

Second Annual Report on Diversity in the Legal Profession

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The Greenlining Institute produces an annual report that grades the major California law firms based on their Asian American, Latino and African American representation at both the partner and associate levels. As the 2008 report shows, California law firms continue to perform poorly in diversity measures across the board. In fact, major California law firms fail miserably in representing California's diverse populations, on average falling substantially below population parity for Latino and African American associates and partners as well as Asian American partners. Minority representation at the partner level is particularly egregious and alarming. The lack of diversity in California law firms has a far reaching impact on access to justice, as well as economic development in low-income and minority communities. Despite the attention given to this issue over the past 10 years, there is still a tremendous amount of action that needs to be taken by law firms to increase the recruitment, hiring, and promotion of diverse attorneys.

The Best and the Worst in Law Firm Diversity

California is a minority-majority state, with Asian Americans, Latinos, and African Americans comprising over 50% of the population. Unfortunately, major California law firms are drastically insufficient in reflecting California's diverse communities and have shown little to no progress in recent years.

The fundamental importance of the legal profession in today's society is undeniable. Lawyers offer services that are essential for all Californians, but are particularly critical for low-income and minority communities. Lawyers provide crucial access to the tools and expertise needed to ensure that individual rights are protected and avenues for advancement available to all. Attorneys are also influential players in economic, social and political circles.

If minorities are not adequately represented within the legal profession, access to justice and opportunity will continue to be allusive for California's low-income and minority communities.

Further, by failing to improve minority representation in the legal profession and diversify the educational pipeline, law firms stifle economic development in minority and low-income communities. In this way, the effects of the legal profession's poor record on diversity are far reaching and directly affect the inequality of opportunity for low-income and minority communities.

Greenlining Ranks the 15 Major California Law Firms—Poor Performance Overall

Concerns over the lack of diversity in the legal profession are not new. For decades, there has been talk of the dismal levels of diversity in the legal profession and the need for proactive measures to be taken to address the problem. Unfortunately, while there have been some notable increases in minority representation in the legal profession over the past ten to fifteen years, progress has been stagnant as of late. Despite greater attention around the issue, there was little

to no progress in law firm diversity between 2007 and 2008. In fact, many firms actually saw decreases in key categories such as Latino and African American partners and associates.

Law firms in California do an inadequate job of reflecting the diversity of the state, particularly when compared to other industries such as financial services, energy and telecommunications. Though most firms perform very well in employing Asian American associates, there are no other categories where more than one firm reached population parity. Even more, the large majority of firms fall below 50% of population parity in nearly every category.

While there are some firms that do well in certain categories, such as Bingham McCutchen and Skadden Arps Slate Meagher & Flom in meeting or nearly meeting population parity for African American associates, there are no firms that do notably well across the board. The firms that rank at the top for minority representation do so largely through high percentages of Asian American associates, rather than strong performance in all categories.

Latinos Terribly Underrepresented

The lack of Latino representation in large law firms is especially alarming. California's population is approximately 36% Latino. Yet the 15 law firms in this study clustered around 3-8% for Latino associates and much worse than that for Latino partners. As such, most firms are only at approximately 20% or less of population parity for Latino associates. Considering the far reaching legal needs and language barriers that this community faces, such severe underrepresentation must be treated with serious urgency.

Problems Exist in Both Hiring and Promotion

While the lack of diversity is a problem across the board, it is particularly egregious at the partnership level. Overall minority representation at the partner level is horrendous. Even when a firm does relatively well in representation of a particular minority group among associates, there is often a serious decrease in

that group's representation among partners. Some law firms actually have no African American partners and only four firms have more than 3 Latino partners.

Inadequate promotion of minority associates to partnership is an issue even among Asian Americans, a group that is generally well represented among associates. For example, while Pillsbury Winthrop Shaw Pittman has about 26% Asian American associates, it only has 6.5% Asian American partners. This is an unacceptable trend that most law firms unfortunately follow.

Clearly, major California law firms are failing at recruiting and hiring minority associates, as well as retaining and promoting them. Urgent forward-thinking action needs to be taken to ensure that the legal profession is more representative of California's diverse communities.

OVERALL RANKING

Rank	Law Firm
1	Orrick, Herrington & Sutcliffe LLP
2	Wilson Sonsini Goodrich & Rosati
3	Morrison & Forester
4	Skadden, Arps, Slate, Meagher & Flom LLP
5	Latham & Watkins LLP.
6	O'Melveny & Myers LLP
7	Paul, Hastings, Janofsky & Walker LLP
8	Pillsbury Winthrop Shaw Pittman LLP
9	Bingham McCutchen LLP
10	Allen Matkins Leck Gamble Mallory & Natsis LLP
11	DLA Piper LLP
12	Heller Ehrman LLP
13	Cooley Godward Kronish LLP
14	Gibson, Dunn & Crutcher LLP
15	Gordon & Rees

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Minority Attorneys

Overall, minority representation in major law firms in California is **uneven and grossly unsatisfactory**. While there are a few firms who are close to the goal of 40% minority associate representation, most firms are a long way from reaching that goal. It is noteworthy, that none of the firms achieve close to population parity. In fact, all firms have a **significantly disproportionate percentage of minority partners, as compared to minority associates**.

Minority Associates Overall—Ranked by %					
Rank	Law Firm	#Total Assoc	#Minority Assoc	%Minority Assoc	Grade
1	Orrick, Herrington & Sutcliffe LLP	241	88	36.51%	B+
2	Morrison & For-ester LLP	296	104	35.14%	B+
3	Pillsbury Winthrop Shaw Pittman LLP	154	51	33.12%	B
4	Wilson Sonsini Goodrich & Rosati	304	94	30.59%	B
5	Skadden, Arps, Slate, Meagher & Flom LLP	194	58	29.90%	B-
6	Latham & Watkins LLP.	543	157	28.91%	C+
7	O'Melveny & Myers LLP	396	110	27.78%	C+
8	Bingham McCutchen LLP	161	41	25.47%	C+
9	Allen Matkins Leck Gamble Mallory & Natsis LLP	115	29	25.22%	C+
10	Paul, Hastings, Janofsky & Walker LLP	245	60	24.49%	C
11	DLA Piper	169	41	24.26%	C
12	Heller Ehrman LLP	123	28	22.76%	C
13	Cooley Godward Kronish LLP	218	47	21.56%	C-
14	Gibson, Dunn & Crutcher LLP	272	52	19.12%	C-
15	Gordon & Rees	178	28	15.73%	D+

Minority Partners Overall—Ranked by %					
Rank	Law Firm	#Total Partners	#Minority Partners	%Minority Partners	Grade
1	Wilson Sonsini Goodrich & Rosati	137	26	18.98%	C-
2	Paul, Hastings, Janofsky & Walker LLP	122	20	16.39%	C-
3	Orrick, Herrington & Sutcliffe LLP	151	19	12.58%	D
4	Morrison & For-ester LLP	205	25	12.20%	D
5	Bingham McCutchen LLP	126	15	11.90%	D
6	O'Melveny & Myers LLP	147	15	10.20%	D
7	Skadden, Arps, Slate, Meagher & Flom LLP	54	5	9.26%	D-
8	Pillsbury Winthrop Shaw Pittman LLP	152	14	9.21%	D-
9	DLA Piper	190	17	8.95%	D-
10	Latham & Watkins LLP.	214	19	8.88%	D-
11	Cooley Godward Kronish LLP	127	10	7.87%	D-
12	Gibson, Dunn & Crutcher LLP	132	9	6.82%	F
13	Heller Ehrman LLP	103	7	6.80%	F
14	Gordon & Rees	137	9	6.57%	F
15	Allen Matkins Leck Gamble Mallory & Natsis LLP	124	6	4.84%	F

African American Attorneys

Major California firms do **poorly at recruiting and hiring African-American associates and promoting them to the partnership level**. Most firms are at 50% or less of population parity for African-Americans and do not reflect the percentage of African-Americans graduating from major California law schools. Even more, there are **very few African American partners** at major firms.

African American Associates—Ranked by %					
Rank	Law Firm	#Total Assoc	#Af Amer. Assoc.	%Af. Amer. Assoc.	Grade
1	Bingham McCutchen LLP	161	10	6.21%	A
2	Skadden, Arps, Slate, Meagher & Flom LLP	194	9	5.84%	A
3	Orrick, Herrington & Sutcliffe LLP	241	9	3.73%	B+
4	Gordon & Rees	178	6	3.37%	B
5	Heller Ehrman LLP	123	4	3.25%	B
6	Paul, Hastings, Janofsky & Walker LLP	245	7	2.86%	C+
7	O'Melveny & Myers LLP	396	11	2.78%	C+
8	Morrison & For-ester LLP	296	4	2.70%	C+
9	Pillsbury Winthrop Shaw Pittman LLP	154	4	2.60%	C+
10	Allen Matkins Leck Gamble Mallory & Natsis LLP	115	3	2.60%	C+
11	Cooley Godward Kronish LLP	218	4	1.83%	C-
12	DLA Piper	169	3	1.78%	C-
13	Wilson Sonsini Goodrich & Rosati	304	5	1.64%	C-
14	Gibson, Dunn & Crutcher LLP	272	4	1.47%	D+
15	Latham & Watkins LLP.	543	6	1.10%	D

African American Partners—Ranked by %					
Rank	Law Firm	#Total Partners	#Af Amer. Partners	%Af. Amer. Partners	Grade
1	Skadden, Arps, Slate, Meagher & Flom LLP	54	3	5.56%	A
2	Wilson Sonsini Goodrich & Rosati	137	4	2.92%	C+
3	Bingham McCutchen LLP	126	3	2.38%	C
4	Morrison & For-ester LLP	205	4	1.95%	C-
5	Heller Ehrman LLP	103	2	1.94%	C-
6	Paul, Hastings, Janofsky & Walker LLP	122	2	1.64%	C-
7	Latham & Watkins LLP.	214	3	1.40%	D+
8	Orrick, Herrington & Sutcliffe LLP	151	2	1.32%	D+
9	Pillsbury Winthrop Shaw Pittman LLP	152	2	1.32%	D+
10	Gibson, Dunn & Crutcher LLP	132	1	0.80%	D-
11	Allen Matkins Leck Gamble Mallory & Natsis LLP	124	3	0.80%	D-
12	O'Melveny & Myers LLP	147	1	0.70%	D-
13	DLA Piper	190	1	0.50%	F
14	Gordon & Rees	137	0	0%	FF
15	Cooley Godward Kronish LLP	127	0	0%	FF

* The rankings and grades are on a curve. An "A" requires 80% of population parity or better, a "B" requires roughly 60% of population parity or better, a "C" requires roughly 40% of population parity or better, a "D" requires 20% of population parity or better, and an "F" is anything below 15% of population parity.

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Latino Attorneys

Latino Associates—Ranked by %					
Rank	Law Firm	#Total Assoc	# Latino Assoc	%Af. Amer Assoc	Grade
1	Allen Matkins Leck Gamble Mallory & Natsis LLP	115	13	11.30%	C
2	O'Melveny & Myers LLP	396	35	8.84%	D+
3	Morrison & For-ester LLP	296	25	8.45%	D+
4	Orrick, Herrington & Sutcliffe LLP	241	15	6.22%	D
5	Bingham McCutchen LLP	161	10	6.21%	D
6	Gordon & Rees	178	11	6.18%	D
7	DLA Piper	169	9	5.36%	D
8	Latham & Watkins LLP.	543	29	5.34%	D
9	Gibson, Dunn & Crutcher LLP	272	13	4.78%	D-
10	Pillsbury Winthrop Shaw Pittman LLP	154	7	4.55%	D-
11	Skadden, Arps, Slate, Meagher & Flom LLP	194	8	4.12%	D-
12	Cooley Godward Kronish LLP	218	8	3.67%	F
13	Paul, Hastings, Janofsky & Walker LLP	245	9	3.67%	F
14	Heller Ehrman LLP	123	4	3.25%	F
15	Wilson Sonsini Goodrich & Rosati	304	9	2.96%	F

Latino Partners—Ranked by %					
Rank	Law Firm	#Total Partners	#Latino Partners	%Latino Partners	Grade
1	Wilson Sonsini Goodrich & Rosati Paul, Hastings, Janofsky & Walker LLP	137	8	5.84%	D
2	Latham & Watkins LLP.	214	10	4.67%	D-
3	Morrison & For-ester LLP	205	7	3.41%	F
4	Allen Matkins Leck Gamble Mallory & Natsis LLP	124	3	2.42%	F
5	Cooley Godward Kronish LLP	127	3	2.36%	F
6	Gibson, Dunn & Crutcher LLP	132	3	2.27%	F
7	Gordon & Rees	137	3	2.19%	F
8	O'Melveny & Myers LLP	147	3	2.04%	F
9	Orrick, Herrington & Sutcliffe LLP	151	3	1.99%	F
10	Heller Ehrman LLP	103	2	1.94%	F
11	Skadden, Arps, Slate, Meagher & Flom LLP	54	1	1.85%	F-
12	Bingham McCutchen LLP	126	2	1.59%	F
13	Pillsbury Winthrop Shaw Pittman LLP	152	2	1.32%	F
14	DLA Piper	190	2	1.05%	F

With respect to population parity, law firms **perform the poorest with respect to both Latino associate and partner representation.** While Latinos make up approximately 27% of California's population, few firms make it to even 30% of population parity, and most do much worse. Considering the **size of California's Latino population,** these numbers are especially alarming and unacceptable.

Asian American Attorneys

Asian American Associates—Ranked by %					
Rank	Law Firm	#Total Assoc	#As.Amer Assoc	%As. Amer Assoc	Grade
1	Wilson Sonsini Goodrich & Rosati	304	80	26.30%	A
2	Orrick, Herrington & Sutcliffe LLP	241	64	26.56%	A
3	Pillsbury Winthrop Shaw Pittman LLP	154	40	25.97%	A
4	Morrison & For-ester LLP	296	71	23.99%	A
5	Skadden, Arps, Slate, Meagher & Flom LLP	194	41	21.13%	A
6	Latham & Watkins LLP.	543	112	20.63%	A
7	Paul, Hastings, Janofsky & Walker LLP	245	44	17.96%	A
8	DLA Piper	169	29	17.16%	A
9	Heller Ehrman LLP	123	20	16.26%	A
10	O'Melveny & Myers LLP	396	64	16.16%	A
11	Cooley Godward Kronish LLP	218	35	16.06%	A
12	Bingham McCutchen LLP	161	21	13.04%	A
13	Gibson, Dunn & Crutcher LLP	272	35	12.87%	A
14	Allen Matkins Leck Gamble Mallory & Natsis LLP	115	13	11.30%	A
15	Gordon & Rees	178	11	6.18%	B-

Asian American Partners—Ranked by %					
Rank	Law Firm	#Total Partners	#As Amer. Partners	%As. Amer Partners	Grade
1	Wilson Sonsini Goodrich & Rosati	137	14	10.22%	A
2	Orrick, Herrington & Sutcliffe LLP	151	14	9.27%	A
3	Paul, Hastings, Janofsky & Walker LLP	122	11	9.01%	A
4	Bingham McCutchen LLP	126	10	7.93%	B
5	O'Melveny & Myers LLP	147	11	7.48%	B
6	DLA Piper	190	14	7.37%	B
7	Morrison & For-ester LLP	205	14	6.83%	B-
8	Pillsbury Winthrop Shaw Pittman LLP	152	10	6.58%	B-
9	Cooley Godward Kronish LLP	127	7	5.51%	C+
10	Gordon & Rees	137	6	4.38%	C
11	Heller Ehrman LLP	103	3	2.91%	D
12	Latham & Watkins LLP.	214	6	2.80%	D
13	Gibson, Dunn & Crutcher LLP	132	5	2.16%	D
14	Skadden, Arps, Slate, Meagher & Flom LLP	54	1	1.85%	F
15	Allen Matkins Leck Gamble Mallory & Natsis LLP	124	2	1.61%	F

Asian Americans fare best overall among minorities. Most of the law firms actually surpass by a large degree population parity for Asian-American associates. With that said, there is **a significant decline in the promotion of Asian-American associates to the partnership level.** While law firms achieve high results in recruiting and hiring Asian American associates, they seem unable to likewise retain and promote these same attorneys.

Recommendations

While there has been increasing attention given to the lack of diversity in the legal profession, it is critical that this *talk is matched with action*. Even more, this action must be backed by concrete goals, proactive leadership, and the dedication of sustained resources and energy in order to be successful. The legal profession as a whole must look internally and externally to improve diversity by both changing policies within and supporting efforts to expand the legal education pipeline for diverse students.

Set Concrete Goals and Develop a Plan to Meet Them

The Greenlining Institute recommends that law firms set the following goals to reach by 2012:

- A goal of 40% for minority associates, including sub-goals of 5% African American associates, 20% Asian American associates, and 15% for Latino associates.
- A goal of 25% for minority partners, including sub-goals of 5% for African American partners, 10% for Asian American partners, 10% for Latino partners.

These goals only require law firms to work towards reaching a modest 75% of population parity for associates and approximately 40% for partners. While many California law firms are failing to meet these goals, they are not unreachable considering the percentage of minority law school students entering and graduating from California's top law schools each year.

Expand the Hiring of Minority Attorneys

Of course, the first step in increasing diversity in major law firms must be recruiting and hiring more minority attorneys. There are a number of ways that firms can do this:

- Develop relationships with minority law student organizations and hold events and activities for potential minority applicants.
- Introduce minority interviewees to senior partners and make special efforts to pair minority applicants with potential mentors.
- Augment interviewing at law schools with significant minority student populations and use expanded criteria in hiring.
- Work with minority bar associations to identify and hire minority lateral attorneys.
- Count retention and recruitment activities as pro bono hours.
- Participate in the California Minority Counsel Program.

Retain and Promote Minority Associates

While law firms have not done a good job of recruiting and hiring minority associates, they have done even worse at promoting the minority associates they do have. Law firms need to look closely at why minority associates are not being retained and promoted at the same rates as non-minority associates. In particular, law firms should:

- Above all, promote minority associates at the same rate as non-minority associates and perform evaluations to ensure it happens.
- Create mentoring programs for minority associates.
- Make retention and recruitment activities part of the annual review.
- Provide minority attorneys with substantive assignments, significant responsibility, and the opportunity work with senior partners.
- Expand pro bono hours with underserved communities.

Create a Diversity Committee

Many firms, particularly ones that have been more successful in improving diversity, have created diversity committees. The diversity committee should be composed of partners and associates and be led by a managing partner, senior partner or executive. A diversity committee in conjunction with a Chief Diversity Officer can:

- Develop a mission statement and formal goals and oversee the implementation and evaluation of recruitment and retention activities.
- Analyze the firm's diversity practices and deficits.
- Work with outside consultants to assist in diversification.

Support Efforts to Diversify the Legal Community

Law firms must lead the charge in creating the diverse legal workforce for the future. This requires focusing on the expansion of opportunities impacting the P-20 educational pipeline.

- Support and/or develop minority scholarship programs, such as the Minority Law Student Scholarship program and other local efforts.
- Develop or support programs where associates and partners can work closely with students as mentors or counselors.

It is critical that California have a legal community that reflects its diversity as a state. 2008 saw little to no progress in increasing diversity in California law firms. Yet if California law firms take immediate and proactive steps, there is no reason why significant strides cannot be made.



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