The Ethel Benjamin Prize for Women
Still Relevant in 2007?

ETHEL BENJAMIN
First Woman Admitted to the
Bar in New Zealand

The prize is awarded in honour of Ethel Benjamin and her significant achievement in being the first woman lawyer in New Zealand. It did not come easily. It is logical, I think, that the award therefore be limited to women only as it offers us a chance to remember and appreciate the struggles that have gone before us and serves as a reminder to males in the profession not to underestimate the abilities of their female colleagues.

Jessica Palmer, 2004 prizewinner
The Ethel Benjamin Prize

Ethel Benjamin was New Zealand’s first woman lawyer. She started studying law at Otago University as a determined young pioneer, in 1893, when women were still not permitted to practise in the legal profession. Interviewed in 1897, Ethel said:

*It is true that the Legal Profession was not then open to women, and that the franchise had not yet been granted, but I had faith that a colony so liberal as our own would not long tolerate such purely artificial barriers. I therefore entered on my studies with a light heart, feeling sure that I should not long be debarred from the use of any degree I might obtain.*

Aged 22, when her family had recently returned to England, Ethel began practising law in Dunedin in 1897, a year after the Female Law Practitioners Act was passed. It had been introduced amidst laughter and a barrage of opposition. One opponent argued that allowing women to enter the legal profession would have the effect of “... *inducing a number of females to quite unsex themselves and to neglect the ordinary female duties.*”

Ethel’s pursuit of her law degree and achievement of very high grades was no doubt strong ammunition for the Act’s supporters. She practised for ten years in Dunedin and a year in Wellington before emigrating to Britain with her husband in 1908.

Ethel remains an inspiration to many women entering the legal profession today. In 1997, the New Zealand Law Foundation marked the centenary of her admission as the first barrister and solicitor, by establishing a financial prize as a merit-based award for outstanding women legal scholars. The Ethel Benjamin prize supports post-graduate research in law, in particular research to promote the interest of the public in relation to legal matters in New Zealand.

Sixteen young women have benefited from the prize. The award has enabled them to study at some of the most prestigious universities in the world – at Harvard, Oxford, Cambridge, Berkeley, Yale, New York, Columbia and Duke.

Ethel Benjamin prizewinners are currently working in New York, London and Tokyo. Some have returned to New Zealand to work as lawyers and academics. Their work has taken them into diverse fields of law, from heading the litigation team for the record industry in London, to writing in renowned international journals on important legal topics such as privacy law, to work in renewable energy and as legal counsel for a company investing in solar power.

Ten years after the establishment of the prize, the Law Foundation has made contact with all the prizewinners and asked them about their work, the challenges they face and their plans for the future. Their thoughts and opinions provide fascinating insights. This exceptional group of women comments on the opportunities that winning the prize has brought them, combining having a family with high pressure jobs, breaking through the “glass ceiling” and whether they believe it’s still relevant or necessary to award a prize specifically for women.
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<thead>
<tr>
<th>Year</th>
<th>Name</th>
<th>University</th>
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<td>1999</td>
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<td>2002</td>
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<td>Anna Longdill</td>
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<td>2004</td>
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<td>2005</td>
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<td>DPhil in International and Domestic Human Rights Law</td>
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<td>2006</td>
<td>Katherine Sanders</td>
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<td>Yale University</td>
<td>LLM specialising in Constitutional and Administrative Law</td>
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<td>2006</td>
<td>Nicole Roughan</td>
<td>Auckland</td>
<td>Yale University</td>
<td>LLM specialising in Legal Philosophy and International Law</td>
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What makes an Ethel Benjamin prizewinner?

Without exception, the prizewinners are very competent women who have excelled academically and in their legal studies. Most went to all-girls high schools that encourage a competitive ethos and a notion that girls can do anything. There have been award winners from Epsom Girls’ Grammar, Wellington Girls’ College, Christchurch Girls’ High, Otago Girls’ High, St Cuthbert’s College, Westlake Girls’ High, Sacred Heart College, Lower Hutt, Kristin School and Baradene College in Remuera. One winner won a scholarship to the United World College of the Atlantic in Wales and one attended Westville Girls’ High School in South Africa. One went to Macleans College and one to Hutt Valley High School.

None of the prizewinners portrayed themselves as a lawyer born but a few wanted to study law from quite an early age.

Jessica Palmer decided she would be the first woman High Court judge. She was beaten to that post by Dame Silvia Cartwright when she (Jessica) was 13.

Janette Campbell wanted to be a planner like her father. He suggested she study law, as even if she didn’t want to be a lawyer, as a planner it was important to understand the legal framework. She now works with planners on a daily basis as a specialist in resource management law.

When she was very young Misty Bailey wanted to be a checkout girl in a supermarket. She thought operating a cash register looked fun, foreshadowing her financial abilities and career as an international tax lawyer, no doubt.

For Rhonda Powell, the idea of studying law did come up when she was a teenager, but she dismissed it after a family friend commented that it was full of conservatives who wore ‘twin-sets and pearls’. She had no idea what this meant but took a mental note that clearly she wasn’t the ‘lawyer type’ and put it out of her mind.

Claudia Geiringer did not study law until in her mid-twenties when it was like finding her true vocation. “Once I started in law, I couldn’t get enough of it. I was and remain a law geek.”
**How winning the prize helped**

In all cases, the prize money made a big difference to their being able to do postgraduate study overseas. Liesle Theron’s view is typical:

> The Ethel Benjamin prize was critical in making it possible for me to do my Masters in the United States. It is very expensive to live and study there and at the time I won the Ethel Benjamin prize it was looking as if I would simply not be able to find enough funding.

Several prizewinners say that winning the prize indirectly created many opportunities. As Rachel Paris (previously Carnarchan) says:

> The prize helped me fund my studies at Harvard Law School and so indirectly opened up a huge number of opportunities: the chance to live in Boston and to attend one of the world’s most prestigious universities and to become part of a global network of alumni, as well as to take classes with internationally-renowned experts. I expect that I will continue to have opportunities for the rest of my career due to the fact I studied at HLS.

Some noted that being a prizewinner encouraged them to work hard and make the most of their opportunity. As Nicole Roughan puts it:

> Receiving the award made me feel an additional sense of responsibility to make the most of my studies and my time at Yale.

Claudia Geiringer adds:

> Additionally the relatively low level of debt I took on...opened up the possibility of returning to a relatively poorly paid academic job rather than legal practice.

**The challenge of work/life balance**

The one challenge that stands out for many of the prizewinners is having children and a career at the same time. As Hanna Wilberg says:

> There is the problem that I am at least as career minded as my husband, yet if we had children chances are that I would take the greater share of child-minding.

Others can see that although they would like a family “it will never be a good time”.

Louise Stoupe has a baby daughter and she echoes the other prizewinner mums when she says the biggest challenge is to find a ‘work life balance.’

> I still like to think I can have it all but the reality is that it’s very hard to achieve fully in your job while achieving fully at home. I still think it’s possible to get a work/life balance but every day is a challenge (while being a lot of fun).

Janette Campbell has a two-year old son, and a 16-year old stepson. She has worked part time since her two-year old was born and thinks both motherhood and her job benefit from this. She notes that most of her friends left legal practice when they had children.

> I think it remains difficult for women to combine career and family, particularly in the larger firms.
Where are they now?

Louise Stoupe - winner in 1998 - worked for a year in California with Morrison & Foerster, after completing her masters at Duke University. She was transferred to their Tokyo office in 2001 and has been there ever since. She was promoted to a partnership in 2005.

Janette Campbell - 1998 - graduated from the University of California in 1999 and returned to practise at Bell Gully in the resource management team, where she had worked previously. In 2001 she joined Jan Cowper and formed Cowper Campbell, a law firm specialising in resource management law. The firm now consists of six legal practitioners and one support person.

Cathy Murphy - 1998 - after completing her Masters, spent nearly five years in London, initially with Herbert Smith and then with Clifford Chance. After that she spent two and a half years in Sydney with Freehills, before returning to New Zealand in 2006 as a litigation specialist. She is now general litigation partner in dispute resolution at Shieff Angland in Auckland.

Nicole Moreham -1999 - completed her PhD on the common law of privacy at Gonville and Caius College, Cambridge and then spent two years as a Fellow and Lecturer in Law at Caius. Family plans had a significant bearing on her decision to pursue a career as an academic in Cambridge rather than as a barrister in London. In 2005, she returned to New Zealand to take up a lectureship at Victoria University of Wellington teaching torts and media law, her speciality being privacy law.

Rachael Convery - 1999 - spent four years with Allen & Overy, London, working in the area of mergers and acquisitions. She then began working as in-house legal counsel for Cofra Holding, involved in the commercial business of the company. She is currently legal counsel in charge of the European and Asian affairs of the renewable energy division of her company, investing mainly in solar power. The division currently has more than USD 3 billion in assets and is actively investing in solar power in particular.

Jo Oliver - 2000 - worked for two years in private practice (copyright law) in Australia, then for a year in London. She now works in-house for IFPI, the international body representing the record industry, in London, as head of their litigation team.

Hanna Wilberg - 2000 - The prize had allowed her to study for her BCL and MPhil at Oxford. She then lectured for a year at Southampton Law School in torts, and returned to New Zealand to take up her present position as a lecturer at Auckland Law School. Her MPhil was on public interest standing in administrative law and she is now mostly researching and teaching in public law.

Misty Bailey – 2001 - studied and stayed in New York. She was admitted to the New York State bar after completing her masters and taking the bar exam. She then worked as a tax attorney for three years for Davis Poll & Wardell in New York, and is still based there working as tax counsel for Goldman Sachs & Co. She intends to stay in New York for a while longer to gain international experience, and then return to New Zealand to private practice and perhaps a part time academic position.
**Claudia Geiringer - 2001** - completed her LLM at Columbia University in New York where she was an LLM Human Rights Fellow and Fulbright scholar. On her return she took up a position as a lecturer at Victoria University Law School in human rights and constitutional law. She is a volunteer for Wellington Community Law Centre.

**Liesle Theron - 2002** - after completing her Masters degree at New York University, she worked for 6 months as in-house counsel at Telecom doing competition and regulatory work. For the last three years she has been working as a barrister doing predominantly litigation work. She does a lot of competition and regulatory work. Being self-employed allows her a great deal of flexibility and she is able to take on tasks such as teaching which she did in 2005 when she co-taught a Masters course, “Law and Markets”.

**Rachel Paris (Carnachan) - 2002** - worked at Bell Gully before studying for her LLM at Harvard Law School where she was accepted into a specialist programme focusing on the US and international banking and securities regulation, and other international finance issues. After graduating from Harvard she moved to London and worked for three years at Allen & Overy and Olswang. She now works as a senior associate to the financial services department at Bell Gully, in Auckland, where she began her career, and is currently on maternity leave.

**Anna Longdill - 2003** - completed her BCL at Oxford, returned to New Zealand to her previous position as a junior barrister at Shortland Chambers in Auckland. In 2005 she was appointed as a Crown prosecutor at Meredith Connell where she intends to stay, building up her experience in a range of civil and criminal litigation. She was awarded a Pegasus scholarship in 2006 and will spend six weeks in chambers in London.

**Jessica Palmer - 2004** - after completing two masters degrees, Jessica is enjoying her lectureship at Otago University where she received a teaching award in 2006. She is building up a reputation in her fields of research: equity, trusts, restitution, and commercial law, and is also enjoying motherhood. She teaches contract law and commercial transactions and plans to offer a course in commercial equity.

**Rhonda Powell - 2005** - is about to complete her doctorate at Oxford on the topic of “Security and the Right to Security of Person” in an international context. The jury is still out on whether she will opt for an academic career or go into practice. If she does continue as an academic, Rhonda says she is interested in researching the incorporation of the law and culture of migrants into the common law in the UK, looking for parallels with the common law’s response to, and incorporation of, the laws of indigenous people in Commonwealth countries, such as New Zealand.

**Nicole Roughan - 2006** - is finishing her masters at Yale. Nicole is hoping to stay on at Yale to work on a doctorate in legal philosophy. She would then like to return to lecture at Victoria University, where she was an assistant lecturer before winning the prize. She hopes to teach and research in the philosophy of law, international law and theories of indigenous-state relations.

**Katherine Sanders - 2006** - is finishing her masters at Yale. Katherine is interested in an academic career, and hopes to apply for a position at Auckland University on her return to New Zealand. She would like to work towards a doctorate eventually.
How much has changed since Ethel’s day?

Most prizewinners don’t describe themselves as "feminists", but Jo Oliver says: “I think every woman is a feminist at some level, though the word has very negative connotations these days.”

Several note that there are still only a smattering of women judges, QCs, law firm partners and university professors. Rhonda Powell says:

*In Oxford, gender differences are prevalent. The common view here is that things are about equal and that positive discrimination is illegal. Well, both of those are completely untrue. Just 21.3% of Professors, Readers and Lecturers at Oxford are females (as of 31 July 2005). Amongst Professors, only 8.3% are female. Regarding the law, European equal opportunities legislation, which applies in the UK, clearly encourages positive measures to lessen the gender gap – unfortunately time alone has not proved sufficient to solve the problem.*

Similarly regarding the gender distinctions, Nicole Roughan says:

*I have certainly noticed a less encouraging gender dynamic here at the law school [at Yale] – though it is hard to determine exactly why this is. Although there are a large number of female students and many excellent professors, my sense is that in class discussions the male personalities often tend to dominate.*

Misty Bailey thinks that women have broken through the glass ceiling in New Zealand more than in other developed countries. Rachael Convery would agree - more so than in the UK.

Louise Stoupe says that while the old boys’ network and the ‘glass ceiling’ still exist, there are some advantages to being a woman now:

*I think that women have disadvantages and advantages in the work place. Certainly the boys’ network exists and that will take many more years to erode. However, as a woman I think you have slightly more freedom in the workplace. You can be more individual because there are not really any moulds showing you what you should look like. As a result, I believe that if you are a strong female candidate you can shine brighter and break more rules in the workplace than your male counterparts.*

Nicole Roughan says equality of opportunity is a difficult concept:

*If we define it to mean the equality of opportunity to pursue one’s own choices, then the facts of unequal pay and pay inequity between men and women mean that equality of opportunity is not yet met. The pay gap means that women are relatively less able to choose some of the paths open to men. Tertiary education, for example, may be a less available choice because it takes women on average so much longer to repay their debt. A lower income level also has obvious implications on women’s choices about balancing career and family, as well as on single women who do not have the benefit of sharing living costs with a partner.*
Hanna Wilberg echoes the reasons most of the prizewinners put forward concerning the barriers to equal opportunity in the form of society’s differing expectations of men and women’s responsibilities for child care:

*I do not think that anything approaching full equality of opportunity is possible until society expects men to take equal responsibility for child care. At the moment, couples who do share equally are in the small minority, and men who wish to adopt such an arrangement face an uphill battle to gain acceptance from their employers and recognition from society.*

*So it continues to be women’s careers that are set back hugely by taking time out or reducing their working hours to care for children. And the flow-on effects of that are felt even by the few women who choose not to have children, because it creates an environment where . . . the few women who do occupy senior positions are always a bit different from the norm.*

Katherine Sanders recently returned from a conference on gender issues and comments that discrimination still appears to exist and is more difficult to overcome, being covert:

*I think that though much has changed since Ethel Benjamin practised law, significant obstacles remain for women, many of them related to the way in which work and family roles are structured.*

*Evidence suggests that although men and women are about 50/50 in law schools and have been so for at least 10 years, this has not had a great impact on the numbers of women in high status positions or leadership roles in the legal profession. Many women suggest discrimination is more difficult to combat in the current climate because it is seldom overt, and, I think, is often a product of the expectation that women will play a lead role, rather than an equal role, in caring for children and family members.*

Rhonda Powell is quite clear that times have not changed all that much:

*The glass ceiling still exists. Women are still paid less. Women still bear a disproportionate amount of burdens at home. And the worst thing is that women don’t recognise this and therefore have become lethargic about it.*
The Ethel Benjamin Prize for Women - Still relevant in 2007?

Not surprisingly, all but one of the prizewinners think the Ethel Benjamin prize should still be awarded to women only. As Liesle Theron puts it:

While I think the concern about women’s opportunities has diminished considerably since Ethel Benjamin’s time, I still see merit in providing targeted support to women as my understanding of the statistics is that they show that although women are graduating with as good (or better) degrees than men, they do not progress in their careers in the same way and in fact “disappear” from some professions – in particular law. Whatever the reason, providing this kind of opportunity/support helps redress the balance and encourage women to go further in their careers.

The exception is Hanna Wilberg who is unsure about it because she thinks there needs to be evidence that women face disadvantages specifically in relation to postgraduate study. If that is not so, one of her suggestions is that the prize could be open to all but with an advertised openness to the different circumstances women might find themselves in due to family commitments.

However, Jessica Palmer perhaps bests sums up the sentiments of most of the prizewinners:

The prize is awarded in honour of Ethel Benjamin and her significant achievement in being the first woman lawyer in New Zealand. It did not come easily. It is logical, I think, that the award therefore be limited to women only as it offers us a chance to remember and appreciate the struggles that have gone before us and serves as a reminder to males in the profession not to underestimate the abilities of their female colleagues.