I'm a sexually harassed judge's associate, but at last I'm being heard

By Another Judge's Associate
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I too was a judge's associate and I, too, was sexually harassed by the judge for whom I worked.
When the Dyson Heydon allegations broke last week, I was overwhelmed by disbelief and excitement that it had been possible for allegations of sexual harassment about one of the most highly esteemed and powerful judicial officers in the country to come to light, that the allegations had been afforded a serious and thorough investigation, and that Chief Justice Susan Kiefel of the High Court of Australia had published a beautifully worded statement outlining that the women were believed.

A precedent for handling such allegations against members of the judiciary had been paved at the highest level of the legal profession and this precedent was founded on respect for the alleged victims.

I felt that, finally, I had a platform for holding the man who had sexually harassed me accountable. For legal reasons and to afford my alleged perpetrator procedural fairness, I am unable to identify the persons involved or the jurisdiction in which the alleged offending took place. But this is my story.

I was a 23-year-old law graduate. I had worked hard to earn my degree and gain professional experience at the same time that would set me apart in an increasingly competitive industry.
When I won a judge's associate position as my first graduate role, I considered myself tremendously lucky. I knew this was a pivotal stepping stone towards a bright career in the legal profession.

My new boss was the first judge I had met. I had travelled interstate to take up the position and I met him on the first day I arrived. I was a bucket of worry about how to behave around a judge. I was worried about how to address him, what I could add to conversation and whether I would "measure up" to my predecessors.

The imposter syndrome that had taken up residence in my mind was a natural reaction to the extraordinary power imbalance implicit in our professional relationship.

On this Sunday morning, I was instructed by my judge to accompany him to lunch, on a tour of the city and to dinner later that evening. We would be the only people attending these social outings and those that followed.

The responsibilities of the judge's associate are determined by the requirements of the particular judge. My responsibilities included making him lunch during the working week, having dinner with him and accompanying him on weekend outings. The social requirements were presented to me as instructions rather than invitations that I could turn down.

It was not long before the lewd comments started. The judge inquired about my dating life. He commented on my outfits. He asked me if I enjoyed having a massage. He talked about sex around me and told me which female barristers he considered to be “gorgeous”. These comments were subtle enough for me to question their intent initially.

The behaviour quickly escalated to the judge taking photographs of me without my permission, inviting me to his hotel room, instructing me to bring a bikini to his hotel and discussing travel plans in which we could save money by sleeping in the same bed.

I refused to join the judge by the pool in a bikini and the trip never took place. I reported the behaviour to a couple of fellow associates, two staff members of the court and the then chief justice.
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One staff member told me to “take it as a compliment” and another told me that the court would respond to the allegations by ensuring that female associates were not appointed to work with this judge in the future.

I had one opportunity to speak to the chief justice over the phone about the judge’s conduct, in which I was advised to confront the judge about his behaviour myself. The chief justice did not approach me again to inquire about my welfare. As far as I am aware, the chief justice did not speak to my judge about the alleged conduct.

It was clear that this was something I had to handle on my own. I felt there were no options available to me other than to soldier on. I believed “rocking the boat” further would destroy my career.

Dutifully, I confronted my judge. He denied that anything inappropriate had taken place. I continued in my role. The sexual harassment stopped, except for one last opportunity to take unsolicited photographs of me.

The conduct complained of was replaced, however, by verbal putdowns directed
towards me in open court. For the remainder of the time I worked for the judge, I was consumed by fear and extreme stress.

My experience caused me to be profoundly disillusioned by the legal profession and lose confidence in my abilities. I felt my values did not match those of my superiors and thus I would never really belong. I left the profession within a year.

Emboldened by the bravery of the six former High Court associates who spoke out against Dyson Heydon, I reported my story to the current chief justice of the court in which I served. They told me they would support an external investigation into my case, in much the same way the High Court finally demanded action.

I want my story to be known, to foster a climate in which women feel they can come forward about their experiences within the profession. I want to see change.

The author’s name is withheld for legal reasons.

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