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**New Research from ABF Scholars Finds that Bias in the Legal Workplace is Widespread and Often Explicit**

CHICAGO, Nov. 25, 2019 -- A new article by American Bar Foundation (ABF) researchers finds that discrimination on the basis of race, gender, and sexual orientation remains pervasive in the legal workplace despite efforts of bar leaders to eliminate discrimination from the legal profession.

Based on self-reports of experiences with various types of discriminatory treatment at their place of work in the last two years, the study finds that attorneys of color, white women, and LGBTQ attorneys perceive high levels of workplace bias compared to white male attorneys and to respondents in other workplace studies. Women in every racial and ethnic group reported higher levels of discrimination than their male counterparts, ranging from 50% of African American women to 30% of white women. 42% of African American men reported workplace discrimination. (Studies of African American workers across all occupations find that 28% report discrimination at work). LGBTQ men were twice as likely as non-LGBTQ men to report discrimination at 29% vs. 16%.

The article, "Perceiving Discrimination: Race, Gender, and Sexual Orientation in the Legal Workplace," was published in the most recent issue of [Law & Social Inquiry](#). ABF Research Professor Robert Nelson, ABF-affiliated scholar Ioana Sendroiu, ABF Faculty Fellow Ronit Dinovtizer, and ABF Research Social Scientist Meghan Dawe analyzed survey responses from the ABF's After the JD study of lawyer careers. The project has followed a large national sample of attorneys over the first twelve years of their careers and includes more than 10,000 responses over three waves of data collection. The study is the first national probability sample to ask about discrimination in the legal profession.

While the authors expected that perceived discrimination would decline as legal professionals moved to higher positions, they found remarkable continuity across the three waves of data collected. Differences in perceived discrimination held even when controlling for social background, status in the profession, and characteristics of work organizations.

The survey responses were supplemented with qualitative comments describing the nature of discriminatory incidents and the sources of discrimination. Attorneys commented on how their

group membership was used as a basis for workplace bias. Women reported experiencing penalties for motherhood, LGBTQ attorneys said they experienced derogatory references about their sexual orientation, and attorneys of color said they were thought to know less and were seen as outsiders due to their race or ethnicity. The most common source of discriminatory treatment is supervisors, followed by clients, colleagues, and other lawyers.

The article also found that while workplace discrimination is often believed to be based on unconscious bias, descriptions of negative experiences often involved crude expressions of bias. These included reports by women of comments on their appearance or that due to their physical attributes they were not appropriate choices to attend “a board of directors’ conference or ‘client pitches’; reports by African-Americans of hearing clients speak of ‘the intellectual inferiority of blacks;’ and a gay attorney hearing colleagues using a gay slur before they learned of his sexual orientation.

Study author Professor Nelson commented, “It is remarkable and disturbing that we continue to see high levels of perceived discrimination in legal workplaces. Such bias negatively affects the professional lives of traditionally disadvantaged groups and limits the extent to which the legal profession offers equal opportunity to all lawyers. Employers and bar leaders must remain vigilant in efforts to eliminate discrimination in the profession.”

### ***About the American Bar Foundation***

*The [American Bar Foundation](#) (ABF) is among the world’s leading research institutes for the empirical and interdisciplinary study of law. The ABF seeks to expand knowledge and advance justice through innovative, interdisciplinary, and rigorous empirical research on law, legal processes, and legal institutions. To further this mission the ABF will produce timely, cutting-edge research of the highest quality to inform and guide the legal profession, the academy, and society in the United States and internationally. The ABF’s primary funding is provided by the [American Bar Endowment](#) and the [Fellows of The American Bar Foundation](#).*