Chapter 9

# Latinas in the Legal Profession:

# Challenges and Catalysts To Their Career Success

Jill Lynch Cruz

JLC Consulting, LLC

## Abstract

Latinas are members of the largest and fastest growing minority group in the United States. Despite this, they appear to be the most disproportionately underrepresented attorney group within the legal profession, especially at the profession’s highest levels. Recognizing the significance of this endemic problem, this chapter advances a framework that demonstrates how the intersection of certain factors related to Latina attorneys’ status as ethnically and racially diverse women may negatively impact their educational attainment, career choice, and ultimate career success in the legal profession. As such, these factors serve, both individually and collectively, to perpetuate Latinas continued underrepresentation across the various legal sectors. The empirical results from the two recent research studies conducted by the Hispanic National Bar Association Commission on the Status of Latinas in the Legal Profession, as well as other related and supporting research and theory on this population, provide the basis for this theoretical examination of the challenges and catalysts to their educational and career development processes, as well as recommendations aimed at helping Latinas achieve successful and satisfying attorney careers.

## Introduction

Up until the early 1970s, the legal profession in the United States reflected pervasive gender, ethnic, racial, and even religious barriers that all but limited participation to male, Caucasian, and Protestant lawyers (Garth and Sterling, 2009; Heinz, Nelson, and Laumann, 2001). As the United States workforce as a whole has become more diverse, the demographic makeup of the practicing bar has changed as well, witnessing increased percentages of women and racial and ethnic minorities entering its ranks. However, these growth rates have materially lagged those of most other professional sectors. Indeed, even today, many of the same barriers still exist for women, as well as racial and ethnically diverse lawyers, which, in turn, continue to negatively impact their entry, retention, and advancement in the legal profession (American Bar Association Presidential Initiative Commission on Diversity, 2010; Bierman and Hitt, 2007; Nelson, Dinovitzer, Plickert, Sandefur, and Sterling, 2009; Wilder, 2008).

To reflect the increased and growing diversity of this nation, the legal industry must work to improve the educational pipeline and career pathway for women and racioethnic minorities to facilitate their entrance into the profession and accession to its upper echelons. As noted in a report by the American Bar Association Presidential Initiative Commission on Diversity (2010), a compelling argument for increased diversity in the legal profession is that a more diverse bar and judiciary foster greater trust in government and the rule of law, because lawyers and judges have the unique responsibility for maintaining a political system with broad citizen participation. Another rationale advanced by this report centers on its business necessity. Specifically, in today’s global economy, 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. Thus, the business case for greater gender and racioethnic diversity within the legal profession, especially at the more senior levels, is that it is also competitively advantageous.

Notwithstanding the shortfall and calls for a more diverse attorney base, significant ethnic, racial, and gender barriers continue to impede the full representation and professional success of women attorneys of color[[1]](#footnote-1) (American Bar Association Commission on Women in the Profession, 2006a; American Bar Association Commission on Women in the Profession, 2006b; Bagati, 2009). However, as compared to all other major racial and ethnic groups, there is recent evidence suggesting that Latina[[2]](#footnote-2) attorneys are the most disproportionately underrepresented attorney group within the legal profession, especially at the highest levels (Cruz and Molina, 2010; Cruz, Molina, and Rivera, 2010).

Recognizing the acute nature of this problem, this chapter focuses on relevant research and theory related to Latinas’ status as racially and ethnically diverse women and how this plays out in the elite context of the legal profession. This includes a theoretical examination of how barriers related to Latina attorneys’ educational attainment, career choice, and subsequent career retention and advancement in the legal profession may contribute to their underrepresentation in the legal profession, as well as insight into some of the factors that enabled many Latina attorneys to overcome these obstacles. Finally recommendations are offered to provide educational, business, and legal institutions and its decision-makers with evidence-based strategies for helping Latinas succeed in achieving success in their educational- and career-related goals.

Given the relative scarcity of research and theory focusing on Latina/o professionals in the United States (Blancero, DelCampo, and Marron, 2007), this chapter contributes to the career-development literature by providing a comprehensive analysis of the career-related barriers and supports to Latina attorneys’ career success and also responds to the need for more focused attention on how both gender and cultural variables are related to the career development of racial and ethnic minorities (Flores, Berkel et al., 2006). Through this framework, it is hoped that more effective strategies can be developed to increase the pipeline of Latinas entering the legal profession and to enhance their achievement of successful and satisfying legal careers.

## The Underrepresentation of Latina Attorneys

Latinas are members of the largest and fastest growing minority group in the United States, constituting 7.45% of the total population (U.S. Bureau of the Census, June 2010). Notwithstanding this notable presence and growth, there has not been a corresponding increase in the proportion of Latina/os within professional occupational ranks in general (Blancero et al., 2007; Kochhar, 2005; Mundra, Moellmer, and Lopez-Aqueres, 2003), or within the legal profession in particular (American Bar Association, 2009; Davila, 1987; Malpica and Espana, 2003; Mendez and Martinez, 2002; U.S. Equal Employment Opportunity Commission, 2003). This is especially evident with respect to Latina attorneys, who by recent estimate comprise only 1.04% of the nation’s lawyers (U.S. Department of Labor, Bureau of Labor Statistics, 2009).

Latinas are woefully underrepresented in each of the principal legal sectors (i.e., private law firms, corporate law departments, the judiciary, legal academia, and the public interest sector). Within the largest of these sectors – private practice law firms, where the majority of all attorneys are employed (American Bar Association, 2009) - Latinas constitute a mere 0.44% of partners, and 1.95% of associates (National Association of Legal Placement, 2011), which is considerably less than any other majority or minority group, as compared to their actual presence in the United States population. Similarly, according to the Minority Corporate Counsel Association’s (2010) survey of women general counsel, Latina attorneys comprise only 0.6% of the general counsel of Fortune 500 companies and only 0.2% in the Fortune 501—1000 companies. The American Association of Law Schools recently reported that Latinas account for only 3.4% of full-time law school faculty (Abdullina, 2009). Furthermore, there is some evidence to support that this same situation exists for Latina attorneys employed in the judiciary (Cruz and Molina, 2010) and the public interest sector of the legal profession (Cruz et al., 2010), which includes both government and non-government employers.

The pronounced lack of Latina attorneys across the legal profession, especially in leadership roles, is particularly troublesome and demands deeper attention. Specifically, there is a need to more closely examine the Latina attorneys’ career development process to learn how these women’s unique sociocultural, contextual, and individual factors may serve as either challenges or catalysts to their educational achievement, and career choice and subsequent retention and advancement within the legal profession.

## Latina Attorneys’ Career Development

To better understand why so few Latinas are employed in the legal profession, particularly at the most senior levels, it is important to identify the key obstacles and supports to their educational and career development process. The appropriateness of applying most existing models of career development to the experience of Latina attorneys is disputable, because most research in this field has been conducted on samples of White men and fails to consider the unique factors and values encountered by women and racioethnic minorities in this process (Arbona, 1995; Flores, Berkel et al., 2006; Fouad, 1995; Luzzo and McWhirter, 2001; Osipow and Fitzgerald, 1996). Moreover, most theories of career choice and development are rooted in logical positivism, which assumes occupational decisions take place in a neutral environment and ignores any underlying cultural context (Brown, 2002a). Furthermore, Brown (2002c) posits that cultural and work values are the key variables that influence career choice, as well as satisfaction and success. However, other life roles, including those related to family, may also influence many aspects of one’s career development.

Several authors have advanced the need to consider alternative conceptions of the career development process for Latina/os and other ethnic minorities. Marin and Marin (1991) identify demographic characteristics, including gender, socioeconomic status, and level of education, as well as cultural factors such as migration history and acculturation level, as especially relevant to the career development of Latina/os. Furthermore, Arbona (1995) advances a framework that demonstrates how socioeconomic status and generational level, in particular, influence educational and vocational choice and achievement for Latina/o populations.

For Latinas in particular, there is considerable support for the differential impact of gender and cultural identity variables on their educational and career development (Armijo, 2009; Cardoso and Marques, 2008; Flores, Navarro, and Ojeda, 2006; Gomez et al., 2001; Gushue and Whitson, 2006; Hite, 2007; Rivera, Chen, Flores, Blumberg, and Ponterotto, 2007). For example, in their qualitative study of high achievement Latinas in a variety of industries, Gomez, et al. (2001) found that Latinas’ career paths are different from women of other cultures because of the unique environments from which their careers emerge. In acknowledgment of this difference, the study’s authors propose a “career life-path” model of Latinas’ career development that is shaped by the interaction among individual, cultural-familial, contextual, and sociopolitical variables that contribute to or detract from their career progression. More recently, Hite (2007) offers a “career possibilities” framework to illustrate how cultural and family-instilled values, structural barriers, and generational status influence the career options for Latinas in managerial and professional positions.

While this and other research provide a starting point to understand the unique career development process for Latinas in professional positions, they do not specifically examine the obstacles and supports to the educational attainment, career choice, and ultimate retention and advancement of Latina attorneys employed in one of the most elite professions in the United States – the legal profession.

## Research on Latina Attorneys in the Legal Profession

There is a significant amount of literature on the career-related experiences and challenges encountered by women attorneys (Buonocore Porter, 2006; Dau-Schmidt, Galanter, Mukhopadhaya, and Hull, 2009; Epstein, 1993; Gorman, 2005; Harrington and Hsi, 2007; Kay and Gorman, 2008; Laband and Lentz, 1993; Laband and Lentz, 1998; Rhode, 2001; Rikleen, 2006; Scharf and Flom, 2010; Stanford, 2009; Wilder, 2007; Williams, 2007), women attorneys of color (American Bar Association Commission on Women in the Profession, 2006b; American Bar Association Commission on Women in the Profession, 2008; Bagati, 2009), and even African American women attorneys (Blair-Loy and Dehart, 2003; Burleigh, 1988; Reeves, 2001). However, until recently, there has been very limited empirical research conducted on Latina attorneys’ experiences and perceptions in terms of their educational and career development.

Several qualitative studies (Ebben and Gaier, 1998; Garcia-Lopez, 2008; Garcia-Lopez and Segura, 2008) have attempted to fill this void by exploring the perceptions and experiences of a small number of Chicana[[3]](#footnote-3) attorneys in the legal profession. While these studies are a clear step in the right direction, they are of limited scope and scale, focusing only on a very discreet segment of the Latina population and not necessarily reflective of the professional experiences and perceptions of the broader and more heterogeneous Latina attorney population across the United States.

### The HNBA Commission Studies

In an attempt to further bridge this research gap, the Hispanic National Bar Association’s Commission on the Status of Latinas in the Legal Profession (HNBA Commission) commissioned a national study on Latina attorneys working within the legal profession in the United States to document their demographic and professional status and to explore how their formative and career-related experiences contribute to the continued underrepresentation of Latina attorneys in the legal profession. This landmark study, entitled *Few and Far Between: The Reality of Latina Lawyers* by Jill Lynch Cruz and Melinda Molina (2010), was the first of its kind to shed light on the factors impeding Latinas’ entry, retention, and advancement within the legal profession, as well as provide some insight into the practices and strategies the Latina attorneys who participated in the study believe are critical for Latinas to succeed in their educational and career-related pursuits. This mixed-method study gathered qualitative and quantitative data on over 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, the HNBA Commission published a follow-up report entitled *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest*. 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, a segment of the Latina attorney population not well represented in the earlier HNBA Commission study.

Authored by Jill Lynch Cruz, Melinda Molina, and Jenny Rivera (2010), this study explored and analyzed the perceptions and experiences of those Latina attorneys employed in legal service offices, public defenders’ offices, prosecutors’ offices, civil rights offices and other nonprofit organizations that provide legal representation and assistance to marginalized individuals and communities throughout the country. While the professional challenges of this sector of the United States legal profession were largely undocumented up to this point, this study provides additional empirical research on this relatively understudied segment of the attorney population and gives a voice to those women who have ‘shaped United States legal jurisprudence in a variety of areas, including civil rights, immigrants’ rights, the rights of the accused, and consumer rights and have successfully protected and sought to expand constitutional rights and guarantees” (Cruz et al., 2010, p. 7).

To develop a framework for understanding how the Latina educational and career development process contributes to the underrepresentation of Latinas in the legal profession, the empirical results from the two HNBA Commission Studies, as well as other related and supporting research conducted on this population, provide the basis for identifying the key obstacles and critical success factors to a Latina attorneys’ educational achievement and career choice, as well as those that contribute to or detract from the Latina attorneys’ retention and advancement in the legal profession. By examining the formative and professional experiences and perceptions of those who have achieved their educational and career-related goals, we can better understand the primary reasons why Latinas may be thwarted in pursuing and achieving attorney roles, as well as gain insight into how others have successfully navigated these obstacles to achieve successful careers as attorneys.

As noted by Wilder (2003), the pathway to the legal profession is cumulative in that each step is dependent upon successful attainment of the previous one. Therefore, because education achievement is a fundamental milestone in this path to the legal profession, it is imperative to first examine the potential barriers Latinas face in their educational journey up to and including law school.

## Challenges to Educational Achievement

The dearth of Latinas in the legal profession is rooted in large part to barriers that exists along their educational pipeline. A significant amount of research on the career development of Latinas has pointed 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 (Davila, 1987; Fry, 2004; Fry, 2010; Gandara, 1982; Gloria, Castellanos, and Orozco, 2005; Herrera, 2002; Mendez and Martinez, 2002; Mundra et al., 2003).

Latina/os do least well at each point of the educational trajectory and have the least successful educational transition rates across all groups. This is evidenced in the finding that Latina/os tend to have lower high school graduation rates and are less likely to attend college than their non-Latina/o peers (Malpica and Espana, 2003). In fact, as racioethnic group, Latina/os, especially those who are foreign-born, have significantly higher high school drop-out rates and are less likely to have a General Educational Development (GED) credential than Blacks or Whites (Fry, 2010). Moreover, while Latinas are the fastest growing group of school-aged female youth, they are nearly twice as unlikely as their White female counterparts to graduate from high school on time and with the same standard diploma (National Women's Law Center and Mexican American Legal Defense and Educational Fund, 2009). Consequently, Latina/os are underrepresented at all levels of postsecondary education (Chacón, 2008; Davila, 1987; Fouad, 1995; Fry, 2004; Herrera, 2002; Malpica and Espana, 2003; Solorzano, Villalpando, and Oseguera, 2005).

Latinas may be disadvantaged educationally, in part, because of their relatively lower socioeconomic status (Flores, Navarro et al., 2006; Fry and Gonzales, 2008; Herrera, 2002; Phinney, Dennis, and Gutierrez, 2005; Sedillo Lopez, 2005). Latina/o youth are more likely to live in poverty (Fry and Gonzales, 2008), and encounter limited economic resources to fund educational pursuits (McWhirter, Torres, Salgado, and Valdez, 2007). A recent study by the National Women's Law Center and Mexican American Legal Defense and Educational Fund (2009) explains that Latinas who live in poverty are at risk educationally because they have limited educational opportunities and resources, as well as limited access to early childhood education programs. They also are likely to attend more crowded schools with less experienced teachers and have less access to rigorous academic and enrichment programs. Furthermore, they are more likely to change or drop out of school, and have inadequate and fewer resources that contribute to academic success. Johnson and Mortimer (2002) also find that adolescents from lower socioeconomic backgrounds are also more likely to invest in paid work and vocational training during high school, which ultimately hinders their academic performance and ultimate educational attainment.

For those Latinas who do attend college, they tend to pursue different educational paths. According to Fry (2004), Latina/os are more likely to attend postsecondary institutions that are less selective and have lower undergraduate completion rates than similarly prepared non-Latina/o Whites. Furthermore, Latina/os are more likely to attend two-year community colleges and enroll in college part-time at a greater rate than any comparable group. Therefore, even though they may be entering college in higher absolute numbers than years past, Latina/o graduation rates from an accredited four-year institution remain very low. This finding is also reflected in a report by the Law School Admission Council (Wilder, 2003), which found that Hispanics had considerably lower college completion rates than their White or African American cohorts.

There are also differences in the attainment of postsecondary degrees among women from the various Latina ethnic groups. Historically, Latinas of Cuban descent have had the highest postsecondary graduation rates, while women of Mexican descent have generally had the lowest (Flores, Navarro et al., 2006). Similarly, Arbona (1995) found that Cubans and Central and South Americans have had the highest proportion of college degrees, whereas Mexican and Puerto Rican youth have historically had the highest drop-out rates. However, he also argues that socioeconomic status and generational level are more influential than ethnicity per se in that more recent generations and those of higher socioeconomic status generally have higher levels of academic and occupational achievement.

The constriction of the pipeline of Latinas to the legal profession continues for the relatively few who do graduate from college and aspire to attend law school. This is reflected in the fact that Latina/os, in particular, often face disproportionately lower application, enrollment, and matriculation rates at American Bar Association-accredited law schools (American Bar Association, 2005; Wilder, 2003). One important reason for this disparity is that very few Latina/os are even eligible to apply to law school in the first place. Latinas who are economically disadvantaged or who have not had adequate educational opportunities may not develop the appropriate skills or adequate preparation that is foundational to their legal training. This sentiment is supported by Herrera (2002), who argues that a significant barrier to law school for Latina/os is that they are often denied equal access to education and not as well-prepared in terms of their exposure to the cultural knowledge or critical thinking skills that are necessary in higher education.

In addition to low college enrollment and attainment rates, Malpica and Espana (2003) argue that admissions criteria and policies adhered to by most law schools screen out a disproportionate number of Latina/os. These policies favor majority and wealthier applicants and overemphasize Law School Admission Tests (LSAT) scores, which along with other forms of standardized testing, contain inherent cultural biases. While the validity of using LSAT scores and other academic measures including undergraduate grade-point averages (UGPAs) as predictors of law school performance have been the subject of much analysis and debate, including that these measures are not necessarily predictive of ultimate career success as an attorney (Wightman, 2000), it is well established that students of color, and in particular Latina/os, tend to have significantly lower scores on these measures than those of non-Latina/o White students (Wightman, 1998; Wilder, 2003).

The decrease in Latinas in law school over the past two decades may also be due in part to relatively recent repeals of affirmative action programs in institutions of higher learning (Mendez and Martinez, 2002). As an outgrowth of the Civil Rights Movement, affirmative action programs were put into place during the late 1960s to increase the proportion of women and minorities in higher education, including public law schools. Kidder (2003) argues that ending race-sensitive admissions at public law schools in two of the largest Latina/o populated states (i.e., California and Texas) has had significant negative consequences for Latina/os because they have historically served as the primary feeder schools for the majority of Latina/os entering the legal profession.

While considerable research demonstrates how the lack of Latinas in law school is rooted in their socioeconomic and academic difficulties, Latina law students also face non-academic and psychosocial obstacles including feelings of self-doubt, lack of confidence in their intellectual capabilities, bicultural stress, discrimination, gender-role attitudes and stereotyping, and feelings of loneliness and isolation (Cruz and Molina, 2010; Ebben and Gaier, 1998; Herrera, 2002; Sedillo Lopez, 2005). Furthermore, Martinez et al. (2004) provides evidence that Latina/o students experience more discrimination and institutional barriers related to their school experiences as compared to non-Latina/os.

Several studies demonstrate some of these challenges experienced by Latina attorneys in law school. For example, in their qualitative study of the experiences of successful Chicana attorneys in Texas, Ebben and Gaier (1998) found that the women in their study encountered significant difficulties including examples of overt racism by their law school professors. In a study of Hispanic law students, Foley and Kidder (2002) found evidence that female law students anticipated more discrimination in the legal profession than male students, which ultimately influenced perceptions of future promotion fairness, satisfaction levels with their career choice, and ultimate career prospects. More recently, Cruz and Molina (2010) describe how Latina attorneys in their study were often subjected to institutionalized discouragement in college and in law school in that they were encouraged by teachers and school counselors to pursue less competitive paths because they did not believe they could achieve their educational goals.

Herrera (2002) underscores how negative messages and assumptions about Latina law students’ capabilities can manifest into psychological barriers, including lack of self-confidence and fear of failure. In this sense, these psychological barriers Latina law students face in their educational pursuits may negatively contribute to their occupational and academic self-efficacy expectations, which are predictive of career choice and academic achievement for Latina/os (Arbona, 1995). These negative self-beliefs may prevent some Latinas from pursuing riskier educational or career paths that may be perceived as more challenging (Flores, Navarro et al., 2006).

These findings echo other research that suggests that Latinas are often disadvantaged in their quest because they often face more stressful educational experiences due to “lack of finances, lower familial support, few mentors, cultural stereotypes, inhospitable campus climates, and a sense of cultural misfit [that] influence their college navigation” (Gloria, Castellanos, and Orozco, 2005, p. 162). Phinney et al. (2005) also observe how Latina/o 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. Flores, Navarro et al. (2006) add that Latinas’ negative perceptions of campus climate can lead to academic nonpersistence decisions as well.

Cruz and Molina’s (2010) study also provides an example of how Latinas’ experiences in college and law school contributed to the challenges they faced. The Latina attorneys in their study were often members of the first generation in their families to attend law school, or even college, and often experienced feelings of bicultural stress. Furthermore, as one of the few, if any, Latinas on their school campuses, the women often struggled with feelings of isolation and loneliness and felt alienated and disadvantaged, both socially and academically, from their non-Latina peers.

The previous evidence clearly demonstrates how the dearth of Latina attorneys in the legal profession is due in large part to a limited pipeline of candidates for these roles. Latinas are found to have high academic aspirations (Gloria, Castellanos, and Orozco, 2005; National Women's Law Center and Mexican American Legal Defense and Educational Fund, 2009); however, this evidence illustrates how their relatively lower educational attainment levels may severely limit the pool of Latinas who are eligible to gain admission to law school – a key prerequisite to entry into the legal profession as an attorney. Furthermore, other factors, including bicultural stress, cultural stereotypes, lack of self-confidence, and feelings of isolation may further impede Latinas’ academic persistence as well. However, Latinas are not only limited in pursuing careers in the legal profession due to obstacles along their educational pathway, but also due to factors that restrict their career choice as well.

## Challenges to Career Choice

While many Latinas face significant educational-related burdens, they may 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. The HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) report that many may be hindered from even considering careers as lawyers because they have limited or no exposure to attorneys or the legal profession during their formative years. In particular, Cruz and Molina (2010) found that many of the Latinas did not consider the legal profession as a viable career option before or even during college and, 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. This is consistent with Gomez et al.’s (2001) career life-path model that illustrates how Latinas’ career paths tend to be unplanned and nonlinear.

In addition to the lack of exposure to the legal profession and visible attorney role models throughout their formative years, aspects of their cultural identity may also play a role in Latinas’ consideration of attorney careers. In particular, Flores, Navarro et al. (2006) suggest that the career behavior of Latinas can be understood by their degree of adherence to certain Latina/o cultural values, which, as noted by Brown (2002b), is an important factor in occupational choice.

In contrast to the values of individuality and independence stressed in the dominant Anglo culture, Latina/os, as members of collectivist cultures (Berry, Poortinga, Segall, and Dasen, 2002; Hofstede and Hofstede, 2005), often place a high value on *familismo* (Arbona, 1995), which prioritizes the needs of family before personal needs and is central to shaping their career decisions and behaviors (Arbona, 1995; Flores, Navarro et al., 2006; Sy and Romero, 2008). Latinas also encounter strong cultural and gender norms that their primary role is to support their families and are also expected to provide care for extended family members, such as parents and elders (DelCampo, Rogers, and Hinrichs, 2010).

Individuals with collective social values may defer to or be heavily influenced by the expectations from family members in their career decision-making process (Brown, 2002b). This may result in career decisions based on the expectations or needs of family members, especially parents (Flores, Berkel et al., 2006). Moreover, Sy and Romero (2008) also describe how Latinas’ strong orientation to family, while a source of encouragement, can also result in lower college success rates because of their multiple role responsibilities and expectations.

In addition to the importance of family on Latinas’ career choice, research on Latinas’ career development suggests that they may also view the world of work differently because of their gender-role socialization within their Latino communities and families (Flores, Navarro et al., 2006). 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 (Flores, Navarro et al., 2006; Fouad, 1995).

These prevailing norms may result in occupational segregation by gender, or serve to limit Latinas’ educational and career goals because of the priority assigned to familial needs and expectations. Furthermore, for those who hold collective social values, vocational choices are more likely to be restricted to stereotypically male or female roles (Brown, 2002b). In this way, Latina attorneys may be inhibited in pursuing non-traditional careers because they do not conform to gendered and culturally determined ideals. This is reflected in the finding by Cruz and Molina (2010) that throughout the Latina attorneys’ formative years and even in college, many reported feeling pressure from their families and supporting communities to assume more traditional feminine roles and responsibilities. These cultural expectations may lead to circumscription of career choice for some Latinas because they are discouraged from pursuing non-traditional or male-dominated careers, such as those in the legal profession.

While certain gender and cultural influences may limit Latinas’ educational- and career-related considerations, it appears that other aspects of their cultural identity may serve to moderate these values. Level of acculturation is one key component of one’s ethnic identity (Gong, Takeuchi, Agbayani-Siewert, and Tacata, 2003), especially for Hispanic Americans (Arbona, 1995), and is defined as the process by which immigrants adapt to the sociocultural and psychological aspects of the host society (Berry et al., 2002). The acculturation process occurs when Hispanic individuals migrate into the new culture of the United States and integrate the values, beliefs, and practices of the new society, while also maintaining the values, beliefs, and practices of their original Hispanic culture (Siatkowski, 2007).

While the concept of acculturation is a complex and iterative process involving the interaction between two cultures, Latinas’ degree of identification with the traditional Latino culture may moderate the degree to which their cultural values impact aspects of their educational achievement and career choice. Marin and Gamba (2003) found that acculturation does alter certain values and beliefs of certain ethnic group members, especially as it pertains to sex-role attitudes and some components of familialism. Anglo-oriented acculturation has also been found to be positively related to educational goal aspirations, expectations, and achievement (Flores, Berkel et al., 2006; Flores, Navarro, and DeWitz, 2008; Martinez et al., 2004). Furthermore, there is support for the positive association between degree of acculturation to the dominant Anglo culture and Latinas’ aspiration to enter male-dominated careers (Reyes, Kobus, and Gillock, 1999), more egalitarian sex role attitudes (Phinney and Flores, 2002), and fewer perceived barriers and greater sense of belonging (Valencia and Johnson, 2006).

This evidence suggests that aspects of Latinas’ gender and cultural identity, including contextual and individual factors, cultural-familial values and expectations, self-efficacy beliefs, culturally gendered norms, as well as their degree of acculturation to the dominant Anglo culture, may uniquely influence their career choice, especially as it relates to the consideration and pursuit of legal careers. While some of these factors may restrict career choice for some Latinas, a small number have successfully navigated these challenges in their consideration and achievement of attorney careers. However, once within the legal profession, many continue to counter significant barriers that challenge their retention and advancement in their respective attorney roles, which may ultimately detract from their career success.

## Challenges to Career Success

In addition to obstacles that impede Latinas’ educational goals and career choice, the results of the HNBA Commission Studies (Cruz and Molina, 2010; Cruz and Molina, 2010) provide evidence that Latina attorneys have relatively lower levels of objective career success in that they are poorly represented in leadership positions across all major legal sectors, and there is some indication that they are at disproportionately lower compensation levels as compared to their non-Latina counterparts. Furthermore, in both studies, the majority of the participants indicated that they do not believe that others have a positive perception of them as attorneys and they are not afforded the same opportunities to advance in their careers as compared to their non-Latina peers. The findings from the HNBA Commission and related research on Latina attorneys’ professional experiences serve as insight into some of the key barriers and supports to their legal careers.

### Multi-Layered Glass Ceiling

The two HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) demonstrate how Latina attorneys’ careers are negatively impacted by a ‘multi-layered glass ceiling” based on the intersectionality[[4]](#footnote-4) of their gender, ethnicity, and race that act as a “triple threat” to their retention and advancement within the legal profession. While some research does consider how Latina attorneys encounter “double oppression” based on their gender and ethnicity (Ebben and Gaier, 1998), Cruz and Molina (2010) offer a significant implication for considering Latina attorneys’ gender, ethnicity, *and* race as three separate, but intersecting constructs that work together to contribute to the barriers these women encounter.

Browne and Misra’s (2003) note how an intersectional perspective demonstrates how the experiences of Latinas in the workforce reflect social constructions of gender that are racialized, as well as social constructions of race that are gendered as well. As such, Latinas’ experiences of discrimination and stereotyping by race and gender are different than those experienced by Latinos, as well as their non-LatinaWhite female counterparts. Citing the Multiple Jeopardy-Multiple Advantage hypothesis, Browne and Misra consider the volume of research that demonstrates this point in that Latina and Black women have the least authority in the workplace and remain at the bottom of the labor market reward structure. This, they theorize, is due to fact that “individuals who occupy the lowest position on two or more social categories – such as female and Latina – will experience the most disadvantage of any group and possess the least amount of economic resources and rewards” (p. 493).

For those employed in the legal profession, research supports how women attorneys of color have different experiences due to the intersectionality of their race and gender that work together to negatively impact their workplace experiences and opportunities for career advancement (American Bar Association Commission on Women in the Profession, 2006b; Bagati, 2009; Blair-Loy and Dehart, 2003; Burleigh, 1988; Reeves, 2001). However, because most intersectional theories focus on White and Black men and women (Browne and Misra, 2003), it appears that less is known about the role of ethnicity in this relationship, as well as how its intersection impacts the workforce experiences of particular ethnic groups, including Latinas.

### Gender-Related Barriers

While aspects of these three demographic characteristics are necessarily intertwined, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) found that Latina attorneys encounter significant obstacles related to gender discrimination and bias that negatively impact their career retention and advancement. Throughout their legal careers, Latina attorneys across the legal profession encounter overt and subtle forms of sexism that foster inhospitable workplaces and gendered expectations and assumptions about their professional qualifications and roles that cast doubts on their capabilities and appropriateness for leadership positions.

Gender is often viewed as one of the most basic social divides in organizations and prescribed gendered roles limit women’s participation in highly rewarded roles (Epstein, 2007). Eagly and Carli (2007) observe how resistance to women’s leadership is strongest in highly masculine domains where leadership positions are rarely occupied by women. Specifically, in the male-dominated context of legal profession, ingrained gender bias and stereotyping contributes to reservations about women’s suitability for high level positions (Rikleen, 2006).

Cruz and Molina (2010) also described how Latina attorneys experience demeaning and condescending treatment by male attorneys, including Latinos. These women found it to be particularly disheartening to face discrimination and negative treatment by not only their male colleagues in general, but also at the hands of men within their own Latino communities. The Latinas in their study referred to this form of gender discrimination and bias as “cultural sexism” because it is rooted in Latino culturally gendered values and beliefs that women in their culture should be home supporting their families rather than working or assuming leadership roles. There is some support for the existence of gender differences in attitudes toward work and family for Latinos. In particular, Gowan and Trevino’s (1998) research concluded that Mexican-American males were significantly more likely than females to hold traditional attitudes toward gender and parental roles.

### The Maternal Wall

Cruz and Molina (2010) identified the untenable goal of pursuing both a legal career and motherhood as one of the biggest barriers to Latinas succeeding in the legal profession; however, in their subsequent study of Latinas in the public interest, Cruz et al. (2010) found that Latina attorneys did perceive this sector to be more accommodating of this dual role. Nevertheless, regardless of whether or not the women had children at home, the majority of Latina attorneys in both studies believed that having significant family responsibilities will adversely affect their opportunities for career advancement (Cruz and Molina, 2010; Cruz et al., 2010).

There is an abundance of research to support the negative impact of family responsibilities on women attorneys’ legal careers (American Bar Association Commission on Women in the Profession, 2006b; Blair-Loy and Dehart, 2003; Boyer, Calvert, and Williams, 2009; Buonocore Porter, 2006; Dau-Schmidt et al., 2009; Harrington and Hsi, 2007; Kay and Gorman, 2008; Rhode, 2003; Rikleen, 2006; Stanford, 2009; Wallace, 2008; Wilder, 2007; Williams, 2007). Recognizing its potential negative impact, many women attorneys believe they must make a choice between being a mother and being an attorney because the high demands in each domain are viewed as mutually exclusive (Korzec, 2000; Krakauer and Chen, 2003).

It is argued that the career consequences of having family responsibilities are not necessarily due to lower productivity or from restrictions of choice, but rather, from negative assumptions and biases of others (Mayrhofer, Meyer, Schiffinger, and Schmidt, 2008). Women are typically viewed from a nonwork, care-giving vantage point, so their nonwork demands are even more salient to workplace colleagues (Hoobler, Hu, and Wilson, 2010). In this way, gender roles and family responsibilities lead to a form of gender discrimination and stereotyping for women attorneys because, after becoming mothers, they are often viewed as being less committed and ambitious, which negatively impacts evaluations, work assignments, and access to career development opportunities that lead to advancement in the legal profession (Rhode, 2003; Rikleen, 2006; Williams, Bornstein, Reddy, and Williams, 2007).

While many women in the legal profession face similar gender-related challenges, for some Latina attorneys, the barriers posed by their gender may be aggravated by aspects of their cultural identity due to the salience of traditional gender and familial roles within collectivist and patriarchal cultures. Because Latinas are often ascribed responsibility as family care-takers in Latino cultures, they may be more likely to experience conflict between work and family roles (Grzywacz et al. 2007). There also appears to be a disparate impact of work-family conflict by gender for Latina/os. Rodriguez (2009) found evidence that Latinas experienced significantly more work*-*family conflict than Latinos; whereas, Roehling, Jarvis, and Swope (2005) found evidence of greater gender disparity in negative work-to-family spillover for Latina/os as compared to Blacks and Whites, especially when children were present in the home. Furthermore, because the overall Latina population in the United States has higher fertility rates than their non-Latina peers (Gonzales, 2008; Pew Hispanic Center, 2010), and are stereotypically viewed as family-oriented (DelCampo and Hinrichs, 2006), they may be more likely to be perceived as having significant family responsibilities, which may also contribute to increased gender- and cultural-related stereotypes and bias.

As noted by Ashforth, Kreiner, and Fugate (2000), an individual’s experiences in work and family domains are influenced by norms and values related to the cultural meaning and enactment of work and family. While certain aspects of the Latinas’ cultural identity may further contribute to this negative relationship between family responsibilities and work-family conflict, it may also contribute to the positive interdependencies between work and family including work-family facilitation, especially as it relates to career satisfaction. Whereas individualist cultures such as the United States may view the work and family domains as conflicting (Spector et al., 2007), this may not necessarily be the case for members of collectivist cultures who view the roles of work and family as reinforcing (Yang, Chen, Choi, and Zou, 2000). Furthermore, cultural beliefs, especially those based in collectivism and gender ideology, may attenuate experiences and outcomes of work-family conflict. In particular, DelCampo, Rogers and Hinrichs (2010) found that those Hispanic business professionals who more closely identify with the traditional Hispanic culture may experience a positive relationship between work-to-family conflict and job satisfaction because managing the multiple responsibilities associated with family responsibilities may simultaneously bring a sense of pride and satisfaction in both the family and work domains.

Latinas’ adherence to traditional sex-role attitudes, as well as their experiences and perceptions of their work and family roles may also be influenced by their level of acculturation to the United States (DelCampo and Hinrichs, 2006; Marin and Gamba, 2003). Those who are native born or who are more English language dominant are thought to be more highly acculturated to the dominant Anglo culture (Arbona, 1995; Brown, 2002c; Marin and Marin, 1991). Because the majority of Latina attorneys from the two HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) were born and educated in the United States and consider English to be their primary language, there is some evidence that on the whole, they are likely to be more acculturated than the general Latina population in the United States. Therefore, they may be less likely to adhere to cultural gendered norms associated with the Latino culture, which emphasize the primacy of motherhood over career roles. This is reflected in the finding that while the majority of Latina attorneys in both of the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) were married and in their prime child-bearing years, they were less likely to have children, and of those who did, they typically had only one or two. Furthermore, an overwhelming majority worked full-time and more than half of the women in the study by Cruz and Molina (2010) were the primary income-earner for their families.

### Devaluation of Qualifications and Legitimacy

The Latina participants in the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) also believed that their legitimacy, qualifications, and abilities as attorneys are often questioned or devalued by their employers, co-workers, clients, and the general population. 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. 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 their actual merit or ability. Even within the public interest sector, with its espoused commitment to increased diversity and inclusion, the Latina attorneys encountered presumptions of inferiority by colleagues that they did not graduate from reputable schools and were not as intelligent as their non-Latina White colleagues (Cruz et al. (2010).

The Latina attorneys attributed these negative perceptions to preconceived gender and ethnic stereotypes about Latina attorneys’ professional capacity and legitimacy as attorneys. According to Cruz et al. (2010), this was especially poignant for Latina attorneys employed in the public interest sector because of prevailing stereotypes held by others and society at large that the professional demands of public interest work are less challenging than, and not as prestigious as, other sectors within the legal profession, especially as compared to those working in private practice. As a result of these perceptions, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) found that Latina attorneys often believe they must constantly perform at a higher level than their non-Latina counterparts to achieve parity in the workplace. This burden to continually demonstrate their qualifications and legitimize themselves as attorneys has also been reported in related literature describing the challenges experienced by some Latina attorneys (Ebben and Gaier, 1998; Garcia-Lopez and Segura, 2008; Sedillo Lopez, 2005).

Ng et al. (2005) explains that this need to do more to prove credentials may be rooted in different gender role expectations for women. Because women do not benefit from being stable contributors in their organizations, they often believe they must work harder and longer to be recognized and rewarded for their demonstration of commitment to the company. Within the context of the legal profession, this results in “raising the bar” for women lawyers such that they must display greater career commitment than men and adhere to a unique and exceptional set of standards in order to receive the same or smaller rewards (Kay and Hagan, 1998). This is also consistent with Smith’s (2005) finding that, relative to White men, Latinas often have more job-specific and overall work experience prior to receiving a promotion, all else being equal. Interestingly, Cruz and Molina (2010) found that while these perceptions of being less capable and qualified presented a challenge to their credibility as attorneys, some of the Latina attorneys used this faulty assumption to their advantage as a “secret weapon” strategy to disarm opponents who did not expect them to be as capable or prepared as they actually were.

### Outsiders and Tokens

As one of the few Latinas within their predominately White and male-dominated legal profession, Latina attorneys report that they are often viewed and treated as “outsiders” or “foreigners” in the courtroom or in their workplaces (Cruz and Molina, 2010; Garcia-Lopez, 2008). Cruz and Molina (2010) noted how some even face strong, but misplaced, anti-immigrant sentiments, where their legal presence in the United States is scrutinized. These experiences of “othering” contribute to their sense of invisibility, isolation, and alienation within the legal profession, which, in turn, disadvantage them socially and professionally, and serve to further limit their access to mentors and influential networks that are critical to their career success.

Cruz and Molina (2010) also found that given the dearth of Latina attorneys in their legal workplaces, many became tokenized and served as “window dressing to potential clients without fulfilling a more substantive role” (p. 42). 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. Kanter (1993) explains that the burdens of tokenism exact their toll in organizational, social and personal ambivalence. She adds that those few who serve as symbols of their category encounter psycho-social difficulties, including stress, frustration, poor self-image, unsatisfactory social relationships and feelings of insecurity, which have significant organizational implications.

Related to their burdens as tokens, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) report that while their predominant language is English, a majority of Latina attorneys in the United States speak Spanish as well. While their cultural and linguistic abilities provide a considerable benefit to their legal workplaces and are source of personal and professional satisfaction for the Latinas themselves, especially in the public interest sector that services a significant portion of Latino clientele, many Latina attorneys believe these skills are not sufficiently recognized or rewarded by their employers. Furthermore, their bilingual skills often create added non-attorney responsibilities (i.e., translation needs) that many of their non-Latina counterparts do not share. 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.

### Misidentification

The HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) overwhelmingly demonstrate how Latina attorneys are frequently misidentified as being someone other than attorneys (e.g., interpreters, secretaries, or court reporters) in legal venues or within their legal workplaces, which also reinforces their sense of “otherness” in the legal profession and serves to question and further undermine their professional legitimacy. Other authors have also noted how this misidentification of Latina attorneys reflects the hierarchical organizational structure of the legal profession along racial, ethnic, gender, and even heterosexual and class lines (Garcia-Lopez, 2008) and is a function of Latinas’ gender, race-ethnicity, accent and even phenotype[[5]](#footnote-5) (Garcia-Lopez and Segura, 2008).

Latina attorneys develop behaviors and practices to minimize misidentification and othering and to establish professional legitimacy. Within their attorney roles, Cruz and Molina (2010) found that Latina attorneys attempt to assimilate themselves to their legal workplaces by adapting their workplace appearance and behaviors to conform more closely to those of majority attorneys. They often mask or disavow certain aspects of their cultural identity, such as wearing more conservative hairstyles, clothing, jewelry, etc., to downplay their ethnicity and conform to what they believe to be the image of the prototypical attorney. This is similar to Ebben and Gaier’s (1998) description of Chicana attorneys’ tendency to adopt more conservative behavior and gender displays enacted by White women lawyers. Related to this desire to achieve mainstream professional ideals, Cruz and Molina (2010) demonstrate how some Latina attorneys take 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.

### Navigating the Cultural Divide

Latina attorneys must also navigate the significant divide between their cultural and workplace norms, which values are often in opposition. They struggle to find balance in their attempt to obtain legitimacy within a profession defined by masculine and agentic ideals, while still being accountable to the strong cultural and gendered expectations of their Latino communities to demonstrate communal behaviors, as well as the cultural value of *respeto*, by showing deference, reverence, and passivity to Latinos and elders (Flores, Navarro et al., 2006). Specifically, Cruz and Molina (2010) found that Latina attorneys attempt to find an appropriate identity to balance their own cultural value of demonstrating humility and communicating in a nonaggressive style with the dichotomous need to promote and assert themselves in their competitive legal workplaces. As such, the Latinas voiced their concern of how they are either viewed as less competent and lacking self-confidence on the one hand, or being viewed as too aggressive or as a “fiery Latina” on the other. Negotiating a compromise between these two extreme perceptions appeared to be a constant struggle for many.

Garcia-Lopez and Segura (2008) found that the intersection of these two distinct values propels these women to develop a number of strategies, including the presentation of self as dual femininities as a way to navigate this tension between the “shoulds” of Chicana femininities with the “musts” of the legal profession. Analogous to Anzaldua’s (1987) depiction of a “borderlands” identity adopted by those who live within and encounter contradictory cultures between Mexico and the United States, Latina attorneys appear to develop a hybrid identity to conform to the dominant culture of their workplaces, while still maintaining their own ethnic or cultural identity. While this is a critical survival skill to cope and survive in their legal workplaces, Vera and de Los Santos (2005) argue that the need to constantly vacillate between these two distinct worlds can be difficult, exhausting, and isolating.

### Racial Discrimination

Latinas are an ethnic group and can be of any race, including White, Black, Asian, and Indigenous or some combination of these (Flores, Navarro et al., 2006; Fouad, 1995). While race and ethnicity are sometimes conflated and treated as the same in studies of women of color in the legal profession (American Bar Association Commission on Women in the Profession, 2006b; Bagati, 2009; Ebben and Gaier, 1998), Cruz and Molina (2010) advance the need to consider these constructs separate, yet intersecting, aspects of Latina attorneys’ identity that work in combination to contribute to the barriers they encounter. While the majority of Latina attorneys encounter similar gender- and ethnic-related barriers, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) found that the Latinas experiences in the legal profession also vary according to others’ perceptions of their racial-group affiliation as well.

A large proportion of the Latinas in the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) self-identified their race as the indigenous “Mestiza” category, especially those employed in the public interest sector. However, those who believe they can “pass as White,” or whose racial identity conforms more to the Caucasian phenotype, indicate they are treated better and afforded more advancement opportunities in the legal profession than those who display the more stereotypical Latina physical characteristics of having darker skin, hair and eyes. Garcia-Lopez and Segura (2008) also found that light-skinned Chicana attorneys who more closely resemble non-Latina White attorneys report fewer instances of racial discrimination and misidentification than their darker-skinned Chicana counterparts with more indigenous features. This is consistent with other research that demonstrates how prejudice associated with skin-color preference negatively impacts the well-being and life chances for Latinas (Montalvo, 2004).

Cruz and Molina (2010) also found that those who do not display the racial characteristics of a stereotypical Latina phenotype were often questioned or challenged about their Latina ethnicity. Furthermore, these authors noted that those Latina attorneys in their study who self-identified their race as “Caucasian” indicated that they do not necessarily identify racially with their non-Latina White counterparts. In this way, it appears that Latina attorneys’ socially constructed racial identity is closely intertwined with their ethnicity as well.

### Lack of Developmental Relationships and Sponsorship

The two HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) further demonstrate how as ethnically and racially diverse women, Latina attorneys are inhibited in their career development because they often lack access to mentoring relationships, client development opportunities, and occasions to network with influential individuals in their workplaces who can contribute toward their career success and advancement. Even within the public interest sector, which tends to have a greater proportion of women than men overall, Latina attorneys reported having limited access to professional mentors and sponsors to support and guide them along their career paths (Cruz et al., 2010).

Research has consistently found that developmental relationships, including having a mentor, as well as access to professional networks, are critical to the career success of women attorneys of color (American Bar Association Commission on Women in the Profession, 2006b; American Bar Association Commission on Women in the Profession, 2008; Bagati, 2009). Career success is also dependent on receiving sponsorship; however, women and minorities are hindered because certain socio-demographic characteristics (i.e., gender and race) are often used as the basis to allocate this sponsorship (Ng et al., 2005). Furthermore, women and racioethnic minority groups may not be selected for career development due to prevailing gender and racial stereotypes (Kanter, 1993).

Research conducted within the legal profession well illustrates this concept. Women attorneys of color are especially disadvantaged in this way because White men, who are often in the positions of influence and power in their organizations, are not as comfortable around them and therefore do not pursue them as protégés (American Bar Association Commission on Women in the Profession, 2006b; Bagati, 2009). Consistent with similarity-attraction theory (Fields, Goodman, and Blum, 2005), developmental relationships such as these are rooted in familiarity, identification and comfort and tend to occur more naturally between individuals who are similar (Blancero et al., 2007; Eagly and Carli, 2007). For example, Cruz and Molina (2010) noted that as women and racioethnic minorities working within a White- and male-dominated profession, Latina attorneys often lack commonality with potential mentors. This, therefore, required many to initiate these relationships themselves, which they viewed as a daunting task.

Considering the many challenges Latina attorneys encounter in their pursuit of and throughout their legal careers, it is no wonder they are so disparately underrepresented across the legal profession. However, despite these obstacles, a few have defied the odds and achieved successful careers as lawyers. To that end, several critical success factors have been identified to expand the legal pipeline to Latina candidates and to help them achieve more successful and satisfying legal careers.

## Catalysts to Educational and Career Success

This section highlights the critical success factors identified by Latina attorneys across the United States, as well as best practices advanced by legal scholars and other related research to support Latinas in their educational achievement, career choice, and ultimate career success in the legal profession.

### Instilled Value of Education

Several critical success factors contributing toward the Latina attorneys’ entrée into the legal profession are related to their formative experiences. In both HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010), it appears that, regardless of their parents’ educational level, financial resources, or professional background, a primary impetus for the Latina attorneys’ high academic achievement and eventual career choice was rooted in their families’ emphasis on the value of education as a means to a better life and not necessarily in a desire to pursue a legal career per se.

This finding suggests that Latina families, schools, and communities must continue to reinforce the value of education in their children and support them in their academic aspirations and goals. This association between family aspirations and Latina educational and occupational pursuits is also well-supported in the career development literature (Flores, Navarro et al., 2006; Gomez et al., 2001; Ojeda and Flores, 2008; Rivera et al., 2007).

### Pursuit of Social Justice

In addition to the instilled value of being well-educated, research shows that many Latinas pursue law school and careers in the legal profession as a way to improve society, promote economic and social justice goals, and serve marginalized individuals and communities (Garcia-Lopez, 2008; Garcia-Lopez and Segura, 2008; Wilder, 2008). Reynoso (2005) found Latina/o lawyers cite the values of idealism and social consciousness as an important factor in choosing a career in the legal profession as well. Similarly, in both of the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010), the Latina attorneys identified how their early role as cultural and linguistic brokers for their parents, as well as witnesses to the social injustices around them, informed their desire to pursue the legal profession as a way to advocate for marginalized members of their Latino communities and serve as a change agent for improved social justice.

As noted by Cruz et al. (2010), this was particularly poignant for those Latina attorneys working in the public interest sector who closely identified with the experiences of their Latina/o clients, and for some, their stories resonated with their own experiences and those of their family members. While their desire to do good work and help others was cited as the driving force for pursuing this career field, they acknowledged how the financial burdens associated with their significant law school debt and historically low public interest salaries serve as significant obstacles to Latinas’ entry to and retention in this legal sector. Therefore, to support Latinas and others in their pursuit of and retention in these critical roles, the authors advance the need for legislative and law school initiatives designed to reduce the burden of education debt on attorneys working in the public interest sector, as well as the need to support better pay, commensurate with the skills and demands of these critical societal roles.

### Latina Outreach

As reflected in both of the HNBA Commission studies (Cruz and Molina, 2010; Cruz et al., 2010), a critical first step in expanding the pipeline of Latina lawyers should begin with outreach programs directed toward Latina youth as early as elementary school to encourage and prepare them academically and psychologically for professional careers, including those in the legal profession. A recent report by the National Women’s Law Center and Mexican American Legal Defense Fund (2009) also emphasizes the importance of including outreach efforts aimed at Latino families to involve them in the education and preparation of their children, and the need for improved mentoring, dropout prevention, and college access programs. Johnson and Mortimer (2002) emphasize how guidance and career counselors in particular can assist disadvantaged individuals better navigate their educational and career paths and overcome common barriers to achieving their educational and career goals. They can also encourage these youth to explore career options as early as possible and to assist them in developing a coherent plan to achieve these goals.

### Visible Role Models

The HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) also emphasize the 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. 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. While mothers were often the primary source of this inspiration, many acknowledged how a chance interaction with a Latina attorney during high school or college motivated their career choice and served as an example of what they could achieve. This also reinforces the need for Latina attorneys to serve as visible role models for others as well.

Having exposure to visible Latina role models also appears to be a key factor in Latinas’ ability to overcome significant structural, cultural and psychological barriers related to their educational goals and career choice and can help support their career progression (Flores, Navarro et al., 2006; Gandara, 1982; Gomez et al., 2001; Rivera et al., 2007; Shinnar, 2007). Latinas may not consider careers in the legal profession because of self-doubt rather than lack of interest or ability. As such, the vicarious learning from role models and mothers, as well as encouragement from parents, teachers, guidance counselors, and mentors, can help strengthen Latinas’ career self-efficacy beliefs (Gomez et al., 2001). This plays an important role in career decision-making for women (Lent and Brown, 1996) and fosters confidence in Latinas’ ability to achieve and be successful in male-dominated professions, such as the legal profession (Rivera et al., 2007).

### Social Support Systems in College and Law School

Similar to the need for visible role models, various studies have emphasized the importance of fostering social support systems for Latinas throughout their educational journey (Bordes, 2008; Cruz and Molina, 2010; Cruz et al., 2010; Flores, Navarro et al., 2006; Gloria, Castellanos, Lopez, and Rosales, 2005; Rivera et al., 2007). This is consistent with other research, which finds that having strong support systems and mentorship facilitates the transition and acclimation to college for Latinas (Gloria, Castellanos, Lopez et al., 2005). Because many Latinas often feel isolated academically and socially in college and in law school, Cruz and Molina (2010) recommend that these institutions of higher learning foster opportunities for Latinas to develop relationships with peers and faculty to help them navigate their college and law school experiences more effectively. It is also critical that Latina students have opportunities to develop relationships with other Latinas, both within and outside their school environments, to provide them with additional sources of comfort and emotional support.

### Eliminate Institutional Discrimination and Discouragement

Access to role models and social support systems throughout their formative years and educational journey may help to counteract some of the cultural and gender inhibitors, as well as the institutionalized discouragement, which may deter Latinas from pursuing careers in the legal profession. However, Cruz and Molina (2010) call for more focused efforts by educational leaders to fully eliminate the gender and ethnic stereotyping and negative messages that undermine Latina students’ ambitions and self-confidence. To support Latina youth in this way, the National Women’s Law Center and Mexican American Legal Defense and Educational Fund (2009) emphasize the need for school officials to create and be accountable for maintaining more gender and culturally inclusive school environments that are free of racial, ethnic, and gender discrimination.

### Mentoring and Developmental Relationships

The findings from the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) underscore the need to assist Latina attorneys in developing successful relationships with mentors and other key individuals throughout their career development. According to mentoring literature scholars Belle Rose Ragins and Kathy Kram (2007), mentors are generally viewed as providing two different types of functions for protégés: career-related functions and psychosocial functions. Career functions are those activities that prepare them for hierarchical advancement within the organization, including coaching activities, increasing their visibility and exposure, sponsoring their career advancement and providing challenging assignments. On the other hand, psychosocial functions include behaviors that enhance the protégé’s professional and personal growth, identity, self-worth, and self-efficacy.

While mentoring affords benefits for all attorneys, it is seen as especially critical to the career success of women attorneys of color (American Bar Association Commission on Women in the Profession, 2006b; American Bar Association Commission on Women in the Profession, 2008; Bagati, 2009); Hispanic business professionals (Blancero et al., 2007; Mundra et al., 2003), Latinas in general (Catalyst, 2003), and Latina attorneys in particular (Cruz and Molina, 2010; Cruz et al., 2010).

Mentoring and other developmental relationships with a variety of individuals both inside and outside the organization can provide Latina attorneys with the necessary career development and psychosocial support critical to their effectively navigating career experiences and helping them overcome the isolation and loneliness that jeopardize their retention and advancement. These relationships can also ensure that these attorneys have access to the challenging work assignments and professional development opportunities that lead to career advancement. Furthermore, mentoring relationships may also increase Latina attorneys’ overall satisfaction with their careers. In fact, Blancero et al. (2007) found that those Hispanic business professionals who were in mentoring relationships had higher levels of satisfaction with their jobs, salary, and career progression.

Formal mentoring systems are important and sometimes necessary in organizations; however, many find they are not as effective as those that develop more informally because they lack the crucial subtleties (Rikleen, 2006). Rather, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) report that the majority of Latinas in both studies believe that informal, rather than formal, mentors have played a more critical role in supporting their professional development and career advancement. Informal mentors were instrumental in helping the women navigate their workplaces’ unwritten rules and provide insight on how to advance their careers.

To help Latinas and other women of color develop these key relationships, the legal profession must support and sponsor programs that allow Latina attorneys to establish and maintain effective mentoring relationships on both a formal and informal basis. This requires a critical evaluation of current opportunities and program offerings, in terms of their actual use and value, as well as access to multiple channels and opportunities for Latina attorneys to meet and work with a diverse pool of individuals both inside and outside of their legal workplaces (American Bar Association Commission on Women in the Profession, 2008; Cruz and Molina, 2010; Cruz et al., 2010). In this way, formal programs can also serve as an opportunity and forum for more informal relationships to evolve.

Cruz and Molina (2010) also noted that, while most Latina attorneys in their study expressed an interest in being mentored by other Latinas, they recognized how this could present a real challenge given the lack of Latina attorneys currently in their workplaces. What appears to be the most critical component of an effective mentoring relationship for these women is a pairing with mentors who are deeply invested in Latinas’ career development and who can provide candid feedback about their professional development needs.

Blancero et al. (2007) also note that while same-race mentoring relationships with other Hispanic mentors are essential because they often provide critical psychosocial support, in reality, these mentors often do not share the same level of influence in their organizations as their non-Hispanic White counterparts. Therefore, pairings with more powerful and influential majority mentors may actually be more beneficial to Latina attorneys in terms of their career development benefits. In fact, these authors found that Hispanic professionals who were mentored by non-Hispanic Whites earned 17% more than those mentored by other Hispanics.

### Latina-Based Networking Opportunities

Networking is cited as a key factor in career success (Kuijpers, Schyns, and Scheerens, 2006) and is related to the accumulation of social capital, which provides increased access to information, resources and career sponsorship (Seibert, Kraimer, and Liden, 2001). As recommended by the American Bar Association Commission of Women in the Profession (2006b), given the scarcity of women attorneys of color in the legal profession in general, internal and external support systems, including involvement in women-and minority-bar associations, can provide these women with the an excellent source of mentoring, camaraderie, and support that often eludes them within their legal workplaces.

For Latina attorneys in particular, Cruz and Molina (2010) encourage the creation of more Latina-based networking opportunities and affinity groups as a way for these women to network and socialize with one another. This may also ease the sense of isolation and loneliness they often feel as one of the few Latina attorneys in their organizations. The authors described how their study’s focus group sessions served as a cathartic outlet and source of emotional support for many of the study participants to express their concerns and share their experiences. Like mentors, while Latina-based networks and affinity groups provide a source of comfort and guidance, it is also important for Latinas to network with a diverse pool of individuals as well, including non-Latinas and individuals outside of their workplaces (Cruz and Molina, 2010; Cruz et al., 2010).

One important consideration noted by Blancero and DelCampo (2005) is that some Latina/os may perceive networking to be exploitive, which may conflict with their personal or cultural values. Therefore, these authors emphasize the importance of understanding the basis of reciprocity in mentoring and networking relationships with this population, and the need to integrate qualities and values associated with the Latina/o identity, including the centrality of family, closeness, respect, and loyalty to solidify these relationships.

### Gender-Neutral and Family Supportive Workplaces

Regardless of the legal sector, the dual role of a legal career and motherhood is perceived as one of the biggest challenges to Latina retention and advancement in the legal profession (Cruz and Molina, 2010; Cruz et al., 2010) and has been cited as a leading barrier for women attorneys in general (American Bar Association Commission on Women in the Profession, 2006b; Blair-Loy and Dehart, 2003; Boyer et al., 2009; Buonocore Porter, 2006; Dau-Schmidt et al., 2009; Harrington and Hsi, 2007; Kay and Gorman, 2008; Rhode, 2003; Rikleen, 2006; Stanford, 2009; Wallace, 2008; Wilder, 2007; Williams, 2007). As previously noted, this may be especially pertinent for some Latina attorneys whose cultural identity places a premium on motherhood and family obligations.

To counter this barrier, legal employers need to develop and reinforce institutional cultures, structures, policies, and practices that are gender-neutral and family-supportive. More flexible work arrangements are required by both male and female attorneys of all races and ethnicities. By allowing all attorneys to enjoy flexible work arrangements, rather than just women with family responsibilities, this universal accessibility will remove the gender-based stigma encountered by women, and Latina attorneys in particular.

In addition to providing more work-family balance to those who require it, the existence of flexible work policies and programs such as these can also communicate organizational values that are desired by attorneys with family responsibilities. A study by Scandura and Lankau (1997) found that although flexible work-hour policies were not always utilized due to perceptions by others that those who did lacked career commitment, just having these types of programs seemed to communicate that the organizational culture was more supportive of work-life balance needs. The authors argue that having family-friendly policies can create a psychological contract, which leads to increased commitment to the organization.

The role of work-family policies on perceptions of psychological contract may have important relevance for Latina attorneys’ workplace experiences as well. In a study of Hispanic business professionals, Taylor, DelCampo, and Blancero (2009) found that work-family supports increased the perception that their psychological contracts were fair. Within the organizational theory and behavior literature, Rousseau defines the psychological contracts as one’s belief regarding mutual obligations between themselves and their employer (as cited in DelCampo and Blancero, 2008). Perceptions of psychological contract fairness are also found to be positively associated with job satisfaction (Blancero, DelCampo, Gao, and Lewis, 2009) and negatively related to perceptions of discrimination (DelCampo and Blancero, 2008) for white collar Hispanic professionals.

### Foster Organizational Cultures That Value Diversity

Organizations in the legal profession can reduce Latina attorneys’ perceptions of gender and ethnic discrimination and potential turnover intentions by valuing and fostering a more diverse organizational culture and workforce composition (Flores, Navarro et al., 2006; Muñiz, 2009). As noted by Delcampo and Blancero (2008), organizations can increase productivity and satisfaction of Hispanic employees by empowering them and making them feel truly valued in the organization. Furthermore, Garcia-Lopez (2008) finds that Chicana attorneys are more likely to be successful in workplaces that welcome diversity and where women and people of color are the norm. This can be accomplished through critical evaluation and modification of institutionalized structures, policies, and practices that obscure diversity goals, as well as implementing culture awareness and sensitivity programs that bring attention to the unique values and needs of a more diverse attorney population.

According to the Women’s Bar Association of the District of Columbia (2006), unexamined biases can influence attorney interactions that lead to unfair assumptions and judgments about women’s performance and capacity. Subsequently, this can have a cumulative negative effect over time on female attorneys’ advancement potential. To counteract this, organizational leaders and decision-makers must be made aware of how implicit biases and stereotypes of Latina attorneys negatively impact their careers, and examine each element of the organization’s culture to identify patterns that inhibit Latina attorneys’ full participation and ability to succeed. Other firm members must also be given an opportunity to explore their own personal stereotypes and biases toward Latina attorneys as well as other minority groups through dialogues with both individuals and focus groups to gain a better understanding of this issue. Cruz et al. (2010) also stress the importance of supporting diversity programming that specifically focuses on anti-racism and anti-sexism curricula.

To ensure alignment with the required cultural and structural changes, firm leaders must understand and embrace the business case for pursuing these changes. While fostering a culture that values diversity is viewed by many as the “right thing to do,” legal profession leaders will more likely respond positively to reasons premised on its business necessity rather than just its humanistic appeal.

Lastly, for sustainable change, leaders must understand and model the behaviors and attitudes required of the cultural change effort. According to Miller and Katz (2002), many organizational change efforts fail because leaders do not demonstrate the desired behaviors valued by the cultural change process. Carr-Ruffino (2007) concurs that training should start at the top of an organization because senior management must thoroughly understand the concepts and apply it consistently in their actions and attitudes. This means that firm leaders who are interested in reinforcing a culture that values organizational diversity should exemplify this goal consistently in their own words, actions, and values.

### Broaden Definitions of Career Success

Career success is defined by Judge, Cable, Boudrea, and Bretz (1995) as the “positive psychological or work-related outcomes or achievements one has accumulated as a result of one’s work experience” (p. 486). While career success is a socially constructed reality, traditional views typically focus on objective measures, which equate status and salary to achievement (Poole and Langan-Fox, 1993). For example, within private practice law firms, promotion to partnership and its associated high earnings often symbolize achievement of traditional career success (Galanter and Palay, 1991; Kay and Hagan, 1998; Kay and Gorman, 2008).

While career success is often conceptualized in this way, Latina attorneys’ culturally gendered values may influence their definition of success differently from others in the legal profession. Specifically, Latina attorneys may associate career success more subjectively and prioritize values associated with their sense of pride and satisfaction with their careers rather than economic rewards and upward mobility that are traditionally valued by this profession.

Research on Latinas in the legal profession lends support to this notion as well. There is evidence that Chicana attorneys broaden traditional definitions of success beyond prototypical monetary ambitions and goals to include more subjective considerations including their desire to make a difference in their communities, as well as those associated with their family responsibilities (Garcia-Lopez, 2008; Garcia-Lopez and Segura, 2008). Furthermore, the HNBA Commission Studies (Cruz and Molina, 2010; Cruz et al., 2010) demonstrate how despite their relatively lower levels of objective career success, Latina lawyers are generally very satisfied with their careers. For many, especially those working in the public interest sectors, this contentment stems from their sense of accomplishment and fulfillment gained through pride in their work and also the satisfaction from helping others (Cruz et al., 2010).

This realization suggests that, for Latina attorneys to perceive themselves as truly successful and therefore committed to their careers, they must be able to integrate aspects of their Latina identity and cultural values into their professional lives as well. Reynoso (2005) argues that to be more welcoming to Latina/os in particular, legal workplaces must allow for a more balanced life in which Latina/o attorneys can continue to be active in their communities. This concept challenges traditional career models and ideology that compels many Latina attorneys to conform to the traditional ideals of the legal profession, a gendered institution where “White heterosexual masculinities define success” (Garcia-Lopez and Segura, 2008, p. 232).

Supporting Latina attorneys in achieving true career success also requires a unique perspective that incorporates alternative forms of career success that are more subjective in nature and focus attention on family as well as work factors. Brousseau (1996) contends that, while most U.S. organizations value upward mobility and therefore subscribe to the linear concept of career progression, with its pre-ordained series of career stages and positions with increasing authority and responsibility, this framework does not squarely fit the needs and values of the changing and more diverse American workforce. This is especially true for women, who tend to have more cyclical and unstable career patterns than men in response to the needs of their children and families (Brown, 2002a; Valcour and Ladge, 2008). Rather, the concept of the protean career, in which the main success criteria are subjective in nature and that incorporates aspects of the individual’s identity and values (Hall, 2004) may be a more appropriate framework for operationalizing career success of Latina attorneys.

## Conclusion

This chapter provides a framework that identifies and assesses the significant and pervasive obstacles many Latina attorneys encounter as they attempt to navigate their entry into and progression in the legal profession, as well as the key factors that operate as catalysts to the pursuit and achievement of their educational-and career-related goals. Consistent with research conducted on the career development of Latinas in other high achievement and professional roles (Gandara, 1982; Gomez et al., 2001; Hite, 2007), Latina attorneys’ educational and career development is uniquely influenced by the interaction among individual, sociocultural, cultural-familial, contextual, attitudinal, and structural factors, as well as racioethnic-and gender-related variables that work together to detract from or contribute to their educational achievement, vocational choice and ultimate career success in the legal profession.

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 do not develop the necessary skills to succeed at college, which, in turn, makes entry into law school unlikely. Those Latinas who successfully enter college or law school still encounter bicultural stress and psychosocial difficulties on their school campuses or find themselves socially and academically disadvantaged as compared to their non-Latina peers.

In terms of career choice, because most Latinas lack exposure to practicing attorneys or the legal profession in general during their formative years, they often do not consider this a viable career opportunity for themselves. Latinas may also encounter significant gender and cultural barriers, including institutional discouragement and sex-role expectations rooted in Latino cultural norms that can obscure or erode their ambition and career self-efficacy beliefs about pursuing nontraditional roles, such as those in the legal profession.

Within the legal profession, Latinas encounter attitudinal and structural barriers related to the intersectionality of their gender, ethnicity and sometimes even race, which act as a three-way threat to their career success. Latina attorneys are routinely subjected to gender and ethnic discrimination and stereotyping and their experiences in the legal profession also may vary according to others’ perceptions of their racial identity as well. Frequently viewed as outsiders or foreigners, they are often either misidentified as someone other than an attorney or tokenized and burdened with non-attorney responsibilities because of their cultural identity and bilingual skills.

Latina attorneys’ sense of “otherness” within their largely White and male-dominated legal workplaces fosters feelings of isolation and invisibility that further alienate them from their colleagues and influential others, including the mentors, sponsors, and other developmental relationships that are critical to their career advancement. In their quest for professional legitimacy and adherence to perceived organizational ideals, many Latina attorneys mask or downplay their Latina identities to better assimilate within the dominant culture of their workplaces. Others develop a hybrid identity to attain legitimacy within their male-dominated workplace, while also being accountable to the cultural and gendered expectations of their Latino communities. This need to constantly navigate between their two worlds can be difficult, exhausting, and isolating.

Notwithstanding these and other challenges, a few Latinas have defied the odds and achieved successful and satisfying attorney careers. As the Latina population continues to grow in this country, identification of the critical success factors that contribute to Latina attorneys’ educational and career achievement, including the important role that families, educational institutions, and the legal profession play in this process, is critical to the development and implementation of strategies aimed at minimizing these barriers, so that each current and prospective Latina attorney has greater opportunity to reach her full potential and achieve success and satisfaction in the legal profession.

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1. The term “of color” is an umbrella term used for non-White women and men including those who are Latina/o, African-American (Black), Asian-American, Native American, or multiracial (i.e., American Bar Association Commission on Women in the Profession, 2006b). [↑](#footnote-ref-1)
2. Although the term “Hispanic American “and “Latina/o” are often used interchangeably, the terms “Latina”, “Latino,” and “Latina/o(s),” are used herein to refer specifically to individuals who self-identify as being of Latin American, rather than Spanish, descent. Latin America includes, but is not limited to Central America, Cuba, the Dominican Republic, Mexico, Puerto Rico, and South America. [↑](#footnote-ref-2)
3. The term Chicana is a regional term used primarily in Texas and California to refer to women of Mexican descent. Chicanas are a subset of the Latina population. [↑](#footnote-ref-3)
4. Intersectionality examines how the combination of race, sex, class, national origin, and sexual orientation play out in certain settings and is a fundamental aspect of Critical Race Theory in general (see Delgado & Stefancic, 2001) and Critical Race Feminism (seeWing, 2003) in particular, which emphasizes the role of gender in these relationships. [↑](#footnote-ref-4)
5. Phenotype refers to the observable physical and behavioral characteristics of an individual. [↑](#footnote-ref-5)