

'Women and the Law' Breakfast
15 May 2007, the RACV Club, Melbourne.
Victorian Women's Lawyers Association
Guest Speaker: Alice Pung

It is an honour to be here. Compared to the more mature women in this room I barely have much wisdom or experience in the law. But as a writer, I can talk about law in the context of writing.

The law, like migrant literature, is sacred. It seems like an area strictly out of bounds for those who are not its familiar inhabitants. There is awed respect for it. If you are outside it – that is, not a lawyer - you are not allowed to make jokes about it. The law is a very precious and privileged area, to be taken seriously.

But when I went to law school. I met one of my best friends Irina. We were like some kind of walking joke. It was like, 'A Ukrainian Jew and a Chinese Cambodian walk into law school and the Chinese Cambodian says to the Ukrainian Jew, what targeted access scholarship did you win?'

Things were strange at law school. I saw bizarre things going on that seemed normal to everyone else. And things that were bizarre to everyone else seemed ordinary to me. I went to a talk once, about law and social justice. At law school you have these huge cocktail evenings with sandwiches and orderves. At the end of the event, my mate Fiona and I volunteered to take all the leftover food to the homeless shelter down the road. But we weren't allowed to do that because of occupational health and safety reasons! They were just going to chuck all the food out! And I thought, how bizarre the law is when we deny homeless people food. And why? Because at a law and social justice talk, we're scared of being sued by homeless people. It didn't make sense to me.

Another time in law school, I had to transfer to another property law class because the automatic generator of the computer placed me in a stream that I couldn't attend. It coincided with the time I had to pick up my sisters from school – both my parents were working, someone had to take them home every day. So I went to talk to the lecturer and she wouldn't let me transfer because it wasn't a good enough excuse. Then that same week I heard a talk about women deciding to become academics, because law firms had glass ceilings and didn't accommodate for people with family commitments. And I thought, well if law school is like this, legal practice must be worse. It's a miracle that women become judges.

I used to read some judgments, and wonder whether some of the high court judges got together to discuss their full stop budget. "Okay, we have seven full stops to distribute over twenty pages. Let's use them wisely."

Then Helen Garner who launched my book, told me about an interesting thing she did every year. She was invited to a workshop where she taught judges and magistrates how to write in simple English. Why does she do this every year? Because the language of the law is a completely different language to the language of the people. Especially the people with whom I grew up.

Imagine if you were a NES migrant not able to even read or write in your native language, and your daughter becomes a lawyer and starts complaining about how difficult court judgments are to read. You can't even read street signs! But you still drive around in a car. You learn to live a life without the written or spoken word.

And that puts the power of words into perspective for me. Sometimes people with a lot of words may not be saying much.

Where I learned most about legal practice wasn't in law school. I learned another language about the law, and I witnessed legal theory in action. I learned about what the law is fundamentally supposed to do. A lot of my community have only basic literacy in their own language. My mother can't read or speak English, and yet she taught me more

about the theory of contract law than any formal study. She made me realise the essence of what a contract is. A contract is a promise.

My mother worked as an outworker jeweller, linking chains together in the back shed. She delivered her wares to the gold shops in Springvale and Footscray. She couldn't write words so she wrote numbers down of how much she was owed. They kept their word. If they didn't keep their word, then she had no legal recourse, because outworking is illegal. So I learned about the oral contract – about people keeping their word when they didn't have to. Even now as an employment lawyer, I think about how useless my skills are to some sectors of the community who are still writing numbers on scraps of paper.

Early on, I also had a law mentor. Every law student should have one. But my law mentor had only finished school up to year ten in Cambodia. He was my father. My father ran the local Retravisation store in Footscray. When I was sixteen, my father asked me to help him write a tender submission to buy a block of land to build his new Retravisation store. I thought a tender submission was what they did in Mills and Boons novels! Every afternoon after school I would go into his office and we would work on it. We printed it out on his dot Matrix printer. He never told me, you're going to grow up to do great things, but he demonstrated it by trusting a kid with this huge project proposal.

As soon as I turned eighteen, my father gave me a document. What's this? I asked. It's the Australian Legal Will Kit two for one offer. Only \$29.95 plus postage and handling. My parents asked me to write their wills for them, and I was to be legal guardian of my sisters.

Because I had nothing to lose, and because I was never paid for my work, I could be adventurous. I would go to the AIRC and do unfair dismissals for my dad. I would represent the company at the small claims tribunal. I wrote letters for aunts and family friends.

They couldn't understand anything I wrote, because they couldn't read my letters. No one checked over my drafts, no principals signed off on my work! My knowledge was unquestioned. It was the highest honour you could bestow somebody. Sometimes lawyers get sued, sometimes judge's have their judgements critiqued. I just did my best and no one told me it wasn't good enough. It was always, "you did your best. You did more than we could do."

In the wise words of Spiderman – 'with great power comes great responsibility.' I know that the law is serious stuff. It's about the High Court and criminal justice system and people working at the United Nations for refugees. It's about mergers and acquisitions, copyright, policy and intellectual property. It's about work life balance and glass ceilings and lawyers being the most depressed profession in Australia.

But I think to my first days of practicing the law, writing that first tender submission in dad's office, and writing that will that made me parent of my siblings if anything should happen to my parents. And my community's 'stupid' and 'zany' ideas about what the law should be – practical, useful, helpful, easy to understand. And I am reminded of the words of Charles Lamb – 'Lawyers too, were once children.'

When I became an articled clerk, I was also lucky enough to find a mentor. I never sought her out with any formal mentorship proposal. But Kathryn Hamill helped me in many small ways which made a big difference to how I saw the practice of law, with her honesty, integrity and loyalty. She and my friend Fiona helped plan my legal admission with the same intensity of excitement that Jennifer Lopez plans a wedding. Kathryn was also the first in her family to be admitted, so she knew what a big deal it was, this business of becoming a lawyer. Fiona's father, who is in his seventies, moved my admission. He told me about how back in the day, when he was an articled clerk, the practice of law was a privilege and the clerkship was an apprenticeship into a career to serve the community.

And I realised, the practice of the law is not really all about legal texts.

It's not even about words – because sometimes, you have to look beyond the multitudes of words, to see the things and the people that the words don't cover – those without words, students without conventionally-accepted carer-status, women without employment contracts, men without shelter.

In the past people used to 'read law'. "I read law at Monash." "I read law at Oxford." As a writer and lawyer, what is important is not reading the law, but actually *seeing* it. The law is supposed to be there so that it illuminates the people who aren't seen by society. So I hope we continue to see law in the everyday in addition to reading it.