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The New York Women's Bar Association (NYWBA) commends the New York Judicial Committee on Women in the Courts and its chair Hon. Betty Weinberg Ellerin on releasing its Gender Survey 2020, a comprehensive report on the results of a statewide survey on gender bias in the courts. This survey is an update to a similar study on gender discrimination that was completed in 1986 by the New York Task Force on Women in the Courts. More than 5,300 attorneys responded to the 2020 online survey, which included issues such as sexual harassment; child care; treatment of domestic violence, rape, and prostitution cases; and court appointments for women attorneys.

The survey found that while advancements have been made, including an increase in the number of female judges and court employees in New York, women still face higher levels of sexual harassment than men and are often viewed as less credible. Women reported the view that there has been great improvement system-wide, but there is still a significant bias against women attorneys and litigants.

Nearly half of the female attorneys reported that they experienced unwelcome physical contact from their fellow attorneys. Verbal harassment or obscene gestures were experienced often or very often by 23% of the women who responded to the survey. Meanwhile, only 31% of female attorneys and 49% of male attorneys responded that they had an awareness of the mechanisms for reporting sexual harassment. The Committee recommended that court administrators better publicize reporting procedures and improve protection for those who report.

While far fewer women reported harassment from judges or nonjudicial personnel, some indicated concern that judges looked the other way and allowed inappropriate behavior by male attorneys or court officers to go unchecked. More than 60% of the survey's female respondents indicated that judges rarely or never "intervene to correct any negative conduct toward women." The majority of male attorneys said judges intervene at least sometimes.

Women also reported that their male colleagues were more likely to refer to female attorneys by first names or "terms of endearment" while referring to men by their surname or title. While these incidents appear to be less common than they were in 1986, the survey revealed that many women attorneys still experience these demeaning behaviors.

While there has been a significant increase in the number of women attorneys receiving assigned counsel appointments since the 1986 report, a substantial number of female attorneys still believe that there is disparity in the monetary value of cases assigned to women.

The report contained recommendations for court administration, judges and quasi-judicial personnel, court clerks, law enforcement, lawyers, bar associations, law schools, legislators, and attorney disciplinary committees to address the gender bias issues indicated by the survey. Recommendations included better dissemination of information on how to report sexual harassment in the courts; education and training for judges and court personnel on how to recognize and address gender bias; sponsoring attorney programs that promote treatment of women as equal participants in the profession; and publishing annual reports on incidents of sexual harassment, gender bias, discrimination, and how such complaints were resolved.

The full report can be found online at

<http://www.nycourts.gov/LegacyPDFS/ip/womeninthecourts/Gender-Survey-2020.pdf>

As a bar association whose core mission includes promoting advancement of the status of women in the legal profession, the NYWBA will review thoroughly the results and recommendations of the Gender Survey 2020 and continue its efforts to raise awareness and address gender discrimination in the court system.