Women in the Legal System

Women are severely underrepresented in the United States legal system. Basically, the legal system is composed of all levels of “law makers” and “law enforcers” so it includes the government, court systems, military, and the police – those with “official” power that is either by social appointment or through the nature of the occupation.

The most obvious way women are underrepresented is in numbers. There are very few women pursuing careers in the legal system. Look at these statistics:

- Before August 2009 there had only been two female United States Supreme Court Justices: Ruth Bader Ginsburg (b. 1933; 1993-present on Supreme Court) and Sandra Day O’Conner (b. 1930; 1963-88 on Supreme Court).
- More than fifty years before O’Connor and Ginsburg began their judicial careers, Florence Ellinwood Allen (1884-1966) became the first woman to sit on an American court of last resort when she was appointed an associate justice of the Ohio Supreme Court in 1922. From 1934 to 1959, she served on the U.S. Court of Appeals for the Sixth Circuit and was thought by many to be worthy of a Supreme Court nomination.
- As of 1991, only 40 women have served on the highest court of 30 states and the District of Columbia and, only 5 of them have presided over their state’s court.
- In the United States Senate, the highest record for female senators occurred in 2009 with 17 of 52 senators being women (13 Democrats and 4 Republicans).
- In the United States House of Representatives, the highest record for female representatives occurred in 2009 with 74 of the 435 representatives being women (57 Democrats and 17 Republicans; 21 are women of color).
• Two women have won the nomination of a major political party, both as vice-presidential candidates: Geraldine Ferraro for the Democratic Party in 1984 and Sarah Palin for the Republican Party in 2008.

![Geraldine Ferraro and Sarah Palin](image)

• The highest number of female governors in the United States was 9 in 2008. As of January 2009, a total of 27 states had never had a female governor.
• According to a study by Fisher in 2004, female enrollment in top law schools has increased by more than 10% since 1985, yet women represent less than 16% of law partners nationwide.
• In 2008, only 9% of all police officers in the United States were women.
• In 2005, women made up just 20% of the United States Armed Services. Women are rising to increasingly higher levels in the Defense Department according to 2004 Defense Manpower statistics. Statistics show that officer and enlisted women on active duty increased from 13 percent to 15 percent from 1995 to 2004.

Critical thinking: According to the 2000 United States Census, the United States population is composed of 50.9% women. Look back at the legal statistics in this lecture. Why are women not nearly enough present in the United States legal system? Can women’s voices really be heard in a legal system where they are not represented? Can women expect to receive justice in such a system? And, will women’s issues be treated equally with men’s issues if women’s voices are not represented?

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