ALRC Survey of Practitioners

Prepared by the Australian Law Reform Commission

Editable excel file is available here: https://www.alrc.gov.au/wp-content/uploads/2022/02/ALRC-JI-Survey-of-Practitioners-Data.xlsx



Australian Government

Australian Law Reform Commission

For information contact: info@alrc.gov.au

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Have you been admitted to practise law in an Australian state or territory? ast five years?	he flow manly years have you practise, in what capacity did you most recently practise?) Please select all that apply - Selected Choice Affine please select all that apply - Selected Choice	in what capacity did you and/or appearing in litigation in courts (state/territory and Commonwealth)? et all that apply - Other e specify - Text	registry to request reallocation of a officer (eg. through her case to a different judicial officer on chambers) to raise an in bias grounds? Please select all that ap	where a judicular officer was alsed to disqualify hereiff or himself for actual or apprehended bias? - selected Choice apprehended bias? or more times (please spe- ppy)	elf for size - Please choose one response on ea- cify line - came from self-represented itigants	ach Please choose one response on each of line - resulted in recusal/disqualification	New you go in a light stear you were you will not be stand on the table of stand or were also also not to their direction not to their direction and their direction a	The existing procedures for raising did bias, but they for lawyers, the procedures for raising and appealing it putting for lawyers, the procedure for lawyers, the procedure for lawyers, the procedure for lawyers and appealing it putting for lawyers.	guidance on the procedure judicial of officers and parties should follow unes for when issues of bias arise.	in single judge cases, are there incurratances where it would be incrementable that an application for disqualification be decided by: Please choose one response on each line - another judge (eg. duty judge) line - a pane	ation be decided by: the of budges set of judges it would be pret bench to decide disqualification, decision being r judge concerned?	wrable for the full applications for for legal practitioners to understand?	statements: There would be benefi (for j - that will always or almost always give rise to apprehended bias	statements: There would be benefit (for j - that will never or almost never give rise to apprehended bias	propriate contact between fifteers and lawyers gin cases before them.	onfidence in judicial public confidence in judicial impartiality? If the following possible please rate the following possible	public contidence in judicial public impartiality? Please rate the following possible changes or reforms on a scale of 0	ic confidence in judicial puriality? In interest in puriod in interest in puriod in interest in puriod in	public confidence in judicial eve impartiality? bias Self	er felt that a judge has been issed against you personally? - lected Choice approximately how Yest	on in the White made you feel the judge was What do you shick the basis black against you? Selected Choice What made you feel the judge was black was? What do you shick the basis black was? What do you shick the basis was? What do you shick the basis was was a selected choice with the poly-selected Choice.	I feel that the law and/or othe existing mechanisms available Commonwealth court matter generally appropriate to deal the bias I experienced.	ir Saixed against your client or for or another participant in the swere proceedings personally? - Selected with Choice another personally? - Selected approximately how many times! Fast	Please choose all that apply - Selected Choice	Please choose all that apply - Selected Choice Selected Choice Commonwealth court matters generally appropriate to deal with bias experienced.	I was now now that michal collect offer the (i) making any control of the (ii) making any control of the (iii) making of the ground of the (iii) making of the (iii) m
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Yes Yes	5 to 9 years	Solicitor/employed lawyer () sector)	rublic	Always	No	No	Never				Yes	Fact that disqualification decision would be made by judicial officer concerned/futential for delay,Concern that raising it would impact negatively on case	I don't recall / Unsure	Underuse of bias claims	Somewhat disagree	Strongly agree	Yes	Unsure	Unsure	Yes	Strongly agree	Strongly agree	Somewhat agree	,	2	9	4 10 7	0					Four or more times (please specify approximately how many times)	4-6 эрргох	language, Discriminatory language, Gestures or other actions (eg body language), Other (please	Social bias on the basis of your personal or assumed characteristics (Please spacify – eg proder age sexuality ethnic and or religious background),Other (please specify)	nat disagree No		
Yes Yes	5 to 9 years	Solicitor (private sector)		Often	No	No	Never				Yes	Concern that raising it would impact negatively on case, Concern that raising it would impact negatively on own career	No	Underuse of bias claims	Strongly disagree	Strongly agree		Yes	Yes	No	Strongly agree	Neither agree nor disagre	Strongly disagree	10		10	9	9					Two or three times		Gestures or other actions (eg body language)	Other (please specify) Strongl	disagree		
Yes Yes	5 to 9 years	Solicitor (not-for-profit secto	1)	Often	No	No	Never				Yes	Concern that raising it would impact negatively on case, Concern that raising it would impact negatively on own career, Uncertainty about procedures and/or law	Once	Underuse of bias claims	Somewhat disagree	Somewhat agree	Yes	Yes	Yes	Yes	Somewhat agree	Somewhat agree	Somewhat agree	10	10	10	5 10 1	an or three times	Intempé languag languag (eg bods	ate Social bia personal (Please sp sessuality backgroun)	s on the basis of your or assumed characteristics ecify – og gender age ethnic and or religious rid)	rongly disagree	Four or more times (please specify approximately how many times)		Intemperate language, Discriminatory language, Gestures or other actions (eg body language)	Social bias on the basis of your personal or assumed characteristics (Please specify – eg gender age sexuality ethnic and or religious background)	disagree No		