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Delaware's Bench Has More Women. The Chancery Bar Is Still Catching Up.

By Ellen Bardash

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In the past decade, Delaware has gradually filled vacancies on its courts with more women than ever before. The Court of Chancery is currently led by its first-ever female chancellor, and two of the five sitting vice chancellors are women. (With former Vice Chancellor Morgan Zurn recently confirmed to the state's Supreme Court, there's one open seat.)

But female litigators appearing before those judges say the number of women leading and arguing cases in the Court of Chancery, while improving, is lagging in proportion to the bench.

"You don't necessarily see anywhere near a majority of women leading cases in Chancery and arguing cases," said Jenness Parker, a partner in the Wilmington office of Skadden, Arps, Slate, Meagher & Flom. "Certainly, more than 20 years ago, no doubt more than 10 years ago, even. But I think: 'When am I not going to feel like we still have a ways to go even to reach the composition that the bench has in terms of who's leading the cases?'"

Kimberly Evans, the managing partner of the Delaware office of Block & Leviton, said she can easily remember the first time she argued against another woman in her nearly two decades of practice. It was in 2025.

Evans said that she regularly sees women taking leadership roles behind the scenes in discovery, running meet and confers and taking important depositions. "But I find it very fascinating that it doesn't necessarily translate to court appearances," she said.



Colleen Smith



Sarah Lightdale



Kristin Murphy



Michele Johnson

San Diego-based **Latham & Watkins** partner **Colleen Smith** recalled that after one of her arguments in the Chancery case involving Trade Desk, some of the younger women who were part of the joint defense group on the case said it was the second time they'd ever seen a woman argue a dispositive motion in the court.

Latham has had a number of recent matters before the Court of Chancery and the Delaware Supreme Court in which multiple women have had leadership roles. The teams on those cases, as well as Supreme Court Justice Karen Valihura's retirement

this summer, were what got me thinking about this topic. Latham partner **Sarah Lightdale** said there's a noticeable difference between a woman-led team and one that is led by multiple women.

"There is just a very different feeling when you've got critical mass on the team, and it changes the interactions," Lightdale said. "It just takes away that sense that you have that there's an outlier. It equalizes the feeling in the room."

Latham partner **Kristin Murphy** said Delaware's relatively small bar may have played a role in the Court of Chancery seeing slower progress toward an even split between men and women arguing before the court, with Delaware teams more likely to consist of a predominantly male group of repeat players.

"It was just a smaller group of people for a long time, both in the plaintiffs bar and the defense bar," she said. "I think that's changing a little bit."

Evans at Block & Leviton said, with only a handful of firms representing shareholder plaintiffs in Delaware, it's tough for women to get those leadership roles.

"I think it is harder in Delaware. There's this core group of firms and lawyers that are going to be involved in all the cases," Evans said. "Out of all of those people, there's only really a handful of women who have navigated their way into a leadership position where they are seen as leaders of the firm and are treated as such."

For the women who have made it to leadership roles at law firms and on litigation teams in the Court of Chancery, getting there was made possible in part by mentors pushing for them to have opportunities early on in their careers.

"You build and you grow, and you continue to grow throughout your career, but you don't get there as a young woman lawyer without somebody standing up and saying, 'She should get this opportunity—multiple opportunities,'" said Skadden's Parker.

Richards, Layton & Finger director Lisa Schmidt said in her 35 years litigating in the Court of Chancery, she's benefited from the guidance of mentors who encouraged her professional growth.

"I have also seen a meaningful increase in the number of women joining the bench and practicing before the court, strengthening both the court and

the broader bar," Schmidt said in an email. "That evolution is reflected in the women's Chancery networking group, an outgrowth of Delaware's uniquely collegial, tightknit legal community, which provides a forum for connection, mentorship and mutual support."

Latham partner **Michele Johnson** said it's a matter of giving the most meritorious people opportunities as early as possible, and the caliber of Delaware's current judges is evidence of the impact that strategy can have. It can also be helpful for women to have other women to look to who have been in the same stage of life while navigating their professional lives, she said.

"They can talk to someone who doesn't even have to say anything. They just can sort of sigh in the same way, and it's just different," Johnson said. "It hits differently, and that can be the make-or-break conversation in encouraging someone to push through that may not have landed the same way if they talked to a mentor who hadn't been exactly in that spot and feeling exactly the same way. So, it matters."

Skadden's Parker said the Court of Chancery is an ideal place to give young litigators the chance to argue for the first time, which can be a springboard for more opportunities.

"It's just fantastic for young careers, including young women lawyers' careers, for the judiciary to be so warm and welcoming," Parker said. "I'm not saying [they] don't put them through their paces. That's how you learn to have a dialogue with a judge in argument and try to think of anything that they may ask you. But the judges are totally receptive to young people being in their courtroom and want to see it."

Evans said while there seems to generally be a consensus that women should have equal opportunities to take active roles in litigation and law firms should be striving to provide those opportunities, it can sometimes be difficult to be heard even when they do have a seat at the table for women practicing in Delaware.

"You have to speak louder, and you have to be better and write better and have better ideas," Evans said. "It's not just a saying that you have to work twice as hard. It's actually true."