

THE INJUSTICE IN JUSTICE: DISCRIMINATION AGAINST MINORITY WOMEN IN THE LEGAL FIELD



By: Chloe Le

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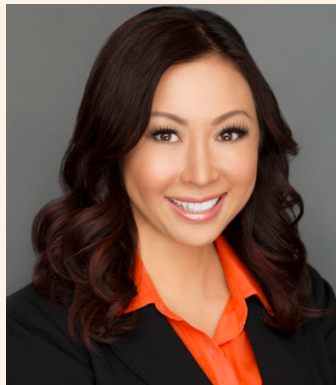
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INTRODUCTION

In today's male-dominated legal field, women, particularly women of color, often face various forms of discrimination by the workplace, courtroom, and clientele. This is concerning because it causes minority female attorneys to be treated unfairly compared to their male counterparts and encourages them to leave this occupation. According to a report by the National Association of Women Lawyers, "over 70 percent of [female lawyers] have left the profession by the seventh year" (Barnes, para. 3). To further understand this issue, I analyzed the experiences of five minority female attorneys from the Los Angeles area: Rachel-Diana Boles-Harfouche, Kelly Chang, Sandy Roxas, Cyndie Chang, and one attorney that preferred to remain anonymous, who I will refer to as Anonymous #1. By combining their stories with supplemental research, I was able to establish six fundamental causes of minority female discrimination in the legal field: stereotyping, lack of credibility, family commitments, the absence of advancement opportunities, the gender-wage gap, and sexual harassment. In order to guide the legal field towards a more impartial direction, it is important to bring awareness to the problems defined above and discuss potential solutions.



Kelly Chang



Cyndie Chang



Anonymous #1



Rachel Harfouche



Sandy Roxas

STEREOTYPING

LOOKING THE PART

In the modern legal field, one of the largest issues that contribute to minority gender discrimination is the stereotype of what a successful attorney “should look like”. According to the study, “You Can’t Change What You Can’t See”, fifty-eight percent of women lawyers of color expressed that they had been erroneously identified as administrative staff or janitors. To provide a comparison, only seven percent of white male attorneys surveyed said that they had previously experienced this problem (American Bar Association, 2018, para. 1). Although being mistaken for a non-lawyer may appear to be a surface level problem, the underlying cause of this is much more detrimental. This issue reveals that “the norms of success, ability, and competence are tied to looking a certain way — usually white and male” (Melaku, 2019, para. 8). Many assume that females of color are incapable of excelling in such a grueling occupation, and therefore consider them to be non-lawyers. Consequently, as Arab-American female attorney, Rachel-Diane Boles-Harfouche explains, even though a female attorney of color may perfectly look the part, “the anatomy between [her] legs” will cause others to treat her differently. This can lead to a range of issues that hinder their ability to succeed in the legal sector, such as being asked to carry out administrative tasks and being treated unfavorably by their peers.

Due to the fact that minority female lawyers are often mistaken for non-attorneys, one problem that occurs relates to their tasks in the office. Many women attorneys of color are presumed to be assistants and asked to complete more administrative work. This includes answering phone calls in the conference room, ordering sandwiches for office parties, and other assignments that are far beneath their job description (Weiss, 2014, para. 4). In the legal sector, certain tasks that are gendered in the home setting, such as the provision of food, are replicated into the office dynamic. According to Cyndie Chang, the previous president of the National Asian Pacific American Bar Association, “This issue is so common that it’s almost like a joke. I will be in a group and they will ask when the lawyer will get here and if I can grab them coffee”. The common assumption that female minority women are assistants rather than lawyers is primarily dangerous because it prevents them from completing their work (Zaretsky, 2015, para. 9). Instead of analyzing discovery and forming their arguments, women attorneys of color are often distracted by these grunt work tasks. On the other hand, male attorneys, who are rarely assumed to be non-lawyers, are allowed to continue their assignments without interruptions. The disparity between the types of work assigned to female attorneys and their male counterparts reveals that gender plays a significant role in an attorney’s success. Therefore, the stereotype of what a classic attorney should look like contributes to minority gender discrimination because it prevents female lawyers of color from excelling in the workplace.

ACTING THE PART

Another problem that complicates minority gender discrimination in the legal field is the stereotype of what a woman attorney “should behave like”. Despite modern efforts to eradicate gender norms, women are still supposed to be accommodating, nurturing, and sensitive. On the contrary, because lawyers are the negotiators in our society, the stereotype is that they should be competitive, self-confident, and strong-willed. These personality traits do not blend well with the stereotypical idea of femininity and the behaviors that are generally associated with women, such as sensitivity, humility, and passivity. Instead, the stereotypes of how a lawyer should act, which are comparable to those of masculinity, reveal that the legal field is favored towards men. Therefore, female lawyers, particularly those of color, often experience difficulty when balancing these contradicting personality traits and are penalized when they fail to do so. For instance, in the case of *Price Waterhouse v. Hopkins*, Ann Hopkins was passed over for a partnership because she failed to “walk more femininely, talk more femininely, dress more femininely...” (White, 2017, para. 2). However, if Hopkins had acted in the feminine manner that her interviewers were suggesting, as opposed to a more masculine one, she probably would not have been taken seriously as a fellow colleague. This problem prevents female minority lawyers from excelling because it penalizes them for behaving in the way that is required by their occupations.

Because the practices of the legal field have been heavily shaped by white men, female attorneys of color must decide between the lesser of two evils. More than often, they will either be condemned for being too masculine or they will be clowned for being too feminine (French, 2010, p.4). For Sandy Roxas, a Chinese-American law-firm owner, this is a challenge that she has been forced to cope with throughout her career. Mrs. Roxas explained that, “When people look at me, they expect me to be soft-spoken, kind. That’s not my personality. When I advocate for myself or my clients, it does not come off as me being a good attorney”. In order to succeed in her profession, Mrs. Roxas had to avoid behaving like the stereotypical attorney and present herself in the way that society demands. According to the *Encyclopedia of Applied Psychology*, “the status of women is [supposed to be] inferior to the status of men in every society. Therefore, a female lawyer of color who dares to be demanding, aggressive, and successful, poses a threat to a society’s gender structure. However, this expectation to act in a more feminine manner has caused Mrs. Roxas to be a target for other attorneys in the courtroom. She recounted, “I get personal attacks on my ability to be a lawyer. Older males make comments like, ‘Hunny, I’ve been doing this since before you were in grade school’”. Because Mrs. Roxas was forced to appear more easygoing, her fellow attorneys patronize her and do not treat her with the same level of respect as they would for an attorney who is more aggressive. As a result, the stereotype of how a lawyer should behave contributes to minority gender discrimination because it creates an unwinnable situation that penalizes female attorneys of color for whichever way they choose to act.

LACK OF CREDIBILITY

CLIENT PREFERENCES

Because female attorneys of color have different traits than those of a stereotypical attorney, this often affects their credibility in the eyes of the courtroom. According to a study by DecisionQuest, a US Legal Support Company (DecisionQuest), one participant preferred to hire a male attorney because “there are sexists in juries and they’re most likely to favor male lawyers” (Lee, 2016, p. 240). Many clients believe that male lawyers will be more credible to a jury because they are allowed to be more aggressive in their arguments (Lee, 2016, p. 240). As a result, juries generally have more faith in male attorneys because they appear to be more knowledgeable, competent, and confident when they are up on the stand. In our interview, Anonymous Attorney #5, an Iranian-American female attorney, recounted her experience with this form of gender discrimination. She explained, “I think some people do not take females as seriously as they would when men attorneys are talking. The jurors are all laymen people. They look at me and do not trust my credibility”. Instead of assessing an attorney’s credibility by the content they provide, the jurors judge them by the unwavering image in their minds of what the stereotypical attorney should be. This can cause several issues for the advancement of minority women lawyers because it provides a justification for gender discrimination and causes them to be outcasts in the legal field.

For female attorneys of color, one issue that is accelerated by these client preferences is that it permits a loophole for gender inequality. Many legal employers refuse to hire women lawyers because they claim “that they have a responsibility to honor paying clients’ wishes” (French, 2010, p. 7). When a credible female attorney is turned down from a law firm, many times it is due to the employers’ own discriminations against women (French, 2010, p. 7). However, this justification allows them to reallocate blame to the clients and makes this appear to be an issue of preference and winning, not prejudice. Another problem that is expedited by client preferences is that it makes women minority attorneys appear to be outsiders in the courtroom, boardroom, etc. According to Cyndie Chang, “When you walk in the room and everyone is different from you, it is conscious that people do not feel like you belong”. Female lawyers of color are automatically distrusted because they are outsiders who do not look like they belong in the legal profession. Because the majority of the lawyers that clients hire are male and caucasian, the handful of minority women attorneys who are employed are often viewed at a disadvantage. Therefore, client preferences contribute to minority gender discrimination because not only do they allow a justification for these inequalities, but they provide a rational reason for perpetuating sexism, racism, and workplace inequality.

PROVE-IT-AGAIN BIAS

Minority female lawyers are not only forced to prove their credibility in the courtroom, but also among their peers in the workplace. For women attorneys of color, the requirement to repeatedly demonstrate their capabilities, exponentially more so than their male counterparts, is the result of “prove-it-again bias”. This is the idea that in jobs that are traditionally occupied by men, men are immediately believed to be competent, while women have to prove their competence time and time again (Sebring, 2019, para. 7). Simply stated, men are typically given the benefit of the doubt in the workplace, while women are not (Sebring, 2019, para. 7). According to the American Bar Association, “women of color experience prove-it-again bias at a higher percentage than any other group - 35 percentage points higher than white men and 10 percentage points higher than men of color and white women” (American Bar Association, 2018, para. 6). This statistic reveals that because white men have historically constituted the legal profession, the capabilities of minority women lawyers are automatically doubted. As a result, prove-it-again bias can cause detrimental problems for the development of female attorneys of color because it causes them to be judged based on their previous accomplishments and remembered forever by their mistakes.

Due to prove-it-again bias, women attorneys of color must confirm that they are capable of taking over positions that are traditionally held by men (French, 2010, p. 10). One reason why this bias is problematic to minority female advancement is that it causes them to be judged on their past performance, rather than their potential (Jacobs, 2019, para. 2). As stated by Georgina Randsley de Moura, a psychologist from the University of Kent, “By not fully recognizing leadership potential in female candidates, organizations are inhibiting the prospects of half of their talent” (Jacobs, 2019, para. 3). Therefore, female lawyers of color are less likely to be selected for job opportunities and promotions because their leadership potential is not considered in the selection process (Jacobs, 2019, para. 9). This reveals not only a lack of trust in the leadership abilities of minority women attorneys, but also a racial and gender bias. Prove-it-again bias is also dangerous for minority women because it causes their mistakes to be remembered forever, whereas men’s are easily forgotten (Sebring, 2019, para. 7). Because females of color tend to lack credibility from others, partially due to prove-it-again bias, their mistakes are remembered to confirm the belief that they are not qualified to be holding these positions. Consequently, prove-it-again bias accelerates minority female discrimination because it causes racial and gender bias, fails to recognize their potential, and causes others to remember their inevitable mistakes.

FAMILY COMMITMENTS

PENALIZED FOR MOTHERHOOD

Another substantial factor that contributes to discrimination against female lawyers of color is their expected role as a mother. To provide an example of gender inequality in the legal field, when male lawyers begin families, they often receive a fatherhood boost in their pay (Elsesser, 2018, para. 11). According to Michelle Budig, a professor and researcher at the University of Massachusetts-Amherst, “Fathers incur an average wage increase of more than 6 percent with each child” (Elliott, 2017, para. 5). However, for women attorneys that take parental leave, the majority report negative career consequences, especially for those who are forced to work part-time (American Bar Association, 2018, para. 11). In her scholarly research on the impact of parenting across gender, Budig found that women experience, on average, a 4 percent decrease in salary per child” (Elliott, 2017, para. 5). Furthermore, female lawyers believe that just the possibility of having children is enough to harm their career prospects (French, 2010, p. 42). During interviews, for instance, possible employers want to determine a woman attorney’s commitment to their firm. Many interviewees prefer to hire male lawyers because they view women as short-term investments who will leave once children come into the picture. For example, Anonymous Attorney #5, disclosed her work-related qualms about becoming a mother in the future and stated, “I’m worried because people will think, ‘There she goes to be a mom now. Forget the law firm’”. This contributes to discrimination against female attorneys of color who choose to become mothers is dangerous because it leads to negative consequences that hinder their career advancement.

Because of the prospect of motherhood, minority female lawyers are not seen as long-term employees in the eyes of law firms. Women attorneys of color are viewed as less deserving than their male counterparts because their careers are not nearly as stable, due to the fact that they may have to take years off to fulfill their role as caretakers (French, 2010, p. 49). However, the discrimination faced by women lawyers becomes arguably worse when they return to the workplace from motherhood. According to a study conducted by the Center for Worklife Law, women lawyers of color are typically “given low-quality assignments, passed over for promotions, demoted or paid less and/or unfairly disadvantaged for working part-time or with a flexible schedule” (American Bar Association, 2018, para. 11). This is largely due to the assumption that female attorneys who become mothers have familial commitments and can not compete with their male counterparts, at least in terms of hours (French, 2010, p. 49). Therefore, many believe that minority women lawyers should not be allocated the same work, promotions, etc., as men, who are available to the law firm day in and day out. Through the preceding examples, it becomes evident that motherhood causes discrimination against women lawyers because it decreases their chances of getting hired and causes them to be treated unfairly upon their return.

CONFLICT BALANCING WORK AND FAMILY

We can also analyze the difficulty that women attorneys of color face in balancing their work and family lives. In today's society, women are not only expected to be caretakers for their children, but also provide a second income for their families (Sandy Roxas). This can be especially burdensome for female attorneys because some of their job descriptions require 80 hours of work per week (French, 2010, p. 54). When women lawyers inevitably struggle to balance their commitment to their children with their strenuous hours, many question the dedication to their careers (French, 2010, p. 4). According to Cyndie Chang, "People want to be there for their kids by watching their sports and bringing them to their recitals. It is hard to balance the two and be considered serious at your firm". This task is nearly impossible to complete adequately and often leads to poorer psychological well-being for female lawyers (French, 2010, p. 52). Consequently, Sandy Roxas identified the difficulty of balancing work and family life as one of the leading causes of substance abuse among women attorneys. Specifically, studies by the Journal of Addiction Medicine have revealed that "women lawyers show rates of problematic drinking that are significantly higher than male lawyers (39.5 percent vs. 33.7 percent)" (Cretaz, 2017, para. 6). In addition to the issues listed above, the conflict in balancing work and family life causes inequalities for female attorneys of color because they are often forced to sacrifice one to achieve the other.

There are a handful of female attorneys who choose to prioritize their work above their children. However, this is generally not the case, especially for minority women whose cultures revolve around tending to their families. As a result, women lawyers are usually disadvantaged because they struggle to balance the two and must sacrifice their career advancement. The term "work-life balance" assumes that a balance is possible when in reality, female lawyers of color are forced to give up one or the other. Kelly Chang, a Taiwanese-American law-firm owner, recounted her experience as a mother and stated that she turns down a lot of cases because her "kids and family come first". Another example of how the conflict between balancing work and family life contributes to inequalities for female attorneys of color is the growing presence of "pink ghettos". This phrase was popularized by social critic, Louise Kapp Howe (Sociology Index, para. 1), and describes the less respected, less well-paying types of work that are primarily completed by women, such as family and non-profit law (French, 2010, p. 50). Because pink ghettos allow more freedom for family life, many minority female lawyers have settled for these occupations. Therefore, the conflict in balancing work and family life causes issues for the advancement of women attorneys of color because it forces them to turn down opportunities, pursue substandard jobs, and accept lower pay for their qualifications.

ADVANCEMENT OPPORTUNITIES

INSUFFICIENT MENTORING

In any profession, having an experienced mentor is imperative because mentors provide a guide in the right direction, an edge over the competition, and many advancement opportunities. However, throughout the legal field, most female attorneys of color experience difficulty in finding a willing mentor of either sex. On the one hand, male lawyers tend to support male mentees because they are most likely to share similar backgrounds, experiences, and values. Because people are drawn to familiarity, minority female lawyers are often overlooked in these scenarios because they are “different”, in terms of ethnicity and gender (Rhode, 2002, p. 6-7). Additionally, many male attorneys are reluctant to mentor female colleagues because they fear sexual harassment allegations or “how it may be perceived” (Rhode, 2002, p. 7). The few male lawyers who are willing to mentor are often not equipped to mentor minority female attorneys effectively because they are unfamiliar with the specific challenges that female attorneys of color face, such as motherhood and lack of advancement opportunities. On the other hand, many women lawyers are hesitant to mentor other females because they are afraid of appearing biased in their favor (Rhode, 2002, p. 7). Therefore, the handful of female lawyers who do become mentors for other women tend to be harder on these individuals and often treat them poorly (French, 2010, p. 45). To prevent further inequalities for minority female attorneys, it is important to understand how insufficient mentoring keeps them out of the loop for career development (Rhode, 2002, p. 7).

For aspiring attorneys, a mentor can explain many important components of being a successful lawyer, such as how to dress professionally, how to run a firm, and how to communicate effectively. Many female lawyers of color are robbed of these opportunities because they can not secure a mentor to support their goals. For instance, Cyndie Chang described her experience as a young attorney, working for a male executive who only mentored the other male lawyers. In regards to this problem, she explained, “It could be the slightest thing. He used to go and only ask all the males out to lunch”. Because minority women attorneys are excluded from these conversations, they also miss out on many vital learning experiences. More importantly, an experienced mentor can open certain doors that are critical for career advancement, such as networking opportunities. For instance, when a mentor invites their mentee to a golfing event, which is a way that men often socialize and excludes women, this can lead to increased client contacts, job offers, and promotions for the mentee (Rhode, 2002, p. 7). For minority female lawyers, these opportunities are significantly more difficult to come across because they do not have mentors to advocate for them. Therefore, the lack of mentors for female attorneys of color causes inequalities in the legal field because it hinders their learning opportunities, network options, and ultimately their career development.

THE OLD BOYS' CLUB

Another factor that allocates more opportunities for advancement to male attorneys than their female counterparts is the presence of The Old Boys' Club. This is an informal system that allows wealthy white men to retain money and power through business relationships (The Old Boys' Club). Because white men prefer to corroborate with incumbents who are socially similar to themselves (Rivera, para. 1), The Old Boys' Club provides only its members with networking opportunities, more business for their firms, and stronger relationships with other attorneys (French, 2010, p. 44). The benefits of this system can be seen in BigLaw, where 75 percent of the partners are white males (Broyles, 2016, para. 15). BigLaw is a nickname for the world's most successful law firms, some of which include Kirkland & Ellis and Latham & Watkins (ALM Staff, 2020, para. 1). Regarding minority women attorneys, being excluded from The Old Boys' Club results in many of the same barriers to advancement that one may face without a mentor. For instance, female lawyers of color may experience challenges in establishing connections, accessing equal opportunities, and receiving promotion preferences. Furthermore, The Old Boys' Club can be even more detrimental for minority female development because it creates an in-group versus out-group dynamic that causes a range of related issues.

Because The Old Boys' Club is an extremely exclusive system, it generates an in-group versus out-group dynamic. For the women and minorities in the out-group, the structure of this organization causes several issues that impede their advancement. First, The Old Boys' Club provides a fertile ground for workplace bullying and sexual harassment because it creates a workplace that is characterized by "male dominance and privilege" (Perkins, 2019, para. 9). Therefore, members of the out-group may experience exclusion from opportunities, demeaning language, and other forms of bullying that hinder minority female development (Pender, 2019, p. 38). Second, because The Old Boys' Club functions through connections, it causes the population of the in-group to expand while the out-group shrinks. As a result, a study by The University of New Hampshire discovered that "just under 20% of participants described feeling 'alone' as a woman in the legal profession" (French, 2010, p. 44). This impedes the advancement of minority female lawyers because it makes it more difficult for members of the out-group to find a support system and others to collaborate with. Consequently, The Old Boys' Club prevents the advancement of women attorneys of color because it creates an "us versus them" scenario that increases harassment and causes them to become isolated in the workplace.

GENDER-WAGE GAP

LOWER HOURLY RATES

In the legal field, the first major cause of the gender-wage gap is that white male attorneys tend to have higher hourly rates than female lawyers of color. This is largely because of The Old Boys' Club, which provides its members with networking opportunities and access to more clientele (Smithey, 2017, para. 14). With an increased number of customers, white male attorneys can afford to be more selective and choose to represent those who are willing to pay higher hourly rates. Minority women attorneys, on the other hand, do not have access to this advantageous network and are often forced to take what they can get. As a result, even though minority women attorneys may work the same number of hours in the same field, they tend to have lower hourly rates than their male counterparts. This can be extremely discouraging for female lawyers of color because it is a statistical representation of gender discrimination in the legal field. For example, Cyndie Chang explained her frustration with this problem and stated, "When we get our pay, John Smith should not be getting more if we are doing the same work". It is evident that The Old Boys' Club increases discrimination against women lawyers of color because it gives an advantage to the majority group, lowers the hourly rates of female attorneys, and widens the gender-wage gap.

GENDERED FIELDS

The second major cause of the expanding gender-wage gap is that the fields of the legal sector and the positions within those fields tend to be gendered. As explained previously, men tend to have access to more opportunities that allow them to constitute the higher-paying fields, such as corporate law (Broyles, 2016, para. 15). Contrastingly, statistics have revealed that "the highest concentrations of women lawyers are found in family law and public interest work, which are also among the lowest paid legal specialties" (French, 2010, p. 7). Additionally, even when female attorneys of color are present in male-dominated fields, they tend to hold lower-paying positions. According to a study by McKinsey and Company, minority women lawyers only constitute "10 percent of senior associates, 3 percent of equity partners, and 4 percent of managing partners" (Brodherson, et. al., p. 3). This research also revealed that women leave law firms less frequently than men until they reach the equity level, where they have the most difficult time landing a job (Brodherson, et. al., p. 4). The gendering of the legal field and the positions within them lead to discrimination against minority female attorneys because they hinder advancement and increase the gender-wage gap.

SALARY NEGOTIATIONS

Lastly, gender-related differences in salary negotiations are a leading cause of the expanding compensation gap. In the legal field, initial salary negotiations play a crucial role in the gender-wage gap because the effect of a starting salary can compound over time (Roberts, para. 3-4). According to a study conducted by graduate students at Carnegie Mellon University, starting salaries of men were 7.6 percent higher on average than those of their female counterparts. Additionally, this research discovered that only 7 percent of women negotiated their initial offer, while 57 percent of men asked for more money (Roberts, para. 3). Men tend to be more aggressive in salary negotiations because they are typically given the benefit of the doubt and feel comfortable asking for things that they have not earned yet (Sebring, 2019, para. 7). Women, on the other hand, are less confrontational in negotiating their salaries because they tend to feel the need to prove themselves first. Furthermore, negotiating requires assertiveness, which is typically a masculine trait that many female lawyers believe they will be penalized for (Menzies, para. 4). Consequently, gender-related variations in salary negotiations increase the gender-pay gap in the legal profession because it allows male attorneys to bargain for more than they deserve while female attorneys are penalized for doing the same.

SEXUAL HARASSMENT

COURTROOM COMMENTARY

Sexual harassment is often easy to identify when it includes physical action, such as unwelcome sexual advances (EEOC, para. 1). However, in the courtroom, sexual harassment often takes a more subtle form in inappropriate verbal commentary or jokes (Weiss, 2020, para. 6). For instance, one anonymous female lawyer stated that when she wore purple heels to court, the opposing counsel came to her office with cash in his mouth and asked “Where are you dancing now?” (Zaretsky, 2015, para. 6). According to the Gender Study 2020 by the New York State Judicial Committee on Women in the Courts, 44% of the female attorneys surveyed that they had experienced this form of harassment (Weiss, 2020, para. 6). More than often, women lawyers are forced to ignore these behaviors, minimize them, and internalize the blame because the perpetrators tend to be judges and prosecutors (French, 2010, p. 80-81). Because these offenders hold positions of power and can refuse to negotiate with particular lawyers, female attorneys are afraid that lashing back will harm their client’s cases (French, 2010, p. 81). One could argue that sexual harassment would decrease in the

presence of female judges because they can help change the courtroom dynamic. However, although their numbers are steadily increasing, only 32.7% of the current judges in the United States are women (The American Bench, 2021, p. 1). To summarize, sexual harassment in the courtroom negatively impacts female attorneys because it creates a lose-lose situation for them. If women lawyers of color ignore the problem, they are allowing the presence of a hostile work environment to continue. However, if they attempt to combat this issue, women lawyers risk success in their cases, businesses, and advancement.

WORKPLACE MISBEHAVIOR

In addition to its looming presence in the courtroom, sexual harassment is a prominent issue in the legal workplace. Due to the hierarchical structure of the workplace, superiors may make inappropriate comments or request sexual favors because their inferiors can not act without jeopardizing their careers. For instance, Kelly Chang described her experience with sexual harassment when working for a professor in her law school days. She explained, “There was definitely sexual harassment. I was in the room with the door locked and he asked me about my sex life. I never reported him because back in the day, things were different”. According to a study of 6,980 attorneys by the International Bar Association, 1 in 3 female respondents and 1 in 14 male respondents had been sexually harassed in a work context (Pender, 2019, p. 8). Although this issue is alarmingly common, the research also found that 75 percent of sexual harassment cases were not reported (Pender, 2019, p. 11). In the legal profession, promotion is almost exclusively determined by the handling of difficult and high-profile cases (French, 2010, p. 17). Therefore, attorneys that experience sexual assault are afraid to report the incidents because they are afraid of looking like a “complainer”, getting assigned to fewer top assignments, and hindering their chances for advancement (French, 2010, p. 17). Like the situation in the courtroom, sexual harassment in the workplace leads to negative consequences for female attorneys because it generates a lose-lose situation and creates barriers to their advancement.

CLIENT MISCONDUCT

Lastly, sexual harassment by the attorney's clients is less common than the previous two cases, but equally problematic. Because the priority of a law firm is to make their customers happy, sexual harassment and inappropriate commentary by these clients is often brushed under the rug. This causes sexual harassment by clients to endure and makes it more difficult for female attorneys to speak out on their experiences. For example, to highlight the issue of client misconduct, the American Bar Association discussed a situation in which a female associate and a male partner took a male client to a baseball game. After a few drinks, the client began to make sexual innuendos that made the partner laugh, but caused the associate to feel very uncomfortable. When the associate mentioned her discomfort to the partner, he defended the client and told the associate that she was being "dramatic". When the client returned to town, the female associate was not invited to a networking occasion with the client (American Bar Association, para. 5). When women lawyers do report the clients, they risk being excluded from networking opportunities that are beneficial for their advancement, which was the case in this example. Therefore, sexual harassment by clients expedites discrimination against female lawyers because it forces these victims to choose between battling sexual harassment and advancing their careers.

SEXUAL HARASSMENT

POSSIBLE SOLUTIONS

To combat minority female discrimination in the legal field, it is important to analyze possible solutions that are proposed by women attorneys of color. Minority female lawyers have firsthand experience with stereotyping, lack of credibility, family commitments, the absence of advancement opportunities, the gender-wage gap, and sexual harassment. Therefore, they have a valuable idea of what policies can be successful in eradicating minority gender inequality in the legal profession. In our interviews, each of the five female lawyers of color had varying solutions, from increasing mentorship for aspiring minority female attorneys to leveling the playing field with equal pay. By combining the proposed solutions of the interviewees, we can better understand the causes of minority gender discrimination in the legal field and take a solid first step in eliminating them.

Rachel-Diane Boles-Harfouche

I believe more female attorneys speaking out, especially women of color, of the things they go through. I also believe that as a WOC attorney, it is our duty to be more transparent with younger generations. WOC attorneys try their hardest to fit the unattainable mold of perfection so they can be taken seriously. That deters away young girls from wanting to pursue the career because they realize the impossibility of perfection. If we are open about our struggles, who we are outside of work, the mistakes we've made etc., it'll show young girls of color they too can be themselves and flawed and still grow up to be a badass attorney.

Anonymous Attorney #5

I think that what could help is taking little steps. Female attorneys need to support other female attorneys. It shows that we are strong and not jealous of each other, like people typically think. Also, we could step up in the courtroom because there are always two attorneys, usually a male lead and a female associate. I would also like to see more female owning law firms.

Kelly Chang

I would like to see more women of color in Congress. Also, I would like to see more balance for women with family commitments because there is power in being a mother and a lot of women do not have time to take care of their babies. You should stay home, breastfeed your kids. There is a time limit to when you can have a child and being a good mother is far too important.

Sandy Roxas

In an ideal world, I would like to see more women of color be mentors. That is a way to help the younger generation. I do not see enough women of color wanting to be mentors, which is unfortunate. I do not know if that is because they are balancing work and family life. Since 2015, I have mentored 4 students who ended up becoming lawyers and I helped 2 students realize that it was not for them. If we had more female mentors, we would have more little girls who would want to be lawyers. That is where the change will happen.

Cyndie Chang

I think that I would be content having an equal playing field with fair compensation and fair opportunities. There are consistent themes because what has happened to me has happened to all of us. We just want to be treated fairly. When we get our pay, John Smith should not be getting more if we are doing the same work. We are not asking for more, just that you do not hold us down. That is what we are asking for.

CONCLUDING THOUGHTS

The issue of minority gender discrimination in the legal field is one that is extremely complex because there are numerous contributors to every problem. For instance, barriers to advancement can be caused by a range of factors, from family life to sexual harassment and everything inbetween. Therefore, although a policy may eliminate one negative aspect, it does not necessarily resolve the larger problem. Because it is nearly impossible to eradicate every component of minority gender discrimination, it can be helpful to begin by looking at the solutions that were proposed in the previous section, which address the more impactful issues. Some of the possible solutions above ask for smaller changes, such as workplace adjustments or having female attorneys of color publicly support one another. Other solutions include larger structural transitions that will require more time, such as building political representation for minority women lawyers through Congress. Although the proposed solutions all range in scope, they all have a common goal: To abolish minority gender discrimination, build a system that protects future generations of aspiring minority female attorneys, and allow women lawyers of color succeed in the legal profession. As US Supreme Court Justice Ruth Bader Ginsburg once stated, “As women achieve power, the barriers will fall. As society sees what women can do, as women see what women can do, there will be more women out there doing things, and we’ll all be better off for it”.

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