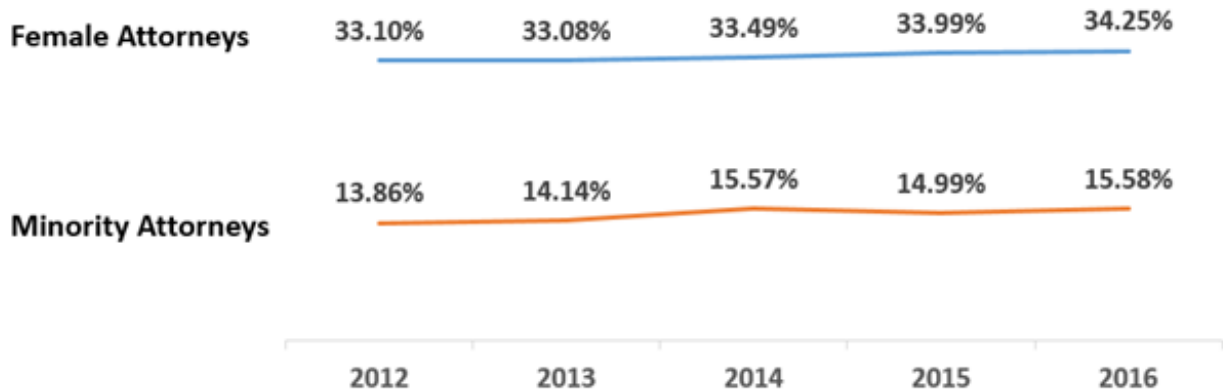# Diversity in Big Law Means More Than Gender

It is no secret that diversity at Big Law remains painfully stagnant. But when we talk diversity, our focus more often than not is on gender, to the exclusion of minorities, people with disabilities, LGBTQ individuals, and veterans. Industry stakeholders, both clients and law firms, have perpetuated this, placing their primary focus when it comes to diversity on gender.

Why is this? A number of reasons jump to mind: 1) It is easier to measure female headcount, while candidates at their discretion indicate, LGBTQ, disability or veteran status; 2)While the percentage of females in Big Law's higher ranks is small, there are more females than any other diversity category, increasing the likelihood of implicit bias against other groups; and 3) Society continues to stigmatize these groups, causing candidates to be reluctant to identify themselves as part of that diversity class.

Take minorities, for instance. As seen in the graph below, the threat of implicit bias for minority groups is even higher than it is for women, due to their lack of representation.

Minority Headcount Is About Half of Female Headcount

	2012	2013	2014	2015	2016
Female Attorneys	33.10%	33.08%	33.49%	33.99%	34.25%
Minority Attorneys	13.86%	14.14%	15.57%	14.99%	15.58%

ALM Intelligence Diversity Scorecard & Female Scorecard Data

The likelihood of implicit bias is further compounded by minority partnership numbers. When it comes to hiring in the partnership ranks, you are almost 100% more likely to get a white equity partner candidate than a minority candidate. On average, law firms have over 90 white equity partners and no more than three of any other minority.

<u>*Minorities on Average Are a Fraction of Big Law Headcount by Tier*</u>

Ethnic Group	Average Number of Equity Partners	Average Number of Non Equity Partners	Average Number of Associates
White	94	59	120
Asian American	3	3	17
Latino	2	2	7
Black	2	2	6

ALM Intelligence 2017 Diversity Scorecard Data

Social stigmas are another factor contributing to bias of certain minorities. As seen in the graph below, Asian-Americans, portrayed in the [media](#) as the "model minority," are the only category that has experienced a near steady rise in Big Law headcount over time. (All minority categories saw a slight drop around the time of the Great Recession.) By contrast, Latinos and blacks are often seen in the opposite [light](#). The number of Latinos has risen at a snail's pace, while blacks have dropped in headcount since the Great Recession.

Minority Headcount Over Time
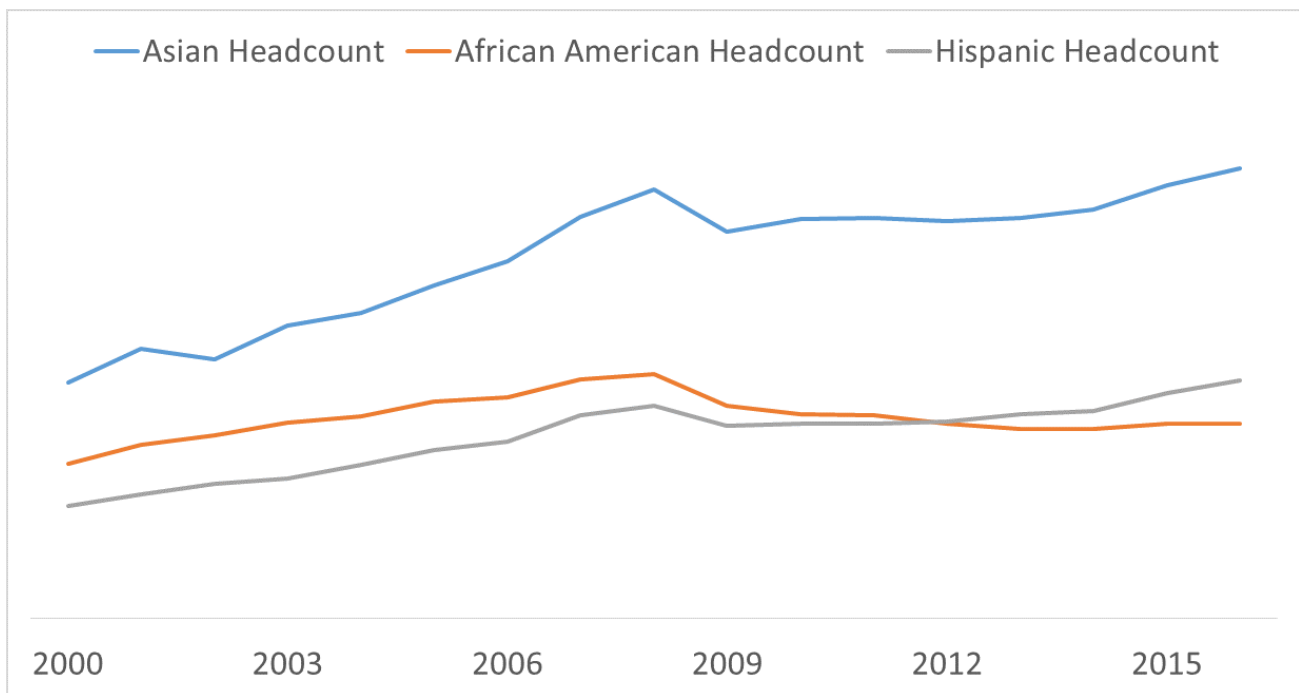
ALM Intelligence Diversity Scorecard Data

Notably, at a panel I moderated at Legalweek West Coast last week entitled "Overcoming Blind Spots & Unconscious Bias to Create a Culture of Inclusion," one panelist noted that he was surprised to see that when he tested his implicit bias using Harvard's [Implicit Association Test](#), he was biased against his own race. He attributed this

to media portrayals of minorities that cause intrinsic favoritism toward whites over other minority groups.

Other diverse categories, such as LGBT and disabled candidates, are starkly underrepresented in Big Law. Both are calculated to be such a miniscule part of the legal population that it becomes even more difficult to overcome any existing stigmas.

ALM Intelligence's LGBT Scorecard indicates that LGBT headcount has risen slightly, from 2.62% in 2015 to 2.81% in 2016 and 2.99% in 2017. Due to the stigma LGBT lawyers may face in the workplace, and the self-reported nature of this diversity category, it is hard to determine how close these numbers are to the real statistics.

Similarly, the 2016 Vault/MCCA Survey calculates that disabled attorneys are less than half a percent of the legal population. There may be similar statistics on veteran diversity, but I have not seen those statistics captured anywhere.

It is clear that firms can take steps to ensure that these stigmatized groups in particular can thrive in the law firm setting. The firm that shines when it comes to LGBT, Patterson Belknap Webb & Tyler, has an affinity group for LGBT attorneys and has created a strong inclusive culture for "out" attorneys. They have topped the ALM Intelligence data on LGBT representation for the past three years and in 2017 recorded close to 10% of its headcount as being LGBT.

In discussing this issue, one Am Law Head of Diversity and Inclusion remarked that her firm requires a certain percentage of candidates be from underrepresented groups (similar to the new Mansfield Rule that a number of firms have signed on to), but will only count minority,

veteran, LGBTQ, or disability candidates, and not women, in this statistic.

The conclusion of all of this is not that focusing on gender diversity is unimportant; rather, we must also strive for inclusion of other diverse groups. Research has proven that diverse teams are more innovative and profitable and that non-diverse teams are more costly. Attrition costs firms millions of dollars each year, and there has been an upswing of class actions regarding diversity (such as the recent Walmart case on LGBTQ, or the continued issues Chadbourne & Parke faces in its gender pay gap class action).

The end goal is simple: a culture that fosters inclusion for all.

ALM Intelligence Notes:

- **SuperConference June 21-22nd in Chicago:**I will be moderating the Diversity Spotlight panel at ALM's 17th Annual in-house counsel event – a forum for networking and discussing corporate legal trends. Register today to join me!
- **The 2017 Diversity Scorecard:** Complete coverage on the Diversity Scorecard from The American Lawyer.
- **Intelligence in Your Inbox:** Subscribe to the ALM Intelligence Analysts Brief, featuring the latest thinking from our analysts, delivered straight to your inbox each week.

Daniella is a Senior Analyst at ALM Legal Intelligence. Her experience includes advising law departments in relation to strategy, technology, market intelligence, and operations. A member of the New York Bar

Association, Daniella holds a Juris Doctor degree from The Benjamin N. Cardozo School of Law. She can be reached via email, Twitter, or LinkedIn.