

Background information on the Gender Equitable Engagement and Instruction Policy

The policy is one of a number of initiatives which are underway to improve the retention and advancement of women within the legal profession. While it is recognised that making partner or being appointed Queen’s Counsel is not necessarily the goal of all lawyers, those are positions of power and influence. At present while there are equal numbers of men and women who are lawyers in New Zealand, 31% of partners and directors are women and 19% of Queen’s Counsel are women.

Under-representation at the top end of the profession is a visible barrier to women advancing in the law. It risks sending the message to young women lawyers that they have less opportunity for advancement than their male colleagues. This may result in a loss of talent which harms the legal profession as a whole.

The Gender Equitable Engagement and Instruction Policy builds on the New Zealand Bar Association’s Equitable Briefing Policy. This was first adopted in 2009, and the NZBA has worked to promote the advancement of women barristers since then.

Where the policy which is being launched now differs is that it includes solicitors as well as barristers. Lawyers in New Zealand practise either as barristers sole (who specialise in court work, do not operate trust accounts or practise in partnership) or barristers and solicitors (one phrase, but often referred to just as “solicitors”), who are able to appear in court also but are able to practise in partnerships or incorporated law firms and to operate trust accounts.

The new policy aims to cover all lawyers working in New Zealand, whether they practise as a barrister or as a solicitor. It also brings in a specific target of 30% of lead roles in court proceedings, arbitral proceedings and major regulatory investigations by 1 December 2018. The policy will be reviewed within three years with a view to increasing the target to 35% and considering its extension to other types of legal work.

Building on the NZBA's original Equitable Briefing Policy, the new policy places a greater emphasis on feedback and reporting by policy adopters, including biennial confidential reporting requirements.

The Gender Equitable Engagement and Instruction Policy also closely follows a policy which has been developed by the Law Council of Australia and which has been in place there since June 2016. Each of the State Bar Associations has adopted that policy, along with the Australian Bar Association (in October 2016).

The most recent iteration of the policy – including reporting against targets – has been championed by a number of significant corporate clients, as an initiative that supports their wider business diversity and inclusion initiatives. The policy is intended to support the development, progression and retention of women lawyers in firms and as barristers by giving them a fair allocation of work and lead roles in major cases and investigations.

Adopters: Clients (in order of adoption)

Westpac, Spark, Fonterra, Countdown, Stuff, Watercare, Meridian, Lion, Samsung, Auckland Airport, Chorus, ANZ, Contact.

Adopters: Supporting law firms, barristers chambers and lawyers (in order of adoption)

Russell McVeagh, MinterEllisonRuddWatts, Buddle Findlay, Shortland Chambers, Crown Law Office, Bell Gully, Chapman Tripp, Simpson Grierson, DLA Piper New Zealand, Anderson Lloyd, Kensington Swan.

Some statistics

At 4 December 2017, 13,006 lawyers were based in New Zealand. Of these, 6484 were women and 6522 were men – meaning there were 38 more male lawyers. There were 7,692 lawyers working in law firms with more than one lawyer. Of these, 3,834 (49.8%) were women. Of the 2,850 lawyers who were partners or directors of firms with more than one lawyer, 870 (30.5%) were women.

New Zealand has 1372 barristers and Queen's Counsel, of whom 531 (38.7%) are women. Of the 123 Queen's Counsel practising at 4 December 2017, 23 (18.7%) were women.