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The Double-glazed Glass Ceiling: Why Women of Color Consider Leaving the Legal Profession and What Can be Done to Keep Them

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First Quarter 2021

"The bias that I face as a woman of color has become the elephant in the room. It means that I have to keep proving myself to clients, peers, superiors, and subordinates, even after each success. Sometimes others assume that I am not a threat because they don't see me as a real contender for business or leadership roles. I am not seen as a viable team member until I prove that I am. Then, even once I get buy-in from others, there are those who doubt my abilities or wait for me to fail. I feel like I have to try harder than white [men]. I feel like people don't give me the same tools to succeed or excel. I must make my own way without these tools for success. I face adversity even when I try to be normal. Being content is not an option for me."

– *Black Woman Study Participant (early 40s)*

As lawyers, we develop a mastery of semantics. Often, the outcome of a case turns on the skill of the advocate in persuading the factfinder of the meaning or interpretation of a word or phrase. However, there are certain words that are often conflated in the legal profession (e.g., equal and equitable, and diversity and inclusion), to the detriment of the recruitment and retention of women of color.

The American Bar Association's (ABA) Initiative on Achieving Long-Term Careers for Women in Law recently released the study [Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color](#). The ABA's study surveyed 103 self-identified women of color who were practicing law, or employed in law-related positions, asking a series of questions to elicit narratives of their experiences as women of color practicing law.

The study identified several of the roadblocks that women lawyers of color face in seeking opportunities for growth in the legal profession. For example, women of color comprise 15 percent of all law firm associates, but the percentage of law firm partners who are women of color remains below four percent. Women of color are leaving law firms at higher rates than any other demographic. These disparities demonstrate that, while opportunities for elevation may be equal, the tools and resources necessary for women of color to advance in the profession are not distributed equitably.

Why Women of Color Consider Leaving the Practice of Law

Nearly all of the study's 103 participants described experiencing bias and stereotyping, and how it has affected their careers. As one of the participants (quoted above) mentioned, women of color often feel pressured to repeatedly prove that we deserve a "seat at the table." According to the data, these microaggressions and microinequities often present as excessive and disproportionate questioning of women of color's legal analysis by superiors, colleagues and clients, and the requirement to demonstrate outsized achievements to obtain the same opportunities for leadership roles and elevation as our majority counterparts.

Several of the participants also described a lack of institutional awareness and support for women attorneys of color, specifically relating to the distribution of assignments, mentorship and sponsorship. The concept of the "Old Boys Club" is hardly a new idea in any professional setting, but its effects on the legal profession are

significant. According to the participants' responses, decision-makers in law firms may provide opportunities to associates who they feel connected with, i.e., those who remind them of their sons, daughters and friends, but women of color often do not benefit from the opportunities provided through such connections.

Another issue that several of the participants noted was the broad brush with which both racial and gender diversity are painted in some law firm initiatives. While all women certainly experience significant challenges in the legal profession, the experiences of women of color are nuanced. It is imperative that law firm initiatives take an intersectional approach to understanding the issues faced by women of color and recognize that all gender inequities are not created equal. To illustrate, one of the participants noted that although she worked on a team headed by a woman, she believed there existed a bias in favor of white women regarding assignments, mentorship and visibility. The women of color are often left behind.

Why Women of Color Stay in the Practice of Law

Despite the career adversities faced by the study participants, their love of the law, desire to continue to grow personally and professionally, and the intellectual challenges the law presents are factors driving women of color to remain in the legal profession.

The study's participants expressed a sense of responsibility to remain in the field to increase representation and serve as mentors and role models for younger attorneys of color. As the ABA noted, studies show that having a mentor or role model with whom you identify produces more favorable outcomes in educational and professional settings. While the senior women lawyers of color may not have had the benefit of mentors who looked like them, they deem it imperative to remain in the profession to demonstrate to younger attorneys of color that we can successfully navigate through the ranks.

Many participants also described their inability to elude the far-reaching effects of other structural disparities such as the race-wealth gap and how the intersectionality of their identities led them to remain in the legal profession for financial reasons. Specifically, lawyers of color carry more student loan debt, and in many instances, lawyers of color may also carry the financial burden of supporting relatives who are also victims of the race-wealth gap.

These participants' stories evidence the proposition that when the legal profession fails women attorneys of color by allowing bias, microaggressions and inequities in the distribution of resources and opportunities for growth to continue, everyone loses. Notably, the profession loses the valuable resource of individuals who are passionate about being attorneys and enjoy the work they do, which results in more favorable outcomes for our clients, and a positive and collaborative work environment.

Key Takeaways

In light of the data collected through the ABA's study, there are several concrete efforts that law firms can take to increase support for women attorneys of color:

- Understand the distinction between "diversity" and "inclusion," as these terms are often conflated. Diversity and inclusion initiatives should be focused not only on the numbers or recruitment (i.e., diversity), but also on creating workplaces that ensure the retention of women of color by, for example, ensuring they are invited to engage, are given key roles, and their ideas and suggestions are considered and implemented by firm leadership. Leaders should keep inclusion of ideas, perspectives, and experiences top of mind when putting together teams, committees and initiatives.
- Check in on colleagues who are women of color and learn about their personal and professional experiences and aspirations. Individuals in leadership roles should take an invested interest in women of color and their success. Learning more about each individual woman of color will help

leaders ascertain whether they feel included, have needs or concerns, and what can be done to keep them engaged, noticed and included.

- Incorporate a diversity sponsorship program into your existing diversity and inclusion plan. Although mentorship and sponsorship may appear to blend together, sponsorship programs directly match diverse talent with senior attorneys with long-term success at the firm and have a direct focus on business and client development, which are key to a woman of color's success in the law firm setting. Implementing a diversity sponsorship program will assist with increasing minority women attorneys' visibility to internal and external clients.
- Hold leaders accountable for diversity and inclusion efforts. Acknowledge, reward and consider efforts made by partners to advance the careers of lawyers of color in evaluations and when compensation decisions are made.
- Create tangible and objective measures that will eliminate bias in decision-making, as doing so is essential to the long-term success of women of color. As the ABA's study suggested, establishing less subjective decision-making procedures, such as ensuring the equitable distribution of assignments, and monitoring associate workflow, ensures that opportunities for associates to excel and subsequently seek elevation are distributed equitably.

To quote one of the study's participants, "We are responsible for creating a career and legacy that we can be proud of." Promoting diversity and inclusion in the practice of law is not only an internal matter, but an issue that clients prioritize when selecting a firm. Law firms should strive to build a stronger, more inclusive legal community, where no woman of color is left out or left behind.