

The Journey to Becoming a Latina Lawyer

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Abstract

This paper explores the reasons behind the low amount of Latinas pursuing a law degree. In addition, it also identifies factors that influenced Latina law students to pursue and dedicate themselves to a law career. Latinas are underrepresented across the legal profession by significant margins. In fact, as of 2008, Latinas comprised only 1.3% of attorneys in the US.¹ This paper aims to identify factors that deter and promote Latinas to attain a law degree; furthermore, the ultimate goal is to identify factors that will help increase the amount of Latinas in law school, and in effect Latina attorneys in the United States.

Keywords: Critical Race Theory (CRT), Latina/o Critical Race Theory (LatCrit), institutional racism, microaggressions

¹ Cruz, J.L., and M.S. Molina, "Hispanic National Bar Association National Study on the Status of Latinas in the Legal Profession; Few and Far Between: The Reality of Latina Lawyers," *Pepperdine Law Review* 37,3(2010): ____.

Latinas and Law School

Although Latina/o students are among the fastest growing population in the United States, their educational experiences are often mired in oppression.² In fact, nationally Latinas/os have the lowest education attainment rates of any racial group;³ specifically, Latinas are underrepresented across the legal profession by significant margins. For example, Cruz and Molina state that although Latinas constitute 7% of the total United States population, they comprise only 1.3% of attorneys and 0.4% of partners in law firms in the United States.⁴ Correspondingly, the purpose of this research paper is to identify factors that deter Latina students from pursuing a law degree. Our aim is to identify contributing factors that will ultimately increase the amount of Latinas pursuing a law degree. In this paper, we will explore the central question, *Why the low amount of Latina students in Law School?*

Current research relies on different theories to explore the experience of Latinas in an education setting. *Institutional racism*, defined as the collective failure of institutions to provide appropriate and professional services to people because of their color, culture or ethnicity, is used to explain the majority of Latinas educational experience.⁵ *Latina/o Critical Race Theory (LatCrit)* is a theoretical framework that can be used to theorize and examine the ways in which race and racism explicitly and implicitly impact on the educational structures, processes and discourses that affect People of Color generally and Latinas/os specifically.⁶ Similarly, subtle,

² Davila, Erica R., and Ann Aviles de Bradley, "Examining Education for Latinas/os in Chicago: A CRT/LatCrit Approach". *Educational Foundations*. 24 (2011): 43.

³ Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1223.

⁴ Cruz, J.L., and M.S. Molina, "Hispanic National Bar Association National Study on the Status of Latinas in the Legal Profession; Few and Far Between: The Reality of Latina Lawyers," *Pepperdine Law Review* 37,3(2010): (974)____.

⁵ Gonzalez, Juan Carlos, "The Ordinary-ness of Institutional Racism: The Effect of History and Law in the Segregation and Integration of Latinas/os in Schools" *American Educational History Journal*. 34,2(2007): 331.

⁶ Davila, Erica R., and Ann Aviles de Bradley. "Examining Education for Latinas/os in Chicago: A CRT/LatCrit Approach". *Educational Foundations*. 24, 1-2(2011): 42.

innocuous, preconscious, or unconscious degradations, and putdowns, often kinetic but capable of being verbal and/or kinetic are *microaggressions* that contribute to Latina student's diminished mortality, augmented morbidity, and flattened confidence.⁷ We will use these frameworks in the context of identifying factors that deter and motivate Latinas to pursue a law degree.

Furthermore, in order to grasp a holistic understanding on the current low rate of Latinas pursuing a law degree, we have structured our paper to focus on imperative factors that impact Latina law students before attending law school, while attending law school, and after graduating from law school.

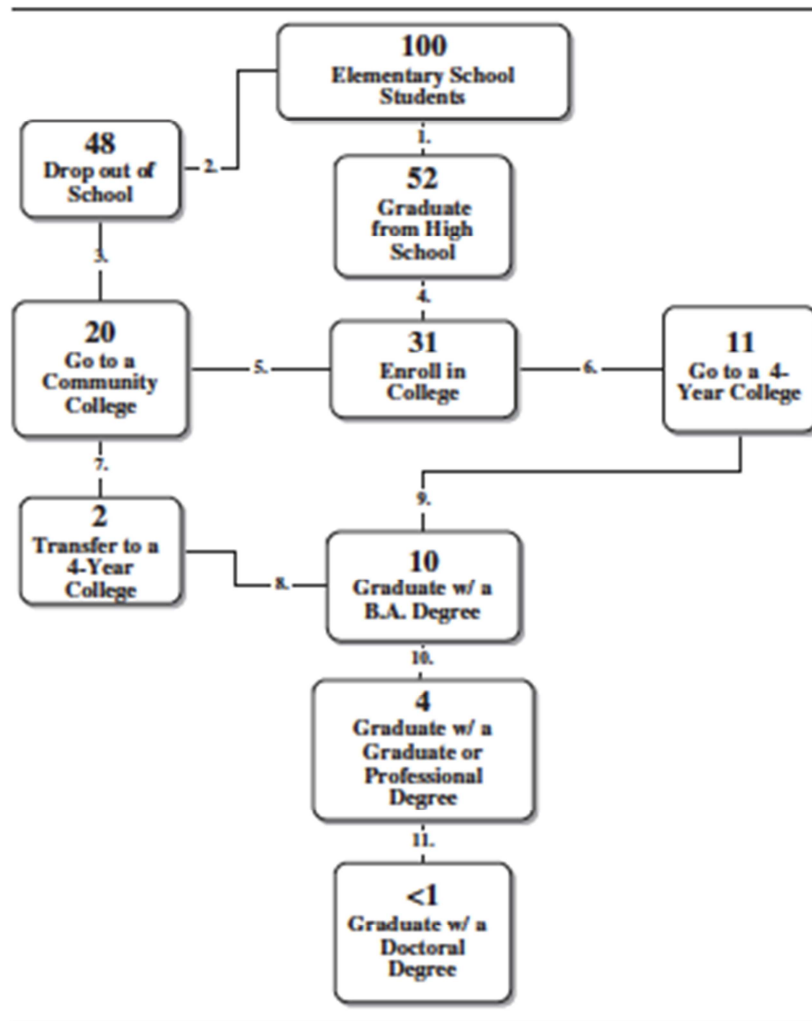
Latina/o Educational Pipeline

Academic institutions facilitate the flow of knowledge, skills, and students through the educational pipeline. Yet, no matter how one measures educational outcomes, Latina/os suffer the lowest educational attainment of any major racial or ethnic group in the United States. For example, among 100 Latinas/os who begin elementary school, a little more than one half will graduate from high school and only about 10 will complete a college degree. Eventually, less than 1 of the original 100 Latinas/os who enrolled in elementary school will complete a doctoral degree (Figure 1).⁸

⁷ Yosso, Tara J., William A. Smith, Miguel Ceja, and Daniel G. Solorzano, "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate for Latina/o Undergraduates". *Harvard Educational Review*. 79,4(2010): 660.

⁸ Solorzano et al., "Educational inequities and Latina/o undergraduate students in the United States: A critical race analysis of their educational progress". *Educational Administration Abstracts*. 40 ,4 (2005):277.

Figure 1. The Latina/o Educational Pipeline⁹



To better understand the underrepresentation of Latinas/os in law school, it is important we begin with an examination of their experiences in elementary and secondary schools. As we will demonstrate forthcoming the inferior education provided to Latinas/os reproduces the social inequities that have lead to the low amount of Latinas pursuing a law degree; until our nation can provide all of its students equal educational opportunity, we will have a serious pipeline problem

⁹ Sólorzano et al., "Educational inequities and Latina/o undergraduate students in the United States: A critical race analysis of their educational progress". *Educational Administration Abstracts*. 40 ,4 (2005):279.

that keeps Latinos in the underclass, and which guarantees they will be underrepresented in colleges and universities and consequently in all the professions.¹⁰

Nonetheless, it is important to note that not all Latinas/os experience education similarly because it is an incredibly diverse group in terms of national origin, socio-economic status, and cultural and social capital;¹¹ however, our analysis below is applicable to the majority of the Latino/a population.

Barriers to Higher Education; the Primary and Secondary Experience

English Language Learners and Special Education

The majority of English Language Learner (ELLs) in the United States are Latina/o whose native language is Spanish.¹² However, Spanish-speaking abilities have been historically misunderstood as disabilities, leaving Latina/o students at a disadvantage. Furthermore, disregard for Spanish speaking abilities and Latina/o students experience and culture continues to permeate public education in the U.S. Latina/o students who are learning English as a second language today continue to suffer from misunderstandings and lack of appreciation of Spanish language skills.¹³ Consequently, ELLs may be inappropriately identified for special education without adequate consideration of disability eligibility criteria or the influence of cultural, linguistic, and experiential factors.¹⁴

In Lau v. Nichols,¹⁵ the Supreme Court interpreted Title VI of the Civil Rights Act to prohibit discrimination against language-minority children (ELLs) by ignoring their special

¹⁰ Herrera, Irma D. "Barriers to Latinos/as in Law School". *Berkeley La Raza Law Journal*. 13,1 (2002):56.

¹¹ Gonzalez, Juan Carlos, "The Ordinary-ness of Institutional Racism: The Effect of History and Law in the Segregation and Integration of Latinas/os in Schools" *American Educational History Journal*. 34 (2007): 341.

¹² Davila, Erica R., and Ann Aviles de Bradley, "Examining Education for Latinas/os in Chicago: A CRT/LatCrit Approach". *Educational Foundations*. 24 (2011): 53.

¹³ Ibid.

¹⁴ Amanda L. Sullivan, "Disproportionality in Special Education Identification and Placement of English Language Learners," *Exceptional Children* 77 (3) (2011): 328.

¹⁵ Lau v. Nichols, 414 U.S. 563, 94 S. Ct. 786, 39 L. Ed. 2d 1 (1974).

language-related needs. Correspondingly, the Supreme Court ruled that schools are required to provide ELLs children with a program of instruction calculated to make them proficient in speaking, understanding, reading, and writing English, while enabling them to master the standard academic curriculum¹⁶. However, the distinction between the educational needs of students identified as ELLs and those of students with a disability are not so clear-cut in practice. Educators have historically confused the educational needs of ELLs with the special education services required by students with disabilities.

In general, ELL students are underrepresented in special education in primary grades but overrepresented beginning third grade; specifically, in categories of special learning disabilities, speech language impairment, and mild mental retardation¹⁷. Similarly, although against regulation, many teachers wait until ELLs develop sufficient English proficiency before referring them for special education evaluation. Such ELL students at risk for learning difficulties who are not identified in the primary grades are at a major disadvantage in being able to overcome their reading difficulties through remedial services following the primary grades; in some cases the educational needs of some ELLs who are struggling with reading may be overlooked or addressed much later when it might be more difficult to address a learning disability.

Furthermore, many schools operate under the premise that ELLs are eligible for special education services *or* English language instruction, but not both¹⁸. Thus, ELL students who need special education services may not be serviced appropriately. In addition, ELLs are heavily

¹⁶ Lau v. Nichols, 414 U.S. 563, 94 S. Ct. 786, 39 L. Ed. 2d 1 (1974).

¹⁷ Amanda L. Sullivan, "Disproportionality in Special Education Identification and Placement of English Language Learners," *Exceptional Children* 77 (3) (2011): 324.

¹⁸ Jennifer F. Samson and Nonie K. Lesaux, "Language-minority learners in special education: Rates and predictors of identification for services". *Journal of Learning Disabilities*.42 (2) (2009): 150.

disadvantaged in their efforts to meet the eligibility criteria of universities because in most high schools it is almost impossible for ELLs to undergraduate admission course requirements.¹⁹

Advanced Placement/Honor Courses

In order to address the educational inequalities we need to examine the negative consequences of the inequalities in access and enrollment of Advanced Placement (AP) courses in high school. The GPA calculations used for undergraduate admissions includes only required courses and rewards AP and honor courses. Unfortunately, the data show that these courses are less likely to be offered at schools that serve primarily African American and Latina/o students.²⁰ In California, for example, while Latina/o students made up 38% of California high school students enrollment, they only made-up 16% of the student population enrolled in the top 50 high schools who offered an array of AP and honor courses.²¹ Disparities in required courses, AP and approved honors course work, ensure lower rates of undergraduate eligibility to Latinas/os.²²

Counseling/Mentoring

Mentoring from high school teachers and counselors plays an important role in the academic life of high school students as they prepare to enter an institution of higher education; however, research has found that many school counselors impede Latina/o students' access to higher education.²³ Evidence shows that Latinas in our education system experience low expectations from school personnel and lack of sufficient mentoring.²⁴

¹⁹ Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1240.

²⁰ Ibid at 1231.

²¹ Solorzano, Daniel Gilbert and Armida Ornelas, "A Critical Race Analysis of Latina/o and African American Advanced Placement Enrollment in Public High Schools." *High School Journal*. 87, 3(2004):18.

²² Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1239.

²³ Cavazos, Alyssa G., and Javier, Jr Cavazos, "Understanding the Experiences of Latina/o Students: A Qualitative Study for Change". *American Secondary Education*. 38, 2 (2010):3.

²⁴ Ibid.

One primary reason is that school counselors underestimate many Latina/o students' academic potential.²⁵ For example, a Latino high school student describes that when he met with his counselor he was told, "what if I give you four choices? OK to this he replied "army, navy, air force, or marines?"²⁶ Low expectations, like the one exemplified, and/or placement in a non-college preparatory track result in Latina/o students having less access to advanced placement course, quality advisement from school counselors, college information, teachers with high expectations, and teachers who value Latina/o culture.²⁷

Dropout Rates

Latina/o students have the highest high school dropout rates;²⁸ according to the national Center for Education Statistics (NCES) more than one-fifth (22.4%) of Latinos aged 16 to 24 were dropouts.²⁹ Critical Race Theory (CRT) and Latino/a Critical Race Theory (LatCRit) inform our discussion on dropout in various ways. LatCRit argues that some school policies, for example, tend to marginalize Latinas/os in the area of education, while simultaneously portraying them as criminals.³⁰ Students that are perceived as "worthy" are provided guidance, support and assistance back into the educational system, while Latinas/os are "conceptualized as uneducatable looting criminals," being provided little guidance from the schools.³¹ Furthermore, Latina/o histories and struggles (i.e. political status of Puerto Rico, the forced sterilization of Latinas, the segregation of Mexican students, and the illegal deportation of half a million Mexicans, many who were US citizens) for the most part are completely ignored in US schools.

²⁵ Cavazos, Alyssa G., and Javier, Jr Cavazos, "Understanding the Experiences of Latina/o Students: A Qualitative Study for Change". *American Secondary Education*. 38, 2 (2010):4.

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid at 3.

²⁹ Davila, Erica R., and Ann Aviles de Bradley, "Examining Education for Latinas/os in Chicago: A CRT/LatCRit Approach". *Educational Foundations*. 24 (2011): 52.

³⁰ Ibid at 53.

³¹ Ibid.

Students whose experiences are not valued by their teachers, peers and educational institutions are less likely to become connected to school.³²

College

While the Latina/o population of the United States has more than doubled since 1980, the number of Latinas/os enrolling in college increased only 5% during the same period; this trend is worsening rather than improving.³³ The discrepancy between the Latina/o population and Latina/o students attaining a post-secondary education can be explained by examining the following factors: standardized test; college tuition cost; ban on affirmative action practices; microaggressions Latinas/os experience while attending college; Latino culture; and *familismo*.

Standardized Test

Data reveals that standardized test performance is highly correlated to socioeconomic status; students from more affluent families are able to afford expensive test preparation programs.³⁴ In addition, the same disparities that exist in access to college preparatory classes that impact an applicant's required courses GPA is also likely to impact test preparedness.³⁵ Therefore, because a large percentage of Latina/o students come from a low socioeconomic status, they are not prepared for standardized test, such as SAT and ACT, as their counterpart applicants competing for an undergraduate admission.

³² Davila, Erica R., and Ann Aviles de Bradley, "Examining Education for Latinas/os in Chicago: A CRT/LatCrit Approach". *Educational Foundations*. 24 (2011): 53.

³³ Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1223.

³⁴ Ibid.

³⁵ Ibid.

Cost

Even if, and when, Latina/o students are admitted to an undergraduate institution, cost may be a barrier to access.³⁶ Universities are increasingly offering merit-based financial aid instead of need-based aid. Because Latinas/os may score lower on traditional indicia of academic merit, it is likely that the effects of increased tuition on low-income Latina/o students will not be completely offset by raising financial aid.³⁷ As a result, the higher cost/higher aid strategy may discourage Latina/o students from pursuing a higher education.³⁸

Furthermore, due to a restricted amount of financial resources available to undocumented Latinas/os, they are even less likely to attend college. Under the Supreme Court's 1982 decision in *Plyler v. Doe*³⁹, undocumented children are entitled to a primary and secondary education; however, this ruling did not expressly extend to higher education. In addition, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 prohibited federal post-secondary grant, loan, and work-study assistance for undocumented students, and required that any state wishing to provide aid to such students affirmatively pass legislation to do so. Similarly, section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 prohibited a state from offering any benefit to undocumented non-citizens. Thus, the states have concluded that they cannot provide financial aid, including campus jobs, to undocumented students.⁴⁰

³⁶ Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1234.

³⁷ *Ibid* at 1247.

³⁸ *Ibid* at 1242.

³⁹ *Plyler v. Doe*, 457 U.S. 202, 102 S. Ct. 2382, 72 L. Ed. 2d 786 (1982)

⁴⁰ Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1247.

Affirmative Action

Ban of affirmative action practices, such as Proposition 209 in California⁴¹, has certainly contributed to the continued underrepresentation of Latina/o students in public colleges and universities. For example, although Latinas/os constitute more than 50% of the student body at K-12 public schools in California, the Latina/o representation in the University of California (UC) student body hovers around 13%.⁴² For instance, in 1995 (pre Proposition 209), the difference between the percentage of underrepresented minorities graduating from high school and the percentage entering the UC system was 17%. In contrast, after implementation of Proposition 209, by 2004, the difference was a staggering 27%.⁴³

Microaggressions

Microaggressions may seem harmless, but the cumulative burden of a lifetime of microaggressions can theoretically contribute to diminished mortality, augmented morbidity, and flattened confidence.⁴⁴ Research identifies three main types of racial microaggressions prevalent for Latina/o students: interpersonal microaggressions (verbal and non verbal racial affronts directed at Latinas/os from students, faculty, teaching assistants, or other individuals in academic and social spaces); racial jokes (offensive verbal remarks with questionably humorous intentions expressed in social contexts in the company of, or directly to Latina/o students); and institutional microaggressions (racially marginalizing actions and inertia of the university evidenced in

⁴¹ Proposition 209 -also known as the California Civil Rights Initiative (CCRI)- states that, “the State shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting”- Cal. Const. art. I, § 31.

⁴² Chacón, Jennifer M, "Race as a Diagnostic Tool: Latinas/os and Higher Education in California, Post- 209," *California Law Review*. 96,5 (2008):1225.

⁴³ Ibid.

⁴⁴ Yosso, Tara J., William A. Smith, Miguel Ceja, and Daniel G. Solorzano, "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate for Latina/o Undergraduates". *Harvard Educational Review*. 79,4(2010): 660.

structures, practices, and discourses that endorse a campus racial climate hostile to People of Color).⁴⁵

Interpersonal interactions create anxiety for Latina/o undergraduates, who cannot shake the sense that their every word may reaffirm racialized assumptions and cast doubt on their academic merit. For example, one Latino describes his experience:

I dance for the folklorico. And were a very colorful group. And we tend to talk in uniform through the yards to whatever performance were doing... and so were walking to the yard... and someone yelled out of a window at one of the dorms. "fucking beaners!" and we had no idea who it was, but I mean, just hearing that just kind of, I wouldn't expect that to come out of a dorm at my school.⁴⁶

Furthermore, racial jokes caused Latinas/os tremendous stress as frustrated integration efforts reduced their sense of belonging and hindered their participation in campus life, as a Latino student describes:

[F]or the past two years I played soccer for the university and we had one Mexican and one black player. And they always made jokes, racial jokes, and I sort of just got used to it. And I didn't say anything because there was one of me and 26 of them. This year we got a varsity team, and I decided not to even try out.⁴⁷

Similarly, campus racial climate as the overall environment of the university that could potentially foster outstanding academic outcomes and graduation rates for all students but too often contributes to poor academic performance and high dropout rates for Students of Color.⁴⁸

For example, some racial microaggressions experienced by Latinas/os are: "you're not like the rest of them. You're different;" "I don't think of you as a Mexican;" "You speak such good

⁴⁵ Yosso, Tara J., William A. Smith, Miguel Ceja, and Daniel G. Solorzano, "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate for Latina/o Undergraduates". *Harvard Educational Review*. 79,4(2010): 660.

⁴⁶ Ibid at 669.

⁴⁷ Ibid at 670.

⁴⁸ Ibid at 664.

English;" "But you speak without an accent."⁴⁹ In addition, cultural starvation contributes to the already negative campus racial climate for Latinas/os. Socially, Latinas/os find themselves a numerical minority with very little, if any political power. This social isolation leaves students with a clear sense that communicating in any language other than English (i.e. Spanish) is inappropriate.⁵⁰ Students' physical world also elicits cultural alienation, featuring campus sculptures, buildings, flyers, and office postings that do not reflect Latina/o histories or experiences. In addition, Latinas/os have very little access to Faculty of Color and a paucity of ethnic studies curriculum.⁵¹

Latino Culture

Higher education adopts practices, norms, and policies that clearly inhibit the success of Latinas.⁵² Latinas are traditionally culturally socialized to be humble and play the role as advocate and representative for their families.⁵³ These cultural expectations limit the educational and career aspiration of Latinas. Therefore, Latinas have the added task to learn how to maintain a distinct ethnic or cultural identity while at the same time learn how to adapt to the dominant mainstream culture.⁵⁴ Research indicates that Latinas have been successful at balancing the demands of school and family in two different ways, by explicitly communicating with family

⁴⁹ Yosso, Tara J., William A. Smith, Miguel Ceja, and Daniel G. Solorzano, "Critical Race Theory, Racial Microaggressions, and Campus Racial Climate for Latina/o Undergraduates". *Harvard Educational Review*. 79,4(2010): 666.

⁵⁰ Ibid at 672.

⁵¹ Ibid.

⁵² Solorzano, Daniel Gilbert and Armida Ornelas, "A Critical Race Analysis of Latina/o and African American Advanced Placement Enrollment in Public High Schools." *High School Journal*. 87, 3(2004):18.

⁵³ Cruz, J.L., and M.S. Molina, "Hispanic National Bar Association National Study on the Status of Latinas in the Legal Profession; Few and Far Between: The Reality of Latina Lawyers," *Pepperdine Law Review* 37,3(2010): ____.

⁵⁴ Espinoza, Roberta, "The Good Daughter Dilemma: Latinas Managing Family and School Demands". *Journal of Hispanic Higher Education*. 9, 4(2010): 319.

members about their school responsibilities or by actively organizing their daily lives to keep family and school separate to minimize tension and conflict.⁵⁵

Familismo

Latinas pursuing higher education requires a discussion of the cultural value of *familismo*. *Familismo* emphasizes loyalty, reciprocity, and solidarity, includes strong identification and attachment to the family, both nuclear and extended, and requires members to prioritize family over individual interest.⁵⁶ Expected obligation in Latina/o families most often cited include language/cultural brokering, sibling caretaking, financial contributions, and spending time with family and staying close to home.⁵⁷ Such responsibilities are more likely to fall on girls than boys. Latinas with a high collectivist orientation often find the individualistic culture of school alienating prompting them to maintain strong ties to family.⁵⁸ However, *familismo* also provides Latinas a sense of belonging which draws on them to do well academically.

Hindering the Law School Education Experience

There are stark parallels between what hinders a student's K-12 education and what hinders a law student's success in their formal legal education, further clarifying the educational pipeline that has led to the underrepresentation of Latina attorneys in the United States. What students describe as overall barriers to an effective, quality legal education provide a general context for understanding what academic obstacles carried on from a K-12 education system. As part of a larger project, "Teach to the Whole Class: Effective Teaching Methods for a Diverse Student Body," sixty-seven law students were observed through sixteen hours of videotaped

⁵⁵ Espinoza, Roberta, "The Good Daughter Dilemma: Latinas Managing Family and School Demands". *Journal of Hispanic Higher Education*. 9, 4(2010): 320.

⁵⁶ Ibid at 318.

⁵⁷ Ibid.

⁵⁸ Ibid at 319.

interviews, being asked simply what they felt hindered and enhanced their ability to learn in their law school experiences.⁵⁹

In documenting the interview responses, concerns arose primarily out of five themes: 1) Voluntariness; 2) Respect 3) Collaboration; 4) Context; and 5) Student Interaction/Activity. Following the problems these students describe, the study showed how teacher behavior was also able to enhance learning and success in law school within these same contexts, based on the interviewed students' positive experiences in the classroom.

When students feel discouraged from voluntarily participating in the classroom environment for some reason, regardless of individual learning style, it would logically follow that many might ultimately disengage from an individual lesson or a course as a whole.

[H]e didn't talk [about] the Native American perspective. He didn't talk about gender issues. He didn't talk about issues dealing with race and religion in regard to property. I felt like those were just little side notes ... and so it just further devalued who I was. And I was like, "So I have no voice." There's no way I can talk about what happens, how I feel about law, how the law could work better to help more people, because my view doesn't count.⁶⁰

This kind of disconnect and discouragement from participation at the professional level creates an environment stuck within the boundaries of legal lesson plans unwilling to adapt to students as individuals, and unwilling to recognize the applications of the law to real-life experiences and a variety of perspectives.

The feeling of being devalued in the classroom is also attributable to a sense of respect in the classroom among the students and the professor. At this professional level of academic training, when a professor does not establish mutual respect, it hinders the academic environment and does not exemplify how these budding attorneys are to conduct themselves within the legal

⁵⁹ Gerald F. Hess, "Listening to Our Students: Obstructing and Enhancing Learning in Law School," *University of San Francisco Law Review* 31, (1997): 946-47.

⁶⁰ *Ibid* at 948.

field. The students in this same study described experiences with disrespect that were detrimental to their classroom experience including professors furthering ethnic stereotypes, making insensitive comments, and making assumptions of the capabilities of their students.⁶¹ Furthermore, when referencing collaboration, the surveyed students cited the importance of teacher involvement and engagement that adapted to different methods of learning.⁶² Furthermore, these students found learning to be more difficult when teachers presented new topics without a relatable context, and relying exclusively on more passive methods of teaching that confuse rather than enlighten, referring to a “hide-the-ball” version of the Socratic method.⁶³

The general concerns the surveyed law students raised in the interviews exemplify some of the obstacles to a quality education that must be overcome in an academic environment overall. In continuing to a specific discussion of the Latina experience in law school and subsequently in a legal career, these recurrent themes together restate some vital and basic components in education that create the foundation for the pursuit of an advanced degree, and supplement the particular barriers that Latinas continue to face past a K-12 education.

The Latina Law School Experience

Path to Law School

For many aspiring law students, the decision to go to law school arises from the influence of those who surround them. In a 2009 national study of Latina lawyers conducted by the Hispanic National Bar Association (HNBA), Latina respondents emphasized the differences in how exposure or lack of exposure to an attorney role model affected their decision to attend law school. Respondents who did not have any attorney role models present in their lives were

⁶¹ Gerald F. Hess, “Listening to Our Students: Obstructing and Enhancing Learning in Law School,” *University of San Francisco Law Review* 31, (1997): 952-53.

⁶² *Ibid* at 954.

⁶³ *Ibid* at 955-56, 958.

completely unfamiliar with the legal profession and did not consider pursuing a legal career until later in their lives.⁶⁴ For those who did have attorney presence in their lives, this experience deeply influenced their decision to go to law school.⁶⁵ Meeting and speaking to practicing attorneys and developing a mentorship early on can not only encourage a young student to consider a career in law, but can simply expose them to a professional role model who supports the pursuit of a higher education and specialized career. For Latinas, this experience is likely more difficult to attain because Latinas/os in the legal field are significantly lower than their white counterparts. While Latinas constitute 7% of the total United States population⁶⁶, they only constitute 1.3% of the nation's lawyers.⁶⁷

Furthermore, for a Latina, being exposed to other Latina role models, regardless of profession, can have a substantial effect in the career trajectory of these young women. One of the respondents in the HNBA study described her personal influence to attend law school:

[S]he was a Latina woman who was a lawyer. And so it just made sense. If she does that, I could do that. Some of my peers when I got to college and law school didn't have this sense from early on, seeing someone who was very real and tangible who had this job...and so it was open for me.⁶⁸

The sense that becoming an attorney is even tangible is another hurdle Latinas must cross. The simple belief that this option is available to them is enough to help change the course of their lives because of all the obstacles this segment of the United States population already faces within the K-12 education system.

⁶⁴ Jill L. Cruz and Melinda S. Molina, "Few and Far Between: The Reality of Latina Lawyers," *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 31.

⁶⁵ *Ibid* at 31.

⁶⁶ U.S. Census Bureau, *Population Estimates July 1, 2006 through July 1, 2007*, available at www.census.gov/popest/states/tables/NST-EST2007-03.xls; U.S. Census Bureau, *The Hispanic Population in the United States: 2006 Detailed Tables*, available at <http://www.census.gov/population/www/socdemo/hispanic/cps2006/html>.

⁶⁷ Bureau of Labor Statistics, *Current Population Survey 2008*, available at <http://www.bls.gov/cps/cpsaat11.pdf>.

⁶⁸ Jill L. Cruz and Melinda S. Molina, "Few and Far Between: The Reality of Latina Lawyers," *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 32.

For Latinas, there are gender and cultural barriers that shape their future as professionals and contribute the environment that fosters or hinders their aspiration to become an attorney. The women of the focus group discussed how they were products of their cultural background and status as a female. They describe how these aspects together create an environment where less is expected of them and they are expected to adhere to more traditional feminine and culturally subservient roles that are inconsistent with becoming an attorney.⁶⁹

The role of the Hispanic family, in shaping us as professionals... [is] anything but neutral. It's been the biggest push towards success, and also the biggest pull away from it sometimes...there's a constant tension in fulfilling your [cultural and professional] role.⁷⁰

These more personal barriers in deciding to attend law school are further influenced by institutionalized discouragement in the education system. More specifically, outside of primary and secondary education, the stigma that Latinas are somehow less capable is still a very real aspect of the college and law school application process.

In the pursuit of law school, many Latinas in the focus groups experienced lowered educational expectations and institutionalized discouragement from teachers and school counselors. Some educators actively discouraged these women from pursuing their educational objectives by telling them they would not succeed or that they should apply to less competitive schools.⁷¹

The role of educators and advisors at this point in the decision to seek a professional degree is still incredibly influential on the success a Latina has in getting into a quality law school that will provide them with the education and training that matches them and promotes their success as attorneys.

⁶⁹ Jill L. Cruz and Melinda S. Molina, "Few and Far Between: The Reality of Latina Lawyers," *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 33-34.

⁷⁰ Ibid at 34.

⁷¹ Ibid at 34-35.

The decision to pursue a legal career therefore tends to be a decision made later on in a Latina's life, often through other trial and error experiences, or even other employment experiences. One of the focus group participants described her decision as being based on the flexibility she perceived a law degree would provide her, while another woman said that her decision was made after not succeeding in another chosen career path, stating, "I didn't know that I was even remotely law school material until three years after I graduated, couldn't get into medical school, and decided I could always go to law school."⁷² For Latinas, the factors discussed in creating obstacles in the path to law school create this indirect and indecisive path that ultimately contributes to the underrepresentation of Latinas in law school, and subsequently the legal field. This disproportionate presence of Latinas in law school compared to the white majority that still fills the typical law school class continues to maintain an academic environment that struggles to adjust to and support incoming Latina students.

Law School Environment

From the start of the application process, there still remains a striking difference between minority students who apply to law school and those who identify as Caucasian/white, not of Hispanic origin. According to a report created by the American Bar Association in 2005, there continues to be significantly lower application, enrollment, and graduation rates of minorities in law schools in the United States.⁷³ This same year, the number of law school applicants who identified as Hispanic made up only 7.9% of the total pool of applicants.⁷⁴ Even if the numbers do increase over the years, a yearly increase will likely continue to be only marginal. Entering into law school, Latinas will continue to be only one of a few in their law school classes.

⁷² Jill L. Cruz and Melinda S. Molina, "Few and Far Between: The Reality of Latina Lawyers," *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 34.

⁷³ American Bar Association, "The Critical Need to Further Diversify the Legal Academy and the Legal Profession," (2005), 3. Retrieved from <http://apps.americanbar.org/op/pipelineconf/acdreport.pdf>.

⁷⁴ *Ibid* at 3.

Referencing back to the HNBA study of Latina attorneys, the focus group's collective experiences in law school describe how being one of only a few Latinas in their law schools required personal adjustment to feelings of isolation and loneliness.⁷⁵ By recognizing the lower enrollment numbers of minorities overall, making the connection between those statistics and personal narratives exposes how Latinas will often have an incredibly marginalizing law school experience. One respondent stated, "The people were very different...a sense of entitlement among people that I went to school with...So I had a hard time adjusting."⁷⁶ This cultural divide the women here describe led many of them to believe that they needed to work twice as hard to succeed and assimilate into this unfamiliar environment.⁷⁷

The factors previously described as being barrier for Latinas in the path to law school resurface here as well. The focus group further reinstated the necessity for more role models and mentors within their respective law schools and felt that they lacked the support they needed as such a marginalized group.⁷⁸ In a system in the United States where the problems within the education pipeline creates an academic culture where minorities are perpetually at a disadvantage, a strong system of continued support for Latinas to succeed in the legal field is a necessary component to overcome the cultural divide.

After the Latina focus group described the barriers and disadvantages they felt they had encountered on their journey to law school, they attributed their later success to multiple factors. Among these "critical success factors", they recognized family support, mentoring, real feedback, a strong work ethic, and self-confidence as being the keys to overcome the barriers

⁷⁵ Jill L. Cruz and Melinda S. Molina, "Few and Far Between: The Reality of Latina Lawyers," *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009), 35.

⁷⁶ Ibid.

⁷⁷ Ibid.

⁷⁸ Ibid.

they faced along the way.⁷⁹ Additionally, several of the participants stressed the need to have a positive valuation of their Latina ethnicities, saying that being able to have a positive view of their ethnic backgrounds could in turn be used as a tool for their success in law school and beyond, despite the stigmas often attached to being a Latina pursuing a career as an attorney.⁸⁰

Latina Experience Post-Law School, Career Experience

Following graduation from law school, when a Latina steps out and seeks to establish herself as an attorney, she continues to face some of those same barriers and negative experiences she faced from the very beginning of her academic career. Latinas continue to face those same lowered expectation and stereotypes that they must navigate in their careers as attorneys, dealing with the negative perceptions of both her employers and clients. Many of the women in the HNBA focus group described often being mistaken for probation officers, court reporters, or even defendants, instead of being recognized as an attorney: “If I had a dollar for every time I was sitting in the depo [and heard], ‘The translator’s here and we are just waiting for the attorney.’”⁸¹

In the workplace, Latinas continue to manage their Latina phenotype and find the balance among the dichotomous perceptions of their identities. For many, that means fighting being labeled as “too passive” or a “hot headed Latina” in their professional careers.⁸² At this point, even being out of the walls of a classroom, Latinas frequently feel the struggle to avoid either extreme perception of themselves. Additionally, they feel the need to not only defend themselves for their ethnicity, but simultaneously, the implications of their gender. A focus

⁷⁹ Jill L. Cruz and Melinda S. Molina, “Few and Far Between: The Reality of Latina Lawyers,” *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 43-45.

⁸⁰ *Ibid* at 45.

⁸¹ *Ibid* at 36.

⁸² *Ibid*.

group participant recalled a physical confrontation with a male attorney after she outperformed him in court: “She recalled him coming across during a break in the trial and grabbing her arm. He told her, ‘Don’t you ever do that again.’”⁸³

These experiences scratch the surface of what Latinas continue to face post-law school. The feelings of isolation and invisibility and a necessity to conform to a dominant culture still linger. On top of these struggles, these women also face the battle of career and motherhood, and the belief that the two are incongruous with each other. “It’s...all or nothing. I remember interviewing [at two law firms]...and all the women partners were women that sacrificed...not married, no children.”⁸⁴

Conclusion

Latina lawyers recognize very clearly the barriers they circumvented to achieve the professional goals they did; however, in order to increase Latina representation and success in the Legal profession, we suggest following recommendations provided by Cruz and Molina:

1. Support and sponsor mentoring programs and opportunities for Latinas at all phases of their educational and career development;
2. Increase the visibility of Latina role models to inspire and encourage others;
3. Reach out to Latina youth at an early age;
4. Encourage the creation of Latina-based networks and support systems;
5. Support gender neutral and family supportive workplaces;
6. Support and fund continued research and data collection on Latinas in the legal profession;
7. Educate the legal profession about Latina underrepresentation; and
8. Monitor Latina progress.⁸⁵

We believe that implementing these recommendations is the first step in increasing the amount of Latinas in law school, and in effect Latina attorneys in the United States.

⁸³ Jill L. Cruz and Melinda S. Molina, “Few and Far Between: The Reality of Latina Lawyers,” *National Study on the Status of Latinas in the Legal Profession*, Hispanic National Bar Association (2009): 39.

⁸⁴ *Ibid* at 40.

⁸⁵ Cruz, J.L., and M.S. Molina, “Hispanic National Bar Association National Study on the Status of Latinas in the Legal Profession; Few and Far Between: The Reality of Latina Lawyers,” *Pepperdine Law Review* 37,3(2010): 51-54.

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