

REPORT OF THE STATE BAR TASK FORCE
ON
HIRING, RETENTION AND PROMOTION
OF MINORITY AND WOMEN ATTORNEYS
IN LARGE AND MEDIUM SIZE LAW FIRMS
AND CORPORATIONS

JANUARY 4, 2007

TABLE OF CONTENTS

	Page
INTRODUCTION	1
BACKGROUND	1
PROPOSALS	3
I. Expand the Mission Statement of the State Bar.....	3
II. Use of State Bar Programs	3
A. New Diversity Programs.....	4
B. Increased Diversity Education Within Current Framework.	4
C. Low Cost CLE	5
D. State Bar Sections and Committees	6
III. Use of the Texas Bar Journal	6
A. Monthly Column on Diversity Topic.....	6
B. Monthly Column on Issues of Particular Interest to Women Attorneys.....	7
C. Develop Topics Such as Mentoring to Enhance Skills, Negotiate Firm/Corporate Politics, Professional Development and Assist with Business Development.....	7
IV. Use of the State Bar Website	8
A. Special Hyperlink.....	8
B. Statement of the Business Case for Diversity.....	8
C. Self Assessment Tools	9
D. How-To Guides for Diversity Initiatives	9
E. Model Policies	10
F. Resources for Re-Entry Into the Profession.....	10

G.	FAQ Section of the Website	10
V.	Pipeline Initiatives	11
A.	K-12	11
B.	Undergraduates	12
C.	Law School	12
VI.	Programming that the State Bar Should Promote Within Law Firms, Corporations and the Bar to Enhance Retention, Development, and Promotion of Women and Minority Attorneys Within Law Firms and Corporations	13
A.	Women Attorney Programming.....	13
B.	Minority Attorney Programming	16
VII.	Additional Proposals.....	17
A.	Market Texas as a Great place for Minorities and Women to Practice Law	17
B.	Establish an Annual Award for the Law Firm and Corporation That Has Most Excelled That Year in Promoting Diversity	18
C.	Recommendation to Related State Bar Sections and Committees.....	18
D.	Continue Separate Reporting of Statistics as to Minorities and Women.....	18
	CONCLUDING NOTE	18

“ADDRESSING AN ISSUE OF IMMENSE IMPORTANCE TO THE BAR:”¹
REPORT OF THE STATE BAR TASK FORCE
ON HIRING, RETENTION AND PROMOTION OF MINORITY AND WOMEN
ATTORNEYS IN LARGE AND MEDIUM SIZE LAW FIRMS AND CORPORATIONS

INTRODUCTION

At the request of State Bar Presidents Eduardo Rodriguez and Martha Dickie, a Task Force was appointed in March 2006 to study and make recommendations to the State Bar of Texas for actions to be taken to improve the hiring, retention and promotion of minority and women attorneys in large and mid-size law firms and corporations in the State of Texas.² The Task Force engaged in lengthy study and, over the course of several extended meetings, formulated the proposals set forth below. It is the hope of the Task Force that these recommendations will provide a basis for further reflection and analysis by the Board of Directors of the State Bar as well as actions to be taken by that body. Further, because of the immediacy of the issues being addressed, the Task Force believes its report is timely and deserving of prompt attention and action.

The Task Force determined the scope of this project by making two definitional decisions. Mid-size law firms were deemed to be law firms with 50 or more attorneys.³ (Throughout the report, the reference to law firms will be to Texas law firms that are mid-sized or bigger.) The minority groups that are addressed are racial and ethnic minorities.⁴

BACKGROUND

At present there are significant disparities between the percentage of minorities and women in the Texas population at large and the representation of those groups in law firms and corporations. There is also a disparity between (i) the percentage of minorities and women law students and lawyers and (ii) the representation of those groups in law firms (particularly at the partner level) and corporations. Given demographic trends, it is expected that these disparities will only increase if the current law firm and corporation statistics remain static.

¹ Letter from Eduardo Rodriguez, dated March 9, 2006 appointing the Task Force and setting forth its charge.

² The members of the Task Force are Nina Cortell (Chair), Carla Herron (Vice-Chair), Debra Baker, Cynthia Benedict, Caren Blackwell, Mara Asya Blatt, Ophelia Camina, Joe Dilg, Pauline Higgins, Lamont Jefferson, Pat Lochridge, Marcos Ronquillo, Paul Ruiz, Justice Carolyn Wright and Kathleen Wu.

³ The Task Force acknowledges that, in many Texas cities, firms with fewer than 50 attorneys are considered “large” or “mid-size” and may gain from the proposals urged in this report. That said, the Task Force also recognizes that firms of 50 or more attorneys will have greater resources to devote to certain proposals and assumes that that is the reason the Task Force was charged with focusing its efforts on “mid-size” and “large” firms. In any event, the Task Force notes that much of this report is relevant to law firms of all sizes.

⁴ The Task Force recognizes that the term “diversity” is, by definition, broad and encompasses groups other than women and racial/ethnic minorities. Although this Report’s focus is women and racial/ethnic minorities, the Task Force believes that the State Bar and law firms and corporate legal departments should actively seek to encourage and promote diversity in all its forms.

Some specific statistics to consider:

- Only 6% of the partners of Texas's largest law firms are minorities and only 17.6% are women.⁵
- Minorities represent 27% of current enrollment in Texas law schools,⁶ but only 11% of Texas's largest law firms.⁷
- Women represent 47% of current enrollment in Texas law schools,⁸ but only 30% of Texas's largest law firms.⁹
- The population of the State of Texas is approximately 50% minority and 50% female,¹⁰ and it is predicted that, under a moderate growth scenario, Hispanics will be the largest ethnic group in Texas by 2020 and will constitute over half of the State's population by 2040.¹¹

At present there are various ways in which the State Bar addresses diversity issues,¹² but it appears that, historically, there has been little coordination among bar initiatives and there are a number of ways in which the State Bar can increase its visibility and effectiveness in this area. As the State Bar examines actions to be taken and the proposals provided below, it is worthwhile noting that this examination comes at a time when increased diversity is widely seen as an important goal as well as a business imperative. Corporate clients are increasingly taking diversity into account as part of their hiring criteria for law firms, creating a strong business case for increased diversity.¹³ It is thus an opportune time for the State Bar to establish new initiatives.

⁵ Jeanne Graham, *Number of Minority, Women Attorneys at Big Texas Firms Static*, Texas Lawyer, July 3, 2006, at 1.

⁶ Annual report on the Status of Women and Racial /Ethnic Minorities in the State Bar of Texas (2005-2006); State Bar of Texas, Department of Research and Analysis; May 16, 2006.

⁷ See note 5

⁸ See note 6.

⁹ See note 5.

¹⁰ U.S. Census Bureau, State & County Quick Facts for Texas (2005 estimate).

¹¹ 2004 methodology for Texas Population Projections, Population Estimates and Projections Program, Texas State Data Center, Office of the State Demographer, Institute for Demographic and Socioeconomic Research, The University of Texas at San Antonio, June 2004, http://www.utsa.edu/tpepp/2004projections/2004_txpoppri_txtonum.php, at p. 13 or 14.

¹² See Appendix A, listing current State Bar diversity-related efforts.

¹³ See, e.g., the "Call to Action" for increased diversity in the legal profession, signed by over 100 corporations, including JC Penney, Johnson & Johnson, Shell Oil Company, SBC Communications, Inc., and Starbucks Coffee

PROPOSALS

I. Expand the Mission Statement of the State Bar.

In order to send a strong message as to the commitment of the State Bar of Texas to increasing participation in its ranks by women and minority lawyers, the State Bar should consider modifying its Mission Statement to explicitly embrace a statement regarding diversity. The Task Force proposes that the State Bar consider including an additional phrase, such as the one italicized below:

The mission of the State Bar of Texas is to support the administration of the legal system, assure all citizens equal access to justice, foster high standards of ethical conduct for lawyers, support and provide services to its members, enable its members to better serve their clients and the public, educate the public about the rule of law, *and encourage diversity among participants in the administration of justice and the practice of law in Texas.*

Taking this concept one step further, the State Bar should consider issuing a “Call to Action” or a “Commitment Statement” similar to the one being adopted by corporations throughout the United States.¹⁴

II. Use of State Bar Programs.

The State Bar can take a direct leadership role in advancing the goal and objective of increased hiring, retention, development and promotion of minorities and women by both providing and encouraging diversity education, plans and programs to the bar membership.

Company. See <http://www.mcca.com/CTA> and note 14. Also, the Association of Corporate Counsel and the Minority Corporate Counsel Association have endorsed the Call to Action and have instituted programs recognizing excellence in diversity in the legal profession.

¹⁴ See note 13. The “Call to Action” commitment statement reads as follows:

As Chief Legal Officers, we hereby reaffirm our commitment to diversity in the legal profession. Our action is based on the need to enhance opportunity in the legal profession and our recognition that the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business. In furtherance of this renewed commitment, this is intended to be a *Call to Action* for the profession generally, in particular for our law departments, and for the law firms with which our companies do business.

In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced *Call to Action*. To that end, we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidence a lack of meaningful interest in being diverse.

Id.

Knowledge *is* power, and allowing diversity ignorance or apathy is unacceptable. To this end, the Task Force proposes the following measures and programs.

A. New Diversity Programs.

1. The State Bar should develop an education program dedicated to law firm and corporate diversity and, specifically, the recruitment, retention, development and promotion of minorities and women.
 - Such a program would present concepts of “best practices” and ideas for sample plans and programs that are recommended to increase diversity and, ultimately, the long-term retention and promotion of minorities and women.
 - The proposed program should include concepts related to success strategies for minorities and women, including education related to unwritten rules allowing attorneys to rise and succeed within law firms and corporations.
 - The proposed program could be developed and utilized in a number of ways. For example, the program could be presented as a stand-alone CLE conference and/or as a DVD or web-based computer presentation with workshop materials for application to one’s own firm or corporation.
2. Sharing ideas, plans, successes and challenges provides a forum where others can learn. For this reason, the Task Force suggests that the State Bar annually host (perhaps in conjunction with *Texas Lawyer*) a roundtable diversity discussion among management representatives from the largest 25 Texas law firms. The program might also include the largest 25 corporate clients in Texas to share their experiences and expectations regarding diversity in the law firms they hire and a discussion of the best practices within the law firms with which they do business.
3. The State Bar should consider establishing a program along the lines of the e-mentoring program that is currently sponsored by the Dallas Bar Association.
4. The State Bar should consider engaging local community and municipality leaders around the State to further diversity goals.

B. Increased Diversity Education Within Current Framework.

1. The State Bar should strongly encourage each sanctioned State Bar program (of a specified length) to include a diversity segment.

- Any program offering a least 7.0 CLE credits should be encouraged to include a diversity segment of at least .50 hour, and 1.0 diversity hour for programs of 12.0 CLE hours or more.
 - The qualification for diversity education segments at CLE programs would be broadly defined. For example, programs could include a statistical presentation on minorities and women in the profession, the business case for diversity, diversity awareness, or suggested diversity plans and programs for implementation in the workplace.
2. Much has been accomplished by the State Bar's imposition of an "ethics hours" requirement as part of every attorney's minimum continuing legal education annual requirements. The State Bar could now go further by encouraging a minimum of 1.0 hour of annual diversity training each year as part of every attorney's MCLE. So as not to overburden any practitioner in obtaining this additional hour, the State Bar could encourage CLE planning committees to provide diversity training in a way that would qualify either for the existing 3.0 annual ethics hours requirement or the existing 15.0 hours annual CLE requirement.
 3. Promotion of diversity programs is most effective when acknowledged and valued from "the top down." For this reason, the Task Force recommends that a diversity segment be included at (i) all Bar leadership conference events, (ii) all Texas judicial conferences, and (iii) all State Bar CLE programs.
 4. The TYLA should consider expanding the current 10 Minute Mentor Program to include video presentations on diversity topics of interest to both minorities and women.
 5. Finally, the annual Texas Minority Counsel Program has enjoyed broad-based support. The Task Force strongly believes this program should be both continued and expanded. Specifically, efforts should be explored on how best to increase the exposure to and interaction between corporate sponsors and minority counsel to further develop ongoing working relationships.

C. Low Cost CLE.

The State Bar should provide low cost CLE to inactive attorneys that includes a discussion on re-entry into the profession. The State Bar should consider CLE programs designed to survey the legal developments in certain areas of the law over the past 5 years. This is intended to primarily benefit the many women who drop out of the profession to raise children but who want to maintain their skills and may seek re-entry into the profession.

D. State Bar Sections and Committees.

1. The task of diversity awareness and implementation of plans and programs is best accomplished by first recognizing that diversity is not a once-a-year subject or periodic “hot topic.” Rather, the ideas and recommendations proposed herein require constant vigilance and oversight. Commitment is key to achieving the results sought and sustaining the achievements realized.
2. There are a number of committees and/or sections of the State Bar whose efforts relate to diversity. (*See Appendix A.*) Those efforts should be coordinated in order to enhance their effectiveness. Also, efforts by local bar associations and the ABA should be monitored and considered as part of the overall diversity effort by attorneys throughout the state. In this regard, it should be noted that some local groups are sponsoring diversity score cards; this data should be monitored and taken into account by the State Bar as it formulates the next steps to be taken.
3. To ensure continuing attention to the diversity objectives discussed herein, the Task Force recommends that the State Bar either (i) establish a diversity committee tasked with ongoing development, implementation, monitoring and assessment of plans, programs and policies directed at diversity and the recruitment, retention and promotion of minorities and women at law firms and corporations, or (ii) task currently existing committees with these responsibilities, perhaps through a joint subcommittee comprised of selected members of the appropriate currently existing committees. If the latter choice is made, the State Bar should consider appointing a point person to coordinate these efforts.

III. Use of the Texas Bar Journal.

The Task Force has identified the Texas Bar Journal as a recommended vehicle to better communicate to law firms and corporations the State Bar's goals of increasing hiring, retention, and promotion of minorities and women in law firms and corporations. Because the Journal already reaches large numbers of the intended target audience, and is widely read by the very practitioners that the State Bar is trying to better educate on the topic of minority and women advancement, it is ideally suited to facilitate this action plan by the State Bar to increase education on this vital topic. Three initial ways in which the existing infrastructure of the Bar Journal could be utilized to further advance the State Bar's goals on minority and women advancement are identified below.

A. Monthly Column on Diversity Topic.

The State Bar should commit to the inclusion of a monthly column in the Texas Bar Journal that features a different diversity topic each month. This could work in several ways. One way is to appoint an annual editor or columnist for the diversity page who writes a column

on a diversity topic each month. A variation of this is to appoint an editor who may merely write an introductory "forward" on a topic and then is responsible for coordinating a different person (perhaps a rotating guest columnist) to write a column every month. The State Bar's Office of Minority Affairs could also handle the identification and procurement of finding a monthly columnist each month, if that is preferable. The inclusion of a monthly column would emphasize the State Bar's commitment to this topic, create a forum in which those interested could volunteer to participate by writing or contributing, and would achieve the overall goal of educating law firms and corporations about issues that are critical to a state-wide diversity effort. The column could be used to identify topical articles, studies and surveys that have recently been published and that would be of interest to the readership. If such empirical information is assembled and made available in a single place, it would be easier for law firms and corporations to view the results of what other similarly situated entities have done to address issues relating to diversity within the profession. This in turn would facilitate more dialogue and action.

B. Monthly Column on Issues of Particular Interest to Women Attorneys.

Similarly, in addition to, or in combination with, the diversity column, the State Bar could also devote space in the Texas Bar Journal to the companion topic of issues of particular interest to women attorneys. Perhaps the diversity column page and the women attorneys' page could be side by side, so that when the magazine is opened, there is one page on the left and one on the right that emphasizes to the reader that, while these concern somewhat related but different issues, they are equal in importance to the State Bar. Like the suggestions identified above for the monthly diversity topic, the column related to women attorneys could be written by a single columnist or editor appointed on an annual basis (to allow them to develop continuity or a following), or there could be a rotating cast of women whose achievements or advice would be helpful to women attorneys in today's current climate. In addition to providing strategies from personal experience, this column, similar to the monthly diversity column, could identify topical articles, studies and surveys that have recently been published and that would be of interest to the readership.

C. Develop Topics Such as Mentoring to Enhance Skills, Negotiate Firm/Corporate Politics, Professional Development and Assist with Business Development.

For either or both of the types of columns discussed above, a critical component of capturing the interest of State Bar readers will certainly depend upon the development of topics that appeal to those who need to be educated and/or speak to those who want to learn more about how to implement programs. Part of the implementation of monthly columns on such topics will include the State Bar's identification and/or ratification of the types of topics that should be addressed and included in the Texas Bar Journal. While this ostensibly might be done by the editorial board, it would also seem appropriate to consider establishing an adjunct diversity editorial board to suggest or vet topics, as well as articles. This would provide additional quality control and ensure that the material is appropriate and helpful, while not being overly critical or potentially negative in outlook. Such a task force or committee could interface with the State Bar's Office of Minority Affairs to coordinate the topics and ensure that the State Bar's goals are being met with regard to the selection of topics and tone of articles.

IV. Use of the State Bar Website.

A. Special Hyperlink.

The Task Force believes that the issue of diversity is important enough that it deserves its own separate link on the State Bar of Texas website. The Task Force recommends that a hyperlink entitled “Diversity Services” be added to the State Bar of Texas Home page, with sublinks to the various issues identified in this section. (The proposed “Diversity Services” hyperlink should also have a sublink to the State Bar’s Office of Minority Affairs.)

B. Statement of the Business Case for Diversity

Corporate America has already discovered the value of diversity. (*See* notes 13-15.) As one legal publication has noted, “As U.S. companies seek to create competitive advantages in a rapidly changing global marketplace, workforce diversity has emerged as one of the primary sources through which a company can gain and sustain a competitive advantage. Today’s discussion has evolved from one of moral imperative and being ‘the right thing to do’ to the business imperative of being the necessary thing to do. Companies that integrate diversity into their business fabric as a core value are positioning themselves to maximize their organization’s potential in the global arena, where diversity of perspectives at every level of an organization is *critical* to success.”¹⁵

Such companies recognize that diverse organizations are consistently more creative, produce higher quality products, and achieve better results for shareholders. They also understand that their products and services are more appealing to a diverse customer base. Companies such as Shell Oil Company, Wal-Mart, Sara Lee, BellSouth, Bank of America, Marriott International and others have implemented diversity programs within their own organizations. Further, they have also implemented diversity initiatives for their outside law firms as well.

Large and mid-size law firms, as well as corporate legal departments, should understand the business case for diversity. Further, they should understand how their own diversity can help them provide their clients with innovative strategies for solving legal problems.

As a result, the Task Force recommends that the proposed “Diversity Services” hyperlink contain a sublink to the “Business Case for Diversity.” Any discussion of the business case for diversity should include:

1. Materials from CEOs and General Counsel explaining why diversity is important to them.

¹⁵ Dr. Arin Reeves, “Diversity in Dollars and Sense: CEOs Speak Out on the Business Case for the 21st Century,” *Diversity & The Bar*, Nov. 2002, at 9.

2. An explanation of business imperatives for law firms — including forms of corporate scorecards and statistics regarding the high costs of attrition; and
3. A discussion of what it takes to be a great lawyer and an “after the J.D. analysis” showing that law school grades are not the only indicator of success – for all attorneys, not just women and minorities.

C. Self Assessment Tools.

The Task Force recommends that the proposed “Diversity Services” hyperlink contain a sublink to “Self-Assessment Tools” consisting of questionnaires and surveys to help a law firm or corporation understand where it stands in terms of diversity. This is important because, before a law firm or corporation can decide its goals for diversity, it must first understand the current state of diversity within the firm or corporation.¹⁶

D. How-To Guides for Diversity Initiatives.

There should also be a sublink to “how-to” guides for diversity initiatives. Such guides should:

1. Provide guidance on how to establish diversity initiatives;
2. Encourage diversity in recruitment staff and attorneys involved in the recruitment process;
3. Encourage mentoring, both formal and informal;
4. Review assessment questions for further ideas;
5. Develop checklists to ensure proper follow-up;
6. Encourage 360 degree reviews (i.e., reviews from bottom to top as well as top to bottom);
7. Establish accountability as a key ingredient;
8. Recognize those members of law firms (e.g., managing partners, key rain-makers, compensation committee members) whose involvement are necessary for organizational change;
9. Provide strategies for effectuating organizational change; and

¹⁶ See, for example, “A Diversity Self-Assessment Tool for Law Firms,” *Diversity & the Bar* (September/October 2003); *Walking the Talk: Creating a Law Firm Culture Where Women Succeed*, Appendix at 61. Note, however, that copyright issues should be resolved before providing links to articles.

10. Provide special tips for diversity programs.

E. Model Policies.

One primary reason cited by women attorneys for leaving law firms is the need to accommodate family obligations. For this reason, the Task Force believes that the proposed “Diversity Services” hyperlink should contain a sublink to “Model Policies” that focus on alternative work schedules and maternity leave. Many large and mid-sized law firms may not offer options allowing women attorneys to work part-time, tele-commute, or return to work after an extended leave. Providing examples of such policies will encourage law firms to consider and implement such policies.

Women of color often report additional issues that relate to the intersection of gender and race. For this reason, the proposed “Diversity Services” hyperlink should also include a sublink to “Model Policies” that focus on issues relating solely to women of color. Here, as elsewhere, the State Bar should refer to work done by the ABA.

F. Resources for Re-Entry Into the Profession.

Because attrition in the legal profession is greater among women lawyers, the Task Force believes that the proposed “Diversity Services” hyperlink should have a sublink to “Resources for Re-Entry Into the Profession” to help all lawyers, but particularly women, who have left law firms re-enter the legal profession. Among the items included in this sublink should be:

1. CLE opportunities for inactive attorneys;
2. Job opportunities;
3. Research tools;
4. Survey to determine reasons for departure; and
5. Support for law firms/corporations to provide part-time options, including opportunities to work from home.

G. FAQ Section of the Website.

The State Bar should add a bullet point about diversity in the FAQs section of the State Bar website:

What does the State Bar of Texas do for its members?

The many services the State Bar provides its members include:

...

- Providing resources, programs and ideas to foster diversity in the legal profession.

V. Pipeline Initiatives.

In order to increase the number of minority and women lawyers in law firms and corporations, there must be an ample supply of minority and women lawyers to fill, and be available to fill, employment opportunities and positions. Based on national and State Bar statistics, women comprise over 40% of current law school graduates and, therefore, the issues with respect to increasing the number of women in law firms and corporate law departments focus more on retention and promotion than on the pipeline (although the statistics as to women should continue to be monitored as there may be a current declining trend). While there are similar needs to address retention and promotion of minority lawyers, there is a current, and ongoing, critical need to increase the number of minority attorneys in the educational pipeline leading to the legal profession. Thus, the Task Force's primary pipeline focus is on minority students who are "in the pipeline."

It is the consensus of the Task Force that the State Bar undertake indelible and substantively-enriched programs and meaningful initiatives that will encourage its members to assist in increasing and sustaining the pipeline of minority lawyers who want to engage in the practice of law in Texas. The Task Force believes that these generated programs and initiatives must target all levels of the education pipeline as follows:

A. K-12.

It is viewed, generally, that most successful students develop some ideas and/or aspirations as to their vocational careers somewhat early in their lives. Many are heavily influenced by the careers of parents, relatives, or other role models who they encounter. Due to the relatively small numbers of ethnically-diverse lawyers practicing today, there is an urgent need for all organized Bars to focus efforts on instilling in young minority students the belief that the practice of law can be a rewarding and satisfying career for them. State Bar or local Bar programs should include the identification of lawyers, especially successful minority lawyers, to speak at "career days" and assemblies, judge debate contests, or participate in other meaningful events where career aspirations could be molded (particularly at schools with significant minority enrollments) and where such programs could be beneficial. State Bar produced and sanctioned films, pod casts, or other multimedia presentations regarding the practice of law in which minority attorneys are featured could reach even greater numbers of students. Since students growing up in Texas are more likely to remain in Texas to pursue a career, these efforts should be targeted at Texas schools on a state-wide basis. Notably, the State Bar currently has a pipeline project that has met with great success. This program provides contacts with elementary schools for attorneys willing to present programs at those schools as well as curricular materials for use by these attorneys.¹⁷ Such programs should be expanded.

¹⁷ This pipeline project as well as various local bar association pipeline activities can be accessed at http://www.texaslre.org/pipeline_intro.html. See also description of pipeline project at Appendix A.

B. Undergraduates.

There are several existing efforts among Texas-based law firms and local bar associations to work with high school administrations in order to identify promising minority high school students who have indicated an interest in practicing law wherein such students are being provided with college scholarships, work opportunities during college in a law firm, or connections to lawyer mentors during undergraduate school. The State Bar could act as a clearinghouse for these types of programs so as to match interested firms or practitioners with colleges and universities that could identify promising students with an interest in law as a career.

Building upon present efforts focusing upon career choice materials¹⁸ and “career day” speakers at Texas community colleges and undergraduate schools, specific efforts should be made to target minority student organizations at Texas undergraduate schools.

In order to ensure that minority students having an interest in the study of law have the fullest opportunity to gain access and achieve their goals, the State Bar should consider working with colleges and universities in the State of Texas to identify minority juniors and seniors who have been successful in their academic endeavors and either provide them, on a need basis, LSAT preparatory course scholarships or match them with lawyers who are willing to provide LSAT preparation and law school application-preparation assistance.

C. Law School.

The State Bar should consider adopting programs and supporting local Bar and private initiatives that are designed to ensure that minority students who are admitted to a Texas-based law schools have every opportunity to become successful law school graduates. Many organizations and local bars have implemented mentoring, tutoring, and internship programs for this purpose and the State Bar could provide an information-gathering and clearinghouse function to ensure that as many students as possible have access to these suggested programs. The Houston Bar’s Minority Opportunities in the Legal Profession (“MOLP”) is one program, among others, that could be reviewed at the outset as a guide in aiding the design of a State Bar program. Further, the State Bar should also encourage its lawyers to participate in such activities, provide connections between lawyers and students, if necessary, and provide some form of incentives to lawyers who make the commitment to serve and help with the furthering of the State Bar’s goals and objectives toward diversity and inclusion in the legal profession.

Studies have indicated that participation in a formal bar review course or access to bar review materials is an important factor in success rates on the Texas Bar Examination and that a lower percentage of minority law students have access to such courses and studies. The State Bar should consider establishing, or working with the Bar Review providers to establish, need-based scholarships for such bar review programs.

¹⁸ For existing State Bar materials, see www.texasbar.com-Additional Information for the Public –Becoming a Lawyer.

A State Bar website with links to various descriptions of representative “pipeline” projects that could be used as models for local bar or law firm projects would prove very helpful. A link to a similar site established by the ABA is <http://www.abanet.org/op/pipeIndir/home.html>.¹⁹

VI. Programming that the State Bar Should Promote Within Law Firms, Corporations and the Bar to Enhance Retention, Development, and Promotion of Women and Minority Attorneys Within Law Firms and Corporations.

The State Bar should make available to law firms and corporations resources, materials and descriptions of best practices that would allow firms and corporations to evaluate and implement programs to enhance the hiring, retention, development and promotion of women and minorities. One selling point for programs such as those outlined below would be the nexus between such programming and the Call to Action adopted by over 100 corporations. *See* notes 13 - 15 and accompanying text.

A. Women Attorney Programming.

Mentoring Programs and Support Networks.

1. *Women’s Groups.* Law firms and corporations should encourage and support the formation of internal women’s groups. These groups can be formal or informal, but should focus on coaching younger women on achievement of goals such as promotion, partnership, and generating business. These groups can meet for brown bag lunches, dinners or other social events, to allow women to get to know their female colleagues and in that process form mentoring relationships. Organizations with small numbers of women should consider collaborating with other such organizations to co-host such functions and events.

2. *Lunch & Learn Programs.* Local bar organizations should provide “lunch & learn” programs to discuss work-life balance, networking, rain-making/business development issues, and the etiquette of dealing with a law firm or corporate employer.²⁰

3. *Advisory Boards.* Law firms and corporations should consider the use of “Advisory Boards.” These boards would be comprised of alumni, clients, colleagues and peers who would advise the organization on improving its recruitment and retention of women lawyers and what the organization could do to make its environment more hospitable to women. These boards could also be used as a resource and advisor for the women lawyers when they have questions or other issues they would like addressed by the organization.

¹⁹ The ABA is an excellent resource generally with respect to diversity initiatives. See <http://www.abanet.org>.

²⁰ Etiquette topics should include being conscious of how one female attorney’s conduct can affect her future or the future of other women, e.g., how to leave a firm and not burn your bridges or negatively affect the lives of other women by leaving the firm after maternity leave and not paying back the firm.

4. *Women Retreats.* Law firms and corporations should consider the use of retreats for their women. The retreats should be used as an intensive program for rain-making, business development, and balancing issues. The retreats should also be used as an opportunity to discuss how to improve the culture and environment.

5. *Law Schools.* Local bar organizations should provide “real world” seminars at law schools to discuss the pros and cons of different career alternatives in the law, how law firms operate, what it takes to succeed in a law firm environment, and work-life balance issues.

Rain-Making Skills.

1. *Training.* Law firms should provide formal education and training for women on developing rain-making and business generation skills. Law firms should also encourage the use of informal training on rain-making through mentoring, or informal discussions at women’s meetings.

2. *Networking.* Law firms should provide women-only networking opportunities for women and should encourage support among women attorneys. Law firms should also encourage networking events between in-house women and the law firm’s women.

3. *Promoting.* Law firms and corporations should promote the achievement of their women lawyers, both internally and externally. These organizations should encourage and promote women for management and leadership roles within the organization.

Support for the Needs of Parents.

1. *On-site Child Care.* Law firms and corporations in areas with a high density of lawyers should consider collaborating to provide on-site child care, including weekday evenings and Saturday mornings. These services should also include sick child care.

2. *Concierge Services.* Law firms and corporations should also consider providing concierge services.

Flexible Work Options.

1. *Alternative Work Options.* Law firms and corporations should consider offering flexible or alternative work options, including options for part-time partnership. These organizations may also consider offering alternative career paths, including positions akin to law clerks or staff attorneys who are not on a particular promotion track. Key to this consideration is maintaining the integrity of flexibility without jeopardizing respect for the professional.

2. However, before offering such options, there should be a full and frank discussion about the pros and cons of providing such alternative work options. The pros include providing flexibility and increased control over the attorney’s life and increasing retention. The cons include whether these attorneys get treated as “employees of lesser importance,” don’t get plum assignments, or are not considered for partnership or promotion. These discussions should also

include consideration of whether and how an attorney can opt back into a partnership or promotion track.

3. If the organization decides to provide alternative work options, it is recommended that they clearly state their expectations regarding the alternative work arrangement and educate the firm's partnership regarding these expectations.

4. *Home office equipment.* Law firms and corporations should consider providing home office equipment for attorneys with special needs to work from home.

Education of Management.

1. Law firms and corporations should provide counseling to its personnel for managing deadlines and being respectful of a lawyer's needs. Examples of these include no false deadlines, scheduling meetings during conventional working hours, and no artificial requirements for Saturday "face time."

2. Law firms and corporations should provide formal training to its administrators, managers and partners on best practices on the retention of women.

Self Assessments.

1. *Firm Culture Survey.* Law firms and corporations should do an internal survey to collect data and identify the cultural issues responsible for women dropping out. These surveys can also be used to gain ideas on what changes the organization can make.

2. *Alumni Interviews.* Law firms and corporations should contact female alumni and interview them to determine why they left, whether changes at the firm would have convinced them to stay, and to gather their recommendations on how to make the firm a more hospitable place for women.

3. *Exit Interviews.* Law firms and corporations should interview women lawyers who are voluntarily leaving the organization to determine whether they are leaving the profession, why they are leaving the organization, and whether certain changes would have caused them to stay. These organizations should use the data from the survey and interviews to develop an action plan and design programs to help with retention and re-entry.

Re-Entry Into the Profession.

1. *Electronic Job Bank.* The State Bar should provide an electronic job bank where lawyers who have left the profession can post their desire to re-enter the profession; and law firms and corporations can post their desire to hire experienced lawyers including those who have left the profession and desire re-entry.

2. *Alumni events.* Law firms and corporations should keep in touch with alumni who have left the profession. They should host events at which alumni can attend, including in-house CLE programs or social events.

3. *Newsletters.* Law firms and corporations who publish regular newsletters should send the newsletters to alumni.

4. *Announcements of Job openings.* Law firms and corporations should alert alumni about job openings at the firm or corporation.

B. Minority Attorney Programming.

Mentoring Programs and Support Networks.

1. *Minority Attorney Groups.* Law firms and corporations should encourage and support the formation of internal minority attorney groups. These groups can be formal or informal, but should focus on coaching minority attorneys on achievement of goals such as promotion, partnership, and generating business. These groups can meet for brown bag lunches, dinners or other social events, to allow minority attorneys to get to know their colleagues and in that process form mentoring relationships. Organizations with small numbers of minority attorneys should consider collaborating with other such organizations to co-host such functions and events.

2. *Lunch & Learn Programs.* Local bar organizations should provide “lunch & learn” programs to discuss networking, rain-making/business development issues, and the etiquette of dealing with a law firm or corporate employer.

3. *Advisory Boards.* Law firms and corporations should consider the use of “Advisory Boards.” These boards would be comprised of alumni, clients, colleagues and peers who would advise the organization on improving its recruitment and retention of minority lawyers and what the organization could do to make its environment more hospitable to minority lawyers. These boards could also be used as a resource and advisor for the minority lawyers when they have questions or other issues they would like addressed by the organization.

4. *Retreats.* Law firms and corporations should consider the use of retreats for their minority attorneys. The retreats should be used as an intensive program for rain-making and business development. The retreats should also be used as an opportunity to discuss how to improve the culture and environment.

5. *Law Schools.* Local bar organizations should provide “real world” seminars at law schools to discuss the pros and cons of different career alternatives in the law, how law firms operate, what it takes to succeed in a law firm environment.

Rain-Making Skills.

1. *Training.* Law firms should provide formal education and training for minority attorneys on developing rain-making and business generation skills. Law firms should also encourage the use of informal training on rain-making through mentoring, or informal discussions at minority attorney meetings.

2. *Networking.* Law firms should provide minority-only networking opportunities for minority attorneys and encourage support among minority attorneys. Law firms should also encourage networking events between in-house minority attorneys and the law firm's minority attorneys.

3. *Promoting.* Law firms and corporations should promote the achievement of their minority lawyers, both internally and externally. These organizations should encourage and promote minority attorneys for management and leadership roles within the organization.

Education of Management.

1. Law firms and corporations should provide formal training to its administrators, managers and partners on best practices on the retention of minority attorneys.

Self Assessments.

1. *Firm Culture Survey.* Law firms and corporations should do an internal survey to collect data and identify the cultural issues responsible for minority attorneys dropping out. These surveys can also be used to gain ideas on what changes the organization can make.

2. *Alumni Interviews.* Law firms and corporations should contact minority alumni and interview them to determine why they left, whether changes at the firm would have convinced them to stay, and to gather their recommendations on how to make the firm a more hospitable place for minority attorneys .

3. *Exit Interviews.* Law firms and corporations should interview minority lawyers who are voluntarily leaving the organization to determine whether they are leaving the profession, why they are leaving the organization, and whether certain changes would have caused them to stay. These organizations should use the data from the survey and interviews to develop an action plan and design programs to help with retention and re-entry.

VII. Additional Proposals.

A. Market Texas as a Great place for Minorities and Women to Practice Law.

Historically, there has been a drain of Texas minority and women law students to out-of-state law firms and corporations; this is probably particularly true of minorities. Conversely, Texas law firms and corporations have met hurdles in seeking to recruit minority and women (again, especially minority) law students from out-of-state schools. This appears to be due, at

least in part, to historical negative reputation. The State Bar should, perhaps through the Office of Minority Affairs, consider ways to market Texas to these groups, perhaps through a video or articles, to enlarge the potential female and minority base for law firms and corporations.

B. Establish an Annual Award for the Law Firm and Corporation That Has Most Excelled That Year in Promoting Diversity.

The State Bar should consider recognizing excellence in diversity efforts, and thereby enhance them, by establishing an annual award that recognizes and rewards excellence in this area. The award could be presented at the State Bar Annual Meeting or at such other time that maximizes the recognition being given. The award should also be publicized in the Texas Bar Journal. To obtain the award, applicants would be required to provide information on efforts undertaken as well as results achieved.

C. Recommendation to Related State Bar Sections and Committees.

The Sections and Committees identified in Appendix A are encouraged to comment upon this report and make further recommendations to the State Bar's Board of Directors. These groups are also encouraged to act upon, expand and implement any of the recommendations they deem appropriate.

D. Continue Separate Reporting of Statistics as to Minorities and Women.

Section 81.002(7) of the State Bar Act, Chapter 81 of the Texas Government Code, defines "Minority member" as "a member of the state bar who is female, African-American, Hispanic-American, Native American, or Asian-American." The Task Force notes that, because the State Bar Act includes women and minorities within the term "Minority member," there has in the past been some confusion in reporting and understanding the State's experience with women and minorities. That problem has recently been avoided by separate reporting. The Task Force recommends that the State Bar continue the practice of separately reporting statistics for (i) women and (ii) racial/ethnic minorities.

CONCLUDING NOTE

The Task Force considers itself privileged to have been asked to work on, and prepare, this report. The Task Force shares with the State Bar the belief that diversity is a significant issue deserving of attention, study, and action, and is hopeful that this report will help lay the groundwork for further progress in this important area.

Appendix A

Current State Bar Diversity Efforts

Prepared by Caren Blackwell

Programs

Texas Minority Counsel Program (TMCP)

The TMCP seeks to expand and increase business opportunities for minority and women attorneys. In its annual conference, TMCP brings together minority and women lawyers from across the state to provide skill development, law firm management techniques, and networking opportunities. Through informational interviews with corporate counsel and government agency representatives, attorneys establish contacts and discuss outside counsel opportunities.

Texas Minority Attorney Program (TMAP)

The TMAP is a one-day CLE seminar and networking event geared towards minority and women solo and small firm practitioners. Participants have the opportunity to learn more about the issues facing solo and small firms, discuss various client development strategies, and network with area judges and other legal professionals.

Other programming:

Diversity Forum (at the Annual Meeting)

Minority Leadership Summit

Diversity Summit (at the Bar Leaders Conference)

Pipeline Program

The Pipeline Project involves an attorney visiting a fourth or fifth grade classroom at least four times per school year to encourage students to achieve educational success as well as introduce them to our legal system and the law. Often times the lack of mentors compounded by a lack of resources keeps children from finishing school, attending college, and seeking a higher level education including a law degree. In particular, at-risk and poor students fail to achieve educational success. The Office of Minority Affairs works in conjunction with Law Related Education to reach out to minority and women attorneys to encourage their involvement in the Pipeline Project.

Committee and Speaker Access Program

Access is designed to educate and involve minority and women lawyers in the State Bar committee process as well as CLE speaking opportunities. Attorneys interested in participating complete a form that is made available for committee and CLE course instructor appointments.

Committees & Sections

Racial Diversity in the Profession Committee

This committee examines the historical and current status of minorities in the profession and makes recommendations on how the Bar can take action to enhance opportunities for minorities in the profession, and increase involvement by minorities in the Bar.

Women in the Profession Committee

This committee assesses the status of women in the legal profession and identifies barriers that prevent women lawyers from advancing in the profession.

Minority Sections

There are five minority sections of the State Bar:

African-American Lawyers Section

American Indian Law Section

Asian Pacific Interest Section

Hispanic Issues Section

Women and the Law Section

Publications

Texas Spectrum Newsletter

Published bi-annually, the Texas Spectrum is the official newsletter of the Office of Minority Affairs. Articles included in the publication deal with issues that affect minorities and women in the legal profession. The publication's mailing list includes, but is not limited to: all minority attorneys, leaders of minority and women bar associations, State Bar leaders, law schools, and the Supreme Court justices.

Directory of Minority and Women's Bar Associations

This directory lists local, state and national minority and women's bar associations and their current president. The five minority sections are also included.

D-1480876_6.DOC