

Equality in Promotion and Compensation in Private Law Firms

Growing up, I hated two questions. I dreaded being asked “what do you want to be when you grow up?” With age came concealed insults of “where are you really from?” Ironically, these are the questions that have shaped both me and my legal career the most.

Rutgers University’s Center for Women and Work published a report titled “Women in Private Law Firms: Slow Progress on Equality of Promotion and Compensation,” (hereinafter “Report”). This Report details women’s rise in numbers at private law firms compared to their staggering lack of equality in terms of leadership roles, promotion, and compensation.¹ While the Report explains common barriers to equality in firms, it also provides recommendations.

A. Underlying Issues that Most Impact My Legal Career & Effectiveness of the Report’s Recommendations

1. Issues

The Report details numerous underlying issues, many of which have impacted my legal career and will likely continue to do so in the future. The three issues that have most impacted my career are managing career aspirations, balancing work and caregiving, and bias.

I have wanted to be an attorney since the seventh grade. Today, I continue to work towards that goal, and I have many career aspirations. Despite this, I often struggle to figure out how to get there. As a first-generation law student, I have worked hard to develop my dedication and tenacity, but my lack of resources can be a barrier. The Report explains how “aspirations are affected by early work experiences and can be dampened by commonplace work occurrences that occur early

¹ YANA RODGERS & SO RI PARK, WOMEN IN PRIVATE LAW FIRMS: SLOW PROGRESS ON EQUALITY OF PROMOTION AND COMPENSATION 1 (Center for Women and Work, 2022).

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in people's careers including harassment or demeaning comments."² My 1L summer job was my first "real, adult job" after college. I was excited to get my hands on practical legal experience, but I was unsure what I wanted to do. All I knew was that I wanted the job that would give me the broadest range of experience possible because no one in my family had any legal experience. After multiple interviews, I turned to my family when I had an offer in hand. I was unsure if I should accept the job, and I was encouraged to reach out to someone with more experience, which I did. Rather than take the time to guide me through my career aspirations, this attorney told me to just accept the job because I was lucky I had something in the first place. I will never forget hearing that my expectations were too high and feeling like all my aspirations were dismissed without a second thought. Today, I still have many career aspirations, but this 1L experience continues to haunt me as an insecurity. It is an experience I always think about whenever someone asks me what I want to do with my career.

The Report also explains how "[t]he time demands and inflexibility of working at a law firm serve as one of the biggest constraints facing women lawyers."³ This is particularly important when intersectionality is taken into consideration. As a Palestinian-American Muslim woman, balancing work and family life is a substantial challenge. As I am navigating law school, I am also committed to my duty to my family. I come from a large, immigrant family, with three generations in my household. In between studying and outlining, I am also translating or going to doctors' appointments with family members because there is a language gap, which I can help fill. At the same time, I am navigating cultural expectations of what Muslim or Arab woman should be and fighting back against generational trauma from the law's harmful impact on Muslim Americans.

² *Id.* at 15.

³ *Id.* at 13.

My identity as a Muslim American is one reason bias and stereotype greatly impact my legal career. According to the Report, women are often “stereotyped as either cutthroat or as secretaries or housewives.”⁴ When people see my hijab and automatically question where I am from, I struggle not to cringe despite knowing they imply I do not belong. Throughout my academic career, the most common assumption made about me is that because I am a hijabi, I am not from this country. This initial assumption then leads people to automatically assume I do not speak English and that they need to adjust the way they speak to me. My entire life, I was placed in the box of the “oppressed, foreign hijabi woman who cannot speak English.” When I came to law school, “diversity hire” was added to that stereotype. I lost count of the amount of times I was advised to apply for the “diversity” positions, and I know that the label “diversity hire” will follow me throughout my career because “[g]ender bias and outright discrimination also play a role in hiring and promotion decisions that contribute to persistent gender inequities in the legal profession.”⁵ The assumption that I am a “diversity hire” combined with other stereotypes can greatly impact my legal career because of the implication that I am not smart enough or do not deserve any position I may have. The hardest part is reconciling the fact that my work got me through the door with the fact that I may very well be denied opportunities because of assumptions.

2. Recommendations

The Report lists many recommendations that may be effective if they go far enough. These recommendations include building resources, assisting with work/life balance, and removing bias. Such recommendations will have true impact if they are united, rather than severed. The Report

⁴ *Id.* at 17.

⁵ *Id.* at 14.

lists “more opportunities for training”⁶ as one part of building resources, but I am skeptical of this, as women have proven they can have superb legal training and still not be afforded the same opportunities. Rather, the recommendation to build resources will be more effective if it focuses on bridging the information gap, particularly for first-generation women attorneys. The Report explains how helping women manage career aspirations can be “an early intervention to close gender career gaps in the legal profession,”⁷ as well as how legal education is a “a critical place for creating change in the legal profession.”⁸ One way to bridge the information gap and help women achieve a work/life balance is to teach women in law schools the right questions to ask during interviews. For example, one such critical question would be whether the firm offers flexible work patterns at the “organizational level,” rather than the individual level.⁹

Removing bias and stereotypes can also be effective, but here, effectiveness largely depends on which firms and law schools “make the effort to educate their entire organization.”¹⁰ While it is important to educate the legal community on stereotypes and biases women face, it is even more important to bring intersectionality into the conversation. Without intersectionality, any conversation on stereotyping women runs the risk of implicitly adopting the idea that all women are the same, when in fact, women hold various identities impacting their lived experiences at once.¹¹ This understanding can then be implemented in recruitment, crediting work assignments, performance evaluations, and setting compensation policies.¹²

⁶ *Id.* at 17.

⁷ *Id.* at 15.

⁸ *Id.*

⁹ *Id.* at 16.

¹⁰ *Id.* at 17.

¹¹ See generally Kimberlé Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics*, 1989 UNIV. OF CHI. LEGAL F. 139 (1989).

¹² RODGERS & PARK, *supra* note 1, at 18.

B. *Assisting the Success of Other Women*

My approach to my own advancement in private law practice has developed over time, and the lessons I learned might assist the success of other women, particularly women of color. Beginning law school was hard for me because I was uncomfortable going into something without an idea of what to expect. My discomfort combined with my 1L experience asking for advice caused me to lean in rather than lean out. I relied on my own research to figure out what I wanted and where I wanted to be. While this was good, doing one's own research should only be the first step. Research showed me what was on paper and what firms wanted me to see. Firm websites and search engines did not show me the breakdown of how many women actually make equity partner, how women in a particular firm are treated after returning from maternity leave, or which clients they get access to. I did not even know that there were different types of partners, or that I should be asking those questions.

It was not until I finally racked up the courage to reach out to my professors that I felt like I was making real progress. Throughout law school, I heard so much about the importance of finding a mentor. Not a lot of people looked like me or shared my background, and I felt like I did not fit in. I spent so much time searching for a mentor who looked like me when I realized my women professors had already become mentors to me in different ways. Because they came from different backgrounds, they were able to offer me various viewpoints, which ensured I went into every decision with as much information I could get my hands on. They became the resources and network I did not have coming into law school, and I was able to ask them all my questions about being a woman in different areas of law.

In addition to seeking out mentors from diverse backgrounds and asking questions, women of color will greatly benefit from doing informational interviews. One of my mentors always told me that I need to invest in networking in order to succeed. The idea of going up to someone at an event and networking with them always scared me. To get over my fear, I leaned on technology. If I am interested in a particular attorney's work, I ask that person for a virtual meeting. Not only is this easier because it offers the attorney more flexibility, meeting virtually is also less daunting to me. Through these virtual information sessions, I can ask all of my questions to successful attorneys while networking with them. It also makes it easier to eventually ask for an in-person meeting. Asking to speak to other women is one of the greatest strategies I have developed to help me manage my career aspirations and fill my own information gap, figure out what type of work/life balance I want, and learn how to handle stereotype. At the same time, it benefited me greatly when I began looking for a 2L summer job. When I interview with a firm, I always request to speak to women from different backgrounds because they have the information that I need.

C. Reflections on the Report's Conclusions

Although I agree with most of the Report's conclusions, such as mentoring as a best practice,¹³ there are other conclusions I have my reservations about. The Report lists meaningful networking as another best practice.¹⁴ Networking is important, and it has benefited me; however, I believe the success of networking depends on how it is structured. Another reason networking made me uncomfortable is because of the alcohol at networking events. As a Muslim woman, being around so much alcohol was foreign to me, and I often found that I was at a loss on what to do with my hands or how to structure my body language. Because of this, I believe meaningful

¹³ *Id.* at 15.

¹⁴ *Id.*

networking for firms means offering different types of opportunities for attorneys to get together, not just events with an open bar. It also means offering women opportunities to develop their networking skills where they can get comfortable with their body language and approaching new people.

I also have my reservations about a “Women’s Initiative”¹⁵ as one way to develop resources. First, it matters whether such an initiative is a marketing strategy or the real deal. Here, it is especially important for women attorneys to ask those already in a firm all of their questions. Second, a Women’s Initiative appears to demand a lot of time and unpaid labor. Women attorneys already have a harder time managing their work/life balance, and asking them to carry the weight of such an initiative is a big ask. Why should women have to do all the work when a Women’s Initiative benefits the whole firm? While women spend time and effort on such an initiative, men may be billing hours or meeting with new clients, helping them get promotions. One way to address this issue is to have men join such initiatives too, particularly men in leadership positions at firms. Women’s voices should lead such initiatives, but including men helps develop accountability and equalize the labor put in. One of my 1L professors always asked me to reflect on my time. Every time I told her about an unsavory experience I had, she asked me to think about where I wanted to invest my time. She asked me what I thought my colleagues did with their time while I spent mine replaying a bad experience over and over again in my head. To me, a Women’s Initiative can be analogous to this situation if it is not done right. It is analogous to a “Second Shift”¹⁶ at work. While requiring men to join such initiatives is one solution, another solution is “giving credit for

¹⁵ *Id.* at 17.

¹⁶ See generally ARLIE RUSSELL HOCHSCHILD, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* (Viking Penguin, 1989) (describing how women take on additional labor at home after work performed outside).

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non-billable work that is vital to the firm.”¹⁷ This is important to both the time and labor aspects and helps ensure women’s efforts to develop the firm are both recognized and compensated.

D. *Conclusion*

After hearing my expectations were too high, I started a new note page on my iPhone where I wrote all of things I wished I would have said to that person in that moment. I never sent this message, and I probably never will. Rather, I use this note to fuel my ambition and aspirations. I choose to invest my time in myself and other women. I know that starting a legal career at a private firm will come with challenges old and new, and I am still figuring out what area of law I want to focus on, while learning as much as I can. Despite this, I know that I come from a tradition of women lawyers who fought hard to make opportunities available for other women, and I am proud to continue that fight with them.

¹⁷ RODGERS & PARK, *supra* note 1, at 18.