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The Next Phase of Diversity Initiatives: Continued Opportunities for Diverse Attorneys

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In the past several years, most law firms have established diversity programs to recruit and retain a higher number of diverse attorneys. For the most part, many large law firms have achieved some noticeable results from their diversity initiatives.

But there is a clear push by leaders in minority bar associations and law firm recruiting committees to focus on increasing the conversion rate of the diverse associates to a level proportional to the number of qualified diverse associates within the overall associate population. In other words, diversity initiatives are very important: Ensuring that a firm's minority associates have a clear path to partnership is the vital next step.

For example, in 2008, the NAPABA Law Foundation, a sister organization of the National Asian Pacific American Bar Association (NAPABA), hosted two diversity symposia to underscore the disproportionate lack of Asian Pacific American (APA) partners in large law firms relative to the number of APA associates.

As Richard Sanders of the University of California-Los Angeles points out in his 2006 article, "The Racial Paradox of the Corporate Law Firm," published in the North Carolina Law Review, however, the situation is similar among both the African-American attorney population and the Hispanic attorney population.

According to the Minority Law Journal's Diversity Score Card 2008 survey of the United States' 250 largest law firms, the average minority population among attorneys was 13.4 percent in 2007. By comparison, the proportion of minority partners was 6.2 percent. The survey also showed that the disparity was greater within the top 20 firms on the 2008 Diversity Score Card, where the population of minority attorneys ranged from 19 to 27 percent while the minority partners represented less than 4 percent of the partnerships.

In response, many law firms are now scrutinizing their internal diversity metrics to include partnership diversity as part of the performance indicator of their diversity programs. In fact, the Minority Law Journal plans to include partnership diversity as a factor in its future Diversity Score Card surveys.

One of the causes attributed to the low partnership conversion rates, which was identified and discussed throughout the NAPABA Law Foundation's Diversity Symposium by many partners, diversity officers and recruiting officers from large law firms, was that the attrition rate within the diverse associate population is substantially higher than that of their non-minority counterparts. Even at law firms where diverse attorneys are well represented among the junior associates, the numbers drop off significantly among the senior associate ranks, thus providing smaller candidate pools for partnerships.

The participants at the symposium brainstormed the possible causal factors for the higher attrition rates among diverse attorneys, ranging from cultural gap factors to the lack of diverse attorney mentors for diverse junior attorneys. However, the working dynamics among the attorneys within each law firm are complicated, and there is unlikely to be a simple answer for why diverse

attorneys have higher attrition rates. The issue of high attrition rates among diverse attorneys and low conversion rates to partnership is likely to be discussed and debated for some time.

The indications are that diversity programs at many law firms are entering a new phase and turning their attention toward what has to be done to improve partnership diversity. As law firms transition to the next phase of diversity programs, many beneficial opportunities and resources are likely to be available to diverse attorneys vying for partnership. Even with the current downturn in the economy, it is hoped that law firms will continue to support a wide range of diversity initiatives, such as retreats and career development workshops, coaching and mentoring, affinity groups and allocating a portion of their business development budget for diversity-related client development activities.

The time is right for diverse attorneys to continue or refocus their efforts on business development and personal growth by utilizing the opportunities and resources provided by law firms, so they can be part of the select pool of desirable partnership candidates, or can grow their practice if they are already partners.

In refocusing on business and career development efforts, the following key points serve as good reminders that most of us already know but sometimes neglect.

- **Quality Work Product:** Probably the most basic component for a diverse associate's success at a large law firm is for the associate to meet or exceed the law firm's business metrics and benchmarks. The most common key business metrics at many law firms are, of course, work quality and billable hours. This means ensuring that diverse associates produce a high-quality work product and perform well against the billable hour target.

Generally, if the associate's work product is of a high quality, that associate will usually have a steady flow of assignments, making it easier for them to meet the billable hour target. To do that, the attorney should ensure that every assignment is completed at a superior level. Ultimately, there is no substitute for quality work product.

- **Mentoring:** Seeking out mentors within the firm as well as outside of the firm can help diverse attorneys advance their own careers. Mentors within the firm can help diverse associates navigate and understand firm culture and bring awareness of the dynamics of human relationships within the firm culture that are helpful at various stages of the attorney's career. In fact, life in a large law firm does not differ from life within any other organization. Some may call it "office politics," but in any organization, the dynamics of human relationships are always important.

Mentors outside of the firm can help diverse associates with career development issues that exist beyond the law firm environment. In this regard, many law firms' diversity-related initiatives provide forums, such as diversity retreats, workshops and affinity group events where diverse attorneys can meet mentor figures. Furthermore, certain minority bar associations have mentor programs in place to further the careers of diverse attorneys.

- **Networking:** Many of us have heard the saying "it's not what you know but who you know." In addition to the basic requirements of producing first-rate work product and meeting and exceeding firm metrics, diverse attorneys need to build and expand their networks in order to develop business and create opportunities for new business. All attorneys know to get involved in various organizational activities within and outside the legal community, such as trade associations, civic associations, charitable organizations, etc.

Various minority bar associations and minority organizations have provided diverse attorneys with additional networking opportunities. Now law firm diversity-related initiatives offer yet another source of networking opportunities. Some

diverse attorneys may find that attending events and activities with persons of similar cultural backgrounds may be less daunting than other run-of-the-mill professional networking events. Having a strong and diverse network is valuable not only to you, but also to your clients and colleagues.

Moreover, diversity-related events present excellent opportunities to expand your network as well as helpful presentations and discussion panels that directly address issues that are unique to diverse attorneys relating to large law firm practice.

- Promoting Yourself: Diverse associates should ensure that they promote themselves within the firm. Statistics indicate that partnership-eligible diverse attorneys are less numerous among the senior-level associate population. Therefore, it is important for you to appropriately promote yourself within the firm to highlight and emphasize your value to the firm as a capable and potential partner candidate.

When conversing with partners in the firm, it is essential to discuss your successes and promote your skill set to increase your visibility. For some diverse attorneys, self-promotion may not come naturally because of their cultural backgrounds. These attorneys should make a conscious effort to hone these skills.

As major law firms continue to implement diversity initiatives to improve partnership diversity, diverse attorneys are likely to continue to find themselves with many opportunities that can be helpful in advancing their own practice and careers. The success of the diversity programs largely depends upon how well the diverse attorneys employ the investments that law firms have made and continue to make in pursuit of diversity.

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