

WEDNESDAY, MARCH 23, 2011

PERSPECTIVE

DIVERSITY SPECIAL

A Picture Is Worth a Thousand Words

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More than a decade after women approached 50 percent of most law school classes, only 19 percent of partners in law firms are women. In San Francisco, the percentage is slightly higher at 24 percent. Consistent with these dismal statistics, in 2010, female lawyers' median salary was approximately 77 percent of male lawyers' median salary. During the recessionary period of 2008 to 2010, women lawyers' median salary decreased, whereas male lawyers enjoyed a modest increase overall.

The gender disparity in the distribution of power and wealth in our profession is highly visible in the *Daily Journal's* photographic coverage. To confirm this impression, we reviewed hard copies of *The Journal* over a six month period, from Sept. 1, 2010 to Feb. 28, 2011, recording the frequency with which men and women were pictured, as well as their professional titles. Of those 83 issues displaying a

legal professional above the fold as the front page principal image, approximately 68 percent of those images displayed men, 19 percent displayed women, and 13 percent displayed both men and women. Of the women pictured above the fold, however, 69 percent were modestly compensated judicial officers or government officials, not private or corporate practitioners.

Women fared only slightly better

in the *Settlements* section, included in Friday editions, only 27 percent displayed a woman in the above the fold front-page image during the six-month period reviewed.

This discrepancy is somewhat understandable. *The Journal* covers breaking news regarding important landmark decisions, most involving billions of dollars or significant constitutional and statutory rights. For example,

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at the bottom fold of the front page, which displays smaller profile pictures of individuals within the judiciary or litigation or corporate practice groups, among others. Of the 123 issues including such profile pictures, approximately 61 percent of those pictured men, 25 percent pictured women, and 14 percent pictured both men and women. In the *Verdicts and*

in the period spanning Feb. 28 through March 7, *The Journal's* coverage has included photographs of a male partner at Jones Day representing Chevron in a multi-billion dollar environmental lawsuit in Ecuador, a male partner at Quinn Emanuel representing Mattel Inc. in the long running Bratz doll intellectual property litigation, and a male partner at Reed Smith representing American film interests hoping to secure Chinese investors. Given that the vast majority of lawyers practice in private law firms, that the vast majority of law firms are run by their partners, and that the vast majority of those partners are male, it is no surprise that the pictorial coverage of newsmakers in a daily legal newspaper would be predominately male. What is disturbing about *The Journal's* coverage is not so much its daily news photography and reporting — arguably there is little choice in covering the largest deals and most important cases.

What is disturbing is when *The Journal* has a choice. Periodically, *The Journal* publishes a variety of who's who type inserts to its daily editions, which include lists of attorneys and their photographs. Between September 2010 and March 2011, *The Journal* published,

among other inserts, the "Top 100 Attorneys of 2010" (Sept. 22, 2010), the "Top 50 Neutrals of 2010" (Oct. 20, 2010), the "Top 20 under 40" (Jan. 12, 2011), "Real Estate Dealmakers" (Feb. 23, 2011), and "Clean Technology" (March 16, 2011). Even in these publications — presumably chosen by an editorial board that has considerable latitude in creating these lists within a particular geographic or practice area — the coverage is predominately male. For instance, women comprised only 16 percent of the "Top 100 Attorneys of 2010," 16 percent of the "Top 50 Neutrals of 2010," 20 percent of the "Top 20 under 40" and "Clean Technology," and 15 percent of the "Real Estate Dealmakers." Far fewer than 50 percent of these highly-regarded distinctions were awarded to women.

This biased coverage must stop. Scores of publications have decried the glass ceiling. Yet only when young woman lawyers picture themselves above the fold will they begin to insist on staying in their law firms. And only when clients and referring lawyers see women above the fold will they begin to refer them business — the most likely path to partnership. A natural stepping stone to that coveted above the fold spot is the subjective insert such as being a "Top 20 under 40." *The Journal* and other publications that fail to represent women equally can do their part to end the tedious and archaic debate about breaking the glass ceiling. *The Journal* can and should make a conscious effort to produce its subjective, award-type publications in a manner that recognizes the contributions of women lawyers, even though they typically are not partners in major firms. Once women begin to see themselves in the paper, perhaps they will see themselves in the partnership meeting.

UC Berkeley School of Law's Women's Association strongly supports the views expressed by the authors.



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