

“Women Who Lead Panel”

SCEGGS Darlinghurst Students, Parents & Alumni Network

Transcript of Extracts from Panel & Q&A with Dominique Hogan-Doran SC

28 August 2018

Moderator: Our next panellist is Dominique Hogan-Doran SC. Dominique is a Senior Counsel with more than 22 years’ experience of legal practice as a barrister and 30 years working in the legal profession. She is an Honours graduate of Sydney and Oxford Universities where she was the Sir Robert Menzies Memorial Scholar in Law. Dominique grew up not only in Sydney but also in Toowoomba, Queensland. She first thought about becoming a barrister after a week’s work experience as a 15 year old in Sydney’s Courts and Barrister Chambers. Although she later considered pursuing a career in music, and even politics, she was called to the NSW Bar at 26 years of age. She has been National President of Australian Women Lawyers and was named “Barrister of the Year” at the 2016 Australia Law Awards. Dominique is a current parent.

Dominique, what about you? How did you find yourself leading and tell us about your role at the moment.

Dominique: My role at the moment is that I am one of 40 women senior counsel in New South Wales. That's out of 390. How did I get to be here? Hard work and persistence in some respects.

Reflecting on school, at school I was not a leader. I was too busy doing musicals, and any one who knows my daughter, Eleanor would see the parallels. Embarrassing my daughter, sorry! It really wasn't until I got to University that I really became involved in leadership roles. I became President of the University Student Union and that came about in a slightly surprising way - where the factions went one way and I did a ScoMo through the middle. It's a good example of you needing to grasp opportunities as they come to you. You're never really sure if they're going to be there, you just need to be open to them.

Moderator: I've noticed your social media [Twitter: @DHoganDoranSC]. You really do take an active interest in women in the law.

Dominique Hogan: I do. Mainly because when I first went to the Bar there were so few women. Even today there's only 22% of the bar in New South Wales is women, which is a really very low number compared to what's going on elsewhere. In the solicitors profession women make up 50%.

It's a combination of: I think it's important to be seen and to model to others that it can be done and how it can be done. It can be hard because when you're one of the few who speak out, that can be both positive and negative. You have to be both cautious but courageous.

Moderator: What makes a good leader? Given your topic is “women who lead”, what role does gender play? Dominique, do you have some thoughts about where gender is in all of this?

Dominique: Well, I think if you ask a lot of people what their instant response is to “who is a leader?” they don't think of a woman first. Unconscious biases - all of us have them in some way and to some extent. I think even if you ask - think in this moment, picture a judge: you will think of a man in a white wig, you're not going to think of a woman with dark hair. I think that's an important thing to think about as a woman leader because everyone you meet, and everyone you have to work with in a team will come with their own preconceptions, their own experiences, their own expectations. Ultimately it is both a combination of communication and being adaptable and adaptive. That's the way that I've approached it.

I have had leadership roles in a range of different circumstances. Although I've been in the law a long time, I've also been a director of a company, an industry superfund, and I'm currently involved in an international role, as an Australian Delegate to the G20 Business Dialogue.

I really like the analogy that Mia's just raised of this idea of a career *lattice*, because for a barrister the only available next step on the career *ladder* is a judge. I too have a picture of what a judge is like and I also tend to think of a judge as a bloke. I'm not sure that's where I would want to go, one of the things I'd like to experience. Getting back to your question ... I've forgotten now what it was ..

Moderator: It was what role does gender play.

Dominique: Look it does and I think ... I grew up with brothers, I don't have a sister so it was easier for me, I think, to adapt to the professional life of the New South Wales Bar, which when I arrived was almost all men and it was a very blokey - drinking from 5:00 pm, if not earlier in the afternoon - culture. Sexist comments were made all the time, sexual harassment was really rife.

I think women have shown as we've come into the profession, that you can be a leader. You can be a Senior Counsel, you can be a judge, and I think that has helped change the culture of the profession.

It's been sort of a chicken and egg scenario, but women do lead differently. I think they're more inclusive and I think they're more likely to communicate with their team, but I don't think you can get too far away from the fact that the role of the leader is usually to make decisions. When I'm with my teams in big litigation or appear in public inquiries I say “responsibility ends with me”. I'm the person who has to stand up and explain it to the judge or take the flak, either through the media or through the experience of an inquiry. That's a big part of being a leader, taking the responsibility for the outcomes.

Moderator: Dominique, I'm the daughter of a QC who then became a judge and I know how hard the law is and what workaholics lawyers, barristers, judges are. I

worked in law and I've seen a lot of young women come through as associates and the like, who work incredibly long hours and incredibly hard when they go into law firms. That concept of work/life balance at that early stage of their career, it can break them. I wonder, and I'm sure exactly what Mia and Julia said in regards to changing our thinking and the way that there are expectations of not just women, but men, in the workplace, what hope does the legal profession have of changing its culture?

Dominique: Hmm. The legal profession. Look, I've been involved in a lot of different projects over the years ...

Moderator: I'm not asking you to find the solution tonight.

Dominique: No, no.

Moderator: I'm just marvelling and I love this idea that we change the way we approach things, but having watched the law...

Dominique: Look, I think it raises a couple of things to say and I hope I remember them all. The first is, when I went to the Bar in 1996, age 26 or thereabouts, there were 40 people in my intake of new barristers, of which only 4 were women. This is not that long ago, and the problem at the Bar has been low intake and then retention problems. Women might come, have a first child or a second child, and say, "I'm not coming back to that."

Either I was incredibly stupid or probably just pig-headed and stubborn. I had my children at age 28, 31, and 32. I used to have Eleanor brought in to breastfeed in chambers and take her to conferences with clients, which nobody did. The only reason I had the confidence to do it is I was very fortunate to have as a mentor - and next door to me in chambers at that time - Dr. Annabelle Bennett, and she had had her children at the Bar and she went on to become a Federal Court judge. When I first came to the Bar I was fortunate to have the mentorship of Margaret Beazley, who ultimately went to the NSW Court of Appeal, and she had had children. But most other women at the Bar did not have children.

I remember two things; one was that when I came, I became incredibly frustrated that I had worked so hard at school and at university, and other women like I had too. Then the boys would get the brief that I should've had, and it was a real struggle for many years to try and work out how to stick with it. But there's plenty of work and I think you do have to be tenacious.

Over the years, partly because more and more women came who were like me, and then more men came who wanted time with their families, things began to change. Where you could rent out your chambers, not fall off the cliff and have nowhere to come back to. The cost of insurance and practice certificates were rebated. All sorts of little things, mosaics together that made it a more family-friendly place.

Dominique: But it is, I think ... I used to sometimes say - people would be wailing that women were leaving - and I used to say sometimes, "*Maybe the women are smarter? Maybe they're leaving 'cause it's better to go! Where is the balance? They're right. There's plenty of other opportunities out there. This isn't the only way to have success in the law or adjacent careers.*"

I think that the great thing about the timing now is that we've reached the point where you can have different careers. It doesn't have to be the linear path that men always had to have, because they were expected by society to provide for their children. You couldn't deviate from that norm. You can now have different careers, you can have a lattice progression. You don't have to have it all the way up and that suits a lot of women and some men, too.

I think for the girls coming through now, it's terrific because to be successful, they don't have to necessarily pick a job that will be a profession that they'll have to work and have to make hard choices. They have lots of opportunity and they can choose to come to the Bar and work really hard, but it will be their choice and they won't be artificially constrained or have prejudice block their progression.

Moderator: What would your advice be to your younger self, given that we do have several tables of young ladies here who are going to be embarking on their careers, and some of them may choose law. What would your advice be to your younger self as you look back. Do you have any kind of reflection on that.

Dominique: Well, I think you have to back your instincts. When I was in year 11 and I was doing extension, 3 unit Music, I was considering going to the Conservatorium and I thought of all of that. I thought I could do all these things.

Then this wonderful singer joined my class in year 11, who's now in Australian Opera [Amelia Farrugia] and she was really much better than me, and I just thought, "Oh, *that* is what it will take to be a singer." At the same time I'd been thinking about the law but I wasn't conscious of my marks being good enough at that stage. I did think though, I just love performing, but I love the sort of substantive thinking part of my studies.

Anyway, it's a long story but to say that I backed my instinct that I thought I would be good at this [being a barrister], I wanted to do it and I have always enjoyed both the intellectual stimulation and the adrenaline that comes with the area of professional life that I chose.

But we're not the next person along. We're not our sister, we're not our brother, we're not our child. They need to back what is best for them. It's quite hard to give advice because you can't say, "*Oh, I did it this way, therefore you should do it that way, too.*"

Thinking what gives you *joy* is a great way to choose, what gives you joy in what you do and then finding a way to make that your job would be a great outcome.

Moderator: How important have mentors been to you and how important do you see them for the young women and men? Dominique, I noticed on your social media recently, you sponsored some young women to go to a conference about women in law.

Dominique: Yes, I sponsored some law students from Newcastle to come down to Sydney for the Australia Women Lawyers Conference which was on last weekend, because, well, obvious reasons. It would introduce them to a network of women, but also they could carry back to their law school a lot of what they learned during the course of the conference, and just how great it can be to be involved in that sort of thing.

I like to do that, because and others do too, because I think if you can sow the seeds at university or at school, it's not requiring them to do anything, it's not demanding anything of them. It's just giving an opportunity to somebody who might make something of it, or they might not. But things can have a ripple effect in a way that you don't have to continue to be nurturing it. It could take on a life of its own.

I think that's a very valuable thing to do and one of the reasons I do that sort of thing, is I actually find that I have to be very regulated and restrictive in how much time I give to be a mentor. Because I don't have the energy to be a therapist. I have three children, I'm a single mom, I have a very busy practise solving other people's problems. There's a lot of energy going out of me, and I think sometimes a mentoring type relationship is, someone will present themselves to you and say, "*Well what will you give me?*" I think I have to regulate that.

I think that's why the best mentoring relationships are the organic ones. The ones that just work because - as I think you said - the chemistry is there. So as a consequence, I have rarely gone to somebody and said, "*would you mentor me, would you sponsor me?*" I just sort of see if it comes, and I think back and go, "*Ah, that's right. They've been mentoring me for awhile and I haven't really realised it.*"

We have had structured mentoring instituted for women at the New South Wales Bar as part of the retention strategy to try to get women to remain in the profession, by bringing together a more senior woman with a more junior woman to try to bridge that gap when they start to waver or second guess what kind of structures can I put in place to help me get through the next few years? That has been very helpful and very useful, and I have done that where I've mentored people in that structured process.

The Bar also has another kind of structured mentoring which is the pupil master/tutor process which goes back hundreds of years where a mid-career barrister will train, in a sense, a new barrister who comes into the profession. I have done that myself and I was also trained in that way. It is a very intense and useful mentoring process. It's very content driven not just career driven, wherein you get as a way of absorbing the cultural mores and the traditions of that sort of legal practise.

I think as each of the young women here today are thinking about mentoring, I don't think they should be closed to it and I don't think they should be frightened about it, but I don't think they should be needy about it. But try and make some way into it.

Audience Q: Thank you very much, my career's been in sport and hospitality. It's always the boys club, it's never the girls club. Why is that? The boys always look after each other.

Dominique: We have a girls' club! There's a couple of different things I would say about that. Fortunately our girls' club has got bigger and bigger, but not all women want to be part of it, or to be seen to be part of it in the sense that some women have perceived that being identified as a woman might actually hinder their progress in the profession.

Now there's an Equitable Briefing Policy that has been adopted within the legal profession where those who sign up for it, and governments have now signed up to it, they need to commit to considering women for roles in matters and aim to reach certain targets.

I will always make an effort to try and bring a woman in to a case, sometimes first. I think that that is happening more and more and that, in a sense, is a reaction to the boys' club because there's absolutely no doubt that that has been a very strong, and in some respects destructive force, within the legal profession. For this reason: since I was at university the best graduates were women but if they're not at the Bar that means the best people aren't at the Bar. How's that good? How's that good for our clients and how's that good for the long-term viability of the profession and the judiciary, which is usually drawn from the Bar? I think there's a substantive not just a rights reason for that to be happening.

Audience Q: Hi. I'm a student here and It's been really great for me to hear you speak tonight. What do you feel was a low point in your career and how did you overcome?

Dominique: One of the things about being a barrister is anonymity, because we wear wigs and gowns and the idea is so that we are anonymous, in a sense. The only real social media pile on that I've ever experienced came about in the circumstance where I didn't have the benefit of anonymity because I was defending a client at ICAC and my client was quite high profile and was suffering a very substantial media pile on, and I got caught up in it.

I found it really incredibly intimidating. It was not something I'd experienced ever before. Now I have and I've worked through it, and I've worked out how to block people on social media. I do that quite religiously now.

But I think because the law, and other industries, but particularly the law, is becoming much more accessible - with the Royal Commissions, for example, being livestreamed and many others have been, and hearings of ICAC being live-tweeted. It's much more immediate and those who participate in those

industries and those kinds of cases now do have to be ready to be exposed and be much more frontline when you have to defend a client.

In a sense the low point was also the high point because having got through all of that, having withstood all of that for my client, I was then better able to take on the next one, and the next case, and the next case that's been like that.

Audience Q: Are you optimistic? You have a lot to do with young women in the law. You were talking about this young woman that came down to Sydney for that conference from the University of Newcastle. Are you optimistic?

Dominique: I'm very optimistic. One of the reason I am is I think women now know the opportunities they have, and I think they know that part of taking on those opportunities and having a go is recognising that they could fail. But the best learning you'll do will probably come from when you fail. That's hard, it takes courage to bounce back, but I think If you can focus on being authentic to yourself ... Being a leader doesn't mean you have to be successful. You don't have to be the top of the tree, you don't have to be any of those things. You just have to find a way through and be true to the goals that you've set for yourself. I think the young women coming through, and the young men these days too, don't come with quite as much baggage as we had, and I think that's a good thing. I'm hopeful for them all.