

Women Lawyers and Gender Bias: The Mommy Track Can Kill Your Salary

by STACI ZARETSKY on MARCH 25, 2011

This was *originally published on the law practice blog, Lawyerist.com.*

The ABA Journal recently published an [article](#) which suggested that unemployed women lawyers should remain hopeful about their careers. Why? Because according to 2009 Labor Department statistics, being a lawyer is “a good gig for women who want to earn big bucks.” Based on those statistics, Forbes magazine compiled a list of the 10 best-paying jobs for salaried women employees working full-time. Women lawyers earned a median salary of \$75,000 in 2009, ranking them in [third place](#) behind pharmacists and chief executives.



While a third place ranking is certainly respectable, Forbes noted that women lawyers are making only 75% of men’s earnings in the same profession. Meanwhile, according to [U.S. News](#), the median annual salary for lawyers of unspecified gender is \$113,000. Based on these statistics, it is obvious that there is still a gender wage gap in the legal profession. Why does the gender wage gap still exist, and what can women lawyers do to level the playing field?

Is the Mommy Track a New Form of Gender Bias?

Despite inroads made by women at the nation’s top law firms, a new two-level system is emerging in the legal profession, with women on the bottom.

– *Women in the Law Say Path Is Limited by ‘Mommy Track’*, [New York Times](#), 1988

The New York Times hints that the mommy track problem for women lawyers began some time in the mid-to-late 1980s. By [definition](#), the mommy track is “a career path determined by work arrangements offering mothers certain benefits, such as flexible hours, but usually providing them with fewer opportunities for advancement.” In the late

1980s, although women lawyers had made great strides in the legal profession, there was still a large gender wage gap due to women lawyers being forced onto the mommy track.

Now, in 2011, when presented with Forbes' salary statistics, some would still assume that women lawyers are earning less than their male counterparts due to family obligations. After all, even Vivian Chen of *The Careerist* believes that young women lawyers are **overly concerned** about balancing work and family.

However, a study entitled "**New Millennium, Same Glass Ceiling?**" found that women lawyers are not precluded from earning higher wages because of their families. Rather, factors such as **stereotyping and gender bias** contribute to the wage gap in the legal profession. For example, the Gender Bias Learning Project of the UC Hastings College of Law Center for Work Life Law suggests that the **four most prevalent patterns of gender bias** are as follows:

- Prove It Again: when women have to work twice as hard to get half as far
- Double Bind: when women must choose between being liked and being respected
- Maternal Wall: when mothers are assumed to be incompetent and uncommitted
- Gender Wars: when gender bias turns into conflicts among women

If the "maternal wall," or the mommy track, as we know it, is a form of gender bias, then women lawyers are, in fact, being precluded from higher earning potential because of their family obligations.

How Can We Become Rainmakers?

With gender bias abound for women lawyers in the legal profession, how can we rise above it in order to become successful? Women lawyers should strive to become better rainmakers to increase their salaries, despite their family obligations.

Alison Wolf of *The Lawyer Coach Blog* suggests that **business development skills**, such as using language to build or maintain client relationships, can help women lawyers advance in the legal profession. Martha Newman of *TopLawyerCoach* also believes that in order to become successful rainmakers, women lawyers must "use **interpersonal marketing** to develop strong client relationships and win confidence."

These tips bring us full circle to Lawyerist's last foray into the struggles of being a female attorney: how are we supposed to build a rapport with existing or new clients if we can't **network efficiently**?

Pat Gillette, founder of the Opt-In Project, believes that she may have the answer. In an interview with **The Glass Hammer**, Ms. Gillette shared her views on the gender wage gap in the legal profession, and how women lawyers can overcome it.

“Women need to learn . . . how to let go of their tendency to say that money is not important to them.”

Pat believes women lawyers end up bargaining against themselves, accepting less valuable assignments and responsibilities based on false assumptions that the firm will recognize their unique skills.

There you have it: women lawyers need assert themselves and accept the fact that money is important. Gender bias can certainly undermine women lawyers' attempts at rainmaking, but if we don't try, we may never be able to close the gender wage gap.

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