



Women of Color

Why They Are Finding the Door Instead of the Glass Ceiling

*CWP Women of Color Research Initiative
Prepares Preliminary Report*

By Hannah Hayes

The Commission on Women in the Profession is preparing to release the preliminary findings of a comprehensive report examining the issues faced by women of color in the legal profession. CWP chair Pamela Roberts will report on the executive summary of the report in August at the American Bar Association's Annual Meeting.

"The need for research focusing specifically on women of color was pursued because they are not sufficiently represented in the profession and therefore are unable to effectively participate in the larger dialogues," Roberts says. "As the national leader on women's issues in the bar, we listened and created this research project to better understand the issues of women of color specifically."

The full study of issues that affect women of color in private law firms will be released in the fall. Preliminary results show that women of color feel increasingly isolated and cut off from advancement opportunities, experience stereotyping and high levels of stress, and receive harsh performance evaluations. Statistics also reflect a growing gap in salaries when compared to those of men of all ethnicities and Caucasian women. These factors compel women of color to leave when they approach a time when they could be seeking partnerships.

The Women of Color Research Initiative was launched in 2003 after several studies indicated that women of color were leaving private practice in large numbers. In fact, one study by the National Association for Law Placement found that nearly two-thirds of the surveyed women had left their firm after just six years.

According to Angela Williams, who along with CWP commissioner Sheila Thomas spearheaded the project, the reasons for isola-

tion and stress are very clear for many minority women attorneys. “For women of color, this is a real-life, day-to-day reality,” Williams says. “The question was: How do we come up with a project that is respected by the legal profession?”

While past studies have focused on the status of women and minorities, the unique position of women of color in the legal profession had yet to be explored. The Commission decided to back the anecdotal evidence with quantitative and qualitative data that would provide greater insight into the reasons women of color leave their practice areas.

“We saw this particular project as a mechanism for creating change in the legal environment on behalf of women of color,” Williams says.

And, while the results may prove disturbing, they are not a surprise to many. Project co-chairs Arin Reeves and Paulette Brown, who sat on the advisory committee that structured the project and monitored the research, emphasize that, more important than the results, the methodology of the study is “scientifically sound and incredibly valid.”

Diversity in Action

The advisory committee included a broad cross section of women minorities as well as social scientists and academics who could lend their expertise in the research process. Represented on the committee were African Americans, Asian Americans, Latinas, Native Americans, and Caucasian women and men.

Initially intended as a broad-based research project examining women of color in the government sector, nonprofits, various corporate settings, and private practice, for practical reasons, the study was narrowed to conduct a methodological analysis that would be both quantitatively and qualitatively sound. The

eventual criteria became women of color who at any point in their career had worked in a law firm of 25 or more attorneys.

“Although all of their experiences are critical in looking at the full mosaic, we had to have a starting point,” Reeves says. So while many of the women sampled now worked in other legal settings, at some point they had law firm experience.

The National Opinion Research Center (NORC) collected the data under the committee’s guidance and formulated a 40-

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question survey focusing on issues that may have supported or undermined the retention and advancement of women attorneys of color. For comparison, the survey also includes the experiences of men and white women.

NORC sent the surveys to a random sample of 1,347 lawyers across the country and collected 920 responses. In order to assist with the design and analysis of the raw data as it was collected, the Commission brought in Marc

Bendick, a labor economist who specializes in labor market discrimination. Bendick’s expertise has led him to consult and testify in several landmark cases, including a pending class action suit against Wal-Mart.

“We know if you talk to women of color, they have a tremendous number of complaints,” Bendick explains. “But the only way to figure out whether it has to do with race or gender is to get a sample of women of color and get exactly parallel samples for men of color, white women, and white men and ask them the same questions. They [NORC] succeeded in getting data from a very correctly selected, stratified random sample of women of color, men of color, white women, and white men.”

The project’s next phase used focus groups to hone in on some of the issues raised by the survey. Like the survey, the focus groups included women and men of color and Caucasian women and men. “The design was to find people who were knowledgeable informants on the phenomenon,” Bendick points out. “The survey results did in fact match the experiences of women of color, and they allowed us to spear out specific examples.”

Anonymous focus groups in five cities included 48 women: 11 Latinas, nine African Americans, nine biracial or multiracial, nine Native Americans, and 10 Asian Americans in Chicago, New York, Atlanta, Washington, D.C., and Los Angeles. All came from different law firms and had at some point in their careers worked in a law firm of 25 or more attorneys. The random samples included a range of experience, both in the years practiced and positions held.

The project’s final phase involved one-on-one interviews with minority women in leadership positions who were willing to share their experiences and outline best

practices in a variety of legal settings.

“They did a very professional and polished job, and the final product is methodologically very sound,” Bendick says of the research process.

Glass Ceiling or Sticky Floor?

Preliminary findings show that women of color experience higher levels of isolation in the workplace than minority men, white men, and Caucasian women, according to project co-chair Arin Reeves. They experience greater levels of salary disparity, have a lack of mentoring opportunities, and feel excluded from the networks within the firm.

“When they talked about a lack of information and a lack of mentoring, they weren’t talking about friendships,” Reeves says. “It’s not about people being nice to them—they were talking about very key things that lead to success in law firms.”

When associates are outside the networking loop, they don’t receive access to information that may lead to bigger assignments, nor are they given assignments that might lead to development and growth.

“I think it’s sort of a subconscious reaction to someone who looks very different or who behaves differently from them,” says Woon-Wah Siu of Bell, Boyd & Lloyd LLC. Siu is chairperson of the Chicago Committee on Minorities in Large Law Firms. “They may think your name is difficult to pronounce or you have an accent, and it’s not necessarily ill-willed prejudice—some things are just ingrained. When they ask someone to a Bulls game or out for drinks or a client development lunch, I don’t think it happens much that they take a lawyer of color along.”

Part of that, says Kimberle Crenshaw, a professor of law at Columbia and UCLA and a member of the advisory committee, oc-

curs because of the “living room/locker room syndrome.”

White men may intersect with white women in the living room and with minority men in the locker room, but they have very little experience dealing with women of color. “That may be a slight disadvantage that may turn into a larger one when you consider the interworkings and the dynamics of firm life,” Crenshaw explains.

“There are still stereotypes—women of color are people who clean their home and take care of their children, and this was talked about a lot in the focus groups,” Reeves says. “If you’re an African American woman walking into a law firm, and a white male partner

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has only seen an African American woman clean his house and has never had any other interaction with her, there is an image in his mind that he does not even recognize. This further distances his ability to see her in his work zone as a colleague, a peer, and perhaps even a future partner.”

With a majority of law firms headed by white male partners, it’s not surprising that stereotypes still exist, according to Veta Richardson, an advisory committee member. Richardson is also the executive director of the Minority Corporate Counsel Association (MCCA),

which has conducted several studies on satisfaction levels and challenges that women and minorities face.

Minority women report the highest challenges, she says.

“The farther away you are from being white, male, and straight, the more challenges you face,” Richardson explains. “Because white men are more familiar with white women, you see white women ascend behind white males because it’s a comfort factor. Next, for minority males, you have the shared perspective of being male. Minority women are about as far away as they can get.”

In the focus groups, Richardson observed the frustration of women who were heavily recruited from law school and then found their experience changed. “There was not even a glass ceiling because that indicates that women were making strides; it was like they were stuck on the ground floor,” she reports.

Both Bendick and Reeves emphasize that although women of color came from identical schools and impressive backgrounds, statistics show that they are heavily scrutinized in performance evaluations. Additionally, the lack of exposure to challenging cases or contact with money-making clients year after year results in a gap in salaries between women of color and other groups. According to Bendick, down the line, the salaries of women and minorities are an average of 3 percent to 5 percent less than the salaries of their white male counterparts, which means the penalty is even greater for a woman of color.

“Most firms tend to start off in the same place, with an equal pay policy, but what you must keep in mind is there is a cumulative microinequity,” Bendick explains. “Tiny things happen, and it can be traced directly to the practices and policies of employing firms.” If people are not getting access to high-paying

cases, they bring in less money. Furthermore, many women reported getting harsh performance evaluations.

“When people have preconceived notions, they buy into their original notions that that person should not be there,” observes project co-chair Paulette Brown, a partner with Edwards Angell Palmer & Dodge LLP. “For instance, when a woman of color makes a mistake, people say ‘it’s just as we suspected—that person is not qualified for the position,’ whereas in the situation of a white male or white female, they might say ‘we need to coach and bring along this person a bit more.’”

According to Bendick, this correlates with existing research on populations with women in professional jobs. “People in power tend to perpetuate differences, and perceptions are very slow to change.”

Bendick also points out that it’s difficult to say how big the salary disparity might be because so many women are leaving their jobs out of frustration and stress.

“One of the biggest findings is that women of color reported much higher levels of personal and professional stress than other groups,” Reeves says. “You don’t have a lot of room for error; there’s a higher instance of harassment and discrimination; your evaluations are harsher; and you know you’re not getting access to people you need. Women themselves recognize it and say ‘I am falling behind because I can’t operate at this level.’”

In the context of the lack of opportunity, unfair evaluations, disparate salaries, and living with stereotypes, many women of color say they were pushed out rather than opted out. “The combined effect, along with these high stress levels, has pushed these statistics toward those tremendously scary attrition figures,” Reeves says.

Most managing partners at law

firms know they need minority representation in an increasingly global and competitive marketplace. Many firms have diversity programs in place to help advance women and minorities. However, what needs to change, according to Bendick and others on the advisory committee, are the perceptions and management practices of the people running the firm.

“Minorities don’t need ‘rain-making’ workshops—they need top assignments,” Bendick says. “A real

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virtue of this study is that if managing partners are willing to read it and treat its results seriously, it’s telling them if they want to change, they have to do the changing. It has to do with how women of color are treated and perceived.”

Ultimately, the study will show that women of color are willing to travel and put in the same hours as their male white counterparts. Some were selected to write for their school’s law review just like the men and paid their dues just like everyone else, but they’re not getting rewarded.

“As African American women, we knew we were having this experience, but it can be extremely isolating,” Reeves says. “A lot of times women think they’re the only ones having that experience, and this [study] lets them know

they are part of a universal experience. They can stop thinking maybe they just didn’t cut it, or go on wondering if it really *was* race or gender.”

A First Step Forward

MCCA has issued several reports outlining best practices in law firm diversity programs. “Trying to approach parity of experience in the workplace entails better oversight and monitoring of the work experience, but it also entails acceptance that the experience that minority women have is different from that of majority women and minority men,” Richardson says. “First there has to be acceptance; then there can be a focus on how to make it more inclusive.”

Pamela Roberts emphasizes that the study’s completion does not signify an end to the Commission’s role; rather it provides an opportunity to expand research and discussion and ultimately to take action. “This is not a comprehensive study, but is a first step of what we hope will be continuing research in a number of other arenas in the legal profession,” she says.

Roberts has been speaking across the country about the research project. The advisory committee intends to use the report to raise awareness among leaders and administrators to begin the process of strategizing for change.

“The Commission can continue to facilitate dialogue about the problems, but, more importantly, dialogue about the solution,” Angela Williams says. “I think there needs to be strategic thinking about women of color within the legal profession, and that comes down to law firm leadership’s being creative and intentional about how they not only recruit but also retain and promote women of color.”

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