

2010

**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, reading "Arturo J. González". The signature is stylized, with the first name "Arturo" written in a cursive-like font, followed by a large, looped "J", and then the last name "González" in a similar cursive style.

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.
  - o 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

**S**an 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.

The background of the top section of the page features a faded, blue-tinted photograph of a city skyline. On the left, a modern glass skyscraper rises. In the center, a multi-story brick building with many windows is visible. On the right, a large, classical-style building with prominent columns and arches, possibly a government or institutional building, is shown. The overall tone is professional and urban.

# BOTTOM LINE PARTNERSHIP TASK FORCE REPORT

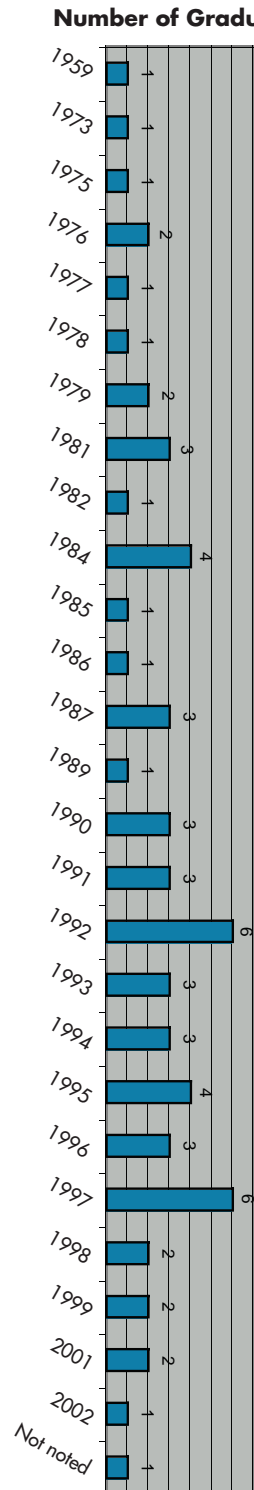
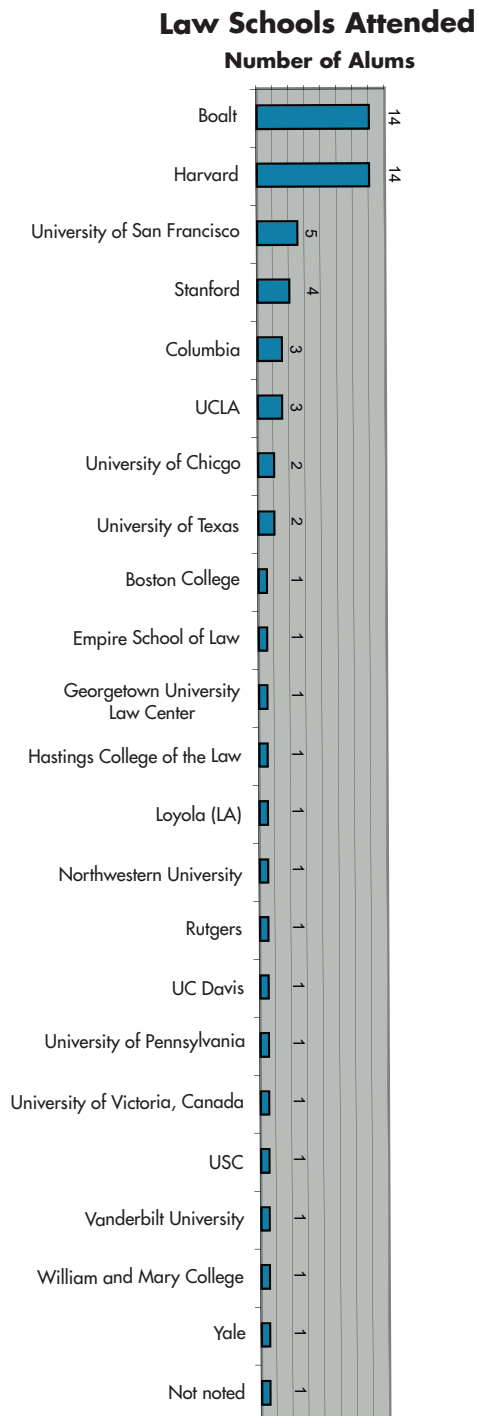
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- LAW SCHOOLS ATTENDED BY PARTNERS INTERVIEWED
- LAW SCHOOL GRADUATION YEARS OF PARTNERS INTERVIEWED

## APPENDIX A

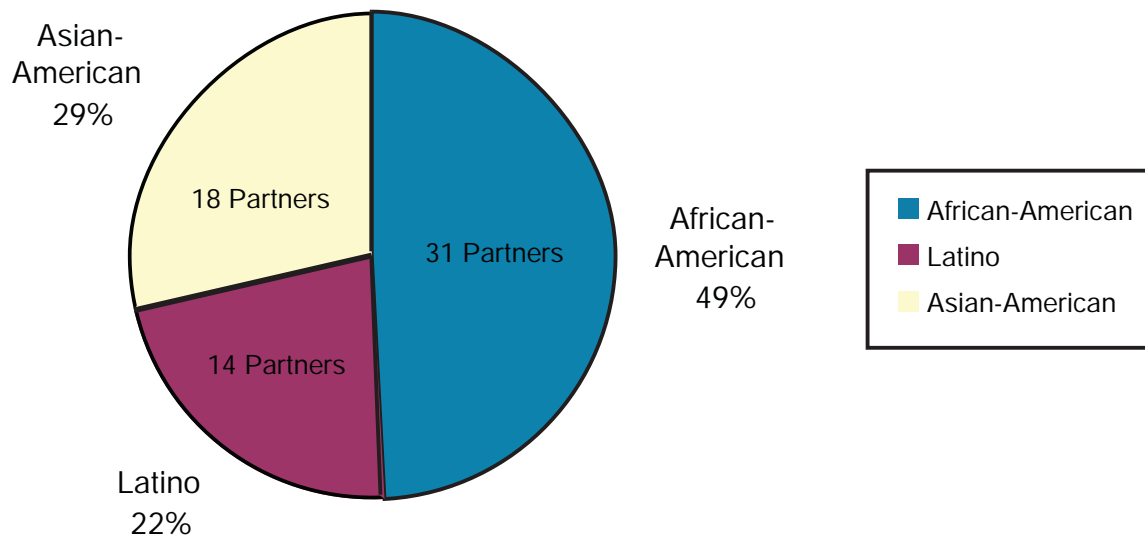
### Law School Graduation Year



## ETHNICITY OF PARTNERS INTERVIEWED

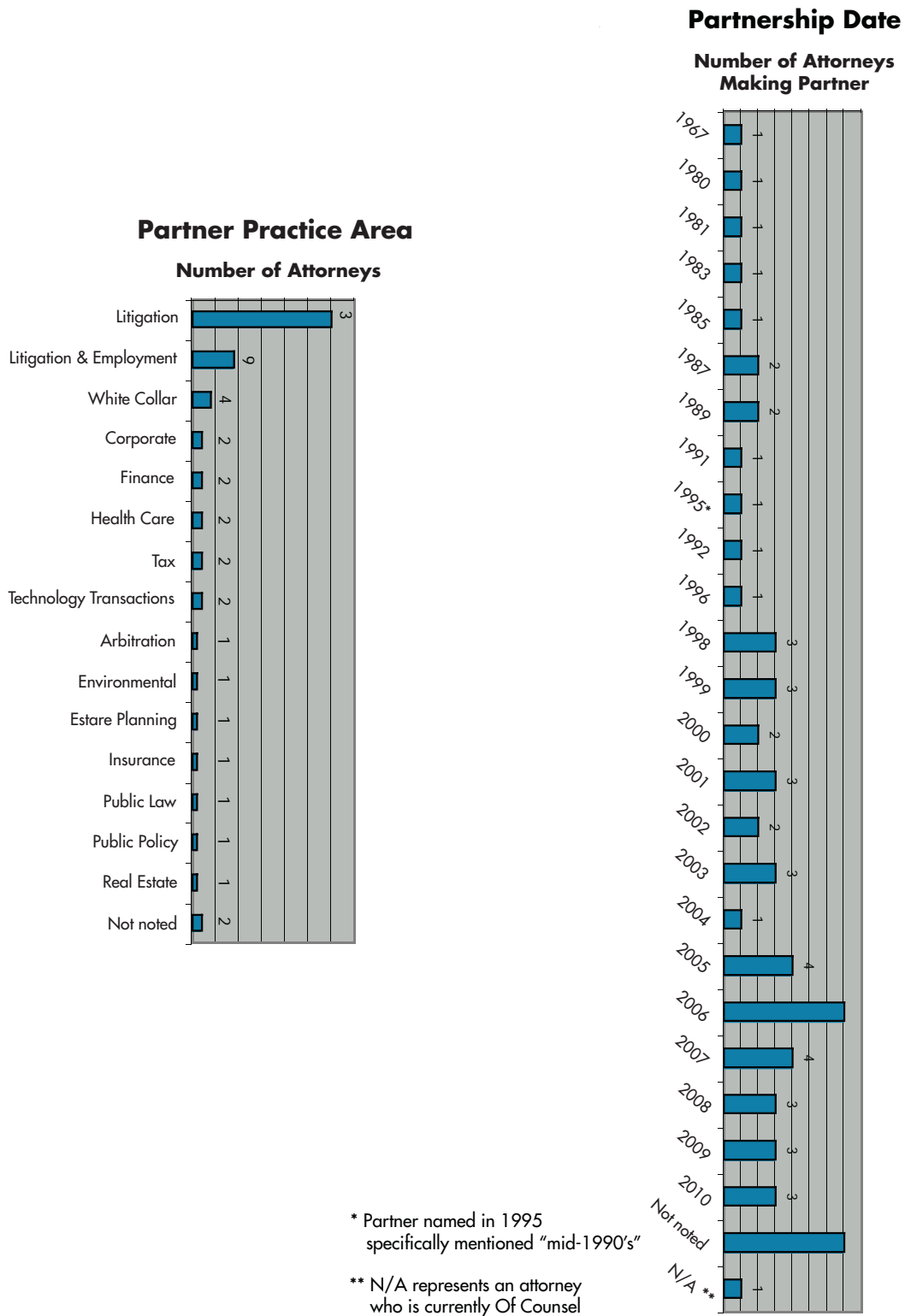
### APPENDIX B

**Partner Ethnicity**



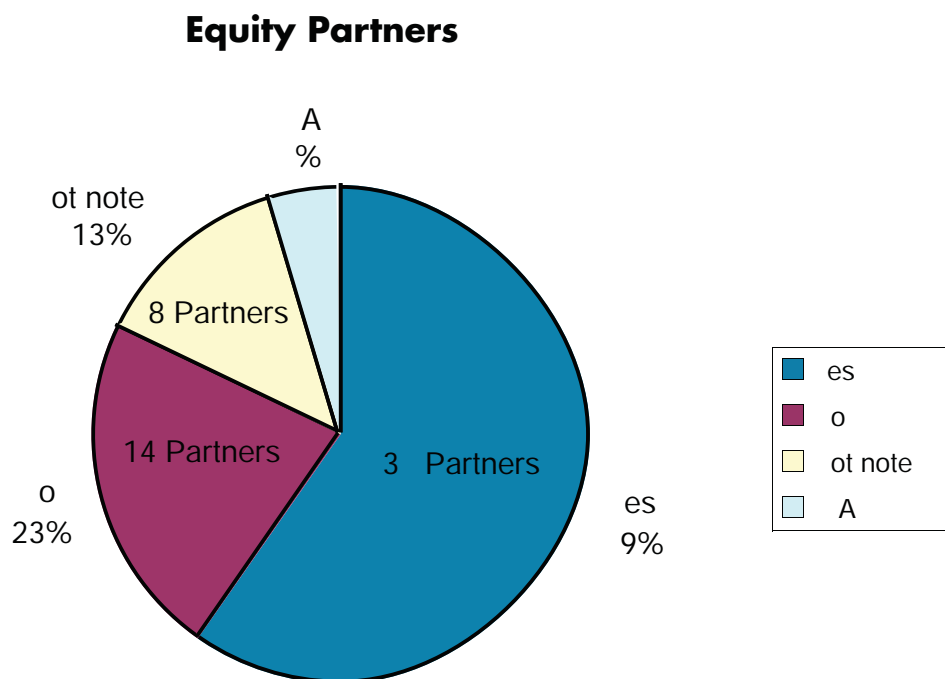
- PRACTICE AREAS OF PARTNERS INTERVIEWED
- YEARS THE PARTNERS INTERVIEWED MADE PARTNER

## APPENDIX C



## NUMBER OF PARTNERS INTERVIEWED WHO ARE EQUITY PARTNERS

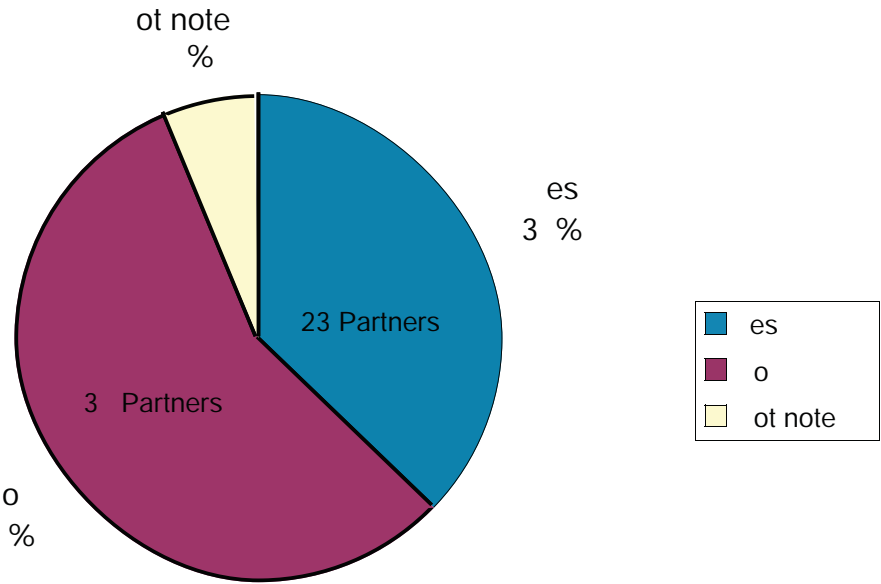
### APPENDIX D



° N/A represents attorneys who work in firms that do not have equity partners

APPENDIX E

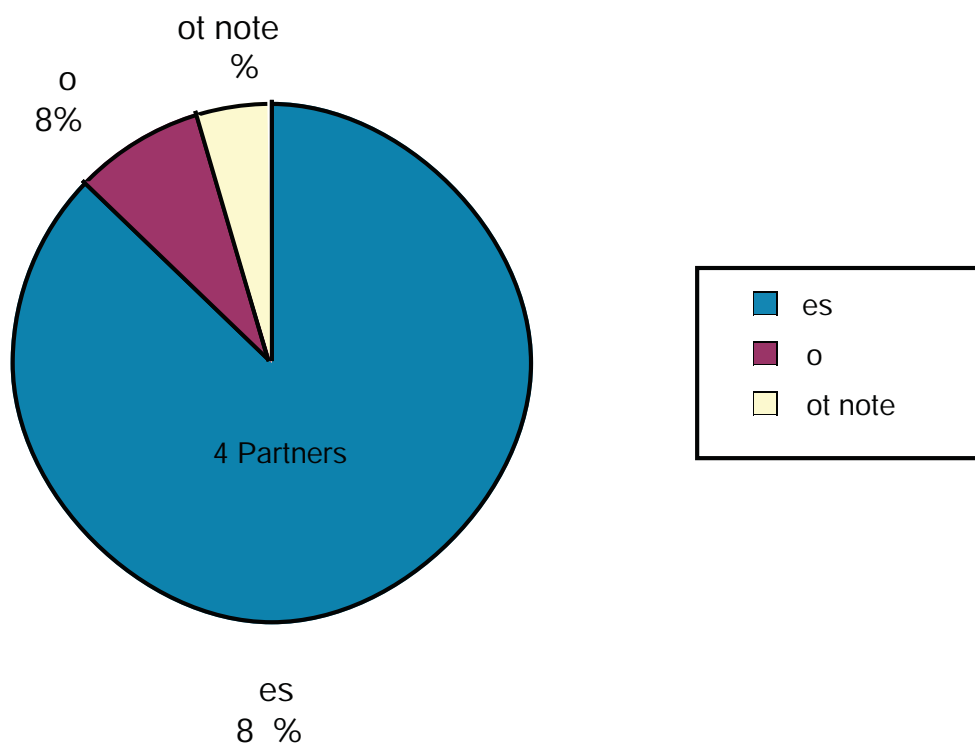
Public Sector Experience



Examples of public sector experience includes work with the U.S. Department of Justice, State Attorney General's Office, Public Defender's Office, and federal and/or state judges.

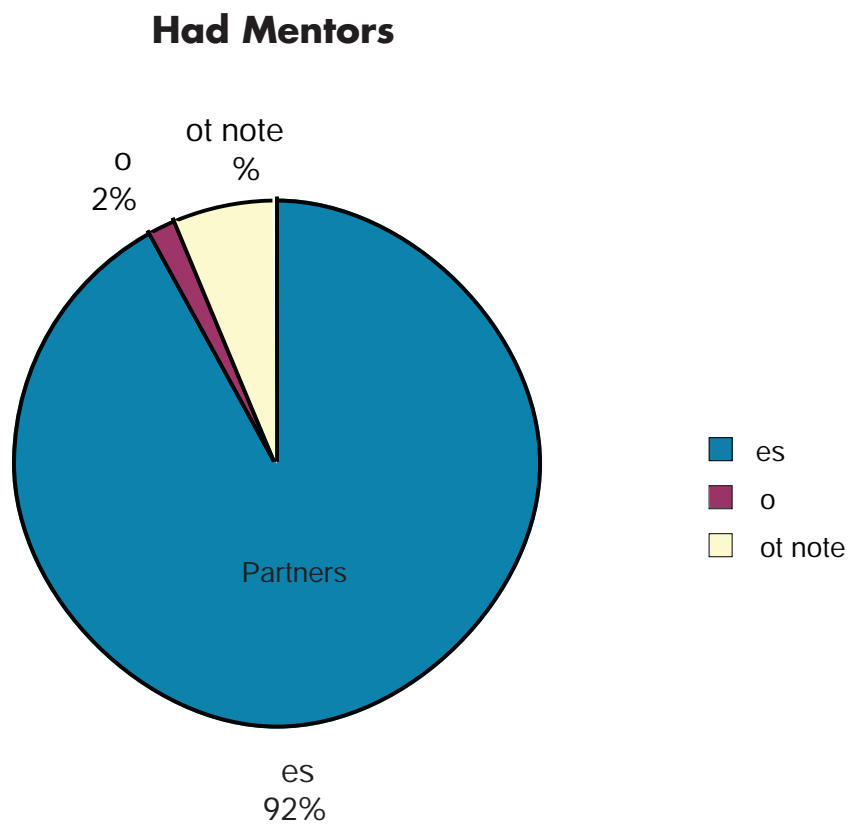
NUMBER OF PARTNERS WHO HAVE WORKED WITH TWO OR MORE LAW FIRMS OR LEGAL EMPLOYERS

Worked with Two or More Law Firms or Legal Employers



## APPENDIX G

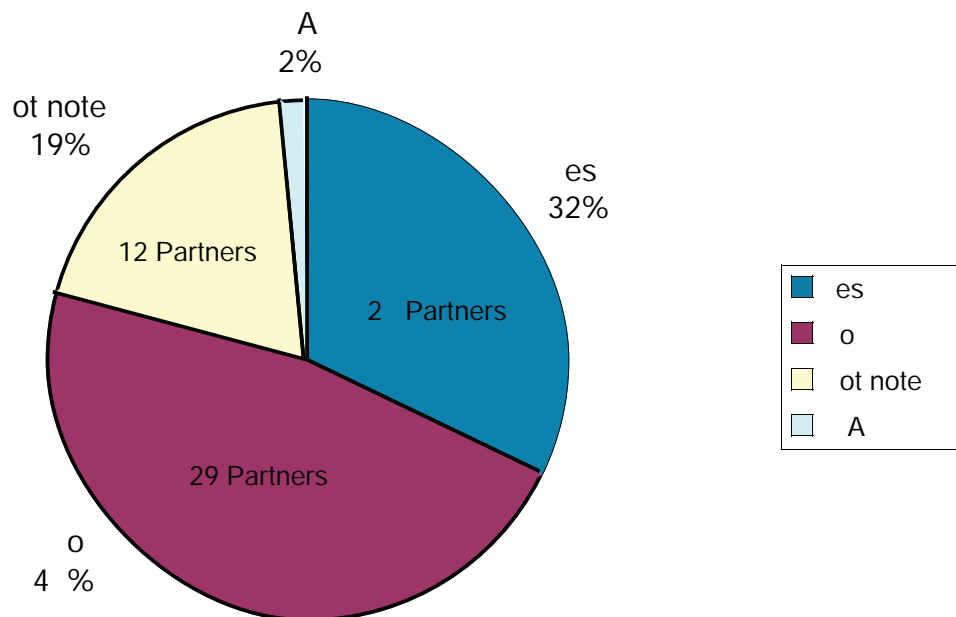
### NUMBER OF PARTNERS WHO HAD MENTORS



## NUMBER OF PARTNERS WHO HAD MENTORS OF COLOR

### APPENDIX H

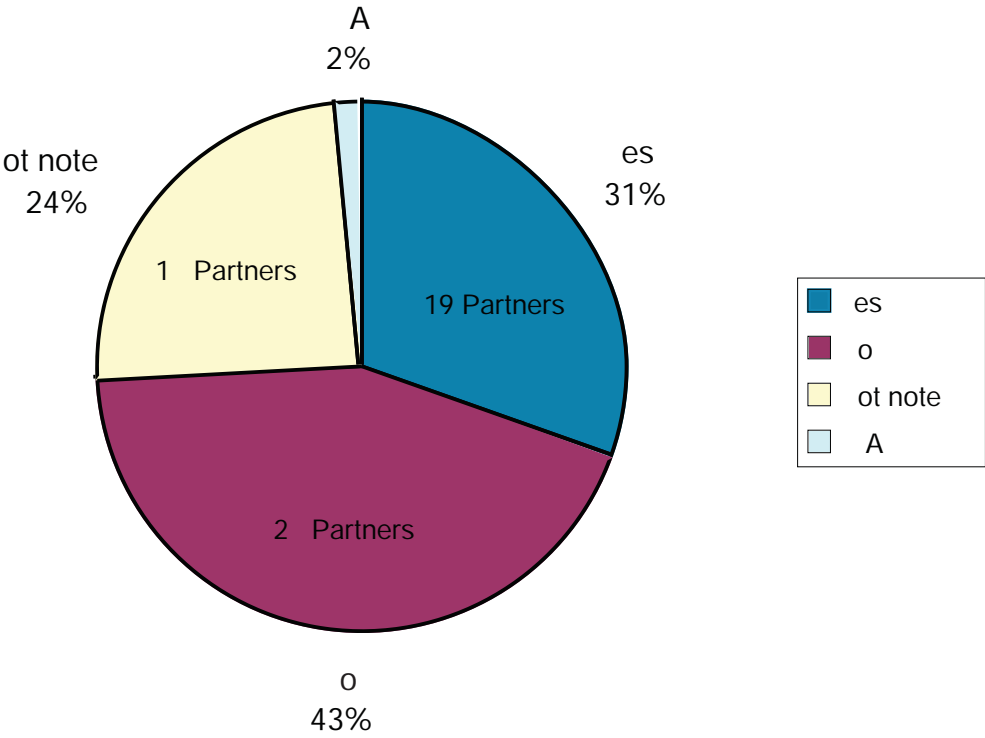
#### Had Mentors of Color



N/A represents the attorney who did not have a mentor

APPENDIX I

Had Women Mentors



N/A represents the attorney who did not have a mentor

**QUESTIONS FOR PARTNERS OF COLOR**

**INITIAL BACKGROUND QUESTIONS (SENT PRIOR TO INTERVIEWS)**

- 1. What year did you graduate from law school?**
- 2. Which law school did you attend?**
- 3. Has your career involved working at more than one law firm or legal employer?**
- 4. If yes, please provide the names of the other employers and dates when you worked for them.**
- 5. Were there women or ethnically diverse partners in the law firm at which you worked?**
- 6. Did the number of the above types of partners affect your decision to change jobs?**
- 7. When did you begin your current job?**
- 8. What is your practice area?**
- 9. Have you practiced in more than one area of law? If so, please list.**

**INTERVIEW QUESTIONS**

**When did you become partner?**

**Are you an equity partner?**

**What types of partners/shareholders are there at your firm? Please describe how distribution percentages are determined.**

**Are there any equity partners of color at your firm?**

**How many races/ethnicities are represented in the partnership? We have looked this up but want to make sure that our data is current and accurate.**

**Are there any female equity partners of color at your firm?**

**Does the law firm have an equity committee, or a committee with a different name, that decides who becomes an equity partner?**

**QUESTIONS FOR PARTNERS OF COLOR (CONTINUED)**

If so, do any partners of color sit on that committee?

Have you had conversations with corporate clients about desire or need on their part for a diverse team of attorneys working on their matters?

Who, if anyone, do you credit for helping you on your path to partnership?

What did that person do to help?

Was this person in your practice area?

Was this person on the partnership or equity committee?

Was this person a person of color?

Was this person male or female?

How do you get work?

What do you think law firms can do to increase the diversity of their partnerships?

What can individual partners do to increase the diversity of law firm partnership ranks?

What do you think clients can do to increase the diversity of law firm partnership ranks?

What advice would you give to an associate of color at a large firm?

Is your advice different based on the gender of that associate of color? If yes, please elaborate.

Is your advice different based on the ethnic group of that associate of color? If yes, please elaborate.

If you could turn back the clock, what, if anything, would you do differently on your path to partnership?

What can individual partners do to increase the diversity of in-house law departments?

What do you think law firms can do to increase the diversity of in-house law departments?

What can individual partners do to increase the diversity of in-house law departments?

As an attorney of color, have you experienced any type of discrimination in your workplace?

**QUESTIONS FOR PARTNERS OF COLOR (CONTINUED)**

If so, did it involve a colleague at the same level as you or someone at a more senior level?

Are you comfortable discussing the situation(s)?

What, if anything, did your law firm do to address the situation(s)? Or no follow up at all?

**PERSONAL EXPERIENCES**

Have you ever felt that you did not receive important work assignments because you are an attorney of color?

Do you believe that as an attorney of color you must work harder or act differently than your non-diverse colleagues in order to have the same credibility or career opportunities?

Do you believe that it is any harder (or easier) for an attorney of color to become a partner at a firm?

Do you believe that it is any harder (or easier) for an attorney of color to become advance in house?

Do you believe that attorneys of color are viewed positively by others in the workplace?

Have you ever felt that you or one of your outside counsel were only brought into a meeting/introduction/event because you were an attorney of color?

*(This question is to address the situation where an attorney of color (associate/ jr.partner) is, for example, brought into a meeting with a potential client as a way to show the diversity of the firm to the client, but then that associate/partner is never given the actual work that results from these meetings.)*

Is there anything that we have not asked about or you have not mentioned that you think is important vis a vis law firm diversity at the partnership level?

Is there anything that we have not asked about or you have not mentioned that you think is important vis a vis law firm diversity in house?

## APPENDIX J OUTLINE OF INTERVIEW QUESTIONS (CONTINUED)

### QUESTIONS FOR IN-HOUSE COUNSEL

How many in-house lawyers do you have? \_\_\_\_\_

What is the ethnic breakdown of your in-house lawyers?

\_\_\_\_\_ % African American \_\_\_\_\_ % Latino \_\_\_\_\_ % Asian \_\_\_\_\_ % Native American

What is the gender breakdown of your in-house lawyers? \_\_\_\_\_ % male \_\_\_\_\_ % female

How many people report to the general counsel? \_\_\_\_\_ # \_\_\_\_\_

Are there lawyers of color in that group? \_\_\_\_\_

Are there women in that group? \_\_\_\_\_ # \_\_\_\_\_

Is this number about the same, greater or less than it was five years ago? \_\_\_\_\_

Do you attribute the change in number to any action by management of your department?

Is there a level of leadership below that level? Are there lawyers of color in that group?

(If so, follow up.) Are there women in that group? (If so, how many?)

How does your company decide which law firm to retain?

Is diversity a factor in your company's decision regarding who to retain as outside legal counsel?

What can a partner of color at a large law firm do to "get in the hunt" or on your company's radar for potential engagement?

Does your company employ any ethnic minority-owned law firms?

If so, how many?

What can a partner at an ethnic minority-owned law firm do to make sure that firm is considered for potential work?

What efforts, if any, has your company made to increase the number of ethnic minority-owned law firms you hire?

What efforts, if any, has your company made to increase the number of diverse attorneys working on your matters at majority firms?

Have those efforts been successful?

**QUESTIONS FOR IN-HOUSE COUNSEL (CONTINUED)**

Do you have any suggestions about what in-house counsel can do if they want to increase the number of ethnic minority-owned law firms they work with?

Do you have any suggestions about what in-house counsel can do if they want to increase the number diverse attorneys working on your matters at firms?

Do you have any suggestions about what law firms can do to diversify their partnership ranks?

Have you ever worked with a Latino or African American partner from a large law firm?

If so, who, and how did you end up working with that partner?

Did you subsequently hire that partner to work on another matter?

A number of minority partners say that law firms will not become diverse until clients begin putting more pressure on law firms to diversify. What do you think about that?

Is there anything that we have not asked about or you have not mentioned that you think is important regarding law firm diversity at the partnership level?

Do you have any other thoughts on how our profession can help to diversify large law firms?

**HOW TO GET PROMOTED IN-HOUSE**

What did you do, or what are you currently doing, to move up the ranks in-house?

Do you manage anyone at your company?

How do you view your future at your company? Is there room for advancement or is it flat?

Are there people senior to you within the legal department whom you consider mentors either officially or unofficially?

If you've been promoted (even if your promotion is to a different grade of the same title), how did the promotion occur – did you ask for it or was it offered to you?

From whom did you ask for help in your advancement?



## APPENDIX J

## QUESTIONS FOR IN-HOUSE COUNSEL (CONTINUED)

### QUESTIONS FOR IN-HOUSE COUNSEL (CONTINUED)

Have you encountered racism and if yes, how did you deal with it?

To what do you attribute your success in-house?

How do you define leadership for an in-house staff counsel?

How do you define leadership for a manager in-house?

What is the most important thing an in-house manager can do to ensure adequate talent management and succession planning?

How do you define leadership for the General Counsel?

If you could ask your General Counsel to implement one thing that could help you and others like you, what would it be?

What attributes and experiences maximize one's chance of success in a legal department?

Can an outside law firm or people at other companies help you in your visibility with senior management within a corporation?



## APPENDIX J      OUTLINE OF INTERVIEW QUESTIONS (CONTINUED)

### QUESTIONS FOR LAW FIRM MANAGEMENT

We are putting together a list of partners of color in San Francisco to reach out to.  
Can you identify for me, any such partners in your firm to ensure that our records are complete?

Are these individuals equity partners?

What efforts, if any, is your firm making to diversify its partnership?

Have those efforts been successful?

Have some efforts or steps worked better than others?  
If yes, which ones and why?

What, if anything, do you think law firm management can do to diversify law firms generally?

What, if anything, do you think law firm management can do to diversify law firm partnerships?

*For example:*

Hire more diverse summer associates?

Hire more diverse lateral associates?

Hire more diverse lateral partners?

Invest more time and money into the growth of your attorneys?

Should there be more internal diversity training?

Should there be more mentoring for all attorneys?

Should there be more management training as attorneys are typically considered to be great at managing information but poor managers of people?

Is there a white paper or “tool kit” you believe is helpful that can be rolled out for implementation?

What, if anything, do you think individual partners can do to diversify law firms? Please specifically address things that could be done by:

- equity partners
- non-equity partners
- ethnically diverse partners (differentiate by gender if appropriate)
- white, male partners



## **APPENDIX J**    **OUTLINE OF INTERVIEW QUESTIONS** (CONTINUED)

### **QUESTIONS FOR LAW FIRM MANAGEMENT** (CONTINUED)

What, if anything, do you think clients can do to diversify law firms? For example, are specific client actions most helpful at the:

- junior partner level
- senior associate level
- junior associate level
- law student level

Have any of your clients taken steps to encourage your firm to diversify? If so, what steps?

How has your firm responded to those steps?

What advice, if any, would you have for minority associates who might feel lost in a large law firm?

Does your firm have a mentoring program for associates?

Does your firm have a mentoring program specifically for minority associates?

Does your firm have affinity groups for attorneys (for example, based on race, gender, orientation, etc.)?

Does your firm have a diversity committee?

Does your diversity committee provide support to ethnic minority associates specifically related to making partner?

Is there anything that we have not asked about or you have not mentioned that you think is important regarding law firm diversity at the partnership level?



## APPENDIX K LIST OF INDIVIDUALS INTERVIEWED\*

Monty Agarwal, Arnold & Porter LLP  
Jose Allen, Skadden, Arps, Slate, Meagher  
& Flom LLP  
Asim Bhansali, Kecker & Van Nest LLP  
Greg Broome, Wilson Sonsini Goodrich & Rosati  
Deborah Broyles, Reed Smith LLP  
Tom Cervantez, Business Counsel Law Group LLP  
Cedric Chao, Morrison & Foerster LLP  
Rollin Chippey, Morgan, Lewis & Bockius LLP  
Eugene Clark-Herrera, Orrick, Herrington  
& Sutcliffe LLP  
Andrea Clay, Allen Matkins Leck Gamble Mallory  
& Natsis LLP  
Daniel Cody, Reed Smith LLP  
Oswald Cousins, Orrick, Herrington & Sutcliffe LLP  
Jahmal Davis, Hanson Bridgett LLP  
Kamili Dawson, Seyfarth Shaw LLP  
Kimberlei Evans-Dixon, Lewis Brisbois Bisgaard  
& Smith LLP  
Dorothy Fernandez, Morrison & Foerster LLP  
Kevin Fong, Pillsbury Winthrop Shaw Pittman LLP  
Sergio Garcia, Reed Smith LLP  
Angel Garganta, Arnold & Porter LLP  
Haywood Gilliam, Covington & Burling LLP  
Arturo J. González, Morrison & Foerster LLP  
Max Gutierrez, Morgan, Lewis & Bockius LLP  
Laurie Hane, Morrison & Foerster LLP  
Terence Hawley, Reed Smith LLP  
Jennifer Hernandez, Holland & Knight LLP  
Clothilde Hewlett, Nossaman LLP  
Erick Howard, Shartsis Friesen LLP  
Dan Johnson, Morgan, Lewis & Bockius LLP  
Leo Lam, Kecker & Van Nest LLP  
Baldwin Lee, Allen Matkins Leck Gamble Mallory  
& Natsis LLP

Theodora Lee, Littler Mendelson P.C.  
Ray Marshall, Bingham McCutchen LLP  
Otis McGee, Sheppard Mullin Richter  
& Hampton LLP  
Tim Moppin, Bullivant Houser Bailey PC  
Peter Muñoz, Reed Smith LLP  
Angela Padilla, VMware, Inc.  
Warrington Parker, Orrick, Herrington  
& Sutcliffe LLP  
Tuan Pham, Goodwin Procter LLP  
Richard Pio Roda, Meyers Nave Riback Silver  
& Wilson PC  
Lindbergh Porter, Littler Mendelson P.C.  
Ashok Ramani, Kecker & Van Nest LLP  
Anthony Rodriguez, Morrison & Foerster LLP  
Mara Rosales, Rosales Law Partners LLP  
Raymond Sheen, Jones Day  
Key Shin, Morrison & Foerster LLP  
Robert E. Sims, Latham & Watkins LLP  
Joyce Smith, Baker & McKenzie  
Jon Streeter, Kecker & Van Nest LLP  
Eric Tate, Morrison & Foerster LLP  
Patrick Thompson, Goodwin Procter LLP  
Ted Ting, Reed Smith LLP  
L. Julius M. Turman, Morgan, Lewis & Bockius LLP  
Andres Vallejo, Morrison & Foerster LLP  
Garner Weng, Hanson Bridgett LLP  
Bobbie Wilson, Perkins Coie LLP  
Ray Wong, Duane Morris LLP  
Clifford Yin, Coblenz, Patch, Duffy & Bass LLP  
Salle Yoo, Davis Wright Tremaine LLP

\* This list includes only those minority law firm attorneys who were interviewed and agreed to be identified. This does not include law firm attorneys who did not want to be identified, the in-house counsel interviewed or the managing partners interviewed.

## APPENDIX L LIST OF INDIVIDUALS WHO CONDUCTED THE INTERVIEWS

Alexis Amezcua, Morrison & Foerster LLP  
Angela Arroyo, Pillsbury Winthrop Shaw  
Pittman LLP  
Na'il Benjamin, Coblenz Patch Duffy & Bass LLP  
Hozefa Botee, Gunderson Dettmer Stough Villeneuve  
Franklin & Hachigian LLP  
Eric Casher, Meyers Nave Riback Silver & Wilson PC  
Laurie Charrington, Jones Day  
Christina Chen, Morrison & Foerster LLP  
Eugene Clark-Herrera, Orrick Herrington &  
Sutcliffe LLP  
Wayne Corbett, Morrison & Foerster LLP  
Oswald Cousins, Orrick, Herrington & Sutcliffe LLP  
Jahmal Davis, Hanson Bridgett LLP  
Kamili Dawson, Seyfarth Shaw LLP  
Alica Del Valle, Owen, Wickersham & Erickson, P.C.  
Kimberlei Evans-Dixon, Lewis Brisbois Bisgaard  
& Smith LLP  
Kay Fitz-Patrick, Morrison & Foerster LLP  
Sergio Garcia, Reed Smith LLP  
Arturo J. González, Morrison & Foerster LLP  
Christin Hill, Orrick, Herrington & Sutcliffe LLP  
Ilham Hosseini, Jones Day  
Daisy Hung, University of San Francisco  
Yolanda Jackson, The Bar Association of San Francisco  
Lelamarie Kelly, Jones Day  
Jina Kim, Morrison & Foerster LLP  
Susan Kumagai, Lafayette & Kumagai LLP  
Baldwin Lee, Allen Matkins Leck Gamble Mallory  
& Natsis LLP  
Kathleen Letourneau, Owen, Wickersham  
& Erickson, P.C.  
Sara Mahdavi, Morrison & Foerster LLP  
Otis McGee, Sheppard Mullin Richter  
& Hampton LLP  
Natalia Merluzzi, ACLU of Northern California  
James Mink, Jones Day  
Kavya Mohankumar, Wilson Elser Moskowitz  
Edelman & Dicker  
Miriam Montesinos, Sheppard Mullin Richter  
& Hampton LLP  
Timothy Moppin, Bullivant Houser Bailey P.C.  
Peter S. Muñoz, Reed Smith LLP  
Ann Nguyen, Phan, Nguyen & Associates LLP  
Duyen Nguyen, Attorney at Law  
Warrington Parker, Orrick, Herrington  
& Sutcliffe LLP  
Richard Pio Roda, Meyers Nave Riback Silver  
& Wilson  
Vid Prabhakaran, Davis Wright Tremaine LLP  
Tim Reed, Morrison & Foerster LLP  
David Reidy, Reed Smith LLP  
Russell Roeca, Roeca Haas Hager LLP  
Cristina Rubke, Shartsis Friese LLP  
Janelle Sahouria, Morrison & Foerster LLP  
Isabelle Salgado, AT&T Legal Department  
Sarina Saluja, Morrison & Foerster LLP  
Priya Sanger, Wells Fargo Bank  
Alex Santana, Pillsbury Winthrop Shaw Pittman LLP  
Avin Sharma, Vasquez Benisek & Lindgren LLP  
Raymond Sheen, Jones Day  
Jaron Shipp, Lieff Cabraser Heimann  
& Bernstein, LLP  
Jennifer Shoda, Snyder Miller & Orton LLP  
Donald Snead, Orrick, Herrington & Sutcliffe LLP  
Armila Staley-Ngomo, Morrison & Foerster LLP  
Martin Sul, Pillsbury Winthrop Shaw Pittman LLP  
David Sykes, Orrick, Herrington & Sutcliffe LLP  
Quyen Ta, Kecker & Van Nest LLP  
Eric Tate, Morrison & Foerster LLP  
Nathaniel Torres, Morrison & Foerster LLP  
David Tsai, Townsend and Townsend and Crew LLP  
Andres Vallejo, Morrison & Foerster LLP  
Claudia Vetesi, Morrison & Foerster LLP  
Garner Weng, Hanson Bridgett LLP  
Kevin Whittaker, Gordon Rees LLP  
Barbra Williams, Lieff Cabraser Heimann  
& Bernstein, LLP  
Heather Wong, Lieff Cabraser Heimann  
& Bernstein, LLP



## APPENDIX M MEMBERS OF THE BOTTOM LINE PARTNERSHIP TASK FORCE

### TASK FORCE CO-CHAIRS

Nicole Harris, Pacific Gas and Electric Company  
Angela Padilla, VMware, Inc.  
Jennifer Shoda, Snyder Miller & Orton LLP

### TASK FORCE MEMBERS

Daniel Burkhardt, The Bar Association of San Francisco  
Sergio Garcia, Reed Smith LLP  
Sharron Williams Gelobter, Yurumein Law Firm  
Arturo J. González, Morrison & Foerster LLP  
Mary Hernandez, GCR LLP  
Yolanda Jackson, The Bar Association of San Francisco  
Lauren Luke, The Bar Association of San Francisco  
James Mink, Jones Day  
Miriam Montesinos, Sheppard Mullin Richter & Hampton LLP  
Peter Muñoz, Reed Smith LLP  
Edith Perez, Morrison & Foerster LLP  
Russell Roeca, Roeca Haas Hager LLP  
Cristina Rubke, Shartsis Friesen LLP  
Isabelle Salgado, AT&T Legal Department  
Priya Sanger, Wells Fargo Bank  
Avin Sharma, Vasquez Benisek & Lindgren LLP

## APPENDIX N DIRECT QUOTES OF INTEREST TO SPECIFIC QUESTIONS FROM THE INTERVIEWS

This section contains excerpts from the partners of color and managing partner interviews. We have selected five of the more probative questions from the partners of color interviews and have highlighted below, some of the responses to these questions. In addition, we have highlighted several quotes from two managing partners who were interviewed. These excerpts represent only a sampling the responses provided in the interviews.

### (EXCERPTS FROM MANAGING PARTNER INTERVIEWS)

**[Managing Partner]** – “...majority lawyers do not always appreciate the complexity of being an attorney of color. Being the only person who looks different from everyone else in the room at a client meeting, deposition, court hearing or other professional event raises issues that majority lawyers do not confront or experience. The solution to this challenge is not clear, but raising it as an issue for open discussion is a start.”

**[Managing Partner]** – “With respect to lateral hiring, firms should adopt the ‘Rooney Rule’, referring to the rule followed by NFL teams with respect to the hiring of head coaches. Under the “Rooney Rule,” a team must interview at least one minority candidate for any head coaching vacancy. While this rule does not ensure that minority candidates are hired (as opposed to being interviewed), the results in the NFL speak to the Rule’s success.”

### (EXCERPTS FROM PARTNERS OF COLOR INTERVIEWS)

**Question:** As an attorney of color, have you experienced any type of discrimination in your workplace?

**Answers/Quotes:**

**[Asian Male]** – “No express discrimination and I would not say my career was hampered because I am an attorney of color. I overcame prejudices – people who perceive minority lawyers as less suited to stand up for court work. No one has explicitly said this, but I feel you have an extra ladder to climb to prove you are capable. People expect you to follow their style.”

**[African American Female]** – “I don’t know if I can say I’ve experienced illegal discrimination, but I think I have been disparately treated. There were two occasions in the past. I was certainly put on a case solely because of my race and brought into meetings solely because of my race. It was very uncomfortable in those instances. I didn’t say anything to the firm, but handled it personally with the supervisor and the head of the firm. They were offering me work that I felt was being offered solely because of my race and they were ugly cases, so I began to reject the work. For me, that was not a good situation.”

**[African American Male]** – “Yes. I have been part of a bait and switch where I was brought in to a pitch simply as an attorney of color and then did not do any of the work on the case.”

**[African American Female]** – “I have experienced discrimination at the law firm involving someone who was my superior on two occasions. I was more surprised that it was so blatant, not so much that it happened. I was working on a case that was a multi-plaintiff race discrimination matter and we represented the defendant. I was the associate and there was a partner on the case that I respect to this day. The plaintiffs were African American and we were preparing for their depositions and the partner says to our client as she was introducing me ‘well you know why she is on the case.’ It silenced me because I knew she did not mean it. Another example is I was in an office with a Caucasian female partner talking about a case and she says ‘this is just a tar baby of a case’ and it kind of went past me, but the partner called me shortly afterward and apologized to me. The partner said she had just talked to her husband on the phone and told him what she said and her husband told her that it was inappropriate. I should note her husband was South Asian.”

## APPENDIX N DIRECT QUOTES OF INTEREST TO SPECIFIC QUESTIONS FROM THE INTERVIEWS (CONTINUED)

[African American Male] – *“Every day still. It is more pernicious now.”*

[African American Male] – *“No. Nothing explicit.”*

[Asian Male] – *“I cannot think of any instances of discrimination in the workplace off the top of my head. I am not saying that I have never been the victim of discrimination, but I may have blocked it out because it just wasn’t that important. It is not my style to get hung up on the negative or focus on an incident that may or may not have been motivated by discrimination. Minority attorneys should not be too quick to focus on suspected discrimination. Instead, they should move forward with a positive attitude and plan for the things they can control.”*

[Latino Female] – *“I don’t think so. As a minority, I may be more sensitive to issues, but certainly nothing obvious.”*

[Latino Male] – *“Yes. In the 1990’s I experienced blatant discrimination dealing with speaking Spanish and dealing with questions regarding the immigration status of my family. I believe discrimination has simply become more subtle, but still is very much present.”*

[African American Male] – *“No. Nothing overt at least. Maybe subtle things, but nothing stands out in my mind.”*

[Latino Male] – *“I may have faced some discrimination in the sense that other individuals sometimes feel that I ‘talked too much.’ Or that I ‘didn’t know my place.’” I believe, however, that it is important to be assertive and to not be intimidated. It is a double-edged sword. If minorities don’t speak up, then they are too meek. But if they do speak up, then they may not ‘know their place.’ I believe I was fortunate because I came to the firm with good academic credentials, so I was never thought of as ‘not smart enough.’”*

[Latino Female] – *“I was the General Counsel of a company. People would walk in the office for meetings with the General Counsel and ask me ‘where is the lawyer?’ They would not make eye contact with me and they would ask me for the ‘person in charge.’”*

[African American Female] – *“Yes. Everything from senior partners calling me by the wrong name, i.e., the other black woman in the office; their assuming that I don’t know what I am doing; people outside the firm thinking I am the court reporter and not the attorney; making assumptions about my background or experience without recognizing that my path was much different than others who may look like me.”*

[Asian Female] – *“I wouldn’t say discrimination, but I have had to work against certain stereotypes. One example is that we had a case going to trial and one of the partners wanted to take me to trial with them on this case but he was concerned that ‘she is so nice and perhaps not tough enough to go to trial on this case.’ Luckily another partner said ‘actually she isn’t that nice.’” I often come across as nice and I treat people with respect, but this can work against me in some respects. The short, female, Asian stereotype can create an image that may work against me. I wanted to be a leader and not just a notetaker or caretaker. I started to say ‘no’ to certain things I didn’t want to do.”*

[Latino Female] – *“Yes. It involved senior colleagues. Even though I was bringing in the most revenue to our firm, I was the second lowest paid attorney in the firm.”*

[Asian Male] – *“Not that I could pinpoint.”*

## APPENDIX N DIRECT QUOTES OF INTEREST TO SPECIFIC QUESTIONS FROM THE INTERVIEWS (CONTINUED)

[African American Female] – “Not directly from within my law firm. But there have been instances where opposing counsel assumes that I am the court reporter or the secretary. Assumptions have been made about who I am, my perspective and my skills.”

**Question: Do you believe that as an attorney of color you must work harder or act differently than your non-diverse colleagues in order to have the same credibility or career opportunities?**

**Answers/Quotes:**

[African American Female] – “Absolutely. This is just my very personal feeling on this. I do believe that I am held to a different standard than my colleagues – I don’t feel like I have the luxury to have an ‘off-day.’ I feel like I have to go all the way and put in full force effort on everything and not cut corners.”

[Asian Male] – “Yes, there is some discrimination that I have faced. When I was working on a huge project, the associates who were in the inner-circle on that project were the Caucasian associates. The minorities and women on the project knew about this disparity, but it was something that was just known among them and was not necessarily discussed.”

[African American Male] – “Yes. I am always conscious of and try to project myself in such a way as to deflect perceived stereotypes.”

[Asian Female] – “Different races have different challenges. African Americans have to deal with well-established stereotypes. Asian women who go into litigation are seen as butch, dragon ladies, and just not that smart. Asian men are supposed to be engineers. They are supposed to be analytical and good writers, but have no personalities, they cannot close deals, they cannot interact with clients and cannot play golf. Asian male attorneys reach a certain level and then are replaced by younger attorneys. As a minority, you can not say or act the way you want to. Since Caucasians define the standard, often behavior has to be adjusted to what they consider the norm.”

[African American Male] – “Yes. I felt that I had to work harder to get the same opportunities. I made sure to always wear a suit and tie when meeting clients and I made sure to have a separate office persona. People sometimes made assumptions that I was not an attorney.”

[African American Female] – “There is a lot of pressure to hold myself to a higher standard. Especially with firms that have problems relating to minority associates. If you get an ‘X’ against you, then it can spiral out of control. Non-minority attorneys get second chances that minorities don’t.”

[African American Male] – “I have practiced long enough to know that partners of color have to work a lot harder, but they are not always rewarded as they should be financially or with stature positions in their firms. They need to insist on a level of respect and the tangible rewards. For me, my firm has been everything I wanted it to be from the time I was an associate. But I have given the firm more than it has ever given back to me. I sacrifice too much.”

[African American Female] – “Not necessarily. In my firm, I always felt trusted equally and equally judged on my work. However, with clients and in court, I find I need to prove more as a woman of color. In terms of becoming a partner, it is harder to become an Equity Partner as an attorney of color. There are cultural advantages amongst the social circles of Caucasian attorneys of which minority attorneys are not a part.”

## APPENDIX N DIRECT QUOTES OF INTEREST TO SPECIFIC QUESTIONS FROM THE INTERVIEWS (CONTINUED)

[African American Male] – “I grew up in a small little blue collar town where education was not pursued nor appreciated by my classmates. I talked a lot of trash and fought if I had to. All which made me ill-suited for a law firm environment. So, trying to figure out what is politically correct at a law firm is hard. For example, a typical Asian family teaches one to be deferential. But being deferential will not get you anywhere at a law firm. Sometimes it is all a cultural thing. The first thing I did was to confront the questions: Is it possible to be Black and professional? Once I decided that it was possible, then a lot of things got easier for me. Most folks know that the stereotypes do not go away once you join a law firm.”

[Asian Male] – “I don’t think I have to work harder or act differently.”

[African American Male] – “Yes, I have always felt that.”

[African American Female] – “On some level I don’t have to work harder than others. I am often the only person of color in the room and I have to adapt to whatever line of conversation is going on in order to fit in and I have to fit in, in order to be accepted and to be invited again. If I do not fit in, I may not get the opportunity to meet with client X because at the dinner last week I did not have the right level of enthusiasm.”

### Question: Have you ever felt that you did not receive important work assignments because you are an attorney of color?

#### Answers/Quotes:

[Asian Male] – “Yes. I had to finagle my way into good work – that is, plot with a more senior minority lawyer on how to distribute work. It was a conscious decision – the biggest case that the senior lawyer had they staffed the case with only women and minorities.”

[Asian Male] – “I am concerned that despite their best intentions, too many partners rely on the same people when it comes to staffing cases. He cited a specific example of a big case he brought to the firm. Despite expressly telling his colleague to assign a certain minority partner as second chair on this new matter, a non-minority partner was given the case – in fact, the recommended minority partner was never approached about working on the matter. Absent an incentive to assign minority lawyers, I believe it will be harder due to people’s tendency to give work to the same people to whom they have always given work.”


### Question: Do you believe that it is any harder (or easier) for an attorney of color to become a partner at your firm?

#### Answers/Quotes:

[African American Male] – “I think it’s harder, because there is a built-in belief that we are not qualified, or that if we do good work we are not strong enough to stand up to criticism or not talk back. All the reasons they give you for not being a partner...Asians are too docile... Blacks and Latinos are not smart enough...Gays make people uncomfortable.”

[Asian Male] – “Yes. In fact, I think African Americans have to work harder. If I were to give an order of who has it easiest to who has it hardest it would be: white men, white women, Asian women, Asian men, Latino men, Latino women, African American men and then African American women.”

[Asian Male] – “Yes. It is harder for African Americans, until 40-45 years ago, they were not recognized as equal citizens.”



## APPENDIX N DIRECT QUOTES OF INTEREST TO SPECIFIC QUESTIONS FROM THE INTERVIEWS (CONTINUED)

[African American Female] – *“From a general perspective, I do think that it can be harder for people of color to make partner. But the way that I came up and made partner and made connections, I would not necessarily fall into this category. The blocks all fell in the right place for me. I connected with the right people and got the right work. I feel like my experience is not normal, or regular or routine for a lot of people, and certainly not for people of color.”*

[Latino Male] – *“Definitely, you come with a question mark unfortunately.”*

[African American Male] – *“Yes. Mainly because you don’t have the same support system in place. There aren’t many who came before you and so the support is lacking and the support is what is needed to help you make it.”*

[Asian Male] – *“As a whole, it is a bit harder. The main thing is that you are less likely to get ahead because of who your Dad knows or because you play golf. The ease with which you are able to find someone of a similar background that you can do things with and that draws you into a close relationship with other people to develop your business, is more difficult.”*

### Do you believe that attorneys of color are viewed positively by others in the workplace?

[Latino Male] – *“I think the younger lawyers have a more positive view of attorneys of color in the workplace. There is a move toward more diverse work places and I think younger generations focus on this more. For those at the partner level, it is a business – and it is nice if there are minorities working there, but it is a business. If those minorities are not making money for the firm they will not be there long. I think that is fine – it should be color blind and if someone is not profitable or adding value to the firm, they should not be around. What you don’t want is to have lawyers affirmatively saying they don’t want minorities at the firm as lawyers, or derailing efforts at inclusion of minorities. I saw that at one firm, not surprisingly, that firm went away during our recent financial upheavals.”*

[Latino Male] – *“It depends. Juries, yes. Clients and judges, increasingly, yes. Non-minority partners, slow progress.”*

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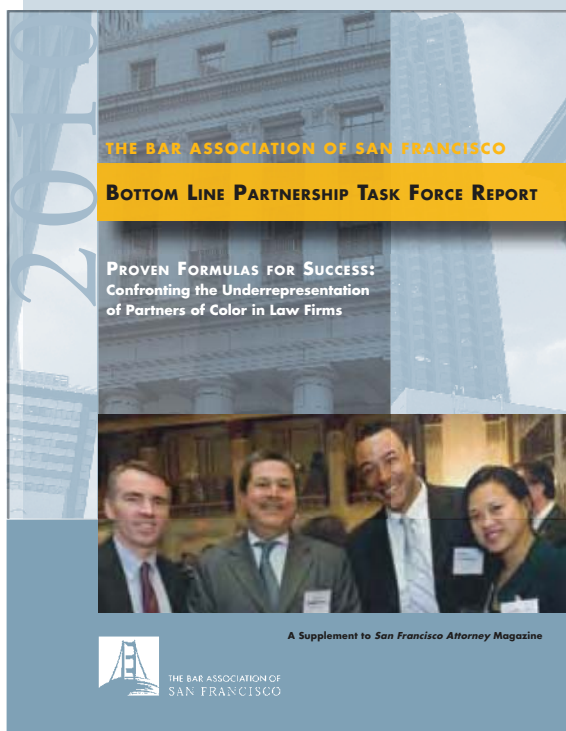
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**ORANGE** denotes existing BASF programs;  
**GRAY** denotes future programs.

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# Diversity?

## Our rankings speak louder than words.

### **The American Lawyer A-List.**

MoFo has been named to the elite A-List for seven straight years. The list honors 20 of the nation's 200 top firms that "build successful practices without abandoning the profession's core values," including diversity in the workplace.

### **The National Asian Pacific American Bar Association.**

We were honored with the inaugural NAPABA Diversity Award in 2008 for the firm's commitment to, and achievements in, maintaining a diverse workplace.

### **The Minority Law Journal.**

MoFo regularly ranks in the Top 10 for diversity in MLJ's annual scorecard. In the current (2010) edition, we rank #10 in diversity among U.S. law firms nationwide.

### **Working Mother Magazine & FlexTime Lawyers "Best Law Firms for Women."**

MoFo has been listed for three straight years as one of the "50 Best Law Firms for Women" (2007, 2008, and 2009).

### **Vault Guide to America's Top 100 Law Firms.**

Vault consistently ranks MoFo among the top law firms in the country for diversity across an array of categories, including diversity for minorities, women, and gays and lesbians. In the (2010-11), we ranked #6 in overall diversity.

### **MultiCultural Law Magazine.**

Morrison & Foerster ranked on the 2008 Top 100 Law Firms for Diversity survey and the inaugural 2008 Top 100 Law Firms for Women survey.