

**OREGON SUPREME COURT/OREGON STATE BAR
TASK FORCE ON GENDER FAIRNESS**

GENDER EQUITY SURVEY OF LAWYERS

Survey Results

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INTRODUCTION

The Gender Equity Survey of Lawyers was administered in Spring 1997 to assess the attitudes, opinions and experiences of Oregon lawyers regarding gender equity in Oregon's legal and judicial system. This report begins with a methodological summary and precautionary comments on the sample; a general discussion and commentary on interpretation of findings; and a summary of lawyers' demographic characteristics. The analysis that follows is organized into four sections: gender fairness in criminal law practice, domestic relations, litigation, and general law practice. Only lawyers whose case load in criminal law and family law exceeds 25% were asked the appropriate groups of questions. Only lawyers who are actually involved in litigation were asked that group of questions. All lawyers were instructed to answer questions regarding general law practice.

METHODOLOGY

The Gender Equity Task Force sent self-administered anonymous questionnaires designed by the Oregon Survey Research Laboratory (OSRL) to 1,800 randomly-selected lawyers practicing in the state of Oregon. Completed questionnaires were returned to OSRL for data processing and analysis. Although the original deadline date of May 19th was extended to June 13th to allow greater response, less than one-third of all questionnaires were returned. After excluding unusable questionnaires (e.g., those returned blank), the total number of completed questionnaires was 571, resulting in an overall response rate of 31.7%.

Because of the low response rate, the results of the lawyer survey must be interpreted with caution. One of the more serious non-random or systematic biases that can cause a low response rate is self-selection: that is, people who are interested in, or have strong opinions on, the survey topic are more likely to complete and return questionnaires than people who do not have such opinions or interests. Such self-selection can potentially skew survey results in unpredictable ways. On the other hand, conversation with Jessica Mindlin, the Task Force Coordinator, indicates that the sex and race/ethnic

distributions of Oregon State Bar members closely parallel the sex and race/ethnic distributions of the lawyer survey respondents.

In any case, we cannot say with certainty that the survey results presented here are generalizable to all Oregon lawyers. Thus, the scope of the analysis is limited to a descriptive study of the current sample of lawyers who responded. The survey results may indicate some meaningful trends, or identify examples of problems with gender equity, but they cannot be used to make conclusive statements about Oregon lawyers in general.

COMMENTS ON A FRAMEWORK FOR INTERPRETING FINDINGS

Gender fairness is a complex issue; thus, survey findings on this topic require careful and cautious interpretation. Depending on a survey question’s nature, a seemingly straight-forward interpretation may not be the best interpretation; it may even be misleading. Below, responses to a general question regarding gender bias in Oregon courts are used as a framework to illustrate the difficulty of interpreting survey results and as a way to assist readers in assessing the seriousness of gender-bias problems in Oregon courts.

In the questionnaire, lawyers were presented with the statement: "There is no significant gender bias in the courtroom today." They evaluated their experience on a four-point Likert scale ranging from “strongly agree” to “strongly disagree." The percentages of lawyers who selected "strongly disagree" and "somewhat disagree" are 9.5% and 24.0%, respectively. Thus, one-third of lawyers claim to see or experience gender-bias problems in courtrooms today.

One straight-forward interpretation of this result is that just one-third of lawyers perceive a gender-bias problem; this is a minority of the total sample; and, therefore, gender bias is not a serious problem. However, this interpretation may not be very realistic. First, even though one-third of a sample is a minority, it is a non-trivial percentage. It is large enough to assume that gender-bias problems exist in Oregon courts. With this assumption, moreover, the same result can be seen from an alternative framework, described below, which highlights the seriousness of gender-bias problems in Oregon courts and potential difficulties in resolving them.

The simple contingency table below provides a hypothetical framework for interpreting the one-third result. It breaks lawyers into four distinct categories, based upon whether they perceive gender bias and whether they engage in gender-biased conducts. The un-shaded cell, B1, represents lawyers who are aware of gender-bias problems, but do not engage in such conducts themselves. With respect to resolving gender-bias problems, these lawyers pose little problem. Lawyers represented by the shaded cells, however, pose different degrees of problems with regard to resolving gender bias.

		<i>Perceive gender bias</i>	
		Yes (34.8%)	No (65.2%)
<i>Engage in gender- biased conducts</i>	Yes	A1	A2
	No	B1	B2

Cell A1 represents lawyers who are aware of gender-bias problems, yet engage in gender-biased conducts. This combination may seem unlikely, but it is possible. For example, lawyers in A1 may recognize serious gender-biased conducts, particularly those committed by others, but fail to recognize subtler ones, particularly those committed by themselves.

Cell A2 represents lawyers who are unaware of gender-bias problems and who engage in gender-biased conducts. That is, these lawyers engage in gender-biased conducts but they may have no conception of themselves or others in the courtroom behaving inappropriately. The lawyers represented by the cells A1 and A2 are problematic because they are likely to perpetuate gender bias in the courtroom.

Cell B2 represents lawyers who do not engage in gender-biased conducts and are unaware of gender bias as a problem. Some of these lawyers may truly have never observed gender-biased courtroom conduct. Others may have been in situations where gender-biased conduct occurred, but failed to recognize the conduct as such. Lawyers represented by this cell are problematic in resolving gender-bias problems because they must be made aware of the problem, and this may be difficult.

The present survey does not allow us to pinpoint the percentage of lawyers in each table cell above. However, it is probable that the percentage of lawyers who can help resolve gender-bias problems is less than one-third of the sample, and the majority do not even recognize a problem.

The framework presented above provides a considerably different outlook on the seriousness of gender-bias problems in Oregon courts than the straight-forward interpretation of topline percentages. One may question the validity of the assumption that the problem exists. However, it seems only reasonable to make this assumption since there are no compelling reasons to refute the experiences of one-third of the sample. In addition, as will be seen below, the results of other survey questions suggest that there are various gender-bias problems in the Oregon courts and legal system, making this viewpoint the more realistic one.

In the analysis that follows, please note that in survey questions focused on specific instances of gender bias, lawyers' problem recognition is less of a factor in interpretation of the results. When survey questions are more general, however, it is important to keep in mind that problem recognition (of gender bias) becomes more of a factor.

DEMOGRAPHIC SUMMARY OF LAWYER RESPONDENTS

Sex: The respondents were 70% men and 30% women.

Age: A plurality of respondents (40%) is ages 40 to 49. Lawyers in their 30's and 50's both comprise about one-fourth of the sample, 25% and 24% respectively. Just 4% are less than 30 years old and just 7% are over 60 years old.

Race/Ethnicity: Non-Hispanic White lawyers constitute 93% of the sample. Other races and ethnicities represented are Blacks 0.4%, Asians 0.7%, Hispanics 1.2%, and American Indians 0.5%. Respondents who selected "Other" and those who did not indicate their race/ethnicity together constitute 5% of the sample.

Sexual Orientation: Heterosexual lawyers constitute 90% of the sample. Roughly 5% indicated that they are either gay or bisexual, and another 5% did not specify their sexual orientation.

Disabilities: Roughly 9% of respondents reported having disabilities (physical disabilities 8%, mental disabilities 1%).

Location and size of the practice: The majority (58%) of respondents practice in urban areas, 10% practice in rural areas, and 24% practice in mixed urban/rural areas. A plurality of respondents practices with more than 5 lawyers (38%), followed by the respondents who practice with 1 to 5 other lawyers (30%), and solo practitioners (23%).

SECTION 1: CRIMINAL LAW PRACTICE

DEMOGRAPHIC SUMMARY

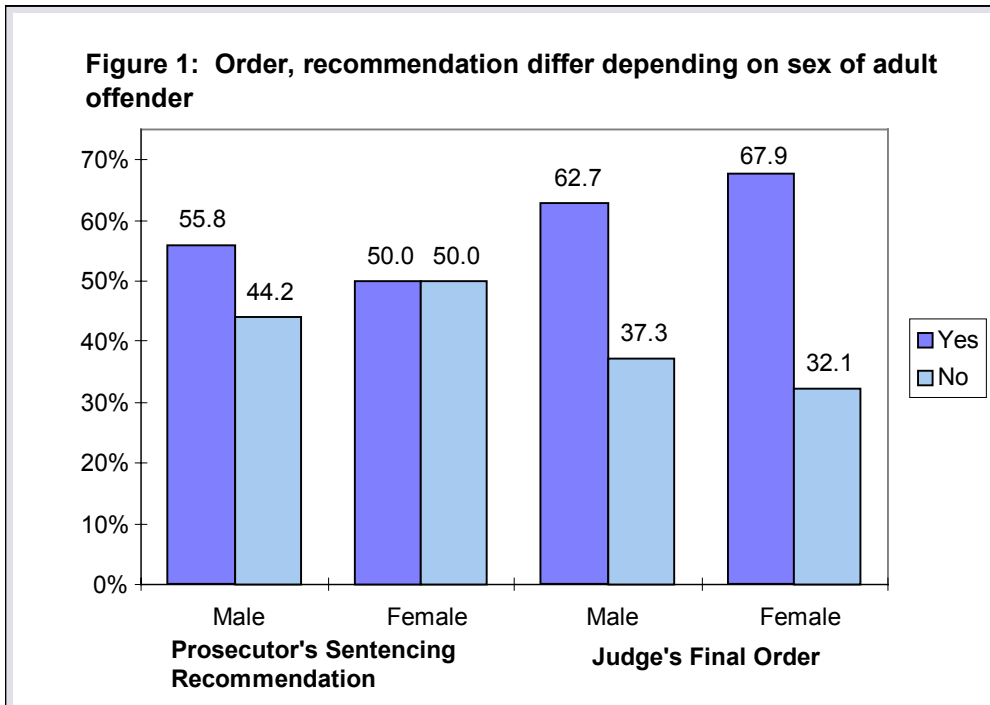
Results discussed in this section concern only lawyers whose criminal law case load exceeded 25% of their total case load for the past 5 years. About 20% of the sample, 116 respondents, met this criterion. No general demographic characteristic of this group deviates significantly from the general demographic characteristics of the whole sample (e.g., differences are limited to five percentage points or fewer in age distribution and size of practice). An exception is geography of practice: 20% of criminal law attorneys practice in rural areas compared to 10% of the total sample, and 43% practice in urban areas compared to 58% of the total.

ADULT OFFENDERS

The results show that criminal law practitioners perceive differential treatment of men and women adult offenders, particularly in judges' final orders, and to a lesser extent in prosecutors' sentencing recommendations. Regarding judges' final orders, nearly 60% of lawyers claimed to have experienced gender-based differences, about one-third (31.9%) did not, and 11.2% did not answer this question. One-half of lawyers perceived differences in prosecutors' sentencing recommendations, 41.4% did not, and 8.6% did not answer the question.

More men lawyers (55.8%) than women (50.0%) reported observing gender differences in prosecutors' sentencing recommendations for men and women adult offenders (see Figure 1). As for judges' final orders, proportionately more women lawyers observed differential treatment (67.9%) than men (62.7%). These gender differences are small, however, suggesting a relative consistency between men and women lawyers' experiences.

Lawyers who experienced gender differences in prosecutors' sentencing recommendations and judges' final orders were asked open-ended questions to describe how men and women offenders are treated differently. The majority indicated that women offenders receive more lenient treatment than men. Often lawyers cited that the differences are solely due to sex. The percentage of lawyers who listed structural reasons, such as the differential availability of programs for men and women offenders, was very small.



Lawyers also often cited parenting responsibilities as a reason influencing gender differences in sentencing recommendations and final orders. While some lawyers who cited this reason seemed to simply refer to the fact of women's greater responsibility for child rearing, others said that the parenting responsibilities of women offenders are assumed to be greater than for men offenders. One survey question provides some insight into the extent to which differential outcomes are caused by actual or presumed gender differences in parenting responsibilities: "In sentencing, judges take into account the parenting responsibilities of women and men equally." Fully 69.8% of lawyers said that, under similar circumstances, judges take women's parenting responsibilities into account "more often" than men's, while only 17.2% said "to the same extent" and 4.3% said "more often for men." This pattern indicates that lawyers believe women's parenting responsibilities are taken for granted while men's are not. However, it is possible that lawyers are influenced by observing by judges who more frequently have to deal with the fact of women's greater direct parenting responsibilities, i.e., being pregnant or being a single mother.

JUVENILE OFFENDERS

Roughly 30% of lawyers have experienced differences in prosecutors' sentencing recommendations and judges' final orders for juvenile offenders, considerably less compared to adult offenders. Since only 18 lawyers answered the questions concerning juvenile offenders, it is impossible to conduct a meaningful analysis of gender differentials or a meaningful comparison between adult and juvenile offenders.

SECTION SUMMARY

Lawyers who practice criminal law, both women and men, perceive women offenders as treated more leniently than men offenders in both prosecutors' sentencing recommendations and judges' final orders. A dominant reason they perceive underlying this differential treatment concerns women offenders' actual or assumed parenting responsibilities, but also, they perceive, the difference is caused simply by the offenders' gender.

SECTION 2: DOMESTIC RELATIONS

DEMOGRAPHIC SUMMARY

Lawyers whose family law case loads exceeded 25% of their total case load in the past 5 years responded to the series of questions regarding gender fairness in family law practice. About 20% of the total sample, 118 lawyers, answered this set of questions. The demographic characteristics of this group of lawyers closely resembles the demographic characteristics of the sample as a whole. The lawyers in this section are, however, more likely to work as solo practitioners or with 1 to 5 lawyers (36% and 47%, respectively, compared to 23% and 30% in the total sample); concomitantly, lawyers in large practices are smaller (12% compared to 38% in the total sample). In addition, more family lawyers practice in rural areas (20%, compared 10% in the total sample).

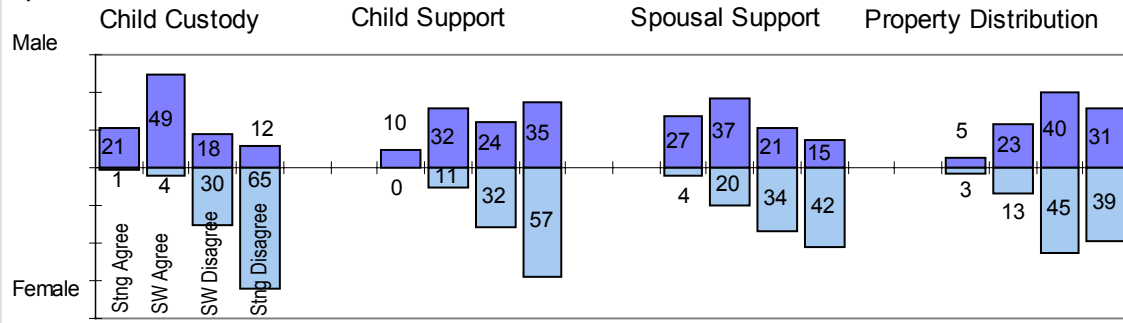
GENDER BIAS IN FAMILY LAW PRACTICE

One of the main sets of questions in this section concerns gender fairness for litigants in trial court, appellate court, and Oregon statutes and regulations. Figure 2 summarizes the findings for this set of questions.

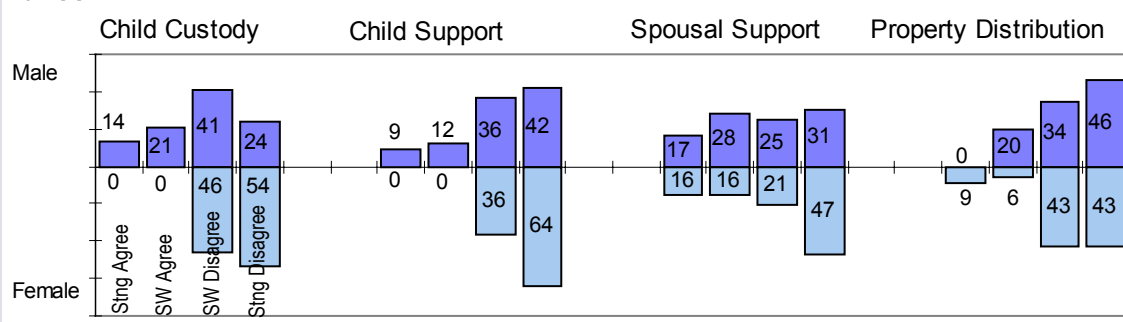
The graphs in Figure 2 represent lawyers' experiences with gender bias in each of the three areas (trial court, appellate court, and Oregon statutes and regulations). For each area, lawyers were asked about gender bias in child custody, child support, spousal support, and property distribution. The bars above the horizontal axis represent lawyers' experiences of gender bias against men; the bars below the horizontal axis represent lawyers' experiences of gender bias against women. If lawyers experience no systematic bias against one gender, the shape of each bar graph should be symmetrical around the horizontal axis. If few lawyers experience gender bias, the shape of the bar graph also should be taller on the right hand side (the side representing "somewhat disagree" and "strongly disagree"), resulting in a triangular shape.

Figure 2: Gender Bias in Family Law Practice

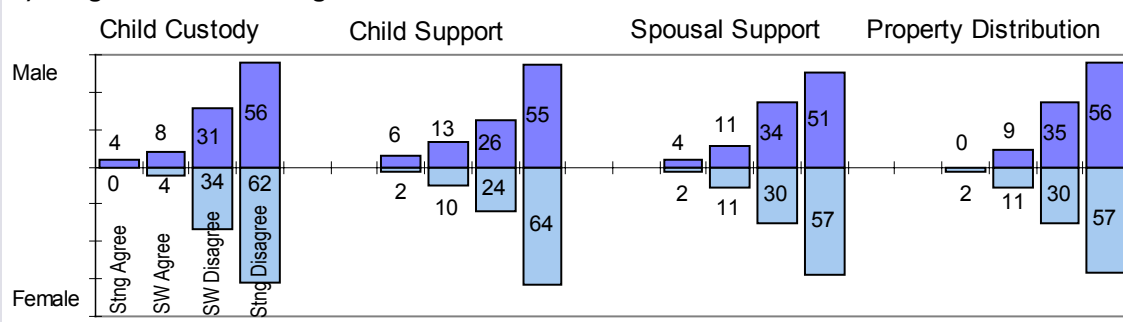
A) Trial Court



B) Appellate Court



C) Oregon Statutes & Regulations



TRIAL COURT

Overall, lawyers experience gender bias against men more often than against women, and more often in trial court than in appellate court. Particularly in child custody and spousal support awards, gender bias is observed frequently.

To the statement "There is bias against awarding child custody" for women litigants, only 5% of lawyers chose "strongly agree" and "somewhat agree," while 70% agreed for men. The shape of the graph for child custody in trial court is quite asymmetrical.

Although not as pronounced as in child custody, award of spousal support and child support have a similar asymmetrical pattern favorable to women litigants. In spousal support and child support awards, 64% and 42% of lawyers, respectively, "strongly agreed" and "somewhat agreed" that there is

bias against men, compared to 24% and 11%, respectively, who agreed that there is bias against women.

Regarding property distribution, lawyers reported somewhat higher levels of bias against men than women, but the graph's shape is more or less symmetrical, suggesting that neither gender is disproportionately favored in this process.

APPELLATE COURT

Graphs for appellate court are closer to the ideal triangular shape than graphs for trial court. This suggests that lawyers experience less gender bias in appellate court than trial court. The graphs are taller at the right hand side, and more symmetrical around the horizontal axis. However, lawyers still tend to observe more gender bias toward men than women.

Regarding child custody and child support, no lawyer agreed that there is bias against women. But 35% of lawyers agreed that there is a bias against men in child custody and 21% agreed that there is a bias against men in child support. On spousal support and property distribution, lawyers' responses are mixed, but suggestive of bias toward men.

It should be noted that the percentage of the lawyers who selected "don't know" is very high for questions regarding appellate court, over 70%. For comparison, "don't know" responses for trial court were about 10%, and for Oregon statutes and regulation were about 20%.

OREGON STATUTES AND REGULATIONS

The shapes of the graphs for the Oregon statutes and regulations are very close to the ideal triangular shape. The graphs are symmetrical in all four areas (child custody, child support, spousal support, and property distribution), suggesting that lawyers see no systematic bias against one sex. Also in all four areas, the percentage of lawyers who chose "somewhat disagree" and "strongly disagree" is considerably higher than the percentage of lawyers agreed. These results indicate that most lawyers do not see serious gender-bias problems in Oregon statutes and regulations.

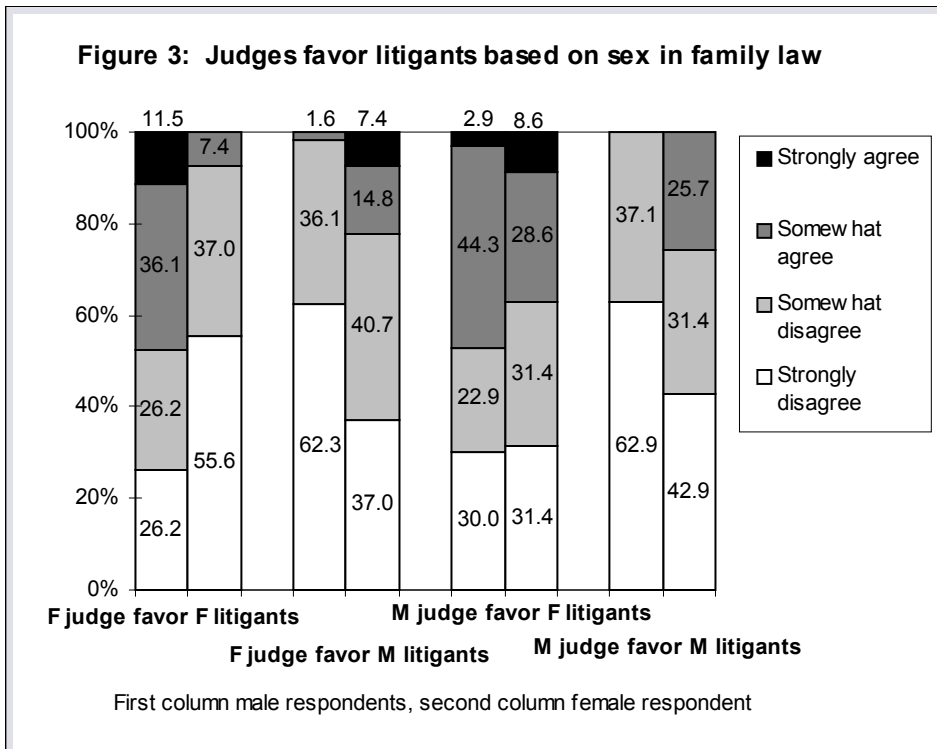
JUDGES' FAVORITISM

Lawyers also rated their experience of judges' favoritism based on litigants' sex. Overall, they report that both men and women judges favor women litigants more than men. Over one-third (35.2%) of lawyers "strongly agreed" and "somewhat agreed" that women litigants are favored by women judges and 43.8% by men judges. Fewer than 10% of lawyers said that men litigants are favored by men judges (8.6%) or women judges (8.0%).

DIFFERENCES IN MEN AND WOMEN LAWYERS' RESPONSES

With regard to judges' favoritism, men and women lawyers exhibit considerably different responses. Figure 3 contrasts the differences in the responses by lawyers' sex. Note that this graph excludes "don't know" and "no answer" replies. Among those who answered the questions, lawyers tend to be more sensitive to favoritism toward the opposite sex. In response to the statement "female judges favor female litigants," 47.6% of men lawyers selected either "strongly agree" or "somewhat agree," while 0% of women lawyers said "strongly agree" and only 7.4% said "somewhat agree." Similarly, only 37.7% of men lawyers selected affirmative responses to women judges favoring men litigants, but 22.2% of women lawyers did. Regarding men judges' favoritism toward women litigants, 47.2% of men lawyers and 37.2% of women lawyers selected "strongly agree" or "somewhat agree." Regarding

men judges' favoritism toward men litigants, zero men lawyers agreed compared to 25.7% of women lawyers.



EFFECTS OF THE SEX RATIO OF LAWYER RESPONDENTS ON THE RESULTS

Comparing whether men or women are favored more often by judges, or the degree of favoritism exercised by men and women judges, is not straight-forward, both because men and women lawyers responded considerably differently and because twice as many men responded to the survey. These factors combine to make a straight comparison of the sexes problematic. To resolve the problem, a weighted average can be used to adjust the sex ratio to a 50:50 split, allowing the result to be viewed from a different perspective.

When a weighted average is used, lawyers' perception of judges showing favoritism toward women versus men litigants narrows somewhat. The percentage of women judges favoring women over men was originally 4.4 to 1, but with a weighted average it decreases to 2.3 to 1. Similarly, the percentage of men judges favoring women over men was originally 5.5 to 1, but with the weighted average it decreases to 3.3 to 1.

Weighted averages make less difference in the percentage difference between men and women judges' favoritism toward women litigants. The weighted percentage of lawyers who gave affirmative responses to women litigants being favored by women judges is 27.5%, and by men judges is 42.2%. Similarly, the weighted percentage of lawyers who gave affirmative responses to men litigants being favored by women judges is 11.9%, and by men judges is 12.9%. Thus, men judges are perceived by lawyers as showing favoritism more often than women judges, for both men and women litigants.

Another factor that needs considering is the number of men and women judges currently practicing in Oregon. If there are considerably more men judges than women judges, the results may be skewed simply because lawyers have more opportunity to observe men judges. If the number of men and

women judges practicing in Oregon is taken into consideration (e.g., by weighting), lawyers' perceptions of the differences between men and women judges is likely to be reduced.

SECTION SUMMARY

In the area of family law, lawyers perceive Oregon statutes and regulation as unbiased, but practiced in a way that favors women, especially in trial court and to a lesser extent in appellate court. Men and women lawyers also tend to recognize judges' favoritism against the opposite sex more often than for their own sex.

SECTION 3: LITIGATION

DEMOGRAPHIC SUMMARY

Only lawyers involved in litigation completed this section of questions, which was 80% of the total sample. Demographic characteristics of this group of lawyers very closely resemble the general sample.

GENDER BIAS IN LITIGATION PROCESS

This section consists of several broad questions regarding gender bias in the litigation process. Lawyers were asked whether they ever experienced the litigants' gender affecting the litigation process and the outcome, and whether they ever observed or experienced gender bias in the courtroom and pretrial stage of the litigation process. If so, open-ended questions followed, asking lawyers to describe their observations and experiences. Because of the questions' broadness, a number of lawyers listed experiences from several years ago; therefore not all incidents reported are current problems.

About one third of lawyers answered that they have observed or experienced gender bias in litigation: 37.2% said litigants' gender affects the litigation process; 30.0% reported attorney's gender affects the litigation process; and 35.5% experienced gender bias in pretrial stages.

46.1% of lawyers indicated experiencing gender bias in the litigation process, and this is considerably larger than the one-third who reported general gender bias (pp. 2-3). The difference may be due to answer categories (yes/no versus four-point scale). It may also be due to the fact that this question refers specifically to the litigation process and not the courtroom in general. However, it seems more reasonable to attribute the difference to the way the questions are worded. While the question discussed in the introduction specifically asks for "significant gender bias," this question is worded "behavior that indicates a gender bias," which allows a wider range of behaviors to be included.

Lawyers' narrative descriptions of gender biases they observed are diverse, and can not be fully accounted for in this analysis. Below are some summary descriptions given by lawyers.

- Women are treated more leniently.
- Women have a better chance of getting child custody.
- Women lawyers are treated condescendingly by lawyers and judges, i.e., addressed by first name, addressed by terms of endearment, treated patronizingly, acted upon in a more aggressive, harsh manner.
- Gender in conjunction with other factors, such as age, attractiveness, economic status and race, produces biased behavior.

SECTION SUMMARY

Question wordings in this section were very general, making it difficult to assess gender-bias seriousness in litigation (see pp. 2-3). Answers to open-ended questions, however, elicited problem

descriptions that reveal patterns similar to those found in other sections. Studying the open-ended responses in greater detail is helpful in determining the nature and seriousness of gender-bias problems in the litigation process.

SECTION 4: GENERAL LAW PRACTICE

GENDER-BIASED CONDUCT AND SEXUAL ADVANCES

All lawyers were asked to complete this section of questions. The first question series asked lawyers if they have observed gender-biased conduct and sexual advances by men and women judges, attorneys and court personnel. Figure 4 summarizes the results. Each section of the chart represents responses about who has engaged in gender-biased conducts or sexual advances. Within each section, each bar represents the responses to one question. Bars above the horizontal axis represent men lawyers' responses; bars below the horizontal axis represent women's responses. Note that each bar is a simple count of responses, not a percentage.

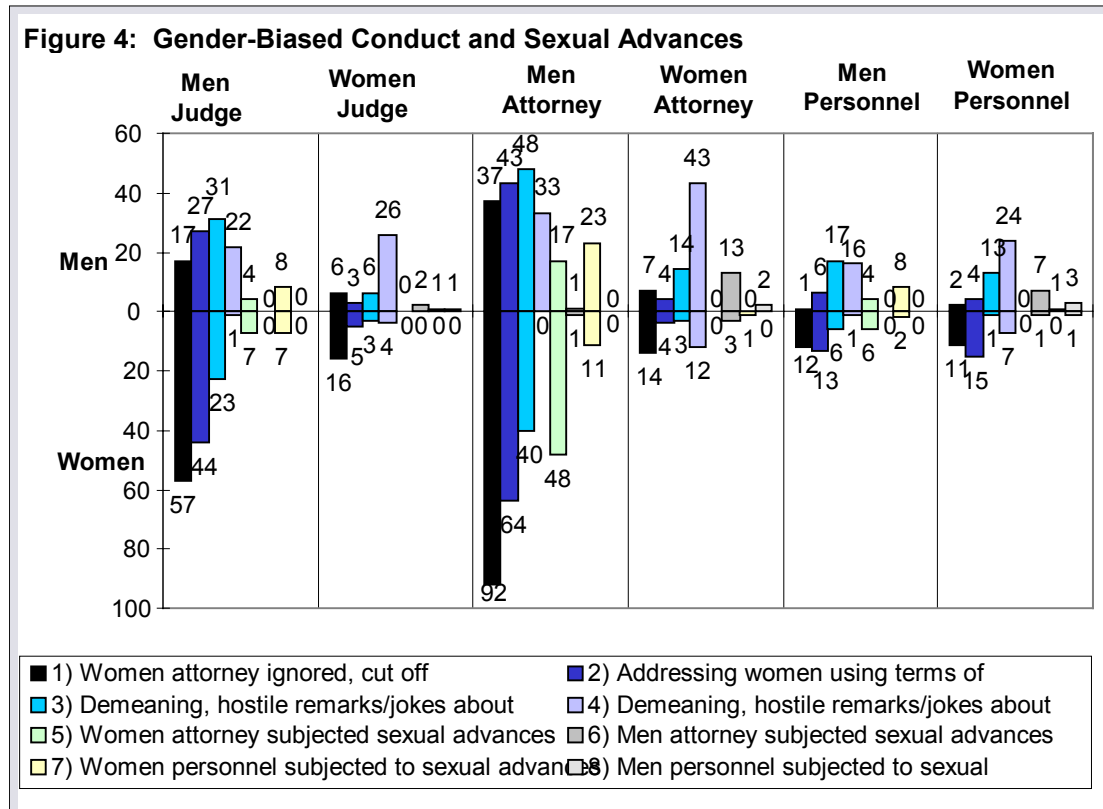


Figure 4 shows clearly that men attorneys most often engage in gender-biased conducts and sexual advances, followed by men judges. The other four sections do not differ in any considerable degree, except men attorneys frequently observe women attorneys making demeaning or hostile remarks or jokes about men.

Figure 4 is also noticeably asymmetrical around the horizontal axis, indicating that the experiences of men and women lawyers differ considerably. Men lawyers reported experiencing or observing hostile or demeaning remarks about both men and women more often than women lawyers. In contrast, women lawyers reported observing or experiencing incidents of women attorneys ignored or cut off, addressed by terms of endearment, and subjected to sexual advances.

The differences between men and women lawyers become more pronounced when the sex ratio of lawyers is taken into consideration. Despite being one third of total sample, women lawyers still report many more of the total observations of gender-biased conduct than men lawyers.

A majority (53.3%) of lawyers responded that gender-biased conduct or sexual advances did not affect case outcomes. Only 15.5% of lawyers indicated that such incidents affected case outcomes. Those answering "don't know" is relatively high (31.2%), suggesting a degree of uncertainty.

ATTRIBUTES AFFECTING CASE OUTCOMES IN ADDITION TO SEX

While the focus of the survey was gender, an additional set of questions asked lawyers to assess whether other ascribed personal attributes negatively affect case outcomes for litigants and witnesses and for attorneys, including race, age, sexual orientation, marital/parental status, and disability. These questions' results are summarized in Figure 5.

Each section of Figure 5 represents lawyers' responses about a particular ascribed personal attribute. Within each section, each bar represents a combination of attributes. For example, the first section's first bar represents black women attorneys, the second bar represents black men attorneys, etc. The bars above the horizontal axis represent men lawyers' responses; the bars below the horizontal axis represent women's. Each bar is a simple count of lawyers who observed a particular combination of personal attributes negatively affect a case outcome. Note these are simple counts, not percentages.

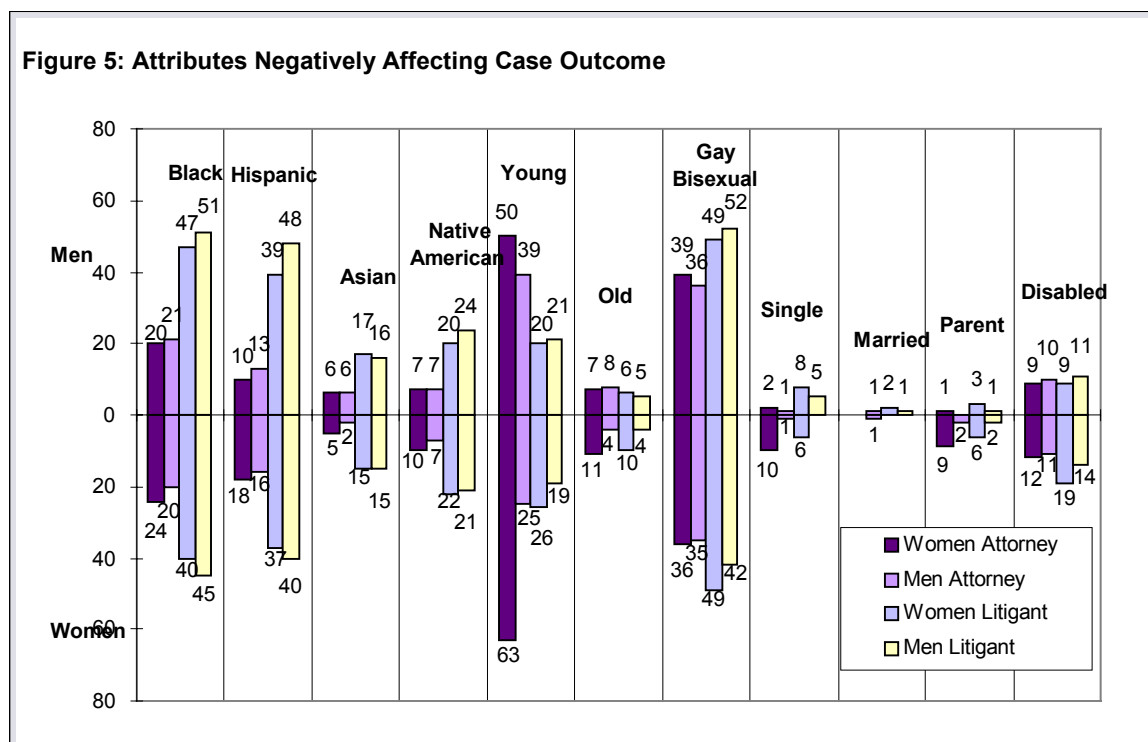


Figure 5 is noticeably symmetrical around the horizontal axis, indicating relative consistency in men and women lawyers' observations on what combination of attributes negatively affects case outcomes. If responses were weighted to a 50:50 sex ratio, the bars on the chart's bottom half would become somewhat longer, but the overall symmetry would stay intact.

Figure 5 shows that the negative effect of ascribed personal attributes is more noticeable for litigants and witnesses than for attorneys. But within groups, the number of observations is relatively similar for men and women litigants/witnesses and attorneys, indicating that the effects of ascribed personal attributes are generally independent of the effect of gender. A few important exceptions are noted below.

For both men and women litigants/witnesses, race and sexual orientation are strong influencing factors. Although there is variation among the different races, one out of six lawyers' experiences and observations have led them to believe that litigants' and witnesses' race and sexual orientation affect their case outcomes negatively.

For attorneys, youth is the strongest influencing factor. Youth affects both men and women lawyers, but the effect is especially problematic for women. One out of five lawyers' experiences and observations have led them to believe that being a young women attorney negatively affects case outcomes. Attorneys' sexual orientation is another strong influencing factor, and it applies more-or-less equally to men and women. Race is not as strong an influencing factor for attorneys as for litigants/witnesses, but still observed.

Being single and being a parent combined with being a women attorney have similar compounding effects on case outcomes as being a young woman attorney, however the number of observations is small.

NON-EXPERT WITNESSES

Lawyers also answered a set of questions regarding whether women non-expert witnesses' testimonies are given less weight than men non-expert witnesses' testimonies, by men judges, women judges, men jurors and women jurors. Lawyers answered similarly to all four questions. The percentage of lawyers who selected "often" is very small (less than 1%). The percentage of lawyers who selected "sometimes" is about 10%, and "rarely" is about 20%. The percentage of lawyers who selected "never" is somewhat different for judges and jurors: around 35% for judges and around 25% for jurors.

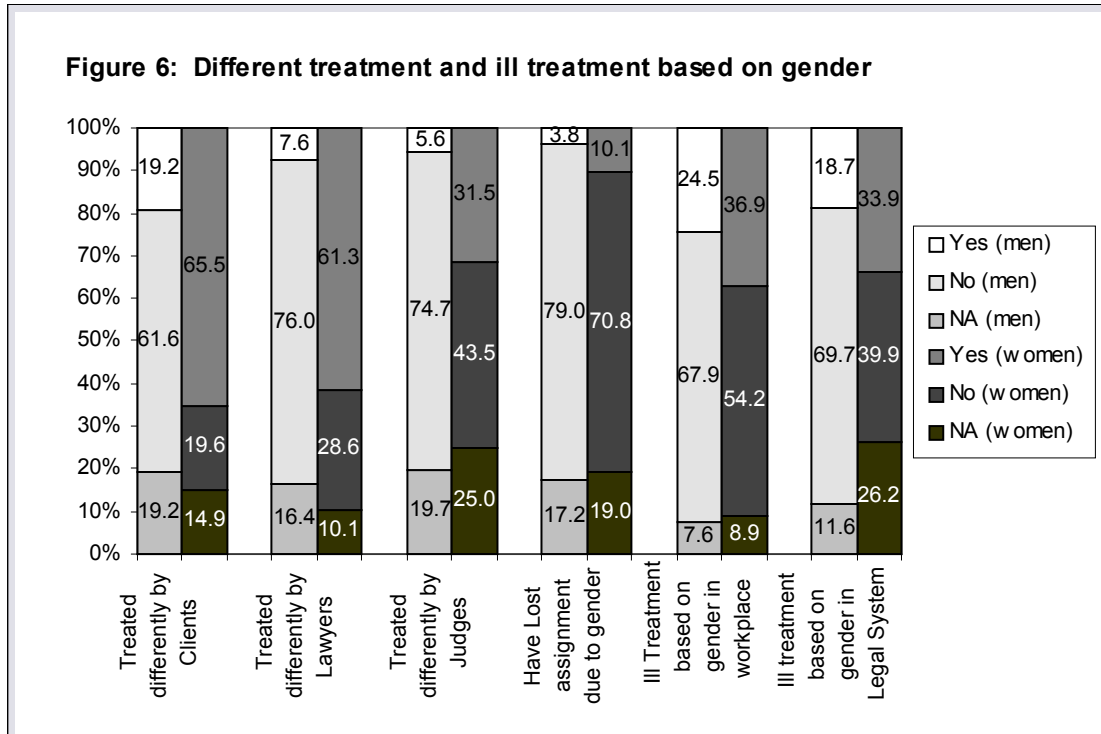
The percentage of women lawyers who selected "sometimes" is consistently larger, and "rarely" is consistently smaller, than men lawyers. Roughly 20% of women lawyers selected "sometimes," compared to 5% of men lawyers. Roughly 10% of women lawyers selected "rarely," compared to 40% of men lawyers. This result indicates that even though both men and women lawyers think men and women non-expert witnesses are treated more-or-less fairly by judges and jurors, women lawyers show more reservation about fairness.

It should also be noted that this set of questions does not allow comparison of whether men's or women's testimonies are more frequently given less weight, because this set of questions only asks about how women's testimonies are treated. It is unfortunate, but without the questions about men's testimonies, it is impossible to determine whether men's or women's testimonies are given less weight more often.

DIFFERENT TREATMENT AND ILL TREATMENT BASED ON GENDER

Men and women lawyers gave noticeably different answers regarding personal experiences of gender-biased treatment, and observing or experiencing ill treatment based on gender. Women lawyers consistently reported experiencing or observing gender-biased conducts at higher rates than men. Figure 6 summarizes responses to six questions regarding different treatment and ill treatment based

on gender. For each question, the left-hand column reports men’s experiences and the right-hand column reports women’s.



Nearly two-thirds (65.5%) of women lawyers have been treated differently by clients, compared to 19.2% of men. Similarly, 61.3% of women (7.6% of men) have been treated differently by lawyers, and 31.5% of women (5.6% men) have been treated differently by judges. Also, more women lawyers reported losing assignments because of their gender.

Although a fair percentage of men lawyers reported experiencing or observing ill treatment based on gender in workplace (24.5%) and in the legal system (18.7%), women reporting the same are considerably higher; 36.9% and 33.9% respectively.

SECTION SUMMARY

It is apparent that women attorneys are more often subjected to gender-biased conducts than men attorneys, especially young women attorneys. Men attorneys, followed by men judges, are most often cited as perpetrators of gender-biased conducts by both men and women lawyers. Ascribed personal attributes, such as race and sexual orientation, negatively affect case outcomes, especially for litigants and, to a lesser degree, attorneys. Some personal attributes affect case outcomes independently of gender, while others, such as age, compound gender effects.

CONCLUDING REMARKS

This analysis began by identifying the difficulty of interpreting these survey results because of the subject matter’s complex nature. Some lawyers recognize gender-bias problems, while others, including those who engage in gender-biased conducts, do not. Consequently, general questions, in particular those concerning the frequency of gender-bias observations, do not directly translate into measures of the problem’s seriousness.

Despite the difficulty of interpretation, the survey results identified several important trends. Oregon lawyers regard Oregon laws and regulations as largely gender neutral. Gender bias occurs when these laws are practiced. Lawyers perceive men participants in the court system as treated unfairly, especially male criminal offenders and litigants. Lawyers also perceive case outcomes for men offenders and litigants sometimes unfavorably influenced by their gender.

But lawyers also perceive women participants in the legal system treated unfairly. Women participants are more often subjected to verbal abuse and physical sexual advances than men. Women attorneys are more often treated in a less respectful manner, i.e., cut off, interrupted, addressed by their first name, and addressed in an aggressive, harsh manner. Men attorneys, followed by men judges, are most often cited as perpetrators of gender-biased conducts.

In addition, the preceding analysis has shown that men and women lawyers have considerably different experiences and observations regarding some issues. Men lawyers are more likely than women to recognize certain gender-biased conducts, such as hostile or demeaning jokes and remarks. But women lawyers more often than men recognize other gender-biased conducts. Moreover, a wider array of gender-biased conducts are directed against women in the legal system than men, aside from the disfavor for men offenders and litigants. Although it is possible that this observation is influenced by the fact that the questionnaire provided more examples of gender bias against women than against men, careful examination of the survey results, especially the open-ended responses, confirms that this is the case and not merely an impression.

This survey's results provide important insight into the problem of gender bias in Oregon's judicial and legal system, but it was not comprehensive, and often the survey results lead to other questions, some of which are discussed in the body of the analysis. One particularly important question left unanswered is how the survey results would be different if a representative sample of Oregon lawyers had responded. An estimation can be made by interpreting the lack of responses as disinterest in the issue of gender bias in Oregon's judicial system. If this is the case, the magnitude of gender-bias problems multiplies, because people who are not interested in gender-bias issues are less likely to see gender-bias issues as serious problems. However, this is merely a speculation, and an accurate answer to this question can be found only in a study based on a representative sample of Oregon lawyers.