



Breaking the silence

I can't lie. The idea of interviewing a Deaf person for this article made me a little apprehensive. How would that work? How could I communicate with someone when I couldn't "speak" her language? What if we didn't understand each other?

After emailing Deaf Queensland lawyer Kathryn O'Brien, proposing an article about her for Proctor and nervously asking for her guidance on how she would like to approach an interview, I had to swallow my fear. She was game to meet for a face-to-face interview, writing that it would probably be an "interesting experience" for both of us.

That settled it.

If Kathryn was courageous enough to agree, to have some faith that even a fraction of her story would be told accurately, then who was I to decline?

Actually meeting Kathryn was an even more humbling experience. Faced with this strong, opinionated, intelligent young woman, recon-

Deaf young lawyer Kathryn O'Brien is breaking new ground bringing legal services to hearing impaired clients.

Interview by **Amanda Edwards.**



ciling how she managed to achieve so highly seems a much simpler task. Kathryn has completed two university degrees and, last year, became the first Deaf sign language lawyer to be admitted to practice in Queensland. She can also sign fluently in both Auslan and Signed English.

She is now on her way to completing a masters degree in law, has contributed much of her time to voluntary legal service and to Deaf community organisations, as well as being a

mother of a five-year-old daughter and a partner to Daniel Armfield – who also played the part of translator for our interview, much to my appreciation – all the while living her entire life with a "disability".

When asked what motivated her to study law, her answer was not complicated. "No one else was doing it and I wanted to be the first to break through," she said.

"What motivated me was that not many Deaf people were studying it at uni at that time. Most of them studied to be teachers of the Deaf or social workers, even sociology. There were very few of them at that time at uni. I wanted to challenge myself and do law."

After about 10 years of study, Kathryn was finally admitted to the legal profession.

"It was a relief! Everyone, all of our family, was proud of my achievement," Kathryn said.

Kathryn is passionate about the role she feels she needs to play as the only Deaf practising sign language lawyer in Queensland to assist the Deaf community.

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Amanda Edwards is the QLS communications officer.

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“Generally, Deaf people don’t have a lot of money; they’re similar to the minority group of an indigenous community,” she said.

“They have a high level of contact with the criminal justice system because of their low socioeconomic representation. Because of that, they have similar issues with drugs, alcohol, domestic violence, etc.”

In an interview about Griffith University’s Deaf Student Support Program,² Dr Breda Carty, Griffith’s first Deaf PhD graduate and an authority on the history of the Deaf community in Australia, explained the limitations that many young Deaf people feel.

“When I started teaching, I could see that there were many Deaf students who should go and study at university, but there were no role models around,” Dr Carty said.

‘Participate in education’

Judy Hartley, the manager of Griffith’s Student Equity Service, agreed, saying, “As educators, we know how important it is to encourage people to participate in education throughout their lives, because that’s a way that they can realise their personal and career goals. But at the same time, while that’s relatively easy to say, we know there are a lot of things that prevent people from doing that.”

While Kathryn was able to conquer any fear she may have had about studying a professional discipline at university, contrary to what had been typically done by Deaf people in the past, she still works hard to give some of the fruits of her labours to the Deaf community. However, even this much-needed service has proven difficult for her to deliver.

“Deaf people always have to rely on other people for information,” she said. “They don’t

‘The problem is, when you are practising and you have a Deaf client, how do you offload the cost of the interpreter and not have to pass it onto the client?’

think they can go to a lawyer themselves because they would usually go to a Deaf society for any help. They’d meet a social worker who might not have much of an idea of the law. They can only get free interpreters for medical appointments and emergency appointments like being arrested.”

Daniel Armfield, Kathryn’s partner and associate at Porta Lawyers, has heard some of the concerns expressed by members of the Deaf community when dealing with lawyers. “They simply feel that [the lawyers] can’t or don’t understand the culture,” he said. “They don’t provide, and the biggest thing that both friends and clients have said to Kate is ‘they’re not listening to me’.”

One would be quite sensible in thinking that someone as well qualified as Kathryn, with such a highly sought-after skill and a completely unique level of understanding with her potential clients, would have been offered a position soon after her admission.

Kathryn continued to provide voluntary legal community service work at places such as Pine Rivers Legal Centre so she could keep in touch with the law and use her learned skills, while sending out job applications. She estimates that she sent out around 300 or 400 applications.

Finally, principal lawyer at Porta Lawyers Giovanni Porta heard Kathryn’s story and agreed to employ her at the firm, starting off

one day a week so she could build up practice and a reputation within the Deaf community as a valuable service.

“Kate’s too good a resource to waste,” Giovanni said. “I can’t understand it. I speak Italian so I have pitched towards an Italian market. I’m one of numerous lawyers who speak Italian, but Kate is the only lawyer in Queensland who speaks this signed language. In terms of a market, there’s got to be a big market out there for it.”

As much as Kathryn is passionate about social equality and justice, she understands why law firms might be hesitant about assisting Deaf people. Because Deaf people can only access free interpreters in “emergency” situations, “it really comes down to who will pay for the interpreter, it comes down to money”.

“The problem is, when you are practising and you have a Deaf client, how do you offload the cost of the interpreter and not have to pass it onto the client?” she said.

‘Save the firm money’

“You have to weigh it up and save the firm money and the client money and be able to keep an interpreter on.”

Daniel Armfield continues to work hard with Kathryn in helping hearing people find ways to relate to the Deaf.

“What if you were overseas in a country where English was very rarely spoken and you, not just got into trouble, but you were living there?” Daniel said. “You needed to buy a house, you needed a contract for a mobile phone and you had to use an interpreter. You never really know if they are actually saying what you want them to say.

“Whereas if you are dealing on a weekly face-to-face basis with a Deaf person, you know they are hearing you and you are being understood. That’s the difference and they will always have that problem, and so Kate is trying to bridge that barrier by being face-to-face with them there on the ground.”

Kathryn has been involved with the Queensland Association of the Deaf and has recently participated in the biannual Deaf Festival in Brisbane, where the achievements of the Deaf community are celebrated and awareness is raised about what is still to be achieved.

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Kathryn O’Brien with Porta Lawyers principal Giovanni Porta, *centre*, and her partner, associate Daniel Armfield.

Photos by Stuart Riley, SRPhotography



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"We had a stall for Porta Lawyers at the festival to promote the firm's legal services for the Deaf community," Kathryn said. "The Deaf community really works by 'word-of-mouth', which is ironic!"

Kathryn's efforts have been tireless in getting the word out so that people have a better understanding of the issues and how things can improve. She has applied for memberships to other organisations who work closely with advocacy for people with special needs and disabilities.

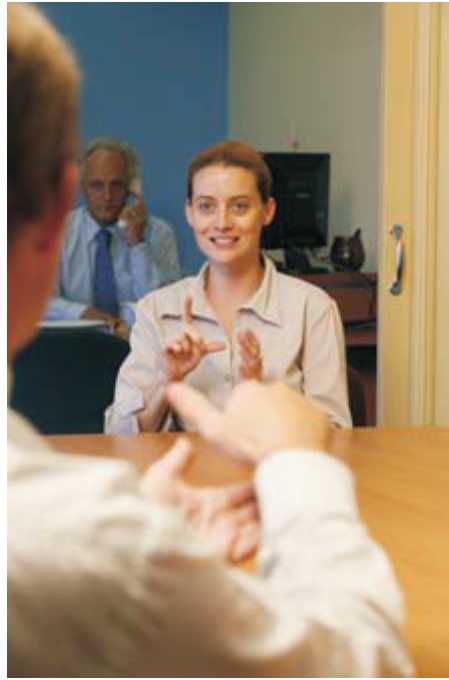
"If they need any legal advice for any Deaf person, I'm letting them know that I'm available," Kathryn said.

Criminal law

Always looking to the future and what else can be done, Kathryn is hoping to one day specialise in criminal law because of her interest in corporate crime.

"I'm just getting more experience. I'm also hoping down the track to take the Bar exam and be a barrister as well. But first I need to do some groundwork in law and work with clients before taking the Bar, that way I could talk in court as well."

Kathryn is a perfect example of the shift in thinking about deafness. The founder of the Deaf Students' Support Program at Griffith



University, Emeritus Professor Des Power, said: "In the last 35 years or so, many commentators have moved from a medical model where deafness was considered a disease, a condition or a disability to it being seen as a social, linguistic and cultural lifestyle for signing members of the Deaf community."³

It has become clear that Deaf people are ca-

pable members of the community who simply have different needs and it is pioneers like Kathryn who are inspiring change in others.

"During the Deaf Festival and the 4th World Congress of Mental Health and Deafness, also held in Brisbane, I have discovered a Deaf person who was inspired by my admission," she said. "He already has a law degree (attained some 10 years ago), so he decided he could participate in practical legal training and hopefully get himself admitted at the end of the year. At least for now, I am the only Deaf signing lawyer in Queensland, but I am glad he won't be far behind!" ■

Kathryn O'Brien can be contacted at Porta Lawyers at kathryn@portallawyers.com.au.

Notes

- 1 The capitalised 'Deaf' is a cultural identification which distinguishes deaf or hearing impaired people who participate in the Deaf community and use Auslan signing as their primary communication tool. References to deaf or deafness in a medical sense remain in lower-case.
- 2 Griffith University, 'Deaf Student Support Program', available online at www.griffith.edu.au/__data/assets/pdf_file/0004/14870/2/Deaf_Student_Support_Program.pdf.
- 3 Marshall, D., 'Celebrating 21 years of Deaf support', Griffith Gazette, Issue 3, 2006, available online at www.griffith.edu.au/__data/assets/pdf_file/0009/38709/griffith-road-brighter-future.pdf.

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