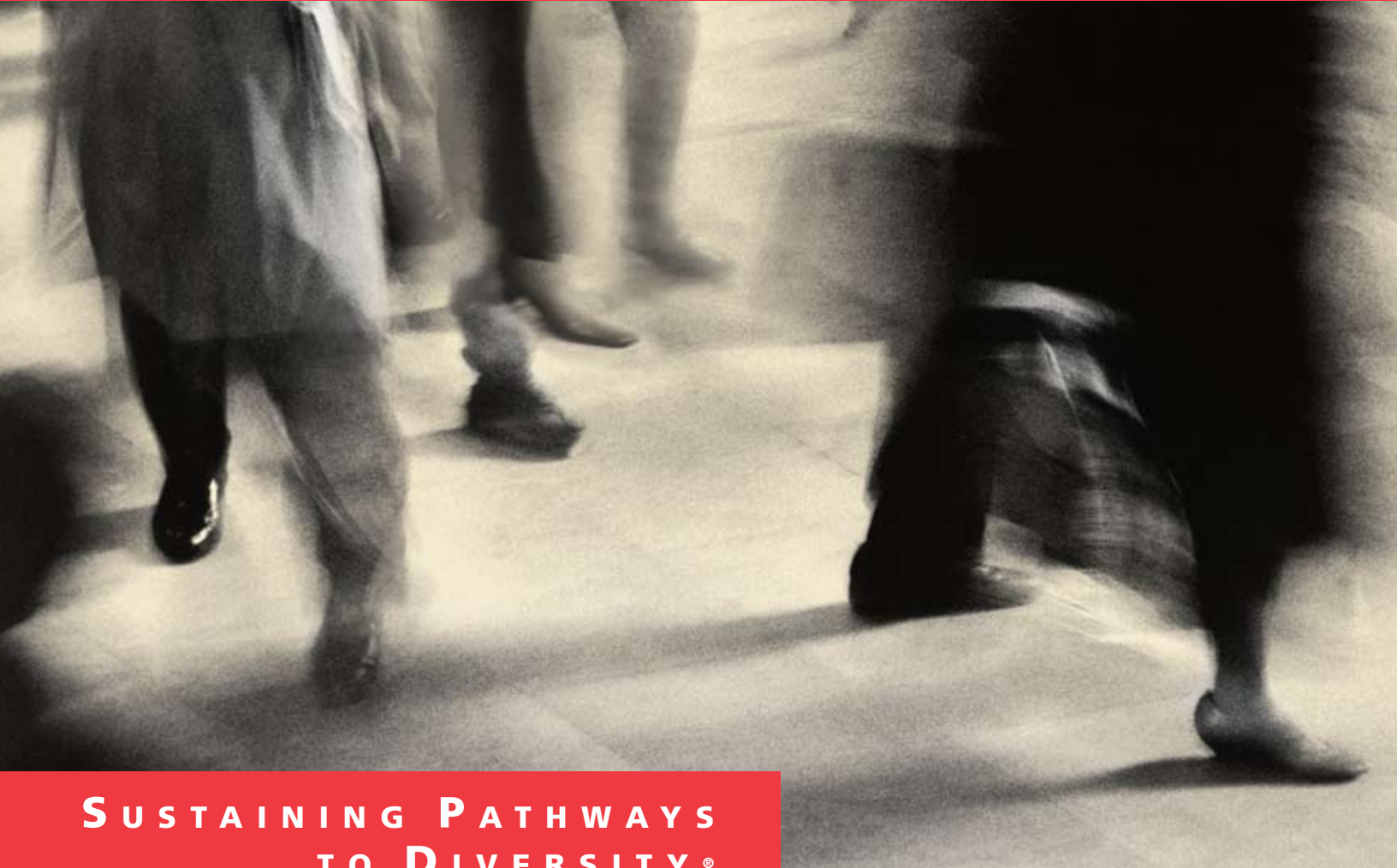


THE NEXT STEPS IN UNDERSTANDING AND
INCREASING DIVERSITY & INCLUSION IN LARGE LAW FIRMS



SUSTAINING PATHWAYS
TO DIVERSITY®





Sustaining Pathways to Diversity:®

**The Next Steps in Understanding
and Increasing Diversity &
Inclusion in Large Law Firms**



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For further information, contact MCCA's Washington, D.C., office at 202-739-5901.

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Leadership Circle of Firms

The MCCA survey that serves as the basis for this research report was distributed to 217 law firms, including the firms that comprise the AmLaw 200 list of top firms by revenue. Lawyers from a total of 124 of those 217 law firms responded to the survey. The following law firms were especially helpful by circulating the survey more than once, and by encouraging their attorneys to complete the survey questionnaire. MCCA extends its appreciation for their diligent efforts and leadership in advancement of this research report.

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Executive Director
Minority Corporate Counsel Association

Since 2002, when MCCA published its first research report on the bridges and barriers to advancing diversity in law firms, the legal landscape has changed substantially. Back then, I spent a lot of my time trying to convince law firms and their management teams that advancing diversity should even make their list of priorities for the law firm. I remember there was a good bit of resistance, and corporate diversity leadership at that time did not include efforts like the Call to Action.

In fact, in 2002, most law firms were not actively pursuing diversity programs. They had not organized firm-wide diversity committees. No law firm had a dedicated professional serving as a diversity director or chief diversity officer. Many were debating whether collecting data regarding the firm's diversity progress was legal. It was a time when more law firms were concerned about simply complying with the law; their emphasis, basically, was to avoid doing anything wrong that would expose the firm to a suit on the grounds of racism, sexism, or ageism. For lesbian, gay, bisexual, and transgender (LGBT) lawyers, it was a particularly troubling time, because this group was largely excluded from the diversity discussion, and too many LGBT attorneys did not feel safe being "out" in their law firms.

Clearly, a lot has changed for the better over the years. As the findings of this most recent study by MCCA demonstrate, however, circumstances have not changed enough in many areas — and old attitudes die hard, despite the best of intentions.

Sustaining Pathways to Diversity:® The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms represents a fresh look at two law-firm topics previously examined by MCCA.

- An examination of the experiences of a diverse group of lawyers in law firms, and an analysis to compare the experiences of different demographic groups of lawyers from a variety of academic backgrounds and at various stages of their careers.
- An analysis of the "Myth of Meritocracy," a widely held belief within many large law firms that academic pedigree and credentials foretell one's potential for success as an associate and fitness for partnership.

MCCA previously reported that the majority of successful law firm partners lack the academic pedigree and credentials that many hiring committees of law firms demand of incoming associates. Not only is this still true, but MCCA research also reveals that in large law firms, majority males with lesser academic credentials or law degrees from second- and third-tier law schools report professional experiences and comfort levels that are superior to their better-credentialed colleagues from underrepresented demographic groups (*i.e.*, racial/ethnic minorities, women, and LGBT attorneys who attended Tier 1 law schools).

In addition to reexamining some old challenges, MCCA also uncovered new concerns, such as the importance of approaching diversity initiatives with sensitivity to the views of all lawyers. Many white male lawyers reported feeling that the very programs intended to build more-inclusive workplaces may be unfairly leaving them out. These concerns must be addressed if organizations are to achieve the diversity they seek.

Beyond simply documenting challenges, MCCA is dedicated to offering recommendations and solutions. Therefore, throughout this report, readers will find a number of practical suggestions. MCCA also intends to issue companion reports, using the data from this research, to undertake a closer examination of issues and recommendations for LGBT inclusion, as well as the relationship between white men and diversity. Stay tuned!

This research report was funded through the generosity of the donors to MCCA's special fundraising effort, the 10x10x10 Campaign. We invite you to learn more by visiting MCCA online at www.mcca.com.

Best regards,



Veta T. Richardson
Executive Director, MCCA

Executive Summary

Strategic Leadership and Commitment

The majority of respondents reported overwhelmingly that the leadership of their law firms have communicated a commitment to diversity. However, minority lawyers and female associates rated the strategic leadership and commitment to diversity in their firms lower (81% and 79%, respectively) than did whites and male partners (90% and 94%, respectively).

Many white men reported their perceptions that their firms were committed to diversity, but it was at the expense of the opportunities available to white men and there was some resulting resentment.

The results of the survey suggest that, while law firms are communicating their commitment to diversity more effectively, the commitment may not always be accompanied by a clear message explaining why diversity is important.

Recruiting and the Myth of Meritocracy

Research in this report illustrated that for many law firms, the standards for recruiting minorities was actually higher than it was for recruiting whites, and that the myth of meritocracy (*i.e.*, that law firms hire and promote on purely objective merit criteria) continues to exist at law firms. A strong sentiment continues to exist among white men that racial/ethnic minorities who are hired into law firms are less qualified than other candidates. This perception is reinforced by a related sentiment that even minorities who graduate from top law schools are less qualified because they entered those law schools through racial preference programs.

The survey findings indicate that minorities were less likely than whites to view the criteria of law school ranking and law school grade point average as important. Nevertheless, the group most likely to disregard the primacy of these criteria — female associates — is made up mostly by white women. The group most likely to hold these criteria as critical to recruiting new lawyers was white male partners.

Recommendations

Strategic Leadership and Commitment

- *Law firms should continue to stress the strategic importance of diversity and inclusion from the leadership level, including why it is a priority.*
- *Law firms should ensure that white male voices are included in dialogues on diversity and inclusion, and focus on how more-inclusive workplaces are better for everyone.*
- *Law firms should regularly “check in” with their lawyers to ensure that the diversity and inclusion efforts are working effectively.*

Women generally reported that these two traditional criteria should be balanced with other criteria (e.g., judicial clerkships, prior work experience, and interview performance), whereas men generally responded that these other criteria were less important than the traditional “pedigree” criteria (i.e., law school rank and law school grade point average or individual class rank).

In spite of the perceived tensions between pedigree and diversity, many respondents discussed how law firms have closed off their opportunities to recruit highly qualified and diverse lawyers by staying frozen in historical recruiting models, instead of broadening the recruiting pool.

Inclusion and Work Environment

As previous studies have documented, even when law firms improve their performance in hiring a more diverse lawyer workforce, they continue to struggle in their ability to retain the minorities, women, and lesbian, gay, bisexual, and transgender (LGBT) lawyers that they hire. Current data¹ indicate that the overall levels of inclusion in the workplace have not yet caught up with the commitment to diversity expressed by law firms.

This study closely examined six key inclusion and work environment criteria that lead to greater retention of all lawyers in general, and minority and female lawyers in particular:

- Overall parity in treatment as compared to peers;
- Absence of discrimination (which instead may frequently take more-subtle forms);
- Access to good work;
- Balanced and candid performance evaluations;
- Inclusion in informal networking opportunities; and
- Inclusion in the development of clients and client relationships.

As the responses to this survey illustrate, women and minorities are less likely to feel that they are treated as equals by their peers, and they are more likely to experience disparities that are not reported by those outside of their race, gender, and/or sexual orientation (i.e., straight white males). This research indicates that women and minorities are less likely to receive the work that they are looking for, and they are also more likely to report unfair performance evaluations. Furthermore, women and minorities are less likely to feel included in informal networking, as well as opportunities to develop clients and client relationships.

Minorities and women were less likely than male partners and male associates (most of whom were white) to rate their work environments as places where they were treated as peers by their peers.

Recommendations Meritocracy Perceptions

- *Law firms should candidly assess the criteria that lead to success in their workplaces, and create interviewing and hiring protocols that reflect their realities, instead of perpetuating the myth that success is predetermined by the rank of the law school candidates attended or their law school grade point averages and/or individual class rank.*
- *Law firms should articulate and communicate their “reality-based” hiring criteria, and ensure that they are consistently and uniformly applying the criteria to all candidates.*
- *To increase diversity among interview candidates, law firms should focus on attending regional job fairs that focus on diverse candidates, increase the universe of schools from which they recruit, and participate in collaborative efforts with other law firms to attract diverse candidates to regions that historically may not have attracted these candidates.*

¹ See, e.g., National Association of Women Lawyers, *National Survey on Retention and Promotion of Women in Law Firms* (2007 and 2008 surveys available online at www.nawl.org/Publications/Surveys.htm); NALP — The Association for Legal Career Professionals, *Diversity & Demographics* reports (available online at www.nalp.org/diversity2); American Bar Association Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* (2006), (available online at www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=4920037).

African American lawyers were the most likely to rate their work environments as the least inclusive, whereas white lawyers were the most likely to rate their work environments as highly inclusive.

Only 58% of minorities reported being satisfied with the opportunities they had to participate in business development efforts with important firm clients, in comparison to 73% of whites.

Inclusion and Reverse Discrimination

Tensions between pedigree and diversity resurfaced in many white men's comments on what they perceived to be "reverse discrimination" in inclusion efforts. These expressed perceptions highlight the communication challenges that law firms continue to face in promoting inclusion in a way that embraces the perspectives of white men, who may see inclusion efforts as a challenge to their perceptions of their workplaces as bastions of meritocracy.

In practice, however, the significance of this resentment by many white men in law firms may be that it perpetuates the disparate treatment that many women, minorities, and LGBT lawyers report.

Work/Life Balance

For many participating in the survey, the work/life balance options offered by their law firms were a direct reflection on the inclusive nature of their workplaces. Respondents also differentiated between the existence of these options and their ability to exercise these options without negative consequences to their careers.

Overall, minorities and women responded more negatively than white men about work/life balance in their law firms. It is interesting to note, however, that the perspectives shared by female associates were much closer to those of male associates than they were to female partners, illustrating a generational difference on this issue that appears of greater impact than a gender difference.

Recommendations

Inclusion and Work Environment

- *Law firms should create an action plan that proactively increases inclusion in the way attorneys experience work and life at their firms.*
- *Law firms should expand their definitions of and trainings on discrimination to include subtle forms of discrimination, as well as examples of disparate treatment.*
- *Law firms should create an ombudsperson role in their firms, so that attorneys who want to discuss their experiences have a well-trained and well-informed person to whom they can turn for guidance.*
- *Law firms should regularly evaluate their work-allocation protocols to ensure that everyone in the firm has equal access to the quantity and quality of work they need to effectively develop and advance in their careers.*
- *Law firms should ensure that all senior lawyers who play a role in the evaluation of attorneys are well-informed and well-trained in effective feedback and evaluation techniques.*
- *Law firms should gather data on how people perceive their experiences and opportunities, as well as create networking, client-relationship building, and client-development activities that ensure that everyone feels included in these integral efforts.*
- *Law firms should focus on the development of inclusive work/life balance programs as well as the cultural change necessary for people to take advantage of these programs without penalty.*

Professional Development and Retention

Coaching, Mentoring, and Supervision

Although the survey revealed that law firms have a lot of work to do to provide adequate coaching and mentoring for all lawyers, one recurring theme reflects the disparity between whites and minorities — as well as the disparity between men and women.

In this survey, 71% of whites felt that they had adequate coaching and mentoring to be successful in achieving their career goals, compared with only 62% of minorities who felt the same. When asked whether they had a mentor who was an influential sponsor and can advance their career, only 58% of minorities responded positively, as compared to 74% of whites. Similarly, only 61% of female associates responded positively to the question regarding influential mentors, in comparison with 68% of male associates; only 76% of female partners responded positively to the same question, in comparison to 82% of male partners.

Minorities who attended Top 10 schools reported having less access to mentoring, coaching, and sponsorship than did all white lawyers without regard to what law school they attended. These responses underscore a startling fact: The reality experienced by “top minorities” (*i.e.*, graduates of elite law schools) in law firms is inferior to that of whites who graduated from second- and third-tier law schools. This finding evinces a level of disparate treatment and/or discrimination that is entirely inconsistent with the assertion of a meritocracy within law firms.

The good news is that the majority of women and minorities do not believe that they are victims of discrimination based upon their race or gender. Many did report, however, that various forms of subtle and often-unconscious bias permeate workplaces today, as compared to the more-traditional forms

of discrimination that involve overt and explicit articulation of stereotypes and prejudice.

Training and Development

Overall, 75% of whites perceived that they had access to the training and development that they needed in order to grow and advance professionally, compared to only 59% of minorities. Similarly, 69% of male associates indicated that they had adequate training and development, as compared to only 59% of female associates. Furthermore, 84% of male partners reported having adequate training and development, as compared to only 72% of female partners.



Only 65% of minorities reported that they received appropriate training for the work that they did, compared to 78% of whites. Only 71% of minorities responded that they were satisfied with the level of client contact they received in connection with their development, as compared to 85% of whites.

One area of specific concern to women and minorities was the perception that allocation of work is often dependent on the “old boy network” instead of knowledge, skills, and experience.

Less Support, Higher Standards

Women and minorities reported that they had to perform at a higher level to gain the same credibility and career opportunities as their white male peers. For example, 40% of minorities responded that they had to perform at a higher level to gain the same credibility and career opportunities, as compared to only 19%

of whites. Similarly, 31% of female associates and 37% of female partners perceived they had to perform at a higher level, as compared to only 19% of male associates and 15% of male partners.

Advancement and Leadership

Many women and minorities saw their opportunities for advancement and leadership as less realistic than their white and male counterparts. This perception not only affected their perceptions of long-term

Recommendations Professional Development and Retention

- *Law firms should implement training programs for partners that focus on unconscious and subtle biases to ensure that personal subjectivities do not hinder equality in opportunities for professional development for all attorneys. This anti-bias training must include sexual orientation.*
- *Law firms should develop and implement “upward review” or 360-degree processes for junior lawyers to provide feedback on how partners are assigning work and providing feedback to junior lawyers, as well as evaluating, mentoring, teaching, and developing them. The information gathered through the “upward review” or 360-degree processes can be used to identify opportunities for improvement in the professional development and retention of younger lawyers, as well as hold partners accountable for fully participating in the equitable professional development of all junior lawyers. Without the input of younger lawyers on how senior lawyers are participating in their professional development, the biases of partners to select the lawyers they mentor and develop, based on their own comfort zones, continues unchecked.*
- *Law firms also should have comprehensive exit-interview protocols so that departing attorneys are afforded an opportunity to provide feedback on their experiences, their reasons for leaving, and their suggestions for workplace improvements. These data should be aggregated and reviewed to ensure that the firm draws lessons from current attrition that help increase retention in the future.*
- *Law firms should create leadership development and succession-planning programs that articulate the appropriate skills and characteristics for advancement in order to create a diverse pipeline into leadership positions within the firm. With regard to succession planning in particular, law firms should pay specific attention to ensuring that a diverse group of lawyers is being groomed and mentored to assume relationship and/or billing responsibility for key clients of the firm. It is especially critical to focus on leadership development and succession planning early on in the careers of young lawyers.*
- *Law firms should acquire and apply a thorough understanding of generational differences when creating communication, work allocation, feedback, professional development, and retention strategies to ensure that changes in expectations and perceptions from generation to generation are respected, valued, and accounted for in the workplace.*

success at their law firms, but also increased the likelihood that they would leave their law firms for other opportunities.

Although minority lawyers and white lawyers alike aspired to advance into leadership positions within their firms, only 59% of minority lawyers reported understanding what the criteria were for advancement, as compared to 75% of white lawyers. Moreover, many minority lawyers expressed that the criteria for advancement were both subjective and shared selectively by partners with associates with whom the partners were comfortable. These results indicate that minority lawyers often feel excluded from gaining the information they need in order to advance.

Further, 23% of female associates and 18% of female partners felt that their gender would hinder their advancement in the firm, as compared to only 3% of male associates and 2% of male partners. The white men who indicated that gender would hinder their advancement did so due to perceived harm by reverse discrimination.

Among LGBT respondents, more male LGBT lawyers than female LGBT lawyers believed that their sexual orientation would constitute a barrier to advancement. Female LGBT lawyers reported that gender was a greater barrier than their sexual orientation.

Personal Involvement and the Commitment to Diversity

Although all groups universally reported high rates of support for the desire to work in a diverse and inclusive law firm, the survey results indicate that women and minorities displayed a disproportionately higher level of participation in diversity-related events and initiatives.

Nevertheless, women and minorities reported being significantly less comfortable voicing their disapproval if they overheard negative comments based on race, gender, and/or sexual orientation. Many female

and minority lawyers expressed concerns that they would be viewed as “troublemakers” if they spoke out against inappropriate comments.

Special Report on Women of Color

The results of this study confirm that the experiences of women of color need to be examined separately, rather than as a subset of gender or race issues, in order to increase retention and promote advancement among female attorneys of color.

Women of color consistently reported more-negative experiences than their white female or male minority counterparts within law firms in several categories, including exclusion from work opportunities, networking opportunities, and substantive involvement in developing client relationships.

Women of color also perceived their firms as less committed to diversity than other groups; they also reported experiencing discrimination and bias more often than other respondents.

Recommendations *Personal Involvement in Diversity Efforts*

- *Law firms should continue to monitor the hours that every attorney devotes to diversity and inclusion efforts in order to ensure that the work is being shared by people of all backgrounds.*
- *Law firms should create innovative methods to reward contributions to diversity and inclusion efforts in order to ensure that everyone in the workplace is incentivized to support these issues, particularly white males.*



Finally, women of color had the highest incidence of any demographic group with regard to identifying themselves as personally committed to their firms' diversity and inclusion efforts.

The American Bar Association (ABA) Commission on Women published a series of two comprehensive research reports ("Commission on Women Reports") on the challenges faced by women of color attorneys in law firms. Both MCCA's executive director,

Veta T. Richardson, and Dr. Arin N. Reeves, MCCA's research consultant on *Sustaining Pathways to Diversity*,[®] served as members of the ABA's research advisory board. That group oversaw all aspects of the ABA's research project, including research design, development of surveys and focus groups, and review of all findings and final recommendations. The findings and recommendations were published by the ABA Commission on Women in *Visible Invisibility: Women of Color in Law Firms* in 2006, followed by *From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms (Visibly Successful)* in 2008.² Rather than devoting limited time and resources to repeat in this report the challenges faced by women of color in law firms, it is recommended that one read and adopt the recommendations set forth in *Visibly Successful*.

Recommendations *Women of Color*

- *Law firms should continue to measure women of color as a separate demographic with respect to the recommendations in this report in order to determine whether the firms' diversity efforts fully benefit women of color.*
- *Law firms should carefully consider the findings and adopt the recommendations found in the Commission on Women Reports.*

² American Bar Association Commission on Women in the Profession (Commission on Women), *Visible Invisibility: Women of Color in Law Firms* (2006), (available online at www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=4920037); Commission on Women, *From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms* (2008), (available online at www.abanet.org/women/woc/VisiblySuccessful.pdf).

Diversity in Large Law Firms:

A Comprehensive Exploration of Successes, Challenges, and Next Steps

Introduction

In 2002, MCCA released a ground-breaking publication, entitled *Creating Pathways to Diversity:® A Set of Recommended Practices for Law Firms* (“*Practices for Law Firms*”), that articulated the business case for diversity, highlighted the barriers in law firms that prevented the full manifestation of diversity and inclusion, and offered key strategies for success that got law firms “moving from lip service toward diversity.”

MCCA followed up on *Practices for Law Firms* in 2003 with another ground-breaking publication, entitled *The Myth of the Meritocracy: A Report on the Bridges and Barriers to Success in Large Law Firms*. *The Myth of the Meritocracy* delved deeper into one of the critical barriers to diversity and inclusion examined in *Practices for Law Firms* — the fact that, by adhering to the myth that success in the legal profession is a purely objective process based on “pedigree criteria” (e.g., rank and reputation of law school, grade point average, and class rank in law school), the effort to improve diversity is viewed as a deviation from that meritocracy. MCCA’s publication illustrated the consequences of positioning meritocracy and diversity as contradictory to each other, and it offered recommendations for how law firms can reframe their efforts on diversity and inclusion by challenging the myth of meritocracy directly.

Together, these two publications pushed law firms from having conversations on diversity to taking

informed and strategic action on creating more-diverse and inclusive workplaces. Recently, law firms have been working diligently to take their diversity efforts to the next level by supplementing their recruiting programs with taking a closer look at their retention strategies; integrating diversity and inclusion into professional development initiatives that benefit everyone; and underscoring the need for action by creating accountability mechanisms. Law firms should be commended for their hard work in the area of diversity; nevertheless, how successful have their efforts been, and what do they have to do to sustain the pathways they are forging towards workplaces with greater diversity and inclusion?



Sustaining the Pathways to Diversity:® The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms reveals MCCA's findings from the most comprehensive survey conducted to date on diversity in large law firms. This report further develops the issues explored in earlier MCCA Pathways series research to more holistically examine how traditional pedigree criteria impact the hiring and retention of diverse lawyers, and how a lawyer's background may inform his or her perspectives on the traditional pedigree criteria.

The survey (reproduced in this publication's Supplemental Materials) was sent to all of the Amlaw 200 law firms, as well as 17 additional firms that were not on the Amlaw 200 list but had submitted information to the *MCCA/VAULT Guide to Law Firm Diversity Programs*. In response, 4,406 lawyers answered the survey. These lawyers represented 124 of the 217 law firms. Moreover, 58 firms had responses from at least 10% of all of their lawyers.

The demographic distribution across the respondents was as impressive as the response rate.

- 49.3% of the respondents were partners, 40.7% were associates, and 8.2% were counsel/of counsel.
- 58.5% of the respondents were male, and 41.5% were female.
- 22.6% of the respondents identified themselves as belonging to one or more racial/ethnic minority groups, and 75.1% of the respondents identified themselves as white/Caucasian.
- 4.9% of the respondents identified themselves as lesbian, gay, bisexual, or transgender.
- 1.8% of the respondents identified themselves as having a disability.

The survey also used a complex matrix of law school rankings by *U.S. News & World Report* (a publication that has ranked law schools since 1987) and law school grades of the lawyers to analyze how traditional pedigree criteria impact the experiences

of diverse lawyers. The distribution of the survey respondents across this matrix was both diverse and representative of lawyers in Amlaw 200 law firms.

- 15.5% of all respondents graduated from a law school that was ranked 1-10 at the time of their graduation.
- 12.6% of all respondents graduated from a law school that was ranked 11-20 at the time of their graduation.
- Although only 22.6% of the respondents in the survey were racial/ethnic minorities, 37% of the respondents who graduated from a Top 10 school were racial/ethnic minorities, and 32.4% of the respondents who graduated from a law school ranked 11-20 were racial/ethnic minorities. Caucasians made up 75.1% of the survey respondents, but represented 62.9% of graduates from Top 10 schools, and 64% of law schools ranked 11-20.

Sustaining the Pathways to Diversity:® The Next Steps in Understanding and Increasing Diversity & Inclusion in Large Law Firms offers the most comprehensive collection of quantitative and qualitative perspectives to date on how lawyers in large law firms perceive diversity and inclusion in their firms, and how they view the connections between their own careers and the ongoing diversity efforts in law firms.

Strategic Leadership and Commitment

As Table 1 illustrates, the majority of respondents reported overwhelmingly that the leadership of their law firms have communicated and addressed a commitment to diversity, but that significant and substantial differences exist between majority and minority attorneys, as well as between female and male attorneys. The positive responses reflect how far law firms have progressed in communicating their commitment to diversity and inclusion. On the other

hand, the demographic variations for neutral and negative responses suggest that substantial differences exist with respect to how different groups view the progress that remains to be achieved by law firms.

Fewer minority lawyers and female associates reported a positive perception regarding the strategic leadership and commitment on diversity in their firms (81% and 79%, respectively). In comparison, whites and male partners had the highest positive ratings on this subject (90% and 94%, respectively). Although a plurality of minority and female lawyers felt that law firms were moving in the right direction and had worked hard in the area of diversity, many minority attorneys agreed with one respondent's comment that **"most law firms 'talk the talk,' but few 'walk the walk.'"**

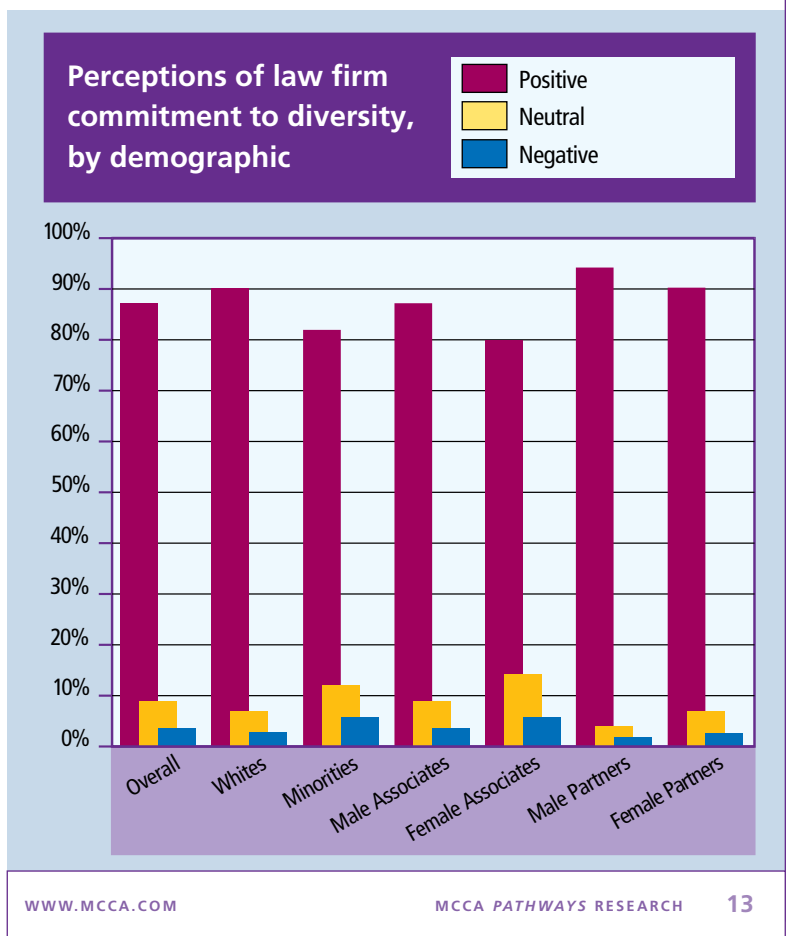
Although all groups reported that their firms' commitments to diversity were quite strong, many white men expressed reservations that their firms' commitment to diversity was at the expense of the opportunities available to white men. As one white male lawyer expressed,

"I believe that all persons should be judged (i.e., as potential new hires, potential partners, etc.) based on their merits and not based on their race, gender, sexual orientation, religious beliefs, etc. I believe that every effort should be made to increase the equality of opportunity (i.e., to foster an environment where merit is the sole criteria) and to decrease the equality of results (i.e., to hire or promote 'diverse' applicants based solely on their diverse qualities). As a straight white male associate, I believe that my firm forecloses me from certain opportunities for client and attorney networking that are available to other more 'diverse' associates."

The survey revealed that law firms are more effectively communicating their commitment to diversity, but that the commitment may not always be accompanied by a clear message on why diversity is important. A minority male lawyer communicated his frustration on the tension in law firms between promoting the business case for diversity and encouraging diversity as the right thing to do:

"Law firms should be diverse and inclusive because it is the right thing to do. Too often, I feel as though the major law firm's diversity efforts are business driven and that there is no firm commitment by the partners, whom the associates work with on a daily basis, to train, mentor, or otherwise appropriately evaluate diverse associates."

Table 1



A minority female lawyer expressed a similar perspective:

“Minority attorneys face career isolation and social isolation. Minority attorneys feel socially isolated for two reasons, either because no one is talking about diversity, thus they become the 300 lb. gorilla in the room. Or second because firms are talking about diversity as an economic tool for firm advancement due to increased pressure from corporate clients. In both situations the minority attorney does not feel like a valued part of the team, either because his/her uniqueness is being completely ignored, or on the other hand the minority attorney’s uniqueness is treated like a commodity, and the attorney feels like a token who is simply there for the firm’s numbers.”

The survey reveals that white male attorneys continue to wonder whether their firms’ diversity efforts will disadvantage them; for their part minority

attorneys continue to wonder whether their firms will devalue the ethical underpinnings of inclusiveness by linking diversity efforts only to the business case for diversity. This suggests that law firms have communicated their commitments to diversity, but have much ground to cover in communicating the foundation for its importance, as well as the mechanics of fairness by which diversity efforts will be implemented and sustained.

Recruiting and the Myth of Meritocracy

MCCA’s 2003 *Myth of Meritocracy* report found that, in a random sample of partners in large law firms, minority partners were more likely to have graduated from a Top 10 school than their white counterparts. Further research in this report illustrates that for many law firms, the bar for recruiting minorities was actually higher than it was for recruiting whites.

The 2008 survey that forms the basis for this publication finds that the myth of a meritocracy continues to be a critical discussion point for law firms seeking to increase the diversity and inclusion in their workplaces. A strong sentiment continues to be held by many white men that minorities who

Recommendations *Strategic Leadership and Commitment*

- Law firms should continue to stress the strategic importance of diversity and inclusion from the leadership level, including why it is a priority. To minimize the skepticism that a firm’s efforts are “all talk,” law firms should focus on consistent implementation of their strategies, and create measurement tools that track and report on progress on their efforts.
- Law firms should ensure that white male voices are included in dialogues on diversity and inclusion.

Strategic communication on diversity and inclusion should focus on how more-inclusive workplaces work better for everyone; likewise, diversity initiatives should be communicated as collective progress efforts, instead of competition catalysts between groups.

- Law firms should “check in” with their lawyers on a regular basis to ensure that the diversity and inclusion efforts are working effectively for the needs of their lawyers, and firms should modify their efforts based on the feedback.

are hired into law firms are less qualified than other candidates. This sentiment is reinforced by a related sentiment that even minorities who graduate from top law schools are less qualified because they entered those law schools through racial preference programs.

As one respondent in the survey comments:

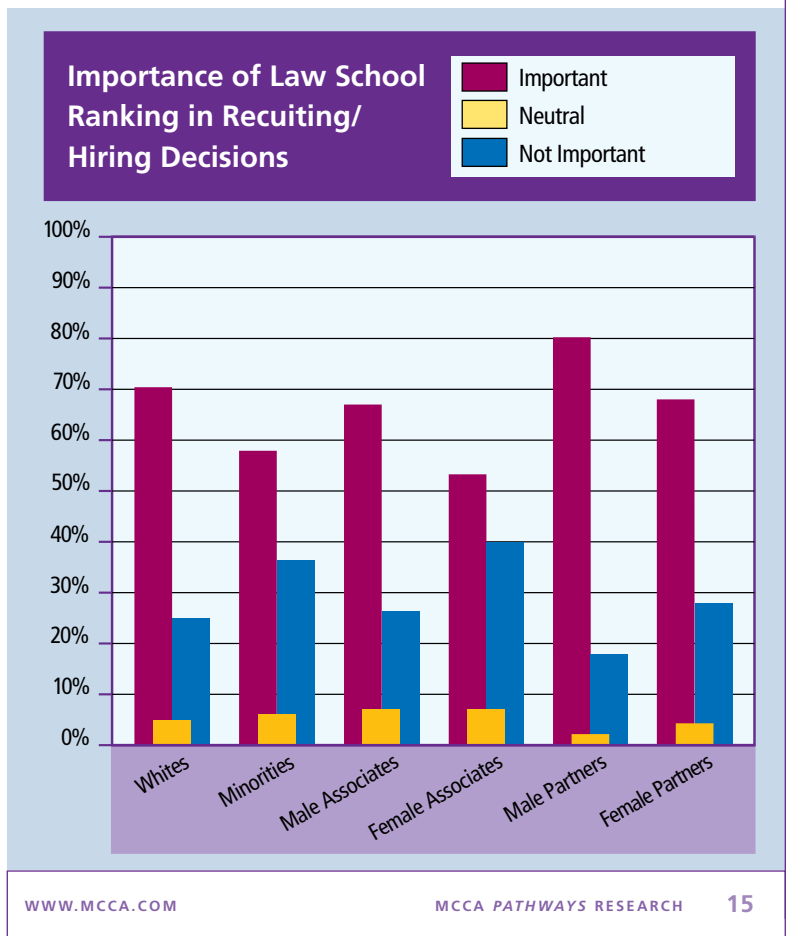
“I believe, based upon statistics and empirical data, that I had a more difficult time as a white, straight male being accepted to a top law school. I also believe that I face a higher bar than attorneys who are members of racial or sexual orientation minority groups in terms of billable hours, portable business, and other firm contributions necessary for promotion to a partner or counsel position. I believe that the perspective of those such as myself in these types of ‘diversity efforts’ is either ignored or dismissed as the ignorant rants of a racist or ill-informed person. I am neither. I hope that someone realizes that this incessant focus on diversity and inclusion — which, judging by the minority students with 145 LSATs at my top ten law school, and the massive effort to recruit and retain minority attorneys at all law firms in which I have worked or for which I have insider knowledge, essentially means taking opportunities and resources from those with merit and giving it to people based upon race, gender, or sexual identity — is forcing us apart, not bringing us together, by dividing us into skin color, gender, and sexual identity fiefdoms fighting for scarce resources. I can think of few things worse for an ostensibly colorblind and meritocratic society. I ask, genuinely and sincerely, that you consider these perspectives as well.”

Although many people who adhere to the law

school rank/law school grade point average (GPA) model of meritocracy focus on racial/ethnic diversity as the violator of that meritocracy, this study finds that minorities and white women actually share many of the same perspectives on whether the historical markers of meritocracy (*i.e.*, law school rank and law school GPA) qualify as adequate predictors of future success.

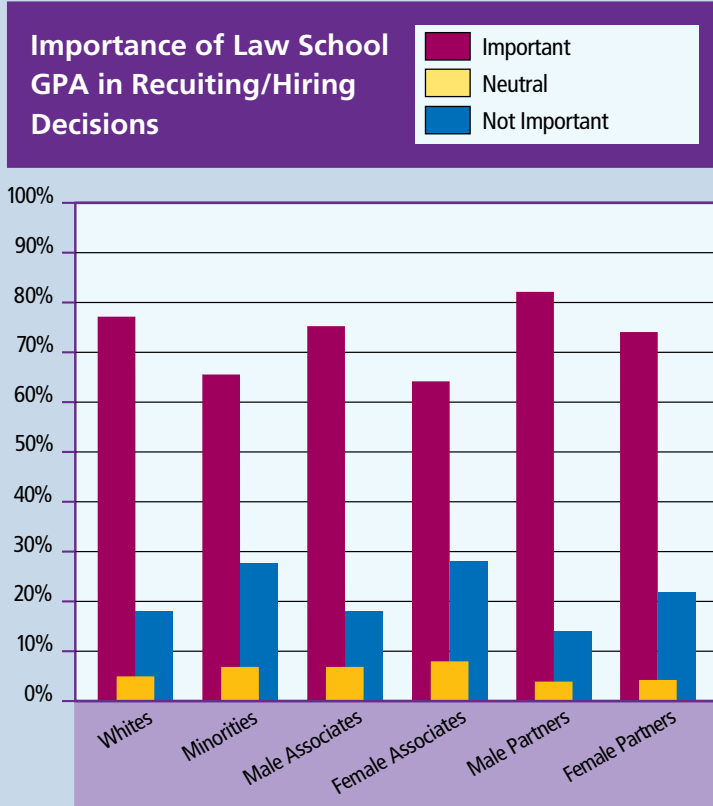
With regard to the role that the traditional pedigree criteria of law school ranking and law school GPA should play in recruiting lawyers into large law firms, the survey findings indicate an interesting trend: Although minorities were less likely to view these criteria as important than whites, the group most likely to disregard the primacy of these criteria were female associates, most of whom are white. The group most likely to hold these criteria as critical to recruiting new lawyers was white male partners.

Table 2-A



Diversity in Large Law Firms

Table 2-B

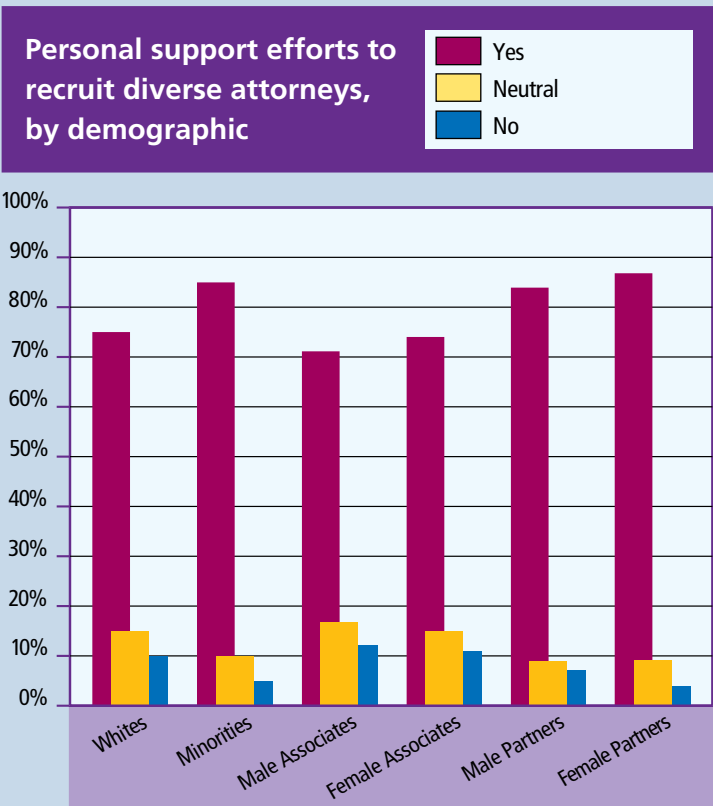


Even when focusing specifically on groups who had graduated from the Top 20 schools, the survey's findings determine that minorities were still less likely to rate law school ranking and law school GPA as important criteria for recruitment in comparison to their white counterparts.

Women generally believed that law school rank and law school GPA should be balanced with other criteria, such as judicial clerkships and interview performance, whereas men generally believed that these other criteria were less important than the traditional pedigree criteria. Among lesbian, gay, bisexual, and transgender (LGBT) attorneys, 46% of the women responded that law school rank and GPA should be balanced with other criteria, in comparison with only 34% of their LGBT male counterparts.

Because women and minority lawyers reported higher levels of active support for their law firms' efforts to recruit and hire a diverse group of attorneys (as demonstrated in Table 3), their perspectives on this issue are particularly meaningful.

Table 3



Many of the women and minorities in this study echoed one minority male lawyer's perspective:

"Recruitment should weigh a candidate's potential impact on the work environment as a whole and not place too much emphasis on grades and class rank. Connecting academic performance to success in the law firm environment is not a perfect science."

Many white males, on the other hand, supported the perspective of one respondent:

"Diversity should take a backseat to performance and capability. It should not be considered at all — one way or the other — in hiring or advancement decisions . . . the competition for law students with diverse backgrounds has become intense over the past 5 years."

While that is exceedingly good news in one respect, as it shows a commitment to recruiting candidates with diverse backgrounds, it also in some instances has led to lowering the standards to promote diverse inclusion, which can lead to its own set of problems.”

In spite of the perceived tensions between pedigree and diversity, many respondents discussed ways in which their law firms have closed off opportunities to recruit highly qualified and diverse lawyers by remaining frozen in historical recruiting models. One white male lawyer encouraged law firms to consider:

“The recruiting pool should be as broad as possible so as to permit the achievement of the goals of merit and diversity.”

Other respondents recommended that law firms utilize the framework of “removing barriers” and leverage new recruiting methods, such as job fairs hosted by minority, women, and LGBT-focused associations, as tools to align pedigree goals with diversity goals.

Inclusion and Work Environment

As MCCA’s previous studies and other studies on law firms have documented³, even when law firms improve their performance in hiring a more diverse lawyer workforce, they continue to struggle in their ability to retain the minorities, women, and LGBT lawyers that they hire.

The findings in this research indicate that the overall levels of inclusion in the workplace have not yet caught up with the commitment to diversity ex-

³ See, e.g., Minority Corporate Counsel Association (MCCA), *Creating Pathways to Diversity: A Set of Recommended Practices for Law Firms* (2002), (available online at www.mcca.com/index.cfm?fuseaction=page.viewpage&pageid=613) (MCCA Blue Book); MCCA, *Creating Pathways to Diversity: The Myth of the Meritocracy: A Report on the Bridges and Barriers to Success in Large Law Firms* (2003), (available online at www.mcca.com/index.cfm?fuseaction=Page.viewPage&pageid=614) (MCCA Purple Book); National Association of Women Leaders, *National Survey on Retention and Promotion of Women in Law Firms* (2007 and 2008 surveys available online at www.nawl.org/Publications/Surveys.htm); NALP — The Association for Legal Career Professionals, *Diversity & Demographics* reports (available online at www.nalp.org/diversity2); American Bar Association Commission on Women in the Profession, *Visible Invisibility: Women of Color in Law Firms* (2006), (available online at www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=4920037).

Recommendations

Perceptions of Meritocracy

- Law firms should candidly assess the criteria that lead to success in their workplaces, and create interviewing and hiring protocols that reflect their realities, instead of perpetuating the myth that success is predetermined by the rank of the law school that candidates attended or their law school grade point averages and/or their individual rank within their graduating class.
- Law firms should revisit their hiring criteria with a view to setting standards that better reflect the characteristics and experiences that really delineate who will succeed in today’s competitive law firms, as opposed to imposing narrow criteria consisting largely of an examination of a candidate’s academic pedigree. Once revised, the new “reality-based” hiring criteria should be articulated and communicated widely to all involved in the hiring process to ensure that the new reality-based criteria are applied consistently and uniformly to all candidates. Law firms should not side-step this difficult analysis of what it takes to succeed in law firms by defaulting to more-rigid adherence to academic pedigree credentials in the mistaken belief that, by more stringently applying academic pedigree-based credentials, they will achieve a more competitive and capable workforce.
- To increase diversity among interview candidates, law firms should focus on attending regional job fairs that focus on diverse candidates, increase the universe of schools from which they recruit, and participate in collaborative efforts with other law firms to attract diverse candidates to regions that may historically have not attracted diverse candidates.
- Law firms should consistently communicate that diversity and inclusion efforts are intended to increase their pools of qualified candidates and create equal opportunities for everyone to succeed within their workplaces.

pressed by law firms. Some minority lawyers expressed pessimism regarding law firms' inclusion efforts.

"The lack of diversity in law firms is so strongly entrenched that I do not believe full, true, meaningful inclusion will occur in this setting in our lifetimes."

Others expressed support for their firms' work in this area.

"I believe that the benefits of diversity and inclusion are well thought out and presented at our firm. There has been significant attention paid to this, especially in the past few years. It is presented in a positive light and we have a specific diversity initiative in place and a director recently hired through a national search who is very active."

One minority female lawyer summarized that

"I cannot stress how important it is for a firm to make its associates of color feel welcome, included and equal."

This study explored several areas of inclusiveness in a work environment. To illustrate the demographic differences in how lawyers feel included (or excluded) in their specific work environments, elements 1 – 6 of this section collate the responses to the following six key inclusion and work environment criteria by demographic group:

- Overall parity in treatment as compared to peers;
- Absence of discrimination (which instead may frequently take more-subtle forms);
- Access to good work;
- Balanced and candid performance evaluations;
- Inclusion in informal networking opportunities; and
- Inclusion in the development of clients and client relationships.

In addition to these specific issues, respondents also reported on their perceptions of reverse discrimination in relation to inclusion efforts, as well as perspectives on work/life balance in their law firms. These two topics are explored in further detail in elements 7 and 8 of this section.

As the data referenced in this section will illustrate, women and minorities reported that they are less likely to feel that they are treated as equals by their peers, and they are more likely to perceive discrimination based on race or gender. Further, women and minorities reported that they are less likely to receive the quality work that they are seeking, and that they are more likely to receive unfair performance evaluations. Finally, women and minorities reported that they are less likely to feel included in informal networking opportunities, as well as opportunities to develop clients and client relationships.

Minorities and women were less likely to rate their work environments as places where they were treated as peers by their peers, whereas male partners and male associates (most of whom were white) were the most likely to rate their work environments as places where they were treated as peers by their peers.

Some of the more specific data are even more explicit in their illustration of current rates of attrition. Regardless of their law school rank or law school GPA, African American lawyers were the most likely to rate their work environments as the "least inclusive," and white lawyers were the most likely to rate their work environments as "highly inclusive." Further, African American lawyers who graduated from law schools in the highest tier were still more likely to rate their law firms as not inclusive when compared with their white counterparts from much lower-tier schools.

The following eight factors influence a law firm's success in creating an inclusive work environment.

1. Parity in Treatment

Significant differences were displayed between attorneys who felt that they were treated as equals by their peers and attorneys who felt that they were not. As demonstrated in Table 4, these differences manifested along racial/ethnic and gender identities alike.

When asked if they felt they were treated differently because of their gender, 13% of female associates, 18% of female counsel/of counsel, and 15% of female partners felt that they were treated differently because of their gender.

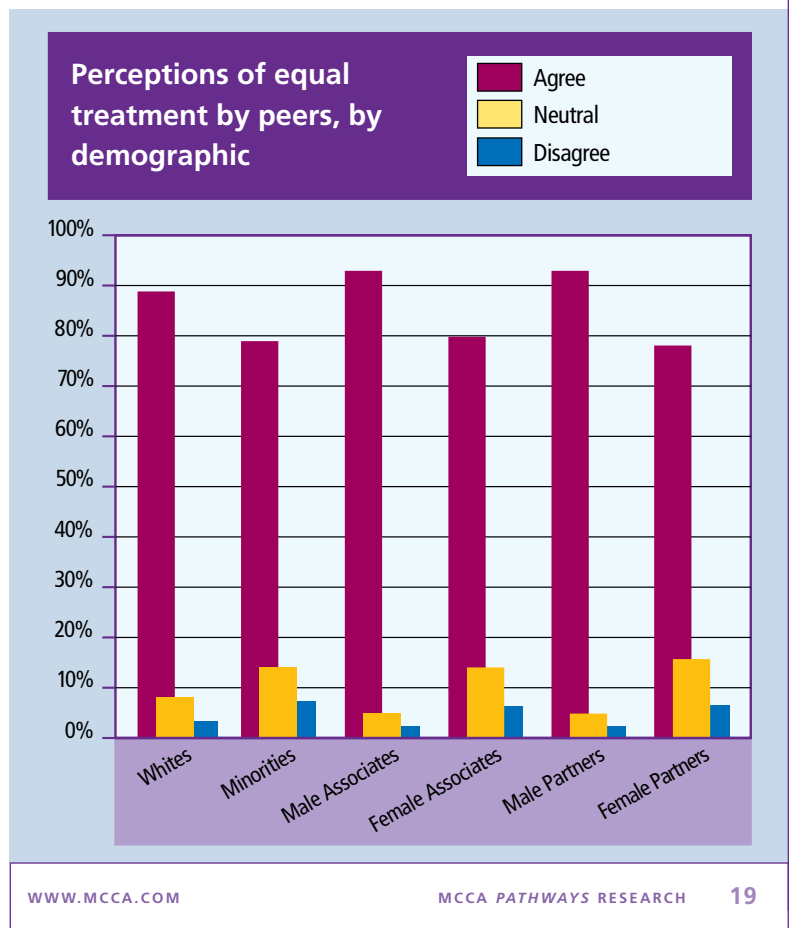
When asked if they felt they were treated differently because of their race, 10% of minorities felt that they had been treated differently because of their race, in comparison to only 2% of whites who felt that they had been treated differently because of their race.

When asked if they felt they were treated differently because of their sexual orientation, 8% of male LGBT and 10% of female LGBT lawyers felt that they had been treated differently because of their sexual orientation. As one LGBT lawyer explained:

“While I have not experienced any outright, blatant discrimination at my firm due to my sexual orientation, there is still a ‘chill’ surrounding my experience with many of my co-workers and partners that can only be attributed to their fear/ignorance/lack of understanding regarding my sexual orientation. For instance, there is a lot of ‘social interaction’ at my office and it is clear that ‘groups’ exist that generally receive work from the same partner over and over. Much of this cohesion seems to stem from a shared social experience, and I have often felt that I am excluded from this due to my sexual orientation (I am gay). By way of example, it is clear

that when a group of attorneys are having a social discussion regarding their boyfriends/girlfriends/wives/husbands, the conversation stops when I attempt to join. This does not happen when we are discussing ANY other social topic (except those that could lead to discussion of partners/wives/husbands/girlfriends etc.) . . . this exception regarding socializing and discussing private lives is glaring — especially when it seems that work relationships (i.e., associates who receive more work from the same partner and/or have deeper work relationships with a partner such that they are given more mentoring and treated better) ultimately rely upon these social interactions to further their existence.”

Table 4





2. Discrimination

In addition to the demographic differences in perceptions of being treated as an equal by peers, similar demographic differences (as demonstrated in Table 5) were evident in the reports of discrimination based on diverse identities.

The survey asked respondents about whether they had experienced discrimination based on race, gender, or LGBT identity. Several respondents provided detailed explanations illustrating their quantified answers.

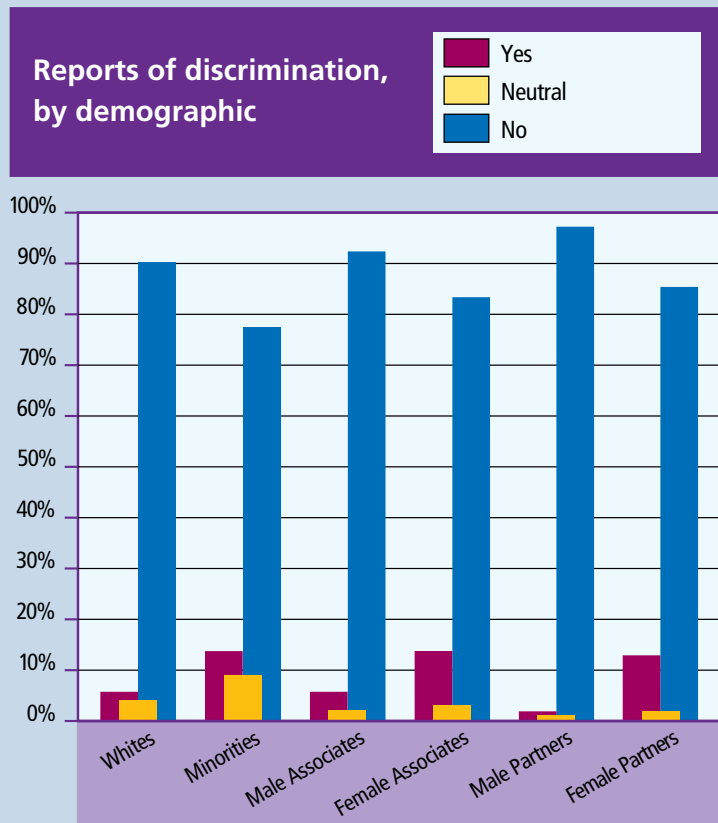
“The discrimination that I have experienced is subtle, the most insidious kind. These guys are too savvy to exercise blatant discrimination. But the numbers speak for themselves.”

— minority male

“There are subtle forms of ‘discrimination’ at firms that are difficult to truly pinpoint or detail. We all know that the best way to succeed at any law firm (and any other business) is to have a strong firm leader to open doors and opportunities. But how is one to know whether missed opportunities are a result of a racial or gender bias? Many times, because personal relationships developed in any working relationship are purely subjective, it is hard to say whether ethnic or gender differences play into decisions. However, it is very apparent that being of the same race, ethnicity or gender as a powerful partner who can make things happen for an associate is definitely easier when that partner feels comfortable with the associate, whether it’s because the associate is of the same race, ethnicity or gender as the partner holding the opportunities.”

— minority female

Table 5



“You rarely see or experience glaring discrimination. The biggest problem that I have had to overcome was to show my colleagues that, although different, I’m still intelligent and able to handle their matter. Discrimination is most often exhibited by exclusion or questioning the abilities of people of color whereas they would not do the same for a white attorney.”

— minority female

3. Access to Work

Although perceived treatment by peers and experiences of discrimination may affect feelings of being fully included in law firms, many of the respondents were at least as concerned about the substantive ways in which they felt professionally included in their law firms. Equal and unhindered access to good work was viewed by many respondents as a cornerstone to success in their law firms; as Table 6 illustrates, significant demographic differences existed among respondents feeling that their identities had caused them to be excluded from assignments that were necessary for professional development and advancement.

Several respondents provided detailed explanations illustrating their quantified answers.

“Diversity is not considered in the allocation of work or in the process for selecting partners. Firm management should establish benchmarks in both areas and recognize that it may be discrimination, rather than honest concerns about competency, that are keeping women from challenging work and partnership.”

— white female

“Work allocation and the recruitment processes should be less subjective. Discrimination occurs in these processes

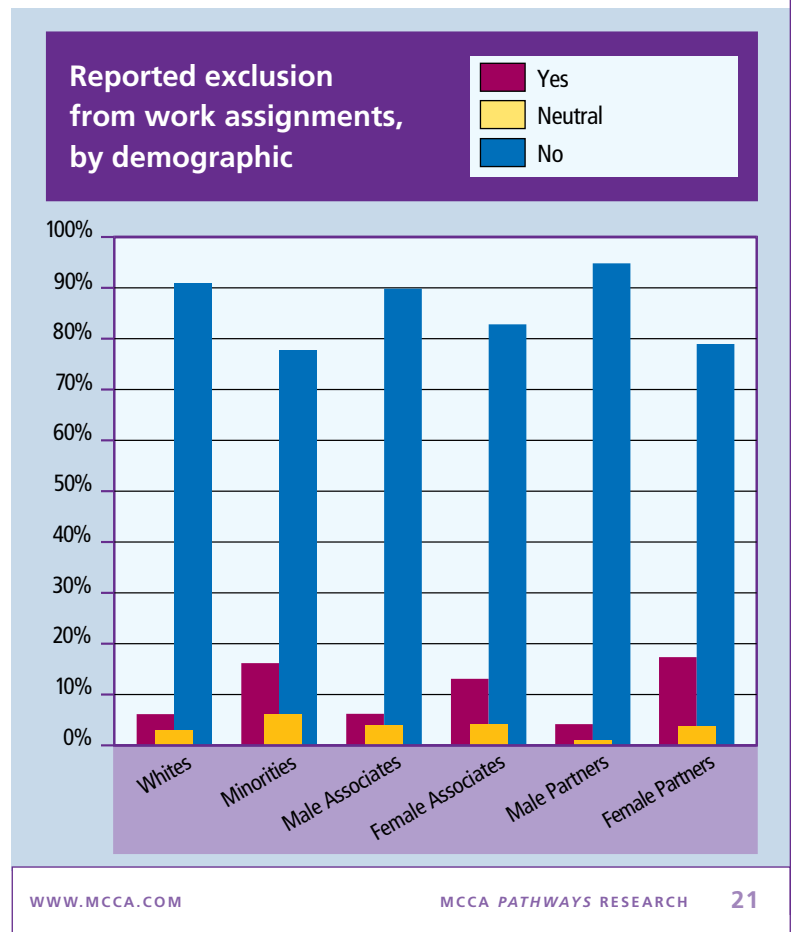
when we allow them to be governed by group/gender/racial identity and comfort levels (or lack thereof).”

— minority female

“Law firms will not be successful on the issue of diversity until they resolve the work allocation issue. Diverse attorneys need to be given the same opportunities to develop their technical skills as majority attorneys. They also have to be given opportunities to meet their billable requirements. If an attorney is not able to get the work they need to both develop and meet their targets, they will not be successful in a law firm.”

— minority female

Table 6



4. Performance Evaluations

Table 7 illustrates that the demographic differences in experiencing unfairness in performance evaluations closely paralleled the demographic differences in experiencing unfairness in work allocation. Taken together, these two data points suggest that minorities and women feel both excluded from desirable work assignments and unfairly evaluated on the work assignments they do receive.

Several respondents provided detailed explanations illustrating their quantified answers.

“I have felt discriminated against at every stage of my career... My work product is constantly questioned. I am required to go back and verify my work many times and I have never found anything wrong with my initial assessment. I am doubted all the time. My evaluations have reflected

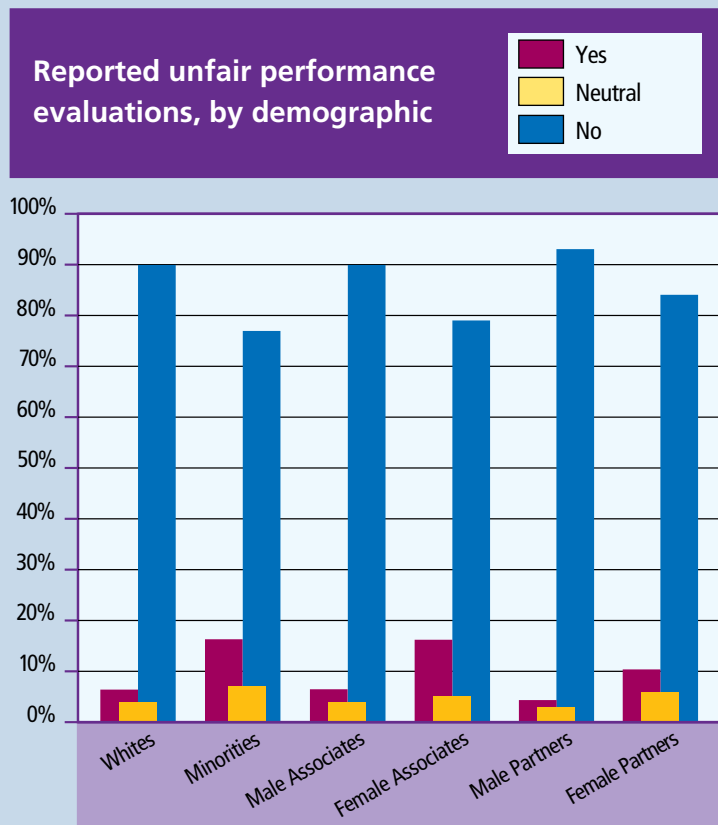
this — I have done stellar work only to receive poor feedback. For example, I worked on a project with a male associate who was very experienced in this particular assignment, while it was my very first time doing it. When a mistake arose, which we were both responsible for, I was taken off the case even though my male colleague proceeded to make two additional mistakes.”

— minority female

“I have continually asked for more responsibilities, business development opportunities, client contact, etc. only to be given document review and a very long research project that a 1st year could do, which left me at my computer for several weeks, without contact with anyone. When evaluations come up, no one even knew my capabilities and gave me poor reviews for not being a team player and not being available for work.”

— white female

Table 7



5. Informal Networking Opportunities

For many of the survey’s respondents, informal networking opportunities in their law firms (especially between associates and partners) provided the foundation through which they were able to access the information, resources, assignments, and advice they needed in order to develop their careers strategically. As demonstrated in Table 8, the differences in perceptions between the different demographic groups suggest that women and minorities experience their careers in law firms in substantively different ways than do their male and white counterparts.

Several respondents provided detailed explanations illustrating their quantified answers.

“I think there are many good intentions to increase diversity in my firm, but too often, there seems to be little follow through with inclusion. There is a strong male-dominated sports culture that by its very nature excludes most women. I don’t see much effort to include women in networking and business development, perhaps the male-dominated partner group doesn’t know how to do that.”
— white female

“Although I am generally not a fan of formal inclusion requirements, I think they could be used for a period of time to educate older male attorneys and break down the barriers to inclusion of women attorneys in more networking and business development activities. A requirement that male attorneys interact with their female peers (periodic required lunches, for example) a certain number of times per month/year might be helpful. Also, there needs to be some effort to assist women attorneys with business development activities to overcome the hesitance of clients to interact with female attorneys.”
— white female

6. Client Development and Relationship Opportunities

Just as Table 8 illustrates a difference in perceptions regarding access to informal networking opportunities, Table 9 shows that the differences in perceptions of access to client development and client relationship opportunities are equally stark between different demographic groups.

Table 8

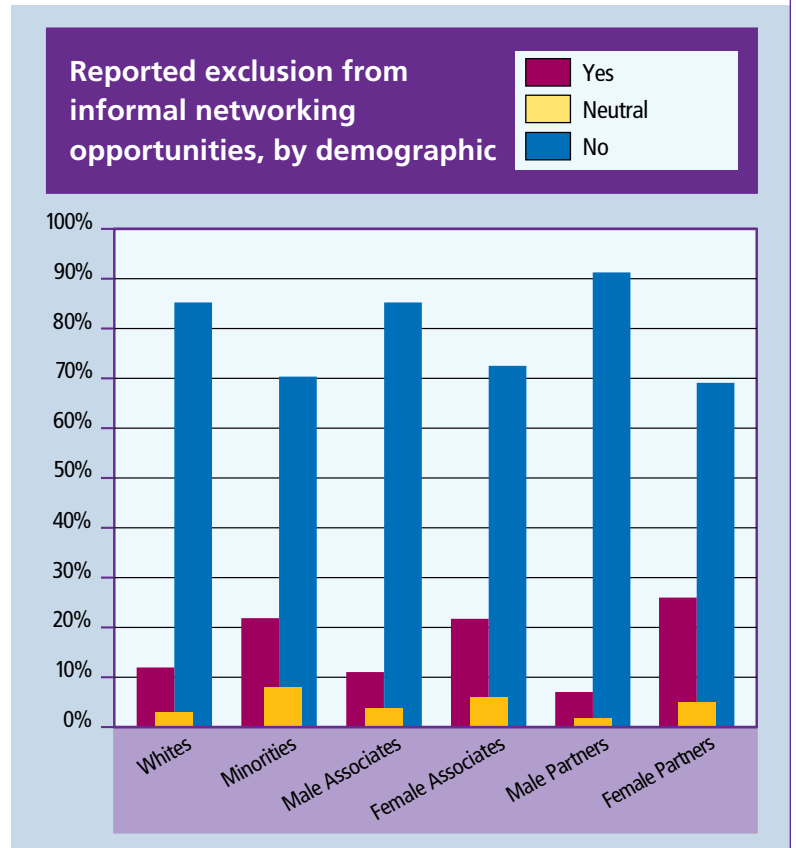
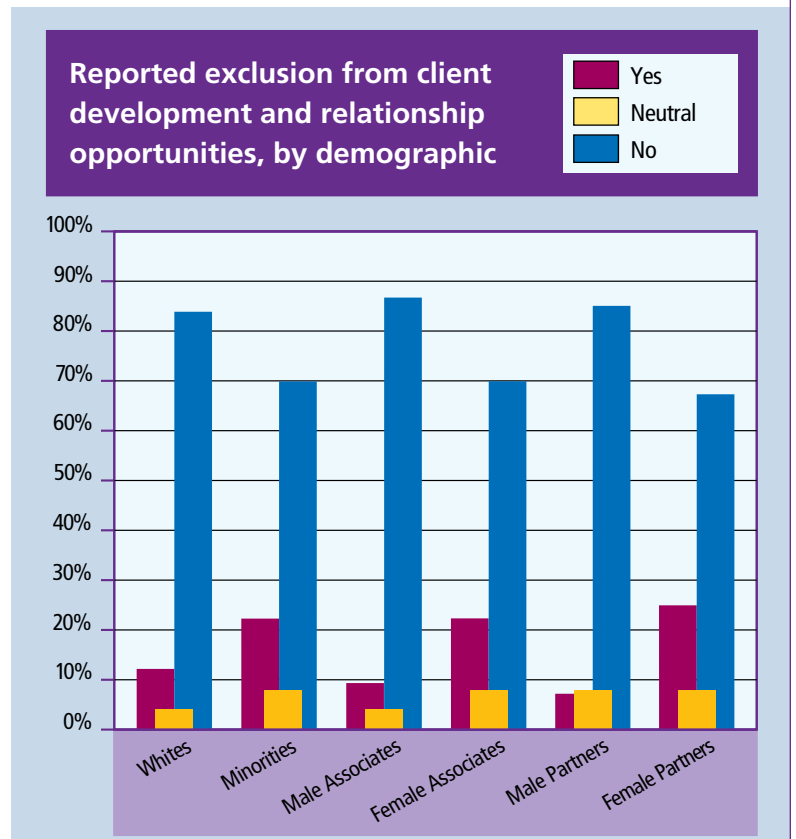


Table 9



Diversity in Large Law Firms

In addition to the disparities in feeling excluded from client development and relationship opportunities, only 58% of minorities reported being satisfied with the opportunities they had to participate in business development efforts with important firm clients, in comparison to 73% of whites.

Several respondents provided detailed explanations illustrating their quantified answers.

“I think the number one problem I have experienced is that for my experience and capabilities I have not been included in some key client relation teams which I thought would have been appropriate.”

— minority male



“My chief complaint or observation regarding barriers to advancement and improved practice development focus on issues of gender — most of the key decision makers at our clients are men and client development events tend to be geared towards more traditionally ‘male’ events, such as football

games, other sporting events and occasionally visiting ‘gentlemen’s’ clubs. The level of discomfort I have felt on previous occasions, especially in the last cited circumstance, was unacceptable and I felt had a demeaning impact on the professional relationships I had tried to establish with male clients.”

— white female

“Access to mentoring, client development, leadership opportunities, etc. is still disproportionately provided to the white male associates. While some of this perpetuation is deliberate (if not overt), much of the perpetuation hinges on an unwillingness in most law firms and most partners to make diversity a priority and to accept possible changes to the power structure, as well as an utter lack of recognition that effecting diversity (as opposed to just promoting diversity) requires a conscious effort.”

— minority female

“Management seems to think that once you make partner, you don’t need or want or deserve constructive guidance anymore. That is simply not true: the exclusionary practices of the predominantly white male partner population make it nearly impossible for women especially to get the high profile work and participate in high-profile client development — even when the white male counterpart skill set is inferior. It is highly frustrating for senior women who have ‘stuck it out’ in the profession only to find that nothing has really changed, and the focus is all on the younger generation. If more attention were paid to improving the situations of senior

women and minorities, that would deliver the positive message so sought after on the younger generation's behalf."

— white female

7. Inclusion and Reverse Discrimination

Tensions between pedigree and diversity resurfaced in many white men's comments on what they perceived to be "reverse discrimination" in inclusion efforts.

Several respondents provided detailed explanations illustrating their quantified answers.

"Reverse discrimination seems to be becoming an issue. Attorneys of color are often sought out for RFPs even though they will not be working on the projects. Also, a negative trend of making people feel as though they need to endorse or support others' lifestyles and behaviors is beginning to detract from the weight of pushes for a fair and equal or nondiscriminatory policy. These are not the same. If too much is pushed on people, they will rebel, and not only not take things seriously, but resent [the initiative]."

— white male

"Diversity and inclusion are important but stretch hires of minorities who are not qualified sometimes does much to undermine the message and acceptance of diversity and inclusion."

— white male

"'Diversity and inclusion' are pernicious forms of racial etc. discrimination. I do not discriminate for or against anyone based on race, sex, religion etc."

— white male

"The best way to achieve diversity and inclusion is outstanding performance. The use of pernicious discrimination in the name of diversity and inclusion fosters a victim mentality and an expectation that success does not need to be earned."

— white male

These statements highlight the communication challenges that law firms continue to face in promoting inclusion in a way that embraces the perspectives of white men who may see inclusion efforts as a challenge to their perceptions of their workplaces as bastions of meritocracy.

8. Work/Life Balance

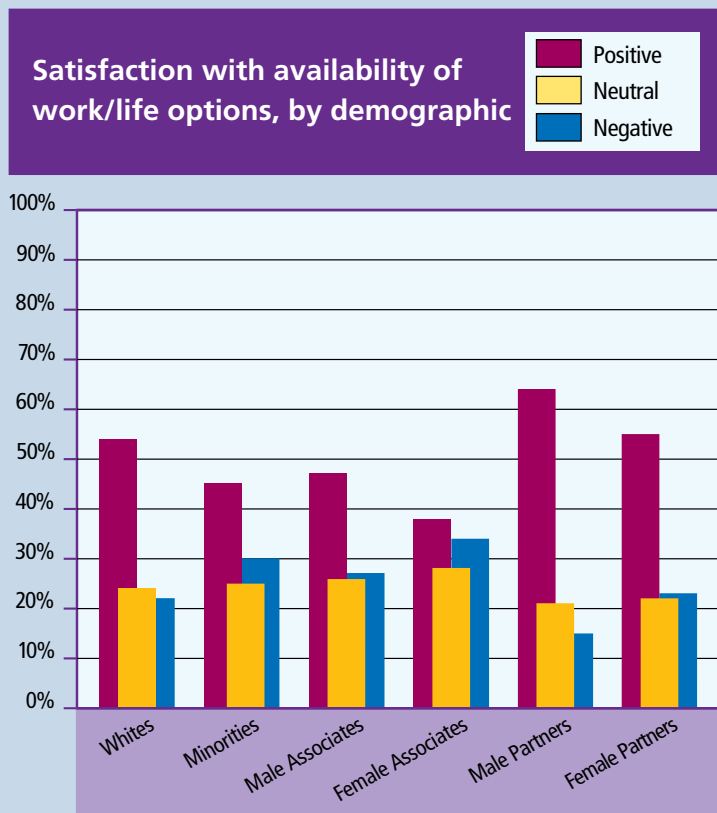
For many lawyers who participated in the survey, the work/life balance options offered by their law firms were a direct reflection on the inclusive nature of their workplaces. The lawyers also differentiated between the existence of these options and their ability to exercise these options without negative consequences to their careers.

Overall, minorities and women were more negative about work/life balance in their law firms; it is interesting to note, however, that female associates' perspectives were much closer to that of male associates than they were to female partners. This illustrates that a generational difference on this issue appears to be greater than a gender difference.

"Gender diversity is adversely affected by the firm's inconsistent attitudes toward part-time lawyers. It appears that part-timers are overpaid, in that their pay percentage is spoken of as if it should match their hours percentage, rather than their contribution to the bottom line. Because they are perceived as overpaid, they are resented as slackers. If every lawyer's time commitment was valued

Diversity in Large Law Firms

Table 10-A



and compensated based on contribution to the bottom line, part-timers would not be perceived as inefficient and costly members of the firm. As a 'Daddy Tracker' I have always thought it strange that part-time arrangements and family balance are treated as a women's issue. Until part-time and family balance are recognized as gender neutral, women will always be disadvantaged at the firm."

— white male

As this response demonstrates, perceptions within a law firm regarding work/life balance programs can be harmful to men and women alike who pursue alternative work arrangements. Tables 10-A and 10-B, along with the related quotes, illustrate the demographic breakdown in responses regarding satisfaction with available work/life balance options, as well as whether exercising those options might result in negative consequences for their careers.

One respondent provided a detailed explanation illustrating her quantified answers.

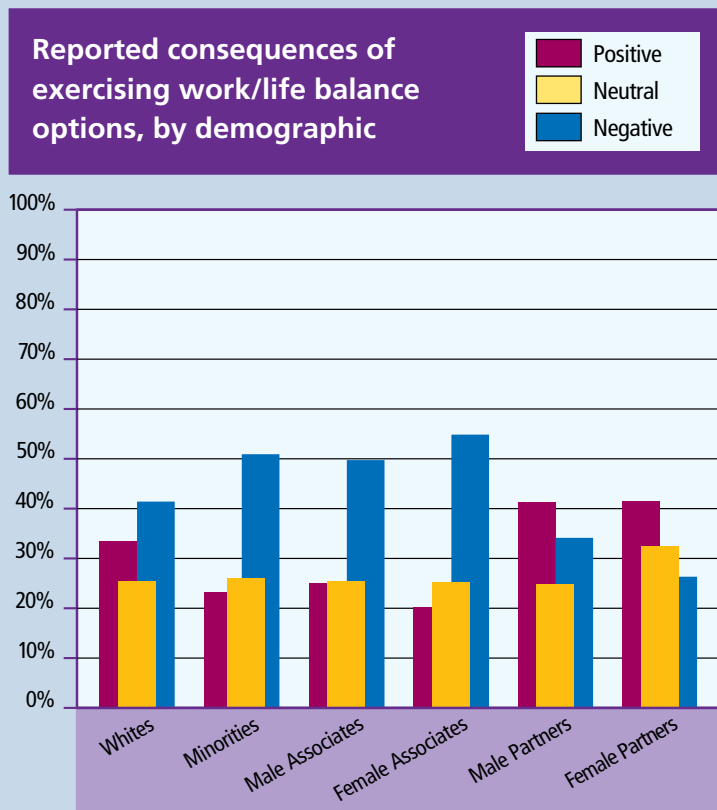
"Mean what you say when you recruit. As a summer associate, I was told that my firm championed 'work-life balance.' As a first year, I was told that 'balance' may be best achieved by working over-drive in your first few years of an associate, and beginning a life later in my career. By the time I reached my third year, 'balance' was no longer discussed. Retention of all associates becomes problematic once the associate feels baited and switched."

— white female

Several respondents provided detailed explanations illustrating their quantified answers.

"A key aspect of diversity in my opinion is recognition and accommodation of the fact that many younger lawyers have a

Table 10-B



different view of work-life balance than more senior attorneys in the firm. I see this difference as not only generational, but as an outgrowth of the significant increase in dual-income families and the different demands placed upon families with young children now as opposed to many years ago. I think my firm is making strides toward recognizing that and providing opportunities for work arrangements that recognize that difference. However, there is still a long way to go.”

— white female

“Provide alternate tracks to success. Most firms provide all or nothing. Absent the first and second years who are seeking the highest bidder, mid- to senior level attorneys are seeking balance and would forfeit the higher salary for higher flexibility — so long as they would not be penalized in reputation, perception or ability to succeed in the organization.”

— white female

Recommendations *Inclusion and Work Environment*

- *Law firms should recognize that a commitment to diversity and inclusion does not automatically translate into inclusive work environments. Law firms have to strategically assess their workplaces with regard to creating an environment of full inclusion, and create an action plan that proactively increases inclusion in the way attorneys experience work and life at their firms.*
- *Law firms should also recognize that a decrease in overt and explicit discrimination alone does not signal the elimination of all discrimination. Law firms should expand their definitions of and trainings on discrimination to include subtle forms of discrimination and disparate treatment that often have the same consequences for diverse lawyers as explicit discrimination.*
- *Law firms should create an ombudsperson role for their workplaces, so that attorneys who want to discuss their experiences have a well-trained and well-informed person to whom they can turn for guidance.*
- *To ensure equal opportunities in work allocation, law firms should regularly evaluate their work-allocation protocols to ensure that everyone in the firm has equal access to the quantity and quality of work they need to effectively develop and advance in their careers. Law firms also should create accountability measures for leaders of departments and practice groups to ensure that inequality of opportunity is immediately and effectively addressed by the leadership.*
- *Law firms should ensure that all senior lawyers who play a role in the evaluation of attorneys are well-informed and well-trained in effective feedback and evaluation techniques.*
- *Law firms should develop and implement “360-degree” feedback loops within their workplaces to gather data on how people perceive their experiences and opportunities, as well as create networking, client-relationship building, and client development activities that ensure that everyone feels included in these integral efforts.*
- *Law firms should focus on the development of inclusive work/life balance programs, as well as the cultural change necessary for people to take advantage of these programs without penalty.*

Professional Development and Retention

In addition to inclusion and workplace issues discussed earlier, many survey respondents cited professional-development and retention efforts as critical to their overall experiences in their law firms. These key areas, discussed in the following section, illustrate how demographic differences in professional development experiences are connected with lawyers' perspectives on their own opportunities for long-term retention and advancement.



Coaching, Mentoring, and Supervision

Survey responses regarding perspectives on coaching and mentoring reveal that law firms have a lot of work to do to provide adequate coaching and mentoring for all lawyers to feel that they are developing fully as professionals. As with many issues involving perception among legal professionals, the disparity between whites and minorities, as well as the disparity between men and women, continues to be a recurring theme.

In this survey, 71% of whites felt that they had adequate coaching and mentoring to be successful in achieving their career goals; only 62% of minorities felt the same. When asked specifically about having a mentor who was an influential sponsor who can advance their career, only 58% of minorities responded positively, as compared to 74% of whites. Similarly, only 61% of female associates responded positively, in comparison with 68% of male associates, and only 76% of female partners responded positively, in comparison to 82% of male partners.

Minorities who attended Top 10 schools reported having less access to mentoring, coaching, and sponsorship than did white lawyers from all law schools. These responses underscore a startling fact: The reality experienced by “top minorities” (*i.e.*, graduates of elite law schools) in law firms is inferior to that of whites who graduated from second- and third-tier law schools. This finding evinces a level of disparate treatment and/or discrimination that is entirely inconsistent with the assertion of a meritocracy within law firms.

Minorities who attended top-ranked law schools (*i.e.*, the Tier 1 law schools, which include elite institutions such as Harvard, Yale, Columbia, NYU, Michigan, and Stanford) report having less access to mentoring, coaching, and sponsorship than did white lawyers from all law schools. The contrast is especially striking when one compares the experience of minority graduates of Tier 1 schools (“Tier 1 minorities”) to that of their white counterparts who graduated from Tier 3 law schools (“Tier 3 whites”) or Tier 2 law schools (“Tier 2 whites”).

When asked if they felt that the evaluation of their work by senior lawyers was free of assumptions and stereotypes based on background, only 53.25% of Tier 1 minorities reported being satisfied that they received fair evaluations, whereas 73% of Tier 3 whites felt their evaluations were fair and bias-free and 72% of Tier 2 whites agreed. Similarly, in contrast

to their Tier 3 white and Tier 2 white counterparts, Tier 1 minorities reported inferior experiences when it comes to whether they are receiving satisfactory levels of coaching/mentoring in their law firms. A whopping 74% of Tier 2 whites and 73% of Tier 3 whites are satisfied that they receive adequate coaching and mentoring, whereas only 60% of Tier 1 minorities report that they do.

Taken together with the research finding that many straight white males (who constitute the majority in large law firms) reported some resentment regarding diversity programs, which many perceive as “reverse discrimination,” one has to question whether this sentiment manifests itself in backlash behaviors (whether conscious or unconscious) directed at Tier 1 minorities who are viewed as a competitive threat to mid-level to senior associates hoping to make partner.

It is worthwhile to note that, in most cases, minority attorneys who attended Tier 2 and Tier 3 law schools (“Tier 2 minorities” and “Tier 3 minorities”) appear to fare better than their Tier 1 minority counterparts in the areas of mentoring, coaching, and evaluations. It is unclear whether Tier 2 and Tier 3 minorities may be subjected to lesser degrees of backlash than Tier 1 minorities because those who attended lesser-ranked law schools are perceived as less of a competitive threat than their Tier 1 counterparts, or whether the expectations of Tier 1 minorities may be simply be significantly higher than those of their lesser-tiered peers. In any event, the disparity of experience remains quite striking.

Many lawyers also shared the impression that the ways in which they were supervised by senior lawyers reflected on the senior lawyers’ abilities to mentor and coach them through their professional development. Women and minorities overwhelmingly expressed that they were evaluated differently by senior lawyers because of their race and/or gender, as expressed in the following remarks.

Table 11-A

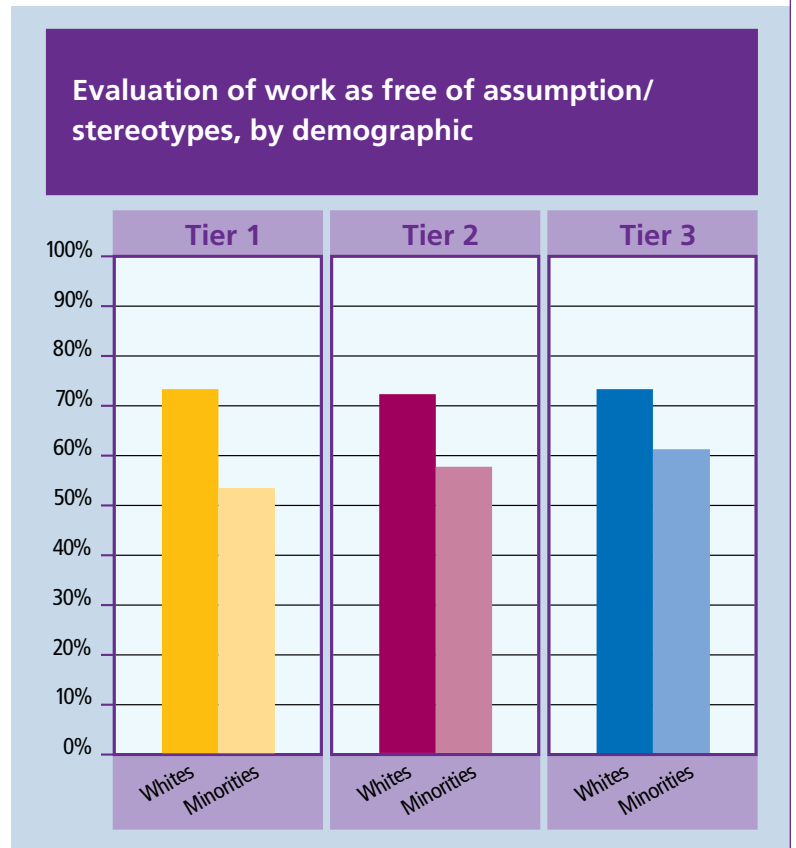
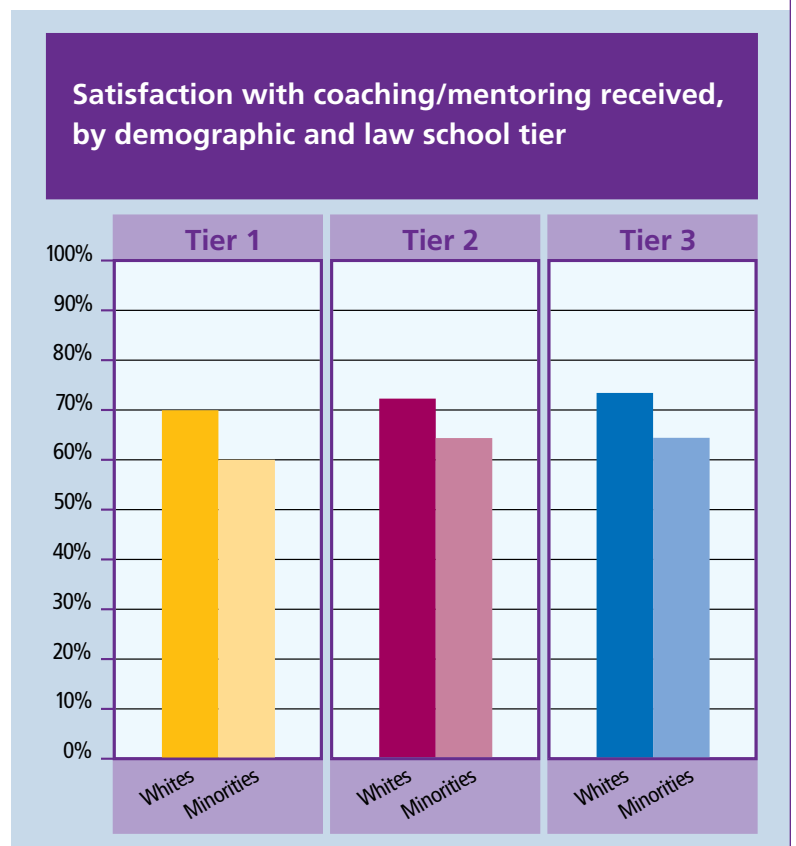


Table 11-B



“In this day and age it is rare for discrimination to be overt or measurable, but rather it is more of a feeling or perception by those in power, that, for example, a working mother cannot devote the time and make the commitment to the practice of law. These stereotypes will take time to overcome and the best way to fight them is to get more and more women and minorities in the workforce and in positions of power.”

— white male

“Instead of blatant discrimination, I feel that the struggle in law firms today is with stereotypes and assuming an attorney must look and act a certain way to be successful.”

— minority female

With regard to perceptions of inconsistent treatment, 8% of minorities felt that their supervisors treated them differently because of their race, as compared to only 1% of whites. Furthermore, 14% of female associates and 11% of female partners felt that their supervisors treated them differently because of their gender, in comparison to only 2% of male associates and only 1% of male partners.

Overall, this appears to be good news; the majority of women and minorities do not believe that they are victims of discrimination based upon their race or gender. When considering these data, however, it is important to recognize that many of the respondents referenced the subtle and often unconscious bias that permeates workplaces today, as compared to the more-traditional forms of discrimination that involve overt and explicit articulation of stereotypes and prejudice. As one minority male stated:

“The biggest challenge to the success of diversity programs is unconscious bias.”

While I believe (or want to believe) most partners want to help promote diversity — or at least to be sensitive to the issue — they may be unwittingly undermining diversity efforts through unconscious bias in their treatment of diverse attorneys. Firms must make partners aware of how unconscious bias and micro-inequities impact minority attorneys and erode the positive impact of the firm’s diversity efforts.”

A white female lawyer articulated a similar sentiment:

“I do not see overt racism or sexism in my firm and believe that the firm is dedicated to promoting the careers of lawyers regardless of race and sex. Concerns remain, as they do in society at large, about unconscious bias. It is important for senior male partners to mentor women as well as men. While many of the senior male partners do this, some do not or do not do so on the same terms that they mentor men. I believe that this firm is ahead of the curve on diversity issues, and it now needs to devote concerted efforts to eradicating unconscious forms of discrimination.”

Training and Development

Overall, 75% of whites felt that they had access to the training and development that they needed in order to grow and advance professionally; only 59% of minorities felt the same way. Similarly, 69% of male associates felt that they had adequate training and development, as compared to only 59% of female associates; 84% of male partners reported having adequate training and development, as compared to only 72% of female partners.

Only 65% of minorities felt that they received appropriate training for the work that they did, compared to 78% of whites, and only 71% of minorities felt that they were satisfied with the level

of client contact they received in connection with their development, as compared to 85% of whites.

One area of specific concern to women and minorities was the perception that allocation of work is often dependent on the “old boy network,” instead of knowledge, skills, and experience. These differences in perception between minorities and women and their white male counterparts regarding the apportionment of work according to knowledge, skills, and, experience highlight the ways in which women and minorities often feel that they are operating on the periphery within a law firm.

Several respondents provided detailed explanations illustrating their quantified answers.

“The firm preaches gender diversity, but the final numbers don’t reflect it. Sure, there are more women associates than male associates, but it is clear from the first few assignments that the men get the better assignments and have an easier time being brought within the firm’s inner circle. By the time partnership time comes around, there are few women left. Why? Because we feel excluded and underappreciated and who wants to work in an environment like that?”

— white female

“As a new female associate, I feel like some of the male partners are too comfortable giving me assignments that border on secretarial work. I don’t think that those male partners would ever ask me to do work like that if I was a man. It’s interesting to me that I have never received a secretarial-type assignment from any of the women I work with.”

— white female

“While overt discrimination is largely a thing of the past, covert discrimination is still more prevalent than people want to admit. In spite of everyone’s best intentions, the older white male attorneys that dominate firm leadership still seem most comfortable around younger white male attorneys. This has all kinds of potential effects from client development opportunities to work assignments to promotion decisions. I have experienced the differing ‘comfort levels’ in casual group conversations and also in team meetings. I’m still a junior attorney, but the longer I’m here I think the more this is going to make me unhappy.”

— minority female



Another area of concern for women and minorities involved the need for timely and useful feedback from supervisors. Only 50% of minorities reported getting timely and useful feedback, in comparison with 65% of whites. Moreover, 49% of female



associates reported getting timely and useful feedback, in comparison with 58% of male associates. One minority female lawyer summarized her frustration in this way:

“I am a woman and a person of color. I want work assignments that allow me to advance in my career, timely and thoughtful feedback about my work, and mentoring from partners. My frustration stems from what appears to be inequitable distribution of work assignments, lack of feedback, and lack of mentoring.”

Another minority female lawyer stressed that the feedback needed to be both formal and informal:

“The firm needs to be sure that diverse attorneys receive the proper informal feedback to develop the skills necessary to excel at the firm.”

Less Support, Higher Standards

In spite of reporting consistently lower incidents of receiving the mentoring, coaching, training, and development that they needed to succeed, women and minorities still felt that they had to perform at a higher level to gain the same credibility and career opportunities as their peers. For example, 40% of minorities felt that they had to perform at a higher level to gain the same credibility and career opportunities, as compared to only 19% of whites; 31% of female associates and 37% of female partners felt they had to perform at a higher level, as compared to only 19% of male associates and 15% of male partners. As one white female stated:

“We still practice in a white male dominated firm, preference is given to white males in terms of opportunities for challenging work, mentoring and business development. Women have to work twice as hard and prove themselves everyday to be recognized. Women are paid less than men, men advance quicker even when women meet the same requirements as the men for advancement. It is obvious that women and attorneys of color are at a disadvantage.”

Opportunities for Advancement and Leadership

When the various aspects of professional development are experienced differently among demographic groups of lawyers, one key consequence is the resulting difference in how those groups of attorneys view their potential for advancement and leadership in the law firms in which they work. Many women and minorities participating in the survey saw their

opportunities for advancement and leadership as less realistic than their white and male counterparts. This perception not only affected their perceptions of long-term success at their law firms, but also increased the likelihood that they would leave their law firms for other opportunities.

Although minority lawyers and white lawyers alike aspired to advance into leadership positions within their firms (67% for both groups), only 59% of minority lawyers reported understanding what the criteria were for advancement, as compared to 75% of white lawyers who reported understanding what the criteria were. Many minority lawyers felt that the criteria for advancement were both subjective and shared selectively by partners with associates with whom the partners were comfortable. This perceived behavior often excluded minority lawyers from gaining the information they needed in order to advance, regardless of their desire to do so.

Further, 23% of female associates and 18% of female partners felt that their gender would hinder their advancement in the firm, as compared to only 3% of male associates and 2% of male partners who felt that their gender would hinder their advancement. The white men who felt that gender would hinder their advancement did so from the perspective of being harmed by reverse discrimination, as demonstrated in the following responses:

“I strongly believe discrimination in any form is wrong. Our society, including this law firm, should be a meritocracy. Certain classes of individuals should not be penalized or rewarded based on factors such as race, sex, sexual orientation, etc.”

“I have been truly astounded over the past years with what appears to be a profession-endorsed culture of reverse discrimination. I am aware of examples of situations in

which attorneys have been advised in no uncertain terms that they would not receive work from a client because they were not a ‘diverse’ attorney (or their firm was not sufficiently ‘diverse’). Firms affirmatively assign ‘diverse’ attorneys to matters for certain clients over ‘non-diverse’ attorneys not necessarily because those attorneys are the most qualified, but because the clients are threatening to pull work if there are not a sufficient number of diverse attorneys staffing their matters.”

“I feel that striving for ‘diversity’ is a move towards equality and non-discrimination among all employees in a law firm. However, I have been prohibited from working on a number of projects for certain clients because of the clients’ ‘diversity’ policies. That, in itself is discrimination, pure and simple. Just because it is reverse discrimination, does not make it right. If a firm is truly striving for ‘diversity’ then it must end all forms of discrimination and treat each employee equally. No person should be denied work based on their gender (be they male or female) or based on their color (be they white, black or other).”

Among LGBT respondents, more male lawyers than female lawyers believed that their sexual orientation would constitute a barrier to advancement. Female LGBT lawyers reported that gender was a greater barrier than their sexual orientation.

Respondents to the survey focused on the overall issue of advancement and opportunities to grow into leadership positions. Many of them provided qualitative details to more fully illustrate their quantitative responses.

“Positive mentoring by and opportunities for access to work from more senior attorneys with books of business and influence regardless of race or gender is critical to the advancement of women and minorities in law firms. Women and minorities need to be trained to seek this

out early in their careers and firms need to find mechanisms for making sure that women and minorities are given equal access to these kinds of opportunities through formalized processes instead of relying on it to happen naturally.”

— white female

Recommendations *Professional Development and Retention*

- Law firms should implement training programs for partners that focus on unconscious and subtle biases to ensure that personal subjectivities do not hinder equality in opportunities for professional development for all attorneys. This anti-bias training must include sexual orientation.
- Law firms should develop and implement “upward review” or 360-degree processes for junior lawyers to provide feedback on how partners are assigning work and providing feedback to junior lawyers, as well as evaluating, mentoring, teaching, and developing them. The information gathered through the “upward review” or 360-degree processes can be used to identify opportunities for improvement in the professional development and retention of younger lawyers, as well as hold partners accountable for fully participating in the equitable professional development of all junior lawyers. Without the input of younger lawyers on how senior lawyers are participating in their professional development, the biases of partners to select the lawyers they mentor and develop, based on their own comfort zones, continues unchecked.
- Law firms also should have comprehensive exit-interview protocols so that departing attorneys are afforded an opportunity to provide feedback on their experiences, their reasons for leaving, and their suggestions for workplace improvements. These data should be aggregated and reviewed to ensure that the firm draws lessons from current attrition that help increase retention in the future.
- Law firms should continue to refine their articulations of expectations for advancement and leadership to ensure that clear and accurate information is shared with everyone.
- Law firms should create leadership development and succession-planning programs that articulate the appropriate skills and characteristics for advancement in order to create a diverse pipeline into leadership positions within the firm. With regard to succession planning in particular, law firms should pay specific attention to ensuring that a diverse group of lawyers is being groomed and mentored to assume relationship and/or billing responsibility for key clients of the firm. It is especially critical to focus on leadership development and succession planning early on in the careers of young lawyers.
- Law firms should acquire and apply a thorough understanding of generational differences when creating communication, work allocation, feedback, professional development, and retention strategies to ensure that changes in expectations and perceptions from generation to generation are respected, valued, and accounted for in the workplace.

“The legal profession has changed in recent years so that many firms, including mine, are ‘eat what you kill’ environments where business development is more important than anything else for advancement. That being the case, reports concerning results of diversity studies such as this should discuss results with respect to inclusion in business development opportunities most prominently so that firms that are weak in this particular area pay more attention to it.”

— minority male

“Female associates are given repetitive tasks that tend to pigeon hole them into categories (such as document reviewer) that do not afford much true advancement in the firm. In particular, I find it disturbing that male associates are constantly ‘tapped’ to cover hearings, depositions, and client meetings at a higher rate than any female associates. Also, the male associates’ work always seems to be discussed in such glowing terms — as to the quality of the male associates’ work — but never, or very rarely (only when prodded and prompted), do the female associates receive the same type or similar public accolades relating to the quality of their work.”

— white female

“Although I believe many law firms are becoming better at recognizing the issues and putting in place procedures for advancement of a diverse work force, there is still a great deal of unconscious bias at firms that prevents advancement.”

— white female

Personal Involvement and Commitment to Diversity

All groups reported universally high rates of support for the desire to work in a diverse and inclusive law firm. Nevertheless, women and minority lawyers demonstrated a disproportionately higher level of participation in diversity-related events and initiatives.

Although women and minorities were disproportionately more likely to be involved in their firms’ diversity efforts and initiatives, they were significantly less comfortable voicing their disapproval if they overheard negative comments based on race, gender, and/or sexual orientation. Many female and minority lawyers expressed concerns that they would be viewed as troublemakers if they spoke out against inappropriate comments, a label that many perceived as having negative consequences for their careers.

The answers of women and minorities indicate that they are less likely to speak out in comparison to their peers. The responses of partners in firms indicate that they are more likely to speak out than associates. Not surprisingly, male partners (most of whom are white) more frequently responded that

Recommendations *Personal Involvement in Diversity Efforts*

- *Law firms should continue to monitor the hours that every attorney devotes to diversity and inclusion efforts in order to ensure that the work is being shared by people of all backgrounds.*
- *Law firms should create innovative methods to reward contributions to diversity and inclusion efforts in order to ensure that everyone in the workplace is incentivized to support these issues, particularly white males.*

they would speak out against inappropriate comments, although their responses indicate that they are the least likely to be actively involved in their firms' diversity events and initiatives.

Special Report on Women of Color

The American Bar Association (ABA) Commission on Women published a series of two comprehensive research reports ("Commission on Women Reports") on the challenges faced by women of color attorneys in law firms. Both MCCA's executive director, Veta T. Richardson, and Dr. Arin N. Reeves, MCCA's research consultant on *Sustaining Pathways to Diversity*,[®] served as members of the ABA's research advisory board. That group oversaw all aspects of the ABA's research project, including research design, development of surveys and focus groups, and review of all findings and final recommendations.

In 2006, the ABA Commission on Women in the Profession released *Visible Invisibility*,⁴ a study that explored the unique experiences of women of color in law firms. That study found that women of color experienced greater challenges to inclusion and advancement in law firms than either white women or men of color. These results served to alert law firms

that diversity and inclusion efforts need to focus on women of color as a category that is distinct from women in general or people of color in general. That study was followed by *From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms (Visibly Successful)* in 2008.⁵

The results of this MCCA research confirm the findings of the Commission on Women Reports across a larger sample of respondents, and reiterates for law firms that the experiences of women of color need to be examined separately, instead of as a subset of gender or race issues, in order to increase retention and advancement among female attorneys of color.

As in the Commission on Women Reports, women of color participating in MCCA's study consistently reported more-negative experiences than their white female or male minority counterparts within law firms in several categories, including exclusion from work opportunities, networking opportunities, and substantive involvement in developing client relationships. Women of color also perceived their firms as less committed to diversity than other groups; they also reported experiencing discrimination and bias more often than other respondents.

Finally, women of color had the highest incidence of any demographic group with regard to identifying themselves as personally committed to their firms' diversity and inclusion efforts.

Rather than devoting limited time and resources to repeat in this report the challenges faced by women of color in law firms, it is recommended that one read and adopt the recommendations set forth in *Visibly Successful*.

Recommendations Women of Color

- Law firms should continue to measure women of color as a separate demographic with respect to the recommendations in this report in order to determine whether the firms' diversity efforts fully benefit women of color.
- Law firms should carefully consider the findings and adopt the recommendations found in the Commission on Women Reports.

4 American Bar Association Commission on Women in the Profession (Commission on Women), *Visible Invisibility: Women of Color in Law Firms* (2006), (available online at www.abanet.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=4920037).

5 Commission on Women, *From Visible Invisibility to Visibly Successful: Success Strategies for Law Firms and Women of Color in Law Firms* (2008), (available online at www.abanet.org/women/woc/VisiblySuccessful.pdf).

Compilation of All Recommendations

Strategic Leadership and Commitment

- Law firms should continue to stress the strategic importance of diversity and inclusion from the leadership level, including why it is a priority. To minimize the skepticism that a firm's efforts are "all talk," law firms should focus on consistent implementation of their strategies, and create measurement tools that track and report on progress on their efforts.
- Law firms should ensure that white male voices are included in dialogues on diversity and inclusion. Strategic communication on diversity and inclusion should focus on how more-inclusive workplaces work better for everyone; likewise, diversity initiatives should be communicated as collective progress efforts, instead of competition catalysts between groups.
- Law firms should "check in" with their lawyers on a regular basis to ensure that the diversity and inclusion efforts are working effectively for the needs of their lawyers, and firms should modify their efforts based on the feedback.

Perceptions of Meritocracy

- Law firms should candidly assess the criteria that lead to success in their workplaces, and create interviewing and hiring protocols that reflect their realities, instead of perpetuating the myth that success is predetermined by the rank of the law school that candidates attended or their law school grade point averages and/or their individual rank within their graduating class.

- Law firms should revisit their hiring criteria with a view to setting standards that better reflect the characteristics and experiences that really delineate who will succeed in today's competitive law firms, as opposed to imposing narrow criteria consisting largely of an examination of a candidate's academic pedigree. Once revised, the new "reality-based" hiring criteria should be articulated and communicated widely to all involved in the hiring process to ensure that the new reality-based criteria are applied consistently and uniformly to all candidates. Law firms should not side-step this difficult analysis of what it takes to succeed in law firms by defaulting to more-rigid adherence to academic pedigree credentials in the mistaken belief that, by more stringently applying academic pedigree-based credentials, they will achieve a more competitive and capable workforce.
- To increase diversity among interview candidates, law firms should focus on attending regional job fairs that focus on diverse candidates, increase the universe of schools from which they recruit, and participate in collaborative efforts with other law firms to attract diverse candidates to regions that may historically have not attracted diverse candidates.
- Law firms should consistently communicate that diversity and inclusion efforts are intended to increase their pools of qualified candidates and create equal opportunities for everyone to succeed within their workplaces.

Inclusion and Work Environment

- Law firms should recognize that a commitment to diversity and inclusion does not automatically translate into inclusive work environments. Law firms have to strategically assess their workplaces with regard to creating an environment of full inclusion, and create an action plan that proactively increases inclusion in the way attorneys experience work and life at their firms.



- Law firms should also recognize that a decrease in overt and explicit discrimination alone does not signal the elimination of all discrimination. Law firms should expand their definitions and trainings on discrimination to include subtle forms

of discrimination and disparate treatment that often have the same consequences for diverse lawyers as explicit discrimination.

- Law firms should create an ombudsperson role for their workplaces, so that attorneys who want to discuss their experiences have a well-trained and well-informed person to whom they can turn for guidance.
- To ensure equal opportunities in work allocation, law firms should regularly evaluate their work-allocation protocols to ensure that everyone in the firm has equal access to the quantity and quality of work they need to effectively develop and advance in their careers. Law firms also should create accountability measures for leaders of departments and practice groups to ensure that inequality of opportunity is immediately and effectively addressed by the leadership.
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Professional Development and Retention

- Law firms should implement training programs for partners that focus on unconscious and subtle biases to ensure that personal subjectivities do not

hinder equality in opportunities for professional development for all attorneys. This anti-bias training must include sexual orientation.

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- Law firms also should have comprehensive exit-interview protocols so that departing attorneys are afforded an opportunity to provide feedback on their experiences, their reasons for leaving, and their suggestions for workplace improvements. These data should be aggregated and reviewed to ensure that the firm draws lessons from current attrition that help increase retention in the future.
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that a diverse group of lawyers is being groomed and mentored to assume relationship and/or billing responsibility for key clients of the firm. It is especially critical to focus on leadership development and succession planning early on in the careers of young lawyers.

- Law firms should acquire and apply a thorough understanding of generational differences when creating communication, work allocation, feedback, professional development, and retention strategies to ensure that changes in expectations and perceptions from generation to generation are respected, valued, and accounted for in the workplace.

Personal Involvement in Diversity Efforts

- Law firms should continue to monitor the hours that every attorney devotes to diversity and inclusion efforts in order to ensure that the work is being shared by people of all backgrounds.
- Law firms should create innovative methods to reward contributions to diversity and inclusion efforts in order to ensure that everyone in the workplace is incentivized to support these issues, particularly white males.

Women of Color

- Law firms should continue to measure women of color as a separate demographic with respect to the recommendations in this report in order to determine whether the firms’ diversity efforts fully benefit women of color.
- Law firms should carefully consider the findings and adopt the recommendations in the Commission on Women Reports.

Supplemental Materials

An Overview of the Journey from *Creating Pathways to Diversity*[®] to *Sustaining Pathways to Diversity*[®]

Since 2000, MCCA has published a number of research reports under its award-winning *Creating Pathways to Diversity*[®] series (“*Pathways series*”). This report is the update of two ground-breaking reports that addressed the experiences of attorneys in law firms.

The first report, titled *A Set of Recommended Practices for Law Firms*, was designed to offer law firms an overview of the business case for diversity, suggest a set of “best practices” to advance diversity within large law firms, and offer a Seven-Step action plan to assist law firms to launch a new diversity program.

The second report for law firms was a watershed set of findings titled *The Myth of the Meritocracy: A Report on the Bridges and Barriers to Success in Large Law Firms* was the result of a year-long effort aimed at understanding what true factors distinguish those who succeed in law firms versus those who do not, and whether a correlation exists between their academic backgrounds and scholastic distinctions of those who succeed (with the measure of success being those who make partner). MCCA found that the majority of those who made partner in law firms lacked the academic honors and

credentials that their hiring committees set as benchmarks against which new recruits are measured, thus calling into question the notion of a true meritocracy in law firms because the definition of what it means to be “qualified” was so subjective and unevenly applied — often to the detriment of minorities, women, and LGBT lawyers.

Now, almost ten years after its first report issued in the *Pathways series*, MCCA finds itself at a crossroads as the association embarks on a series of second- and third-generation examinations of the next phase of challenges that must be overcome as organizations seek to build workplaces of inclusion. To reflect this evolution, MCCA has aptly titled this second-generation look at the challenges to inclusion in large law firms, *Sustaining Pathways to Diversity*, and issued it as the next phase of the popular MCCA *Pathways series*.

MCCA set two primary goals for all research published under the *Pathways series*: first, to identify and spotlight the challenges to diversity and inclusion that are faced by the legal profession; and second, to offer a set of proposed recommendations and solutions to overcome these challenges.

MCCA's research revealed that, with respect to their diversity efforts, most organizations can be placed on a spectrum from mere compliance with federal regulations to an awakening to the benefits of diversity, and from that point to a workplace of

inclusion which is the result of successful diversity initiatives and creates an environment in which employee satisfaction levels are higher.

The *Pathways* concept is as follows:

- **Compliance** emphasizes how to bring people into an organization without doing anything wrong;
- **Diversity** demonstrates an appreciation for their differences and seeks to benefit from these differences; and
- **Inclusion** creates an environment in which all people feel valued and want to stay.

The transition and progress through these various stages is facilitated by integrated initiatives that align diversity goals with strategic business goals.

Furthermore, MCCA's *Pathways* research reveals that, when diversity programs are successfully executed, *all* attorneys — not just minorities, women, or LGBT lawyers — benefit from the programs. This is best described by the concept of “a rising tide that lifts all boats.” Productivity and innovation are improved by eradicating communication barriers among people of different backgrounds, generations, sexual orientation, race, and/or culture. Career growth opportunities are enhanced through the types of mentoring and developmental training frequently fostered by successful diversity initiatives. Lastly, attrition rates are reduced because peer or affinity groups (e.g., Gay and Lesbian Task Force, Muslim Employee Network) are available to stem feelings of isolation and lack of support often faced by minorities, women, or LGBT lawyers — or because resources that were previously unavailable, (e.g., flexible work arrangements, part-time schedules, on-site day care) make balancing work and personal commitments easier to juggle. In addition, the employer gains a strategic advantage by leveraging diversity to tap emerging markets and solve complex business problems for its clients.

Research Team and Methodology

The Research Team

The research effort was led by Veta T. Richardson, MCCA's executive director, who had general oversight and financial responsibility for the project, in addition to the selection of all consultants for the research team. MCCA retained Dr. Arin N. Reeves of The Athens Group to collaborate on this research and assist with all aspects of the project, including setting standards of research protocol, designing the



survey questionnaire and instructions, determining of the research sampling, analyzing of the survey findings, preparing of the written report, and developing the final set of recommendations.

In addition, MCCA retained Novations Group, Inc., as an independent third party to provide data design and collection service, as well as statistical analysis and consultation regarding the survey's findings. The core team members from Novations Group, Inc., were Maureen Giovannini, Ph.D., senior consultant; and Carolyn Jones, client survey specialist. Other participants included client survey specialists David Johnston and Russ Macbeth in addition to senior measurement consultant, Sean Gyll, and executive consultant, Tim Vigue.

About Dr. Arin Reeves, The Athens Group (www.athensgroup.net)

Dr. Reeves has worked in the areas of racial/ethnicity, gender, age/generation, sexual orientation, class, and cultural diversity in organizations for over fifteen years. She received her Juris Doctorate from University of Southern California, and her Ph.D., in Sociology from Northwestern University, where she led several comprehensive research projects on diversity and inclusion in the workplace. In her practice as a consultant on diversity issues in the legal profession, Dr. Reeves has personally worked with more than 100 law firms, almost 50 legal departments of Fortune 500 companies, dozens of law schools, and bar associations/organizations in every major legal market.

About Novations Group, Inc. (www.novations.com)

Novations Group, Inc., helps the world's leading organizations unleash the capacity of their employees. Its core competencies address today's critical organizational challenges: selecting the right talent; fostering inclusion and engagement; building leadership at every level; and optimizing development for all. Building upon more than 30 years of experience, Novations Group offers a full suite of consulting, training, and measurement services to help organizations gain a competitive edge in today's global market.

About Other Contributors

In addition to the members of the research team, MCCA thanks Crosby Marketing Communications for public relations, media, and graphic design services in support of this research project. MCCA also gratefully acknowledges the editorial and production services provided by Rob Truhn, managing editor of *Diversity & the Bar*® magazine, who served as the director of publications for this report.

Overview of Research Methodology and Objectives

This research study is an in-depth, data-driven analysis that balances quantitative and qualitative findings about the experiences of a diverse group of attorneys who practice in large competitive law firms. The project was designed to reach the maximum number of U.S. attorneys in law firms ranked in the top 200 (by revenue) by *The American Lawyer* magazine ("AmLaw 200 firms"). Its objective was to uncover relevant data on the perceptions and experiences of attorneys at large law firms regarding a variety of subjects relevant to diversity and inclusion through use of a comprehensive survey questionnaire that measured several major thematic categories. Other related goals were:

- To examine whether, and to what extent, the demographic and/or organizational backgrounds of attorneys affect these perceptions and experiences; and
- To test some of the key assumptions underpinning the "myth of the meritocracy," including the belief that objective talent and accomplishments are the major criteria used to hire and advance attorneys at AmLaw 200 law firms and are the best predictors of their success (see MCCA's *Myth of the Meritocracy* publication, also known as the "Purple Book").

The Survey Instrument

The comprehensive survey consisted of 83 forced-choice items that were organized according to the following 13 major thematic categories:

- Myth of the Meritocracy
- Strategic Leadership and Commitment
- Experience of Exclusion
- Supervision
- Work Environment
- Work/Life Balance
- Advancement/Leadership
- Personal Involvement/Commitment
- Training and Development
- Coaching and Mentoring
- Recruitment—General
- Recruitment—Importance of “Traditional” Meritocracy Criteria
- Career Impact of Law Firm Changes

The possible responses for each of the 83 items or statements were arranged on a five-point Likert scale. For many of the survey categories, the choices included: 1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; and 5) Strongly Agree. For other survey categories and related items, the choices in the Likert scale were different, depending on the issue explored and the type of information sought.

For example, in the category of Exclusion, respondents were given a list of typical forms of exclusion and asked to respond in terms of whether, and how frequently, they had experienced each form of exclusion over the past five years. Here, the scale included these choices: 1) Frequently; 2) Sometimes; 3) Neutral; 4) Infrequently; 5) Never. In another example, for the category of “Career Impact of Law Firm Changes,” respondents were asked to rate each proposed change in terms of: 1) No effect; 2) Little Effect; 2) Neutral; 4) Positive Effect; 5) Very Positive Effect on their careers.

For each category as well as the 83 individual survey items, the percentage of responses across the scale was calculated and conveyed using descriptive statistics. These percentages frequently were compared and contrasted across demographic and organizational

groups to uncover correlations between these characteristics and attorneys’ perceptions and experiences relevant to diversity and inclusion. Cross-tabulations also were created and analyzed where appropriate (e.g., codifying responses related to job level by gender as well as race/ethnicity).

In addition to the forced-choice items, the survey also posed the following two open-ended questions to which participants were asked to respond.

- Are there any other thoughts on diversity and inclusion in law firms you would like to share with us? (758 responses).
- Are there any recommendations you have for increasing diversity and inclusion in law firms you would like to share with us? (446 responses).

A thematic content analysis was used to organize and categorize these qualitative comments and relate them to the quantitative data. Examples of key themes in the form of illustrative quotations are interspersed at appropriate points in the report.

Survey Administration

The survey instrument was administered electronically through the Novations Group website, for which each law firm was provided a unique access code. The survey site was launched on December 6, 2007, and closed on May 15, 2008.

The survey focused on the perceptions and experiences of attorneys in a variety of areas relevant to diversity and inclusion. The identity of individual respondents remained completely anonymous. The survey team, however, used background information to sort the data by important variables such as gender, attorney level, race/ethnicity, law firm tenure, and sexual orientation in order to analyze trends and patterns within and between groups.

The data were not sorted by individual firm, but rather analyzed in aggregate across firms. Consultants could, however, determine the number of responses

from each law firm. Thus, they were able to contact firms with low or no response in order to encourage them to participate. This secondary outreach was undertaken midway through the survey.

Targeted Audience

The survey was made available to all attorneys in 217 law firms across the United States, most of which are listed in the AmLaw 200 and the *MCCA/VAULT Guide to Law Firm Diversity Programs*.

Veta T. Richardson, the executive director of MCCA, sent a personal communication to each law firm's designated leader of diversity and inclusion efforts. The managing partner of each firm was copied on the communication. These leaders were asked to forward the message to all of the attorneys in their firm so that they could log onto the designated site and participate in the survey.

The Sample Size and Confidence Level

The overall survey sample consists of 4,406 attorneys out of a possible 105,649, or 4.17% of the total attorney population in the 217 law firms. In all, 124 law firms had at least one attorney who responded to the survey. Of these firms, 47% had 10% or more of their attorneys respond.

With this sample size, the final results yielded a confidence level of 99%, with a confidence interval of 1.9%. This means that there is a 99% chance that, if the entire population of attorneys took the survey, the results for each item would be the same as what we have obtained from our sample, plus or minus 1.9%. In other words, if these results included an item with a response rate of 60% "agree," there is a 99% chance that the results from the overall population that would "agree" with the item would be between 58.1% and 61.9%.

Survey Sample Breakdowns

As stated, one major goal of this survey was to compare and contrast the responses of attorneys who differ in terms of key demographic and organizational variables. Therefore, the survey asked respondents to provide their own background information in several areas, including gender, race/ethnicity, sexual orientation, job level, disability, marital status, caretaking responsibilities, and years of tenure in a law firm.

In order to examine some of the assumptions associated with the "myth of the meritocracy," the survey also asked respondents to indicate what law school they attended and their graduation year. With those two pieces of information, the survey team was able to place respondents in one of three tiers, based on the school rankings provided by *U.S. News & World Report* for an 18-year period (1987, then 1990 to 2007). The rankings were as follows:

- Tier 1: Top 1 – 10 law schools for the year in which one graduated;
- Tier 2: Top 11 – 20 law schools for the year in which one graduated; and
- Tier 3: Those not ranked among the top 1 – 20 law schools for the year in which one graduated.

The remainder of this section presents the survey sample breakouts according to all key variables relevant to this study.

Level/Position

		Frequency	Percent	Valid Percent
Valid	Associate	2,159	49.0	49.3
	Counsel or Of Counsel	361	8.2	8.2
	Partner	1,781	40.4	40.7
	Other	79	1.8	1.8
	Total	4,380	99.5	100.0
Missing	0	24	.5	0
Total	4,404	100.0	100.0	

Gender

		Frequency	Percent	Valid Percent
Valid	Male	2,551	57.9	58.5
	Female	1,813	41.2	41.5
	Total	4,364	99.1	100.0
Missing	0	40	.9	0
Total		4,404	100.0	100.0

Sexual Orientation

		Frequency	Percent	Valid Percent
Valid	Heterosexual	4,130	93.8	95.1
	Gay/Lesbian	175	4.0	4.0
	Bisexual	37	.8	.9
	Transgender	1	.0	.0
	Total	4,343	98.6	100.0
Missing	0	61	1.4	0
Total		4,404	100.0	100.0

Person With a Disability

		Frequency	Percent	Valid Percent
Valid	Yes	78	1.8	1.8
	No	4,264	96.8	98.2
	Total	4,342	98.6	100.0
Missing	0	62	1.4	0
Total		4,404	100.0	100.0

Race or Ethnic Background

		Frequency	Percent	Valid Percent
Valid	Arab or Arab American	27	.6	.6
	Asian or Asian American (incl. South Asian)	327	7.4	7.5
	Biracial or multi-racial	102	2.3	2.4
	Black, including Caribbean and African or African American	295	6.7	6.8
	Caucasian or White (excluding Hispanic)	3,256	73.9	75.1
	Hispanic or Latino	208	4.7	4.8
	Native American or Alaskan Native	14	.3	.3
	Pacific Islander	9	.2	.2
	Other	98	2.2	2.3
	Total	4,336	98.5	100.0
Missing	0	68	1.5	0
Total		4,404	100.0	100.0

Law School Tier

		Frequency	Percent
Valid	Tier 1: Top 1 to 10 ranking	683	15.5
	Tier 2: Top 11 to 20 ranking	553	12.6
	Tier 3: Below 20 or no ranking	2,749	62.5
	Total	3,985	90.5
Missing	0	419	9.5
Total		4,404	100.0

Race or Ethnic Background, by Law School Tier

		Tier				Total
		1 to 10	11 to 20	No ranking	Other	1 to 10 ranking
Valid	Arab or Arab American	2	3	6	15	26
	Asian or Asian American (incl. South Asian)	83	57	41	118	299
	Biracial or multi-racial	39	15	8	34	96
	Black, including Caribbean and African or African American	63	49	27	130	269
	Caucasian or White (excluding Hispanic)	430	373	273	1,904	2,980
	Hispanic or Latino	49	36	24	90	199
	Native American or Alaskan Native	1	3	0	9	13
	Pacific Islander	0	1	2	5	8
	Other	16	15	5	48	84
Total		683	552	386	2,353	3,974

Survey Instrument

Minority Corporate Counsel Association Creating Pathways to Diversity Research Project

INTRODUCTION

The Minority Corporate Counsel Association (MCCA) is sponsoring this comprehensive survey to update and expand on our current research publications: the Blue Book, "Creating Pathways to Diversity"; and the Purple Book, "The Myth of the Meritocracy." (Both publications are available on MCCA's website at www.mcca.com.)

We are inviting the attorneys in your firm along with those in all other AmLaw 200 firms across the United States to participate. The survey will focus on the perceptions and experiences of attorneys in a variety of areas relevant to diversity and inclusion. The identity of individual respondents will remain completely anonymous. We will, however, use background information to sort the data by important variables such as gender, attorney level, race/ethnicity, marital status, and sexual orientation in order to analyze trends and patterns within and between groups.

Although we will not be sorting the data by individual law firm, your firm and others will benefit from the findings and recommendations that emerge from the research as you seek better understanding and strategies for strengthening your own diversity efforts. Each firm that has at least a 10% participation rate from its lawyers will be listed in the report as a supportive participant. We do stress, however, that data will only be analyzed in the aggregate across all firms. There will be no individual firm data compiled or analyzed. A key part of this effort is for you to provide thoughtful and honest feedback based on your perceptions and experiences related to the areas addressed. There are no "right" or "wrong" answers. So please record your impressions as accurately as possible, regardless of why you have them.

INSTRUCTIONS

The survey consists of a number of statements. Following each statement is a series of possible responses arranged along a scale. Please select the response that most closely matches your perception and experience. If you feel as though you cannot respond to the statement, please select "Don't Know/Not Applicable" as your choice.

There are also two open-ended questions near the end of the survey. Please take some time to share any additional thoughts you have on these issues.

The survey should take no longer than 30 minutes, and we recommend that you complete it in one sitting. If you are interrupted you can use the "save for later" button. However, if you click this, you will be given a new, unique password that you must use to log back

on. The original password will no longer be valid.

If you have any questions about the survey you can email the vendor, the Novations Group, at the following email address: MCCA-Survey@novations.com.

Thank you for participating in this important research project.

Strategic Leadership and Commitment

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree) 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- In my experiences and observations at my firm, diversity has been communicated and addressed by key firm leaders.
- My firm has a Diversity Committee or a comparable entity, and I am aware of who is on that committee and what the committee is doing.
- If I have a concern or complaint about my work environment, I have someone I can go to in order to seek a resolution.

Work Environment

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I feel that that I am treated as an equal by my peers.
- I feel that I am treated differently by my peers because of my race.
- I feel that I am treated differently by my peers because of my gender.
- I feel that I am treated differently by my peers because of my sexual orientation.
- In my work environment I sometimes hear negative comments or slurs/ jokes based on gender, race, ethnicity, sexual orientation, or disability.

Supervision

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I feel that the senior lawyers for whom I work treat me differently because of my race.
- I feel that the senior lawyers for whom I work treat me differently because of my gender.
- I feel that the senior lawyers for whom I work treat me differently because of my sexual orientation.
- I feel that the evaluation of my work by senior lawyers for whom I work is free of assumptions or stereotypes based on my background.

Training and Development

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I am satisfied with the opportunities I have received to actively participate in business development efforts with important clients.
- I feel that I have to perform at a higher level to gain the same credibility and career opportunities as my peers.
- I receive appropriate training for the work that I do.
- I receive the assignments I need in order meet the firm's billing requirements.

- I receive timely and useful feedback on my work so that I understand both my strengths and what I need to do to improve.
- In my department, work assignments are apportioned according to attorneys' knowledge, skills, and experience.
- I am satisfied with the level of client contact I receive.

Coaching and Mentoring

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I have had at least one mentor (formal or informal) in my firm who has played an important part in supporting my career development.
- It is very difficult for me to advance in this firm because I don't have an influential sponsor.
- I have a mentor who provides assistance in getting high-visibility assignments and desirable feedback.
- I have a sponsor in my firm to vouch for my skills and champion my advancement.
- I have a mentor in the firm who serves as a confidential resource for navigating the "informal rules," career advice, and/or conflict resolution.

Advancement/Leadership

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I aspire to advance into leadership positions in this firm.
- I believe that my gender will not hinder my advancement in this firm.
- I believe that my race/ethnicity will not hinder my advancement in this firm.
- I believe that my sexual orientation will not hinder my advancement in my firm.
- I understand what the criteria are for advancement in my firm.

Work-Life Balance

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- If I choose to reduce my hours, telecommute, make my work schedule more flexible, or seek other alternative work arrangements, I feel that I can exercise those choices without any negative consequences for my career.
- My firm has alternative work arrangement policies in place that are easy to access, understand and utilize by all attorneys in the firm.

Personal Involvement/Commitment

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I prefer to work in a diverse and inclusive law firm.
- If I overhear negative comments based on race, gender, sexual orientation, or other differences, I feel comfortable voicing my disapproval.
- I actively participate in diversity-related events and

initiatives sponsored by my firm — for example, serve as member of the Diversity Counsel (or comparable group), attend Minority Corporate Counsel events, or other specialty bar associations for non-majorities (e.g., NBA, HNBA, NAPABA, Lavender Law, etc).

- I actively support my firm's efforts to recruit and hire a diverse group of attorneys—for example, by participating in special recruitment events on or off site and/or visiting schools.

Recruitment – General

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- My firm recruits at schools with a high percentage of law students of color.

Recruitment — Myth of the Meritocracy

How important do you think the following criteria should be in decisions related to the recruitment and hiring of lawyers in your firm?

1) Most Important; 2) Very Important; 3) Neutral; 4) Balanced with Other Criteria; 5) Of Little Importance; 6) Don't Know/Not Applicable

- Law school rank
- Moot Court Board
- Member of the Law Review (the top journal at his/her school)
- Federal Judicial Clerkship
- Recommendations from law school professors
- Grade point average
- Community service
- Recommendations from firm attorney(s)
- Diverse backgrounds
- Prior work experience
- Interview performance
- Informal impressions of recruiters
- Informal impressions of influential firm members

Career Impact of Law Firm Changes

Rate the following changes in your current law firm in terms of the positive effect each would have on your career.

1) No Effect; 2) Little Effect; 3) Neutral; 4) Positive Effect; 5) Very Positive Effect; 6) Don't Know/Not Applicable

- The establishment of formal policies for reduced/alternative work arrangements.
- Consistent implementation of current policies relating to the workplace.
- Less pressure to engage in client development.
- Lower billable hours.
- More flexibility from the firm in accommodating my personal life.

- Greater opportunity to shape the future direction of the firm.
- More and better mentoring by senior attorneys/partners.
- More opportunities for pro bono work.
- Less subjectivity in the work allocation processes.
- Less subjectivity in the promotion processes.
- More racial diversity in the workplace.
- More gender diversity in the workplace.
- More receptive/inclusive environment for LGBT attorneys

Experience of Exclusion

Over the past five years of your work experience in a law firm, have any of the following happened to you based on your gender, race, sexual orientation, and/or physical disability?

1) Frequently; 2) Sometimes; 3) Neutral; 4) Infrequently; 5) Never; 6) Don't Know/Not Applicable.

- Experienced demeaning comments or other types of harassment.
- Was excluded from assignments that I sought out.
- Was excluded from informal or formal networking opportunities.
- Was excluded from client development and client relationship opportunities.
- Experienced unfair performance evaluations.
- Was denied advancement or promotional opportunities.
- Experienced one or more other forms of discrimination.

Myth of the Meritocracy

1) Strongly Disagree; 2) Disagree; 3) Neutral (sometimes agree, sometimes disagree); 4) Agree; 5) Strongly Agree; 6) Don't Know/Not Applicable

- I possess and exhibit the necessary interpersonal/communication skills I need in order to succeed at my law firm.
- The formal and informal performance reviews and feedback that I have received regarding my interpersonal/communication skills accurately reflects my skills.
- I possess and exhibit the necessary client relationship skills I need in order to succeed at my law firm.
- The formal and informal performance reviews and feedback that I have received regarding my client relationship skills accurately reflects my skills.
- I possess and exhibit the necessary technical skills I need in order to succeed at my law firm.
- The formal and informal performance reviews and feedback that I have received regarding my technical skills accurately reflects my skills.
- I possess and exhibit the necessary research and writing skills I need in order to succeed at my law firm.
- The formal and informal performance reviews and feedback that I have received regarding my research and writing skills accurately reflects my skills.
- I have a high level of commitment to my career and to the firm.
- The formal and informal performance reviews and feedback that I have received regarding my level of

- commitment to the firm and to my career is accurate.
- I possess and exhibit the necessary time management skills I need in order to execute my responsibilities at work.
- The formal and informal performance reviews and feedback that I have received regarding my time management skills accurately reflects my skills.
- I present myself in a professional manner that is appropriate for the various contexts in which I represent the firm.
- The formal and informal feedback that I have received regarding my professional appearance is accurate.

COMMENTS

Are there any other thoughts on diversity and inclusion in law firms that you would like to share with us?

Are there any recommendations that you have for increasing diversity and inclusion in law firms that you would like to share with us?

BACKGROUND INFORMATION

This information will be used to help us compare and contrast survey responses between and among different groups of attorneys. No group will be formed with less than five participants. At no time will anyone other than the Minority Corporate Counsel Association researchers have access to this information.

Level

- Associate
- Counsel/Of Counsel
- Partner
- Other

Gender

- Male
- Female

Sexual Orientation

- Heterosexual
- Gay, Lesbian
- Bi-Sexual
- Transgendered

Person With a Disability

- Yes
- No

Race/Ethnic Background

- Asian/Asian American (incl. South Asian)
- Black including Caribbean and African/African American
- Caucasian/White (excluding Hispanic)
- Arab/Arab-American
- Native American/Alaskan Native
- Hispanic/Latino
- Pacific Islander
- Bi-racial/multi-racial
- Other

Current marital status?

- Single, never married
- Married, heterosexual couple
- Domestic Partner/Married, same-sex couple
- Divorced
- Widowed

Caretaking Responsibilities

At any time during your tenure at your current firm what kind of caretaking responsibilities do/did you have for the following people?

Own biological or other children (adopted, step) under 18:

- Primary
- Shared
- Some, not primary
- Little
- None

Someone else's children under 18:

- Primary
- Shared
- Some, not primary
- Little
- None

Elderly parents including in-laws or other adult relatives over 18:

- Primary
- Shared
- Some, not primary
- Little
- None

Law School Attended

- Boston College
- Boston U
- Columbia
- Cornell
- Duke
- Emory
- Fordham
- George Wash. U
- Georgetown
- Harvard
- Northwestern
- NYU
- Stanford
- U of Chicago
- U of Iowa
- U of I-Urbana
- U of Michigan-AA
- U of Minn-TC
- U of Notre Dame
- U of Pennsylvania
- U of Texas-Austin
- U of Virginia
- U of Washington
- U of Wisconsin
- UC Berkeley
- UC Davis

- UC Hastings
- UCLA
- UNC Chapel Hill
- USC
- Vanderbilt
- Wash. & Lee
- Washington U
- Yale
- Other

Year Graduated from Law School

- 1987
- 1988
- 1989
- 1990
- 1991
- 1992
- 1993
- 1994
- 1995
- 1996
- 1997
- 1998
- 1999
- 2000
- 2001
- 2002
- 2003
- 2004
- 2005
- 2006
- 2007
- Other

Please tell us about your law school academic honors or achievements.

Check all that apply:

- I graduated in the top 10% of my class and/or was selected to Order of the Coif.
- I graduated in the top 20% of my class, but not in the top 10% of my class.
- I did not graduate with academic honors or in the top 20% of my class and/or I would characterize my law school performance as "good/average" but not "stellar."
- I did poorly in law school and credit my post-law school work experience for the success I have been able to achieve in a law firm.
- I did poorly in law school and credit my personal contacts/networks for the success I have been able to achieve in a law firm.
- I was selected for and served as a member of my law school's Moot Court Board.
- I was selected for and served as a member/editor of the top Law Review/Journal for my school.
- I was selected for and served as a member/editor of an alternative law review or journal.
- I completed a Federal Judicial Clerkship.
- I cannot answer this question regarding class ranking because my law school did not rank students.
- I do not remember the specifics about my grades, class rank, or other information in order to respond to any of the above.



**Additional resources from
MCCA's *Pathways Research*
series**



**A Study of Law
Department Best
Practices (1st Edition)**



**A Set of Recommended
Practices for Law Firms**



**Metrics for Success:
Measurement in
Diversity Initiatives**



**The Myth of the Meritocracy:
A Report On the Bridges
and Barriers to Success in
Large Law Firms**



**From Lawyer To
Business Partner: Career
Advancement in Corporate
Law Departments**



**Perspectives From
The Invisible Bar: Gay
& Lesbian Attorneys in
the Profession**



**Mentoring Across Differences:
A Guide to Cross-Gender and
Cross-Race Mentoring**



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