

# WINGING IT: CONVERGENCE, CONVIVENCIA, AND BELONGING OF LATINA LAWYERS

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*This Essay examines how Latina lawyers navigate professional socialization through racialized and gendered expectations of “professionalism” in legal workplaces. Drawing on Communication Accommodation Theory, LatCrit scholarship, and multimodal rhetoric “dress practice,” this Essay analyzes how legal institutions reward convergence toward dominant communication styles while policing culturally and gendered coded self-presentation, including practices like wearing winged eyeliner, as unprofessional. Through personal narrative and theoretical analysis, the Essay reveals how Latina attorneys face a double bind: converge and risk self-erasure or diverge and risk exclusion. This assimilationist model extracts identity and emotional costs that are disproportionately borne by Latinas, who comprise only 1 percent of law firm partners despite representing nearly 10 percent of the U.S. population. This Essay proposes convivencia (harmonious coexistence) as an alternative framework and advocates equity-centered reforms in legal institutions to work toward a profession that values excellence in all forms.*

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#### INTRODUCTION

1989 marked both global and personal transformation for me. It was the year I first watched my mother prepare for the world with ritual and precision. Her choreography began with black eyeliner.<sup>1</sup>

The Berlin Wall cracked and with it communism. A worldwide web was spun. Satellites blinked awake in the space between. Pop anthem “Like a Prayer” was baptized in a cola commercial. *Rain Man* and *Who Framed Roger Rabbit* took home the coveted gold men. Robin Williams, or rather John Keating, stood on a desk and told us to look at things in a different way. Motorola announced the “pocket-sized” future of phones for only \$3,000. *The Simpsons* and *Baywatch* debuted. The Dalai Lama was honored with a peace prize; Salvador Dalí took his last breaths. Denmark blessed same-sex unions and Iceland legalized beer. The Court announced that hate speech, even when it is hateful, is still speech.<sup>2</sup> Four men set a flag on fire on the steps of the U.S. Capitol to prove a point.<sup>3</sup> The ground shook beneath the “World” Series. Headlines tracked riots, assassinations, crashes by planes, trains, and hurricanes. The theme was spectacle and fracture.

And then there was our apartment: small, bright, and loud from a radio that refused to be in the background. My mother, newly a city girl and recently legal to drink (like Iceland), moved from bedroom to bathroom to mirror, a choreography of becoming, emboldening. The air in the room rose,

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1. As Professor George A. Martínez explains, narrative provides voice where formal legal discourse fails: “Narrative provides a language for minorities to communicate harms. Without narrative, minorities have no voice to explain how they have been harmed.” George A. Martínez, *Philosophical Considerations and the Use of Narrative in Law*, 30 RUTGERS L.J. 683, 686 (1999); see also George A. Martínez, *Constructing LatCrit Theory: Diversity, Commonality, and Identity*, 33 U.C. DAVIS L. REV. 787, 789 (2000); Rosalie Rolón-Dow & April Davison, *Theorizing Racial Microaffirmations: A Critical Race/LatCrit Approach*, 24 RACE ETHNICITY & EDUC. 245, 248–50 (2021) (summarizing counter-storytelling as a methodology used in LatCrit/Critical Race Theory to decenter Whiteness; contextualize race and racism from the experiential knowledge of members of racially subordinated groups; work against essentialist constructions of race and identity; and disrupt ideas perpetuated by White supremacy of fair, neutral, or colorblind spaces).

2. See generally *Texas v. Johnson*, 491 U.S. 397 (1989).

3. See Michael Ross, *Protesters Burn U.S. Flags at Capitol; 4 Are Arrested: Law: The Demonstrators Said They Intend to Test the Constitutionality of the New Statute Against Flag Desecration*, L.A. TIMES (Oct. 13, 1989, at 00:00 PT), <https://www.latimes.com/archives/la-xpm-1989-10-31-mn-294-story.html> (on file with the *Fordham Law Review*).

hot, like a gondola attached to a balloon. I learned to be quiet and present, to disappear and observe.

The lesson began with tools: mascara (which also means mask in Spanish), mouth soft open; then lipliner, lightening powder, and a slender black crayon warmed by my grandfather's lighter until it softened, becoming a candle to be blown out after making a wish. Then, a deliberate stroke from lid to the edge, and up. A steady ascent revealed a small wing lifting. I learned that a simple black line could both shield and declare. A face became a mask, and a mask, a face.

Years folded. Power, I decided, braided itself through the *mujeres* I watched: laughter, insistence, dark wings, gold hoops, and red lipstick. At the Clinique counter before my first high school dance, I asked for my wings. I wanted them dark and sharp. The artist, white-coated and White, proposed a revision: *lighter, smaller, "less ghetto."* I felt the familiar tug of policing disguised as taste and of assimilation marked as elegance and aspiration. Even mainstream beauty culture, ostensibly welcoming my dollars, demanded I soften my edges first. My grandmother intervened: *what she wants is fine*. Consent for my own face. So, I sat while reluctance pulled my eyelid taut and laid a decisive stroke. And then another. A ritual was born.

For twenty-five years, I have traced a lineage—Cleopatra's kohl, María Félix's blade, Selena's glow, RuPaul's command, Aretha's presence—wielding eyeliner with the confidence and ferocity of unapologetic feminism. More than a costume, aesthetic, or trendy style, it is a through line.

In rooms of law filled with mahogany, marble, and men, I still scan. Who here looks like me, sounds like me, and carries history at the corner of her eyelid.<sup>4</sup> The sight of a womxn with winged liner is a quiet sanctuary, a voice saying, *I see you*. The line may seem subtle, but it, too, refuses to be background. It remembers the rebellion of the pachucas, second-generation Mexican women who in the 1940s and 50s used bold makeup and fashion to declare autonomy and pride as they began to occupy traditionally White

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4. See Claire L. Adida, Lauren D. Davenport & Gwyneth McClendon, *Ethnic Cueing Across Minorities*, 80 PUB. OP. Q. 815, 818 (2016) ("Previous work . . . has argued that White Americans now reject explicit ethnic cues because they conflict with today's widely held egalitarian norms. But for members of minority groups, explicit ethnic cues may instead evoke a positive sense of coethnic solidarity, one that symbolizes the possibility of *surmounting* economic and social discrimination."); see also Rolón-Dow & Davison, *supra* note 1, at 249 ("[R]acial microaffirmations acknowledge the resilience in communities of color and can nurture hope."); Lindsey Pérez Huber, *Racial Microaffirmations as a Response to Microaggressions*, CTR. FOR CRITICAL RACE STUD. UCLA, June 2018, at 1, 2 (defining microaffirmations to include nonverbal or visual expressions that can have positive physiological and psychological effects).

public spaces.<sup>5</sup> It remembers the Chicanas<sup>6</sup> and Cholas<sup>7</sup> who followed, weighing visibility's risks against invisibility's costs as they reclaimed public space through loud makeup, hair,<sup>8</sup> and fashion.<sup>9</sup>

Each morning, I draw a narrow lineage at my lash line, adding a citation to my archive of *mujeres* who knew that a face is neither mere complexion nor compliance; it is *testimonio*.<sup>10</sup> It is a subtle ritual of self-definition rooted in cultural lineage. When I enter a courtroom or classroom, those lines rise as both shield and sword. Ascent is merely a practice, but my identity is sacred.

This embodied practice operates as what rhetorical scholars call multimodal rhetoric: meaning-making that extends beyond language to include visual, tactile, and gestural modes.<sup>11</sup> Far from a trivial cosmetic

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5. See Elizabeth R. Escobedo, *The Pachuca Panic: Sexual and Cultural Battlegrounds in World War II Los Angeles*, 38 W. HIST. Q. 133, 139–40, 146 (2007) (“Benefiting from the wartime environment, female zoot suiters experimented with their social and sexual roles by adopting personas that asserted new claims to public life. Some used their status as wartime wage-earners to push for the privilege to socialize with peers outside of the watchful eyes of immigrant parents and to buy the latest fads in cosmetics and zoot-suit styles.”).

6. See Catherine S. Ramírez, *Crimes of Fashion: The Pachuca and Chicana Style Politics*, in 2 MERIDIANS: FEMINISM, RACE, TRANSNATIONALISM 1, 25 (2002) (“Yet, like pachucos, pachucas cultivated a distinct style that offered a critique of wartime jingoism and celebrated difference. Badder than ‘bad,’ pachucas pointed to the constructedness of gender and class categories (among both Anglo-Americans and Mexican Americans); rejected middle-class definitions of feminine beauty and decency; and redefined U.S. citizenship by claiming a right to collective goods, including not only coats, trousers, and lipstick, but public space.”).

7. See Norma Mendoza-Denton, ‘Muy Macha’: *Gender and Ideology in Gang-Girls’ Discourse About Makeup*, 61 ETHNOS 47, 50–51, 62 n.7 (1996) (“The social structure always already underlies the symbolic system, so any element, even within the confines of a uniform, can be turned into a symbolic marker.”).

8. See generally Rose Weitz, *Women and Their Hair: Seeking Power Through Resistance and Accommodation*, 15 GENDER & SOC’Y 667 (2001) (discussing the relationship between hairstyles and social standing and how hairstyles symbolize and facilitate acts of accommodation and resistance).

9. T.J. Tallie, *Weaponizing Wardrobes: Reckoning with History, Blackness, and Embodiment*, 3 J. MULTIMODAL RHETORICS, no. 2, 2020, at 78, 83 (“In addition to the regular duties . . . I am also doing daily performative work . . . with my fashion. I am telling a narrative, occupying a space, reframing my claims to belong. It is far from a merely frivolous act or a mere affectation . . . my quotidian sartorial choices are part of a wider praxis of networked vanity, a pleasurable experience of self-arming that tells a narrative even as I teach in buildings never designed for my body.”).

10. Lena Carla Palacios, “*Smile Now, Cry Later*”: *Chicana and Mexicana Homegirls Trespassing/Reinforcing Linguistic, Gendered, and Political Borders*, 3 GIRLHOOD STUD. 149, 158 (2010) (reviewing NORMA MENDOZA-DENTON, *HOMEGIRLS: LANGUAGE AND CULTURAL PRACTICE AMONG LATINA YOUTH GANGS* (2008)) (“Indeed, as demonstrated throughout Mendoza-Denton’s project, the cultural politics of eyeliner is deadly serious business for both gang-affiliated girls and their insider/outsider ethnographers; both groups of racialized young women are policed, whether in public schools or graduate education, when they step outside lines of white, middle-class heteronormativity.”).

11. Maureen Johnson, Daisy Levy, Katie Manthey & Maria Novotny, *Embodiment: Embodying Feminist Rhetorics*, 18 PEITHO J. 39, 39 (2015) (“[T]he physical body carries meaning through discourse about or by a body. But embodiment theories suggest that meaning can be articulated beyond language. *All bodies* do rhetoric through texture, shape, color,

choice, this winged liner carries historical weight: it echoes the rebellion of mid-century pachucas and Cholas who wielded bold makeup as an assertion of identity in spaces that sought to erase them. It functions simultaneously across multiple registers: as a visual mode (the finished look conveying nonverbal messages about identity and cultural belonging), as a tactile mode (the ritual application centering feminine confidence), and as a gestural mode (the daily performance of putting on one's professional face).<sup>12</sup>

For me, a light-skinned, third-generation Latina, I examine my use of eyeliner. It is my chosen *máscara* and embodied *testimonio*—a personal, yet political, statement that my face, adorned on my own terms, is not merely about aesthetics but about claiming my place and story within the profession and my heritage. It is a visual gesture that signals difference or sameness and in doing so both disrupts “professionalism” norms and expresses solidarity. Yet such embodied markers, though they are microaffirmations<sup>13</sup> to some, will be misread by others.<sup>14</sup>

This Essay examines how Latinas are socialized into legal professionalism through accommodation and, sometimes subversive, multimodal embodiment. Then, it proposes reforms to make the legal profession more hospitable for Latinas.

#### I. THE HIDDEN CURRICULUM: LATINA LAWYERS AND LEGAL PROFESSIONALISM

[U.S.] Latina/o subjects are imagined and imagine themselves through a multitude of lenses: hybrid, code-switching, *mestizo/o*, bilingual, transcultural, transnational, circulating around and across borders, moving, yet fixed in a perpetual state of in-between-ness, caught in the web of nationalisms, post-coloniality and internal colonization, between constructs

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consistency, movement, and function. Embodiment encourages a methodological approach that addresses the reflexive acknowledgement of the researcher from feminist traditions and conveys an awareness or consciousness about how bodies—our own and others’—figure in our work.”); see also Katie Manthey, *Dress Practices as Embodied Multimodal Rhetorics*, 3 J. MULTIMODAL RHETORICS, no. 2, 2020, at 4, 4; JOANNE B. EICHER, SANDRA LEE EVENSON & HAZEL A. LUTZ, *THE VISIBLE SELF: GLOBAL PERSPECTIVES OF DRESS, CULTURE, AND SOCIETY* 4 (3d ed. 2008) (defining dress practice as “actions undertaken to modify and supplement the body in order to address physical needs and to meet social and cultural expectations about how individuals should look”).

12. See Vyshali Manivannan, “*But You Look So Well!*”: (Un)Professionalizing Chronic Pain Through Academic Dress, 3 J. MULTIMODAL RHETORICS, no. 2, 2020, at 61, 66 (“Consumer culture presents body image as a process of endless remodeling, particularly for women, for whom fashion and success are conflated . . . . Beauty is often equated with moral goodness; those who are indifferent to their appearance possess flawed selves.”).

13. See Rolón-Dow & Davison, *supra* note 1, at 251 (“Microrecognitions are actions, verbal remarks or environmental cues (e.g. art work, signage and symbols) that lead the recipient to feel that their presence, racial identities, experiences as a member of race-based social identity group(s) or experiences of the group they belong to are made known, made visible, appreciated or included.”).

14. See Manivannan, *supra* note 12, at 67 (“Individuals assume control over and responsibility for fabricating their own existence. Signifying systems like dress are one such site of simultaneous autonomy and governance. . . . Clothes provide the context for interaction, creating expectations in others about the wearer’s identity.”).

of hyper-femininity and exaggerated masculinity, between not-quite-white and always already brown/black, simultaneously *la virgen* and *la puta*, *la chingada* and *el conquistador*, using embodied practices to confront, engage, and contest narratives of genocide, slavery, immigration, and to recount the stories of survival.<sup>15</sup>

-Professor Jade Power-Sotomayor

#### A. Máscaras and Covering: Learning to Perform Professionalism

In the modern American law firm, belonging is elusive, presenting itself as a riddle just out of reach. Latinas craft their *máscara*, an invented self with particular voice, accent, behavior, and style signaling competence and, often, Whiteness. We choose hairstyles, handbags, and humor that subtly hint that we are confident but reserved, smart but humble, cultured but quiet.<sup>16</sup> This labor-intensive balancing act of mimicking status quo<sup>17</sup> through daily appearance while resisting assimilation perpetuates the state of in-between for Latinas who are never fully one thing or the other.<sup>18</sup> The legal profession's ideal of "neutral" professionalism is anything but neutral because it in fact encodes a narrow White, cis-hetero template for how a professional lawyer should look and act.<sup>19</sup>

Latinas remain severely underrepresented in the legal profession. Women rose from 20 percent of lawyers in 1990 to 41 percent in 2024,<sup>20</sup> yet Latinas only crossed the 1 percent law firm partnership threshold in 2023.<sup>21</sup> Hispanic

15. Jade Y. Power, *Speaking Bodies: Body Bilinguality and Code-Switching in Latina/o Performance* 1 (2012) (Ph.D. dissertation, University of California San Diego) (on file with the *Fordham Law Review*); *id.* at 4 (describing Latinx bodies as "code-switching, bilingual bodies" performing *mestizaje* as survival and resistance).

16. See generally DEVON W. CARBADO & MITU GULATI, *ACTING WHITE?: RETHINKING RACE IN "POST-RACIAL" AMERICA* (2013) (ebook) (discussing that "race-based judgments are determined by culturally embedded characteristics—such as vernacular, hairstyle, mannerisms, attendance at an urban public school, professional affiliations, or belonging to a Black organization—rather than skin color").

17. See Devon W. Carbado & Mitu Gulati, *Working Identity*, 85 CORN. L. REV. 1259, 1274–78 (2000).

18. Latinas are often not measured as a distinct ethnicity from "Hispanic," making it difficult to have a clear picture of Latina representation in the legal profession. See *Profile of the Legal Profession 2024: Demographics*, A.B.A., <https://www.americanbar.org/news/profile-legal-profession/demographics> [<https://perma.cc/LQ8U-G367>] (last visited Jan. 7, 2026). In this essay, "Hispanic" refers to a person with Spanish origin or heritage. "Latina" refers to womxn with Latin American origin or heritage—encompassing countries and regions such as Mexico, Central America, South America, Puerto Rico, Cuba, and the Dominican Republic—who reside in the United States.

19. Shannon Cumberbatch, *When Your Identity Is Inherently "Unprofessional": Navigating Rules of Professional Appearance Rooted in Cisheteronormative Whiteness as Black Women and Gender Non-Conforming Professionals*, 34 J.C.R. & ECON. DEV. 81, 84–86, 97, 109 (2021).

20. See A.B.A., *supra* note 18. Women have outnumbered men in law schools since 2016, and they currently make up 56 percent of all law students at law schools accredited by the American Bar Association. *Id.*

21. See *id.*; NAT'L ASS'N FOR L. PLACEMENT, 2023 REPORT ON DIVERSITY IN U.S. LAW FIRMS 8 (2024) [hereinafter 2023 REPORT ON DIVERSITY].

women comprise 3 percent of law students,<sup>22</sup> and 2 to 3 percent of lawyers overall,<sup>23</sup> far below their approximately 9.5 percent share of the U.S. population.<sup>24</sup> Nearly half of law firm offices report zero Latinx partners,<sup>25</sup> demonstrating that the profession's highest ranks remain exclusive.

Inequality operates through subtle mechanisms: ongoing stereotyping and biases,<sup>26</sup> credentialism prioritizing elite pedigrees, network inequalities, and structural changes blurring work and life.<sup>27</sup> The social hierarchy reproduces itself through coded merit evaluations made up of nebulous terms like “fit,” “collegiality,” and “professionalism.”<sup>28</sup> Because professionalism is a racial construct,<sup>29</sup> behaviors and styles outside the template are subtly coded as

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22. See Rachel J. Vinson & April E. Navarro, *Global Majority Women Have Made Strides, but Are Still Underrepresented in the Legal Profession*, DAILY J. (June 21, 2023), <https://www.dailyjournal.com/articles/373377-global-majority-women-have-made-strides-but-are-still-underrepresented-in-the-legal-profession> [<https://perma.cc/648E-P9J7>]; Jill Lynch Cruz, *Still Too Few and Far Between: The Status of Latina Lawyers in the U.S.*, 40 UCLA CHICANX-LATINX L. REV. 7, 14 (2024). This Essay uses the word “Hispanic” here because that is the term used by the study. This Essay opts to use the more inclusive word “Latina” throughout. See A.B.A., *supra* note 18.

23. See 2023 REPORT ON DIVERSITY, *supra* note 21, at 37; see also A.B.A., *supra* note 18.

24. See generally U.S. CENSUS BUREAU, POPULATION DIV., ANNUAL ESTIMATES OF THE RESIDENT POPULATION BY SEX, RACE, AND HISPANIC ORIGIN FOR THE UNITED STATES: APRIL 1, 2020 TO JULY 1, 2022 (2023), <https://www2.census.gov/programs-surveys/popest/tables/2020-2022/national/asrh/nc-est2022-sr11h.xlsx> [<https://perma.cc/TCW4-3X8S>]; A.B.A., *supra* note 18, at 42–44.

25. See *Women and People of Color in U.S. Law Firms*, NALP (Mar. 2024), <https://www.nalp.org/0324research> [<https://perma.cc/AT63-KVTV>].

26. See A.B.A. COMM’N ON WOMEN IN THE PRO., VISIBLE INVISIBILITY: WOMEN OF COLOR IN LAW FIRMS (2006), [https://judicialstudies.duke.edu/sites/default/files/centers/judicialstudies/panel\\_1-visible\\_invisibility\\_women\\_of\\_color\\_in\\_law\\_firms.pdf](https://judicialstudies.duke.edu/sites/default/files/centers/judicialstudies/panel_1-visible_invisibility_women_of_color_in_law_firms.pdf) [<https://perma.cc/9VHB-SPH8>]; see also Shruti Patel, *Women in Legal Leadership: Barriers, Progress, and Future Prospects* 11 (June 9, 2025) (unpublished manuscript), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=5207220](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5207220) (on file with the *Fordham Law Review*) (“The main structural and systemic barriers to the advancement of women to senior leadership positions in the legal profession are a complex interplay of unconscious gender stereotypes and bias, the ‘leaky pipeline’ phenomenon, unequal sponsorship and mentorship opportunities, the role of organizational structure and culture, microaggressions and insidious discrimination, and intersectionality.”).

27. See Spencer Headworth & Robert L. Nelson, *Introduction to DIVERSITY IN PRACTICE: RACE, GENDER, AND CLASS IN LEGAL AND PROFESSIONAL CAREERS* 1, 1–2 (Spencer Headworth, David B. Wilkins, Robert L. Nelson, Ronit Dinovitzer eds., 2016).

28. See generally Eduardo R.C. Capulong, Andrew King-Ries & Monte Mills, *Antiracism, Reflection, and Professional Identity*, 18 HASTINGS RACE & POVERTY L.J. 3 (2021) (discussing the influence of structural racism in shaping professional ideals).

29. See Leah Goodridge, *Professionalism as a Racial Construct*, 69 UCLA L. REV. DISCOURSE 38, 41 (2022) (“While professionalism seemingly applies to everyone, it is used to widely police and regulate people of color in various ways including hair, tone, and food scents. Thus, it is not merely that there is a double standard in how professionalism applies; it is that the standard itself is based on a set of beliefs grounded in racial subordination and white supremacy.”).

unprofessional.<sup>30</sup> It follows that arriving at one's "professional identity" in law, as a member of a racialized group, is arduous.<sup>31</sup>

Professor Margaret E. Montoya's canonical insight remains accurate: Latinas learn to wear *máscaras* to survive in the legal profession. Latinas, striving not to be seen as outsiders by the majority,<sup>32</sup> often embrace assimilationist behavior despite personal costs including strained familial and ethnic bonds.<sup>33</sup> The cost is estrangement in both directions: from ancestral roots and from the dominant culture.<sup>34</sup> Latinas embody the inherent tension of an intersectional identity existing within a homogenous space.<sup>35</sup>

For those of us from long underrepresented communities,<sup>36</sup> mastering so-called "soft" professional skills becomes survival at law firms' lower rungs.<sup>37</sup> These lessons come not through formal instruction but through daily exposure to subtle cues, uneven mentorship, and high-stakes social

30. See JOAN C. WILLIAMS, KATHERINE W. PHILLIPS & ERIKA V. HALL, DOUBLE JEOPARDY?: GENDER BIAS AGAINST WOMEN IN SCIENCE 3–4 (2014) (describing how mothers and women of color experience bias in science for acting "too feminine" or "too masculine" or being seen as an angry Latina for simply being assertive); see also Sarah E. Redfield & Chris Chambers Goodman, *A Teacher Who Looks Like Me*, 27 J.C.R. & ECON. DEV. 105, 124, n.115 (2013); Tsedale M. Melaku, *Why Women and People of Color in Law Still Hear "You Don't Look Like a Lawyer"*, HARV. BUS. REV. (Aug. 7, 2019), <https://hbr.org/2019/08/why-women-and-people-of-color-in-law-still-hear-you-dont-look-like-a-lawyer> [<https://perma.cc/5BCM-QLR7>] (describing "hidden racial and gendered problems that people experience when they are perceived as being not professional or not a 'good fit' for the organizational culture").

31. See Capulong, King-Ries & Mills, *supra* note 28, at 21–28.

32. See Margaret E. Montoya, *Máscaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. J.L. & GENDER 185, 193 (1994) ("To support their academic progress, Latinos have encouraged their children to speak English well and have tolerated other aspects of acculturation, such as changes in friends, clothes and recreational preferences. As they undertake the daily interactions involved in socialization, students adopt masks of the dominant culture . . . changed their names, lost the Spanish language and with it any trace of a Spanish accent, or deliberately married out of the culture.").

33. See *id.* at 194 ("Belonging to a higher economic class than that of one's family or community and affecting the mannerisms, clothing styles or speech patterns that typify the privileged classes can strain familial and ethnic bonds. Families, even those who have supported the education and advancement of their children, can end up feeling estranged from their children and resentful of the cultural costs involved in their academic and economic success. Accusations of *vendida*, 'selling-out,' forgetting the ethnic community, and abandoning the family can accompany academic success.").

34. *Id.* at 193.

35. See, e.g., Kimberle Crenshaw, *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 STAN. L. REV. 1241, 1262–64 (1991) (providing examples of the impact of racism and sexism in creating barriers for Latinas to access services designated for women).

36. See Cruz, *supra* note 22, at 7, 16–17, 52, 54 ("While Latinas represent 9.4 percent of the nation's population," they only account for around 1.5 percent of general counsel in corporations, less than 5 percent of the judiciary, 3 percent of law school deans, and less than 2 percent of law school faculty); see also JILL L. CRUZ & MELINDA S. MOLINA, HISP. NAT'L BAR ASS'N, FEW AND FAR BETWEEN: THE REALITY OF LATINA LAWYERS 7 (2009); JILL L. CRUZ, MELINDA S. MOLINA & JENNY RIVERA, HISP. NAT'L BAR ASS'N, LA VOZ DE LA ABOGADA LATINA: CHALLENGES AND REWARDS IN SERVING THE PUBLIC INTEREST (2010).

37. See generally TANYA KATERÍ HERNÁNDEZ, MULTIRACIALS AND CIVIL RIGHTS: MIXED-RACE STORIES OF DISCRIMINATION (2015) (discussing how multiracial people face discrimination like other racial groups at work but are inadequately protected by civil rights law).

feedback.<sup>38</sup> We learn to project confidence within gendered and racialized bounds—that is, “we adjust and adapt to our fellow speakers.”<sup>39</sup> Professor Kenji Yoshino describes “covering” as the demand to downplay identity so that it is easy to ignore; in law firms, covering is rebranded as “polish” or “gravitas.”<sup>40</sup>

Latina attorneys walk an “in-between” tightrope where covering pressures demand avoiding speaking Spanish at the office, tamping down “too emotional” affect, straightening curls,<sup>41</sup> and softening makeup to conform to a narrow “professional” aesthetic.<sup>42</sup> Latinas remain “moving between different worlds, of putting on one face and taking off another.”<sup>43</sup>

Each morning, I assembled a “professional” face: a voice, a laugh, a posture, an outfit, and makeup—together forming a *máscara* that both protected me and pulled me further from my authentic self. The promise is that the braid will hold you together; the cost is that it also binds. When the braiding of self to White, cis-heteronormative norms becomes too tight to breathe, it is unsurprising that some feel immense pressure to exit private practice or leave the profession altogether.<sup>44</sup>

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38. See JOAN C. WILLIAMS & RACHEL DEMPSEY, *WHAT WORKS FOR WOMEN AT WORK* 75 (2014).

39. Marko Dragojevic, Jessica Gasiorek & Howard Giles, *Accommodative Strategies as Core of the Theory*, in *COMMUNICATION ACCOMMODATION THEORY: NEGOTIATING PERSONAL RELATIONSHIPS AND SOCIAL IDENTITIES ACROSS CONTEXTS* 36, 36 (2016).

40. See Kenji Yoshino, *Covering*, 111 *YALE L.J.* 769, 772–75 (2002); *id.* at 887 (“The colleague’s demand is a covering demand—he is not asking Williams to convert to being white, or to pass as white. He is, rather, asking her to perform her racial identity in ways that make it easy for him to ignore her race. Williams is entitled to her race, but not to make ‘too much’ of it—there is some excess of race that she can and should control.”); *cf.* Ivy A. M. Cargile, *Stereotyping Latinas: Candidate Gender and Ethnicity on the Political Stage*, 11 *POL., GRPS. & IDENTITIES* 207, 211–12 (2023) (discussing how behaviors perceived as warm or collaborative might be interpreted as a lack of authority or gravitas).

41. See Paulette M. Caldwell, *A Hair Piece: Perspectives on the Intersection of Race and Gender*, 1991 *DUKE L.J.* 365, 369–70 (“But by legitimizing the notion that the wearing of any and all braided hairstyles in the workplace is unbusinesslike, *Rogers* delegitimized me and my professionalism. . . . Hair seems to be such a little thing. Yet it is the little things, the small everyday realities of life, that reveal the deepest meanings and values of a culture, give legal theory its grounding, and test its legitimacy.”).

42. See Yoshino, *supra* note 40, at 772–75.

43. Montoya, *supra* note 32, at 194; see *id.* at 197 (“For stigmatized groups, such as persons of color, the poor, women, gays and lesbians, assuming a mask is comparable to being ‘on stage.’ Being ‘on stage’ is frequently experienced as being acutely aware of one’s words, affect, tone of voice, movements and gestures because they seem out of sync with what one is feeling and thinking.”).

44. CRUZ & MOLINA, *supra* note 36, at 9 (“Their sense of ‘otherness’ compels many to mask or disavow their Latina identity to assimilate within the dominant culture of their workplaces.”); *id.* at 42 (“Nearly half of the Latinas surveyed . . . adjusted their appearance or behavior in order to fit in or establish credibility in their organizations because of their ‘otherness.’”); *id.* at 50 (“In light of these struggles, it is not surprising that Latinas are so underrepresented in the legal profession.”). See generally Francisca M. Antman, Brian Duncan & Stephen J. Trejo, *Ethnic Attrition, Assimilation, and the Measured Health Outcomes of Mexican Americans*, 33 *J. POPULATION ECON.* 1499 (2020).

*B. Communication Accommodation  
Theory: The Double Bind*

Communication Accommodation Theory (CAT) explains how Latina lawyers negotiate the pressures of identity performance and professionalism. Individuals may converge by adapting (e.g., accent, register, demeanor, aesthetics) to gain credibility, thus risking self-erasure.<sup>45</sup> These adjustments are intended to enhance perceptions of status, credibility, and competence.<sup>46</sup> Or individuals may diverge by deliberately signaling cultural identity through accent, narrative style, or appearance as an act of resistance and self-assertion.<sup>47</sup> Marginalized professionals often engage in convergence, code-switching, and other assimilation strategies to improve opportunity access, though convergence extracts costs: suppressing authentic self while evaluations are still structured by racialized and gendered schemas and shifting standards.<sup>48</sup> Viewed through an ethics lens, this raises a question: whose communication style is treated as the definition of competence, and does “professionalism” truly serve clients or merely replicate existing power structures?<sup>49</sup>

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45. See Howard Giles, *Communication Accommodation Theory*, in INT’L ENCYCLOPEDIA OF LANGUAGE & SOC. INTERACTION (2015); William Bennett Hoffman & Yan Bing Zhang, *Explaining Communication Adjustment: Communication Accommodation Theory and Its Utility in Intercultural Communication*, 2 J. INTERCULTURAL COMMUN & INTERACTIONS RSCH. 75, 79 (2022).

46. See Hoffman & Zhang, *supra* note 45, at 79.

47. See *id.*; Montoya, *supra* note 32, at 185, 191–92, 195, 220 (arguing that “Outsider storytelling” and braided narrative operate as resistance to dominant norms; emphasizing accent/voice and culturally marked dress as intentional identity signaling and political self-assertion); Kevin Lang, *A Language Theory of Discrimination*, 101 Q.J. ECON. 363, 366–69 (1986) (discussing how misunderstandings result from differences in communication styles when workers choose not to mimic the most economically powerful group); Moses Shayo, *Social Identity and Economic Policy*, 12 ANN. REV. ECON. 355, 355 (2020) (“I review evidence that individuals associate themselves—or identify—with groups in two fundamental ways: ingroup bias and conformity to group norms. The evidence spans many spheres of economic activity, including consumption, production, hiring, promotion, education, cooperation, financial investments, and law enforcement.”).

48. See Hoffman & Zhang, *supra* note 45, at 79–80 (describing convergence generally); Sonia K. Kang, Katherine A. DeCelles, András Tilcsik & Sora Jun, *Whitened Résumés: Race and Self-Presentation in the Labor Market*, 61 ADMIN. SCI. Q. 469, 495–98 (2016) (discussing personal costs of “whitening” and stigma management to avoid discrimination); Elizabeth B. Cooper, *The Appearance of Professionalism*, 71 FLA. L. REV. 1, 7–8, 37–39 (2019) (“But these acts of covering have their own cost: They potentially harm the new lawyer’s sense of identity, her self-confidence, her close relationships with others, and her job performance.”); Darin G. Johnson, Bradley D. Mattan, Nelson Flores, Nina Lauharatanahirun & Emily B. Falk, *Social-Cognitive and Affective Antecedents of Code Switching and the Consequences of Linguistic Racism for Black People and People of Color*, AFFECTIVE SCI., Sep. 2021, at 5, 8 (“Chronic decisions about how to linguistically present oneself to others in order to avoid discrimination may then (1) diminish the congruence between a person’s perceived authentic self and outward presentation, (2) require additional cognitive effort, and (3) result in added stress and negative health effects.”).

49. See Cumberbatch, *supra* note 19, at 120 (“Crafting anti-oppressive policies for professional appearance does not mean that we stop encouraging attorneys to exercise thoughtfulness in their overall presentation when appearing on behalf of others in serious legal

Law firm leaders tend to prize assertive, unhesitating, and self-promotional workplace definitions of competence in a way historically normalized by White male behavior.<sup>50</sup> A Latina who leads with relational style, narrative context, or community-centered values may be judged as less authoritative, even if her substantive contributions are superior.<sup>51</sup> Success in the legal profession is often reserved for those who can seamlessly code-switch<sup>52</sup> and never challenge the expected script.<sup>53</sup> The paradox is structural, not individual.<sup>54</sup>

CAT highlights the double bind at play: if a Latina lawyer converges too much, she risks “quiet erosion” of self and roots with little payoff; if she diverges openly, she risks being seen as *unprofessional* or not being the right “fit.”<sup>55</sup> This bind is not imagined: as Professor Meera E. Deo’s research shows, women of color in law disproportionately face a “presumption of incompetence” and are judged through raced/gendered lenses that misinterpret assertiveness as aggression or collegiality as lack of gravitas.<sup>56</sup> They are evaluated on nebulous criteria like “fit” that often favor those who already look and sound like the traditional image of a lawyer. Latinas may

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proceedings. The charge is to think more critically about what informs our expectations of “professional” appearance—what purpose the expectations serve, who they center, and who they exclude, erase, or oppress.”).

50. See generally Joan C. Williams & Veta Richardson, *New Millennium, Same Glass Ceiling?: The Impact of Law Firm Compensation Systems on Women*, 62 HASTINGS L.J. 597, 597, 603, 648 (2011) (surveying “694 law firm partners, virtually all women,” describing their dissatisfaction with firm compensation and stating: “Such workplaces define competence in ways that are considered a natural fit with the stereotypical man—ambitious, aggressive, rational, direct—but an uneasy fit with the stereotypical woman—who is seen as modest, selfless, and emotional”); Deborah Tannen, *The Power of Talk: Who Gets Heard and Why*, HARV. BUS. REV., Sep.–Oct. 1995, at 138, 143.

51. See Tannen, *supra* note 50, at 138, 145–47.

52. See Johnson et al., *supra* note 48, at 6 (describing code-switching as an impression-management strategy involving adjustments in language and demeanor to align with institutional norms).

53. See Angela Onwuachi-Willig & Anthony V. Alfieri, *BigLaw’s Race Problem*, 125 COLUM. L. REV. 703, 716 (2025) (book review) (describing “the troubling limitations placed on how Black people are expected to perform their racial identity in predominantly white workspaces” and concluding that “BigLaw” operates with “whiteness” as the “background racial norm” and “maleness” as the “preferred gender norm for filtering experience, organizing legal representation, and defining professionalism and success”).

54. See Jill L. Cruz, *Latinas in the Legal Profession: Challenges and Catalysts to Their Career Success*, in HISPANICS AT WORK: A COLLECTION OF RSCH., THEORY AND APPLICATION 189, 194–95 (Donna M. Blancero & Robert G. DelCampo eds., 2011); Suzanne Goldberg, *Discrimination by Comparison*, 120 YALE L.J. 728, 742, 770–72 (2011) (discussing the structural limitations of workplace norms to obtaining relief in employment discrimination matters).

55. See Jill L. Cruz & Melinda S. Molina, *Few and Far Between: The Reality of Latina Lawyers*, 37 PEPP. L. REV. 971, 1013, 1019 (2010) (documenting this exact double bind in Latinas’ accounts of law firm/legal workplace norms: participants describe being perceived as either “the troublemaker” or “the assimilator” with “not a lot of in-between,” debating whether to “water down our culture just to achieve parity,” reporting pressure to “make them almost forget you’re Hispanic”).

56. See MEERA E. DEO, *UNEQUAL PROFESSION: RACE AND GENDER IN LEGAL ACADEMIA* 130 (2019); see also Goodridge, *supra* note 29, at 42–43 (providing an example of how women of color have to police their responses in order to not be seen as aggressive or unprofessional).

not be a good fit if they are not willing to reproduce the social legal hierarchy as it currently exists.

CAT illustrates how adaptation operates both as a mechanism of professional socialization and as a barrier to a genuine belonging in the profession. By refusing to interrogate and expand whose norms define “professionalism,” the profession treats convergence as proof of merit rather than a symptom of exclusion. These patterns reveal exclusion impacting specific intersectional identities.<sup>57</sup> Belonging should not be conditional, and difference should not be disqualifying.<sup>58</sup>

This hidden labor of code-switching, covering, and braiding oneself into acceptability is pervasive and taxing.<sup>59</sup> In such constrained circumstances, seemingly small style choices can become meaningful acts of agency. Professors Christina Cedillo and Melissa Elston note that for marginalized individuals with limited access to legitimized forms of expression, personal aesthetics (like clothing or makeup) function as a “material” strategy for asserting identity and confidence.<sup>60</sup>

Thus, when I insist on my winged eyeliner as part of my daily suit of armor, it is a careful divergence that allows me to carry my Latina identity into my workday. It serves as a reminder to me and others lower on the power structure that we belong.

## II. EMBODIED MULTIMODAL RESISTANCE: FROM CONVERGENCE TO *CONVIVENCIA*

Lip+hoops were inspired by Sonia Sotomayor, who was advised to wear neutral-colored nail polish to her confirmation hearings to avoid scrutiny. She kept her red. Next time someone tells Bronx girls to take off their hoops, they can just say they’re dressing like a Congresswoman.<sup>61</sup>

-Representative Alexandria Ocasio-Cortez

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57. See GPat Patterson & V. Jo Hsu, *Exposing the Seams Professional Dress & the Disciplining of Nonbinary Trans Bodies*, 3 J. MULTIMODAL RHETORICS, no. 2, 2020, at 90, 108–09 (expanding notions of “dress” beyond actual attire, challenging how professionalism “encodes particular bodyminds as inherently unprofessional,” and methodologically tracing narratives to the “social structures that enable them”).

58. See Shari Motro, *Scholarship Against Desire*, 27 YALE J.L. & HUMANS, 115, 143 (2015) (“An academic culture that pressures those who speak in a different voice to either assimilate or resign to second-class status poses similar dangers—to outliers themselves, to the joint enterprise (intellectual inquiry), and to the life of the community.”).

59. See ERVING GOFFMAN, *THE PRESENTATION OF SELF IN EVERYDAY LIFE* 44 (1959) (observing that some identity performances will involve “long, tedious hours of lonely labor that will be hidden”). For a discussion about identity negotiation, see Carbado & Gulati, *supra* note 17, at 1264 (“The negotiation is between the employee’s sense of self and his sense of the institutional values involved (here, collegiality).”).

60. See Christina V. Cedillo & M. Melissa Elston, *From the Editors: The Critique of Everyday Life*, J. MULTIMODAL RHETORICS, Spring 2017, at 6, 7 (explaining that “multimodality” includes “all those material, spatial, embodied, aesthetic, and procedural strategies that communication engages, but especially those employed by marginalized individuals and groups with limited access to legitimized modes deemed ‘speech’”).

61. Alexandria Ocasio-Cortez (@AOC), X (Jan. 4, 2019, at 15:21 ET), <https://x.com/AOC/status/1081284603850174467> [<https://perma.cc/HF9Q-YA7M>].

This transformation of visual cues into symbols of resistance illustrates how Latinas use embodied rhetoric strategically. For Latinas, choices in dress<sup>62</sup> and hairstyle<sup>63</sup> are not superficial but, rather, complex expressive acts operating in the context of an oppressive system. Makeup choices, too, can turn the body into a canvas for symbolic divergence.<sup>64</sup>

Latinas continue passing on strategies “to accommodate, to resist, to subvert oppressive forces” to the next generation.<sup>65</sup> As Montoya observed, and empirical research confirmed,<sup>66</sup> the ones who maintain ties to their ancestral culture fare better.<sup>67</sup> Latinas with strong self-identities increasingly integrate ethnic identity into professional performance.<sup>68</sup> This too carries costs.

In my case, my black winged eyeliner is a daily reminder of how I see myself and how others see me.<sup>69</sup> In rejecting a part of the template *máscara*, I am challenging dominant narratives and stereotypes about which behaviors and appearances belong or are considered professional. This partial unmasking becomes a different type of accommodation that prioritizes not the dominant norms, but a personal and collective symbol of racialized and gendered identity.

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62. See Carmen Rios, *You Call It Professionalism; I Call It Oppression in a Three-Piece Suit*, EVERYDAYFEMINISM (Feb. 15, 2015), <https://everydayfeminism.com/2015/02/professionalism-and-oppression/> [https://perma.cc/U7WL-GVFC] (“Dress codes make room to turn a lot of ‘isms’ into policies—especially since typical standards of professional dress are, at the core, racist, sexist, classist, and xenophobic.”).

63. See Weitz, *supra* note 8, at 667–70.

64. See Manivannan, *supra* note 12, at 66 (“Clothing is a visual communicative artifact, a fundamental aspect of social order that inscribes discursive and phenomenological meanings on the body.”); see also Joanne Entwistle, *Fashion and the Fleshy Body: Dress as Embodied Practice*, 4 FASHION THEORY 323, 325 (2000) (defining dress as “a situated bodily practice that is embedded within the social world and fundamental to microsocial order”).

65. Montoya, *supra* note 32, at 197.

66. For empirical work demonstrating that integration with ancestral culture (described in terms such as “biculturalism” or “heritage culture” retention) is positively associated with adjustment, see generally M. Dalal Safa & Adriana J. Umaña-Taylor, *Biculturalism and Adjustment Among U.S. Latinos: A Review of Four Decades of Empirical Findings*, 61 ADVANCES CHILD DEV. & BEHAV. 73 (2021).

67. See Montoya, *supra* note 32, at 195; see also Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 WOMEN’S RTS. L. REP. 297, 299 (1992) (advocating against abstraction and detachment, suggesting that “holding on to multiple consciousnesses will allow us to operate both within the abstractions of standard jurisprudential discourse, and within the details of our own special knowledge”).

68. See Yoshino, *supra* note 40, at 771–75 (developing “the classical model of discrimination in the context of sexual orientation”); *id.* at 771 (“Surrendering our individuality is what permits us to enter communities larger than the narrow stations of our individual lives. Especially when the traits that divide us are, like race, morally arbitrary, this surrender seems like something to be prized. . . . To speak a language, to wear clothes, to have manners—all are acts of assimilation.”).

69. See Mendoza-Denton, *supra* note 7, at 50–51 (“The symbolic and unconventional use of makeup among the girls . . . paints gender and ethnicity on their bodies. . . . Both signifier and signified, the Cholas’ bodies are inscribed with the traces of conflict: assimilation, ethnic pride, covert prestige and the pride of survival are all etched on the surface of their skins, rewritten every morning in the mirror with the help of Maybelline, Wet n’ Wild, and Cover Girl.”).

Beyond the convergence and divergence approaches, lived experience suggests a third option: *convivencia* (harmonious coexistence). It is refusing the false choice between assimilation and exile by insisting on shared space where cultural markers (and their identities) are not only tolerated but encouraged. The winged liner is not merely adornment;<sup>70</sup> it is embodied multimodal rhetoric functioning as mnemonic device and communal greeting recalling pachuca lineage, Chola aesthetics,<sup>71</sup> and the long politics of appearance as refusal of erasure. The daily ritual of remembering and resistance is *convivencia* in practice.

Makeup is an extension of “dress practice” and embodied multimodal rhetoric because cosmetic choices are entangled with the wearer’s experience of oppression.<sup>72</sup> Like the pachucas who wore heavy makeup in the 1940s, Latinas using makeup to reject conventional beauty norms take political

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70. See Katlin Marisol Sweeney-Romero, *Social Mediated Latinas in the Online Beauty Community: Creating and Critiquing Latina Beauty Gurus Through YouTube*, in *THE MEANINGS OF DRESS* 205, 211 (Jose Blanco F. ed., 5th ed. 2024) (“Self-adornment practices associated with cholo and chola culture include drawing heavy, sharp wings onto eyelids with black liquid eyeliner, wearing dark lipstick outlined with lipliner, donning accessories such as hoops, sunglasses, and bandanas, and wearing clothing such as white tank tops and flannels, among others.”).

71. See Felicity Wong, *Pendleton, Pachuca, and Performance: Reimagining the Chola Aesthetic as a Liminal Space*, 15 *THROUGH GENDERED LENSES*, 2024, at 2, 4, 8 (“Chola subculture . . . grew out of the Southern California *barrios* in the 1970s through the 1990s among Mexican-American female youth. . . . By occupying the liminal spaces between racial and gendered boundaries, the Chola style wields a subversive power, ultimately cementing a repeated and united set of style choices into a performative identity . . . project[ing] a unique combination of traits traditionally deemed female and male.”).

72. See Aisleen Cassandra Renteria, *Rebellious Bodies: The Aesthetics of Political Resistance: The Visual Language of Makeup and Fashion* 1, 2 (2025) (Master’s Thesis, Uppsala University) (on file with the *Fordham Law Review*) (“The findings suggest that aesthetic political defiance serves as a visual language that amplifies the demands of each social movement and reframes the boundaries of acceptable protest methods. Although each case is unique, they all turn to aesthetics as a method of resistance, illustrating how the body can become a platform for cultural, political, and societal rebellion. Thus, this thesis argues that fashion, makeup, and body styling are inherently political weapons of defiance that disrupt entrenched systems of repression and demand recognition.”).

risks.<sup>73</sup> Yet acts of self-affirmation hold transformative political potential.<sup>74</sup> The flamboyant self-presentation of the Pachucas who refused to “wash off” their Mexican ethnicity<sup>75</sup> illustrates how intentional divergence can be a powerful statement.<sup>76</sup> Today’s Latina professionals defiantly wearing winged eyeliner, gold hoops, and red lipstick echo that legacy of resistance, disrupt the status quo, and perhaps invite discrimination.

I choose to use Congresswoman Alexandria Ocasio-Cortez’s red lipstick strategy, transforming a visual cue into a symbol of both hope and defiance.<sup>77</sup> My *máscara*, or this version of it, prioritizes self even at the risk of estrangement from the dominant group. Montoya taught us to name the masks and unbraided the stories. *Convivencia* takes the next step: reframing so fewer masks are necessary and more of our story can be told through presence alone. The next part outlines concrete reforms for progress toward equity and better representation and belonging in the profession.

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73. See Escobedo, *supra* note 5, at 149, 152 (“With such a stigma attached to the zooter identity, Mexican American women deemed ‘pachucas’ often fell victim to discriminatory practices with very material consequences.”); see also Ramirez, *supra* note 6, at 15–16, 18 (describing how Pachucas faced material consequences for their style choices; their looks were read as “tacky” and “cheap,” marking them as low-class); see Esther Hernández-Medina & Sharina Maíllo-Pozo, *The Power of Beauty: Intersectional Feminist Approaches to its Embodiment and Representation*, in 35 EMBODIMENT AND REPRESENTATIONS OF BEAUTY 1, 1–2 (Esther Hernández-Medina & Sharina Maíllo-Pozo eds., 2024) (noting how beauty standards “closely reflect the distributions of power” in a society); Teresa Irene Gonzales, *Ratchet-Rasquache Activism: Aesthetic and Discursive Frames Within Chicago-Based Women-of-Color Activism*, 69 SOC. PROBS. 380, 380, 386–87 (2022) (noting that community organizing efforts disrupted and reclaimed the repeated use of the words “ratchet” and “rasquache,” connoting “negative or low-class behavior” to describe Black and Chicana/o/x activists); Michelle Parra, *Desiring a Better Life: Heteronormativity, Mobility, and Generational Negotiations Among Latinas* 104 (June 2024) (Ph.D. dissertation, University of California, Santa Cruz) (on file with the *Fordham Law Review*) (“The ‘hot cheeto girl’ refers to a feminine middle or high school-aged Latina or African American girl who is a ‘bad student.’ Like the pachuca, chola, and chonga, she has a particular set of aesthetics, including tight and revealing clothing, large hoop earrings, gold nameplate necklaces, fake eyelashes, heavy makeup, winged eyeliner, excessive hairstyles, long acrylic nails, and red fingertips caused by her consumption of hot cheetos (or another spicy chip) for breakfast. Due to the fact that many of these characteristics resemble the chola’s style, I situate ‘hot cheeto girl’ aesthetics as a mode of performing an urban, working-class, racialized femininity.”); JILLIAN HERNANDEZ, *AESTHETICS OF EXCESS: THE ART AND POLITICS OF BLACK AND LATINA EMBODIMENT* 3–7 (2020), [https://api.pageplace.de/preview/DT0400.9781478012634\\_A45613408/preview-9781478012634\\_A45613408.pdf](https://api.pageplace.de/preview/DT0400.9781478012634_A45613408/preview-9781478012634_A45613408.pdf) [<https://perma.cc/6C7V-CJUS>] (describing “thick black eyeliner” and “brick-red lipstick,” associated with the Miami “chonga” as a working-class “bad girl” stereotype and discussing the “mockery and shaming” of chonga girls, contributing to the marginalization of those who adopt that style).

74. See Palacios, *supra* note 10, at 152–53.

75. Escobedo, *supra* note 5, at 149 (explaining that Pachucas’ beauty-culture styling “did not attempt to look ‘American’ or to wash off their Mexican ethnicity”).

76. See *id.* at 149, 156.

77. See Rolón-Dow & Davison, *supra* note 1, at 249.

### III. MAKING SPACE FOR CONVIVENCIA THROUGH INSTITUTIONAL REFORMS

If socialization rewards convergence above all, Latinas will always fall behind. As Montoya urged, our institutions must embrace *mestizaje*: pursuing “the cac[o]phony of polyglot voices” to create spaces that value ancestral identities rather than demand erasure.<sup>78</sup> Latina assimilation, disguised as “professionalism,” begins in law school.<sup>79</sup> But assimilation is not equity, and it is not sustainable. Meaningful change requires pedagogical and institutional reforms.

#### A. *Decoding Professionalism in Equity-Centered Pedagogy*

Legal education lays the foundation for professional socialization but without meaningful critique or analysis of the cultural assumptions baked into notions of “professionalism.”<sup>80</sup> The American Bar Association’s Model Rules of Professional Conduct invoke “professionalism” without defining it,<sup>81</sup> leaving the notion to be shaped by local bar associations and individual firm practices. This ambiguity permits racialized and gendered norms to persist, unchecked and cloaked in colorblind rhetoric connected to persuasion, clarity, and logical analysis.<sup>82</sup> Legal writing lessons will continue to stress an “objective” tone, discouraging narrative or affective voice that hold cultural or community significance. Case analysis will continue to leave race in the margins and resist discussions of how lawyers and judges might evolve their race consciousness to administer justice more fully. Students from underrepresented backgrounds will continue to experience alienation without understanding why.

An equity-centered pedagogy would expose hidden norms. Professors can describe dominant communicative styles while acknowledging their historical contingency. Professional responsibility courses could introduce CAT as a framework for ethical reflection about when and why lawyers

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78. See Montoya, *supra* note 32, at 220.

79. See Barbara Glesner Fines, *Picturing the Professional Identity of Law Professors*, 2 J.L. TEACHING & LEARNING 301, 307 (2025) (“Authors frequently reflect on the need to hide or mask some significant part of their personal identity in order to fit into the image of professional presented.”).

80. Kellye Y. Testy & Zachariah J. DeMeola, *Leading the Way: The Power of Professional Identity Formation for Lawyers*, 76 BAYLOR L. REV. 116, 121–123, 125–26 (2024) (describing professional identity formation as a socialization process that occurs “throughout” law school; observing that “law school has historically placed much greater emphasis on analytical thinking than it does the values and attitudes that are foundational to the lawyer’s role in society,” such as contextual considerations of case analysis, including fairness, morality, and social consequence; noting that “professionalism norms” reflect historical values, some of which may be “antiquated” or “undesirable” and should be reexamined; and explaining that law school’s “hidden curriculum” transmits implicit norms and assumptions).

81. See MODEL RULES OF PRO. CONDUCT pmbl. (A.B.A. 2025) (discussing a lawyer’s obligation to uphold the legal process and client interests).

82. See Susan Sturm & Lani Guinier, *The Law School Matrix: Reforming Legal Education in a Culture of Competition and Conformity*, 60 VAND. L. REV. 515, 519–20 (2007).

should adapt appearance, speech, and behavior, and at what cost. Law schools should teach identity-conscious code-switching, cultural literacy, and multiple discourse styles including narrative and counter-storytelling as legitimate legal communication.<sup>83</sup> Through these lessons, students would learn to distinguish analytical content from tonal style and avoid adopting a voice and values simply because they match a single dominant norm. Professional responsibility classes could role-play accommodation pressures in practice, preparing students to recognize and navigate these dynamics consciously and ethically, rather than in ways that unwittingly reproduce bias and accommodation pressures.

### *B. Cross-Difference Mentorship and Sponsorship*

Mentorship is widely touted as the key to success in law, but traditional models rely on informal affinity connections where senior lawyers mentor junior lawyers who “remind them of themselves.”<sup>84</sup> This “mirror model,” so to speak, perpetuates homogeneity and often leaves those who do not fit the mold without equal access to guidance.<sup>85</sup> Latina attorneys frequently report receiving only superficial advice or being confined to informal “diversity mentoring,” while their White peers enjoy deep, career-shaping guidance.<sup>86</sup> Latinas are less likely to be invited into important client meetings; introduced to influential rainmakers; or given frank, substantive feedback on their work product.<sup>87</sup> Too often Latinas are overmentored but undersponsored.<sup>88</sup>

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83. See Cooper, *supra* note 48, at 52–62; Montoya, *supra* note 32, at 185 (using “Outsider storytelling” as a discursive technique to resist cultural and linguistic domination; explicitly “braiding” personal with academic voice, narrative with expository prose/poetry, and English with Spanish to challenge dominant legal discourse and point toward “pedagogical innovation”; and stating that legal education should legitimate identity-conscious code-switching and multiple discourse styles, including counter-storytelling, as legal communication).

84. See David B. Wilkins & G. Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms?*, 84 CALIF. L. REV. 493, 568–70 (1996) (explaining that Black associates are less likely to secure mentors who provide challenging work and “advice and counseling” about succeeding and attributing this in part to mentors’ bias toward protégés who “remind them of themselves,” making cross-racial mentoring harder).

85. See Wilkins & Gulati, *supra* note 84, at 568–70.

86. Cruz & Molina, *supra* note 55, at 1012–15, 1017, 1019–22 (reporting focus-group participants’ view that they lacked access to “the same mentoring opportunities and social networks as their White counterparts”; noting that only about one-third of surveyed Latinas viewed formal workplace mentoring as “critical,” with most emphasizing informal mentoring as being more helpful; and describing the need for “straight talk and real feedback”—explicit, career-shaping guidance beyond “general advice” and for mentors who are invested advocates rather than merely performing an administrative role).

87. See Elizabeth Chambliss, *Organizational Determinants of Law Firm Integration*, 46 AM. U. L. REV. 669, 723, 725–30 (1997).

88. See generally SYLVIA ANN HEWLETT, *FORGET A MENTOR, FIND A SPONSOR: THE NEW WAY TO FAST-TRACK YOUR CAREER* (2013) (describing “the need for a senior-level champion who believes in your potential and is willing to advocate for you as you pursue that next raise or promotion” to help workers become leaders).

To address these gaps, firms and other institutions must create intentional, cross-difference mentorship programs. Mentor-mentee pairings should account for identity, communication style, and goals, rather than defaulting to same-pattern pairings. Mentors should be trained to spot how bias or accommodation pressure might color the feedback they give and to actively support mentees in pursuing their own versions of professionalism. Both mentors and mentees should have structured opportunities to reflect on their relationship over time and evaluate how professional development is progressing. Mentorship programs need to be formally valued and rewarded by the institution, not approached haphazardly.

Similarly, sponsorship is crucial and distinct from mentorship.<sup>89</sup> Sponsors should actively advocate for a Latina lawyer's inclusion on high-value cases, push for her promotion, and shield her from bias-informed decision-making. Beyond mentorship, firm leadership must also be held accountable to diversity goals and outcomes. They should track data on the retention, promotion, and compensation of Latinas and use those metrics to drive change instead of using them merely for optics.<sup>90</sup> Firms should monitor who receives these sponsorship opportunities to ensure parity. Sponsor relationships help open doors that mentorship alone cannot, and ensuring Latinas have equal access to them is essential for true inclusion.

Lastly, firms should ensure that feedback is not reinforcing assimilationist standards. Feedback is one of the most powerful tools of professional growth and one of the most bias-laden.<sup>91</sup> This will therefore require the help of an expert. Evaluations should be written and anchored in specific observed behaviors rather than vague judgments about style. Clear rubrics should separate substantive content from stylistic delivery and explicitly ask whether a perceived issue is truly performance-related or simply a preference for a dominant style.

Feedback should also become a two-way street: junior attorneys should have a safe channel to communicate how they perceive “professionalism” critiques, which norms feel coded by race or gender, and whether they receive the same kind of mentorship and work opportunities as their peers. Criteria like “fit” should be eliminated, or heavily scrutinized, and replaced by competencies tied to tangible outcomes for clients or teams (criteria that can accommodate the range of strengths Latina lawyers bring). In sum, feedback should be about supporting excellence across many identities, not enforcing conformity to one.

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89. See Deborah L. Rhode & Lucy Buford Ricca, *Diversity in the Legal Profession: Perspectives from Managing Partners and General Counsel*, 83 FORDHAM L. REV. 2483, 2504 (2015).

90. See *id.* at 2502–05.

91. See generally Latonia Haney Keith, *Visible Invisibility: Feedback Bias in the Legal Profession*, 23 J. GENDER, RACE & JUST. 315 (2020) (highlighting evidence demonstrating feedback bias in employment and education contexts and providing strategies for faculty and employers to use in assessing performance in legal education).

## CONCLUSION

The legal profession has long rewarded people willing to continue the status quo. Latinas often engage in chronic acts of accommodation and assimilation that drain identity and obscure merit. The resilience of Latina attorneys, despite law firm diversity efforts, has translated to an embarrassing statistic: only about 1 percent of law firm partners in 2023 are Latina. A profession that demands seamless assimilation from its few Latina members misses out on the strengths that diverse perspectives bring.

Law schools and law firms can redefine “professionalism” to value difference as an asset rather than as an inconvenience. The profession must treat all the versions of our winged eyeliner not as aberrations to be corrected, but as a lineage connecting histories of resistance to futures of leadership. In a state of *convivencia* (harmonious coexistence), my morning ritual of drawing on my eyeliner would cease to be a quiet act of rebellion and simply stand as one professional’s rightful expression of self, one that is fully compatible with professional excellence.

Latina lawyers bring lived experience, linguistic dexterity, cultural intelligence, and community-anchored judgment that many clients need and that strengthen the rule of law. Latina lawyers bring extraordinary value to the law not despite their identities but because of them. Advancing true equity requires legal institutions to abandon assimilationist thinking and embrace definitions of professionalism that will prepare the profession and its members to recognize, reward, and retain excellence in all its forms.

For now, persistence is refusing erasure by scanning every courtroom, classroom, or boardroom for the signal that someone else had the privilege to show up whole, her *herencia* sharp at the lash line and unapologetically in view.