




**BLACK WOMEN'S  
EXPERIENCES  
AT NYC BIG LAW FIRMS**

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POLICY TRACK: LAW AND ADVOCACY



# Rutgers Institute for Women's Leadership

- The Leadership Scholars Certificate Program is a two-year selective, interdisciplinary certificate program that prepares Rutgers undergraduate women to be informed, innovative, and socially responsible leaders.
- Leadership Scholars design and implement social action projects to expand their understanding of issues and problems and to develop leadership skills.
- This project gives Scholars the opportunity to apply the theoretical knowledge they have gained about leadership, advocacy, and social change with the practical and experiential knowledge they have developed about a particular policy issue or problem through the field site placement. It also further develops leadership skills by giving undergraduates the opportunity to practice leadership through action.
- To find out more please visit the Institute for Women's Leadership's website at <http://iwl.rutgers.edu>.

The logo for the Rutgers Institute for Women's Leadership is displayed on a red rectangular background. The word "RUTGERS" is written in a white, serif font with a large, stylized "R". Below it, the words "Institute for Women's Leadership" are written in a smaller, white, sans-serif font.

RUTGERS  
Institute for Women's Leadership

# BACKGROUND ON WOMEN OF COLOR IN BIG LAW

- 2006: American Bar Association (ABA) study *Visible Invisibility*, attorneys that are women of color reported:
  - Feeling like they were missing out on desirable assignments
  - Being denied formal and informal networking opportunities
  - Missing client development and client relationship opportunities
  - Feeling like promotion opportunities were denied because of their race and/or gender
  - Being introduced to clients only when it would make the firm look good
- 2018: ABA report from the Commission on Women in the Profession provided:
  - 57 percent of women of color had been confused for custodial, administrative, or courtroom staff as compared to 7 percent of white men
  - Women of color were the most likely to report that they had to go “above and beyond” to get the same respect and recognition as others

## BACKGROUND (CONTINUED)

# BLACK WOMEN IN BIG LAW FIRMS: ASSOCIATE STATUS

**Table 4: Representation of Asian, Black, and Latinx Associates at U.S. Law Firms in 2023**

	All Asian Associates		Asian Women		All Black Associates		Black Women		All Latinx Associates		Latina Women	
	Total %	% of Offices with Zero Associates	Total %	% of Offices with Zero Associates	Total %	% of Offices with Zero Associates	Total %	% of Offices with Zero Associates	Total %	% of Offices with Zero Associates	Total %	% of Offices with Zero Associates
Total	12.84%	24.16%	7.77%	33.33%	6.15%	30.73%	3.68%	43.87%	7.05%	31.97%	3.75%	45.35%
<b>By Firm Size</b>												
100 or Fewer Lawyers	11.72	34.78	6.25	47.83	5.21	50.00	3.78	63.04	5.21	60.87	2.86	67.39
101-250 Lawyers	8.42	22.67	4.89	29.33	5.18	26.67	3.07	41.33	6.64	28.00	3.67	44.00
251-500 Lawyers	11.36	25.00	6.78	32.41	6.39	29.63	3.40	40.74	7.15	30.56	3.76	42.59
501-700 Lawyers	11.43	22.94	6.89	30.28	6.81	31.19	4.43	40.37	6.36	33.94	3.37	49.54
701-1,000 Lawyers	12.77	26.89	7.78	36.79	5.69	32.55	3.45	46.70	6.70	33.96	3.70	48.11
1,001+ Lawyers	14.39	20.62	8.77	29.96	6.35	27.24	3.78	41.25	7.53	26.07	3.92	38.13

Source: 2023 NALP Directory of Legal Employers. Figures are based on 807 offices reporting at least one associate in the office.

## BACKGROUND (CONTINUED)

# BLACK WOMEN IN BIG LAW FIRMS: PARTNER STATUS

**Table 2: Representation of Asian, Black, and Latinx Partners at U.S. Law Firms in 2023**

	All Asian Partners		Asian Women		All Black Partners		Black Women		All Latinx Partners		Latina Women	
	Total %	% of Offices with Zero Partners	Total %	% of Offices with Zero Partners	Total %	% of Offices with Zero Partners	Total %	% of Offices with Zero Partners	Total %	% of Offices with Zero Partners	Total %	% of Offices with Zero Partners
Total	4.87%	36.58%	2.10%	53.20%	2.47%	50.99%	1.03%	69.83%	3.01%	45.32%	1.00%	71.18%
<b>By Firm Size</b>												
100 or Fewer Lawyers	3.98	36.96	1.96	50.00	1.61	63.04	0.42	86.96	2.03	69.57	0.91	84.78
101-250 Lawyers	3.72	27.63	1.65	46.05	1.67	36.84	0.59	65.79	2.19	35.53	0.66	67.11
251-500 Lawyers	3.72	30.28	1.55	46.79	2.06	44.95	0.91	63.30	2.68	41.28	0.91	64.22
501-700 Lawyers	4.65	39.09	1.86	56.36	2.38	54.55	1.09	68.18	2.69	44.55	0.86	71.82
701-1,000 Lawyers	5.14	38.68	2.17	56.60	2.81	52.83	1.07	74.53	3.13	46.23	0.85	73.58
1,001+ Lawyers	5.99	39.00	2.68	54.44	2.90	52.51	1.29	67.57	3.67	45.17	1.36	70.66

Source: 2023 NALP Directory of Legal Employers. Figures are based on 812 offices reporting at least one partner in the office.



# GOAL STATEMENT

- The project's focus is to ascertain how dual discrimination persists in private law firms, where and when it begins, and how to lessen and eliminate impediments to career advancement.
- By extension, the objective of the research is to highlight the reasons for Black women's lower retention rates in private firms. These findings inform firms on how to increase those rates.

# LEFT OUT *and* LEFT BEHIND



The Hurdles, Hassles, and  
Heartaches of Achieving Long-Term  
Legal Careers for Women of Color

By Destiny Peery, Paulette Brown, and Eileen Lett

## INTELLECTUAL FOUNDATIONS

AMERICAN BAR ASSOCIATION'S COMMISSION ON WOMEN  
IN THE PROFESSION

- *Left Out and Left Behind* fills a critical gap by offering empirical data and thoughtful discussion about what it means to be a woman lawyer of color:
  - *Captures the general experience of practicing law*
  - *Touches on the effect of family and personal dynamics on career trajectories*
  - *Exposes the barriers that women of color confront even after achieving a level of success*
  - *Highlights the factors that either drive women of color out of the profession or encourage them to stay*

# CONCEPTUAL FOUNDATIONS

- Invisible Labor Clause
  - Described by Melaku as additional work black women must do to conform to unwritten but powerful norms about expected behaviors and actions desired in predominantly white spaces
- Inclusion Tax
  - Described by Melaku as the “additional resources” required for black women to participate in predominantly white settings. These include:
    - chemically straightening hair to create an appearance that conforms to racialized ideas of professionalism
    - expending mental energy assessing whether to address sexist or racist comments
    - preemptively structuring one’s behavior to avoid generating gendered racist assumptions and stereotypes

YOU DON'T  
LOOK LIKE  
A LAWYER

Black Women and  
Systemic Gendered Racism



TSEDALE M. MELAKU





## RESEARCH

Gain context through existing scholarship on the private legal profession

Compose abstract and annotated bibliography

(SPRING '23)



## OUTREACH AND ENGAGEMENT

Create a semi-structured interview guide for attorneys

Contact potential participants

(SUMMER '23 → MID-FALL '23)



## CREATION

Extrapolate salient points from interviews

Compose, edit, and publish law review article

(MID-FALL '23 → LATE FALL '23)

# TIMELINE

# EXAMPLE OF RESEARCH PARTICIPANT OUTREACH



## RESEARCH PARTICIPANTS NEEDED

RUTGERS INSTITUTE FOR WOMEN'S LEADERSHIP—SOCIAL ACTION PROJECT

**TITLE OF STUDY:** Black Women Attorneys at Big Law NYC Firms

**PRINCIPAL INVESTIGATOR:** Dr. Arlene Stein—Distinguished Professor of Sociology, Rutgers University

**CO-INVESTIGATOR:** Faith Wilson—Student, Rutgers University- School of Communication & Information

**PURPOSE OF THE STUDY:** The purpose of this study is to evaluate the experiences of Black women attorneys working at Big Law firms in New York City. Existing research conducted by the American Bar Association (ABA) and Institute for Inclusion in the Legal Profession (IILP) report law firm environments to be affected by sexism and racism. This study seeks to contribute to existing research by identifying how the career paths of Black women in Big Law are impacted through qualitative interviews.

**PROTOCOL SUMMARY:** Semi-structured interviews will be conducted with five attorneys who volunteer to participate. Each participant will interview separately for approximately thirty minutes. While the study is ongoing, the data will be exclusively accessible to the researchers. Be advised that data and transcriptions will be shared with Rutgers University indefinitely when the study officially concludes. Results using anonymity-oriented language will be published in the Rutgers Undergraduate Law Review.

**ELIGIBILITY CRITERIA:** For this study, we are seeking to interview Black, cisgender women employed (or formerly employed) at a Big Law firm in New York City. The term "Black" includes anyone of direct Black descent irrespective of origin (Black-American, Caribbean, African, etc.) or citizenship status (US-born, naturalized, etc.). Bi-racial/Multi-racial Black women are also encouraged to participate; their racial identities will be labeled accordingly.

**STUDY SITE LOCATION(S):** Participants can hold the interview via Google Form survey, a password-protected Zoom session, or in-person at an agreed-upon location.

**CONTACT INFORMATION:** To contact the Principal Investigator, you may reach Dr. Arlene Stein at [arlenes@sociology.rutgers.edu](mailto:arlenes@sociology.rutgers.edu). To contact the Co-Investigator, you may reach Faith Wilson at [fjw26@scarletmail.rutgers.edu](mailto:fjw26@scarletmail.rutgers.edu).

1

“We are successful in recruiting a very diverse class but have real challenges in retaining, especially Black and Latino colleagues past the third or fourth year. As you get more senior, the classes get a lot smaller, and the place gets less diverse.”

3

“I am routinely underestimated, less inside the firm. Outside the firm, even with the reputation the firm has, unless somebody knows of my personal reputation. There are other times where I will be ignored, discounted, etc.”

5

“Let’s say we have an average entering class of 85 associates, and fewer than a dozen are Black. If you have three departures over the course of the first two or three years, it’s a handful of people, but it has a major impact on the statistics. Frankly, it has a major impact on the feel that you have in that group, and within the firm.”

2

“The path to partnership is hard and sometimes long. That difficulty in making partner was part of the explanation that was offered for why partnership wasn’t as diverse as it should have been. That explanation didn’t stand up then, and it doesn’t stand up now.”

4

“When you see minorities leaving the firm-- if you haven’t had the opportunity to establish relationships that extend outside of the [racial] affinity group-- that can be an isolating feeling and can help accelerate other departures.”

6

“When you hit a certain level, you’re either going to be this way-making Partner candidate or you’re not. I’m a Black woman, a lesbian, I don’t have those contacts, people I know don’t have that kind of money-- so I wasn’t that person. But the way [the firm] went about it was in a racist, nasty kind of way.”

# INTERVIEW QUOTES



# DEMONSTRATION OF FEMINIST LEADERSHIP

Personal Definition of Feminist Leadership:

*Using and implementing feminist thought and standards to reimagine and reconstruct society in all domains of life.*

Feminist Leadership applied to the SAP:

- *Black Women's Experiences at Big Law NYC Firms* interrogates how legal institutions and structures perpetuate inequality, discrimination, and violence.
- This study produces tactical methods that realizes equality in the workplace and in a broader male-dominated profession.
- This study values intersectionality by interviewing two queer Black women and one immigrant Black woman.

# IMPACT OF THE SOCIAL ACTION PROJECT

- **IMPACT**
  - Combats the dearth of scholarship on Black women in Big Law
  - Identifies problems that Black women confront in the profession
  - Provides solutions for mitigating gendered racism in the workplace
  - Encourages the continued pursuit of Big Law careers
- **PROJECTED IMPACT**
  - Personal implementation of strategic navigation of Big Law spaces to work against career dissatisfaction
  - Expansion of the study with more attorneys across the country
  - Creation of an interest group for Black Women in Big Law at future law school

# EVALUATION RESULTS + NEXT STEPS



# LAW REVIEW ARTICLE

COLUMBIA UNDERGRADUATE LAW REVIEW

## *How SFFA v Harvard Perpetuates Discriminatory Gatekeeping: Black Women and Legal Education*

Faith Wilson | Rutgers University

Edited by Laiba Syeda, Benjamin Waltman, John Brunner, Nicole  
Wong, Arya Kaul Anusha Kumar, Emily Huang

### Introduction

Secondary education has historically acted as a mechanism for societal stratification, differentiating between the privileged and the underprivileged by granting educational access to some while denying it to others. This differentiation has been significantly influenced by biological essentialism, the notion that certain traits and behaviors are intrinsically associated with specific biological categories, such as race and gender. This perspective has traditionally marginalized Black women, limiting their access to education based on the erroneous belief that neither women nor Black individuals are suited for educational institutions. In the early history of the United States, education was primarily reserved for privileged white males. Enslaved Black women in the United States were expressly forbidden from accessing education. This paper aims to show how selective interpretations of history and legal precedent hinder efforts to confront the challenges that Black women face in pursuing post-secondary education at top-tier legal institutions.

In *SFFA v Harvard*, the U.S. Supreme Court's consideration of the constitutionality of affirmative action fails to adequately account for the historical context that necessitates such laws. The Supreme Court's belief that ignoring race leads to equal assessment of applications overlooks the reality that true equal consideration is still an unattained ideal in America. Eliminating racial considerations from admissions could trigger a national decline in Black women's representation in top-tier legal institutions. The LSAT, a primary determinant in law school admissions, has been shown to disadvantage Black women due to socio-economic and educational disparities. Without affirmative action, which formerly considered race as a component to foster diversity, the number of Black women in top-tier law schools might significantly decrease. This is because the admissions process may become more reliant on LSAT scores, a test where Black women statistically underperform due to systemic barriers. This paper explores the history of Black women's education in America, the evolution of affirmative action, and contemplates the prospective landscape without a diversity framework in law school admissions.

# COLUMBIA UNDERGRADUATE LAW REVIEW

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## ARTICLES

“How SFFA v Harvard Perpetuates Discriminatory Gatekeeping: Black Women and Legal Education”

*Faith Wilson*

“How Contemporary Courts Have Rendered the Americans with Disabilities Act Powerless”

*Dante Rodriguez*

“The Implications of Neuroscience and its Development in Supreme Court Cases Regarding Juvenile Sentencing”

*Zander Pitrus*

“Good Faith Gone Bad: The Distortion of the Common Law Origin of Qualified Immunity to Expand Police Power at the Cost of Civil Rights”

*Gabrielle Linder*

“United States v Rahimi: Originalism at the Cost of Women’s Lives?”

*Liz Thomason*

“The Search for “Truth”: Analyzing Florida’s Stop WOKE Act and the Tensions in the Current Framework of American Academic Freedom”

*Karun Parek*

“Rethinking the Exclusionary Rule: Rights vs. Deterrence Rationale”

*Anika Jain*

# NOTE TO FUTURE SCHOLARS:

*Dear Future Leadership Scholars,*

*You may notice, when conducting preliminary research for your SAP, that there is not much scholarship on your subject. Please do not let this discourage you from pursuing the idea, nor let it dissuade you from calling out the problem. You are a leader, and you may be one of the first or few to interrogate that subject. There is joy in bringing a struggle to light; when it is seen, it can be solved.*

*Sincerely,  
Faith Wilson, Class of '24*



# THANK YOU

- **Project Advisor: Dr. Arlene Stein**
- **Institute for Women's Leadership Scholars & Staff**
  - **Professor Trigg**
  - **Sasha Taner**
  - **Julie Rajan**

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