
2023

GENDER INEQUITIES, THE COVID-19 SHECESSION, AND THE NEED FOR A CONSCIOUS TRANSFORMATION

Blassing, Marissa J.

Follow this and additional works at: <https://digitalcommons.law.scu.edu/lawreview>



Part of the [Law Commons](#)

Recommended Citation

Blassing, Marissa J., *GENDER INEQUITIES, THE COVID-19 SHECESSION, AND THE NEED FOR A CONSCIOUS TRANSFORMATION*, 63 SANTA CLARA L. REV. 189 (2023).

Available at: <https://digitalcommons.law.scu.edu/lawreview/vol63/iss1/6>

This Article is brought to you for free and open access by the Journals at Santa Clara Law Digital Commons. It has been accepted for inclusion in Santa Clara Law Review by an authorized editor of Santa Clara Law Digital Commons. For more information, please contact sculawlibrarian@gmail.com.

GENDER INEQUITIES, THE COVID-19 SHECESSION, AND THE NEED FOR A CONSCIOUS TRANSFORMATION

Marissa J. Blasing*

The recent COVID-19 pandemic demonstrated that new and acute burdens tend to fall on women in a time of crisis because society defaults to structural gender-normative roles. Even before the pandemic, women had a long history of facing structural inequities in the workplace and at home. Such inequities are fueled by implicit biases, expectations, and stereotypes. The fallout from the COVID-19 pandemic worsened gender inequities. For women, it disproportionately increased domestic obligations and it had a disproportionate effect on female-dominated occupations—threatening to roll back decades of progress.

This Article will discuss the problem of gender inequity in the workplace, the role of implicit bias, how the COVID-19 pandemic exacerbated existing inequities, and how we might address such biases and inequities. I propose a strategy for achieving more equitable occupational outcomes through a “conscious transformation.” One that can help reform implicit biases, stereotypes, false assumptions, and perceived inadequacies. The Article uses the legal profession as a way to demonstrate the pandemic’s effect in a particular industry and proposes how a conscious transformation might apply.

* J.D., Santa Clara University School of Law, 2022. Editor-in-Chief, SANTA CLARA LAW REVIEW, Volume 62.

TABLE OF CONTENTS

I.	Introduction	191
II.	Pre-Pandemic Gendered Inequity.....	193
	A. How Implicit Bias Leads to Gender-normative Roles Impacting Gender Inequities.....	193
	B. The Gender Pay Gap and Occupational Segregation.....	197
III.	How COVID-19 Exacerbated Gender Inequities	202
	A. Women Impacted by Pandemic-Induced Challenges	202
	1. Domestic Challenges During the Pandemic ...	203
	2. Female-Dominated Industries Impacted During the Pandemic.....	205
	B. The Pandemic's Disruption to Women in the Law	208
	1. Lawyering in the Pandemic and its Effect on Women	208
	2. Teaching in the Pandemic and its Effects on Women Faculty	210
IV.	The Need for a Conscious Transformation.....	212
	A. A Conscious Transformation Outside of Work for More Equitable Occupational Outcomes	213
	B. A Conscious Transformation Requires Normalizing Accommodations for More Equitable Occupational Outcomes.....	214
	C. A Conscious Transformation of Employment Practices & Accountability	215
	D. A Conscious Transformation in the Legal Profession	217
V.	Conclusion	221

COVID-19 is hard on women because the U.S. economy is hard on women, and this virus excels at taking existing tensions and ratcheting them up.¹

I. INTRODUCTION

Kim Kardashian recently shared her fundamentally flawed advice for women in business, “Get your f**king a** up and work.”² She bestowed her advice just two days before the two-year anniversary of the World Health Organization’s declaration of the global COVID-19 pandemic.³ A pandemic that shuttered businesses across the world, causing a global recession.⁴ She went on further to say, “It seems like nobody wants to work these days.”⁵ Her arrogant remarks are completely out of touch with reality. Her statements both disregard and contribute to structural inequities disproportionately impacting women and underestimate the impediments women face throughout their lifetimes.

Women face structural inequities both in the workplace and the home. They endure implicit biases, expectations, and stereotypes beginning at a very early age—all shaping their identity. Most women do not have nannies and personal assistants, they have to clock in to the “second shift”⁶ and bear the primary responsibility of managing domestic obligations while also trying to meet professional demands. Societal and

1. Nicole Bateman & Martha Ross, *Why has COVID-19 been especially harmful for working women?*, BROOKINGS INST. (Oct. 2020), <https://www.brookings.edu/essay/why-has-covid-19-been-especially-harmful-for-working-women/>.

2. Elizabeth Wagmeister, *‘Money Always Matters’: The Kardashians Tell All About Their New Reality TV Reign*, VARIETY, <https://variety.com/2022/tv/features/kardashians-hulu-kris-kim-khloe-1235198939/> (last visited Apr. 11, 2022).

3. *COVID-19 Timeline*, CDC, <https://www.cdc.gov/museum/timeline/covid19.html#:~:text=March%2011%2C%202020,declares%20COVID%2D19%20a%20pandemic> (last visited Sept. 16, 2022).

4. Philipp Carlsson-Szlezak, Martin Reeves, & Paul Swartz, *Understanding the Economic Shock of Coronavirus*, HARV. BUS. REV. (Mar. 27, 2020), <https://hbr.org/2020/03/understanding-the-economic-shock-of-coronavirus>.

5. Wagmeister, *supra* note 2.

6. The “second shift” refers to a woman’s efforts in juggling both her career and domestic responsibilities. The term was coined by Arlie R. Hochschild in her book, *THE SECOND SHIFT: WORKING PARENTS AND THE REVOLUTION AT HOME* (1989); see Robert Kuttner, *She Minds the Child, He Minds the Dog*, N.Y. TIMES (June 25, 1989), <https://www.nytimes.com/1989/06/25/books/she-minds-the-child-he-minds-the-dog.html>.

structural sexism impacts women in the workplace by segregating them into certain occupations.⁷ At the same time, implicit bias and discrimination create pervasive barriers for women in reaching specific jobs and promotions.⁸

Although the structural inequities that women face in the workplace are an ongoing problem, women have made remarkable progress over the years. Yet, the recent COVID-19 pandemic demonstrated that new and acute burdens tend to fall on women in a time of crisis.⁹ As a result, the pandemic disproportionately impacted women creating a “shecession.”¹⁰ As the world changed, women saw an increase in their responsibilities at home and at work.¹¹ This shift increased the risk of pushing women out of the workforce and widening the gender gap.¹² The crisis threatens to roll back decades of progress¹³ and will surely have negative consequences for gender equity in the future.

This Article will discuss the problem of gender inequity in the workplace, the role of implicit bias, how the COVID-19 pandemic exacerbated existing inequities, and how we might address such biases and inequities through a “conscious transformation.” This Article focuses on the causes and effects of gender inequities within the workplace. Part II will chronicle how implicit biases and gender-normative roles lead to occupational segregation and the gender gap. Part III details how the COVID-19 pandemic exacerbated existing gender inequities. Part IV describes a proposition I refer to as a “conscious transformation,” a strategy for achieving equitable

7. Jessica Schieder & Elise Gould, “Women’s work” and the gender pay gap, ECON. POL’Y INST. (July 20, 2016) <https://www.epi.org/publication/womens-work-and-the-gender-pay-gap-how-discrimination-societal-norms-and-other-forces-affect-womens-occupational-choices-and-their-pay/> (citation omitted).

8. JADRANKA GVOZDANOVIC & KATRIEN MAES, IMPLICIT BIAS IN ACADEMIA: A CHALLENGE TO THE MERITOCRATIC PRINCIPLE AND TO WOMEN’S CAREERS – AND WHAT TO DO ABOUT IT, LEAGUE OF EUROPEAN RESEARCH UNIVERSITIES (Jan. 2018), <https://www.leru.org/files/implicit-bias-in-academia-full-paper.pdf>.

9. See Bateman & Ross, *supra* note 1.

10. Alisha Haridasani Gupta, *Why Some Women Call This Recession a ‘Shecession’*, N.Y. TIMES (June 18, 2021), <https://www.nytimes.com/2020/05/09/us/unemployment-coronavirus-women.html>.

11. BRIELLE VALLE, DEFAULT TO RESPONSIBILITY 37 (2021).

12. Olivia Rockeman, Reade Pickert & Catarina Saraiva, *The First Female Recession Threatens to Wipe Out Decades of Progress for U.S. Women*, LINCOLN J. STAR, <https://www.bloombergquint.com/global-economics/u-s-recovery-women-s-job-losses-will-hit-entire-economy> (last updated Nov. 15, 2020).

13. *Id.*

occupational outcomes. The Article uses the legal profession as a way to demonstrate the pandemic's effects in a particular industry and proposes how a conscious transformation might apply. The Article does not propose to address all the origins or significant and harmful consequences of bias, discrimination, or gender inequities, nor does it attempt to provide an exhaustive set of solutions. It does, however, call for greater attention to the problem of implicit bias and gender inequities and their impact on women in the workplace.

II. PRE-PANDEMIC GENDERED INEQUITY

To understand how the pandemic worsened gender inequities in the workplace, it is necessary to know more about the causes and effects of gender inequities. Such inequities include women's default roles as the service provider, parent and/or caregiver, the gender pay gap, and lower pay in female-dominated industries.

A. How Implicit Bias Leads to Gender-normative Roles Impacting Gender Inequities

There are several interconnecting layers of gender inequity for which implicit bias plays a considerable role. Implicit bias, also referred to as unconscious bias, is the concept that people unknowingly act based on internal schemas.¹⁴ These "cognitive 'short-cuts' . . . tend to make us pay more attention to information that confirms our expectations and less attention to disconfirming information, thus introducing biases."¹⁵ Implicit biases are "influenced by experience and are based on learned associations between various qualities and social categories," including gender.¹⁶ As a result, people often unconsciously engage in discriminatory behaviors and reinforce what they perceive as societal expectations and stereotypes.¹⁷

Society influences women as a result of implicit biases. Girls start experiencing the weight of expectations at an early age. Young girls are directed toward gender-normative

14. GVOZDANOVIC & MAES, *supra* note 8.

15. *Id.*

16. Jeffrey Campolongo, *Use of Implicit Bias Evidence to Prove Discrimination*, BLOOMBERG L. (Jan. 23, 2015), <https://www.bloomberglaw.com/product/blaw/document/X6GRVDDS000000>.

17. *See id.*

occupations, with parents “expect[ing] their sons, rather than their daughters, to work in science, technology, engineering, or mathematics (STEM) fields, even when their daughters perform at the same level in mathematics.”¹⁸ Expectations influence a child’s confidence which impacts their performance.¹⁹ These expectations have adverse consequences because performance is one of the key contributing factors a woman considers as she evaluates her options in higher-education and occupational opportunities.²⁰ As a result, these early expectations or implicit biases impact a woman’s future occupation.

Once women enter the workforce, the atmosphere and culture can deter women from certain career paths. An atmosphere influenced by an overly masculine relational style, or “toxic masculinity,” negatively impacts women and “supports a patriarchal system designed to keep men on top.”²¹ Moreover, high paying roles are structured for the stereotypical male who has a spouse at home to accommodate his domestic needs.²² High-paying stereotypical male roles require long hours, which inhibit any flexibility for caregiving.²³ Such roles drive women to quit their jobs and

18. Schieder & Gould, *supra* note 7.

19. *Id.* (“[S]elf-confidence is associated with higher test scores.”); *see also* FRANCINE D. BLAU & LAWRENCE M. KAHN, THE GENDER WAGE GAP: EXTENT, TRENDS, AND EXPLANATIONS 18 (2016), https://www.nber.org/system/files/working_papers/w21913/w21913.pdf (“[W]omen did as well as men on a difficult math test if they were told that men and women tended to do equally well; however, if women were told that women tend [to] perform less well than men, then they did worse than men on the test.”).

20. *See generally* Schieder & Gould, *supra* note 7; BLAU & KAHN, *supra* note 19, at 16 (“[G]ender differences in college major have been found to be an important determinant of the pay gap between college-educated men and women.”).

21. Holly Althof, *How Toxic Masculinity Is Ruining Your Workplace Culture*, SHRM (Mar. 6, 2021), <https://www.shrm.org/hr-today/news/all-things-work/pages/how-toxic-masculinity-is-ruining-your-workplace-culture.aspx> (“[W]omen, racial and ethnic minority groups, and those who identify as LGBTQ bear the brunt of the microaggressions and overly dominant behaviors associated with toxic masculinity”); *see also id.* (“These situations reveal a culture of toxic masculinity—sometimes known as ‘masculinity contest culture’—which results in hostile work environments and undermines efforts to achieve diversity, equity and inclusion.”).

22. Schieder & Gould, *supra* note 7.

23. Robin Bleiweis, *Quick Facts About the Gender Wage Gap*, CTR. FOR AM. PROGRESS (Mar. 24, 2020), <https://www.americanprogress.org/article/quick-facts-gender-wage-gap/>.

conversely discourage men from contributing to the needs of the home.²⁴

Additionally, social norms and expectations induce women to bear the primary responsibility of domestic work. Women are expected to be mothers and caretakers.²⁵ Domestic work has long been the default explanation for why women are unable to commit long hours and reach high paying jobs.²⁶ However, to truly understand the barrier, we must examine the root cause of this “work-family narrative.”²⁷ Simply asserting that domestic obligations are the reason for gender inequities disregards decades (if not centuries) of women defying stereotypes.²⁸

Society evades the real issue by defaulting to the work-family narrative.²⁹ A modern cause for occupational inequities is the expectation and evangelization of overworking.³⁰ The sense that overworking is a sign of success. Both men and women are expected to work long hours to be “successful.”³¹ However, “[w]orking women in this situation are left with identities . . . [that] force them to constantly assess whether they should ratchet down their career aspirations”³² due to their familial obligations.

When women step into roles that require long hours, women are encouraged to take accommodations.³³ “Accommodations” refer to part-time work hours, time-off,

24. *See generally id.* (“Women are disproportionately driven out of the workforce to accommodate caregiving and other unpaid obligations and thus tend to have less work experience than men.”).

25. *See generally* Althof, *supra* note 21 (“[M]en are generally expected to be the providers for their families. Women are expected to be the caretakers.”).

26. Irene Padavic et al., *Explaining the Persistence of Gender Inequality: The Work-Family Narrative as a Social Defense against the 24/7 Work Culture* 3 (Harvard Business School, Working Paper No. 17-038), https://www.hbs.edu/ris/Publication%20Files/17-038_c7706c65-ee03-4337-a1db-ceb2359225fe.pdf.

27. *Id.*

28. Naznin Tabassum & Bhabani Shankar Nayak, *Gender Stereotypes and Their Impact on Women’s Career Progressions from a Managerial Perspective*, SAGE PUBLICATIONS (2021), <https://journals.sagepub.com/doi/epub/10.1177/2277975220975513>.

29. *Id.*

30. *Id.*

31. Robin J. Ely & Irene Padavic, *What’s Really Holding Women Back?*, HARV. BUS. REV. (Mar.-Apr. 2020), <https://hbr.org/2020/03/whats-really-holding-women-back>.

32. *Id.*

33. *Id.*

extended-leave, remote work, and/or flexible work.³⁴ Long hours are detrimental to both men and women.³⁵ However, women are disproportionately encouraged to cut back on hours or move into roles with less visibility so that they may meet their domestic responsibilities.³⁶

Women take advantage of such accommodations because they experience societal pressures and contradictory identities.³⁷ Women naturally fall into the primary family caregiver role.³⁸ As a result, there is no way for them to fully commit to their professional identities because if they deny accommodations in favor of their professional ambitions, they undermine their domestic identity.³⁹ On the other hand, when they take accommodations, they undermine their professional identity. This is different for men. Men do not need to shed their work identities because they are not society's default caregiver.⁴⁰

Women are then penalized for stepping out of the workforce and taking advantage of accommodations.⁴¹ Taking accommodations often creates a "flexibility stigma" or bias resulting in negative career outcomes.⁴² One study shows that women lose up to 37% of their earning power when they take

34. *Id.*

35. Cassie Werber, *Working long hours and weekends affects men and women differently*, QUARTZ (Feb. 26, 2019), <https://qz.com/work/1559861/working-long-hours-and-weekends-affects-men-and-women-differently/>.

36. Ely & Padavic, *supra* note 31.

37. *Id.*

38. Bleiweis, *supra* note 23.

39. *Id.* ("[Women] willingly complied with the cultural dictate that they become the primary family caregiver . . .").

40. Ely & Padavic, *supra* note 31.

41. 2022 STATE OF THE GENDER PAY GAP REPORT, PAYSACLE, <https://www.payscale.com/research-and-insights/gender-pay-gap/> (last visited Oct. 14, 2022) ("Our gender pay gap analysis shows that women who return to the workforce after having children incur a wage penalty . . . When women indicated they were a parent or primary caregiver, we observed an uncontrolled pay gap of \$0.74 for every dollar earned by a male parent.").

42. Irene Padavic, Robin J. Ely, & Erin M. Reid, *Explaining the Persistence of Gender Inequality: The Work-family Narrative as a Social Defense against the 24/7 Work Culture*, 65 ADMIN. SCI. QUARTERLY 64 (2020), <https://journals.sagepub.com/doi/pdf/10.1177/0001839219832310> ("Flexibility stigma is a bias against policy users that "causes the target to fall into social disgrace". Taking an accommodation indicates an unwillingness to work long hours, and in a professional-work culture that valorizes virtually unceasing labor, seeking time away is stigmatized. Costs can be steep, negatively affecting wages, performance ratings, and promotion chances.") (citations omitted).

time away from their careers.⁴³ Women are penalized for starting families, while men are not.⁴⁴ Men are not penalized for stepping out of the workforce and taking accommodations because they are less likely to do so.⁴⁵ In fact, women get a 4% pay cut for each child they have, while men get a 6% pay increase.⁴⁶ For women, taking advantage of accommodations undermines career growth and creates a stigma, exacting a steep price.

We see a recurring pattern of gender-normative expectations and biases that creates a barrier to achieving equity in the workplace. Women are faced with occupational expectations in the home at early ages, impacting their confidence, and resulting in lower-wage occupations. Once women enter the workforce, they experience the pressure to overwork and at the same time, excel in their domestic responsibilities. Given added pressures in the home, they are disproportionately encouraged to take accommodations that impact their career progression. Women experience the pressures of expectations at various stages of their lives, each impacting the formation of their identity and their role in the workplace.

B. The Gender Pay Gap and Occupational Segregation

Today, there are more women in the workforce than men and women hold more professional degrees than men, yet

43. Sylvia Ann Hewlett & Carolyn Buck Luce, *Off-Ramps and On-Ramps: Keeping Talented Women on the Road to Success*, HARV. BUS. REV. (Mar. 2005), <https://hbr.org/2005/03/off-ramps-and-on-ramps-keeping-talented-women-on-the-road-to-success>.

44. Kathy Gurchiek, *The Wage Gap is Wider for Working Mothers*, SHRM (Oct. 21, 2019) <https://www.shrm.org/resourcesandtools/hr-topics/compensation/pages/wage-gap-is-wider-for-working-mothers.aspx> (stating that “72 percent of both working moms and dads agree that women are penalized in their careers for starting families, while men are not.”).

45. See generally Padavic et al., *supra* note 42, at 64-65 (discussing how men tend to follow the work-devotion schema which is a “cultural assumption that work ‘demands and deserves single-minded focus and allegiance.’”); see also Hewlett & Luce, *supra* note 43 (“In a long-hours work culture, men have one primary identity: that of an ideal worker, fully committed and fully available.”).

46. Claire Cain Miller, *The Motherhood Penalty vs. the Fatherhood Bonus*, N.Y. TIMES (Sept. 6, 2014), <https://www.nytimes.com/2014/09/07/upshot/a-child-helps-your-career-if-youre-a-man.html>.

women do not have pay parity.⁴⁷ Only 7.4% of Fortune 500 chief executive officers are women, and women occupy only 10% of top management positions in S&P 1500 companies.⁴⁸ Of the top 0.1% of earners, only 10% are women.⁴⁹ Women are undoubtedly impressive, smart, and resilient, yet women account for nearly 70% of the lowest-wage workforce.⁵⁰ Stereotypes often segregate women to certain roles, and those roles tend to make less money than roles predominantly held by men. As a result, women tend to make significantly less than men.

Researchers analyze the pay gap in two different ways, the controlled gender pay gap and the uncontrolled gender pay gap.⁵¹ The controlled gender pay gap compares women and men in the same position with the same qualifications.⁵² Since 2015, the controlled gender pay gap has remained steady with men making two cents more than women.⁵³ However, the controlled gender pay gap does not properly demonstrate the structural inequities impacting women.⁵⁴ A better measure for the gender pay gap is the uncontrolled pay gap, which measures the median pay for all men and women regardless of their role or qualifications.⁵⁵ The uncontrolled gender pay gap reveals a difference in earnings of eighteen cents.⁵⁶ Women earn just eighty-two cents for every one dollar earned by a

47. Kim Elsesser, *There Are More College-Educated Women Than Men In The Workforce, But Women Still Lag Behind Men In Pay*, FORBES (July 2, 2019 7:25 PM), <https://www.forbes.com/sites/kimelsesser/2019/07/02/now-theres-more-college-educated-women-than-men-in-workforce-but-women-still-lag-behind-men-in-pay/?sh=31aaade04c31>; U.S. DEP'T LABOR, THE EMPLOYMENT SITUATION (Apr. 1, 2022), <https://www.bls.gov/news.release/pdf/empsit.pdf> [hereinafter BLS News Release].

48. VALLE, *supra* note 11, at 21.

49. Jeremy Ashkenas, *Nine New Findings About Inequality in the United States*, N.Y. TIMES (Dec. 16, 2016), <https://www.nytimes.com/interactive/2016/12/16/business/economy/nine-new-findings-about-income-inequality-piketty.html>.

50. Jasmine Tucker & Kayla Patrick, *Low-Wage Jobs Are Women's Jobs: The Overrepresentation of Women In Low-Wage Work*, NAT'L WOMEN'S L. CTR. (Aug. 2017), <https://nwlc.org/wp-content/uploads/2017/08/Low-Wage-Jobs-are-Womens-Jobs.pdf>.

51. PAYSACLE, *supra* note 41.

52. *Id.*

53. *Id.*

54. *See generally* PAYSACLE, *supra* note 41.

55. *Id.*

56. *Id.*

man.⁵⁷ The gender pay gap is even larger with the addition of children, doubling with only one child.⁵⁸ And there are even more significant differences when it comes to race and ethnicity—the largest pay gap being for women of color.⁵⁹

The uncontrolled gender pay gap demonstrates the power disparity between men and women and how structural dynamics and male dominance segregates women into certain occupations. Even if the controlled gender pay gap totally vanished and women received the same pay as men, the uncontrolled pay gap would persist unless high paying positions are made more accessible to women.⁶⁰ Obstacles created by gender and racial discrimination and biases stop women from reaching higher paying positions and play a significant role in occupational gender segregation.⁶¹ We see such discrimination and biases play out in the form of stereotypes and social pressures.

Implicit bias and structural sexism often influence the jobs women work in and further historical stereotypes. Discrimination in hiring and promotion that reinforces gendered occupational segregation is based on stereotyping women's skills.⁶² According to Harvard University economist Claudia Goldin, the absence of women in certain occupations prompts men to underestimate women's skills.⁶³ Therefore, these men discriminate against women based on false assumptions that by including women, it would depress their overall productivity.⁶⁴

57. *Id.*

58. Claire Cain Miller, *The 10-Year Baby Window That is the Key to the Women's Pay Gap*, N.Y. TIMES (Apr. 9, 2018), <https://www.nytimes.com/2018/04/09/upshot/the-10-year-baby-window-that-is-the-key-to-the-womens-pay-gap.html> (stating that “[t]he pay gap grows larger with each additional child”).

59. Bleiweis, *supra* note 23.

60. PAYSACLE, *supra* note 41.

61. *Id.*

62. Will McGrew, *Gender segregation at work: “separate but equal” or “inefficient and unfair”*, WASH. CTR. FOR EQUITABLE GROWTH (Aug. 18, 2016), <https://equitablegrowth.org/gender-segregation-at-work-separate-but-equal-or-inequitable-and-inefficient/>.

63. *See id.*; *see also* BLAU & KAHN, *supra* note 19 (“[W]hen women first enter the labor force they will be barred from occupations that require skills above the median productive characteristic in the female distribution.”).

64. *See* McGrew, *supra* note 62.

Alternatively, discrimination may be the byproduct of men protecting what they perceive as “theirs.”⁶⁵ According to Georgetown University economist George Akerlof, male-dominated professions discriminate against women because of social pressures.⁶⁶ The most predominant social pressure is that women’s participation in the male-dominated profession threatens the profession’s masculinity.⁶⁷ In other words, men do not view women as less qualified. Instead, they are trying to protect their social power.⁶⁸

Yet another explanation of gender discrimination is the trend towards an “egalitarian” form of essentialism. “Egalitarian” refers to the idea that men and women are equal and should receive equal treatment.⁶⁹ While “essentialism” refers to the notion that “women and men’s social, economic, and familial roles are and *should be* fundamentally different.”⁷⁰ That “men [are] better at some things and women [are] better at others.”⁷¹ The rise of egalitarian essentialism coincided with the antifeminist backlash in popular culture in the 1990s and “suggest[s] a fundamental alteration in the momentum toward gender equality.”⁷² The theory posits that women are expected to pursue traditionally “female” professions and hold the primary responsibility of domestic obligations.⁷³ Stereotypical expectations and biases such as this cause a stagnation in occupational desegregation, or even worse, a regression.

Gender discrimination causes occupational gender segregation, and occupational gender segregation furthers the gender pay gap. In fact, researchers at Cornell University found that occupational segregation is the “single largest cause

65. *Id.*

66. *Id.*

67. *Id.*

68. *Id.*

69. David Cotter, Joan Hermsen & Reeve Vanneman, *Reframing Gender Equality: Explaining the Stalled Gender Revolution*, WORK IN PROGRESS (Nov. 3, 2011), <https://workinprogress.oowsection.org/2011/11/03/reframing-gender-equality-explaining-the-stalled-gender-revolution/> [hereinafter *Reframing Gender Equality*].

70. McGrew, *supra* note 62 (emphasis added).

71. *Reframing Gender Equality*, *supra* note 69.

72. David Cotter, Joan M. Hermsen, & Reeve Vanneman, *The End of the Gender Revolution? Gender Role Attitudes from 1977 to 2008*, 117 AM. J. SOCIO. 259, 259-60 (2020), https://www.jstor.org/stable/10.1086/658853?seq=1#-metadata_info_tab_contents.

73. *Id.* at 261.

of the gender pay gap, accounting for more than half of it.”⁷⁴ Male-dominated occupations usually pay better than female-dominated occupations, “even when those jobs require the same level of education and skill.”⁷⁵ As an example, more women have held positions in academia, while more men have held jobs in engineering.⁷⁶ Members of academia on average make much lower pay than people holding positions in engineering, explaining the difference we see in the uncontrolled gender pay gap.⁷⁷ “These gendered differences are true across all industries and the vast majority of occupations, at all levels.”⁷⁸ Even when women enter male-dominated fields, gender bias leads to a decline in pay.⁷⁹ Indeed, there is no occupational category where women have a higher earning potential than men.⁸⁰

In the past, gender-normative expectations had more significant consequences, including a wider gender wage gap, and less women in higher education and the workforce. Today, the consequences are not as severe. The declining wage gap and increase of women in higher education is evidence of progress.⁸¹ However, the consequences of implicit bias and social expectations continue to stifle economic equity—especially in times of crisis.

74. Claire Cain Miller, *As Women Take Over a Male-Dominated Field, the Pay Drops*, N.Y. TIMES (Mar. 18, 2016), <https://www.nytimes.com/2016/03/20/upshot/as-women-take-over-a-male-dominated-field-the-pay-drops.html> [hereinafter *As Women Take Over a Male-Dominated Field, the Pay Drops*].

75. *Fast Facts: Occupational Segregation*, AAUW, <https://www.aauw.org/resources/article/occupational-segregation/> (last visited Oct. 14, 2022).

76. *Id.* (“[W]omen make up less than a third of the science and engineering workforce.”); *see also id.* (“More than 2 million women work as teachers in the U.S., outnumbering men roughly 3 to 1.”).

77. *See id.* (showing that one of the top twenty highest paying occupations is engineering).

78. Bleiweis, *supra* note 23.

79. *As Women Take Over a Male-Dominated Field, the Pay Drops*, *supra* note 74. Historically, men predominantly held jobs in recreations. However, from 1950 to 2000, women predominantly took on this role. At the same time, wages in the field declined 57%. *Id.* The same occurred for ticket agent positions, falling 43% after women took the lead in holding the position. *Id.*

80. Kim Elsesser, *The Gender Pay Gap and The Career Choice Myth*, FORBES (Apr. 1, 2019, 9:57 AM), <https://www.forbes.com/sites/kimelsesser/2019/04/01/the-gender-pay-gap-and-the-career-choice-myth/?sh=5ab3448c114a> (“According to the 2017 American Community Survey conducted by the census, there is no occupational category where women out-earn men.”).

81. *See* BLAU & KAHN, *supra* note 19.

III. HOW COVID-19 EXACERBATED GENDER INEQUITIES

The coronavirus pandemic has radically altered life and its gendered effects have disproportionately impacted women. The COVID-19 outbreak jolted society, forcing many to isolate in their homes and into a virtual world. Businesses closed, workers were laid off, and unemployment rates soared. Students began virtual learning, nonessential services were suspended, and certain workers started working from home.

The pandemic presented new occupational challenges, yet some employers expected the same, if not more from their employees. Instead of adjusting expectations for all workers, society defaulted to structural gender-normative roles. Women were expected to maintain their professional responsibilities and manage new and demanding domestic obligations, or they were encouraged to opt out of their careers or “‘take a break’ from the office and focus [] on family.”⁸²

A. Women Impacted by Pandemic-Induced Challenges

Prior to the outbreak of COVID-19, women were joining the workforce at increasing rates—more so than men.⁸³ Yet, we saw millions of women leave the U.S. workforce during the pandemic.⁸⁴ At the outset of the pandemic in April 2022, “[w]omen accounted for 55 percent of the 20.5 million jobs lost”⁸⁵ and researchers coined it the “shcession.”⁸⁶ Many women had to sacrifice professional success because of heightened responsibilities during the pandemic.⁸⁷ As the pandemic ensued, the gendered effects were abundantly clear

82. This default phenomenon of encouraging women to opt out of the workforce is not new with the COVID-19 pandemic. In the mid-2000s, we experienced the “Opt-Out Revolution,” encouraging women to “leav[e] the workplace to help release work stress and put an emphasis back in family life.” VALLE, *supra* note 11, at 26.

83. Liz Elting, *The She-Cession by the Numbers*, FORBES (Feb. 12, 2022 7:00 AM), <https://www.forbes.com/sites/lizelting/2022/02/12/the-she-cession-by-the-numbers/?sh=6b1fe3ac1053>.

84. Jessica Mendoza & Samantha Laine Perfas, *Women’s Jobs Fell First, Fastest. What Else Did Pandemic Show?*, INST. FOR WOMEN’S POL’Y RSCH. (July 12, 2021), <https://iwpr.org/media/press-hits/womens-jobs-fell-first-fastest-what-else-did-pandemic-show/>.

85. Gupta, *supra* note 10.

86. *Id.*

87. Andrea Hsu, *Even The Most Successful Women Pay A Big Price*, NPR (Oct. 20, 2020, 5:07 PM), <https://www.npr.org/2020/10/20/924566058/even-the-most-successful-women-are-sidelining-careers-for-family-in-pandemic>.

as women started dropping out of the workforce at a four-to-one ratio compared to men.⁸⁸ And while women were exiting the workforce at an alarming rate, “men received twice the pay raise . . . , were three times more likely to be promoted and gained additional leadership responsibility.”⁸⁹

The COVID-19 pandemic’s economic effects have been qualitatively different from prior recessions in that they have disproportionately impacted women.⁹⁰ There are two primary causes of the “shecession.”⁹¹ First, as domestic and childcare needs multiplied, women were the default conduit to shoulder the burden.⁹² Second, the outbreak disproportionately impacted female-dominated sectors.⁹³ More women lost their jobs,⁹⁴ more women experienced occupational disruption,⁹⁵ and more women experienced psychological stress impacting their work.⁹⁶

1. Domestic Challenges During the Pandemic

Women experienced the pandemic’s gendered effects in the home. Balancing work and family life was challenging for all. Schools and childcare centers closed, and childcare needs primarily defaulted to women.⁹⁷ Lockdowns also fostered a

88. Naomi R. Cahn & Linda C. McClain, *Gendered Complications of COVID-19: Towards a Feminist Recovery Plan*, 22 *GEO. J. GENDER AND L.* 1, 5-6 (2022), <https://www.law.georgetown.edu/gender-journal/wp-content/uploads/sites/20/2021/08/gendered-complications.pdf>.

89. VALLE, *supra* note 11, at 39.

90. Titan Alon et al., *The shecession (she-recession) of 2020: Causes and consequences*, VOXEU (Sept. 22, 2022), <https://voxeu.org/article/shecession-she-recession-2020-causes-and-consequences>.

91. C. Nicole Mason, the president and chief executive of the Institution for Women’s Policy Research, used the term “in a nod to the 2008 recession that came to be known as the “mancession” because more men were affected.” Gupta, *supra* note 10.

92. Alon et al., *supra* note 90.

93. Linda L. Carli, *Women, Gender Equality and COVID-19*, 35 *GENDER IN MGMT.* 647, 648 (2020), <https://www.emerald.com/insight/content/doi/10.1108/GM-07-2020-0236/full/html#sec001>.

94. “[B]ecause of the need for social distancing, many jobs that might have been spared in previous recessions are being lost to the pandemic, including those in accommodations and food services, hospitality, tourism, arts/entertainment and retail, all female-dominated occupations across the world.”

95. *Id.*

96. *Id.* at 650.

97. *Id.* at 650-51.

98. Alon et al., *supra* note 90.

tumultuous atmosphere leading to an increase in intimate partner violence.⁹⁸

During the pandemic, “parents almost doubled the amount of time they spent on education and household tasks, increasing from thirty to fifty-nine hours per week, with, on average fathers spending fifteen hours less than mothers.”⁹⁹ In addition, one study found that mothers in dual-income households “reduced their work hours four to five times as much as fathers.”¹⁰⁰ At the same time, “the gender gap in work hours was increasing by twenty to fifty percent.”¹⁰¹ Single mothers fared even worse.¹⁰² With few options for childcare and new remote learning obligations, single parents were pulled from their jobs to support the needs of their children.¹⁰³

Domestic challenges extended past parental and caregiver responsibilities. Layoffs, workplace closures, and work-from-home orders shifted certain female employees into their homes and the number of people working from their homes nearly doubled.¹⁰⁴ Lockdowns lead to an increase in the rate of domestic violence against women.¹⁰⁵ Elevated “stress [during] the COVID-19 pandemic caused by income loss, and lack of ability to pay for housing and food [] exacerbated the often silent epidemic of intimate partner violence”¹⁰⁶ People felt the impact both psychologically and emotionally¹⁰⁷ and

98. UN WOMEN, MEASURING THE SHADOW PANDEMIC: VIOLENCE AGAINST WOMEN DURING COVID-19 5 (2021) <https://data.unwomen.org/sites/default/files/documents/Publications/Measuring-shadow-pandemic.pdf>.

99. Cahn & McClain, *supra* note 88, at 19.

100. *Id.*

101. *Id.* at 20.

102. *Id.* at 6 (“Those unequal burdens flowed both from women doing more work in dual-parent heterosexual households and from the fact that almost five times as many children live with a single mother than with a single father.”).

103. *Id.* at 19.

104. Zoe Strozewski, *Number of Americans Working from Home Doubled in 2020, Higher Rate of Women Than Men*, NEWSWEEK (July 23, 2021, 9:38 AM), <https://www.newsweek.com/number-americans-working-home-doubled-2020-higher-rate-women-men-1612530> (“[T]he percentage of Americans working from home in 2020 nearly doubled because of the COVID-19 pandemic”).

105. UN WOMEN, *supra* note 98.

106. Karen Nikos-Rose, *COVID-19 Isolation Linked to Increased Domestic Violence, Researchers Suggest*, UC DAVIS (Feb. 24, 2021), <https://www.ucdavis.edu/curiosity/news/covid-19-isolation-linked-increased-domestic-violence-researchers-suggest>.

107. *Anthony Fauci warns of stricter Coronavirus measures amidst new strain*, ECON. TIMES (Mar. 18, 2022 10:24 PM),

domestic violence incidents grew 8.1%.¹⁰⁸ Another study found that one in four women felt more unsafe in their homes since the outbreak.¹⁰⁹

Development actors and international agencies termed the increase of violence against women amid COVID-19 the “shadow pandemic.”¹¹⁰ Not only was there an increase in domestic violence, but violence against women took “on a new complexity: exposure to COVID-19 [wa]s being used as a threat. ‘Abusers [we]re exploiting the inability of women to call for help or escape and women risk[ed] being thrown out on the street with nowhere to go.’”¹¹¹ The effects of job loss and the increase in violence against women are regressing the limited but crucial progress that the world has made toward gender equity in the past few decades.¹¹² What’s more bothersome is that certain symptoms will remain far beyond the lockdowns and the pandemic.¹¹³

2. *Female-Dominated Industries Impacted During the Pandemic*

At the beginning of the pandemic, the unemployment rate for women spiked from 3.4% to 15.7%.¹¹⁴ “Women of color fared worse, with unemployment rates for black women at 16.4

<https://economictimes.indiatimes.com/news/international/us/anthony-fauci-warns-of-strictor-coronavirus-measures-amidst-new-strain/articleshow/90327571.cms>.

108. COUNCIL ON CRIMINAL JUSTICE, DOMESTIC VIOLENCE DURING COVID-19 (2021), <https://build.neoninspire.com/counciloncj/wp-content/uploads/sites/96/2021/07/Domestic-Violence-During-COVID-19-February-2021.pdf>.

109. UN WOMEN, *supra* note 98.

110. Maryjacob Okwuosa, *The “Shadow Pandemic”: What’s In a Narrative?*, UNITED NATIONS GIRLS’ EDUC. INITIATIVE (Jan. 29, 2021), <https://www.ungei.org/blog-post/shadow-pandemic-whats-narrative> (last visited Apr. 11, 2022).

111. Michelle Milford Morse & Grace Anderson, *The Shadow Pandemic: How the Covid-19 Crisis Is Exacerbating Gender Inequality*, UNITED NATIONS FOUND. (Apr. 14, 2020), <https://unfoundation.org/blog/post/shadow-pandemic-how-covid19-crisis-exacerbating-gender-inequality/>.

112. *Id.*

113. *Anthony Fauci warns of stricter Coronavirus measures amidst new strain*, *supra* note 107.

114. Rakesh Kochhar & Jesse Bennett, *U.S. labor market inches back from the COVID-19 shock, but recovery is far from complete*, PEW RSCH. CTR. (Apr. 14, 2021), <https://www.pewresearch.org/fact-tank/2021/04/14/u-s-labor-market-inches-back-from-the-covid-19-shock-but-recovery-is-far-from-complete/>; *see also* Gupta, *supra* note 10. For comparison purposes, the unemployment rate for men at this time was thirteen percent. *Id.*

percent and Hispanic women at 20.2 percent.”¹¹⁵ The last time the unemployment rate for women hit double digits was the 1940s—a disappointing setback.¹¹⁶ Especially when only four months before the outbreak women hit a milestone, holding “more payroll jobs than men for the first time in about a decade.”¹¹⁷

The pandemic hit female-dominated industries the hardest, resulting in occupational setbacks. In fact, compared to men, almost twice as many working women are employed in industries that were significantly impacted by the pandemic.¹¹⁸ Prior recessions predominantly impacted male-dominated sectors like construction and manufacturing; however, the coronavirus pandemic and its associated social distancing requirements disproportionately impacted female-dominated sectors, like teaching, nursing, and the service, hospitality, and childcare industries.¹¹⁹

Data from the U.S. Department of Labor reveals that in 2021 during the pandemic, women’s job recovery goes up during periods of relative optimism (February and March 2021 reflect the initial impact of vaccine excitement), craters when [the COVID-19] numbers start to tick back up again in April, and then continues to repeat this pattern. Hiring drops off in August, the start of the school year and the peak of the delta wave, and then it slowly, slowly recovers—only to crumble with the omicron surge.¹²⁰

Yet, men’s job recovery did not experience the same trend.¹²¹ Their recovery was not tied so closely to the sentiment around the pandemic.¹²² Job loss was far less than what women experienced, and when the omicron variant arrived, men

115. Gupta, *supra* note 10.

116. *Id.*

117. *Id.*

118. Cahn & McClain, *supra* note 88, at 17 (“Almost twice as many working women as men are employed in sectors and industries that were substantially impacted by the virus: health care and social assistance and the leisure and hospitality industry.”).

119. *Id.*; Greg Jericho, *Past recessions have mostly smashed male-dominated industries. But not this time*, THE GUARDIAN (Aug. 17, 2020), <https://www.theguardian.com/business/grogonomics/2020/aug/18/past-recessions-have-mostly-smashed-male-dominated-industries-but-not-this-time>.

120. Elting, *supra* note 83.

121. *Id.*

122. *Id.*

gained nearly 1 million new jobs.¹²³ Women lost occupational opportunities at the beginning of the school year due to the uncertainty of whether child care was going to be available and during the winter when the virus surged, forcing schools to go remote and child care centers to close.¹²⁴ Women's gains coincide with months of increased retail and restaurant business, suggesting that the gains were in lower-paying jobs.¹²⁵

It is not only job loss; women are recovering at a much slower rate than men.¹²⁶ In fact, “[m]en have regained *triple* the lost jobs that women have . . .”¹²⁷ That is 300% more than women, “which is wildly disproportionate; the workforce hasn’t been this one-sided in almost a century.”¹²⁸ The disproportionate recovery is likely the result of traditional gender roles being reinforced by hiring practices that discriminate against women.¹²⁹

Female-dominated occupations tend to be underpaid and undervalued, meaning women who lost their jobs during the pandemic were already experiencing heightened economic instability.¹³⁰ Additionally, a significant percentage of occupational roles in female-dominated industries are unable to work from home resulting in a higher rate of unemployment.¹³¹ For women in these industries, “the pandemic has only intensified their economic precarity and uncertainty.”¹³²

123. *Id.*

124. *Id.*

125. See Elting, *supra* note 83.

126. *Id.* (“[M]en trend upward at a *much* higher rate than women.”).

127. See *id.* (*emphasis added*).

128. *Id.*

129. See *id.* (discussing how “hiring managers, even unconsciously, are more reluctant to invest in developing a new employee they suspect won’t be a long-term hire.”).

130. Gupta, *supra* note 10 (“[F]emale-dominated jobs, like hospitality or child care, tend to also be underpaid and undervalued, which means that many of the newly unemployed women now have less of a financial cushion to fall back on . . .”).

131. See Cahn & McClain, *supra* note 88, at 17 (“They are also sectors in which a high portion of the workforce is unable to work remotely, and the pandemic has meant that workers, particularly women with young children, were disproportionately likely to become unemployed.”).

132. C. NICOLE MASON, ANDREA FLYNN & SHENGWEI SUN, INST. FOR WOMEN’S POL’Y RSCH., BUILDING THE FUTURE (2020), <https://iwpr.org/wp-content/uploads/2020/11/Policies-for-a-Gender-Equitable-Recovery-Finalsm2.pdf>.

B. The Pandemic's Disruption to Women in the Law

The COVID-19 pandemic has had an overwhelming impact on women in the workforce at all levels, and the legal field is no exception.¹³³ The pandemic's negative impact on women in the legal profession is reminiscent of the 2008 Great Recession,¹³⁴ one that was just beginning to bounce back before the outbreak.

1. Lawyering in the Pandemic and its Effect on Women

Legal professionals navigate unending legal and ethical conflicts. They are also generally forced to carry an arduous workload in high-pressure and competitive workplaces.¹³⁵ It is no wonder that over a quarter of lawyers experience "mild or higher levels of depression" and over 60% experience anxiety at some point during their career.¹³⁶ Not surprisingly, lawyers are even more stressed out since the outbreak of the pandemic,¹³⁷ with women reporting higher stress levels than men and expressing a desire to change careers.¹³⁸

Although women's circumstances vary, women lawyers encounter a substantial range of overwhelming issues related to the pandemic. While women have made steady progress and comprise about 50% of law students and summer associates, the percentage decreases as their careers progress, with only

133. Gabrielle C. Pelura, *COVID-19 and Its Effect on Gender Diversity in the Law*, AM. BAR ASS'N (Feb. 9, 2021), <https://www.americanbar.org/groups/litigation/committees/woman-advocate/practice/2021/covid19-and-its-effect-on-gender-diversity-in-the-law/>.

134. *Id.* ("The 2019 Report on Diversity in U.S. Law Firms highlighted that a similar period of decline in the number of female associates at law firms occurred during the 2008 Great Recession.")

135. See generally HEATHER BOUSHEY & BRIDGET ANSEL, WASH. CTR. FOR EQUITABLE GROWTH, *OVERWORKED AMERICA* (2016) ("We found that those working the longest hours in the U.S. economy are more likely to be in higher-paid professions, such as managerial and legal positions.")

136. Destiny Bezrutzky, *Alcohol Abuse Among Lawyers And Legal Professionals*, ALCOHOL REHAB GUIDE (Feb. 24, 2022), <https://www.alcoholrehabguide.org/resources/alcohol-abuse-lawyers-legal-professionals/>.

137. Nicole Black, *ABA Survey: Lawyers Are Stressed Out*, ABOVE THE L. (Aug. 5, 2021, 4:46 PM), <https://abovethelaw.com/2021/08/aba-survey-lawyers-are-stressed-out/>.

138. Penelope Bremner, *Women Attorneys More Likely to Report Stress and a Desire to Change Careers*, 2CIVILITY (May 20, 2021), <https://www.2civility.org/women-attorneys-more-likely-to-report-stress-and-a-desire-to-change-careers/>.

33% becoming practicing attorneys.¹³⁹ “Women fall farther behind in representation at each step of the pipeline.”¹⁴⁰ Now more than two years after the outbreak, the effects of the pandemic have put women even farther behind, with new and existing burdens undoing more than twenty-five years of progress.¹⁴¹ Women lawyers experience the same pandemic-induced stresses and acute burdens as women holding other occupations, “ranging from stress to income loss, additional caregiving responsibilities, isolation, and hours that don’t stop.”¹⁴² However, they also experience unique burdens that will impact their career progression. One study showed that during the pandemic more women than men cited challenges to career development because of the limited to no in-person contact, unbearable workloads, lack of mentorship and opportunity, and the increase in caregiver responsibilities.¹⁴³

Women lawyers felt an enormous amount of pressure in meeting the demands of their professional and domestic identities—more so than men.¹⁴⁴ A survey conducted of American Bar Association members showed that 14% of women took on more child care compared to only 5% of men.¹⁴⁵

139. Dubravka Tasic, *The Impact of COVID-19 on Women in Law*, THINKSET, <https://thinksetmag.com/insights/impact-of-covid-19-on-women-in-law> (last visited Apr. 11, 2022); Jennifer Smuts, *Coming Up for Air: Women in Law and Adapting to the Impact of COVID-19*, JD SUPRA (Mar. 4, 2021), <https://www.jdsupra.com/legalnews/coming-up-for-air-women-in-law-and-8541536/>.

140. Tasic, *supra* note 139.

141. Cynthia L. Cooper, *Work-Life Imbalance: Pandemic Disruption Places New Stresses on Women Lawyers*, AM. BAR ASS’N (Dec. 18, 2020), <https://www.americanbar.org/groups/diversity/women/publications/perspectives/2021/december/worklife-imbalance-pandemic-disruption-places-new-stresses-women-lawyers/>; Smuts, *supra* note 139.

142. *Id.*

143. THOMSON REUTERS INST., PANDEMIC NATION: UNDERSTANDING ITS IMPACT ON LAWYERS FROM UNDERREPRESENTED COMMUNITIES (2021), <https://www.thomsonreuters.com/en-us/posts/legal/white-paper-pandemic-nation-2021/>.

144. See Vivian Hood, *How Law Firms Are Supporting Women Lawyers in The Pandemic*, NAT. L. REV. (Mar. 17, 2021), <https://www.natlawreview.com/article/how-law-firms-are-supporting-women-lawyers-pandemic> (“Working women have felt a tremendous amount of pressure in juggling demanding careers with the unprecedented challenges of the pandemic, especially closed childcare facilities and schools and eldercare.”).

145. STEPHANIE A. SCHARF & ROBERTA D. LIEBENBERG, AM. BAR ASS’N, PRACTICING LAW IN THE PANDEMIC AND MOVING FORWARD, 1, 12 (2021), <https://www.antitrustinstitute.org/wp-content/uploads/2021/05/ABA-Practice->

Women were also more psychologically impacted by the pandemic as compared to men.¹⁴⁶ While 57% of women said the day never seemed to end, only 32% of men felt likewise.¹⁴⁷ Women also experienced greater disruption in their work than men and are more concerned about advancements in their career.¹⁴⁸ In addition, both in private practice and corporate legal departments, strategies concerning gender diversity generally remained stagnant, were put on hold, or didn't exist during the pandemic.¹⁴⁹ As a result, women lawyers left the workforce in droves during the pandemic, especially Black female lawyers.¹⁵⁰

2. *Teaching in the Pandemic and its Effects on Women Faculty*

The pandemic's negative effects are not limited to traditional lawyering, they also impacted those who teach future lawyers. A national empirical study on the pandemic's effects on legal academia documented law professor's challenges during 2020-2021.¹⁵¹ Before the outbreak, women faculty already experienced disadvantages in terms of pay and "often ha[d] heavier teaching, student advising and service responsibilities, along with disproportionate caregiving and home responsibilities."¹⁵² Among those who experienced worsening inequities after the outbreak were white women and

Forward-Report-FINAL-4-26-2021.pdf. The American Bar Association and Practice Forward released the Practicing Law in the Pandemic and Moving Forward report in 2021. *Id.* The report presents the results of a nationwide survey of ABA members regarding their experience during the COVID-19 pandemic and how the practice of law will likely change in the future. *Id.*

146. *Id.* at 17.

147. *Id.*

148. *Id.* at 20.

149. *Id.* at 28, 29. The only focus which saw more of an increase was unconscious bias and implicit bias training in corporate legal departments as compared to staying the same or decreasing. *Id.*

150. Tasic, *supra* note 139.

151. The Pandemic Effects on Legal Academia study was a study conducted during COVID of law professors to document their challenges and proposed solutions. Meera E. Deo, *Pandemic Pressures on Faculty*, 170 U. PA. L. REV. 127, 129 n.5 (2022), https://www.pennlawreview.com/wp-content/uploads/2022/04/Deo_Final.pdf.

152. *Id.*

above all, women of color.¹⁵³ The study showed that 60% of professors did not receive the support that they needed from the administration to succeed¹⁵⁴ and women faculty were hit the hardest.¹⁵⁵

The pandemic worsened existing inequities and profound burdens emerged.¹⁵⁶ Even before the pandemic, women faculty, especially women of color, were more likely to provide support services to their students.¹⁵⁷ This paradigm only deepened during the pandemic. Students were struggling—financially, physically, and emotionally—and seeking additional help from their professors.¹⁵⁸ Students were more “lonely, anxious, emotionally exhausted, and depressed” due to COVID.¹⁵⁹ In response to students’ growing needs, female professors leaned in more so than their male counterparts.¹⁶⁰ However, some professors reported that they did not receive the support they needed from their administration.¹⁶¹ Law schools were reportedly more worried about attrition rates.¹⁶²

153. *Id.* (“The data reveal disturbing findings of worsening inequities, a lack of structural support, and negative health effects, especially for caregivers, women of color, white women, and untenured faculty.”).

154. *See id.* at 134 (“Despite providing support, only forty percent of PELA respondents agree with the statement, “This past year, I received the institutional support I needed to succeed as a law professor.”).

155. *Id.* at 128.

156. Letter from Northwestern Organization of Women Faculty on Call for Immediate Action to Protect Gender Equity in the Face of COVID-19 to President Schapiro, Provost Hagerty, & Associate Provost of Diversity & Inclusion Sekile M. Nzinga, NW. ORG. OF WOMEN FACULTY (Sept. 21, 2020), <https://cpb-us-e1.wpmucdn.com/sites.northwestern.edu/dist/0/2419/files/2020/09/OWFCallforImmediateActionSept2020-final.pdf> [hereinafter Letter of Women Faculty] (“Many of the additional burdens created by the pandemic fall especially hard on women faculty . . .”).

157. Deo, *supra* note 151, at 139 (“[W]omen professors, especially women of color, are more likely to innovate in the classroom, accommodate students, and provide service beyond formal committee duties—including advising student organizations, mentoring students and peers, and tackling diversity issues.”).

158. *See* MEERA E. DEO, JACQUELYN PETZOLD, & CHAD CHRISTENSEN, LSSSE 2021 ANNUAL REPORT: THE COVID CRISIS IN LEGAL EDUCATION (2021), <https://lssse.indiana.edu/wp-content/uploads/2015/12/COVID-Crisis-in-Legal-Education-Final-1.24.22.pdf>.

159. *Id.*

160. *See* Deo, *supra* note 151, at 133-35.

161. *Id.* at 134-35.

162. *Id.* at 134 (discussing how administrations were worried about how attrition would hurt their rankings, a professor was told to keep students happy until at least mid-October).

Women faculty filled their days with student meetings because “COVID . . . blurred the line between academic and emotional support.”¹⁶³ The added time spent counseling students had an emotional impact on professors, resulting in a decline in mental energy.¹⁶⁴ Elevated stress levels are also a common byproduct of the great burdens placed on women faculty during the pandemic.¹⁶⁵ Many teachers had to learn how to teach in a virtual classroom and avoided physical contact with anyone outside of their immediate family.¹⁶⁶ As their time and mental energy waned, so did their scholarship.¹⁶⁷ Because law schools value scholarship for tenure and advancement, the inability to make space for their scholarship during such an unprecedented time will likely impact women faculty for years to come.¹⁶⁸

IV. THE NEED FOR A CONSCIOUS TRANSFORMATION

The COVID-19 pandemic intensified inequities for women in all occupational categories. It demonstrated a need for conscious reform in the many interconnecting layers of gender inequity. Implicit bias plays such a significant role in perpetuating gender-normative roles and occupational segregation leading to the gender gap. Thus, I propose the use of a “conscious transformation” strategy to achieve more equitable occupational outcomes. Implementing intentional and conscious practices can help reform implicit biases, entrenched stereotypes, false assumptions, and perceived inadequacies. A conscious transformation will help address the gender gap by reducing bias. To effectively combat bias, a conscious transformation must occur at an early age, in the home, and in the workplace. A conscious transformation is not limited to reforming the way in which one thinks, but also

163. *Id.* at 134.

164. *Id.* at 135 (“Many professors have not found the time, space, or mental energy to produce scholarship during the pandemic.”).

165. *See id.*

166. Deo, *supra* note 151, at 137.

167. *Id.* at 135-37.

168. *See* Lauren Scungio, *Adapting in Times of Crisis: Navigating Tenure Clock Stoppage*, HARV. UNIV. GRAD. SCH. OF EDUC. (Mar. 31, 2020), <https://coache.gse.harvard.edu/blog/adapting-times-crisis-navigating-tenure-clock-stoppage> (discussing the need for institutions to address the disruption the COVID-19 pandemic created in progress in scholarship).

reforming the practices used in hiring and employment settings to eliminate the effects of implicit bias.

A. A Conscious Transformation Outside of Work for More Equitable Occupational Outcomes

Combating the effects of implicit bias in the workplace requires an intentional change during a young child's life. Parents, caregivers, and teachers are a child's first role models, both demonstrating and influencing gender roles.¹⁶⁹ "Adults can model language and behavior that challenge binary and harmful sexist stereotypes, such as the belief that women should do more housework—even when they have full-time employment."¹⁷⁰

Parents must actively seek to reduce bias and avoid reinforcing gender stereotypes in the home as they raise their children. To do this, children must be exposed to positive egalitarian role modeling. Parents need to consciously share in the domestic obligations. During the pandemic, men thought they were doing 45% of the homeschooling, whereas women thought men were only doing 3%.¹⁷¹ A conscious and intentional sharing of the roles will help foster improved social norms, where both men and women are seen doing equal domestic work. "[C]hildren are more likely to reject the idea of traditional gender norms when their parents exhibit fairness and divide domestic labor equitably . . ."¹⁷² Conscious sharing will raise women's perceived social value because they will not be clocking into the "second shift" alone. As the pandemic revealed, intentional sharing is necessary, or domestic responsibilities will fall squarely on women's shoulders.¹⁷³

Teachers also play a key role in influencing and dispelling stereotypes at an early age. While societal pressures impact the confidence of young girls,¹⁷⁴ teachers can help encourage

169. Kyl Myers, *5 ways parents can help kids avoid gender stereotypes*, CONVERSATION (Feb. 23, 2021, 8:27 AM), <https://theconversation.com/5-ways-parents-can-help-kids-avoid-gender-stereotypes-154604>.

170. *Id.*

171. Carol Hagh, *Empower the Next Generation to Be More Equitable*, HARV. BUS. REV. (Mar. 15, 2021), <https://hbr.org/2021/03/empower-the-next-generation-to-be-more-equitable>.

172. Myers, *supra* note 169.

173. *See* Hagh, *supra* note 171.

174. Schieder & Gould, *supra* note 7 ("Parental expectations can impact performance by influencing their children's self-confidence . . .").

girls to seek out subjects that might have otherwise been “for boys.” And when parents are home schooling, as during the pandemic, they can encourage girls to seek out non-traditional subjects. Encouraging young women to enter non-traditional roles will reduce implicit biases simply because women’s presence in such roles will become a norm.

B. A Conscious Transformation Requires Normalizing Accommodations for More Equitable Occupational Outcomes

In order to alleviate gender inequities in the workplace and create more equitable occupational outcomes, we must reconsider demands placed on all workers. We must prioritize personal and family well-being. If we place more emphasis on well-being and work-life balance, it will normalize the use of accommodations, in turn reducing the bias and stigma associated with taking time off or reducing hours when needed. All sexes will be more likely to accept accommodations, thereby reducing the disparity of time spent in a role and the limitation it places on career progression for women.

Normalizing accommodations is yet another reason we need to desegregate domestic responsibility roles. Men’s involvement in childcare, familial obligations, and general domestic work is vital to the success of gender equity. By men taking on a greater share of the domestic obligations, women will be less likely to take accommodations or reduce their occupational participation. Women should not have to choose between children and a successful career because the domestic demands fall on their shoulders. Responsibility must fall evenly on men and women. Such an even distribution will create a model of egalitarian roles, one that will influence how both men and women are treated as members of the workforce.

Companies in countries across the world have been normalizing the need for accommodations for over a decade.¹⁷⁵ As an example, companies are offering more flexible work arrangements and requiring mandatory leave in an effort to

175. Laura Walter, *Finland, Sweden, Australia Offer Most Flexible Work Schedules*, EHS TODAY (June 6, 2011), <https://www.ehstoday.com/archive/article/21904410/finland-sweden-australia-offer-most-flexible-work-schedules>.

reduce the stigma.¹⁷⁶ In fact, 92% of companies in Finland, 86% of companies in Sweden, and 85% of companies in Australia and Thailand all offer flexible work schedules.¹⁷⁷ Flexible work schedules can help encourage men to lean in at home and take on a larger share of the responsibilities. The Gender Equality Index is evidence of a significant correlation between flexible work arrangement and gender equality.¹⁷⁸ It shows that organizations supporting work-life balance and particularly those that offer flexible work schedules have a smaller gender pay gap.¹⁷⁹

Implementing such a flexible work schedule is possible in the United States through either private or public action. The COVID-19 pandemic was an unexpected catalyst for rethinking the way in which one works and goes to work. Now we know that certain employees can successfully work in more flexible arrangements, which can ultimately foster better work life balance. Policy makers and companies alike have the power to alleviate gender inequities through flexible work programs. “If organizations turn a blind eye to the infrastructure that dictates th[e] unfair divide of responsibility between men and women[,]” they are perpetuating inequitable occupational outcomes.¹⁸⁰

C. A Conscious Transformation of Employment Practices & Accountability

A greater emphasis on employment practices will also support more equitable occupational outcomes by ensuring gender-neutral hiring and promotion practices. Research shows that hiring and promoting women into leadership positions improves profitability.¹⁸¹ Such diversity helps

176. See, e.g., Darren Rosenblum, *Mandatory Paternity Leave: The Key To Workplace Equality*, FORBES (Oct. 1, 2020), <https://www.forbes.com/sites/darrenrosenblum/2020/10/01/mandatory-paternal-leave-the-key-to-workplace-equality/?sh=40fc419270cd>.

177. *Id.*; see also Elsesser, *supra* note 80.

178. *Gender Equality Index 2019. Work-life balance*, EUROPEAN INST. FOR GENDER EQUAL., <https://eige.europa.eu/publications/gender-equality-index-2019-report/flexible-working-arrangements> (last visited Apr. 24, 2022).

179. *Id.*

180. VALLE, *supra* note 11, at 40.

181. Amy Stewart, *Women in the Workforce are Proven to Increase Business Profitability*, PAYSACLE (Dec. 20, 2019), <https://www.payscale.com/compensation-trends/women-in-the-workforce-are-proven-to-increase-business-profitability/>.

promote innovation and cultivate societal respect.¹⁸² Yet, “[t]here are more CEOs named John than there are female CEOs of any name, A to Z.”¹⁸³ To close the gender gap in the workplace, organizations must consciously seek out structural gender inequities and reduce bias.

As a starting point, companies should track representation and promotional outcomes to recognize the existence of gender inequities. They should rely on data to reveal unconscious bias and understand patterns and trends, instead of defaulting to traditional gender-normative explanations (e.g., the work-family narrative). Statistics show that companies are less likely to hire married women, women in relationships, and women who have children or might soon have children.¹⁸⁴ Hiring managers are unconsciously “more reluctant to invest in developing a new employee they suspect won’t be a long-term hire”¹⁸⁵ Once in the job, women are far less likely to ask for promotions and raises compared to men.¹⁸⁶ A woman’s reluctance to negotiate and advocate for herself likely results from unconscious reactions to society’s stereotypical attitudes of women. Women are also 14% less likely to be promoted¹⁸⁷ and as a result, are underrepresented in leadership and management positions.¹⁸⁸

182. Yoni Blumberg, *Companies with more female executives make more money—here’s why*, CNBC (Mar. 2, 2018, 1:43 PM), <https://www.cnn.com/2018/03/02/why-companies-with-female-managers-make-more-money.html>.

183. Stewart, *supra* note 181.

184. Elting, *supra* note 83.

185. *Id.*

186. Kim Elsesser, *Research Stating ‘Women Ask For Pay Raises As Much As Men’ Is Misleading*, FORBES (Sept. 7, 2016, 4:16 PM), <https://www.forbes.com/sites/kimelsesser/2016/09/07/research-stating-women-ask-for-pay-raises-as-much-as-men-is-just-wrong/?sh=3b86744f3983>; Mitchell Hartman, *During the pandemic, women are less likely to ask for raises and promotions*, MARKETPLACE (Mar. 8, 2021), <https://www.marketplace.org/2021/03/08/during-the-pandemic-women-are-less-likely-to-ask-for-raises-and-promotions/>.

187. Kelly Shue, *Women Aren’t Promoted Because Managers Underestimate Their Potential*, YALE INSIGHTS (Sept. 17, 2021), <https://insights.som.yale.edu/insights/women-arent-promoted-because-managers-underestimate-their-potential> (discussing how women are passed over for promotions because they are perceived as embodying less leadership potential).

188. *Why Women Are Underrepresented at the Top, and What Companies Can Do About It*, MYERS-BRIGGS CO. (Apr. 10, 2020), <https://www.themyersbriggs.com/en-US/Company/News/Why-Women-Are-Underrepresented-at-the-Top>.

Tracking data will encourage accountability. Although companies cite gender diversity as one of the most important business goals, only 67% of them hold leaders accountable for progress on such priorities, and less than 33% hold hiring managers accountable.¹⁸⁹ Tracking occupational outcomes, such as hiring rates, compensation, promotions, and turnover rates, will require companies to become conscious of the need to reform their practices.¹⁹⁰ It will highlight the structural implicit biases preventing women's advancement in the workplace and hold leaders accountable for the necessary transformation.

In addition to tracking employment data, companies should voluntarily create task forces and implement training programs to reduce bias and reform employment practices. As of 2021, less than half of companies provide employees with bias training in performance reviews and only 67% offer bias training for hiring.¹⁹¹ Task forces and goals create social accountability. When leaders have to report progress towards a particular goal, other leaders will hold them accountable for their outcomes.

D. A Conscious Transformation in the Legal Profession

In the past, the legal profession has been resistant to change,¹⁹² however, it must go through a conscious transformation to create more equitable occupational outcomes for women. The COVID-19 pandemic demonstrated the need for legal employers to adjust their policies to retain women.¹⁹³ Law firms, corporate legal departments, and legal academia must normalize accommodations to support work-life balance, intentionally track and understand the needs of women legal professionals and hold leaders accountable.

189. *Women in the Workplace 2021*, MCKINSEY & CO. (Sept. 27, 2021), <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>.

190. *See generally Women in the Workplace 2022*, MCKINSEY & CO. (Oct. 18, 2022), <https://www.mckinsey.com/featured-insights/diversity-and-inclusion/women-in-the-workplace>.

191. *Id.*

192. Hannah Genton, *Prospective Associates, Beware the Lowered Billable Hour Allure*, ATTORNEY AT L. (Aug. 4, 2021), <https://attorneyatlawmagazine.com/prospective-associates-beware-the-lowered-billable-hour-allure>.

193. Deo, *supra* note 151, at 145.

Overall, the number one consideration for women legal professionals in seeking a new position is work-life balance.¹⁹⁴ For legal employers to support better work life-balance, they must normalize accommodations. To do this, legal employers must modernize their flexible work policies to allow for and support part-time, flex-time, and remote work.¹⁹⁵ The majority of lawyers that take advantage of such accommodations today are women, ultimately limiting their career advancement because they are seen as taking the “mommy track.”¹⁹⁶ The pandemic helped destigmatize flexible work and demonstrates that such work polices are not only possible, but successful.¹⁹⁷ Flexible work polices provide employees with more liberty to control their day, allowing women to manage both their work life and their home life more seamlessly. It can also benefit the firm or corporate legal department, since remote work “promotes[s] productivity, reduce[s] turnover, and improve[s] employees’ mental and physical health.”¹⁹⁸ And the benefits do not end there, programs that support work-life balance can also boost diversity.¹⁹⁹

The COVID-19 pandemic also demonstrated the need for clear, *written* flexible work policies. During the pandemic, lawyers found it exceedingly challenging to manage their heavy workloads because they struggled to create boundaries.²⁰⁰ “[T]he absence of office-based work [] eliminated the former understanding of a “work day” and “work week,”

194. ASSOC. OF LEGAL ADMINS., REMOTE WORKING AS AN EFFECTIVE RECRUITMENT AND RETENTION TOOL FOR LAW FIRMS POST-COVID-19 (2021), https://www.alanet.org/docs/default-source/whitepapers/ala-white-paper-april-2021-final.pdf?sfvrsn=52133dab_4; see also Young Lawyers Advisory Board, *Why Employers Should Consider Permanently Adopting Flexible Work Arrangements*, LAW.COM (Apr. 25, 2022, 4:35 PM), <https://www.law.com/njlawjournal/2022/04/25/why-employers-should-consider-permanently-adopting-flexible-work-arrangements/> (“Work-life balance is frequently cited as a top concern of lawyers when discussing work satisfaction.”).

195. SCHARF & LIENBENBERG, *supra* note 145, at 55. Legal employers often offer outdated flexible work polices. *Id.*

196. *Id.* at 54.

197. LEGAL MAG, *supra* note 194 (“Many top firms made record profits last year, which resulted in hefty raises to associates, which supports the argument that lawyers can work productively at home.”).

198. Alexandra Kalev & Frank Dobbin, *The Surprising Benefits of Work/Life Support*, HARV. BUS. REV. (Sept-Oct. 2022), <https://hbr.org/2022/09/the-surprising-benefits-of-work-life-support>.

199. *Id.*

200. *Id.*

instead imposing the assumption of availability on a 24/7 basis.²⁰¹ Women in legal academia similarly saw blurred lines during COVID-19, as many found themselves dedicating even more time to help their students through the trying times.²⁰² While flexible work can help create better balance for lawyers, legal employers must consciously recognize such challenges and institute policies to support work-life balance.

Written policies can provide clear boundaries and address expectations for flexible work. Such policies should include “reasonable times for meetings, phone calls, and responses to emails received outside normal business hours and to encourage lawyers to take vacation days and time off.”²⁰³ They should also provide location flexibility and schedule flexibility. With the explosion of virtual conferencing after COVID-19, lawyers can virtually meet their clients from anywhere. Location flexibility could include remote work, hybrid work arrangements, and snowbird programs, each offering employees with choice and the opportunity to determine what accommodations work best for their situation.²⁰⁴ Schedule flexibility could offer flextime, compressed workweeks, or part-time schedules.²⁰⁵ By putting policies in writing, it will transform the old way of thinking about how, when, and where one works. Change becomes real and tangible. With written flexible work policies, legal employers can normalize flexible work and it can become part of a company’s culture.

Legal employers should also consciously consider whether they need unique policies to support work-life balance for their sector. Legal academia, law firms, and corporate legal departments all have different clients and different measurements for success. Therefore, their work policies should consciously take these variables into consideration to ensure that the policies support equitable outcomes and do not inadvertently burden women.

201. SCHARF & LIENBENBERG, *supra* note 145, at 54.

202. *See* discussion *supra* Section III.A.2.

203. SCHARF & LIENBENBERG, *supra* note 145, at 54.

204. *Managing Flexible Work Arrangements*, SHRM, <https://www.shrm.org/resourcesandtools/tools-and-Samples/toolkits/pages/managingflexibleworkarrangements.aspx> (last visited Sept. 5, 2022). Snowbird programs provide employees with an opportunity to transfer to another location with a warmer climate during the winter. *Id.*

205. *Id.*

As an example, one of the biggest issues for law firms is the billable hour requirement.²⁰⁶ The typical American work week is forty hours a week, or eight hours a day for five days a week. However, “[a]ssociate life in Biglaw is largely defined by the billable hour, of which you generally need to be cranking 2,400 to 2,600 a year—if not more.”²⁰⁷ In order to meet the demand, associates must bill roughly fifty hours a week, which means “70 to 80 actual hours a week”²⁰⁸ Women “are disproportionately affected by the huge pressure to hit billable-hours targets . . . and spend time with the family.”²⁰⁹ Moreover, such grueling requirements are among the top cited reasons why women are leaving the law.²¹⁰ In order to maintain women in the legal profession, law organizations should de-emphasize the importance of billable hours in career advancement and cap billable hours.

For legal academia, one of the issues COVID-19 illustrated was the need for law schools to reformulate their calculus for promotion and tenure. Simply relying on scholarship misses the point. Legal academia needs better programs to help faculty support their students, and that should be a driving factor in the calculus of advancement. Professors help build the next generation of leaders, scholars, thinkers, and doers. Thus, rewarding professors for leaning in and providing them with the resources they need to support the success of their students is most important, particularly in a time of crisis. Without consciously understanding the burdens placed on women faculty and taking active steps to mitigate such burdens, legal academia is at risk of losing the diverse voices of women.

Law organizations must go further than written policies, billable hour caps, and reformulation of promotion

206. James Goodnow, *Mo Money, Mo Problems – Again*, ABOVE THE L. (June 25, 2021, 11:18 AM), <https://abovethelaw.com/2021/06/mo-money-mo-problems-again/>.

207. *Id.*

208. *Id.*

209. Hannah Roberts, *Billable-Hour Model Hurts Women’s Careers, Say Female Lawyers*, LAW.COM INT’L (Mar. 08, 2019, 5:15 AM), <https://www.law.com/international-edition/2019/03/08/billable-hour-model-hurts-womens-careers-say-female-lawyers/>.

210. LEOPARD SOLUTIONS, *Why Are Women Lawyers Leaving the Legal Industry?*, JD SUPRA (Mar. 9, 2022), <https://www.jdsupra.com/legalnews/why-are-women-lawyers-leaving-the-legal-3000987/>.

requirements. Leaders must track, monitor, and regularly seek feedback regarding such flexible work policies. Tracking and seeking feedback require law organizations to consciously stay involved in their transformation. It reinforces the notion that reducing bias and supporting gender equity is truly a part of their culture.

Additionally, leaders must consciously encourage the use of flexible work and they themselves should model flexibility in their own work. By taking advantage of flexible work policies, leaders will lead by example to reduce bias associated with utilizing the accommodations. Without these initiatives, women lawyers “will remain reluctant to take advantage of flex-time policies and other programs that reduce their time requirements” because of the false assumption that this “signals a lack of commitment and will cost them opportunities for advancement.”²¹¹

V. CONCLUSION

No demographic has been more affected by the COVID-19 pandemic than women. If we do not take action to alleviate deepening disparities, they will further divide the gender gap and entrench inequities. While gender-based barriers existed long before the beginning of the pandemic, the pandemic amplified the need for change. Women experience the burdens of implicit bias, stereotypes, and expectations throughout their life, it segregates them into certain occupational roles, and limits their career advancement and earning potential. And in the time of crisis, these burdens are compounded. The first step to alleviate such disparities and to create more equitable occupational outcomes is a conscious transformation.

In order to engage in a conscious transformation, we must transform the way in which we think about gender roles and reform employment practices in a way that combats implicit bias. We must consciously recognize how gender-normative roles are thrust upon women at an early age and throughout their career. We all play a role in influencing and dispelling stereotypes. In addition, we must reform the demand of overworking, normalize accommodations, and provide for

211. Karen Sloan, *Will the Pandemic prompt an ‘exodus’ of women lawyers?*, REUTERS (Aug. 5, 2021, 11:49 PM), <https://www.reuters.com/legal/legalindustry/will-pandemic-prompt-an-exodus-women-lawyers-2021-08-05/>.

flexible work. If we can commit to action and reform implicit biases and demands, we can begin to close the gender gap.