

LEGAL PROFESSION

Wasting women

Lisa Lo Piccolo and Stella Stuthridge report on the way in which structural inequality in the legal profession is being addressed in Victoria.

Law, economics, engineering and even medicine are all traditionally male-dominated areas. Statistics indicate that while the legal profession was once a 'male-dominated area, both numerically and culturally, women are now significant players in the profession.'¹ Certainly, this sounds favourable to female practitioners, but is this accurate?

Research conducted by Carol Bartlett² indicates that in spite of roughly even numbers of male and female graduates over the last five years, women still make up a relatively small percentage of practising solicitors.³ In fact, a mere 23% of 8412 practising solicitors in Victoria are female. Similarly, despite the imposition of legislation which implements a system of equal pay, those who participated in Bartlett's survey reported earning considerably less than their male counterparts, irrespective of whether or not these women worked in private practice. Research conducted by the Law Institute indicates that in 1993, of the 520 partners with 10 to 15 years experience, only 8% were women.⁴ Surprisingly in the category of partners with less than five years experience, women comprised 11%. Hence, on one level these figures appear to reflect the continual structural inequality embedded in the profession.

This issue was raised in a seminar by the Young Lawyers Section of the Law Institute of Victoria. As a result, the Women in the Legal Profession Working Party was established under the auspices of Victorian Young Lawyers. Its purpose is to examine why women are not progressing through the profession at the same rate as their male counterparts.

The working party is comprised of several project teams:

- the solicitors with parental responsibility team – which is interested in looking at childcare in the workplace, parental leave and the tax deductibility of childcare from the perspective of both the employer and the employee;
- the discrimination policy team – which is interested in examining sexual harassment in the workplace (the project team is also considering the merits of working with the Human Rights Committee);
- the women working as country solicitors team – which is specifically concerned with issues related to women working as country solicitors;
- the flexible work practices team – whose aim is to produce a Law Institute endorsed policy manual for the profession dealing with issues of job sharing, part-time work, working from home, flexible sick leave, family leave and maternity leave rights as part of flexible work practices;
- the research team – which is involved in the compilation of a catalogue of all available materials relating to women and the profession. This team proposes to create a database of

information and store it in a central location where it is easily accessible.

In the light of the research conducted by Bartlett and the Law Institute, the onus falls squarely on the 'legal eagles' to reassess the contribution which women can and do make to the profession. As Chief Justice Phillips of the Supreme Court acknowledged, 'we have been wasting valuable resources and we must stop doing that. We must convert negative attitudes into positive ones.' The initiative taken by the Young Lawyers Section of the Law Institute in establishing the Women in the Profession Working Party is the first step toward fostering an environment conducive to the recognition that women's involvement in the legal profession cannot be understated or ignored.

If you are interested in finding out more about WILP, joining a project team, or being placed on a mailing list, please contact Hilary Hegge at the Law Institute of Victoria, tel (03) 607 9311.

References

1. Overall G. and Weir, D., 'Women in the Legal Profession Working Party', article to appear in *The Lawyer*.
2. Bartlett, C., 'Women and the Law: The Facts and Figures', paper presented at the WILP seminar, 1993.
3. Bartlett, above, p.4.
4. Bartlett, above.

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TORTS

Spiritual fraud in Japan

The Moonies lose in a landmark case in Japan. MAX WALLACE reports.

Japan's National Network of Lawyers Against Spiritual Sales had a significant court victory over the Unification Church in May this year. The Church is known officially as the Holy Spirit Association for the Unification of World Christianity. It was founded in South Korea by the Reverend Sun Myung Moon in 1954.

The Unification Church has some 20,000 members in Japan. It is estimated that approximately half the members of the church have quit their jobs and left their families to live and work in church co-operatives. The Network was set up to help those who have left the church claiming they had been defrauded of significant sums of money.

Church members are expected to sell church products door to door at inflated prices; pay significant sums for the salvation of their ancestors, their family and themselves even if that involves going into debt; and actively recruit new members into the church. The Network is particularly incensed at the way the Church often disguises its identity in recruitment drives. The church has a policy of 'heavenly deception'.

The Network of Lawyers

The Network was set up in February 1987 and in the seven years since then its membership has grown to 300 members who have been representing aggrieved ex-members of the Unification Church throughout the country.

In the past seven years there have been hundreds of cases against the Church, many of which have been settled out of court with claims of losses of some 60 billion Yen (approx A\$8.31 million). The Lawyers Network believes that there could yet be more claims but many ex-members feel too intimidated by the Church or believe they will be subject to 'bad luck' generated from their ancestors if they complain.

One case, in particular, attracted international attention in 1993. The *Sydney Morning Herald* reported on 8 May 1993 the case of Mr Kiyoharu Takahashi who, as a 26-year-old student, mortgaged his family's substantial property holdings to borrow in excess of the equivalent of A\$60 million. This all went to the Church. After extensive negotiation, the lawyers managed to get most of it back. Their activism seems to have the Church on the back foot.

In January 1993 Michio Fujii, the President of the Unification Church in Japan, wrote to the lawyers claiming that the Church was 400 billion Yen (A\$55.3 million) in debt.

It seems that much of the Church's income in Japan was being repatriated to South Korea and the United States where the Church has substantial and diversified commercial holdings.

Landmark case

The importance of the May 1994 case in the city of Fukuoka is that it is the first time that a case has not been settled out of court but has been allowed to run under tort law. It looks as if the Church decided to stand and fight in an attempt to stop its cash flow haemorrhaging from out of court settlements.

The case involved the similar 'donations' of two women. One woman was told that her deceased husband was suffering in hell and that she would meet with an 'unfortunate incident' if she did not make a substantial payment. She paid the Church the equivalent of \$A400,000.

The Church's defence was that the amounts were voluntary payments to God. They were ordered to pay amounts of approximately A\$490,000 to the two women. The Church is appealing.

Max Wallace teaches at the Centre for Continuing Education at the Australian National University.

PUBLIC INTEREST LAW CLEARING HOUSE

A partnership of community legal centres, private law firms and the Victorian Bar Council

PILCH was launched by the Chief Justice, Sir Anthony Mason on 16 September. The Clearing House assesses requests for legal assistance and refers cases that are within its guidelines to participating barristers and law firms, who act for the clients free of charge or for a reduced fee.

It aims to:

- provide greater access to legal services for disadvantaged individuals and public interest organisations in legal matters that are in the public interest, and
- improve and co-ordinate the performance of public interest law work by the private legal profession.

The service does not pretend to help everyone who needs legal help but cannot afford a lawyer. It is aimed at:

- non-profit organisations with public interest objectives; and
- individuals who are ineligible for legal aid and cannot afford a lawyer.

But the issue must be a legal matter of public interest.

The scheme is funded by the Consumer Law Centre and the member law firms and barristers.

Membership is open to all law firms, community legal centres and the Victorian Bar Council. Academics, accountants and mediators are welcome to join as associate members.

Contact: Amanda Cornwall
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