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Cruz, Jill Lynch

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STILL TOO FEW AND FAR BETWEEN: The Status of Latina Lawyers in the U.S.

JILL LYNCH CRUZ

Jill Lynch Cruz Ph.D., PCC, GCDF, SPHR
Executive Coach & Career Development Consultant



ABSTRACT

This Report addresses a significant paradox within the U.S. legal profession: While Latinas represent 9.4 percent of the nation's population, they only account for approximately 3 percent of attorneys, with even fewer in leadership roles across the legal profession. Following the 2009 research findings of the Hispanic National Bar Association's Latina Commission, this Report provides a comprehensive examination of Latina attorneys' and law students' statistical representation and growth over the past fifteen years. The positive trend of more Latinas entering law school provides a beacon of hope for increased representation of Latina attorneys in the future. Despite this progress, disparities persist. Latinas encounter lower acceptance rates into top-ranked law schools, wage gaps, and remain significantly underrepresented in top legal roles in law firms, corporate law offices, the judiciary, and legal academia. These findings highlight the need for heightened commitment and systemic reforms to improve Latinas' equitable access to legal education and opportunities for career advancement in the legal field. Recommendations include equitable admissions and hiring practices, tailored career and leadership development programs, transparent compensation systems and appointment processes, continued advocacy, and enhanced data reporting and research efforts to monitor progress and identify obstacles. Since its inception in 2008, the HNBA Latina Commission has played a crucial role in furthering the career and leadership development of Latina law students and lawyers. Yet, overcoming

persistent disparities demands greater dedication and a united approach from the broader legal community. By working together, we can transform the legal profession into one that accurately reflects and serves the diverse fabric of American society.

ABOUT THE AUTHOR

Jill Lynch Cruz, Ph.D., combines her extensive background as a Professional Certified Coach (PCC), Global Career Development Facilitator (GCDF), Senior Professional in Human Resources (SPHR), and former law firm Chief Human Resources Officer to empower Latina attorneys and leaders to navigate, enhance, and advance their careers more successfully. Through a longstanding partnership with the HNBA Latina Commission, Dr. Cruz has been instrumental in empowering Latina attorneys in their careers for nearly two decades. Her multifaceted contributions as a coach, researcher, author, speaker, trainer, advocate, and former HNBA Latina Commissioner have significantly enhanced the career success and satisfaction of Latina attorneys across the U.S. She also co-authored the HNBA Latina Commission’s two groundbreaking studies on the status of Latina attorneys in 2009 and 2010 and has conducted other research in this field. Her scholarly work and executive coaching with Latina attorneys have established her as a nationally recognized thought leader on Latina attorneys’ career and leadership development. In her mission to help diversify the legal profession, she hopes this Report will serve as a catalyst for meaningful improvements in the representation and success of Latina attorneys in law. Learn more about her research and impactful work in this field at www.jlc.consulting.

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I. INTRODUCTION

Hispanics/Latinxs¹ constitute the largest growing population of any racial or ethnic minority group of the last decade in the United States,² with Latinas amounting to 9.4 percent of the total population in 2022.³ Paradoxically, Latinas' presence in the legal profession remains disproportionately low, with only approximately 3 percent of all attorneys identified as Latina in 2023.⁴ This starkly contrasts with the representation of white individuals, who make up less than 60 percent of the population,⁵ yet represent 79 percent of all attorneys across the legal profession.⁶

The preceding statistics highlight a concerning trend. Compared to other attorney groups, the representation and progress or growth in the presence of Latinas across the legal profession, especially in leadership roles, have not kept pace with their growing population in this country. This calls for the need to analyze their status across the legal industry to identify where they are flourishing and where they are still too few and far between. This Report provides updated data on the status of Latinas

¹ In this Report, “Hispanic/Latinx” will refer to individuals of any gender identity with Spanish or Latin American origin. “Latina” describes women with Latin American heritage, encompassing countries such as Mexico, Central America, South America, Puerto Rico, Cuba, and the Dominican Republic who reside in the U.S. Similarly, “Latino” depicts men with similar Latin American heritage.

² See Jens Manuel Krogstad, Jeffrey S. Passel, Mohamad Moslimani & Luis Noe-Bustamante, *Key Facts About U.S. Latinas for National Hispanic Heritage Month*, PEW RESEARCH CENTER (Sept. 22, 2023), <https://www.pewresearch.org/short-reads/2023/09/22/key-facts-about-us-latinas-for-national-hispanic-heritage-month> [<https://perma.cc/4T4Q-DT5V>]. Between 2010 and 2022, the United States experienced a population growth of 24.5 million people. *Id.* At 53 percent of this increase, Hispanics/Latinxs constituted the largest proportion, surpassing that of any other racial or ethnic group. *Id.*

³ See *Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2020 to July 1, 2022 (NC-EST2022-SR11H)*, U.S. CENSUS BUREAU, POPULATION DIV. (June 2023), <https://www2.census.gov/programs-surveys/popest/tables/2020-2022/national/asrh/nc-est2022-sr11h.xlsx> [<https://perma.cc/TCW4-3X8S>].

⁴ This is an approximation based on the Report that Hispanic/Latinx attorneys are 6.2 percent in 2023, which is an increase from 3.7 percent nearly a decade ago in 2013. See AM. BAR ASS'N, 2023 ABA PROFILE OF THE LEGAL PROFESSION 110 (2023), <https://www.americanbar.org/content/dam/aba/administrative/news/2023/potlp-2023.pdf> [<https://perma.cc/4VZ8-DADF>]. Hispanic/Latinx attorneys have shown a 1 percentage point increase in 2022 alone, likely due to California's inclusion of race and ethnicity in attorney reporting. *Id.* Nevertheless, Hispanic/Latinx are still underrepresented among lawyers compared to their 19.1 percent population in the U.S. *Id.* at 23.

⁵ See *Annual Estimates of the Resident Population*, *supra* note 3.

⁶ See 2023 ABA PROFILE OF THE LEGAL PROFESSION, *supra* note 4, at 24.

in the legal profession against the backdrop of this vibrant, growing segment of the U.S. population.

In 2008, the Hispanic National Bar Association (HNBA)⁷ established the Commission on the Status of Latinas in the Profession (hereinafter HNBA Latina Commission), whose mission is to enhance and advance the representation and leadership of Latina attorneys across the legal profession.⁸ One of its first initiatives involved conducting a nationwide research project on the status of Latina attorneys.⁹ Before this effort, a large-scale study on this subject matter did not exist. The research aimed to document the professional status of Latina attorneys while pinpointing the main barriers hindering their full participation, progression, and success in their legal careers. This initiative was prompted by the apparent disparity between the population of Latinas within the U.S. at that time (7.5 percent)¹⁰ as compared to their sparse representation within the legal field (only 1.3 percent of all U.S. attorneys).¹¹

The HNBA Latina Commission subsequently published two national research studies entitled *Few and Far Between: The Reality of*

⁷ The HNBA “is an incorporated, not-for-profit, national membership association that represents the interests of over 78,000+ Hispanic/Latinx attorneys, 18,000+ law students, and thousands of other legal professionals, including judges, law professors, and legal assistants in the United States and its territories.” *About HNBA*, HNBA, <https://hnba.com/about-us> [<https://perma.cc/8YP8-3EFM>].

⁸ See *HNBA Latina Commission*, HNBA, <https://hnba.com/latinacommission> [<https://perma.cc/U9E6-HVP5>].

⁹ Along with law professor Melinda Molina, and subsequently, with then-professor and current New York Court of Appeals Judge Jenny Rivera, I served as the HNBA Latina Commission’s study co-researcher and co-author from 2008 through 2010. HNBA President Ramona Romero (2008–2009) commissioned the inaugural nationwide research project skillfully organized and coordinated by the first HNBA Latina Commission Co-Chair Dolores S. Atencio, who also orchestrated the second national study. See Ramona E. Romero, *President’s Message*, in JILL L. CRUZ & MELINDA S. MOLINA, NATIONAL STUDY ON THE STATUS OF LATINAS IN THE LEGAL PROFESSION – FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS 1 (2009), <https://hnba.com/wp-content/uploads/2015/06/few-far-between.pdf> [<https://perma.cc/59HR-E5D5>]. HNBA Latina Commission Co-Chair, Clarissa Cerda, also provided critical support for this study. *Id.*

¹⁰ See U.S. CENSUS BUREAU, POPULATION DIV., CURRENT POPULATION SURVEY, 2008 ANNUAL SOCIAL AND ECONOMIC (ASEC) SUPPLEMENT C-18, C-20 (2009), <https://www2.census.gov/programs-surveys/cps/techdocs/cpsmar08.pdf> [<https://perma.cc/V7T5-HTG3>].

¹¹ See JILL L. CRUZ & MELINDA S. MOLINA, NATIONAL STUDY ON THE STATUS OF LATINAS IN THE LEGAL PROFESSION – FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS 7 (2009), <https://hnba.com/wp-content/uploads/2015/06/few-far-between.pdf> [<https://perma.cc/59HR-E5D5>].

Latina Lawyers in 2009 (hereinafter “2009 Latina Commission Study”),¹² followed the next year by a companion report, *La Voz de la Abogada Latina: Challenges and Rewards in Serving the Public Interest* (“2010 Latina Commission Study”).¹³

These two studies, collectively called the “HNBA Latina Commission Studies,” reported that Latina attorneys were vastly under-represented across the legal profession compared to their significant presence in the population and were not well-represented in leadership roles.¹⁴ The 2009 Latina Commission Study also indicated that Latinas in law firms earned disproportionately lower compensation than their non-Latina counterparts.¹⁵

Since the release of the benchmark 2009 Latina Commission Study fifteen years ago, numerous questions remain regarding the headway made by Latina attorneys with increasing interest in the status and progress of Latina law students.¹⁶ These questions revolve around evaluating the presence and growth of Latina attorneys and law students across legal fields, in comparison to other attorney groups.¹⁷

This Report responds to this call by providing a statistical update on the status of Latinas in the legal profession, including law students

¹² *Id.*

¹³ JILL L. CRUZ, MELINDA S. MOLINA & JENNY RIVERA, HISPANIC NATIONAL BAR ASSOCIATION COMMISSION ON THE STATUS OF LATINAS IN THE LEGAL PROFESSION – STUDY ON LATINA ATTORNEYS IN THE PUBLIC INTEREST SECTOR – LA VOZ DE LA ABOGADA LATINA: CHALLENGES AND REWARDS IN SERVING THE PUBLIC INTEREST (2010), <https://hnba.com/wp-content/uploads/2015/02/La-Voz.pdf> [https://perma.cc/Z3M4-J7TP].

¹⁴ CRUZ & MOLINA, *supra* note 11, at 10; CRUZ, MOLINA & RIVERA, *supra* note 13, at 35–36, 51–52.

¹⁵ CRUZ & MOLINA, *supra* note 11, at 26.

¹⁶ The status of Latina law students was not a focus of the HNBA Latina Commission Studies.

¹⁷ One of the primary recommendations outlined in the 2009 Latina Commission Study emphasized the importance of closely monitoring Latina attorneys’ progress because “measuring their progress will promote accountability and awareness, not only within these organizations, but also to the larger legal community.” CRUZ & MOLINA, *supra* note 11 at 54; *see also* ROBERTA D. LIEBENBERG & STEPHANIE A. SCHARF, WALKING OUT THE DOOR: THE FACTS, FIGURES, AND FUTURE OF EXPERIENCED WOMEN LAWYERS IN PRIVATE PRACTICE 18 (2019), https://www.americanbar.org/content/dam/aba/administrative/women/walkoutdoor_online_042320.pdf [https://perma.cc/5FUC-URAX] (calling for the need to closely monitor gender metrics to advance retention and advancement of women attorneys); AM. BAR ASS’N COMM’N ON WOMEN IN THE PRO., VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS 38 (2006), https://judicialstudies.duke.edu/sites/default/files/centers/judicialstudies/panel_1-visible_invisibility_women_of_color_in_law_firms.pdf. [https://perma.cc/JG5G-WF9L] (emphasizing integrating the measurement of women of color, including into salary disparities).

and lawyers, since the research and publication of the HNBA Latina Commission Studies fifteen years ago. The purpose of this Report extends beyond merely reporting data. It highlights disparities within the legal profession and serves as a call to action for legal stakeholders to pursue systemic changes and enhance diversity, equity, and inclusion. This Report will hopefully serve as a catalyst for dismantling barriers and devising effective strategies to empower Latina lawyers and law students to achieve their career aspirations and realize their full potential. Appendix A provides a detailed overview of the report's methodology.

II. KEY FINDINGS

1. *The Growing Latina Attorney Pipeline*

The pipeline of Latina attorneys is on an upward trend, evidenced by Latinas' growth and representation in U.S. population statistics, law school enrollment figures, and summer associate ranks. Despite this positive trend, a noticeable disparity exists in their enrollment within the most selective law schools.

A. *Increased Enrollment of Latina Law Students*

One notable area of progress lies in the substantial rise in the presence of Latina law students. At 9.2 percent of all first-year law students in 2023, Latinas constitute the third largest group of law students enrolled,¹⁸ more than doubling their representation from 4.6 percent over the past 15 years.¹⁹ Their representation closely aligns with their overall share of the overall U.S. population at 9.4 percent.²⁰ This positive trend signifies a significant advancement and provides hope for a growing pipeline of Latina attorneys in the future.

¹⁸ See *2023 First-Year Enrollment by Gender & Race/Ethnicity (Aggregate)*, AM. BAR ASS'N (last visited May 13, 2024), https://www.americanbar.org/content/aba-cms-dotorg/en/groups/legal_education/resources/statistics/?login. The ABA only reports ethnic and racial demographic data disaggregated by gender for first-year law students, not those who ultimately graduated. Only law student groups with known or reported gender/race/ethnic identity were included in the analysis.

¹⁹ See *2009-2013 Full Time/Part Time Total First-Year Enrollment by Gender and Ethnicity*, AM. BAR ASS'N (last visited May 13, 2024), https://www.americanbar.org/content/aba-cms-dotorg/en/groups/legal_education/resources/statistics/?login. Law student enrollment data not reported before 2009.

²⁰ See *Annual Estimates of the Resident Population*, *supra* note 3.

B. *Lower Admittance to Top-Ranked Law Schools*

Even with the increase in the Latina law student population, Latina law students are considerably less likely to secure admission to the highest-ranked ABA-accredited law schools and demonstrate a higher propensity to enroll in lower-ranked or unranked institutions. Although the validity of law school rankings remains controversial and highly debated, it is apparent that marked inequity exists regarding the admission rates of Latinas to the most selective educational institutions. This situation is expected to exacerbate following the recent U.S. Supreme Court ruling in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, restricting ethnic- and race-based admissions practices.²¹

C. *Pipeline Improved for Latinas Entering Law Firms*

In addition to the notable rise in the representation of Latina law students, there are encouraging signs of a better pipeline for future Latina attorneys entering law firms, as evidenced by the increased recruitment of Latina summer associates, which has nearly tripled from 1.9 percent in 2008 to 5.5 percent in 2023.²²

Even the representation of Latina associates has doubled from 1.9 percent to 3.8 percent in the past fifteen years.²³ While still below the watermark, these developments suggest an increasing pool of Latina attorneys positioned to take on leadership roles within law firms and other legal realms.

2. *Still Too Few & Far Between At The Top*

Despite fifteen years since the groundbreaking 2009 Latina Commission Study, Latina attorneys remain notably scarce at the highest echelons of law firms, corporate law departments, the judiciary, and legal academia. This lack of proportional representation does not align with the growing Latina population in the United States, and it falls short of the goal of fostering diversity and equity in the legal profession.

²¹ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 230–31 (2023).

²² See NAT'L ASS'N FOR L. PLACEMENT, 2023 REPORT ON DIVERSITY IN U.S. LAW FIRMS 23 (2024), <https://www.nalp.org/uploads/Research/2023NALPReportonDiversityFinal.pdf> [<https://perma.cc/X6PT-QUXR>].

²³ See *id.* at 21.

The Report reveals the significant underrepresentation of Latina attorneys across different sectors of the legal profession compared to various demographic groups, including white women and men, Latinos, Black women and men, Asian and Pacific Islander women and men, Native American & Alaskan Native women and men, as well as multi-racial women and men. Despite varying levels of relative representation, Latina attorneys, relative to their proportion in the overall U.S. population, consistently rank among the top two most underrepresented groups in key positions, such as partners, equity partners, Fortune 1000 general counsels, Article III federal judges, state supreme court judges, and law school deans.

A. *Only 1 in 100 Partners are Latina*

The current state of Latina partners in law firms is cause for great concern. Despite more Latinas choosing to pursue legal careers, successfully starting their journeys as summer associates, and even becoming associates, their presence at partner levels in law firms has remained alarmingly low—only at one percent.²⁴ Moreover, Latinas, closely followed by Black women partners, are the lowest-represented attorney groups when compared to their share of the U.S. population.²⁵

B. *Few Latina General Counsels at the Helm in America's Top Corporations*

While the number of Latina general counsels in Fortune 1000 companies has risen from four in 2008 to 14 in 2021, they still only account for 1.4 percent of all Fortune 1000 general counsels.²⁶ This demonstrates an 85 percent shortfall compared to their presence in the U.S. population. Among Fortune 1000 general counsels, Latinas rank as the second most underrepresented attorney group, following Latino general counsels, as compared to their overall U.S. population.

²⁴ See *id.* at 20.

²⁵ Compare *id.*, with *Annual Estimates of the Resident Population*, *supra* note 3.

²⁶ See Rachel Ray, Vicki Richardson, & Patrick Folliard, *MCCA 2008 Survey of Fortune 500 Minority General Counsel*, MINORITY CORP. COUNS. ASS'N, <https://mcca.com/resources/surveys/2008-f500-minority-gc-survey> [<https://perma.cc/7XFX-JYV3>]; MINORITY CORP. COUNS. ASS'N, 2022 FORTUNE 1000 GC SURVEY 4 (2022), https://mcca.com/wp-content/uploads/2022/12/2022_MCCA-Fortune-1000-GC-Survey.pdf [<https://perma.cc/49ZF-WPCP>].

C. *Despite Efforts, Latinas Remain Underrepresented in the Judiciary*

Latinas are also significantly underrepresented in the judiciary, comprising only approximately 3 percent of state supreme court justices and 4.5 percent of active Article III federal judges, respectively.²⁷ Despite the recent push to appoint more women and people of color to the federal bench,²⁸ the presence of Latina federal judges is still well below their representation in this country, where they are the second most underrepresented attorney group.²⁹

D. *Only Six Latina Deans in the More Than 200 Law Schools*

As of this Report, only six Latinas hold the position of law school dean among the more than two hundred ABA-accredited law schools.³⁰ While this is a significant increase from the one and only Latina law dean in 2008, this represents a meager 3 percent of all law deans in the country, making Latinas the most underrepresented racial and ethnic group in these prestigious roles compared to their population in the U.S.³¹ Moreover, there have been only 9 Latina law school deans in the history of legal academia.³²

²⁷ See Amanda Powers & Alicia Bannon, *State Supreme Court Diversity—May 2023 Update*, BRENNAN CTR. FOR JUST. (May 15, 2023), <https://www.brennancenter.org/our-work/research-reports/state-supreme-court-diversity-may-2023-update> [<https://perma.cc/P9XV-8PCX>] (calculating Latina supreme court justices to be approximately 3 percent or half of the total of six percent Hispanic/Latinx state supreme court judges reported in this source); *Diversity on the Bench*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/search/advanced-search> [<https://perma.cc/QS6F-QZTA>] (analyzing data from FJC database “advanced search feature” to provide updated statistics on active Article III judges).

²⁸ See *Statement from President Joe Biden On Confirming 175 Federal Judges*, THE WHITE HOUSE (Feb. 1, 2024), <https://www.whitehouse.gov/briefing-room/statements-releases/2024/02/01/statement-from-president-joe-biden-on-confirming-175-federal-judges> [<https://perma.cc/W28X-7HSL>].

²⁹ Among Article III active judges, Latinas stand as the second most underrepresented group compared to their share of the U.S. population after Native American & Alaskan Native men who are currently not represented. *Compare Diversity on the Bench*, *supra* note 27, with *Annual Estimates of the Resident Population*, *supra* note 3.

³⁰ See *Rosenblatt’s Dean Database: Deans by Ethnicity and Gender – Listed Alphabetically*, MISS. COLL. SCH. OF L., <https://lawdeans.com/results.php?s=15> [<https://perma.cc/WP2B-ZVAR>].

³¹ *Compare Rosenblatt’s Dean Database*, *supra* note 30, with *Annual Estimates of the Resident Population*, *supra* note 3. Latinos are also significantly underrepresented at 3.5 percent of all law school deans despite comprising 9.7 percent of the U.S. population. *Id.*

³² *Rosenblatt’s Dean Database*, *supra* note 30; *Rosenblatt’s Dean Database: Former Deans*, MISS. COLL. SCH. OF L., <https://lawdeans.com/results.php?s=8> [<https://perma.cc/H3DE-VA5Y>]. While there have only been 9 Latina deans, Jennifer Rosato Perea has served as dean for two law schools: Northern Illinois University (2009–2015) and DePaul University School of Law

While the exact number of Latina law faculty is currently unavailable, estimates suggest that they likely constitute less than two percent of the total law faculty population.³³ The representation of Latina tenure and tenure-track faculty has remained virtually the same since they were calculated to be 1.8 percent in 2013.³⁴

3. *Latina Advancement & Wage Gap*

A. *Widening Advancement Gap between Latinas and White Men in Law Firms*

The path to partnership within law firms reflects a notable disparity when comparing the career trajectories of Latinas versus white men, who represent the opposite ends of the spectrum in terms of their level of advancement. Although both groups start as law students and summer associates on an equal footing, there is a significant disparity in their career advancement.

As both groups progress in their careers, this gap becomes particularly striking and significantly wider at higher ranks. This is especially noticeable at senior levels, where the ratio of white males to Latina partners is 65 to 1.³⁵

B. *Evidence of Intersectional Wage Gap for Latina Attorneys in Senior Roles*

While specific data on Latina attorney compensation is unavailable, some evidence indicates that Latinas in top legal roles may be significantly underpaid relative to other groups. Recent compensation data for law firm partners and in-house counsel provides evidence of significant

(2015–present). She also served as acting dean for Drexel University Thomas R. Kline School of Law from 2006 to 2007. See *Rosenblatt's Dean Database: Jennifer L. Rosato Perea*, MISS. COLL. SCH. OF L., <https://lawdeans.com/profile.php?id=679> [<https://perma.cc/CH2E-Z9SH>].

³³ See Raquel E. Aldana, Emile Loza de Siles, Solangel Maldonado & Rachel F. Moran, *Latinas in the Legal Academy: Progress and Promise*, 26 HARV. LATIN AM. L. REV. 301, 320 (2023); *Occupational Employment and Wages, May 2023*, U.S. BUREAU OF LAB. STAT. (Apr. 3, 2024), <https://www.bls.gov/oes/current/oes251112.htm> [<https://perma.cc/2EXV-KSAJ>]. The exact number of tenure and tenure-track faculty in U.S. law schools is not readily available. However, based on an estimate using the Bureau of Labor Standard's estimate of "postsecondary law teachers" in May 2022, of 14,570, which likely includes a significant portion of tenure and tenure-track faculty, their population can be approximated to be around 1.8 percent of the total employment in this category.

³⁴ See Am. Bar Ass'n, *Law School Faculty and Staff by Ethnicity and Gender, 2013*, ACCESSLEX INST. (2013), <https://arc.accesslex.org/ds-law-school/2>.

³⁵ See NAT'L ASS'N FOR L. PLACEMENT, *supra* note 22, at 15, 20.

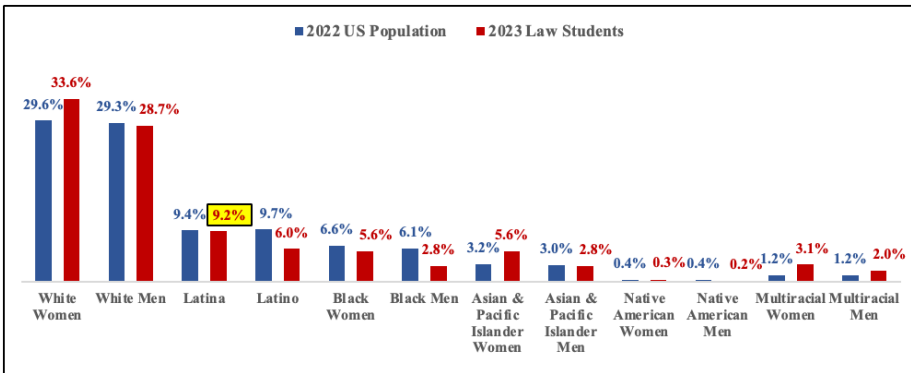
pay disparities among Hispanic/Latinx and women attorneys.³⁶ This echoes similar findings of lower earning power for Latinas in law firms as reported in the 2009 Latina Commission Study.³⁷

4. Latina Law Students

A. A. Rising Latina Law Student Numbers Mirror U.S. Demographic Trends

At 9.2 percent of all enrolled law students in 2023,³⁸ Latinas emerged as a significant demographic among incoming law school students, distinguishing themselves as one of the prominent cohorts. Chart 1 highlights their enrollment numbers, revealing their current standing compared to other racial and ethnic law student groups. Furthermore, the gradual and noteworthy rise in Latina representation as first-year law students is illustrated in Chart 2, showing near proportionate representation with their overall U.S. population from 4.6 percent in 2009³⁹ to double at 9.2 percent in 2023.⁴⁰

CHART 1: 2023 Law Student (IL) Diversity⁴¹



³⁶ See MAJOR, LINDSEY & AFRICA, 2022 PARTNER COMPENSATION SURVEY 30–31 (2022) <https://www.mlaglobal.com/en/insights/research/2022-partner-compensation-survey> [<https://perma.cc/6KNC-5THD>]; MAJOR, LINDSEY & AFRICA, THE 2022 GLOBAL IN-HOUSE COUNSEL COMPENSATION SURVEY 7 (2022), <https://www.mlaglobal.com/en/insights/research/the-2022-global-in-house-compensation-survey> [<https://perma.cc/7VTA-V4MX>].

³⁷ See CRUZ & MOLINA, *supra* note 11, at 26.

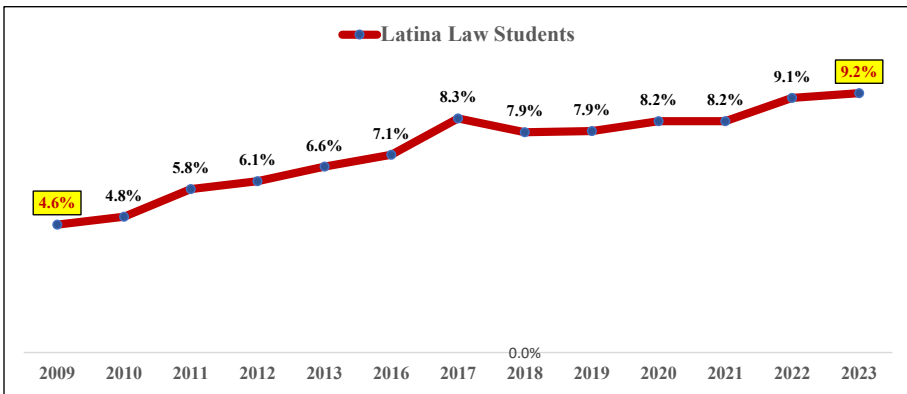
³⁸ See 2023 *First-Year Enrollment*, *supra* note 18.

³⁹ See 2009-2013 *Full Time/Part Time Total First-Year Enrollment*, *supra* note 19.

⁴⁰ See 2023 *First-Year Enrollment*, *supra* note 18.

⁴¹ *Annual Estimates of the Resident Population*, *supra* note 3; 2023 *First-Year Enrollment*, *supra* note 18.

CHART 2: 2009–2023 Latina Law Student Enrollment (1L)⁴²



The significant rise in Latinas entering the legal profession can be attributed, in part, to the commendable work of the HNBA Latina Commission. This organization has played an intentionally pivotal role in providing mentorship, educational assistance, and financial aid to Latina youth through notable initiatives such as its “Pearls of Wisdom” and various outreach and scholarship programs.⁴³ These initiatives, aimed at middle and high school students in underserved Hispanic communities, feature successful Latina attorneys, judges, and corporate leaders sharing their journeys and emphasizing the value of higher education and law as a profession.⁴⁴ The HNBA Latina Commission’s efforts have effectively boosted awareness, interest, and accessibility amongst Latina students to pursue legal careers—successfully making inroads in a relatively short fifteen years.

Another contributing factor is the growing prominence of visible Latina attorney role models, including arguably the most notable, Sonia Sotomayor, who made history as the first Latina U.S. Supreme Court

⁴² *Statistics*, AM. BAR ASS’N, https://www.americanbar.org/content/aba-cms-dotorg/en/groups/legal_education/resources/statistics/?login (last visited Apr. 7, 2024) (data was compiled using “First-Year Enrollment by Gender & Race/Ethnicity (Aggregate)” for the years 2023 and 2022 and “1L Enrollment by Gender & Race/Ethnicity (Aggregate)” for the years 2009-2021. Data for the years 2009-2020 can be found within the Statistics Archives hyperlink).

⁴³ See HNBA Latina Commission, *supra* note 8. Pearls of Wisdom hosts a panel of Latina lawyers at elementary, middle, and high schools in Hispanic/Latinx communities to discuss their experiences, overcoming challenges and entry into the law. *Id.*

⁴⁴ *See id.*

Associate Justice in 2009.⁴⁵ These influential individuals have played a vital role in inspiring and motivating young Latina aspiring lawyers, showcasing the immense potential and opportunities within the profession. This need for visible role models was underscored by the 2009 Latina Commission Study, which highlighted the significant impact that such figures can have on the aspirations and achievements of Latina youth.⁴⁶

B. *Latina Law Students More Likely to Attend Lower-Ranked Law Schools*

There is a clear distinction in the rankings of law schools that enroll Latinas (and Latinos) compared to other groups. In contrast to many of their non-Hispanic/Latinx peers, Latinas pursuing a law degree are less likely to be admitted to the highest-ranking law schools. To illustrate this point, Table 1 displays the ten schools with the highest enrollment of Latinas, Latinos, white women, and white men in 2023. Among these, six schools ranked within the top fifty ranked institutions (indicated in blue) for white men, while only three are designated as top-ranked law schools for white women. Notably, the disparity becomes apparent as none of the law schools with the highest enrollment of Latina or Latino students fall within the top 50 rankings. Additionally, it is noteworthy that three of these most popular schools for Latinas and Latinos are institutions in Puerto Rico.

⁴⁵ See *About the Court: Current Members*, SUP. CT. OF THE U.S., <https://www.supremecourt.gov/about/biographies.aspx> [<https://perma.cc/TY49-8V5G>].

⁴⁶ See CRUZ & MOLINA, *supra* note 11 at 51–52. Their recommendation of increasing the visibility of Latina role Models was a catalyst for the groundbreaking research by Dolores Atencio in her *Luminarias* article.

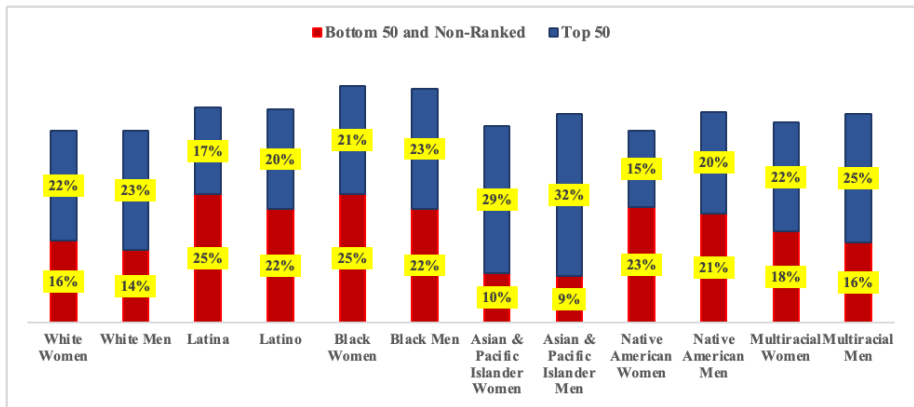
TABLE 1: The 10 Highest Attended Law Schools for 1L Law Students in Fall 2023⁴⁷

	<i>Latina</i>	<i>Latino</i>	<i>White Women</i>	<i>White Men</i>
#1	St Thomas, University of (Florida)	St Thomas, University of (Florida)	Georgetown University	Georgetown University
#2	Inter American University of P.R.	St. John’s University (tie)	New England Law Boston	Harvard University
#3	St. John’s University	Inter American University of P.R. (tie)	Charleston School of Law	George Washington University
#4	University of Miami	University of Miami	Brooklyn Law School	Fordham University
#5	South Texas College of Law	Florida International University	Fordham University	Rutgers University of Law
#6	Pontifical Catholic University of P.R.	Barry University of Orlando	Suffolk University	Suffolk Law School
#7	University of Puerto Rico	Pontifical Catholic University of P.R. (tie)	Stetson University of Law	University of Texas at Austin
#8	Southwestern Law School	University of Puerto Rico (tie)	New York Law School	University of Michigan
#9	Florida International University	Southwestern Law School	Harvard University	American University
#10	University of Buffalo-SUNY	South Texas College of Law	American University	Hofstra University

⁴⁷ 2023 *First-Year Enrollment*, *supra* note 18; 2023-2024 *Best Law Schools*, U.S. NEWS & WORLD REP., <https://www.usnews.com/best-graduate-schools/top-law-schools/law-rankings> [<https://perma.cc/UNT5-6QVW>].

Furthermore, as depicted in Chart 3, overall, Latinas were notably more likely to attend institutions in the bottom 50 ranked (25 percent) compared to the top 50 ranked (17 percent), particularly when contrasted with their white and Asian and Pacific Islander counterparts.⁴⁸ This corresponds with other research, which finds Hispanic/Latinx and Black students are more likely to be represented in lower-ranked law schools.⁴⁹

CHART 3: 2023-2024 USN&WR Ranking of Law Schools Attended⁵⁰



Despite the ongoing controversy and debate surrounding the ranking of law schools,⁵¹ an evident inequality exists: Latinas face lower enrollment rates to the highest-ranked educational institutions. Although rankings may not accurately measure a legal education’s quality, they shape employers’ perceptions of its value and prestige, influencing career and academic outcomes.⁵²

⁴⁸ Overall, Hispanic/Latinx, Black, and Native American & Alaskan Native law students, experienced lower enrollment rates into higher-ranked law schools and are significantly more likely to be enrolled in lower-ranked institutions.

⁴⁹ See Richard R.W. Brooks, Kyle Rozema & Sarath Sanga, *Racial Diversity and Affirmative Action in American Law Schools*, at 44 (Nw. Pub. L. Rsch. Paper No. 23-50, 2024), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4494741 [<https://perma.cc/7ZSY-HL2S>].

⁵⁰ 2023 *First-Year Enrollment*, *supra* note 18; 2023-2024 *Best Law Schools*, *supra* note 47.

⁵¹ See Karen Sloan, *Revamped US News Law School Rankings Yield Major Shifts*, REUTERS (May 11, 2023, 7:48 AM), <https://www.reuters.com/legal/legalindustry/revamped-us-news-law-school-rankings-yield-major-shifts-2023-05-11> [<https://perma.cc/3H38-RT8U>]. In response to criticism and a significant boycott by top law schools, U.S. News & World Report overhauled its ranking methodology to emphasize employment outcomes and bar passage rates over LSAT scores and GPAs. *Id.* This led to notable shifts in rankings, with some schools moving significantly, though the top positions remained largely stable. *Id.*

⁵² Research shows some connection between law school rankings and bar exam success

This inequality impacts Latinas' career trajectories since graduates from elite universities may receive preferential treatment from employers and earn higher salaries.⁵³ An important example is the judiciary. Most federal court judges, including current Latina Article III judges hail from top-ranked law schools.⁵⁴ Furthermore, a 2023 survey found that most in-house lawyers who graduated from the top 50 law schools earned salaries 30 percent more than those who attended law schools ranked 100 and below.⁵⁵

The 2023 U.S. Supreme Court ruling limiting race as a factor in admissions criteria⁵⁶ could present additional hurdles for numerous Latina students striving to gain admission to top educational institutions. This emphasizes the critical need for institutions to develop robust support systems and holistic admissions strategies that value diversity and inclusion beyond traditional metrics. Unless adequate and immediate measures are implemented to ensure fair and unbiased admission practices, aspiring Latina law students may face further challenges in pursuing higher education.

rates, with students from higher-ranked institutions generally achieving better outcomes. However, the influence of rankings on bar passage rates includes other factors (LSAT scores, GPA, attrition rates) beyond school rank. See Sara Blackwell, *The Correlation Between Law School Rankings and Bar Passage Rates*, THE BLACKWELL FIRM (Dec. 15, 2022), <https://theblackwellfirm.com/the-correlation-between-law-school-rankings-and-bar-passage-rates> [<https://perma.cc/WCH8-LX7A>].

⁵³ See Vasyl Taras, Grishma Shah, Marjaana Gunkel & Ernesto Tavoletti, *Graduates of Elite Universities Get Paid More. Do They Perform Better?*, HARV. BUS. REV. (Sept. 4, 2020), <https://hbr.org/2020/09/graduates-of-elite-universities-get-paid-more-do-they-perform-better> [<https://perma.cc/3HTD-Z8KS>]; see also THE ASS'N OF CORP. COUNS., 2023 LAW DEPARTMENT COMPENSATION SURVEY 13 (2023), https://www.acc.com/sites/default/files/2023-09/ACC_2023_Law_Dept_Compensation_Survey_Exec_Summary.pdf [<https://perma.cc/3S5V-UEQ7>].

⁵⁴ See AM. BAR ASS'N, 2022 ABA PROFILE OF THE LEGAL PROFESSION 17 (2022), <https://www.americanbar.org/content/dam/aba/administrative/news/2022/07/profile-report-2022.pdf> [<https://perma.cc/MYZ6-BYHH>]. Over two-thirds (65 percent) of all active Latina Article III Judges at time of this Report graduated from the top 50 ranked law schools (as per rankings in 2023). See *Diversity on the Bench*, *supra* note 27; *2023-2024 Best Law Schools*, *supra* note 47.

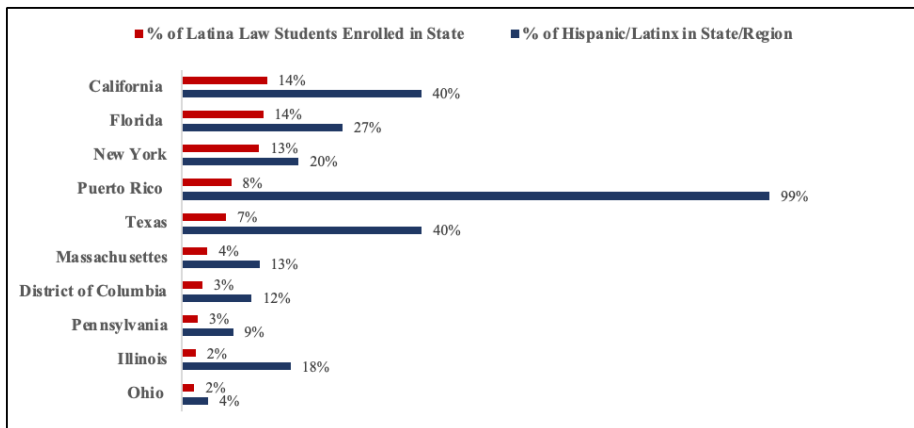
⁵⁵ See *BarkerGilmore's 2023 In-House Counsel Salary Guide*, BARKERGILMORE, <https://www.barkergilmore.com/in-house-counsel-salary-guide> [<https://perma.cc/LW4X-QYWS>].

⁵⁶ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 230–31 (2023) (stating that while the admissions practices at Harvard and UNC are unconstitutional, universities can still consider race in admissions if it directly relates to an applicant's character or abilities. This approach must be specific, focusing on "how race affected his or her life, be it through discrimination, inspiration, or otherwise.").

C. *Latinas Enroll in Law Schools with Significant Hispanic/Latinx Populations*

Latina law students gravitate towards law schools located in regions with substantial Hispanic/Latinx communities. This trend is highlighted by the fact that most Latina law student enrollments are concentrated in California, Florida, New York, Puerto Rico, and Texas in that order. These states/territories have significant Hispanic/Latinx populations and account for 56.2 percent of all Latina law student enrollments. Chart 4 visualizes the distribution, featuring the ten states/territories with the highest enrollment of Latina law students in 2023 and that state/territory’s total Hispanic/Latinx population.

CHART 4: The 10 States/Territories with Highest Enrollment of Latina (1L) Law Students (2023)⁵⁷



The higher enrollment of Latina students in law schools located in regions with significant Hispanic/Latinx populations may be attributed to their tendency to remain closer to home while pursuing their college education.⁵⁸ Additionally, Latina law students are more likely

⁵⁷ 2023 First-Year Enrollment, *supra* note 18; Veera Korhonen, *Percentage of Hispanic Population in the United States in 2022, by State*, STATISTA (Oct. 11, 2023), <https://www.statista.com/statistics/259865/percentage-of-hispanic-population-in-the-us-by-state> [<https://perma.cc/2789-PJTT>].

⁵⁸ See ANGELA GINORIO & MICHELLE HUSTON, ¡SÍ, SE PUEDE! YES, WE CAN: LATINAS IN SCHOOL 10 (2001) <https://files.eric.ed.gov/fulltext/ED452330.pdf> [<https://perma.cc/TJ2P-85JX>] (emphasizing the Hispanic/Latinx communities’ deep cultural value of prioritizing family obligations that influence Latinas’ decision to live closer to home during college which contrasts with the prevailing trend among many college students to live away from home for

than their Black and white counterparts to be the first in their families to attend college.⁵⁹ These students, commonly known as first-generation college students, typically come from families with limited financial means and face additional responsibilities, such as taking care of family members and working part-time jobs while pursuing their law degrees.⁶⁰ Consequently, Latina students with the desired qualifications and ambitions for prestigious law schools far from home may be constrained in their options. Instead, they might be choosing closer, yet less selective, law schools to work part-time and provide support for their families.⁶¹

D. *Uneven Bar Passage Rates for Latina Test-Takers*

Chart 5 depicts the first, second, and third attempt bar passage rates reported in 2023 for Latinas compared with other major racial and ethnic groups. According to these data, 68 percent of Latina test takers passed the bar exam on their first attempt, which, while encouraging, was considerably lower than 83 to 84 percent of white students who passed on their first attempt.

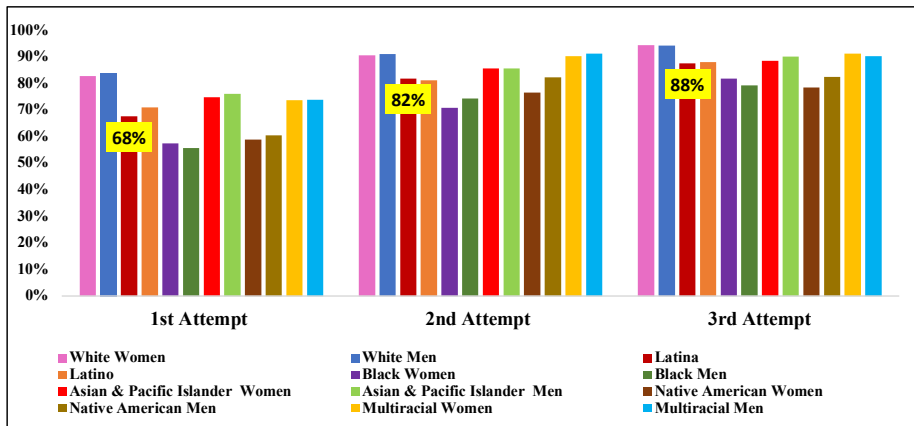
four or more years).

⁵⁹ See CHAD CHRISTENSEN, MEERA E. DEO & JACQUELYN PETZOLD, LSSSE 2023 ANNUAL REPORT: FOCUS ON FIRST-GENERATION STUDENTS 7–8 (2023), <https://lssse.indiana.edu/wp-content/uploads/2023/10/Focus-on-First-Generation-Students-Final.pdf> [<https://perma.cc/A8RC-3EKC>] (comparing the 53 percent of Latinx respondents who were first generation to 36 percent of Black and 21 percent of white respondents).

⁶⁰ See *id.* at 11–12.

⁶¹ See Jill Lynch Cruz, *Latinas in the Legal Profession: Navigating the Cultural Divide*, in IILP REV. 2019–2020: THE STATE OF DIVERSITY & INCLUSION IN THE LEGAL PRO. 216–17 (2019), https://www.theiilp.com/resources/Documents/IILP_2019_FINAL_web.pdf [<https://perma.cc/37JH-BKGR>].

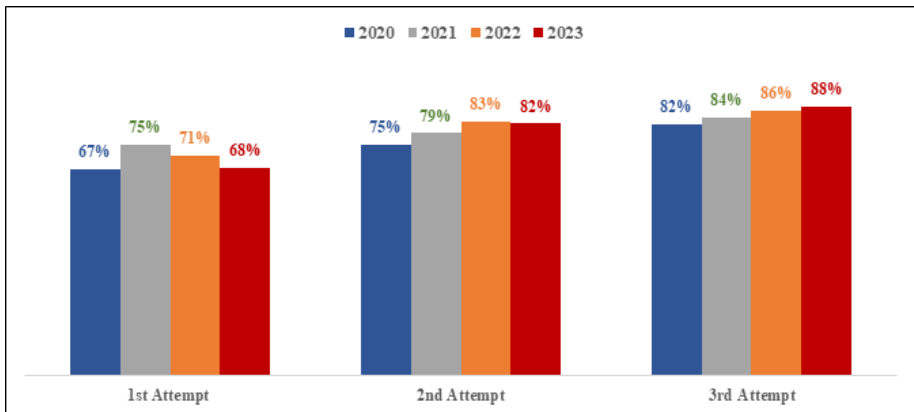
CHART 5: 2023 First and Ultimate Bar Passage Rates⁶²



Noting the progress made by Latina test takers from 2020 to 2023, data from Chart 6 showcases a fluctuation in first-time pass rates, ranging between 67 percent and 75 percent. Encouragingly, there has been noticeable progress in pass rates on subsequent attempts over the last four years. Specifically, as reported by the ABA in 2023, there was a marked increase, with 82 percent of Latina test takers passing on their second try and 88 percent achieving success by their third attempt.⁶³ This trend highlights a significant improvement in performance with repeated efforts, demonstrating resilience and determination among Latinas in overcoming the challenges of bar examinations.

⁶² AM. BAR ASS’N, SUMMARY BAR PASS DATA: RACE, ETHNICITY, AND GENDER 2022 AND 2023 BAR PASSAGE QUESTIONNAIRE 2 (2023), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/2023/2023-bpq-national-summary-data-race-ethnicity-gender.pdf [<https://perma.cc/TKL9-KXU8>].

⁶³ *Id.*

CHART 6: 2020 to 2023 First and Ultimate Bar Passage Rates for Latina Test Takers⁶⁴

E. *Implications*

The rise in the number of Latina law students is one of the most notable advancements for aspiring Latina attorneys in recent times. It represents progress towards a more diverse and inclusive field, highlighting the importance of a broader range of legal perspectives and voices.⁶⁵

Nonetheless, it is well documented that many Latinas face unique barriers to entering higher education, including law school, due to being a first-generation college student, having limited attorney role models, competing family responsibilities, and lacking mentorship in navigating the college admission process.⁶⁶ Furthermore, financial obstacles frequently hinder Latina youth's ability to pursue higher education and shape their education journey. For example, Hispanic/Latinx youth

⁶⁴ SUMMARY BAR PASS DATA, *supra* note 62 at 2–3; AM. BAR ASS'N, SUMMARY BAR PASS DATA: RACE, ETHNICITY, AND GENDER 2020 AND 2021 BAR PASSAGE QUESTIONNAIRE 2–3 (2021), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/statistics/20210621-bpq-national-summary-data-race-ethnicity-gender.pdf [<https://perma.cc/8FNE-82HH>].

⁶⁵ Latina law students were not included in the 2009–2010 HNBA Latina Commission Studies; however, the Latina attorney participants were asked questions about their educational journey, including their experiences in law school. The strong link between the pipeline initiatives of the HNBA Latina Commission and the subsequent growth of Latina law students and attorneys makes it imperative to include their progress and status in this Report.

⁶⁶ See, e.g., Jill Lynch Cruz, *Latinas in the Legal Profession: Challenges and Catalysts to Their Career Success*, in *HISPANICS AT WORK: A COLLECTION OF RSCH., THEORY AND APPLICATION* 189 (Donna Maria Blancero & Robert G. DelCampo eds., 2012); CHRISTENSEN, DEO & PETZOLD, *supra* note 59, at 4; Glenda B Garcia, *Breaking Down the Walls: Supporting Latinas to Law School Success*, 7 *IND. J.L. & SOC. EQUAL.* 374, 378–379 (2019).

experience significant anxiety about incurring college debt and are also more likely to encounter challenges when repaying student loans.⁶⁷

The recent ruling by the U.S. Supreme Court, which limits ethnic- and race-conscious admissions processes, could also adversely affect the growing trend of Latina law students.⁶⁸ These restrictions may pose more significant difficulties for Latina students who aspire to attend top educational institutions. Studies reveal that between 1980 and 2021, state-level bans on affirmative action led to an approximate 20 percent decrease in racial diversity, with reduced enrollment of Hispanic/Latinx and Black law students as one major cause.⁶⁹

Though the exact magnitude of this impact remains uncertain, the historical record indicates that Latina law students will encounter more significant challenges pursuing their legal educations where bans exist.⁷⁰ Without adequate and immediate measures to foster student diversity and inclusion, the path to law school and beyond may become increasingly more challenging for aspiring Latina lawyers.

5. *Latinas in Law Firms*

Although the Latina population in the U.S. has grown by nearly 2 percent, from 7.5 percent in 2008⁷¹ to 9.4 percent in 2022,⁷² the number of Latina attorneys in law firms has increased by slightly over one percentage point, from 1.2 percent in 2008 to 2.3 percent in 2023.⁷³ Interestingly, Latina representation in law firms closely mirrors their presence in the

⁶⁷ See CHRISTENSEN, DEO & PETZOLD, *supra* note 59, at 10; Melanie Hanson, *Student Loan Debt by Race*, EDUC. DATA INITIATIVE (Dec. 8, 2023), <https://educationdata.org/student-loan-debt-by-race> [<https://perma.cc/YH8Z-QUF7>]; TIFFANE COCHRAN, KELSEY RISMAN, NANCY CONNEELY, CHRISTOPHER KEENAN, JOSHUA JACKSON & DOMONIQUE EDWARDS, *STUDENT DEBT: THE HOLISTIC IMPACT ON TODAY'S YOUNG LAWYER 15–19* (2021), https://www.americanbar.org/content/dam/aba/administrative/young_lawyers/2021-student-loan-survey.pdf [<https://perma.cc/79K6-4KP5>].

⁶⁸ See *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 230–31 (2023).

⁶⁹ See Brooks, Rozema & Sanga, *supra* note 49, at 23–24.

⁷⁰ See Dolores S. Atencio, *Luminarias: An Empirical Portrait of the First Generation of Latina Lawyers 1880–1980*, 39 CHICANX-LATINX L. REV. 1, 74–76 (2023). The *Luminarias Article* documents the direct and severe impact of pre-and-post affirmative action programs on Latina law student enrollment and law graduation rates. *Id.* at 51–77.

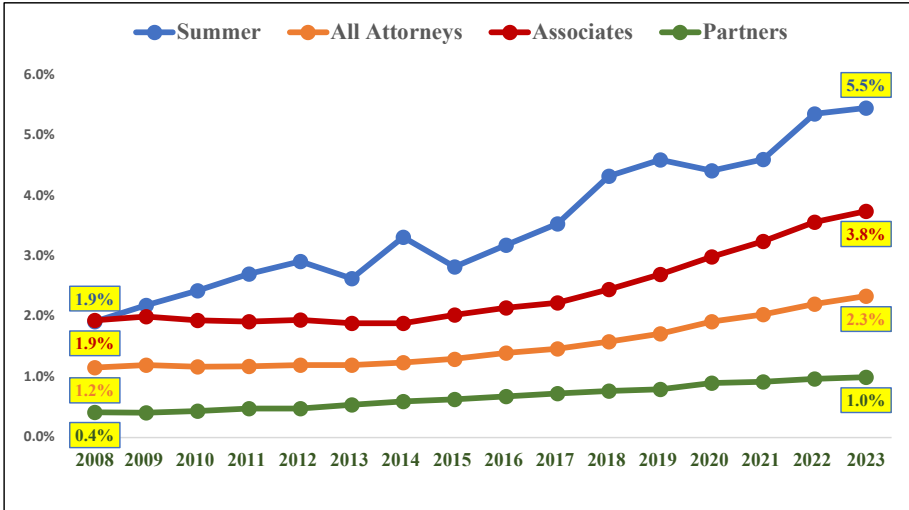
⁷¹ See U.S. CENSUS BUREAU, *supra* note 10, at C-18, C-20. The 2008 Hispanic/Latinx population in the U.S. is calculated as 15.4 percent, with Latinos at 7.9 percent and Latinas at 7.5 percent. *Id.*

⁷² See *Annual Estimates of the Resident Population*, *supra* note 3.

⁷³ See NAT'L ASS'N FOR L. PLACEMENT, *supra* note 22, at 22.

American legal profession at approximately 3 percent of all lawyers in the U.S.⁷⁴ Their incremental progress as law firm attorneys over the past 15 years is highlighted as “All Attorneys” in Chart 7.

CHART 7: Latina Law Firm Progress 2008–2023⁷⁵

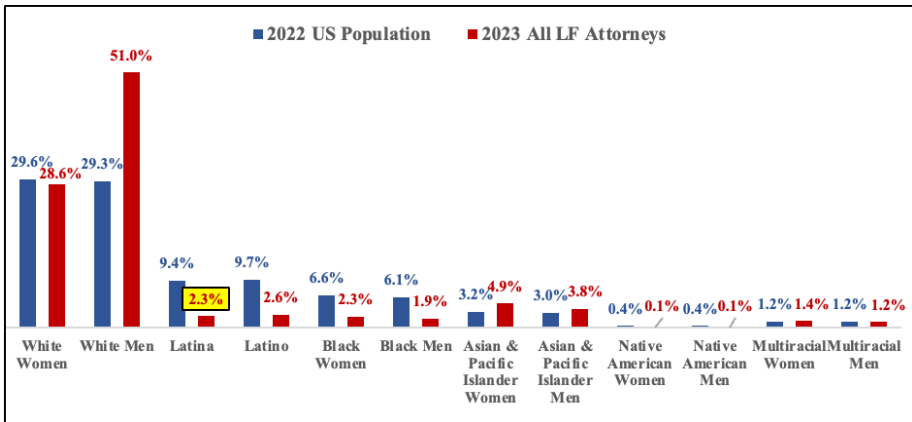


Compared to other racial and ethnic groups, Latina attorneys in law firms are the second most underrepresented group, following Native American and Alaskan Native women lawyers, when considering their proportion in the national population. This disparity is depicted in Chart 8.

⁷⁴ Compare NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 22, with 2023 ABA PROFILE OF THE LEGAL PROFESSION, *supra* note 4, at 110. The percentage of Hispanic/Latinx lawyers nationwide also rose – from 3.7 percent in 2013 to 6.2 percent a decade later in 2023. See 2023 ABA PROFILE OF THE LEGAL PROFESSION, *supra* note 4, at 110. It rose a full percentage point in 2022 alone. *Id.* Again, this was likely caused by California starting to count race and ethnicity among its lawyers. Still, Hispanics/Latinxs are underrepresented among lawyers compared with their share of the U.S. population (19.1 percent). Compare *id.*, with *Annual Estimates of the Resident Population*, *supra* note 3.

⁷⁵ NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 20–23.

CHART 8: 2023 Racial & Ethnic Diversity of All Attorneys in Law Firms⁷⁶



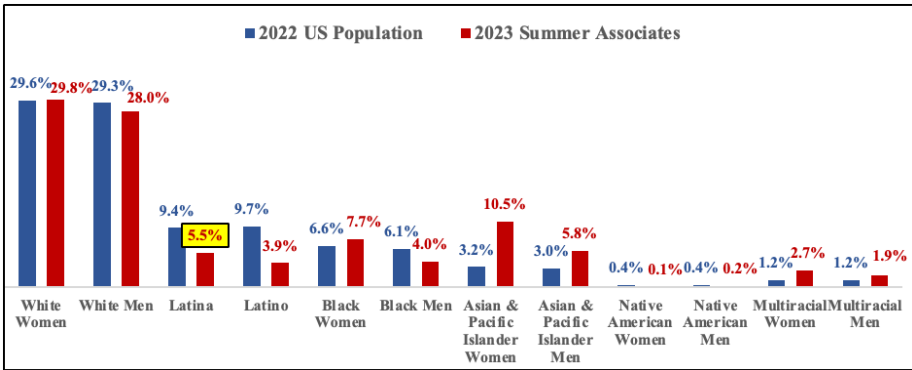
A. Latina Summer Associate Ranks Nearly Triple in Size to 5.5 percent

Despite the modest growth of Latina attorneys within law firms overall, one area of notable progress is the summer associate ranks. In 2008, Latinas made up only 1.9 percent of summer associates, but this figure has nearly tripled to 5.5 percent as reported in 2023 (refer to “Summer Associates” in Chart 7).

Although this percentage increase reflects a significant improvement for Latina lawyers, it remains below their population size. Nevertheless, the rise in the number of Latina summer associates indicates that law firms have gradually hired more, especially over the past decade. This is especially evident in the growing presence of female summer associates, especially women of color, as illustrated in Chart 9. In fact, like female law students, women summer associates surpass men in most racial and ethnic categories.

⁷⁶ NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 19, 22; *Annual Estimates of the Resident Population*, *supra* note 3.

CHART 9: 2023 Summer Associate Diversity in Law Firms⁷⁷



B. *Latinas Show Modest Growth at 3.8 percent of Law Firm Associates*

As illustrated in Chart 10, Latina attorneys constitute 3.8 percent of all associates, similar to the representation of Black women associates. In terms of progress, this reflects a rise of only 1.9 percent in the past decade and a half (as shown in “Associates” on Chart 7). Notably, most of this growth has transpired in the past five years, before which Latina associates experienced a stagnant rise of only 0.5 percent from 2008 to 2018.⁷⁸

There is some evidence within the “Of Counsel” rank that Latinas are also strikingly underrepresented in law firms. Historical trend data for Latina “Of Counsel” is unavailable. Still, Latinas in 2021 accounted for only about 1.7 percent of total law firm “Of Counsels.”⁷⁹ This percentage highlights a significant disparity compared to the overwhelming representation of white “Of Counsel” lawyers, who comprised approximately 84.8 percent of the total.⁸⁰

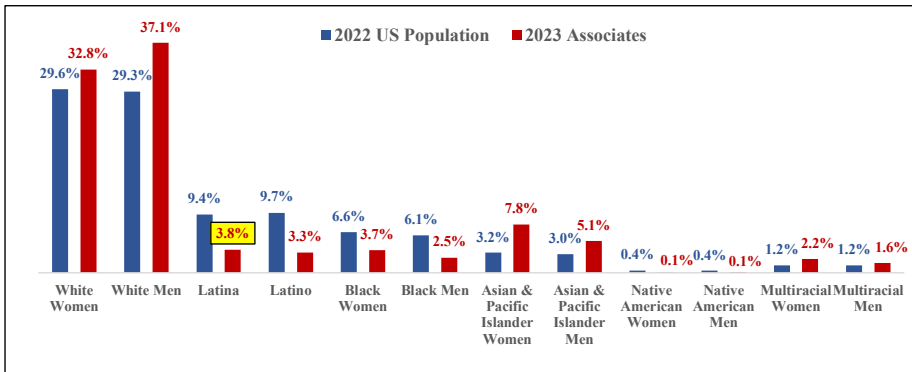
⁷⁷ NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 19, 23; *Annual Estimates of the Resident Population*, *supra* note 3.

⁷⁸ See NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 21.

⁷⁹ See MINORITY CORP. COUNS. ASS’N, U.S. LAW FIRM DIVERSITY SURVEY REPORT 2022, at 44 (2022), https://mcca.com/wp-content/uploads/2023/02/MCCA_US-Law-Firm-Diversity-Survey-2022.pdf [<https://perma.cc/3XD8-53S5>].

⁸⁰ See *id.* at 36.

CHART 10: 2023 Associate Diversity in Law Firms⁸¹



C. Latinas Remain Most Underrepresented as Law Firm Partners at 1 percent

The current representation of Latina partners in law firms is alarmingly low, accounting for only 1 percent of the total partnerships across the nation.⁸² When examining their proportion to the overall population, it is evident that Latina partners in law firms are the most underrepresented attorney group relative to their population size (refer to Chart 11). Their growth has been equally disappointing, rising from a meager 0.4 percent in 2008 to just 1 percent in 2023 (refer to “Partners” in Chart 7).

Latina partnership growth has not kept pace with the progress of other women attorneys or even women attorneys of color. For example, since 2008, there has been a 9.4 percent increase in the overall percentage of women partners and a 3 percent increase in women partners of color overall.⁸³ Conversely, the growth of Latina attorneys in the partnership ranks has increased by a mere 0.6 percent during this same timeframe.⁸⁴

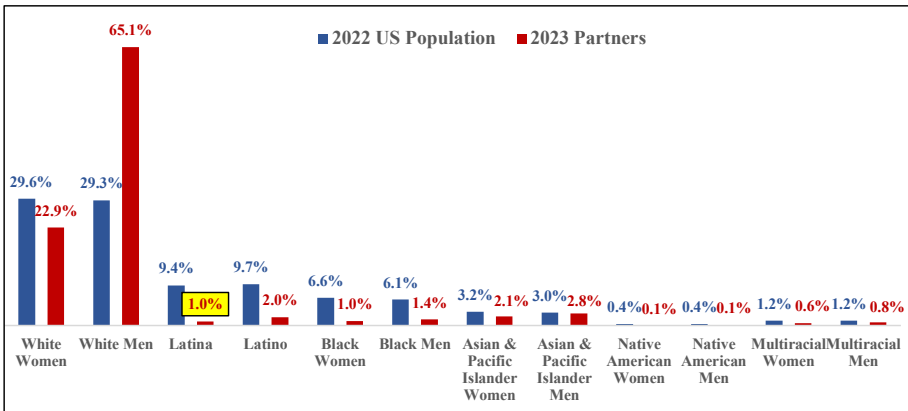
⁸¹ NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 17,21; *Annual Estimates of the Resident Population*, *supra* note 3.

⁸² See NAT’L ASS’N FOR L. PLACEMENT, *supra* note 22, at 20.

⁸³ See *id.* at 15.

⁸⁴ See *id.* at 20.

CHART 11: 2023 Law Firm Partner Diversity in Law Firms⁸⁵



D. *Latinas Account for a Mere 0.9 percent of Equity Partners*

Equity partners represent the highest partnership tier within law firms and have ownership interests, granting them a share of the profits. Becoming an equity partner signifies the highest professional achievement within the law firm segment and is typically accompanied by significant financial and decisional advantages. A 2020 report on partner compensation illustrated that equity partners continue to earn more than three times the total compensation of their non-equity colleagues.⁸⁶

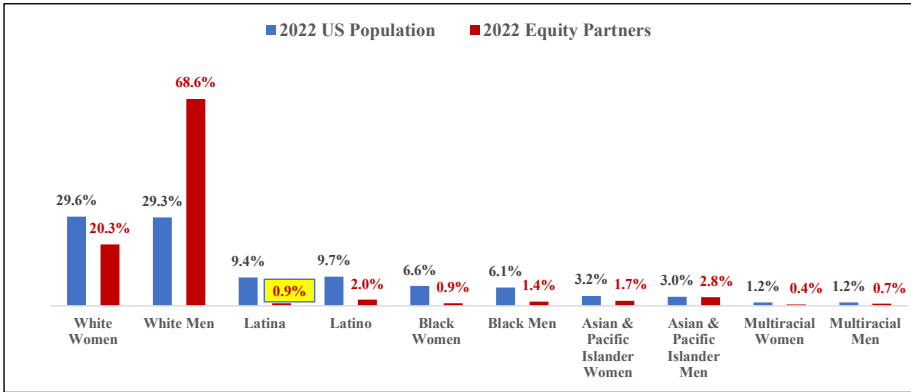
Unfortunately, Latinas are primarily excluded from these prestigious and influential leadership roles, akin to their scarcity as law firm partners. Specifically, Latina attorneys are the most underrepresented in this exclusive group, making up only 0.9 percent of equity partners.⁸⁷ See Chart 12 for a comparison of the demographic diversity of equity partners in law firms.

⁸⁵ *Id.* at 17, 20; *Annual Estimates of the Resident Population*, *supra* note 3.

⁸⁶ MAJOR, LINDSEY & AFRICA, 2020 PARTNER COMPENSATION SURVEY 10 (2020) <https://www.mlaglobal.com/en/insights/research/2020-partner-compensation-report> [<https://perma.cc/SSGU-2EW5>].

⁸⁷ See U.S. LAW FIRM DIVERSITY SURVEY REPORT 2022, *supra* note 79, at 44. The underrepresentation of Latinas extends to non-equity partner positions, where they comprise only 1.5 percent. *Id.* Native American & Alaskan Native equity partners were not reported. Black women partners are also underrepresented at 0.9 percent; however, Latina equity partners are even more underrepresented when compared to their U.S. population. *Compare id.* at 44, 49, with *Annual Estimates of the Resident Population*, *supra* note 3.

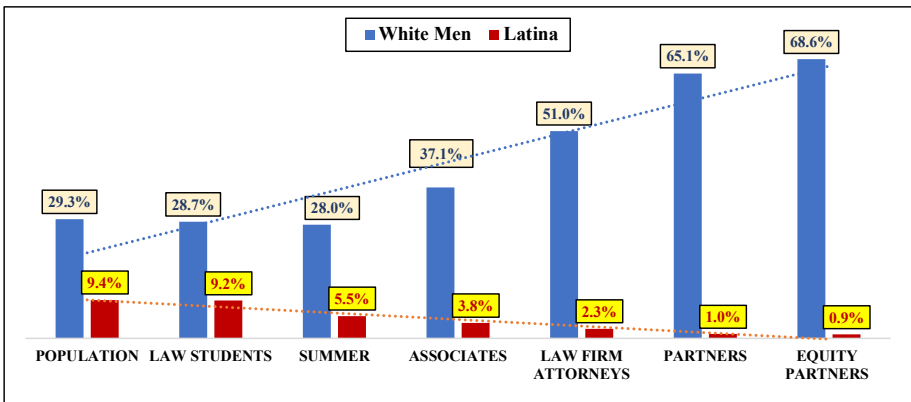
CHART 12: 2022 Equity Partner Diversity⁸⁸



E. The Latina Advancement Gap in Law Firms

One of the most troubling disparity patterns appears in the advancement gap between Latinas and white men in law firms. Although both groups start their careers as law students and summer associates on relatively equal footing,⁸⁹ as both groups progress in their careers, the gap becomes particularly striking and significantly wider at higher ranks, especially at the most senior levels, where Latina equity partners experience nearly a 68 percent gap compared to white male equity partners (see Chart 13).

CHART 13: Latina Attorney Advancement Gap (2023)⁹⁰



⁸⁸ U.S. LAW FIRM DIVERSITY SURVEY REPORT 2022, *supra* note 79, at 36, 40, 44, 49, 54; *Annual Estimates of the Resident Population*, *supra* note 3.

⁸⁹ White men and Latinas are slightly underrepresented as law students and summer associates relative to their U.S. population size. *See supra* Chart 1, 9.

⁹⁰ *Annual Estimates of the Resident Population*, *supra* note 3; *2023 First-Year Enrollment*,

The result is that white men dominate the partner positions, notably equity partners, surpassing their U.S. population numbers by more than double. While white men constitute only 30 percent of the country's population, they are nearly 70 percent of all equity partners and 65 percent of all total partners. In contrast, Latinas comprise 1 percent of law firm partners and 0.9 percent of equity partners, even though they comprise almost 10 percent of the U.S. population.

This imbalance is not limited to law firms alone. White men are also overrepresented in other esteemed legal roles like Fortune 1000 general counsels, federal judges, and law school deans. In contrast, Latinas face a severe *lack* of representation, not just disproportionate underrepresentation. This blatant discrepancy is primarily evident within law firms, where their progress is almost negligible.

F. *Latina Partner Pay Gap*

According to the 2009 Latina Commission Study, Latina lawyers working in law firms appeared to receive lower salaries than their majority and minority counterparts.⁹¹ While there is no specific data available for Latina attorneys, piecing together the reported compensation data for Hispanic/Latinx and female partners allows us to make some inferences. This data reveals that both women partners and Hispanic/Latinx partners are more likely to earn less than their peers.

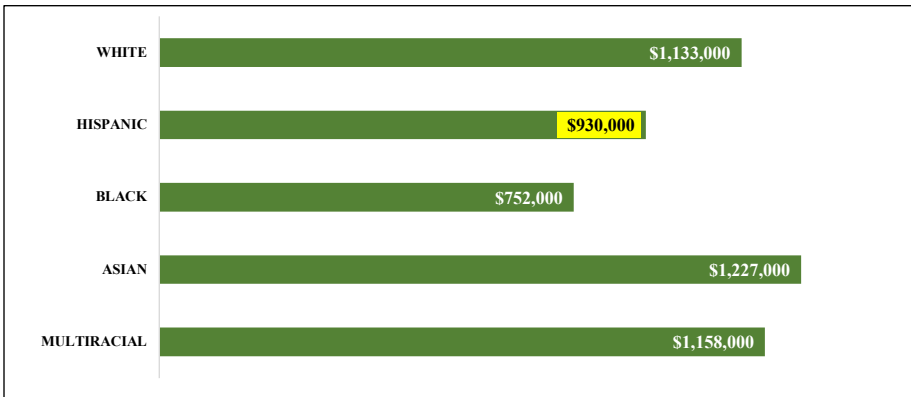
Specifically, a 2022 report on partner compensation revealed that Hispanic/Latinx partners received an average salary of \$930,000, 20 percent below the average of \$1,119,000 reported by all survey participants (see compensation by race/ethnicity in Chart 14). Although this is a sizable increase compared to the considerably lower figure of \$596,000 reported for Hispanic/Latinx partners in 2020, their compensation remains one of the lowest income brackets among all racial and ethnic groups.⁹²

supra note 18; NAT'L ASS'N FOR L. PLACEMENT, *supra* note 22, at 17, 19–23; U.S. LAW FIRM DIVERSITY SURVEY REPORT 2022, *supra* note 79, at 36, 44.

⁹¹ See CRUZ & MOLINA, *supra* note 11, at 26 (stating that Latinas' reported median compensation of \$120,000 was notably lower compared to salaries of other demographic groups).

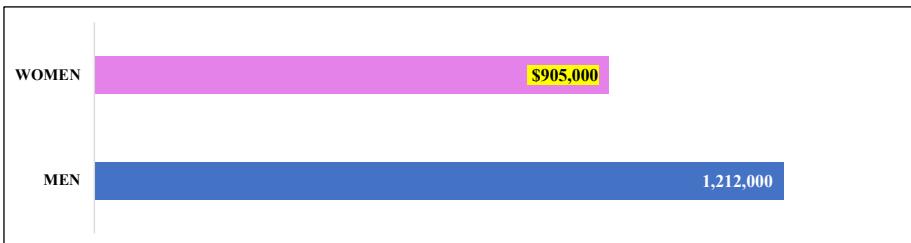
⁹² See 2022 PARTNER COMPENSATION SURVEY, *supra* note 36, at 31. Black Partners had lower reported compensation of \$752,000 in 2022. *Id.*

CHART 14: 2022 Partner Compensation by Race/Ethnicity⁹³



In addition to lower overall compensation levels earned by Hispanic/Latinx partners, Latinas are likely to suffer a significant gender wage gap. A clear example is the sizable earnings disparity between male and female partners. According to the gender compensation data presented in Chart 15, in 2022, male partners received an average income of \$1,212,000, while their female counterparts earned roughly \$905,000. Consequently, this indicates a notable gender wage disparity of 34 percent.

CHART 15: 2022 Partner Compensation by Gender⁹⁴



This disparity echoes the finding from the 2009 Latina Commission Study that Latinas are at a heightened risk of experiencing an intersectional wage gap due to the combined effects of their gender, ethnicity, and

⁹³ *Id.* It must be noted that the variation in compensation levels often vary across different practice areas within law firms due to factors including market demand, the complexity of the legal work, and the revenue generated by specific practice areas.

⁹⁴ *Id.* at 30.

race.⁹⁵ Furthermore, a report released by the American Bar Association in 2023 also underscores the impact of this intersectional effect on historically underrepresented racial and ethnic groups, who are among the least likely to be in the top 10 percent or 20 percent highest paid attorneys.⁹⁶

Due to limited data, the extent of progress in compensation for Latina law firm attorneys and partners over the past fifteen years remains to be determined. Nonetheless, available evidence suggests persistent and notable salary disparities, particularly in senior roles within law firms.

G. *Implications*

The representation and advancement of Latinas in law firms has been disappointing and discouraging. Despite the progress law firms have made in attracting Latina law students as summer associates, the number of successful transitions to associate positions and beyond remains insufficient. Moreover, among the limited number of Latinas hired as associates or of counsel, only a fraction are promoted to partnership, particularly in equity partner roles. Furthermore, Latina partners likely face significant compensation discrepancies, especially when compared to their white and male counterparts. This disparity compounds the obstacles Latinas already encounter in their law firm careers.

The underrepresentation of Latina partners in law firms has numerous negative implications. First, it restricts the diversity of perspectives and voices of Latinas in powerful management committees and decision-making tables, thus reinforcing the status quo and depriving firms and their clientele of diverse experiences and insights. Over five million Hispanic/Latinx-owned businesses contribute more than \$800 billion annually to the U.S. economy.⁹⁷ These Hispanic/Latinx clients benefit from working with lawyers knowledgeable about their culture, language, and perspectives. The absence of Latina partners in law firms hampers their ability to offer this kind of representation, ultimately impairing their ability to serve diverse client populations effectively.

The failure to retain and promote Latina attorneys to the partnership level can also perpetuate a lack of role models and mentors, making

⁹⁵ See CRUZ & MOLINA, *supra* note 11, at 38–39.

⁹⁶ AM. BAR ASS'N, 2022 ABA MODEL DIVERSITY SURVEY REPORTS 66 (2023), https://www.americanbar.org/content/dam/aba/administrative/racial_ethnic_diversity/2022-aba-report-2023.pdf [<https://perma.cc/UXN2-SNDX>].

⁹⁷ *Who We Are*, U.S. HISP. CHAMBER OF COMMERCE, <https://www.usfcc.com/about-usfcc.html> [<https://perma.cc/8TES-S6MV>].

it harder for aspiring Latina lawyers to envision their long-term success in their firms. This creates a Catch-22 situation. Having only a small number of Latinas in partnership and leadership positions can give the impression of tokenism, where their presence is attributed to diversity quotas rather than their talent, merit, and actual qualifications.

Law firms also play a crucial role in training lawyers and serve as a gateway to various other legal sectors, such as corporate counsel, the judiciary, legal academia, government, and other leadership roles across corporate America. Action to enhance representation and foster more inclusive environments is imperative for aspiring Latina lawyers and the overall progress and development of the legal profession and our nation.

In the wake of the U.S. Supreme Court's 2023 finding of affirmative action in college admissions unconstitutional, law firms have come under increasing pressure. This landmark decision has led to heightened scrutiny and legal challenges against these firms' diversity, equity, and inclusion (DEI) efforts. Consequently, there is a growing concern that law firms might reduce their commitment to DEI initiatives. This potential step back could have implications for the future of diversity within law firms and, by extension, the broader legal and corporate landscape.⁹⁸

6. Latinas in Corporate Law Offices

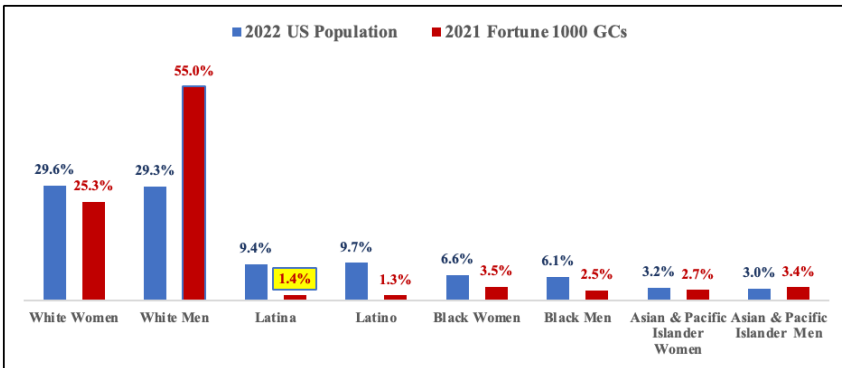
A. Latinas Represent only 1.4 percent of Fortune 1000 General Counsel

Chart 16 reveals a disparity in the representation of Latina general counsels (GCs) compared to other racial and ethnic groups, especially their white counterparts. While approximately 550 white men and 251 white women served as general counsel in Fortune 1000 in 2021, there were only 14 Latinas.⁹⁹ This means Latina general counsels accounted for only around 1.4 percent of the total general counsels.

⁹⁸ See Cliff L. Hammond & Ray H. Littleton, *As Attacks on DEI Programs Continue, Employers Should Review and Revise Diversity Initiatives*, FOSTER SWIFT (Dec. 20, 2023), <https://www.fosterswift.com/communications-employers-review-revise-diversity-initiatives-program-attacks.html> [<https://perma.cc/HHS5-37T9>].

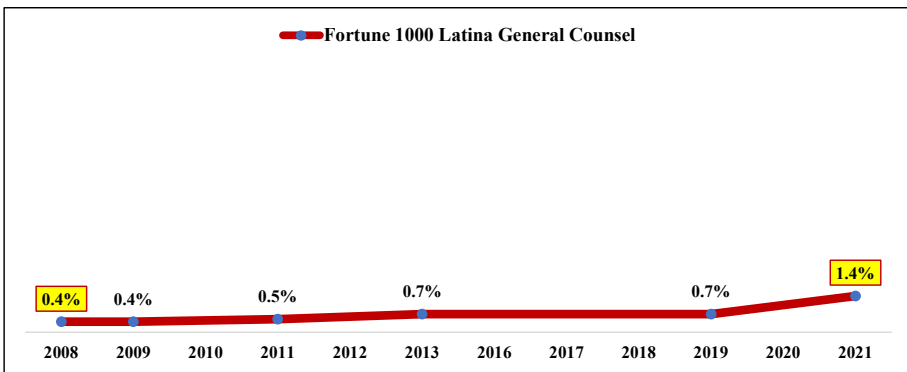
⁹⁹ See 2022 FORTUNE 1000 GC SURVEY, *supra* note 26, at 4. Data on multi-racial general counsels was not reported. *Id.*

CHART 16: 2021 Fortune 1000 General Counsel Diversity¹⁰⁰



Similar to law firm partnerships, the advancement of Latina representation as general counsel has been negligible. In 2008, a mere 0.4 percent of Latina general counsels held leadership positions in the legal departments of Fortune 1000 companies.¹⁰¹ By 2021, this figure has marginally increased only by 1 percent (See progress in Chart 17).

CHART 17: Latina F1000 GC Progress 2008–2021¹⁰²



¹⁰⁰ *Id.*; *Annual Estimates of the Resident Population*, *supra* note 3.

¹⁰¹ See Ray, Richardson & Folliard, *supra* note 26.

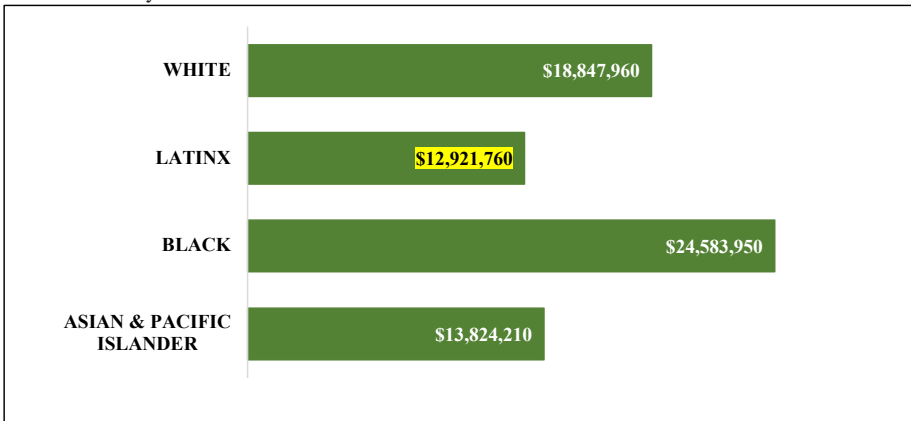
¹⁰² 2022 FORTUNE 1000 GC SURVEY, *supra* note 26, at 4; MINORITY CORP. COUNS. ASS’N, 2020 MCCA FORTUNE 1000 GC SURVEY 4 (2021), <https://mcca.com/2020-fortune-1000-gc-survey> [<https://perma.cc/4K2H-4GAE>]; Minority Corp. Couns. Ass’n, *MCCA Survey: Women General Counsel at Fortune 1000 Companies Increase*, MINORITY CORP. COUNS. ASS’N (Sept. 16, 2013), <https://mcca.com/mcca-article/women-fortune-1000-gc-increase> [<https://perma.cc/CMS3-BASF>]; Minority Corp. Couns. Ass’n, *MCCA Survey: Women Serving as General Counsel at Fortune Companies Reaches New High*, MINORITY CORP. COUNS. ASS’N (Oct. 1, 2011), <https://mcca.com/mcca-article/women-serving-as-gc-at-fortune-500-companies> [<https://>

B. *Hispanic/Latinx General Counsel Employed in Companies with Lower Revenues*

In the Fortune 1000, Hispanic/Latinx General Counsels were predominantly employed by companies with the lowest average revenue per company compared to white, Black, and Asian & Pacific Islander general counsels (refer to Chart 18). This finding holds significant implications as the average revenue per company greatly influences their career outcomes.

Higher average company revenues often translate to better career opportunities and increased responsibilities for general counsels.¹⁰³ Furthermore, higher organizational revenue is associated with higher total annual compensation for general counsels and other senior in-house counsel in the U.S.¹⁰⁴ As such, Latina corporate counsel working in industries with lower revenue may face fewer career advancement opportunities and lower levels of compensation.

CHART 18: Average 2021 Revenue (\$M) Per Company by Fortune 1000 GC Race/Ethnicity¹⁰⁵



perma.cc/3JAK-S3H8]; Rachel Ray, Vicki Richardson, & Patrick Folliard, *MCCA 2009 Survey of Fortune 500 Minority General Counsel*, MINORITY CORP. COUNS. ASS'N (Sept, 2009), <https://mcca.com/resources/surveys/2009-fortune-500-minority-general-counsel-survey> [<https://perma.cc/DS2R-8GYQ>]; Ray, Richardson, & Folliard, *supra* note 26. This data represents years MCCA published demographic data on Fortune 500 and Fortune 1000 general counsel.

¹⁰³ See 2022 FORTUNE 1000 GC SURVEY, *supra* note 26, at 16.

¹⁰⁴ See BARKERGILMORE, 2023 IN-HOUSE COUNSEL COMPENSATION REPORT 22 (2023), <https://www.barkergilmore.com/research-report/2023-in-house-counsel-compensation-report> [<https://perma.cc/JPF5-YPZ6>]; THE 2022 GLOBAL IN-HOUSE COUNSEL COMPENSATION SURVEY, *supra* note 36, at 24 (showing that for companies with less than \$1 billion in annual revenue, the average compensation is \$533,099 or lower, while it rises to \$1,133,117 for companies with more than \$10 billion).

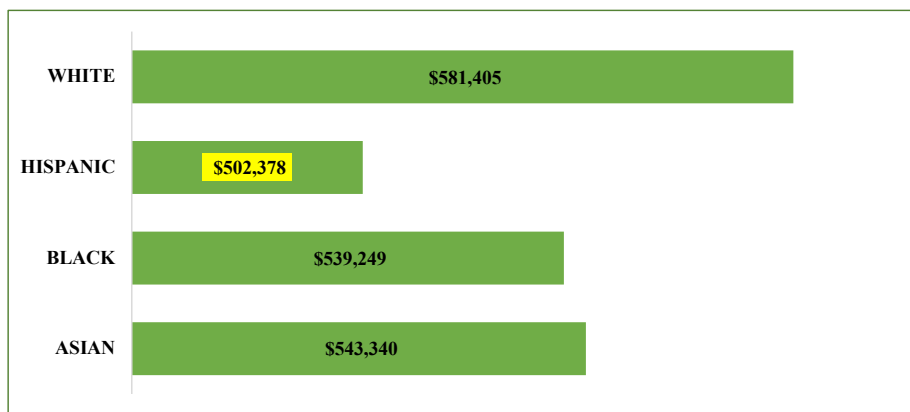
¹⁰⁵ 2022 FORTUNE 1000 GC SURVEY, *supra* note 26, at 16.

C. *Latina General Counsel Encounter Pay Gap in Senior Roles but Fare Better at Lower Levels*

Similar to law firms, more readily available data are needed on the compensation of Latina in-house counsel. Nonetheless, like their law firm counterparts, Latina attorneys in corporate law offices may encounter a compounded wage disparity, influenced by their dual identity as Hispanic/Latinx lawyers and women.

According to a recent survey of 2022 in-house counsel, chief legal officers/general counsels (CLOs/GCs) across the U.S. typically receive a total actual compensation exceeding \$500,000, regardless of their ethnicity.¹⁰⁶ Nevertheless, it is worth noting that white GCs received the highest compensation at an average of \$581,405, while Hispanic/Latinx GCs received the lowest compensation at \$502,378, as evidenced by the data presented in Chart 19.

CHART 19: 2022 General Counsel Compensation by Race/Ethnicity¹⁰⁷



Although the 2022 survey found that Hispanic/Latinx CLOs/GCs experience lower total compensation than their counterparts, they tend to fare better at lower levels, such as the deputy general counsel (DGC) and associate general counsel (AGC) positions.¹⁰⁸ Moreover,

¹⁰⁶ See THE 2022 GLOBAL IN-HOUSE COUNSEL COMPENSATION SURVEY, *supra* note 36, at 7. Total actual compensation includes base salary and the annual bonus amounts paid to in-house counsel. It should be noted that the overwhelming majority of respondents for the global survey were 66 percent white, 11 percent Black, 11 percent Asian, 5 percent Hispanic/Latinx, and 1 percent Native American. *Id.* at 8.

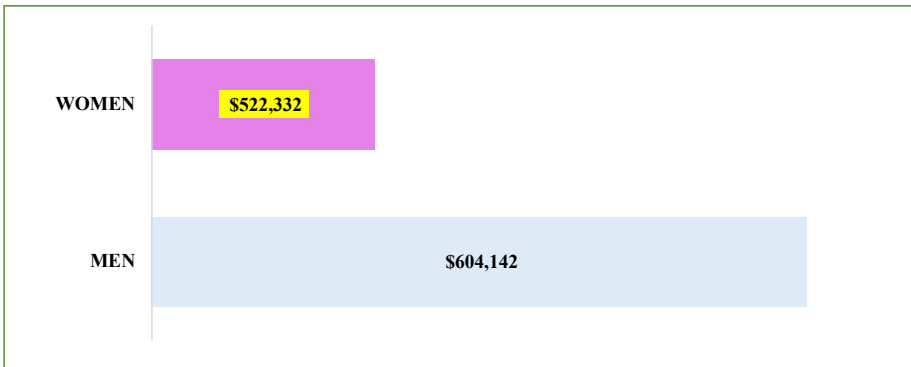
¹⁰⁷ *Id.* at 7.

¹⁰⁸ See *id.* at 12. At the DGC/AGC level, Hispanic/Latinx attorneys earned \$380,241, white

they received the highest compensation at the senior counsel (SC) and assistant general counsel (ASTGC) levels.¹⁰⁹

This survey also provides some evidence of a gender wage gap. As shown in Chart 20, male CLOs/GCs in the U.S. earned significantly higher average salaries than female CLOs/GCs. Specifically, male CLOs/GCs made an average of \$604,142, while their female counterparts received \$522,332 on average. This translates to a significant gender wage gap of nearly 16 percent.

CHART 20: 2022 General Counsel Compensation by Gender¹¹⁰



Similar to the situation with Hispanic/Latinx attorneys, women corporate counsel are making more progress in narrowing the pay gap in positions below the CLO/GC.¹¹¹ Men and women at lower positions, such as DGC/AGC and counsel, report nearly equal total actual cash compensation, eliminating the gap.¹¹² Male chief compliance officers (CCOs) tend to earn more, while women surpass men in earnings at regional general counsel (RGC) and SC/ASTGC levels.¹¹³

attorneys earned \$379,003, Asian attorneys earned \$394,021, and Black attorneys earned \$403,287. This reflected an 18 percent increase for Hispanic/Latinx DGC/AGCs from 2020. *Id.*

¹⁰⁹ *See id.* At the SCG/ASTGC level, Hispanic/Latinx attorneys earned \$371,058, white attorneys earned \$273,836, Asian attorneys earned \$281,592, and Black attorneys earned \$302,643. This reflected a 44 percent increase for Hispanic/Latinx SCG/ASTGCs from 2020. *Id.*

¹¹⁰ *Id.* at 17.

¹¹¹ *See id.*

¹¹² *See id.* At DGC/AGC level, men earned \$385,983, and women earned \$385,413 in 2022. At Counsel level, men earned \$181,236 and women earned \$179,606 in 2022. *Id.*

¹¹³ *See id.* At the CCO level, men earn \$440,064, and women earn \$415,435 in 2022. At the RGC/CGC level, men earned \$425,649, and women earned \$434,941. At the SC/ASTGC level, men earned \$278,114, and women earned \$292,379 in 2022. *Id.*

Although pay disparities seem to differ based on in-house roles, variable pay is also a significant factor contributing to the gender wage gap. Evidence from this survey reveals that globally, women in-house counsel received bonuses 18 percent lower than those awarded to men, and their bonus targets were also 43 percent below men's targets.¹¹⁴

This finding aligns with a separate salary survey conducted in 2022, which reported that the most common salary range for in-house counsel, irrespective of gender, fell between \$200,000 and \$249,000.¹¹⁵ Yet, male attorneys were more inclined to receive higher salaries, bonuses, and raises than their female counterparts.¹¹⁶

Considering these and other factors, it is likely that Latina GCs and even those in different positions within corporate law offices may receive lower pay levels. These findings are consistent with prior research conducted by the American Bar Association, which sheds light on the wage inequality experienced by women of color in corporate law offices, as they earn less than their male colleagues and white female peers.¹¹⁷

D. *Implications*

Over the last 15 years, there has been some progress in advancing Latina attorneys to higher positions in the largest and most successful American corporations. Nonetheless, this progress remains limited and tends to perpetuate a lack of diversity at lower levels of the company as well, thereby impacting these companies' overall organizational structure and functioning. Additionally, the underrepresentation of Latinas

¹¹⁴ See *id.* at 5.

¹¹⁵ ABOVE THE LAW, 2022 IN-HOUSE COMPENSATION SURVEY REPORT 9 (2022), https://lakewhillans.com/wp-content/uploads/2022/11/MCM300_ATL_InHouseCompSurvey_2022_R3.pdf [<https://perma.cc/KW4R-S2ZW>].

¹¹⁶ See *id.* at 24, 32, 36. Male attorneys were more likely to earn \$300,000 or higher compared to their female counterparts. Conversely, women are more likely to earn less than \$200,000. *Id.* at 24. Men are more likely than women to receive higher bonus awards, with 25 percent of men reporting bonuses of 40 percent or more of their base pay, compared to 18 percent of women. Conversely, a larger percentage of women (52 percent) receive bonuses that are less than 20 percent of their base pay, as opposed to 46 percent of men. *Id.* at 32. Although the disparities are small, the cumulative effect reveals that female counsel generally report receiving smaller raises compared to their male counterparts.

¹¹⁷ See AM. BAR ASS'N COMM'N ON WOMEN IN THE PRO., VISIBLE INVISIBILITY: WOMEN OF COLOR IN FORTUNE 500 LEGAL DEPARTMENTS 48 (2012), https://www.americanbar.org/content/dam/aba/administrative/women/visible_invisibility_fortune500_reprint.pdf [<https://perma.cc/GME5-7CRJ>]. Latinas were included in this Report, but data was aggregated with other racial and ethnic groups as "women of color."

in senior roles generates a sense of exclusion not only for Latinas but also for other people of color within these companies' legal departments.

Such underrepresentation can have wide-ranging implications for corporate law offices. Consequently, this can lead to a lack of awareness and understanding of the needs of diverse stakeholders, potentially leading to legal approaches that neglect the concerns of marginalized groups, especially Hispanic/Latinx consumers. The lack of diverse perspectives may also hinder the ability to identify and address emerging legal matters, accompanied by potential oversights in managing legal risks.

Latina corporate counsel bring unique perspectives, cultural competencies, and personal experiences that can enrich the decision-making process and contribute to a more diverse, creative, and effective legal sector. As such, they are better equipped to identify and grasp the legal consequences and cultural significance of different actions. This enhanced understanding enables corporations to address legal challenges with greater efficiency.

Consumers, employees, and investors widely acknowledge the significance of diversity, equity, and inclusion in today's political and social landscape. Businesses that fail to prioritize these values risk damaging their reputation and public image. As a result, the lack of Latina leaders in corporate law offices nationwide could lead to decreased stakeholder trust and support.

7. Latinas in the Judiciary

A. Latinas are 4.5 percent of Active Article III Federal Court Judges

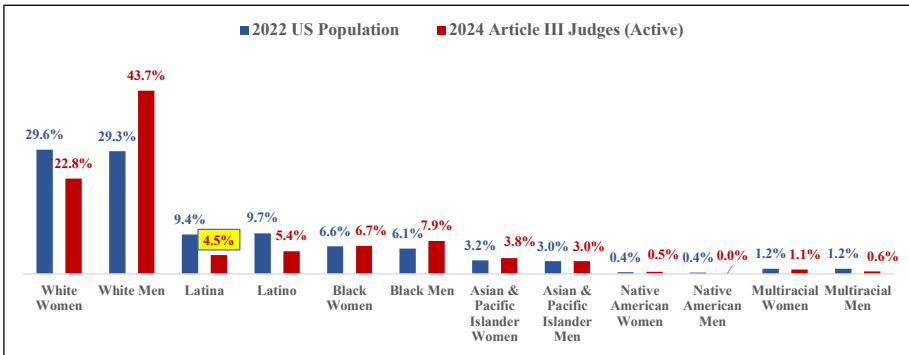
Among the 831 active Article III judges at the time of this Report, only 37 are Latina, representing 4.5 percent of the total.¹¹⁸ This percentage is less than half of the Latinas in the U.S. population.¹¹⁹ Chart 21 offers an overview of the composition of active Article III judges on the federal bench by race, ethnicity, and gender.

¹¹⁸ See *Diversity on the Bench*, *supra* note 27. The Article III judges consist of the chief justice, associate justices of the U.S. Supreme Court, circuit judges serving on the U.S. Courts of Appeals, district judges presiding over the U.S. District Courts, and judges appointed to the U.S. Court of International Trade. Article III judges do not include federal bankruptcy judges. See *About Federal Judges*, U.S. CTS., <https://www.uscourts.gov/judges-judgeships/about-federal-judges> [<https://perma.cc/VE3L-HJEF>]; *About the Court*, U.S. CT. OF INT'L TRADE, <https://www.cit.uscourts.gov/about-court> [<https://perma.cc/M9ZP-L35B>].

¹¹⁹ Compare *Diversity on the Bench*, *supra* note 27, with *Annual Estimates of the Resident Population*, *supra* note 3.

In response to this lack of judicial diversity, the Biden-Harris Administration successfully appointed 16 Latinas to the federal bench at the time of this Report, including 13 serving in U.S. District Courts and three serving in the U.S. Court of Appeals.¹²⁰ Despite these positive efforts, there has only been a modest increase in Latina representation, with an approximate rise of 1.5 percent since 2009, when Latina representation on the federal bench was estimated to be approximately 3 percent.¹²¹ This modest improvement highlights the persistent challenge of diversifying a judiciary that continues to be predominantly white and male.

CHART 21: 2024 Federal Judges (Active Article III)¹²²



B. Latinas are 4.4 percent of U.S. District Court Judges

Carmen Consuelo Cerezo made history as the first Latina to be appointed as a district court judge in the District of Puerto Rico by President Carter in 1980.¹²³ Since this groundbreaking appointment, 48 Latina judges have followed in her path and been appointed at the district court level.¹²⁴

¹²⁰ See *Diversity on the Bench*, *supra* note 27.

¹²¹ See CRUZ & MOLINA, *supra* note 11, at 10. There is no available data on the exact number of Latina Article III judges in 2009; however, we can approximate that there were likely less than half of the total Hispanic/Latinx federal judge population reported at that time of 6.7 percent (~3.35 percent).

¹²² *Diversity on the Bench*, *supra* note 27; *Annual Estimates of the Resident Population*, *supra* note 3.

¹²³ See BARRY J. McMILLION, CONG. RSCH. SERV., *THE APPOINTMENT OF HISPANIC U.S. CIRCUIT AND DISTRICT COURT JUDGES: HISTORICAL OVERVIEW AND ANALYSIS 2–3* (2023). <https://crsreports.congress.gov/product/pdf/IN/IN12261> [<https://perma.cc/98BV-FQFC>].

¹²⁴ As of September 2023, there were 46 Latina district court judges accounted for in

As of this Report, 37 active Latina Article III judges, of whom 28, or 76 percent, serve on U.S. district courts (otherwise known as the federal first-level trial courts).¹²⁵ This constitutes 4.4 percent of the 636 active district court judges, which mirrors the proportion of all Latina Article III judges across the federal judiciary.¹²⁶

Remarkably, two-thirds of these Latina district court judges are situated in just four states or regions: Puerto Rico, California, Texas, and Florida.¹²⁷ Only 15 of the 94 U.S. District Courts nationwide have at least one judge who identifies as Latina.¹²⁸

C. *Latinas are 4.5 percent of U.S. Circuit Court of Appeals Judges*

In 1994, Rosemary Barkett made history as the first Latina to serve on a circuit court, appointed by President Clinton to the Eleventh Circuit Court of Appeals.¹²⁹ Following her footsteps, ten other Latinas have ascended to circuit court judgeships across the United States.¹³⁰

the history of the federal bench. *See id.* This statistic does not include Monica Ramirez Almadani, who was confirmed in November 2023 as a U.S. District Court judge for the Central District of California. *See* KIRY K. GRAY, U.S. DIST. CT. CENT. DIST. OF CAL., SENATE CONFIRMS MÓNICA RAMÍREZ ALMADANI AS UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA 1 (2023), <https://www.cacd.uscourts.gov/sites/default/files/documents/2023-11-09%20Press%20Release%20-%20Ram%20C3%20ADrez%20Almadani.pdf> [<https://perma.cc/28WD-PWP3>]. It also does not include Jacqueline Becerra, who was confirmed on February 29, 2024 as a U.S. District Court Judge for the Southern District of Florida. *See President Biden Names Forty-First Round of Judicial Nominees*, THE WHITE HOUSE (Nov. 1, 2023), <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/11/01/president-biden-names-forty-first-round-of-judicial-nominees> [<https://perma.cc/2LX3-2QRF>].

¹²⁵ *See Diversity on the Bench*, *supra* note 27.

¹²⁶ *See id.*

¹²⁷ *See id.* The District Court Judges for these states include 5 for Puerto Rico, 5 for Texas, 5 for California, and 4 for Florida. *Id.* These four states/regions also have some of the country's largest Hispanic/Latinx populations. *See Korhonen*, *supra* note 57.

¹²⁸ *See Diversity on the Bench*, *supra* note 27.

¹²⁹ *Cf. Atencio*, *supra* note 70, at 27 (recognizing Rosemary Barkett, Mexican-born as a *Luminaria*, and first Latina circuit court judge to the 11th Circuit); *Barkett, Rosemary*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/barkett-rosemary> [<https://perma.cc/769Z-GAJE>] (noting Barkett received commission on April 15, 1994); Deborah Goldberg, *Lott's Hispanic Quota*, THE NATION (Oct. 5, 1998), <https://casetext.com/analysis/lotts-hispanic-quota> [<https://perma.cc/D7PX-5B94>] (recognizing Barkett as the only Latina on the Court of Appeals).

¹³⁰ *See* McMillion, *supra* note 123, at 1–2. As of September 2023 a total of 7 Latina circuit court judges were appointed to the Circuit Court of Appeals; however, this Report does not include Rosemary Barkett as the first Latina circuit court judge (not Kim McLane Wardlaw per this source), the appointment of Irma Carrillo Ramirez, appointed on December 8, 2023, as a judge for the U.S. Court of Appeals for the Fifth Circuit, and the appointment of Ana Isabel de Alba, appointed November 15, 2023, as judge for the U.S. Court of Appeals for the Ninth Circuit. *Compare Barkett, Rosemary*, *supra* note 129 (noting Barkett received

As of this Report, eight Latina judges are on the Circuit Court, making up 4.5 percent of the 177 active judges across all Circuit Courts. This proportion also aligns with their overall representation among Article III judges.¹³¹

Among the thirteen circuit courts, only five circuits have Latina judges. The Ninth Circuit leads with four Latina judges; the Second, Fifth, Eleventh, and the Federal Circuit each have one Latina judge.¹³²

D. *One Latina equates to 11 percent of U.S. Supreme Court Justices*

Of the nine justices who serve on the U.S. Supreme Court—the country’s highest court—there is one Latina justice, Justice Sonia Sotomayor, representing 11 percent of Latinas on the Court. Justice Sotomayor, confirmed in 2009, is of Puerto Rican descent, and holds the historic distinction of being the first and sole Hispanic/Latinx justice to serve among the 121 Justices confirmed in the U.S. Supreme Court’s history.¹³³ While a groundbreaking milestone, reaching proportional representation in the highest court remains a goal. With just one Hispanic/Latinx justice among the nine serving justices, further diversification is still needed to better reflect the nation’s demographics and ensure fair representation.

E. *Federal Judge Compensation*

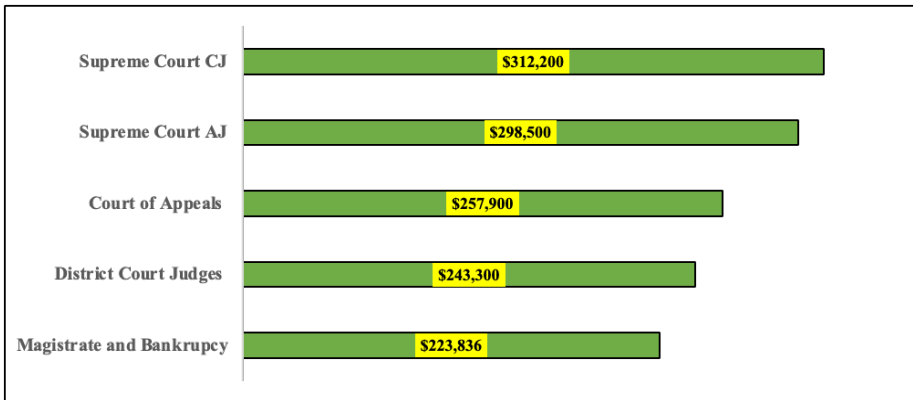
The Federal Judicial Center has reported the 2024 salaries for different levels of federal judges in Chart 22. Compensation is consistent across race, ethnicity, and gender. This data is provided here as a reference point when comparing salaries with other legal fields.

commission on April 15, 1994), *with Wardlaw, Kim McLane*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/wardlaw-kim-mclane> [<https://perma.cc/3X8U-YAZ4>] (noting Wardlaw received commission on August 3, 1998). See Atencio, *supra* note 70, at 27; *Ramirez, Irma Carrillo*, FED. JUD. CTR., <https://www.fjc.gov/node/13761386> [<https://perma.cc/L4YP-N28N>]; *de Alba, Ana Isabel*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/de-alba-ana-isabel> [<https://perma.cc/4AMN-JJCD>].

¹³¹ See *Diversity on the Bench*, *supra* note 27.

¹³² See *id.* Ramirez serves on the 5th Circuit; Wardlaw, Callahan, Murguia, and de Alba serve on the 9th Circuit; Pérez serves on the 2nd Circuit; Lagoa serves on the 11th Circuit; and Stoll serves on the Federal Circuit.

¹³³ See *Supreme Court Nominations (1789-Present)*, U.S. SENATE, <https://www.senate.gov/legislative/nominations/SupremeCourtNominations1789present.htm> [<https://perma.cc/XY85-SVNU>]. Of the 128 Supreme Court Justices confirmed, 7 declined to serve. *Id.*

CHART 22: 2024 Federal Judge Compensation¹³⁴

F. *Latina State Supreme Court Judges Estimated Less than 3 percent*

In the United States, state supreme courts have jurisdiction over 95 percent of all cases filed and play a crucial role in interpreting state laws. They can establish binding legal precedents, which over 23,000 lower state court judges must follow.¹³⁵ Nevertheless, like federal courts, state supreme courts fall short of adequately representing the population they cater to, particularly Latinas.

Although precise data on the number of Latina state court judges are not readily available, information about Hispanic/Latinx state supreme court justices allows us to make inferences about their representation in the judiciary. In 2023, a report highlighted that Hispanics/Latinxs accounted for less than 6 percent of state supreme court justices nationwide.¹³⁶ Alarmingly, 40 states and the District of Columbia did

¹³⁴ *Judicial Salaries: Supreme Court Justices*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/judicial-salaries-supreme-court-justices> [https://perma.cc/7C5D-YXEA]; *Judicial Salaries: U.S. Court of Appeals Judges*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/judicial-salaries-us-court-appeals-judges> [https://perma.cc/EKU2-WJ78]; *Judicial Salaries: U.S. District Court Judges*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/judicial-salaries-us-district-court-judges> [https://perma.cc/UV98-99KS]; *Judicial Salaries: U.S. Bankruptcy Judges*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/judicial-salaries-u.s.-bankruptcy-judges> [https://perma.cc/99JX-3HLT]; *Judicial Salaries: U.S. Magistrate Judges*, FED. JUD. CTR., <https://www.fjc.gov/history/judges/judicial-salaries-u.s.-magistrate-judges> [https://perma.cc/JKS3-EBEF].

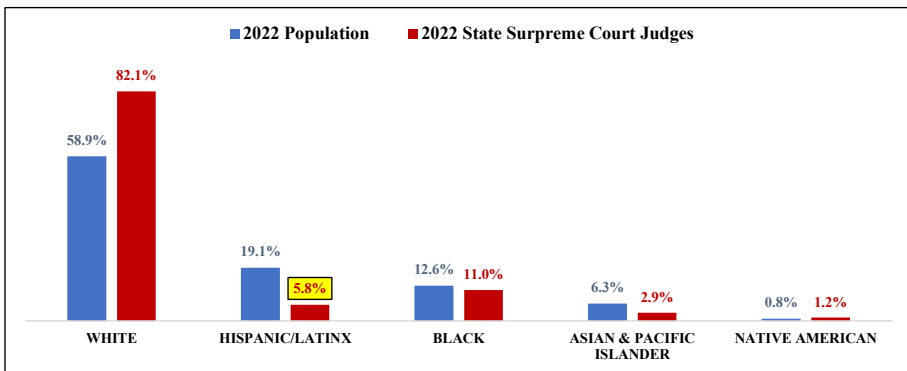
¹³⁵ See Patrick Berry, Alicia Bannon & Douglas Keith, *Legislative Assaults on State Courts—June 2022*, BRENNAN CTR. FOR JUST. (June 22, 2022), <https://www.brennancenter.org/our-work/research-reports/legislative-assaults-state-courts-june-2022> [https://perma.cc/65HM-3FRE].

¹³⁶ See Powers & Bannon, *supra* note 27. Hispanic/Latinx accounted for only 20—or 5.8

not have any Hispanic/Latinx Justices in their courts as of that report’s publication date.¹³⁷

Given that over half of all state appellate court seats are held by men,¹³⁸ this strongly suggests Latinas represent less than 3 percent of state supreme court justices, even lower than their representation in the federal judicial system (4.5 percent). For a breakdown of the racial and ethnic composition of judges at the state supreme court level, refer to Chart 23.

CHART 23: 2022 State Supreme Court Judge Diversity¹³⁹



G. Implications

Despite efforts to diversify the judiciary and enhance the representation of Latina judges, they are still too few and far between at the federal and state levels. While their mere numbers do not fully capture the importance of the “Luminaria” Latina judges who have ascended to the bench over the past four decades,¹⁴⁰ significant progress is still

percent—of the 347 total judges reported.

¹³⁷ See *id.* Some states, however, have achieved at least some level of Hispanic/Latinx representation on their judiciary, including Arizona, California, Colorado, Florida, Maryland, Massachusetts, New Mexico, New York, Texas, and Washington. *Id.*

¹³⁸ See *id.*

¹³⁹ *Annual Estimates of the Resident Population*, *supra* note 3; Powers & Bannon, *supra* note 27.

¹⁴⁰ See Atencio, *supra* note 70, at 77–78 (acknowledging the noteworthy number of “Luminarias” who have become judges and the wide variety of courts to which they’ve been appointed since 1980). This trailblazing legacy has not only marked a period of success but has also established a vital link to the next generation of Latina judges, ensuring that these pioneers were not the last of their kind.

required to accurately reflect the racial, ethnic, and gender diversity of the communities served.¹⁴¹

The Brennan Center for Justice highlights how the absence of racial, ethnic, and gender diversity in the judiciary, partially due to barriers and a history of race and gender discrimination, prevents individuals, including Latinas and other minorities, from accessing and rising to leadership positions in the legal field.¹⁴² As such, this lack of diversity also risks overlooking the unique concerns and experiences of Latinas and their communities. This can lead to disparities in legal outcomes and unequal access to justice.¹⁴³

This may also contribute to a lack of trust and legitimacy in the justice system. When people do not see themselves reflected in the judiciary, it can undermine confidence in the fairness and impartiality of the legal system.¹⁴⁴ This can lead to decreased participation and engagement with the bench, further perpetuating inequalities. Consequently, the federal judiciary acknowledges how “trust and confidence are enhanced when the judiciary’s workforce—judges, employees, and CJA attorneys—broadly reflects the diversity of the public it serves.”¹⁴⁵

One of the main contributing factors to the underrepresentation of Latina Justices is their underrepresentation in law firms. For example, when looking at the professional backgrounds of Hispanic/Latinx state supreme court judges, it becomes clear that a large majority (80 percent) have come from private practice.¹⁴⁶ This suggests that private practice is significant in preparing and supplying individuals for these

¹⁴¹ Lourdes M. Rosado, *Addressing the Lack of Latinos on the Federal Bench*, BLOOMBERG L. (Apr. 25, 2022, 1:00 AM), <https://news.bloomberglaw.com/us-law-week/addressing-the-lack-of-latinos-on-the-federal-bench> [<https://perma.cc/X7RS-TQCZ>].

¹⁴² LAILA ROBBINS & ALICIA BANNON, BRENNAN CTR. FOR JUST., *STATE SUPREME COURT DIVERSITY* 9 (2019), <https://www.brennancenter.org/media/169/download> [<https://perma.cc/RP9B-GQU2>].

¹⁴³ *See* Powers & Bannon, *supra* note 27.

¹⁴⁴ *See id.*

¹⁴⁵ JUD. CONF. OF THE U.S., *STRATEGIC PLAN FOR THE FEDERAL JUDICIARY* 15 (2020), https://www.uscourts.gov/sites/default/files/federaljudiciary_strategicplan2020.pdf [<https://perma.cc/CDC6-S3ZV>].

¹⁴⁶ *See* Powers & Bannon, *supra* note 27. Hispanic/Latinx state supreme court judges are noticeably more inclined towards having prior experience as prosecutors than their white counterparts. Approximately 35 percent of white state supreme court justices have a background in prosecution, whereas 60 percent of Latino Justices have served as prosecutors. *Id.*

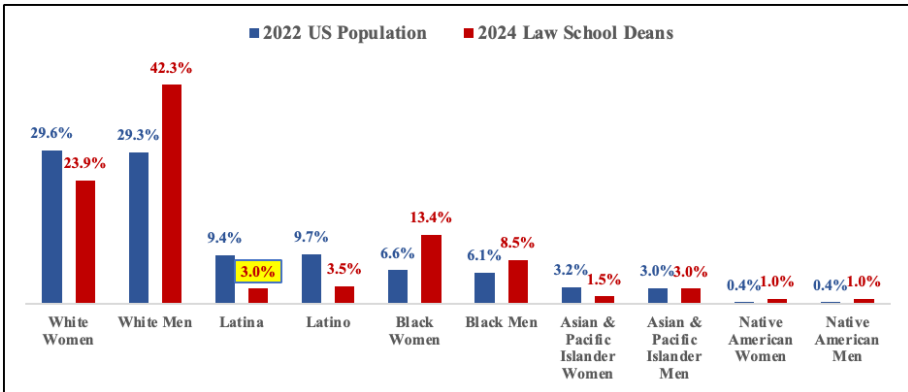
roles. Therefore, steps to enhance the diversity of Latinas in law firms can ultimately improve the pipeline of Latinas to the judiciary.

8. Latinas in Legal Academia

A. Latinas are 3 percent of Law School Deans

As of this Report, only six Latinas serve as deans at ABA-accredited law schools,¹⁴⁷ making up only 3 percent of all deans nationwide.¹⁴⁸ These statistics also highlight that Latinas are the most underrepresented overall compared to their current U.S. population. To compare the racial and ethnic diversity among the approximately 202 active deans in the country, see Chart 24.

CHART 24: 2024 Law School Dean Diversity¹⁴⁹



At first glance, the increase of 2.5 percent in the presence of Latina law school deans seems notable, especially compared to 15 years ago when Leticia Diaz was the only Latina law school dean, accounting for

¹⁴⁷ Only ABA-Accredited law school were included in this analysis.

¹⁴⁸ See *Rosenblatt’s Dean Database*, *supra* note 30. As of this Report there are six Latina Deans; however, Jennifer Rosato Perea will leave her post as dean of DePaul University School of Law in May of 2024 and Kathleen Guzman will also leave her post as dean of University of Oklahoma School of Law at the end of the 2023-2024 academic year. See *ABA Selects DePaul Law Dean as New Managing Director of Legal Education*, A.B.A. (Nov. 29, 2023), <https://www.americanbar.org/news/abanews/aba-news-archives/2023/11/aba-selects-depaul-dean-legal-education> [<https://perma.cc/N3YB-D8BG>]; Alexia Aston, *OU College of Law Dean to Step Down at Close of Academic Year*, *OU DAILY* (Oct. 9, 2023), https://www.oudaily.com/news/ou-college-of-law-dean-to-step-down-close-of-2023-24-academic-year/article_eda5426a-66e6-11ee-bb38-0fac0c8fdea8.html [<https://perma.cc/K6RG-YY27>].

¹⁴⁹ *Annual Estimates of the Resident Population*, *supra* note 3; *Rosenblatt’s Dean Database*, *supra* note 30.

just 0.5 percent.¹⁵⁰ However, this progress loses its significance when considering the broader context of legal academia, which spans over 108 years since the first woman of any racial or ethnic background served as a law school dean.¹⁵¹ Throughout this extensive period, only nine Latinas have ever held the position of dean at ABA-accredited law schools (see Table 2 for a comprehensive list of current and former Latina deans).

TABLE 2: Current and (*Former) Latina Law School Deans¹⁵²

<i>Dean</i>	<i>Law School</i>	<i>Tenure</i>
Leticia Diaz	Barry University Dwayne O. Andreas School of Law	2007-Present
Jennifer Rosato Perea	DePaul University School of Law	2015-May 2024
	<i>Northern Illinois University College of Law</i>	2009–2015
	<i>Acting Dean Drexel Law School</i>	2006–2007
<i>Rachel Moran*</i>	<i>UCLA School of Law</i>	2010–2015
Vivian Neptune Rivera	University of Puerto Rico School of Law	2011-Present
<i>Maria Pabon Lopez*</i>	<i>Loyola University Law School - NOLA</i>	2011–2015
<i>Jenny Martinez*</i>	<i>Stanford Law</i>	2019–2023
Katheleen Guzman	University of Oklahoma College of Law	2019-2024
Christina Ochoa	Indiana University – Bloomington Maurer School of Law	2022-Present
Tarlika Nunez-Navarro	St. Thomas University College of Law	2023-Present

Surprisingly, a recent report by the American Association of Law Schools emphasized a significant increase in ethnic minority deans, including Hispanics/Latinxs;¹⁵³ however, this claim may not be partic-

¹⁵⁰ See *infra* Table 2.

¹⁵¹ See Atencio, *supra* note 70, at 72.

¹⁵² *Rosenblatt's Dean Database*, *supra* note 30; *Rosenblatt's Dean Database: Former Deans*, *supra* note 32; *Rosenblatt's Dean Database: Jennifer L. Rosato Perea*, *supra* note 32; *ABA Selects DePaul Law Dean*, *supra* note 148.

¹⁵³ Stephanie Frances Ward, *Diversity Increases with Law School Deans, According to New AALS Study*, ABA JOURNAL (Apr. 4, 2022, 11:01 PM), <https://www.abajournal.com/web/article/diversity-increases-with-law-school-deans-according-to-aals-study> [<https://perma.cc/U8HT-F3JG>]. Reporting that the percentage of law school deans who were people of color or

ularly meaningful based on the relatively small number of Latina (or Latino) deans throughout the United States.¹⁵⁴

Notwithstanding their limited representation, it is interesting to note that once appointed, Latinas tend to hold their positions for a longer period than all deans' average tenure of four to five years.¹⁵⁵ Moreover, half of the current Latina deans are among the longest-tenured, especially Jennifer Rosato Perea and Leticia Diaz,¹⁵⁶ two of the country's longest-serving law school deans.

B. *Latinas Estimated Less than 2 percent of Law School Faculty*

In 1972, Professor Graciela Olivárez became the first Latina to serve full-time on the faculty of a U.S. law school.¹⁵⁷ This groundbreaking achievement marked the beginning of Latina representation in legal academia in the U.S.

Monitoring the representation of Latina faculty across U.S. law schools is complicated by inconsistent and insufficient data reporting, a challenge that mirrors the difficulties in tracking Latina attorneys in various other legal sectors. While the exact representation of Latina law school faculty is still to be determined, piecing together information from various sources over the past fifteen years can give us a general sense of their status and progress.

In 2009, Latinas represented a mere 1.3 percent of law faculty, including deans, as reported by the Association of American Law Schools (AALS).¹⁵⁸ Unfortunately, it appears that the AALS stopped releasing

Hispanic/Latinx rose to 31 percent from 13 percent in 2005. However, the distribution within this group was uneven with 18 percent identifying as Black or African American and just 6 percent as Hispanic/Latinx.

¹⁵⁴ See *Rosenblatt's Dean Database*, *supra* note 30. As of March 2024, there are only 6 Latina and 7 Latino law school deans. While this represents a statistical improvement, the relatively small numbers make this claim less meaningful.

¹⁵⁵ See *supra* Table 2; *Rosenblatt's Dean Database: Average/Median Length of Service – Current Deans*, MISS. COLL. SCH. OF L., <https://lawdeans.com/stats.php> [<https://perma.cc/SF29-MKRX>].

¹⁵⁶ See *Rosenblatt's Dean Database: Length of Cumulative Service – Current Deans*, MISS. COLL. SCH. OF L., <https://lawdeans.com/results.php?s=1> [<https://perma.cc/UAQ5-XRFQ>]. Jennifer Rosato Perea has held a comparable tenure as a law school dean at two different institutions. However, her overall tenure extends further if we include her acting deanship from 2006 to 2007 at Drexel University Thomas R. Kline School of Law.

¹⁵⁷ See Aldana, Loza de Siles, Maldonado & Moran, *supra* note 33, at 318–19 (serving at the University of Mexico School of Law Faculty from 1972-1975).

¹⁵⁸ See Meera E. Deo, *The Ugly Truth About Legal Academia*, 80 BROOK. L. REV. 943, 962 tbl. 2 (2015).

this data after 2009.¹⁵⁹ In 2013, the American Bar Association faculty dataset identified 127 Latinas, accounting for approximately 1.8 percent of the total full-time tenure or tenure-track faculty in law schools.¹⁶⁰

By 2015, reports indicated the presence of 127 tenured and tenure-track Latina professors, comprising 1.6 percent of the legal academy.¹⁶¹ In April 2022, the number of Latinas in legal academia was reported to be 190.¹⁶² As of June 2023, the count stood at 256 Latina faculty members, encompassing fellows and visiting professors.¹⁶³

This trend indicates minimal and sluggish progress of Latina law school faculty. Furthermore, the lack of consistent and detailed updates makes it challenging to ascertain any substantial progress in the representation of Latinas in legal academia. Additionally, the available statistics reveal a stark underrepresentation of Latina faculty, trending at less than 2 percent compared to their 9.4 percent presence in the overall U.S. population.¹⁶⁴ This highlights a clear gap in diversity within the legal academic community.

C. *Implications*

It is astonishing to note that only nine Latina deans have been in the legal academy throughout its history! This glaring lack of diversity perpetuates the power dynamics that prevail within the legal profession.

The scarcity of Latina deans and faculty members can lead to the neglect of the unique challenges and experiences faced by Latina individuals in legal education and scholarship. This oversight has far-reaching consequences and impedes Latina attorneys' growth and progress while

¹⁵⁹ See Kristen K. Tiscione, *Gender Inequity Throughout the Legal Academy: A Quick Look at the (Surprisingly Limited) Data*, 69 J. Legal Educ. 116, 116 (2019).

¹⁶⁰ See Am. Bar Ass'n, *Law School Faculty and Staff by Ethnicity and Gender, 2013*, AM. BAR ASS'N (last visited May 13, 2024), https://www.americanbar.org/groups/legal_education/resources/statistics/statistics-archives/.

¹⁶¹ See Aldana, Loza de Siles, Maldonado & Moran, *supra* note 33, at 302.

¹⁶² See *id.* at 319.

¹⁶³ See *id.* at 320.

¹⁶⁴ See Aldana, Loza de Siles, Maldonado & Moran, *supra* note 33, at 320; *Occupational Employment and Wages, May 2023*, *supra* note 33. The precise count of tenure and tenure-track professors in U.S. law schools is not readily available. However, based on data from the Bureau of Labor Standards' May 2022 estimation of "postsecondary law teachers" at 14,570—a figure that presumably encompasses a considerable number of tenure and tenure-track faculty—their representation is roughly estimated at 1.8 percent of the overall employment in this sector.

diminishing our law schools' credibility and impact in promoting inclusivity and utilizing diverse viewpoints.

Emphasizing the importance of Latinas in law school dean and faculty roles is not only about representation but also about the profound impact they can make on the legal profession through their roles as thought leaders. Latinas bring unique perspectives, cultural insights, and personal experiences that significantly enhance the educational landscape for all law students.

Furthermore, their leadership ensures a broader understanding and appreciation of diversity, equity, and inclusion within the legal field. This promotes fairness in legal practices by ensuring a heightened awareness of the needs and challenges faced by marginalized communities. Their voices as deans and legal educators can significantly influence the legal community, thus shaping a more inclusive and equitable profession.

The lack of Latinas as faculty and in leadership roles across U.S. law schools can also have a discouraging effect on Latina law students, as they may struggle to find mentors who understand and can relate to their unique experiences. Without strong role models, Latina law students may feel isolated and unsupported, which can lead to lower retention and graduation rates.¹⁶⁵

When Latina law students see faculty who look like them succeeding in leadership positions, it can motivate and inspire their educational and career journey.¹⁶⁶ It can also help address the imposter syndrome many Latina law students may experience, as they often face unique challenges and biases in pursuing legal careers.

III. RECOMMENDATIONS

In response to the growing recognition of the significance and worth of diversity, equity, and inclusion within the legal profession, studies and recommendations have emerged to aid the recruitment, retention, and advancement of women attorneys of color.¹⁶⁷ These suggested initiatives

¹⁶⁵ See, e.g., Aldana, Loza de Siles, Maldonado & Moran, *supra* note 33, at 314; Cruz & MOLINA, *supra* note 11, at 31–32; Melinda S. Molina, *Role Models: Theory, Practice, and Effectiveness Among Latina Lawyers*, 25 J. C.R. & ECON. DEV. 125, 128–132 (2010).

¹⁶⁶ See Nicholas A. Bowman, Nicholas R. Stroup & Solomon Fenton-Miller, *Promoting Graduation Outcomes for Racially Minoritized Law School Students: Examining the Role of Finances, Racial Representation, and Prestige*, 4 J. POSTSECONDARY STUDENT ACCESS 54, 76 (2022) (concluding that a higher number of Faculty of Color in law schools correlates with increased graduation rates among racially minoritized students).

¹⁶⁷ See generally DESTINY PEERY, NATIONAL ASSOCIATION OF WOMEN LAWYERS, 2021

include implementing ongoing evidence-based feedback mechanisms, establishing clear evaluation criteria that include client perspectives, and ensuring the inclusion of women attorneys of color in decision-making roles and professional networks. Additionally, monitoring progress through gender metrics and providing support for work-life balance are emphasized to create a more welcoming and inclusive workplace for both women attorneys and women attorneys of color.¹⁶⁸

The improved status of Latina law students and attorneys necessitates a comprehensive approach that integrates these and other best practices. This approach should account for their unique experiences, challenges, and cultural considerations that influence their career and leadership development. The recommendations below are intended to enhance, rather than replace, successful initiatives.

1. Pipeline and Mentorship Programs for Pre-Law and Law Students

Latina law students' notable growth and advancement stand as a promising sign for the pipeline of Latinas pursuing careers in the legal profession. Considering recent restrictions on admissions based on ethnicity and race, coupled with the comparatively lower acceptance rates of Latinas at top-tier law schools, further efforts are needed to sustain and enhance this momentum.

REPORT: NATIONAL ASSOCIATION OF WOMEN LAWYERS (NAWL) SURVEY ON THE PROMOTION AND RETENTION OF WOMEN IN LAW FIRMS (2021), <https://irp.cdn-website.com/2df22e83/files/uploaded/2021%20NAWL%20Survey%20Report.pdf> [<https://perma.cc/D3BH-XQFN>] (revealing, through a 15-year study, slow progress in increasing women's representation in law firms, with ongoing attrition issues and insufficient measures to enhance diversity, equity, and inclusion despite heightened interest in recent years.); VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS, *supra* note 17 (revealing disparities in the career experiences of women of color in law firms compared to their peers despite similar professional qualifications and aspirations, underscoring the need for systemic changes); LIEBENBERG & SCHARF, *supra* note 17 (revealing that senior women lawyers leave the profession more often than men due to barriers like limited business opportunities).

¹⁶⁸ See PEERY, *supra* note 167, at 18–23 (arguing that organizations should provide regular, real-time feedback instead of annual reviews to counteract implicit bias in performance evaluations and should clearly communicate the criteria for positive evaluations and promotions); VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS, *supra* note 17, at 38–39 (recommending treating women attorney of color advancement as a firm-wide issue rather than individual issue to ensure their inclusion in professional and social aspects of firm life); LIEBENBERG & SCHARF, *supra* note 17 at 17–20. (recommending analyzing gender metrics to monitor progress and evaluate the effects of firm policies on female lawyers as well as providing resources to alleviate family-related pressures to retain women attorneys).

Law schools should adopt a holistic approach to admissions to ensure equitable access for Latina law students. Justice Sonia Sotomayor's dissent in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* highlights the critical need to adopt a multifaceted approach in admissions processes to foster fairness and equity.

In her opinion, Sotomayor advocates for considering a broad array of criteria in admissions, including socioeconomic status, geographic location, and extracurricular achievements, while emphasizing the importance of prioritizing first-generation college applicants and multilingual students.¹⁶⁹ Furthermore, she proposes implementing percentage-based admissions plans, enhancing community college transfer pathways, and the creation of partnerships with high schools in underserved areas.¹⁷⁰

To inspire and empower more Latina students in their journey to law school, it is essential to establish law school pipeline programs targeting undergraduate students that specifically cater to their needs. These programs can offer invaluable advice, motivation, and guidance, encouraging them to explore competitive local and nationwide law schools. By prioritizing program quality and suitability over rankings, these initiatives encourage Latinas to apply to top law schools, fostering a more diverse and inclusive legal profession.

Furthermore, it is crucial to integrate mentoring programs into these efforts by facilitating connections between aspiring law students, established practitioners, and esteemed alums from reputed institutions. Universities hosting law schools are in an ideal position to develop such mentorship programs by collaborating with existing Hispanic/Latinx student organizations.

As reported in the 2009 Latina Commission Study, law school can be particularly challenging for many Latinas, who often face discouragement and loneliness as one of the few on their campuses.¹⁷¹ Consequently, having a mentor who can offer encouragement, motivation, and emotional support becomes crucial in Latinas' successful academic journey. The presence of a mentor who believes in their capabilities and is committed to their success can serve as a significant source of inspiration,

¹⁶⁹ *Students for Fair Admissions, Inc. v. President and Fellows of Harvard Coll.*, 600 U.S. 181, 364–67 (2023) (Sotomayor, J., dissenting).

¹⁷⁰ *Id.*

¹⁷¹ See CRUZ & MOLINA, *supra* note 11, at 34–35.

enabling Latina law students to persist in overcoming obstacles and reach their full potential.

2. Bar Exam Support for First-Time Latina Test-Takers

Recognizing the disparity where Latinas are less likely to pass the bar exam on their first attempt compared to their white peers, law schools can offer targeted support mechanisms to help them bridge this gap. By fostering mentorship connections between students and practicing Latina attorneys, as well as facilitating collaborations with professional organizations dedicated to supporting the pipeline of women lawyers of color, law schools can significantly enhance the support network available to these aspiring lawyers.

Furthermore, integrating specialized bar exam coaching into the academic preparation process is imperative. This coaching should provide personalized study plans tailored to each student's strengths and weaknesses, introducing effective stress management and resilience-building techniques.¹⁷² Culturally sensitive coaching led by highly trained professionals can establish a "safe space" for Latina test-takers, enabling them to openly express concerns, learn strategies for optimal cognitive performance, reduce feelings of isolation, and foster a greater sense of belonging in the legal profession. Law schools can play a pivotal role in leveling the playing field for Latina test-takers by adopting a holistic preparation approach that includes academic and emotional support.

3. Partner-Track Leadership Development Programs

This Report provides compelling evidence of a significant gap in the representation and advancement of Latina lawyers at the highest levels across the legal profession, specifically within law firms. While various factors undoubtedly contribute to this disparity, it also emphasizes the need for programs to position and prepare Latina attorneys for partnership roles.

The Hispanic National Bar Association (HNBA) sponsors several professional development programs designed to advance the careers of Hispanic/Latinx and Latina attorneys. The HNBA's talent pipeline development initiative, PODER25, has been effective in

¹⁷² This type of support is provided by Sara Santoyo, a Bar Exam Success Coach who primarily supports Latinas and other women of color. Her approach exemplifies effective strategies tailored to the unique needs of underrepresented groups. For more information about her services see <https://www.sarasantoyo.com/about>.

advancing the careers of senior-level Hispanic/Latinx corporate counsel.¹⁷³ Additionally, the Latina Executive Leadership Program (LELP) is specifically designed for high-potential Latina attorneys in law firms and corporate legal departments. The program's curriculum emphasizes leadership development, soft skills training, and executive coaching.¹⁷⁴ Likewise, it is recommended that leadership development programs be offered to support and empower Latina attorneys aiming for partnership positions in medium and large law firms.

Career development programs like these are crucial in assisting aspiring Latina law firm leaders in cultivating a wide array of skills, including strategic planning, financial literacy, client services, and understanding the business of law. They also focus on professional growth through mentorship and leadership training, helping participants to build valuable professional relationships and increase their visibility and competitiveness for law firm partner and leadership roles.

Leadership development programs like these should encompass critical elements such as fostering business acumen, enhancing business development skills, refining their professional brand, providing mentorship opportunities, improving overall executive presence, advocating for promotions, boosting confidence, and understanding how compensation decisions are determined. This comprehensive approach aligns legal advice with business goals and fosters the professional relationships essential for career advancement.

Following the U.S. Supreme Court's 2023 affirmative action decision, law firms and other legal employers may be hesitant to offer targeted programs due to fear of legal challenges. This ruling has intensified scrutiny of diversity, equity, and inclusion (DEI) efforts, particularly those aimed at supporting Latina attorneys and other underrepresented groups.¹⁷⁵ In response, it is recommended that law firms conduct legal audits of their DEI strategies, enhance transparency and communication, provide

¹⁷³ PODER25™ | HNBA, <https://hnba.com/programs/poder25> [https://perma.cc/G5XL-VDD3]. PODER25 seeks to raise the number of Hispanic/Latinx General Counsel in Fortune 500 companies to a minimum of 20 by 2025. *Id.*

¹⁷⁴ 2023-2024 HNBA/VIA Latina Executive Leadership Program, HNBA, <https://hnba.com/programs-2/erkel-leadership-programs/2023-2024-hnba-via-latina-executive-leadership-program> [https://perma.cc/W4QQ-D4GY].

¹⁷⁵ Andrew Goudsward, *Law Firms Target DEI Backlash as Their Own Diversity Programs Draw Fire*, REUTERS (Sept. 13, 2023, 3:12 PM), <https://www.reuters.com/legal/legalindustry/law-firms-target-dei-backlash-their-own-diversity-programs-draw-fire-2023-09-13> [https://perma.cc/SV5Z-8RQE].

diversity training, and adapt to evolving legal and societal landscapes to ensure their programs are effective, inclusive, and legally compliant.¹⁷⁶

4. Early Career Development Programs

The rise in Latina law students is partly influenced by the implementation of early educational interventions designed explicitly for Latina youth. Similarly, introducing career and leadership development programs earlier in the professional journey of Latina lawyers can empower them to approach their legal careers with intention and strategy.

The HNBA Latina Commission's Latina Leadership Academy is a prime illustration of a career and leadership development program designed specifically for Latina attorneys in the early stages of their careers. This program has focused on enhancing executive presence, negotiating compensation, overcoming imposter syndrome, and adopting a grit and growth mindset.

Organizations and associations should offer similar professional development programs within the legal profession that support Latina attorneys within the first five years of practicing law. This ensures long-term success by emphasizing the significance of building vital networks, establishing mentoring relationships, and developing self-promotion and career advocacy skills throughout their professional journey.

5. Advocacy and Training to Narrow the Latina Pay Gap

Urgent attention needs to be directed towards addressing the considerable pay disparity experienced by Latina attorneys in this profession. This includes a comprehensive strategy involving stricter enforcement of equal pay regulations, such as the long-awaited equal pay legislation—the Paycheck Fairness Act.¹⁷⁷ This Act will not only enhance current safeguards but also effectively address discriminatory practices that specifically disadvantage Latinas and other women attorneys of color.

Employers can identify wage disparities by conducting a pay equity audit on their compensation systems and policies.¹⁷⁸ In addition, the push for greater transparency in pay and other areas has proven effective in

¹⁷⁶ Hammond & Littleton, *supra* note 98.

¹⁷⁷ Paycheck Fairness Act, H.R. 7, 117th Cong. (2021), <https://www.congress.gov/bill/117th-congress/house-bill/7> [<https://perma.cc/EC2E-JS4F>].

¹⁷⁸ See KAREN L. CORMAN, SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP, CONDUCTING A PAY EQUITY AUDIT (2019), https://www.skadden.com/-/media/files/publications/2019/09/conducting_a_pay_equity_audit.pdf [<https://perma.cc/C69E-QJTJ>].

addressing disparities in compensation based on gender, ethnicity, sexual orientation, and other factors.¹⁷⁹ While open compensation systems have drawbacks,¹⁸⁰ moving in this direction may be beneficial in closing this gap.

The persistent issue of the Latina pay gap is complex and has various causes.¹⁸¹ Nevertheless, Latina attorneys have the power to make a significant impact by advocating for higher pay regarding job offers and promotions.¹⁸² This Author has created and implemented an impactful training program entitled “Closing the Latina Attorney Pay Gap,” which aims to empower Latina lawyers to identify their relative worth in the job market and enhance their negotiation skills, particularly in compensation-related matters.¹⁸³

These programs have greatly strengthened Latina lawyers’ ability to determine their value in the job market and assertively advocate for equitable pay in their professional positions. It is recommended that training programs of this nature be offered to support Latina attorneys at all stages of their careers, including those who are just starting out. This is crucial because neglecting to negotiate their compensation can result in missing out on over a million dollars of potential earnings throughout their legal careers.¹⁸⁴

¹⁷⁹ See Tomasz Obloj & Todd Zenger, *Research: The Complicated Effects of Pay Transparency*, HARV. BUS. REV. (Feb. 8, 2023), <https://hbr.org/2023/02/research-the-complicated-effects-of-pay-transparency> [<https://perma.cc/S82R-PZEP>].

¹⁸⁰ See G.M. Filisko, *How “Open” Are Firms’ Compensation Systems—and Does It Matter?*, A.B.A. (July 9, 2016), https://www.americanbar.org/groups/diversity/women/publications/perspectives/2016/summer/how_open_are_firms_compensation_systems_and_does_it_matter [<https://perma.cc/QUd3-XTBV>].

¹⁸¹ Latina attorneys and professionals make a mere \$0.53 for every dollar their white male colleagues earn. Latina’s earnings ratio compared to white men has remained virtually unchanged since 1987. See MEIKA BERLAND & MORGAN HARWOOD, NATIONAL WOMEN’S LAW CENTER, EQUAL PAY FOR LATINAS 1–2 (2018), <https://nwlc.org/wp-content/uploads/2017/10/Equal-Pay-for-Latina-Women-2018-English.pdf> [<https://perma.cc/YB79-V5XH>].

¹⁸² See generally LINDA BABCOCK & SARA LASCHEVER, *WOMEN DON’T ASK: NEGOTIATION AND THE GENDER DIVIDE* (2023) (exploring how women are less likely than men to negotiate for higher salaries or ask for what they want in professional settings and offers insights and strategies to help women overcome barriers and become more effective negotiators).

¹⁸³ See *Training Services*, JLC CONSULTING, <https://www.jlc.consulting/training-services> [<https://perma.cc/C9CK-PBLQ>].

¹⁸⁴ See BERLAND & HARWOOD, *supra* note 181, at 5.

6. Increase Transparency and Broader Candidate Pool for Judicial Appointments

The lack of Latina justices underscores the need for greater transparency in judicial appointments. The current process of selecting judges is often unclear and lacks transparent guidelines, leaving room for biases and prejudices to impact decisions.¹⁸⁵ Consequently, addressing this matter becomes challenging without implementing specific mechanisms to hold individuals responsible and accountable.

One potential solution for increasing the representation of Latinas on the federal bench involves incorporating independent bodies, such as state judicial nominating commissions or bipartisan committees composed of members of the public to examine and assess candidates. Moreover, publicizing appointment criteria and processes can diminish biases and enhance accountability. This ensures selections are merit-based rather than influenced by political factors.

Expanding the selection criteria is also necessary to address the imbalance of judges, primarily from major law firms or those with federal prosecution experience.¹⁸⁶ Surprisingly, only approximately 1 percent hail from public defense or legal aid backgrounds.¹⁸⁷ The Center for American Progress recommends a broader selection of candidates, encompassing those with public defense, legal aid, civil rights, and community advocacy backgrounds.¹⁸⁸ This approach aims to diversify the routes to the federal bench and challenge the traditional profile of the “ideal” judicial candidate.

The federal judiciary’s homogeneity is further perpetuated by its federal judges’ propensity to graduate from elite law schools.¹⁸⁹ Judicial nominating committees are encouraged to expand their selection criteria

¹⁸⁵ See *Promote Fair Courts*, BRENNAN CTR. FOR JUST., <https://www.brennancenter.org/issues/strengthen-our-courts/promote-fair-courts> [<https://perma.cc/G5DY-299F>].

¹⁸⁶ See Maggie Jo Buchanan, *Pipelines to Power: Encouraging Professional Diversity on the Federal Appellate Bench*, CTR. FOR AM. PROGRESS (Aug. 30, 2020), <https://www.americanprogress.org/article/pipelines-power-encouraging-professional-diversity-federal-appellate-bench> [<https://perma.cc/7E7U-EPC2>].

¹⁸⁷ See *id.*

¹⁸⁸ *Id.*

¹⁸⁹ See 2022 ABA PROFILE OF THE LEGAL PROFESSION, *supra* note 54, at 17. Over two-thirds (65 percent) of all active Latina Article III Judges graduated from the top 50 ranked law schools (as per rankings in 2023). See *Diversity on the Bench*, *supra* note 27; *2023-2024 Best Law Schools*, *supra* note 47.

to encompass candidates with diverse backgrounds and from a wider range of law schools, not just those that are top-ranked.

Additionally, graduates of color and first-generation college students, including many Latinas, are significantly underrepresented in judicial clerkships, especially at the federal level.¹⁹⁰ Specifically, of the employed graduates of the Class of 2021, only 8.4 percent of graduates of color were judicial clerks, with Hispanic/Latinx graduates at an even lower rate of 7.6 percent. This underrepresentation extends to first-generation college students, who were over ten percentage points less likely to obtain federal clerkships.¹⁹¹ As such, there should be efforts to enhance access for Latina law students and lawyers to federal judicial clerkships since clerkships often play a pivotal role in the pathway to the bench for judges.¹⁹²

7. Foster Community, Professional Growth, and Scholarship for Latina Law School Faculty

To bolster the representation and success of Latina faculty and pave the way for future law school deans, institutions should adopt models like the “Latinas in the Legal Academy” (Go LILA) Workshop.¹⁹³ This program honors the legacy of Graciela Olivárez, the first Latina law professor in the U.S., and is designed to offer a robust support network for Latina legal scholars. The workshop focuses on various aspects such as scholarship, job market preparation, exploration of identities and history, professional development training, wellness activities, and community building.

Initiatives like these are crucial for creating a supportive atmosphere where Latina legal scholars can exchange experiences, gain mentorship, and access resources that propel their careers forward. By fostering a sense of community and empowerment, these programs are

¹⁹⁰ *Judicial Clerks Remain Less Diverse Than Law Graduates Overall*, NAT'L ASS'N FOR L. PLACEMENT (Oct. 2022), <https://www.nalp.org/1022research> [<https://perma.cc/67PA-7H49>].

¹⁹¹ *See id.*

¹⁹² *See* Aliza Shatzman, *Clerkships Are a Pipeline to the Bench. We Need to Diversify Them*, BLOOMBERG L. (Sept. 14, 2023, 1:00 AM), <https://news.bloomberglaw.com/us-law-week/clerkships-are-a-pipeline-to-the-bench-we-need-to-diversify-them#> [<https://perma.cc/WED5-PA82>]; Buchanan, *supra* note 186.

¹⁹³ For more detailed information about the workshop, see the official Go LILA Workshop page, <https://sites.law.berkeley.edu/go-lila-workshop-2024>, and the mission statement, <https://sites.law.berkeley.edu/go-lila-workshop-2024/mission-statement>.

uniquely positioned to address the challenges Latina faculty members encounter and equip them with the tools necessary for academic success.

In 2023, HNBA President Mariana Bravo established the Special Committee on Hispanic Law Faculty and Deans to tackle the significant underrepresentation of Hispanic/Latinx law school faculty and dean positions.¹⁹⁴ The committee aims to inspire a more diverse future generation of lawyers by increasing the visibility and number of Hispanic/Latinx law school leader role models. To achieve this, the committee plans to sponsor nationwide workshops, support professional development programs, and promote networking opportunities for prospective and current legal educators.

Alongside these programs, law schools must actively work to recruit, retain, and advance Latina faculty by providing avenues for their professional and leadership development. To enhance these recruitment efforts, strategies should be adopted to connect with diverse communities, establish collaborations with professional groups, and create scholarship opportunities explicitly designed for Latina law school academics. Such a comprehensive strategy supports not only the career progression of Latina legal educators but also contributes to a more prosperous and diverse educational culture for Latina law students.

8. Prioritize Research on Latina Lawyers Across the Legal Profession

Further research on Latina attorneys is crucial to shed light on the experiences and challenges of this underrepresented group in the legal profession. While the groundbreaking HNBA Commission Studies have offered valuable insights, there's still a pressing need for more extensive investigation and scholarly attention to pinpoint the primary obstacles hindering Latina attorneys' representation and advancement, particularly in leadership roles across legal sectors.

By delving deeper into this research, we can better understand the barriers impeding Latina attorneys' upward mobility and identify strategies that contribute to their success. Examining the unique experiences of Latinas in various sectors within the legal profession, such as law firms, corporations, the judiciary, legal academia, and others, can inform

¹⁹⁴ *Special Committee on Hispanic Law Faculty and Deans*, HNBA, <https://hnba.com/special-committee-on-hispanic-law-faculty-and-deans/#> [<https://perma.cc/YSU4-9SFS>].

the development of tailored programs, initiatives, and policies aimed at increasing their representation, especially in leadership roles.

This Report's findings highlight the importance of identifying Latina attorneys' distinct challenges and experiences in predominantly white and male-dominated work environments that affect their access to and ascension into higher levels of leadership and influence. Such insights can help shed light on the problem of underrepresentation and guide efforts to enhance career development support for current and aspiring Latina lawyers.

Finally, research on Latina attorneys must be ongoing and longitudinal to monitor the progress of Latina attorneys' career trajectories over time. By doing so, we can gain valuable insights into the advancement gap discrepancy observed between Latina attorneys and white men within law firms and their underrepresentation in leadership roles in other legal domains. Moreover, this type of research can provide a better understanding of how early career interventions, such as those advanced here, influence the career development of Latina attorneys across different career stages.

9. Improve Data Collection Efforts through Collaborative Efforts

The absence of comprehensive data on Latina attorneys and disaggregated information on attorneys of color poses a significant obstacle to tracking their progress. This challenge becomes even more apparent when examining the progress of Latinas in comparison to other racial and ethnic groups within the context of gender.

While separate statistics are available on the representation of Hispanic/Latinx attorneys and women attorneys, data specifically on the intersectional identity of Latina attorneys, who are both Hispanic/Latinx and women, is often unavailable.¹⁹⁵ Acquiring more nuanced data that acknowledges the importance of their intersectional identities is crucial to gaining a more detailed understanding of Latina representation and progress.

Considering the recent limitations of affirmative action in higher education, the legal academy must gather and furnish comprehensive data regarding Latina law students' admission, enrollment, retention,

¹⁹⁵ A notable exception is the National Association of Legal Placement, which has provided detailed statistical data on Latina attorneys in law firms over the past two decades.

and graduation rates. This will enable educational institutions to evaluate the impact of this legislation on future enrollment trends and identify any potential obstacles that may hinder Latinas' equitable access to legal education. By doing so, disparities can be pinpointed, enabling appropriate corrective actions to be implemented.

Data on the representation of Latina attorneys at different positional levels within the legal profession is also needed to identify trends and patterns in their career development. Other than the wealth of data available for Latinas in law firms, most of the statistics reported are only those at the highest positional levels, such as Fortune 1000 general counsel, federal and state supreme court justices, and law school deans. This can overshadow the accurate representation of Latina attorneys in lower positions within each sector, such as associate general counsel, lower court judges, law school faculty and staff, and those serving in government and public interest sectors. Legal organizations, corporations, bar associations, academia, and government agencies must collaborate on data collection and reporting endeavors to comprehensively and reliably understand the diversity within the legal profession. This collaboration is imperative to present a more precise and detailed reflection of the demographic composition of the legal profession as it evolves.

Unfortunately, research on the status of Latina attorneys across the legal profession has consistently faced challenges, hindering our ability to effectively monitor and evaluate Latinas' advancements and achievements over the years. Overcoming this obstacle requires a collective effort and cooperation among various stakeholders in the legal community.

IV. CONCLUSION

This Report highlights a critical paradox in the U.S. legal profession: Despite being one of the largest and fastest-growing demographics in the nation, Latinas are still too few and far between as attorneys across the legal profession, especially in leadership roles. On the one hand, the growing enrollment of Latina law students serves as a beacon of hope for improved representation of Latina attorneys and leaders in the future. Yet, the slow and inadequate ascent into the upper echelons of law firms, corporate legal departments, the judiciary, and legal academia over the last decade and a half, compared to other attorney groups, is alarming. This disparity highlights an urgent need to understand and dismantle the

barriers that impede Latina attorneys' progress and explore innovative and effective strategies to prevent further stagnation.

The HNBA Latina Commission has played a pivotal role in identifying and addressing the barriers Latina attorneys encounter in their legal careers. Through its advocacy, pipeline programs, leadership development efforts, research, and other initiatives, it has significantly contributed to narrowing this gap. Despite its crucial work, the HNBA Latina Commission cannot address these challenges alone. Developing pathways for Latina attorneys to succeed depends heavily on the cooperation and commitment of our larger legal community, policymakers, and corporate decision-makers.

This collaboration should focus on enacting policies that promote equitable admissions and hiring practices, providing professional development programs tailored for marginalized attorney groups, including Latinas, and ensuring that diversity, equity, and inclusion are not merely buzzwords, but core values reflected in the culture and practices of our legal workplaces. Furthermore, this Report emphasizes the need for heightened advocacy and research to monitor progress and uphold accountability for institutions in all sectors within the legal profession.

A renewed commitment and innovative strategies are necessary to ensure Latinas have equitable access to legal education and the opportunities to pursue and achieve leadership roles at the highest levels of the profession. This is not just for the betterment of Latina attorneys, but for the enrichment of the legal profession as a whole. Through these actions, we can ensure that the legal profession more accurately reflects and serves the diverse fabric of American society.

APPENDIX A: METHODOLOGY

This Report provides a comprehensive analysis of the status of Latina law students and attorneys across the legal profession by examining their statistical representation and progress since the formation of the HNBA Latina Commission in 2008 and its nationwide research project in that same year. Specifically, this analysis tracks the nearly 15 years from the initial 2009 Latina Commission Study that collected baseline data on the statistical representation of Latina attorneys in key legal sectors.¹⁹⁶ The primary questions that guide this Report are:

¹⁹⁶ The Report relies on data ranging from 2008, as documented in the 2009 Latina

- 1) What is the current statistical representation of Latina law students?
- 2) What is the current statistical representation of Latina attorneys in significant sectors of the legal profession (law firms, corporate law offices, the judiciary, and legal academia) compared to other racial and ethnic groups by gender?¹⁹⁷
- 3) What statistical growth, or lack thereof, was made from 2008 to 2024¹⁹⁸ by:
 - a) Latina law students and
 - b) Latina attorneys in major legal sectors?
- 4) What is the current level of compensation for Latina attorneys relative to other racial and ethnic attorney groups?

The Report utilizes a quantitative statistical approach, collecting and analyzing secondary data from publicly available sources to generate new insights.¹⁹⁹ As its primary goal, this research project aimed to provide the legal community with the most current and precise data on the representation and progress of Latina law students and attorneys available at the time of this Report.²⁰⁰

It is essential to highlight that much of the data about Latina attorneys presented in this Report was neither readily accessible nor particularly meaningful in its original form. Statistical data about Latina attorneys are often either unreported, inaccurately reported, or aggregated with other groups, such as women attorneys of color or Hispanic/Latinx attorneys.²⁰¹

Commission Study, to the latest statistics available, spanning from 2021 to April 2024.

¹⁹⁷ This Report's analysis is limited to law students, attorneys in private practice law firms, corporate law offices, the judiciary, and legal academia. Attorneys working in the government and public interest sector were not analyzed due to the lack of publicly available demographic data.

¹⁹⁸ This Report encompasses data ranging from 2008 to April 2024 to account for variations in data collection periods across different sources.

¹⁹⁹ This Report's data analysis and presentation are primarily original. Most of the data presented here is the result of analysis and synthesis of information from various sources.

²⁰⁰ The Author carried out this research project independently without external sponsorship or financial support. The Report benefited greatly from the editorial guidance provided by Grissel Seijo, an Adjunct Law Professor at Fordham University School of Law, and received valuable feedback on its earlier draft from Mishell Parreno Taylor, the Chair of the HNBA Latina Commission 2023-2024.

²⁰¹ See Atencio, *supra* note 70, at 14–15; CRUZ & MOLINA, *supra* note 11, at 15; CRUZ, MOLINA

This necessitated extensive extraction and cross-referencing from original databases and archives to render the data usable.²⁰² Furthermore, it was necessary to cross-check statistical information from other sources by carefully reviewing the source data to ensure its accuracy and uncover any underlying patterns and trends.²⁰³ When encountering inconsistencies across sources, the Author prioritized source data over data cited in published reports.²⁰⁴

The lack of disaggregated data is also a significant issue, particularly when differentiating racial and ethnic groups based on gender. For instance, while many sources offer data on the representation of Hispanic/Latinx and women attorneys separately, it is also crucial to include statistics highlighting the intersection of these identities, focusing on Latina attorneys. In situations where disaggregated data was unavailable, such as compensation statistics, the Author acknowledged this as a limitation in their findings.

This Report also provides a detailed presentation and analysis of demographic data encompassing not only Latina attorneys, but also other major attorney groups analyzed by gender, race, and ethnicity. While labels varied across data sources, the Author maintained consistent terminology and ordering of attorney groups in graphs for major racial and ethnic groups for easy comparison across the Report.

The attorney groups included in the Report include white women, white men, Latina, Latino, Black women, Black men, Asian and Pacific Islander women, Asian and Pacific Islander men, Native American & Alaskan Native women, Native American & Alaskan Native men, and multi-racial women and multi-racial men (where available). The Report includes all reported groups, sometimes combining or separating them

& RIVERA, *supra* note 13, at 16. Unfortunately, the absence of data on Latina attorneys, propelling the arduous task of constructing data from various secondary sources, is not unique among those who conduct such research.

²⁰²The availability, consistency, and quality of data varied significantly across sources, leading to a focus on identifying trends rather than presenting specific data points. A noteworthy source of valuable demographic data is the National Association of Legal Placement, which has detailed information on law firm attorneys since 1991.

²⁰³Special acknowledgment goes to the collaboration with legal scholar Dolores Atencio for her invaluable input and verification of data, drawing upon her *Luminarias* research.

²⁰⁴An illustration of this can be seen in the U.S. Census data reported by the ABA in their “ABA Profile of the Legal Profession 2023.” However, the population data in this source is aggregated and does not provide a breakdown of racial and ethnic categories by gender. To address this limitation, the Author utilized actual population data from 2022 as the foundation for her report.

(such as Asian attorneys with Pacific Islander attorneys) to ensure consistent comparisons across different categories and time periods.

In conclusion, it is essential to recognize the difficulties in accurately determining and reporting the exact number of Latinas mentioned in the sources cited in this Report. The term “Latina” encompasses a multifaceted concept of identity that includes various racial and ethnic backgrounds. It is worth noting that being Latina is commonly linked to ethnicity rather than being exclusively associated with one specific race. The Latina identity encompasses a rich diversity of racial backgrounds, including individuals identifying as white, Black, Indigenous, Asian, or multi-racial.

The actual representation of Latinas might diverge from the reported figures. Latinas may be either underrepresented or overrepresented, which could be attributed to factors like self-identification, the methods used for data collection, or categorization criteria. Unfortunately, prevailing societal norms and generalizations frequently conflate ethnicity and race, making identifying Latinas even more complicated.

