



## They Wore What?!: The Expectations and Costs of Covering Identities

### ARTICLES & RESOURCES

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- Vanessa Weaver, *Uncovering Your Authentic Self*, Diversity Best Practices, available at <https://www.diversitybestpractices.com/news-articles/uncovering-your-authentic-self> (May 26, 2015).
- “Kenji Yoshino: Diversity Does Not Mean Having to Choose Between Identity and Inclusion,” Big Think, at <https://www.youtube.com/watch?v=9ii1LUMKiJ4> (Nov. 10, 2014).
- Dr. Christie Smith & Kenji Yoshino, *Fear of Being Different Stifles Talent*, Harvard Business Review, March 2014, available at <https://hbr.org/2014/03/fear-of-being-different-stifles-talent>.
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## **They Wore What?!: Hypotheticals**

### Hypo 1 - The Law School Experience

Janelle is an African-American woman who was first in her family to graduate from college and attend law school. She spent her undergraduate career at a Historically Black College and University, and is now a 1L at the T-14, predominantly white institution, in which you work as a career counselor. You have developed a healthy and honest relationship with Janelle since her first visit to your office in October. Over the last few months, she has come to you not just for career advice, but also academic and sometimes (to a lesser extent) relationship advice. It is near the end of February, and Janelle has been attending various law firm events, including a driving range outing, a professional hockey game, and a reception held at the newest, upscale, sushi restaurant in town. Janelle has never doubted for a second that the law firm world was for her, but she is now in your office with a distraught look on her face. She tells you that her favorite professor, who happens to be the only Black faculty member at the law school, told her that she needs to “adapt better” to “law firm culture.” She had confided in him that she sometimes feels like people stare at her when she wears her hair natural; she also had an embarrassing moment at the sushi restaurant when she saw an attorney wearing her sorority’s pin, and when she “called out” to her everyone turned and looked at her in bewilderment, including the attorney wearing the pin, which turned out to just be a brooch. Janelle wants to know if her professor’s advice is good or not, and whether she should start straightening her hair.

### Hypo 2 - The Law Firm Experience

Farhana is a Muslim American of South Asian origin. She is a junior associate at an AmLaw 100 firm in an office in the Midwest. Since college, Farhana has worn a hijab (headscarf) and prays five times a day. However, in the current political climate and as a junior associate at a big law firm, she feels uncomfortable about her Muslim identity. Farhana has an office with glass walls and does not feel comfortable praying where everyone can see her. There is a small miscellaneous room that she has been using, but she is worried about drawing attention if she frequently visits this room. On Fridays at noon, she visits a local mosque for prayers and logs off for an hour. In her first year at the firm, she observes that she is not getting as many growth opportunities as her colleagues and she thinks it may be because the partners do not think she is presentable to clients. In her first review, the formal feedback is positive; however, the senior attorney informally discloses to Farhana that she is perceived as being too often unavailable because she is attending religious activities. She wants advice on whether she should stop wearing hijab, no longer pray while at the office, and no longer attend Friday prayers, as she believes this may help her avoid unnecessary attention and receive better work opportunities.



### **They Wore What?!: Hypotheticals (Continued)**

#### **Hypo 3 - The Law Firm Social Setting Experience**

Casey is a senior associate at a large law firm. She has worked incredibly hard with three consecutive years of more than 2,200 billable hours annually and believes she is close to receiving a partnership call. She is lesbian and while her sexual identity is known to her employer and her colleagues, she does not frequently discuss it. Casey has been with her partner, Joanne, for over a decade; however, Casey does not discuss Joanne at work, does not have any photos of Joanne in her office, and does not bring Joanne to any firm events. Casey is planning to attend the office retreat, which she believes will be an important opportunity to network with partners regarding her promotional opportunity. Joanne would like to attend the retreat with Casey, but Casey is reluctant to bring her. She fears that bringing Joanne will draw attention away from the discussion she wants to have about her partnership prospects and it will raise questions about why Casey has never shared information about Joanne after all these years. She wants advice on whether to bring Joanne and, if so, how she should handle questions about their relationship, while trying to keep the attention on her career prospects.

#### **Hypo 4 - The Recruiting Experience**

J.R. is nonbinary (they do not identify as either male or female). J.R., when most comfortable, wears clothing that is a mix of “traditionally” male and female - heels with slacks and blazers, makeup with ties. J.R. was encouraged to “pick a gender” when interviewing for 1L summer positions and did so: taking off their nail polish, wearing loafers, a pants-suit and tie, and not accessorizing. J.R. felt awkward in their interviews, and ended up getting turned down by most employers, even with three years of pre-law experience in a relevant field and a 3.8 GPA. For 2L summer recruitment, J.R. once again “picked” and dressed in conventional “male” clothing. J.R. was hired by a law firm with a robust “LGBT Affinity Group” and hoped that they’d be able to get support once starting. During onboarding, J.R. told HR that they are nonbinary and HR seemed receptive, but ultimately did nothing supportive. J.R. didn’t push back, out of a fear of not getting a return offer, and hoped to find support through the LGBT Affinity Group. J.R.’s assigned mentor (an out gay man) told J.R. to “fit in” better if they wanted to get an offer. J.R. enjoyed the work, but was constantly worried that someone would question their gender and spent hours and money they didn’t really have trying to create a wardrobe that would “tone it down” while still feeling genuine to their identity. J.R. received a positive mid-summer evaluation, repeat work from partners, and put in longer hours, producing more work-product than the other summers on their team. J.R. was thus stunned when they were the only summer associate no-offered at the end of the summer.