

Ask Pat

Dear Pat:

I've heard that women continue to run up against the "glass ceiling." One statistic thrown out to support this statement is that women comprise only 16.8 percent of partners in large law firms. (See ABA Journal Report dated Feb. 6, citing a study by the National Association for Law Placement.) I understand there are various theories as to why this is so. Some say there is a "pipeline" issue, and the number of women partners will rise as more women become lawyers. Others say women in law firms (and other kinds of corporations) are still subject to gender discrimination that can run the gamut from blatant to covert. Still others say that women are not reaching the highest echelons of their professions because they get placed on the slower "mommy track" and/or spend more time than men taking care of family matters.

I find one theory particularly enticing. An Oct. 26, 2003 *New York Times* article by Lisa Belkin entitled "The Opt-Out Revolution" seems to suggest that women are not rising in the ranks of their professions because they don't want to. These highly educated women are "opting-out" of fast-paced and stressful careers and either don't work at all or work only part-time. If that's the case, perhaps women should stop blaming others for their failure to break through the glass ceiling. What do you think?

Sincerely,
Alice Looking to Break Through the Glass Ceiling



Dear Alice:

Your letter raises an interesting and complex question that I am going to use several columns to answer. As a preliminary matter, I believe I can address the pipeline theory. The ABA article you cite strongly suggests that the pipeline theory does not hold water. For example, the article notes that this year's new law partners would have graduated from law school in 1994, yet that year women comprised 42.6 percent of third year students at ABA-accredited schools. Under the pipeline theory, that many women graduates should translate into more women partners in 2004.

I submit there is more going on than the lack of sheer numbers of women in the legal profession and that we have to look at other factors to explain why the partnership

pipeline is, as the ABA article states, "clogged." As your letter implicitly suggests, there are several, most likely interrelated, reasons why more women are not breaking through the glass ceiling. I therefore think you are wrong in placing all the blame for the current state of affairs on women who are opting-out. Indeed, even the *New York Times* article recognizes there are women who have attempted to climb up the work ladder only to be pushed back down by "lingering double standards and chauvinism."

In future columns, I'll explore in more detail the possible causes for the shatterproof glass ceiling.

Sincerely,
Pat

Ask Pat is a feature provided by the Committee on Women and the Profession. This is a question and answer column with a twist – "Pat" will answer questions about gender bias in the legal profession. All of the letters are loosely based on real events. Readers are invited to send their comments or letters to "Ask Pat," State Bar of New Mexico, PO Box 92860, Albuquerque, NM 87199-2860. "Pat" responses are provided by members of the committee.