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Marilyn Berger
Kari A. Robinson

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GENDER BIAS IN THE AMERICAN BAR ASSOCIATION JOURNAL: IMPACT ON THE LEGAL PROFESSION

Marilyn J. Berger*
and
Kari A. Robinson**

I. INTRODUCTION

We cannot but think the common law wise in excluding women from the profession of law. . . . The law of nature destines and qualifies the female sex for the bearing and nurture of the children of our race and for the custody of the homes of the world and their maintenance in love and honor. And all life-long callings of women, inconsistent with these radical and sacred duties of their sex, as is the profession of law, are departures from the order of nature; and when voluntary, treason against it.1

Images of women in journals, magazines, newspapers, cinema, television and the Internet are underrepresented and, when they do appear, are often confined to rigid stereotypes. The media's under-representation of women reflects an exclusion of women's voices and presence within the work force. Images of women in the media directly affect how women are treated and how their roles are perceived in both the public and private spheres. Media powerfully shapes cultural perceptions and defines normative behavior.2

Empirical social science studies of gender3 from 1970 to 1995 have examined images of women in newspapers, magazines, television and film.4 These studies illustrate how media images of women di-

* Professor of Law, Seattle University School of Law, Tacoma, Washington; J.D. 1970, University of California/Berkeley; B.S. 1965, Cornell University.


We as authors share equally in the conception and writing, and our names appear in alphabetical order. We thank Professor Edith Warkentine for her able editing assistance.

1. In re Miss Lavinia Goodell, 39 Wis. 232, 244-45 (1875). The preceeding pas-
sage was offered by Chief Justice Ryan of the Wisconsin Supreme Court to explain why Miss Goodell's application for the bar was denied.


3. When we refer to gender, we are referring to the nature, role and capacity of men and women.

4. See, e.g., Jack Demarest & Jeanette Garner, The Representation of Women's Roles in Women's Magazines Over the Past 30 Years, 126 J. PSYCHOL. 357 (1992); Suzanna Danuta Walters, Material Girls: Feminism and Cultural Studies, 12 CURRENT PERSP. IN SOC. THEORY 59 (1992); Kate Peirce, A Feminist Theoretical Perspective on the Socialization of Teenage...
rectly and substantially affect gender discrimination. The research showed that women are often underrepresented in the media and portrayed in stereotypical roles within society.

Social scientists have reviewed articles and advertisements in newspapers, medical journals, women's magazines, television beer commercials and the top fifteen political science journals. However, we found no empirical studies concerning the portrayal of female attorneys, judges and professors in legal professional journals. Intrigued, we decided to study how women legal professionals are presented in the legal journal of the American Bar Association ("ABA"). We examined photographs, drawings, and cartoon images of men and women in accompanying articles and advertisements in selected volumes of the American Bar Association Journal ("ABA Journal") from 1995 and 1996.

The ABA Journal performs an important role in promoting the participation of attorneys in the ABA and in advancing the goals of the professional organization. Each monthly volume carries the official voice of the ABA through several monthly columns, including the Message of the President of the ABA, the Executive Director's Report, the ABA Treasurer's Report, and annual and semi-annual coverage of ABA meetings.

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5. See, e.g., Demarest & Garner, supra note 4, at 357; Walters, supra note 4, at 59; Peirce, supra note 4, at 491; Kelly & Fisher, supra note 4, at 544; Bridge, supra note 4, at 1; Ferguson, et al., supra note 4, at 40; Hawkins & Aber, supra note 4, at 233.


7. See, e.g., Demarest & Garner, supra note 4, at 357; Walters, supra note 4, at 59; Peirce, supra note 4, at 491; Kelly & Fisher, supra note 4, at 544; Bridge, supra note 4, at 1; Ferguson et al., supra note 4, at 40; Hawkins & Aber, supra note 4, at 233.

8. While it would have been interesting to study the Journal since its inception in 1915 to measure how women's images have changed, we thought such a historical overview would be more academic than remedial because women were such an insignificant presence until 25 years ago. From 1972 through 1976 women only accounted for an average of seven percent of lawyers. See Bureau of Labor Statistics, U.S. Dep't of Labor, Bulletin No. 2096, Labor Force Statistics Derived From The Current Population Survey: A Databook, Volume 1, at 651-64 tbl. B-20 (1982). In 1996, women comprised 26 percent of the profession. Women's exclusion from law schools continued as late as 1972, when Washington and Lee finally opened its doors to women. In 1972, women obtained a mere seven percent of law degrees. In 1993-1994, women comprised 17,218 out of 40,044 graduates. See Department of Educ., Digest of Education Statistics 1996, at tbl. 254 (1996).
The ABA appears committed to promoting gender equality. In August 1995, the ABA elected its first woman President.  

In addition, the ABA reserves two seats on the Board of Governors to be elected by its women members at large.  

In the face of incredible opposition, the association passed a resolution supporting a pro-choice stand.  

The ABA Journal is staffed with a number of women and many of the ABA Journal's feature articles are written by female contributors.  

Furthermore, one of the eleven goals of the ABA is to promote the "full and equal participation in the legal profession by minorities and women." Since 1987, the ABA has had an active commission on women in the legal profession which conducts hearings and ongoing studies related to promoting gender equality.  

Prompted by the ABA, many states have formed gender bias task forces. The task forces report biases noted by litigants, lawyers and judges. These experiences encompass a full range of concerns. For example, a Washington task force found that seventy-four percent of the lawyers and fifty-four percent of the judges participating in their survey "believed that gender-based discrimination exists to some de-


14. The ABA Commission on Women in the Profession was founded in 1987 and its first Chair was Hillary Rodham Clinton. See Stephanie Benson Goldberg, ABA Resources for Women Lawyers, A.B.A. J., June 1988, at 55. The ABA Policy on Gender and Race Bias was adopted by the House of Delegates in August 1991. It states:  

Resolved, that the American Bar Association supports the enactment of authoritative measures, requiring studies of the existence of bias in the federal judicial system, including bias based on race, ethnicity, gender, age, sexual orientation and disability, and the extent to which bias may affect litigants, witnesses, attorneys and all those who work in the judicial branch.  

Be it further resolved, that the [ABA] urges that such studies should include the development of remedial steps to address and eliminate any bias found to exist.  


15. Many United States district courts have embarked upon gender and bias studies. These studies attempt to determine whether the courts and the participants in the legal system are practicing gender equality. The first official gender bias task force was started in 1982. Since then many states have created gender bias task forces within the state and federal court systems. See John C. Coughenour et al., The Effects of Gender in the Federal Courts, The Final Report of the Ninth Circuit Gender Bias Task Force 1 (1993).  

gree in the Washington Courts." In addition, a 1994 survey of Alaskan attorneys and court system personnel revealed ongoing gender bias and hostility by male attorneys and judges toward female colleagues. Other studies have also demonstrated gender bias in state and federal courts all across the country. Studies of gender bias in the courts found perpetuated stereotypes and images harmful to women. The New York Task Force concluded that "gender bias against women . . . is a pervasive problem with grave consequences. Cultural stereotypes of women's role in marriage and in society daily distort courts' application of substantive law. Women uniquely, disproportionately and with unacceptable frequency must endure a climate of condescension, indifference, and hostility."

We hoped the ABA Journal would embrace the goals of the ABA and seek to counteract gender-based discrimination in the legal profession. Because of the ABA's policy of promoting gender equality, we began our study with the expectation that the ABA Journal would reflect the current composition of women in the legal profession in its articles and advertisements. The legal profession has changed rapidly during the past few years: fifty percent of many law school student bodies are women, and at least twenty-six percent of practicing lawyers are women. We expected legal publications, such as the ABA Journal, to represent that composition. However, the data we collected

18. See Sarah Josephson & Teresa Carns, University of Alaska Anchorage Justice Center, Gender Equality in the Courts: A Preliminary Look, 11 Alaska Just. 3 (1994). One male attorney commented that "judges seem to fail to recognize a pretty face can hide a malignant heart" and "fail to address attorney misconduct because it is practiced by a woman." Id. Another male attorney stated "female judges meet with female lawyers in a bar group designed to advance the position of females, as opposed to males, on the basis of sex." Id. A female lawyer responded: "I really hate it when I am referred to in court by my first name and male lawyers are referred to as 'Mr.____.'" Id. Many women also stated that while a male lawyer might be described as a "zealous advocate," a female attorney behaving similarly was described as being "emotionally involved in the case." Id. Female attorneys also described being referred to as "sweetie" or "honey." Id. Finally, one female attorney stated, "A judge in state court once asked my client where his attorney was when I was sitting right next to him." Id.
22. See Barbara A. Curran, Women in the Law: A Look at the Numbers 6 (1995). The statistics vary on women within the profession because data sources differ in collection methods and characteristics tracked. Some sources estimate the number of women attorneys reaching 40% of the legal profession by the year 2010, while more conservative estimates show the number rising to 27% of the profession by
was disconcerting. Both the quantitative and content analyses support our conclusion that the ABA Journal has not adequately fulfilled the stated goal of the ABA: to promote "full and equal participation in the legal profession by . . . women." Our study found both subtle and overt forms of gender discrimination in the ABA Journal volumes we analyzed.

The ABA Journal presents women in the legal system in a similar fashion to the presentation of women in the journals of other professions. Women are portrayed in traditional sex roles, they are pictured passively and they are often shown negatively as victims. In the volumes we studied, we found that the numbers of images of attorneys, judges and professors were not proportionate to the number of men and women in the legal profession. Moreover, the ABA Journal predominantly displayed women as dependent on their male counterparts. We also found instances where the ABA Journal portrayed women as sexual objects.

In this article, we report the findings of our study. First, we describe the methodology we used to collect and assess the data. Second, we examine graphic images of women in the ABA Journal for the years 1995 and 1996. Next, we provide examples of the ABA Journal's preferred use of male images and authors, and its stereotypical portrayals of women as sex objects, as dependent upon men, or as victims. In conclusion, by reference to noteworthy studies in other disciplines, we make general observations about the harmful effect that these images have on the legal profession and society.

II. METHODOLOGY

A. Selection of the ABA Journal

We selected the ABA Journal for our study because it is the official publication of one of the oldest and largest legal professional associations. Founded in 1878, the ABA presently has 370,000 members, making it the world's largest voluntary professional association. Approximately one half of the attorneys in the United States are members of the ABA. Each member of the ABA, as part of his or her membership, receives a subscription to the ABA Journal, as does every judge in the United States. The ABA Journal's average monthly circu-
lation from October 1995 to September 1996 was 405,943 copies. Because of its extensive circulation among lawyers, legal professionals and the general public, the ABA Journal enjoys widespread influence. A 1996 study placed the ABA Journal among the top twenty-five most read publications and among the top third of all media. The study found that “among legal [o]pinion [l]eaders, the ABA Journal is the second most read or viewed medium, following the Wall Street Journal.”

The ABA Journal’s connection to the ABA is evidenced by the ABA’s utilization of the ABA Journal to espouse its official positions. The ABA Journal’s extensive readership would be hard-pressed to believe that the ABA Journal is not, to a large degree, an official arm and voice of the ABA. Therefore, we examined the ABA Journal to observe whether it is promoting the ABA’s policies on gender in the profession.

B. Selection of the Volumes

Our data is compiled from a simple random sample of eight volumes of the ABA Journal from 1995 and 1996. We limited our investigation to the past two years to enable us to examine the most up-to-date images of men and women in the Journal. Our sample for 1995 included the February, April, June, and September volumes. In 1996, we examined the January, April, July, and November volumes.

C. Coding: Photographs, Cartoons, and Drawings

We individually coded every photograph, cartoon and drawing depicting men, women or children that appeared in advertisements

28. Id.
29. We realize that the ABA Journal may select its articles without considering the ABA’s official position on the topic; the ABA must certainly recognize the power of the ABA Journal to influence its readers.
31. A simple random sample involves selecting units such that every one of the samples has an equal chance of being chosen. The computer randomly generated the four sample months for each year. We numbered the months from 1 to 12 (Jan. =1, Feb. =2, and so forth). We used Microsoft Excel software to randomly pick four numbers corresponding to the sample months. A simple random sample is drawn by unit. The units in the population are numbered from 1 to N. A series of random numbers between 1 and N is then drawn, either by means of a table of random numbers or by placing the numbers 1 to N in a bowl and mixing thoroughly. See William G. Cochran, Sampling Techniques (1953).
and articles. We examined all the articles, the front covers with picture images, and the back covers, which were usually advertisements. Every separate image of a person was visually coded by gender, regardless of the size of the image. All images were counted, even if there was more than one image of the same person within an article or advertisement. We coded each image by gender, noting the person's position within the legal system (i.e., attorney, professor, judge, or client/general population). When possible, we verified gender and position classification by reading the text of the article, advertisement or cartoon. We coded 351 separate images of persons in the sample of volumes from 1995 and 360 separate images in the sample from 1996. Therefore, our total sample size was 711 separate images from eight volumes of the *ABA Journal*.

Figure 1

![Bar chart showing expected and observed number of photos for men and women attorneys](image)

Figure 1 provides the combined data of images of male and female attorneys for 1995 and 1996. The total number of observed images in the *ABA Journal* consisted of 563 male images and 148 female images. The expected number of images of male and female attorneys was calculated by multiplying the percentage of men (74%) and women (26%) who are attorneys within the general population by the total number of images in the sample (711 images).

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32. Coding involved identifying each separate image of a person on a page. Each image was then numbered and identified by gender. This study is confined to gender, though we recognize that a variety of ethnic, racial, and socioeconomic groupings should also be studied.


34. *See 1995 Labor Statistics, supra* note 21, at 172 tbl. 11. We compared the percentages of each gender in the profession from 1995 with the *ABA Journal* images from the 1995 and 1996 sample volumes. This is corrected for the potential lag be-
After coding the images, we applied a Chi Square statistical test, comparing the expected number of images with the total number of observed images from the 1995 and 1996 sample volumes. The seven-percent difference between the images of women that appeared in the *ABA Journal* and the percentage of women in the legal profession was a statistically significant difference.

D. Analysis of the Images and Text

1. Text/Narrative

Each monthly volume of the *ABA Journal* contains a two-page table of contents with a clear delineation of subject matter, including featured articles that vary in each volume. The sections are further divided into columns that appear monthly. We selected four of the six monthly content areas: Substantive Law, Practice Tips, Lifestyles, and Departments. Within these four content areas, we selected seven regular columns as a sample of the magazine’s overall content. We analyzed data by using both quantitative methodology and narrative-textual critique. Although the sample is limited, the content contained in the articles verified that the *ABA Journal* does not reflect the policies of the ABA in promoting women’s participation and equal treatment in the profession.

2. Text

Content analysis provided more information for classification of images. We examined the text of the selected 1996 volumes to track how the *ABA Journal* portrayed female legal professionals. We applied

\[
\chi^2 = \sum \frac{(f_o - f_e)^2}{f_e}
\]

\[\chi^2 = 10.00, \ p < .002, \ 1 \ df.\] Please note that had we selected only images of attorneys and not included all images of people in the *ABA Journal* sample volumes, the difference would have been even greater.

35. See Tate & Clelland, supra note 33, at 37.

36. \[\chi^2 = 10.00, \ p < .002, \ 1 \ df.\] Please note that had we selected only images of attorneys and not included all images of people in the *ABA Journal* sample volumes, the difference would have been even greater.

37. For example, the January 1996 *ABA Journal* includes the following subject matter: Cover Story/Law Practice, Profile, Law & Media, Technology, International Relations, and Law Practice. In the April, 1996 *ABA Journal* the following appeared: Cover Story/International Law, The Justice System, Lifestyles, and Law Practice.

38. Generally, the regularly featured areas that appear are: 1) Substantive Law, which generally includes four columns: At Issue, Supreme Court Preview, Trends in the Law, and Focus (the Focus column sometimes appears under the second regular area); 2) Practice Tips (or Strategies): Litigation, In re Technology, Professional Liability, Solo Network; 3) Lifestyle: Out of the Office, Books, Your Finances; 4) Columns: (This is commonly the ABA communication part of the Journal) President’s Message, Executive Director’s Report, and Perspective, 5) Departments: Letters, Obiter Dicta, Index to Advertisers, New Products, Your ABA, Legal Mart, Classified Advertising, and 6) Developments (this includes short, usually one page or less, news-type stories about the law which change monthly).
traditional empirical methodology used by social scientists and classified women according to the following conceptual categories: Sex Object, Dependent on Men, Victim and Caregiver.39 These categories are used in several interdisciplinary studies.40 For example, a study of women in medical journal advertisements constructed categories of women as providers and consumers of health care.41 The study used function ranking by determining whether women were in subordinate occupational roles, how their role was portrayed, and whether they were engaged in gender-stereotypical behavior.42 To determine which category applied, the following factors were examined: how women were portrayed in the home, whether women were shown as dependent on men, whether women were shown as sexual objects and what the body language demonstrated.43 The categories used in these studies gave us a basis for analyzing the images in our study.

3. Discussion of Analytical Methods

Some feminist theorists have criticized data analysis that relies upon quantitative coding of images as being simplistic and dependent upon a patriarchal framework for its analysis.44 Likewise, content analysis has been attacked as limited by its examination of "an already existing framework."45 Cultural feminists have criticized the use of stereotypes that developed in a patriarchal system and are dependent upon that system's definitions. Yet, the adoption of different models that use esoteric jargon makes analysis and discussion inaccessible to everyone but the academic who studies such privately woven theories. Notwithstanding these criticisms of our chosen methodology, both quantitative and content analysis remain the primary tools for obtaining understandable and uniform data for analysis.

39. See, e.g., Demarest & Garner, supra note 4, at 357; Walters, supra note 4, at 59; Peirce, supra note 4, at 491; Kelly & Fisher, supra note 4, at 544; Bridge, supra note 4, at 1; Ferguson et al., supra note 4, at 40; Hawkins & Aber, supra note 4, at 233.
40. See, e.g., Demarest & Garner, supra note 4, at 357; Walters, supra note 4, at 59; Peirce, supra note 4, at 491; Kelly & Fisher, supra note 4, at 544; Bridge, supra note 4, at 1; Ferguson et al., supra note 4, at 40; Hawkins & Aber, supra note 4, at 233.
41. See Hawkins & Aber, supra note 4, at 235.
42. See id.
45. Walters, supra note 4, at 69.
III. WOMEN'S GRAPHIC IMAGES IN THE ABA JOURNAL


The ABA Journal failed to include images of women legal professionals in proportion to the current composition. In 1995, women comprised approximately 26% of attorneys,\(^46\) whereas, in the four 1995 volumes of the ABA Journal we studied, only 20% of attorney images were of women, and in the four 1996 volumes, women comprised 21% of the images of attorneys. The differences may become even more staggering as the number of female practicing attorneys increases. In 1997, the number of women in the profession rose to 26.6%.\(^47\)

Female members of law school faculty were also underrepresented. Women comprised 30% of full-time law school faculty at 179 law schools in the 1995-96 academic year.\(^48\) However, female law professors appeared in only 22% of the images of faculty in the four volumes from 1995 that we studied.

In our sample volumes, the ABA Journal demonstrated that women were also underrepresented as judges. In 1995, 17% of federal

46. See 1995 LABOR STATISTICS, supra note 21, at 172 tbl. 11.
47. See 1997 LABOR STATISTICS, supra note 21, at 175 tbl. 11.
48. See ASSOCIATION OF AM. LAW SCH., STATISTICAL REPORT ON LAW SCHOOL FACULTY AND CANDIDATES FOR LAW FACULTY POSITIONS 1995-96, tbl. 1A (1996). A statistical breakdown of female full-time law school faculty by tenure status is currently unavailable. A statistic that includes tenure-track and non-tenure-track positions generally, inflates the true number of the women on law faculty. The term tenure-track faculty refers to professors who are employed full-time, receive higher salaries, vote in faculty meetings on law school matters and qualify for travel grants and summer research awards. Non-tenure-track faculty refers to all other faculty: adjunct professors, clinical teachers, legal writing instructors and contract positions. These professors generally teach part or full-time, are paid less, and as a rule do not have full participation in the governance of the schools. Not surprisingly, in 1986-1987, women comprised 40% of non-tenured clinical law teachers and 68% of the contract legal writing instructors. See Richard H. Chused, The Hiring and Retention of Minorities and Women on American Law School Faculties, 137 U. PA. L. REV. 537, 557 (1988). Contract positions are for set terms of employment, specifying a set number of years. There is no commitment to lifetime employment as provided for in tenure-track positions. Additionally, the voting status in law school governance may be limited. See Marina Angel, Women in Legal Education: What It's Like to Be Part of a Perpetual First Wave or the Case of the Disappearing Women, 61 TEMP. L. REV. 799, 804 (1988). In 1988, it was reported that law school legal writing professors was a "growth" area. A survey of 149 law schools found that between the years of 1980-81 and 1986-87 legal writing positions grew by 114%. In contrast, during the same time period, women as tenured and tenure-track faculty grew by 8%. See Chused, supra, at 542, 552-53, 557. The reason is clear why women populate the ranks of non-tenure clinical law teaching: it is the least respected discipline in law schools. Clinical professors are generally responsible for the practical training courses for law students. Law school traditionalists (mostly male), have barely tolerated practical clinical teaching. Though clinical faculty are supposed to be treated similarly to tenure-track faculty, almost uniformly that is not the present condition. See Angel, supra, at 804.
judges were women; the percentage rose to 18% in 1996. In the 1995 sample volumes, the images of female judges accounted for only 12% of all images of judges. In the 1996 sample volumes, it initially appears that women are represented above the norm for judges since females comprised 28% of judge images. However, this is misleading because in the November 1996 volume, nine out of the twenty images of judges were of the same judge. Thus, in the volumes of the ABA Journal we examined and with respect to the three categories of the legal profession we studied, the ABA Journal did not present images of women in numbers proportionate to the numbers of women found in those categories in the general population. The number of women represented in the ABA Journal was insufficient.


Advertising is a powerful political and social tool. It serves as a vehicle of cultural communication, creating and transmitting cultural norms. Stereotypes of women in advertisements encourage society to think and speak of women primarily in the terms the advertisers present. Given the power of advertising to influence conceptual thinking, social scientists have examined advertisements to assess how women are depicted, and have postulated how these advertisements affect society. For example, studies of television images of women in the 1970s and 1980s showed that women were underrepresented, associated more with domesticity than paid employment, younger than men (but 49. See Equal Employment Opportunity and Dispute Resolution Branch, Administrative Office of the U.S. Courts tbl. 2 (1996). In 1996, women were 17% of federal circuit court judges, 20% of federal district court judges, 17% of federal bankruptcy judges, and 19% of federal full and part-time magistrates. See id. The National Center for State Courts did not collect statistics on the number of women state court judges for 1995 and 1996. They did collect statistics on the number of women justices serving on state courts of last resort in 1997. As of 1997, there are 71 women justices serving on state courts of last resort. See Information Service, National Ctr. for State Courts, Women Justices Serving on State Courts of Last Resort, 1997 (1997). While the number of women becoming judges increases, another phenomenon that has been seen in other professions is beginning to occur: men leaving the profession as women’s numbers increase and compensation and status decline. A number of experienced and highly qualified male judges have left the bench in favor of private judging. Private judging has taken hold in a number of jurisdictions. The private judging system, Judicial Arbitration & Mediation Services (JAMS), is considered more desirable. See Jean Guccione & Donna Prokop, Private Judging is Luring Many From the Bench, L.A. Daily J., July 27, 1989, at 1, 22. Private judges have smaller workloads and earn three times as much compensation as public sector judges. See Rudolph Loncke, The Trouble With Rent-A-Judging: The Thriving Private System is Eroding Faith in the Public Courts, L.A. Daily J., April 4, 1991, at 6. Currently women constitute seven percent of private judges within JAMS. See Telephone Interview with Sherrill Gratner, Assistant to the President, Judicial Arbitration and Mediation Center (Nov. 6, 1992). Although it is too soon to tell, this phenomenon may lead to a “two-track system” where women are concentrated within the lower status public judgeship positions, while men populate the more lucrative private judgships.
aging quickly), portrayed frequently as victims and identified by their relationships to men.\textsuperscript{50} Evidence suggests that advertisements reflect societal misperceptions and help sustain them, and that more responsible advertising could play a positive and beneficial role in helping to change them.\textsuperscript{51} Numerous other studies have shown that advertising's images portray women in stereotypical roles. Comprehensive studies of advertising in medical journals prompted us to use those studies to compare how advertising in the \textit{ABA Journal} advertising depicts women.

1. Medical Journals and Advertisements

A study of thirty-two major medical journals examining the images of women and men found that "women are typically portrayed as depressed, dependent, home-oriented, lacking in self-confidence and as sex objects."\textsuperscript{52} Men and women appeared in ads showing them suffering from stereotypical illnesses.\textsuperscript{53} Women were frequently pictured in tight-fitting clothing, while men were generally outfitted in loose-fitting clothing.\textsuperscript{54} Studies of medical advertising confirmed that gender bias may be one factor contributing to the differential treatment of women and men by physicians.\textsuperscript{55} Several studies showed a direct link between advertising in medical journals and physicians' practices of prescribing medication.\textsuperscript{56} Ads for psychotropic drugs featured women fifteen times more than men.\textsuperscript{57} Physicians were more likely to attribute women's symptoms to psychological or social problems,\textsuperscript{58} and women received more drug prescriptions.\textsuperscript{59} Moreover, women were less likely than men to receive invasive heart diagnostic procedures and treatment\textsuperscript{60} and were also less likely to be included in cardiovascular disease research.\textsuperscript{61}


\textsuperscript{53}See McCarthy, \textit{supra} note 52, at 20.

\textsuperscript{54}See id.

\textsuperscript{55}See Leppard, et al., \textit{supra} note 43, at 829.


\textsuperscript{57}See Leppard, et al., \textit{supra} note 43, at 831.

\textsuperscript{58}See Gender Disparities in Clinical Decision Making, 266 JAMA 559, 561 (1991).

\textsuperscript{59}See id. at 560.

\textsuperscript{60}See id.

\textsuperscript{61}See id. at 559.
Studies of images of women in advertising have demonstrated that women continue to be portrayed as sex objects, lacking ability and dependent on men, or as happy housewives, absent from the workforce. These studies raise serious concerns about the dehumanizing effects on women from being portrayed in these limited roles. These stereotypical images are not limited to medical journals. A substantial amount of sexism was found in advertisements carried in Ms. Magazine, a magazine that has an explicit commitment to non-stereotypical portrayals of women. During the first fifteen years of publication, Ms. Magazine ostensibly rejected advertisements for products that were harmful or insulting to women. Yet, upon close scrutiny, researchers found that Ms. Magazine's advertisements for alcoholic beverages, cigarettes, entertainment, automobiles and cosmetics frequently portrayed women in traditional sex roles. With such disturbing findings regarding women's images in advertising in other publications, we felt it was important to examine how women are portrayed in the advertising of the ABA Journal.

2. ABA Journal

To further promote gender equality, the ABA could adopt a policy that advertising in the ABA Journal be gender neutral. Because the ABA Journal directs readers to advertising in their Index to Advertisers, the ABA Journal should be particularly cognizant of the content of the advertisements they publish. We decided to examine advertisements for West and Lexis-Nexis because both are well-known companies that regularly advertise in the ABA Journal. Both companies advertise for the same type of electronic product and both use full-page, color ads. We compiled and coded fifty images portraying attorneys in West and Lexis-Nexis advertisements in the eight sample ABA Journal volumes for 1995 and 1996.

Women appeared in eighteen percent (9/50) and men in eighty-two percent (41/50) of the West and Lexis-Nexis advertisements. At first impression, it appears that the advertisements were gender neutral and adhered to the percentage of women and men attorneys in the general population, but closer examination showed otherwise. First, the most striking observation is that only two ads in our sample featured a woman attorney by herself, whereas there were seventeen ads that featured male attorneys alone. By only showing women with

62. McCarthy, supra note 52, at 20; Hawkins & Aber, supra note 4, at 240-41.
64. See Ferguson et al., supra note 4, at 40.
65. See id.
66. See id. at 44.
68. See supra note 32 and accompanying text.
69. See supra note 21 and accompanying text.
men, the advertisements perpetuate the stereotype that women are dependent on men.

Second, neither legal advertiser made any effort to compensate for media sexism. Instead, they mirrored the same gender bias that exists in the general media. Media studies show that women are portrayed as passive, as subordinate and in traditional sex roles.70 West had seven advertisements that displayed actual newspaper headlines and front-page stories with photographs from a variety of newspapers. These reproductions within West's ads maintained gender stereotypes and inequality that appeared in other media studies. The West ads specifically showed photographs of male world leaders, male sports figures, and female victims.71 The West ads, like their counterparts on the front page of newspapers, perpetuate an emphasis on men.72

The most frequent Lexis-Nexis advertisement we observed in the ABA Journal shows two male attorneys sitting at a computer terminal and a female attorney standing apart from them.73 Lexis-Nexis advertisements might simply reflect the fact that women are still a minority in the legal profession. However, featuring a woman with two men reinforces the stereotype of women's nominal status. Moreover, the grouping of the attorneys, in which the woman is standing while the men obstruct her view of the computer terminal, gives a message that

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70. See Bridge, supra note 4, at 1-3. Bridge notes that in 1996, the Women, Men and the Media study ("1996 Media Study") surveyed 20 major, medium, and small market newspapers. They found that only 15% of front page references were of women. Six percent of the front pages examined in the study carried no references to women, and 28 of 35 front pages in eight major market newspapers lacked references to women. "Less than one percent of the references in the front-page political stories were to females." Id. Women were rarely mentioned in political stories or business pages. See id. at 7 ("Women were pictured on average in 25% of the photos, and wrote 34% of the first-page business section stories. Of these pages, 13% had no female references, bylines, or photos. Yet women own nearly eight million businesses - about a third of the nation's companies." Id.). On the rare occasion when women were portrayed in the sports pages, they were generally shown as a sex symbol. However, none of the stories lacked male presence. See id.

General readership magazines also suffer from non-inclusion of women in political stories. See generally id. It is especially easy to overlook the paucity women portrayed and represented in publications that have female editors, writers, and staff and exhibit a liberal complexion. The New Yorker falls into this category. In the Special Politics Issue of The New Yorker, only two of 18 features were written by women. One of the two, on a "women's subject matter," (albeit, by an award winning female playwright) was a satire on First Ladies' fashion. See Wendy Wasserstein, First Ladies Get Dressed, NEW YORKER, Oct. 21 & 28, 1996, at 192. The other article, The Outsider, portrays women in the victim-sex symbol role. See Jane Mayer, The Outsider, NEW YORKER, Oct. 21 & 28, 1996, at 107. The article is about a liberal woman democrat who had a meteoric rise to fame serving two terms in the Oklahoma legislature but who abdicated her political career for her husband and kids. Now she has returned to conservative anti-political activism, to advocate term limits on Members of Congress.

the woman is dependent on the men for information. These images communicate that women are subordinate to the men in the legal profession.

IV. IMAGES WITH TEXT

Applying quantitative analysis alone provides an inadequate picture of women's images in the ABA Journal. It is necessary to examine the text and analyze its content to fully understand how women are portrayed in the ABA Journal. The results of the content analysis confirm prior quantitative analysis that women are underrepresented in the ABA Journal. Women do not appear at all in many feature articles, and when images of women are presented, the written text often presented women negatively and stereotypically.

Social scientists traditionally use three distinct categories in analyzing text. We followed this model in our study. We found that the ABA Journal's portrayal of women fell into three discernible and overlapping categories: A) Paucity of Women's Images and Authorship; B) Sex Objects, Dependency and Stereotyping; and C) Women Portrayed as Victims. These categories provided an analytical basis for examining the content of articles from the four 1996 sample volumes of the ABA Journal.

A. Paucity of Women's Images and Authorship

When we examined four 1996 volumes of the ABA Journal, we found that women were substantially underrepresented in images and authorship. Women were sometimes included as authors or subjects of articles, but they were portrayed in a stereotypical and negative manner. Below are several examples of the negative and stereotypical depictions of women found in the ABA Journal.

The regularly featured column, At Issue, presents two legal professionals with opposing viewpoints on a topic of popular interest. Located in the center of the magazine, the two-page layout presents the opposing positions accompanied by a photograph of each commentator. It seems that the commentators are invited participants rather

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74. For explanation of the method used, see discussion supra Part II.D.2.
75. See generally, Demarest & Garner, supra note 4; Walters, supra note 4; Peirce, supra note 4; Kelly & Fisher, supra note 4; BRIDGE, supra note 4; Ferguson et al., supra note 4; Hawkins & Aber, supra note 4.
76. The sample volumes were January, April, July, and November 1996.
77. Our findings that women are underrepresented in the ABA Journal are similar to the way women are underrepresented in the general media. See BRIDGE, supra note 4, at 3. The 1996 Media Study examined 20 newspapers, including large, medium and small geographical regions, and found that references to women in front-page news stories declined for the second year in a row. Women constituted only 15% of front-page references. See id.
78. Substantive Law is a regular area that generally consists of four columns: At Issue, Supreme Court Preview, Trends in the Law and Focus. The Focus column sometimes appears under another regular section called Practice Tips (or Strategies).
than ABA Journal staff reporters. Topics for the sample volumes are diverse, including: Alcoholic Lawyers (January 1996), The Flat Tax (April 1996), Universal Citation Systems (July 1996), and Equality (November 1996).79

The At Issue section of the ABA Journal utterly lacked female participation. None of the four sample volumes featured female commentators. The July 1996 At Issue column discussed a change to a universal citation system. The ABA Journal featured the opposing viewpoints of a male law professor/librarian, Robert C. Berring from the University of California at Berkeley, Boalt Hall, and Gary Sherman, a lawyer and past President of the State Bar of Wisconsin. Because females constitute forty-six percent of head librarians, the ABA Journal would have had little difficulty finding a qualified woman to serve as a commentator.80 However, no female commentator was featured in the article.

Another section that regularly appears in the ABA Journal is Practice Tips.81 It includes five columns: Litigation, In re Technology, Professional Liability, Solo Network, and Focus. In the volumes we examined, only two of these columns, Focus and Solo Network, had female authors. The four articles in Focus were authored by two males and two females, but all of the images in these four articles were of men.82

Although Solo Network had four articles authored by two different female authors, the articles did not depict positive images of female attorneys.83 For example, Married ... With Clients, subtitled Working with a spouse takes effort, but results in greater rewards, written by Barbara Morgenstern, is about practicing law with a spouse.84 Spouse-partner Rodd Hamman declared he could not imagine living what he considers to be the dreary routine many working couples endure — leaving each other early in the morning and not uniting until evening.85 Yet, the


80. See Association of Am. Law Sch., supra note 48, at tbl. 1A. The American Association of Law Schools and ABA do not have statistics on the total number of women law librarians.

81. This section is sometimes labeled Practice Strategies.


84. Morgenstern, Married, supra note 83, at 86.

85. See id.
author discreetly preserves Mr. Hamman's independent, masculine identity by referencing Mr. Hamman's separate interests, including taking hunting trips and playing basketball each noon. The author did not provide any correlating independent interests of Hamman's wife. Thus, the author presents the husband as being more independent and well-rounded than his wife.

In another article, Ms. Morgenstern also reported on another couple, a female psychotherapist and a male solo practitioner, who present a program about legal practice and stress. This article focuses on lawyers' ability to limit their billable hours and maintain more balanced lives. The title, Getting a Life You Like and its subtitle, Noted author and therapist lecture on balancing personal and work goals, suggest the article is about the couple's personal life. Moreover, the photograph, which resembles a wedding portrait, and the caption under the photograph, "Traveling Team," contribute to the erroneous impression that the article concerns marriage. By including articles that focus on women and marriage, the ABA Journal fosters the stereotype of women as wives and mothers, instead of as active participants in the legal profession.

Two other articles in Solo Network focus on female attorneys but portray them with males. Golden Rule of Parting Ways, also authored by Barbara Morgenstern, is about how a female attorney manages the employees in her two-lawyer firm. She advises that, with proper planning, one can maintain good employee relationships. Notwithstanding the textual focus on this female lawyer, the story is illustrated by a drawing of two black-suited males which gives the impression that the article is about male attorneys. The fourth article, Just Say No to Problem Clients, is about standing tough on selecting new clients and is also accompanied by a photograph of the male attorney discussed in the text.

Lifestyle is the third section of the ABA Journal we studied. We examined two of the featured columns from Lifestyle: Out of the Office and Books. In Out of the Office, three out of the four articles were written by a female author. These authors are listed as regular contribu-
tors. All of the Books reviews were written by the same male author. In both of the columns we examined from this section, women fared poorly in quantitative images and the text contained gender stereotyping.

Out of the Office is a column which discusses attorneys’ activities during their time away from the office. The four sample volumes from 1996 principally featured male attorneys. The first article, The Blues Personified, is about a male lawyer who is a blues guitarist. Similarly, two male lawyers who perform as actors, are featured in the column Caught in the Act. Finally, Picture This features three male lawyers who are photographers in their spare time. The only image of a woman in the four 1996 sample volumes we examined appears in the April 1996 column, Happy Trails to You. One female lawyer is pictured horseback riding with three males. While the female equestrian instructor-lawyer is mentioned in the article, only the males were profiled.

In Books, women appeared in the text somewhat more frequently. Female authors wrote two of the five books reviewed in the ABA Journal volumes we examined. Nevertheless, stereotypes still persisted. For example, by reviewing the book The Trouble with Blame: Victims, Perpetrators and Responsibility, the ABA Journal reinforced the negative image of women as victims.

Who’s News is an entertaining monthly human-interest column that profiles attorneys engaged in newsworthy activity. Each month,

96. It appears that the only solicited writing from the public are letters to the editor and one page commentaries for the perspective column. See How to Reach the A.B.A. Journal and the American Bar Association, A.B.A. J., Apr. 1996, at 6.


98. See Schachner Chanen, Blues, supra note 95, at 87.

99. Jefferson, supra note 95, at 86.

100. Schachner Chanen, Picture, supra note 95, at 92.

101. Schachner Chanen, Happy Trails, supra note 95, at 96.

102. See id.

103. See id.

104. See, e.g., Reidinger, Free Speech, supra note 97, at 88; Reidinger, Victim, supra note 97, at 98.

105. Reidinger, Victim, supra note 97, at 98.
the column recognizes an attorney who has won a prominent case with a small tribute and photograph.\textsuperscript{106} In the four 1996 volumes we examined, the \textit{ABA Journal} did not profile any female attorneys.\textsuperscript{107} Although it is possible female attorneys had not litigated prominent cases during our sample period, given the increasing number of successful female attorneys within the profession, it seems unlikely that a woman was not worthy of being showcased.

B. \textit{Sex Objects, Dependency and Stereotyping}

Media and advertisements continue to depict women as alluring sex objects and place them in subordinate and decorative roles with respect to men.\textsuperscript{108} Likewise, we found that the \textit{ABA Journal} uses gender-stereotypical images and stories. Frequently, the \textit{ABA Journal} classified women as dependent, as objects of satire and as sex objects. This portrayal of women is comparable to the disturbing observations made in studies of women's representation in the general media.\textsuperscript{109}

We found that, in the four 1996 volumes we surveyed, the column \textit{Obiter Dicta} repeatedly portrayed women as sex objects. This column is clearly intended to entertain the readers with humorous and amusing vignettes about legal professionals. However, much of the humor is conducted at the expense of women and is therefore inappropriate as material in a professional journal.

In the January 1996 \textit{Obiter Dicta} column, there is an anecdote about a sexy, female attorney who uses provocative advertisements in trade papers to attract mortgage-banking clients.\textsuperscript{110} In the article, attorney Rosalie Osias defends using her sexuality to attract business.\textsuperscript{111} "'Women should use their assets to manipulate men,' she explains. Before placing the ads, she closed about five loans a week. Now, Osias claims, her practice closes between five and forty-five loans a week."\textsuperscript{112}


\textsuperscript{108} See supra Part III.B.

\textsuperscript{109} See generally Demarest & Garner, supra note 4; Walters, supra note 4; Peirce, supra note 4; Kelly & Fisher, supra note 4; BRIDGE, supra note 4; Ferguson et. al., supra note 4; Hawkins & Aber, supra note 4.


\textsuperscript{111} See id.

\textsuperscript{112} Id.
Additionally, the article features a photograph of this blond female attorney, displaying her naked leg from thigh to her high-heeled shoe while sprawled across a desk, law books behind her, as she provocatively chews on a pencil.\(^{113}\) The title of the story, *Blond Ambition: Leggy Lawyer Poses, Profits*, is accompanied by a caption under the photograph, "Rosalie Osias lays down the law in her practice."\(^{114}\) This article not only seeks to highlight how women use sex for profit, but the caption uses a double entendre, intimating that this female attorney trades sex for business. Both attempts at humor are inappropriate in a professional journal.

In April 1996, *Obiter Dicta* again uses offensive humor in the text of the article. *Sheer Determination*, subtitled *Woman Takes On Lingerie Seller*, ostensibly relates a vignette about a female lawyer who filed a class action lawsuit claiming a RICO violation against Victoria’s Secret lingerie for the company’s inconsistent coupon offers.\(^{115}\) The *ABA Journal* describes the plaintiffs’ claim: “What gets her undies in a knot, though, are the company’s inconsistent coupon offers.”\(^{116}\) The pun used by the *ABA Journal* degrades the cause of action and promotes a negative sex-object stereotype of women.

The July 1996 *Obiter Dicta* includes an article entitled *All Fame, No Gain: Topless Cafe Ad Draws Lawsuit*.\(^{117}\) It is about a female college student’s lawsuit for unauthorized use of her likeness.\(^{118}\) She was a dancer for a central Florida restaurant called Cafe Risqué whose likeness was used on billboards advertising the cafe.\(^{119}\) Her lawsuit claimed that displaying her photograph on a billboard advertising the topless cafe violated her privacy.\(^{120}\) The article is accompanied by a photograph of the billboard showing the plaintiff in a provocative pose, with semi-exposed breasts and the billboard message “STOP! DON’T MISS IT! WORLD FAMOUS CAFE RISQUÉ.”\(^{121}\) The caption, “[t]his likeness makes Anglin feel overexposed,”\(^{122}\) obviously refers to the plaintiff’s skimpy blouse that barely covers her breasts. The *ABA Journal* unnecessarily printed a photograph of the billboard. Moreover, the *ABA Journal*’s use of sexual language and the photograph was unprofessional and offensive.

*So They Say*, another column in the November 1996 volume of the *ABA Journal*, also provides inappropriate sexual humor. *Womanly Wisdom* is a sketch about a female common pleas judge from Ohio.\(^{123}\)}
The female judge advised a woman, who pled guilty to credit card fraud, to dump her boyfriend. The accompanying cartoon shows the judge pulling her robe up to show her leg. She is quoted saying, "Men are easy. You can go sit in the bus stop, put on a short skirt, cross your legs and pick up twenty-five. Ten of them will give you their money." The ABA Journal inappropriately focused on women's sexual manipulation of men. Moreover, the inclusion of a cartoon depicting a judge in a sexual position is disrespectful to female judges and contributes to gender bias and discrimination within the profession.

The January 1996 volume contains an equally disturbing story, Good Sport, appearing in the column, So They Say. This tale concerns a male Nobel Prize winner who has been ordered to turn over half of his award to his ex-wife as part of their divorce settlement. The article quotes the client, who states, "[a] deal is a deal." The article implies that there is something wrong with the settlement, again intimating a negative image of women, instead of emphasizing that under the law women are entitled to such a settlement.

This article is followed by a story about a female Los Angeles court reporter who helped compile 48,000 pages of testimony in the O. J. Simpson trial. She is quoted complaining that "it was sometimes hard to get up in the morning and go to work." The commentary on the overwhelming workload in the Simpson case easily could have portrayed the woman as a diligent employee, but instead cast her in a negative light, suggesting that she lacked motivation.

Another tale of questionable integrity, Yes, Dear, is about a female juror who was on the same jury panel as her husband. The ABA Journal relates that the juror's husband rose to make a statement, to which she responded by instructing him to sit down. A cartoon accompanying the vignette shows her aggressively and rudely addressing her husband, "Jim, sit down." By showing the wife influencing her husband's decision by her forceful tone rather than through reasoning, the article reinforces the stereotype that women's power flows from their manipulation of men's behavior.

While these stories are truly harmful by themselves, their cumulative result forcefully perpetuates stereotypical and negative images of
women within the legal profession. This is particularly true when other articles and images do little to portray women in a professional manner.

Portraying women as dependent upon men is another way the ABA Journal presents women negatively. This is evident by the fact that, although three prominent articles in the January 1996 volume are about women, in each article the woman is shown or discussed in relation to at least one man. The first article, *Marriage Traps in the Workplace*, is about how marriage and work are not a successful combination. The article is accompanied by a photograph that resembles a wedding portrait. The second article is *Married with Clients*. Both articles discuss female attorneys in their roles as wives, rather than focusing on them as attorneys. The third article, *Lawyers Advise Implant Clients to Reject Offer*, is about a woman who won a judgment for damages in litigation involving breast implants. The United States district court judge, a male, is shown in a prominent photograph, and the female client and her husband are pictured in an insert.

These articles and photographs are not by themselves objectionable. Our criticism is not that there are no articles that feature women as professionals, or that there are no pictures of a woman by herself to accompany feature articles. Rather, our point is that these articles, when viewed as a whole, suggest that women are dependent. This promotes women in traditional, stereotypical roles, rather than as competent, independent members of the legal profession.

C. Women Portrayed As Victims

The newspaper media often portray women as victims. Stories about female victims of crime or disaster were predominant on the front and first local pages of most newspapers examined in the 1996 Media Study. More than half of the time women were mentioned in newspapers, they were victims or accused of misconduct. In the four 1996 volumes we studied, the ABA Journal did not differ substantially.

The ABA Journal made a laudable effort to focus on the issue of domestic violence in the July 1996 volume. The cover story, *Nobody's Victim*, is a biographical profile of Sarah Buel, a woman who was once

137. See id.
140. See id.
141. See Bridge *supra* note 4, at 5 ("For example, more than half of the front-page references to females in the Houston Chronicle in February, 1996 were to victims who were accused of wrongdoing.").
142. See id. at 1.
a victim of domestic violence, and who later attended Harvard, and became a prosecutor specializing in domestic violence. The story serves as a vehicle to introduce court and police domestic violence programs in other jurisdictions.

This article is objectionable because the text and subtext appearing under the photographs of Ms. Buel focus on her role as a victim. The cover photograph appears with the subtitle, Standing Strong, followed by subtext, "Nineteen years ago, Sarah Buel was a victim of domestic violence. Today she is a prosecutor and nobody's victim. How the war on spouse abuse is being fought and won." The caption reads, "Sarah Buel left an abusive partner to save her life. Since then, she's been saving others." The repeated references to the domestic violence suffered by Ms. Buel leave a strong impression on the reader's mind of Ms. Buel as a victim.

The reader's perception of Ms. Buel as a victim is reinforced by the phrases and adjectives chosen by the author to describe her: "Buel, 42, a petite, blond-haired woman who looks like a grown-up version of the storybook heroine Heidi" and "her voice is soft, but her face is incandescent as she looks off into the distance." By beginning another paragraph, "Once upon a time," the ABA Journal belittles Buel's strength and courage by making references to children's fairy tales. Although it may serve to educate the legal community that domestic violence affects women from all socioeconomic, cultural, and professional backgrounds, the article goes on to inappropriately discuss her physical attributes. Other professionals in the article do not have their physical attributes described besides Sarah Buel, nor is anyone else's marriage status discussed.

The article includes an insert about a Duluth, Minnesota domestic violence program whose police chief is described as taking "an important step . . . to impose a mandatory arrest policy." Interestingly, an insert photograph of Michael Payar, a coordinator of an educational resource group, and a face shot of a woman appear under the title, Organizing an Anti-Violence Offensive. The prosecutor in San Diego appears under the title Prosecuting Without the Witness. But the photograph of Sarah Buel appears under the title Nobody's Victim, and a photograph of Debbie Allen, a lieutenant in the Seattle Police Department, appears under another victim title, Tipping the

143. See Goldberg, supra note 12, at 48, front cover.
144. See id.
145. Id.
146. Id.
147. Id.
148. Id.
149. Id. at 49.
150. Id.
151. Id.
152. Id. at 50.
153. Id. at 48.
Scales in Favor of Victims. Thus, the article portrays both women as victims, whereas the men are portrayed as competent professionals.

At first, the November 1996 volume of the ABA Journal appears to feature a number of women in prominent positions who have triumphed over personal crises. Penny White, a justice on the Tennessee Supreme Court, appeared on the cover advertising a featured article in the ABA Journal. The article, Taking Aim, is about political attacks on judges because of their decisions. Justice White ordered a new death-sentencing hearing for a convicted murderer. Two months later, after a number of groups professed outrage at her decision, Justice White was voted out of office at a regularly scheduled retention election.

Although it is commendable for the ABA Journal to put a female judge on the cover, to profile her in a feature story, and to include more women judges in this volume of the ABA Journal than in any other, Justice White is portrayed as a victim. The front page caption reads, "Justice Denied. Partisans took aim at Penny White on the Tennessee Supreme Court because of one vote. She is not alone." As the article relates, she was unseated because of "the personal tone of attacks." Instead of emphasizing Justice White's dedication to deeply-held beliefs, the article suggests that by being voted out of office, Justice White was inadequately performing her job. It isn't comforting to discover that the article includes attacks on male judges.

The ABA Journal's articles on Justice Penny White and Sarah Buel repeat the media's common pattern of portraying women negatively. The 1996 Media Study confirmed that "[w]hen females were covered on key pages as the main figure of a story, more than half were victims or perpetrators of crimes or alleged misconduct, rather than as persons of accomplishment and achievement."

In the November 1996 volume, women are featured as managing partners in the article, From Outsider to Insider. The article is about law firms that are appointing women as managing partners. This is a welcome change from the "glass ceiling" articles reporting that women were not becoming partners in law firms; however, the article focuses on the traditional stereotypical roles of women. First, the article explains that the job of managing partner is not as satisfying or...
powerful as it once was (when it was solely a male bastion).\footnote{165} Then, the article shows how women’s experiences in motherhood aid them in their new positions as managing partners.\footnote{166}

The focus on the decrease in power accompanying managing partner status is evident from a photograph advertising the story in the table of contents which appears with the caption, “Former managing partner Karen Randall.”\footnote{167} Yet, we later learn in a second photograph and the last paragraph of the article, that Ms. Randall is now chief counsel for MCA, Inc., the corporate parent of an entertainment conglomerate that includes Universal Studios.\footnote{168} The message is further reinforced explicitly by the comment that “the position [of managing partner] isn’t nearly as powerful as it was when it was held by a man.”\footnote{169}

The article’s second focus is on women’s roles as mothers. Instead of using a caption that credits her role in the legal profession, the authors reference Randall’s role as mother. The caption reads: “Karen Randall of entertainment conglomerate MCA, Inc. says motherhood improves women’s ability to handle difficult personalities — important when managing a law firm.”\footnote{170} Moreover, another female managing partner is quoted stating, “[m]ost women managing partners must struggle to balance the additional responsibility of the job, with the stress of a practice and family life.”\footnote{171} Still another female managing partner took on part-time status so she would not feel guilty when she left the office.\footnote{172} Finally, other female partners dealt with their “family stress by hiring nannies.”\footnote{173} We are provided with information on the number of children and the marital status of one more female managing partner.\footnote{174} Plainly, the tenor of the article visibly and textually belittles the importance of women achieving partnership status.

What could have been a dynamic article showing women in positions of professional competency and strength succumbed to relying on a stereotypical sexist approach. The underlying attitudes of the author of From Outsider to Insider are reminiscent of those expressed by United States Supreme Court Justice Bradley, in Bradwell v. Illinois,\footnote{175} “The natural and proper timidity and delicacy which belongs to the

\begin{itemize}
\item \footnote{165} See id.
\item \footnote{166} See id.
\item \footnote{167} Id. at 26.
\item \footnote{168} See id. at 24.
\item \footnote{169} Id.
\item \footnote{170} Id.
\item \footnote{171} Id. at 25.
\item \footnote{172} See id.
\item \footnote{173} Id.
\item \footnote{174} See id.
\item \footnote{175} Bradwell v. Illinois, 83 U.S. (16 Wall.) 130, 139 (1869) (Bradley, J., concurring) (denying Myra Bradwell admission to the Illinois bar because she was a woman).
\end{itemize}
female sex evidently unfits it for many of the occupations of civil life . . . [A]s in the nature of things . . . the domestic sphere . . . properly belongs to the domain and functions of womanhood.\

The unprofessional images of women presented in the ABA Journal undermine women's authority and competence as lawyers, judges and law professors. The message presented in these examples is certainly not a professional one. Professors Joellen Hawkins and Cynthia Aber found that women in advertisements in medical journals are caricatured twice as often as men, and are frequently portrayed naked or in a nearly naked position. These caricatures are contrary to promoting equality because “[s]exual ideal is an image that connotes powerless[ness].” Portraying women in a professional journal in a salacious manner sends essentially the same message as publication of pictures of women in swimwear in beer commercials: women are sex objects, instead of thinking human beings.

V. CONCLUSION

We began our analysis of the ABA Journal by asking whether the ABA Journal reflects the ABA’s official policy of promoting gender equality in the legal profession. We found that women lawyers, law professors and judges are represented in fewer numbers in the ABA Journal than they are found in the legal profession. We concluded that the images of women we examined in the ABA Journal assigned women to traditional sex roles and often portrayed women negatively, as passive or dependent upon their male counterparts. By underrepresenting women and by showing them in traditional roles, the ABA Journal signals to its readers that women are not equally valuable in the profession. For example, when women attorneys were pictured, the ABA Journal tended to show them in less active poses than male attorneys. Moreover, women attorneys were portrayed as dependent

176. Id. at 141.
177. See Hawkins & Aber, supra note 4, at 237.
179. See Hall & Crum, supra note 63, at 334-35. The majority of women appearing in beer commercials are shown in leisure wear or swimwear. The number of camera shots of their bodies is greater than men. There was a 49% chance that a commercial contained at least one camera shot focusing on a women’s chest but for men, it was only 24%. See id. at 334. Overall the “body-isms” of women were greater than men. These chest, leg, buttock and crotch shots increased the stereotypes and images that women are “bodies” rather than “somebody’s” (personalities). Id. at 334.

It is not that men are responsible for these swimsuit images. The editor of the Swimsuit edition of Sports Illustrated, Ms. Jule Campbell, left the publication after 32 years to “turn her attention to a swimsuit calendar and desk diary.” Nadine Brozan, Editor is Leaving 32 Years of Swimsuits, N.Y. Times, Jan. 24, 1996, at B5.

180. See generally Jennifer L. Pierce, Gender Trials: Emotional Lives in Contemporary Law Firms (1996). The author, a graduate student in sociology at the time, spent 15 months in law firms ostensibly as a paralegal, but in fact covertly researched the dimensions of sexism.
upon men and as more concerned with issues of family and gender. Through its examples, the *ABA Journal* gives the message that women are subordinate in the profession.

Women are portrayed in traditional roles in the media; studies of the media demonstrate the endurance and impact of these stereotypes. Merely presenting additional images of women is only part of the commitment to promote women's full and equal participation in the legal profession. Images projecting negative icons harm the profession and are intolerable.

"The media is a powerful transmitter of social and cultural norms. The mass media performs two tasks at once. First, with some cultural lag, it reflects dominant values and attitudes in society. Second, it acts as an agent of socialization."¹⁸¹ The media reflects a society in which women are devalued and reinforces existing gender-stereotyped roles. To defend their portrayals of women, the media and advertisers claim that such private interests merely reflect their audience or consumer interests and that economic restraints bind them to mirror such perceptions. This is not acceptable.

The *ABA Journal's* images and text largely reflect the same media stereotypes. The ABA has a self-proclaimed duty to inform all parts of the legal profession.¹⁸² The *ABA Journal* should use its influence in the legal profession to destroy traditional gender stereotypes, rather than participating in such ignominy against women.

We have seen that there are a myriad of ways in which our culture perpetuates and reproduces sexist and male dominant structures within society. Stereotypes are powerful and effective because they are based to some degree on experience and structurally reinforce forms of oppression within society. Stereotypes survive by undergoing change and reappearing in different and, often, more subtle forms. The legal profession has a long history of gender discrimination that will not be easily overcome. Both men and women perpetuate gender discriminatory practices in the legal profession. Surprisingly, women in positions of authority, such as an editor at the *ABA Journal*, participate in the reproduction of the stereotypes that place women in subordinate positions.

Although we believe that the *ABA Journal* does not have intentional malice toward women, they are ignoring their commitment to gender equality. The ways in which women are represented in the *ABA Journal* affect how women are perceived and treated in the profession. When women are displayed in a demeaning manner, women will more likely be treated as subordinate to men and forced to work even harder to overcome the negative stereotypes.¹⁸³

¹⁸¹. *Symbolic Annihilation*, supra note 51, at 37. See also *Rhode*, supra note 2 at 686.
The images we analyzed in the *ABA Journal* perpetuate and reinforce sexism in the legal profession. The *ABA Journal* must implement both quantitative and qualitative changes. Women should be represented more often in images in the *ABA Journal*, and those representations should show women in independent and positive professional roles. The *ABA Journal* must take the lead in dismantling sexism in the legal profession by presenting and promoting positive images of female attorneys.