

Media Release

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Research shows female lawyers greatly under-represented in New Zealand's highest courts

Research funded by the New Zealand Law Foundation, and carried out by the New Zealand Bar Association, has shown that female lawyers are greatly under-represented in appearances before the Court of Appeal and Supreme Court.

In spite of there being an equal number of female and male lawyers practising in New Zealand, the research covering a six year period, showed women barristers or solicitors made up 27 per cent of lead counsel appearances before both the Court of Appeal and Supreme Court. The overall figure drops to 16 per cent female representation when the Crown Law Office is excluded from the data.

The report's co-authors, NZ Bar Association Council members Jenny Cooper QC and Gretta Schumacher, say although they expected to find disparity, the results were worse than they had anticipated.

"The most shocking aspect is the absence of any material improvement over the six years that the study covers," says Jenny Cooper. "This demonstrates the fallacy of the argument that it is just a matter of time and gender inequality will take care of itself. Active measures are needed to overcome entrenched attitudes that deprive women of opportunities to prove themselves as advocates."

The data on Queen's Counsel shows that only around nine per cent (10.4% for Court of Appeal and 7.47% for Supreme Court) of appearances by QCs are by women. Overall there is an approximately 80:20 split of male/female QCs in New Zealand. Gretta Schumacher says there is a risk that the shortage of women in senior advocacy roles will discourage young women from entering or remaining in the profession: "Both male and female juniors need to have opportunities to work with and learn from senior female advocates. We need to make conscious efforts as a profession to ensure that advocacy is not seen as a male preserve."

The research authors say the role of the Crown Law Office in providing a greater level of gender equity in counsel appearing on its behalf (as compared to the overall legal profession), is notable and warrants further understanding. Crown Law adopted the NZ Bar Association's Gender Equitable Briefing Policy in 2009, and adopted the joint NZ Bar Association and New Zealand Law Society Gender Equitable Engagement and Instruction Policy on its launch in 2017.

NZ Bar Association President, Clive Elliott QC, says the research results are stark and disappointing.

"While many of us may have thought there was a gender imbalance for higher court legal representation, this research definitely confirms it. There has been a focus on trying to address the issue through gender equitable briefing, but clearly the legal profession needs to do more, and move more quickly in order to create fairness and opportunity for women barristers and solicitors," says Clive Elliott.

The full research report is available on www.lawfoundation.org.nz or www.nzbar.org.nz.

Ends.

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