

# STILL BROKEN

FULL REPORT

SEXUAL HARASSMENT AND  
MISCONDUCT IN THE LEGAL  
PROFESSION A NATIONAL STUDY



WOMEN LAWYERS ON GUARD

**Women Lawyers On Guard Inc.** (WLG), a 501 (c)(3) tax-exempt organization, is a national network of women and men harnessing the power of the law to protect and defend equality, justice and equal opportunity for all. We match volunteers with the legal needs of other non-profits that share our mission, sign onto amicus briefs, and work to address sexual misconduct and harassment, women's health, gender pay equity, and other salient issues in the legal profession or impacting women and families.

**Women Lawyers On Guard Action Network, Inc.**, a 501 (c)(4) tax-exempt organization, actively advocates in support of its mission, particularly on issues impacting women, lawyers and families.

**Nextions LLC** is a leading consulting and research firm for innovative leadership and inclusion solutions in the workplace. It develops presentations, workshops, and keynote addresses using cutting edge research developed in-house, as well as research produced through other organizations, providing a unique experience that is tailored to each organization's particular needs.

***Dedicated to those persons who have spoken up,  
those who can't, those who have endured,  
and those who are enduring.***

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- **The Boards of Directors of WLG and Women Lawyers On Guard Action Network, Inc.**
- **JS Plank & DM DiCarlo Family Foundation**
- **Disseminators of the Survey:** Members and Friends of WLG and the following organizations\*

## State and Local Bar Associations (alphabetical by state)

Women Lawyers Section–Birmingham Bar Association  
Anchorage Association of Women Lawyers  
Arizona Women Lawyers Association  
Lawyers Club of San Diego  
Women Lawyers of Sacramento  
California Women Lawyers  
Florida Association for Women Lawyers  
Hawaii Women Lawyers  
Idaho Women Lawyers  
Women’s Bar Association of Illinois  
Polk County (Iowa) Women Attorneys  
Kansas Women Attorneys Association  
Wichita Women Attorneys Association  
Women Lawyers Association of Jefferson County (Kentucky)  
Women’s Bar Association of Massachusetts  
Women Lawyers Association of Michigan  
Minnesota Women Lawyers  
Mississippi Women Lawyers Association  
Northern Nevada Women Lawyers Association

New Hampshire Women’s Bar Association  
Women in Law Section, New York State Bar Association  
New York City Recruitment Association (NYCRA)  
North Carolina Association of Women Attorneys  
Ohio Women’s Bar Association  
Rhode Island Women’s Bar Association  
South Carolina Women Lawyers Association  
Young Lawyers Section; State Bar of South Dakota  
Houston Association of Women Lawyers  
Texas Women Lawyers  
Women Lawyers of Utah  
Washington Women Lawyers  
Washington State Supreme Court Gender and Justice Commission  
Association for Women Lawyers (Wisconsin)  
Women’s Bar Association of the District of Columbia  
Hispanic Bar Association–District of Columbia

## National Groups

ALPS  
Boss Lady, Esq.  
Empowering Women in Law Leadership  
Fearless Women's Network  
Girl Attorney  
International Bar Association  
JAMS  
Law Mamas  
Law School Memes for Edgy T14s  
Lawyer Moms of America  
Military Spouse JD Network  
Mothers Esquire

Ms. Esquire  
National Association for Law Placement (NALP)  
National Association of Women Judges  
National Association of Women Lawyers  
National Bar Association  
National Conference of Women's Bar Associations  
National Personal Injury Lawyers Association  
Perfectly Paralegal  
Professional Development Consortium  
The Purple Campaign  
Women in Law-UTexas List Serve  
Women Owned Law

\*If other organizations also sent the Survey to their members/networks, thank you! and please send an email to [camron@womenlawyersonguard.org](mailto:camron@womenlawyersonguard.org) to be added to our list.

- **Report Contributors:**

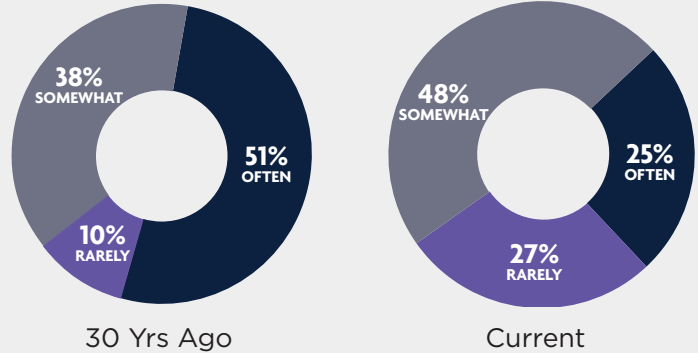
Design and Art Direction: Debra Witt  
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Charts and Graphs: Deborah P. Oremland  
Communications Advisor: Ryan B. Oremland

# SURVEY AT A GLANCE\*

Women Lawyers On Guard's *Still Broken: Sexual Harassment and Misconduct in the Legal Profession*, a report on its national Survey, reflects significant, current evidence of sexual misconduct and harassment. The system of addressing sexual harassment in the legal profession is "still broken."

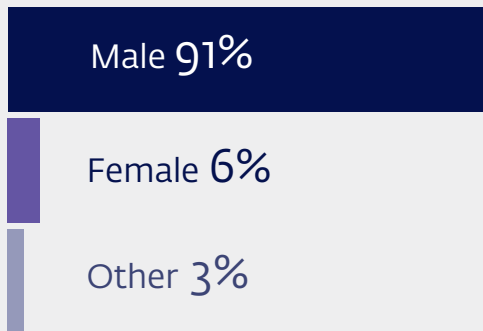
## Culture

By Frequency of Harassment  
30 Years Ago and Current



## Harasser

Gender



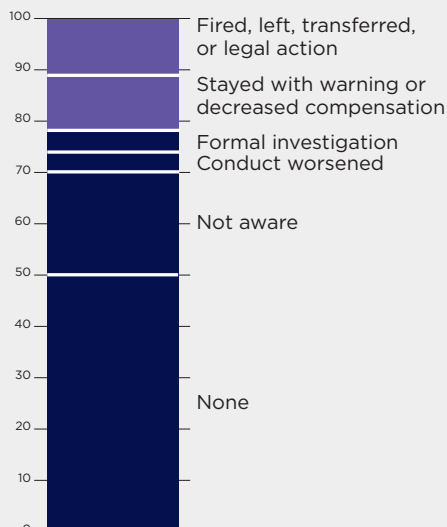
## Respondents Direct Experience

By Gender



## Harasser

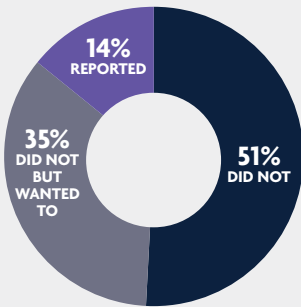
Consequences



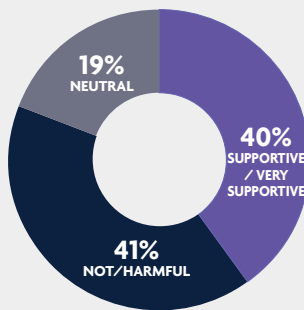
**Culture**  
By Behavior  
Current

Sexual Ridicule  
Direct or Indirect Threats/Bribes  
Sexualized Name-Calling  
Displays of Explicit Materials  
Unwanted Requests for Dates  
Unwanted Communications of a Sexual Nature  
Intrusive Sexually Explicit Questions  
Offensive jokes  
Stalking  
Attractiveness Ratings  
Sexual Sounds or Gestures  
Ogling/Leering  
Attempted or Actual Sexual Assault

**Reporting**  
By Respondents  
Current



**Reporting**  
By Support Level  
Current



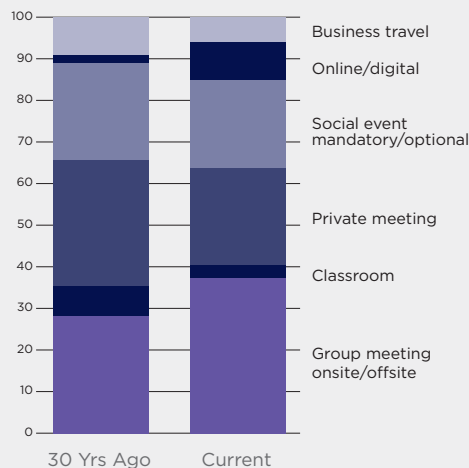
**Reporting**  
Barriers  
30 Years Ago and Current



**Reporting**  
Impact on Respondents



**Incidents**  
By Setting  
30 Years Ago and Current



A brief discussion of the Survey's six most salient findings and its conclusion can be found in the Executive Summary.

\* For ease of presentation, all percentages in the Report have been rounded to the nearest whole number.

*“I was raped by a board member/  
customer [of a non-profit], who was  
allowed to voluntarily resign from  
the board, but [he] faced no other  
consequence and I am expected to  
still deal with him.”*

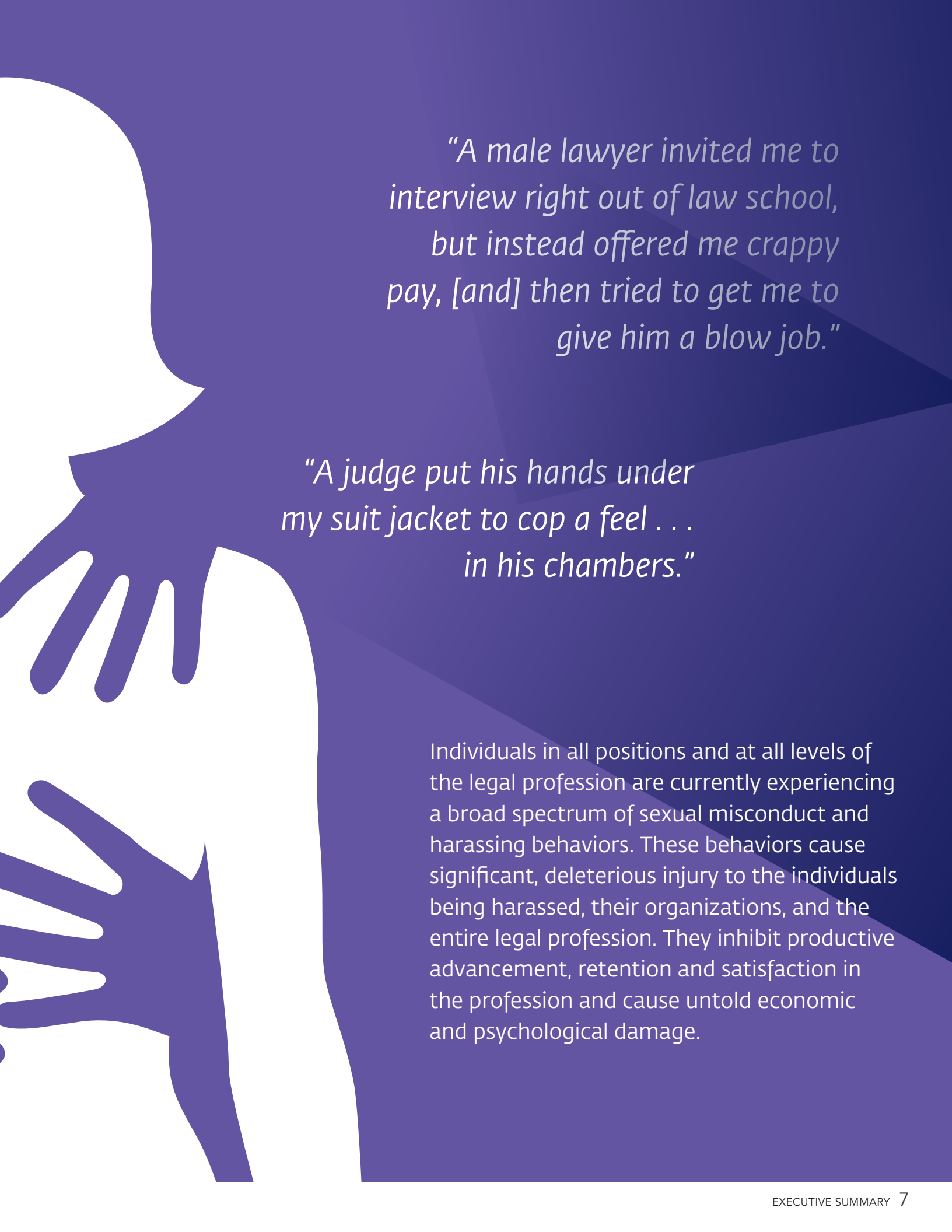
## **EXECUTIVE SUMMARY\***

In a nutshell, as revealed by the Women Lawyers On Guard (WLG) Survey on Sexual Misconduct and Harassment in the Legal Profession (Survey), the system of addressing sexual harassment in the legal profession is still broken and the goal of utilizing the full talents of everyone in the profession, particularly of women, will not be met until these flaws are acknowledged, understood and effectively addressed.

\*For full report including Recommendations and additional quotes from respondents, go to [www.womenlawyersonguard.org/still-broken/](http://www.womenlawyersonguard.org/still-broken/).







*“A male lawyer invited me to interview right out of law school, but instead offered me crappy pay, [and] then tried to get me to give him a blow job.”*

*“A judge put his hands under my suit jacket to cop a feel . . . in his chambers.”*

Individuals in all positions and at all levels of the legal profession are currently experiencing a broad spectrum of sexual misconduct and harassing behaviors. These behaviors cause significant, deleterious injury to the individuals being harassed, their organizations, and the entire legal profession. They inhibit productive advancement, retention and satisfaction in the profession and cause untold economic and psychological damage.

**The Survey.** In August of 2019, Women Lawyers On Guard, a national network of women and men that works to protect and defend equality, justice, and equal opportunity for all, completed a nationwide confidential Survey to determine the parameters and impact of sexual misconduct and harassment experienced by the legal profession. (Sexual Misconduct and Harassment is sometimes referred to collectively in this Report as “harassment” or “sexual harassment.”)

**Behavior, Not Prevalence, Was Measured.** The purpose of the Survey was *not* to measure the magnitude or prevalence of sexual harassment in the legal profession (*e.g.*, x% of respondents have been harassed), as this has been well documented by others. *Rather, the Survey’s purpose was to dig deeper into the experiences of those who have been harassed.* In doing so, WLG hoped to provide a clearer picture of harassing behaviors and the consequences to the individuals, the organizations and the profession.

“[L]aw firms say they have a “no jerks” policy, but this policy doesn’t apply when that partner brings in a lot of money.”

**Spectrum of Sexual Misconduct and Harassing Behaviors Examined.** *The Survey examined a broad spectrum of behaviors from offensive jokes about sex or gender, to rating of one’s sexuality or sexualized name calling (bitch, whore, slut) to stalking and physical, sexual assault.* While some of the incidents reported in the Survey might not have risen to the level of “legally actionable” sexual harassment, they nevertheless still result in fear, extreme discomfort, sidelining, loss of productivity and advancement opportunities for the individual, and have a significant negative impact on the morale, reputation and productivity of the organization.

**Additional Questions Explored.** The Survey was also designed to capture the

contexts, circumstances, and aftermath of sexual harassment across legal employment practice settings and locations. The Survey asked a series of questions designed to reveal the details of these situations, including the relative hierarchical positions of the harasser and the harassed (including harassment by clients), the practice settings in which the behavior occurred, whether it occurred in group settings or in private, and the context of those settings (business travel, in- or out-of-office meetings, social business events, etc.). The Survey also specifically asked: If the incidents were not reported to employers, why not?

The Survey also examined the consequences to both women and men who were targets of, or witnessed firsthand, unwanted sexual behaviors, as well as the consequences to the persons doing the harassing.

**Changes Over Time.** For further context, many questions asked the respondents to categorize the time frames in which the harassment (or the response to that particular question) occurred, in five to ten-year increments going back 30 years or more. *Knowing when incidents occurred enabled WLG to parse current from past conduct and, in certain circumstances, analyze changes over time.*

**Dissemination of the Survey; Respondent Demographics.** WLG disseminated the confidential Survey nationwide through many different channels, including bar associations and their memberships, online groups and individuals’ networks. WLG directed it to and garnered responses from both lawyers and non-lawyers (who worked with lawyers) in private practice, the government, in-house, the judiciary, associations, non-profits, and law schools. Of the more than 2120 people who responded to the Survey, 92% identified as female and 7% as male (less than 1% preferred to self-describe or not to answer this question). The distribution of race and ethnicities paralleled that of lawyers in the legal profession and the age of respondents fell within a “bell curve.”

# THE SURVEY'S SIX MOST SALIENT FINDINGS

## ***The Extent and Breadth of Misconduct/Harassment Are Insidious and Alarming.***

A broad spectrum of sexual misconduct and harassing behaviors—from criminal to civilly actionable to simply unconscionable—continues to plague all walks of the legal profession. This situation exists notwithstanding concerted efforts of employers to provide sexual harassment policies and training. In fact, sexual harassment by partners and supervising attorneys does not appear to have abated in the last 30 years. And, **in many workplaces, harassment remains embedded within the**

**culture.** Harassment by clients and opposing counsel also occurs and is particularly disturbing, given the difficulty of addressing these situations. Despite these findings, in the course of preparing the Survey, WLG heard many anecdotal comments from lawyers who thought that harassing behaviors were a thing of the past. While it is possible that these people are just not experiencing or hearing about this behavior and therefore do not believe that it still exists, the Survey demonstrates otherwise.

## ***Reporting Systems Intended to Discourage and Capture Harassing Incidents Are Mostly Not Working.***

Most people do not report sexual harassment and very significant barriers to reporting still exist. **Reasons for not reporting have remained stubbornly consistent over the last 30 years,** including fear of job loss and other negative career repercussions, concerns about safety, the person to report to is the harasser, and doubts about whether reports will be believed. When the people harassed reported the behaviors, there was almost an equal chance they would encounter non-supportive or harmful reactions, rather than supportive ones, from these reporting channels.

*“ . . . I was worried I would be blamed for somehow provoking or encouraging the behavior . . . I didn't want to be perceived as unfriendly so I didn't feel comfortable being more assertive against the harasser. He was later fired for sexually assaulting a summer associate, and I wish I had reported him earlier because the later incident may have been prevented.”*

## ***Most Harassers Face Few to No Adverse Consequences.***

Half of respondents reported that there were no consequences to the harasser even after they reported the incidents. Many more did not know if their harasser faced any consequences because the employers did not inform the respondents of any. **For some respondents, the conduct got worse;** the harassers often continued to work with (and some continued to harass) those they targeted. The most prevalent

consequence reported by respondents was that managers gave the harassers written or verbal warnings, but this happened in only a small percentage of the situations. While respondents often faced significant consequences for years after the harassment, harassers often were promoted or given additional managerial responsibilities and suffered few or no negative consequences (financial or otherwise) for the harassment.

## The “Price” That Women, in Particular, Pay and the Cost to Organizations and the Profession Are Considerable.

The real and lasting consequences to those who have been harassed have been largely a silent story. Respondents believed their careers and personal sense of well-being had been negatively impacted (often significantly and sometimes with lasting economic consequences) whether they reported or not. They experienced anxiety about their careers and well-being; feared retaliation; and lost productivity.

*“My career as I knew it was destroyed by sexual harassment. I suffered the loss of my job . . . It took me two decades to recover . . . Nothing happened to my harasser; he continued in his high-level position.”*

The Survey also revealed “collateral victims,” those left behind without work when a harasser was asked to leave and took

their client base with them. The quotes from respondents focused a light on these experiences and situations and also crystallized the business imperative of sexual harassment to the organization: workplace disruption, loss of productivity, and damage to the organization’s reputation and morale.

**The impact on those harassed—and the fallout on those who remain behind, as well as to the organization—appears to be much more consequential, profound, and debilitating than the consequences to the harassers.**

*“ . . . no one realized the damage that it was doing to women, or the repression it caused in their careers . . . Women or men should be encouraged to speak up and should expect that proper action will be taken to address the wrongs.”*

## People at Every Level—Including Women in Powerful Positions—Are Being Harassed.

Not surprisingly, associates, staff attorneys, law students, and people in less “powerful” positions are still being harassed. **More surprisingly, women judges, law partners, general counsels, and law professors reported that they are also currently being harassed.** Senior

70+ year-old lawyers, even today, are on the receiving end of unwanted sexual misconduct and harassment. Similarly, very senior non-attorneys (such as CEOs and Managing Directors) reported being subject to harassment.

## Age, Race/Ethnicity and Gender Identity Are Perceived as Compounding Dimensions.

A significant percentage of respondents believed that their age was an additional and compounding dimension to the incidents they experienced. Although reported less frequently, race/ethnicity were also perceived as significant factors affecting

their experiences. Additionally, respondents perceived that their sexual orientation or gender identity, and to a lesser degree, religion, contributed as a dimension in the situation.

# CONCLUSION

Fifty-five years after Title VII of the Civil Rights Act was enacted, and after at least 30 years of creating and deploying policies, procedures and training programs to address the problem of sexual harassment, people are still being harassed, still fear reporting and retaliation, remain unsure to whom to report, and/or believe that reporting will not end the harassment. **The results of this Survey lead to the inescapable conclusion that the system for addressing sexual harassment in the legal profession is still broken.**

Survey responses show that sexual harassment and misconduct are widespread throughout the legal profession, targeting women (and sometimes men) of all ages and at all career stages, from law student to law firm partner, from intern/clerk to judge, from staff to senior or general counsel. **The Survey demonstrates that this misconduct and harassment is sapping individual productivity and adversely impacting organizational economics at the very least, and destroying careers and organizations' productivity, at the worst.** Given the breadth and magnitude of the incidents reported in the Survey, the legal profession and society at large have much work to do.

In light of the leadership role of lawyers in society and lawyers' awareness of and responsibility to uphold the rule of law, the persistence of this conduct after more than 30 years of attempts to address it, and the failure to deal with its consequences, are unacceptable.

**The legal profession did not create this problem—it is ubiquitous in our society. But it is perpetuating it.** The profession needs to educate, create more effective policies and reporting structures, ensure adequate enforcement, proactively ferret out existing problems and toxic cultures, and

address, discourage and disrupt harassment before it reaches the level of impact.

**Written policies, “check the box” training programs, and anemic reporting systems may comply with the law but they are not enough to root out long-standing, ingrained patterns of behavior and lack of accountability.**

In particular, the profession should initiate deeper and more honest conversations with leaders of organizations, early childhood educators, parents, consultants and lawyers—men and women—in every position within the profession. It should craft new policies and enforcement mechanisms to remove the biggest obstacles in the current system: difficulty in reporting incidents and lack of support for those who do, the absence of transparency and effective consequences to the harassers, and the failure to ensure that both men and women have sufficient understanding, education and training to deal with the situation when it occurs. It is long past time for the harassers to experience appropriate and transparent consequences for their harmful behavior and for those who speak out to be supported, not suppressed.

**The time for action is now. We can and must do better.**

*“Ultimately, this is all about power and respect (or lack thereof) in the workplace . . . [T]he powerful still protect each other . . . there is still enormous pressure not to challenge the powerful. I believe that we still have a long way to go in terms of changing mindsets in the legal profession.”*

# TAKE ACTION

ONE RESPONDENT URGED US:

“Keep pursuing the work of this survey so change can happen.”

## HERE'S HOW YOU CAN BE PART OF THE CHANGE, TOO.



### JOIN US

No fee to join, we need your support, and we only communicate when we have something important to tell you. [JOIN HERE](#)



### DONATE: SUPPORT WLG'S NEXT INITIATIVE

By donating to WLG you will be supporting “Conversations With Men” our next initiative aimed at finding pathways to create more ethical, safe and productive work environments for everyone. [DONATE HERE.](#)

*“Conversations With Men”* Professionally facilitated small group conversations about practicing law in the #MeToo era. The goal: to empower men (and women) to have professional relationships at work without harassment or bullying. Discussions will include, for example, fear of false accusations, confusion about appropriate behavior, bystander action, and the backlash against mentoring and working with women.



### SHARE THIS REPORT WIDELY

Downloadable digital versions are available at [www.womenlawyersonguard.org/still-broken/](http://www.womenlawyersonguard.org/still-broken/). There are 2 versions: 1) an abbreviated version that includes SURVEY AT A GLANCE, EXECUTIVE SUMMARY, and TAKE ACTION or 2) a full report that includes the abbreviated version and full report together. [SHARE HERE.](#)





## VOLUNTEER

We are a volunteer-driven organization and currently are seeking assistance with grant proposals and our website. If you are passionate about our initiatives and are looking to be part of the change needed in our profession, send an email to [camron@womenlawyersonguard.org](mailto:camron@womenlawyersonguard.org) and let us now how you would like to support WLG.



## RESOURCES

National Women's Law Center/Time's Up Legal Defense Fund:  
[www.nwlc.org/times-up-legal-defense-fund/](http://www.nwlc.org/times-up-legal-defense-fund/)

National Partnership for Women and Families:  
[www.nationalpartnership.org/our-work/economic-justice/sexual-harassment.html](http://www.nationalpartnership.org/our-work/economic-justice/sexual-harassment.html)

EEOC: [www.eeoc.gov/laws/types/sexual\\_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm)

The Purple Campaign: [www.purplecampaign.org](http://www.purplecampaign.org)



## RECOMMENDATIONS

The focus of this Report is on the results of the Survey. Volumes could be (and have been) written on what can and should be done to address sexual harassment in the legal profession. But the time for just writing has passed and WLG hopes that the legal profession will use this Report to:

- Seek better understanding of the nature and origin of problem behaviors and their consequences to individuals and organizations through frank and nuanced conversations;
- Develop more tailored and effective strategies to address and prevent sexual harassment in the future;
- Identify vulnerabilities in organizational practices and problem cultures (including those that create or maintain power imbalance) and implement change;
- Create concrete intervention structures; and
- Identify and implement more effective reporting and accountability tools.

Each of these concepts can be unpacked and implemented in numerous effective ways at all levels and in all settings. WLG and others have identified robust recommendations and best practices to address sexual harassment in the legal profession, and WLG strongly suggests that they be put into practice.

*“I was raped by a board member/  
customer [of a non-profit], who was  
allowed to voluntarily resign from  
the board, but [he] faced no other  
consequence and I am expected to still  
deal with him.”*

# DETAILED ANALYSIS<sup>1</sup>

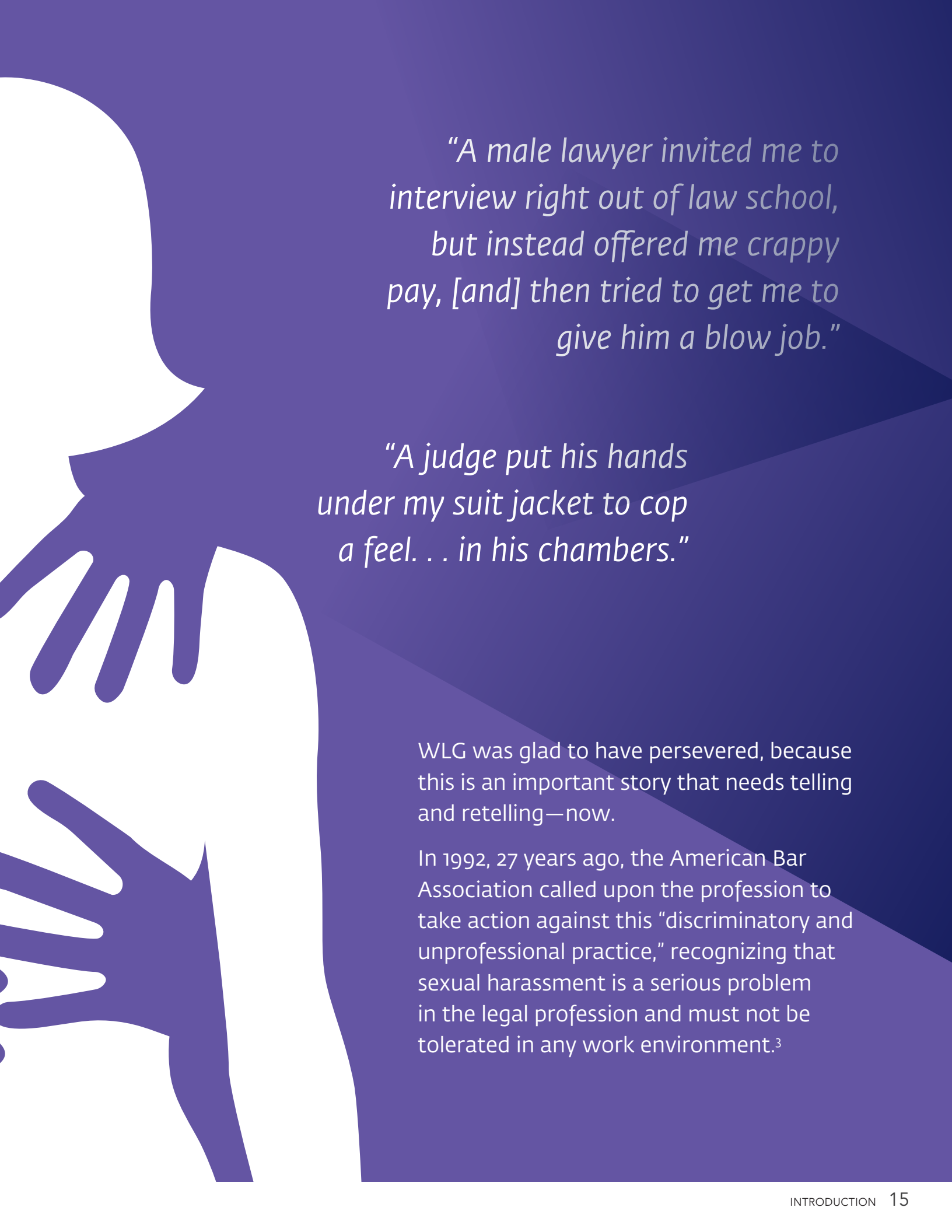
## INTRODUCTION

### ***Why Address Sexual Harassment in the Legal Profession?***

WLG and WLG’s Survey consultant, Nextions, conducted this Survey because WLG had heard from many people that sexual harassment<sup>2</sup> in the legal profession was the “dirty little secret” that had not gone away, notwithstanding some lawyers’ current perceptions that it had abated. When the Survey results emerged,







*“A male lawyer invited me to interview right out of law school, but instead offered me crappy pay, [and] then tried to get me to give him a blow job.”*

*“A judge put his hands under my suit jacket to cop a feel. . . in his chambers.”*

WLG was glad to have persevered, because this is an important story that needs telling and retelling—now.

In 1992, 27 years ago, the American Bar Association called upon the profession to take action against this “discriminatory and unprofessional practice,” recognizing that sexual harassment is a serious problem in the legal profession and must not be tolerated in any work environment.<sup>3</sup>

Almost three decades later, the profession has yet to implement effective strategies to ensure that no one suffers from such harassment.

*“The person who harassed me . . . is a quasi-public figure today and I worry about the possibility of his being appointed to higher office. . . in which case I might finally come forward. The prospect frankly terrifies me, but I might feel compelled to do so.”<sup>4</sup>*

The legal profession has always been a microcosm of the greater society we live in—no better and hopefully no worse. Despite attempts to address disparate treatment of women, people of color, and other marginalized groups, people in these groups remain severely underrepresented in vast swaths of the legal profession.

*“[I experienced] attempted rape within [the] last 6 months.”*

The Survey results illustrate that even behaviors that are not legally actionable, and which some people pass off as inconsequential, can still have a profound effect on persons who have been harassed. The harassing situations diminish productivity and the working culture—whether reported or not, whether

investigated or not, and whether appropriate consequences were imposed or not.

**Employers must focus on what they can do about the entire range of behaviors and craft better strategies to diminish or eliminate them entirely.**

*“ . . . I have been treated with disrespect and sexualized by opposing counsel. It’s a very odd thing to me that a professional would think it’s ok to comment on my body or overtly proposition me.”*

Additionally, reports of the backlash to the two-year old #MeToo movement indicate a potential to destroy years of progress for women in the legal profession, including valuable and necessary opportunities for mentoring, stemming from overblown fears of false accusations.<sup>5</sup>

This is an auspicious moment. Many industries and professions have begun shining urgent, targeted, laser lights on sexual harassment.<sup>6</sup> The #MeToo movement and Time’s Up sparked the tinder. **The legal profession writ large may believe that the sexual harassment policies and trainings that it has instituted over the last 30 or more years have dealt with the problem** or that there has been no “backlash” to these movements. **But it would be wrong.** The spotlight just hasn’t reached the legal profession.<sup>7</sup> And those who tell their stories are clear: much more needs to be done.

*“Part of unpacking the nature of sexual harassment in the workplace. . . needs to be done by men. The reaction to conversations about sexual assault leads to the men saying they are scared of being reported falsely which shifts the responsibility for acknowledging their privilege and role in firm culture away from them.”*

## Why deploy yet another survey?

“Haven’t you heard of ‘survey fatigue?’” In this age of communication overload, it is easy to confuse an important survey with one about your favorite paint color, and just “swipe left.” But, determined to address the seemingly intractable issue of sexual harassment in the legal profession, WLG interviewed over 50 experts and lawyers in the field, held a “thought-leaders” meeting, collaborated with research partner Nextions, and decided to begin its initiatives on sexual harassment with a nationwide survey.

The Survey captures a wide range of behaviors that encompass sexual misconduct and harassment: from sexual jokes to sexual assault, and everything in between.<sup>8</sup> Some conduct might have been extremely objectionable and inappropriate but might not have met the strict definition of sexual harassment actionable under the law. Even if not technically actionable, as the Survey results and quotes show, the conduct negatively impacted both the persons experiencing the behavior and those around them and, because it went unchecked, may have led to other situations that were legally actionable. Therefore, WLG designed the

Survey to elicit information about the entire spectrum of behaviors (and did not just ask people if they have been sexually harassed), believing it necessary to obtain such information in order to fully assess people’s experiences with sexual harassment and related behaviors in the legal profession.

Quotes from this Survey describe the very difficult stories of some of the toughest moments of people’s lives. **Harassers may not remember or even recognize their harassing conduct, but it lives on in the memory of many if not most of those harassed, sometimes forever,** and continues to affect them, sometimes profoundly and long after the behavior stops or the person harassed has changed jobs or employment settings.

*“The process of making change takes too long and is so emotionally taxing. Plus there is always fear of retaliation, even after you’re away from the employer.”*

## ***How does this Survey differ from other surveys measuring sexual harassment in the legal profession?***

This Survey is not a “prevalence” study. Studies of other industries and of segments of the legal profession have asked if people have been harassed or not. Depending on how the question is asked, widely varying percentages of respondents report that they have been the subject of unwanted sexual misconduct or harassment.<sup>9</sup> This Survey intentionally did not ask whether the respondent was sexually harassed, but rather asked: “If you have experienced sexual harassment or misconduct, what are the behaviors that you experienced, how did these incidents affect you?” In other words, the Survey focused only on persons who had experienced these incidents and dug deeper into these experiences.

***“I am an employment lawyer and it happened at every firm I have ever been with despite the fact the firm practiced employment law!”***

Additionally, the Survey grouped those who experienced harassment directed at them together with those who witnessed it first-hand (“were in the room where it happened”) because research has shown that these people are similarly affected by the behaviors, *i.e.*, that direct traumatic situations and “vicarious trauma” affect people similarly.<sup>10</sup> Of those respondents who experienced harassment directly, 75% were women and 22% were men.

The Survey was confidential, entirely voluntary, and nationwide in scope and covered all legal employment settings. Additionally, the distribution of responses across regions, race, ethnicities and ages reflects a substantial diversity of respondents. The Survey also asked and received responses from non-lawyers who work in legal employment settings or were in law schools.<sup>11</sup>

There have been a few excellent state-wide surveys that focused only on sexual harassment in the legal profession,<sup>12</sup> and some others with a national and even international scope.<sup>13</sup> Other studies have focused on women’s experiences in general, but also asked a few questions about harassment.<sup>14</sup> A few, like the Massachusetts Women’s Bar Survey, focused on a range of sexual misconduct in law firms, and not just on conduct that meets the legal, actionable definition of sexual harassment. This Survey builds on and expands this earlier work. WLG launched the Survey to gain a better understanding of the contexts, circumstances, specific behaviors, and aftermaths of sexual harassment, abuse, assault, and related conduct, throughout the entire United States, in all legal employment settings, and for all employed in the profession.

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### ***The Survey addressed the following questions on a national basis:***

*What range of sexual misconduct behaviors have harassed persons experienced?*

*How have those who were harassed been affected?*

*What consequences did the harassers experience?*

*Do people report these experiences and what happens when they do?*

*Are any employers dealing effectively with these situations?*

# KEY FINDINGS

## ***The Extent and Breadth of Misconduct/Harassment Are Insidious and Alarming.***

**A broad spectrum of sexual misconduct and harassing behaviors—from criminal or civilly actionable to simply unconscionable—continues to plague all walks of the legal profession.** (See Survey Question 3 in Appendix B for the list of behaviors.) In many workplaces, harassment remains embedded within the job culture. For example, more than 70% of respondents reported that sexual misconduct was a part of the culture of their workplace or there were significant parts of the workplace where people got away with these behaviors. Even when the culture did not tolerate sexual misconduct, respondents reported that harassment and misconduct still occur. Despite these findings, in the course of preparing the Survey, WLG heard anecdotal comments from lawyers who thought that harassing behaviors were a thing of the past. While it is possible that these people are just not experiencing or hearing about this behavior and therefore do not believe that it still exists, the Survey demonstrates otherwise.

*“Inappropriate comments from white male law firm partners are just ‘normal’ during your 20’s. What makes this behavior worse is that the scared 20 somethings being victimized remain scared and never speak up. . . I would never recommend a nice and sweet young woman to ever work in the legal profession.”*

### **Harassment in Group Settings:**

Additionally, the Survey debunked the myths that harassment occurs only in one-on-one situations, and only in social settings or

while on business travel. **More than 37% of the incidents of harassment occurred in group meetings,** demonstrating that the so-called “Pence Rule” (where a man refuses to be alone with a woman for fear of false accusations, the actual incidence of which is minuscule, but widely reported)<sup>15</sup> will not solve the legal profession’s harassment problem. That this is presently occurring in the legal profession, where a group dynamic should quiet harassers and embolden witnesses to speak out, is confounding.

**Positions of the Harassers:** Partners and supervising attorneys are still perpetrating much of the sexual harassing behaviors and the **harassment by these persons in power does not appear to have abated over time.** Additionally, harassment by clients and opposing counsel<sup>16</sup> continues to plague the profession. Harassment by clients and opposing counsel is particularly disturbing, given the difficulty of addressing these situations. Ninety-one percent of respondents reported that the sexual harassers were male; 6% indicated that the harasser was female. A significant percentage of harassers were in traditionally less powerful positions at the time of the incidents, belying the common perception that only the extremely powerful harass others. And, assuming that their positions (as associates, staff attorneys, summer associates, law students, interns, and the like) indicate that most comprise a younger generation, this finding does not bode well for the next generation of the profession.

*[Questions: 3 Behaviors; 12 Position of Respondent; 14 Position of Harasser; 16 Legal Setting; 18 Frequency; 20 Group/Social Setting]*

## Reporting Systems Intended to Discourage and Capture Harassing Incidents Are Mostly Not Working.

Most people do not report sexual harassment and very significant barriers to reporting still exist. **Reasons for not reporting have remained stubbornly consistent over the last 30 years**, including: fear of job loss or other forms of retaliation and other negative career repercussions, the person to report to is the harasser, concerns about safety, or doubts about whether the reports would be believed.

*“Times have changed, but I still would not report. I would handle myself and move on. The stigma in the profession would follow you. They would think you are a problem child.”*

**Few report.** Very few incidents (14%) were reported; **86% were not reported** although 35% actually wanted to report, but did not. The most prevalent incidences of reporting (17%) occurred when there was attempted or actual sexual assault, and 24% reporting for stalking. Approximately 12-13% reported behaviors such as offensive jokes about sex or gender, or intrusive sexually explicit questions. Even when

they reported incidents to their employer, 40% of people indicated that those to whom they reported (e.g., supervisors, HR, ombudspersons) reacted in a non-supportive or even harmful manner.

**Barriers to reporting.** The Survey results revealed significant barriers to reporting: either the persons harassed did not know to whom to report the incidents, or the person they were supposed to report to was the actual harasser. These respondents believed that they would either lose their job or opportunities for promotion; they thought the employer would not believe them or, worse, that they would not do anything about it. The actual consequences of reporting the harassment proved these fears to be warranted. Some respondents, however, reported in contrast that they thought they could handle the situation on their own.

*“I reported the unwanted touching, but I received a lot of pressure to retract the report and let it die. . . I suffered negative repercussions (retaliatory poor report from my clinic supervisor).”*

[Questions: 5 Confiding; 6 Reporting; 8 Reporting to Whom; 10 Barriers to Reporting]

## Most Harassers Face Few or No Adverse Consequences.

*“Reporting sexual harassment ended my (big law firm) career. Nothing—ABSOLUTELY NOTHING—happened to my harasser. . . I eventually sued and my name was dragged through the mud further damaging my career.”*

**Half of respondents reported that the harasser faced no consequences even after they reported the incidents.**

Many more did not know if there were consequences because their employers did not inform them of any. Often, non-disclosure agreements preclude either the employer or the complainant (or both) from revealing the actions taken to address the reported incidents.



For some respondents, the conduct got worse after they made the report; the harassers often continue to work with (and continue to harass) those they have targeted. The most prevalent consequence reported by respondents was that written or verbal warnings were given from managers, but this was in only a small percentage

of the situations. So, even after reporting, 70% said that either no consequences were imposed on the harasser or they had not been informed of any consequences.

[Question 24 Consequences to Harasser]

## **The “Price” That Women, in Particular, Pay and the Cost to Organizations and the Profession Are Considerable.**

The consequences of sexual harassment range from loss of productivity and billable hours (which negatively affects career trajectories and the economics of employers), to anxiety, loss of sleep, and worse. Although anecdotal reports have surfaced in the media about the consequences to people who have been harassed, **the Survey results document the devastating and long-term effects of harassment**, even for behaviors that might not be actionable in court. Almost 2/3 of respondents reported anxiety about their career or the workplace; almost 1/3 were negatively impacted in their career (with consequential, latent economic effects); 36% experienced a loss in productivity and 40% feared retaliation. Only 18% reported no impact as a result of the harassing conduct.

Even when the employer does investigate, takes action, and the harasser departs, “collateral victims” are left behind. These include lawyers who may not have been

harassed, but lose their jobs when the harasser takes their client base with them and the firm cannot sustain their positions. The disruption to the employer’s operations from the loss of the business to the loss of personnel has a cost. The “business imperative” demands that employers of legal professionals address the negative impact on their businesses due to loss of productivity and other collateral consequences of the harassment before the situation becomes acute.

The personal stories from the respondents highlight all these issues. The real consequences to those who have been harassed have been largely a silent story.<sup>17</sup>

**The impact on those harassed, and the fallout to those who remain behind, appear to be much more consequential, profound, and debilitating than the consequences to the harassers.**

[Question 21 Consequence to Respondent]

*“Even though this happened once when I was a law student over 30 years ago, it still haunts me.”*

## People at Every Level—Including Women in Powerful Positions—Are Being Harassed.

Not surprisingly, the overwhelming percentage of those harassed were associates, staff attorneys, interns, summer associates, staff and people in other less “powerful” positions.

More surprising, however, is the fact that women judges, law partners, general counsels, and law professors reported that they are also currently being harassed.

**Senior 70+ year-old lawyers, even today, are on the receiving end of unwanted**

**sexual misconduct and harassment.** In the last five years, 16% of the respondents who were directly harassed were partners or supervising attorneys, and 4% were judges. Professors and even very senior non-attorneys (such as CEOs and Managing Directors) reported being subject to harassment.

[Questions 12 Position of Respondent; 14 Position of Harasser]

*“When it happened to me I was a member of the judiciary and the harasser was an employee of a government agency who worked with the courts. Having a position of authority didn’t matter—I still feared that reporting the incident would impact my chances for advancement within the judiciary and label me as a ‘problem’, and I still experienced anxiety about reporting.”*

## Age, Race/Ethnicity, and Gender Identity Are Perceived as Compounding Dimensions.

A significant percentage of the respondents (37%) believed that their age was an additional dimension to the incidents they experienced. Although reported less frequently, 15% of respondents perceived that race/ethnicity was a significant factor affecting their experiences. Additionally, respondents perceived that their sexual orientation or gender identity (19%), and to a lesser degree, religion (5%), contributed as dimensions.

Intersectionality was a significant value of this Survey. WLG reached out to and received the assistance of many bar associations and networks in order to disseminate the Survey instrument. While a similar percentage of lawyers of color, for example, responded to the Survey (13%) as in the legal profession (14%), statistical analysis cannot parse out effects by each racial/ethnic

(or other) group, or differences between effects on these groups and other lawyers unaffected by intersectionality, because of the unfortunately low percentages of these groups in the legal profession. **However, the valuable voices of all lawyers affected by intersectionality are reflected in this Report.**

*“I nearly ended my legal career in part because of the lasting and trickle-down consequences of the traumatic experiences I experienced as a gay law student . . . Thankfully, I finally got professional help, but only after lots of struggle to feel safe and settled in the legal profession.”*

[Question 23 Additional Dimensions]



# SELECT QUESTION-BY-QUESTION ANALYSIS

The Survey consisted of two “gateway” questions: whether the respondents had experienced sexual misconduct *directly* (harassment directed at the respondent or witnessed firsthand), or whether they had experienced it *indirectly* (heard about such behaviors). Respondents could answer one or both of these sections. If they responded that they had “direct” experience, 24 questions followed about these experiences. If “indirect,” 22 similar questions inquired about these experiences. Six demographic questions followed for all respondents.

The Survey grouped respondents who experienced harassment directed at them with those who witnessed such harassment first hand, *i.e.*, “were in the room where it happened,” because research has shown that

first-hand trauma and “vicarious” trauma can have the same effect on people.<sup>18</sup>

Many of the questions requested that the respondent distinguish the time frame in which the incidents had occurred. Time frames were divided as follows: during the last 5 years, 6-10 years ago, 11-20 years ago, 21-30 years ago, and more than 30 years ago. This delineation enabled the Survey to capture and report on what is happening now, but also to learn about stories from people who experienced these behaviors over longer time frames. In certain instances, it also allowed for a look at changes over time.

*The Survey questions can be found in Appendix B.*

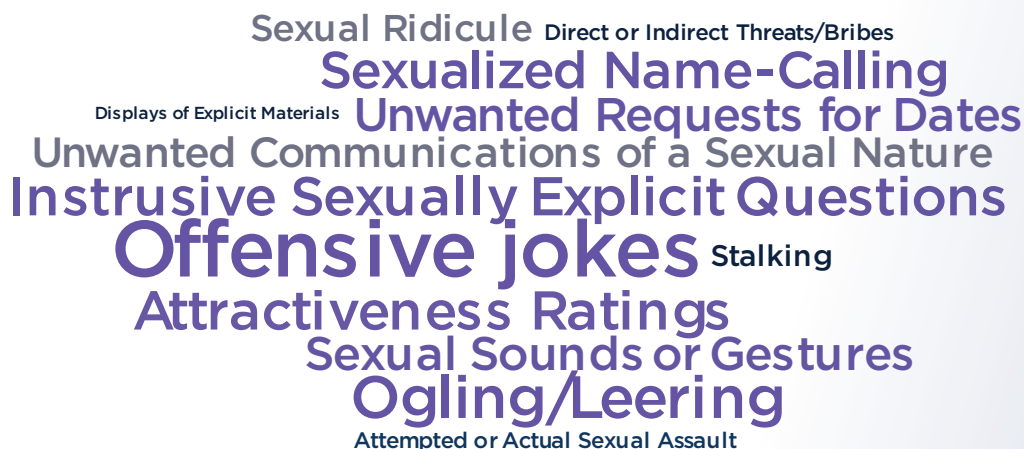
## DIRECT EXPERIENCES

The incident happened to them personally or they witnessed it firsthand. (Q3-26)

### *Respondents experienced a wide range of behaviors (Q3).*

Question 3 asked about the range of behaviors respondents experienced. The 13 specific behaviors ranged from *offensive jokes about sex or gender*, on the one hand, to *attempted or actual sexual assault*, on the other. Of the incidents reported in the last

five years, more than 21% were sexually offensive jokes; 2% were sexual assault or attempted assault; 12% of the reported incidents were ogling or leering; **9% were sexualized name-calling (such as bitch, whore or slut)**; 8% were unwanted



requests for dates or sexual activities; 3% were stalking incidents and 2% were threats, bribes, or coercion for unwanted sexual activity.

*"I had partners touch my hair, try to kiss me, hug me and pat my bottom. I was propositioned by a judge in his chambers."*

Looking over the reports from the last 30 years, the spectrum of sexually harassing behaviors has not changed, although the

percentage of sexual assaults, threats/ bribes has decreased while the percentage of offensive jokes, ogling/leering, rating of attractiveness and sexualized name calling has increased.

*"... women face sexual harassment online disproportionately to men and, given the growing importance to tweeting, blogging, etc., this mean[s] women bear another extra burden in establishing their careers."*

*"... eventually [I] did want to report and did report when I learned that the harasser had continued the unwanted behavior, targeting others."*

### Reporting By Respondents Current



### Some respondents confided in others; fewer officially reported; more wanted to report, but did not (Q5-6).

**People were more likely to confide in their friends (with no expectation of official reporting) than officially report the incidents.** The more "serious" the behavior, the less likely the respondent was to confide in anyone, but the respondent was slightly more likely to report the behavior officially.

Of those who experienced offensive sexual jokes, 63% confided in someone, but only 37% of people who were assaulted or endured attempted assault did the same. (Note that only 13% of those who experienced sexual jokes reported it, and only 17% of those who were assaulted or experienced attempted assault reported it.) Percentages of incidents that people confided in others ranged from sexual jokes (63%) to sexual ridicule (29%).

Question 6 asked respondents whether they wanted to report the incidents and did so; whether they wanted to report but did not, and whether they did not want to report. Overall, **86% of incidents went unreported** and more than 50% of respondents did not want to report, while 35% wanted to report but did not. Possible reasons for not reporting are described below in the responses to Question 10 (Barriers to Reporting).

Of those **who wanted to and did report** the behaviors (14% of the incidents), the highest incidence of reporting was about stalking (24%) and attempted or actual sexual assault (17%). The lowest incidence of reporting was about assessment of sexuality/sexual attractiveness (8.84%) and sexual ridicule (9.7%). Overall, these reporting percentages are disturbingly low.

For every behavior, the percentages of those who **wanted to report, but did not**, were higher than those who did report. For instance: stalking (33% vs. 24%);

attempted or actual sexual assault (35% vs. 17%); assessment of sexuality/sexual attractiveness (36% vs. 9%) and sexual ridicule (34% vs. 10%). Of those incidents of intrusive sexually explicit questions, 42% wanted to, but did not report, versus 13% who did report. The biggest gap between wanting to report (but not reporting) and reporting, was 29% for “intrusive sexually explicit questions.” The smallest gap was for stalking: 9%. The gap in wanting to report versus reporting sexual assault was 18%. Overall the “gap” was 21%.

Highest still were those who **did not want to report at all**: 43% of those who were

stalked and 47% of those who experienced attempted or actual sexual assault did not want to report. One might assume that those who “just” experienced sexual jokes might not want to report (53%), but even 48% of those who experienced threats, bribes, or coercion for unwanted sexual activity did not want to report.

**Although many respondents felt that certain behaviors were not serious enough to report, the quotes reveal that certain behaviors still had long-term consequences to mental health or careers.**

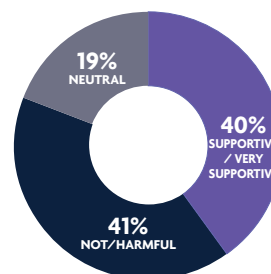
“ . . . upon reporting it to my bureau chief and requesting the support to file a grievance, the chief refused his support. In his opinion, the opposing counsel was just trying to knock me off my game.”

### People to whom incidents were reported were not necessarily supportive (Q8).

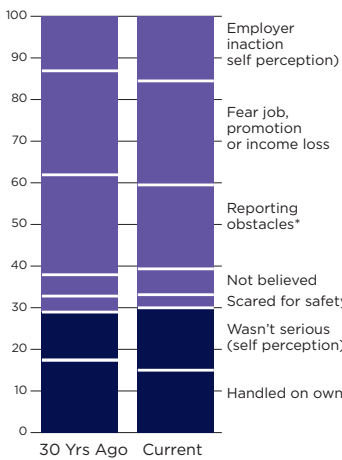
Of the people who reported, most (61%) reported incidents to their supervisors, 29% reported to HR, and 10% to ombudspersons. (These variants may be attributable to the identity of the appropriate person to whom to report under the specific workplace policies). Similar percentages of people in these roles were very supportive or supportive (42% supervisors, 37% HR, and 37% ombudspersons). Unfortunately, similar percentages among these reporting roles were *not* supportive (24% of supervisors, 28% of HR, and 22% of ombudspersons). Worse, similar percentages of these reporting channels were *harmful*: (15% of supervisors, 17% of HR, 17% of ombudspersons). Reporting to supervisors was slightly “better”

(3% more were supportive than not supportive/harmful) than to HR (9% less supportive) or ombudspersons (3% less supportive). **Overall, there was an even chance that even if the behavior was reported, the person harassed would encounter non-supportive or harmful reactions (41%) rather than supportive ones (40%)** from these reporting channels.

**Reporting**  
By Support Level  
Current



## Reporting Barriers 30 Years and Current



\*Report person was Harasser, Didn't know to whom to report, and Discouraged from reporting

## Barriers to reporting remain unchanged over the years (Q10).

Even after 25+ years of experience with various types of policies and training in legal employment settings, the Survey found that **similar percentages of respondents faced the same barriers to reporting in the last five years as respondents did 30 years ago**: 8% of those harassed in the last five years did not report because they did not know to whom to report (compared to 12% 30 years ago); the person to report to was the harasser

(8% compared to 7% 30 years ago); they were scared for their safety (3% vs. 4% 30 years ago); they thought they would lose their job, and either could not afford to lose, or wanted to keep their job (25% compared to 24% 30 years ago); they thought the employer would not believe them or would not do anything about it (22% vs. 20% 30 years ago); they thought the behavior was

not serious enough (15% vs. 12% 30 years ago; they thought they could handle it themselves (15% vs. 17% 30 years ago); or their colleagues, friends or family discouraged them from reporting (4% vs. 5% 30 years ago).

Although the Survey did not measure the magnitude of harassment then and now, the data indicate that **very significant barriers to reporting these behaviors still exist, not the least of which is the failure of employers to create or project a culture or atmosphere that is perceived to treat the harassed person with as much deference as the harasser receives.**

*"When the issue became too big to deal with myself and I raised it, the company blamed me for not coming [forward] sooner and also immediately lawyered up . . . and were combative . . . The only person investigated and scrutinized was me, not the harasser."*

*"[A]s an associate, you cannot report your superiors and expect to make partner. As a partner, you aren't a team player if you report a fellow partner. As . . . especially a litigator, you are expected to address these situations yourself, one on one, or suck it up."*

## Some very powerful people are harassed; so are the less powerful (Q12).

The most common sexual harassment narrative is a supervisor with a clear power advantage (for example, a law firm partner or supervising attorney) harassing a subordinate. But, in every time frame reported in the Survey, **partners, supervising attorneys, professors, even judges reported being harassed.** And, in general, the percentage of harassment incidents in these more powerful positions has increased over the years.

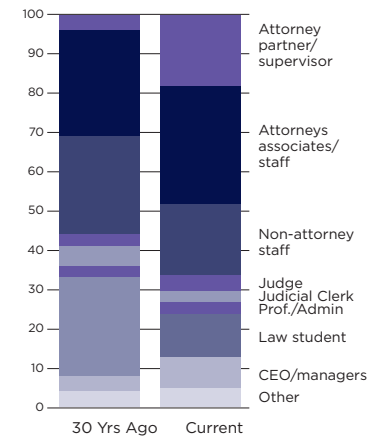
*"It's still terrible. Male law students ranking how 'dtf' female law students are . . . It starts where the profession starts."*

In the last five years alone, 16% of those reporting incidents of harassment were law firm partners or supervising attorneys, 4% were judges, and 3% were General Counsels. The data is insufficient to indicate whether harassment of those in senior positions was by peers or by subordinates.<sup>19</sup> Incidents of partners being harassed increased from 4% 30 years ago to 7% 21-30 years ago, 10%

11-20 years ago, 14% 6-10 years ago, and 16% in the last five years.

Not as surprising but still disheartening was the harassment of associates, staff attorneys, law students, interns, judicial clerks, law school clerks, summer associates, paralegals, and legal assistants. Of the incidents reported in the Survey, 30% were directed to associates/staff attorneys in the last five years, and roughly 10-14% to interns, non-judicial law clerks, and summer associates who were harassed in each of the time frames. Roughly 6-11% of the incidents affected paralegals, legal assistants or non-attorney staff in each of the time frames. **The consistency and persistence of these incidents belie the assumption that harassment has abated over time for these non-lawyer positions.**

**Harassed**  
By Position



## Harassment by partners remains unchanged; harassment by judges and professors may have decreased; harassment by clients has increased (Q14).

Less surprising were reports of incidents of harassment by partners, supervising attorneys, professors and judges. The Survey **found some good news, however: reports of harassment by judges decreased from 14% more than 30 years ago to 8% in the last five years, and harassment by professors decreased from 12% more than 30 years ago to 3% in the last five years.**

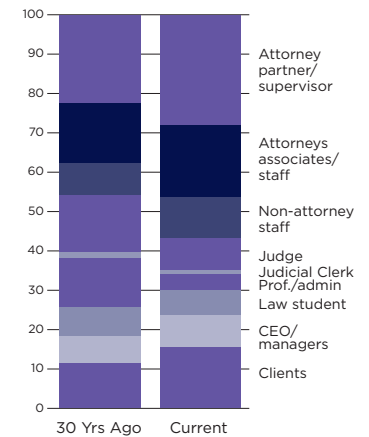
**Harassment by clients, however, has increased over the years:** from 11% more than 30 years ago, to 16% 6-10 years ago, and 15% in the last five years. This problem is particularly difficult for many law firms to address. Survey respondents submitted

significant anecdotal stories about **harassment by opposing counsel, another difficult area to address.**

*"I will say men today are more cautious and alert as to what is correct behavior. But the 'good old boys' club is very much alive and well."*

*"A fair amount of my experiences involve opposing counsel in some type of capacity/setting . . . There's no one to report that individual to."*

**Harasser**  
By Position

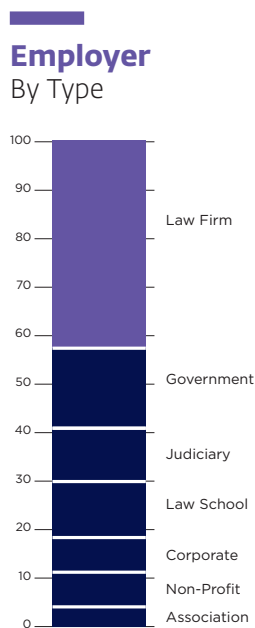


## Some “less powerful” people are also doing the harassing (Q14).

Respondents reported that they had experienced significant harassment by those in less powerful positions. Although the Survey did not ask if the harassers were peers or superiors, roughly 12-20% of the harassment reported in each time frame was perpetrated by interns, law students,

association volunteers, contract attorneys, judicial or non-judicial law clerks, summer associates, paralegals, legal assistants or non-attorney staff.

*“I have also been surprised that as a professor, I also experience threatening behavior on the basis of my sex/ gender from students, and there has been no recognition by administration of that being abusive or wrong.”*



## Legal practice settings; most respondents reported about law firms (Q16).

Most respondents to the Survey were in law firms when harassment occurred, but significant numbers also were in law school, government, and the judiciary. In the last five years, 43% of the reported incidents were in law firm settings, 16% in the government, 11% in the judiciary, 11% in law schools, 7% in non-profits, 7% in corporations, and 4% in associations. Thirty years ago, 51% of the incidents occurred in law firms, 5% in corporations, 3% in non-profits, 2% in associations, 13% in law schools, 15% in government, and 11% in the judiciary.

*“[T]hey . . . did absolutely nothing until attorneys threatened a walk-out. He was ultimately only fired when he was totally unable to do his job as a non-profit lobbyist because he was barred from entering legislators’ offices where he had harassed their female staff . . . When I continued to push back . . . on a demand for mandatory, professional sexual harassment training, my employment was indirectly threatened, so I just left. This was a policy organization that focuses in part on women’s rights!”*



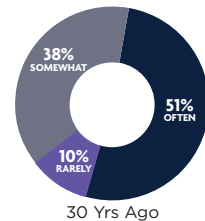
## Unacceptable cultures (Q18).

Often, harassment is part of the employment setting's culture, and the Survey results certainly reflect this situation. In the last five years, **73% said these incidents either were the culture or there were parts of the culture where people "got away with" these behaviors.** However, this percentage has declined from 90% more than 30 years ago. So, the "good news/less bad news" is that some progress has been made, although the magnitude of the problem is still disturbingly high, particularly given the efforts of the legal profession to change workplace culture and address the problem.

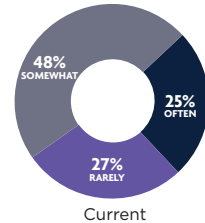
*"My employer is wonderful in regards to this topic. I feel safe . . . and never worry about inappropriate behaviors. However . . . [t]he inappropriate statements and acts made by both [opposing] counsel and judges is an ongoing issue and little has been done to remedy the problem."*

### Culture

By Frequency of Harassment



30 Yrs Ago



Current

*"I have had risk managers say they are going to hire our firm but really were hoping for some sexual favor. Many of these men were married."*

## Myths about the settings of harassment (Q20).

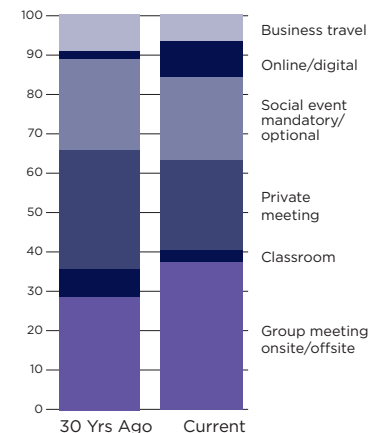
One of the persistent myths about harassment in the legal profession is that it occurs mostly in one-on-one settings or on business travel. Instead, the Survey revealed that **most harassment took place in group settings**—either in an office or in business meetings off-site. In the last five years, 37% of the incidents reported took place in such group settings, 23% took place in private, one-on-one settings, and 22% were in social events (mandatory or voluntary). Only 6% occurred during business travel, and 9% of the harassment happened online or digitally.

Such conduct occurring in the office, especially in group meetings, belies the myth that harassment takes place only in private. The fact that it occurs in group meetings at

all means that the harasser is emboldened and the bystanders remain silent. Therefore, following the so-called "Pence Rule" (where a man refuses to be alone with a woman for fear of false accusations—the actual incidence of which is minuscule, but widely reported)<sup>20</sup>—will not reduce the incidents of harassment. Instead, women will continue to be deprived of opportunities and the mentorship they need for success.

### Incidents

By Settings



## The often-unacknowledged story of the effects on those harassed (Q21).

The responses to this question told a sobering story of the negative effects of harassment on those who have been its targets. **The great majority of respondents (61%) experienced anxiety about their career or workplace, 40% feared retaliation, 40% said it caused them to lose self-confidence, 37% reported a loss of productivity, and 28% reported a negative impact on their careers.**<sup>21</sup>

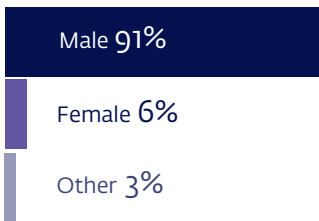
The impact of harassment on the careers of people who endured it is profound. If employers were aware of the magnitude of the loss of productivity alone, they should quickly realize that it is in their best interest to address this problem in their own workplaces before the situation becomes acute. The damage to the careers and the mental health of those harassed is obviously not only a personal loss, but one that harms the legal profession, the employer's operation, and society at large.

*"I stood up to the harasser and he stopped giving me work."*

### Reporting Results



### Harasser Gender



## Gender of the harasser (Q22).

Nearly 91% of the respondents reported that the gender of the harasser was male; 6% said that it was female. Females can be sexual harassers, but incidents of male harassment are the overwhelming norm.

*"A female supervisor smacked me in the butt, [I] felt super violated."*



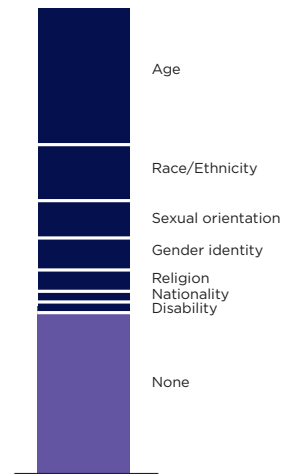
## Intersectionality as perceived by the respondent (Q23).

Many respondents (37%) believed that age was an additional dimension to the incidents they experienced. Race/ethnicity (15%) was also perceived to have been part of their harassment. A significant number of respondents (19%) reported that sexual orientation or gender identity was also a factor; 5% reported that religion was an additional dimension.

Intersectionality was a significant value of this Survey. WLG reached out to and received the assistance of many bar associations and networks in order to disseminate the Survey instrument. While a similar percentage of lawyers of color, for example, responded to

the Survey (13%) as in the legal profession (14%), statistical analysis cannot parse out effects by each racial/ethnic (or other) group, or differences between effects on these groups and other lawyers unaffected by intersectionality, because of the unfortunately low percentages of these groups in the legal profession. **However, the valuable voices of all lawyers affected by intersectionality are reflected in this Report.**

### Compounding Factors Perception



*“No consequences. They put him in charge of associates and hiring. They also made him a partner.”*

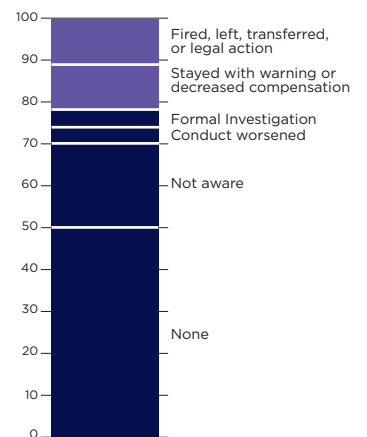
## Most harassers faced no consequences even when incidents were reported (Q24).

**Half (50%)** of the respondents in legal employment settings **reported that there were no consequences to the harasser after they reported the incident. Another 20% did not know if there were any consequences** because their employer did not inform them of the outcome of their reporting. **For 4% of the respondents, the conduct got worse.** Written or verbal warnings from managers were given to the harassers in a small percentage of situations; this was the most prevalent consequence reported (7%). Three percent (3%) of the harassers were transferred to a new location or office.

Some 4% of respondents noted that a formal investigation followed their reporting; 6% of harassers faced legal action, were fired or let go and 3% left voluntarily.

Remarkably, in 70% of the incidents, there was no consequence to the harasser, or the person harassed was never informed of the consequence leaving the impression that there were no consequences<sup>22</sup>. When one wonders why so many people fail to report harassment (see responses to Question 10-Barriers to Reporting), the answer is obvious: fears that nothing will happen are well-founded.

### Harasser Consequences



## ***People are not leaving the legal profession because of sexual harassment, but they do leave their employers. (Q25).***

Most respondents to the Survey are still employed in the legal profession. Only 6% of respondents have left the profession entirely, while 56% are still employed in the legal profession but at another employer. Some 31% were still at the same employer. Because

the Survey did not ask the reason for their departure (or why they stayed), the decision could be, but may not have been, related to their experiences with sexual harassment.<sup>23</sup>

*“Given the atmosphere [in the courts], I have seriously considered moving into another profession.”*

## **INDIRECT EXPERIENCES**

**(Heard about the sexual harassment) Q 27-49**

As noted in the Methodology Section (*see page 38*), the Survey also asked respondents to report on indirect incidents of sexual harassment, *i.e.*, ones they had heard about, but not experienced firsthand. Although the question was not limited to their own place of employment, 90% of the respondents answered this question about incidents in their workplace.

Most of the responses (and therefore the analysis) were similar to those for the direct incidents. **Where there were differences, they are noted here:**

### ***Fewer confided in others about what they heard (Q29 vs Q5).***

For every type of behavior (except sexual ridicule and unwanted displays of sexually explicit content, for which confiding was equivalent to those who had directly experienced these behaviors), the

respondents confided with less frequency than those who had been directly harassed, ranging from roughly 15% less frequent for offensive sexual jokes, to 1% for attempted or actual sexual assault.

### ***Fewer wanted to or did report incidents (Q30 vs Q6).***

Similar to the question about confiding in others about the behaviors, for each type of behavior (except offensive sexual sounds or assessments of sexual attractiveness, for which reporting was equivalent to those who had directly experienced these behaviors), the respondents officially

reported with less frequency than those who had been directly harassed, ranging from roughly 10% less frequently for direct/indirect stalking, to 4% less for attempted or actual sexual assault to 2% less for a number of other behaviors.

## **When indirectly experienced incidents were reported, supervisors were somewhat more supportive (Q32 vs Q8).**

Supervisors were more supportive in response to reports of indirect experiences than they were in response to reports of direct experiences (13% more were “supportive/very supportive” than “not supportive/harmful”). But, overall, when adding reports to HR and ombudspersons,

there was the same chance that the person reporting would encounter non-supportive or harmful reactions (38%) rather than supportive ones (40%) from these reporting channels (similar to the situation with direct experiences).

## **Reasons for not reporting were similar except for one—the perceived seriousness (Q34 vs Q10).**

The same barriers to reporting were mentioned by a similar percentage of respondents directly harassed as indirectly, except for one: in the last five years, a much lower percentage (13% fewer) of the indirect incidents was not reported because the

respondent believed that the behavior was not serious enough. In other words, those who reported incidents that they indirectly experienced probably only reported the more serious situations.

## **Effects on the respondents were still serious, but less in each category (Q44 vs Q21).**

**Those who experienced sexual harassment second-hand were still affected in the same ways as those who experienced first-hand harassment,** although reports of such effects were lower in each category. For instance, the greatest effects were: 35% experienced anxiety about their career or workplace, 18% feared retaliation, 20% said it caused

them to lose self-confidence, 18% reported a loss of productivity, and 12% reported a negative impact on their career. These “highest” categories are the same as those who witnessed the harassment first-hand. As a result, **even though the harassment was “only” heard of and not directly experienced, the effect was still serious. Employers would do well to take note.**

*“Others in the group did not protest or do anything because they were ‘dependent’ on those whose behavior was inappropriate.”*

# CONCLUSION

Fifty-five years after Title VII of the Civil Rights Act was enacted, and after at least 30 years of creating and deploying policies, procedures and training programs to address the problem of sexual harassment, people are still being harassed, still fear reporting and retaliation, remain unsure to whom to report, and/or believe that reporting will not end the harassment. **The results of this Survey lead to the inescapable conclusion that the system for addressing sexual harassment in the legal profession is still broken.** Survey responses show that sexual harassment and misconduct are widespread throughout the legal profession, targeting women (and sometimes men) of all ages and

*“In every legal position I have held . . . , I have experienced this type of behavior and felt I needed to brush it off or minimize it in order to be ‘part of the team’. . . I routinely observe other women laughing off such behavior for presumably the same reasons. I hope as awareness increases, we can all feel comfortable and safe in speaking up and refusing to tolerate such behavior.”*

at all career stages, from law student to law firm partner, from intern/clerk to judge, from staff to senior counsel (and even general counsels). The Survey demonstrates that this **harassment and misconduct is sapping individual productivity and adversely impacting organizational economics at the very least, and destroying careers and organizations’ productivity, at the worst.** Given the breadth and magnitude of the incidents reported in the Survey, the legal profession and society at large have much work to do.

In light of the leadership role of lawyers in society and lawyers’ awareness of and responsibility to uphold the rule of law, the persistence of this conduct after more than 30 years of attempts to address it, and the failure to deal with its consequences, are unacceptable.

The legal profession did not create this problem—it is ubiquitous in our society. But it is perpetuating it. The profession needs to educate, create more effective policies and reporting structures, ensure adequate enforcement, proactively ferret out existing problems and toxic cultures, and address, discourage and disrupt harassment before it reaches the level of impact. Written policies, “check the box” training programs, and anemic reporting systems may comply with the law but they are not enough to root out long-standing, ingrained patterns of behavior and lack of accountability.

In particular, the profession should initiate deeper and more honest conversations with leaders of organizations, early childhood educators, parents, consultants and lawyers—men and women—in every position within the profession. It should craft new policies and enforcement mechanisms to remove the biggest obstacles in the current system—difficulty in reporting incidents and lack of support for those who do, the absence of transparency and effective consequences to the harassers, and the failure to ensure that both men and women have sufficient understanding, education and training to deal with the situation when it occurs. It is long past time for the harassers to experience appropriate and transparent consequences for their harmful behavior and for those who speak out to be supported, not suppressed.

**The time for action is now. We can and must do better.**

# RECOMMENDATIONS

## RESPONDENTS MADE IN THE SURVEY

The focus of this Report is on the results of the Survey. Volumes could be (and have been) written on what can and should be done to address sexual harassment in the legal profession. But the time for just writing has passed. **Women Lawyers On Guard hopes that the legal profession will use this Report to:**

- Seek better understanding of the nature and origin of problem behaviors and their consequences to individuals and organizations through frank and nuanced conversations;
- Develop more tailored and effective strategies to address and prevent sexual harassment in the future;
- Identify vulnerabilities in organizational practices and problem cultures (including those that create or maintain power imbalance) and implement change;

- Create concrete intervention structures; and
- Identify and implement more effective reporting and accountability tools.

Each of these concepts can be unpacked and implemented in numerous effective ways at all levels and in all settings. WLG and others have identified robust recommendations and best practices to address sexual harassment in the legal profession,<sup>24</sup> and WLG strongly suggests that they be put into practice.

Additionally, WLG strongly urges the profession to begin working with early childhood educators and parent organizations to change sexist, stereotypical thinking and behaviors from early ages.

**Sexual harassment did not spring up when people entered law school and it will not be eradicated solely by focusing on job-centered policies and training.**

### *Respondents' Recommendations*

The following are some recommendations made by respondents to the Survey, as they assessed what worked in the situations about which they were reporting. Some are directed toward employers, some to independent organizations such as bar associations, and some to persons who are being harassed as well as bystanders.

Many respondents suggested addressing the problem directly at the time of the incident. Some of these types of suggestions are time-tested strategies that women use to avoid bad situations. For example: Do not be alone with or work with the harasser; avoid situations in which drinking is the main activity; do not go alone to cocktail sessions after dinners; maintain a "buddy," etc. These can be viewed as the yin to the yang, the traditional (and "blame the victim") response of an employer to move the harassed person away from the harasser—either

geographically or out of their practice, or if the harasser is a client or opposing counsel, away from the client or case.

**However, these types of avoidance techniques,** while they might be effective in safeguarding the harassed person from harm, **place the entire burden on the "victim," isolating and short-changing them, inflicting damage on their careers and, ultimately, failing to solve the problem.** They reinforce a silencing and shaming of the people harassed without placing appropriate consequences on the harasser, **and prevent the culture shifts that are necessary to create an affirming workplace environment where all can succeed.**

## RECOMMENDATIONS TO EMPLOYERS, INCLUDING THE JUDICIARY, AND LAW SCHOOLS:

- Start these strategies in law schools and before—for students, professors, administration and staff.
- Understand the economic, disruptive and destructive morale impact of even unreported sexual misconduct, including the concept and impact of “collateral” victims. Proactively determine whether problems exist.

### Policies:

- Create clear policies including clear reporting processes with multiple potential reporting paths, clear investigation processes, clear no-retaliation policy, clear support and protections for those who report, coupled with top-down support for the policy, and examples of effective actions actually taken by the employer.
- Encourage and reward supervisors and more senior lawyers to look out for, speak up and stand up for younger lawyers in instances of sexual misconduct behavior.
- Test policies periodically with audits.
- Do not impose mandatory arbitration or confidentiality agreements in settling the incidents.
- Address all situations promptly; intervene early.
- Create and have managing partner/ CEO/most senior person communicate a “zero tolerance” policy that follows through with appropriate consequences to “match” the behavior.

### Training:

- Provide universal (i.e., not only large employers and including law schools) sexual misconduct (not just harassment) training and sensitizing about appropriate conduct and professional boundaries, sexism/gender discrimination, diversity in the legal profession. All personnel at all levels should be required to attend.
- Include training on real time responses by the harassed and bystander intervention techniques, and the concept of “affirmative consent.”
- Train judges, and any senior/supervisor, to intervene and stop the sexual misconduct.
- Training should be recurring, not “once and done.”

### Ensure transparency:

- Provide transparent processes and investigations, with reports to the person harassed, the bystanders, the harasser and, with appropriate nuance, the entire employment setting, to indicate that action is appropriate and prompt.
- Require employers to disclose claims of harassment filed and penalties levied.
- Create dialogues with appropriate discussion of nuances.<sup>25</sup>

*“Sexual misconduct occurs frequently. I am now in the position [of] general counsel and we do not tolerate sexual misconduct of any kind. We have frequent sensitivity trainings and we deal with individual instances quickly and with as much confidentiality as possible.”*



## RECOMMENDATIONS TO BAR ASSOCIATIONS OR OTHER INDEPENDENT ORGANIZATIONS

- Create forums and “safe places” to discuss, enable people to speak out, and take action on sexual harassment incidents, including an anonymous “what if this happened” inquiry and assistance system.
- Create reporting and investigating systems that are independent of the employer, judicial circuit, etc.<sup>26</sup>

*“I think there needs to be nuance in the conversations around workplace sexual misconduct . . . If we could acknowledge that the level of consequences should fit the level of the crimes, maybe we could get to a place where we can tell men (or other harassers) ‘stop doing it, apologize, fight for women’s advancement, and you’ll be fine’. . . instead of sweeping things under the rug and failing to have more serious consequences for serial harassers.”*

## RECOMMENDATIONS TO THE PERSON HARASSED AND TO BYSTANDERS:

- Become empowered to address the problem directly with the harasser in “real time” with “constructive confrontation.” Get training on these techniques.
- Deflect with humor or snappy comebacks—get training on these.
- Document the behavior with texts, emails, voice messages, a witness, etc.
- In appropriate circumstances, threaten legal action, report to the police, obtain a restraining order, or file a lawsuit.
- Even if you don’t report the behavior, confide in someone; don’t bottle it up.
- Consult a lawyer for options and strategies for dealing with the situation.<sup>27</sup>

*“I have employed a ‘see something, say something approach,’ often using humor or a direct ‘that’s not okay’ or ‘do you really want to be ‘that’ guy?’ Calling it out helps my emotional well-being and I believe it’s my responsibility to say something now that I am confident in doing so—because it might help those who, like me, were unable to.”*

*“I never regret saying something. I always regret NOT saying something.”*

# METHODOLOGY

The Survey was completed by individuals across the United States regarding their experiences in their own legal careers, and not by representatives of institutions. The Survey consisted of two “gateway” questions:

- Whether the respondents had experienced sexual misconduct/harassment *directly* (i.e., directed to them or witnessed firsthand—Question 1);<sup>28</sup> or
- Whether they had experienced it *indirectly* (i.e., heard about such behaviors—Question 2).

Respondents could answer one or both of these sections. If they responded that they had “direct” experience, 24 questions followed about these experiences. If they responded “indirect” experience, 22 similar questions inquired about these experiences. Six demographic questions followed for all respondents. Most questions were multiple choice; others were open-ended. A question seeking narrative comment followed each section, and comment sections were permitted for many of the questions.

The research protocols and reporting mechanisms were designed by Nextions in accordance with the Internal Review Board (IRB) guidelines on research studies, set forth by leading academic and professional research institutions.

**How WLG Asked:** The Survey was deployed entirely online, hosted on a secure site to keep responses completely anonymous and confidential. The Survey neither asked for nor captured employer names or other identifying specifics, and did not track respondents’ IP (Internet Protocol) addresses. The Survey was accessible on mobile devices as well as computers. To provide some context to the respondents about the Survey, WLG created a page on its website and directed respondents to that link ([www.womenlawyersonguard.org/survey/](http://www.womenlawyersonguard.org/survey/)) where they could then access a link to the Survey instrument

In addition to group and individual emails, social media postings, flyers, and in personal networking settings, WLG deployed the Survey to more than 100 women’s state and national bar associations and other similar networks and organizations around the country, and requested that these groups forward the Survey to their members or networks, promising them a link to the final Survey Report that they could send to their members. At least **35 state/local bar associations and 24 national organizations sent the Survey to their members or networks.**<sup>29</sup>

**What WLG Asked:** Nextions drafted the questions with the assistance of a 13-member WLG Survey Committee. The Survey questions were designed to research specific behaviors (13 types from “offensive jokes about sex or gender” to “attempted or actual sexual assault”);<sup>30</sup> who, if anyone, was told about the incident and what happened as a result (whether the harassed person reported the event, what action did the employer take); whether harassment was part of a culture of the workplace or an isolated incident; what impact the behavior had on the person harassed; whether there were consequences to the harasser; and whether intersectionality<sup>31</sup> affected the situation. The Survey sought to capture information about incidents in five- to 10-year increments, from the present to 30 years ago, to assess what is happening now and to track whether people experienced changes in behaviors over time.



# DEMOGRAPHICS

**Who WLG Asked—Who Responded?** In conceiving the Survey, WLG sought to obtain responses from women and men lawyers and legal staff. This is who responded:

**Gender of Respondents:** 7% of respondents were male, 92% female; less than 1% preferred to self-describe or did not wish to respond to this question.

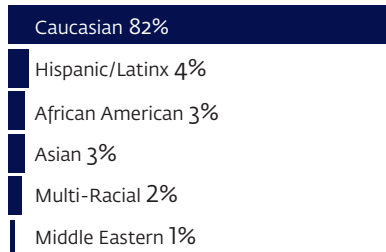
Of the respondents who experienced harassment directly, 75% were women and 22% were men.<sup>32</sup>

[Questions 1 and 50]



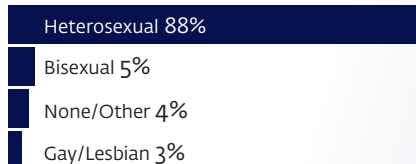
**Race/Ethnicity:** 3% Asian; 3% Black or African American; 4% Hispanic or Latinx; less than 1% Middle Eastern; less than 1% Pacific Islander or Native Hawaiian; 82% White/Caucasian (not Hispanic or Latinx); 2% Multiracial. These percentages track the unfortunately low ethnic and racial composition of the legal profession today.<sup>33</sup>

[Question 51]



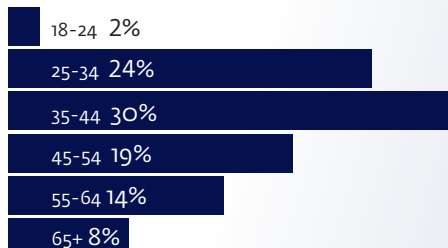
**Sexual Orientation:** 5% Bisexual; 3% Gay/Lesbian; 88% Heterosexual; and 4% identified as “other” or chose not to respond to this question.

[Question 52]



**Age:** The responses fell within a “bell curve,” with roughly a third of the respondents in the 35-44 year-old range (roughly 10-20 years out of law school), 24% less than 10 years out, 19% were 20-30 years out, and 22% were over 30 years out of law school. Those under 24 years old comprised 2 percent.

[Question 53]



**Regions:**<sup>34</sup> WLG sought to obtain responses from people throughout the United States and heard from respondents in all regions. As noted from the 35 state and local bar associations and 24 national organizations that sent the Survey to their members, WLG achieved a good representation from each of these regions. [Question 55]

**Context of the Harassment Incidents; Positions of Those Harassed:** The Survey asked about the context and circumstances of the harassment, including the relative hierarchical positions of the harasser and the harassed (including harassment by clients), the settings in which the behavior occurred (i.e., the practice settings and whether it occurred in group settings or in private), and the context of those settings (business travel, social business events, etc.).

In the last five years, a significant percentage of the incidents (43%) were reported in law firms, followed by 16% in the government, 11% in the judiciary, and 11% in law schools. [See Question 16, page 28]

Of the persons who experienced harassment, the largest number of incidents reported (the mode, 30%) were from associates or staff attorneys, 16% were from partners or supervising attorneys, 11% were from law students, 10% were from interns, law clerks or summer associates, and 4% were from judges. Non-attorneys in senior positions were 3% of respondents; and 3% were from non-attorney staff. [See Question 12 page 27]

**Gender of the Harasser:** Incidents of male harassment of women were the overwhelming norm for respondents to the Survey: approximately 91% indicated that the gender of the harasser was male, while 6% indicated that the harasser was female. [Question 22]

## DOES WLG KNOW SPECIFICALLY WHO RESPONDED?


No. Beyond the demographics identified above, the Survey was entirely confidential and anonymous. The Survey did not track respondents' IP (Internet Protocol) addresses. Additionally, the Survey deliberately did not ask what state the respondent resided in but instead inquired about geographic region to ensure that no respondent was identifiable.

# ENDNOTES

- 1 Throughout this Report all percentages have been rounded to the nearest whole number for ease of presentation. Further detail is available upon request.
- 2 *Sexual Harassment* is described by the Equal Employment Opportunity Commission as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature . . . when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile, or offensive work environment.” U.S. Equal Employment Opportunity Commission, 2018, <https://www.eeoc.gov/eeoc/publications/fs-sex.cfm>. The Supreme Court in *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986), established that sexual harassment is actionable under Section 703 of Title VII of the Civil Rights Act of 1964, as a form of sex discrimination. Employer liability under Title VII is based on laws of agency and depends on a number of factors, including the identity of the harasser, the actions taken by and the consequences to the person harassed, whether the employer knew or should have known about the harassing behavior and whether the employer took steps to prevent and correct harassing behavior. <https://www.eeoc.gov/laws/types/harassment.cfm>. Individuals are not liable under Title VII but may be liable under state law, other federal laws and common law.
- 3 For a history of salient “wake-up calls” regarding the cost to the profession of sexual harassment, see, e.g., Wendi S. Lazar, “Sexual Harassment in the Legal Profession; It’s Time to Make it Stop,” *Law Journal Newsletters*, Apr. 2016, <https://www.lawjournalnewsletters.com/sites/lawjournalnewsletters/2016/04/01/sexual-harassment-in-the-legal-profession-its-time-to-make-it-stop/>, and for a history of sexual harassment jurisprudence, see, e.g., Linda Hirshman, *Reckoning: The Epic Battle Against Sexual Abuse and Harassment*, Houghton Mifflin Harcourt, 2019. Robert Carlson, “Statement of Bob Carlson, President, American Bar Association; Industry Leaders Roundtable Discussion on Harassment Prevention,” U.S. Equal Employment Opportunity Commission, Mar. 20, 2019 (quoting the ABA House of Delegates February, 1992 Resolution on sexual harassment), [https://www.eeoc.gov/eeoc/task\\_force/harassment/3-20-19/aba.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/3-20-19/aba.cfm). In October of 1990, a year before the Anita Hill/Clarence Thomas hearings catapulted the issue of workplace sexual harassment to the forefront of the U.S. psyche, the ABA Commission on Women published model sexual harassment policies, bundled with parental leave and alternative work schedule policies, in an effort to educate the profession and encourage employers to implement such policies. Commission on Women in the Profession, *Lawyers and Balanced Lives: A Guide to Drafting and Implementing Workplace Policies for Lawyers*, American Bar Association, 1990.
- 4 Quotes from respondents are edited for length. Additional Quotes appear in Appendix A. They come from a full spectrum of respondents including men and people of color. No identifying information is indicated in order to maintain anonymity.
- 5 “. . . [A] whopping 55% [of men] were very concerned about women making false claims of harassment and assault. Another 27% described themselves as somewhat concerned about this issue, resulting in 82% of men who are worried about women making false allegations of harassment or assault at work.” Kim Elssesser, “Of All The Gender Issues at Work, Men Are Most Concerned About False Harassment Claims From Women,” *Forbes*, Jan. 2019; <https://www.forbes.com/sites/kimelssesser/2019/01/10/of-all-the-gender-issues-at-work-men-are-most-concerned-about-false-harassment-claims-from-women/>; “While one-third of respondents reported ever perpetrating sexual harassment or assault, only 2% of men and 1% of women said they had ever been accused of these abuses. That shows that, while ongoing public perceptions of false accusations as a major risk persist, any accusation, including false accusations, is in fact very rare.” Anita Raj, “Worried about sexual harassment – or false allegations? Our team asked Americans about their experiences and beliefs”; *The Conversation*; May 13, 2019; <https://theconversation.com/worried-about-sexual-harassment-or-false-allegations-our-team-asked-americans-about-their-experiences-and-beliefs-116715>; “While an estimated two to eight percent of sexual assaults or rapes are falsely reported, this number only affects the number of reported rapes; therefore, the amount of false reports in comparison to the total number of sexual assaults and rapes is likely closer to .002% [to] .008%. Statistically, it is overwhelmingly more likely that a person alleging sexual assault or rape is telling the truth than making a false accusation.” Jackie Fielding, “Men Fear False Allegations. Women Fear Sexual Misconduct, Assault, and Rape,” *Minnesota Law Review*, Nov. 25, 2018, <https://minnesotalawreview.org/2018/11/25/men-fear-false-allegations-women-fear-sexual-misconduct-assault-and-rape/>.
- 6 See, e.g., the Time’s Up initiatives addressing the entertainment, healthcare, advertising and tech industries. [www.timesupnow.org](http://www.timesupnow.org).
- 7 Patrick Dorrian and Meghan Tribe, “Fox Rothschild Lawyer Out After Sexual Harassment Complaint,” *Daily Labor Report*, Dec. 18, 2019, <https://news.bloomberglaw.com/daily-labor-report/fox-rothschild-labor-attorney-accused-of-sexual-harassment>.
- 8 Behaviors studied included: intrusive sexually explicit questions; offensive sexually suggestive sounds or gestures; unwanted requests for dates or sexual activities; unwanted communications; unwanted displays of pictures or other materials with sexually explicit content; assessments of sexuality or sexual attractiveness; ogling or leering; sexualized name-calling (such as bitch, whore or slut); sexual ridicule; direct or indirect threats or coercion for unwanted sexual activity; direct or indirect stalking; attempted or actual sexual assault. See Survey Question 3.
- 9 See Chai R. Feldblum and Victoria A. Lipnic, U.S. Equal Employment Opportunity Commission, *Select Task Force on the Study of Harassment in the Workplace*, June 2016, at 15, [https://www.eeoc.gov/eeoc/task\\_force/harassment/report.cfm](https://www.eeoc.gov/eeoc/task_force/harassment/report.cfm). (From 25% to 85% of women report having experienced sexual harassment in the workplace, depending upon the survey method and questions asked.) Surveys of sexual harassment in the legal profession include: Lauren Stiller Rikleen, Massachusetts Women’s Bar Association, *Survey of Workplace Conduct and Behaviors in Law Firms*, 2018 at 8, <https://wbaawbf.org/sites/WBAR-PR1/files/WBA%20Survey%20of%20Workplace%20Conduct%20and%20Behaviors%20in%20Law%20Firms%20FINAL.pdf> (50% of women versus 6% of men had received unwanted sexual conduct at work.); Deborah Chang and Sonia Chopra, PhD, “Where are all the women lawyers? Diversity in the legal profession in California: 2015,” *FORUM of the Consumer Attorneys of California*, Sept./Oct. 2015 at 22, <https://www.360advocacy.com/wp-content/uploads/2015/10/ChangChopraArticle-1.pdf> (In the 2005 *Online Poll of California Attorneys* by the State Bar of California, 70% of women reported receiving inappropriate comments about their physical appearance or apparel and 50% of women reported sexual harassment.); Women Lawyers of Utah, *The Utah Report: The Initiative on the Advancement and Retention of Women in Law Firms*, Oct. 2010 at 10, [https://static.squarespace.com/static/5d59b67cc8fc200010e75e1/t/5d743a9ea35aad275de23427/1567898273541/WLU\\_Initiative-Report\\_Final.pdf](https://static.squarespace.com/static/5d59b67cc8fc200010e75e1/t/5d743a9ea35aad275de23427/1567898273541/WLU_Initiative-Report_Final.pdf) (37% of women in firms experienced verbal or physical behavior that created an unpleasant or offensive work environment. 10% of women in firms felt the situations were serious enough that they were being harassed.); Lauren Stiller Rikleen, *The Shield of Silence: How Power Perpetuates a Culture of Harassment and Bullying in the Workplace (Shield of Silence)*, American Bar Association, 2019 at 2 (According to an ABC News/ Washington Post poll, 54% of American women have experienced unwanted and inappropriate sexual advances from men.); Roberta D. Liebenberg and Stephanie A. Scharf, *Walking Out the Door, The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice*, American Bar Association, 2019 at 8, [https://www.americanbar.org/groups/diversity/women/initiatives\\_awards/long-term-careers-for-women/walking-out-the-door/](https://www.americanbar.org/groups/diversity/women/initiatives_awards/long-term-careers-for-women/walking-out-the-door/) (50% of women had received unwanted sexual conduct at work); Kate Gibson, “Sexual Harassment Rife in the Legal Profession,” *CBS News Moneywatch*, Feb. 9, 2019, <https://www.cbsnews.com/news/sexual-harassment-rife-in-the-legal-profession/> (In a ZipRecruiter survey, 40% of female respondents and 59% of those who worked for law firms, had encountered sexual harassment on the job.); The Florida Bar, *Results of the 2015 YLD Survey on Women in the Legal Profession*, Dec. 2015 at 9, <https://www-media.floridabar.org/uploads/2017/04/results-of-2015-survey.pdf> (17% of women lawyers in Florida Bar’s Young Lawyers Division reported experiencing harassment.).
- 10 A similar construct was used in the Oregon Women Lawyers survey, Oregon Women Lawyers, et al., *Sharing Our Experiences of Sexual Harassment in Oregon’s Legal Community*, 2019 (Report not publically available). “Vicarious trauma’ is a response to an accumulation of exposure to the pain of others.” Dawn D’Amico, *Starting the Conversation about Secondary Trauma*; American Bar Association, Oct. 3, 2019; <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2019/fall2019-starting-the-conversation-about-secondary-trauma/>; “The damaging effects of harassment do not just impact the employee who is the victim of sexual harassment. Those who observe it can also suffer mental and physical harm and employee morale can decrease.” *Ending Sexual Assault and Harassment in the Workplace*. National Sexual Violence Resource Center, 2018; <https://www.nsvrc.org/ending-sexual-assault-and-harassment-workplace/>; “Even those working “with their heads down” can still be influenced by the toxic work environment. ‘You’re still in a system that is dysfunctional and it’s going to take a toll on you for that reason.’

- Freyd [Jennifer Freyd, psychology professor at the University of Oregon] says.”; Julie Carpenter, “What Happens When You Witness Sexual Harassment in the Workplace,” *CNN Money*, Feb. 9, 2018, <https://money.cnn.com/2018/02/09/pf/witnessing-sexual-harassment/index.html>; “. . . approximately 25% to 30% of individuals who witness a traumatic event may also develop PTSD and other forms of mental disorders including depression.”; R. Yehuda, et al., “Long-lasting hormonal alterations to extreme stress in humans: normative or maladaptive?” *Psychosomatic Medicine*, May-June 1993, Vol. 55, Issue 3 at 287–297, [https://journals.lww.com/psychosomaticmedicine/Citation/1993/05000/Long-lasting\\_hormonal\\_alterations\\_to\\_extreme.6.aspx](https://journals.lww.com/psychosomaticmedicine/Citation/1993/05000/Long-lasting_hormonal_alterations_to_extreme.6.aspx).
- 11 Seven percent of the incidents reported by respondents in the Survey in the last five years were harassment of non-attorneys. Additionally, 6% were incidents of harassment of paralegals and legal assistants, 9% of interns, summer associates or non-judicial law clerks and 11% were of law students.
  - 12 Rikleen, *Survey of Workplace Conduct and Behaviors in Law Firms* (Survey of Massachusetts law firms); Oregon Women Lawyers et al., *Sharing Our Experiences of Sexual Harassment in Oregon's Legal Community*, 2019 (Report not publically available);
  - 13 Kieran Pender, International Bar Association, *Us Too? Bullying and Sexual Harassment in the Legal Profession*, 2019, <https://www.ibanet.org/bullying-and-sexual-harassment.aspx>.
  - 14 California: Deborah Chang and Sonia Chopra, PhD, “Where are all the women lawyers? Diversity in the legal profession in California: 2015,” (reporting on the 2005 *Online Poll of California Attorneys*. State Bar of California), *FORUM of the Consumer Attorneys of California*, Sept./Oct. 2015 at 22, <https://www.360advocacy.com/wp-content/uploads/2015/10/ChangChopraArticle-1.pdf>; Florida: The Florida Bar, *Results of the 2015 YLD Survey on Women in the Legal Profession*, Dec. 2015; Utah: Women Lawyers of Utah, *The Utah Report: The Initiative on the Advancement and Retention of Women in Law Firms* at 10; Liebenberg and Scharf, *Walking Out the Door, The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice* at 8; Women's Bar Association of the State of New York, *Equal Opportunity in the Profession Survey*, 2019. (Report not publically available.)
  - 15 See note 5.
  - 16 “By and large, the biggest offenders were opposing counsel. Seventy-four percent of respondents have encountered gender discrimination or sexually inappropriate behavior from opposing counsel.” Chang and Chopra, at 24.
  - 17 Sources that have documented the consequences to the people harassed include: Rikleen, *The Shield of Silence* at 93 et seq.; Irin Carmon and Amelia Schobek, “Was it Worth It? Is it Still? Will it Ever Be: The women and men who came forward about sexual assault and harassment tell about everything that came after,” *The Cut*, *New York Magazine*, Sept. 30, 2019, <https://www.thecut.com/2019/09/coming-forward-about-sexual-assault-and-what-comes-after.html>. “. . .the abuse can do horrific damage, careers can be short-circuited and trauma can be lasting.” Dahlia Lithwick, “Read Dahlia Lithwick’s Testimony on Sexual Harassment in the Judiciary” *Slate Magazine*, Feb.13, 2020, <https://slate.com/news-and-politics/2020/02/dahlia-lithwicks-powerful-testimony-on-sexual-harassment-in-the-judiciary.html> (Testimony to the House Judiciary Committee’s hearing on Sexual Harassment in the Judiciary.)
  - 18 See note 14.
  - 19 For a discussion of sexual harassment of supervisors by underlings, see, e.g., Rikleen, *The Shield of Silence* at 79–80.
  - 20 See note 5.
  - 21 Because respondents were able to mark more than one consequence, the percentages total more than 100.
  - 22 Whether to inform the workplace of the sexual harassment or misconduct incidents and consequences is a complex issue. Some employers might argue that the consequences to the harasser are private, confidential matters (akin to performance reviews). Nevertheless, the results of sexual harassment investigations and the repercussions to the harasser are different. They are a direct outcome of a specific reported complaint, with the results having a significant impact on not only the persons harassed, but the entire work force. Not to reveal this information gives the misleading impression that nothing was done, thwarts other employees in assisting with compliance monitoring and doesn’t enable the important processes of repairing relationships (if possible) to occur. See e.g., Tyler Kingkade, “You Don’t Have a Right to Know the Outcome of Your Sexual Harassment Complaint,” *BuzzFeed News*, Jan. 18, 2018, <https://www.buzzfeednews.com/article/tylerkingkade/you-dont-have-a-right-to-know-the-outcome-of-your-sexual>. Additionally, non-disclosure provisions in settlement agreements often preclude either party from revealing the circumstances of the complaint or the outcome of the settlement. Sometimes the complainant benefits from confidentiality. See, e.g., Areva Martin, “How NDA’s Help Some Victims Come Forward Against Abuse,” *Time*, Nov. 28, 2017, <https://time.com/5039246/sexual-harassment-nda/>. But as discussed by many, these provisions should be reconsidered and a number of states have passed legislation affecting the enforceability of various non-disclosure provisions in the context of workplace harassment. See, e.g., Bradford Kelley and Chase J. Edwards, “#MeToo, Confidentiality Agreements and Sexual Harassment Claims,” *Business Law Today*, ABA, Oct. 17, 2018, <https://businesslawtoday.org/2018/10/metoo-confidentiality-agreements-sexual-harassment-claims/> and Kevin M. Levy, “Breaking the Silence: Good Riddance to Non-Disclosure Agreements in the #MeToo Era,” *Rutgers Journal of Law & Public Policy*, May 21, 2019, <https://rutgerspolicyjournal.org/breaking-silence-good-riddance-non-disclosure-agreements-metoo-era>.
  - 23 Cf. Florida Bar, *Results of the 2015 YLD Survey* at 7 (Five percent of respondents reported that they resigned from their employer because of harassment); Liebenberg and Scharf, *Walking Out the Door, The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice* at 11 (Sexual harassment or retaliation was reported to be a very important reason for leaving one’s firm by 9% of respondents, and a somewhat important reason by 15% of respondents, in a study of experienced women lawyers in private practice).
  - 24 E.g., Rikleen, *The Shield of Silence* at 115 et seq. (devotes an entire chapter to recommendations for effective change: “Beyond the Hashtags: A Blueprint for Change”); Meredith Holley, *Career Defense 101: How to Stop Sexual Harassment Without Quitting Your Job*, Morgan James Publishing, 2019; Wendi S. Lazar, Executive Editor, ABA Commission on Women, *Zero Tolerance: Best Practices for Combating Sex-Based Harassment in the Legal Profession*, American Bar Association, 2018; Women Lawyers of Utah, *The Utah Report: The Initiative on the Advancement and Retention of Women in Law Firms* at 13; Karen Suber, *The Irony of Sexual Harassment in the Legal Profession and What We Can Do About It*, 2019; Feldblum and Lipnic, *Select Task Force on the Study of Harassment in the Workplace*; Florida Bar Board of Governors, *Report of the Florida Bar Special Committee on Gender Bias*, May 26, 2017, <https://www.floridabar.org/wp-content/uploads/2017/06/Special-Committee-on-Gender-Bias-Report-2017.pdf>; State Bar of Wisconsin, *President’s Working Group on Sexual Harassment in the Legal Profession*; *Final Report*, Dec. 17, 2018, <https://www.wisbar.org/NewsPublications/Documents/BOG-Meeting-Materials-sexual-harassment-report-12-7-18.pdf>; Savannah Files, “Breaking the Silence: Holding Texas Lawyers Accountable for Sexual Harassment,” 9 *St. Mary’s Journal on Legal Malpractice & Ethics* 150 (2018), <https://commons.stmarytx.edu/lmej/vol9/iss1/5> (Texas and other states should adopt the 2016 ABA Model Rule of Professional Conduct 8.4, declaring sexual harassment by a lawyer to be professional misconduct); Manisha Sheth, “How Working Women Can Fight Workplace Sexual Harassment,” *Ms. Magazine*, Jan. 7, 2020; and the work of The Purple Campaign, <https://www.purplecampaign.org> (corporate engagement, legislation and lobbying)
  - 25 WLG’s next initiative is scheduled to be “Conversations With Men”—professionally facilitated small group conversations about practicing law in the MeToo era; discussions will include, for example, the fear of false accusations (see note 5), confusion about appropriate behavior and the backlash against mentoring and working with women.
  - 26 See, e.g., Callisto, the innovative organization that creates technology to detect repeat sexual assailants. [www.projectcallisto.org](http://www.projectcallisto.org).
  - 27 See, e.g., Time’s Up Legal Defense Fund, [www.timesupnow.org](http://www.timesupnow.org).
  - 28 See note 10.
  - 29 See list on pp 2-3.
  - 30 See note 8.
  - 31 Intersectionality is the overlap of social identities (e.g., race, ethnicity, gender) that could contribute to the specific discrimination experienced by an individual. For example, an African American woman might experience discrimination (or sexual harassment) that is uniquely due neither to her race nor her gender. See, e.g., Arica L. Coleman, “What’s Intersectionality? Let These Scholars Explain the Theory and Its History,” *Time*, Mar. 29, 2019, <https://time.com/5560575/intersectionality-theory/>; Kimberlé Crenshaw, “Mapping the Margins: Intersectionality, Identity Politics and Violence Against Women of Color,” *Stanford Law Review*, Vol. 43, No. 6; Jul. 1991, 1241-1299.
  - 32 Because the percent of male responses in the Survey was low (7%), statistical analysis could not parse out the specifics of the effects of sexual harassment on males nor the statistical differences between males and females. However, the voices of males who have been sexually harassed are important, and they are reflected in the quotes in this report.
  - 33 According to the American Bar Association, the demographics of lawyers in the legal profession in the U.S. as of 2019 are: 3 % Asian; 5 % Black/ African American; 5% Hispanic; 85% White/ Caucasian; 1% Native American; 1% Multiracial. American Bar Association, *Legal Profession Statistics, National Lawyer Population Demographics 2009-2019 (pdf)* Aug. 5, 2019, [https://www.americanbar.org/about\\_the\\_aba/profession\\_statistics/](https://www.americanbar.org/about_the_aba/profession_statistics/). “. . . the abuse can do horrific damage, careers can be short-circuited and trauma can be lasting.” Dahlia Lithwick, “Read Dahlia Lithwick’s Testimony on Sexual Harassment in the Judiciary” *Slate Magazine*, Feb.13, 2020, <https://slate.com/news-and-politics/2020/02/dahlia-lithwicks-powerful-testimony-on-sexual-harassment-in-the-judiciary.html> (Testimony to the House Judiciary Committee’s hearing on Sexual Harassment in the Judiciary.)
  - 34 The geographic regions were defined as follows: **Northeast:** ME, NH, VT, MA, RI, CT, NY; **Mid-Atlantic:** MD, DE, PA, VA, NJ, DC; **Southeast:** FL, GA, SC, NC, MS, AL, LA, AR, TN; **Midwest:** ND, SD, NE, KS, MN, IA, MO, WI, IL, IN, MI, OH, WV, KY; **Northwest:** WA, OR, ID, MT, WY, AK; **Southwest:** TX, OK, CO, UT, AZ, NM, NV, CA, HI.





*“In a weird way this felt good to get it off my chest for what it is worth.”*

*“Sexual harassment and misconduct is pervasive in the legal profession. I don’t know any younger female attorneys who haven’t experienced it.”*

## **APPENDIX A**

### **ADDITIONAL QUOTES FROM RESPONDENTS**

Notwithstanding that most of the questions were multiple choice, respondents had numerous opportunities to tell more. And they did—over 60 pages of quotes were compiled from the Survey responses. Space constraints make it impossible to include all the comments, but some are included in the body of the Report, and additional quotes are reproduced here.

## ***It's Still Happening***

"Sexual harassment and misconduct is pervasive in the legal profession. I don't know any younger female attorneys who haven't experienced it."

"Inappropriate sexual comments or sexual overtures by colleagues, supervisors, judges or clients have occurred throughout my entire working life. I'm 61 years old and a male co-worker (married judge) made an inappropriate move just last year."

"I've worked in the legal profession for 13+ years at 3 large law firms and have experienced sexual harassment in some form at all 3. Most recently at my new firm, the managing partner of my office came on to me at the firm's Christmas party a few months ago . . . I was shocked this type of behavior is still occurring and old male privileged partners think they can get away with it. It's discouraging to still have to put up with this in my career."

## ***Some Experiences***

"Asked me to try on a dress for him; said he was going to spank me."

"[o]ffensive comments about my sexual orientation."

"One senior partner blocked my obtaining partnership by saying, 'Over my dead body will I be partners with a lesbian with fake tits.' I left and opened my own firm."

"On two occasions over a two year period the managing partner of my firm grabbed my butt in public in full view of other partners of our firm as well as a partner in another firm;"

"Sexual harasser used religion to justify his positions. For example, he gave one colleague a book on the importance of keeping her virginity until marriage . . . When he got caught groping a co-worker he later gave a lecture that because god had forgiven him, we needed to as well."

"In isolation, none of the incidents were necessarily an issue. Rather, it was the cumulative impact of being called out for being female, being a wife, being a mother, being pregnant. I don't think at the beginning, I even realized how problematic the behavior was. Over time, I realized how pervasive sexism is in the workplace and how sexual relationships between colleagues in the workplace impact everyone else."

"I . . . have heard so many stories from women in my profession about sexual harassment they have experienced and it is too hard to address all those stories . . ."

## ***It's Happening in All Walks of the Profession***

### **JUDGES AND THE JUDICIARY**

"The judge that made comments before I became judge, continued after I became a judge so I never was around him alone. He noticed and said 'I see you have your body guard with you.'"

"After oral arguments had finished in a case and the judges were walking out of the court room one of the judges (who was walking directly behind me) asked his male clerk if he had seen the legs and incredible body on 'that last blond attorney.' I was horrified to know that while that attorney was advocating for her client one of the judges deciding her client's fate was solely focused on how attractive she was."

"I have absolutely no faith in any reporting process in the judiciary. A separate reporting process independent of oversight by the same circuit/district where the alleged misconduct occurs is urgently necessary. And the consequences of that reporting process require teeth."

### **GOVERNMENT SETTINGS**

"I had a senior lawyer in government that I had asked for a reference suggest that he knew members of the hiring panel for articles with the government. He tried to blackmail me into sleeping with him for a favorable reference and implied he'd tank my chances if I refused. I found out much later from a member of that panel that he knew no one."

"Management [at government agency] enabled or turned a blind eye . . . The person who assaulted me was laterally transferred w/no repercussions. He recently apologized to me by email. So what."

"One of the worst places I experienced sexual harassment was at a public defender's office by my male coworkers. It was 15 years ago. I had sexual advances made on me multiple times even though I was engaged and living with someone. I was subjected to derogatory jokes about women. I was asked to go to lunch by some of my male coworkers and was taken to a strip bar."

### **CORPORATIONS**

". . . I went on to become Corporate Secretary, traveling to a board meeting with a senior colleague; upon arrival, an executive remarked to my colleague in front of the group, 'you travel with some good-looking women,' again an assessment of my attractiveness. It's irritating."

### **LAW SCHOOLS**

"As a law student seeking advice from the professors, I had two that took it upon themselves to initiate sexual advances—one said that a person wearing perfume like I was must be "experienced" and the other said to have help with class it would help if we went out on a date. I brought the first instance to a . . . female professor who basically blamed me for wearing "suggestive clothing (I had not), so I took both to the dean who was supportive."



"The resolution of this incident is one of the few times the University did act. It took almost 3 years of administrative hell to get him 'retired'. . . faculty and staff issues are unresolved or unaddressed for the most part."

"They held a celebration for someone I know to have committed sexual misconduct against a student. I know that student did not come forward for fear of losing their own position on a writing publication. I know that this professor has made others extremely uncomfortable. I know that I was scared to have office hours with this individual."

"[School] gave tenure to a professor that was a known predator. They did nothing to mitigate the harm caused by this person. I no longer felt safe going to office hours with this person."

## **LAW FIRMS**

"I was representing women in sexual harassment lawsuits while I was being sexually harassed by a partner in my firm."

"I wish that the law firm had provided information during the onboarding process indicating that sexual harassment was not tolerated and a clearly identified way to report."

"I went to firm management on two separate occasions after making my complaint to let them know that the harassment was still happening and that the partner was taking retaliatory actions against me by complaining about me to other partners—I was told by firm management to 'ignore it'."

"Sexual harassment is rampant in law firms . . . because rainmakers have no consequences for their behavior. That attitude trickles down to other senior attorneys and victims fear retaliation if they report and worse, fear gaining a reputation . . . as a whistleblower."

## **NON-PROFITS**

"This was a policy organization that focuses in part on women's rights! I remain incredulous that even people who know better will do the wrong thing when confronted with sexual misconduct issues themselves."

## **ASSOCIATIONS**

"I was raped by a board member . . . (non-profit association context), who was allowed to voluntarily resign from the board, but faced no other consequence and I am expected to still deal with him."

## ***Harassers Outside of Employment Setting***

"Because of his position as a prominent mediator, who is highly visible and who often decides and/or mediates very public matters, it likely would be difficult for an individual or firm to decide to come forward about his behavior."

"I am a solo practitioner so there is no one for me to report incidents with other solo practitioners to."

"As a criminal defense attorney I feared that my clients would suffer if I reported the deputy district attorney and that my reputation would be damaged."

"Harasser was . . . a client. [The] client had power. There were no consequences. People tried to avoid situations or minimize contact alone with harasser."

"I think that there is a lack of dialogue around the sexual harassment that ambitious female lawyers experience at the hands of clients and prospective clients."

"I practice at a high level in private litigation. Most often I have been treated with disrespect and sexualized by opposing counsel."

"But even in my current situation (which I consider kind of at the height of the legal profession) something happened and all I could do [was to] kindly take his arm and hand away and lean away as he tried to kiss me. I just act like it never happened because frankly he refers me business."

"Sexual harassment comes to us from outside of our employers too, it comes from opposing counsel, judges, bar mentors, retired lawyers, etc."

## ***Environments Unsupportive to Reporting***

### **POWER IMBALANCE**

". . . I learned my supervisor had exposed himself to a colleague during her job interview. Sexual and non-sexual harassment and power/gender imbalance go hand-in-hand."

"I was shocked that it was a matter of course for this partner to behave the way he did. Associates are at a terrible disadvantage when the perpetrator is a partner who brings in a lot of money and clients."

"Although I am older and I am in a position where I have less fear of speaking up for myself and others who are experiencing this sort of behavior, I am still afraid because there is still enormous pressure not to challenge the powerful."

### **THE CULTURE**

"I was in environments in which the leadership created and promoted a culture in which this behavior was acceptable (one firm, the behavior of the leadership itself dictated the behavior and at another poor operations and lack of structure allowed it to occur relatively unchecked)."

"The stalking and harassment was serious but made a joke of by management."

"Changing the culture is very slow and very difficult . . . The same issues I experienced 30 years ago occur today on a regular basis."

"People were more concerned with getting sued than with resolving the issue."

"The incident I directly experienced didn't really impact my daily life or work, but I worry that other young male colleagues who witnessed it would be encouraged to share similar jokes without recognizing that they were inappropriate in the workplace."

## **FEAR OF RETALIATION, BEING LABELED, DESTRUCTION OF CAREER—WHY PEOPLE DON'T REPORT**

"My settlement was reasonable but I didn't have a lot of bargaining power because the employer knew I wouldn't file EEOC complaint. Such a complaint is public record and other employers could find out, which could negatively affect my career. That is the huge problem in the legal field is that you can't get help outside the firm if you're unable to settle without it becoming public."

"I did tell a couple friends about the stalking but they were similarly unprepared to do anything about it. I wanted to, but did not feel I could safely, report any of this to anyone who could have helped. Although others in positions of authority were aware of some of it but did nothing."

"As a woman, working in [state], the legal community is small. If one wanted a job, or to keep a job, they must also keep quiet."

## **NO ONE TO REPORT TO/UNSUPPORTIVE RESPONSES**

"A fellow staff person attempted to pull me to him and kiss me. I told the Managing Partner who said I wouldn't be upset if the offender was more attractive. They did nothing so I had to protect myself."

"It was the managing partner, one of two named partners of the firm. There was no one I could report to who didn't report to him."

"Women are actively discouraged from reporting unwanted sexual harassment and assault. When I did report sexual harassment to my supervisor at the . . . District Attorney's Office, he did nothing and then took steps to have me fired."

"Sometimes the people in HR are the biggest offenders."

"For me, the reporting process did at least as much damage as the original rape. HR and my managing staff—all women, and all attorneys—damaged my self-confidence, self-worth, and career extensively, in ways I'm still unpacking."

## **NO CONSEQUENCES TO THE HARASSER**

"I was . . . raped by a fellow law student who is now chief counsel at a Fortune 500 company."

". . . the managing partner of my firm grabbed my butt in public in full view of other partners of our firm as well as a partner in another firm. If the offender has a big book of business, nothing is done to them. End of story."

I . . . went to HR, and was \*required\* to meet with [the harasser] with an HR rep and firm attorney present to mediate. It was awful. He cried, talked about his weight loss because of his stress, etc. Despite the serious demeanor of the female attorney and female HR person, no serious consequences followed. They moved him to another floor and put him on paid leave for a week . . . He became partner less than a year later.

## **HARASSERS WHO LEAVE ONE SETTING AND BRING THE HARASSMENT TO ANOTHER**

"The harassing partner had a reputation for this behavior. He had left another [city] office because he had been accused on groping women associates. I heard from one of such associates directly about her experience with him. He had groped her at a work dinner by acting like it was an accident as he tried to walk past her in a crowded room."

"Although I didn't know it at the time, the harassing partner preyed on young women associates at his former firm, and then at the firm where I was employed. It was common knowledge that he was a problem, but not among junior women associates, like me."

## **"PENCE RULE" AND OTHER BACKLASH**

"I had the managing partner tell me he could never travel with Lawyer X (a woman) because she was young and beautiful and his wife would not like it. #DeniedOpportunity for her."

## **RETALIATION AND OTHER CONSEQUENCES TO THOSE HARASSED**

"The experiences are why I ended up in solo practice—I feel as though the profession is still very much an environment where this behavior is accepted, and I didn't want to spend the rest of my career enduring that behavior. This had led to a significant impact on my mental health and earnings."

"I was at a pub/club dancing with some friends. The younger attorney came up to me, had clearly been drinking, and kissed me on the cheek (close to my mouth), I was very uncomfortable and asked him where his wife was and obviously rebuffed him. From then on out he treated me with complete disrespect at work and complained about me non-stop, from my work product right down to the fact that I didn't make his coffee in the morning. I felt so threatened and harassed that I had to find new employment, which also meant leaving the town where I lived."

"In order to avoid being in a room alone with him, I also missed out on the kind of work I sought to do and my hours decreased significantly."

". . . the experience is still a haunting thought with mixed emotions of shame and anger."

"These experiences can be traumatizing and prompt self-limiting behaviors as well—isn't this what the aggression is designed to do? And then women are blamed for not 'leaning in' . . ."

## **BRINGING LEGAL ACTION**

"I seriously considered pursuing a legal claim against my employer. However, after speaking to several trusted mentors and an employment attorney, I was lead to believe that pursuing the claim would likely end my career."

## ***Positive Support from Employers***

"I now work for the government [and] interact with the public. A member of the public offered to allow me access to an area I needed to investigate in exchange for sexual favors. I declined . . . My supervisor later told me that I didn't need to put up with that kind of treatment, I felt very heard and empowered to handle future situations better."

"[I was] sexually assaulted by a police officer I trusted while I was an assistant prosecuting attorney. I did not tell anyone for quite some time, but my work was being affected as the director of a sex crimes unit. I finally told my boss and he drove me to the police department to report it. He was very supportive."

". . . I was a member of the judiciary and the harasser was an employee of a government agency . . . I still feared that reporting the incident would impact my chances for advancement . . . and label me as a 'problem', and I still experienced anxiety about reporting. When I ultimately did report, my employer was entirely supportive and took appropriate corrective action . . . the offender was ultimately fired."

"When I reported the misconduct by opposing counsel, I felt very supported by the partners in my firm and by my client . . . Male and female partners provided support and strategies for responding to the misconduct if it occurred again."

### **FINDING WAYS TO ADDRESS THE HARASSMENT**

"I was representing women in sexual harassment lawsuits while I was being sexually harassed by a partner in my firm. I reported multiple times to multiple other partners, and the responses were not helpful. I asked employment attorneys how we teach people how to stop harassment while they are in a job, and they said, 'Things are just really sexist, and you have to ignore it.' After experiencing the harassment for more than a year, I finally found tools that work. My harasser apologized, stopped touching me, and we worked together safely after that for a couple more years."

"Addressing the problem directly with the problem person at the time of the problem conduct is the best way to shut down bad behavior. Also—document, document, document!!"

"It would be helpful if there were an anonymous "what if this happened" inquiry system available."

"They should be required to disclose claims of harassment filed and penalties levied if they do not disclose. Maybe then whitewashing would stop."

"Impartial investigations need to be done by those outside the workplace."

"The harasser was not actually a bad person; he just was horribly inappropriate and made a lot of women feel uncomfortable . . . Once he was confronted, he never did it again."

"Speaking out in 'safe' places though women's organizations and private support groups are effective ways to navigate and unfair or unsafe environment."

## **Other Contributing Factors**

### **WOMEN (IN PARTICULAR) BELIEVE THAT THEY MUST ENDURE**

“For a long time, and even now, we are expected to endure this kind of behavior because of the objective ‘standard’ that as long as it isn’t assault or rape, we shouldn’t complain.”

“I thought it was the price for being a successful female in a male dominated profession.”

“As a women, you are at a disadvantage in marketing your firm because you have to evaluate if a male risk manager is actually interested in hiring your firm or is just interested in your body. . . I am constantly having to draw lines and evaluate motives in interactions with male industry members.”

“[These behaviors] reinforced the belief that being female was an obstacle every female has to overcome if she wants to succeed in a legal career.”

“. . . I felt I needed to brush it off [the offending behavior] or minimize it in order to be ‘part of the team’ and to avoid being ostracized. I routinely observe other women laughing off such behavior for presumably the same reasons. I hope as awareness increases, we can all feel comfortable and safe in speaking up and refusing to tolerate such behavior.”

“Others were concerned they’d be seen as weak or ineffectual if they couldn’t live with it.”

### **WOMEN DON’T TAKE A STAND AGAINST THE HARASSERS OR THEY ARE THE HARASSERS**

“I also found that other women in leadership did not take a strong stance against the misconduct and attempted to smooth things over rather than make the abuser face the appropriate consequences.”

“I was happy with how my employer responded but disappointed my co-workers received negative and false information from offender and believed it to be true, blamed me for his firing, and thought I ‘should have kept my mouth shut.’ These were women, same age as me, one of whom experienced the inappropriate sexual comments and had told me it made her really uncomfortable.”

“I had a former boss (a female elected prosecutor) call me and tell me I could not go through with this [prosecution of the harasser] because my career would be ‘ruined.’”

“Many of these activities took place in front of my supervisor or she was part of it, so there was no point in reporting to her. She was also the boss so there was no one above her.”

“[M]y female supervising attorney (I am also female) made me extremely uncomfortable asking about my sex life, accusing me of having sex with a client, and making sexual comments about other attorneys.”

“Men are harassed as well.”

*“For me, the reporting process did at least as much damage as the original rape. HR and my managing staff—all women, and all attorneys—damaged my self-confidence, self-worth, and career extensively, in ways I’m still unpacking.”*

## **APPENDIX B**

### **SURVEY QUESTIONNAIRE**

*“I was representing women in sexual harassment lawsuits while I was being sexually harassed by a partner in my firm.”*





## Sexual Misconduct Survey of the Legal Profession

\* 1. I have directly experienced or observed sexual misconduct during my legal education and/or career in the legal profession.

Yes       No

\* 2. I have indirectly experienced, heard about, or have been told about sexual misconduct during my legal education and/or career in the legal profession.

Yes       No

3. Which of the following have you directly experienced or observed at any point in your legal education and/or career in the legal profession?

[Select all that apply and please indicate approximately how long ago the incident[s] occurred. If incidents occurred during more than one time period, select all that apply.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Offensive jokes about sex or gender	0	0	0	0	0
Intrusive sexually explicit questions	0	0	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0	0	0
Ogling or leering	0	0	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0	0	0
Sexual ridicule	0	0	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0	0	0
Direct or indirect stalking	0	0	0	0	0
Attempted or actual sexual assault	0	0	0	0	0

4. If other, please describe:

5. Did you talk to/confide in anyone about the incident(s) you directly experienced or observed? (i.e. with no expectation of further action.)

[Please select all that apply to each type of incident.]

	Yes	No	Do Not Know/Remember
Offensive jokes about sex or gender	0	0	0
Intrusive sexually explicit questions	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0
Ogling or leering	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0
Sexual ridicule	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0
Direct or indirect stalking	0	0	0
Attempted or actual sexual assault	0	0	0

6. **Did you want to formally report the incident(s) you directly experienced or observed?**  
**[Please select all that apply to each type of incident.]**

	Yes, I wanted to report, and I did report	Yes, I wanted to report, but I did not report	No, I did not want to report
Offensive jokes about sex or gender	0	0	0
Intrusive sexually explicit questions	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0
Ogling or leering	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0
Sexual ridicule	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0
Direct or indirect stalking	0	0	0
Attempted or actual sexual assault	0	0	0

7. **If other, please describe:**

8. **If you reported the incident(s), to whom did you report the incident(s) you directly experienced or observed, and how supportive were they?**  
**[Select all that apply and the extent to which you felt supported. If you did not report, please continue to the next section.]**

	Very Supportive	Supportive	Neutral	Not Supportive	Harmful
Supervisor/Supervising Attorney/Manager	0	0	0	0	0
Human Resources	0	0	0	0	0
Ombudsperson	0	0	0	0	0

9. **If other, please describe:**

10. **If you wanted to report the incident(s) you directly experienced or observed, but did not, what, if any, barriers prevented you from reporting? [Select all that apply and please indicate approximately how long ago the incident(s) occurred. ]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Didn't know to whom to report	0	0	0	0	0
Person to report to was the harasser	0	0	0	0	0
Too scared for my safety	0	0	0	0	0
Thought I would lose my job or promotion opportunity and I didn't want to	0	0	0	0	0
Thought I would lose my job or promotion opportunity and I couldn't afford to	0	0	0	0	0
Thought the behavior wasn't serious enough	0	0	0	0	0
Thought the employer wouldn't believe me	0	0	0	0	0
Thought the employer wouldn't do anything	0	0	0	0	0
Thought I could handle it myself	0	0	0	0	0
Colleagues/friends/family discouraged me from reporting	0	0	0	0	0

10. **If other, please describe or comment:**

12. **What was your position during the time of the incident(s) you directly experienced or observed? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Partner/Supervising Attorney	0	0	0	0	0
General Counsel	0	0	0	0	0
Associate/staff attorney	0	0	0	0	0
Of-Counsel	0	0	0	0	0
Contract Attorney	0	0	0	0	0
Association Volunteer	0	0	0	0	0
Law Student	0	0	0	0	0
Law School Administrator	0	0	0	0	0
Professor	0	0	0	0	0
Judge	0	0	0	0	0
Intern	0	0	0	0	0
Judicial Law Clerk	0	0	0	0	0
Non-Judicial Law Clerk i.e. during law school	0	0	0	0	0
Summer Associate	0	0	0	0	0
Paralegal	0	0	0	0	0
Legal Assistant	0	0	0	0	0
Non-attorney CEO, Managing Director or similar senior position	0	0	0	0	0
Non-Attorney Staff, Employee or Administrator	0	0	0	0	0
Non-attorney Manager or Supervisor	0	0	0	0	0

13. **If other, please describe:**

14. **What role(s) or position(s) did the person(s) initiating the misconduct incident(s) occupy? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Client	0	0	0	0	0
Partner/Supervising Attorney	0	0	0	0	0
General Counsel	0	0	0	0	0
Associate/staff attorney	0	0	0	0	0
Of-Counsel	0	0	0	0	0
Contract Attorney	0	0	0	0	0
Association Volunteer	0	0	0	0	0
Law Student	0	0	0	0	0
Law School Administrator	0	0	0	0	0
Professor	0	0	0	0	0
Judge	0	0	0	0	0
Intern	0	0	0	0	0
Judicial Law Clerk	0	0	0	0	0
Non-Judicial Law Clerk i.e. during law school	0	0	0	0	0
Summer Associate	0	0	0	0	0
Paralegal	0	0	0	0	0
Legal Assistant	0	0	0	0	0
Non-attorney CEO, Managing Director or similar senior position	0	0	0	0	0
Non-Attorney Staff, Employee or Administrator	0	0	0	0	0
Non-attorney Manager or Supervisor	0	0	0	0	0

15. **If other, please describe:**

16. **Please select the type of legal profession setting(s) in which the incident(s) you directly experienced or observed occurred? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Law Firm	0	0	0	0	0
Corporations	0	0	0	0	0
Non-profit	0	0	0	0	0
Association	0	0	0	0	0
Law School	0	0	0	0	0
Government	0	0	0	0	0
Judiciary	0	0	0	0	0

17. If other, please describe:

18. From your perspective, what was the frequency with which experiences of sexual misconduct occurred in your employment or academic setting(s)?  
[Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Often, it was a part of the culture	0	0	0	0	0
Somewhat, there were parts of the culture where people got away with it	0	0	0	0	0
Rarely, what happened was definitely out of the norm for the culture	0	0	0	0	0

19. If other, please describe:

20. Please select the setting of the incident(s) you directly experienced or observed?  
[Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
At a private (one-on-one) meeting/event	0	0	0	0	0
At a group meeting/event in the office/employment setting	0	0	0	0	0
At a group meeting/event off-site	0	0	0	0	0
At a mandatory social event	0	0	0	0	0
At an optional social event	0	0	0	0	0
In a classroom	0	0	0	0	0
During business travel	0	0	0	0	0
Online or Digitally	0	0	0	0	0

21. As a result of the incident(s) or of your reporting the incident you directly experienced or observed, did you experience any of the following:  
[Select all that apply.]

- Negative impact on your career
- Loss of productivity
- Loss of employment/ fired or forced out
- Transfer to a new department or position
- Transfer to a new school
- Transfer to a new location (e.g. office, city, state)
- Negative change in physical health
- Negative change in emotional health
- Lack of sleep
- Anxiety about your career or workplace
- No longer felt safe at work/school
- Fear of retaliation
- Loss of promotion opportunity
- Loss of self-confidence
- No Impact
- If other, please describe:

\* 22. Which gender would you describe the person initiating the harassing or misconduct incident(s) you directly experienced or observed?

- Female
- Male
- Transgender
- Non-Binary
- If other, please specify

24. If you reported the misconduct you directly experienced or observed, or you know your employer became aware of the misconduct, what were the consequences to the person initiating the misconduct?

- Legal action
- Fired or Let go
- Voluntarily left position
- Transfer to a new location or office
- Formal investigation
- A written or verbal warning from a Manager or Supervisor
- A follow-up conversation with a Human Resources or other compliance mechanism
- Compensation was decreased
- Demotion
- Removal from key committees or management positions
- Conduct got worse
- No Consequence
- I don't know
- If other, please describe:

\_\_\_\_\_

\* 25. Are you still employed in the legal profession?

- Yes, I am still employed and am at the same employer/school
- Yes, I am still employed in the legal profession but at a different employer/school
- No, I am no longer employed in the legal profession/no longer at a law school
- If other, please specify:

\_\_\_\_\_

Additional Comments:

\_\_\_\_\_

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26. Do you have any additional thoughts or comments about the incident(s) you experienced that you would like to share? (including effective strategies you experienced in your workplace/school to address, investigate or resolve sexual misconduct incidents.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

27. Which of the following have you indirectly experienced at any point in your legal education and/or career in the legal profession?

[Select all that apply and please indicate approximately how long ago the incident[s] occurred. If incidents occurred during more than one time period, select all that apply.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Offensive jokes about sex or gender	0	0	0	0	0
Intrusive sexually explicit questions	0	0	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0	0	0
Ogling or leering	0	0	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0	0	0
Sexual ridicule	0	0	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0	0	0
Direct or indirect stalking	0	0	0	0	0
Attempted or actual sexual assault	0	0	0	0	0

28. If other, please describe:

\_\_\_\_\_

29. Did you talk to/confide in anyone about the incident(s) you indirectly experienced? (i.e. with no expectation of further action.)

[Please select all that apply to each type of incident.]

	Yes	No	Do Not Know/Remember
Offensive jokes about sex or gender	0	0	0
Intrusive sexually explicit questions	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0
Ogling or leering	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0
Sexual ridicule	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0
Direct or indirect stalking	0	0	0
Attempted or actual sexual assault	0	0	0

30. **Did you want to formally report the incident(s) you indirectly experienced (heard about and/or were told about)?**

**[Please select all that apply to each type of incident.]**

	Yes, I wanted to report, and I did report	Yes, I wanted to report, but I did not report	No, I did not want to report
Offensive jokes about sex or gender	0	0	0
Intrusive sexually explicit questions	0	0	0
Offensive sexually suggestive sounds or gestures (such as but not limited to sucking noises, winks, pelvic thrusts, etc.)	0	0	0
Unwanted requests for dates, sexual activities, and/or other activities related to sex	0	0	0
Unwanted email, texts, letters, notes, social media postings, and/or telephone calls of a sexual nature	0	0	0
Unwanted displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content	0	0	0
Assessment/rating of your sexuality and/or sexual attractiveness	0	0	0
Ogling or leering	0	0	0
Sexualized name-calling (such as bitch, whore, or slut)	0	0	0
Sexual ridicule	0	0	0
Direct or indirect threats, bribes, or coercion for unwanted sexual activity	0	0	0
Direct or indirect stalking	0	0	0
Attempted or actual sexual assault	0	0	0

31. **If other, please describe:**

32. **If you reported the incident(s) you indirectly experienced (heard about and/or were told about), to whom did you report the incident(s), and how supportive were there?**

**[Select all that apply and the extent to which you felt supported. If you did not report, please continue to the next question.]**

	Very Supportive	Supportive	Neutral	Not Supportive	Harmful
Supervisor/Supervising Attorney/Manager	0	0	0	0	0
Human Resources	0	0	0	0	0
Ombudsperson	0	0	0	0	0

33. **If other, please describe:**

---



34. **If you wanted to report the incident, but did not, what, if any, barriers prevented**

**you from reporting? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Didn't know to whom to report	0	0	0	0	0
Person to report to was the harasser	0	0	0	0	0
Too scared for my safety	0	0	0	0	0
Thought I would lose my job, and I didn't want to	0	0	0	0	0
Thought I would lose my job and I couldn't afford to	0	0	0	0	0
Thought the behavior wasn't serious enough	0	0	0	0	0
Thought the employer wouldn't believe me	0	0	0	0	0
Thought the employer wouldn't do anything	0	0	0	0	0
Thought I could handle it myself	0	0	0	0	0
Colleagues/friends/family discouraged me from reporting	0	0	0	0	0
Incident was not at my employer	0	0	0	0	0

35. **What was your position during the time of the incident(s) you indirectly experienced (heard about, and/or were told about)?**

**[Select all that apply and please indicate approximately how long ago the incident[s] occurred.]**

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Partner/Supervising Attorney	0	0	0	0	0
General Counsel	0	0	0	0	0
Associate/staff attorney	0	0	0	0	0
Of-Counsel	0	0	0	0	0
Contract Attorney	0	0	0	0	0
Association Volunteer	0	0	0	0	0
Law Student	0	0	0	0	0
Law School Administrator	0	0	0	0	0
Professor	0	0	0	0	0
Judge	0	0	0	0	0
Intern	0	0	0	0	0
Judicial Law Clerk	0	0	0	0	0
Non-Judicial Law Clerk i.e. during law school	0	0	0	0	0
Summer Associate	0	0	0	0	0
Paralegal	0	0	0	0	0
Legal Assistant	0	0	0	0	0
Non-attorney CEO, Managing Director, Director or similar senior position	0	0	0	0	0
Non-Attorney Staff, Employee or Administrator	0	0	0	0	0
Non-attorney Manager or Supervisor	0	0	0	0	0

36. **If other, please describe:**

---

37. What role or position did the person initiating the misconduct or harassing incident(s) occupy? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Client	0	0	0	0	0
Partner/Supervising Attorney	0	0	0	0	0
General Counsel	0	0	0	0	0
Associate/staff attorney	0	0	0	0	0
Of-Counsel	0	0	0	0	0
Contract Attorney	0	0	0	0	0
Association Volunteer	0	0	0	0	0
Law Student	0	0	0	0	0
Law School Administrator	0	0	0	0	0
Professor	0	0	0	0	0
Judge	0	0	0	0	0
Intern	0	0	0	0	0
Judicial Law Clerk	0	0	0	0	0
Non-Judicial Law Clerk i.e. during law school	0	0	0	0	0
Summer Associate	0	0	0	0	0
Paralegal	0	0	0	0	0
Legal Assistant	0	0	0	0	0
Non-attorney CEO, Managing Director, Director or similar senior position	0	0	0	0	0
Non-Attorney Staff, Employee or Administrator	0	0	0	0	0
Non-attorney Manager or Supervisor	0	0	0	0	0

38. If other, please describe:

39. Please select the type of legal profession setting(s) in which the incident(s) you indirectly experienced (heard about, and/or were told about) occurred? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Law Firm	0	0	0	0	0
Corporations	0	0	0	0	0
Non-profit	0	0	0	0	0
Association	0	0	0	0	0
Law School	0	0	0	0	0
Government	0	0	0	0	0
Judiciary	0	0	0	0	0

40. If other, please describe:

41. If the incident(s) of sexual misconduct occurred in your employment or academic setting(s), what was the frequency? [Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
Often, it was a part of the culture	0	0	0	0	0
Somewhat, there were parts of the culture where people got away with it	0	0	0	0	0
Rarely, what happened was definitely out of the norm for the culture	0	0	0	0	0

42. If other, please describe:

43. Please select the setting of the incident(s) you indirectly experienced (heard about, and/or were told about)?

[Select all that apply and please indicate approximately how long ago the incident[s] occurred.]

	In the last 5 years	6-00 years ago	00-20 years ago	20-30 years ago	More than 30 years ago
At a private (one-on-one) meeting/event	0	0	0	0	0
At a group meeting/event in the office/employment setting	0	0	0	0	0
At a group meeting/event off-site	0	0	0	0	0
At a mandatory social event	0	0	0	0	0
At an optional social event	0	0	0	0	0
In a classroom	0	0	0	0	0
During business travel	0	0	0	0	0
Online	0	0	0	0	0

44. As a result of the incident(s) or of your reporting the incident you indirectly experienced (heard about, and/or were told about), did you experience any of the following:

[Select all that apply.]

- Negative impact on your career
- Loss of productivity
- Loss of employment/ fired or forced out
- Transfer to a new department or position
- Transfer to a new school
- Transfer to a new location (e.g. office, city, state)
- Negative change in physical health
- Negative change in emotional health
- Lack of sleep
- Anxiety about your career or workplace
- No longer felt safe at work/school
- Fear of retaliation
- Loss of promotion opportunity
- Loss of self-confidence
- No Impact
- If other, please describe:

45. Which gender would you describe the person initiating the harassing or misconduct incident(s) you indirectly experienced (heard about, and/or were told about)?

- Female
- Male
- Transgender
- Non-Binary
- If other, please specify

46. Did you perceive the sexual misconduct incident(s) you indirectly experienced (heard about, and/or were told about) to involve any of the following additional dimensions?

[Please select all that apply.]

- Race/Ethnicity
- Nationality/Citizenship
- Religion
- Sexual Orientation
- Gender Identity
- Age
- Disability
- None
- If other, please specify:

**If the misconduct was reported or you know the employer became aware of the misconduct, what were the consequences to the person initiating the misconduct?**

- Legal action
- Fired or Let go
- Voluntarily left position
- Transfer to a new location or office
- Formal investigation
- A written or verbal warning from a Manager or Supervisor
- A follow-up conversation with a Human Resources or other compliance mechanism
- Compensation was decreased
- Demotion
- Removal from key committees or management positions
- Conduct got worse
- No Consequence
- I don't know
- If other, please describe:

---

**Are you still employed in the legal profession?**

- Yes, I am still employed and am at the same employer/school
- Yes, I am still employed in the legal profession but at a different employer/school
- No, I am no longer employed in the legal profession/at a law school
- If other, please specify:

---

Additional Comments:

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**Do you have any additional thoughts or comments about the incident(s) you indirectly experienced (heard about, and/or were told about) that you would like to share? (including effective strategies you experienced in your workplace/school to address, investigate or resolve sexual misconduct incidents.)**

**With which gender do you identify?**

- Female
- Male
- Transgender
- Non-Binary
- Prefer Not To Answer
- Prefer to Self-Describe:

---

\* 51. **Which of the following best describes your race/ethnicity?**

- Native American/American Indian or Alaska Native
- Asian (origins in Far East, South or Southeast Asia)
- Black or African American
- Hispanic or Latina/o
- Middle Eastern
- Pacific Islander or Native Hawaiian
- White or Caucasian (Not Hispanic or Latina/o)
- Multiracial
- Prefer Not to Answer
- If other, please specify:

\* 52. **Which of the following best describes your sexual orientation?**

- Bisexual
- Gay/Lesbian
- Heterosexual
- Prefer Not to Answer
- If other, please specify:

\* 54. **Do you identify or consider yourself having a disability?**

- Cognitive Disability
- Behavioral Disability
- Vision Disability
- Mobility Disability
- Self-care Disability
- Independent living Disability
- No Disability
- Prefer Not to Answer
- If other, please specify:

---

\* 55. **In which region do you currently reside? (We created regions due to the distribution of attorneys. Please review each region carefully to choose the one(s) that best fit your circumstances.)**

- Northeast (ME, NH, VT, MA, RI, CT, NY)
- Mid-Atlantic (MD, DE, PA, VA, NJ, DC)
- Southeast (FL, GA, SC, NC, MS, AL, LA, AR, TN)
- Midwest (ND, SD, NE, KS, MN, IA, MO, WI, IL, IN, MI, OH, WV, KY)
- Northwest (WA, OR, ID, MT, WY, AK)
- Southwest (TX, OK, CO, UT, AZ, NM, NV, CA, HI)
- Prefer Not To Answer
- If other, please specify:

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One respondent urged us: *“Keep pursuing the work of this survey so change can happen.”* To help us with our next initiative, “Conversations With Men” addressing sexual harassment in the legal profession, please go to: [www.womenlawyersonguard.org/still-broken/](http://www.womenlawyersonguard.org/still-broken/)



**WOMEN LAWYERS ON GUARD INC.**

P.O. Box 100551

Arlington, VA 22210

Visit us at: [www.womenlawyersonguard.org](http://www.womenlawyersonguard.org)

***"It's not just a  
women's issue."***

