



November 28, 2017

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Re: Petition of Minnesota State Board of Continuing Legal Education for
Amendment to the Minnesota Rules on Lawyer Registration, Court File No.
ADM-10-8002 (Filed July 31, 2017).

Honorable Justices of the Minnesota Supreme Court:

This letter is submitted in response to the Order filed on September 29, 2017, inviting comments on the currently pending Petition of the Minnesota State Board of Continuing Legal Education for Amendment of the Rules on Lawyer Registration. Our comments are specifically addressed to Proposed Rule 23, Paragraph G, related to demographic information.

The Minnesota State Bar Association (MSBA) and Minnesota Women Lawyers (MWL) have a history of working to obtain demographic data on attorneys practicing in Minnesota. We appreciate that our efforts to work with the Court to obtain this data has resulted in the Court asking for gender data and race/ethnicity data on the lawyer registration form.

When this data was released in the Court's 2016 Annual Report, then-MSBA President Robin Wolpert wrote to the Court requesting disaggregated data that would break down the data by both gender and race simultaneously. In response to this request, the MSBA received a letter from Supreme Court Commissioner Rita Coyle Demeules, suggesting the MSBA may wish to provide comments on the proposed rule pertaining to demographic information. We are pursuing that suggestion with this letter.

The MSBA and MWL Propose Amending Rule 23, Paragraph G, to include publication of disaggregated data consistent with Court guidelines.

Access to and analysis of more detailed data (disaggregated data) can be a useful tool for improving outcomes for subgroups of attorneys who otherwise would not be distinguishable in the aggregated data. Disaggregating attorney data into subpopulations can help the profession and organizations like MSBA, MWL, MAIBA, MNAPABA, MABL, RCBA and The Infinity Project, to assess diversity and recognize trends in our legal profession, plan appropriate programs, and target limited resources.

Ensuring that the legal profession provides equal opportunity to all is crucial. We are hampered in our efforts to know if we are achieving results without access to data. It is not sufficient to only compare how women are doing compared with men, or how attorneys of color are faring compared to white attorneys. Where the information exists to compare on a deeper intersectionality level how female attorneys of color, for example, are faring against male attorneys of color, or white female attorneys, that data should be shared with the public. This helps make our profession accountable and transparent, thereby increasing trust.

National Association for Law Placement, Inc. (NALP) statistics indicate that in U.S. law firms nationally, women make up 45% of all associates, while women of color make up just 12.48% (NALP, 2016 Report on Diversity in U.S. Law Firms, January 2017). Evidence indicates that longer-term prospects for female attorneys in general are also bleak. National Association of Women Lawyer's 2017 Survey Report shows that women account for only 19% of equity partners in U.S. private firms, a number that has barely increased over the past 10 years.

Publication of disaggregated Minnesota data will assist us in determining the scope of the problem here compared to national trends and to track whether it improves over time. One item of interest is whether the number of female attorneys in Minnesota decreases the longer they are in practice, particularly for women of color. If so, we can undertake targeted efforts to uncover why women and women of color may leave the legal field in greater numbers than other groups. For example, according to an ABA Journal article, "Minority Women are Disappearing from BigLaw" published in March, 2016, "Eighty-five percent of minority female attorneys in the U.S. will quit large firms within seven years of starting their practice."

While we recognize that the data collected by the Court is not complete, because some attorneys choose not to answer one or both of the demographic questions, we anticipate that the number of those who self-report will increase every year. This has shown to be true with gender data collected since fall 2011. The "I Want to be Counted" campaign started by MWL and promoted by the MSBA and other affinity bar associations is our effort to increase the numbers of those who self-report. In addition, the MSBA continues efforts to encourage its members to complete the demographic information in their online member profile.

We acknowledge and share the concern expressed by the Court that anonymity of respondents is important. We believe that if the Court continues to publish the data in a fashion similar to that used in its 2016 Annual Report, with the addition of a further breakdown showing race and gender data together, it will be extremely difficult, if not impossible, to identify any particular respondent for two reasons. First, even with our collective best efforts, it is unlikely that all attorneys will answer both demographic questions. Second, without information regarding practice location, any speculation towards identifying particular respondents would be exactly that, speculation.

The following organizations have voted in support of the comments contained in this letter, and their respective Presidents ask that the Court consider them signatories:

Aarik Robertson
President
Minnesota American Indian Bar Association (MAIBA)

Melitta Drechsler
President
Minnesota Asian Pacific American Bar Association (MNAPABA)

Michael Essien
President
Minnesota Association of Black Lawyers (MABL)

Paul Peterson
President
Ramsey County Bar Association (RCBA)

Lola Velazquez-Aguilu
President
The Infinity Project

We look forward to continuing to work with the Court to address these important issues.

Yours very truly,



Sonia Miller-Van Oort
President
Minnesota State Bar Association



Kendra Brodin
President
Minnesota Women Lawyers