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THE BAR ASSOCIATION OF SAN FRANCISCO

BOTTOM LINE PARTNERSHIP TASK FORCE REPORT



**PROVEN FORMULAS FOR SUCCESS:
Confronting the Underrepresentation
of Partners of Color in Law Firms**



A Supplement to *San Francisco Attorney Magazine*



THE BAR ASSOCIATION OF
SAN FRANCISCO

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THE BOTTOM LINE PARTNERSHIP TASK FORCE

We salute The Bar Association of San Francisco for its continuing efforts to foster diversity and inclusion in the legal profession.

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P R E F A C E

This is the fifth in a series of Goals and Timetable reports by The Bar Association of San Francisco (BASF) relating to the hiring and advancement of lawyers of color in the San Francisco legal community. The findings of this report are both insightful and troubling. Despite years of effort to diversify, there remain few partners of color at San Francisco law firms. While Asian Americans are not well represented as partners in law firms, African American and Latino partners are especially scarce. For that reason, we made an effort to interview all partners in those latter two groups.

To study the underrepresentation of partners of color at San Francisco law firms, BASF formed a committee to examine how those few partners of color “made it” to their current positions. A large group of volunteers interviewed nearly every African American and Latino partner in San Francisco to get their insight on how to succeed in a law firm. In total, 31 African American and 14 Latino partners (or, in some cases, of counsel) were interviewed. [Most of these partners work at law firms with more than 50 lawyers in San Francisco.] In addition, we also interviewed 18 Asian American partners to get their advice on how to succeed in a law firm. Finally, we interviewed 12 law firm managing partners and 10 in-house lawyers of color to get their perspectives on how law firms could improve decision-making in the area of diversity. In summarizing our findings, we focus not only on the problem, but on specific recommendations to improve the status quo, one of the distinguishing features of this report.

The good news is that relatively simple measures can help diversify our profession. Clients must demand diversity to increase the chance of seeing it in their law firms. If law firm leaders reward partners who promote lawyers of color, more partners will cross-sell minority lawyers; and if more partners cross-sell lawyers of color, that will help firms recruit and retain minority lawyers. Our interviews revealed that while many partners of color are thriving, others are not as satisfied. Thus, unless the recommendations of this report are adopted, there could be fewer partners of color in five years than there are now. Our interviews also revealed that in-house lawyers of color are similarly concerned about lack of advancement in their own workplaces. These attorneys stressed that they support diversifying law firms, but many of them are not responsible for selecting law firms. While not the focus of this report, we included tips for in-house counsel because one way to help attorneys of color advance within law firms is for lawyers of color to advance at the clients we serve.

BASF’s goal with this project is to reinvigorate efforts to diversify our profession. We cannot allow diversity fatigue or the economy stop us from achieving this important objective.

I would like to personally thank the many lawyers who volunteered to perform interviews and/or prepare summaries of those interviews. I was especially pleased to see so many young lawyers step up to help with this important project. I would also like to thank the interviewees. I personally interviewed five partners of color and was fascinated by their backgrounds and experiences. And finally, a very special thanks to Jennifer Shoda and Yolanda Jackson for the tremendous and relentless energy and intelligence that they brought to this process.

A handwritten signature in black ink, appearing to read 'Arturo J. González', with a large, stylized initial 'A' and a flourish at the end.

Arturo J. González
BASF President, 2010
Co-Chair, Litigation Department
Morrison & Foerster LLP

ACKNOWLEDGEMENTS

The Bar Association of San Francisco gratefully thanks the members of the Bottom Line Partnership Task Force, listed in Appendix M, and the Task Force Co-Chairs, Jennifer Shoda of Snyder Miller & Orton LLP; Angela Padilla, Deputy General Counsel of VMWare; and Nicole Harris, Counsel of Pacific Gas and Electric Company, for assisting in the preparation of this report.

We also thank the 67 volunteers who conducted the interviews and Tina Paikeday of Talent Advisory Board Inc., for assistance in training the interviewers. (See Appendix L)

BASF is also profoundly appreciative of the 85 partners of color, in-house counsel and managing partners who were interviewed for this project. (See Appendix K)

Finally, BASF thanks Arnold & Porter LLP; Farella Braun + Martel LLP; Fotouhi Epps Hillger Gilroy, P.C.; Jones Day; Kecker & Van Nest LLP; O'Melveny & Myers LLP; Orrick, Herrington & Sutcliffe LLP; Shartsis Friese LLP; Snyder Miller & Orton LLP; Townsend and Townsend and Crew LLP; and Winston & Strawn for their financial support of the November 16, 2010, conference to launch and discuss this report, and Morrison & Foerster LLP for underwriting the cost of printing this report and sponsoring the conference.



BOTTOM LINE PARTNERSHIP TASK FORCE REPORT

I. INTRODUCTION

PREVIOUS BASF REPORTS ON DIVERSITY

In 1986, the American Bar Association surveyed managers of large law firms nationwide and produced a report concluding that “the legal profession remains largely segregated.” In an effort to compare the experiences and perceptions of local lawyers of color to those of their white peers, BASF commissioned a comprehensive survey of minority hiring and advancement in the San Francisco legal community. Released in 1988, that survey showed that attorneys of color experienced less favorable hiring, work and promotion experiences than their white counterparts.

In response, BASF established as a top priority the achievement of equal opportunity for minority attorneys. A Committee on Minority Employment was established, chaired by former BASF President James Brosnahan. The committee determined that to achieve its objective, BASF had to adopt specific goals and timetables for minority hiring. Ultimately, BASF set targets of 15 percent associates of color and five percent partners of color by December 31, 1995. The targets increased to 25 percent and 10 percent, respectively, for December 31, 2000. Nearly 100 legal employers in San Francisco agreed to those goals and timetables.

To analyze whether law firms were achieving those goals, BASF issued reports in November 1996 and March 2000. While law firms increased their hiring of lawyers of color, few minorities advanced to partnership. Also, a pattern emerged showing that Asian Americans comprised a larger percentage of the minority associate population than African Americans and Latinos combined.

In May 2001, BASF increased the hiring targets to 35 percent associates of color and 12 percent partners or senior counsel of color by December 31, 2005.

In November 2005, BASF released a report entitled “Goals and Timetables for Minority Hiring and Advancement,” which concluded that most firms were short of the 35 percent associate target and far short of the 12 percent target for partners. In addition, the 2005 report included a startling statistic: in 1990, there were nine African American partners at large law firms in San Francisco; in 2005, after 15 years of intense efforts to increase diversity, the number of African American partners at large firms remained nine. During that same 15-year period, the number of Latino partners at large law firms showed modest progress, increasing from four to nine, while Asian American partners quadrupled, from four to 17. So while the numbers are not impressive, it appeared that Asian American attorneys have a comparatively better chance of making partner than African American or Latino attorneys. (Throughout the survey period, we have not had a meaningful number of Native American attorneys to survey or track.)

THE 2010 REPORT

This year, BASF formed the Bottom Line Partnership Task Force to again study in greater depth beyond the numbers, diversity in San Francisco law firms. While earlier studies analyzed the number of partners of color in small, medium and large San Francisco law firms, that approach no longer works because of the changes in the law firm landscape. In 2000, there were seven large law firms in San Francisco, defined as firms with more than 150 lawyers practicing in San Francisco; today, there are only two: Morrison & Foerster and Orrick, Herrington & Sutcliffe. Thus, counting the number of partners of color at these two large firms alone would not show us how much, if at all, our profession has diversified.

So instead of collecting data, we assembled a small army of lawyers to interview partners of color and managing partners at mid-sized and large law firms, as well as in-house counsel clients at some local corporations. Because there were so few African American and Latino partners at the two remaining large law firms, we interviewed African American and Latino partners at smaller firms. We also interviewed a few African American and Latino former partners who are now in an “of counsel” position.

Our objectives were:

- (1) to find out how these partners managed to “make it” to partnership, so, we could offer lawyers of color proven recommendations for succeeding at a law firm;
- (2) to determine what in-house counsel could do to help advance diversity in law firms; and
- (3) to outline best practices that law firm decision-makers could follow to increase diversity.

Our goal was to cut through the rhetoric and get to the “bottom line” about how these partners made it and how others can follow in their footsteps – hence, the Bottom Line Partnership Task Force.

The participation of 63 partners of color has been heartening. We interviewed nearly every African American and Latino partner in San Francisco, as well as 18 Asian American partners. We also interviewed ten in-house counsel from leading local corporations and 12 San Francisco law firm managing partners. Summaries of those interviews form the basis of specific recommendations that lawyers of color, clients and law firms should adopt to improve the hiring, retention and promotion of diverse attorneys.



BOTTOM LINE PARTNERSHIP TASK FORCE REPORT

II. EXECUTIVE SUMMARY

LOW-HANGING FRUIT: CROSS-SELLING PARTNERS OF COLOR

Cross-selling partners of color might be the easiest way to ensure that they survive and progress at their firms. That is, all partners should be aware of their partners of color and the services they can provide to existing and potential clients and make meaningful efforts to encourage those clients to hire their partners of color. Many of the partners interviewed gave specific examples of how their majority partners introduced them to clients and how that aided their careers. Likewise, other minority partners who had switched firms expressed dissatisfaction that their former majority partners had not made significant efforts, if any, to cross-sell their services.

Bottom Line: Minority partners flourish when their majority partners introduce them to clients and cross-sell them, as is commonly done between majority partners.

CLIENTS ARE KEY TO LAW FIRM DIVERSITY EFFORTS

Partners report that at least some clients consider diversity a factor in their law firm hiring decisions and that even mild pressure from clients will help diversify law firms.

Bottom Line: If clients demand diversity and hold law firms accountable, law firms will make concerted efforts to hire and promote lawyers of color.

GIVE THEM A REASON TO STAY

Partners of color who were not supported by their original firms looked for a more hospitable alternative. The data shows that most partners of color have worked at more than one law firm or law office. Among all law firm partners, minority and non-minority partners, “Lifers” are rare. It appears that even for many firms that recognize the importance of diversity, it is far easier to recruit a proven commodity from another firm than to spend a decade recruiting, training and promoting someone from within.

Bottom Line: If you do not treat your minority partners well and help ensure their success within your firm, other firms and clients will persuade them to leave.

VALUE OF PARTNERS OF COLOR WILL INCREASE

An increasing number of clients are demanding diverse legal teams. Examples include Microsoft's bold initiative to provide bonuses to law firms with diverse teams and Wal-Mart's decision to re-evaluate its law firm partner relationships based on diversity. DuPont has long been an innovator in this area, rewarding (monetarily and at a ceremony) law firms who demonstrate exemplary diversity.

Sophisticated clients understand that jurors are increasingly diverse and are, accordingly, sensitive to who will speak to those jurors on their behalf. Those clients also seek to reflect the diversity of customers they serve. Client's employees, elected and appointed officials, and jury pools will continue to diversify – the 2010 census will likely confirm that California is now a “minority-majority” state, with close to 60 percent of our population composed of persons of color.

Bottom Line: The pressure on law firms to diversify will intensify, underscoring the value of minority lawyers, especially partners of color.

PUBLIC SECTOR A STEPPING STONE TO PARTNERSHIP

Twenty years ago, most law school graduates believed they had to choose between public and private practice. Today, practicing law in the public sector is a proven avenue to partnership in private firms. Working in a specialized field, such as SEC enforcement, antitrust or environmental regulations, was a stepping stone for many partners of color in becoming partner at a San Francisco law firm.

Bottom Line: Law firms should look at public sector lawyers of color when hiring laterally.

RECRUITING PRACTICES REVISITED

Most large law firms target only certain law schools, but partners of color do not necessarily come from those schools. There were more graduates from the University of San Francisco (5) than from Stanford (4), Columbia (3), UCLA (3), the University of Chicago (2) or Yale (1). Somewhat surprisingly, there was only one minority partner interviewed who graduated from the University of California, Hastings College of the Law. (See Appendix A)

Bottom Line: Law firms should not assume that all successful partners will come from traditional “first-tier” law schools.



BOTTOM LINE PARTNERSHIP TASK FORCE REPORT

III. BEST PRACTICES AND TIPS FOR SUCCESS

A. LAW FIRM ASSOCIATES OF COLOR

The benefit of interviewing more than 60 minority partners was two-fold: those partners revealed insights into their current experiences as partners and also offered instructive observations and tips based on their years as associates. Interviewees provided concrete examples of what they wished they had known while associates, such as ways to establish working relationships with other minority attorneys or the benefits of serving on a non-profit board.

One of the most striking commonalities among our interviewees, regardless of race or gender, was that their primary mentors, who were instrumental in their becoming a partner, were Caucasian men. These mentors provided the attorneys practice skills, work projects and opportunities to excel. Mentors also supported the lawyers in the performance evaluation and partnership assessment processes. Another commonality is that many law firm partners of color, at some point in their careers, were in the public sector. (See Appendix E)

Here are their suggestions for what associates of color can do to advance in law firms. Many of these tips also apply to non-minority attorneys and to lawyers of color in any employment setting.

1. What To Do Inside the Firm

- Work hard and produce quality work product.
- Be proactive; if opportunities do not come to you, seek them out by approaching partners who bring in the work and letting them know you are eager to work with them.
- Know that billings are important, but find ways to contribute to the firm in other areas such as training or recruiting.
- Attend as many internal or external training sessions as possible.
- Make contacts and establish working relationships with other minority attorneys, whether within your firm or outside of it via bar associations or minority-based legal groups (e.g., Charles Houston Bar Association, La Raza or the Asian American Bar Association). These contacts can serve as informal mentors and are possible sources of future business.
- Build a reputation for honesty, fairness and diligence.
- Address preconceptions that work against you and take advantage of those that benefit you.
 - E.g., if you are an Asian American woman and perceived as too docile, dispel that preconception by demonstrating your confidence and assertiveness through your work projects.

- o E.g., if you are a Latino attorney assumed to speak Spanish and you actually do, use that to your advantage in work projects. If you don't have billable projects that afford you a bilingual opportunity, get a pro bono project that will.
- Enhance your skill set through pro bono projects.
- Learn “the game”; i.e., identify key partners and socialize to excel within the firm.
- Recognize that some attorneys are better teachers, mentors and advocates for associates than others.
- Become an indispensable member of the team. Be willing to stay late on last-minute projects.
- Become a knowledge expert on key issues in your cases.
- Pick a mentor organically instead of just relying on a formal mentor program.
 - o The mentor doesn't have to be in your practice group – the broader your internal network, the better.
 - o Take the initiative to find a mentor; there is nothing wrong with asking a partner to lunch.
 - o Be open to having both a minority mentor and a non-minority mentor; most partners of color had mentors outside of their race or ethnic group.
- Take credit for your work – make sure that other partners in your practice group and partners on the evaluation committee know of your successes. One way to do this is to mention during your evaluation that you worked on a brief or as part of a trial team if the evaluator is not aware of it. Similarly, if a case comes into the firm with an issue that you have previously dealt with (and hopefully, prevailed on), mention to the partner in charge that you have had success on a similar case.
- Get to know your colleagues in other practice groups in your firm. Many of your future business referrals will come from other internal practice groups.
- Specialize in a particular area of law but be open to practicing in other areas. Think not only about what you want to do, but where the needs are within your firm or the profession.
- Dress appropriately. This may vary significantly depending on where you practice or who your clients are. For example, meetings with investment bankers usually require suit and tie; however, a suit for a meeting with a Silicon Valley company may not be appropriate. If there is uncertainty, ask the partner.

2. What To Do Outside the Firm

- Be active in bar associations by taking a leadership role in their sections and committees or sitting on their boards. Also get actively involved in other professional or trade associations or diversity groups.
 - o Talk to partners and colleagues about co-authoring articles for legal publications.
 - o Serve as a speaker on a panel.
- Maintain relationships with college and law school classmates who may be potential clients.
- Volunteer for pro bono projects for non-profit organizations.
- Serve on boards for non-profit organizations, not just legal industry organizations.

B. PARTNERS OF COLOR

The experiences of minority partners in San Francisco were strikingly similar. For example, many partners had been asked to participate in a client pitch, but then were not given the opportunity to work on the matter. Minority partners had been asked in meetings to identify “the person in charge” because it was assumed they were court reporters or other staff. Latino lawyers were assumed to speak Spanish and faced questions about their immigration status. Asian American women had been stereotyped as “dragon ladies” or too docile; Asian American men were classified as “engineers.” African American partners had been told words to the effect that “the Black thing gives you a real in.” Minority attorneys had also been told that they “did not know their place.” Similarly, interviewees felt that non-minority attorneys believe lawyers of color get a “free ride.” (See Appendix N)

While diversity has received a certain amount of attention over the years, no significant progress has in fact been made in the representation of African Americans or Latinos in the partnership ranks. This has led many partners of color to question whether the talk about diversity in law firms is simply “lip service.”

Minority partners feel they must work harder than non-diverse attorneys to achieve the same credibility and opportunities. The interviewees believed that minority attorneys are not the first choice for key assignments such as first or second chair on big cases for important clients. These partners understand that clients sometimes need to be reassured that the minority partner is qualified to represent them and that if they don’t perform well, it could impact whether a majority partner or client works with another lawyer of color.

Interestingly, diversity issues may be affected by a generational divide, with some members of the “first” generation of minority partners adopting a “tough love” approach to younger lawyers. In contrast, many minority attorneys in the later generation have been active in helping up-and-coming minority lawyers. To enhance diversity in their firms, partners of color must mentor and guide other attorneys of color through the partnership track and politics of their firms. Partners of color cannot let their fear of perceived favoritism stand in the way of doing their part to mentor and support attorneys of color in their firms.

1. What To Do Inside the Firm

- Develop relationships with other partners at your firm because they are a significant source of work assignments.
 - o Find things in common with many partners, not just minorities.
 - o Consider joining organizations other partners support.
 - o Get involved in partners’ social networks (e.g., sports team, book club).
 - o If you have not already worked with a senior partner in your practice area, introduce yourself.
 - o If senior partners in your practice area are in a different office, contact them and offer to work with them.
 - o Take the initiative and seek out the rainmakers in your group and offer to work with them.

- Cross-sell other minority partners throughout your firm, not just within your particular office.
- Be clear about your objectives at the firm – have a 5 or 10-year plan.
- Have a plan for how you are going to develop business.
 - Increase your visibility – get involved with the firm’s business review or conflicts committee or the client relationship program.
- Don’t be afraid of perceived favoritism if you decide to work with associates of color on your cases or to mentor associates of color.
- Be aware of corporate culture at the firm. Do not be a “one-trick pony,” i.e., the diversity point person.
- Mentor minority associates.
 - Reach out to the associates.
 - Provide them with work projects.
 - Teach them skills.
 - Give them the opportunity to excel.
 - Support them and represent their interests in performance evaluations, work assignments, partnership assessments, etc.
 - Give them credit on projects.
 - Create opportunities for them to meet clients so they learn how to interact with clients.
 - Teach them how to navigate the culture and political process in your firm.
 - Coach them on where to devote their resources internally (e.g., specific committees, practice groups, etc.)

2. What To Do Outside the Firm

- Be active in bar associations by taking a leadership role in their sections and committees or sitting on their boards. Also get actively involved in other professional or trade associations or diversity groups.
- Write articles for legal publications.
- Make contacts with minority attorneys outside your firm.
- Maintain contact with college and law school classmates who may be potential clients.
- Serve on boards for non-profit organizations, not just legal industry organizations.

C. IN-HOUSE COUNSEL

Law firms are unlikely to attain or sustain meaningful diversity within their ranks absent pressure from in-house counsel to do so.

As the persons who assign legal work, in-house counsel are in a key position to impact diversity. For example, if an in-house attorney believes that a minority associate or partner has done an outstanding job, the in-house lawyer can promote the lawyer not only to in-house superiors, but also to the law firm's leaders.

Ten in-house counsel of color were interviewed. These lawyers indicated that one way to diversify law firms is to increase the number of lawyers of color who advance to top positions within in-house legal structures. Ultimately, if lawyers of color become general counsels, they will be in a stronger position to influence law firm hiring decisions. Importantly, though, there is still little ethnic diversity in the top positions in most corporate law departments.

1. What In-House Counsel Can Do to Help Diversify Law Firms

- Tell law firms that diversity is important. Ask your law firm representative whether there are any lawyers of color at that firm qualified to assist. Just asking the question is meaningful.
- Ask law firms to report on the numbers of lawyers of color working on your matters and the hours billed by those lawyers.
- When approaching law firms about a new case, make contact with a lawyer of color.
- If you believe that a minority attorney has done a good job, promote that lawyer to your in-house colleagues.
- Send an email to the supervisor of a lawyer of color who has impressed you. A client communication is valuable.
- When contacted by lawyer-ranking publications, mention lawyers of color who have done good work for you.
- If law firms are not responsive to your requests for diverse legal teams, consider assigning the work elsewhere.
- Look for ways to publicly acknowledge those firms who meet your diversity expectations.

2. Suggestions for Improving Diversity and Succeeding As an In-House Lawyer of Color

- Get involved in bar associations that serve your practice needs both for information and access to “movers and shakers.”
- Develop a deep understanding of the operations of your business. Successful in-house counsel should know the business at least as well as their business unit clients do. At the same time, establish and defend the value of the legal department to other business units.
- An ability to creatively solve problems and address needs will demonstrate leadership and, at the

same time, develop a strong skill set and knowledge base that can be portable. It is not enough to merely be a good lawyer. Within your ethical boundaries, think like a business person. Tell your internal clients how to accomplish their goals in a legally supportable way, rather than simply telling them “no.”

- Practice concise, definitive and tailored communication. Business unit clients have no use for equivocal, theoretical legal answers.
- Practice strong interpersonal skills and learn to move easily among diverse groups of people.
- Create a multi-year business plan for how you can increase diversity within your company.
- Create your own mentor team.
 - o To find a mentor, introduce yourself to a non-lawyer vice president or look outside the company.
 - o Many respondents report that their mentoring circle included at least one successful Caucasian male who was willing to invest in them, advocate on their behalf and help them learn more about how the corporate game is played in the company or help hone the skills needed to navigate internal politics.
- In-house counsel and law firms need to work together to promote minority attorneys.
 - o They can work together on:
 - Bar association sections or committees.
 - CLE program panels.
 - Co-writing articles.
 - Pro Bono projects/cases.

D. MANAGING PARTNERS AND OTHER LAW FIRM DECISION-MAKERS

Managing partners at San Francisco law firms uniformly expressed a desire to hire and retain more diverse attorneys, both to better serve their clients with broader perspectives and to meet clients’ increasing demands to have a diverse group of attorneys working on their matters. Having diverse lawyers not only meets clients’ expectations, but also lets minority lawyers know they’re valued by the firm. However, law firm managing partners have found the pool of diverse attorneys to be limited, especially when it comes to lateral partners. Adding to this challenge, this limited pool is also the most sought-after by top law firms.

Beyond recruiting, law firms have had difficulty retaining diverse associates long enough to make them partners. Diverse associates may feel lost regarding what skill level they are expected to be meeting, particularly as they approach partnership. Not surprisingly, firms that have been more successful typically have employees and/or lawyers specifically focused on hiring and retaining diverse lawyers, such as a diversity manager, a diversity committee or both. At the same time, many interviewees perceived that their firm’s diversity committee is there only to make the firm look good, with some talk and little action. Law firms with high-profile partners of color, or with a strong base of lawyers of color, have the true edge in recruiting.

It is very important to recognize that making significant progress in terms of diversity (hiring, retention and pro-

motion) within your firm may require a shift in the way people view and respect one another as professionals, in particular, others who do not look like them. Relationship building and bias awareness are critical to changing how people come to trust one another, respect differences and make decisions on a daily basis, including with whom they choose to work and mentor. This transition will not happen overnight and involves changing human behavior. Commitment to this transition is worth the effort and will set your firm apart from its competitors in the short and long run.

Here are suggestions for what law firms can do to improve retention and promotion of lawyers of color.

1. What To Do

- **Recruiting**

- o Tell legal recruiters that it is a high priority for your firm to hire diverse partners.
- o Law firms should broaden the pool of schools where they recruit, so as to broaden the pool of minority candidates, including local or historically African American law schools.
- o Expand your hiring criteria – avoid artificial barriers such as top 10 percent of the class from only certain schools.
- o Interview for leadership and judgment skills, not just top grades.
- o Create liaisons between the firm and diverse student organizations and attend/host at least two events a year per organization.
- o Create or support pipeline projects within your firms, such as high school internships, mock trial coaching, etc. (See BASF Diversity Pipeline Programs on page 46)
- o Participate by supporting a minority scholarship program and sitting on a scholarship selection committee.
- o Include lawyers of color in the interviewing and hiring process, so they can assist in evaluating candidates and so that minority candidates can see other lawyers of color at the firm.
- o Participate in a diversity career fair.

- **Retention and promotion**

- o Consistently include diverse attorneys in pitches and staffing of matters, so even if it is not expressly stated in the client's request, the firm's commitment is exemplified by the lawyers' presence.
- o Marketing departments and resources should be deployed to help lawyers of color create business plans, including networking skills and building business connections.
- o Make sure associates who face discrimination know the proper person to contact to discuss and resolve the issue.
- o Hire outside consultants to interview diverse attorneys who are leaving the firm to determine reasons for the departure (assuming it is not strictly a performance-related issue).
- o Make the partnership-track process more transparent to all associates by publishing a document

setting forth the expectations for each level, such as a skills matrix that lays out the skills that an attorney should have as a first year, second year, etc.

- o Pay attention to your firm's internal data and statistics on diversity. Review them regularly and understand the data in order to be able to discuss it with your clients or recruits, because they will ask about it.

- **Law firm structure and culture**

- o Reward partners who make hiring and retention of minority attorneys a priority. A firm's program could include a menu of diversity activities from which the partner can select (e.g., minority conference attendance, mentoring). Firms could also establish an expectation to participate in a set number of activities focused on diversity, which must be reported in the partner's report to the compensation committee.
- o Make sure partners know who the partners of color are and what they do. You cannot cross-sell in ignorance. Consider preparing a brochure with a short profile of your minority partners and/or senior associates.
- o Establish a formal structure that includes an employee (e.g., diversity manager) or a committee that ensures diversity is considered in hiring decisions, and that minority retention is being addressed. Then educate your attorneys about the firm's diversity efforts, such as what the diversity committee does and who sits on it.
- o Establish a mentoring program tailored to the firm's culture and refine it as it develops.
- o Sponsor and support affinity groups within your firm.
- o Encourage minority partners to take a leading role in the firm's diversity efforts (e.g., diversity manager) by adjusting the expectation for business generation and billable hours accordingly given the amount of time that will be spent fulfilling that role.
- o Ensure that partners of color are selected for top firm management positions and the influential committees in your firms, such as a compensation committee or partner selection committee.



BOTTOM LINE PARTNERSHIP TASK FORCE REPORT

IV. CONCLUSION

San Francisco law firms have made significant strides in hiring associates of color. Firms have not, however, done a comparable job of elevating those associates to partner. After studying this report, no lawyer, law firm or client will be able to say, “I would like to help, but I don’t know how.” It is incumbent upon all of us to act. If we do, we may finally make some progress on this historically difficult issue.

Bottom Line: If majority partners care about diversity, they will promote their partners of color just as readily as they do other lawyers in their firm. If clients care, they will demand diversity on their legal teams and make sure there are consequences if this demand is not met. If law firms care, they will reward partners who successfully cross-sell lawyers of color. Minority attorneys need to be ready to pounce on any opportunity to prove to partners and clients that they are skilled, talented and capable of exceptional legal work. Finally, in-house lawyers of color must work to advance within their companies, better positioning them to provide opportunities to lawyers of color at law firms.