

Judith Denham

Rhodes Institute for Regional Studies 2015, Rhodes College

Advisor: Dr. Elizabeth Thomas

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**‘YOU JUST NEED TO QUIETLY AND WITH GRACE STAND YOUR GROUND’:  
An Analysis of Women in the Legal Profession Through a Case Study of the Memphis AWA**

## INTRODUCTION

The legal field has been traditionally male-dominated, and only in the late 20<sup>th</sup> century did women begin to enter the profession in greater numbers. Although gender equality in the legal profession seems to have been achieved due to near equal numbers of men and women graduating from law school, the disparity between men and women in law firms and on the bench indicates that women are continuing to experience challenges in the workplace.

Psychologists, sociologists, and legal scholars examined the topic of gender discrimination in the legal profession up until the late 1990s. Following this period, fewer scholars have attended to ongoing inequalities and challenges. In addition to the current gap in research, the majority of published scholarly work has been quantitative and lacks a humanized perspective. How can inequality be remedied if there is no fundamental understanding of how women experience and counteract it personally in their everyday lives? A qualitative approach, which provides the personal voice and perspective, is vital for current studies because it provides a necessary complement to more completely understand the social world and, in this case, the reproduction of inequality.

Due to these concerns, I became interested in understanding the history of women in law, most specifically their experiences in the past as well as the present. There is no debate over the existence of gender discrimination in the field – numerous survey data and statistics speak to this issue. However, the ways in which women deal with these challenges is essentially unknown. In my search to understand female attorneys' experiences in Memphis, I came across the Association for Women Attorneys. Considering its founding in the late 1970s, I recognized the establishment of this organization as a response to issues women lawyers were facing during that time.

By investigating the Association for Women Attorneys in Memphis, this study attempts to discern the ways in which women utilized an organization to fortify and maintain their presence in a society in which female legal professionals were considered a rarity. The continuance of the AWA into the present day also allows one to more clearly understand the impact this association has on up-and-coming women lawyers, who are currently graduating from law schools at the near-equal numbers as men. This women-led organization provides a window through which one can view the current gender dynamics in a profession that has been historically considered androcentric.

Thus, my research of women lawyer's experiences provides a case study of the ways in which women maintain a presence in the Memphis legal community. Understanding the relationship women attorneys have with the Association for Women Attorneys, an organization initially founded on the premise of providing support for women in a gendered profession, is essential in determining the standing of women in the profession today.

## LITERATURE REVIEW

### *History of Law as an Androcentric Profession*

Women of the late nineteenth century fought for the right to practice law during an era in which essentialist notions of gender hindered women from participating in most domains of public life. Although the passage of the Fourteenth Amendment in 1868 ensured that all American citizens had "equal protection of the laws" and access to "privileges and immunities", women continued to be excluded from participating in certain areas of society, including professions. The passage of the Fifteenth Amendment in 1870, which guaranteed African-American males the right to vote, led to a growing ambiguity about women's status as voters as

well, who had not yet achieved this benefit. However, women lawyers realized that attaining the right to practice law would not only incorporate women within American polity, but also further women's efforts toward achieving full citizenship status. By integrating the legal profession, women lawyers disproved the prevailing opinion that men and women were inherently different from one another and were thus entitled to distinct rights and privileges (Drachman 1998).

Throughout the 1860s and 1870s, women who sought admittance to the all-male bar were denied entry based on the premise of the separate spheres ideology, which affirmed that men and women were inherently different, and thus occupied separate spheres of life. This philosophy permeated American society during the nineteenth century. Because the right to practice law was not federally authorized, women had to challenge the court in individual states. This struggle is most evident in the 1872 case *Bradwell vs. Illinois*, when Judge Bradley ruled that female lawyer Myra Bradwell's right to practice law was not considered a privilege of federal citizenship. He applied the "separate spheres" model to support his judgment. In other words, due to biological differences women were naturally predisposed to remain in the private sphere in order to maintain the home and bear children, while men occupied the public sphere, which included business, politics, and law (Drachman 1998; Levit & Verchick 2006). Furthermore, women were thought to be "constitutionally unsuited" for the harsh nature of legal profession. Acclimating to the demands of the job was thought to harden women's dispositions away from motherhood and consequently, lead to a deterioration of family stability (Menkel-Meadow 1989).

Gradually, individual state courts began to recognize women as fit for practicing law. By 1920, the Nineteenth Amendment to the United States Constitution was ratified granting women the right to vote (Rosen 2000). Although women had legally gained admittance to law, they still made up less than four percent of the legal profession by the 1950s and 1960s. However, by the

late 1970s women made up about 25 percent of all law students, and by the 1990s the proportion of male and female law students was nearly equal (Harrington 1994; Maute 2002). As of 2010, women made up approximately 47% of law students (Cassens Weiss 2011).

### *Women's Current Experiences in the Legal Profession*

During the process of exploring the topic of women's experiences in the legal profession, it became clear that a gap currently exists in the literature. While the early 1990s offers some insight into female lawyers' experiences regarding discrimination and harassment in the workplace (Hansen 1992; Rosenberg, Perlstadt, & Phillips 1993), a contemporary investigation of these issues is essentially nonexistent. The emergence of research in the early 1990s regarding the disparagement of women in the workplace may be attributed to the fact that this particular time period was also characterized by the beginnings of the Third-Wave Feminist movement, which focused greatly on both sexual harassment and gender discrimination.

While sexual harassment in the workplace undoubtedly existed prior to the 1990s, the 1991 Clarence Thomas – Anita Hill controversy intensified the discussion surrounding the victimization of women nationwide. When attorney Anita Hill made allegations of sexual harassment against the then- Supreme Court nominee Clarence Thomas, she received strong support from various feminist organizations, female politicians, and the general public. Prior to these accusations, the nomination of Thomas by President Bush was already opposed by the National Abortion Rights Action League (NARAL), the National Organization for Women (NOW), and the Women's Legal Defense Fund due to Thomas' rather conservative stance on women's rights issues. Although the hearings were made public, which women's organizations in favor of Hill fervently demanded, the U.S. Senate voted 52 – 48 to grant Clarence Thomas a judicial position in the Supreme Court.

Although Thomas was ultimately elected to the Supreme Court, Anita Hill's testimony significantly impacted the national discussion surrounding sexual harassment. Cases of sexual harassment began to emerge more frequently in response to greater public awareness of this issue. Rather than keeping quiet, victimized women felt more comfortable divulging their experiences. Therefore, due to the high profile nature of the Thomas/Hill incident, the subject of such issues in the legal community shifted to the forefront, attracting the attention of the academic community as well as of American society (Black & Allen 2001).

In the year 1992, the American Bar Association Journal presented in its November issue a report concerning the presence of gender bias in the federal courts of nine Western states, which had never previously been formally studied. The study found that for the last five years, every six out of ten female lawyers practicing in the circuit court suffered some form of sexual harassment, whether it was by a client, lawyer, or judge. According to national data, almost three-fourths of women lawyers experienced some form of sexual harassment in the workplace (Hansen 1992; Maute 2002).

The following year, a case study of some 200 female attorneys in a medium-sized Midwestern city revealed that one-fourth of the women surveyed experienced sexual harassment by lawyers, clients, and judges, in order of which occurred most frequently to less frequently respectively. According to the data, this harassment tended to occur more often in private firms, in which 43.6% of lawyers reported being harassed. This figure is more than double the amount of harassment reported by lawyers in the public sector (Rosenberg, Perlstadt, & Phillips 1993).

Sexual harassment cases against law firms have grown in number since the 1980s. While there were only a few of these cases contended in the late 1980s, there were more than 20 per year by the early 1990s. However, although it seems great strides have been made in reporting

these incidents, only 20% of all sexual harassment cases become public through court involvement (Ching & Kleiner 2001).

### Discrimination in the Workplace

In order to fully encompass women attorneys' experiences within law, a historically male-dominated profession, an enquiry concerning the frequency of gender discrimination in the legal profession must be examined. While national statistics on gender discrimination in the legal field are not available for review, the majority of 200 female attorneys surveyed in a Midwestern city reported experiencing discrimination while on the job rather than during the hiring process. Discrimination can take the form of unequal earnings and promotions as well as differential treatment in certain situations, such as when being assigned work or isolated incidents in particular work settings, such as in the courtroom or the office (Rosenberg, Perlstadt, & Phillips 1993).

By 1997, women lawyers around the nation continued having trouble attaining partnership in law firms. While women held approximately 40.1% of associate positions within firms, this number was diminished to just 14.2% at the partnership level. Many states released similar statistics, further indicating the commonality of this gender disparity nationwide. This inequality may be due to a number of factors, including the dominance of the "good ole' boys" club, motherhood, or simply women's lack of legal experience. However, perceptions of gender bias have also been considered. The American Bar Association released a study that reported that half of women attorneys surveyed felt that bias is "widespread" but "subtle and hard to detect" (Ching & Kleiner 2001; Maute 2002). Additionally, lawsuits contending sex discrimination within the workplace are particularly rare in the legal profession, further supporting the difficulty associated with detecting gender biases. However, research on the different forms of biases, both

intangible and overt, has since permeated the topic of gender discrimination in the legal field (Bible and Hill 2007; Bowman 1998; Epstein 1970; Laband & Lentz 1993; Levinson & Young 2010; Menkel-Meadow 1989; Rhode 2001; Rhode 2002; Spurr 1990; Hernandez & Stone 2013).

### *Theoretical Gender Biases Associated with the Legal Profession*

#### Law is Inherently Masculine

The gender stereotypes and norms associated with law perpetuate the presence of men and the exclusion of women within the field. Cynthia Epstein, whose 1970 study investigated the practices and structures that deeply hinder women's membership and success in elite professions in the United States, explored the concept of the "sex-typing" of occupations, including law. Epstein's (1970) sex-typing theory argued that the categorization of certain occupations as male or female makes it very difficult for those of the "wrong" sex to not only gain entry to these professions, but also to thrive in them. Furthermore, because high-ranking jobs in the United States, such as medicine, law, and engineering, are largely male, sex-typing is especially problematic for American women's achievement and success in these esteemed occupations.

Several following studies have found support for Epstein's theory that the "sex-typing" of occupations presents challenges for women who are either trying to enter the legal profession or climb its ranks (Bowman 1998; Levinson & Young 2010; Spurr 1990). Yet, others have refuted the idea that this ideology played a part in women's entry to the legal profession, instead claiming that it is enacted in job allocation within the field in which women are given work considered more "suitable" for their gender, such as domestic relations, trusts, and estates (Menkel-Meadow 1989). By reviewing these studies, one can find that the persistence of traditional sex role stereotypes surrounding employment has a distinct effect on women's



integration and continuation in law, resulting in the profession remaining almost exclusively male.

### Stereotypes of Women

Stephen Spurr, whose 1990 study investigated bias against women in the legal profession, hypothesized the theory of “statistical discrimination” in order to explain the large disparity between promotion of male lawyers and female lawyers. Spurr’s theory (1990) posits that the reason for women’s lack of promotion in the legal profession is because they are held to a higher standard than men due to the idea that they will leave work after promotion due to family obligations, thereby depriving the firm of much-needed human capital. Overall, women were about one-half as likely as men to men to achieve partnership in their firm, which would provide an increase in occupational status and earnings (Bowman 1998; Levinson & Young 2010; Spurr 1990). This concept is important for understanding women’s experiences in law because it is the one of the few accessible theories exploring the differences in promotions between men and women, a significant issue in terms of gender discrimination.

In a recent study conducted in 2010, researchers Justin Levinson and Danielle Young also focused on the lack of gender diversity solely in the legal profession. Due to the persistence of negative stereotypes associated with working women, such as lack of commitment and passivity, the researchers proposed the theory that implicit gender bias drives and perpetuates the unremitting subordination of women in the legal profession, thereby producing the gender disparity within the field. Because researchers Laband and Lentz were unable to discern gender discrimination along tangible margins, such as through earnings and promotions (Spurr 1990), they then concluded that sex discrimination in the workplace is intangible, or “nonstatistical”, due to a substantial difference in the feeling of overall job satisfaction between male and female

lawyers according to survey responses. Thus, Laband and Lentz refuted Spurr's theory (1990) of "statistical discrimination".

Several studies show that the gender stereotypes connecting women with what is considered traditionally the domestic role of the female, such as the home and family, significantly affect women's prospects for employment and career advancement. These implicitly held notions cause employers and colleagues alike to impose double standards by perceiving men and women differently in identical situations, negatively affecting women's occupational advancement in the legal profession (Rhode 2001). For example, a working mother's absence may cause colleagues to associate her leave with family duties, whereas a working father's absence may not elicit the same assumption (Bowman 1998; Levinson & Young 2010; Rhode 2002).

Gender stereotypes regarding women's personalities prove harmful to career advancement in the legal profession in a variety of ways. Because of the generalization of their work styles, character traits, and job competencies in the workplace, women experience great difficulty in achieving positions of higher power within the workplace. Due to these stereotypes, women are often provided jobs based on their "suitability" for the task at hand, such as domestic relations, custodies, and properties (Menkel-Meadow 1989). This occurrence greatly reflects Cynthia Epstein's "sex-typing" theory (1970) in that women are categorized into trades based on the gendered stereotype associated with the occupation itself (Bowman 1998; Levinson & Young 2010; Menkel-Meadow 1998; Hernandez & Stone 2013).

Likewise, the categorization of certain jobs or tasks as male within the legal profession adds layers of hindrance to women's path towards career advancement or promotion. Because men have traditionally occupied certain positions in the workplace, gender stereotypes have been

created which negatively affect women and thus, influence employers' choices about the ideal candidate for the position (Bowman 1998; Epstein 1970; Levinson & Young 2010).

By reviewing these studies, one can find that the persistence of implicit gender biases and stereotypes existing in the workplace have a distinct influence on women's experiences in the legal profession, revealing further explanations for the gender disparity in this field.

### *The Disadvantage of Motherhood*

Pamela Stone & Lisa Ackerly Hernandez's status legitimation theory (2013) refers to the practice in which the status of being a minority, or in this case a mother, serves to legitimate or maintain distinction between groups and biases towards motherhood, thereby further delaying gender equality in the workplace. Stone & Hernandez, whose 2013 study analyzed the experiences of 54 mothers who "opted out" of their professions, utilized the status legitimation theory to explore the function of flexibility stigma and associated biases to further understand why these women chose to leave their careers. Flexibility stigma involves the devalued status associated with working flexible hours, whereas flexibility bias refers to the adverse consequences one experiences as a result of working flexible hours. For example, a mother working part-time rather than full-time receives penalized wages (Ching & Kleiner 2001; Hernandez & Stone 2013; Rhode 2002).

In her 2002 study, Deborah Rhodes took this further, stating that such punitive policies, which reinforce double standards in domestic roles, perpetuate inequality in the workplace. This practice encourages imbalanced responsibilities in the home because it correspondingly reinforces the restriction of women to jobs of lower pay and subordinate status as compared to men. Thus, while both men and women in the workplace do have families, women tend to be laden with the majority of the family duties (Bible & Hill 2007; Rhode 2002).

Largely related to the concepts of flexibility stigma and bias, with regards to working mothers in the legal profession, is the failure of workplace structures to accommodate a balanced life (Bowman 1998; Rhode 2001; Rhode 2002). Deborah Rhode examined this issue in her essay “Balanced Lives” (2002), in which she discusses how a third of surveyed women lawyers believed that uniting the roles of attorney, spouse, and mother was unrealistic, and how only a quarter of women lawyers thought that it was possible to have a flexible work schedule that would not jeopardize their career. Notably, only a fifth of lawyers surveyed, including both male and female, reported contentment with the distribution of time between work and personal life (Rhode 2001).

By reviewing these studies, it is evident that workplace processes and structures significantly perpetuate the subordination and “opting out” of working mothers in the legal profession. Because this issue directly relates to the gender disparity of the field, it is essential for my proposed study. These concepts provide me with the framework to understand women’s difficulties on the job and their motivations for leaving the profession.

#### *How do Women Counteract Gender Stereotypes?*

Now that gender stereotypes in the workplace have been established, the way in which women interact with these stereotypes can be assessed. In her 1998 essay, Cynthia Grant Bowman discusses the concepts of “paradox” and “double bind” in order to shed light on the manner in which women in the legal profession attempt to portray themselves to their employers and colleagues. “Paradox” refers to the perceived contradiction between the socially defined images of ‘woman’ and ‘lawyer’, while “double bind” explains the way in which a woman in the legal profession deals with this incongruity of perceptions (Bowman 1998). Furthermore, Deborah Rhodes (2001) discusses how the seeming incompatibility of qualities associated with

women and those associated with lawyers (career success) greatly impede women's advancement in the legal profession. Female lawyers recognize this paradox and attempt to compensate for it by modeling their behavior to be either more masculine, like their male colleagues, or more feminine (Bowman 1998). However, regardless of these efforts, women in the legal profession are still criticized for being either too passive or too headstrong, or "too aggressive" or "not aggressive enough", demonstrating the double bind (Bowman 1998; Rhode 2001).

Understanding the way in which women lawyers and judges carry themselves in their work is essential for fully understanding the female experience within the legal profession. The woman lawyer's struggle to balance her femininity with her professional identity reveals the double standards of the legal field and the dilemma women are faced with recurrently in the legal profession. Furthermore, this source supports the idea that women are not simply passive recipients of discrimination, but they are actively counteracting the stereotypes and norms they face in the workplace.

## RESEARCH PURPOSES

There is an abundance of literature about the difficulties women face in the legal profession and American justice system, mostly regarding their experiences with gender discrimination in the workplace, both intangible and overt. However, in order to amend this issue, it is essential to examine *how* exactly women deal with gender discrimination in the workplace – a topic that is rarely explored. How can we talk about remedies for problems such as gender discrimination, sexual harassment, stereotypes, and biases when we do not have a full understanding of how women cope with these issues?

Despite major social and political advances in the United States, women are continuing to experience difficulty accessing high-ranking occupations, such as medicine and law, and attaining the top levels of these fields once admitted. Due to this phenomenon, research on sex-linked limitations as explanations for women's struggles in entering and performing in prestigious careers has permeated the topic of gender discrimination in the legal field (Bible and Hill 2007; Bowman 1998; Epstein 1970; Hernandez and Stone 2013; Laband and Lentz 1993; Levinson and Young 2010; Menkel-Meadow 1989; Rhode 2001; Rhode 2002; Spurr 1990).

While there are near equal numbers of men and women graduating from law school, the stark gap between men and women in the legal profession – in settings such as law firms, judiciary, and legal academia – implies challenges for women specific to the workplace (Levinson and Young 2010). Although there are plenty of statistics and quantitative evidence to support this claim, the personal, humanized perspective of the issue is mostly absent. Without this aspect, how can we capture the total context of this experience, which is fundamentally human, or seek to alleviate its circumstances without considering the emotions, feelings, or thoughts of those marginalized? Furthermore, it is important to remember that these women are not simply victims of these barriers and challenges, nor are they passive recipients of persecution without agency. They are actively enduring, recognizing, and dealing with these difficulties throughout their career.

Established in 1979, the Association for Women Attorneys has played a pivotal role in the quality of legal services in the greater Memphis region. According to the AWA website, this bar association was founded to provide role models and mentors to women with new careers and/or demanding young families, encourage professional and personal development, and promote contributions to the community through scholarships and mentoring programs. Overall,

the AWA is committed to the “welfare of its members and the sustained presence of female leadership in the legal realm,” acknowledging the need for female camaraderie and equal gender representation in the legal field (“Association for Women Attorneys” 2008).

Thus, I conducted a case study of the Association for Women Attorneys in Memphis. According to Robert K. Yin (2012), a case study is an empirical inquiry that investigates a contemporary phenomenon in depth and within the real-world context, especially when the boundaries between the phenomenon and context may not be clearly evident. By examining the AWA, I wanted to discern the ways in which women utilized an organization to fortify and maintain their presence in a society in which female legal professionals were considered a rarity. Additionally, the continuance of the AWA into the present day allows one to more clearly understand the impact this association has on up-and-coming women lawyers, who are currently graduating from law schools at near-equal numbers as men. Therefore, this organization ultimately provides a window through which one can view the current gender dynamics in a profession that has been historically considered androcentric.

Overall, I became interested in understanding the impact of the Association for Women Attorneys on the lives of women working in the Memphis legal sphere. I recognize more clearly the influence of the Memphis AWA in female attorneys’ navigation of the barriers and challenges posed by their workplace in their everyday lives, such as gender discrimination, sexual harassment, and the struggle to balance between family and work. Through completion of this study, I discovered the ways in which the AWA aids women in dealing with these issues, which not only sheds light on their experiences, but also provides possible recommendations and solutions for other women facing similar circumstances.

## METHODS

In order to investigate this question, I initially did online research of the Association for Women Attorneys in Memphis, Tennessee and then conducted interviews of female legal professionals involved in organization. I first contacted the current president of the organization, Keating Lowery, to obtain her approval to research the AWA. She provided all other members of the AWA with my proposal and informed them of my research purposes this summer. After Mrs. Lowery sent me a list of members in the AWA, I compiled a list of possible participants and contacted them via email or telephone requesting permission to interview them during the course of my research. Therefore, the majority of my data is derived from interviews as well as accompanying historical documents relating to the AWA. My study was approved by the Institutional Review Board at Rhodes College and completed in accordance with ethical guidelines for research with human participants.

### *A. History and Context of the Association for Women Attorneys*

On the weekend of February 9 – 11, 1979, the National Association of Women Lawyers (NAWL), a subdivision of the American Bar Association, convened at the Holiday Inn Rivermont in downtown Memphis, TN in order to discuss “The Search for Equal Protection of the Traditional Wife Under the Law”. This annual mid-year gathering typically took place in Atlanta where the American Bar Association was also arranged. However, Georgia’s failure to ratify the Equal Rights Amendment motivated the NAWL to “meet elsewhere on less hostile ground”. Because Tennessee was considered more welcoming of women, the NAWL decided to hold the convention in Memphis.

Inviting women lawyers to this initial meeting proved to be difficult. Judge Karen Williams recalled that while she and other colleagues remembered sitting next to other women in



law school, these women “had all but disappeared” after graduation. Considering this was a time before the Internet or social media, Williams along with Alayne Adams, Donna Fisher, and Kathleen Norfleet worked together to prepare for the convention and invitations were extended over the telephone.

Overall, the convention was a success. The four women who put the program together enjoyed organizing the get-together as well as having the opportunity to network with other women attorneys. Because they felt that this experience of comradeship should be continued and expanded, they worked toward establishing a group of women attorneys in Memphis.

A list of around 130 local women attorneys was composed. Most of these women were not practicing in courtrooms. They were either in private firms buried in the research department or working for the government or other small businesses. For these reasons they were not visible in the legal community, which is why many people believed there were so few women lawyers practicing in Memphis. Furthermore, many women were affiliated with law as legal secretaries or assistants, and they eventually attended law school after realizing their capability to perform the same work as an attorney.

After two more meetings, the debate continued about whether or not these women attorneys should organize a group. Some felt that an association of female attorneys would further ostracize women from their male colleagues, which was an especially sensitive issue because women attorneys during this time were struggling to gain respect and recognition as equals within the profession. Some women felt that an association needed to be formed so that female attorneys could benefit from having support, knowledge, and help from other women in the profession, and thus be able to offer better services to women in the community. Ultimately, the Association of Women Attorneys was formed.

The first officers included Gail Mathes as President, Bonnie Ragland as Vice President, Kathleen Norfleet as Secretary, Karen Williams as Treasurer, and Frances Loring as the Member-at-Large. The organization's purposes were summarized in three statements:

1. To support one another in our endeavors as professionals and attorneys
2. To educate ourselves and others in terms of the law
3. To be of service and to address ourselves to the legal needs of the community

Currently, according to the AWA website, this bar association was founded to provide role models and mentors to women with new careers and/or demanding young families, encourage professional and personal development, and promote contributions to the community through scholarships and mentoring programs. Overall, the AWA is committed to the "welfare of its members and the sustained presence of female leadership in the legal realm," acknowledging the need for female camaraderie and equal gender representation in the legal field ("Association for Women Attorneys" 2008).

### *B. Interviews*

Because much of the literature about this subject involves quantitative data, such as surveys, I conducted qualitative interviews of women in the legal profession in order to provide a new, more personal approach to this topic. Because of the open-ended, in-depth nature of this form of interviewing, qualitative interviews privilege women's lives and stories through their exploration of personal experiences. Qualitative interviews are defined in Earl Babbie's *The Basics of Social Research* as "interactions between an interviewer and a respondent in which the interviewer has a general plan of inquiry including the topics to be covered, but not a set of questions that must be asked with particular words and in a particular order (2011:326 – 327)." In this sense, a qualitative interview is basically a conversation in which the interviewer directs

the course of the discussion by following up on particular topics mentioned by the respondent. During the course of the interview, I covered the topics of family, motherhood, introduction to the legal sector, membership in the Memphis AWA, and experiences with gender discrimination in the workplace such as stereotypes, biases, gendered expectations, sexual harassment, earnings, and promotions (interview schedule located in Appendix). I also attended two events in order to become better acquainted with women in the AWA: the annual AWA golf tournament on June 26, 2015 at the Mirimichi course in Millington, TN and the Campaign for Equal Justice board meeting sponsored by Memphis Area Legal Services on July 7, 2015.

I recruited seven female legal professionals, five lawyers and two judges, who are members of the Association of Women Attorneys of Memphis for my sample. Of the seven women, six of the women I interviewed are currently working as legal professionals, and one woman recently retired in August of 2014. I did not feel that my sample should be limited to solely women who are currently practicing law, because I did not think the choice to retire diminished the significance of the experiences of female legal professionals. Furthermore, I did not shape my sample with age requirements. I expected to encounter women of a wide variety of ages. Thus, the target population was female law school graduates who have had experience working in the legal field and are current or past members of the Memphis Association for Women Attorneys.

In order to obtain participants for this study, I employed snowball sampling, a non-probability sampling strategy. Snowball sampling, at times considered accidental sampling, involves the recruitment of respondents based on their association with those previously interviewed (Babbie 2011:200). I used this technique because of my limited networks with women of the legal profession in Memphis and the difficulty involved in locating participants

who would be willing to participate in the study. By collecting data of a few members of the AWA, I then asked them to provide me with information in order to locate other members of the target population whom they might know. With each round of interviewing, the interviewees would suggest other people to interview, thus creating a “snowball” sample of participants.

Finally, the potential ethical issues of the study involved breaching confidentiality and being exceedingly intrusive. In order to address these issues, I respected the privacy of the participant, being sensitive to their personal experiences, and remained mindful of the difficulty involved with recounting traumatic incidents such as sexual harassment and gender discrimination. Before the interview process, I assured the participant of their confidentiality by altering or withholding all identifying information. I also gained verbal consent from the participant to record the interview. During the interview, I remained attentive to and understanding of their responses in order to express genuine interest about their experiences, rather than communicating disinterest and consequently making the participant feel uncomfortable with my role as the researcher. Lastly, because of the topics covered, there were situations in which the interview prompted the participant to divulge her experiences with sexual harassment and gender discrimination. In the case that the respondent personally faced these issues, I felt it critical to tread lightly in the conversation, and reminded the participant that she was not obligated to answer my questions if they made her uncomfortable, her participation was completely voluntary, and she had the authority to stop the interview at any time.

### *C. Data Analysis*

After conducting the interviews, which I recorded using an audio recorder provided by Dr. Persons, I transcribed them. I read these transcripts multiple times, and I identified themes that arose in every interview. Out of all seven interviews, six common themes emerged:

mentoring, networking, support for dealing with challenges in the workplace, challenges, and perceived changes in the legal field as well as the role of the organization over time. I coded each transcript for each theme by noting recurring topics and similar language that women used to answer my questions. I pulled out relevant sections to use as content for my findings, and afterward I decided on two or three shorter quotes to use to illustrate each theme. I took care to select different voices and represent any counter examples. Then, I summarized the details from the interviews in order to contextualize each quote.

## FINDINGS

### *Mentoring*

The Association for Women Attorneys provides law students and young female lawyers the opportunity to learn from women with more practice in the field of law. Many women interviewed felt that mentorships were important experiences for beginning and prospective attorneys, which is clearly demonstrated by the association's establishment of a Mentor Program for law students:

“... We have a program where we mentor students as well. So when they get out of law school, we can kind of help introduce them into different kinds of law, and help introduce them to different kinds of firms... I can see a huge benefit to law students who don't know what they want to do, and want a little bit of mentoring, or if they have a question... If a male student wanted to join, of course we'd provide the same help... But because it's a women's association we try to help those who need a little bit more support.”

The AWA has several reasons for reaching out to law students. Firstly, the Mentor Program provides several scholarships to help students financially with law school. The organization holds annual events to raise money for the scholarships, such as the AWA's annual golf tournament. Furthermore, several members felt that being inclusive of law students was essential for the field as well as for the AWA. These students are not only considered the future

of the practice of law but also of the organization. Some women referenced the difficulty in finding a job in the current economy, and how the Mentor Program facilitates acquiring employment after law school. For some, providing mentorships is a way of advocacy by promoting legal careers for women. One current member of the organization described the importance of mentoring in her career path:

“... What really tipped the scale was when I was a 3<sup>rd</sup> year law student, and I was clerking for Division 5 and that judge was heavily involved in the AWA... She was a very strong mentor. We do have the mentorship program and it works, and it’s been proven to work. In fact, some of the people on the board... were brought in through mentoring through people who were on the board. And I’ve seen a lot of success. When the mentorships work, they are awesome.”

This woman went on to become a member of the AWA as well as the organization’s president for a year. Not only do mentorships allow beginners to acquire greater knowledge about the legal field, but they also provide women with a strong role model to learn the skills necessary to manage a career and a personal life. One such mentor described this responsibility:

“Now it’s interesting for me to work with the girls coming along. To be able to help them hone their skills, to help them learn ways to cope with the pressure of being a wife and a lawyer and a mother and the chief bottle-washer and the whole thing that explodes every once in a while. All women that work have those kinds of pressures. And I think it really helps if you have somebody that’s walked that mine field themselves, and be able to say, “I can’t tell you what to do, but I can tell you things that worked for me. And I can tell you things that did not work for me, so that maybe you don’t step in that same problem.”

Hence, it is apparent that these mentorships function in several ways: to support law students, to tutor beginning lawyers about the law, and to help working women find a balance between their career and personal life. Having access to experienced female lawyers and judges gives up-an-coming women an example to live by both inside and outside of the workplace.

## *Networking*

Although Memphis maintains the status of being a city, the community functions in very similar ways to a small town, especially in the practice of law. Becoming acquainted with other lawyers in the area is crucial for gaining footing in the legal profession. Thus, the Association for Women Attorneys includes both male and female lawyers across the span of litigation and non-litigation. One woman, who was originally from another state, noted the importance of the AWA in her ability to network with other professionals and consequently, establish herself in the Memphis legal community:

“It’s because of those connections that we’ve made through the association that have made practicing law what it is for me. I mean, it’s a big part of who I am. It’s a big part of why I’ve been able to be successful and stay active.”

Additionally, these connections through the AWA have allowed members to meet others in their profession who are considered of “like mind”, although they may work within a different area of law such as family law or criminal law. However, having such relationships benefits attorneys in that they can learn from each other and share knowledge about their work:

“It’s a network – I can call anyone up and talk to them about “x, y, and z” or find an attorney who knows about this.”

This crossover between the professions has prompted some women to feel “encouraged to do more”. The opportunity to meet other lawyers gives women an ability to talk to others in the legal field about different types of law. In other words, some women professionals feel comfortable in expanding their practice because of the connections they have made through the AWA. Although this networking benefits professionals in the workplace, it also provides support for women in other ways:

“But I have loved getting to know other women in the legal community. And I think as a whole that it strengthens the women in this profession in this county because we network with each other. When I was pregnant last year, one of my main goals was to increase the membership, increase the number of ways that members connect to each other. Or are available for each other as a resource.”

Many respondents shared the perspective that this networking is a “resource”. One of the ways in which several respondents best enjoyed interacting with other lawyers or judges in Shelby County was through the annual AWA golf tournament. Some women described the ability to play golf as one of the most important ways to connect to others due to the fact that the legal field is male-dominated, and golf is traditionally a male sport. By sponsoring an annual golf tournament, male lawyers and judges feel comfortable to participate in the event, and women in the AWA can consequently get to know men in their field of work.

### *Support*

One common perspective shared by all seven respondents was that practicing law is hard work. It was often called “difficult” and “exhausting”, especially when described in relation to being a wife or a mother at the same time. Many respondents felt that the AWA provides support to deal with issues that only women could understand:

“It was the opportunity to connect with other women that made practicing law bearable. That’s where your friends are, those are the people you hang out with, those are the people you drink with, those are the people you cry with. And you can let your hair down and you don’t have to worry about putting on that front that you do for the guys. It just made the practice ever so much smoother, ever so much more at home.”

In the above excerpt from an interview with an experienced attorney, she acknowledges the challenge in navigating a profession that is mostly made up of men. She later described the AWA as “essential” for her in practicing law. Rather than feeling restrained as she does around men in the profession, she expressed liberation when surrounded by other women. Another



woman described it as a “forum for women who need another person to listen to, who are willing to do that, who are willing to support”. By acknowledging that the AWA provides much-needed sisterhood indicates the idea that these women experience difficulties on the job that only other women could possibly understand. One woman described such a challenge:

“... The AWA was very helpful in achieving some sisterhood and some awareness of how other women lawyers were dealing with issues that affected women more. For example, I became pregnant with my first child at the law firm, and the law firm did not have a maternity leave policy per say at that point (1986-1987). So as a young, pregnant attorney I drafted the firm’s policy... Looking at it from today’s perspective, you’d think it would be easy. It was not.”

This woman revealed the difficulty in establishing a maternity policy at a traditionally male firm where only a handful of associates were female. She went on to describe the dispute within the law firm, involving questions about what the policy should be, how much maternity leave should be given, and how much of it should be paid. However, it was through the AWA that this woman was able to create a maternity policy. The ability to network with other women lawyers in Shelby County was essential in her drafting the policy and communicating it to the partners at the law firm. In other words, the AWA allowed her male associates to learn from their peers in the local legal community.

### *Challenges*

When women legal professionals spoke of challenges in the workplace, they often recounted issues that manifested due to gender. One woman who originally began practicing law in Florida acknowledged the difference in her identity as a lawyer when she moved to Tennessee:

“I was surprised in Tennessee as compared to Florida I was treated much more like a “woman” lawyer, rather than a lawyer who was a woman... I also wasn’t sure if it was because I wasn’t

from the South, which could have had something to do with it. I'm sure they didn't see me as the blonde-haired, blue-eyed woman who's walking in there... but across the board they seemed to treat other ladies the same way. I knew that kind of thing existed."

Although this respondent attempted to rationalize her distinction as a "woman" lawyer in Tennessee through regional or racial differences, she noted that this experience seems to be universal. She also described the treatment of women in the courtroom as an indicator of this distinction, such as her experiences when called "honey", "sweetheart", "darling", and even when asked "Where's my coffee?"

The majority of interviewees also discussed the difficulty in managing a career and being a mother, such as this woman:

"Like I said, a lot of women want to say get married and have kids, but you can't feign that lifestyle. Like I've heard somebody say once, "Women can have it all, they just can't have it all at the same time. And that's true... If you want to be in a leadership position, such as a partner or a judge, it's almost impossible to be able to do that when you have young children."

Many other respondents shared this young woman's sentiment. In order to attain partnership or take the bench, many women felt that the job has to be put before everything else, including breaks, vacations, and family. Having children has forced some women to work part-time or in private practice firms, because they cannot dedicate all of their time at larger firms that are inflexible towards working mothers. One woman recounted some of her personal friends who had given "ten times more" by working 16-hour days, going in on the weekends, bringing in millions of dollars for the firm, and who were still denied a partnership. These stresses not only drove these women out of most firms, but also almost out of the practice of law.

### *Perceived Changes in the Legal Field*

Although many women shared the difficulties associated with being a lawyer as well as a wife or mother, several respondents indicated the changing legal landscape that has allowed them to more easily succeed in the profession:

“Nowadays, there’s no way that they would have to struggle as much as women prior to us. I think there is a way to make a path as a woman. There’s a way to balance.”

Many have achieved this balance by finding a cooperative firm or by establishing their own law practice. While preceding female lawyers experienced much more difficulty in discovering this balance due to the fact that men historically made up the vast majority of those practicing law, which also involved male-centric workplace structures, these early women essentially laid the foundation for subsequent generations:

“I don’t hear people tell women they don’t belong here anymore... Lots of changes have been made across lots of different places, where women would not have been allowed to be there before, now they are. Now, nobody thinks anything about it... The women before me were little specks - in a sea of salt, they were the pepper. Now, it’s just a blend...”

This woman, who practiced law for over 30 years, remembered a time in which women in the legal profession were considered a rarity. She has witnessed firsthand the ways in which practicing law has changed for women, which consequently has produced greater numbers of female lawyers over the course of time. This awareness is reflected in another experienced attorney’s response:

“When I first started practicing law, there were no women on the bench. None... Justice Holder was the first female judge at the trial level in Circuit Court, and now we have Gina Higgins and Donna Fields, and we’ve got two probate judges who are women. We’ve got women in general sessions court. There’s a good solid base of women judges. And I think of all of the careers within the legal profession, probably being a female judge is one of the best.”

According to this woman, not only have more women achieved a Juris Doctor, but also they have managed to climb the ranks of their profession through a judgeship, which is considered one of the most prominent positions to maintain in the legal profession. A female presence in these positions indicates great strides for women in law, especially when compared to the curiosity a female judge would have received just 30 or 40 years ago.

However, although there have clearly been positive changes for women in the legal field in the past several decades, there are still challenges remaining:

“You just need to quietly and with grace stand your ground. Because there will always be a group of people who don’t think that a woman ought to be in authority. Or they don’t think you ought to be in authority. There’s always going to be somebody pushing. You don’t need to be divisive. You just need to be firm... You can go around me, you can go over me, but you’re not going through me. And sometimes, you just have to live through the gale. I don’t know what gales the younger women are facing. But I suspect they still get these problems. They may be different than the ones that I saw, or certainly the ladies that preceded me. But the young men lawyers get them too. They get bullied, pushed around, goosed. It’s just a part of living. Get a thick skin.”

This woman’s perspective not only supports the idea that the legal field is evolving, but it also notes the fact that women are currently struggling in the profession, albeit in different ways than their predecessors.

#### *Perceived Changes in the Role of the AWA*

The Association for Women Attorneys was established as a platform for female lawyers to build solidarity during a time in which women typically did not go to law school or become attorneys. Societal expectations kept women in the domestic sphere, where they maintained the home and cared for the children. Thus, the purpose of the organization at the time of its founding was to maintain women within the legal profession, which was succeeded by examining issues that women specifically had to deal with such as maternity leave, part-time employment for working mothers, and unconscious biases in the courtroom:

“When I started practicing law with the law firm, there were not a lot of women in law firms at that point... The AWA had been a smallish organization before – this was right at the cusp of more women really joining law practice in Shelby County and it was right at the beginning when the AWA started to really grow and become a recognized force in the community... I think it [the AWA] elevated the discussion of all of these groundbreaking issues that they had to deal with...”

This respondent felt particularly grateful towards the AWA for allowing her to get together with other women and talk about her problems. Female camaraderie made her realize that she had a commonality with other women lawyers in the community, and that many of the issues they were experiencing were systematic and not individually unique. Several older women from this era expressed this sentiment. However, just as the legal field has evolved since the founding of the AWA, the current meaning of the organization to young women in law has also changed:

“I think women currently can make their own paths without having to rely on an organization that paves some of your way. I think if I weren’t ever a member of the AWA, I wouldn’t have much different of a future. It might be a little bit more work, it might be a little more uncomfortable in the beginning stages because I wouldn’t have made those connections. But I think women stand on their own... But it’s certainly helpful, and it’s a pleasant experience.”

While the organization served as a critical foundation for women in law during the 1970s and 80s, many women I interviewed currently view it as a wonderful forum for social interaction, legal knowledge, and even entertainment. While many of the older members expressed that this organization was “essential” in their careers as attorneys, newer members were more likely to say that it has been “helpful”. Many respondents acknowledged that their struggles as women lawyers differ from those of other generations. Thus, there seems to be a correlation between women’s gradual entry and acceptance into the profession and the functioning of the Association of Women Attorneys in the lives of women both past and present.

## CONCLUSION

While psychologists, sociologists, and legal scholars have examined the topic of women in the legal profession over the past 40 years, the literature has lacked a qualitative approach. Most of the research conducted has been quantifiable in nature through the utilization of surveys, tests, and algorithms to determine gender-related challenges concerning women in law. While previous data clearly supports the presence of a gender disparity in the legal profession, it has failed to explore the ways in which women attorneys and judges counteract these issues. Thus, chronicling women's stories provides a close, personal female voice to the literature, which has been often overlooked by previous studies.

Due to the aforementioned reasons, I felt compelled to understand women's experiences in the Memphis legal community. Research on the female experience in law specifically contributes to scholarship on Memphis, a region that has received little attention regarding women in the legal profession. By examining women's relationship with the Association for Women Attorneys, I learned about the ways in which this organization functions in the lives of women in a male-dominated profession, and accordingly, women's experiences as lawyers and judges in Memphis. The emergence of six common themes throughout the interviews demonstrated the significance of studying the AWA in order to acquire insight into the lives of female legal professionals in Memphis. Each narrative described the benefits of the AWA, most predominantly mentoring, networking, and support for dealing with challenges in the workplace. These conversations about the association often led to an account of women's challenges on the job, and the perceived changes in the legal field as well as in the role of the organization over time.

If a qualitative approach is considered infrequent in studying women's current experiences in the legal profession, what does this mean for other marginalized groups practicing law such as people of color, gays, lesbians, bisexuals, transgender, and the disabled? Would this study prompt other researchers to take a more qualitative approach to their research, thereby advancing society's knowledge of the regular issues these minorities endure? In the same manner as gender discrimination, the only way to truly be able to provide solutions for these other minority groups is to examine how they personally cope with and withstand the challenges in their working lives. Thus, a qualitative approach, which provides the personal voice and perspective, is vital for studying these social issues, which are profoundly human experiences, because it provides a necessary complement to more completely understand the social world and, in this case, the reproduction of inequality.

## APPENDIX

### *Model Interview Schedule*

Sample: Female law school graduates who are current or past members of the Association for Women Attorneys (7 interviewees)

INTRODUCTION: “The purpose of this study is to understand the relationship you have with the Memphis Association for Women Attorneys as well as examine the various ways women in the legal profession and American justice system navigate the barriers and challenges posed by their workplace. Before we begin, I would like to request your permission to audio record this interview. Is it all right for me to record this interview? Your confidentiality is guaranteed – I will not include any identifying information in my written report. I also want to assure you that your participation in this study is completely voluntary. You may choose to end participation at any point in time during the interview. So, today, we will discuss questions regarding your experiences as a woman in the legal profession, including topics regarding your introduction to this field of work, your earnings, promotion, relationships with employers and colleagues, family, and motherhood. Do you have any questions or concerns before we begin?”

Focus: “How does the AWA function in these women’s lives?”

#### Membership in the AWA

1. When did you join the AWA?
2. Why did you join the AWA?
3. Has your membership in the AWA been a positive experience for you?
4. How do you feel that the AWA is an essential organization for women in the legal profession in Memphis?
5. What role do you think the AWA plays in Memphis?
6. Have you noticed a change in the city since the beginning of the organization? Or a change in women’s experiences in the legal profession? (question for the founder of the organization)

#### Background Information

1. Where are you from?
2. What is your occupation?
3. How long have you been practicing law?
4. Where did you attend undergraduate school? Law school?
5. When did you graduate from law school?

#### Motivations for Work

1. Why did you choose a career in law?
2. Was it difficult to find a job after law school?
3. Can you tell me a little bit about your employment history?
4. Is law what you expected it to be?



5. Has anything about your work surprised you?
6. Do you have more positive feelings towards the field after entering it? Negative?
7. What kinds of law do/did you practice? How did you become introduced to this kind of work? Do/did you enjoy it? Why? Why not?
8. Would you encourage other women who are interested to pursue a legal career? Why? Why not?

#### Perceptions of Equity

1. Do you feel that women make the same income as men? Are promoted the same as men?

#### Relationships in the Workplace (for lawyers)

1. How many men are/were employed at your firm? Women?
2. How many partners are/were there? Are/Were they men? Women?
3. How is your relationship with your employer(s)? Your colleagues?
4. Do/Did you feel like you belong in this workplace? Why? Why not?
5. Have/Had you ever felt uncomfortable working for the firm? Why? Why not?
6. If so, how did you cope with...?

#### Relationships in the Workplace (for judges)

1. How is your relationship with your colleagues?
2. Have/Had you ever felt uncomfortable in your position? Why? Why not?
3. If so, how did you cope with...?

#### Work and Personal Life

1. We've been talking about relationships at work and your experience there, so how do you think about work in relationship to your home life? What does your relationship look like between your career and your personal life?

#### Wrap-Up

1. Is there anything else you're thinking about in this context (being a woman attorney in Memphis), maybe something that we haven't talked about that you want to bring up?
2. Do you know anyone else I could talk to who could provide valuable insight?

## REFERENCES

- Babbie, Earl. 2011. *The Basics of Social Research*. Wadsworth: Cengage Learning.
- Bible, Dana, and Kathy L. Hill. 2007. "Discrimination: Women in Business." *Journal of Organizational Culture, Communication and Conflict* 11(1):65–76.
- Black, Amy E. and Jamie L. Allen. 2001. "Tracing the Legacy of Anita Hill: The Thomas/Hill Hearings and Media Coverage of Sexual Harassment." *Gender Issues* 19(1):33–52.
- Bowman, Cynthia G. 1998. "Bibliographical Essay: Women in the Legal Profession." *Cornell Law Faculty Publications*. Paper 150.
- Cassens Weiss, Debra. 2001. "Have Women's Law School Numbers Peaked? NAWL Report Suggests the Pipeline May Be Shrinking." *ABA Journal*.
- Ching, Terese and Brian H. Kleiner. 2001. "Discrimination and Harassment in Law Firms." *Equal Opportunities International* 20(5-7):106–11.
- Drachman, Virginia G.. 2001. *Sisters in Law: Women Lawyers in Modern American History*. Harvard University Press.
- Epstein, Cynthia F. 1970. "Encountering the Male Establishment: Sex-Status Limits on Women's Careers in the Professions." *American Journal of Sociology* 75(6):965–82.
- Hansen, Mark. 1992. "9th Circuit Studies Gender Bias; Survey Finds 60 Percent of Female Lawyers Sexually Harassed in Last Five Years." *American Bar Association* 78: 30
- Harrington, Mona. 1994. *Women Lawyers: Rewriting the Rules*. Plume.
- Hernandez, Lisa Ackerly and Stone, Pamela. 2013. "The All-or-Nothing Workplace: Flexibility Stigma and 'Opting Out' Among Professional-Managerial Women." *Journal of Social Issues* 69(2):235–56.

- Laband, David N., and Bernard F. Lentz. 1993. "Is There Sex Discrimination in the Legal Profession? Further Evidence on Tangible and Intangible Margins." *The Journal of Human Resources* 28(2):230.
- Levinson, Justin D. and Danielle Young. 2010. "Implicit Gender Bias in the Legal Profession: An Empirical Study." *Duke Journal of Gender Law & Policy* 18(1):1+.
- Maute, Judith L. 2002. "Lady Lawyers: Not an Oxymoron." *TU Law Digital Commons* 38(1): 159-166.
- Menkel-Meadow, Carrie. 1989. "Exploring a Research Agenda of the Feminization of the Legal Profession: Theories of Gender and Social Change." *Law & Social Inquiry* 14(2):289–319.
- Rhode, Deborah, L. 2001. "The Unfinished Agenda: Women and the Legal Profession." ABA Commission on Women in the Profession 1-48.
- Rhode, Deborah L. 2002. "Balanced Lives." *Columbia Law Review* 102(3):834–47.
- Rosen, Ruth. 2000. *The World Split Open: How the Modern Women's Movement Changed America*. Viking.
- Rosenberg, Janet, Harry Perlstadt, and William R. F. Phillips. 1993. "Now That We Are Here: Discrimination, Disparagement, and Harassment at Work and the Experience of Women Lawyers." *Gender & Society* 7(3):415–33.
- Spurr, Stephen J. 1990. "Sex Discrimination in the Legal Profession: A Study of Promotion." *Industrial and Labor Relations Review* 43(4):406–17.
- The Association for Women Attorneys. 2013. "Beginnings of the Association for Women Attorneys." Retrieved January 25, 2015 (<http://www.awamemphis.org/images/AWAHistory.pdf>).
- Yin, Robert K. 2012. *Case Study Research: Design and Methods*. Sage Publications.