

Latinas in the Legal Profession: Navigating the Cultural Divide

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Why are Latinas such an underrepresented attorney group in the legal profession? How do Latinas today overcome obstacles to their success? Based upon her work with Latina lawyers from across the U.S. Cruz discusses cultural obstacles and critical factors needed for success.

Introduction

As the United States population has become more diverse, there has been an increased interest in attracting, retaining and advancing more women attorneys of color throughout the legal profession.¹ Despite this desire for a more diverse attorney base, significant ethnic, racial, and gender barriers continue to impede their full representation and professional success across the legal profession.² This is particularly evident for Latina³ attorneys, who appear to be the most disproportionately underrepresented attorney group across the legal profession, especially at its senior leadership levels.⁴ The pronounced lack of Latina attorneys across the legal profession, particularly in leadership roles, is especially problematic and calls for a closer examination of unique challenges associated with their status as ethnically diverse women that may affect their access to and experience within the legal profession.

HNBA Commission Studies

In an attempt to better understand this problem, the Hispanic National Bar Association's Commission on the Status of Latinas in the Legal Profession ("HNBA Latina Commission") conducted a national study on Latina attorneys employed throughout the legal profession. This landmark study, entitled *Few and Far Between: The Reality of Latina Lawyers*, as well as a subsequent report on Latina attorneys in the public interest entitled, *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest*, gathered quantitative and qualitative data on over 800 Latina attorneys from across the United States who were employed in a variety of legal sectors.⁵

1. ABA Comm'n on Women in the Profession, *Visible Invisibility: Women of Color in Fortune 500 Legal Departments* (2012); American Bar Association, ABA Comm'n on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* (2008); CATALYST, *WOMEN OF COLOR IN U.S. LAW FIRMS* (2009), available at <http://www.catalyst.org/knowledge/women-color-us-law-firms%E2%80%94women-color-professional-services-series>.

2. *Id.*

3. The terms "Latina(s), Latino(s), are used in this article to refer respectively to female and male individuals living in the United States who self-identify as being of Latin American and/or from Spanish descent. Latin America includes, but is not limited to countries of origin in Central America, Cuba, the Dominican Republic, Mexico, Puerto Rico, and South America. The term "Hispanic" while often used interchangeably with Latina/o(s), refers here to those values, norms or individuals associated with this population.

4. Jill L. Cruz, *Latina Lawyers – Still Too Few and Far Between: The Hispanic National Bar Association Latina's Commission's Efforts to Chart a More Open Path*, INST. FOR INCLUSION IN THE LEGAL PROFESSION 219 (2017) [hereinafter 2017 IILP Study]; see Jill L. Cruz, *Latinas in the Legal Profession, Challenges and Catalysts to their Career Success*, HISPANICS AT WORK: A COLLECTION OF RESEARCH, THEORY AND APPLICATION (Donna M. Blancero & Robert G. DelCampo eds., 2011) [hereinafter *Latinas in the Legal Profession*]; see Jill L. Cruz & Melinda S. Molina, *Hispanic National Bar Association, Commission on Latinas in the Legal Profession, Few and Far Between: The Reality of Latina Lawyers*, 37 PEPP. L. REV. 971 (2010) [hereinafter *Reality of Latina Lawyers*]; see also Jill L. Cruz, Melinda S. Molina & Jenny Rivera, *Hispanic National Bar Association, Commission on Latinas in the Legal Profession, La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest*, 14 CUNY L. REV. 146 (2010) [hereinafter *Public Interest Study*].

5. *Public Interest Study*, *supra* note 4, at 147; *Reality of Latina Lawyers*, *supra* note 4, at 971.



Latina attorneys may encounter additional challenges related to the significant cultural divide that exists between their heritage and legal profession worlds, whose values, norms, and behaviors are often in opposition.

Referred collectively as the *HNBA Commission Studies*, the purpose of this research was to document the demographic and professional status of Latina attorneys across this country and to explore how their formative and career-related experiences contributed to their continued underrepresentation in the legal profession.⁶ This research provided important insights into the key obstacles and critical success factors to Latina attorneys' educational achievement and career choice, as well as factors that contributed to or detracted from their retention and advancement in the legal profession.⁷

The empirical results of these studies, as well as other related and supporting research conducted on this population, provide an important perspective of the unique obstacles current and would-be Latina attorneys encounter as they attempt to navigate their entry into and progression within the legal profession. While Latina attorneys may encounter a multitude of barriers in their path to and within the legal profession, this article is particularly interested in those challenges Latina attorneys may encounter as *ethnically* diverse women. Specifically, it is argued by this author that Latina attorneys may encounter additional challenges related to the significant cultural divide that exists between their heritage and legal profession worlds, whose values, norms, and behaviors are often in opposition.⁸

The Cultural Divide

Latinas in this country are not a monolithic group. However, they often share common features related to their cultural identity—including connections to the Spanish language and group-specific cultural values, especially those related to collectivism.⁹ Key cultural values that may influence Latinas' career behaviors and perceptions include *familismo*, the importance of family and social groups and priority of group over individual goals;¹⁰ *personalismo*, the importance of harmonious and conflict-free interpersonal relationships;¹¹ and *respeto*, high power distance and deference to those in authority.¹²

6. See Reality of Latina Lawyers, *supra* note 4 at 1009; see also Public Interest Study, *supra* note 4, at 169.

7. Latinas in the Legal Profession, *supra* note 4, at 194.

8. Latinas in the Legal Profession, *supra* note 4, at 205.

9. GEERT HOFSTEDE, GERT VAN HOFSTEDE & MICHAEL MINKOV, *CULTURES AND ORGANIZATIONS: SOFTWARE OF THE NEW MIND* 91 (2005).

10. See Consuelo Arbona, *Theory and research on Racial and Ethnic Minorities: Hispanic Americans in CAREER DEVELOPMENT & VOCATIONAL BEHAVIOR OF RACIAL & ETHNIC MINORITIES* 37-66 (Frederick T. Leong, 1st ed. 1996); see also Lisa Y. Flores et al., *Career Counseling with Latinas*, in *Handbook of Career Counseling for Women*, 43, 271 (W. Bruce Walsh & Mary J. Heppner eds., 2d ed. 2006) (discussing research on Latinas' career development; suggesting that they may also view the world of work differently because of their gender-role socialization within their Latino communities and families, and noting that within the patriarchal Latino culture, women are expected to assume more traditionally feminine roles and careers, which are also viewed as secondary to those of men).

11. Elizabeth Ruiz, *Hispanic Culture and Relational Cultural Theory*, 1 J. OF CREATIVITY IN MENTAL HEALTH 33, 39 (2005) (Hispanics value of *personalismo* emphasizes personal and social relationships over status, material gain or institutional relationships).

12. *Id.* at 39 (Hispanics often display *respeto* (respect), a cultural value that emphasizes showing and reciprocating respect and deference to others, especially authority figures).



While Latinas are the fastest growing group of school-aged female youth, they were also found to be nearly twice as likely as their White and Asian female counterparts to drop out of high school.

These and other traditional Hispanic cultural values often contrast dramatically with those reflected and reinforced within corporate American institutions and workplaces that emphasize individual achievement, self-agency, competition, and power equality.¹³ Moreover, parents holding American cultural values tend to encourage their children to be more independent and less reliant on the family of origin.¹⁴ This disparity may create a significant cultural divide between Latinas' heritage and mainstream worlds, whose values, norms and behaviors are not always similarly aligned.¹⁵ In this way, as racially and *ethnically* diverse women, current and aspiring Latina attorneys may encounter unique challenges in their attempt to navigate this cultural divide in their path to and within the legal profession.

Navigating the Path to the Legal Profession

The Educational Divide

*"I think a lot of [becoming an attorney] ends up being about access to education . . ."*¹⁶

The dearth of Latinas in the legal profession is rooted in large part to barriers that exist along their educational pathway.¹⁷ Latinas are found to have high academic aspirations.¹⁸ However, a significant amount of research on the career development of Hispanics points to a lack of educational attainment as one of the most significant impediments to their access to professional positions, including those in the legal profession.¹⁹

While Latinas are the fastest growing group of school-aged female youth, they were also found to be nearly twice as likely as their White and Asian female counterparts to drop out of high school.²⁰ Furthermore, Latinas as a racial and ethnic group are found to have significantly lower higher education engage-

13. *Id.* at 39.

14. *Id.* at 52.

15. Latinas in the Legal Profession, *supra* note 4, at 205.

16. Reality of Latina Lawyers, *supra* note 4, at 1006.

17. Latinas in the Legal Profession, *supra* note 4, at 194.

18. See Alberta M. Gloria, Jeanette Castellanos & Veronica Orozco, *Perceived Educational Barriers, Cultural Fit, Coping Responses, and Psychological Well-Being of Latina Undergraduates*, 27 *HISP. J. OF BEHAVIORAL SCIENCES* 161 (2005); see also NAT. WOMEN'S L. CTR. & MEXICAN AM. L. DEF. & EDUC. FUND, LISTENING TO LATINAS: BARRIERS TO HIGH SCHOOL GRADUATION 6 (2009) [hereinafter *Barriers to Graduation*].

19. RICHARD FRY & PEW HISPANIC CENTER, *LATINO YOUTH FINISHING COLLEGE: THE ROLE OF SELECTIVE PATHWAYS* (2004), available at pewhispanic.org/files/reports/30.pdf [hereinafter Fry 2004]; Irma D. Herrera, *Raising the bar: Latino and Latina presence in the judiciary and the struggle for representation*, 13 *BERKELEY LA RAZA L.J.* 55 (2005).

20. See *Barriers to Graduation*, *supra* note 18, at 7.



Given the importance of familismo in the Hispanic culture, Latinas in high school are often socialized along traditional gender lines to place their families' needs above all else, which may discourage them from pursuing their own academic ambitions over family obligations.

ment rates as compared to Asian, White and Black women in their same age range.²¹ In particular, Latinas between the ages of twenty-five to twenty-nine are reported to be much less likely to have a bachelor's degree, compared to similarly aged White or Black females.²²

Hispanics may be disadvantaged educationally, in part, because of their relatively lower socioeconomic status in this country.²³ As such, Latina youth who live in poverty may face significant achievement gaps due to lower levels of educational preparation, including limited access to early childhood education and reading programs.²⁴ Latina youth may also be more likely to change or drop out of school to support their family's changing economic needs, especially children of migrant workers.²⁵ Furthermore, many Latina youth are more likely to attend more crowded schools with fewer resources, which limits their access to more rigorous academic programs or after-school enrichment activities.²⁶ As a result, Latinas who are economically disadvantaged or who have limited access to educational opportunities and resources at critical points during their educational progression often lack adequate preparation and the necessary skills to succeed in college, which, in turn, makes entry into law school unlikely.²⁷

There are also cultural influences that affect Latinas' decisions regarding higher education. Given the importance of *familismo* in the Hispanic culture, Latinas in high school are often socialized along traditional gender lines to place their families' needs above all else, which may discourage them from pursuing their own academic ambitions over family obligations.²⁸ Furthermore, expectations that Latinas live close to home during and after high school are often at odds with the prevailing trend for college students to live away at college for four or more years.²⁹ As a result of this pressure, Latinas with qualifications and aspirations to attend more selective, yet distant, academic institutions may ultimately choose to attend a local, but less rigorous school as a way to support and be closer to their families.³⁰

21. EPE RESEARCH CENTER, ANALYSIS OF DATA FROM THE AMERICAN COMMUNITY SURVEY (2012), available at www.ed-week.org/go/qc12.

22. JEFFREY S. PASSEL & D'VERA COHN, HOW MANY HISPANICS? COMPARING CENSUS COUNTS AND CENSUS ESTIMATES (2011), available at <http://www.pewhispanic.org/2011/03/15/how-many-hispanics-comparing-census-counts-and-census-estimates>.

23. See Flores, *supra* note 10, at 271; see also Fry 2004, *supra* note 19. See also Barriers to Graduation, *supra* note 18, at 9.

24. See Barriers to Graduation, *supra* note 18, at 10.

25. *Id.*

26. *Id.*

27. Latinas in the Legal Profession, *supra* note 4, at 194.

28. See Flores, *supra* note 10, at 271.

29. MICHELLE HUSTON & ANGELA GINORIO, AM. ASS'N OF UNIV. WOMEN EDUC. FOUND., SI, SE PUEDE! YES, WE CAN: LATINAS IN SCHOOL (2001), available at <https://history.aauw.org/files/2013/01/SiSePuede.pdf>.

30. This echoes other findings that Hispanics are more likely to attend postsecondary institutions that are less selective and have lower undergraduate completion rates than similarly prepared non-Hispanic Whites. Furthermore, Hispanics are



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For those Latinas who do attend college and/or ultimately law school, they may confront additional attitudinal and psychosocial challenges associated with this cultural divide including bicultural stress, gender and ethnic discrimination, as well as social and cultural isolation.³¹ The Latina attorneys in the *HNBA Commission Studies* were often members of the first generation in their families to attend law school, or even college, and often experienced bicultural stress.³² This resulted in many Latinas feeling alienated and disadvantaged, both socially and academically, from their non-Latina peers.³³ Furthermore, the cultural divide associated with different Hispanic values and expectations related to power distance, self-agency, and individual versus group achievement may also foster a heightened level of bicultural stress.³⁴

Latina students' negative perceptions of campus climate can also contribute to academic challenges and negative self-beliefs that may prevent some from pursuing more challenging educational or career paths.³⁵ The *HNBA Commission Studies* illustrate how Latinas were often subjected to institutionalized discouragement by their college and law school teachers and school counselors to pursue less competitive paths.³⁶ These negative messages and assumptions about Latina law students' capabilities can manifest into psychological barriers, including lack of self-confidence and fear of failure.³⁷ Furthermore, these psychosocial impediments may negatively contribute to their occupational and academic self-efficacy expectations, which are predictive of career choice and academic achievement.³⁸ While many Latinas face significant educational-related burdens throughout their educational journey, they may also be hampered in their consideration and pursuit of careers in the legal profession due lack of information and exposure, as well as certain cultural and gender inhibitors that circumscribe career choice.³⁹

more likely to attend two-year community colleges and enroll in college part-time at a greater rate than any comparable group. See Fry 2004, *supra* note 19.

31. See Latinas in the Legal Profession, *supra* note 4, at 189; see also Herrera, *supra* note 19, at 55; 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); Sharon Foley & Deborah L. Kidder, *Hispanic law students' perceptions of discrimination, justice, and career prospects*, 24 HISP. J. OF BEHAVIORAL SCIENCES 23-37 (2002); Antoinette Sedillo Lopez, *Symposium: Latinas in Legal Education - Through the Doors of Opportunity: Assimilation, Marginalization, Cooptation or Transformation?*, 13 AM. U. J. GENDER SOC. POL'Y & L. 109 (2005).

32. See Reality of Latina Lawyers, *supra* note 4, at 1009; see also Public Interest Study, *supra* note 4, at 169. Hispanic youth are more frequently first-generation college students and therefore deal with more complex educational decisions and numerous challenges that limit their chance of attending or completing college. See also Jean S. Phinney, Jessica M. Dennis & Delia M. Gutierrez, *College orientation profiles of Latino students from low socioeconomic backgrounds: A cluster analytic approach*, 27 HISP. J. OF BEHAV. SCI. 387 (2005) [hereinafter Phinney Study].

33. Reality of Latina Lawyers, *supra* note 4, at 1009.

34. Jill L. Cruz & Donna M. Blancero, *Latina/o Professionals' Career Success: Bridging the Corporate American Divide*, 44 J. OF CAREER DEV. 485 (2016).

35. See Flores, *supra* note 10 at 271; 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).

36. Reality of Latina Lawyers, *supra* note 4, at 1009.

37. Herrera, *supra* note 19, at 55.

38. Arbona, *supra* note 9, at 37.

39. Latinas in the Legal Profession, *supra* note at 4, at 197.



Latinas encounter strong cultural and gender norms that their primary role is to support their families and to provide care for extended family members, including parents and elders.

Cultural Influences in Career Choice

“The role of the Hispanic family... [has] 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.”⁴⁰

Many Latinas may be hampered in their consideration and pursuit of legal careers due to lack of exposure to practicing attorneys or the legal profession during their formative years. Many Latina attorneys from the first *HNBA Commission Study* acknowledged they did not consider the legal profession as a viable career option before or even during college.⁴¹ Therefore, their route to the legal profession was indirect—a serendipitous result of timing and chance rather than as an intentional pursuit of a legal career.

Given their collectivist social values, Latinas may also defer to or be heavily influenced by the expectations or needs of family members, especially parents, in their career decision-making process.⁴² In contrast to the values of individuality and independence stressed in the dominant American culture, Latinas encounter strong cultural and gender norms that their primary role is to support their families and to provide care for extended family members, including parents and elders. Latinas’ strong orientation to family, while an important source of support and encouragement, can also result in lower college success rates because of their multiple role responsibilities and expectations.⁴³ The *HNBA Commission Studies* provided examples of how aspects of the Latinas’ school and career decisions were often based on familial needs, as opposed to the Latinas’ own personal and career goals.⁴⁴ Moreover, many Latinas in these studies often served as advocates, translators and representatives for family members, which placed additional responsibilities on them to support their families in this way.⁴⁵

In addition to the importance of family on Latinas’ career choice, women in patriarchal Hispanic cultures are also expected to assume more traditionally feminine roles and careers, which are viewed as secondary to those of men in their culture.⁴⁶ This cultural inhibitor is reflected in findings from the first *HNBA Commission Study* that throughout the Latina attorneys’ formative years and even in college, many reported feeling pressure from their families and supporting communities to restrict their career choice to more stereotypical feminine roles and responsibilities.⁴⁷ These cultural expectations may lead to circumscription of career choice for some would-be Latina attorneys because they are discouraged from pursuing non-traditional or male-dominated careers, such as those in the legal profession.

40. See Reality of Latina Lawyers, *supra* note 4, at 1008.

41. Reality of Latina Lawyers, *supra* note 4, at 1008.

42. Flores, *supra* note 10, at 271.

43. Susan R. Sy & Jessica Romero, *Family responsibilities among Latina college students from immigrant families*, 7 J. OF HISP. HIGHER EDUC. 212 (2008).

44. See Reality of Latina Lawyers, *supra* note 4, at 1009; see also Public Interest Study, *supra* note 4, at 169.

45. *Id.*

46. See Flores, *supra* note 10, at 271.

47. Reality of Latina Lawyers, *supra* note 4, at 1007.



The Latina attorneys referred to this form of gender and ethnic discrimination and bias as “cultural sexism” because it is rooted in Hispanic culturally gendered values and beliefs that women should be home supporting their families rather than working or assuming leadership roles.

Despite the barriers to their educational attainment and career choice, a small number of Latinas have successfully navigated this pathway in their consideration and achievement of attorney careers.⁴⁸ However, once within the legal profession, many Latina attorneys may experience discordance between their cultural values, norms and behaviors with those reflected and reinforced within their corporate American legal workplaces.⁴⁹ As such, Latina attorneys’ ability to successfully navigate this cultural divide shapes their experiences, as well as their ultimate career success and satisfaction.

Navigating the Cultural Divide within the Legal Profession

Cultural Sexism

“You’re just totally treated differently as a result of being a Latina female attorney. You . . . don’t get the same amount of respect. Your work isn’t given the same amount of respect, you’re not given the same amount of recognition.”⁵⁰

The Latina attorneys from the *HNBA Commission Studies* recounted how they often experienced overt and subtle forms of culturally gendered discrimination that fostered inhospitable workplaces and negative assumptions about their professional qualifications, capabilities and appropriateness for leadership roles.⁵¹ Many of these women experienced demeaning and condescending treatment by male attorneys, including Latinos.⁵² The Latina attorneys referred to this form of gender and ethnic discrimination and bias as “cultural sexism” because it is rooted in Hispanic culturally gendered values and beliefs that women should be home supporting their families rather than working or assuming leadership roles.⁵³

Related to cultural gender-role expectations of Latinas as primary family caregivers, many also confront mixed messages from family to pursue their educational and career goals as a source of self-sufficiency with the dichotomous need to *always* put family first.⁵⁴ Latina attorneys from the first *HNBA Commission Study* believed that unlike Latinos, regardless of many Latina attorneys’ level of professional responsibility or achievements, the support and approval they receive from their families, especially mothers,

48. Latinas in the Legal Profession, *supra* note 4, at 199.

49. Latinas in the Legal Profession, *supra* note 4, at 205.

50. *Id.* at 192.

51. See Reality of Latina Lawyers, *supra* note 4, at 1009; see also Public Interest Study, *supra* note 4, at 169.

52. Reality of Latina Lawyers, *supra* note 4, at 1015.

53. *Id.*

54. Julio Cammarota, *The gendered and racialized pathways of Latina and Latino youth: Different struggles, different resistances in the urban context*, 35 ANTHRO. & EDUC. Q. 53-75 (2004); See Sy & Romero, *supra* note 43, at 212.



Latina attorneys often encounter preconceived ethnic and gender stereotypes about their professional capacity and legitimacy as attorneys.

continues only if they perform as “good” mothers and wives, which requires shouldering most of the household, childcare and eldercare responsibilities.⁵⁵

While many women attorneys face normative expectations to assume more traditional gender roles as it relates to family responsibilities, this may be even more salient for Latina attorneys due to cultural values and gender ideology that reinforce traditional sex roles for women as primary family care-takers within collectivist and patriarchal cultures.⁵⁶ As a result, Latina attorneys identified the untenable goal of pursuing both a legal career and motherhood as one of the biggest anticipated challenges to their advancement in the legal profession.⁵⁷ However, Latina attorneys in the public interest did perceive this sector to be more accommodating of this dual role.⁵⁸ Furthermore, perceptions of Latina attorneys being more family-oriented may also lead to perceptions and bias from others that they are less committed and ambitious, which negatively impacts evaluations, work assignments, and access to career development opportunities that lead to advancement in the legal profession.⁵⁹

Devaluation of Qualifications and Professional Legitimacy

“People don’t expect all that much of [Latina lawyers].”⁶⁰

Latina attorneys often encounter preconceived ethnic and gender stereotypes about their professional capacity and legitimacy as attorneys. The *HNBA Commission Studies* provided examples of how their legitimacy, qualifications, and abilities as attorneys are often questioned or devalued by their employers, co-workers, clients, and the general population.⁶¹ Despite having graduated from elite law schools with high academic achievement, many of the Latina attorneys struggled to overcome perceptions that they were not as smart or qualified as others in the legal profession.⁶² They also combated lingering assumptions that their admittance into law school and entry and advancement into the legal profession were more likely a function of affirmative action and diversity objectives than actual merit or ability.⁶³ One particular Latina attorney from the second *HNBA Commission Study* recounted a colleague asking whether, “Yale had a good affirmative action program,” after seeing her law school diploma from this Ivy League school.⁶⁴

55. Reality of Latina Lawyers, *supra* note 4, at 1015.

56. Because Latinas are often ascribed responsibility as family care-takers in Latino cultures, they may also be more likely to experience conflict between work and family roles. See J.G. Grzywacz et al., *Work-family conflict: Experiences and health implications among immigrant Latinos*, 92 J. OF APP. PSYCH. 1119 (2007).

57. Reality of Latina Lawyers, *supra* note 4, at 1016.

58. See Public Interest Study, *supra* note 4, at 188.

59. Latinas in the Legal Profession, *supra* note 4, at 202.

60. See Reality of Latina Lawyers, *supra* note 4 at, 1010.

61. Reality of Latina Lawyers, *supra* note 4, at 1010; Public Interest Study, *supra* note 4, at 193.

62. *Id.*

63. Reality of Latina Lawyers, *supra* note 4, at 1010.

64. See Public Interest Study, *supra* note 4, at 193.



Latina attorneys are frequently misidentified as being someone other than attorneys in legal venues or within their legal workplaces, which reinforces their sense of “otherness” in the legal profession.

As a result of these perceptions, Latina attorneys often believe they must constantly perform at a higher level than their non-Latina counterparts to legitimize themselves and achieve parity in the workplace.⁶⁵ Interestingly, while these perceptions of being less capable and less qualified presented a challenge to their credibility as attorneys, some of the Latina attorneys from the first *HNBA Commission Study* used this faulty assumption of their capabilities to their advantage as a “secret weapon” strategy to disarm opponents who did not expect them to be as qualified or prepared as they actually were.⁶⁶

Outsiders & Tokens

“It is not uncommon that I am asked [by court officers, judges, and other attorneys] if I am the petitioner or have been told to wait for my attorney, simply because I am a Latina woman....”⁶⁷

Being among the few Latinas within their predominately White and male-dominated legal environments, Latina attorneys are frequently misidentified as being someone other than attorneys (e.g., defendants, interpreters, secretaries, or court reporters) in legal venues or within their legal workplaces, which reinforces their sense of “otherness” in the legal profession and serves to question and further undermine their professional legitimacy.⁶⁸ In addition, Latina attorneys reported they are often viewed and treated as *outsiders* or *foreigners* in the courtroom or in their workplaces.⁶⁹ Some even faced strong, but misplaced, anti-immigrant sentiments, where their legal presence in the United States is scrutinized.⁷⁰ Similar to their experiences in college and law school, these experiences of *othering* contributed to their feelings of invisibility, isolation, and alienation within the legal profession.⁷¹ Many Latina attorneys believed this lack of commonality disadvantaged them socially and professionally from their colleagues and influential others, including mentors, sponsors, and other developmental relationships that are critical to their retention and career advancement.⁷²

While many Latina lawyers believe they are viewed as outsiders in their legal workplaces, others reported being tokenized to serve as “window dressing to potential clients without fulfilling a more substantive

65. Similar to negative assumptions that prevail about Latina attorneys’ competence and professional legitimacy, Latina professionals in the science fields report how THIS need to “prove it again” results in their successes being discounted, mistakes being magnified, and ideas stolen by others. For a discussion of this and other forms of gender bias for Latinas and other women of color in the STEM fields. See JOAN C. WILLIAMS, KATHERINE W. PHILLIPS & ERIKA V. HALL, *GENDER BIAS AGAINST WOMEN OF COLOR IN SCIENCE* (2014), available at <http://www.uchastings.edu/news/articles/2015/01/double-jeopardy-report.pdf>; see also Gladys Garcia-Lopez & Denise A. Segura, “They are testing you all the time”: Negotiating dual femininities among Chicana attorneys, 34 *FEMINIST STUDIES* 229 (2008); see also Reality of Latina Lawyers, *supra* note 4, at 1011; Public Interest Study, *supra* note 4, at 198; Ebben, *supra* note 31, at 243; Lopez, *supra* note 31, at 590.

66. See Reality of Latina Lawyers, *supra* note 4, at 1011.

67. Public Interest Study, *supra* 4, at 195.

68. *Id.* at 204; see also Reality of Latina Lawyers, *supra* note 4, at 1011.

69. See Reality of Latina Lawyers, *supra* note 4, at 1017; see also Gladys Garcia-Lopez, “Nunca te toman en cuenta [they never take you into account]:” The challenges of inclusion and strategies for success of Chicana attorneys, 22 *GENDER & SOC’Y* 590 (2008).

70. See Reality of Latina Lawyers, *supra* note 4, at 1017.

71. *Id.*

72. *Id.*



Latina attorneys often develop behaviors and practices to minimize misidentification, othering, and to establish professional legitimacy.

role.⁷³ This tokenism further contributes to the sense of isolation they feel and places an enormous burden on them to be the representative for other Latinas, or even, for all women of color within their workplaces.⁷⁴

Related to their experiences of tokenism, the *HNBA Commission Studies* reported that while a source of professional pride and satisfaction, Latina attorneys believed their bilingual skills are not sufficiently recognized or rewarded by their employers and often created added non-attorney responsibilities—i.e., translation needs—that many of their non-Latina counterparts do not share.⁷⁵ These responsibilities may also serve to marginalize their more substantive legal talents, which may, in turn, inhibit their access to other career development opportunities that lead to career advancement in the legal profession.⁷⁶

Latina attorneys often develop behaviors and practices to minimize misidentification, *othering*, and to establish professional legitimacy.⁷⁷ The *HNBA Commission Study* demonstrated how some Latina attorneys attempt to assimilate themselves to the organizational norms reinforced within their legal workplaces, such as trying to *pass as White*, or adapting their workplace appearance and behaviors to conform more closely to those of majority attorneys.⁷⁸ This required many to mask or disavow certain aspects of their cultural identity, such as wearing more conservative *straightened* hairstyles, clothing, jewelry, etc., to avoid being sexualized or subjected to ethnic stereotypes.⁷⁹ Many Latina attorneys also took great measures to avoid being pigeon-holed into practice areas or attorney roles that are stereotypically gender- or ethnic-oriented such as immigration or family law.⁸⁰

Navigating Dual Identities

“You can either be the troublemaker, or you can be the assimilator... There’s not a lot of in-between for us, in terms of perception.”⁸¹

Individuals who participate in two cultures often maintain separate and sometimes conflicting identities.⁸² As such, many Hispanics living and working in the United States often develop a hybrid identity as a way to navigate between the values, behaviors and norms reflected within their Spanish heritage, as well as those within their corporate American workplaces. For Latina attorneys, the intersection of these two distinct values propels many to develop a number of strategies, including the development of dual femininities as a way to navigate this tension between the *shoulds* of their heritage culture and *musts* of the legal profession.⁸³ Illustrating this point, the first *HNBA Commission Study* documented how Latina attorneys struggled to find a balance between their cultural value of *respeto* to demonstrating humility

73. *Id.* at 1018.

74. *Latinas in the Legal Profession*, *supra* note 4, at 204.

75. *Reality of Latina Lawyers*, *supra* note 4, at 1019; *Public Interest Study*, *supra* note 4, at 191.

76. *Latinas in the Legal Profession*, *supra* note 4, at 204.

77. *Id.* at 205.

78. *Reality of Latina Lawyers*, *supra* note 4, at 1019.

79. *Id.*

80. *Id.*

81. *Id.* at 1013.

82. Jean S. Phinney, *Ethnic Identity in Adolescents and Adults: Review of Research*, 109 *PSYCHOLOGICAL BULLETIN* 499 (1990).

83. Garcia-Lopez, & Segura, *supra* note 65, at 229-258.

and communicating in a nonaggressive style with the dichotomous need to promote and assert themselves in their competitive legal workplaces.⁸⁴

Related to this, Latina attorneys also believed that they have to consciously work to overcome being stereotyped as either an *assimilator* or *troublemaker*.⁸⁵ Latina attorneys voiced their concern that they are either viewed as reticent and lacking self-confidence on the one hand, or too aggressive as a *fiery or hot headed Latina* on the other.⁸⁶ This finding is consistent with research conducted on Latina professionals in the science fields such that those Latinas who acted assertively risked criticism for appearing angry or too emotional, even when the women themselves reported that they were not actually angry, but deferential.⁸⁷

Considering the significant cultural divide Latina attorneys encounter in their pursuit of and throughout their careers, it is no surprise that Latinas are so disparately underrepresented across the legal profession. However, despite these obstacles, a few have defied the odds and achieved their educational and career goals.⁸⁸ The *HNBA Commission Studies* identified several critical success factors that helped Latina attorneys' more effectively navigate and bridge this cultural divide to realize more successful and satisfying legal careers.⁸⁹

Critical Success Factors in Bridging the Cultural Divide

This section highlights the critical success factors in bridging the cultural divide cited by Latina attorneys across the United States, as well as best practices advanced by legal scholars and other related research on this population.⁹⁰ These include, but are not limited to, the importance of family support, authentic bicultural identity, wide and diverse developmental networks, and embracing more cultural definitions of career success.⁹¹

Family Support & Encouragement

*"My Mexican mother always pushed me to go to school. Without her influence, I don't know what I would be doing today."*⁹²

Given the importance of *familismo* in the Hispanic culture, the support and encouragement of the Latina attorneys' families is perhaps one of the most important in their pursuit and success in the legal profession.⁹³ Many Latina attorneys from the *HNBA Commission Studies* commented on the sacrifices their families made so that they could pursue their educational and career goals.⁹⁴ While most of the Latina attorneys in this study were the first in their families to attend college or law school, they were raised to appreciate the value of education as a means toward self-reliance and a more promising future.⁹⁵ Furthermore, despite the lack of attorney role models in their formative years, many highlighted the importance of strong female role models, especially their mothers, in influencing their educational and career aspirations, including their decision to pursue their career as an attorney.⁹⁶

84. Reality of Latina Lawyers, *supra* note 4, at 1013.

85. *Id.*

86. *Id.*

87. See WILLIAMS, PHILLIPS & HALL, *supra* note 65.

88. Latinas in the Legal Profession, *supra* note 4, at 199.

89. See 2017 IILP Study, *supra* note 4, at 219-225; Reality of Latina Lawyers, *supra* note 4, at 1019-1022; Public Interest Study, *supra* note 4, at 200-203 (for a larger discussion of critical success factors and recommendations for Latina attorneys).

90. Latinas in the Legal Profession, *supra* note 4, at 207.

91. *Id.*

92. See Public Interest Study, *supra* note 4, at 185.

93. Reality of Latina Lawyers, *supra* note 4, at 1020; Public Interest Study, *supra* note 4, at 185.

94. *Id.*

95. Reality of Latina Lawyers, *supra* note 4, at 1006; Public Interest Study, *supra* note 4, at 185.

96. Reality of Latina Lawyers, *supra* note 4, at 1005; Public Interest Study, *supra* note 4, at 185.

Authentic Bicultural Identity

"[Bicultural identity] allows Latinas to become comfortable in their own skin."⁹⁷

Many Latina attorneys may be able to bridge the cultural divide and lead successful and satisfying careers by adopting an authentic bicultural identity throughout their educational process and legal careers. An integrated bicultural identity is theorized to be associated with different dimensions of Hispanic professionals' career success and satisfaction due to the instrumental and affective benefits associated with higher levels of psychological and sociocultural health, adjustment and well-being.⁹⁸ This requires a self-concept that authentically integrates ethnic and mainstream identities in a compatible and mutually beneficial way.⁹⁹ For example, Latina attorneys embracing a bicultural identity can embrace and leverage their cultural values associated with *familismo*, *personalismo* and *respeto* to achieve group goals and build and maintain network ties while simultaneously adopting the values associated with the legal profession around power equality, self-agency, and achievement to enhance their visibility, self-advocacy and opportunities that lead to career advancement.

Wide & Diverse Developmental Networks

"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."¹⁰⁰

Social connectedness and organizational sponsorship are theorized to be associated to different aspects of Hispanic business professionals' career success and satisfaction.¹⁰¹ As such, a critical component of Latina attorneys' successful cultural navigation may be their ability to establish a wide network of diverse developmental relationships with Latina and non-Latina colleagues inside and outside their organizations and school campuses. These individuals can serve as sponsors, protectors and champions for Latina attorneys to ensure that they have access to the challenging work assignments, networking, and professional development opportunities that lead to career advancement.

While wide and diverse networks are positively associated with career success, research has found that Hispanic professionals tend to pursue denser and less widely dispersed relationship networks.¹⁰² This suggests that Latina attorneys' networks may be more limited to individuals within their Hispanic communities and families. These relationships can provide Latina attorneys with the psychosocial support and comfort that can ease their cultural navigation. However, social ties with both majority and diverse members can provide Latina attorneys with greater access to a varied pool of potential sponsors, mentors and other developmental relationships that they often lack, but critical to their career mobility.¹⁰³

Cultural Definitions of Career Success

"[My] experience working in the nonprofit sector as a Latina attorney [has] been incredibly positive and fulfilling."¹⁰⁴

Hispanic professionals may view success more subjectively and prioritize cultural values associated with their family roles, social ties, as well as a sense of pride and satisfaction with their careers, rather than objective dimensions of career success that are traditionally valued by the individualistic business culture of the United States.¹⁰⁵ Given this perspective, there is some evidence that Latina attorneys may also broaden traditional definitions of success beyond prototypical monetary ambitions and goals to include more sub-

97. Public Interest Study, *supra* note 4, at 1023.

98. Cruz & Blancero, *supra* note 34, at 14.

99. *Id.* at 17.

100. Reality of Latina Lawyers, *supra* note 4, at 1020.

101. Cruz & Blancero, *supra* note 34, at 18.

102. Robert G. DelCampo, Donna Blancero & Harry J. Van Buren III, *The Social Networks of Elite Hispanic Professionals: DO Density and Ethnic Identity Matter for Career Success?*, 1 BUS. J. OF HISP. RES. 70 (2007).

103. *Id.*

104. See Public Interest Study, *supra* note 4, at 185.

105. Cruz & Blancero, *supra* note 34, at 18.



Research has found that Hispanic professionals tend to pursue denser and less widely dispersed relationship networks.

jective considerations including their desire to make a difference in their communities those associated with their families.¹⁰⁶ This finding is also evidenced from the *HNBA Commission Studies* that despite their relatively lower levels of objective career success in terms of compensation and professional status, Latina attorneys were found to be generally very satisfied with their careers.¹⁰⁷ Furthermore, for many of the Latina attorneys working in the public interest sector, this contentment stemmed from their sense of accomplishment and fulfillment gained through pride in their work and also the satisfaction from helping others.¹⁰⁸

Conclusion

Latina attorneys must bridge a significant cultural divide as they attempt to navigate their entry into and progression within the legal profession.¹⁰⁹ While women attorneys of color often encounter career-related challenges associated with their gender and race, this cultural divide may present an additional hurdle that Latina attorneys, as racially and *ethnically* diverse women, must bridge as they strive to become upwardly mobile and professionally successful within an industry that is largely White and male-dominated.¹¹⁰ While other factors are surely at play, this may partially account for why Latina attorneys are so disproportionately underrepresented throughout the legal profession.

To reflect the increased and growing diversity of this nation, the legal industry must have a better understanding of how these and other cultural barriers and supports contribute to Latina attorneys' educational and career achievement, including the important role that their families, educational institutions, and legal workplaces play in this process. Legal institutions looking to retain and advance more Latina attorneys within their ranks should adopt more dynamic diversity and inclusion programs and practices that prioritize cultural differences as a core value.

Moreover, the legal profession as a whole can better support Latina attorney's career development by valuing and leveraging rather than marginalizing and tokenizing the bicultural strengths and skills Latina attorneys bring to their legal workplaces. This is especially critical given today's global economy, where legal matters often take on multinational and cross-cultural dimensions. As such, lawyers who demonstrate broader cultural awareness and greater linguistic proficiency can achieve a more optimal competitive and representational posture for their organizations.

Finally, for Latina attorneys to perceive themselves as truly successful and therefore committed to their legal careers, they must be able to authentically integrate aspects of their bicultural identity and cultural values into their professional lives as well. This concept challenges traditional career models and professional ideology that compels many Latina attorneys to conform to the prevailing ideals of their legal workplaces. Otherwise, the legal workplace will continue to lose out on the vast untapped human and social capital Latina attorneys bring to bear.

106. Garcia-Lopez, *supra* note 69, at 590; Garcia-Lopez & Segura, *supra* note 65, at 229.

107. Reality of Latina Lawyers, *supra* note 4, at 1027; Public Interest Study, *supra* note 4, at 207.

108. See Public Interest Study, *supra* note 4, at 185.

109. Latinas in the Legal Profession, *supra* note 4, at 205.

110. *Id.* at 215.