

Real Law Real People

Adventure Lawyering







Real Law Real People - Adventure Lawyering

In May 2010 the Attorney-General's Department provided funds to the National Association of Community Legal Centres (NACLC) for the recruitment and retention of lawyers in regional, rural and remote (RRR) areas project.

The project was concerned with identifying and developing suitable strategies in government funded legal services.

RRR areas are experiencing increasing difficulties in attracting and retaining suitable staff. The recruitment problems have a direct impact on the legal sector's ability to service the needs of these communities.

NACLC would like to thank the Attorney-General's Department for funding this project.

Special thanks also to the lawyers from the Aboriginal Legal Service, Legal Aid, Warra Warra Family Violence Prevention Legal Service and Western NSW Community Legal Centre for sharing their stories.

Thank you to Kathy Stone for capturing these adventures of extreme lawyering and to Louise Donniges and Tommy Wallace for their photos.

Our hope is by opening a window on working in RRR areas, barriers will be broken down, enabling more lawyers and students to see the exciting opportunities awaiting them in the bush.



NACLC acknowledges the traditional owners of the lands across Australia and particularly the Gadigal people of the Eora Nation, traditional owners of the land on which the NACLC office is situated. We pay deep respect to Elders past and present.

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My initial reaction was no way, I'm not going to live out there, I'm not going to be a country girl, that's not me at all.

- Rachael Fraser



Swimming in the deep end

Sometimes I look at myself and say, who is this person? This is so not me. I only ever planned to do it for 12 months, get a bit of experience and then bugger off back to the city.

When I went out on my first outreach I was shocked. For starters, I didn't know where I was going and I had no sense of direction. Someone would say, just go out to Coonabarabran. I didn't even know where that was. I was just told to go and do these outreaches and given a list of towns.

This is going to sound weird but my biggest worry was not knowing how long it took to get to places and whether I'd run out of petrol. I used to take my own jerry can. I didn't even know if these places had petrol stations. I had no concept of how small these towns were.

A lot of places I went to didn't have any legal services and I didn't know anyone. I was completely out of my comfort zone.

Maccas and me

Before law I worked at Maccas to pay for my education and really loved it. The whole environment was so goal-orientated. I was the first one in my family to go to university and by the time I finished my business degree I was running my own McDonald's store.

After that, I lived in a little town called Shelf in England for a while before deciding I wanted to do law. I totally loved McDonald's and thought I'd work in their legal department but soon realised you don't see clients and you're not actually making an impact on people's lives.

So I opted to do some practical legal training at a large firm in Sydney where McDonald's out-sourced a lot of their work. It was the same deal – a lot of property and commercial transactions. At that point I thought, what the hell have I done? I'm not sure I want to be a lawyer if this is what it's all about.

I contemplated moving to Sydney and applied for a position at a criminal law firm but that same week the opportunity came up in Dubbo.

It was a toss-up.

My friends thought I was crazy. My mum, who left Forbes for Newcastle to give us the beach life, couldn't believe I was contemplating going bush. But I thought, no, I've had my family and close friends with me all along, I think it's time I go out and have a crack doing things on my own and see how it goes.

Dirt bingo



A big part of the job is outreach. One week a month we go to places like Bourke, Cobar, Nyngan, Lightning Ridge, Walgett, Coonamble, Coonabarabran, and Gilgandra.

The hardest part is knowing how to reach people in these towns. It's easy hanging a poster but a large percentage of our clients are illiterate. On top of that, a lot of Aboriginal people are very sceptical of white people.

You have to be a bit creative. For instance, out in Walgett the local women play dirt bingo which seems like a great way to get to meet

people. I haven't been yet but I can't wait to go. They don't use counters and daubers they just draw numbers in the sand and put dirt on them. I understand it's pretty high stakes at 20 cents a game!

The point is you can't wait for people to turn up to your office because a lot of time they don't realise they have any legal rights to pursue.

We work with Aboriginal service providers in the region to get bums on seats so we can deliver the information. One of the service providers recently organised for me to speak at the women's refuge in Walgett about care and protection.

Lots of young mums have their kids removed by DoCS and have no idea what to do about it. Some have their first baby taken. Even those who change their circumstances find DoCS standing by the hospital bed ready to take their second and subsequent children. The experiences are pretty heartbreakng. It was important they understood their rights under the law.

I've found the most important thing is to be approachable. Whenever I go on outreach I usually wear jeans and a shirt – sometimes a blazer. I try to look respectable but not scary.

I've had a lot of clients say, I was so scared to meet with a lawyer but you seem all right. One Aboriginal lady told me I was the blackest white girl she'd ever met.

A typical day

You see clients every day which is great. A lot of the work is helping people represent themselves because they can't get Legal Aid and they can't afford a private solicitor.

Lots of people have unique problems that don't fit into a specific category. One of the first



cases I worked on concerned a client's son who passed away. They discovered an alleged infant grandchild was making a claim on his death benefit.

It took almost six months to get the family to agree to have the child undergo a DNA test. Eighteen months later, with the pro bono assistance of specialist lawyers from a top tier Sydney firm, the matter was finalised with a positive outcome for our clients.

Strange cases like that come along all the time. And the great thing is, because we are a free service, we can spend as much time with people as required.

But it's been a massive learning curve. I think the biggest thing that struck me was the prevalence of domestic violence. I grew up completely unexposed to that sort of thing.

I remember my first client, a young mum who was two or three years younger than I was, and she was in a domestic violence relationship. Her partner had done horrific things like breaking her ribs, smashing her face up and breaking her nose and jaw. Without even thinking I said to her, why did you keep going back?

Knowing what I know now – I can't believe how naive I was back then.

Who's that girl?

When I started in this job I was easily the youngest person in the office by 10 years and that was probably the biggest reason why I wasn't going to stay - I really didn't know anybody.

Dubbo is just one of those towns where so many people are coming and going – people who don't have anyone or don't know anyone. In that respect the Young Professionals Network has been really good.

We have more than 200 members and get roughly 50 to 80 people showing up to most events.

I thought for a long time that I wanted to jump ship and go to Legal Aid or try something else but, no, I think I'm actually happy where I am. And that's the biggest surprise of all.



I used to be very goal and money driven – that's what McDonald's taught me. Now I'm not driven by that at all, which is lucky, because I don't know how you could be with this job. Getting a good result for someone – that's what it's all about.

I'm never going to make a fortune working in a Community Legal Centre but I'm comfortable with that. I've bought a house, I have a partner and I've made a life.

It's a massive contrast to friends who are in big firms in capital cities, who need to meet billable hours each week and are raked over the coals if they're not meeting monetary targets.

I find it refreshing not to worry about all that now. The secret to making a go out here is to have a crack. That's kind of the mantra I live by. Just throw yourself in and have a go.





David Pheeney is a criminal law solicitor who has worked at the Aboriginal Legal Service (ALS) in Bourke for the past three years. He currently lives above some shops with a stray cat called Tiger Lily.



I often look back and think
- how did I end up here?
Some people have a plan.
I was just seeing where things
would lead. That's the beauty
of law in some ways. It takes
you on a journey.

- David Pheeney



Right now

They tell you that it's very busy. They're not wrong. It's terrifying, stressful, all of that.

Forty or fifty matters in a list day and then you're up the next morning to do another four or five court defendant hearings. You walk in with a mountain of files and there's a magistrate, police prosecutor, the client, the family. You're juggling all these expectations and all these pressures.

It reminds me of that TV Show Man versus Wild. I feel like the Bear Grylls of the legal world. You're parachuted into this area, on your own, and you have limited resources. You have to develop your wits from a legal point of view. You learn to cut to the chase. The aim is to work - I know this is a cliché - smarter not harder. Before long you're looking at things more critically, working things out more quickly.

Growing up legal

Some people have always known what they wanted to be. I always knew what I wanted to do – open doors.

Growing up we moved around a lot: Londonderry, Richmond, Penrith, up around Queensland and along the north coast of New South Wales. My dad did a lot of labouring and it was fairly itinerant work. I probably went to a dozen schools.

I dropped out in Year 11, worked in factories, picked up labouring jobs. I was an apprentice jockey until I grew too big. At one point I was working in the international mail centre for Australia Post.

Finally, I just woke up and thought, I've got to get an education. Even some of the old fellas there were saying, David – why are you here?



My mum always said, look Dave you can do it – you just got to put your mind to it. My grandmother was very much the same. Somewhere deep inside I always believed them. So I went to TAFE, did a few courses, took redundancy then thought, right, I'll do that law degree now.

While I was studying I volunteered at the ALS for two-and-a-half years, which was a great grounding in this sort of work. I spent two years in Wagga, then went out to Walgett for six months before the opportunity came up at Bourke and I've been here ever since.

Why law?

I remember going to a solicitor once with Mum and Dad and the subject of money came up. He said, okay I'm five hundred dollars a day. My parents just looked at each other and walked out. That was it, another dead-end.

My mum's side, being Aboriginal, always talked about police taking away family members and locking them up but there wasn't any sense of legal redress.

That was my motivation, I guess. As a kid I always stuck up for people on the margins. I've always believed in standing by the underdog and working with groups who don't have a voice.

As a lawyer, working in my area, I feel like I'm telling their story and making the system a little fairer.

The back of Bourke

We do everything from local court matters right up to the District Court at Bourke. If someone's arrested you go to the police station, take instructions, go to court, do a bail application, instruct barristers. There might be traffic offences, domestic violence cases, drug matters. We go right up the criminal calendar of offending in terms of serious property offences, break and enters and sexual assaults.

Most of the work is in Bourke but we also cover Brewarrina, about an hour-and-a-half away, as well as Cobar.

I remember when I arrived in the office there was another lawyer there, an older fellow who'd been on his own for three months. He was just so grateful to see me because he'd been slowly sinking under the workload.

Our field officer is Aunty Dawn Smith, a wonderful 72-year-old lady who's spent her whole life in this community. She knows the history of the town and the various family dynamics. She tells some great stories. We also have an office manager and between the four of us we somehow get the job done.

On a good day

Do we make a difference? The results are lot more pronounced in Children's Court. If we divert a child from spiralling through the criminal justice system, if you see them back at school one day and they come up to you and say, 'hi Dave how's things?', that's a good day. It doesn't always happen, especially when kids are being locked away in record numbers, but for the odd one, two or three, four or five, when that happens, it means a lot.

I look at it this way - we're not going to change the world, but we can change one life. And if you have the opportunity to do that, I think that's what being a lawyer is about.

Fair dinkum fella

It's taken about nine months for the community to get to know me, to realise what this fellow is all about. Is he fair dinkum or not? That trust and that integrity, you have to earn it.

It's a harsh environment but in terms of the people they're very honest, salt of the earth. If you say the sun won't come up tomorrow and it comes up that's your integrity shot. They keep people to their word.

But the Bourke community is also very welcoming, both Aboriginal and non-Aboriginal, they're very friendly people. They know when new ALS people come to town and they're quick to invite you to a barbecue or some event. Even little things, like when you're walking up the street they'll say 'g'day, how you going?' Dawn is really sweet. One day she said, 'Dave, if you're ever hungry just come round to my place, walk in, open the fridge and help yourself.'

There's space here and room to reflect. You can really discover yourself in these small communities. I won't stay here for the rest of my life, but if I can give a good chunk of my time to this community it has to be better than a new lawyer coming in every six months.

Down the track, I'd probably like to do some post graduate research work and write about the things I've experienced in Bourke, both good and bad.



The trade-off

They talk about equivalencies in time. I think a year in a regional office is equivalent to about three years in private practice. In the city you might concentrate on an aspect of law whereas out in country offices, because they're small, you cover the whole gamut.

That's the beauty of working in these regional offices. It's a trade-off. You may have to leave your family, you may have to sacrifice a lot, but that investment in yourself, professionally and personally, pays dividends down the track

When I talk to junior lawyers about life out here I don't pull any punches. It can be confronting. Just the sheer number of people you have to help and the expectations placed on your shoulders – busy doesn't come close to describing it. The support is always there, and you can always get on the phone, but this is law at the coalface every day and you have to make tough decisions.

The important thing is to keep an open mind. If you're prepared to listen to your clients and learn from the community, you can learn a lot. It's a two-way thing. The best attitude you can bring to this job is a willingness to work hard. Get in and have a go. Turn up every day and just go for it.

I respect all lawyers, they all work hard, but people who put in a shift in remote areas I hold in high esteem. When you look at judges, barristers, magistrates, lawyers – and you go back through their careers – you'll find that some of the really outstanding ones have done regional and remote work.

Legal boot camp we call it – extreme lawyering or adventure lawyering. It's a great nursery for legal development. I feel very blessed to have had this opportunity.





Kelly Oxford's life has come full circle. Born in Broken Hill, the 30-year-old now finds herself back in the iconic outback city as the Principal Solicitor at the Warra Warra Family Violence Prevention Legal Service (FVPLS).



I think that if I was told I had to leave Broken Hill tomorrow that I'd be quite devastated. There would definitely be a mourning period. This place just creeps up on you and suddenly it's home.

- Kelly Oxford



Best laid plans

We're zero to a hundred in two seconds flat. At the beginning of my week I look at my diary and think fantastic, I'll have a back office day and get things in order. But no sooner have I walked in the door than the whole landscape has changed.

So for example on Friday I was thinking joy. I've had a really busy couple of months but I'm about to get a week where I can finish the filing. Unfortunately a client walked in with a court date on Tuesday.

Normally, that's more than enough time for me to prepare responding documents but we live in Broken Hill, and the court process was initiated in Mildura – three hours away - and Monday was a public holiday. There was no time to engage a lawyer to assist me down here so I had had to jump in a car with a colleague and come down myself.

Country calling

My mum was born with red dirt in her blood. She grew up on an isolated station near White Cliffs and as kids we used to come back to the area quite regularly. I was actually born in Broken Hill. My first day trip was out to Silverton which is about 20 or 30 kilometres from here. It's got beautiful old buildings and is actually where I got married.



My partner is a pharmacist and we were living in Adelaide and both earning very little money. We were passionate about travel and adventure but we were the shit-kickers at the bottom of the pile. He was an intern and we just didn't have two dollars to rub together. That's when I realised I wasn't born to be a poor person.

Mum was living up in Menindee and said, oh it's really cheap to live up here. I've got a house in Broken Hill you can live there for free. Why don't you come up to the country for a couple of years, put away some money, get your life in order and then go from there?

So we moved here five years ago. I started out at the Community Legal Centre and then went into a private practice but I was miserable there. You were expected to be a jack of all trades. That's just not me so I took the move to Warra Warra.

It all adds up

In a way it's strange that I am here at all. I completed a commerce degree because I loved the logic of accounting. I loved that there were right answers. The funny thing is I've gone into something so messy. There's nothing logical or rational about family law but it seems to fit me.

At Warra Warra it's all about family law, primarily with children. We support victims of family violence and assist them to lodge claims for victims' support which helps them rebuild their lives.

They can get funds for treatment and for items or possessions that might have been damaged during the act of violence. For example, someone punched in the face whose glasses are broken might be able to apply to replace those.



We seek protection through apprehended violence orders (AVOs), often liaising with the police. Occasionally we'll also defend someone, in cases of a retaliatory AVO against a victim of family violence, and we also act in care and protection matters.

We're also funded to service Menindee and Wilcannia and we visit those communities twice a month.

I've been working here for just over a year now. Apart from me there's a manager, another solicitor, family support worker, receptionist and community development officer.

Salons and sneakers

I felt a little overwhelmed in the city. That's something I've begun to realise as I've got older. I do like to commit to work but at the same time I enjoy having a bit of a life and the country provides that balance.

I still get my nails done every couple of weeks and my hair done. I like to wear nice outfits and make sure that I look polished even though we're in the middle of nowhere. I love buying clothes. My manager calls me the powder puff. We have a laugh about that.

When I was in private practice I was completely overwhelmed and exhausted and stressed. So for the first time in my life I took some advice and started walking to work. It's the best thing I've done for myself. It keeps me very centred.

People in Broken Hill are so funny. They just have this mentality where, if there are no parks directly outside the shop they want, they'll do 10 or 15 laps of the main until they find one.

So people are shocked, almost horrified, that I walk to work, which



takes about 25 minutes. But it allows me some private time in my head. I contemplate what I've got on for the day and how I'm going to approach it. Gone are the days when I'd roll out of bed, take five minutes to whack on some make-up, jump in the car and five minutes later – bam – I'm in the door and it's all on.

Outback insider

I've made all these amazing friends. I went to boarding school and, at university, I lived in a college environment where all your mates are really close by and you spend all your spare time together. Well Broken Hill's a bit like that for me. In just a couple of minutes you can all be sitting down having dinner together.

There is rarely a night when I don't go to the pub and have a drink with a friend or roll up at somebody's doorstep for dinner. It's taken us a few years to develop that sense of community but I just love it.

The sad part is that slowly people leave. The professional friends who are here for the same reasons you are, come and go. Over the course of four to five years I've seen quite a few people leave.

When you have a Community Legal Centre background, you just muck in and help with anything and everything and, honestly, we get dragged into everything.

I've been involved with the early childhood intervention service and I'm also on the board of our three pharmacies. My interest in accounting and business means it's been a really great outlet for me.

For several years I spent much of my spare time involved in assisting my husband with the business. The structure of the pharmacies has undergone really significant change in the last few

years and some young lads have bought in.

In the beginning that consumed us. We bought a robot to pack pills and that took six months to iron out the kinks and make use of it efficiently. There were nights, when I was working in private practice, that I'd go over to the pharmacy after work and pack pills to the early hours of the morning with my husband and the other business partners.

One day a prosecutor from the DPP asked what my husband does and I said he's a drug dealer. The look on his face was priceless.

A good fit

There are just so many situations that land on your desk and you think – thank God I could help that person.

Last year a woman came into the office. She had been caring for her grandchild for 12 months when his mother decided to collect the child and abscond. The mother's partner was quite violent. He had done terrible things to her and the grandmother was just beside herself.

I was able to walk the grandmother over to court, put her on the stand, elicit her story, and obtain really urgent orders – all within an hour. The next day our service had some workers travel with the grandmother to collect the child, with police assistance, and bring him back to Broken Hill.

It was such a sense of relief. There's enormous pressure on you in those situations because these people depend on you. Your heart just breaks because they're so vulnerable and it's involving children, which makes it all the more stressful.

I don't know that I want to be here forever. But I can say I love my job. I'm really attached to it. I feel like it's taken me five years of practice to get here. This is the first time I've felt that this job fits me like a glove. It's the work that I'm meant to be doing.

Patrick Latham is a civil lawyer who recently notched up 10 years with NSW Legal Aid in Dubbo. A tenacious human rights campaigner, he was nominated for the Law and Justice Foundation of NSW's 2013 Justice Medal for his achievements with disadvantaged peoples.





I had a great history teacher. Once we put Stalin on trial. I was his lawyer and the members of the class voted whether he should be acquitted or not. I got Stalin off. When I look back I think I might have peaked then.

- Patrick Latham



Courting a career

My father took me to careers night at school and in one session a police officer and local solicitor were talking. At the end of it I asked the officer, does your family get any compensation if you're killed or injured? And the solicitor said – oh, he should definitely be a lawyer. That was how I got started.

I arrived in Dubbo in 1996 as the District Court registrar. I'd been in the courts since 1980 when I left school. I deferred university for a couple of years and sat for the public service exam and was told I could start at Newtown or Parramatta.

I used to drive through Newtown on the way to the Sydney Cricket Ground or Redfern Oval to watch Souths play so I thought, well that's it then, and I started there on March 12, 1980.



My first boss was actually from Dubbo – Bill Wheeler – who's passed away but his brother George is now my neighbour which is one of those weird coincidences life throws up.

In those days you were a clerk class

A. It involved writing out receipts for the money, typing up bail undertakings,

that sort of thing. The courts were very Dickensian – there was no computerisation at all. An electric typewriter and carbon paper was about as technological as it got. Once your skills were good enough you'd type down the evidence in court. After that, of course, they introduced sound recording.

From Newtown Court I went to Burwood and then I put in for the clerk of petty sessions at Balranald, which is between Hay and Wentworth in far south-west NSW. That was my first taste of country life.

It was a promotion, and good experience, but it wasn't like I had any knowledge of the area. I had to look it up on the map. I think the sign said 1500 people but I doubt there were that many.

The place was virtually in Victoria so they played AFL. I ended up getting a job as an assistant secretary of the local football club. After a year or two we started a soccer team, mostly with a lot of schoolies

– teachers – and a few others. In fact I spent a lot of time socialising with teachers because they were in a similar position. A lot of them were out there biding their time so they could climb the seniority list.

I accelerated my legal studies, finished in five years instead of six, took up a position at Campsie-Burwood and then became clerk of



the court at Ryde, which was like a country courthouse in the city. Next stop was Kogarah as chamber magistrate and from there I applied for the position at Dubbo.

Being civil

I was at the court for about 14 months when I got an offer to go into private practice. The partners in the business were both ex-court people so I made the switch and had six years in private practice.

I'm glad of the experience but the practice had a high amount of personal injury and workers compensation cases and government reforms were reining in the amount of work available. So when I saw the civil job at Legal Aid I applied and I've been here ever since.

Actually, there wasn't a civil division when I first made the move – it's something we've built up since. The matters can be big or small. You're talking about victims of scams, rogue door-to-door sellers ripping people off, vulnerable communities being targeted or discriminated against, authorities exceeding their powers. Sometimes you have to challenge procedures to make them fairer.

A lot of clients have no idea they've been ripped off. They walk in the door because they can't pay their bills. The most they're hoping for is that someone can help them out. We had one case where a client was fined \$75,000 for having an untidy front yard. The fine was as much as the mortgage – in other words she was about to lose her house.

Instead of the council prosecuting under the Local Government Act – where they actually have the power to go in and clean up your yard and send you the bill – they took action under environmental legislation designed to target waste dangers like piles of asbestos. It was never meant for a few broken lounges, some long grass and general garbage.



We spotted numerous errors in the matter. For a start it appeared the magistrate had exceeded the maximum amount he could fine. We lodged an application for an annulment and the council not only consented, they agreed not to pursue any further prosecution.

It's satisfying to identify an issue, believe in the case, back yourself and then be proven right. I've been fortunate enough to experience that through private practice and Legal Aid.

Meanwhile, upstream

There's no doubt I've gone against the flow in my career trajectory. I remember getting a few comments from people alluding to a salmon swimming upstream. Usually what happens is people go from the country to the city because the majority of the promotions are in the city.



But by the time we moved to Dubbo I had a two-year-old daughter and a six-month-old son, and my then-wife was really keen on bringing the kids up in the country. I think the hardest challenge when you've got young family is your childcare and support mechanisms. We didn't have any relatives here but we were lucky enough to find someone really good through family day care and my kids are still friendly with her. That was 17 years ago and they still keep in touch.

Working in the country is a different experience but in a positive way – being able to go home for lunch, playing sport on the weekends and after work, being part of a community. I got a taste of that when I was living in Bexley and travelling to Kogarah about 10 minutes' drive away. Whereas, when I worked in other parts of Sydney, it was nothing to spend an hour-and-a-half, morning and night, getting to and from work.

And in some respects you get just as much professional experience, if not more, working in a regional area. You may not get the volume of cases but there's a wide variety. In a Sydney practice I might have 200 personal injury matters or debt collection matters whereas out here you get a little bit of everything. Sometimes the stuff really

throws you. You never know what's going to walk through that door.

At Legal Aid we also run clinics where people come in for advice. I'm chair of the Western NSW Community Legal Centre which has some pretty ambitious outreach programs as well. There's a position that focuses on rural women and they have a great service visiting inmates at Yetta Dhinnakkal at Coolabah (70km south of Brewarrina).

At the end of the day

I suppose I am now in the position where I have more years behind me than in front of me. Looking back I've been fortunate to work with some inspirational people and attend a few retirement functions.

Soon after I left Ryde the magistrate, Darcy Leo – a great man and very well respected – called it a day. At his retirement dinner there were people from everywhere. They booked out North Ryde RSL, or something, and I remember thinking I've never seen so many at a function before.

Another one of my colleagues retired last year. He had a tremendous record and won the volunteer award for working in Kingsford Legal Centre for like the last 20 to 30 years. In his farewell email he said, I'd like to say keep up all the good work but I know you will. And that's the truth. It's something I've learnt over the years.

When you look at your colleagues, both in Legal Aid and the wider profession, you realise there are plenty of good young lawyers coming through to carry on the work. You're not indispensable. There are people I've helped – that's real and it means something – but I don't think when I give it a way there'll be a gnashing of teeth. I don't think to myself, what would happen if it wasn't for me?

After a while you come to realise there are two realities at work: one is that someone would have done it anyway and the other is that no one will help them. That's the reality of the law we do. We're engaged in a continuous battle to try and reach the clients who need our help. There are some people we won't find – that's what drives you on. It's the hidden injustice, the ongoing struggle that keeps you going.



In just five years **Felicity Graham's** whirlwind legal career has taken her from the iconic outback city of Broken Hill to the highest court in the land. When she isn't yarn-bombing local landmarks, the former Sydney schoolgirl is Principal Legal Officer with the Aboriginal Legal Service (ALS), Western Region.



In many ways I was a blank canvas, very inexperienced, but I was open to the possibilities.

- Felicity Graham



Into the myth

Broken Hill is so far off in the middle of the map it has this mythical quality. There's a magic about the place - the light, the way the desert changes through the seasons. When I first arrived I'd been living in Dubbo for a year. I drove out to Broken Hill along this long straight road that just seemed to fall off the horizon.

The rains had just come and the desert was alive. It was electric green, a mass of wild flowers. The lakes, rivers and creeks were full. Everything was dormant, lying in wait and then bang – it's on.

At the time Christian Hearn was the only other ALS lawyer there. We worked the court circuit and basically followed the Magistrate around. There was Broken Hill, Wilcannia, Wentworth, Balranald and every few months an extra circuit here or there.



For much of the time our car was our office. We had plastic buckets of files and books. We kept a checklist of what needed to go in the buckets – like Christian's tie.

They were good times. Arriving in Wilcannia and realising we had forgotten our jackets 200 kilometres back and then begging forgiveness from the Magistrate for not being properly dressed – it was all part of the wild west adventure.

Reading the signposts

I'm very much a city girl in my veins but I love the adventure of the bush. It wasn't entirely surprising I ended up here. Looking back there were a number of signposts along the way.

Growing up we'd often go out to my grandparents' property near Bylong and sit in the back of the ute mustering cattle. We had some cousins living down Deniliquin way in the far south-west and we'd visit them and go yabbying.

By the end of my university days I'd formed my interest in criminal law and I saw opportunity in the country.

I worked in the Public Defender's office one day a week as a student, tagging along with a barrister, Angus Webb, who had worked with the Aboriginal Legal Service at Broken Hill. As barristers do, he told a lot of war stories and that sort of tweaked my interest.

Peggy Dwyer, who's now a barrister in Sydney, was working for the Redfern Aboriginal Legal Service when she taught me criminal law at university. She gave her students extraordinary access to her working world and there was this quality to her storytelling that captured the imagination of people trying to decide what they wanted to do.

After university I worked for Justice Graham Barr in the Supreme Court for 15 months. He travelled to a lot of country towns over his career as a judge and had a great love for Broken Hill.

Opportunity knocks

I'm biased about my own career because I love my job. My friends have done all different kinds of things. One is a prosecutor in Canberra, some people would say that's country, quite a few are in big commercial firms in the city, a couple in government.

But I see myself doing things that my friends don't get to do. For me there's a real correlation between moving out of the city and kick-starting your career.

From day one you are basically running your own cases. You're in court, you're on your feet, you're running arguments and you're cross-examining witnesses.

Increasingly, in criminal defence circles, moving out west with an organisation like the ALS is associated with a chance to turbo-charge your career. Really top lawyers like Public Defenders Dina Yehia SC and Eric Wilson SC, Barrister Mark Dennis, and Judges Colin Charteris and Stephen Norrish QC started their careers out west.

I started as a junior lawyer in 2009 and then a year later I was offered the opportunity to go to Broken Hill and run that office as an intermediate lawyer. Being 800kms away from the nearest office you're really running your own show.

After a couple of years I came back to Dubbo and was the Managing Solicitor for a year, then Trial Advocate for the Western Region, focusing more on District Court and jury trials.

When Stephen Lawrence took 12 months' leave to work in Afghanistan I stepped into the Principal Legal Officer role. We've often joked about our very very remote office in Bagram.



On the case

My case load at the moment is mainly the higher court cases. We had a matter in the High Court last year and it looks like we've got another one coming up for this year as well.

The ALS has given me opportunities I didn't imagine. I fully expected to be in court and to get involved in community legal education but I didn't expect to be on Lateline, giving quotes to media outlets and talking on national radio.

In the High Court case of William Bugmy, I was acting Chief Legal Officer the day we won the appeal so I found myself fronting the national and international media. It was a matter of good timing more than anything else.

William had been in Broken Hill jail on remand when he assaulted some prison guards, injuring one very seriously. He was sentenced for those offences in Dubbo but the Crown appealed and his sentence was increased. That was the stage where I became involved in a major way.

The Supreme Court said the extent to which you take into account the social deprivation someone has experienced must diminish over time, particularly when that offender continues to commit crimes.

So we applied for special leave to the High Court to appeal against the decision and one of the key aspects of the case was this question of sentencing Aboriginal offenders and how to take into account their background.



The High Court accepted our arguments that, even when you have someone with a long criminal record like William, even when it's been a long time since they were born and started experiencing disadvantage, you have to give full weight to that disadvantage every time they come back for sentencing.

It was a significant ruling.

I represented a client just the other day whose story is sadly common for our clients. His childhood was marked by domestic violence, an alcoholic father and interrupted schooling. He started getting into trouble as a teenager for driving without a licence. The first time he was found guilty of driving while disqualified he was sentenced to a term of control. He is now in his thirties and has been plagued by a host of drug and alcohol problems throughout his adult life.

In Aboriginal communities in western NSW, where there's a high level of incarceration, the research seems to be showing that continuing to lock someone up actually increases rather than decreases crime. It actually makes the community less safe and is more likely to perpetuate a cycle of disadvantage and crime.

To me, the ALS has always been an important platform for bringing attention to systemic failures in dealing with one of the most vulnerable groups in the criminal justice system.

Buckets of ambition

I'm starting to think about my next adventure. Perhaps I'm ready for some city time. I often find these little pieces of paper where I've written down a plan and nothing has turned out as I expected.

What I do know is the people I've met along the way are among my most kindred spirits. Years from now I'll still be surrounded by these people and that's partly to do with being in it together and having shared the ups and downs.



An experience like this can help you come out of your shell and discover yourself. And, if these experiences come at a time in your life when you're exploring who you are and taking risks, they can be quite identity-forming.

The people who really flourish out here are open to the experience. We like to call ourselves the rock n' roll lawyers – maybe that's part of the coping mechanism. You need an adventurous spirit.

It's a great place to be as a new lawyer but, having said that, not all new lawyers are in their 20s. I've had a lot of colleagues who are turning 40 or more who've been firefighters, run their own companies, all sorts of experiences before they became lawyers.

It's demanding work but that's what new lawyers are up for. They're ambitious, they're up for a challenge and they want to throw all their energy at it. They want to drive around with buckets filled with files. They want to camp by the river, put their suit on, roll into court and represent 20 people and then drive onto the next town and do it all over again.



Job Sites

Community Legal Centres are independent legal services providing equitable and accessible legal services, particularly for disadvantaged and marginalised communities. For more information on jobs go to www.naclc.org.au/cb_pages/clc_jobs

The Aboriginal Legal Service delivers quality and culturally appropriate legal services to Aboriginal people and communities across NSW. For more information go to www.alsnswact.org.au/pages/jobs

Social Justice Opportunities – A career guide for Australian law students and new lawyers www.sjopps.net.au

RRRLaw website links people to job opportunities in rural, regional and remote (RRR) Australia and has everything aspiring country practitioners need to know about legal careers in RRR Australia including interactive case studies from people working in RRR destinations. <http://rrrlaw.com.au>

For jobs with Legal Aid NSW go to <http://www.jobs.nsw.gov.au>

Professional Legal Training (PLT) in regional, rural and remote areas. This project introduces law graduates seeking PLT placements, to legal assistance services in regional, rural and remote Australia. Law graduates provide valuable help to regional communities, whilst being supervised by an experienced Solicitor. To find out more go to <http://placements.naclc.org.au>





It's law but not as you know it. These honest, funny and moving first-hand accounts reveal just what happens when lawyers pursue justice far from the city lights.

From Dubbo to the iconic outback city of Broken Hill, each story is a ride into the unpredictable with unexpected results. Together they explain why adventure lawyering could just be the last, great, professional frontier.

"An experience like this can help you come out of your shell and discover yourself. And, if these experiences come at a time in your life when you're exploring who you are and taking risks, they can be quite identity-forming".

- Felicity Graham

