

Throughout history we have seen the evolution of Supreme Court decisions regarding equal protection for classifications such as race, gender, and class. Although the Court recognizes discrimination against these groups separately, it has failed to recognize multiple forms of discrimination existing simultaneously, like in the case of Emma Degraffenreid – a Black woman who sued General Motors for race and sex discrimination. Kimberlé Crenshaw recently coined this phenomenon “intersectionality,” but its effects were felt long before its formal title. Intersectionality is prevalent in the legal field, especially among women of color. Fortunately, there are ways to address the issue and effect change.

Black people, women, and the lower class have been excluded from equal participation in society since the 1600s. The effects of these discriminatory practices permeate society today. It is evident in the legal field, which is overwhelmingly white and male. Black women, often first-generation lawyers, do not have nearly as many resources as their white counterparts, such as family ties and connections in the legal field. Consequently, only two percent of U.S. attorneys are Black women. Once Black women enter the legal field, they face additional challenges such as overcoming stereotypes and implicit bias. Women must work longer and harder to be recognized, and are often excluded from networking opportunities needed to advance their career. Black women especially must prove that they are competent and deserve to be in the room. Still, women make up only twenty percent of partners in law firms. When faced with these obstacles, it is not surprising women of color have the highest rate of attrition. In 2014, Black women were ranked the most educated group in America, yet Black and Latino women are the most economically disenfranchised. Overall, a woman is paid about 80 cents for every dollar a man is paid. This wage gap exists in the legal field as well. A 2018 survey found that female law partners face a fifty-three percent pay gap. In addition to income disparities, first-generation lawyers and lawyers of color accumulate more student debt than their white colleagues, contributing to the wealth gap.

When people understand how all of these experiences may exist at once, then we can truly address the issues of intersectionality. In addition to understanding, there are actionable steps that can be taken to curtail these negative effects including increasing representation, allyship, and advocacy in the legal field. Black women are significantly underrepresented, which is why it is so important for us to be seen in these positions. More mentors are needed to encourage Black women to pursue a career in the legal field. In addition, allies must examine their privilege and listen to marginalized voices. Without the support of allies, especially those in positions of power, efforts will continue to fail. Lastly, it is important for women of color in our individual capacities to be our own advocates and more vocal about the inequalities we face. When we speak up for ourselves, we empower the next woman to do the same.