

**Asian Australian Lawyers Association
COVID-19 Policy
(For External Use)**

Introduction

1. This policy summarises AALA's position on the COVID-19 pandemic.
2. This unprecedented global event is evolving rapidly. Aspects of this policy may change as circumstances change.
3. What will remain constant, however, is AALA's overarching objective to promote cultural diversity in the law.
4. The purposes of AALA, as outlined in our Constitution, are as follows:
 - a. To bring together members of the legal profession of Asian heritage and cultural background and others with an interest in Asia;
 - b. To provide a cohesive professional network to advocate for, and provide support to, our Members and to benefit from shared learning and experience;
 - c. To improve the capability and reputation of the Members in the legal profession through raising public awareness and providing education;
 - d. To develop links with Asian legal associations and facilitate and promote access for Members to Asian legal markets;
 - e. To promote and facilitate Asian cultural diversity in the senior ranks of the legal profession;
 - f. To promote a mutual understanding of Australian and Asian legal systems; and
 - g. Such other purposes as the Association, by General Meeting, may determine, as an independent, politically unaffiliated and religiously tolerant organisation.
5. AALA is steadfastly committed to these purposes and recognises that AALA plays an important role in supporting the community in the current crisis.
6. In these trying times, AALA will continue to provide support to Asian-Australian lawyers, law students, and those who support the AALA's vision of promoting cultural diversity in the law.
7. We will now rely, more than ever, on the support of our own AALA network and our friends and colleagues in the broader legal profession and beyond to continue our work.

The challenges of COVID-19

8. It is important for AALA to acknowledge the gravity of the challenges that are confronting our society and the legal profession.
9. The COVID-19 pandemic is a "wicked problem", in that it is a problem "highly resistant to resolution".¹

¹ <https://www.apsc.gov.au/tackling-wicked-problems-public-policy-perspective>.

10. Three key uncertainties for our society during this continuously evolving emergency are:

- a. The extent of social and community restrictions over the coming months to protect public health and to control the spread of virus;
- b. The timing of any scaling back of the restrictions (and the variances across the States and Territories); and
- c. The kind of civic society that will eventually emerge from the lockdown.

11. The COVID-19 pandemic poses two serious questions for AALA:

- a. How is our industry and society impacted and what are the implications for Asian-Australian lawyers, law students, and those who support the AALA's vision of promoting cultural diversity in the law?; and
- b. What will AALA's policies and programs be in these uncertain times?

12. Of critical concern for AALA is the reported increase in racism and discrimination against Asian-Australians since the start of the COVID-19 pandemic.² At a community level across Australia, our colleagues and their families have at times felt deeply uncomfortable in public places. We are deeply saddened whenever mainstream media reports gives rise to negative attitudes towards Asian culture and ancestry.

13. Forty-five years ago, Australia adopted the *Racial Discrimination Act 1975* (Cth). It was designed to curtail racism. The Australian Human Rights Commission was founded with the mandate to safeguard this right. We believe that the notion of freedom of speech does not extend anyone the right to infringe the safety and dignity of people with a different background.

14. We face a spectrum of challenges in the legal profession. These challenges are creating anxiety among legal practitioners and students, and there are no easy answers as to how they may be resolved.

15. Some of these challenges include:

- a. Threats to large-scale legal operations, which now face the spectre of a depressed and uncertain market, high overheads and shallow margins, and increased competition;
- b. Challenges to the operating environments of medium and small firms, while noting that the mobility and low cost factors may make business models of smaller scale operations more nimble in a constrained marketplace;
- c. The adjournment of Court hearings and the short-term move towards alternative dispute resolution rather than Court-driven outcomes having implications for litigation funding, litigation-focussed firms and for junior barristers who are still developing their practices;

² See, for example, <https://www.abc.net.au/news/2020-05-05/coronavirus-racist-attacks-asian-australians-missing-data/12211630?nw=0>.

- d. The traditional specialisation model in various legal services potentially needing to be scaled back or adjusted, depending on its degree of utilisation and efficiency; and
 - e. The opening of the market toward different fee structures potentially shifting risks to the practitioner.
16. These dynamics are anticipated to put significant downward pressure on the legal sector. Consequences include job losses for employed solicitors and barristers, reduced income levels for many solicitors and barristers, and dwindling opportunities for law students and law graduates to enter the job market. Law firm operators will need to undergo serious structural changes to survive, with subsequent re-employment opportunities for laid-off lawyers dwindling in consequence.
17. Simultaneously, the resources, manufacturing and service sectors are also anticipated to suffer from decreased local and global demand, which will lead to growing unemployment and corporate closures and a corresponding decrease in instructions for lawyers in these areas.
18. All of this is occurring under a combination of continuing economic crisis and global health disaster.

AALA's evolving response to the pandemic

19. Our key asset is our organisation and its people.
20. We have a unique community across Australia, which is bonded by the common desire to achieve cultural diversity in the law.
21. We have grown over the years to more than 1,000 members.
22. The AALA Executive Committee and Branch Committees are highly connected by virtue of Internet technology (using, for example, Basecamp, Zoom, Skype, our website, LinkedIn and Facebook). Our aim is to continually improve our use of technology, especially in engaging with and benefiting our members.
23. Under our newest virtual communications platforms, AALA is committed to the following ongoing programs:
- a. AALA Mentoring Program: Mentoring registrations have been completed for this year and our national online launch was held on 30 April 2020. This flagship program remains a key foundation for AALA to benefit members as their career partner.
 - b. AALA National Digital Events Series: This is currently envisaged to comprise both State-focussed and national broadcasts to larger audiences. The CLEs will aim to be in line with the relevant Legal Profession Rules in each State/Territory. We will aim to deliver a minimum of the mandatory ten points (i.e. ten 1-hour CLEs) over the course of this new CPD year. Further details are currently being finalised in our new National CLE/CPD Portfolio, co-convened by John Arthur and Wai Kaey Soon.
 - c. AALA will later this year confirm scheduling on our other programs, such as new AALA branch formation and our fledgling University Outreach program.

24. AALA remains committed to advocating cultural diversity in the law by its continued engagement with judiciary, government, industry bodies and, where appropriate, collaboration on issues regarding access to law, cultural diversity reports, and other opportunities with similar CALD organisations.

Conclusion

25. We have confidence that the AALA legal community network will provide significant continuing and new benefits to our members.

26. We intend to remain one of the leading legal industry organisations that advances cultural diversity in the law.

27. In these critical times, we aim to support our members in line with our objective and purposes by protecting and safeguarding their interests, sharing opportunities, advancing their wellbeing, and effectively championing them to grow in difficult times and find their own special pathway forward.

28. Let's share our unity on the AALA vision.

Kingsley Liu
National President
Asian Australian Lawyers Association

Approved by National Executive Committee, 31 May 2020