

Progress and Potential

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HOW ARE WOMEN faring in the legal profession today? On one hand, they continue to make significant gains. Nearly 40% of lawyers in the U.S. are women. In addition, women are the majority of law school students and make up half of new associates at the country's largest firms. Women have also made tremendous strides in the judiciary, gaining seats in both federal and state courts, and achieving momentous majorities on many state supreme court benches. On the other hand, many of the historic challenges related to retaining and advancing women in Big Law persist and, in some instances, were worsened by the disruptions of the pandemic.

It has been more than 150 years since Arabella Mansfield in 1869 became the first female lawyer in the United States after she passed the Iowa bar exam despite a state statute prohibiting women from taking the test. Her successful challenge of that restriction resulted in Iowa becoming the first state to allow women to practice law and helped open doors to their acceptance in the industry. The courage, grit and determination of pioneers such as Mansfield formed the foundation for subsequent generations of fearless women who continued to overcome legal and societal barriers, advancing to the highest levels of the profession. These trailblazers accomplished an astounding series of firsts, shattering countless glass ceilings in the quest for equal representation, treatment and opportunities. Current data on the status of women in the law confirms that these decades-long efforts have been fruitful. A 2022 survey by the American Bar Association found that 38% of the more than 1.3 million lawyers in the U.S. are women, a 5% increase over the past decade. Roughly a third of federal and state judges are women, as are four of the nine justices on the U.S. Supreme Court.

That's significant progress. Yet the numbers continue to lag for female attorneys in partnership positions at the country's largest law firms. Recent studies showed that although the number of women in the junior ranks of Big Law are robust, those figures plummet at the partnership and leadership levels—a continuation of historical underrepresentation at such heights. The largest firms still have great difficulty retaining female lawyers: Women make up just 26.7% of partners and just 22.6% of equity partners. Further, only 12% of managing partners are women, and a mere 2% of firms reported that a woman was their highest-paid attorney. [...]

Over the years, many studies have tried to discern why women leave large firms. Surveys often point to a workplace culture in which women feel less supported than their male counterparts, becoming disillusioned by uneven playing fields in originations, billing credits, marketing opportunities and professional development. This, paired with a lack of flexibility and poor work-life balance, leads many women in the prime of their careers to leave large firms to explore opportunities at smaller ones, as in-house counsel or in government and academia.

Recent studies reveal additional troubling trends. A 2021 ABA report showed that although working remotely can have significant benefits, it may also create considerable unease for women, who face unique challenges due to a greater responsibility for childcare that can disrupt workflow. The report found that women were more worried than men about the adverse effects of remote work on selection for assignments, client access, business development and career advancement; they also had a greater fear of being laid off.

As a result, many female lawyers experience significant mental health challenges. According to the ABA, women in the law are more likely to have stress, anxiety and depression than men, and more women than men (25% to 17) consider leaving the profession due to mental health troubles, burnout or stress. Overall, 67% of women report experiencing moderate or severe stress, as opposed to 49% of men.

So where do we go from here? The pandemic taught us that we can adapt to new ways of thinking and still be successful. With so much of the landscape already fundamentally altered, the opportunity exists to rethink traditional practice models and usher in new paradigms more supportive of women. [...]