

# Society wants rethink of tough on crime policy

## Alex Boxsell

The Law Society of NSW has called for better funding for NSW courts to reduce unnecessary delays, and a rethink of tough-on-crime policies, in a policy document released for the March 26 state election.

It also wants major parties to commit to creating a fairer civil justice system by ensuring legislation and policy on climate change does not unfairly affect property holders.

New Law Society president Stuart Westgarth said NSW shadow attorney-general Greg Smith, SC, would differ from the current Attorney-General, John Hatzistergos, in that he had had "a much more focused criminal law experience".

"Greg Smith has come out for a dif-

ferent approach on the question of punishment of crime," he said. "He has been more inclined to take the view that we should not necessarily continue with our prison population increasing.

"He has made some remarks about young people being sent to jail when they shouldn't be. And the current Attorney-General has probably adopted a harder line on that to date."

The Law Society wanted the parties to commit to "rejecting the reactive approach to criminal justice which has dominated debate and increases the risk of knee-jerk expansion of the criminal law", its policy paper said.

It wanted more funding and improved staffing levels for NSW

courts, to address in particular delays in costs assessment applications in the Supreme Court and delays in receiving default judgments and routine enforcement applications in the Local Court.

## Female lawyers are more likely to gain senior positions in company legal teams than law firms.

The Law Society has also called for the introduction of a charter of human rights and responsibilities.

Mr Westgarth is a litigation partner at HWL Ebsworth, which he joined in 2008 from Corrs Chambers Westgarth. He will draw on his expe-

rience working for large firms to drive two initiatives this year aimed at improving career advancement for women and addressing excessive criticism of the billable hour.

The Law Society would host a symposium or discussion group with "leading thinkers" on the gender imbalance seen mostly in the senior ranks of private firms, but also in government and company legal teams, Mr Westgarth said.

The symposium would examine why female lawyers were more likely to gain senior positions in company legal teams than law firms, and whether this could be blamed on a poor work culture at firms.

"The solutions aren't easy and they also may well go to the heart of another feature of law firms, which is

that they go out of their way to offer clients first-class service and that really means being committed around the clock when it is necessary," he said.

One solution might be to get law firms to commit to creating a better "team environment" so work could be more easily shared to allow a female lawyer to work part-time, Mr Westgarth said. "It should not be an issue that is difficult or embarrassing to raise," he said.

Mr Westgarth said the argument that hourly billing rewarded the slow did not consider the "possibility that you'll never get that client again, that you will have an argument with the client, that you'll quickly go broke".

The Law Society will review its billing guidelines this year.