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Hispanic National Bar Association* National Study on the Status of Latinas in the Legal Profession

Few and Far Between: The Reality of Latina Lawyers

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Hispanic National Bar Association Commissioners***

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* Hispanic National Bar Association ("HNBA") President (2008-2009), Ramona E. Romero; President-Elect (2009-2010) Román D. Hernández.

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*** HNBA Commission on the Status of Latina Lawyers in the Legal Profession ("Commission"); the HNBA Commission was created in 2009 to serve as the advocate for Latina lawyers and law students and to address obstacles hindering their advancement in the legal profession. The Commission's national study on Latina lawyers is the first of its kind and was published and released in September 2009. CO-CHAIRS: Dolores S. Atencio & Clarissa Cerda; COMMISSIONERS: Mari Carmen Aponte, Mary, T. Hernandez, Lillian G. Apodaca, Ramona E. Romero, Alice Velazquez, Veronica Arechederra, Elena Asturias, Adrienne Dominguez, Monica MacGregor, Josefina Fernandez McEvoy, Teresita Chavez Pedrosa, Meshach Rhoades, Lieutenant Colonel Carrie Ricci, Mayda Prego, Diana Sen, Zuraya Tapia-Alfaro.

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I. INTRODUCTION

In August 2009, Justice Sonia Sotomayor became the first Latina and only the third woman appointed to the United States Supreme Court. Justice Sotomayor's story—which reflects her modest beginnings, parents who stressed the importance of education and the difficulty of navigating socioeconomic, linguistic, and other barriers related to gender, race, and ethnicity—is one that personally resonates with many Latinas.[1] However, her triumphant story and ability to overcome the myriad of barriers can be elusive for many Latina lawyers.

These barriers lead directly to the underrepresentation of Latinas in the legal profession. While the underrepresentation of women and people of color has been the focus of substantial research over the years, little is known about the experiences of Latina attorneys. Despite the heightened attention focused on the problem of underrepresentation, and a growing call for diversity within the profession, the small number of Hispanic attorneys—Latinas in particular—continues to be an acute and growing problem.[2] This is of particular concern, given that Latinas/os represent 15% of the total U.S. population and are now the largest and fastest-growing ethnic minority group in the United States.[3]

Latinas in particular constitute 7% of the total United States population[4] but only 1.3% of the nation's lawyers.[5] Remarkably, there are only about

1. For purposes of this report, "Latina" refers to women who self-identify as being of Latin American descent, including but not limited to Mexico, Central America, South America, Puerto Rico, Cuba and the Dominican Republic.

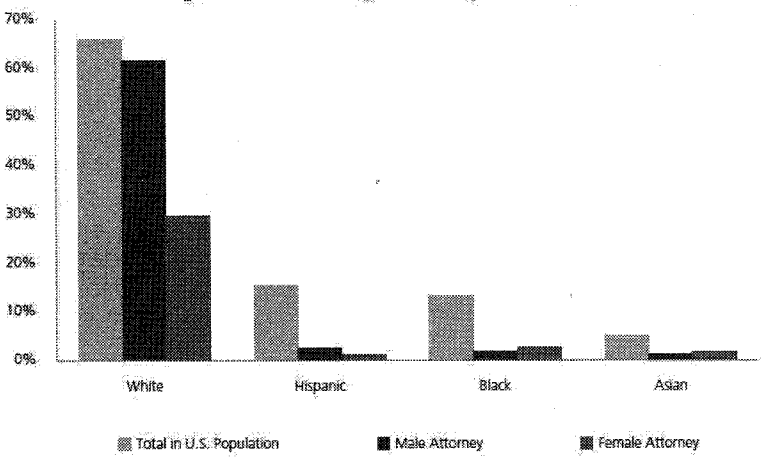
2. Miguel A. Méndez & Leo P. Martínez, *Toward a Statistical Profile of Latina/os in the Legal Profession*, 13 BERK. LA RAZA L.J. 59, 60 (2002).

3. *See* U.S. Census Bureau, *U.S. Hispanic Population Surpasses 45 Million, Now 15 Percent of total, available at* www.census.gov/Press-Release/www/releases/archives/population/011910.html. According to the United States Census Bureau, the stateside Hispanic population is at 45.5 million, or 15% of the total U.S. population of 301.6 million. Puerto Ricans living in Puerto Rico account for an additional 4 million, for a total Latina/o population of just fewer than 50 million. *See* U.S. Census Bureau, *National and State Population Estimates, available at* http://www.census.gov/popest/states/NST-ann-est.html (Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2008).

4. *See* U.S. Census Bureau, *Population Estimates July 1, 2006 through July 1, 2007, available*

13,000 Latina lawyers in the United States.[6] This underrepresentation is striking when compared with attorneys from other racial and ethnic groups, relative to their overall representation in the U.S. population, as shown in Figure 1.[7]

Figure 1: Race/Ethnicity of Attorneys in the United States



Indeed, Latinas are underrepresented across all sectors of the legal profession in the United States. Currently, Latinas comprise only 1.9% of associates and 0.4% of partners in law firms, the lowest representation of

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at www.census.gov/popest/states/tables/NST-EST2007-03.xls; U.S. Census Bureau, *The Hispanic Population in the United States: 2006 Detailed Tables, available at* http://www.census.gov/population/www/socdemo/hispanic/cps2006.html.

5. *See* Bureau of Labor Statistics, *Current Population Survey* (on file with authors) (Unpublished Table 1: Employed and experienced unemployed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity, Annual Average 2008).

6. *Id.*

7. Whites (regardless of gender) are 66% of the total U.S. population, with White male attorneys representing 62% and White female attorneys representing 30% of all U.S. attorneys. Latinas/os are 15% of the U.S. population, with Latinos representing 2.6% and Latinas representing 1.3% of all U.S. attorneys. Blacks represent 13.5% of the U.S. population, with Black males representing 2% and Black females representing 2.7% of all U.S. attorneys. Asians make up only 5% of the U.S. population, with Asian males representing 1.3% and females 1.7% of the U.S. attorney population. Statistical calculations on relative attorney representation based on 2006-2009 population and occupational data from the U.S. Census Bureau and U.S. Department of Health and Human Services. *See* U.S. Census Bureau, *Black (African American) History Month: February 2009 available at* http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/013007.html; U.S. Dep't of Health & Human Servs., *Asian American Profile, available at* http://www.omhrc.gov/templates/content.aspx?ID=3005; U.S. Census Bureau, *An Older and More Diverse Nation by Midcentury, available at* http://www.census.gov/ Press-Release/www/releases/archives/population/012496.html.

any racial or ethnic group.[8] In corporate law departments, Latinas make up only 0.4% of general counsel in Fortune 500 and 0.4% of Fortune 501-1000 general counsel positions,[9] and only 3.5% of all law school professors in the country are Latina.[10] On the federal circuit, 6.7% of judicial positions are held by Latinas/os;[11] however, this statistic does not identify how many women hold these positions. These statistics make clear that Latinas are underrepresented across the legal profession, and by significant margins.

In order to affect positive change resulting in an increase in the number of Latina attorneys, the legal profession needs to better understand and address the barriers Latinas face, including the impact of gender, ethnicity, and race on success and advancement in the legal profession. Despite the need for this information, Latina lawyers remain grossly understudied. While numerous studies have examined the issues and barriers women encounter in the legal profession[12]—women attorneys of color in general,[13] and Black women attorneys specifically[14]—very little research has been

8. As compared to White, Asian, and Black women partners and associates. Data on Native American attorneys not provided by this source. *See* Nat'l Ass'n for Law Placement ("NALP"), *Women and Minorities in Law Firms by Race and Ethnicity*, NALP Bull., Jan. 2009, *available at* http://nalp.org/jan2009womenminorities.

9. *See* Minority Corporate Counsel Ass'n, 2009 Survey of Fortune 500 Women General Counsel, http://www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=1931. There are only 2 Latinas in top legal officer positions in the Fortune 500 companies and 2 Latinas in top legal officer positions in the Fortune 501-1000. The 2009 Fortune 500 female general counsel roster consists of 75 White/Caucasians (non-Hispanic), 6 African Americans, 2 Hispanics, and 1 Asian/Pacific American woman. The 2009 Fortune 1000 female general counsel include 68 White/Caucasians (non-Hispanic), 4 African-American, 2 Hispanic, and 1 Asian Pacific American woman. In both groups (Fortune 500 and Fortune 501-1000), one woman general counsel did not disclose her ethnicity.

10. Pati Abdullina, Ass'n of Am. Law Schools, *Statistical Report on Law Faculty* (2007–2008), *available at* http://www.aals.org/statistics/report-07-08.pdf. This small percentage may even overstate the actual number of Latina law professors. *See* Michael A. Olivas, *Latinos and the Law: An Essay on Crop Cultivation*, 14 UCLA CHICANO-LATINO L. REV. 117, 129 (1994).

11. Press Release, Hispanics for a Fair Judiciary, Latino Leaders Welcome Historic Nomination of Latino to Supreme Court (May 26, 2009) (on file with authors).

12. Note, *Why Law Firms Cannot Afford to Maintain the Mommy Track*, HARV. L. REV. 1375 (1996); J.S. Chanen, *Early Exits*, 92 A.B.A. J. 32 (2006); Elizabeth H. Gorman, *Work Uncertainty and the Promotion of Professional Women: The Case of Law Firm Partnership*, 85 SOC. FORCES 865 (2006); Elizabeth H. Gorman, *Gender Stereotypes, Same-Gender Preferences, and Organizational Variation in the Hiring of Women: Evidence from Law Firms*, 70 AM. SOC. REV. 702 (2005); Lianne Krakauer & Charles P. Chen, *Gender Barriers in the Legal Profession: Implications for Career Development of Female Law Students*, 40 J. OF EMP. COUNSELING 65 (2003); CYNTHIA FUCHS EPSTEIN, WOMEN IN LAW (2nd ed. 1993); Cynthia Fuchs Epstein, *Great Divides: The Cultural, Cognitive, and Social Bases of the Global Subordination of Women*, 72 AM. SOC. REV. 1 (2007); Maria Pabon Lopez, *The Future of Women in the Legal Profession: Recognizing the Challenges Ahead by Reviewing Current Trends*, 19 HASTING WOMEN'S L.J. 53 (2008).

13. *See* DEEPALI BAGATI, WOMEN OF COLOR IN U.S. LAW FIRMS (Catalyst Publ'n 2009) [hereinafter BAGATI, *Catalyst Study*]; A.B.A., Comm'n on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* (2006) [hereinafter A.B.A., *Visible Invisibility Study*].

14. Mary Blair-Loy & Gretchen Dehart, *Family and Career Trajectories among African*

conducted on the unique gender, ethnic, and racial issues and barriers Latina lawyers experience.[15] Moreover, there are no data with detailed information about Latina/o subgroups based on country of national origin. With only limited demographic and statistical data and information on Latina lawyers available,[16] a critical informational void exists. Additional information—both quantitative and qualitative—is sorely needed to better understand the factors affecting the underrepresentation of Latina lawyers across the legal profession. Armed with this information, the profession can begin to address those factors directly.

To address this issue, the Hispanic National Bar Association (HNBA) constituted a Commission (Commission) on the Status of Latinas in the Legal Profession, which commissioned this *National Study on the Status of Latinas in the Legal Profession*. This Study begins the process of filling this informational void by providing a view into the professional lives of Latina lawyers. Its purpose is to provide a clearer picture of who and where Latina attorneys are in the legal profession, and to provide a broader understanding of the historic and existing challenges to their education and professional careers. It does so by providing a demographic and professional profile of Latina attorneys across all major legal sectors, and by exploring and analyzing both their formative and career-related experiences.

This Study also offers insight into the practices and strategies Study participants believe are critical to their ability to succeed in their legal careers. This Study provides organizations and decision makers within and outside the legal profession with information to better understand and appreciate the unique barriers that limit Latina attorneys' educational and career achievements. It also provides information to assist with the

American Female Attorneys, 24 J. OF FAM. ISSUES 908 (2003); Nina Burleigh, *Black Women Lawyers Coping with Dual Discrimination*, A.B.A. J. OF WOMEN IN LAW 64 (1988); Gwyned Simpson, *The Plexiglass Ceiling: The Careers of Black Women Lawyers*, 45 THE CAREER DEV. Q. 173 (1996).

15. *See* Maureen Ebben & Norma Guerra Gaier, *Telling Stories, Telling Self: Using Narrative to Uncover Latinas' Voices and Agency in the Legal Profession*, 19 CHICANO-LATINO L. REV. 243 (2008); Gladys García-López & Denise A. Segura, *"They Are Testing You All the Time": Negotiating Dual Femininities among Chicana Attorneys*, 34 FEMINIST STUDIES 229 (2008). These two recent qualitative studies have attempted to close this research gap by exploring the perceptions and experiences of Mexican-American attorneys in the legal profession. While these studies are clearly a step in the right direction in terms of the need for more research on this unique population, their limited scope and scale are intended to explore limited aspects of this population in more depth rather than attempt to identify the larger-scale barriers and issues facing the more heterogeneous Latina attorney population across the United States. To date, there is no known research study that has attempted to study comprehensively the population of Latina attorneys on a broader scale.

16. *See* Méndez & Martínez, *supra* note 2.

development and implementation of strategies to improve the recruitment, retention, and professional advancement of Latina attorneys.

We extend our deepest gratitude to the Latinas who participated in this Study and shared their stories. The experiences and recommendations they shared will certainly help the legal profession better understand and address the complex dynamic of gender, ethnicity, and race and its impact on Latina lawyers.

II. STUDY METHODOLOGY

A. Study Overview

This Study has been guided by an overarching theoretical perspective that serves a larger transformational goal: to gain a better understanding of the career-related issues Latinas face and to advocate for change on their behalf. This perspective is reflected in the problem statement and purpose of this Study, and has informed the Study's choices of methodology. This Study employs a combination of qualitative and quantitative data collection and analysis phases to "give voice to diverse perspective, to better advocate for participants, or to better understand a phenomenon or process that is changing as a result of being studied."[17] The Study is a mixed-method transformative design, conducted in two distinct phases: a series of focus groups across 11 U.S. cities, followed by a national survey to the Latina membership of the Hispanic National Bar Association (HNBA) and the HNBA's Affiliate Bar Associations ("Affiliates").

The research design of this Study uses a sequential exploratory strategy because Latina attorneys are a relatively understudied population. This strategy gives priority to the focus group or qualitative phase to explore initially the experiences and perceptions of Latina attorneys and integrates the survey or quantitative data and results to help in the interpretation and contextualization of the overall findings.[18] The qualitative results are reported in a discussion of the major themes raised in the focus groups, supported by selected quotes from participants. The quantitative results are presented primarily in descriptive statistics from the national survey. Before the Study began, an application for the research study was submitted to and approved by the Institutional Review Board at St. John's University.[19]

17. *See* JOHN W. CRESWELL, RESEARCH DESIGN: QUALITATIVE, QUANTITATIVE, AND MIXED METHODS APPROACHES 216 (2d ed. 2003).

18. *See* CRESWELL, *supra* note 17, at 215-216.

19. Institutional Review Board application and approval are necessary when conducting research on human participants to ensure the protection of Study participants.

Study Researchers and Co-Authors: The HNBA Commission selected the Study's researchers and co-authors—Ph.D. candidate Jill Cruz of JLC Consulting, LLC, and Professor Melinda S. Molina, of St. John's University School of Law—to conduct this national Study based on their strong interest, academic qualifications, and experience in working with and conducting research on women of color, especially Latinas, in the legal profession.

B. Focus Group Research Methods

1. Overview

The *National Study on the Status of Latinas in the Legal Profession* explores and analyzes the experiences and perceptions of Latinas in the profession across various legal sectors. Based on the participants' responses, the Study identifies key strategies for success in the profession. Because Latinas in the legal profession are a relatively understudied population, the researchers first adopted a qualitative approach to data collection and analysis to explore these women's experiences within their personal, cultural, and career-related contexts.

Focus groups were conducted over a five-month period between December 2008 and April 2009. Participants consisted of 121 Latina attorneys from eleven cities. The focus group cities, which were chosen to reflect the geographic and ethnic diversity of Latinas from distinct subgroups, were conducted in the following cities: Phoenix, San Francisco, Los Angeles, Chicago, San Antonio, Miami, New York, Philadelphia, Washington, D.C., Albuquerque, and Denver. Participants reflected the range of legal careers across all major legal sectors.

The women were asked about formative experiences and influences on their decision to pursue a career as an attorney. They were also asked about their views of others' perceptions and treatment of Latinas in the workplace. They discussed barriers and obstacles to career advancement, as well as coping mechanisms they adopted to address the ways in which they believe Latinas are perceived and treated in the legal profession. From these discussions, the researchers solicited recommendations from the focus group participants to improve the presence and success of Latinas in the legal profession.

2. Recruitment of Participants

Participants from all legal sectors were recruited to take part in the focus group interviews. As is appropriate in qualitative research, a number of purposive sampling strategies were adopted to provide greater diversity and ensure information-rich data.[20] The HNBA Commission made the initial contact to potential participants via email and telephone calls. At least 300 email invitations and announcements per city were sent to Latina attorneys in each of the eleven cities from lists supplied by the HNBA. In addition, other local and state bar associations in the respective cities sent out email notices to their Latina membership. Recruitment and outreach efforts were undertaken for a minimum of three weeks, with the goal of recruiting fifteen to twenty participants for each focus group session.

All participants had to be a Latina attorney licensed in the United States. No HNBA Commissioners, Officers, Regional Presidents, Deputy Regional Presidents, or Chairs of other HNBA committees or sections were permitted to participate in the focus groups or national survey, to maximize the objectivity of the data. To ensure anonymity, no outside observers were allowed during the focus groups. The HNBA Commissioners were involved in the initial introductions. While they did not actually participate in the discussions, either Commission Co-Chairs and/or Commissioners were present during each focus group to help facilitate the meetings and to provide a source of validity for the Study findings.

3. Data Collection and Analysis

Focus group interviews were semistructured and focused on the Study's five major research questions, reflected in the Focus Group Protocol. Focus groups meetings lasted for approximately two hours and were audio-taped and transcribed verbatim. For the majority of the focus groups, only one researcher was present. However, both researchers conducted several of the initial sessions to establish consistent data collection procedures and increase triangulation of the data.[21] Participants were asked to sign an Informed

20. *See* JOHN W. CRESWELL, QUALITATIVE INQUIRY AND RESEARCH DESIGN: CHOOSING AMONG FIVE TRADITIONS 125–29 (2007). Qualitative studies use purposive sampling strategies whereby the researcher(s) select the sites and participants for inclusion in the study because the selected individuals are believed to best inform an understanding of the research problem; *see also* MATTHEW B. MILES & A. MICHAEL HUBERMAN, QUALITATIVE DATA ANALYSIS 28–29 (2d ed. 1994). One popular approach, maximum variation, selects study sites or participants with some different criteria, such as geographic region in order to identify variations and common patterns whereas a snowball sampling approach identifies possible study participations from other individuals.

21. *See* CRESWELL, *supra* note 20, at 202–09. In triangulation, researchers make use of different and multiple sources of data, methods, and even researchers to provide corroborating evidence or to support or contradict the interpretation.

Consent Form that communicated their rights as participants in the Study, including the guarantee of confidentiality and anonymity. For this reason, the data are reported in the aggregate, and individual participants or employers are not identified. Other methods of data collection were also incorporated, including a Demographics Form that provided biographical and career-related information about each participant. In addition, the researchers incorporated the use of field notes to provide additional details about the interaction among the participants, as well as any important nonverbal communications deemed relevant for this Study.

Using a phenomenological research approach,[22] data analysis involved going through the transcripts and highlighting and coding significant statements, sentences, or quotes that best illustrated the participants' understanding of their experience.[23] These statements were coded, condensed, and categorized into major themes that were viewed as the essence of the participants' understanding of their perceptions and experiences as Latinas in the legal profession. The primary researcher wrote a separate narrative analysis identifying and discussing the major themes for each research question and distributed it to the other member of the research team for input and feedback.[24] Finally, a cross-case analysis was conducted of all the focus groups to identify consistent themes across groups and draw relationships between these themes.

C. Survey Research Methods

1. Overview

Because the overall aim of this Study is to provide a broad picture of Latina attorneys nationwide, the decision was made to include Latina attorney members of the HNBA and the HNBA's Affiliate Bar Associations in the survey. As a result, the survey incorporates diverse perspectives and experiences of the national and regional bar associations affiliated with the HNBA that could arguably serve as a proxy for the entire Latina attorney population. The HNBA estimates that the email containing the survey web

22. *See* CRESWELL, *supra* note 20, at 57–59. Phenomenological research is a qualitative approach that focuses on describing the meaning for participants based on their experiences of a concept or phenomenon.

23. *See* CRESWELL, *supra* note 20, at 166. Qualitative software "Atlas.ti" was used in the data coding and analysis phase.

24. Both researchers reviewed the audiotapes, transcripts and narratives from all the focus group interviews to corroborate each other's findings.

link was sent to the population of approximately 5,000 Latina attorneys who are members of the HNBA and/or its Affiliates,[25] of which the researchers obtained 543 completed surveys, for a response rate of approximately 11%.[26]

2. Sampling and Procedures

In May 2009, an introductory email from HNBA President Ramona Romero (2008-2009) containing the survey web link was forwarded to the entire HNBA Latina attorney membership and to an HNBA Affiliate designee for each regional bar association, who was responsible for forwarding the email to their respective Latina membership. Thereafter, President Romero sent weekly email reminders to the Latina HNBA membership and the Affiliate designee to enlist members' participation and support. The survey was held open for approximately 6 weeks to secure a minimum response rate level.

All survey respondents remained anonymous and the Research Department of St. John's University agreed to host and administer the website as a way to provide another layer of confidentiality and anonymity to the participants. In addition, the Research Department compiled the majority of the descriptive statistics from the survey data for the HNBA researchers to use in their data analysis.

3. Survey Questionnaire

The first part of the survey included questions about the respondents' demographic, educational, and professional backgrounds to provide details about the survey respondents. Demographic information included questions about age, ethnicity, race, immigration level, parents' education, other attorneys in the family, dominant language, marital, and family status. Educational information included questions about law school graduation year, law school ranking, honors or achievements, and activities. Work experience included questions about current position and legal sector, gross

25. This estimate of the total population of the HNBA and HNBA affiliates is based on membership data provided by the HNBA. To preserve confidentiality, the email lists and HNBA Affiliate individual member's information were not provided to the researchers in order to generate a probability sample. In addition, the total number of individuals who received the survey may not reflect the actual number of Latina attorneys who are currently members of the HNBA or its Affiliates because of the potential for invalid email addresses or inaccurate membership listings. It should also be noted that Latina attorneys may be and are members of more than one bar association at both the national and regional levels.

26. This relatively low response rate is consistent with low response rates observed with web-based surveys and other published studies using the HNBA membership as its population. *See* Sharon Foley & Deborah L. Kidder, *Hispanic Law Students' Perceptions of Discrimination, Justice, and Career Prospects*, 24 HISP. J. OF BEHAV. SCI. 23, 29 (2002).

salary, number of employers in career, employment status, and initial recruitment source.

The second part of the survey focused on questions that pertained to the Study's primary research questions and major themes identified from the first phase of the Study. This included questions about their experiences and perceptions related to their formative experiences, entry into the legal profession, perceptions and treatment of Latinas in the workplace, career advancement, and strategies for helping Latina attorneys succeed in the profession. For these sections, questions were measured on a Likert-type scale ranging from 5 (strongly agree) to 1 (strongly disagree), a forced ranking scale, or a multiple-response scale. The survey questionnaire was pilot-tested with Latina attorneys who were not eligible to participate in the Study. The final Study was revised based on their review and feedback.

D. Study Limitations

The Study references the most current data available on the Latina population across the major legal sectors: however, detailed information about the Latina attorney population in the United States is largely unknown. This is due in part to deficient[27] and aggregated data.[28] Given the limited quantitative and qualitative data on Latinas in the legal profession, the fundamental purpose of this Study is to provide a nationwide portrait of Latinas in the legal profession across all major legal sectors, and to identify some of the factors affecting their underrepresentation throughout the profession.[29]

The profile of Latina attorneys across the United States presented in this Study should be viewed as an indicator, rather than an actual representation of their status in the legal profession. In part, this is because the sampling procedures for both the focus group and survey participants limit its ability to be generalized beyond the current sample population.[30]

Furthermore, while the selection of the cities for the focus group interviews was based on the goal of achieving wide geographic and ethnic diversity, it may not truly reflect the actual diversity of the Latina attorney population across the United States. Likewise, while the Latina membership

27. *See* Méndez & Martínez, *supra* note 2.

28. *See* BAGATI, *Catalyst Study*, *supra* note 13; A.B.A., *Visible Invisibility Study*, *supra* note 13. These studies include Latinas in their sample; however, the data is aggregated with other non-Latina women of color.

29. In this regard, this study is primarily exploratory in nature, with the goal of establishing a foundation on which further research can and should be conducted.

30. The nonprobability nature of the sampling process limits the generalizability of the findings.

of the HNBA and Affiliates presents a logical population to represent the entire Latina attorney population in the United States, it cannot be concluded that it is.

Notwithstanding these potential limitations, this Study does begin to provide an indicator of the demographic and professional make-up of Latinas in the profession, as well as a better understanding of some of the reasons they are currently underrepresented.

III. PROFILE OF LATINAS IN THE LEGAL PROFESSION

A primary purpose of this Study is to report on the status of Latinas in the legal profession and to address the lack of detailed statistical data on Latina lawyers.[31] To that end, this Study provides a snapshot of the demographic and professional make-up of Latinas across both the nation and all major legal sectors.[32] Latinas represented in this profile include more than 600 women who participated in the focus groups and/or survey. The demographic profile of both groups is reported and illustrates how similar (but not identical) their demographic and professional profiles are.[33] While this profile may not be an exact representation of the larger Latina attorney population,[34] it does provide a broad indicator of their status in terms of demographic characteristics, as well as their representation within the major legal sectors, including law firms, corporate counsel, public sector, legal academia, and other attorney roles.

A. Demographic Profile of the General Latina/o Population

The Latina/o population in the United States is currently the largest and fastest-growing ethnic or racial minority group in the nation, with 45.5 million people; it is projected to constitute 30% of the U.S. population by the year 2050.[35] Latinas/os are a heterogeneous group; the cultural diversity within the Latina/o population in the United States can be as distinct as differences among other non-Latina/o ethnic and racial groups. The

31. *See* Méndez & Martínez, *supra* note 2, at 60.

32. Major legal sectors are defined in this study as private law firms, corporate law departments, the public sectors (government and judiciary), and legal academia. Other legal sectors, including public interest attorneys, are integrated into the discussion of "other" attorney positions.

33. Data from the focus group participants are generated from the demographic questionnaire.

34. The nonprobability nature of the focus group participants and relatively small response rate of survey respondents across all legal sectors preclude broad generalizability. However, the profile provides a general indicator of the current status of Latinas in the legal profession.

35. *See* U.S. Census Bureau, *Hispanic Americans by the Numbers* (2008), at 5, *available at* www.infoplease.com/spot/hhmcensus1.html; Press Release, U.S Census Bureau, *U.S. Hispanic Population Surpasses 45 Million, Now 15 Percent of Total, available at* www.census.gov/Press-Release/www/releases/archives/population/011910.html.

majority of Latinas/os are of Mexican descent[36] (64%); the second largest group consists of persons of Puerto Rican origin (9%), followed by those of Cuban origin (3.5%), Salvadoran origin (3.2 %), and Dominican origin (2.6%). The remaining 17.7% of Latinas/os have backgrounds from Central and South America.[37]

There are important distinctions within the various Latina/o ethnic subgroups, in part because they tend to have diverse settlement patterns and reasons for immigration, including those based on historical events or related to economic or political strife in their native countries.[38] The states with the largest distribution of Latinas/os include California (29%), Texas (18.9%), Florida (8.3%), New York (6.9%), Illinois (4.2%), Arizona (4.2%), New Jersey (3%), Colorado (2.1%), New Mexico (1.9%), and Georgia (1.6%).[39] The majority of Latinas who immigrated to this country have arrived sometime in the past two decades,[40] while others established roots in the United States well before the early 19th century.[41]

Hispanics are an ethnic group that is composed of more than one racial group, including White, Black, and indigenous Native American.[42] In 2000, nearly half of Latinas/os considered themselves racially White, while 42% reported themselves to be of "some other race." Furthermore, fewer than 4% considered themselves Black, American Indian, Alaska Native, Asian/Pacific Islander, or Hawaiian.[43]

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36. Mexico is the Latinas' hereditary country of origin.

37. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-5.pdf (follow "Detailed Hispanic Origin: 2007").

38. *See* HANK ADORNO, OYE: WHAT'S A HISPANIC? 39, 65 (2005). Hispanic settlement patterns vary somewhat based on ethnic subgroup. Of those with Mexican origins, 64% are concentrated in the Southwest; 15% with Central and South American origins are distributed between California, Texas, New York, Florida, and Illinois; 10% of persons with Puerto Rican ancestry are primarily in New York, New Jersey, and Connecticut; and 5% of those with origins in Cuba are concentrated in Florida.

39. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-14.pdf (follow "Distribution of Hispanics Across States: 2000 and 2007").

40. Felisa Gonzales, Pew Hispanic Center, *Hispanic Women in the United States*, 2007, May 14, 2008, at 28.

41. *See* ADORNO, *supra* note 38, at 56, 61.

42. *See* Nadya A. Fouad, *Career Behavior of Hispanics: Assessment and Career Intervention, in* CAREER DEVELOPMENT AND VOCATIONAL BEHAVIOR OF RACIAL AND ETHNIC MINORITIES 165, 165 (Frederick T.L. Leong ed., 1995).

43. *See* U.S. Census Bureau, Census 2000 Brief: Overview of Race and Hispanic Origin, at 1-2, *available at* http://www.census.gov/prod/2001pubs/cenbr01-1.pdf.

The experiences of Latinas vary widely according to their immigration status, which refers to the generation in which the Latina or their parent(s) immigrated to the United States. First-generation Latinas were born outside of the United States (parents also not born in the United States); second-generation were born in the United States to one or both immigrant parents; and third-generation were born in the United States to U.S.-born parents. First-generation immigrants tend to be less acculturated and have lower education and socioeconomic levels than later generations.[44] In addition, they are less likely to be proficient in their English language abilities.[45]

Like immigration status, the Latinas/os level of acculturation also has a significant impact on their experiences and opportunities. Acculturation is the process by which immigrants adapt to the sociocultural and psychological aspects of the host society.[46] Higher levels of acculturation are theorized to affect positively the career development process among Latinas/os because they can more easily acclimate and function effectively in the larger society.[47] Latinas/os from second and later generations tend to be more acculturated and have higher levels of English proficiency than first generation Latinas/os.[48]

Some Latinas/os do not speak Spanish. Of those who do, there are significant regional influences and differences in dialect.[49] Speaking Spanish as a primary language is more prevalent for older people and more recent immigrants; second-generation Latinas/os are more likely to be fluent in Spanish and English. In terms of language proficiency, 46% of Latinas/os in the United States speak English less than very well, especially those who are foreign-born immigrants. However, half of all native-born and 24% of foreign-born Latinas/os speak English very well, and 37% of native-born speak only English.[50]

There are also differences between Latinas and other non-Latina women in the United States. Latinas as a whole tend to be much younger, with a median age of 27 years, compared to the median age of 37 years for all women in the United States.[51] Furthermore, while they are equally likely to

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44. *See* Consuelo Arbona, *Theory and Research on Racial and Ethnic Minorities: Hispanic Americans, in* CAREER DEVELOPMENT AND VOCATIONAL BEHAVIOR OF RACIAL AND ETHNIC MINORITIES 37, 39 (Frederick T.L. Leong ed., 1995).

45. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-19.pdf (Language Spoken at Home and English-Speaking Ability by Age, Race and Ethnicity: 2007).

46. *See* Arbona, *supra* note 44, at 43.

47. *Id.*

48. *Id.*

49. *See* ADORNO, *supra* note 38.

50. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-19.pdf (Language Spoken at Home and English-Speaking Ability by Age, Race and Ethnicity: 2007).

51. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007,*

be married, Latinas tend to have higher fertility rates than their non-Latina peers;[52] this suggests that they are more likely to have children, and more of them, than their non-Latina counterparts.

Latinas/os have the lowest high school completion rate, compared with Blacks and Whites.[53] They are also less likely to graduate from college than any other racial or ethnic group.[54] They are also underrepresented at all levels of postsecondary education.[55] Latinas tend to have lower rates of educational attainment than other women; however, nearly half of second- or later-generation Latinas have at least some college education, compared with 25% of first-generation Latinas. In addition, Latinas' educational attainment appears to be positively correlated with acculturation levels, socioeconomic, and immigration status.[56]

Educational attainment also varies based on ethnic subgroups. Those of Mexican descent have the lowest educational attainment of the older Latina/o groups, with an average education of only 10.2 years. Cubans and South Americans have the highest levels of educational attainment, with an average of 11.9 and 12.6 years, respectively.[57]

B. Latina Attorney Profile

1. Overview of Study Participants

All of the participants who participated in the focus group phase of the Study were licensed U.S. attorneys who self-identified themselves as

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available at http://pewhispanic.org/files/factsheets/hispanics2007/Table-8.pdf (Median Age in Years, by Sex, Race, and Ethnicity: 2007).

52. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-11.pdf (Fertility in the Past Year, by Marital Status, Race and Ethnicity: 2007).

53. *See* Gita Z. Wilder, LSAC Research Report Series, *The Road to Law School and Beyond: Examining Challenges to Racial and Ethnic Diversity in the Legal Profession* (2003), *available at* http://lsacnet.org/Research/Challenges-to-Racial-and-Ethnic-Diversity-in-Legal-Profession.pdf.

54. *See* Pew Hispanic Center, *Statistical Portrait of Hispanics in the United States, 2007, available at* http://pewhispanic.org/files/factsheets/hispanics2007/Table-21.pdf (Educational Attainment by Race and Ethnicity: 2007).

55. *See* Note, Linda E. Dávila, *The Underrepresentation of Hispanic Attorneys in Corporate Law Firms*, 39 STAN. L. REV. 1403 (1987); Richard Frey, Pew Hispanic Center, *Latino Youth Finishing College: The Role of Selective Pathways* (2004); Fouad, *supra* note 42.

56. *See* Arbona, *supra* note 44, at 43. Educational attainment varies based on Hispanic subgroups, and is positively correlated with socioeconomic status and level of immigration and acculturation.

57. See ADORNO, *supra* note 38, at 52.

"Latinas." Although active employment was not a criterion for inclusion in this Study, 93% of the Latinas who participated were employed full-time; only 6% worked part-time. Unlike the survey phase of the Study, participation in the focus group interviews was not restricted to HNBA or HNBA Affiliate members. Focus group participants had an average of 12 years experience in the legal profession.

The Latinas who were invited to participate in the survey were members of the HNBA and/or HNBA Affiliates during the 2008-2009 membership year. Of the 34 Affiliate bar associations that were requested to solicit participation, only two had no Latina member participation.[58] The respondents came from 34 states; more than two-thirds came, in that order, from California, New York, Texas, Washington, D.C., Colorado, Washington State, Illinois, Florida, and New Mexico;[59] this closely parallels the actual distribution of Latinas/os across the United States. In addition, of the 543 survey respondents, only 8% participated in the Study's first phase of focus group interviews. Consistent with the focus group participants, the overwhelming majority (90%) of the survey respondents worked full-time, and more than half (57%) were the primary income-earner for their families.[60] More than half of the survey participants (59%) had less than 10 years of experience in the legal profession; however, the average survey respondent indicated having between 2 to 3 employers during their career.

2. Age

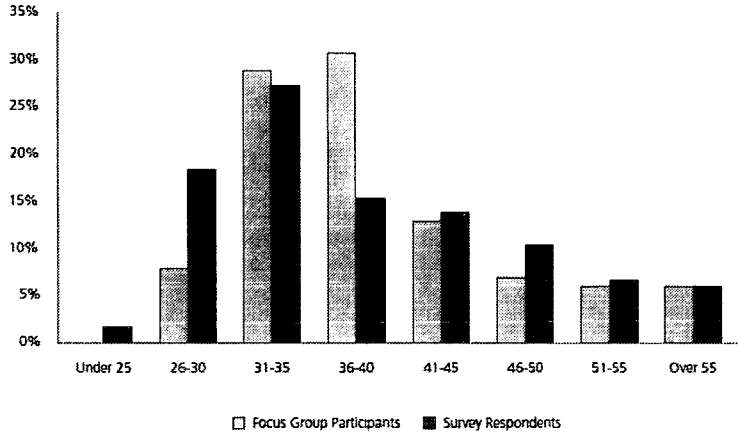
The majority of study participants were between the ages of 31-40 years old; the survey respondents were somewhat younger overall. Almost no participants were under the age of 25, and a relatively small proportion (12%) was over the age of 50. (see Figure 2.)

58. No respondents participated from either the Long Island Hispanic Bar Association or Delaware Hispanic Bar Association.

59. Respondents resided in the following states (by level of participation): California, New York, Texas, Washington, D.C., Colorado, Washington State, Illinois, Florida, New Mexico, Minnesota, New Jersey, Maryland, Arizona, Pennsylvania, Wisconsin, Connecticut, Massachusetts, Louisiana, Georgia, Nevada, Indiana, Michigan, Virginia, Kentucky, Kansas, Missouri, North Carolina, Oregon, Delaware, Hawaii, Idaho, Mississippi, Utah, and West Virginia.

60. Focus group participants were not asked for information about proportion of family income.

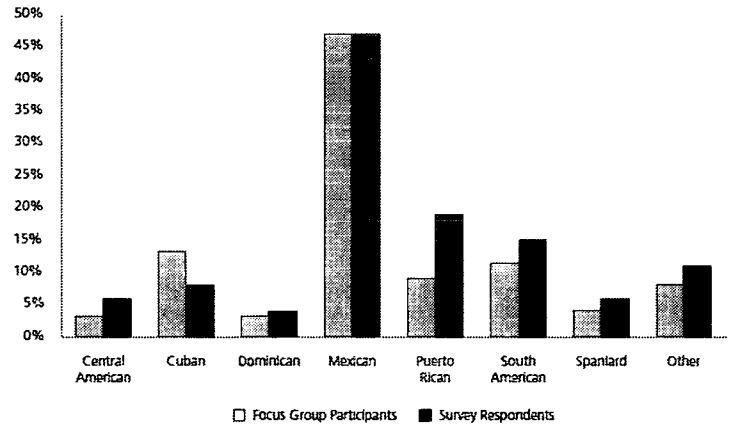
Figure 2: Ages of Study Participants



3. Ethnicity

The Study participants represented all of the major Hispanic ethnic subgroups.[61] In the focus groups, nearly half of the participants (47%) identified themselves as of Mexican origin, and 13% identified themselves as of Cuban origin. Similarly, 47% of the survey respondents identified themselves as Mexican; however, the second largest ethnic group—almost one out of five survey respondents—was Puerto Rican (19%) (see Figure 3).

Figure 3: Ethnic Background of Study Participants

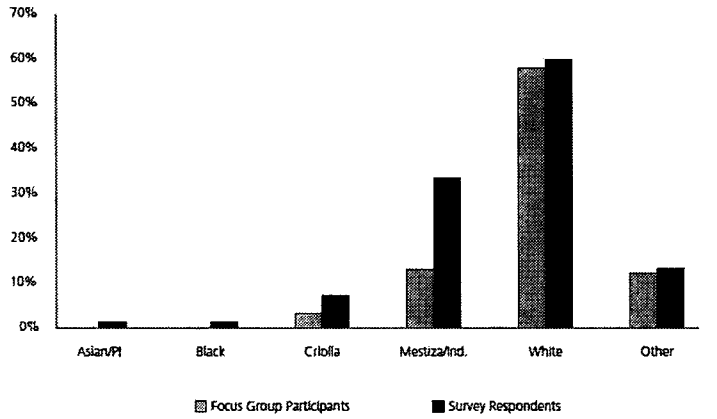


61. Survey respondents were able to select more than one ethnicity; therefore, percentages do not identify individuals who are members of more than one group, although only 16% identified themselves as being members of more than one ethnicity.

4. Race

More than half of the focus group participants identified themselves racially as White (58%); the second largest racial group selected was Mestiza (13%), an indigenous racial subcategory referenced by Latinas/os of Central and South American descent, or "Other" (12%).[62] Similar to the focus group women, more than half (56%) of the survey respondents self-identified racially as White, while nearly a third of the survey participants (31%) self-identified as Mestiza or Indigenous. On par with the focus group Latinas, very few (<10%) identified themselves as being racially Asian/Pacific Islander, Black, Afro Latina, or Criolla.[63]

Figure 4: Race of Study Participants



5. Immigration Status and Dominant Language

In terms of immigration status,[64] half of the focus group participants described themselves as being second-generation Latinas, and 33% referred

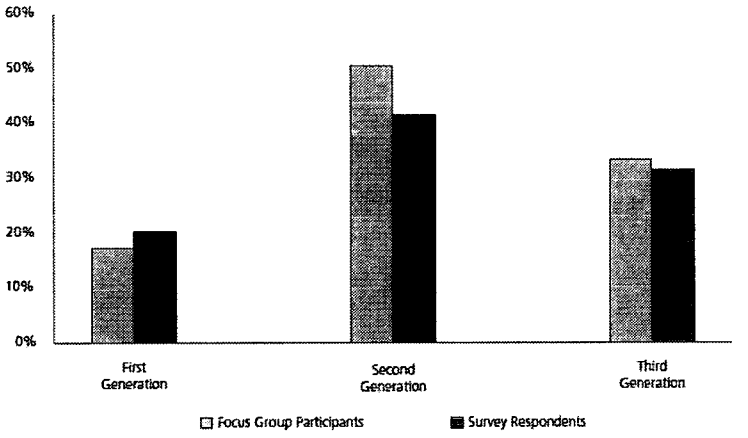
62. Many of the women listed "Hispanic" as an option under this category, thereby equating ethnicity with race.

63. Race is a complex issue for Latinos. Studies have found that Latinos' view of race is dependent on a multitude of factors including, but not limited to, country of origin, generational differences, age, phenotype, social status, and education. *See* CLARA E. RODRIGUEZ, CHANGING RACE: LATINOS, THE CENSUS, AND THE HISTORY OF ETHNICITY IN THE UNITED STATES 7 (2000). Nearly half of Latinos in the 2000 Census chose the "Other" category to explain their race, suggesting that placing Latinos in a single race category may be inaccurate. Rachel L. Swarns, N.Y. Times, Oct. 24, 2004, at 121. This inaccuracy is also evidenced in that a proposal to eliminate the "Other" race category in the 2000 Census stirred up considerable debate among Latinos, statisticians, and officials "over how the nation's largest minority group should be defined racially" *Id.* In order to measure this complexity, racial categories outside those employed by the 2000 U.S. Census were used—Mestiza, Afro-Latina and Criolla—hopefully allowing for better discourse on this complex issue. The terms Afro-Latina and Criolla, while not defined for Study participants, refer generally to a mixture of African, Native Indian, and Spaniard ancestry.

64. This demographic characteristic refers to the generation in which the Latina or their parent(s)

to themselves as third-generation. Almost equivalent to the focus group participants, the overwhelming majority of survey respondents were born in the United States: 41% of the women identified themselves as second-generation and 31% as third-generation Latinas (see Figure 5). In terms of their dominant language, 84% of the survey respondents said English is their primary language, and a third said that English is their only language. However, 60% consider themselves bilingual in both English and Spanish.[65]

Figure 5: Immigration Status of Study Participants



6. Marital and Family Status

More than half of the focus group participants (58%) and survey respondents (62%) were married or in committed partner relationships (see Figure 6). As illustrated in Figure 7, only a quarter of the focus group participants had children living at home, and only 10% had more than two. However, unlike the predominantly child-free focus group members, almost half of all survey respondents had children living at home (43%). Similar to the few focus group women who did have children, they typically limited them to one (22%) or two (18%). Furthermore, only 2% of the focus group participants and 5% of the Latinas surveyed, had parent(s) living in their homes with them.

immigrated to the United States. First generation were born outside of the United States (parents also not born in the United States); second generation were born in the United States to one or both immigrant parents; third generation were born in the United States to U.S.-born parents.

65. Data on language dominance were not available for focus group participants.

Figure 6: Marital Status of Study Participants

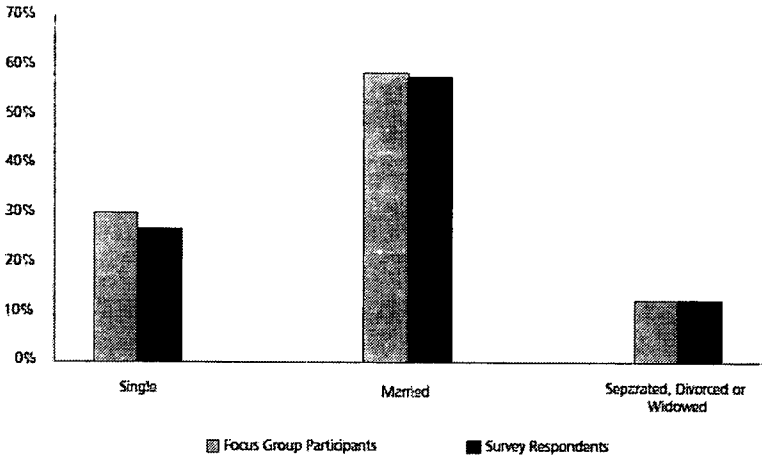
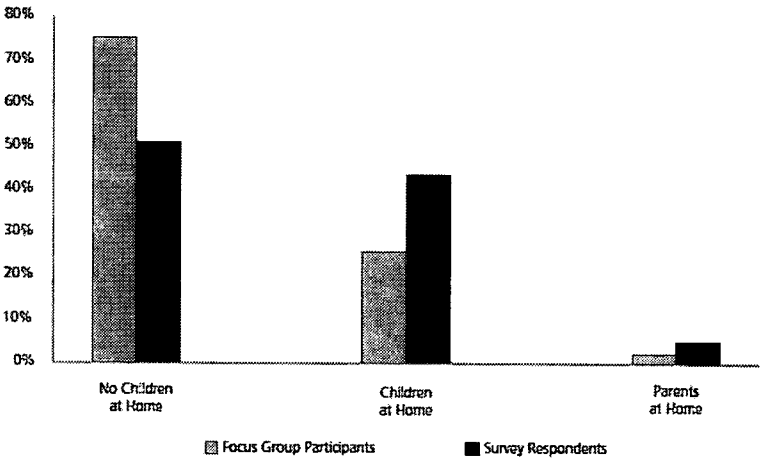


Figure 7: Family Status of Study Participants



7. Parents' Professional and Educational Background

The vast majority of the Study respondents indicated that they were not exposed to attorney role models growing up. This is reflected in the fact that more than half of the Latina Study respondents do not have any family members who are or were attorneys, and fewer than 10% of either the focus group or survey respondents have parents who are or were attorneys (see Figure 8). Those survey respondents who did have attorneys in their families also tended to have parents with high levels of educational attainment, with half holding an advanced or professional degree. Many of the focus group participants stated that they had parents who did not even

graduate from college.[66] However, the majority of the women responding to the survey indicated that they had at least one parent with a college degree (57%), and almost half indicated that their parents had earned a postgraduate or advanced degree (see Figure 9).

Figure 8: Attorneys in Family

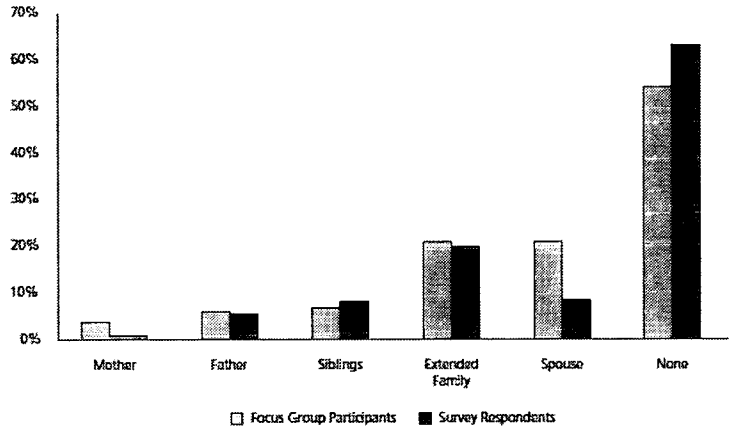
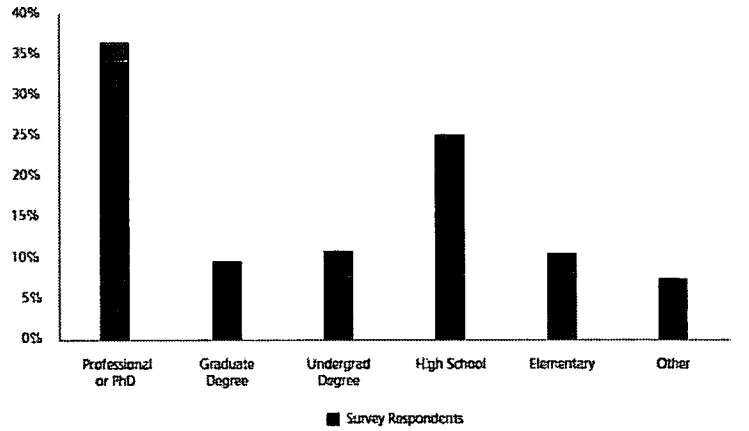


Figure 9: Education Level of Survey Respondents' Parents

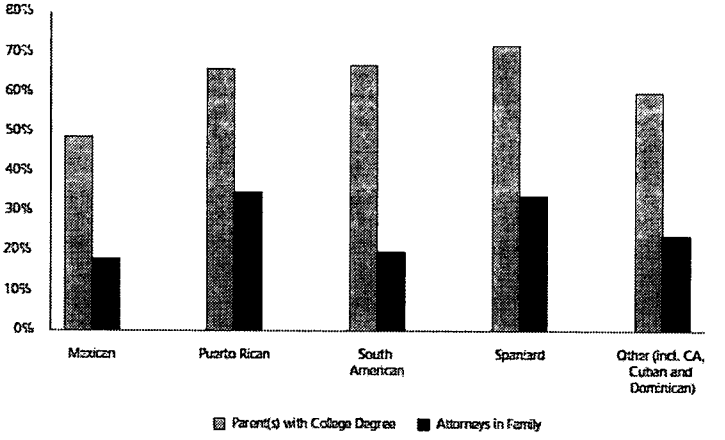


The role of ethnicity appears to play a role in the differences in parents' education and in early exposure to attorney role models. As compared with all other ethnic subgroups, survey respondents who self-identified as being of Mexican descent are less likely to have at least one parent with a college

66. Data on parents' education were not available for focus group participants.

degree (49%) and other attorneys in their families growing up (18%) (see Figure 10).

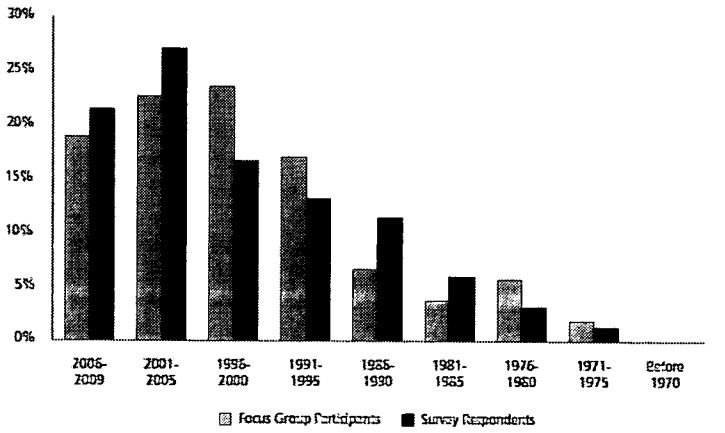
Figure 10: Parent(s)' Education and Incidence of Attorneys in Family by Ethnicity



8. Law School

The greatest number of Study participants graduated from law school sometime between the years 2001 and 2005, and two-thirds graduated sometime after 1995 (see Figure 11). The representation of law schools that Study participants attended is diverse; however, the highest number of Study respondents indicated that they attended top-ranked law schools in the United States.[67] (see Figure 12.) While more than half (54%) of survey

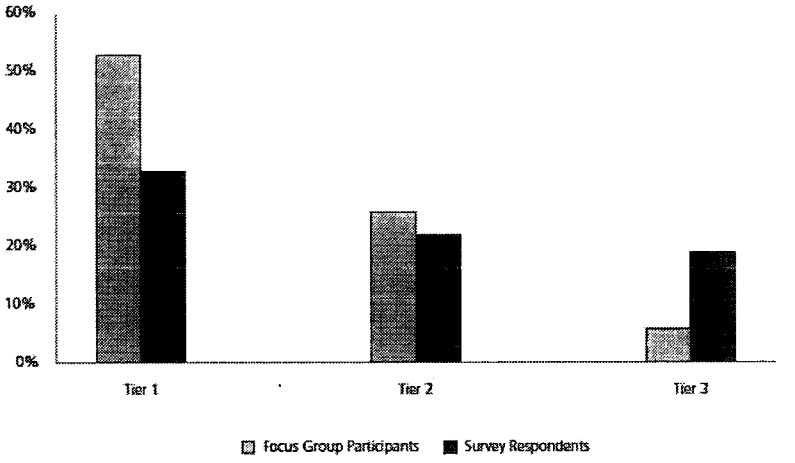
Figure 11: Law School Graduation Year



67. Tier levels for focus group participants are based on 2009 U.S. News and World Report Rankings. Law school tiers were self-reported for survey respondents.

respondents described their class rank as "average," as many as 43% served as a member of their law school's journal or law review.[68]

Figure 12: National Ranking of Law School



9. Source of First Legal Position

The survey respondents[69] were recruited into their first legal positions through more traditional routes, including summer clerkships (21%), personal referrals (18%), on-campus interviews (14%), and unsolicited resumes (11%), as opposed to diversity-related job fairs (5%).

10. Summary of Latina Attorney Profile

This snapshot of Latinas in the legal profession can be compared to the demographic characteristics of the larger Latina population in the United States. Overall, the majority of the study participants, like the majority of Latinas/os in the U.S. population, are of Mexican descent[70] and racially White, although a large proportion self-identify as racially Mestiza. The overall age for the majority of the women in this Study is considerably older than the median age of Latinas overall.

Similar to the larger Latina population, they are typically married and in their prime child-bearing years; however, unlike their non-lawyer Latina

68. Data on class rank and law school activities are not available for focus group participants.
69. Data on recruitment source not available for focus group participants.
70. *See* Arbona, *supra* note 44, at 11; *see also* ADORNO, *supra* note 38, at 39.

cohorts, they appear less likely to have children, and those that do have only one or two. This finding seems to suggest that the women from this Study, who are in their prime child-bearing years, may be delaying, choosing not to have or limiting the number of children, in part because of their legal careers.

Furthermore, as second- or third-generation immigrants, most were born in the United States and consider English to be their primary language. Compared to the U.S. Latina population, the Latina attorneys from this Study appear to be more acculturated overall. These aspects of acculturation are highly correlated with Latinas' educational and occupational self-efficacy (that is, their perception of their ability to reach a goal).[71]

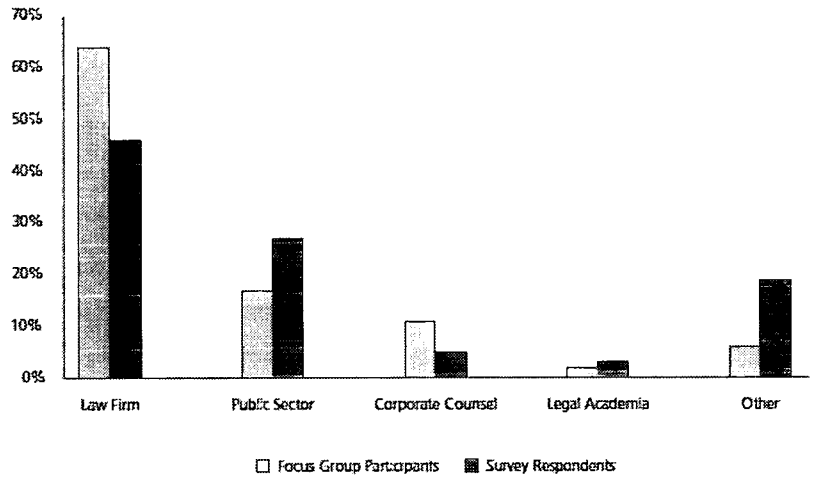
The majority of the Latinas from the Study did not have attorney role models in their families or while they were growing up. However, the survey respondents' parents do appear to be more highly educated than the Latina/o population in the United States. This factor may also have contributed to their daughters' high educational achievement. The Latinas also appear to be well-qualified as attorneys, in light of their law schools' reputation and their overall academic credentials.

C. Legal Sector Profile

The Latina attorneys in this Study reflect the diversity of Latinas across all legal sectors. All major sectors of the legal profession are represented in both the focus group and survey respondents. The majority of Latinas in the Study worked in law firms (as sole practitioners, and in small, medium, and large firms), followed by the public sector (including government and judicial positions), corporate counsel (including for-profit, non-profit, public, and private), and legal academia. As shown in Figure 13, the only significant difference between the focus group and survey respondents appears in the "Other" attorney positions: 19% of the Latinas surveyed—but only 6% of the focus group participants—are employed in other attorney positions, including staff attorneys, consultants, and a variety of other attorney roles.

71. *See* Lourdes M. Rivera et al., *The Effects of Perceived Barriers, Role Models, and Acculturation on the Career Self-Efficacy and Career Consideration of Hispanic Women*, 56 CAREER DEV. Q. 47 (2007), *available at* http://findarticles.com/p/articles/mi_m0JAX/is_1_56/ai_n27368282/pg_3/?tag=content;col1; Elvia Y. Valencia &Valerie Johnson, *Latino Students in North Carolina: Acculturation, Perceptions of School Environment, and Academic Aspirations*, 28 HISP. J. OF BEHAV. SCI. 350 (2006).

Figure 13: Legal Sector Representation of Latina Attorneys



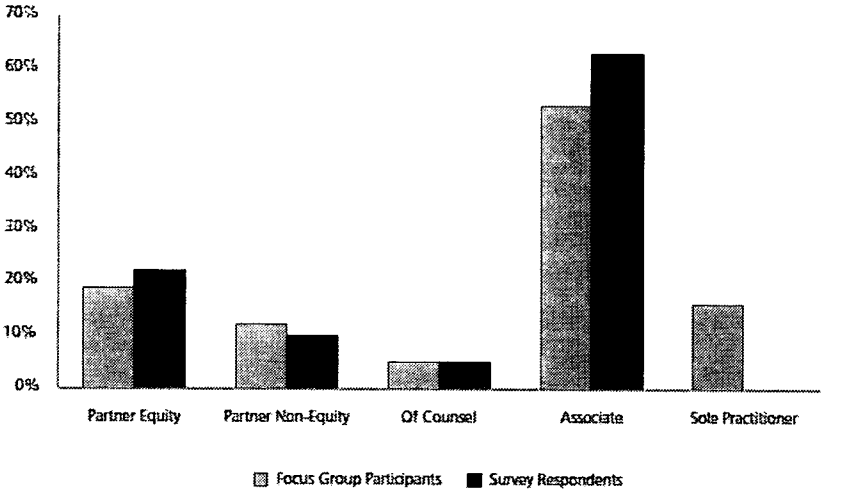
1. Law Firm

Law firms employ 64% of the focus group participants and 46% of the survey respondents.[72] The majority in each group are employed as associates. Their relatively junior status appears to be related to the number of years of legal experience; 34% of law firm survey respondents have been practicing for less than 5 years and nearly 60% have been practicing for 10 or fewer years.

Almost a third of both the survey and focus group women working within law firms classify themselves as partners; two-thirds of this group report that they are in an equity role. More than two-thirds of the law firm attorneys surveyed are in either very small (5 or less) or very large (101 or over) firms (represented equally). About half (53%) of all surveyed partners work in firms with 5 or fewer attorneys, and 21% work in firms with more than 100 attorneys. Furthermore, 16% of the law firm focus group attorneys are sole practitioners. Figure 14 shows law firm positions for both the focus group participants and survey respondents.

72. Law Firm: N=248 survey respondents and 76 focus group participants.

Figure 14: Law Firm Representation



The median salary of all full-time law firm Latinas surveyed is $120,000, although the range is actually quite considerable—between $30,000 and $1.6 million.[73] While much of the variability may be a function of position, firm size, years experience, and billable hours, it appears that the median compensation of Latina law firm survey respondents is considerably lower than the levels reported in studies of other majority and minority groups, regardless of gender, even when accounting for their limited years of experience. For example, consider the findings reported by the American Bar Association Commission on Women in the Profession in 2006.[74] The median compensation for white men was $314,416; for men of color, $210,569; for white women, $254,746; and for women of color, $157,290. The ABA Study is based on 2003 data, and therefore does not reflect potentially higher 2009 compensation levels. It appears that the Latina law firm salaries reflected in this Study are still lower than those reported by similar groups within their first decade of practicing law.

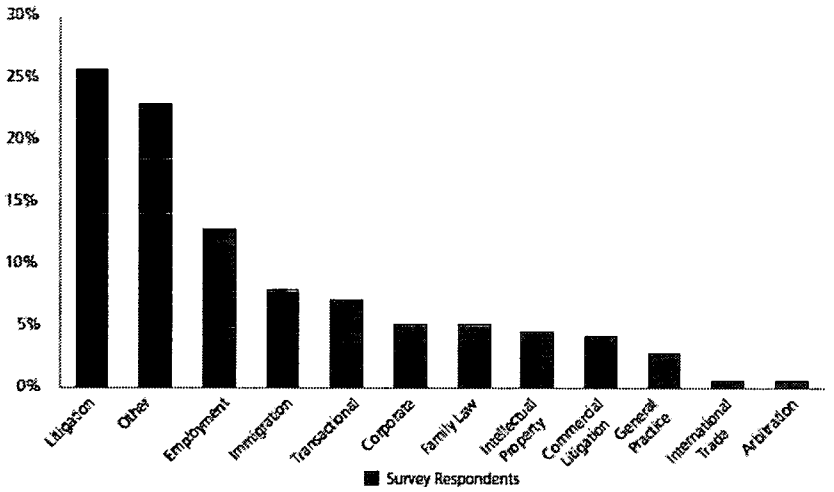
Litigation appears to be the largest area of practice for survey respondents (26%). Relatively few appear to be employed in practice areas that could be viewed as ethnically and/or gender-centric, including Immigration (8%), Family Law (5.2%), or International trade (< 1%). This finding is consistent with a recent study, which found that most majority and minority groups, especially Latina/o lawyers, spend the majority of their time in civil litigation and criminal law, compared to all other practice

73. The second-highest reported compensation for law firm respondents is $450,000, considerably lower than the highest reported at $1.6 million.

74. *See* A.B.A., *Visible Invisibility Study*, *supra* note 13, at 28.

areas.[75] Figure 15 shows the representation of law firm practice areas for the Latina survey respondents.

Figure 15: Representation of Law Firm Practice Areas (Survey Respondents)



2. Government Sector and the Judiciary

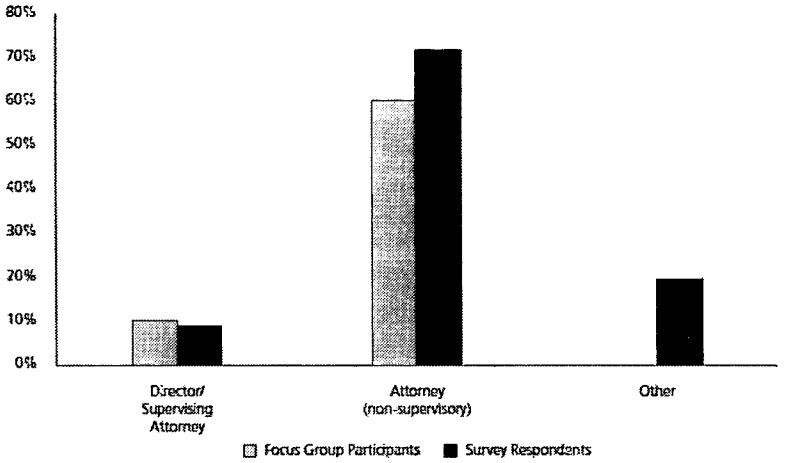
The second largest representation was in the public sector.[76] This sector includes Latinas who work in the government as either civil service attorneys or political appointees, as well as those who work in the judiciary at the federal, state, local, or judicial clerk level.

An overwhelming majority of the non-judicial government attorneys work in non-supervisory or "other" roles (see Figure 16). Political appointees are somewhat equally distributed among state (34%), federal (21%), or "other" (34%) positions.

75. *See* Gita Z. Wilder, National Association of Legal Placement, *Race and Ethnicity in the Legal Profession: Findings from the First Wave of the After the JD Study* (2008), *available at* http http://www.americanbarfoundation.org/uploads/cms/documents/race_and_ethnicity_monograph.pdf.

76. Public Sector: N=144 survey respondents, and 20 focus group participants.

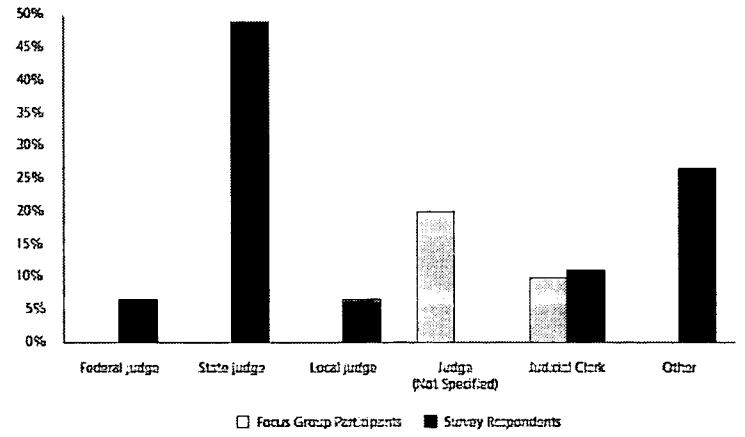
Figure 16: Government Attorney Representation



Overall, the Latina survey respondents who are employed in the public sector tend to work in larger legal departments, with more than 25 attorneys (57%). More than half have 10 or more years of legal experience, and their median compensation is $100,000; compensation ranges from $38,000 to just over $200,000.

Only 8% of the survey respondents and 5% of the focus group participants are represented by the judiciary.[77] The majority of these attorneys are judges, and half of the survey respondents are state judges. Notably, as Figure 17 shows, only 7% of the public sector survey respondents are federal judges.

Figure 17: Judiciary Representation



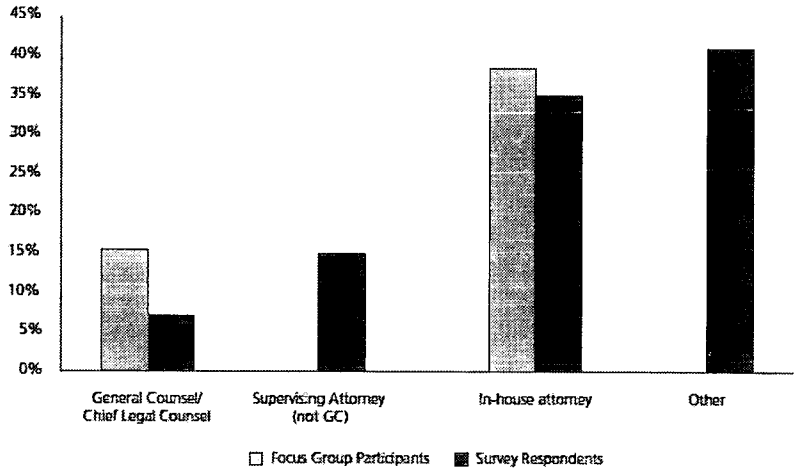
77. Judiciary: N=45 survey respondents and 6 focus group participants.

3. Corporate Counsel

The representation of corporate counsel within the overall Study was considerably lower than for the law firm and the public sector.[78] As shown in Figure 18, the majority of Latinas working in corporate law departments are in non-supervisory attorney positions. This was the case for survey respondents in for-profits (81%), private (82%), non-profit (61.7%), and public corporations (83%).

Those surveyed are equally represented in either very small law departments (1-5 attorneys), or much larger law departments (over 25 attorneys). Their median gross compensation is approximately $170,000, ranging between $56,000 and $550,000. Unlike Latina attorneys in law firms, their relatively lower status is not necessarily attributable to their limited years of experience; more than 60% have 10 years or more of legal experience.

Figure 18: Corporate Counsel Representation



4. Legal Academia

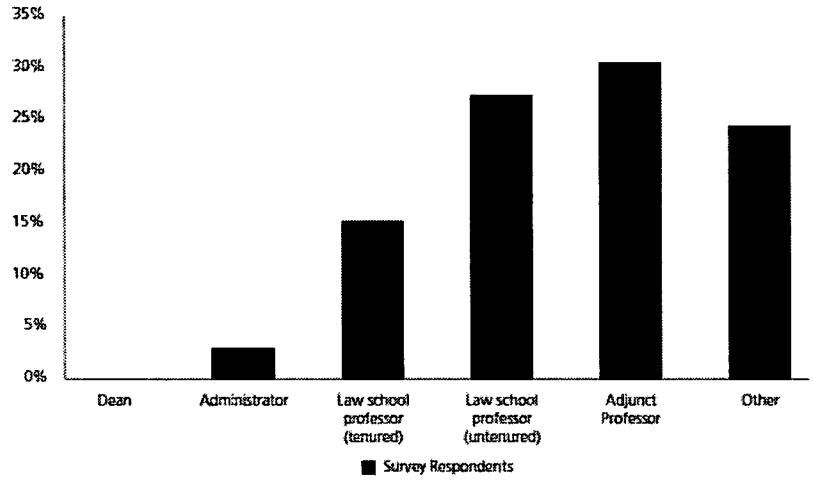
The majority of survey respondents working in legal academia are adjuncts (30%) and non-tenured law professors (27%). There were no deans and only 15% of those working in legal academia are in tenured positions.[79]

78. Corporate Counsel: N=28 survey respondents and 13 focus group participants.

79. Legal Academia: N=16 for all survey respondents; N=2 for focus group numbers, which is

Furthermore, as shown in Figure 19, only 3% were in a leadership capacity (i.e., administrators). Indeed, there are only two Latina law school deans in the United States.[80] This relatively low level of seniority cannot be explained by years of experience because two-thirds of the surveyed women in legal academia have more than 10 years of legal experience. The median salary for all full-time attorneys working in legal academia is $115,000, with a range between $60,000 and $300,000.

Figure 19: Legal Academia Positions



5. Other Positions in the Legal Profession

Other attorney positions listed by the Latina focus group participants and survey respondents included Staff Attorneys, Executive Directors, Diversity Managers, Legal Interns, Legal Fellows, Legal Recruiters, Arbitrators, Public Interest Attorneys, Public Defenders, Court Counsel, Consultants, and Contract Attorneys.[81] The median salary for attorneys in this "Other" category is $75,500, with a range between $25,000 and just over $480,000.

6. Conclusion

These findings indicate that Latinas have followed a variety of career paths. Yet they are not proportionately represented in leadership positions

too low for comparative analysis.

80. Email from Michael Olivas, Professor, Univ. of Houston L. Sch. (July 29, 2009) (on file with authors). The two Latina deans referenced here are Leticia Diaz at Barry University School of Law and Jennifer Rosato at Northern Illinois University.

81. Other: N=104 survey respondents and 6 focus group participants.

throughout the profession and appear to experience significant wage disparities, compared to their counterparts. At first glance, this finding may be explained by the fact that at least half of the women,[82] especially those in law firms, have been practicing for less than 10 years. However, this finding is not consistent across all legal sectors, especially for those in corporate law departments and legal academia.[83] Furthermore, this disparity cannot be explained by a reduced work schedule, given that nearly all the Study participants are employed in a full-time capacity.

These findings echo other studies on women and people of color. Recent studies on minorities in the profession have demonstrated how, in general, minority women in the legal profession are practically excluded from top leadership roles in law firms and corporate legal departments.[84] Moreover, Latinas/os and African Americans tend to earn less than members of other groups. This is due in part to their tendency to work as solo practitioners, in government, or in other legal settings where salaries are considerably lower.[85] This Study suggests that the legal profession must take a closer look at the Latina attorney population to identify where significant discrepancies may exist related to compensation and leadership opportunities.

Finally, these findings suggest that while many of these predominantly new attorneys may still be ascending in their legal careers, it appears that, overall, survey respondents[86] have had an average of between two to three different employers in their relatively short legal careers. This relatively high rate of attrition within the legal profession is problematic and suggests a need to better understand and address the primary reasons for turnover, in order to retain this talent. This finding is consistent with other research reporting retention issues with female attorneys in the legal profession,[87] and in law firms in particular.[88]

82. 50% of focus group participants, and 59% of all survey respondents.

83. However, this could also be a function of the number of years the survey respondents held their current positions.

84. *See* Minority Corporate Counsel Ass'n, *supra* note 8; NALP, *supra* note 9; Elizabeth Chambliss, *Miles to Go: Progress of Minorities in the Legal Profession*, A.B.A. (2004).

85. *See* Wilder, *supra* note 75, at 15.

86. Data based on survey respondents only.

87. *See* Rebecca Korzec, *The Glass Ceiling in Law Firms: A Form of Sex-Based Discrimination*, 2 J. OF EMPLOYMENT DISCRIMINATION L. 251 (2000).

88. *See* A.B.A., *Visible Invisibility Study*, *supra* note 13, at 30.

IV. STUDY FINDINGS

This section of the Study presents recurrent themes raised in the focus group interviews and survey responses. These themes shed light on the significant experiences affecting Latinas' decision to attend law school and their career choices. As such, these themes are a rich and revealing source of information about the factors that positively and adversely affect the lives of Latina lawyers.

A. Formative Experiences Influencing Latinas' Entry into the Legal Profession

1. Few Attorney Role Models

"Nobody went to college in my family, no lawyers, no professionals really . . . . I didn't really have any positive [attorney] role models."

The vast majority of both the focus group participants and survey respondents (78%) stated that they did not have family members who were attorneys or exposure to attorney role models growing up. Many focus group participants attributed this to their parents, many of whom were first-generation immigrants, with low levels of educational attainment and low socioeconomic status. In fact, many of the focus group participants reported that they were the first in their families to attend law school and, in many cases, college. One focus group woman of Mexican descent described her modest family background: "I'm the first generation to go to school, to go to any kind of school. I'm lucky that I graduated from high school, because what you did is, you worked the land and that's what you did." Another participant said that her only exposure to attorney role models growing up was seeing a Hispanic actor playing the part of an attorney on television: ". . . except for Jimmy Smits on L.A. Law . . . it wasn't regularly seen."

Because they did not have attorney role models in their formative years, many of the Latinas were initially unfamiliar with the legal profession and did not consider pursuing a legal career early on. However, the few focus group participants who did have early exposure to attorney role models indicated that it provided them with the great benefit of seeing how lawyers think and act. One Latina remembered from an early age discussing important and "weighty issues" with lawyers because her uncle was a Supreme Court Justice in Puerto Rico. Many participants with lawyers in their families indicated that having an attorney role model deeply influenced their decision to become lawyers. One woman recalled, "My mother always told me that my grandfather was a judge in Cuba . . . . I was always compared to him in personality and the way I could express myself and argue. So I always went the route of becoming a lawyer."

2. Latina Role Models

"She was a Latina woman who was a lawyer . . . . And so it made sense. If she does that, I could do that . . . ."

Despite the lack of attorney role models, many Latinas in this Study were inspired and encouraged to become lawyers by strong female role models. Roughly a third of the Latinas surveyed credit having early female role models as a primary influence in their decision to pursue a legal career. In particular, many of the focus group women identified their mothers as the person having the most profound impact on this decision. Interestingly, nearly all of the Latinas in this Study indicated that their mothers were not attorneys; however, these mothers encouraged their daughters to achieve their educational and career goals and to pursue a "professional" degree because of the independence and self-reliance it would offer. One focus group participant described her mother as "always" wanting her to "do something where I would be independent." One participant shared how her mother instilled a strong sense of achievement:

> My mother is a very, very strong and independent person. And so I knew I could be whatever I wanted. I could be a lawyer. I could be a doctor. I think when I was six, I told my mother I was going to be the President of the United States. My mother said, "And you will be, not you can be."

Along their educational journey, especially in high school or college, some of the focus group women pointed to a key encounter with a Latina attorney who influenced or encouraged them to attend law school. One focus group participant described how seeing a Latina judge served as a symbol of what she could also attain: "I was so moved, just to see her, that a woman could do it." These role models were essential to these women because it allowed them to envision a legal career outside of their worlds. The following comment illustrates this point:

> [S]he was a Latina woman who was a lawyer. And so it just made sense. If she does that, I could do that. Some of my peers when I got to college and law school didn't have this sense from early on, seeing someone who was very real and tangible who had this job . . . and so it was open to me.

3. Education as a Means to a Better Life

"My parents always said, 'You have to have a better life than we do and the way you get there is, you get educated.'"

The majority of the focus group women and 90% of all survey respondents stressed the importance of having a good education, regardless of their family's educational or professional background. The focus group women shared how they were raised to appreciate the value of education as a means toward self-reliance and a more promising future. Their parents strongly encouraged these women to pursue higher education as a means to a better life. The Latinas were expected to pursue a college degree and beyond—not as a choice, but as an absolute. One Latina focus group participant recalled, "My [parents] pushed education. We really didn't have a choice." Another explained that she was reared to believe that education was an escape from the cycle of poverty she observed around her: "I grew up in a very, very poor family .... I saw [getting an education] as a way of making a better life for [myself] somewhere down the line."

Many of the focus group participants indicated that the goal of higher education led them to attend law school, not necessarily because of an early desire to become an attorney, but rather because of their families' "emphasis on education and getting ahead." The goal of higher education superseded any particular decision to become a lawyer. One Latina reflected: "I think that a lot of this ends up being about access to education before . . . being a lawyer."

4. Becoming an Advocate for Others

"I was really inspired to become an attorney to help others."

Several of the focus group members viewed themselves as advocates at an early age because of their role as interpreters or representatives for their immigrant parents, families, and communities. Many felt that these formative experiences influenced their desire to use the legal profession as a way to help others who could not adequately represent themselves. One Latina described how her early role as interpreter for her family shaped her decision to pursue a career as an attorney, "I grew up interpreting for my parents. It seemed like a very natural progression to then become a lawyer who interprets the law for clients or litigants or whoever it might be."

In addition to their role as interpreters, many women from the focus groups also witnessed "maltreatment" and "injustices" toward Latinas/os in their communities and viewed the legal profession as a better way to be "the voice of people who were disenfranchised." Several also pointed, as a key influence when they were growing up, to significant sociopolitical movements in their communities, such as the Chicano movement. The

following focus group comment illustrates this influence on one Latina's future calling:

> Going to college in the '70s, and at that time the Chicano Movement was very strong, and there was a heightened awareness of the injustices with respect to the Latino community. So my thinking is that those of us who decided to go into a legal career [did so] to maybe change that. That's what shaped me the most.

Participants also placed a strong emphasis on becoming a lawyer to help empower their communities.

5. Gender and Cultural Barriers

"They see you as women and once you are a woman, it doesn't matter how smart you are, what you do. They always put you in this place because that's the role that women played growing up."

The focus group participants described how early gender-role socialization and cultural expectation about appropriate roles for Latinas affected their early career considerations. Many experienced strong expectations from family members and communities to adhere to more traditional gender roles and professions that were inconsistent with that of lawyers. Several Latinas from the focus groups indicated that some family members tried to discourage them from pursuing a "nontraditional" career in the legal profession. Many Latinas in the Study believe that these cultural and gender expectations limit the educational and career aspiration of Latinas. One focus group woman commented: "Men were doctors and lawyers . . . . Women's money was viewed as extra money." These expectations led some Latinas to base their career decisions on familial needs, as opposed to their own personal needs, a tendency that may limit career options.

Some focus group women reported that they continue to play the cultural role as advocate and representative for their families, which places additional burdens on their careers. One focus group participant recalled an important meeting with her dean when her mother called her on her cell phone for directions. "I'm the only one who can give it to her. Those kinds of absurd things that we experience on [a] regular basis really shape the decisions that we're making, whether it's pulling ourselves out of the sector, switch[ing] sectors . . . it's huge." Another focus group participant's comment illustrates the complex role Latina families play as both supporter and deviator: "The role of the Hispanic family, in shaping us as

professionals, . . . [is] anything but neutral. It's been the biggest push towards success, and also the biggest pull away from it sometimes . . . there's a constant tension in fulfilling your [cultural and professional] role."

Many of the focus group women also believe that Latinas/os are culturally socialized to "be humble," as the following comment illustrates: "I was raised to be an extremely humble person; that you never act bigger than you are, [just] because you are a lawyer." While both genders are socialized in this way, Latinas in particular are raised to show deference to Latinos by allowing them to assume leadership roles, while Latinas provide critical support. Many view this tendency to show deference, reverence, and passivity as a liability in a profession that values aggressiveness and self-promotion.

B. Law School Experiences

1. Indirect Path to Law School

"I don't know why I chose the law or law school . . . ."

For many survey respondents, the path to law school was indirect and serendipitous. Fewer than half of the survey respondents knew that they wanted to pursue a legal career before entering college, and relatively few focus group participants aspired to become attorneys at an early age. In fact, many of the focus group participants indicated that they had not planned or wanted to become an attorney by the time they graduated from college.

Some women from the focus groups were later introduced to the legal profession by influential individuals, while others were exposed to it by chance. In both cases, this often occurred after considering or discounting other professional careers or positions. One Latina shared the basis for her decision to pursue a legal career: "I didn't know that I was even remotely law school material until three years after I graduated, couldn't get into medical school, and decided I could always go to law school." Others ultimately considered law school because they viewed it as "a very versatile career path." One focus group participant explained how a law degree could be used as a springboard to other careers: "I can do anything with a law degree. It doesn't have to be law. It can be whatever. So that's why I decided to go into law." The decision to become an attorney was also influenced by exposure to legal work as a clerk in a law firm or other legal organization. This exposure allowed participants to see how attorneys were effective problem solvers and community advocates.

2. Institutionalized Discouragement

"These [educational] institutions still have this notion that we can't do whatever it is we set out to do. And those barriers, institutionally, are there. Just because we had the fortitude to jump over that hurdle doesn't [indicate] how many other people were discouraged and left."

In their pursuit of law school, many Latinas in the focus groups experienced lowered educational expectations and institutionalized discouragement from teachers and school counselors. Some educators actively discouraged these women from pursuing their educational objectives by telling them they would not succeed or that they should apply to less competitive schools. Some focus group participants believe this perpetuates Latina underachievement because it "becomes a self-fulfilling prophecy because you grow up with teachers saying you can't . . . then you start to believe that, if that's what you hear."

3. Difficult Adjustment to Law School: Bridging the Cultural Divide

"We're not doing anything to support them. Or we're doing very little. It's hard enough to get students into law school, but then to lose them is a crime."

For many of the focus group participants, law school was a significant and arduous adjustment. As one of the few Latinas in their law schools, many felt a strong sense of isolation and loneliness. This made their adjustment to law school difficult because they not only struggled to identify and fit in with their non-Latina/o peers, but also lacked role models and mentors to help them navigate their law school experience more effectively.

Many focus group participants believe that they were at a competitive disadvantage to their non-Latina/o peers in law school because of a significant cultural divide. One woman recalled being the first person in her family to attend law school and "not knowing what Law Review was." As a result, many believed that they had to work twice as hard to succeed and assimilate into an unfamiliar environment. One woman recalled her struggle at the time: "The people were very different . . . a sense of entitlement among people that I went to school with . . . . So I had a hard time adjusting." Many painfully recounted how they were often "marginalized" in law school by being asked constantly to "represent the poor kids' argument" in class.

Several women in the focus groups attributed their negative experiences to their law schools' failure to provide mentoring opportunities to help Latinas navigate their educational and career goals effectively. One woman

described this predicament: "The students are being pulled in so many directions; we're not doing anything for them."

C. *Perceptions Of Latina Attorneys*

1. Latina Attorneys Are Viewed as Less Qualified

"People don't expect all that much of [Latina lawyers]."

Only 30% of the women surveyed believe that others perceive Latina attorneys positively in the legal profession. Many women in the focus groups voiced the belief that others in the legal profession view Latina attorneys as less qualified. Therefore they have lowered expectations of their abilities because they are perceived as "not as smart as someone else." Some focus group women believe that even clients initially hold this perception that Latina attorneys are less qualified than their male attorney counterparts. One woman made the following observation:

> The perception among clients is a visible one. When they see that the person who is going to be helping them is a woman, they're concerned because their idea of lawyers is . . . somebody very aggressive. Obviously you want the best, but usually in any kind of a litigation situation, they see a woman, they're a little concerned.

The perception that Latina attorneys are less capable goes hand in hand with the focus group participants' belief that others reasoned that their acceptance into law school was due not to merit, but because "we were [a beneficiary of] affirmative action, and they would [assume] that we were . . . academically deficient." Yet more than half of the focus group participants, and a third of the survey respondents, indicated that they had graduated from some of the most competitive law schools in the United States, primarily Tier 1 law schools.[89]

Similar to the perception of having less qualified academic credentials, many focus group participants believe that others attribute affirmative action or diversity goals as the basis for decisions surrounding the hiring or advancement of Latinas into the profession. The Latinas themselves do not appear to share this lingering perception. Although 42% of the survey respondents indicate that their status as a Latina has benefited their ability to be hired, only 17% believe their employer's interest in hiring them was primarily based on diversity goals. In fact, as many as a third believe their

89. While somewhat controversial as a measure of law school quality, the rankings referred to in this report are from the U.S. News and World Report. *See* U.S. News and World Report, *Law School Annual Rankings, available at* http://grad-schools.usnews.rankingsandreviews.com/best-graduate-schools/top-law-schools/rankings.

Latina status has actually created more barriers for them in their career attainment. One focus group participant observed that others often make assumptions regarding promotion decisions related to women and minorities: "I have noticed that . . . when it comes time for partnership decisions, people will look at . . . two people and say, 'Oh, well, maybe this person made it because she's a woman, or because she's a minority.'"

These negative perceptions also manifest themselves in the accounts of Latinas in this Study being misidentified as "someone other than the attorney." The vast majority of the focus group participants and 70% of those surveyed have countless examples of being routinely mistaken as the court reporter, interpreter, probation officer, secretary, or even the defendant or complainant. The focus group participants view these misidentifications as a type of stereotyping that directly questions their presence in the legal profession and their capabilities as lawyers. One woman provided an example that had occurred earlier that day. "Another male lawyer who was not of minority background asked me if I was the court reporter . . . that happens frequently. Even if I'm dressed in a suit, I'm not first perceived as a lawyer." Another woman recalled often being mistaken for the interpreter in depositions: "If I had a dollar for every time I was sitting in the depo [and heard], 'The translator's here and we are just waiting for the attorney.'"

Some Latinas from the focus groups described how they strategically used these negative perceptions of being less qualified as a "secret weapon" to disarm their opponents. One focus group participant explained: "They're not expecting much from you. So as long as you are über prepared and articulate, you're going to win them over." Another woman's description of how she used this perception to her advantage illustrates this point well:

> I learned to use it as . . . a secret weapon where people didn't necessarily expect you to be more assertive . . . or that you weren't really good for anything except for smiling, making small talk, and reserving the conference room . . . . You can assume that I'm whatever . . . . I like to slam them, is what I call it. You can only do that by being prepared and having your written briefs look good. Hopefully you continue to change the perception that they have of you.

Overall, the Latinas in the focus groups appeared very self-conscious about others' perceptions of them in the workplace. As a result of their qualifications being undervalued or questioned, many Latinas "constantly feel like [they're] needing to prove [themselves] worthy," or that they "had to work extra hard to prove [themselves]."

Because of concerns about these negative perceptions, others closely scrutinize other Latinas, a vicious circle that reinforces concerns about their own qualifications and legitimacy. "If they knew more of us, they wouldn't be defining us the way they're defining us. But because you're the only one, I always felt like [if] I blow it here, that door is closed for the next one coming up."

2. The Stereotypical Latina Phenotype

"Folks that look a little bit more Latina than I do, have had some pretty unfortunate experiences."

Another chronic perception is related to the stereotypical Latina phenotype. Hispanics are an ethnic group that is composed of more than one racial group, including White, Black, and indigenous Native American.[90] Notwithstanding this racial diversity, the women believe that non-Latinas/os often share the perception that Latinas resemble the more indigenous or Afro-Latino phenotype of brown or dark skin and dark hair and eyes. Those who do not display these stereotypical physical characteristics are often questioned or even challenged about their ethnic legitimacy. One focus group participant who did not conform to this preconceived image recalled being questioned about her cultural identity: "I've found myself having to prove my bona fides as a Latina, because people will say to me, 'Well, you're not Latin, you don't speak with an accent, or your skin isn't brown.'"

Many of the focus group women who identified with the more indigenous "Latina" image shared examples of how they were often confused with other Latinas in their workplaces or with other women of color in general, as the following comment illustrates: "They want one little box for us to fit in . . . . I think that they tend to put us in a box of non-White female attorneys."

Related to this is the belief that a Latina's race correlates with how others view and treat her, as in "the darker you are, it's not really better off for you." Many Latinas from the focus groups who view themselves as having a lighter skin color, or who were able to "pass as White," feel that they are provided more opportunities or treated more favorably than their darker-skinned Latina counterparts. One Latina remarked: "If you look like you could be White, you have one sort of life, and if you look clearly Mexican or very dark skinned . . . [you] have a completely different experience." While 59% of the focus group and 56% of the survey respondents self-identified their race as White, many of the focus group participants did not necessarily identify with non-Hispanic Whites. In this way, they often blurred the distinction between race and ethnicity. This is

90. *See* Fouad, *supra* note 42, at 165.

illustrated by a comment from a focus group participant, that although she did not appear "Hispanic," she identifies more closely with Latinas who conform to the stereotypical Latina phenotype: "I don't have that much color, but on the inside I'm brown."

3. Balancing Dichotomous Perceptions

"You can either be the troublemaker, or you can become the assimilator . . . . There's not a lot of in-between for us, in terms of perception."

Many women from the focus groups shared that they often struggle to strike a balance between the two dichotomous perceptions of Latinas as either "too passive" or a "fiery" or "hot headed Latina." To overcome perceptions of being too reticent, several Latinas from the focus groups purposefully strive to exhibit behaviors that make them appear more confident and assertive, which they believe to be important qualities for a successful lawyer. However, when they felt that they had to be assertive with other male attorneys, several participants chose the term "bitch" as a way to describe how they believe they acted or were perceived. One woman referred to how she felt she was perceived when asserting her opinion with a male colleague: "I did bark back, I was a b-i-t-c-h in that situation." Another woman's comment illustrated the concern over appearing too aggressive: "You can't be too aggressive, because in this world, if you're too aggressive, you're kind of a bitch; so you get into that problem." These women feel that they are often labeled as one or the other, even at different times. They have to consciously work to overcome being stereotyped as one of these two extremes.

Focus group participants also described an internal struggle to find an appropriate identity that balanced both cultural and workplace norms, whose values are often in opposition. One woman commented that the need to "facilitate" is "deeply rooted in our culture . . . to what extent should we keep fighting this struggle versus to what extent we should water down our culture just to achieve parity." The following dialogue, between two focus group women discussing the implications of serving a beverage during a business meeting, illustrates the opposing strategies the women adopt to counter these perceptions:

Focus Group Participant 1:

I will serve people water . . . It doesn't matter if I'm the most senior person there or not. And there are certain people that will capitalize on that . . . .

Focus Group Participant 2:

It's interesting, because I find myself intentionally not doing that. When I walk into a room, I will ask my assistant . . . to bring it. I will ask them to make copies. I will because always I need to assert who I am in this role and I need you to understand where I fit here.

D. Workplace Experiences' Impact On Career Trajectory

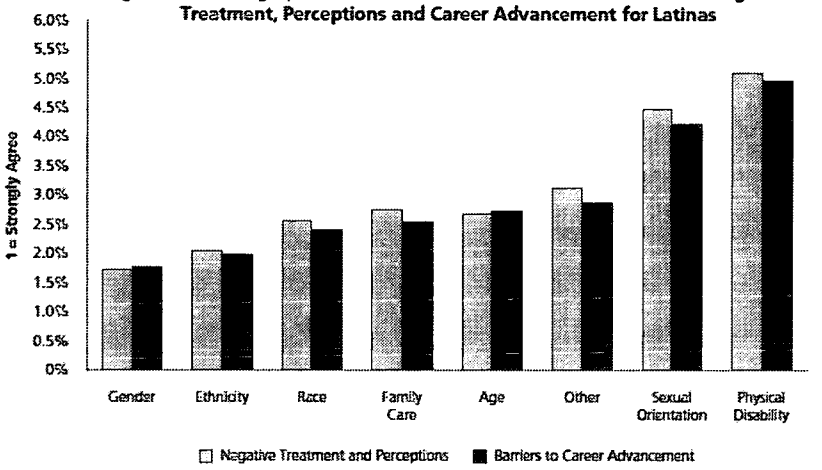
1. Intersection of Gender, Ethnicity, and Race at the Workplace

"There is still a glass ceiling, not just for women, I think there's even a lower ceiling for a Latina lawyer"

It appears that the Latinas in this Study confront greater challenges than their peers based on the "triple jeopardy" they face as women and as ethnic and racial minorities. As a result, they encounter significant obstacles in the workplace that limit their advancement in the legal profession. Many focus group participants attributed this to a "multilayered glass ceiling for Latina lawyer[s]" that is necessarily "intertwined," in that they confront negative stereotyping related to their gender, ethnicity, and race that sets them apart from Latinos, White Women, and other women of color in the profession. One woman recalled that her clients and colleagues preferred to interact with White male colleagues or "even . . . another White female before her . . . like I was just the coffee girl or something."

The majority of Latinas surveyed believe that their gender poses the greatest challenge to their careers, closely followed by their ethnicity and then their race (see Figure 20). For many, gender bias appears to be the most pervasive form of discrimination they face, because all Latinas encounter gender bias regardless of national origin or racial background. This was most evident in cities where Latinas/os have significant political and economic clout. One focus group participant in Miami explained: "There is a significant demographic of executive or professional [Hispanic] women in this community . . . based on our geography. So I have never really felt that I was in any way treated differently because I was Hispanic. It's the woman—male factor."

Figure 20: Demographic Characteristics believed to be the basis for Negative Treatment, Perceptions and Career Advancement for Latinas



2. Overt Sexism by Male Attorneys

"I don't know what all these women attorneys are trying to do in here. They should be home with their kids."

Many of the focus group participants reported being subjected to or witnessing condescending treatment by male attorneys, especially Latinos. The women attributed these incidents of negative treatment to preconceived gender and ethnic stereotypes that permeated assumptions regarding their qualifications and capabilities. One focus group participant recalled a physical confrontation with opposing counsel after she "upped" (outperformed) him in court. She recalled him coming across during a break in the trial and grabbing her arm. He told her, "Don't you ever do that again." Other focus group participants described how Latinas are placed in "subservient role(s)" and have to do "more than a male associate" to gain the same amount of credibility.

The women also encountered many forms of overt sexism. One focus group participant recalled a municipal court judge saying that he would rule in her "favor more often [if she] would just be more meek and demure." The presiding judge asked another survey respondent in court whether she had passed the state's bar exam. Focus group participants had similar experiences with their male clients and colleagues, which reflect their employers' or colleagues' image of a traditional lawyer.

Several women in the focus groups described being discriminated against, in favor of or by Latino attorneys. Many women felt this

mistreatment was due to Latino lawyers' belief that Latinas should be home with family, not working and assuming leadership positions. For many, the support they received from their family growing up to pursue educational and career aspirations continues only if they act like good mothers and wives as adults, by shouldering most of the household and childcare responsibilities. Some focus group participants described this view especially "among first-generation Latino males" as a "mommy" issue; Latinos are often raised by their mothers to believe they can do whatever they want, while Latinas are treated as "servants." One focus group participant referred to this as "cultural sexism"; the expectation is that "you really should be at home and not trying cases." Many participants believe that this cultural sexism limits career development and advancement opportunities for Latinas because Latino lawyers expect "women to do traditional . . . secretarial stuff where men make the big decisions."

3. Career and Motherhood

"[T]here aren't enough avenues out there for us to do both."

The overwhelming majority of Latinas surveyed (70%) believe that having significant family-care responsibilities will affect their opportunities for advancement. Nearly two-thirds of the Latinas surveyed were married or in a committed partner relationship (62%). However, only half have children at home, and fewer than 5% have more than two children. Further, only a third of the women age 35 or under have children at home. This seems to imply that the Latinas in this Study are strategically postponing or simply not having children in order to pursue their legal careers, demonstrating their keen awareness of the potential adverse impact of motherhood on career advancement.

For example, although most focus group participants did not have children at home (68%), many voiced concerns about balancing the seemingly diametrically opposed goals of pursuing a legal career and motherhood. One focus group participant explained: "It's . . . all or nothing. I remember interviewing [at two law firms] . . . and all the women partners were women that sacrificed . . . not married, no children." The few focus group Latinas who did have children at home described the herculean task of balancing their careers with motherhood, a task that is undervalued in the legal profession. One focus group participant offered: "You come home, you're making dinner, taking [care of] your kids, put them to bed, and go right back to work until midnight. Where's the relief? At some point you get to a breaking point."

Focus group participants also described traditional attitudes held by many that in order to succeed, one must "put in the hours [and give up a] normal life" or be considered less valuable. This statement implied that a woman cannot be a successful lawyer and still be a good mother. Many

participants also believed that those in leadership positions often consider a woman who decides to put in fewer hours and spend more time with her family to be less dedicated to her career. One focus group participant was told in a remarkably candid remark that a male colleague "was paid significantly more because she was [a] woman [and was] 'probably going to take more time off to go be with your children, so we're investing more in him because we know he's going to give us more of his time.'"

4. Isolation and Invisibility

"Latinas are practically non-existent . . . . I'm still the only Latina."

Many focus group participants were keenly aware that their workplaces employed very few Latina attorneys. These Latinas also spoke about being viewed as outsiders and feeling "isolated" and "invisible."

In addition, many were often regarded as foreigners (i.e., non-citizens) within their workplace, which further alienated them from their colleagues. One focus group participant recalled being "asked at a cocktail reception, 'Are you an American?' [W]hat kind of question is that? And does that color what you think about me because I was born outside the United States?" This treatment adds another level of complexity to what Latinas encounter.

This treatment included anti-immigrant sentiments, especially in the Southwest, where these sentiments are historic and popular. One focus group participant from this region of the country indicated that addressing these issues is particularly difficult:

> There's trepidation even in our legal community among Latinos here, where do we stand on this immigration issue, because we're targeted when people look at us . . . [and] fighting that kind of stigma on one hand and trying to separate ourselves . . . . I was born here and I'm very educated.

As a result of this alienation and isolation, focus group participants felt that they did not have access to the same mentoring opportunities and social networks as their White counterparts. "White male partners are more likely to go down the hall and grab a White male associate for a project or for a client meeting because it's bred on familiarity."

Because of this lack of commonality, many found it difficult to form relationships with colleagues and superiors. For example, only half of the Latinas surveyed feel that they are given ample opportunities to network and socialize with senior attorneys and supervisors, in both formal and informal

gatherings. Only 43% of those surveyed feel that they are given opportunities to work directly with or develop relationships with clients. The women viewed these relationships and networking opportunities as critical to their career development and advancement. Lack of access to mentors and influential individuals underlies many of the barriers and career-limiting obstacles these women identified that may contribute to their underrepresentation.

5. Tokenism

"It's an irony and a dichotomy that you always have to balance . . . the way you're either tokenized or that you're not who you're supposed to be and not capable."

Many of the focus participants feel they often serve as "tokens" or symbols of what Latinas do or feel. They attributed this to Latinas' underrepresentation, which created the exhausting responsibility to either be the "representative for all Latinas" or to educate others about their culture and ethnicity. For some, it was a delicate balancing act of "fielding questions about your hair and your accent and your immigration status . . . ." One focus group participant opined:

> Most people don't have, I think, that extra task that when you take up a job, you have to educate people about the fact that you are a Latina, or where you're from, and . . . just educating the people around you, and making them feel comfortable, because they're not used to seeing Latinas. Some of them don't know how to react to it, which is . . . part of the 10 other things that you're trying to do with your day job, having to deal with that extra layer of sensitivity.

On the other hand, the focus group participants also reported that their status as Latinas afforded them unique opportunities to network and develop client relationships with Hispanic clientele because of their unique bilingual and bicultural skills. One participant commented on this:

> I believe being bicultural and bilingual is an advantage in being a Latina in the profession, because at least in terms of my experience, I think it's opened doors of opportunities . . . . There are definitely cases that I've worked on that I wouldn't have been staffed unless I was fluent in Spanish and bicultural.

Although focus group participants recognized the advantages of these relationship skills, they indicated that these opportunities were not always beneficial. Several recalled how they often serve as window dressing to potential clients without fulfilling a more substantive role. Another recalled, "meeting a deadline" one evening at work and being asked by a partner "to

go to an event on behalf of the firm, because the contact for that event was a Latino, and they wanted the diversity representative." Overall, the women felt that this contributed to their feelings of tokenism and added an additional burden to their already exhaustive schedules. Sometimes non-Hispanic colleagues were resentful because they believed these were unfair affirmative action opportunities, as opposed to being merit-based.

Some Latinas were wary about being pigeonholed into practices or assignments that were perceived as gender- and ethnic-oriented attorney roles, such as providing translations or practicing in areas such as family or immigration law. One survey respondent commented: "Just because we are Latinas does not mean we should only handle cases dealing with Spanish-language or Hispanic issues . . . . Why does the legal profession still think all Latinos are alike?"

6. Conforming to the Dominant Culture

"It's what you have to do to be successful at a large law firm. You have to bridge that gap and make them almost forget you're Hispanic."

Nearly half of the Latinas surveyed and many of the focus group participants reported that they adjusted their appearance or behavior in order to fit in or establish credibility in their organizations because of their "otherness." One focus group participant poignantly commented: "It's what you have to do to be successful at a large law firm. You have to bridge that gap and make them almost forget you're Hispanic . . . the same way I have to make them forget I'm a mother." This behavior change also included either acting more assertively or, conversely, being less outspoken. After overhearing a demeaning comment about Hispanics, one Latina "made a choice [to] say nothing" and not share an aspect of herself, so as not to "rock the boat or, in some extreme cases, shutting up, especially if I'm being told something racist."

As a way to downplay their ethnicity, many focus group participants believe they have to pay closer attention to how they speak and present themselves. They also believe that they have to dress more conservatively and professionally than their White counterparts, such as "not wearing open-toed shoes" or needing to "straighten their hair" to avoid being sexualized or subjected to ethnic stereotypes such as the "fiery Latina."

E. Critical Success Factors

This section presents the factors that Latinas in this Study identified as critical to their success in the legal profession. Several are reminiscent of

the factors that positively influenced Latinas throughout the formative stages of their lives and careers, and illustrate the singular importance of implementing programs for success early on.

1. Family Support and Encouragement

"If I have seen farther than others, it's because I have stood on the shoulders of giants . . . . That's why we are where we are, because we have stood on our family's shoulders and they have allowed us that."

The value Latinas place on "familialism" is one of the most important and central characteristics of Hispanic culture.[91] Many of the women credit their success to their families' support and encouragement. Familial support was a source of inspiration and strength because of the sacrifice their families made in order for them to pursue their educational and career goals. One focus group participant commented, "There's a lot of sacrifice my family made for my education, and I am eternally grateful. They want to see you succeed, they want to see you go further than them. And that's how you pay tribute to them."

2. Mentoring

"It is vital for attorneys and aspiring attorneys to have contacts they can trust to contact with questions, concerns, and problems. Mentors with similar experiences are vital."

Latinas in this Study overwhelming identified mentoring as a critical component of a successful legal career. However, only a third of the Latinas surveyed believe that formal mentoring within the workplace plays a critical role in their career development. Rather, a majority (72%) place greater emphasis on informal mentoring inside and outside their workplaces. Mentors are viewed as crucial to these women's professional and personal development, providing information, offering emotional support, and boosting self-confidence. One Latina from the survey commented:

> Female attorneys need female mentors, and those who are mothers need mentors who are mothers. I performed much better in law school and in employment when I had a trusted mentor who understood me, my circumstances, my background, and my perspective. I was able to trust and confide in that person and ask important questions. When I lacked that resource, I didn't ask and therefore was not informed.

91. *See* GERARDO MARÍN & BARBARA VANOSS MARÍN, RESEARCH WITH HISPANIC POPULATIONS 31 (1991).

Many focus group participants have difficulty finding mentors because of the shortage of attorneys who are able to relate to them. "[S]o much of that requires that they see something of themselves," which "requires some camaraderie between you and the [mentor]." Lack of commonality with potential mentors requires them to initiate this relationship, which participants sometimes viewed as a daunting task. One focus group participant recalled her experience:

> It was difficult for me to try and find a mentoring relationship . . . . It's very much a struggle within myself to break out of that sort of limitation that I have on myself to ask for someone to mentor me, to ask for some kind of a leader who is going to be sympathetic and appreciative of the work that I can do.

3. Straight Talk and Real Feedback

"Latinas tend to go along in their careers, perhaps doing things wrong [when] no one wants to straight up tell you what's wrong."

Focus group participants emphasized the need for honest feedback as a critical factor in their professional development. Many believe they need explicit direction and guidance on how to succeed in their respective workplaces. This means more than receiving general advice about working on important assignments and finding mentors.

Many believe that if an assignment has mistakes or needs improvement, the assignor should address them directly; otherwise, the person will not build the right skills and competencies to succeed. They were prepared for candid feedback, but believe that their superiors and colleagues do not feel comfortable doing so. These women viewed feedback as essential to their career development, and the lack of frank feedback as a career-limiting obstacle. "Sometimes it's going to be incumbent upon us to ask these questions, to go get feedback. Because the earlier you can fix something, the better that person will succeed."

4. Perseverance and a Strong Work Ethic

"I think that where some people may have given up, given the circumstances, for better or worse, I just keep plugging at it with that survivor mentality."

Many of the Latinas believe that their strong work ethic and ability to persevere in their professional lives, despite adversity, is a key component to

success in the profession. For these women, the ability to remain and continue in the legal profession is a direct testimony to their ability to "transcend" and overcome the obstacles they encounter.

The focus group women also attribute their success in large part to their strong work ethic, which resulted from their need to "work harder" than others as a way to prove themselves. "I feel that I have to work harder . . . than . . . the males who may be at my level . . . because I feel like I have something to prove . . . ." This constant need to prove their capabilities drove many to prepare thoroughly and to anticipate the needs of their employers and clients—which at times greatly benefited their careers.

5. Self-Confidence

"It's a sense of confidence, that the moment I walk into a room, two seconds, you hear me speak, nobody asks me if I'm the attorney . . . . It's that air of confidence that you bring in."

The focus group women stated that Latinas in general struggle with self-confidence in terms of others' perceptions of them and their assessment of themselves. However, those who attained their educational and career goals despite significant obstacles attributed their achievement to their strong sense of self-confidence in both their legitimacy and abilities as an attorney. Many focus group participants also believe that, although Latinas sometimes tend to avoid self-aggrandizement and do not demand the recognition and promotions to which they are entitled, they must exhibit more self-confidence and become better self-promoters of their abilities and contributions.

> We don't speak up for ourselves. They really don't expect that from us. We don't expect [it] from ourselves. We need to speak up regarding getting the increases that we deserve, getting the positions that we deserve, and getting the assignments and the cases that we deserve and are capable of.

6. Positive Valuation of Latina Ethnicity

"Latinas are particularly intuitive, and there is a way to use that talent in the workplace . . . when it comes to client development, understanding how to manage accounts, understanding what clients need . . . what their strengths and weaknesses are. You don't learn this in law school."

Many focus group participants believe that the cultural skills and insights of Latinas are critical components of their success. This positive valuation is often viewed as a tool that legal and business employers should and do employ because of the advantage it offers to better serve Latina/o

clientele. One focus group participant explained, "In certain industries I just get so much more out of witnesses when they know that you're Latina, that you can speak their language culturally. Here it's so much more of a nuance, and I find it makes me a lot more effective at witness interviews."

This ability comes from a deep understanding of Latina/o culture and values and a shared experience of growing up in similar communities. One focus group participant explained: "I found that [with] my perspective and my knowledge of the streets and what was really happening out there, I was able to keenly identify and analyze the case and say this is bullshit and this is real."

Although building and better serving Latina/o clientele was the primary reason for this positive valuation, many participants also believed that it allowed Latinas to become "comfortable in their own skin." This gave them the courage to overcome negative perceptions about Latina lawyers by utilizing their unique skill sets to provide excellent and valued legal service.

V. SUMMARY AND CONCLUSIONS

The results from this Study provide insight into some of the factors that influence Latinas to pursue and achieve their educational- and career-related goals, as well as the obstacles many must overcome in their professional lives. Understanding these factors provides a basis to comprehend the unique barriers and issues Latinas face, and the key reasons so many have yet to realize successful careers in the legal profession.

A. Factors Influencing Educational Achievement and Career Choice

The underrepresentation of Latinas in the legal profession may be rooted, in part, in the barriers that exist along the educational pipeline. Although research suggests that Latinas/os have similar educational and career goals and therefore do aspire to pursue higher education,[92] they are often disadvantaged in their quest by limited economic resources,[93] inadequate educational opportunities and preparation,[94] and different

92. *See* Alberta M. Gloria, Jeanett Castellanos & Veronica Orozco, *Perceived Educational Barriers, Cultural Fit, Coping Responses, and Psychological Well-being of Latina Undergraduates*, 27 HISP. J. OF BEHAV. SCI. 161 (2005); Consuelo Arbona, *Career Counseling Research and Hispanics: A Review of the Literature*, 18 THE COUNSELING PSYCHOL. 300 (1990).

93. *See* Ellen Hawley McWhirter et al., *Perceived Barriers and Postsecondary Plans in Mexican American and White Adolescents*, 15 J. OF CAREER ASSESSMENT 119 (2007).

94. *See* Irma D. *Herrera, Barriers to Latinos/as in Law School*, 13 BERK. LA RAZA L.J. 55 (2002; *see also* Daniel G. Sólorzano, Octavio Villalpando & Leticia Oseguera, *Educational*

educational trajectories, such as their greater propensity to enroll in two- versus four-year colleges and less selective educational institutions.[95]

Some of the reasons Latinas in this Study have defied these odds and attained high levels of educational achievement and successful careers in the legal profession are related to their formative experiences. Although most of the Latinas in this Study were not exposed to the legal profession during their early years, the few who did have lawyers in their families acknowledged the positive influence this had on their decision to pursue a legal career. Regardless of their parents' educational level or professional background, what appears to be the key catalyst to their success is the fact that most of the women were raised to appreciate the value of being well-educated as a means to achieve self-reliance and a more promising future. This is consistent with other research suggesting that family aspirations tend to influence educational and occupational pursuits of Latinas.[96]

For many of the Latinas in this Study, the path to law school is the result of serendipitous timing and chance rather than the intentional pursuit of a legal career. This is reflected in the finding that many had little or no intention of pursuing law school before or after college. The goal of higher education—rather than a desire to pursue a legal career per se—served as the impetus for their high academic achievement and eventual career choice. Undoubtedly, some of the women's early childhood experiences—as advocates for others, interpreters, and witnesses of the social injustices occurring around them—influenced their career choices as well. Other research has found that Latinas/os are more likely than other groups to attend law school as an opportunity to change or improve society.[97] However, as evidenced by the fact that most participants did not know they wanted to become attorneys before college, it appears that, at least initially, they did not realize how the legal profession might fulfill their experienced-based aspirations.

Latinas share a unique set of cultural values that may influence their career choice and development. They are encouraged to adhere to more traditional gender roles, and to put the needs of their families above their own. Furthermore, they are socialized to show deference to authority figures, including parents and Latinos.[98] This may result in their choosing more traditional, female-oriented careers, or being inhibited in pursuing a career in

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Inequities and Latina/o Undergraduate Students in the United States: A Critical Race Analysis of their Educational Progress, 4 J. OF HISP. HIGHER EDUC. 272 (2005).

95. *See* Frey, *supra* note 55.

96. *See* Maria J. Gomez et al., *Voces Abriendo Caminos (Voices Foraging Paths): A Qualitative Study of the Career Development of Notable Latinas*, 48 J. OF COUNSELING PSYCHOL. 286 (2001).

97. *See* Wilder, *supra* note 75, at 15, at 51.

98. *See* Lisa Y. Flores et al., *Career Counseling with Latinas, in* HANDBOOK OF CAREER COUNSELING FOR WOMEN 43 (W. Bruce Walsh & Mary J. Heppner eds., 2d ed. 2006).

the legal profession because it does not conform with these culturally determined ideals.

In addition to the importance of being well-educated, there is another key factor in their ability to overcome significant psychological and structural barriers related to their educational goals and career choice. This factor appears to be the fact that many had strong Latina role models, both in their early lives and at critical points along their educational paths. These strong role models provided support and encouragement and served as an example of what the Latinas could become and achieve. In essence, role models provide a source of vicarious learning, and thereby encourage and teach Latinas to develop self-efficacy beliefs about their ability to be successful in various male dominated professions.[99] This finding is consistent with research on high-achieving Latinas and underscores the importance of having relational support in their lives, specifically mothers or other female role models, to encourage them in their pursuit of their educational goals. This type of support is critical to help them deal with the challenge of overt racism, sexism, environmental barriers, and the physical and emotional challenges they consistently encounter during their lives.[100]

As they pertain to educational achievement and career choice, these findings suggest that a critical first step for increasing the representation of Latinas in the legal profession is to provide Latina youth with visible role models and influential mentors, from both the legal profession and beyond, who can stand as a symbol of what they can attain, and who can support and guide them in navigating their educational development, especially in law school.

B. Barriers to Law School

Research suggests that Latina/o college graduates who aspire to attend law school have lower applications, enrollment, and graduation rates at U.S. law schools than all other major racial/ethnic minority groups.[101] For example, while White students made up nearly 65% of all applicants to ABA-accredited law schools in 2004, Latinas/os represented only 7.9% of this total.[102] The barriers women and minorities face in law school have

99. *See* Rivera, *supra* note 71.

100. *See id.*; Patricia Gandara, *Passing through the Eye of the Needle: High-Achieving Chicanas*, 4 Hisp. J. of Behav. Sci. 167 (1982).

101. *See* A.B.A., *The Critical Need to Further Diversify the Legal Academy & the Legal Profession* (2005), *available at* http://www.abanet.org/op/pipelineconf/report.html.

102. *See id.*

been well-documented. Some authors suggest that underrepresentation of Latinas/os in law school is due to academic and financial difficulties,[103] whereas others emphasize the psychological barriers Latina law students face, including a lack of self-confidence and fear of failure.[104] What appears to be evident is that Latinas, as both women and ethnic and racial minorities, confront more stigmatization and difficulty throughout their legal education and that "the white-water rapids that all minority law students must navigate are not at all like the smooth currents that White law students enjoy."[105]

These and other factors served as challenges to the Latina participants in achieving their goals. For some, it was the low expectations of educators and school counselors, who told them they would not succeed in accomplishing their educational objectives and, instead, suggested that they should consider less competitive paths. Many, however, reached for their dreams and were accepted into the law school of their choice. Many Latinas in this Study had difficulty adjusting as they struggled to compete and fit in with their non-Latina/o classmates and assimilate into a culture of privilege and entitlement to which they were unaccustomed. They also experienced feelings of isolation and loneliness as they realized they were but one of a few Latinas in their law schools, and therefore lacked other Latina/o colleagues, role models, and mentors to guide and support them.

These findings suggest that, in addition to providing Latina youth with role models and mentors throughout their educational journey, it is imperative that educational leaders address and eliminate the gender and ethnic stereotyping that appears to be prevalent throughout institutions of higher learning. This includes the negative messages being directed toward Latina students that work to undermine their self-confidence and ambition. Latinas should also be afforded mentoring opportunities with senior students and/or professors to provide them guidance and support with their academic needs in order to navigate their law school career more effectively. It is also critical that Latinas have opportunities to develop relationships with other Latinas, perhaps outside the college or law school environment, to combat the feelings of isolation they often feel as one of the few on their college and law school campuses.

C. Barriers to Career Retention and Advancement

Despite the negative perceptions and poor treatment they faced in the course of their legal careers, for the most part the Latinas in this Study

103. *See* Dávila, *supra* note 55, at 1408.

104. *See* Herrera, *supra* note 94.

105. *See* Timothy T. Clydesdale, *A Forked River Runs through Law School: Toward Understanding Race, Gender, Age, and Related Gaps in Law School Performance and Bar Passage*, 29 L. & SOC. INQUIRY 752 (2004).

appear to be relatively satisfied with their experiences in the legal profession.

This satisfaction exists despite the fact that Latinas in this Study are not well-represented in leadership positions across the legal profession, have relatively high attrition rates, and do not believe they have the same opportunities for career advancement as their non-Latina peers. This may be due to the fact that Latina attorneys appear to face a multi-layered glass ceiling based on the intersectionality[106] of gender, ethnic, and racial characteristics that act as a "triple threat" to their career advancement.[107]

While all three aspects of their identity are necessarily intertwined, Latinas consider gender-based discrimination and disparate treatment to be the most salient barriers they face in the legal profession. White women experience similar challenges, but for Latinas, and other women of color, the gendered aspects are closely integrated with ethnic and racial stereotypes.[108] This assessment is supported by the findings in this Study and is consistent with other research that supports the disparate impact of gender on perceived career prospects for Latina/o law students.[109] Latinas face both overt and subtle forms of gender bias and discrimination that work together to create inhospitable workplaces and limit opportunities for their career success and advancement. These can range from being subjected to overt sexism by male colleagues, including Latinos, to confronting gendered expectations and assumptions about the roles and qualifications of women in the workplace, especially regarding their appropriateness for leadership positions. As women working within a male-dominated profession, Latinas in particular are, by default, not part of their office's "old boys' network." Therefore, they often lack access to influential mentors, client development opportunities, and occasions to network with significant individuals in their workplaces who are critical to career success and advancement. These findings underscore the need to assist Latinas in developing successful relationships with mentors and role models who serve as their advocates and are deeply invested in the Latinas' career development. This includes

106. *See* RICHARD DELGADO & JEAN STEFANCIC, CRITICAL RACE THEORY: AN INTRODUCTION (2001) (discussing intersectionality, which examines the interplay of disadvantaging factors such as race, sex, class, national origin, and sexual orientation).

107. *See* BAGATI, *Catalyst Study*, *supra* note 13, at 47 (reporting that the intersectionality experienced by women of color is different from White men and women in that many reported greater incidents of exclusionary workplace practices, inadequate training and mentoring, and limited advancement opportunities).

108. *See id.*

109. *See* Foley & Kidder, *supra* note 26, at 27–28.

providing candid and strategic career advice and feedback. Without these critical relationships, Latina lawyers will continually falter in their careers.

The dual role of being a mother and lawyer adds an additional gender-related barrier to Latinas in their legal careers.[110] This is consistent with research that suggests having significant child care responsibilities is one of the more critical barriers to career advancement facing women in the profession.[111] For Latinas, this challenge is aggravated by cultural and gendered expectations and assumptions about appropriate roles for women, especially mothers—namely, that their primary role is to support their families, and furthermore that their careers are viewed as secondary to those of men.[112] Consistent with other research on women in the legal profession, which recognizes the impact of work and family issues on career goals,[113] this Study emphasizes the need to offer more flexible structures and schedules to retain Latinas in the legal profession.

In addition to the gender barriers that they face, many Latinas believe that others often question or devalue their legitimacy, qualifications, and abilities as attorneys, which they believe is due in large part because of their ethnicity. This experience has also been described by White women, but in the case of Latinas, like other women of color, ethnicity and race play undeniable roles in the undervaluation of their qualifications.[114] Many also believe that, in addition to having their qualifications as attorneys called into doubt, their acceptance into law school and even their existence in the legal profession are often perceived as being premised on affirmative action or diversity goals, rather than merit. Their careers often languish as their credentials and accomplishments are constantly undervalued and ignored.

Latinas also report being viewed as outsiders in their workplaces. Some even confront strong anti-immigrant sentiments, where they are viewed as foreigners and their legitimate presence in this country is questioned. These ethnic-related barriers contribute to feelings of isolation and otherness that further alienate Latinas from their colleagues and workplaces.

While most of the Latinas identified to some degree with the barriers related to gender and ethnicity, others reported experiencing racial bias as

110. *See* García-López & Segura, *supra* note 14, at 252.

111. *See, e.g.*, The New Jersey Council on Gender Parity in Labor and Education, *Legal Talent at the Crossroads, Why New Jersey Women Lawyers Leave Their Law Firms, and Why They Choose to Stay (2009), available at* http://www.cww.rutgers.edu/Docs/Legal_Talent.pdf; BAGATI, Catalyst Study, supra note 13 ; Krakauer & Chen, supra note 11, Blair-Loy & Dehart, supra note 13.

112. *See* Fouad, *supra* note 42.

113. *See e.g.*, A.B.A., *Visible Invisibility Study, supra* note 13 (reporting that one of the major reasons women leave law firms is the result of work-family conflict and an unsupportive workplace culture).

114. *See* BAGATI, *Catalyst Study, supra* note 13, at 47 (reporting that women of color share certain gender-based disadvantages with White women, including perceived sexist comments and gender bias, but women of color have the added burden of racial and ethnic stereotyping that "uniquely" places them at a disadvantage).

well. This is reflected in the perceptions related to the stereotypical Latina phenotype and the finding that those who believe they can pass as racially White, or who have a lighter skin color, often have better experiences and advancement opportunities in the profession.

Although ethnicity and race are sometimes conflated and treated as the same, even by the Latinas themselves, there does appear to be significant implications for considering them as separate but intersected constructs—constructs that contribute to the barriers they face and, when combined with gender, serve as a "triple jeopardy" to their careers. By examining their relative impact, it is possible to understand and compare the different experiences of Latinas—and other women of color, for that matter—who are of different origins and races.

In addition to the roles that gender, ethnicity, and race appear to have on their career advancement, the lack of Latina lawyers in the profession is a barrier to retention as well. Junior Latina lawyers lack attorney role models who mirror the cultural experiences, values, and norms of those within their Latina/o communities. There is also an enormous need for Latina mentors, especially informal ones, to help ease the isolation that many law students and new lawyers feel, by providing needed guidance and support throughout the education and professional development of the younger aspirants. Countless studies show that without access to these key relationships, legal institutions will continually fail to retain Latina attorneys within their ranks.[115]

This Study also shows how Latina underrepresentation places an enormous burden on Latina lawyers to take on additional responsibility to educate others about their ethnicity, participate in diversity-related programs and activities, and even to serve as representatives or tokens for the Latina/o community. In many respects, Latinas are often disadvantaged in the workplace because these added demands place undue burdens on them that their non-Latina colleagues do not necessarily share.

In conclusion, Latinas are continually hampered in their careers by negative perceptions and treatment and burdensome pressures that serve to diminish their legal capabilities and limit their access to opportunities to advance their careers. They are further alienated by institutions that view

115. Numerous studies show that minority female lawyers in law firms have exceptional attrition rates. *See, e.g.*, NALP Foundation for Law Career Research and Education, *Toward Effective Management of Associate Mobility* (2005) (reporting that 81% of minority female associates leave their law firms by their fifth year); Project for Attorney Retention, *available at* http://www.pardc.org/infobits/ (based on the ratio of female law school graduations to female law firm partners from 1985-2005 it will take until 2115 to reach 50% female partners).

them as outsiders; this often leads to feelings of inferiority and self-doubt. This further contributes to their need to work harder to prove their capabilities, or to mask or disavow their true identity in order to conform to the norms and values of the dominant culture. In light of these struggles, it is not surprising that Latinas are so underrepresented in the legal profession.

It is with great hope that the historic appointment of Justice Sonia Sotomayor to our nation's highest court will ignite a spark that propels more Latina youth to aim high and consider careers in the legal profession at an earlier age. Her triumphant story will also serve as an important example to the legal profession and to the nation that Latinas can overcome significant obstacles and barriers and can become successful attorneys. Only by exploring and analyzing the unique experiences of Latina lawyers can we begin to better understand and develop ways to obliterate those barriers, so that each Latina reaches her fullest potential.

D. Future Research

Future research is needed to expand upon and provide an even finer-grained analysis of the issues and barriers uncovered in this Study, and to examine and test its conclusions. For example, to better understand the relative role that gender, ethnicity, and race play in Latinas' careers, future research should compare their experiences with those of Latinos and with men and women of other races in the legal profession to examine the salience and intersection of these demographic characteristic. Future research should also examine the subgroup differences of Latinas from the different countries of origin (e.g., those who identify as Mexicans as compared with Cubans and Puerto Ricans) and their impact on educational and career development.[116] Finally, future research should more closely examine the experiences and barriers facing Latinas within each sector of the legal profession, and also those with low participation rates in this Study (e.g., public interest sector). Given the relatively low numbers of Latinas in some sectors, this may be a challenge. However, future research should continue to monitor and track their progress throughout the legal profession.

116. Wilder, *supra* note 75. This is both an opportunity and challenge in that past researchers seldom have sufficient numbers in the analysis of minority sub-groups to yield reliable results.

VI. RECOMMENDATIONS

A. Strategies to Increase Latina Representation and Success in the Legal Profession

The following recommendations are based on the findings from both the focus group participants and survey respondents in the Study. The recommendations focus primarily on potential efforts by legal and business institutions to increase the presence and success of Latinas in the legal profession.

1. Support and Sponsor Mentoring Programs and Opportunities for Latinas at All Phases of their Educational and Career Development

The importance of mentoring has been well cited in the research of women of color in the legal profession.[117] However, it is apparent that legal institutions are still not providing Latinas with this all-important component for success. In particular, Latinas underscored the importance of having access to mentors who can provide critical information and emotional support throughout their legal careers.

Although most participants expressed a preference for having Latina mentors, most recognized that this may be difficult, given the current underrepresentation of Latinas in the profession. They believe that the most critical component for successful mentoring relationships is one where the mentor is invested in and can advocate for their mentee, not someone who is undertaking the role as just another administrative responsibility. Many of the women also expressed the need for mentors to provide straight and honest feedback so that they can develop the skills and make the necessary improvements to advance in the profession.

The benefits of having formal mentoring programs are undeniable, especially within the women's workplaces. However, it appears that the more effective and long-lasting mentoring relationships are often informal. Opportunities and programs should be created to allow mentoring relationships to develop naturally, such as sponsoring opportunities for Latinas to network with other attorneys inside and outside their workplace.

Legal institutions and business leaders alike also need to critically evaluate their current mentoring programs to determine their use and effectiveness. A candid dialogue with Latinas, and all women of color,

117. *See* A.B.A., *Visible Invisibility Study*, *supra* note 13.

should take place so that these programs can be assessed and, if necessary, adjusted to meet the mentees' needs. This process will not only promote accountability for the employer but can also provide opportunities for these women to communicate with their employers. These programs and initiatives should also be monitored on a regular and consistent basis to ensure that they're successful in achieving their intended goals. Furthermore, given the relatively low numbers of Latinas in legal academia, these institutions must take the necessary steps to increase the recruitment, retention, and advancement of Latina faculty who can serve as mentors and role models for Latina law students.

2. Increase the Visibility of Latina Role Models to Inspire and Encourage Others

Many Latinas stressed the value and importance of having visible and successful Latina role models for others to identify with and emulate. Several commented on how Latina attorney role models have influenced their own decisions to pursue a legal career, and they emphasized the need for all Latina attorneys to actively serve as role models for others, especially young Latinas. These role models can provide young Latinas with guidance and encouragement, which appears to be especially important throughout their formative years.

The women believe that learning the stories of how other Latinas have achieved success in the profession is a critical way to help influence others to follow in their footsteps. Legal and business leaders should identify Latinas within their organization who are willing to reach out to and educate others about the legal profession, and its various opportunities and roles. Social networking tools (e.g., Facebook, Twitter, MySpace) are becoming increasingly popular with Latina/o youth and can be used as a cost-effective outreach effort with those who desire more information about possible careers within the legal profession, or in opening up a dialogue or mentoring relationship with a particular Latina attorney. To avoid creating another professional challenge to advancement for Latinas and to encourage participation in outreach efforts, employers should place a concrete, positive value on their serving as role models, including granting such service appropriate work credit.

Several Latinas commented that success in the legal profession is defined too narrowly and does not reflect the many roles in which Latinas can become successful attorneys in the profession. The women in this Study believe that Latina role models from a cross-section of the legal profession should be encouraged to serve as "faces of diversity" for all legal sectors.

3. Reach Out to Latina Youth At an Early Age

Related to the need for visible Latina attorney role models, many of the women stressed the need for the legal profession to increase outreach programs to Latina youth to expose them at an early age to the many aspects of the legal profession, and to encourage and guide them in their pursuit of a legal career. Many believe that this type of intervention is necessary to counteract the gender and cultural inhibitors that dissuade Latina youth from considering careers in the legal profession, as well as the institutionalized discouragement to which these young women are routinely subjected.

This outreach will require the legal industry and business leaders to support and participate in educational pipeline programs in schools serving Latina/o communities. These programs work to expose children as early as elementary school, to models for success. Legal institutions should develop and sponsor programs and initiatives that incorporate lesson plans about careers in the law into curricula used by educational institutions and nonprofit agencies that educate and work with Latina/o youth. Finally, and perhaps most importantly, more Latina/o families need to continue and be further educated on the critical role they play in influencing their children's education and career aspirations, by instilling the value of education.[118]

4. Encourage the Creation of Latina-Based Networks and Support Systems

This Study clearly indicates that one of the greatest challenges Latinas face is feelings of isolation and a sense of being disconnected from their workplaces. This isolation bars many from developing critical professional relationships or benefiting from informal workplace networks that often lead to mentoring relationships, key assignments, and important opportunities for advancement.

Informal networking programs and affinity groups provide significant opportunities for Latinas to develop professional relationships, where they can receive emotional support, share best practices, and connect with other Latinas in the legal profession. In fact, the focus group sessions served as a cathartic outlet and supportive network for many of the Latinas, who shared their experiences and connected with other Latinas in their legal communities. Several of the focus group members have continued to meet on a regular basis to network informally and socialize. The legal profession and its business leaders should support these types of informal networking

118. *See* Gomez, *supra* note 96.

opportunities by hosting and organizing panels and functions where Latinas and all women of color can build their social support networks.

5. Support Gender Neutral and Family Supportive Workplaces

Just as the "glass ceiling" restricts advancement for women, the "maternal wall" continues to be one of the strongest forms of gender bias.[119] Many Latinas, both with and without children at home, identified the task of pursuing a legal career and motherhood as one of the biggest challenges to Latinas' success in the legal profession. This Study seems to suggest that some Latinas may in fact be strategically delaying or not having children in order to advance their careers. Although women currently represent almost half of all law school graduates, the perception is that law offices remain relatively inhospitable to those with significant family-care responsibilities.

To retain women (and men) with significant child-care responsibilities, legal employers need to develop and implement institutional policies that are gender-neutral and family-supportive. Families no longer fit within traditional caregiver models; both male and female attorneys require more flexible work arrangements. Broadening the focus to include both gender neutral and flexible workplaces can help alleviate the negative stigma that women of color, in particular, encounter.

6. Support and Fund Continued Research and Data Collection on Latinas in the Legal Profession

While this Study begins to fill the informational void that exists on the status and experiences of Latina attorneys in the United States, the legal profession must continue to support additional research in this area. Future research should conduct and test, a finer-grained analysis of the general conclusions advanced in this Study. This will allow the profession to keep pace with research that has been conducted on other groups to provide a deeper understanding of the complexity of these issues.

Related to the need for pertinent data, the legal profession must also require bar associations and other groups to collect and report more detailed data on gender, racial, and ethnic groups, including Latinas/os, on a more systematic basis.[120] This includes disaggregating data on Latinas/os from other ethnic and racial groups, and allowing attorneys to self-identify their ethnicity and race separately rather than treating these constructs as the

119. The New Jersey Council on Gender Parity in Labor and Education, *Legal Talent at the Crossroads, Why New Jersey Women Lawyers Leave Their Law Firms, and Why They Choose to Stay* (2009), *available at* http://www.cww.rutgers.edu/Docs/Legal_Talent.pdf; A.B.A., *Visible Invisibility Study, supra* note 13.

120. *See* Méndez & Martínez, *supra* note 2, at 85.

same. It is hoped that this will help the legal profession better track and monitor the recruitment, retention, and advancement of Latinas in the profession.

7. Educate the Legal Profession about Latina Underrepresentation

The Latina participants emphasized the need to increase awareness about the underrepresentation of Latinas in the profession. Many felt that continued education is warranted, with business and legal industry leaders sponsoring forums to address the experiences and barriers Latinas face. By doing so, legal industry and business leaders will better understand how these experiences and barriers contribute to the underrepresentation of Latinas and may serve to remove the negative stereotyping that Latinas encounter.

As the Latina/o population continues to grow, so does the need for legal institutions to serve and work within Latina/o communities. In order to capture this growing market, legal and business leaders need to understand the business case for supporting a more diverse attorney workforce that includes greater Latina representation. In order to do so, the legal profession and business industry should identify and communicate best practices for recruiting, retaining, and advancing Latinas in the profession.

8. Monitor Latina Progress

Increasing the representation of Latinas across all legal sectors is a significant goal, which requires monitoring their career progression. Measuring their progress will promote accountability and awareness, not only within these organizations, but also to the larger legal community.

This Study provides a snapshot of where Latinas are at present. As an indicator, it suggests that they are not well-represented in leadership roles. Furthermore, while the results suggest that the Latinas are generally satisfied with their overall legal experience, they hold a dim view of their future opportunities for advancement. Therefore, these attorneys may leave their legal employers prematurely because of these lingering concerns. To address this obstacle to advancement, the hiring, attrition, and promotion rates of Latinas should be compared against White female colleagues and other ethnic and racial groups, and a comparative analysis should be done with assignment type and client development opportunities. The

comparative results should be used to develop and adjust diversity initiatives.†

† PRESIDENT'S MESSAGE: Ramona E. Romero, HNBA President (2008-2009).

The HNBA Commission on the Status of Latinas in the Legal Profession and this Study were born from both difficult experiences and great hope. When I started my career twenty years ago, I was the only Latina lawyer (indeed, the only Hispanic lawyer) at a large law firm. My colleagues in the partnership were, by and large, great and supportive people. As one wrote recently, however, they had "no idea how to handle" me. I did not realize it at the time, but the truth is that I could say the same with respect to them. At least early in our interactions, we lacked the benefit of extensive shared experience to guide our way.

I stayed at the firm for ten years and I did progress, but not without first making many "political" mistakes or without often feeling like a flower trying to bloom in the desert. I yearned for a road map, for a clear articulation of the rules. A decade and many extraordinary professional experiences later, I am more adept at navigating my professional environment and less prone to look to external sources for nourishment and direction. Still, the sense of frustration and isolation sometimes reemerges—a result, I suspect, of the fact that I am often the only Latina lawyer in many environments. We female Hispanic lawyers are indeed few and far between. In most work settings, we encounter no other Latinas we can look to as evidence that success is attainable.

That brings me to the hope underlying this Study. Change is impossible without understanding. May this effort lead to a better understanding of the barriers Latina lawyers encounter and of the structural changes required in order to enable success. May all lawyers—regardless of gender, race or ethnicity—benefit and grow from learning about the experiences of the women who participated in the Commission's Study. May the insights and wisdom the women shared serve for others as the roadmap and nurturing I craved earlier in my career. May it prompt institutional leaders in our profession to collaborate to address the issues identified through the Study. May it inspire each of us to work individually and collectively to support and open doors for others. May we treat our daughters and each others' daughters as if they were the next Sonia Sotomayor, the next Barack Obama, the next . . . . Well, the possibilities are endless.

An endeavor of the Study's magnitude requires the active engagement of scores of people. My thanks to the women who participated in the Study, to the Commissioners, and to the HNBA Board of Governors and our Affiliates for supporting my vision. Words cannot convey my gratitude to Dolores Atencio and Clarissa Cerda (the Commission's Co-Chairs) and to the female past Presidents of the HNBA (Dolores, Mari Carmen Aponte, Mary Hernandez, Lillian Apodaca and Alice Velazquez), who contributed their support and lots of volunteer hours to make this project and my term as HNBA President a success. Last, but far from least, my thanks to our volunteer researchers and Study co-authors, Jill Cruz and Prof. Melinda Molina, for their incredible work. Un millón de gracias.

FOREWORD: NATIONAL STUDY & COMMISSION CO-CHAIRS: Dolores Atencio & Clarissa Cerda

"1 out of 111" denotes the first and sole Hispanic on the United States Supreme Court in *220* years of the Court's existence. Of 110 Associate Justices since 1798, with 17 serving as Chief Justices—no Latinas/os ever had been nominated or confirmed before Justice Sonia Sotomayor on August 8, 2009. That the first Hispanic Supreme Court Justice is a Latina lawyer, simply stated, is incredible and defies the numbers. There are only 13,000 Latina lawyers in the United States today.

A year ago, the possibility of having a Latina appointed to the Supreme Court seemed only a dream for many; today, it is a reality. A year ago, the thought of actually being able to publish the first National *Study on the Status of Latinas in the Legal Profession* seemed an overly ambitious goal to many; today, it, too, is a reality. What started out as an attempt to provide quantitative and qualitative research findings about the status of the Latina experience in the legal profession in the United States, has also resulted in the documentation of a unique insight into one sector of the female workforce in the United States that has for many years gone unnoticed or been overlooked

In the current political and corporate environment where there exists provocative discussion about the role senior women play in the successful management and profitability of corporations and other organizations, this unique insight may prove invaluable in and of its own right to those looking for clues about how to tap into this wealth of potential talent—that, as of yet, seems largely untapped

in light of the findings in our National Study. For many of us, though, these findings also serve as a testament to the struggles we have had to overcome, from within and outside of our families and communities, to obtain an education and become members of a very elite legal profession. Latina lawyers, we believe, have and will continue to forge their own unique identity in this profession with their rich and undeterred spirit.

The journey to this final report was rewarding and enriching. To all the Latinas who participated in the Study, especially those who shared deeply personal and difficult life stories during the focus group, we thank you. Words inadequately capture the amazing and rare opportunity we have had to meet and engage with other Latina lawyers.

To our researchers and authors, Jill Cruz and Professor Melinda Molina, we and generations of Latina lawyers to come, will be forever grateful to you. Your dedication and countless hours of work in documenting the reality of Latina lawyers not only will serve as the HNBA's platform for change, but hopefully, as a useful and valuable resource to the legal profession in general. Additionally, we thank HNBA President Ramona Romero, the original "mandona," for this incredible experience.

What started out as a labor of love, has developed into a fierce mission. On behalf of the Commissioners, and to our researchers, we are committed to advocating for the implementation of the recommendations in this National Study in order to ensure an abundance of future generations of Latina lawyers. In closing, we especially thank the Commissioners for their work and dedication to this labor of love and work of the Commission.

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