

New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture, Report for:

# Gender Ratio of Counsel Appearing in the Higher Courts

DECEMBER 2024

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Gender ratio of counsel appearing in the higher courts between 2020 and 2023.

Report of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture, Diversity and Inclusion Committee.

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# Executive Summary

1. Women are markedly underrepresented as counsel in our higher courts and, despite various initiatives over the past decade, the situation is not improving. Indeed, given the growing numbers of women in the profession, the extent of women’s underrepresentation in the higher courts is becoming even more pronounced.
2. In 2012, women comprised 45% of the profession. By 2023, that figure had increased to 55%. However, the percentage of women appearing as leading counsel in the Court of Appeal remained virtually unchanged across those twelve years, at an average of 28%.
3. The position is similar in the Supreme Court, with the percentage of women appearing as lead counsel ranging from 19% to 31% of cases, and averaging 25% over the twelve year period.
4. The data also shows that women are less

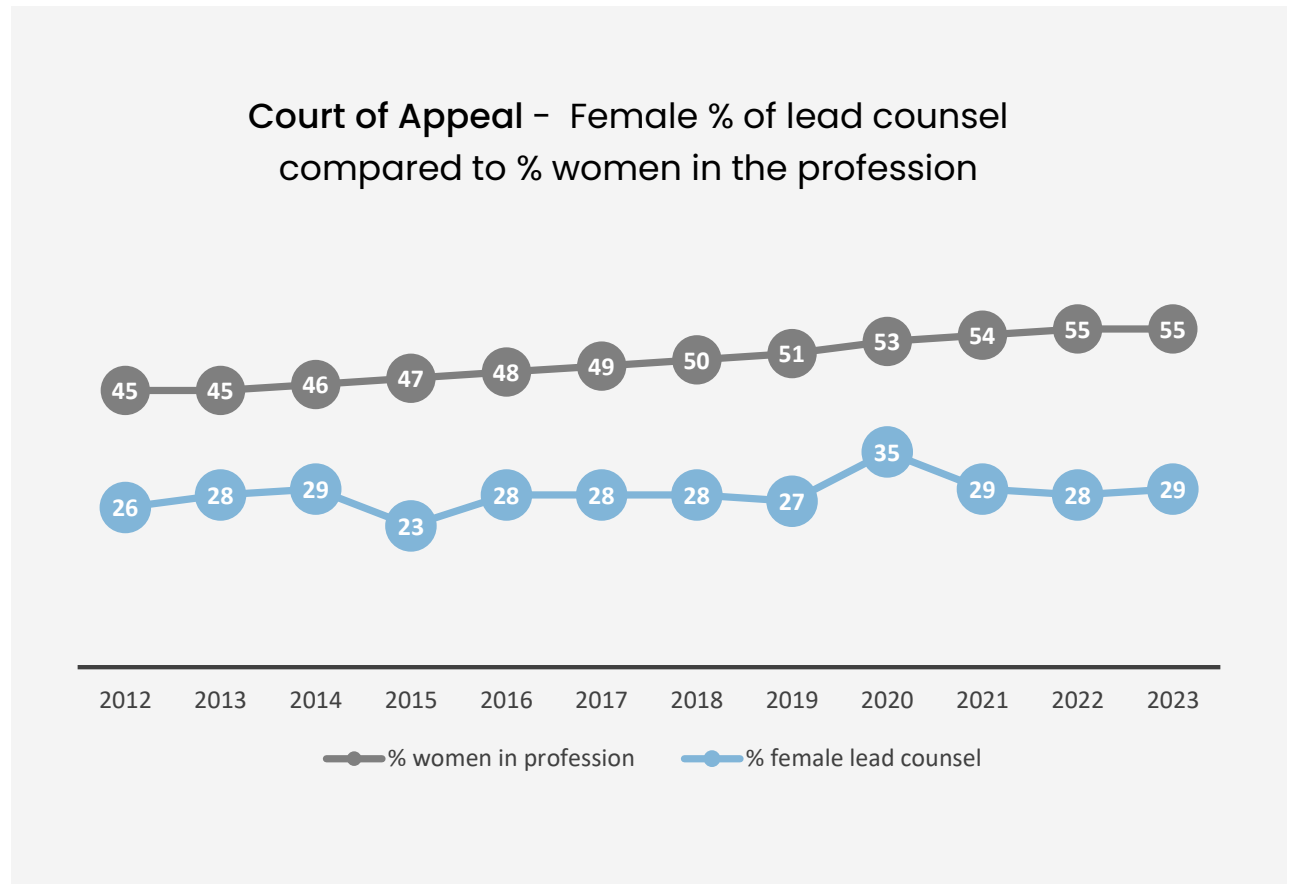


Figure 3

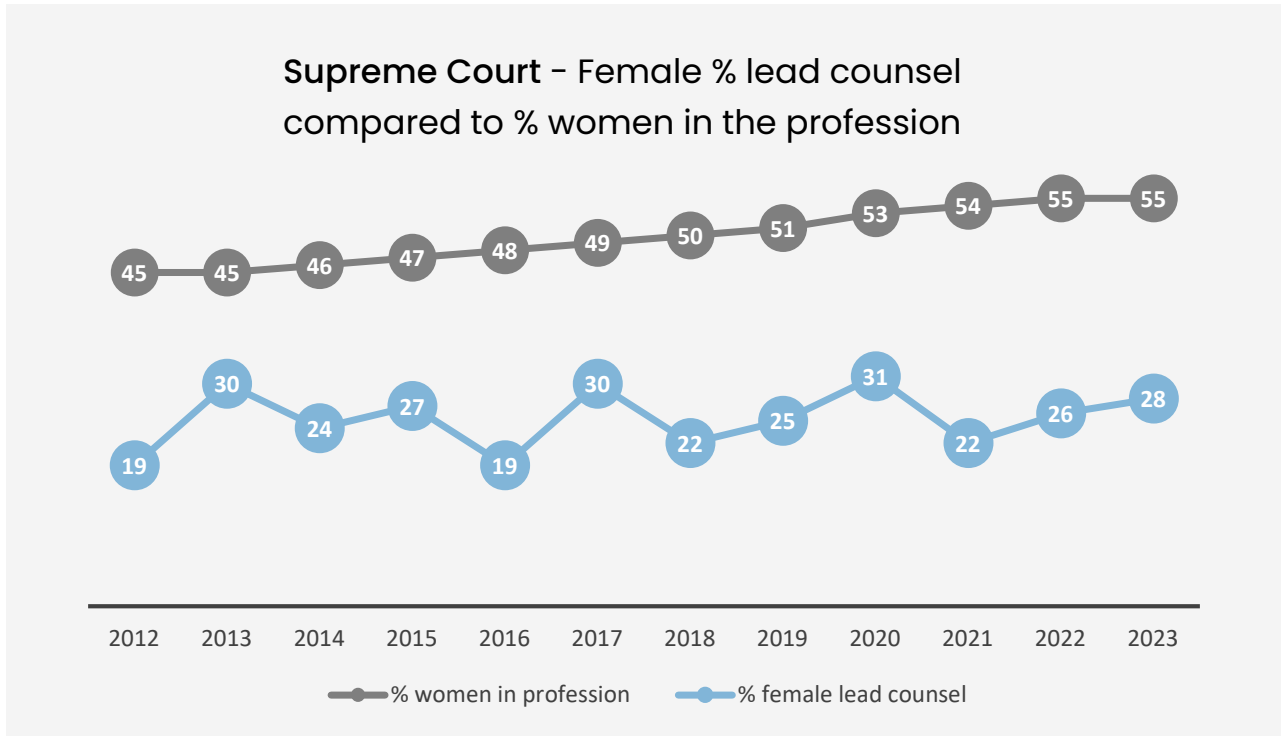


Figure 4

likely to be instructed in civil matters, and less likely to act for the appellant in the higher courts. The position is improved for female junior counsel – although they are more likely to appear with a male lead counsel than with a female lead counsel.

5. Between 2012 and 2023 there has been a slight increase in the incidence of female King’s Counsel leading cases in the higher courts. This appears to correlate with a greater number of women being

appointed to the rank. Over the four-year period we surveyed, female KCs comprised between 23% and 26% of all KCs practising in New Zealand and were lead counsel in a similar percentage of cases where KCs were instructed.

6. The one “client” who can regularly be counted on to instruct female counsel is Crown Law.<sup>1</sup> However, if the data is adjusted to exclude the cases in which Crown Law is involved, the percentage of

women leading cases drops from 30% to 22% for the Court of Appeal and from 26% to 16% for the Supreme Court between 2020 and 2023.

7. What are the reasons for this ongoing gender disparity? This report does not have the answers. What we do have is the data, which confirms earlier trends and leads to the inescapable conclusion that current initiatives are not working effectively, and action is needed if the profession wishes to make progress in this area.

<sup>1</sup> Giving rise to the so-called “Crown Law effect”. See paragraphs [26]-[29] below.

# Introduction

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8. The aim of this report is to establish the gender ratio of counsel appearing before the Court of Appeal and Supreme Court between 2020 and 2023. It builds on the work of the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture in 2018<sup>2</sup> and 2021,<sup>3</sup> permitting a wide view of the data over a 12-year period from 2012 to 2023.
9. As with previous reports the authors hope this data will result in an informed discussion about women's underrepresentation in the higher courts, encourage steps towards addressing this issue, and provide a baseline against which we can measure future progress.
10. The data in its extracted form for each year and each court is attached as **Appendix A**. It is drawn from 1013 cases involving an oral hearing in the Court of Appeal and 319 substantive judgments in the Supreme Court over the four-year period surveyed.<sup>4</sup>
11. The methodology for identifying cases, counsel, determining the gender of counsel, and filtering results for various trends is explained in the methodology statement attached to this report as **Appendix B**. We have followed the same methodology as the 2018 and 2021 reports.
12. Attached as **Appendix C** is a series of graphs that demonstrate the various categories of data, plotted to identify trends. Since its inception, the goal of this project has been to determine whether the proportion of women appearing as lead counsel in comparison to men has changed over the last twelve years. These graphs demonstrate that although there have been minor fluctuations, there is no discernible upward trend.

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2 Jenny Cooper KC and Gretta Schumacher "Gender ratio of counsel appearing in higher courts" (September 2018) New Zealand Bar Association [www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender\\_of\\_counsel\\_appearing\\_-\\_final\\_report\\_and\\_appendices\\_1.pdf](http://www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender_of_counsel_appearing_-_final_report_and_appendices_1.pdf)

3 Kate Davenport KC, Paul Radich QC, Setareh Stienstra, Iswari Jayanandan "Report on the gender ratio of counsel appearing in higher courts for the years 2018-2019" (November 2021) New Zealand Bar Association [www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender\\_report\\_for\\_2018\\_-\\_2019\\_final.pdf](http://www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender_report_for_2018_-_2019_final.pdf)

4 This includes leave judgments in the Supreme Court determined on the papers. Refer to [Appendix B](#) for methodology.

# Background to the Study

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## IMPETUS FOR THE RESEARCH

13. Since the early 1990s, the number of female law graduates has exceeded their male counterparts. This trend continues such that in 2023, 66.1% of new admissions to the profession were women. Despite this, women continue to be underrepresented in senior roles in the profession. A recent survey of the New Zealand Law Society | Te Kāhui Ture o Aotearoa reports that 36% of senior legal roles were held by women in 2023. Around a third of equity partners in law firms are women. As at 2023 around 40% of barristers were women; however, women

made up only 26% of all King's Counsel practising.<sup>5</sup>

14. The 2018 and 2021 reports found that women are not instructed as lead counsel in the higher courts as often as men. However, since 2018 there have been several initiatives focused on improving the gender balance in counsel appearing before the courts.

(a). The Gender Equality Charter is a set of commitments made by legal workplaces aimed at improving the retention and advancement of women lawyers.<sup>6</sup> As at 2023, there

were 132 active Charter signatories.<sup>7</sup>

(b). The Gender Equitable Engagement and Instruction Policy<sup>8</sup> developed by the Law Society Te Kāhui Ture o Aotearoa and the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture is a voluntary reporting scheme with a target of ensuring that women lawyers received at least 50% of external instructions for all significant matters.

(c). In March 2018, the President of the Court of Appeal issued a practice note on the role of junior counsel. One of the stated aims of the

5 New Zealand Law Society | Te Kāhui Ture o Aotearoa "Results of 2023 Survey of GEC Signatories" (2023) [www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equality-Charter-Survey-2023-full-report.pdf](http://www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equality-Charter-Survey-2023-full-report.pdf)

6 New Zealand Law Society | Te Kāhui Ture o Aotearoa "Gender Equality Charter" (2018) [www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/The-Gender-Equality-Charter.pdf](http://www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/The-Gender-Equality-Charter.pdf)

7 New Zealand Law Society | Te Kāhui Ture o Aotearoa "Results of 2023 Survey of GEC Signatories" (2023) [www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equality-Charter-Survey-2023-full-report.pdf](http://www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equality-Charter-Survey-2023-full-report.pdf) at p 2.

8 New Zealand Law Society | Te Kāhui Ture o Aotearoa "Gender Equitable Engagement and Instruction Policy" [www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equitable-Engagement-and-Instruction-Policy.pdf](http://www.lawsociety.org.nz/assets/Branches-Sections-and-Groups/Women-in-the-legal-profession/Gender-Equitable-Engagement-and-Instruction-Policy.pdf)



practice note was to support the Gender Equitable Engagement and Instruction Policy. The practice note encourages oral argument by junior counsel and permitted junior counsel to take an intermediate point in argument.<sup>9</sup>

15. The purpose of this report is to update the data and find out if the position has improved over time, especially following the implementation of these measures.

## SCOPE

16. This research is focused on the Court of Appeal and Supreme Court because they are the senior courts in which the most experienced and senior counsel are likely to appear.<sup>10</sup> These are also the courts in which cases might be considered “leading” or important, for the purposes of supporting an application for appointment to the inner bar.
17. As with previous reports, we collected data on gender ratio as it relates to

lead counsel, junior counsel, the inner bar, counsel for the appellant and respondent, civil cases, criminal cases, cases excluding Crown Law, and the configuration of counsel.

18. We have expanded on the previous research by also collecting data on counsel assisting the court and counsel for an intervenor or interested party. We also started collecting data on the practice areas where female counsel is instructed. We hope this data will shed light on the type of instructions female counsel receive.
19. The data presents gender statistics in binary terms. The authors are mindful that some lawyers in New Zealand identify as gender diverse and/or do not identify with any gender.<sup>11</sup> The research to date has not identified any lawyers in this category, however, going forward it will be important to ensure that the research recognises gender in all forms.

<sup>9</sup> Stephen Kós P “Practice note on role of junior counsel” (1 March 2018) Court of Appeal [www.courtsofnz.govt.nz/going-to-court/practice-directions/practice-notes/court-of-appeal/role-of-junior-counsel](http://www.courtsofnz.govt.nz/going-to-court/practice-directions/practice-notes/court-of-appeal/role-of-junior-counsel)

<sup>10</sup> The authors consider that further research of the gender balance of counsel appearing in the lower courts is merited, particularly as it relates to the gender of counsel involved in trial litigation – an area of anecdotal gender disparity, which may have a connection with the proportion of women receiving instructions to act in the higher courts. Surveying High Court judgments as part of this project was not possible due to cost and resourcing constraints.

<sup>11</sup> NZLS “Snapshot of the Profession” for 2023 records that lawyers can identify their gender as female, male and gender diverse, or they may choose not to state their gender. As at 2023, there were five lawyers in New Zealand in this category. See Marianne Burt and Jacqui Van Der Kaay “Snapshot of the Profession 2023” LawTalk | Kōrero Mō Te Ture (December 2023) New Zealand Law Society | Te Kāhui Ture o Aotearoa [www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf](http://www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf) at p 9.

# Summary of Results

## FEMALE LAWYERS LESS LIKELY TO APPEAR AS LEAD COUNSEL

20. Women appear as lead counsel less frequently than men. In the four-year period we surveyed, women made up 30% of lead counsel appearing in the Court of Appeal and 26% of lead counsel appearing in the Supreme Court. A longitudinal view shows no improvement over the past 12 years. Women’s overall representation in the legal profession has increased from 45% in 2012<sup>12</sup> to 55% in 2023.<sup>13</sup> However, the number of women leading cases in the higher courts has not increased. Figure 1 and Figure 2 are two bar charts recording the number of men and women appearing as lead counsel in the Court of Appeal and Supreme Court between 2012 and 2023.

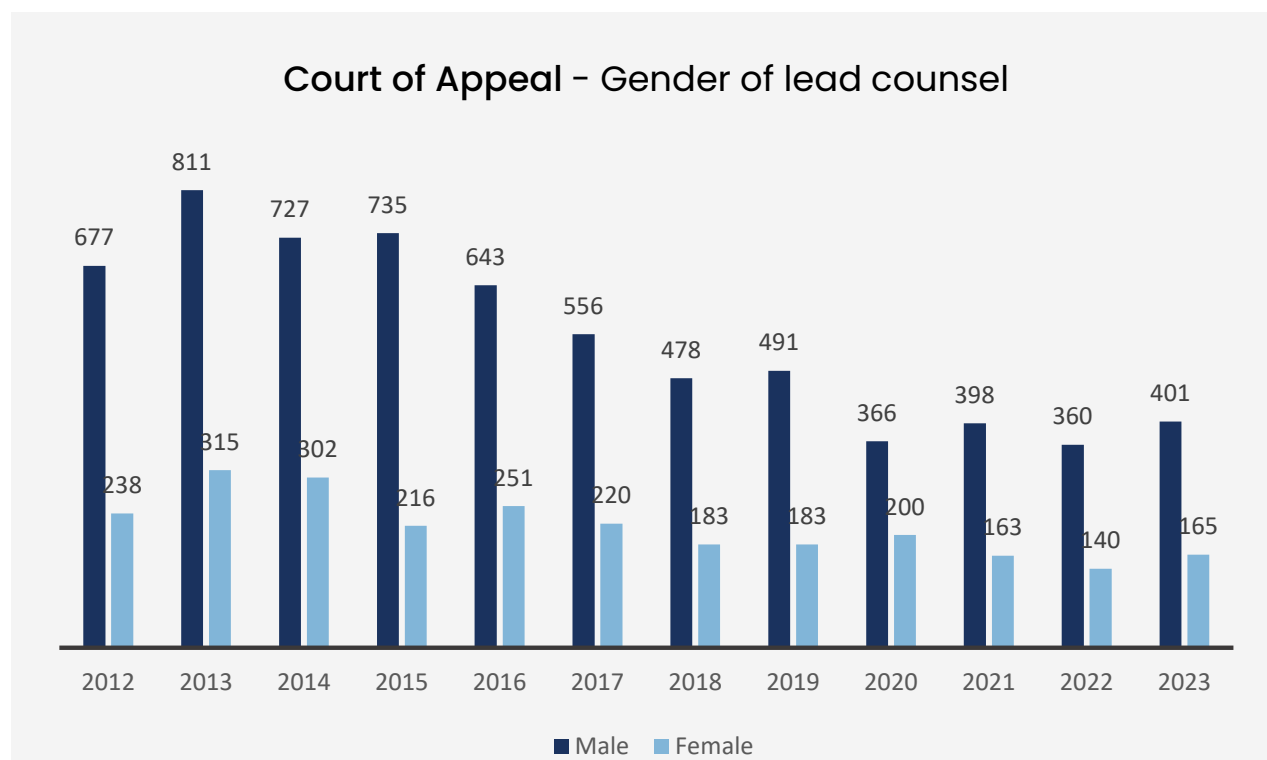


Figure 1

<sup>12</sup> New Zealand Law Society | Te Kāhui Ture o Aotearoa “A snapshot of the New Zealand legal profession” LawTalk (March 2012) [www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/snapshot2012.pdf](http://www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/snapshot2012.pdf)

<sup>13</sup> Marianne Burt and Jacqui Van Der Kaay “Snapshot of the Profession 2023” LawTalk | Kōrero Mō Te Ture (December 2023) New Zealand Law Society | Te Kāhui Ture o Aotearoa [www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf](http://www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf)



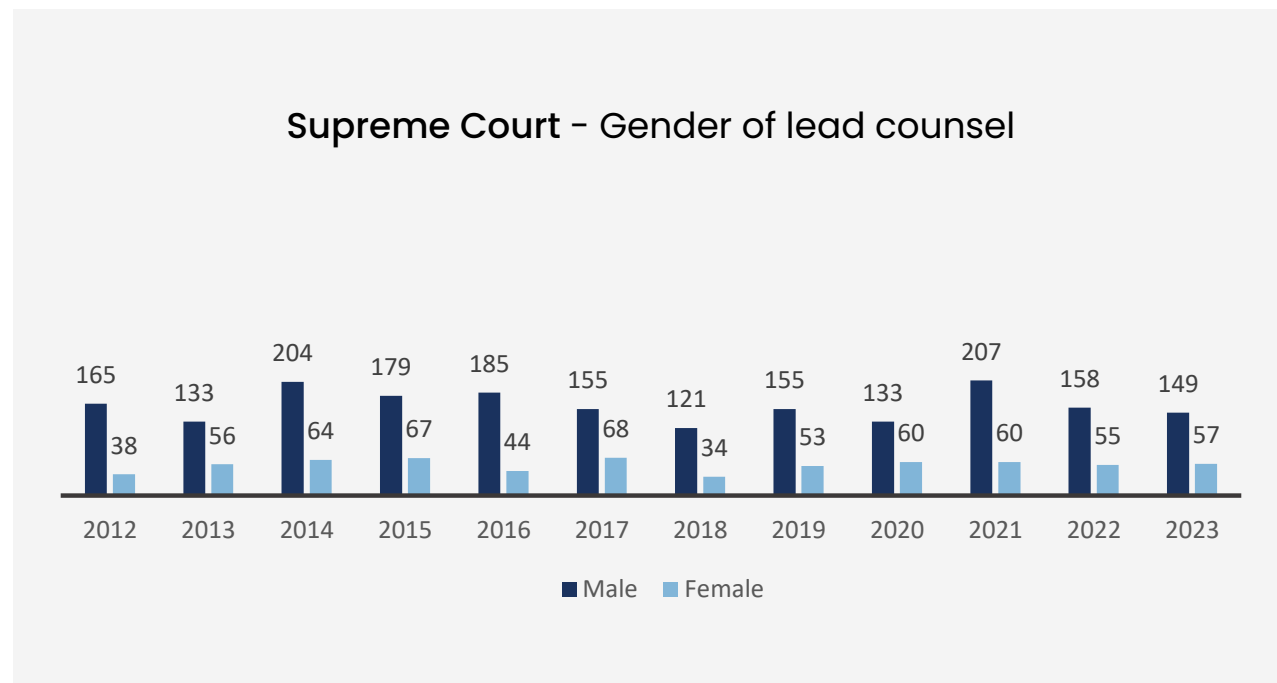


Figure 2

### FEMALE LAWYERS MORE LIKELY TO APPEAR FOR RESPONDENT

- 21. Female lawyers are more likely to appear for the respondent than the appellant. This has been the case since 2012.<sup>14</sup>
- 22. In the period surveyed, women were twice as likely to appear for a respondent than for the appellant. In the Court of Appeal, women comprised 20% of lead counsel for the appellant and 40% of lead counsel

for the respondent. In the Supreme Court, women comprised 17% of lead counsel for the appellant and 32% of lead counsel for the respondent.

### GENDER IMBALANCE MORE SEVERE FOR CIVIL APPEALS

- 23. Women are more likely to appear in criminal appeals than civil appeals. This has been the case since 2012.<sup>15</sup>

24. During the period we surveyed, women appeared as lead counsel in 19% of civil cases before the Court of Appeal and the Supreme Court. In the case of criminal appeals, women appeared as lead counsel in 39% of cases before the Court of Appeal and 38% of cases before the Supreme Court.

25. The gender disparity is most acute in the case of counsel for the appellant in civil cases before the Court of Appeal. In the four-year period surveyed, there were only 44 civil appeals in which women appeared as lead counsel for the appellant, which equates to just 11%. By comparison the number of civil appeals (in the Court of Appeal) led by male counsel for the appellant was 344, representing 89%.

### THE CROWN LAW EFFECT

26. In past reports, the differences between the appellant/respondent figures and the civil/criminal figures led the authors to consider whether this was related to the presence of the Crown as a party. This was on the basis that Crown Law represents the Crown on most criminal appeals in the Court of Appeal and

14 See figures 5 to 8 for a summary of the data between 2012 and 2023.

15 See figures 9 and 10 for a summary of the data on women appearing in the higher courts for civil and criminal appeals between 2012 and 2023.

Supreme Court, typically with the Crown as respondent. Previous reports found the exclusion of Crown Law had a significant effect on the figures.

27. Our research demonstrates that this trend continues. The number of women appearing as lead counsel for the respondent decreases by between 13% to 17% when Crown Law is excluded. In the Court of Appeal data for the surveyed period, the percentage of cases led by women acting for the respondent dropped from 40% to 27%. In the Supreme Court, the percentage of cases led by women acting for the respondent resulted in a drop from 32% to 16%.

28. This data indicates that Crown Law continues to play an important role in instructing female counsel to appear in the higher courts. It also reveals that in cases where the Crown is not a party, the gender disparity is more severe. If we exclude Crown Law, women led only 22% of cases in the Court of Appeal and only 16% of cases in the Supreme Court for the period surveyed.

29. See figures 11 and 12 (reproduced right) for a view of how the Crown Law effect impacts the data collected between 2012 and 2023.

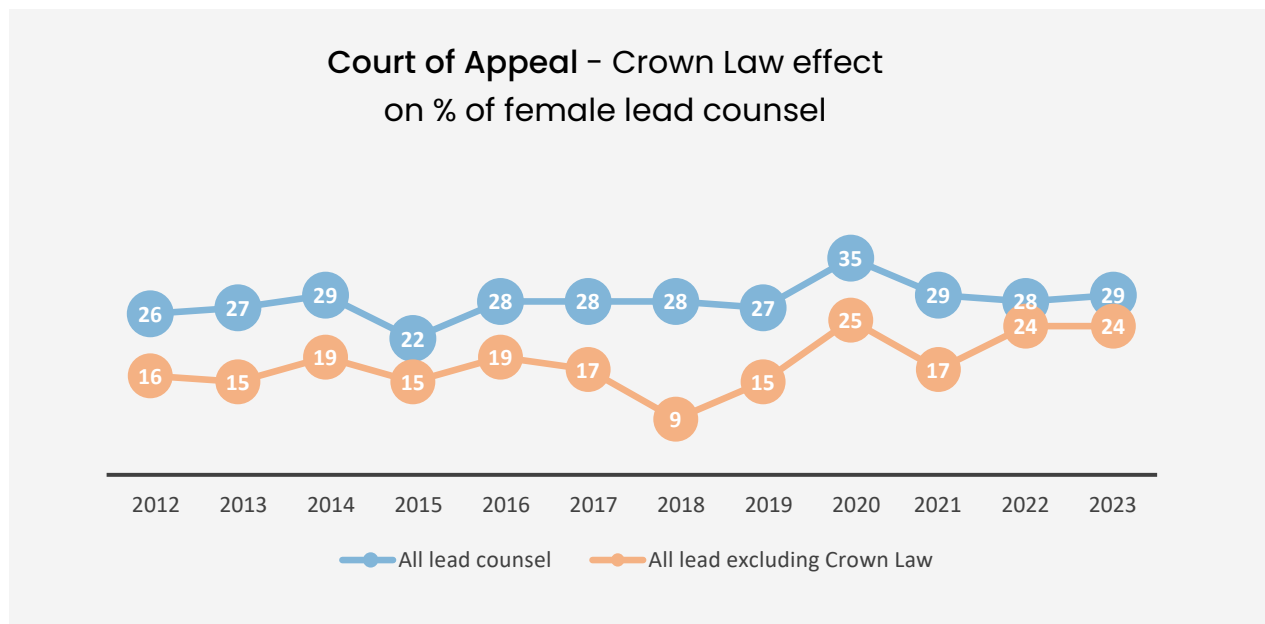


Figure 11

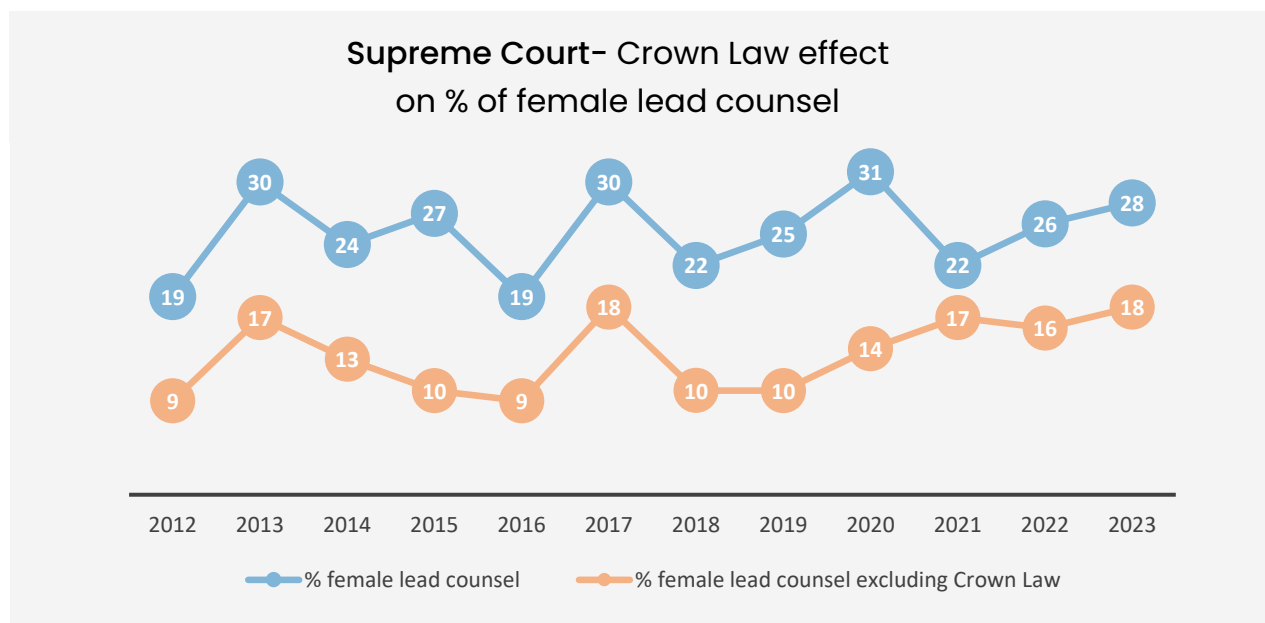


Figure 12

## GENDER IMBALANCE FOR JUNIOR COUNSEL

30. Over the four-year period we surveyed, the average proportion of female junior counsel is 48% for the Court of Appeal and 46% for the Supreme Court. While these figures indicate women are almost as likely to appear as junior counsel as their male counterparts, the figures still have some way to go to reflect the proportion of women in the profession, which was between 53% and 55% during the relevant period.<sup>16</sup>
31. [Figures 13 and 14](#) present the data on junior counsel appearing for the appellant, respondent and overall between 2012 and 2023.

## GENDER RATIO OF THE INNER BAR

32. The position for female KCs has improved with a slight increase in the number of female KCs appearing in the higher courts.<sup>17</sup> This is likely attributable to an increase in the number of KCs who are female.

33. The previous reports found that the figures for female QCs (as they then were) appearing as a proportion of all QCs across both courts was out of step with the number of female QCs practising in New Zealand. This is no longer the case.<sup>18</sup> In the period surveyed, women represented between 23% and 26% of the total number of counsel who have taken silk and remain actively practising in New Zealand. During this period female KCs comprised 27% of KCs appearing in the Court of Appeal and 21% of all KCs appearing in the Supreme Court.
34. This data suggests that gender parity amongst the inner bar will lead to more women appearing in the higher courts. The authors note that the sample size remains small and the question of whether this is an established or reliable trend will need to be tracked over time.

## CONFIGURATION OF COUNSEL APPEARING IN HIGHER COURTS

35. The configuration of counsel is also an interesting metric to consider.

36. In the period we surveyed, the most common configuration was male senior counsel with a male junior, followed fairly closely by a male senior counsel with a female junior. The incidence of female lead counsel in the higher courts is (of course) less common, but by a small margin women do tend to have female junior counsel more often than male junior counsel. This has been the case in most years since 2012 as depicted in figures 19 and 20 below.

## WOMEN APPEARING AS COUNSEL TO ASSIST OR FOR AN INTERVENOR

37. For the first time, we have also considered the ratio of women appearing in the higher courts as counsel to assist, or for an intervenor. This was due to anecdotal reports that women are more likely to receive such briefs.
38. Our data indicates women are indeed more likely than men to be appointed as counsel to assist in the higher courts. During the period surveyed, women made up 67% of counsel appointed to assist in

<sup>16</sup> These results are consistent with previous reports. For example, in the period 2012 to 2017, the average proportion of female junior counsel was 47% for the Court of Appeal and 39% for the Supreme Court. However, the proportion of female lawyers in the profession was between 45% and 49%.

<sup>17</sup> See figures [15 and 16](#) for a comparison of the numbers of male and female silks appearing in the higher courts between 2012 and 2023

<sup>18</sup> See figures [17 and 18](#).

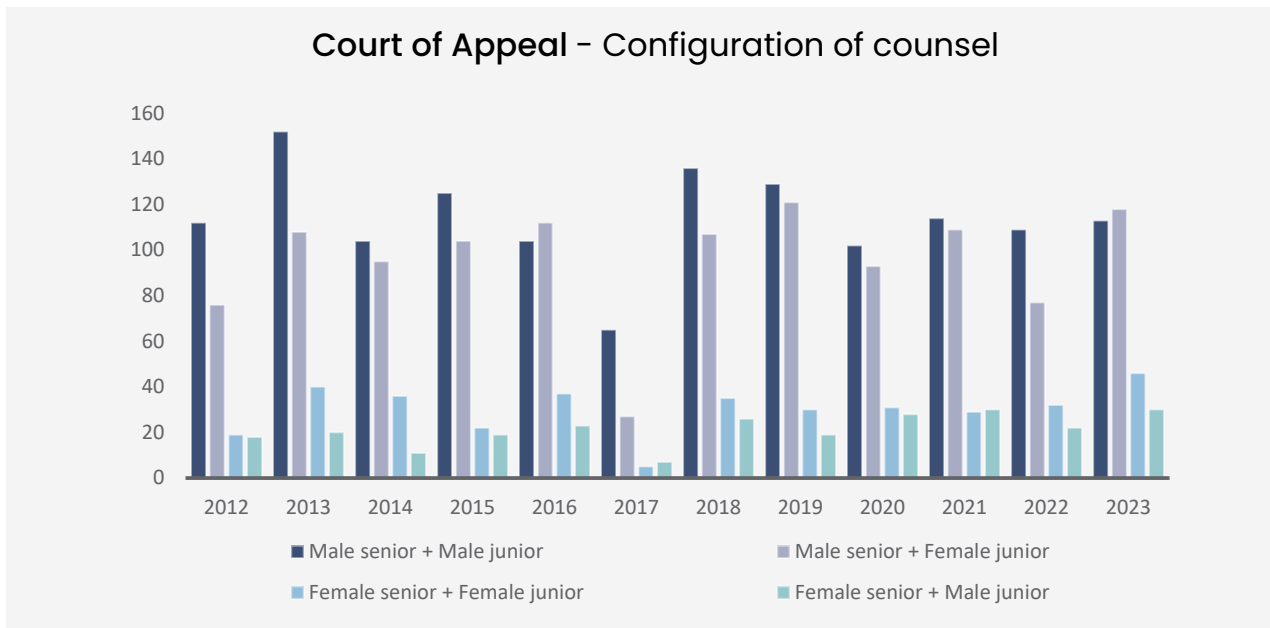


Figure 19

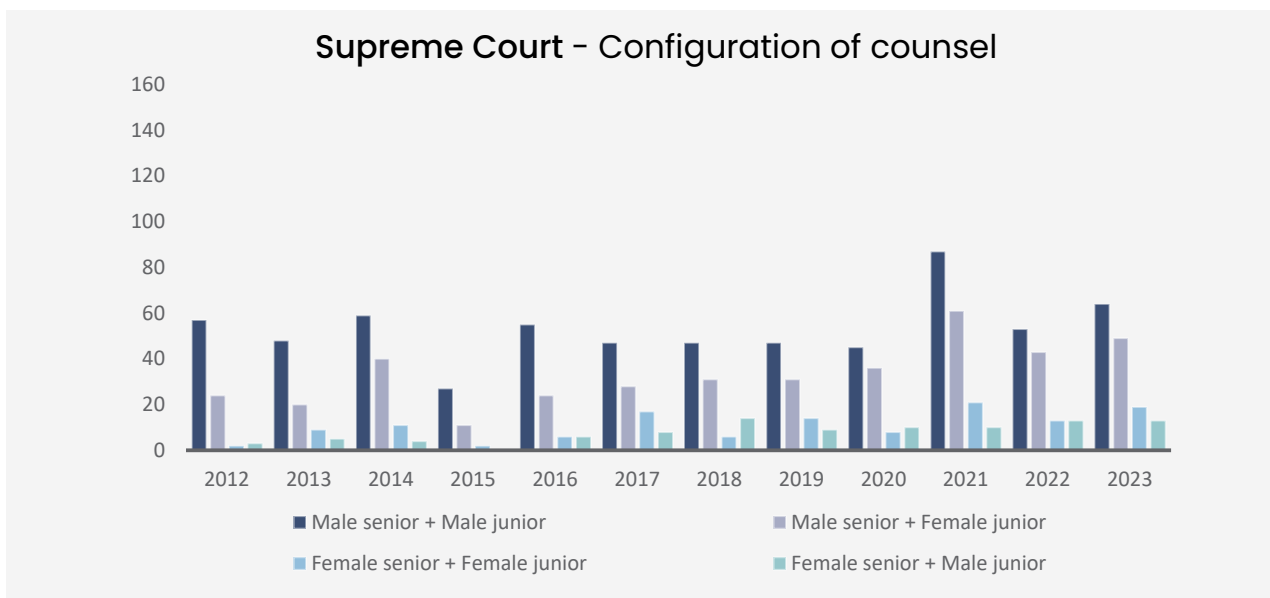


Figure 20

the Court of Appeal, and 83% of counsel appointed to assist in the Supreme Court. These figures demonstrate that the judiciary has confidence in our female counsel to deal with complex issues in our higher courts.

39. The ratio of women appointed as counsel for an intervenor or counsel for an interested party is lower. During the period surveyed, women made up 56% of counsel for an intervenor or interested party in the Court of Appeal, and 29% of counsel for an intervenor or interested party in the Supreme Court.

40. The authors note that the sample size overall for this category is low and accordingly the results should be treated with some caution. It will be important to continue to collect this data to identify any trends over time.

## CIVIL PRACTICE AREAS IN WHICH WOMEN ARE LEADING CASES

- 41. For the first time we have also looked at the practice areas in which women appear as lead counsel in civil cases before the higher courts.
- 42. Between 2020 and 2023 women have appeared mainly in public law cases, which is a category that includes many judicial review cases, but also ACC, Bill of Rights, food law, human rights, immigration, local government, media, privacy, and sale of liquor. Combining the Court of Appeal and Supreme Court data, the next most common category is family law, followed by commercial, environmental, employment, trusts and tort.<sup>19</sup>
- 43. Figures 21 and 22 (depicted right) record the number of women appearing in various practice areas for the Court of Appeal and Supreme Court respectively.

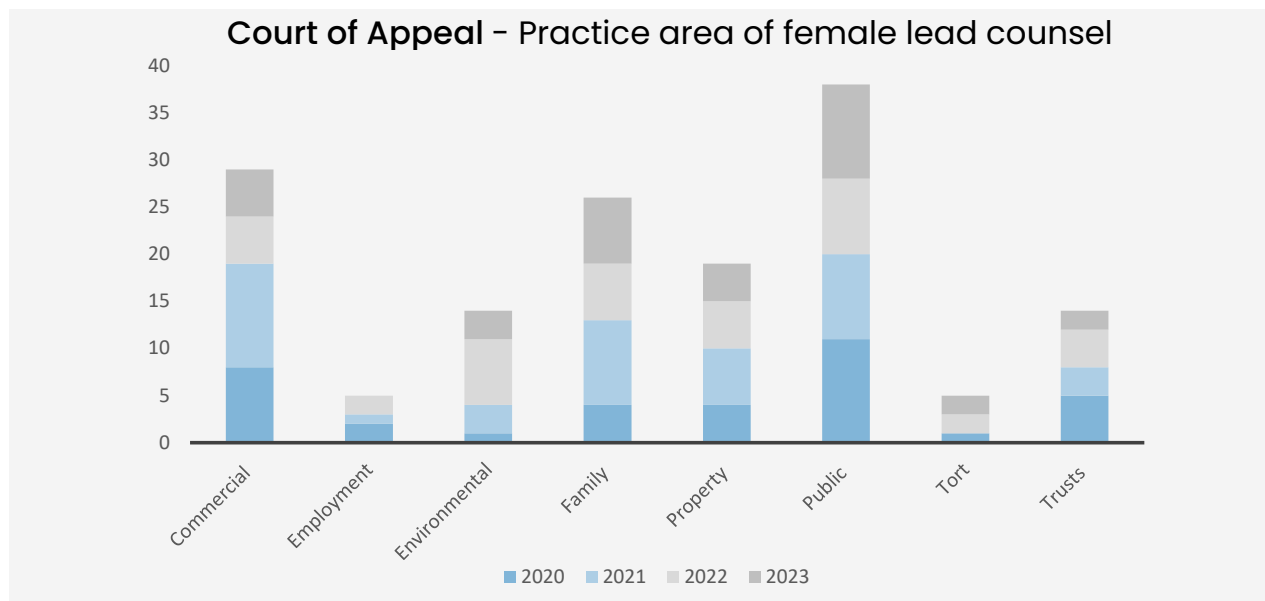


Figure 21

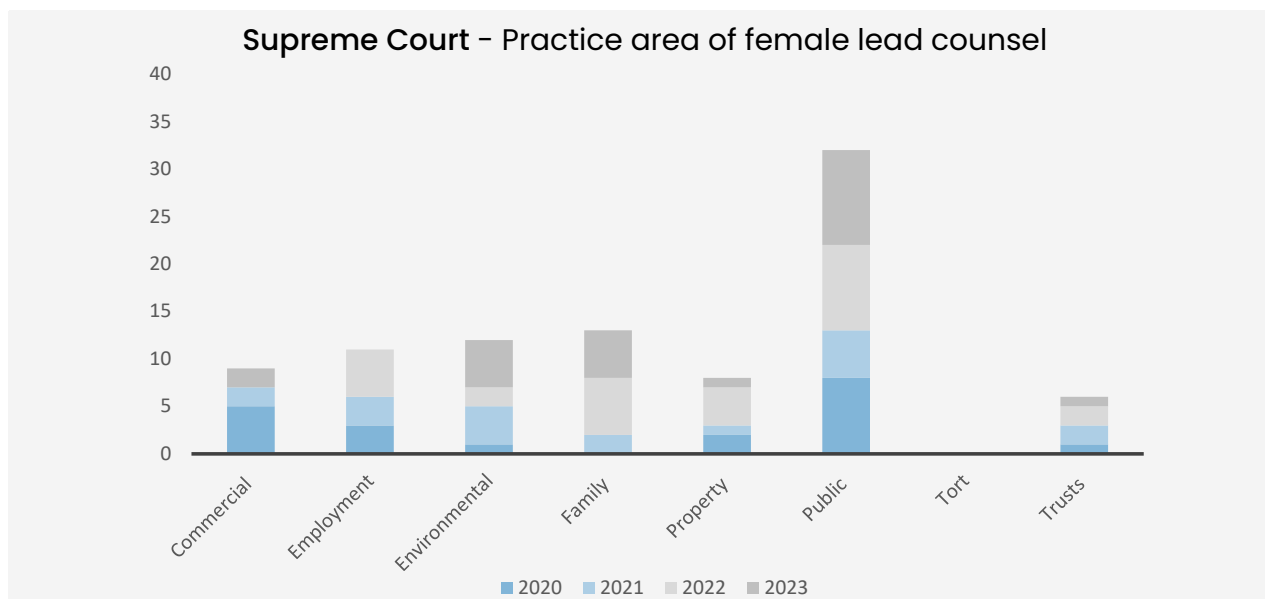


Figure 22

<sup>19</sup> See [Appendix B](#) for a methodology statement at [\[11\]](#)-[\[12\]](#) for more information on these categories and how the data was collected.



## Conclusion

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44. We now have 12 years of data, and the story that data tells is unambiguous.
45. While there are some limited areas of progress, overall the percentage of women leading cases in the higher courts has not improved. Regrettably, in the 12 years surveyed, women have not had the same opportunities as men to lead cases in our higher courts.
46. Why is this problem proving so intractable? As with previous reports, this data does not disclose the reasons for the gender imbalance. Neither does it tell us anything about the size, value or significance of the cases women are instructed on, which are further important metrics to consider in the context of gender equality.
47. Another limitation of this research is that it does not offer solutions for resolving the problem. What we do know is that the measures currently in place are not working as hoped. We need to reevaluate our present strategies and continue testing the results. It is a task that will require resources, commitment and courage. We are hopeful the picture will look different in another 12 years' time.





## Acknowledgements

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48. The authors, Nura Taefi KC and Kelly Quinn KC, would like to thank the New Zealand Bar Association | Ngā Ahorangi Motuhake o te Ture for its funding and support of this project.

49. The data was collected over a period of four months by two student researchers from the University of Auckland Law School, Serena Hu and Tabby Al-Jebouri. Thank you also to Amy West for assistance with supervising the research and to Roxanne Pope whose analysis of data was invaluable. A final thanks to James Little, Yoony Lee, Bridgette White, Samantha Wilson, Emily Lyons, Aria Zhang and Sabrina Liu who assisted with collecting data on practice areas.

50. This project is an initiative of the New Zealand Bar Association's Diversity and Inclusion Committee, and the authors thank the Committee members for their encouragement and guidance. We are grateful to the previous report writers for

their work, and to future report writers for the work to follow. Thank you for carrying out this important mahi.



# APPENDIX A – Primary Data

## COURT OF APPEAL DATA 2023

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	211	57	21.27%
	Respondent	190	108	36.24%
	Total	401	165	29.15%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	50	12	19.35%
	Respondent	23	7	23.33%
	Total	73	19	20.65%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	85	78	47.85%
	Respondent	75	98	56.65%
	Total	160	176	52.38%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	86	11	11.34%
	Respondent	92	27	22.69%
	Total	178	38	17.59%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	30	5	14.29%
	Respondent	21	5	19.23%
	Total	51	10	16.39%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	53	42	44.21%
	Respondent	51	54	51.43%
	Total	104	96	48.00%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	126	46	26.74%
	Respondent	92	78	45.88%
	Total	218	124	36.26%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	20	7	25.93%
	Respondent	1	1	50.00%
	Total	21	8	27.59%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	32	36 <sup>20</sup>	52.94%
	Respondent	22	39	63.93%
	Total	54	75	58.14%

10	All appeals excluding Crown Law – all lead counsel <sup>21</sup>	Male	Female	Female % of total
	Appellant	210	56	21.05%
	Respondent	137	53	27.89%
	Total	347	109	23.90%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	51	12	19.05%
	Respondent	23	7	23.33%
	Total	74	19	20.43%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	86	77	47.24%
	Respondent	64	77	54.61%
	Total	150	154	50.66%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 118 times (32 with KC)
	Male + Male	Male senior appears with male junior counsel 113 times (42 with KC)
	Female + Female	Female senior appears with female junior counsel 46 times (11 with KC)
	Female + Male	Female senior appears with male junior counsel 30 times (5 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	1	2	66.67%
	Counsel assisting	0	2	100.00%
	Total	1	4	80.00%

15	Practice area – female lead counsel	Number
	Commercial	5
	Employment	0
	Environmental	3
	Family	7
	Property	4
	Public	10
	Tort	2
	Trusts	2

20 1 KC

21 Crown Law civil/criminal breakdown – 18 civil appeals:109 criminal appeals

## COURT OF APPEAL DATA 2022

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	183	42	18.67%
	Respondent	177	98	35.64%
	Total	360	140	28.00%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	27	7	20.59%
	Respondent	21	13	38.24%
	Total	48	20	29.41%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	79	46	36.80%
	Respondent	79	71	47.33%
	Total	158	117	42.55%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	81	10	10.99%
	Respondent	98	31	24.03%
	Total	179	41	18.64%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	22	4	15.38%
	Respondent	21	10	32.26%
	Total	43	14	24.56%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	44	27	38.03%
	Respondent	54	40	42.55%
	Total	98	67	40.61%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	102	32	23.88%
	Respondent	79	67	45.89%
	Total	181	99	35.38%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	5	3	37.50%
	Respondent	0	3	100.00%
	Total	5	6	54.55%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	22	20	47.62%
	Respondent	25	31	55.36%
	Total	47	51	52.04%

10	All appeals excluding Crown Law – all lead counsel <sup>22</sup>	Male	Female	Female % of total
	Appellant	177	40	18.43%
	Respondent	122	52	29.89%
	Total	299	92	23.53%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	27	7	20.59%
	Respondent	21	12	36.36%
	Total	48	19	28.36%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	79	42	34.71%
	Respondent	61	49	44.55%
	Total	140	91	39.39%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 77 times (20 with KC)
	Male + Male	Male senior appears with male junior counsel 109 times (30 with KC)
	Female + Female	Female senior appears with female junior counsel 32 times (6 with KC)
	Female + Male	Female senior appears with male junior counsel 22 times (5 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	1	3	75.00%
	Counsel assisting	1	2	66.67%
	Total	2	5	71.43%

15	Practice area – female lead counsel	Number
	Commercial	5
	Employment	2
	Environmental	7
	Family	6
	Property	5
	Public	8
	Tort	2
	Trusts	4

22 Crown Law civil/criminal breakdown – 21 civil appeals:100 criminal appeals

## COURT OF APPEAL DATA 2021

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	221	38	14.67%
	Respondent	177	125	41.39%
	Total	398	163	29.06%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	30	6	16.67%
	Respondent	27	10	27.03%
	Total	57	16	21.92%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	75	63	45.65%
	Respondent	87	81	48.21%
	Total	162	144	47.06%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	97	10	9.35%
	Respondent	110	35	24.14%
	Total	207	45	17.86%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	21	4	16.00%
	Respondent	26	8	23.53%
	Total	47	12	20.34%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant <sup>23</sup>	44	35	44.30%
	Respondent	66	51	43.59%
	Total	110	86	43.88%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	124	28	18.42%
	Respondent	64	91	58.71%
	Total	188	119	38.76%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	9	2	18.18%
	Respondent	1	2	66.67%
	Total	10	4	28.57%

23 This data includes one junior counsel for the appellant in a civil appeal whose gender is unknown.

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	28	27	49.09%
	Respondent	19	29	60.42%
	Total	47	56	54.37%

10	All appeals excluding Crown Law – all lead counsel <sup>24</sup>	Male	Female	Female % of total
	Appellant	215	34	13.65%
	Respondent	123	35	22.15%
	Total	338	69	16.95%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	29	6	17.14%
	Respondent	27	7	20.59%
	Total	56	13	18.84%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	75	55	42.31%
	Respondent	65	56	46.28%
	Total	140	111	44.22%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 109 times (26 with KC)
	Male + Male	Male senior appears with male junior counsel 114 times (29 with KC)
	Female + Female	Female senior appears with female junior counsel 29 times (7 with KC)
	Female + Male	Female senior appears with male junior counsel 30 times (4 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	3	1	25.00%
	Counsel assisting	0	1	100.00%
	Total	3	2	40.00%

15	Practice area – female lead counsel	Number
	Commercial	11
	Employment	1
	Environmental	3
	Family	9
	Property	6
	Public	9
	Tort	0
	Trusts	3

24 Crown Law civil/criminal breakdown – 28 civil appeals:134 criminal appeals

## COURT OF APPEAL DATA 2020

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	198	63	24.14%
	Respondent	168	137	44.92%
	Total	366	200	35.34%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	41	20	32.79%
	Respondent	23	14	37.84%
	Total	64	34	34.69%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	68	67	49.63%
	Respondent	76	70	47.95%
	Total	144	137	48.75%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	80	13	13.98%
	Respondent	90	36	28.57%
	Total	170	49	22.37%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	30	6	16.67%
	Respondent	23	13	36.11%
	Total	53	19	26.39%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	43	30	41.10%
	Respondent	51	45	46.88%
	Total	94	75	44.38%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	117	52	30.77%
	Respondent	79	102	56.35%
	Total	196	154	44.00%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	11	14	56.00%
	Respondent	1	1	50.00%
	Total	12	15	55.56%



9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	25	37 <sup>25</sup>	59.68%
	Respondent	25	25	50.00%
	Total	50	62	55.36%

10	All appeals excluding Crown Law – all lead counsel <sup>26</sup>	Male	Female	Female % of total
	Appellant	196	59	23.14%
	Respondent	106	43	28.86%
	Total	302	102	25.25%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	40	20	33.33
	Respondent	23	12	34.29
	Total	63	32	33.68%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	68	61	47.29%
	Respondent	61	42	40.78%
	Total	129	103	44.40%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 93 times (26 with KC)
	Male + Male	Male senior appears with male junior counsel 102 times (36 with KC)
	Female + Female	Female senior appears with female junior counsel 31 times (9 with KC)
	Female + Male	Female senior appears with male junior counsel 28 times (13 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	2	3	60.00%
	Counsel assisting	2	1	33.33%
	Total	4	4	50.00%

15	Practice area – female lead counsel	Number
	Commercial	8
	Employment	2
	Environmental	1
	Family	4
	Property	4
	Public	11
	Tort	1
	Trusts	5

25 1 KC

26 Crown Law civil/criminal breakdown – 27 civil appeals:141 criminal appeals

## SUPREME COURT DATA 2023

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	64	16	20.00%
	Respondent	85	41	32.54%
	Total	149	57	27.67%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	17	6	26.09%
	Respondent	12	4	25.00%
	Total	29	10	25.64%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	38	27	41.54%
	Respondent	42	42	50.00%
	Total	80	69	46.31%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	31	9	22.50%
	Respondent	66	17	20.48%
	Total	97	26	21.14%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	12	4	25.00%
	Respondent	12	4	25.00%
	Total	24	8	25.00%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	29	20	40.82%
	Respondent	34	32	48.48%
	Total	63	52	45.22%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	33	7	17.50%
	Respondent	19	24	55.81%
	Total	52	31	37.35%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	5	2	28.57%
	Respondent	0	0	Null
	Total	5	2	28.57%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	9	7	43.75%
	Respondent	8	10	55.56%
	Total	17	17	50.00%

10	All appeals excluding Crown Law – all lead counsel	Male	Female	Female % of total
	Appellant	23	4	14.81%
	Respondent	49	12	19.67%
	Total	72	16	18.18%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	10	4	28.57%
	Respondent	11	4	26.67%
	Total	21	8	27.59%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	21	14	40.00%
	Respondent	30	20	40.00%
	Total	51	34	40.00%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 49 times (12 with KC)
	Male + Male	Male senior appears with male junior counsel 64 times (24 with KC)
	Female + Female	Female senior appears with female junior counsel 19 times (4 with KC)
	Female + Male	Female senior appears with male junior counsel 13 times (5 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	3	2	40.00%
	Counsel assisting	1	4	80.00%
	Total	4	6	60.00%

15	Practice area – female lead counsel	Number
	Commercial	2
	Employment	0
	Environmental	5
	Family	5
	Property	1
	Public	10
	Tort	0
	Trusts	1

## SUPREME COURT DATA 2022

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	65	16	19.75%
	Respondent	93	39	29.55%
	Total	158	55	25.82%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	16	8	33.33%
	Respondent	9	3	25.00%
	Total	25	11	30.56%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	30	19	38.78%
	Respondent	37	38	50.67%
	Total	67	57	45.97%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	39	12	23.53%
	Respondent	76	17	18.28%
	Total	115	29	20.14%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	11	7	38.89%
	Respondent	8	3	27.27%
	Total	19	10	34.48%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	22	14	38.89%
	Respondent	33	30	47.62%
	Total	55	44	44.44%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	26	4	13.33%
	Respondent	17	22	56.41%
	Total	43	26	37.68%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	5	1	16.67%
	Respondent	1	0	0.00%
	Total	6	1	14.29%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	8	5	38.46%
	Respondent	4	8	66.67%
	Total	12	13	52.00%

10	All appeals excluding Crown Law – all lead counsel	Male	Female	Female % of total
	Appellant	36	7	16.28%
	Respondent	65	12	15.58%
	Total	101	19	15.83%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	10	4	28.57%
	Respondent	8	3	27.27%
	Total	18	7	28.00%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	15	8	34.78%
	Respondent	26	25	49.02%
	Total	41	33	44.59%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 43 times (6 with KC)
	Male + Male	Male senior appears with male junior counsel 53 times (16 with KC)
	Female + Female	Female senior appears with female junior counsel 13 times (5 with KC)
	Female + Male	Female senior appears with male junior counsel 13 times (4 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	3	3	50.00%
	Counsel assisting	0	0	-
	Total	3	3	50.00%

15	Practice area – female lead counsel	Number
	Commercial	0
	Employment	5
	Environmental	2
	Family	6
	Property	4
	Public	9
	Tort	0
	Trusts	2

## SUPREME COURT DATA 2021

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	90	14	13.46%
	Respondent	117	46	28.22%
	Total	207	60	22.47%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	26	6	18.75%
	Respondent	17	2	10.53%
	Total	43	8	15.69%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	47	26	35.62%
	Respondent	53	57	51.82%
	Total	100	83	45.36%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	50	10	16.67%
	Respondent	91	18	16.51%
	Total	141	28	16.57%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	19	3	13.64%
	Respondent	15	2	11.76%
	Total	34	5	12.82%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	35	14	28.57%
	Respondent	50	42	45.65%
	Total	85	56	39.72%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	40	4	9.09%
	Respondent	26	28	51.85%
	Total	66	32	32.65%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	7	3	30.00%
	Respondent	2	0	0.00%
	Total	9	3	25.00%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	12	12	50.00%
	Respondent	3	15	83.33%
	Total	15	27	64.29%

10	All appeals excluding Crown Law – all lead counsel	Male	Female	Female % of total
	Appellant	30	8	21.05%
	Respondent	63	11	14.86%
	Total	93	19	16.96%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	13	3	18.75%
	Respondent	15	1	6.25%
	Total	28	4	12.50%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	24	9	27.27%
	Respondent	38	23	37.70%
	Total	62	32	34.04%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 61 times (11 with KC)
	Male + Male	Male senior appears with male junior counsel 87 times (38 with KC)
	Female + Female	Female senior appears with female junior counsel 21 times (7 with KC)
	Female + Male	Female senior appears with male junior counsel 10 times (4 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	7	1	12.50%
	Counsel assisting	0	0	-
	Total	7	1	12.50%

15	Practice area – female lead counsel	Number
	Commercial	2
	Employment	3
	Environmental	4
	Family	2
	Property	1
	Public	5
	Tort	0
	Trusts	2



## SUPREME COURT DATA 2020

1	All appeals – all lead counsel	Male	Female	Female % of total
	Appellant	62	12	16.22%
	Respondent	71	48	40.34%
	Total	133	60	31.09%

2	All appeals – KCs only	Male	Female	Female % of total
	Appellant	13	4	23.53%
	Respondent	14	1	6.67%
	Total	27	5	15.63%

3	All appeals – junior counsel	Male	Female	Female % of total
	Appellant	22	17	43.59%
	Respondent	34	28	45.16%
	Total	56	45	44.55%

4	Civil appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	29	6	17.14%
	Respondent	52	15	22.39%
	Total	81	21	20.59%

5	Civil appeals only – KCs only	Male	Female	Female % of total
	Appellant	9	1	10.00%
	Respondent	12	0	0.00%
	Total	21	1	4.55%

6	Civil appeals only – junior counsel	Male	Female	Female % of total
	Appellant	15	6	28.57%
	Respondent	26	21	44.68%
	Total	41	27	39.71%

7	Criminal appeals only – all lead counsel	Male	Female	Female % of total
	Appellant	33	6	15.38%
	Respondent	19	33	63.46%
	Total	52	39	42.86%

8	Criminal appeals only – KCs only	Male	Female	Female % of total
	Appellant	4	3	42.86%
	Respondent	2	1	33.33%
	Total	6	4	40.00%

9	Criminal appeals only – junior counsel	Male	Female	Female % of total
	Appellant	7	11	61.11%
	Respondent	8	7	46.67%
	Total	15	18	54.55%

10	All appeals excluding Crown Law – all lead counsel	Male	Female	Female % of total
	Appellant	23	3	11.54%
	Respondent	41	7	14.58%
	Total	64	10	13.51%

11	All appeals excluding Crown Law – KCs only	Male	Female	Female % of total
	Appellant	9	1	10.00%
	Respondent	12	0	0.00%
	Total	21	1	4.55%

12	All appeals excluding Crown Law – junior counsel	Male	Female	Female % of total
	Appellant	11	5	31.25%
	Respondent	19	16	45.71%
	Total	30	21	41.18%

13	Configurations	
	Male + Female	Male senior appears with female junior counsel 36 times (10 with KC)
	Male + Male	Male senior appears with male junior counsel 45 times (19 with KC)
	Female + Female	Female senior appears with female junior counsel 8 times (3 with KC)
	Female + Male	Female senior appears with male junior counsel 10 times (0 with KC)

14	All appeals - lead counsel assisting or as intervenor	Male	Female	Female % of total
	Counsel for intervenor/ interested party	4	1	20.00%
	Counsel assisting	0	1	100.00%
	Total	4	2	33.33%

15	Practice area – female lead counsel	Number
	Commercial	5
	Employment	3
	Environmental	1
	Family	0
	Property	2
	Public	8
	Tort	0
	Trusts	1

# APPENDIX B – Methodology Statement

## OVERVIEW OF METHODOLOGY

1. Data was collated through Judicial Decisions Online. Where there were issues with the JDO records, these were cross-referenced with NZLII. All judgments delivered by the Court of Appeal and the Supreme Court between 1 January and 31 December of each year were identified and links compiled. The researchers reviewed each decision, and the names or initials of counsel were searched through the Register of Lawyers administered by the New Zealand Law Society | Te Kāhui Ture o Aotearoa.
2. Gender was deduced by the gender listed on the Register of Lawyers. Where more than one match to the initials was revealed, or gender was not listed on the entry, further steps were taken. The authors then used various methods to identify the gender of the individual appearing, namely:
  - (a). Website searches of solicitor firms;
  - (b). General web searches;
  - (c). Internal judgment searches for references by Judges to counsel and the pronoun used.
3. Where the authors personally knew the gender of individuals, these were entered into the data. If none of these methods delivered a conclusive gender designation, the entry was recorded as unknown.<sup>27</sup>
4. Gender has been determined by assessing the self-identified gender of counsel appearing from their entries on the public Register of Lawyers, their choice of pronoun on the same and on publicly accessible websites, and through their choice of pronoun in the judgments concerned. Where unable to be discerned, counsel's gender has been listed as "unknown". If there are any counsel whose gender identification has changed, or whose use of pronoun in a judgment or other public resource is mis-recorded, the authors of this material can be contacted to rectify the entry.
5. Records are only for judgments that are delivered following an oral hearing with counsel appearing. Therefore, decisions that were conducted "on the papers", or that were merely results judgments accompanying a later, substantive judgment, have been excluded from the numbers of counsel appearing. The same method was utilized where there was no appearance for a party, where that party was self-represented, and where a self-represented party has utilised a McKenzie Friend.
6. Gender for counsel appearing in the Court of Appeal covers all individual counsel appearing at a hearing, including for different appeals or appellants heard together. The assumption is that counsel listed in the counsel appearances section of the judgment covers each counsel present (for the purposes of junior counsel). Where one counsel appears for multiple parties (such as more than one appellant in a criminal case) the gender is recorded once. This is to ensure fidelity to the data, which is the gender of counsel physically appearing and orally addressing the Court. Appearances entered for four appellants but that are in reality one physical "appearance"

<sup>27</sup> In the period surveyed there is one individual whose gender was recorded as unknown.

are recorded as just one, so as to not artificially inflate the numbers of appearances.

7. The Supreme Court data has been taken in respect of all substantive appeals from the Court of Report on the Gender Ratio of Counsel Appearing in Higher Courts in the Years 2018–2019 Appeal. That includes written decisions declining leave, which may not have occurred pursuant to an oral hearing. This balances the comparatively fewer oral hearings conducted by the Supreme Court per year, while also capturing the importance and gravity of involvement of counsel in applying for leave to take a case to the Supreme Court. The authors determined this was a fair proxy for involvement and leadership in advocacy as far as the Supreme Court is concerned, and captures the thrust of the issue at hand, namely to what extent women are involved in leading such cases, including applications for leave.
8. Where counsel has been court-appointed, as amicus, counsel assisting the Court, or as Intervenor, they have been recorded in the lead counsel

numbers for either male or female. The same has been where a QC or KC appears for an intervenor or counsel assisting, the entry is recorded in the QC/KC numbers. These have been fed into the “respondent” numbers based on the listing of counsel on the judgments.

## EXPLANATION OF CATEGORIES

9. For the purposes of the primary data breakdown, the categories denote as follows:
  - (a). **Year and Court** – decisions falling within the calendar year, issued by the Court in question, and accessible via Judicial Decisions Online (JDO).
  - (b). **Male and Female** – ascertained from the identified pronoun use of counsel in question on publicly accessible websites and databases. The data to date has not included gender diverse counsel, however any gender diverse counsel must be separately recorded as such.<sup>28</sup>
  - (c). **Unknown** – gender unable to be conclusively ascertained.
  - (d). **Lead Counsel** – first listed counsel on

the judgment “counsel” entry (counsel assisting and interveners are counted as “lead counsel”).

- (e). **KCs** – counsel identified as KC or QC in the judgment counsel entry, therefore being a KC or QC at the time of the appearance.
- (f). **Appellant and Respondent** (senior) – figures include all appellants and respondents represented by separate counsel or teams at the hearing (e.g. appellant lead counsel captures the lead counsel for the first appellant, second appellant, and third appellant where each of those appellants are represented separately in a hearing).
- (g). **Junior counsel** – any counsel listed consecutively after lead counsel, including second juniors, and where relevant, third juniors.
- (h). **Civil appeals only** – only those appeals that concern civil matters, excluding all appeals within the criminal jurisdiction. This has been deduced from the judgment itself.
- (i). **Criminal appeals only** – as above, except only appeals concerning criminal appeals.

<sup>28</sup> NZLS “Snapshot of the Profession” for 2023 records that lawyers can identify their gender as female, male and gender diverse, or they may choose not to state their gender. As at 2023, there were five lawyers in New Zealand in this category. See Marianne Burt and Jacqui Van Der Kaay “Snapshot of the Profession 2023” LawTalk | Kōrero Mō Te Ture (December 2023) New Zealand Law Society | Te Kāhui Ture o Aotearoa [www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf](http://www.lawsociety.org.nz/assets/About-Us-Documents/Annual-Reports/Snapshot-of-Legal-Profession/Snapshot-of-the-New-Zealand-Legal-Profession-2023.pdf) at p 9.

- (j). **Crown law excluded** – where Crown Law Office (Wellington or Auckland) appears as instructing solicitor, this has been recorded in the data collection. Through data analysis, whether Crown Law appeared as appellant or respondent has been recorded, and the gender breakdown for lead, KC and junior counsel recorded and removed from the relevant data set. The counter- party, against which Crown Law appears in the relevant case, remains in the data set.
- (k). **Senior + junior** – records the instances of a particular gender of senior and a particular gender of junior. This has been calculated by screening for each of the senior, then each of the juniors across all appellants and respondents in a given case. Where the junior appears with a senior who is also a KC, this has been recorded in brackets.

### THE ROLES OF COUNSEL IN ADVOCACY BEFORE THE COURT

10. It should be borne in mind that outside the transcripts of hearings for Supreme Court hearings, there is no way of identifying who from a team of counsel in Court has, in fact spoken in Court. The Courts do not record that information.

### PRACTICE AREA

11. From 2020 onwards, the civil cases in which women appear as lead counsel were categorised by practice area. The categories reflect those used by the Capital Letter with minor additions/ modifications. Each case has been categorised into one of the main and (if possible) subsidiary categories listed below.

<b>Commercial</b>
Agency, banking, company, competition, consumer law, contract, fair trading, insolvency, personal property securities, securities, taxation
<b>Employment</b>
Employee rights, health and safety, holidays and leave, industrial relations, personal grievances, remuneration, unjustified dismissal
<b>Environmental</b>
Climate change, construction, local government, resource management
<b>Family</b>
Adult relationships, care of children, family violence, incapacity, relationship property, wills and estates

<b>Property</b>
Covenants, caveats, easements, intellectual property, landlord and tenant, leases, Māori land, personal property, title
<b>Public</b>
ACC, food law, health, human rights, immigration, judicial review, local government, bill of rights, media, privacy, sale of liquor, Treaty of Waitangi
<b>Tort</b>
Defamation, misstatement, negligence, professional discipline, trespass
<b>Trusts</b>
Appointment and discharge of trustees, constructive trusts, disclosure, express trusts, trustees duties, powers and indemnities

12. In the case of a civil procedure case, we focused on the substantive practice area of the underlying claim. In the case of a case falling into two categories, we adopted the category which we considered to be the primary subject of the proceeding.

# APPENDIX C – Graphs

FIGURE 1

Court of Appeal - Gender of lead counsel

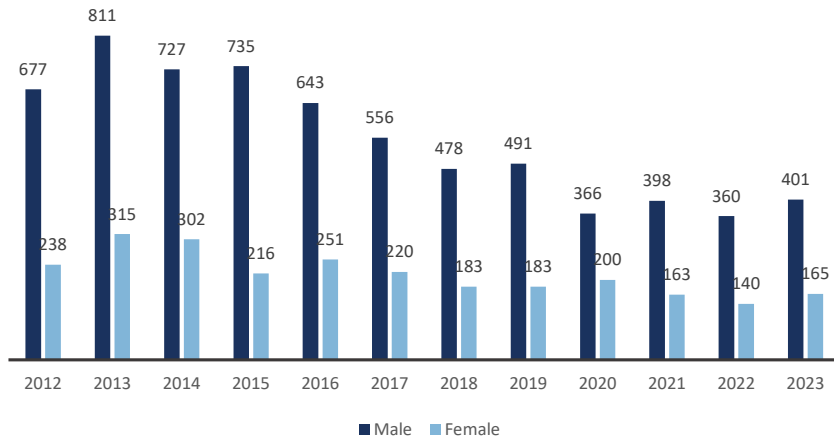


FIGURE 2

Supreme Court - Gender of lead counsel

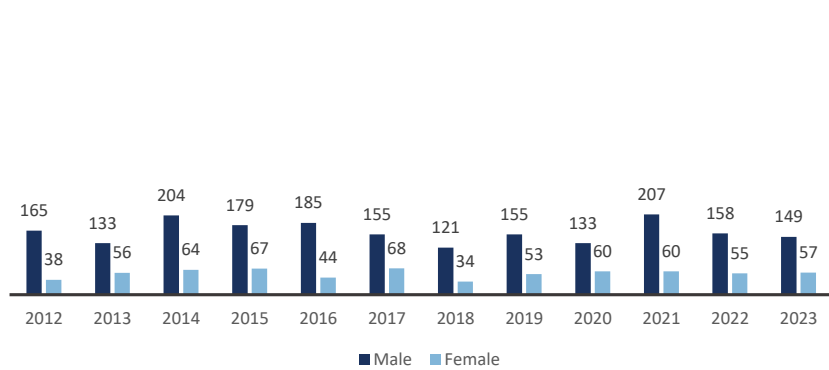


FIGURE 3

Court of Appeal - Female % of lead counsel compared to % women in the profession

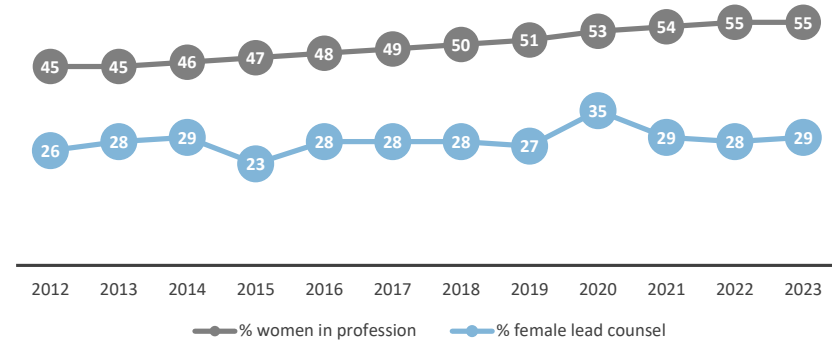


FIGURE 4

Supreme Court - Female % lead counsel compared to % women in the profession

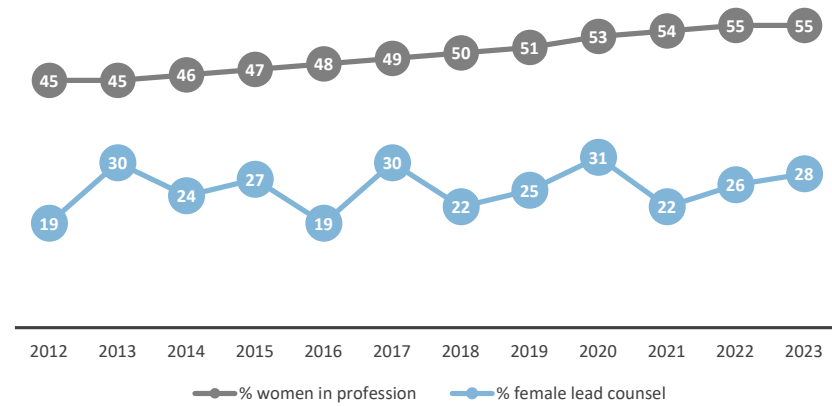


FIGURE 5

**Court of Appeal – Female % of lead counsel for appellant and respondent  
Civil appeals**

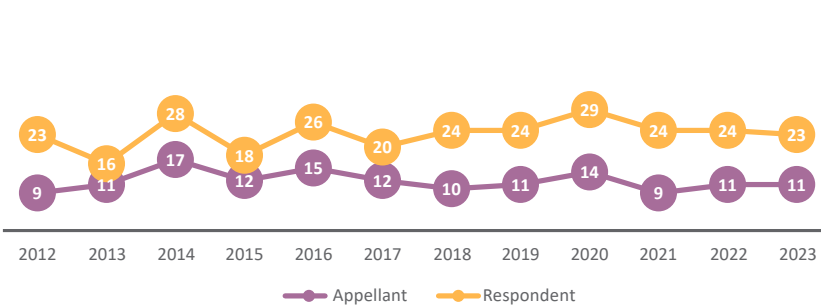


FIGURE 7

**Court of Appeal – Female % of lead counsel for appellant and respondent  
CRIMINAL APPEALS**

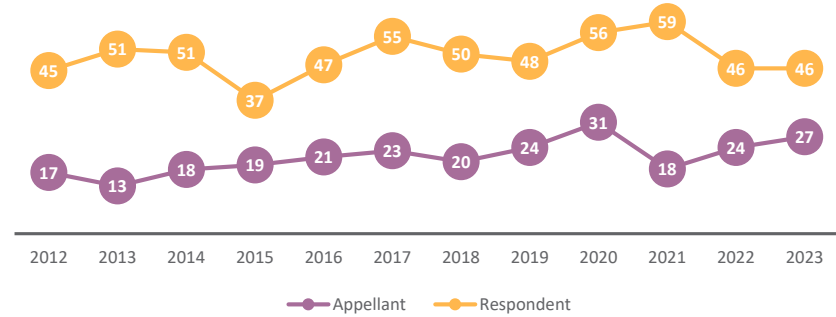


FIGURE 6

**Supreme Court – Female % of lead counsel for appellant and respondent  
CIVIL APPEALS**

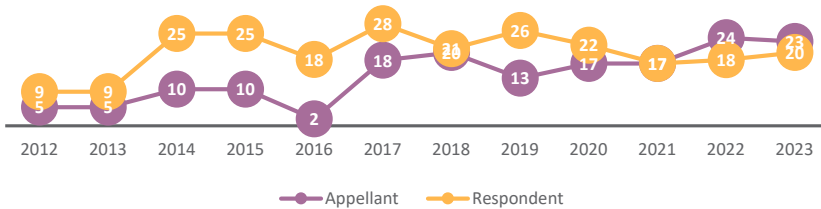


FIGURE 8

**Supreme Court – Female % of lead counsel for appellant and respondent  
CRIMINAL APPEALS**

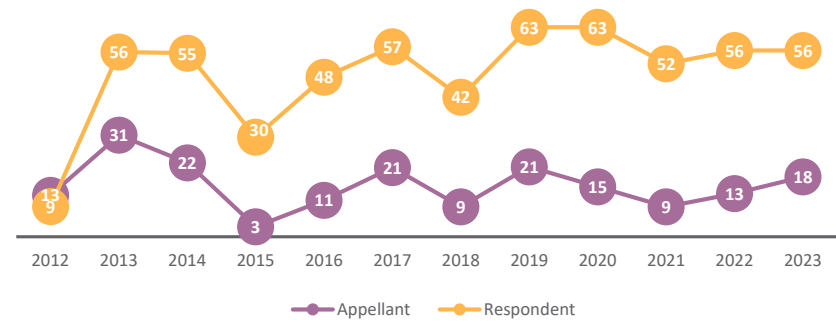


FIGURE 9

**Court of Appeal – Female % of lead counsel in criminal and civil appeals**

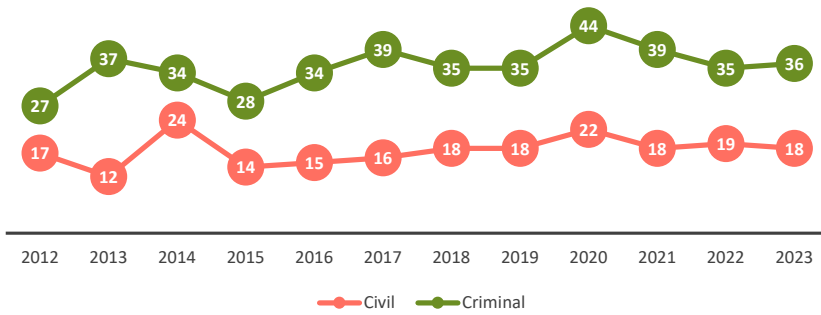


FIGURE 11

**Court of Appeal – Crown Law effect on % of female lead counsel**

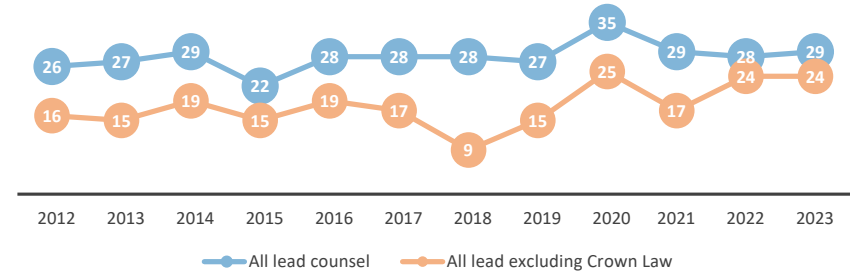


FIGURE 10

**Supreme Court – Female % of lead counsel in criminal and civil appeals**

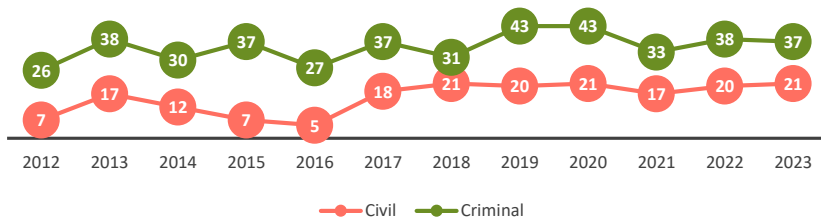


FIGURE 12

**Supreme Court – Crown Law effect on % of female lead counsel**

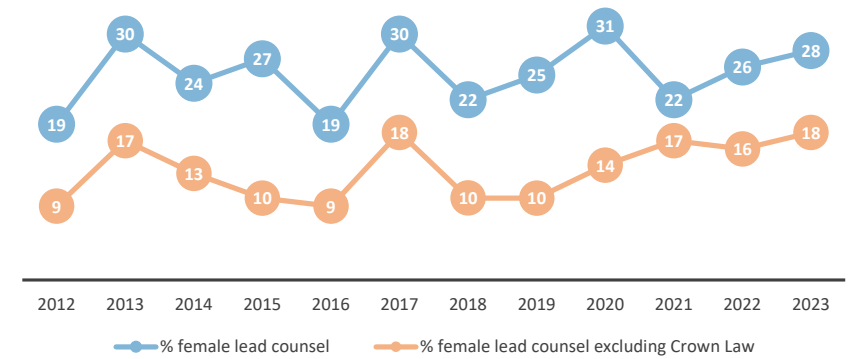




FIGURE 13

**Court of Appeal – Female % of junior counsel**

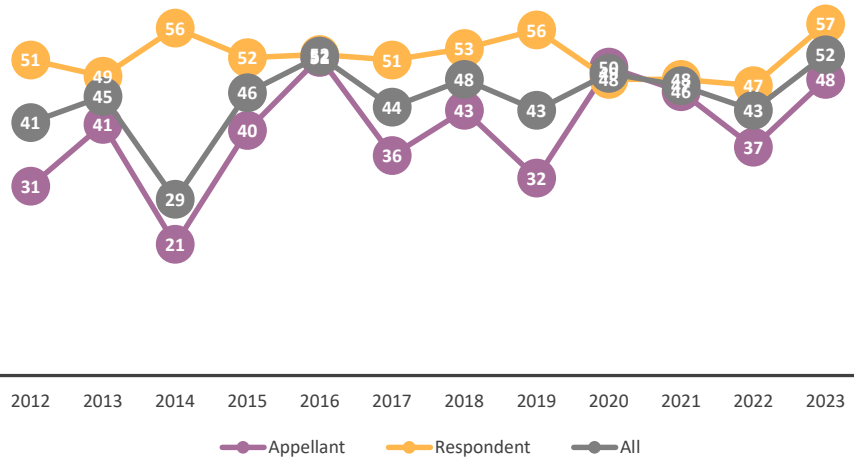


FIGURE 15

**Court of Appeal – Gender of QC/KC appearing as lead counsel**

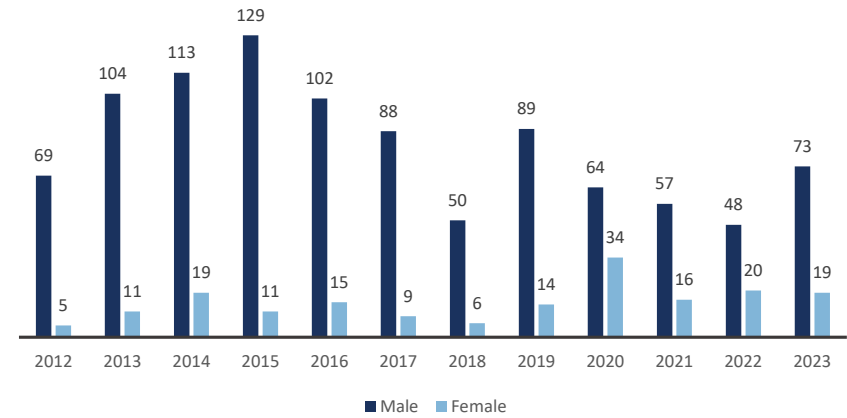


FIGURE 14

**Supreme Court – Female % of junior counsel**

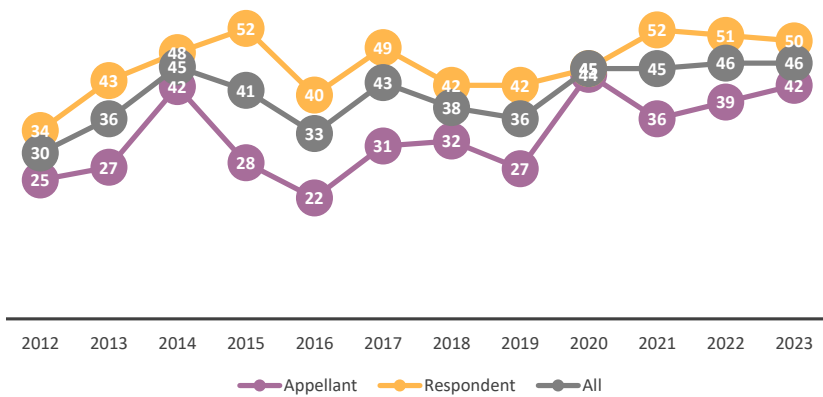


FIGURE 16

**Supreme Court – Gender of QC/KC appearing as lead counsel**

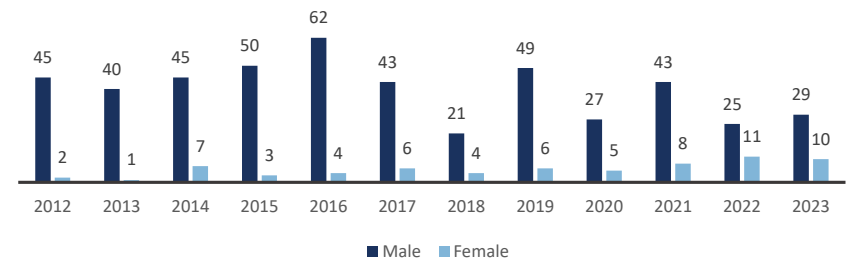


FIGURE 17

**Court of Appeal – Female % of QC/KCs appearing as lead counsel as compared with % of female QC/KCs in NZ**

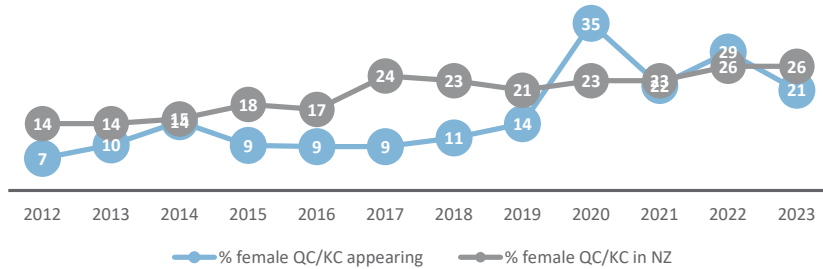


FIGURE 18

**Supreme Court – Female % of QC/KCs appearing as lead counsel compared with % of female QC/KCs in NZ**

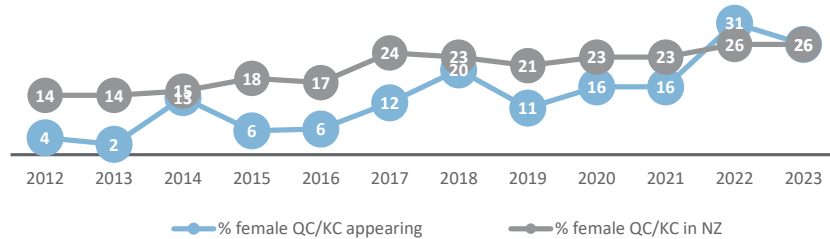


FIGURE 19

**Court of Appeal – Configuration of counsel**

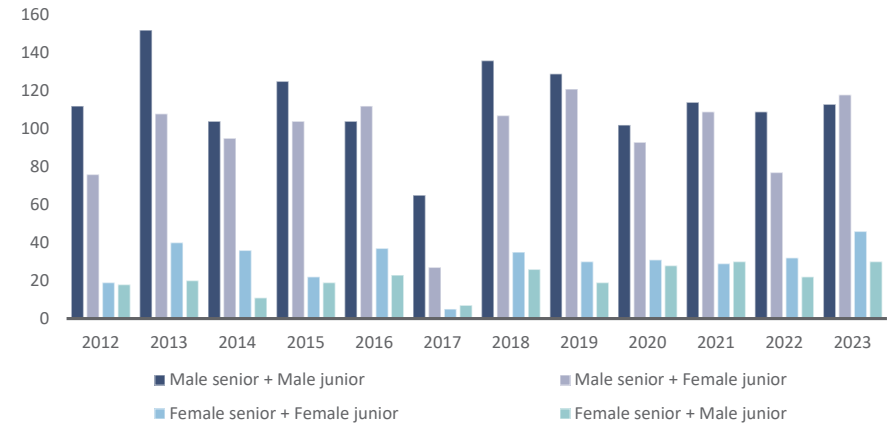


FIGURE 20

**Supreme Court – Configuration of counsel**

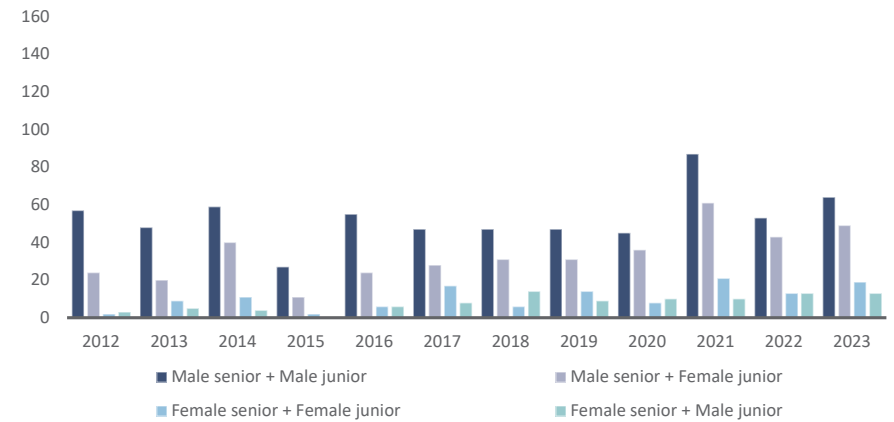


FIGURE 21

**Court of Appeal – Practice area of female lead counsel**

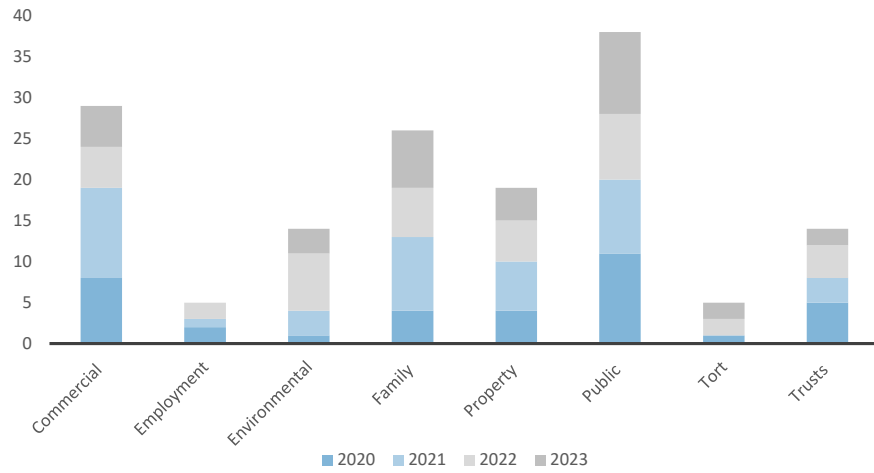


FIGURE 22

**Supreme Court – Practice area of female lead counsel**

