



# Women Judges in the Federal Judiciary

## A Series of Fact Sheets on the Lack of Diversity on the Bench

By Danielle Root

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Federal judges wield immense power. Each day, they make decisions that affect people's livelihoods, well-being, and fundamental rights. However, a recent report from the Center for American Progress demonstrates that this power is largely held by individuals who do not reflect the diversity of American society.<sup>1</sup>

Overall, 80 percent of all sitting federal judges in the nation are white, compared with a U.S. population that is only 60 percent white. Additionally, there are only two sitting American Indian judges on the federal courts and no Muslim judges.<sup>2</sup>

Women judges are also drastically underrepresented on the bench. The report uncovered several startling findings:<sup>3</sup>

- **Federal judiciary:** Women comprise only approximately 27 percent of sitting judges and 33 percent of active judges on the federal bench.<sup>4</sup> To put this in perspective, women make up approximately 50.8 percent of the U.S. population.
- **Women of color:** Among all sitting federal judges, only 92—or 6.7 percent—are women of color. Among all active federal judges, only 80—or 10.4 percent—are women of color.<sup>5</sup>
- **Federal courts of appeals:** There are only 75 female judges sitting on U.S. courts of appeals, comprising just 25.9 percent of all sitting U.S. circuit judges. Among active federal judges, this number decreases to 59, amounting to just 33.7 percent of all active judges serving on U.S. courts of appeals.<sup>6</sup>
- **Federal district courts:** There are only 286 sitting female judges serving on federal district courts, comprising just 27.3 percent of all sitting district court judges. Among active district court judges, this number decreases to 193, amounting to just 33.3 percent of all active U.S. district court judges.<sup>7</sup>
- **U.S. Supreme Court:** There are only three female justices currently serving on the U.S. Supreme Court. The first female Supreme Court justice, Justice Sandra Day O'Connor, was not appointed until 1981. To date, only four women have ever served on the U.S. Supreme Court since the nation's founding.
- **Representation on U.S. courts of appeals:** Women are underrepresented on every U.S. circuit court compared with the populations of those circuits' jurisdictions, with representation gaps ranging from 11 to 45 percentage points.



**See also:** [“Building a More Inclusive Federal Judiciary”](#) by Danielle Root, Jake Faleschini, and Grace Oyenubi

- **Presidential appointees:** As of August 2019, President Donald Trump had only appointed 31 women judges—though he did appoint four additional female judges in September. Therefore, as of the publication of this fact sheet, Trump has appointed a total of 35 female federal judges, amounting to just 23 percent of his judicial appointments to date. In comparison, nearly 42 percent of former President Barack Obama’s appointees were women.

**FIGURE 1**

### Women are underrepresented on federal courts compared with their share of the U.S. population

Proportion of sitting federal judges who are women compared with proportion of U.S. population that is female



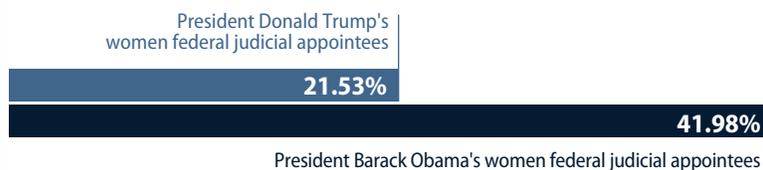
Note: The data reflect judges on Article III courts, designated in the U.S. Constitution, as of August 2019.

Sources: U.S. Federal Judicial Center, "Biographical Directory of Article III Federal Judges, 1789-present: Advanced Search Criteria," available at <https://www.fjc.gov/history/judges/search/advanced-search> (last accessed August 2019); U.S. Census Bureau, "Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2018," available at <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk#> (last accessed August 2019).

**FIGURE 2**

### President Trump has failed to prioritize appointing women judges

Proportion of President Trump's federal judge appointees who are women compared with President Obama's



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Sources: U.S. Federal Judicial Center, "Biographical Directory of Article III Federal Judges, 1789-present: Advanced Search Criteria," available at <https://www.fjc.gov/history/judges/search/advanced-search> (last accessed August 2019).

Diversity adds immense value to the judiciary. For parties to a case and the public at large, the courts’ legitimacy is strengthened when many of the decision-makers look like or share similar characteristics to them. This is particularly important today as, for the first time in nearly 50 years, *Roe v. Wade* is under serious threat of being overturned or undermined by the U.S. Supreme Court. However, while previous presidential administrations have made concerted efforts to diversify the bench, President Trump has lagged behind prior administrations in appointing female judges and has appointed the least racially and ethnically diverse group of federal judges since the 1980s.

CAP’s report on this lack of judicial diversity argues for a variety of reforms that would not only reverse this trend but also transform today’s whitewashed judiciary into one that reflects the viewpoints and experiences of the populace it serves.

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## Endnotes

- 1 Danielle Root, Jake Faleschini, and Grace Oyenubi, “Building a More Inclusive Federal Judiciary” (Washington: Center for American Progress, 2019), available at <https://www.americanprogress.org/issues/courts/reports/2019/10/03/475359/building-inclusive-federal-judiciary/>.
- 2 Ibid.
- 3 Most data outlined in this fact sheet reflect findings from CAP’s recent report on judicial diversity, although some data points have been updated to reflect changes to the federal judiciary since August 2019. See Ibid.
- 4 Diversity in the federal judiciary can be measured by looking at “sitting” or “active” judges. The dataset for sitting judges includes those serving in senior status, which is a form of semi-retirement. Datasets for active judges, on the other hand, do not include senior status judges and only reflect judges who serve on the courts full time. Because judges in senior status can still hear cases, the authors have included them in this analysis. According to the federal courts’ official website, senior status judges “typically handle about 15 percent of the federal courts’ workload annually.” See Root, Faleschini, and Oyenubi, “Building a More Inclusive Federal Judiciary”; U.S. Courts, “FAQs: Federal Judges, 5. What is a senior judge?,” available at <https://www.uscourts.gov/faqs-federal-judges#faq-What-is-a-senior-judge?> (last accessed September 2019).
- 5 Ibid.
- 6 Ibid.
- 7 Ibid.