appraisal of the way in which we and our institutions respond.

B Hidden defects: some examples

The Law Society itself is undertaking a commendable exercise in self-reflection of late. There are, however, troubling features in the way it has approached some matters and its failure to identify those unconscious elements of its bias, illustrated here in two examples.

First, disciplinary proceedings. The Law Society oversees the primary regulatory bodies for lawyers: the Standards Committee and the Disciplinary Tribunal. Failures in recent decisions of the Standards Committee to address material aspects of structural sexism are cause for concern. In one instance, the Committee determined that bullying, intimidation and sexual harassment by John Eichelbaum amounted to serious unsatisfactory conduct.¹⁷ It censured him and imposed substantial fines. Olivia Wensley, who enjoys considerable freedom to critique the legal profession having left on account of its sexism, criticised the Committee for providing an “extremely sanitised account” of Eichelbaum’s behaviour.¹⁸ That sanitisation, quite possibly the result of structural sexism, led the Committee to make a decision with the potential to damage the integrity of and trust in disciplinary procedures.

The Committee declined to refer the matter to the Disciplinary Tribunal as it did not consider the behaviour to have reached the level of misconduct. Misconduct includes behaviour that would “reasonably be regarded by lawyers of good standing as disgraceful or dishonourable”.¹⁹ Effectively, the Committee’s decision says that a lawyer who, in the course of professional meetings, exhibits bizarrely inappropriate behaviour (including hanging women’s underwear on a fence), deliberately seeks to make a woman lawyer uncomfortable, insists she bend over through a window when she is wearing clothing inappropriate for doing so, laughs at her and makes derogatory comments, is not engaging in conduct regarded as disgraceful or dishonourable by lawyers of good standing.²⁰

17 “Lawyer’s disrespect towards another practitioner” (29 March 2018) New Zealand Law Society <www.lawsociety.org.nz>. I note, with some disquiet, that the Committee refrained from calling Eichelbaum’s behaviour sexual harassment.

18 Cecile Meier “Lawyer who was told to bend over by senior barrister speaks out” (29 March 2018) *Stuff* <www.stuff.co.nz>.

19 Lawyers and Conveyancers Act 2006, s 7(i)(a)(i).

20 Apart from that in parenthesis, these facts are drawn from the Standards Committee’s “extremely

It should be obvious I wholeheartedly disagree.

In another instance, the Committee proceeded with an own-motion investigation of comments by lawyer Catriona MacLennan about a sitting Judge.²¹ In discharging a defendant on domestic violence charges without conviction, the Judge had made remarks diminishing the culpability of the defendant due to the actions of his victim. Ms MacLennan had condemned those remarks and the decision as victim blaming and contributing to a lack of domestic violence reporting. She suggested the Judge ought not to continue on the bench.²² Although the Committee ultimately determined it need not proceed to a full hearing, both its decision to investigate and its decision not to proceed were subject to forthright criticism. The critics, inter alia, questioned the Committee's focus on Ms MacLennan over condemning the Judge's comments, described the final decision as an exercise in self-justification, suggested the Committee apologise to Ms MacLennan, and called for members of the Committee and the President of the Law Society to step down.²³ None of these suggestions has been pursued.

These two proceedings show how important it is for the Committee to carefully consider the implications of structural sexism in all aspects of its decision-making. Failure to do so risks undermining trust in an important disciplinary institution. Instead of being seen as a fair and impartial arbiter, that institution can be criticised for failing to identify and condemn sexual harassment in a manner commensurate with its seriousness, and for failing to reflect on the structural aspects of sexism and domestic violence and its own complicity in perpetuating assumptions about them. In the wake of these decisions, those who suffer sexual harassment and wish to lay a complaint might be less likely to turn to the very institution that is supposed to ensure

sanitised" account.

- 21 *Own Motion Investigation by the National Standards Committee concerning Catriona MacLennan* (Notice of Decision, 11 May 2018); and "Standards committee takes no further action after criticism of judge" (13 June 2018) *New Zealand Law Society* <www.lawsociety.org.nz>.
- 22 Anna Leask "Police reviewing judge's decision to discharge man who assaulted wife" *New Zealand Herald* (online ed, Auckland, 13 December 2017).
- 23 Criticism has been levelled by the Auckland Women Lawyers' Association, Tim Murphy "Women lawyers blast Law Society inquiry" (7 May 2018) *Newsroom* <www.newsroom.co.nz>; retired Supreme Court Judge Sir Edward Thomas, Tim Murphy "Law Society ends inquiry over judge criticism" (15 May 2018) *Newsroom* <www.newsroom.co.nz>; Jim Farmer QC "Criticising Judges" (7 May 2018) *James Farmer QC* <www.jamesfarmerqc.co.nz>; and Benedict Tompkins "'Repugnant' committee pursuing female lawyer must go" (16 April 2018) *Newsroom* <www.newsroom.co.nz>.

lawyers treat each other with courtesy and respect. As Bridget Sinclair notes, it is an immense privilege to self-regulate.²⁴ I would add that women would like to place trust in the Law Society to do so. In order for that to happen, we need it to change to reflect the seismic shift that is upon us: we are women, we are here, we are serious about rebuilding this culture and we need the Law Society to keep up.

Secondly, framing. The Law Society has made admirable efforts to gather data on sexual harassment and bullying, but it made disappointing comments when announcing the results. The President's letter to the profession,²⁵ which later became a public press statement, undermined the cautious optimism harboured by many young women lawyers. Myself and others were incredulous at the surprise expressed at the data,²⁶ and of the claim the Law Society knew nothing of the allegations.²⁷ More distressing was the characterisation of the experience of those who had endured sexual assault and harassment at Russell McVeagh as a "disruption", and thanking them by saying they "kicked this off". I was taken aback by this choice of words. I felt it did not reflect the gravity of the harms victims have suffered or the empathy those harms ought to educe. I was not alone. Language matters.

If we are to tell our stories and imbue the profession with a cultural foundation of diversity and understanding, those stories need to be received with respect, addressed with empathy and followed by careful self-reflection. This is particularly important in the context of the Law Society's taskforce for culture change being chaired by the same President whose own responses to

24 Bridget Sinclair "State of the Nation — Tauāki o te Motu: Speaking for Me" [2018] NZWLJ 18 at 21.

25 Letter from Kathryn Beck (President of the New Zealand Law Society) to Lawyers regarding "Embracing the power of real disruption" (30 May 2018).

26 The Law Society was furnished with reports in 2015 and 2016 that documented the prevalence of sexual harassment in New Zealand and Australia: RT Michalak "Causes and Consequences of Work-Related Psychosocial Risk Exposure: A Comparative Investigation of Organizational Context, Employee Attitudes Job Performance and Wellbeing in Lawyers and Non-Lawyer Professionals" (2015); and Josh Pemberton "First Steps: The Experiences and Retention of New Zealand's Junior Lawyers" (New Zealand Law Foundation, 2016).

27 When approached by one of the women who had been assaulted well in advance of the President's letter, a senior official at the Law Society stated an investigation could not be initiated without a complaint. That advice was incorrect. As demonstrated by Ms MacLennan's experience discussed above, the Standards Committee may initiate own-motion investigations: Lawyers and Conveyancers Act 2006, s 130(c).

these issues leaves room for improvement.²⁸ We are *all* on notice.

II THE REBUILD

The soundness of any structure rests on its foundations. Excavation following the earthquake has revealed ours to be deeply flawed and in need of rebuilding. The way forward is to acknowledge and eliminate the microaggressions and sexist assumptions that are the foundation upon which major assaults are normalised; accept our own complicity in laying that foundation; develop deep empathy and strong support for women in law; and address the complacency of both individuals and institutions in failing to protect and nurture them.

I left architectural practice in 2013, disillusioned with many things, not the least of which was unacknowledged structural sexism and racism. I am pleased to see some progress taking hold in that field, but I am far more confident of meaningful progress being made in the legal profession. When studying law, I was delighted to discover a large number of extraordinary young women, none of whom shied from critiquing the ways in which the law and the profession failed to address sexism and other forms of discrimination. This struck me as a marked change from my earlier university experience, and I hoped it would continue when entering legal practice.

I am extremely privileged and grateful to be able to say that for me it did. Sadly, for others, it has not. My principal hope for meaningful change lies in the bedrock of young women who will expect and demand the transformation of our institutions and culture, it lies in the support of their peers who will echo their calls, and in the leadership of the senior members of our profession who will listen, reflect, and stand by them to expect and demand the same.

28 “Law Society Taskforce focused on culture change” (25 September 2018) New Zealand Law Society <www.lawsociety.org.nz>.

The culture of the profession from a student’s perspective **— Indiana Aroha Christbelle Shewen***

This year the New Zealand Law Society announced that New Zealand officially has more women lawyers than men lawyers.¹ Alongside this, revelations about the pervasiveness of sexual harassment and bullying in the legal profession began to unfurl. In light of all of this, there has never been a more important time to address the issues of equity, inclusion, and the retention of women leaders in the legal profession.

As a law student in my penultimate year, a question which I have asked myself on a daily basis is “where am I going to start my career?” After five years of studying the law, and with the support of my whānau and friends throughout this time, I have felt that I should be well-equipped to answer this question. Unfortunately, I, along with many of my peers, found myself in a position where I battled with the idea of entering the legal profession at all. I need to qualify, that when I refer to my “peers” in this context, I mean those who are of gender, ethnic, sexual and other minorities. The common concern among my peers is that they would not fit in at a law firm — and when I asked who had applied for roles within bigger law firms, the most frequent answer was that they had not submitted an application at all. I think this is a devastating loss for the legal profession.

One of the most rewarding experiences I have had while at law school has been studying alongside our future lawyers; witnessing their determination, intelligence, empathy, and passion for justice helps me to know that with these leaders at the forefront, the future of the legal profession will be in safe hands. It is for this reason that I believe it is a huge loss for us all when our students say that they are hesitant to practise in the profession. These are the very people that the legal profession will need the most.

* Current LLB/BA student at Victoria University of Wellington. Ngāti Mutunga, Te Āti Awa, Rangitāne o Wairau.

¹ “Women lawyers now in the majority” (24 January 2018) New Zealand Law Society <www.lawsociety.org.nz>.

I SUPPORTING AND PROMOTING YOUNG LAWYERS ENTERING THE PROFESSION

A *Zero Tolerance for Harassment and Bullying*

The revelations about the pervasiveness of sexual harassment and bullying have been the most prevalent issue discussed among my peers at law school this year. For many of us students who already knew about the allegations, the media releases provided an opportunity for us to publicly stand in solidarity with survivors of sexual harassment and bullying. At Victoria University of Wellington, this was largely demonstrated through the *March on Midland* rally, which saw over 400 students, faculty staff and members of the legal profession join together to call out the problematic culture of the legal profession. It was clear that people wanted to take a stand on this issue, and so long as we continued to draw attention to the issue people couldn't ignore it any longer. Zoë Lawton's blog illustrated the ugly details, and stressed the need for a real change.²

The New Zealand Law Society has played a role in supporting lawyers to come forward in making complaints, and to encourage employers to develop policies geared towards making change in the culture of the profession. The formation of robust policy is the first step, but moving forward we need to ensure that our lawyers are educated as to what constitutes sexual harassment and bullying. This means upholding a culture where we can call out inappropriate behaviours for what they are, and continue to provide a voice for those who need support. Dare I say, it might not be the worst idea to have mandatory ethics training that focuses on behaviour within our workplaces, instead of solely on our interactions with clients, before one is deemed fit to be admitted to the Bar.

B *Diversity and Inclusion*

The debate around sexual harassment and bullying to date has largely involved Pākehā women speaking out, and there has been a focus on the larger and primarily corporate law firms. I must qualify this argument with the fact that it is very important that we encourage all wāhine to speak out on these issues,

2 Zoë Lawton "#Metoo Blog" (2018) <www.zoelawton.com>.

as our experiences of sexual harassment and abuse are widespread.³ But it must be said that the absence of diversity within this debate does not address the wider extent of the issue.

The New Zealand Law Society's Survey illustrates that Māori and Pacific lawyers are much more highly represented in statistics of bullying — with 34 per cent and 35 per cent respectively having experienced bullying in the last six months.⁴ It also illustrates that Māori, Asian and Pacific lawyers have higher than average experiences of bullying.⁵ I believe that the inclusion of people from all different cultures and backgrounds within these discussions is of vital importance for all of our law students looking to enter into the legal profession.

In my personal experience, the support and guidance of wāhine Māori rōia around me has been a source of inspiration when I have needed it the most. For me, having role models such as Kate Tarawhiti, Kiritapu Allan and Marcia Murray has helped me to know that there is a place for me, as a wāhine Māori entering the legal profession. I have often looked at these wāhine and thought “If she can do it, then so can I”. By paving the way through a profession that isn't always on our side, I know I can rely on my tuakana to ground me when I lose my way.

C Challenging Unconscious Bias

The statistics alone establish that major progress is needed in order to mitigate the unequal realities for women lawyers. The hourly charge out rate for women lawyers is lower than males by an average of 7–10 per cent in all sizes of firm and virtually in all areas of the country.⁶ Women lawyers only make up 31 per cent

3 The results of the Colmar Brunton survey commissioned by the Law Society show that Pākehā women lawyers are actually more likely to experience sexual harassment over the course of their working lives than non-Pākehā (33 per cent compared to 24 per cent): see Colmar Brunton *Workplace Environment Survey* (New Zealand Law Society, 28 May 2018) at 16. However, a higher proportion of Māori women lawyers have experienced sexual harassment in the past five years than average (22 per cent compared to 17 per cent). In terms of types of harassment, Māori women were more likely than average to have experienced unwanted sexual attention and inappropriate physical contact: “Legal Workplace Environment Survey — Summary of Findings Relating to Māori Lawyers”, provided by the Law Society to Te Hunga Rōia Māori o Aotearoa (20 September 2018).

4 Colmar Brunton, above n 3, at 33

5 At 39.

6 “By the numbers” New Zealand Law Society <www.lawsociety.org.nz>.

of partners and directors within law firms with more than one practitioner.⁷ Research from 2016 has also shown that two thirds of women lawyers in their first five years of practice felt that their gender had a bearing on their prospects or future in the legal profession.⁸

The Law Society’s Gender Equality Charter encourages law firms to conduct regular gender pay audits, to review practices with a gender equality and inclusion lens, and to conduct training on unconscious bias.⁹ These changes are important indicators of the direction we want to go in. However, more work in this area is needed to challenge unconscious bias and hold employers accountable as well as to change our culture and these statistics.

If I could wave a magic wand and look into the future of our profession I would hope that it would be one where female lawyers are enabled to reach the top of the ranks within firms by way of initiatives such as paid parental leave, flexible working hours and of course equal pay between men and women.

II FOSTERING AN ENVIRONMENT FOR CHANGE

We as students have felt that our law firms are finally recognising the inherent value in our diversity. Many of my peers have been asked to be photographed for our universities and for law firms during their recruitment processes — there seems to be a demand to pull in law students from all different backgrounds, and this occurred to me once I saw my face plastered all over the Faculty handbooks at University. Initially I felt uneasy about this situation, almost as if I was being used to promote a level of diversity within the Faculty of Law that did not necessarily exist — but I eventually grasped the importance of appealing to rangatahi Māori, and encouraging them to enter the legal profession. My reasons for this are that firstly, for many family and criminal lawyers the reality is that their clients will be mostly tangata Māori, as these are the people who bear the harshest realities of social and economic disparities in Aotearoa. Moreover, in our legal careers we as future lawyers will be asked to give consideration to aspects of tikanga Māori within our legal practice.

7 “By the numbers”, above n 6.

8 Josh Pemberton *First Steps: The Experiences and Retention of New Zealand’s Junior Lawyers* (The New Zealand Law Foundation, June 2016) at 39.

9 “Gender Equality Charter” New Zealand Law Society <www.lawsociety.org.nz>.

The issue remains however, that many taurira Māori like myself are still not engaging in the profession. Earlier this year I met with a partner from one of the large law firms in Wellington; he wanted my insight as to how his firm might better cater their recruitment processes for Māori law students at Victoria University of Wellington. It was difficult for me to illustrate that the change required an overhaul of the culture of the legal profession and simply putting more diverse students on recruitment posters will not be enough to change our culture. Firms need to make more of a commitment to increase their diversity in the graduates that they employ. Most firms recognise the value in diversity, but it is rare to see firms change their standards in any meaningful way in order to increase diversity. For most firms this is often academic, as the graduate recruitment process is designed in a way that considers the academic transcript of an applicant before considering a student's personal circumstances and work experiences. Based on this, we know that the first applications to go are those of taurira Māori, and other ethnic, gender and sexual minorities, as these are the people who suffer the most disparities throughout their law school careers.

We all recognise that it is time we create a profession that can foster and nurture lawyers of all different backgrounds. Through initiatives such as the Gender Equality Charter, and with woman champions such as Steph Dyhrberg at the forefront, I feel reassured that change is occurring which will spark the necessary culture shift to engage with and retain our leaders of tomorrow. I wait impatiently for the day that I talk to a group of rangatahi Māori who are fearless, and eager to enter the legal profession, a profession which enshrines the same values that they encapsulate as Māori.

I think that is the true measure of a shift in culture — in the way our legal profession is viewed through the eyes of taurira Māori. Ehara taku toa i te toa takitahi, he toa takitini.