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FAIL DAY
PUBLICATION

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OUR CONTRIBUTORS



PROFESSOR ALISON GERARD | UNIVERSITY OF CANBERRA

Professor Alison Gerard was the former Head of the Canberra Law School at the University of Canberra (2020-2023) and founded the Charles Sturt University Law School (2016-2020). Alison's research focuses on social justice and has been published in leading international and Australian journals. Her sixth book, which focuses on the criminalisation of young people in Out-of-Home Care, was published by Routledge in 2022. She is currently a Chief Investigator on an ARC Discovery Project examining 'Crimmigration' and criminal deportation in Australia. Alison has a Bachelor of Laws (Hons) from UTS, a Bachelor of Arts (Hons)(Criminal Justice and Criminology)

from Monash University, a Master of International Humanitarian Action from Ruhr University (Germany) and a PhD from Monash University for which Alison won the Mollie Holman Medal. Alison previously worked in private practice and with Legal Aid, including stints at Mallesons Stephen Jaques, Maurice Blackburn Cashman and Victoria Legal Aid. Alison has undertaken consultancies with the Centre for Peace and Conflict Studies in Cambodia and now serves on their Board, and the Board of Companion House (ACT). Alison and her wife Sophie have two children, Sebastien (9) and Zadie (8).

TIFFANY LONG | LEO CUSSEN

Tiffany is a Mentor in the Practical Legal Training program, with a primary focus on the blended ACT/NSW course. Tiffany works with students to ensure that they achieve a high level of success in their studies with Leo Cussen and is passionate about teaching resilience-based skills to emerging lawyers. Before joining Leo Cussen, Tiffany worked in private firms and at Legal Aid in the areas of family law, family violence and child protection. Prior to her admission, Tiffany also worked as a paralegal in commercial



and construction litigation. Tiffany has extensive advocacy and negotiation experience and aims to pass on some of her experiences in these areas to students. Tiffany is a member of ACT Law Society Committees and is dedicated to fostering an inclusive legal profession which upholds the highest standards of legal knowledge and conduct. Tiffany is the former Secretary of the ACT Women Lawyer's Association and is current a serving committee member on various ACT Law Society Committees. Tiffany has a special interest in inclusivity and resilience in the legal industry and is passionate about mental health issues which affect lawyers, such as anxiety and vicarious trauma. Outside of work, you will find Tiffany spending time with her family, cooking up a storm and adding to her collection of impractical shoes.

OUR CONTRIBUTORS



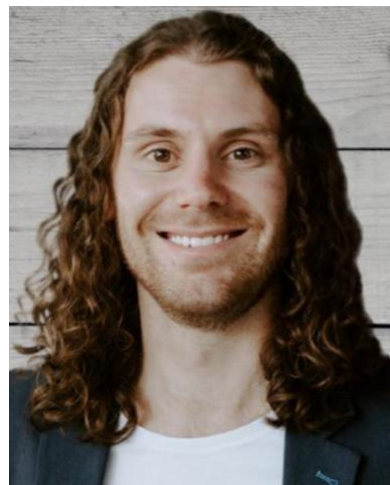
GEORGIA BRIGGS | BRIGGS LAW

Georgia Briggs is the Principal Solicitor of Briggs Law, which operates in offices in both Canberra and Wagga Wagga. She is a UC alumni, having graduated from a double degree of Law (Honours) and Arts in 2015. Since that time she has been working in the legal industry in Canberra and Regional NSW, in Criminal, Family and Care & Protection Law, as well as Wills and Estates Law. Her firm also has focus on Employment, Contract and Migration Law. Georgia completed her Masters of Law in 2021 and became an accredited ICL in 2022. She has been shortlisted as one of the top 10 best Criminal Lawyers under 30 in Australia twice, in 2019 and 2021 and she, as well as Briggs Law, were shortlisted in the ACT Women Lawyers Association awards in 2022. Georgia teaches at UC and CSU and is on the Law Society Council and Criminal Law Committee of the Law Society. She is also a Director of the Board of Capital Football. Georgia and Briggs Law pride themselves on supporting clients and also the next legal generation, taking on Interns from universities and Work Experience Students from high schools

JONATHON NAEF | BALANCE FAMILY LAW

Jonathon is a collaborative family and estate planning lawyer here in Canberra, however, he works with clients Australia-wide. He is the co-founder of multi-award winning law firm Balance Family Law. He won the Lawyers Weekly 30 under 30 award for Wills and Estates in 2022, and was nominated for the same award in the Family Law category in 2021. Jonathon takes a collaborative approach to resolving legal issues, working closely with clients and other professionals to find solutions that benefit all parties involved. His interests within these areas are in superannuation, trusts and tax, as well as pre-nuptial style agreements.

Jonathon is a University of Canberra graduate, and completed both his Graduate Diploma in Legal Practice and Masters in Applied Law (majoring in Estate Planning) with the College of Law. In 2022, he started working with the College of Law, in addition to co-running his private legal practice, teaching students in the Practical Legal Training programme. He has also contributed to online publications for the College, and other media outlets on estate planning. He has also been featured on the Lawyers Weekly Show and Protégé podcasts.



Fail Day: What is it?

Many law students' hold high expectations when it comes to their time at university. However sometimes, and often quickly, "failure" and "fail" become a part of the "law school vocabulary". Maybe it's "I am going to fail my contract law exam" or "I missed the deadline on my assignment... I am a failure". But what is failure, and what does it actually mean? Failure is defined in the Oxford Dictionary as a "lack of success" and success is defined as "the accomplishment of an aim or purpose". Thus, in my view, failure is subjective. Failure is most often viewed as negative. We label ourselves as failures when we don't meet our own expectations, or when we don't reach a goal in the time we had set for ourselves. For many of us, attaching failure to a project that doesn't work out prevents us from getting from point A to point B. Maybe you failed an assignment, and instead of brushing yourself off, you drop the unit. But what we don't realise in these moments of self-doubt, is that failure can give us a chance to review our mistakes and explore ways in which we can improve. It provides an opportunity to step back, and reflect on why, in that moment, we felt like we failed. It may even open further avenues

to explore, that allow us to reach the goal we were hoping to the first time around.

This is what fail day is all about - acknowledging that reaching our goals is not always linear. Fail Day has become a tradition for the Canberra Law Students' Society ('CLSS'). Originally created by one of our UC Law Academic staff, it aims to ignite discussion on failure, and why it is necessary for growth. As you all know, areas of law and justice can be demanding. Fail Day focuses on disrupting the notion that to be successful, you must never fail. In achieving this aim, each year we welcome keynote speakers from the legal profession to discuss their personal failures and challenges, and how they overcome them.

This year the CLSS have created a publication. We have created a publication that includes a collection of anecdotes about the failures, and subsequent successes, of ACT legal professionals. We hope this guide is a helpful reminder to students that failure is not the be-all-end-all. Like us, the legal professionals we respect and admire have faced their own moments of self-doubt and failure.

Claire Bousfield
CLSS President

Professor Alison Gerard

What does failure mean to you?

I prefer to say 'not passing' rather than 'fail'! For me the concept itself is more about experiencing a 'set back' that may have been expected or unexpected but either way, it ought to prompt a period of reflection and patience about what happened, how much was in my control, what might need to occur differently next time and what am I prepared to do differently, or not. I don't think a 'set back' is inherently a bad thing but instead is an opportunity to clarify your goals and the work associated with achieving them.

Tell me about a 'failure' that you feel bettered your career.

I'll pick two illustrations for this. The first was in high school when I didn't pass a chemistry test. I was in year 11 and was studying 13 units heavily loaded with maths and science, as well as Japanese and legal studies. I had not excelled in chemistry before then but was trying to keep my options open in case I wanted to study medicine and not law at university. After not passing my chemistry test and not really understanding how to make easy

improvements to turn that around, I decided to ditch chemistry and the path to law became clearer. Second, when I was a Duty Lawyer with Legal Aid, I was based at a Magistrates Court and would represent clients who had come to court that day and needed representation or legal advice. In one matter, I appeared before a Magistrate making an application for them to dispense with someone's fines. When I made the application, I was underprepared and didn't have the section of the Act. The Magistrate picked this up and excoriated me in Court in front of a packed courtroom. I was so ashamed and interpreted this as my failure. With the benefit of hindsight, I understand that the courtroom can be

brutal and people elevated to the position of Magistrate have survived this ecosystem and can sometimes exhibit the same behaviours. I also understand that legal aid is under resourced and whilst access to legal information has improved with technology, duty lawyers are expected to do a lot. I learned that I needed skills to protect myself in that environment and if that meant slowing things down, I had to commit to doing so and the discomfort of others that came with that. I also reflected that there was bullying but also camaraderie in the legal profession as

several colleagues came to my aid at the bar table with advice!

Is it normal, as a soon to be university graduate, to feel like you're completely underprepared for the career you're supposed to be starting soon?

Being at the tail end of your degree offers different sorts of challenges. The anxiety about what comes next, job security, getting employers to recognise your skills, leaving a system that you mastered on your way through your degree, all of this offers up tricky hurdles to navigate. Fortunately, there is not one career path for graduates and lawyers end up in a diversity of professions and roles within professions, and change and shift according to their likes and dislikes. It is normal to have self-doubts, and I would say it's a good thing. Imagine a person that had no self-doubt for a minute...would you like to be their friend or colleague? Sub out self-doubt with reflective, and it's a fierce and valuable tool in your toolbox. It helps you be resilient, honest about your vulnerability and is probably a sign of emotional intelligence. The thorny part is when you let those self-doubts blow out beyond a reasonable evidence base. So for example, when you have thoughts and feelings like you are 'not

good enough' or 'not a good lawyer' or 'can't do something or other', that's when you need to go back to the evidence – did I pass my degree? Have I done the work? Do others think I can do this? Consider putting your anxiety in a witness box and testing it's claims. If they aren't substantiated, gently put them to the side and put distance between you and the thoughts. I recently learned a trick to say 'I'm having this thought that I'm not good enough', as opposed to thinking 'I'm not good enough'. It puts distance between you and the thought and helps you realise you are not your thoughts. Thoughts come and go like clouds, you don't have to follow them. At this time of your degree, like any other, self-care is important. Mindfulness is an excellent strategy, as is making sure you have a social network outside of work, good relationships at home, exercise and eat well. Law students tend to be hard on themselves to be gentle to YOU.

*Professor Alison Gerard
University of Canberra*

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Tiffany Long

What does failure mean to you?

Over the years I have learnt that although failure can feel awful, in the long run it is an area where growth happens. It is also something that everyone will encounter, yet people do not speak about often enough. Looking back at the times that I have experienced failure, I have been several distinct phases that I have gone through before I could see the lessons that the failure provided. The first phase is almost always a feeling of deep disappointment. It can feel physical, like a knot in your stomach and you tend to question your abilities and talents. For me, this is a period where it is helpful to surround yourself with people who will make you feel good, like family and friends. The next stage of failure occurs after some re-grouping has happened and you are able to objectively look at what happened. Was I a judgement call made that was the wrong one? Judgment calls are an interesting side note when it comes to failure, because these decisions can only be made based on the information you have in the moment and an educated guess as to how it might land. On the other hand, maybe a mistake was made that could have been addressed

with further knowledge or learning. Look at it all and talk to your colleagues and mentors about it. The last piece of the failure puzzle is the learnings. You are fundamentally more knowledgeable because the failure occurred. It still may not feel good when you think about it, but it will get easier over time to accept. The magic that happens from failure is when you are presented with an opportunity that would not have happened if you did not fail. A classic example is failing at a job interview. The disappointment can feel crushing, and you can spend time reflecting on what went wrong, when suddenly a better opportunity falls in your lap that would not have occurred but for your initial failure. That is when you can start to see failure as growth.

What does success look like to you?

Success has changed for me over the years. I used to think success was reflected in material things and meeting professional milestones. That mindset has shifted monumentally for me over the past few years. Success to me now looks like contentment and being fulfilled at work. Being in an environment where you can thrive and are accepted as a whole person has beaten everything else, I have

experienced. The other element of success is when you can share your knowledge and position to contribute to the world around you. This might be in mentoring someone or introducing people that you know will complement each other's skills and talents.

Tell me about a time you took a risk, knowing that failure could have dire consequences.

I can think of an example earlier in my career where I left a stable and secure private sector job to move into a fast paced and intense legal role. It was a risk, because if it did not work, I felt as though I had sabotaged my career progression and stability. In hindsight, it was a leap of faith that allowed me to broaden my knowledge, networks and friendships. I am glad that I took the leap of faith and luckily fell on my feet. There was a high level of fear associated with this move, but I am a firm believer in taking risks.

Tiffany Long

Leo Cussen



Georgia Briggs
Principal Solicitor
Canberra



Julie Briggs
Principal Solicitor
Wagga Wagga

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BriggsLaw

Briggs Law was established in February 2021 and has an office in both Canberra and Wagga Wagga.

Principal Solicitor Julie Briggs commenced practising as a lawyer in 2006. She holds a degree in Law (Honours) and a Masters of Law. Julie also brings a wealth of commercial and business experience to the practice holding an undergraduate degree in Business and an MBA in International Business. Julie is a Graduate of the Australian Institute of Company Directors.

A long-held interest in the Arts has seen Julie lecture in Creative Industries at Charles Sturt University, participate in a number of arts' board including the Riverina Theatre Company, Eastern Riverina Arts, Regional Arts NSW and Regional Arts Australia (where she is currently the Board's Treasurer). Julie has served on a number NSW government and local government advisory groups and committees.

Julie works in the areas of Contract Law, Arts Law, Employment Law, Migration Law, Environment and Water Law, Government Relations and Business Law.

Principal Solicitor Georgia Briggs graduated from a double degree of Law (Honours) and Arts in mid-2015 from the University of Canberra a year and a half early, at age 21. She completed her Graduate Diploma in Legal Practice, majoring in Criminal and Family Law in October 2015 and was admitted to the Supreme Court of the ACT soon thereafter. She completed her Masters of Law in 2021 and began a PhD with the University of Canberra in 2020.

Georgia also teaches at three different universities, is a Director of the Board of Capital Football and on the Council of the Law Society and Criminal Law committee. In both 2019 and 2021 she was shortlisted as one of the top 10 best criminal lawyers under 30 in Australia.

Georgia works in Criminal Law, ADVO/AVO Law, Family Law, Care & Protection Law, Mental Health and Wills/Powers of Attorney and Estate Law.

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Briggs Law is also proud to provide internship opportunities for both university and high school students who are interested in gaining experience in the legal field. We have hosted both Law and Justice Studies students, as well as Legal Studies students, for both formal internships, which count for a unit in their study, or for informal work experience which is simply to get a feel for the practical side of legal work after study.

If you are interested in any of the above opportunities, please contact our office to discuss!

Georgia Briggs

What does failure mean to you?

Failure, in its simplest form, means getting something wrong. How wrong though, is a matter for how long failure lasts in your memory. You might call someone the wrong name, that's failure, but it is no never mind, so we move on. It's the big one's that linger with you. To say something like "failure means potential" seems a little... disingenuous, particularly to a bunch of astute law students. Failure sucks. But what I will say is failure means realising that you didn't, or don't, know something and allows you to decide whether you will pick yourself up, dust yourself off and try again, and maybe even learn something from it, or whether you're just going to wallow in it forever.

Some failures last longer than others, but for good reason. They become a guidepost to your career, and sometimes your life. They are the lines on the road that keep us from veering a second time. One of my first failures as a law student is so stark in my memory I fear it will last forever. As a jittering first semester student I opened my first law assignment feedback, on this occasion from the brilliant Bruce Arnold. We had been asked to write a client advice

letter for a gentleman whose chickens had died eating purple goop seeping in from the farm next door. The feedback was on the very first line of my letter: "Dear Harold" ... "You client's name is Henry". Uhhh! What a fail indeed. But I never made that mistake again, and that's what failure means.

Tell me about a time when you feel that you failed?

Putting aside poor old Henry above, I can think of several other, big ticket, failures that have occurred in my career. One of the most profound however was approximately one year ago. I was cross-examining a witness in Court and, evidently, was not doing good job, as the Judicial Officer interjected and strongly advised me about my error. There was no two ways about it, they were cranky!

It rattled me, not in the proceeding itself, but afterwards. I began to re-evaluate my competency in something I loved, something I loved some much I taught others! It lasted for weeks, hanging over me like a cloud, making me question all manner of things, not being able to shake it off.

But this moment ended up being far more important. It made me seek guidance, take pause, pull back and

re-assess, all of which I am confident have made me a better lawyer. I contacted mentors and discussed the issue with them, I re-modelled how my office operated to ensure I took cases which allowed me enough time to prepare and I went back to the roots of my profession in advocacy to build on what I knew, what I didn't and what I needed to re-implement. That day I don't "feel like" I failed, I know I failed. While I won't lie and say I don't sometimes get a pang of disappointment at myself for it, or embarrassment at writing this here, I know that failure allowed me to improve.

Describe how you were able to turn this feeling of failure into a positive outcome.

While it is quite the cliché to say that you learn the most from your failures, that's because it's true. The memories in my career which have made me a better lawyer, a better person, are generally the times I fell flat on my face (metaphorically, though on my very first Court appearance ever I fell down the Magistrates Court stairs... so...). Yes, your wins are great, they elevate your confidence and remind you why you do what you do, even on the days that suck. But the failures remind you of something more sincere. They remind you to take a step back, to learn from those

who are wiser and are willing to impart their wisdom to you, to reflect on yourself and your professional self. It is imperative for you, your career and your clients that you do. So have a cry, reach out to a friend and rant and then reach out to a colleague or mentor and actually reflect. There is always someone willing to discuss with those who want help and are willing to seek it.

Georgia Briggs
Briggs Law & UC Alumni

Jonathon Naef

What does failure mean to me?

We often have a tendency to view failure in a negative light. While it's understandable to feel disappointed when things don't go as planned, to get something “wrong” or “lose”, it's important to remember that failure is just a normal part of the journey. It shouldn't hold us back or make us feel ashamed. Instead, we should see it as an opportunity to learn, grow and, ultimately, achieve future success. In fact, failing can teach us just as much, if not more, about our own character and capabilities compared to success. It does not define us as failures, but rather a temporary roadblock on the journey towards success. There are certainly times where I have felt like a failure, or that I have lost or been wrong. But I choose to not view failure as the absence of success, but rather, as an opportunity to learn and grow, so that when I try again, I hopefully secure a better outcome. Rather than viewing failure as a final outcome, I see it as a pit-stop on the road to success. It's important to remember that failure does not define you, and does not hold you back from achieving success. Remember, the businesses, inventions, and leaders we admire today all

faced their own failures, but they leveraged those experiences to reach their ultimate goals. Success is a journey, and failure is just a part of it.

Is it normal, as a soon to be university graduate, to feel like you're completely underprepared for the career you're supposed to be starting soon?

Of course! It's very common to feel underprepared for your future, and in fact, you will likely find that most, if not all, of your cohort are feeling the same way. Even after you graduate university and enter the workforce, feelings of being ill equipped for your role, or that you have no business being in the position you're may arise. I remember feeling the exact same way as I finished university, and at times have those same feelings now, five years later. These feelings are often referred to as “imposter syndrome” – where you may feel a sense of inadequacy and self-doubt about your own achievements; like you're a fraud just waiting to be found out. While these feelings can feel limiting and impact your self-confidence, they can also be viewed in a positive light, and as a driving force to continue to push yourself towards success. It's important to remember that life is about continuous learning. You can't and

won't be expected to know everything. In any career, you'll constantly be learning and growing, and that's okay. What's important is that you have the foundation to build upon, and you've got that from your university education. Also, it's okay to ask questions. Don't be afraid to ask for help or to seek guidance. You'll be surprised how willing people are to help and how much you can learn from their experiences.

Jonathon Naef

Co-founder of Balance Family Law & UC Alumni



In the spirit of reconciliation the Canberra Law Students' Society acknowledges the Traditional Custodians of country throughout Australia and their connections to land, sea and community. We pay our respect to their Elders past and present and extend that respect to all Aboriginal and Torres Strait Islander peoples today.