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Why Are Women Lawyers Underrepresented in Criminal Justice?

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https://www.americanbar.org/groups/young_lawyers/publications/tyl/topics/criminal-law/why-are-women-lawyers-underrepresented-in-criminal-justice/

Why Are Women Lawyers Underrepresented in Criminal Law? What can we do about it?

To learn more about this and other topics, please consider attending ABA [Young Lawyers Division Spring Conference](#). The program, “Women of Criminal Justice: Why Do They Leave?” occurring on Tuesday, April 13, 2021, at 4:30 p.m. EST, will feature a diverse panel of leaders from the Criminal Justice Section’s Women’s Task Force. The panel will report briefly on the task force’s findings on why women leave the practice of criminal law. We will also openly discuss our career paths’ successes and failures—prosecutor, defender, judge, and professor.

By Maryam Ahranjani

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March 31, 2021

When the ABA’s [Criminal Justice Section](#) (CJS) created the Women in Criminal Justice Task Force (TF) in 2019, we knew that women lawyers in the criminal sector were underrepresented in the workforce, but we did not know why. Thus, the TF set out to investigate the challenges facing women criminal lawyers in hiring, retention, and promotion. By assembling a group of women with diverse lived and professional experiences, cochairs Professor Carla Laroche and Tina Luongo sought to elevate women’s voices previously not heard by CJS and develop and promote strategies to achieve full inclusion of those voices in CJS, the ABA, and the profession.

The Challenges Women Face

Between late 2019 and mid-2020, the TF held listening sessions across the country and heard from nearly 200 diverse women at all stages of their careers (including current law students and recent graduates) about their criminal law experiences. Many common threads emerged from the sessions, providing insight into the question we’ve been asking for years: Why are women, particularly women of color, left out of—choosing to leave—criminal law?

Barriers to Entry and Pressures to Exit

The sessions revealed that relatively low salaries in criminal law serve as an initial and ongoing barrier, particularly for women of color and first-generation lawyers. Other systemic obstacles to juggling work-life commitments can add pressure on women to leave criminal justice work. Similarly, stage-of-life developments that may significantly affect women—including marriage, childbirth, child-rearing, caring for aging relatives, and menopause—are not adequately addressed by criminal justice employers.

Discrimination

Women face discrimination from all actors in the criminal system (judges, opposing counsel, clients, court staff, corrections staff, etc.) based on gendered expectations. This treatment is particularly challenging for women of color and LGBTQ+ women. Compared to men, our sessions revealed a lack of respect for and devaluation of women.

Burnout, Resources, and Survival

Many women criminal lawyers, particularly women of color and LGBTQ+ women, face compassion fatigue, vicarious trauma, and burnout. Many of them do not have the resources or support to address these challenges. Women who have remained in the field demonstrate resilience and strong survival skills.

Addressing These Challenges

Based on what we heard in the sessions and studied in the literature, we have identified four strategies to address these challenges:

Improve Access to Mentors and Allies

The clear winner for the most critical area for improving women's careers in criminal justice is increasing access to meaningful mentorship, noted as markedly lacking in our sessions. Allyship, similarly, is a critical buffer to gender-based discrimination, and allies sometimes come from unlikely places.

Increase Flexibility

Adopting more flexible workplace policies may address drift and dissatisfaction. Based on our sessions, greater flexibility in criminal law jobs will also improve the likelihood of recruiting and retaining talented women.

Provide Resources

Our work so far indicates that women, particularly those in rural and under-resourced jurisdictions, need better training opportunities and resources related to wellness, diversity and inclusion, and professional development.

Gather More Information

The information that the TF has obtained reveals the need for more information and an evidence-based approach to understanding and overcoming the challenges facing women in this industry. Through partnerships with the American Bar Foundation and the ABA Center on Innovation, the TF is committed to gathering more data on hiring, retaining, and promoting women in criminal law.

To read more about the TF's work, check out [*"Toughen Up, Buttercup" v. #TimesUp: Initial Findings of the ABA Women in Criminal Justice Task Force.*](#)