



Gender Ratio of Counsel Appearing in Higher Courts in the years 2018-2019

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1. Executive Summary

This report (“the 2021 Report”) is submitted in accordance with the Grant Terms of the Law Foundation Research Grant to the New Zealand Bar Association (NZBA). It updates previous research on the gender of counsel appearing in New Zealand’s higher courts, namely, the Court of Appeal and the Supreme Court. The results of the prior research are contained in the 2018 Report, *Gender Ratio of Counsel Appearing in Higher Courts* (“the 2018 Report”).¹

This report concludes that:

1. There has been progress in the appearances by junior counsel.
2. There has also been progress in the number of women appearing at the Supreme Court from an initial level of 8% in 2012, peaking at 24 % in 2017. However, the initial low 2012 figures may reflect fewer decisions on the database in those years, and more counsel whose gender could not be identified.
3. The statistics for appearances by lead counsel in the Court of Appeal remain in the same range.
4. There is a significant variation between women appearing for the respondent in lead roles and those appearing for the appellant.²
5. It is likely that the appellant/respondent variation is significantly affected by the “Crown Law effect”, namely that when cases involving Crown Law are excluded from the data set, the rates for appearance by women drop significantly. Where Crown Law is involved (in both civil and criminal matters) women appear more frequently.
6. The current rate of “progress” is glacial, especially set alongside the gender statistics of the profession.
7. The gender divide still exists in litigation in our senior courts.
8. Further research is needed into the differences between briefing of women at law firms as lead counsel and briefing of women at the independent bar as lead counsel.

2. The Data

The data is drawn from cases involving an oral hearing in the Court of Appeal in the years 2018 - 2019, and from judgments delivered in the Supreme Court in the same years.³ The methodology that has been used for identifying the cases, identifying counsel, determining their gender, and filtering the results for various trends is outlined in Appendix B.

¹ Cooper, J. and Schumacher, G., *Gender Ratio of Counsel Appearing in Higher Courts – September 2018*. (New Zealand Bar Association, Auckland, 2018). Available at https://www.nzbar.org.nz/sites/default/files/uploaded-content/website-content/gender_of_counsel_appearing_-_final_report_and_appendices_1.pdf (Last accessed December 2020)

² See Appendix A.2 graphs 1-10

³ The Supreme Court has fewer oral hearings per year than the Court of Appeal. However, teams of counsel prepare substantive submissions on applications for leave to appeal. For the purposes of this data, the counsel identified as representing appellants and respondents in the various decisions released by the Supreme Court, whether following an oral hearing or not, have been taken to provide a picture of the counsel who are leading cases in the Supreme Court, whether leave is granted or not.

We have included the tables for 2012 to 2017 that were outlined in the 2018 report. The inclusion of these tables enables comparison across the 2012 to 2019 years.

As mentioned in the 2018 report, we focussed 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. If a gender imbalance exists more widely, it is very likely to be reflected in the data for these courts. Further, these are the courts in which cases might be considered “leading” or important, for the purposes of Queen’s Counsel appointment. As of 2020, slightly under 23% of Queen’s Counsel are women.⁴

The data in its extracted form is attached as Appendix A. It is broken down by each Court, per year, into various categories. These categories match those in the 2018 Report. The writers of the 2018 Report determined that the categories most clearly revealed the data that was intended to be identified in that project.

Appendix C contains a series of graphs based on the data. The stated goal of the 2018 research project was to determine whether the proportion of women appearing as lead counsel, in comparison to men, had changed at all over the six years. This 2021 Report extends that six-year period to eight years ending in 2019.

Methodology

We surveyed the cases on the Ministry of Justice’s online database, Judicial Decisions Online (JDO) for each of the years covered by the report.⁵ The cases were sorted into on the papers and substantive matters. Using the substantive cases (including the Supreme Court decisions), we identified the gender of counsel in the following ways:⁶

1. From the names of counsel recorded in the judgments.
2. From the designations used by the Court (Ms or Mr) in body of the judgment.
3. Where it was not clear from the name on or the text of the judgment, by searching the Register of Lawyers provided by the New Zealand Law Society.⁷
4. Where counsel’s gender was not apparent on the register, or more than one possible counsel matched the initials provided, conducting internet searches (often using Google and LinkedIn), and cross-checking instructing solicitors.
5. Sometimes, through personal knowledge on the part of the report writers, or by identification through professional networks.
6. Where counsel’s gender was unknown, we recorded this as “unknown” in the data set.

⁴ Adlam, G, “Snapshot of the Profession 2020” LawTalk 940 (June 2020) 26 at 30

⁵ <https://forms.justice.govt.nz/jdo/Introduction.jsp>.

⁶ We note that the research uses binary gender information. This was the most readily available from the sources.

⁷ <https://www.lawsociety.org.nz/registry-lookup/>

3. Background to the Study

Aims of the project

Our aims were to:

1. update previous research by establishing the percentage of female counsel who appeared as senior and junior counsel in 2018 and 2019; and
2. identify any trends in those years; and
3. in particular, establish whether the proportion of women appearing as either senior or junior counsel in those courts has changed in 2018 and 2019.

In this report, we have included data collected by the Law Society in 2020 on the structure of the legal profession.⁸ This data shows the disparity between the overall professional statistics and those in this report.

Continuation of the research

Following the 2018 report, we formed a view that it was important to update the research in order to identify the effectiveness of current briefing procedures and to raise the consciousness of those who assign briefs or give instructions.

However, we consider there is a basis for considering a more in-depth study, that focuses on the briefing of senior women at the bar, senior women partners, and women sole practitioners. We are interested also in the role of senior women in alternative dispute resolution processes and in Inquiries and Royal Commissions.

Our concern is that Covid has had such a significant impact that a considerably longer period may be required before the next report can be issued, and with that in mind, we are not making any decisions about the continuation of this research at this stage.

4. Publication and Impact

We will publish a summary of the results of our research and circulate the report and accompanying information to legal and wider media outlets. We consider that releasing our data will correct impressions that there is no need to worry about gender diversity. The data shows this is an ongoing problem. We hope that it will contribute to meaningful improvements to diversity in the profession.

⁸ Refer to section 5 below.

5. Profile of the profession - Gender Statistics

The New Zealand Law Society produces an annual set of statistics that provides a picture of the profession in any given year. The 2020 Snapshot of the Profession⁹ provides useful background when analysing the research in the report. Women held 52.5% of the practicing certificates issued in 2020 and comprised over 60 percent of those admitted. By 2030, over 60 per cent of the legal profession will be women.¹⁰

However, the percentage of women who specialise in litigation, as opposed to (for example) conveyancing or transactional law, is not clear. The 2020 Snapshot of the profession provided the following update as at 1 May 2021:

1. There were 1674 lawyers practising as barristers (approximately 11.9% of the profession). 157 of these were employed barristers.
2. Men make up 60 % of barristers sole, but women make up 62% of the employed barristers.

Roles of counsel differ according to age/experience. The Law Society's 2020 snapshot of the profession (the Snapshot) shows that female lawyers are younger than male lawyers:¹¹

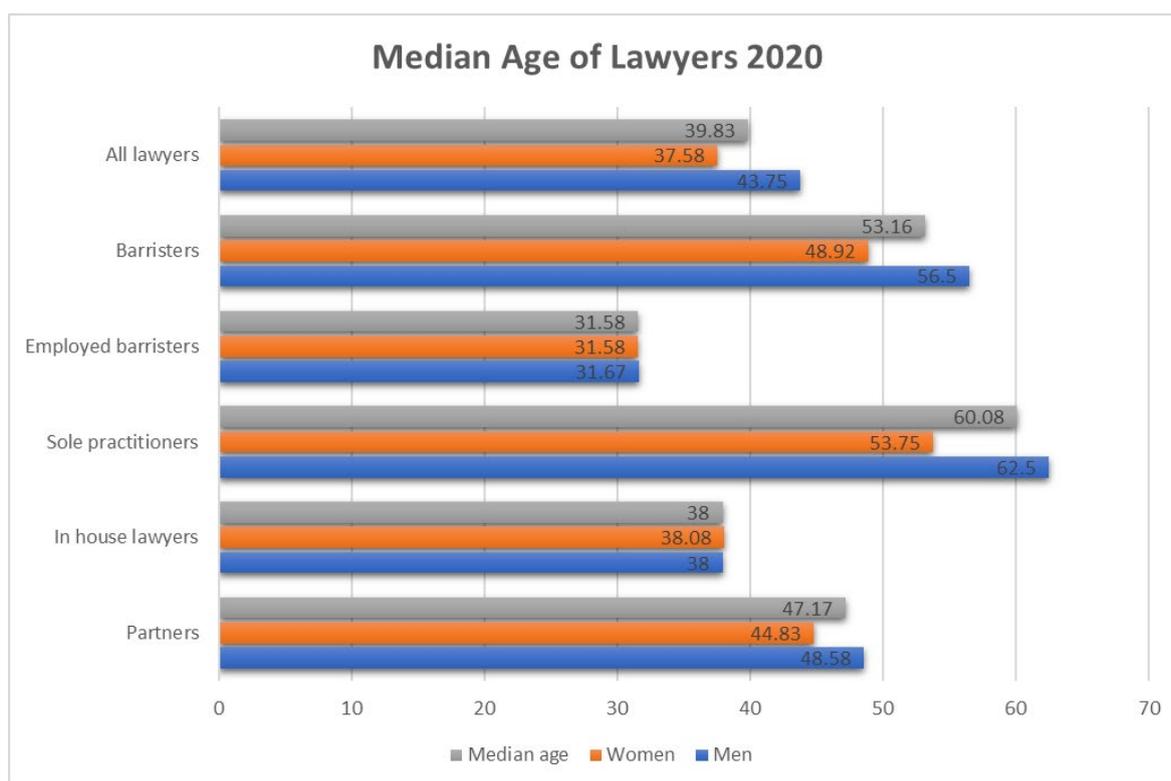


Figure 1 Median Age 2020 - Snapshot of the Profession

⁹ Adlam, G, n4

¹⁰ Adlam, n4 at 30

¹¹ Adlam, n4 at 32.

Using this information (and subject to the caveat of the need to be cautious about applying overall profession figures to litigation figures), it can be said that there are fewer senior women litigators available to take lead roles. This is supported by the generational groupings in figure 2 below, which show that only 13% of women are in the baby boomer generation (as opposed to 27% of men), but that there is a significant number in the millennial category.¹²

In 2018, for the first time, there were more women practising than men. In 2020, 52.5% of the profession was made up of women.¹³ Since 1995, more women have been admitted than men. Against this, the proportion of women appearing as lead counsel in the two most senior courts has seen no discernible trend of improvement in the years for which the data has been collected. This is true across civil and criminal cases.

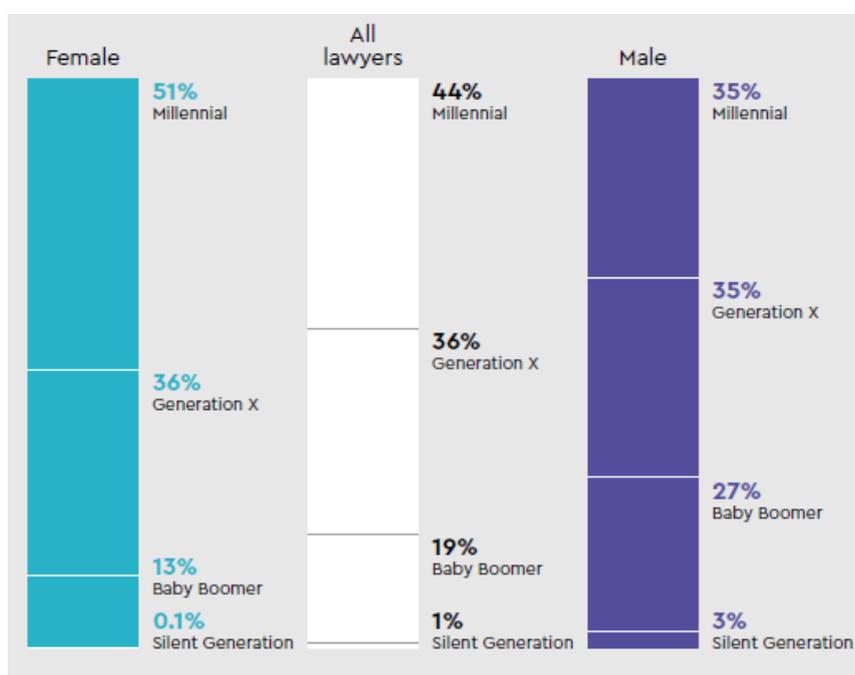


Figure 2 Generational Groupings 2019

The 2018 and 2019 data shows that, while there has been an increase in the proportion of appearances by women as junior counsel, women continue to appear as lead counsel significantly less frequently than men. There has been no discernible improvement in the overall position.

There appears to be progress in the number of women appearing at the Supreme Court from the initial level of 8% in 2012, peaking at 24% in 2017. However, the initial low 2012 figures may reflect fewer decisions on the database in those years, and more counsel whose gender could not be identified.

¹² Adlam, G *Snapshot of the Profession 2019* (2019) 926 Lawtalk 27 at 35

¹³ Adlam at n4, p30

The statistics for appearances by lead counsel in the Court of Appeal remain in the same range. However, they are however much lower than expected given the overall statistics relating to women in the profession as identified by the Law Society's Snapshot of the profession. Further investigation is needed into the overall number of women who practice in litigation as opposed to other areas of law.

There is a significant variation between women appearing for the respondent in lead roles and those appearing for the appellant.¹⁴ The low number of appearances by women acting as lead counsel for the appellant is a concern. A rather startling statistic is that, in 2019, only one female QC appeared for the appellant on a civil matter in the Court of Appeal. This does not reflect the number of QCs who were briefed by an appellant where the case fell over, settled or has yet to get to court. However, given that 34 male QCs appeared, it raises serious concerns about equitable briefing.

The low number of women QCs acting for the appellant does not appear to be a blip. In 2018, two female QCs appeared on civil matters for the appellant and 38 male QCs appeared for the appellant. There are, of course, lower numbers of women QCs. According to the Crown Law List¹⁵, in 2017 there were 21 women QCs (as opposed to 90 male QCs), 17 of whom might be described and having civil practices. In 2018, there were 25 women QCs, compared with 95 male QCs. Twenty of these women QCs could be described as civil barristers.

Overall, more women appear for respondents than for appellants. However, it is likely that the appellant/respondent variation is affected significantly by the "Crown Law effect." When cases involving Crown Law are excluded from the data set, the rates of appearances by women drop significantly. Where Crown Law¹⁶ is involved (in both civil and criminal matters) women appear more frequently.

The figures in this report do not identify the cases in which women from the Public Defence Service appear, as that was not included in the original survey design. If we were to take this work further, it might be worth considering this issue.

Criminal law practice continues to offer a better outlook for women at junior level. The statistics are more evenly spread, and, in some cases, women outnumber men. However, this is not the case for lead appearances for the appellant in criminal cases. Graphs 5 and 6 on p45 of this report demonstrate the significantly lower number of women appearing for the appellant as lead counsel in criminal trials. Further, the figures for women QCs in criminal matters remain woeful, even when Crown Law's briefing figures are included.

The research contained in this report, and its 2018 foundation report, presents a limited picture. We have not analysed the number of women litigators in the profession and compared the number appearing at senior levels against this figure. We have not investigated women lawyers involved in alternative dispute resolution. And most importantly, we have an incomplete picture on the briefing

¹⁴ See Appendix A.2 graphs 1-10

¹⁵ *All Queen's Counsel appointments since 1907 & those with current Practising Certificates*
<https://www.crownlaw.govt.nz/assets/Uploads/GuidelinesProtocolsArticles/All-QCs-since-1907-and-all-with-current-practising-certificate-as-at-19-July-2021.xlsx> (accessed 1/8/21)

¹⁶ Crown solicitors network firms are not counted as being part of Crown Law.

of women barristers as opposed to women in law firms. Further research is required into the differences between briefing of women at law firms as lead counsel and briefing of women at the independent bar as lead counsel.

However, on any analysis of the data, the progress of women in the profession at senior level will depend on retention of millennial women and their advancement to senior levels. In the past, we have not done well at retention or advancement, seeing a significant difference between junior women and senior women statistics.

Until we acknowledge actively that women are under-represented in the ranks of senior litigation lawyers and in terms of counsel who are briefed to lead cases in the appellate courts, and until we take positive steps to affect women's progression at senior levels, any progress will continue to be glacial.¹⁷ Gender diversity is an ongoing problem in court appearances.

7. Acknowledgements

The authors would like to thank the New Zealand Law Foundation for their generous funding and support of this research project. Without it, this valuable data would never have been collected.

This project emanated from the work of the NZBA's Gender Equity Committee and its Council. Thank you to the NZBA for its support and logistical assistance in enabling this project to reach completion.

The data was collected by Blake Harvey. Her work was invaluable and special thanks are extended to her for undertaking such a task.

We acknowledge the work of the 2018 Report writers which underpins all of the work in this report.

Finally, thank you to Jenny Cooper QC, one of the authors of our original study. Without her support, our job would have been much more difficult.

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¹⁷ For an excellent discussion on progress and the gender gap, refer to the paper by Justice Susan Glazebrook, *"It is just a matter of time and other myths"*, prepared for the New Zealand Bar Associations seminar. 'Get up and Speak 2013' held in Wellington on 15 August 2013, <https://www.courtsofnz.govt.nz/assets/speechpapers/mh2jh.pdf>

APPENDIX A - PRIMARY DATA BREAKDOWN

A.1 Tables

Notes to tables:

Cases with appearances only:

The data only includes cases where there has been an appearance by at least one counsel. Cases where there is no appearance by counsel either for the appellant or the respondent are not included.

Assessing gender:

Gender has been determined by assessing the self-identified gender of counsel appearing from their entries on the public Register of Lawyers, the use of a pronoun in that register and on publicly accessible websites, and through their choice of pronoun in the judgments concerned. Where unable to be discerned, counsel 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, please do not hesitate to contact the authors of this material and the entry can be fixed.

Unknown:

This figure represents the number of appearances where gender for counsel could not be determined.

Total:

This figure shows the number of appearances by women as lead counsel as a percentage of the total number of appearances by either men or women as lead counsel in appeals where an appearance was entered. Matters determined on the papers are omitted from these figures.

Appellant and Respondent

“Appellant” and “Respondent” figures include all second, third, fourth and fifth appellants or respondents where each subsequent party was separately represented. Multiple appellants/respondents represented by the same counsel in the same hearing are not counted more than once.

The figures for the appellant include counsel assisting/counsel for an intervener.

Queen’s Counsel

QC statistics show the total number of QCs but do not show where a QC may have appeared for more than one party in the hearing.

Junior Counsel

“Junior counsel” includes any counsel appearing as second or subsequent counsel (i.e. not as lead counsel).

Ex-Crown Law

These figures exclude counsel instructed by the Crown Law Office as counsel for either the appellant or respondent.

Court of Appeal Data

2019 Court of Appeal

Total appeals surveyed (excluding on the papers)	314
Civil appeals	145
Criminal appeals	169
Appellants in person – total cases	29
Appellants in person - civil	19
Appellants in person - criminal	10

1.	All appeals – all lead counsel	Male	Female	Unknown ¹⁸	Female % of total ¹⁹
	Appellant ²⁰	266	59	0	18%
	Respondent	225	124	0	36%
	Total lead	491	183	0	27%

2.	All appeals - QCs only ²¹	Male	Female	Unknown	Female % of total
	Appellant	51	9	0	15%
	Respondent	38	5	0	12%
	Total	89	14	0	14%

3.	All appeals – junior counsel ²²	Male	Female	Unknown	Female % of total
	Appellant	133	64	0	32%
	Respondent	71	89	0	56%
	Total	204	153	0	43%

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	124	15	0	11%
	Respondent	138	43	0	24%
	Total	262	58	0	18%

¹⁸ No. of appearances where gender for counsel could not be determined.

¹⁹ This figure shows the number of appearances by women as lead counsel as a percentage of the total of appearances by either men or women as lead counsel in appeals where an appearance was entered. Matters determined on the papers are omitted from these figures.

²⁰ "Appellant" and "Respondent" figures include all second, third, fourth and fifth appellants or respondents where each subsequent party was separately represented. Multiple appellants/respondents represented by the same counsel or counsels in the same hearing are not counted despite being separate appeals.

²¹ These statistics show the total number of QCs but do not show where a QC may have appeared for more than one party in the hearing.

²² "Junior counsel" includes any counsel appearing as second or subsequent counsel (i.e. not as lead counsel).

5.	Civil appeals only – QCs only	Male	Female	Unknown	Female % of total
	Appellant	34	1	0	3%
	Respondent	33	5	0	13%
	Total	67	6	0	8%

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	55	33	0	38%
	Respondent	58	64	0	52%
	Total	113	97	0	46%

7.	Criminal appeals only - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	142	44	1	24%
	Respondent	88	81	0	48%
	Total	230	125	1	35%

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	17	8	24	16%
	Respondent	5	0	0	0%
	Total	22	8	24	15%

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	21	31	0	60%
	Respondent	15	25	0	63%
	Total	36	56	0	61%

10.	All appeals excluding Crown Law ²³ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	122	9	6	7%
	Respondent	141	16	0	10%
	Total	263	25	6	9%

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellants	31	0	0	0%
	Respondents	32	4	0	11%
	Total	63	4	0	6%

²³ These figures exclude counsel instructed by the Crown Law Office as counsel for either the appellant or respondent. Civil/criminal breakdown for 2017 in Court of Appeal: counsel instructed by Crown Law appeared in 43 civil appeals; 191 criminal appeals.

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	42	20	0	32%
	Respondent	50	38	0	43%
	Total	92	58	0	39%

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 121 times (33 QC)
	Male + Male	Male senior appears with male junior 129 times (48 QC)
	Female + Female	Female senior appears with female junior 30 times (4 QC)
	Female + Male	Female senior appears with male junior 19 times (2 QC)

2018 Court of Appeal
The Year at a Glance

Total appeals surveyed	335
Civil appeals	155
Criminal appeals	180
Appellants in person – total cases	39
Appellants in person - civil	23
Appellants in person - criminal	16

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	270	54	0	17%
	Respondent	208	129	0	38%
	Total	478	183	0	28%

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	46	4	0	8%
	Respondent	4	2	0	33%
	Total	50	6	0	11%

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	81	61	0	43%
	Respondent	74	82	0	53%
	Total	155	143	0	48%

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	128	15	0	10%
	Respondent	121	39	0	24%
	Total	249	54	0	18%

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	38	2	0	5%
	Respondent	4	2	0	33%
	Total	42	4	0	9%

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	59	34	0	37%
	Respondent	61	53	0	46%
	Total	120	87	0	42%

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	142	35	0	20%
	Respondent	89	90	0	50%
	Total	231	125	0	35%

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	8	2	0	20%
	Respondent	9	0	0	0%
	Total	17	2	0	11%

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	22	27	0	55%
	Respondent	13	29	0	69%
	Total	35	56	0	62%

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	115	8	0	7%
	Respondent	106	31	0	23%
	Total	221	39	0	15%

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	37	1		3%
	Respondent	28	8		22%
	Total	65	9		12%

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	48	32	0	40%
	Respondent	50	38	0	43%
	Total	98	70	0	42%

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 107 times (28 w QC)
	Male + Male	Male senior appears with male junior 136 times (44 w QC)
	Female + Female	Female senior appears with female junior 35 times (5 w QC)
	Female + Male	Female senior appears with male junior 26 times (4 w QC)

2017 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	302	66	3	17.93
	Respondent	254	154	4	37.75
	Total	556	220	7	28.31

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	57	6	-	9.53
	Respondent	31	3	-	8.82
	Total	88	9	-	9.20

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	83	46	2	35.65
	Respondent	65	68	3	51.13
	Total	148	114	5	43.51

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	138	18	1	12.16
	Respondent	164	42	3	16.57
	Total	302	60	4	15.60

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	49	4	-	7.55
	Respondent	24	3	-	11.11
	Total				8.75

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	74	32	1	30.18
	Respondent	51	60	2	54.05
	Total	125	92	3	42.39

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	162	49	2	23.11
	Respondent	92	112	2	54.91
	Total	255	161	2	38.70

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	7	2	-	22.22
	Respondent	6	0	-	0.00
	Total	13	2	-	13.33

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	20	17	0	36.17
	Respondent	15	15	1	50.00
	Total	35	31	1	47.76

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	297	62	3	17.27
	Respondent	147	29	1	16.47
	Total	444	91	4	17.01

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	56	6	-	9.67
	Respondent	23	2	-	8.00
	Total	79	8	-	9.19

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	79	43	2	35.24
	Respondent	45	40	1	48.24
	Total	124	83	3	40.09

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 27 times (9 QC)
	Male + Male	Male senior appears with male junior 65 times (29 QC)
	Female + Female	Female senior appears with female junior 5 times (3 QC)
	Male + Male	Female senior appears with male junior 7 times (0 QC)

2016 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	336	78	2	18.84
	Respondent	307	173	3	36.04
	Total	643	251	5	28.31

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	63	9	-	12.5
	Respondent	39	6	-	13.33
	Total	102	15		9.20

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	77	82	3	51.57
	Respondent	83	90	8	52.02
	Total	160	172	11	51.80

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	143	26	0	15.38
	Respondent	176	62	1	26.05
	Total	319	58	1	15.38

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	48	8	-	14.28
	Respondent	32	6	-	15.78
	Total	80	14	-	14.89

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	56	56	1	50.00
	Respondent	71	67	7	48.55
	Total	127	123	8	49.20

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	184	50	2	21.36
	Respondent	124	110	2	47.00
	Total	308	160	4	34.18

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	12	0	-	0.00
	Respondent	7	0	-	0.00
	Total	19	0	-	0.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	21	26	1	55.31
	Respondent	11	23	1	67.6
	Total	32	49	2	60.49

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	330	73	2	18.11
	Respondent	162	46	1	22.11
	Total	492	119	3	19.47

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	62	7	-	10.14
	Respondent	30	5	-	14.28
	Total	92	12	0	11.54

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	74	78	3	51.32
	Respondent	61	51	4	45.54
	Total	135	129	7	48.86

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 112 times (28 w QC)
	Male + Male	Male senior appears with male junior 104 times (42 w QC)
	Female + Female	Female senior appears with female junior 37 times (7 w QC)
	Male + Male	Female senior appears with male junior 23 times (4 w QC)

2015 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	357	74	8	17.16
	Respondent	378	142	7	27.31
	Total	735	216	15	22.71
2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	67	7	-	9.45
	Respondent	62	4	-	6.06
	Total	129	11	-	7.86
3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	91	60	2	39.74
	Respondent	79	84	7	51.53
	Total	170	144	9	45.85
4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	147	20	6	11.98
	Respondent	101	22	5	17.88
	Total	248	42	11	14.48
5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	48	7	-	12.72
	Respondent	14	1	-	6.66
	Total	62	8	-	11.42
6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	31	19	2	38.00
	Respondent	35	36	7	50.70
	Total	56	55	9	49.54
7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	207	49	2	19.14
	Respondent	166	98	2	37.12
	Total	373	147	4	28.27
8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	18	1	-	5.26
	Respondent	11	0	-	0.00
	Total	29	1	-	3.33

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	24	26	0	52.00
	Respondent	18	23	0	56.01
	Total	42	49	0	53.84

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	348	67	8	16.14
	Respondent	214	32	5	13.01
	Total	562	99	13	14.97

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	66	6	-	8.33
	Respondent	62	4	-	9.09
	Total	128	10	-	7.25

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	86	53	2	38.13
	Respondent	60	60	0	50.00
	Total	146	113	2	43.63

13.	Senior and Junior configurations	
	Male + Female	Male senior appeared with female junior 104 times (25 w QC)
	Male + Male	Male senior appeared with male junior 125 times (53 w QC)
	Female + Female	Female senior appeared with female junior 22 times (2 w QC)
	Male + Male	Female senior appeared with male junior 19 times (1 w QC)

2014 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	383	73	10	16.01
	Respondent	344	229	15	39.00
	Total	727	302	25	29.34

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	62	10	-	13.88
	Respondent	51	9	-	15.00
	Total	113	19	-	14.39

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	70	57	10	21.26
	Respondent	69	89	10	56.33
	Total	139	146	20	28.57

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	146	30	2	17.04
	Respondent	200	79	9	28.32
	Total	346	109	11	23.95

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	43	4	-	8.51
	Respondent	45	5	-	10.00
	Total	88	9	-	9.28

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	45	38	6	45.78
	Respondent	67	55	8	45.08
	Total	112	93	14	45.36

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	239	52	8	17.87
	Respondent	147	150	6	50.51
	Total	386	202	14	34.35

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	19	5	-	20.83
	Respondent	7	0	-	0.00
	Total	26	5	-	16.13

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	26	21	4	44.68
	Respondent	3	35	2	91.11
	Total	29	56	6	65.88

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	376	70	10	15.69
	Respondent	185	58	12	23.87
	Total	561	128	22	18.57

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	62	10	-	13.88
	Respondent	42	7	-	14.28
	Total	104	17	-	14.04

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	68	51	10	42.86
	Respondent	63	49	3	43.75
	Total	131	100	13	43.29

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 95 times (23 w QC)
	Male + Male	Male senior appears with male junior 104 times (45 w QC)
	Female + Female	Female senior appears with female junior 36 times (5 w QC)
	Male + Male	Female senior appears with male junior 11 times

2013 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	407	93	28	18.6
	Respondent	404	222	33	35.46
	Total	811	315	61	27.97
2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	56	6	-	9.67
	Respondent	48	5	-	9.43
	Total	104	11	-	9.56
3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	86	59	17	40.69
	Respondent	104	98	19	48.51
	Total	190	157	36	45.24
4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	149	19	1	11.31
	Respondent	222	42	-	15.91
	Total	371	61	1	12.12
5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	40	5	-	11.11
	Respondent	44	3	-	6.38
	Total	84	8	-	8.69
6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	55	34	10	38.20
	Respondent	71	49	13	40.83
	Total	127	83	23	39.52
7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	280	74	1	13.27
	Respondent	187	198	0	51.42
	Total	467	272	1	36.81
8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	17	1	0	5.55
	Respondent	6	1	0	14.28
	Total	23	2	0	8.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	32	26	6	44.83
	Respondent	33	48	5	59.26
	Total	65	74	11	53.24

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	390	84	28	17.72
	Respondent	247	28	33	10.18
	Total	637	112	61	14.95

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	55	6	-	9.83
	Respondent	43	5	-	10.42
	Total	98	11	-	10.09

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	78	51	17	39.53
	Respondent	83	51	14	38.05
	Total	161	102	61	38.78

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 108 times (20 w QC)
	Male + Male	Male senior appears with male junior 152 times (50 w QC)
	Female + Female	Female senior appears with female junior 40 times (3 w QC)
	Male + Male	Female senior appears with male junior 20 times (4 times w QC)

2012 Court of Appeal

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	363	59	2	13.98
	Respondent	314	179	3	36.31
	Total	677	238	5	26.01

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	39	3	-	7.14
	Respondent	30	2	-	6.25
	Total	69	5	9	6.75

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	88	39	16	30.71
	Respondent	63	66	21	51.16
	Total	151	105	37	41.01

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	146	14	1	8.75
	Respondent	169	50	2	22.83
	Total	315	64	3	16.88

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	34	1	-	2.86
	Respondent	28	2	-	6.66
	Total	62	3	-	4.62

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	59	22	9	27.16
	Respondent	55	51	14	48.11
	Total	114	73	23	39.04

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	219	45	2	17.05
	Respondent	155	129	1	45.42
	Total	374	174	3	26.82

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	5	2	-	28.57
	Respondent	2	0	-	0.00
	Total	7	2	0	22.22

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	29	17	7	36.96
	Respondent	7	15	6	68.18
	Total	36	32	13	47.06

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	354	53	2	13.02
	Respondent	161	44	2	21.46
	Total	515	97	4	15.85

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	37	3	-	7.50
	Respondent	27	1	-	3.57
	Total	64	4	-	5.88

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	83	35	16	29.66
	Respondent	42	41	15	49.39
	Total	125	76	31	37.81

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 76 times (21 w QC)
	Male + Male	Male senior appears with male junior 112 times (36 w QC)
	Female + Female	Female senior appears with female junior 19 times (1 w QC)
	Male + Male	Female senior appears with male junior 18 times (3 w QC)

Supreme Court Data

2019 Supreme Court

The Year at a Glance

Total appeals surveyed:	102
Civil appeals	73
Criminal appeals	29
Applicants in person – total cases	26
Applicants in person - civil	17
Applicants in person - criminal	9

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	77	9	0	10%
	Respondent	78	44	0	36%
	Total	155	53	0	25%

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	28	3	0	10%
	Respondent	21	3	0	13%
	Total	49	6	0	11%

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	48	18	0	27%
	Respondent	39	30	0	43%
	Total	79	48	0	36%

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	60	9	0	13%
	Respondent	68	24	0	26%
	Total	128	33	0	20%

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	25	2	0	7%
	Respondent	20	3	0	13%
	Total	45	5	0	10%

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	34	10	0	23%
	Respondent	36	27	0	43%
	Total	70	37	0	35%

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	26	7	0	21%
	Respondent	13	22	0	63%
	Total	39	29	0	43%

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	3	1	0	25
	Respondent	2	0	0	0
	Total	2	0	0	17

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	6	6	0	50
	Respondent	3	3	0	50
	Total	9	9	0	50

10.	All appeals excluding Crown Law ²⁴ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	40	0	0	0
	Respondent	53	10	0	16
	Total	93	10	0	10

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	19	0	0	0
	Respondent	19	3	0	14
	Total	38	3	0	7

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	27	6	0	18
	Respondent	29	16	0	36
	Total	56	22	0	28

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 31 times (17 w QC)
	Male + Male	Male senior appears with male junior 47 times (25 w QC)
	Female + Female	Female senior appears with female junior 14 times (3 w QC)
	Female + Male	Female senior appears with male junior 9 times (1 w QC)

²⁴ Crown Law civil/criminal breakdown: 24 civil appeals; 29 criminal appeals.

2018 Supreme Court

The Year at a Glance

Total appeals surveyed:	75
Civil appeals	52
Criminal appeals	23
Applicants in person – total cases	29
Applicants in person - civil	17
Applicants in person - criminal	12

The data shown below only includes cases where there has been an appearance by at least one counsel. Cases where there is no appearance by counsel either for the appellant or the respondent do not appear in the data below.

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	51	9	0	15%
	Respondent	70	25	0	26%
	Total	121	34	0	22%

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	16	4		20%
	Respondent	5	0		0%
	Total	21	4	0	20%

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	30	14	0	32%
	Respondent	34	25	0	42%
	Total	64	39	0	38%

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	33	8	0	20%
	Respondent	56	15	0	21%
	Total	89	23	0	21%

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	14	4	0	22%
	Respondent	16	5	0	24%
	Total	30	9	0	23%

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	30	12	0	29%
	Respondent	31	25	0	45%
	Total	61	37	0	38%

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	10	1	0	9%
	Respondent	14	10	0	42%
	Total	24	11	0	31%

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	2	0	0	0
	Respondent	1	0	0	0
	Total	3	0	0	0

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	0	2	0	1%
	Respondent	3	0	0	0%
	Total	3	2	0	1%

10.	All appeals excluding Crown Law - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	19	2	0	10%
	Respondent	35	4	0	10%
	Total	54	6	0	10%

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	10	0	0	0%
	Respondent	12	1	0	8%
	Total	22	1	0	4%

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	12	4	0	25%
	Respondent	16	13	0	45%
	Total	28	17	0	38%

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 31 times (17 w QC)
	Male + Male	Male senior appears with male junior 47 times (23 w QC)
	Female + Female	Female senior appears with female junior 6 times (9 w QC)
	Female + Male	Female senior appears with male junior 14 times (9 w QC)

13

Crown law civil/criminal breakdown: 43 criminal appeals; 24 civil appeals.

2017 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	65	15	1	18.75
	Respondent	90	53	1	37.06
	Total	155	68	2	30.49

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	26	5	-	16.12
	Respondent	17	1	-	5.55
	Total	43	6	-	12.24

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	31	14	1	31.11
	Respondent	42	40	2	48.78
	Total	73	54	3	42.51

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	46	10	0	17.86
	Respondent	75	29	1	27.8
	Total	121	39	1	24.37

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	24	5	0	17.24
	Respondent	24	1	0	4.00
	Total	48	6	0	11.11

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	30	13	1	30.23
	Respondent	42	29	1	40.85
	Total	72	42	2	36.84

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	19	5	1	20.83
	Respondent	15	20	0	57.14
	Total	34	25	1	42.37

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	2	0	0	0.00
	Respondent	0	0	0	0.00
	Total	2	0	0	0.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	1	0	0	0.00
	Respondent	1	11	1	91.66
	Total	2	11	1	84.61

10.	All appeals excluding Crown Law ²⁵ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	64	14	1	17.95
	Respondent	60	13	1	17.81
	Total	124	27	2	17.88

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	25	4	-	13.79
	Respondent	15	1	-	6.25
	Total	40	5	-	11.11

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	31	14	1	31.11
	Respondent	26	22	1	45.83
	Total	57	36	2	38.70

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 28 times (9 w QC)
	Male + Male	Male senior appears with male junior 47 times (27 w QC)
	Female + Female	Female senior appears with female junior 17 times (3 w QC)
	Male + Male	Female senior appears with male junior 8 times (2 w QC)

²⁵ Crown Law civil/criminal breakdown: 30 civil appeals; 34 criminal appeals.

2016 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	84	5	1	5.62
	Respondent	101	39	1	27.86
	Total	185	44	1	19.21

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	34	1	-	2.86
	Respondent	28	3	-	9.68
	Total	62	4	-	6.06

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	36	10	1	21.74
	Respondent	46	31	3	40.26
	Total	82	41	4	33.33

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	53	1	0	1.85
	Respondent	77	17	1	18.08
	Total	130	18	1	12.16

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	27	1	-	3.57
	Respondent	26	3	-	10.34
	Total	53	4	-	7.02

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	31	7	1	18.42
	Respondent	41	26	3	38.81
	Total	72	33	4	31.42

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	31	4	1	11.42
	Respondent	24	22	0	47.82
	Total	55	26	1	32.09

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	7	0	-	0.00
	Respondent	2	0	-	0.00
	Total	9	0	-	0.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	5	3	0	37.50
	Respondent	5	5	0	50.00
	Total	10	8	0	44.44

10.	All appeals excluding Crown Law ²⁶ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	84	5	1	5.62
	Respondent	53	9	1	14.52
	Total	137	14	2	9.27

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	34	1	-	2.86
	Respondent	22	3	-	12.00
	Total	56	4	-	6.67

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	36	10	1	21.74
	Respondent	26	25	3	49.01
	Total	62	35	4	36.08

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 24 times (8 w QC)
	Male + Male	Male senior appears with male junior 55 times (33 w QC)
	Female + Female	Female senior appears with female junior 6 times (1 w QC)
	Male + Male	Female senior appears with male junior 6 times (2 w QC)

²⁶ Crown law civil/criminal breakdown: 43 criminal appeals; 24 civil appeals.

2015 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	76	6	3	7.31
	Respondent	103	61	1	37.19
	Total	179	67	4	27.24

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	27	1	-	3.57
	Respondent	23	2	-	8.00
	Total	50	3	-	5.66

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	41	16	0	28.07
	Respondent	32	35	10	52.24
	Total	73	51	10	41.12

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	46	2	2	4.16
	Respondent	74	49	1	39.83
	Total	120	51	3	29.82

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	23	1	-	4.16
	Respondent	18	2	-	10.00
	Total	41	3	-	6.81

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	32	14	0	30.43
	Respondent	25	27	10	51.92
	Total	57	41	10	41.83

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	31	1	1	3.12
	Respondent	31	13	0	29.54
	Total	62	14	1	18.42

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	4	0	-	0.00
	Respondent	6	0	-	0.00
	Total	10	0	-	0.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	10	2	0	20.00
	Respondent	9	10	0	52.63
	Total	19	12	0	38.71

10.	All appeals excluding Crown Law ²⁷ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	74	6	3	7.50
	Respondent	64	10	0	13.51
	Total	138	16	3	10.39

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	27	1	-	3.57
	Respondent	21	2	-	8.69
	Total	48	3	-	5.88

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	39	16	0	29.09
	Respondent	23	13	9	36.11
	Total	62	29	9	31.87

13.	Senior and Junior configurations	
	Male + Female	Male senior appeared with female junior 11 times (2 w QC)
	Male + Male	Male senior appeared with male junior 27 times (16 w QC)
	Female + Female	Female senior appeared with female junior 2 times
	Male + Male	Female senior appeared with male junior 0 times

²⁷ Crown Law civil/criminal breakdown: 49 civil appeals; 38 criminal appeals.

2014 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	84	12	1	12.50
	Respondent	120	52	3	30.23
	Total	204	64	4	23.88

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	24	3	-	11.11
	Respondent	21	4	-	16.00
	Total	45	7	-	13.46

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	39	28	1	41.79
	Respondent	49	45	4	47.87
	Total	88	73	5	45.34

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	63	7	1	10.00
	Respondent	107	36	1	25.17
	Total	170	43	2	20.18

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	17	3	-	15.00
	Respondent	20	5	-	20.00
	Total	37	8	-	17.78

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	32	23	1	41.81
	Respondent	44	32	4	42.11
	Total	76	55	5	41.98

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	21	6	0	22.22
	Respondent	13	16	2	55.17
	Total	34	22	2	39.28

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	6	0	-	0.00
	Respondent	2	0	-	0.00
	Total	8	0	-	0.00

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	6	5	0	45.45
	Respondent	4	12	0	75.00
	Total	10	17	0	62.96

10.	All appeals excluding Crown Law ²⁸ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	83	12	1	12.63
	Respondent	74	12	1	13.95
	Total	157	24	2	13.26

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	24	3	-	11.11
	Respondent	14	4	-	22.22
	Total	38	7	-	15.56

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	38	28	1	42.42
	Respondent	31	18	2	36.73
	Total	69	46	3	40.00

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 40 times (8 w QC)
	Male + Male	Male senior appears with male junior 59 times (27 w QC)
	Female + Female	Female senior appears with female junior 11 times (4 w QC)
	Male + Male	Female senior appears with male junior 4 times (1 w QC)

²⁸ Crown Law civil/criminal breakdown: 44 civil appeals; 32 criminal appeals.

2013 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	67	14	2	17.28
	Respondent	66	42	5	38.89
	Total	133	56	7	29.63

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	20	1	-	4.76
	Respondent	20	0	-	0.00
	Total	40	1	-	2.44

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	32	12	0	27.27
	Respondent	32	24	3	42.86
	Total	64	36	3	36.00

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	42	3	1	6.67
	Respondent	46	17	5	26.98
	Total	88	20	6	18.52

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	15	0	-	0.00
	Respondent	18	0	-	0.00
	Total	33	0	-	0.00

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	25	9	1	26.47
	Respondent	25	12	2	32.43
	Total	50	21	3	29.57

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	25	11	1	30.55
	Respondent	20	25	0	55.56
	Total	45	36	1	44.44

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	5	1	-	16.67
	Respondent	2	0	-	0.00
	Total	7	1	-	12.50

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	7	3	0	30.00
	Respondent	7	12	1	63.16
	Total	14	15	1	51.72

10.	All appeals excluding Crown Law ²⁹ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	67	14	2	17.28
	Respondent	36	9	5	20.00
	Total	103	23	7	16.91

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	20	1	-	4.76
	Respondent	16	0	-	0.00
	Total	26	1	-	2.70

12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	32	12	0	27.27
	Respondent	17	5	2	22.72
	Total	49	17	0	25.75

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 20 times (10 w QC)
	Male + Male	Male senior appears with male junior 48 times (22 w QC)
	Female + Female	Female senior appears with female junior 9 times (0 w QC)
	Male + Male	Female senior appears with male junior 5 times (1 w QC)

²⁹ Crown law civil/criminal breakdown: 9 civil appeals; 29 criminal appeals.

2012 Supreme Court

1.	All appeals – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	74	6	0	7.50
	Respondent	91	32	0	26.01
	Total	165	38	0	18.72

2.	All appeals - QCs only	Male	Female	Unknown	Female % of total
	Appellant	22	1	-	4.34
	Respondent	23	1	-	4.16
	Total	45	2	-	4.25

3.	All appeals - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	39	13	1	25.00
	Respondent	41	21	5	33.87
	Total	80	34	6	29.82

4.	Civil appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	56	3	0	5.08
	Respondent	78	8	0	9.30
	Total	134	11	0	7.59

5.	Civil appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	19	0	-	0.00
	Respondent	25	0	-	0.00
	Total	44	0	-	0.00

6.	Civil appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	37	13	6	26.00
	Respondent	38	18	5	32.14
	Total	75	31	11	29.25

7.	Criminal appeals only – all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	7	1	0	12.50
	Respondent	10	1	0	9.09
	Total	17	2	9	10.52

8.	Criminal appeals only - QCs only	Male	Female	Unknown	Female % of total
	Appellant	1	0	-	0.00
	Respondent	1	1	-	50.00
	Total	2	1	-	33.33

9.	Criminal appeals only – junior counsel	Male	Female	Unknown	Female % of total
	Appellant	1	0	0	0.00
	Respondent	2	0	0	0.00
	Total	3	0	0	0.00

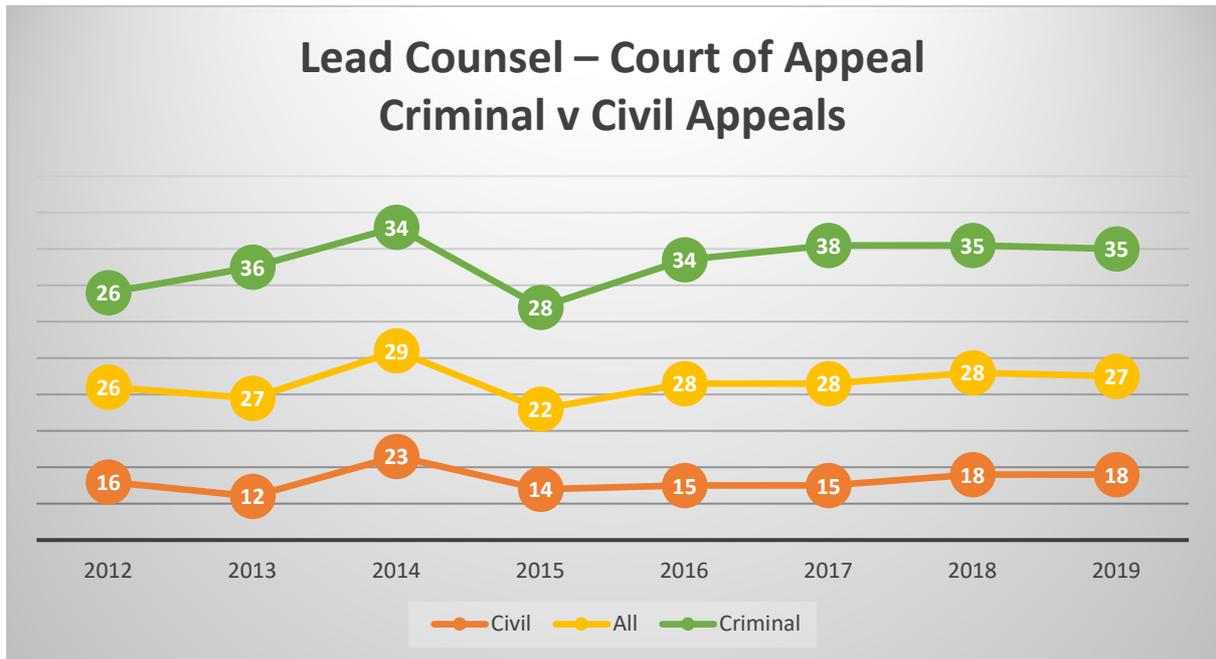
10.	All appeals excluding Crown Law ¹⁷ - all lead counsel	Male	Female	Unknown	Female % of total
	Appellant	73	6	0	7.59
	Respondent	28	4	0	12.5
	Total	101	10	0	9.09

11.	All appeals excluding Crown Law - QCs only	Male	Female	Unknown	Female % of total
	Appellant	22	1	-	4.34
	Respondent	11	0	-	0.00
	Total	33	1	0	2.94

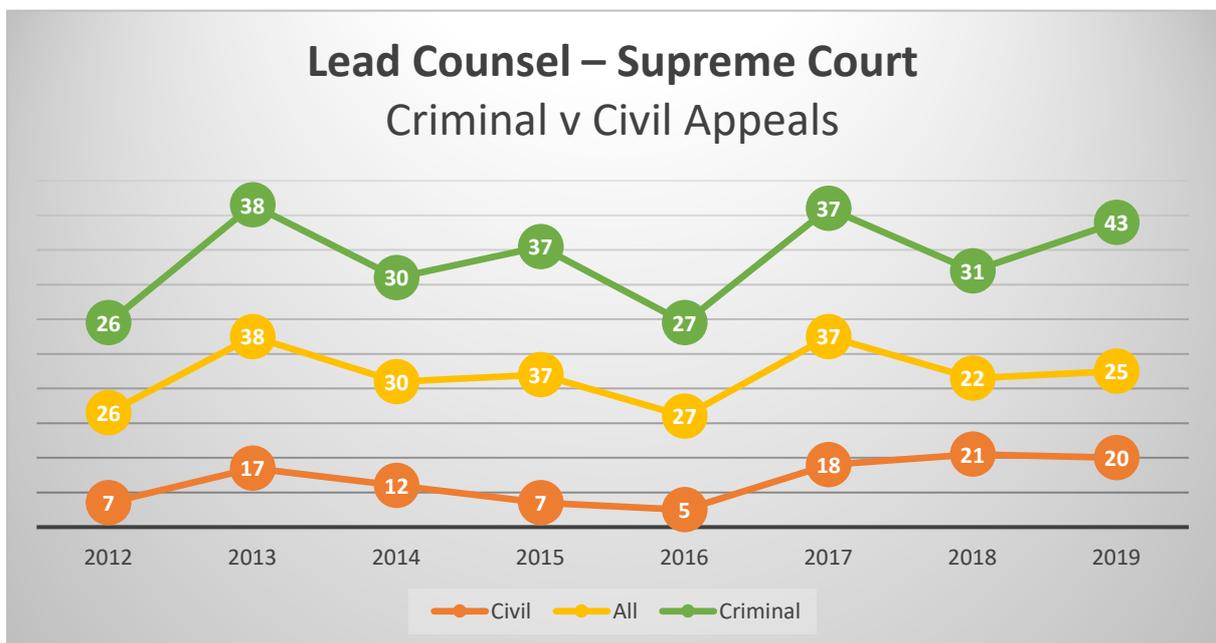
12.	All appeals excluding Crown Law - junior counsel	Male	Female	Unknown	Female % of total
	Appellant	38	13	1	25.49
	Respondent	27	8	4	22.86
	Total	65	21	5	24.42

13.	Senior and Junior configurations	
	Male + Female	Male senior appears with female junior 24 times (12 w QC)
	Male + Male	Male senior appears with male junior 57 times (24 w QC)
	Female + Female	Female senior appears with female junior 2 times
	Male + Male	Female senior appears with male junior 3 times

A.2 Graphs and Charts – Lead and Queen’s Counsel Appearances

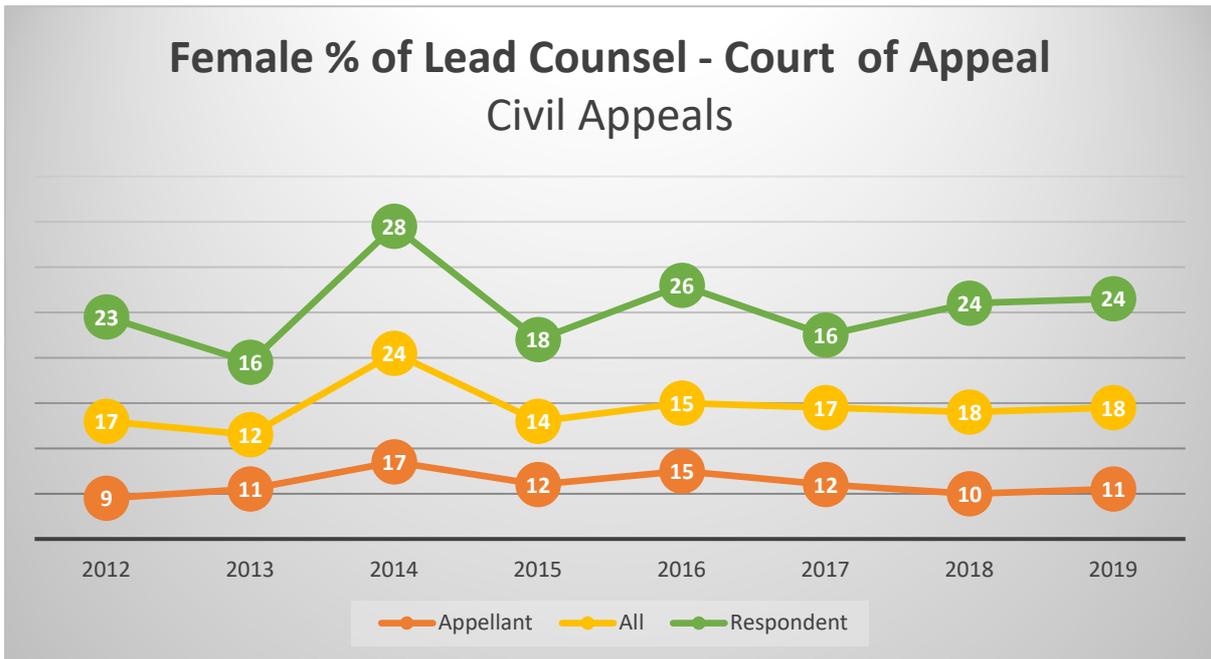


Graph 1

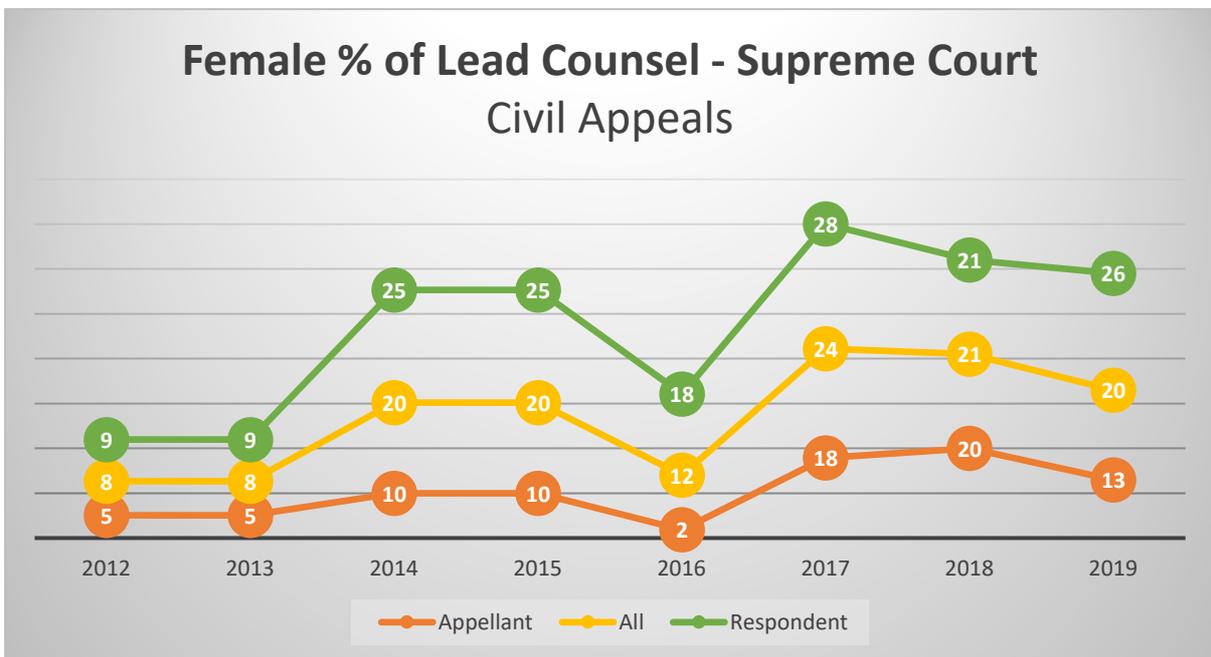


Graph 2

Civil Appeals

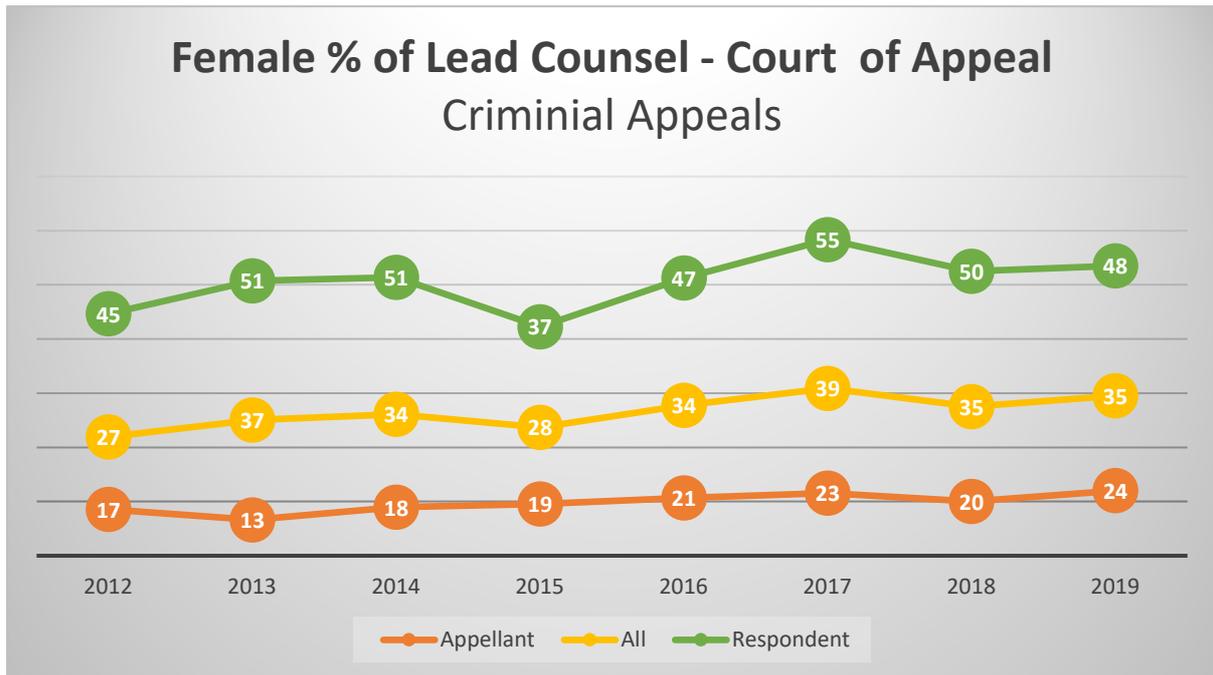


Graph 3

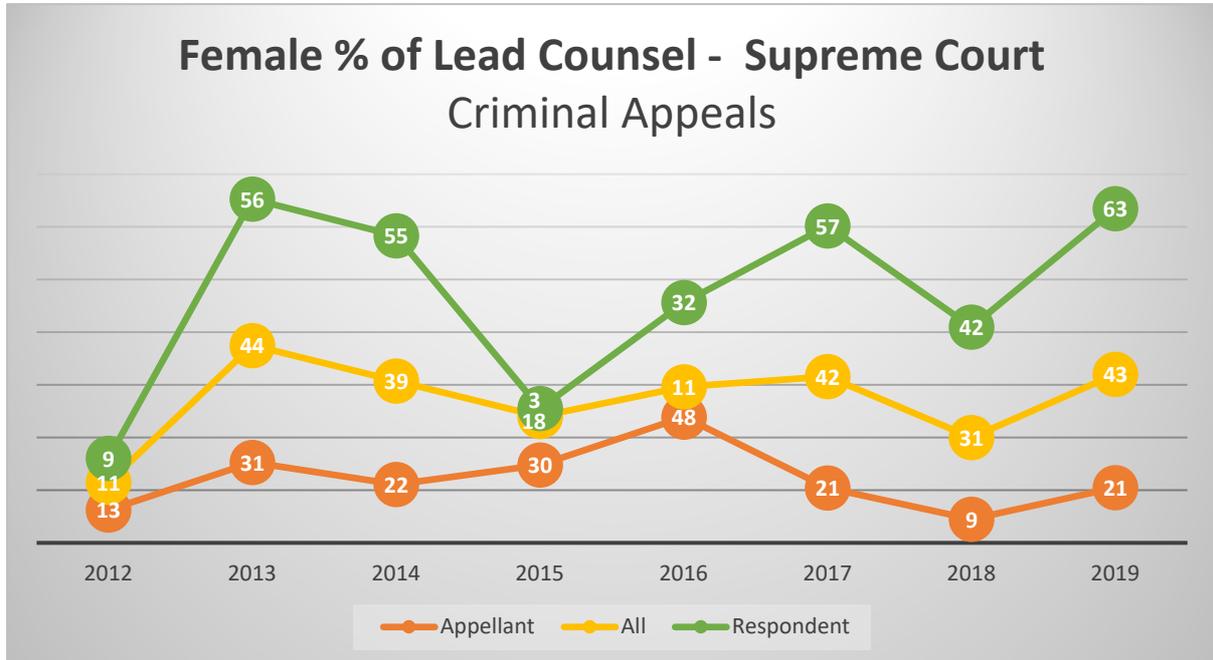


Graph 4

Criminal Appeals

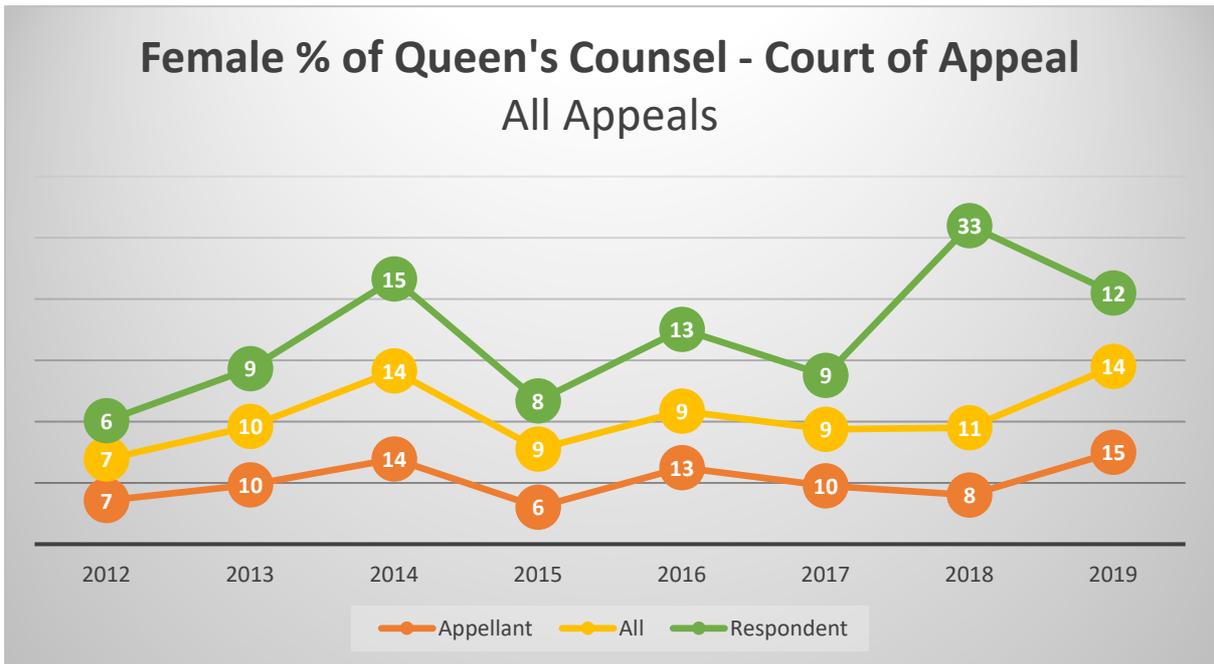


Graph 5

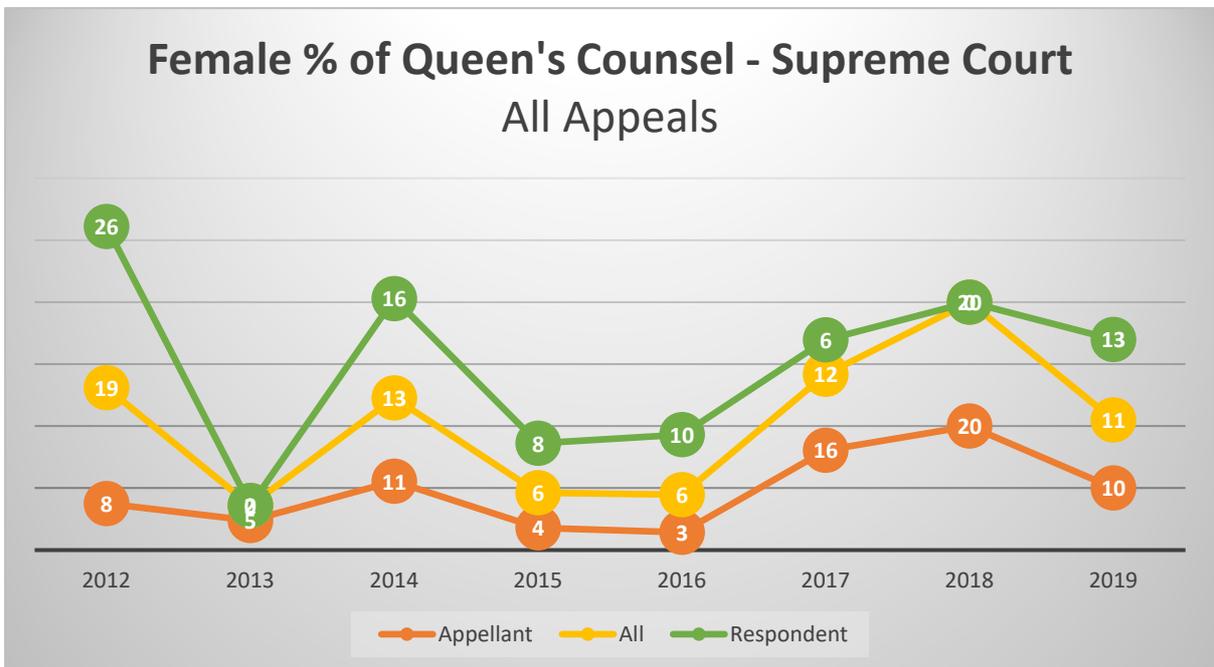


Graph 6

Queen's Counsel

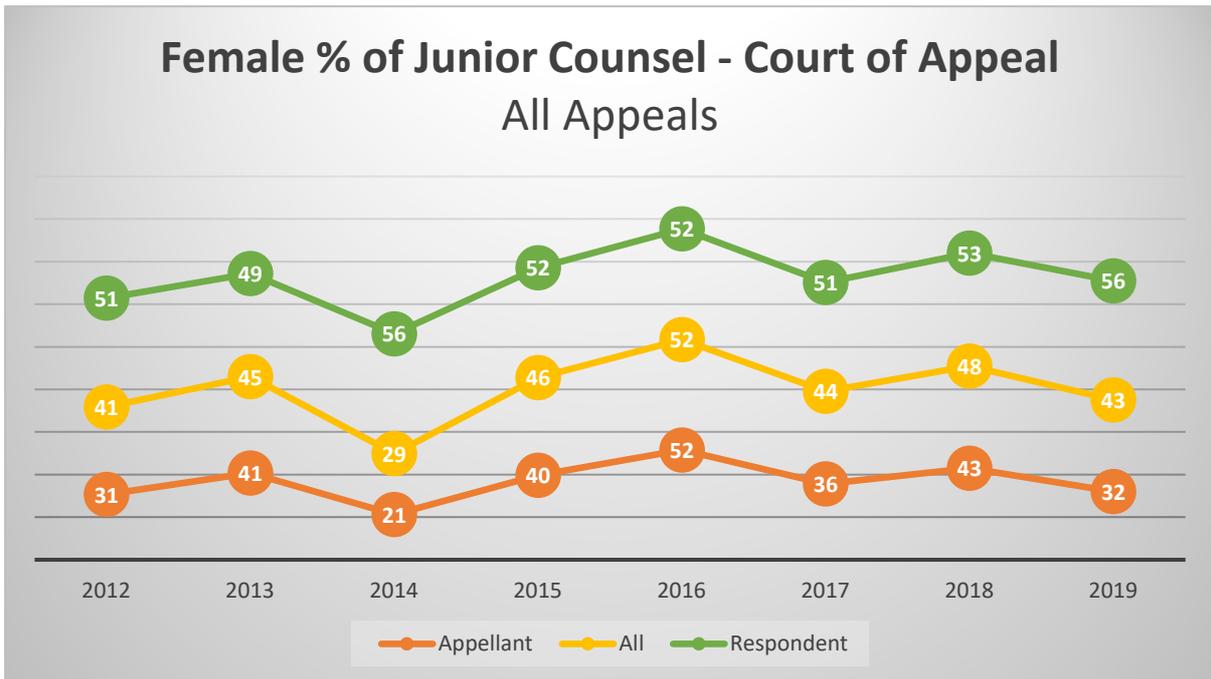


Graph 7

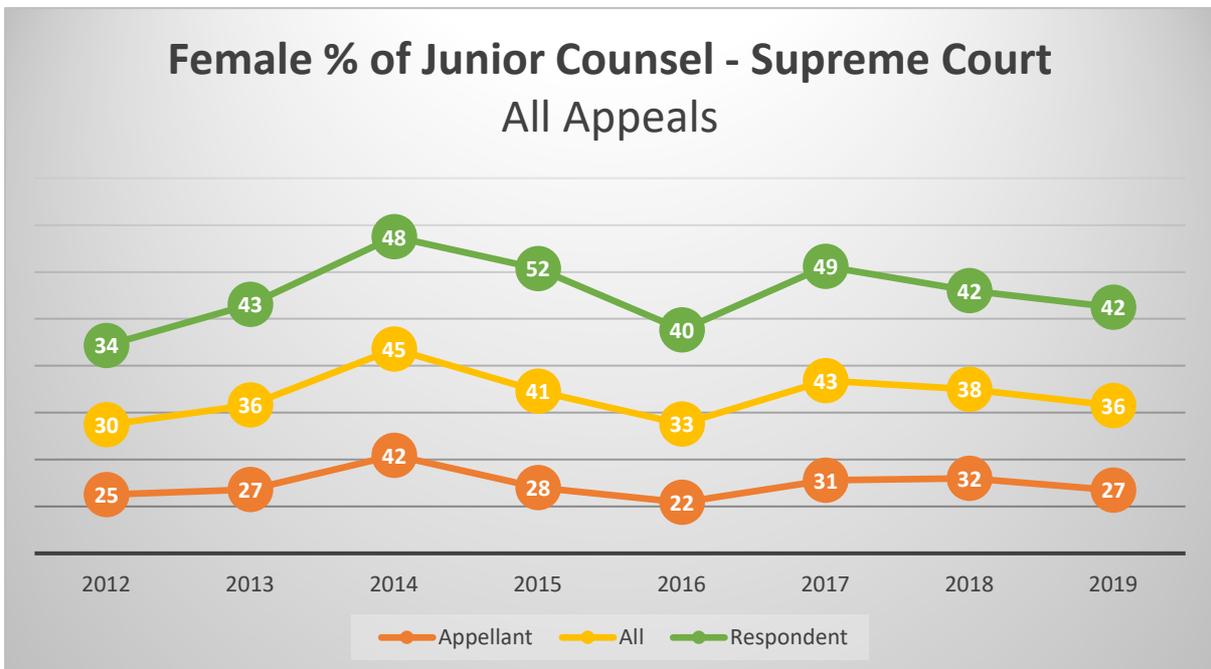


Graph 8

Junior Counsel

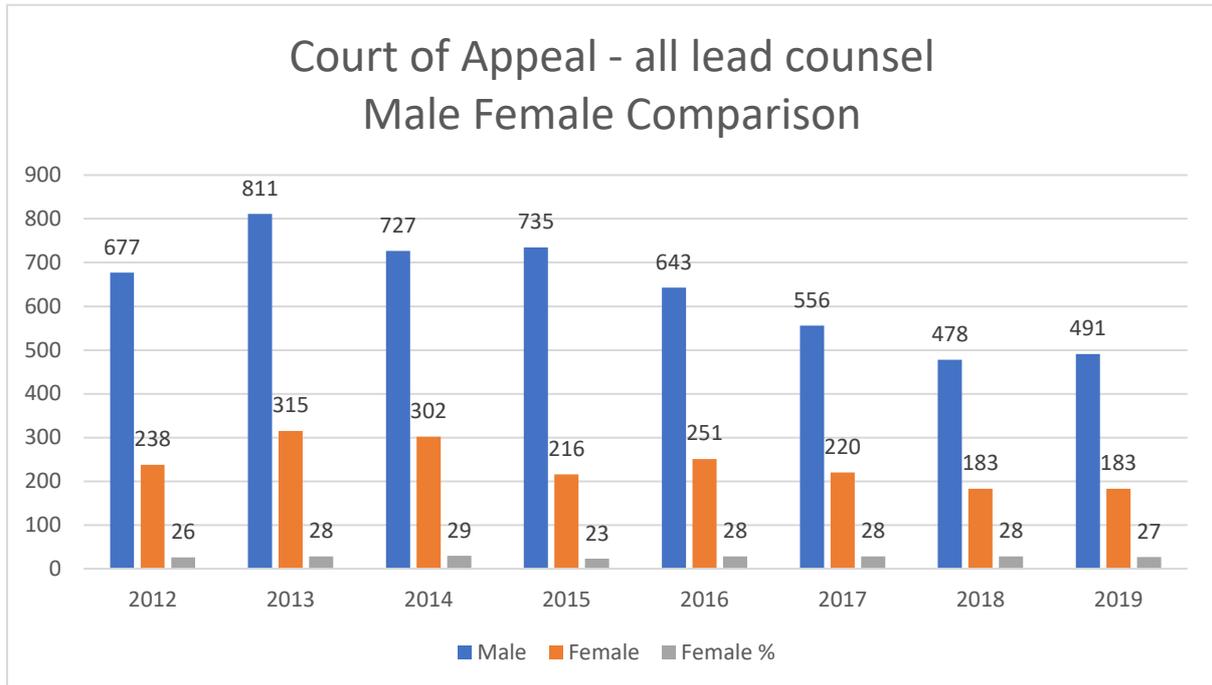


Graph 9

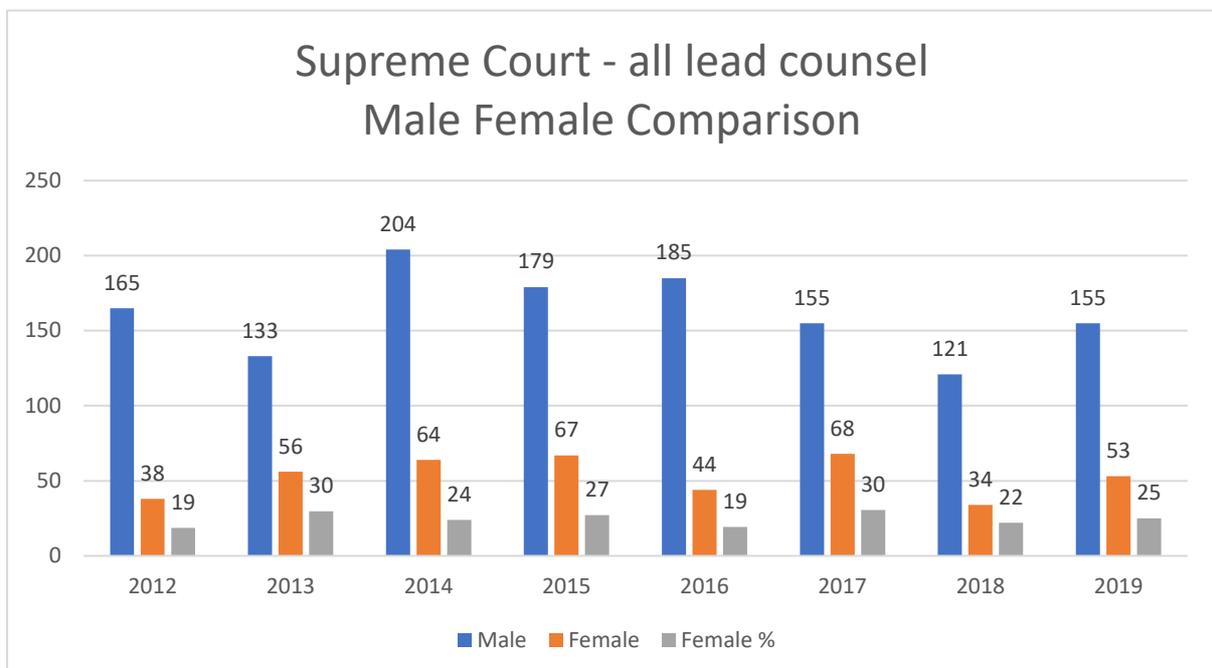


Graph 10

Male Female Comparison



Bar Chart 1



Bar Chart 2

Appendix B Methodology and Categories

1. Overview of methodology

Data was collated through Judicial Decisions Online. Where there were issues with the JDO records, these were cross-referenced with NZLII.³⁰¹ 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.

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:

- Website searches of solicitor firms;
- General web searches;
- Internal judgment searches for references by Judges to counsel and the pronoun used.

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.

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 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.

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 has utilised a McKenzie Friend.

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

The Supreme Court data has been taken in respect of all substantive appeals from the Court of

³⁰ This occurred only for the years of 2012 and 2013.

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.

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 appears for an intervenor or counsel assisting, the entry is recorded in the QC numbers. These have been fed into the “respondent” numbers based on the listing of counsel on the judgments.

2. Explanation of categories

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.
- (c) **Unknown** – gender unable to be conclusively determined.³¹²
- (d) **Lead Counsel** – first listed counsel on the judgment “counsel” entry (counsel assisting and interveners are counted as “lead counsel”).
- (e) **QCs** – counsel identified as QC in the judgment counsel entry, therefore being a 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.
- (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, QC 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 QC, this has been recorded in brackets.

3. The roles of counsel in advocacy before the Court

³¹ OTP and NA numbers have been recorded but not included in the presentation of the data. This is for ease of data consumption. It is still retained in the records of the research.

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. It has been customary (and anecdotally supported) that only senior counsel addresses the Court in most Court of Appeal and Supreme Court

hearings. It should be noted that this data was extracted before the Court of Appeal's practice note as to the role of juniors in oral advocacy in the Court of Appeal was released.

If there are any queries about the data, its extent, or collection methods, or any other queries related to how the conclusions have been reached, please do not hesitate to contact the Executive Director of the New Zealand Bar Association.