

Experiences during COVID

Bar News talks to Emily Graham on working during COVID-19

Bar News (BN): *How long have you been at The Bar?*

Emily Graham (EG): Since 2016.

BN: *What areas do you practise in?*

EG: Public and Administrative Law, Common Law, Wills and Estates, some criminal work (and, as an eager beaver under fiver, any other court or advice work a solicitor or Silk asks me to do!)

BN: *Where have you been working during COVID-19?*

EG: Predominantly at home (appearing from the kitchen table with my disruptive 'purrlegal', Kirby the cat, by my side) and occasionally in chambers or in court (including accidentally – see below).

BN: *When the pandemic hit in March 2020, how did that immediately affect your practice?*

EG: I moved to working almost solely from home fairly early into the pandemic. After an in-person mediation on Friday 13 March (ominous!), I decided to pack up all of the physical briefs that I needed to work on in the following week, my computer screen and my robes to take home. I remember feeling a little bit silly and wondering whether I was overreacting. Over that weekend, there were at least two COVID-19 scares within the Wentworth/Selborne building and there was some suggestion that if any of those cases turned out to be confirmed COVID cases, chambers may be closed without notice. I was glad I had made what seemed an extreme decision in the days before. In that first week, I made arrangements with my solicitor for me to attend in person with her and the instructing officer to appear by telephone. The Tribunal accommodated that request and juggling the mobile phone on the Bar table with my physical brief and laptop meant that I was readily able to take instructions via text message in lieu of a post-it note. Unfortunately, the usual opportunity for *The Castle* reference to wanting a glass of water is removed when your solicitor is not physically present!

After that first week, things started



Emily Graham and her purrlegal, Kirby

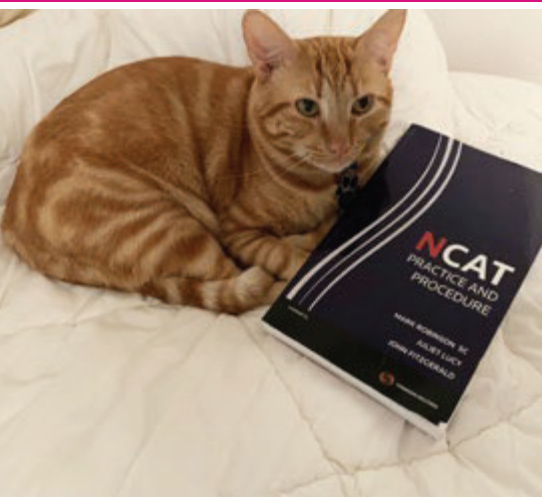
to get a little more disruptive. Hearings started being vacated and short matters and directions hearings moved online or postponed. There was also a fairly constant stream of requests for urgent submissions as to whether hearings could be conducted by telephone or audiovisual link. I think I went a full five weeks without a single new brief coming in which was starting to get a bit concerning.

The daily updates from *inBrief* were helpful, but the early days saw a great deal of inconsistency and uncertainty in hearing practices across different courts and even across different lists in the same court. As a junior barrister whose practice still consists of directions hearings and short matters in a variety of courts, the daily changes were quite overwhelming and I went from having my diary almost clear with my only hearing outside the estimated COVID-19 impact period not listed until approximately December. It reminded me of the early days as a reader, wondering whether and when the next brief was going to come. Thankfully, a few months down the track, things have picked up and thoughts of alternative careers like joining the circus as a hula hooper have been put aside!

BN: *How have you found practising at the bar as the pandemic has continued?*

EG: I have found practising during the pandemic to be stressful, but am glad that I was not at the very beginning of my time at the Bar. It was a similar experience to the January 'shutdown' period where the work tends to dry up and you can go weeks without getting any new work in. Entering the pandemic shutdown off the back of a slow January would be difficult for anyone, but particularly those in their second and third years at the Bar when you are often waiting for the invoices to be paid and may not have had much work on in the first six to 12 months. In some respects, the clichéd statements used in the preface to many corporate emails about the pandemic are applicable to life at the Bar even when there is not pandemic: the Bar seems all the time to be 'unprecedented, challenging, difficult and uncertain'!

One upside to working through this period was that going through the ups and downs of practice at the Bar while everyone else is also dealing with a pandemic made sure that everyone was a little bit more aware of looking out for friends and family, including barrister friends.



BN: *What have you done to try to adapt to practising at the bar during COVID-19?*

EG: I have attempted to be more disciplined when working from home. Before the pandemic, I would usually work from home when I had a particular and focussed task to complete – a written advice or submissions, for example. Working from home full-time meant jumping from matter to matter and I discovered that leaving briefs on the floor would result in the cat clawing at the post-it notes, so had to rely a bit more on looking at the virtual copies of the brief. I have also tried not to 'sweat the small stuff' as much during this time. Things were put into perspective somewhat and an irritating piece of correspondence from the other side or frustration with a lack of clarity on where one was supposed to appear and how did not seem to matter, because there were other people going through a much more difficult time and I was not juggling all of that uncertainty with the demands of trying to engage children in online learning or coping with a newborn without the assistance of parents who were unable to come from overseas as some of my friends were.

BN: *What are the oddest things that you've encountered in your work during COVID-19?*

EG: Other than the irritating predictability that the council lawnmower on the nature strip out the front of my apartment constantly coincided with my turns to speak during a hearing in a video or telephone hearing, the virtual courtroom experience mostly worked well. One odd experience was when I 'accidentally' appeared in court at a directions hearing. Unfortunately, neither myself nor my instructing solicitor had been sent the telephone dial-in details for the directions hearing. There had been several changes in the protocol in the weeks before that hearing, including a protocol for that list that had required physical appearances. As things were changing on an almost daily basis at that stage, I assumed I would receive more information before the day and prepared myself for the possibility of either a physical appearance or virtual appearance.

I ran into a member of the floor the day before the listing who had told me a fellow member of chambers had appeared in that list the week or so before. The Court list came out that indicated the matter was listed the following afternoon in a physical courtroom. I wondered whether to contact the judge's associate but started catastrophising about whether I would be struck off contacting the court directly! Regrettably, I attended in person and was promptly shooed out of the courtroom by the associate when I popped in to the back of the courtroom. I continued my appearance from a conference room outside the courtroom and, after it concluded, returned back to chambers embarrassed with another 'hilarious' story from the 'coalface'.

BN: *What has been the hardest feature of your work during COVID-19?*

EG: Uncertainty has been the hardest feature of work (and the rest of life) during COVID. Workflow and cashflow seem to be an ongoing and pervasive problem at the Bar at all levels. This was exacerbated by hearings falling away and the move to online court and telephone appearances for directions hearings and short matters which were already impacting on the work of the junior bar. Even though I have been at home, the cancellation of sport and social functions has severely impacted my feeling of work-life balance during COVID. At the beginning, Zoom and other video catch ups were an almost daily occurrence as we discussed the novelty of the situation with friends, family and colleagues but they started to taper off as the weeks went by.

I have really missed the spur of the moment coffees, lunches and drinks with fellow barristers during COVID. It is these unplanned interactions that allow us to vent our frustrations at work (or lack thereof), celebrate our wins (three times: once when the matter concludes, once when the judgment comes in and finally when the funds are received!), commiserate our losses and hear each other out on what is going on in work, play and life generally. The isolation of working for oneself is often overcome by

the collegiality at the Bar and sometimes a virtual chat is just not the same as sitting across the table from a friend and colleague.

BN: *What has been the most positive feature of your work during COVID?*

EG: It has been good to continue to engage in CPDs and committee meetings remotely. As most of our CPDs are after court hours, attending a seminar that ends after 6pm can interfere with evening sport and social commitments, after school or day care pick ups, or simply cooking dinner and relaxing on the couch. I was able to attend a few online CPDs including the Francis Forbes Society lecture delivered by Justice Leeming and streamed from Banco Court. I watched and listened to that CPD (with microphone on mute and video switched off with post-it note over the camera just in case!) while standing in the kitchen in my ugg boots cooking a much more elaborate dinner than I might usually make on a weeknight if I'd stayed later in chambers. The less formal committee meetings of the New Barristers' Committee have also been useful for juggling the desire to be involved in the Bar's response to COVID-19, particularly for junior barristers, while also attending to cooking dinner.

BN: *Is there anything about your current working arrangements or practice that you would like to see continue as COVID-19 restrictions ease?*

EG: I would like to continue working from home a little more even when the COVID-19 restrictions ease.

I think that there could continue to be a use of some of the telephone technology and audiovisual link hearings. What we may lose in that, however, is the rapport we build with our instructing solicitors when there is a physical attendance at court.

I would also like to start organising my practice to better accommodate a less paper-based environment which should make it easier to work remotely. I am not yet in a position, however, to prefer reading from the screen to reading in hard copy, so I think it will be some time before I make the move completely. **BN**