



Austin Affinity Bar Associations and Travis County Women Lawyers Association Issue 2017 Law Firm Diversity Report Card – August 14, 2018

The Austin Law Firm Diversity Report Card Committee is comprised of representatives from the Hispanic Bar Association of Austin, the Austin Black Lawyers Association, the Austin Asian American Bar Association, the South Asian Bar Association of Austin, the Austin LGBT Bar Association, and the Travis County Women Lawyers Association. The goal is to provide a single set of data on the hiring, retention, and promotion of racial and ethnic minorities, as well as women at major law firms in the Austin, Texas area.

The Diversity Report Card Committee (DRCC) is excited to time the release of the 2017 Report Card with a reception that will be generously hosted by Foley & Lardner, LLP on Tuesday, August 14, 2018 at 600 Congress Avenue, Suite 3000 from 5:30pm – 7:30pm. The event will be a great opportunity for our local law firms to engage in the ongoing conversation of Austin's growing diversity and why it matters for the legal community.

This year, the DRCC requested information from 34 of the largest law firms in Austin. Of these 34 firms, 29 submitted responses, which have now been evaluated and provided a grade. This grade is based on the percentage of minority attorneys in each firm as well as the percentage of minority partners in each firm, recognizing those firms that have done particularly well in retaining and promoting minority attorneys to partnership level.

As the Diversity Report Card reflects, five law firms (Armbrust & Brown, PLLC; DuBois Bryant & Campbell; LLP; Meyertons, Hood, Kivlin, Kowert & Goetzl, PC; Kelly Hart & Hallman; and McKool Smith) refused to participate in the survey and therefore received an "F" for failure to provide the requested information. The DRCC is disappointed that these firms have chosen not to communicate their diversity efforts to the Austin legal community, as it believes participation in the Report Card is critical component in evidencing an open and inclusive work environment for all members of the legal profession. A lack of participation reflects either a position that diversity is not a priority for the firm, or that there is a lack of interest to publicize its actual attorney demographics. In either case, the DRCC will continue to reach out to these firms in hopes of allaying any fears or apprehensions that they may harbor regarding the Report Card. The DRCC recognizes that we are all attorneys working for the best interests of the public that we serve. Part of this service is having important discussions about challenging issues such as diversity in the Bar.

As with previous years, the DRCC has again factored in data on attorneys who are openly lesbian, gay, bisexual or transgender (LGBT). Of the 29 firms that responded, only thirteen firms (Husch Blackwell, LLP; Burns Anderson Jury & Benner; The Fowler Law Firm PC; Baker Botts, LLP; Locke Lord; Richards, Rodriguez & Skeith, LLP; Gardere Wynne Sewell, LLP; Jackson Walker, LLP; Scott Douglass & McConnico, LLP; Vinson & Elkins, LLP; McGinnis Lochridge; Norton Rose Fulbright; and Graves Dougherty Heaton & Moody, PC) indicated that they have openly LGBT attorneys. The DRCC is encouraged by this report, as it reflects two more firms than last year's count, but it is the belief of the Committee that the 2017 Report Card does not reflect the true number of LGBT attorneys in the Austin area, and it hopes that through release of this report card and continued efforts from both the LGBT affinity bar and law firms, this will become less of an issue in the years to come.

Though the DRCC believes in the importance of including LGBT data in its final reporting to further push a discussion that is sorely needed in the Greater Austin area, it also realizes the unfortunate quandary it finds itself in reporting these numbers due to the lack of reporting of similar data by the State Bar of Texas. The

grading system utilized by the DRCC is based in part on the percentage of Minority attorneys in Travis County, data that is collected and published by the State Bar of Texas. Despite repeated requests by the LGBT Bar leaders, the State Bar of Texas has not yet begun to collect these numbers.

In the interim, the DRCC has decided that to provide the most accurate assessment of total Minority attorneys for each participating firm, and to further the overall mission and purpose of the Report Card, the final grade for each firm will not increase by more than one letter as a result of the inclusion of LGBT data. This procedure was adopted with direct input from the Austin LGBT Bar Association. Nine out of the thirteen firms referenced above did not see a letter grade increase with the LGBT data factored into the report card.

Stefanie Collins, the President of the Austin LGBT Bar Association states: “The Austin LGBT Bar Association would like to thank the Diversity Report Card Committee for its annual reporting of the state of diversity in Austin law firms. Through these regular reports, we are better able to perceive whether increased efforts at supporting diversity and inclusion within the legal community are yielding results in Austin’s largest firms. We are pleased to see an increase this year in both the number of firms reporting openly LGBTQ attorneys, as well as the overall number of LGBTQ attorneys practicing in those firms. This trend continues to reflect that more firms are allowing openly LGBTQ attorneys to identify themselves. In turn, this reflects an environment at law firms more welcoming to attorneys and staff of all cultures. Still, there is more work ahead, and the Austin LGBT Bar Association stands willing to assist firms in recruiting and retaining outstanding diverse attorneys.”

Notwithstanding the LGBT percentage reporting limitations, for the 2017 report, the Diversity Report Card Committee updated its computation methodology from the previous year. This means that in order to receive an “A” grade on this year’s report card, a law firm’s Austin office must meet or exceed the percentage of minority attorneys that comprise all attorneys licensed to practice law in Travis County, which is 17.25%. Those falling below 9.74% receive a failing grade. Consistent with prior report cards, the 2017 Austin Law Firm Diversity Report Card is again weighted in favor of law firms that have larger numbers of minority partners.

Consistent with last year’s report card, the DRCC has once again included a more specific breakdown of its overall results by publishing the number of reported Partners, Non-Partner Attorneys, and Summer Associates from each minority group. By doing so, the Austin legal community can easily review this Report Card and make an even more accurate assessment of the diverse nature and minority culture of each law firm represented. The Diversity Report Card Committee feels that it is important to recognize those firms that boast a variety of minority attorneys among its ranks, and in publishing this breakdown, the goal of promoting total diversity within law firms may be further achieved.

Sujata Ajmera, President of the South Asian Bar Association of Austin (SABAA) noted, “SABAA is once again pleased to be a participant in the Diversity Report Card as this is the only data available to evaluate diversity and inclusion among South Asian members of our local Bar. The 2017 Report Card reveals that there are only four major law firms in Austin that employ South Asian attorneys; and of this small group, only two of these attorneys are Partners. We encourage all members of our legal community to engage in diverse recruitment and to make thoughtful and inclusive retention decisions so we can continue to improve and attract the brightest legal minds in our fair city. SABAA is committed to furthering these goals alongside our fellow affinity bar organizations and thanks the Diversity Report Card Committee for its unwavering contribution to the Bar.”

In addition to this detailed breakdown in ethnic and racial diversity reporting, the DRCC is proud to include, for the third year, detailed data regarding women attorneys and partners within these same law firms in Austin. The Affinity Bar Associations felt it was extremely important to include this information to garner a more complete picture of the status of women in the law, thereby creating a more accurate and informative report card. Because it remains a priority of the DRCC to promote racial and ethnic diversity in the Austin legal field, the inclusion

of data on women attorneys and partners was not factored into the overall letter grade awarded to participating law firms. Instead, the Committee is releasing two reports, one that reflects the letter grade achieved through racial and ethnic diversity (and including LGBT numbers) and another that reflects the percentage of women associates and partners (both equity and non-equity) at each major law firm in the city. The DRCC believes that this reporting is extremely critical and looks forward to continuing release of this information in the years to come.

Tracy McCreight, President of the Travis County Women Lawyers' Association (TCWLA) commented: "TCWLA appreciates the work of the Diversity Report Committee in compiling this very important data. Recently, the National Association of Women Lawyers released its 2017 Survey Report. It found that despite being hired in nearly equal numbers as men at the associate level, women are the minority of both equity (19%) and non-equity partners (30%). Austin law firms represented on the Diversity Report Card are slightly ahead of these numbers (at almost 21% and 35% respectively), and TCWLA applauds Austin for being ahead of the curve. TCWLA specially recognizes DLA Piper LLP (US) for a significant increase in female partners from 2016 to 2017. Nonetheless, there is much more work to do to increase these numbers across the board. TCWLA encourages all firms to critically evaluate their policies and practices which might be serving as obstacles to the promotion of female lawyers, and seeks to create a dialogue with the Austin legal community as to how to accomplish the goal of greater diversity within law firms."

The DRCC is disappointed to report that the total number of minority attorneys employed by the city's largest firms has decreased slightly from 203 in 2016 to 201 in 2017. These numbers are inclusive of LGBT attorneys. While this is a considerable increase from the 121 minority attorneys reported in 2011, the year of the Report Card's inception, it is unfortunate that there was a decline in overall diversity at our major law firms. In addition to this slight decline in total representation, the 2017 Report Card reflects a noticeably smaller number of law firms that achieved A and B letter grades, while the number of F grades increased dramatically. While the exact reason for this change is unknown, the DRCC speculates that a number of mergers, acquisitions, and lateral moves within the Austin legal market may have played a part in these results. Regardless, the 2017 Report Cards puts the legal market on notice of this decrease in representation and hopes that it will spark more targeted recruitment efforts moving forward.

Salvador Davila, President of the Hispanic Bar Association of Austin (HBAA) stated, "The Hispanic Bar Association of Austin would like to once more thank the Austin Law Firm Diversity Report Card Committee for their efforts in preparing this year's report card. The Committee's efforts allow us to be informed of the progress made by law firms to increase diversity among their ranks, but it also reminds us that more work remains to be done. Our community is strengthened by our diversity, and we should strive to strengthen our legal community in the same way. We applaud all of the work that has been done so far, and HBAA is ready to continue the task of supporting diversity in our legal community."

This year's report card had ten law firms that earned an "A" grade for their exceptional minority recruitment, hiring, retention efforts, and most importantly, results. Those firms are:

Greenberg Traurig
Wilson Sonsini Goodrich & Rosati PC
Husch Blackwell, LLP
Burns Anderson Jury & Brenner
The Fowler Law Firm, PC
Baker Botts, LLP
Locke Lord
Richards, Rodriguez & Skeith, LLP

Twelve law firms received failing grades, including the five mentioned above that did not respond to the survey request. The 2017 Report Card includes a full list of firms that participated, as well as those who failed to respond to the survey request.

April Griffin, President of the Austin Black Lawyers Association (ABLA) states: “ABLA would like to applaud the work that the Diversity Report Card Committee has done to shed light on the inclusion of diverse attorneys in the Austin legal market. As Austin continues to expand and grow more multicultural, it is imperative that the companies within Austin be open and accepting of all members of the community and that the top earning jobs are not limited to only a subset. Such inclusion and openness is not only good for the business, it is good for the surrounding community. By being more diverse, law firms can better cater to the needs of potential clients and those potential clients can feel more comfortable in having high-caliber attorneys that look like themselves represent them. Accordingly, ABLA would like to congratulate and thank the top law firms on the Diversity Report Card for their success with hiring and retaining diverse lawyers. For those firms lower on the list, ABLA hopes that despite your current status that you value diversity in the workplace and will make considerable efforts to improve your grade. Regarding firms that have chosen not to participate, we hope that you also value diversity and will reconsider your participation in future surveys.”

As with last year’s report, the DRCC wants to give recognition to law firms that participated in the Austin Bar Association Diversity Fellowship Program by allowing firms to include minority summer clerks in their report to the Committee. This data was included in the overall score of each participating law firm, and therefore is reflected in the law firm’s final grade. The Diversity Fellowship Program is a ten-week fellowship to enable first-year law students of the University of Texas to participate in law firm, governmental, and judicial summer internships. The students are competitively selected by the Austin Bar Association Diversity Committee and spend the first five weeks of the program as interns with the state district court judges before joining a law firm for the second five weeks. Students receive a \$5,000 stipend from the Austin Bar Foundation funded by the participating firms. The goal of this program is to achieve diversity and inclusion. The Austin firms that participated in the Fellowship Program in 2017 are:

Armbrust & Brown
Graves Dougherty Heaton & Moody
Jackson & Walker
Locke Lord
McGinnis Lochridge
Burns Anderson Jury & Brenner

Drew Harris, President of the Austin Asian American Bar Association (AAABA), commented, “The Austin Asian American Bar Association joins the Austin Legal Community in applauding all law firms who were recognized for their exceptional recruitment, retention, and career advancement of minority, women and LGBTQ attorneys. This increase of diversity in the workforce is a priority for the Austin Legal Community and results in recognition, employee talent, and increased profits for companies and law firms. AAABA is once again proud to be part of this great process and looks forward to the continued growth and diversification of the Austin Legal Community.”

¹ The DRCC notes that several firms have merged since the reporting period, including: Gardere Wynne Sewell, LLP; Andrews Kurth, LLP; and Strasburger Attorneys at Law.

The hiring and retention of minority lawyers is a key objective of the Hispanic Bar Association of Austin, the Austin Black Lawyers Association, the Austin Asian American Bar Association, the South Asian Bar Association of Austin, the Austin LGBT Bar Association, and the Travis County Women Lawyers Association. These prestigious affinity organizations have pledged to continue issuing the annual report card and to work with law firms on increasing the number of minority attorneys in their ranks. They are truly here to help make diversity in the legal profession a reflection of the community it serves.

For more information, contact members of the Austin Law Firm Diversity Report Card Committee:

Betsy Peticolas, Chair, Hispanic Bar Association of Austin Charitable Foundation
DRCC Co-Chair
(512) 239-6033

April Griffin, President, Austin Black Lawyers Association
DRCC Co-Chair
(512) 427-6135

Frederick Sultan, Co-Founder Austin LGBT Bar Association,
(512) 542-7065