



# Visible Invisibility

## Women of Color in Law Firms

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# VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS

## A NOTE FROM THE CHAIR

Most private firm business models continue to adhere to the “pay your dues and climb the ladder” tradition. Regardless of how accomplished a woman may be, she cannot climb—much less reach the top of—the leadership ladder unless she spends a certain amount of years in her work environment. Nowhere is this more painfully obvious than with women of color in law firms.



Women of color experience a double whammy of gender *and* race, unlike white women or even men of color who share at least one of these characteristics (gender or race) with those in the upper strata of management. Women of color may face exclusion from informal networks, inadequate institutional support, and challenges to their authority and credibility. They often feel isolated and alienated, sometimes even from other women.

Previous research focused specifically on either women or on people of color in the legal profession. Recognizing the need for a comprehensive analysis of the unique concerns and experiences of Hispanic, African-American, Native American, and Asian-American women in the legal profession, in 2004 the Commission on Women in the Profession undertook a two-part research study, composed of a national survey and focus groups.

The study explores the experiences of women of color who had worked in a law firm of at least 25 attorneys, and it attempts to answer such critical questions as: What attracts women of color to the legal profession? Do their work experiences surpass or fall short of expectations? How do legal employers hinder or increase job satisfaction? Why do women attorneys of color change practice areas and organizations, or leave the profession at an alarming rate?

The report is not an end unto itself. It is a tool for law firm managing partners to implement change so that they retain women of color and enable these women to join the ranks of leadership. Women of color must be visible at all levels within private firms. If the legal profession is to move forward and reach its full potential, then it must reflect the diversity of society. Anything less is unacceptable.

Pamela J. Roberts  
Chair  
ABA Commission on Women in the Profession

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# VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS

## INTRODUCTION

Law firms in recent years have appropriately expanded the scope of their diversity efforts from recruiting to also focus on retention and advancement of lawyers of color and women. On the surface, it seems like we are headed in the right direction—that is, until we take a closer look at one particular group of lawyers located at the intersection of race and gender: women of color.

The experiences, challenges, and career trajectories of women of color have never been fully understood before by just looking at either race or gender. Until the Commission on Women undertook this study, women of color in law firms have been consistently invisible and often ignored in spite of many of the diversity efforts under way in law firms. Our progress on diversity generally has been slow, but our progress with women of color has been even slower. What the findings of this study really demonstrate is that the combination of being a racial and a gender minority has a particularly devastating effect on women of color's personal and professional lives, and we, as a profession, have to step up to understand this situation better and do something about it. Across the board—whether we are talking about opportunities for advancement, integration into the social fabric of a law firm, or being compensated for one's efforts—the study's findings illustrate that women of color fare worse than women in general or men of color. And, women of color are the farthest removed from the successes of white men, who still tend to have the greatest levels of success regardless of where they went to school or their grades in law school. As law firms seek to become more competitive by having the best and



*Paulette Brown*

brightest of the available talent, they have to have an understanding of the talent drain that is occurring in their women of color ranks. It is truly time to make these women visible again so that their talents can contribute to the growth and prosperity in our profession.

Before undertaking this study, we knew generally what we were going to find, but the depth to which women of color are experiencing and being negatively impacted by their experiences in law firms was not only surprising, it was a jarring wake-up call even to those of us who deal with this issue in our own lives. We are not just losing talent; we are treating talented people in ways that do not speak well of our profession or the values that undergird it.

It is the intent of this study to serve as the first step in a very long conversation about these issues. For the purposes of creating a research study that was manageable in scope, we limited it to women of color in law firms. The issues for women of color lawyers obviously are not limited to just law firms. Women of color in the public sector, in solo practice, and in corporations also need to have their concerns brought to light and addressed. So, we do recognize the limits of what this study accomplishes, and we hope that it spurs further conversation and action. In addition, we hope



*Arin Reeves*

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that this research is used by law firms to take a hard look at their practices. We have included recommendations that we believe will help law firms create the changes necessary to include women of color in their ranks of successful lawyers.

It has been our pleasure to work on this project, and we offer our deepest gratitude to all the voices and hands that have shepherded this project thus far. From the current and former Commissioners of the Commission on Women who gave so generously of their time and passion

to the Commission on Women staff who have kept this project on track, this report is the result of true commitment and hard work of many brave souls. We would also like to thank the Advisory Board, which provided invaluable guidance throughout this project, and the numerous sponsors who provided the much-needed financial resources critical to its completion.

Paulette Brown  
Arin N. Reeves, Ph.D.  
Project Co-Chairs

# VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS

## EXECUTIVE SUMMARY

In 1872, Charlotte E. Ray became the first African-American woman admitted to the bar in the United States. Despite her renowned legal abilities, she had to give up the practice of law because, as a woman of color, she could not attract sufficient clients to stay in business. The legal profession has changed dramatically since Ms. Ray practiced law, although many of the challenges she faced then still confront us today. Almost half of the associates in private law firms are now women and 15% are attorneys of color, but in 2004 only 17% of law partners were women and only 4% were attorneys of color. In the late 1990s, the National Association of Law Placement (NALP) found that more than 75% of minority female associates had left their jobs in private law firms within five years of being hired, and after eight years the percentage of those leaving rose to 86%. By 2005, 81% of minority female associates had left their law firms within five years of being hired.

Unfortunately, the NALP data tell us only part of a complex story. This report on the ABA Commission on Women's Women of Color Research Initiative goes beyond the NALP data to further our understanding of the professional lives of women of color and their experiences in law firms. It is an outgrowth of work done in the 1990s by the Multicultural Women Attorneys Network and the American Bar Association (ABA) Commission on Women in the Profession, in conjunction with the Commission on Racial and Ethnic Diversity. In that report, *The Burdens of Both, The Privileges of Neither*, women attorneys of color described the ways in which the combination of being an attorney of color and a woman was a double negative in the legal marketplace. This led the ABA Commission on Women to launch its "Women of Color in the Legal Profession Research Initiative" in 2003, a comprehensive study of the unique experiences and concerns of women of color in private law firms that included a national survey and focus groups.

This report represents the culmination of that study. In the survey component, male and female lawyers from majority and minority backgrounds were asked about their career experiences, salaries, and decisions to stay in law firms or to leave for other milieus. The responses of women of color were compared to those of white men, white women, and men of color to determine how their careers differed from those of their peers and the magnitude of those differences. Men of color and white women served as a frame of reference, indicative of the career impact of having one minority status instead of two. The national survey included men and women of color who were African-American, Native American, Hispanic/Latina, Asian, or of mixed background. The focus groups, comprised only of women of color, provided a more detailed picture of the career experiences of women attorneys of color and an opportunity to understand from their perspective how and why their career experiences differed from their counterparts. Information from the survey and focus groups were melded into a complete portrait of the career dynamics of women attorneys of color.

The ABA Commission on Women engaged the National Opinion Research Center, a social science research organization at the University of Chicago, to design and implement the survey and focus group methodology used in this study. Overall, 920, or 72% of all attorneys who were eligible to participate in the survey, returned a completed questionnaire. The response rate was 74% for women attorneys of color, 68% for men of color, 79% for white women, and 64% for white men. Focus groups were held in Chicago, New York City, Los Angeles, Atlanta, and Washington, D.C. Four focus groups were comprised of women attorneys of color from the same racial/ethnic background; one had women of color from diverse racial/ethnic backgrounds.

The career experiences of women of color in this study differed dramatically from those of their peers and

from white male counterparts in particular. Nearly half of women of color but only 3% of white men experienced demeaning comments or harassment. Unlike white men, many women of color felt that they had to disprove negative preconceived notions about their legal abilities and their commitment to their careers. Seventy-two percent of women of color but only 9% of white men thought others doubted their career commitment after they had (or adopted) children.

Nearly two-thirds of the women of color but only 4% of white men were excluded from informal and formal networking opportunities, marginalized and peripheral to professional networks within the firm. They felt lonely and deprived of colleagues with whom they could share important career-related information. Women of color had mentors, but their mentors did not ensure that they were integrated into the firm's internal networks, received desirable assignments (especially those that helped them meet required billable hours) or had substantive contacts with clients. Sixty-seven percent of women of color wanted more and/or better mentoring by senior attorneys and partners, whereas only 32% of white men expressed a similar need.

Women of color often became stuck in dead-end assignments, so that as third- and fourth-year associates, their experience lagged behind their white male counterparts, limiting their advancement potential and career trajectories.

Forty-four percent of women of color but only 2% of white men reported having been denied desirable assignments. Differential assignments, in turn, affected the ability of women of color to meet the number of billable hours required of them. Forty-six percent of women of color but 58% of white men were able to meet required billable hours.

Forty-three percent of women of color but only 3% of white men had limited access to client development opportunities. Women of color stated that they met with clients only when their race or gender would be advantageous to the firm; they frequently were not given a substantive role in those meetings. This kept them from developing business contacts that they could use to develop a book of clients or as resources for finding subsequent positions.

Nearly one-third of women of color but less than 1% of white men felt they received unfair performance evalua-

tions. Sometimes their accomplishments were ignored by the firm or were not as highly rewarded as those of their peers; sometimes their mistakes were exaggerated. Many women of color complained that they received "soft evaluations" which denied them the opportunity to correct deficits and gain experiences that could lead to promotions and partnership. Twenty percent of women of color but only 1% of white men felt they were denied promotion opportunities.

Salary was a high priority for women of color in the study; more than 70% were the sole or primary wage earner in their household—as were 81% of white men. Salary differences between majority and minority attorneys were not statistically significant, but attorneys of color made less money than their white counterparts.

In addition to these career hurdles, women of color in the survey and focus groups felt they could not "be themselves"; they downplayed and homogenized their gender and racial/ethnic identities. Some tried to act like the men in their firms, become "one of the boys"; others played down their femininity and tried to "mannify" themselves. The effort to minimize the impact of their physical differences was stressful to many women of color, an added burden to the long hours and hard work demanded by their firm. Many complained that they often felt invisible or mistaken for persons of lower status: secretaries, court reporters, paralegals.

The stress of second-class citizenship in law firms led many women of color to reconsider their career goals. The retention rates of women of color and white men reflected their lopsided experiences: 53% of women of color and 72% of white men chose to remain in law firms. Many women of color left firms to work in settings (especially corporations) that were lucrative, where they thought others' decisions about their careers would be less idiosyncratic, based more on merit, and where they had more flexibility to balance personal life, family, and work.

The careers of white women attorneys and men attorneys of color were neither as disadvantaged as those of women attorneys of color nor as privileged as those of white men. Fewer men attorneys of color indicated that discrimination had hobbled their careers compared to white women. However, white women, on average, had higher salaries than men of color (but the differences were not statistically significant). Men attorneys of color

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and white women had similar perceptions of how they felt others judged their competencies, their desire for more and better mentors, their rates of being selected as protégés by white men, and their desire to become partners in law firms. However, their retention rates were very different: 67% of white women but only 52% of men of color chose to remain in law firms.

Charlotte Ray would surely look at the number of women of color in the legal profession today and see how far the profession has come since she practiced law over a century ago. But, after taking a closer look at the experiences of women of color in the profession she might wonder just how much progress has been made after all.

## RECOMMENDATIONS

Based on the research from the focus groups and the survey, the ABA Commission on Women proposes the following recommendations for law firms that we think will be of use to you as you work on integrating women of color fully into your diversity efforts. Because every firm is different, we recommend that you take the following suggestions and make them your own to ensure the greatest success. This list of suggestions is also not intended to be exclusive of other strategies that may be successful and necessary in getting your firm to address these issues in a way that works best for you. We encourage you to be inclusive, creative, and diligent in creating and sustaining diversity and professional development strategies that foster the successful careers of women of color.

Before you utilize the recommendations presented below, first assess the totality of your diversity initiatives and whether women of color are integrated into those initiatives. If your firm already has a thriving diversity initiative that has been integrated into the overall business strategic plan, make sure that women of color are fully integrated into that effort. This study clearly evidences that if women of color are not viewed

as separate from women in general or people of color in general, your ability to recruit, retain, and advance them is impaired. When women of color are acknowledged as a unique group with unique needs within your larger diversity and professional development efforts, you are more likely to see the kinds of successes that we all know are possible. If your firm does not already have a diversity initiative, then ensure the integration of women of color as the initiative is being developed and implemented.

**NOTE:** These recommendations are based on the research from the survey and focus group components of the ABA Commission on Women's Women of Color Research Initiative and are focused primarily on what law firms, as institutions, can do to increase the presence and success of women of color in their attorney ranks. We are currently finishing a supplement to this research focusing specifically on women of color who have reached notable levels of success in law firms, and we will be publishing strategies for women of color on how to succeed in law firms when this supplemental research is completed.

1. Address the success of women of color as a firm issue not a women of color's issue.
2. Integrate women of color into existing measurement efforts.
3. Integrate women of color into the firm's professional fabric.
4. Integrate women of color into the firm's social fabric.
5. Increase awareness of women of color's issues through dialogue.
6. Support women of color's efforts to build internal and external support systems.
7. Stay compliant with anti-discrimination and anti-harassment policies and hold people accountable for noncompliance.

For full details on this research study and the ABA Commission on Women's recommendations, please order the full *Visible Invisibility: Women of Color in Law Firms* report at [www.abanet.org/women](http://www.abanet.org/women).

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