DIVERSE OUTSIDE COUNSEL: WHO'S GETTING THE BUSINESS?

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TABLE OF CONTENTS

5 **Message from the Chair**

7 **Preface**

9 **Executive Summary**

12 **Infographic Summary**

17 **Our Findings**

- **17** Introduction
  - **17** Background
  - **18** Methodology
  - **20** Geographic Distribution
  - **20** Demographics
- **23** What We Learned
  - **23** Tracking the Diversity of Outside Counsel
  - **24** Assigning Business
  - **24** Engaging Diverse-Owned Firms
  - **27** Assigning Business to Diverse Lawyers
  - **34** Reviewing the Diversity Data Collected from Outside Counsel
  - **35** Holding Outside Counsel Law Firms Accountable for Meeting Diversity Goals
- **39** Conclusions and Recommendations

43 **Appendix – Sample Key Performance Indicators**

- **43** Part I: For Organizations and Departments in the US
  - **43** Background
  - **45** Corporate Law Departments New to, or Restarting, DEI Efforts
  - **46** Corporate Law Departments Seeking to Further Expand Ongoing DEI Efforts
  - **48** Corporate Law Departments Wishing to be in the Forefront of the Profession's DEI Efforts
- **49** Part II: For Organizations and Departments Outside the US

54 **About the Institute for Inclusion in the Legal Profession**

55 **Board of Directors**

56 **Advisory Board**

58 **Visionary Partners, Partners, Allies, Supporters, and Friends**

60 **Acknowledgements**

MESSAGE FROM THE CHAIR

Dear Colleagues:

As the Chair of the Institute for Inclusion in the Legal Profession ("IILP"), I am pleased to present our newest offering to help better understand, and thus address, why our legal profession remains one of the least diverse professions in the country and what can be done to change that.

Like everything at IILP, we ground our work in data and research and this research report is no different. While qualitative research has its place, we believe that metrics and measurements are the best way to open minds and persuade those who may not relate solely to experiential information. Therefore, we include all the numeric and percentage data so that each reader may judge for themselves how much weight to assign to the conclusions.

There are many organizations doing good work in the legal profession's diversity, equity, and inclusion arena. We are proud to count ourselves in such excellent company. Indeed, this new research would not have been possible without their support, encouragement, and assistance, especially GCs for Law Firm Diversity and the Association of Corporate Counsel. We hope that this new data will support and advance not only IILP's efforts but those of these and other organizations as well.

Bruce R. Byrd
Chair
Institute for Inclusion in the Legal Profession
and Executive Vice President/General Counsel
Palo Alto Networks

PREFACE

The lack of diversity in the legal profession has been a persistent challenge for decades. While some progress has been made, it hasn't been enough. Lawyers who are women, racial/ethnic minorities, openly LGBT+, or have disabilities remain underrepresented, especially in the positions and roles considered to carry the most stature, influence, or financial remuneration.

Among the ways the legal profession has chosen to measure diversity success has been the numbers of diverse partners within the ranks of large law firms and the number and viability of diverse-owned law firms. By neither standard does success appear imminent.

The best way to address this is through corporate clients' use of diverse outside counsel, both in large law firms and diverse-owned firms. By directing business to diverse outside counsel, these clients can have significant influence over the success of diverse lawyers. Corporate clients have been aware of this and have used their influence to effect this change as early as the 1980s when their general counsel first began signing letters and pledges to express their desire for, and commitment to, greater diversity in the legal profession. And yet, things haven't changed overmuch.

In 2011, the Institute for Inclusion in the Legal Profession ("IILP") published its research report, "The Business Case for Diversity: Reality or Wishful Thinking?" This report gave the legal profession its first hard data about the efficacy of the business case for diversity. There, we discovered that one reason the logic of the business case wasn't having the impact we might expect, was that the three major groups of stakeholders – corporate clients, law firm leadership, and diverse partners – were all operating with significantly different understandings of, and expectations for, the use of the business case for diversity. And, not surprisingly, we learned that the business case didn't play out the same way for all types of diversity.

When new versions of corporate general counsel pledges were being announced, it occurred to us that while we hoped there would be broader, deeper, and more long-lasting impact in support of diversity in the profession, we were not especially optimistic. We thought that it was incumbent upon us to support the intentions of the corporate clients signing these pledges by providing them with a new tool to gauge effectiveness: measuring, comparing, and analyzing the diversity spend of corporate clients so that these clients could understand how they fit into broader strategies to use the business case to advance diversity. Moreover, we decided that we would develop Key Performance Indicators ("KPIs) that they could use to assess their own efforts, internally and externally.

We are pleased to present "Diverse Outside Counsel: Who's Getting the Business?" and hope that it will prove a useful tool in moving efforts to diversify the legal profession to a new level of effectiveness.

The Institute for Inclusion in the Legal Profession

EXECUTIVE SUMMARY

DIVERSE OUTSIDE COUNSEL: WHO'S GETTING THE BUSINESS?

The efforts to increase the numbers of diverse partners in law firms and the growth of diverse-owned law firms have been a focus of the legal profession's diversity and inclusion efforts for decades. One of the primary pressure points to achieve this is the amount of corporate business directed toward these lawyers and law firms. The history of the legal profession includes several well-known efforts to remind lawyers and law firms that corporate clients want to see greater diversity among the outside counsel handling their matters and their willingness to take steps to support that desire. Such efforts garnered attention but the progress that the profession saw in increasing the diversity within large law firm partnerships or the growth and success of diverse-owned law firms, while acknowledged, generally has not been considered adequate, much less satisfactory.

With that in mind, the Institute for Inclusion in the Legal Profession ("IILP") undertook to research how much corporate business was being directed to diverse lawyers in both large and diverse-owned law firms. We believed that this would be useful information for both corporate clients and law firms.

Through a survey directed to corporate clients, we asked them about who was receiving their legal business and the diversity data they had about those lawyers. One hundred thirty-six corporations participated in the study; over half of those identified themselves as belonging to the Fortune 500.

Almost three-quarters of the respondents are tracking the diversity of their outside counsel. Gender and race/ethnicity were the most commonly tracked diversity characteristics, followed by disabilities and veteran status.

The respondents are giving most of their legal business to AmLaw 200 law firms. Nevertheless, large regional law firms are receiving solid amounts of the respondents' business while smaller, local firms did not fare as well. Diverse-owned law firms, however, while not faring as well as the large law firms, appear to have carved out a small niche for themselves as some corporate clients are clearly setting aside some business for these firms.

Corporate clients are clearly savvier about the role they and their business play in diversity and inclusion efforts. The respondents understood the value of assigning their matters to diverse outside counsel. Women in large law firms and women-owned law firms tend to be assigned more business by these clients than other types of diverse partners or diverse-owned firms. Only a minuscule number of respondents had not assigned any matters to women outside counsel.

["IILP"] undertook to research how much corporate business was being directed to diverse lawyers.

While not all the respondents disaggregate the diversity data they collect on their outside counsel by race, over half do. White women receive significantly more of the business that the respondents assign to diverse outside counsel. Asian Americans receive the least. Most of the racial/ethnic minority groups fell most frequently into the range of receiving "more than zero, but less than 10%." In the next tier, 10% - 24%, Hispanics, followed by African Americans, fared best while Asian Americans and Native Americans did not receive that amount of business from any of the respondents.

When we cross-tabulated the responses to compare the percentages of work being assigned to women by race/ethnicity, we found that by and large, most of the work being assigned to women went to White women. African American and Hispanic women received a very tiny amount, while Asian American and Native American women received almost none.

It was harder to ascertain the amount of business that corporate clients are directing to LGBT+ lawyers. Over 45% of the respondents said that the amount of work assigned to LGBT+ lawyers was either unknown or that they did not track this dimension of diversity. Nevertheless, over 40% the respondents reported that they assigned "more than zero but less than 10%" to LGBT+* lawyers.

The data was bleaker for lawyers with disabilities. Lawyers with disabilities were the group least likely to have corporate clients assigning matters to them.

Although the legal profession is paying greater attention to including lawyers who are Muslim, Sikh, or other non-Judeo-Christian religions, that consideration has not made its way into the diversity demographic tracking by corporate clients. Just under two-thirds do not track religious diversity.

Corporate clients have been tracking the diversity of their outside counsel in one form or another for some time. What, if anything, do they do with the information?

Sometimes, they review it. Sometimes that review is conducted with the firm in question. But regardless whether anyone reviews it, a significant majority of the respondents choose not to set diversity goals for their outside counsel for a variety of reasons.

For those corporations that do set diversity goals for their outside client, failure by the law firm to meet those goals will result in consequences ranging from a slap on the wrist – a letter expressing the client's concern and disappointment – to deprivation of future business or loss of incentives that were intended to motivate the firm. Corporate clients are also using their creativity to develop other perks, benefits, and rewards to encourage their outside counsel's diversity efforts.

*At the time we collected the data, society was beginning to recognize that "LGBT" alone could be limiting. Our friends at the National LGBTQ+ Bar had not yet changed their name to include "Q". We used "LGBT+" in the data collection and although we have now adopted the more familiar LGBTQ+ abbreviation, we continue to use "LGBT+" in this report to accurately reflect both what was asked and answered. In those instances where we might be referencing another source, we adhered to whichever way the source identified the LGBTQ+ community.

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Shook is proud to be a Visionary Partner of the Institute for Inclusion in the Legal Profession (IILP).

Madeleine McDonough
Firm Chair, IILP Board Member

John Lewis, Jr.
Partner, Chair of Diversity + Inclusion Initiatives

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DIVERSE OUTSIDE COUNSEL:
A SNAPSHOT OF WHO'S GETTING THE BUSINESS

Does your corporation track the diversity of the outside counsel who represent it or otherwise handle legal matters for it?

51.13% YES
but only for outside counsel whose billings reach a certain dollar amount handling matters for us, or who work at law firms to which we give significant amounts of our legal work

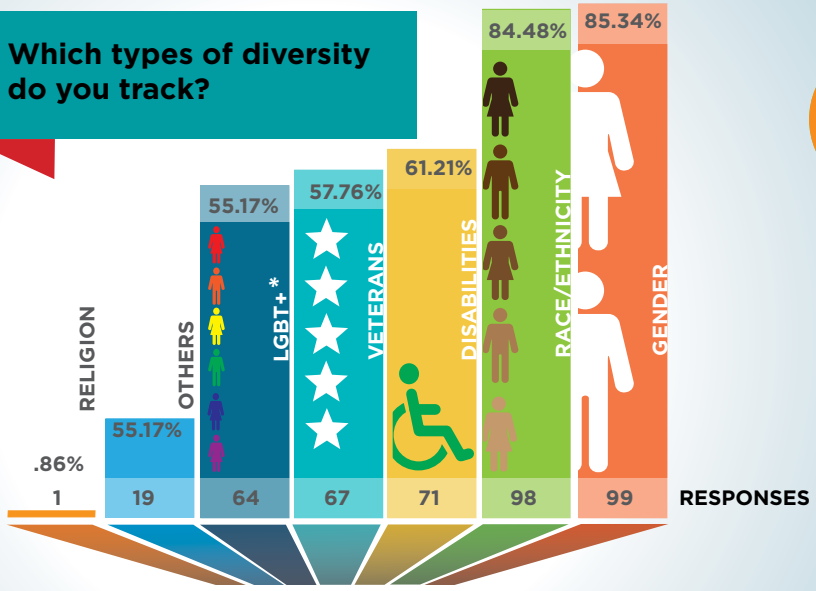
19.55% YES
for all outside counsel

29.32% NO

CORPORATE CLIENTS ARE TRACKING THE DIVERSITY OF THEIR OUTSIDE COUNSEL

Almost three-quarters of the respondents are tracking the diversity of their outside counsel. Gender and race/ethnicity were the most commonly tracked diversity characteristics, followed by disabilities and veteran status.

Which types of diversity do you track?



*Although IILP has adopted the more familiar LGBTQ+ abbreviation, we use "LGBT+" here to reflect both what was asked and answered in the survey."

CORPORATE CLIENTS GIVE MOST OF THEIR BUSINESS TO LARGE LAW FIRMS

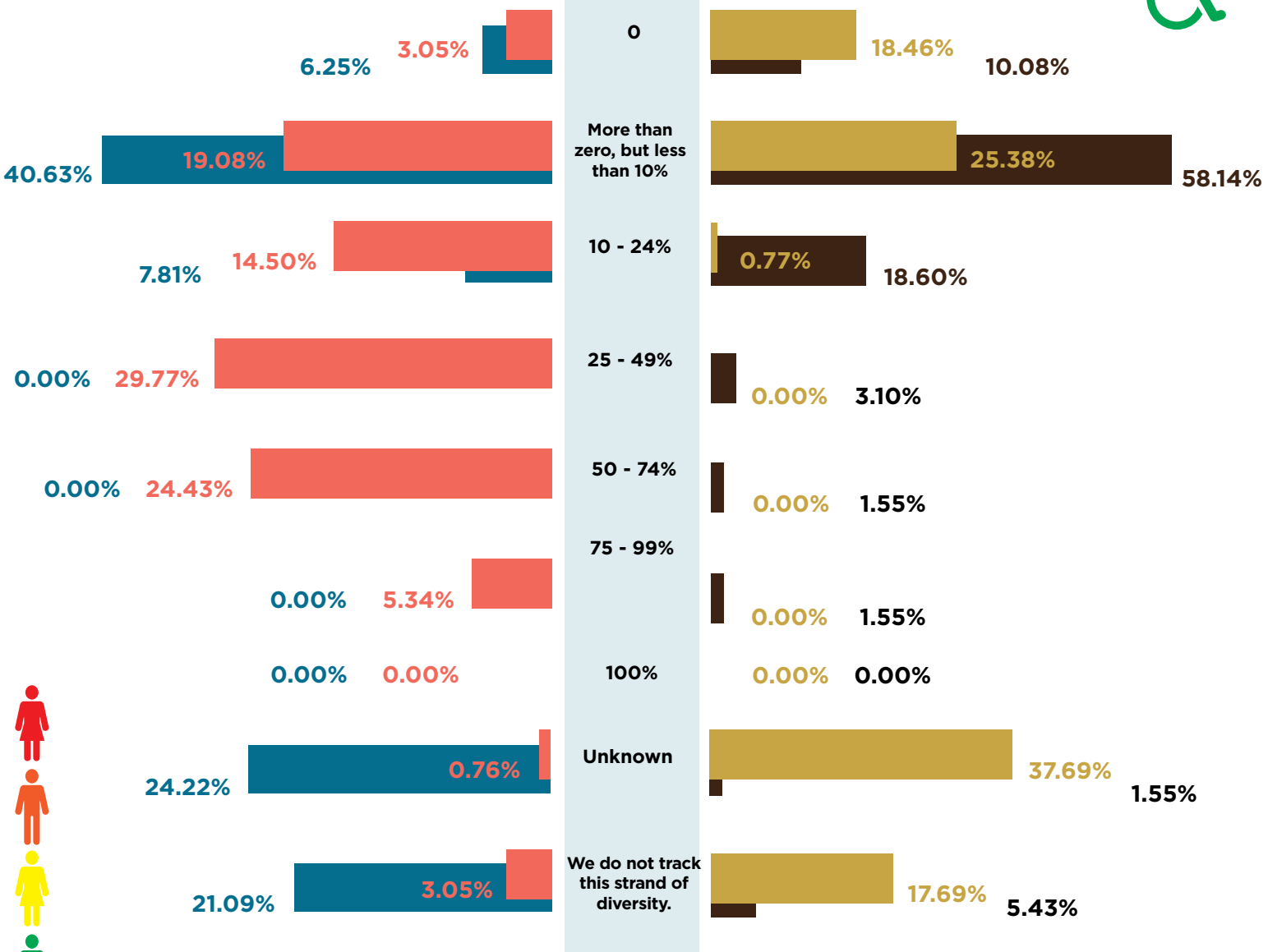
AmLaw 200 law firms received more business than any other category of law firm. Large regional firms are receiving solid amounts of work but there is less reliable stability around that work. Small, local firms do not fare as well in receiving corporate business and sole practitioners fared worst of all. Some clients, however, do appear to have carved out areas of business that they refer to diverse-owned firms.

WAS A WOMAN

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter was a woman?

HAD AN ADA-RECOGNIZED DISABILITY

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter had an ADA-recognized disability?



WAS LGBT+*

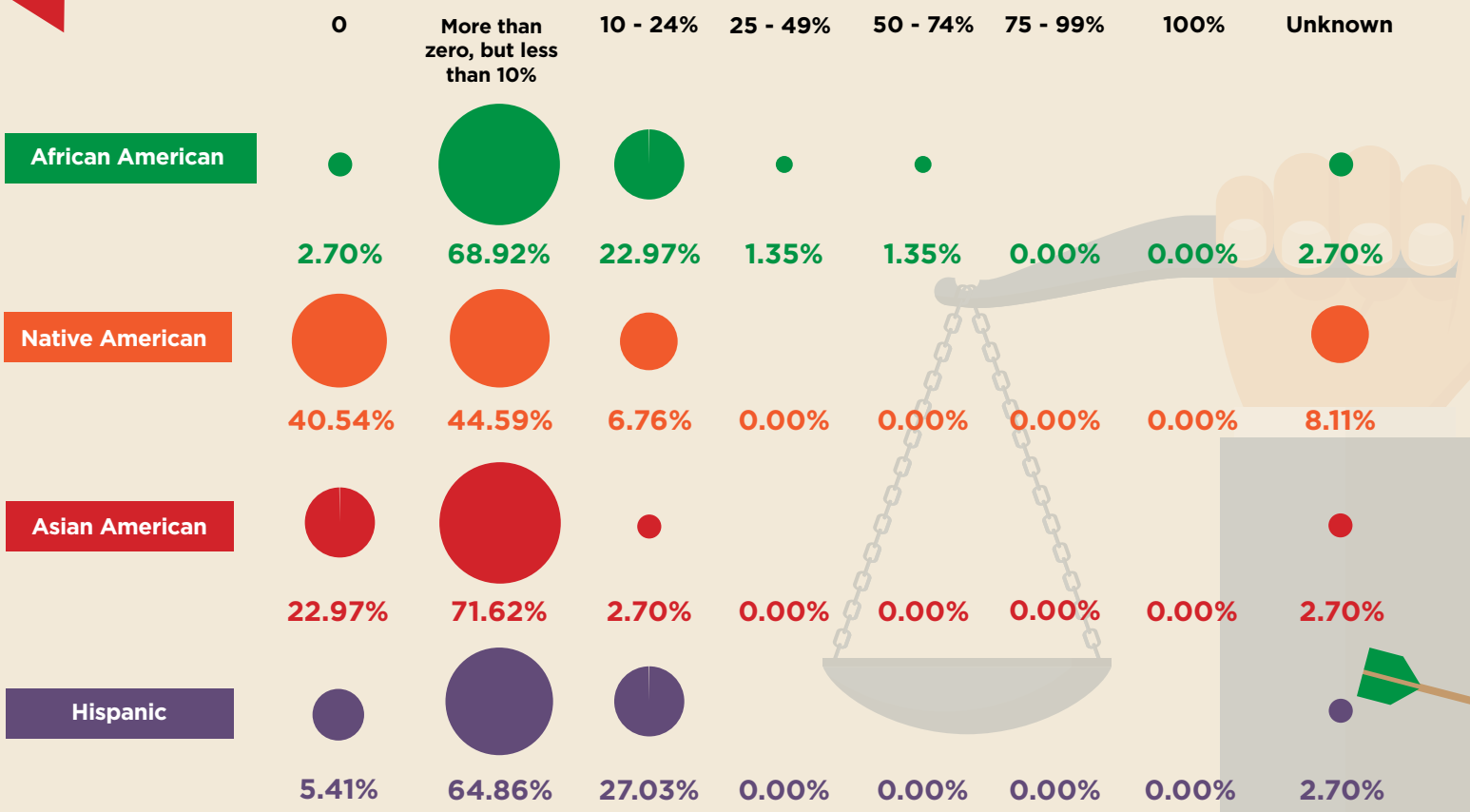
During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter was LGBT+?

WAS A RACIAL/ETHNIC MINORITY

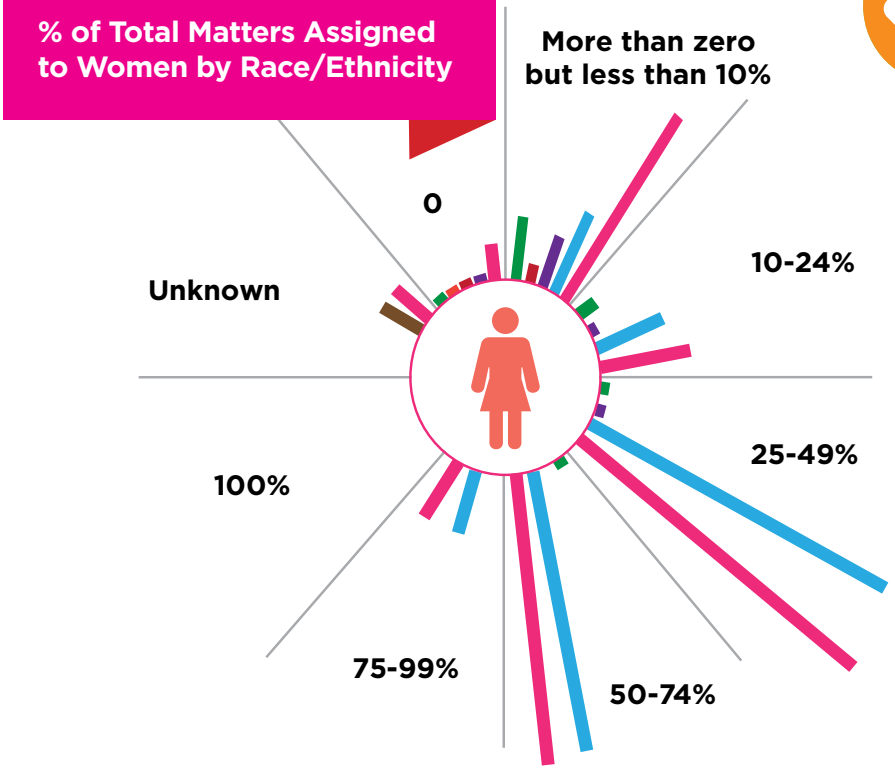
During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter was a racial/ethnic minority?

WOMAN LGBT+ DISABILITY RACIAL/ETHNIC MINORITY

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter was...



% of Total Matters Assigned to Women by Race/Ethnicity



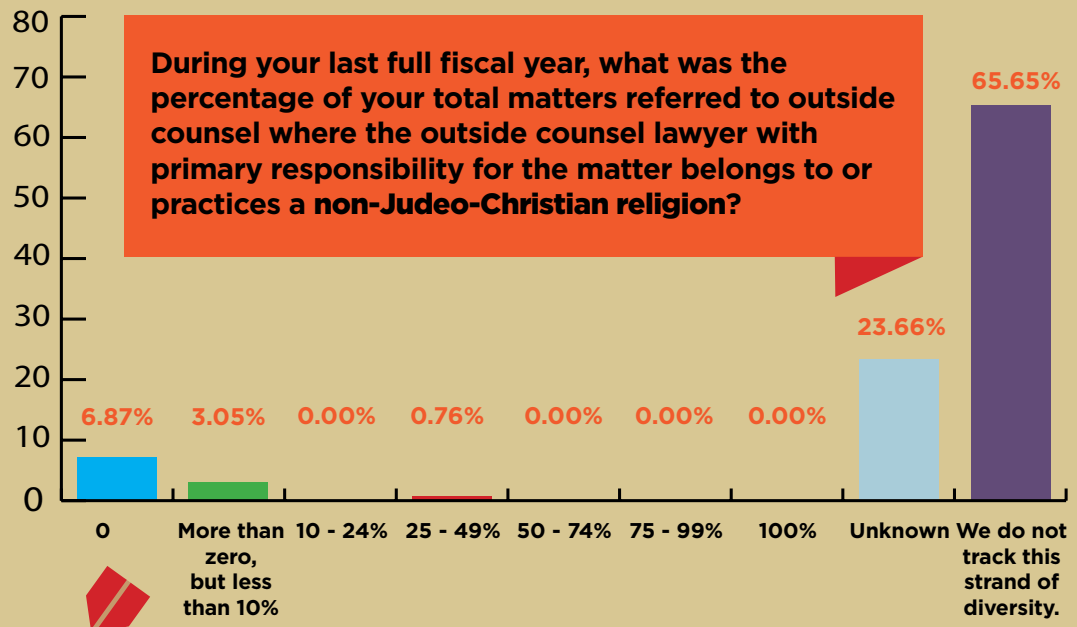
SOME TYPES OF DIVERSITY ARE VALUED MORE THAN OTHERS

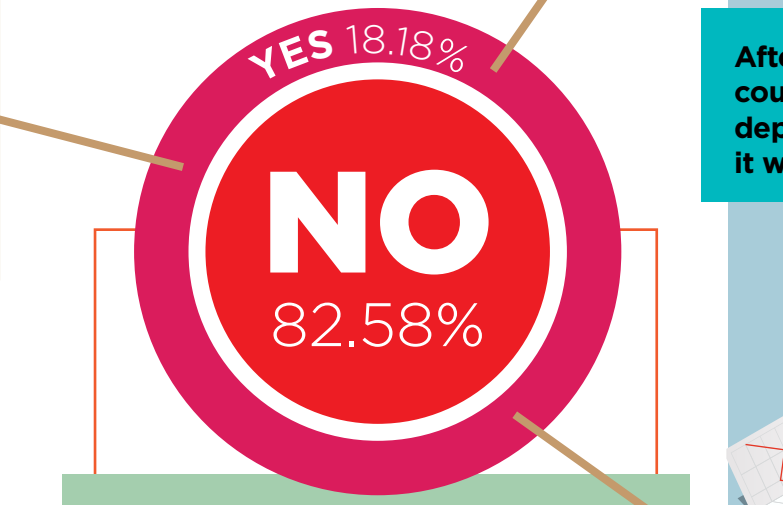
White women receive significantly more of the business that the respondents assign to diverse outside counsel. Well over half of the matters that respondents assigned to outside counsel were assigned to White women lawyers who were given primary responsibility for the matters. Asian Americans receive the least. In the next tier, 10% - 24%, Hispanics, followed by African Americans, fared best while Asian Americans and Native Americans did not receive that amount of business from any of the respondents. The racial/ethnic minority groups fell most frequently into the range of receiving "more than zero, but less than 10%." LGBT+ lawyers fared a little better, with over 40% the respondents reporting that they assigned "more than zero but less than 10%". Lawyers with disabilities were the group least likely to have corporate clients assigning matters to them.

RELIGIOUS DIVERSITY

While both society and the legal profession have been paying greater attention to non-Judeo-Christian religious diversity and including people who are Muslim or Sikh, for example, that has not yet been incorporated into the diversity efforts of corporate clients. Almost two-thirds of respondents are not tracking religious diversity.

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter belongs to or practices a non-Judeo-Christian religion?

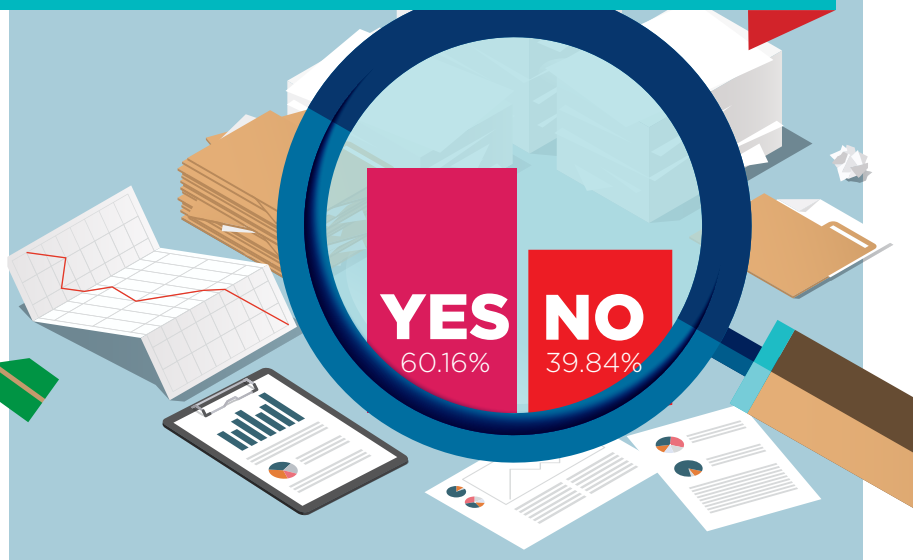




Does your company set annual diversity goals or targets for your outside counsel law firms?

For those corporations that do set diversity goals for their outside counsel, failure by the law firm to meet those goals result in consequences ranging from a slap on the wrist – a letter expressing the client's concern and disappointment – to deprivation of future business or loss of incentives that were intended to motivate the firm. Corporate clients, however, are also using their creativity to develop other perks, benefits, and rewards to encourage their outside counsel's diversity efforts.

After collecting this diversity data from your outside counsel law firms, does someone from your law department review the data from each firm and discuss it with the firm annually (or more frequently)?



CORPORATE CLIENTS ARE INCONSISTENT IN THEIR USE OF THE DIVERSITY DATA THEY COLLECT FROM OUTSIDE COUNSEL

Corporate clients have been tracking the diversity of their outside counsel but what they do with the information spans the spectrum. Sometimes, they review it. Sometimes that review is conducted with the firm in question. But regardless whether anyone reviews it, a significant majority of the respondents choose not to set diversity goals for their outside counsel for a variety of reasons.

OUR FINDINGS

Introduction

If the legal profession wants to see more diverse lawyers among the ranks of large law firm partners, corporate clients need to give them business. If the legal profession wants to see the numbers of minority- and women-owned (and other diverse) law firms grow and thrive, then again, corporate clients need to give them business. These diverse lawyers, regardless the sizes of the firm in which they practice need to generate significant business so as to sustain their own careers and their law firms.

This idea is neither new nor shocking. It has been in the forefront of the legal profession's diversity consciousness and has motivated efforts by corporate clients to increase law firm diversity from the Harry Pearce letter of the late 1980s through the 2019 letter from GC's for Law Firm Diversity by Michelle Fang. It is the reason we hear so many lawyers insist that the legal profession's diversity efforts must be driven by the clients. The equation is simple:

Corporate Business + Diverse Lawyer x Satisfactory Outcomes = Diversity in the Legal Profession

It's not rocket science. Yet despite the simplicity of the solution, it hasn't happened to the degree necessary to see real change. There are reasons for this disparity. They range from the numbers of diverse lawyers in the profession, to the lack of professional development opportunities needed to position diverse lawyers and law firms to generate the quality and quantity of business we're talking about, to the amount of perceived effort that corporate clients believe such outcome require, to rampant biases, both explicit and implicit, and even outright sexism, racism, homophobia, ableism, etc. And those are just the big reasons.

Diversity and inclusion advocates have tried to address these concerns with decades of programs, projects, research, and "new" initiatives: from pipeline programs to timetables, awards programs to conferences and conventions, and plenty of surveys, panel discussions, and articles.

Background

There are three common measures which the American legal profession uses to assess its diversity and inclusion ("D&I") success:

1. *The numbers of women and racial/ethnic minorities (as well as other types of diversity to the extent such demographic data is available) in the overall profession:* Sometimes we compare our profession's diversity demographics to those of other professions or population demographics. With very few exceptions, we almost always come up lacking.

2. *The numbers of diverse partners within the ranks of large law firms:* There is both a certain prestige status and high financial remuneration that comes with these partnerships so it is not surprising that entering the ranks of these partnerships is used as a measure of D&I success.

3. *The number, size, financial viability, and robustness of practice of law firms whose majority ownership is held by lawyers who are minorities, women, LGBT+, or have disabilities or some other diversity characteristic:* The autonomy and self-direction afforded by these (for the most part) minority- and women-owned law firms may be a tradeoff for the financial returns and bureaucracy of large law firm partnership.

By any of these three measurements, the legal profession is not succeeding.

The legal profession remains one of the least diverse in the United States. In 2018, female representation in the legal profession stood at 37.4%[1] and aggregate minority representation was 16.5%, with Hispanics 5.5%, African Americans comprising 5.2%, Asian Americans 4.7%, and Native American 1%.[2] Reliable data does not exist to allow us to discuss the demographics of openly LGBT+ lawyers, lawyers with disabilities, or lawyers from other underrepresented groups[3] such as non-Judeo-Christian religions but, what data that does exist, coupled with anecdotal information from lawyers from these groups, gives credence to perceptions that they, too, are represented in the legal profession in small numbers.

1. IILP Review 2019-2020: The State of Diversity and Inclusion in the Legal Profession, 13. http://www.theiilp.com/IILP-Review-2019-20 and https://www.bls.gov/cps/cpsaat11.htm
2. *Id.* at 15.
3. *Id.* at 17.

Based upon the National Association for Law Placement's 2018 Report on Diversity in U.S. Law Firms, women in 2017 made up 22.7% of law firm partners and only 18.7% of equity partners.[4] That same year, racial/ethnic minorities made up 8.4% of all law firm partners and only 6.1% of equity partners.[5] In 2018, only 1.8% of all law firm partners were African American, only 2.5% were Hispanic, and only 3.6% were Asian American.[6,7] The numbers are even more dismal for lawyers who are both women and racial/ethnic minorities. Minority women made up only 3.2% of law firm partners; this figure, however, is skewed upward by a few cities such as Miami (11.7%), San Jose (6.4%), Los Angeles (6.3%), and San Francisco (5.3%). In many more cities, minority women's representation among partners is significantly less than 3.2%.[8]

The question then is *why*. Why aren't we seeing more lawyers who represent one or more of the traditional diversity characteristics entering the ranks of law firm partners?

To become – and to sustain oneself as – a law firm partner generally requires revenue from clients. In an earlier era, when single tier partnerships were the norm, law firms tended to distinguish between those partners who generate revenue and those who perform the work – rainmakers and "worker bees." Today, when many firms have moved to two-tiered partnerships, they distinguish between equity and non-equity partners. The fact that even among the small numbers of diverse partners generally, the low numbers of diverse equity partners suggests that the reason we don't see more lawyers who represent one or more of the traditional diversity characteristics in those ranks is that they are not generating the amount of revenue their law firms expect equity partners to produce. Therefore, if we want to see more diverse lawyers in the ranks of law firm partners, but especially equity partners, or leading and running their own law firms, they need corporate clients to give them business which generates significant revenue for the firm.

This will come as no surprise to corporate clients. The relationship between revenue and diversity within the legal profession is not a new concept.

Since at least 1988, when then-Vice-President and General Counsel of General Motors Harry J. Pearce sent a letter to law firms with which General Motors was doing business stating that General Motors wanted to see minorities and women handling GM's legal matters, through the 1998 Statement of Principle spearheaded by Charles R. Morgan, then Executive Vice President and General Counsel of BellSouth Corporation, the 2004 Call to Action initiated by Roderick ("Rick") Palmore, then Chief Legal Officer of Sara Lee, and the 2019 GCs for Law Firm Diversity letter driven by Michelle Fang, Vice President and Chief Legal Officer for Turo, corporate clients have been telling law firms that they value diversity among their outside counsel. Indeed, when the University of Michigan Law School's affirmative action policies were challenged in *Grutter v Bollinger, et al.*, in 2003, General Motors and other corporations filed amicus briefs setting forth the need and their commitment to the diversity of the legal profession.

In undertaking this research, it is IILP's hope and intention to offer these corporate clients a new tool to support their efforts to promote greater diversity within their outside counsel law firms, a way to gauge their own level of support against other corporate clients and to assess the impact of how they are choosing to direct their outside counsel legal spend.

Methodology

A group of experienced lawyers from both law firms and corporations collaborated to develop a short and simple 20+ question survey tool designed to measure the diversity spend by corporate clients and to help us understand any differences that might be based upon the type of diversity (gender or race/ethnicity, for example) or the practice setting (large law firms versus smaller minority- or women-owned law firms).

The survey was posted online on March 16, 2019. A variety of methods was used to publicize the project and to invite corporate general counsel to have their companies participate. These included:

4. *Id.* at 14 (citing Nat'l Ass'n for Law Placement, 2018 Report on Diversity in U.S. Law Firms 9 (Jan. 2019), https://www.nalp.org/uploads/2018NALPReportonDiversityinUSLawFirms_FINAL.pdf. Figures are based on statistics provided by firms in the NALP Directory of Legal Employers.)
5. *Id.* at 16.
6. *Id.*
7. Data was unavailable for that year for Native American law firm partners.
8. IILP Review 2019-2020, *supra* note 2, at 14

- Social media platforms such as LinkedIn, Twitter, and Facebook;
- An email sent by GCs for Law Firm Diversity to all of the signatories to their letter for whom they had email addresses;
- Distribution by a national listserve of corporate general counsel;
- Communications by the Association of Corporate Counsel/the ACC Foundation to the general counsels in their database;
- Email blasts by IILP; and,
- A hard copy letter explaining the project and inviting participation mailed to each general counsel in the Fortune 500.

Respondents were guaranteed anonymity regarding their individual responses. They were also provided with definitions for the terminology being used.[9]

The survey was closed to further respondents on April 30, 2020.

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9. For purposes of this research, we provided the following definitions for the terms we were using in the survey and this report:

- "Diverse counsel" refers to lawyers who are women, racial/ethnic minorities, openly LGBT+, have disclosed a disability recognized by the Americans with Disabilities Act ("ADA"), and/or belong to/practice a non-Judeo-Christian religion.
- "Outside counsel" refers to lawyers who are solo practitioners or work for a law firm of any size.
- "Primarily responsible" means any attorney you consider most responsible for developing and executing your strategy and managing the legal team. In litigation, the primarily responsible lawyer may often be referred to as the "First Chair" lawyer. In transactional matters, the primarily responsible lawyer may often be referred to as "the Lead Deal Lawyer".
- "Significant matters" refers to those legal matters you consider most important to your company or its business.
- "Racial/ethnic minorities" refers to those who are:
  - African, African American, Black, or Caribbean;
  - American Indian, Native American, Indigenous Peoples, or First Nations;
  - Asian, Asian American, Asian Pacific, or Asian Pacific American (including Pacific Islander, South Asian, or South Asian American);
  - Hispanic, Latino/a/x, or Latin American; or,
  - Any combination of the above.
- "African American" includes those who are African, Black, or Caribbean.
- "Native American" includes those who are American Indian, Indigenous Peoples, or First Nations.
- "Asian American" includes those who are Asian, Asian Pacific, Asian Pacific American, Pacific Islander, South Asian, or South Asian American.
- "Hispanic" includes those who are Latino/a/x or Chicano or Latin American.
- "White" includes those who are Caucasian, European, or European American.
- "LGBT+" refers to lesbian, gay, bisexual, or transgender people, or, anyone whose sexual orientation or gender identity does not conform to herterosexism, heteronarmativeness, or cisgender.
- "Non-Judeo-Christian religions" includes but is not limited to:
  - Buddhism
  - Confucianism
  - Hinduism
  - Islam
  - Shinto

Geographic Distribution

State	# of Respondents
New York	38
California	26
Illinois	22
Texas	12
New Jersey	5
Georgia	4
Massachusetts	3
Michigan	3
Minnesota	3
Pennsylvania	3
Washington	3
Florida	2
Indiana	2
Missouri	2
North Carolina	2
Arizona	1
Connecticut	1
District of Columbia	1
Nevada	1
Oregon	1
Virginia	1
TOTAL	**136**

Demographics

One hundred thirty-six corporations responded to the survey; not every respondent answered every question. The largest category of respondents, 54.14% (72 of 133), identified themselves as belonging to the Fortune 500. The next largest group, 23.31% (31 of 133) identified themselves as privately held companies. Corporations that were Fortune 1000 but not Fortune 500 companies compromised 8.27% (11 of 133), and 9.02% (12 of 133) identified themselves as "Other". This included multi-million and multi-billion-dollar non-profits, private foundations, and small businesses.

THANK YOU TO **IILP** FOR HELPING US THINK DIFFERENTLY ABOUT INCLUSION IN LAW

At Orrick, we launched a Racial Justice Fellowship Program last year to contribute our skills as lawyers to help create a more just and equitable world.

We made a four-year commitment to place five experienced Orrick lawyers to work full time and at full pay for one year with organizations advocating for civil rights, racial justice and economic empowerment.

Orrick Senior Associate Max Carter-Oberstone spent his fellowship year with the NYU School of Law Policing Project. Max has jumped back into our Supreme Court & Appellate practice, while drawing on his experience by serving on the San Francisco Police Commission.

Visit **orrick.com/fellows** to learn more about the program.

It's one of many ways we're thinking differently to make Big Law careers inspiring and sustainable for everyone on our team.

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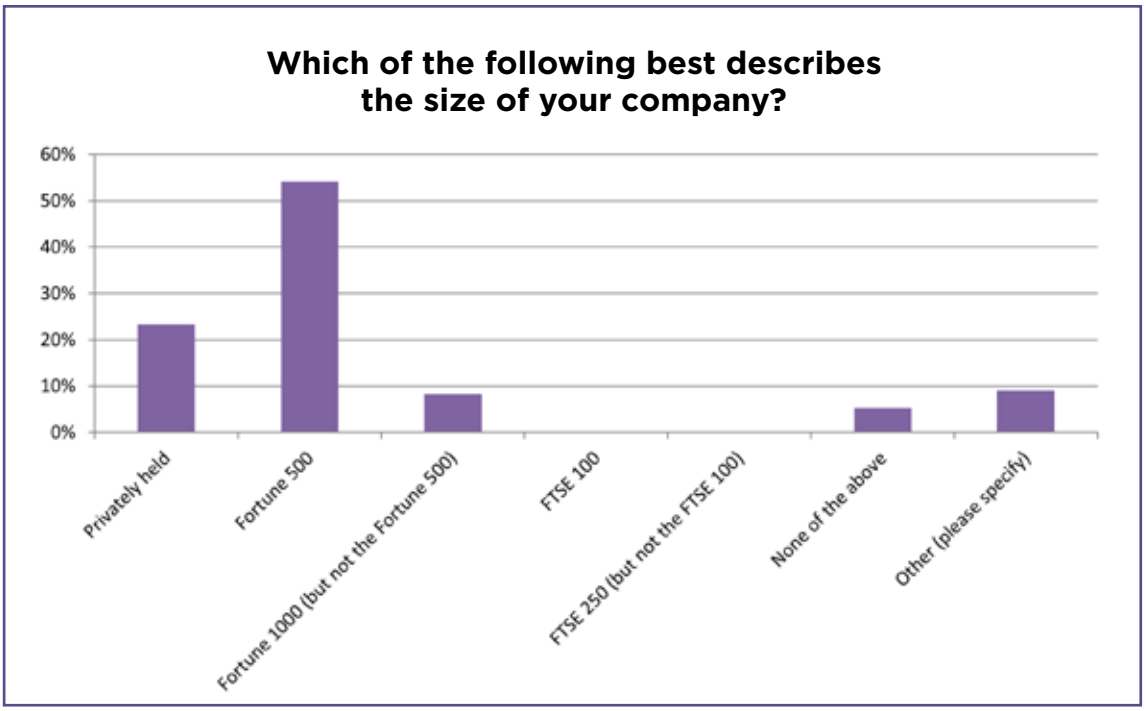
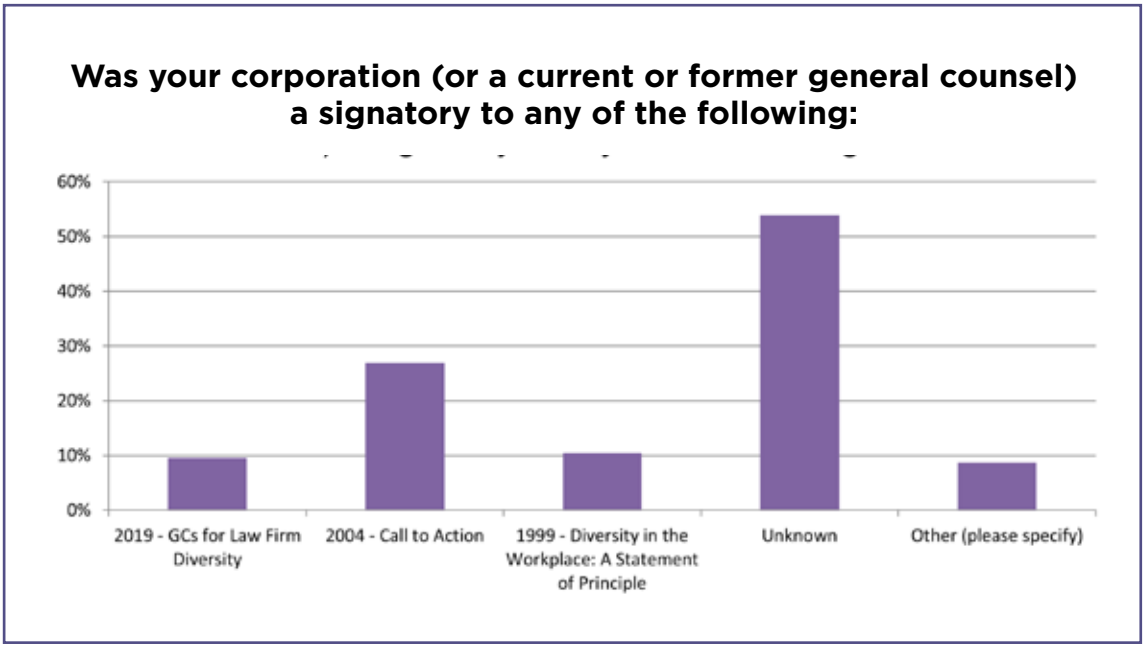


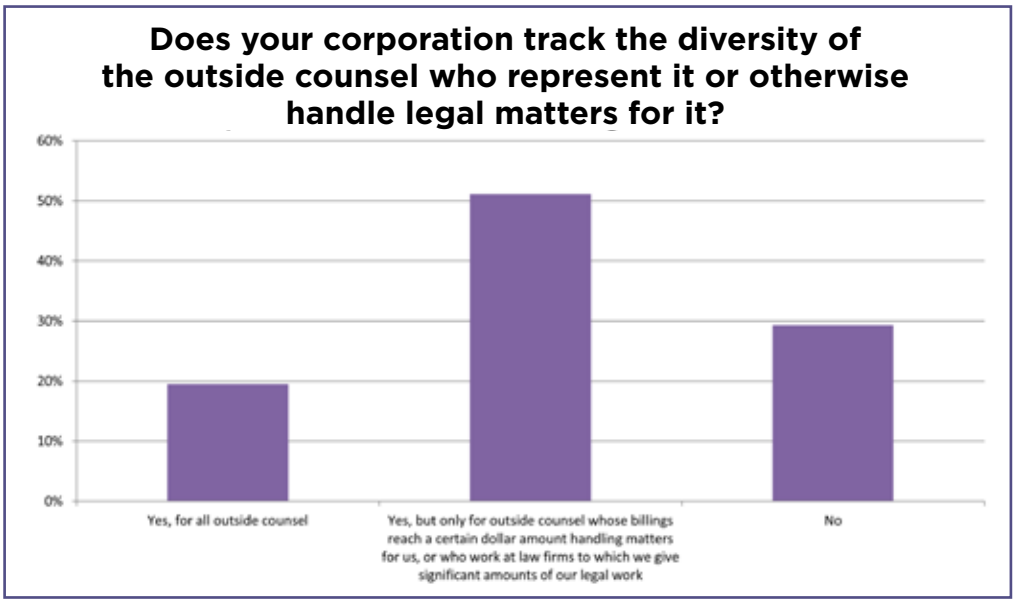
We were curious to understand whether the various historical efforts by corporate general counsel to promote greater diversity among their outside counsel as evidenced by their (or a predecessor's) signing of one or more of the various diversity pledges contributed to an environment within these companies that was more engaged or more advanced in efforts to direct business to diverse lawyers. The data suggests that previous efforts has little to no impact. Over half, 53.91% (62 of 115) did not know whether their corporation or a current or former general counsel had been a signatory to one of these initiatives. Over a quarter, 26.96% (31 of 115) had signed the 2004 Call to Action. Corporations who had signed the 1999 Statement of Principle made up 10.43% (12 of 115) while 9.57% (11 of 115) had signed the 2019 letter from GCs for Law Firm Diversity. Precisely 8.70% (10 of 115) reported never having signed one of these pledges, and 1.7% (2 of 115) referenced ABA Resolution 113.



What We Learned

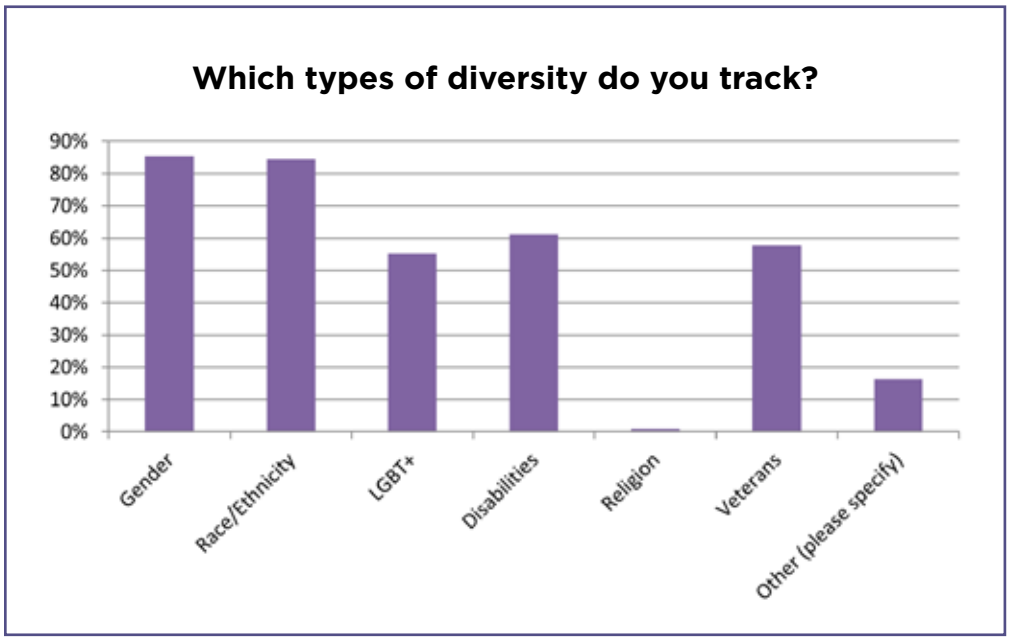
Tracking the Diversity of Outside Counsel

The majority of respondents, 70.68% (94 of 133) are tracking the diversity of their outside counsel. Almost 20% (26 of 133) track this information for all of their outside counsel while over 50% (68 of 133) only track the information for those outside counsel whose billings reach a certain dollar level or work at firms to which the corporation gives significant amounts of its legal work.

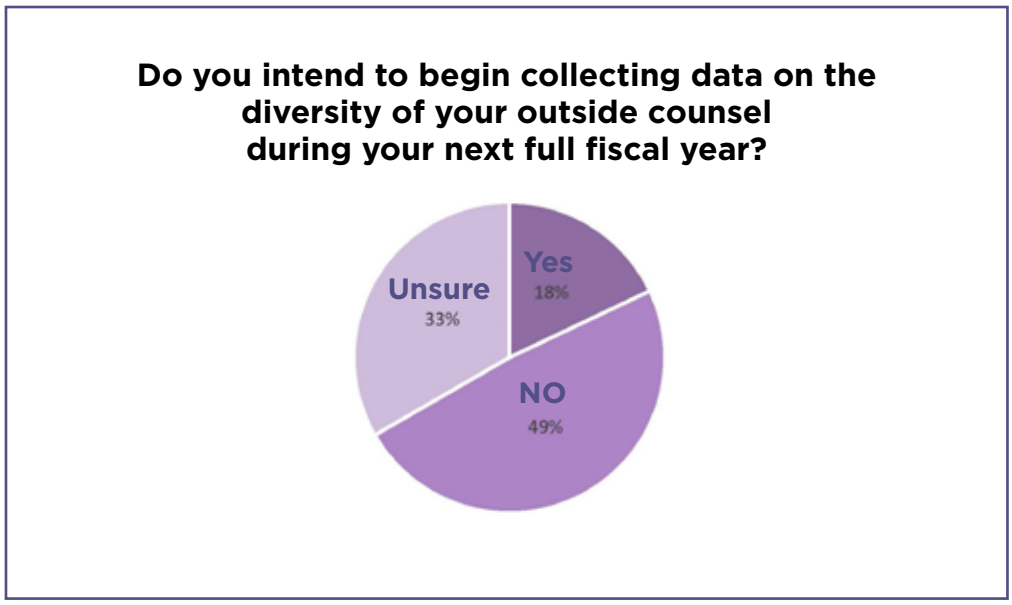


The types of diversity most often tracked emphasized gender at 85.34% (99 of 116) and race/ethnicity at 84.48% (98 of 116), followed by disabilities at 61.21% (71 of 116), veteran status at 57.76% (67 of 116), and LGBT+ 55.17% (64 of 116). Religious diversity is rarely tracked at 0.86% (1 of 116). Several comments referenced that the respondent either did not track diversity or the only diversity tracked was that which was required for EEO-1 filings. Others noted that they use the ABA Model Diversity survey which tracks overall firm diversity but does not show clients the diversity of the attorneys working on their matters unless they specifically ask the firms to provide that data separately. Still, just under a third, 29.32% (39 of 116) do not track the diversity of their outside counsel at all.

"[O]ur concern purely is with receiving quality legal advice, not the identity of who provides it." — Anonymous Respondent



Among the 29% of respondents not collecting diversity data, there appears little intention to change. Just under one-half, 48.72% (19 of 39), said they had no intention of beginning to collect diversity data about their outside counsel. One third, 33.33% (13 of 39) were unsure, and 17.95% (7 of 39) thought that they would begin to collect the data.



Assigning Business

AmLaw 200 law firms received more business from the respondents than any other category of law firm. During their last full fiscal year, 7.63% (9 of 130) respondents reported that they assigned 100% of their outside counsel work to AmLaw 200 law firms while another 30.51% (36 of 130) assigned 75 – 99% of the outside counsel work to AmLaw 200 firms. Slightly more than 4% reported that they gave AmLaw 200 firms less than 10% of their work (3.39% or 4 of 130) or even no work, 1.69% (2 of 130).

Large regional law firms appear to be receiving solid amounts of work although they had less of a lock on the respondents' business with only 2.78% (3 of 130) receiving 100% of the respondents' work and 4.63% (5 of 130) receiving 75-99% of that work. Nevertheless, 19.44% (21 of 130) were receiving 50-74% of the respondents' work, 16.67% (18 of 130) were receiving 25-49% of the respondents' work, and 31.48% (34 of 130) were receiving 10-24% of the respondents' work. But almost 14% (13.89% or 15 of 130) received no work from the respondents.

Smaller, local law firms did not fare as well in the amount of business received from the respondents. None of the respondents was assigning them more work than the 50-74% category, and even then, it was less than 5%: 4.46% (5 of 130). Even in the next highest category, 25-49%, these smaller firms were receiving only 10.71% (12 of 130) of the work being assigned. In further contrast, almost two-thirds of the respondents were assigning less than 10% of their work (37.5% or 42 of 130) or no work at all (26.79% or 30 of 130) to these firms.

Engaging Diverse-Owned Firms

Diverse-owned firms, while not faring as well as the large firms, nevertheless appear to have carved out a small niche for themselves. While those respondents assigning minority- and women-owned firms less than 10% but more than 0 of their outside counsel work appear to be striking some sort of balance, with minority-owned firms receiving 62.24% (61 of 130) and women-owned firms receiving 63.27% (62 of 130) of those assignments, we note that women-owned firms were receiving three times as much work as the minority-owned firms in the next two highest categories: 15.31% (15 of 130) in the 10-24% category and 3.06% (3 of 130) in the 25-49% category for women-owned firms compared with 5.10% (5 of 130) and 1.02% (1 of 130) respectively for minority-owned firms. Moreover, minority-owned firms were one-third more likely than women-owned firms to be receiving no business from the respondents: 30.61% (30 of 130) compared to 18.37% (18 of 130).

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LGBT+-owned firms did not fare as well as minority- or women-owned firms in the amount of business assigned to them by the respondents. No respondent reported assigning 10% or more of its business to LGBT+-owned firms. Among the rest, 44.44% (40 of 130) reported assigning less than 10% but more than 0 to LGBT+-owned firms and 55.56% (50 of 130) reported that they had not assigned any business to them.

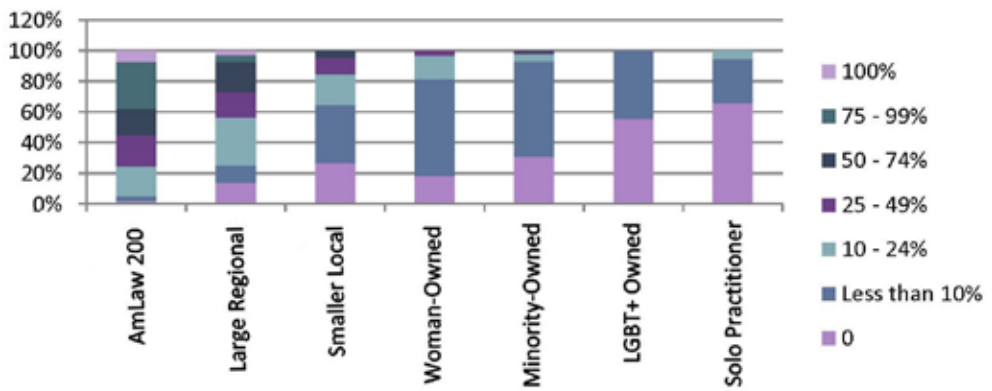
Solo practitioners and firms owned by lawyers with disabilities fared worst of all. None of the respondents reported assigning any work to a law firm that categorized itself as disability-owned.

During your last full fiscal year, what percentage of total matters referred to outside counsel were referred to firms falling into any of the categories below?

Answered: 130 Skipped: 6

	0	LESS THAN 10%	10 - 24%	25 - 49%	50 - 74%	75 - 99%	100%	TOTAL
AmLaw 200 Law Firm	1.69% 2	3.39% 4	19.49% 23	20.34% 24	16.95% 20	30.51% 36	7.63% 9	118
Large Regional Law Firm	13.89% 15	11.11% 12	31.48% 34	16.67% 18	19.44% 21	4.63% 5	2.78% 3	108
Smaller Local Law Firm	26.79% 30	37.50% 42	20.54% 23	10.71% 12	4.46% 5	0.00% 0	0.00% 0	112
Woman-Owned Law Firm	18.37% 18	63.27% 62	15.31% 15	3.06% 3	0.00% 0	0.00% 0	0.00% 0	98
Minority-Owned Law Firm	30.61% 30	62.24% 61	5.10% 5	1.02% 1	1.02% 1	0.00% 0	0.00% 0	98
LGBT+ Owned Law Firm	55.56% 50	44.44% 40	0.00% 0	0.00% 0	0.00% 0	0.00% 0	0.00% 0	90
Solo Practitioner	65.96% 62	28.72% 27	5.32% 5	0.00% 0	0.00% 0	0.00% 0	0.00% 0	94

During your last full fiscal year, what percentage of total matters referred to outside counsel were referred to firms falling into any of the categories below?

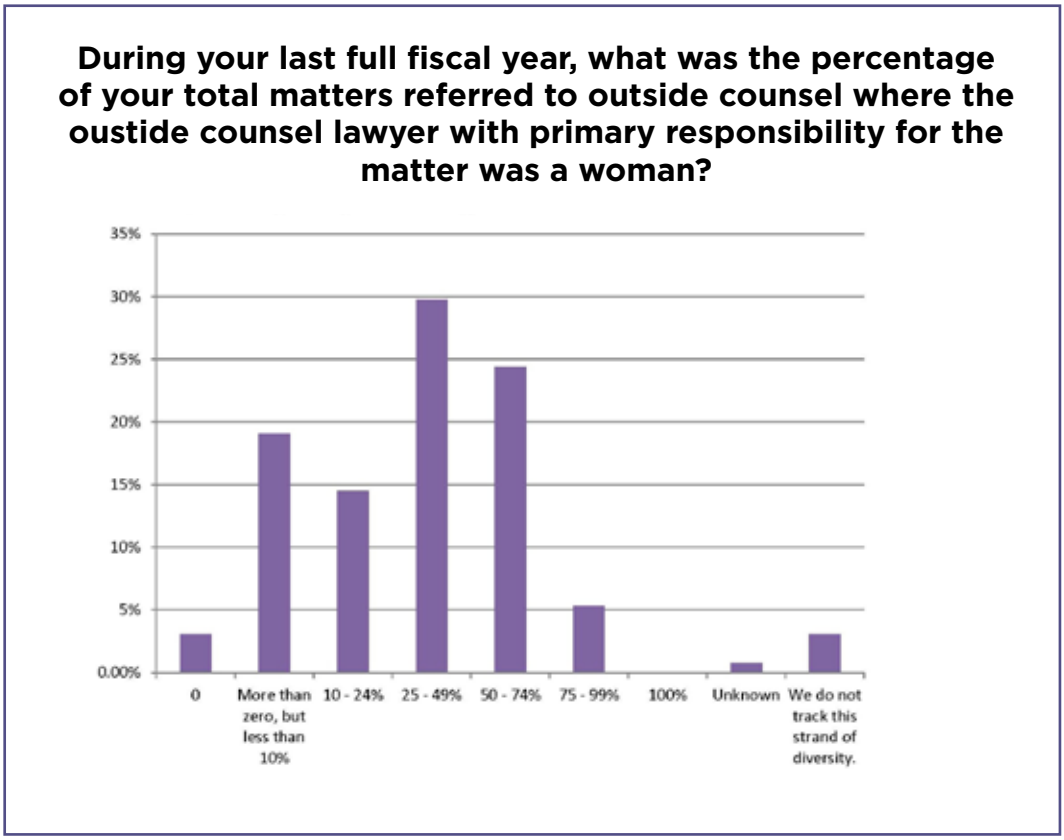


Assigning Business to Diverse Lawyers

It used to be a sticking point in any discussion about how to increase diversity in the profession that corporate clients did not appreciate the role that origination/relationship credit or fee realization played in both the compensation and power of any partner in a large law firm or the viability of a diverse-owned law firm. Walmart changed that in 2003 when then-General Counsel Thomas A. Mars spearheaded an effort to first diversify Walmart's own law department and then its outside counsel. Among the top 100 law firms working with Walmart at the time, Mars and his leadership team chose 40 new relationship partners who were minorities or women and shifted $60 million of the company's $200 million outside counsel legal business. They also terminated Walmart's relationship with two firms that failed to meet Walmart's new diversity requirements.[10] It was such a significant move that it forced the legal profession generally, and other corporate clients specifically, to acquire a keener understanding of and sophistication about law firm partnership compensation.

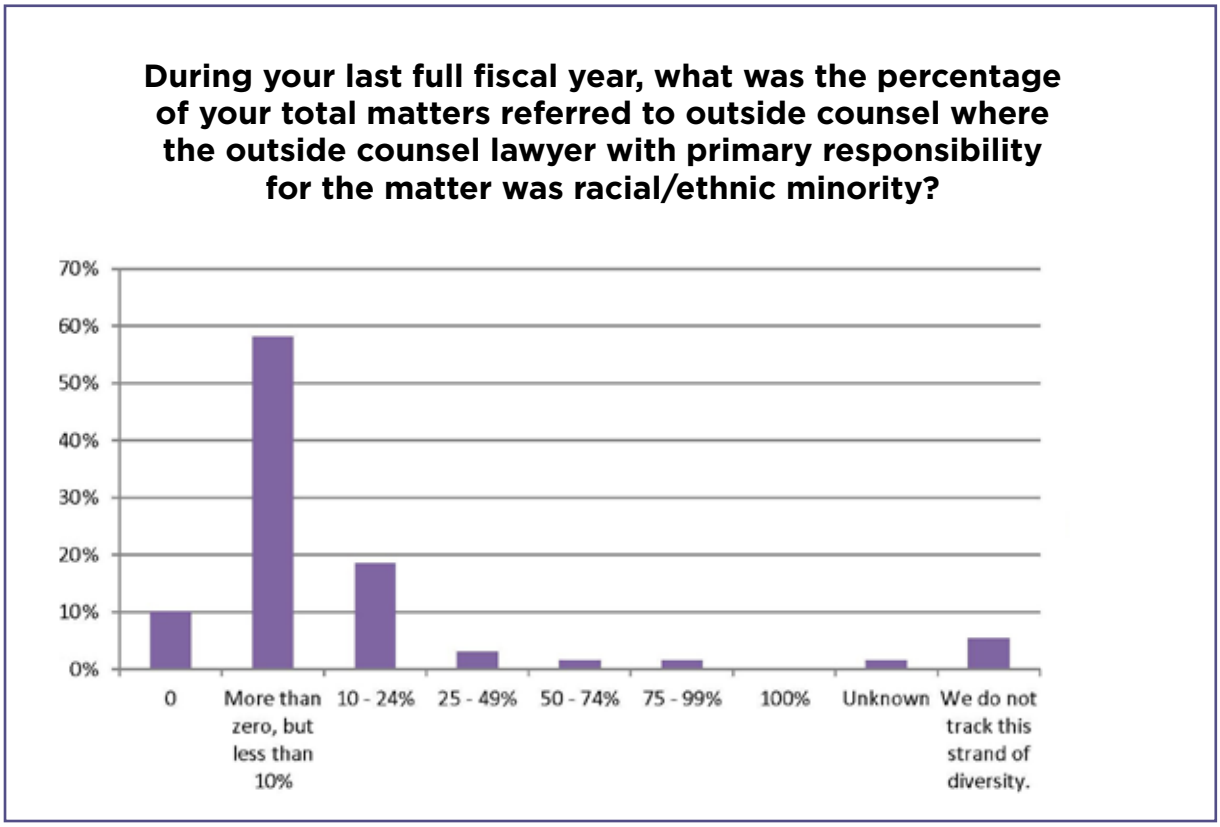
With that in mind, we wanted to learn more about the degree to which corporate clients were referring their matters to the diverse lawyers in their outside counsel law firms. We learned that generally, White women as a diversity category fared better than lawyers who are racial/ethnic minorities, LGBT+, or have disabilities. Hardly anyone was considering religious diversity as a criterion in referring business to outside counsel.

Well over half of the matters that respondents assigned to outside counsel were assigned to White women lawyers who were given primary responsibility for the matters. Almost one-third of the respondents 29.77% (39 of 131) reported that 25-49% of their total matters referred to outside counsel were assigned to a woman lawyer who had primary responsibility. Another quarter of respondents, 24.43% (32 of 131) reported that 50-74% of their matters were assigned to women lawyers. Only 5.34% (7 of 131) reported that 75-99% of their matters were assigned to women, and 3.05% (4 of 131) reported that they had not assigned any matters to women outside counsel.



10. "Wal-Mart Lays Down the Law," by Jonathan Birchall in Financial Times, February 20, 2007. https://www.ft.com/content/87a2cfda-c0fb-11db-bf18-000b5df10621

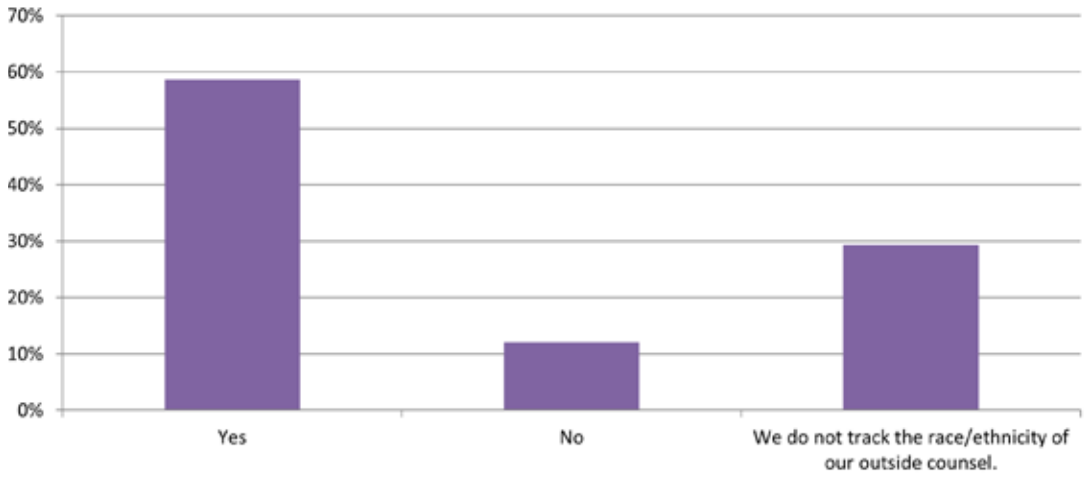
It was a different story for racial/ethnic minorities. Over half of the respondents, 58.14% (75 of 129) reported assigning more than zero but less than 10% of their matters assigned to outside counsel to racial/ethnic minorities. Another 18.60% (24 of 129) assigned between 10-24% of their outside counsel matters to racial/ethnic minorities. And 10.08% (13 of 129) reported they had not assigned any work to outside counsel who are racial/ethnic minorities, over three times the number who did not make assignments to women outside counsel.



We were interested to see if the pattern of assigning matters to outside counsel who are racial/ethnic minorities was consistent across the boards for all racial/ethnic minorities or if there were differences based upon race/ethnicity.

Among the respondents, 58.65% (78 of 133) disaggregate the diversity data they collect so as to distinguish among the different types of racial/ethnic minorities.

If you track the race/ethnicity of your outside counsel, do you disaggregate the diversity data (*i.e.*, break it down to distinguish among the different types of racial/ethnic groups, such as distinguishing between outside counsel who are African American versus those who are Native American or Asian American or Hispanic) you collect regarding the race/ethnicity of your outside counsel?



We asked those who did disaggregate the data about the percentage of their total matters referred to outside counsel for each of the primary racial/ethnic minority groups.

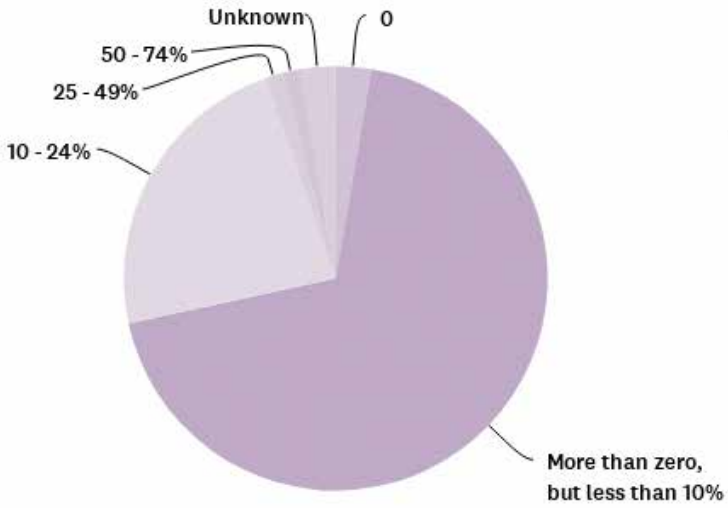
We found that 68.92% (51 of 74) of the respondents assigned more than zero but less than 10% of the work they gave to racial/ethnic minorities to African American lawyers while another 22.97% (17 of 74) assigned between 10-24% of the work they gave to racial/ethnic minorities to African Americans.

Precisely 44.59% (33 of 74) of the respondents assigned more than zero but less than 10% of their matters to Native American lawyers. Almost the same amount, 40.5% (30 of 74) assigned no business to Native American outside counsel.

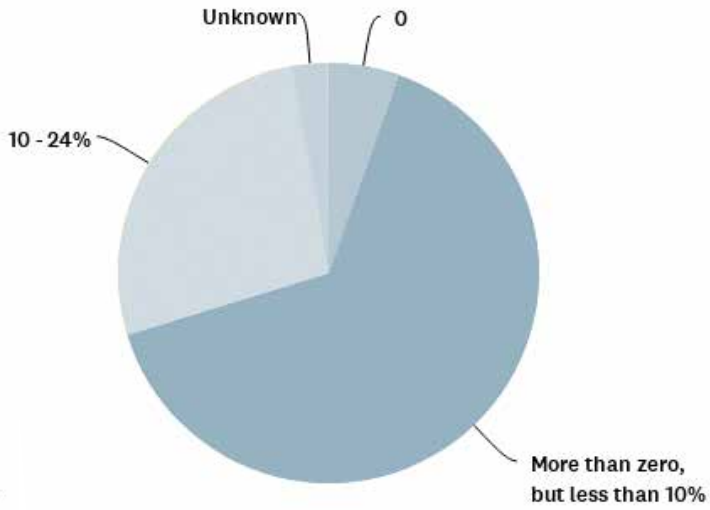
Almost three-quarters, 71.62% (53 of 74), of the respondents assigned more than zero but less than 10% of their outside counsel work to Asian American lawyers while 22.97% (17 of 74) assigned no work to Asian Americans.

Out of all the respondents, 64.86% (48 of 74) assigned more than zero but less than 10% of the work they assigned to racial/ethnic minorities to Hispanics. Another 27.03% (20 of 74) assigned between 10-24% of their total matters referred to outside counsel who are Hispanic.

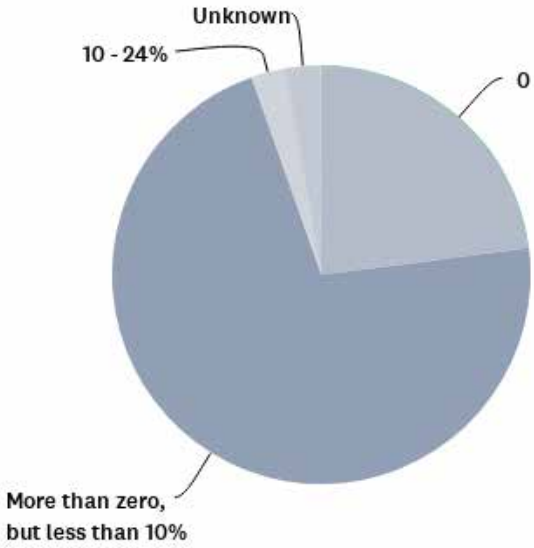
Work Assigned by Racial/Ethnic Minority Group



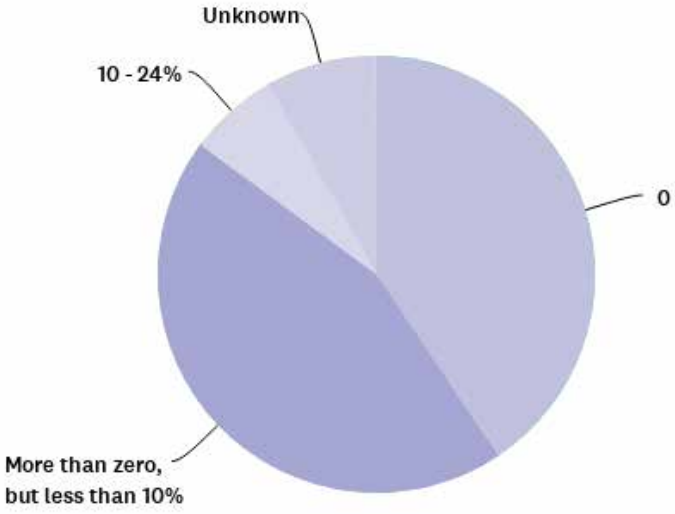
African American



Hispanic



Asian American

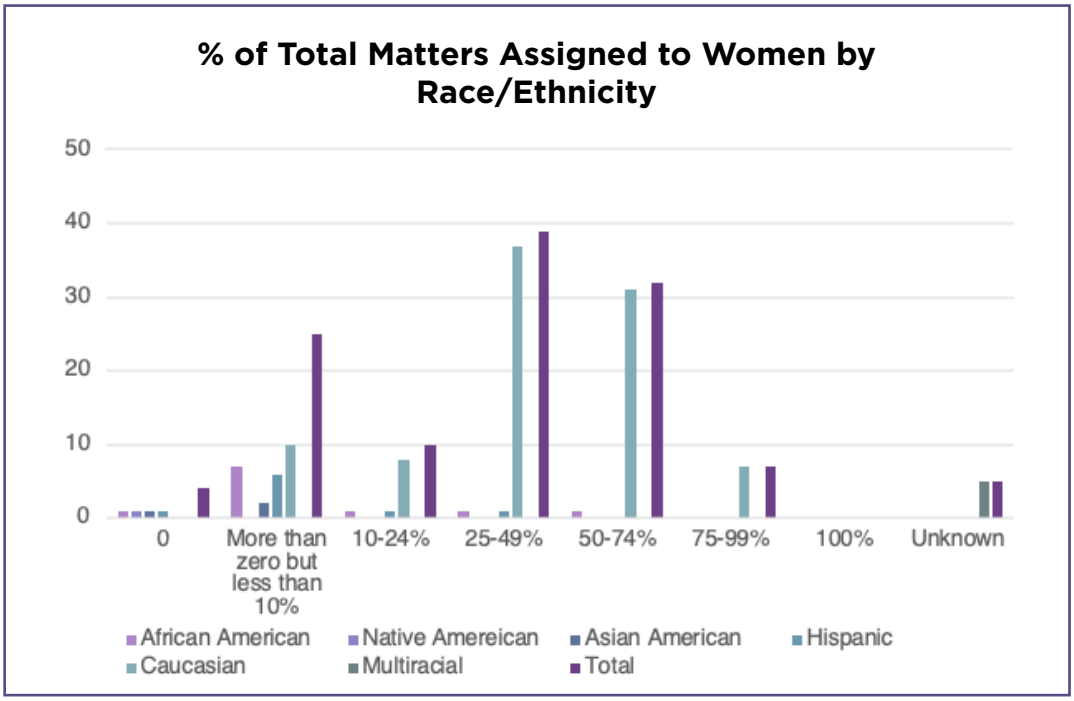


Native American

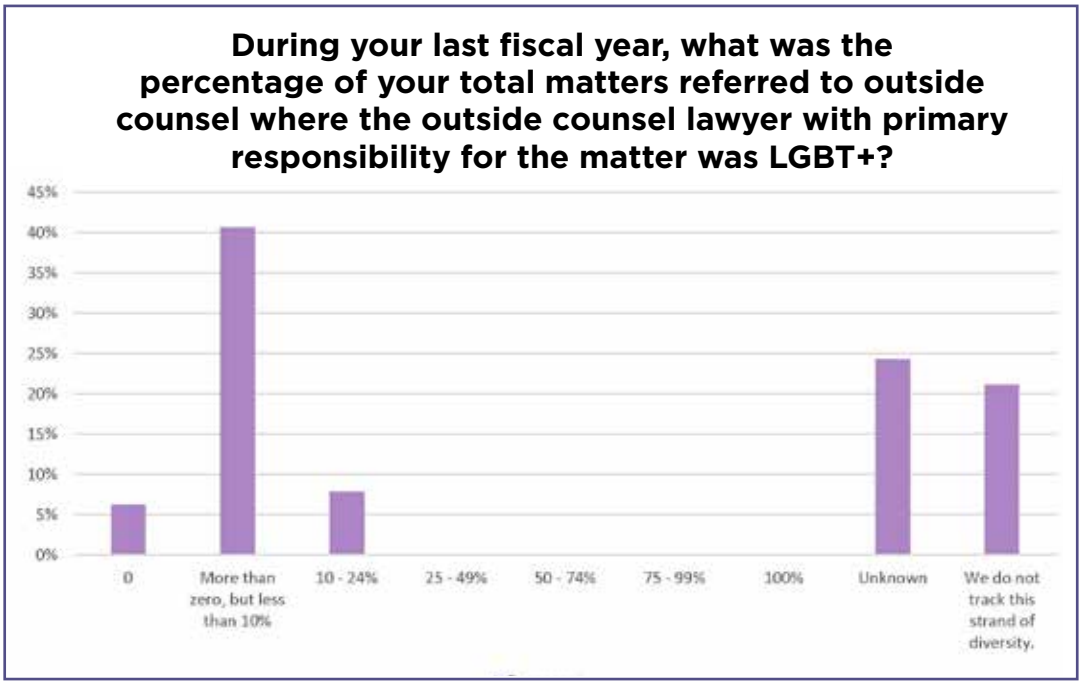
While amount of work assigned by respondents to racial/ethnic minorities tended to fall into the "more than zero but less than 10%" category, only the African American and Hispanic groups received assignments in any significant amount in the next highest category, 10-24%. None of the groups received assignments of work in any significant amount in higher categories. Only two of the respondents assigned "zero" work to African American and only four assigned "zero" work to Hispanic lawyers. 17 assigned "zero" work to Asian Americans while 30 assigned "zero" work to Native Americans.

When we cross-tabulated the responses to compare the percentages of work being assigned to women by race/ethnicity, we found that by and large, most of the work being assigned to women went to White women. African American and Hispanic women received a very tiny amount and while Asian American and Native American women received almost none.

It was harder to ascertain the amount of business that corporate clients are directing to LGBT+ lawyers. Unlike

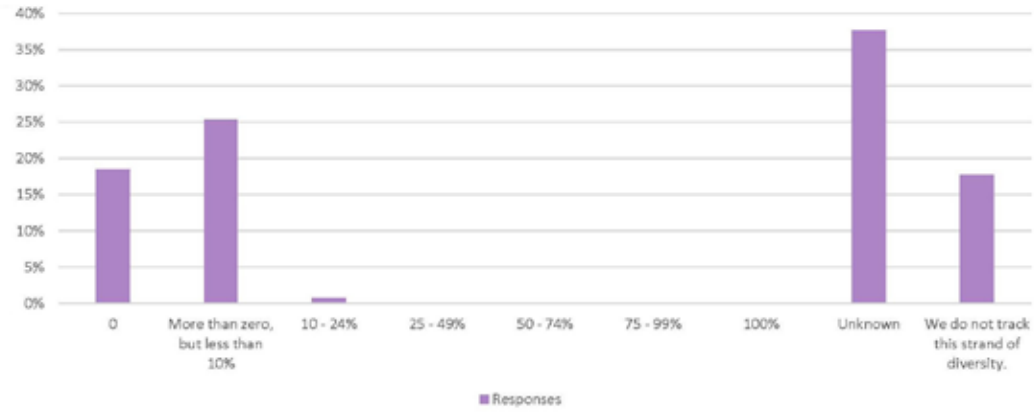


the data we were able to collect regarding the percentage of work being assigned to lawyers who are women or racial/ethnic minorities, over 45% of the respondents said that the amount of work assigned to LGBT+ lawyers was either unknown, 24.22% (31 of 128) or that they did not track this strand of diversity, 21.09% (27 of 128). Nevertheless, over 40% of the respondents, 40.63% (52 of 128), reported that they assigned more than zero but less than 10% with another 7.81% (10 of 128) assigning between 10-24% of their work to LGBT+ lawyers.



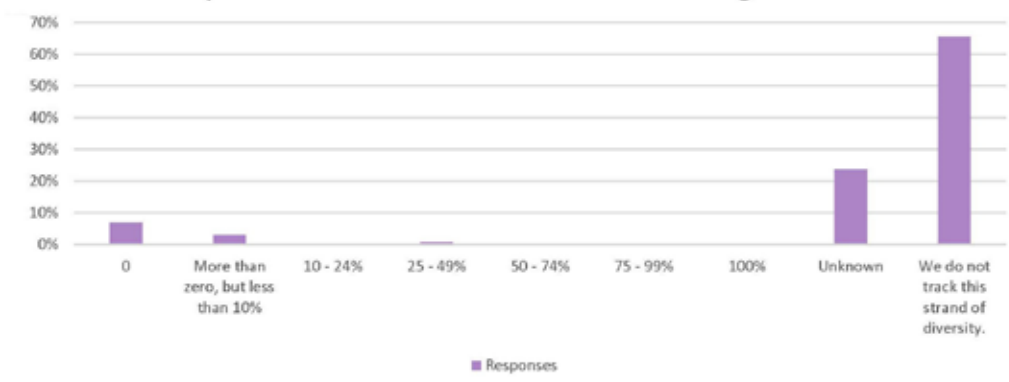
For lawyers with ADA-recognized disabilities, the data was bleaker. Far and away, lawyers in this strand of diversity were the least likely to have corporate clients assigning matters to them, with 18.46% (24 of 130) of the respondents reporting that they assigned no matters to lawyers with disabilities. We did not distinguish between visible or invisible disabilities or those disabilities that required accommodations, and this may be reflected by the fact that this diversity strand received the highest number of responses indicating "Unknown," 37.69% (49 of 130). Still, just over a quarter, 25.38% (33 of 130) reported that they assigned more than zero but less than 10% of their matters to lawyers with disabilities.

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter had an ADA-recognized disability?



With society and the legal profession paying greater attention to including lawyers who are Muslim, Sikh, or other non-Judeo-Christian religions in its diversity and inclusion efforts, we were curious to see whether corporate clients are directing much business to lawyers who bring religious diversity to the profession. If they are, that effort is difficult to discern. Just under two-thirds of respondents, 65.65% (86 of 31) do not track religious diversity and another 23.66% (31 of 131) reported that diversity based upon religion was "Unknown."

During your last full fiscal year, what was the percentage of your total matters referred to outside counsel where the outside counsel lawyer with primary responsibility for the matter belongs to or practices a non-Judeo-Christian religion?



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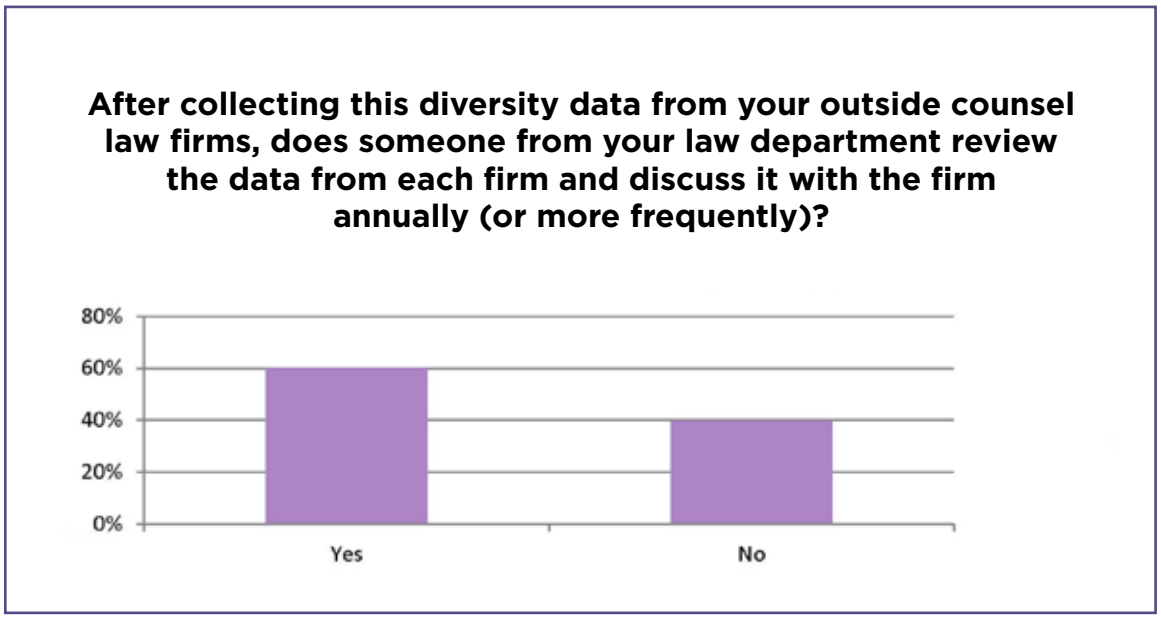
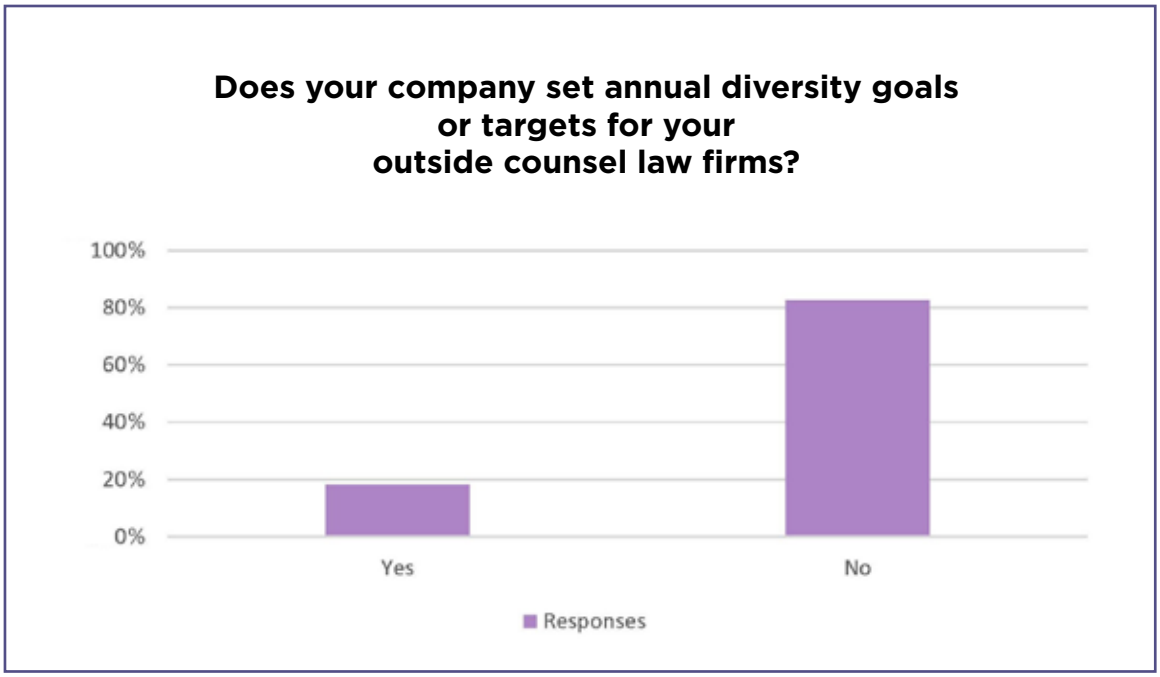
Reviewing the Diversity Data Collected from Outside Counsel

Collecting the diversity data from outside counsel law firms is all very well but do the clients review the data with each firm and discuss what it means or what the client thinks about it annually (or more frequently)? The answer was a resounding, "sometimes."

Almost two-thirds, 60.16% (74 of 123) said they do, while the remaining 39.84% (49 of 123) do not.



While corporate clients sometimes review a firm's diversity data with the firm, they are not setting annual diversity goals for their outside counsel law firms. A resounding 82.58% (109 of 132) reported that they do not set diversity goals for outside counsel.



When clients decide to deny business to firms that are failing to meet diversity goals, the focus is typically on future rather than current business.

The comments received in response to this question provided further illumination on the reasoning for this:

> *We've neither the time, personnel, or interest in having to police our outside counsel; we tell them we want to see more diversity but we shouldn't have to monitor it. If we find we're having to send the same message to the same firm year after year, we'll take appropriate steps. But we're not going to get dragged into setting their diversity goals for them. At some point they need to take responsibility.*

> *If I tell my outside counsel that our company wants more diversity, they should get it done. I shouldn't have to get into the nitty gritty of their internal staffing decisions.*

> *Put the best people for the job on the matter and have enough diversity so that there's a decent chance the best person is a woman or minority. We shouldn't have to set the law firm's goals for it. If we're going to do that, we might as well just handle the entire matter ourselves or find some other firm that's more diverse to do it.*

> *We don't believe in quotas but we also don't think that we should have to play enforcer just to get more diversity among the lawyers handling our matters.*

> *I don't tell my outside counsel what their diversity goals should be. I just tell them that if I don't see more diversity in the lawyers handling our files, I can get a minority-owned firm at a better billing rate.*

Holding Outside Counsel Law Firms Accountable for Meeting Diversity Goals

For those clients who do establish diversity goals for their outside counsel, we asked what they do if outside counsel fail to meet those goals. The responses could be grouped into four primary categories:

1. A letter is sent to the firm expressing the client's concern;
2. Someone from the client's law department initiates a call or in-person meeting with the firm to discuss the client's concern;
3. The client deprives the firm of business opportunities or otherwise penalizes it; or,
4. The client institutes incentives aimed at motivating the firm to meet the diversity goals.

When a letter is sent to the firm, the message ranges from a gentle expression of concern and a reminder that the client values diversity among its outside counsel to a warning of potential consequences if the failure to meet diversity goals persists.

> *They get a letter from us.*

> *We send them a letter.*

> *We send them our internal diversity policy and remind them that we expect our vendors and service providers to support our efforts.*

> *Our General Counsel writes to express his disappointment and hope that they will do better next time as he would not like to have to reduce the amount of work we send them.*

When the client initiates a call or in-person meeting, the range of messages is similar to that of those who send letters but frequently includes a collaborative component. These calls or meetings will often include some sort of brainstorming about things the firm could undertake to better meet diversity goals, such as where/how to recruit/retain more diverse lawyers, diverse lawyers who could be potential laterals to whom offers could be extended, and establishing relationships ranging from loose affiliations to outright mergers and acquisitions of diverse-owned law firms. Sometimes deadlines are given and it is not uncommon for the clients to make implicit or explicit expressions of potential consequences if failing to meet the diversity goals persist. These consequences range from denying the firm opportunities to present internal programs to the client's in-house counsel, exclusion from company-sponsored internal programs designed to facilitate networking among the client's in-house and outside counsel, and requests for reduced fees as a penalty, to a gradual reduction in business to an outright loss of assignments of new business.

We will hold a meeting to stress the importance of diversity for our outside counsel matters.

Currently, we have discussions with each firm about their firm-wide demographics, time keeper (for our company) demographics, firm partnership demographics, key committee position demographics, and our expectations for the firm to improve quickly (or continue improvement). Our intent is that once we have the conversation, the follow up years are to reduce or eliminate firms that have not improved in the areas discussed.

We discuss objectives with the firms on a case-by-case basis and create goals for them to meet. Individual attorneys may also choose to stop working with firms.

We engage with our outside counsel firms each year re: their performance with respect to D&I, including discussions about how we might work together to see their numbers improve.

We try to help them do better by encouraging them to hire more diverse lawyers as laterals.

We take diversity and diversity efforts into account in RFPs and more generally when selecting firms. We track the gender and minority status of all lawyers who work for us, using our matter management system, and discuss results in year-end evaluations.

When clients decide to deny business to firms that are failing to meet diversity goals, the focus is typically on future rather than current business. Several respondents stated that while they would not remove a matter that a firm is currently handling, they would likely begin to reduce the number or dollar value of new matters assigned to the firm, perhaps even going so far as to stop assigning new matters altogether.

We give them a three-year window grace period to make noticeable changes and improvements.

They get fewer opportunities to attend our internal conferences.

We generally stop assigning new matters to them.

That law firms have not become more diverse and inclusive signals that law firm lawyers are well aware of the true value that corporate clients place on diversity and inclusion.

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There are also other strategies that corporate clients are using to encourage and support their "go-to" outside counsel law firms to become more diverse and inclusive.

Incentivizing law firms to meet diversity goals was cited less frequently than the other three reactions to a firm's failure to meet diversity goals. For those who mentioned incentives, they were, for the most part, simply the reverse of the deprivations and penalties being used by other respondents. Nevertheless, we found it noteworthy as it seemed indicative that some clients were choosing to address their outside counsel failures to meet diversity goals with the proverbial carrot while others were clearly committed to using the stick. Incentives mentioned included bonuses, secondement opportunities for firm lawyers, special opportunities to spend time networking with senior lawyers in the law department, and opportunities to present CLE programs to the law department.

We will suggest that there will be bonuses for those of our outside counsel who do meet our diversity goals.

Our Deputy GC handles this. He reminds the law firms that if they are able to meet the diversity goals that we'd be happy to entertain some of their associates for secondements in our law department and that this would be an ideal way to further cement relations between them and us . . . IF they meet the diversity goals.

Our lawyers are instructed to tell any firms that ask why they are no longer invited to present at our biannual lawyers retreat, that we can only invite firms that meet our diversity goals.

Separate and apart from efforts to address meeting actual diversity goals, there are also other strategies that corporate clients are using to encourage and support their "go-to" outside counsel law firms to become more diverse and inclusive. These ranged from reasoning with outside counsel and explaining the client's commitment to greater diversity and inclusion to perks and benefits for firms that are more diverse. Some examples given were:

The heads of the best firms for diversity are invited to a special dinner with our GC.

We invite them to fill half the seats at our tables where we are supporting various diversity bar associations.

When our General Counsel speaks at diversity events, others from our law department note which of our outside counsel firms attend or support the sponsoring organization financially.

We invite their diverse lawyers to occasional networking events with our senior lawyers.

We are building a program of incentives for firms to improve such as reduced or eliminated work, potential bonuses for significant diversity efforts and a company award. We are similarly building a program internally to encourage our in-house attorneys to talk with firms about diversity and to hire diverse teams that includes discussions during monthly 1x1s, performance appraisals, and directives and encouragement from all levels of leadership.

We have an internal awards program for our outside counsel.

We request a periodic report from each firm that details their diversity efforts. The best get presented in person to senior leadership.

[M]ake sure that the data you collect can be disaggregated.

Through our partnership with our Network firms and working together, over the next six-months, if each firm can appoint one new person of color to a [redacted] *matter we will advance this important work. The* [redacted] *team will commit to engaging with you to evaluate opportunities for a shift in current team structures and we are asking that firms commit to bringing forth new, diverse talent. This commitment will challenge us all to think deliberately, creatively and intentionally about how we are staffing our matters. If we achieve our goal, this means we will have added 10 new, diverse attorneys to our matters – clear, measurable progress. It is my hope that this is just the beginning of a partnership that continues to make progress in supporting Inclusion & Diversity in the legal profession.*

Conclusions and Recommendations

"Insanity: doing the same thing over and over again and expecting different results." --Albert Einstein

Too often that's what the legal profession's diversity and inclusion efforts feel like: we keep doing the same things over and over, each time resolving to simply do them better, and each time being disappointed when they don't work. Certainly, there has been some progress, but the fact is that for a profession of problem-solvers, it has been embarrassingly little. We have been one of the least diverse professions in the United States for ***decades***. And nothing in the demographic data suggests that that is going to change anytime soon.

As a profession, we like to think that each time corporate clients, jointly or singly, remind outside counsel law firms that the clients are concerned about diversity and inclusion in the legal profession, it provides added motivation for law firms to bolster, increase, reinforce, and otherwise improve and expand their efforts to become more diverse and inclusive. If true, that motivation hasn't sparked significant changes or improvements. And for those who would argue that over time, there may be a cumulative effect: do you really think there is a law firm lawyer in the United States who hasn't heard about corporate clients' demands for greater diversity and inclusion among their outside counsel law firms? That law firms have not become more diverse and inclusive signals that law firm lawyers are well aware of the value that corporate clients place on diversity and inclusion, value evidenced by the findings in this study.

So, are we doomed to remain a non-diverse and non-inclusive profession? We are if we continue, ostrich-like, to stick our collective heads in the proverbial sand, distracting ourselves with good intentions, meaningless declarations, and ineffective or insufficient actions. If you are one of those who genuinely doesn't care about whether the legal profession becomes more diverse and inclusive, if you've got yours, and if your prime motivation for involvement in any diversity and inclusion activities is because it's imposed from above, you might as well stop reading here. What follows isn't for you. Come back, if and when, you have an epiphany about why our profession needs to be more diverse and inclusive.

But if you're someone who truly does embrace the vision of a diverse and inclusive legal profession, and wants to understand what you ought to do to have some meaningful impact, read on; what follows is for you.

Think of diversity and inclusion as part of your annual performance review or personal professional goals. If making the legal profession more diverse and inclusive was going to factor into your raise or future promotions or was your "stretch goal", what would you do? Here are some specific suggestions for corporate clients aimed at changing the data results reported here:

- Establish key performance indicators ("KPIs") for yourself and your team that are clear, bold, and likely to result in meaningful and measurable improvements for internal and external diversity and inclusion efforts. Some sample KPIs are included in the Appendix.
- Give more business – significant matters, not simply "commodity" work – to diverse outside counsel in law firms of all sizes.
    - Even when using minority- and women-owned law firms, consider their diversity and inclusion efforts. Do the women-owned firms you use include women of color or men? Does the minority-owned firm you use include people of different racial minority groups and women? Do your minority- and women-owned law firms include lawyers who are openly LGBT+ or who have disabilities?
- Track the types of matters you assign to outside counsel who are diverse and those who are not.
- Track the diversity of both the lawyers who work on your matters and the lawyers in the firm who receive other types of "credit" or financial benefits from your assignment of work.
    - Educate yourself to understand how each law firm you work with handles things like origination credit or relationship partner credit and how that affects the partnership candidacy of diverse associates and the compensation of diverse partners.
- Regardless how you track the diversity of your outside counsel, make sure that the data you collect can be disaggregated. It's tempting to simply lump all women together or all racial/ethnic minorities together but aggregating the data that way undermines its value and usefulness because different racial/ethnic groups are dealing with different challenges, biases, and other obstacles and impediments, and have different resources, cultural norms, and historical experiences and perspectives that need to be considered.
- If you restrict the law firms that are eligible to receive business from your company, through preferred provider or panel counsel lists, for example, find ways to ensure that you and others in your corporation's law department get to know the diverse lawyers in those firms.
    - If the law firms on your preferred provider or panel counsel lists do not have adequate numbers of diverse lawyers or only reflect certain diversity dimensions or types of diversity, consider developing some sort of criteria that would allow you to retain diverse outside counsel from law firms not currently on the list.
    - Suggest diverse lawyers who might be good lateral hires for the firm.
- Develop clear criteria and standards against which to measure and assess your outside counsel's diversity and inclusion efforts.
- Make it a point to meet regularly with your outside counsel law firms specifically to address their diversity and inclusion efforts. If their diversity efforts remain unsatisfactory, make it clear that new business is being withheld and assigned to other firms.
    - Educate yourself as to the diversity plan and strategies of each firm with which your company works. Ascertain their internal policies and protocols to advance their diversity and inclusion efforts.
        - Do they have a properly designed and implemented work allocation program?
        - Do they support the professional development of their lawyers and staff?

[T]his is a profession-wide challenge. Ultimately, it will require the entire profession's involvement.

  - Are diversity and inclusion efforts factored into raises or bonuses?
  - How engaged is firm leadership in the diversity and inclusion efforts?
  - Who is ultimately responsible for the firm's diversity and inclusion success or failure?
- Develop clear procedures to reduce assignments of work to law firms whose diversity and inclusion efforts are continually underperforming. This should also include procedures and processes to remove work if necessary.
- Numbers are only one way to measure outside counsel law firms' diversity and inclusion success. Find ways to promote inclusion by including straight, white men in diversity and inclusion. Encourage, recognize and reward straight, white men to:
  - Train, mentor, and sponsor diverse lawyers;
  - Engage in succession planning that includes diverse lawyers;
  - Be personally involved in and support organizations that advance diversity and inclusion, especially in the legal profession;
  - Take personal responsibility for diversity and inclusion efforts and activities within the firm as opposed to assuming those are tasks better left to diverse lawyers; and,
  - Educate themselves about issues of diversity and inclusion.

These suggestions are not exhaustive. For more detailed ideas and strategies, we encourage you to read IILP's 2017 3-part series, "Competing Interests"; part 3 is filled with detailed recommendations for corporate law departments, law firms, and individuals. You can access it for no charge at http://www.theiilp.com/Competing-Interests.

No single practice setting has complete control over the success or failure of the legal profession's diversity and inclusion efforts. We have emphasized the role that corporate clients and their outside counsel can play in this study because of the amount of attention typically paid to the private sector's diversity and inclusion efforts. But this is a profession-wide challenge. Ultimately, it will require the entire profession's involvement. Until then, we hope that this study will prove a useful tool that provides additional impetus to support corporate clients and their outside counsel law firms in recognizing, refining, and applying this new information so as to have more meaningful impact and greater achievement in their diversity and inclusion goals. Their success is the entire profession's success.

APPENDIX

IILP SAMPLE KEY PERFORMANCE INDICATORS

Part I: For Organizations and Departments in the US

Just as with individuals, organizations learn, grow, and evolve in their understanding about and appreciation for the value of diversity, equity, and inclusion ("DEI"). In organizations like corporate in-house law departments, the value placed upon DEI can be compounded by internal corporate values and goals coupled with external demands by bar associations, outside counsel, and the law departments of other corporations. With that in mind, the Institute for Inclusion in the Legal Profession has developed these sample Key Performance Indicators ("KPIs") targeting three levels of DEI efforts: 1) new to, or restarting, DEI efforts; 2) some existing DEI efforts; or 3) in the forefront of DEI efforts. Certainly, there will be some corporate law departments that fall between or straddle two, or even all three, levels. The intent behind these three lists is to provide a working list for corporate in-house law departments to gauge their own DEI progress, suggest ideas for advancing DEI that corporate in-house law departments may not have considered, and highlight some of the most advanced efforts and strategies that some law departments are already utilizing.

A. Background

There is quite a bit being written about DEI policies, practices, and strategies. These KPIs were developed solely with the legal profession generally, and corporate in-house lawyers and law departments specifically, in mind because the legal profession is different from standard business organizations. This adds a level of complexity to DEI efforts within corporate in-house practice because it is frequently trying to balance between those strategies, policies, and practices designed by HR or diversity professionals for a more general business and those intended for law firms; both may overlap with the corporate law department yet are distinctly different. Therefore, we want to clarify a few points at the outset:

1) Metrics and Data

For DEI efforts in the legal profession, metrics and data analytics are important. We understand that some HR professionals and DEI leaders in corporate settings may feel that an emphasis on metrics detracts from emphasizing an inclusive culture. In other words, if you take care of the inclusive culture, the (increasing) diversity metrics will follow. The legal profession, however, remains one of the least diverse professions in the US. Implementing an inclusive culture without a critical mass of diverse individuals at all levels will either undermine the inclusivity of that culture or be inclusive but only for those diversity demographics already well-represented. Therefore, we continue to encourage data collection as a tool in the legal profession's DEI efforts as they remain an important starting point for meaningful DEI efforts in the legal profession.

2) Order of Emphasis

DEI in the legal profession is evolving, including the language and terms of art being used. Prior to 2020, D&I (diversity and inclusion) was commonly used. During 2020, when more people began to recognize and understand the existence of racial disparities and the legal profession had a heightened sense of social justice issues, equity (as opposed to equality) became more readily accepted as part of the profession's lexicon and DEI (diversity, equity, and inclusion) became the more common parlance. In many corporations I&D is the preferred term, inclusion being considered a more important goal than diversity. In other parts of the legal profession, there is preference for DEI, with the notion that diversity will lead to equity, which in turn will lead to inclusion, the ultimate goal. We choose to use DEI because we think it is important to acknowledge the value of equity in any effort to achieve inclusion. For those who disagree, they may certainly edit these KPIs to reflect their preference. It is another example of diversity within diversity.

3) Terminology and Definitions:

For the purposes of these key performance indicators ("KPIs"), when the following terms are used, we mean:

- "Racial/ethnic minorities" refers to those who are:
  - African, African American, Black, or Caribbean;
  - American Indian, Native American, Indigenous Peoples, or First Nations;
  - Asian, Asian American, Asian Pacific American, or Asian American Pacific Islander (including Pacific Islander, South Asian, or South Asian American);
  - Hispanic, Latino/a/x, or Latin American; or,
  - Any combination of the above.
- "African American" includes those who are African, Black, or Caribbean.
- "Native American" includes those who are American Indian, Indigenous Peoples, or First Nations.
- "Asian American" includes those who are Asian, Asian Pacific, Asian Pacific American, Pacific Islander, South Asian, South Asian American, Southeast Asian, or Southeast Asian American. It includes those who identify their ethnicity as any of the following: Chinese, Japanese, Korean, Filipino, Thai, Indian, Pakistani, Bangladeshi, Vietnamese, Burmese, Singaporean, Laotian, Hmong, or Taiwanese.
- "Hispanic" includes those who are Latino/a/x or Chicano or Latin American.
- "White" includes those who are Caucasian, European, or European American.
- "LGBTQ+" refers to lesbian, gay, bisexual, or transgender people, or, anyone whose sexual orientation or gender identity does not conform to herterosexism, heteronarmativeness, or cisgender.
- "Non-Judeo-Christian religions" includes but is not limited to:
  - Buddhism
  - Confucianism
  - Hinduism
  - Islam
  - Shinto
- "DEI" refers to diversity, equity, and inclusion
- "Disabilities" refers to anyone who is considered to have disabilities as defined by the Americans with Disabilities Act.

"Accommodation" refers to technology, physical premises, furnishings, or allocations of time not typically provided but necessary to religious observations or to address disability needs.

B. Corporate Law Departments New to, or Restarting, DEI Efforts

1. DEI Value Statement	1.1. Ties into company values. 1.2. Includes short-term and long-term goals. 1.3. Includes internal and external goals.
2. Goals and Objectives	2.1. Three to five internal goals 2.2. Three to five external goals.
3. Annual Department Assessment	3.1. How many women, men, racial/ethnic minorities, and individuals who are openly LGBTQ+ have visible disabilities, and/or require accommodation for a disability or religious reasons are in the law department? 3.2. How diverse is each position level within the law department? 3.3. How diverse is each division, department, section and/or practice area? 3.4. How does the data collected for 3.1., 3.2., and 3.3. reflect individuals who may identify with two or more types of diversity, using KPI Chart A or something similar? 3.5. What is the retention rate for each group? 3.6. What are the hiring and promotion rates for each group identified in 3.1.? 3.7. Do employees perceive the department/organization to be inclusive?
4. Budget	4.1 To educate and train employees about DEI generally and in the legal profession specifically. 4.2 To fund lawyers who wish to attend and participate in the programs, activities, or leadership of DEI bar associations or other organizations.
5. DEI Committee	5.1. Regularly scheduled (at least quarterly) meetings. 5.2. Regularly scheduled programs for the entire law department and others.
6. Performance Reviews	6.1 Emphasize competencies and skills, not subjective comments.[1] 6.2 Include DEI activities, involvement, and leadership efforts. 6.3 Include a DEI component to the annual "stretch" goals.
7. Hiring and Promotion Procedures	A standard such as the "Rooney Rule" in professional football or the "Mansfield Rule" to ensure that diverse candidates are among those considered for any position or promotion.
8. Visibility/ Exposure	Publicizing and promoting DEI efforts, achievements, and successes of the law department, as well as individuals within the law department.
9. Staffing	9.1. DEI Committee Chairs: Lead day-to-day DEI efforts. 9.2. DEI Corporate Sponsor: Oversee, implement, and resource DEI efforts. 9.3. DEI Professional Staff: Perform day-to-day work, such as comparing annual assessment to historical trends; reviewing all performance reviews for potential bias and looking for trends among supervisors; tracking implementation of "Rooney Rule" and/or "Mansfield Rule."

10. Supplier Diversity Program	10.1. Minimum of 1% of the company legal spend is with diverse-owned law firms in which the majority ownership is by women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities. 10.2. Annual measurement and reporting. 10.3. Department-wide metrics that combine aspects of law department operations with diversity metrics that will allow comparisons that over time will clarify the validity of commonly held assumptions. *E.g.*, Is the amount of time that new diverse outside counsel bill to a project significantly more expensive that the amount of time established outside counsel whso are not diverse would bill when billing rates and in-house supervisory time are factored into the assessment?

11. Annual Outside Counsel Assessment	11.1. How many lawyers work on the department's matters who are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 11.2. How many hours do the lawyers who are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities work on department matters? 11.3 Of those of our matters that go to trial, how many first or second chairs are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 11.4 Of those of our matters that are in arbitration, mediation, or any other form of alternative dispute resolution, how many times have we selected women, racial/ethnic minorities, lawyers who are openly LGBTQ+, and/or lawyers who have disabilities as neutrals?

C. Corporate Law Departments Seeking to Further Expand Ongoing DEI Efforts

All of the above, plus the following:

12. Visibility/ Exposure	12.1. Opportunities for senior leaders in the law department to meet, get to know, and work with lawyers in the law department who are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities. 12.2. Opportunities for in-house counsel to meet and get to know outside counsel who are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities. 12.3. Public speaking and leadership roles for White lawyers in the law department in organizations or programs built around supporting and educating others in DEI efforts.

13. Professional Development Opportunities	Public speaking and leadership roles for lawyers in the law department who are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities in organizations or programs built around the substantive areas of law in which they practice.

14. Education	14.1. Demographics for the profession 14.2. DEI definitions, language, semantics, and terminology 14.3. Bias, both explicit and implicit 14.4. Gender diversity, including equal pay and gender discrimination issues 14.5. Anti-racism 14.6. Racial/ethnic diversity, including issues pertaining to lawyers who are African American, Asian American, Hispanic/Latinx, and Native American 14.7. LGBTQ+ diversity; and 14.8. Disability diversity

15. Division/ Practice Group Assessment	15.1. How is each division/department/practice group doing in terms of hiring and promoting lawyers and staff who are women, African American, Asian American, Hispanic/Latinx, Native American, openly LGBTQ+ and/or have disabilities? 15.2. Which are best suited to refer business to outside counsel? 15.3. How much of the work of each practice area or other groups that is being referred to outside counsel is being referred to lawyers who are women, African American, Asian American, Hispanic/Latinx, Native American, White, openly LGBTQ+ or have disabilities?
16. Compensation	Calculation of raises and bonuses tied to efforts to promote and advance DEI within the law department.
17. Accountability Protocols	Internal accountability protocols and goals for DEI efforts.
18. Annual Outside Counsel Assessment	Using each of the categories listed on KPI Chart B assess: 18.1. How many equity partners in the firm's US offices are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 18.2. How many non-equity partners in the firm's US offices are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 18.3. How many of counsel in the firm's US offices are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 18.4. How many associates in the firm's US offices are women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities? 18.5. Have the numbers collected under 18.1, 18.2, 18.3 and 18.4 increased or decreased over the last year? Over the last five years? If so, by how much? 18.5.1. Develop standards and implement a protocol by which those firms that regularly or consistently report declining or unsatisfactory numbers are re-evaluated as to whether to continue to give new work to them.
19. Supplier Diversity Program	Minimum of 3% of the company legal spend is with diverse-owned law firms in which the majority ownership is by women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities.
20. Preferred Providers	If using a preferred provider or panel counsel list of outside counsel firms, carve out an exception that permits lawyers to hire diverse outside counsel who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities from firms that are not part of the list.
21. Requests for Proposal	Include DEI component in all RFP's issued.

D. Corporate Law Departments Wishing to be in the Forefront of the Profession's DEI Efforts

All of the above, plus the following:

22. Annual Department Meeting	Discuss DEI, including ideas and strategies for improvement and opportunities for members of the law department to voice any concerns or successes.
23. Outside Counsel Education	Training program to educate outside counsel who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities about the company's industry and business, the law department and the work to make it easier for in-house lawyers to assign matters to them.
24. Annual Outside Counsel Assessment	24.1. Which lawyers in each firm receive financial compensation as part of their salary, bonus, or partnership draw or distribution that is based upon origination credit or credit for maintaining a relationship with the company? 24.1.1. How many are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities? 24.1.2. What percentage of the funds that each firm designates for origination credit and/or relationship management credit goes to partners who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities? 24.1.3. Have those numbers and percentages in 24.1., 24.1.1., and 24.1.2. increased or decreased over the course of the preceding five years? 24.2. Does the firm allow lawyers to work remotely, part-time or flextime with at least proportional progress on the partnership track? 24.3. Does the firm have an ombudsperson or some other procedure or protocol to address diversity-related microaggressions/micro-inequities? 24.4. Does the firm have at least one diversity professional on staff? 24.4.1. What is the amount of budget over which the diversity professional(s) has discretionary control? 24.4.2. What role does the diversity professional(s) play in the firm's: 24.4.2.1. Recruiting and hiring? 24.4.2.2. Attorney professional development? 24.4.2.3. Associate performance reviews? 24.5. Does the firm use a work allocation program or some other impartial method to ensure that lawyers who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities have opportunities to work assignments that will permit them to stretch and grow professionally? 24.6. How many offers of employment did the firm extend to law students for summer associate positions or new law school graduates or lateral lawyers who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities in the firm's US office during each of the last three years? 24.7. How many of the firm's US offices have no equity partners who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities? 24.8. How many lawyers in the firm who are women, racial/ethnic minorities, openly LGBTQ+ and/or have disabilities became equity partners in the firm's US offices during each of the last five years?
25. Supplier Diversity Program	Minimum of 5% of the company legal spend is with diverse-owned law firms in which the majority ownership is by women, racial/ethnic minorities, lawyers who are openly LGBTQ+ and/or lawyers who have disabilities.

Part II: For Organizations and Departments Outside the US

Just as the legal profession has become increasingly global, so, too, have its diversity, equity and inclusion ("DEI") efforts. The DEI values, goals, objectives, and approaches of the US, however, may not be appropriate or relevant for corporations and law departments outside the US. While similarities or parallels may exist in some parts of the world, it is a mistake to assume that KPIs for corporate law departments in the US can or should be applied outside the US. While in many parts of the world gender diversity is a common challenge being addressed, diversity based upon race, ethnicity, regionalism and geography, religion, sexual orientation and gender identity, language, social and socioeconomic differences, class, and caste may be dimensions of diversity that are relevant in some places but not others, or that bring varying levels of stigma, or are considered illegal. That makes it all the more difficult for global corporations that seek to establish some degree of uniformity or consistency across their organizational DEI efforts.

With that in mind, the Institute for Inclusion in the Legal Profession has developed these Key Performance Indicators ("KPIs") specifically for use by corporate law departments located outside the US. They are general in nature because of the wide range of types of diversity that may be relevant in any specific country and are intended to be modified and adapted for use in different countries as the users see fit so as to be compliant with local laws, and respectful of, and sensitive to local standards, customs, and practices. Understanding that different countries and regions around the world are at different stages in their efforts to become more inclusive of people from groups that are underrepresented in their country/region, these KPIs are intentionally basic in nature. For those in countries or regions where the diversity, equity and inclusion efforts may be more or less sophisticated, we encourage the adaptation, editing and application of the three lists in the previous section and the list below as may be relevant and appropriate.

1. DEI Value Statement	DEI value statement specifically for the law department in the particular country or region, with both short-term and long-term goals, directed both internally and externally.
2. Scope	Which underrepresented groups in each country/region ought to be considered "diverse" for the purposes of the organization's DEI efforts there?
3. Goals	3.1 Three-to-five internal goals. 3.2 Three-to-five external goals.
4. Annual Department Assessment	To the extent permitted under local laws assess: 4.1. How many members of the department are women, belong to racial/ethnic groups that are underrepresented in that country/region, openly LGBT+, have visible disabilities, and/or require accommodation for a disability or religious reasons? 4.2. How diverse is each position level, such as Counsel or Associate Counsel, etc.? 4.3. How diverse is each division, department, section and/or practice area? 4.4. How does the data collected for 4.1., 4.2., and 4.3. reflect individuals who may identify with two or more types of diversity?
5. Budget	5.1. To educate and train employees about DEI generally and in the legal profession specifically. 5.2. To fund lawyers who wish to attend and participate in the programs, activities, or leadership of DEI bar associations or other organizations.

6. DEI Committee	6.1. Regularly scheduled (at least quarterly) meetings. 6.2. Regularly scheduled programs for the law department (for the entire company or specifically by region or country, depending upon what makes the most sense) and others in the company who may be interested.
7. Performance Reviews	7.1. Emphasize competencies and skills, not subjective comments.[2] 7.2. Include DEI activities, involvement, and leadership efforts. 7.3. Include a DEI component to the annual "stretch" goals.
8. Hiring and Promotion Procedures	Standard to ensure that diverse candidates are among those considered for any position or promotion.
9. Visibility/ Exposure	Publicizing and promoting the DEI efforts, achievements, and successes of the law department, as well as individuals within the law department.
10. Staffing	10.1. Lead the law department's day-to-day DEI efforts. 10.2. Oversee, implement, and resource DEI efforts. 10.3. Compare annual assessment to historical trends, evaluate, and report. 10.4. Review all performance reviews for potential bias and look for trends. 10.5. Enforce hiring and promotion procedures.
11. Supplier Diversity Program	11.1. When appropriate in a given country/region, use diverse-owned law firms in which the majority ownership is by individuals from underrepresented groups. 11.2. Annually measure, monitor, and report on supplier diversity efforts.
12. Annual Outside Counsel Assessment	12.1. How many lawyers are there in each law firm who work on department matters who are from groups that are underrepresented in that country/region? 12.2. How many hours do the lawyers who are part of groups that are underrepresented in that country/region bill to department matters?
13. Reporting	DEI efforts in each country/region.

Endnotes

1. See the following resources for creating fair and accurate performance evaluations: *Bias Interrupters for Performance Evaluations, https://biasinterrupters.org/toolkits/orgtools/*; Joan C. Williams, et al., *You Can't Change What You Can't See: Interrupting Racial & Gender Bias in the Legal Profession, Executive Summary* (2018) 22-24, *https://www.mcca.com/wp-content/uploads/2018/09/You-Cant-Change-What-You-Cant-See-Executive-Summary.pdf*; and Joan C. Williams and Consuela Pinto, *Fair Measure: Toward Effective Attorney Evaluations* (2008), *https://www.americanbar.org/content/dam/aba-cms-dotorg/products/inv/book/213649/4920043usersguide_abs.pdf.*
2. *See id.*

KPI CHART A

DEI Totals				
Lawyers who identify as being (or having):	**Women**	**Men**	**Non-Binary**	**Total**
Black/African American				
Asian Pacific American				
Hispanic or Latinx				
Native American				
White/European American				
LGBTQ+				
Disabilities				
Black/African American + LGBTQ+				
Asian Pacific American + LGBTQ+				
Hispanic or Latinx + LGBTQ+				
Native American + LGBTQ+				
White/European American + LGBTQ+				
Black/African American w/Disabilities				
Asian Pacific American w/Disabilities				
Hispanic or Latinx w/Disabilities				
Native American w/Disabilities				
White/European American w/Disabilities				
LGBTQ+ w/Disabilities				
Black/African American + LGBTQ+ w/Disabilities				
Asian Pacific American + LGBTQ+ w/Disabilities				
Hispanic or Latinx + LGBTQ+ w/Disabilities				
Native American + LGBTQ+ w/Disabilities				
White/European American + LGBTQ+ w/Disabilities				
Totals				

KPI CHART B

DEI Totals					
Lawyers who identify as being (or having):		**Women**	**Men**	**Non-Binary**	**Total**
Black/African American					
Asian Pacific American					
Hispanic or Latinx					
Native American					
White/European American					
LGBTQ+					
Disabilities					
Two or More Races					
	Black + Asian				
	Black + Hispanic				
	Black + Native American				
	Black + White				
	Black + Asian + Hispanic				
	Black + Asian + Native American				
	Black + Asian + White				
	Black + Hispanic + Native American				
	Black + Hispanic + White				
	Black + Native American + White				
	Asian + Hispanic				
	Asian + Native American				
	Asian + White				
	Asian + Hispanic + Native American				
	Asian + Hispanic + White				
	Asian + Native American + White				
	Hispanic + Native American				
	Hispanic + White				
	Hispanic + Native American + White				
	Native American + White				
Black/African American + LGBTQ+					
Asian Pacific American + LGBTQ+					
Hispanic or Latinx + LGBTQ+					
Native American + LGBTQ+					
White/European American + LGBTQ+					
Black/African American w/Disabilities					
Asian Pacific American w/Disabilities					
Hispanic or Latinx w/Disabilities					
Native American w/Disabilities					
White/European American w/Disabilities					
LGBTQ+ w/Disabilities					
Black/African American + LGBTQ+ w/Disabilities					
Asian Pacific American + LGBTQ+ w/Disabilities					
Hispanic or Latinx + LGBTQ+ w/Disabilities					
Native American + LGBTQ+ w/Disabilities					
White/European American + LGBTQ+ w/Disabilities					
Totals					

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Greenberg Traurig is proud to be a "Visionary Partner" of the **Institute for Inclusion in the Legal Profession**.

Our commitment to diversity, equity, and inclusion has been at the center of our story since our founding, and it has been essential to our and our clients' success. Because a more just world happens only by design.

#1	#2	#3	#4	#5	#6
No. of African American Partners[1] & LGBT Partners (Tie)[2]	No. of African American & Latino Attorneys[1]	No. of Latino Partners[1]	No. of Asian American& Other DiversePartners[1]	No. of Minority Attorneys[1]	No. of Female Partners[2]

[1]Diversity Scorecard, *The American Lawyer*, 2022; [2]Women's and LGBTQ Scorecards, *National Law Journal*, 2021

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ABOUT IILP

The Institute for Inclusion in the Legal Profession ("IILP") is the legal profession's leading diversity, equity, and inclusion ("DEI") think tank. Since 2009, IILP has provided the profession with a unique set of empirical tools to facilitate a more diverse, equitable, and inclusive legal profession that is reflective of the society which it serves. Widely recognized as the authoritative source for DEI in the legal profession, IILP's innovative educational programs, research, and publications inspire the profession to think about, and approach, its persistent DEI challenges in new ways.

IILP differs from other organizations that are concerned about diversity in the legal profession in two crucial ways:

- IILP emphasizes inclusion rather than simple diversity; and,
- IILP focuses upon the profession as a whole rather than upon a particular practice setting or a specific type of diversity.

As a 501(c)3 organization, IILP works cooperatively and collaboratively with all relevant stakeholders, including bar associations, law schools, corporate law departments, law firms of all sizes, and government agencies. It addresses diversity in all its manifestations—race/ethnicity, gender, nationality, disabilities, LGBT, religion, geography, generation, etc.—appreciating distinctive needs while recognizing the different strategies and resources that are integral to, and appropriate for, facilitating the level of collaboration and partnership needed to achieve success in its mission.

IILP sees its role as filling gaps and expanding the "choir." Its integrated, multifaceted, common-sense programming and research do not duplicate what already exists but rather seeks to fill voids that others have left unaddressed. IILP does this by engaging the traditional groups of lawyers who are diverse while also reaching out to other groups that have often been overlooked and ignored in diversity efforts. IILP includes anyone who wishes to be part of making the legal profession the best that it can be through *Real change. Now.*

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