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GENDER DISPARITIES PRESENT WITHIN THE LEGAL PROFESSION

by
Olivia Makayla Sanders

A thesis submitted to the faculty of The University of Mississippi in partial fulfillment of the requirements of the Sally McDonnell Barksdale Honors College.

Oxford

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ABSTRACT

OLIVIA MAKAYLA SANDERS: Gender Disparities Present Within the Legal Profession
(Under the direction of Kyle Fritz)

This thesis investigates the problem of gender disparities present within the legal profession in order to discover their causes and ways to mitigate them. Currently, there are a variety of gender disparities in the legal profession. Women are paid less than their male counterparts, are exposed to sexual harassment and violence more often, and receive fewer leadership opportunities, to name just a few of these disparities. While these disparities are documented in larger firms, little data exists on the extent of such issues in smaller firms, especially in the southeastern United States. Accordingly, I interviewed eight individuals with their juris doctorates in small firms in Clarksville, TN and Oxford, MS. My goal was to understand the extent of these disparities, as well as the causes behind them, in order to implement effective solutions. From these interviews, the causes were determined to be sexism through gender stereotypes, overt sexism, and covert sexism. Interviewees provided several solutions, but the recommendations that I provide are to implement raising awareness through law school classes and trainings, new hiring process policies, and policy incentives and consequences through a United States Justitia Project. Each of these solutions addresses a different cause of the reported gender disparities. Hopefully through their implementation, we will begin to see the mitigation of gender disparities among small law firms in the southeastern United States.

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Chapter 1: Introduction

In the United States we find that “women surpass men on education attainment among those employed aged 25 and over: 37.1% of women hold at least a bachelor’s degree compared to 34.9% for men,” yet we continue to see that women earn “84% of what men earned, according to a Pew Research Center analysis of median hourly earnings of both full- and part-time workers” (International Labor Organization, 2011; Barroso and Brown, 2022). This pay disparity that many women face within the workforce is just one of many gender disparities. Gender disparities are defined by the European Institute for Gender Equality as “differences in women’s and men’s access to resources, status and well-being, which usually favor men and are often institutionalized through law, justice and social norms” (European Institute for Gender Equality, 2022). The gender disparities that women face include lower pay than their male counterparts, different jobs based on gender norms, lack of leadership positions and opportunities, unequal treatment due to motherhood, more severe punishment, and gender-based violence.

Gender Disparities in the Workforce

Pay Disparity

One of the most recognized gender disparities that women face within their place of work is a pay disparity. Pay disparity occurs when men and women employed with the same job descriptions are paid disproportionately, typically with men receiving more money than women. According to a 17-year study, researchers found that women were paid 22% less than men in the US, even after controlling for factors that could affect wages, like education level or work

experience (U.S. Government Accountability Office, 2003). Another study done by the U.S. Government Accountability Office found that “in 2010 women constituted 59% of the low-wage workforce” (International Labor Organization, 2011). To put a dollar value on these statistics, the median weekly salary of women working full-time in the third quarter of 2022 was around \$971, whereas the median weekly salary for men working full-time was \$1,164 dollars (U.S. Bureau of Labor Statistics, 2022, pp. 1-2). This equates to men earning around \$193 more weekly than women across all occupations, even though both groups are working at least 35 hours weekly. Additionally, we see this gap more clearly when men and women are working in the same occupations, especially in higher-paying occupations (U.S. Census Bureau, 2007). People employed within fields of Science, Technology, Engineering, and Mathematics (STEM) with a university degree are among the higher earners in the professional class. The men average \$78,000 yearly, whereas women average \$64,000 (Institute for Women’s Policy Research, n.d.). This is a gap of \$12,000 yearly, which shows that the pay disparity between men and women is not negligible.

Different Jobs based on Gender Norms

Beyond the pay gap, women are often given different jobs than men. Sometimes this is due to gender norms. Women are often hired to work jobs that fit a gender stereotype of care or nurture, such as health fields, education, and social work. On the other hand, men often work in physically demanding jobs, such as manual labor, mechanics, construction, and engineering. The Institute for Women’s Policy Research found that 43% of women are employed in industries such as education, healthcare, and leisure, whereas only 25% of men work in these industries (Institute for Women’s Policy Research, n.d.). In contrast, the construction industry,

manufacturing, and transportation and communications “together account for the jobs held by only one in nine employed women but almost one-third of those held by employed men” (Institute for Women’s Policy Research, n.d.). Though some of these opposing jobs based on gender may be personal preference, much of the explanation is that women cannot get hired in these ‘male jobs’ due to gender role expectations (van Dijk & van Engen, 2019). Thus, this is a gender disparity that is present because men and women do not have anywhere close to equal numbers in any of these fields and this is due to these gender expectations and stereotypes.

Lack of Leadership Opportunities

Even in fields where men do not dominate due to gender norms, men often receive promotions to leadership positions over women in the field. For example, “the healthcare workforce consists of 75% women, but according to two recent surveys, i.e., a state survey and a survey of the top 100 US hospitals, women hold only about 12% of chief executive officer positions in US hospitals” (Keogh Hoss et al., 2011, pg. 59). It seems reasonable to assume that when there are so many women who work in the field and are candidates for executive officer positions, many leaders in the field would be women. However, we see that rather than promoting these women in the field to a leadership position, men are being chosen for the executive officer position instead, denying many women the opportunity of that role. This is just one example of women dominating an employment field, but men being the individuals who hold the leadership positions of the field. Additionally, the U.S. Bureau of Labor Statistics found that in 2010, women held only 25.5% of CEO positions, and 29.9% of general and operational manager positions, within all types of business (Keogh Hoss et al., 2011, pg. 63). And even when

they serve in leadership positions, women are subject to other disparities like the pay gap: women CEOs earned 74.5% as much as men CEOs (International Labor Organization, 2011).

There have been some recent improvements. In 2015, the percentage of women in management positions rose to 39.2% (U.S. Government Accountability Office, 2022). But any improvements are only seen within women-dominated fields. For instance, the largest number of women in management positions were medical and health services, human resources, social services, and education administrators at 73.7%, 73.3%, 67.4%, and 65.7%, respectively (U.S. Bureau of Labor Statistics, 2016). However, women hold less than 20% of management positions when it comes to physical labor positions like construction, architecture, and engineering (U.S. Bureau of Labor Statistics, 2016). The reasoning for the leadership positions that women have is primarily due to their significantly higher numbers in those fields.

Yet whether women are in leadership positions is not just a numbers issue. According to Roth et al., 2012, “managers rate women as having less promotion potential than men” (Lazear & Rosen, 1990 as cited in Stamarski & Son Hing, 2015, pg. 5). Given the same level of qualifications, managers are less likely to grant promotions to women, compared with men (Lazear & Rosen, 1990 as cited in Stamarski & Son Hing, 2015, pg. 5). Additionally, the women that do have management positions earn seventy-one cents for every dollar earned by their male manager counterparts, which is worse than the average pay gap, where women earn eighty-two cents for every dollar earned by men (U.S. Government Accountability Office, 2022). So, though we do see some women in leadership roles, there are not enough women leaders. Likewise, from this gender disparity we see how oftentimes gender disparities bleed into each other, specifically in this instance where lack of leadership and management positions affects the pay disparities which women are already experiencing.

Unequal Treatment Due to Motherhood

Another gender disparity that women commonly face within their employment is due to pregnancy and motherhood. Because women are perceived as better carers than men, many employers fear that "women with children will be less committed to their work; [and] they may not return from maternity leave or will want to work part-time" (Equal Treatment Bench Book, 2013, pp. 2 and 5). The Equal Treatment Bench Book also found that every year about 220,000 pregnant women in Great Britain experience disadvantages such as underrepresentation, pay gap, gender stereotypes, sexual harassment, and violence, just because they are pregnant or taking maternity leave (Equal Treatment Bench Book, 2013, pg. 6). Additionally, women without children are more likely to be hired than professional mothers with the same resumes. Likewise, childless women make 90% of what a man earns, whereas mothers make only 70% of what a man makes (Sterling & Chanow, 2021). In addition to this disparity among women who are not mothers versus those who are, it is also known that men are often rewarded for becoming fathers and often receive a "fatherhood bonus" or more money to their salary, whereas women earn less money for being mothers and can lose up to \$600,000 of their salary throughout their careers due to motherhood (Sterling & Chanow, 2021). Therefore, just by being pregnant or the mother of a child, women are granted fewer job opportunities or seen as less committed than a man would be and receive less pay as a result.

Severe Punishment

When women commit infractions within the workplace, they are punished more severely than their male counterparts, even when the infraction is the same (Egan et al., 2018, pg. 3).

Additionally, a study conducted by the Harvard Business School found that women are less likely to engage in misconduct, yet they face more severe punishment than men when they do engage in misconduct (Egan et al., 2018, pg. 3). For instance, women advisers are 20% more likely to lose their job due to misconduct than a male advisor committing the same offense (Egan et al., 2018, pg. 11). Additionally, following this job loss “female advisers face longer unemployment spells, and are 30% less likely to find a new position in the industry within one year, with very similar effects for longer horizons” (Egan et al., 2018, pg. 3). In summary, even though women engage in misconduct less often than men, women tend to receive harsher punishment than men.

Sexual Harassment and Gender-Based Violence

Lastly, women also face sexual harassment, assault, and gender-based violence more often than men in the workforce. Sometimes women are not referred to by their name but rather by terms like “honey” or “sweetheart.” When they are addressed by name, it is usually their first name, whereas their male counterparts are called by their last name (Norwood, 2020, pg. 49). Additionally, 38% of all women and 14% of all men employed reported experiencing sexual harassment, and 60% of women have experienced sexist comments as well as sexual coercion and unwanted sexual attention while at work (National Sexual Violence Resource Center, n.d.). Furthermore, the National Sexual Violence Center found that only one in seventeen men have sought out new jobs, quit their job, or changed jobs due to sexual harassment and assault, but one in seven women have done this (National Sexual Violence Resource Center, n.d.). So, while men do face sexual harassment and violence at work, the problem is significantly more prevalent for

women. Unfortunately, we do not know the true numbers of sexual harassment and gender-based violence that women are experiencing, because women may often not report it for fear that they may lose their job (Equal Treatment Bench Book, 2013, pg. 7). Even though many of these incidents remain unreported it is still known that sexual harassment and gender-based violence remains a problem that women face (Equal Treatment Bench Book, 2013, pg. 7).

Alternative Explanations for the Disparities

Although there is an outstanding amount of data and research to support the many facets of gender disparities, one may think these disparities are overblown and not due to any malicious intentions. After all, if men and women are in different fields that require different levels of training or skill, we should expect to see such disparities. For example, it makes sense that a doctor who is a man would make more money than a teacher who is a woman, but this is merely due to the differences in professions, not genders. And, when broad statistics and averages are used, such as the claim that women make 77 cents for every dollar men make, the details of these gender disparities get buried (Carrazana & Mithani, 2023). To truly demonstrate gender disparities that are clearly problematic, we need to compare men and women in the same profession with the same educational attainment. If the disparities remain, there is reason to be concerned. One higher-paying field that requires education beyond an undergraduate degree is the legal profession. Lawyers are supposed to be fair and uphold justice, so if there are still gender disparities present within the legal field, then we know that they are a serious problem requiring further research so that we can mitigate them.

Gender Disparities Within the Legal Field

Unfortunately, even when we restrict our study to the legal field, we still find many of the same gender disparities. Perhaps these disparities can explain why about 50% of law school graduates in the United States are women, yet by the age of 50 women only account for 27% of the legal profession (The American Bar Association, n.d.). It would be unsurprising that women leave the field if they are paid less and treated worse than their male counterparts.

Pay Disparity

The pay disparity among lawyers is quite large, and almost all women lawyers have experienced this pay gap at some point within their career. Men are overwhelmingly the top earners in law firms, as 93% of large law firms reported that the partner most compensated in their firm was a man. Additionally, these large law firms also reported that of their earners in their firm, women constituted for just one or none of their top ten earners (Liebenberg & Scharf, 2019, pg. 1). In 2016, the American Bar Association (ABA) reported that, on average, women attorneys earned \$1,619 per week in comparison to men attorneys who averaged \$2,086 per week. This equates to \$467 per week less for women, which amounts to \$24,284 less per year (Roberts, 2022). Likewise, a study done by Mary Noonan through the University of Michigan found that “men earn 52% more than women, 17% more than women with similar characteristics, and 11% more than women with similar characteristics in the same job settings” (Noonan et al., 2005, 851). This 11% demonstrates that even when all other possible explanations for gender disparities are removed —different jobs, characteristics, and setting — a

difference in pay remains. And, though this gender difference may be smaller than the gender difference of individuals in different settings, jobs, and characteristics, it is still a difference that requires our attention.

Different Jobs Based on Gender Norms

Although both men and women work as lawyers, they often work in different areas of the legal field. For example, women lawyers work criminal cases and cases involving the government more often than civil cases or any business law cases (American Bar Association, n.d.). Through this we see that though men and women are lawyers they tend to focus their practice in certain areas that they are accustomed to. For example, women work more government cases involving children and Child Protective Services, perhaps because it draws on their motherly caring instincts (National Women's Business Council, 2022 pg. 5; Equal Treatment Bench Book, 2013, pp. 2 and 5). So, we see that the reason these men and women work certain cases is likely reflective of biases, whether explicit or implicit. There is not a large body of research on the idea, however the concept that the areas of law that men practice, like business, are separated from the areas of law that women practice, like juvenile cases, shows that men and women have different interests, but likely because outside sources and biases influenced those interests.

Additionally, in 2021 the United States Bureau of Labor Statistics found that 34% of lawyers are women and 64% of lawyers are men, whereas 87.7% of legal assistants and paralegals are women (U.S. Bureau of Labor Statistics, 2021). Through this data we see that men and women hold disproportionate positions within law firms with men being more

predominantly lawyers. This displays a disparity issue because women are still seen as predominantly assistants and are less often given the role of lawyer even though some paralegals and attorneys have the same educational attainments (Interviewee Dr. D). Fewer female attorneys and more female support staff reinforces the misconception that men are more fit to practice law than women.

Lack of Leadership Opportunities

Women within the legal field also face a lack of leadership opportunities. For example, only 25% of equity partners in law firms are women (Mautner et al, 2023). Compared to men, women lawyers are 29% less likely to be promoted to partners in the firm, thus for every 100 women promoted to partners, 141 men are promoted to partners at the same time (Choi et al., 2020, pg. 8). When we compare these percentages of female lawyers in management positions (29%), we see that this falls short of the percentage of women who hold management positions in the entire workforce (37.4%) (French, 2010, pg. 3). Thus, it becomes abundantly clear that women lawyers are facing a lack of leadership and partnership opportunities, even beyond those of the average women workers. These lack of leadership and partnership opportunities negatively harm women as they allow men to continue to dominate the power and status in the legal field, and even further the pay disparity, because individuals in leadership roles make more money than individuals who are not. Thus, this disparity impacts other gender disparities that women lawyers are facing.

Unequal Treatment Due to Motherhood

Generally, we saw that mothers are viewed as incapable of completing their work. Similarly, many legal employers fear that women are unable to commit to the workload of the firm, about fifty hours per week, while trying to complete the demands and responsibilities of motherhood. As a result of this, many firms fear hiring them or did not accommodate working mothers at all (Sterling & Chanow, 2021). This makes it harder for women to balance work and family life, and often leads to women leaving the profession in order to be with their families more (American Bar Association, n.d.). Therefore, even in the legal profession, women who pursue motherhood are not immune to gender discrimination and the disparities that come from it.

Severe Punishment

Even women who are professionals such as lawyers face harsher punishments than their male counterparts. A study done by Jessie French at The University of New Hampshire explains this by stating that women lawyers who showed emotion or anger during a workplace situation were punished by receiving less pay, lower status, and were perceived as being less competent. If women showed anger in the workplace, it was attributed to a character trait they had, such as being an angry person or emotionally unstable (French, 2010, pp. 14-15). However, if men showed anger, it was explained as being due to a challenging situation they were facing rather than a character trait (French, 2010, pp. 14-15). Additionally, when men displayed anger, their pay, status, and perceived competence remained the same (French, 2010, pp. 14-15). This shows that even when men and women act the same way, women are punished more harshly and judged more severely for their actions. Additionally, we see that women are often less willing to address

the problems for fear that their male colleagues will label them as a complainer or “the bitch” for bringing to light the workplace inequalities they face (French, 2010, pg. 6). Thus, women in the legal field also face more severe punishment as a gender disparity, just as many other women throughout the entire workforce.

Sexual Harassment and Gender-Based Violence

Lastly, many lawyers also face sexual harassment and gender-based violence as a gender disparity. The ABA completed interviews with many women lawyers across the United States. One woman said that the department chair for her law firm was “sexist, racist, and homophobic.” Another woman said that the environments of law firms are “male clubs,” presenting an environment of predominately men practicing sexist behaviors towards women, such as catcalling or other forms of sexual harassment (Sterling & Chanow, 2021). Some even said that if a woman wants to succeed in a law firm she needs “thick skin” in order to endure the insults and comments and be successful (Sterling & Chanow, 2021). Another report by the ABA found that of 1,000 women surveyed and 200 men surveyed, 38% experienced an unwelcome email, text, or instant message regarding a sexual or personal nature, and 66% of these were not reported. Additionally, they found that more than 21% of those surveyed had witnessed or received unwelcome physical contact while at work. From this survey the ABA also found that 13% of respondents said their firm had no policy for reporting sexual harassment, and about 40% of respondents did not know if their firm had a policy (Derocher, 2018). Though this research included men, the survey included drastically more women, which likely explains why we see these problems more prominent among women. Additionally, a research compendium done by

Choi et al. found that “only 21% of law firms enforced bullying and sexual harassment training for more than three years” (Choi et al., 2020, pg. 8). So, women lawyers experience sexual harassment as well as sexist workplaces which do not make it easy for women to report this or stop the sexual harassment at all.

Conclusion

Women face a variety of gender disparities generally. But even in professional fields like the legal field, where one might hope such disparities would disappear, we still find them. Instead, we see that the gender disparities presented in the regular workforce are also extensively present within the legal field. These have been shown by numerous studies and data. As a woman preparing to begin law school at the University of Memphis, it is important to me to prepare myself for what is in my future as an attorney, and to uncover what positive changes can be made to remove these gender disparities when I enter the legal field. To understand how to remove these gender disparities we must understand what is causing these gender disparities among lawyers. Once we understand the causes of gender disparities in the legal profession, the question remains of how we can best offset and mitigate them for future lawyers.

Chapter 2: Literature Review

As indicated in the previous chapter, women lawyers are experiencing many gender disparities within their law firms and their jobs. The question remains of what is causing these gender disparities and how we can best solve them. These two goals are connected; to understand how to solve these disparities we must first know what is causing them. So, first I will survey the causes of gender disparities that have been identified in the literature so far. Then, I will describe some of the solutions that have been offered in the existing literature. There has been quite a bit of research on both topics, but often the causes and solutions are focused on large law firms rather than the more common small firms. If gender disparities in smaller firms are due to different causes than in large firms, however, they could require different solutions. This is why further research is still required.

General Causes

As the study of gender disparities within women's workplaces and the field of law has become more researched, so too has the question of why these gender disparities are occurring in the first place. Many studies analyze the leading causes of gender disparities, but the common theme from all studies is that gender disparities are caused by some form of sexism (French, 2010; Stamarski & Son Hing, 2015). However, when it comes to existing research regarding the causes of gender disparities in the legal profession, there is less research. Because of this,

most of the research in this chapter will focus on the causes of gender disparity generally. Because the situation could be different in the legal profession, however, more research is needed that is focused just on disparities in the legal profession.

Sexism

Sexism is the “prejudice, stereotyping, or discrimination, typically against women, based on sex” (French, 2010, pg. 9). Sexism includes a variety of beliefs, attitudes, and behaviors: the belief that one sex or gender is better than the other, hatred toward another sex, and attitudes conforming to gender stereotypes (e.g., women must be feminine and incapable of specific tasks, while men must be masculine and so suited to other tasks) (Gender Equity Research Center, n.d.).

There are many different studies that have found that sexism is a cause of gender disparities generally (Durbin & Fleetwood, 2010; Stamarski & Son Hing, 2015; Cundiff & Vescio, 2016; and Cikara & Fiske, 2009). Durbin and Fleetwood compiled papers from a one-day research event in England to create their research study, which focuses on the “relationship between the causes of gender inequality in employment and... the effectiveness of the main policies dealing with these causes” (Durbin & Fleetwood, 2010, pg. 221). They combined research on these two topics in order to draw conclusions on gender inequality in the workforce, and to determine whether the policies that have been implemented to remove these problems are effective or not. From these compilations they found that sexism and negative gender stereotypes are a cause for gender disparities in the United Kingdom. They also proposed some solutions which will be discussed in the next section.

Stamarski and Son Hing analyzed gender discrimination in Human Resources (HR) policies and decision-making by examining organizational structures and cultures to understand gender inequalities (Stamarski & Son Hing, 2015, pg. 1). From this they concluded that decision makers' sexism and HR policies causes gender disparities (Stamarski & Son Hing, 2015, pp. 12-14). For example, "people high in hostile sexism have been found to evaluate candidates, who are believed to be women, more negatively and give lower employment recommendations for a management position, compared with matched candidates believed to be men" (Salvaggio et al., 2009 as cited in Stamarski & Son Hing, 2015, pg. 8). Additionally, Cikara and Fiske compiled research that reviewed how sexism stems from status systems, or social hierarchies, and examined evidence that supports their conclusion that sexism guides men's responses to women in the workforce (Cikara & Fiske, 2009).

Lastly, Cundiff and Vescio completed two studies in which undergraduate students watched a mass screening session and completed a gender-stereotyped endorsement scale based on 16 gender-relevant traits. Their first study was to determine the causal attributions and gender stereotypes that occur in individuals' minds. The second study tested the causal nature of the relationship between attributions and gender stereotypes by "manipulating the cognitive framework that supports stereotyping and measuring subsequent causal attributions" (Cundiff & Vescio, 2016, pp. 128). From these two studies they found that stereotypes can maintain social arrangements and status hierarchies, which lead to gender disparities (Cundiff & Vescio, 2016, pg. 135).

Overt and Covert Sexism

Sexism can be overt or covert. Overt sexism “refers to explicit and visible sexism;” often, these are wage differences, educational attainment, leadership opportunities, etc. (Gender Equity Research Center, n.d., pg. 1-2). In contrast, covert sexism is more difficult to identify because it is often rooted in individuals and what they implicitly learn from their environments and surroundings throughout life (Gender Equity Research Center, n.d., pg. 1-2). Additionally, sexism includes gender stereotypes, which are “a generalized view or preconception about attributes or characteristics that are or ought to be possessed by members of a particular social group” or the roles which are being performed by members of a particular social group (Women’s Rights and Gender Section OHCHR, 2014, pg.1). Several studies have found one of these three facets of sexism is responsible for gender disparities in the workforce generally.

First, the overt sexism reflected in the decisions made by administrators enacts institutional discrimination, as it creates the “organizational structures, processes, and practices” that affect the hiring practices of workplaces (Stamarski & Son Hing, 2015, pg. 14). One example of this is that decision makers who are high in overt sexism discriminate against women more through gender harassment. Additionally, they view women as a threat to men’s advancement and status, so they deny them male jobs or more prestigious positions (Stamarski & Son Hing, 2015, pg. 9). This overt sexism also leads to covert sexism, or the “organizational decision makers’ level of hostile and benevolent sexism” (Stamarski & Son Hing, 2015, pg. 2). For instance, individuals and administrators with high covert sexism are more likely to implicitly stereotype men as high-authority, agentic workers, and women as low-authority, communal workers (Stamarski & Son Hing, 2015, pg. 9). From this we see that frequently the policies and hiring practices of institutions and workplaces were set into place by overtly sexist men, then are reinforced by covertly sexist men currently in charge, leading to gender disparities that are very

difficult for women to overcome (French, 2010, pp. 41 and 43; Durbin & Fleetwood, 2010, pg. 228). Often this dynamic is referred to as the “old boys’ club,” which is the network of men who view women in a gendered way and act as a barrier to women’s growth in the workforce (French, 2010 pp. 41 and 43; Durbin & Fleetwood, 2010, pg. 225). This old boys’ network excludes women from resources such as promotions and leadership opportunities, further perpetuating men’s sexist ideals and attitudes (Durbin & Fleetwood, 2010, pg. 225; French, 2010, pp. 41 & 43). Much of this old boys’ club relies on the implicit biases already imprinted into men, representing covert sexism and how it harms these women and their growth in the workforce.

Overt and covert sexism leads to assigning jobs based on gender norms and a lack of leadership positions for women (Cikara & Fiske, 2009). Women who do overcome these barriers and enter leadership are often accused of intentionally “us[ing] sexuality or feminist ideology as a means achieving status” over men (Cikara & Fiske, 2009, pg. 81). This sexist belief explains the ideas behind sexual harassment and gender-based violence, such as when men argue that “women who are perceived as ‘sexy’ can elicit hostile reactions... and lead people to perceive sexual harassment as justified” (Cikara & Fiske, 2009, pg. 88). Specifically, in these instances, the men’s implicit, covert sexist beliefs are responsible for their direct overt responses, which harm women. Additionally, these overt and covert opinions could be responsible for why women are paid less than men, because sexist men view them as weaker and incapable of being as efficient as men; thus, resulting in them being paid less.

Gender Stereotypes

Gender stereotypes are “a generalized view or preconception about attributes or characteristics that are or ought to be possessed by members of a particular social group” or the roles which are being performed by members of a particular social group (Women’s Rights and Gender Section OHCHR, 2014, pg.1). Gender stereotypes are closely related to covert and overt sexism, and sometimes they may underlie this sexism.

There are a few reasons why gender stereotypes cause gender disparities. The first reason is that when gender stereotypes are unconsciously present, they lead to habits. Eventually, these unconscious gender stereotypes will begin to be applied without even thinking about their actions (Durbin & Fleetwood, 2010, pg. 226). Second, some individuals are consciously aware of the gender stereotypes they hold, yet they continue to apply these gender stereotypes that negatively affect women (Durbin & Fleetwood, 2010, pg. 226). Drawing on these gender stereotypes leads to them being reproduced in “wider society,” such as news and entertainment media, the sex industry, families, churches, schools, and even branches of science (Durbin & Fleetwood, 2010, pg. 226). For example, some of the gender stereotypes that we see produced are that women are weaker than men, women are meant to be housewives in the home, and women are incapable of balancing work and family life due to the needs they are required to complete in their home. Durbin and Fleetwood found that such stereotypes hinder individuals’ understanding of how discrimination and disparities lead to women’s underrepresentation in male-dominated fields by reinforcing gender norms (Durbin & Fleetwood, 2010, pg. 226).

The research shows that gender stereotypes are present within gender norms and cultures and can be seen by looking into the relationships between men and women, different cultures, and national institutions. For example, gender stereotypes and social norms that are present in hiring practice and the workforce “systematically favor men... [and] cause... gendered

inequality in employment” (Stamarski & Son Hing, 2015, pg. 4). Furthermore, “the processes that underlie gender stereotyping contribute to causal attributions that legitimize gender disparities and minimize perceptions of discrimination” (Cundiff & Vescio, 2016, pg. 133). As a result, gender stereotypes become institutionalized in policies that perpetuate gender disparities.

Research in the Legal Profession

While the studies above are valuable in determining the causes of gender disparities within the entire workforce, they do not focus exclusively on the legal profession. Only a handful of studies focus on the causes of gender disparities within the legal profession (French, 2010; Ganguli et al., 2020).

Jessie French completed a study in 2010 in which she interviewed thirty-five women law students or legal professionals using a qualitative questionnaire regarding their educational and professional experiences in professional fields dominated by men and their attitudes towards these experiences (French, 2010, pp. 21-23). According to French, sexism affects women’s jobs and how they are expected to act within the legal profession, which can lead to pay differences, lack of leadership opportunities, and sexist comments (French, 2010). She found that the old boys’ club is also prevalent in the legal profession, and it affects how women act. For example, 25% of women who participated in French’s research reported that they were pressured to “act like a man” (French, 2010, pg. 44). Because they weren’t accepted as a woman, acting like a man was the only way they received a little respect. Furthermore, women are also required to monitor their appearance because it could affect the way they are perceived by a client or a judge in court (French, 2010, pg. 36-38). This is because women were to wear dresses and not suits (which

were reserved for men), but if women wore the wrong dress they were perceived as inappropriate and unprofessional. Pressuring women to dress a specific way and act like men reinforces the prejudiced idea that only men belong in the legal profession. Sexism also reinforces the idea that women are fragile and need to be protected because they are virtuous and innocent. French concluded that women in the legal profession do experience gender disparities and that these are most often caused by sexism, both overt and covert.

Ganguli et al. sampled yearly operations through a quantitative questionnaire from over 6,000 lawyers between the years of 2003-2011 to measure their opinions regarding women's roles in society, whether this be a traditional homemaker role or holding leadership positions within their jobs (Ganguli et al., 2020, pp. 7-11). From these questionnaires they concluded that in the international legal sector there are gender gaps, and they exist due to cross-country differences and differences in cultural beliefs regarding women's role in society (Ganguli, et al, 2020, pg. 20). Furthermore, we see that some of the gaps in promotions between men and women are due to cross-country differences about beliefs on women's roles in society and culture (Ganguli et al., 2020, pg. 20). These beliefs and stereotypes are so strong that it can lead to more promotions of men than women (Ganguli et al., 2020, pg. 20). Their conclusion is that these stereotypes are causing men and women to work in different jobs and occupations (Ganguli et al., 2020). This role of gender stereotypes present in gender norms and cultures then perpetuates gender stereotypes in mainstream cultures and explains why we see them present in hiring practices and the legal field.

Areas for Further Research

Current research suggests the leading cause of gender disparities is sexism, whether that is overt, covert, or gender stereotypes. Though this research is significant, most of it is focused on the workforce in general (Stamarski & Son Hing, 2015; Durbin & Fleetwood, 2010; and Cikara & Fiske, 2009) or on the STEM profession (Cundiff & Vescio, 2016). While the few studies on the legal profession also pointed to sexism as a cause, further research could strengthen this claim and determine if there are any unique features of sexism in the legal field.

The research that does focus on the causes of gender disparities specifically within the legal profession focuses on large groups of individuals ranging across the United States and the globe, meaning that none of the research focuses on just the southeastern region of the United States (French, 2010; Ganguli et al., 2020). Additionally, much of the research on the legal profession focuses on individuals in large law firms, rather than small law firms. Finally, only one study uses interviews and lawyers' opinions (French, 2010). It is vital to interview lawyers because as the individuals with first-hand experience of these problems, they could have unique insight into its causes. Unfortunately, French only interviewed women, and the data would be stronger if it included men's opinions too. Thus, there is reason to conduct further research, specifically on the causes of gender disparities within the legal profession at smaller firms in the Southeast.

Solutions for Mitigating Gender Disparities

In addition to the research into the causes behind gender disparities within the legal field, there is also research into ways to offset these gender disparities. Most of the research regarding solutions for gender disparities can be found in academic journal articles. Some of the research

above, such as Stamarski and Son Hing, 2015 and Durbin and Fleetwood, 2010, suggested solutions for gender disparities. In addition, Hannah Brenner, 2014 and Amanda Fisher, 2021, have discussed solutions specific to the legal profession. Brenner's research consists of the investigation of countries across the world and their response to gender inequalities, like the Justicia Project in Canada. From her analysis of these programs, she offers an ethics framework to urge further changes (Brenner, 2014, pg. 280). Fisher completed both qualitative and quantitative research, interviewing 28 attorneys in 7 focus groups and collecting survey data from 22 attorneys. The purpose of her research was to provide an open approach to draw on the general principles of gender disparities based on personal experiences and then process these responses to make a probable conclusion to remove gendered stigmas (Fisher, 2021, pp. 40-45). Four general types of solutions are found in the literature: making individual changes, implementing better law school classes, making policy changes within law firms, and implementing legal changes. Throughout the rest of the chapter, I will dive into the details of these solutions and how such solutions can inform my research.

Implementing Individual Changes

One proposed solution to gender disparities is addressing them at the individual level, since sexism and gender stereotypes are a significant cause of disparities and occur at the individual level. One of Fisher's solutions is at this individual level, focused on individual attorneys and their capability to support and empower each other so that other attorneys can make changes to the layers of oppression (Fisher, 2021, pp. 112-114). She suggests that women have the strength to stand up for themselves when something is wrong, rather than let it keep occurring (Fisher, 2021, pp. 112-114). The changes here are that lawyers within the legal field

need to support and empower each other more in order to remove the unnecessary oppression, but also that women need to be able to stand up for themselves as well. By working from the individual level upward, we may see change happen at the institutional level as well. However, because Fisher's solution was not mentioned as being implemented anywhere, so there is no indication of how effective it might be. Fisher herself believes that the legal profession will never be perfect with this approach, but it is a step in the right direction. Though this approach is important in changing individuals' perceptions, simply encouraging individuals to address their covert and overt sexism and their gender stereotypes will not solve all gender disparities. Thus, the implementation of other solutions is important as well.

Law School Classes and Professors

Another proposed solution for gender disparities in the legal profession involves changes to law schools, such as the addition of law school classes that teach about gender disparities within the legal profession, as well as hiring more women law school professors. Because "inequality in the workplace is created and reinforced by inequality in education," that inequality in education must be addressed (Brenner, 2014, pg. 274). This inequality in education is reflected in the data: women only represent 20% of law school deans and 28% of tenured law school professors (Brenner, 2014, pg. 275). If the place where future lawyers learn about laws and culture is almost entirely controlled by men, this can perpetuate inequalities in the practice of law (Brenner, 2014, pg. 275). This solution is to implement classes that change individual perceptions through the use of education.

Additionally, researchers have recommended the implementation of law school classes that discuss gender, leadership, and initiatives for equality. Two schools have successfully

implemented classes along these lines. The first was at the University of Maryland with its Law and Equality program, which allows “students to engage in critical thinking about cutting-edge issues in gender and leadership. It seeks to produce lawyers, both men and women, who are aware of the barriers that face women seeking positions of leadership in society and who will actively promote women in these roles” (Brenner, 2014, pg. 278). The University of Maryland was able to implement a more comprehensive curriculum that addresses the gendered challenges of the legal field that students will face (Brenner, 2014, pg. 278). Due to the success of this curriculum at the University of Maryland, other universities have begun to do the same, like Michigan State University’s College of Law. At Michigan State, the courses focus on gender, power, law and leadership, and global perspectives on women in law, which allows individuals to interact and empower each other to succeed in their legal career (Brenner, 2014, pg. 279). These courses allow students and teachers to discuss the many gender inequalities within the legal profession so that students are aware of what to expect, but also so that they can make changes to remove the disparities for the future. However, there is no research on the effectiveness of the curriculum itself, as it will take time for the curriculum that the students learned to begin to make changes in the removal of gender disparities.

Changes Within Law Firms

Regardless of whether there are policy changes made at the individual level or educational level, some have argued that law firms need to make changes to mitigate gender disparities. For instance, in addition to individual changes, Fisher recommends changes in local law firms and bar institutions. She argues that these changes would drastically alter the gendered stigmas, which drive behavior, attached to women in law (Fisher, 2021, pp. 107-109). For

example, if firms begin to implement changes to remove these sexist issues, like providing all women ninety days of maternity leave, women will experience fewer gender disparities (Fisher, 2021, pg. 109). To support these policy changes, Fisher argues that a sense of professional closeness within firms should be implemented to create a tighter-knit community, which will then be more efficient as everyone respects and takes care of each other and are able to accomplish work (Fisher, 2021, pg. 110). Additionally, Fisher believes that people within firms should be punished when they treat arbitrary divisions like age and gender as important (Fisher, 2010, pg. 111). Thus, Fisher argues, if law firms begin implementing and requiring policies and diversity trainings that require individuals to learn how to treat women and work to remove arbitrary divisions within their firms and among local firms, we will begin to see fewer gender disparities and stigmas.

Stamarski and Son Hing's proposed change within law firms is to update hiring policies—specifically, formal, family-friendly policies. These policies should reduce work-family conflict which will assist women in the workplace with their time restrictions and work-life balance. To do this “organizations can implement HR policies such as flexible work arrangements, which involve flexible schedules, telecommuting, compressed work weeks, job-shares, and part-time work” (Stamarski & Son Hing, 2015, pg. 11). Additionally, provisions such as childcare, paid maternity leave, elder care, and attempts to reduce stress to working mothers can be used to help alleviate and remove some of the gender inequalities that women face within law firms (Stamarski & Son Hing, 2015, pg. 11). These policies would help to solve the unequal treatment due to motherhood as well as removing some of the pay disparities and maybe even the lack of leadership opportunities provided to women. Although many major law firms across the country have senior staff and partners dedicated to enforcing diversity and inclusion programs

that address the advancement and needs of women attorneys, these hiring policy changes and provisions around childcare need to be made in more firms across the country to be effective (Refo, 2019). But the question here remains whether these programs would be effective even in small firms since the flexibility is more difficult when there are fewer lawyers.

Durbin and Fleetwood found in their research that many of these inequalities are solidified through politics and the economy, and thus policies meant to deal with inequalities inside organizations and companies cannot effectively work until they are implemented on a much larger scale (Durbin & Fleetwood, 2010, pg. 222). For example, they propose policies that work towards preventing negative gender stereotypes within society, as well as negative consequences for not following equal pay laws, or new policies to radically change the division of labor that currently exists. No specific policies are provided on these fronts though, so the question remains of how we can take this knowledge and attempt to apply effective policies governmentally.

Another research idea on this front is the Justicia Project, which has been implemented in Canada. The Justicia Project was launched in 2008 by the professional law society in Ontario and has the goal of creating and adopting principles and practices to ensure the “retention and advancement of women” in the legal field (Brenner, 2014, pg. 269). In Ontario, the Justicia Project serves to create commitments to ambitious goals in four areas: “tracking gender demographics, flexible work arrangements, networking and business development, and mentoring and leadership skills for development” (Brenner, 2014, pg. 269). Joining the Justicia Project is completely optional, but across Canada more than seventy-five law firms have joined. Though this is a small percentage of law firms, the Justicia Project in Ontario also encouraged the province of British Columbia, to implement its own two-phase program through the Law

Society of British Columbia (The Law Society of British Columbia, 2012). Firms in the Projects self-report gender demographic data for the analysis of gender disparity trends (Barreau de Haut-Canada, 2010). Though there has been no extensive research on the effectiveness of the Justicia Project in achieving its gender equality goals within law firms in Canada, there was a meeting of the Law Society of British Columbia, the International Association of Women Judges, and the Canadian Bar Association British Columbia Branch in April 2022 in which the progress being made was discussed (The Law Society of British Columbia, 2023).

Implementing Legal Changes

Lastly, some research argues that changes should be made at the governmental level. This could include affirmative action diversity initiatives and programs which track “(a) the number of qualified candidates from different groups (e.g., women vs. men) in a pool, and (b) the number of candidates from each group hired or promoted” (Stamarski & Hing, 2015, pg. 11). The research suggests that if trends regarding gender and race in workplaces are monitored and traced, we should begin to see equality across the industries as they see what is causing the disparities and how they can get rid of them. However, the research following whether initiatives and policies implemented to track and eliminate gender inequalities have not provided the results that were hoped for. It has been found that in some parts of the world the worst gender inequalities have been alleviated; however significant inequalities remain nonetheless (Durbin & Fleetwood, 2010, pg. 228). For example, the United Kingdom passed a policy regarding equal gender pay, however they still see that the full time pay gap between genders is 17.2 cents (Durbin & Fleetwood, 2010, pg. 228). This is primarily due to the nature that many gender inequalities in the workforce stem from circumstances and personal beliefs within individuals,

outside of their time at work. Thus, the beliefs that are imprinted onto men outside of work then influence the way that they view women while at work, which affects the hiring process.

Areas for Future Research

Although there have been solutions recommended to mitigate disparities within the legal field, significant changes have not yet occurred. Though the research that has been done is very important, it focuses on the United Kingdom (Durbin & Fleetwood, 2010), Canada (Brenner, 2014), or globally (Brenner, 2014). Whether these solutions would be useful in the United States—specifically the southeastern U.S.—is unclear.

Conclusion

Though there has been research into the causes and potential solutions surrounding gender disparities within the legal field, more research is still needed in this area. Most research surrounding gender disparities is quantitative research, and what is qualitative focuses on only women in broad geographical areas and large law firms. Additionally, there is not a large amount of research discussing what lawyers who work in the field believe would be the most effective solutions. It is important to talk to the lawyers in small law firms experiencing the disparities and get their opinions on the topic, because they are the ones that are encountering these disparities and would know how severe the issue is, but also what causes they see for the disparities. They are also better equipped to know which solutions would be likely to be implemented or be successful once implemented. In conclusion, lawyers are the most important people to talk to as they make up the largest portion of individuals employed in the legal profession, and if they do not know of any causes or solutions or even recognize the problem, then it is likely that no one

else would either. Thus, my research will play an important role in helping determine potential causes of, and solutions to, gender disparities in small law firms throughout the southeastern United States.

Chapter 3: Methodology

We saw that although there has been research conducted on gender disparities more generally, there is less research specifically focused on the legal field. The research that is narrowed to the legal field concerns larger firms and included mostly women. Because men's perspectives may be important as well, and smaller firms may be different from larger ones, further research is required.

Accordingly, I focused my research on the causes of gender disparities and solutions to offset them in the southeastern United States, predominately in Oxford, Mississippi, and Clarksville, TN. I focused on small law firms to fill the research gap. Focusing on the southern United States and interviewing men and women will allow me to conduct research on the area that continues to practice a more traditional, Southern hospitality culture, and provide both genders' opinions on the prevalence and scope of gender disparities in their experience at small law firms. This is especially important because a study done by Anita Raj through the Georgetown Institute for Women, Peace and Security found that the six lowest ranked states with respect to gender equality were all southern states, including Mississippi specifically (Raj, 2020). Additionally, a survey done by the ABA found that 63% of lawyers work in small firms or solo, meaning that there is an immediate need for research into the gender disparities of these two areas (Moore, 2019).

My Research

I conducted semi-structured interviews with lawyers and legal assistants in Oxford, Mississippi, and Clarksville, Tennessee. To obtain lawyers and legal assistants for these interviews, I contacted individuals with whom I had connections and asked to interview them. Then I used the snowball method to expand outwards from these individuals. Since this was not a large enough sample of lawyers and legal assistants, I used a Google search to look up more law firms to contact. The significance of utilizing the snowball method to receive interviewees is that it allows me to find more willing individuals to participate in my research rather than reaching out to many people who may be uninterested. However, the importance of using a Google search to obtain more individuals is that my research would be invalid without a large enough sample. Thus, using Google to find more law firms in both Clarksville, Tennessee, and Oxford, Mississippi, allowed me to have a larger sample size and hopefully a more representative sample. I then contacted these law firms by emailing them the recruitment email script approved by the Institutional Review Board. If my email received no response or there was no email to contact, I would call the law firms also following my recruitment email script.

The lawyers and legal assistants could interview in person, on Zoom, or over the phone, depending on their preference. The interviews were recorded to preserve the integrity of the information necessary for the research. However, given the sensitivity of the topics in the interview, interviews were recorded on a password-protected recorder, and then transcribed using Otter AI, a paid transcription service. These transcriptions were then stored in a password-protected Word document within a password-protected folder. Additionally, when these interviews were added to the findings portion of my thesis, subjects remained anonymous. I obtained consent from all interviewees both to be interviewed and recorded, and for their responses to be used in my research.

This qualitative research is essential because it allows me to fully hear individuals' opinions and experiences surrounding gender disparities without providing them with answer choices and promoting potential bias or ideas they may not have thought of before reading a quantitative question and its answer choices. Furthermore, qualitative research allows an individual to tell the full extent of the gender disparities they have encountered throughout their time within the legal field, making the interview and research much more personal.

Interviews

The purpose of these interviews was to gain the subjects' opinions regarding whether there are gender disparities in the legal profession, what they believe to be the causes of those disparities, and the solutions necessary to offset such disparities in the future. The interview questions were also intended to bring to light the gender disparities that these individuals have witnessed or experienced. Some of these questions are:

- Do you think there are gender disparities present within your area of expertise in the legal system?
- What gender disparities have you faced or witnessed?
- Why do you think these disparities are present, and what is causing them?
- How do you think we can best address the disparities that you mentioned to mitigate them?

(To see the complete list of questions, please see Appendix A.) The importance of asking these specific questions is that it allows me to fully know the interviewees' opinions on gender disparities while learning about their experiences and ideas on causes and solutions without placing ideas in their heads. Once I received the interviewees' responses to these questions, I

asked them if they knew of any individuals who might be willing to partake in my research. At that point, I ended the recording and thanked them for their participation.

Following the interview, subjects' responses were transcribed using the transcription service Otter AI. After the transcription, the interviews were placed into a password-protected Word document and compiled into a password-protected folder. Then, the interviews were compiled into different documents regarding their findings. To do this, the responses to each question are combined into one Word document to examine the common themes between the responses and the differences. Each interviewee was a different color in the documents, so their opinions and gender could be differentiated. From this, I could examine the common themes and which ideas, causes, and solutions were repeated by individuals or shown in pre-existing research. Accordingly, the causes and solutions given by these lawyers and legal assistants can be combined to determine what the interviewees believe causes gender disparities in their smaller firms and how these disparities can be realistically addressed.

Chapter 4: Findings

In my interviews, I discovered that law firms in the southeast also experience many of the same disparities as the ones discussed in chapter 1, but in unique ways due to the nature of smaller firms and Southern culture and sexism. Thus, in this chapter I will begin by explaining the demographics and methodology of my research. Following this I will focus on whether the interviewees recognized a problem, and the causes they believed were responsible for this problem. Lastly, I will focus on the solutions that these interviewees suggested in response to these gender disparity issues.

Demographics

I interviewed eight individuals, each of whom had a juris doctorate in law. All these individuals were Caucasian, and four were women and four were men. Additionally, four of these individuals were from Clarksville, TN and four were from Oxford, MS. Seven of these individuals were practicing lawyers, and one was a paralegal and office manager at a firm of an independent contracting attorney. All these attorneys and the legal assistant worked in small firms or as independent contractors. Each interviewee specialized in a particular area of law, with the exception of two individuals practicing in the same area but on opposing sides. These specializations include worker's compensation and Social Security, juvenile cases and juvenile delinquency, transactional matters, personal injury and domestic litigation, criminal defense, family law, and a legal assistant. Furthermore, three of the interviewees have practiced for less than ten years, three have practiced between ten and twenty years, and two have practiced more

than twenty years. Lastly, to ensure the confidentiality of these individuals they will be referred to as letters of the alphabet. The women will be Dr. A, Dr. B, Dr. C, and Dr. D, and the men will be Dr. E, Dr. F, Dr. G, and Dr. H.

Is There a Recognizable Problem?

Overall, most of the people interviewed recognized gender disparities in their profession. Six individuals said that there are gender disparities currently present, but one said that there were no gender disparities, and another said that there may be gender disparities in some instances. The individuals who said yes were Dr. A, Dr. B, Dr. D, Dr. E, Dr. F, and Dr. H. Dr. C said maybe in some instances, and Dr. G said no. This means that three out of the four women believe gender disparities to be a problem within the legal field, and the remaining woman gave a more qualified answer. Additionally, three out of four men believe that gender disparities are a problem as well, except for one who said they were not a problem. The one woman, Dr. C, who said that gender disparities are a problem in some instances, is the one person who has practiced for greater than twenty years, so this could be due to her experiences and how things have changed for her over the years. Dr. G's reasoning behind why he does not believe gender disparities are a problem within the legal field will be explained more in the next section.

After answering whether they thought gender disparities were a problem I asked them what sort of disparities they believe are present within the legal profession. From this question many different answers appeared, some of which were the same as those discussed in chapter 1. For example, Dr. B said that though men understand maternity leave they still huff about women having to take this time off; this is an example of unequal treatment due to motherhood.

Additionally, one of the attorneys, Dr. C, mentioned having kids, but she said her child was born before law school, so she never had any issues as an attorney with maternity leave or such.

Dr. D said that the largest disparity is the lack of women attorneys as she “would say less than 15% are female” in her town. Dr. H agreed with this by saying “there is a difference between the number of male attorneys versus female attorneys. Also, I think there’s a big difference with what their roles are in each case.” The roles that Dr. H is referring to reflect the cases that women most often take. He said that “more often than not, a female attorney will be appointed to represent child guardian ad litem.” This then shows that there is a disparity in the number of men and women in the field, and also a difference in the job descriptions and cases that they are taking. Dr. E also mentioned that most of the support staff in law firms are women.

Lastly, Dr. D said that she believes there to be both a pay disparity and lack of leadership opportunities. She said that the lack of leadership opportunities is shown through the large numbers of legal assistants who are women and not men, but that the attorneys are more men than women. These then represent pay disparities and lack of leadership opportunities similar to those discussed in chapter 1.

In addition to these disparities which were already discussed, the interviewees also provided new examples of gender disparities. Dr. B said that she has experienced a lack of respect from other attorneys and judges. She saw a judge on multiple occasions “treat new male attorneys differently than new female attorneys.” Dr. A agreed there is a lack of respect, but that it is sometimes displayed as age discrimination. In one instance an older male attorney asked to talk to Dr. A’s older male partner because “he could not understand her high-pitched feminine voice.” Yet Dr. A has talked to the same attorney in many other instances without any issues. Dr.

F said he did not know how to answer the question properly because gender disparities “are in everything” so he could not provide any specific examples.

When individuals were asked whether they had personally experienced these gender disparities or had witnessed someone experiencing them, four individuals said that they had experienced gender disparities or witnessed someone experiencing them, three said that they had not witnessed them, and one said that they do not exist. Those who believed there are disparities but did not experience or witness them may be relying on testimony from others, but they did not explain why they believe there are disparities without witnessing or experiencing them.

The disparities that individuals experienced or witnessed were disparities in pay, treatment of women, and leadership opportunities. Dr. C said that she had experienced gender disparities but it “was many years in the past” when she had just begun working. She experienced a pay disparity in the beginning of her legal career when she was receiving less pay than men at one firm, but she left the firm to address this issue. Additionally, men treated her differently as they would “call me ‘honey’ and constantly catcall me.” However, she said with time she gained respect, and she does not experience those gender disparity issues anymore.

One individual, Dr. A, said that she knew someone who had experienced gender disparities, and she was unaware if she had personally experienced some. She said that this is because sometimes being a woman she would not realize the way that men were talking to her and treating her until her male partner would mention later how terrible that man had been treating her previously in the day. Dr. E presented a similar idea by saying that he had not personally witnessed anyone experiencing gender disparities because he is a man, which means he does not experience the negative effects of disparities.

It is important to highlight that women may experience these disparities so often that they do not realize the disparity, as Dr. A said, since it is so pervasive. On the other hand, men have become accustomed to not having to look for the problem because the disparities do not create a problem for them. Although the majority of interviewees said that there are gender disparities in the field, they may not be aware of each instance.

Because Dr. G does not believe there are gender disparities in the field, I asked him why he has this belief. He responded that he has always worked in firms that have had more women than men, and the towns he has worked in are all progressive, with either an equal number of women and men judges or more women judges than male judges. Because of this, he said “I do not believe there are any disparities. There’s lots of lawyers that I know that are females.” Unlike the other interviewees who admitted they may not have seen or experienced any problems but still believed these disparities exist, Dr. G believes on the basis of his experience that there are no disparities. Because men would be less likely to look for these problems, however, there is a reasonable explanation for why Dr. G does not believe there are problems. His experiences could be an outlier.

When asked why he thinks that other people believe these disparities are present, Dr. G responded, “I don’t think I can control other people’s perceptions of things they do not know about.” This lack of empathy is concerning because if someone cannot understand why others believe something, they will be unlikely to consider if they are mistaken. His response suggests that the rest of the interviewees are perceiving their experiences incorrectly, and only his experience is accurate.

Some individuals, both men and women, said that the reason that they had not personally experienced or witnessed any gender disparities in the legal profession was due to the nature of

working in a small firm or as an independent contractor. As I discussed previously, all interviewees were either independent contractors or part of a small firm, so the firms included were eight lawyers or less. Thus, many of the individuals presented the idea that they had not experienced disparities within their firms because they were too small and tight knit. For example, Dr. A, said “I’ve been at the same job for so long, and I haven’t had any issues with that here.” However, she discussed how she has experienced gender disparities from other attorneys, but not the ones within her own firm. Dr. B and Dr. C also reported that they have not experienced any gender disparity issues within their small firms as independent contractors currently.

Because they are individual contractors, the attorneys determine the amount of work that they complete and thus the money they earn. Essentially, they control their own pay, so they reported that there is no relevant pay disparity. This is because independent contractors control the prices that they charge their clients and the workload that they are willing to take on. This in turn means that from firm to firm there could be pay disparities, specifically maybe that men often set their base prices higher than women, or that women cannot get cases due to discrimination and men make more money from receiving those cases. However, none of the interviewees discussed either of those ideas; they all felt that in their opinions there was no pay disparity because they control their own pay.

Dr. E mentioned that self-employed contractors are not entitled to benefits, and many of the other attorneys are in the same situations because “it is the most common type of employment within the legal field.” Dr. H presented the same idea, but along the lines that maternity leave is established by the lawyer themselves and that you must progressively slow down your work on your own. So, Dr. H is saying that maternity leave is not a benefit that

lawyers are given or denied, but rather something they must plan into their work schedule before moving forward with a pregnancy and family. This in turn still makes working in the legal field more complicated for women than for men, because this is a problem that men do not experience, and women have to slowly wean off their practice just to pick it back up after pregnancy and maternity leave, which harms them more than working remotely, or true paid maternity leave. This suggests that pay disparities within a firm and unequal treatment from others due to motherhood are less likely to occur in smaller firms, due to the nature that lawyers in these firms are more in control of their money and time than they are in large law firms. Gender disparities are still present, but they are more individually controlled than they are in larger firms, making them less evident.

This independent contracting thus explains why some of the gender disparities from chapter 1 did not appear in the interviews, like sexual harassment, violence, and severe punishment. But this means that the gender disparities provided by these lawyers are more accurate to them and less of those that are experienced at large-scale firms. This is important because it responds to one of the purposes of my research, which was to see whether attorneys in small law firms in the southeast were experiencing gender disparities and, if so, what sort of disparities. These lawyers did still experience and witness some gender disparities, like pay disparities, lack of leadership, and unequal treatment, but these were often from individuals, not policies of the firm. The disparities experienced in the smaller firms were much less apparent than in larger firms, especially because it is not one leader setting the rules. This could be due to the nature that small firms are tighter knit communities and that is why most of the disparities discussed take place between attorneys at different firms and judges. Or it could be that maybe because the firms are small it is harder for women to differentiate when they are experiencing

disparities because there is not a large basis to compare it to, in which case the disparities appear more hidden. Furthermore, it is still problematic that pay disparities cannot be changed due to the nature of pay in independent contracting firms, and that women must control their own maternity leave, however the individuals interviewed did not discuss these as being the main gender disparity issues experienced. This provides another outlet of research moving forward.

Causes

Once we recognize gender disparities in the legal field, we can ask what causes them so that we can work on mitigating them. By asking interviewees what they believe the causes of the disparities are, we can compare their responses with the literature on larger firms to look for possible differences. Smaller firms may have different cultures than larger firms, and the South has a unique culture as well.

Some interviewees identified causes of gender disparities that are not unique to the legal profession. For example, four individuals, two women and two men, said that a cause of gender disparities is that older Caucasian men have always dominated the legal field. And three of these individuals also believed that gender stereotypes cause gender disparities, especially among these older Caucasian men. Dr. D said it best: “most of the attorneys practicing in the area are older, old-fashioned Caucasian men that are more accepting of males and their actions and have the mindset of boys will be boys because that was them once upon a time, and they just don't understand the challenges that women face having to have worked so hard to get to this point where changes can be made.” These older Caucasian men that dominate the field see themselves in the younger male attorneys but have a harder time understanding the challenges women face. This means they take more time with the younger men, who enjoy the benefits of a closer

relationship with those established in the field. So, just as in other professions, older men dominate the field, and this perpetuates gender stereotypes.

Gender stereotypes were seen by some as almost inevitable. Dr. E said, “it’s human nature to stereotype somebody a little bit.” Dr. C said that gender stereotypes are “ingrained in there” and there will always be men out there that practice gender stereotypes. Dr. A agreed with these ideas that gender disparities naturally come along with someone’s personality. Notice that two of the individuals that presented these ideas were women and the other two were men.

Additionally, Dr. A discussed how some individuals will be outwardly ruder and harsher to women to try to intimidate them and win their case for their client. She said that not all individuals are this way, but some people “intentionally try to prey upon you as an attorney in a personal matter.” She expanded on this by saying that in many instances where this was a problem men would try things on her that they would not have done on her older male partner. For instance, one man refused to talk to her and would only speak to her male partner because he could not understand her high-pitched voice over the phone. So, these individuals are using gender disparities and their stereotypes for women for the purpose of their own gain. Thus, if gender stereotypes explain many of the gender disparities in the legal field, then if we could change these stereotypes, we may be able to mitigate the disparities. While we may not be able to completely avoid stereotyping, if Dr. E is correct, we can at least improve those stereotypes. In order to remove gender disparities from the legal profession, we have to recognize how the sexism and stereotypes established by older Caucasian men can lead to entrenched policies that reinforce these stereotypes.

Dr. C’s experiences suggest that gender stereotypes can be overcome, but only by proving that one does not fit the stereotype. By working hard to prove herself, she said, she

earned the respect of her peers. And in turn the older Caucasian men stopped forcing their gendered stereotypes onto her, and she then stopped experiencing these gender disparities. So, to overcome these stereotypes she had to “prove herself” to the older Caucasian. However, requiring that women work harder to prove themselves and not fit into these stereotypes is a problematic disparity in itself. Additionally, this hard work removes the negative stereotypes, but could provide a new one which is that people like Dr. C is “one of the good ones” and that the other women are not because they are not as hardworking as she is. There is still harmful stereotyping occurring here.

In summary, gender stereotypes are a reported cause of gender disparities within the legal profession, but even individuals who say that disparities are getting better or only occur sometimes ignore the fact that just because they overcame the stereotypes does not mean that they no longer exist for other women and lead to disparities. Given that half the sample, including both genders, presented gender stereotypes as a cause of disparities, suggests that it is one of the most significant causes within small law firms. Though the sample is small, it is taken from two different cities, which provides some support for a broader conclusion.

The other cause that was presented in the interviews was much more specific to the law profession. Dr. H suggested that a cause for gender disparities is that the law field demands a lot of one’s time. He said the legal field is not like it used to be, where men started out at big firms who paid off their student debt and gave them large salaries. Now, attorneys must work hard for every dollar they earn and pay off their own student debts. He said that he has seen this impact the lives of many families, whether it is late nights at the office or weekends spent preparing cases, which he believes has caused many women to leave the practice. He also said that “whether it’s stereotypical or not, that’s going on in this area, it seems to be hitting females

harder than males..., and unless you're in a position where you can have three or four support staff, you have to work really hard to be successful.” Whether women cannot adjust to the long hours, or they do not have the means and availability to do so, Dr. H thinks they are more impacted by the demands on their time. The concept he provides here is that women are still the largest providers for the family when it comes to cooking, cleaning, and caring, which we also saw in the data previously (Equal Treatment Bench Book, 2013, pg. 2 and 5). And this time commitment is taking away from families and leading them to leave the practice because they cannot be successful; however, the men are being successful. So, the cause he is presenting is that women have less time to give to the legal field than men because of other prominent gender norms and because of this they must work harder within the legal field to prove themselves.

One voice of dissent, Dr. G, said there is no cause of gender disparities because there are no such disparities. He worked under a woman attorney who ran the entire office and hired predominantly women. He also believes that because there are so many women lawyers and judges now, this shows a shift in attitudes surrounding women, especially because judges are elected positions. Additionally, he discussed that though the field was predominantly men before, it no longer is, and this shift in the genders practicing law shows that there is no “gender disparity whatsoever.” Thus, Dr. G is arguing that gender disparities have already aged out of the legal profession and are no longer a problem.

It’s notable that no other interviewee agreed with Dr. G on this point, and neither does the data. Offices which are run by a woman attorney and employ almost entirely women are very rare across the country. There is no data on the number of all-women law firms; but there is data on the number of women who hold managing partner positions. As of 2020, this was only 22% (American Bar Association, 2022). So, his largest reasoning for why he thinks these disparities

do not exist is due to a type of firm that is not very common, which does not support his idea that gender disparities have aged out everywhere. Perhaps they do not exist at his firm, but they do exist in other small firms in the southeastern United States.

Overall, I learned that the interviewees nearly all agreed there are gender disparities within the legal profession. However, in small firms the disparities are somewhat mitigated due to the circumstances of the job and work they complete. Nevertheless, there are still disparities, perhaps between law firms, and these are largely caused by gender norms and stereotypes upheld by older men in the profession who continue to make rules and influence who is important in the field. So, though some individuals, like Dr. G, may believe that gender disparities have aged out, from these interviews it can be concluded that they have not aged out yet. Something needs to be done to mitigate these gender disparities in the legal profession. The next steps moving forward then are to understand and use these causes to develop solutions to these gender disparities present within small law firms. Thus, the next section focuses on the interviewees' proposed solutions based on their own experiences and what they believe to be causing gender disparities within the legal profession.

Solutions

Overall, there were several different solutions suggested in response to the question of how we can best address these gender disparities, but they fell into two broad categories that correspond with suggestions in the literature: individual changes and institutional changes.

Individual Changes

Individual changes focus on personal changes each individual can make. Since one of the main causes interviewees identified was gender stereotypes, it is understandable that they would focus on their solutions at the individual level. Two types of solutions were suggested by interviewees. First, we should “be real” about gender disparities. Second, women should be able to stand up for themselves more.

One suggestion from Dr. B is that women need to “be real” about gender disparities and be more honest about the situations they are experiencing. Her explanation for this is that “women are the ones going on maternity leave, and men just aren’t, because that is biology and how it happens.” She thinks that discussing these issues with men will allow the community of lawyers to become tighter knit and more understanding, likely leading to fewer gender disparities. Dr. B believes this because she thinks it is actively occurring in her tight-knit town. Members of the profession were honest with each other and discussed the problems that women are facing. Since this has been successful in one smaller community, it may be successful in other small firms and communities as well.

Dr. F echoed Dr. B’s solution but was more pessimistic. He claimed that individuals need to be aware that gender disparities will likely never go away: “they’re always going to be there, there’s always going to be something, and that is never going to be fully solved.” Still, by raising awareness of these problems, individuals can actively work to avoid perpetuating these stereotypes as often.

Dr. C suggested that women need to stand up for themselves more. She has been a practicing attorney for more than twenty years. During her time as an attorney, she concluded that there are always going to be men who discount women and perpetuate gender disparities, because it has become a part of society. However, she believes that not all men are like this, and

to combat this “women need to make sure that she is her own person, and make sure her needs are there.” She further elaborates on this by saying that if a man sees how hard a woman is working and that she is bringing the same amount of money as he and his male colleagues, they are more likely to earn respect and see fewer gender disparities. Dr. C advocated for this solution because it is what she did to overcome adversity in the field. She cautions that if women are afraid to do this and stand up for what they deserve, we will not see a change in gender disparities moving forward, because men will just continue to treat women the same because they have no reason to do otherwise. The problem with this solution is that, while it helps some individuals, the stereotypes still may remain. Additionally, women still have to work even harder than they already are to prove themselves and gain respect, when men should already respect them, so there is still a disparity in how much effort men and women put forth.

Institutional Changes

A different set of solutions focuses on institutional changes, or changes within the legal field and the institutions that prepare individuals for the legal field. There were three main suggestions from interviewees. First, we need to increase the number of law school classes and trainings on gender and gender disparity information. Second, we need to increase the influx of women into the legal profession. Lastly, we need to increase the number of men hired as support staff.

Dr. A suggested increasing the number of law school classes on gender and increasing gender disparity information in law schools. She said that these trainings or classes should focus on professionalism and how to properly advocate for your client. In her personal experience she experienced gender disparities when interacting with other lawyers advocating for their client.

So, if more students were taught proper professionalism when advocating for their client, including treating others with respect, they may put these lessons into practice. Dr. A said 90% of the attorneys she interacts with are great, but 10% are not, specifically in their rude mannerisms towards her and their intimidation tactics. Thus, the implementation of education on gender disparities, proper professionalism through training and classes, and ethical situations in these law school institutions is one way that she believes we can begin to remove gender disparities.

A different solution related to law school was to get more women to enter the legal field. Drs. C, D, F and G all advocated for this solution. Dr. C said that we need to “keep moving forward with larger classes of women students, as well as in the criminal justice system, officers, corrections officers, wardens, sheriffs, and anything similar that can help.” This is because getting more women into law school and then into the legal field makes it harder for men to stereotype all women, since there will be more women with different attributes. Dr. C was optimistic about this solution, saying that 60% of law school classes across the country are women, which means “in the next ten to fifteen years, as long as things continue on that scale, I believe it can be fixed.” Dr. F said they are seeing more and more women applicants for internships at his law firm, so this shows that more women are entering the legal profession. Additionally, he said that he believes that “the main thing is the more women who are actively participating in the profession, that’s what is going to move the needle and change male thinking.” So, these two individuals both believe that through the influx of women into the legal profession we will progressively see a decrease in the gender disparities present within the legal profession.

Dr. G also said that more women in the legal profession is the reason that he believes that there are no gender disparities within the legal profession. Additionally, when he moved to a new town, there were more women judges than men judges there. His exact words were, “I don’t believe there’s a gender disparity issue whatsoever. There’s a lot of lawyers that I know and they’re all females.” Dr. G’s personal experiences in seeing so many women who were lawyers and judges led him to believe that there are no longer gender disparity issues like there may have previously been. This supports the solution of an influx of women into the profession; Dr. G just believes that influx has already occurred.

The last solution that was proposed as an institutional change was that law firms need to increase the number of men employed in women-dominant positions in the legal profession. More than one interviewee discussed how receptionists, legal assistants, and other support staff are disproportionately women. However, only Dr. D suggested that we need to see more men hired as support staff, receptionists, and legal assistants. She believes that this would be a quick solution because this institutional change would get rid of the stereotype that only women can do these positions.

Governmental Changes

It is important to note that no interviewee mentioned governmental changes at the local level or the federal level. All of the individuals focused on individual changes or institutional changes, but not any broader policies that would ensure that these individual or institutional changes took place. This points to the fact that maybe the interviewees did not know of any policies, or they thought that these individual and institutional changes were enough to remove

gender disparities. Either way it is worth noting moving forward into my recommendations section.

In summary, the interviews concluded that there are gender disparities present, even if women and men do not always recognize them, within small law firms in Clarksville, TN and Oxford, MS. However, in small firms the gender disparities are much less apparent, likely due to the close-knit nature of the firms. The most common gender disparities that were experienced within these firms were name-calling, lack of respect, and unequal treatment from other male lawyers in other firms and judges in the courtroom. The main causes of these gender disparities are sexism and gender stereotypes implemented by older Caucasian men, intimidation tactics, and other gender stereotypes which make balancing home life and the legal field difficult. The main solutions provided in response to these causes of gender disparities are to make individual changes or institutional changes aimed at changing gender stereotypes. In the next chapter, I will incorporate the information from these interviews and the existing research to make my own recommendations for how to improve gender disparities in the legal field.

Chapter 5: Recommendations

When considering how to address gender disparities in the legal field, especially in smaller firms in the South, it is helpful to take into account the suggestions from interviewees. Their personal experiences can give us new insight, and because they are in the field, they have a better grasp of what solutions might be practical and effective. However, we should not simply adopt their suggestions uncritically, because personal experience does not always represent reality. To make my recommendations, I critically evaluated the solutions using existing research, considering whether these recommendations would be effective enough in mitigating gender disparities.

As shown by the existing research and the interviews, we see that gender disparities manifest themselves in many different ways. Sometimes this is a pay disparity, lack of leadership opportunities, and unequal treatment due to motherhood, and other times this is unequal treatment because of their gender. We saw that in some instances these disparities are displayed and interpreted differently in smaller firms in the Southeast. Both the interviews and literature suggested that gender disparities are caused by sexism through gender stereotypes and gender norms. Therefore, any solutions to address these disparities will have to address these gender stereotypes and norms. There are a few ways to do this: We could try to change people's beliefs about women, or we could implement policies that prevent individuals from acting on their stereotypes and norms. It might be best to implement both of these solutions moving forward. The interviewees only focused on the first solution mentioned, however that will likely not be

enough to solve the problem, and we will need specific policy changes as well for accountability and effectiveness.

Is a Solution Even Necessary?

One idea that was raised by five interviewees was that the gender stereotypes that cause disparities in the legal field are slowly disappearing as older Caucasian men retire from the profession. If this is correct, then perhaps gender disparities will be mitigated over time, without us implementing any changes at all.

It is tempting to think that we do not need any solutions, then, because the problem will eventually correct itself. But we should be worried whether aging out is really happening in the legal field, and we should be critical of what aging out accomplishes. Oftentimes we have seen individuals argue similar aging out ideas presented in the fields of Science, Technology, Engineering, and Mathematics (STEM) and politics. Though there has been conversation about gender disparities aging out in both fields, there is still a lot of research displaying how they are still prevalent in these fields. For example, in politics there are more and more women politicians in the United States; 27% of the House of Representatives today are women but in 1997 only 11% were women (Blazina & DeSilver, 2021). Despite the increase, the women who are in politics are judged and analyzed more harshly for their physical appearance than men (Rosenfield, 2019). So, there are few women in the field, and the ones who are are still judged by what society thinks they should look and act like.

In addition to politics, the STEM field has begun to show changes even in grade school. Girls now “earn higher grades in math than boys” (Wang & Degol, 2017). Women now make up half of the people employed in the STEM field, which is progress. However, most of these

employees are women working as carers: as healthcare practitioners and technicians (Nadeem, 2021). Thus, the number of women in STEM has increased, but only in the healthcare field, and not in the other aspects of STEM. So, though people think that gender disparities are aging out of these fields, the data shows that they likely are not aging out or at least not fast enough. Additionally, just because more women are in the profession does not mean that disparities such as the pay disparity, disparities due to parenthood, and many of the other disparities are not still present; rather it just means that more women are in the profession.

Thus, it is likely that a similar thing is occurring within the legal profession. More and more women are entering the legal profession, so individuals believe that gender disparities are aging out of the profession, because we are seeing more women who are successful lawyers. However, though more women are entering the profession, we cannot guarantee that they will stay if these disparities remain, especially because 27% percent are currently leaving the profession due to the hard work and gender disparities (The American Bar Association, n.d.). Furthermore, the concept of aging out takes time, and it supposes that younger men will not learn these same behaviors and stereotypes of older men. The existing research suggests the problem is broader than just older Caucasian men (Stamarski & Son Hing, 2015; Ganguli et. al, 2020). So, though these individuals believe that gender disparities are aging out in the legal profession, it is unlikely that this is the case, and solutions should be implemented to ensure that these gender disparities can be offset in the future. Thus, the solution not only has to get more women into the profession, but it must keep them there, through a welcoming and equitable environment. So even if the disparities are aging out, they are not aging out fast enough. The implementation of some solutions would only accelerate this process, mitigating these gender disparities faster,

which is better for society. It is unwise to do nothing and wait for the gender disparities in the legal profession to resolve on their own.

Recommendations

Many of the interviewees suggested solutions which focused on the individual level or minor institutional changes. These changes are important, but they are not solidified by a policy to hold the accountability required for meaningful change. We can tell firms and companies to hire more women and encourage gender trainings and classes, but if these are not mandated, they will never happen. Additionally, getting women into the firm is only part of the problem. The other part is ensuring that they want to stay, and that gender stereotypes, norms, and disparities do not drive them away. Though the nature of small firms being tight-knit allows for these individual and institutional changes to be more effective, there are still worries that these solutions will not be effective enough. Thus, it is important that we make changes not only targeted at eliminating or changing individual gender stereotypes, like the interviewees suggested, but that we also implement policies that work to combat and limit the effects of these pervasive gender stereotypes within the field. Moving forward I will be examining solutions which fit into these two categories.

Working to Eliminate or Change Gender Stereotypes

The first solution that should be implemented is law school classes and trainings. This idea was presented by Dr. A, and previous research done by Brenner (2014) presented a similar concept. These classes would be like the ones taught at the University of Maryland and Michigan State University, which would allow students and teachers to have a better understanding of

gender disparities and how to remove them. This would be done through the engaging curriculum surrounding gender disparity issues, ethics, and professionalism.

In these classes, students are also taught the skills of self-advocacy and negotiation when it comes to pay, cases, maternity leave, and leadership positions (Wojciechowski, 2019). Though these classes are mostly to teach men to be better and relieve the pressure off women, it is still important that they know how to stand up for themselves in the instance that men blatantly ignore the solutions put into place and are not punished for such. These concepts in the curriculum allow the students when they are lawyers to better stand up for themselves as Dr. B and Dr. C said they should, while also teaching men and women about the disparities such as pay, lack of leadership, sexual harassment, and the rest. Recognizing these disparities is the first step to removing them.

This suggestion also connects with Dr. B's point of being real about the disparities and Dr. F's point of being aware about the gender disparities. Since graduating from the University of Maryland and taking their Gender and Equality class, many of the women think that the class contributed to their ultimate success (Wojciechowski, 2019). By teaching these topics women will learn that it is okay to be real about these disparities and to work hard for what they want, and men will be taught to respect women more and how to combat their biases. As we have seen, these disparities are due to covert sexism and gender stereotypes, which these classes work to overcome and remove, whereas policy initiatives often only remove the overt, explicit sexism causing the gender disparities.

Working to Combat and Limit the Effects of Pervasive Gender Stereotypes in the Field

Though the gender and equality classes discussed above will help to remove the covert sexism and gender stereotypes, it does not stop individuals from practicing overt sexism, so more changes need to be made. This is because we can hope that education and exposure will help people start to combat gender stereotypes on their own. Thus, this solution focuses primarily on offsetting the effects of gender stereotypes and preventing them.

To begin, there should be policy changes made to the hiring process. For example, hiring processes should require diversity initiatives like affirmative action programs, which require that firms and counties track the gender diversity of their employees. Furthermore, they can provide bonuses to managers who select more diverse employees. This also supports Dr. D's proposed solution of hiring more male support staff, because it requires accountability in the hiring process of men and women among all positions within firms.

Second, flexible work schedules as well as childcare should be provided through firms to assist with the disparities caused by motherhood. The implementation of new HR policies regarding individuals to have more "flexible work arrangements, which involve flexible schedules, telecommuting, compressed work weeks, job-shares, and part-time work" would allow a better work life balance for women, especially mothers (Stamarski & Son Hing, 2015). Managers should also be incentivized to promote policy provisions that include childcare, paid maternity leave, elder care, and attempts to reduce stress to working mothers to help alleviate and remove some of the gender inequalities that women face within law firms (Stamarski & Son Hing, 2015). If these policy ideas are implemented into law firms, we should see more leadership opportunities for women as well, because more women would be clear candidates for these leadership positions.

Additionally, firms should require that employees all take gender diversity courses in order to treat everyone with kindness and provide yearly performance evaluations (Durbin & Fleetwood, 2010, pg. 233). We should also see more equal pay, as it would be required and documented in yearly evaluations, as well as less severe punishment, less sexual harassment, and less violence. These policies should lead to fewer disparities and encourage women to stay in the law field longer, because they enjoy the profession more (Burke, 2002).

Though corporate policy changes were not mentioned throughout any of the interviews, it is important that they are implemented in addition to the individual changes working to change and eliminate gender stereotypes. Individual changes are important, but they are not enough to remove gender disparities from the legal profession —especially in the Southeast where they are so deep rooted. The implementation of new hiring and employment policies in law firms would help to mitigate the gender disparities present within the legal profession.

The implementation of new hiring policies into law firms is highly important, but just as we cannot assume all individuals will change their biases, we cannot rely on firms to regulate themselves sufficiently. As a result, we should work towards accountability measures for companies in the form of legal policy. A policy program like the Justicia Project would be important for positive changes within the legal and political system. The Justicia Project functions for the “retention and advancement of women” by creating flexible work arrangements, teaching leadership skills for future development, and tracking the demographics of gender (Brenner, 2014). This in turn means that the Justicia Project tracks the affirmative action requirements of its law firms as well as the diversity and inclusiveness of the firms, thus ensuring accountability. It is important that we change the sexist minds and stereotypes of individuals, but it is also important that we put consequences in place to ensure that these

disparities stop occurring. For this solution, firms would be required to join the Justicia Project, and those firms or individuals who do not could face legal penalties, such as fines, probation, or even disbarment. Such consequences are already in place in British Columbia (Law Society of British Columbia, 2023).

For the reasons listed above, I think implementing individual solutions that work to remove and change gender stereotypes, as well as creating policies that combat and limit the effects of gender stereotypes, will mitigate gender disparities in the legal profession. Some of the solutions that fit into these categories are increasing law school classes and trainings on gender stereotypes and disparities, changes to the hiring policies, and implementing a program similar to the Justicia Project. The larger influx of women into the legal profession could result in the removal of more gender disparities, as many of the interviewees suggested. However, the influx of women alone will not remove the sexism and gender stereotypes which are causing these disparities. Aging out will not remove these effectively either, or at the very least not fast enough. So, moving forward these are the recommendations that I believe should be implemented in order to mitigate gender disparities from the legal profession and remove the gender stereotypes that are causing them.

Limitations

One of the limitations of my research is that the sample size is only eight interviewees, which is relatively small and unrepresentative of the entire legal system or even the legal system in Oxford, MS, and Clarksville, TN. But though this is not representative of the entire legal system in these areas, many of the answers interviewees gave for the cause of gender disparities correlated with existing literature.

Additionally, all interviewees were Caucasian, limiting the diversity of the sample. Though the information provided from individuals of different races would likely have been helpful in some respects, differential treatment due to racial disparities rather than gender could have made the research more challenging. Nevertheless, I did contact individuals of different racial backgrounds, but I was unsuccessful in recruiting them for interviews, and this could indicate how few individuals there are of different racial backgrounds within the legal field. An important area for future research is better understanding racial disparities in the legal profession and how to best address them.

Despite these limitations, there is sufficient justification to believe that there are gender disparities in the legal field even among small firms in the Southeast, though these disparities do not always appear in the same way they do in large firms. Future research can address these limitations in sample size and diversity to have a better understanding of gender disparities in the legal profession.

Conclusion

Through the existing research, as well as my interviews, we see that gender disparities are a problem that women in the legal field are experiencing. Both the existing literature and my interviews suggested that the cause of these disparities lies primarily in covert and overt sexism and problematic gender stereotypes. In order to see fewer gender disparities in the future, we must eliminate or mitigate the problematic gender stereotypes and sexist beliefs that individuals in the legal profession have and put policies in place to limit the effects of such stereotypes on women in the field. I recommend more law school classes and trainings surrounding gender disparities, HR policy changes, and implementing a mandatory program like the Justicia Project.

Appendix A

Semi-Structured Interview Questions: *Gender Disparities Present Within the Law Profession*

- Can you please state your name, the gender you identify with, and your race/ethnicity, if you are comfortable with doing so?
- Will you explain what your job is within the legal system and what your job entails?
- How long have you been working in this position, as well as other positions within the legal system?
- In your opinion, do you think there are gender disparities present within your area of expertise in the legal system?
- What gender disparities do you believe, if any, to be present within the legal system?
- Have you personally experienced or witnessed someone experience any gender inequity issues while working in your job? For example, is it harder for women to obtain leadership positions, or are there pay disparities above and beyond what women workers typically face?
- As a woman, have you experienced more severe punishment than men for infractions, or have you been granted fewer health care opportunities? Have you witnessed any women punished more severely than men or granted fewer healthcare opportunities?
- Can you provide some detail on those experiences?
- If you believe that there are gender disparities present, why do you think this is? What is causing these gender disparities? Likewise, if you do not think there are gender disparities present, why do think that? And if there are not any, why do you think there are people who think that there are gender disparities?
- If you believe there are gender disparities present, how do you think we can best address those disparities to mitigate them? How long do you think it would take to solve these gender disparities, if a solution is possible?
- Ideally, what do you think the legal system would look like if all the gender disparities were eliminated?
- Finally, do you have anything else to add regarding gender inequalities within your experience working in the legal system or anything you think would be of importance for my thesis project?

- If you think of any other information that you believe I would find useful later, please do not hesitate to call me at 931-553-3041 or email me at omsander@go.olemiss.edu.

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