The dictionary describes a pipeline as a route, channel, or process along which something passes or is provided at a steady rate.

It is also described as a channel of information, especially one that is direct, privileged, or confidential; an inside source, or reliable contact.

Pipeline is both apt and inaccurate, then, to describe the flow of diverse law students and lawyers to firms, the bench, and positions of leadership. Young lawyers have not passed up the pipeline at a steady rate. There does seem to be some intangible inside source that is lacking or, at the very least, leaking.

But there is also a sense among those who have focused significant personal efforts on pumping up the pipeline that significant strides are in the offing, whether inside law firms, corporate law offices, or on the bench.

More than twenty years ago, in 1986, The Bar Association of San Francisco established a Committee on Equality with a mandate to make recommendations to BASF’s board of directors on how to eliminate barriers to the advancement of minorities, women, lesbians and gay men, and lawyers with disabilities in the San Francisco legal community. By most accounts, the focus of those efforts significantly boosted the number of women in partnership ranks and management. Minorities, LGBT attorneys, and lawyers with disabilities, however, fared less well, both in law firms and on the bench.

From left: L. Julius M. Taitman, Kelly Dermody
Fast-forward to 2007. In the interim, California has become a much more ethnically diverse state. So when compared with the general population, diversity in the legal profession has fallen even farther behind. Today, there is an increased focus on diversity in the profession and a specific focus on pumping up the diversity pipeline from minority bar associations, mainstream bars like BASF and the State Bar of California, leaders in law schools, and those active from the bench. These efforts include not just surveys and conferences and initiatives, which advocates say are needed, but real programs that show real promise for change in the profession.

This year, BASF hired Yolanda Jackson as its first ever diversity director. Her main task is to coordinate BASF’s various diversity efforts and, in particular, its pipeline programs, including the School-To-College program at Balboa High School, the Law Academy, and the Bay Area Minority Law Student Scholarship Program (a typical BASF scholarship is for $10,000 a year for three years). She’s had an active schedule connecting with those in law firms and beyond who have been pushing diversity efforts in their own workplaces and working to broaden the bar’s own programs, as well as provide encouragement and program support to diversity efforts that dovetail with BASF’s but fall outside its official rubric.

Indeed, in interviewing those who have worked either with BASF directly or in a complementary fashion on diversity issues, what is emerging is a belief that the combination of individual efforts, specific programs, and new initiatives is pushing the legal community to a diversity tipping point, in which real, lasting progress is possible.

Jackson’s job is to pull together BASF’s diversity and outreach efforts. She has put together a literal map of BASF programs to evaluate how they work together to pump up the diversity pipeline, such as the School-To-College program, which has assisted more than 300 students at Balboa High School in applying to and gaining admission to college. (See the BASF Diversity Pipeline Programs chart on pages 16 and 17.)

Jackson comes from the front lines of diversity efforts. For five of her fifteen years with Fireman’s Fund Insurance Company, she was a senior director—her duties included responsibility for the company’s claims litigation nationwide, including selecting and managing its panel of outside law firms—and a diversity consultant designing diversity programs and advocating for diversity in the corporate and legal communities. Part of Jackson’s efforts will be not only to oversee BASF’s diversity programs but also to track their progress, keeping tabs, for example, on the 325 law students and fifty-eight law firms and government agencies that participated in BASF’s August 2007 Bay Area Diversity Career Fair. “We are fighting an uphill battle in California as the state becomes more diverse,” says Jackson.

Her arrival at BASF also comes at a time when the bar is broadening its definition of diversity and turning its attention to some sectors that have been neglected, such as the LGBT community and attorneys with disabilities.

“BASF has long been a leader on issues of fairness and equality, but the programs to address the concerns of LGBT lawyers were more ad hoc,” says BASF board member Kelly Dermody, a partner at Lieff Cabraser Heimann & Bernstein, who with L. Julius M. Turman, of Morgan Lewis & Bockius, chairs the board’s Equality Committee on Lesbian, Gay, Bisexual, and Transgender Issues. “BASF wanted a more concerted effort to study the experience of LGBT attorneys and to find best practices” for recruiting and retaining them, Dermody says. The result is a report, released in November, which catalogues the experiences of LGBT attorneys in San Francisco. (See www.sfbbr.org/lgbt.)
“BASF is at the forefront of advancing diversity and opportunities for all the city’s attorneys,” says Turman, also a member of the board. BASF’s work is shining a spotlight on various sectors of the legal community, which, along with Jackson and her “attitude and forthrightness,” means real, lasting progress is within the legal community’s grasp. “She is tireless,” says Turman, “and has done a miraculous job in a short period of time. The woman is amazing; she is always thinking.”

This summer, BASF’s Equality Committee on Disability Rights held its first one-day conference to provide tools for legal employers to know how to go about hiring persons with disabilities. The conference drew 150 people, in part because BASF and the committee cochairs, Betsy Johnsen, a solo practitioner, and Kathi Pugh, a partner at Morrison & Foerster, were able to recruit top names in the disability rights community as speakers.

Local bar groups, such as the Hispanic National Bar Association (HNBA), now naturally look to BASF to help them coordinate and advance their own diversity efforts, says Helen Santana, manager of the Liberty Mutual San Francisco field office and president of the HNBA regional chapter that includes Northern California. “BASF has been very supportive,” Santana says.

This comes at a time when some organizations pushing for a more diverse profession had hoped they would have worked themselves out of a job by now. Garner Weng, a partner at Hanson, Bridgett, Marcus, Vlahos & Rudy, points to the California Minority Council Program. “One of the cofounders, Guy Rounsaville, came back to chair the steering committee in 2002. He said at the time that he thought he’d have wrapped the whole thing up by now, because there would no longer be a need for the program.”

Organizations have a “natural ebb and flow” in topics such as diversity, says Weng. Jackson’s presence should provide “a more ongoing and stable feel” to the bar’s efforts. “I feel like BASF has a lot of potential. It has a strong, wide membership and resources that many other organizations don’t have.”

On the law firm side, some firms are having success in hiring minority candidates by broadening the candidate pool and looking beyond the top ten law schools in the country. Morrison & Foerster’s San Francisco office, for example, had its most diverse summer associate classes ever when hiring partners Tony West and Walter Conroy committed to hiring at least 50 percent students of color. “That was a very deliberate effort on the part of those involved in recruiting,” West says. The firm did it by looking for candidates through local minority bar groups, such as the Charles Houston Bar Association, and recruiting at schools they previously hadn’t targeted, like Howard University.

“I feel good about what we have done, but I’m not satisfied where we are. I’m excited about the challenge of continuing to do more,” West says.

Firms also seem to care more about their rankings as employers, whether it is gauges of how friendly they are to women, attorneys of color, or LGBT attorneys. This year, thirty law firms scored 100 percent on the Human Rights Campaign’s 2007 corporate equality index, a measure of their treatment of LGBT employees. They include BASF sponsor firms Heller Ehrman; Latham & Watkins; Morrison & Foerster; O’Melveny & Myers; Orrick, Herrington & Sutcliffe; and Pillsbury Winthrop Shaw Pittman. Firms have also put an increased effort to training and retention, whether it is Heller Ehrman’s Opt-In Project, which studied the careers of women in the profession, or Sheppard Mullin Richter & Hampton, which recently hired its first chief talent officer.

Success breeds success. “I feel that things are moving in the right direction, so I’m optimistic,” says Alameda County Superior Court Judge Brenda Harbin-Forte, who chairs the State Bar’s Council on Access and Fairness. “There is still a lot of work to be done, but I am hopeful that we will succeed. We are already seeing the fruits of our labors. In the final analysis, though, we will need Caucasians, ethnic minorities, women, and all other groups at the table working together if we are to improve diversity in the legal profession and on the bench.”

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Photos by Jim Block