

Women in the Law and the Judiciary

by Tonya Rainwater

In 1997, I was asked to speak about women in the criminal justice system. At that time, I had been a trial judge for 10 years. Upon a recent review of my notes from that speech, I found the status of women in the law and judiciary has continued to improve, as I predicted.

Here is a reprint of an excerpt of that speech:

I went to law school in the mid 70's. At that time, women made up about one third of the entering law students at the University of Florida, where I attended. I personally did not experience any overt discrimination while I was in law school. But I heard of other women who were asked out by male law professors, and the implication was that if they refused, they would get a poor grade. I also heard stories from a male friend who attended Florida's law school just a few years before I did. He told me that there were only a few women in his class, and the male students shuffled their feet whenever the women entered the classroom.

These incidents happened just 20 to 25 years ago! (But remember that integration in our schools happened less than 40 years ago.)

This is just a little background to help you understand some statistics that I'd like to share with you:

	<u>% of law students who were women</u>	<u>% of Florida Bar members who were women</u>
1965-66 (30 years ago)	4%	
1970-71 (25+ years ago)	9%	
1980-81 (15+ years ago)	34%	8.3%
1991-92 (5 years ago)	43%	20.2% (1990-91)
1997 (now)	50%	25%

As you can see, the trend is toward equal numbers in the profession, but the percentage of women who are members of the bar is trailing behind the percentage of women who are graduating from our law schools.

Some people might read a lot of current discrimination in these numbers. But step back and really think about this. 30 years ago, a negligible number of women went to law school and became members of the Florida Bar. As little as 26 years ago, only nine percent of the law students were women. In the next ten years, the law student ratio almost quadrupled to 34 %. At the same time, the law schools were graduating male students who became members of the bar.

Think about it. Currently, 40 % of the members of the Florida Bar have 10 years or less of experience. Another 20 % have 11 to 15 years of experience. This means that a majority of the lawyers admitted to the Florida Bar have 15 years or less of experience. Only 10 % of the women lawyers in the state are 50 or older, while 24% of all lawyers are

age 50 or older, and 29 % of male lawyers are age 50 or older. This alone can explain a lot of the discrepancy in the ratios.

The higher positions of managing partner or shareholder in the firms are generally held by attorneys with more years of experience, or that are older in age. In percentages alone, you would expect that up to 3 times the percent of male attorneys would be in these higher positions than are female attorneys. But the statistics show that only twice the percentage of male attorneys are managing partner, partner, shareholder, versus the percentage of female attorneys (10 % of male attorneys, 5 % of female attorneys; 24 % vs. 12 %).

On the other hand, 2 % of women attorneys are judges, while only 1 % of male attorneys are judges. This is a higher % than we should expect, based on the years of experience of the women in the Bar.

The current makeup of the judiciary in Florida consists of 21 % women. The current makeup of the Florida Bar consists of 25 % women. So, the percentage of judges who are women is quite close to the percentage of women attorneys in the Bar.

The raw numbers are misleading, since only 21 % of Florida's judges are female. Out of a total of approximately 785 judges in Florida, there are 620 male judges. The ages of the judges range from 33 to 71 years old, with the median age of male judges of 52 years, and the median age of female judges at 46 years old.

What does all this mean? It's obvious that women have made huge strides in the last 15 years. The statistics that I have cited to you show that we become judges at an earlier age, that we manage law firms and become shareholders in numbers greater than might be expected based on our ages and experience. We continue to make progress every year in these areas. Don't let yourself be misled by the raw numbers. Certainly, the number of female judges is less than the number of male judges. The number of managing partners or shareholders that are women are less than those that are men.

But I predict that in another 15 to 20 years, just by the nature of the percentage of women currently graduating from law school, that the raw numbers will be more of a 50 -50 proposition.

I think this is true in a number of professions. Although I don't have statistics about other professions, I think you may find the same trends, particularly in the professions that require college graduates.

I don't want to minimize the real problems women have had in the past, or that some of us still have now, in dealing with individual discrimination. We are all aware of the huge numbers of lawsuits that are being pursued to address some of these issues. But I don't think any of us should just look at the raw numbers and insist that it is our right to have 50 % of our judges to be women, or that 50 % of our managing partners should be women. *If these numbers do not change over the next 15 to 20 years, then we should be concerned.* But the situation as it exists today is quite good and is improving yearly.

I personally am proud to work with all of the judges of our circuit. Currently, I am one of 3 female judges in our circuit, which has a total of 19 circuit judges and 12 county judges. That is about 10 % of the judges in Brevard and Seminole Counties. 21 % of judges statewide are women. It would be nice to have more women on the bench here, but I think

that all of our judges are quite competent to handle their caseloads. *I think the future will see more women entering the judiciary locally as well.*

Another issue I want to briefly discuss addresses some personal issues. I am married and have 3 young children. My first child was born just 6 months before I took office as a county judge. My position as a mother of these children has extreme importance in my life. I feel that my husband's position as the father of these same children is very important to him as well. Society has traditionally assigned the nurturing parent role to the mother, and many of us were raised in homes where the father went off to work every day as the breadwinner, and the mother stayed home and took care of the children and the house. Many of my professional friends today have an ongoing struggle between their commitment to their jobs and their families.

I am extremely lucky that while my children have been young, I have had full-time child care help. Now that my youngest is in first grade, my husband and I have made a commitment to share the responsibility of directly caring for our children after school most days each week. I have arranged my schedule so that I can take off two hours early two days each week and take home some paperwork or reading that can be done at home, and my husband has done the same. This gives us an opportunity to be more directly involved with our children at home after school, and to spend more time with our children.

I think it's important for all of us to achieve some balance in our lives. This is not always easy, and may very well involve some sacrifices. Women, more than men, seem to struggle with this issue in their personal and professional lives. I want to encourage each of you to strive to achieve some balance in your own lives. I think that as we work to achieve more balance in our lives, we will be role models for all people, whether they are men or women, to at least think about this issue in their own lives. Our children and our families will benefit greatly from this balance. Our jobs will also benefit by having more dedicated workers and happier employees.

While we as women are making our progress in the business world and in the criminal justice profession, please don't let us forget the most important people in the world, our children and our families.

[End of original speech text, emphasis added.]

Fast forward to 2019:

The balance suggested above has been personally rewarding to me. I am still married to my husband, and all three of our children are grown and self-supporting. I recently retired after serving as a trial judge for 32 ½ years. I enjoy hobbies that are unrelated to the legal profession, and activities that continue to involve me in the law.

Today, about 50 % of law students are women, and the percentage of women in the Florida Bar has increased to 39 %.

20 years ago, I was one of 3 female judges out of a total of 31 trial judges in the 18th Judicial Circuit of Florida. When I retired earlier this year, I was one of 23 female judges in this circuit (out of a total of 43 trial judges). In just 22 years, we saw a ten-fold increase in the number of women judges in our circuit, from less than 10 % of the local judiciary being female, to over 50 % being female.

A review of current statistics regarding the percentage of men and women lawyers who are managing partners or shareholders of law firms in Florida reveals that women are still behind men in this regard (15 % versus 27 %).¹ However, when you extrapolate the changes in raw numbers from 25 years ago, the number of women lawyers who are managing partners/shareholders has increased, while the number of men in these positions has decreased.

It is clear that my predictions from 20 years ago have proven correct. Women have continued to make strides in our profession. If women continue to enter the legal profession in the equal numbers with men, I predict that these statistics will become even closer to equal over the next 15 to 20 years.

Statistics can be valuable tools to consider when trying to determine progress we have made regarding gender equality. However, it is important to remember that many aspects of our lives cannot be reduced to numbers. In conversations I have had with my (older) female colleagues, many reported having been mistaken for the court reporter when they first started practicing law. This has become less prevalent as the percentage of women lawyers has increased. In my courtroom, it became commonplace for all or most of the lawyers present to be women. As our numbers equalize, and the older generations of male lawyers retire from the profession, the incidents of overt discrimination should continue to decrease.

I am encouraged when I talk to my younger colleagues about this issue. When I relate anecdotes from my early career regarding sexist comments that were made to me or in my presence, I am gratified to see that my younger colleagues are shocked and appalled. They have not experienced overt discrimination or blatantly sexist comments in their professional careers.

We continue to have room to improve. The rise of professionalism as a topic of concern touches all of us in the legal profession. Both men and women must be diligent in upholding the high standards of professionalism required of lawyers. Fortunately, the topics of professionalism should no longer include concerns about gender inequality and the admonition to remove sexist remarks from your vocabulary. We have (mostly) moved beyond this issue.

¹ Report of the Florida Bar Special Committee on Gender Bias, May 26, 2017, [https://lsg.floridabar.org/dasset/TFB/TFBResources.nsf/Attachments/8F6215062DEEE8F2852581330066E69E/\\$FILE/Special%20Committee%20on%20Gender%20Bias%20Report%20and%20Recommendations%20-%20Final%20-%20ADA%20Compliant.pdf](https://lsg.floridabar.org/dasset/TFB/TFBResources.nsf/Attachments/8F6215062DEEE8F2852581330066E69E/$FILE/Special%20Committee%20on%20Gender%20Bias%20Report%20and%20Recommendations%20-%20Final%20-%20ADA%20Compliant.pdf)

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