

IILP Review 2017: The State of Diversity and Inclusion in the Legal Profession

Latina Lawyers – Still Too Few and Far Between: The Hispanic National Bar Association Latina Commission’s Efforts to Chart a More Open Path

Jill Lynch Cruz

Executive Coach & Career Development Consultant, JLC Consulting

After the groundbreaking research on Latinas in the legal profession spearheaded by the HNBA’s Latina Commission, Cruz, one of the principal researchers reports on the results of the implementation of the original study’s recommendations.

I. Introduction

Latinas¹ are members of the largest—and also one of the fastest growing—minority groups in the United States, constituting 8.4% of the total U.S. population.² Notwithstanding their notable presence and growth, there has not been a proportionate increase in the number of Latinas becoming attorneys and few reach the more senior echelons of the legal profession.³ Recent data indicate that, relative to their representation in the U.S. population, Latinas are among the most underrepresented groups within each of the principal legal sectors, particularly at the most senior levels—i.e., private law firm partners,⁴ Fortune 500 and Fortune 1000 general counsel,⁵ federal judges,⁶ full-time law professors and law school

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

2. See *Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States*, Population Division, U.S. CENSUS BUREAU (June 2014), <http://www.factfinder.census.gov/population/www/socdemo/hispanic/cps2006.html>.

3. See JILL L. CRUZ & MELINDA S. MOLINA, *FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS* (2009), <http://hnba.com/wp-content/uploads/2015/02/Latina-Commission-Publication.pdf> [hereinafter *2009 HNBA Commission Study*]; see also JILL L. CRUZ, MELINDA S. MOLINA & JENNY RIVERA, *LA VOZ DE LA ABOGADA LATINA: CHALLENGES AND REWARDS IN SERVING THE PUBLIC INTEREST* (2010), <http://hnba.com/wp-content/uploads/2015/02/La-Voz.pdf> [hereinafter *2010 HNBA Commission Study*]; see also 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), <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1107&context=brlj>.

4. See generally Nat’l Ass’n for Law Placement, *Women and Minorities in Law Firms by Race and Ethnicity – New Findings for 2015*, NALP BULLETIN (Jan., 2016), <http://www.nalp.org/0116research> (stating that within private practice law firms, Latinas constituted a mere 0.6% of partners and 2.0% of associates in 2015).

5. See *2014 Survey of Fortune 500 Women General Counsel*, MINORITY CORP. COUNSEL ASS’N (Dec., 2014), http://www.diversityandthebardigital.com/datb/november_december_2014?pg=20#pg20 (identifying only six Latinas in top legal officer positions in the Fortune 500 companies and one in the Fortune 501-1000).

6. See *Federal Judicial Center Chief Justices by Gender and Ethnicity* (Dec. 23, 2015), http://www.fjc.gov/history/home.nsf/page/research_categories.html (counting 1,053 federal judges, of which 951 (90%) were men; 102 (9.7%) were women; 19 (1.8%) were Latino; and 6 (0.6%) were Latina).



Recent data indicate that, relative to their representation in the U.S. population, Latinas are among the most underrepresented groups within each of the principal legal sectors, particularly at the most senior levels—i.e., private law firm partners, Fortune 500 and Fortune 1000 general counsel, federal judges, full-time law professors and law school deans, and in senior roles within the public interest sector.

deans,⁷ and in senior roles within the public interest sector.⁸ The underrepresentation of Latina attorneys is particularly troubling when compared to the significant and growing presence of Latinas in this country over this same time period.

In 2008, in response to this troubling disparity, the Hispanic National Bar Association (HNBA) established the Commission on the Status of Latinas in the Profession (the Latina Commission), which it tasked with studying the status of Latinas across the legal profession and examining why Latinas appeared to be the most demographically underrepresented group in the legal profession. The HNBA also asked the Latina Commission to identify factors impeding Latinas' entry, retention, and advancement within the legal profession, and to provide insight into the practices and strategies critical to Latinas' success in their educational and career pursuits. This article examines the findings of the Latina Commission, and the programs and strategies it has employed to increase Latina representation amongst attorneys.

II. The HNBA Commission Studies

Upon the Latina Commission's creation, the HNBA commissioned two national studies⁹ on the status of Latina attorneys in the profession. These studies, among the first of their kind, were designed to shed light on the formative and career-related experiences that contribute to the continued underrepresentation of Latinas in the legal profession.

7. See *ABA Approved Law School Staff And Faculty Members, Gender And Ethnicity: Fall 2013*, A.B.A. (Dec. 23, 2015), http://www.americanbar.org/groups/legal_education/resources/statistics.html (scroll down to "Law School Faculty & Staff by Ethnicity and Gender") (reporting that, in 2013, Latinas made up 3.7% of full-time law professors and 5.5% of all law school deans).

8. See *2010 HNBA Commission Study*, *supra* note 3 (finding evidence that Latina attorneys are not well represented in leadership roles with the public interest sector of the legal profession, which includes both government and non-government employers).

9. See *2009 HNBA Commission Study*, *supra* note 3; *2010 HNBA Commission Study*, *supra* note 3.

In 2009, the Latina Commission published the results of its initial landmark study, entitled *Few and Far Between: The Reality of Latina Lawyers*.¹⁰ This mixed-method study gathered qualitative and quantitative data on more than 600 Latina attorneys from across the United States employed primarily in law firms, corporate law offices, the judiciary, government, and legal academia. On the heels of this broad-based study, in 2010, the HNBA Commission published a companion report entitled *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest*.¹¹ This report summarized the more granular analysis conducted on the status and experiences of over 200 Latina attorneys employed in the public interest sector of the legal profession.

The HNBA Commission studies provided evidence that Latina attorneys generally held positions of lower hierarchical status as compared to other demographic groups,¹² and some indication that Latina attorneys were paid less than non-Latina counterparts in comparable positions.¹³ Furthermore, the HNBA Commission studies theorized that a “multi-layered glass ceiling”¹⁴ negatively impacted Latina attorneys’ careers as a result of the intersection of their gender, ethnicity, and race which, when taken together, serve as a “triple threat”¹⁵ to Latinas’ retention and advancement within the legal profession.¹⁶

While these findings were less than encouraging regarding the plight of Latina attorneys and their occupational standing within the legal industry, the studies provided critical benchmarks against which the progress of Latina attorneys’ professional status can be measured going forward, and provided practical recommendations for increasing Latinas’ presence and success in the legal profession.

Since the publication of HNBA Commission studies, the Latina Commission has implemented many of its recommendations, promoted best practices for increasing the representation of Latina attorneys across the profession, and helped these women advance into leadership roles. These initiatives span the gamut from educational and mentorship programs directed at Latinas as early as middle school, to executive training programs and mentoring programs for junior and senior lawyers to enhance their professional development opportunities and competitiveness in the job market. The key recommendations from the HNBA Commission studies and resulting Latina Commission programs are summarized below.

A. Visible Latina Role Models

The HNBA Commission studies found that a lack of information and exposure to the profession, as well as certain cultural and gender inhibitors that circumscribe career choice, hamper many young Latinas in their consideration and pursuit of legal careers.¹⁷ To counteract this barrier, the studies emphasized the

10. See 2009 HNBA Commission Study, *supra* note 3.

11. See 2010 HNBA Commission Study, *supra* note 3.

12. See 2009 HNBA Commission Study, *supra* note 3, at 10, 48 (comparing Latinas attorneys to other racial groups in the legal profession, which include white, black, and Asian populations).

13. *Id.* at 26 (stating 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). For example, the median compensation for white women is \$254,746, compared to \$157,290 for women of color. *Id.*; see also 2010 HNBA Commission Study, *supra* note 3, at 37–38, 52.

14. See 2009 HNBA Commission Study, *supra* note 3, at 48.

15. *Id.*

16. See generally 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); 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, 259 (2008) (considering how Latina attorneys encounter “double oppression” based on their gender and ethnicity). The HNBA Commission studies underscore the importance of considering Latina attorneys’ gender, ethnicity, and race as three separate but intersecting constructs that work together to contribute to the barriers these women encounter).

17. 2009 HNBA Commission Study, *supra* note 3, at 31; see generally LISA Y. FLORES ET AL., *CAREER COUNSELING WITH LATINAS*, IN *HANDBOOK OF CAREER COUNSELING FOR WOMEN* 271 (W. Bruce Walsh & Mary J. Heppner eds., 2nd ed. 2006) (discussing research on Latinas’ career development and suggesting Latinas may view the world of work differently because of their gender-role socialization within Latino communities and families).

need for increased visibility of Latina and attorney role models to inspire Latina youth and encourage them to consider professional and non-traditional careers, including those in the legal profession.¹⁸ These studies consistently found that many of the women who achieved successful careers in the legal profession had strong Latina role models, both in their early lives and at critical points along their educational paths, who inspired and encouraged them to pursue their academic and career goals.¹⁹ These role models provided young Latinas with guidance and encouragement, which appears to be especially important throughout their formative years.

Sharing stories of how established Latina attorneys have achieved success in the profession is critical to helping young Latinas follow in their footsteps. For this reason, the Latina Commission has sponsored a number of inspirational events featuring trailblazing Latina lawyers, judges, law firm partners, and corporate leaders, who met with students about the importance of higher education and, more specifically, about pursuing a career in the law. One notable example is attorney Anna Maria Chavez, CEO of Girl Scouts of the USA, and also the daughter of Mexican American immigrants growing up in rural Arizona, who was the Latina Commission's keynote speaker at its annual Plenary Luncheon during the 2015 HNBA Annual Convention. Ms. Chavez shared her stories of how she achieved success—not only as a lawyer but also as a prominent leader in business—and encouraged other Latinas to follow in her footsteps.

In 2015, the Latina Commission also sponsored programs aimed at serving middle school and high school students, such as “Pearls of Wisdom” and “Making the Dream a Reality,” which included panel discussions among prominent Latina lawyers. The Commission also has provided opportunities for junior attorneys to learn from more established attorneys about building credibility, gaining influence, and paving a strategic path for career success and leadership.

B. Pipeline Programs

In addition to lacking visible Latina role models, Latinas also face barriers in the educational pipeline.²⁰ The impact of such barriers is evident by the disproportionately low number of minorities who apply to and attend law school.²¹ As reflected in both of the HNBA Commission studies, a critical first step in expanding the pipeline of Latina lawyers are outreach programs directed toward Latina youth as early as elementary school to encourage and prepare them academically and psychologically for professional careers. This outreach requires the advancement of educational pipeline programs in schools serving Hispanic communities to expose children to models for professional career success. To address this need, the Latina Commission created a Pipeline Committee to develop and implement an increasing number of mentoring and pipeline programs targeted at schools and students in predominantly Hispanic communities.

In 2015, the Latina Commission held more than ten pipeline events for middle and high school students living in underserved Hispanic communities across the country. One signature pipeline event included the

18. 2009 HNBA Commission Study, *supra* note 3, at 9; 2010 HNBA Commission Study, *supra* note 3, at 60.

19. 2009 HNBA Commission Study, *supra* note 3, at 31–32; 2010 HNBA Commission Study, *supra* note 3, at 41–42.

20. See RICHARD FRY, *LATINO YOUTH FINISHING COLLEGE: THE ROLE OF SELECTIVE PATHWAYS* (2004), www.pewhispanic.org/files/reports/30.pdf; see also Irma D. Herrera, *Barriers to Latinos/as in Law School*, 13 BERK. LA RAZA L.J. 55, 56–57 (2002) (discussing the barriers to Hispanic women in law schools and recognizing the existence of educational inequalities and limited educational opportunities in Hispanic communities); see also Daniel G. Solorzano, Octavio Villalpando & Leticia Oseguera, *Educational 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) (analyzing the educational inequalities and racialized barriers faced by Latina/o college students when navigating the educational pipeline leading to a college degree).

21. See ADVISORY COUNCIL ON DIVERSITY, *THE CRITICAL NEED TO FURTHER DIVERSIFY THE LEGAL ACADEMY & THE LEGAL PROFESSION* (2005), <http://www.abanet.org/op/pipelineconf/report.html> (discussing the crisis in the pipeline to the legal profession continues in disproportionately lower application, enrollment, and graduation rates of minorities in U.S. law schools); see also GITA Z. WILDER, *RACE AND ETHNICITY IN THE LEGAL PROFESSION: FINDINGS FROM THE FIRST WAVE OF THE AFTER THE JD STUDY* (2008), http://www.americanbarfoundation.org/uploads/cms/documents/race_and_ethnicity_monograph.pdf.



Since 2014, over one hundred Latina attorneys and law students have participated in these training programs free of charge. In 2015, Leadership Training Programs sponsored by Walmart were held during the HNBA Annual Convention and the HNBA Corporate Counsel Conference.

opportunity for twenty-three Latina middle school students to tour the U.S. Supreme Court and meet with Justice Sonia Sotomayor after participating in a multi-week program during which they studied the life and career trajectory of Justice Sotomayor and digested several seminal Supreme Court cases impacting the civil rights of minority groups in the United States. Eight Latina Commissioners served as mentors for the students and their families throughout the program and thereafter.

While many of the students who participate in these programs have repeatedly encountered sociocultural barriers that make law school attendance less likely than their non-Latina counterparts, exposing them to Latina attorneys who grew up in similar communities and achieved educational success may help counteract students' past negative experiences. By stressing the importance of higher education and inspiring young students to work hard and dream big, these role models can help students open their minds to a career in the law.

C. Latina Leadership Academy

The HNBA Commission studies found that, as women working within a male-dominated profession, Latinas face many barriers along their path to positions of leadership, including both overt and subtle forms of gender bias and discrimination and questions about their suitability as leaders.²² In response, the Latina Commission launched the Leadership Academy to help Latina attorneys develop strong leadership skills, improve their business development and negotiation skills, navigate organizational power and politics, and leverage their professional relationships. Since 2014, over one hundred Latina attorneys and law students have participated in these training programs free of charge. In 2015, Leadership Training Programs sponsored by Walmart were held during the HNBA Annual Convention and the HNBA Corporate Counsel Conference. The two-part training programs included a morning session on developing a “Grit & Growth” mindset followed by an afternoon session during which the participants learned to “Negotiate Compensation More Effectively.”

D. Educational Programs and Support for Hispanic Families

In addition to educational obstacles, many Latina attorneys report feeling pressure from their families and communities to assume more traditional feminine roles and responsibilities.²³ Such culturally-gen-

22. See 2009 HNBA Commission Study, *supra* note 3, at 38–39.

23. See 2009 HNBA Commission Study, *supra* note 3, at 33.

dered expectations may discourage Latinas from pursuing non-traditional or male-dominated careers, such as those in the legal profession. Moreover, many Hispanic families may not realize the critical role they play in influencing their daughters' educational and career aspirations.²⁴ To help address this, the Latina Commission has sponsored several parent education programs to generate support and encouragement for the educational advancement of young Latinas. One particular program focused specifically on the culturally-gendered barriers facing young Latinas with respect to their career choice, and emphasized the importance of parents staying involved in their children's schooling and advocating on their daughters' behalf. This can be culturally difficult for many Hispanic families who tend to avoid conflict and often display deference and respect to authority figures, including teachers.²⁵

Many of the Latina attorneys who took part in the HNBA Commission studies were the first in their families to attend law school, or even college,²⁶ thus their families were not familiar with the college preparation and application process. To address this need, the Latina Commission provides parents and families with information on the tactical and financial issues associated with higher education and the college preparation and application process, including timelines and standardized testing requirements. Such preparation can help Latinas prepare for many professions, including becoming a lawyer who serves the community in important and interesting roles in addition to earning a good income.

E. Latina-Based Networking Opportunities

One key recommendation from the HNBA Commission studies was to encourage the creation of more Latina-based networking opportunities and affinity groups as a way for women to network and socialize, express their concerns, and share their experiences.²⁷ Answering this call, the Latina Commission fosters many opportunities for Latinas to network with each other as well as with a diverse pool of individuals. One example is the Walmart Latina Commission Leadership Academy, which has provided a unique networking opportunity for Latina attorneys across the country. Other events include regional and national networking receptions and other events highlighting the Commission and prominent Latina lawyers. The American Bar Association Margaret Brent Award event also drew a large contingent of Latina attorneys to recognize the Honorable Mari Carmen Aponte, U.S. Ambassador to El Salvador.

F. Mentoring Opportunities and Developmental Relationships

The findings from the HNBA Commission studies as well as other research on women of color in the legal profession²⁸ have underscored the importance to women of having access to mentors throughout their legal careers. Mentoring and other developmental relationships with a variety of individuals both inside and outside their organizations can provide Latina attorneys with the necessary career development and psychosocial support to help them navigate career experiences and overcome the isolation and loneliness that jeopardize their retention and advancement.

Many Latina attorneys report that informal, rather than formal, mentors have played a more critical role in supporting their professional development and career advancement.²⁹ Since its inception, the Latina Commission's vast array of tailored programs and networking opportunities has created many

24. *Id.* at 33–34. See also Maria J. Gomez et al., *Voces Abriendo Caminos (Voices Forging Paths): A Qualitative Study of the Career Development of Notable Latinas*, 48 J. OF COUNSELING PSYCHOL. 286 (2001).

25. See generally Elizabeth Ruiz, *Hispanic Culture and Relational Cultural Theory*, J. OF CREATIVITY IN MENTAL HEALTH 33, 39 (2005) (noting that Hispanics often display *respeto* (respect), a cultural value that emphasizes showing and reciprocating respect and deference to others, especially authority figures).

26. See 2009 HNBA Commission Study, *supra* note 3, at 31.

27. *Id.* at 52–53.

28. See, e.g., DEEPALI BAGATI, WOMEN OF COLOR IN U.S. LAW FIRMS (2009), <http://www.catalyst.org/knowledge/women-color-us-law-firms%E2%80%94women-color-professional-services-series>.

29. See 2009 HNBA Commission Study, *supra* note 3, at 43; 2010 HNBA Commission Study, *supra* note 3, at 10, 59, 62–63.

opportunities for Latina attorneys to develop organic and long-lasting mentoring relationships with a variety of individuals, including non-Latinas across the profession. Many of these opportunities have led to established Latina attorneys mentoring law students and junior attorneys, and helped to connect Latina attorneys with a wide variety of sponsors both inside and outside of their organizations.

G. Educate, Research, and Monitor Progress

The HNBA Commission studies emphasized the need to increase awareness about the underrepresentation of Latinas in the profession,³⁰ for instance by sponsoring forums to address the experiences and barriers that Latinas face. To that end, the Latina Commission and its affiliates have been involved in several significant research projects to highlight and pay homage to the history of Latina lawyers. Two such projects are *Las Primeras*³¹ and *Luminarias de la Ley*, which document the experiences of the first Latina lawyers in the United States.³² The Latina Commission also provides original and related research on the barriers and discrimination faced by Latina lawyers as part of its collaboration with the United Nations Working Group on the Issue of Discrimination Against Women in the Law and in Practice.

Increasing the representation of Latinas across all legal sectors is a significant goal that requires monitoring their occupational status across the legal profession. Measuring Latinas' progress will promote accountability and awareness not only within their own organizations but also within the larger legal community. As a commitment to monitoring Latina progress, the Latina Commission continues to monitor the status and progress of Latina lawyers. In 2015, the Latina Commission provided an update to the HNBA Commission studies at the HNBA's Corporate Counsel Conference. At that time, it was noted that since the 2009 HNBA Commission Study, Latina attorneys have made incremental progress in several legal sectors. However, when compared to their population within the United States, Latinas still appear to be the most underrepresented racial or ethnic group within the legal profession, especially in senior-level positions.

III. Conclusion

Since its inception, the Latina Commission has made great strides to open the educational pipeline and career pathways for Latina attorneys, and to facilitate their accession to its upper echelons. However, there is still much to do in order to achieve lasting and measureable change.

The Latina Commission cannot work in isolation to achieve this goal; it requires active support and commitment from the larger legal community. As the Hispanic population continues to grow in this country, the legal profession must work harder to counter the barriers to Latina attorneys' success, and ensure that the profession reflects the growing diversity of the nation. To that end, the profession must continue to support the development and implementation of research-based strategies aimed at identifying and addressing attitudinal, structural, and organizational barriers, so that each generation of prospective attorneys has a greater opportunity to reach its full potential and to achieve success and satisfaction in the legal profession.

30. See 2009 HNBA Commission Study, *supra* note 3, at 9–10, 53–54; 2010 HNBA Commission Study, *supra* note 3, at 59, 60, 64.

31. See 2009 HNBA Commission Study, *supra* note 3, at 82; 2010 HNBA Commission Study, *supra* note 3, at 88.

32. Dolores Atencio, *The First Latina Lawyers, Luminarias De La Ley*, University of Denver Portfolio (2015), <https://portfolio.du.edu/Dolores.Atencio/page/54484>.