



2005 Self-Audit for Gender and Minority Equity

**A Research Study of Minnesota Law Firms,
Non-Firm Employers and Individual Lawyers**

Gender

Race and Ethnicity

Sexual Orientation

Disability

Religion and Creed

**Task Force on Diversity in the Profession
of the Minnesota State Bar Association**

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Overview

The Minnesota State Bar Association (MSBA) and other legal organizations in Minnesota have an established history of examining and supporting diversity in the legal profession. In 1999, the MSBA's Women in the Legal Profession Committee reported the first Self-Audit for Gender Equity (SAGE) statistics. In 2002, the same committee reported the first five years of law firm results and the first three years of public employer results of the SAGE study. The MSBA intended to aid employers and employees in the legal community by gathering and providing information and by developing further programs to aid the achievement of gender equity. The MSBA-approved SAGE Best Practices, published in 2003, set forth action-oriented goals intended to promote practices among legal employers (public and private) that encourage employment and retention of women in the profession. Since then, the MSBA has recognized two legal employers for their achievement in furthering gender equity. The MSBA established the Diversity Committee in 1997-1998. This Committee has undertaken a number of programs and projects to promote diversity and the elimination of bias in the legal profession.

During 2005 and 2006, the Task Force on Diversity in the Profession of the Minnesota State Bar Association developed and executed a three-part research study:

1. A **survey of law firms and non-firm employers** of 10 or more lawyers that updated the Self-Audit for Gender Equity (SAGE) research conducted two previous times in the last ten years. The 2005 version of the survey was expanded to include race. Thirty-four law firms and 19 non-firm employers responded.
2. A **survey of individual lawyers** included questions in five diversity areas: gender, race and ethnicity, sexual orientation, disabilities, and religion and creed. Responses were received from 880 lawyers.
3. **Focus groups** of lawyers who are members of the diverse communities identified above. Fifteen focus groups were conducted and 86 lawyers participated.

The purpose of this 2006 study was to update and expand the information from previous SAGE reports and the 1993 Hennepin County Bar Association Glass Ceiling Task Force Report and to continue in efforts to further the elimination of bias against minorities and on the basis of gender in the legal profession in Minnesota. This report provides the legal community with information about demographic and cultural aspects of legal employment and the perception and experience of attorneys regarding bias.

Executive Summary

On the Task Force for Diversity in the Profession, there is consensus that we should strive to achieve diversity in the legal profession. However, the data shows a disconnection between the perception and the reality of whether diversity has been achieved.

GLBT woman with 0-4 years of experience currently in public sector:
“(D)iversity issues keep being approached as if it’s our stone to roll uphill because we’re the only ones to have something to gain from this.... ...(T)he larger culture is missing out hugely on all of the talent and gifts that all the various different diverse cultures have to bring to the mix.”

Disparate opinions of the severity of the problem of bias exist between attorneys in diverse communities and those in the majority. Most women attorneys, attorneys of color, GLBT attorneys, and disabled attorneys perceive bias as a major or moderate problem in workplaces, the courts, and in interactions between themselves and opposing counsel, while most attorneys not in those groups perceive such bias as a minor or non-existent problem. This disparity exists despite the fact that 40% of all respondents have observed or been reliably informed of an instance of such bias within the last five years.

Bias in the workplace is a major or moderate problem for more attorneys than bias in courts, law schools, or with opposing counsel. Women report that comments are made about women’s appearance and apparel, but not men’s. Less prevalent are remarks and jokes demeaning to women. Although 39% of women have been subjected to verbal harassment at work and 8% of women have been subjected to physical harassment at work, the majority of that harassment occurred over five years ago. Most women perceive they are not able to advance as far in the legal profession as men.

In Minnesota’s legal profession, workplace bias is not limited to bias against women. Although 81% of GLBT attorneys are open about their sexual orientation at work, 70% have, at some point in their professional careers, hidden their orientation or identified themselves as heterosexual because of concern that revealing their orientation might negatively impact their careers. Domestic partner benefits are available at 72% of firm and 50% of non-firm employers. Most GLBT attorneys perceive they are assigned less favorable work and do not have the same chance of promotion in the legal profession as heterosexuals.

More attorneys of color than attorneys in any other diverse community perceive workplace bias as a major problem. Eighteen percent report they have been denied employment within the past five years because of their racial background. Most attorneys of color perceive the efforts of their own employers to recruit attorneys of color as inadequate. Most also perceive they do not have the same opportunity for advancement within the legal profession as Caucasians.

Although nearly all legal employers have policies regarding anti-discrimination, most attorneys do not report incidences of discrimination and, when they do, few find the problems resolved to their satisfaction.

Bias in the courts also ranks as a major or moderate problem for most in diverse communities. Nearly half of women attorneys report women are asked if they are attorneys when they appear in court. Most attorneys of color do not believe they have the same opportunity to become judges as Caucasians. Of those with a basis for judgment, 72% of disabled attorneys report state courts have made reasonable accommodations for their own disability(ies).

Although most attorneys in the majority do not recognize bias as a major or moderate problem, most attorneys rate themselves as more sensitive than other people to the rights and needs of attorneys in diverse communities. However, this self-rated sensitivity is somewhat lower toward GLBT attorneys and attorneys in religious minorities. Attorneys also rate their own employers as more sensitive than other employers to the rights and needs of attorneys in diverse communities. Again, this self-rated sensitivity is somewhat lower toward GLBT attorneys. This lower sensitivity toward GLBT attorneys exists despite the fact that 77% of attorneys report they know one or more GLBT attorneys.

When firms employ diverse attorneys, they may feel overused to attend and present at diversity events, to serve on diversity committees, and to participate in other activities that do not accrue toward billable hour objectives. While diverse attorneys are included in marketing materials, Requests For Proposals, and client pitches, they may not be assigned to the legal work that results from those efforts. Additionally, diverse attorneys report they are heavily recruited but may not be supported once they join firms.

Another result of bias in the legal profession is that diverse attorneys are denying, diluting or being asked to justify aspects of their holistic selves while at work. Religious minorities perceive symbols of their faiths may be considered inappropriate in their offices although others display Christian symbols. Those who attended historically black colleges and universities report their education may receive more scrutiny than that of other candidates. Diverse attorneys with experience may be asked about their credentials while others are not. The belief that law schools and employers lower their hiring standards to recruit students and attorneys of color, though a myth, is still given credence.

Although one would hypothesize that law firm attorney populations would become increasingly female in the years since women reached equity in law school student populations, the overall gender composition of firms in Minnesota has remained steady at about 70% male since 1997. At the summer associate level, the percentage of women decreased from 2000 to 2005 and at the associate level, the percentage of women remained the same during those years.

At the equity partner level, the percentage of women also remained the same from 2000 to 2005. For every three men that made equity partner in 2005, two women made

equity partner. With that ratio, with retirement age increasing, and with women at 18% of all equity partners, women may not achieve parity at the equity partner level. Women at more senior levels are instead adding to the ranks of non-equity partners and contract or staff attorneys, two levels at which the percentage of women is increasing.

Gender-based compensation disparities persist in Minnesota's legal profession. Women were disproportionately underrepresented in the top 25% of compensation and overrepresented in the bottom 25% of compensation in both firms and non-firms in 2005 and in every year for which results are available. The extent of under representation of women in the top 25% is less in non-firms than in firms.

At firms, billable hours and business generation are the leading criteria for decisions about the compensation of equity partners. At non-firms, quality of legal work and results of performance evaluations are the leading criteria for decisions about the compensation of supervisory attorneys.

Women are disproportionately underrepresented on committees that decide compensation matters as well as the two other most powerful committees in firms — executive/management and partnership selection. Attorneys of color are also disproportionately underrepresented on the top three committees.

In 2005, the percentage of women leaving equity partner positions was more than twice as high as men leaving such positions. At the associate level, 14% of all women left while 10% of all men left. The destination of women leaving firms has changed in the last five years; women are no longer leaving firms to leave the traditional practice of law. The top destination of women leaving equity partner positions in 2005 was other law firms. Women associates left in near equal numbers to go to other firms and to corporate positions.

The survey results support that which is widely acknowledged: legal employers in Minnesota compete for a small pool of attorneys of color. Three-fourths of all employers make special efforts to recruit attorneys of color. The demands of corporate clients for diversity on their legal teams are, in part, fueling firms' recruitment efforts. In 2005, attorneys of color were 14% of the state's total law school population, 17% of summer associates in firms, and 20% of those in summer positions in non-firms. However, attorneys of color have not permeated the top levels to the same degree. Excluding summer associates, attorneys of color were 7% of all attorneys in firms and 2% of equity partners in 2005. Excluding those in summer positions, attorneys of color were 11% of all attorneys in non-firms and 8% of those in supervisory positions in 2005.

Non-firm employers outperform firms in many measures of diversity. For the first time in three iterations of the SAGE study, women surpassed men in total number of attorneys employed at non-firms. Women at early stages of their legal careers are employed at non-firms in higher percentages than men and in higher percentages than their own share of law school populations. Women are also 40% of all supervisory attorneys in non-firms, higher than their 18% share at the equity partner level in firms.

Attrition at non-firms was 4%, lower than the 7% attrition rate at firms. Women and men left non-firms at percentages proportionate to the overall gender composition. Sixty-four percent of non-firms evaluated attorneys' attitudes toward diversity during the hiring process while 28% of firms did so.

The culture of workplaces, including policies on and attitudes about leave, affects attorneys' satisfaction and retention. Use of such policies signals employers' receptivity. Fewer than 2% of men in firms and non-firms used family leave in 2005. Seven percent of women in firms and 4% of women in non-firms used family leave in 2005. More attorneys used alternative work schedules than family leave. At firms, 9% of men and 16% of women used alternative schedules in 2005. At non-firms, 11% of men and 12% of women used alternative schedules. Results indicate that men using alternative schedules were nearing the end of their legal careers.

Equal access to challenging work assignments and effective mentoring is critical to attorneys' satisfaction and to their ability to succeed. However, firms were nearly twice as likely to have written criteria and/or formal systems for work distribution in 1997 as in 2005. The adoption of formal mentoring programs in firms has increased from 42% in 1997 to 60% in 2005. However, the time-consuming provision of mentoring is no longer among the top four criteria for compensation.

More widespread adoption and enforcement of the SAGE Best Practices published by the MSBA in 2003 would create stronger, more diverse legal workplaces in Minnesota.

Methodology

The MSBA Task Force on Diversity in the Profession Steering Committee initially met October 28, 2005, to begin to determine the scope of the study and develop the research instruments. The Steering Committee determined the study would explore diversity issues related to gender, race and ethnicity, sexual orientation, disabilities, and religion and creed. The quantitative instruments of the study were broadly distributed to provide an overview of the perception and reality of diversity in Minnesota's legal profession. Three subcommittees were formed, each to address one research instrument.

1. The **Employer Survey Subcommittee** developed a web-based survey based upon previous Self-Audit for Gender Equity (SAGE) surveys executed in Minnesota and the SAGE survey executed by the 2001 Glass Ceiling Task Force in the state of Washington. An e-mail was sent over MSBA President Susan Holden's signature on March 17, 2006, to managing partners at 100 employers, firm and non-firm, inviting participation. Non-firms included such employers as corporations, courts, legal aid organizations, county attorneys, attorneys general, and law schools. The survey distribution was limited to those employing ten or more lawyers. It included, but was not limited to, those that had participated in the two previous SAGE studies. The employer survey closed on May 12, 2006. *Follow these links to view the firm and non-firm versions of the employer survey:*

- [Survey of Minnesota Law Firms](#)
- [Survey of Minnesota Legal Employers \(Non-Private Law Firms\)](#)

2. The **Individual Survey Subcommittee** developed a web-based survey that was reviewed by the University of Minnesota Center for Survey Research. An e-mail was sent over MSBA President Sue Holden's signature on April 28, 2006, to 10,000 MSBA members and to leaders of minority bar associations in the state with encouragement to forward the e-mail to their membership lists. Respondents were also sought via notices published in MSBA Legal News Digest, Bench & Bar and Minnesota Lawyer. The individual survey closed on May 15, 2006. *Follow this link to view the individual attorney survey:*

- [Survey of Individual Attorneys About Diversity Issues](#)

Distribution of the employer and individual surveys was not accomplished by random sampling designed to achieve any particular measure of statistical significance.

3. The **Focus Group Subcommittee** developed a discussion guide that was reviewed by the University of Minnesota Center for Survey Research. Volunteers from the Task Force were trained to serve as facilitators. The Subcommittee decided to conduct focus groups that were homogenous according to the nature of the participants' diversities. The women's groups were also homogenous by years in practice or in the workforce. Court reporters volunteered to produce transcripts of the groups. Fifteen

groups were conducted between February 23 and May 4, 2006, inclusive. Verbatim quotations (*set in italics and inside quotation marks*) from focus group participants appear throughout this report. *Follow this link to view the discussion guide:* <http://www2.mnbar.org/committees/DiversityTaskForce/Discuss-Guide.pdf>

Organizations through which focus group participants were recruited included: Minnesota Association of Black Lawyers MABL (African-American), Minnesota Black Women Lawyers MBWL (African-American), National Asian Pacific American Bar Association NAPABA (Asian), Minnesota Lavender Bar Association MLBA (gay, lesbian, bisexual and transgender, i.e. GLBT), Minnesota Women Lawyers MWL (women), Minnesota American Indian Bar Association MAIBA (Native American), Minnesota Hispanic Bar Association MHBA (Hispanic), Lawyers Concerned for Lawyers LCL (mental illness/chemical dependency), and Twin Cities Diversity in Practice.

Demographics

As with previous SAGE surveys, the employer survey was executed in two parts, one adapted for law firm respondents and one adapted for non-firm respondents, to allow for comparison and contrast of the results from each type of workplace.

Law Firm Employer Survey

The overall number of lawyers employed at responding law firms has progressively increased from 2,032 in 1997 to 2,101 in 2000 to 3,181 in 2005. On average, 103 attorneys per firm were employed in Minnesota by responding firms in 2005.

Although the number of lawyers per firm has increased and women comprise an increasing percentage of attorneys, the overall gender composition at firms has remained essentially the same since 1997. Men were 70% of all attorneys at responding firms in 2005, 69% in 2000, and 72% in 1997. Figure 1 below shows the percentage of men and women in firms by professional position held in 2005.

Figure 1. 2005 Gender Composition of Responding Firms

	2005	
	Male	Female
Summer positions or clerkships	186 (61%)	118 (39%)
Associate positions	596 (56%)	465 (44%)
Equity partners / shareholders	1,178 (82%)	258 (18%)
Non-equity partners	65 (78%)	18 (22%)
Contract or staff attorneys	23 (43%)	31 (57%)
Of counsel	123 (78%)	34 (22%)
Other	65 (72%)	25 (28%)
Total Composition of Firms	2,232 (70%)	949 (30%)

Men disproportionately outnumbered women at the summer associate level in 2005 at responding firms when compared to the gender composition of recent Minnesota law school student bodies. The gender composition of the student bodies at the four Minnesota law schools was 53% female during 2001 through 2003 and 50% female during 2004 and 2005. Yet, only 39% of 2005 summer associates at responding firms were women. During previous years of this study, the gender composition of summer associates was more proportionate to that of law schools. Women were 49% of summer associates in 2000 and 47% in 1997.

The disproportionately low representation of women in early career positions at responding firms continued at the associate level where, from 2000 to 2005, the percentage of associates that were women remained steady at 44%, up from 41% in 1997.

During the five-year period 2000 – 2005, there was no increase in the percentage of women holding equity partner positions at responding firms. During the same time period, women as a percent of non-equity partners and contract or staff attorneys increased. Women were 18% of all equity partners/shareholders in 2005, no increase from 2000, up slightly from 16% in 1997. Ten percent of non-equity partners were women in 1997, 15% in 2000 and 22% in 2005. Forty-five percent of contract or staff attorneys were women in 1997, 47% in 2000 and 57% in 2005.

Overall, attorneys of color were 8% of the 2005 attorney population at responding firms and 7% of the population when summer associates were excluded. Employment of attorneys of color at the summer associate level (17% in 2005) exceeded the racial minority percentage of the student bodies at Minnesota law schools, which was 13% students of color during 2001 through 2003 and 14% in 2004 and 2005. Employment of attorneys of color at the associate level (12% in 2005) fell slightly below the recent student body percentage. The level of employment where attorneys of color held the highest percentage of positions was contract or staff attorney (19% in 2005). The level of employment where attorneys of color held the lowest percentage of positions was equity partners/shareholders (2% in 2005).

See Appendix 1 for details of the composition of responding firms by gender, race and position.

Non-Firm Employer Survey

The overall number of lawyers employed at responding non-firms was 775 in 2005, down from 1,607 included in the three-year survey data from 1997-1999. On average, 28 attorneys per organization were employed in Minnesota by responding non-firms in 2005.

At responding non-firms in 2005, 46% of the total attorneys employed were men. Figure 2 below shows the percentage of men and women in non-firms by professional position held in 2005.

Figure 2. 2005 Gender Composition of Responding Non-firms

	2005	
	Male	Female
Summer positions or clerkships	25 (42%)	35 (58%)
Attorneys with less than five years of experience	15 (25%)	46 (75%)
Supervisory attorneys/ Division heads	78 (60%)	52 (40%)
Non-supervisory attorneys with five or more years of experience	162 (44%)	207 (56%)
Contract/temporary attorneys	9 (39%)	14 (61%)
Other	71 (54%)	61 (46%)
Total Composition of Non-firms	360 (46%)	415 (54%)

Women surpassed men as the majority of attorneys working at non-firms in 2005. In 2005, women were 54% of all attorneys at non-firms, up from 49% in 1997-1999. Although women were the majority (54%) of attorneys working at non-firms in 2005, men were the majority (60%) of supervisory attorneys. However, there has been an increase in female attorneys at the supervisory level from 34% in 1997-1999 to 40% in 2005.

The 2005 percentage of women in the early stages of their law careers in non-firms was both greater than the percentage of women in Minnesota law schools in recent years and greater than the percentage of women in the early stages of their careers in responding firms. The percentage of women holding summer positions at responding non-firms increased from 50% in 1997-1999 to 58% in 2005, a reverse of the trend at law firms. During the same time period, the percentage of attorneys in non-firms with fewer than five years of experience that were women increased from 71% to 75%.

Women were 46% of those in “other” positions at 2005 responding non-firms. Respondents indicated that “other” included law clerks, judges, and law school faculty and staff.

Woman with 20 or more years of experience currently in firm: “In the public sector, there was always more opportunity for women than in the private sector. The public sector always felt obligated or willing to reach out to women as real attorneys....”

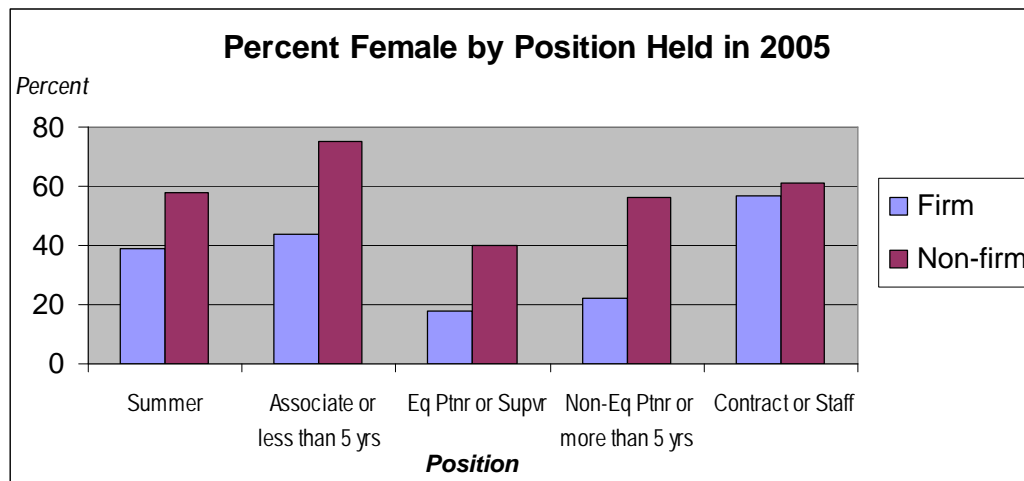
Overall, attorneys of color were 12% of the 2005 attorney population at responding non-firms. Employment of attorneys of color at the summer position or clerkship level (20% in 2005) exceeded the racial minority percentage of the student bodies (14% in 2005). Employment of attorneys of color at the fewer than five years of

experience level (23% in 2005) also exceeded the recent student body percentage. Thus, in the early stages of their careers, both women and attorneys of color were choosing or being chosen by non-firms at higher percentages than their Caucasian male peers.

See Appendix 2 for details of the composition of responding non-firms by gender, race and position.

Figure 3 below compares the percentage of women at responding firms and non-firms at each professional position.

Figure 3.



Individual Attorney Survey

Of the 880 attorneys responding to the individual survey, 55% were men and 92% were Caucasian. Respondents from other ethnicities or races were 8% of all respondents. More specifically, 3% of respondents were Hispanic, 2% were African-American, and 1.5% were Asian/Pacific Islander. Native Americans and mixed race attorneys were each less than 1% of all respondents.

Six percent of respondents identified themselves as gay, lesbian or bisexual. Another six percent identified themselves as having a disability, or having been perceived as having a disability, within the last five years. Sixty-seven percent identified themselves as affiliated with an organized religion.

Nearly half (47%) of individual survey respondents have been licensed to practice law in Minnesota for over twenty years. Figure 4 below shows the breakdown of respondents by years licensed in Minnesota.

Figure 4. Number of years licensed to practice law in Minnesota

10%	Fewer than 5 years
15%	5-10 years
28%	11-20 years
31%	21-30 years
16%	More than 30 years

Given that nearly half of the individual attorneys responding had over twenty years of experience in the legal profession, it follows that the highest percentage holding any single professional position were partners or shareholders (35%). The next largest groups were in-house counsel and solo practitioners, each 13% of respondents. Figure 5 below shows the breakdown of respondents by their current professional positions.

Figure 5. Current professional position

35%	Partner or shareholder
13%	In-house counsel
13%	Solo practitioner
11.5%	Other
11%	Associate
7%	Staff or contract attorney
4%	Judge
4%	Prosecutor or public defender
2%	Law school faculty/administrator

Sixty percent of all responding attorneys were employed in firms. More specifically, 13% were in firms with more than 50 attorneys, 16% were in firms with 10-50 attorneys, 19% were in firms with 2-9 attorneys, and 13% were in solo practice. Thirteen percent of all respondents worked in government or the courts and 6% of all respondents worked in other non-profit organizations.

As shown in Figure 6 below, 75% of all respondents appeared with some regularity in federal, state or administrative courts in Minnesota during the last five years.

Figure 6. Frequency of federal, state or administrative court appearances during the last five years

25%	Never
29%	Less than once per month
22%	Once or twice per month
15%	Weekly
9%	Almost every day

Focus Groups

Fifteen focus groups were conducted between February 23 and May 4, 2006, inclusive. The composition of the groups was:

- African-Americans
- African-American women
- Asians

- Hispanics
- Native Americans
- South Asians
- Attorneys with disabilities (2)
- Gays, lesbians and bisexuals
- Religion
- Men in senior management
- Women (2)
- Women associates
- Women in senior management

Individual Survey Results: Perception and Experience of Bias

General perceptions

Ninety-four percent of responding attorneys reported they think their own employers are at least as sensitive as other employers about the rights and needs of women, attorneys of color, religious minorities, and attorneys with disabilities. A slightly lower percentage (90%) reported they think their own employers are at least as sensitive as other employers about the rights and needs of GLBT attorneys.

When comparing their own sensitivity levels to others, 10% of responding attorneys think they are less sensitive to GLBT attorneys and 11% think they are less sensitive to religious minorities. The group attorneys reported themselves least likely to be more sensitive than others toward was religious minorities.

See Appendix 3 for details on the comparison of sensitivity levels on selected issues.

Forty percent of responding attorneys reported they have observed or been reliably informed of one or more instances of discrimination on the basis of disability, gender, race and ethnicity, religion and creed, or sexual orientation within the past five years. Of that 40%, most observed or were informed of the discrimination in Twin Cities law firms other than their own. Figure 7 below shows the breakdown of where discrimination was observed.

Figure 7. Setting where discrimination was observed

21%	In Twin Cities law firms other than your own
20%	In the Minnesota courts
20%	During interactions with opposing counsel
17%	In your workplace
11%	In law firms outside the Twin Cities other than your own
6%	In Minnesota law schools generally
2%	In the content or administration of bar examinations
2%	In the Minnesota State Bar Assn.
1%	In the criteria for admission to the Minnesota Bar

There is a sense among diverse attorneys that diversity initiatives are targeted toward minority groups other than their own.

Asian man: “(G)oing all the way back to law school...the (minority) program seemed to be geared more toward blacks and Hispanics and not so much Asians, sort of figuring that we didn’t really need the help, figuring we’re successful, we’re doing well enough.”

GLBT woman with 0-4 years of experience currently in public sector: “In the public sector, the sexual orientation diversity is very much overshadowed by racial diversity.”

Native American woman with 0-4 years of experience: “With respect to...Native Americans, I have always felt like we’re the invisible minority. Whenever people talk about diversity and minorities, you’re always hearing the blacks, the Latinos and the Asians. I think sexual orientation has become a really prevalent issue and disabilities have become really prevalent groups as far as discussions on diversity. ...(T)hey’re just making the mistake that a lot of people make, which is that Indians are just part of history and they’re not a vibrant and alive and real community....”

Gender

Among responding attorneys, men and women had differing perceptions of the severity of the problem of gender bias in various career settings. As calculated from Figure 8 below, 73% of female attorneys reported gender bias in legal workplaces as a major or moderate problem, while 70% of male attorneys reported it as a minor or non-existent problem. Women ranked legal workplaces as the setting where gender bias was most problematic. Men ranked legal workplaces and interactions between women and opposing counsel as equally problematic.

Figure 8. Problem of gender bias by setting

	Female				Male			
	Major	Moderate	Minor	None	Major	Moderate	Minor	None
In MN courtrooms	20 (6%)	175 (49%)	121 (34%)	45 (13%)	12 (3%)	79 (18%)	172 (38%)	186 (41%)
In MN law schools	11 (3%)	77 (22%)	138 (39%)	127 (36%)	4 (1%)	23 (5%)	132 (31%)	269 (63%)
In MN legal workplaces	79 (21%)	199 (52%)	94 (24%)	13 (3%)	18 (4%)	118 (26%)	192 (43%)	121 (27%)
In interactions between women lawyers and opposing counsel	51 (13%)	192 (50%)	113 (30%)	26 (7%)	18 (4%)	117 (26%)	194 (43%)	124 (27%)

Native American woman with 0-4 years of experience: “I actually had a judge tell me that there is no discrimination anymore because the profession is almost 50% female now so we shouldn’t be whining anymore.”

Man in senior management with 20 or more years of experience currently in firm: “I think it’s less difficult for women now than it used to be in part because it’s a critical mass thing. There are enough women around. There are women clients. There are

successful women partners. And (gender discrimination's) begun, I think, to dissipate somewhat."

Twenty-six percent of male attorneys responding to the survey perceived that no gender bias against female attorneys existed. Fifty-four percent of male attorneys acknowledged that gender bias existed, but perceived it was not widespread. Fifty-nine percent of female attorneys perceived gender bias was widespread, but subtle and hard to detect. Nineteen percent of their male colleagues agreed. Only 1% of men and 5% of women perceived gender bias was widespread and readily apparent.

On subtle gender bias

Asian man with 0-4 years of experience: "I've actually observed (gender bias) in my current workplace... the comments of, 'Oh, well, the ladies probably wouldn't like the tone of this conversation,' or, 'The ladies probably wouldn't like this joke,' or something like that."

Woman with 5-9 years of experience currently in firm: "And it's the little things, you know, being able to talk about what you did over the weekend. And, ... as a female, I feel like I'm just a workhorse ... whereas these other (male) associates get to fraternize with the partners. And because I don't talk about sports, ... I can't interrupt or make myself a part of some of the conversations that they have. ... I think it has affected my advancement only because I don't get the opportunity to ... demonstrate my personality, demonstrate my level of thinking outside of the box of my practice."

Woman in senior management with 20 or more years of experience currently in firm: "(E)ven though you're in there doing the work and you think everyone is understanding you're the one doing the work, you're the one expanding the client relationship, you're the one getting the great results, there's still the belief that...it's someone who is male who was the one who originally brought the client in the door who really deserves the credit for all of that."

On overt gender bias

Woman with 5-9 years of experience currently in firm: "I was directly hit on by one of the partners who I also know his wife. He tried to kiss me...."

Woman with 15-19 years of experience currently in firm: "...I've been asked out by clients. ...I've been asked out by opposing counsel while a case was still going on. And I just think, you know, "What are you thinking?" ...But you can deal with that."

Although women reported legal workplaces as the setting where gender bias was most problematic, the problem was not primarily about remarks or jokes demeaning to women made there. As calculated from Figure 9 below, only 33% of women agreed such jokes are made in workplaces. Fewer women (29%) agreed such jokes were made in court. The two examples of gender bias women agreed occurred most were that comments are made about the physical appearance or apparel of female attorneys when no such comments are made about male attorneys (70% of women agreed) and female attorneys are asked if they are attorneys when male attorneys are not (69% of women

agreed). Just over half (53%) of female respondents agreed that female attorneys are addressed by first names or terms of endearment when male attorneys are not. Male respondents seemed unaware of the gender bias occurrences with which female respondents agreed. More than 70% of men somewhat or strongly disagreed that any of the examples had occurred. The example of gender bias with which most men agreed was that comments are made about the physical appearance or apparel of female attorneys when no such comments are made about male attorneys (29% of men agreed).

Figure 9. Agreement with occurrence of selected instances of gender bias by gender

	Female				Male			
	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Strongly Agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree
Remarks or jokes demeaning to women are made at my workplace	7%	26%	24%	43%	3%	17%	23%	57%
Remarks or jokes demeaning to women are made in court	3%	26%	36%	35%	0	8%	24%	68%
Female attorneys are addressed by first names or terms of endearment when male attorneys are not	13%	40%	24%	23%	2%	12%	27%	60%
Female attorneys are asked if they are attorneys when male attorneys are not	31%	38%	18%	14%	2%	22%	27%	49%
Comments are made about the physical appearance or apparel of female attorneys when no such comments are made about male attorneys	25%	45%	16%	14%	4%	25%	31%	40%

Thirty-nine percent of responding female attorneys reported being subjected to verbal harassment related to their gender either at work or in the course of their employment as attorneys. Eight percent reported being subjected to physical harassment. This harassment is abating. Fifty-three percent of the incidences of verbal harassment and 83% of the incidences of physical harassment occurred over five years ago.

When gender bias has occurred in courtrooms, a majority of women (55%) and a majority of men (80%) reported that a judge intervened to stop it. When gender bias has occurred in offices, a majority of women (51%) and a majority of men (72%) reported that a supervisor intervened to stop it. However, 17% of responding women strongly disagreed that a supervisor intervened to stop it. Nearly all responding men (93%) reported that, in their own offices, female attorneys are treated the same as male attorneys. Sixty-nine percent of women agreed.

In terms of gender bias in opportunity for promotion, 95% of responding men reported that, in their offices, female attorneys have the same chance of promotion as male attorneys. Seventy-one percent of women agreed. However, men and women reported disparate views on gender bias in ultimate professional advancement. Forty-five percent of men strongly agreed that, in their views, female attorneys are able to advance as far as male attorneys in the legal profession. Thirty-nine percent of women somewhat disagreed and 61% of women somewhat or strongly disagreed.

Eighty-nine percent of male respondents and 67% of female respondents perceived there was less gender bias against women in 2005 than over the preceding five years. Five percent of male respondents and 30% of female respondents perceived there was the same amount of gender bias against women in 2005 as in the preceding five years. Twenty-four men (5%) and two women (fewer than 1%) perceived there has never been any gender bias against women, neither in 2005 nor in the preceding five years.

Gender bias against attorneys in Minnesota is not limited to bias against women. Seventeen men reported being subjected to verbal harassment related to their gender either at work or in the course of their employment as attorneys. Three men reported being subjected to physical harassment. All of the men reporting these incidences of harassment were heterosexual.

Race and Ethnicity

Among responding attorneys, attorneys of color and Caucasian attorneys have differing perceptions of the severity of the problem of racial bias in various career settings. As calculated from Figure 10 below, 77% of attorneys of color reported racial bias in legal workplaces as a major or moderate problem, while 73% of Caucasian attorneys reported racial bias in legal workplaces as a minor or non-existent problem. The two groups also reported near opposite perceptions of the problem of racial bias in interactions between lawyers of color and opposing counsel. Sixty-six percent of attorneys of color considered racial bias in such interactions a major or moderate problem while 63% of Caucasian attorneys considered bias in those interactions a minor or non-

existent problem. More than 60% of attorneys of color reported that racial bias was a major or moderate problem in all four of the settings.

Figure 10. Problem of bias against attorneys of color by setting

	Of color				Caucasian			
	Major	Moderate	Minor	None	Major	Moderate	Minor	None
In MN courtrooms	21 (31%)	20 (30%)	16 (24%)	10 (15%)	65 (9%)	257 (36%)	224 (31%)	178 (25%)
In MN law schools	19 (28%)	22 (33%)	12 (18%)	14 (21%)	28 (4%)	163 (23%)	222 (32%)	284 (41%)
In MN legal workplaces	28 (39%)	27 (38%)	7 (10%)	9 (13%)	84 (11%)	286 (39%)	243 (33%)	125 (17%)
In interactions between lawyers of color and opposing counsel	20 (29%)	25 (37%)	13 (19%)	10 (15%)	43 (6%)	228 (31%)	283 (39%)	176 (24%)

Hispanic woman with 0-4 years of experience: “(I)n my previous job, it was a large corporation.... (P)eople were a little uncomfortable when I first started, because they didn’t know what to make of me. I think race was definitely an issue. They would say things like ‘I’ve been to Cancun,’ and ‘I love Mexican food.’ How do you respond to that?”

Forty-four percent of all responding attorneys reported their offices took steps specifically directed to recruiting attorneys of color. Thirty-eight percent reported their offices did not and 18% were not certain. Whether or not such steps were taken, 76% of responding Caucasian attorneys believed the efforts by their offices to recruit and hire attorneys of color were adequate. Only 47% of responding attorneys of color believed those efforts were adequate. Among respondents who did not report the efforts of their offices as adequate, many said that they were either not hiring, had no attrition, or were in solo practice. Some pointed to the lack of success in retaining attorneys of color as evidence of inadequate recruiting and hiring. Others pointed to the competition for candidates of color as the reason their own offices were unsuccessful in their efforts. Overall, 55% of responding attorneys worked in offices that had hired attorneys of color within the past five years. More specifically, 76% of attorneys of color and 53% of Caucasian attorneys worked in offices that had hired attorneys of color within the past five years.

Sixty-three percent of attorneys of color responding to the survey believed current law school graduates of color do not have the same opportunity for employment in Minnesota’s legal community as Caucasian graduates. An additional 13% were not certain. Similarly, 64% of attorneys of color believed fewer opportunities for positions in private law firms have existed for attorneys of color during the last five years.

Asian woman with 15-19 years of experience: “There are some stereotypes that still prevail that Asians would not make good litigators ...and Asian women, especially... because they’re too quiet, they’re too soft spoken, they’re too polite....”

According to respondents, the bias does not end once a position has been secured. Among those with a basis for judgment, 33% of attorneys of color and 12% of Caucasian attorneys believed there were fewer desirable work assignments given to attorneys of color. However, 46% of attorneys of color believed there was no difference in how work was assigned.

Among those with a basis for judgment, 52% of attorneys of color believed Caucasian attorneys had more opportunities to develop mentor relationships. Fifty-four percent of Caucasian attorneys and 32% of attorneys of color believed there was no difference in mentoring opportunities.

When those with a basis for judgment considered opportunities for promotion, 81% of Caucasian attorneys but only 46% of attorneys of color reported they believed no difference existed. Twenty-nine percent of attorneys of color and 9% of Caucasian attorneys believed Caucasian attorneys had greater opportunities for promotion. Attorneys of color and Caucasian attorneys gave opposite responses about partnership promotions in private law firms. Sixty-five percent of attorneys of color reported firms have not made reasonable efforts to promote attorneys of color to partnership. Sixty-eight percent of Caucasian attorneys reported the efforts made have been reasonable.

Fifty percent of attorneys of color believed private firms have made reasonable efforts within the past five years to retain minority attorneys. Eighty percent of Caucasian attorneys agreed.

Only 30% of attorneys of color believed they had the same opportunity as Caucasian attorneys to become judges. Fifty-nine percent believed the opportunity was not the same and 7% were not certain. Seventy-nine percent of attorneys of color and 50% of Caucasian attorneys believed attorneys of color are not well represented in judicial positions in Minnesota.

African American man with 0-4 years of experience currently in public sector:
“(T)he whole work force, I think, realizes that we have a problem with diversity.... But then nothing is ever done. And I don’t think they (my white colleagues) realize not only do they get a more supportive environment maybe, but also because that’s predominantly who we’re serving. They’re low income people and people of color. And I think it’s a benefit...bringing in people of color to work in legal services.”

Thirty-one percent of attorneys of color responding to the survey reported they have been denied employment, equal pay, benefits, promotion, or another employment-related opportunity within the past five years. More specific information about the type of discrimination reported is shown in Figure 11 below.

Figure 11. Type of discrimination as reported by attorneys of color that experienced discrimination within the past five years

52%	Denied employment
40%	Were not given good work assignments
36%	Have not advanced as far as you want to in the legal profession
28%	Received unequal pay
28%	Have not attained specific occupation in the law
20%	Required more time/years to obtain a promotion or advancement to partnership
16%	Were denied promotion or advancement to partnership
12%	Were given unjustified negative performance reviews
8%	Received unequal employment benefits
4%	Were told that clients did not want to work with you

Most (66%) of those reporting they experienced the discriminatory behavior in Figure 11 above did not discuss the matter with their supervisor at the time. Among those who did, only 5% reported the problem was resolved to their satisfaction.

African-American woman with 0-4 years of experience currently in firm: "...I felt my boss was making derogatory racial comments to me and I went up the ladder and spoke to the HR director as well as his boss. ...And his boss told me... 'I've known X for 25 years and I know he's a good guy, so even if he says something to you that seems derogatory, don't take it that way.' ...And I think that's not approaching the issue the proper way."

Sexual orientation

Of the 51 responding attorneys identifying themselves as GLBT, 37% were gay, 52% were lesbian, 12% were bisexual, and none were transgender. Eighty-one percent of responding GLBT attorneys were open or out about their sexual orientation at their workplaces. An equal percentage were open or out about their sexual orientation within the legal community generally.

Forty-five percent of heterosexual attorneys and 32% of GLBT attorneys agreed it was safe for GLBT attorneys to be open about their sexual orientation at work. Fifty percent of heterosexual attorneys and 26% of GLBT attorneys agreed it was better if GLBT attorneys kept their sexual orientation to themselves while at work.

As shown in Figure 12 below, GLBT attorneys have been selective about to whom they reveal their orientation. At some point in the course of their professional careers, 70% of GLBT attorneys responding to the survey have hidden their sexual

orientation or identified themselves as heterosexual because of concern that revealing their orientation might negatively impact their careers.

Figure 12. Revelation of sexual orientation by role to which revelation was made

Percent that has revealed orientation to.....	...role of person(s) to whom revelation was made
75%	Co-workers
64%	Supervisors
43%	Law school professors or staff
42%	Clients
15%	Judges or court personnel
15%	Opposing counsel
8%	Opposing parties
2%	Bar examination administrators

GLBT man with 20 or more years of experience currently in public sector: “I look around my workplace ... at the gay men and the lesbians I work with, we’re pretty out and I guess we feel pretty comfortable and pretty protected and I know that wasn’t the case ten and 15 years ago.”

GLBT woman with 5-9 years of experience currently in firm: “...I think some of the attorneys are a little concerned about whether or not you’re going to come out to clients also. While that’s never been spoken, I think there’s sort of, you know, you might be this little liability over there. I mean, ‘How is the client going to take that?’”

GLBT woman with 20 or more years of experience currently in corporation: “(H)aving some openly GLBT people within (my) company...just knowing that, ‘Hey, there’s somebody out there, they’re out, it seems okay,’ has been a very positive thing in my experience.”

GLBT woman with 10-14 years of experience currently in firm: “(I)dentifying others within...my employment setting that were either lesbian or gay when I began my employment (was difficult) because we’re invisible.... (I)t’s hard to even know who your peer group is and how to be able to identify within a large organization who a support group of individuals might be.... (T)o this day I’m still not sure.”

Only 28% of GLBT attorneys and 52% of heterosexual attorneys responding to the survey agreed that when people talked about diversity at work, they included sexual orientation. Forty-one percent of GLBT respondents strongly disagreed with the statement.

Woman with 5-9 years of experience currently in firm: “I don’t know how ... diverse their (the firm’s) diversity commitment is. Bringing on attorneys of color has been stated as a priority, but they do not include GLBT attorneys in the diversity....”

Seventy-seven percent of heterosexual respondents reported they knew one or more GLBT attorneys practicing in Minnesota. Among that group of heterosexuals, 23% believed that GLBT attorneys were treated differently than heterosexual attorneys in the practice of law. An additional 32% were not certain. When asked specifically about

personnel policies, 72% of heterosexual attorneys and 43% of GLBT attorneys agreed that such policies were fair to GLBT attorneys.

Among all responding attorneys, GLBT attorneys and heterosexual attorneys have differing perceptions of the severity of the problem of bias against GLBT attorneys in various career settings. As calculated from Figure 13 below, 84% of GLBT attorneys reported bias in legal workplaces as a major or moderate problem, while 67% of heterosexual attorneys reported it as a minor or non-existent problem. Similarly opposite, 69% of GLBT attorneys reported bias in courtrooms as a major or moderate problem, while 67% of heterosexual attorneys reported it as a minor or non-existent problem. Both GLBT attorneys and heterosexual attorneys reported the law schools as the setting where such bias is least severe, although 52% of GLBT attorneys reported bias at law schools as a major or moderate problem.

Figure 13. Problem of bias against GLBT attorneys by setting

	GLBT				Heterosexual			
	Major	Moderate	Minor	None	Major	Moderate	Minor	None
In MN courtrooms	12 (25%)	21 (44%)	9 (19%)	6 (13%)	41 (6%)	190 (26%)	226 (31%)	262 (36%)
In MN law schools	5 (10%)	20 (42%)	14 (29%)	9 (19%)	21 (3%)	113 (17%)	253 (37%)	298 (44%)
In MN legal workplaces	13 (27%)	28 (57%)	7 (14%)	1 (2%)	86 (12%)	263 (36%)	219 (30%)	168 (23%)
In interactions between GLBT lawyers and opposing counsel	8 (17%)	23 (48%)	13 (27%)	4 (8%)	44 (6%)	208 (29%)	259 (36%)	212 (29%)

Twenty-one percent of GLBT attorneys responding to the survey reported they have been denied employment, equal pay, benefits, promotion, or another employment-related opportunity within the past five years because of their sexual orientation. More specific information about the type of discrimination reported is shown in Figure 14 below.

Figure 14. Type of discrimination as reported by GLBT attorneys that experienced discrimination within the past five years

29%	Received unequal employment benefits
21%	Have not attained specific occupation in the law
21%	Were not given good work assignments
21%	Have been discriminated against in some other way
18%	Received unequal pay
14%	Have not advanced as far as you want to in the legal profession
14%	Were denied promotion or advancement to partnership
11%	Denied employment
7%	Were given unjustified negative performance reviews
7%	Were told that clients did not want to work with you
4%	Required more time/years to obtain a promotion or advancement to partnership

Similar percentages of GLBT attorneys (71%) and heterosexual attorneys (67%) agreed that it was harder to get hired as an attorney if people think you might be GLBT. However, more GLBT attorneys (45%) than heterosexual attorneys (30%) agreed GLBT attorneys received less favorable work assignments than heterosexual attorneys. The two groups had opposite opinions about GLBT attorneys’ opportunities for promotion. Only 36% of GLBT attorneys but 65% of heterosexual attorneys agreed GLBT attorneys have the same chance of promotion as heterosexual attorneys.

GLBT woman with 20 or more years of experience currently in firm: “I had a very high-level partner say, ‘I’m going to make you the best associate this firm has ever seen,’ and he did because they have the power to. The second I was outed I was dropped, and then I became a pariah.”

GLBT woman with 0-4 years of experience currently in public sector: “(W)e’re not supposed to use vacation time officially until we’ve accrued it...but there’s a very unofficial policy of letting people take that vacation ahead of time.... ...I asked my boss for some time off for my commitment ceremony and was met with... ‘Well, do you have that time accrued yet? No? Well, then I guess you can’t take any time off.’”

GLBT woman with 5-9 years of experience currently in firm: “I feel that I’m called upon to be a poster queer quite often. And ...we have to go to the gay-oriented fundraisers.... ... (W)omen aren’t forced to go the Minnesota Women Lawyer’s functions. ... (T)hose who live in St. Paul are (not) required to go to Ramsey County (functions)....”

Most (67%) of those reporting they experienced the discriminatory behavior in Figure 14 above did not discuss the matter with their supervisor at the time. Among

those who did, only 29% reported the problem was resolved to their satisfaction. One respondent reported experiencing retaliation for discussing such concerns with a supervisor.

GLBT woman with 10-14 years of experience currently in firm: “(G)ay/lesbian culture is the last safe group to hate in this country. ... (A)nd, at the same time, we’re... – in the diversity realm – being considered not really a diversity issue. So you get the worst of both worlds.”

Among GLBT attorneys responding to the survey, 32% felt they have lost a client or potential client within the last five years because of their own sexual orientation. An additional 14% were not certain.

Four percent of GLBT attorneys responding to the survey have been physically threatened by a co-worker or another employee within the last five years because of their own sexual orientation. Sixteen percent have been verbally harassed in their workplaces within the last five years. When threats or harassment were directed at them and they did not report the incidents, five GLBT attorneys reported why they did not do so. Figure 15 shows their reasons. (Respondents could choose more than one reason.) Forty-nine percent have heard or observed harassment based on sexual orientation directed toward someone else in their workplaces.

Figure 15. Reasons GLBT attorneys did not report threats or harassment

2 (40%)	I did not believe anything constructive would come of reporting
2 (40%)	I did not want to be branded as a “troublemaker,” or I feared that some action would be taken against me in retaliation
2 (40%)	I was not open about my sexual orientation at work and did not want to bring attention to my sexual orientation or gender identity
1 (20%)	It never occurred to me to report the incident
1 (20%)	I was unsure about what to do or how to report the incident

Disability

Among responding attorneys, those with and without disabilities had differing perceptions of the severity of the problem of bias against those with disabilities in various career settings. However, both groups ranked legal workplaces as the setting where such bias was most severe and law schools as the setting where such bias was least severe. As calculated from Figure 16 below, 66% of disabled attorneys considered bias against attorneys with disabilities in legal workplaces to be a major or moderate problem and 59% of disabled attorneys considered bias in courtrooms to be a major or moderate

problem. Thirty-nine percent of disabled attorneys consider bias in interactions between disabled lawyers and opposing counsel to be a major or moderate problem; and 38% of disabled attorneys considered bias in law schools to be a major or moderate problem.

Figure 16. Problem of bias against attorneys with disabilities by setting

	Disabled				Not disabled			
	Major	Moderate	Minor	None	Major	Moderate	Minor	None
In MN courtrooms	6 (13%)	22 (46%)	12 (25%)	8 (17%)	48 (7%)	175 (25%)	255 (36%)	226 (32%)
In MN law schools	5 (12%)	11 (26%)	14 (33%)	13 (30%)	23 (3%)	138 (19%)	250 (37%)	274 (41%)
In MN legal workplaces	13 (27%)	19 (39%)	12 (24%)	5 (10%)	68 (10%)	214 (30%)	275 (39%)	158 (22%)
In interactions between disabled lawyers and opposing counsel	4 (8%)	15 (31%)	23 (48%)	6 (13%)	39 (6%)	172 (24%)	279 (39%)	219 (31%)

Disabled woman with 0-4 years of experience: “I think when you’re working in the public sector that diversity is more valued...and a part of that (is)...because the people that we serve are more diverse than programs you would find at a private law firm or in the private sector.”

Disabled man with 20 or more years of experience currently in firm: “In firms, any disability is viewed as creating vulnerability for the firm as a whole. At least that’s been my experience.”

Disabled woman with 10-14 years of experience currently in public sector: “I think...more (disabled) lawyers get hired in the public sector (than the private sector). ...And part of that is that public sector has more obligations with regard to accommodation issues.... And I also think that we face the same kind of problems in the public sector that other minorities face. ...(A) lot of times, we’re the last hired, and, so, if anyone’s going to get laid off, it may very well be us.”

Disabled man with 20 or more years of experience currently in firm: “(C)hanging jobs (when one needs accommodation) is very, very difficult, unless you know the people personally that you’re going to be working with and they, on an individual basis, can see some advantage to themselves by accepting your limitations.”

Seventy-four percent of responding attorneys with disabilities reported they have not been treated any differently by their peers in the profession because of their disabilities. Eleven percent reported their peers have treated them differently. Seven percent were not certain.

Disabled woman with 10-14 years of experience currently in public sector: “(T)he only person who is extremely patronizing to me is, actually, my immediate supervisor, which is unfortunate, but that’s...an ongoing issue.”

Disabled woman with 10-14 years of experience currently in non-firm: “(W)hen I’ve been there representing a client...on more than a few occasions, the other attorneys looked for the attorney and saw me with my client and wondered where the attorney was. ...I’ve definitely experienced very odd reactions from opposing counsel.”

Seventy-two percent of attorneys with disabilities reported their employers have made reasonable accommodations, 15% reported their employers have not made reasonable accommodations, and 13% were uncertain. Figure 17 below shows how attorneys with disabilities rated the efforts of their employers to accommodate their disabilities.

Figure 17. Rating of accommodation efforts by employers

46%	Excellent
17%	Good
7%	Fair
7%	Poor
24%	No opinion

Of the 44 responding attorneys whose disabilities either arose after they became lawyers or required accommodation after they became lawyers, 72% reported they did not feel they were treated differently afterward.

Disabled female with 10-14 years of experience currently in non-firm: “(W)hen I started working at the jobs that I’ve had, I’ve had quite a bit of anxiety in clearing things up at the get-go as to what I need.... (B)ut once that’s smoothed out, then things are okay....”

Disabled man with 20 or more years of experience: “(T)here’s no motivation for a firm to try and help its employees with mental health issues or addiction issues.... They’d rather not think about it, not talk about it, and when they have to deal with it, it’s deal with it quickly and get rid of the problem and move on. And it’s because of the very highly competitive nature of the practice....”

Disabled woman with 10-14 years of experience currently in public sector: “(W)e (participants in the focus group) have figured out ways to deal with what comes up. Most of us have learned if something comes up we have to deal with it. That we’re best off dealing with it ourselves than waiting for someone else to take care of it. And whether or not the ADA says you could ask somebody or you should have a complaint procedure....”

Fewer than half (45%) of the responding attorneys with disabilities reported that the state courts have made reasonable accommodations towards their disabilities within

the past five years. Eighteen percent reported the state courts have not made reasonable accommodations during the same time period. Thirty-eight percent were not certain.

Twenty-six percent of attorneys reporting the nature of their disability(ies) had mobility disabilities. Respondents with physical disabilities have encountered physical barriers to access in administrative offices, courts, opposing counsels' offices, during interviews, and in law schools.

Fourteen percent of attorneys reporting the nature of their disability(ies) had vision-related disabilities. Respondents with vision-related disabilities have encountered vision-related communications barriers in court documents, in documents produced and/or distributed by clients, at bar examinations, during bar preparations, in law schools, during employment screening, and in documents produced and/or distributed in their own workplaces and in documents produced and/or distributed by opposing counsel.

Fourteen percent of attorneys reporting the nature of their disability(ies) have hearing-related disabilities. Respondents with hearing-related disabilities have encountered hearing-related communications barriers in court hearings or conferences, in non-judicial proceedings, and in meetings or depositions with opposing parties or witnesses.

Among respondents with disabilities, 79% had not encountered inaccessible technology or equipment within the past five years. Those who had reported they encountered the inaccessible technology or equipment in courts, their own workplaces, and in non-judicial proceedings.

Twenty-seven percent of attorneys with disabilities responding to the survey reported they have been denied employment, equal pay, benefits, promotion, or another employment-related opportunity within the past five years because of their disabilities. More specific information about the type of discrimination reported is shown in Figure 18 below.

Figure 18. Type of discrimination as reported by attorneys with disabilities that experienced discrimination within the past five years

36%	Have not attained specific occupation in the law
36%	Have not advanced as far as you want to in the legal profession
36%	Were given unjustified negative performance reviews
29%	Received unequal employment benefits
29%	Have been discriminated against in some other way
21%	Received unequal pay
21%	Were not given good work assignments
7%	Denied promotion or advancement to partnership
7%	Required more time/years to obtain a promotion or advancement to partnership

Religion and Creed

Sixty-seven percent of respondents identified themselves as affiliated with an organized religion. The largest percentage (43%) affiliated with a particular religion was Protestant, followed by Catholic at 34%. Another 13% reported they were Christian, with no denomination specified. Ten percent of respondents were Jewish and one respondent was Buddhist.

As calculated from Figure 19 below, over 80% of responding attorneys reported that bias against attorneys identified with certain religions was a minor or non-existent problem regardless of setting. Nineteen percent reported such bias was a major or moderate problem in legal workplaces. Fifteen percent reported such bias was a major or moderate problem in both in courtrooms and in interactions between lawyers who are identified with certain religions and opposing counsel. Twelve percent reported a major or moderate problem in law schools.

Figure 19. Problem of bias against attorneys identified with certain religions by setting

	Major	Moderate	Minor	None
In MN courtrooms	18 (2%)	100 (13%)	266 (34%)	388 (50%)
In MN law schools	15 (2%)	77 (10%)	240 (32%)	422 (56%)
In MN legal workplaces	24 (3%)	124 (16%)	319 (40%)	323 (41%)
In interactions between lawyers who are identified with certain religions and opposing counsel	17 (2%)	100 (13%)	310 (40%)	354 (45%)

Among responding attorneys, 5% experienced discrimination during the past five years that they believed was based upon their religious affiliations. Many of these experiences pertained to scheduling that conflicted with religious holidays. Some respondents reported their experience of religious bias in Minnesota was of bias against those not affiliated with any particular religion. Three percent had either observed or received a reliable report that a lawyer was the subject of discrimination during the past five years based upon his or her religious affiliation.

Man in religious minority with 5-9 years of experience currently in corporation: "You're seen as kind of a freak. ...I hate to put it so bluntly, but that's kind of what it is. (Colleagues think,) 'There's a component of (Speaker) that we don't know about ... it's a little quirky, and, boy, you know, the right mix of air, wind, fire, and water and that could blow.'"

Woman in religious minority with 5-9 years of experience: "I think menu...is an issue.... I was part of a practice group and it was mostly women in the group and then there was actually a couple of Jewish people, and I can't understand why every meal had pork in it. ...(I)t just seemed like someone was infusing pork into everything. ...I raised the issue a couple of times.... I'd say, 'Can you have some different options?' ...(A)nd it got to the point where I actually don't even go to that practice group anymore or I bring my own lunch.

Man in religious minority with 0-4 years of experience currently in firm: "(O)ne person (with whom I work) has a cross in their office and another has a very religious painting with ...Jesus. ...And it made me start thinking if I was to bring in a Buddha and put it into the corner of my office ... I know I couldn't get away with it without every person walking by and saying something."

Man in religious minority with 15-19 years of experience currently in firm: "(I)t would be nice that you wouldn't have to kind of sneak out for (a religious holiday) and not make a big deal about the fact that you're gone. ...It would be nice if...there was some way for people to be made generally aware of that kind of stuff."

Woman in religious minority with 0-4 years of experience currently in corporation: (I)'m going to give you a specific example: Secret Santa. Every year...it's a secular kind of thing, but, is it? And over the years I've made this...conscious decision...I'm going to play along. ...I'm not going to be the one person not being involved in the Secret Santa program."

Christian male with 20 or more years of experience currently in firm: (O)ur firm was having an extensive discussion regarding whether we should pull some funds away from a particular United Way organization and it was creating a fair amount of disagreement.... And I sent a pretty strong memo to the management committee...suggesting that if they did that for that organization, then they'd have to start doing it for certain other organizations that take positions that are inconsistent with what

my church teaches. ...(I)t was read; it was discussed....So I feel fortunate that I'm in a firm where I can do that and I have not ever felt any negative ramifications from that."

An aggregate of how four diverse groups ranked each professional setting as major or moderate problems, respectively, is shown in Figures 20a and 20b below. Legal workplaces were ranked by all of the groups as the setting where bias is most problematic. Law schools were ranked by all of the groups as the setting where bias is least problematic. More attorneys of color than the other three groups ranked bias as a major problem in all settings.

Figure 20a.

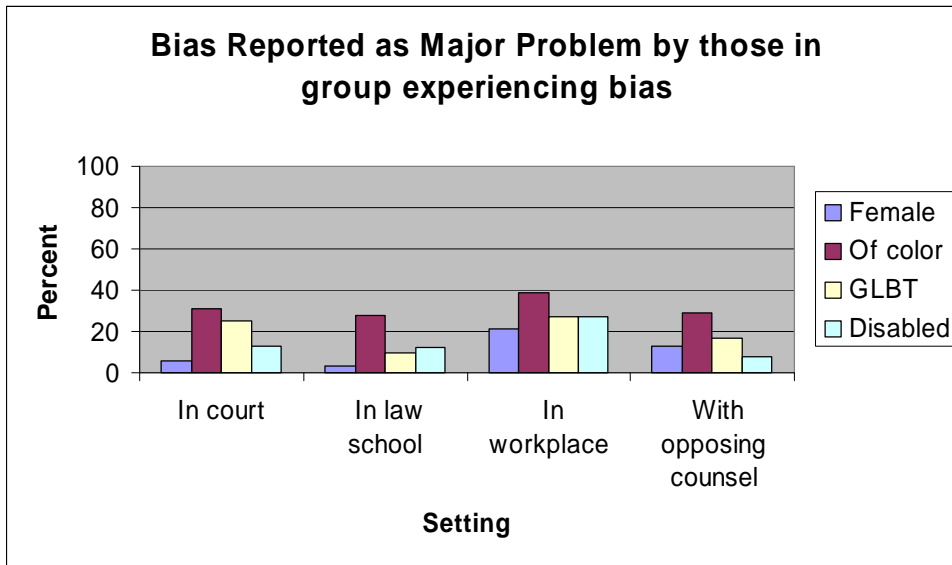
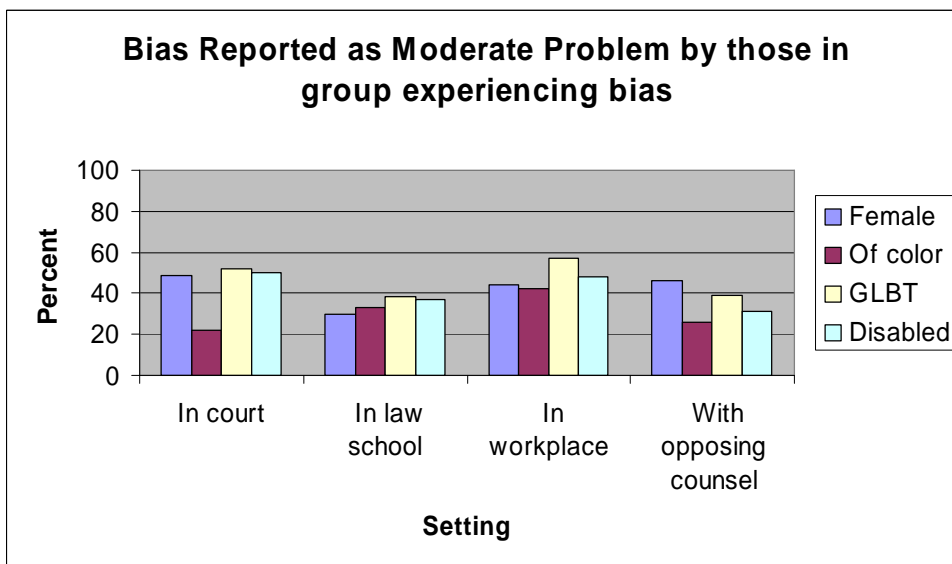


Figure 20b.



On bias in courtrooms:

Native American woman with 5-9 years of experience: “(I)n order to be taken seriously on the record, many times we (women) have to give very specific citations to the law.... (W)hereas, many of my male opposing counsel, they’ll espouse some sort of principle that’s something they’re dreaming of or something they wish the law said...but they just throw it out there as a fact, as a statement. And it’s done and over and nobody challenges it, nobody questions it.”

Woman with 0-4 years of experience currently in public sector: “(I) was recently in a courtroom.... I took one of my mentors from the office, who is an older white male, with me to get some feedback. ...I made the argument myself. It wasn’t a case he had heard or anything before. When I was done with my argument, the judge looked at me and said, ‘Well, because you’re with this gentleman, I’ll give you the credibility.’ ... I think he looked at me and, for whatever reason, just thought that someone like me couldn’t have come up with an argument like that.”

African-American woman with 10-14 years of experience: “(J)ust recently I was in an arbitration and the arbitrator actually walked into the room where my outside counsel, who was a white male, and the outside counsel representing the other party was in the room, and the arbitrator spoke to both of them and shook their hands and fully ignored me. ... (W)hat do I say to him knowing that he’s got to make a decision on my case? And, so, at that point, I opted not to say anything because I didn’t want to taint, didn’t want to start the arbitration from a negative place.”

On bias in law schools:

Native American woman with 5-9 years of experience: “(T)he law schools are not actually involved with those (diverse) communities. ...In Minneapolis and St. Paul, you have a pretty large urban Indian community with community organizations. But the law schools really didn’t have their students connected with those communities.”

African-American man with 5-9 years of experience currently in firm: “I remember one time going to a (law school) class... and a white student asked me, you know, ‘What type of affirmative action program are you on? What type of financial aid are you getting?’ And that happens all the time.”

On bias in workplaces:

Woman with 10-14 years of experience: “(A) common example (of gender discrimination) in my firm ... is that ... (when) it’s late or, for whatever reason, there’s no support staff around, and the partner needs something copied or needs a staple taken out, you know, it’s always the female that he will turn to...he or she will turn to. And I just find that extremely aggravating. ... (I)t’s just mind boggling as to why I would be better at making photocopies of paper than my colleague, who is a qualified male counterpart.”

Woman with 10-14 years of experience currently in public sector: “(I)t was more professional in the public sector. ... (B)ecause there seemed to be greater accountability.

*... (T)here's so many levels of management that there seemed to be more accountability
... within the organization itself."*

Employer Survey Results: Presence or Absence of Bias

Recruiting and Hiring

Law firms (59%) were more likely than non-firms (24%) to have made special efforts to recruit female attorneys in 2005. At law firms, this percentage is up from 48% in 2000. Such special efforts by firms included participation in Minnesota Women Lawyers, Women Intellectual Property Lawyers Association and Athena. In addition, search firms were directed to provide diverse groups of candidates for open lateral attorney positions. At non-firms, this percentage is down from 36% in 1999. Special efforts by non-firms included advertising in publications directed toward women lawyers and feminists.

Both firms and non-firms reported greater special effort made to recruit attorneys of color than to recruit women in 2005. Responding law firms (79%) were about as likely as non-firms (75%) to have made special efforts to recruit attorneys of color in 2005. Such efforts by firms included participation in Minnesota Minority Recruitment Conference, MSBA Minority First Year Clerkship Program and Minority Corporate Counsel Association. In addition, firms participated in diversity job fairs and sponsored their own minority scholarship programs. Special efforts by responding non-firms included posting positions with the minority bar associations and in targeted community newspapers.

Woman in senior management with 20 or more years of experience currently at firm: "As far as...race goes, we have a very hard time attracting or competing with...all the other law firms that are trying to attract the same candidates, and it's very hard to get anyone in...."

Woman in senior management with 20 or more years of experience currently in non-firm: "I'm enthused about Twin Cities Diversity in Practice and some other initiatives...where the law firms and others try to get together...to get more qualified candidates to look at the city...because it's a problem...for everyone. It's a small, small group that everybody is fighting over...."

African-American woman with 0-4 years of experience currently in firm: "(B)eing a person of color...you're blessed and you're cursed. It's a blessing in the sense that when they're going out to recruit and, for now, they want you. But then, once you get there, they still wanted to say 'X amount of black associates' but that's pretty much it. There's no kind of real support system...."

Woman with 5-9 years of experience currently in firm: "(A)lthough you'd like to think (diversity activity) is springing from the heart, ...our clients are all very much focused on diversity these days. And they want their law firms to echo that."

The majority of responding law firms (58% in 2005 and in 2000) did not have written criteria or policies for recruiting and hiring. Those that did have policies communicated

them in writing, orally at meetings, and via their intranets. Written criteria or policies for recruiting and hiring were more prevalent in non-firms (89% in 2005) than in firms.

A group made hiring decisions at 91% of responding law firms in 2005. Women were included in the groups deciding about new law school graduate hires at 94% of firms. Fewer firms (88%) reported including women in the groups deciding about lateral associate and partner hires. In the three firms where one person made hiring decisions in 2005, those people were men. In the four years, beginning in 1997, for which data is available, when one person made hiring decisions in firms, those people were men.

Attorneys of color were included in the groups deciding about new law school graduate hires at 70% of firms in 2005. Nearly as many firms (67%) included attorneys of color in the groups deciding about lateral associate and partner hires.

At responding non-firms, where groups rarely make hiring decisions, women were 23% of those making hiring decisions about new law school graduates and 38% of those making hiring decisions about lateral and supervisory attorneys. Attorneys of color were only 8% of those making hiring decisions about new law school graduates in non-firms. A higher percentage (31%) of attorneys of color were among those making hiring decisions about lateral and supervisory attorneys.

See Appendix 4 for details of participation at responding firms and non-firms by type of recruitment activity, gender and race.

The percentage of women accepting offers of employment in responding firms increased from 1995 to 2005 at the equity partner/shareholder (21% to 38%) and non-equity partner levels (0 to 32%). The percentage of women accepting offers of employment in responding non-firms increased from 1995 to 2005 at the summer position (59% to 70%) and attorneys with fewer than five years of experience (61% to 85%) levels. Only one offer was accepted at the supervisory level in non-firms during 2005.

Among those accepting offers at the summer associate level in 2005 in responding firms, male attorneys of color represented 11% and female attorneys of color represented 12%. Male and female attorneys of color each represented 7% of all those accepting offers at the associate level.

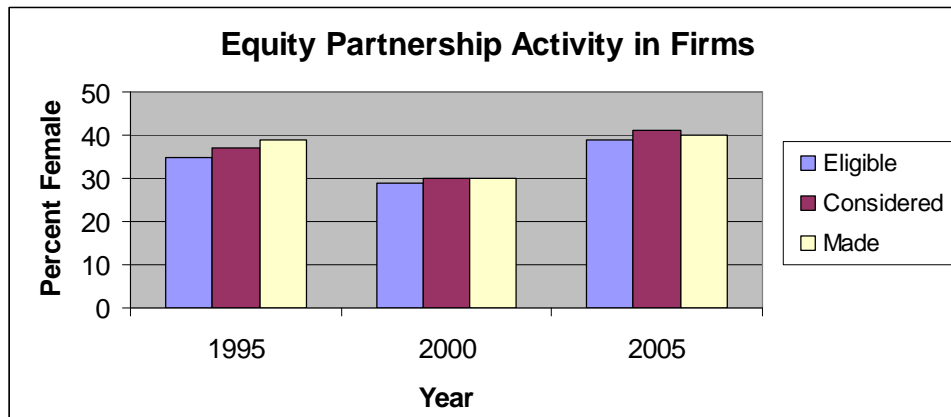
Promotion and Retention

A majority of responding law firms (82% in 2005) had specific criteria for promotion to partnership/shareholder. The criteria were communicated in writing and orally at meetings. Similarly, a majority of responding non-firms (94% in 2005) had specific criteria for promotion. The criteria were communicated in writing and in policy statements.

Woman in senior management with 20 or more years of experience currently in firm: “(W)e have certain criteria we want...the associates to meet in order to make partner, and so why not tell them what they are and then train to that? And then...it makes it very easy. By the time they’re there, they’re everything that you want them to be.”

Achievement of partnership in law firms and supervisory positions in non-firms are important aspects of retention. As shown in Figure 21 below, the percentage of women eligible for, considered for, and making equity partner in responding firms dropped from 1995 to 2000 but, in 2005, recovered and increased slightly over the 1995 percentages. In 2005, 100% of women eligible for equity partner were considered for partner. However, in the same year, only 86% of men eligible for equity partner were considered for partner. In 2005, 56 of the 60 men (93%) and 35 of the 38 women (92%) that were considered for equity partner made partner.

Figure 21.



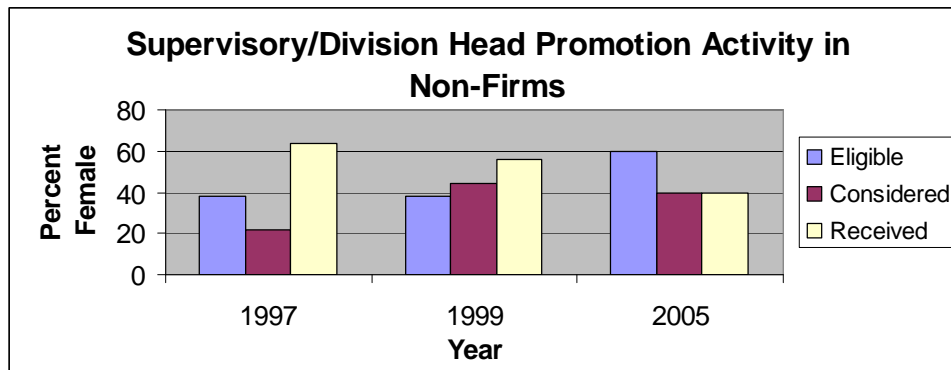
GLBT woman with 10-14 years of experience currently in firm: “I’ve understood there were people that were coming up for partner that would not come out in fear if they came out they would never make partner. I’m not talking about ten years ago, I’m talking about very recently.”

Woman with 5-9 years of experience currently at firm: “I’ve never seen anybody...not proceed along the partnership track because somebody in management said that person is not up to the task, you know, because she’s a woman.”

As shown in Figure 22 on responding non-firms below, more women than men received promotions to supervisory positions in 1997 and 1999, but not in 2005 when women were 40% of those promoted. Thirty-four women were eligible for promotions in 2005 yet only 10 of them (29%) were considered for promotion and only six of them (18%) were promoted. Of the 23 men eligible for promotions in 2005, 15 (65%) were considered for promotion and nine (39%) were promoted.

Of all attorneys eligible for promotion in 2005 in responding non-firms, 44% were considered for promotion. Of the four attorneys of color (all women) eligible for promotion in 2005, one (25%) was considered for promotion and none were promoted.

Figure 22.



Woman in senior management with 20 or more years of experience currently in firm: “(M)y personal perception is that the women...are not given a) the same opportunities that the men are given at the senior levels, or b) the same credit that the men are given at senior levels. And, as a result, then, the retention of women is impacted.”

South Asian man with 0-4 years of experience currently at firm: “(O)ne of the most difficult things that I see is that when I look up the structure, I don’t see anybody...that comes from my specific background and I see very few that come from just diverse backgrounds. And so...there’s a sense of, can I even succeed at this place...?”

Asian woman with 0-4 years of experience currently in firm: “(S)ometimes you don’t feel like there’s the opportunity for advancement when you just don’t see anyone else who is like you who is above you. ... (T)here isn’t an Asian partner at my firm and the most senior Asian associate...left ... and you wonder why. (The associate) was doing well. (The associate) had a great reputation.”

Hispanic woman with 10-14 years of experience currently in public sector: “I think that retention has a lot to do with promotion.... If I felt like my abilities to be promoted were not coming or slow in coming, I would look for work elsewhere.”

Total attrition in 2005 at responding firms was 231 of 3,181 attorneys, or 7%. In 1997, firm attrition was 152 employees, or 7%. Men were 70% of all attorneys employed

at responding firms in 2005, yet they were only 55% of all attorneys leaving during that year. Attorneys of color were 8% of all attorneys employed in 2005 at responding firms, yet they were 13% of all attorneys leaving during that year. Attrition at responding firms in 2005 was higher at the associate level (13%) than at the equity partner level (4%). At the associate level, 10% of all male associates left while 14% of all female associates left. At the equity partner level, men were 70% of those who left. However, only 3% of all male equity partners left while 7% of all female equity partners left. At the non-equity partner level, nearly equal numbers of men (6) and women (5) left.

Man in senior management with 20 or more years of experience currently in firm: "I think the young lawyers that we hire are just far more mobile and look at a law firm as an interesting start. ... (T)hey're just more open to leave and to move on. And I think that's true across young lawyers regardless of any diversity category."

Man in senior management with 20 or more years of experience currently in firm: "We do experience higher turnover with women and minorities. And, you know, we spent a lot of time thinking about why that is. ... There's no way to be positive about it. But I think... there is less glue today in a law firm for both women and minorities because you have far more... white men in senior positions still in law firms. So there's less natural mentoring that tends to go on."

Among associates who left responding firms to go to other law firms in 2005, 52% were women. Women were 38% of associates making such moves in 1999-2000. There was also an increase in partners who were women leaving to go to other law firms, 29% in 2005, up from 17% in 1999-2000. In 1999-2000, men were 64% of all associates leaving firms to go to government/public law; by 2005, that reversed and women were 66%. Only two partners (one man, one woman) left responding firms to go to government in 2005. While near-equal percentages of male and female associates left to go to corporate/business in 2005, men were 60% of those making such moves at the partner level. At both the associate and partner levels, women were 75% of those leaving firms to take time for family responsibilities in 2005.

Woman with 10-14 years of experience: "Retention, I think, hinges more on an emotional level of connectedness in the relationships that we have within that environment and having satisfaction and meaning in our work, which largely comes from autonomy and independence. So, if we can generate these things among each other, but create a very collaborative social environment, you decrease your risk of attrition...."

African-American woman with 0-4 years of experience currently in non-firm: "They bring the people (of color) into a law firm and they abandon those people. ... (T)he law firm looks at those people and says, you know, 'Look, these people are not staying here so I'm not going to focus on retention because I'm bringing a ton of people here and they're not staying here. ... There's nothing I can do to make them stay. They're going to leave anyway.'"

Man in senior management with 20 or more years of experience currently in firm: “(T)hey (diverse attorneys) are hot commodities and ...there’s no question there are challenges and experiences and things like that, but they’re also the folks that are these sort of hot property things, and they get temptations all over the place to do other things. And so...then you’re competing. It’s not because they’re failing. It’s just the opposite. It’s because they’re succeeding, and that doesn’t necessarily mean that they’re going to stay put if they are succeeding.”

Asian man with 0-4 years of experience currently in corporation: “I think if you’re a minority and you do well in a law firm, you can pretty much have your pick of jobs...you, as the minority who is doing well, will get more attention from outside employers than the average associate or the average partner.”

Total attrition in 2005 at responding non-firms was 33 of 775 attorney employees, or 4%. In 1997, non-firm attrition was 90 employees, or 6%. Women were 54% of all attorneys employed in 2005 at responding non-firms and they were 52% of all attorneys leaving. Attorneys of color were 12% of all attorneys employed in 2005 at responding non-firms and they were 15% of all attorneys leaving. At the fewer than five years of experience level, where women were 75% of all attorney employees, women were 78% of those who left. At the supervisory level, women were 40% of all attorney employees and 40% of those who left. At the non-supervisory level, nearly equal numbers of men and women left.

Among attorneys in supervisory positions leaving responding non-firms in 2005, the only known destination of men was retirement. The low number of supervisory women who left went to corporate/business and government in equal numbers, one to each destination. There was more movement among non-supervisory attorneys. Non-supervisory attorneys going from non-firms to government/public law in 2005 were 50% men, as well as in 1999. Those going to private law firms in 2005 were 100% men, up from 50% in 1999. Only one non-supervisory attorney left for corporate in 1999 and in 2005; in each year, the attorney was a woman.

Involvement in Governance

A best practice recommended by the MSBA Committee on Women in the Legal Profession in 2003 read, “Ensure that women are represented on a proportionate basis and participate in all levels of firm or public employment management.” However, results show that, at responding law firms, on every committee where women were proportionately underrepresented in 1997, they were also proportionately underrepresented in 2000 and in 2005. Facilities committees were the only committees on which women were proportionately represented in 1997 but not proportionately represented in 2000 or 2005. *Follow this link to view the complete list of best practices recommended in 2003. (MSBA to insert hyperlinked url here.) See Appendix 5 for a list of best practices mentioned by 2006 focus group participants.*

Woman with 5-9 years of experience currently in firm: “(B)eing on committees within the firm is helpful. I think that gives associates an opportunity to shine within the management of the firm.”

Of particular concern are the three committees that typically wield the most power in firms, executive/management, partnership selection and compensation committees. As shown in Figure 23 below, women, who represented 30% of all employees in responding firms in 2005, were proportionately underrepresented on these three committees. Women made up only 15% of executive/management, 22% of partnership selection and 12% of compensation committees. On two of these committees, the percentage of women members dropped from 2000 to 2005. However, women gained in percentage representation on partnership committees (12% in 1997, 18% in 2000, 22% in 2005).

Figure 23. Participation on key committees in responding law firms

Committee	1997		2000		2005		2005	
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color
Compensation	109 (86%)	18 (14%)	98 (83%)	20 (17%)	112 (88%)	15 (12%)	2 (2%)	0 (0%)
Executive/ management	110 (85%)	20 (15%)	120 (84%)	23 (16%)	129 (85%)	23 (15%)	1 (0.7%)	2 (1%)
Partnership selection	66 (88%)	9 (12%)	141 (82%)	32 (18%)	164 (78%)	47 (22%)	4 (2%)	1 (0.5%)
Total attorneys in firms	1,467 (72%)	565 (28%)	1,479 (71%)	598 (29%)	2,232 (70%)	949 (30%)	136 (4%)	113 (4%)

African-American man with 5-9 years of experience currently in firm: “You can have minority partners, but if they’re not...on that management committee that matters then ...they’re just like any other partner who gets a vote. ...(W)e need to have voices that can – of all colors -- who actually...have the decision-making power to make things happen.”

On the three committees on which women were at least proportionately represented in 2005, they were proportionately over represented. Women were 45%

of diversity committees, 43% of associates committees and 40% of hiring/recruitment committees.

Among responding firms, male and female attorneys of color were proportionately represented only on diversity and hiring/recruitment committees in 2005. Diversity committees were 20% men of color and 15% women of color although each group was only 4% of attorneys in the firms. Male attorneys of color were also proportionately represented on technology committees.

African-American male with 0-4 years of experience currently in public sector: “And they have a diversity committee...but as a diversity committee member, I mean, we really don’t have any power and they do what they want to do anyway.”

South Asian man with 0-4 years of experience currently in firm: “(T)here needs to be an understanding that you can’t ride one horse until it’s into the ground. If you have a limited number of attorneys of color, you can’t just keep going back to the one or maybe the two and say, ‘Well, you did (the diversity event) the first time, how about going and doing this?’”

See Appendix 6 for details of participation in ten committees at responding firms by gender and race.

Women, who were 54% of all attorneys employed in 2005 at responding non-firms, were proportionately underrepresented on two of the three key committees identified above including executive/management where women are 42% and promotion where women are 37%. Compensation, the third key committee in law firms, is rarely decided by committee in non-firms. As in firms, women made up a disproportionately high percentage (81%) of diversity committees in non-firms.

Attorneys of color did not have proportionate representation on any non-firm committees in 2005, although attorneys of color were 12% of all attorneys employed.

See Appendix 7 for details of participation in ten committees at responding non-firms by gender and race.

Compensation

Another recommended best practice identified by the MSBA Committee on Women in the Legal Profession in 2003 read, “Ensure that women participate in compensation decisions.” However, the gender composition of groups making compensation decisions in firms has remained virtually unchanged since 1997, a period during which women have composed an increasing percentage of attorneys employed at firms. For example, compensation decisions were almost exclusively (97% in 2005) made by a group in law firms and, in 2005, the composition of those groups was 84% men, 16% women and 2% attorneys of color.

The methods by which compensation decisions were made in 2005 at responding non-firms was more complex than at firms and included by legislative order, collective bargaining, seniority, and supervisory decision. When discretion was involved, compensation decisions were made by one person 67% of the time. In 2005, that person was a man at 57% of responding non-firms, a woman at 43%, and an attorney of color at 14%.

As shown in Figure 24 below, when compared to the total composition by gender of responding firms, women have been and continue to be underrepresented in the Top 25% of compensation and over represented in the Bottom 25% of compensation.

Figure 24. Top and Bottom 25% Monetary Compensation in Firms

	1997		2000		2005	
	Male	Female	Male	Female	Male	Female
Total in Top 25%	302 (81%)	71 (19%)	228 (79%)	62 (21%)	307 (79%)	83 (21%)
Total Composition of Firms	1,467 (72%)	565 (28%)	1,453 (69%)	648 (31%)	2,232 (70%)	949 (30%)
Total in Bottom 25%	223 (64%)	127 (36%)	173 (67%)	87 (33%)	229 (64%)	130 (36%)

Among responding firms, Top 25% compensation by gender was proportionate at the associate level where, in 2005, women were 44% of the Top 25% in compensation and 44% of the composition of the firms. That dropped off at the equity partner level where women were only 8% of the Top 25% in compensation but 18% of composition of the firms. Compensation by gender was near proportionate at the associate level among men of color, who were 3% of the Top 25% in compensation and 4% of composition of the firms. Associate level women of color fared better than associate level men of color. Associate level women of color were 8% of the Top 25% in compensation and 2% of composition of the firms.

Among responding firms, Bottom 25% compensation by gender was disproportionate at the full time associate level where, in 2005, men and women were each 50% of those compensated in the Bottom 25% but men were 70% of the composition of the firms. Compensation by gender was proportionate at the equity

partner level, where women were 36% of the Bottom 25% in compensation and 36% of composition of the firms. Attorneys of color were also equally proportionate, comprising 4% of the Bottom 25% in compensation and 4% of composition of the firms.

As shown in Figure 25 below, when compared to the total composition by gender of responding non-firms, women have been and continue to be underrepresented in the Top 25% of compensation and over represented in the Bottom 25% of compensation. Women have made some gains; they increased from 37% to 48% of attorneys in the Top 25% of compensation between 1997-1999 and 2005. Women of color fared better than men of color. Women of color were 11% of the Top 25% in compensation and 7% of composition of the non-firms whereas men of color were 1% of the Top 25% in compensation and 4% of composition of the non-firms.

Figure 25. Top 25% and Bottom 25% Compensation in Non-firms

	1997-1999		2005		2005	
	Male	Female	Male all	Female all	Male of color	Female of color
Total in Top 25%	88 (63%)	51 (37%)	49 (52%)	46 (48%)	1 (1%)	10 (11%)
Total Composition of Employers	815 (63%)	792 (49%)	360 (46%)	415 (54%)	36 (5%)	58 (7%)
Total in Bottom 25%	27 (44%)	35 (56%)	20 (42%)	28 (58%)	2 (4%)	5 (10%)

Woman with 10-15 years of experience currently in firm: “It would be nice to get paid what I think I’m worth, which I never have, because I’ve mostly been in the public sector.”

Among responding non-firms, Top 25% compensation by gender was proportionate at the non-supervisory with five or more years of experience level where, in 2005, women were 53% of the Top 25% in compensation and 54% of the composition of the firms. That dropped off at the supervisory with five or more years of experience level where women were only 37% of the Top 25% in compensation but 54% of composition of the firms.

Among responding non-firms, Bottom 25% compensation by gender was disproportionate among women with fewer than five years of experience and among women in supervisory positions in 2005. At those two levels, women were 74% and 75%, respectively, of those compensated in the Bottom 25% but women were only 58% of the composition of the non-firms.

The top criterion used for making compensation decisions at responding firms in 2005 was billable hours for associates and business generation for equity and non-equity partners. At the non-equity partner level, business generation edged out billable hours, which had been the top criterion in 1997 and 2000. Results of performance evaluations

have been among the top three criteria for compensation decisions at the associate level during each year of the survey. Results of performance evaluations have not been among the top four criteria for equity or non-equity partners during any year of the survey. Another best practice recommended in 2003 read, “Periodically review, communicate, and consider client satisfaction in the evaluation of all lawyers.” In 2005, for the first time during any year of the survey, client feedback was among the top four criterion at all three levels – associate, equity and non-equity partner. Mentoring, which placed in the top four criteria for equity partners in 2000, was no longer among the top four criteria at any level in 2005.

African-American woman with 20 or more years of experience: “I think where the changes need to come for compensation is at the partner level where a lot of it gets built on origination. ... (I)t’s a little frustrating to sit around and listen to a bunch of white males who are ... running down someone because their origination is low, forgetting that they were handed (their) portfolio(s). ... (M)aybe it’s more of a balance to who’s billing, what part of the matter did you grow because you saw an opportunity and sold the client on a new service or on your skills. You don’t get any of that credit.”

Woman with 15-19 years of experience currently in firm: “It takes time to be a good mentor to someone.... So, I think that (firms need to) recogniz(e) that people are going to have components of their contribution to the firm that are significant but that are not billable. But that, in the long run, reap significant benefits for the firm. ... I mean, that has to be part of the culture of the firm or these things become lip service because there’s not time to implement them.”

See Appendix 8 for detailed criteria for compensation decisions by frequency of use at responding firms.

The top criterion used for making compensation decisions for all attorney employees at responding non-firms in 2005 was the results of performance evaluations. This replaced quality of legal work, which was the top criterion for all attorney employees in 2000. Another change from 2000 to 2005 was the emergence of client/board feedback as one of the top four criteria for all attorney employees. Efficiency of legal work moved from the #3 criterion to the #2 criterion for supervisory attorneys. Efficiency tied for the #2 criterion for attorneys with fewer than five years of experience where previously it had not been one of the top four criteria.

Woman in senior management with 20 or more years of experience currently in corporation: “The interesting thing in the corporation now is how diversity is huge. Out of the five categories I get reviewed on, diversity is one of them. One-fifth of my review is, ‘Have I hired diverse counsel?’ ‘Have I hired diverse attorneys and staff?’ ... Huge amounts of money are spent in the corporation on diversity.”

See Appendix 9 for detailed criteria for compensation decisions by frequency of use at responding non-firms.

Work Life and Culture

Another recommended best practice identified in 2003 read, “ Offer equitable and viable alternative part time and flexible work schedules”, with an additional comment: “In addition to offering part time and flexible work schedules, employers should work to create an environment in which lawyers feel comfortable using them.” There has been an increase in the percentage of attorneys using alternative work schedules in responding firms, from 3% in 1995 to 5% in 2000 and to 11% in 2005. The percentage of attorneys using alternative work schedules in responding non-firms was equal to that at firms at 11% in 2005.

Policies on Leave

The percent of responding firms with written leave policies in 2005 varied by type of leave: 94% had written family or parenting leave policies; 81% bereavement; 72% personal; 59% dependent care; and 28% sabbatical. Written leave policies were more prevalent in 2005 among non-firm respondents than among firm respondents: 100% had written family or parenting, bereavement and personal leave policies; 94% dependent care; and 63% sabbatical. Non-firms have become more amenable to sabbaticals. Only 33% had written sabbatical leave policies in 1997-1999.

Family Leave

In 2005, family leave was available to all biological and adoptive parents regardless of gender at all responding firms. Partners of a mother or father were eligible for leave at 56% of responding firms. Family leave to care for children was available at all firms in 2005. In addition, leave to care for parents or spouses was available at 87% of responding firms and leave to care for domestic partners was available at 60% of responding firms. When paid leave beyond short-term disability was available at responding firms, it averaged 6.6 weeks for biological and adoptive parents.

Female associates accounted for 55% of all attorneys taking family leave in 2005 at responding firms. Male associates accounted for another 25%. Equity partners accounted for another 16%, nearly equally split between men and women. Only two attorneys of color (both women, both associates) took family leave in 2005, a mere 2% of all attorneys taking such leave. Women were two-thirds of all associates taking family leave in both 2000 and 2005.

In 2005, family leave was available to both biological parents at 100% of responding non-firms and to both adoptive parents at 94% of responding non-firms. Partners of a mother or father were eligible for leave at 38% of responding non-firms. Family leave to care for children was available at 93% of non-firms in 2005. In addition, leave to care for parents or spouses was available at 87% of responding non-firms and leave to care for domestic partners was available at 57% of responding non-firms. Paid leave beyond short-term disability was available at one responding non-firm; it allowed six weeks for biological mothers only.

At both firms and non-firms, 3% of all attorneys took family leave in 2005. This statistic has remained steady at firms during all years for which results are available and is a slight increase from the 2% of attorneys in non-firms who took family leave during 1997-1999. At non-firms, women were 68% of all attorneys taking family leave, down from 79% in 1997. More specifically, women non-supervisors with five or more years of experience were 45% of all attorneys taking such leave. Attorneys with fewer than five years of experience were 18% of those taking family leave. Only three attorneys of color (all three women with fewer than five years of experience) took family leave in 2005, which was 14% of all attorneys taking such leave.

Native American woman with 0-4 years of experience: “(T)aking maternity leave, besides, I think, delaying you for partnership, I think it does affect your compensation. That is something that I factored into my decision. I just assume I’m not going to get as big of a raise; I’m not going to get as big of a bonus....”

Woman with 10-14 years of experience: “There isn’t any reason why the legal community can’t be leaders on the issue....”(I)t would be my hope that more men would continue to see (parental leave) as a societal issue and understand it in a more global perspective so that...we can all pitch in.”

Alternative Work Schedules

A majority of responding firms had policies in 2005 on part time (74%) and flextime (61%) schedules. One-half have policies on telecommuting, up from one-third in 2000. Among responding firms that have no policies on these matters, most evaluate requests on a case-by-case basis.

More firms had alternative work schedule policies in 2005 than in 1997 (67% in 1997, 74% in 2005) and a higher percentage of attorneys used them (5% in 1997, 11% in 2005). Of the 11% using such schedules in 2005, 57% were men. This was an increase over 1995 (39% men) and 2000 (36% men). Women were 61% of associates using alternative work schedules in 2005. Among equity partners, this reversed and men were 64% of those using alternative work schedules. Only 5% of those using alternative work schedules at responding firms in 2005 were attorneys of color.

At responding firms, men were 69% of all full-time equity partners using alternative work schedules in 2005, whereas men were only 39% of full-time equity partners using alternative work schedules in 2000. A similar increase occurred among men holding other positions (primarily described as “of counsel” in 2005). In 2000, these men were 31% of all attorneys in other positions using alternative work schedules; in 2005, they were 64%.

Figure 26. Attorneys Using Alternative Schedules in Firms by Gender and Race

Law Firm	1995		2000		2005		2005	
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color
Total using Alternative Schedules	28 (39%)	43 (61%)	36 (36%)	63 (64%)	195 (57%)	148 (43%)	8 (2%)	10 (3%)
Total Composition	1,467 (72%)	565 (28%)	1,453 (69%)	648 (31%)	2,232 (70%)	949 (30%)	136 (4%)	113 (4%)

See Appendix 10 for full details of those using alternative work schedules in firms by gender, race and position.

Woman with 5-9 years of experience: “(G)oin into having children, ...I wanted to work part time and I really wanted to work part time, not just pretend to work part time. So, I went to the firm and asked ...if I could work 60 percent rather than the typical 80.... And it took a little bit of convincing. But they agreed. ... I think my firm’s willingness to be flexible, as well as my willingness to be flexible, has ended up working out very well for the both of us.”

Man in senior management with 20 or more years of experience currently in firm: “...I think we’re... 99% beyond the stage where a woman wanting to take part-time is perceived by any of her colleagues as a lack of commitment or anything of that nature. ... (I)t’s the practicalities of the day-to-day responsibilities of the type of work that lawyers do that make it very difficult.”

Woman with 5-9 years of experience currently in firm: “...I chose the firm I chose because I got a very distinct impression in interviewing...that they were a very family-friendly place.”

Woman with 20 or more years of experience currently in firm: “(T)he idea of working part time, it’s just like not macho enough or something. It’s really been hard for the legal profession to get some idea that there can be different configurations of how much time you spend.”

Woman with 15-19 years of experience currently in firm: “I never had the chance to work part time. ... I started work pregnant and had a baby right away and left at 4:45 every day. And made partner very early. ... (I)t was simply a matter of ‘Can you get the work done?’ ... (I)t didn’t matter where I was. I mean, it didn’t matter that I was leaving for child care.”

Man in senior management with 20 or more years of experience currently in firm: “(W)e still have the economic realities to work with and the law firms still have to be profitable ... they’re not going to be profitable if everybody is half time and everybody still becomes a partner. I mean, it just isn’t going to work.”

Among responding non-firms, 69% had policies on part time and 85% had policies on flextime schedules in 2005. Fewer non-firms had such policies in 1999 when 35% had part time and 38% had flex time policies. Only 23% of responding non-firms had job sharing and telecommuting policies in 2005. Fifteen percent of non-firms have no policies on these matters.

At both firms and non-firms, 11% of all attorneys used alternative work schedules in 2005. Unlike at firms where 57% of those using such schedules in 2005 were men, at non-firms, 56% of those using such schedules in 2005 were women. Women were 52% of those using such schedules in 1999. Nearly half (47%) of those using alternative schedules in 2005 were non-supervisors with five or more years of experience. Within that group, 61% were women.

Figure 27. Attorneys Using Alternative Schedules in Non-firms by Gender and Race

Non-Firm	2005		2005	
	Male all	Female all	Male of color	Female of color
Total using Alternative Schedules	39 (44%)	49 (56%)	1 (1%)	3 (3%)
Total Composition	360 (46%)	415 (54%)	36 (5%)	58 (7%)

See Appendix 11 for full details of those using alternative work schedules in non-firms by gender, race and position.

Woman with 10-14 years of experience currently in firm: “(If I have a court hearing, (my schedule’s) completely inflexible. I’m there at a certain time and I don’t leave until it’s done. ...So the law, I think, does create some especially rigid situations that a lot of other professions don’t.”

Sabbaticals

A near equal percentage (28%) of responding firms had sabbatical leave policies in 2005 as in 2000 (29%) and an equal number (12) of attorneys at those firms took sabbaticals during 2000 and during 2005. With 51% growth in number of attorneys at responding firms from 2000 to 2005, the penchant of attorneys to take sabbaticals has decreased. Of the 12 attorneys taking sabbaticals in 2005, 67% were men, 33% women and 8% attorneys of color. In previous years, men were a higher percentage of those taking sabbaticals – 80% in 1997 and 83% in 2000.

The percentage of responding non-firms with sabbatical leave policies increased over previous years. Forty-six percent had such policies in 2005, up from 33% in 1999. However, unlike at firms, the percentage of attorneys taking sabbaticals increased, from 7% in 1999 to 9% in 2005. Of the seven attorneys taking sabbaticals in 2005, 71% were men, 29% were women and 14% were attorneys of color.

Domestic Partner Benefits

Domestic partner benefits were available in 2005 at 72% of responding firms. Of the 3,181 lawyers included in the firm survey response, eight had domestic partners who received benefits. At 94% of the firms, domestic partners were specifically invited to attend functions when spouses were invited.

Domestic partner benefits were available in 2005 at 50% of responding non-firms. Of the 775 lawyers included in the non-firm survey response, one had a domestic partner who received benefits. At 92% of the non-firms, domestic partners were specifically invited to attend functions when spouses were invited.

GLBT woman with 20 or more years of experience currently in firm: “(C)ertainly the big law firms are clamoring to look like they’re gay friendly, whether they are successful at it or not.”

GLBT woman with 0-4 years of experience currently in public sector: “(T)here’s not even a recognition that the lack of domestic partner benefits is this grand inequality.”

GLBT woman with 10-14 years of experience currently in firm: “(I)t’s an uncomfortable thing to have that conversation (about the availability of domestic partner benefits) when you’re in ... the honeymoon stage with...a potential new employer.”

Scheduling Considerations

When scheduling meetings or events in 2005, 48% of responding firms and 31% of responding non-firms considered school calendars. Eighty-four percent of firms and 67% of non-firms considered religious holidays. Eighty-six percent of firms and 100% of non-firms made accommodations for lawyers’ religious activities, usually upon request. Sixty percent of responding firms and 54% of responding non-firms honored or celebrated religious holidays. Most firms cited the display of Christmas trees or holiday wreaths, flowers, or other decorations as examples of how they celebrated.

Man in religious minority with 5-9 years experience currently in non-firm: “(F)or Ramadan...people...are going to want time off.... ...(J)ust some recognition that there might be a valid cultural reason that 1.2 billion people are celebrating a certain holiday and maybe it’s okay for (an attorney) to do the same.”

Woman in religious minority with 5-9 years of experience: “(W)hen we ask for certain accommodations, it’s not because we want to thrust our religion into the culture of the firm; it’s that we just want to be able to practice it in our own way without feeling like we are somehow going against the dominant culture of the firm.”

Anti-Discrimination and Sexual Harassment

A best practice recommended by the MSBA Committee on Women in the Legal Profession in 2003 read, “Adopt and enforce anti-discrimination and harassment policies, including gender discrimination and sexual harassment.” As shown in Figure 28 below, employers’ approaches to anti-discrimination policies and training varied by type of diverse group. More respondents had policies than training on these matters. Training was mandatory at fewer than 60% of employers.

GLBT woman with 10-14 years of experience currently in firm: “I think you can throw all the money in the world at it, and write all the policies you want, and, yeah, you’re going to have all the right buzzwords in place and you still don’t have a diverse culture.”

South Asian woman with 5-9 years of experience: “(T)op down mandates don’t go over very well. So requiring every attorney to go to diversity training in a law firm setting is not...used very often, and what ends up happening is...the people who don’t need the training are at the training, and it’s the other people who have every great excuse.”

Woman with 5-9 years of experience currently in firm: “We do have, every year, ... harassment orientation. ...And it seems to be that every time that I’ve gone, the people that need to go aren’t there ... and they say, ‘Don’t harass anybody,’ but they don’t give any concrete examples of what ... crossing the line is. They say, ... ‘Certain things can be ... misinterpreted’ ... but ...it never feels useful.”

Figure 28. Anti-discrimination policies and training in firms and non-firms in 2005

	Have a policy regarding		Provide anti-discrimination training regarding		Training is mandatory regarding	
	Firm	Non-firm	Firm	Non-firm	Firm	Non-firm
Gender	27 (93%)	12 (86%)	18 (62%)	10 (71%)	17 (59%)	8 (57%)
Race	27 (93%)	12 (86%)	18 (62%)	9 (64%)	16 (55%)	7 (50%)
Ethnicity	27 (93%)	12 (86%)	17 (59%)	9 (64%)	16 (55%)	7 (50%)
Religion	27 (93%)	12 (86%)	15 (52%)	9 (64%)	15 (52%)	7 (50%)
Disability	27 (93%)	11 (79%)	16 (55%)	8 (57%)	15 (52%)	6 (43%)
Sexual orientation	27 (93%)	11 (79%)	17 (59%)	8 (57%)	16 (55%)	6 (43%)
Gender identification	20 (69%)	5 (36%)	12 (41%)	4 (29%)	12 (41%)	2 (14%)

When training on anti-discrimination and sexual harassment was offered in 2005 at responding firms, it was most often conducted by an attorney at the firm (55%). At 45% of the firms, firm staff conducted the training. Thirty-five percent of firms offering such training engaged a consultant; 35% showed videos. Web-based training was

conducted at 25% of firms. Policies on anti-discrimination and sexual harassment were most often communicated in firms in policy statements (93%), presented orally at meetings (53%) or posted on websites or intranets (53%). A third of responding firms posted such policies in highly visible areas.

South Asian male with 0-4 years of experience currently in firm: “(I)t drives me bonkers to hear...we’re having our labor and employment lawyers do this. We’re having HR do this. Why don’t you utilize business managerial consultants...and provide some sort of management seminars on how to deal with diverse workplaces and diffusing confrontations...?”

Anti-discrimination and sexual harassment training was conducted quite differently at non-firms than at firms. At 92% of the non-firms, a consultant conducted the training. At 77% of non-firms, employees were sent to seminars. Also at 77% of non-firms, in-house training was conducted. Thirty-eight percent of responding non-firms showed videos. Policies on anti-discrimination and sexual harassment were communicated in policy statements at all responding non-firms. Additionally, 56% presented the policies orally at meetings and 56% posted such policies in highly visible areas.

African-American woman with 0-4 years of experience: “In the corporate law department...I saw some of the white managers just normally bonding with some of the white interns. Not that it was deliberate. I think it was just naturally. ...They probably felt that they had no connection with me. So I thought that I’ve had to kind of over-exert myself to say, ‘Hey, look, I would...go to a hockey game with you guys if you like.’ ...I also found that once I did do that, I get asked a lot now.”

Asian woman with 0-4 years of experience currently in public sector: “I have great managers and we have training all the time on...different...sensitive issues, and I feel really lucky.”

Among responding firms, 30% had retained diversity consultants. Most firms retained the consultants to conduct training; others retained the consultants to contribute to strategic plans. More non-firms (57%) than firms responding have retained diversity consultants. Non-firms retained the consultants for training.

African-American woman with 10-14 years of experience: “Money is allocated, people are hired...to work on meeting the diversity goals. But nobody’s monitoring, nobody cares, you know. They figure they are done once they spent the money to look into the issue.”

Woman with 5-9 years of experience currently in firm: “I don’t feel that the partners or people in charge see diversity as a positive. ...(I)t’s too different and it doesn’t fit in with their current clientele. They don’t think that that’s going to be helpful. They think it’s going to be a problem.”

As shown in Figure 29 below, 64% of responding non-firms but only 28% of responding firms routinely evaluated lawyers’ attitudes about diversity during hiring. Less than a third of all employers routinely evaluated lawyers’ attitudes about diversity during performance evaluations or during consideration for partnership or promotion. At firms, the highest incidence of evaluation of lawyers’ attitudes toward diversity occurred during performance and/or compensation evaluations when a problem had arisen.

Figure 29. Incidence of evaluation of lawyers’ attitudes toward diversity/discrimination

	Routinely		When a problem arises		Do not evaluate	
	Firm	Non-firm	Firm	Non-firm	Firm	Non-firm
During hiring	7 (28%)	9 (64%)	8 (32%)	0	9 (36%)	3 (21%)
During periodic performance evaluation	6 (24%)	4 (29%)	10 (40%)	5 (36%)	7 (28%)	2 (14%)
During compensation evaluation	5 (18%)	4 (29%)	10 (40%)	2 (14%)	8 (32%)	4 (29%)
At partnership or promotion	7 (28%)	3 (21%)	9 (36%)	2 (14%)	7 (28%)	4 (29%)
Other	1 (4%)	3 (21%)	2 (8%)	2 (14%)	1 (4%)	0

African-American woman with 20 or more years of experience: “(T)here was a white male who had been...reprimanded for behavior to a white female associate. And when it came time for partnership, some of the females spoke up. And...the good old boy club said, ‘Hey, he’s learned,’ and ‘Let bygones be bygones,’ and he got voted in instead of being delayed one more year. ... (M)orale was very much affected.”

Professional Growth (Legal Skills and Business Development)

Another recommended best practice identified in 2003 read, “Provide women with equal access to clients and equal opportunity for challenging work assignments through succession and practice plans reviewed and adopted by the legal employer’s management.” However, only six of the responding firms had a formal policy in 2005 to ensure diversity in client pitches. Usually this took the form of inclusion of a diversity statement in marketing materials and in Requests For Proposals.

Woman with 5-9 years of experience currently in firm: “(S)omeone came into my office with a brochure from another firm that was promoting diversity and was saying, ‘There’s no diversity there, come on. I can’t believe they’re sending this out.’ And I said, ‘Well, they’ve got women partners there.’”

Hispanic man with 20 or more years of experience: “(Y)ou feel like you’re not as successful as somebody else because you’re not being mentored or given certain projects or cases. ...In my case, I constantly had to chase after that work and ask for it. It took a long time to finally prove myself and get the big clients.”

South Asian man with 5-9 years of experience: “(I)nevitably a partner would walk into my office and ask me if I could take a 15 minute break to just sit and not really participate...on a panel...that were welcoming the prospective clients or the new clients. And...these would not be matters that I would be involved in whatsoever.... I definitely started feeling like the token brown person on the other side of the table.”

Woman with 15-19 years of experience currently in firm: “...I have a feeling...that I have gotten in on key meetings with clients, things of that nature, because I’m a woman. And that would not have necessarily happened if I had been just another one of the guys. ...I don’t mind because I’m now getting face time with the client, they’re calling me now when they have questions.”

GLBT woman with 10-14 years of experience currently in firm: “I’ve noticed, certainly, straight lawyers that are, in other respects, on a par with me in my employment, are much more readily included in marketing lunches.... ...I literally had to ask to be included to go to marketing lunches on cases that I was involved in.”

The percentage of responding law firms without written criteria or a formal system for work distribution is growing. Fifty-four percent had no system in 1997; 63% had no system in 2000; 93% had no system in 2005. The converse was true at responding non-firms, where those with written criteria or a formal system for work distribution increased from 2000 to 2005. Work distribution systems were in place for attorneys with fewer than five years of experience at 11% of non-firms in 2000 and 64% of non-firms in 2005. Such systems were in place for non-supervisory attorneys with five or more years of experience at 9% of non-firms in 2000 and 64% of non-firms in 2005. Work distribution systems are less common at the supervisory level where 26% had such systems in 2000 and 43% in 2005.

Woman with 5-9 years of experience currently in firm: “(I)f a new project comes down the pipe, there are more male names handed out as opposed to female names.”

Woman with 15-19 years of experience currently in firm: “(I)n my experience, young female associates are often better at the details than young male associates. But you have to be very careful not to give them that kind of work totally.”

Native American woman with 0-4 years of experience currently in firm: “(A) lot of times I feel like I get asked to do more clerical-type things than my opinion on the legal strategy or approach to arguments that we’re considering. And I find that to be frustrating....”

African-American woman with 10-14 years of experience currently in corporation: “(W)e have lost very talented people (of color). And it’s because they feel like they would really lose out if they stayed just because they weren’t getting the types of opportunities that they felt they needed... compared to their peers, and what they needed to get to stay marketable.... ...(T)he impact it has on me is I’m thinking, ‘Well, shit, if they can’t find something for this person to do, what the hell am I doing here?’”

Asian man with 5-9 years of experience currently in firm: “(S)ometimes we have clients that are very prejudiced...so that will dictate case assignment. And, so, it’s not the internal structure...but, from what I’ve seen, it’s client driven. ...(S)ome just don’t want to work with minorities. I don’t know if that’s furthering discrimination by accommodating it....”

Another previously recommended best practice read, “Adopt and implement formal and informal mentoring programs.” Formal mentoring programs were in place in 2005 in 60% of responding firms, an increase over 42% in 1997 and 44% in 2000. Additionally, 33% of responding firms had informal mentoring programs in 2005. Of the firms with formal or informal mentoring programs in place in 2005, 37% had such programs specifically for women lawyers and 21% had such programs specifically for attorneys of color. Eighty-six percent of the 2005 programs targeted entry-level attorneys; 75% targeted any attorney who wanted or needed mentoring. Lateral associates and partners received mentoring at approximately 60% of responding firms.

More responding non-firms had formal or informal mentoring programs in 2005 (88%) than in 2000 (70%). There was a shift from informal programs, which were 96% of all programs in 2000, to an even mix of formal and informal programs (each 50% of all programs) in 2005. Of the non-firms with formal or informal mentoring programs in place in 2005, 6% had such programs for women lawyers and none had such programs specifically for attorneys of color. Ninety-two percent of the 2005 programs targeted entry-level attorneys; 62% targeted any attorney who wanted or needed mentoring. Supervisory attorneys received mentoring in 2005 at 23% of responding non-firms.

South Asian woman with 5-9 years of experience: “I don’t know of any attorney of color...more senior than me that would say there was a formal mentoring program that got them to where they were. I think it’s a combination of...formal...and informal mentoring and having...courageous senior attorneys who will take you to a client...or just trust you because you’ve proven yourself.”

African-American woman with 20 or more years of experience: “I’m probably thinking of mentoring broader...just that natural collegiality that we can show to each other. ...(S)ome of these people, they don’t have families in the area, and they’re just looking for some sisterhood by other women in the profession.”

Asian man with 0-4 years of experience currently in firm: “(I)t’s mostly that the predominant race and gender of older, say, successful attorneys in this market, they’re white males. ...(I)t’s probably natural for them to gravitate towards people who remind them of what they were like when they were young white males. ...(I)t may be inability to see that this is how they are making their snap decisions about who to mentor.”

Woman with 5-9 years of experience currently in firm: “...(O)ne partner...she was committed to women and she mentored women, but the male partners had this sort of mean-spirited way of saying that she hogged her associates. ...She was giving those associates responsibility and opportunities. ...A lot of the women who have been supportive of ... associates tend to leave, which also impacts, I think, our careers.”

Woman with 10-14 years of experience currently in firm: “I think there’s a shift that has to take place...with the women... because I know I’ve heard a number of women say, ‘I had to work stinking hard to get where I am. And nobody held my hand and showed me what restaurants to go to or which judges to get to know, and why should I take all my hard work and share it with these girls who have it so easy because their classes were 60% women?’ And I think you can’t argue with that. That’s certainly a valid feeling to have.”

GLBT woman with 0-4 year of experience currently in public sector: “(T)here was just this automatic expectation from people (in the firm) setting up mentoring relationships or people talking informally about who I should ally myself with ... that I should become one of these gay poster children, regardless of my interests or needs mentorship-wise.”

Woman with 10-14 years of experience: “(M)y mentors have been my most fabulous people in my professional life. They’ve shaped my professional development. They’ve specifically, what I would call, transferred credibility to me as a young lawyer which very much helped my self-confidence.”

Another best practice recommended in 2003 read, “Establish goals or benchmarks for individual lawyers as part of their personal evaluations.” This best practice would have been easier for non-firms to adopt in 2005 than firms, since 100% of attorneys with fewer than five years of experience, 100% of non-supervisory attorneys with five or more years

of experience, and 92% of supervisory attorneys received periodic performance evaluations at responding non-firms in 2005. As shown in Figure 30 below, while 94% of responding firms executed periodic performance evaluations for associates, such evaluations for equity partners were conducted by only 26% of firms and for non-equity partners by only 23% of firms. At all levels, periodic performance evaluations were executed at more firms and non-firms in 2005 than in previous years.

Figure 30. Execution of periodic performance evaluations at firms and non-firms

For:	Firms			Non-firms	
	1997	2000	2005	2000	2005
Summer associates/ clerks/positions	N/A	N/A	23 (74%)	1 (3%)	2 (13%)
Associates or attorneys with less than 5 years of experience	16 (67%)	15 (60%)	29 (94%)	5 (13%)	15 (100%)
Equity partners/shareholders or Supervisory attorneys/division heads	1 (4%)	0	8 (26%)	0	12 (92%)
Non-equity partners or non-supervisory attorneys with five or more years of experience	N/A	N/A	7 (23%)	4 (10%)	15 (100%)
Contract/staff/ temporary attorneys	N/A	N/A	16 (52%)	N/A	5 (33%)

When performance evaluations were executed in 2005, they were executed annually at 72% of responding firms and 80% of responding non-firms. When performance evaluations were executed, written evaluation criteria were used at 75% of firms and 100% of non-firms. Standard performance evaluation forms were used at 89% of firms and 87% of non-firms.

The MSBA Committee on Women in the Legal Profession also identified this best practice in 2003, “Periodically review scheduled meetings or events, including marketing events, to ensure that all lawyers have the opportunity to participate in meetings and activities.” However, as shown in Figure 31 below, there has been little change from 1997 to 2005 in the top five business development, or marketing, activities for which responding firms provided funding. Minority bar association events were not included as an option in surveys conducted prior to 2005. Bar Association events were funded by 84% of firms in 2005, down from 100% in 2000 and 96% in 1997.

Figure 31. Top five business development activities funded by firms (by highest percentage of firms funding)

	1997	2000	2005
#1 Activity	Bar Association events	Bar Association events	Meals
#2 Activity	Meals	Charitable events Meals Tickets to sporting events (three-way tie)	Charitable events
#3 Activity	Charitable events Theater tickets Tickets to sporting events (three-way tie)	Theater tickets	Bar Association events Community events Minority bar association events Tickets to sporting events (four-way tie)
#4 Activity	Community events	Community events	Theater tickets
#5 Activity	Golf events	Golf events	Golf events

See Appendix 12 for full details on the percentage of responding firms funding 12 types of business development activities.

South Asian woman with 5-9 years of experience currently in firm: “I’m terrible at golf.... (I) think the answer is...if the senior lawyers are choosing other kinds of more...comfortable or more diverse settings or broader settings to take people. (S)omething that kind of falls outside of the stereotypical white old men’s place of doing business.”

Conclusions and Recommendations

The results of this study reflect the difficulty of achieving diversity in Minnesota's legal profession. The Task Force on Diversity in the Profession acknowledges that, while much work has been done in the area of diversity, significant progress still must be made.

The Task Force recommends that the MSBA appoint a body or charge an existing body (such as the standing Diversity and/or Women in the Legal Profession Committees) to develop specific recommendations for action based on these results. These recommendations should provide law firms, law schools, corporations, legal aid organizations, public law offices, and courts with practical strategies and tactics they can use to increase the effectiveness of their diversity efforts.

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Appendix 1

Composition of responding firms by gender, race and position

	1997		2000		2005		2005		
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color	Total of color
Summer positions or clerkships	71 (53%)	62 (47%)	87 (51%)	84 (49%)	186 (61%)	118 (39%)	28 (9%)	24 (8%)	52 (17%)
Associate positions	386 (59%)	271 (41%)	426 (56%)	329 (44%)	596 (56%)	465 (44%)	61 (6%)	66 (6%)	127 (12%)
Equity partners/ shareholders	824 (84%)	159 (16%)	759 (82%)	163 (18%)	1,178 (82%)	258 (18%)	21 (1%)	12 (1%)	33 (2%)
Non-equity partners	64 (90%)	7 (10%)	88 (85%)	15 (15%)	65 (78%)	18 (22%)	5 (6%)	2 (2%)	7 (8%)
Contract or staff attorneys	55 (55%)	45 (45%)	38 (53%)	34 (47%)	23 (43%)	31 (57%)	8 (15%)	2 (4%)	10 (19%)
Of counsel	58 (83%)	12 (17%)	50 (79%)	13 (21%)	123 (78%)	34 (22%)	5 (3%)	3 (2%)	8 (5%)
Other	9 (50%)	9 (50%)	5 (33%)	10 (67%)	65 (72%)	25 (28%)	8 (9%)	4 (4%)	12 (13%)
Total Composition of Firms	1,469 (72%)	565 (28%)	1,453 (69%)	648 (31%)	2,232 (70%)	949 (30%)	136 (4%)	113 (4%)	249 (8%)

Appendix 2

Composition of responding non-firms by gender, race and position

	1997-1999		2005		2005		
	Male	Female	Male all	Female all	Male of color	Female of color	Total of color
Summer positions or clerkships	185 (50%)	187 (50%)	25 (42%)	35 (58%)	5 (8%)	7 (12%)	12 (20%)
Attorneys with less than five years of experience	75 (29%)	181 (71%)	15 (25%)	46 (75%)	3 (5%)	11 (18%)	14 (23%)
Supervisory attorneys/ Division heads	99 (66%)	51 (34%)	78 (60%)	52 (40%)	5 (4%)	6 (4%)	11 (8%)
Non-supervisory attorneys with five or more years of experience	301 (54%)	258 (48%)	162 (44%)	207 (56%)	11 (3%)	29 (7%)	38 (10%)
Contract/temporary attorneys	13 (59%)	9 (41%)	9 (39%)	14 (61%)	1 (4%)	0	1 (4%)
Other	142 (57%)	106 (43%)	71 (54%)	61 (46%)	11 (8%)	5 (4%)	16 (12%)
Total Composition of Employers	815 (51%)	792 (29%)	360 (46%)	415 (54%)	36 (5%)	58 (7%)	94 (12%)

Appendix 3

Comparison of sensitivity levels on selected issues

	Self compared to others				Own employer compared to other employers			
	More sensitive	About the same	Less sensitive	Not certain/ No opinion	More sensitive	About the same	Less sensitive	Not certain/ No opinion
Women in the legal profession	455 (52%)	370 (42%)	26 (3%)	23 (3%)	396 (46.5%)	370 (43%)	48 (6%)	38 (4.5%)
Racial/ ethnic minorities in the legal profession	381 (42%)	431 (49%)	34 (4%)	28 (3%)	346 (41%)	403 (47.5%)	49 (6%)	51 (6%)
Religious minorities in the legal profession	230 (26%)	467 (54%)	97 (11%)	78 (9%)	221 (26%)	476 (56%)	50 (6%)	103 (12%)
Persons with disabilities in the legal profession	295 (34%)	485 (56%)	44 (5%)	50 (6%)	260 (31%)	461 (54%)	49 (6%)	80 (9%)
Gays, lesbians, bisexuals and transgender individuals in the legal profession	323 (37%)	408 (47%)	83 (10%)	59 (7%)	290 (34%)	399 (47%)	74 (9%)	84 (10%)

Appendix 4

Participation in recruitment activities in firms and non-firms by gender and race

	Law Firms								Non-firms			
	Hiring Law School Graduates				Hiring Lateral and Supervisory Attorneys				Hiring Law School Graduates		Hiring Lateral and Supervisory Attorneys	
	Female			Of Color	Female			Of Color	Female	Of Color	Female	Of Color
	1997	2000	2005	2005	1997	2000	2005	2005	2005	2005	2005	2005
Recruiting	23 96%	24 96%	30 91%	22 67%	23 96%	23 96%	30 91%	22 67%	10 77%	7 54%	7 54%	5 38%
Screening	24 100%	24 96%	30 91%	23 70%	24 100%	23 96%	29 88%	23 70%	11 85%	9 69%	8 62%	7 54%
Interviewing	24 100%	25 100%	33 100%	25 76%	24 100%	23 96%	31 94%	24 73%	11 85%	9 69%	9 69%	8 62%
Making recommendations	24 100%	24 96%	32 97%	25 76%	24 100%	23 96%	32 97%	26 79%	11 85%	9 69%	10 77%	7 54%
Making decision	19 79%	24 96%	31 94%	23 70%	18 75%	22 92%	29 88%	22 67%	3 23%	1 8%	5 38%	4 31%

Appendix 5

Best practices mentioned by focus group participants

Already enacted by one or more of the participants' employers:

1. Maintain and cultivate relationships with attorneys of color who have left your employ. Invite them to return for events and activities, providing your current employees of color with broader networks.
2. Create and/or sponsor programs that encourage students of color to attend law school.
3. Include representatives from all five diverse communities covered in this report (women, attorneys of color, GLBT, disabled, and religious minorities) on diversity committees and invest those committees with oversight of workplace issues related to all five diverse communities.
4. Develop viable part-time options in firms.
5. Hire external consultants to conduct anti-discrimination, sexual harassment and sensitivity training.
6. Encourage, support and recognize participation in minority bar organizations.
7. Formalize mentoring programs.
8. Expand the variety of marketing and business development activities to promote inclusion of all attorneys.
9. Establish assistance programs, such as the one in the court system, to assist lawyers with mental health and/or chemical dependency issues.

Suggested by participants:

1. Include marketing and leadership development skills in mentoring.
2. Match the inclusion of diverse attorneys in marketing pitches to those attorneys' inclusion on the prospective clients' legal work when firms obtain the work.
3. Practice zero tolerance for bias by terminating clients and employees who exhibit bias.
4. Identify industries and practice areas with little or no diversity and work with law schools and their students to increase diversity in all areas.
5. Prioritize participation in external diversity activities, such as career fairs, to maximize effectiveness and impact while avoiding burnout.
6. Develop, communicate and enforce an expectation that all attorneys will participate in diversity activities.
7. Provide equal opportunity for all attorneys to participate in marketing and business development activities.
8. Communicate that employees are welcomed as holistic people. Acknowledge and accept their non-work lives.
9. Communicate the availability or unavailability of programs in place and/or actions taken to promote inclusiveness during the early stages of employment

screening of all potential employees. Examples include the availability of domestic partner benefits, the accommodations in place to make the workplace accessible to disabled people, and the availability of floating holidays to encompass a variety of religious beliefs.

10. Where domestic partner benefits are available, update pertinent forms with inclusive language.
11. Diversify the MSBA and its culture to showcase excellent diversity practices to MSBA members.
12. Consider dietary restrictions of employees' religious practices when providing food at business functions.

Appendix 6

Committee participation in firms by gender and race

Committee	1997		2000		2005		2005	
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color
Associates	61 (62%)	38 (38%)	77 (63%)	45 (37%)	92 (55%)	75 (45%)	5 (3%)	5 (3%)
Business development/ marketing	84 (76%)	26 (24%)	74 (77%)	22 (23%)	77 (75%)	26 (25%)	3 (3%)	0
Compensation	109 (86%)	18 (14%)	98 (83%)	20 (17%)	112 (88%)	15 (12%)	2 (2%)	0
Diversity	30 (56%)	24 (44%)	35 (53%)	31 (47%)	49 (55%)	40 (45%)	18 (20%)	13 (15%)
Executive/ management	110 (85%)	20 (15%)	120 (84%)	23 (16%)	129 (85%)	23 (15%)	1 (0.7%)	2 (1%)
Facilities/ plant	16 (70%)	7 (30%)	20 (83%)	4 (17%)	20 (91%)	2 (5%)	1 (5%)	0
Hiring/ recruitment	92 (67%)	46 (33%)	106 (65%)	58 (35%)	113 (60%)	77 (40%)	9 (5%)	7 (4%)
Long-range planning	41 (75%)	14 (25%)	73 (78%)	20 (22%)	62 (75%)	21 (25%)	1 (1%)	1 (1%)
Partnership selection	66 (88%)	9 (12%)	141 (82%)	32 (18%)	164 (78%)	47 (22%)	4 (2%)	1 (0.5%)
Technology	50 (77%)	15 (23%)	63 (79%)	17 (21%)	66 (86%)	11 (14%)	3 (4%)	0
Other	157 (76%)	49 (24%)	31 (67%)	15 (33%)	65 (86%)	11 (14%)	1 (1%)	3 (3%)
Total attorneys in firm	1,467 (72%)	565 (28%)	1,479 (71%)	598 (29%)	2,232 (70%)	949 (30%)	136 (4%)	113 (4%)

Note:

Cells where type is in **bold face** represent where the percentage of a group included on a committee is lower than the percentage of that group within the overall firm.

Appendix 7

Committee participation in non-firms by gender and race

Committee	2005		2005	
	Male all	Female all	Male of color	Female of color
New attorney	4 (67%)	2 (33%)	0	0
Compensation	0	1 (100%)	0	0
Diversity	4 (19%)	17 (81%)	2 (0.3%)	6 (0.8%)
Executive/ management	33 (58%)	24 (42%)	1 (0.1%)	3 (0.4%)
Facilities/ plant	5 (50%)	5 (50%)	0	2 (0.3%)
Hiring/ recruitment	12 (46%)	14 (54%)	0	3 (0.4%)
Long-range planning	10 (56%)	8 (44%)	0	3 (0.4%)
Promotion	10 (63%)	6 (37%)	0	2 (0.3 %)
Technology	5 (71%)	2 (29%)	0	0
Other	6 (40%)	9 (60%)	0	1 (0.1%)
Total attorneys at non-firms	360 (46%)	415 (54%)	36 (5%)	58 (7%)

Note:

Cells where type is in **bold face** represent where the percentage of a group included on a committee is lower than the percentage of that group within the overall non-firm.

Appendix 8

Criteria for compensation decisions in firms

At Associate level	1997	2000	2005
#1 Criterion	Billable hours	Results of performance evaluations	Billable hours
#2 Criterion	Results of performance evaluations	Billable hours	Business generation
#3 Criterion	Business generation, Client feedback (tied)	Pro bono work	Results of performance evaluations
#4 Criterion	Professional contribution	Client feedback	Client feedback

At Equity partner/ shareholder level	1997	2000	2005
#1 Criterion	Business generation	Business generation, Billable hours (tied)	Business generation
#2 Criterion	Billable hours	Firm administration/ committee involvement	Billable hours
#3 Criterion	Firm administration/ committee involvement	Client feedback	Firm administration/ committee involvement
#4 Criterion	Professional contribution	Professional contribution, Mentoring experience (tied)	Client feedback

At Non-equity partner level	1997	2000	2005
#1 Criterion	Billable hours	Billable hours, Business generation (tied)	Business generation
#2 Criterion	Business generation	Professional contribution	Billable hours
#3 Criterion	Firm administration/ committee involvement, Community/charity service (tied)	Firm administration/ committee involvement, Community/charity service (tied)	Client feedback
#4 Criterion	Professional contribution	Professional contribution	Firm administration/ committee involvement, Professional contribution (tied)

Appendix 9

Criteria for compensation decisions in non-firms

Attorneys < 5 yrs	2000	2005
#1 Criterion	Quality of legal work	Results of performance evaluations
#2 Criterion	Results of performance evaluations	Quality of legal work, Efficiency of legal work, Communication skills, Organizational skills (tie)
#3 Criterion	Trial skills	Client/board feedback

Non-supervisory attorneys > 5 yrs	2000	2005
#1 Criterion	Quality of legal work	Results of performance evaluations
#2 Criterion	Efficiency of legal work	Quality of legal work, Efficiency of legal work, Communication skills, Organizational skills, Client/board feedback (tie)
#3 Criterion	Results of performance evaluations, Trial skills (tie)	Mentoring experience

Supervisory attorneys/division heads	2000	2005
#1 Criterion	Quality of legal work	Results of performance evaluations, Organizational skills (tie)
#2 Criterion	Results of performance evaluations	Quality of legal work, Efficiency of legal work, Communication skills, Client/board feedback (tie)
#3 Criterion	Efficiency of legal work	Supervisory experience

Appendix 10

Use of alternative work schedules in firms by gender and race

	1995		2000		2005		2005	
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color
Associate (full time)	3 (43%)	4 (57%)	3 (75%)	1 (25%)	38 (45%)	47 (55%)	3 (4%)	6 (7%)
Associate (part- or reduced-time)	1 (5%)	20 (95%)	8 (24%)	26 (76%)	3 (16%)	16 (84%)	1 (5%)	0
Equity partner/ shareholder (full time)	18 (86%)	3 (14%)	9 (56%)	7 (44%)	100 (69%)	44 (31%)	1 (1%)	0
Equity partner/ shareholder (part- or reduced-time)	5 (38%)	8 (62%)	12 (39%)	19 (61%)	5 (25%)	15 (75%)	1 (5%)	1 (5%)
Non-equity partner (full time)	0	0	0	0	1 (100%)	0	0	0
Non-equity partner (part- or reduced-time)	0	0	0	1 (100%)	1 (100%)	0	0	0
Other positions	1 (11%)	8 (89%)	4 (31%)	9 (69%)	47 (64%)	26 (36%)	2 (3%)	3 (4%)
Total using Alternative Schedules	28 (39%)	43 (61%)	36 (36%)	63 (64%)	195 (57%)	148 (43%)	8 (2%)	10 (3%)
Total Composition of Firm	1,467 (72%)	565 (28%)	1,453 (69%)	648 (31%)	2,232 (70%)	949 (30%)	136 (4%)	113 (4%)

Appendix 11

Use of alternative work schedules in non-firms by gender and race

	1997		1999		2005		2005	
	Male	Female	Male	Female	Male all	Female all	Male of color	Female of color
Attorneys with less than 5 years of experience	1 (25%)	3 (75%)	5 (28%)	13 (72%)	4 (36%)	7 (64%)	0	0
Non-supervisory attorneys with five or more years of experience	28 (47%)	31 (53%)	76 (43%)	99 (57%)	16 (39%)	25 (61%)	1 (2%)	1 (2%)
Supervisory attorneys/division heads	32 (63%)	19 (27%)	35 (62%)	21 (28%)	7 (58%)	5 (42%)	0	0
Other	3 (75%)	1 (25%)	28 (57%)	21 (43%)	12 (50%)	12 (50%)	0	2 (8%)
Total Using Alternative Schedules	64 (54%)	54 (46%)	144 (48%)	154 (52%)	39 (44%)	49 (56%)	1 (1%)	3 (3%)

Appendix 12

Business development activities funded by firms

Activity	1997	2000	2005
Bar Association events	23 (96%)	25 (100%)	29 (84%)
Charitable events	21 (88%)	24 (96%)	27 (87%)
Community events	20 (83%)	21 (84%)	26 (84%)
Family events	11 (46%)	8 (32%)	15 (45%)
Golf events	19 (79%)	20 (80%)	23 (74%)
Hunting/fishing	10 (42%)	7 (28%)	13 (42%)
Meals	22 (92%)	24 (96%)	28 (90%)
Minority bar association events	N/A	N/A	26 (84%)
Music events	17 (71%)	18 (72%)	20 (65%)
Relaxation (spa, yoga, meditation, etc.)	N/A	N/A	16 (52%)
Theater tickets	21 (88%)	22 (88%)	24 (77%)
Tickets to sporting events	21 (88%)	24 (96%)	27 (87%)