

RHAPSODY FOR REFORM

An Interview with Janet Loughman

When I arrive at the Women's Legal Resource Centre, I'm nervous. I'm about to meet Janet Loughman - winner of the Justice Medal for Outstanding Achievement in Improving Access to Justice (2005). I am not quite sure what to expect. My superficial impression, which lingers from an article I read in the *Sydney Morning Herald* last year, is of some human rights dynamo, constantly raging against the tide of indifference. But in person, Janet is unassuming and rails against indifference with a certain dignity, making her an ideal human rights advocate.

After graduating in 1977 from what she describes as a "dry legal education", Janet defied the linear trend towards corporate law, instead going to work for a sole practitioner in Taree on the New South Wales mid-north coast. There she did tax returns for dairy farmers, patent applications for clothing designers, and her fair share of legal aid work, occasionally taking on the role of criminal duty solicitor at the local court. "Taree was not multicultural Sydney", Janet says frankly, "the Aboriginal community were alienated from the mainstream community". On the job learning therefore prepared Janet well for a career spent working largely with disadvantaged clients.

In her 25 years as a solicitor, Janet has spent seventeen of them working in Community Legal Centres. Before her time at KLC, she was a Principal Solicitor at Marrickville Legal Centre, where she ran the Children's Legal Service. In fact, Janet has been a specialist children's solicitor for 14 years, and in 2000 she was named National Children's Lawyer of the Year.

When I ask her how she felt to be formally recognised last year for her years of work in social justice, she says "It was embarrassing...lots of people do good work. Part of the award system is about acknowledging the individual, but I think more importantly it's about acknowledging the work that people like me do."

In light of her many accolades, I am stunned when she admits that the first solicitor she ever encountered was the one who first employed her in Taree. For today's law students, some of whom were weened on meetings with lawyers, such experience would surely seem anathema. But back then, there was no hackneyed path for law graduates, partly because clever HR staff had not yet discovered the art of marketing 'secure' career paths. But the *schmooze 'n' booze* culture of clerkships aside, no one can ignore that corporate law firms today are significant contributors to pro bono work. Freehills provides Kingsford Legal Centre with periodic 6-month Secondees, while Gilbert + Tobin has a strong relationship with both Marrickville and the WLRC. Those partnerships aside, I draw Janet's attention to comments made by Immediate Past President of the NSW Bar Association, Bret Walker SC, who said that commercial lawyers have "a diminishing connection with justice" and that large corporate law firms need to "face up to being in business". Would CLCs be bereft without the contribution of law firms?

Janet promptly reminds me that "CLCs have always had a fairly significant degree of voluntary contribution from practicing lawyers. That's how they started really. It's not just the big law firms...Older and larger CLCs in Sydney - Redfern, KLC, Macquarie - have a significant volunteer pool. They allow us to open doors really wide at the first point of contact, to see the biggest range of problems and people." For this reason, Janet sees volunteering as "a gateway".

government to fund, and the risk that governments may encourage pro bono contributions to overtake. Pro bono cannot let governments off the hook in providing funding.”

With comments like these, it seems the legal aid funding crisis of the 1990s might not have been forgotten just yet. Although Janet is comforted by the fact that pro bono firms continue to set their criteria as ‘clients ineligible for legal aid’, there are other worries about government interference.

“Government has become much more interventionist in the programs that it funds. In the last ten years, government has required a lot more quantitative accountability.” That accountability requires CLCs like the WLRC to enter huge amounts of data about its clients. While this might be good for government, it’s not the type of data which CLCs find useful,. “We spent more time surviving as organisations than we used to. Chasing funding...and keeping governments from going too far...”

In addition, Janet expresses concerns that the legal system has become much more complex, especially in the immigration field. During her own stint at Marrickville Legal Centre, they were able to provide immigration advice. With changes to the law, both substantive and procedural, such advice services have since disappeared. Could this be part of the government strategy? “I’m willing to entertain conspiracy theories!” quips Janet, only half tongue-in-cheek.

Although the plight of her clients can be bleak, I imagine Janet always brings a sense of levity to her work. During our desultory conversation, I ask how she juggles family life with work, to which she replies, “I live in a mess!” Despite this, working in community justice has allowed Janet to balance time between her family and her career. Her family are important to her and she always makes time for them.

Perhaps this is what gives Janet the gumption to deal with the stream of female clients who face domestic violence. In her own words, domestic violence “is still very much a gendered issue”. Most family violence is still perpetrated by men against women. That harsh reality explains why we need specialised centres like the WLRC, which only advises female clients.

Having a fixed brief is not without its challenges. Along with a spate of men’s lobby groups who constantly criticise the provision of specialised legal services, one man recently took the WLRC to the Anti-Discrimination Board for failing to provide him with advice . Fortunately, the case was dismissed, but it cost the Centre valuable resources which they could have channelled into helping women in need.

In a much broader sense, Janet admits that “There is a huge amount of inequality and gender bias in the legal system. Family responsibilities are a huge part of the systemic hurdles that women have to overcome.” Although she speaks in earnest about women’s issues, Janet never sounds defeatist. Her years of advocating for women’s and children’s rights (especially as Convenor of the Youth Justice Coalition) have not soured her desire to give ordinary people a fair go in the legal system. “I’m a very sceptical person, but I don’t think cynicism has gotten the better of me over time.”

Which is lucky for bright-eyed types like me, because there are too many jaded lawyers out there and too few like Janet Loughman.

Funnily enough, Janet doesn’t see herself as a defender of good, “I don’t know what makes me get out of bed in the morning and wanna [sic] go and do things. There’s a

interested in “the law and people” rather than the law and business. “I’ve gotten [sic] to see law as a tool over time”. She happily leaves all the ponce of legal tradition at the door in favour of a simple desire to use the law to help others.

The challenge for Janet in achieving that goal is that while sections of the community such as children and Aborigines remain seriously disadvantaged, Australia is still without a Bill of Rights. Even when I ask unobtrusively what book she is currently reading (*Treaty* by Sean Brennan, Larissa Behrendt, Lisa Strelein and George Williams), she speaks rhapsodically about the need for human rights reform: “Rights are not accessible to people. Aboriginal life expectancy is seriously lower than the rest of the community – all those social indicators are still incredibly bad for Aboriginal people...For children generally, we do not have the rhetoric of rights...When you don’t even have the rhetoric for it, you can’t move to put it in place.”

“We’re a long way to acknowledging that human rights are for everybody.” But with lawyers like Janet out there, we can start to believe that it won’t be long now.