

## AMONG US: IMPOSTOR SYNDROME AND BARRIERS TO BLACK SUCCESS

By DeShayla M. Strachan\*

### *Abstract*

*Black women are going places—but they're not going into the practice of law. While law schools are becoming more diverse, the legal profession is not. The lack of diversity in the legal profession, coupled with existing implicit bias, causes heightened Impostor Syndrome in women, especially Black women, as well as women from other underrepresented groups. The harder the impostor feelings hit, the more difficult it is to retain women of color in the legal profession. Emotions associated with Impostor Syndrome (e.g., feelings of insufficiency) begin upon entry into the legal profession, as many roadblocks prevent marginalized groups from gaining admission to law school, law practice, the legal academy, and leadership positions. To resolve these issues and overcome barriers, institutions must be intentional about including minority women and avoiding the illusion of inclusion. Those with intersectional devalued characteristics, such as women of color, would gain confidence and combat Impostor Syndrome by asserting their needs—if they knew they would be heard.*

*Intersectionality can double impostor feelings. Black women attorneys are highly recruited and then treated unfairly not long after their hire, causing a rollercoaster of emotions. The mistreatment contributes to their feelings of not belonging and before long, the new highly-sought-after Black woman attorney is gone. Employers should properly train new diverse attorneys, listen to their concerns, and communicate expectations. Mentor-mentee relationships should be formed at every level. Equal pay, plus equal say, equals—stay. If these changes are sincere and permanent, minority women will not only be regularly recruited, but retained in the legal profession. Women of color must be valued, which will give them the confidence to succeed in a world that has long told them they don't belong*

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*in white spaces. Only then can we have a more diverse profession and role models for law students similarly situated in the pipeline.*

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### INTRODUCTION

The perception of Blacks in America has not changed much since the twentieth century.<sup>1</sup> Blacks have been viewed as savages, entertainers, gangsters, and the like.<sup>2</sup> Although there has been a push for more diversity in law schools and law firms—and institutions have devoted resources to recruitment and retention of minority attorneys—their efforts have yielded only modest gains.<sup>3</sup> Further, the perception of Black women has not changed.<sup>4</sup> This is evident from recent events.<sup>5</sup> We are dying. What is the cause of death? If we are not dying from COVID-19, then we are dying from

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<sup>1</sup> See Narissra M. Punyanunt-Carter, *The Perceived Realism of African American Portrayals on Television*, 19 HOWARD J. OF COMM’N 241 (2008); DeShayla M. Strachan, *The Triple Threat: The Black, Female Attorney*, 11 S. J. POL’Y & JUST. 112, 114 (2017).

<sup>2</sup> Punyanunt-Carter, *supra* note 1.

<sup>3</sup> Kevin Woodson, *Race and Rapport: Homophily and Racial Disadvantage in Large Law Firms*, 83 FORDHAM L. REV. 2557 (2015).

<sup>4</sup> Alexandria J. Smalls, *Interrupting Racism S1E2: Black Girl Magic (Part B)*, INTERRUPTING RACISM PODCAST (Dec. 27, 2020), <https://interruptingracismpodcast.com/2020/12/27/s1e2-black-girl-magic-part-b/>.

<sup>5</sup> Susan Milligan, *Pandemic, Recession, Unrest: 2020 and the Confluence of Crisis*, U.S. NEWS & WORLD REP., <https://www.usnews.com/news/national-news/articles/2020-06-02/pandemic-recession-unrest-2020-and-the-confluence-of-crises> (last visited Apr. 19, 2023).

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racial injustice.<sup>6</sup> The whole world feels and sees this tension.<sup>7</sup> Although Black people and other people of color knew these injustices and inequities had been going on all along, it was once again highlighted when video footage of another death at the hands of police emerged, at a time when we were all staying at home and out of the public.<sup>8</sup> A Black man named George Floyd was murdered by a white law enforcement officer in front of witnesses—including children.<sup>9</sup> A Black woman named Breonna Taylor was killed in her own bed by police.<sup>10</sup> A Black man named Ahmaud Arbery was hunted down by white men while he was out for a jog and subsequently killed on the street.<sup>11</sup> Two more Black men, Daunte Wright and Amir Locke, were fatally shot by police less than two years later.<sup>12</sup>

These are just a few examples of the racism that has forever stained America. It is systemic and institutional.<sup>13</sup> It exists in law schools, the legal profession, and academia.<sup>14</sup> Because of this broken system, institutions and employers have attempted to be diverse and inclusive by recruiting and hiring members of minority communities.<sup>15</sup> But after many years, the legal profession is still one of the least diverse professions in the United States.<sup>16</sup> Due to this lack of diversity, when a person of color is hired, they often

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<sup>6</sup> *Id.*

<sup>7</sup> Jennifer D. Roberts, *Pandemics and Protests: America has Seen Racism Like this Before*, BROOKINGS INSTITUTION BLOG, <https://www.brookings.edu/blog/how-we-rise/2021/06/09/pandemics-and-protests-america-has-experienced-racism-like-this-before/> (last visited Feb. 27, 2023).

<sup>8</sup> Jenny L. Davis & Tony P. Love, *Intersecting Matters, #GeorgeFloyd and #COVID19*, 27 FIRST MONDAY 4 (2022).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Richard Fausset, *Before Breonna Taylor and George Floyd, There was Ahmaud Arbery*, N.Y. TIMES (Feb. 28, 2021), <https://www.nytimes.com/2021/02/28/us/ahmaud-arbery-anniversary.html>.

<sup>12</sup> Vanessa Romo, Becky Sullivan, & Joe Hernandez, *Kim Potter is Found Guilty of Manslaughter in the Death of Duante Wright*, NPR (Dec. 23, 2021), <https://www.npr.org/2021/12/23/1066012247/kim-potter-trial-daunte-wright>; Kiara Alfonseca, Adia Robinson, & Kendall Ross, *No-knock Warrants Under Scrutiny, After Fatal Police Shooting*, ABC NEWS (Feb. 7, 2022), <https://abcnews.go.com/US/minneapolis-city-council—review-knock-warrants-amir-locke/story?id=82722564>.

<sup>13</sup> See Demetria Frank, *Social Inequity, Cultural Reform & Diversity in the Legal Profession*, 13 S. J. POL'Y & JUST. 25 (2019).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

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experience Impostor Syndrome,<sup>17</sup> which leads to a myriad of negative effects for both the employer and employee.<sup>18</sup>

To add salt to the wound, the intersectionality of racism and sexism is prevalent in the legal profession.<sup>19</sup> As a woman, it is already harder to enter predominantly male fields and be treated equally; being Black adds an extra layer of perceived inferiority to a Black woman. As proven in previous scholarship, women often self-sideline, or downplay or prevent the advancement of their own achievements and opportunities.<sup>20</sup> We are often unseen, unheard, and silenced.<sup>21</sup> The fact that Blacks tend to be seen as “diversity hires” leads to their peers withholding the presumption of competence that is afforded to white men.<sup>22</sup> This misconception and implicit bias<sup>23</sup> leads to microaggressions,<sup>24</sup> exceptionalism,<sup>25</sup> perfectionism, and ultimately Impostor Syndrome, which, in turn, causes the Black attorney or law professor to leave the employer and find work elsewhere.<sup>26</sup> Black women in law firms are perceived as weak if they are less vocal and overly aggressive if they speak up.<sup>27</sup>

Many institutions seek to hire underrepresented groups but still perceive the diverse hires negatively.<sup>28</sup> This negative perception appears when Blacks are not given the benefit of the doubt that their white coworkers are given

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<sup>17</sup> Impostor Syndrome is “anxiety or self-doubt that results from persistently undervaluing one’s competence and active role in achieving success, while falsely attributing one’s accomplishments to luck or other external forces.” *Impostor Syndrome*, DICTIONARY.COM, <https://www.Dictionary.com/browse/impostor-syndrome> (last visited May. 29, 2023); see, e.g., Pauline Rose Clance & Suzanne Imes, *The Impostor Phenomenon in High-Achieving Women: Dynamics and Therapeutic Intervention*, 15 PSYCH., RSCH. & PRAC. 3 (1978).

<sup>18</sup> See Bola Adeniran, *A Recipe for a Racially Diverse, Thriving Workforce According to People of Color*, 34 A.B.A J. LAB. & EMP. L. 405 (2020).

<sup>19</sup> See Ashleigh Parker Dunston, *A Call to Action: Fighting Racial Inequality Behind the Bench*, 43 CAMPBELL L. REV. 109 (2021).

<sup>20</sup> See Leslie P. Culver, *The Rise of Self-Sidelining*, 39 WOMEN’S RTS. L. REP. 173 (2018).

<sup>21</sup> See Adeniran, *supra* note 18.

<sup>22</sup> See *id.*

<sup>23</sup> Implicit bias is a form of bias that occurs automatically and unintentionally, that nevertheless affects judgments, decisions, and behaviors. It is unconscious stereotyping, assumptions, or attitudes that can affect one’s view of actors and that can be harmful. See, e.g., Adeniran, *supra* note 18 at 417.

<sup>24</sup> See *Microaggression*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/microaggression> (last visited March 12, 2023) (Microaggressions are “a comment or action that subtly and often unconsciously or unintentionally expresses a prejudiced attitude toward a member of a marginalized group”); see also, Adeniran, *supra* note 18 at 420.

<sup>25</sup> “Exceptionalism is the idea that a person of color has to be twice as good to succeed.” Adeniran, *supra* note 18 at 417.

<sup>26</sup> *Id.* at 408.

<sup>27</sup> Carpenter Wellington PLLC, *Black Women Leading Law Schools in Record Number*, LEXOLOGY (May 25, 2021), <https://www.lexology.com/library/detail.aspx?g=65d4149f-0221-44d8-b90d-83d7f5e46ab5>.

<sup>28</sup> Adeniran, *supra* note 18, at 409.

and receive more discipline than white employees.<sup>29</sup> This perception also appears when they are looked over for promotions and then white employers perceive them as a threat.<sup>30</sup> The historical racist ideologies that affected other professions have harmed the legal community as well.<sup>31</sup>

This paper will discuss the role law schools and employers in the legal profession play in Impostor Syndrome and how to overcome barriers to Black success through a Critical Race Feminist lens. Part I will discuss the meaning and origins of Impostor Syndrome. Part II will discuss Impostor Syndrome in marginalized groups in the workplace. Part III will discuss barriers to Black success and how the syndrome is seen in the legal profession. Part IV will discuss how implicit bias causes exceptionalism and fosters the environment for Impostor Syndrome. Part V will include best practices and contemplate ways to overcome Impostor Syndrome and retain attorneys and professors of color.

## I. WHO'S THE IMPOSTOR? THE USUAL SUSPECTS

*"I urge each one of us here to reach down into that deep place of knowledge inside herself and touch that terror and loathing of any difference that lives here. See whose face it wears."*

- Audre Lorde<sup>32</sup>

Impostor Syndrome is "anxiety or self-doubt that results from persistently undervaluing one's competence and active role in achieving success, while falsely attributing one's accomplishments to luck or other external forces."<sup>33</sup> People with Impostor Syndrome "lack confidence and suffer from self-doubt."<sup>34</sup> They attribute their success to anything other than their own expertise and hard work.<sup>35</sup> It causes them to feel unworthy of a position or promotion because they doubt themselves.<sup>36</sup> Struggling with self-doubt drains the mental strength required to reach our goals.<sup>37</sup> The same self-

<sup>29</sup> *Id.*

<sup>30</sup> See Erika Stallings, *When Black Women Go From Office Pet to Office Threat*, ZORA (Jan. 16, 2020), <https://zora.medium.com/when-black-women-go-from-office-pet-to-office-threat-83bde710332e>.

<sup>31</sup> Adeniran, *supra* note 18, at 411.

<sup>32</sup> Audre Lorde, *The Master's Tools Will Never Dismantle the Master's House*, in *SISTER OUTSIDER: ESSAYS & SPEECHES* 110, 113 (1984).

<sup>33</sup> *Impostor Syndrome*, *supra* note 17 (defines "Impostor Syndrome" as: *noun* Psychology anxiety or self-doubt that results from persistently undervaluing one's competence and active role in achieving success, while falsely attributing one's accomplishments to luck or other external forces).

<sup>34</sup> Debra Austin, *Windmills of Your Mind: Understanding the Neurobiology of Emotion*, 54 WAKE FOREST L. REV. 931, 964 (2019).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

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doubt can also lead to low self-esteem and increased anxiety and depression.<sup>38</sup>

Anxiety may cause someone to underestimate their abilities or overestimate how difficult an experience might be.<sup>39</sup> Fear of failure is a hallmark feature of Impostor Syndrome.<sup>40</sup> In 1978, Psychologists and Professors Pauline Rose Clance and Suzanne Imes coined the term “Impostor Phenomenon” based upon their research at Georgia State University.<sup>41</sup> Over a five-year period, Professors Clance and Imes counseled more than 150 “highly successful” white women who bore academic distinction, postgraduate degrees, were professionally respected, and were otherwise recipients of praise and recognition for their accomplishments.<sup>42</sup> Despite their accolades, the women did not experience an internal sense of success and instead considered themselves to be “impostors.”<sup>43</sup> This syndrome has a two-dimensional effect on women of color.<sup>44</sup>

This psychological construct can affect all aspects of life and can particularly disturb one’s academic and professional endeavors.<sup>45</sup> Those suffering with Impostor Syndrome do not generally have low self-esteem, but when it comes to achievement, their self-esteem has been described by Professors Clance and Imes as “*precarious*, requiring a system of defenses that is taxing and anxiety-producing.”<sup>46</sup> While they generally overestimate the strengths of other people, they simultaneously underestimate and doubt themselves.<sup>47</sup> They feel guilty about their success, downplay achieving success, or even feel that their success is not deserved.<sup>48</sup>

Impostor Syndrome is a secret epidemic in the legal profession.<sup>49</sup> It is the worry that no matter how hard you work or how impressive your credentials, people will figure out that you have no idea what you are doing.<sup>50</sup> It is the belief that you will be exposed as a fraud and you do not deserve the opportunities you have received.<sup>51</sup> This experience is not simple stage fright

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<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> Culver, *supra* note 20, at 176.

<sup>41</sup> *Id.* at 175.

<sup>42</sup> *Id.* at 184.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 178.

<sup>45</sup> *Id.* at 184.

<sup>46</sup> *Id.* (emphasis added).

<sup>47</sup> *Id.* at 185.

<sup>48</sup> *Id.*

<sup>49</sup> Susanne Aronowitz, *Imposter Syndrome: A Secret Epidemic in the Legal Profession*, 77 OR. ST. B. BULL 36 (2017).

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

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or performance anxiety; it is a deep and paralyzing belief that we have been given something that we have not earned and do not deserve, and for which we will soon be found out.<sup>52</sup>

Those with Impostor Syndrome are often reluctant to take on tasks or projects that put them in the spotlight.<sup>53</sup> They are unable to accept compliments and do not negotiate for higher salaries, leadership roles, a better office, or other opportunities when given the option.<sup>54</sup> Another common characteristic of Impostor Syndrome is perfectionism.<sup>55</sup> These behaviors can have a negative impact on attorneys and employers.<sup>56</sup> Attorneys with Impostor Syndrome may spend too much time on assignments due to an irrational fear of making a mistake or missing something.<sup>57</sup>

The delayed work stunts the development of the attorney and causes the employer additional hardship.<sup>58</sup> The attorney has then created a self-fulfilling prophecy and the once-promising attorney is no longer able to meet the employer's needs.<sup>59</sup> Attorneys who feel like they do not belong are more likely to leave their employer prematurely, which creates a costly attrition problem.<sup>60</sup> Premature departures create a lack of stability and can have a negative impact on the morale of the remaining attorneys.<sup>61</sup> These adverse effects of Impostor Syndrome can also cause gaps in client service.<sup>62</sup>

So, who among us are most likely to suffer from the Impostor Syndrome phenomenon? Anyone could be a victim, but the syndrome is particularly pronounced among lawyers who are women, racial minorities, members of the LGBTQIA+ community, disabled, or first-generation professionals.<sup>63</sup> About seventy percent of adults will experience Impostor Syndrome at least once in their lives, but it is more prevalent among women of color.<sup>64</sup> Impostor Syndrome is not an official psychiatric diagnosis but it can lead to anxiety and depression.<sup>65</sup> In the legal profession, it starts in law schools. Law students of color often must overcome feelings of Impostor Syndrome to be

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> *See id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Imposter Syndrome, PSYCHOLOGY TODAY*, <https://www.psychologytoday.com/us/basics/imposter-syndrome> (last visited Mar. 7, 2022).

<sup>65</sup> *Id.*

successful in school and these feelings follow them throughout their legal careers.<sup>66</sup>

## II. IMPOSTOR SYNDROME AMONG MARGINALIZED GROUPS IN THE WORKPLACE

*We wear the mask that grins and lies,  
It hides our cheeks and shades our eyes—  
This debt we pay to human guile;  
With torn and bleeding hearts we smile,  
And mouth with myriad subtleties.*

*Why should the world be over-wise,  
In counting all our tears and sighs?  
Nay, let them only see us while,  
We wear the mask.*

*We smile, but, O great Christ, our cries  
To thee from tortured souls arise.  
We sing, but oh the clay is vile  
Beneath our feet and long the mile;  
But let the world dream otherwise,  
We wear the mask!<sup>67</sup>*

The lack of diversity in the legal profession contributes to the effects of Impostor Syndrome felt by minorities.<sup>68</sup> This predominant culture in legal environments begins in law schools and is a serious obstacle to both increasing the number of diverse legal professionals and retaining diverse attorneys who enter the legal profession.<sup>69</sup> Although great strides have been made, the legal profession is still one of the least diverse professions.<sup>70</sup> Prior research shows that to make a change, the institutional culture must be transformed in a way that better promotes diversity.<sup>71</sup>

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<sup>66</sup> Frank, *supra* note 13.

<sup>67</sup> Paul Laurence Dunbar, *We Wear the Mask* (1922), POETRY FOUNDATION, <https://www.poetryfoundation.org/poems/44203/we-wear-the-mask> (last visited Apr. 25, 2022).

<sup>68</sup> Frank, *supra* note 13.

<sup>69</sup> *Id.*

<sup>70</sup> *See id.*

<sup>71</sup> *See id.*



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For hundreds of years, Black people were denied the opportunity to learn to read and write.<sup>72</sup> In the struggle for freedom, we have always understood that education is the pathway to liberation.<sup>73</sup> Therefore, the presence of Black academics and law students in the hallways of American law schools is a victory.<sup>74</sup> However, Black people have survived centuries of trauma through the power of community, and today this remains a priceless resource.<sup>75</sup> That is why the feeling of belonging is important to our survival as professionals.

Another problem lies in promoting diversity only to “check a box” for employer inclusion goals.<sup>76</sup> To be truly diverse, an institution must also be inclusive and value the thoughts and feelings of those who are different.<sup>77</sup> When diversity and inclusion does not happen, attorneys leave.<sup>78</sup> Black academics leave.<sup>79</sup> Black law students fail.<sup>80</sup> The lack of retention of any attorney, professor, or law student is problematic. As Attorney Bola Adeniran has written, “[I]t must be extremely challenging when diverse people who choose to leave are the physical representation of the employer’s diversity platform.”<sup>81</sup>

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<sup>72</sup> KERRY ANN ROCKQUEMORE & TRACEY LASZLOFFY, *THE BLACK ACADEMIC’S GUIDE TO WINNING TENURE—WITHOUT LOSING YOUR SOUL* 191-92 (2008).

<sup>73</sup> *Id.*

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at 193.

<sup>76</sup> Adeniran, *supra* note 18, at 409.

<sup>77</sup> *See id.*

<sup>78</sup> *Id.* at 427.

<sup>79</sup> Colleen Flaherty, *Why They Left*, *INSIDE HIGHER ED.* (May 3, 2021), [https://www.insidehighered.com/news/2021/05/03/multiple-black-professors-have-resigned-recent-years-over-racism?fbclid=IwAR35eltA4QlhYOldEcCkeJY4NmB7z8388hPkpsaDfMB\\_ojqTaQimANVMrIQ](https://www.insidehighered.com/news/2021/05/03/multiple-black-professors-have-resigned-recent-years-over-racism?fbclid=IwAR35eltA4QlhYOldEcCkeJY4NmB7z8388hPkpsaDfMB_ojqTaQimANVMrIQ).

<sup>80</sup> Mikhail Zinsheteyn, Michaella Huck, & Julie Watts, *Why Cal State Struggles to Graduate Black Students and What Could be Done*, *CAL MATTERS* (Aug. 22, 2022), <https://calmatters.org/education/2022/08/black-students-retention-csu/>.

<sup>81</sup> Adeniran, *supra* note 18, at 409-10.

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Like a game of *Among Us*,<sup>82</sup> it begins to feel like betrayal. It is a game of crewmate survival.<sup>83</sup> In the game, crewmates attempt to complete a task while the impostor tries to kill or sabotage them.<sup>84</sup> Crewmates try to find who the impostor is amongst them.<sup>85</sup> Like *Among Us*, Black employees must try to complete tasks while others try to sabotage them, fueling impostor feelings. Many minorities are eagerly recruited only to be left without support and mentorship, and ultimately treated like a threat.<sup>86</sup> Black women often go from pet to threat.<sup>87</sup>

The pet status for new professional employees suggests they are not quite equal to their masters and that their masters know what is best for them, if only they behave appropriately.<sup>88</sup> Later, when Black women resist their pet status, they find themselves transforming into a threat.<sup>89</sup> Then, Black women seen as threats often experience microaggressions or punishment for challenging the status quo.<sup>90</sup>

Microaggressions come in the form of being passed over for promotions, being micromanaged, being overly critiqued, and being unfairly evaluated in performance evaluations that highlight only minor negative issues while ignoring good performance.<sup>91</sup> Microaggressions undermine a sense of true inclusion among women of color.<sup>92</sup> Dr. Mary Rowe describes

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<sup>82</sup> Chrissy Montelli, *What is 'Among Us?' The Wildly Popular Social Deduction and Deception Game, Explained*, BUSINESS INSIDER (May 26, 2021), <https://www.businessinsider.com/what-is-among-us>.

In 'Among Us,' you play as crewmates trying to complete tasks, while one 'Imposter' tries to sabotage you. . . . 'Among Us' is a multiplayer video game that was originally released in 2018 but gained massive attention in 2020. Centered on a group of 'Crewmates' trying to complete tasks while an 'Imposter' plots to kill them, 'Among Us' is one of the most popular games around today.

*Id.*

<sup>83</sup> Danny Paez, *Sus Meaning: Everyone's Favorite Among Us Catchphrase Has a Controversial Past*, INVERSE (Nov. 1, 2021), <https://www.inverse.com/gaming/sus-meaning-among-us-definition-origin>.

Every time you play *Among Us*, the social-deduction game assigns players the role of either a 'crewmate,' who needs to survive long enough to complete a list of tasks, or the 'Imposter,' who's trying to murder the crew. *Among Us* players use the shorthand for 'Sus' for suspicious to call out players they believe to be the killer.

*Id.*

<sup>84</sup> *Id.*

<sup>85</sup> *See id.*

<sup>86</sup> *See Stallings, supra* note 30.

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Id.*

<sup>91</sup> *See Adeniran, supra* note 18, at 409-10.

<sup>92</sup> YOLANDA FLORES NIEMANN, GABRIELLA GUTIERREZ & MUHS CARMEN G. GONZALEZ, PRESUMED INCOMPETENT II, 61 (2022).

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microinequities in the workplace as “small events that may be ephemeral and hard to prove; that may be covert, often unintentional, and frequently unrecognized by the perpetrator; that occur wherever people are perceived to be different; and that can cause serious harm, especially in the aggregate.”<sup>93</sup>

Blacks are not just tired but exhausted.<sup>94</sup> This exhaustion is common in Black workers from all industries and organizations, large and small.<sup>95</sup> Workplace exhaustion is especially felt among Black Millennials and Generation Z.<sup>96</sup> In nearly every aspect of life, from education and socioeconomics to the workforce, criminal justice, and health concerns—racism is *literally* killing Black people.<sup>97</sup> Efforts to make the nation more equitable and inclusive have not yet been actualized and people of color are still very much affected by these slights.<sup>98</sup> Feelings of isolation, tokenization, and invisibility are common for Blacks in the workplace.<sup>99</sup> These feelings are exacerbated by the killings of unarmed Black people.<sup>100</sup> It causes fear, stress, and even trauma.<sup>101</sup> Although many Black women have achieved attorney positions, academic positions, and leadership positions—against all odds—which brings feelings of pride and power, those feelings are often juxtaposed with feelings of self-doubt and helplessness.<sup>102</sup>

It is easy to feel helpless when there is no other person of color to go to in the workplace to voice these concerns.<sup>103</sup> Further, if an individual raises a complaint or concern about racism, how will it be interpreted?<sup>104</sup> The lack of critical mass in places of employment can make getting authentic feedback extremely difficult and can harm an attorney’s reputation even if given anonymously.<sup>105</sup> For instance, because of the lack of diversity in the workplace, other employees may easily guess who made the complaint.<sup>106</sup> Thus, attorneys may be reluctant to say anything, may have continued

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<sup>93</sup> Nantiya Ruan, *Papercuts: Hierarchical Microaggressions in Law School*, 31 HASTINGS WOMEN’S L. J. 3 (2020) (quoting MARY ROWE & ANNA GIRALDO-KERR, THE SAGE ENCYCLOPEDIA OF PSYCHOLOGY & GENDER 679-83 (2017)).

<sup>94</sup> Donna M. Owens, *Microaggressions and Straight-Up Racism are Exhausting Black People*, NBC NEWS (May 19, 2021), <https://www.nbcnews.com/news/nbcblk/microaggressions-straight-racism-are-exhausting-black-people-rcna914>.

<sup>95</sup> *See id.*

<sup>96</sup> *See id.*

<sup>97</sup> *See id.*

<sup>98</sup> *See id.*

<sup>99</sup> *See id.*

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *See id.*

<sup>103</sup> Adeniran, *supra* note 18, at 421-22.

<sup>104</sup> *See id.*

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

impostor feelings, and may leave the job or maybe even the profession altogether. Consequently, it creates a silencing culture instead of an inclusive one.<sup>107</sup>

### III. BARRIERS TO BLACK SUCCESS IN THE LEGAL PROFESSION

*“There is no such thing as a single-issue struggle because we do not live single-issue lives.”*

- Audre Lorde<sup>108</sup>

Diversity in the legal profession starts in law schools. Prospective students may be especially drawn to law schools with diverse faculty, knowing that the likelihood of their own retention and success improve when they are: (1) engaging in learning; (2) mastering practical material; and (3) connecting with their institution.<sup>109</sup> These are all indicators that increase with faculty diversity.<sup>110</sup> Students of color not only have to overcome feelings of Impostor Syndrome but must also manage their own stereotype threats.<sup>111</sup> The cultural obstacles diverse students must navigate in law school continue post-graduate and throughout the diverse attorney’s legal career.<sup>112</sup>

Getting into law school is only half the battle. Many students have financial hardships that result in difficulty paying entry fees, causing them to abandon their dream of a legal career altogether.<sup>113</sup> Fees for the Law School Admissions Test (“LSAT”) registration, law school applications, study materials, and bar exam preparation are major barriers to the field.<sup>114</sup> Those minority students who do find financial support and stay the course to get into law school need to be mentored and supported so that they remain in school.<sup>115</sup>

<sup>107</sup> *Id.*

<sup>108</sup> SISTER OUTSIDER: ESSAYS & SPEECHES BY AUDRE LORDE 134-44 (Berkeley: Crossing Press, 2007); see also (1982) Audre Lorde, “Learning From The 60s,” BLACKPAST.ORG (Aug. 12, 2012), <https://www.blackpast.org/african-american-history/1982-audre-lorde-learning-60s/>.

<sup>109</sup> MEERA E. DEO, UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA 6 (2019).

<sup>110</sup> *Id.*

<sup>111</sup> Frank, *supra* note 13, at 40.

<sup>112</sup> *Id.*

<sup>113</sup> See Jane Wester, *Minority Lawyers Face Challenges Along ‘Pipeline’ to Law School*, N.Y. L. J. LEXIS 184852657.

<sup>114</sup> *Id.*; *LSAC, LSAT & CAS Fees*, LSAC, <https://www.lsac.org/lsat/register-lsat/lsat-cas-fees> (last visited February 27, 2023) (At the time of this writing, the LSAT exam costs a minimum of \$215); Eric Cervone, *Bar Exam Cost & Fees by State – Find Your Bar Exam Costs*, QUIMBEE (Feb 8, 2022), <https://www.quimbee.com/resources/bar-exam-cost-fees-by-state-find-your-bar-exam-costs> (the bar exams fees can be up to \$1,000), *Best Bar Courses*, CRUSH THE EXAM (Jan 23, 2022), <https://crushbarexam.com/best-bar-review-course/> (study materials can cost an additional \$1,000 to \$4,000).

<sup>115</sup> See Wester, *supra* note 113.

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Minority attorneys who join the legal academy have also found themselves conflicted over racism and their jobs, and many have chosen to leave.<sup>116</sup> A provost at a U.S. law school said he had done (Black tenure and promotion candidates) a favor when promoting them.<sup>117</sup> The same school also declined to hire highly qualified Black candidates as law deans in the past two hiring cycles. A white woman was hired over Black candidates even though she had been rated worst of the candidates in the faculty review.<sup>118</sup> At the same institution, a security guard racially profiled Black students and faculty but even after a complaint, nothing was done.<sup>119</sup> In May 2021, a Black female law professor at the same law school—who was promoted to full professor—resigned before her promotion could take effect due to her concerns about the ongoing racism at the school.<sup>120</sup>

Diverse women candidates for legal academia also face many barriers at entry. For women of color aspiring to be law professors, a two-body barrier exists.<sup>121</sup> When hiring one woman, the law school often needs to be concerned with hiring “two bodies”—the woman and her partner.<sup>122</sup> Institutions usually know, however, that when hiring a man, his partner will follow regardless of available employment opportunities.<sup>123</sup> Gender norms, especially those involving family constraints, also shape opportunities for women who aspire to legal academia.<sup>124</sup>

Lack of mentorship and sponsorship create another barrier to the legal academy.<sup>125</sup> Women of color do not always enjoy the privilege of being mentored on the faculty recruitment process or having someone arrange faculty jobs for them.<sup>126</sup> Most Black female law professors entered the academy through nontraditional pathways and feel that they stumbled into law teaching by luck or happenstance.<sup>127</sup> So, because this intersectional “raceXgender” discrimination exists, it clouds the hiring process, preventing women of color from entering the legal academy and perpetuating the existing disparate status quo.<sup>128</sup>

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<sup>116</sup> Flaherty, *supra* note 79.

<sup>117</sup> *See id.*

<sup>118</sup> *Id.*

<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> DEO, *supra* note 109, at 26-34.

<sup>122</sup> *Id.* at 26.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> *See id.*

<sup>126</sup> *See id.*

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

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Likewise, law students of color are often discouraged or must work twice as hard to obtain judicial clerkships that may afford them important experiences and connections.<sup>129</sup> According to the National Association for Law Placement, an organization that tracks career development and salaries in the industry, seventy-seven percent of graduates who received a judicial clerkship were white.<sup>130</sup> In U.S. law firms, Black women attorneys made up only about three percent of associate attorney positions and less than one percent of partners at law firms.<sup>131</sup>

In institutions of higher education, Black women and people of color are often treated as if they should be lucky they were let in. This type of treatment breeds a hostile work environment and impostor feelings. Black faculty have been routinely undervalued, dismissed, and ultimately disrespected.<sup>132</sup> They internalize these negative messages around them about not being good enough, not being smart enough, and not belonging in the Academy.<sup>133</sup> Because of this negativity, perfectionism can emerge as a reaction to our fears that we will be discovered as an impostor. Particularly for those who write about race or racism, perfectionism can stem from believing that our work has to be utterly perfect and beyond reproach because of the extra scrutiny that we regularly encounter.<sup>134</sup> Black faculty often have not been taught how to teach efficiently and were not mentored and supported.<sup>135</sup> Mistakes are made and are then embedded into these situations that are not set up for Black faculty to succeed.<sup>136</sup> Further, when the time comes for tenure and promotion, BIPOC women faculty have faced more obstacles as institutions add additional or unwritten requirements to reach that status.<sup>137</sup>

The same is true for new Black practitioners in law firms and government agencies.<sup>138</sup> As a result, retention of Black attorneys remains a problem. But can we blame them for leaving? If someone hired you,

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<sup>129</sup> Erik Ortiz, *Clerkships Remain Largely White. Can Law Students of Color Shake Up the Status Quo?*, YAHOO (Jul 4, 2021), [https://www.yahoo.com/now/clerkships-remain-largely-white-law-083023867.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce\\_referrer\\_sig=AQAAAGVRDu0vfHBYyb3D7TB020nHqXxYFTFSpsftTC5uAqhd8GR\\_qUc3YOPLkwGdCB2rrbi6twRLXMzDrPR79\\_nuku4qkdCPflnI6jKuuYzC5Uxk-Yy-8xw7jMyeR\\_owQvGMHCY14SHefn7ixmDDbi2vgNgIm3S51Ty-k8LvRIfq2y/](https://www.yahoo.com/now/clerkships-remain-largely-white-law-083023867.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAAGVRDu0vfHBYyb3D7TB020nHqXxYFTFSpsftTC5uAqhd8GR_qUc3YOPLkwGdCB2rrbi6twRLXMzDrPR79_nuku4qkdCPflnI6jKuuYzC5Uxk-Yy-8xw7jMyeR_owQvGMHCY14SHefn7ixmDDbi2vgNgIm3S51Ty-k8LvRIfq2y/).

<sup>130</sup> *Id.*

<sup>131</sup> *Representation of Women and People of Color in U.S. Law Firms in 2020* (June 2021), NAT'L ASS'N L. PLACEMENT, <https://www.nalp.org/0621research/> (last visited July 5, 2021).

<sup>132</sup> ROCKQUEMORE & LAZLOFFY, *supra* note 72, at 97-98.

<sup>133</sup> *Id.*

<sup>134</sup> *Id.* at 107.

<sup>135</sup> *Id.*

<sup>136</sup> *Id.*

<sup>137</sup> DEO, *supra* note 109, at 82.

<sup>138</sup> *See generally*, Adeniran, *supra* note 18, at 409, 414.

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continuously over-critiqued your work, and passed you up for promotion, would you stay?<sup>139</sup> If the only other person who looked like you was the secretary, and your supervisor could not tell you apart, would you stay?<sup>140</sup>

#### *A. Lack of Mentors and Sponsors*

It is well known that mentoring is important to success and mobility.<sup>141</sup> Colleagues may sometimes call themselves mentors, but what exactly does that mean? Mentors pass on the unwritten rules of success in your area.<sup>142</sup> They may share information that is not widely available and make introductions to other more-experienced colleagues.<sup>143</sup> They may review your papers and give advice.<sup>144</sup> Mentors are usually in a more senior position that the mentee would like to achieve in the future.<sup>145</sup> Mentors are important for law students, attorneys, professors, and any professional.<sup>146</sup> Many organizations have formal mentoring programs but the mentor-mentee relationship is better cultivated if it occurs naturally.<sup>147</sup>

Sponsors are harder to come by. Sponsors use their power on your behalf.<sup>148</sup> These are people in high places who use their power to speak for you behind closed doors.<sup>149</sup> Further, sponsors may arise if an individual shows signs of success in a particular discipline or after a positive working relationship.<sup>150</sup> An even bigger issue is that people in power are usually white men and are more likely to sponsor someone of the same race and sex.<sup>151</sup> Sponsors are just as critical to Black success as mentors, if not more so. When people of color lack mentors and sponsors, it can again feed those feeling of self-doubt and give way to Impostor Syndrome because they do not see themselves in high places and feel alone in the process to get there.<sup>152</sup>

Mentors can also be found at conferences and other networking events.<sup>153</sup> Mentors do not always have to be advanced in their career.<sup>154</sup>

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<sup>139</sup> *Id.*

<sup>140</sup> *Id.*

<sup>141</sup> *See id.*

<sup>142</sup> ROCKOUEMORE & LASZLOFFY, *supra* note 72, at 181.

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

<sup>145</sup> *Id.*

<sup>146</sup> *See* Adeniran, *supra* note 18, at 419.

<sup>147</sup> *Id.*

<sup>148</sup> ROCKOUEMORE & LASZLOFFY, *supra* note 72 at 181-82.

<sup>149</sup> *Id.*

<sup>150</sup> *See id.*

<sup>151</sup> *See* Adeniran, *supra* note 18, 417.

<sup>152</sup> DEO, *supra* note 109, at 97.

<sup>153</sup> *See* ROCKOUEMORE & LASZLOFFY, *supra* note 72, at 181-82.

<sup>154</sup> *Id.*

Some mentor-mentee relationships are near-peer mentorships. Many colleagues who are not much more advanced can still reach back and propel forward a woman of color into reaching her potential.<sup>155</sup> They can also give the tough love that is needed in this work.<sup>156</sup>

### *B. Recruitment and Retention*

White colleagues should be aware of and responsive to the intersectional barriers hindering women of color from reaching their full potential.<sup>157</sup> Intersectional bias affects not only recruitment but retention. It impacts law students in the admissions process, as well as BIPOC attorneys and professors in the hiring process.<sup>158</sup> Employers and law schools recognize that diverse employees and students are needed but all the necessary steps are not taken to ensure their inclusion and therefore retention.

Recruitment into legal academia begins in law school for white men but people from underrepresented groups are not steered toward those opportunities.<sup>159</sup> Law schools tend to focus on elite standards such as judicial clerkships and Ivy League schools when hiring faculty.<sup>160</sup> When law schools have diverse faculties and students, the underrepresented groups have role models and can begin to feel a sense of belonging.<sup>161</sup> Female professors also do not enjoy the same status as male professors.<sup>162</sup> There are disparities in pay, tenure denials, and employment double standards when assessing identical credentials.<sup>163</sup> Women of color are often viewed as outsiders in the white male culture of legal academia.<sup>164</sup> As a result, they have lower retention rates than white men.<sup>165</sup> The feeling of belonging combats Impostor Syndrome and therefore increases performance and retention.<sup>166</sup>

Diverse attorneys can be retained similarly with mentors, sponsors, and training. When attorneys of color are supported through these resources, their skills are sharpened and they thrive.<sup>167</sup> When there are attorneys from underrepresented groups who are in leadership positions, such as law firm

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<sup>155</sup> *Id.*

<sup>156</sup> *See* DEO, *supra* note 109, at 144.

<sup>157</sup> *Id.*

<sup>158</sup> *See id.* at 26-34.

<sup>159</sup> *See* Tiffany D. Atkins, #ForTheCulture: Generation Z and the Future of Legal Education, 26 MICH. J. RACE & L. 115, 159 (2020).

<sup>160</sup> *See id.* at 157.

<sup>161</sup> *See* DEO, *supra* note 109, at 26-34.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.* at 143.

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*

<sup>166</sup> *See id.*

<sup>167</sup> *See* Adeniran, *supra* note 18, at 417.



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partners or judges, attorneys of color can then see themselves in those spaces and self-doubt diminishes.<sup>168</sup> Often these support mechanisms are lacking and attorneys of color feel like they do not belong.<sup>169</sup>

### *C. Lack of Training and Expectations of Minority Attorneys*

In the legal profession, new lawyers are usually thrown out into the world to sink or swim. The first day at a new job may entail some administrative onboarding and an office tour but there is often little guidance on how to do the job the way in which the employer expects.<sup>170</sup> Legal education mostly prepares students for the theory of law and teaches students how to think like a lawyer.<sup>171</sup> Internships may prepare students more for practice when they are allowed to gain in-court experience and work with clients. However, the reality is, once that initial “training” is over, new attorneys are left to themselves to learn by trial-and-error.<sup>172</sup> The legal academy is detached from the marketplace and trains law students for careers that few will have.<sup>173</sup> When mistakes are inevitably made, the new lawyer is compelled to feel incompetent or inferior.<sup>174</sup> This type of treatment happens even if the new attorney was never made aware of the so-called mistake because they taught themselves the job.<sup>175</sup> When they are not properly prepared or supported, Black attorneys feel they will fall short on performance reviews and that they are set up for failure.<sup>176</sup>

Hiring new attorneys without practical skills is costly to law firms.<sup>177</sup> However, if attorneys are not trained and supported, they are likely to leave, costing the law firm even more.<sup>178</sup> Employees are typically interested in performing their job well, being proud of their good work, and advancing in the workplace.<sup>179</sup> But when there is no training and employees do not fully

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<sup>168</sup> *See id.*

<sup>169</sup> *Id.*

<sup>170</sup> *See generally*, Mark A. Cohen, *Law’s Looming Skills Crisis*, FORBES (May 21, 2019), <https://www.forbes.com/sites/markcohen1/2019/05/21/laws-looming-skills-crisis/?sh=6ac42588445c/>.

<sup>171</sup> *Id.*

<sup>172</sup> *See generally, id.*

<sup>173</sup> *Id.*

<sup>174</sup> *See Adeniran, supra* note 18, at 417.

<sup>175</sup> *See generally*, Cohen, *supra* note 167.

<sup>176</sup> *See Adeniran, supra* note 18, at 417.

<sup>177</sup> *White Paper: Hiring Partners Reveal New Attorney Readiness for Real World Practice*, LEXISNEXIS, [https://www.lexisnexis.com/documents/pdf/20150325064926\\_large.pdf](https://www.lexisnexis.com/documents/pdf/20150325064926_large.pdf) (last visited Nov. 28, 2022).

<sup>178</sup> Link Christin, *Confronting Lawyer Turnover in Law Firms*, ATTORNEY AT WORK, <https://www.attorneyatwork.com/confronting-lawyer-turnover-in-law-firms/> (last visited July 20, 2021).

<sup>179</sup> *Id.*

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understand how to do their jobs, these goals cannot be met.<sup>180</sup> This trend leads to low morale and employee turnover,<sup>181</sup> and high turnover rates in particular give the employer a bad reputation.<sup>182</sup>

Many new attorneys leave their job within their first three years.<sup>183</sup> Some cite their reason for leaving as lack of training, lack of mentorship, or lack of work-life balance.<sup>184</sup> Women of color tend to work more to prove themselves in the workplace but often at the expense of their mental health and their families.<sup>185</sup>

#### IV. EXCEPTIONALISM AND IMPLICIT BIAS AMONG WOMEN OF COLOR

*“We are only as blind as we want to be.”*

- Maya Angelou<sup>186</sup>

When one unconsciously associates stereotypes with a particular group and has a preference for or aversion to a particular group of people, that is called implicit bias.<sup>187</sup> Implicit biases of how a lawyer should look amplify Impostor Syndrome.<sup>188</sup> Although most people will experience Impostor Syndrome at some point in their lives, women and minority groups suffer from it more often and with greater impact.<sup>189</sup> That is because the syndrome amplifies the effects of discrimination and unconscious bias.<sup>190</sup> In highly competitive environments such as law schools and the practice of law, it is

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<sup>180</sup> Tina Amo, *Negative Effects of a Lack of Training in the Workplace*, CHRON (updated March 06, 2019), <https://smallbusiness.chron.com/negative-effects-lack-training-workplace-45171.html/>.

<sup>181</sup> *Id.*

<sup>182</sup> *Id.*

<sup>183</sup> *Employee Retention Strategies for Legal/Law firms*, RETENSA, <https://retensa.com/clients/clients-by-industry/attorney-attrition-lawyer-turnover/> (last visited Nov. 28, 2022).

<sup>184</sup> *Id.*

<sup>185</sup> DEO, *supra* note 109, at 130.

<sup>186</sup> This quote is widely known and attributed to Maya Angelou. Maya Angelou was an American poet, memoirist, and civil rights activist. She published seven autobiographies, three books of essays, several books of poetry, and is credited with a list of plays, movies, and television shows spanning over 50 years. She received dozens of awards and more than 50 honorary degrees. Angelou is best known for her series of seven autobiographies, which focus on her childhood and early adult experiences. The first, *I Know Why the Caged Bird Sings*, tells of her life up to the age of 17 and brought her international recognition and acclaim. *Maya Angelou: American poet, memoirist, and actress*, BRITANNICA, <https://www.britannica.com/biography/Maya-Angelou> (last visited: March 12, 2023).

<sup>187</sup> *Implicit Bias*, PERCEPTION INSTITUTE (Aug. 9, 2021), <https://perception.org/research/implicit-bias>.

<sup>188</sup> Yasmin Visram, *When Implicit Bias Amplifies Impostor Syndrome*, THE IN-HOUSE EDITION (Aug. 4, 2020), <https://www.ccca-accje.org/The-In-House-Edition/Archives/2020/When-Implicit-Bias-Amplifies-Impostor-Syndrome>.

<sup>189</sup> *Id.*

<sup>190</sup> *Id.*

easy to feel fraudulent.<sup>191</sup> It also does not help when opposing counsel, judges, clients, colleagues, and supervising attorneys intentionally or carelessly undermine our self-esteem and mental health on a routine basis.<sup>192</sup> The feeling that you are not good enough is validated by subtle cues that you do not belong there in the first place.<sup>193</sup> The lack of diversity and “old boys’ network” does nothing to clear the clouded view of minority attorneys.<sup>194</sup>

As a result of the implicit bias, minorities in the legal profession tend to overprepare and work twice as hard as their white colleagues.<sup>195</sup> Minorities must be exceptional. Exceptionalism is the idea that people of color must be twice as good as their white peers to succeed.<sup>196</sup> Implicit bias plays a major role in exceptionalism.<sup>197</sup> Minority attorneys and law professors receive harsher feedback on their work product and course evaluations although their work may be identical to their white counterparts.<sup>198</sup> Implicit bias is a significant obstacle to equality.

When implicit bias is not addressed in the workplace, minority attorneys and professors may leave their jobs or the law profession entirely.<sup>199</sup> Women of color particularly feel silenced. They cannot speak candidly about implicit bias while employed and often do not disclose the true reason for leaving once they are gone.<sup>200</sup> Women of color cannot go to their high-level colleagues to voice their concerns for fear of being labeled difficult or having a chip on their shoulder. So, they stay silent. Self-silencing and self-sidelining have a close relationship to tokenism.<sup>201</sup> Authentic feedback from

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<sup>191</sup> *Id.*

<sup>192</sup> *See id.*

<sup>193</sup> *Id.*

<sup>194</sup> *Id.*

<sup>195</sup> Adeniran, *supra* note 18, at 417-18.

<sup>196</sup> *Id.*

<sup>197</sup> *Id.*

<sup>198</sup> *See id.*; *see also*, DEO, *supra* note 109, at 68-72.

<sup>199</sup> *Id.*

<sup>200</sup> Adeniran, *supra* note 18, 422.

<sup>201</sup> Renee Nicole Allen, *From Academic Freedom to Cancel Culture: Silencing Black Women in the Legal Academy*, 68 UCLA L. REV. 364, 391 (2021) (quoting Professor Leslie Culver, who coined the phrase self-sidelining, describing the process:

When a woman has ‘impostor feelings of intellectual phoniness or feelings of being a fraud[.] . . . gender sidelining occurs, resulting in implicit messages that trigger and erroneously confirm impostor feelings’ and then, “gender sidelining’s external validation of the internal impostor feelings may lead women to discipline themselves to forego professional opportunities. . . . Tokenism masks racism and sexism by admitting a small number of previously excluded individuals to institutions. At the same time, a system of tokenism maintains barriers of entry to others. Black women either remain silent because they are tokens or they self-sideline to avoid becoming tokens (avoiding opportunities for professional advancement that will result in them being the sole Black woman in a leadership position).)

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attorneys and professors of color cannot be given when they are concerned about harming their reputation by speaking out. This fear creates a silencing culture.<sup>202</sup>

Silencing occurs among women in legal academia as well.<sup>203</sup> Women of color have been shown over and over that their voices don't matter when they express opinions.<sup>204</sup> Their opinions are not heard or understood. This keeps women from speaking up and crushes women into silence by indicating that this is not their world.<sup>205</sup> The silencing is most pronounced in faculty meetings where women's ideas, suggestions, and observations may get ignored until a man unnecessarily explains her thoughts, asserting himself as the expert and claiming the ideas as his own.<sup>206</sup> There is an institutionalized culture of silence that seems to have a well-understood code that encourages women of color to keep their head down, lie low, and just focus on work.<sup>207</sup> The culture of lying low creates a particular challenge for junior faculty of color because they are hyper-visible when the value of their "diversity" is tethered to their visibility.<sup>208</sup> It is a tough balance to strike when they are in precarious positions with less power.<sup>209</sup> They must be visible but unheard, marked different, but conform.<sup>210</sup>

Implicit bias shows up on tenure and promotion applications for women of color when they are assessed more critically than whites.<sup>211</sup> When applying for leadership positions, qualified women of color are often passed up for a confident, white man who may not actually possess the competence needed for the position.<sup>212</sup> Because of the biases, white men and women are promoted at higher rates than women of color.<sup>213</sup> When tenure applications from women of color are unfairly denied, these applicants experience a fight or flight response. Many times, it is the latter, and these qualified women of color leave the institution or the profession.<sup>214</sup> Promotions and tenure have

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*Id.*

<sup>202</sup> Adeniran, *supra* note 18, at 422.

<sup>203</sup> *See id.*

<sup>204</sup> DEO, *supra* note 109, at 44-45.

<sup>205</sup> *Id.*

<sup>206</sup> *Id.*

<sup>207</sup> NIEMANN, GUTIERREZ, & GONZALEZ, *supra* note 92, at 61.

<sup>208</sup> *See* DEO, *supra* note 109, at 162.

<sup>209</sup> *Id.*

<sup>210</sup> *Id.*

<sup>211</sup> *See, e.g., id.*

<sup>212</sup> DEO, *supra*, note 109, at 116-17.

<sup>213</sup> *See id.*; *see also* J. Nathan Matias, Neil Lewis Jr., & Elan Hope, *Universities Say They Want Diverse Faculties. But Why is Academia Still so White?*, FIVETHIRTYEIGHT (Sept. 7, 2021), <https://fivethirtyeight.com/features/universities-say-they-want-more-diverse-faculties-so-why-is-academia-still-so-white/>.

<sup>214</sup> *See, e.g., id.*

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also been turned down when offered after racism and implicit bias was shown to be present at the institution.<sup>215</sup>

The lack of retention of women of color in legal academia results in fewer role models for women of color in the field—who then do not see themselves as lawyers, tenured professors, or law school deans.<sup>216</sup> Women in these underrepresented groups continue to have Impostor Syndrome even after being in the legal profession more than twenty years.<sup>217</sup> Implicit biases about how a lawyer should act, sound, or look affect everyone.<sup>218</sup> It is difficult for women or people from historically marginalized groups to overcome these social biases that are held subconsciously by clients, colleagues, and themselves.<sup>219</sup> It shows that no amount of success will overcome intersectional discrimination.<sup>220</sup>

## V. UNEXPECTED AUTHORITY, EXPECTED MAJORITY

*“A person’s assumptions reveal who they are, more than the words they utter.”*

- Wayne Gerard Trotman<sup>221</sup>

As previously discussed, the usual suspects who suffer from Impostor Syndrome are more often women and members of minority groups.<sup>222</sup> More often than not, students feel disappointment when assigned a female or Black professor.<sup>223</sup> Law professors who are women of color are often challenged by students who presume them to be incompetent because they are not the older white men they were likely expecting.<sup>224</sup>

Intersectional barriers prevent women of color from maximizing success. Before mastering their jobs, they first have to overcome the perception that they are “not a fraud” and are as smart as a white man.<sup>225</sup> Female professors must be dressed professionally at all times and be all-knowing when they are questioned by students, or else they lose all

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<sup>215</sup> Tom Foreman Jr. & Aaron Morrison, *Tenure Struggle Ends with Hannah-Jones Charting New Course*, YAHOO! NEWS (July 12, 2021), <https://news.yahoo.com/nikole-hannah-jones-she-not-122249992.html>; see also Flaherty, *supra* note 79.

<sup>216</sup> See generally DEO, *supra* note 109, at 108; see also Visram, *supra* note 188.

<sup>217</sup> DEO, *supra* note 109, at 108.

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> *Id.* at 71.

<sup>221</sup> WAYNE GERARD TROTMAN, KAYA ABANIAH AND THE FATHER OF THE FOREST (Red Moon Productions Limited 2015).

<sup>222</sup> See Aronowitz, *supra* note 49, at 36.

<sup>223</sup> DEO, *supra* note 109, at 61-62.

<sup>224</sup> *Id.*

<sup>225</sup> *Id.* at 148.

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credibility.<sup>226</sup> This expectation is different for white male professors, who can come into work casually dressed, with old notes, and not be “on top of their game” because those professors will still be accepted as a person of authority, as he is what was expected of a law school professor.<sup>227</sup>

Women of color attorneys and those in academic leadership positions must be given the freedom to succeed and not be micromanaged and belittled into failure. Tokenization of women of color leads to isolation, disengagement, and ultimately disrespect.<sup>228</sup> Law firms and other institutions must care enough to not only hire women of color but retain them by putting systems in place to make sure they succeed.<sup>229</sup>

For people of color, Impostor Syndrome is not just an imaginary voice in their heads. They receive almost daily messages from society saying that they do not truly belong.<sup>230</sup> Women of color often lack confidence when working in almost any profession.<sup>231</sup> Because they are scrutinized harder, they do not give themselves permission to be flawed.<sup>232</sup> Psychologist Dr. Valerie Young has determined that there are subgroups of Impostor Syndrome that successful women typically fit into:

**The Perfectionist** - They have such high expectations for themselves that even small mistakes will make them feel like a failure.

**The Superwoman/Superman** - They put in longer hours, never take days off and must succeed in all aspects of life in order to prove they are the “real deal.”

**The Natural Genius** - They are used to things coming easily, so when something is too hard or they don’t master it on the first try, they feel shame and self-doubt.

**The Soloist** - They don’t like to ask for help, so when they do, they feel like a failure or a fraud.

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<sup>226</sup> *Id.*

<sup>227</sup> *See id.* at 149.

<sup>228</sup> *See id.*; *see also*, Adeniran, *supra* note 18, at 417, 431, 437. Tokenism is when a person is one or part of a handful of people of color in an organization. *Id.* They are often thought to be “checking a box” for diversity. *Id.*

<sup>229</sup> DEO, *supra* note 109, at 168.

<sup>230</sup> Jollie Dogget, *Imposter Syndrome Hits Harder When You’re Black*, HUFFINGTON POST (July 28, 2021), [https://www.huffpost.com/entry/imposter-syndrome-racism-discrimination\\_1\\_5d9f2c00e4b06ddfc514ec5c](https://www.huffpost.com/entry/imposter-syndrome-racism-discrimination_1_5d9f2c00e4b06ddfc514ec5c).

<sup>231</sup> Jeanne Crouteau, *Imposter Syndrome—Why It’s Harder Today Than Ever*, FORBES (July 28, 2021), <https://www.forbes.com/sites/jeannecroteau/2019/04/04/imposter-syndrome-why-its-harder-today-than-ever/?sh=79a983149ac5>.

<sup>232</sup> *Id.*

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**The Expert** - They continuously seek out additional certifications or training because they feel as though they will never know enough to be truly qualified.<sup>233</sup>

These impostor feelings are even more magnified in today's world of social media and constant connectivity. Millennials and Generation Z, who are often trying to keep up with the Joneses—or the Kardashians, often find it triggering to see posts from others highlighting the best moments of the social media user's life.<sup>234</sup> Members of these generations then try to create a feed that looks both polished and accomplished.<sup>235</sup> But when a stranger on Twitter or a friend on Facebook questions their authenticity, it feeds into Impostor Syndrome.<sup>236</sup> There is a sinking feeling that comes with being publicly challenged.<sup>237</sup> Years ago, our embarrassment and mistakes were mostly private, but now even the most innocent mistake can be heard or seen around the world.<sup>238</sup> Anonymous “trolls,” or antagonizers, can confirm our worst fears about ourselves.<sup>239</sup>

In law firms, attorneys of color often see themselves as outsiders and internalize the insiders' stereotypical perception of them to their detriment.<sup>240</sup> Law students from these marginalized groups also see themselves as outcasts or strangers within their own schools, if not excluded from law school altogether.<sup>241</sup> Gender bias may even overshadow intersectional bias when it comes to dealing with students.<sup>242</sup> Students tend to challenge women professors of all races.<sup>243</sup> Women of all races in the legal profession also share the exhaustion that comes from overworking while also experiencing the expectation, and sometimes reality, of being the default parent at home. Some may even be the caregiver for aging parents as well.<sup>244</sup> While men of all races can be workaholics and achieve professional success at a faster rate than women because they do not always have the expectation of additional responsibilities at home like women do.<sup>245</sup>

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<sup>233</sup> See *id.*; see VALERIE YOUNG, *THE SECRET THOUGHTS OF SUCCESSFUL WOMEN: WHY CAPABLE PEOPLE SUFFER FROM THE IMPOSTOR SYNDROME AND HOW TO THRIVE IN SPITE OF IT* (2011).

<sup>234</sup> See Crouteau, *supra* note 231.

<sup>235</sup> *Id.*

<sup>236</sup> *Id.*

<sup>237</sup> *Id.*

<sup>238</sup> *Id.*

<sup>239</sup> *Id.*

<sup>240</sup> Culver, *supra* note 20, at 581.

<sup>241</sup> Aaron N. Taylor, *The Marginalization of Black Aspiring Lawyers*, 13 FIU L. REV. 489 (2019).

<sup>242</sup> DEO, *supra* note 109, at 72.

<sup>243</sup> *Id.*

<sup>244</sup> *Id.* at 130.

<sup>245</sup> *Id.* at 132.

*A. Best Practices for Overcoming Barriers and Impostor Syndrome*

To beat the odds and retain Black law students, attorneys, and professors, several things must be done. First, stock the pipeline. Beginning at the undergraduate level or even in high school, pre-law programs should be formed to prepare students for a career in the legal profession. In the pipeline, mentor-mentee relationships can begin between students and Black attorneys. Second, more scholarships for LSAT and bar exam preparation and fees are needed. Mentors should advise minority students on how to best prepare for the LSAT, law school exams, and the bar exam. Mentors should also advise students on the dynamics of law practice and arrange internships for them when possible.

Women attorneys of color can overcome fraudulent feelings by avoiding negative self-talk and instead keeping a list of all their accomplishments. Review the list periodically to encourage positive feelings and eliminate impostor ones. Understand and accept strengths and weaknesses. Develop a support network of people who motivate and encourage, which will help counter negative impostor feelings. Institutions can also provide mentorship programs for new law students, attorneys, and professors. Further, institutions that provide extensive training and communicating expectations to new attorneys will help those attorneys feel confident and prepared. Likewise, institutions should check in with new attorneys early and often, especially within the first year of employment. Finally, institutions should offer counseling to help people of color who are new to the legal profession to cope with the Impostor Syndrome, implicit bias, and discrimination that has existed their entire lives.

White law professors, supervising attorneys, and administrative staff should be intentional about supporting students, attorneys, and faculty of color. Law schools must be intentional about giving all students practical legal lessons and advice to ensure that they are practice ready. Institutions must be clear about their expectations and provide the support to help attorneys reach them through both thorough training and mentorship. Finally, with these adjustments, women and people of color can gain confidence in knowing they belong and are prepared to succeed.

## CONCLUSION

Despite slight gains in 2021, just over four percent of all law firm partners are women of color; Black women and Latinx women each continue to represent less than one percent of all partners in U.S. law firms.<sup>246</sup> Equity partners in multi-tier law firms continue to be disproportionately white men.

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<sup>246</sup> See *NALP Report on Diversity*, NAT. ASSOC. FOR L. PLACEMENT, INC., <https://www.nalp.org/reportondiversity> (last visited: March 12, 2023).



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In 2021, twenty-two percent of equity partners were women and only nine percent were people of color.<sup>247</sup>

Despite these barriers and the prevalent feelings of Impostor Syndrome in Black women, as of 2021, there are twenty-eight Black female law school deans in the United States.<sup>248</sup> That number increased in 2022.<sup>249</sup> The first Black woman U.S. Supreme Court Justice, Ketanji Brown-Jackson, was confirmed in 2022.<sup>250</sup> Black women and other women of color can overcome Impostor Syndrome by focusing on the facts. We are competent and capable. Our voices are unique, and we are a valuable asset to our employers and educational institutions. Institutions can retain Black women law students, attorneys, and professors by supporting them and setting them up for success. Providing mentors, sponsors, and proper training will build morale and women of color will be more likely to feel like they belong. Once Black women are recruited, institutions should work hard to be anti-racist by not only being diverse, but also inclusive. Give women of color more than an invitation to the dance—invite them to dance as well. Anything less reveals itself as a half-hearted attempt to appear more racially diverse than is true. That in itself is suspicious (or, as an *Among Us* player would say, “sus”). So, who is the real impostor? It is not the accomplished woman of color or the first-generation college graduate. Rather, it is the *institution* claiming to have diversity while betraying the people it purports to include.

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<sup>247</sup> *See id.*

<sup>248</sup> *See, e.g.,* Candice Norwood, *More Black Women are Leading Law Schools and Changing the Conversation on Race and Gender*, 19TH NEWS (Nov. 15, 2022), <https://19thnews.org/2022/02/black-women-law-school-deans/>.

<sup>249</sup> *See* Stephanie Francis Ward, *Diversity Increases with Law School Deans, According to New AALS Study*, ABA JOURNAL (April 4, 2022), <https://www.abajournal.com/web/article/diversity-increases-with-law-school-deans-according-to-aals-study>.

<sup>250</sup> *See generally*, Press Release, Lisa Murkowski, Senator, U.S. Senate, *Ketanji Brown Jackson Confirmed to be Supreme Court Justice* (Mar. 7, 2022), <https://www.murkowski.senate.gov/press/release/ketanji-brown-jackson-confirmed-to-be-supreme-court-justice>.