

WILLIAM & LONSDALE – Lives in the Law

E01: MARILYN WARREN

Voiceover [00:00:05] This is William and Lonsdale, a podcast about the legal ecosystem in Victoria and the fascinating people and stories that make it tick. Season 1 of our show is titled Lives in the Law, and we are thrilled to have the Honorable Justice Marilyn Warren as our inaugural guest. Never afraid of a challenge, Marilyn made enormous progress in a traditionally conservative institution, including the abandonment of the title Mr. Justice, advocating for judicial happiness and embracing social media. So with all her extraordinary achievements and contributions to our society, it's nice to know that when Marilyn started out, she had to hustle just like the rest of us.

Marilyn Warren [00:00:41] But in those days, I didn't drive a car and my first brief was Frankston and I was applying for an adjournment and I had to get a taxi down there. Now the brief fee was \$50 and the taxi fare took out the whole brief fee, but it didn't matter. The fact was, I had a brief and I applied for the adjournment and I got it. And what I would always do would be to scrounge a lift home from one of the other barristers because people are always going back to the city. So that's how I got on for a very long time.

Michael Green [00:01:42] Marilyn, you grew up in buyside Melbourne. Your father, a public servant, and your mother initially a stay at home mom. Then when you were in primary school, your mother returned to the workforce as a part time receptionist at local squash court, which led to her ultimately owning and operating her own businesses, squash courts and a clothing store. And as an aside, it led to you being a champion squash player who represented Victoria, but that's not part of our conversation today. Your mother's a great role model for you. Clearly, there were several teachers at your secondary school Kilbreda Convent Mentone, who influenced you as well. Can you tell us about your mom and these teachers or what influence they had upon you?

Marilyn Warren [00:02:29] Well, my mother was a woman who originally trained as a tailor. She was taken out of school early. Education to her was the prize that she wanted all her children to have in terms of the woman she was. She had a quiet confidence, extraordinary style and elegance. And she engaged with men really well. That was something I saw her do in all the years. She would immediately engage with men and would do it in a way that she conveys. She expected to be treated as an equal, but normally not as a as a woman. And it's something, I'm sure that permeated me and was a role model. Later on, when I worked my way through very, very male dominated professions, she was a person who would rise above extraordinary adversity and personal tragedy. She'd always move on and see the best in people and always be striving to be the best that she could be without talking about it. She just did it. I think the ultimate quality I learned from her was certainly resilience because of things that she went through. But the fact was she felt the key was in the performance, but she would never have articulated it that way. So I was a young girl with this wonderful mother, and I grew up in a household where women were treated equally and respected. But gender and discrimination really wasn't talked about. Mind you, my father was one who'd stir us up a time. So, for example, at the football, he'd yell out to some footballer who wasn't meeting standard that he was playing like a girl or something like that until later in my squashy is I would say, well, you say that, then I'll take the bloke on for a challenge. But you can pick up that. Certainly, there was a very strong sense of equality and an expectation that people would be treated. How you would like to be treated in terms then of the school environment. I was very privileged to go to Kilbreda. It was a single sex school. Certainly the nuns, but in particular the principal Mother Margaret Mary was a very strong intellectual but feisty Irish woman.

And she had extraordinary faith in and vision for her students who she called her girlies. And she didn't ever talk about girls doing nursing, they would be doctors. And that was the approach that she took. And she had a strong expectation that everyone would strive to go to university. And the teachers at the school, the female teachers, a number of them were former students such as and Moreau and others who rose to significant roles in public life. So there was a very strong culture of you could you should aspire to be the best that you were capable of. You didn't go around talking and waving flags and protesting. You just did it again. Like my mother, the key was in the performance. But the greatest gift that I got from the school was the public speaking environment that existed. Kilbreda had a very long tradition of girls engaging in debating. They used to be a television program, Parliament of Youth. There was a national oration competitive oration program called I Speak for Australia. Girls were encouraged to do that. So there I was in Year 9, tossed debating against other girls. And as we became better at it, they were into school debates and we also debated against boys schools, including Saint Bede's and of course, we always clean them up. But it was great fun. But it did give to me the skill and the desire to be an advocate which came into play later in my professional life.

Michael Green [00:07:35] You go to Monash Law School in the 1970s. I'd been in law school myself for a generation or a decade before that. And law school at those times was dominated by men, both in the students and in the faculty. What was it like being a student at Monash Law School in the 1970s?

Marilyn Warren [00:07:57] Well, I found it very difficult. And it was a time where my Kilbreda education actually set me at a disadvantage. I went into an all male environment and I had been used to mixing with men in my squash life and my mother's businesses. And I had a brother and I had a father and they had male friends. But when I went to law school, the whole nature of being in a sexual environment and a very masculine, testosterone driven environment just hit me like a salami. I had not encountered that and it was a very difficult adjustment. I had to learn to deal with it. The women at law school there, unlike these days, we were outnumbered about 10 to one, give or take. So when you would go into the lecture theater, the women would tend to cluster together down the front gradually over the years you adjusted and you made friends, but it was very difficult and different for me when I started, basically in the end took no notice of them. But the other great thing at Monash was there were some superb teachers, some of the true greats, including women, and they treated women very equally, could not fair that equally. But the whole focus was on academic excellence, studying the law, and not just how the law was, but how the law might be. So I was very privileged to be taught by people like Professor Louis Wollar and Professor Enid Campbell and some other greats too.

Michael Green [00:09:59] You finish law school and you do your article in the Victorian Public Service. What was the public service like? I mean, at that stage, I would have thought the public service is really hasn't changed much since maybe the early nineteen hundreds. It's still a very traditional, maybe hidebound sort of an organization. What was it like as an environment to work?

Marilyn Warren [00:10:18] Well when I started, women were unable to hold administrative positions in the public service once they married.

Michael Green [00:10:30] And does this mean I had to resign upon getting married?

Marilyn Warren [00:10:34] Yes. So there were women in secretarial functions. But in terms of being in a clerical position in the public service, you couldn't continue. The third

category of employment was the professional division. And that's where the doctors and the lawyers were. And you could have women there that was that was acceptable. So I went in to that professional division as a lawyer. But you're quite right. It was, again, male dominated. There were no other women in the office. So I had that experience where I'd walk into a room and I would be the only woman there. And I learned to adjust to that, just accepted, behave normally and get on with whatever the agenda was that I had to deal with. But again, it was preparing me for things that would follow me through the rest of my life. So later on the bar, later on when I was a judge, always either no women or very few women. It was difficult, but I had a good upbringing by that stage at Monash and became water off a duck's back. But I did have experiences that in this day and age were just extraordinary. So at that time, there was no anti-discrimination legislation. And after I'd been in the public service, finished my articles, I was about a year or so out, I applied for a position in the Crown Solicitor's Office in the criminal law branch. I went to the interview. The assistant crown solicitor interviewed me, a very nice man. But notwithstanding that, I was extremely well qualified academically and other skills that I had, he told me outright that I would not be successful in my application because I was a woman, and the Crown solicitor, then a man called John Downie, would not accept women as lawyers in the public service, which was just astounding. And there were no women in the Crown Solicitor's Office at that time. I ended the discussion, but it was so confronting to be told you could not be something because of your gender. Really just so confronting. And when I've heard stories of people being discriminated against, whether it's their gender or their race or other circumstance, are always empathized with that discrimination that they've experienced and how they must feel because of my own personal experience.

Michael Green [00:13:39] It is amazing to think, isn't it, that in our lifetime there was a system where an individual person appointed to a position in this case, the Crown Solicitor, had complete discretion with no guidelines, no regulation, no legislation about who he employed. He could, it was his own fiefdom. He could do it like he did. It's quite amazing.

Marilyn Warren [00:14:02] But just to finish the story, there was some wonderful schadenfreude at the end. I appealed against the position, I complained about the fact that I was discriminated against. I didn't get the job. But six weeks later, the first woman was appointed to the Crown Solicitor's Office.

Michael Green [00:14:26] Let's move on to the bar. You come to the bar in the mid 80s, as was typical at the time, you don't start doing big cases as a baby barrister although some barristers do now. You're out in the Magistrates Court scrambling for every brief you can get and doing whatever comes along. Be it crash in bash cases, be they summary criminal cases, be they landlord and tenant, whatever they might be. And I guess getting a terrific grounding for being an advocate. Can you tell us a bit about those days as a young barrister? Well, I should probably add, you are two young children as well. So tell us about those days.

Marilyn Warren [00:15:04] Well, when I went to the bar, I had an eleven month old child and a 20 month old child. So it was pretty crazy and full on and I probably had a husband who wasn't all that enthusiastic about my being a barrister. He would I expect, if pressed, have said he would prefer that I'd stayed as a public servant. Because by that stage I was in quite senior roles in the public service, and it would have been a more comfortable life, but I had this desire and passion to be an advocate. So at the bar, well, the training to start with is very good at the bar, the reader's course that has existed now for some decades. And that prepared me quite well. But in those days, I didn't drive a car. And my first brief

was Frankston. And I was applying for an adjournment and I had to get a taxi down there. Now, the brief fee was \$50 and the taxi fare took out the whole brief fee, but it didn't matter, the fact was, I had a brief and I applied for the adjournment and I got it. And what I would always do would be to scrounge a lift home from one of the other barristers because people are always going back to the city. So that's how I got on for a very long time. It can be done with difficulty. And there were times where I traveled around Victoria and there were times where I prevailed upon my mother or my father to draw me. I remember my mother drove me to does with once and I sit in the back of the court and my father drove me to Ballarat, but I didn't let him in. So you do those sorts of things. I had had very little experience in the Magistrates Court and most of my time when I worked in the public trust in government generally had been in the Supreme Court where things are very refined and there's a lot of process and pomp and circumstance. But when you get out the rough guts of the Magistrates Court or the old Melbourne Magistrates Court with magistrates like old Jack Kayvan, who will give you hell. It was a learning experience. But I do remember there was a great camaraderie, not just among other barristers of the same intake as me, but mostly across the board. And I do remember one day I at the Melbourne Magistrates Court, I had a plea for a man who was charged with sexual assault. What in fact had happened was a woman, had very tight jeans on me, walked up behind her and he grabbed her from behind between the legs, which was really disgusting and revolting, but the charge was quite grave in all the circumstances, and I was very worried about it. And the woman, the victim, the complainant was at the court. And I thought this fellow was really going to be in a lot of trouble. And I was waiting, waiting, as you did, to get on. And I encountered a barrister who knew me called Michael Rush. And Michael Rush said, I know how you're going and what are you doing? What sort of case have you got? And I started to tell him and he said, oh, you've gotta have a hook. You've got to have something for the magistrate. I said, no, I'm really struggling. He said, well, how the magistrate you've got. And I mentioned who it was. And he said, tell me about your client. What you know, is it always this is that he suffers from epilepsy. He said that you hope the magistrate suffers from epilepsy. And he said when you get in there and mention that early on in your play. And I thought, what a wonderful thing to do. Anyway, I went into court and eventually we got on. And I dealt with it as a very grave and serious matter in front of the magistrate, but explained the circumstances, the background and the fact that this young man suffered from epilepsy. So and then just the way things work in circles. Years later, when I conducted my first murder trial as a judge in the Supreme Court, Michael Rush was counsel for the defense. Now, it's pretty scary doing your first murder trial when you're actually a commercial lawyer, not a criminal lawyer. And I was very lucky to have Michael and his opponent and they doing a perfect job for their clients, but looking after me.

Michael Green [00:20:16] 13 years later, Marilyn, you're an established barrister, a Queen's Counsel, and you are appointed to the Supreme Court of Victoria. The second woman judge to be appointed to the court. This must have been an enormous source of pride to your parents, to your mother and father. Were they able to attend your welcome when you're welcomed as a judge?

Marilyn Warren [00:20:40] My mother, yes. Sadly, my father had passed away by then, and he actually was before I became a QC. So I didn't have that that wonderful experience of sharing it with both of them. But my mother was there each and every occasion. And I started out in this discussion talking about my mother. And I think for her it was the total fulfillment or a culmination of everything that she was committed to and believed in.

Michael Green [00:21:15] Although she might have made the comment on occasion that you didn't do things as easily as your siblings.

Marilyn Warren [00:21:26] It was funny, she um, over the years, even when I was a QC and even when I, the first time was a Supreme Court judge, she had let it drop in conversation; I always tell people Marilyn had to work very, very hard for all that she achieved. You know, she wasn't like Michael or my sister Gabriele, who was a very clever young girl and who sadly died. But my brother was his absolute tearaway who took years to reach his academic zenith. But here I was just being played down. But when I became chief justice, she did shut up about that topic.

Michael Green [00:22:14] Parents will be parents.

Michael Green [00:22:20] Now, after five years as a trial judge on the court in 2003, you are appointed Chief Justice. You are Victoria's first woman Chief Justice and the first female Chief Justice in Australia. It being a first. How was it received? Was it a shock to the legal profession? A shock to the general community? Or was it about time that women were promoted into more positions like this?

Marilyn Warren [00:22:46] The Supreme Court at that time was divided. It had two divisions. The trial division, which is where the criminal commercial and common law trials were heard. And there was the Court of Appeal, which was the appellate division, both divisions part of the Supreme Court because of the whole history of the establishment of the Court of Appeal. There was sometimes a sense among judges in the trial division that they were regarded as second class citizens and that the true intellectuals, the really clever people of the court, were the court of appeal. That was quite fallacious, that that was not the case, in fact. But having been a trial judge for five years and formed my friendships and relationships with all of the trial judges, there was just, I think, pretty much across the board. Looking back, this great celebration and joy and I was hugged and kissed and everybody was very, very happy and I thought excited about the fact that there was someone who was young, a female, and somebody who had energy. When I had been the judge in charge of the commercial is now called the commercial court. I had decided that, well, I want to be part of an institution that I can be proud of. So I worked so hard to make that highly regarded institution. And people, I assume, had seen that admired my work ethic and anticipated that I would apply that to my role as chief justice. I wouldn't be a ceremonial figurehead, for argument's sake. With respect to the Court of Appeal, I had a couple of very good friends in the court, but there were extremely senior judges who had been on the court, some of them for over 20 years, and I'd run cases before them as a junior barrister and then as QC. I had the sense that I was the baby judge and in fact, I was nicknamed the baby judge by some of my colleagues because I was so much younger than most of them. And I was a term of affection. So I think for some people, particularly the very senior judge, there was a surprise. And I led a couple of mini revolutions, such as the abandonment of the title, Mr. Justice. And there was some appeal judges who didn't like that, so they were probably apprehensive. One or two of them about what I would bring as Chief Justice. So to go back to your question, there were probably quarters within the court itself who were a bit puzzled, surprised or thought I was appointed because I was a woman. Well, I just thought, they can have their opinions and I'll go about my job doing it to the best of my ability. And let's say what happens.

Marilyn Warren [00:26:40] There was a wonderful dinner just before I finished, at the National Gallery that the Law Institute and The Age put on...

Michael Green [00:26:47] I remember that yep.

Michael Green [00:26:49] And there was about 750 people was enormous. But it was the night of the preliminary final when people were coming late. And I was asked to have a football flavor. So I gave this speech and I sort of talked about characters within the court and in the legal profession, and I equated them with football. And it was quite entertaining, a bit out there but I thought, well, I'm leaving to say this, but I told them the story of this large group about when I first became Chief Justice. And at the morning tea welcome for Steven K, you won't remember this, but I walked you out down the laneway and I said to you; Michael - have you got any advice for me? And you said to me, Marylyn, get the right players out on the ground and the rest of it will just happen. It was another piece of football advice. And I always remember that. And it's true. So I was very privileged and fortunate to have a range of colleagues, mostly from the bar, who gave up hugely successful practices to come and help me.

Voiceover [00:28:25] William and Lonsdale is brought to you by Green's List, one of the leading multi-disciplinary barristers lists in Australia. Greens List believe in promoting conversation around the ideas and issues that shape not only our legal system, but our wider community.

Michael Green [00:28:47] One of the things you did when you'd became Chief Justice was set some goals for the Supreme Court, I believe you might have brought some consultants in to assist. Can you tell us what these goals were and why you thought you needed to set goals, and in particular why you set these goals?

Marilyn Warren [00:29:09] Probably to some extent. It came from two things my public service background and I seen structures and management and broadly how that worked. The other thing was there having been a judge for five years, I was troubled that the court didn't have a high opinion of itself, didn't value itself the way it should have. And with that, I had a sense that in the legal community there was an informal hierarchy and some superior courts were regarded as more superior than others. And notwithstanding the intellectual prowess of the individuals on the Supreme Court, it was, I thought, seen very much as a 19th century institution working, even tracked within a 19th century building, which of itself evoked and maintained 19th century thinking. Having lived within it for five years, I thought there were a lot of changes that could be introduced that would make the place better.

Michael Green [00:30:29] And what were those changes?

Marilyn Warren [00:30:32] Well, I had three aspirations. The first was judicial excellence. And I wanted to share that with my colleagues. And I wanted the court to have a reputation for being regarded as judicially excellent in terms of the airport, the management of trials, the management of appeals, but also the time it took for litigation to be heard and determined, the way people were treated when they came to the court, whether they were a criminal, whether they were involved in commercial litigation, whether they were the victim of a catastrophic injury. I wanted every person who came in the doors to feel that they had come to a special place and a good place where they received justice. The second thing was, and it relates to the first, was for the court to be a leader, not just a court that took the cases that came to it, but a court that was proactive in encouraging and leading not just jurisprudence, but how the law could be changed and how it could be made better. I've always felt that went back to my education at Monash because that was the sort of thing that was very much instilled in us as students. The third thing that was very significant for me was judicial happiness that was never talked about. And one of my colleagues did say to me one day that the Supreme Court, when I start it, was filled with

grumpy old men. And I reflect back on some of my experiences as a barrister where I had been at the wrong end of some people who fell within that category. Not all were like that. Goodness. And I went home and not all were like that at all. But it struck me that there were people, colleagues in the court who just worked so hard, who felt they were on a treadmill. They had no control over the cases they had, how many they had. And I knew as a trial judge, you finish one case before you could draw breath. There was another one and there was no specialty within the court. You could be rotated depending on the term into a commercial case, even if you were a criminal judge. And if you're a criminal judge could be rotated into a common law personal injury case, but no specialty and no rhyme or reason to that. It was very arcane practices. But what that did was manifest itself in a group of individuals who, instead of being treasured, highly regarded, admired for their excellence, generally, they were talked about as being very unhappy people or people who were slow. Paired with other places that were much better resource courts and didn't have the workload and the pressures the Supreme Court had. But what I would do would emphasize is I wouldn't want anyone to think that I marched in and got out the broom and swept out the old and brought in the new. Among the great challenges I had was I was a fairly junior trial judge when I was appointed chief justice. That meant that much more senior judges and judges on the Court of Appeal. I suddenly rocketed up above them in seniority. I had to do things such as conduct the counsel of judges meeting. So I'd have over 40 judges sitting around the table and I'd learned from watching my predecessor that you. It's all about persuasion. You've got to take people with you so it can be very painful. But you have to take a painstaking approach. So you have to prepare discussion. You identify leaders who will support you on an issue, who in turn will be advocates, and you work the reform you propose to introduce through until you reach a point that you have a strong consensus. You go into a meeting when you know you've got that consensus. If you don't, you park it and you alter it, maneuver around. You might bring it back another time, but you keep working things through until you can have people understanding, accepting. But very importantly, I brought judges in as part of a devolution of power and responsibility. I didn't see myself sitting up as a head honcho issuing directions. I learned quite quickly that you need to have a leadership group. So one of the things I did which reminds me of a football story, I have to tell you Michael at one point quite early on and I was having some difficulties with judges not coming along quite as I want to. One of my colleagues asked me. I'm a very good friend of Kevin Sheedy. Would you like me to ask him to come along and talk to the judges? Well, did I have a turn out when coach Kevin Sheedy came? He came to talk to the judges about, at my request, young men and how they cope with life because he was very good with young players. What are you affected? Through a series of stories which talk about looking after people, he told a story about an Essendon footballer who had some personal difficulties, so Sheedy became aware of it. He said, Right, you're out for two weeks. We'll tell everybody you've got a virus, he said. Because people accepted that they didn't investigate it and this footballer went off and attended to what he had to do and played on. And of course, was an excellent footballer. So Sheedy talked about looking after people, which really struck a chord with me. One of the other things he mentioned he spoke to the judges about was the importance of the leadership group on the field. And that resonated with me because I couldn't be everywhere. So what do you do? You have a leader on the backline and the forward line and the center. And while you were over in that corner, somebody is over there doing that. And the leadership group comes together and discuss discusses the team and what will be goals, what will be projects and how we're going to achieve this. And then those leaders would go away and then they would leave within their division. Once I explain the sort of things I wanted to do about having a leadership group, they became engaged and they would meet with the judges within their division and they would talk about things they could do. It was very important, if you remember what I said a bit earlier, about judges having a sense of being

on a treadmill, not having any control by devolving power and responsibility. Judges felt enfranchised, empowered and able to have a say about what was going on in the division. And the more that happened, the more it spread across the court and became a very powerful vehicle for, ah, leading to reform across the court and which continued to build over all the years that I was there.

Michael Green [00:38:53] At this stage Marilyn, I think the three of us here in the room with you are starting a movement to have you elected prime minister because we'd like those qualities to be taken into the political sphere here in Australia.

Marilyn Warren [00:39:11] Most judges and previously Chief Justices and presidents of Courts of Appeal have been barristers with no expertise or training in management, people management, administration - all those things. And after a couple of years with dealing with all the things I had to deal with, I had a friend who had a military background and the friend said, in the military, constantly people are receiving leadership training. And suddenly I thought, goodness, how am I going to get judges to engage in leadership training these great minds? How will I do it? So what I did was I spoke to an organizational psychologist I knew who was very skilled. She said to me, well, of course you do that every major corporation in Australia has leadership training. And so I had a meeting of my leadership group, Kevin Sheedy's equivalent. And I spoke to them about the fact of leadership training. Well, they were marvelous. They took a deep breath and said, yes, we'll do it. And what we did once a month for a period of 18 months was on Fridays go off for leadership training. And each and every one of the judges, as I went through that and the identities changed with retirements from time to time, embraced it, learn from it, and conveyed to me that they found it fulfilling and very rewarding experience. I have to say there were one or two colleagues across the court that were crack jokes about leadership training. But people started to see the results on the ground and saw things building and changing. The court's reputation was becoming stronger. There was pride in the judicial excellence of the court. People were happier and there was this wonderful sense of this is a good place to be.

Michael Green [00:41:33] Marilyn, you wanted the court to be less forbidding for members of our public. And you introduced many physical changes to the court building itself to help bring that about. But you also saw a new phenomenon arise in our society, which was called social media, and you saw that as an important means of making the law in general and the court in particular more accessible and less intimidating to members of the community. What steps were taken by the court in the social media world to open the court up and make it more accessible? And what effect is it having?

Marilyn Warren [00:42:14] Initially on social media and the Internet were just anathema to most judges? They saw it as an interference, something on the periphery that they had to be bothered about, and therefore we would have very stringent suppression orders for argument imposed. And what that meant was the media couldn't report on a particular case. And this would be very frustrating for the media not to say ineffective when it's a worldwide media, not just a victory by our media. Yes. So I learned early on about this thing, social media was being talked about, where I think it really came home to me at one point was the Underbelly series. And the trial judge made a suppression order stopping the showing of the Underbelly series in Victoria. And what that meant was Channel Nine could show it over the border and it could be downloaded all around the world, but it wasn't allowed to be run by Channel Nine in Victoria. I sat on the appeal against that decision, and it brought home to me in a sense that the courts were almost powerless, that it was a tiger that couldn't be reined in. I also saw it as something that the court could turn

around to use for its purposes. Subsequently, there was another case that I sat on in the Court of Appeal and there was a question as to whether the judge's order should be upheld. And the argument put to us in the court was it was pointless making the order because of the power of the Internet and it was out of who would be out of control. I, together with one other judge, split from the third judge, and the two of us by majority said that the Internet is something that can't be controlled, and courts have to learn to work around it. That's the essence of that decision. But then thinking about what was going on in the community, watching what would happen with judges sentences, how they would be out into the media, there was this momentum that was building. We would meet with the media sometimes. And I became aware that the Herald Sun had a digital editor and so did The Age. And so the penny started to drop. We needed as a court to utilize this somehow. I was very fortunate to have a media officer and she did it. I took a deep breath, but we set up a Facebook page. We started on Twitter. So when a judgment was handed down or a sentence or a particularly significant event would happen or a new judge was appointed. It started being put out very gently and carefully at first on Twitter, Facebook. And the other thing we did was the website was just appalling. And a great deal of effort went into rebuilding the website to make it accessible, not just to the lawyers who wanted to use it, but also to the hundreds, if not thousands of school students and members of the public. Then a few things happened. And what you have to do along the way is identify the opportunity and hopefully have somebody who'll support. On it, one of the really significant turning points was the Freeman case. That was the man who was charged with murder. He threw his little girl off the Westgate Bridge when he was convicted and Justice Coughlin was the judge. And he came to me and said, I'm happy for this case to be broadcast. He did. And it just went viral. Three A.W. and seven, seven, four radio stations ran the judge's sentence during the prime time news. The whole sentence. They didn't cut it back. They didn't pause it. They didn't. Ed, they ran it. That had such an educated and positive effect for the court that I was able to say to my colleagues, let's do this in all cases. And very quickly thereafter, the default position became all sentences were broadcast unless the judge directed otherwise. Any opportunity to use the Internet? We'd give it a go. So, for example, admission ceremonies, thousands and thousands of young lawyers have been admitted as lawyers in Victoria. The admission ceremonies were put on the Internet. And these individuals were able to show their grandmother, look at themselves and do all those things. But again, it meant my speeches at the end of the admissions ceremony where I would talk to young people about the significance of the rule of law were being broadcast ever so widely. And then we progressed towards having judgments delivered. There was a quite a bit of coverage about a high profile case recently, and it was, I think, thought in the community that was the first time that there had been a broadcast from the Supreme Court, but it wasn't. It's been going on for some time. It to get back to your question, two things were going on. One, it was a way of making the law accessible and the court accessible to the community. The second thing was it enabled the court to get its messages out about what it was doing and why it did it not being totally reliant on the media.

Michael Green [00:49:11] Well, now, just to finish it off, a young Marilyn Warren is coming out of Monash law school in the year 2020. Have you got anything you'd like to tell her?

Marilyn Warren [00:49:30] That's the hardest question you've asked me. It'll be a stream of consciousness that won't be carefully thought through and categorized. Be brave. Don't think about it too much. If you want to do it, go for it. It'll happen and sort itself out on the way. Be resilient because you will be knocked down. But you get back up again and you keep going. If you have a dream, then keep living the dream. Keep pursuing it. Because one way, somehow or another, you will get there. You will get there. You will achieve it.

And you might not actually be conscious at the time of the little steps along the way that contribute to you achieving that dream. So I've spoken about my education, my mother, university, all those things were going on. What I didn't appreciate, but I do now as a mature woman, is the cumulation that occurs in your life and how you pick up life skills and so much happens to you in your life that is actually preparing you for something that will happen much later down the track. So I mention my squash competing against men. At that stage, I didn't know it was preparing me for later on when I became a barrister and even later again when I became a judge. In a male dominated environment, all those things contribute. I mention watching my father, but he didn't always look after himself as he should. Taught me a lot about wellbeing and happiness. So to this young Marilyn, I would say a lot of things are going to go on in your life. They might be frustrating. You might feel defeated. But everything contributes to where you're old ultimately going to end up. At the end of that journey. But having said that, the end of that journey. I would also say to the young Marilyn, the journey never finishes. So for me now, I'm still looking for doing other things. I'm not sitting back having a rest, and I'm certainly not retired. So it just keeps going.

Michael Green [00:52:10] Let's finish on that beautiful note. The journey never ends. Marilyn, thank you very much for a most interesting and informative discussion.

Voiceover [00:52:20] Show notes from today's episode can be found at greenlist.com.au/podcast there you'll find useful links, a transcript of the show and some wonderful shots of our guests. We're keen to know what you think. So please reach out by all the usual channels. Let us know the questions you'd like us to ask, topics you'd like explored our ideas for future guests. If you're enjoying lives in the law, please tell your networks and subscribe, write and review the show. It really helps others find out about it. Our show is produced by me, Catherine Green recorded and mixed by Alex McFarlane, who also wrote and performed all the music for the series. We are coming to you this week and every week from the iconic County Court of Victoria on the corner of William and Lonsdale streets in our beautiful city of Melbourne. We acknowledge the Wurundjeri people of the Kulin Nation as the traditional custodians of this land and pay our respects to their elder's past, present and emerging. There is no doubt that conversations about justice have been taking place on this land for thousands of years, and we are privileged to continue the discussion here today.