

The Australian Women's Register

Entry type: Person

Entry ID: AWE5638

McKimm, Catherine

Occupation Lawyer, Legal practitioner, Solicitor

Summary

Catherine McKimm graduated from the Australian National University (ANU) College of Law in 1975; one of the 10% of her class who were women. After spending a short period of time developing her litigation skills as an insurance lawyer, she decided to strike out on her own. She moved to Northern New South Wales where she and a friend established their own legal practice. While not always lucrative, running her own practice meant she could work in areas that truly interested her and fulfil her sense of social justice through the law. Some examples of the work she did include a Land and Environmental Court action acting on behalf of a local community organisation who were endeavouring to stop the development of a hard rock quarry in a river which formed the headwaters of the local town water supply and a Federal Court action involving a single mother who sued one of the big four banks after her husband lost their life savings gambling on the foreign currency market.

Go to 'Details' below to read a reflective essay written by Catherine McKimm for the Trailblazing Women and the Law Project.

Details

The following additional information was provided by Catherine McKimm and is reproduced with permission in its entirety.

In the 1960s when I was young, women became nurses and teachers not doctors and lawyers. I had the good fortune to be brought up in a home where it was not only accepted, but expected, that I go to university, despite being female. I had the added advantage of attending a convent school where we were actively encouraged to pursue a university education. Consequently I found myself stepping into the Law Faculty at the Australian National University in March 1971. There weren't many women among my peers. At my graduation 6 years later there were even less. I recall that, out of about 80 law graduates in the graduating class of 1975, only about 10% of us were women.

After attending the ANU College of Law and an abbreviated gap year, I returned to Australia to start looking for work in the private profession. It was a demoralising time. I sent out at least 50 – 60 applications and received only limited responses and, on rare occasions, I was invited to an interview. One interview I recall well was with a Canberra firm where the two male partners adopted a particularly intimidatory approach to the interview process. Whilst one stood behind me, the other fired questions at me, many of a personal nature. My patience was exhausted when the partner standing behind me spoke for the first time: "So when is the first one due?" I stood, turned to look at him and replied, "Thank you for your time. I don't think this firm is for me". As I walked out of the room they both appeared shocked by my impudence, leaving me with some small satisfaction.

It took about 6 months to find a job. I was lucky enough to take a position with the anachronistically named Abbott Tout Creer & Wilkinson. The Canberra firm was led by two particularly progressive partners, Robert McCourt and David Harper. I remain indebted to them for their confidence in me, their guidance in the law, their tutelage and their ethics. Over the next two years I was thrown in at the deep end, encouraged to run my own litigation, appear before various magistrates and judges – some cranky, some kindly – and to rapidly develop my skills as a litigation lawyer.

Ultimately insurance law was not for me. My family had been highly politicised by the Vietnam War which embedded in me a strong commitment to social justice. I decided that the best way that I could fulfil that sense of social justice through the law was to start my own legal practice. 1979 saw myself and a close friend from A.N.U. making our way to the north coast of New South Wales to open our own legal practice. Although initially derided as the 'hippie lawyers' by colleagues in town and by the local business world, we gradually managed to gain sufficient respect to grow our business into a strong and healthy legal practice.

Over the ensuing 32 years, the freedom of being a partner in my own firm gave me the opportunity to pursue cases that were

not always financially sustainable but that were to me, more importantly, morally sustainable. Some of these cases were very time and resource consuming without being particularly monetarily rewarding. A few examples: a Land and Environmental Court action acting on behalf of a local community organisation who were endeavouring to stop the development of a hard rock quarry in a river which formed the headwaters of the local town water supply; a plethora of cases arising from a dispute between a neighbouring landowner and a recently established lesbian feminist cooperative; a Federal Court action involving a single mother who sued one of the big four banks after her husband lost their life savings gambling on the foreign currency market. As well there were the many victims' compensation claims, in which I worked primarily for victims of child sexual assault. It was not always easy to rationalise the payment of compensation for a young life damaged and often destroyed but there was an indefinable sense of fulfilment in helping these young people to receive recognition for the crimes committed against them.

I see these as my major achievements but there were numerous other cases which I was able to take on and which proved to be morally satisfying and which sustained my commitment to social justice issues.

The Federal Court action also offered me the opportunity to become a published author. In the early 1990s the case attracted a significant amount of media attention, following not too long after the Amadio decision, and addressing similar issues arising from the manner in which big banks dealt with their customers. The legal arguments revolved around a bank's obligations and responsibilities to women holding joint accounts with their husbands. The case was literally settled on the Court room steps. Later my client, who had become a close friend, encouraged me to co-author a book with her about the litigation and our mutual experiences running the case. The book was published in 2005 by Random House under the title 'Til Debt Do Us Part', a title used as a headline by the journalist, Anne Lampe, in her newspaper coverage.

I also gained satisfaction from my involvement in voluntary community education programs, various governing boards in the fields of health, education and women's issues. I urge all new lawyers to actively participate in their communities, not only for the work that it brings into your firm, nor only for the benefits that this work offers to the community at large, but also for the personal fulfilment that is gained through such 'extra-curricular' activities. As a senior counsel said to me many years ago, "It's good for your soul."

Throughout this I managed to raise four strong and independent daughters. Like many women of my generation, I suffered the guilt of the working mother. For many years I was in the office on more weekends than I was in the home and there were many times when I questioned my choices and my commitment to my career. Now, my daughters, in their late 20s and early 30s, frequently express their gratitude for the role model that I offered them during their childhood. Their gratitude soothes my disquiet.

After 34 years in private legal practice, the time came to take down my shingle and settle into a kind of retirement. My children had left home and were travelling the world. Our home seemed too quiet and empty so my partner and I decided to close my legal practice and take a belated gap year of our own. By age 58 I had graduated with a Masters degree in Applied Linguistics from the University of New England and completed a CELTA program in Berlin in Germany. For the past 4 years I have been a teacher of business English and academic English in Istanbul, Turkey, and continue to do a little legal consulting work on the side for a software development company. I have a strong sense that it has been a life well led. Perhaps one day in the future I will retire and find the time to finish that partially written crime novel that I started years ago.

For newcomers to the profession, I strongly advise breaking away from the traditional mould. Such a choice can make blending parenthood (if that is one's choice) and career less demanding but also, importantly, offers a freedom to pursue one's own personal career interests. These days more than 50% of law graduates are women but still there are many hurdles for women to overcome within the profession. To branch out on one's own is one way for women to avoid the strictures of the male-dominated, top-heavy large city legal practices.

"Life shrinks and expands according to one's courage." -Anais Nin

Published resources

Resource

Trove, National Library of Australia, 2009

Site Exhibition

Australian Women Lawyers as Active Citizens, Trailblazing Women Lawyers Project Team, 2016,
<http://www.womenaustralia.info/lawyers>

Author Details

Catherine McKimm

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