

A photograph of three lawyers in black robes walking on a wet sidewalk under trees. The scene is outdoors, with a modern building in the background. The ground is wet, reflecting the surroundings. The trees are lush green, and the overall atmosphere is professional and serene.

THE STATE OF THE VICTORIAN BAR

EMERGING TRENDS AND CHALLENGES

Executive Summary

The *State of the Bar* survey was completed by **650 members** in October 2023, which represents an overall response rate of **30% of total Victorian practising Counsel**.

This summary survey report presents an analysis of the State of the Victorian Bar with both *point-in-time* and *trend* analyses of the composition of the Bar, members' work practices, income, health and wellbeing, and demographic information.

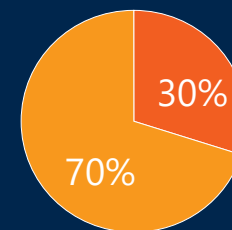
It is based on two main data sources:

- the results of the 2023 *State of the Bar* survey of 650 Victorian practising counsel.
- Bar Roll data, which collects income and demographic data on all members.

Survey questions covered the following areas:

- 1 Members' work practices
- 2 Demographics
- 3 Health and wellbeing
- 4 Workplace issues

Survey summary



- Members who filled out survey
- Members who did not fill out survey

Key insights

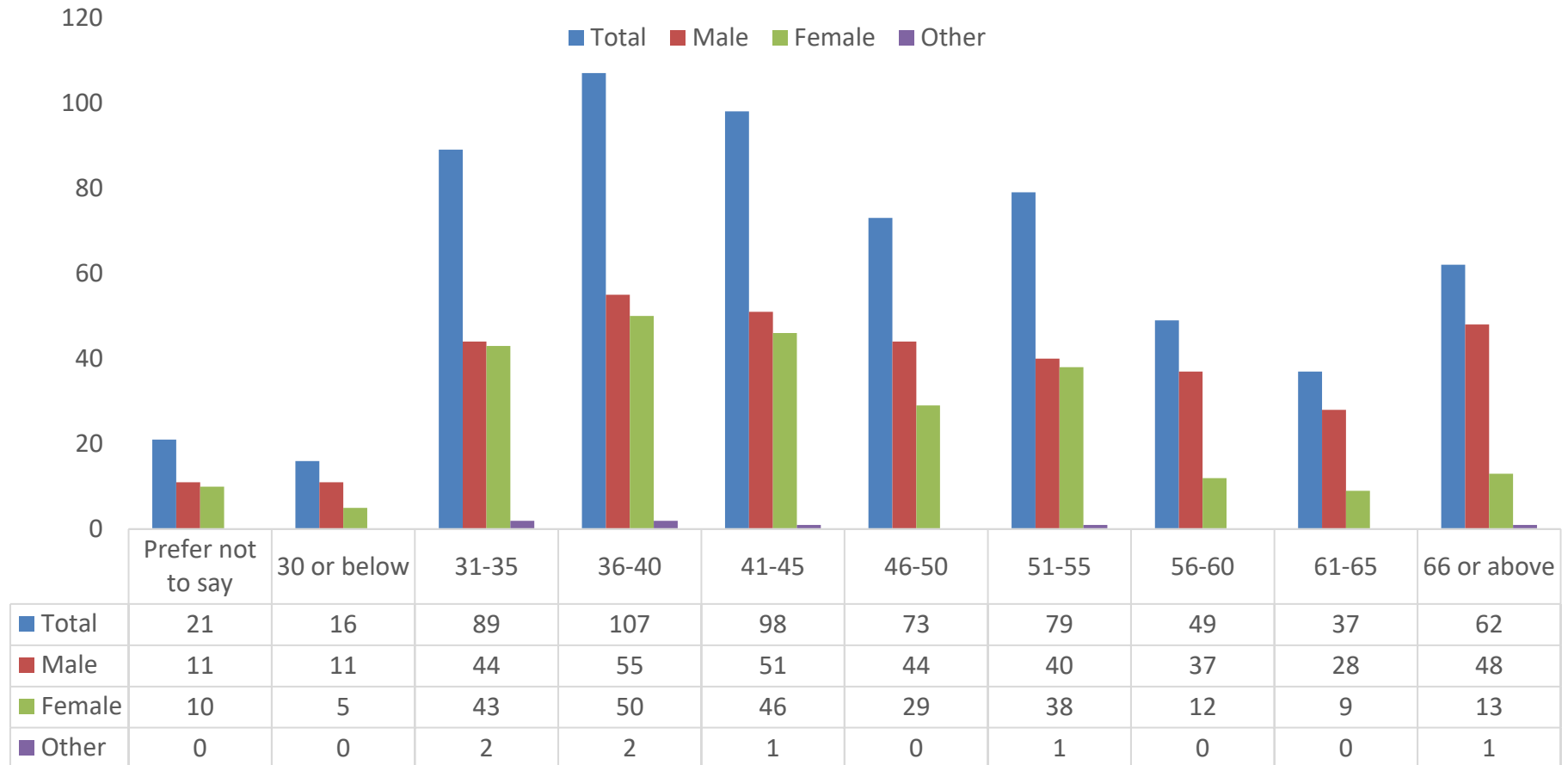
- The gender pay gap has lessened over time.
- Women are now better represented at the Bar.
- There has been a remarkable reduction in reported or observed incidents of discrimination and sexual harassment.
- Bullying has also decreased but remains a problem and will require increased focus.

Limitations

- Voluntary survey questions.
- Option to select multiple answers within certain questions.
- Data analysis includes only a breakdown of male and female responses.
- The latest member income data available is from the 2021-22 financial year.

2023 survey sample

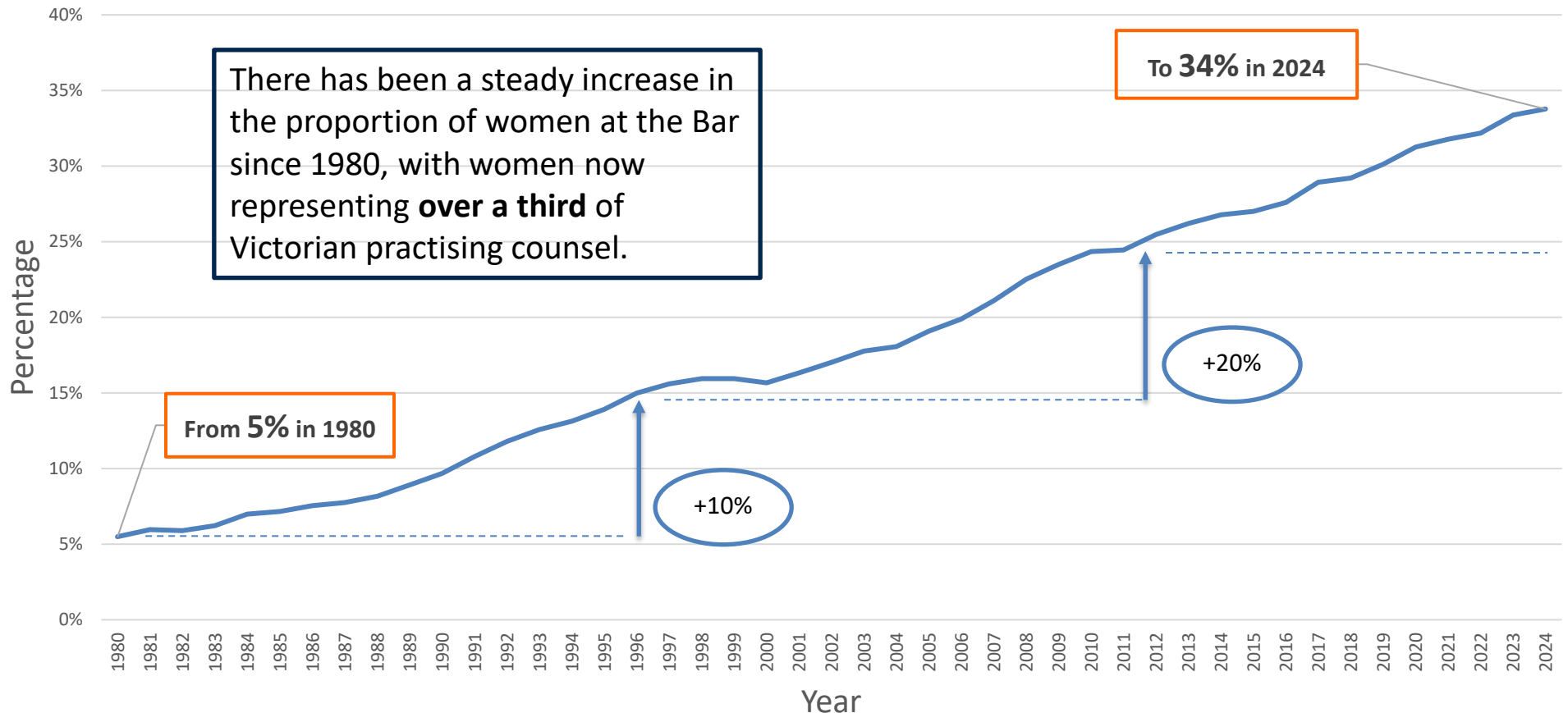
Breakdown of survey sample composition by gender and age



Source: 2023 State of the Bar survey

The Bar has become more gender diverse over time

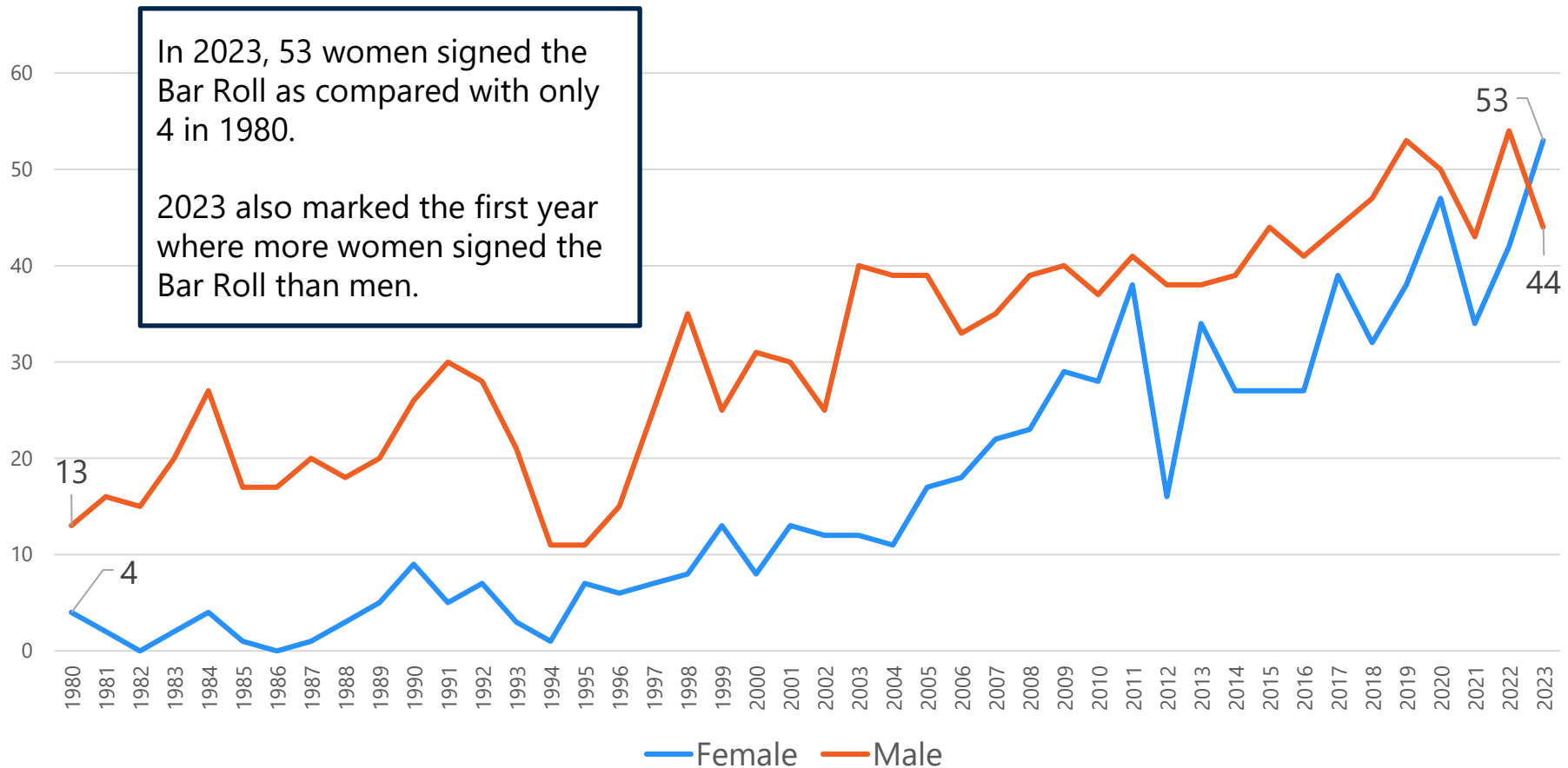
Women barristers, as a percentage of total practising counsel over time



Source: Bar Roll data, February 2024

Women barristers are better represented

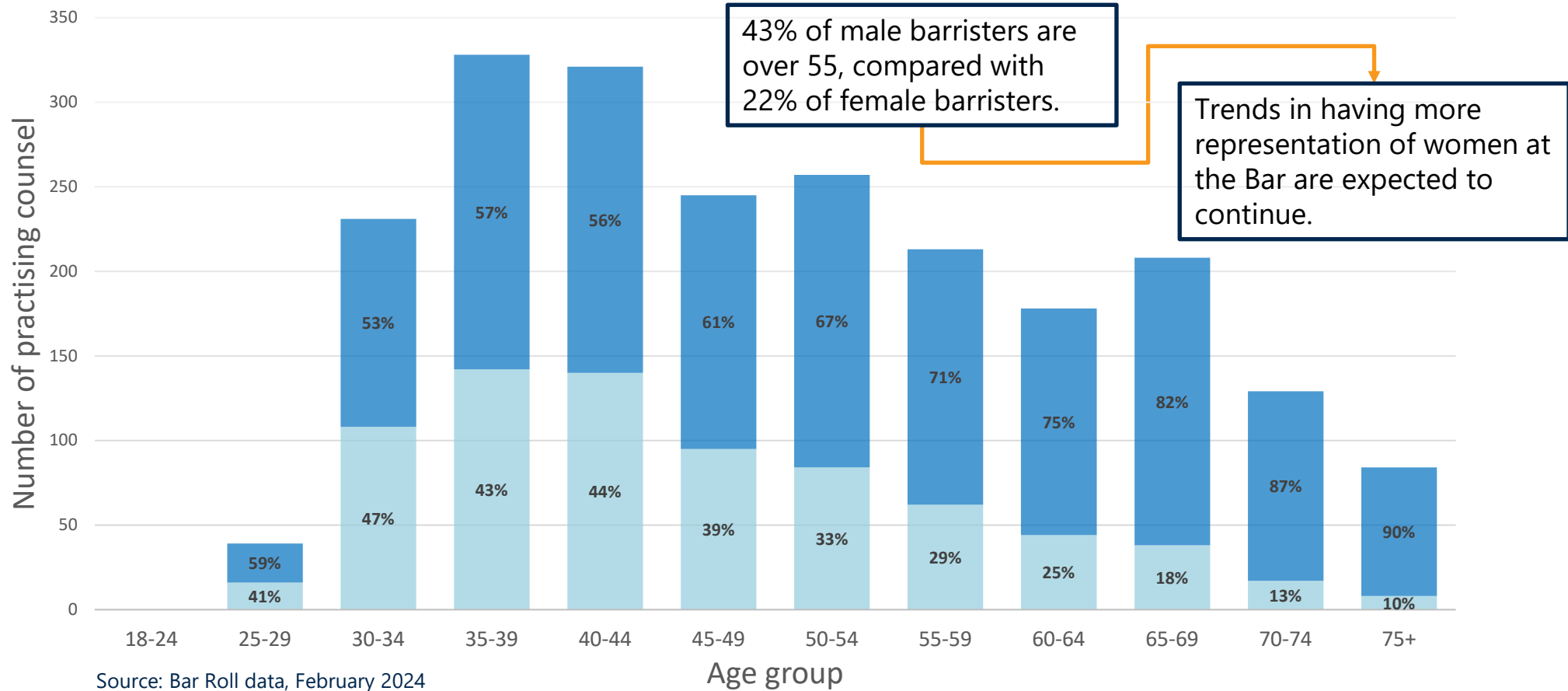
Number of barristers who have signed the Bar Roll over time by gender



Source: Bar Roll data

Women barristers are younger than their male colleagues

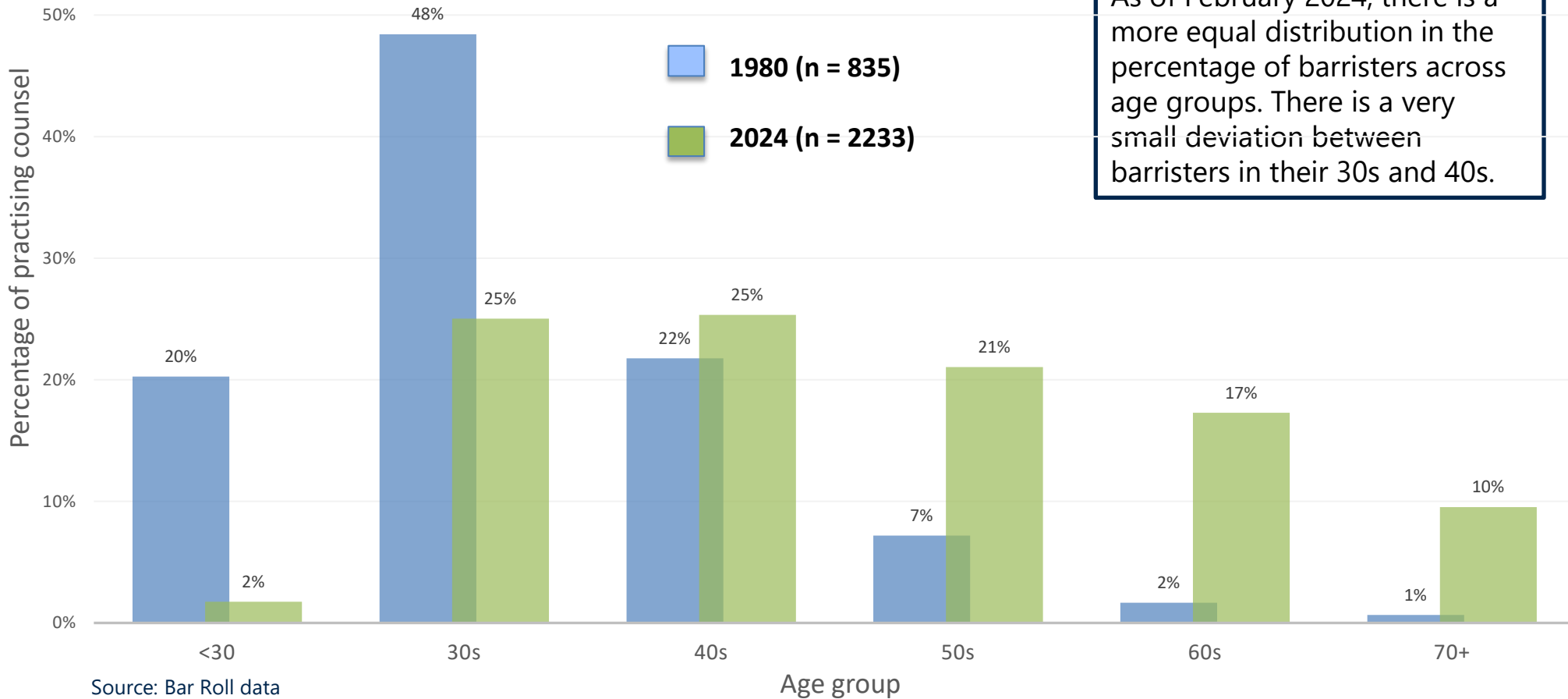
Number of practising barristers, by age and gender



Source: Bar Roll data, February 2024

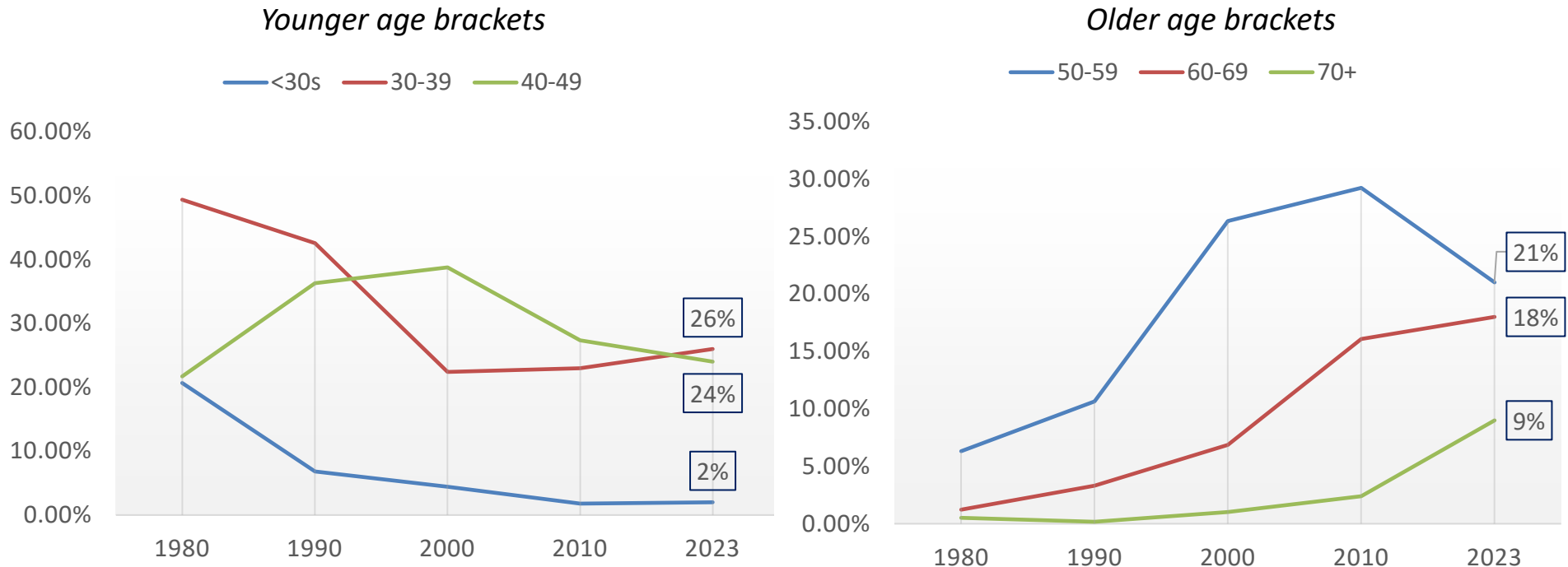
The Bar is more equally distributed across age brackets

Percentage of barristers by age bracket, 1980 and 2024



The Bar has become older over time

Percentage of barristers, by age bracket over time

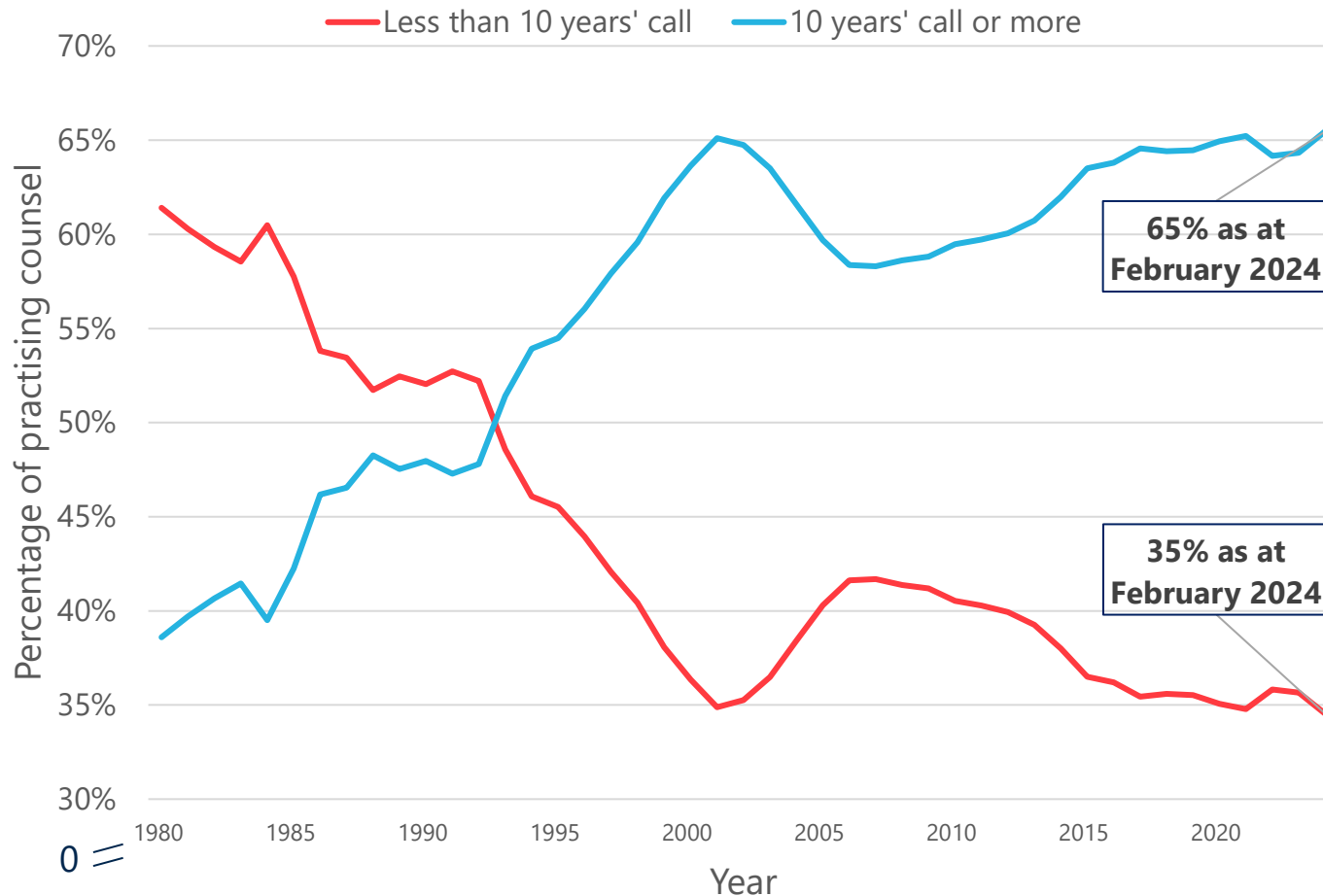


In 1980, over 90% of barristers were under 50, compared with 52% in 2023.

In general, there was a more equal distribution of barristers across age brackets in 2023 compared with historical figures.

The average tenure at the Bar has risen over time

Percentage of barristers by years of call, over time

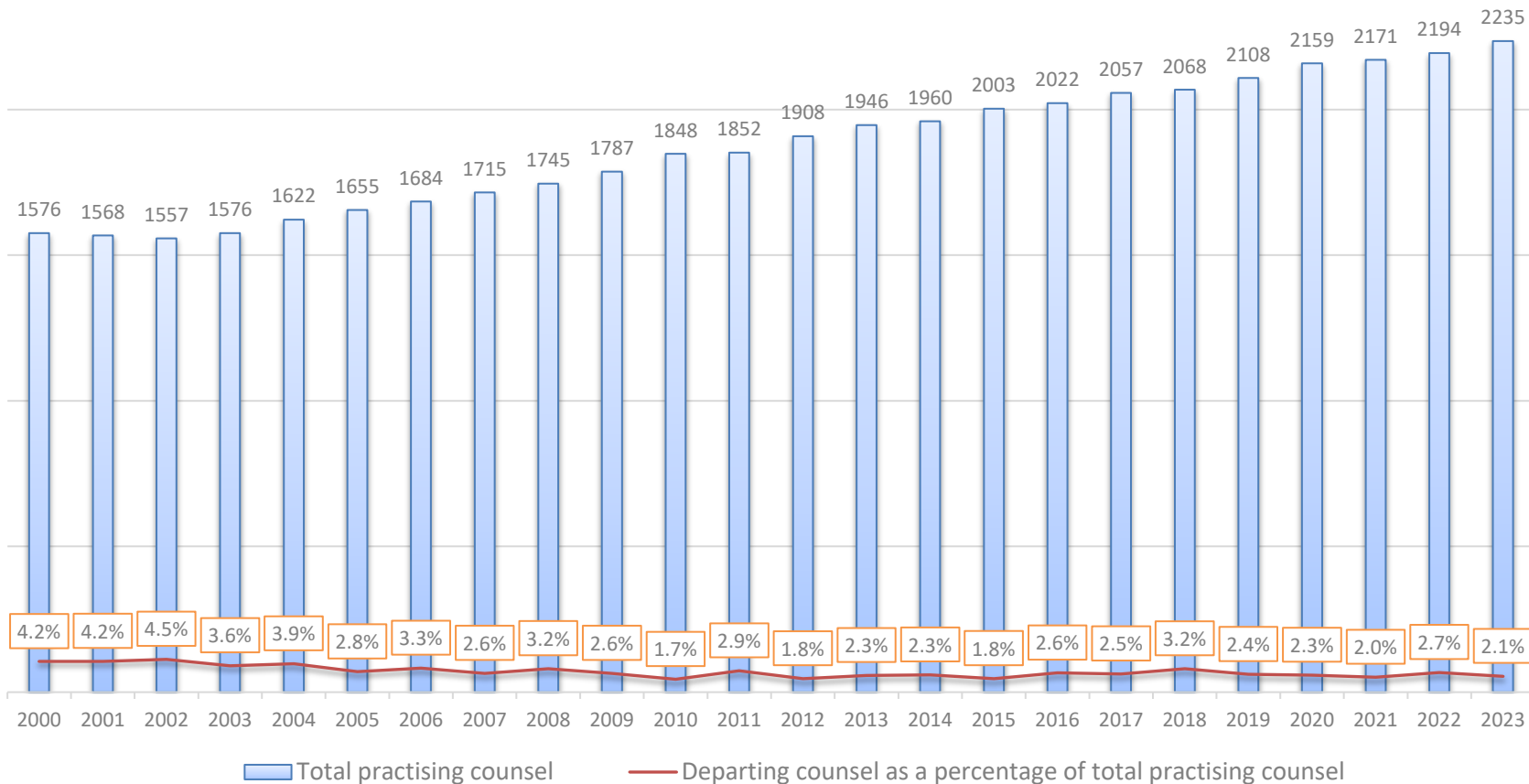


In 2024, approximately **two-thirds** of practising counsel have been at the Bar for 10 years or more.

From 1980 to 2024, the average years' call of Victorian practising counsel has nearly **doubled**, from 9.63 years to 17.53 years.

Attrition from the Bar is low

Departures from the Bar over time, as a percentage of total practising counsel



Source: Bar Roll data

There has been a steady increase in the number of Victorian practising counsel over time.

The attrition rate of the Bar has stayed around **2%** over the last 5 years.

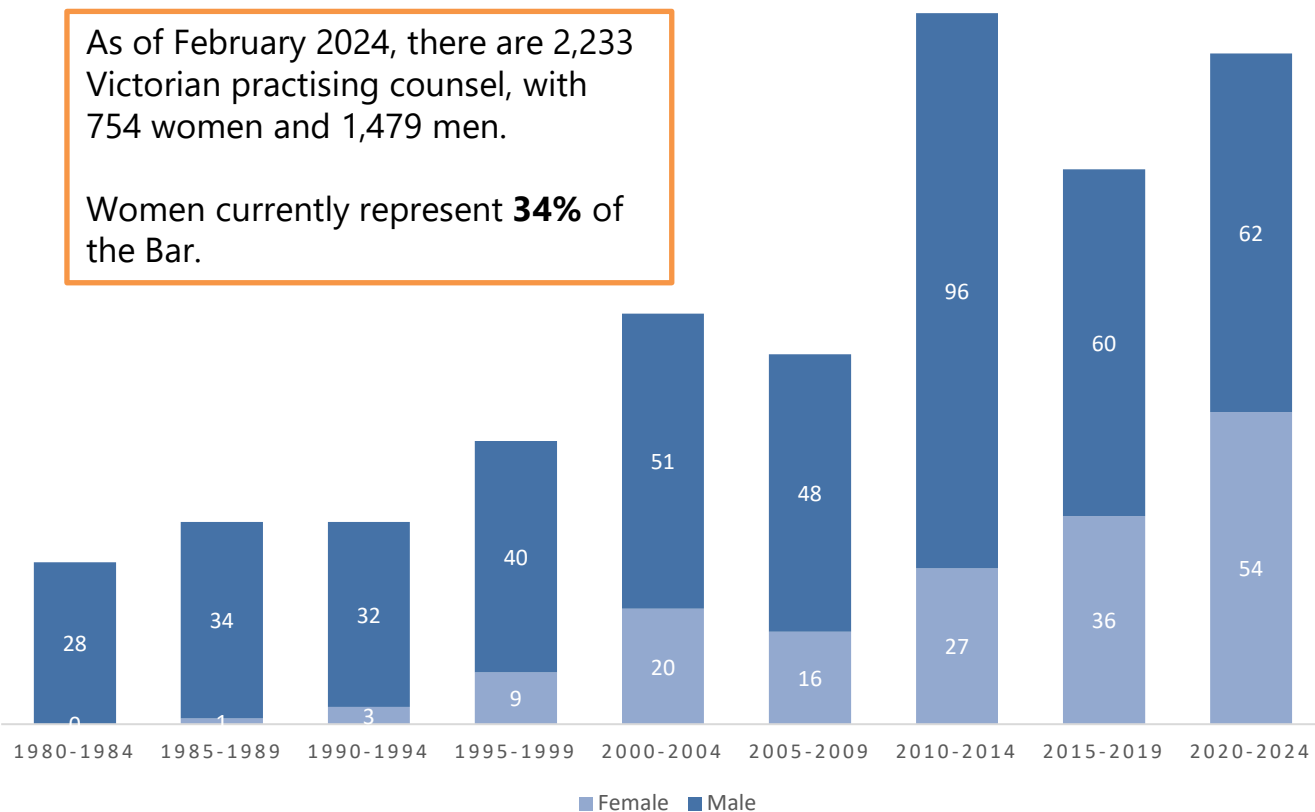
The percentage of departing counsel for the 2023-24 year is currently at a low of **0.9%** as at February 2024.

Judicial appointments contribute significantly to attrition

Number of appointments to bench over time, by gender

As of February 2024, there are 2,233 Victorian practising counsel, with 754 women and 1,479 men.

Women currently represent **34%** of the Bar.



Since 1980, **617 practising counsel** have been appointed to the bench, of which **73%** were male.

From 2015 to 2019, there were 36 women appointed to the bench, which was **37.5%** of all appointments.

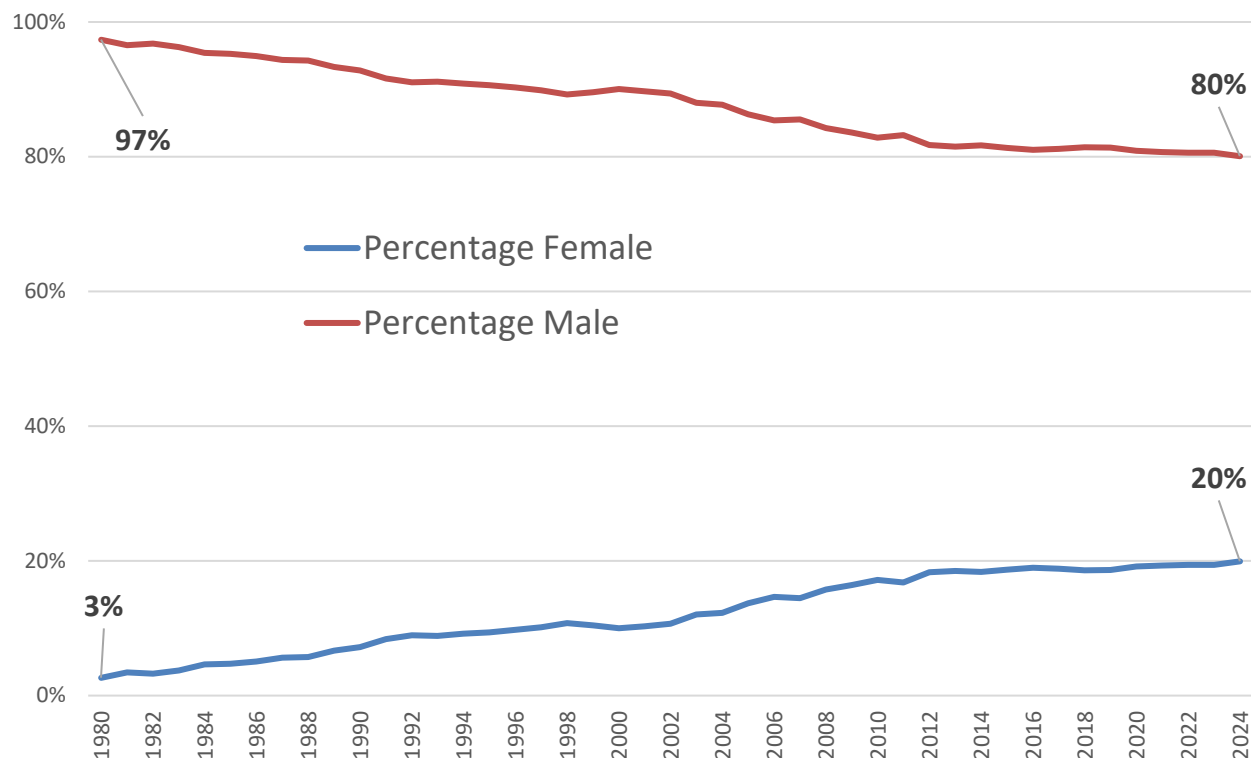
From 2020 to 2024, there have been 54 women appointed to the bench, which is **45.6%** of total appointments and significantly higher rate than their representation at the Bar.

Source: Bar Roll data

N.B.: This includes all appointments of practising counsel to the bench (i.e. Division AI to Division BII on Bar Roll) up to 6 February 2024

The proportion of women silks at the Bar has increased

Percentage of practising silks by gender, over time



In 2024, **1 in 5** practising silks are women.

This amounts to **20%** of silks and is almost 7 times the proportion of practising women silks in 1980, which was only at **3%**.

Source: Bar Roll data

N.B.: This includes all appointments of practising counsel to the bench (i.e. Division AI to Division BII on Bar Roll) up to 6 February 2024

Cultural diversity at the Bar

Surveyed members' demographic information



36%
***Had at least one
parent born
overseas***

Compared with



49%
***Of the Australian
population***



13%
***Were born
overseas***

Compared with



29.3%
***Of the Australian
population***



1.1%
***Are of Aboriginal
or Torres Strait
Islander heritage***

Compared with



1.0%
***Of the
Victorian
population***

Source: 2023 State of the Bar survey

Cultural diversity at the Bar

Surveyed members, demographic information



Most common countries of birth (other than Australia)

- **Over 13%** of survey respondents were born in a country other than Australia.
- Of the survey respondents who were born in a country other than Australia, the most common of these were Commonwealth countries, namely: the UK and New Zealand.
- A number of European and Asian countries were represented in the survey results, as well as African.



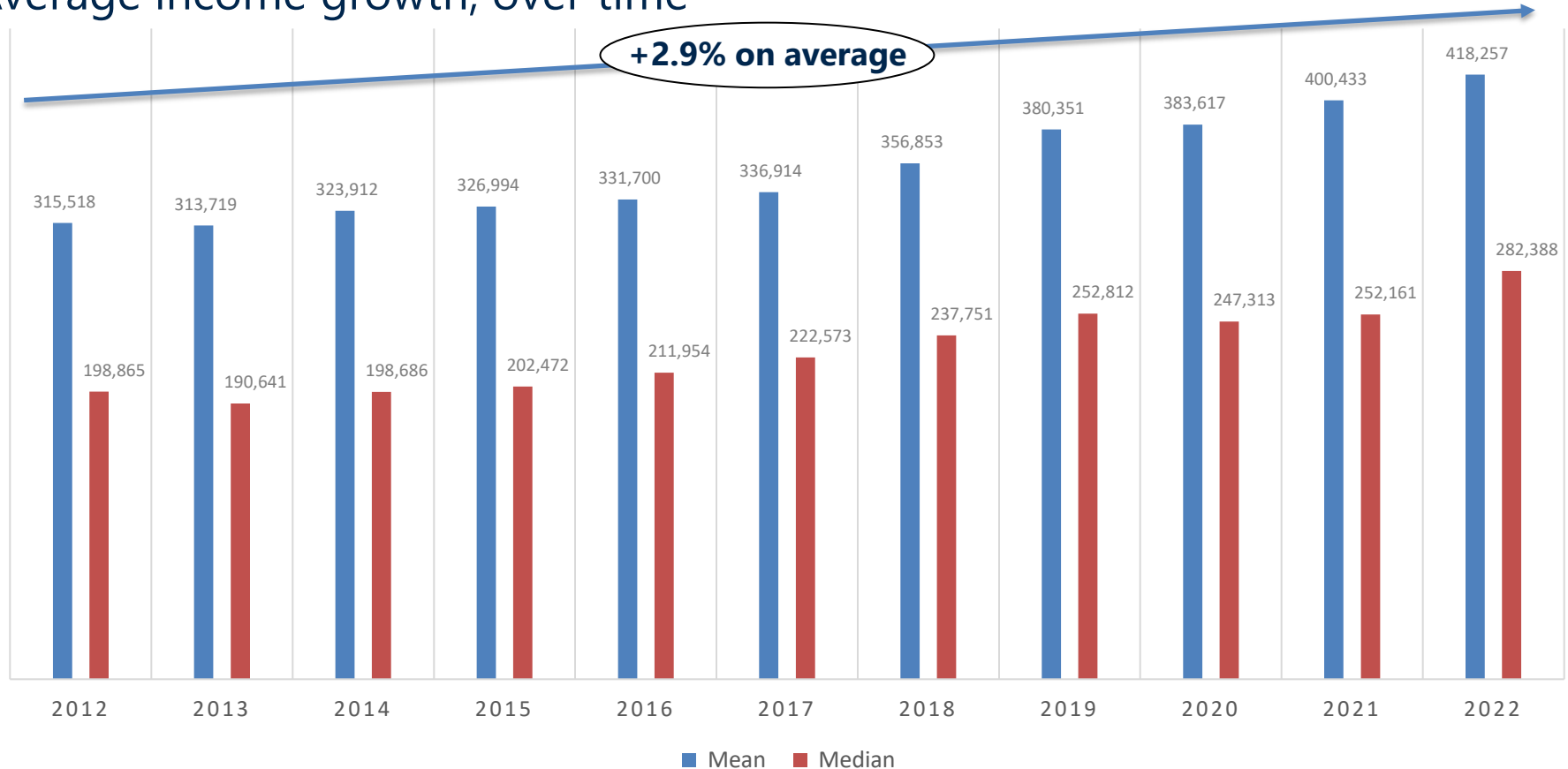
Most common languages spoken at home (other than English)

- **37 (or 6%)** of survey respondents spoke in languages other than English at home.
- The most common languages spoken at home other than English were: Greek, Italian, Cantonese, and Mandarin.

Source: 2023 State of the Bar survey

Income growth has been steady over the last 10 years

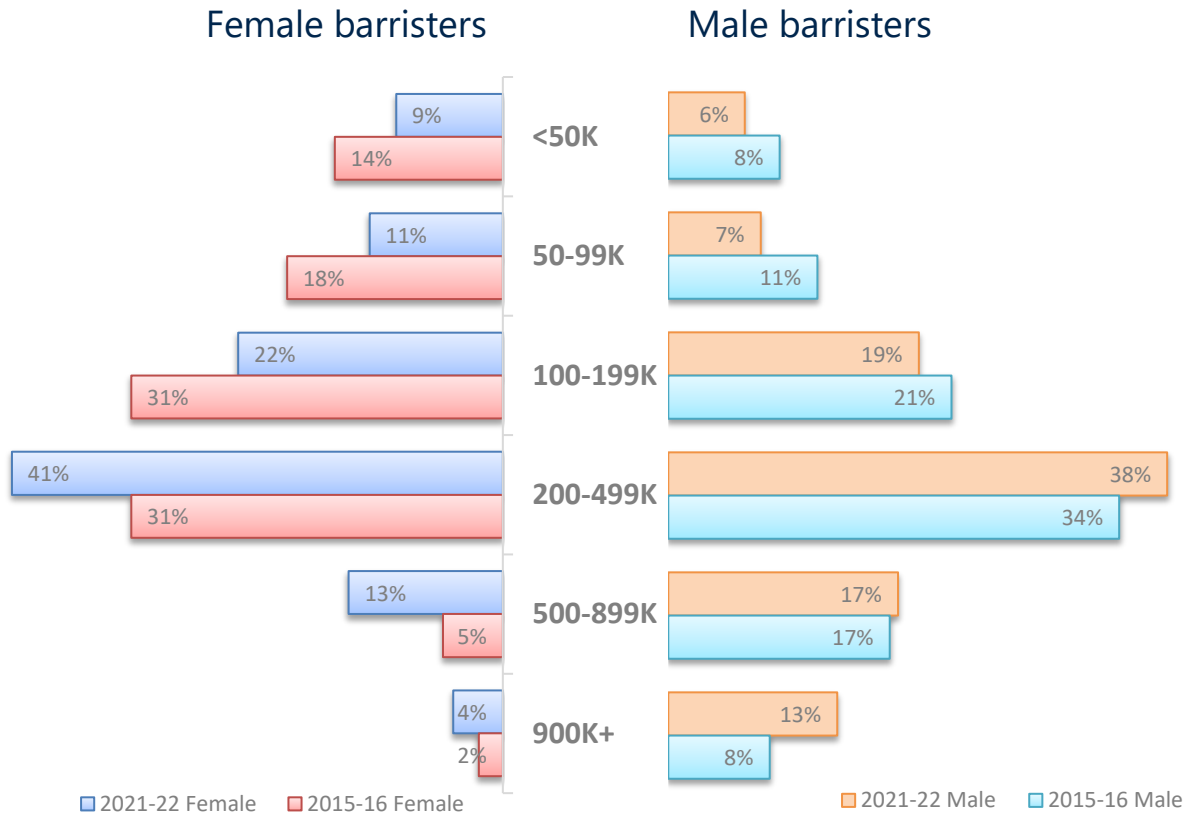
Average income growth, over time



Source: Bar Roll data

Annual incomes by gender

Percentage of barristers in each annual income bracket, by gender



Source: Bar Roll data. *Reported incomes are exclusive of GST, inclusive of clerking commissions

All barristers
 2022 mean annual income: \$418,000
 2016 mean annual income: \$333,000

Male barristers
 2022 mean annual income: **\$473,000**
 2022 median annual income: \$314,000

 2016 mean annual income: \$377,717
 2016 median annual income: \$249,000

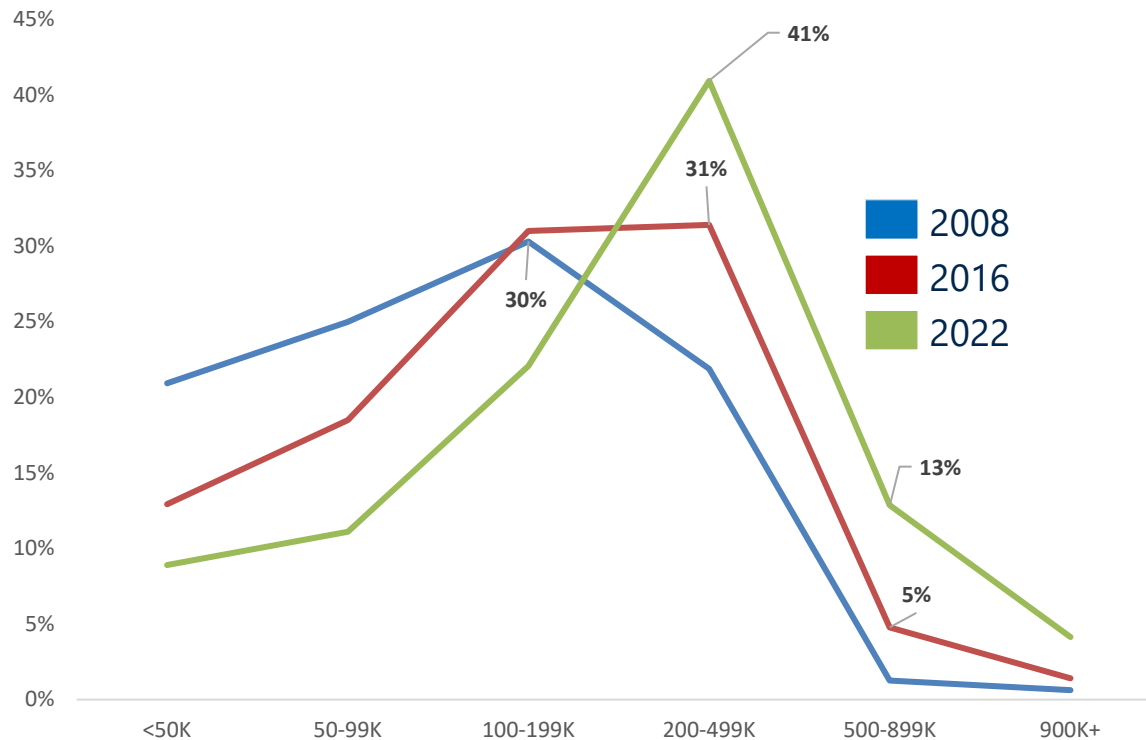
Female barristers
 2022 mean annual income: **\$302,000**
 2022 median annual income: \$227,000

 2016 mean annual income: \$210,390
 2016 median annual income: \$163,443

Income figures are not normalised for part-time work or areas of practice.

More women barristers are earning high incomes and fewer earn low incomes

Percentage of women barristers in each income category over time



In 2022, **58%** of female barristers had an income of \$200,000 or more, compared to **68%** of their male counterparts.

This is a significant increase compared with 24% in 2008, and 37% in 2016.

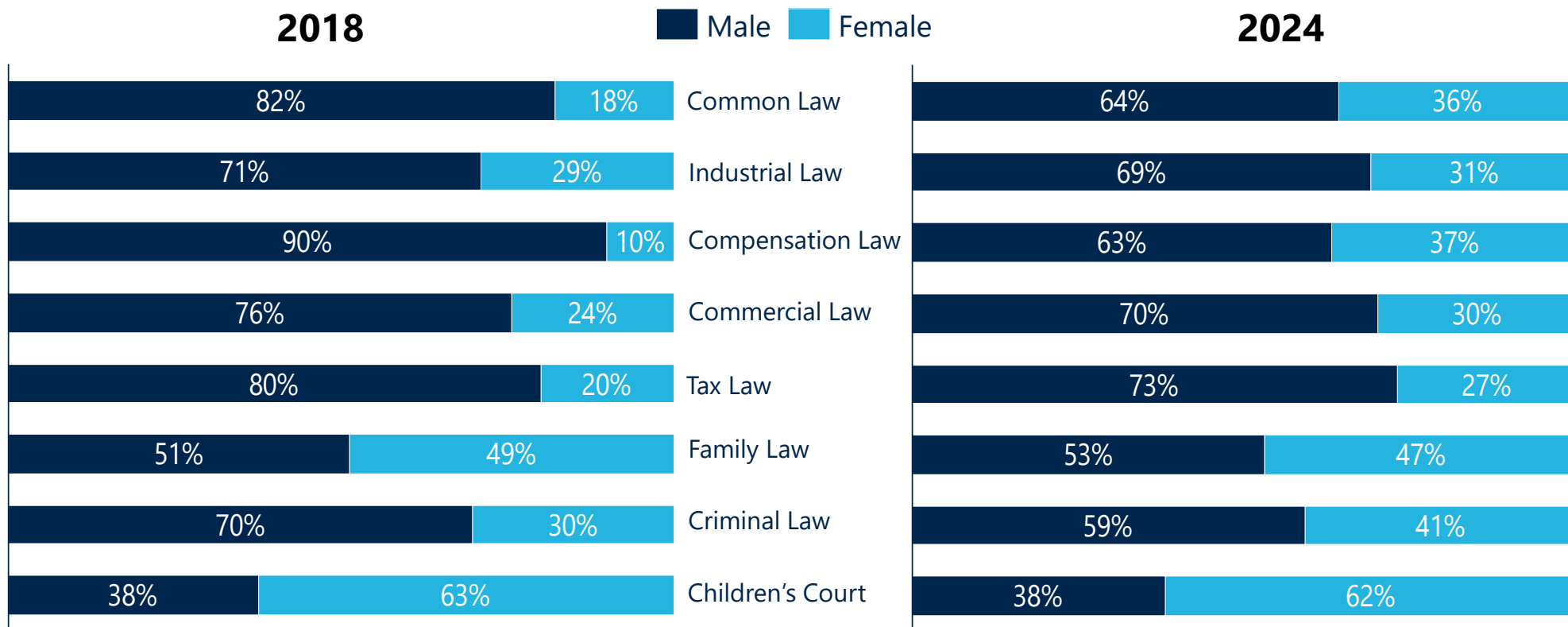
41% of women barristers have an income of between \$200,000 and \$499,999.

In 2022, **4%** of women barristers earn over \$900,000 annually, compared to only 2% in 2016.

Source: Bar Roll data

Male and female barristers undertake different work

Areas of practice by gender.



In 2024, the Bar Roll data also provides a gender breakdown for the Women Barristers' Association (95% female, 5% male), the Military Bar Association (28% female, 72% male) and the Migration Law Bar Association (35% female, 65% male).

Source: Bar Roll data, February 2024.

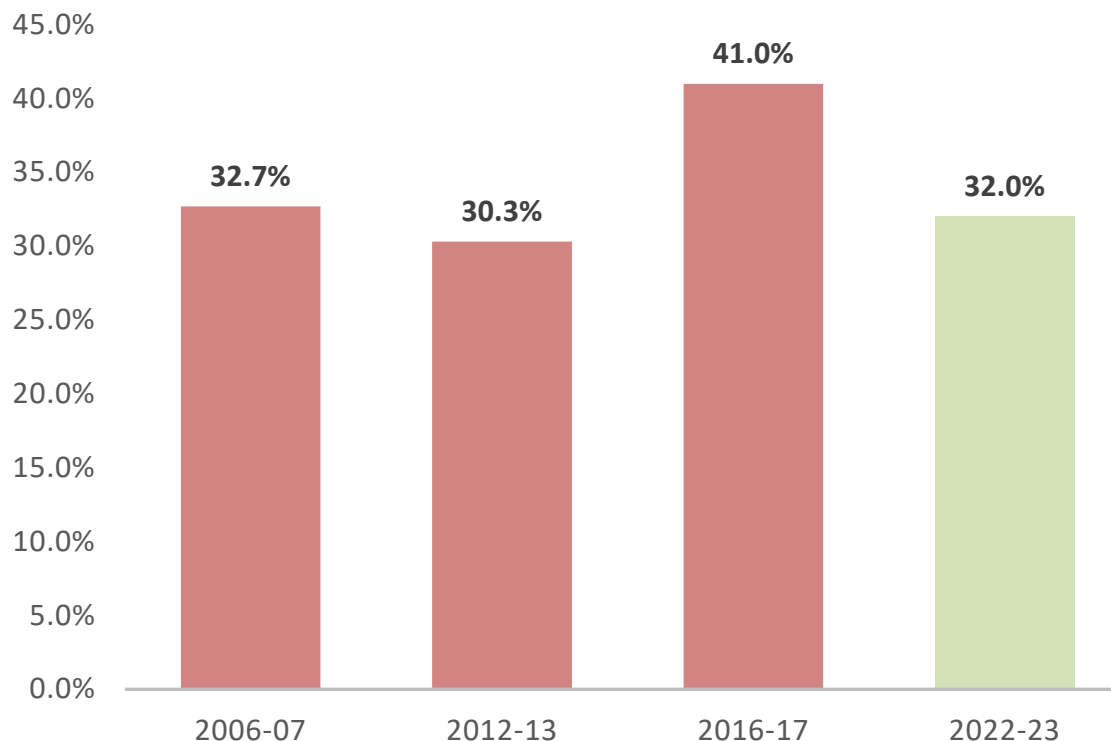
Only includes members with one Bar association membership, which significantly reduces the sample size.

Barristers' time in and out of court

Percentage allocation to court appearance work over time

In 2023, all barrister groups (by years of call) had experienced a decrease in court appearance work as compared with the last survey in 2017.

It may be that the 41% figure in 2016-17 was the outlier.



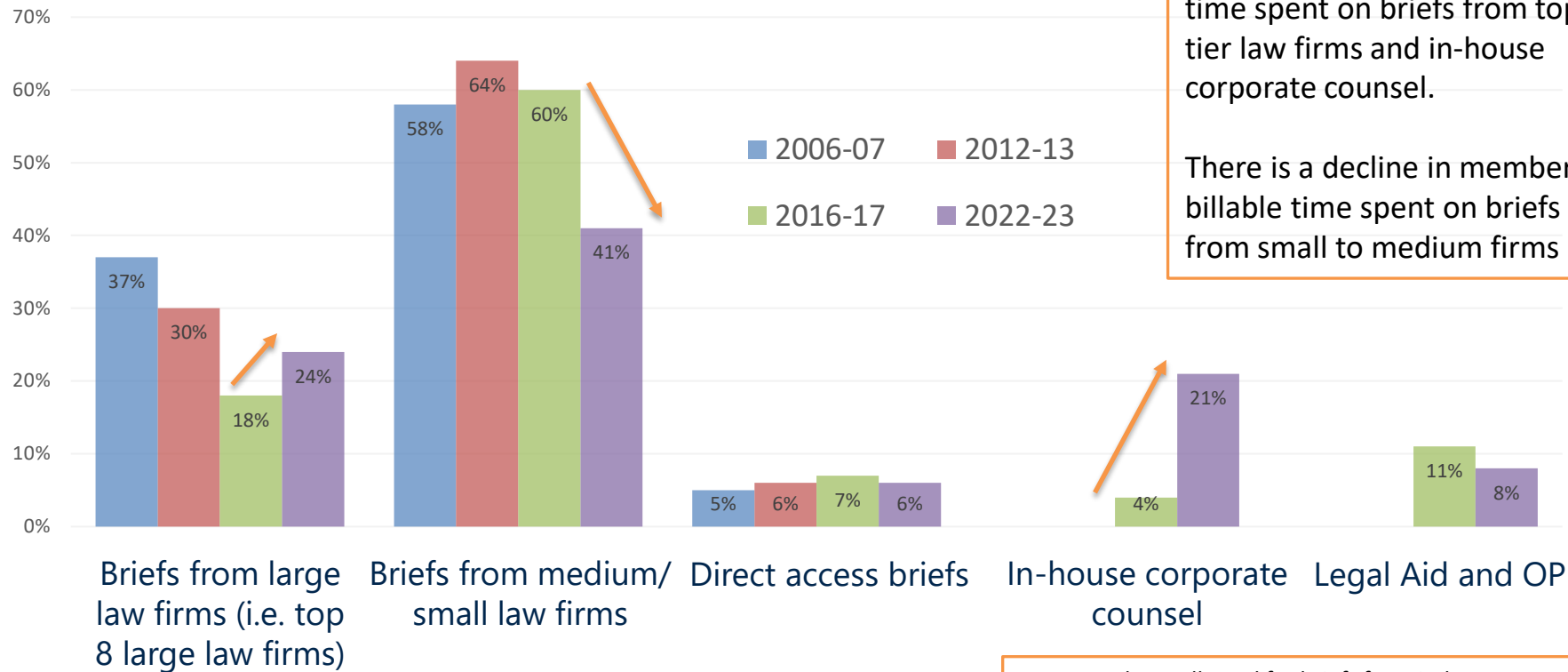
Source: Case for Change data 2006-07, 2012-13, 2016-17 and 2023 State of the Bar survey

Members' billable time by type of brief

Percentage allocation of billable time, by brief type

Since the last survey, there are increases to members' billable time spent on briefs from top tier law firms and in-house corporate counsel.

There is a decline in members' billable time spent on briefs from small to medium firms

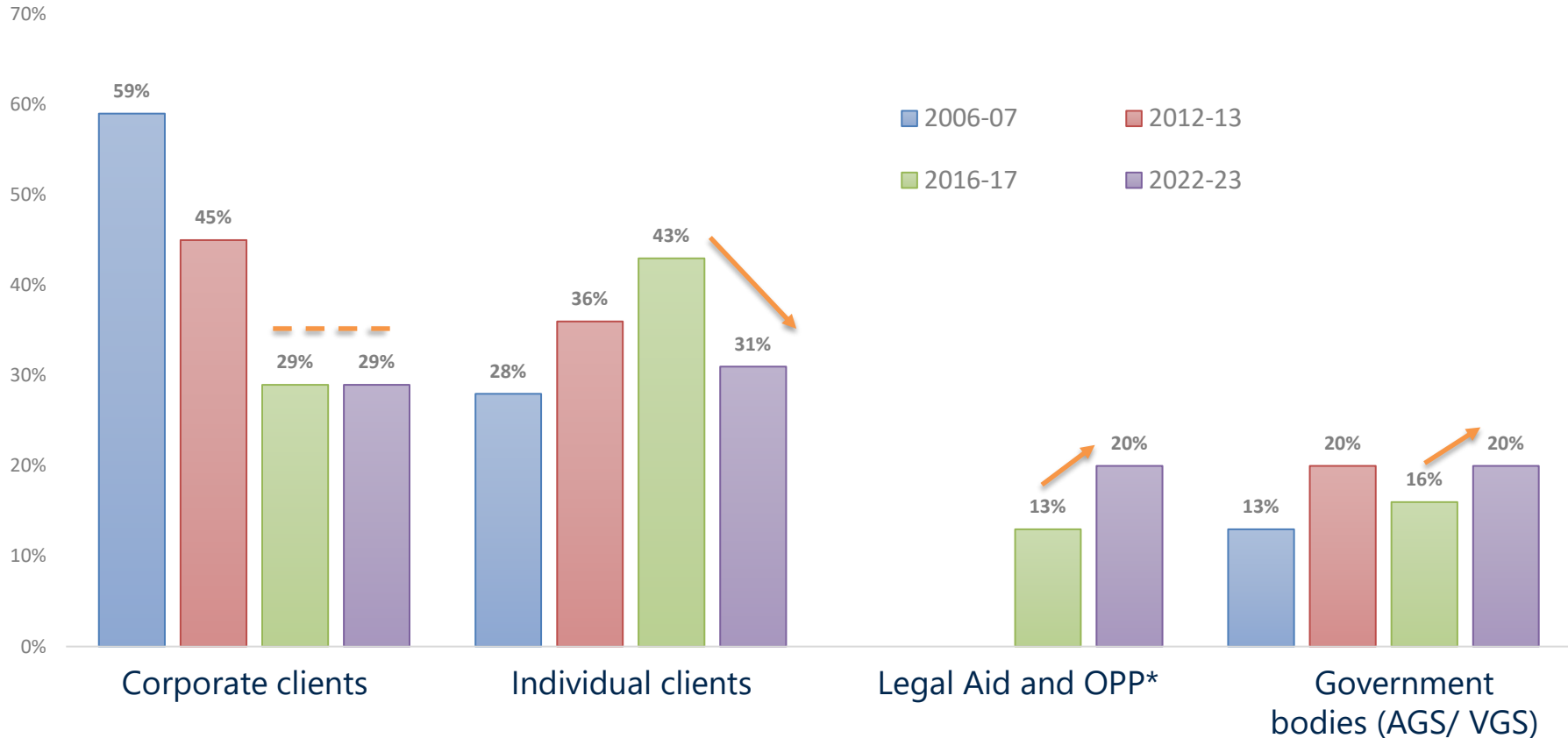


Note: No data collected for briefs from in-house corporate counsel and Legal Aid/OPP in 2006-07 and 2012-13

Source: Case for Change data 2006-07, 2012-13, 2016-17 and 2023 State of the Bar survey

Members surveyed spend more billable time with corporate clients

Percentage allocation of billable time by client type

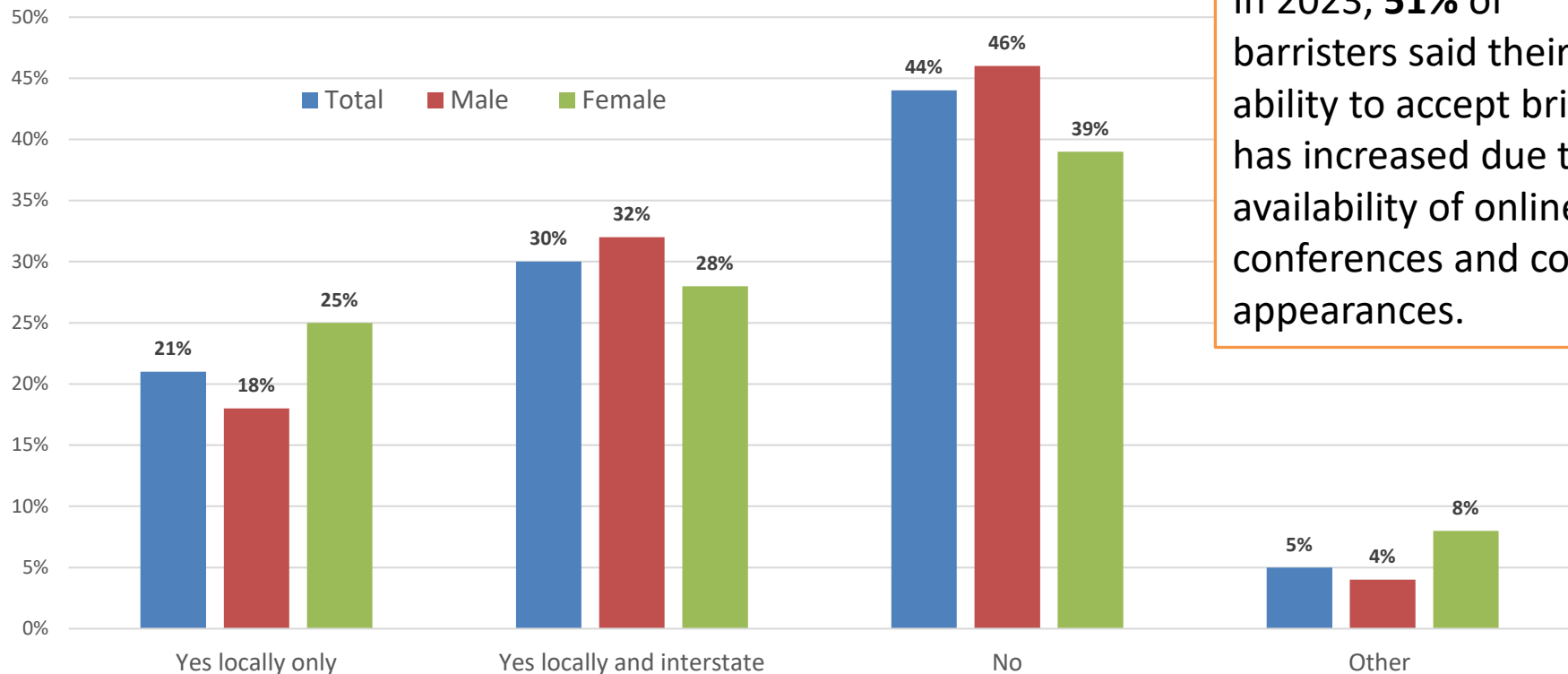


Source: Case for Change data 2006-07, 2012-13, 2016-17 and 2023 State of the Bar survey

***Note:** No data collected on Legal Aid/OPP in 2006-07 and 2012-13

Barristers' ability to accept briefs has increased due to online conferences and court appearances

Percentage increase in ability to accept briefs



In 2023, **51%** of barristers said their ability to accept briefs has increased due to the availability of online conferences and court appearances.

Source: 2023 State of the Bar survey

Workplace Wellbeing Analysis

Victorian barristers are satisfied with their jobs

Question	2018 Survey % Agree	2023 Survey % Agree
I am paid fairly for the job I do, given my experience	75	74
I enjoy my work	84	86
I get a sense of achievement from doing my job	90	89
I am able to get the sleep I need every night	33	40
Overall, taking everything into consideration, I am satisfied with my job as a whole	79	79

 >5% more satisfaction than 2018 benchmark

 Similar satisfaction with 2018 benchmark

Source: 2018 Health and wellbeing survey and 2023 State of the Bar survey


Work-related Quality of Life Analysis


Victorian barristers are generally satisfied with the quality of their working lives


Description	2018 Survey % Agree	2023 Survey % Agree
General Wellbeing – extent to which content with life as a whole	66	80
Home-work Interface – extent to which chambers/organisation understands or helps with pressures outside work	49	Chambers 55 Organisation 86
Job Career Satisfaction – general happiness with ability to do work	64	74
Control at Work – feeling involved in decisions that affect you at work	58	71
Working Conditions – feeling happy with conditions in which you work	73	74
Stress at Work – how far you agree that you experience stress at work	68	90*
Overall Quality of Working Life – overall satisfaction with quality of working life as a whole	73	76

In 2023, despite high levels of stress reported, **76%** said they had access to ways to manage workplace stress.

71% of members felt emotionally resilient and were able to recognise and manage the things that caused them stress.

 >5% more satisfaction than 2018 benchmark

 >5% less satisfaction than 2018 benchmark

 Similar satisfaction with 2018 benchmark

Source: 2018 Health and Wellbeing survey and 2023 State of the Bar survey

Personal Wellbeing Analysis

Victorian barristers are better able to manage workloads

The 5 Wellbeing Factors	2018 Survey % Agree	2023 Survey % Agree	2023 UK % Agree
1. Psychological Wellbeing: extent to which an individual experiences a positive mood	68	→	56
2. Perfectionism: extent to which an individual is self-critical. Generally, a higher score is associated with <i>lower</i> overall wellbeing	74	72	68
3. Workload Management: an individual's sense of being able to manage pressures or demand arising from work	48	71	49
4. Role Management: how far an individual understands what they have to do and can be trusted to deliver work	90	91	73
5. Supportive Work Environment: a sense of being valued, being supported in a social and development sense	66	→	50

Psychological wellbeing
In 2023, **40%** of surveyed members said their work had a positive impact on their mental health.

69% agreed they had strategies to care for their mental health.

Suggested supports included:

- better access to professional mental health support services
- advocacy against judicial bullying and bullying in general
- more functions and events to improve collegiality
- work to improve overall culture

N.B.: In the 2023 survey, the questions around psychological wellbeing and supports were designed differently and do not allow a direct comparison.

■ >5% more satisfaction than 2018 benchmark

■ Similar satisfaction with 2018 benchmark

Source: 2018 Health and Wellbeing survey (n=856) and 2023 State of the Bar survey
Benchmark: Bar of England and Wales, Barristers' Working Lives Survey, January 2024 (n=3191)

Conduct

1

Discrimination

2

Sexual Harassment

3

Bullying

Discrimination, Sexual Harassment and Bullying

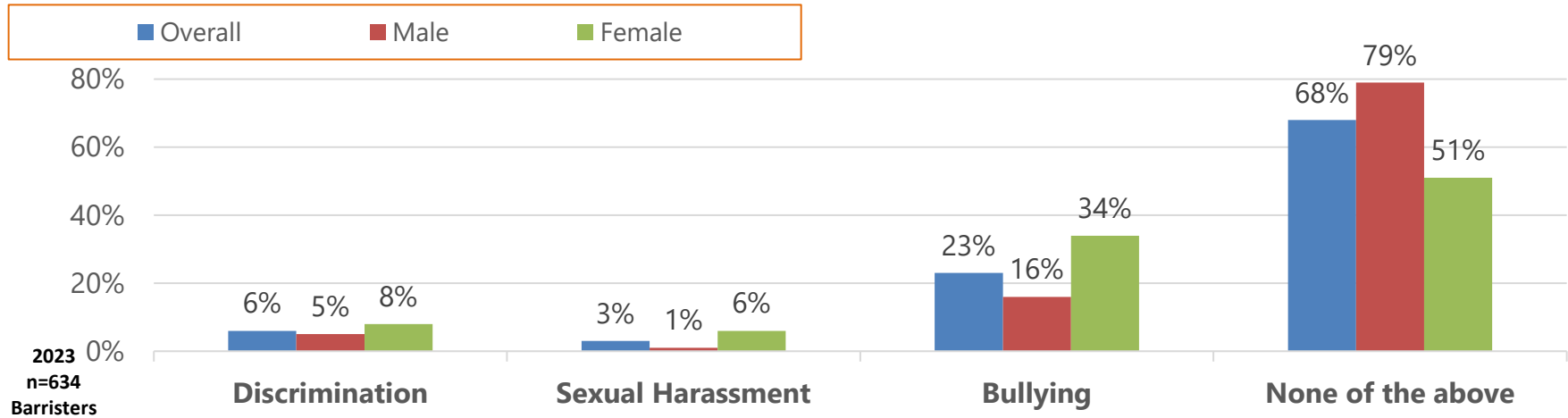
Experienced over the past 12 months

Category	Male 2018	Female 2018	Male 2023	Female 2023	Male Decrease	Female Decrease
Discrimination	16%	36%	5%	8%	-11%	-28%
Sexual Harassment	9%	16%	1%	6%	-8%	-10%
Bullying	20%	37%	16%	34%	-4%	-3%

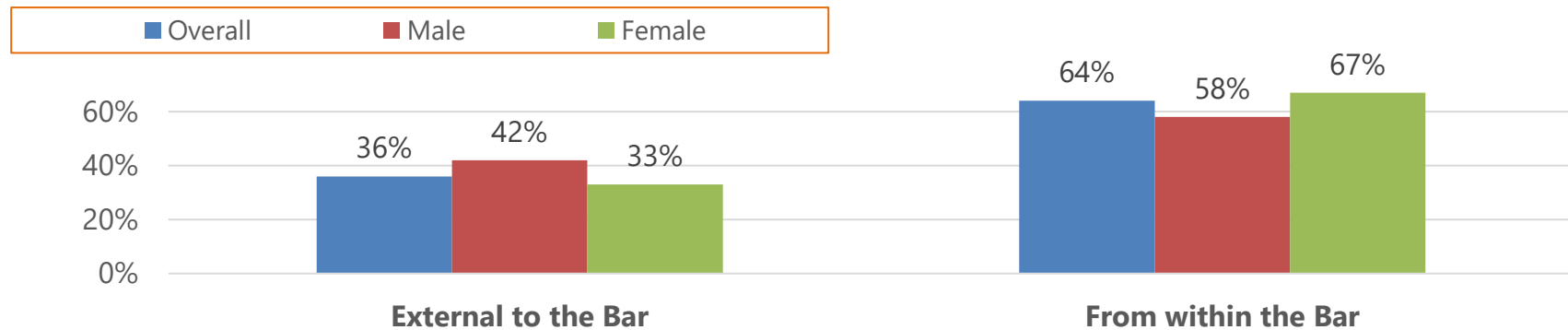
Source: 2023 State of the Bar survey

Discrimination, Sexual Harassment or Bullying– Key Findings

Past 12 months – Percentage who have experienced

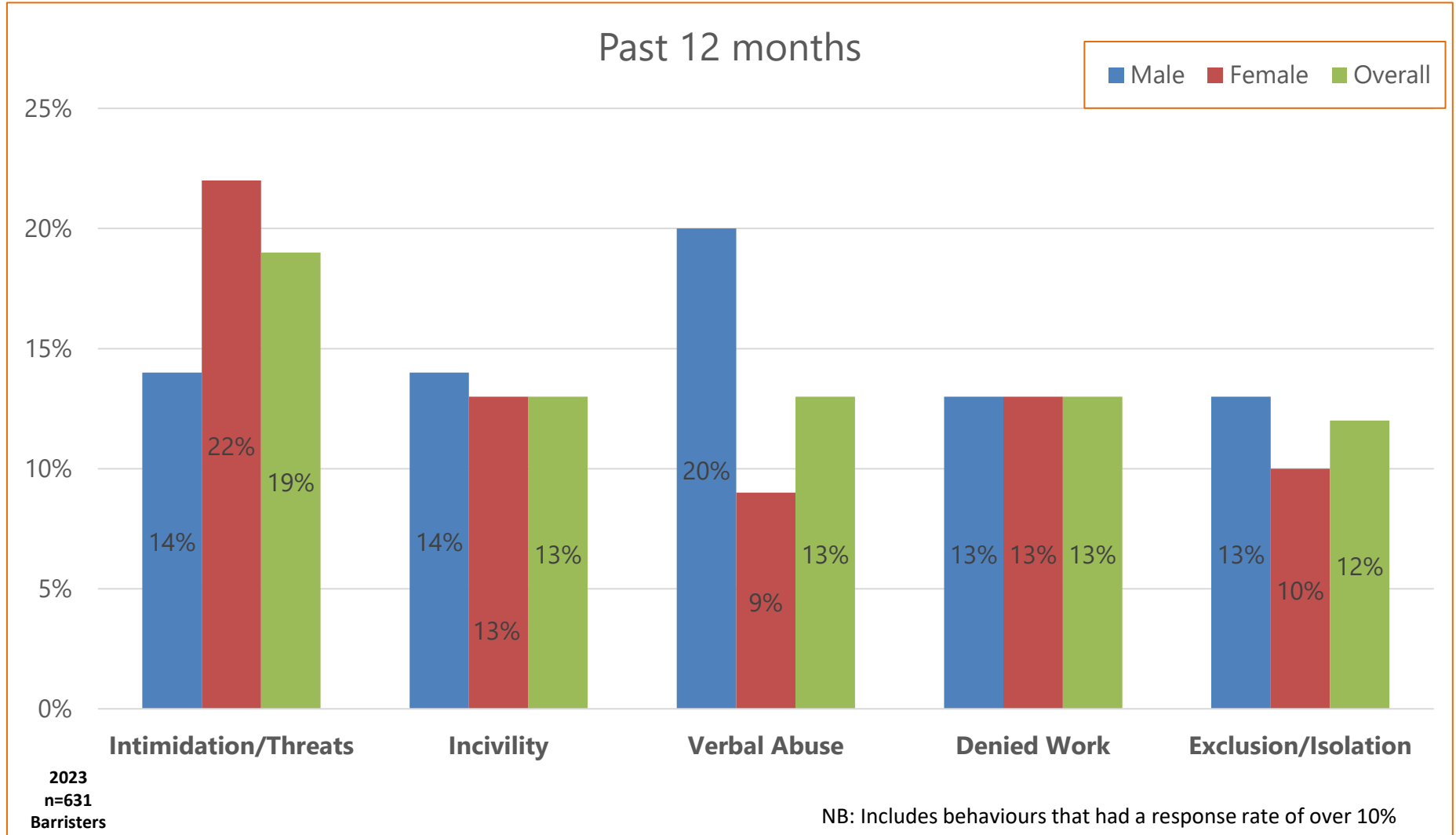


Origin of Conduct



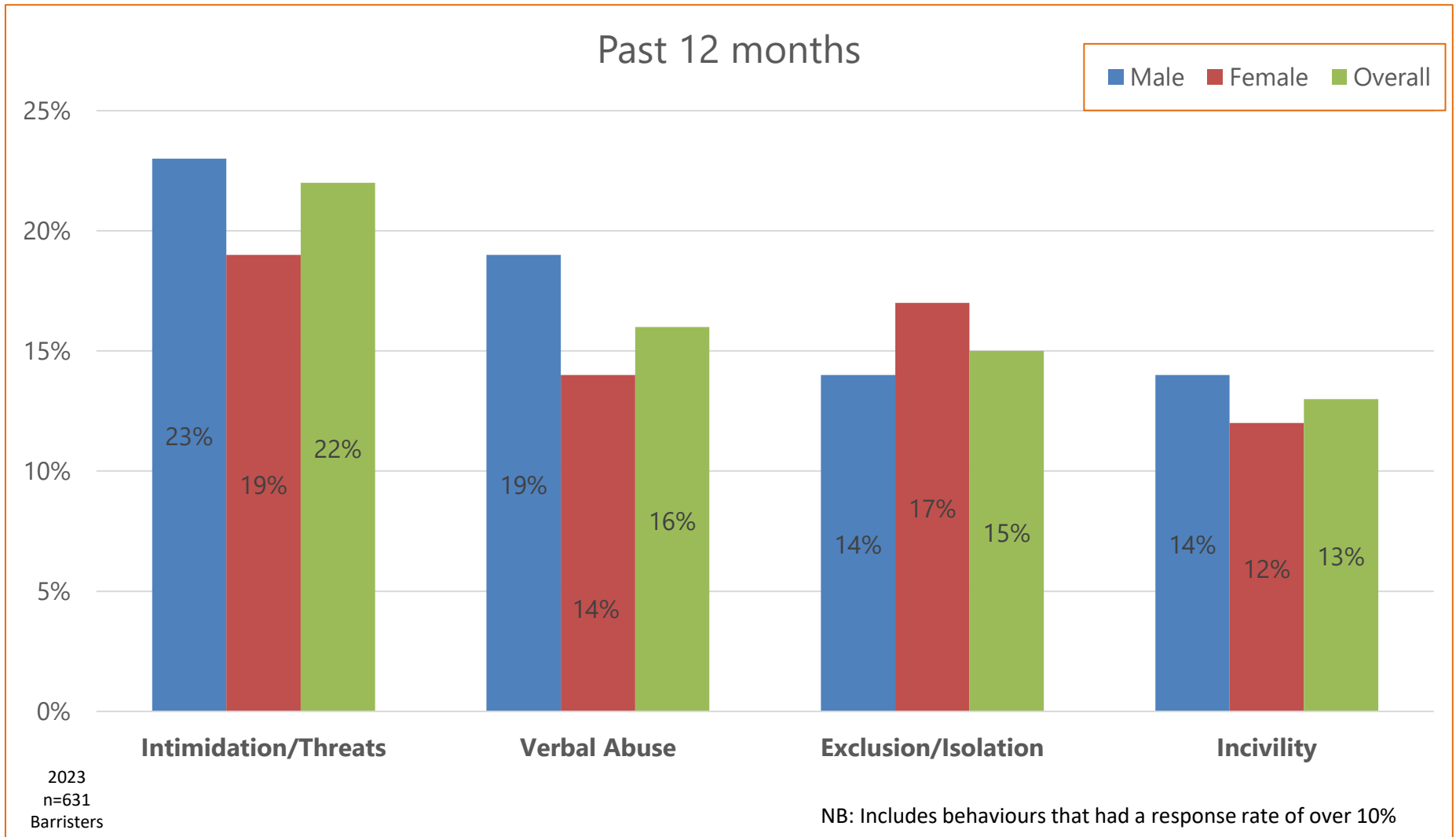
Source: 2023 State of the Bar survey

Predominant Behaviours Experienced



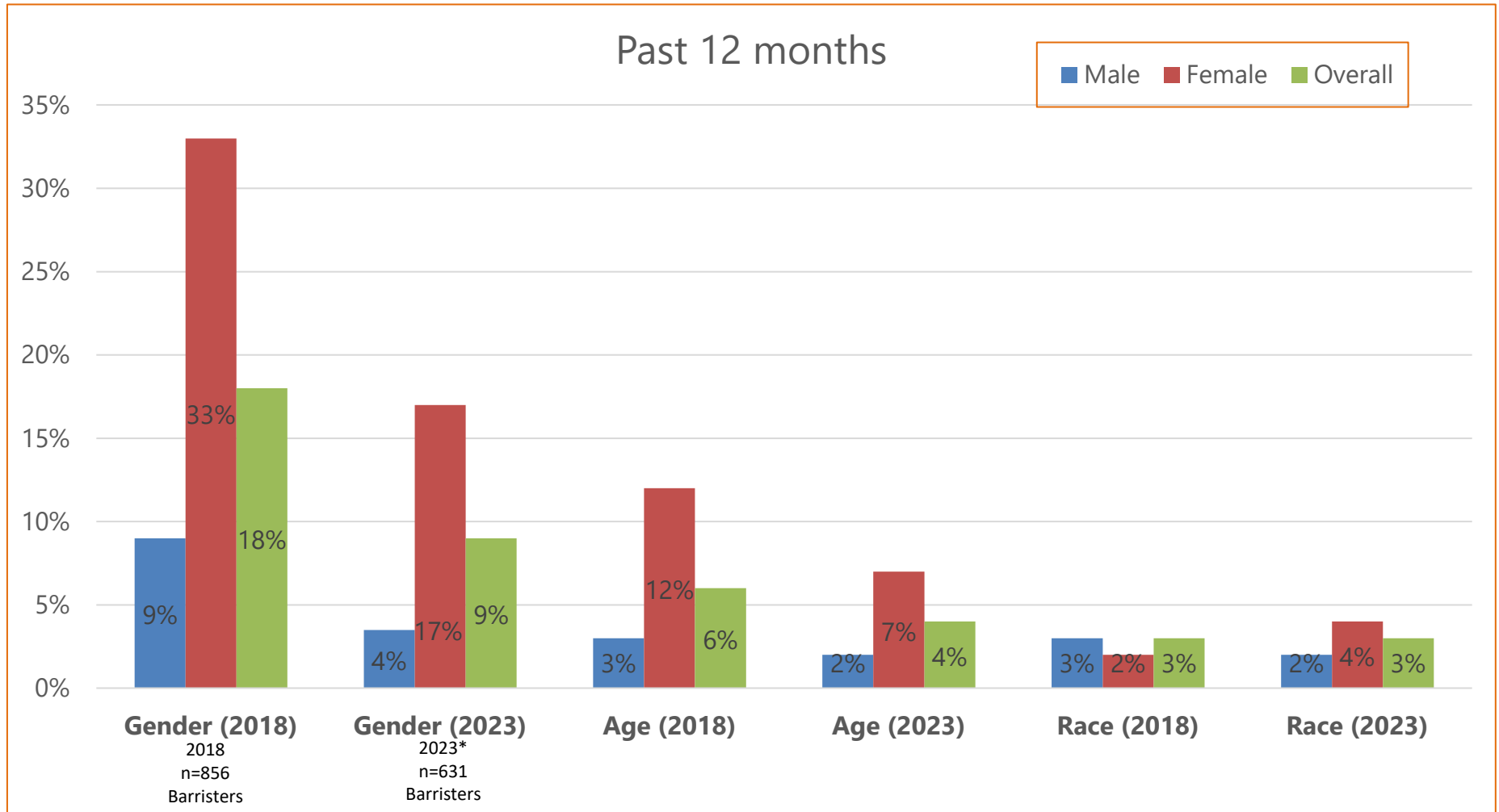
Source: 2023 State of the Bar survey

Predominant Behaviours Witnessed



Source: 2023 State of the Bar survey

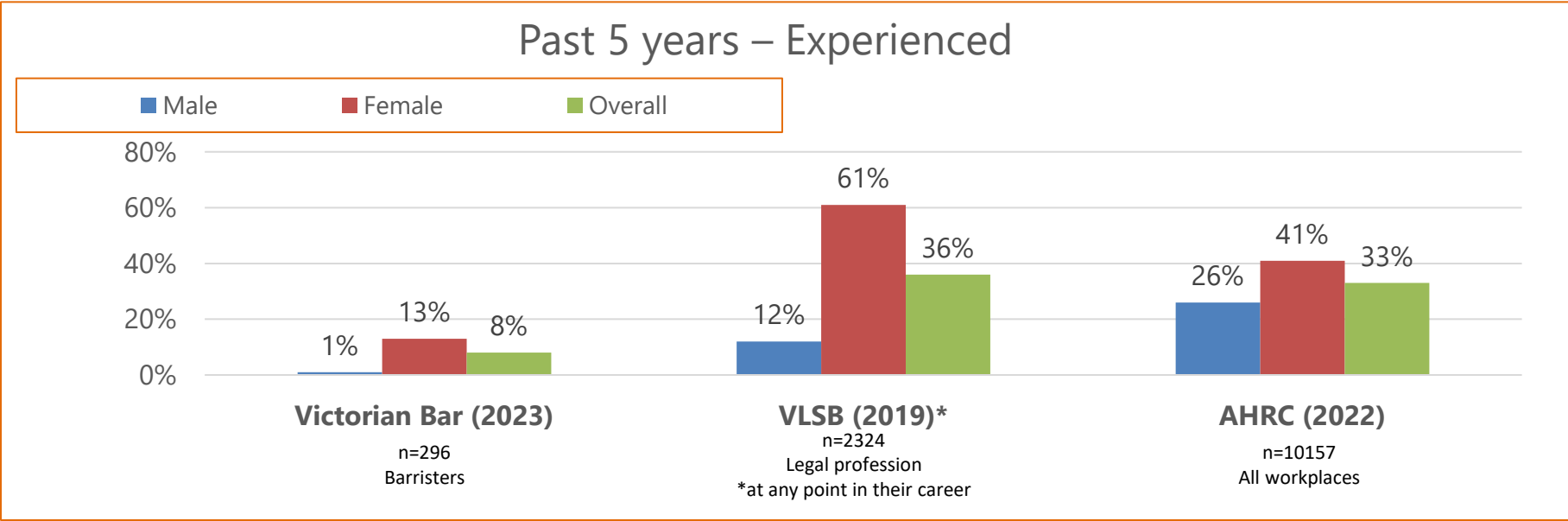
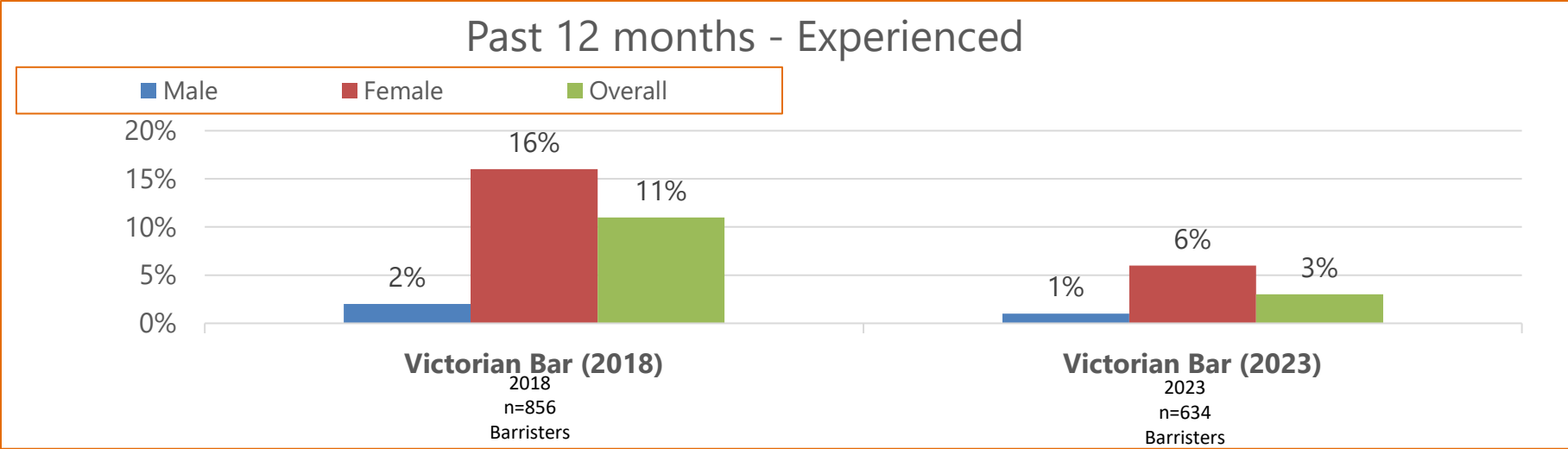
Discrimination – Key Findings



*2023 results were expressed as a percentage of all respondents, not a percentage of respondents to the specific question, in order to allow direct comparison to 2018.

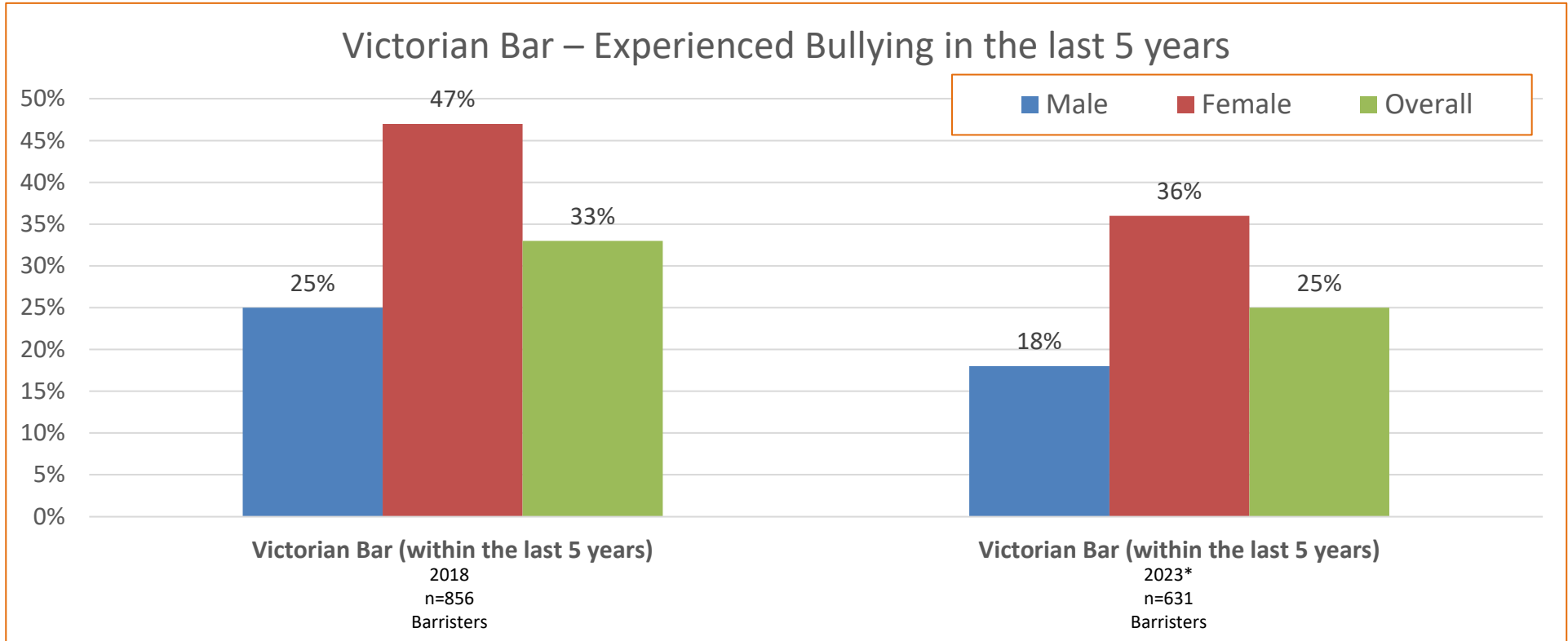
Source: 2023 State of the Bar survey

Sexual Harassment – Key Findings



Source: 2023 State of the Bar survey

Bullying – Key Findings

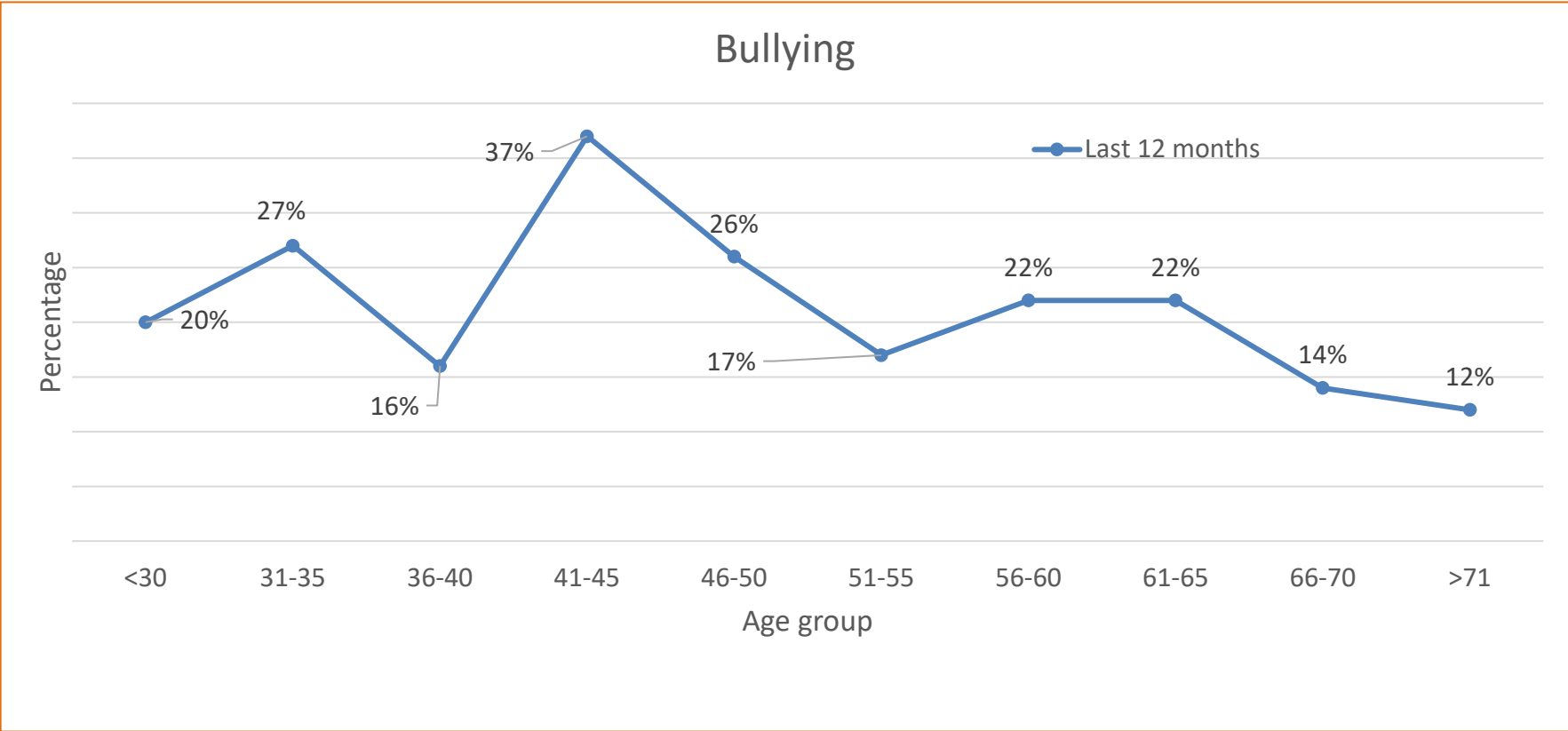


- While there is an apparent decrease between 2018 and 2023, bullying is still a significant area of concern, with approximately one quarter of all barristers having experienced it in the last 5 years.

*2023 results were expressed as a percentage of all respondents, not a percentage of respondents to the specific question, in order to allow direct comparison to 2018.

Source: 2023 State of the Bar survey and 2018 Quality of Working Life survey

Bullying - Experiences vs Age Group



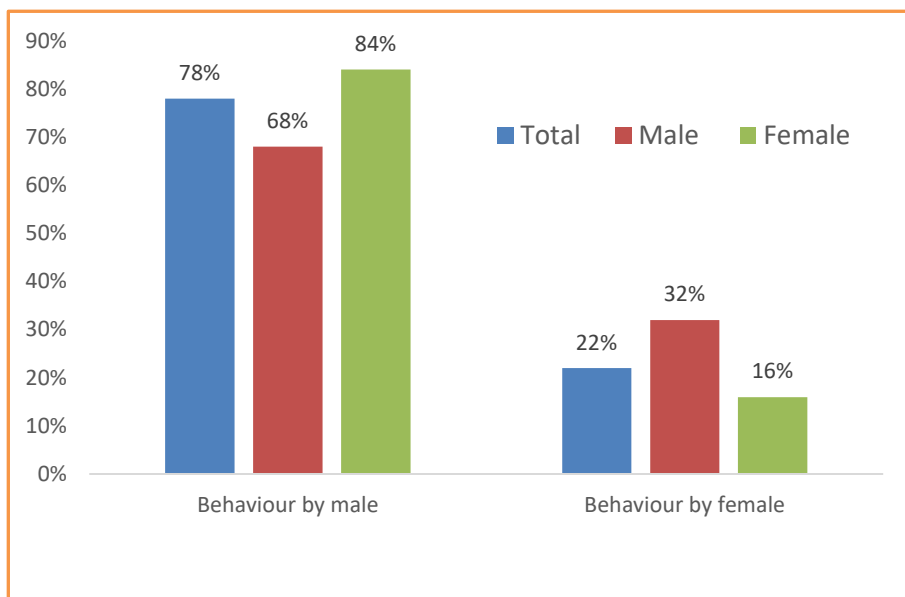
- Bullying affects all levels of seniority at the Bar.

Source: 2023 State of the Bar survey

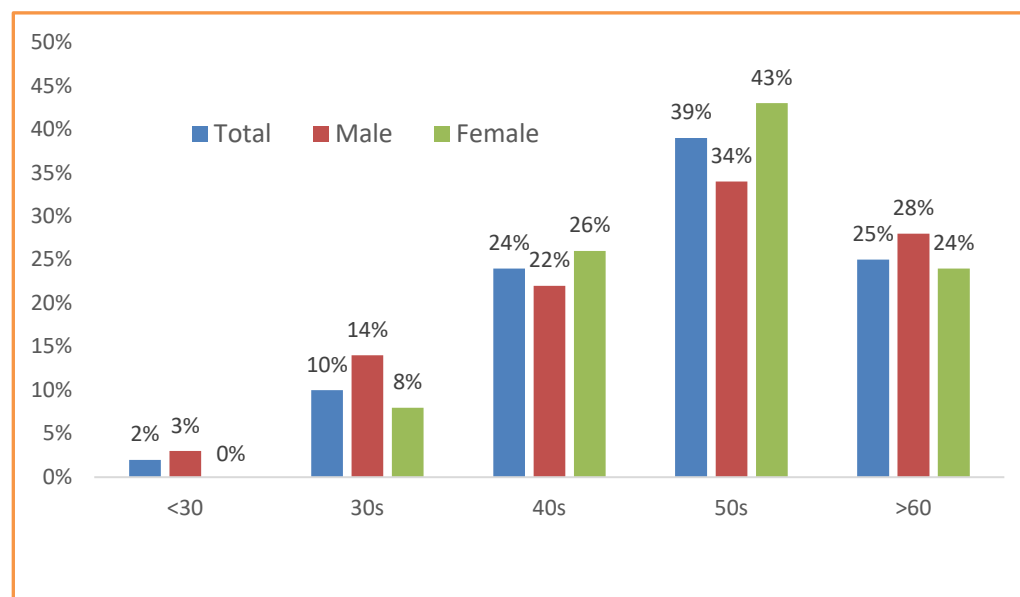
Bullying – Within the Bar

Percentage of behaviour within the Bar by gender and age

Prevalence by gender



Prevalence by age



- **75%** of the 2023 survey respondents said they experienced bullying from a more senior barrister, the most prevalent age bracket being men in their 50s.
- **84%** of female barristers reported the behaviour to be driven by male barristers.

Source: 2023 State of the Bar survey

Inappropriate judicial conduct – a definition

Inappropriate judicial conduct means behaviour by a judicial officer, in his or her capacity as a judicial officer, that could reasonably be expected to intimidate, degrade, humiliate, isolate, alienate, or cause serious offence to a person.

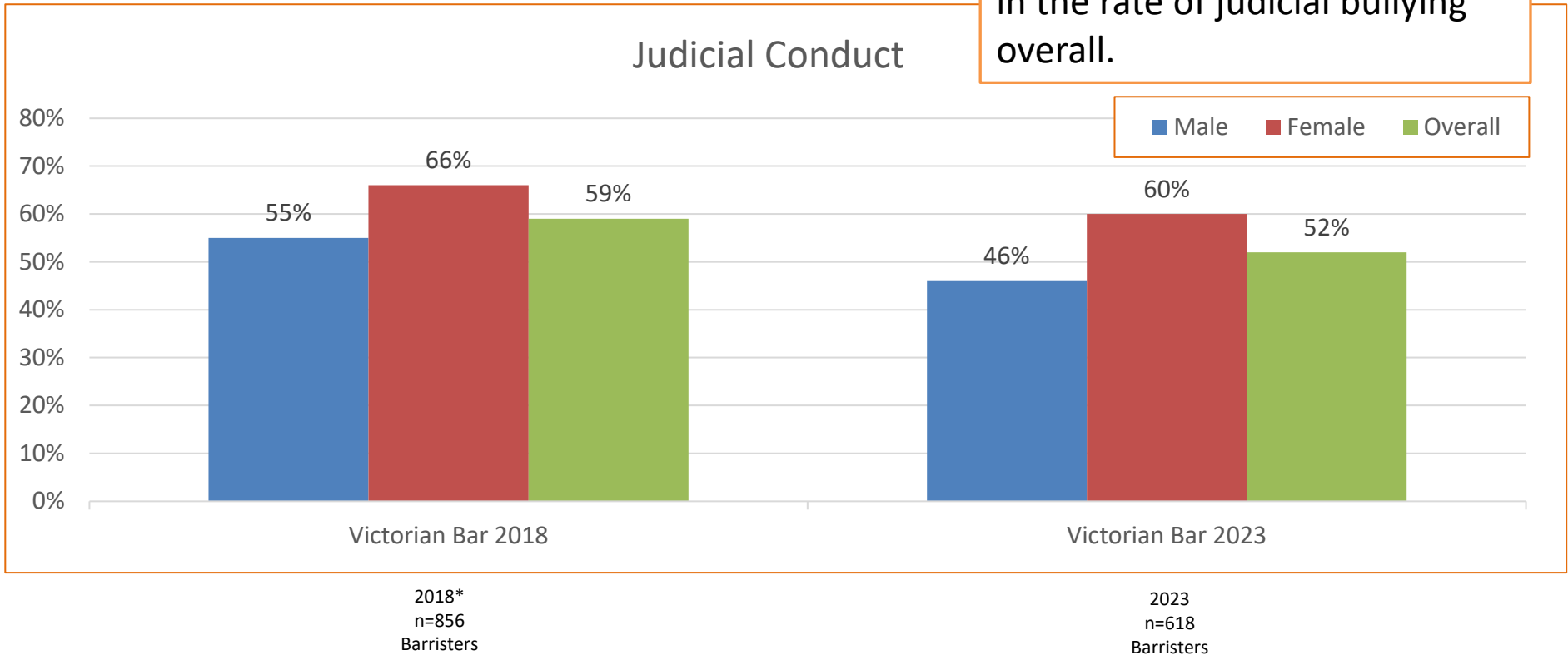
Inappropriate judicial conduct does not include, without more, robust courtroom exchanges, testing questions from the bench, the rejection of submissions, the making of adverse rulings, or mere expressions of frustration.

Source: Victorian Bar judicial conduct policy

Judicial Conduct – Key Findings

Question: Have you experienced Judicial Bullying?

There has been a **7%** decrease in the rate of judicial bullying overall.

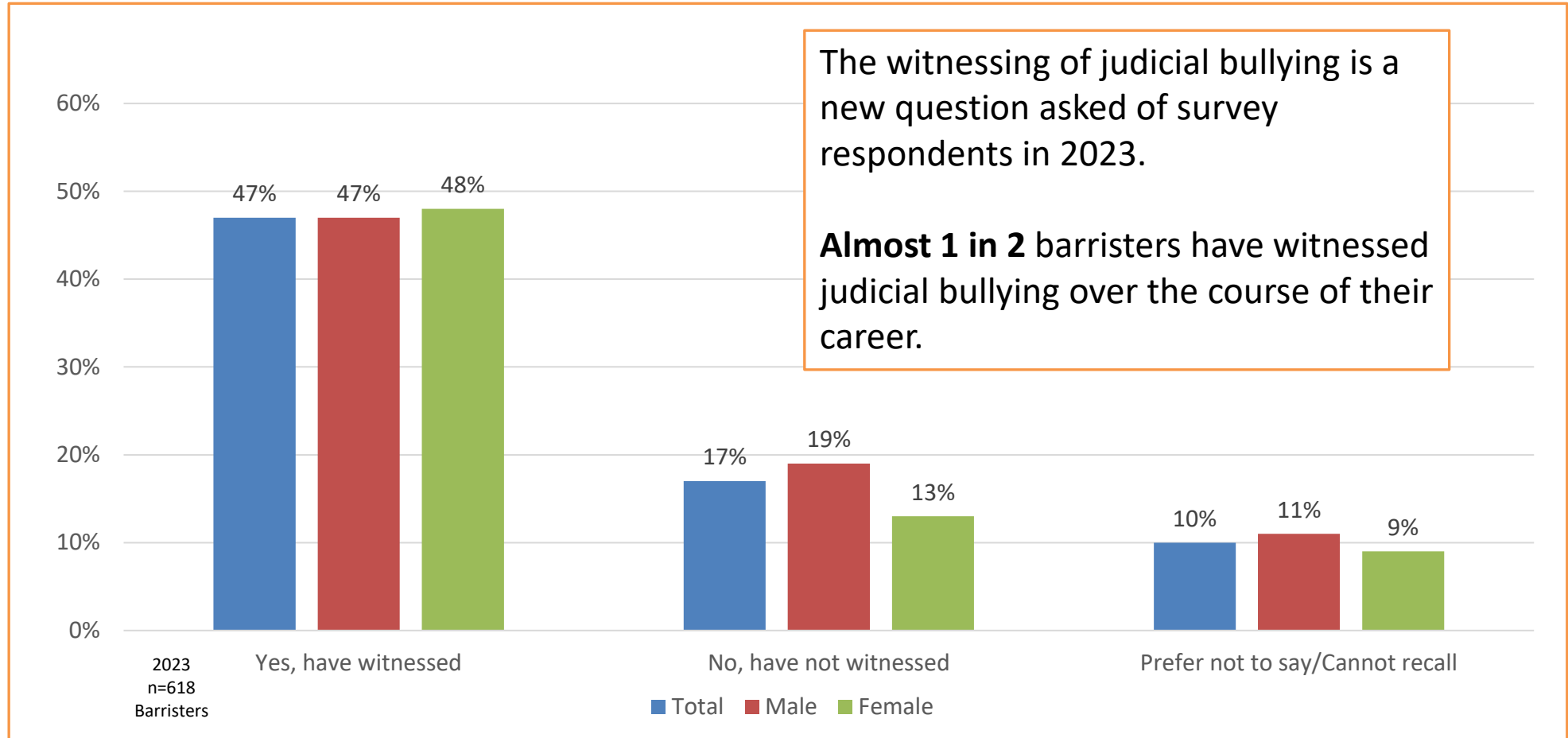


*No time period was specified, it is assumed the question relates to judicial bullying experienced over the course of a barrister's career.

Source: 2023 State of the Bar survey and 2018 Quality of Working Life survey

Judicial Conduct – Key Findings

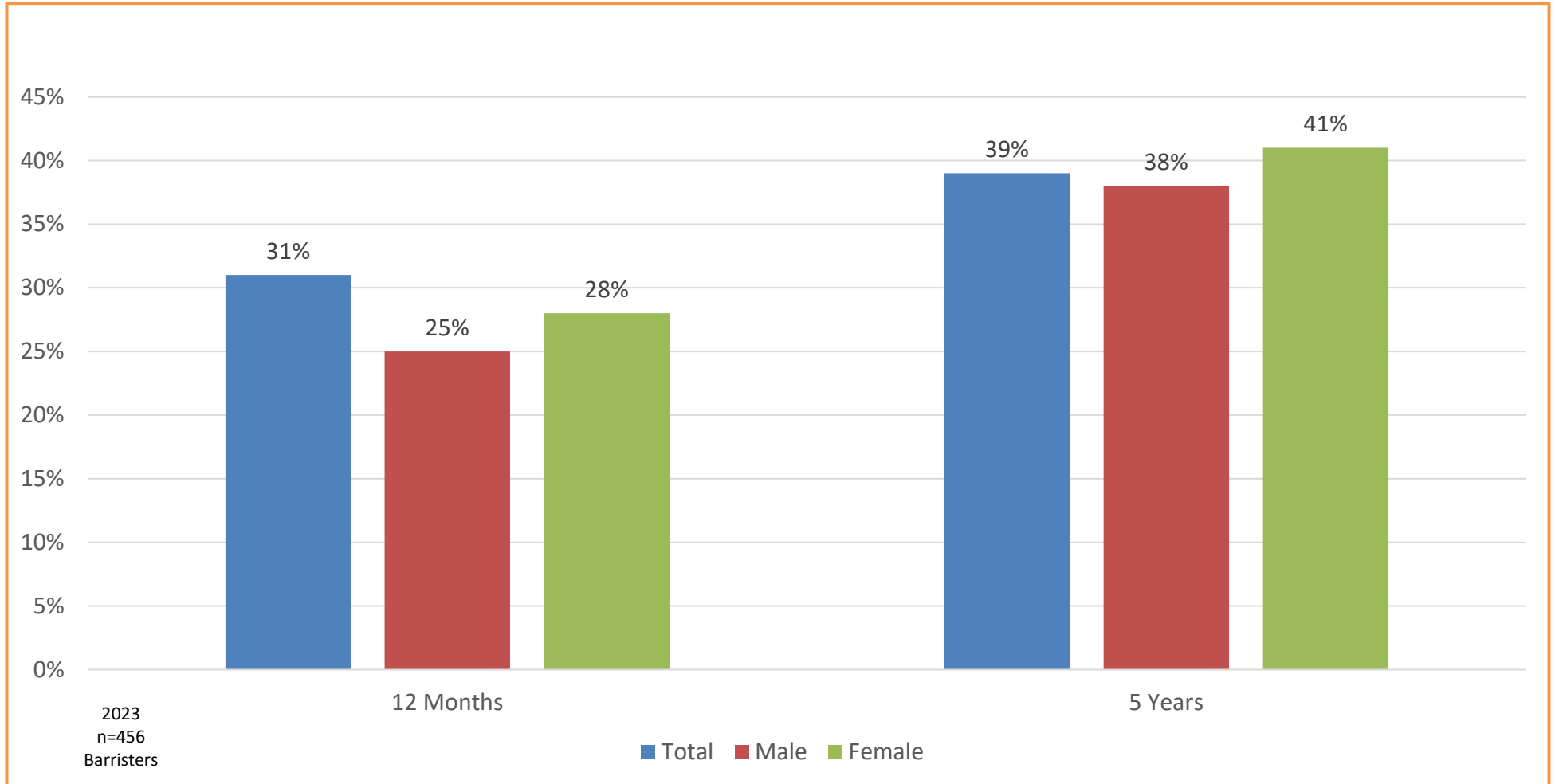
Percentage who have witnessed judicial bullying



*No time period was specified, it is assumed the question relates to judicial bullying experienced over the course of a barrister's career.

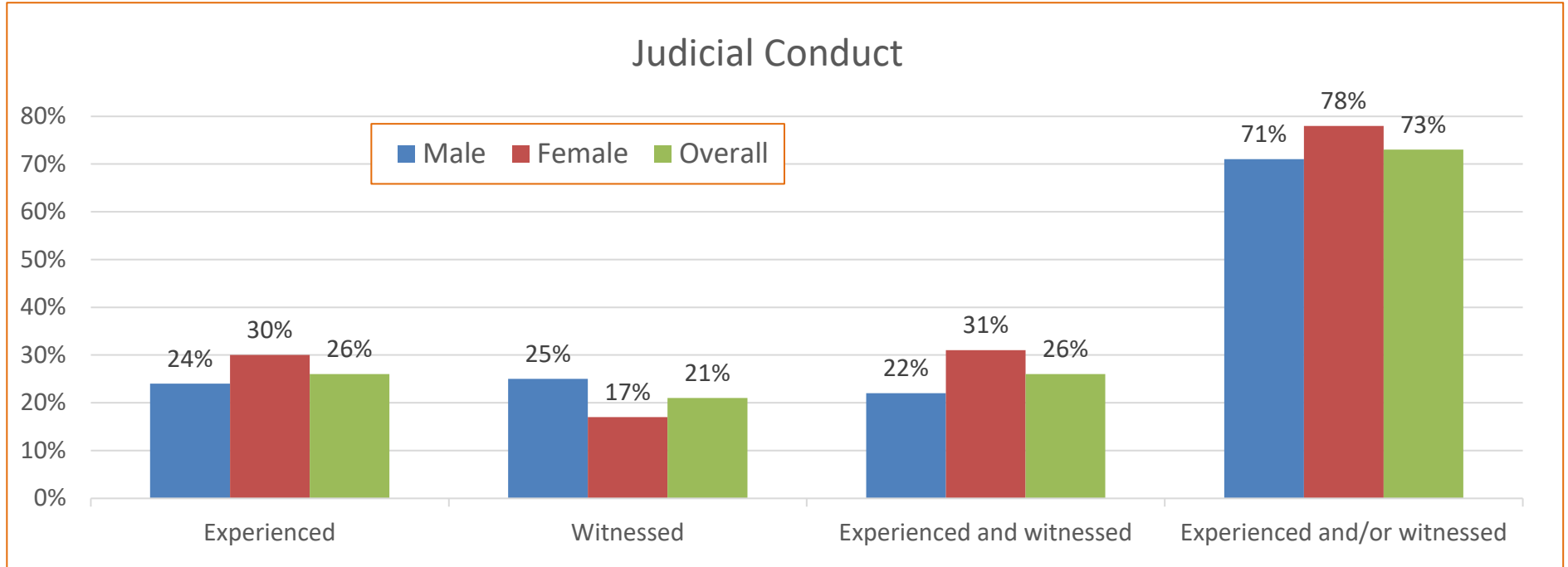
Judicial Conduct – Key Findings

Experienced and/or witnessed – 12 months vs 5 years



Judicial Conduct – Key Findings

Experienced and/or witnessed - By Gender



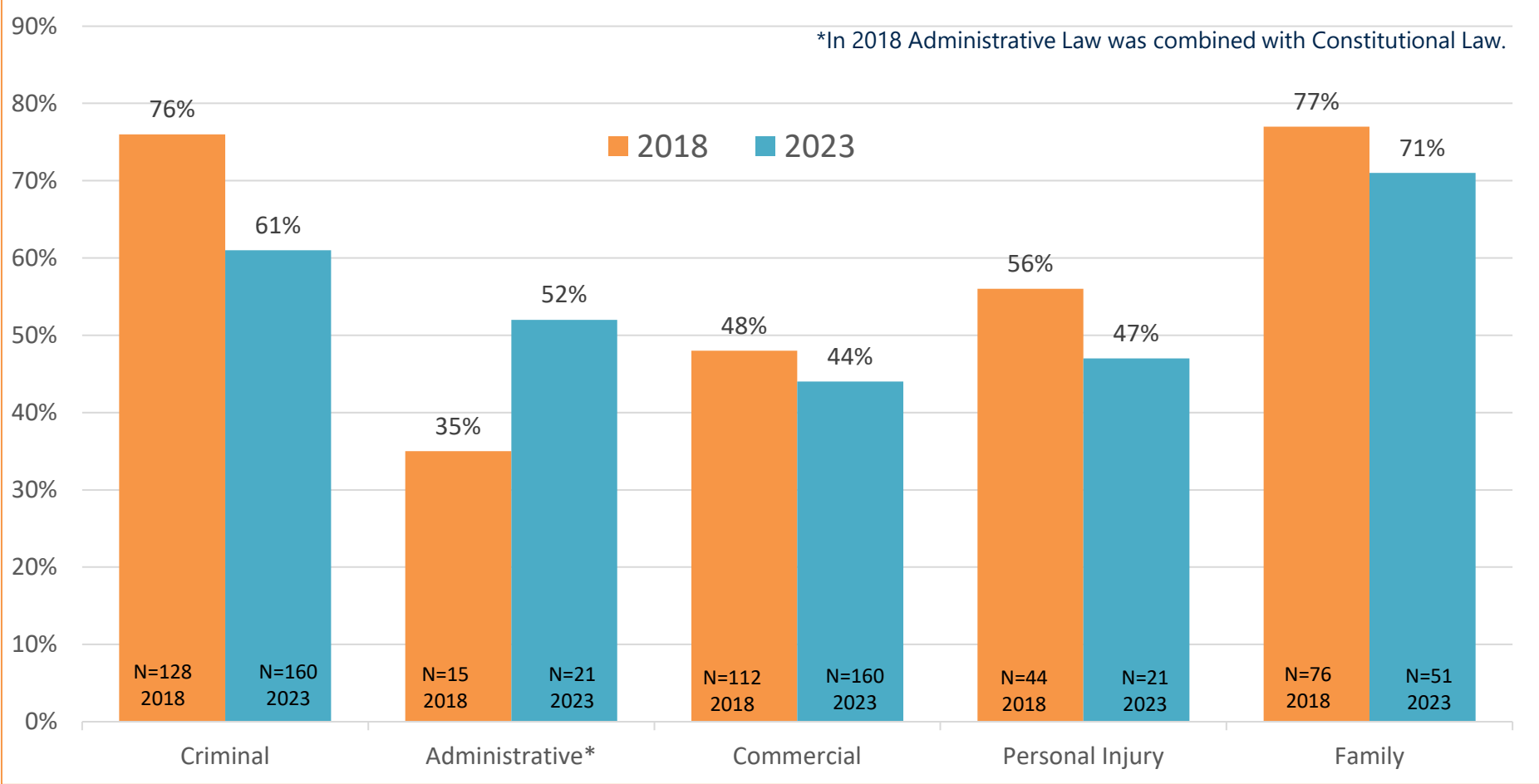
2023
n=618
Barristers

*No time period was specified, it is assumed the question relates to judicial bullying experienced over the course of a barrister's career.

Source: 2023 State of the Bar survey

Judicial Conduct

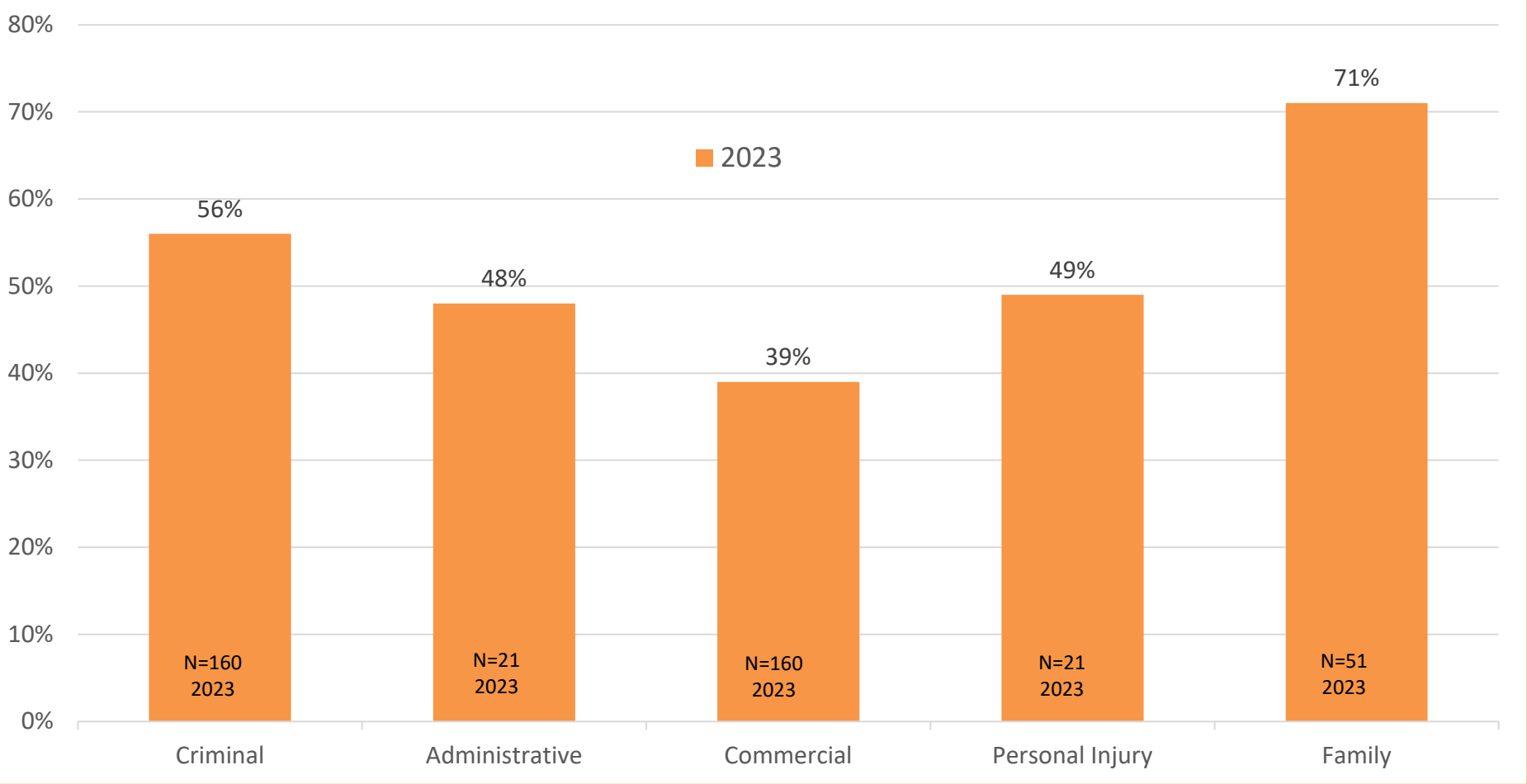
By Area of Practice (experienced)



Note: These are the areas of practice available for comparison between 2018 and 2023 results. Different survey composition may contribute to percentage differences

Judicial Conduct

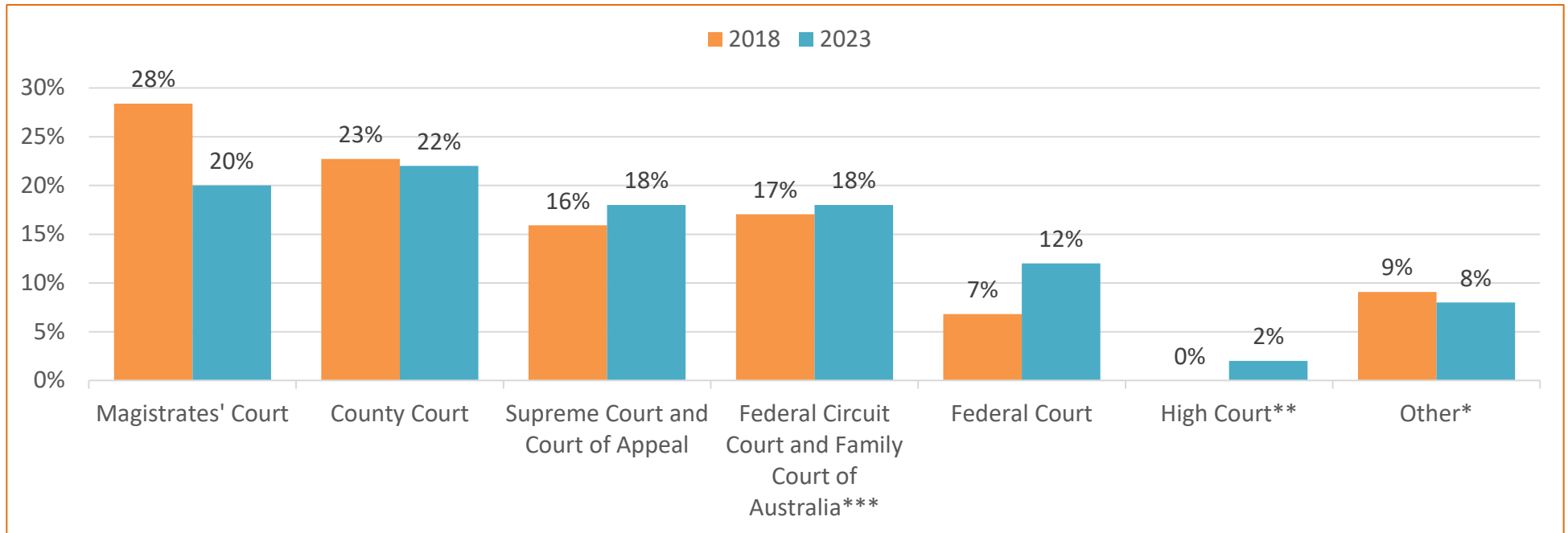
By Area of Practice (witnessed)



*No witnessed data available for 2018

Judicial Conduct

Percentage distribution of instances by jurisdiction



- Whilst the chart might indicate that the prevalence of this conduct has increased in some jurisdictions and decreased in others, the data presented should be carefully interpreted as it is possible the difference in percentages is due to:
 - (a) the raw number of barrister appearances in each court in 2018 and 2023;
 - (b) the difference in the proportion of court appearances in each jurisdiction in 2018 and 2023; and
 - (c) the difference in survey sample composition in 2018 and 2023, including sample size.

***Other:** Includes the VCAT, AAT, the Coroner's Court and Fair Work Australia.

****High Court:** Data not recorded in 2018

*****FCCFCA:** 2018 data has been consolidated due to the 2021 merger.

Source: 2018 Quality of Working life survey and 2023 State of the Bar survey

Sample comments

"Inflexibility of judicial officers not listening."

"I find dealing with the bench harder over time."

"Grumpy or belittling judges are a cause of regular upset."

"I struggle to deal with the stress caused to me by judiciary"

"I feel helpless in calling this behaviour out because clearly it will affect my future as a barrister."

"Doing a good job is often outweighed by judicial bullying."

"Pretty powerless in the face of judicial misbehaviour."

"Magistrates/judges should be kinder to young barristers."

"Everyone knows who the bullies are."

"Judicial bullying is by far the greatest obstacle faced by barristers."

"Judicial incivility is the number one source of stress in my practice."

"Significant judicial bullying still at play."

Actions

What the Bar has done

- Conduct policies against bullying, discrimination and sexual harassment
- Grievance protocol
- Peer support barristers
- Judicial Conduct Advisers
- Judicial conduct policy
- Joint protocols with the courts
- Equality and diversity policy
- Mandatory sexual harassment and bullying training for silk applicants
- Free 24-hour counselling services
- Working groups on cultural diversity and LGBTIQ issues
- Health and wellbeing resources portal
- CPDs on barrister practice management and wellbeing topics