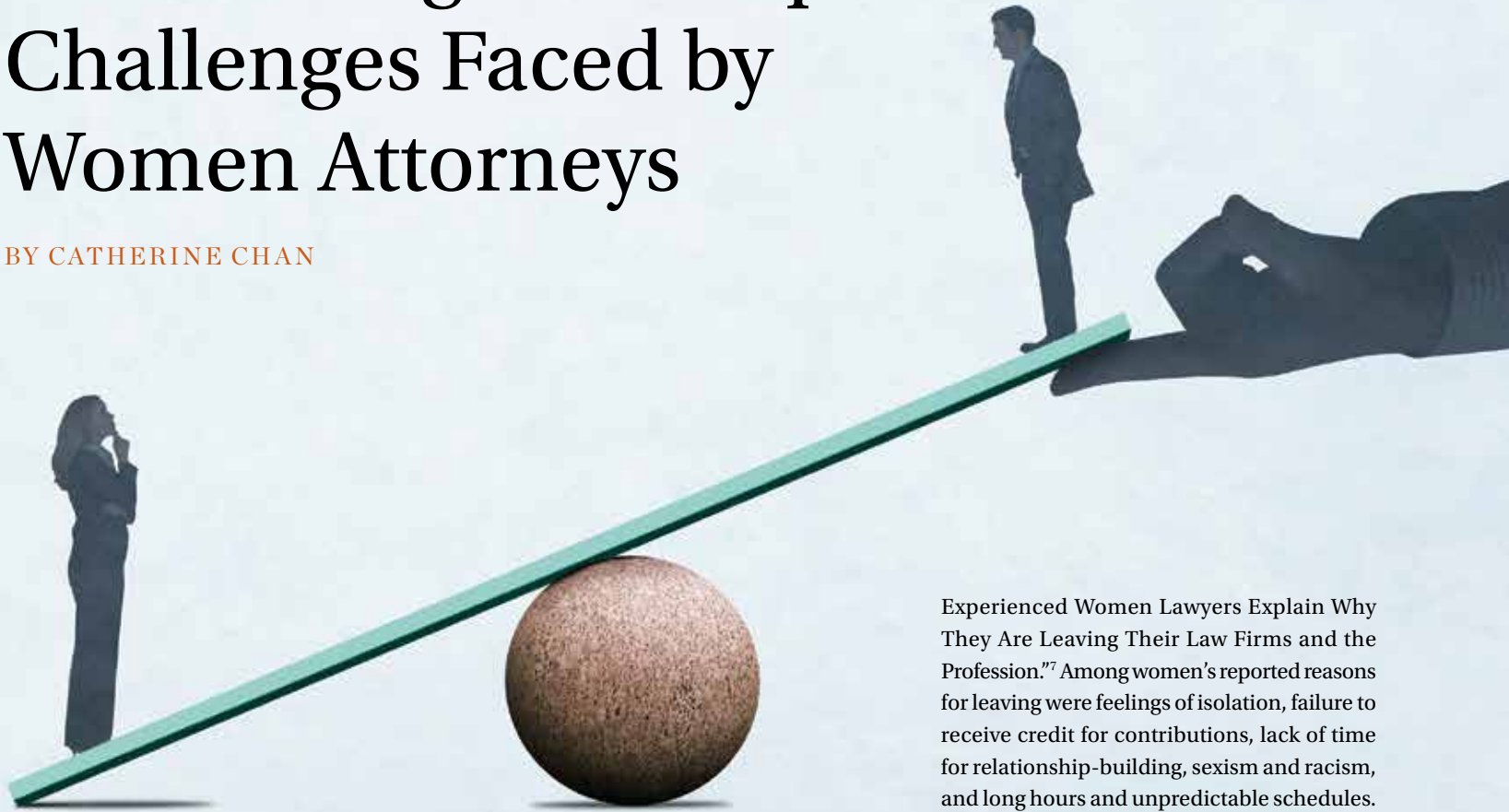


# Confronting the Unique Challenges Faced by Women Attorneys

BY CATHERINE CHAN



**W**omen lawyers<sup>1</sup> often face distinct challenges in their legal careers. Although the number of female attorneys and law school applicants continues to increase, women still suffer inequities, including in pay, in representation in leadership, and in law firm partnerships, to name a few.<sup>2</sup> In fact, women who achieve partner status in large firms generally earn over 20% less than their male counterparts.<sup>3</sup> Even when women originate more business for a firm, they are underpaid when compared to their male colleagues.<sup>4</sup>

Women are also more likely to leave the practice of law than their male counterparts,

even after “making partner,” and women of color have the highest rate of attrition from law firms.<sup>5</sup> Women of color also experience the highest levels of pay disparity.<sup>6</sup>

Women may struggle to maintain their careers if they take time off for childbearing or childcare. They may be discriminated against in hiring and promotion for the same reasons. Women may struggle to find peers to mentor and sponsor them, finding increasing competition with other female attorneys and less support from male attorneys. They may struggle to have their voices heard in litigation and may suffer belittling or bullying from opposing counsel at a higher rate than their male counterparts.

In 2021, the American Bar Association released a report titled “In Her Own Words:

Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession.”<sup>7</sup> Among women’s reported reasons for leaving were feelings of isolation, failure to receive credit for contributions, lack of time for relationship-building, sexism and racism, and long hours and unpredictable schedules.

Thus, it’s clear that myriad factors determine whether women lawyers can survive attrition in the law. Each factor deserves comprehensive contingency plans within firms and organizations to reverse the negative effects of the practice of law on women.

## **A Holistic Approach for Improving the Law Practice for Women**

Women may have different needs than their male counterparts in terms of community and belonging within the law. While all attorneys struggle, female attorneys suffer distinctly as compared to their male counterparts. For example, hyper-competitiveness may erode collegiality more quickly for women. Aggressive interactions with opposing counsel or decision-makers may routinely invoke feelings of anxiety or depression at higher rates as compared to men. And the inability to achieve professional goals despite significant

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effort may result in faster attrition as compared to male attorneys.

Moreover, implicit and explicit gender biases take a toll, and for women of color, implicit and explicit racial biases only add to that preexisting load. Although 17.54% of law firm associates were women of color in 2023, just 4.89% of partners were women of color.<sup>8</sup> A summary of the National Association of Law Placement's 2023 Report on Diversity in US Law Firms includes revealing statistics: 2.28% of all lawyers at firms were Black women; 2.34% were Latina women; 4.81% were Asian women; 0.07% were Native American or Alaskan Native women; and 0.04% were Native Hawaiian or other Pacific Islander women.<sup>9</sup> The same report confirmed that significant income gaps continue to exist between men and women in the legal profession, especially at higher levels.

For their part, women should beware of unhealthy "female rivalry."<sup>10</sup> This could cause "internalized sexism," where women unconsciously absorb beliefs about their rightful place in the profession. To avoid unhealthy female rivalry, women should mentor and advocate for other women, amplify other women, give women credit where it is due, and eliminate gossip and sexism from personal practice.<sup>11</sup>

Nadiyah Kristensen, a research scientist in evolutionary modeling, uses the term "patriarchal bargain" to explain how "women criticizing fellow women is sometimes the only way women can gain relative power in a system that disadvantages them."<sup>12</sup> According to Kristensen's research, "when one woman tears down another woman in front of others, the rest of the group—men and women included—often follow suit. In this way, one woman who lacks self-confidence can hurt another woman while simultaneously reinforcing the patriarchy."<sup>13</sup>

Given strong competition in the legal field, women may find fewer opportunities to promote and champion one another. Competition can preclude the opportunities to forge close friendships and allies. Women may perceive competition to their detriment, foreclosing opportunities with other women inadvertently. Women may be overly critical of one another, finding false compensation for their inability to challenge their male peers in the same way.

## To avoid unhealthy female rivalry, women should mentor and advocate for other women, amplify other women, give women credit where it is due, and eliminate gossip and sexism from personal practice.

Where the workplace doesn't provide ample or equal opportunities for advancement, negative rivalry can flourish.

### Women Should Protect Themselves and Each Other

Women can build networks of mentors and allies to protect their reputation if they are unfairly

attacked by rivals or otherwise. Women can sponsor each other liberally and graciously, without unhealthy female rivalries.

Women should advocate for their needs in the office, in the courtroom, around leadership tables, and wherever they are present. Women should support environments that promote healthy interaction and strive to implement those environments, even against existing power structures. When confronting systemic bias, women should reach out to community-based organizations for organizational support. For example, within the CBA, women can consult the Professionalism Coordinating Council and the Alternative Dispute Resolution Section, along with the Ethics Committee, among others, for specific guidance where necessary.

Women in the Colorado legal community can, and should, continually dispel the negative stereotypes of women in positions of power and leadership. Exercising empathy for women throughout their career and finding ways to empower and promote their capabilities should be a goal of individuals and organizations. Together, we should strive to minimize and eradicate the many obstacles that women continue to face as attorneys. **CL**

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### NOTES

1. This article uses the terms "women" and "female" as reported by the cited authors. The CBA recognizes that attorneys have diverse gender identities, and the author acknowledges that those identities may not be properly captured in the theme of this article.

2. Sterling and Chanow, "In Her Own Words: Experienced Women Lawyers Explain Why They Are Leaving Their Law Firms and the Profession," ABA Commission on Women and the Profession (2021), [https://www.americanbar.org/groups/diversity/women/initiatives\\_awards/long-term-careers-for-women/in-their-own-words](https://www.americanbar.org/groups/diversity/women/initiatives_awards/long-term-careers-for-women/in-their-own-words).

3. *Id.*

4. *Id.*

5. *Id.*

6. *Id.*

7. *Id.*

8. National Association of Law Placement, *2023 Report on Diversity in U.S. Law Firms* (2024), <https://www.nalp.org/uploads/Research/2023NALPReportonDiversityFinal.pdf>.

9. Bieber, "Women in Law Statistics 2024," *Forbes Advisor* (updated Mar. 20, 2024), <https://www.forbes.com/advisor/legal/women-in-law-statistics>.

10. Kiner, "It's Time to Break the Cycle of Female Rivalry," *Harv. Bus. Rev.* (Apr. 14, 2020), <https://hbr.org/2020/04/its-time-to-break-the-cycle-of-female-rivalry>.

11. *Id.*

12. Tadross, "Women, Why Are We Hurting Each Other?" *Vand. Hustler* (Sept. 21, 2022), <https://vanderbilthustler.com/2022/09/21/tadross-women-why-are-we-hurting-each-other>.

13. *Id.*