

“The Decade of the Female Lawyer”: A Milestone, not the Finish Line

The American Bar Association’s (“ABA”) Sixth Annual “Profile of the Legal Profession 2024, Women in the Profession” (“ABA Profile”) provides a statistical analysis of women's progress in the legal field.¹ The report suggests that the period from 2016 to 2026 may be known as the “Decade of the Female Lawyer” due to notable increases in the representation of women in legal education and entry-level positions. While this designation reflects significant progress, it should be understood as a milestone rather than the finish line in the fight for gender equality. Although there have been substantial gains in law school enrollment and an increased number of women in key entry-level positions, the reality of women’s representation in leadership roles underscores the need for continued advocacy and reform.² Furthermore, the ongoing attack on diversity, equity, and inclusion (DEI) initiatives heightens the urgency of remaining vigilant regarding gender disparities in the workforce, in particular in the legal profession.

More Students, Fewer Leaders

The statistics from the ABA Profile highlight a substantial increase in the number of women entering the legal profession.³ In 2023, women comprised 56.2% of law students, 50.3% of law firm associates, and 49.2% of law school faculty.⁴ These numbers indicate that women have successfully gained entry into the profession and, in some areas, have even surpassed men in representation.⁵ However, a closer look at leadership roles reveals a stark disparity. Despite strong representation at the entry-level, women remain significantly underrepresented in positions of power and influence. Only 28% of female associates achieve partnership, and a mere 12% of law firm leadership positions, such as managing partner roles, are held by women.⁶ The public sector reflects similar inequalities, with women holding only 33% of Article III federal judgeship positions, a figure that lags behind the U.S. female population of 50.5%.⁷

Leadership positions are not just symbolic achievements; they shape policies, hiring decisions, mentorship opportunities, and institutional culture.⁸ Without equitable representation in leadership, women’s influence in shaping the profession remains limited, perpetuating systemic barriers. The fact that women are still disproportionately concentrated in lower-ranking positions suggests that structural obstacles continue to impede their advancement.

¹ *Profile of the Legal Profession 2024: Women in the Legal Profession*, AM. BAR ASS’N, <https://www.americanbar.org/news/profile-legal-profession/women/>, (last visited Jan. 31, 2025).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ Matthew Reeves, *The Role of Mentorship in Organizations’ Diversity Initiatives*, FORBES (Dec. 27, 2023, 7:00 AM), <https://www.forbes.com/councils/forbeshumanresourcescouncil/2023/12/27/the-role-of-mentorship-in-organizations-diversity-initiatives/>.

The Invisible Burden

Women in law firms and other legal institutions often carry additional responsibilities beyond their official roles. Studies have shown that women disproportionately handle office “housekeeping” or “non-promotable” duties, such as mentoring junior colleagues, serving on committees, organizing events, and engaging in diversity initiatives.⁹ These responsibilities, while essential, do not always translate into career advancement or financial rewards. Instead, they often serve as additional burdens that men are less frequently expected to undertake.¹⁰

This imbalance contributes to slower career progression for women, as these responsibilities take time away from billable work and strategic career development.¹¹ The legal profession must acknowledge and address these disparities to ensure that women are not penalized for contributing to workplace culture and mentorship and to also recognize the value and impact that these responsibilities have on creating more equitable workplaces.

Case Law and Gender Equality

Legal precedent has long recognized the need for gender equality in professional settings, yet the relatively recent nature of these landmark cases demonstrates that the fight for equal treatment is far from over. For example, in *Price Waterhouse v. Hopkins*, the Supreme Court ruled that gender stereotyping constitutes a form of sex discrimination under Title VII of the Civil Rights Act of 1964.¹² Ann Hopkins, a highly qualified accountant, was denied partnership because she was deemed too “aggressive” and not feminine enough.¹³ The Court’s decision reinforced that subjective biases rooted in gender stereotypes could not serve as legitimate basis for employment decisions.¹⁴

Over 30 years later, the legal profession still grapples with the same biases that Hopkins faced, as women lawyers frequently encounter obstacles based on outdated perceptions of how they should behave or lead. Women attorneys who assert themselves often find themselves criticized for being “too ambitious” or “not likable enough”—echoing the same biases at issue in *Price Waterhouse*.¹⁵

These perceptions are compounded by what is known as “Tall Poppy Syndrome” (“TPS”), a social phenomenon in which individuals who stand out or succeed beyond the norm are criticized or resented and ultimately are “cut down to size—to fit in, alongside all the other poppies.”¹⁶ In the legal field, women who show ambition or excel in their careers are frequently

⁹ Stephanie Wilkins, *Dismantling the Gender Pay Gap: The Role of Non-Promotable Tasks*, ABOVE THE LAW (Apr. 18, 2022), <https://abovethelaw.com/2022/04/dismantling-the-gender-pay-gap-the-role-of-non-promotable-tasks/>; Margaret McKeown and Roberta Liebenberg, *The Hazard of Female Lawyers Being ‘Office Moms’*, LAW 360, (Nov. 12, 2021, 4:38 PM), <https://www.law360.com/articles/1439423>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989).

¹³ *Id.* at 234-35.

¹⁴ *Id.* at 258.

¹⁵ Kim Elssesser, *Female Lawyers Face Widespread Gender Bias, According to New Study*, FORBES (Oct. 5, 2018, 1:03PM), <https://www.forbes.com/sites/kimelsesser/2018/10/01/female-lawyers-face-widespread-gender-bias-according-to-new-study/>.

¹⁶ Michele A. Powers, Paulette Brown & Emily Logan Stedman, *Cutting Down Tall Poppy Syndrome*, AM. BAR ASS’N, (May 9, 2024), https://www.americanbar.org/groups/law_practice/resources/law-practice-today/2024/may-2024/cutting-down-tall-poppy-syndrome/.

undermined, belittled, or even isolated, with colleagues and superiors often diminishing their achievements or questioning their legitimacy.¹⁷ The combination of these biases and TPS creates a toxic environment for women in law, where success is often met with criticism rather than support, and assertive women are penalized rather than celebrated.¹⁸ To break free of these constraints, the legal profession must reckon with these deeply ingrained societal expectations and implement changes that allow women to thrive without the fear of being diminished for their success.

In *United States v. Virginia*, the Supreme Court struck down the male-only admissions policy of the Virginia Military Institute, emphasizing that “generalizations about ‘the way women are’... no longer justify denying opportunity to women[...].”¹⁹ While this case dealt with educational opportunities, its implications extend into the legal profession, where similar generalizations about women and their perceived commitment to their careers or leadership abilities continue to hinder advancement.

Today, women lawyers still face skepticism regarding their ability to balance demanding legal careers with family responsibilities, a bias often referred to as the “maternal wall.”²⁰ This bias assumes that women with caregiving roles are less committed to their careers, impacting their opportunities for promotion, and creating barriers to leadership roles.²¹ Moreover, studies reveal that women experience a 5% wage reduction for each child they have and face a persistent pay gap into their 50s, while fathers often benefit from a “fatherhood bonus,” meaning their salaries often increase after having children.²²

These cases decided within the past few decades illustrate that gender equality in the workplace is not an issue of the distant past, but rather is an issue that remains present and active.

The Impact of DEI Backlash

The current backlash against DEI initiatives further underscores the need for continued vigilance. Across various sectors, there have been growing efforts to dismantle affirmative measures aimed at increasing diversity and gender equity.²³ Additionally, if the increasing representation of women in entry-level positions leads to complacency, DEI efforts could be undermined, halting progress before true equality is achieved.

A key factor in the progress seen in gender equality measures has been because of the implementation and expansion of DEI initiatives.²⁴ However, we must acknowledge that without sustained focus on these initiatives, the progress made could easily stagnate or even decline, undoing years of effort toward achieving a more equitable and inclusive legal profession.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *United States v. Virginia*, 518 U.S. 515, 517 (1996).

²⁰ Stephanie A. Scharf, Roberta D. Liebenberg & Paulette Brown, *The Legal Careers of Parents and Child Caregivers*, AM. BAR ASS’N 1, 2 (2023).

<http://www.americanbar.org/content/dam/aba/administrative/women/2023/parenthood-report-2023.pdf>.

²¹ *Id.*

²² *Id.* at 3.

²³ Erika Bolstad, *Backlash Against DEI Spreads to More States*, STATELINE (Jun. 14, 2024, 5:00 AM), <https://stateline.org/2024/06/14/backlash-against-dei-spreads-to-more-states/>.

²⁴ Megan Cerullo, *What has DEI – Diversity, Equity and Inclusion – Done for U.S. Workers and Employers?*, CBS NEWS (Jan. 28, 2025, 5:19 PM), <https://www.cbsnews.com/news/dei-diversity-equity-inclusion-corporate-programs/>.

Legal institutions must recognize that achieving statistical equality or representation does not equate to achieving substantive equality. For example, while it may be easy to point to the fact that women make up nearly half of law school graduates and junior associates, we cannot ignore their significant underrepresentation in leadership and decision-making roles.²⁵ This disparity highlights persistent structural barriers that go beyond statistical equality.

The Need for Continued Progress

While the increase in female representation within the legal profession is worth recognition and celebration, it should not lead to complacency. The stark disparities in leadership representation, the backlash against DEI initiatives, and the additional burdens placed on women in the workplace demonstrate that significant work remains to be done. To truly celebrate this decade as one of transformation, the legal profession must commit to sustained advocacy, policy reforms, and a cultural shift that ensures women not only enter the field in record numbers but also ascend to its highest ranks.

²⁵ ABA, *supra* note 1.