

## TELLING STORIES, TELLING SELF:

### USING NARRATIVE TO UNCOVER LATINAS' VOICES AND AGENCY IN THE LEGAL PROFESSION

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This paper is drawn from an on-going research project that focuses on uncovering Latinas'<sup>1</sup> voices and experiences in the legal profession in Texas. This research stemmed from our own feelings of unease as we learned that, despite the fact that Texas' population is 29 percent Hispanic, the number of practicing Latina attorneys constitutes a mere one percent of the total attorneys in the state.<sup>2</sup> We had to wonder if this disparity would increase further since statistical predictions suggest that the Latina/o population is quickly becoming the largest minority. This is especially true in the state of Texas where the minority population will constitute the majority in 12 years.<sup>3</sup> Will this growth of the Latina/o population be represented proportionally and accurately by a corresponding increase in the number of Latinas in the legal profession?

In recent years, more women and minorities have, in fact, entered the legal profession as litigators, legal educators and as repre-

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1. In this work, "Latina" is defined as a woman of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish-speaking culture or origin. For further elaboration of Latino/a nomenclature see Elizabeth Martinez, *In Pursuit of Latina Liberation*, 20 SIGNS: J. OF WOMEN IN CULTURE AND SOC'Y 1019, 1019-28 (1995).

2. See Jim Coronado, *The Hispanic Bar*, 55 TEX. B. J. 1136-37 (1992).

3. See Rodney Ellis & Rene Oliviera, *Texas Needs Educated Work Force for Future*, SAN ANTONIO EXPRESS-NEWS, Sept. 2, 1996, at D7.

sentatives within the judicial system. Today, for example, women comprise 23 percent of all lawyers, compared with only 3 percent in 1971. Also, 44 percent of all current law students are women, compared with only about 10 percent in 1970.<sup>4</sup> In spite of these demographic trends, which largely reflect the influx of white women into the legal profession and therefore do not address the question of Latinas, women of color remain significantly underrepresented in the legal profession.<sup>5</sup>

What would constitute success for Latinas in the legal profession? What would motivate Latinas to enter this field? To answer these questions, we sought to explore and understand the experiences, both professional and personal, of Latinas who chose the profession of law and who achieved success. What were their actual experiences in the legal profession? Drawing upon feminist methods of the narrative study of lives,<sup>6</sup> we engaged in extensive dialogues with three women who have achieved leadership positions in the legal profession. As sociologists Kathryn Anderson and Dana Jack point out "[n]arrative interviews provide an invaluable means of generating new insights about women's experiences of themselves in their worlds."<sup>7</sup>

The dialogues recorded in this paper were designed to provide a space for Latinas to express their experiences and ideological beliefs about the legal profession. Latina voices have too often been muted by cultural stereotypes or the conventions of language and discourse. Researching women, particularly women of color, in the United States is:

a complex task characterized by the intersection of race, gender, and social class with language, history, and culture . . . the resulting information is not a mere compilation of idiosyncratic recollections only interesting to a specialized audience; rather, [the stories of women of color] enrich our understanding of issues of race and gender.<sup>8</sup>

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4. See Marina Pisano, *Female Lawyers Fighting Uphill Battle for Equality*, SAN ANTONIO EXPRESS-NEWS, Jan. 8, 1996, at D9.

5. See ABA COMMISSION ON WOMEN IN THE PROFESSION, A.B.A., BASIC FACTS FROM WOMEN IN THE LAW: A LOOK AT THE NUMBERS (1995).

6. See SHERNA BERGER GLUCK & DAPHNE PATAI, WOMEN'S WORDS: THE FEMINIST PRACTICE OF ORAL HISTORY (1991); AMIA LIEBLICH & RUTHELLEN JOSSELSO, EXPLORING IDENTITY AND GENDER: THE NARRATIVE STUDY OF LIVES (1994); AMIA LIEBLICH & RUTHELLEN JOSSELSO, INTERPRETING EXPERIENCE: THE NARRATIVE STUDY OF LIVES (1995).

7. Kathryn Anderson & Dana Jack, *Learning to Listen: Interview Techniques and Analyses*, in WOMEN'S WORDS: THE FEMINIST PRACTICE OF ORAL HISTORY 11 (Sherma Berger Gluck et al. eds., 1991).

8. Gwendolyn Etter-Lewis, *Black Women's Life Stories: Reclaiming Self in Narrative Texts*, in WOMEN'S WORDS: THE FEMINIST PRACTICE OF ORAL HISTORY, *supra* note 7, at 43.

## I. LATINAS: EQUITY IN THE PROFESSION

Latinas' participation in the legal profession needs to be understood within the larger economic and social contexts which shape many of these women's lives. For most female lawyers, wage inequity is a fact of life. For example, a recent Price Waterhouse survey found that female attorneys earn less than male counterparts at every level of seniority.<sup>9</sup> Survey results in Texas echoed this national trend with women lawyers earning about \$5,000 less than men after being licensed 5 years or less. As women gain in time and experience in the profession, their wage gap vis-à-vis men actually increases. For women who have been licensed 10 to 15 years, the wage gap widens to \$36,000; for women licensed more than 15 years, the wage gap holds steady at about \$21,000 less than men.<sup>10</sup>

Women constitute a minority in the legal profession and, over time, their numbers dwindle. For example, while women comprise 44 percent of all law students, they comprise only 23 percent of all practicing attorneys. As a group, women frequently do not achieve the high professional status that many men do. The American Bar Association (ABA) Commission on Women in the Profession recently found that "of post-1967 law school graduates in private practice in 1990, 45 percent of the men had achieved partner status compared to only 18 percent of women."<sup>11</sup> In seeking to explain this disparity, a report by the Ninth Circuit Gender Bias Task Force states that "the majority of women lawyers believe their gender hinders their ability to obtain 'plum' assignments, such as becoming partner."<sup>12</sup> Unfortunately, women's gender also appears to target them for harassment. In a 1993 National Law Journal study, more than 50 percent of female respondents stated they had been sexually harassed while at work, although few women felt willing to report the incidents.<sup>13</sup>

In addition to constituting a minority in private practice, women represent only 12 percent of federal judges and 9 percent of state judges. In the university context, women represent only 19 percent of tenured law faculty. For minority women, the situation is even grimmer. In 1990, less than 3 percent of all lawyers and judges were minority women and less than 12 percent of all women lawyers and judges were minority women.<sup>14</sup> Beyond this, information about

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9. See Laura Herd, *Gender-income Study*, THE WOMEN'S LINK OF TEX. WOMEN LAWYERS, Winter 1995/96, at 3.

10. See Judith N. Collins, *Ethnicity, Race, Gender and the Private Earnings of Recent Law Graduates*, NALP BULL., Aug. 1996, at 7, 8.

11. Herd, *supra* note 9, at 3.

12. *Id.*

13. *Id.*

14. *Id.* "Minority" was defined as including the following groups: African-

minority women lawyers is difficult to attain. In 1989, the ABA Commission on Women in the Profession and the ABA Commission on Opportunities for Minorities in the Profession established the Multicultural Women Attorneys Network (MWAN). In a comprehensive search for data, "the Network found that research inquiring into the problems and progress of minority women lawyers was virtually non-existent."<sup>15</sup>

## II. RESEARCH METHODS

To better understand the experiences of Latinas in the legal profession, we conducted in-depth interviews with three Latinas. Each of these women has achieved a significant measure of success in the practice of law. The participants include: (1) a top administrator at a law school; (2) a judge; and (3) an activist and staff attorney for a public interest organization.<sup>16</sup> In discussions with these women, we were interested in hearing stories and accounts about the ways in which they remembered their experiences at each step of their professional journeys.

Modeling our discussions on the "spontaneous exchange within an interview" discussed by Anderson and Jack, our discussions offered the possibility

of freedom and flexibility for researchers and narrators alike. For the narrator, the interview provides the opportunity to tell her story in her own terms. For researchers, taped interviews preserve a living interchange for present and future use; we can rummage through interviews as we do through an old attic—probing, comparing, checking insights, finding new treasures the third time through, then arranging and carefully documenting our results.<sup>17</sup>

Our discussions were tape-recorded and transcribed. In our discursive analysis we sought to preserve the richness and diversity, or "multilayered texture" of information and experiences provided by each of the women.<sup>18</sup> We also sought to illuminate patterns, relationships of meaning and the complex web of feelings and contradictions expressed in their stories.

More specifically, we employed Dana Jack's method of interview analysis which focuses on three types of "listening" behaviors and analysis. (Jack has also used these methods in her own research

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American, Asian-American, American Indian, Alaskan Native, and Hispanic-American.

15. ABA COMMISSION ON WOMEN IN THE PROFESSION, *supra* note 5, at 5.

16. Pseudonyms are used throughout this paper to preserve the participants' anonymity.

17. Anderson & Jack, *supra* note 7, at 11.

18. Etter-Lewis, *supra* note 8, at 43.

on female practicing attorneys.)<sup>19</sup> The first entails listening to the person's "moral language." Paying attention to the moral self-evaluative statements enables us to understand the relationship between the self and cultural expectations, i.e., what does the individual consider cultural expectations to be for her particular role as a woman, as a Latina, as an attorney, etc.? It also enables us to examine the connection between what the individual

value[s] and what others value, between how we are told to act and how we feel about ourselves when we do or do not act that way. In a person's self-judgment, we can see which moral standards are accepted and used to judge the self, which values the person strives to attain . . . [We can then observe the] interaction between self-image and cultural norms.<sup>20</sup>

The second mode of "listening" in interview analysis requires the researcher to pay special attention to the "subject's meta-statements"—those "places in the interview where people spontaneously stop, look back, and comment about their own thoughts or something just said."<sup>21</sup> Meta-statements, then, help to sensitize us to the individual's awareness of an incongruence between what was said and what is expected. In addition, "[t]hey inform the interviewer about what [social and cultural] categories the individual is using to monitor her thoughts, and allow observation of how the person socializes feelings or thoughts according to certain norms."<sup>22</sup>

The third mode of "listening" in interview analysis focuses the researcher's attention on the "logic of the narrative." Here, we attend to the "internal consistency or contradictions in the person's statements about recurring themes and the way these themes relate to each other."<sup>23</sup> It is this logic of the narrative which leads to an understanding of the reasoning which dictates the individual's interpretation of her experience.

As mentioned earlier, our initial research questions focused on uncovering Latinas' experiences in the legal profession. In our utilization of these three modes of listening in interview analysis (moral language, meta-statements, and logic of the narrative), three central themes—self-history story, experiences in the legal system, and Latina identity—emerged around which the women employed three narrative/discursive strategies.

Although the following explication of these narratives incorporates the women's quotations in order to demonstrate and preserve the voice, tone, mood, and purpose of their comments, we do not

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19. Anderson & Jack, *supra* note 7, at 20-25.

20. *Id.* at 20.

21. *Id.* at 21.

22. *Id.* at 22.

23. *Id.*

take the words to reflect or communicate simply a transparent "reality." Rather, we see their words as constituting a reality of the women themselves. As Bird has pointed out:

Neither 'muteness' nor articulate accounts of self and society represent a direct reflection of 'women's status' or the role of women in society; rather, what women can and will say is a product of specific historical circumstances, and emerges in a specific micro-political context both of male-female relations and the encounter itself.<sup>24</sup>

Thus, we do not perceive discursive contradictions or inconsistencies to indicate mistakes or flaws in narrative on the part of the women. Rather, we perceive such contradictions or inconsistencies to be indicative of the complex and often contradictory nexus of social roles and choices through which most women must navigate as they weave together a construction of identity and social agency uniquely their own:

Voice alone does not create the subjectivity agency requires. . . . We construct ourselves as agents by piecing together our telling stories . . . in narratives that have explanatory power; as we make our narratives our own, we apprehend ourselves as agents; we become conscious of ourselves as the makers of our lives.<sup>25</sup>

### III. THE PARTICIPANTS AND THEIR STORIES

#### A. *Sophia Rodriguez*

##### 1. *Self-History Story*—"*It was always in the back of my mind.*"

Sophia has been a top administrator at a law school for several years. During this time, she was the only Mexican-American woman employed at this administrative level. Sophia begins her self-history narrative with a moral statement about her potential to be a lawyer. But this moral statement is tempered by the contextual information of the scarcity of professional role-models in her hometown; and, it is tempered by her acknowledgement of the power of the mass media, particularly television: "*I was influenced by the TV show—Law and Justice. There were not any lawyer role models in the family or the community. The only professional role models in town were teachers. I was always fascinated by lawyers, but I was not sure that I could do it, [but] it was always in the back of my mind.*"

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24. S. Elizabeth Bird, *Understanding the Ethnographic Encounter: The Need for Flexibility in Feminist Reception Studies*, WOMEN AND LANGUAGE, Fall 1995, at 22.

25. Mary Jo Haronian, *When the Teller Ends the Tale: The Story as Metaphor of Feminist Agency*, WOMEN AND LANGUAGE, Spring 1996, at 33.

The logic of Sophia's narrative suggests the inevitability of her becoming a lawyer. She systematically lists each of the possible occupations she considered as a youngster and as a student and points out the reasons why each was inappropriate for her. Her comment, "*it was always in the back of my mind,*" points to the conclusion that she was "meant to be" an attorney.

*"Ever since I was a kid all the way up to high school, I wanted to be a doctor. Every year for Christmas, I would get a doctor's kit as a kid. Family would tease me and say they would give me a nurse's kit, and I would say 'no, I want to be a doctor.'*

*High school was such a fun experience, and I enjoyed my experience. I had a change in values. I enjoyed it so much that I thought I became interested in teaching, but in the back of my mind I was always interested in the law. . . . It's kind of funny. We all go to a doctor when we get sick, so in a way, my doctor was like a role model for me. But I had never been to see a lawyer. I did not know what that was like."*

*So I scrapped everything, and I decided to be a teacher. I did not really like biology. I'm not sure that I did not really like it. I think that I had a bad teacher. . . . Medicine was out, so I decided to go into teaching. Law was something that was in the back of my mind. I knew that I wanted to get my Ph.D., but I, you know, after several years of teaching, I decided that I better do it now before I get much older. Again, my two options were a Ph.D. in Educational Administration or a law degree. A professor, a long time ago, told me that I should go to law school because that would give me two options. So that's what I did."*

## *2. Experiences in the Legal System— "It's part of the law school experience."*

For many women attorneys, their experiences in the legal system began with their experiences in law school. But, for most women, law school was an unpleasant experience. It certainly was for Sophia, who states, "*I went to law school and I did not like it. I hated the whole first semester.*" When questioned further, however, she clarifies by a meta-statement which illustrates her value of people and relationships while still asserting her dislike for the structure and pedagogy of the law school experience.

*"I think the whole experience, well, except for the friends. The experience, I don't think, first of all, I've always thought that education should be humane. I did not like the Socratic method."*

As Sophia continues her discussion of her law school experience, she makes meta-statement upon meta-statement indicating that she is "watching" her own thinking.<sup>26</sup>

*"I did not like the, well, kind of like, well, that's part of the law school experience, not something that was singled out for me. Everybody was going through the same experience. That made it, of course, easier to take and I really did not like the courses, although I realize that's the foundation. I just kept thinking, it's okay, it's law school, in this case, it does justify the act. After the first year, I enjoyed it much more, because I was able to select my classes. . . . I'm not sure that it's that I wouldn't want to practice law, or that I'm disillusioned by it, I don't think it's that. It's that my preference is for education. I want to be an educator. Somehow, I was able to combine the two."*

These meta-statements seem to echo the results of Jack's narrative research on women and the legal profession. Jack found that women were more likely than men to make meta-statements in their discussions of their experiences in the legal field because "women have come into a legal system designed by men, for men, and because they still face discrimination, it is easy for them to develop an 'onlooker' attitude of critical observation toward themselves."<sup>27</sup> To take this idea further, we suggest the statements made by Sophia point to the conflict she felt between embracing the legal profession and realizing her preference for education. The statements also illustrate her coping strategies for surviving the experience: *"It's the law school experience; everyone is going through the same experience."*

### 3. *Latina Identity*—*"Ethnicity is more of a factor than gender."*

*"I prefer Mexican-American for self-identification,"* says Sophia. Her ethnic identity is rooted in the demographics of the law school which she attended: *"This law school has very few non-Mexican-American Hispanics. I think there's more now, but when I was in law school, anyone who was Latina or Latino was Mexican-American."*

When commenting on her Mexican-American identity and her experience of law school, Sophia makes the meta-statement that she believes her ethnicity was more significant in shaping her experience than her gender—in spite of the fact that she was one of very few women in her law school class. She believes this to be true because of the perception of how affirmative action was implemented in the law school. More than gender, she sees ethnicity and social class as

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26. Anderson & Jack, *supra* note 7, at 22.

27. *Id.*

key factors in her law school experience. Again, she stresses the importance of role models. As her narrative continues, however, we see her citing tensions relating to gender issues encountered by Mexican-American female attorneys.

*"I think ethnicity was more of a factor than gender. Some students had that attitude. Within our section, I guess the way we perceived some cases or interpreted cases, a lot of it was just not having the role models and the legal background or experience. A lot of these students came from, well, their dad was a lawyer or their grandfather was a lawyer, so they knew the legalese before they got here. Some of them were speaking it since they learned how to speak. I'm not sure that gender has a role in that. I think it was more of social class and ethnicity. Gender—I was not aware in any of my classes that gender was a problem. Although, I have heard stories, there are some professors . . . and some of the judges [who] do not think that women should be in the courtroom."*

Ultimately, Sophia's ethnic identity takes precedence over her gender identity in the construction of her identity narrative. When asked whether she thinks her ethnic identity is a significant factor in carrying out her administrative duties she replies: *"Absolutely. I think the students perceive that too, especially our Mexican-American students."* The logic of her narrative stresses the value of ethnic assimilation, of being mainstream to the point where her ethnic identity does not pigeon-hole her into one particular job or position. Mainstreaming also seems to be her strategy of choice for social change. It would appear that Sophia values working within the system in order to achieve change. She states: *"I want to be in the mainstream. Why is it that they always have to say, 'Oh, you're Mexican-American, you want to be an administrator, go work for the Minority programs.' We are needed everywhere."*

As Sophia's narrative continues we see her make several meta-statements which operate to reconcile potentially conflicting viewpoints that (1) as members of an organization, Mexican-Americans should not be "seen" only in terms of their ethnicity and thus occupy "special" positions. However, at the same time, we see Sophia argue that (2) it is important to have a minority occupy particular positions so that other minorities "can relate to that person." But in her discourse she is careful not to "privilege" Mexican-American students stating emphatically that she is "able to work with all students."

She elaborates on her perspective: *"Yes. Yes you will need minorities to fill those minority administrative positions, but let's not leave minorities just for those positions . . . I work with all students. When I came to this law school, there were no Mexican-Americans; well, I'm not sure, there was one Mexican-American professor who*

was here two of my three years.' I hope this isn't discriminatory, but we always look for someone to identify with, someone like me. There's someone like me, you say, 'they made it, maybe I can make it, too.' Or maybe I can go to them for advice or help or questions . . . This school does care about me, there's someone I can go to. And at least for me, it has always been easier to approach a Mexican-American, perhaps it is because we self-identify, perhaps we say, 'Here's someone like me, maybe this person has had a similar background or experience as I did.' Perhaps not, because we are so diverse. For me it is so much easier for me to open up and you can relate more. If all that the students had here were Anglo Deans, then I think it would be hard for them to make up part of this institution. Because of my background and ethnicity, I think I do have a different perspective. I know how much harder it is for these Mexican-American students, because they might be the first one in law school from their family."

Surprisingly, she down plays her emphasis on the importance of ethnic identification and the unique needs of first-generation law students. When asked whether she tries to cater or tailor her activities and programs to the special needs of Mexican-American students, she replies: "Not really. I'm sensitive to the gender and cultural and ethnicity needs. If I'm selecting a committee, I pay attention to those needs. I don't think that it's anything unique or special that I'm doing for Mexican-American women."

The above statement would seem to be contradictory. But if her overall strategy is to mainstream Mexican-Americans into professional work, the logic of the narrative operates discursively to acknowledge and address, while simultaneously down-playing, the unique needs of Mexican-American women in higher education.

## B. Judge Laura Garza

### 1. *Self-History Story*— "I never wanted to do anything else."

Judge Laura Garza was one of the first Latinas to receive a Juris Doctorate from the law school she attended and one of the first Latinas to practice law in her geographic region.

Judge Garza's self-history parallels Sophia's in her emphasis on the inevitability of her becoming an attorney ("It was all I ever wanted to do."). Like Sophia, she points to the strong influence of an adult in guiding her career choice. While Sophia emphasized the influence of role models in her youth, Judge Garza points to the importance of her grandmother's influence in shaping her future career choice.

*"Since I was five years old, I said I was going to be an attorney. I never wanted to do anything else. That's all I ever thought about being. My grandmother, my maternal grandmother, always said to me, 'Eres una perica [you're a parrot], you need to be an attorney.' She is the one who put the idea in my mind. Because I would never back away from anything, I would always argue every point, I was the only one who talked circles around my dad. And, so she put it in my mind to be an attorney. And so from age five, anybody who's known me [in] high school, you can look at my high school annual and you can see my ambition: lawyer. Anybody who has known me since I was a child knows that's what I've always wanted to do. I never had a desire to do anything else."*

Judge Garza acknowledges that, when she was a youth, it was uncommon for a woman to be an attorney or for family members to suggest it; but, in a meta-discursive commentary mixed with moral language valorizing hard work, she draws upon the concepts of dedication, self-determination and spirit in her account of her professional achievements.

*"It was very uncommon. I was the first one in our family, and I have a very large extended family. I was the first in the family to become an attorney. Since then, I have many relatives now who are attorneys. No, it was very uncommon. But this was something I decided I was going to do and nothing has ever deterred me from when I say I'm going to do something, I do it."*

## *2. Experiences In The Legal System—"I was a novelty."*

Like Sophia, Judge Garza's first experiences of law occurred while in law school. And, like Sophia, Judge Garza was one of very few women in her class. In addition, she was the only Mexican-American woman in her class. Making the transition to law school that first semester was difficult; she received low grades, which she had never received before. She considered quitting *"because I did not think that it was fair for my parents, who were paying my education. But my parents asked me to stay one more semester and try."* Judge Garza joined a study group in which, as the only female member, she fulfilled the gendered stereotype role of note-taker. Throughout her account of the study group, however, Judge Garza never acknowledges or comments critically on the fact that she was doing more work than the other fifteen men in the group. Nonetheless, she attributes much of her success in law school to the fact that she was primarily responsible for obtaining class notes and information. In her narrative, she employs the moral language of the "good student" and the "responsible and care-giving female" who helped to ensure the success of all in her group. *"I was the note-taker. It was unforgivable for me to be sick or cut class. The guys would all*

*have a fit if I wasn't there, because we would study off of my notes every semester. . . . After we started studying together, we all passed all our classes and we all passed the bar. Of course, every semester I would get this big bunch of roses from the guys thanking me for my notes and for helping all of us pull together and pass our classes."*

In expressing her professional experiences, the logic of Judge Garza's narrative turns on the concept of "novelty." As one of only a handful of Latina attorneys, Judge Garza believes that she was perceived as a "novelty" in the field—a perception which Judge Garza used successfully to her own advantage to meet the "right people," gain political connections, and, ultimately, serve the judicial system.

*"I was basically an immigration practitioner. Of course as an immigration practitioner I met a lot of people. And because I was kind of a novelty when I started practicing, there were no Hispanic women who had ever practiced in the courts in [this city]. There were very few women who had practiced."*

Following through to the logical conclusion of the narrative, Judge Garza asserts that "being a novelty" was, in fact, an advantage because she was able to use for her own purposes and goals the sympathy and assistance that others were inclined to offer.

*"Back then, when I was practicing, because women were a novelty, there were only a few of us that went to court; . . . it actually was an advantage because everyone tried to help us—clerks, judges, attorneys, people in the district clerk's office. Because we were a novelty, when I first started I considered it much to my advantage. I did not find it a disadvantage at all."*

Judge Garza goes on to clarify in the following meta-statements that, while she understands how being a novelty could be construed by others as negative, she herself always used it to her advantage.

*"When I was practicing law, my idea was that whatever it took to get what I wanted for my clients is what I was going to do, within certain parameters, of course. But, many times, judges would be more sympathetic towards my case because I was female, because I was young and inexperienced, and because I was one of a kind."*

As Judge Garza continues, she changes her discursive tack. The "advantages of being a novelty" theme stressed earlier in her narrative gets dropped and the narrative re-focuses on the theme of the importance of individual hard work and dedication on the part of the aspiring individual. While stating she believed "being a novelty was an advantage," she also points out that she felt she had to perform better, and be more prepared than her white, male counterparts.

*"Back in those days when I was a novelty, I studied more, I attended more seminars, I prepared more, so that if any attorney, male attorney, thought that they were going to take advantage of me because I was a woman, or Hispanic woman, I could play the helpless role to the hilt, but when I got into court, I was not helpless anymore and they knew it. So it made me become a better attorney, because I always felt like I had to be better prepared, I had to be tougher and more ready than anyone else, and I always was."*

Interestingly, Judge Garza does not take the next step to critique or question the larger social system which structures the ways in which women must compete with men in the field of law. Nor does she problematize the system which perceives her as a "novelty" and demands that she work harder in order to be taken seriously as an attorney. Rather, the logic of her narrative places responsibility for professional success squarely on the shoulders of the individual while simultaneously advising her to "be [more] prepared [and] more knowledgeable than your opposition." But what Judge Garza does achieve in her narrative is to reconcile, at least discursively, two potentially contradictory positions: First, she suggests in a kind of micro-political, transgressive spirit that "novelty" status can be used to one's own advantage. Second, she recognizes that the "advantage" is actually an illusion and thus Latinas need to be willing to work harder than their mainstream counterparts. Clearly, she is not advocating the status quo; instead, she presents a realistic perspective as well as concrete strategies for aspiring Latinas in the field of law to consider.

3. *Latina Identity*—*"You're supposed to be a mother . . . My clients are my children."*

In addition to her argument of "the advantages of being a novelty," Judge Garza asserts another powerful and morally-infused discursive position that draws upon the cultural expectation and value of the role of motherhood for women—especially Latinas. While motherhood may be the cultural "ideal," Judge Garza is engaged in a very demanding law practice which may not readily afford the opportunity for full-time motherhood. Thus, Judge Garza is in a difficult discursive position. In her narrative, we witness her struggling to reconcile disparate, and sometimes contradictory, dimensions of her Latina heritage and identity—which places a premium on motherhood and family—with her professional experiences and expectations.

Judge Garza suggests that being Latina is an advantage because Latinas are able to mediate between the old traditional expectations of women and the newer expectations that women gain some degree of social and economic independence. In combining the old and

new, she seems to prefer retaining many of the old cultural expectations of women's primary roles as wives and mothers and simply adding on professional roles. The cumulative effects of adding additional roles and responsibilities to an already full set of roles and duties could become overwhelming for even the most talented and hard-working woman. While Judge Garza's goal is admirable—the full inclusion of women in the legal profession—the logistics of actually achieving it are unclear. She does not, for example, mention how all of these expectations can actually be met—just that they should be. In the following, she explains her view of the benefits of combining the old traditions with the new feminism.

*“Our culture is such that, you know, with like my grandmother . . . one of her beliefs was that women were born to suffer. You never got a divorce. You just prayed that things would get better. . . . Then we had the women's revolution, where you stand up and fight for what you have coming to you. . . . I think, Mexicana women can take a little bit of that and a little bit of the women's revolution and now when women can get a good education, and I think you can pull all of that together and I think it gives the Mexicana woman a different outlook . . . Because when you have a woman that all she believes in is women's rights and you have to stand up and be counted and never think about that you have certain obligations at home—you're supposed to be a mother, you're supposed to be a wife (granted you're not supposed to be a rug under your husband's feet), but if you take all of that, and put it together, it just makes if a softer, more reasonable, more worldly person than if you have just a woman who says, ‘women's rights and that's it.’ and they can't see anything else.”*

Although Judge Garza supports the view that “you're supposed to be a mother, you're supposed to be a wife . . .” because it makes for a “softer, more reasonable, more worldly person,” many women who work in the legal field often forego children because of the demands of their careers. Thus, potential contradictions arise between the way in which Judge Garza suggests Latinas *should* live their lives and the way in which they may actually do live their lives. The two are incongruent. The contours of Judge Garza's life reflect the goals and ambitions of a woman dedicated primarily to her career rather than family. Yet, in her narrative, she is able to wed the two. In the following meta-statements, Judge Garza describes her life choices by invoking moral language which valorizes the hard work and selflessness of an attorney practicing family law for the benefit of disadvantaged Mexican immigrant families. Thus, in some vicarious way, she, discursively at least, fulfills the role of “surrogate mother” because she practices family law and regards her clients as her children. However, the impossibility of position-

ing women such that they are expected to make a choice between family or career is left largely unexplored in Judge Garza's discussion.

At a more general level, Judge Garza recognizes that the demands placed on women are great—often greater than those placed on men. However, as her narrative continues, it is clear that any mention or recognition of the larger social and economic issues which may contribute to the difficulties of coordinating work and home life for many women are absent altogether in this meta-discourse. Rather, she focuses on the reasons why combining family with work can be impossible for many women and instead asserts: “[my] clients are my children.”

### C. *Maria Martínez*

#### 1. *Self-History—“There was no family support.”*

Maria works as a staff attorney for a public interest organization. Unlike Judge Garza and Sophia, Maria did not have aspirations to become an attorney as a youth; instead, her life experiences brought her to the threshold of the legal system. The struggles and hardships she witnessed as a social worker posed issues of social justice that helped shape her decision to pursue a legal career: “*After I was a social worker for a while, I saw that the problems that I was dealing with with my clients were systemic . . . I felt that I was working with victims of a larger system, and if I could go into that system and fix whatever was wrong there, then it would prevent a lot of the victims to begin with.*”

Although Maria was determined to become an attorney who could make a difference, her journey was not an easy one. She acknowledges the struggles that she faced from the very beginning as she alludes to the lack of support she experienced from her parents: “*My mother said, ‘You know, why don’t you become a legal secretary, that would be such a nice thing for you.’ My father said, ‘Well, you know you’re a social worker, you should just stay as a social worker.’ There was no sense of ‘great, that’s wonderful, we’ll support you.’ I had to overcome their lack of support to even have the idea of becoming an attorney. Of even going and taking the LSAT on my own with nobody behind me saying, ‘That’s great, we’ll help you, we support you,’ so I think that’s the major problem all the time is that I have been pulling myself up by my bootstraps.*”

Maria's struggle did not diminish once she entered law school. Her narrative explodes with moral language as she relates details of the conflicts she encountered. The following example illustrates the

tension she felt between doing what was expected of her as a law student and doing what she thought would further the goal of achieving social change and justice: *"The belief system within the law, well, the belief system between lawyers is that it is best if you have no values of your own. In law school, one time, I said, I was feeling low and beaten down, and I saw everyone all dressed up for their interviews, and I had refused to take part of [sic] that interview procedure, and finally I was with a group of people, students eating lunch, and everyone was saying where they were going to work this summer. And they said, 'Maria, what are you going to do this summer?' And I said, 'Well, I guess I'll just do anything that somebody pays me to do.' And they were all happy, finally Maria had grown up. They patted me on the back and said, 'That's great Maria. We are glad you finally matured in seeing what our role really is.' And when I realized that, all the sirens went off in my head, and I finally got to the point where I had no values, where I was willing to sell myself for anything, and that's what I was getting kudos for from my peers. And I thought, forget it. I'm not going to be like that. That's not me, and I wouldn't be able to live with myself that way."*

Ultimately, Maria rejects what she takes to be a false code of conduct. The logic of her narrative centers on "the quest for social change and justice." She rejects the usual professional motivators of money, power and prestige, invoking instead, a powerful rationale and vision of women's purpose in the legal system: *"Yeah, I think women want to become lawyers because they want to be change-agents for more justice in society."*

## 2. *Experiences In The Legal System— "It just seems like madness to me."*

As noted previously, Maria's experiences in the legal system started when she was a social worker. Her narrative demonstrates how although she attempted to help "each person at one time" she felt that she was working with "victims of a larger system." Maria had other professional experiences to share, and none of them were positive. She noted that she "put up with a lot of sexual harassment," as she shared one of her most frustrating experiences in the courtroom: *"I guess one of the most awful situations was [when] I had a state case in front of a county district court judge, and it was a business case. I had two corporations fighting each other over who owed who money. And, I was trying to explain to the judge what the usual practice was between these types of companies, and I was explaining what kind of credit was usually given. And, he was just blowing me off, he just wasn't listening to me; he wasn't listening to the facts that I was stating, and he came up with a ruling that*

*I disagreed with. And I started arguing with him, but he just didn't understand. Based on the law, what he said was wrong. And, then he says, 'You know . . .'* and then he kind of kicks back and he tells this long story about some woman lawyer who tried to appeal one of his cases, what a fool she made of herself when she went to the Appeals Court. But it was definitely, though he didn't use the term, 'little lady,' it was patronizing. And, you know, 'don't you even dare try to appeal this because you are just going to make a fool out of yourself.'" When Maria was asked if she believed that the judge would have responded differently if the attorney would have been male, she carefully thought about her response before making the meta-statement, "[o]r maybe even a white woman. I think it was gender bias and ethnic bias, and I don't know which weighed the most." The logic of Maria's narrative clearly displays a critical awareness of the "double-oppression" (gender and ethnicity) some Latinas experience in the legal profession. Unlike Judge Garza, who chose to stress the ways in which she turned her racial "novelty" status into "an advantage" by working harder than her peers, Maria articulates the problems she encountered explicitly and makes it clear that there are no easy answers.

Like Sophia and Judge Garza, however, Maria believes that women have to do much more to be perceived as credible in the male-dominated legal profession. She tells a story about finding the appropriate balance dressing like a woman and like a professional. Through her story, she displays frustration because so much value appears to be placed on the dress code of women in the legal world. The logic of her story reveals that she believes what is truly important is not a dress code, but addressing the problems of our adversarial legal system: "You know, not only do you have to deal with being professional but you have to deal with being sexy, because you have to show that you're female, because then that will upset them if you do not show enough signs that you know your gender. And so, I mean, just to get dressed in the morning, you have to put out much more effort. I mean, the guys here, they put on the same shoes, they have three suits and they have their shirts from the cleaners, and I guess the worse they have to think about is 'which tie am I going to put on today.' Well, I have to come up with an outfit that has a lot more pieces to it, that is more expensive to put together, while nobody cares they wear the same suit on Monday and Thursday, so (sigh) there's that level of stuff, which is really the minor stuff. The major stuff is more watching a court system that is based on the adversary system."

Maria attempts to humanize the legal profession through her work, but she stresses that it is a constant struggle, as she compares it to a male-oriented sport, a game of football: "You're supposed to

*come in and be a team player, play real hard and dirty for your side, injure yourself, and injure other people, just for the sake of the game. And it just seems like madness to me. Hopefully, women can affect it, if only by being in those positions and complaining and doing the five percent maneuvering that they have, you know, use that. And maybe the next generation of female attorneys will have a little more maneuvering."*

Maria summarizes her gendered-experiences within the legal system, and she offers a hopeful, but realistic, approach to the situation: *"I guess just having women in [the legal system], and some of us will turn into men with women's bodies and act just like men and be as ruthless as men and will not bring in the special qualities, specific gender qualities, that women have. But some of us will, and some of us may not be able to, but we will complain about it until the situation opens and softens."*

3. *Latina Identity*— *"I'm ruthless, but I'm female; I'm professional, but I'm still a person and with a heart; I can fight with the best of them, but I also have family . . . just so many contradictions . . . for women and for Latina women, the pressure increases. . . ."*

As we have seen, Maria has experienced attacks on her ethnicity and gender at various times throughout her legal career. Being Latina has not been easy for her, but she seems to withstand the ethnic bruises she has received. Painfully, she recalled an occurrence in law school which illustrated her distinct experience as a Latina: *"I think in law school, we had to swallow a lot more humiliation and a lot more attacks. Just in classes, there were many more references that were insulting. I had to deal with much more rage, than other people, than the males or the non-Latinos. I remember one class, the Constitutional Law professor referred to women as 'pussies' for an entire hour. And in another class, he referred to Latinas in a very deprecating way. So, other women just had to go through one day of rage, I had to go through two days of rage. So, I think that just in order to survive, you have to have this attitude that yeah, you are going to suffer more than everybody else, you are gonna have to put out more than everybody else, you're going to have to study more than everybody else, and you are going to have to prove yourself harder than anybody else. And that, you have to make peace with that somehow, so that you don't walk around in a rage all the time."*

As Maria continues to clarify the frustrations she has encountered because of her ethnicity, she stumbles upon one meta-statement after another: *"I don't know how to do it, to make peace between the part of me that says, 'this system is not working, and it's not working because we are on an adversary system and that doesn't, often*

*times, it creates more problems than it resolves.' And at the same time, to be able to be a hot dog lawyer that goes out there and guts the other side with as much ruthlessness that a lawyer is supposed to have. Somehow, you have to say, 'I'm ruthless, but I'm female; I'm professional, but I'm still a person and with a heart; I can fight with the best of them, but I also have family.' It is just so many contradictions, I don't know, for women and for Latina women, the pressure increases because you have to prove that you are professional and much more."*

In the following response to the question regarding the approaches that Latinas must take in order to establish themselves within the legal community, Maria states: "*And so each time I walk into the room, I don't get the benefit of 'here's a lawyer coming in,' it's just 'here's a Latina walking in, maybe she makes good tortillas.'* And then there are people who love Latinas. Latinas are beautiful, they say—as long as they stay in their place. But you have a Latina who is your boss, or a Latina who is in a position of power, or a Latina who has to act mean and rough in order to fulfill her functions, and suddenly your expectations of her switch. And you don't have that general lovely feeling of Latinas; you feel like she has really snuck in and taken advantage of something and broken the rules." Clearly Maria struggles to deal with the constant contradictions facing Latinas in the legal system. Throughout the conversation, she attempts to make sense out of the highly patriarchal legal system in which she operates.

Although Maria does not seem to want to "fit into" the legal system as it exists, she still displays a level of frustration and despair with the realities facing Latinas: "*I'll never fit in; this will never work; this will never feel right. I will always feel like a stranger.*" Maria continues her narrative and concludes with a very powerful analogy, as she illustrates that Latinas are on a crucifix: "*Latinas, I think, are on a particular crucifix, because they are pulled on one hand by the injustice that they see and wanting to fix it, and on the other hand they are pulled by their family responsibilities that they take real seriously. You know, they [say], 'Should I take this civil rights job that will help me, maybe, make some of the changes I want, or should I take a straight job and make enough money to buy my old mother a house, whose financial situation is so rough?' I see women with those kinds of moral questions much more than I see men, or Latina women, much more than I see men, because I don't know, maybe the Latina women take their family more seriously. . . ."* Maria catches herself making stereotypical statements and clarifies in this meta-statement: "*I'm making all these horrible generalizations you know, there are certainly white women and white men, black women and black men, and Latino men that think*

*in those terms. But just generally, I think Latinas feel that more. [They ask themselves,] 'Do I have a baby or do I push on my career? Do I spend time with my husband and go home and cook for him, or do I spend the late evening at the law firm so I can get ahead and become a more powerful person within the law firm?'"* The generalizations Maria mentions are painfully realistic for Latinas.

#### IV. CONCLUSION

This research has focused on the experiences and contributions of three powerful, competent and articulate Latinas in the legal profession. In many ways, these women may be viewed as pioneers, as they charted a new terrain for Latinas of the future. While each woman achieved success in her profession, the ways in which each woman constructed the narrative of her professional and personal life are reflected in her won social, political, and cultural beliefs.

Specifically, we examined each woman's discursive construction of her (1) self-history story, (2) experiences in the legal system, and (3) Latina identity. Sophia and Judge Garza knew from an early age that they were destined to be attorneys. Their self-history narratives trace a pattern of inevitability as they moved step-by-step towards their professional goals. For Maria, the path toward the law field was not so clear from the start. As a social worker she realized the systemic basis of social inequalities which led her to become engaged in the practice of law in hope of effecting social change.

As for their experiences in the legal system, all three women characterized their law school experiences as negative. Sophia disliked the Socratic method. Judge Garza fell into the stereotypical role of note-taker for all her all-male study group. Maria was the target of overt expressions of racism and sexism by her professors. In addition, both Sophia and Judge Garza were one of only a few Latinas in their law school classes. As practicing attorneys, all three women acknowledged the greater burden placed on women, especially minority women, to be better than their white, male counterparts. All of the women also discussed the difficulty of resolving conflicts between family and work duties. Only Maria, however, located her discussion of these concerns within the larger, social and political context and explicitly addressed its systemic basis.

Each woman proudly asserted her Latina identity—although this identity was conceptualized and seen to operate differently in each woman's professional life. Sophia down-played her ethnic identity in order to achieve the goal of mainstream professional participation by Latinas. Judge Garza acknowledged her Latina identity as a potential source of conflict and discrimination although she was able to turn the "novelty of being a minority" into an advantage by pursu-

ing her goals relentlessly. Maria centralized her Latina identity not only to her private self, but also to her professional mission. She revealed that her ethnicity has been a target of discrimination in the past and she worried about how effectively she will be able to continue to fight for gender and racial equality in the future.

The narratives of these women are just a starting point for social change. Speaking to the issue of women's agency Mary Jo Haronian suggests,

any single story can be doubted, or called a fluke, or written *off* in a hundred ways. . . . Voice alone does not create the subjectivity agency requires, [it] does not establish the ground from which we can continue to speak until we are heard. . . . Once the stories are told they must interact with the world, thus requiring conversation and debate. . . .<sup>28</sup>

These stories and the voices they represent must continue to engage the world. We hope that the discussion put forth here will serve as part of that worldly engagement. As Haronian notes, it is not that "Voice equals Agency," but that "the use of our subjectivity, not merely its existence, [is what] constitutes agency."<sup>29</sup> But, "[c]ertainly, when we voice our stories, claiming lives of which we are the experts, this subjectivity does begin to emerge."<sup>30</sup>

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28. Haronian, *supra* note 25, at 33.

29. *Id.*

30. *Id.*

