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“You Don’t Look Like A Lawyer”

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There are certain unspoken rules of success in the legal profession, not the least of which is “looking the part.” It is the idea that the norms of success, ability, and competence are tied to looking a certain way -- typically male and white. Despite widespread efforts aimed at increasing diversity, equity, and inclusion in the practice of law, the profession is still overwhelmingly male and white.

According to the American Bar Association’s 2023 demographic data in its annual “Profile of the Legal Profession,” lawyers who are women, BIPOC, LGBTQ+, and who have disabilities are still significantly underrepresented in the legal profession. We work in a law firm that relies heavily on statistics and data to inform ourselves of the true picture presented by our cases. To that end, we gathered the ABA data to demonstrate just how underrepresented these groups are within our profession.

In 2013, 34% of lawyers in the United States were women. By 2023, that number had grown by only 5%. The ABA points out that not every state bar or licensing agency even tracks gender in the legal profession - only 45 states reported data on the number of male and female lawyers.

The ABA’s breakdown of lawyers by race and ethnicity for 2023 reported that

79% of lawyers are white, while just 6% are Hispanic, 6% are Asian American, 5% are Black, 3% are multiracial and 1% identify as another race. Shockingly, fewer than half of all state bars and licensing agencies even track race and ethnicity in the profession -- just 21 states in 2023.

While the ABA does not have reliable statistics available on the total number of lawyers who are LGBTQ+ or who have disabilities in the legal profession, they did report that in 2022, the number of law firm associates identifying as LGBTQ+ was just 6.1% and the number of associates with disabilities was just 1.6%.

Most lawyers who are women, BIPOC, LGBTQ+, or have disabilities generally report feeling a greater burden of proving their competence and confidence in the practice of law. These groups face this challenge with clients, too, fearing they will not be considered strong hires because of who they are.

To highlight this point, at least as it pertains to women, here is some additional data on the “everyday experiences because of gender” reported by the ABA:

- 48% of women report having missed out on a desirable assignment because of their gender, compared with 1% of men.

- 54% of women have been denied a salary increase or bonus because of their gender, compared with 4% of men.

- 53% of women have been denied or overlooked for a promotion because of their

gender, compared with 7% of men.

- 75% of women have experienced demeaning comments, stories, or jokes because of their gender, compared with 8% of men.

- 82% of women have been mistaken for a lower-level employee, including 100% of the authors of this article. No men reported having this experience.

Pretty disheartening, but not at all surprising. Our aim with this article, however, is not to just regurgitate data about the homogeneity of the legal profession. Our aim is to emphasize, particularly because of the homogeneity of the legal profession, the critical role played by minority lawyers in our line of work.

We see our job as one that seeks to right the wrongs that disadvantage people. Minority lawyers have life experiences and perspectives on what it means to be excluded, ignored, and disadvantaged by the wrongs of institutional systems and structures. We need minority lawyers because the world is an unequal place -- who is going to care or understand more than a lawyer who has felt the same in their own life experience? Who is going to be more relatable to a client experiencing inequity than a lawyer who has lived it?

Anyone who is skeptical about the value of a legal profession that reflects our increasingly diverse population is just not paying attention. Diverse individuals on any team make for a better product. Simply put:

representation matters. If our laws and justice system continue to be shaped by the few, they will continue to only serve the few -- and inspire respect from even fewer.

Being different, both in the courtroom and in the practice of law, is always an advantage. For those of you who have been told or encouraged to practice in a way that is inconsistent with who you are, please don’t.

Meryl and Rosie are proud female trial lawyers at Gideon Asen. They both specialize in handling Plaintiffs’ medical malpractice and catastrophic personal injury cases. They thoroughly enjoyed writing this article together because although it has little to do with medical malpractice or personal injury claims, it has everything to do with being a female lawyer in 2024.

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New Bankruptcy Merit Selection Panel

Circuit has announced the formation of a Bankruptcy Merit Selection Panel to screen and review applicants for an expected bankruptcy judgeship vacancy in Providence, Rhode Island. Judge Finkle, who has served as a bankruptcy judge in the District of RI since 2012, will retire effective September 8, 2025.

Under the statute providing for the appointment of bankruptcy judges, 28 U.S.C. § 152, the courts of appeals, assisted by the circuit councils, have the duty of filling vacancies on the bankruptcy courts in each circuit. The Merit Selection Panel will recommend to the First Circuit Judicial Council and to the Court of Appeals individuals whose character, experience, and commitment to equal justice under the law fully qualify them to serve as US Bankruptcy Judges. Bankruptcy judges are appointed to fourteen-year terms by the Court of Appeals.

Circuit Judge Lara E. Montecalvo of the US Court of Appeals for the First Circuit will serve as Chair

Chief Judge David J. Barron of the US Court of Appeals for the First

of the Panel. Other members include: Judge O. Rogerice Thompson, US Court of Appeals for the First Circuit; Chief Judge John J. McConnell, Jr., US District Court for the District of RI; Hamza Chaudary, Esq., Adler Pollock & Sheehan, P.C.; Lynda L. Laing, Esq., Strauss, Factor, Laing & Lyons; Thomas P. Quinn, Esq., McLaughlin Quinn LLC; John Rao, Esq., National Consumer Law Center; Michael Zabelin, Esq., RI Legal Services; and Susan J. Goldberg, Circuit Executive.

The Court is accepting applications for the bankruptcy judgeship vacancy. Interested applicants may obtain an application on the Court of Appeals’ website at <https://www.ca1.uscourts.gov/employment>. Persons applying for this position and willing to serve if selected should personally submit their applications to Susan Goldberg, Circuit Executive, via email at ca01_chjobs@ca1.uscourts.gov. Applications must be received no later than Monday, December 16, 2024.