

## **FLAUNT IT!** HOW WELL-INTENTIONED SELF-EVALUATION AND SELF-PROMOTION POLICIES EXACERBATE EXISTING GENDER INEQUALITIES IN THE LEGAL FIELD

**BY LAUREN LIPSYC**

“There are basically two types of people. People who accomplish things, and people who claim to have accomplished things. The first group is less crowded”... and mostly female.

– Mark Twain with a twist

In 2021, roughly 55% of U.S. law school students were women. And yet, like a somber magic trick, a sizeable portion of these women will disappear from the legal industry entirely before they reach leadership positions in law firms, in-house legal departments, or the government. In 2017, women accounted for about 46% of attorneys but only 19% of equity partners in law firms. This trend is deeply rooted in history, and experts coined the term “she-cession” to describe their (largely unfounded) fear that the pandemic would exacerbate the problem.

It is no surprise, then, that academic literature has established that there is a significant gender gap in the probability of an individual being in a “top job” by mid-

career. Top jobs are, by definition, those jobs with higher earnings, greater job security, and better career trajectories in an industry. A classic example of a top job is a law firm partner. The top job gap can be explained institutional factors — including poor parental leave policies and lack of flexible work options — and by individual factors — including gender differences in non-cognitive skills.

One individual factor, gender differences in confidence levels, has been widely studied. Experts agree that there is a significant confidence gap between men and women — that is, overconfidence of men and “underconfidence” of women. Women, unlike men, tend to gravitate less toward competition, to underestimate their abilities, to avoid overclaiming knowledge, and to celebrate others’ successes while being reluctant to share their own. However, a study published in *Labour Economics* in December 2022 demonstrated that the confidence gap

can explain only 5–11% of the gender gap in top job employment. The lesson? Other factors must play a larger role.

Although less commonly studied, the gender gap in self-evaluation and self-promotion is likely one of those factors that continues to forge a divide between men and women in attaining top jobs. In the legal field, self-evaluation is often baked into the formal processes for deciding compensation and partnership promotion. If men are more likely than women to inflate their self-evaluation and push harder with self-promotion, then it should be no surprise that men continue to be better compensated and promoted more than women.

Colloquially, if you ask a group of women whether they think men, on average, tend to inflate their self-evaluation many will be quick to start spilling their stories. Their experiences are not unfounded. A study that examined gender differences in self-evaluations was published in August 2022 in



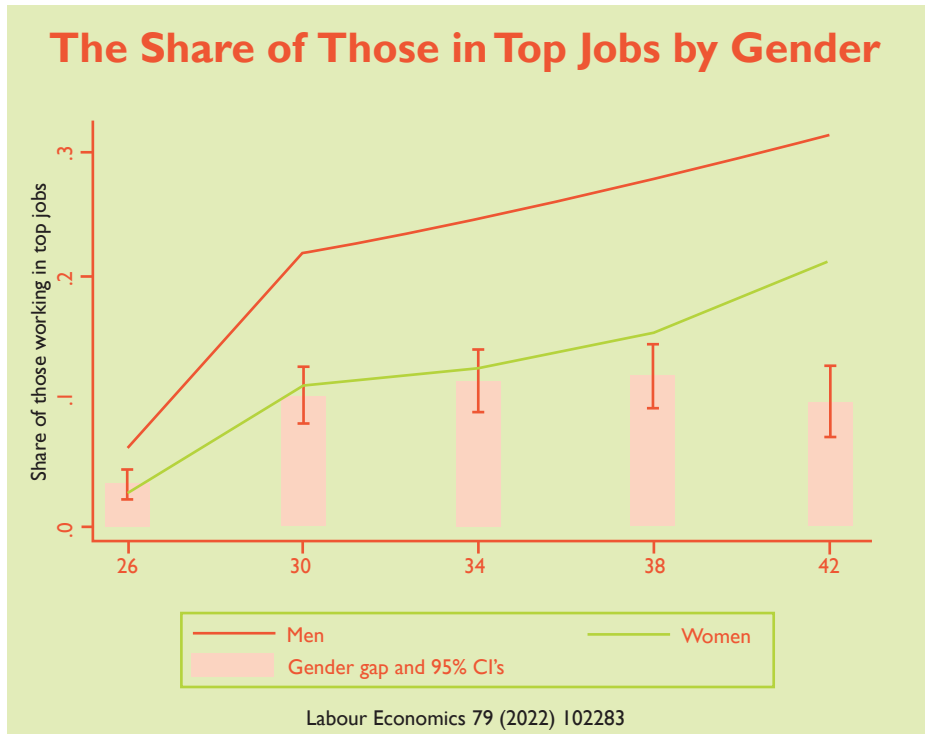
*The Quarterly Journal of Economics*, widely regarded as one of the best journals in the field of economics, by Christine L. Exley of Harvard Business School and Judd B. Kessler of The Wharton School. Exley and Kessler objectively measured the gender gap in self-evaluations and found that not only do women tend to evaluate their performance less favorably than equally-performing men, but also that the gap in self-evaluations persists even when incentives to self-promote are removed *and* when information about the average level of self-evaluations is provided to study participants. Their study used the Armed Services Vocational Aptitude Battery test, which tests verbal and mathematical reasoning, and women rated their performance 25% lower than men did even though women outperformed men in test scores.

Importantly, the findings of Exley's and Kessler's study cannot be explained by the gender confidence gap. To control for this factor, in one portion of the study men and women were both fully informed with objective data on how well they performed on the test compared to others. Still, the trend persisted, with women evaluating their performance less favorably than men. In other variations involved in the study, men and women were given data on their own performance and how much self-promotion was done by other participants. Still, the trend persisted.

The trend did not persist, however, when the study's authors looked for differences between men and women in the evaluation of others. They found instead that the gender gap in self-evaluations applies only to self-evaluation. There is no significant difference between how men and women evaluate the performance of other people, as a whole. The gap's existence here hinges on describing beliefs about one's own performance.

The proven gender gap in self-evaluation suggests that the information employers get from self-evaluations is biased and unreliable. Men tend towards inaccurate generosity and women tend towards inaccurate stinginess. Exley and Kessler stressed that "women may not talk about their work as favorably as men, but that doesn't mean their performance is any worse." As a result, workplace policies that stress self-evaluation and self-promotion inherently favor men over women and give employers an inaccurate picture.

What can we do to avoid basing important employment factors like promotion on



self-evaluations and, in turn, contribute to keeping strong women talent in the legal field? Sure, we could urge women to work on their own confidence and spend hours laboring over the wording of their self-evaluations, crafting carefully so that they come on strong enough, but not too strong. Yet, studies show that confidence plays a minor role, and this approach may serve only to push away those talented women who refuse to take on more burdens due to a refusal of society to take meaningful steps forward. As recently as 2021, *Forbes* published the longstanding truth that "assertive self-advocacy lines up nicely with the long-standing stereotype of the ambitious male go-getter" but "studies show that when women demonstrate identical behaviors, they elicit negative reactions for failing to show stereotypical 'feminine traits'". In other words, unless society as a whole is willing to do some work (which is far from a certainty), then women will continue to miss out on leadership opportunities whether or not they step up their self-advocacy game.

So, in addition to motivating women to become more comfortable boasting about all of their tours de force, workplace policies can directly contribute to the solution. Employers should reconsider the details involved in their self-evaluation policies with an eye toward understanding how gender differences play a role. They can offer alternatives to self-

promotion, such as more formal systems for documenting success in objective ways. They can provide trainings on effective self-evaluation and promotion for employees and distribute specific guidelines or instructions for written or oral self-evaluations. They can give coaching on review of self-evaluations for leadership. It is institutional policy change in areas like self-promotion that will be more likely to enable women to flourish in the legal field and stay for the long haul.

Instead of accepting the status-quo in the name of comfort and tradition, let's challenge our industry to think creatively about self-evaluation policies and the impact of these policies on the demographics of top leaders in the legal field.



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