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BAR ASSOCIATION



Austin Affinity Bar Associations and Travis County Women Lawyers Association Issue 2018 Law Firm Diversity Report Card – September 17, 2019

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

The Diversity Report Card Committee (DRCC) is excited to time the release of the 2018 Report Card with a reception that will be generously hosted by Foley & Lardner, LLP on Tuesday, September 17, 2019 at 600 Congress Avenue, Suite 3000 from 5:30pm – 7:30pm. The event will be a great opportunity for our local law firms to engage in the ongoing conversation of Austin’s growing diversity and why it matters for the legal community.

This year, the DRCC requested information from 39 of the largest law firms in Austin. Of these 39 firms, 30 submitted responses, which have now been evaluated and provided a grade. This grade is based on the percentage of minority attorneys in each firm as well as the percentage of minority partners in each firm, recognizing those firms that have done particularly well in retaining and promoting minority attorneys to partnership level.

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

As with previous years, the DRCC has again factored in data on attorneys who are openly lesbian, gay, bisexual or transgender (LGBT). Of the 39 firms that responded, only sixteen firms (Hajjar Peters LLP; The Fowler Law Firm PC; Husch Blackwell, LLP; Burns Anderson Jury & Benner; Richards, Rodriguez & Skeith LLP; Baker Boots LLP; Wilson Sonsini Goodrich & Rosati PC, Foley Gardere; Locke Lord; Scott Douglass & McConnico LLP; Thompson & Knight LLP; DLA Piper LLP; McGinnis Lochridge; Pillsbury Winthrop Shaw Pittman LLP; Vinson & Elkins LLP; Graves Dougherty Heaton & Moody, PC) indicated that they have openly LGBT attorneys. The DRCC is encouraged by this report, as it reflects three more firms than last year’s count, but it is the belief of the Committee that the 2018 Report Card does not reflect the true number of LGBT attorneys in the Austin area, and it hopes that through release of this report card and continued efforts from both the LGBT affinity bar and law firms, this will become less of an issue in the years to come.

Though the DRCC believes in the importance of including LGBT data in its final reporting to further push a discussion that is sorely needed in the Greater Austin area, it also realizes the unfortunate quandary it finds itself in reporting these numbers due to the lack of reporting of similar data by the State Bar of Texas. The grading system utilized by the DRCC is based in part on the percentage of Minority attorneys in Travis County, data that is collected and published by the State Bar of Texas. Despite repeated requests by the LGBT Bar leaders, the State Bar of Texas has not yet begun to collect these numbers.

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

Stefanie Collins, the President of the Austin Bar Association LGBT Law Section states: “The LGBT Law Section of the Austin Bar Association would like to thank both the Diversity Report Card Committee and the Austin legal community for their efforts in reporting on the state of diversity in Austin’s largest law firms. At present, the report card is the only source measuring the presence of LGBTQ attorney’s in Travis County. The 2018 report card reflects that 16 Austin firms reported having openly LGBTQ attorneys, and over 2.5% of the 1,123 attorneys accounted for in the report card identify as openly LGBTQ. This data reflects an increase in both the number of firms reporting having LGBTQ attorneys, and the overall number of attorneys identifying as openly LGBTQ, which in turn, reflects that Austin firms are increasingly welcome to attorneys and staff of all cultures. There are, however, firms that do not account for openly LGBTQ attorneys, and we believe that the percentage of LGBTQ attorneys in Austin is significantly higher than reflected in the report card. As always, the LGBT Law Section of the Austin Bar Association is committed to assisting law firms in their efforts to recruit and retain outstanding diverse attorneys.”

Notwithstanding the LGBT percentage reporting limitations, for the 2018 report, the Diversity Report Card Committee updated its computation methodology from the previous year. This means that in order to receive an “A” grade on this year’s report card, a law firm’s Austin office must meet or exceed the percentage of minority attorneys that comprise all attorneys licensed to practice law in Travis County, which is 17.50%. Those falling below 9.99% receive a failing grade. Consistent with prior report cards, the 2018 Austin Law Firm Diversity Report Card is again weighted in favor of law firms that have larger numbers of minority partners.

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

Jolsna Thomas, President of the South Asian Bar Association of Austin (SABAA) noted, “SABAA is pleased to continue to participate in the Diversity Report Card. It is the only means of evaluating diversity and inclusion data among South Asian members of our local Bar. The 2018 Report Card reveals that there are only four major law firms in Austin that identify as employing South Asian attorneys; and of this small group, only three of these attorneys are Partners with zero firms hiring South Asian summer associates. We encourage the Austin legal community to engage in diverse recruitment and to make thoughtful and inclusive retention decisions so we can continue to improve and attract the brightest legal minds that reflect the racial makeup of our growing city. SABAA is committed to furthering these goals alongside our fellow affinity bar organizations and thanks the Diversity Report Card Committee for its unwavering contribution to the Bar.”

In addition to this detailed breakdown in ethnic and racial diversity reporting, the DRCC is proud to include, for the third year, detailed data regarding women attorneys and partners within these same law firms in Austin. The Affinity Bar Associations felt it was extremely important to include this information to garner a more complete picture of the status of women in the law, thereby creating a more accurate and informative report card. Because it remains a priority of the DRCC to promote racial and ethnic diversity in the Austin legal field, the inclusion of data on women attorneys and partners was not factored into the overall letter grade awarded to participating law firms. Instead, the Committee is releasing two reports, one that reflects the letter grade achieved through racial and ethnic diversity (and including LGBT numbers) and another that reflects the percentage of women associates and partners (both equity and non-equity) at each major law firm in the city. The DRCC believes that this reporting is extremely critical and looks forward to continuing release of this information in the years to come.

Sarah Glaser, President of the Travis County Women Lawyers' Association (TCWLA) commented: "TCWLA appreciates the work of the Diversity Report Committee in compiling this very important data. Recently, the National Association of Women Lawyers released its 2018 Survey Report. It found that despite being hired in nearly equal numbers as men at the associate level, women are the minority of both equity (20%) and non-equity partners (30%). Austin law firms represented on the Diversity Report Card are slightly ahead of these numbers (at almost 24% and 37% respectively), and TCWLA applauds Austin for being ahead of the curve. Nonetheless, there is much more work to do to increase these numbers across the board. TCWLA encourages all firms to critically evaluate their policies and practices which might be serving as obstacles to the promotion of female lawyers, and seeks to create a dialogue with the Austin legal community as to how to accomplish the goal of greater diversity within law firms."

The DRCC is pleased to report that the total number of minority attorneys employed by the city's largest firms has increased from 201 in 2017 to 226 in 2018. These numbers are inclusive of LGBT attorneys. In addition to the increase in total representation, the 2018 Report Card reflects a noticeably larger number of law firms that achieved A and B letter grades while the number of F letter grades has also decreased.

Eliana Maruri, President of the Hispanic Bar Association of Austin (HBAA) stated, "The Hispanic Bar Association of Austin is proud to continue collaborating on this very important project. In Texas, the Hispanic population is growing at a rapid rate and is increasing its proportion of the total state population. It is projected that Hispanics will represent the majority population in the coming years. It is therefore monumentally important that diversity in our profession reflects the diversity in our community. We are very thankful that the Austin Diversity Report Card Committee continues to highlight the work that must be done by Austin firms to diversify their firms."

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

Hajjar Peters, LLP
The Fowler Law Firm PC
Husch Blackwell, LLP
Burns Anderson Jury & Brenner
Richards, Rodriguez & Skeith LLP
Ogletree, Eakins, Nash, Smoak & Stewart, PC
Baker Botts, LLP
Greenberg Traurig
Wilson Sonsini Goodrich & Rosati PC
Foley Gardere

Locke Lord
Bickerstaff Heath Delgado Acosta LLP
Jackson Walker LLP
Scott Douglass & McConnico LLP

Thirteen law firms received failing grades, including the nine mentioned above that did not respond to the survey request. The 2018 Report Card includes a full list of firms that participated, as well as those who failed to respond to the survey request.

Ayeola Williams, President of the Austin Black Lawyers Association (ABLA) states: “ABLA applauds the work that the Diversity Report Card Committee (DRCC) and the Austin legal community have done to highlight and track progress toward the equitable hiring, retention, and promotion of minority, women, and LGBTQ lawyers at Austin area law firms. ABLA appreciates those firms who have demonstrated, through their hiring and retention practices, that diversity is more than a policy – it is a best business practice and moral imperative. Given the great impact the practice of law has on society, it is significant that we ensure our industry represents the growing diversity of our community. ABLA urges law firms to advance diversity by, among other things, auditing and altering their hiring policies and practices to remove potential biases in candidate sourcing and screening, and participating in diversity recruitment programs, like the Diversity Fellowship Program, that target minority candidates for employment. By increasing diversity in the pipeline that leads to the legal profession, we directly respond to the critical need to increase diversity in the legal community. Although more work needs to be done, ABLA values the steps that have been made toward diversity and inclusion and will continue to do its part to accomplish the goal of greater diversity in Austin area law firms.”

As with last year’s report, the DRCC wants to give recognition to law firms that participated in the Austin Bar Association Diversity Fellowship Program by allowing firms to include minority summer clerks in their report to the Committee. This data was included in the overall score of each participating law firm, and therefore is reflected in the law firm’s final grade. The Diversity Fellowship Program is a ten-week fellowship to enable first-year law students of the University of Texas to participate in law firm, governmental, and judicial summer internships. The students are competitively selected by the Austin Bar Association Diversity Committee and spend the first five weeks of the program as interns with the state district court judges before joining a law firm for the second five weeks. Students receive a \$5,000 stipend from the Austin Bar Foundation funded by the participating firms. The goal of this program is to achieve diversity and inclusion. The Austin firms that participated in the Fellowship Program in 2018 are:

Armbrust & Brown
Clark Hill Strasburger
The Fowler Law Firm
Graves Dougherty Hearon & Moody
Howry, Breen & Herman
Jackson & Walker
Lloyd Gosselink
Locke Lord
McGinnis Lochridge & Kilgore
Naman Howell Smith & Lee

Shirley Vu, President of the Austin Asian American Bar Association (AAABA), commented, “The Austin Asian American Bar Association strongly supports and thanks the Diversity Report Card Committee (DRCC) in its endeavor to bring more awareness and encouraging diversity in the Austin Legal Community. By bringing increased awareness, Austin law firms and companies are more informed and empowered to make meaningful

and positive change, recognizing the great value diversity offers to the legal community. AAABA commends those law firms acknowledged for their diversity efforts and accomplishments. We look forward to working with the DRCC and our fellow affiliates in making progress on this important issue.”

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

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

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