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Stephanie Scharf Authors First-Ever Study of Women as Lead Trial Counsel

A first-of-its-kind empirical study about the significant disparities between women and men as lead trial counsel in civil and criminal litigation has been written by [Stephanie Scharf](#), partner at Scharf Banks Marmor LLC, and Roberta D. Liebenberg, senior partner at Fine, Kaplan and Black, R.P.C. The study was conducted under the auspices of the American Bar Association Commission on Women in the Profession and the American Bar Foundation. The study report, “[First Chairs at Trial: More Women Need Seats at the Table](#)”, is posted at the home page of the [Commission on Women website](#).

The research received wide recognition as shown by articles in these publication: [Wall Street Journal Law Blog](#), [Philadelphia Business Journal](#), [Bloomberg BNA](#), [Legal Intelligencer](#), [Law Bulletin](#)

Based on a random sample of all cases filed in 2013 in the United States District Court for the Northern District of Illinois, the report provides data concerning the uneven level of participation by men and women in civil and criminal litigation and identifies characteristics of cases, practice settings, type of client and other characteristics that impact the extent to which men are far more likely to serve in lead counsel roles. The study provides benchmark data to make the case and offer strategies for increasing the number of women as lead trial counsel. The authors believe that the data are typical of courts across the U.S.

The report points to some determining factors that explain why women are consistently underrepresented in lead counsel positions and in the role of trial attorney. The type of case, nature of the parties, and type of legal employer show gender disparities:

- Women are far less likely than men to be lead counsel in contract, tort, labor and intellectual property cases.
- In civil cases, men are three times more likely than women to appear as lead counsel and trial attorneys.
- Men are nearly four times more likely to appear as trial attorneys in criminal cases.

The gender gap is also affected by the type of client:

- The majority of male lead counsel in criminal cases (66%) appeared for defendants.

- The majority of women lead counsel in criminal cases (69%) appeared for the government.
- In civil cases, there is a higher percentage of women lead counsel representing federal, state and local governments than representing individual litigants and businesses.
- Class-action cases were overwhelmingly dominated by male lead counsel, as 87% of attorneys appearing as lead counsel were men.

Best practices are offered to address these findings, including ways that law schools, law firms, clients, judges and individual lawyers can increase gender diversity among trial lawyers.

Scharf and Liebenberg are well known for their contributions to advancing women in the law. The authors both concentrate their law practices in the area of complex litigation. The study was inspired by the authors' personal observations that they were typically among the few women who were in lead roles at trial. Scharf is a member of the ABA Commission on Women in the Profession and a former President of the National Association of Women Lawyers. Liebenberg is Chair of DirectWomen and immediate past chair of the ABA Commission on Women in the Profession.