

# The Century of the Woman?

Progress for Women,  
but Much Is Still to Be Done



## PRESIDENT'S MESSAGE

MICHAEL MILLER

**T**he Voting Rights Act of 1963 did not end voting improprieties in the United States. The Civil Rights Act of 1964 did not eliminate racism in America. The 2015 Supreme Court decision affirming the right for same-sex couples to marry did not end bias against lesbians and gay men. But in American social and political history, all represented enormous steps toward a more just society.

Similarly, we have taken many steps toward equality for women in our nation and in the legal profession. To be sure, glass ceilings for women still exist. Unfairness and inequities still prevail in many situations and across many professions. But there has been more progress toward gender equality in the past five decades than in the previous thousands of years.

I recognize that I say this as a man, and that only a woman can truly appreciate the impact of gender inequities. But we are clearly moving in the right direction, and the empirical evidence shows that progress is accelerating. Women are playing leading roles in businesses and professions as never before. And this is good news for all of us.

It may seem counterintuitive, but in Dr. Amanda Weinstein's article in the January 31, 2018 issue of the *Harvard Business Review* entitled, *When More Women Join the Workforce, Wages Rise – Including for Men*, she shows that having more women working has raised median wages for all. Also, Dr. Weinstein notes:

The increase of women in the paid workforce was arguably the most significant change in the economy in the past century. In the U.S., women's participation in the labor market has nearly doubled, from 34 percent of working age women (age 16 and older) in the labor force in 1950 to almost 57 percent in 2016. When it passed 50 percent in 1978, working women became the norm.

The National Association of Women Lawyers' 2017 *Survey on Promotion and Retention of Women in Law Firms* found that there has been considerable progress in our profession. As of 2017, women accounted for 25 percent of firm governance roles, nearly doubling in the last decade.

The Minority Corporate Counsel Association reported in 2017 that the results of its annual general counsel survey reflect that there are more women general counsels in Fortune 500 companies than ever before. In 2000, only 43 women were general counsels in these settings. As of the winter of 2017, the Association reports that 57 minorities and 132 women serve as general counsels. The number of women leading legal departments of the biggest corporations in America has gone up every year since 1999, the first year of the general counsel survey.

In the New York State Unified Court System, the number of women serving on New York's bench has increased exponentially since the beginning of the 21st century. At every level of the judiciary other than the Court of Appeals, where there were and still are three female judges,

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es of a total of seven, there have been substantial increases in both the number and percentage of female judges.

In 2001, there were 305 female judges out of a total of 1,207 judges in the Unified Court System – 25.3 percent. In 2018, there were 507 female judges out of a total of 1,275 judges – 39.8 percent. This represents an extraordinary 60.2 percent increase in the number of female judges in New York in less than two decades.

Throughout the court system, women have made considerable progress. In 2001, there were nine female Appellate Division justices, or 19.6 percent. Today there are 27 female justices, a three-fold increase to 47.4 percent. Elected female Supreme Court justices statewide increased from a total of 60 in 2001 to 93 in 2018, more than a 50 percent increase.

It is important to note that the increases have been greatest for what are considered entry-level judicial offices, from which many women will rise to higher-level positions in the system. For instance, in 2001, there were 54 female Family Court judges throughout the state, or 39.1 percent of the total. Today, 94 Family Court judges are women, 61.8 percent of the total. In 2001, 25 of 76 New York City Criminal Court judges – 32.9 percent – were women. By 2018, the number had more than doubled to 51 of 103, or 49.5 percent. In the Civil Court of the City of New York, the number of female judges has gone from 49 in 2001 – 47.1 percent – to 80 – 66.1 percent.

While significant, substantial, and historic gains have been made for women in the legal world, there is clearly much work still to be done. There is no question that the legal profession still lags behind our society in some ways, but there has also been undeniable progress for women, and the progress continues.

I see the State Bar Association's new Women in Law Section, one of the fastest growing Sections in our 142-year history, as a symbol both of the progress we have made and the hard work that still lies ahead. NYSBA remains committed to this hard work. Through the efforts of our Women in Law Section, we will continue to advocate forcefully for gender equality in law firms, in courtrooms and in all other settings.

Our 2017 report encouraging law firms, members of the judiciary, corporate clients and alternative dispute resolution (ADR) providers to provide women lawyers with

opportunities to gain trial experience, participate in the courtroom and all aspects of litigation, and be selected as neutrals in ADR has had an impact. I am proud to point out that the report inspired groundbreaking rules changes by Senior District Judge Jack B. Weinstein of the Eastern District of New York to encourage greater courtroom opportunities for women – rules that other judges are now adopting.

It can be difficult to perceive societal changes as they are occurring. I believe that the evidence is overwhelming that we are in the throes of an historic transformation and that history will remember the 21st century as the century of the woman. There are certain to be setbacks, frustrations, disappointments and problems, but it is undeniable that, from corporate boardrooms to politics to startups, women play increasingly important and powerful roles in business and political leadership.

I also believe that the staying power of the #MeToo movement is compelling evidence that there has truly been a seismic shift in our society. The forceful response to every new accusation or revelation of a powerful man who took advantage of his position and acted inappropriately or worse reminds us of the historic changes brought about by #MeToo.

Of course, there are powerful cultural biases, and there continues to be strong resistance. Some is institutional, borne of the inherent reluctance and fear of change in any long-lasting structure. Some is borne of fear by men who are threatened by the evolving power dynamic. Some has its roots in age-old psychological underpinnings. I am not making excuses for it – just recognizing that the resistance has multiple foundations.

Ultimately, whether men like it or not, the fact is that times have changed inexorably, and we will never return to the male-female roles of bygone days. It is futile to resist, as the powerful tides of history will not be altered. With or without men's support, gender equity is inevitable.

Men have a vitally important role to play in achieving true gender equality. We need to support and embrace these important societal changes and not resist or be frightened by them. It is the right thing, not just because our wives, daughters, sisters and mothers will be better off, but because it will benefit all women and men – and make our society stronger.

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