

# Legal Council

## Young Lawyers in municipal councils

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**L**ess than six months into my articulated clerkship with Pointon Partners, I made the unusual decision – with the blessing of my indulgent employers – to run for election to local government. In November 2005, I was elected as a councillor for the City of Glen Eira and in March of this year I was admitted to practice. I now divide my time between a growing commercial litigation and planning practice at Pointons and my role as a municipal councillor.

People have often asked me if the law and local government have much in common and whether I can draw on skills as a young lawyer with my work as a councillor. Here is a brief insight into how I see the roles interacting and the enormous value that, I believe, young lawyers can bring to local government.

### Clients and constituents

Lawyers are engaged to act on the instructions of their clients. Councillors are elected to represent their constituents. Both lawyers and councillors are charged with advocating a cause or achieving a particular outcome. Therefore lawyers and municipal councillors share a vital role: advocacy.

#### “Positive outcomes for an entire community”

As a newly-admitted lawyer, one of the greatest challenges I’ve found is building relationships with clients: earning their respect, learning to listen to their needs and gain their trust in order to keep their business. As a newly-elected municipal councillor, I’m quickly learning the communication skills required in order to absorb people’s grievances and secure their desired outcomes (and their votes!).

The most powerful attribute that young lawyers bring to their work is passionate advocacy on behalf of their clients and causes. It is certainly what I love most about the law. Local government is not dissimilar. It is a realm where emotions run wild and people’s livelihoods are often on the line. And when the stakes are high, the secret to success is often a strong advocate, be it a lawyer or a local councillor.

Some may argue that being a councillor is more rewarding than being a lawyer because one can achieve positive outcomes for an entire community, whereas representing a sole client’s interests produces a self-serving outcome for an individual. Others claim that the law is a more noble profession because upholding the law in the pursuit of justice is non-partisan and benefits society as a whole, while local government is about serving the interests of the loudest lobby groups.

In my humble opinion, both lawyers and councillors are (at least partially) motivated by a commitment to serving the public and achieving just results for clients or constituents. Therefore the law and local government can be both rewarding and frustrating. The satisfaction that I’ve felt in achieving a positive outcome for a client is as rewarding as achieving a positive outcome for the local community. And the disappointment of losing a case is as stark as losing a vote in the Council chamber!

At the end of the day, as a lawyer or a councillor, if you know you’ve given it your best endeavours then that counts for a lot, even when the cause is lost.

### Through a young lawyer’s eyes

For lawyers and councillors to achieve their desired outcomes, much depends on one’s diligence, tenacity and enthusiasm. Those are valuable attributes that young lawyers can definitely inject into local government.

The passion and energy that young lawyers have to offer is, unfortunately, often lacking on local councils, which are traditionally dominated by retired or semi-retired councillors. Most young lawyers can’t afford the luxury of non full-time employment, therefore the time commitments required as a councillor may not be terribly attractive. Consequently, local government policies and decision-making often lack a contemporary youth perspective. But if young lawyers want to ensure that they have an opportunity to input into and help shape the development of their communities – where they will live for many more years than the currently predominantly older decision-makers – then I strongly encourage them to get involved in local government.



#### “Young lawyers are passionate about achieving justice and equality”

Young lawyers bring valuable skills to local government: interpreting legislation, identifying problems and investigating potential solutions, understanding Victorian planning law and VCAT decisions, drafting policy and liaising with bureaucrats. Young lawyers are passionate about achieving justice and equality and being a municipal councillor is an excellent forum to work towards these goals. The communication skills, energy, determination and principles that young lawyers possess will help ensure that local government is responsible to and representative of the community.

### Ethics

Speaking of responsibility, an important commonality between the law and local government is the ethical and professional obligations both sectors require of their members. Lawyers have rigorous legal obligations regarding trust money, costs agreements, conflicts of interest and duties to the court. Councillors are bound by state legislation and municipal codes of conduct when it comes to disclosure of interests and conflicts of interest (especially if the conflict is pecuniary), behaviour towards fellow councillors and due diligence. Young lawyers can contribute prudent conservatism and vigilance to local councils, unfortunately notorious for badly-behaved councillors and conflicts of interest.

### Adding value

Local government is a highly challenging and extremely rewarding area in which young lawyers can contribute. The skills and attributes that young lawyers can bring to local government and the perspectives they can offer add important value to the development of policy and the legitimacy of governance at the municipal level, but most importantly, the achievement of justice for the broader community.