

# A SNAPSHOT OF THE NEW ZEALAND LEGAL PROFESSION

AS AT MARCH 2012

As regulator of the New Zealand legal profession, the New Zealand Law Society is responsible for issuing practising certificates. LawTalk has used some of the resulting information and material we have obtained from other sources to give a picture of the makeup of the legal profession at March 2012.

## 01 Who is currently holding practising certificates?

### PRACTISING CERTIFICATES ON ISSUE - BY LAW SOCIETY BRANCH

| BRANCH                   | BARRISTER  |            | TOTAL BARRISTER | B&S         |             | TOTAL B&S     | TOTAL LAWYERS |             |               | % MALE       |              | % FEMALE |  |
|--------------------------|------------|------------|-----------------|-------------|-------------|---------------|---------------|-------------|---------------|--------------|--------------|----------|--|
|                          | ♂          | ♀          |                 | ♂           | ♀           |               | ♂             | ♀           | TOTAL         | ♂            | ♀            |          |  |
| AUCKLAND                 | 498        | 300        | <b>798</b>      | 2369        | 1954        | <b>4323</b>   | 2867          | 2254        | 5121          | 55.0%        | 44.0%        |          |  |
| CANTERBURY WESTLAND      | 76         | 39         | <b>115</b>      | 579         | 431         | <b>1010</b>   | 655           | 470         | 1125          | 58.2%        | 41.8%        |          |  |
| GISBORNE                 | 1          | 1          | <b>2</b>        | 30          | 22          | <b>52</b>     | 31            | 23          | 54            | 57.4%        | 42.6%        |          |  |
| HAWKE'S BAY              | 23         | 4          | <b>27</b>       | 126         | 74          | <b>200</b>    | 149           | 78          | 227           | 65.6%        | 34.4%        |          |  |
| MANAWATU                 | 11         | 3          | <b>14</b>       | 80          | 51          | <b>131</b>    | 91            | 54          | 145           | 62.8%        | 37.2%        |          |  |
| MARLBOROUGH              | 4          | 1          | <b>5</b>        | 29          | 21          | <b>50</b>     | 33            | 22          | 55            | 60.0%        | 40.0%        |          |  |
| NELSON                   | 8          | 3          | <b>11</b>       | 90          | 54          | <b>144</b>    | 98            | 57          | 155           | 63.2%        | 36.8%        |          |  |
| OTAGO                    | 27         | 21         | <b>48</b>       | 196         | 176         | <b>372</b>    | 223           | 197         | 420           | 53.1%        | 46.9%        |          |  |
| SOUTHLAND                | 1          | 0          | <b>1</b>        | 74          | 55          | <b>129</b>    | 75            | 55          | 130           | 57.7%        | 42.3%        |          |  |
| TARANAKI                 | 6          | 3          | <b>9</b>        | 78          | 63          | <b>141</b>    | 84            | 66          | 150           | 56.0%        | 44.0%        |          |  |
| WAIKATO BAY OF PLENTY    | 88         | 67         | <b>155</b>      | 477         | 383         | <b>860</b>    | 565           | 450         | 1015          | 55.7%        | 44.3%        |          |  |
| WELLINGTON               | 152        | 75         | <b>227</b>      | 1174        | 1235        | <b>2409</b>   | 1326          | 1310        | 2636          | 50.3%        | 49.7%        |          |  |
| WHANGANUI                | 2          | 1          | <b>3</b>        | 39          | 17          | <b>56</b>     | 41            | 18          | 59            | 69.5%        | 30.5%        |          |  |
| <b>TOTAL NEW ZEALAND</b> | <b>897</b> | <b>518</b> | <b>1415</b>     | <b>5341</b> | <b>4536</b> | <b>9877</b>   | <b>6238</b>   | <b>5054</b> | <b>11,292</b> | <b>55.2%</b> | <b>44.8%</b> |          |  |
| <b>OVERSEAS</b>          | <b>35</b>  | <b>6</b>   | <b>41</b>       | <b>193</b>  | <b>178</b>  | <b>371</b>    | <b>228</b>    | <b>184</b>  | <b>412</b>    | <b>55.3%</b> | <b>44.7%</b> |          |  |
| <b>TOTAL</b>             | <b>932</b> | <b>524</b> | <b>1456</b>     | <b>5534</b> | <b>4714</b> | <b>10,248</b> | <b>6466</b>   | <b>5238</b> | <b>11,704</b> | <b>55.2%</b> | <b>44.8%</b> |          |  |

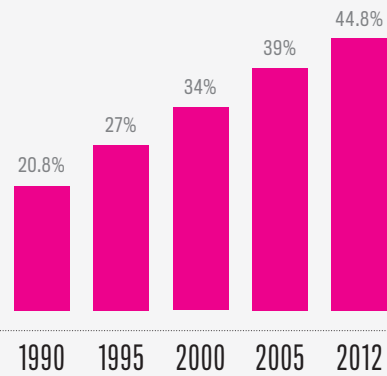
"B&S" = Barrister and Solicitor.

# 02 What's changed in the profession's composition?

Like all professions, the legal profession has undergone major change in the last few decades. Demographically, there have been major shifts in the proportion of women practising law, a growth in barristers sole (which has now flattened out), increasing numbers of lawyers working as in-house counsel and a drop in the proportion of lawyers who are principals. The trends since 1990 can be shown as follows:

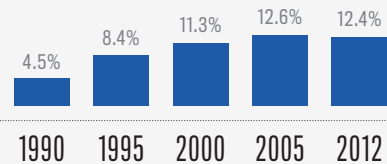
## % OF WOMEN HOLDING PRACTISING CERTIFICATES AS PROPORTION OF TOTAL HELD

Women make up well over half of new entrants to the profession and the proportion of female lawyers continues to increase.



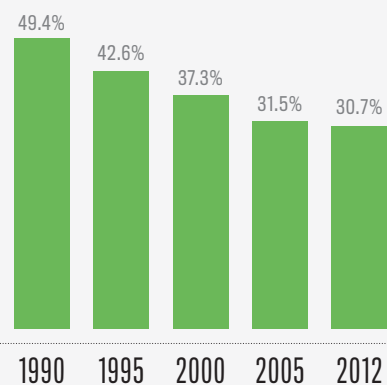
## % OF BARRISTERS HOLDING PRACTISING CERTIFICATES AS PROPORTION OF TOTAL HELD

The rapid growth in barristers has slowed now.



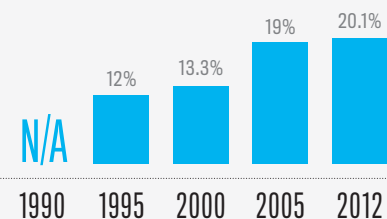
## % OF PRINCIPALS HOLDING PRACTISING CERTIFICATES AS PROPORTION OF TOTAL HELD

“Principal” covers lawyers who are qualified to practise on own account. The sharp decline in the proportion of principals continues.



## % OF IN-HOUSE LAWYERS HOLDING PRACTISING CERTIFICATES AS PROPORTION OF TOTAL HELD

CLANZ, the Law Society's section for in-house lawyers, was established in 1987. The proportion of lawyers employed as in-house counsel continues to rise.



# 03 Types of practice.

New Zealand's lawyers can be grouped into three areas of practice. Two-thirds are barristers and solicitors who either practise on own account or in a law firm.

## BARRISTERS

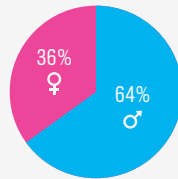
12.4% OF NZ LAWYERS

Barristers make up 12.4% of New Zealand lawyers. Over three-quarters of our barristers are located in four cities. While two-thirds overall are male, 44% of barristers who have been admitted for 10 years or less are female.

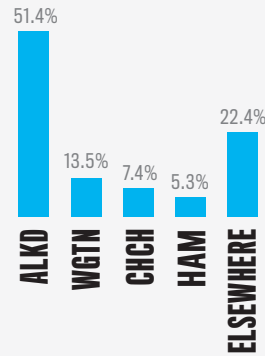
### SPECIALIST AREAS OF PRACTICE:

**Criminal law** – 21.2%; **Civil litigation** – 18.5%; **Family law** – 14.3% (barristers spending more than 50% of their time practising in this area).

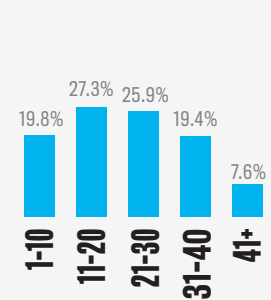
### GENDER:



### LOCATION:



### YEARS IN PRACTICE:



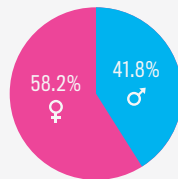
AVERAGE YEARS IN PRACTICE: 22.9

## IN-HOUSE LAWYERS

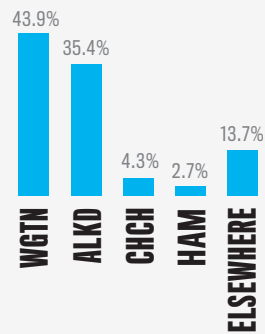
20.1% OF NZ LAWYERS

In-house lawyers make up 20.1% of New Zealand lawyers. Female in-house lawyers comprise 26.2% of all female lawyers, while male in-house lawyers comprise 15.2% of all male lawyers. Over three-quarters of in-house lawyers are located in two cities.

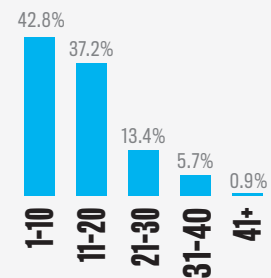
### GENDER:



### LOCATION:



### YEARS IN PRACTICE:



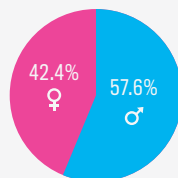
AVERAGE YEARS IN PRACTICE: 14.2

## BARRISTERS & SOLICITORS

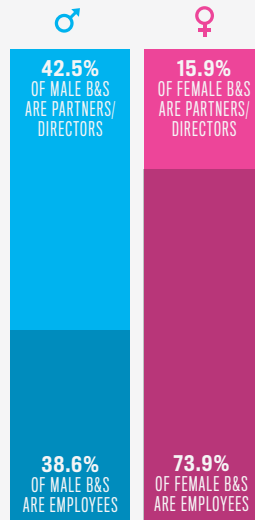
67.5% OF NZ LAWYERS

Barristers and solicitors working in law firms make up 67.5% of New Zealand lawyers.

### GENDER:



### EMPLOYMENT STATUS & GENDER:



**PRINCIPALS** – A PRINCIPAL IS A LAWYER QUALIFIED TO PRACTISE ON OWN ACCOUNT (IE, PARTNERS, DIRECTORS AND SOLE PRACTITIONERS). **77.0%** OF PRINCIPALS ARE MALE; **23.0%** OF PRINCIPALS ARE FEMALE.

AVERAGE YEARS IN PRACTICE:

**EMPLOYEES: 9.9 YEARS**

50.2% OF ALL EMPLOYEES HAVE BEEN IN PRACTICE FOR 5 YEARS OR LESS.

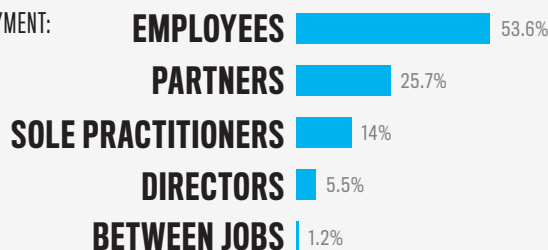
**PARTNERS/DIRECTORS: 25 YEARS**

37.9% OF ALL PARTNERS AND DIRECTORS HAVE BEEN IN PRACTICE FOR MORE THAN 31 YEARS.

**SOLE PRACTITIONERS: 28.4 YEARS**

44.7% OF ALL SOLE PRACTITIONERS HAVE BEEN IN PRACTICE FOR MORE THAN 31 YEARS.

### EMPLOYMENT:



# 04 *How many years have our lawyers been in practice?*

Information held by the Law Society shows the year in which lawyers were admitted as a barrister and solicitor of the High Court of New Zealand. This illustrates the changing gender balance and also shows that in-house lawyers tend to have been in practice for a relatively short time.

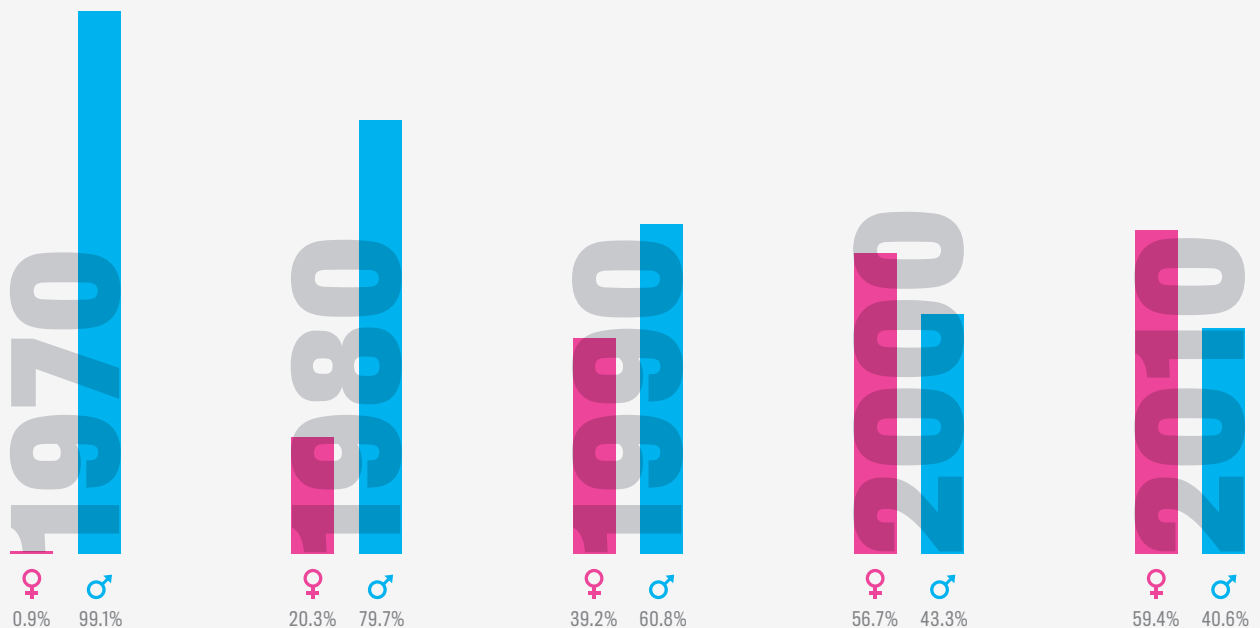
**THE AVERAGE NUMBER OF YEARS SINCE ADMISSION FOR ALL LAWYERS IS 17.4 YEARS.**

## YEARS SINCE ADMISSION

|   | 0-10 years | 11-20 years | 21-30 years | 31-40 years | 41+ years |
|---|------------|-------------|-------------|-------------|-----------|
| <b>ALL LAWYERS</b>                          | 40.7%      | 24.8%       | 16.3%       | 13.2%       | 5.0%      |
| <b>MALE LAWYERS</b>                         | 29.9%      | 21.9%       | 18.7%       | 20.5%       | 9.0%      |
| <b>FEMALE LAWYERS</b>                       | 54.0%      | 28.4%       | 13.2%       | 4.2%        | 0.1%      |
| <b>BARRISTERS</b>                           | 19.8%      | 27.3%       | 25.9%       | 19.4%       | 7.6%      |
| <b>IN-HOUSE LAWYERS</b>                     | 42.8%      | 37.2%       | 13.4%       | 5.7%        | 0.9%      |
| <b>EMPLOYED BARRISTERS &amp; SOLICITORS</b> | 73.4%      | 14.6%       | 4.8%        | 3.8%        | 3.3%      |
| <b>PARTNERS &amp; DIRECTORS</b>             | 9.5%       | 31.4%       | 27.8%       | 24.0%       | 7.3%      |
| <b>SOLE PRACTITIONERS</b>                   | 7.2%       | 20.0%       | 28.1%       | 33.3%       | 11.3%     |

## LAWYERS CURRENTLY PRACTISING BY ADMISSION YEAR

For example: 0.9% of lawyers currently practising who were admitted in 1970 are women.



# 05 Admission.

New lawyers are admitted to the profession throughout the year. As noted in our Snapshot last year, two clear trends are apparent: the number of new entrants as a proportion of the number of lawyers in practice is declining, and the proportion of women admitted as lawyers continues to increase (although this fell for the first time in 2011). More women have been admitted than men each year since 1993.

## 1980

**ADMISSIONS = 388**

ENTRANTS/LAWYERS IN PRACTICE = 9.7%

WOMEN ADMITTED **102** = 26.3%

## 1990

**ADMISSIONS = 491**

ENTRANTS/LAWYERS IN PRACTICE = 8.3%

WOMEN ADMITTED **225** = 45.8%

## 2000

**ADMISSIONS = 845**

ENTRANTS/LAWYERS IN PRACTICE = 10.2%

WOMEN ADMITTED **485** = 57.4%

## 2005

**ADMISSIONS = 883**

ENTRANTS/LAWYERS IN PRACTICE = 8.8%

WOMEN ADMITTED **540** = 61.2%

## 2009

**ADMISSIONS = 765**

ENTRANTS/LAWYERS IN PRACTICE = 7.2%

WOMEN ADMITTED **477** = 62.4%

## 2010

**ADMISSIONS = 892**

ENTRANTS/LAWYERS IN PRACTICE = 7.9%

WOMEN ADMITTED **561** = 62.9%

## 2011

**ADMISSIONS = 796**

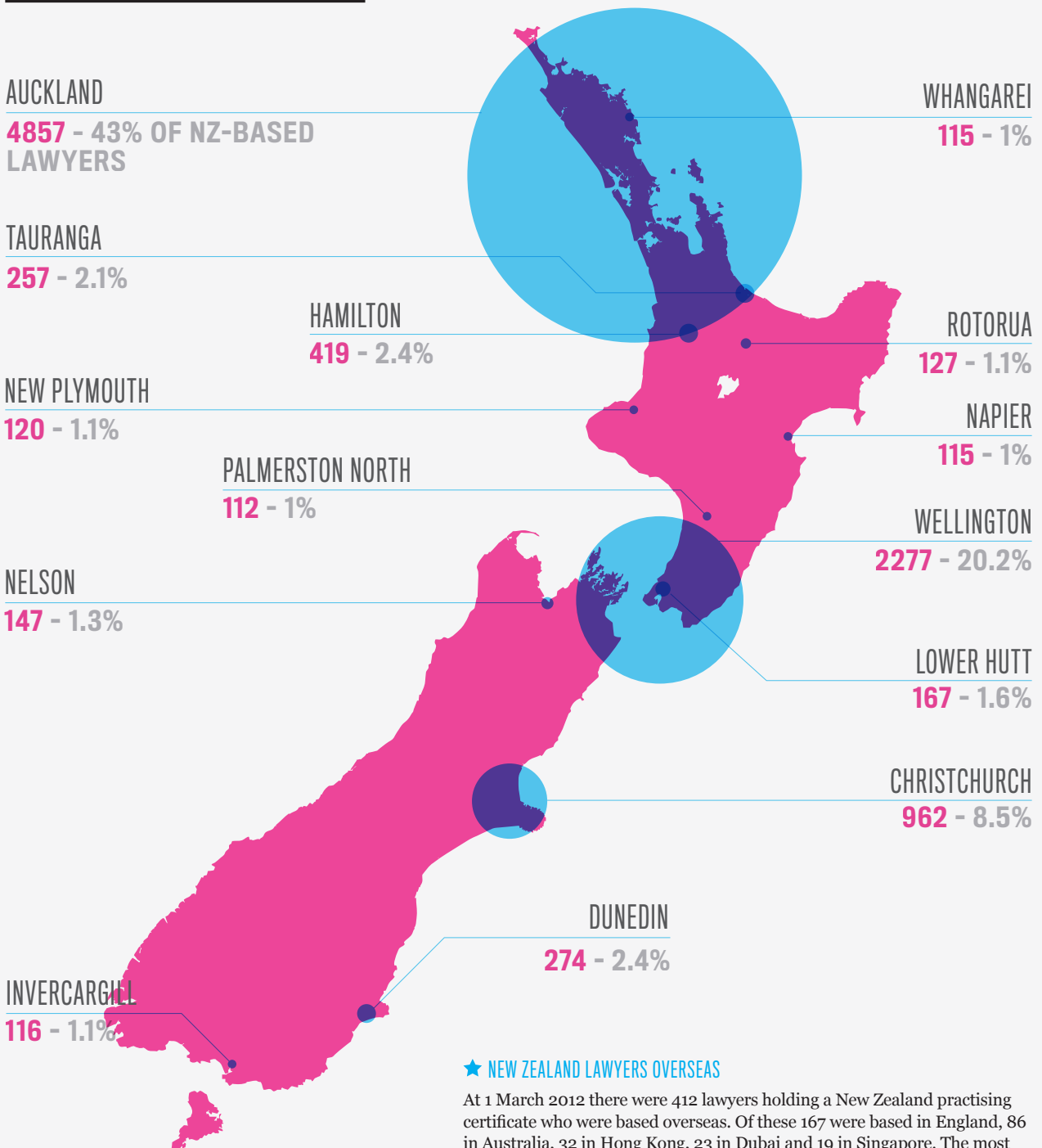
ENTRANTS/LAWYERS IN PRACTICE = 6.9%

WOMEN ADMITTED **483** = 60.7%

# 06 Lawyers by location.

New Zealand has one lawyer for every 390 citizens (excluding lawyers based overseas). Wellington City stands out, with one lawyer for every 88 citizens (which is still nowhere near the Avery Index's astonishing rate for the District of Columbia in the United States of one lawyer for every 36 citizens). Like the District of Columbia, Wellington's relatively high rate is driven by a high number of government and in-house lawyers.

## PLACES WITH THE MOST LAWYERS



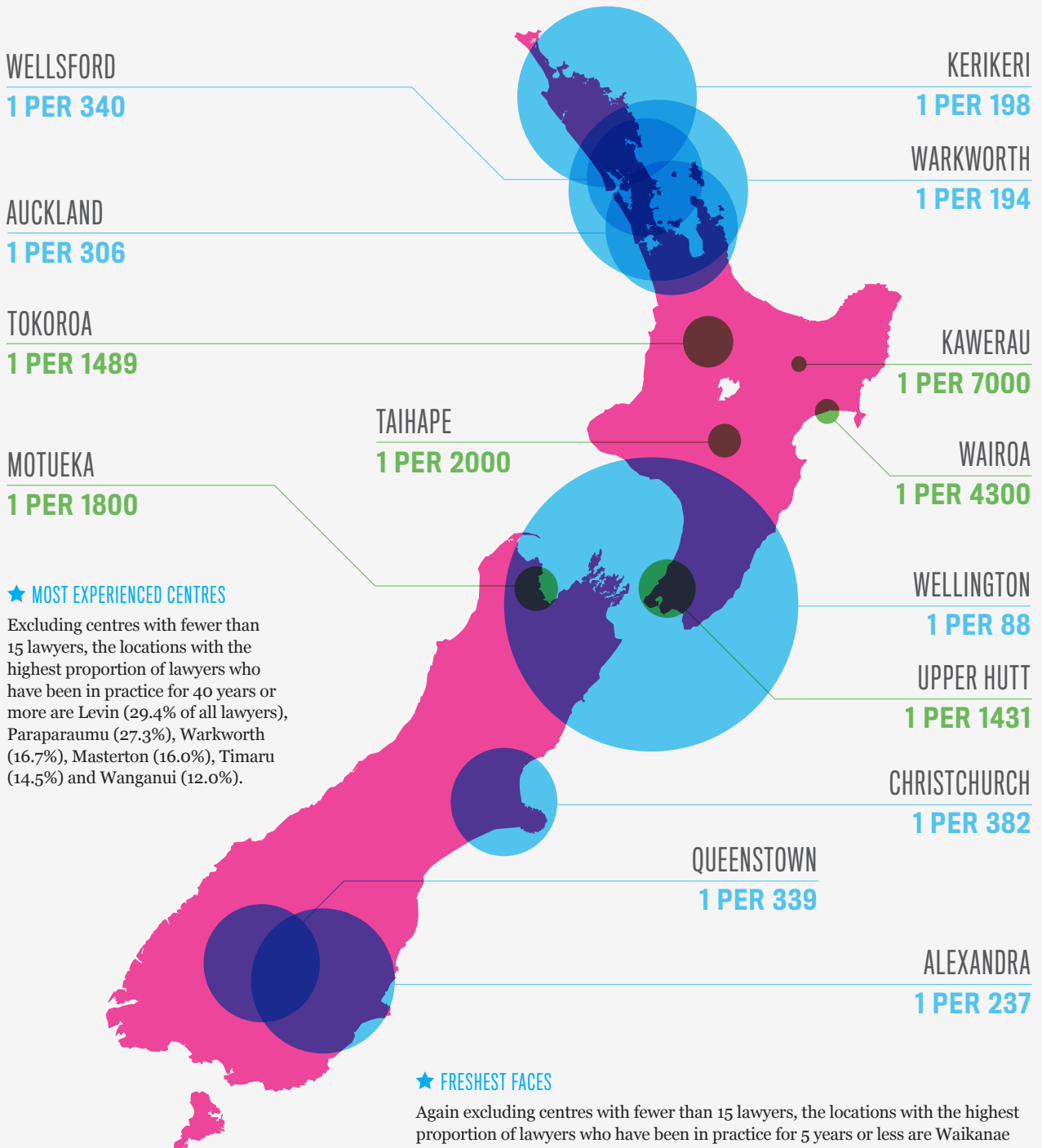
### ★ NEW ZEALAND LAWYERS OVERSEAS

At 1 March 2012 there were 412 lawyers holding a New Zealand practising certificate who were based overseas. Of these 167 were based in England, 86 in Australia, 32 in Hong Kong, 23 in Dubai and 19 in Singapore. The most popular city was London, with 161 New Zealand lawyers, followed by Sydney (28) and Melbourne (23).

# 07 Lawyers by location - Density.

PLACES WITH HIGHEST PROPORTION OF LAWYERS PER HEAD

PLACES WITH LOWEST PROPORTION OF LAWYERS PER HEAD



★ MOST EXPERIENCED CENTRES

Excluding centres with fewer than 15 lawyers, the locations with the highest proportion of lawyers who have been in practice for 40 years or more are Levin (29.4% of all lawyers), Paraparaumu (27.3%), Warkworth (16.7%), Masterton (16.0%), Timaru (14.5%) and Wanganui (12.0%).

★ FRESHEST FACES

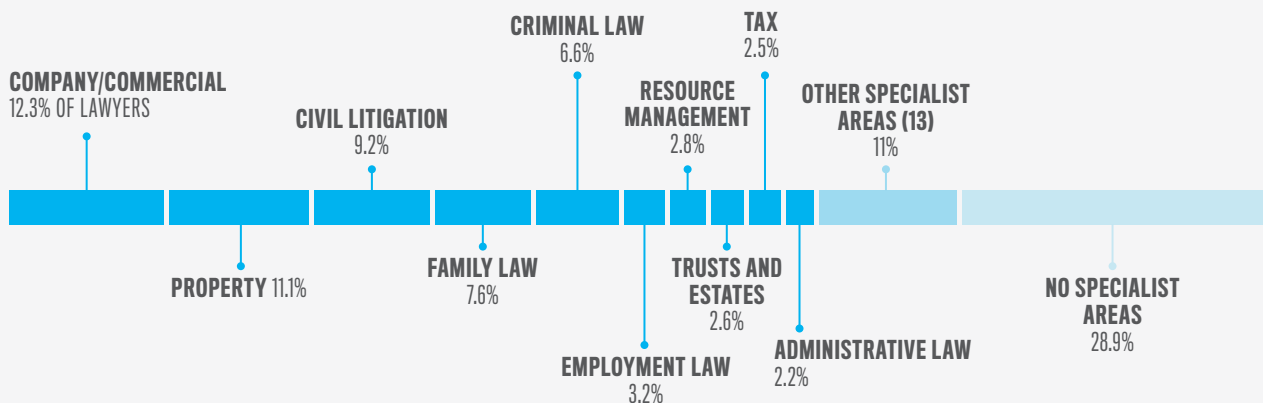
Again excluding centres with fewer than 15 lawyers, the locations with the highest proportion of lawyers who have been in practice for 5 years or less are Waikanae (38.9% of all lawyers), Whakatane (34.3%), Invercargill (31.0%), Cambridge (30.4%), New Plymouth (28.3%), Wellington (27.9%), Rotorua (26.8%) and Auckland (25.5%).

# 08 Areas of practice.

When applying for or renewing their practising certificate, lawyers are asked to provide information on the proportion of time spent in each of 23 areas of practice. Provision of this information is voluntary. Of the 11,704 practising certificates on issue in March 2012, 9105 holders supplied information on their areas of practice (77.8%). The information in this section is therefore indicative only.

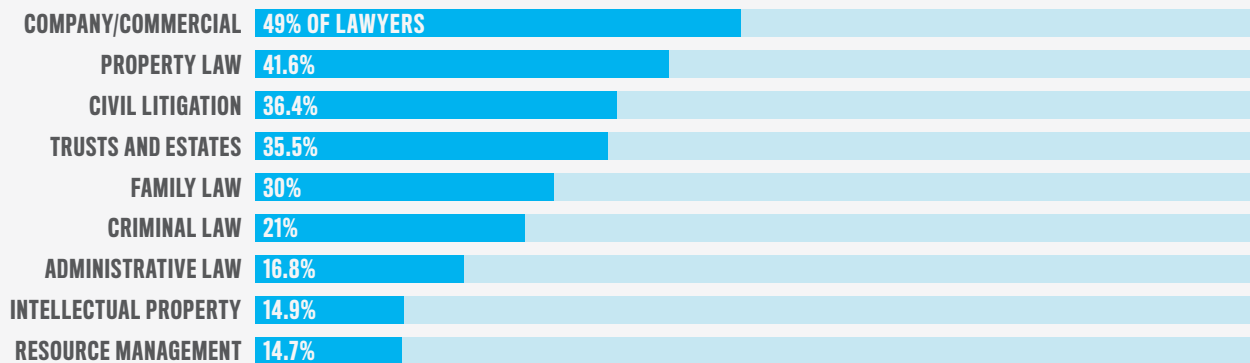
## SPECIALIST AREAS OF PRACTICE

The areas of practice where most lawyers spend over half their time are as follows:



## AREAS OF PRACTICE WHERE SOME TIME IS SPENT

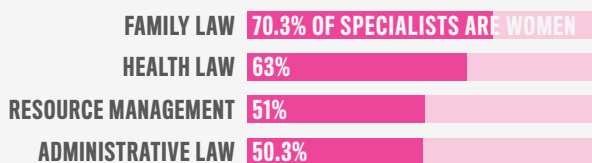
This shows the proportion of lawyers who spend at least some time practising an area of law:



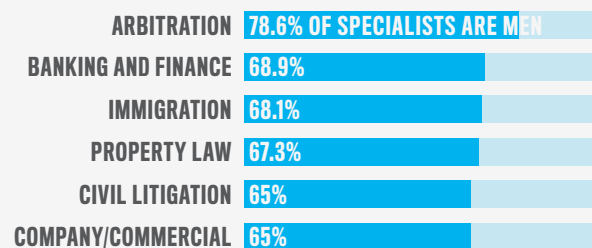
## SPECIALIST PRACTICE BY GENDER

The information collected shows that there are noticeable differences in the types of law which men and women specialise in.

### AREAS WHERE MORE WOMEN SPECIALISE (IE, OVER 50% OF TIME SPENT IN AREA)



### AREAS WHERE MORE MEN SPECIALISE



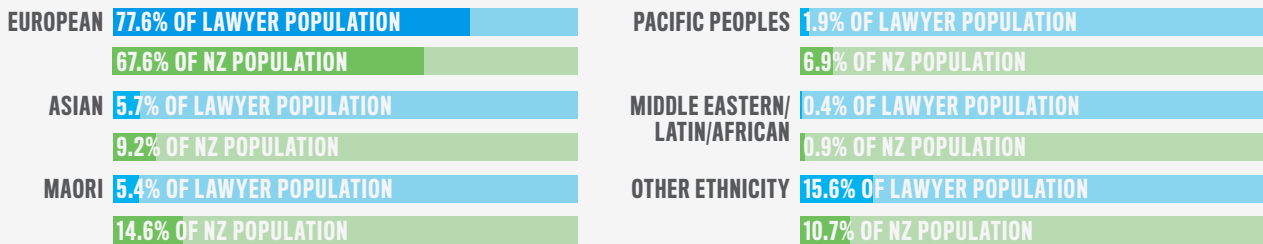


# 09 Ethnicity, salaries, smoking & other matters.

To further fill out our picture of New Zealand lawyers, we've summarised some other information which has been gathered over the past year. All of this information can be found in various parts of my. *lawsociety.*

## ETHNICITY

An investigation by *LawTalk* in September 2011 used information provided by Statistics New Zealand from the 2006 census to estimate the proportion of Māori lawyers in New Zealand. The data, for 9,081 people who reported their occupation as "barrister" or "solicitor", showed the following ethnicities:



Note that the data doesn't neatly add to 100% as some people indicated more than one ethnicity. "Other ethnicity" is almost entirely made up of people who stated "New Zealander".

## LEGAL AID

Ministry of Justice figures show that at 30 June 2011, 2,796 lawyers were listed as legal aid providers. This is 23.9% of the number of practising certificates currently on issue. At 31 December 2011, the ministry reported that it had received 1,927 applications for listing as legal aid providers – 16.5% of practising certificates currently on issue.

## VOLUNTARY CONTRIBUTIONS

The New Zealand Community Law Centre report for the 2010/11 financial year showed that there were a total of 20,562 collective volunteer hours provided by lawyers and students in the centres during the year. This assisted 144,330 people, with 40% of the time involved in providing legal advice and 34% on providing legal information.

## SALARIES

The New Zealand Law Society/Momentum Legal Salary Survey in October 2011 generated a lot of data from over 1,100 participants. Some key indicators:

Average salaries, all New Zealand

| YEARS SINCE ADMISSION | LARGE FIRMS | OTHER FIRMS | IN-HOUSE PRIVATE | IN-HOUSE PUBLIC |
|-----------------------|-------------|-------------|------------------|-----------------|
| 2                     | \$53,200    | \$45,500    | \$65,000         | \$51,400        |
| 5                     | \$82,400    | \$67,200    | \$102,700        | \$71,000        |
| 9                     | \$128,700   | \$105,800   | \$169,000        | \$97,000        |

## SATISFACTION WITH EMPLOYMENT

The New Zealand Law Society/Momentum Legal Salary Survey 2011 also asked about employment satisfaction. Some key indicators:

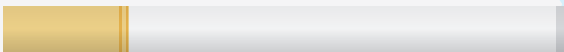
35% of survey respondents were considering leaving their current organisation within the next 12 months.

47% of respondents were satisfied with their remuneration.

71% of respondents enjoyed working for their current employer.

## SMOKING

Lawyers and judges are relatively light smokers, according to a University of Otago, Wellington study released in December 2011. This analysed data from the 1981 and 2006 censuses on a number of "role model" occupational groups to get a crude smoking prevalence rate. A few of the results:



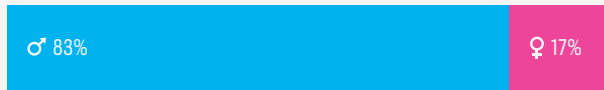
| GROUP                  | 1981  | 2006  |
|------------------------|-------|-------|
| LAWYERS AND JUDICIARY  | 19.4% | 7.8%  |
| DOCTORS                | 14.2% | 3.6%  |
| MEMBERS OF PARLIAMENT  | 20.0% | 11.4% |
| POLICE                 | 31.3% | 12.6% |
| ACTORS/DANCERS/SINGERS | 41.7% | 21.2% |
| PRISON OFFICERS        | 47.8% | 28.2% |
| ALL OCCUPATIONS        | 35.3% | 21.7% |

# 10 The Judiciary.

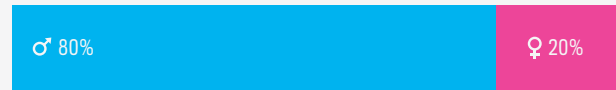
To help round out our snapshot, we include some information on the New Zealand judiciary. This has been gathered mainly from Ministry of Justice websites and shows the state of the judiciary appointed to the superior courts and District Courts at 8 March 2012. The statistics for High Court judges include Associate Judges and warranted judges serving in other roles.

## GENDER

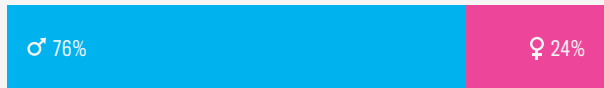
### SUPREME COURT - 5 MALE, 1 FEMALE



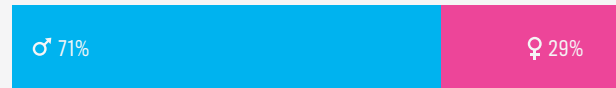
### COURT OF APPEAL - 8 MALE, 2 FEMALE



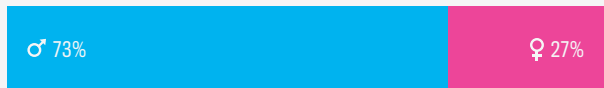
### HIGH COURT - 35 MALE, 11 FEMALE



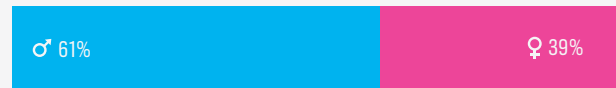
### DISTRICT COURTS - 104 MALE, 43 FEMALE



### OVERALL JUDICIARY - 152 MALE, 57 FEMALE



### ELIGIBLE FOR APPOINTMENT\*



\* The legal profession as a whole is 55% male lawyers and 45% female lawyers. This has been adjusted to exclude all lawyers who have been admitted for less than 7 years (the minimum time a lawyer must be in practice to be eligible for appointment to the judiciary).

## UNIVERSITY WHERE FIRST LAW DEGREE COMPLETED

| UNIVERSITY | SUPREME | APPEAL | HIGH | TOTAL |
|------------|---------|--------|------|-------|
| AUCKLAND   | 3       | 5      | 20   | 28    |
| CANTERBURY | 2       | 0      | 6    | 8     |
| OTAGO      | 0       | 0      | 6    | 6     |
| VICTORIA   | 1       | 5      | 14   | 20    |
| TOTAL      | 6       | 10     | 46   | 62    |

Information is not available for all District Court judges and they have been excluded.

## QUEEN'S COUNSEL ON APPOINTMENT TO JUDICIARY

**Supreme Court – 67% (4)**

**Court of Appeal – 60% (6)**

**High Court – 33% (15)**

**District Courts – 3% (4)**

## LENGTH OF APPOINTMENT\*

| TENURE           | JUDGES | % TOTAL |
|------------------|--------|---------|
| 21 YEARS OR MORE | 7      | 3%      |
| 16 - 20 YEARS    | 37     | 18%     |
| 11 - 15 YEARS    | 42     | 20%     |
| 6 - 10 YEARS     | 65     | 31%     |
| 0 - 5 YEARS      | 58     | 28%     |

\*This covers time since first appointment to any court

For the record, New Zealand's longest-serving members of the judiciary are Tipping J (26 years), Keane J (25 years), Ronald Young J (24 years) and Principal Family Court Judge Boshier (24 years). Keane J and Ronald Young J were initially appointed District Court Judges.

## AVERAGE TIME AS A JUDGE\*

**Supreme Court – 17.2 years**

**Court of Appeal – 10.8 years**

**High Court – 8.9 years**

**District Courts – 9.8 years**

**All Judges – 9.8 years**

\*This covers time since first appointment to any court