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TACITA MURRELL



A Country Practice

Working as a family lawyer in regional NSW has almost as many challenges as it does perks, writes **JULIE MCCROSSIN**

Family lawyer Tacita Murrell made two key decisions when she was a new graduate from the University of New England in Armidale. She decided to work in the country and practise in family law.

Sixteen years later, the 40-year-old, happily married mother-of-three is a partner in the Wagga firm Farrell-Lusher in country NSW and an accredited specialist in family law.

“We’re a small, general practice firm, where we can pretty much handle any type of legal issue that walks in the door, unless it’s highly specialised and then we’d locate a specialised firm for our client,” she tells me from her office near the centre of town. “At the moment there are five lawyers in our practice, two partners, and I practise mainly in family law.”

Murrell loves working in the country. “I would recommend rural practice,” she says.

“I think it’s similar in content to city practice, particularly in terms of family law. You might be dealing with bigger numbers in the city and bigger asset pools, but the practice of family law is the same wherever you are doing it.

“The benefits of doing it in the country are the much-reduced hours, a

cheaper lifestyle, you’re close to home, and the sense of community.”

Yet there are some challenges particular to rural practice. “Wagga has a population of 60,000 people, but you don’t have to be in town and a family lawyer for very long before you are well known,” Murrell notes ruefully.

“Some people don’t mind approaching you in a public place and having a go at you. You have to be tough enough to withstand approaches by people that are not necessarily pleasant and maintain your composure and manage it without losing your cool.”

The tyranny of distance also brings professional challenges.

“A lot of preliminary events in court proceedings will be conducted by telephone,” she says. “You lack the ability to have face-to-face contact with the judge, which means you’ll interrupt the judge when you don’t mean to because you don’t know they’re reading something.

“And you can’t read their face. You can’t read their reactions to what you’re saying. That can be a drawback.”

Distance can be an issue for court appearances as well. “A lot of my practice is conducted out of Canberra or Albury. For any critical event, such as a final hearing or an interim hearing, you’re travelling to make appearances

and that comes at a big cost to your client, but also a big cost to your family in terms of your time away from home.”

These disadvantages are counter-balanced, she says, by the advantages of living in a relatively small regional city.

Murrell grew up moving around rural NSW with her parents who were both school principals. After university in Armidale, another major regional centre, she went to the College of Law at St Leonards in northern Sydney.

“I realised I really wasn’t happy living a city life. I felt quite closed in and I didn’t like commuting,” she recalls. “It felt congested because I’d lived a country life, my entire life.”

The contrast of the lifestyle in Wagga is a source of joy for this mother of young children.

“My daughter, Amelie, is eight and my twin boys, Gilbert and Hugh, are five,” she explains.

“I work two blocks from where they go to school. If I need to nip down to Friday’s school assembly because the children are performing, I’m able to be there and back to work with ease. I live out of town, but I’m really only 15 minutes drive away from my work. So travelling is just not a big deal at all.”

Murrell transferred to law from an arts degree. She was attracted to family law right from the start when she chose it as an elective.

"I liked the fact that it was dealing with real people and their day-to-day needs when they were at a low point and they desperately needed help," she recalls. "I've always been reasonably community-focused and I thought, 'This is something I can do'."

Her attraction to family law has continued since her student days, although now it is tempered by the challenges inevitably associated with dealing with entrenched conflicts over children and property.

On the day we speak, one of the darker potential challenges of family law is front and centre.

"Today I found out that the husband of a client of mine took his own life last night," Tacita explains sadly.

"They'd only separated four months ago and were only at the start of their pathways in terms of the resolution of their family dispute. So that's pretty heart-wrenching that someone felt so desperate. It possibly wasn't just his family law situation.

"He was probably suffering from

depression and not taking medication. But the fall of his family was part of that unfortunately. This sort of thing makes you ask yourself, 'Why am I doing this?' And the answer is, in part, to stop other people feeling so desperate."

This distressing, but relatively rare event, is balanced by the much more common experience of being able to help clients – the factor that attracted Murrell to family law in the first place.

"I like helping people and I like people, generally," Murrell says. "I find people really interesting. I like knowing their story. I find the things that people do to each other, how they behave and their personalities really intriguing."

She cites a recent experience with a client. "I saw a client for the first time the other day. This woman was coming to the end of a 34-year marriage and had been unhappy for many years. She was very teary. I explained how the family law process works. At the end of our time, she wanted to give me a hug and say, 'Thanks very much'. That's nice. She was teary and devastated but I'd helped her. That's quite satisfying."

Over the past decade there have been significant reforms in family law and a deep engagement with social science research through expert reports and witnesses, with a particular focus on trying to improve the results for children.

Have the reforms led to improvements? There is a long pause and a deep sigh before Murrell gives a considered response.

"What I would say is that, yes, there have been some changes in language and the legislative pathways, but my experience over 16 years says to me that the way the court manages entrenched parties in dispute hasn't changed a terrible lot," she says. I ask for an

example and she discusses the "shared care" provisions of the *Family Law Act* that have been debated and generally misunderstood in the public domain.

"In 2006 there were changes to the legislation that provided for it to be mandatory to consider whether shared care was appropriate for families having a dispute about their children," she explains. "The reality is that the court orders it very infrequently. And that always was the case. This is not a criticism. You can change the legislation whatever way you want, but it's always the best interests of the children that are the paramount consideration."

Have the reforms led to better results for children? Murrell sighs deeply again.

"That's a really hard question to answer because the social scientists argue about one set of research findings versus another set of research findings," she says.

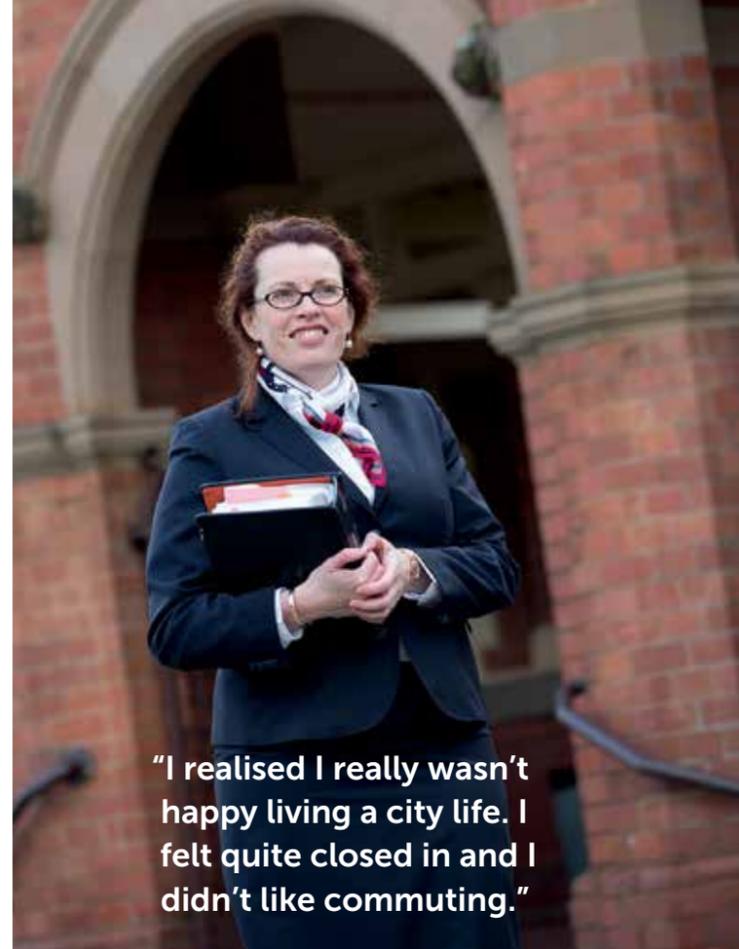
"Post the 2006 amendments, research conducted by Jennifer McIntosh and former Judge Chisholm of the Family Court basically found that shared care wasn't working particularly well for under-school-aged children.

"And what was recommended, particularly for pre-school-aged children, was short, frequent periods with the non-residential parent, but not overnight necessarily. There's been some research taking a counter view to this. [See McIntosh, J & Chisholm, R "Shared care and children's best interests in conflicted separation: A cautionary tale from current research." (2008). *Australian Family Lawyer*, 20(1), 3-16]."

When I press Murrell for a view on whether results have improved for children, her response is equivocal.

"I think so. Yes I do," she says.

"Because I think that there are a lot of judges that take notice of social science and would follow the recommendations



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of the report writers. But I must say that even before the 2006 amendments that required shared care to be a consideration of the court, I think judges were taking into account those sorts of things in any event."

There is no ambiguity in Murrell's reply to my inquiry about whether her husband, Lee, is a hands-on dad. She laughs with affection and says quickly and repeatedly, "Very much so".

"I'm fortunate that Lee is also a lawyer," she continues warmly, "He works at Charles Sturt University as the in-house counsel. He understands the time that things take and he really is a huge support in terms of how I manage my work environment and our family.

"If we ever get divorced, we would definitely be the family where shared care would work because the kids have experienced him being as much of a primary care giver as I have been."

My final question about how Murrell handles stress brings another deep laugh and a forthright answer from this refreshingly, plain-speaking country woman: "Oh, I don't handle it very well. I get mouth ulcers. My husband says, 'You need to take some time off, you're being really cranky.' School holidays are a really good excuse. I have to take time off." **LSJ**

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