



Los Puentes y Las Barreras: Latinas in the Legal Profession

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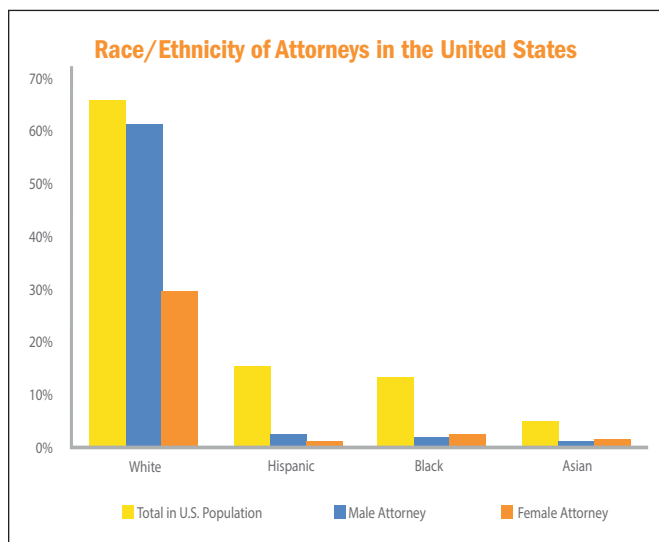
The dearth of Latina attorneys is startling. Latinas—who constitute 7 percent of the total U.S. population and are part of the largest and fastest-growing ethnic group—represent only 1.4 percent of the nation’s lawyers.¹ The low number of Latina lawyers has severe repercussions for the recruitment, retention, and professional career advancement of Latina lawyers.²

Not surprisingly, this under-representation spans all sectors of the legal profession. According to the National Association of Legal Placement, Latinas make up only 2 percent of the associates and 0.4 percent of the partners in law firms, the lowest rate for any racial or ethnic group.³ A recent Minority Corporate Counsel Association general counsel survey found that Latinas make up only 0.6 percent of the general counsels within the Fortune 500.⁴

Increasing the number of Latina lawyers can have a profound impact on the ability of Latinos/as to advocate and participate in national and local politics, and it can provide vital access to legal services in Latino communities. Their severe under-representation challenges our legal and business institutions to implement strategies of inclusion and retention for Latinas and for all women of color.

To address this challenge, the Hispanic National Bar Association (HNBA) Commission on Latinas in the Legal Profession commissioned two nationwide studies on Latina lawyers in 2008 and 2009. The first study explores and analyzes the dearth of Latinas in the legal profession: *Few and Far Between: The Reality of Latina Lawyers*.⁵ The second study explores and analyzes the experiences and perceptions of Latina attorneys working in the public interest sector: *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest Sector*.⁶

These studies are two of the most comprehensive examinations of Latinas in the legal profession. They are the first studies to provide both qualitative and quantitative data on the entry, retention, and advancement of more than 900 Latina lawyers across all major legal sectors. Each of the studies was conducted in two distinct phases over a two-year period: a series of focus groups across several U.S.



cities followed by a national survey.

This essay sets forth some of the key findings from both studies in an attempt to shed light on the formative and career-related experiences of Latina attorneys, experiences that serve as both bridges and barriers to Latinas in the legal profession.

Factors Influencing Educational Achievement and Career Choice

What factors influence young Latinas to aspire to and consider becoming part of the legal profession? The ability of the studies’ participants to defy the odds and attain high levels of educational and occupational achievement was related in part to their formative ex-

periences. For most of the participants, the high value their parents placed on education as a means to a “better life” and self-reliance served as a catalyst for them to excel academically and to pursue a career as an attorney. One woman from the *Few and Far Between study* commented: “My parents always said, ‘You have to have a better life than we do and the way you get there, you get educated.’”

Many Latinas in both studies especially acknowledged their mothers for providing the necessary encouragement to pursue and achieve their educational and career-related goals. One participant from the *Few and Far Between Study* shared the following comment:

My mother is a very strong and independent person. And so I knew I could do whatever I wanted. I could be a lawyer. I could be a doctor. I think when I was 6 I told my mother I was going to be president of the United States. My mother said, “And you will be”, not you *can* be.

Faced with linguistic and cultural barriers, many of the Latinas in the studies viewed themselves as advocates because of the roles they played early in life as interpreters or representatives for their families and communities. Their early-life role would later influence their decision to become an attorney as a way to help others who could not adequately represent themselves. One participant from the *Few and Far Between study* commented, “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.”

Many of the studies’ participants experienced various forms of marginalization and discrimination in their families and communities. These experiences would later help form their view that becoming a lawyer would help empower under-served communities, especially Latino communities. For Latina public interest attorneys, the desire to promote social and economic justice was a driving force in their decision to become a public interest attorney.

My conviction to become a public interest/civil rights lawyer stems from my family’s experiences as immigrants and the community where I was raised. I witnessed and experienced many inequities that angered me. I felt that I had to do something to address some of the problems facing my community, so I decided to be a lawyer at age 12.

The vast majority of Latinas in both studies were not exposed to attorneys when they were growing up. As a result, many did not consider becoming an attorney until they were in college, or later. The relatively few Latinas who had access to attorneys during their formative years emphasized that this early exposure to attorney role models positively influenced their decision to pursue a legal career, by inspiring and serving as an example of what they could achieve. “She was a Latina woman who was a lawyer. . . and so it made sense. If she does that, I could do that.”

What are some of the challenges young Latinas face in pursuing their educational and career-related goals? The most salient barriers to Latinas obtaining higher levels of education are scant finances and limited educational opportunities and preparation. These barriers in the educational pipeline prevent many Latinas from entering the legal profession.⁷ The crisis in the educational pipeline, which impedes

the educational attainment of Latinos/as, continues to be a significant barrier for Latinas in the legal profession. This crisis has been well documented. One study revealed the following statistics: “Among 100 Latinas/os who begin elementary school, a little more than half will graduate from high school and only about 10 will complete a college degree. Eventually, less than 1 of the original 100 Latinas/os who enrolled in elementary school will complete a doctoral degree.”⁸

Many of the women in the *Few and Far Between study* reported further challenges along the educational pathway to the legal profession. These challenges included teachers and guidance counselors who tried to deter them from pursuing their educational objectives by telling them they would be unsuccessful and by advising them to attend less competitive schools, which some participants believe perpetuated Latinas’ educational underachievement. One woman explained, “These institutions still have this notion that we can’t do whatever it is we set out to do.” These notions persisted throughout law school. Many participants believed that because there are so few Latina professors or deans, there are few role models or mentors within academia to counter these notions, which leads to feelings of isolation and unpreparedness for many Latinas facing the rigors of law school. One woman from the *Few and Far Between study* commented, “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.”

The Reality of Being a Latina Lawyer

Do Latinas find their careers as lawyers rewarding? What aspects of their careers do Latinas find rewarding? Overall, the participants in both studies reported that they were generally satisfied with their careers. Interestingly, many of the Latinas in the *La Voz study* attributed their high rate of satisfaction to their ability to advocate on behalf of vulnerable and under-served communities, despite traditionally lower compensation levels and limited opportunities for advancement.

Many participants in the studies found it especially rewarding to use their bilingual and bicultural skills to better represent and relate to their clients. One participant from the *Few and Far Between study* described it this way. “It’s really fascinating for me when I do the Spanish-language training. There is a connection there, and I think there’s a level of credibility that perhaps other attorneys may not have.” Many of the *La Voz study* participants derived a great deal of personal and professional satisfaction from being able to provide legal services to their Spanish-speaking clientele, an under-served constituency.

In the public interest world, Latinas are in demand because of the growing number of Latinos in our society. We need more . . . qualified lawyers that have not only the training, [but also the] cultural competency, language capacity, and the consciousness to rally for justice.

Although Latinas in the studies are generally satisfied with their careers and find many aspects rewarding, many face considerable obstacles that hinder their ability to succeed in the legal profession. Latinas experience systemic obstacles to their advancement and retention in the legal profession that are attributable to the intersection of their race, ethnicity, and gender, which acts as a “triple threat” to their careers. This can range from overt sexism and racism

to lack of influential mentors and often having their accomplishments and qualifications as attorneys devalued and questioned.

For example, the vast majority of women had the shared experience of being mistaken for the translator or defendant by other attorneys, judges, and court personnel. Some believed that others in their workplace viewed their educational and career-related accomplishments as merely an aberration or a benefit of an unfair affirmative action, rather than as an achievement based on the woman's own merit. One Latina from the *La Voz study* recounted a situation where a colleague asked whether "Yale had a good affirmative action program" after seeing her law school diploma. The women in the studies viewed this misidentification and devaluation of their accomplishments as directly questioning the legitimacy of their presence in the legal profession.

Several Latinas in the *La Voz study* reported that their colleagues commented on how well they "spoke English" or how they spoke English "almost without an accent." Others reported that judges and opposing counsel misidentified them or confused them with other Latinos. "I can't tell you just how many times I was called Fernandez, Rodriguez, or Perez." The women viewed these types of derogatory comments and interchangeability with other Latinos as examples of their colleagues' ethnically-gendered perceptions of what a Latina is or should be:

It's really insulting because I don't know any other heritage that gets that kind of treatment. They put Hispanics in a box. They wrap the bow around it and this is where we belong. We almost have to excuse ourselves if we break out of the box. I'm sorry I do not fit into your little expectation of me.

The women in the *La Voz study* described the continued need to address workplace gender, racial, and ethnic disparities, despite the public interest sector's commitment to equality and social justice. Many attributed the questioning of their competence to the marginalization of the public interest sector by their private sector colleagues and the general public. In particular, the women attributed this marginalization to the erroneous belief that the public sector is composed of lawyers who did not make it or could not make it in the private sector. Thus the obstacles that these women face are twofold: first, as women of color, they are marginalized in the legal profession; second, this is intertwined with working in a legal sector that is generally marginalized by the legal profession.

Many of the women reported that they were the only Latina in their organization. In the *La Voz study*, the majority of Latinas surveyed reported that women of color attorneys constituted five or fewer members of the staff. This often led to feelings of isolation and "otherness" because no one else within their workplace mirrored their own cultural values or norms. This lack of commonality made it difficult for many of the Latina attorneys in the study to build professional relationships because they lacked access to role models, mentors, and informal networks in their places of employment or legal communities.

For others, the ability (or inability) to build professional relationships depended largely on the individual's phenotype. For example, many participants in the *Few and Far Between study* who believed that they can "pass as white" recognized that they are afforded better treatment and more opportunities for advancement in the legal profession than dark-complexioned Latinas. This belief

led some to adjust their appearance or behavior in order to fit in or establish credibility within the dominant culture of their workplaces. One participant from the *Few and Far Between study* 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. . . ."

Latinas also believe there are too few opportunities for their professional development and advancement in the legal profession. This was evident in both studies, where Latina attorneys were poorly represented in leadership positions across all major legal sectors. For example, in the *La Voz study*, the majority of Latinas surveyed held non-supervisory positions. This under-representation was attributed to the fact that there are so few Latina lawyer role models or mentors who could help facilitate their professional and personal growth as attorneys. One Latina from the *Few and Far Between study* explained:

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.

This challenge is especially salient for Latina public interest attorneys who, given the scarce resources and hierarchical structure of most of their organizations, have very few opportunities for promotion and professional advancement.

Recommendations

What should be done to overcome the under-representation of Latina lawyers? The HNBA Studies provide institutions within and outside the legal profession with information to better understand and appreciate the unique issues and barriers that both limit and enhance Latinas' educational and career achievements. This information should be used to develop and implement strategies to remove the barriers and build bridges, so that Latinas will aspire to and consider careers in the legal profession.

1. *Educate Latina Youth and Provide Visible Role Models:* A first and vital step is to expose and educate young Latinas about the various career opportunities that are available to them in the legal profession. The next crucial step is providing encouragement and guidance on the educational pathway to becoming a lawyer. This outreach can be done in a number of ways. For example, legal and business leaders should support and participate in educational pipeline programs serving Latino communities. Likewise, they should identify Latina role models within their organizations who are willing to do community outreach about the legal profession and its various opportunities. Employers should in turn value and provide appropriate work credit to Latinas who engage in community outreach.
2. *Create and Improve Upon Existing Mentoring Opportunities:* The need for mentoring programs at various levels of Latinas' educational and career development is enormous. Many Latinas believed that without this critical relationship, their educational and career goals flounder. Mentors can help

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provide the necessary guidance and support to help younger Latinas more effectively navigate and reach their educational and professional goals. Legal and business organizations must create and develop mentoring opportunities by sponsoring and hosting networking programs and events that provide opportunities for Latinas to develop mentoring relationships. Legal and business organizations should also critically examine their current mentoring programs to determine their effectiveness. These programs and initiatives must be monitored regularly and consistently to ensure their success.

3. *Cultivate Latina Networking and Support Systems*: Related to the need for mentors, many of the studies' participants believed that in order to combat the feelings of otherness and to ease some of the collective challenges they often face in their workplaces, the legal profession must foster opportunities for Latinas to network with and develop relationships with other women of color, especially other Latinas.
4. *Encourage Continued Research*: The HNBA studies provide much-needed insight into the status and experiences of Latina attorneys, but more needs to be done. As the Latino population continues to grow, so does the need for legal and business institutions to serve and work within Latino communities. In order to capture this growing market, the legal profession and businesses must identify and communicate best practices for attracting, retaining, and advancing Latinas in the profession. In order to do so, further research is needed to provide a better roadmap for developing and adjusting diversity goals and initiatives. ☉



Melinda S. Molina is an associate professor at Capital University Law School. Her scholarship focuses on how the law impacts subordinate and marginalized groups in the United States. She co-

thored two national studies on Latinas lawyers. The studies are the first of its kind to provide both qualitative and quantitative

data on the experiences and status of Latinas in the legal profession, on a national level and across all major legal sectors, providing both a demographic and professional profile of more than 900 Latina attorneys. Professor Molina was a fellow of the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's University School of Law. Before joining academia, Professor Molina was an associate in the New York office of Sullivan & Cromwell LLP. She teaches Torts, White Collar Crime Seminar, White Collar Crime Practicum Course and is the Director of the Academic Support Program. Reprinted with permission from the Second Annual ILP Review: The State of Diversity and Inclusion in the Legal Profession (2011). © 2017 Colorado Bar Association All rights reserved.

Endnotes

¹ILP Review 2011: The State of Diversity and Inclusion in the Legal Profession; National Study on the Status of Latinas in the Legal Profession, 37 PEPP. L. REV. 971 (2010) (with Jill Cruz) & La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest Sector, 14 N.Y. CRRY L. REV. 147 (2010) (with Jenny Rivera and Jill Cruz).

²Jill L. Cruz & Melinda S. Molina, *Few and Far Between: The Reality of Latina Lawyers*, 37 PEPP. L. REV. 971 (2010).

³As compared to white, Asian, and black women partners and associates. See Nat'l Ass'n for Law Placement, *Women and Minorities in Law Firms by Race and Ethnicity*, NALP BULL., Jan 2010, available at www.nalp.org/race_ethn_jan2010.

⁴Minority Corporate Counsel Ass'n, 2010 Survey of Fortune 500 Women General Counsel, available at www.mcca.com/index.cfm?fuseaction=page.viewPage&pageID=2107.

⁵Cruz & Molina, *supra* note 2.

⁶Cruz, Molina & Rivera, *supra* note 1.

⁷National Women's Law Center & Mexican American Legal Defense Fund, *Listening to Latinas: Barriers to High School Graduation* (2009), available at www.maldef.org/assets/pdf/ListeningtoLatinas.pdf.

⁸Daniel G. Solorzano, Octavio Villalpando & Letici Oseguera, *Educational Inequities and Latino/o Undergraduate Students in the United States: A Critical Race Analysis of Their Educational Progress*, 4 JOURNAL OF HISPANIC HIGHER EDU. 272 (2005) available at jhh.sagepub.com/content/4/3/272.