PATTERNS OF UNDERLYING GENDER BIAS

GLASS CEILING

DOUBLE STANDARDS

- **No competence assumption for women.** Studies show that male lawyers enjoy a presumption of competence that female lawyers do not. As a result, women are often held to higher standards and their performance is subjected to greater scrutiny than that of men. Additionally, women often have to prove their competence repeatedly.

- **Men are judged on their potential, women on their achievements.** Men are judged on their potential because they benefit from the default assumption that they are competent until proven otherwise. Women, on the other hand, are judged on their achievements because they do not get the benefit of an assumption of competence. Thus, a firm making partnership decisions for associates who have not developed clients might promote a male candidate because he has the potential to be a good rainmaker but not a female candidate because she does not have a book of business.

- **He's got what it takes, she's just lucky.** Men's success tends to be attributed to personal qualities or stable personality traits (his brilliance, his unflappability) while women's successes tend to be attributed to external or temporary situational factors (she is lucky that financial conditions forced the other side to accept the deal, she drew a receptive judge).

- **Women have to work twice as hard to get half as much.** Because men's successes are attributed to personality traits, they tend to receive larger rewards than women for the same accomplishment.

- **He has a lot on his plate, she is disorganized.** Men's failures tend to be attributed to situational factors outside of his control, while women's failures tend to be attributed to her personal qualities.

- **He thinks twice before he acts, she lacks confidence.** The assumption that men are competent leads to the assumption that, when a man hesitates in making a decision, he's just being thoughtful. A woman who hesitates, because she is not assumed to be competent, is often viewed as lacking confidence or unable to take action.

- **Leniency bias.** Studies show that people in the "in group," such as men, will get second chances, or will have their mistakes forgiven, more often than people in the "out group" such as women. Additionally, men -- but not women -- may be given the benefit of the doubt because it is assumed any failures on their part do not reflect the true abilities of the men but rather are situational.

- **Women's mistakes are remembered while men's are forgotten.** In this variant of leniency bias, also called "recall bias," stereotype-consistent information is recalled better than

stereotype-inconsistent information, so that women's mistakes, which confirm their lack of competence, may be remembered long after men's are forgotten.

- **The Superstar Phenomenon.** Superstar women fare very well in most firms. On the other hand, women who are merely excellent often get lower evaluations than comparable men.

- **Shifting standards.** Seemingly objective standards for hiring, promotion and the like may change depending on whether they are being applied to a man or woman. For example, when a male candidate has stellar educational credentials, evaluators tend to give education more weight than experience as justification for hiring the male. When a female candidate for the same position with similar educational credentials is considered, however, the evaluators place more weight on experience than education to justify their decision not to hire her.

- **Race adds another dimension.** Women lawyers of color trigger stereotypes of both race and gender, including two sets of negative competence assumptions that may mean they have to work even harder than white women to establish competence. Research shows that when stereotypes of race and gender both operate, the result can be a multiplication (not mere addition) of bias effects that create significant career obstacles.

DOUBLE BINDS

- **He's direct; she's rude.** The same critical remark may be seen as rude coming from a woman, but as direct coming from a man. In the same vein, a man who is hard on support staff will be seen as a good manager who gets results, but a woman who is similarly hard will be seen as a witch who can't get along with others.

- **Self-promotion v. bragging.** Women who highlight their accomplishments and attribute them to skill rather than luck are viewed negatively as bragging. The same behavior by a male is viewed as positive self promotion.

- **The good girl syndrome.** In some workplaces, women can get ahead only if they play traditionally feminine roles: the *good girl* who makes men feel comfortable, the *mother* who does takes care of everyone around her, the *princess* who aligns with a powerful man (but does not threaten his dominance). Women who refuse to play these feminine roles may be seen as lacking in interpersonal skills.

- **Race adds another dimension.** The operation of both gender and race stereotypes involving the limits of acceptable behavior further disadvantage women lawyers of color. Such combined stereotypes include the "angry black woman," and the "dragon queen."

MATERNAL WALL

- **The good mother v. the norm of work devotion.** Our society typically thinks of "good mothers" as those who are always available to their children. This view directly conflicts with the view that lawyers should be available to their clients, partners and colleagues 24/7.

Accordingly, lawyers who place limits on their availability (such as mothers) may be viewed as lacking commitment.

- **Negative commitment assumptions.** Supervisors may assume that mothers are less committed to their jobs simply because they have children, regardless of the facts.

- **Negative competence assumptions.** Studies show that, once women have children, assessments of their competence tend to fall sharply – again, regardless of the facts. One effect of this is heightened scrutiny of work product – mothers may have their work examined and criticized much more than nonmothers.

- **Part-time or flexible schedules may trigger attribution.** Attribution bias attributes certain events to a person's characteristics, making observers jump to conclusions that a person has acted a certain way because of the type of characteristics that person exhibits. In the case of part-time workers, absence or failure to meet deadlines may be attributed to their schedules, regardless of the facts. Example: a woman on a standard schedule is out of the office, and everyone assumes she's at a meeting, but a woman on a part-time schedule who is out of the office is assumed to be at home with her children.

- **The pregnant leader.** Pregnant women and mothers are usually seen as nurturing and supportive. When a pregnant professional acts authoritatively, she may create discomfort, confusion, or even hostility in subordinates who expect her to act stereotypically feminine and maternal.

- **"Mothers belong at home."** This viewpoint sends a message about what mothers *should* do, often combined with hostility towards mothers who don't act as others think they should. It is exhibited in the workplace, for example, by terminating a mother so she can stay home with her children, or making harassing comments to a mother at work about her lack of commitment to her children.

- **Benevolent side-tracking.** Sometimes supervisors, acting out of the best of intentions, make decisions that they believe will benefit mothers but that have the effect of corralling the mothers into traditional roles. For example, a mother (or part-timer) may be passed over for a matter that requires travel on the assumption she will not want it because of her obligations at home. The harm in removing mothers from assignments that require overtime, relocation, or travel is that it forces them into dead-end roles by denying them the experiences they need to advance. (The solution? Avoid assumptions: offer the assignment and let the lawyer decide whether she wants it).

- **Forcing mothers to choose.** Called "role incongruity" by social psychologists, this bias sends the message that one cannot be a good mother and a good lawyer. Supervisors may manifest this bias by telling women they need to choose between being a mother and having a certain position, such as telling them to choose between being a mother and a partner at the firm.

- **Others, but not mothers, get the benefit of the doubt.** Leniency bias, discussed above, leads to mothers' mistakes being remembered and others getting second chances.

- **Rules are applied more rigidly to mothers.** In another type of leniency bias, seemingly neutral workplace rules are enforced without exception to mothers, but not others. For example, a workplace may have a rule that no one can leave early for personal reasons and thus mothers will be denied time to go to an event at their children's school, but men will be allowed to leave early to play golf.

- **Lesbian mothers.** Research shows that supervisors sometimes assume that lesbians will not have children. If they have children, lesbian attorneys may receive even more negative treatment than heterosexual mothers if supervisors feel deceived as to their intentions.

- **Race adds another dimension.** Women attorneys of color may face combined racial and maternal wall biases, causing them to be treated less favorably than white women and men. For example, African-American mothers are often offered shorter leaves or flexible work arrangements with less desirable terms than white mothers based on racial stereotypes relating to family needs. Further, they may be evaluated more negatively than white mothers when they take the leave or work flexibly. As another example, when the negative assumptions associated with pregnancy operate alongside the stereotype of Latina women as having too many children, additional negative perceptions may arise, such as a pregnant Latina attorney is irresponsible, lazy, and unreliable.