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## Hispanic National Bar Association Commission on the Status of Latinas in the Legal Profession: Study on Latina Attorneys in the Public Interest Sector

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**HISPANIC NATIONAL BAR ASSOCIATION  
COMMISSION ON THE STATUS OF LATINAS IN  
THE LEGAL PROFESSION**  
**Study on Latina Attorneys in the Public  
Interest Sector**  
**La Voz De La Abogada Latina: Challenges and  
Rewards in Serving the Public Interest**

*Originally Published by the Hispanic National Bar Association\**  
*Jill Lynch Cruz\*\*, Melinda S. Molina\*\*\*, & Jenny Rivera\*\*\*\**

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\* The Hispanic National Bar Association (HNBA) is an incorporated, not-for-profit, national membership organization that represents the interests of Hispanic attorneys, judges, law professors, legal assistants, and law students in the United States and its territories. Through a combination of issue advocacy, programmatic activities, networking events and educational conferences, the HNBA has helped generations of lawyers succeed. HISPANIC NATIONAL BAR ASSOCIATION, *Status of Latinas in The Profession Report*, available at <http://www.hnba.com/wp-content/uploads/2011/01/HNBA-Status-of-Latinas-September-2010.pdf> This Report was originally prepared for the HNBA Commission on the Status of Latinas in the Legal Profession. This article is published with the permission of the HNBA. © 2011 HNBA. All Rights Reserved.

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## I. INTRODUCTION

Public interest attorneys provide important legal services to individuals and diverse communities and are often the only legal counsel available. They provide legal assistance on a variety of civil legal matters, including tenant rights, consumer rights, administrative benefits, discrimination in employment, women's rights, and racial- and ethnic-based violence. Also, they provide critical legal services to state and federal defendants, especially indigent clients, in the criminal justice system. Public interest attorneys working for legal services organizations, Legal Aid, civil rights organizations, public defenders, and prosecutors' offices impact the lives of the underrepresented and often define their experience within the legal system.

Despite their significant role within the legal profession and their impact on clients and society at large, there is limited data on lawyers working in the public interest sector and even less focused on Latina public interest attorneys. Much has focused on their relatively lower salary levels as compared to attorneys in the private sector, as well as studies on the impact of education loan-based debt on these attorneys' employment opportunities, recruitment

and retention.<sup>1</sup> While this research is important and provides critical information about those seeking to enter and remain in the public interest sector, it has not yielded data that explores and addresses the unique experiences of Latina attorneys in particular. Furthermore, both qualitative and quantitative information on the experiences and issues facing Latina public interest attorneys is practically non-existent in studies on lawyers in the profession, including studies focused on gender, race and ethnicity.<sup>2</sup>

In January 2010, responding to this need for additional and more specific research, the Hispanic National Bar Association Commission on the Status of Latinas in the Legal Profession (the “Commission”), commenced a study on Latina Attorneys in the Public Interest Sector (the “LAPIS Study”). The LAPIS Study is a follow up study to the September 2009 groundbreaking report, *Few and Far Between: The Reality of Latina Lawyers* (“2009 HNBA Study”).<sup>3</sup> The 2009 HNBA Study, published by the Commission, co-chaired by Commissioners Dolores Atencio and Clarissa Cerda, and researched and co-authored by Jill L. Cruz and Melinda S. Molina, contained findings and recommendations based on a national study of Latina lawyers across the legal profession throughout the United States. The 2009 HNBA Study was based on data from over 600 Latina attorneys across the country, which consisted of 543 sur-

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<sup>1</sup> See e.g. Nat’l Ass’n for Law Placement, *Market for Law Graduates Changes with Recession: Class of 2009 Faced New Challenges* (2009), available at [http://www.nalp.org/uploads/Class\\_of\\_09\\_Jobs\\_and\\_JDs\\_Report\\_Press\\_Release.pdf](http://www.nalp.org/uploads/Class_of_09_Jobs_and_JDs_Report_Press_Release.pdf); Gita Z. Wilder, Nat’l Ass’n for Law Placement, *Law School Debt Among New Lawyers* (2007), available at [http://www.nalp.org/assets/645\\_ajddebtmonograph2007final.pdf](http://www.nalp.org/assets/645_ajddebtmonograph2007final.pdf); A.B.A. Comm’n on Loan Repayment and Forgiveness, *Lifting the Burden: Law Student Debt as a Barrier to Public Service* (2003), available at <http://new.abanet.org/marketresearch/PublicDocuments/lrapfinalreport.pdf>. [hereinafter *Lifting the Burden*].

<sup>2</sup> See e.g. A.B.A. Comm’n on Women in the Profession, *A Current Glance at Women in the Law* (2009), available at <http://new.abanet.org/marketresearch/Documents/CurrentGlanceStatistics2009.pdf>; DEEPALI BAGATI, WOMEN OF COLOR IN U.S. LAW FIRMS (Catalyst Publ’n 2009); Gita Z. Wilder, Nat’l Ass’n for Law Placement, *Race and Ethnicity in the Legal Profession: Findings from the First Wave of the After the JD Study* (2008), available at [http://www.americanbarfoundation.org/uploads/cms/documents/race\\_and\\_ethnicity\\_monograph.pdf](http://www.americanbarfoundation.org/uploads/cms/documents/race_and_ethnicity_monograph.pdf) [hereinafter *Wilder 2008 Study Monograph*]; Gita Z. Wilder, Nat’l Ass’n for Law Placement, *Women in the Profession: Findings from the First Wave of the After the JD Study* (2007), available at [http://www.nalp.org/assets/863\\_ajdgendermonograph2007.pdf](http://www.nalp.org/assets/863_ajdgendermonograph2007.pdf); A.B.A. Comm’n on Women in the Profession, *Charting Our Progress: The Status of Women in the Profession Today* (2006), available at <http://new.abanet.org/marketresearch/PublicDocuments/ChartingOurProgress.pdf>; A.B.A. Comm’n on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* (2006). [hereinafter *Visibility/ Invisibility Study*].

<sup>3</sup> Jill L. Cruz & Melinda S. Molina, Hispanic Nat’l Bar Ass’n, *FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS* (2009) [hereinafter *2009 HNBA Study*].

vey respondents and 121 focus group participants. The 2009 HNBA Study invited Latina lawyers to provide information about their background and experiences.<sup>4</sup> The purpose of the 2009 HNBA Study was:

to provide a clearer picture of who and where Latina attorneys are in the legal profession, and to provide a broader understanding of the historic and existing challenges to their education and professional careers.<sup>5</sup>

The 2009 HNBA Study's stated goals were to:

[provide] organizations and decision makers within and outside the legal profession with information to better understand and appreciate the unique barriers that limit Latina attorneys' educational and career achievements . . . [and] to assist with the development and implementation of strategies to improve recruitment, retention, and professional advancement of Latina attorneys.<sup>6</sup>

The 2009 HNBA Study presented recommendations for additional research on a variety of specific areas, including a closer examination and comparative analysis of Latina attorneys employed in different sectors of the legal profession. Specifically, the 2009 HNBA study stated that, "future research should more closely examine the experiences and barriers facing Latinas within each sector of the legal profession, and also those with low participation rates in [the 2009 HNBA Study] (e.g. public interest sector)."<sup>7</sup> While Latinas working in the broader public sector constituted the second largest group of participants in the 2009 HNBA Study, this group consisted largely of Latinas working in government and judicial positions.<sup>8</sup> Questions remained about whether the experiences of the women represented in the 2009 HNBA Study were significantly different or similar to those of Latina attorneys working in public interest positions with legal services, Legal Aid and public defenders offices. This latter group of Latinas formed part of the "Other" category in the 2009 HNBA Study and constituted a much small number of participants.<sup>9</sup> Furthermore, other studies on the legal profession have suggested the existence of relevant differences in experiences and work-related issues for attorneys working in the public interest sector from those working in the private

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<sup>4</sup> *Id.* at 9.

<sup>5</sup> 2009 HNBA Study at 11, *supra* note 3.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 50.

<sup>8</sup> *Id.* at 25.

<sup>9</sup> *Id.* at 25, 27-28, 30.

sector.<sup>10</sup>

The LAPIS Study, conducted by Jill L. Cruz, PhD, Professor Melinda S. Molina, and HNBA Commissioner and Professor Jenny Rivera, under the leadership of Commission Co-Chair Dolores Atencio, supplements and expands on the information gathered in the 2009 HNBA Study on Latina lawyers. The Commission intends that the LAPIS Study will continue to fill this knowledge gap by providing additional insight and information about the professional lives, struggles, and successes of Latina attorneys by focusing on those working in the public interest sector.

The results of the LAPIS Study are presented in this report. The LAPIS Study does not replicate the broad approach of the original 2009 HNBA Study on Latinas across the entire legal profession, but rather explores the background and experiences of a more specific sampling of Latina attorneys working in the public interest sector. In part, because of the difficulty in identifying and reaching Latina attorneys in public interest jobs, the LAPIS Study could not canvass the entire public interest legal community or all Latina attorneys working in this sector. Nevertheless, the Study provides important and needed insight into the rewards, challenges, disappointments, and successes of Latina public interest attorneys.

## II. STUDY METHODOLOGY

### A. Study Overview

The LAPIS Study explores and analyzes the specific experiences and perceptions of Latina attorneys working in the public interest sector defined for purposes of this study, as Latinas working in Legal Aid, legal services, public defenders' offices, and prosecutors' offices, and nonprofit organizations providing legal services, including civil rights offices. Given their underrepresentation in the larger 2009 HNBA study, this research also examines how Latina attorneys working in the public interest sector compare to those participants in the 2009 HNBA Study who are employed in other sectors of the legal profession, including, but not limited to, private practice, corporate law offices, government, and legal academia. Based on the participants' responses, the study identifies key strategies that these women believe are necessary to help more Latinas in the public interest succeed in their chosen role. The methodology for the LAPIS Study replicated the methodology of the 2009 HNBA Study, *albeit*, on a smaller scale. Similar to the 2009

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<sup>10</sup> See e.g., Wilder 2008 Study Monograph, *supra* note 2, at 4-6.



HNBA Study, this research study uses a sequential exploratory design and was conducted in two distinct phases that incorporates both qualitative and quantitative approaches to data collection and analysis. Prior to commencing the LAPIS study, an application for the study was submitted to and approved by the Institutional Review Board at St. John's University School of Law.<sup>11</sup>

*B. Focus Group Methodology*

The qualitative phase of this mixed-method study consisted of three focus group interviews with 25 Latina attorneys working in the public interest sector of the legal profession in Washington, D.C.,<sup>12</sup> New York City, New York; and Los Angeles, California between March and May 2010. The interview protocol used for the qualitative phase was based in part on the 2009 HNBA Study and adapted to address more specific issues related to Latinas in the public interest sector. Focus group interviews were semi-structured in nature and centered on six major research questions to gain a better understanding of and report textured responses to a series of questions about the Latinas' formative, educational, and professional experiences. Focus group meetings lasted for approximately two hours and were audio-taped and transcribed verbatim. Each focus group was conducted by two of the three researchers and a narrative was created from each focus group to identify important themes and its key relationships. Focus group participants also completed a demographic questionnaire to provide biographical and career-related information, and also an informed consent form that communicated their rights as participants in the Study, and their guarantee of confidentiality and anonymity.

The qualitative results are reported in a discussion of the major themes raised in the focus groups, supported by selected quotations from the group participants, allowing their own voices to reflect and support these findings. Furthermore, the data is reported in the aggregate; therefore, there is no identification of individual participants or employers.

*C. Survey Methodology*

The quantitative phase of the study consisted of a survey ques-

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<sup>11</sup> Institutional Review Board application and approval are necessary when conducting research on human participants to ensure the protection of Study participants.

<sup>12</sup> Due to limited participants for the DC focus group meeting, an individual in-depth interview format was used.

tionnaire that was also adapted from the 2009 HNBA Study and included more specific questions about the public interest Latina attorneys' demographic characteristics, formative, educational and career-related experiences and perceptions. The survey questionnaire was field tested prior to distribution and disseminated electronically in a survey link to a targeted population of public interest employers and Latina attorneys working in public interest jobs identified through electronic research and employer publications. Specifically, Latina members of the Hispanic National Bar Association (HNBA) who self-identified as public interest attorneys were solicited to participate in the survey phase of the LAPIS Study. In addition, an e-mail with the survey link was sent to the HNBA Affiliates<sup>13</sup> and public interest organizations including, but not limited to, the Association of Legal Aid Attorneys, LatinoJustice PRLDEF, and the Mexican American Legal Defense Fund (MALDEF), requesting that the survey link be sent to its Latina attorney membership who worked in the public interest sector. The survey was conducted between May and June 2010 and included several quality control features to ensure that only those Latina attorneys meeting the pre-established criteria were included in the Study. In the end, responses from 202 public interest Latina attorneys were qualified as meeting these criteria and included in the data analysis. As with the 2009 HNBA Study, St. John's University hosted the online survey and provided the descriptive statistics for analysis by the Study co-authors and researchers.

#### *D. Study Limitations*

The LAPIS Study provides a portrait of the demographic and

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<sup>13</sup> The survey link was sent to the following HNBA Affiliates: Colorado Hispanic Bar Association, Connecticut Hispanic Bar Association, Dallas Hispanic Bar Association, Dominican Bar Association, Georgia Hispanic Bar Association, Hispanic Bar Association of Austin, Hispanic Bar Association of Greater Kansas City, Hispanic Bar Association of New Jersey, Hispanic Bar Association of Orange County, Hispanic Bar Association of Pennsylvania, Hispanic Lawyers Association of Illinois, Hispanic Lawyers Association of Louisiana, La Raza Lawyers Association of Santa Clara, La Raza Lawyers of Sacramento, Latina/o Bar Association of Washington, Latino Lawyers Association of Queens County, Long Island Hispanic Bar Association, Los Abogados Hispanic Bar Association, Maryland Hispanic Bar Association, Massachusetts Association of Hispanic Attorneys, Mexican American Bar Association of Los Angeles County, Mexican American Bar Association of San Antonio, Mexican American Bar Association of Texas, Minnesota Hispanic Bar Association, New Mexico Hispanic Bar Association, Oregon Hispanic Bar Association, Puerto Rican Bar Association of Florida, Puerto Rican Bar Association of Illinois, San Francisco La Raza Lawyers Association, The Puerto Rican Bar Association of New York, Wisconsin Hispanic Lawyers Association, Delaware Hispanic Bar Association, Hispanic Bar Association of Houston.

professional composition of Latina attorneys currently employed in key areas within the public interest sector. Similar to the limitations noted in the 2009 HNBA Study, there is a scarcity of published information available on the actual representation of Latina attorneys in the United States, and no data currently available on Latina/o attorneys employed in the public interest sector. As such, the primary purpose of the LAPIS Study is to fill this gap in the literature by providing a qualitative and quantitative depiction of Latina attorneys who work in key areas within the public interest sector of the legal profession and to better understand how their issues and experiences may compare and contrast with those of Latina attorneys in other sectors of the legal profession, such as those employed in private practice.

The demographic and professional description of the LAPIS Study participants should be viewed as an indicator, rather a definitive representation of all Latina attorneys who are employed in the public interest. As was the case with the 2009 HNBA Study, this is because the sampling procedures for both the focus group and survey participants limit its ability to be generalized beyond the current sample population.<sup>14</sup>

Furthermore, while the selection of cities for the focus groups was based on where the majority of public interest attorneys are employed, the limited scale and scope of LAPIS Study did not allow for additional focus groups to be conducted where other large subsections of Latina attorneys are also employed in the public interest sector (i.e. Texas).

Notwithstanding these potential limitations, this Study does fill the gap in the research by providing an indicator of the demographic and professional make-up of Latina attorneys in the public interest sector, as well as a better understanding of the experiences and barriers they face as attorneys working within the public interest sector.

#### *E. Study Researchers And Co-Authors\**

The Commission selected the LAPIS Study researchers and co-authors, Jill Lynch Cruz, PhD, of JLC Consulting, LLC, Professor

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<sup>14</sup> The nonprobability nature of the sampling process for the LAPIS study limits the generalizability of the findings.

\* The HNBA Commissioners during the 2009-2010 term who adopted this report were: Ambassador Mari Carmen Aponte, President; Dolores S. Atencio, Commission Co-Chair; Mary T. Hernandez; Lillian G. Apodaca; Ramona E. Romero; Alice Velasquez; Veronica Arechederra Hall; Clarissa Cerda; Adrienne Dominguez; Rosa Maria Gonzalez; Monica MacGregor; Claudine Martinez; Josefina Fernandez McEvoy,

Melinda S. Molina, Capital University School of Law, and Commissioner Jenny Rivera, Professor of Law, City University of New York (CUNY) School of Law to conduct this Study because of their strong interest, academic qualifications, and experience in working with and conducting research on women of color, especially Latinas, in the legal profession. Dr. Cruz and Professor Molina were the researchers and co-authors of the 2009 HNBA Study and generously agreed to work on the LAPIS Study. Their experiences, unique skills and work on the 2009 HNBA Study were critical to the comprehensive analysis and timely completion of the LAPIS Study. Commissioner and Professor Rivera serves as the Director of CUNY Law School's Center on Latino and Latina Rights and Equality and as co-researcher and principle author provided her expertise and resources to this project. As with the 2009 HNBA Study, Commissioner and Co-Chair Dolores Atencio served as a member of the team, coordinating outreach, identifying and recruiting Latina attorneys to participate in the studies, handling logistics, editing and ensuring completion and publication of the two studies.

### III. STUDY PARTICIPANTS' BACKGROUND AND STATUS

#### A. *Overview Of Public Interest Sector Attorneys*

The exact number of attorneys who work in the public interest sector is difficult to confirm. However, research indicates that approximately 25% of lawyers admitted to the bar in the last ten years work in the public sector, broadly defined to include federal and state government, legal services, public defenders, and other public interest offices.<sup>15</sup> This broad category masks the fact that a large percentage are employed by federal and state government and an even smaller number work in legal services, Legal Aid, and public defenders' offices. In fact, this same research approximates that only 17% of these lawyers will be working in legal services, public defenders, and public interest offices.<sup>16</sup> Recent surveys by the Na-

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Commission Co-Chair; Teresita Chavez Pedrosa; Lieutenant Colonel Carrie Ricci; Professor Jenny Rivera; Eneida Roman; and Ciarelle "CJ" Valdez.

<sup>15</sup> Nat'l Ass'n for Law Placement, *Employment for the Class of 2009—Selected Findings* (2010), at 3, *available at* [http://www.nalp.org/uploads/Class\\_of\\_2009\\_Selected\\_Findings.pdf](http://www.nalp.org/uploads/Class_of_2009_Selected_Findings.pdf); The NALP Found. for Law Career Research and Educ. & The A.B.A., *After the JD: First Results of a National Study of Legal Careers* (2004), <http://www.americanbarfoundation.org/uploads/cms/documents/ajd.pdf>, at 27 [hereinafter *AJD I*]. The *AJD* Study initially surveyed the sample members in 2002 and then conducted a second round in 2007, to be followed by a third round in 2012.

<sup>16</sup> *AJD I*, *supra* note 18, at 27.

tional Association for Law Placement (NALP) of the law school Classes of 2008 and 2009 suggest that the number of attorneys entering this category of the public interest sector is in the single digits. According to the NALP Survey, 5.4% of the members of the Class of 2008<sup>17</sup> reported having obtained jobs in the public interest sector, and 5.7% of the Class of 2009,<sup>18</sup> or a mere 2,043 graduates, had obtained public interest jobs.<sup>19</sup>

With the exception of data collected from studies on salary and debt burdens for attorneys working in public interest jobs, we know little about other professional experiences, including the challenges and rewards of this practice for members of this discrete category of the public sector as compared to other sectors of the profession. However, several studies, including the *After the JD: First Results of a National Study of Legal Careers* (“AJD Study I”)<sup>20</sup> and its follow up *After the JD II: Second Results of a National Study of Legal Careers* (“AJD Study II”),<sup>21</sup> a longitudinal study of 4,500 lawyers nationwide, and some NALP Reports, have begun to explore the experiences of these attorneys. While this data sheds important information on the significant issues unique to these attorneys, these studies do not necessarily focus on issues related to their gender, ethnicity, and race and how they impact attorneys of color, specifically Latina attorneys in the public interest sector.

For example, some research suggests that there may be a gender disparity in the public interest sector. Specifically, unlike other sectors of the legal profession, which are dominated by men, certain categories of the public interest sector appear to include a higher representation of women. For example, the AJD Study I reported that 27% of the female attorneys surveyed were in public

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<sup>17</sup> Nat'l Ass'n for Law Placement, *Market for Class of 2008 Law Graduates Shrinks—Employment Rate Registers First Decline Since 2003* (Jul. 9, 2009), [hereinafter *Class of 2008*] available at <http://www.nalp.org/marketforclassof08>. Public interest offices include legal services, public defenders, and public interest organizations.

<sup>18</sup> Nat'l Ass'n for Law Placement, *Market for Law Graduates Changes with Recession: Class of 2009 Faced New Challenges* (Jul. 22, 2010), [hereinafter *Class of 2009 Summary Report*], <http://www.nalp.org/09salpressrel>. Public interest offices include legal services, public defenders, and public interest organizations.

<sup>19</sup> The NALP survey reports are based on employment information provided by American Bar Association accredited law schools. For the Class of 2008 Survey, 188 schools provided information on 40,582 graduates or 93.1% of all graduates and for the Class of 2009 Survey, 192 ABA accredited schools reported on 40,833 graduates, or 92.8% of all graduates. See *Class of 2008*, *supra* note 20; *Class of 2009 Summary Report*, *supra* note 21.

<sup>20</sup> *AJD I*, *supra* note 18.

<sup>21</sup> THE NALP FOUND. FOR LAW CAREER RESEARCH AND EDUC. & THE A.B.A., *AFTER THE JD II: SECOND RESULTS FROM A NATIONAL STUDY OF LEGAL CAREERS* 45-77 (2009) [hereinafter *AJD II*].

interest jobs as compared with 18% of the male attorneys.<sup>22</sup> The greatest disparity existed outside of government positions where 9% of the female attorneys surveyed worked in civil legal services, public defenders' offices, nonprofits, education, or other non-government public interest offices, while only 4% of the male attorneys worked in these offices.<sup>23</sup> The AJD Study II similarly found that 31% of the female attorneys surveyed worked in public interest jobs as compared with 21% of the male attorneys.<sup>24</sup>

Some studies indicate that Latina/o, along with African American, attorneys work in public interest and government jobs at higher rates than White attorneys.<sup>25</sup> While the exact number of Latina/o public interest attorneys is unknown, national surveys and other data suggest that overall the numbers are relatively small. Based on 2010 U.S. Census data, at over 50.5 million,<sup>26</sup> Latina/os are one of the largest and fastest growing racioethnic groups, constituting approximately 16.3% of the total United States population. However, they continue to be seriously underrepresented in the legal profession. Specifically, Latinas/os constitute only approximately 2.8% of all lawyers in the United States, 1.8% male and 1.04% Latina.<sup>27</sup> Thus, in light of the relatively small proportion of both Latina attorneys, as well as all other attorneys who work in the public interest sector, it can be concluded that the number of Latina attorneys in the public interest sector is considerably fewer than 1% of all lawyers.

While much still remains to be learned about public interest attorneys, there appears to be one well-documented and widely-shared characteristic within the public interest bar. Public interest attorneys are paid markedly low salaries, and over the past few years their salaries have not kept comparable pace with salary increases in the private sector.<sup>28</sup> As reported in the NALP survey of

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<sup>22</sup> *AJD I*, *supra* note 18, at 59.

<sup>23</sup> *Id.*

<sup>24</sup> *AJD II*, *supra* note 24, at 62.

<sup>25</sup> See *Wilder 2008 Study Monograph*, *supra* note 2, at 16, 19.

<sup>26</sup> PEW Hispanic Ctr., *Census 2010: 50 Million Latinos Hispanics Account for More than Half of Nation's Growth in Past Decade* (Mar 25, 2011), *available at* <http://www.pewsocialtrends.org/2011/03/25/2010-census-hispanic-population-more-than-doubles-in-nine-states/>.

<sup>27</sup> See Dep't of Labor, Bureau of Labor Statistics, *Employment status of the Hispanic or Latino population by sex, age and detailed ethnic group* (2010) <http://www.bls.gov/cps/cpsaat6.pdf>; See Bureau of Labor Statistics, *Current Population Survey (on file with authors)* (*Unpublished Table 1: Employed and experienced unemployed persons by detailed occupation, sex, race, and Hispanic or Latino ethnicity, Annual Average 2009*) (these estimates may be subject to sampling and nonsampling errors).

<sup>28</sup> Nat'l Ass'n for Law Placement, *New Findings on Salaries for Public Interest Attorneys*

the Class of 2009, the median salary for public interest attorneys was only \$42,800, as compared with a \$50,000 median for the entire public sector, and was considerably lower than the \$120,000 median for lawyers in the private sector.<sup>29</sup> Thus, for the Class of 2009, the median salary for those working for public interest organizations and public defenders was almost one-third lower than the median salary for their law school cohorts entering the private sector.<sup>30</sup> The effects of these low salaries are compounded by the high levels of educational loan debt carried by new lawyers, which has increased greatly over the past several years due to the escalating cost of a legal education. This combination of low wages and large law school debt has resulted in a growing burden with adverse impacts on those attorneys seeking to enter and remain in the public interest sector.

Recent legislation may provide much needed financial assistance to public interest attorneys through loan forgiveness and debt consolidation programs.<sup>31</sup> However, due to the technical aspects of the law and the variable financial circumstances of each individual, the legislation may have limited application to recently graduated public interest attorneys. While those who graduated within the past five years might benefit financially from the program, those with more years out of law school will have to do a case-by-case analysis of whether the program provides notable financial relief, given their individual circumstances.<sup>32</sup>

Despite their small numbers compared to the rest of the legal profession, public interest lawyers' impact on American jurisprudence and the legal profession is substantial and undeniable. Public interest lawyers provide critically needed legal services to our diverse communities.<sup>33</sup> They advocate on behalf of the poor and those with limited access to legal counsel. They help shape judicial interpretation of civil rights and civil liberties and have made crea-

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(Sept., 2008), <http://www.nalp.org/2008sepnewfindings> [hereinafter *NALP Salaries Report 2008*]; *Lifting the Burden*, *supra* note 1.

<sup>29</sup> *NALP Salaries Report 2008*, *supra* note 32. The public interest category does not include members of the Class of 2009 employed by Government, whose median salary is reported as \$52,000.

<sup>30</sup> *Id.*

<sup>31</sup> See H.R. 2669, 110th Cong. (2007).

<sup>32</sup> See *id.*; see also Equal Justice Works, *College Cost Reduction and Access Act Public Service Loan Forgiveness*, <http://www.equaljusticeworks.org/resources/student-debt-relief/public-service-loan-forgiveness> (last visited Sept. 6, 2011); FinAid, *Public Service Loan Forgiveness*, <http://www.finaid.org/loans/publicservice.phtml>. (last visited Sept. 6, 2011).

<sup>33</sup> *Lifting the Burden*, *supra* note 1, at 15.

tive arguments for expanding the rights of people of color and women of all colors. During periods of retrenchment, when Legal Aid and legal services work was under attack and legal service attorneys were prevented from advocating comprehensively on behalf of clients or filing class action lawsuits, they continued to serve their clients.<sup>34</sup> Even after funding for the Legal Services Corporation was decimated, legal services attorneys continued to provide access to justice for some of the most vulnerable members of society.<sup>35</sup> Public defenders have continued to zealously represent their clients in an era inhospitable to the rights of the accused. As the ABA Commission on Loan Repayment and Forgiveness has noted, there is a need for attorneys to work in the public service, and without these lawyers, “society suffers when its poor and moderate-income residents are unable to obtain legal assistance. Their inability to find a lawyer can have dire consequences in their everyday lives and impact the communities in which they live.”<sup>36</sup>

The small number of lawyers working in the public interest sector has serious consequences for the profession and clients, in particular for poor people who rely on these attorneys for their legal representation. According to a recent report of the Legal Services Corporation, “[n]ationally, on average, there is one Legal Aid attorney . . . available to serve 6,415 poor people . . . [compared with] one private lawyer providing personal legal services for every 429 people in the general population.”<sup>37</sup>

The Latina attorneys who participated in the LAPIS Study are part of the public interest bar and its tradition of public service. Much about them is unknown. This Study begins to address this lack of information by providing both quantitative and qualitative data on the demographic background and professional lives of Latina attorneys working in this legal sector, as well as valuable insight into the rewards and challenges of pursuing these important societal roles.

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<sup>34</sup> Omnibus Consolidated Rescissions and Appropriations Act of 1996, Pub. L. No. 104-134, § 504(a)(7), 110 Stat. 1321, § 50 (1996). The Omnibus Consolidated Rescissions and Appropriations Act of 1996, which was part of the sweeping reform of public benefits structures enacted by the 104th Congress, prohibited Legal Services Corporation grant recipients from initiating or participating in class action suits.

<sup>35</sup> Nat'l Legal Aid & Defender Assoc., *History of Civil Legal Aid: The Reagan Era*, available at [http://www.nlada.org/About/About\\_HistoryCivil](http://www.nlada.org/About/About_HistoryCivil) (last visited Aug. 14, 2011) (provides a discussion of attacks on the Legal Services Corporation).

<sup>36</sup> *Lifting the Burden*, *supra* note 1, at 15.

<sup>37</sup> Legal Services Corporation, *Documenting the Justice Gap in America: The Current Unmet Civil Legal Needs of Low-Income Americans*, Sep. 2009, 22, [www.lsc.gov/justicegap.pdf](http://www.lsc.gov/justicegap.pdf).



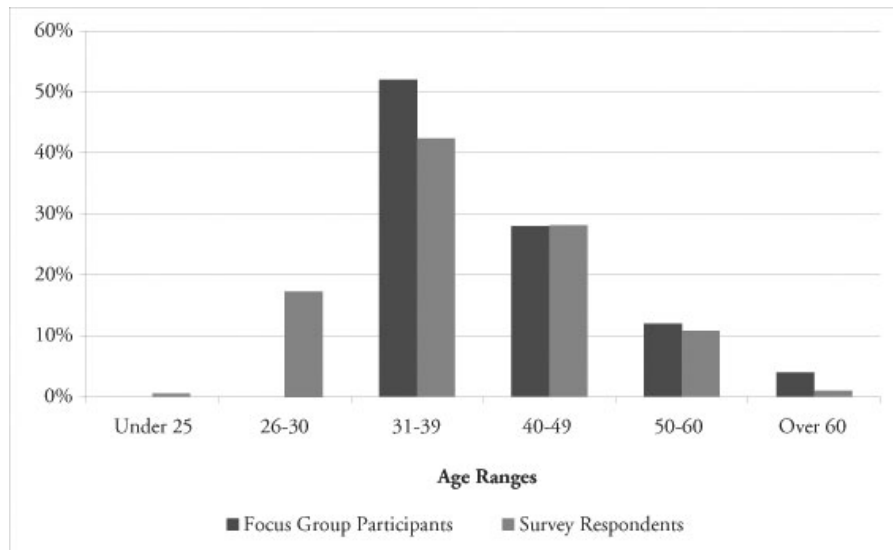
### B. Study Participants' Demographic Background

This section of the report presents detailed information on the background data collected through the national on-line survey and the focus group questionnaire on the participants' age, ethnicity, national origin, race, generational level, language spoken at home, marital and family status, and parents' professional and educational background. This data reveals that the LAPIS Study participants have similar demographic backgrounds to the Latina participants in the 2009 HNBA Study. References to the 2009 HNBA Study data are included where comparisons reveal salient similarities and differences to the LAPIS Study participants.

#### i. Age

As illustrated in Figure 1, the majority of the LAPIS Survey respondents (60.1%) were 39 years or younger. Specifically, 42.4% were 31 to 39 years old, and 17.2% were 26 to 30 years old. The average age for the LAPIS Focus Group participants was slightly higher at 42 years of age, and the youngest participant was 30 years old. Overall, the LAPIS Study participants were similar in age to the 2009 HNBA Study participants, the majority of whom were also younger than 40 years of age.

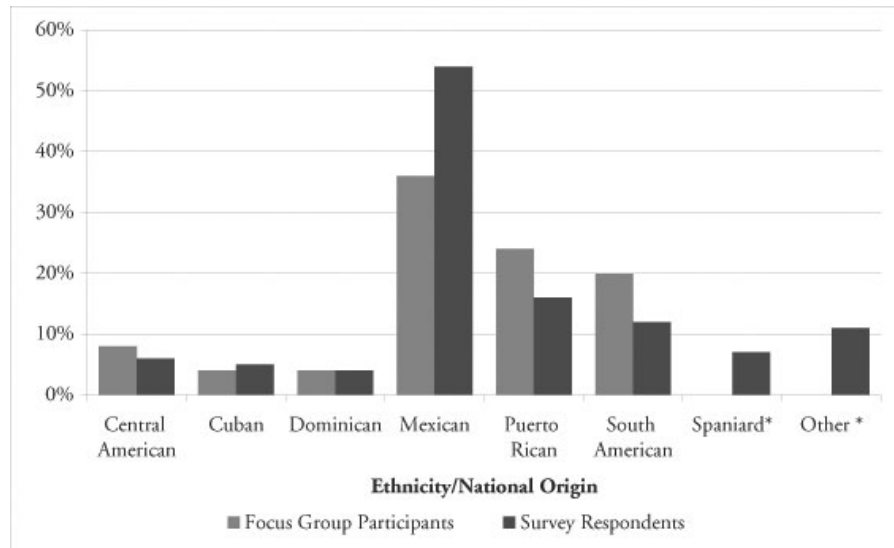
FIGURE 1. AGE OF STUDY PARTICIPANTS



#### ii. Ethnicity/national origin

Figure 2 clearly illustrates that Latinas of Mexican descent con-

FIGURE 2. ETHNICITY/NATIONAL ORIGIN OF STUDY PARTICIPANTS



stituted the largest ethnic/national origin subgroup of LAPIS Survey respondents (54.2%), followed by Puerto Ricans (16.3%), South Americans (11.9%), “Other” (11.3%),<sup>38</sup> Spaniards (6.9%), Central Americans (5.4%), Cubans (4.9%), and Dominicans (4.4%). Of the Focus Group participants, Mexican Americans (36%), Puerto Ricans (24%) and South Americans (20%), constituted the three largest ethnic/national origin subgroups, although there was a significantly larger representation of Puerto Ricans and South Americans in the Focus Groups as compared to the Survey respondents. Compared to the percentage of Survey respondents, Central Americans (8%) had a somewhat larger representation in the Focus Groups, while the Cuban (4%) and Dominican (4%) representation in both the Survey and Focus Groups were almost identical. Although Latinas of Mexican descent represented a smaller percentage of participants in the Focus Groups as compared with their representation in the Survey, they still constituted the largest number of participants overall.

In the 2009 HNBA Study, Latinas of Mexican descent were the majority in both the Survey and the Focus Groups (47% for both), while Puerto Ricans were the second largest group of Survey respondents (19%), and Cubans had the second largest representa-

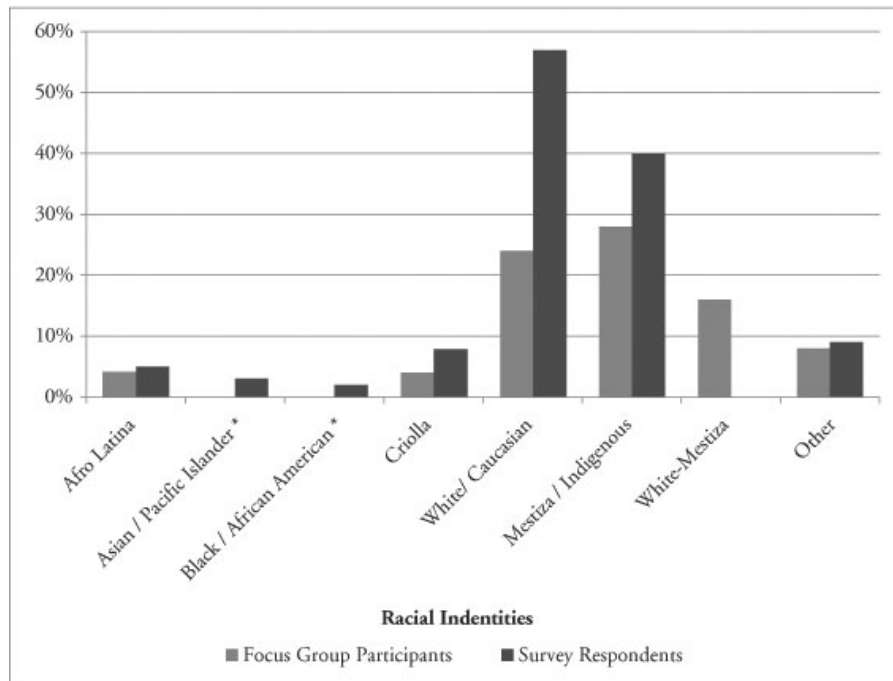
<sup>38</sup> Approximately one-third of those who selected “Other” identified as Chicana, Chicana/Latina and Chicana/Mexican American. No focus group participant identified as Spaniard or Other.

tion in the Focus Groups (13%). South Americans had high rates of representation in both the Survey (15%) and Focus Groups (12%).

### iii. Race

The majority of Latinas in both the LAPIS and 2009 HNBA Study self-identified racially as White/Caucasian. However, as Figure 3 clearly shows, a larger share of the LAPIS participants also self-identified as Mestiza/Indigenous,<sup>39</sup> the second largest racial group selected. In the LAPIS Survey 57.1% of participants identified as White/Caucasian, and 40.7% identified as Mestiza/Indigenous. Of the Focus Group participants, slightly more (28%) identified as Mestiza than White (24%). However, another 16% identified as a combination of both White and Mestiza.

FIGURE 3. RACE OF STUDY PARTICIPANTS



\*No Focus group participant identified as Asian/Pacific Islander, or Black/African American.

While an almost equal percentage of 2009 HNBA Study survey respondents also identified as being White/Caucasian (56%), a

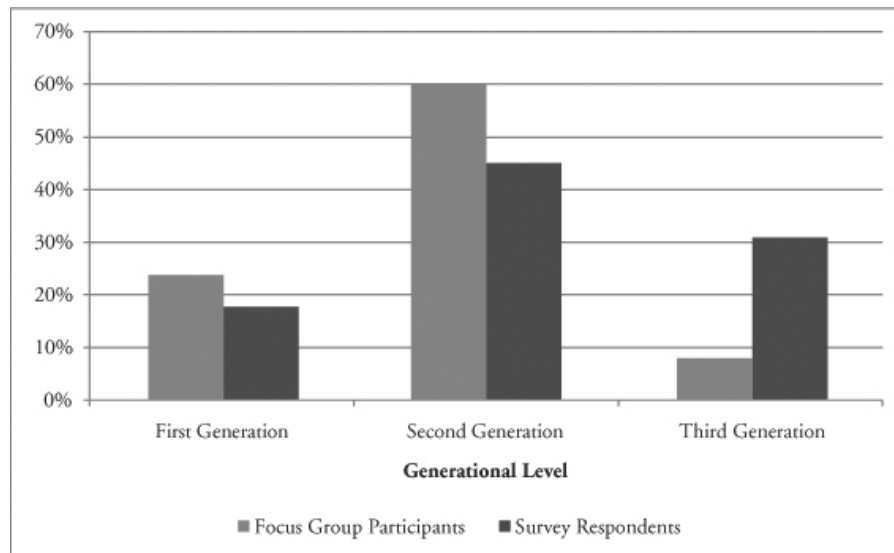
<sup>39</sup> The term “Mestiza” is an indigenous racial subcategory referenced by Latina/os of Central and South American descent.

somewhat smaller, although significant, percentage identified as Mestiza/Indigenous (31%). Of the Focus Group participants in the 2009 HNBA Study, 58% identified as White but a dramatically smaller percentage identified as Mestiza/Indigenous (13%). Therefore, it appears that in the LAPIS Study, slightly more participants self-identified as Mestiza/Indigenous than did so in the 2009 HNBA Study.

In both the LAPIS and 2009 HNBA studies, a small proportion of the participants (fewer than 10%), identified racially as Afro-Latina, Asian/Pacific Islander, Black/African American, Criolla or "Other." In the LAPIS Survey none of these categories represented more than 9% of the respondents and some were just above or below 5%. For the LAPIS Focus Groups, only one person identified as Afro Latina, one as Criolla, two identified as "Other", and no one identified as Asian/Pacific Islander or Black/African American.

#### iv. Generational level<sup>40</sup>

FIGURE 4. GENERATIONAL LEVEL OF STUDY PARTICIPANTS



<sup>40</sup> Generational Level, for purposes of this study, refers to the generation in which the Latina or the Latina's parent(s) immigrated to the United States. The first generation Latinas were born outside of the United States (parents also not born in the United States); second generation Latinas were born in the United States to one or both immigrant parents; and third generation were born in the United States to United States born parents and grandparents.

The majority of LAPIS participants were second generation Latinas. Figure 4 demonstrates that of the Survey respondents, 45.8% identified as second generation (30.5% with both parents immigrants and 14.8% one immigrant parent). The second largest group, constituting 30.5%, identified themselves as third generation Latinas. A majority and a higher percentage of the Focus Group participants identified as second generation (60%). However, first generation Latinas constituted the second largest group (24%) of the Focus Group participants followed by third generation Latinas (16%). For the Survey respondents, an overwhelming majority, 81.5%, indicated that at least one grandparent was born outside of the United States.<sup>41</sup> Similar to the LAPIS Study participants, the 2009 HNBA Study Latinas were majority second generation followed by third generation Latinas. First generation Latinas constituted fewer than 20% of participants for both the Survey and Focus Groups.

v. Predominant language spoken at home

The majority of LAPIS Survey respondents (58.6%) spoke both English and Spanish at home.<sup>42</sup> However, Figure 5 illustrates that one-fourth (25.6%) spoke only English at home and a mere 1.5% did not speak Spanish. In comparison, almost an equal percentage (60%) of the 2009 HNBA Study participants considered themselves bilingual in both English and Spanish; however, nearly one-third of the 2009 HNBA Study participants indicated that English was their only language. Thus, a significantly larger percentage of the Latinas in the 2009 HNBA Study did not speak Spanish as compared to the LAPIS Study respondents who appeared more likely to be bilingual.

vi. Marital and family status

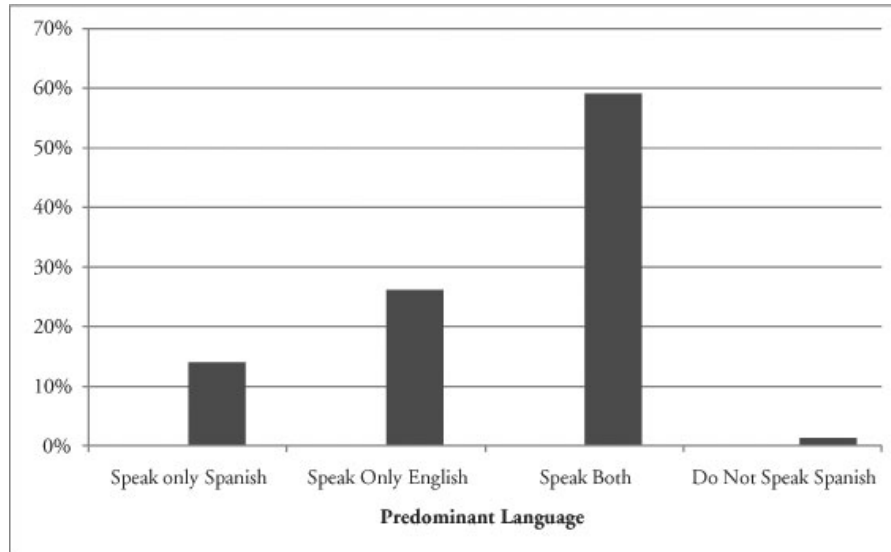
A majority of the LAPIS Survey respondents indicated that they were married (52.5%), in a civil union (0.5%), or in a committed partner relationship (7.9%). Those who were single (never married) constituted 28.7% of the respondents, double the number who indicated that they are separated, divorced or widowed (14.4%). Forty percent of the Focus Group participants indicated that they are married, over one-third indicated that they are single,

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<sup>41</sup> Birth outside the United States includes birth in Puerto Rico.

<sup>42</sup> Data on language spoken at home was not available for Focus Group participants.

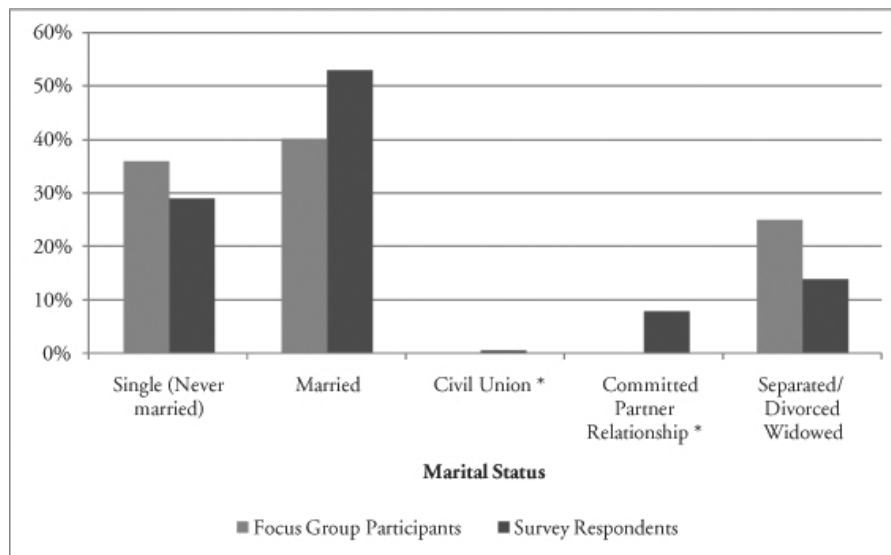
FIGURE 5. PREDOMINANT LANGUAGE SPOKEN AT HOME OF SURVEY RESPONDENTS



and almost one-fourth responded that they are either separated, divorced or widowed (see Figure 6).

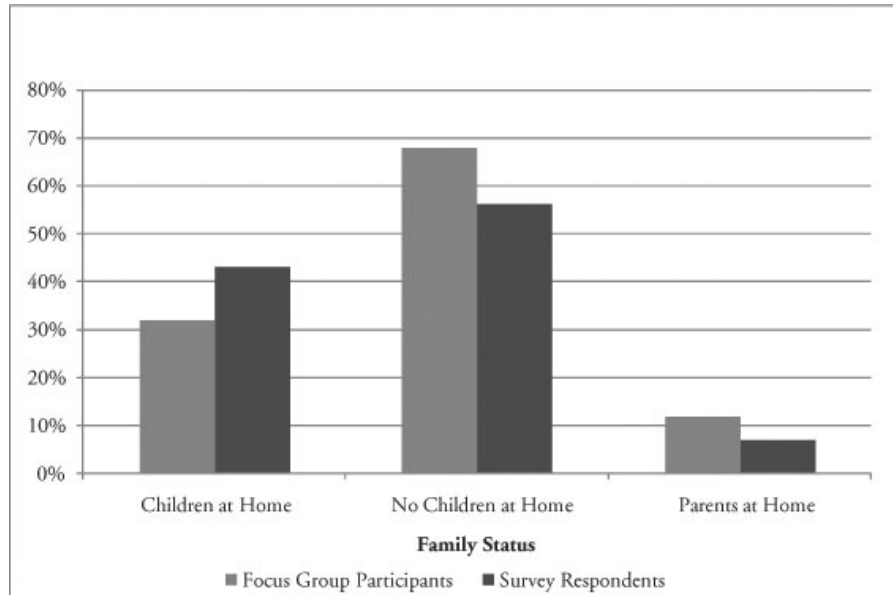
As illustrated in Figure 7, the majority of the LAPIS Survey

FIGURE 6. MARITAL STATUS OF STUDY PARTICIPANTS



\*No focus group participant identified as being in a Civil Union or Committed Partner Relationship.

FIGURE 7. FAMILY STATUS OF STUDY PARTICIPANTS



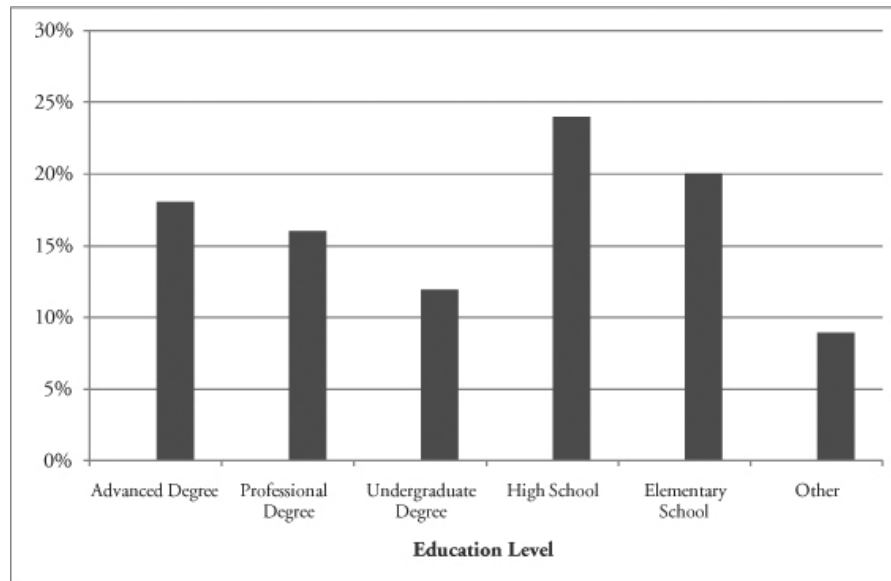
respondents (56.3%) and a larger share of the Focus Group participants (68%) had no children at home at the time of the study. Of the 43.7% of Survey respondents with children at home, 21.6% indicated there was only one child living at home, 18.6% indicated having two children living at home, and fewer than 5% had three or more children at home. Another minor difference between the two LAPIS groups was reflected in those who have parents living at home. While only 6.6% of the Survey respondents had parents living at home, 12% of the Focus Group participants had at least one parent living in their home (see Figure 7).

The 2009 HNBA Study participants also had majorities who were married or in committed partner relationships (58% of Focus Group participants, 62% of Survey respondents). However, similar to the LAPIS Survey Respondents, only 43% of the 2009 HNBA Survey Latinas had children living at home, and only a quarter of the Focus Group participants indicated there were children living at home. This suggests that as a group, the LAPIS participants were no more likely to have children living at home than those in the 2009 HNBA Study, most of whom were employed in the private sector of the legal profession. Likewise, both the 2009 HNBA and LAPIS Study participants were unlikely to have parents living in the home.

vii. Family's educational and professional background

The LAPIS Survey respondents indicated that the highest educational attainment for at least one parent was high school (24.4%) or less (20.4%). However, Figure 8 shows that an almost equal number (46.7%) had at least one parent with a college degree or higher. In fact, 18.4% responded that at least one parent had an advanced degree, followed by 15.9% who indicated the highest degree was a professional degree (including law degree), and 12.4% who selected an undergraduate degree as the highest degree. In comparison, a majority of the Latinas in the 2009 HNBA Study Survey (57%) responded that at least one parent had a college or advanced degree; whereas a somewhat smaller number indicated that they had at least one parent who did not graduate from high school (17.9%). Thus, the parents of the Latinas in the 2009 HNBA Study Survey appeared to have had a somewhat higher educational attainment level overall.

FIGURE 8. HIGHEST EDUCATION LEVEL OF SURVEY RESPONDENTS' PARENTS



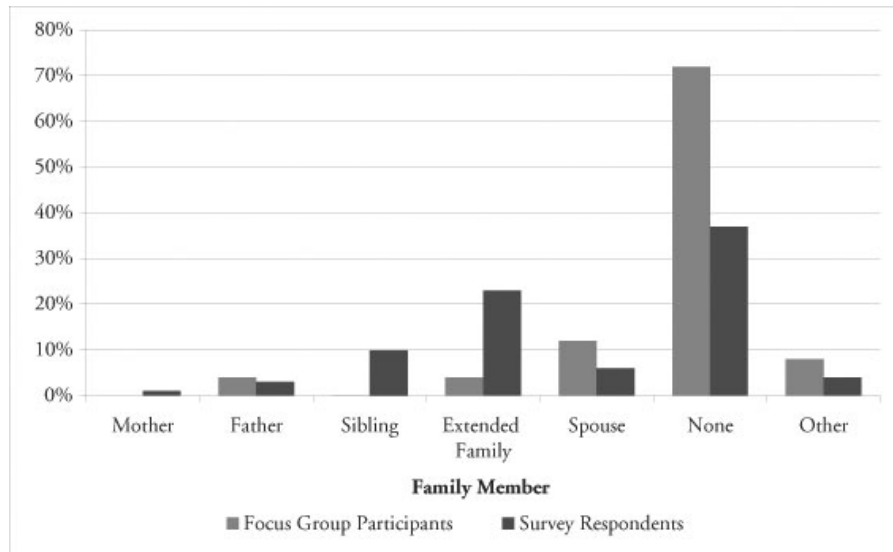
The majority of LAPIS Study participants (Survey 37%, Focus Groups 72%) did not have any family members, including parents, grandparents, spouse or extended family, who were or had been lawyers (see Figure 9). Of those few who indicated that they had family members who were or had been lawyers, only a very small percentage identified their parents (3.5% of Survey respondents



and 4% of Focus Group participants), which suggests that most did not grow up with parents as attorney role models during their formative years.

This was also the case with the 2009 HNBA Study Latinas, in which more than half did not have any family members who were or had been attorneys, and fewer than 10% had parents who were or had been attorneys.

FIGURE 9. ATTORNEYS IN STUDY PARTICIPANTS' FAMILY



viii. Summary of the study participants' demographic backgrounds

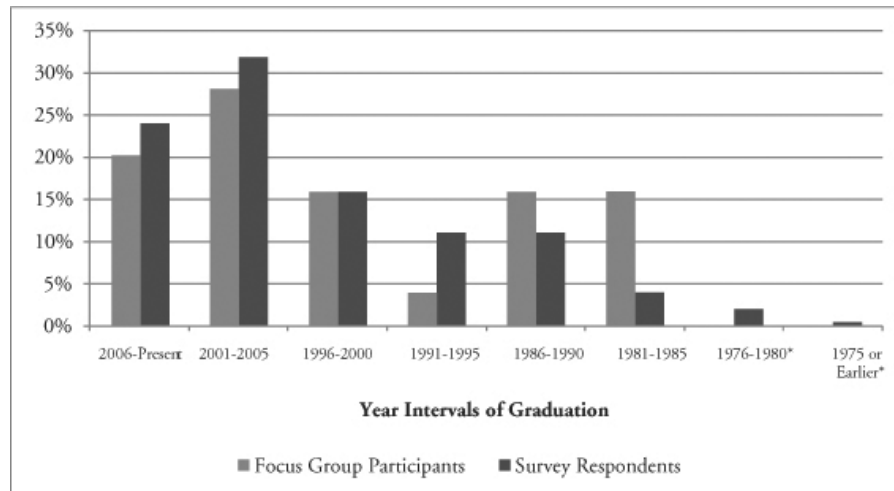
In summary, the LAPIS participants were relatively young, with almost two-thirds younger than 40 years of age. The majority identified their ethnicity or national origin as Mexican, followed by a significantly smaller number who identified themselves as Puerto Rican. Similar to the Latinas in the 2009 HNBA Study, a majority of LAPIS Latinas self-identified racially as White, although a significant number, and larger majority than those in the 2009 HNBA Study, self-identified as Mestiza/Indigenous. The majority were second generation, and spoke both English and Spanish at home. One-fourth indicated that they spoke only English at home, a smaller number than those in the 2009 HNBA Study. In addition, very few LAPIS participants did not speak Spanish, which contrasts with the relatively larger percentage of non-Spanish speaking Latinas in the 2009 HNBA Study.

The majority of the LAPIS and 2009 HNBA Study participants were married or in a committed partner relationship, and were less likely to have children or parents living at home. Approximately half (45%) of the LAPIS participants had at least one parent with a high school education or less, and, conversely, almost another half (47%) had at least one parent with a college or advanced degree. As compared to the 2009 HNBA Study participants, the educational attainment levels of the parents of the LAPIS Survey respondents appeared somewhat lower; however, similar to the 2009 HNBA Study participants, the majority did not have any family members who were or had been attorneys.

### C. Professional Background And Status

This section presents the data on the LAPIS Study participants' professional background and status, including law school education, employment history, gender, racial and ethnic diversity at the workplace, and public interest sector income levels.

FIGURE 10. LAW SCHOOL GRADUATING YEAR OF STUDY PARTICIPANTS



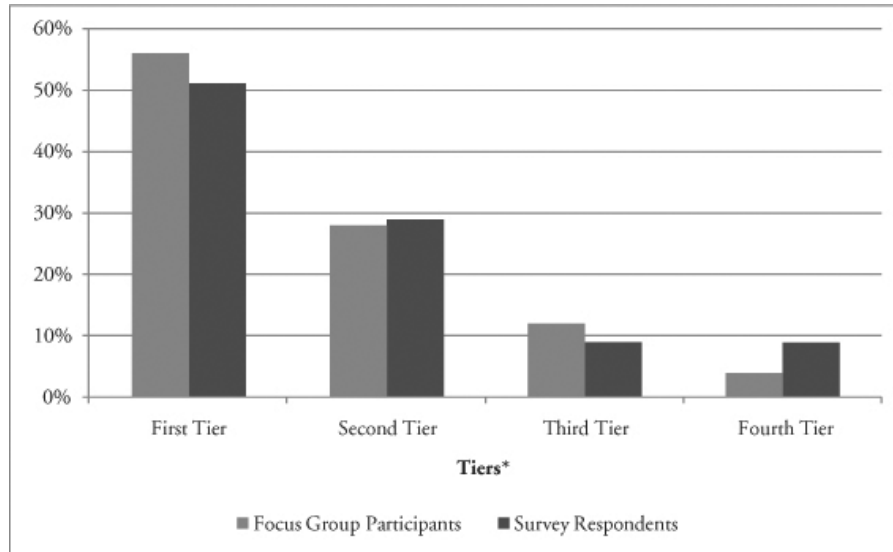
\*No Focus Group Participant Selected 1980 or earlier as year of graduation.

#### i. Legal education

The majority of LAPIS Survey respondents graduated from law school within the last ten years (56%), while the Focus Group participants have been out of law school for a longer period, on average 13 years, with approximately 25% of the participants having

graduated 20 or more years ago (see Figure 10). In both the LAPIS and 2009 HNBA studies, the participants represented a diverse range of law schools nationally. As illustrated in Figure 11, the majority of the Survey respondents (51%) and the Focus Group participants (60%) attended a first tier law school,<sup>43</sup> comparable to the 2009 HNBA Focus Group participants' first tier representation (51%), and much higher than the 2009 HNBA Study Survey respondents (31%).<sup>44</sup>

FIGURE 11. LAW SCHOOL TIERS OF STUDY PARTICIPANTS



\*Based on 2009 US News and World Report Rankings.

Approximately 39% of the LAPIS Survey respondents indicated their class rank was “average” and 35.1% indicated that they

<sup>43</sup> Tier levels of law schools are based on 2010 U.S. News and World Report Rankings. It should be noted that while U.S. News and World Report Rankings is the most recognized and utilized law school ranking system in the United States, its ranking system criteria and methodology are very controversial and not universally supported by all bar associations, including, but not limited to the American Bar Association, Law School Admissions Council, and the Association of American Law Schools. For other criticisms of law school ranking systems, see, e.g., Michael C. Macchiarola and Arun Abraham, *Options For Student Borrowers: A Derivatives-Based Proposal To Protect Students And Control Debt-Fueled Inflation in the Higher Education Market*, 20 CORNELL J. L. & PUB. POL'Y 67, 87 (2010).

<sup>44</sup> The following schools listed by eight Survey respondents are excluded from the tier calculation because the 2010 edition of U.S. News and World Report did not include these law schools: New College School of Law, San Joaquin College of Law, University of La Verne College of Law, People's College of Law, and the Universidad de Puerto Rico, Escuela de Derechos.

did not know their class rank. However, 17.3% indicated they were in the top 30% of their class, almost four times more the number who indicated they were below average (8.4%). Almost half of the LAPIS Survey respondents served on a law school journal or law review (50.6%)<sup>45</sup> and almost a third (29.5%) served on the law school's moot court board. This represents a higher number than the 2009 HNBA Survey respondents, of whom 43% indicated they served on law review or a law school journal, and double the 15.1% who reported that they were selected for or served on the moot court board.

FIGURE 12. YEARS OF LEGAL PRACTICE OF SURVEY RESPONDENTS



## ii. Years of legal experience

As reflected in Figure 12, the majority of LAPIS Survey respondents<sup>46</sup> have been in practice for 10 or fewer years (64.1%), almost evenly split between those in practice fewer than 5 years (30.8%) and those in practice 5 to 10 years (33.3%).<sup>47</sup> Another

<sup>45</sup> The percentage of respondents who selected the designated choice, "I competed for, or was selected for, and served as a member of my law school's journal/law review," constituted 48.7%. An additional 3.9% separately indicated their membership on a law school journal, 1.3% each for Human Rights Law Review, Berkeley La Raza Law Journal, and "another law school's journal," bringing the total for those who served on a law review or law school journal to 50.6%.

<sup>46</sup> Data on years of legal experience was not available for Focus Group participants.

<sup>47</sup> Data on total years of legal experience is not specific to the public interest sec-

27.7% have been in practice between 11 to 20 years, and 8.1% in practice for more than 20 years. In comparison to their relatively junior LAPIS cohorts, slightly fewer (59%) of the 2009 HNBA Survey respondents had been practicing law for fewer than 10 years and as many as 13.4% had been practicing for more than 20 years.

iii. Initial entry into the legal profession

The LAPIS Survey respondents<sup>48</sup> relied on a variety of resources to assist in securing their first job out of law school. They indicated that family or friends (26.8%), law school career services offices (22.7%), public interest internship/fellowship (22.2%), and “Other” (28.4%) sources contributed most to their identifying their first legal job after graduating from law school.<sup>49</sup> As compared to the 2009 HNBA Study, the 2009 Survey respondents indicated that they were primarily recruited into their first jobs through summer clerkships (21%), personal referrals (18%), on-campus interviews (14%), and unsolicited resumes (11%).

FIGURE 13. TYPE OF FIRST LEGAL JOB OF SURVEY RESPONDENTS



Figure 13 illustrates that for 40.5% of the LAPIS Survey re-

tor, but rather based on the total number of years actively practicing law in all sectors of the legal profession.

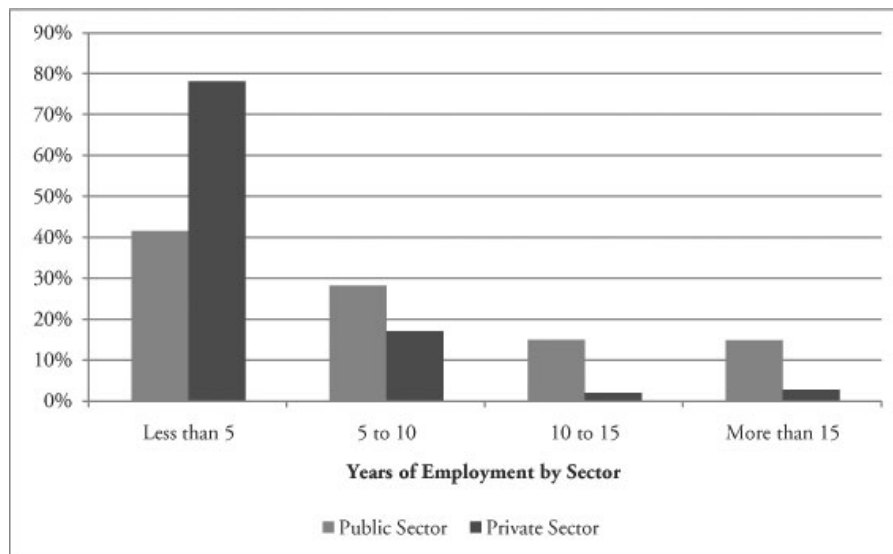
<sup>48</sup> Data on recruitment sources was not available for Focus Group participants.

<sup>49</sup> Respondents were asked to check all that apply and thus had the option to select multiple answers to this question.

spondents,<sup>50</sup> the first employer after graduation from law school was a nonprofit public interest law office, but for almost one-third (32%), the first employer was a private law firm. The third largest initial legal sector employer was the judiciary, with 13% of the respondents indicating this was their first employer upon graduation.

iv. Years of experience in the public interest and private sectors

FIGURE 14. STUDY PARTICIPANTS' YEARS OF EMPLOYMENT IN THE PUBLIC INTEREST AND PRIVATE SECTORS



Over two-thirds of the LAPIS Survey respondents<sup>51</sup> had been working in the public interest sector for 10 years or fewer, with 41.5% of these respondents working fewer than 5 years and another 28.2% working between 5 to 10 years in this sector (see Figure 14). Over 30% had worked in the public interest sector for 10 or more years. The majority of respondents (54.3%) worked in three states: California (25.1%), New York (17.4%) and Texas (11.8%). The Focus Group participants had been practicing an average of 10 years as public interest attorneys.

<sup>50</sup> Data on first job after law school graduation was not available for Focus Group participants.

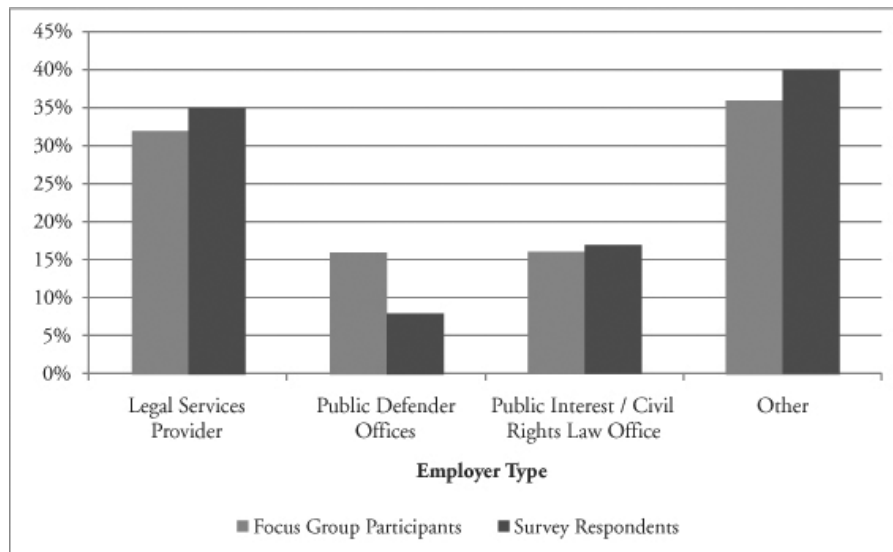
<sup>51</sup> Data on years of experience in public interest was not available for Focus Group participants or the 2009 HNBA Study participants.

A slight majority of LAPIS Survey respondents<sup>52</sup> had not held attorney positions in the private sector (53.3%); however, of those who did, most worked for a private law firm (88%). A much smaller percentage of the Focus Group participants worked as law firm associates (16%) and none in a partnership capacity.

Interestingly, as illustrated in Figure 14, almost all who previously worked in the private sector practiced for 10 years or fewer in that sector (95.1%), with the largest percentage having practiced for fewer than 5 years (78.4%).

v. Current public interest employer

FIGURE 15. CURRENT WORKPLACE OF STUDY PARTICIPANTS



The majority of LAPIS Survey respondents (55.1%) worked for a non-government employer. As shown in Figure 15, for Survey respondents, legal services offices accounted for 35.4% of the current employers, public interest law office/civil rights law office accounted for 17.2%, public defenders' offices for 7.6%, and a significant percentage (39.9%) fell within the "Other" category, which consists of a large number of respondents working in a government-related public interest office.<sup>53</sup> Of the Focus Group par-

<sup>52</sup> Data on other attorney positions was not available for Focus Group participants or the 2009 HNBA Study.

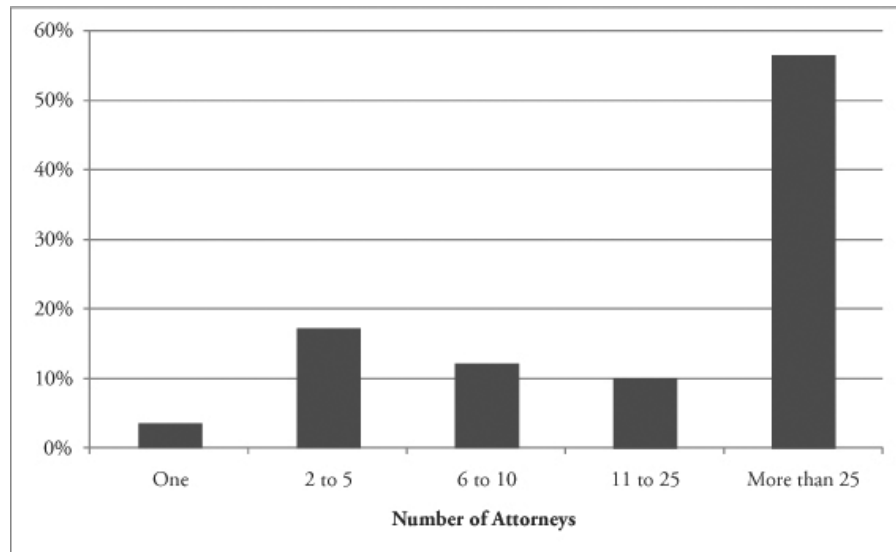
<sup>53</sup> An additional 1.5% each indicated their employer as "Prosecutor" and "Prosecutor's Office." Approximately 1.0% each also indicated their employer as the Attorney General and the Assistant United States Attorney. Since these offices also do civil legal

ticipants, nearly one-third worked in a legal services office (32%), and were divided equally between public defenders' offices (16%) and public interest/civil rights law offices (16%).

vi. Size of employer and position held

The majority of LAPIS Survey<sup>54</sup> respondents worked in offices with more than 25 attorneys on staff (56.6%). Almost one-third of the respondents worked in offices with 10 or fewer attorneys on staff—13% with 6 to 10 attorneys, and 17.3% with 5 or fewer attorneys (see Figure 16). Most of the respondents held non-supervisory positions (60.6%), although almost a quarter were supervising attorneys (24.2%). The Focus Group participants included 24% who were supervisors, and another 16% who were General Counsel or Executive Directors.

FIGURE 16. NUMBER OF ATTORNEYS AT SURVEY RESPONDENTS' WORKPLACE



vii. Diversity in the public interest workplace

The LAPIS Survey respondents<sup>55</sup> indicated that most of the co-

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work it is unclear whether these respondents were working in a criminal prosecutorial position.

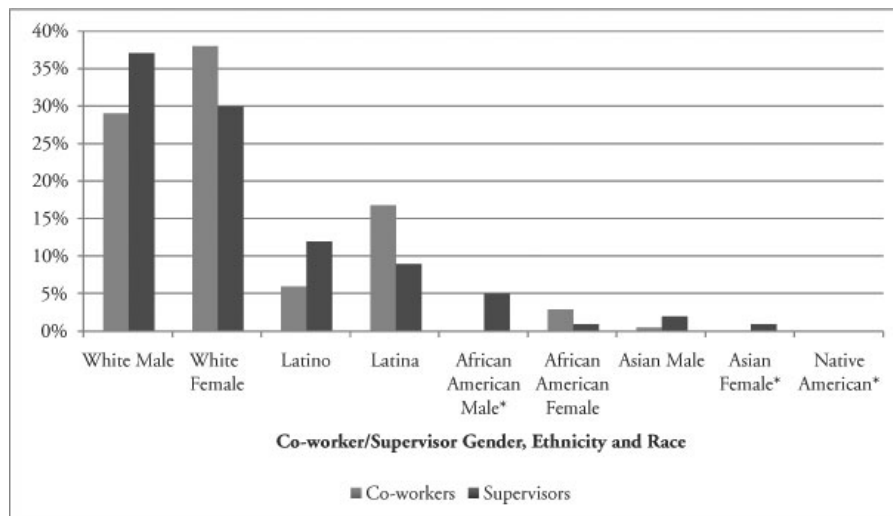
<sup>54</sup> Data on workplace size or composition was not available for Focus Group participants or the 2009 HNBA Study.

<sup>55</sup> Data on workplace diversity was not available for Focus Group participants or the 2009 HNBA Study.



workers at their current or last workplace were mostly female and majority White. As evidenced in Figure 17, 37.6% of the Latinas indicated that the majority of their co-workers were or had been White females, while only 28.9% indicated that they were or had been White males. The next largest group of co-workers identified by 16.8% of the respondents was Latinas and a much smaller number of respondents selected Latinos, 6.1%. As co-workers, African American females followed with only 6%, and Asian/Pacific Islander males trailed with fewer than 1%.

FIGURE 17. ETHNICITY, RACE AND GENDER OF CO-WORKERS AND SUPERVISORS AT SURVEY RESPONDENTS' WORKPLACE



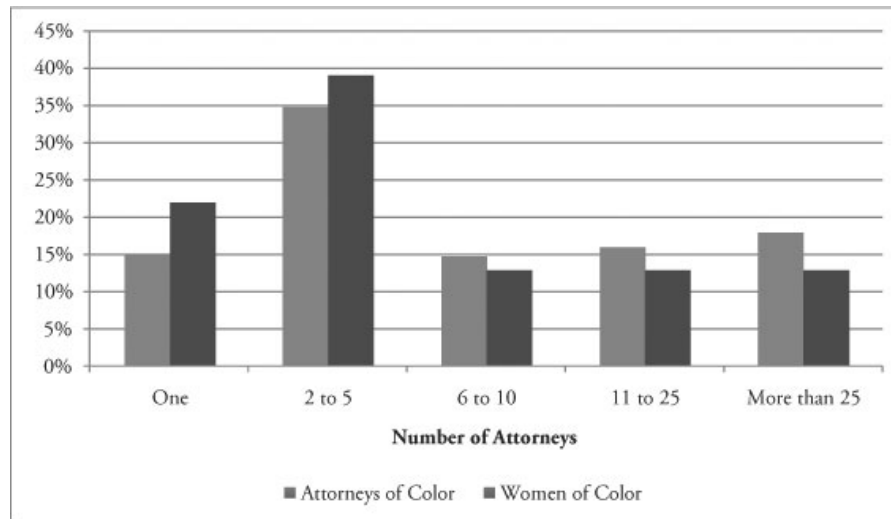
\*No respondents identified co-workers as African American Males or Asian Females and no respondents identified co-workers or supervisors as Native American.

The majority of the LAPIS Survey respondents (66.7%) also indicated that their current or most recent supervisors were White, and reported that while there are more women as compared to men in their workplaces, men consistently outnumbered women as supervisors. In particular, as seen in Figure 17, White male supervisors outnumbered White female supervisors, 36.9% and 29.8%, respectively. The same applies to Latina/os. While Latina staff outnumbered the Latinos nearly three to one, Latinos were more likely to be supervisors (12.1%) as compared to their Latina counterparts (8.6%). This was the same pattern for the smaller numbers of African American supervisors, 4.5% males and 2.5% females, and Asian/Pacific Islander supervisors, 1.5% males and .5% females. Thus, while the respondents worked within a predominantly

White and female workforce, supervisors were more likely to be White males than White females, and to the extent people of color were in supervisory positions, more men of color than women of color were supervisors, despite the larger numbers of female employees at these offices.

As represented in Figure 18, the majority of Survey respondents (60.9%) reported that women of color attorneys constituted five or fewer members of the staff, while 22.2% of respondents indicated that only one woman of color attorney worked at their office. However, over a fourth indicated that more than eleven women of color attorneys worked at their office, including 12.9% who indicated there were more than 25 women of color attorneys at their office. Half of the respondents indicated that attorneys of color at their offices constituted five or fewer members of the staff and 15% reported that only one attorney of color working in their offices.

FIGURE 18. ATTORNEYS OF COLOR AND FEMALE ATTORNEYS OF COLOR AT SURVEY RESPONDENTS' WORKPLACE



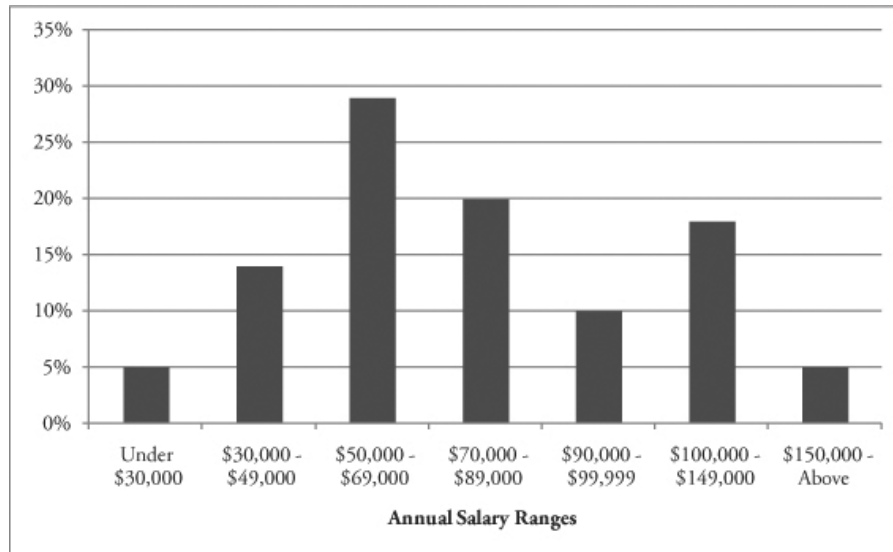
#### viii. Salary levels

The LAPIS Survey respondents' 2009 gross annual salaries<sup>56</sup> were considerably lower than median salaries of attorneys, and more specifically Latina attorneys, in the private sector and also the larger public sector. This finding mirrors the lower salaries com-

<sup>56</sup> Data on annual 2009 salary was not available for Focus Group participants.

mon to the public interest sector, as reported in various studies on salary levels within the legal profession.<sup>57</sup> As indicated in Figure 19, almost half of the respondents had 2009 salaries at or below \$69,000 (19% at or below \$49,000 and 5% had salaries below \$30,000). The LAPIS Study Latinas appeared to earn significantly lower salary levels than those reported by their counterparts in the 2009 HNBA Study in all other major sectors of the legal profession. As illustrated in Figure 20, while 2008 median salary levels for the 2009 HNBA Study Latinas, representing all sectors of the legal profession, including private practice, corporate counsel, government, judiciary, and legal academia were at or above \$100,000 annually, only 22% of those in the public interest sector earned more than \$100,000 in 2009 and the majority of these individuals were in supervisory roles. Compared to the private sector in particular, this salary gap is significant and has grown dramatically over the past few decades.<sup>58</sup>

FIGURE 19. ANNUAL GROSS SALARY OF LAPIS SURVEY RESPONDENTS



Type of employer may be related to salary level within the public interest sector. The Survey respondents who worked for legal services earned the lowest pay level in this distribution. Thus, not only did 42% of those working for legal services earn between

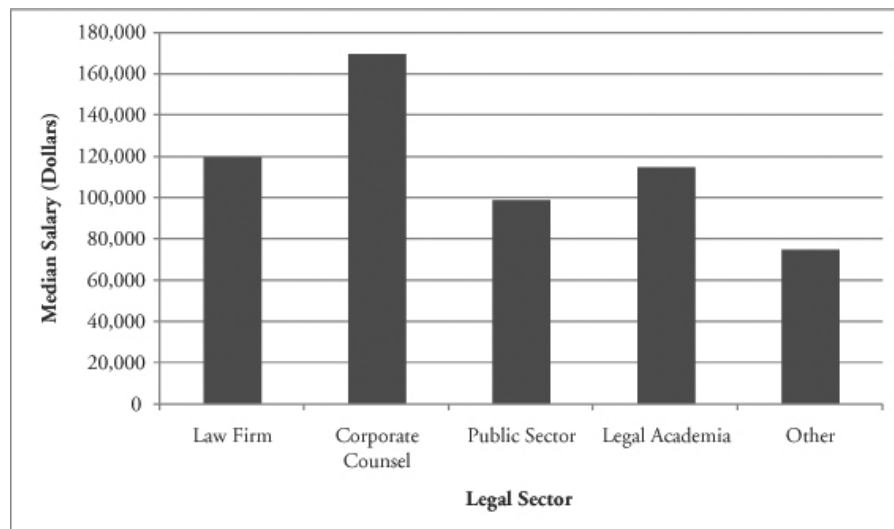
<sup>57</sup> See e.g. *NALP Salaries Report 2008*, *supra* note 32; *Lifting the Burden*, *supra* note 1, at 18.

<sup>58</sup> See e.g. *Lifting the Burden*, *supra* note 1, at 18; *NALP Salaries Report 2008*, *supra* note 32.

\$50,000-\$69,000, but 70% of all those who earned less than \$30,000 work for legal services. Of those working in public interest law offices/civil rights offices, 26.5% earned between \$50,000-\$69,000, as compared to 33% of the public defenders in the survey who earned between \$70,000-\$89,000.

As expected and previously indicated, supervising attorneys appeared to earn higher salaries: 27% of supervising attorneys in the LAPIS Survey earned \$100,000-\$149,000, 25% earned \$70,000-\$89,000, 18.7% earned \$90-\$99,000 and only 2.08% earned over \$150,000. By a slight margin, the majority of LAPIS Survey respondents were not the primary or sole income earner in their household; although 48.2% indicated that they were, and 80.4% of respondents indicated that their spouse/partner was also employed outside of the home. As compared to the 2009 HNBA Study Latinas, fewer LAPIS Survey respondents were the primary income earners for their families. This may reflect the relatively lower salaries paid to attorneys in this sector and the need for additional household incomes.

FIGURE 20. MEDIAN ANNUAL SALARY OF 2009 HNBA STUDY ATTORNEYS\*



\*Based on 2008 Salary.

ix. Summary of study participants' professional background and status

The majority of the LAPIS Survey respondents graduated law school within the last 10 years, and the average number of years

out for the Focus Group participants was 13, although a quarter graduated 20 or more years ago. The Focus Group participants also worked an average of 10 years as public interest attorneys. Nevertheless, overall, the LAPIS Study participants had fewer years experience practicing law than the 2009 HNBA Study participants.

The LAPIS Study participants successfully competed in the scholarly endeavors of law journals and moot court. Indeed, the LAPIS Study participants had a higher rate of participation in law journals and moot court than did the 2009 HNBA Study participants.

The majority of LAPIS Survey respondents had worked in the public interest sector exclusively. However, a significant number of respondents had also worked in the private sector earlier in their careers and an overwhelming majority of them worked in private practice, where they stayed for less than five years.

The majority of the LAPIS Survey respondents (approximately one-third) worked for legal services at the time of the survey. A majority worked in offices with more than 25 attorneys, and while their offices were staffed mostly by non-Latina White female lawyers, the majority of supervisory positions were held by men regardless of race or ethnicity. Furthermore, only about one-fourth of LAPIS Survey respondents were themselves supervisors.

The LAPIS Survey respondents' salaries were extremely low. With half earning under \$70,000 annually, this salary gap is considerable when compared to the Latina attorneys from the 2009 HNBA Study, where the 2008 overall median salary level was \$110,000,<sup>59</sup> and \$120,000 for those working in private practice. Notwithstanding their relatively higher salary levels, there is some evidence from the 2009 HNBA Study that Latina attorneys in the private sector may still earn lower salary levels as compared to other attorney groups.<sup>60</sup> The majority of the LAPIS Survey respondents were not the primary or sole income earners, and 80% had a spouse/partner who was employed outside of the home.

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<sup>59</sup> 2009 HNBA Study, *supra* note 3, at 25-30. As reported in the 2009 HNBA Study the median salaries for the various practice areas were: Law Firms \$120,000; Corporate Counsel \$170,000; Overall Public Sector \$100,000; Legal Academia \$115,000, and Other \$75,500.

<sup>60</sup> See 2009 HNBA Study, *supra* note 3, at 26.

## IV. STUDY FINDINGS

EXPERIENCES OF PUBLIC INTEREST SECTOR LATINA  
ATTORNEYS: LA VOZ DE LA ABOGADA LATINA

This section of the report presents the perceptions and experiences of the LAPIS Study participants as identified from the Survey responses and the Focus Group discussions. These stark and candid responses and comments describe the LAPIS participants' formative experiences, influences on entry to the profession, the rewards and challenges of their career-related choices. The Study organizes these complex realities to reflect the most salient features of the public interest Latina attorneys' reasons for choosing a public interest career and the experiences that impacted and shaped their professional and personal lives. In doing so the Study does not present every benchmark or critical juncture in each individual's professional journey, but rather provides foundational information about the shared experiences and perceptions of the LAPIS Study's participants, in their own voices, *la voz de la abogada Latina*.

A. *Choosing the Life of A Public Interest Attorney*

## i. Commitment to Help Others

*"I wanted to [go to] law school to work and fight for people's rights . . . ."*

Throughout the Study the public interest Latina attorneys expressed their conviction to help others, which served as a significant influence on their career choice, and for many, was the driving force to become a public interest lawyer. The LAPIS Study participants actualized their deeply held commitment to assist others in their pursuit of work that they perceive to be meaningful. They often described their job as their "passion," and several mentioned how they consider themselves lucky to be able to do public interest work. This differs significantly from the way many of the Latinas in the 2009 HNBA Study often viewed their professional role as intellectually stimulating and satisfying, but did not necessarily viewed their ultimate career choice as a personal mission to serve others. Both the 2009 HNBA and LAPIS Latinas viewed their work as challenging; however, this sense of passion and commitment for meaningful work was a core theme in the LAPIS Study, as illustrated in the following comments.

I love helping people, and I feel like this is some place where I really have a voice and I can help people that don't have one.

\* \* \*

I actually decided to go to law school because I realized my life [in the private sector], though profitable, was rather empty . . . what I was going to do after graduating was go [into] public interest.

ii. Working for Social Justice and Equal Access

*"My conviction to become a public interest/civil rights lawyer stems from my family's experiences as immigrants and the community where I was raised. I witnessed and experienced many inequities that angered me. I felt that I had to do something to address some of the problems facing my community, so I decided to be a lawyer at age 12."*

For many of the LAPIS Study participants, the wellspring of their commitment to public interest work was a deeply held conviction to promote social and economic justice on behalf of underserved communities, in particular the Latino community. Several commented on the need for public interest lawyers to serve the Latino community.

There's [a] real need for attorneys, and I thought that an attorney would be a really good advocate for Latinos in my community.

\* \* \*

Unfortunately, because of the condition of most of our community in this country, the only way to serve your community as a lawyer a lot of times is to work in poverty law, that's why I wanted to do [this work] . . . .

Others discussed how their professional work resonated with their personal and family experiences of marginalization and discrimination, and thus motivated them to work for change. These comments from the Study participants illustrated these influences and professional aspirations.

I decided I wanted to be an attorney at 9 years of age. At that time, 1966, the Civil Rights movement was in full bloom and I saw how the power of the law could change the course of history for the underrepresented which included the members of my immediate family and my surrounding community.

\* \* \*

I was an undocumented immigrant to the U.S. for . . . many years; [and] having gone through that, I sort of realized how important it was for our community to have knowledge and information, and I figured attorneys had a lot of power and knowl-

edge and information, and that was a way to help . . . out. I decided to go to law school and do something to give back to people like me.

\* \* \*

I did not set out to be a lawyer. But I think one thing that drove me to want to work with people and help people as well as my nuclear family . . . I was the only one who was born here . . . It was always very . . . clear to me that they were different, and not, necessarily, in a good way, and so the whole language issue, and just the memories of having people make fun of my family or make fun of my parents because my father couldn't speak English, and my mother's English wasn't perfect . . . really gave me, early on, a sense of what it's like to be marginalized.

### iii. Family Influences on Career Decisions

*"I may not have come from a formally educated family, but I did come from a large, strong family that believed in hard work and 'right and wrong.' I believe my family's ethics and spirit did influence my ultimate decision to attend law school and become a public interest attorney."*

An overwhelming majority of the Survey respondents (92.1%) indicated that their parents stressed the importance of having a good education, a theme echoed in the Focus Groups. Moreover, nearly one-third of the Survey respondents (31.3%) indicated that they had strong female role models in their early life that influenced their decision to pursue a career in the legal profession. Many of the Focus Group participants identified their mothers as the person having a profound impact on their educational and career aspirations. Thus, it appears that the LAPIS Study participants benefitted from having strong role models to support and guide them throughout their educational journey.

My Mexican mother always pushed me to go to school. Without her influence, I don't know what I would be doing today.

\* \* \*

I was raised by a single mom who stressed the importance of education and encouraged me to be a lawyer even though she herself was not able to help me in any of the processes to apply to either college or law school.

\* \* \*

The strong female role models in my early life influenced my decision to dedicate my life to the pursuit of social justice. . .

The Study participants also described the role that families and their communities played in instilling the value of helping



others, whether for altruistic or socially progressive reasons. The following statements typify this widespread sentiment.

I think what influenced me to do public interest work was my family and the environment that I grew up in. My parents both work in the public interest area and have been very involved in that area.

\* \* \*

I just had that [public service] message drummed into my head over and over and over again my whole life, and I thought that the best way to really represent my community was to become a lawyer.

\* \* \*

I need to be . . . giving back to the community, contributing to the community—plus my father wouldn't have it any other way, because I was the first person in my family to do everything. . . . he . . . also pushed me to go to law school.

#### iv. Impact of Early Work Experiences and Internships

*"I didn't want to be a lawyer; [however] I had the opportunity to work for a full summer in [a government office] . . . and I met lawyers . . . that worked there . . . It was their mentorship and encouragement that [influenced me to] go to law school."*

Several Latinas in the Focus Groups spoke of the influence of an individual, an internship or clinical work in law school, or some other early workplace experience that inspired and encouraged them to pursue a career in the public interest sector. While only 16.9% of the Latina Survey respondents had attorney role models in their formative years, these early work experiences and internships provided the opportunity to observe Latino attorney role models and led them to realize the similar impact they could have as lawyers in their communities.

I was working . . . as an intern at a [non-governmental organization] . . . and I just remember sitting in that room and looking around and knowing that all of these woman had legal degrees from all over America, and thinking to myself that they were actually at the table helping to shape the policy that affects all these children in this country, and that might be a legal path for me to take to do something similar.

\* \* \*

Seeing [a Latino lawyer at college], he had a similar background as I did. I thought . . . [the] legal field is something I can do.

\* \* \*

[G]etting the public interest fellowship [at my law school], . . .

and the access to the clinics really early on, . . . as a second-year . . . I think, solidified [my decision to do] public interest.

v. Destined for the Public Interest Sector

*“After law school, I worked for a private firm. . . . One of the cases I was working on, I was representing this large corporation that had committed a number [of] environmental atrocities and I always wondered who was represent[ing] the people on the other side. . . . At that point, I knew I was . . . never [going to] make a lot of money because I would probably be representing the people on the other side. I think that was the case that really caused me to go into public interest.”*

The majority of the Latinas knew when they went to law school that they wanted to work in the public interest sector and as such began their careers there. Indeed, many have worked exclusively in the public interest sector. However, a significant number (46.7%) of LAPIS Study participants worked in the private sector as well, although often for fewer than 5 years.

Overall, their experiences varied. One described working in the private sector as a “blip” in her career trajectory that eventually “precipitated” her return to public interest work because “it was a very inhospitable environment for a woman of color. In particular, [her] firm, which did a lot of things to promote diversity, still felt very restrictive and difficult.” For others, although they enjoyed their work in the private sector, they saw themselves destined for a career in public interest. As one Latina attorney stated, “even when I was with the law firm, I was there for a short stint and I was going to leave and do public interest work because that’s work that I also knew growing up.” Another stated that she enjoyed working in the private sector but always knew “it wasn’t going to be a long-term” position. Thus, many found the attraction of public interest work overwhelming and left the private sector for a more rewarding and satisfying career in the public interest sector.

B. *The Rewards for Latina Attorneys Working in the Public Interest Sector*

i. High Rates of Career Satisfaction

*“I feel very lucky to pursue my passion and do what I love to do.”*

Almost three-quarters of the Survey respondents (72.5%) and the majority of the Focus Group women articulated their high rate of satisfaction with their public interest careers. The abundant references by LAPIS Study participants to their commitment to social justice on behalf of vulnerable and underserved populations sug-

gest that the high rates of satisfaction may be due in part to the inherent nature of the participants' work. This is reflected in a Focus Group participant's one-word description of her career in the public interest as "meaningful" and another's description of her trial work as "exciting," while a Survey respondent described her "experience working in the nonprofit sector as a Latina attorney [as having] been incredibly positive and fulfilling."

The work setting and relationships with colleagues may also be a factor in the high satisfaction rates. One Focus Group participant stated that the people in her office "appreciate one another." Also, over half of the Survey respondents reported that they have been given ample opportunity to network and socialize with senior attorneys or supervisors in formal and informal gatherings, and social events, which suggests that the participants had opportunities to form developmental relationships and enjoyed social interactions with colleagues and supervisors. Further, as discussed below, several of the participants indicated that they experienced a positive work-family balance in their public interest jobs.

## ii. Positive Quality of Life and Work-Family Balance

*"I have had great support as a Latina, a woman and working mother in my current position in the not-for-profit public interest organization I'm working for."*

Latina attorneys working in the public interest sector were as unlikely as the 2009 HNBA Latinas to have children living in their homes and almost two-thirds believed that having significant family-care responsibilities has or will affect their opportunities for advancement. Nevertheless, the qualitative data from the LAPIS Focus Groups suggests that women in the public interest sector believed that they are better able to accommodate the needs of work and family than in other legal sectors and that their employers are more accommodating of family-care responsibilities. Several of the Focus Group participants identified the ability to balance their professional careers and personal lives as a slight advantage to a public interest career. Several noted their enhanced ability to raise children and spend time with their families, and even commented that women in the private sector probably did not have opportunities for similar work-life balance.

The overwhelming majority of Survey respondents worked full-time (94%) and worked an average of just under 50 hours per week, with approximately 20% reporting that they worked over 50

hours per week.<sup>61</sup> This data suggests that even though these women were employed full-time and worked roughly 8-10 hours a day, they believed these environments to be better suited than others for managing career and family roles. One participant stated that while “some recognize [work and family] as incompatible,” she believed that public interest employers “appear to offer a bit more balance.”

It may be the case that the structure of private sector work, which is based on extensive billable hours and business development requirements, results in a less hospitable environment for accommodating family and work demands than is the case in the public interest sector. The emphasis on revenue generation for private sector attorneys may on balance have a greater adverse impact on the Latinas’ work-family balance than is required of attorneys working in the public interest. While there are unique financial demands of the public interest sector, such as fundraising from private donors and grant solicitation from government sources, these demands are not typically the responsibility of individual public interest attorneys.

Also, there are compelling reasons, based on the public interest sector’s commitment to equality and access, for public interest employers to support creative strategies that address ways to balance family commitments and professional responsibilities. This is particularly the case when women in the workforce continue to carry a larger share of family-care responsibilities.<sup>62</sup>

I have noticed that other public interest [organizations] are just [as] supportive with their female employees [as my public interest office]. It may be a matter of dealing with persons who always fight for civil rights.

\* \* \*

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<sup>61</sup> The Survey did not ask about outside activities, and given the LAPIS participants’ stated commitment to community and service-based organizations, the data may not reflect time the Latina attorneys spent on community-based activities conducted outside of their offices. Still it provided useful information about the work demands of the LAPIS Study participants.

<sup>62</sup> Lorine Duran & Robert G. DelCampo, *The Influence of Family Obligations on the Job Performance of Professional Hispanic Women*, 4 *The Bus. J. of Hispanic Research* 18 (2010); Alice H. Eagly & Linda L. Carli, *THROUGH THE LABRYNTH: THE TRUTH ABOUT HOW WOMEN BECOME LEADERS* (2007); Carla Shirley & Michael Wallace, *Domestic Work, Family Characteristics, and Earnings: Rexamining Gender and Class Differences*, 45 *Sociological Q.* 663 (2004); Heather Bennett Stanford, *Do You Want to be an Attorney Or a Mother? Arguing for a Feminist Solution to the Problem of Double Binds in Employment and Family Responsibilities Discrimination*, 17 *Am. U. J. Gender Soc. Pol’y & L.* 627 (2009); JOAN WILLIAMS, *UNBENDING GENDER: WHY FAMILY AND WORK CONFLICT AND WHAT TO DO ABOUT IT* (2000).

Public interest types places tend to be more accommodating and women tend to gravitate there.

iii. A Valuable Professional Identity Incorporating Language, Ethnicity, and Culture

*“In terms of the clients, I feel there’s a sense of . . . comfort and appreciation that [they] can speak to someone who not only speaks [their] language, but understands [them] culturally.”*

Several Focus Group participants described the tremendous satisfaction of being able to provide legal services to Spanish speaking clients. Furthermore, many of the Study participants who have a significant proportion of Latina/o clients also believed that their language skills and ethnic identity, as well as their unique cultural insights, are critical components of their success.

When you sit down across the table from a client (who is maybe elderly, very humble and . . . nervous to be sitting with you because you’re an attorney) and you’re able to communicate with that person in Spanish, you take away their fear and tell them, “You don’t have to worry about this, dealing with this person who is defrauding you, harassing you. You tell them to talk to me, I’m your attorney.” That’s a great feeling.

\* \* \*

In the public interest world, Latinas are in demand because of the growing number of Latinos in our society. We need more . . . qualified lawyers that have not only the training, cultural competency, language capacity, and the consciousness to really fight for justice.

Some of the Study participants believed that their ability to speak Spanish played a major role in their employers’ decision to hire them.

I believe that my ability to speak Spanish was an important consideration for the hiring committee when I was given a job. My first job was in the employment unit and over 90% of the clients speak Spanish. Me being Latina was less important than the language issue; anyone who spoke Spanish was given priority in hiring.

Also, many believed that their Latina status provided them with unique opportunities because of their employer’s “desire to show diversity” and also because it “bring[s] a unique perspective to the table,” such as the ability to describe what it feels like to live the experience of their clients and to speak as someone who grew up in majority Latina/o neighborhoods. Thus, the Latinas in this Study believed that their linguistic skills and cultural sensitivities

added value to the public interest sector and provided enormous benefits to their clients.

A lot of things that seem completely ridiculous or outrageous or complicated to my colleagues; [however, to] me, are just understandable experiences when contextualized with what it is like to live as an undocumented person in the United States.

\* \* \*

My supervisor truly appreciates and values that I am Latina and speak, read, and write fluent Spanish. My presence in the office has highly increased our Latino outreach and the number of Latino clients that call for appointments. My background, along with my commitment to the Latino community and my strong work ethic, is definitely viewed as an asset by my employer.

Notwithstanding the fact that many expressed a true sense of pride in their language skills and biculturalism, which was shared by their 2009 HNBA counterparts, many of the LAPIS Latinas realized that these unique skills place additional burdens on them that their non-Spanish speaking colleagues do not share. These burdens include providing translation services for other attorneys and office staff, in addition to their other professional responsibilities to their clients, and being assigned more burdensome and difficult caseloads involving Spanish speaking clients without proper recognition of the demands of the work, or opportunities for professional development usually associated with complex work assignments.

I wasn't getting the support that I needed. Simply because I spoke Spanish, I was expected to do twice the work and carry the same caseloads as everyone else. And I was like, you know what? I can't stay here because I am going to burn out.

\* \* \*

Being a bilingual attorney has also had its advantages and disadvantages. I have been able to get great public interest jobs because I speak Spanish, but then I have also been treated as an interpreter or asked to translate for other non-Spanish speaking attorneys.

\* \* \*

As a Latina, I was given more difficult cases than most first year attorneys because I could speak Spanish. At the same time, I was not rewarded for practicing in a variety of areas of law and not specializing. I was also not rewarded for insisting on qualified interpreters for my clients.

C. *The Challenges Faced by Latina Attorneys in the Public Interest Sector*

The LAPIS Study participants regularly faced significant challenges and obstacles in their practice, including lawyers, judges, and clients doubting their competence, peers and society devaluing or trivializing their work as public interest lawyers, misidentification as non-lawyers or clients, different treatment from lawyers and non-lawyers because of their ethnicity, gender, and race, as well as jobs characterized by limited opportunities for advancement and low salaries. Whether inside or outside their public interest offices or the courtroom, they are perceived and treated differently from other members of the legal profession not only because they are Latinas, but also because they are public interest sector attorneys.

i. Different Treatment Based on Ethnicity, Gender, and Race: The Three Faces of Latinas

*“I think, as a Latina, your body is marked, . . . It’s not just you’re a female and you’re a Latina, but somehow you’re weaker. . . . You’re just totally treated differently as a result of being, a Latina female attorney. You . . . don’t get the same amount of respect. Your work isn’t given the same amount of respect, you’re not given the same amount of recognition. . . .”*

The Latina participants experienced different treatment at the workplace, outside the office, and even in the courthouse based primarily on an intersection of their ethnicity and gender, and for some their race. Over half (58.2%) believed that they have to perform at a higher level than non-Latina attorney peers to gain the same level of credibility and career opportunities in the workplace.

These experiences, while very similar to those described in the 2009 HNBA Study, were particularly disheartening to the Latinas working in the public interest sector because of the stated public interest commitment to justice and equality. The women described comments and practices that came from clients, peers, supervisors and judges. Over one-third (37.6%) of the Survey respondents indicated that they experienced demeaning comments or harassment because of their status as a Latina attorney and believed these experiences negatively impacted their career opportunities and advancement. Several Focus Group participants also reported their colleagues commenting on how well they “spoke English” or “almost without an accent.” Some reported judges and opposing counsel misidentifying or confusing them with other Latina/os. For example, one woman commented, “I can’t tell you just how

many times I was called Fernandez, Rodriguez, or Perez.” The women viewed these types of derogatory comments and interchangeability with other Latinas as examples of their colleagues’ ethnically-gendered perceptions of who a Latina is or should be.

I can’t tell you the number of times somebody has come up to me, including at [my office] and looked at me and said, “Oh, you speak English . . . you speak English very well.” Or have made racially derogatory comments and have said something to me like, “Not you. You’re different.” And things of that sort. So it’s there.

\* \* \*

Some of us who are light-skinned Latinas, we benefit from white-skin privilege. . . . And so the darker you are, you are facing the racism directed at African Americans as well. There is a very clear racial hierarchy in the public interest that I don’t think that there has been real opportunity to talk about. And then the way it negatively impacts Latinas.

\* \* \*

Latinos will blend better with the White males or with the African-American males, but we don’t, so I think . . . that we’re even further down. I think [the different treatment is] the combination—not just being female, but being a female Latina.

\* \* \*

I think our ethnicity and gender makes us all really different, and you’re punished for not conforming, . . . [and making] other people feel awkward. So I think you’re rewarded for conforming, punished for not conforming.

Some Focus Group participants believed that their male colleagues attributed their professional accomplishments to affirmative action or diversity goals rather than merit or ability. One recounted a colleague asking whether “Yale had a good affirmative action program” after seeing her law school diploma.

## ii. Negative Assumptions about Latinas’ Competence

*“So, I think that sometimes there’s a perception that even in some public interest places, ‘You’re smart and you’re good, but you aren’t good enough.’ And then it puts a burden on you to try to dispel that. I felt that burden to try to dispel that [as a way of] saying, ‘No, no, no, I’m as smart as the others, as good as the others.’ . . . I just wanted to do more and show more.”*

The Latinas in the LAPIS Study struggled with negative perceptions about their qualifications and professional skills. As one Latina stated, “I’m a Latina and [the assumption is I’m] not good



enough and don't work hard enough." These perceptions are from various members of the profession, including lawyers, judges, and clients. Despite the Survey respondents' high satisfaction rates with their career experiences, only 22.8% believe that Latina attorneys are viewed positively by others in the legal profession, and 43% believe that they have to act, dress, or communicate differently from their non-Latina peers to gain the same credibility and career opportunities.

Considering the strong credentials and academic preparation of the LAPIS Study Latinas, the data suggests that this experience of presumed inferiority of Latina attorneys can only somewhat be mitigated through individual achievements in law school, at the office, or within the profession. To the extent that they are judged on the merits of their work, this recognition is only temporarily sustained because they continue to encounter these negative perceptions throughout their professional careers.

iii. Devaluation and Marginalization of Public Interest Work

*"The perception is that if you didn't work for a large law firm, you must be second tier. . . ."*

Many attributed the questioning of their competence to the marginalization of the public interest sector by their private sector colleagues and general public. The LAPIS Focus Group participants attribute this marginalization to the erroneous belief that the public interest sector is comprised of lawyers who did not or could not make it in the private sector world.

Public interest Latina lawyers are perceived by the profession to be individuals who did poorly in school and/or didn't graduate from good schools. This is not accurate, but adds a burden to these lawyers. I find that I always have to justify my experience before I am respected.

Latinas in the public interest sector described how they believe that their jobs are considered by others to be less challenging and meaningful than a job in the private sector. Their sense of the devaluation of public interest work is based on comments by lawyers, family and friends, and presents a frequent challenge to Latinas' sense of professional pride.

I have been at Legal Aid my whole career so far. . . . When I tell people I'm still there, they ask, "Why are you still there?" [I respond,] "Because I like my job." The expectation is that public

interest is just a stepping stone to something else better, and that you're . . . only supposed to be there temporarily.

\* \* \*

And there is that difference in perception of where you worked. . . . When I worked at [legal services] as a benefit attorney for [several years], I would say, "I'm at [legal services]," people would say to me "What happened? What happened to your career?" I was like, "What happened to my career? I'm enjoying what I'm doing." "Why? Why would you do that?" . . . There's that outside perception from an organization looking into your pedigree.

Several Focus Group participants noted that their academic preparedness and well-honed legal skills should serve to counter some of the false perceptions about their individual competence, and gain them individual professional recognition, but found that it did not ensure a change in views about the value of public interest sector jobs. This suggests that success in academically challenging endeavors in law school, such as participation on law journals and moot court, and professional achievements after graduation may mediate some issues of competence but cannot eliminate negative perceptions related to the work associated with the public interest sector, or perhaps offset the negative perceptions associated with a low paying job, or a job held by a significant number of women. It thus appears that Latina public interest attorneys cannot fully unburden themselves of the stigma attached to public interest work solely on the merits of their own work.

#### iv. Misidentification as Non-lawyers

*"[A]lthough I have over 15 years litigating in Family Court, it is not uncommon that I am asked if I am the petitioner or have been told to wait for my attorney, simply because I am a Latina woman. I get this response from court officers, judges, and other attorneys even though I am dressed in business attire."*

An overwhelming majority of the Latinas in the LAPIS Study experienced being mistaken for a non-lawyer, such as an interpreter, a clerk or a secretary. Of the LAPIS Survey respondents, 74.2% indicated that they have been mistaken for a translator, court reporter or another non-attorney in the workplace. These experiences are similar to those of the 2009 HNBA Study participants. This suggests that within society and the legal profession as a whole, Latina lawyers, regardless of professional sector or setting, are not considered to represent the prototypical lawyer. As such, they experience the humiliation of their exceptionalism as Latina

lawyers, and bear the status as an outsider within the legal profession.

[T]wo weeks ago I walked into a hearing and the judge said, "Oh, great. The interpreter is here." . . . At work, if I am walking around, I always get stopped by those who are delivering packages.

\* \* \*

In the courtroom, you know, there's a perception that you are [not] the attorney, you're either the interpreter, you're the family member . . . . They don't automatically assume you're the attorney.

\* \* \*

I experienced the judge asking me where my attorney was, and I was the attorney.

\* \* \*

During one court appearance, a clerk asked my co-counsel (a Latina) if she spoke English. I was so frustrated one day that I wanted to wear a sign that stated "I may be Latina but I am NOT the litigant."

\* \* \*

I was walking by and a gentleman had come to file his appeal. And my clerk was asking him did you bring extra copies, and he pointed to me, and I was dressed in a suit and he said, "Can your secretary make me a copy?" And the clerk was like, "Sir, that's our deputy general counsel. And what was most hurtful was that this was a Hispanic male. It wasn't a White person saying this, this was another Hispanic perpetrating the same stereotype, like I look Hispanic, I must be the secretary."

#### v. The Reality of Diversity in the Public Interest Sector

*"[T]he lip service is that, 'Oh, I'm very open, I'm very liberal, I'm committed to diversity, I love seeing people of color move up,' but the truth beneath it is sometimes very different, and that can be a very rude shock when you have to deal with the reality of that."*

The majority of the Survey respondents believed their employer is committed to diversity (60.7%) in that their organizations value and consistently demonstrate a commitment to establishing and maintaining a diverse workforce. Nearly half (48.7%) believed that their status as a Latina benefited their ability to be hired into their chosen position in the legal profession. Specifically, Latinas believed that their ability to speak Spanish and relate to their clients was an asset and helped many to get their foot in the door in the public interest sector. However, while many believed that their

organizations value diversity, over a quarter disagreed (26.9%) that they benefited because of their status as a Latina, and nearly one-third (30.5%) believed that their status as a Latina created more barriers than opportunities for them in this sector of the profession.

The Latinas in the Focus Groups described their frustration and disappointment of working in an office whose primary mission is to promote equality, and yet the office tolerated perceptions of them by others and the general public as low achievers because of their status as Latina attorneys. Their frustration was heightened by the fact that they worked in public interest offices with a stated commitment to social justice and diversity. Some were acutely aware of the tension between the professed equality agenda of their employer and their own workplace experiences that were often tainted by stereotypes based on gender, ethnicity and race, similar to the experiences of their 2009 HNBA Study counterparts.

In the Focus Groups, several Latinas voiced their frustrations with their experiences and many were surprised because they entered public interest service expecting to find a more equal playing field.

[W]e don't think there's a negative perception of being a Latina at a nonprofit, because a lot of times, the nonprofits have a lot of people of color. But there are still a lot of [public interest] places where people of color are the support staff and not really the attorneys. And so when you come into an environment like that, it is very oppressive, still, even though you're all working towards social justice.

\* \* \*

[O]ne of the things that I found disconcerting is a lot of sort of negative attitudes expressed about our clients from all parts of the world, not just specifically Latinos, but the idea that they could be comfortable sort of expressing that in our environment. . .

\* \* \*

I think there has always been this assumption that maybe because it is public interest that we would perhaps meet up with less racism. And I have been so shocked in so many ways by the lack of understanding that there's a lot of racism in hiring practices in the public interest sector. And, yes, it's found in Legal Services. It's found in Legal Aid. It's found in government.

Nevertheless some Latina participants commented that a genuine commitment from those in leadership to real diversity can make a difference.

[L]eadership does matter quite a bit. I think, most public interest places want the diverse staff, but it's how you're treated once [you're there that's] where leadership matters in the organization.

vi. Few Opportunities for Advancement

*“So I think there is this myth that it would be more opening and welcoming to people of color, but when you go up to management you actually do find fewer and fewer people of color.”*

The Latinas in the Study lamented about the tremendous lack of opportunities for advancement and upward mobility at their offices and in the public interest sector generally. One of the most disheartening findings is that only 13.4% of the Survey respondents believed that Latina attorneys are provided the same opportunities as others to succeed and advance in the legal profession. This finding is consistent with findings from the 2009 HNBA Study. This lack of opportunity is compounded in significant measure by the limited number of supervisory positions available in public interest offices, intense competition for those positions and the slow turnover in such positions. As a result, these supervisory positions are filled at a sluggish pace which stunts the professional development of an individual's public interest career.

I looked at the management. And all of the middle management and upper management were White males that had been there for 20 years. And I knew I wasn't going to move up anytime soon. . . . I wasn't getting the support that I needed, I didn't feel respected.

\* \* \*

If they're looking at positions of leadership, . . . I certainly don't see it as an opportunity in our office; I think they pay lip service to it. But nothing is really accomplished. You always hear about yes, Latinas, let's help Latinas, let's raise them up. I think there's a ceiling everywhere.

Given the challenges to professional advancement in a public interest sector office, the Latina participants were especially cognizant of the impact leveled on their career opportunities by stereotypes about their competence. They described how they had to overcome these perceptions to gain credibility.

And now when you rise up and you begin to see you are now at a certain level and the racism shows up in very sophisticated ways. And the bottom line is there is a presumption of competence and capability with White men, and with women of color, I feel, there's a question mark. And then you're supposed to be in the

business of overcoming that lack of a presumption of competence.

\* \* \*

So I find that we have to do a lot to prove that we are running a very stable, very well-respected, well-run organization in ways that my White male peers won't have to do.

vii. Low Salary Levels

*“It is virtually impossible to support ourselves [with] those salaries and expect to also do good work in our communities.”*

One of the greatest challenges for Latina attorneys working in public interest sector jobs is the low salaries these positions pay. The impact of low salary levels was a recurring theme throughout the LAPIS Study along with references to the large debt incurred in securing a legal degree, and the significant salary gap between the private and the public interest sectors. Many LAPIS Study participants described struggling to pay law school debt and meet basic living expenses. Indeed, several of the Focus Group participants indicated that they could not have worked in the public interest sector without the income from their partner or some other financial assistance from family members. The low salaries pose a particularly heavy burden on many of these women because they are often the first in their family with a professional degree and license. Consequently, many had financial commitments to their families.

Many of us are first generation college and law school grads. We help our parents out, and as [a] result, our ability to choose to stay in public interest law is something that many of us struggle with every day due to the low salaries and the high loan debt.

Moreover, the LAPIS participants described the larger impact on communities, the public interest sector and the legal profession generally, that this perfect storm of low salaries and high debt have on career opportunities for Latinas. Several commented that the recruitment and retention of Latinas in the public interest sector suffers as a result of this salary gap between the public and private interest sectors. One Latina succinctly described the challenge: “One of the biggest obstacles in recruiting and maintaining Latina public interest attorneys in the field is money.”

They feared that as a consequence there would be fewer Latinas able to accept and stay in public interest jobs. As one Latina attorney commented, “many of us [Latinas], as first ones to go to

college, law school, etc. help our families financially and that's a barrier to staying in public interest careers."

This is also borne out by comments from several Focus Group participants that without an additional income from a spouse or their family they could not stay in their public interest jobs.

[L]ow pay at public interest jobs may deter many Latinas from public interest work, where they are desperately needed. Because of the high costs of student loan payments, loan reduction programs must be supported. Having supported my family (parents) and husband and child on a public interest salary has been extremely difficult and stressful with the increasing burden of student loan debt.

#### *D. Strategies for Success*

This section describes the various strategies that the LAPIS Study participants identified as having helped them throughout their careers and that they believe can help other Latina attorneys seeking to enter or who are currently working in the public interest sector.

##### *i. Access to a Diverse Pool of Mentors*

The LAPIS Study participants emphasized the importance of others to their success. A significant percentage of the LAPIS Survey respondents indicated that informal (69.7%), more so than formal (33.3%), mentors inside and outside their workplace have played a critical role in supporting their professional development. The Focus Group participants identified both Latina and non-Latina mentors as a critical factor to their success.

The LAPIS participants have relied on a diverse group of mentors.

I've learned slowly but surely from different people, whether they were White males, Black males, White women. You have to reach out and your mentorship should be diverse because you are going to get really great advice from those different people.

\* \* \*

I think mentors are critical. Latino mentors and non-Latino mentors, because I've had both. I think that is really, really critical to be able to reach out to people and . . . not to be afraid to ask for guidance.

Mentors played a significant role in helping the LAPIS participants choose and direct their careers and have guided them through difficult times. These mentors have listened to them and

provided words of wisdom to keep them on track, and as one Latina attorney noted, a “mentor . . . really helps you survive the whole experience of being a Latina lawyer.” Although mentors from different backgrounds provide critical support, Latina mentors can play a special role in assisting with career development because, as one woman described, they “understand what [Latina attorneys] are going through.”

Also, what many women considered essential in a mentor is someone who will serve as an advocate for them. An ideal mentor is “somebody up the chain who is looking out for you. . . .” This assistance from someone in a position to influence the organization is critical because “[Latinas] usually don’t have somebody in that group advocating for us or keeping an eye out for us, or who would know your name.”

For those in management positions, being able to talk to others in similar positions was particularly helpful.

There’s a group of us [managers in legal services offices] and we kind of formed our own group. . . . Latina, but also non-Latina, but women of color. And it’s very important to have that place . . . because not only are we women and women of color and we’re lawyers, but we’re also in management positions. So having that safe place to talk about this sort of stuff and bounce stuff off of each other and know that I’m not the only one struggling with that scenario and here’s somebody else and here’s how they dealt with it, and it really helps to maintain sanity to have that.

Although lawyers and legal professionals in the public interest sector can play a singularly important mentorship role, the LAPIS participants also identified family, friends and other women who served as a source of “support and nourishment.” Indeed, informal mentors played a particularly important role for many of these women, and for some, they were the only mentors available to them.

## ii. Community and Bar Association Support

Another strategy for success identified by the LAPIS participants is participation in community organizations and membership in bar associations. These organizations and bar associations provide a source of professional recognition within the women’s public interest offices. As one participant noted, “it’s very important to take part in the organizations that exist in your community also aside from your work. Because we are Latina and as long as the people that you work for know that you are important in the community out there, they will see you differently.”



Moreover, the participants identified the potential for “promoting women’s leadership” from within such organizations, and described the need for bar associations, including the HNBA, to be more inclusive of women in the public interest sector.

Strengthening the institutions in our communities that do have integrity, I think that is very important. And promote women’s leadership in those institutions and in the bar associations.

iii. Public Interest Employers Committed to Diversity and Access

An important factor in professional success identified by the LAPIS women is the commitment of the leadership within their public interest offices to promoting Latinas. The women described how leadership is what drives the implementation of an organization’s commitment to diversity, equal treatment and access to advancement opportunities.

I think a barrier is sometimes breaking into management . . . it can be . . . who is at a leadership level who is promoting and wanting to promote and recognize certain work.

iv. Support from the HNBA

In addition to the leadership-building opportunities and issue-specific support sought from bar associations, several LAPIS participants made specific recommendations to the HNBA. One specific recommendation to the HNBA echoed by several LAPIS participants was assistance with the oppressive debt burdens of public interest Latina lawyers and addressing the low salaries of the public interest sector. The women suggested that the HNBA support legislative initiatives, including loan forgiveness legislation.

Some women also called on the HNBA to challenge the low salary structure of public interest work because of its adverse impact on women and Latinas specifically. Some data supports the comments that gender disparities in public interest offices exist and are pernicious.<sup>63</sup>

I think another place HNBA can help . . . [is with] the paradigm that we’ve received as a community, that it’s okay to pay lower wages to public interest lawyers, overall. . . . I think it needs to go . . . to the bar associations for support to say, you know, that paradigm cannot continue to exist. Because that’s what keeps . . . women from going into public interest law. . . . That’s a

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<sup>63</sup> See Katie Dilks, *Why is Nobody Talking about Gender Diversity in Public Interest Law?*, NALP BULLETIN, June 2010.

paradigm that has to change. It's the feminization of poverty in public interest jobs, and I think that's a problem the bar associations have got to start weighing in on.

The women also suggested that the HNBA promote access to legal education because they fear that Latinas face greater challenges to entering law school. They noted that the HNBA should support career advancement specifically on behalf of Latina public interest lawyers within the legal profession and into policy making positions generally.

#### V. SUMMARY AND CONCLUSIONS

The Latinas working in the public interest sector have very high professional satisfaction with their career experiences, much of which is based on the social justice aspect of their work and their ability to provide assistance to clients who have limited access to legal services. The LAPIS participants described how their work was meaningful to them and how prior personal and professional experiences helped shape their commitment to public interest work. Recurring themes included the great satisfaction the participants receive from their job, their sense that they are helping others in their community, and that they are assisting people whose situations may remind the Latinas of their families' and their own experiences.

The majority of Latinas in the LAPIS Study had spent their entire or most of their careers in the public interest sector. This focus on public interest work was due to their commitment to helping others and their lack of interest in working in the private sector. This disenchantment with private sector employment was due, in part, to their preference for careers centered on the goals of social justice rather than monetary incentives and because, as one participant described, "it was just a foreign world." Of those who worked in the private sector, many did not enjoy the experience or the work environment. Even for those who had a positive experience in the private sector, they found public interest work more personally compelling and professionally satisfying.

In addition to the tremendous satisfaction associated with the work, many of the Latinas in the public interest sector also identified the benefit of working in offices that they believed allowed them better balance between their personal and professional lives. This perception remains despite other findings to the contrary. While the majority of the Latinas in the LAPIS Study did not have children living in the home and believed that having significant

family-care responsibilities will negatively impact their career advancement opportunities in the public interest sector, it appeared that overall, the Latinas perceived the public interest sector to be more accommodating of the Latinas' current work and family roles.

The LAPIS participants' high rates of career satisfaction, however, are tempered by the effects of significant professional obstacles. As was the case with the Latinas in the 2009 HNBA Study, the public interest Latina attorneys faced different treatment and challenges related to the intersection of their ethnicity, gender and race that they believed negatively impacted their experiences and career opportunities in the public interest sector. They face sexism and disparate treatment at the workplace and from other members of the legal profession, including judges and attorneys, in both the public and private sectors. They believe they encounter presumptions of inferiority by those they work with and throughout their practice, such as assumptions that they did not graduate from reputable schools, they are not as smart as their White colleagues, and that they could not get a more prestigious job in the private sector.

Moreover, regardless of their attire and prior appearances as attorney of record, they are often misidentified as someone "other than the attorney," such as translators and clients. Other research has provided similar examples of how Latinas/Chicana attorneys in the legal workplace minimize or mask certain cultural aspects of their appearance to avoid being misidentified in such a way and to legitimize their professional status.<sup>64</sup> Furthermore, like other women of color, they often experience a sense of "invisibility" in the legal profession and are often relegated to the "generic" woman of color status in the workplace, which includes confusing and mixing up their names with other women of color, and referring to many Latinas by the same familiar Spanish surname.

As compared with non-Latinas, especially men, they are acutely aware of what they perceive as a double-standard that is often applied to them, as well as, the impact this has on their work load and work habits. The women described how they have to work harder than their peers and put in more hours to persuade others of their competence and to overcome this presumption of inferiority.

At the center of these common experiences are negative per-

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<sup>64</sup> See 2009 HNBA Study, *supra* note 3, at 42-43. See also Gladys Garcia-Lopez & Denise Segura, "They are Testing You All the Time": Negotiating Dual Femininities Among Chicana Attorneys, 34 FEMINIST STUDIES 229-347 (2008).

ceptions about Latinas as attorneys and how Latina attorneys may not conform to existing gender and cultural norms about the role of a lawyer in the United States and the type of work that is appropriate for women and persons of Latin American ethnicity and national origin. This sense of stereotyping and discrimination in the workplace has been identified by other researchers as more commonly perceived by lawyers of minority racial and ethnic groups as compared to White lawyers, and often consists of demeaning remarks and less access to desirable work assignments.<sup>65</sup>

The Latina public interest attorneys also face barriers and challenges uniquely associated with the public interest sector. The LAPIS participants described how they endure negative perceptions and assumptions that apply to public interest work generally. Their work is demeaned or trivialized because of its very nature. In this sense their public interest work, qua public interest employment, is devalued and is part of a larger challenge facing the public interest sector. Although some acknowledge how law school pedigree or an employer's elite reputation may offset some of the negative perceptions of public interest work, the general sense is that public interest lawyers are not as competent as their private sector counterparts. Coupled with what they perceive as limited recognition and devaluation of their work from their private sector peers and the legal profession as a whole, the LAPIS Study participants find themselves working against an entire employment sector stereotype.

The LAPIS participants also described the professional obstacles inherent in the public interest sector that they believe negatively impact their opportunities for upward mobility within their offices. The Latinas described the limited opportunities to move into management or to move up the ranks similar to those described by participants in the 2009 HNBA Study. These include different treatment based on gender, race, and ethnicity, as well as the shortage of identifiable mentors in management. However, the public interest Latinas also described situations, unique to the public interest sector, which affected their professional and developmental opportunities, especially the small number of supervisory and management positions and the low turnover within the public interest sector.

The financial challenges posed by low salaries characteristic of public interest work is legend and has been identified by the legal profession as a significant barrier to entry and promotion within

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<sup>65</sup> See Wilder 2008 Study Monograph, *supra* note 2, at 5.

the public interest sector.<sup>66</sup> Low wages in the public interest sector indeed are the norm nationally. According to data from an *After the JD Study* monograph,<sup>67</sup> the median annual salary for Latina/o attorneys working in Legal Services or the Public Defender was \$41,000, for Latina/os working in a public interest organization the median annual wage was \$43,000, and for other nonprofit organizations was a striking \$20,000. This is considerably lower than the 2008 median compensation level for Latina/os in private law firms of \$80,000, as reported in this data, and also the 2008 median salary level for Latina attorneys working in private practice of \$120,000, as reported by the 2009 HNBA Study. Private sector salaries appear to be more than double and perhaps even four or more times the average of those working in the public interest sector and other nonprofit organizations.<sup>68</sup> Furthermore, the Class of 2009 NALP Survey reported that the median salary for the 2009 graduates with entry positions within Legal Aid and public defenders' offices was \$42,800, but for those entering the private sector the median was \$120,000.<sup>69</sup> Compared to the private sector, this salary gap is significant and has grown dramatically over the past few decades.<sup>70</sup>

It is no wonder that the Latinas in the public interest sector who participated in this Study resoundingly commented on the deleterious impact of their salaries on their lives. For example, the LAPIS Focus Group participants almost uniformly identified low wages as a barrier to public interest work and were acutely aware of the impact of their salaries on their personal and professional choices.

The Latinas also complained that while they earned significantly less compared to their peers in the private sector, the effects of these salaries were compounded by long-term educational debt that required large repayment amounts. As prior researchers have found, Latina/os and Black lawyers "tend to leave law school with the largest amounts of debt, in part because they depend more on loans than on other sources of financial support during law school.

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<sup>66</sup> *Lifting the Burden*, *supra* note 1, at 18.

<sup>67</sup> See *Wilder 2008 Study Monograph*, *supra* note 2, at Table 21.

<sup>68</sup> *Id.* Notably, for the Labor Union/Trade Association work sector, Latinos earned significantly more than their White counterparts, \$96,000 compared to \$67,000 median annual salary.

<sup>69</sup> *Class of 2009 National Summary Report*, *supra* note 21.

<sup>70</sup> See *Lifting the Burden*, *supra* note 1, at 10, 16; NAT'L ASS'N FOR LAW PLACEMENT, NEW FINDINGS ON SALARIES FOR PUBLIC INTEREST ATTORNEYS (Sept., 2008), *available at* <http://www.nalp.org/2008sepnewfindings> (last visited Sept., 6 2011).

Compounding the problem, Black and Hispanic lawyers reported lower salaries, on average, than members of other groups by virtue of their concentration in lower paying sectors of the law.”<sup>71</sup>

The finding that the Latinas from this Study were very satisfied with their experiences in the legal profession despite lower compensation levels and limited advancement opportunities suggests that objective career success (salary and positional level) may not necessarily translate to subjective success (career satisfaction) for this population of attorneys. Data from other research that suggests that public interest lawyers have high rates of job satisfaction supports this interpretation of the LAPIS findings.<sup>72</sup> Perhaps this is because the LAPIS Latinas define success for themselves through different values in their public interest roles. There is some research that supports this notion. In a study of Mexican American/Chicana attorneys, Garcia-Lopez (2008) found that rather than define success in terms of prototypical measures based on monetary ambitions or considerations, Chicana attorneys redefine career success in terms of values related to social justice and change and are often drawn to the legal profession as a way to promote these goals.<sup>73</sup>

However, the qualitative data that indicates that the Latinas in the Focus Group believe they have the opportunity for a more balanced work and family life should not discount the significant finding that the LAPIS Survey respondents believed family-care responsibilities to be a formidable barrier to their current and eventual career advancement in the public interest sector. This concern persists even though the majority of the LAPIS Latinas, as was the case with the 2009 HNBA Study Latinas, had no children at home. Notwithstanding this concern, the LAPIS Focus Group participants still believed that this sector was more accommodating of both work and family as compared to other sectors of the legal profession, and the opportunity for this balance was considered by

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<sup>71</sup> Wilder 2008 Study Monograph, *supra* note 2, at 5-6.

<sup>72</sup> Nancy Levit & Douglas O. Linder, *Happy Law Students, Happy Lawyers*, 58 SYRACUSE L. REV. 351, 366-67 (2008)(citing Kenneth G. Dau Schmidt & Kaushik Mukhopadhaya, *The Fruits of Our Labors: An Empirical Study of the Distribution of Income and Job Satisfaction Across the Legal Profession*, 49 J. LEGAL EDUC. 342, 346 (1999). See also DEBORAH KENN, *LAWYERING FROM THE HEART* (Aspen Publishers 2009) (interviewing lawyers from civil legal services and Legal Aid offices and describing their high satisfaction with public interest work).

<sup>73</sup> See Gladys Garcia-Lopez, *Nunca Te Toman En Cuenta [They Never Take You Into Account]: The Challenges of Inclusion and Strategies for Success of Chicana Attorneys*, 22 GENDER & SOC'Y 590 (2008).

many of the LAPIS participants as an advantage to working in the public interest sector.

Notably, while it may be that the LAPIS Latinas believed they enjoy enhanced work-life balance in their public interest sector roles, ultimately this may not be enough to counter the financial challenges posed by such low wages in the public interest sector. As the data suggests, these women appeared to rely on other, albeit limited, resources to sustain their careers and often endured financial hardships in order to remain in their chosen professional sector. Moreover, they feared that this financial strain may ultimately result in a dramatic reduction in the number of Latina attorneys who will consider entering or remaining in public interest positions in the future.

Given the nature of the challenges facing the Latinas in the LAPIS Study, their strategies for success are an important part of the story of how these Latinas continue to work and gain professional satisfaction in this sector of the profession. The LAPIS study participants, similar to their 2009 HNBA Study counterparts, identified mentors, available primarily through informal avenues, as critical to their success. Mentors served as role models, champions, sponsors, and confidants who could advocate for them and provide guidance and support for personal and professional development. This is consistent with other research that indicates that lawyers generally identify informal mentors, immediate supervisors, and themselves, as the main sources of assistance in mastering their craft.<sup>74</sup> Indeed, *After the JD Study* researchers have noted that for Hispanic and Black lawyers, formal training programs and informal mentors were the first and second sources, respectively, of their technical knowledge.<sup>75</sup>

The Latinas also discussed how participation in community-based organizations and bar associations can serve as opportunities to develop skills and gain recognition at the workplace. They also mentioned that strengthening institutions within the community is important because these institutions provide support to Latinas.

Furthermore, the LAPIS participants noted the importance of leadership within their public interest offices that is truly committed to diversity and providing opportunities for advancement for Latina attorneys.

In conclusion, as the LAPIS and 2009 HNBA studies reveal, for Latinas in the public interest and private sectors, their ethnicity,

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<sup>74</sup> See 2009 HNBA Study, *supra* note 3, at 31.

<sup>75</sup> Wilder, 2008 Study Monograph, *supra* note 2, at 31.

gender and race loom large in their professional careers, and serve as separate yet intersecting demographic markers of identity. These are the defining structural components of being Latina, informing how they see themselves, how they believe others see them, and how others treat them.

## VI. FUTURE RESEARCH

This study responds to the call from the 2009 HNBA Study for additional research to explore the experiences and barriers facing Latinas attorneys in each sector of the legal profession, specifically those employed in the public interest sector who were identified as having low participation rates in this seminal study on Latinas in the legal profession. Future research must continue to expand upon the findings in this and the larger 2009 HNBA Study. This research is a step in the right direction, but should serve as only a starting point for this important and underrepresented population of attorneys in the legal profession. Future research should also conduct a comparative analysis of the experiences and demographic and professional backgrounds of Latina attorneys with other attorney groups, including but not limited to, Latinos, White men, White women and other men and women of color to identify the differential impact of gender, ethnicity and race on various career-related experiences and outcomes.

Future research should also provide a finer-grained analysis of several consistent findings between the 2009 HNBA and LAPIS Study. In particular the paradoxical findings from both studies show that notwithstanding their relatively lower salary levels and positional levels in their organization's hierarchy, Latina attorneys in both studies appear to have relatively high levels of career satisfaction in the legal profession.<sup>76</sup> This suggests that as Latinas, the intersection of their gender and cultural identity may have a differential impact of objective and subjective career success for this population.

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<sup>76</sup> See 2009 HNBA Study, *supra* note 3, at 26, 30, 48 (citing ABA Visibility/Invisibility Study, *supra* note 2, at 28). The 2009 HNBA Survey participants in the private sector appeared to have relatively lower salaries as compared to the 2003 ABA Visibility/Invisibility Study participants, including White male attorneys and White female attorneys, as well as aggregated groups of male attorneys of color and women attorneys of color. Furthermore, the LAPIS Study participants appear to have considerably lower salary levels as compared to Latina attorneys in all other legal sectors.



## VII. RECOMMENDATIONS

Based on the findings in the LAPIS Study, the Commission concluded that the recommendations presented in the 2009 HNBA Study, which reflected the recommendations prioritized by the Latina participants in that Study, apply equally to Latina attorneys working in the public interest sector, and are, therefore, set forth and adopted as part of this report.

- A. Support and sponsor mentoring programs and opportunities for Latinas at all phases of the educational and career development;**
- B. Increase the visibility of Latina role models to inspire and encourage others;**
- C. Reach out to Latina youth at an early age;**
- D. Encourage the creation of Latina-based networks and support systems;**
- E. Support gender-neutral and family-supportive workplaces;**
- F. Support and fund continued research and data collection on Latinas in the legal profession;**
- G. Educate the legal profession about Latina underrepresentation; and**
- H. Monitor Latina progress.**

The Commission further recognized that the unique experiences and professional circumstances of Latina attorneys working in the public interest sector require attention to the specific challenges they face. The Commission, therefore, adopted the following recommendations to address the most salient concerns of this group of attorneys.

- A. Legal, business and educational institutions must address the myth within the legal profession and society at large that public interest work is less valuable than work in the private sector and that certain public interest legal positions are less prestigious and challenging than positions within the private sector.*

Latinas in the study articulated the frustration and difficulty of working in certain public interest offices when other lawyers and non-lawyers treated their legal roles as less challenging and prestigious. As long as public interest jobs, in particular those in which lawyers represent indigent or working class clients, are treated as “default” jobs for attorneys who could not obtain secure attorney positions in the private sector, the work of Latina lawyers will be undervalued and will negatively impact their job opportunities. The LAPIS Study is a step towards addressing these myths, but the

legal profession, business, and educational institutions must also actively work to counter this perception.

- B. Hire sufficient translators and interpreters to address the need for such services in public interest offices, and sufficiently compensate and acknowledge bilingual Latina public interest lawyers who provide these services.*

Many Latinas are bilingual and use their language skills in their work to communicate with clients and non-clients, to review and prepare documents, and to promote the work of their offices. Offices must provide sufficient and appropriate language translation and interpretation for legal matters. While bilingual Latina attorneys should be properly acknowledged and compensated for translation and interpretation services in the course of their professional work, public interest employers should not marginalize or relegate these attorneys to taking on additional workloads, or conversely be reassigned lower profile caseloads as a consequence of their office's dependence on the Latina attorneys' linguistic skills. This is important not simply to comply with the profession's ethical and legal obligations related to client representation, but to ensure that Latinas are not underpaid or undervalued for doing work that requires additional hours and skills.

- C. Increase management and leadership development opportunities within public interest offices that provide opportunities for Latinas to advance within their offices.*

Latinas lamented the lack of promotion opportunities within their offices in part because of the low and slow turnover at the management level. Much of this is due to the limited resources available to the public interest organizations and the tendency of public interest attorneys to remain with one employer for their entire career. As a retention strategy, efforts must be taken to increase promotional opportunities for additional managerial roles and/or the creation of discreet projects or casework assignments and professional development opportunities where Latinas can develop management and leadership skills. This is critical to the professional development of Latina public interest lawyers, as well as, the continued presence of Latinas within the public interest sector.

- D. Develop and promote leadership opportunities within professional organizations, such as bar associations and nonprofit boards, for Latina public interest lawyers.*

Professional organizations can provide meaningful guidance for the profession and its members by cultivating and identifying Latina public interest lawyers to lead these organizations, serve on their board of directors, and head committees. In order to increase opportunities for public interest lawyers to participate in these organizations when dues, even at reduced public interest rates, serve as a financial barrier to participation, bar associations, community and nonprofit boards, and other professional organizations can offer Latinas membership based on specialized service to the organization rather than annual dues. These efforts are critical given the limited resources available to public interest employers to provide internal promotion opportunities and financial support for external community activities.

- E. Develop and implement diversity programming for all staff at public interest offices that focuses on antiracism and antisexism curricula and the adverse impact of bias on professional opportunities for Latina public interest lawyers. Such programs should also focus on addressing assumptions about Latina public interest attorneys' competence and qualifications.*

Several Latinas were shocked at the profound impact of societal racism and sexism in their own offices. Several noted the continued use of derogatory and stereotypical depictions and descriptions of Latinos and other people of color and women in their offices, both targeted to personnel within the organization and clients. It was a regular part of their workplace culture and also within many courthouses. While many offices are committed to diversity and seek to promote a diverse workforce free of bias, training and curricula that acknowledges that the public interest sector, contrary to popular assumptions, is not free of racism and sexism, is critical to enacting change. Moreover, work to diversify the profession, and public interest offices in particular, must be part of an antiracism and antisexism agenda. Public interest organizations, as agents of social equality, must also be held accountable for equity within their own organizations.

- F. Support better pay, commensurate with the skills and demands of public interest jobs.*

Universally, Latinas in public interest positions discussed the

difficulty of working in the public interest sector at current salary scales. Several indicated that without the additional assistance of spouses and family, they could not continue working in the public interest sector. Several also noted their frustration at “capping out” at limited salary levels within their workplaces. By supporting loan forgiveness legislation for all public interest lawyers, the legal profession can ensure that some are not excluded from the benefits of recent educational debt-assistance legislation.

*G. Conduct research to understand the impact of education debt on Latina public interest attorneys’ professional choices and public interest employers’ retention rates.*

Legislative and law school based initiatives designed to reduce the burden of education debt on attorneys working in the public interest sector provide the potential for significant relief from financial obstacles to their entry to and retention within public interest jobs. However, the expanse and application of these programs is limited. As such, many public interest Latina attorneys, especially those who graduated more than five years ago, may not be able to fully capitalize on these programs. In order to measure the success of these debt-reduction programs, research should be conducted with Latinas currently in the public interest sector to determine whether these programs provide tangible benefits.

*H. Support mentorship programs and opportunities that address the specific professional challenges of Latina attorneys currently working or interested in the public interest sector.*

Opportunities to develop both formal and informal mentors should be identified and promoted as valuable to the success of public interest Latina attorneys. These mentors serve as guides and sounding boards for Latina attorneys and provide information and resources not otherwise available to Latina attorneys in this sector of the legal profession. They provide critical information about hiring and retention practices, skills development, and promotion opportunities that are specific to a public interest practice. Such mentors are influential during formative years, as well as, throughout the professional career of Latina lawyers. Therefore, mentors and mentorship programs should be supported for all educational and career stages. Latinas serving within the public interest should also be encouraged to serve as role models and mentors for others.

*I. The HNBA Commission on the Status of Latinas in the Legal Profession should establish a working committee to explore an appropriate federal and state legislative agenda that responds to the challenges faced by Latina attorneys in the public interest sector.*

Several of the challenges faced by Latina attorneys working in the public interest sector may be addressed in part through federal and or state legislation. A working committee established by the Commission should explore the viability and possible legislative proposals that would be the foundation of a legislative agenda that will be recommended to the HNBA Board of Governors. The working committee should include public interest lawyers familiar with the challenges and/or legislative responses that will inform the work of the committee. The committee should consider legislation that addresses the salary disparities between the public and private sectors, and any possible gender-based disparities within the public interest sector. Furthermore, the Commission should also examine other obstacles to Latina attorneys' ability to fully represent their clients, such as restrictions on representation.