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GOALS AND TIMETABLES

15

for Minority Hiring, Advancement,
and Retention Report



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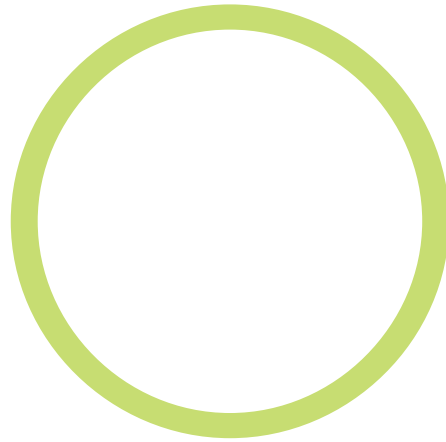
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By Yolanda Jackson



n behalf of the Equality Committee of The Bar Association of San Francisco (BASF), we present to you BASF's *2015 Goals and Timetables for Minority Hiring, Advancement, and Retention Report*. We have been studying the hiring and advancement of lawyers of color in the Bay Area legal community since 1989. In this sixth study and report we expanded our exploration to include segments of the lesbian, gay, bisexual, and transgender attorney population and to include the ethnic subgroups of the Asian and Latino attorney populations. We have peeled back another layer of the "onion" to study the experiences of diverse attorneys with a focus on:

- **Ethnic Subgroups** (subgroups of Asian and Latino attorneys)
- **Intersectionality** (having more than one diverse characteristic)
- **Retention of Diverse Attorneys**

I will begin by addressing the question that is the elephant in the room: "Why do we continue to have discussions about diversity in the legal profession?" My short answer is because we haven't gotten it right. In addition, the reach of many local law firms is global, and the demographics in the United States are rapidly shifting to a more diverse population. It is very important that lawyers and judges who shape our laws, rules, and policies reflect the population we all serve. Numerous reports published by major companies such as Korn Ferry, Catalyst, and McKinsey have shown that companies experience better financial results when the company has greater diversity. In addition, the Center for Talent Innovation in its 2013 *Innovation, Diversity, and Market Growth* study found that when teams had one or more members who represented a target end user, the entire team was more likely to understand the target end user better and innovate accordingly.

Using data from the National Association for Law Placement (NALP), we analyzed and included diversity statistics for law firm partners and associates nationwide, in San Francisco, and in Los Angeles for the ten-year period from 2004 to 2014. For Asian, African American, and Hispanic women, the data is only available for five years, 2009–2014.

So why do we continue to have these discussions about diversity in the legal profession? Because, in most categories, the needle has not moved forward much. The numbers have actually decreased in the categories of African American women partners, African American associates, African American women associates, Asian women associates, and Hispanic women associates.

Here are a few key highlights from NALP's Ten Year Trend Data 2004–2014—Women and Minority Law Firm Partners and Associates. (Details from the NALP study appear in Appendix A.)

For San Francisco Partners in the Year 2014

- San Francisco (25.74 percent) had 4 percent more women partners than Los Angeles (21.73 percent) and the nation (21.05 percent)



26%
Women partners

12%
Minority partners

0.4%
African American
women partners

3%
Asian women partners

1%
Hispanic women
partners

- ▶ San Francisco (11.84 percent) had 2 percent fewer minority* partners than Los Angeles and 4 percent more than the nation
- ▶ San Francisco women partners increased only 4 percent in ten years and they are currently 25.74 percent of all partners
- ▶ San Francisco minority partners increased by nearly 5 percent in ten years
- ▶ San Francisco African American partners increased less than 1 percent in ten years
- ▶ San Francisco African American women partners decreased by 0.26 percent in five years and they are currently 0.44 percent
- ▶ San Francisco Asian partners nearly doubled in ten years from 3.42 percent to 6.76 percent
- ▶ San Francisco Asian women partners increased by 0.24 percent in the last five years and they are currently 2.57 percent
- ▶ San Francisco Hispanic partners increased by only 0.26 percent in ten years and they are currently 1.91 percent
- ▶ San Francisco Hispanic women partners increased by only 0.17 percent in five years and they are currently 0.81 percent



50%
Women associates

26%
Minority associates

0.6%
African American women associates

10%
Asian women associates

2%
Hispanic women associates

For San Francisco Associates in the Year 2014

- ▶ San Francisco (50.10 percent) had 3.4 percent more women associates than Los Angeles (46.7 percent) and 5.16 percent more than the nation (44.94 percent)
- ▶ San Francisco (26.48 percent) had 4 percent fewer minority associates than Los Angeles (30.53 percent) and nearly 5 percent more than the nation (21.63 percent)
- ▶ San Francisco women associates increased only by 0.18 percent in ten years and they are currently 50.10 percent
- ▶ San Francisco minority associates increased by 4.31 percent in ten years
- ▶ San Francisco African American associates decreased by 1.59 percent in ten years
- ▶ San Francisco African American women associates decreased by 1.79 percent in five years and they are currently 0.60 percent
- ▶ San Francisco Asian associates increased by nearly 2 percent in ten years from 14.76 percent to 16.66 percent, although Asian associates dropped by 1.87 percent (down from 18.53 percent) in the last five years
- ▶ San Francisco Asian women associates decreased by 1.44 percent in the last five years and they are currently at 10.29 percent
- ▶ San Francisco Hispanic associates increased by only 1.04 percent in ten years and they are currently 4.31 percent
- ▶ San Francisco Hispanic women associates decreased by 0.47 percent in five years and they are currently 1.92 percent

Our 2015 report brings focus to the impact of the human behavior known as *implicit bias* on the workplace experience and the success and retention of diverse attorneys in the San Francisco Bay Area. The day-to-day impact of this unconscious behavior by workplace decision makers and colleagues was identified as a clear challenge in the personal interviews conducted of approximately 200 Bay Area attorneys during the data gathering phase of this study.

* In this discussion of the NALP data, we follow the NALP report's terminology, *minority*, but this goals and timetables report uses the term *diverse*.

Most, if not all, of the attorneys interviewed for this study have had successful careers and enjoy being lawyers. This does not mean that their paths have been smooth or without challenges. They were generous in sharing stories about their backgrounds and their workplace experiences as lawyers. We hope that their experiences will provoke healthy dialogue, cause each of us to reflect on how we make decisions and relate to our colleagues at work, and lead to changes in how we hire, promote, and retain diverse attorneys.

If we know better, then hopefully we can do better.

There are a few themes I want to highlight from the face-to-face interviews that relate to the challenges and barriers diverse attorneys identified, due to the implicit biases that exist in the workplace:

- ▶ There is a perception that “others” do not belong in a certain place at a certain time (for example, an assumption that the Asian female who enters the conference room is the court reporter, when in fact she is the lawyer representing a client)
- ▶ There is a perception that a diverse lawyer lacks competence not because of mistakes that lawyer made, but because of failures or mistakes made by other lawyers who possess similar ethnic/gender characteristics
- ▶ Interviewees feel there are increased penalties for them when they make minor mistakes
- ▶ Interviewees feel there is decreased recognition for their successes
- ▶ Interviewees stated they are often included in “pitch” meetings with potential clients but do not get a subsequent role in the case
- ▶ Interviewees believe that they must have greater credentials and qualifications in order to receive the same opportunities as their nondiverse counterparts
- ▶ Interviewees believe that many decision makers are not willing to admit that implicit bias plays a role in their decisions and actions
- ▶ Interviewees feel that some leaders in the legal workplace are not comfortable working with diverse attorneys
- ▶ Success in the legal profession depends on an attorney’s skills and hard work, which most attorneys understand; however, interviewees feel that the more challenging part of attaining success is knowing the right people, having excellent mentors and sponsors, and understanding the firm/office politics and path to leadership

The recognition that implicit bias is real and affects the way decisions are made in the workplace is an ongoing phenomenon in terms of its relationship to business operations and developing effective solutions to such matters as turnover, employee claims, and complaints. There are many straightforward measures that can help address these issues; some require training and ongoing dialogue about implicit bias. Some require tracking data and doing an honest analysis of the data with an action plan. We share many concrete recommendations in this 2015 report.

BASF’s goal with this project was to dig a little deeper into the very complex challenge of increasing diversity in the legal profession; to provide realistic recommendations for law firm decision makers and diverse attorneys; and to encourage law firm leaders and attorneys to become comfortable with

If we know better, then hopefully we can do better.

the notion that all human beings have biases. The key is for each of us to recognize our own biases and to learn to hit the “reset button” so that our biases do not lead to incorrect assumptions and unfair decisions.

I want to personally thank the many lawyers who volunteered to perform the interviews and/or prepare summaries of the interviews. They are listed in Appendix D. It was heartwarming to see so many young lawyers work together with more experienced lawyers in this effort. I also want to thank all of the people who were interviewed and who were brave enough to share their personal stories of success.



Yolanda M. Jackson
Executive Director and General Counsel
The Bar Association of San Francisco





very special thank you to **Paul Henderson, Miriam Montesinos, Vid Prabhakaran,** and **Quyen Ta**, BASF's Equality Committee cochairs, for the tremendous and relentless energy and intelligence they brought for nearly three years in leading this process.

I extend a very special thanks to my friend and implicit bias expert, **Kimberly Papillon**, Esq., lecturer on the neuroscience of decision making and implicit bias for TheBetterMind.com, for her assistance in reviewing the report and providing her insights with regard to human behavior and implicit bias.

Thanks also to several of BASF's notable leaders who are also highly recognized leaders in their law firms. Their insight as decision makers and change makers in their firms was invaluable. Thank you to **Kelly Dermody, Chris Kearney, Timothy Moppin, Stephanie Skaff,** and **Michael Tubach**.

BASF gratefully thanks the members of the 2015 Goals and Timetables Task Force; the working group cochairs **Anna Gehriger, Kelly Matayoshi, Ann Nguyen, Danielle Ochs, David Reidy, Will Rountree, David Tsai,** and **Heather Wong**; and the volunteers who conducted the interviews. See Appendix B.

And thanks to **Lauren Luke**, who worked on the 2010 report when she was BASF's Diversity Pipeline Programs Manager and stepped in to help manage this project.

BASF is profoundly appreciative of our legal community in the San Francisco Bay Area and in particular the 200 anonymous attorneys who were interviewed for this project and the 52 law firms and approximately 180 anonymous attorneys who participated in the online survey.

BASF thanks **Davis Wright Tremaine; Farella Braun + Martel; JAMS; Kecker & Van Nest; Orrick, Herrington & Sutcliffe;** and **Sheppard, Mullin, Richter & Hampton** for their financial support of the November 13, 2012, Unmasking Diversity Summit, where the framework of this study was created.

BASF is grateful to Hanson Bridgett and Kecker & Van Nest for underwriting the production of this report, and to Meyers Nave for procuring data from the National Association for Law Placement.



Twenty-five years ago, The Bar Association of San Francisco (BASF) adopted the Goals and Timetables for Minority Hiring and Advancement. The report came about after a 1987–88 University of California at Berkeley study (commissioned by BASF) found that racial and ethnic minority lawyers encountered profound disadvantages within the workplace. BASF’s adopting the goals and timetables was an unprecedented act at the time, particularly given the United States Supreme Court ruling in *Regents of the University of California v. Bakke*.

In order to establish goals and their timetables, BASF looked at the demographics of California law schools at that time. The first five-year target timetable was 1995, with the goals being that 15 percent of associates and 5 percent of partners would be racially diverse. BASF has since revisited the goals and timetables every five years to ascertain whether and how they were being met.

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In 2011, the BASF Equality Committee began to discuss the twenty-fifth anniversary of the goals and timetables report coming up in 2015. The committee’s discussion culminated in the Unmasking Diversity Summit in November 2012. The summit was intended to further BASF’s efforts to increase diversity in the legal profession and improve the experience of diverse attorneys* who are traditionally underrepresented in the legal profession.

WORKING GROUPS

After the summit, the 2015 Goals and Timetables Task Force formed working groups to investigate the status and experiences of diverse attorneys and to focus on the areas of ethnic subgroups, intersectionality, and retention of diverse attorneys. The task force formed an additional working group to conduct an online survey to gather data and statistics to provide context for the data collected by the other three working groups. An overview of the working groups includes:

ETHNIC SUBGROUPS

Specifically, attorneys who identify as being of a specific Latino or Asian ethnic subgroup

RETENTION OF DIVERSE ATTORNEYS

Specifically, patterns or trends in the retention of diverse attorneys

INTERSECTIONALITY

Specifically, attorneys who identify as belonging to two or more diverse groups

ONLINE SURVEY

An online survey to gather data to provide context for the other three working groups

The working groups began their task in June 2013. The Ethnic Subgroups, Intersectionality, and Retention of Diverse Attorneys Working Groups conducted face-to-face interviews of approximately 200 attorneys in San Francisco and the surrounding Bay Area.

* *Diverse attorneys* are defined in this report as those who are not Caucasian or a descendant from one of the countries of Europe, attorneys who are not heterosexual, and attorneys who have received a reasonable accommodation for a disability for a bar exam or in the workplace.

Referred to in this report as “interviewees,” each person answered a set of predetermined interview questions, unique to each group, aimed at gathering information specific to the working group’s focus. The lists of questions used by each working group are included in Appendix C.

The Online Survey Working Group put together two surveys, one for law firms, nonprofits, and government agencies and another for attorneys. Fifty-two law firms and approximately 180 individual diverse attorneys (not the same 200 who were interviewed) responded to the online survey. They are called “respondents” in this report. The online survey questions are listed in Appendix D.

KEY THEMES

Each interviewee shared a unique story regarding his or her experience as a diverse attorney. While each story is important to understanding the experiences of diverse attorneys in the Bay Area, this report identifies key themes that emerged from the interviews related to diversity, mentorship and sponsorship, professional development, and business development.

DIVERSITY

Many interviewees felt that diverse attorneys are often the subject of explicit racism and implicit bias in the workplace.

MENTORSHIP AND SPONSORSHIP

Many of the interviewees credited their success to good mentors. Within law firms, the presence of a “champion” or sponsor was recognized as key in the interviewees’ progression through the ranks.

PROFESSIONAL DEVELOPMENT

Some interviewees felt that in their professional development diverse attorneys experience impediments that are not experienced by nondiverse attorneys. At the same time, interviewees recognized that being diverse has some benefits, such as being included in pitches due to client pressure for more diverse attorney teams. Perversely, when diverse attorneys were included in pitches, these opportunities did not always translate into meaningful advantages for individual attorneys.

BUSINESS DEVELOPMENT

Many interviewees saw their diversity and identity as a benefit when it came to business development because it provided them with access to a greater potential client pool. These diverse lawyers also valued minority bar associations as important sources for networking and business development.

SUMMARY OF RECOMMENDATIONS

A main goal of this report is to present legal employers with recommendations they can implement, the hope being that once the recommendations are implemented, the experiences of diverse attorneys will be improved and, therefore, more diverse attorneys will join—and remain—in the legal profession.

Recognizing that a multitude of recommendations could be overwhelming, the following summarizes key themes BASF believes will help improve the experiences of diverse attorneys in the Bay Area. See “Detailed Recommendations” on page 17.

Law Firm Recommendations

Look for this icon throughout the report to find recommendations for law firms.



DIVERSITY

Law Firms

- Develop and implement a program focused on eliminating racism and bias within the law firm, particularly unconscious or implicit biases.
- Develop a system to track diversity, promotion, and retention of diverse attorneys at a detailed level.
- Establish and implement a program focused on recruitment of diverse candidates and the use of neutral criteria for hiring decisions.

Attorneys

- Participate in the firm’s/company’s diversity initiatives, such as a diversity committee. Help the committee to implement some of the recommendations outlined in the preceding Law Firms section. Use your voice and help the firm create solutions.
- Consider organizing other diverse lawyers on an informal basis for support. Create initiatives that are aimed at improving career success for diverse attorneys and are suitable for the specific legal environment. Diverse attorneys who feel isolated may be hesitant to join diversity groups, but the group will grow over time if there is value in what it is accomplishing.
- For attorneys who are considering job offers, request to see and consider diversity and retention statistics.

Attorney Recommendations

Look for this icon throughout the report to find recommendations for attorneys.



MENTORSHIP AND SPONSORSHIP

Law Firms

- Create an environment for effective mentorship by conducting programs to help associates obtain and engage mentors and/or sponsors.

Attorneys

- Take proactive steps to develop and foster relationships with potential mentors and sponsors, including taking advantage of opportunities offered by firms to interact with the firm’s leadership, whether in a work environment or socially.
- Talk candidly with mentors and sponsors about career goals, how to plan to achieve the goals, how to navigate firm politics, how to secure desirable case assignments, and express concerns and potential hindrances to achieving the goals.



PROFESSIONAL DEVELOPMENT

Law Firms

- ▶ Conduct an annual program regarding the qualifications for promotion to partnership.
- ▶ Retain a third party to conduct confidential interviews of diverse attorneys who have left the firm within the last five years.



Attorneys

- ▶ Ascertain the process for promotion to partnership or other leadership roles within the firm, either from published guidelines or informally through discussions with other attorneys.
- ▶ Proactively seek out opportunities to work on high-profile matters with senior partners and those in leadership positions at the firm. Be prepared to take on undesirable or minor roles at first to gain trust and credibility, but aggressively seek a larger role.



BUSINESS DEVELOPMENT

Law Firms

- ▶ Pay for diverse attorneys' minority and educational bar association memberships and for fees to attend minority bar association networking events.
- ▶ Educate partners regarding the business development opportunities afforded by meaningful participation of diverse attorneys on pitches.
- ▶ Develop a program to afford midlevel attorneys opportunities to observe successful rainmakers.



Attorneys

- ▶ Engage in professional activities outside the firm, such as through BASF, its Barristers Club for new attorneys, or minority bar associations.
- ▶ Nurture relationships with peers. That diverse associate who serves with you on a board, or who works with you on your case may, at some time, become your client.
- ▶ Identify and foster opportunities for business development uniquely afforded to you by your diverse status and take advantage of those opportunities.
- ▶ Make the effort to observe rainmakers in action, and find ways to adapt and incorporate those actions to fit your own style.



Finally, the report seeks to provide diverse attorneys with practical advice, suggestions, and guidance on measures that they can implement in order to have a more positive and successful job experience.

The BASF Equality Committee recognizes that the implementation of these recommendations will require leadership, thoughtful application to individual circumstances, diligence, and appropriate funding by attorneys, firms, and legal organizations. This report directly addresses the issue of diversity to the profession, the judicial system, and the community we serve.

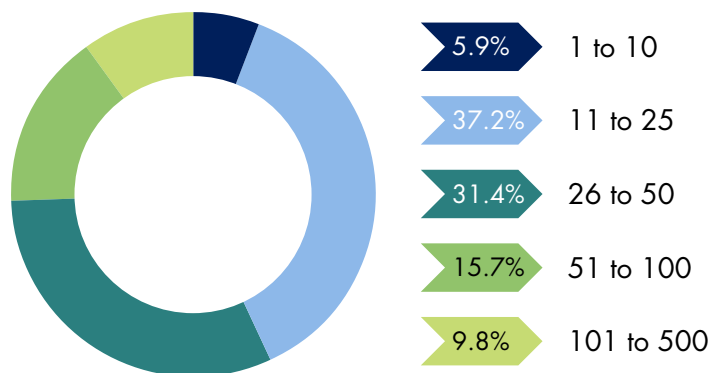
The 2015 Goals and Timetables Task Force formed four working groups, three to investigate through personal interviews with approximately 200 diverse attorneys the specific areas of ethnic subgroups, intersectionality, and retention of diverse attorneys, and a fourth to administer an online survey to law firms, nonprofits, and government agencies and individual diverse attorneys. The purpose of the online survey was to gather data and statistics to provide context for the work of the three other working groups. Fifty-two law firms, nonprofits, and government agencies and approximately 180 individual diverse attorneys (not the same attorneys who were interviewed) responded to the online survey.

LAW FIRM RESPONSES

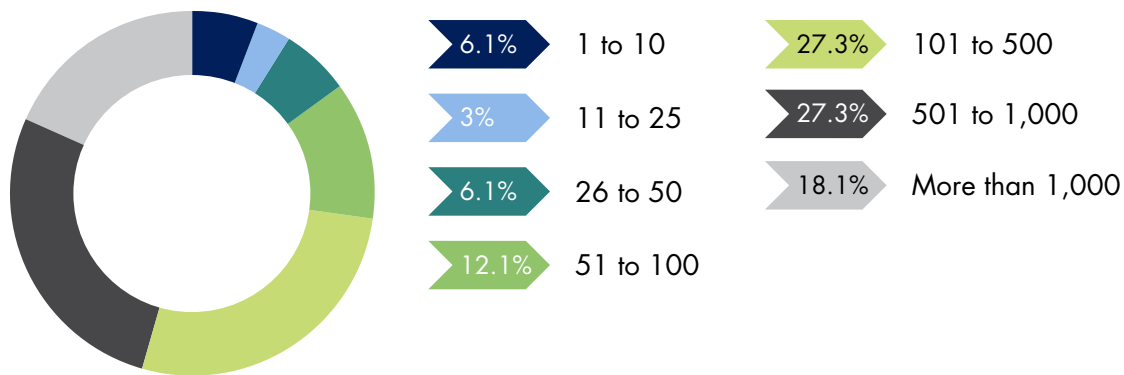
Among the 52 law firms to respond to the online survey, nearly three-quarters were firms with 50 or fewer attorneys in San Francisco, although nearly three-quarters of those firms had more than 100 total attorneys throughout their organization. Nearly two-thirds (64.7 percent) of the law firms that responded to the survey had offices outside of San Francisco.

The following charts show the size of the responding firms:

Approximately how many attorneys are employed in your law firm's/organization's San Francisco office?



Approximately how many attorneys are employed in your law firm's/organization's national and/or international offices combined?



To the question “Does your firm have offices outside of San Francisco,” 64.7 percent of responding law firms said yes, and 35.3 percent said no.

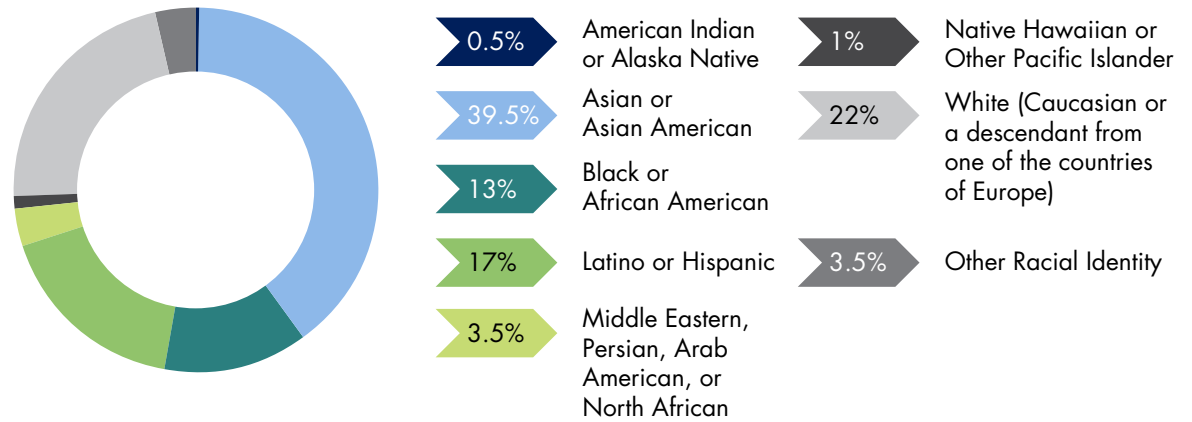
DIVERSITY ATTORNEY RESPONSES

Some, but not all, of the 180 individual diverse attorneys who responded to the online survey were also interviewed as part of this study. Of those who responded to the online survey:

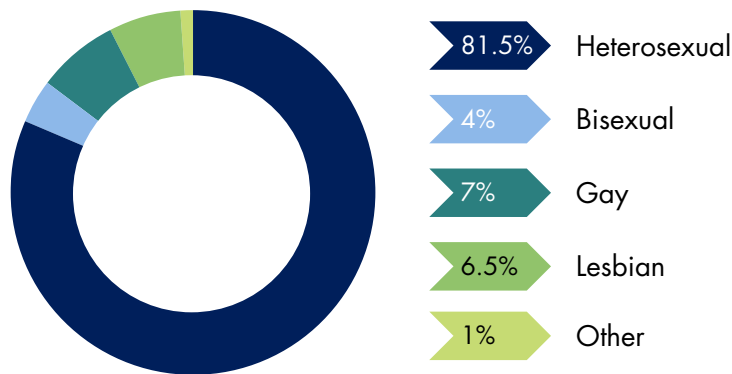
- ▶ 156 are racially diverse
- ▶ 37 are lesbian, gay, bisexual, or transgender
- ▶ 18 have received a reasonable accommodation for a disability for a bar exam or in the workplace

The following charts show the diverse attorneys' responses:

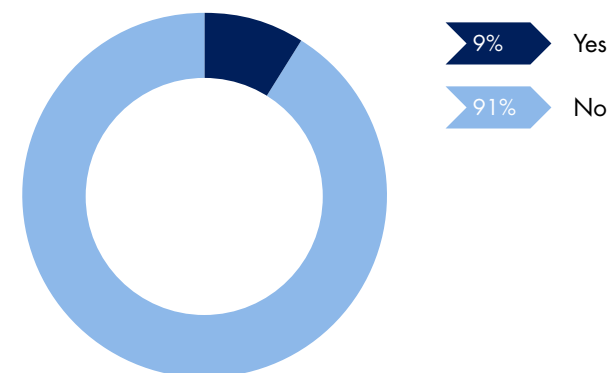
What is your racial identity?



With regard to your sexual orientation, do you identify as:



Have you ever received a reasonable accommodation for a disability for a bar exam or in the workplace?



Additional data provided by these 52 law firms and 180 individual diverse attorneys is interspersed throughout this report to provide supplemental context as BASF explores the status of diversity in San Francisco Bay Area law firms.

DETAILED RECOMMENDATIONS

A main goal of this report is to present legal employers with recommendations they can implement. The following sets forth detailed recommendations BASF believes will help improve the experiences of diverse attorneys in the Bay Area and expand on the key themes included in the Executive Summary.

DIVERSITY

Law Firms



1. Develop and implement a program focused on eliminating racism and bias within the law firm, particularly unconscious or implicit biases.

The program should present: (a) statistics regarding the current level of diversity in the law firm and retention of diverse attorneys; (b) an overview of the initiatives, if any, the firm has taken over the past ten years to promote diversity in the law firm and an evaluation of whether the initiatives have been successful; (c) social science research regarding eliminating racism and bias within a law firm setting, including reinforcing that diverse attorneys are neither monolithic nor of a certain “type,” and that members of less represented ethnic subgroups may be more isolated and have greater barriers than other diverse attorneys; (d) a discussion of the legal and practical challenges; and (e) best practices regarding how to overcome such challenges.

The program should be presented by the firm’s in-house diversity manager or the head of the diversity committee; if impractical, the firm should retain a third-party consulting company to create a sustainable program. It is important that the consultant/presenter be well-trained in diversity training skills.

All attorneys, including senior-level attorneys, partners, and managers, should be required to participate in the program on an annual basis. The attorneys should include a discussion of “lessons learned” through participating in the program in their annual review. Any attorneys who do not participate and/or present information in their annual review should be financially penalized, just as they would for not complying with many other work-related requirements.

2. Develop a system to track diversity, promotion, and retention of diverse attorneys at a detailed level.

The system should include data regarding the attorneys, including ethnic subgroups and intersectionality, as applicable. It should evaluate the processes for hiring, work assignments, credit allocation, resource deployment, and bonuses.

A diversity committee (or comparable body) should review the data on a quarterly basis to identify any unproductive or harmful patterns/trends that may exist and try to determine the cause by retaining a third party to conduct anonymous surveys of the firm’s attorneys.

The diversity committee should present the results of its analysis, along with tactics for addressing any identified undesirable trends, to the partnership on an annual basis. Every partner should include a discussion of insights gained and select at least one tactic that she or he will help implement in his or her annual review. Any partner who does not participate and/or present information in the annual review should be financially penalized. Diversity in “appearance” alone does not mean diverse thought within the group. Group pressures may drive diversity committee members to act with bias. That is why it is important to track and analyze the data.

3. Establish and implement a program focused on recruitment of diverse candidates and the use of neutral criteria for hiring decisions.

The diversity committee should prepare the program, to include a strategy for expanding recruiting efforts to more diverse law schools. The diversity committee should present the program to the recruiting committee on an annual basis prior to the recruiting committee’s commencing recruiting efforts. During recruiting season, the diversity committee should obtain the list of callback interviewees from the recruiting committee on a weekly basis to ensure that diverse law schools and candidates have been included. If the diversity committee determines that part of the recruiting committee’s strategy does not in fact focus on recruitment of diverse candidates, the diversity committee should bring this to the attention of the firm’s leadership.

The diversity committee should also work closely with the recruiting committee to make sure that measurable and neutral criteria are used to screen applicants and hire attorneys. This method should be used during both the screening process (who will get interviewed) and the hiring process (who will get hired). The key is to track the data and to revisit and discuss patterns that may lead to unintended hiring practices for the firm.

Ranking sheets may help firms regularly analyze data to identify patterns of ranking candidates based on race, gender, and LGBT status.

Below are sample matrixes that can be used to assist with these processes. These matrixes were developed by Kimberly Papillon, Esq.

Matrix 1: Screening Applicants—Objective Criteria (Rank 1–5)

Candidate Name	Years of Practice	Specific/Relevant Experience	Book of Business and Amount	Rank in Law School
Ahmed				
Deborah				
Lee				

Matrix 2: Candidate Interviews—Subjective Criteria (Rank 1–5)

Candidate Name	Ability to Articulate Goals	Potential to Generate Business	Fit with the Firm*	Communication Style*	Knowledge of Area of Practice
Joanie					
Stephen					
Lauren					

*“Fit with the Firm” and “Communication Style” are two areas where implicit bias by interviewers frequently comes into play. The hiring committees should discuss the bases for high or low scores in these areas and challenge interviewers to explain their rankings. The firm or its recruiting committee should have ongoing discussions about what constitutes a “fit with the firm” and “good communicator.”

Attorneys



- Participate in the firm’s/company’s diversity initiatives, such as a diversity committee.

If none exist, approach leadership regarding implementing such initiatives. If you serve on such a committee, be sure you are a valuable asset to the committee and help make sure the committee has a positive impact on the firm. Help the committee to implement some of the recommendations outlined in the preceding Law Firms section. Use your voice, express constructive opinions, and help the firm to create solutions.

- Consider organizing other diverse lawyers on an informal basis for support. Create initiatives that are aimed at improving career success for diverse attorneys and are suitable for the specific legal environment.

Be aware that diverse attorneys who feel isolated may be hesitant to join diversity groups. Do not disband the diversity group if attorneys do not initially rush to join. It will grow over time if there is value in what the group is accomplishing.

For example, a group of diverse litigators at a firm may deem it appropriate to request that their firm management allow them to seek training that provides social science research on how juries and judges tend to react to diverse lawyers in the courtroom and techniques to maximize their results in the courtroom. Similarly, a group of diverse senior associates at a firm may deem it appropriate to request that their firm management provide them with funding to attend special pitch opportunities open only to diverse attorneys presented by a national diverse bar association (for example, Corporate Counsel Women of Color or Minority Corporate Counsel Association, among others).

6. For attorneys who are considering job offers, request to see and consider diversity and retention statistics.

Requests from attorneys will increase the importance of gathering, maintaining, and improving such statistics to law firms and other legal employers, and will provide an important variable for attorneys to consider when evaluating a job offer. They may want you, but if the statistics show that other diverse attorneys don't stick around, do you want them?

MENTORSHIP AND SPONSORSHIP



Law Firms

7. Create an environment for effective mentorship by conducting programs to help associates obtain and engage mentors and/or sponsors.

For example, the firm could institute a “take an associate to lunch” program, where every partner must, within a year, take to lunch two or more associates, at least one of which should be diverse. The partners must include a report of the experience(s) in their annual review, which report should include at least one insight gained by the experience. Any partner who does not participate and/or present at least one insight in the annual review should be financially penalized. It should be recognized that implicit biases have profound effects on the ability for partners to form mentor relationships with attorneys who do not look like them.



Attorneys

8. Take proactive steps to develop and foster relationships with potential mentors and sponsors, including taking advantage of opportunities offered by firms to interact with the firm's leadership, whether in a work environment or socially.
9. Talk candidly with mentors and sponsors about career goals, how to plan to achieve goals, how to navigate firm politics, how to secure desirable case assignments, and express concerns about potential hindrances to achieving goals.

PROFESSIONAL DEVELOPMENT



Law Firms

10. Conduct an annual program regarding the qualifications for promotion to partnership.

The program should be presented by the firm leadership. Make the path to partnership transparent to everyone in the firm. The success metrics and partnership process should be clearly presented. The program should also address credit allocation, especially with regard to new business. The program should be open to all associates, regardless of year, and should be held on an annual basis. At the end of the program, an anonymous survey should be conducted of all attendees

to determine whether there were any unanswered questions; if so, a follow-up communication should be sent to all attendees with responses to the unanswered questions. In addition, the survey should assess how the program could be improved.

11. Retain a third party to conduct confidential interviews of diverse attorneys who left the firm within the last five years.

The interviews should target gaining an understanding of why the attorneys left the firm, including whether the attorneys experienced any racism and/or bias, and whether the attorneys felt they were being promoted at the same pace as their peers.

The third party should be selected by the firm leadership upon a recommendation of the diversity committee. The third party should prepare a report of its findings, which should be presented to the firm leadership and diversity committee. The firm leadership and diversity committee should then hold a strategy session to identify next steps based on the findings in the report.

Attorneys



12. Ascertain the process for promotion to partnership or other leadership roles within the firm, either from published guidelines or informally through discussions with other attorneys.

13. Proactively seek out opportunities to work on high-profile matters with senior partners and those in leadership positions at the firm.

Be prepared to take on undesirable or minor roles at first to gain trust and credibility, but aggressively seek a larger role.

BUSINESS DEVELOPMENT

Law Firms



14. Pay for diverse attorneys' minority and educational bar association memberships and for fees to attend minority bar association networking events.

15. Educate partners regarding the business development opportunities afforded by the meaningful participation of diverse attorneys on pitches.

The firm leadership or diversity committee should educate partners annually on the benefits of having diverse attorneys participate in business development opportunities. The information could draw on social science research, in-house counsel demographic data, and a review of the diversity policies and expectations of the firm's largest clients. The program should include a strategy session in which partners strategize regarding how to maximize attorneys in business development opportunities. Special care should be taken not to "tokenize" diverse attorneys—

especially those with intersectional identities. Partners who do not participate in the program/strategy development session should be financially penalized.

16. Develop a program to afford midlevel attorneys opportunities to observe successful rainmakers.

For example, the firm could develop a “shadow a rainmaker” program, where a midlevel associate attends a networking event with a rainmaker.



Attorneys

17. Engage in professional activities outside the firm, such as through BASF, its Barristers Club for new attorneys, or minority bar associations.

Take those activities seriously and engage meaningfully on issues that you care about. Make it a point to meet at least one new person at each event. Don't just talk to people you already know.

18. Nurture your relationships with all of your peers.

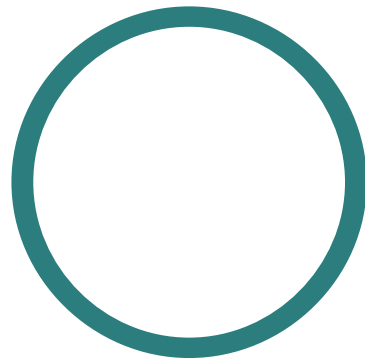
That diverse associate who serves with you on a board, or who works with you on your case, may at some time become your client.

19. Identify and foster opportunities for business development uniquely afforded to you by your diverse status and take advantage of those opportunities.

20. Make the effort to observe rainmakers in action, and find ways to adapt and incorporate those actions to fit your own style.



ETHNIC SUBGROUPS



nly a small number of law firms that responded to BASF's online survey actually collect and maintain data that can be used to determine the number of attorneys who have a disability, the number of attorneys who identify as gay, lesbian, or bisexual, or the number of attorneys who are transgender.

In stark contrast, the vast majority of these law firms collect and maintain data that can be used to determine the number of women attorneys.

Similarly, the vast majority of law firms that responded to BASF's online survey collect and maintain data that can be used to determine the number of attorneys who are members of a racial or ethnic minority group. While law firms overwhelmingly collect data providing them with information as to how many attorneys of Asian and Latino backgrounds they have at the firm, they may not collect detailed information as to what ethnic subgroups individual attorneys may identify with.

For example, among the approximately 180 individual diverse attorneys who responded to the BASF online survey, 79 attorneys identified themselves as Asian or Asian American and 34 attorneys identified themselves as Latino or Hispanic. However, when asked to identify what ethnic subgroup these attorneys identified themselves with, it becomes clear that there is great diversity even among the Asian and Latino subgroups. This is an area that is ripe for further exploration and research.

In order to learn about their individual experiences and to gain insight into the issues they face as diverse attorneys who belong to subgroups of the Latino and Asian American ethnic groups, the Ethnic Subgroups Working Group interviewed nearly 70 attorneys in the Bay Area. The interviewees work in law firms, government, or corporations, or are members of the judiciary. In addition, the interviewees come from a wide range of Asian and Latino backgrounds—for simplicity, they are identified in this report as "Asian American" and "Latino" attorneys, even though many of those interviewed would choose a different label to describe themselves. Asian American attorneys were divided according to U.S. Census categories. Latino attorneys were divided according to geographic areas across the Americas (North American, Central American, South American, and Caribbean).

Interviewees included individuals who identified as:

LATINO	ASIAN AMERICAN
Belizean	Asian Indian
Bolivian	Cambodian/Khmer
Caribbean (incl. Cuba, Puerto Rico, Dominican Republic)	Chinese
Chilean	Filipino
Colombian	Hmong
El Salvadorian	Japanese
Guatemalan	Korean
Mexican	Laotian
Mexican of pre-U.S. Southwest origin	Pakistani
Nicaraguan	Thai
Panamanian	Vietnamese
Peruvian	
Venezuelan	

The committee that worked on this study engaged in a lengthy discussion about whether to include a study of the subgroups of African descent. The committee agreed that such an important study does need to be done; however, given the sheer number of attorneys in the Asian and Latino groups in the Bay Area, for this study the focus is on these two larger groups. Strong consideration will be given to studying the subgroups of African descent in the next goals and timetables study due in 2020.

DIVERSITY

Explicit Racism and Implicit Bias

According to interviewees, explicit racism and implicit bias continue to be issues that diverse attorneys face.

For example, more than one Asian American attorney reported being accidentally (but repeatedly) called the name of another attorney who is of the same ethnicity. One Asian American (Vietnamese) female attorney recalled being mistaken for another attorney, and the majority attorney, upon being corrected, commenting, “Oh. Well, you all look alike.”

Several Latino attorneys reported being mistaken as interpreters in legal settings. For example, one attorney described appearing for a deposition and being mistaken by his peers as the Spanish-language interpreter instead of an attorney representing a party in the case. Another Latino attorney reported that he was at an arbitration where opposing counsel was white. Everyone was ready to proceed and opposing counsel asked, “When is the lawyer going to show up?”

Other anecdotes that the interviewees relayed relating to explicit racism and implicit bias that diverse attorneys experience in the workplace include:

- One Muslim attorney endured remarks about fasting/abstaining from alcohol during the holy month of Ramadan.
- One attorney was called “exotic” by a partner at a company picnic and in other contexts.
- A Japanese American attorney was regularly asked why he speaks English so well. (The interviewee noted that his family has been in the United States for one hundred years. He is not even partially fluent in his “native” language.)
- A Latino attorney had a partner (a Caucasian) in the lunchroom try to pay him for food, assuming he was a food vendor even though he was dressed in a suit.

Implicit bias seemed especially prevalent against Asian American attorneys, who continue to face the stereotype that they are not sufficiently aggressive as attorneys. A few of the Asian American attorneys interviewed compared the Western idiom “the squeaky wheel gets the grease” to the Asian idiom “the nail sticking out gets hammered” to describe how Asian American lawyers are perceived as not aggressive enough in the workplace.

Many of the Asian American attorneys interviewed describe why being labeled with so-called “Asian” characteristics, such as being passive, being less individualistic, being less outspoken, and emphasizing consensus, holds Asian American attorneys back from career success. One Asian American attorney stated that “not assertive or aggressive” were “code phrases used to describe Asian American lawyers.” Finally, an Asian American litigator was told by a supervising partner in her performance evaluation that she needed to “be more assertive.” The interviewed attorney felt that she is just as assertive as her colleagues but that the partner assumed she was passive in her interactions with opposing counsel due to her polite workplace demeanor. When these types of perceptions are based on assumptions and not on actual behavior by the diverse attorney, there can be negative effects on the diverse attorney.

Interviewees also described how they struggled against the perception, both by their own community and colleagues, that diverse attorneys are inferior to their white counterparts; thus, diverse attorneys report having to work harder to “prove” themselves. One attorney felt that his ethnic subgroup status holds him back as he becomes more senior and handles riskier matters. If the matter goes badly, he likely will get blamed and his decisions will be second-guessed. However, he felt a white partner finding himself in a similar situation not only would not be blamed or second-guessed, but would actually be praised for being willing to take on such a risky matter. As a result, this partner finds that he needs to include white male partners on his significant matters to minimize the risk of blame.

Implicit bias seemed especially prevalent against Asian American attorneys, who continue to face the stereotype that they are not sufficiently aggressive as attorneys.

Another attorney, an Asian American (Cambodian/Khmer), noted that clients sometimes complain, “you charge as much as an ‘American’ attorney,” because the assumption is that a Caucasian non-immigrant attorney is entitled to charge higher fees than a Cambodian/Khmer attorney. Members of her own community have also asked her, “are you really a lawyer?” She regularly has to show her state bar license to prove it. (Note that this interviewee also explained that this immigrant community has fallen prey to individuals posing as lawyers, resulting in further legal trouble for clients.)

Across all of the attorneys interviewed by the Ethnic Subgroups Working Group, female interviewees stated that they have, in fact, experienced more bias because of their gender and/or child-caring responsibilities than because of their ethnicity. An interviewee at a large firm stated, “My experience of three decades has confirmed that the practice of law in large corporate law firms is very, very challenging for attorneys of color, in general, and for women, particularly women of color, who have that double barrier. . . . So you see attorneys of color and women, and women of color, shifting away from law firms even if you have a pretty full pipeline of entry-level attorneys of color.”

There is a tendency for diverse attorneys to gravitate toward practice areas that big law firms do not focus on or to pursue careers in solo/small firms, based upon the legal needs or pressures of their communities.

Cultural Values and Perceptions

Some interviewees felt that certain cultural values may impede professional success in a largely Caucasian environment. Attorneys of Vietnamese, Filipino, and Mexican descent all expressed that their cultures required a certain amount of humility and respectful demeanor that could pose a challenge in an aggressive litigation environment. Due in part to these characteristics, one Vietnamese American attorney noted that Vietnamese are often viewed as “worker bees” rather than leaders, which impedes career growth. Some attorneys may misperceive this display of respect by Vietnamese, Filipino, or Mexican attorneys as passive behavior; however, there is no evidence to show that this diverse group of attorneys are any less aggressive than their counterparts from other ethnic groups.

By contrast, several Latina attorneys noted that their tenacity as Latinas helped them advance. For example, a Latina interviewee stated that being Mexican American in and of itself has helped her succeed as an attorney: “Latinas are ‘bad-asses.’ The experience of dealing with adversity in life has given me fortitude to deal with difficult situations. If I am dealing with a difficult case, I know that I will have the ‘audacity of being’ to get it done right.”

Solo/Small Firm Practices

According to many of the interviewees, there is a tendency for diverse attorneys to gravitate toward practice areas that big law firms do not focus on or to pursue careers in solo/small firms, based upon the legal needs or pressures of their communities. For example, attorneys of Cambodian/Khmer, Vietnamese, Filipino, and other “newer” Asian immigrant group descent felt limited to certain practice areas that line up with the needs of a newer immigrant community (for example, solo practitioners doing immigration law, personal injury, bankruptcy for small business, or other issues affecting their communities, like family or criminal law).

One Vietnamese American attorney explained that she is in the first generation of attorneys in her ethnic subgroup because her generation came to the United States as refugee children with parents who fled their home country. Therefore, the first wave of Vietnamese American attorneys went into immigration law, and it is only now that the next generation of attorneys is entering firms.

Similarly, a Cambodian/Khmer American attorney explained that her community predominantly arrived in the United States in the 1980s with small children or children born in refugee camps. These children might grow up and find themselves in a legal conundrum upon learning they were undocumented. The imminent legal needs of these communities reflect the areas of law predominantly practiced by Cambodian/Khmer American lawyers, that is, immigration, bankruptcy, and personal injury, according to this interviewee.

Attorneys of Mexican descent also felt that many of the attorneys from their subgroup tend to focus on immigration law and criminal defense because that is where there is a demand for services. One Mexican American interviewee observed, however, that this adversely affects the financial backing available for Latinos' campaigns for judicial office.

Many Chinese American attorneys stated that, initially, their parents wanted them to become a doctor or engineer, or to focus on math or science, which resulted in Chinese American attorneys tending to enter intellectual property law. Similarly, many South Asian American attorneys also stated that they felt a tendency among Asian American attorneys to gravitate toward the transactional/IP practice area. Due to these tendencies, there is fear that Asian American attorneys may be pigeonholed into this area of the law.

84.5%

of diverse attorneys who responded to BASF's survey had no others in their immediate family who attended law school or practiced law.

Among the 180 diverse attorneys who responded to the BASF online survey, 84.5 percent had no others in their immediate family who attended law school or practiced law and 71 percent had no others in their extended family who attended law school or practiced law. While these issues are important, they alone do not account for the lack of diversity in law firms. A key factor is English as a second language.

71%

had no others in their extended family who attended law school or practiced law.

Almost all of the South Asian American respondents found English to not be a challenge because they grew up speaking English at home and were not the first in their families to go to college. In fact, among the 180 diverse attorneys who responded to the BASF online survey, only 22 percent were the first in their immediate family, and only 11.5 percent were the first in their extended family, to attend college.

The Vietnamese American ethnic subgroup, however, is different from most of the other Asian subgroups because their community is still fairly new to the United States. For these attorneys, having been among the first generation either to grow up in the United States or to come to the United States, English was generally not their first language and, instead, was learned at school. Several Latino interviewees also recalled the challenge of balancing the need to excel at school while not being exposed to English at home.

Notably, clients may be impressed with certain accents (for example, French, British, and some others) and yet find other accents less favorable (for example, Southeast Asian, South or Central American, and

some others). Therefore, having English as a second language is not an automatic barrier. The barrier is the biases some have against certain accents. An interesting study on this theory is *Accent-Based Implicit Prejudice: A Novel Application of the Implicit Association Test*, by Carolyn Chu, 2013.

Isolation

The “Other Asian” respondents (comprising attorneys of Cambodian/Khmer, Thai, Laotian, Hmong, and Pakistani descent) were distinct in that they had no specific bar association for their own ethnicity separate from other pan-Asian bar associations dominated by attorneys from other Asian subgroups. Most of them were the first generation of lawyers of their respective subgroup in the United States.

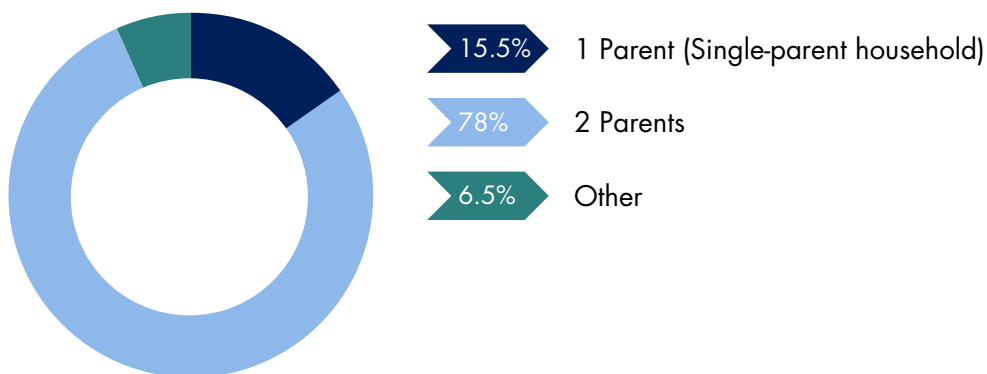
Cambodian American respondents, in particular, reported a low cohesive feeling of a “legal community.” They tend to not be recruited by big firms. As a result, they tend to train and teach themselves the practice areas that cater to the “Other Asian” subgroup’s socioeconomic needs. A Cambodian/Khmer American interviewee expressed that she had tried to organize an association with a few older attorneys in her ethnic subgroup. “I wish we had a Cambodian lawyer association. We are probably the only Asian minority group that doesn’t have a proper association for ourselves. I actually met with a couple older attorneys around my boss’s age throwing out ideas to have an association . . . like maybe establish a fund or scholarship for a younger Cambodian . . . they were like ‘that would be nice’ but it stopped there. I can’t do it by myself.”

MENTORSHIP AND SPONSORSHIP

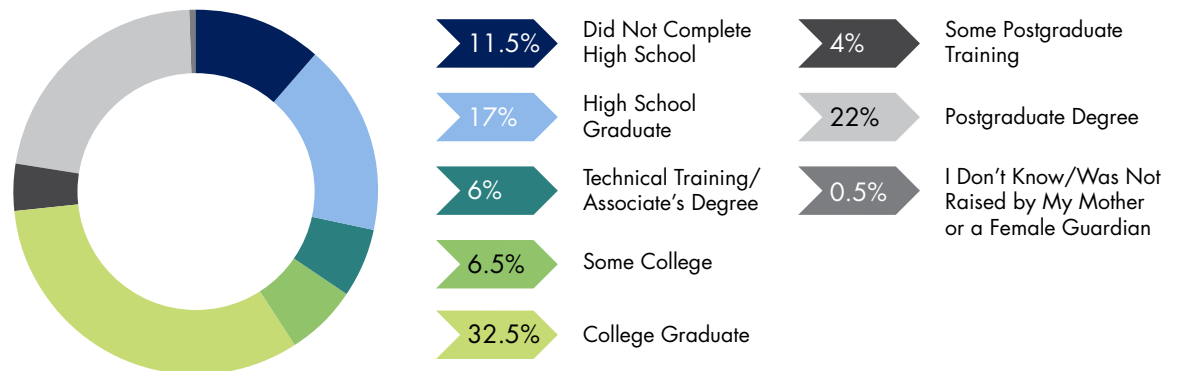
Mentorship

Most interviewees listed a parent or a family member as an early role model or mentor, irrespective of the parents’ level of education. Among the approximately 180 diverse attorneys who responded to the BASF online survey, more than three-quarters were raised in two-parent households, and the majority had at least one parent or guardian that was at least a college graduate.

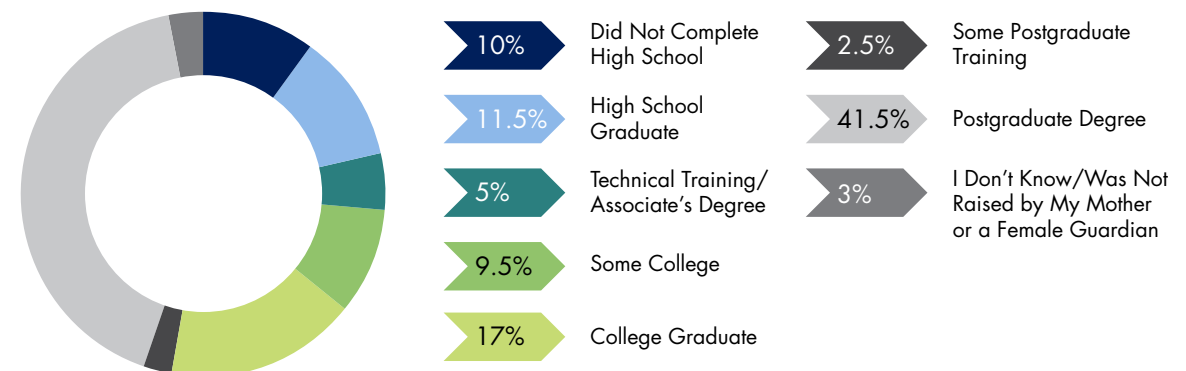
How many primary parents, caregivers, or guardians did you have while growing up?



What was the last year of school that your mother (or female guardian who raised you) completed?



What was the last year of school that your father (or male guardian who raised you) completed?



Once interviewees became attorneys, it seemed that it did not matter whether a mentor was from the same ethnic subgroup, another ethnic subgroup, or a majority group. In fact, many reported having been mentored by attorneys of color who were not of the same ethnic subgroup or by majority attorneys in their workplace.

One senior attorney identified particular Caucasian attorneys who have made it a point to mentor diverse attorneys, including him, throughout his decades-long career. The attorney also encouraged young attorneys to “plant one foot firmly in your community and one outside” because it helps to broaden both the attorney’s perspective and the perspectives of those with whom the attorney interacts. Successful mentor relationships with individuals of other backgrounds were described as, for example, situations where mentors had the mentees’ “interests at heart, [the mentors] were good people, intelligent, hard-working, and had influence to protect and advance [me] when necessary.” For Latino attorneys, having mentors outside of their subgroup seems to have been a result more of necessity than choice. Latino attorneys expressed that there was a dearth of senior-level Latino attorneys who could mentor them. Only a small number of Latino interviewees could say they had been mentored by another Latino attorney, and those who had Latino mentors had mentors predominantly of North American origin.

Similarly, LGBT attorneys found mentors outside of their subgroup. One interviewee, who is a partner at a large firm, has thrived in that environment through seeking out informal mentorship from Latino, Asian American, and Caucasian women partners (“I have found support from women of color who are partners at other firms”). Another, also at a large firm, sought out an LGBT mentor who helped her get choice opportunities and assisted with navigating office politics.

In addition, interviewees expressed that they valued natural mentorships that arise from membership in minority bar associations. Across the board, interviewees, whether of Asian or Latino descent, reported that minority bar associations provide a natural “melting pot” of attorneys of the same/related ethnic groups who are of different ages and experience levels and who practice in different areas of the law. By socializing together or working on projects together, natural mentorship relationships emerge. One Latino interviewee added, “The minority bar organization allows us to ‘let our hair down’ with our professional peers.”

Sponsorship

A sponsor is someone within your firm/company who goes to bat for you, puts your hat into the ring, and sings your praises when you are not in the room.

A number of the interviewees cited sponsorship as crucial to their success. In general, interviewees noted that senior attorneys from the same ethnic subgroup have a tendency to “go to bat” for their fellow diverse attorneys. For example, one Asian American attorney noted that a senior Asian American partner at her firm would speak on her behalf in the associate review committee meetings, and would tell the other partners about the attorney’s involvement in the Asian Pacific American Bar Association. Another attorney, however, stated that her goal was simply to be the best attorney that she could be. Her sponsorship came from the white male attorneys who taught her and, later, supported her for partnership “regardless of gender/race.”

PROFESSIONAL DEVELOPMENT

Across all groups, the interviewees had strong work ethics and perseverance instilled in them, mainly by their parents or relatives. For example, a Filipino American attorney stressed that “Filipinos are driven and hard working in pursuit of bettering themselves.” The attorney hoped to move up to management or partner positions in the future.

Yet many interviewees felt that bias against diverse attorneys is an impediment to their professional development. One interviewee felt that some majority attorneys assume that a diverse attorney is at the firm as a token, or as a favor or handout, as opposed to having earned the job on merit.

Interviewees also discussed that they experienced more scrutiny on their cases than their white counterparts. A diverse partner at a large firm noted that “to this day, if you have a ‘bet-the-company’ case and give it to a white male partner, even if he loses big time, nobody questions that you hired a white man. But if you hire a woman or an attorney of color and give her an opportunity, you’ll be subjected

to criticism like ‘did you hire her because she is a woman/attorney of color?’ You’re more subject to criticism if you deviate from the norm.”

Interviewees also saw the lack of diverse attorneys on “power committees” in law firms as an impediment to professional development for diverse attorneys within that setting. Such committees include the compensation and management committees. Even when, for example, there are Asian American partners at large law firms, these partners are not on the power committees and making the decisions. Similarly, a Korean American interviewee noted that there are no Korean American attorneys on power committees.

Recruitment and Retention

A Caribbean Latino attorney identified a pipeline issue that relates to Latino attorneys not being represented in law firms and that impedes other Latinos’ professional development within firms. Few people of color are accepted into the top law schools, and “big law” firms recruit primarily from top schools. The interviewee stated that “if firms truly wish to increase diversity before top law schools are more diverse, then big law firms need to broaden the pool of students and schools they interview at to include schools that do not traditionally feed the pool of big firms’ first-year attorneys.”

BUSINESS DEVELOPMENT

In terms of business development, some interviewees felt that being a person of color status may help. One interviewee stated that “in San Francisco, it actually helps to be from a diverse background since clients are always looking for attorneys that represent the community, especially the Fortune 500 companies that pay attention to diversity.” Another interviewee stated that “in-house counsel at smaller companies like to see diversity in their lawyers.”

Similarly, being bilingual can help with business development. For example, speaking Vietnamese or Spanish helped attorneys find and retain clients within those communities.

Others, however, have a different experience and have found their status as a person of color to be an impediment in professional development. Some interviewees expressed that even clients of color prefer some “white attorneys” because they believe that some “white attorneys” are more competent. A Latino (South American) interviewee stated that he thought Latino clients “want a real attorney. And an ethnic attorney is not a ‘real’ attorney.” Another interviewee viewed this in a different way; he said that some clients of color may be less inclined to hire an attorney they know has to face barriers and implicit bias or overt racism, which ultimately leads to less successful results because that attorney does not have the support of his or her firm. Also, clients may believe that the attorney of color may be perceived by others as less competent and less formidable as an advocate.

Bar Associations

Across all the ethnic subgroups, a number of interviewees identified minority bar associations as creating a valuable atmosphere for business development. Within minority bar associations, attorneys of all levels—different generations, different subgroups, different practice areas, and different types of workplaces (from solo to firm attorneys to judges)—tended to associate with other lawyers of a similar background in order to exchange information and support. The shared heritage—combined with the lack of diversity in the general legal population—can lead to business advancement for attorneys of color in a way that is not available through mainstream bar associations. Latino and Asian American interviewees alike said they have made business connections with more senior/experienced members of their minority bar associations whereas, at work, they may not have an opportunity to engage directly with a partner of commensurate experience level.

Across all the ethnic subgroups, a number of interviewees identified minority bar associations as creating a valuable atmosphere for business development.

INTERSECTIONALITY*

Only 27 of the 52 law firms that responded to BASF's online survey maintain records that can be used to determine whether attorneys are members of multiple groups that are traditionally underrepresented in the legal profession. This lack of information and research regarding these attorneys who are members of multiple groups made this another attractive area for BASF's future study.

The Intersectionality Working Group's primary goal was to examine the experiences of attorneys with intersectional identities and how their experiences might differ (or not) from those of other diverse and nondiverse attorneys. For purposes of this study, diverse/diversity groups were construed broadly; however, these results mainly focus on attorneys of color, women, and the LGBT community. For example, interviewees included African American women, Latinas, and Asian American gay men and lesbians, among others. They also included a handful of individuals who belong to two or more diverse groups, such as lesbians of color.

In total, BASF interviewed almost 50 "intersectional" diverse attorneys in the Bay Area. Of those, the vast majority were women, most of them racially diverse. Somewhat fewer than half of the interviewees belonged to the LGBT community. Somewhat fewer than half of the interviewees were Asian American. Approximately one-fifth of the interviewees were African American and Latino. In addition, somewhat fewer than half of those interviewed were partners at their respective law firms at the time of their interviews. Although the committee would have preferred to obtain a larger sample of interviews from a wider array of groups, the committee believes that this sample is a fair representation of diverse attorneys in the San Francisco Bay Area.

DIVERSITY

Additional Burden

Intersectional diverse attorneys generally report feeling an additional "burden" placed on them because of their intersectional status. Although all diverse attorneys feel an obligation or responsibility to represent their diverse group (at work, at events, for recruiting, serving on committees, and in

* The term *intersectionality* refers to attorneys who belong to two or more diverse groups.

other areas), intersectional attorneys' obligations are doubled or tripled because they fit into more "boxes." As one interviewee noted, she gets a "disproportionate" amount of requests to attend events, and "the more categories you fall into, the more disproportionate the burden is."

When asked if one's intersectional status helps or hurts on the path to partnership, about half of the attorneys interviewed said it hurts because they have to spend more time attending/participating in diversity-related activities/events that take them away from billable work.

Explicit Racism and Implicit Bias

Intersectional attorneys have expressed that they feel they need to be the "poster child for diversity" and that they must represent all similar persons. One interviewee stated, "I think some people at my firm have the idea that I represent all people of color everywhere." The downside is that "when another attorney who is a person of color messes up, it reflects on me." The interviewee explained that in a year when all other people of color in her class at her firm failed the bar exam, she was "frequently asked, before being given an assignment, 'have you passed the bar?'"

Many social scientists have concluded that people unconsciously do not distinguish people of other races as individuals but rather as groups and therefore put them into boxes. People often see all others as belonging to a different group than themselves as the same.

Women were much more likely to point to their gender, and in particular having children, as a factor impeding their ability to succeed in the legal profession. One woman stated that "stereotypical aspects of female personality are not valued in the legal profession," and cited the fact that men see women as "emotional" and "pushovers." Another interviewee stated that women do not "last" at the firm and has even been told, "It's too bad you're female." Some interviewees thought being a mother made it "more challenging to make partner at a large firm . . . because the work is so demanding." One female interviewee, though, felt that being a mother "helped" because one could "work a reduced hour schedule" that "could not have been done" while maintaining her stature and reputation if she were not a mother.

For example, the majority of Latinas interviewed felt that being a woman versus being a Latina was more detrimental to career advancement. Being a woman was "challenging" and one had to "work harder and prove more." One interviewee noted it could be a generational issue, as she had to "downplay" being a mother more than her race. She credited that to having started practicing in the 1970s and 1980s.

At the same time, these issues of gender and sexism appeared easier to address. One African American woman partner expressed that it was "easier to discuss issues that are gender specific with partners, but it is more difficult to discuss racial and bias issues with other attorneys because there is this real tension of not wanting to be racist." She went on to say, "Do I want to talk about the race card or the woman card? It is a constant challenge." Other African American women also expressed downplaying their race rather than gender by, for example, "not reacting about certain things in the news or TV" and "restricting communications."

Intersectional attorneys have expressed that they feel they need to be the "poster child for diversity" and that they must represent all similar persons.

Asian American women also complained about stereotyping. For “Asian women, the thought is that you will be a workhorse—keep task lists, make sure trains are running—but not the strategic thinker or aggressive litigator (the ‘lead’).” Many Asian American women interviewed also complained that they were thought to be submissive or that they were mistaken for each other—because they were told they look alike.

When asked if there was any one diverse status that they downplay, about half of LGBT attorneys interviewed say they downplay being LGBT. One attorney was “told that it wasn’t appropriate in the workplace and that I needed to keep my private life to myself.” However, most attorneys interviewed are “out” at work, and so downplaying usually arises when meeting other attorneys at networking events and with clients. For example, one interviewee indicated that being LGBT makes him “pause in certain social situations.”

Interviewees noted that although they belong to several diverse groups, they often relate to one particular “status” over the other.

Stronger Affiliation to One Group

Interviewees noted that although they belong to several diverse groups, they often relate to one particular “status” over the other. For example, two-thirds of the Asian American women interviewed are actively involved in organizations focused on Asian American issues, and have no affiliation with women’s groups. One interviewee indicated that “socioeconomic background” was more defining than her “gender or race,” while another interviewee simply stated that he “identified more with being Mexican” than LGBT. Several interviewees also strongly associated with being a mother—one stating that she “identified first as a mom,” rather than being a lesbian.

MENTORSHIP AND SPONSORSHIP

Mentorship

Within law firms especially, mentorship of intersectional attorneys occurred more as a result of who was in the attorney’s practice group or who happened to be in a position to help. Many attorneys pointed out mentors who were partners within their group at their law firm. In general, the mentors were of Caucasian descent. As one attorney at a law firm stated, mentors were “anyone who I’ve worked for who is more senior than me; they tend not to be diverse.”

Outside the law firm setting, mentors of intersectional attorneys tended to be other diverse attorneys, often ones that identified with one of the intersectional attorney’s groups. One interviewee believed that this was because of the tendency to meet other similar attorneys at minority bar events. She indicated that the more “unique” you are, the more likely you will form an instant connection with another “unique” attorney. Those interviewees with mentors who shared one or more of their intersectional groups felt they benefited from these commonalities. One African American woman described her mentors as helping her navigate “racism, sexism, and the double whammy of intersectionality.”

In terms of whom intersectional attorneys choose to mentor, interviewees almost universally stated that they mentor diverse attorneys or law students. Often, these mentees will share the same inter-

sectional status as the mentor. For example, one Asian American woman indicated that her mentees “tend to be women,” and included other Asian American women.

Sponsorship

Many intersectional attorneys named straight, white male partners as their “champion” at the firm since a majority of intersectional attorneys were supervised by straight, white male partners. For instance, even though she is a lesbian, one interviewee credited sponsors who were “mostly straight, white men” for helping her to become a partner. There were also ample examples of a wide mixture of “champions” that did not fit the interviewee’s intersectional status.

PROFESSIONAL DEVELOPMENT

When asked if they thought their intersectional status helped or hurt on the path to partnership, interviewees were generally split.

Some interviewees felt that law firm partnership is still viewed through the white male perspective, and this made it difficult for intersectional attorneys to relate and succeed. One interviewee stated that she did not think she could “foster relationships with partners” because “people tend to be attracted to people who look like them, or have similar interests.” As one interviewee pointed out, “people of color and women need people of color and women in leadership to take care of things behind the scenes.” Another interviewee believed “she had to work extra hard given her intersectional status,” yet is still “the only woman of color in the partnership.”

Some interviewees believed that for firms interested in promoting diversity, their intersectional status helped them attain partnership. Some described how their intersectional status made them unique. “There were fewer of me, so [being intersectional] seemed like a little ‘bonus.’”

Many interviewees also cited their intersectional status as helping them become effective lawyers because they relate better to others, which helps in cases and with clients and colleagues. One interviewee stated that intersectional attorneys “have a way of bringing to the table different concepts and ideas that are naturally going to be more comprehensive because people are looking at things from multiple angles.”

In addition, though many cited being diverse as difficult, they all agreed that it makes them better lawyers. Interviewees generally believed they were “more well-rounded,” “relatable,” “tenacious,” and “tougher.” One attorney said of his intersectional status that it “has given me a strength of character, a tenacity, an ability to work hard, think for myself, and a work ethic that is incredible.”

Many intersectional attorneys named straight, white male partners as their “champion” at the firm since a majority of intersectional attorneys were supervised by straight, white male partners.

Recruitment and Retention

When interviewees were asked whether their firm participated in diversity recruitment efforts, answers for big law firms were overwhelmingly “yes.” However, some interviewees expressed skepticism on whether these programs actually recruited more diverse attorneys. One attorney called it “semi-effective,” and another believed his “firm doesn’t walk the talk.” “The firm doesn’t have people like the diverse candidates in key positions so it isn’t attractive to candidates.”

Multiple interviewees also expressed concern over retaining intersectional attorneys at law firms. For example, one partner indicated that although her firm’s recruitment efforts are “effective,” the “issue has been retention and promotion.” Having intersectional partners may be a solution. Another interviewee believed that having a “gay female partner helps with recruiting and retention internally.”

BUSINESS DEVELOPMENT

Most interviewees expressed that intersectionality helps with business development. Interviewees noted that they are often included in pitches or put on cases because of their diverse background in response to client pressures. “Clients are looking for diverse teams,” and “specifically ask that women or diverse attorneys service their matters.”

Many interviewees also felt that their intersectional status helped when it came down to meeting and interacting with the client. Being intersectional made it easier to approach clients who share the same intersectional status. One interviewee indicated that she was “encouraged to reach out to clients who are also Asian American” and has been “invited to sit in at meetings with other Asian Americans.” It also helped them “relate to potential clients” because they can connect on more levels than if they just belonged to one diverse group—essentially they “understand a more diverse client base.”

In fact, one partner interviewed believed that having diverse attorneys serve clients was a matter of “cultural competence.” Having diverse attorneys “is critical to us being a responsible, professional law firm in a diverse community,” the partner said. “The firm as an institution can’t reach nearly as far as the bridges our attorneys make into the communities they belong to.”

Still, one female partner interviewed noted that the partnership ranks are still “very male dominated.” She noted that “partners who are retiring are passing on business to younger male partners.” She “cannot think of a female partner receiving the book of business.” With no one giving her work, one African American female partner said that she just had to “go find it myself.” Another female partner lamented that “often people who have opportunities are heterosexual white men who feel comfortable relating to other heterosexual white men.” For others, they “can’t pinpoint” what it is, but there is an “underlying feeling that certain white men get opportunities.”

There was also concern that diverse attorneys were presented to potential clients, but actual work was then done by nondiverse attorneys.

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Bar Associations

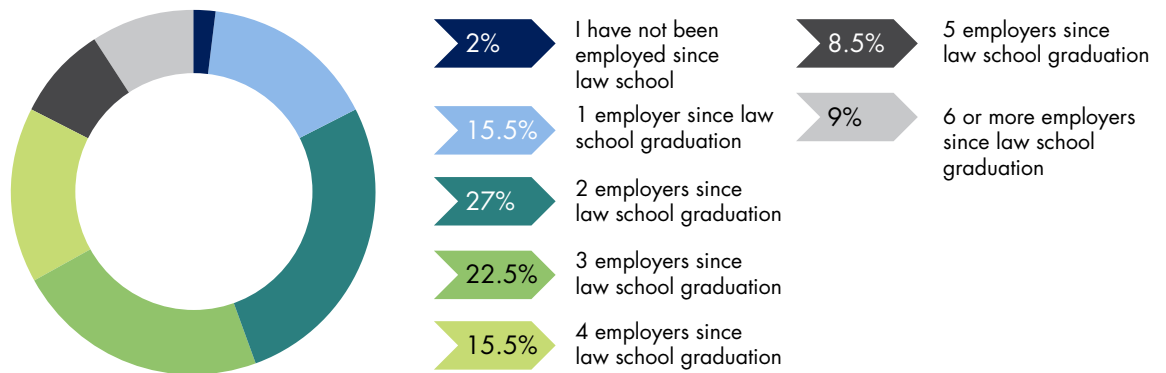
Belonging to more than one diverse group expanded opportunities to take advantage of bar association groups and events, which aided in expanding the interviewees' networks. As one interviewee noted, this was quite "empowering." One partner believed that her intersectional status played into client development because she met clients "through minority bars" and they "trust her because they know her."

Another interviewee believed that bar associations created "good networking opportunities, which grew professional networks." These networks can lead to tangible benefits like getting a job, as was the case for one interviewee who met someone with exactly the same intersectionality status and credited that with helping him get a job.

RETENTION

Among the approximately 180 individual diverse attorneys who responded to the BASF online survey, only 31 had been with one employer since law school. One hundred eleven of the attorneys had worked at three or more employers since law school. More than half have been employed with their current employer for less than five years. While these numbers are not surprising to anyone who has paid attention to the issue of attorney retention (diverse or otherwise), the need to address retention could not be clearer.

Approximately how many employers have you worked with since you graduated from law school? (Employers include self-employment.)



How many years have you been employed with your current employer?



The Retention Working Group aimed to study patterns or trends in the retention of diverse* attorneys in big law firms. To achieve this, the working group conducted 43 interviews of current and former law firm attorneys in the Bay Area who fell into one of the following categories: junior diverse attorneys with three to five years of practice (4); senior diverse attorneys with eight or more years of practice or who are otherwise on the verge of partnership (7); diverse law firm partners or attorneys with twelve to fifteen years of practice (17); diverse law firm leaders including managing partners, heads of practice groups, or rainmakers (4); diverse in-house counsel who previously worked at law firms (8); diverse government attorneys who previously worked at law firms (2); and diverse public interest attorneys who previously worked at law firms (1).

For those who are still practicing at a law firm, we sought to gain an understanding of why they continue to practice at their firms; what, if anything, their law firms have done to retain them; and whether they intend to stay at their law firms, among other things. For those who have left law firm practice, we sought to understand why they left, what their law firms could have done differently to retain them, and whether they thought their diversity played a role in their experiences at their firm.

DIVERSITY

Explicit Racism and Implicit Bias

Most of the interviewees reported having been made to feel keenly aware of their diverse characteristics—and to feel different. One interviewee noted: “I am a person of color in a predominantly white practice area. I believe people are not as comfortable with me because I feel like I look alien from the rest. I am not comfortable due to this, and the fact that I am from a different socioeconomic ethnic background.” According to one interviewee: “We try to keep as many diverse attorneys as possible, but . . . we run into the same exact issues as any other firm, that is, work-life balance, and the poor treatment of diverse attorneys by senior partners.”

* For purposes of this study, the working group focused on issues of racial diversity and did not address differences within races, which was addressed in the ethnic subgroups study.

Other interviewees expressed that the culture of the firm can foster implicit bias. For example, one interviewee described the firm as having a “significant roasting culture. This is done with a stunning lack of self-awareness and comes from such a place of privilege. The power dynamics are significant.” Other interviewees described the culture as being oriented toward activities that favor those from different socioeconomic strata, such as skiing or golfing.

A few interviewees did not believe diversity affected the quantity or quality of their work assignments; however, as one interviewee noted, “you don’t know what you don’t know.” Similarly, one attorney stated that she did not believe her ethnicity made a difference for her at the firm, but then acknowledged that she may not be aware that it actually does.

While most interviewees described their firm’s assignment process as being without express gender or ethnic bias, many said this lends to environments where partners assign work to their “favorites,” and some felt implicit bias against diverse attorneys played a role in assignment of cases and other work. As one interviewee explained, “people want to work on cases with people they are comfortable being around.” This results in nondiverse partners choosing to work with nondiverse associates, and fewer opportunities for diverse associates. “It feels like there are fewer partners looking out for attorneys of color at the firm. Comfort with people of color is one issue and is one of familiarity and bias; but the perception that people of color are incompetent is the bigger issue and both are the results of implicit bias. It is unclear how this will play out long term. It seems like while there used to be a concentrated effort to specifically give diverse attorneys interesting cases or opportunities, those targeted efforts no longer exist.” Another interviewee noted, “There is obviously discretion in who gets assigned what cases, and unless someone is pushing to have diverse staffing of a case, that issue often is overlooked.”

Partnership Ranks

Most interviewees felt that failing to get good case assignments plays a crucial role in why not enough diverse attorneys make partner at law firms. “Who you worked for and with was an important determining factor as to who made partner.” Interviewees also felt that the limited promotion of diverse attorneys to the partnership ranks contributes to retention issues. “The problem is I don’t see a diverse set of examples of diverse partners. This is a real problem with retention, from both the ethnicity and LGBT perspective. I don’t think that problem is [firm]-specific. I think it is industrywide or a problem with law firms. The numbers just dwindle more quickly.” Other interviewees expressed frustration at the desire of some law firms to “preserve the status quo” rather than “recognize talent and realize that it may not always come in the package they expect.”

Interviewees seem most satisfied at firms with a significant number of other diverse attorneys, especially when those diverse attorneys are in positions of power. Seeing diverse attorneys in leadership positions within the firm not only gives more junior diverse attorneys role models to look up to and turn to for support, but it also gives them hope that they can achieve the same level of success at that firm. Where diverse leaders are absent, diverse attorneys leave the firm. “This is probably related to a feeling of not being welcome, not seeing a path to success, and not being made aware of what the real rules of the road are in terms of making partner. If you do not see a person in the firm who looks like you being successful, you worry about your future and are consequently more likely to leave.”

Most interviewees felt that failing to get good case assignments plays a crucial role in why not enough diverse attorneys make partner at law firms.

Tokenism

Tokenism was viewed as benign by many of the interviewees. According to them, it often happens in conjunction with client pitches or when the firm wants a presence at a local diversity social event. To the interviewees, including them in diverse attorney recruiting efforts makes sense. For client pitches, “including a diverse attorney for prospective clients who are diverse or seeking diversity is no different from including a firm UCLA graduate in a meeting with a prospective client who attended UCLA.” Several attorneys expressed sensitivity to being used solely for their ethnicity, however, and several noted, “When I saw it happening, I spoke up.”

MENTORSHIP AND SPONSORSHIP

Mentorship

Interviewees reported that the most effective mentors were not assigned through a formal mentoring program, but rather developed organically during law school, clerkships, or working on cases with senior partners. The following comments are indicative of most interviewees’ experience: “I did not meet these individuals through formal mentoring programs; I met them through genuine interactions via work and school.” “Informally. We just clicked. They demonstrated an interest in my development and I trusted they had my best interests in mind.” “Happened organically. The ones you’re assigned to never really work.” “I’ve worked for my mentors and we became friends.”

Interestingly, interviewees reported that their most effective mentors (and sponsors) were rarely of the same gender or ethnicity as the mentees. A female interviewee shared that her “mentors have been men, both white and men of color. They are people who have taken an interest in what I do and have given me great opportunities at work.” Another interviewee had similar comments: “All of my mentors have been white males who are equity partners with power and influence within the firm.” The quote from one senior attorney sums up the diversity in the mentor relationship for diverse attorneys: “I have had a white female partner mentor, a white male partner mentor, a black female, a gay white male, an Asian male, a Hispanic male, and other white male mentors. I have had more white mentors than mentors of color.”

Sponsorship

Many interviewees felt that it is more difficult for diverse attorneys to be given opportunities for professional growth, which in turn makes it less likely for them to be identified as partner candidates or elected to partner. As one interviewee noted, “It is really dependent on what your champions can do for you.” From another, “someone has to stick their neck out for you.” In the case of one interviewee, her “bosses’ boss at [the company] who was a white male demanded that she be promoted there. He was retiring. He said they’ve waited too long and [diverse attorneys] need to be promoted.”

Another interviewee explained that her sponsors, who were attorneys of color, “wanted to leave a legacy and saw something in me, and did not want me to go through what they went through.”

PROFESSIONAL DEVELOPMENT

Explicit Racism and Implicit Bias

Some interviewees felt that explicit racism and implicit bias against diverse attorneys limited their professional development. One interviewee stated: “I do not think [senior leadership] in the office will work with people if they’re not comfortable with them, and race/ethnicity factors into whether they are comfortable with them.” Several interviewees explained that they repeatedly saw white attorneys receive better quality cases than diverse attorneys as well as “legacy work.” That allowed white attorneys to cement relationships with the firm’s most important clients. One interviewee observed that “the senior white males at my firm do not choose to work with diverse women.” Another remembered there was a “large case requiring substantial document review, which was done almost exclusively by diverse attorneys who were moved to a separate floor for the project.”

Ironically, when work assignments resulted in the other extreme with diverse attorneys receiving better quality cases, some diverse attorney interviewees felt the need to prove that nondiverse attorneys are not being disadvantaged. For example, one interviewee commented that he was aware of “showing favoritism” toward a white female associate so she did not feel that the diverse associates were favored.

Those interviewees who felt bias is an issue recognized that finding a solution may be difficult. “[Assignments] are how you develop a relationship with people you work with, that’s how you are successful, from repeat projects. The only way [to increase diverse associates’ access to quality assignments] is to have more diverse partners in charge.”

Transparency in Partnership Track

According to most interviewees, their ability to develop within the firm setting is hindered because the partnership track remains a mystery for most associates. Most firms do not articulate what is required to be elected partner, nor do they always promote attorneys who satisfy the objectives that are published. “There were written criteria for making partner [at my firm], but they were not clear criteria and did not necessarily translate into reality.” Several diverse law firm partners with more than twelve to fifteen years of practice identified their firm’s clear criteria and transparency for the partnership track as a significant contributor to their success in reaching partnership.

The few firms in the study described as overtly committed to being transparent about success metrics were still perceived as having informal, political metrics for which there was no transparency or, seemingly, consistency. “I had some knowledge of the partnership track but not sufficient knowledge. I would ask my mentors and senior associates and got general information from them but never received any info from partners.” Yet, from another interviewee, promotion “obviously depends on the firm politics—depends on who you know and how high up they are.”

Several interviewees, however, acknowledged that partner requirements were necessarily fluid in order to reflect market realities. “There has to be a process. And the firm adapts with changes in the

market, etc., just like any other business. Thus there is fluidity in the process. I was surprised it wasn't a little more formulaic."

Diversity Initiatives

Diversity programs at firms received mixed reviews when it came to their ability to help diverse attorneys with professional development. In some cases, the programs were deemed not to be effective, and to be implemented more as a result of industry/client pressure than commitment by the firm. As one interviewee put it, "The purpose of the committee was more [a]bout optics than advancing attorneys of color." As another interviewee commented: "If you don't have one, you are considered lame." The most prevalent criticism, however, was that once initiated, diversity programs often declined over time and eventually were ignored, so when a firm tries to restart the program, there is a lack of credibility and effectiveness. Nonetheless, some attorneys appreciated the effort: "[The firm's program] is nice. It's them trying to do something." As one rainmaker interviewee noted: "You don't really advance diversity unless you put money into it. . . . Value is associated with money. If they want to retain diverse attorneys, they need to spend the money on mentoring, outreach, and consultants."

In addition, the economy may play a role in whether diversity initiatives are firm priorities. From one rainmaker interviewee: "I'm sure we have diversity-related goals but I have no idea what they are. We are still feeling the effects of the 2009 economic downturn and everyone is scrambling for business right now. Survival is more important. If your client wants diverse lawyers, then the firms will care. That's what it will take to move the needle."

One diversity initiative that a number of diverse law firm partners with more than twelve to fifteen years of practice identified as being successful was specifically choosing diverse rising stars to attend internal firmwide leadership training conferences or events.

Recruitment and Retention

The retention study did not focus specifically on recruitment. A few comments nonetheless surfaced in response to questions about diversity initiatives. "We support affirmative action in that we are more likely to go with the diverse candidate if there are two equally situated candidates. But we have no explicit policy." Another said his firm "could have more women and attorneys of color in the partnership by thoughtfully and affirmatively hiring."

Nearly all interviewees commented on the high attorney turnover rates at their firms, including an increased number of attorneys leaving firms voluntarily or involuntarily regardless of diversity. However, the interviewees did not indicate they believe there is a higher turnover rate for diverse attorneys compared to nondiverse attorneys—although they recognized that is the perception. As one attorney stated, "There are simply fewer diverse attorneys, so when one leaves it feels more noticeable."

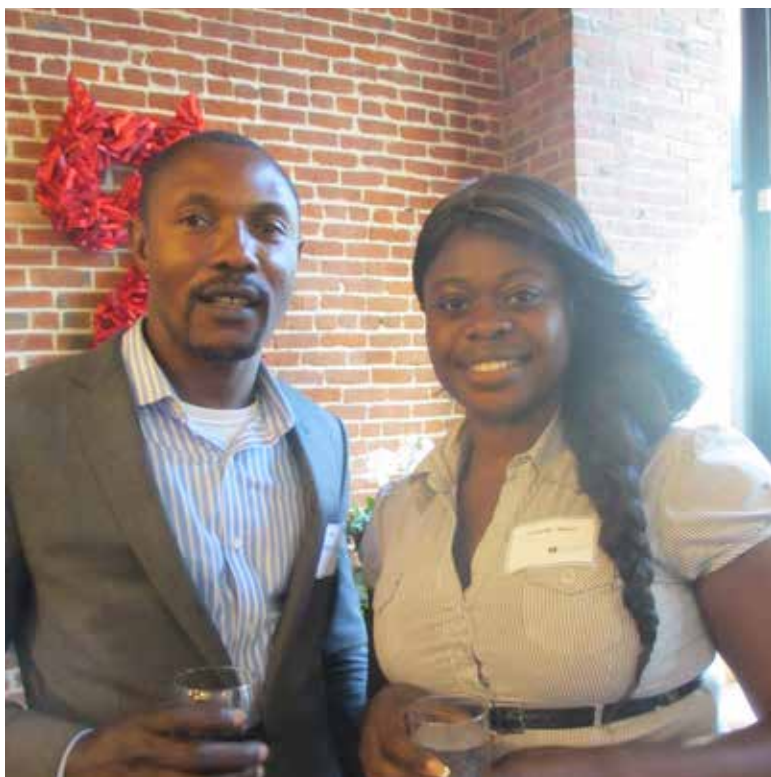
Many interviewees did mention, though, that because government and in-house positions have a reduced emphasis on business development and because there is greater individual responsibility for

caseloads and decision making, those jobs are more appealing to diverse attorneys, which leads to higher turnover at law firms. This was evident from one interviewee who is considering leaving her firm to go in-house, saying, “They don’t work less, they may even work harder, but you’re not judged by your rainmaking abilities . . . you only have one client.”

BUSINESS DEVELOPMENT

Interviewees recognized that business development is key to making partner, regardless of ethnicity. “More recently, the path has changed to focus more on business development and having a book of business,” observed one interviewee. As another interviewee commented, “If you want a piece of the pie, you have to make the pie bigger.”

Some interviewees felt that diverse associates do not have the skills, confidence, or inclination for bringing in business, which is crucial to making partner at a law firm. One interviewee commented, “[Diversity] initiatives really need to develop attorneys into business makers or transform the culture of the firm such that value is measured by factors other than generating business.”



NATIONAL ASSOCIATION OF LEGAL PROFESSIONALS (NALP) TEN YEAR TREND DATA 2004–2014— WOMEN AND MINORITY LAW FIRM PARTNERS AND ASSOCIATES

NATIONWIDE	2004	2009	2014
PARTNERS			
Total Reported	53,977	61,821	50,184
Women	17.06%	19.21%	21.05%
Minority (Black, Asian, Hispanic)	4.32%	6.05%	7.33%
Minority Women (Black, Asian, Hispanic)	N/A	1.88%	2.45%
African American	1.47%	1.71%	1.72%
African American Women	N/A	0.57%	0.63%
Asian	1.40%	2.20%	2.74%
Asian Women	N/A	0.76%	0.99%
Hispanic	1.27%	1.65%	2.16%
Hispanic Women	N/A	0.41%	0.60%

NATIONWIDE	2004	2009	2014
ASSOCIATES			
Total Reported	57,424	63,168	46,010
Women	43.26%	45.66%	44.94%
Minority (Black, Asian, Hispanic)	15.46%	19.67%	21.63%
Minority Women (Black, Asian, Hispanic)	N/A	11.02%	11.51%
African American	4.21%	4.66%	4.01%
African American Women	N/A	2.93%	2.31%
Asian	7.65%	9.28%	10.8%
Asian Women	N/A	5.12%	5.81%
Hispanic	3.08%	3.89%	3.95%
Hispanic Women	N/A	2.93%	1.89%

SAN FRANCISCO	2004	2009	2014
PARTNERS			
Total Reported	1,577	1,716	1,360
Women	21.31%	24.36%	25.74%
Minority (Black, Asian, Hispanic)	7.04%	10.26%	11.84%
Minority Women (Black, Asian, Hispanic)	N/A	3.85%	4.04%
African American	1.46%	1.81%	2.35%
African American Women	N/A	0.7%	0.44%
Asian	3.42%	5.89%	6.76%
Asian Women	N/A	2.33%	2.57%
Hispanic	1.65%	1.86%	1.91%
Hispanic Women	N/A	0.64%	0.81%

SAN FRANCISCO	2004	2009	2014
ASSOCIATES			
Total Reported	1,863	2,089	1,507
Women	49.92%	53.37%	50.1%
Minority (Black, Asian, Hispanic)	22.17%	28.43%	26.48%
Minority Women (Black, Asian, Hispanic)	N/A	17.66%	14.66%
African American	3.38%	3.11%	1.79%
African American Women	N/A	2.39%	0.6%
Asian	14.76%	18.53%	16.66%
Asian Women	N/A	11.73%	10.29%
Hispanic	3.27%	4.55%	4.31%
Hispanic Women	N/A	2.39%	1.92%

LOS ANGELES	2004	2009	2014
PARTNERS			
Total Reported	2,410	2,655	1,947
Women	18.42%	19.7%	21.73%
Minority (Black, Asian, Hispanic)	8.46%	12.13%	13.76%
Minority Women (Black, Asian, Hispanic)	N/A	3.69%	4.78%
African American	1.95%	1.77%	1.69%
African American Women	N/A	0.49%	0.51%
Asian	3.9%	5.95%	7.29%
Asian Women	N/A	1.69%	2.88%
Hispanic	2.45%	3.31%	3.75%
Hispanic Women	N/A	1.21%	1.23%

LOS ANGELES	2004	2009	2014
ASSOCIATES			
Total Reported	3,172	3,295	2,214
Women	45.68%	49.1%	46.7%
Minority (Black, Asian, Hispanic)	23.96%	29.59%	30.53%
Minority Women (Black, Asian, Hispanic)	N/A	16.81%	16.17%
African American	3.56%	3.92%	2.35%
African American Women	N/A	2.58%	1.08%
Asian	14.63%	16.72%	18.38%
Asian Women	N/A	9.62%	10.12%
Hispanic	4.76%	6.37%	5.33%
Hispanic Women	N/A	3.19%	2.89%

Note: Figures for 2009 and 2014 are reprinted from NALP Bulletin columns and press releases on this topic. (See <http://www.nalp.org/oct09lawfirmdiversity>, http://www.nalp.org/race_ethn_jan2010, http://www.nalp.org/lawfirmdiversity_feb2015, and <http://www.nalp.org/0515research>.)

The 2004 NALP Directory did not include counts by race and gender; hence these figures are not available. Also, to be consistent with figures for 2009 and 2014, the counts of associates for 2004 exclude staff attorneys and senior associates. Additionally, a few offices in Santa Monica and Pasadena were included with Los Angeles. Hence the counts reported here differ slightly from those in the 2004 women and minorities press release (<http://www.nalp.org/2004womenandattorneysofcolor>).

Note that for all years, city figures exclude any offices that reported multioffice or firmwide counts, if less than 60 percent of attorneys were located in that city.

LIST OF INTERVIEWERS

Tammy Albarrán
 Dominique Alepin
 Natasha Allen
 Manuel P. Alvarez
 Vanessa Beary
 Dominic Campodonico
 Sean Carter
 Jill Cartwright
 Eric Casher
 Jocelyn Chan
 Komal Chokshi
 Pamela Chung
 Cometria Cooper
 Rob Depew
 Damon Diederich
 Tanya Eliason
 Jennifer Foldvary
 Chanee Franklin
 Noemi Gallardo
 Anna Gehriger
 Julia Graser
 Magda Gruettner
 Sigrid Irias
 Shannon King
 Anuja Kumaria
 Carolyn Lee
 Natalie Leonard
 Alston Lew
 Jeremy Liem
 Pelayo Llamas
 Claudia Lucatero
 Laura Maechtlen
 Kelly Matayoshi
 Crystal Cole Matson
 Elizabeth McGriff
 Martha Melendez
 William Minnes
 Michael Mongan
 Debra Myers
 Yumi Nam
 Genelle Ng
 Catherine Ngo
 Carole Guffanti Notley
 Danielle Ochs
 E. Cristin O'Keefe
 Jessica Ourk
 Sophie Regimball
 Mark Ruiz
 Sonya Sanchez
 Maya Dillard Smith
 Janelle Sahouria
 Matt Sotorosen
 Torch Sathienmars
 Jocelyn Soriano
 Shiva Tavakoli
 Kimberly Taylor
 Angelina Thompson
 Diana Truong
 David Tsai
 Jasna Veledar
 Kristen Verrastro
 Heather Wong
 Priscilla Zaccalini
 Pierre Zado

INTERVIEW QUESTIONS USED BY EACH WORKING GROUP

Name of Person being interviewed: _____

Title (Associate/Partner/In-House): _____

Litigator/Transactional: _____

Firm/Company: _____

Ethnic Subgroups Working Group

1. To which ethnic subgroup do you belong?
 - a. Do you belong to multiple ethnic subgroups? If yes, please describe.
2. Did you have any language barrier challenges growing up (monolingual household, ethnic enclave)?
 - a. Did you learn English at home or at school?
3. Did you have any role models when you were growing up? If so, please describe them (demographics).
4. What are the most notable factors that have led to your success?
5. Does your ethnic subgroup have a minority bar association? If so, what is it called? If not, why do you think that is?
 - a. In your opinion, what is the value of ethnic subgroup bar associations?
6. Are you active in any minority bar associations? Why/why not?
 - a. If yes, describe your level of involvement.
7. Do you face alienation/isolation in your subgroups community due to your success/ambition/education?
 - a. Does this negatively or positively impact your drive/ambition? Describe how.
8. Was your family supportive of your decision to become a lawyer? Why, why not?
9. Were you the first in your family and/or community to graduate from college?
10. Were you the first in your family and/or community to graduate from law school?
11. What attracted you to attend law school and why?
12. What are your short-term career goals?

13. What are your long-term career goals?
14. What, if anything, do you consider intersectionality factors in your identity (race/ethnicity, class, gender, religion, sexual orientation, disability, and so on)? Please list all that apply to you.
15. Do you feel like people in your ethnic subgroup background gravitate toward certain legal careers (examples: government, public interest, in-house, law firm, solo practice, and so on)? If so, which legal careers are most popular?
16. Do you feel that lawyers of your ethnic subgroup background gravitate toward certain areas of practice (examples: IP, transactional, criminal law, family law, and so on)? If so, which areas of practice are most popular?
 - a. Does this affect the ability of this ethnic subgroup to succeed/secure jobs in other less popular areas of practice?
17. Is there a lack of senior/partner level attorneys in your ethnic subgroup in the Bay Area legal profession (that is, are most of them younger attorneys)? If yes, what do you think contributes to this?
18. Have you had mentors from your ethnic subgroup in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
19. Have you ever mentored others within your ethnic subgroup?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
20. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) from within your ethnic subgroup at your firm/company in your legal career?
 - a. If yes, how did you know this person was your sponsor/champion?
 - b. Describe this person(s).
 - c. Did this benefit you in any way? If so, how?
21. Do you believe that people are more likely to mentor someone within their same ethnic subgroup? Why, why not?
22. Do you believe it is important to YOU to associate with other lawyers of your same ethnic subgroup? Why, why not?
23. Have you ever experienced racism in the workplace/your office due to your ethnic subgroup status? If yes, please describe.
24. Do you feel like your ethnic subgroup status holds you back from further success in your career? Why, why not?
25. Do you think clients prefer working with outside counsel of the same ethnic subgroup

as they belong? Why, why not?

26. How has your ethnic subgroup status helped you in your career?
27. Have you ever experienced racial bias (due to your ethnic subgroup status) from others in your legal career? If so in what context, environment (workplace, court, clients, and so on)?
 - a. Why do you think it is your ethnic subgroup status that makes your experiences different from others'?
28. Do you sit or have you ever sat on any "power" committees in your firm (Partnership Evaluation/Promotion Committee, Partner Compensation Committee, Executive/Management Committee, and so on)? Please describe.
29. Is there anything else about your experience as a member of your ethnic subgroup that we did not talk about that you would like to share? Please describe.

Intersectionality Working Group

1. How do you identify yourself? List all any/all categories that apply to you: race/ethnicity, gender, religion, LGBTQ/straight, person with disability, someone raised with significant economic disadvantage, and so on.
2. If you identify as a racial/ethnic minority, with which racial/ethnic minority group(s) do you identify? If you are mixed race/ethnicity, please specify the multiple races/ethnicities.
3. If you stated you are someone who grew up with significant economic disadvantage, please describe how that impacted your education, opportunities, and so on.
4. Were you the first in your family to attend college? Graduate school?
5. Before you went into law, did you personally know any attorneys (family, friends, coworkers)?
6. How many years have you practiced law?
7. Please list every legal job you have had (include position and firm/company).
8. How long have you been with your current firm/company?
9. What affinity group(s) were you associated with in law school?
10. What affinity group(s) have you been associated with as a lawyer? Do you associate more with one affinity group than another? If so, why?
11. What is the extent of your involvement in these legal affinity groups? Do you have a leadership role in any of these groups? If so, please describe.
12. Are you aware of any legal affinity groups that support your minority intersectional status?
13. Does your firm/company have any affinity groups that support your intersectional status?

14. Do you think your firm/company is aware that you have “intersectional” status (that is, that you belong to multiple minority groups)?
15. Do you think your employer benefits from your minority intersectional statuses? If yes, how? If not, why not?
16. Does your current or former law firm track diversity statistics?
 - a. Are intersectional attorneys double-counted in the statistics?
17. Does your firm/company participate in any diversity recruitment efforts or programs? If yes, are they effective? If yes, why are they effective? If not, why aren't they effective?
18. Are you involved in any recruitment efforts for your firm? If yes, how are you involved? If not, why aren't you involved?
19. As a lawyer/person with minority intersectional status, do you feel there is additional burden placed on you within the firm/company? If so, in what ways?
20. Do you feel you have been given the opportunities within your firm/company that you deserve? If not, why do you think this is the case?
 - a. Can you give examples of opportunities you should have had but were not given?
 - b. Do you feel you have been given the same opportunities as similarly situated “nondiverse” lawyers? If not, why not? Give examples.
21. If you are a partner, are you an equity partner?
22. If you are not a partner, are you on a partnership track? Has it been clearly explained to you what is required for you to become a partner in your firm?
23. Do you think your intersectional status helps or hurts your path to partnership? Explain.
24. If you are in-house, what year of practice were you in when you moved to in-house? Why did you decide to move to an in-house position?
25. If you work for a smaller firm (25 attorneys or less), why did you choose to go to a smaller firm?
26. Have you had mentors in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
27. Have you ever mentored others?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
28. Have you had sponsors/champions (someone who goes to bat for you within the

firm/company, even when you are not in the room) at your firm/company in your legal career?

- a. If yes, how did you know this person was your sponsor/champion?
- b. Describe this person(s) (seniority, gender, racial/ethnic minority, and so on).
- c. Did this benefit you in any way? If so, how?

29. Regarding your multiple minority intersection status:

- a. Do you feel that any ONE of your minority statuses has helped you in your career? How?
- b. Do you feel that any ONE of your minority statuses has impeded your ability to succeed as a lawyer? How?
- c. As a lawyer, do you feel you have ever had to “downplay” any one part of your identity(ies) (as you described in question one above)?
 - i. If so, why?
 - ii. How have you done this?

30. Do you know of any other lawyers with the same exact intersectional minority statuses as you? If so, approximately how many?

- a. Do you tend to depend on them more than other lawyers?
- b. Have they been your mentors or mentees?

31. Do you have any of your own clients?

- a. Does your minority intersectional status play into client development? If so, how?

Retention Working Group

[BE SURE TO SELECT THE CORRECT SET OF QUESTIONS BELOW FOR EACH INTERVIEWEE]

IN-HOUSE COUNSEL ATTORNEYS

1. Where did you practice law before you went in-house?
2. How long have you practiced in-house?
3. Please list every legal job you have had (include position and firm/company).
4. Why did you leave law firm practice and go in-house? (List various reasons starting with the main reasons at the top.)
5. What factors were you considering and what were you looking for when you decided to go in-house?
6. Why did you decide to go in-house as opposed to government office, nonprofit, solo practice?

7. Is there anything that the law firm(s) worked for could have done differently/better to retain you? If so, what?
8. Did the law firm(s) where you worked have any diversity initiatives/programs in place while you were there?
 - a. Describe them.
 - b. Were they effective? If yes, why? If not, why not?
9. What did your law firm(s) do well/right in terms of retaining diverse attorneys?
10. Did you ever feel like the “token” diverse attorney at your previous firm(s)? If yes, why?
11. Do you ever feel like the “token” diverse attorney at your current in-house job? If yes, why?
12. At your previous firm(s), did you feel like the assignment of cases/projects was fair? If yes, why? If not, why not?
 - a. Do you feel that race/ethnicity was a factor in the process being perceived as unfair?
 - b. Do you believe white attorneys got better quality cases/projects than you? Why do you believe this?
 - c. What could have made this process more fair for everyone?
13. What was the “culture” like in your previous firm?
14. Is the “culture” better or worse in your current in-house office? Why?
15. At your previous firm(s), do you feel like you had a different experience working there because of your race/ethnicity, from your colleagues who were nondiverse? If yes, please explain.
16. How many other racial/ethnic minorities worked at your previous firm while you were there? Approximately how many attorneys total worked at the firm?
17. Does your current corporation/legal department do anything differently/better to retain diverse attorneys? If yes, please describe.
18. Have you had mentors in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
19. Were your mentors effective? If yes, why? If not, why not? Have you ever mentored others?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
20. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) at your firm/company in your

legal career?

- a. If yes, how did you know this person was your sponsor/champion?
- b. Describe this person(s).
- c. Did this benefit you in any way? If so, how?

DIVERSE LAW FIRM ASSOCIATES [3–5 YEARS PRACTICE]

1. What is the partnership track like at your firm?
 - a. Was it made clear to you/explained as a junior associate what it takes to make partner in your firm?
 - b. Do you have sufficient information on the politics and/or unspoken rules of your firm (pathway to partnership, financial contribution requirements for partners, and so on)?
 - c. What is your understanding of all of this?
2. Are you interested in making partner at your firm? Why/why not?
3. Do you see yourself staying at your firm for another 5+ years? Why/why not?
 - a. What factors play into this decision for you?
4. If you left your current job, would you (and please explain your answer):
 - a. Look for a job at another firm?
 - b. Look for a job at a non-law firm legal job (corporation, government legal, and so on)?
 - c. Leave the legal profession altogether?
5. Does your law firm have any diversity initiatives/programs in place? In your opinion, are they effective? Why/why not?
6. What does your law firm do well in the area of retention of diverse attorneys?
7. Is there anything that your law firm could do differently/better to increase the chances of retaining you?
8. Have you ever felt like you were treated as a “token” diverse attorney at your firm? Why/why not?
9. Describe your law firm’s process for assigning cases/projects to attorneys (free market, you have a coordinator that makes the assignments, and so on).
10. Do you feel like the assignment of cases/projects at your law firm is fair?
 - a. If not, what are the factors that make the process unfair?
 - b. Do you feel that race/ethnicity factor into the process being unfair? If so, how?
 - c. What could make the assignment process more fair?
11. Do you think white attorneys get better quality cases/projects than you? If yes, why do you believe this?
12. Are you satisfied with the current level of responsibility that you have as an associ-

- ate? If yes, why? If not, why not?
13. What is the “culture” like in your firm?
 14. Do you feel like you have had a different experience at your law firm because of your ethnicity? If yes, in what ways?
 15. How many other racial/ethnic minority attorneys work at the San Francisco (or Bay area office if you don’t have a San Francisco office) office of your law firm? Out of how many attorneys total?
 16. Why have other 3–5 year racial/ethnic minority associates left your firm?
 17. Why have other 3–5 year racial/ethnic minority associates stayed at your firm, including you?
 18. Do you see a higher turnover rate among racial/ethnic minority attorneys at your firm as compared to white attorneys? Why do you think that is?
 19. Have you had mentors in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
 20. Have you ever mentored others?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
 21. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) at your firm/company in your legal career?
 - a. If yes, how did you know this person was your sponsor/champion?
 - b. Describe this person(s).
 - c. Did this benefit you in any way? If so, how?

DIVERSE LAW FIRM ASSOCIATES [8TH YEAR ASSOCIATES OR OTHERS ON VERGE OF PARTNERSHIP]

1. What is the partnership track like at your firm?
 - a. Was it made clear to you/explained as a junior/senior associate what it takes to make partner in your firm?
 - b. Do you have sufficient information on the politics and/or unspoken rules of your firm (pathway to partnership, financial contribution requirements for part-

- ners, and so on)?
- c. What is your understanding of all of this?
- 2. Are you interested in making partner at your firm? Why/why not?
- 3. Do you see yourself staying at your firm for another 5+ years? Why/why not?
 - a. What factors play into this decision for you?
- 4. If you left your current job, would you (and please explain your answer):
 - a. Look for a job at another firm?
 - b. Look for a job at a non-law firm legal job (corporation, government legal, and so on)?
 - c. Leave the legal profession altogether?
- 5. Does your law firm have any diversity initiatives/programs in place? In your opinion, are they effective? Why/why not?
- 6. What does your law firm do well in the area of retention of diverse attorneys?
- 7. Is there anything that your law firm could do differently/better to increase the chances of retaining you?
- 8. Have you ever felt like you were treated as a “token” diverse attorney at your firm? Why/why not?
- 9. Describe your law firm’s process for assigning cases/projects to attorneys (free market, you have a coordinator that makes the assignments, and so on).
- 10. Do you feel like the assignment of cases/projects at your law firm is fair?
 - a. If not, what are the factors that make the process unfair?
 - b. Do you feel that race/ethnicity factor into the process being unfair? If so, how?
 - c. What could make the assignment process more fair?
- 11. Do you think white attorneys get better quality cases/projects than you? If yes, why do you believe this?
- 12. Are you satisfied with the current level of responsibility that you have as an associate? If yes, why? If not, why not?
- 13. What is the “culture” like in your firm?
- 14. Do you feel like you have had a different experience at your law firm because of your ethnicity? If yes, in what ways?
- 15. How many other racial/ethnic minority attorneys work at the San Francisco (or Bay area office if you don’t have a San Francisco office) office of your law firm? Out of how many attorneys total?
- 16. Why have other senior racial/ethnic minority associates left your firm?
- 17. Why have other senior racial/ethnic minority associates stayed at your firm, including you?
- 18. Do you see a higher turnover rate among racial/ethnic minority attorneys at your firm as compared to white attorneys? Why do you think that is?
- 19. Have you had mentors in your legal career?

- a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
20. Have you ever mentored others?
- a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
21. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) at your firm/company in your legal career?
- a. If yes, how did you know this person was your sponsor/champion?
 - b. Describe this person(s).
 - c. Did this benefit you in any way? If so, how?

DIVERSE LAW FIRM PARTNERS [12TH–15TH YEAR AND STILL AT THEIR FIRM]

1. What is the partnership track like at your firm?
 - a. Was it made clear to you/explained as a junior/senior associate what it takes to make partner in your firm?
 - b. Do you have sufficient information on the politics and/or unspoken rules of your firm (pathway to partnership, financial contribution requirements for partners, and so on)?
 - c. What is your understanding of all of this?
2. Are you an equity or nonequity partner at your firm?
3. Do you see yourself staying at your firm for the remainder of your legal career? Why/why not?
 - a. What factors play into this decision for you?
4. If you left your current job, would you (and please explain your answer):
 - a. Look for a job at another firm?
 - b. Look for a job at a non-law firm legal job (corporation, government legal, and so on)?
 - c. Leave the legal profession altogether?
5. Does your law firm have any diversity initiatives/programs in place? In your opinion, are they effective? Why/why not?
6. What does your law firm do well in the area of retention of diverse attorneys?
7. Is there anything that your law firm could do differently/better to increase the

chances of retaining you?

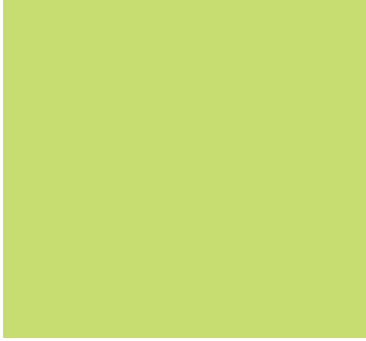
8. Have you ever felt like you were treated as a “token” diverse attorney at your firm? Why/why not?
9. Describe your law firm’s process for assigning cases/projects to attorneys (free market, you have a coordinator that makes the assignments, and so on).
10. Do you feel like the assignment of cases/projects at your law firm is fair?
 - a. If not, what are the factors that make the process unfair?
 - b. Do you feel that race/ethnicity factor into the process being unfair? If so, how?
 - c. What could make the assignment process more fair?
11. Do you think white attorneys get/got better quality cases/projects than you? If yes, why do you believe this?
12. Are you satisfied with the current level of responsibility that you have as a partner? If yes, why? If not, why not?
13. Do you serve on any committees within your firm? If not, why not? If so, please list the committees on which you serve/have served.
14. What is the “culture” like in your firm?
15. Do you feel like you have had a different experience at your law firm because of your ethnicity? If yes, in what ways?
16. How many other racial/ethnic minority attorneys work at the San Francisco (or Bay area office if you don’t have a San Francisco office) office of your law firm? Out of how many attorneys total?
17. Why have other racial/ethnic minority partners left your firm?
18. Why have other racial/ethnic minority partners stayed at your firm, including you?
19. Do you see a higher turnover rate among racial/ethnic minority attorneys at your firm as compared to white attorneys? Why do you think that is?
20. Have you had mentors in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
21. Have you ever mentored others?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
22. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) at your firm/company in your legal career?
 - a. If yes, how did you know this person was your sponsor/champion?

- b. Describe this person(s).
 - c. Did this benefit you in any way? If so, how?
23. Describe why you think you have been as successful as you have at your law firm.

DIVERSE LAW FIRM LEADERS [MANAGING PARTNERS, HEADS OF PRACTICE GROUPS, RAINMAKERS]

1. How long have you worked at your current firm?
2. How long have you been in your leadership role (managing partner, head of practice group, rainmaker)?
3. Have you ever worked at other law firms before your current law firm?
 - a. If yes, which firms and what positions did you hold at those firms?
4. Do you sit (or have you ever sat) on any of the “power” committees in your firm (Partnership Evaluation/Promotion Committee, Partner Compensation Committee, Executive/Management Committee, and so on)?
 - a. Do you know of any other racial/ethnic minority partners who serve/have served on any of these committees? If yes, please describe demographics and numbers.
5. Does your law firm have any diversity initiatives/programs in place?
 - a. Please describe them.
 - b. Are they effective? Why/why not?
6. Does your firm have a Diversity Committee or some other formalized diversity-focused group in place? If yes:
 - a. How is it structured?
 - b. Who chairs and sits on the committee (role in firm, job titles, and so on)?
7. Does your firm have a Diversity Director, Diversity Manager, that is, someone who has as part of their job description the responsibility of diversity efforts?
8. Does your firm have any diversity-related goals? If no, why not? If yes:
 - a. What are a few examples of these goals?
 - b. Are the goals written and shared firmwide?
 - c. Are there metrics set as part of these goals?
 - d. Are partners given incentives or given additional compensation for mentoring and advancing diversity in your firm? —If yes, how so?
9. How many other racial/ethnic minority attorneys work at the San Francisco (or Bay area office if you don’t have a San Francisco office) office of your law firm? Out of how many attorneys total?
10. Do you see a higher turnover rate among racial/ethnic minority attorneys at your firm as compared to white attorneys? Why do you think that is?

11. Why have other racial/ethnic minority partners left your firm?
12. Why have other racial/ethnic minority partners stayed at your firm, including you?
13. What does your law firm do well in the area of retention of racial/ethnic minority attorneys?
14. Is there anything that your law firm could do differently/better to increase the chances of retaining you?
15. Do you have examples of efforts that worked well to retain racial/ethnic minority attorneys at prior firms where you worked? Please describe.
16. What factors do you think have contributed to your success in private law firm practice in a majority-owned firm?
17. Have you ever felt like you were treated as a “token” diverse attorney at your firm? Why/why not?
18. Do you feel like you have had a different experience at your law firm because of your ethnicity? If yes, in what ways?
19. Have you had mentors in your legal career?
 - a. Describe the mentors you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentors (formal mentoring programs, and so on)?
 - c. Were your mentors effective? If yes, why? If not, why not?
20. Have you ever mentored others?
 - a. Describe the mentees that you have had (demographics, role/position, and so on).
 - b. How did you get connected with your mentees (formal mentoring programs, and so on)?
 - c. Were these relationships effective/successful? If yes, why? If not, why not?
21. Have you had sponsors/champions (someone who goes to bat for you within the firm/company, even when you are not in the room) at your firm/company in your legal career?
 - a. If yes, how did you know this person was your sponsor/champion?
 - b. Describe this person(s).
 - c. Did this benefit you in any way? If so, how?



ONLINE SURVEY QUESTIONS

Demographic Survey of Law Firms and Government Agencies

Thank you for participating in this survey sponsored by The Bar Association of San Francisco's (BASF) Goals and Timetables Study on Diversity in San Francisco's legal community. Since 1989, BASF has collected data on the diversity of attorneys in San Francisco's legal community. Your participation in this survey is an important part of this ongoing research. The names of the law firms and government agencies participating in this survey will not be disclosed to the public.

1. Which of the following most closely describes your organization?
 - Law firm
 - Government agency
 - Business/corporation with in-house attorneys
 - Nonprofit with in-house attorneys
 - OTHER—If OTHER, please explain: _____

2. Approximately how many attorneys are employed in your law firm's/organization's San Francisco office?
 - 1 to 10
 - 11 to 25
 - 26 to 50
 - 51 to 100
 - 101 to 500
 - More than 500

3. Does your firm have offices outside of San Francisco?
 - Yes
 - No

4. Approximately how many attorneys are employed in your law firm's/organization's national and/or all international offices combined?
 - 1 to 10
 - 11 to 25

- 26 to 50
 - 51 to 100
 - 101 to 500
 - 501 to 1,000
 - More than 1,000
5. Is your government agency a municipal, county, state, or federal agency?
- Municipal agency
 - County agency
 - State agency
 - Federal agency
 - OTHER—If OTHER, please explain: _____
6. Approximately how many attorneys are employed in your agency's San Francisco office?
- 1 to 10
 - 11 to 25
 - 26 to 50
 - 51 to 100
 - 101 to 500
 - 501 to 1,000
 - More than 1,000
7. Does your agency have offices outside of San Francisco?
- Yes
 - No
8. If Yes, approximately how many total attorneys are employed by your agency (including attorneys employed in your San Francisco offices)?
- 1 to 10
 - 11 to 25
 - 26 to 50
 - 51 to 100
 - 101 to 500
 - 501 to 1,000
 - More than 1,000
9. Approximately how many attorneys are employed in your company's San Francisco office?
- 1 to 10
 - 11 to 25
 - 26 to 50
 - 51 to 100
 - 101 to 500

- 501 to 1,000
- More than 1,000

10. Does your organization have offices outside of San Francisco?
- Yes
 - No
11. If Yes, approximately how many total attorneys are employed by your company (including attorneys employed in your San Francisco offices)?
- 1 to 10
 - 11 to 25
 - 26 to 50
 - 51 to 100
 - 101 to 500
 - 501 to 1,000
 - More than 1,000

Now we'd like to ask you a few questions about the diversity of the attorneys who are employed with your firm, organization, or agency. While we are interested in learning about the diversity of your legal staff with respect to gender, race, ethnicity, sexual preference, and disability, we are also interested in whether your firm/organization/agency maintains records that allow for a reasonably accurate census of attorneys with respect to gender, race, ethnicity, sexual orientation, and disability. The data that is collected will be aggregated and kept confidential and will only be used for the purposes of this study and future comparative studies conducted by BASF.

12. Does your firm/company/agency collect and maintain data that can be used to determine the percentage of women attorneys who are employed there?
- Yes
 - No
13. If Yes, approximately what is the percentage of women attorneys employed in your San Francisco office?
- 0% of the attorneys in the San Francisco office are women
 - 1% to 5% of the attorneys in the San Francisco office are women
 - 6% to 10% of the attorneys in the San Francisco office are women
 - 11% to 25% of the attorneys in the San Francisco office are women
 - 26% to 50% of the attorneys in the San Francisco office are women
 - 51% to 75% of the attorneys in the San Francisco office are women
 - More than 75% of the attorneys in the San Francisco office are women
14. Does your firm/company/agency collect and maintain data that can be used to determine the number of attorneys who have a disability?
- Yes

- No
15. If Yes, approximately what is the percentage of attorneys employed in your San Francisco office who have a disability?
- 0% of the attorneys in the San Francisco office have a disability
 - 1% to 5% of the attorneys in the San Francisco office have a disability
 - 6% to 10% of the attorneys in the San Francisco office have a disability
 - 11% to 25% of the attorneys in the San Francisco office have a disability
 - 26% to 50% of the attorneys in the San Francisco office have a disability
 - 51% to 75% of the attorneys in the San Francisco office have a disability
 - More than 75% of the attorneys in the San Francisco office have a disability
16. Does your firm/company/agency collect and maintain data that can be used to determine the number of attorneys who identify as gay, lesbian, or bisexual?
- Yes
 - No
17. If Yes, approximately what is the percentage of attorneys employed in your San Francisco office who identify as gay, lesbian, or bisexual?
- 0% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - 1% to 5% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - 6% to 10% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - 11% to 25% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - 26% to 50% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - 51% to 75% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
 - More than 75% of the attorneys in the San Francisco office identify as gay, lesbian or bisexual
18. Does your firm/company/agency collect and maintain data that can be used to determine the number of attorneys who are transgender?
- Yes
 - No
19. If Yes, approximately what is the percentage of attorneys employed in your San Francisco office who are transgender?
- 0% of the attorneys in the San Francisco office are transgender
 - 1% to 5% of the attorneys in the San Francisco office are transgender
 - 6% to 10% of the attorneys in the San Francisco office are transgender

- 11% to 25% of the attorneys in the San Francisco office are transgender
- 26% to 50% of the attorneys in the San Francisco office are transgender
- 51% to 75% of the attorneys in the San Francisco office are transgender
- More than 75% of the attorneys in the San Francisco office are transgender

20. Does your firm/company/agency collect and maintain data that can be used to determine the number of attorneys who are members of racial or ethnic minority groups?

- Yes
- No

21. If Yes, approximately what is the percentage of attorneys employed in your San Francisco office who are members of racial or ethnic minority groups (that is, attorneys who are not white)?

- 0% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- 1% to 5% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- 6% to 10% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- 11% to 25% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- 26% to 50% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- 51% to 75% of the attorneys in the San Francisco office are members of racial/ethnic minority groups
- More than 75% of the attorneys in the San Francisco office are members of racial/ethnic minority groups

22. Does your firm/company/agency maintain records that can be used to determine whether attorneys are members of multiple groups that are traditionally underrepresented in the legal profession? (Examples: women with a disability, gay men of Asian descent, etc.)

- Yes
- No

Please provide us with reasons why data like this cannot be determined, or some of the challenges you face in collecting data that would allow you to determine whether attorneys belong to more than one of the traditionally underrepresented groups.

23. How is the data on individuals who are members of multiple groups collected?

24. Are there any additional issues that you wish to raise or mention that were not ad-

dressed in this survey?

- Yes
- No

25. If Yes, what additional issues do you think that this survey should have addressed?

Thank you for completing this survey for The Bar Association of San Francisco's Goals and Timetables Study.

Demographic Survey of Attorneys

Thank you for participating in this survey for The Bar Association of San Francisco's Goals and Timetables Study on Diversity in San Francisco's legal community. Since 1989, BASF has collected data on the diversity of attorneys in San Francisco's legal community. Your participation in this survey is an important part of this ongoing research. Your participation in this survey will not be disclosed to the public. Only aggregated data will be used for purposes of this report.

1. Please describe your ethnic identity: _____

2. What is your racial identity?
(These categories are provided by the United States Census for analytical purposes. Please check the one that most closely describes your racial identity. There is a question regarding multiracial or multiethnic identity later in this questionnaire, and you will have an opportunity to describe your racial identity later in this questionnaire.)
 - American-Indian or Alaska Native
 - Asian or Asian American
 - Black or African-American
 - Latino or Hispanic
 - Middle-Eastern, Persian, Arab-American, or North African
 - Native Hawaiian or Other Pacific Islander
 - White (Caucasian or a descendant from one of the countries of Europe)
 - Other Racial Identity—If Other Racial Identity, please describe:

3. If the racial identity categories in question 2 do not accurately reflect your racial identity, please explain why. Also provide how you would categorize your racial identity. _____

4. Do you consider yourself biracial or multiracial?
 - Yes
 - No

5. If yes, which races do you belong to? _____
6. If you identify as Asian or Asian American which of the following subgroups do you belong to or identify with (please check all that apply)?
- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Asian Indian | <input type="checkbox"/> Laotian |
| <input type="checkbox"/> Bangladeshi | <input type="checkbox"/> Pakistani |
| <input type="checkbox"/> Cambodian | <input type="checkbox"/> Sri Lankan |
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Taiwanese |
| <input type="checkbox"/> Filipino | <input type="checkbox"/> Thai |
| <input type="checkbox"/> Hmong | <input type="checkbox"/> Vietnamese |
| <input type="checkbox"/> Indonesian | <input type="checkbox"/> Other Asian—If Other Asian, please describe: |
| <input type="checkbox"/> Japanese | _____ |
| <input type="checkbox"/> Korean | |
7. If you identify as Black or African-American, which of the following apply to you (please check all that apply)?
- Afro-Caribbean (having at least one parent from one of the Caribbean Islands)
 - First-generation American (having at least one parent from outside the United States)
 - Second-generation American (having at least one grandparent from one of the countries in Africa)
 - A descendant of someone (for example, a great-great grandparent) who was enslaved in the Americas
 - Other Black or African-American—If Other Black or African-American, please describe: _____
8. If you identify as Latino or Hispanic, from which of the following countries do you descend? (please check all that apply)?
- | | |
|---|--|
| <input type="checkbox"/> Argentina | <input type="checkbox"/> Honduras |
| <input type="checkbox"/> Belize | <input type="checkbox"/> Mexico |
| <input type="checkbox"/> Bolivia | <input type="checkbox"/> Nicaragua |
| <input type="checkbox"/> Brazil | <input type="checkbox"/> Panama |
| <input type="checkbox"/> Chile | <input type="checkbox"/> Paraguay |
| <input type="checkbox"/> Colombia | <input type="checkbox"/> Peru |
| <input type="checkbox"/> Costa Rica | <input type="checkbox"/> Suriname |
| <input type="checkbox"/> Ecuador | <input type="checkbox"/> Uruguay |
| <input type="checkbox"/> El Salvador | <input type="checkbox"/> Venezuela |
| <input type="checkbox"/> Falkland Islands | <input type="checkbox"/> Other Latin American Country—If Other, please describe: |
| <input type="checkbox"/> French Guiana | _____ |
| <input type="checkbox"/> Guatemala | |
| <input type="checkbox"/> Guyana | |

9. If you identify as Middle-Eastern, Persian, Arab-American, or North African, from which of the following countries do you descend?

- | | |
|-----------------------------------|---|
| <input type="checkbox"/> Algeria | <input type="checkbox"/> Qatar |
| <input type="checkbox"/> Bahrain | <input type="checkbox"/> Saudi Arabia |
| <input type="checkbox"/> Djibouti | <input type="checkbox"/> Syria |
| <input type="checkbox"/> Egypt | <input type="checkbox"/> Tunisia |
| <input type="checkbox"/> Iran | <input type="checkbox"/> United Arab Emirates |
| <input type="checkbox"/> Iraq | <input type="checkbox"/> West Bank and Gaza |
| <input type="checkbox"/> Israel | <input type="checkbox"/> Yemen |
| <input type="checkbox"/> Jordan | <input type="checkbox"/> Other Middle-Eastern, Persian, Arab-American, or North African—If Other Middle-Eastern, Persian, Arab-American, or North African, please describe: |
| <input type="checkbox"/> Kuwait | _____ |
| <input type="checkbox"/> Lebanon | |
| <input type="checkbox"/> Libya | |
| <input type="checkbox"/> Malta | |
| <input type="checkbox"/> Morocco | |
| <input type="checkbox"/> Oman | |

10. If you identify as Native Hawaiian or Other Pacific Islander, from which of the following Pacific Islands do you descend?

- | | |
|---|---|
| <input type="checkbox"/> Federated States of Micronesia | <input type="checkbox"/> Solomon Islands |
| <input type="checkbox"/> Fiji | <input type="checkbox"/> Tonga |
| <input type="checkbox"/> Hawaiian Islands (Oahu, Kauai, Maui, etc.) | <input type="checkbox"/> Tuvalu |
| <input type="checkbox"/> Kiribati | <input type="checkbox"/> Vanuatu |
| <input type="checkbox"/> Marshall Islands | <input type="checkbox"/> Other Pacific Island—If Other Pacific Island, please describe: |
| <input type="checkbox"/> Palau | _____ |

11. What is your gender identity?

- Male
- Female
- Neither Male nor Female

12. If Neither Male nor Female, which of the following most accurately reflects your gender identity?

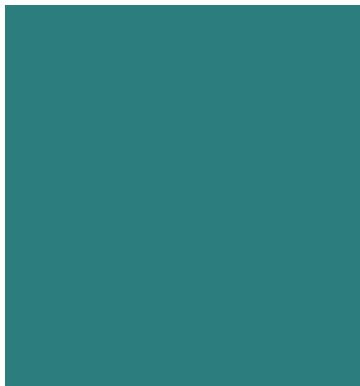
- | | |
|--|---|
| <input type="checkbox"/> Agender/Neutrois | <input type="checkbox"/> Genderqueer |
| <input type="checkbox"/> Androgyne/Androgynous/Pangender | <input type="checkbox"/> Intersex |
| <input type="checkbox"/> Bigender | <input type="checkbox"/> Male to Female |
| <input type="checkbox"/> Female to Male | <input type="checkbox"/> Nonbinary |
| <input type="checkbox"/> Gender Fluid | <input type="checkbox"/> Other Gender Identity—If Other Gender Identity, please describe: _____ |
| <input type="checkbox"/> Gender Nonconforming | |
| <input type="checkbox"/> Gender Questioning | |

13. With regard to your sexual orientation, do you identify as:
- Heterosexual
 - Bisexual
 - Gay
 - Lesbian
 - I prefer not to answer
 - Other—If Other please describe: _____
14. With regard to your sexual orientation, are you out professionally? (Please remember that this survey is confidential.)
- Yes
 - No
 - I prefer not to answer
15. Have you ever received a reasonable accommodation for a disability for a bar exam or in the work place?
- Yes
 - No
- If Yes, why did you request an accommodation? _____
16. Have you ever requested a reasonable accommodation for a disability for a bar exam or in the work place, and not received it?
- Yes
 - No
- If yes, why did you request an accommodation, and to the best of your knowledge, why was your request denied? _____
17. How many primary parents, caregivers, or guardians did you have while growing up?
- 1 Parent (single parent household)
 - 2 Parents
 - Other—If Other, please describe: _____
18. If you were raised by a single parent, who was it that raised you?
- Your mother
 - Your father
 - Other female relative
 - Other male relative
 - Female who was not related
 - Male who was not related
19. What was the last year of school that your mother (or female guardian who raised you) completed?
- Did not complete high school

- High school graduate
 - Technical training/associate's degree
 - Some college
 - College graduate
 - Some postgraduate training
 - Postgraduate degree
 - I don't know
20. What was the last year of school that your father (or male guardian who raised you) completed?
- Less than high school
 - High school graduate
 - Technical training/associate's degree
 - Some college
 - College graduate
 - Some postgraduate training
 - Postgraduate degree
 - I don't know
21. Are you the first in your immediate family to attend college?
- Yes
 - No
22. Are you the first in your extended family to attend college?
- Yes
 - No
23. Are there others in your immediate family who attended law school or practiced law?
- Yes
 - No
24. Are there others in your extended family who attended law school or practiced law?
- Yes
 - No
25. Would you characterize your upbringing as economically disadvantaged?
- Yes
 - No
- If yes, please describe: _____
26. What was the year of your graduation from law school? (Please enter a 4-digit year only.) _____

27. Approximately how many employers have you worked with since you graduated from law school? (Employers include self-employment.)
- 1 employer since law school graduation
 - 2 employers since law school graduation
 - 3 employers since law school graduation
 - 4 employers since law school graduation
 - 5 employers since law school graduation
 - 6 or more employers since law school graduation
28. Which of the following most closely describes your current employer?
- Law firm
 - In-house counsel with a business/corporation/nonprofit organization
 - Governmental agency (includes federal, state, county, city, or other municipality)
 - Other—If Other, please describe: _____
29. If you are employed with a law firm, what is your position within the firm?
- Associate
 - Of counsel
 - Nonequity partner
 - Equity partner
 - Other—If Other, please explain: _____
30. How many years have you been employed with your current employer?
- I am not employed right now
- Less than 1 year
 - Between 1 and 3 years
 - Between 3 and 5 years
 - Between 5 and 8 years
 - Between 8 and 12 years
 - Between 12 and 15 years
 - More than 15 years

Thank you for completing this survey for The Bar Association of San Francisco's Goals and Timetables Study.



HISTORY OF THE GOALS AND TIMETABLES FOR MINORITY HIRING AND ADVANCEMENT

1986 Equality Committee Established

The Bar Association of San Francisco (BASF) established in 1986 the Committee on Equality, whose mandate was to study and make recommendations to the Board of Directors with respect to the elimination of barriers to the advancement of minorities and women in the San Francisco legal community.

1989 Goals and Timetables for Minority Hiring and Advancement Adopted

On June 14, 1989, the Board of Directors of The Bar Association of San Francisco adopted a set of Goals and Timetables for Minority Hiring and Advancement as the lynchpin of its efforts to advance the progress of racial and ethnic minorities in the San Francisco legal community.

Ultimately adopted by more than one hundred San Francisco legal employers, the goals and timetables set target dates and corresponding percentages of minority attorneys sought to be employed by those dates within a subscribing organization’s total attorney population in San Francisco.

The goals established in 1989 are revisited every five years with new goals established. Following are the goals and timetables for the respective reporting periods:

Target Date	Percentage of Associates/ Junior Corporate Counsel	Percentage of Partners/Senior Corporate Counsel	Percentage of African American/ Latino Associates
1995	15%	5%	N/A
2000	25%	10%	N/A
2005	35%	12%	N/A
2010	37%	15%	9%

New Goals Expanded to Include the Bay Area

2000

In 2000, in order to evaluate a 1999 report's findings and adopt an appropriate future action plan, the BASF Board of Directors, led by then-President Fred W. Alvarez, established a blue-ribbon Diversity Task Force cochaired by James Brosnahan, Raymond Marshall, Kevin Fong, and Judge Yvonne Gonzalez Rogers. The task force also included law professors, general counsel, legal department chairs, and minority leaders.

The task force's ultimate recommendations acknowledged that any meaningful employment initiative, including new goals, must embrace the broader Bay Area, including Silicon Valley, as reflective of the enlarged and fluid labor market and the expanding offices of legal employers.

Based on the legal community's past performance, as well as on extensive law school population and other applicant flow projections, together with an overriding determination to reaffirm the Bay Area's passionate commitment to diversity, the BASF Board of Directors unanimously passed the committee's recommendations for adoption of the new goals and timetables for 2005.

Report Added Latinos and African American Goals

2005

Again in 2005, then-President James Finberg called upon the Diversity Task Force, led by Chair Bill Lann Lee, to conduct interviews with Bay Area legal organizations in the ongoing effort to chart the progress of San Francisco's legal employers to diversify their attorney workforce.

The published report found, measured against either the legal profession nationally or the state of the San Francisco legal community in 1989, the progress of the San Francisco legal community was outstanding. In 1990, only 10 percent of associates and 3 percent of partners in San Francisco firms were minorities. With the benefit of 15 years of goals and timetables, those numbers rose in 2005 to 24 percent of associates and 7 percent of partners overall and 27 percent of associates and 8 percent of partners in large firms. Those numbers were far ahead of the national figures of 15 percent of associates and 4 percent of partners.

Measured against either California's census statistics, or BASF's own 2005 goals, however, it was clear that there was much more work left to do. According to the 2000 census, members of minority groups composed 54 percent of California's population. BASF's goals for 2005 were that 35 percent of associates and 12 percent of partners be attorneys of color. The task force raised the 2010 goals to 37 percent for associates and 15 percent for partners.

The report also proposed, for the first time, specific goals for African American and Latino associates. Report authors Finberg and Lee wrote, "We cannot ignore or hide the reality

that the percentages of African American and Latino associates of San Francisco legal employers are only 5 percent and 4 percent respectively—very similar to the low national numbers. We must address that problem directly. As Charles Morgan, the former general counsel of Bell South, wrote, ‘The things that are measured get done.’”

The report called for legal organizations to reaffirm their commitment to diversity, and more than one hundred responded by signing on to the 2010 goals and timetables.

2010 Focused on Keys to Making Partner

The report in 2010 took a turn from purely studying statistics to focusing on minority partners within law firms in an effort to determine keys to success for those who have made partner. Minority partners, in-house counsel, and managing partners were interviewed over several months, and a task force, led by then-President Arturo González, compiled notes from the interviews, wrote summaries, and presented recommendations. The material was turned into the *Bottom Line Partnership Task Force Report* and was released on November 16, 2010, as part of a half-day conference in San Francisco.

2015 25th Anniversary Report Adds Three New Areas of Study

After the 2013 Unmasking Diversity Summit, BASF’s Equality Committee Cochairs Paul Henderson, Miriam Montesinos, Vidhya Prabhakaran, and Quyen Ta felt that the numbers were not working and that it was time to get to the “heart” of the issues. They believed old approaches impeded success in the advancement of diversity in the legal profession.

So they culled three new categories they felt needed further exploration: ethnic subgroups, intersectionality, and retention. The resulting *2015 Goals and Timetables for Minority Hiring, Advancement, and Retention Report* incorporates timely data, but also goes above and beyond by analyzing results from in-person interviews and an online survey.

Now, 25 years after the initial goals were established, there is still a lot of work to be done by the entire Bay Area legal community. It is hoped that the recommendations made in the 2015 report will translate to increased diversity numbers in the 2020 report.

All goals and timetables reports are located online at www.sfbar.org/2015-goals-timetables.





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