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The best defence: Rural lawyer sheds light on the Australian justice system



[Simon McCarthy](#) [@Simon_Times](#)

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Elizabeth Stahlut has practised family and criminal law in the New England for 10 years and said her job was often about helping people at times when they need it most. Photo: Simon McCarthy.

ELIZABETH Stahlut, a specialising crime and family lawyer working in the New England region, has been in defence of those in need for almost a decade. Speaking with Fairfax Media this week, she described a career centred on helping people in their times of need – one that always began with listening to client's stories.

"I think, every now, and then, you get an opportunity to help someone deal with a problem and help them to move on with their life," she said.

"I don't necessarily see my job as to get someone off, regardless of what it takes to do it. My job, if I am representing someone, is to make sure that the only way the prosecution can secure a conviction is if they do meet that standard that they have to meet, namely proving guilt beyond a reasonable doubt."

For many, the law might appear like a vast and complex machine. Elizabeth agreed it is the same for many lawyers and magistrates at all stages of their careers but said applying the law effectively often started with understanding her clients and where they have come from.

"You are (sterner) about what you do if you are defending someone who is clearly guilty of sometimes quite a nasty criminal offence. But until you talk to someone, you don't know what has happened in their lives to have them become the person that they are (or) why they have committed this offence.

"You can't afford to be too judgmental. You have to listen to their story.

Elizabeth described her work as helping people at times in their lives when they desperately needed it. She said it could be a consuming task, and at other times challenging, but the great high points were walking from court with a result against the odds.

"That feels pretty cool," she said.

"I guess a very challenging aspect of the job is that no matter how good a lawyer you are; you are not going to win every case. Sometimes, having to explain to a client why you weren't able to get the outcome you were hoping to get. That can be difficult.

"Sometimes, it doesn't appear very fair, and you have to explain why that is. That can be very tough. And you do get those very tough cases where it is just hard to switch off.

"When you start having dreams about being in court, you know you probably need a holiday."

The makings of the best defence, the 'taxi-rank' rule

In his 1998 memoir, preeminent Australian QC Geoffrey Robertson described a good lawyer as one who practises like working in a taxi-rank. He said the best defence lawyers take cases from every direction and interpret the law for those who often face the greatest challenges in life.

"From the moment that any advocate can be permitted to say they he will or will not stand between the Crown and the subject arraigned in the court where he daily sits to practise, from that moment on the liberties of England are at an end."

Geoffrey Robertson quotes Lord Erskine, who practised in the Old Bailey, as the "immortal language" of the taxi-rank rule

"The sad reality is that a lot of people who run afoul of the criminal justice system (are) socially or economically disadvantaged, which is why the availability of legal aid can have such an impact on how the justice system works," Elizabeth said.

"I have come across a variety of instances where someone has just made a mistake."

Elizabeth said she fell into practising law somewhat by accident, after working in public service after university.

"I was working in the attorney general's department, and I was working at the court, so I had the opportunity to see what the lawyers were doing in court, and I found it very interesting," she said.

But even after 10 years, she said there is still much to learn.

What it takes to know the system

"I don't think any lawyer ever knows the whole of the system, and it is always a continuing learning curve, whether you have just come out of law school or whether you have been doing law in excess of 20 years or whatever," she said.

"Even judges and magistrates will very likely admit that they are still learning, but I think it is hard to say. I think we are a bit more than observers. We have to observe; we have to stay on top of the changes that happen with the law.

"Just in the time that I have been practising family law, we had the move toward 50-50 time with children between parents where it was possible. The best interest of the child has always been there, but what it took to judge what was in the best interest of the child in any given situation has not always been constant.

"What would work for one family, might not work for another. You have to look at each case on its own facts. So, you look at things like you have to consider that every child should be able to have a meaningful relationship with both their parents. That's important. But every child has a right to safety, and to be free from family violence. Getting that balance right can be a challenge."

Though there are challenges to the job, Elizabeth said the helping clients to a better outcome was the highlight.

"There is a certain amount of sheer grind with the job, as I think there is with any job you do, but it is very positive when you can get a positive outcome for someone. Usually for someone who desperately needed it.

"I think the best part of the job is when you get out of the courtroom, and you have just managed to achieve a really good outcome for a client against the odds."



Elizabeth Stahlut said the first essential skill for any defence lawyer is to be able to listen to their client's story. Photo: Simon McCarthy.