



Movement Lawyering in Australia:

ensuring the whole truth is told

Sandra Hu

2021 WILLIAM AH KET SCHOLARSHIP

"The law is neither objective nor neutral and [it] has always trailed behind what was just. We must start being honest about the fact that the law is not ethical or moral on its own. We must push it to be so."

Purvi Shah



I. INTRODUCTION

1.1 Finding truth in the struggle for equality

When it comes to equality and justice, the “whole truth” is not being told by Australia’s legal profession, its legal structures nor the wider legal system as it currently stands. This failing is not unique to Australia and is a frustration of lawyers around the world who, in their desire to tackle social injustice, have grappled with the limitations of the law and legal systems for decades.¹ However, change and in particular social change, is not possible without the uncomfortable and challenging work of interrogating and rejecting the status quo.

The universality of this challenge is exemplified in the global showing of solidarity following the murder of George Floyd on 25 May 2020. In a century-defining moment, the world was brought to an eight minute and forty-six second standstill² before protests erupted on an unprecedented scale across the United States and throughout the world. Sadly, there is nothing unique about this instance of racial injustice and police brutality. Floyd’s death was merely another “point of reference for what is happening in Black communities everywhere”.³

This tragic experience is so common that one need only rewind to 29 December 2015 and travel a short 14 kilometres from the Sydney CBD to Long Bay Correctional Centre to find an Australian parallel in the death of an indigenous Dunghutti man in custody, David Dungay.⁴ Dungay’s harrowing words “I can’t breathe” echoed those of Eric Garner⁵ and over 70 other similarly lethal law-enforcement encounters in the US.⁶ The phrase became a rallying cry for the global Black Lives Matter movement against the racist structures and institutions which continue to suffocate marginalised groups.⁷ Without the work of activists who comprise organisations like the Black Lives Matter network and work tirelessly to shed

¹ Sarah Schwartz and Zoe Bush, ‘What is Movement Lawyering’, Reb Law Conference Australia (Web page, 2021) <<https://reblaw.com.au/what-is-movement-lawyering/>>.

² The exact time is longer but see: Nicholas Bogel-Burroughs, ‘8 Minutes, 46 Seconds Became a Symbol in George Floyd’s Death. The Exact Time Is Less Clear.’, *The New York Times* (New York, June 18, 2020)

³ Black Lives Matter, *Herstory* (web page) <<https://blacklivesmatter.com/herstory/>>.

⁴ Helen Davidson, ‘The story of David Dungay and an Indigenous death in custody’, *The Guardian* (11 June 2020) <<https://www.theguardian.com/australia-news/2020/jun/11/the-story-of-david-dungay-and-an-indigenous-death-in-custody>>.

⁵ An unarmed black man who died at the hands of a New York City Police Department officer on 14 July 2014 on Staten Island, New York.

⁶ New York Times, *Three Words. 70 Cases. The Tragic History of ‘I Can’t Breathe’* (28 June 2020) <<https://www.nytimes.com/interactive/2020/06/28/us/i-cant-breathe-police-arrest.html>>.

⁷ Amnesty International, *‘I can’t breathe’: The refrain that reignited a movement* (30 June 2020) <<https://www.amnesty.org/en/latest/news/2020/06/i-cant-breathe-refrain-reignited-movement/>>.

light on instances of injustice and fuel action, there is no doubt the ‘wholesale condemnation’ of minorities would continue unchecked and in silence. As will become apparent through the rest of this five-part essay, the legal profession can considerably improve by taking direction from social movements.

1.2 Movement lawyering – recognising the complicity of the law

If the legal profession is serious about ensuring the ‘unbiased mind’ is brought to bear for the ‘whole truth’ to be told, then it must face the uncomfortable reality that “the law is neither objective nor neutral”.⁸ There needs to be collective acknowledgement that the law may not be the answer – sometimes, it is the problem. Lawyers must recognise that the “law resists social change, and it criminalises and punishes dissent, agitation and organising, changing only as much as necessary to keep the status quo alive and maintain legitimacy”.⁹ While a confronting position to take, this is the starting position for a well-established American approach to practising law. It offers an alternate model to being a lawyer that counters the traditional and conservative aspects of the legal system resistant to change.¹⁰ This style of legal practice is known by many names including “rebellious lawyering”¹¹, “political lawyering”¹², “empowerment lawyering”, “radical lawyering” or “cause lawyering”. This essay refers to it as “movement lawyering”.

1.3 Essay thesis

This essay argues that that the Australian legal system benefits significantly by encouraging its legal profession to deploy the truth-eliciting tools of movement lawyering to shift not just the profession but the broader culture of society.

1.4 Approach

⁸ Shah, Purvi, ‘Rebuilding the Ethical Compass of Law’ (2018) Hofstra Law Review 11, 14.

⁹ Anna Akbar, ‘Toward a Radical Imagination of Law’ (2018) 93(3) New York University Law Review 405, 477.

¹⁰ James Duffy and Rachael Field, ‘Why ADR must be a mandatory subject in the law degree: A cheat sheet for the willing and a primer for the non-believer’ (2014) 25 ADRJ 9, 11.

¹¹ Gerald P. López, *Rebellious Lawyering: One Chicano’s Vision of Progressive Law Practice* (Westview Press, 1992).

¹² Shah (n 8) 14.

The next **Part II** provides context by exploring the American roots of movement lawyering to demonstrate why it is an effective method of resisting and fighting against instances of the “wholesale condemnation” of marginalised groups.

Part III returns the focus to Australia where despite being a largely unknown concept, aspects of movement lawyering have been practiced in the absence of the established structure and theoretical literature that supports movement lawyers in the United States.

Part IV provides practical suggestions for how movement lawyering can be recognised and better integrated in Australia. This essay recommends distilling the essential aspects of movement lawyering into an ethical “code of conduct” which can serve as a guiding compass for members of the legal profession who can choose to adopt it as a blueprint for supporting social change as a lawyer.

Finally, **Part V** of this essay offers the author’s concluding remarks.

"You're going to be
doing two things:
fighting power and
building power."

Vince Warren



II. WHAT IS MOVEMENT LAWYERING?

2.1 One rebel's vision - the origin of movement lawyering

In 1992, Gerald Lopez, wrote what is regarded as the foundational text on movement lawyering.¹³ In his analysis, Lopez examined case studies on social justice lawyering and identified the power imbalance inherent in the traditional lawyer client relationship. He responded by offering an alternate mode of “rebellious lawyering” of power-sharing between lawyers, clients and communities. Shortly after Lopez’s text was published, the term “rebellious lawyering” entered popular usage among legal scholars and law practitioners supporting the vulnerable and disadvantaged members of communities and populations.¹⁴

2.2 A response to entrenched injustice

The principles and theory of movement lawyering developed in the United States as a way of breaking the silence of lawyers in the face of some of society’s most egregious justice issues.¹⁵ It is borne out of the frustration that lawyers have “designed, justified and advanced some of the most perverse and grotesque forms” of human practices including slavery, prolonged arbitrary detention, internment and war.¹⁶ This doctrine is critical of legal law schools which promotes the false myth that “The Law” is a benevolent guarantor of a fair and just society.¹⁷ It suggests that, as a result, lawyers are trained to see courts as:

“...self-actualising engines of justice, leaving no reason for them to be concerned independently with the questions of structural injustice within the law and legal institutions - leaving no reason for them to be concerned independently with the questions of structural injustice within the law and legal institutions.”¹⁸

2.3 The principles of movement lawyering

Over the last two decades, since Lopez proposed his model of legal practice, movement lawyering has evolved over time into many definitions and theories. While there is no universal structure or form, at its core, movement lawyering recognises that “systemic change

¹³ Gerald P. López, *Rebellious Lawyering: One Chicano’s Vision of Progressive Law Practice* (Westview Press, 1992).

¹⁴ Rebellious Lawyering Institute, *What is “Rebellious Lawyering”?*
<<https://rebelliouslawyeringinstitute.org/what-is-rebellious-lawyering/>>.

¹⁵ Shah (n 8) 13.

¹⁶ Ibid 12.

¹⁷ Ibid 13.

¹⁸ Ibid 13.

occurs through collective action led and directed by people most affected”¹⁹ by the societal structures which create and preserve injustice. It recognises that to build lasting power in historically disempowered communities, lawyers must work with communities and movements by using a variety of advocacy, policy and media and political lobbying.²⁰

To do this effectively, lawyers must first recognise the law is not neutral and operating in it is being complicit in the injustice harboured by the law. By acknowledging that the traditional practice of lawyer is another form of disempowerment, the solution is a power transition where the lawyer takes a secondary, supportive role in bringing to bear the goals of a marginalised individual, collective or social movement.

Australian lawyers, Schwartz and Bush have compiled a non-exhaustive list of principles based on their work and learnings from movement lawyers in the United States:

- *“Working with communities and movements in a way that builds their long-term power.*
- *Lawyer-client relationships as participatory, power-sharing processes (this doesn’t mean simply deferring to clients, or not being critical).*
- *Communities and movements providing the direction and setting the agenda (just like paying corporate clients).*
- *The law, and the work lawyers do within it, is already a site of political struggle that reinforces current power structures and is used to enforce the status quo. Movement lawyers (like their corporate counterparts) engage with the law as a tool of defensive and offensive power.*
- *Accountability to movements and communities, and systems to ensure accountability.*
- *Self-reflection / critical analysis and continued learning; being prepared to be regularly uncomfortable.*
- *Building the leadership and amplifying the voices of those most affected by political and social injustice. Assisting our clients to get seats at tables of privilege – seats that we are often invited to occupy instead of our clients.*
- *Supporting visionary and offensive work.* ”²¹

¹⁹ Schwartz and Bush (n 1).

²⁰ Ibid.

²¹ Ibid.

III. TRACING MOVEMENT LAWYERING IN AUSTRALIA

In Australia, the principles and theory of movement lawyering (which admittedly have only emerged in the last decade in America) have not garnered much attention and are barely referenced in legal discourse. However, that is not to say the practice of movement lawyering has not occurred in the absence of a structured model underlying it. The tools of movement lawyering have been used by Australian lawyers for decades and continue to be used by many community lawyers today. This has ranged from supporting union movement to the land rights movement and climate change campaigns.²² While there are countless examples of Australian lawyers working with movements for systemic change,²³ this **Part 3** examines two examples of movement lawyering practiced by lawyers, separated by a century of time, opposing racial injustice in Australia – William Ah Ket and Felicity Graham.

3.1 Defending the discrimination of the Chinese community during the period of White Australia – an example of bringing a victim's voice to prominence

The effective use of movement lawyering techniques can be traced to William Ah Ket who, with the White Australia policy serving as contextual backdrop, opposed the unfair discrimination of the Chinese community both within and outside of legal arenas. An example of movement lawyering is reflected in his 1906 paper defending the rights of Chinese workers and factory owners against unfair legislation which sought to curtail the Chinese to the exclusion of others engaged in the industry.²⁴ While Ah Ket could have made his meticulous legal arguments the sum and focus of the paper, he took the additional step of annexing the “Report of a Meeting of the Public Questions Committee of the Council of the Churches”. This report transcribed discussions on the *Chinese Employment Bill* which was then before the Legislative Assembly. Critically, this transcript contained not just the views of the influential (non-Chinese) allies of the marginalised Chinese workers but also the perspective of Mr H Pang – one of the Chinese employers targeted by the discriminatory legislation. At his turn to speak, he stated:

²² Andrew Goodwin, *William Ah Ket - A Life of Diversity and Service* <<https://law.unimelb.edu.au/centres/alc/engagement/asian-legal-conversations-covid-19/alc-original-articles/william-ah-ket-a-life-of-diversity-and-service>>.

²³ Schwartz and Bush (n 1).

²⁴ Monument Australia, *William Ah Ket* <<https://www.monumentaustralia.org.au/themes/people/humanitarian/display/33882-william-ah-ket>>.

*“I do not feel justified in asking [for] help on behalf of the cabinet makers, but on behalf of Christianity and humanity I do. We were born the same way, and we must live in the same way; God made us as well as the European cabinet makers, and we must live, and therefore I feel justified in asking the help of this Council of Churches against the Bill”.*²⁵

By featuring Mr Pang’s perspective, Ah Ket shift the power out of his hands as a lawyer and into the hands of a marginalised individual. In doing so, he humanised “a much vituperated and possibly misunderstood class in the community – the Chinese”.²⁶

3.2 Obtaining public assembly orders to protest in solidarity with Indigenous Australians – an example of allowing a movement to work

More recently, barristers like Felicity Graham have exemplified the traits of a movement lawyer in their use of legal knowledge to support the Australian response of the Black Lives Matter movement in a series of six cases on public assembly during the COVID-19 pandemic. In 2020, Graham (alongside other lawyers including Stephen Lawrence and Emmanuel Kerkyasharian) brought cases on behalf of their activist clients to the NSW Supreme Court and Court of Appeal which required judges to balance competing technical, constitutional, free speech and public health issues.²⁷ Perhaps the most significant is *Bassi v Commissioner of Police*²⁸ which was a last minute appeal ruling that allowed the first and largest²⁹ Black Lives Matter peaceful protest to go ahead on 6 June 2020 (commencing some 15 minutes after the decision was made)³⁰.

These cases are remarkable examples of movement lawyering, not only for the impressive responsiveness of the lawyers involved to the rapidly changing circumstances, but for their self-aware recognition that their legal support was secondary to a greater cause. When asked

²⁵ William Ah Ket, ‘A paper on the Chinese and the Factories Act’ (3 September 1906) Arbuckle, Waddell & Fawckner, 17 archived at <<http://nla.gov.au/nla.obj-2959503131>>.

²⁶ Ibid, 1.

²⁷ Ian Freckelton QC, ‘COVID-19: Criminal Law, Public Assemblies And Human Rights Litigation’ (2020) 27 JLM 790, 804.

²⁸ (NSW) [2020] NSWCA 109

²⁹ Alison Whittaker, ‘No news is no news: COVID-19 and the opacity of Australian prisons’ (2021) Current Issues in Criminal Justice 33 111, 119.

³⁰ Benjamin Goodyear, ‘Black Lives Matter rally wins last minute appeal in Raul Bassi v Commissioner of Police (NSW) [2020] NSWCA 109’ <<https://barnews.nswbar.asn.au/winter-2020/raul-bassi-v-comm-of-police/>>.

for her opinion on why it was important the BLM protests went ahead, in an interview last year, Graham responded by redirecting attention to marginalised voices saying:

*“Many Aboriginal elders and young leaders have been vocal about this, and while I have been very proud to be one of the barristers acting in these cases for these formidable activists, **my voice is not the important one** on why these protests are urgent. Justice Adamson recognised the importance of allowing black voices to be heard on the streets in public at this particular time. Her Honour was persuaded in this view after hearing the evidence of my client, organiser Taylah Gray, a proud Wiradjuri woman and law student.*

Taylah said, “The momentum that has been gained recently in Australia in relation to calls for justice for Indigenous people means the timing of the event is crucial. Whilst usually our cries as Indigenous people have remained unheard, we now seem to have the ears and support of the broader community. But we cannot achieve real accountability on issues of racism, police brutality, deaths in custody, the mass incarceration of our people without continuing to have our voices heard loud and clear in public.”³¹

Without the assistance of Graham, the Sydney chapter of the Black Lives Movement would not have garnered the same wide media attention that it did with the protest which was attended by tens of thousands. Graham used her legal skills to allow the movement to return the spotlight not just to the death of George Floyd but the 455 Aboriginal people who had died in custody since the Royal Commission into Aboriginal Deaths in Custody.³² While not every public assembly case Graham and her colleagues brought on behalf of the Australian Black Lives Matter movement was successful, their continued efforts remain demonstrative of movement lawyers using the law as a tool of offense and defence for social movements.

31 Paul Gregoire, ‘Defending Black Lives Matter: An Interview With Barrister Felicity Graham’ (17 August 2020) <<https://www.sydneycriminallawyers.com.au/blog/defending-black-lives-matter-an-interview-with-barrister-felicity-graham/>> (emphasis added).

³² Whitaker (n 30), 115.

"The pandemic has made the need for movement lawyers acute...some say it has disrupted normal life but I say it has brought to surface precisely what is wrong with normal life for millions..."

Purvi Shah



IV. A WAY TO INTEGRATE MOVEMENT LAWYERING INTO THE IDENTITY OF THE AUSTRALIAN LEGAL PROFESSION

Asking the legal profession to address the current inequality extant within and entrenched by Australia's legal structures calls for introspection. Members of the profession must determine first, how they want to identify as "lawyers" and second, what suitable model of "lawyering" to follow. While multiple modes of legal practice can and should co-exist in a legal system, this **Part 4** focuses on a way movement lawyering can become better recognised and integrated into the Australian legal 'psyche' as an option for lawyers to identify with.

As highlighted in **Part 3** of this essay, there are already lawyers who are engaged in movement lawyering and significant work has and is being carried out by Australian lawyers that aligns with this model of legal practice. However, a more concerted effort is required to create a lasting shift in the legal profession and wider legal system. As outlined below, it is suggested that one solution is to create and make widespread a new 'ethical compass of law'³³ that can guide emerging and existing lawyers on the practice of law.

4.1 Assessing the current state of the legal profession

Before delving into a proposed recommendation aimed at shifting the culture and make up of Australia's legal profession, it is first necessary to review the current profile of the profession. Unsurprisingly, the 2020 National Profile on Solicitors found most (83%) solicitors are engaged in the private sector, 12% of solicitors worked in the government legal sector, 3% of solicitors comprised the community legal sector and the remaining 2% of solicitors fell in the "Other" category.³⁴ In the context of considering how to build momentum and increase recognition of movement lawyering in Australia, it is unfortunate that the community legal sector, the sector most naturally aligned to this mode of legal practice, comprises such a small minority of the profession.

Further, while the corporate and government sectors have experienced the highest growth in the last decade (+88% and +82% respectively), this growth is not matched in the community

³³ Shah (n 8).

³⁴ Law Society of New South Wales, 2020 National Profile of Solicitors (Final Report, 1 July 2021) 23.

legal sector.³⁵ Indicatively, (as there is no over-time analysis available on the growth of the community legal sector as it was previously grouped in the “Other” category) the “Other” category has seen a 9% decline despite a 45% increase in the number of solicitors practicing in Australia (from 57,594 to 83,643) between 2011 to 2020.³⁶

The first key insight into the profile of the Australian legal sector in this **Part 4.1** indicates that majority of the legal profession is focussed on using the law as a tool for corporate clients. Second, the data indicates (likely because of systemic issues of limited government funding and a lack of political support) there are a lack of resources directed towards the “Other” part of the sector such as community legal centres and not for profit organisations which (other than free pro bono work) are most likely to engage in the work of movement lawyers. This is mirrored in legal systems across the world including the United States where Purvi observes that it has long been the case that lawyers “largely [act] as the private army of corporations, the carceral state and/or elites who benefit from both ... Sadly, more lawyers are working to preserve injustice rather than transform it”.³⁷

4.2 Sparking a cultural change with an alternate ethical compass

To unwind or least challenge this status quo, the first step to bringing movement lawyering to the forefront of legal discourse, requires a thought (and conversation) provoking spark which can catalyse a cultural shift in the profession. Inspired by Purvi’s call for a “new ethical north star”, this essay suggests that the way to instigate this cultural shift is through the creation of a new code of ethics for lawyers.

Purvi rationalises that this code must be aspirational as the best way to change behaviour is to inspire people.³⁸ Like its American counterpart,³⁹ the current body of law governing the ethics and conduct of solicitors is hardly inspiring as it focuses primarily on what lawyers should not do. For example, in New South Wales, the objective of the *Legal Profession Uniform Law Australian Solicitor Conduct Rules (2015)* (the **Rules**) is “to assist solicitors to act ethically and in accordance with principles of professional conduct established by

³⁵ Ibid 24.

³⁶ Ibid 25.

³⁷ Shah (n 8) 12.

³⁸ Shah (n 8) 16.

³⁹ Shah (n 8) 14.

common law and these Rules”.⁴⁰ The Rules offer acting in the best interest of clients,⁴¹ being honest and courteous,⁴² avoiding any compromise to the integrity and professional independence⁴³ as fundamental ethical duties of a lawyer. Yet, the bulk of the rules is concerned with behaviour to avoid like disclosing confidential client information,⁴⁴ lying⁴⁵ or influencing evidence before the court.⁴⁶ This is hardly an inspiring blueprint for lawyers.

As such, it is recommended that a new blueprint is created which distils movement lawyering down to 10 to 15 morals. This blueprint will supplement the existing rules of professional conduct in the legal profession. The initial template code should be drafted by those with experience and expertise in movement lawyering, and in consultation with activists and social movement organisers. As an example, Purvi suggests the following concepts for the code:

*“Dignity: honoring the self-determination of our clients;
Integrity: an obligation to respond to moments of great injustice;
Collaboration: a commitment to working with other types of change-makers to
address oppression.”*⁴⁷

She also suggests that it should provide guidance on the following questions:⁴⁸

- What affirmative role a lawyer has in society?
- Which clients should a lawyer represent?
- Which circumstances demand a lawyer’s ethical participation?
- How should lawyers work for their clients?

Additionally, drafters could also draw on the questions Professor Bill Quigley poses as a useful self-check guide to movement lawyers:⁴⁹

- Where does the direction for the lawyering come from? Does it come from lawyers or from communities and movements seeking to bring about institutional, systemic or radical change?

⁴⁰ *Legal Profession Uniform Law Australian Solicitor Conduct Rules (2015)* NSW preliminary rule 3.

⁴¹ *Ibid* r 4.1.1

⁴² *Ibid* r 4.1.2

⁴³ *Ibid* r 4.1.4

⁴⁴ *Ibid* r 9.1

⁴⁵ *Ibid* r 19.1

⁴⁶ *Ibid* r 24.1

⁴⁷ Shah (n 8) 16.

⁴⁸ Shah (n 8) 14.

⁴⁹ William Quigley, ‘Ten Questions for Social Change Lawyers’ (2012) 17 *Loyola Public Interest Law Reporter* 204.

- Where does the power go? Is the purpose of the legal work to redistribute unjust power relationships and transfer power to those who have been disempowered?
- Who gets the glory? Are lawyers the face of a movement, or those who are impacted, the clients and the movement?
- Is the legal work just one part of the overall social change movement?
- Is the lawyer willing to be uncomfortable on some sort of regular basis? Are lawyers willing to confront our training that teaches us we are specially privileged to be in this profession and entitled to solve problems on behalf of others?

The aim of this code is to facilitate conversation and encourage interrogation of the status quo to ‘revive the heart and soul’ of the legal profession.⁵⁰ It is envisaged that this code is initially voluntarily adopted by parts of the legal community who are already interested or engaged in movement lawyering before it gains critical mass and becomes a common framework for the analysis and reflection of the “ethical successes and failures” of the profession.⁵¹ Even if it is not widely adopted, this code will at least serve as a reminder to the legal profession that there is an alternative approach to lawyering which isn’t complicit in the reinforcement of societal injustice. By creating a new culture where questions of morality are “discussed, wrestled with and prioritised”⁵² by the profession, it is hoped that wholesale condemnations of the marginalised are not so readily indulged in or supported by Australian lawyers.

⁵⁰ Shah (n 8) 16.

⁵¹ Shah (n 8) 16.

⁵² Shah (n 8) 16.



"Through shifting
ourselves, we shift
our profession. By
shifting our
profession, we can
shift the broader
culture of society"

Purvi Shah

V. CONCLUDING REMARKS

In June 2020, while Sydney's first BLM protest was permitted to go ahead peacefully, drone footage captured tear gas being used to break up a protest by prisoners at Long Bay Correctional Centre.⁵³ In response to media coverage, Corrective Services reported the unrest was due to the "alleged stymied supply of drugs".⁵⁴ This is viewed as a common refrain used by prisons and Corrective Services across Australia to suppress the testimony of people within.⁵⁵ Indeed, activists were able to obtain a short statement from the protestors inside Long Bay and share it at a later protest in Sydney. This statement is extracted below:

*"We prisoners passionately embrace the commitment of Black Lives Matter, other organisations and people to force change on the way authorities degrade, attack and kill us. The public saw them gas us at Long Bay Prison on Monday June 8. That was standard treatment. There was no de-escalation, negotiation or use of intermediaries. There was no permission for our representative Inmate Development Committee to speak to the media about our views on the George Floyd killing, the David Dungay killing and the changes recommended by the Coroner [in his inquest]. We couldn't report on how nothing has changed and the certainty that deaths in custody will continue through this brutal treatment. Please help us to have our voices heard in all these forums, rather than be dehumanised as though we are of no value and have no rights."*⁵⁶

The reality is that there are as many "truths" to an instance of injustice as there are members of the society the injustice occurs in. It is a Sisyphean task to ask anyone, let alone a lawyer, to bring to bear all perspectives. Yet, by ensuring those at the heart of the movement, the marginalised and not the lawyers, are the centrepiece of any advocacy, movement lawyering paves the way for (if not the whole truth to be told) at the very least, a version of the truth which was untold. Ultimately, movement lawyering is but one suggested theoretical model of identifying and practising as a lawyer. It may not be the fix-all antidote to the systemic injustices that legal systems and their lawyers are (often unwittingly) complicit in reinforcing,

⁵³ ABC News, 'Tear gas fired into prison yard of Sydney's Long Bay jail during unrest and Black Lives Matter protest' (8 June 2020) <<https://www.abc.net.au/news/2020-06-08/tear-gas-fired-into-exercise-yard-of-sydney-long-bay-jail/12332572>>.

⁵⁴ Whittaker (n 30) 116.

⁵⁵ Ibid.

but it is one way to ensure that those who have not traditionally shared a seat at the bargaining table can finally be heard.

Author's Note

Cover and graphics created by author using Canva. Native Australian florals were selected, not just for their striking beauty, but to inspire readers in their fight against injustice, to adopt the same resilience as these plants which have adapted to flourish in the harsh and arid Australian climate.