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Looking Back, Looking Forward: Women in Criminal Justice Task Force

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October 26, 2020

WOMEN IN CRIMINAL JUSTICE

Looking Back, Looking Forward

Maryam Ahranjani

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Since the Criminal Justice Section's Women in Criminal Justice Task Force launched in November 2018, we have heard from women in criminal law around the country about their experiences with (1) hiring, (2) retention, and (3) promotion of women in criminal justice. We set many goals for ourselves, including hosting listening sessions, publishing columns, and collecting data, and we are proud of all we have accomplished over the past nearly two years.

First, we held 12 listening sessions around the country in person and virtually after the COVID 19 pandemic made in-person meetings impossible. To highlight a few, in July 2019, Task Force members Judges Bernice Donald and Denise Langford Morris convened a listening session with Black women judges at the National Bar Association Annual Convention. In November 2019, Howard University School of Law hosted a listening session with law students from five DC-area law schools. We purposely tried to meet with women from different identity groups to ensure our work supported diverse perspectives. In total, the Task Force members have formally heard from over 160 women who are diverse in terms of racial and ethnic background, age, LGBTQ status, stage of career, and political ideology.

During the one-day listening sessions, women often shared raw and painful stories. The Task Force wants the trust created during those sessions to be just the starting point of meaningful and supportive relationships. We stay connected with the brave women who participated in listening sessions in several ways. For example, we pivoted to hold an open listening session online in May 2020, for all women who testified, as well as Task Force and Advisory Board members. With the open listening session, we sought to provide a space for reflection and support on how the COVID 19 pandemic has affected women personally and professionally. Approximately 30 women came together to listen and share. Its success confirmed our need to create a long-term platform for connection.

The Task Force members left the May session with a renewed sense of connection and a hopefulness about the possibilities of Zoom. In fact, despite some initial reservations about whether women would feel comfortable sharing personal experiences online rather than in person, we used Zoom to host our next listening session for women with significant practice experience on June 23, 2020. High-level women from around the country enthusiastically answered invitations to participate, and we realized that Zoom in fact allowed us to get women in the "room" in a way that would have been nearly impossible to do in person.

In addition to hosting listening sessions, our next accomplishment has been reporting about the brave women we have met and powerful stories we have heard. As we conducted our listening sessions, we have thus far written several *Criminal Justice* magazine columns, including one by Co-Chairs Carla Laroche and Tina Luongo, Task Force members Maria Carmen Hinayon and Daniela

Donoso, me, Gloria Ochoa-Bruck and former CJS Chair Lucian Dervan. Carla and Tina wrote about the establishment of the Task Force, I wrote about our Albuquerque listening session, Maria wrote about the listening session we held in San Francisco in August 2019, and Daniela wrote about our listening session for Latina women in late September 2019. Lucian wrote most recently about the importance of allyship. Gloria's article forthcoming article explores the role of women prosecutors.

Third, I wrote a law review article called "*Toughen Up, Buttercup*" versus #TimesUp: *Identifying Challenges and Next Steps for Women Criminal Lawyers*. The article summarizes relevant research and describes our findings in great detail. Currently in the editing stages, the *Berkeley Journal of Criminal Law* will publish the article in late 2020. Some of the major themes described in the article include:

- Relatively low salaries in criminal law serve as a challenge and barrier, particularly for women of color and first-generation college/law school graduates who may have greater debt loads and more pressure to support family members.
- Discrimination based on gendered expectations impedes the success of women in criminal law.
- Women in criminal law experience a lack of respect and devaluation by judges, opposing counsel, court staff, and even clients.
- Most criminal law jobs lack flexibility (part time, flextime, job sharing, working from home, etc.).
- It is extremely challenging to juggle work/life commitments (flexibility to pick up children and go to school events, care for elderly relatives, etc.) in criminal law jobs.
- Certain stage-of-life issues (i.e., pregnancy, lactation, menopause, caregiving for children, and caregiving for older relatives) disproportionality affect women more than men and yet employers do not formally discuss or acknowledge how workplaces may accommodate these stage-of-life issues.
- Women of different generations may have distinct workplace expectations (hence, "Toughen Up, Buttercup" versus #TimesUp).
- Many women (particularly Black and brown women) experience compassion fatigue, vicarious trauma, and burnout but feel too isolated to seek support.
- Intersectional challenges (for women of color, LGBTQ and gender nonconforming people, women serving rural communities, etc.) intensify most, if not all, of the challenges faced by white women.

Finally, at our meeting in March 2020 at the Florida State University College of Law, in Tallahassee, Florida, the Task Force created four committees—strategic planning, work product, communications, and data analysis and collection—to propel us into our next phase. Task Force and/or Advisory Board members chair the committees, which meet monthly and report to the full Task Force during monthly meetings.

Looking forward, we have our work cut out for us, but we are even more determined to succeed. The national commitment to racial and criminal justice in the wake of George Floyd's murder spotlights the importance our work. Our next phase is developing work product (best practices, policies, training materials, mentoring resources, etc.) to address the challenges in hiring, retention, and promotion we heard from women at our listening sessions. One important piece of work product will be the collection of quantitative data by creating and administering a survey to women criminal lawyers in representative states. Working with the ABA Center for Innovation and hopefully other partners, the data committee will engage in comprehensive data gathering over the coming months.

We are grateful to the many women who shared their experiences with the Task Force and to the past and current chairs of the Criminal Justice Section, particularly Lucian, Kim Parker, April Frazier Camara (currently also a Task Force member), and the Section's Council members, for their support. As described, we have accomplished much, and we look forward to continuing the Task Force's momentum.

We invite you to reach out should you want more information about the Task Force and its work. You may email the Criminal Justice Section at crimjustice@americanbar.org with “Women in Criminal Justice” in the subject line.

ENTITY:

CRIMINAL JUSTICE SECTION

TOPIC:

CRIMINAL LAW, DIVERSITY AND INCLUSION

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