

**New Jersey Women Lawyers Association
2019 Scholarship Program
Priscilla Savage***

The legislative floor of the New Jersey State House is dominated by men. The hallways of that same building, where politicians and advocates strategize off the record, are a homogenous array of blue, grey, and black suits. I was one of very few young women working in political lobbying. Petite, blonde, and approachable-looking, I am not what pops into most people's minds when they think of a budding political insider. All too often I was mistaken for an assistant or scheduler by those I associated with. I went above and beyond to prove otherwise, always grateful to have empowering employers behind me. This was the first time I saw Prove-It-Again bias¹ in action and it likely will not be the last. My work in government fueled a desire to get "a seat at the table." I wanted to be a decision maker and a problem solver. I also wanted to equip myself with the tools necessary to dismantle gender-based stereotypes in the process. It was at this time that I decided to apply to law school.

I plan to use my law degree to work in private practice, focusing primarily on government work. I will remain involved in politics and advocacy in New Jersey and believe my degree will be an indispensable ancillary asset in this role. Coming from a blue-collar family, and being the first in my family to go to college, a law degree is more than a tool, it is a privilege. I hope to do as much pro bono work as possible to give back to the community that gave so much to me.

What I have come to learn during my time in law school is that the demographics of the legal profession are strikingly similar to those of government. What makes the legal profession

* J.D. Candidate, 2020, Seton Hall University School of Law.

¹ See Joan C. Williams, Marina Multhaup, Su Li & Rachel Korn, *Interrupting Racial & Gender Bias in the Legal Profession*, AMERICAN BAR ASSOCIATION: COMMISSION ON WOMEN IN THE PROFESSION (2018), http://www.abajournal.com/files/Bias_interrupters_report-compressed.pdf

dynamic is that women have little trouble getting “a seat at the table.” Statistically, women make up the majority of the law school student body across the United States.² Women are hired into private firms at a similar rate to men.³ But, while women attorneys can get “a seat at the table,” they tend to eat last. Studies show that most women lawyers remain stuck at lower ranks in the profession.⁴ Women are generally not advancing through law firms and legal organizations in the manner or at the pace that men continue to advance.⁵ Finally, women equity partners are significantly out-earned by male partners by at least 30%.⁶ The 2018 ABA Report, “Interrupting Racial & Gender Bias in the Legal Profession,” details four main patterns of gender bias which proliferate these discrepancies.⁷ If the gender gap is ever to close, individuals and organizations must work together to attack these biases head-on.

A. INDIVIDUAL EFFORTS

As an individual, there are a few fundamental steps that I can take to address gender bias. The first, and arguably most important, is entering the profession with the right mindset to facilitate change. The cause of women’s advancement in the law is a “we” charge not a “me” charge. I will look to join forces to build a coalition of diverse attorneys in my workplace. The purpose of this coalition cannot be limited to “traditional” support and mentorship, however. The coalition must collaborate to implement measurable bias-interrupting policies in the workplace,

² See Elizabeth Olson, *Women Make Up Majority of U.S. Law Students for First Time*, NY TIMES (Dec. 16, 2016), <https://www.nytimes.com/2016/12/16/business/dealbook/women-majority-of-us-law-students-first-time.html>.

³ See *Survey on the Retention and Promotion of Women in Law Firms*, NATIONAL ASSOCIATION OF WOMEN LAWYERS (Feb. 25, 2014), <http://www.nawl.org/p/cm/ld/fid=1163>.

⁴ See Hull, K. E., & Nelson, R. L. (Sept. 2000). Assimilation, choice, or constraint? Testing theories of gender differences in the career of lawyers. *Social Forces*, 79(1):229–64.

⁵ See Renwei Chung, *Implicit Bias: The Silent Killer of Diversity in the Legal Profession*, ABOVE THE LAW (Feb. 6, 2015), <http://abovethelaw.com/2015/02/implicit-bias-the-silent-killer-of-diversity-in-the-legal-profession/>

⁶ See Vivia Chen, *Pay Gap Between Male and Female Partners Is Now Gaping Hole*, THE CAREERIST (Sept. 19, 2012), <http://thecareerist.typepad.com/thecareerist/2012/09/bad-news-women-mlareport.html> (describing the distinct salary difference between male and female partners)

⁷ See Joan C. Williams, Marina Multhaup, Su Li & Rachel Korn, *Interrupting Racial & Gender Bias in the Legal Profession*, AMERICAN BAR ASSOCIATION: COMMISSION ON WOMEN IN THE PROFESSION (2018), http://www.abajournal.com/files/Bias_interrupters_report-compressed.pdf

both formally and informally. I hope to be able to bring together underrepresented groups that often slip through the cracks of traditional diversity programs: modest or introverted men, LGBTQI people, individuals with disabilities, and professionals from nonprofessional backgrounds (class migrants).⁸ I will also take a unique approach to closing the gap by engaging the client in gender-equality measures. Clients have a tremendous opportunity to use their economic power and leverage to eliminate Prove-It-Again bias. They have the unique and untapped ability to promote diversity on their matters and ensure a fair allocation of credit for their work. I will encourage my law firm or organization to involve the clients as part of a larger client retention strategy. It is essential that the issue of gender equality is attacked both from the inside and the outside.

B. COLLECTIVE EFFORTS

The most effective way to equalize the playing field for women attorneys is to target the *business systems* that sustain inequalities rather than the *people* who proliferate them. There are two key ways that the profession must change to give women an equal footing to advance in their careers. First, there must be an increase in diverse membership on compensation committees. Ideally, the ABA could set a standard for the number or percentage of diverse attorneys that must sit on these committees. Alternatively, firms and organizations could lead this charge on their own. Ensuring a critical mass of diverse members on compensation committees protects underrepresented groups in the workplace from marginalization. This change will allow women attorneys to receive fair compensation for their time, the appropriate amount of credit for work completed, and recognition for non-tangible value brought to the firm. This change will equip women attorneys with the metrics necessary for advancement in the

⁸ While still keeping an emphasis on women and, specifically, women of color.

profession. Beyond being more diverse, these compensation committees must make equitable compensation a top priority. Equitable compensation is a requisite if women are to advance in the profession. Compensation committees should focus their efforts on ensuring that billing is accurate, credit is distributed fairly, and should discourage the hoarding of clients.

Second, there must be greater wage transparency throughout the profession. The wage gap is pervasive throughout the legal field but is most apparent at the partner or member level. A 2016 report by Major, Lindsey, & Africa found a 44% pay gap between male and female law firm partners.⁹ If women are to advance in the field, learning of and addressing pay disparities cannot come down to chance disclosures. Full disclosure of billable rates and salaries is important for two reasons. First, wage transparency allows women to see when they are being paid disparately less than male counterparts, allowing them to raise and solve the issue with their organization. Second, transparency equips women attorneys with the information necessary to refuse work that does not enhance compensation and elect to take on work that allows them to receive higher compensation and promotions. Finally, employers must refrain from using a woman attorney's prior salary as a factor to set her new salary. An employer's reliance on prior salary proliferates the wage gap because it forces a woman to carry disparately low compensation from one job to another.¹⁰

While advancing women in the profession may sometimes seem like a daunting undertaking, I have never doubted the worth or importance of putting the requisite energy into it. I went to law school because I wanted "a seat at the table." I cannot imagine myself in any other

⁹ See Jeffrey Lowe, *2016 Partner Compensation Survey*, MAJOR, LINDSEY, & AFRICA (Oct. 13, 2016), <https://www.mlaglobal.com/publications/research/compensation-survey-2016>.

¹⁰ See *The Wage Gap: The Who, How, Why, and What to Do*, NATIONAL WOMEN'S LAW CENTER (Oct. 19, 2018), <https://nwlc.org/resources/the-wage-gap-the-who-how-why-and-what-to-do/>.

profession nor can I imagine dedicating myself to any greater cause than the advancement of women in the law.