

The Australian Women's Register

Entry type: Person

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Peirce, Judith

Occupation Barrister, Commissioner, Lawyer, Solicitor

Summary

Judith Peirce has been an important figure in community legal centres and law reform in Victoria for over forty years. With Lynne Opas she lobbied government in the 1970s to adopt the proposed new Family Law Act; once enacted, she was active on the Family Law Committee of the Law Institute.

Peirce also served as the Community Legal Services representative on the Law Institute Council, eventually becoming an Executive Member as Treasurer and then Vice – President of the Law Institute (1999- 2003.)

Just as she was about to take on the presidency of the Law Institute her career took another path. Her work in family violence, experience with the Courts in seeking protection for women, and the inadequate nature of a response to violence against women by police, courts and our community led to her appointment as a Commissioner of the Victorian Law Reform Commission to conduct the review into family violence law and systems.

Go to 'Details' below to read a reflective essay written by Judith Peirce for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Judith Peirce and is reproduced with permission in its entirety.

Recognition of the impacts of class and gender on law students and practising lawyers was largely absent from any consideration in the world of the Melbourne University Faculty of Law in 1964. I entered into this world as a young, migrant, working class, financially very poor woman. At first naïveté was my savior as I started my studies. However, it soon became apparent that I could no longer deny the significance of these disadvantages. There were obvious discrepancies between myself and the majority of students – money and contacts being the two most important. I had left home with my sister before I finished school, moving to North Melbourne in order to qualify for a place at University High School, a selective state high school. We looked after ourselves, worked during University holidays and rented a flat. If I wanted a day off I wrote the note to the school myself.

Studying, assignments and exams took second place to cooking, washing, cleaning and working, activities which many students share today but that were unusual then. I became a “crammer”. I knew nothing of good studying habits. My goal was to pass matriculation and get a place in the law faculty. I achieved those aims together with the all-important Commonwealth Scholarship, which provided a living allowance and paid fees. It was a night to remember when I received the news as I clocked off work as a waitress and housemaid at the Koonya Hotel in Sorrento, Victoria.

The attainment of this ambition was almost solely due to my English teacher at Preston Girls High School. An elegant and reserved woman, she completely surprised me when she suggested that I should go to the careers night at Melbourne University. She even arranged to take me there. Unheard of intervention! Although I remember almost nothing of what I learnt that evening I decided that I would become lawyer. I actually had little idea of what a lawyer did but I knew I did not want to be a teacher or a nurse the most obvious prospects then open to educated young women.

I had a lonely and unhappy time at University. I didn't make many friends and I took a break after a few years to become a full time secondary teacher of English and history. I received no training at all. Two years of teaching confirmed to me that my original decision not to teach was the correct one. I returned to the Law School to complete my degree.

The next challenge was to get articles in order to qualify to practise. This was the point at which the twin disadvantages of gender and class really came into play. I did not know anyone who was a lawyer and had no contacts or any one who could advise. I made many applications to no avail. Then I remembered that my sister had once had a boyfriend whose father was a solicitor. I went to see him and he took me on. He was a fascinating character, an active member of the Communist Party who assured that my articles were interesting, different and unusual as he had a wide practice with many colourful clients. Wharfies and women came by for their divorces, doctors and nurses in abortion practices were defended, workers were ably assisted in their compo claims, some well-known criminal “personalities” hung around the waiting room. I interviewed one client who had been convicted of armed robbery and prepared a statement for him along the lines of “if you are reading this I will be dead...”. He subsequently disappeared and although his body has never been found he is presumed dead. However we also did bread and butter work – conveyancing, wills, probate, company incorporations. There were skilled typists and secretaries who could cut a perfect stencil for the Gestetener machine.

I was already a member of the fledgling Fitzroy Legal Service and went on the roster of providing legal advice and assistance. Many now well-known and established lawyers worked there and it prospers to this day.

Another ambition took over and I decided to become a barrister. I did the rounds of the Barrister's Clerks to obtain a position but only one Clerk, Dave Calnin, was prepared to take me on. David Willshire, a barrister with a diverse practice, accepted me as his reader. So it was that in 1973 I signed the Bar Roll, the 21st woman to do so. There were then about 8-9 women in active practice. Naturally I was mainly briefed in “matrimonial” work, although there was other “crash and bash” work, driving offences and the like. I had been active in divorce law reform before this and I continued to seek and support reform in this area. Injustices to women were rife, particularly those of violence and lack of financial support for themselves and their children. I had steady work which produced interesting and challenging times in the Magistrates Courts and the Supreme Court, then the jurisdiction for matrimonial work. I was a close friend of Lillian Lieder (later QC), who became a formidable criminal law barrister. We shared a set of robes and a wig as we didn't have enough resources to buy a set each.

One incident in the Supreme Court startled me. While I was addressing the Court, the Judge's Associate handed a note to me. Thinking I was doing something terribly wrong I became alarmed. However the note read, “Madam you are undressed.” Even more alarmed I hastily checked my robes. Apparently some of my long hair had escaped from under my wig!

I was married and pregnant at this stage which led to some confusion in the Magistrates Court as many times I was mistaken for the Applicant. During this time my interest in law reform led me to travel to Canberra with Lynne Opas (later QC), a high profile matrimonial lawyer, to lobby politicians to support the proposed new and radical Family Law Act. Again a pregnant woman doing this work was an object of curiosity.

The barrister's life was never very well suited to raising a baby without significant day-to-day assistance. Briefs come in late in the day, babies wake frequently and courts don't wait for a child to be ready or a babysitter to turn up. When I was expecting my second child I knew it was time for a change so I decided that a solicitor's practice would be more suitable, subsequently joining my previous employer, Cedric Ralph, in his practice when he wanted to start winding down his work hours. I was later invited to join a medium sized firm as a partner, to support their family law practice, working with Patricia Clancy AM. The practice was split into commercial law and litigation and family law and was one of the first to introduce

computerized systems for tracking and costing.

During these years I was also active on the Family Law Committee of the Law Institute, and with a few other family lawyers started a movement to introduce and develop children's contact centres. These programs are designed to protect children and women at the point of changeover of children who are required to spend time with another parent in accordance with Family Court Orders. We formed a national association, conducted conferences, wrote standards, lobbied the Federal Government for funds. I received a travelling fellowship with the Australian and New Zealand Trust to examine these centres in New Zealand. I spoke at large international conferences in Paris and San Francisco about these issues. Eventually our group was successful in obtaining funding. My early experience in Family Law Reform was instrumental in understanding the process of getting government to listen. These centres continue to operate across Australia providing protection for women and children subjected to violence and abuse.

Throughout this time I gave sessional lectures to law students at Leo Cussen Institute (an alternative way to do articles) and wrote materials for them in family law. I also lectured in family law for private legal education companies. I had remarried by this time and my husband was a barrister. I often briefed him in difficult family law cases. We worked well together and had some significant results. We had one case which went to the High Court and forever defined the law in that area, although we lost the case! In 1990 he was appointed as a Justice of the Family Court, retiring 21 years later.

My interests in the area of violence against women and in community legal centres led me to leave the more lucrative area of private practice and to join a western suburbs community centre (Brimbank Community Centre, later Community West,) to manage the legal service. Before undertaking this position I studied for a Graduate Diploma in Equal Opportunity Administration. As part of these studies I undertook a comparison of promotion to partnership between male and female lawyers in medium sized legal firms in the CBD. No surprises that opportunities for promotion for women were few and far between and that there has been only modest improvement since then. I undertook interviews with the senior partners of these legal practices and was dismayed but not surprised at the discriminatory comments which were made with impunity.

I eventually took on the management of the community centre, which provided nine government funded programs to the seriously disadvantaged residents in the west. This was a very challenging position, working in poor and cramped conditions. I was responsible for project management, program development and accountability, financial management, human resources and networking. I became the Community Legal Services representative on the Law Institute Council, eventually becoming an Executive Member as Treasurer and then Vice – President of the Law Institute (1999- 2003.) I joined PILCH (The Public Interest Law Clearing House) as a Board member – this organization matches people without funds with law firms and barristers who would undertake the work without payment.

Just as I was due to become a full time President of the Law Institute I took a different direction.

My work in family violence, experience with the Courts in seeking protection for women, and the inadequate nature of a response to violence against women by police, courts and our community led to my appointment as a Commissioner of the Victorian Law Reform Commission to conduct the review into family violence law and systems. In a few years we produced a large body of work, conducted hundreds of consultations, released a number of publications and the final Report. Most of our recommendations were implemented in legislation by the government. Our extensive definition of family violence was enacted and subsequently adopted by the Family Court of Australia.

At the conclusion of my appointment I had serious injury and for the first time in years had a break of sorts before taking on a role as a part time in-house counsel for a family law firm which did mainly legal aid work. It was full circle, legal aid and court appearance work.

These days, although I no longer practice law, it has become second nature to me, analyzing arguments about current policy issues and providing support to community organisations, friends and acquaintances. A strong sense of justice and fairness remains with me. One of the most important things that I have learnt is that the rule of law is fundamental to the proper functioning of an enlightened, morally aware democratic society.

Published resources

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Author Details

Judith Peirce (with Nikki Henningham)

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