

Workplace Diversity

Women of Color in the Legal
Profession

March 9, 2018

Dual Burdens of Minority Status

Women of color in the legal profession are the repository for every stereotype, negative bias, and low expectation associated with race, ethnicity, and gender.

More than any other group, their intellect, abilities, and professionalism are routinely questioned and second-guessed, often in the subtle and poorly understood ways that stereotyping, unexamined bias, and unearned privilege are expressed.



Race Bias in Performance Review Process

Study involved legal memo which had 22 errors.

- 7 were minor spelling or grammar errors
- 6 were substantive technical writing errors
- 5 were errors in fact
- 4 were errors in the analysis of the facts

60 partners from 22 law firms who agreed to participate in a "writing analysis study" received copies of the memo. 23 were women, 37 were men, 21 were racial/ethnic minorities, and 39 were white.

Half of the partners were told the memo was written by a Black 3rd year associate named Thomas Meyer, and the other half were told the writer was a White 3rd year associate named Thomas Meyer.



Experiment Results

Thomas Meyer (White)

- The memo was rated 4.1 out of 5.
- Rated generally a good writer.
- Reviewers found an average of 2.9 out of 7 spelling and grammar errors.
- "Has potential" and "good analytical skills"

Thomas Meyer (Black)

- The memo was rated 3.2 out of 5.
- Rated as average at best and needing a lot of work.
- Reviewers found an average of 5.8 out of 7 spelling and grammar errors.
- "Can't believe he went to NYU"

Gender Bias in Performance Review Process

Researchers analyzed whether the tone or content in performance evaluations differed based on the employee's gender.

A linguist was hired to study the language that was used in performance evaluations of strong performers.

The study included:

- Strong performers who received positive reviews with no knowledge of the purpose of the study
- 248 reviews from 180 people (105 men and 75 women)
- 28 different companies which included large technology corporations, midsize companies, and smaller environments.



Experiment Results

Performance Evaluations (Male)

- **58.9%** of the reviews received contained critical feedback.
- **Feedback received in critical reviews:** **2%** had **negative feedback** and **81%** had **only constructive feedback**.
- **"Abrasive"** did **not appear** in any reviews.

Performance Evaluations (Women)

- **87.9%** of the reviews received contained critical feedback.
- **Feedback received in critical reviews:** **71%** had **negative feedback** and **23%** had **only constructive feedback**.
- **71** of the **94** included a **personality critique**.
- **"Abrasive"** was used **17** times to describe **13** different women

Workplace Diversity in the Legal Profession

- ❑ 85% of minority female attorneys will quit large firms within seven years of stating their practice.
- ❑ Women of color report being denied significant assignments, mentoring and sponsorship opportunities, receive fewer promotions, and have the highest rates of attrition.
- ❑ Nearly half of women of color report experiencing demeaning comments or harassment.
- ❑ Asian-American and Hispanic minority female associates rose from 11% in 2009 to 11.78% in 2015. However, African American female associates has been declining since 2009 from 4.66% to 3.95%.
- ❑ Women of color continue to be the most underrepresented group at the partnership level at just 2.55% of partners in 2015.



Women of Color In-House



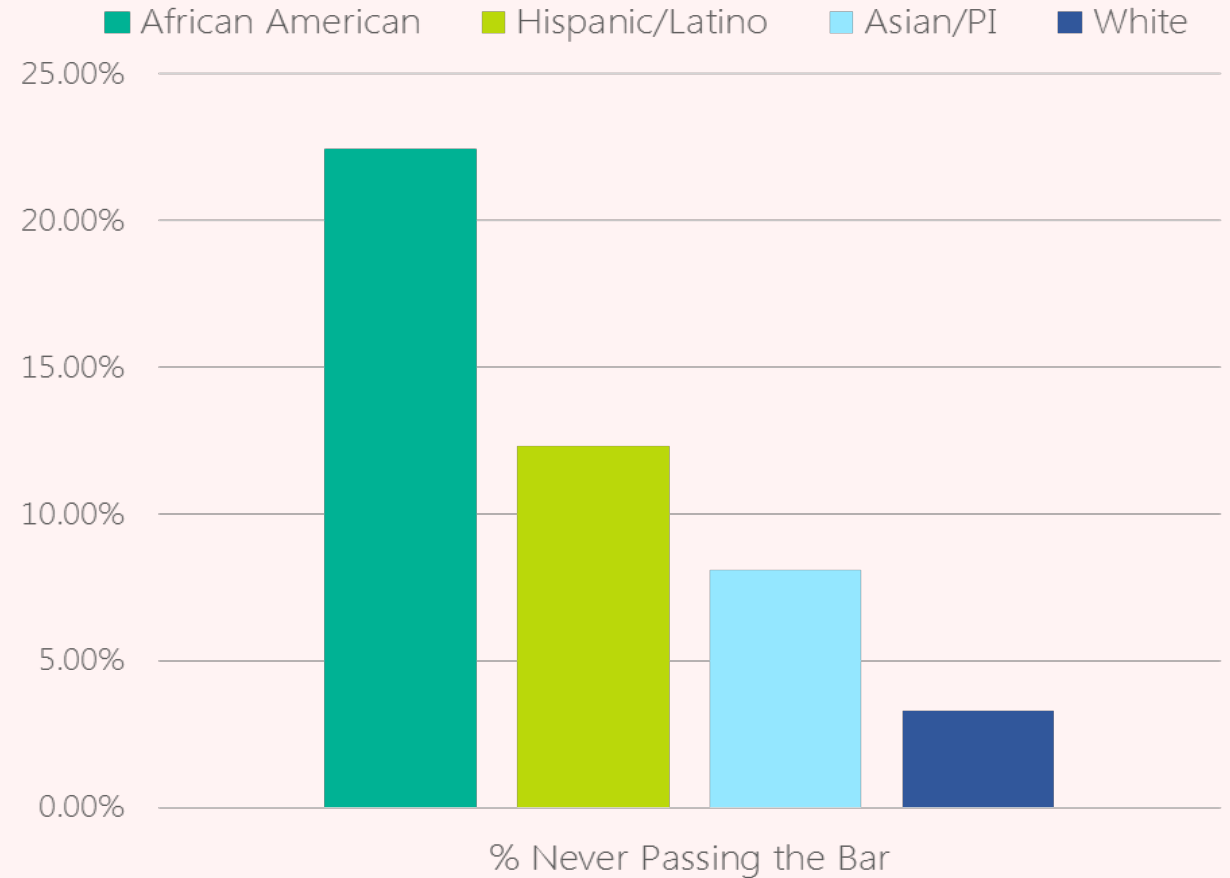
- ❑ In 2010, there were 17 women of color general counsel in Fortune 500 Law Departments (3.41 percent of all general counsel and 18 percent of women general counsel in these companies).
- ❑ Female Attorneys of Color:
 - ❑ Have the highest attrition rate of any group of attorneys;
 - ❑ Are more likely than any other group to experience exclusion from other employees based on racial and gender stereotyping;
 - ❑ Are most likely to feel the need to make adjustments to fit into the workplace;
 - ❑ Are more likely to cite dissatisfaction with current levels of work and access to high-profile client assignments relative to experience.
- ❑ Women of color in law departments are least likely to be hired at top executive or senior management levels.
- ❑ Women of color are hired at salary scales lower than their white female and all male counterparts.

Bar Passage Rates

A critical first step to address the worsening diversity gap in the legal profession is improving bar passage.

The only national study of bar passage rates by race and ethnicity (LSAC, 1998) showed that a significant proportion of under-represented minorities who graduate from law school do not pass the bar.

This study did not find differences between passage rates among men and women specifically. More research needs to be collected in relation to both race and gender passage rates.



Source: LSAC, 1998



Impact to Entry

- ❑ Highly rated bar preparation courses are expensive and time consuming, often putting them out of reach for some.
- ❑ If under-represented minorities passed the bar at the same rate as whites (96.7%), this would have the same impact as increasing the number of under-represented minorities in law school by 18%.
- ❑ Minority employment in the legal profession grew just .8% to 8.4%.

Surviving the Firm Life

Practical Skills to Survive the Legal Profession From a Law Firm Perspective
Theodora R. Lee

- ✓ Work Twice As Hard
- ✓ Become A Subject Matter Expert
- ✓ Seek Out A Sponsor, Champion and/or Advocate From An Influential Partner
- ✓ Speak Up And Show Up At Firm Social Events
- ✓ Find A Firm Environment Where You Can Thrive





Winning In-House

Practical Skills to Survive the Legal Profession
In-House

Rahwa H. Ghebre-Ab

- ✓ Learn the business.
- ✓ Get to know your colleagues/
Get peer buy-in.
- ✓ Find a business AND legal
mentor.
- ✓ Hold Outside Firms Accountable.

Q & A