Q&A: Kate Ashmor – “Flexible work isn’t just a women’s issue – it’s a family issue.”

In our latest Q&A, Australian Women Lawyers president Kate Ashmor discusses the business benefits of gender advancement in law firms, the rise of in-house counsel – and how her family’s tragic history has influenced her life and career.

You are now working part-time as a lawyer for the Victorian Government and have previously filled private practice and in-house counsel roles. What motivated you to become a lawyer?

“I’ve wanted to be a lawyer since I was about 11 or 12. I’m not from a family of lawyers. On the contrary, I’m a first-generation Australian of eastern European descent and from a working-class background. My family are Holocaust survivors from Poland and Russia and I’ve always felt that’s where our fighting spirit has come from. A love of advocacy doesn’t have to be in a courtroom. It can be in the workplace or a family environment. That’s something I think I have inherited from my ancestors.”

So that negative experience of your ancestors has been a driving force in your life and work?

“Our family history has been hugely influential on me. I always feel a sense of gratitude and good fortune to be here and to have the opportunities that were cut short for the vast majority of my family who were killed by Nazis. My parents arrived in Australia (in the 1970s) with just a handful of people in the family and in one generation to achieve so much has been a credit to all the opportunities and all the mentors that have made a difference to me. And that’s why I have grasped and always run towards change rather than away from it; because I see the opportunities that change can bring if it is embraced with the right attitude.”

You have switched from private to in-house to government legal roles. How did that play out?

“I very much have gone with the flow. I started in private practice and was looking for a greater challenge and took an in-house role in order to try something a bit different. Then when the global financial crisis hit my sense was to get into a different environment that was less cut-throat than in-house finance – and that’s how I found myself in government with Public Transport Victoria.”
Speaking of cut-throat, you also served as a councillor for the City of Glen Eira in Melbourne from 2005 to 2008. That must have been different, too.

“That was an eye-opening experience. I was an articled clerk at the time and very blessed to have such a generous principal who when I broached the idea said ‘Sure, run, and see how you go’, and lo and behold I won. I remember ringing the office on the Monday morning and saying ‘I’m not coming in today – I’m being sworn in as a councillor’. But it proved something to me. Nobody thought I could win and that was exactly what I needed to hear to get something done.”

What was it like?

“I enjoyed the experience. It was eye-opening in terms of exposure to how bureaucracy works and how to try to attain practical outcomes. Not everything is resolved through a letter of demand or litigation. Sometimes there are alternative channels when problem-solving on behalf of clients. And they may involve bureaucrats or community consultations. So that was really great and a very complementary experience for legal practice.”

And now you are in an in-house role with the Victorian Government. There has been a significant shift in opportunities for in-house lawyers in recent years. What is your perspective on this change?

“Now that I’m in government I work with big law firms and have directly briefed barristers as well. Working in different legal roles has given me a unique perspective over the years. In-house lawyers have become an invaluable asset to their clients. They are less viewed as a cost centre and more viewed as a cost saving – as an investment – which is a complete turnaround. And that’s what is going to keep law firms on their toes. They need to improve their value and perhaps adopt more innovative pricing structures and more valuable offerings in order to retain their clients.”

It appears as though you see change as an opportunity rather than a threat?

“Legal work is changing very rapidly. Over generations lawyers have had to deal with a number of changes. There were the technological changes initially with the introduction of computers into the workplace and at first there was resistance. Yet here we are today where in a courtroom judges are typing away and everyone is using a computer and it brings tremendous efficiencies. Another wave of change were the occupational health and safety reforms which overhauled perspectives of the workplace. Again, everyone grumbled and said ‘Oh, this is too difficult and it’s going to slow things down and we’ll be drowning in paperwork’. But, no, it has actually resulted in better workplaces. I see flexible work as being the next wave of change and history shows that these waves of change are well and truly efficiently integrated into our workplaces. There’s no reason to be recalcitrant when it comes to flexible work – it is actually to the benefit of small firms, in particular, when it comes to retention and attrition and relationships with clients. It’s a long-term investment.”
That brings us to your role as president of Australian Women Lawyers. The issue of workplace flexibility is a big part of the group’s campaign to help more women advance in the profession. Why is it so crucial?

“It’s particularly important for women returning to work when they have very young children. But we also know that fathers are very different these days and they want to spend time at home with their children and come home at a decent hour and share in the domestic responsibilities. So it isn’t just a women’s issue – it’s a family issue and it’s common across many workplaces, not just the law. These issues are not issues just for lawyers. They are systemic issues. That’s why decent paid parental leave, why accessible childcare is so important because the law firms can’t do it by themselves. They need systemic help.”

Engaging men in the workplace flexibility cause is obviously crucial to success. How is the profession faring on that front?

“If you want lasting change, you must change one person at a time. Some people will only change their attitude if they have a personal experience. So for some of the very senior male law firm partners their daughters are now having children and are professionals and the men are seeing with their own eyes the practical realities of these issues and that may be changing their perspectives. For others, they need to see a business case. That’s why in some of the writing I’ve done that has been opposed to quotas for women’s advancement, I’ve argued that we should focus on research that makes the business case for appointing more women to leadership roles. If the research shows that it’s actually better for the bottom line, then businesses will do what’s best for the bottom line. It’s a no-brainer.

The argument that says it will be critical mass that ensures women advance – that you’ll get enough women coming through law schools and law firms and there will be a tsunami effect – has been debunked, because for a generation women have outnumbered men in law schools and yet they’re stopping or disappearing effectively at senior associate level.”

You believe that women in in-house legal roles can have an impact and help change attitudes. Is that right?

“Yes, in a law firm context more and more women are becoming general counsel and becoming the purchasers of legal services. Issues such as bullying and aggressive behaviour by males within law firms won’t be tolerated by their female clients. They will just go somewhere else.”

What are your key objectives as president of Australian Women Lawyers?

“Well, the flexibility issue is a key one. We also ran a campaign for higher female silk numbers that gained a lot of prominence last year. In the 50th year since Dame Roma Mitchell’s appointment as the first female Queen’s Counsel in Australia, there was less than 10 per cent of women as QC’s. That’s an appalling statistic and it was pleasing to see an immediate positive reaction with a big spike in female senior counsel appointments in NSW last year. Our next campaign is to raise awareness of the numbers of female judges across the country.”
You mentioned that you are not a fan of quotas. Why not?
“It’s a lazy fix. You appoint more women and say that’s it – problem solved, which we know is absolute nonsense. No matter how wonderful an appointee is, they will always be stained with the label of being a quota appointment, whether in their own mind there will always be a niggling doubt about their abilities, or in other people’s minds. And that’s regression for the progress of women. Tokenism never begets lasting results.”

So what is your message to law firms on the recruitment and retention of women? How can the profession get around this issue of many female lawyers needing to work flexibly or part-time because of family commitments?
“I’ve never taken the view that my role is to be shouting at law firms and telling them what to do. But retention and attrition is really important. It’s really expensive when people leave and you have to replace them. So in a competitive market that is the number one reason why you want to be keeping people. When you lose them you lose their network and their clients. I think it’s more about saying, ‘Look guys, you are going to make more money if you embrace flexible workplaces’. It is often a temporary interruption for women’s working hours when they have young children. It’s not a big deal. It’s not difficult. We need more big-picture, business-case analysis to get the emotion out of it. The bottom line will benefit from being flexible.”

How can managing partners and partners help promote flexibility?
“In a practical sense, just be mindful of employees who are parents when scheduling meetings. You don’t schedule a meeting at 8 o’clock in the morning because that’s during the drop-off time for childcare or school, and you don’t schedule a meeting after 5pm because that’s the pick-up time. There are also systemic issues such as supporting women on maternity leave and keeping them in the loop and inviting them to the occasional marketing or CPD event. Just showing an interest in their wellbeing.”

On the work-life balance front, how are you going?
“I have an 18-month-old daughter who keeps me on my toes. That’s absolutely wonderful and very much central to my life at the moment. I’m also very passionate about my local community. I’m a member of the board of my local Bendigo Bank and I’m also on the board of the Alola Foundation, which raises awareness and money for women and children in East Timor. So for me community is very important and it’s why I ran for council in the first place. It’s important to have many strings to your bow as a lawyer because it enables you to bring more emotional maturity, empathy and perspective to your work.”
Do you have any final thoughts?
“I’ve been very privileged to be given opportunities by a lot of people throughout my career and I’m very honoured to chair a board of wonderful women around Australia through Australian Women Lawyers. I intend to make the most of the role and do it justice.”

Kate Ashmor is president of Australian Women Lawyers and a commercial lawyer for the Victorian Government. She sits on the boards of a number of not-for-profit organisations.