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Remarks As Prepared

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It is an honor to join you today. The International Bar Association and the Women's Interest Group are always warm and welcoming. Thank you, Gabrielle and Claire.

In June, I was honored to speak at the Third World Women Lawyers Conference in London. Many of you attended that wonderful meeting. That conference, like the two before it, and like this meeting, bring together women lawyers from around the world. We share our experiences and our ideas, and we encourage each other.

Every meeting is an opportunity to learn, and to grow. I have learned so much from my sisters in the law, reflecting opportunities and trends in Europe, Asia, and Africa. In London, I highlighted some of the *general* experiences of American women lawyers, including how our careers progress, how the legal employment environment is changing for women lawyers, and some trends in the legal profession.

In the United States and in other countries, we're seeing change. It's gradual, but it is happening. It is also uneven, and that disparity is something the legal profession must address.

Today I want to focus on a particular segment of American lawyers—women of color in law firms. This information comes from the ABA Commission on Women's newest study, *Visible Invisibility: Women of Color in Law Firms*. Copies of the Executive Summary are available for you.

Women lawyers of color have never had an easy time in our profession. As too many of us learn from first-hand experience, talent, tenacity and intelligence do not always guarantee success. In 1872, Charlotte E. Ray became the first African American woman admitted to the bar, but she was forced to give up practicing law because she could not attract enough clients. She left the practice of law, and became a school teacher.¹

Sadly, this story is not limited to the 19th or even 20th centuries! With alarming regularity, women lawyers of color give up and get out of the legal profession.

This fall, the ABA's Commission on Women in the Profession completed a comprehensive study *Visible Invisibility*, which documents the experiences of women of

¹ *Encyclopedia Britannica's Guide to Women's History*, 2006; ABA Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms*, 2006.

color. Their stories, like all of ours, need to be told and heard. Paulette Brown and Arin Reeves, co-chairs of the Women Lawyers of Color project, note that “the experiences, challenges and career trajectories of women of color have never been fully understood before by just looking at either race or gender.”² *Visible Invisibility* is an important addition to our understanding.

Background of the Study:

In the late 1990s, the National Association of Law Placement found that more than 75% of minority women associates left their jobs in private firms within five years of being hired. After eight years, that figure rose to 85%.

The NALP study reported troubling data, but didn’t answer the question, why? Why are women lawyers of color faring so much worse in law firms than other lawyers?

Recognizing a need for more and varied information, in the 1990s, the Multicultural Women Attorneys Network and the ABA Commission on Women, along with the ABA Commission on Racial and Ethnic Diversity, worked together to produce a report “The Burdens of Both, the Privileges of Neither.” In that study, women lawyers of color shared their experiences of the “double negative”: being a woman and a person of color in the legal workplace.

In 2003, the Commission on Women began a comprehensive study. The project documented the experiences and concerns of women lawyers of color working in private firms. It included a national survey and focus groups.

Visible Invisibility addresses several questions:

- What attracts women of color to the legal profession?
- Do their work experiences surpass or fall short of expectations?
- How do legal employers hinder or increase job satisfaction?
- Why do women attorneys of color change practice areas and organizations, or leave the profession at an alarming rate?

The surveys reached all lawyers—men and women; white and people of color. The responses of women lawyers of color were then compared to other groups. The results are startling.

The focus groups—comprising only women of color—provide the context and personal perspective that no survey can capture. They were conducted in Chicago, New York, Atlanta, Los Angeles and Washington, D.C.

² *Visible Invisibility: Women of Color in Law Firms*, Executive Summary, 7. 2006.

Findings:

This month, the findings are being published. Let me share some of our findings.

Overall, 920 people responded to the survey, representing a remarkable 72% response rate. Survey respondents represented the practice as a whole.

This survey shows that experiences in law firms for different groups are starkly different.

- Nearly half of the women of color experienced “demeaning comments or harassment,”
 - only 3% of white men experienced the same.
- Women of color felt they had to disprove negative stereotypes about their abilities and their career commitment,
 - Less than 10% of white men had similar feelings.
 - We call this phenomenon “The Piece of the Pie.” White men enter practice with an imaginary piece of pie. They have to eat it or throw it in someone’s face to lose it!
 - Women, and lawyers of color often come to the table without that piece of pie. They have to earn it. And you all know, it is easier to be served a piece of pie than to make one from scratch!
- Nearly two-thirds of the women of color felt excluded from networking opportunities—formal and informal.
 - Only 4% of the white men respondents felt similarly marginalized.
- While women of color have mentors, they do not feel that these relationships ensure that they are a part of their firm’s networks, receive top assignments, or gain meaningful contact with clients.
 - What’s more, women of color say they want more, and better, mentoring by the senior partners.
- Women of color often feel stuck in “dead-end” assignments, and feel that by their third or fourth years they lag grossly behind their white male counterparts.
- A shocking 43% complained of limited access to clients and opportunities to cultivate relationships.
 - Many said the only time they met with clients was when their race or gender would be advantageous to their firm.
 - When in such meetings, they often reported that they were not given substantive roles—despite the fact that their race and gender were perceived as attributes in the meetings!
- Nearly one-third of the women of color believed they received unfair performance evaluations
 - Less than 1% of the men felt the same.

- 20% of the women of color felt they were denied promotions
 - compared to 1% of the white men.

More disheartening is the feeling expressed repeatedly by women lawyers of color that they could not “be themselves.” They felt compelled to downplay their individuality, their gender, and their racial or ethnic identity. Many complained that they felt invisible, or that they were mistaken for support staff.

The stress of being a second-class citizen in the workforce often is too much to bear. *Visible Invisibility* reports that only 53% of women lawyers of color choose to stay in private practice, compared to 72% of white men.

These findings are a sober reminder of the work that remains to be. Just when we are tempted to celebrate our progress—and we have made progress—a report like this comes along to give us a reality check.

The Commission has made a series of recommendations to address these problems, including:

- Approaching the success of women of color as a firm problem, rather than a “woman” problem
- Integrating women of color into law firms’ professional and social fabric
- Increasing the awareness of the issue through dialogue
- Supporting women of color in their efforts to build support systems
- Assuring compliance with anti-discrimination and anti-harassment policies and holding firm’s accountable for non-compliance.

Of course, the role of women of color in *America* is not our only concern here today. In the ABA Rule of Law Initiative we are focusing a great deal of attention on the importance of an independent and representative bar and bench in the development of a free and fair legal system.

In an interview with a former Fellow in the Women’s Law and Public Policy Fellowship at Georgetown, one lawyer described her experience as a black South African woman:

“It is generally hard for student lawyers to break into the profession but it is a double whammy . . . being a black female. . . . She may be asked in an interview ‘when she intends to start a family,’ and her answer could affect her hiring.

“Of course there was a time in South Africa . . . when only two professions were open to non-white women: nursing and teaching, so overall there is progress. The number of South African women attorneys of all races in practice has steadily increased over the years, from 2% at the end of the 60’s to somewhere around

19% at the end of 1998. In 1998, the number of black women attorneys was 4%, compared to 15% of white women, 13% of black men and 68% of white men.”³

Sound familiar? It is both sad and reassuring to see how similar the challenges are for women, and women of color, around the world. Sad, because a less determined group would have been discouraged long ago. Reassuring because once we acknowledge the problem, we have a pretty good idea how to fix it.

And fixing this problem is just as important in America as it is in the rest of the world. The American legal system will not be color-blind and gender-neutral so long as women lawyers of color are not treated fairly.

The same is true in every nation: until a diverse, critical mass of women representing all segments of society are free to speak and act on behalf of others, the legal system is not free.

So I encourage you to take the results of this study back to your countries, and ask hard questions (and I know they are hard questions to ask) about the treatment of non-majority women lawyers in your countries

Ralph Ellison, the great American writer and author of *Invisible Man* wrote, “I am invisible, understand, simply because people refuse to see me.” As women leaders in our profession, we must not refuse to see. Nor can we allow others to remain blind to the work that is still to be done.

Thank you.

³ “Gender, Race and the Legal Profession in South Africa,” Interview posted at Center for Concern Web site, <http://www.coc.org/bin/view.fpl/1090/article/1947.html>.