



AUSTRALIAN  
WOMEN  
LAWYERS

**PRESS RELEASE**  
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**Australian Women Lawyers - 2009 Court Appearance Survey**

According to the recently released results of the Law Council of Australia's 2009 Court Appearance Survey, women represent 19% of appearances overall in Australia's superior courts. Australian Women Lawyers (AWL), the national representative body for women lawyers, asks **"Is this good enough?"**

At first glance, some advocates for women lawyers might be thrilled with that result - after all, women constitute 20% of the total bar population, so an appearance rate which reflects their population at the Bar is not too bad. However, on closer inspection the data is not all so encouraging.

The Court Appearance Survey results indicate that while 19% of appearances were by female barristers, the appearance time for male barristers was, on average, 1 hour longer. Add to this the fact that male barristers appeared in 86% of all appearances resulting from briefs by private law firms, occupying 87% of the appearance hours, and a picture emerges that there are some stark differences between the type of matters in which men and women are briefed.

As anticipated, the survey results show that Government and the public sector brief a number of women overall, but disappointingly, the duration of those appearances is a third less than that of male barristers.

While the Court Appearance Survey does not analyse the reasons why the duration of men's appearances is statistically longer than women's, some obvious inferences can be drawn; men are being briefed in more complex matters, effectively receiving the work required to gain seniority and reputation which, in combination, give men a higher earning capacity and a greater public and professional profile.

There is a clear bias on the part of private law firms in terms of whom they brief; that is more often than not (86% of the time) a male, not female, barrister.

While the survey did not collect data on the fees generated by private law firm briefs, it is common knowledge that, generally speaking, private work pays much better than Government-funded briefs, such as Legal Aid.

The survey results also suggest that women appear more frequently in family and criminal law matters, which are also generally lower paid than civil briefs.

AWL President, Olivia Perkiss believes that private law firms need to be more transparent in their briefing practices and adopt the Law Council of Australia Model Equal Opportunity Briefing Policy regardless of whether the Policy is mandatory or not. Ms Perkiss said that AWL would welcome the introduction of mandatory reporting by private law firms as to their briefing practices.

Ms Perkiss also said “it remains a fundamental concern that in 2009, women's participation in Australia’s superior courts, is limited to 20%. The profession needs to undertake research and develop policies to not only encourage women to look at coming to the Bar in the first place but to make it an attractive long-term career where they can receive the complex, well-paid work and opportunities for promotion. After all, a legal profession which more accurately reflects the gender balance of society can only benefit that society by utilising all the skills and resources within it”.

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