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LIBERTY LAW

Ambition, bias, and the cost of leadership for women lawyers

AMBITION ISN'T AN ARROGANCE. IT IS ENERGY DIRECTED AT JUSTICE

Ambition is one of the most valuable currencies in the legal profession. It drives litigation, leadership, and results. Yet ambition is not a neutral or uncomplicated trait. It is shaped by social expectations, traditional workplace dynamics, and deeply rooted assumptions about who is entitled to pursue power and authority.

For many women lawyers, ambition comes with a penalty. In law firms, courtrooms, and leadership circles, the same drive that is praised in men is often treated as a liability when displayed by women. The consequences are rarely explicit, but they are persistent: diminished credibility, unequal pay, delayed advancement, and exclusion from leadership and revenue-generating opportunities – often without a single rule ever being broken.

How many times has a woman's ambition been described as “too much” in your firm? In a profession that prides itself on meritocracy, women are frequently encouraged, explicitly or implicitly, to soften the very qualities that lead to professional success.

Ambition also carries a social cost that men rarely experience. Studies consistently show that women are more frequently questioned about their professional aspirations and motivations. Traditional expectations – that men are primary career builders while women remain responsible for domestic and caregiving labor – continue to shape how ambition is perceived. Together, these dynamics send an implicit message: Ambition is acceptable, but only within carefully policed limits.

This article invites readers to

reimagine ambition not as a liability, but as leadership energy directed toward justice. By examining how ambition is penalized in legal practice, and why, it offers practical strategies to recognize, navigate, and transform those penalties into influence, fairness, and systemic change.

What is the ambition penalty?

The *ambition penalty* refers to the professional backlash women experience when behaviors associated with leadership – confidence, decisiveness, visibility, and drive – are rewarded in men but punished in women. Financial writer and researcher Stefanie O'Connell uses the term to describe how success itself can become a source of resistance rather than advancement.

In the legal profession, this penalty rarely appears as overt exclusion. Instead, it operates through subjective judgments about tone, credibility, readiness, and “fit.” These judgments shape evaluations, opportunities, and career trajectories while maintaining the appearance of neutrality.

How the ambition penalty shows up in law

The ambition penalty is not a matter of perception or isolated experience. Its effects are visible in long-standing structural disparities within the legal profession, particularly in compensation, leadership access, and control over institutional power.

Historically, women were largely excluded from the legal profession. In 1970, they made up just nine percent of law students. That reality has changed dramatically. Women first outnumbered men at ABA-accredited law schools in 2016, and by 2023 they

comprised approximately 56 percent of the national law student body. Last year, roughly 65,000 women were pursuing Juris Doctor degrees, compared to 50,000 men.

Despite this progress, representation has not been translated into proportional authority. According to the American Bar Association, women currently make up about 41% of all U.S. lawyers, a figure that continues to grow slowly each year. Women now constitute a majority of law students and, since 2020, a majority of attorneys general in the executive branch of the federal government. They are also projected to become the majority of full-time faculty members at ABA-accredited law schools.

Yet women remain significantly underrepresented in equity partnership, firm leadership, and roles that control revenue and origination credit. The ABA Commission on Women in the Profession has documented this gap for decades. Its research reflects a consistent pattern: Women enter the profession in comparable numbers, perform at high levels, and remain deeply committed to their work – yet are less likely to advance into positions of institutional power.

ABA data further shows that women lawyers earn less than their male counterparts even when controlling for experience and practice area. These disparities are not explained by lack of ambition or capability. They reflect how ambition is recognized, rewarded, and constrained within legal organizations.

Resistance to women's ambition is frequently reinforced through assumptions about caregiving and family responsibility. The expectation that women will remain primary care-

givers continues to shape how commitment, availability, and leadership potential are assessed in professional settings. As Professor Laura T. Kessler has explained, contemporary discussions about work-family balance often obscure the role of discrimination by reframing structural inequality as a matter of individual choice. (See Laura T. Kessler, *Keeping Discrimination Theory Front and Center in the Discourse Over Work and Family Conflict*, 34 *Pepperdine Law Review* 313 (2007).)

When ambition collides with caregiving expectations, women lawyers are more likely to be viewed as insufficiently committed, risky investments, or exceptions to institutional norms. Framing these dynamics as “work-life balance” issues mask the discriminatory assumptions embedded in professional evaluation systems and shifts responsibility away from institutions and onto individuals.

Bias and the illusion of neutrality

The ambition penalty is enforced through bias – often implicit, normalized, and institutionalized. Bias operates at multiple levels. Explicit bias involves conscious prejudice or discriminatory intent. Implicit bias refers to unconscious associations that influence judgment and behavior. Systemic bias emerges when institutional practices and evaluation criteria consistently disadvantage certain groups, even without overt discrimination.

Contemporary discrimination in the legal profession rarely takes the form of open hostility. While explicit bias has not disappeared, much of the inequality women face today operates through subtle and normalized institutional practices. A substantial body of social science research demonstrates that gender discrimination persists inside the workplace even in the absence of overt exclusion.

As Professor Laura T. Kessler explains, drawing on the work of Susan Sturm, the glass ceiling remains firmly in place “because of patterns of interaction, informal norms, networking, training, mentoring, and evaluation, as well as the absence of systematic efforts to address bias

produced by these patterns.” (See Laura T. Kessler, *Keeping Discrimination Theory Front and Center in the Discourse Over Work and Family Conflict*, 34 *Pepperdine Law Review* 313, 317 (2007).) This form of what scholars have described as “second-generation discrimination” is particularly difficult to identify and challenge precisely because it is embedded in routine professional judgment rather than formal rules.

Within legal organizations, these patterns shape how ambition is perceived, how credibility is assessed, and whose leadership potential is cultivated. Decisions that appear neutral on their face – who is mentored, who is trusted with high-profile work, who is deemed “ready” – often reproduce inequality through these informal mechanisms, filtering ambition long before it reaches formal decision-making points.

In legal workplaces that prize objectivity and meritocracy, decisions about leadership potential, credibility, and authority are frequently shaped by unexamined assumptions about gender. Identical behaviors – assertiveness, persistence, confidence – are often interpreted differently depending on who displays them. Traits perceived as leadership in men may be reframed as aggressiveness, entitlement, or lack of collegiality in women.

Bias also operates at the micro level of daily professional interaction. Research on courtroom dynamics illustrates this clearly. A 2015 Harvard-affiliated study found that women attorneys are interrupted up to three times more often than their male counterparts during court proceedings. These interruptions are not merely discourteous. They disrupt advocacy, fragment authority, and signal whose voices are permitted to carry weight. In this context, ambition itself can be reframed as overreach.

The ethical dimensions of bias are increasingly recognized within the profession. ABA Model Rule 8.4(g) prohibits conduct related to the practice of law that constitutes harassment or discrimination, and California Rule of Professional Conduct 8.4.1

similarly addresses discriminatory conduct. Bias, when unchecked, can lead not only to professional harm but also to ethical consequences.

When bias shapes professional evaluation, it is no longer merely a cultural issue; it becomes an ethical one.

The significance of bias and structural barriers in women’s legal careers is not demonstrated by data alone. It is also reflected in the institutional responses now emerging within the profession itself.

In 2024, the ABA Commission on Women in the Profession launched a nationwide research initiative focused on the mental wellness of women lawyers. For the first time at this scale, the study examines how stress, bias, and systemic barriers uniquely affect women across legal practice, across demographics, and in comparison with their male counterparts. By pairing national surveys with in-person and virtual focus groups, the Commission has explicitly framed mental wellness not as an individual’s resilience issue, but as a professional and institutional imperative.

This recognition is not limited to research. The American Bar Association has embedded the elimination of bias into its permanent organizational structure through the ABA Diversity, Equity, and Inclusion Center with the commitment to eliminate bias and enhance diversity across the legal profession and the justice system. Through coordinated policy, collaborative initiatives, and long-term strategic engagement, the center addresses the structural conditions that shape opportunity, credibility, and advancement.

The existence of both a national research initiative and a dedicated institutional body underscore a critical reality: Inequality in the legal profession is not anecdotal, episodic, or self-correcting. It is systemic. When the profession itself devotes resources, governance structures, and sustained strategy to address bias, it implicitly acknowledges that neutrality alone has not produced fairness.

Why ambition triggers resistance

Ambition and success in women often provoke resistance in ways that men do not experience. Research from Catalyst and *Harvard Business Review* shows that women who display assertiveness, visibility, and confidence are more likely to face social and professional backlash. When women deviate from expectations of warmth, restraint, or deference, their behavior is more likely to be viewed as problematic rather than competent.

In large law firms, this resistance often manifests through informal gatekeeping. Women may be required to “prove themselves” longer before being entrusted with high-profile cases, major clients, or leadership responsibilities. Thresholds for readiness and trust are applied more rigidly, slowing advancement and limiting access to career-defining opportunities.

Psychologists describe a related phenomenon known as the *tall poppy syndrome*, the tendency to criticize or undermine individuals who stand out due to high achievement. As therapist Courtney Morgan explains, it reflects a social impulse to cut down those perceived as exceeding accepted norms. For women lawyers, professional success itself can trigger this response, transforming achievement into risk.

This pattern is not unique to law. International human-rights bodies have long observed that progress toward gender equality often generates organized and informal pushbacks. In reports marking the 30th anniversary of the Beijing Declaration, United Nations experts warn of a renewed wave of gender backlash, in which gains in women’s visibility, leadership, and authority are met with heightened scrutiny and efforts to limit influence. While often discussed at the global level, these dynamics are equally visible in law firms and courtrooms, where ambition can quietly shift from asset to liability.

Credibility and authority in legal spaces

Credibility is the currency through which ambition becomes effective

leadership. In the legal profession, authority is not conferred solely by credentials or substantive knowledge. It is mediated by perception – how an advocate is heard, evaluated, and trusted.

Research from Stanford on social psychology and Stanford Law School demonstrates that perceptions of authority are shaped by implicit heuristics, including gendered expectations about tone, demeanor, and communication style. Assertiveness and confidence are widely understood as markers of competence. Yet when women display these same traits, they are more likely to be interpreted as abrasive or unprofessional.

These credibility gaps have tangible consequences. Lawyers whose authority is questioned are interrupted more frequently, afforded less deference, and subjected to greater scrutiny for minor errors. Over time, these dynamics shape reputations, influence access to high-stakes work, and determine who is viewed as leadership material.

Leadership under pressure and visibility

Leadership in law requires visibility. Advancement depends on speaking, leading, and being seen. For women lawyers, however, visibility often brings heightened scrutiny and cumulative pressure.

Judith Herman’s work on trauma and systems helps explain how sustained exposure to scrutiny and resistance affects professional functioning. While not all pressure is traumatic, persistent patterns of interruption, credibility challenges, and informal sanctions can create chronic stress within organizational systems. Bessel van der Kolk’s research similarly underscores how environments characterized by constant vigilance erode resilience over time.

These dynamics help explain why women disproportionately exit leadership tracks despite strong performance. The issue is not lack of ambition, but the cumulative toll of operating in environments where ambition itself becomes a source of risk.

Why it matters: Turning pushback into power

Understanding the ambition penalty is not merely descriptive. It is a strategic necessity. Naming the problem allows lawyers to navigate it deliberately rather than internalizing it as a personal failure.

Practical strategies include:

- **Recognize the trigger.** Identify moments when ambition becomes “uncomfortable” for others.
- **Reframe the narrative.** Link ambition to collective outcomes such as client success and institutional growth.
- **Reinforce with receipts.** Document impact and results to limit subjective reinterpretation.
- **Recruit allies early.** Build visible support that reinforces credibility.

Moving from “too assertive” to “strategic leader” does not require retreat or apology. It requires clarity, preparation, and the willingness to name dynamics long treated as unspoken.

As a lawyer, and after several years of professional practice, I have experienced firsthand not only the biases associated with being an ambitious woman committed to seeking justice for the most vulnerable, but also the pressing need to shed light on these structural challenges that continue to persist within the legal profession. Exposing the penalty imposed on ambition, gender bias, and other forms of discrimination brings into focus how these dynamics continue to punish and constrain women, ultimately weakening society as a whole. Visibility, acknowledgment, and concrete action are therefore essential to drive the structural changes necessary to move toward a more just and equitable system.

Micha Star Liberty is a lawyer whose practice focuses on cases of sexual assault, harassment, and human trafficking. She is a graduate of the University of California, Los Angeles (UCLA), and the University of California, College of the Law, San Francisco. She has served as president and vice president of multiple legal and political organizations. She also holds a Diversity, Equity, and Inclusion Certificate from Cornell University (2023).