



IMAGINE A GENDER EQUAL WORLD



International
Women's Day

“

Imagine a gender equal world. A world free of bias, stereotypes, and discrimination. A world that is diverse, equitable, and inclusive. A world where difference is valued and celebrated. Together we can forge women's equality. Collectively we can all **#BreakTheBias**

*Celebrate women's achievement. Raise awareness against bias.
Take action for equality.*

<https://www.internationalwomensday.com>



International Women's Day celebrates the social, economic, cultural, and political achievements of women. The day also marks a call to action for accelerating progress towards gender parity.

TODAY, WE ACKNOWLEDGE PROMINENT WOMEN IN THE LAW WHO HAVE LAID THE GROUNDWORK FOR THE CREATION OF FAIRER AND MORE REPRESENTATIVE DECISION-MAKING AND LIVING STANDARDS, AS WELL AS CONVERSE WITH THE WOMEN WHO NOW LEAD SOME OF OUR MOST INFLUENTIAL PROFESSIONAL INDUSTRIES.

This booklet reflects on the remarkable achievements and capabilities of women in our contemporary legal industry by revisiting the landmark contributions of the diverse women who became the first female practicing lawyers, Barristers, Governor Generals, Chief Judges and Presidents of the Human Rights and Equal Opportunity Commission. It honours those who not only advanced the

rights of women through the creation of equitable divorce laws and the Women's Legal Status Bill, but also ensured the welfare of all of society by legislating for every person's rights to minimum wage and traditional land ownership.

To close, we have included a short commentary by interdisciplinary scholar in law and history Dr Alecia Simmonds on

the historic obscenity trial over *D.H. Lawrence's Lady Chatterly's Lover* (*R v Penguin Books Limited* [1961] *Crim LR* 176) which was significant in securing the freedom of the written word.

I look forward to witnessing how the progress we have achieved in ensuring the parity of our laws, workplaces, and social standards will enable and transform the lives and professional capabilities of young lawyers today.

Min Yang
Chief Operating Officer, ExpertsDirect

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ANGELINA GOMEZ

Counsel, Clifford Chance



WOMEN
WITH IMPACT

The best part of my practice:

Being in Court running a trial and/or appearing as counsel in it (in WA, we have a joint profession). After working on a matter, sometimes for years, it is satisfying to see the many moving parts (clients, counsel, solicitors, lay witnesses, experts etc.) come together to actively engage in the adversarial process, our embodiment of the rule of law. There is something special about being able to stand up in Court and argue a case for your client, to cross-examine a witness to get to the truth etc. It is also a great experience working as a team towards a common goal, working through your case strategy and dealing with any and all issues that arise during a trial.

Top tip or best career advice you've received:

Immerse yourself in the facts. Know the documents. Know the evidence. Attention to detail is all.

Hallmarks of a good expert witness:

- Someone who knows his or her field and is able to clearly and simply articulate their opinion and link it to the facts that form the basis of their opinion
- Independent with absolute integrity to their profession – not an advocate for a party
- Is very clear that their overriding duty is to assist the court impartially on their area of expertise





CHRISTINE TRAN

Partner at Herbert Smith Freehills



WOMEN WITH IMPACT

The best part of my practice:

I'm a class actions practitioner. I love the dynamism of class actions practice and having the opportunity to shape some of the law in that space. Embedded within that is an incredibly enriching context. We are working collectively with our wonderful clients, our brilliant team members and with the broader profession in solving novel, complex legal questions.

Top tip or best career advice you've received:

Assume positive intent.

Hallmarks of a good expert witness:

A good expert witness should have the requisite knowledge – that's a given. After that, I would say being an effective communicator.



**ADA
EVANS**



**ALICE
ERH-SOON
TAY**



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

In 1902, Evans was the first woman to complete a law degree in Australia, graduating from the University of Sydney. However, she was not admitted to the Bar because she was a woman. In 1905, with the help of women's organisations, Evans petitioned successive governments to request that the law be changed. In December 1918, the New South Wales Parliament passed the *Women's Legal Status Act*, which, by including women in the general definition of a 'person', provided for the right of women to become practicing lawyers and be elected to the New South Wales Legislative Assembly. This enabled Evans to stand for state parliament. Evans was the first woman to be admitted to the New South Wales Bar on 12 May 1921.

Tay was born in Singapore in 1934. She practiced as a criminal lawyer before completing her PhD in Soviet Russia, and then arriving in Australia in the 1960s to take up a position at the Australian National University. From 1998 to 2003, she was appointed as president of the Human Rights and Equal Opportunity Commission (HREOC). At this time, Australia was the subject of international scrutiny for several human rights breaches, including the MV Tampa affair and violations to the rights of asylum seekers, especially children, in detention. In the face of this, Tay remained devoted to her defense of human rights and the rule of law. She also championed the implementation of humanitarian initiatives in the Asia and Pacific through her involvement with the Asia Pacific Forum of National Human Rights Institutions and the Australia-China Human Rights Dialogue. She was strongly supportive of the contribution to public life of women from culturally and linguistically diverse backgrounds, often linking these ideas to human rights discourses.



EDWINA KWAN

Partner at King & Wood Mallesons



WOMEN
WITH IMPACT

Best part of your practice:

The best part of my practice is working on cutting edge matters, with a range of interesting clients from across the globe in jurisdictions from Geneva to Beijing with a wonderful team of lawyers. Observing the types of matters change over the years from traditional resource and mining disputes and those in the construction and financial sectors to disputes covering nuclear energy, big tech and now climate change related disputes has been fascinating.

Top tip or best career advice you've received:

Try to be the most prepared in the room and be confident!

Hallmarks of a good expert witness:

A good expert witness has done the work, is thorough, scrupulous, will work with you (not against you), is proactive, reasonable and most importantly gets their report in on time!





FRANCES DREYER

Partner, Johnson Winter & Slattery



WOMEN WITH IMPACT

Best part of your practice:

Working in a close-knit team on dynamic, “all in” projects. I love the energy when a team of committed people work on a project, everybody living and breathing the issues, thinking deeply about them and turning their part over. It is “in the trenches”, but you form real friendships, as well as often producing incredible work.

Top tip or best career advice you’ve received:

This comes from author Nora Roberts. She said that the key to juggling is to know that some of the balls you have in the air are made of plastic and some are made of glass. If you drop a plastic ball, it bounces, no harm done. If you drop a glass ball, it shatters. The idea is to prioritise the glass balls. It is hard to drop any balls, but forgive yourself when they are plastic (so, you fed the children nuggets four nights in a row so you could meet a deadline, plastic ball – they can have salads all weekend – but you don’t miss a birthday dinner).

Hallmarks of a good expert witness:

Frank, careful, willing to explain it (again and again) and not afraid of a challenge or different view. Strong enough to call out “group think” and test long held opinions, especially of the most senior people in the group.

My expert witness war story:

In one of my first ever matters as a lawyer we had an expert (tech based) declare that the opposing side’s report was “beautiful” and speak almost lovingly about it for close to an hour – he considered it brilliance. He insisted on opening his responsive report with three paragraphs of gushing, and actually suggested in conference with the client that he wanted to collaborate on a project with the expert after the case. Turned out the case worked without that particular point, so the beauty never quite made it into court.

ANNA TERESA BRENNAN



DAME QUENTIN BRYCE

AD, CVO



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

Brennan was the second woman, and the first colonial Australian woman, admitted to practice law in Victoria. Specialising in matrimonial law, she campaigned for the revision of inequitable divorce laws and later worked to remedy serious discrepancies and injustices created by conflict of matrimonial laws between states. In 1930, she attended the League of Nations Assembly at Geneva where famously she stated, "Women delegates might have much to contribute on legal, economic and international questions..." In the 1940s, the National Council of Women appointed her to appear before a Commonwealth parliamentary commission. Their findings encouraged Parliament to revise the law to allow women to retain their original nationality after marriage. She was admitted to practice law in Victoria on 1 August 1911 and was active in the firm of Frank Brennan & Co., promoting women's interests, to the end of her life, with her sister May as law clerk.

Bryce was Australia's 25th Governor-General, holding the position from September 2008 to March 2014, and was the 24th Governor of Queensland from 2003 to 2008. She received her Bachelor of Laws in 1965 and was one of the first women accepted to the Queensland Bar. In 1984, she became the first director of the Queensland Women's Information Service under the umbrella of the Office of the Status of Women. In 1987, she became the Queensland director of the Human Rights and Equal Opportunity Commission (HREOC). She has also led the National Breast Cancer Advisory Council as its Chair, sat on the Australian Women's Cricket Board, and has held membership to numerous other culturally and socially significant Australian organisations such as the YWCA, the Australian Children's Television Foundation and the Association for the Welfare of Children in Hospital. She maintains professional and personal interests in the issues of human rights, feminism, social justice and community.



JAN SADDLER

Head of Class Actions, Shine Lawyers



WOMEN WITH IMPACT

Best part of your practice:

I absolutely love being a class actions lawyer. I love the diversity of the cases, the diversity of the law and the fact that in so many of our cases the issues that we come up against are issues that have never been considered before. I've been lucky to be in the High Court a couple of times in the past few years. I also really love seeing young people grow and develop in their careers.

Top tip or best career advice you've received:

Your career is a marathon not a sprint. So whilst I encourage and admire ambition I really urge people to think more about the medium to long term not the short term.

Hallmarks of a good expert witness:

First, be sure that the opinions you are offering are your own not your staff nor your instructor, secondly, make sure your evidence supports your opinion and that all the evidence and assumptions relied upon in giving your opinion are clearly set out in your report and thirdly if your

opinion changes then let your instructor know as soon as you become aware of that. The best experts in my experience are those who are able to accept a difference of opinion but are still capable of explaining why their own opinion is preferable based on a proper and full analysis of the facts and the supporting evidence.

My expert witness war story:

One of my most memorable experiences involved an expert not following the second of my key tips. The expert assumed that the solicitor was aware of the assumptions that unpinned the opinions being expressed but in fact the solicitor did not. When the expert and the solicitor subsequently discussed these assumptions, it was clear that the facts did not support the assumptions and so the entire opinion of the expert was undermined and changed as a consequence. It was a very difficult situation and made even more so because this was discovered only a short time before trial and there was not a lot that could be done but to settle the case on the best possible terms.



KAITLIN FERRIS

Practice Group Lawyer, Slater & Gordon



WOMEN
WITH IMPACT

Best part of your practice:

Class Actions work involves a high degree of collaboration with a team, working with lawyers at varying levels of experience. This affords the opportunity to both draw on the knowledge and skills of senior practitioners, and to foster and develop the skill set of more junior lawyers. I am extremely proud of the culture we have built at S&G, where our lawyers take responsibility for and pride themselves in producing work of a technically excellent standard. It is a real pleasure to work with colleagues who are engaged in and excited by their work, and where our non-hierarchical approach gives junior lawyers the ability to be innovative and creative in the approach we take to litigation.

Top tip or best career advice you've received:

The best way to grow a thriving team where team members are engaged and look forward to work is to meaningfully create an environment where work-life

balance is a foremost consideration. Setting achievable budget targets and ensuring that long hours are the exception and not the rule is an essential part of being a good leader – paying lip service to the idea of work-life balance but not creating the infrastructure where this is possible will only damage your team and undermine your work in the long-run.

Hallmarks of a good expert witness:

A good expert witness is one who is engaged in their work, prepared to work hard to review and understand the documents in their brief, and who can then clearly articulate their reasoning when expressing views. It is often the case that experts in the class actions space are not experienced at providing expert services, unlike in – for example – the Medico Legal space. For this reason, a preparedness to understand the role and the expected standard for reports produced is essential.

EDITH COWAN



ELIZABETH EVATT



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

Cowan is best known as an Australian social reformer working for the rights and welfare of women and children. She was actively involved in reforming social disadvantages and injustices suffered by women under the law by establishing the Karrakatta Club, a group intended to promote women's suffrage and social inclusion by fostering the intellectual and artistic engagement of women. At the turn of the century, Cowan focused on the welfare of mothers and disadvantaged migrants, particularly with regard to the payment of a "motherhood endowment" or 'child allowance' and the promotion of sex education. Her work on the rights of children and local education boards would lead to the establishment of the Children's Protection Society and eventually the Children's Court in 1907. Cowan is also responsible for establishing the King Edward Memorial Hospital for Women and was a co-founder of Western Australia's National Council of Women. Before her death in 1932, she served the council as a Western Australian delegate to the national assembly for 19 years.

Evatt is an Australian reformist jurist and lawyer known for her untiring support to women's civil and human rights. She was the first Chief Judge of the Family Court of Australia, the first female judge of an Australian federal court, the first female Member of the Federal Conciliation and Arbitration Commission, and the first Australian to be elected to the United Nations Human Rights Committee. At the University of Sydney, where she was the youngest accepted law student in her cohort, Evatt graduated with first class honours. In 1995, Evatt became the youngest barrister admitted in NSW and pursued her Master of Laws at Harvard University. She returned to Australia in 1973 to take up an appointment as the first female Deputy President of the Commonwealth Conciliation and Arbitration Commission.



LISA WRIGHT

Partner at Dentons



WOMEN WITH IMPACT

Best part of your practice:

I enjoy taking on difficult disputes and problems, and helping to achieve great results for my clients. I have a very broad practice, and there is always scope for new challenges. I feel very lucky, after many years in practice, constantly to be learning and doing new things.

Top tip or best career advice you've received:

You need to love what you do – maybe not every part of it every day, but enough to be happy and proud in your work. And be brave!

Hallmarks of a good expert witness:

Good expert witnesses value and maintain their independence. They reach their conclusions carefully and then are able to defend them. An excellent expert witness also understands the court process and the general principles of admissibility, and can write clear and concise reports that non-experts can understand.

Expert witness war story:

All my best war stories are privileged!





MEIYEN TAN

Partner and Co-Head of Restructuring
and Insolvency at Oon & Bazul



WOMEN WITH IMPACT

The best aspect of your practice:

The best aspect of my practice is the people. I very much appreciate the fact that my practice thrives because of my team members, our ability to forge friendships and produce excellent work together. Ranked as experts in the area of cross border restructuring and insolvency by legal directories, we are exposed to and appreciate the sensitivities and cultural nuances of the different jurisdictions involved in our deals and in particular, from an Asian context. Many of my clients (whether from abroad or from Singapore) are repeat clients and our respective teams not only work well together but have a good time doing so.

Top tip or best career advice you've received:

The best career advice I have received is to network and build my own personal brand as early as possible. Networking has expanded my contact group and developed the resources that I can refer to for advice and knowledge. Having had many opportunities to do so, I now actively encourage my team members to do the same by giving seminars and

presentations, staying in touch with peers and clients, joining networking organizations such as IWIRC and TMA.

Hallmarks of a good expert witness:

In my view, credibility is the foundation of a good expert witness. A credible witness who is knowledgeable in their area of specialty can often be essential to obtaining a favourable outcome in litigation. In this regard, it is important for an expert witness to be (and be seen to be) honest, balanced and consistent. This also means that when a point is not favourable, that this be admitted rather than denied, and thereafter mitigated.



FLOS GREIG



MARIE BEUZEVILLE BYLES



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

Greig completed her Bachelor of Laws (Third Class Honours) in 1903, which made her the first woman to do so in Victoria. She campaigned for the rules of practice legislation to allow women to practice law in Victoria leading, in April 1903, to the Parliament of Victoria's decision to pass the Women's Disability Removal Act 1903 – later called the "Flos Greig Enabling Act" – which did finally allow women to practice law. She became the first woman admitted to the Law Institute of Victoria and immediately commenced practice as a self-employed solicitor in Melbourne. Her work for the Women's Christian Temperance Union which focused on curbing alcohol and drug abuse for the purposes of home protection and family welfare, would lead her to draft proposed amendments to the Children's Court Act 1906 – the same legislation that established the Children's Court of Victoria.

Byles was an Australian conservationist, pacifist and the first practicing female solicitor in New South Wales. After clerking for four years, she was the first woman to establish her own legal practices – one in Eastwood and one in central Sydney. – which focused on conveyancing and probate matters to ensure just divorce settlements for female clients. Byles also wrote and published on legal, political and environmental subjects. From 1927 to 1936, she was a legal correspondent for the Australian Women's Mirror, writing articles on the disadvantaging effects of discriminatory practices enabled by the law and courts, including the role of name changing in dispossessing women of their assets upon marriage. .



MELISSA FENTON
Partner, Colin Biggers & Paisley



WOMEN WITH IMPACT

Best part of your practice:

It's so hard to pick just one "best part". I love leading a high performing team and value the opportunity to influence the careers of the up and coming talent pool. I also enjoy meeting a diverse range of clients and helping them meet their objectives by delivering the right outcome for the right price.

Top tip or best career advice you've received:

Be authentic, and back yourself.

Hallmarks of a good expert witness:

A good expert witness will avoid the temptation to become an advocate and will focus on the objective of assisting the Court to understand and determine the issues in dispute. It also helps if an expert can convert technical jargon into plain English so that the legal team engaging the expert can fully understand the complex technical issues in the case. It sounds easy but it is truly remarkable to find an expert who can communicate well in both written form and in discussion - whether it be in conference or giving evidence in Court.





SHARON LIN

Partner, Withers Khattarwong



WOMEN WITH IMPACT

The best aspect of your practice:

From devising a trial strategy to finding creative solutions for my clients' problems in a mediation setting, my job as a lawyer is intellectually rewarding and emotionally fulfilling. I am privileged to be entrusted with this role by my clients.

Top tip or best career advice you've received:

The best career advice I received is to adopt a growth mindset. Research has shown that humans can be generally divided into two categories, those with fixed versus growth mindset. Most of us have a mix of both mindsets. We go through life without being aware of what mindset we are adopting and as a result, we are often the victims of our own decisions. To quote Wesley Woo: "To succeed you must first improve, to improve you must first practice, to practice you must first learn, and to learn you must first fail."

Being aware of the differences between a fixed mindset and a growth mindset allows me to stop and consider how I can change my approach and adopt a growth mindset when I am faced with a challenge. The process is certainly not an

easy one, and requires effort to overcome negativity, but these steps have helped me to grow my practice successfully.

Hallmarks of a good expert witness:

A good expert witness is someone who not only possesses strong and credible subject matter expertise and credentials, but who also has effective communication skills to explain or convey difficult technical concepts to the uninitiated in a clear, persuasive and simple manner.



PATRICIA O'SHANE



RUTH BADER GINSBURG



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

O'Shane is the first Indigenous Australian and first woman to become a permanent head of ministry in Australia. In 1973, she received an Aboriginal study grant from the Federal Government and undertook a Bachelor of Laws at the University of New South Wales. In March 1976, she became Australia's first Aboriginal Barrister at a ceremony in the New South Wales Supreme Court. O'Shane is a prominent activist for indigenous rights, having chosen to practice as the first Aboriginal Australian barrister with the Aboriginal Legal Service, and becoming head of the NSW Ministry of Aboriginal Affairs from 1981 to 1986. O'Shane is also the first woman to be appointed to the NSW Metropolitan Water, Sewerage and Drainage Board.

Ginsburg was born in Brooklyn, New York, USA. In her earliest years she excelled in school and studied at Cornell University on a full scholarship. In the 70's, Ginsburg began to focus more heavily on gender discrimination law and litigation. Her early academic publications include a brief to the American Civil Liberties Union ('ACLU') on an Idaho state law which provided that men should be preferred over women when electing administrators for people who died intestate. This work would lead to a role in establishing the ACLU Women's Rights Project, which further expanded the scope of her research into gender discrimination in US Law. Ginsburg famously wrote the majority judgement in *United States v Virginia*, 518 U.S. 515 (1996), which argued against the presumption in a military institution admission policy that women are unsuitable for an education centered on military training.



SUSANNA TAYLOR
Head of Investments APAC, LCM



WOMEN WITH IMPACT

Best part of your practice:

LCM provides financing solutions for parties to disputes and operates globally. We consider a really wide variety of requests for financing solutions ranging from investor- state arbitrations with budgets in the tens of millions of dollars to small insolvency claims that we can offer either to fund or to buy from a liquidator. It is satisfying to be able to consider the characteristics of each individual claim or group of claims and the specific needs of the party seeking finance and be able to design a funding product which best suits those needs and the nature of the claims. No one funding solution is the same and it certainly keeps my job interesting being able to provide these bespoke finance solutions and to see the underlying claims succeed and provide outcomes both for the claimants and for LCM.

Top tip or best career advice you've received:

Surround yourself with people who you like to work with. You spend the majority of your life at work so you need to enjoy it.

Hallmarks of a good expert witness:

Someone who has a specialised field of knowledge who is steadfast in their views and unlikely to be influenced by others but will not be too much of an advocate for any side in the litigation.

An expert witness war story:

We once funded a case where after providing a report for evidence in chief the expert in question for no explicable reason refused to provide a report for reply evidence and said he would not attend the hearing! We had to take steps to engage a replacement expert (with the help of ExpertsDirect) and were completely transparent with the court and the other parties as to why this had become necessary.





TRICIA HOBSON

Partner, DLA Piper



WOMEN WITH IMPACT

Partner and global insurance sector lead for ESG. Board member NFP organisations. Former Global Chair and global Board leader for diversity & inclusion

The best part of my practice:

At this stage of my career the most enjoyable part of practicing is being able to use all of my experience to give back - give back to the profession, and in particular to young women lawyers and partners as a mentor and role model, and give back to the wider business and broader community through my work with ESG and NFP board roles. And I also still really enjoy leading a difficult piece of litigation, helping directors, individuals and companies in their time of need.

The best career advice:

I received was very early on as a first year lawyer. I worked for a wonderful older partner who had previously been a barrister so he held a wider view of the profession. He said to me "there are many great black letter lawyers but if you really want to be successful and, more importantly, enjoy your career, become their trusted advisor, the person they turn to not only when they're in need of legal help but when they need their hand held particularly in stressful times. Never forget this is a people and relationship business." I've lived by this and I have enjoyed my relationships and career!

Hallmark of a good expert witness:

Excellent and deep expertise, be confident but not arrogant, firm in view but not inflexible, articulate in writing and verbally, and available and enjoyable to work with.



SHIRLEY COLLEEN SMITH



VIDA GOLDSTEIN



INFLUENTIAL WOMEN LAWYERS IN HISTORY.

Shirley, better known as “Mum Shirl”, was a Wiradjuri Aboriginal welfare worker. She was a key figure in the Aboriginal land rights movement, campaigning in 1970 alongside Ken Brindle and Elsa Dixon to obtain land rights for the Gurindji people. The campaign would lead in 1984 to the granting to the Gurindji people of inalienable freehold title over the contested land and become recognised as one of the first significant victories of the Indigenous Australian land rights movement. She was also instrumental in the establishment of the Aboriginal Legal Services, the Aboriginal Medical Service (created in collaboration with Fred Hollows and others), the Aboriginal Black Theatre, Aboriginal Tent Embassy, Aboriginal Children’s Service, and Aboriginal Housing Company. In 1979, Mum Shirl was awarded an Order of Australia and an Order of the British Empire.

Vida was a renowned Australian suffragist and one of the first ever women in the British Empire to be nominated and to stand for election to national parliament. On behalf of Victoria’s radical women’s movement, she travelled to the United States in 1902 to present at the International Woman Suffrage Conference, where she spoke in favour of suffrage to members of the U.S. Congress. Partially under her popular political influence, Australia became one of the first countries to give white women the vote. She then extended her concern for equal rights for women to broader equal employment, property, and educational rights. Her 1907 paper, “*Socialism of today – An Australian view*”, led to the 1908 *Harvester Judgement*, which introduced into Australian legislation the legal concept of the minimum wage.

The Critical Role of Expert Evidence – Lady Chatterly's Lover, Dr Alecia Simmonds

This piece by Dr Alecia Simmonds examines the critical role of expert evidence in the historic obscenity trial over D.H. Lawrence's Lady Chatterly's Lover (R v Penguin Books Limited [1961] Crim LR 176). The case is largely credited with having brought on, with the assistance of critics and authors who presented extensive expert evidence on Lawrence's work, a new era of liberalism and maturity in publishing standards and the wider social appreciation of literature in Britain and the wider English-speaking world.

Dr Simmonds is an interdisciplinary scholar in law and history. She has written for Australian and international journals on the relationship between intimacy, imperialism and Law in Australia and the Pacific, whilst also featuring regularly in popular press publications like Gourmet Traveller, Fairfax Digital, and the Australian Book Review. Her book Wild Man: A True Story of a Police Killing Mental Illness (Affirm Press) won the 2016 Davitt Non-fiction prize.

Those who have heard of the 1960 obscenity trial in Britain over Lady Chatterley's Lover know of its significance in securing freedom of the written word. Prior to this case, and the jury's acquittal of Penguin, literature such as James Joyce's Ulysses, and Henry Miller's Tropic of Cancer alongside a cornucopia of pornography, gangster comics, naughty postcards, bawdy theatre, and saucy films had all been censored under the Obscene Publications Act (1857) or under common law obscene libel. Did the work have a 'tendency to deprave and corrupt' vulnerable readers, the court would ask? And what was the context of its publication? Was it to be an expensive book produced in vellum and written in Greek to be peered at by slavering, ruddy-faced,

aristocratic men? If so, fine! If not - if the book was cheap enough for working people to read - it was usually considered obscenity.

The defence's success was partly a reflection of social change, the trial ushered in a new era of liberalisation, egalitarianism, and sexual freedom. But it was also a product of the new 1959 Obscenity Act which, for the first time, allowed expert witnesses to be called. Where the previous Act had no regard to the quality of the literature, the new Act asked juries to consider whether 'the work as a whole', while obscene, nonetheless served the public good.

The best people to judge this were experts. The defence pinned their case on English literature specialists, writers, theologians, and teachers including EM Forster, Raymond Williams, and HG Hoggart. The prosecution tried to get TS Eliot, FR Leavis and Helen Gardner, but they all turned them down. Alongside arguments around the need to encourage sexual frankness in the young, the defence argued that the book was an attempt to purify sex and to liberate it from shame. Philistines may read it as a porny romp about Lady C having a series of sexcapades with her swarthy gardener Mellors - a man with a foul mouth and a predilection for anal sex – but in fact, experts argued, it was a critique of industrial society and the inability of people to have authentic relationships in a mechanical age.

Penguin described the trial as probably the most expensive lecture series on DH Lawrence ever given, and Geoffrey Robertson has since argued that 'no other jury verdict in British history had such a deep social impact.' But we should also remember it for the role that it gave expert witnesses in arguing for literature's role in exploring human thought and documenting all facets of human relationships, as well as law's responsibility to protect this and in holding the law accountable to its responsibility to protect this important function of the humanities.



HOW DOES EXPERTSDIRECT BREAK THE BIAS?

ExpertsDirect believes that everyone is entitled to proper legal representation. In 2018, in partnership with the Australian Pro Bono Centre, ExpertsDirect launched a service for pro bono and community lawyers, connecting them with professionals willing to provide expert witness services for free or at low cost in legal cases assisting those experiencing disadvantage or marginalisation.

ExpertsDirect commits to the following initiatives for their employees:



Demonstrate executive leadership commitment to gender equality



Embrace a culture of diversity, equity and inclusion



Value and support flexible working arrangements



Provide formal avenues to address any concerns of bias



Provide external support for women's advancement



Experts Direct ExpertsDirect is the leading provider of highly specialised expert witnesses.

ExpertsDirect purpose is to build stronger cases and a better justice system by finding and connecting the best expert witnesses.

The successful outcome of a dispute often hinges upon the right expert witness. Finding a specialist prepared for court can take time away from billable hours.

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