



**The Association of the Bar of the City of New York**

## Diversity Benchmarking Study

### A Report to Signatory Law Firms

**Sponsored by:**

The Office for Diversity

The Committee to Enhance Diversity in the Profession

Deloitte

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Signatories to the Statement of Diversity Principles

## **INTRODUCTION**

This is the first annual Association of the Bar of the City of New York's law firm diversity benchmarking report. Signatories to the Association's Statement of Diversity Principles have committed to tracking their progress on key diversity metrics for themselves and against one another. This study allows each firm to compare its New York office's partner and associate pool to those of other signatory firms.

Gathering demographic data can be a powerful way for firms to understand where they are now and establish a baseline for monitoring improvement. We plan to collect this data annually. This 2004 study sets a baseline for law firms when they signed the Statement of Diversity Principles, against which future progress can be measured. This report assists firms in identifying where they are doing well compared to their peer firms and where they are lagging behind. Ultimately the study provides firms with the information needed to make diversity and inclusion a reality.

## **METHODOLOGY**

This data is based on the responses of 82 law firm signatories to the New York City Bar's Statement of Diversity Principles, as of November 2004. This represents a 95 percent response rate.

Each individual firm's response to the web-based survey is treated as anonymous and confidential.

This data is a snapshot of participating firms between January - March 2004 to serve as a baseline for measuring progress.

This data represents only the New York City area offices of the signatory firms.

For comparison purposes, we utilized the demographic categories and terminology employed by the National Association of Law Placement (NALP). We collected data on Women, Men, American Indian, Asian-American/Pacific-Islanders, Black, Hispanic, Multi-racial, Openly Gay, and Disabilities. These categories are not mutually exclusive, e.g., the women category includes both white women and women of color. In future studies, we will explore collecting data by race and gender enabling us to compare white men, white women, men of color, and women of color.

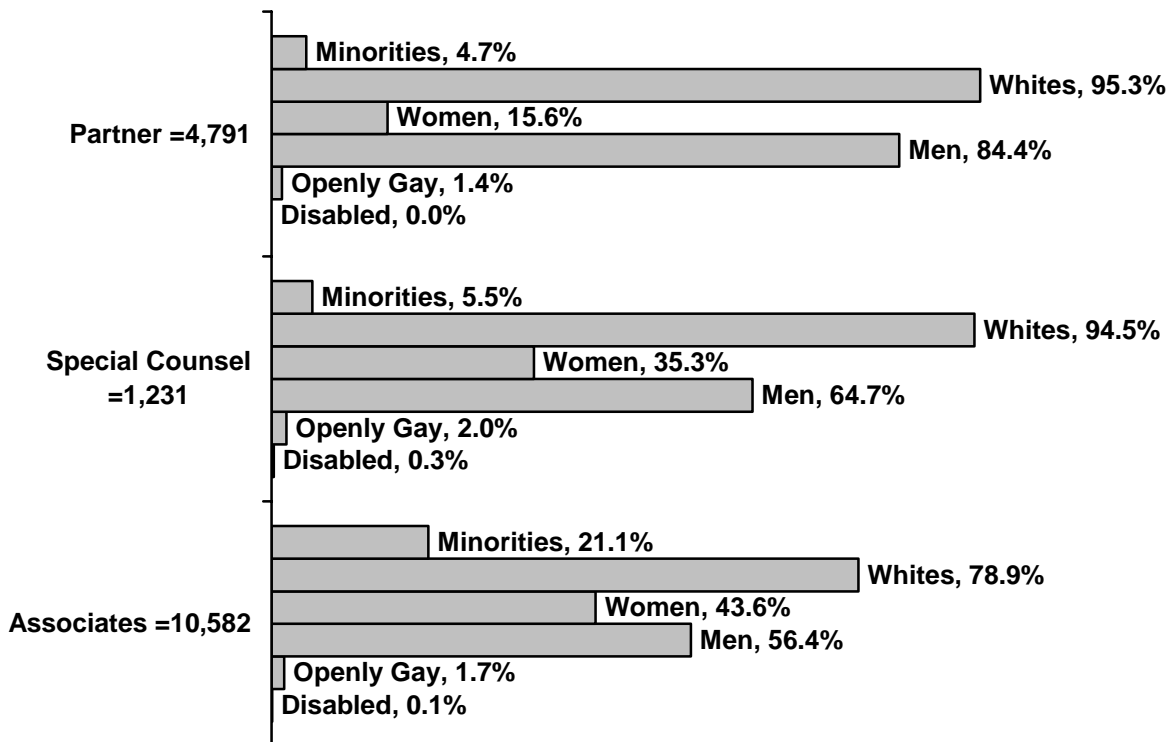
We gathered data on the current associate pool by class year, total associate composition, special counsel/senior attorney positions, partners, new partner promotes and lateral hires, and those on formal full-time and part-time flexible work arrangements by level.

## EXECUTIVE SUMMARY

**New York City offices of signatory firms are more diverse than the legal profession as a whole.** Overall, 15.2 percent of the nearly 17,000 attorneys in signatory firms are racial/ethnic minorities compared to 10.8 percent in the profession as a whole (ABA, Statistics about Minorities in the Profession from the Census, 2000). Similarly, the percentage of women in signatory firms is somewhat higher with 35 percent of attorneys in New York area law offices in contrast to 29 percent of attorneys in the profession as a whole. The data that signatory firms provided on openly gay attorneys and attorneys with disabilities is inadequate for national comparisons.

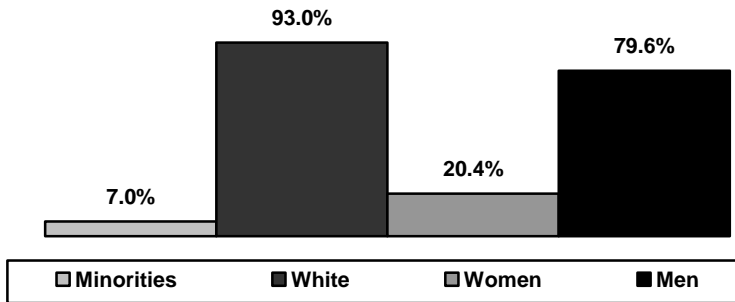
**There is considerable diversity across race and gender in associate ranks, while the face of the partnership at signatory law firms remains predominantly white and male.** Over one in five associates are racial-ethnic minorities and two in five are women. In contrast, the vast majority of special counsels and partners are both white and male. Only 4.7 percent of New York area law partners are considered racial/ethnic minorities. Women fare somewhat better than minorities comprising 15.6 percent of the partnership at signatory firms.

**Signatory Firms by Level, as of March 2004**

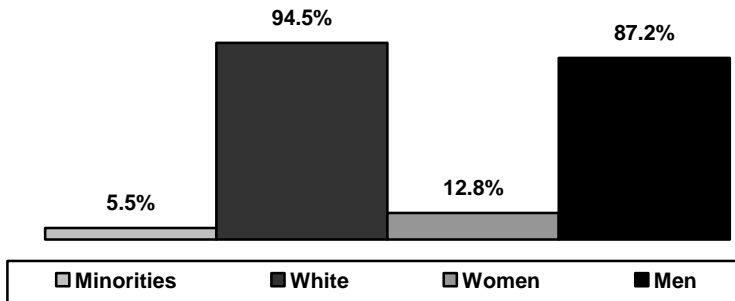


**Time alone will not bring diversity to the partner ranks in New York City.** Often there is the perception that it is only a matter of time before a particular demographic group reaches critical mass in the partnership. However, the percentage of new promotions to partner is quite similar to that of the overall partner pool. Only a slightly higher percentage of women and minorities were newly promoted to partner compared to their representation in the overall partnership. Lateral partner hires are even more dominated by whites and men than new promotes to partner. This data suggests that time alone is not sufficient and that intervention is needed to truly diversify the partnership profile in area firms.

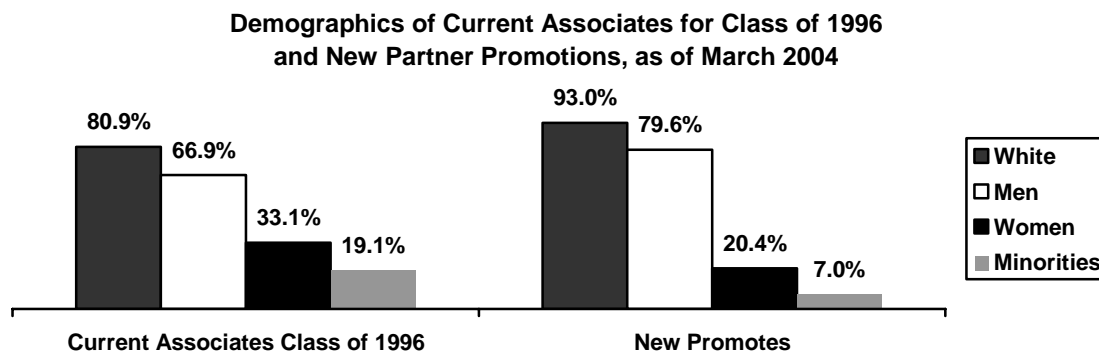
**Most Recent Promotions to Partner (284), as of March 2004**



**Lateral Partner Hires (219), as of March 2004**



**New partner promotions do not fully capitalize on the diversity of the pre-partnership pool.** With an average 8 year partnership track, the remaining associates from the class of 1996 can be considered the pre-partner pool for 2004 partnership decisions. One-third of the class of 1996 associates is women in contrast to the one-fifth percent of new partner promotions in 2004. Likewise, 19 percent of the remaining class of 1996 is racial/ethnic minorities compared to 7 percent of new partners—this discrepancy is particularly acute for Asian-Americans in the pre-partner pool.



**Many firms lack complete data on attorneys with disabilities and openly gay attorneys.** Due to the lack of data on attorneys with disabilities and openly gay attorneys reported by signatories, there is little interpretation that can be made. Signatory firms report that attorneys with disabilities represent only one-tenth of one percent of their overall ranks, or only seventeen attorneys with disabilities in New York area law offices. Of the nearly 17,000 attorneys at signatory firms, only 272 are counted as openly gay.

The data on these groups are likely under-represented because data is either not collected or individuals do not feel comfortable revealing their sexual orientation or disability status in the workplace. We encourage firms to distribute a confidential and anonymous survey that solicits an accurate count of all NALP categories, particularly openly gay attorneys and attorneys with disabilities.

**Few attorneys in New York City law offices avail themselves of formal flexible work arrangements (FWAs)<sup>1</sup>.** Overall, 825 attorneys, or 5.0 percent, work flexibly in New York law offices, with nearly all working part-time. Women are more likely to avail themselves of these flex work options than their male counterparts at every level. Women special counsels have the highest percentage utilization with over 3 in 10 women special counsels working on a FWA. While these findings are not surprising given the tendency for women to shoulder the majority of child care responsibilities, the gender divide in flex work continues to contribute to perceived and real barriers for women's advancement.

<sup>1</sup> Generally speaking, full-time FWAs are defined as alternative arrangements for full-time work that vary the timing or location of work (e.g., flex-time and telecommuting.) Part-time, or reduced schedule, FWAs involve fewer hours than what would be considered full time.

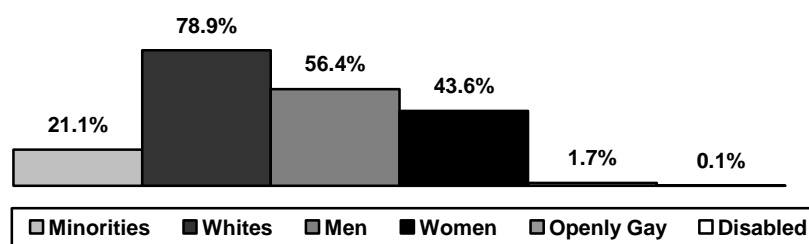
<b>Formal Flexible Work Arrangements by Level and Gender, as of March 2004</b>					
<b>Gender</b>	<b>Level</b>	<b>Total Flexibility (Full &amp; Part-time)</b>	<b>Part-time Flexibility</b>	<b>Percent Total Flexibility</b>	<b>Percent Part-time Flexibility</b>
<b>Women</b>	<b>Associates</b>	418	352	9.1%	7.6%
	<b>Special Counsel</b>	137	121	31.5%	27.8%
	<b>Partner</b>	47	34	6.3%	4.6%
<b>Men</b>	<b>Associates</b>	85	32	1.4%	0.5%
	<b>Special Counsel</b>	75	43	9.4%	5.4%
	<b>Partner</b>	63	15	1.6%	0.4%

## FULL REPORT

### ASSOCIATES

*Total Associates.* Considering the entire associate ranks as a whole, there is considerable diversity across race and gender. Over one in five associates are racial-ethnic minorities<sup>2</sup> and two in five are women. While few are characterized as openly gay or disabled, those groups may be under-represented because data is either not collected or individuals do not feel comfortable revealing their sexual orientation or disability status in the workplace.

**Total Associates (10,582) in Diversity Signatory Law Firms, as of March 2004**



*Associates by Class Year.* Looking at the overall composition of associates only tells part of the story. As the numbers by class year demonstrate, the entering classes are considerably more diverse than the remaining associates from earlier class years. It is important to note that this data refers to who is left at the firm and does not reflect the diversity of these classes when they were first hired. Furthermore, this data does not distinguish between those hired as first year associates and lateral associate hires.

Demographics of Current Associates Remaining at Firm by Class Year (as of March 2004)									
	2003	2002	2001	2000	1999	1998	1997	1996	1995 & Earlier
<b>Minorities</b>	26.9%	23.9%	23.8%	23.8%	20.8%	19.7%	18.8%	19.1%	14.0%
<b>White</b>	73.1%	76.1%	76.2%	76.2%	79.2%	80.3%	81.2%	80.9%	86.0%
<b>Women</b>	49.6%	47.7%	45.2%	43.2%	39.5%	39.3%	39.5%	33.1%	44.1%
<b>Men</b>	50.4%	52.3%	54.8%	56.8%	60.5%	60.7%	60.5%	66.9%	55.9%
<b>Openly Gay</b>	1.4%	1.4%	1.4%	1.2%	1.5%	1.8%	1.6%	1.1%	3.2%
<b>Disabled</b>	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%	0.1%

<sup>2</sup> For data by specific racial/ethnic group, refer to the Racial/Ethnic Minority section later in this publication.



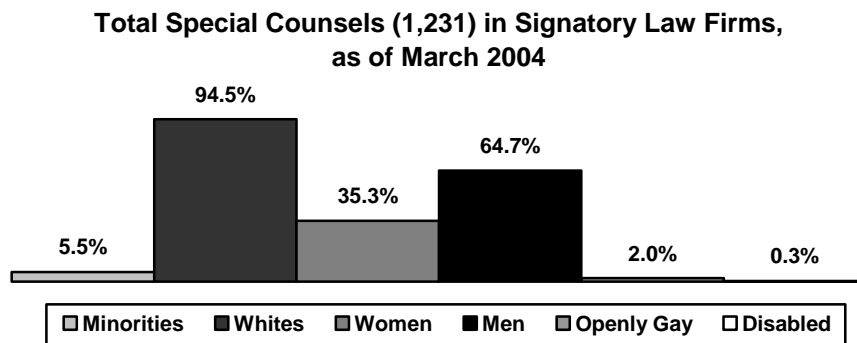
White attorneys and men attorneys comprise the majority of current associates across class years. However, there are more women and racial/ethnic minorities in the more recent class years, particularly among the new hires in the class of 2003. The percentages of openly gay and disabled associates are flat, but this finding is not particularly meaningful given the lack of data provided by firms.

In part, the associate composition is a result of the increasing numbers of women and racial and ethnic minorities graduating from law schools over time. In 1996, women represented 43.5 percent of JDs awarded in the US and racial/ethnic minorities represented 17.9 percent (American Bar Association, 2002). In 2003, women represent 50.3 percent and minorities 24.0 percent of the graduates of 14 New York metropolitan area law schools.

The demographics of law school graduates are only part of the story – turnover is a likely factor in the lower percentages of women and minorities remaining from earlier class years. Firms should explore the extent to which hiring practices, law school graduate composition, and attrition impact the diversity of the senior associates, and therefore the pre-partner pool.

**SPECIAL COUNSEL**

Of the over 1200 special counsels and senior attorneys at signatory law firms, nearly 95 percent are white and two-thirds are men. The highest percentage of openly gay attorneys reported is special counsel--2.0% (24) compared to 1.7% (181) associates and 1.4% (67) partners.



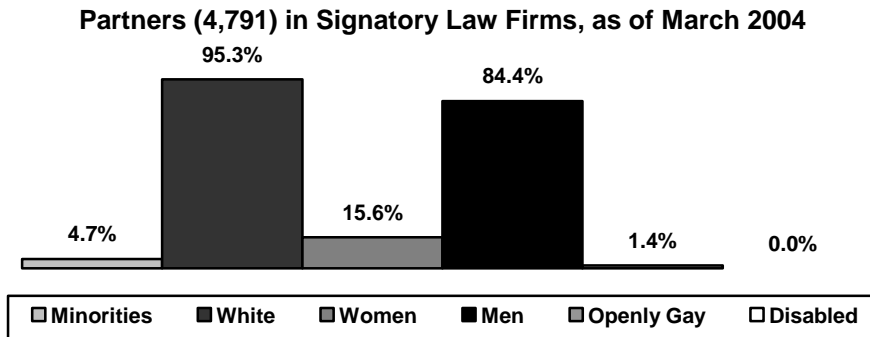
In addition, the highest percentage of attorneys working part time is special counsel (13.3% compared to 3.6% for all attorneys). This is particularly true for women special counsel with 28 percent of women special counsels working part time – the highest percentage of FWAs of any level.

This benchmarking data cannot reveal the real and perceived role of special counsel in individual firms. In some firms, the role of special counsel is considered an alternate to partnership, while in others it is seen as an elongated

career path with the potential to become a partner at a later time. Firms should ask whether these expectations are clear to the women and men who occupy this position. In addition, firms should consider whether women are steered towards special counsel designation rather than being considered for partnership, and whether the reasons for becoming a special counsel vary by gender.

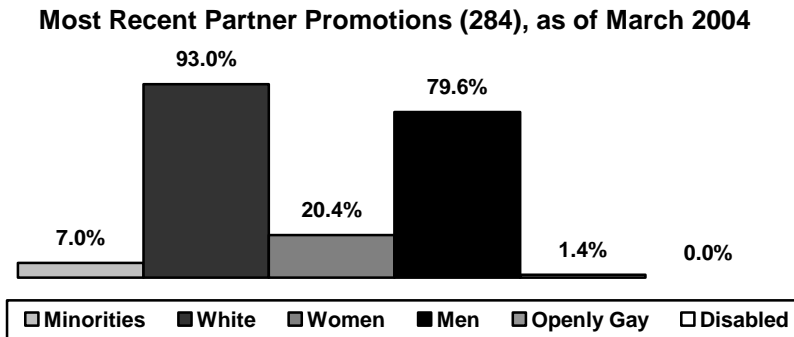
**PARTNERSHIP**

The face of the partnership at signatory law firms remains predominantly both white and male. Of the nearly 5,000 New York area law partners, 95 percent are white, compared to 5 percent racial/ethnic minorities. Women fare somewhat better comprising 16 percent of the partnership at signatory firms. Firms report that only 1.4 percent of their partners are openly gay and virtually zero percent are attorneys with disabilities.

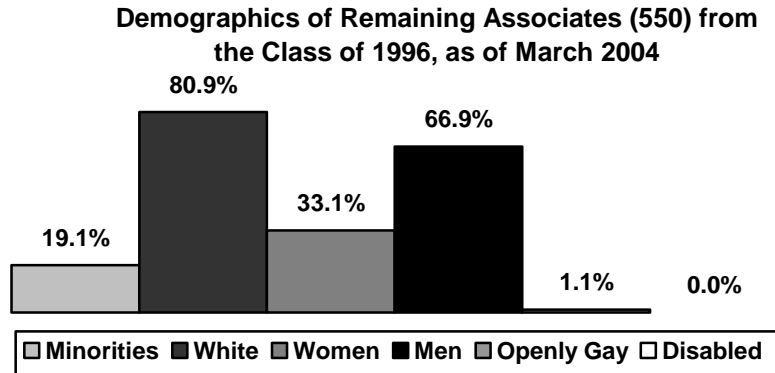


This study looks only at the partnership as a whole, without differentiating between equity and non-equity partners. Nor do we know the composition of the executive committee and practice leadership positions.

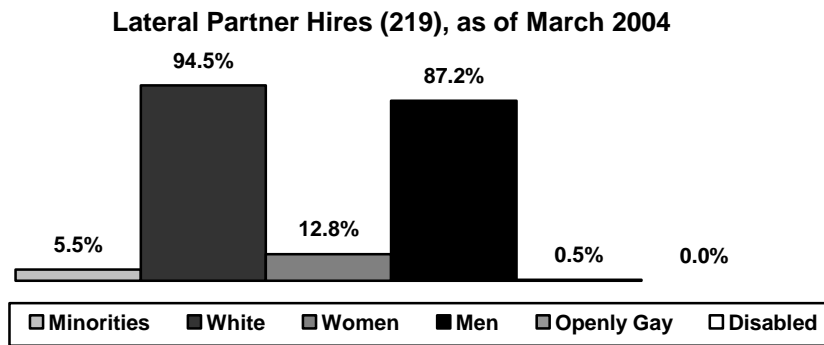
*New Promotions to Partner.* The percentage by demographic group of new promotions to partner in 2004 is quite similar to the demographic breakdown of the overall partner pool. Only a slightly higher percentage of women and minorities comprise the newly promoted partners than their representation in the overall partnership.



Assuming an average 8 year partnership track, the remaining members of the class of 1996 can be considered the pre-partner pool for the 2004 partnership decision. While the majority of the pre-partner pool is white and men, there is considerable diversity to draw upon in making new partners decisions. One-third of the remaining class of 1996 is women and nearly one-tenth is minorities. Percentage-wise there are more women and minorities from the class of 1996 than are reflected in the most recent promotions to partner.



*Lateral Partner Hires.* The demographics of partners hired laterally<sup>3</sup> are even more dominated by both whites and men than new promotions to partner. Only 5.5 percent of lateral partners are minorities and 12.8 percent are women. Interestingly, signatory firms seem to be hiring nearly as many partners (219) from outside as they are promoting internally (284). This makes the lack of diversity in lateral hiring more troubling with respect to the future diversity of the partnership.



Often there is the perception that it is only a matter of time before a particular demographic group reaches critical mass in the partnership. Because the vast majority of new promotions to partner and lateral partner hires are white men,

<sup>3</sup> Generally speaking, lateral partners are those hired externally over the course of the year as of March 2004.

this data suggests that time alone will not bring diversity to the partnership ranks in New York City. Firms must actively address the reasons why few women and minorities are being admitted into the partnership.

## **FLEXIBLE WORK ARRANGEMENTS**

Overall, signatory firms report that 825 attorneys, or 5.0 percent, work flexibly<sup>4</sup> in New York law offices – the great majority of which work part-time schedules.

*By Level.* Percentage-wise more special counsels (17.2%) have a full-time or part-time FWA than associates (4.8%) or partners (2.3%). This makes sense given that the role of special counsel has been created in some firms to provide career path flexibility to achieve balance while climbing the career ladder. Also, more associates work flexibly compared to partners. Signatories should consider whether firm policy or cultural impediments mean that part-time associates are not eligible for partnership. While part-time schedules generally lengthen the path to partnership, it should not necessarily permanently derail an attorney's career.

*By Gender.* At every level, women are more likely to avail themselves of these flex work options than their male counterparts primarily with part-time arrangements. Eight percent of women associates work part time, compared to less than one percent of men associates. Twenty-eight percent of women special counsels have a part-time FWA in contrast to 5.4 percent of their male counterparts. Likewise, 3.9 percent of women partners compared to 0.4percent of men partners have a part-time FWA. While these findings are not surprising given the tendency for women to shoulder the majority of child care responsibilities, the gender divide in FWAs continues to contribute to perceived and real barriers for women's advancement. Flexibility should be seen as available and acceptable for all attorneys regardless of the reason and not simply for mothers of young children.

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<sup>4</sup> Generally speaking, full-time flexible work arrangements (FWAs) are defined as alternative arrangements for full-time work that vary the timing or location of work (e.g., flex-time and telecommuting.) Part-time, or reduced schedule, FWAs involve fewer hours than what would be considered full time.

<b>Formal Flexible Work Arrangements by Level and Gender, as of March 2004</b>					
<b>Gender</b>	<b>Level</b>	<b>Total Flexibility (Full &amp; Part-time)</b>	<b>Part-time Flexibility</b>	<b>Percent Total Flexibility</b>	<b>Percent Part-time Flexibility</b>
<b>Women</b>	<b>Associates</b>	418	352	9.1%	7.6%
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	<b>Partner</b>	47	34	6.3%	4.6%
<b>Men</b>	<b>Associates</b>	85	32	1.4%	0.5%
	<b>Special Counsel</b>	75	43	9.4%	5.4%
	<b>Partner</b>	63	15	1.6%	0.4%
<b>Total</b>	<b>Associates</b>	503	384	4.8%	3.6%
	<b>Special Counsel</b>	212	164	17.2%	13.3%
	<b>Partner</b>	110	49	2.3%	1.0%
	<b>All attorneys</b>	825	598	5.0%	3.6%

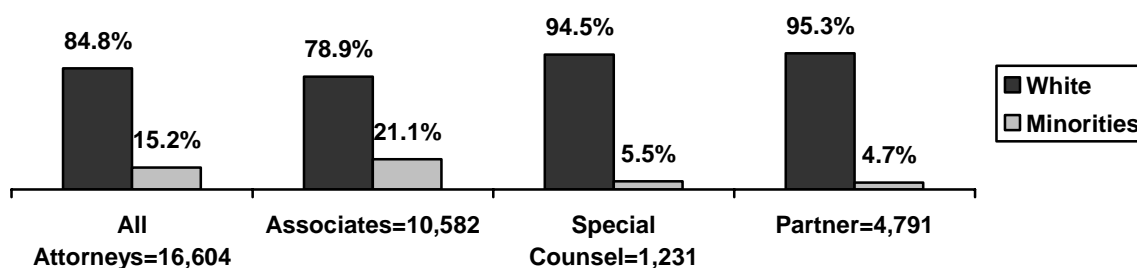
Merely having a flexible work policy on the books is not enough, if the culture does not support its use. According to NALP, 98% of law firm offices in New York City have a part-time policy. Yet only 1.1% of partners and 4.3% of associates in New York offices avail themselves of this option (NALP, 2004). It is difficult to assess the demand for FWAs, and to a certain extent, it is dependent on the trade-offs required in terms of cultural acceptance, advancement prospects, and compensation considerations. Tracking utilization over time is essential to understanding if firm culture actually supports flexibility.

Promoting individuals on FWAs to partner demonstrates a firm's commitment to flexibility and counters the perception that part-time is a career-killer. Of law firm associates, only 22 percent of men and 26 percent of women agree that FWAs are a viable option for those who aspire to senior leadership within their firm (Catalyst, 2001). Partners with FWAs, particularly men, are powerful role models for more junior attorneys who are seeking signals that it is possible to have a personal and family life and continue to advance in the firm.

## **RACIAL/ETHNIC MINORITIES**

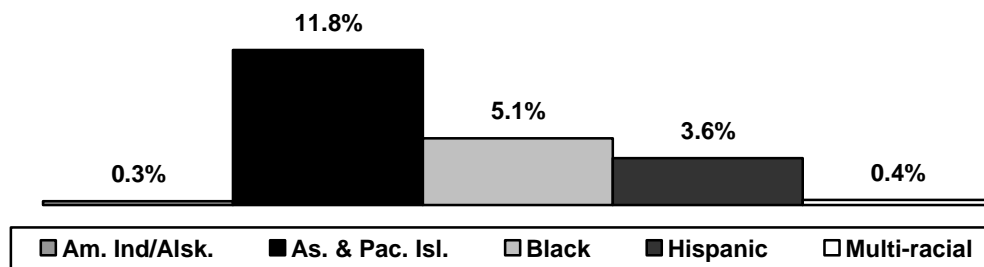
Overall, New York City signatory firms have a greater percentage of minorities than the legal profession nationally – 15.2 percent of the nearly 17,000 attorneys at signatory firms are racial/ethnic minorities compared to 10.8 percent in the profession as a whole (ABA, Statistics about Minorities in the Profession from the Census, 2000). Much of this diversity is represented in the associate ranks, particularly in the most recent classes hired. Minorities represent over one-fifth of associates, but continue to comprise smaller percentages of special counsel and partnership positions (5.5% and 4.7% respectively).

**Representation by Level by Whites and Minorities in Signatory Law Firms, as of March 2004**



Drilling down further, the largest percentage of racial/ethnic minorities is Asian/Pacific Islanders, particularly when examining the associate pool. The percentage of Asian/Pacific Islander associates is more than double the percentage of Black/African-Americans (12% compared to 5%).

**Associates (10,582) by Race/Ethnicity in Signatory Law Firms, as of March 2004**

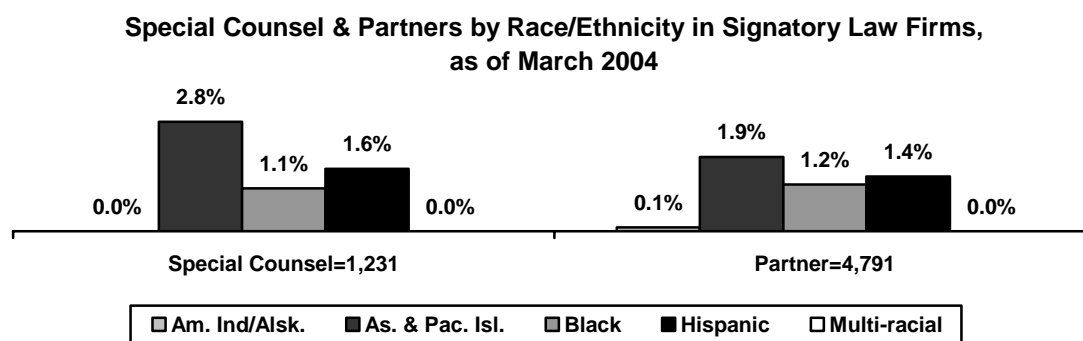


Comparing the remaining associates from the classes of 1996 and 2003 reveals a greater representation of many minority groups among incoming associates than is present in the senior associate, or pre-partner pool.

<b>Race/Ethnicity of Current Associates Remaining at Firm by Class Year, as of March 2004</b>									
	2003	2002	2001	2000	1999	1998	1997	1996	1995 & Earlier
<b>Am. Ind./Alsk.</b>	0.7%	0.3%	0.1%	0.1%	0.3%	0.2%	0.3%	0.2%	0.3%
<b>As. &amp; Pac. Isl.</b>	14.9%	13.5%	13.4%	13.6%	13.0%	11.3%	11.9%	11.8%	7.3%
<b>Black</b>	6.8%	5.7%	6.3%	5.8%	3.5%	4.6%	3.9%	4.2%	3.1%
<b>Hispanic</b>	3.9%	4.1%	3.7%	3.8%	3.6%	3.4%	2.4%	2.9%	2.9%
<b>Multi-Racial</b>	0.6%	0.3%	0.2%	0.5%	0.6%	0.1%	0.3%	0.0%	0.3%

This data does not distinguish between the loss of minority associates through attrition, the composition of lateral associate hires, an increased focus on diversity recruiting, or a more diverse law school graduate pool.

The differential between Asian-Americans and other racial groups is much less at the partnership and special counsel levels than for associates. In part, this is due to the low percentages of minority partners and special counsel overall. Only 1.9 percent of partners are Asian-American compared to 1.4 percent Hispanic and 1.2 percent Black.



*New Partner Promotions and Lateral Hires.* Seven percent of new promotions to partner as of March 2004 were racial/ethnic minorities. Of the 20 minority new promotes to partner, 8 were Asian/Pacific Islander and 8 were Black/African Americans.

<b>New Promotes and Lateral Hires to Partner by Race/Ethnicity, as of March 2004</b>		
	<b>New Promotions</b>	<b>Lateral Hires</b>
Am. Ind./Alsk.	0	0
As. & Pac. Isl.	8	4
Black	8	6
Hispanic	3	2
Multi-Racial	1	0
<b>Total Minorities</b>	<b>20</b>	<b>12</b>

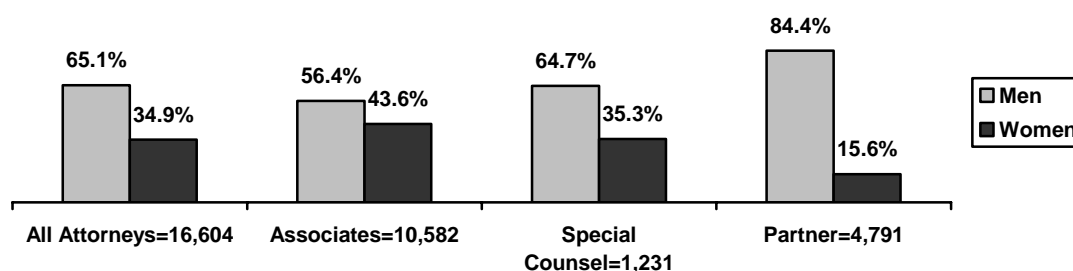
Comparing the members of the class of 1996 remaining, who could be considered part of the pre-partner pool, with the new promotes, this data suggests that the available diversity is not being tapped. While 19 percent of the remaining class of 1996 are racial/ethnic minorities, they represent only 7 percent of new promotes to partner. Looked at another way, 20 of the 105 racial/ethnic

minorities in the class of 1996 were made partner (19.0%), compared to 264 of the 445 whites in that class (59.3%)<sup>5</sup>. Signatory firms should explore whether this discrepancy signals bias in the partnership decision-making process, lack of honest feedback on partnership prospects, or clustering in practice areas with fewer avenues for partnership. In any of these cases, this necessitates intervention by firm leadership.

## GENDER

Women represent over one-third of all attorneys in signatory law firm’s New York offices. While the numbers of men and women are nearly equivalent at the entry level, they widen at each point along the associate continuum culminating in a partnership still dominated by men. Compared to the profession as a whole where women represent 28.7 percent of attorneys, women are doing somewhat better in signatory firms comprising 34.9 percent of attorneys in New York area law offices (ABA, Statistics about Minorities in the Profession from the Census, 2000).

**Firm Composition by Gender and Level, as of March 2004**



While the class of 2003 is nearly 50-50, the gap widens between the remaining women and men associates in each preceding class. For example, women represent 33.1 percent in the 1996 class compared to 43.5 percent of law graduates in that year (ABA, J.D. Degrees 1984-2002). There is an up tick in the percentage of women in the 1995 and earlier classes (44%). One possible explanation is that the partner track is longer for women who work part time. Alternatively, fewer women in the class of 1995 may have made partner.

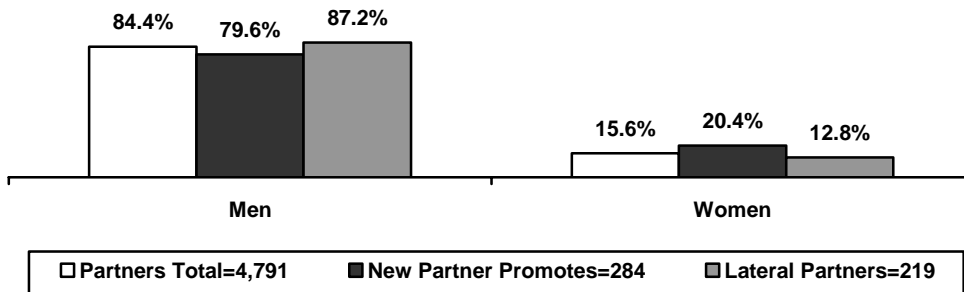
<b>Gender of Current Associates Remaining at Firm by Class Year, as of March 2004</b>									
	2003	2002	2001	2000	1999	1998	1997	1996	1995 & Earlier
<b>Women</b>	49.6%	47.7%	45.2%	43.2%	39.5%	39.3%	39.5%	33.1%	44.1%
<b>Men</b>	50.4%	52.3%	54.8%	56.8%	60.5%	60.7%	60.5%	66.9%	55.9%

<sup>5</sup> For additional data on class years, please refer to the prior Associate section on page 8. Additional new promotion to partner data can be found in the Partnership section on page 10.



The argument can be made that while women occupy only 15.6 percent of the partnership it is only a matter of time before there is a critical mass of women partners as the older generation of men retire and the growing percentage of women law school graduates make their way up the partner track. However, this data suggests that time alone will not address the disparity between women and men in the partnership. One-fifth of new promotions to partnership were women, which is only somewhat above the overall percentage of women partners. Furthermore, only 12.8 percent of lateral partner hires were women.

**Partnership Ranks by Gender, as of March 2004**

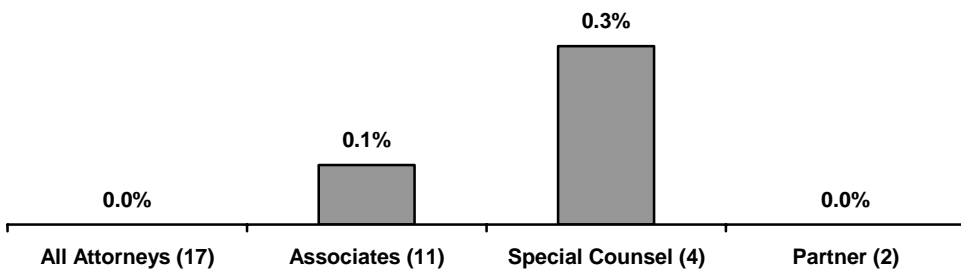


Often the paucity of women in the pre-partner pool due to turnover is cited as the reason why few women are partner. However, one-third of remaining class of 1996 is women. Looking at the data another way, 58 women were promoted to partner in 2004 compared to 182 women in the class of 1996 (31.8%). Meanwhile, 226 men were promoted to partner compared to 368 men in the class of 1996 (61.4%). This data suggests that attrition is not the only barrier to women’s advancement in firms.

**ATTORNEYS WITH DISABILITIES**

Due to the lack of data on attorneys with disabilities reported by signatories, there is little interpretation that can be made. Signatory firms report that attorneys with disabilities represent only one-tenth of one percent of their overall ranks, or only seventeen attorneys with disabilities in New York area law offices.

**Attorneys with Disabilities by Level, as of March 2004**

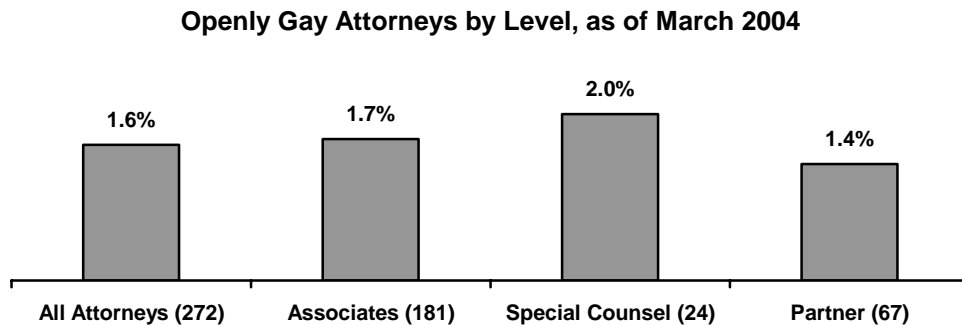


In part, the low numbers reported reflect the limited definition of disabilities in many organizations, focusing on permanent, physical disabilities, such as blindness and deafness. However, the New York City Bar's definition of disabilities acknowledges learning disabilities and mental illness.

In addition, even for those organizations with an inclusive definition, the invisible nature of many disabilities poses a challenge in terms of acknowledging their prevalence in the organization. Due to a fear of prejudice, some may not want to divulge their disability.

## OPENLY GAY ATTORNEYS

There was little reported data on openly gay attorneys provided by signatories which limits meaningful interpretation. Of the nearly 17,000 attorneys at signatory firms, only 272 are counted as openly gay. The numerical majority (181) are associates, but percentage-wise slightly more are represented in the special counsel ranks.



Of the 82 signatory firms that completed the diversity questionnaire, over one-third (28 firms) indicated that they either did not know or did not have any openly gay attorneys in their firm.

We want to encourage firms to seek a more complete and accurate picture of the diversity in their firms. We suggest sending out a brief questionnaire to be returned confidentially and anonymously that solicits an accurate count of all NALP categories, including openly gay attorneys and attorneys with disabilities.

## RECOMMENDATIONS – ANALYZING FIRM DATA

Before a firm can decide on a course of action, the leadership needs to know where it stands and why. As a firm reviews its data, it is useful to ask the following questions:

What is the firm doing well? This is relative to other legal employers as well as where the firm has made progress over time.

What are the biggest challenges the firm faces? What are the highest priority issues to address?

What questions remain? What additional data is needed?

The mission in analyzing all of this data is teasing out the story. What's the storyline? What are the key messages? It often helps to construct a visual representation of your firm.

Current state – overall representation by level

Assess the “inputs,” in terms of the diversity of entry level and lateral hires, including a comparison to the pool of available talent

Assess the “outputs,” such as turnover by year and the leadership make-up

To take the data to the next level, firms may want to benchmark the New York office against other firm offices in the US and around the world. Also, it can be useful to cut the data by practice group to further understand what is happening at the firm. Where are the internal best practices? What groups are having a more difficult time? Which locations or practice areas are leading the way and what can be learned from them? Which groups are lagging behind?

### **Interpreting Associate Data:**

What has the entering classes looked like over time? What does the summer associate class look like?

Are there demographic differences between those who are given employment offers versus who accept them? Are certain groups less likely to accept employment offers than others?

How does the diversity of the remaining associates by class year compare to the composition of the class when first hired?

How does the diversity of lateral hires compare to the diversity of the talent the firm is losing?

What does the picture look like by practice area? Are women and minorities disproportionately being placed or selecting certain practice areas rather than others? Why? Is it a matter of legitimate strengths and interest or is it a question of comfort or unconscious bias?

What are the demographics of the firm's feeder schools? Are those schools “diverse” enough?

**Interpreting Special Counsel Data:**

It is essential to understand both the real and perceived role of special counsel in the firm.

Is the special counsel an alternative to partnership at the firm or an elongated career path with the potential to become a partner at a later time? Are those expectations clear to the attorneys who occupy this position?

Are particular demographic groups steered there rather than being considered for partnership? Do the reasons for becoming a special counsel vary by group?

**Interpreting Partner Data:**

Often there is the perception that it is only a matter of time before a particular demographic group, reaches critical mass in the partnership.

To ascertain if that is true, firms should look at their hiring patterns over time and the percentage of new promotes to partnership. If a firm's percentage of new promotes to partner are virtually all white men, then time alone will not bring diversity to the partner ranks.

Is the pipeline leaking or is it clogged? What are the demographics of the pre-partner pool? If the pre-partner pool is quite diverse, but the new class of partners is not, then a firm will need to carefully investigate why women and minorities are not making partner – are they not adequately prepared? Is there unconscious bias in the system?

If the pre-partner pool is comprised mostly of white men, then the likelihood of making a significant number of diverse partners is slim. If women and people of color are leaving before the partner decision, then the firm needs to examine when they are leaving and why to design a retention strategy.

Looking at lateral hires to partner, is the firm disproportionately bringing in white men, thereby exacerbating the racial and gender imbalance in the partnership?

Firms should also closely examine the partnership and firm leadership. What is the break-down of equity and non-equity partners by demographic group? What is the composition of the executive committee and practice leadership positions? How does this compare to the overall representation of diverse groups within the partnership?

## CONCLUSION

Benchmarking data is critical to designing an effective diversity intervention. Many firms have done an excellent job recruiting diverse talent. Now it is time to focus their attention on grooming and advancing the diverse talent they bring in.

New York City is blessed with one of the most diverse populations in the world. However, the partnership of New York City law firms do not reflect this diversity. We believe this benchmarking report is a critical step in measuring and achieving progress with respect to diversity in the New York legal community.

This data suggests that the partnership of New York City firms will not organically diversify. Active intervention is needed to spur change, and providing benchmarks is an important initial step to understanding what and where intervention needs to occur. Armed with the benchmarking data and a demographic snapshot of the firm, the leadership can set goals and a plan of action to get there.

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