



IILP Review 2014

The State of Diversity and Inclusion in the Legal Profession

AN EXECUTIVE SUMMARY OF THE MOST CURRENT DEMOGRAPHIC DATA ON THE LEGAL PROFESSION BY PROFESSOR ELIZABETH CHAMBLISS, AUTHOR OF THE ABA REPORT, "MILES TO GO: PROGRESS OF MINORITIES IN THE DEMOGRAPHIC SUMMARY BY ELIZABETH CHAMBLISS

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The Institute for Inclusion in the Legal Profession (IILP) was created in 2009 to promote demographic and cultural diversity and inclusion in the U.S. legal profession. As part of this effort, the *IILP Review* publishes an annual statistical summary regarding the status of traditionally underrepresented groups within the profession. Such data are critical for assessing the profession's progress toward greater diversity and inclusion.

This summary takes stock of the profession's progress as of July 2014. Its goal is to provide a current, comprehensive picture of the demographics of the profession and to use this information to help the profession set an agenda for effective future action.

The summary is based on a review of academic, government, professional, and popular data sources. Most sources focus primarily on providing racial and ethnic data, or data about gender and minority¹ representation, and these emphases are reflected below. Where available, however, the summary also includes data about the representation of lesbian, gay, bisexual, and transgender (LGBT) lawyers, lawyers with disabilities, and other demographic categories relevant to diversity and inclusion, broadly defined. One goal of the

IILP Review is to promote the systematic collection of a wide range of demographic data.

The main findings of the 2014 demographic summary are as follows:

- Minority representation among U.S. lawyers increased from 9.7 percent in 2000 to 13.1 percent in 2010, according to data from the Census Bureau (Table 1). According to Department of Labor statistics, in 2013, aggregate minority representation among lawyers stood at 14.4 percent (Table 2).
- Progress for different groups varies. Based on Department of Labor statistics, African-American representation among lawyers dropped from 4.7 percent in 2009 to 4.2 percent in 2013, whereas Asian-American representation increased from 4.1 percent to 5.1 percent, and Hispanic representation increased from 2.8 percent to 5.1 percent (Table 2). During the same time period, female representation among lawyers dipped to a low of 31.1 percent in 2012, then rebounded to 33.1 percent in 2013 (Table 2).
- Aggregate minority representation among lawyers is significantly lower than minority representation in most other management and professional jobs. Based on Department of Labor statistics, minority representation among lawyers was 14.4 percent in 2013, compared to 27.8 percent among accountants and auditors, 38.2 percent among software developers, 24.3 percent among architects and engineers, 31.8 percent among physicians and surgeons, and 25.8 percent within the professional labor force as a whole (Table 3).

- Women's representation among lawyers (33.1 percent in 2013) is higher than women's representation in some other professions, including software developers (19.7 percent), architects and engineers (14.1 percent), and clergy (15.5 percent) (Table 3). Women's representation among lawyers is significantly lower than their representation among accountants and auditors (62.1 percent), physical and social scientists (46.1 percent), and post-secondary teachers (50.2 percent); and significantly lower than their representation within the professional workforce as a whole (57.1 percent) (Table 3).
- Women continue to be significantly underrepresented in some top-level jobs within the legal profession, such as law firm partner. In 2013, women made up only 20.2 percent of partners nationally—only 3.4 percent higher than their representation among partners 10 years ago (Table 13). Minority women, especially, are underrepresented among law firm partners. In 2013, minority women comprised only 2.3 percent of law partners nationally (Table 13), and even this figure is skewed upward by a few standout cities, mostly on the West Coast. In Los Angeles, for instance, minority women made up 4.4 percent of all partners in 2013; and in San Francisco, 4.1 percent (Table 18). Miami had the highest percentage of minority female partners at 9.2 percent (Table 18). In many other cities, however, minority women's representation among partners hovered just above—or below—1.0 percent (Table 18).
- Women's representation has increased in other top-level legal positions, such as corporate counsel and law school dean. According to Association of Corporate Counsel data, women's representation among corporate counsel increased from 31.5 percent in 2001 to 41.0 percent in 2011 (Table 19), which is higher than women's representation among lawyers generally (33.1 percent in 2013) (Table 3). Women's representation among law school deans has also increased, from 20.6 percent in 2008-09 to 28.7 percent in 2013 (Table 23). In 2013, out of 202 law schools, there were 58 female deans (Table 23).
- African-Americans historically have been the best-represented minority group among lawyers (Table 1), but this pattern changed in 2013 (Table 2). The most recent Department of Labor statistics measure African-American representation among lawyers at 4.2 percent, compared to 5.1 percent for both Hispanics and Asian-Americans (Table 2). Part of the change appears to reflect African-American exit from the profession, since both the number of lawyers (Table 2) and the number of African-American law students (Table 6) have remained relatively stable since 2009.
- The pace of African-American entry into the profession has remained steady since 2009, with about 10,000 African-American students enrolled in law school each year, according to data from the American Bar Association (Table 6). Moreover, as overall law school enrollment dropped, African-American representation among law students increased, from 7.0 percent in 2009–10 to 8.0 percent in 2013–14—an all-time high (Table 6). Hispanic representation among law students also increased in both absolute and relative terms, from 6.7 percent in 2009–10 to 8.7 percent in 2013–14 (Table 6). As a result, aggregate minority representation among law students increased from 22.3 percent in 2009–10 to 26.9 percent in 2013–14 (Table 4).
- Asian-American enrollment, on other hand, dropped in both absolute and relative terms, from a high of 11,000-plus students (8.0 percent) in the mid-2000s to 8,696 students (6.8 percent) in 2013–14 (Table 6). Native American enrollment has been stagnant, at roughly 1,000 students nationally, since the mid-1990s (Table 6).
- At press time, the ABA had not yet reported the most recent female enrollment and graduation figures (Tables 4 and 5). In 2012–13, women made up 47.0 percent of law students at ABA-approved schools, down from a high of 49.0 percent in 2000–01 and 2001–02 (Table 4).
- Women's initial employment continues to differ from men's among both white and minority law graduates, with women less likely than men to be employed in private practice or business, and more likely to be employed in public interest jobs. In 2013, 8.5 percent of white women were initially employed in public interest jobs, compared to 4.6 percent of white men; and 11.1 percent of minority women, compared to 6.8 percent of minority men (Table 7). Women also were more likely than men to have judicial clerkships. These patterns have remained relatively stable since the late 1990s (Table 7).
- Initial employment patterns also differ between racial and ethnic groups. African-Americans are significantly less likely than other groups to start off in private practice, and more likely to start off in business or government. In 2013, only 35.8 percent of African-American law graduates were initially employed in private practice, compared to 54.8 percent of Hispanic graduates, 52.2 percent of white graduates, 51.0 percent of Asian-American graduates, and 48.1 percent of Native American graduates (Table 8).
- The 2013 figure for African-Americans represents a significant decline since 2009, when 50.1 percent of African-American graduates began their careers in private practice—though all groups except Native Americans saw some decline (Table 8). Meanwhile, overall entry into business and public interest jobs has increased. In 2013, 29.3 percent of minority graduates started off in business or public interest jobs, compared to 19.2 percent in 2009; and 24.2 percent of white graduates, compared to 16.2 percent in 2009 (Table 7).
- Judicial clerkship rates also are down since 2009 for all groups except Asian-Americans, and are especially low among Hispanic and Native American graduates. In 2013, only 4.6 percent of Hispanic graduates and 3.6 percent of Native American graduates had judicial clerkships, compared to 9.8 percent of white graduates, 7.7 percent of African-American graduates, and 6.8 percent of Asian-American graduates (Table 8).
- For most groups, government employment remained steady since 2009, except Native Americans, whose initial employment in government jobs has dropped sharply. In 2013, only 16.2 percent of Native American law graduates started off in government, compared to 26.2 percent in 2009 (Table 8). Native Americans remain the most likely to start off in government, however, followed by African-Americans, Hispanics, and whites—a pattern that has remained consistent since 1998 (Table 8). Asian-Americans are the least likely to start off in government, with less than 10 percent of Asian-American graduates entering government in 2013 (Table 8).
- The initial employment of graduates with disabilities varies significantly from year to year, due in part to the small number of graduates in the sample (507 in 2013). In general, however, the 2013 figures for graduates with disabilities (Table 9) appear roughly consistent with the figures for minority graduates (Table 7), with 46 percent to 48 percent starting off in private practice,

20 percent to 21 percent starting off in business, and 13 percent to 15 percent starting off in government.

- As with most groups, the percentage of graduates with disabilities who begin their legal careers in private practice has dropped since the recession—from 55.0 percent in 2009 to 46.2 percent in 2013—whereas the percentage who enter business has increased (Table 9). In 2013, 20.7 percent of graduates with disabilities entered business, compared to 11.6 percent in 2009 (Table 9). Judicial clerkship rates have also dropped, from 9.8 percent in 2009 to 5.3 percent in 2013.
- There are no recent national data on the distribution of practicing lawyers by gender or race/ethnicity and type of employment, beyond initial employment. In 2005, 75.0 percent of all lawyers were engaged in private practice, and 8.0 percent were in business; thus, 83.0 percent of all lawyers were employed in the for-profit sector (Table 10).
- In 2005, female lawyers were less likely than male lawyers to be in private practice and more likely to work in business, government, or public interest jobs (Table 11). Data on initial employment (Table 7) and women’s representation among law firm partners (Table 12) suggest that gender differences in private practice and public interest employment likely persist (Table 7). Beyond those general observations, however, the lack of data precludes a current assessment of demographic patterns in employment. Post-recession statistics on the distribution of lawyers by employment type are sorely needed.
- There also are no national data on the distribution of LGBT lawyers or lawyers with disabilities by type of employment, beyond initial employment. The National Association for Law Placement began collecting LGBT and disability employment data from law firms in 2004. These data show that the percentage of openly LGBT lawyers in law firms is very low—less than 2 percent of partners and less than 3 percent of associates—although it has increased slightly each year (Table 14). The representation of lawyers with disabilities in law firms is miniscule—less than 0.5 percent (Table 16). More data are needed to place these figures in perspective, including data from other employment settings and occupations.
- Based on the data available, women’s representation is highest among law firm associates (44.8 percent in 2013) (Table 12), corporate counsel (41.0 percent in 2011) (Table 19), and law school faculty (48.4 percent of tenure track faculty, 32.7 percent of tenured faculty, and 28.7 percent of deans in 2013) (Table 23), and lowest among law firm partners (20.2 percent in 2013) (Table 12).
- Minority representation is highest among tenure track faculty (30.5 percent in 2013) (Table 23), law firm associates (20.9 percent in 2013) (Table 12), federal government lawyers (18.7 percent in 2010) (Table 20), and corporate counsel (15.0 percent in 2011) (Table 19), and lowest among law firm partners (7.1 percent in 2013) (Table 12). Minority representation among partners varies significantly by city, however, with higher figures in Austin (10.7 percent); Houston, Texas (9.4 percent); Miami (33.4 percent); and on the West Coast (Table 18). This pattern is consistent with the increasing entry (Table 6) and representation (Table 2) of Hispanics within the profession.

- The profession would benefit greatly from better data on the demographics of practicing lawyers in different settings and levels of seniority. Outside of law firms, the profession lacks even basic gender and ethnic breakdowns by employment category, not to mention more detailed breakdowns by title, seniority, and region; or more inclusive efforts covering sexual orientation and disability status. The profession also lacks demographic data on lawyer compensation, satisfaction, and public service. Gathering such data requires a sustained commitment by the entire profession, including bar associations, employers, law schools, and public service groups. Contributing to this effort is a chief goal of the *IILP Review*. ☉

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Endnote

¹The term “minority” typically is used to refer to aggregated data about African-Americans, Asian-Americans, Hispanics, and Native Americans, although there are variations from source to source. Unless otherwise noted, we follow the categories used in the original source and provide definitions in the footnotes.

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Occasional Diversity and Inclusion Efforts:

- Not strategic
- Minimal or limited impact (if any)
- No momentum
- Can be demoralizing and disheartening


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