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DIVERSITY

## Majority of minority female lawyers consider leaving law; ABA study explains why

BY DEBRA CASSENS WEISS ([HTTPS://WWW.ABAJOURNAL.COM/AUTHORS/4/](https://www.abajournal.com/authors/4/))

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Seventy percent of female minority lawyers report leaving or considering leaving the legal profession, according to an ABA report on the challenges that they face.

The statistic isn't statistically significant because the researchers couldn't find enough women of color in longtime practice to conduct the needed analysis, according to a preface to the report (<https://www.americanbar.org/content/dam/aba/administrative/women/leftoutleftbehind-int-f-web-061020-003.pdf>), *Left Out and Left Behind: The Hurdles, Hassles, and Heartaches of Achieving Long-Term Legal Careers for Women of Color*.

A June 22 ABA press release is here (<https://www.americanbar.org/news/abanews/aba-news-archives/2020/06/aba-report-examines-experiences--challenges-faced-by-women-lawyer/>).

"Women of color have the highest rate of attrition from law firms as they continue to face firm cultures where their efforts and contributions are neither sufficiently recognized nor rewarded," according to the report.

The researchers had planned to conduct research on women in practice for more than 20 years, but the search for participants "was analogous to finding women of color who are equity partners in law firms," the report said.

Only 2% of equity partners at large law firms are women of color, a statistic that has stayed the same for 20 years, the report said.

The researchers instead recruited women of color who graduated from law school 15 or more years before and found 103 participants for their online survey or focus groups.

Nearly all of the participants reported experience with bias and stereotyping. "The bias that I face as a woman of color has become the elephant in the room," said one Black woman in her early 40s. "It means that I have to keep proving myself to clients, peers, superiors, subordinates, even after each success."

Another Black woman in her late 40s described the need to demonstrate outsized achievements to get similar opportunities. In her firm, every Black associate had at least two Ivy League degrees. "Majority associates? Not so much," she said.

Many dealt with negative stereotypes. "I was not just a pushy woman but an aggressive Black woman," said a 39-year-old Black woman. "If I suggested a new path, I was told I was being 'argumentative' even if the suggestions were valid. If I stayed quiet, I wasn't adding value."

A 54-year-old Latina woman told of male lawyers getting their cases called first and being mistaken for an interpreter when she speaks Spanish with her clients.

The study participants also reported microaggressions and microinequities. One woman said African American female lawyers are often told, "You're so articulate," or "You speak so well," suggesting surprise that the person had a solid grasp of the English language.

The study participants expressed frustration at the lack of awareness about the existence and influence of bias and stereotyping. "They discussed how men often fail to see the influence of gender, white people often fail to see the influence of race, and people in

general often fail to see how being a [woman] of color uniquely affects their experiences,” the report said.

Chicago lawyer Eileen Letts, a past commissioner of the ABA’s Commission on Women in the Profession and a co-author of the study, says she was not surprised by these responses.

“There are a number of women lawyers of color and they are just not in the hierarchy at law firms,” Letts says. “I was not surprised they weren’t getting the opportunities. They weren’t getting the mentors. They weren’t getting the sponsors. They weren’t getting the client contacts. They weren’t getting the positive feedback. I was not surprised.”

Paulette Brown, a former ABA president and chief diversity and inclusion officer at Locke Lord, who also co-authored the study, agreed that she wasn’t surprised by the findings, but was surprised that many women said “they didn’t want to leave where they were despite all of these negative experiences because they loved the law so much.”

She adds that many participants said they continue to pursue leadership roles, despite having little success in the past.

“Even though they don’t get them, they still keep trying,” Brown says. “They are persistent. They are resilient. They are still able to achieve certain milestones with all of the impediments.”

Women of color who do stay in the legal profession report three reasons why, according to the report. First, they enjoy the work, even though they “view the playing field as not equal.” Second, it makes financial sense. Third, aspects of their personal lives may encourage it.

Previous research has shown that women of color are more likely to be single than white female lawyers, and that women of color, particularly Black women, are more likely to be the breadwinners in their families. Research has also shown that people of color are more likely to provide assistance to extended family and more likely to support people in their broader communities.

Also, first-generation lawyers and lawyers of color increasingly carry more student loan debt than their white peers, which adds to the financial pressure, according to the report.

“Many women of color want to leave the profession because they see the disparity between themselves and their white counterparts but do not see viable alternatives to their current situation,” the report said.

The report makes several recommendations. They include:

- Adopt best practices for reducing biases in decision-making. The report calls for “serious consideration” of who is making decisions critical to advancement and success, how they’re making decisions, and whether the decisions adequately consider the

potential for biases.

- Improve access to effective, engaged mentors. Female lawyers of color report being more likely to have mentors than others, but their mentors are less likely to have influence at the firm.
- Go beyond recruitment to focus on inclusion and retention.
- Incorporate an intersectional approach to addressing diversity and gender. Gender, race and other social identities can interact to create distinct experiences.
- Create a more inclusive culture in the legal profession.

“We ask that this study not be read and then put on a shelf to be picked up five years from now and ‘surprisingly’ discover nothing has changed,” the authors said in the report preface.

Brown builds on that request, saying that “hopefully since people are listening more than they were before, they will take some of these recommendations to heart.”

“Hopefully they will be more introspective and ask themselves, have they been as fair as they could be and as unbiased as they could be in the decisions they have been making?” she says.

Letts adds that she doesn’t want to hear from Brown “in 14 years, saying it’s time to do another study because the numbers are the same.”

“Things need to change,” she says. “They need to improve. And we have a long way to go.”

Social scientist Destiny Peery joined Brown and Letts in authoring the report.

It is an outgrowth of the ABA Initiative on Achieving Long-Term Careers for Women in Law, launched in 2017

([https://www.abajournal.com/news/article/why\\_are\\_women\\_lawyers\\_leaving\\_the\\_profession\\_mid\\_career\\_aba\\_initiative\\_hope](https://www.abajournal.com/news/article/why_are_women_lawyers_leaving_the_profession_mid_career_aba_initiative_hope)).

The initiative focused on

([https://www.abajournal.com/news/article/why\\_do\\_experienced\\_female\\_lawyers\\_leave\\_disrespect\\_social\\_constraints\\_ABA](https://www.abajournal.com/news/article/why_do_experienced_female_lawyers_leave_disrespect_social_constraints_ABA))

why women continue to leave the legal profession.

### See also:

ABAJournal.com (<https://www.abajournal.com/news/article/afternoon-briefs-chief-justices-on-racial-inequality-court-worker-fired-for-video>): “Afternoon Briefs: State chief justices on racial inequality; court worker fired for tearing down signs in video”

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