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GENDER STEREOTYPES AND DISCRIMINATORY BEHAVIORS TOWARD FEMALE ATTORNEYS: THE NORTH CAROLINA CASE

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I. Introduction

In the past three years there has been increased interest in the role of gender within the practice of law in the United States. At the national level, in 1987 the Commission on Women in the Profession of the American Bar Association (ABA) was formed. This was consistent with Goal IX of the ABA, which commits the Association to increasing the opportunities for participation of women and minorities in the profession. At the 1988 American Bar Meetings, the House of Delegates adopted resolutions calling upon the ABA and all members of the legal profession to eliminate overt, as well as subtle barriers, to women's full integration and equal par-

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ticipation in all aspects of the legal profession.¹ At the state level, a number of statewide studies of the legal profession have been initiated, and commissions on the status of women or gender bias task forces have been established.² Moreover, the legal literature has recognized the role of gender bias in the practice of law.³ In fact, the unique role of gender has become a substantive legal research issue in its own right.⁴

In the fall of 1989, the authors of this Article assisted in conducting a survey of the North Carolina Bar.⁵ That survey, the North Carolina Survey of Attorneys, was co-sponsored by the North Carolina Association of Women Attorneys (NCAWA) and the North Carolina Bar Association, two state-wide voluntary membership organizations.⁶ The purpose of the North Carolina Survey of Attorneys was to profile the attitudes and perceptions of male and female attorneys toward important professional concerns, in order to obtain information about the role that gender plays in

^{1.} Raven, Goal IX: Achieving Equal Participation for Women in the Profession: A Message from the President, A.B.A. J., Mar. 1989, at 8.

^{2.} Lofus, Schafran, & Wikler, Establishing a Gender Bias Task Force, Law & Inequality, May 1986. See also, Summary of Report by New York Task Force on Women in the Courts, N.Y.L.J., April 23, 1986, at 17; Report of the New Hampshire Bar Association Task Force on Women in the Bar, 29 N.H.B.J. 212 (1988). The commission on Women in the Profession of the American Bar Association was established in August of 1987. The commission reviewed a vast amount of information, gathered through open hearings at the 1988 Midyear Meetings in Philadelphia. The Commission urges the ABA to recognize publicly that gender bias exists in the profession and to take affirmative steps to eliminate it. Additional states that have reported on the status of women in the profession include: Maryland, Michigan, Minnesota, Nevada, New Jersey, and Rhode Island. The North Carolina Bar Association has established a Task Force on the Status of Women which will conduct hearings starting in the fall of 1990.

^{3.} Eich, Gender Bias in the Courtroom: Some Participants are More Equal than Others, 69 JUDICATURE 339 (1986). See also Klein, Women Justice: Does She View the Law Differently, Court Review vol. 4, no. 1, May 1986.

^{4.} Lynn, Hecht, & Schafran, Eve, Mary, Superwomen: How Stereotypes About Women Influence Judges, 24 Judges J. 12 (1985).

^{5.} M. Vasu & E. Vasu, The North Carolina Survey of Attorneys: Final Report (June 21, 1990) (unpublished report presented at the meeting of the Board of Governors and Board of Directors at the North Carolina Bar Association Annual Meeting at the Myrtle Beach Hilton, Myrtle Beach, South Carolina).

^{6.} The authors want to recognize the contributions of Kathryn Jones Cooper, Office of the Attorney General, a member of both the North Carolina Association of Women Attorneys (NCAWA), and the North Carolina Bar Association (NCBA). Ms. Cooper worked as a liaison between the authors, the NCAWA, and the NCBA, and helped to develop major portions of the survey.

the practice of law.

This article presents the results generated from the North Carolina Survey of Attorneys. The focus of this article is on attorneys' perceptions of professional activity levels, career choices, and gender stereotypes, as well as observations of discriminatory behavior toward female attorneys in court or chambers as perceived and reported by the lawyers in our sample.

A. Women in the Profession of Law

The proportion of women in the legal profession is rising yearly. In the early 1970's, women constituted approximately three percent of the nation's attorneys,7 and by 1983 this percentage had risen to fifteen percent.8 Current estimates suggest that women comprise approximately twenty percent of the nation's lawyers.9 Twenty years ago, women comprised approximately four percent of the law students. Today, they represent over forty percent of the graduating law students. 10 However, as the ABA Commission on Women in the Profession reports, although women in the profession have experienced great strides in recent years they still face major barriers.11 These barriers may express themselves as overt discrimination, subtle attitudes, or institutional structures. They may also express themselves in such practical day-to-day realities as the issues of childcare responsibilities, and the effect of such responsibilities on choice of job, legal specialty, cases and hours worked.12 Many of the barriers to equal participation by women are embedded in the history of women and the law. In order to establish the context for our findings, we begin with a brief histori-

^{7.} AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, REPORT TO THE HOUSE OF DELEGATES 5 (1988).

^{8.} Fossum, Women in the Law: A Reflection on Portia, 69 A.B.A. J. 1389 (1983).

^{9.} Women in the Law, A.B.A. J., June 1, 1988, at 49.

^{10.} American Bar Association Commission on Women in the Profession, Report to the House of Delegates 5 (1988).

^{11.} Summary of the Hearings, American Bar Association Commission on Women in the Profession (Feb. 6-7, 1988), (presented at the ABA Midyear Meetings, Wyndam Franklin Plaza Hotel, Philadelphia, Pennsylvania). The report states "most participants at the hearings expressed frustration and disillusionment that barriers are still great and that progress has been far slower than expected. Witnesses cautioned that we must not be lulled into complacency about the status of women in the profession simply because the numbers of women entering the profession continue to increase." Id. at 2.

^{12.} Id.

cal perspective on gender issues.

B. Perspective on Gender Issues

Similar to the drive for racial equality, the movement for women's equality had many of its most significant gains in the 1960's. A strong women's movement had begun in the late nineteenth and early twentieth century, which focused primarily on the issue of suffrage. The movement declined somewhat during the Great Depression and in the aftermath of World War II. In the sixties the movement for women's equality gained impetus from the social and cultural transformation expressed in the Civil Rights Act requiring equal pay for equal work.

The move to grant women equality, like that of other groups, was met with resistance. Moreover, the state and federal courts at various times played both the role of leader and inhibitor in these social transformations. As one scholar has observed, "[t]hroughout legal history, each successive extension of rights to some new entity has been, theretofore, a bit unthinkable." For example, the court in *Dred Scott v. Sandford* reaffirmed the inferior and subordinate status of blacks, and considered "unthinkable" the contention that blacks were citizens. 19

The extension of rights to women concerning the practice of law was also at first regarded as "unthinkable". For example, in 1873 the Illinois Supreme Court in offering its position that the privileges and immunities clause of the 14th Amendment to the U.S. Constitution did not grant women the right to practice law in state courts observed:

[C]ivil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and women. Man is, or should be, women's protector and defender. The natural and proper timidity and delicacy which belongs to

^{13.} E. Currie & J. Skolnick, America's Problems: Social Issues and Public Policy 168-205 (2d ed. 1988).

^{14.} J. Hole & E. Levine, Rebirth of Feminism (1971).

^{15.} For an excellent discussion of the political context of the Civil Rights Act, see generally R. Lineberry, Government in America: People, Politics, and Policy 574-76 (1986).

^{16.} Compare Plessy v. Ferguson, 163 U.S. 537 (1896); Brown v. Board of Educ., 347 U.S. 483 (1954).

^{17.} C. Stone, Should Trees Have Standing? 6 (1974).

^{18. 60} U.S. (19 How.) 396 (1856).

^{19.} Id. at 404-05.

the female sex evidently fits it for many of the occupations of civil life. The constitution of family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood.²⁰

In 1974, when commenting upon a Wisconsin case where the court also ruled that women did not have the right to practice law, Christopher D. Stone, Professor of Law at the University of Southern California, noted:

In this vein, what is striking about the Wisconsin case... is that the court, for all its talk about women, so clearly was never able to see women as they are (and might become). All it could see was the popular "idealized" version of an object it needed.²¹

Today, the formal constraints to the participation of women and blacks have been eradicated by various legislative, executive, and judicial interventions. However, many gender barriers continue to persist in law, culture, and behavior. Some of these barriers relate to perceptions about the commitment of women to work, given the dual role of child care provider and professional.²² Other barriers emanate from long held gender stereotypes about differences in aggression, emotion, and overall competence between men and women.²³ Some barriers are more overt and relate to differential treatment of females by other members of the profession.²⁴ Prior to exploring our findings relative to these issues, we will briefly describe the methodology of the study.

II. METHODOLOGY

The questionnaire was designed to reflect a variety of substantive gender related issues that were identified in an extensive review of the literature both within the field of law, and in the fields of sociology, political science and economics.²⁵ A sampling design

^{20.} Bradwell v. Illinois, 83 U.S. (16 Wall.) 130, 141-42 (1872)(Bradley, J., concurring).

^{21.} C. Stone, Should Trees Have Standing? 8-9 (1974)(italics ommitted)(The Wisconsin case is *In re* Goddell, 39 Wis. 232, 245 (1875)).

^{22.} AMERICAN BAR ASSOCIATION COMMISSION ON WOMEN IN THE PROFESSION, REPORT TO THE HOUSE OF DELEGATES 5 (1988).

^{23.} Id.

^{24.} Id.

^{25.} In particular, the substantive issues outlined in the Summary Report of the Hearings, American Bar Association Commission on Women in the Profession

was employed that resulted in two independent random samples, one of males and one of females.26 The focus of the overall research design was the comparison of the attitudes, behaviors, and demographic characteristics of men versus women in the legal profession in North Carolina. This required an adequate proportion of women attorneys in order to make valid comparisons,27 which necessitated oversampling female attorneys.²⁸ This "oversampling" is a common procedure in survey research designed to take advantage of known population characteristics in advance of sampling.29 If a simple random sample of attorneys was taken, there would be too few female respondents to make statistically reliable comparisons. Therefore, it was necessary to oversample the females in order to have reliable estimates. This sampling procedure has also been employed in previous research of attorneys at the state level.30 The size of each sample, male and female, was set at 900 for reasons of both cost and statistical precision. The sampling frame was the membership list of the N.C. State Bar. The membership list was coded to identify males and females, and a systematic random sample was taken independently for both males and females.31

The response rate for males was forty-seven and eight-tenths

⁽Feb. 6-7, 1988), played a major role in developing the questions.

^{26.} L. Kish, Survey Sampling (1965). For some characteristics (e.g. professional women) the proportions likely to be generated by a simple random sample are inadequate (too small) to provide statistically reliable data for comparative purposes.

^{27.} We sampled the membership of the North Carolina State Bar by first dividing the population into two strata, (men and women), and then drew a random sample from each group. Our sampling design called for equal samples of males and females. Given the proportion of males and females in the N.C. State Bar, (it is estimated that approximately nineteen percent of the N.C. State Bar are female), this sampling procedure resulted in an oversampling of females.

^{28.} The N.C. State Bar does not provide gender or race data in its data base that could be made available for research purposes. The North Carolina Association of Women Attorneys membership role list was approximately 1800. Of course, this figure may underrepresent the number of women in the profession, since some women may not belong to NCAWA. Women were identified in the sampling frame by first name.

^{29.} S. SUDMAN, APPLIED SAMPLING (1976).

^{30.} Report of the New Hampshire Bar Association Task Force on Women in the Bar, 29 N.H.B.J. 212 (1988).

^{31.} Once the name was selected, a questionnaire and cover letter were sent from the NCAWA and the N.C. Bar Association. The questionnaire was mailed in the fall of 1989, and a follow-up letter was employed to increase the response rate. All responses were returned to the NCAWA by late fall of 1989.

percent,³² and the rate for females was sixty-four and three-tenths percent.³³ Nineteen respondents had missing data on gender.³⁴ These response rates are considered good by the standards of mail surveys. It should be noted that each sample statistically reflects a REPRESENTATIVE sample of their respective group within the Bar.³⁵ The sampling error for each of these independent samples is plus or minus five percent with a confidence coefficient of .95, (95 samples per 100).

A. Analysis Format

The analysis format for this article proceeded as follows. The variables were examined by gender. In effect, the two samples were compared on various dimensions to determine what differences, if any, existed that were related to gender. Statistical tests were employed to identify any statistically significant differences existing between the two groups in the population.³⁶

If the data were statistically significant, this indicates with a high probability that the response was related to gender in the

^{32.} Four-hundred thirty out of nine-hundred males responded to the survey.

^{33.} Five-hundred seventy-nine out of nine-hundred females responded to the survey.

^{34.} Total N = 1028.

^{35.} It should be underscored that since the focus of this research was on a comparison of these two groups across a variety of dimensions, no distortion of results occurs. In other words, comparisons between these two groups, even though the female group is slightly larger than the male group, produces valid results. However, despite the need to oversample given the kinds of comparisons that we sought to make in this research, the use of sample statistics to estimate population parameters that describe the entire population would require that the samples be weighted statistically to reflect the actual distribution of the two groups in the larger population. Since that was not a requirement of the analysis contained in this report, it is mentioned as a caveat for the benefit of other researchers who may employ these data in other forms of analyses.

^{36.} The Chi Square, (χ^2) , Test of Independence was conducted. The statistical hypothesis that was tested was that any given response to a particular question was independent of gender in the population. The research hypothesis was that the two groups differed in the population with respect to their response to a particular question, and therefore, with respect to the relative frequency with which group members fell into several categories. These statistical tests basically addressed the research question - "Are the responses for this variable independent of the respondents' gender (male versus female) in the population?". Another way to word this question is "Do the distribution of responses for males differ from females on this variable in the population?", or "Is there a relationship between response and gender?"

population, (i.e. males' perceptions were different from females' perceptions on a given question). Conversely, if the data were not statistically significant, this suggests that even if the percentages reported in the tables comparing men and women attorneys were slightly different in the sample, these differences were, most likely due to chance,³⁷ from a mathematical probability perspective. Therefore, the responses were independent of gender in the population, (i.e. males' and females' perceptions were not different on that question).³⁸

To insure statistical accuracy, questions which included missing values for a given respondent were eliminated from statistical analysis. Consequently, the sample size for the entire survey differs upon occasion from the sample size actually responding to a particular question.³⁹

III. Analysis

A. Gender Issues and the Practice of Law

As noted at the beginning of this article, much of the impetus for this research was to profile differences as they relate to gender and the practice of law. If women did not have a unique historical, economic, political, and cultural experience, there would be very little motivation for looking at them as distinct subgroups in the

^{37.} When differences are due to chance only, this is referred to in statistics as random sampling error.

^{38.} When appropriate, (when the assumptions of the statistical test were met), Chi Square tests of statistical significance (χ^2), degrees of freedom, P values, and measures of association (e.g. Contingency Coefficient (C)) are reported. When looking at statistical tests with a large sample of this size, it is also important to look at the measures of association provided at the bottom of the table to gauge the strength of the relationship. At the bottom of various tables both selected statistical tests and measures of association are reported, although the former are presented primarily within the textual interpretation. Interpretations of the percentage breakdowns of the conditional distributions of the dependent variables, response to a particular question, are presented within the text.

^{39.} The size of the questionnaire is extensive by mail questionnaire standards and provides a dataset rich in relationships unexplored in this initial analysis. Since many questions provided branching alternatives, or were not applicable to subsets of the profession, or asked questions about sensitive issues, the N size, the number of attorneys responding to a particular question, varies in some of the tables presented in the analysis. This is the result of "missing data" for that question, (e.g. no answer, or not applicable). In other words, the N size for questions relating to child care issues would include a number of "not applicable" responses for the unmarried, or childless, or individuals with grown children, etc.

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analysis of the profession of law. Moreover, the forces which shaped these experiences have exerted an impact on the role of women in any field of endeavor. One of the forces that we explored was the perception of gender stereotypes and how these stereotypes may or may not influence how female attorneys are perceived by themselves and by their male counterparts. The first of these general dimensions that we explored was perceptions about the professional activity levels of male and female attorneys.

Table 1 compares the perception of male and female attorneys about the activity level of male and female attorneys in areas related to the legal profession. These questions were asked in declarative sentence format. The exact wording was: "Male lawyers compared to female lawyers are:" followed by a description of some civic, social, political, or professional activity. Individuals were instructed to respond on a scale that ranged from agree to disagree.40

In the first category, "active in civic activities," there was a diversity of opinion on this question, but there was no statistically significant difference related to gender in the population. In other words, men and women overall were fairly similar in their perceptions. There was a slight tendency for males in the sample to perceive males in general as more involved in civic activities, 41 however, almost equal proportions of males and females either disagreed or were neutral on the issue.

On the issue of activity levels in social affairs, forty and ninetenths percent of the males versus thirty-seven and nine-tenths percent of the females disagreed that men were less active in social affairs. But, there were no statistically significant differences between the males and females in terms of their perception of this issue in the population. Also, on the dimension of political activities there were no statistically significant differences in perception related to sex. However, a sizeable proportion of both genders, forty-three and seven-tenths percent of the males in the sample, as well as forty-five and six-tenths percent of the females, agreed that male attorneys were more involved in political activities than female attorneys. The final question in this section concerned whether male attorneys are more active in professional affairs. On this dimension, there was a statistically significant difference re-

^{40.} A standard Likert Scale was employed to measure the response categories.

^{41.} Thirty-one and six-tenths percent of the males agreed with the statement versus twenty-eight and seven-tenths percent of the females.

lated to gender. Female attorneys were more likely than their male counterparts by a margin of thirty-four and six-tenths percent versus twenty-six and one-tenth percent to agree that male attorneys were more involved in professional activities than were female attorneys. Therefore, female attorneys were more likely than male attorneys to perceive male attorneys as more active in professional activities.

Table 1

Comparison of the Percentage of Males versus Females Participating in Civic, Social, Political, and Professional Activities

Male lawyers when compared to female lawyers:

		Men	Women
are more active in civic activities	Agree	31.6	28.7
	Neutral	37.2	35.0
	Disagree	31.2	36.3
	(n)	(414)	(565)
are less active in social affairs	Agree	11.4	16.1
	Neutral	47.7	45.9
	Disagree	40.9	37.9
·	(n)	(413)	(564)
are more active in political	Agree	43.7	45.6
activities	Neutral	34.2	32.7 .
	Disagree	22.1	21.7
	(n)	(412)	(562)
are more active in professional	Agree	26.1	34.6*
activities	Neutral	40.6	32.4
•	Disagree	33.3	33.0
	(n)	(414)	(564)

^{*} Indicates statistically significant at p < .01.
Statistically significant Chi Square values and Contingency
Coefficients (C) are as follows:

$$\chi^2 = 9.96$$
, df = 2, C = .100;

Table 2 presents the results of a series of questions that were

designed to explore career choices. Much has been written about the "self selection" into certain career tracks by women in all occupations. Some of these career choices inhibit professional mobility. Many of these career choices relate to the pull between profession and family, which cultural stereotypes suggest are stronger on females than on males.

Looking at Table 2, the answers to all six questions about career choices resulted in statistically significant differences in perception relating to gender. Starting with the first question, "Men are less likely to change jobs frequently than females," the clear minority of both males and females agreed with this contention, with fifteen and nine-tenths percent of the males agreeing with this question and eighteen percent of the females agreeing with this question. Moreover, a significant proportion of males, fifty and two-tenths percent, were neutral on this issue. However, a larger proportion of females than males, forty-five and two-tenths percent versus thirty-three and nine-tenths percent, disagreed with this contention. The relationship was statistically significant.

The next question was career orientation. Again, statistically significant differences in perception that were related to gender existed on this question. For females, fifty-three and four-tenths percent disagreed with the contention that males are more career oriented versus thirty-three and nine-tenths percent of the males. Conversely, thirty-two and seven-tenths percent of the males versus twenty-seven and seven-tenths percent of the females agreed that males are more career oriented.

On the question, "Are male attorneys more motivated to make higher salaries?", the differences between the males and females were statistically significant. Moreover, females were more likely to agree that male attorneys were more motivated to make higher salaries than are female attorneys by a margin of forty-six and seventenths percent versus thirty and four-tenths percent.

On the question, "Are males less likely to switch to lower paid positions if they have children?", both sexes agreed that males are less likely. Seventy and five-tenths percent of the males agreed with this statement, while ninety and one-tenth percent of the females agreed with this statement. The differences in perception on this issue were statistically significant as well.

^{42.} E. Currie & J. Skolnick, Social Issues and Public Policy 168-205 (2d ed. 1988).

^{43.} Id.

On the next dimension, "Do men make fewer sacrifices in their personal lives for their career?", forty-three and seven-tenths percent of the males agreed that they make fewer sacrifices in their careers versus seventy-nine and six-tenths percent of the females. At the other end of the scale, thirty-five percent of the males in the sample disagreed with this contention, while only eleven and three-tenths percent of the females disagreed. This relationship was also statistically significant.

The final question in this section was "Are males less likely to devote more time to family life at the expense of their careers?". There was a statistically significant difference on this question reflecting a difference in perception related to gender. However, the difference is one of magnitude and not direction, since both the majority of males, fifty-eight and six-tenths percent, and females, eighty-seven and three-tenths percent, agreed with the contention. Female attorneys, however, were much more uniform in the direction of their position on this issue.

Table 2

Comparison of the Percentage of Males versus Females on Questions Related to Career Choices

Male lawyers when compared to female lawyers:

a)	are less likely to change jobs frequently	Agree Neutral Disagree (n)	Men 15.9 50.2 33.9 (416)	Women 18.0* 36.8 45.2 (562)
b)	are more career-oriented	Agree Neutral Disagree (n)	32.7 33.4 33.9 (416)	27.7* 19.0 53.4 (564)
c)	are more motivated to make high salaries	Agree Neutral Disagree (n)	30.4 35.9 33.7 (415)	46.7* 15.5 37.8 (563)
d)	are less likely to switch to lower- paid positions if they have children	Agree Neutral Disagree (n)	70.5 19.4 10.2 (413)	90.1* 7.3 2.7 (563)
e)	make fewer sacrifices in their personal lives for their career	Agree Neutral Disagree (n)	43.7 21.3 35.0 (414)	79.6* 9.1 11.3 (560)
f)	are less likely to devote more time to family life at the expense of their careers	Agree Neutral Disagree (n)	58.6 24.6 16.8 (411)	87.3* 9.7 3.0 (565)

^{*} Indicates statistically significant at p < .01, df = 2. Statistically significant Chi Square values and Contingency Coefficients (C) are as follows:

(a)
$$\chi^2 = 18.28$$
, C=.135; (b) $\chi^2 = 42.06$, C=.203; (c) $\chi^2 = 58.58$, C=.238; (d) $\chi^2 = 62.24$, C=.245; (e) $\chi^2 = 135.33$, C=.349; (f) $\chi^2 = 109.96$, C=.318

Table 3 reflects the responses to a series of questions dealing more specifically with the perception of gender stereotypes as they relate to the practice of law. The first question was "Are males more comfortable with the adversarial nature of the practice of law?". This relationship was not statistically significant in the population, although there was a greater tendency for females in the sample to disagree with this contention, forty-three and five-tenths percent versus thirty-four and six-tenths percent, and a slight tendency for males to be more neutral on the question, thirty percent for males versus twenty-four and three tenths percent for females. In addition, fairly similar proportions of both males and females agreed with this perception of reality, thirty-five and three-tenths percent for males versus thirty-two and one-tenth percent for females.

The second question in the table related to this question was "Are males more aggressive in the practice of law?". This relationship was also not statistically significant. However, forty-four and three-tenths percent of the males versus forty-eight and three-tenths percent of the females disagreed with this contention. Moreover, about equal proportions of males and females were either neutral or agreed with this statement.

The next question was "Are males less emotional in the practice of law?". The minority of both males and females agreed with this perception. The relationship was statistically significant, however, the gender split was on the relative proportions of males and females who disagreed. Forty-eight and one-tenth percent of the females disagreed versus thirty-eight and two-tenths percent of the males.

The fourth question concerned how gender relates to the perception of competence of an attorney. Both females and males were asked "Are male lawyers more competent in the practice of law?". Clearly, this relationship was statistically significant. However, a significant proportion of both males and females disagreed with this contention. Specifically, ninety-one and five-tenths percent of the females and sixty-two and seven-tenths percent of the males disagreed that males are more competent in the practice of law. Moreover, a very small minority of either sex accepted this perception of reality, five and one-tenth percent of males versus one and six-tenths percent of females. Yet, more males than females maintained a neutral stance on this issue, thirty-two and two-tenths percent versus six and nine-tenths percent.

"Do men have less difficulty attracting clients to a firm?" was

the next question posed to the attorneys. This relationship was statistically significant. Of the females, forty-four and two-tenths percent agreed with this contention versus thirty-three and seventenths percent of the males. A significant proportion of the males were neutral on this issue, forty and five-tenths percent versus twenty-five and five-tenths percent of the females, while less males than females, twenty-five and eight-tenths percent versus thirty and three-tenths, disagreed with this statement. The responses to this question show that female attorneys were much more likely to either agree or disagree with the statement, while male attorneys were more likely to be neutral on the statement.

The final question in the table concerned the probability that males are less likely to be confined to certain specialties. This relationship was also statistically significant. Females were more likely to agree on this issue than their male counterparts. Thirty-five and four-tenths percent of the female attorneys agreed while only twenty-nine and eight-tenths percent of the male attorneys agreed. At the other end of the continuum, thirty-five and seven-tenths percent of the male attorneys disagreed versus thirty-three and nine-tenths percent of the female attorneys.

Table 3

Comparison of the Percentage of Males versus Females on Gender Stereotypes Related to the Practice of Law

Male lawyers when compared to female lawyers:				
			<u>Men</u>	Women
a)	are more comfortable with the adversarial nature of the practice of law	Agree Neutral Disagree (n)	35.3 30.0 34.6 (416)	32.1 24.3 43.5 (563)
b)	are more agressive in the practice of law	Agree Neutral Disagree (n)	22.4 33.3 44.3 (415)	26.9 24.8 48.3 (561)
c)	are less emotional in the practice of law	Agree Neutral Disagree (n)	29.5 32.4 38.2 (414)	27.0* 24.9 48.1 (563)
d)	are more competent in the practice of law	Agree Neutral Disagree (n)	5.1 32.2 62.7 (413)	1.6* 6.9 91.5 (562)
e)	have less difficulty in attracting clients to a firm	Agree Neutral Disagree (n)	33.7 40.5 25.8 (407)	44.2* 25.5 30.3 (554)
f)	are less likely to be confined to certain specialties	Agree Neutral Disagree (n)	23.1 41.3 35.7 (412)	35.4* 30.7 33.9 (560)

^{*} Indicates statistically significant at p < .01, df = 2. Statistically significant Chi Square values and Contingency Coefficients (C) are as follows:

(C)
$$\chi^2 = 10.71$$
, C=.104; (d) $\chi^2 = 120.33$, C=.331; (e) $\chi^2 = 25.06$, C=.159; (f) $\chi^2 = 19.63$, C=.141

B. Observations of Discriminatory Behaviors in Court or Chambers

Table 4 presents the responses of male and female attorneys with respect to observations of discriminatory actions against female attorneys by judges in court or chambers. What is outlined in the table is the perception of male versus female attorneys about the frequency of specific behavior. Both male and female attorneys were asked "Have you in the past year, personally observed any of the following actions against female attorneys by judges?" The respondents were then asked to indicate the frequency with which they observed such behavior. The original scale options ranged from "Have you observed this behavior; Frequently, Occasionally, Once, Never". For presentation purposes, the categories "once" and "occasionally" have been combined.⁴⁴

On five of the seven behaviors presented in the table, there was a statistically significant difference in perception related to gender. Moreover, there was a consistent pattern across the categories for most males to report that they had never observed the discriminatory action. However, in all the behaviors addressed in the table, the majority of both men and women reported that they had never observed the behavior, although the percentage of females reporting never having seen the discriminatory actions is always lower than the percentage for the males. Table 4 suggests that female attorneys were more likely than male attorneys to perceive discriminatory behavior by judges against women, although the majority of both male and female attorneys agreed that they never perceived the particular behavior listed.

Starting with the first behavior, eighty-five and five-tenths percent of the males reported that they had never heard judges refer to female attorneys by inappropriate familiar names like "dear" or "sweetie". By contrast, sixty-seven and seven-tenths percent of females reported that they had never heard judges use such names. In the "occasionally" category, thirty and eight-tenths percent of the women reported that they had personally observed this behavior by judges in court or chambers. A very distinct minority of both males, five-tenths of a percent, and females, one and

^{44.} The response categories were combined for presentation purposes. This combination collapses the ordinality of the scale and makes the response category a dichotomy.

^{45.} Recall that this category includes those who have reported hearing such names at least once.

five-tenths percent, reported that they had observed this behavior frequently. These differences in perception were statistically significant in the population.

Again referring to Table 4, ninety-one and eight-tenths percent of the males and eighty-two percent of the females reported never observing inappropriate comments by judges on the apparel or appearance of female attorneys in court or chambers, with small minorities of the respondents falling in the other categories. This relationship was also statistically significant.

The same essential pattern held true with respect to verbal advances toward female attorneys. Ninety-eight and two-tenths percent of the males and ninety-two and four-tenths percent of the females reported never observing verbal advances on female attorneys by judges in court or chambers, with only small minorities of either group reporting otherwise. Similarly, on the question of inappropriate touching of a female attorney by a judge in court or chambers, ninety-eight and seven-tenths percent of the males and ninety-five percent of the females reported never having observed this behavior, with a small fraction of the respondents distributed in the other categories.

The next behavior addressed in Table 4, condescending treatment of female attorneys by judges in court or chambers, revealed major differences. Of the male attorneys, seventy-eight and sixtenths percent reported never observing such behavior, and the corresponding percentage for women was much lower at fifty-two and two-tenths percent. Moreover, in the category "occasionally," forty-one and five-tenths percent of the female attorneys had observed this behavior upon occasion by judges in court or in chambers, compared to a percentage of twenty-one and one-tenth percent for the males. This relationship was statistically significant as well.

With respect to sexist jokes, seventy-five and one-tenth percent of the males reported never hearing judges engage in sexist jokes in court or chambers. For women this figure was sixty-eight and nine-tenths percent. With respect to hearing sexist jokes by judges in court or in chambers, twenty-two percent of the male attorneys and twenty-four and five-tenths percent of the females reported hearing sexist jokes upon occasion. The difference in perception between males and females with respect to sexist jokes was

^{46.} Recall that occasionally includes persons who observed this behavior at least once.

not statistically significant.

On the last dimension, the treatment of female attorneys with less respect than male attorneys by judges in court or chambers, again major differences in perception existed. Of the males, eightyfour and five-tenths percent reported never observing such behavior by judges. However, only fifty-seven and five-tenths percent of the female attorneys stated they had never observed such behavior. In addition, thirty-four and nine-tenths percent of the females had observed this behavior upon occasion, and seven and sixtenths percent reported that they had observed it frequently. By contrast, only fifteen and five-tenths percent of the male attorneys had observed this behavior upon occasion, and no male attorney said he had observed it frequently. The differences in perception between the sexes were statistically significant in the population. The responses to this question show that female attorneys were much more likely than male attorneys to perceive that judges treated women with less respect while in court or chambers.

Table 4

Observations of Discriminatory Actions Against Female Attorneys by Judges - in Court or Chambers

			Men	Women
a)	Inappropriate use of familiar names like "dear" or "sweetie" toward	Freq Occas**	0.5 13.9	1.5* 30.8
		Never	85.5	67.7
	female attorneys	(n)	(380)	
b)	Inappropriate comments on the	Freq	0.5	2.0*
	apparel or appearance of female	Occas	7.7	16.1
	attorneys	Never	91.8	82.0
		(n)	(379)	(461)
c)	Verbal advances toward female	Freq	0.0	0.2*
	attorneys	Occas	1.8	7.4
	•	Never	98.2	92.4
		(n)	(379)	(462)
d)	Touching of a female attorney by a	Freq	0.0	0.6
	male that you felt was	Occas	1.3	4.3
	inappropriate	Never	98.7	95.0
		(n)	(381)	(463)
e)	Condescending treatment of female	Freq	0.3	6.3*
	attorneys	Occas	21.1	41.5
		Never	78.6	52.2
		(n)	(379)	(460)
f)	Sexist jokes	Freq	2.9	6.6
ĺ	•	Occas	22.0	24.5
		Never	75.1	68.9
		(n)	(378)	(457)
g)	Treatment of female attorneys with	Freq	0.0	7.6*
_	less respect than male attorneys	Occas	15.5	34.9
	-	Never	84.5	57.5
		(n)	(381)	(459)

^{**} Occasionally includes those who have reported seeing it once.

^{*} Indicates statistically significant at p < .01, df = 2. Statistically significant Chi Square values and Contingency Coefficients (C) are as follows:

⁽a) $\chi^2 = 36.20$, C=.203; (b) $\chi^2 = 17.52$, C=.143; (c) $\chi^2 = 14.52$, C=.130; (e) $\chi^2 = 70.69$, C=.279; (g) $\chi^2 = 80.77$, C=.296

Table 5 looks at the same exact set of behaviors as Table 4, however, the respondents were asked in this case about their observations of discriminatory behaviors against female attorneys by other attorneys in court or chambers. Similar to Table 4, Table 5 suggests that female attorneys were more likely than male attorneys to perceive discriminatory behavior by other attorneys against women. On all of the behaviors listed in the table, there were statistically significant differences in the perceptions of males and females with respect to the events in question. Moreover, males were more likely to report that they had never observed the behavior than were females.

In the first case, seventy-three and eight-tenths percent of the male attorneys reported that they had never observed the inappropriate use of familiar names like "dear" or "sweetie" toward female attorneys. Only forty-three percent of female attorneys reported that they had never heard such remarks made toward female attorneys by other attorneys. Moreover, forty-eight and nine-tenths percent of the females reported that at least upon occasion they had observed such remarks made in court or chambers in reference to female attorneys. These differences in perception were statistically significant.

In terms of inappropriate comments on the apparel or appearance of female attorneys, eighty-three and six-tenths percent of male attorneys reported that they had never observed such behavior. For females, the percentage was sixty-four and nine-tenths percent. Moreover, approximately twenty-nine and eight-tenths percent of the females stated that at least upon occasion they had observed inappropriate comments on the apparel or appearance of female attorneys made by other attorneys while in court or chambers. This difference between the sexes was also statistically significant.

With respect to reports of verbal advances toward female attorneys by other attorneys while in court or chambers, ninety percent of the males reported that they had never observed such behavior. For females, the comparable figure was seventy-four and nine-tenths percent. However, twenty-three and one-tenth percent of the females reported that at least upon occasion they had observed verbal advances being made on female attorneys by other attorneys while in court or chambers. The percentage of attorneys reporting that they had frequently observed this behavior was five-tenths of a percent for males and one and nine-tenths percent for females. The differences between the groups were statistically

significant.

Looking at the question of inappropriate touching of a female attorney by a male, ninety-six and three-tenths percent of males reported that they had never observed such behavior. For females, the figure was eighty-two and three-tenths percent. However, sixteen and five-tenths percent of the females had observed inappropriate touching at least upon occasion. This relationship was also statistically significant.

With respect to condescending treatment of female attorneys, seventy-one and seven-tenths percent of the males reported that they had never observed condescending treatment of female attorneys by other attorneys in court or chambers. Only thirty-seven and six-tenths percent of female attorneys reported that they had never observed this behavior. Moreover, forty-nine and four-tenths percent of female attorneys stated that at least upon occasion they had observed such behavior, and thirteen percent of female attorneys reported such behavior occurs frequently. This relationship was also statistically significant.

In terms of sexist jokes by other attorneys in courts or chambers, fifty-six percent of male attorneys reported that they had never observed such behavior. Of the female attorneys, forty and three-tenths percent reported never observing such behavior. Thirty-seven and one-tenth percent of the male attorneys did report that upon occasion they had observed sexist jokes. By contrast, forty-five and two-tenths percent of females reported that they occasionally observed sexist jokes by other attorneys in court or chambers. Of the females, fourteen and six-tenths percent reported that the behavior occurred frequently, as compared with six and nine-tenths percent of the males. This difference in perception was statistically significant.

The final question in the table concerns whether female attorneys are treated with less respect than male attorneys by other attorneys in court or chambers. This relationship was again statistically significant. Of the males, seventy-five and three-tenths percent reported never observing this behavior. For females the corresponding percentage was thirty-nine and eight-tenths. Twenty-four and two-tenths percent of male attorneys reported that upon occasion they had observed this behavior, while forty-six and six-tenths percent of female attorneys reported that upon occasion they had observed this behavior, and thirteen and six-tenths percent reported that they had observed this behavior frequently.

Table 5

Observations of Discriminatory	Actions Against Female
Attorneys by Attorneys - in	_

			Men	Women
a)	Inappropriate use of familiar names	Freq	1.8	8.1*
	like "dear" or "sweetie" toward	Occas	24.3	48.9
	female attorneys	Never	73.8	43.0
	·	(n)	(382)	(470)
b)	Inappropriate comments on the	Freq	1.6	5.4*
	apparel or appearance of	Occas	14.8	29.8
	female attorneys	Never	83.6	64.9
		(n)	(379)	(467)
c)	Verbal advances toward female	Freq	0.5	1.9*
	attorneys	Occas	9.5	23.1
	, .	Never	90.0	74.9
		(n)	(379)	(467)
d)	Touching of a female attorney by a	Freq	0.3	1.3*
	male that you felt was	Occas	3.4	16.5
	inappropriate	Never	. 96.3	82.3
		(n)	(380)	(468)
e)	Condescending treatment of female	Freq	0.5	13.0*
	attorneys	Occas	27.7	49.4
		Never	71.7	37.6
		(n) ·	(382)	(468)
f)	Sexist jokes	Freq	6.9	14.6*
		Occas	37.1	45.2
		Never	56.0	40.3
		(n)	(377)	(467)
g)	Treatment of female attorneys with	Freq	0.5	13.6*
	less respect than male attorneys	Occas	24.2	46.6
		Never	75.3	39.8
		(n)	. (380)	(470)

^{*} Indicates statistically significant at p < .01, df = 2. Statistically significant Chi Square values and Contingency Coefficients (C) are as follows:

⁽a) $\chi^2=84.50$, C=.300; (b) $\chi^2=38.55$, C=.209; (c) $\chi^2=31.76$, C=.190; (d) $\chi^2=40.87$, C=.214; (e) $\chi^2=115.44$, C=.246; (f) $\chi^2=25.14$, C=.170 (g) $\chi^2=122.67$, C=.355

IV. Conclusion

As was noted at the onset, this article presented selected findings of the statewide survey of the North Carolina State Bar which was conducted in the fall of 1989. The purpose of the North Carolina Survey of Attorneys was to profile the attitudes and perceptions of male and female attorneys toward important professional concerns, in order to obtain information about the role that gender plays in the practice of law. The focus of this research was consistent with national trends in the legal profession since the establishment in 1987 of the Commission on Women in the Profession of the American Bar Association. The commission was formed consistent with Goal IX of the ABA which commits the Association to increase the opportunities for participation of women and minorities in the profession. Since that time, many states have established a task force on women in the bar, and numerous state and local bar associations have created commissions, committees, or task forces to study women in the profession.

The data presented in this article suggest that the North Carolina Bar Association's Commission on Women in the Profession will have an important role to play. While women have made significant progress in the practice of law, there is still much to be done. In evaluating these data, one is reminded of the ambiguity of language expressed in the answer to the question, is the glass half empty or half full? On the one hand, these data show clear differences in perception between male and female attorneys about a variety of issues related to gender and the practice of law. However, the data also show that on some very central questions such as, "are women as competent as men in the practice of law," a significant majority of both male and female attorneys agree they are. But, one concern this study is that female attorneys frequently perceived discriminatory behavior and attitudes against women more often than their male counterparts. Although this data do not necessarily show that discriminatory behavior is occurring, the legal profession should still be concerned that women are more likely to perceive discriminatory behavior against them.

If women perceive certain behaviors, such as calling a woman "dear" or "sweetie", as discriminatory, even though the conduct is not intended to be discriminatory, then members of the legal profession should attempt to use language and behavior that female attorneys do not consider discriminatory. One goal of the profession should be alleviation of any perception by its members of any discriminatory behavior. In order to achieve this goal, some proper

questions to ask are "What is the problem with a particular decorum in the courtroom or judge's chambers?" or "What should the proper decorum be?". If the profession asks itself these questions and other similar questions, the legal profession may have the opportunity to improve the status of all its members.

Furthermore, one disturbing finding is the observation of any discriminatory behavior against female attorneys in court or chambers. Equality under the law is a political principle central to all American political institutions. The symbolic expression of justice as "blind" is a concept inculcated at the earliest age in children in American public schools. Consequently, any discrimination against women in the practice of law, in particular in court or chambers, by other members of the profession, is a cause for great concern. Clearly, issues of this type should be on the forefront of the North Carolina Commission on Women in the Profession.