

WOMEN ON THE FEDERAL BENCH - A PROGRESS REPORT

*THE HONORABLE MIRIAM GOLDMAN CEDARBAUM**

I am delighted to join the celebration of the tenth anniversary of the *Columbia Journal of Gender and Law* of which I have been a satisfied subscriber since its first issue.

Eight years ago, I gave a speech on the history of women on the federal bench at a luncheon forum of the New York County Lawyers Association.¹ At that time, of the 801 federal district judges in the United States, only sixty-two were women. Of the 241 federal court of appeals judges, only twenty were women.

At the dawn of a new millennium eight years later, I am happy to report that the percentage of Article III federal judges who are women has grown from less than ten percent to almost fifteen percent, a move in the right direction. Since 1993, eighty-eight distinguished women have been appointed to the federal bench. Moreover, Columbia's own Justice Ruth Bader Ginsburg was appointed Associate Justice of the Supreme Court of the United States in 1993. That appointment increased the percentage of women on the bench of the highest court of the United States from eleven percent (one of nine) to twenty-two percent (two of nine).

Until two years ago, Amalya Lyle Kearsse was the first and only woman to serve as a member of the Court of Appeals for the Second Circuit. In 1998, Rosemary S. Pooler and Sonia Sotomayor were added to that court. An examination of the roster of my own court, the United States District Court for the Southern District of New York, shows that we now have eight active and three senior judges who are women, as compared with three active and two senior judges eight years ago. This improvement is reflected in many of the courts of the Second Circuit. Of the fifteen district judges of the Eastern District of New York, five are now women.² Two women have been added to the bench of the District of Connecticut, and two women have been added to the bench of the Court of International Trade. There are still no

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¹ Women on the Federal Bench, Address Before the New York County Lawyers Forum (May 6, 1992), in 73 B.U.L. Rev. 39 (1993).

² Statistics as of February 2000.

women among the judges of the Northern³ and Western Districts of New York, and the District of Vermont.

Today, there are approximately 940 federal district judges, both active and senior. There are only 139 women among them. Of the approximately 247 court of appeals judges, about thirty-nine are women. Of the nine judges of the Court of International Trade, three are now women.

Fifty years ago when I entered Columbia Law School, I was one of eight women in a class of 280. There were no women on the faculty despite the fact that women had been admitted as students for twenty-three years, since 1927. There were no women among the Justices of the Supreme Court of New York County. There were only two women among all the federal judges of the country, Burnita Matthews and Florence Allen. Just the year before, President Truman had appointed Judge Matthews to the United States District Court for the District of Columbia. Now, all that has changed.

It is still too soon, and the sample is still too small, to draw any statistically significant conclusions about the effect of these changes. But I had an experience not long ago that I found significant.

Twice a year, each judge of my court conducts a naturalization ceremony. We usually have about 225 new citizens. For me, it is always a moving and uplifting occasion. Because of the enormous importance of American citizenship, it is my usual practice to shake hands with each new citizen at the conclusion of the ceremony. Some of the people I shake hands with comment on my speech and on the ceremony. Some say: "God bless America!" At the end of a very recent naturalization ceremony, I shook hands with a young woman from India who said to me: "It was especially thrilling to have a woman preside over my naturalization."

I have said and written⁴ that I have not seen evidence that judges have fundamentally different approaches to the law based on gender differences.⁵ I still adhere to that view. But the remark of the new American citizen from India highlights the importance of more women on the federal bench.

³ Between 1994 and 1998, when she was appointed to the Court of Appeals for the Second Circuit, Judge Pooler was a district judge for the Northern District of New York.

⁴ See *supra* note 1.

⁵ See also Gregory C. Sisk, et al., Charting the Influences on the Judicial Mind: An Empirical Study of Judicial Reasoning, 73 N.Y.U.L. Rev. 1377, 1453-54 (1998).