



**INTERNATIONAL WOMEN'S DAY, LAW INSTITUTE OF VICTORIA
The Honourable Associate Justice Mary-Jane Ierodiaconou**

**Balancing the Scales – Empowering Women and Girls in the Justice System
19 March 2026**

Good evening everyone,

I begin with a story from Sonia Sotomayor's autobiography, *My Beloved World*.¹ As a Yale Law student, already armed with a Bachelor of Arts from Princeton University, she attended a recruitment dinner with a prestigious law firm.

As soon as the introductions were over, and before another word was spoken, the partner facing me asked whether I believed in affirmative action. 'Yes,' I said, somewhat guarded but hardly imagining what my answer would unleash.

'Do Princeton and Yale have affirmative action programs?' Yes, of course they do, I told him, at which the challenge only escalated: 'Do you believe law firms should practice affirmative action?' Don't you think it's a disservice to minorities, hiring them without the necessary credentials, knowing you'll have to fire them a few years later?'

I was stunned, as much by the bald rudeness of the interrogations as by its implications. ... 'I think that even someone who got into an institution through affirmative action could prove they were qualified by what they accomplished there.'

He looked at me sceptically. 'But that's the problem with affirmative action. You have to wait to see if people are qualified or not. Do you think you would have been admitted to Yale Law School if you were not Puerto Rican?'

'It probably didn't hurt,' I said. 'But I imagine that graduating summa cum laude and Phi Beta Kappa from Princeton had something to do with it too.'

'Well, do you consider yourself culturally deprived?' ... I didn't even know where to begin answering that one. And an awkward silence descended upon us ..."²

¹ (Random House, 2013).

² Ibid, 115-116.



Sotomayor refused to be diminished. She lodged a complaint with Yale Law School. Yale held a tribunal; the firm apologised.³ Sotomayor rose to become the first Latina woman on the US Supreme Court, where she still serves today.

That encounter, decades ago, exposes the prejudice that women from culturally and racially marginalised communities can still face. Nearly forty years ago, Professor Kimberlé Crenshaw introduced intersectionality: the way racism and sexism overlap, not as separate issues, but interlocking systems of power.⁴ As she put it, it is 'a lens through which you can see where power comes and collides, where it interlocks and intersects.'⁵

Today, in celebration of International Women's Day, under themes calling for rights, justice, and action for all women and girls, I invite you to use both a microscope and a telescope.

With the microscope, let's examine the legal system itself, namely, how we empower women working in justice to move from participation to real power.

An International Bar Association global survey of 5,000 women working in the legal profession across 100 jurisdictions, examining the experiences of women working in law, has revealed persistent structural barriers to senior leadership, widespread burnout and ongoing gender inequality, despite growing awareness and workplace initiatives aimed at improving diversity.⁶

Women from all backgrounds are in the profession, but senior roles show stark gaps. Let's look at Asian Australian women as one powerful example.

³ Ibid, 117.

⁴ Columbia University Law School Faculty, 'Kimberlé Crenshaw on Intersectionality, More than Two Decades Later', (Webpage, Interview, 8 June 2017) <<https://www.law.columbia.edu/news/archive/kimberle-crenshaw-intersectionality-more-two-decades-later>>.

⁵ Ibid.

⁶ International Bar Association, '*Raising the Bar: Women in Law Project*' (Report, phase 2: A global research project on gender parity in the legal profession, 12 March 2026) 4-12.



The 2025 report, *Asian Australian Representation in the Legal Profession*, describes the ‘bamboo ceiling,’ in reference to barriers of culture, class, organisational bias, and stereotypes blocking career ascension in white-dominant workplaces.⁷

One in five Australians has Asian ancestry, yet only about 1 in 18 lawyers is Asian Australian. Asian Australians are over-represented at junior levels, 21% of associates, but representation plummets as seniority rises: 8% of partners, 4.8% of barristers, and just 2.9% of the judiciary. At current rates, it could take 70+ years for judicial officers to reflect the diversity of the 2021 census.⁸

Asian Australian women fare even worse, with no Senior Counsel in half the Australian jurisdictions and between 1 and 3 Senior Counsel in the other half.⁹ Women from culturally and linguistically diverse backgrounds have the lowest median incomes among solicitors.¹⁰

This mirrors broader findings. The Diversity Council of Australia’s 2023 report, *Culturally and Racially Marginalised Women in Leadership: A Framework For (Intersectional) Organisational Action*, showed that while women made up 46% of board directors in 2022, culturally diverse women were just 5.7%. In the federal public sector, the most diverse, although almost half the directors are women, only 7.5% of directors are culturally diverse women.¹¹

These gaps are not accidental. They stem partly from biases in performance assessment.

Professor Joan Williams and others have written about research showing the “halo-horns’ effect where white men are artificially advantaged by global [performance] ratings because they get halos (where

⁷ Sharon Deano and Peter Gray on behalf of the Asian Australian Lawyers Association, *Asian Australian Representation in the Legal Profession: A Cultural Snapshot* (Report, November 2025), 13 (‘A Cultural Snapshot’).

⁸ Ibid 12-8.

⁹ Ibid 18, 30-1.

¹⁰ See ‘A Cultural Snapshot’ (n 7) 18, citing Jobs and Skills Australia, *Education and Training Divides: Gendered Skills, Pathways and Outcomes* (Report September 2025).

¹¹ Diversity Council of Australia, *Culturally and Racially Marginalised Women in Leadership: A Framework For (Intersectional) Organisational Action* (Synopsis Report, March 2023) 15.



one strength is [generalised] into an overall high rating), whereas other groups get horns (where one mistake is [generalised] into an overall low rating).¹²

Stanford Professor Shelley Correll and colleagues highlight the danger of the ‘open box’¹³ in evaluations - vague prompts such as, ‘[d]escribe the ways the employee’s performance met your expectations.’¹⁴ Without structure, decision-makers are more likely to fall back on stereotypes.

Professor Joan Williams identifies four patterns of racial and gender bias in performance evaluations:

- (1) prove it again: women and people of colour must repeatedly demonstrate competence; mistakes linger, while white men are judged on potential;
- (2) the tightrope: a narrower range of behaviour is accepted from women and people of colour, ambitious women or people of colour risk being labelled ‘difficult.’ Personality traits are disproportionately noted on their performance appraisals;
- (3) the maternal wall: assumptions about commitment vis-à-vis motherhood; and
- (4) racial stereotyping.¹⁵

One law firm that Professor Williams worked with removed open box style evaluations, required evidence-based categories, and ran workshops. The result? Fairer evaluations for everyone.¹⁶

Now, the telescope: fixing these microscopic issues sharpens justice for all.

¹² Joan Williams et al, ‘How One Company worked to root out bias from performance reviews’, *Harvard Business Review* (Webpage, 21 April 2021) <<https://hbr.org/2021/04/how-one-company-worked-to-root-out-bias-from-performance-reviews>> (‘How One Company worked to root out bias from performance reviews’).

¹³ Lori Nishiura Mackenzie, JoAnne Wehner, and Shelley J. Correll, ‘Why most performance evaluations are biased and how to fix them’, *Harvard Business Review* (Webpage, 12 January 2019) <<https://hbr.org/2019/01/why-most-performance-evaluations-are-biased-and-how-to-fix-them>>.

¹⁴ Ibid.

¹⁵ ‘How One Company worked to root out bias from performance reviews’ (n 12).

¹⁶ Ibid.



As County Court Judge Sharon Burchell said in the AALA report: cultural perspective isn't an add-on, it is essential to judgment: '[d]iversity does not soften the law – it sharpens its sight. It deepens deliberation, steadies legitimacy, and helps us hear the whole story before we write its ending.'¹⁷

A diverse judiciary builds public confidence and legitimacy, as the Australasian Institute of Judicial Administration ('AIJA') notes. It brings broader perspectives, reduces the risk of bias, and fosters trust, especially among those historically excluded.¹⁸ The AIJA's suggested criteria for appointments include demonstrated commitment to inclusivity and recognising social disadvantage.¹⁹

By building an inclusive profession, we promote better access to justice: fairer representation, greater trust, and decisions that truly hear every voice.

We need both lenses: to scrutinise our workplaces for bias and look outward to the communities we serve.

On this celebration of International Women's Day, let's commit to action. Challenge the open box in our evaluations. Advocate for equitable briefing and appointments. Mentor and sponsor women from culturally and racially marginalised backgrounds. Give to gain, invest in inclusion so the scales truly balance.

Because when women in justice thrive, justice itself becomes more just for every woman and girl who seeks it.

Thank you.

¹⁷ 'A Cultural Snapshot' (n 7) 3; See also Gavin Choong et al on behalf of the Asian Australian Lawyers Association, *Superdiversity Action Plan* (Report, 2025), 5-17.

¹⁸ Kathy Mack as commissioned by the Australasian Institute of Judicial Administration, *Suggested Criteria For Judicial Appointment* (Report, January 2024) 7.

¹⁹ Ibid 8.