

SAN FRANCISCO'S PARTNERS OF COLOR:



A Candid, Insightful, and ... Somewhat Disconcerting Study

Arturo J. González

In November 2005, The Bar Association of San Francisco released a report titled *Goals and Timetables for Minority Hiring and Advancement*, which was the fourth in a series of reports analyzing the progress that San Francisco law firms were making toward diversifying our profession. The 2005 report included a startling statistic: in 1990, there were nine African American partners practicing at large law firms in San Francisco; in 2005, after fifteen years of intense efforts to increase diversity, the number of African American partners at large San Francisco firms remained the same—only nine. During that same fifteen-year period, the number of Latino partners at large law firms showed modest progress, increasing from four to nine, while Asian partners quadrupled, from four to seventeen.

As the 2010 BASF president, I decided to change the focus. This year, BASF formed the Bottom Line Partnership Task Force to study again the state of diversity by focusing on minority partners within San Francisco law firms. Prior studies included an analysis of the number of partners of color in small, medium, and large San Francisco law firms, respectively. The approach of measuring

numbers only no longer works because of the significant changes in our law firm landscape. In 2000, there were seven “large” law firms in San Francisco (defined as firms with more than 150 lawyers practicing); today, there are only two: Morrison & Foerster and Orrick, Herrington & Sutcliffe. Thus, counting the number of partners of color at these two large firms would not show us how much, if at all, our profession has progressed on the issue of diversity.

We decided that instead of assembling numbers, we would try to do something more informative that would lead to more productive results. We assembled a small army of lawyers who agreed to interview partners of color and managing partners at midsize and large law firms, as well as in-house counsel at some of the clients for these firms. The objective was three-fold:

1. To find out how these lawyers managed to “make it” to partnership so that we could put together a list of tried and proven recommendations for lawyers of color on how to succeed in a law firm environment.

2. To put together a list of suggestions on what in-house counsel could do to help diversify our law firms.

3. To outline “best practices” that law firm decision makers could follow to increase their diversity efforts.

I chose the name of the task force because my hope was that we would cut through the rhetoric and get to the “bottom line” about how these partners made it and how others can follow in their footsteps.

The participation by partners of color has been heartening. In all, sixty-two partners of color were interviewed. We interviewed nearly all of the African American and Latino partners in San Francisco, as well as a subset (approximately fifteen) of Asian partners. We also interviewed ten in-house counsel from leading clients and twelve San Francisco law firm managing partners. Summaries of those interviews were prepared, based on which we have compiled a list of specific recommendations that lawyers of color, clients, and law firms should consider adopting to improve the hiring and retention of diverse attorneys.

Our full report will be formally released in November.

In this article, I offer a sneak peak, and make a few observations about our findings.

LOW-HANGING FRUIT: CROSS-SELLING PARTNERS OF COLOR

Law firms need to do a better job of cross-selling their partners of color. Cross-selling partners of color might be the easiest way to ensure that partners of color survive and progress at their firms. Many of the partners we spoke with gave specific examples of how their majority partners introduced them to clients and how that aided them in their careers. Likewise, other minority partners who had switched firms expressed dissatisfaction that their majority partners had not made significant efforts, if any, to cross-sell their services.

Bottom Line: Minority partners flourish when their majority partners are willing to cross-sell them.

A MOBILE GROUP

Most partners of color have worked at more than one law firm. “Lifers” are very rare. I believe this is because partners of color are in demand. For many firms who recognize the importance of diversity, it is far easier to recruit a proven commodity from another firm than to spend at least a decade recruiting, training, and trying to promote someone from within.

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

VALUE OF PARTNERS OF COLOR WILL INCREASE

An increasing number of clients are asking about, and in some cases demanding, diverse legal teams. While opinions differ on whether the clients’ desire to diversify is real, there is consensus that at least some clients (and in-house counsel) genuinely consider diversity to be an important issue. Microsoft’s bold initiative to provide bonuses to law firms that present diverse teams is a good example; WalMart’s decision to reevaluate its law firm partner relationships is another. Sophisticated clients who have a trial in almost any large metropolitan area understand that jurors are increasingly diverse and these clients are, accordingly, sensitive to the issue of who will speak to those jurors on their behalf. The pressure from these clients should only increase in the future. 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. Client employees, elected and appointed officials, and jury pools will continue to diversify.

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

PRESIDENT'S REPORT

PUBLIC SECTOR A STEPPING STONE TO PARTNERSHIP

When I began practicing law twenty-five years ago, most law school graduates believed they had to “choose” between public and private practice. Today, as evidenced by the career paths of a number of the partners of color who were interviewed for our BASF study, working as a lawyer in the public sector is a proven avenue for partnership in private firms. Working in a specialized field, such as SEC enforcement, antitrust, or environmental regulation is a stepping-stone used by many existing partners of color in becoming partner in a San Francisco law firm. Although some of those partners had no intention of working in a law firm when they began in the public sector, they were enticed by the significant disparity in salary and career opportunities at law firms.

Bottom Line: Law firms should look at public-sector lawyers of color when contemplating lateral hires.

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

CONCLUSION

Prior BASF reports show that we have made significant strides in hiring associates of color at San Francisco law firms. We have not, however, done a comparable job of elevating those associates to partner. Our report will provide helpful guidance on how we can do better. No lawyer, law firm, or client will be able to say, “I would like to help, but I don’t know how.” We will provide you with the “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 be open to promoting their lawyers of color just as readily as they do other lawyers in the firm; if clients care, they will demand diversity on their legal teams

BOTTOM LINE: IF MAJORITY PARTNERS CARE ABOUT DIVERSITY, THEY WILL BE OPEN TO PROMOTING THEIR LAWYERS OF COLOR JUST AS READILY AS THEY DO OTHER LAWYERS IN THE FIRM.

RECRUITING PRACTICES REVISITED?

Most law firms, especially large ones, target certain law schools. At least with respect to partners of color, they do not necessarily come from those schools. Although we did not interview every partner of color in San Francisco, our sample did include the vast majority of African American and Latino partners. Our report will summarize the law schools that those successful attorneys attended. Many of them attended Harvard and Boalt; however, it might surprise some to learn that more of the partners of color attended law school at the University of San Francisco than at Yale, Columbia, or UCLA.

and make sure there are consequences if this demand is not met; and if law firms care, they will reward partners who do their part to ensure the success of and successfully cross-sell lawyers of color. For our part, lawyers of color need to be ready to pounce on any opportunity we get to prove to our partners and clients that we are skilled, talented, and capable of doing the work—and doing it well.

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