

California Firms Show the Way to Diversity

By Karen Sloan

January 19, 2010

Can law firms across the country learn some diversity lessons from California firms?

The authors of a new report think so, and they point to diversity statistics that suggest California firms generally do a better job of hiring and retaining women, gay and lesbian attorneys and minority attorneys than do their counterparts outside the Golden State.

For example, minorities represent 10 percent of the total partners at major California law firms -- twice that of major U.S. firms. The percentages of nonpartner minorities and women attorneys at California firms also outpaced the national statistics -- 27 percent for the former, compared to 18 percent nationally; and 35 percent for the latter, compared to 32 percent nationally.

Fenwick & West, based in Mountain View, Calif., commissioned the study, which was conducted by consulting firm Talent Advisory Board Inc.

"We thought it would make sense to basically identify peer firms that have been doing well on diversity in certain areas and see if they would share with us the things they have done to get to that point," said Felix Lee, the co-chairman of Fenwick & West's diversity committee.

Both Lee and Talent Advisory Board principal Tina Paikeday acknowledged that recruiting and keeping diverse talent is somewhat easier in California because of the progressive tradition and diversity of the state. Still, they agreed that the seven firms examined in the study -- Bingham McCutchen; Fenwick & West; Littler Mendelson; Morrison & Foerster; Orrick, Herrington & Sutcliffe; Pillsbury Winthrop Shaw Pittman; and Wilson Sonsini Goodrich & Rosati -- offer some valuable lessons.

"We really found that there are a few things that stood out as areas where firms could invest in order to advance diversity," Paikeday said. "We found that



Talent Advisory Board's
Tina Paikeday



Fenwick & West's
Felix Lee

relationships within the firm are extremely important in order for attorneys to get the right development opportunities and make it to the partnership level."

The study highlighted the success of Bingham McCutchen's San Francisco office in recruiting and retaining African American attorneys -- they account for 7 percent of the office's partners and 6 percent of associates, compared to 2 percent of firm partners and 3 percent of associates in San Francisco overall. The firm's numbers were due in part to the fact that it looks beyond grades during its hiring process, on the theory that grades alone don't guarantee professional success. Bingham McCutchen also recruits at schools outside of the top tier, including at Howard University School of Law, a historically black college.

"Certainly one of the findings I think there is a difference of opinion on is the notion that grades should be given less weight in the recruiting process. There has been a raging debate about that in the legal community," Lee said.

The report also notes Morrison & Foerster's relatively high percentage of both Hispanic and gay and lesbian attorneys. In addition to senior partners mentoring diverse attorneys to keep them on the partnership path, the firm's pro bono work on civil rights cases, the AIDS crisis and the fundraising by its attorneys to defeat Proposition 8 in California have helped bolster the firm's reputation as a place that welcomes diversity, according to the report. That, in turn, helps to attract diverse attorneys.

When it comes to recruiting and retaining women, Littler Mendelson was far ahead of most of its competitors -- 46 percent of its attorneys in California are women, compared to 35 percent in the state overall. The firm doesn't assume that all attorneys want to be on the shareholder track, and offers three different career tracks. The firm launched its Diversity and Inclusion Council in 2008, with a goal of including women at all management and leadership levels.

"Diverse attorneys need senior-level role models," Paikeday said. If they don't find them, "they may decide to go somewhere else. It helps when attorney can look around and see folks like themselves."

Source: The National Law Journal