

**A Different Path to the Bench**  
**A talk with Judge Raja Rajeswari**

**I. Path to Law School and the Legal Profession**

**A. Women in law schools by the numbers**

- a. The percentage of women in law schools has been steadily increasing since the late 1960s from around 5% to over half.
- b. According to a recent American Bar Association report, women outnumber men in law schools for the first time ever.
- c. Law School Transparency released data that showed that while the percentage of female enrollment was increasing, more ended up in lower-ranked schools.

**B. Women in the legal profession by the numbers**

1. ABA's January 2017 report, *A Current Glance at Women in the Law*
  - a. 64% men and 36% women in the legal profession.
  - b. Women holding seats in federal courts: 37.5% in the Supreme Court; 35.9% in the circuit courts; 33% in the federal district courts.
2. National Association for Law Placement (NALP) 2016 Report on Diversity in U.S. Law Firms<sup>1</sup>:
  - a. In 2016, women made up:
    - i. 22% of partners,
    - ii. 45% of associates, and
    - iii. 34% of total lawyers.

**C. Diversity**

1. According to a 2015 Women Donors Network's Reflective Democracy Campaign study, only 5% of elected prosecutors in the U.S. are minorities, 17% are women, and 1% are women of color.
2. Why diversity among prosecutors matter
  - a. Prosecutors have great discretionary power to decide whether cases should proceed and what charges should be brought. They may have little accountability.
  - b. Diversity in life experiences among prosecutors is important – life experiences of the majority of the population are excluded from powerful positions.

**D. Implicit bias**

1. Implicit bias is an implicit association that operates beyond our awareness and informs our perception of people. Implicit bias is not inherently negative but because they are subconscious models, it can have negative consequences if we are not aware of when negative biases seep into our decision-making.

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<sup>1</sup> NALP 2016 Report on Diversity in U.S. Law Firms: <http://www.nalp.org/minoritieswomen>

2. Can be more damaging than explicit discrimination because these bias operate outside of consciousness so many people are not aware of them even as they hold them. Diversity and inclusion policies that most firms institute will not sufficiently address this problem.
3. From childhood, we may be socialized to view women as passive, compassionate, and soft-spoken and men as ambitious and strong. These stereotypes become social expectations that play a factor in our decision making.
4. Is a systemic issue not only in recruiting processes but also promotions, and workplace culture and environment in the legal profession.

## II. Diversity on the bench

- A. An American Constitution Society<sup>2</sup> survey found the following makeup among state trial court judges:
  1. White men make up 57%.
  2. Women make up a third.
  3. People of color make up less than one fifth.
- B. Lack of diversity implications
  1. There exists a significant gap between the representation of women and minorities on the bench and in the general population. State courts do not look like the communities they serve.
  2. Lack of diversity means limited points of view are represented on the bench.
  3. Importance of diversity
    - a. Symbolic importance - affects how average Americans perceive the courts.
    - b. Improves quality of judging. Greater diversity on the bench brings broader perspectives on the whole in the justice system and contributes to a fairer system. Improves judicial impartiality on the whole.

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<sup>2</sup> Link to report: <http://gavelgap.org/>