

WOMEN IN THE FEDERAL JUDICIARY: STILL A LONG WAY TO GO

Over the past three decades, an increasing number of women have joined the legal profession. In recent years, law schools have seen the number of female students increase, so that they now make up nearly half of all law students.¹ In 2008, one-third of lawyers were women.² But the federal judiciary, especially the Supreme Court, has a long way to go before it reflects the current face of the profession.

- Since Justice Sandra Day O'Connor retired in 2005, the Supreme Court counts a single woman among its nine Justices.
- Forty-seven of the 164 active judges currently sitting on the thirteen federal courts of appeal are female (almost 29%).³ When broken down by circuit, women's representation on several of these individual courts is significantly lower than on the courts of appeals overall:
 - The Eighth Circuit has only one female judge among its eleven members, who is the only woman *ever* to have been appointed to that court.
 - Women are also vastly underrepresented on the Tenth Circuit (where they make up about 17 percent of judges), First Circuit (20 percent), and the Federal Circuit (25 percent).
- Around 25 percent of United States district (or trial) court judges were women in 2008.⁴
- For minority women, the numbers are even smaller.
 - There are forty-six minority women serving as active federal judges across the country, including 25 African-American women, 18 Hispanic women, and three Asian-American women. There are no Native American women.⁵
 - There are only eight minority women on the U.S. courts of appeals. Three of those women sit on the Ninth Circuit Court of Appeals, two sit on the DC Circuit, and one minority woman sits on each of the Seventh, Fourth, and Second Circuits. This means that there are eight federal courts of appeals without a single minority woman judge.⁶

¹ American Bar Association Section of Legal Education and Admissions to the Bar, "Legal Education Statistics Enrollment by Gender 2007-2008," available at <http://www.abanet.org/legaled/statistics/charts/stats%20-%206.pdf>.

² Department of Labor, Bureau of Labor Statistics, "Employed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity" 2008, available at <http://www.bls.gov/cps/cpsaat11.pdf>.

³ NWLC calculations based on review of individual websites of U.S. courts of appeals and vacancy data available at http://www.uscourts.gov/cfapps/webnovada/CF_FB_301/index.cfm?fuseaction=Reports.ViewVacancies.

⁴ American Bar Association, Commission on Women in the Profession, "A Current Glance at Women in the Law 2008" at 3, available at <http://www.abanet.org/women/CurrentGlanceStatistics2008.pdf>.

⁵ Statistics were compiled through the Just the Beginning Foundation's Chart on Female Article II Federal Judges, available at <http://www.jtbf.org/clientuploads/docs/articleIIIFemaleAlphabetical.pdf>, and the Confirmed Nominees list found on the Department of Justice's website, available at <http://www.usdoj.gov/olp/confirmed.htm>.

⁶ See *id.*