

New York City's female attorneys are taking a larger bite of the Big Apple's new law firm partner slots, but men and women of color are not faring as well, based on a recent study conducted by the Association of the Bar of the City of New York.

In 2004 and 2006, law firms in the city that agreed to be signatories to the bar's Statement of Diversity Principles responded to Web-based, anonymous, and confidential surveys concerning their hiring and promotion of women and minorities. (See sidebar on page 12.)

The 2006 study tracks the progress of the 92 signatory law firms—10 more firms than participated in 2004. The 2006 data also include information from signatory corporate law departments. As of January 2006, 16 corporate law departments had become signatories. Since that time, 89 percent of those departments have responded to the surveys.

Law firms and corporations provided information about the hiring, retention, and promotion of women, minorities, openly gay attorneys, and attorneys with disabilities. Unlike the 2004 data, the 2006 data identify whether the women or men hired, retained, or promoted were minorities. The data do not delve into questions of compensation or how leadership decisions are made.

The study dovetails with a statement of "Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys," published by the bar in February of this year. (See sidebar on page 12.)

Increase in New Women Partners

An increase in the number of new women partners is the most promising statistic in the 2006 data. New women partners comprise 29.1 percent of the total new partners, compared with 20.4 percent in 2004. Women make up 20.1 percent of the lateral hires, compared with 12.8 percent in 2004.

NYC Bar Surveys Highlight Diversity Advances and Needs

By Hope Viner Samborn

"We have seen a dramatic increase in the number of new women partners," says Meredith Moore, director of the bar's Office for Diversity. "The bad news is the minority numbers are very flat."

The study results show that minorities comprised 7.4 percent of the new partners in 2006, compared with 7.0 percent in the previous survey. Minorities constituted a smaller number of lateral hires in 2006—3.2 percent, compared with 5.5 percent in 2004.

"With the decline in [minority] lateral hires, we definitely need to step up our efforts to see progress and work harder in the future," Moore says. "When it comes to minorities, except Asians, there aren't enough in the partnership pool."

"More needs to be done to bring them into the pool and more needs to be done to groom them for partnerships," she continues. "We need to redouble our efforts when it comes to minorities to achieve the same [results] as we have for women."

She goes on to say that when it comes to women, there has been a real focus to push them forward. "You

can see glimmers of hope. There are a fair number of women in the pre-partner pool," Moore notes. And she says women are marketing themselves and making progress as business developers so that they are in the right position to become partners.

Turnover Depletes Talent Pool

In contrast, for minority lawyers, Moore says there is a lot of turnover, which depletes the partner talent pool. "To keep them, it has to start from day one with mentoring."

Law firms with talented, upcoming minorities need to pay attention to both lateral hiring and corporate law department hiring, according to Elpidio "P.D." Villarreal, vice president and associate general counsel for litigation of Schering-Plough and co-chair of the New York City Bar's Committee to Enhance Diversity in the Profession.

"We haven't paid much attention to lateral hiring practices," Villarreal says. "People have focused, understandably, on the hiring process and the retention process. However, lateral hiring is an increasingly important

Statement of Diversity Principles

Promising to increase diversity in their workplaces, 92 New York City law firms and 16 corporate law departments agreed in 2006 to adhere to the Association of the Bar of the City of New York's Statement of Diversity Principles listed at the New York City Bar Web site, www.nycbar.org/Diversity/index.htm.

The principles state that employers will ensure diversity in hiring, promotion, and retention of attorneys. Signatory firms and corporate law departments "get important tools by participating," including training and tips for building a diverse workplace, says Meredith Moore, director of the Office for Diversity of the New York City Bar. Employers agree to have a diversity committee. The bar will provide advice about recruiting, retention, and advancement issues.

Signatories can mention that they are signatories on their Web sites, but they must answer the confidential bar association surveys. They may opt out during one year, but if they do so again, they are off the signatories list.

Law firms agree to adopt diversity goals and practices and to effect these goals in hiring, retention, promotion of attorneys, and leadership positions within the firm. They agree to achieve these goals as soon as possible, but no later than three years for hiring, five years for retention, and ten years for promotion from the date of their commitment. Law departments made similar commitments as well as commitments for diversity in the hiring of outside counsel that actively promote diversity within their organizations.

part of how law firms take shape."

In addition, corporations such as his company should work with law firm partners to identify talented minority attorneys. "People like myself who are in a position to send them business have to be cognizant of that and hire them," Villarreal points out.

Although the number of new women partners is up, the number of

women partners in law firms didn't change between 2004 and 2006. Law firm partners and general counsels are predominantly men, according to the National Association for Law Placement Directory of Legal Employers, Women and Attorneys of Color in Law (2005). That study shows that 17 percent of the partners in law firms are women—a figure that is mirrored in the New York study. In 2006, women were reported to comprise 16.5 percent of the partners, compared with 15.6 percent in the previous study.

"The partner numbers are going to change slowly, and you would expect that because you don't bring in that many partners on an annual basis," Moore says, noting that the new partner numbers are the best indicator that we are heading in the right direction. "What this suggests to us is that the progress rates are slow," she observes.

Of the 18,177 attorneys at the New York law firms in 2006, 15.1 percent were minorities and 35.5 percent were women. Both numbers are about the same as in 2004.

The overall number of women attorneys by level remained fairly static. In 2004, 43.6 percent of the associates the signatory firms were

women, compared with 45.2 in 2006. Women comprised 35.3 percent of the special counsel in 2004, compared with 34.5 percent in 2006.

In 2006, law firms reported 2.3 percent openly gay attorneys and 0.1 percent disabled attorneys. The 2006 numbers, combining gay and disabled attorneys, included 2.5 percent associates, compared with 1.7 in the previous survey; 2.3 percent special counsel, compared with 2.0 in 2004; and 2.0 percent partners, compared with 1.4 percent in 2004.

Corporate Advantage

Of the general counsels from the responding signatory corporate law departments, 26.2 percent were women, while 13.3 were minorities. Of those reporting, 26.6 percent of the deputy general counsels or division or practice heads were women, while 9.8 were minorities. Of the managing attorneys or high-level specialists, 41.4 percent were women and 10.8 were minorities. The other corporate attorneys were 50.2 percent women and 19.6 percent minorities. Of the openly gay individuals, none were general counsel. Less than 1 percent was reported in the other corporate cat-

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Best Practices Guide for Advancing Women Attorneys

To guide law firms and law departments in increasing the number of women attorneys they hire, retain, and advance, the Association of the Bar of the City of New York published "Best Practices for the Hiring, Training, Retention, and Advancement of Women Attorneys" in February 2006.

The bar's Committee to Enhance Diversity in the Profession is likely to develop a similar best practices guide for minorities, says Elpidio "P.D." Villarreal, vice president and associate general counsel for litigation of Schering-Plough and co-chair of the bar's Committee to Enhance Diversity.

The best practices suggest that senior management, general counsels, and managing partners demonstrate their commitment "to promoting and advancing women." Large law firms present a distinct challenge because leadership is diffused, according to the "Best Practices" practical suggestions. The guide suggests that practice group heads, geographic region heads, and other important committee leaders, such as executive compensation and promotion heads, must show their commitment to diversity.

In addition, the "Best Practices" recommends that a system be created to monitor and reward partners and managers for implementing the best practices. Other best practice suggestions include:

- Increasing the number of women in visible leadership posts.
- Employment and retention of a proportionate number of women across all levels.
- Availability of workplace flexibility such as flexible or reduced hours or telecommuting that will not impede hiring, development, or partnership and promotion.
- Provisions for paid family-care leave and family-care assistance.
- Internal mentoring opportunities and promotion of outside mentoring.
- Business development, networking, and leadership training.
- Mandatory ongoing education concerning gender issues such as discrimination, sexual harassment, and stereotyping.