

# Industry Still Grapples With Dearth of Minority Lawyers

## Many Say More Work Needed to Attain Diversity

■ By DEIRDRE NEWMAN

The general counsel of Palo Alto-based **HP Inc.** recently put its outside law firms on notice that the company could withhold up to 10% of all amounts invoiced by law firms that don't meet or exceed its minimal staffing requirements regarding diversity.

HP's throwing down the gauntlet is indicative of the increased scrutiny companies are giving to diversity at law firms they hire.

Lack of diversity has long been an issue of concern in the legal industry, including gender diversity.

So, how do Orange County law firms stack up on diversity?

Attorneys affiliated with various ethnic bar associations here agree that while many OC law firms recognize the importance of diversity today, it's not always reflected in their workforces and they don't always employ tools to attract and retain attorneys of minority groups.

"I think that sometimes firms focus too much on numbers ... but it takes more work than just numbers in order to make a diverse and inclusive workforce," said **Denisha McKenzie**, president-elect of the **Thurgood Marshall Bar Association**, an affiliate of the **Orange County Bar Association**.

McKenzie is an attorney with the Irvine office of **Carothers DiSante & Freudenberg LLP**. She credits her firm with being "truly committed" to recruiting and retaining minority attorneys.

"It really takes work to understand the



**McKenzie: 'sometimes firms focus too much on numbers'**



**Truong: wants to see continual diversity training at law firms**

particular needs of diverse attorneys, who a lot of times don't come from backgrounds where their family members or anyone close to them have been attorneys, so the learning curve in that sense may be more difficult."

A recent event focusing on diversity and inclusion at **Greenberg Gross LP** in Costa Mesa featured some heavy hitters, including **University of California-Irvine** School of Law Dean **Erwin Chemerinsky** and the **Thurgood Marshall Bar Association**. Corporate counsel from Orange County and Los Angeles attended. The mission of the corporate counsel communities at the event was to "embolden our collective strength and to strategize ways in which we can better ensure that representative lawyers serve our increasingly diverse business community."

### Increased Focus

The HP mandate, which the company won't enforce in the first year any particular law firm works with it, applies to all U.S.-based law firms with 10 or more lawyers and requires firms to have at least



**Nendel-Flores: new HP company diversity mandate should not be hard for firms to meet**

**Bar Association**, another affiliate of the **OC Bar Association**, and a shareholder at **Ogletree, Deakins, Nash, Smoak & Stewart P.C.**'s Costa Mesa office, said that shouldn't be a difficult metric for OC law firms to meet if they commit to diversity and inclusion. Ogletree, for one, has a full-time team dedicated to diversity and inclusion. The firmwide professional development and inclusion team was formed in 2011 to establish initiatives to "sustain a productive and inclusive work environment in every office location," said **Michelle Wimes**, national director of professional development and inclusion, via email.

"Overall, our mission is to empower our attorneys to develop to their full professional potential and to drive outstanding business results by promoting an inclusive work environment that reflects the growing diversity of our community and global clients," she said.

Wimes explained the difference between diversity and inclusion at her law firm.

"Diversity often focuses on the differ-

one minority partner regularly engaged with HP on billing and staffing issues or at least one woman and one racially or ethnically diverse attorney each performing or managing at least 10% of billable hours for the company.

**Rafael Nendel-Flores**, former president of the **Hispanic**

ences, and is referred to as 'the mix,'" she said. "Inclusion is the deliberate act of welcoming diversity and creating an environment where all different kinds of people can thrive and succeed. Inclusion is the act of 'making the mix work.'"

Nendel-Flores said this commitment to diversity and inclusion helps in getting clients.

"Many of them will not hire outside counsel that does not have that demonstrated commitment," he said. "When you're doing pitches for clients, that's a crucial question they ask. Because they want to make sure they're doing business with a firm that shares their values."

It also gives Ogletree an advantage in recruiting, to compete with the downtown Los Angeles legal market, which has a reputation of being more diverse, he added.

One of the board members of the **Orange County Asian American Bar Association** founded in 1993 as an affiliate of the OC Bar Association, gave props to her law firm, **Buchalter**, for its effort with diversity. **Louise Truong**, who works out of the Irvine office and is part of the firm's diversity committee, said Buchalter does a good job of educating its attorneys on differences among cultures, such as a lesson on African-American history during Black History month. Buchalter will also act as a sponsor for various association events, she added. The firm helped Truong campaign to join the board.

Truong said she's pleased to see the ethnic bar associations in OC grow in membership and community involvement.

"[The association] has more than 400 members now and it's encouraging to see

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active members—many of whom are attorneys in OC law firms—participating in events and raising the profile of the Asian-American legal community in the OC.”

She said she believes there should be continual diversity training at all OC law firms, such as for “implicit bias.” Diversity is a key factor in seeing cases from different angles, she added.

“I think the more diverse attorneys you have at a firm, the more different points-of-view and perspectives you can bring to the firm culture and the cases you work on.”



**Katz:** Walsworth firm largest certified female-owned law firm in US



**Dominguez:** believes Latino attorneys percentage far smaller than in OC population

51% are women, according to its website.

Whittier Law School Assistant Dean of Career and Professional Development **Susie Dickman** said the best part of her job is getting to know the students and to “really see how Whittier’s commitment to diversity plays out in terms of career placement.”

She sees that diversity is more than statistics.

“I get to see their strengths, hear about their backgrounds and upbringings and how their experience plays into their career choices,” she said. “I ask them what types of communities they want to serve and what types of issues they want to advocate for. I think their diverse backgrounds is a unique value they can bring to OC law firms.”

### Women in the Mix

**Walsworth** in Orange last year became

the largest certified women-owned law firm in the country after being designated a Women’s Business Enterprise by the Washington, D.C.-based **Women’s Business Enterprise National Council**.

The certification validates that a business is at least 51% owned, operated and controlled by women. Walsworth has more than 80 lawyers on staff.

Benefits of the certification include access to updated lists of executives at hundreds of major U.S. corporations and government entities who are interested in using companies that promote diversity, plus access to mentoring, education and advocacy, such as research on significant business issues that affect women.

Female lawyers comprise 57% of Walsworth’s partners, compared to the 22% national average. They also account for 60% of its steering committee, the firm

said.

And last June, it was granted membership in the **National Association of Minority & Women Owned Law Firms**. Walsworth is the largest law firm member of the association in California and the third largest in the U.S., Partner **Dee Cohen Katz** said.

The association connects corporate legal departments that are committed to using diverse law firms with firms certified as being majority owned, controlled and managed by women or other minority groups. Its vetting process includes an application with references from Fortune 500 companies and a review by corporate counsel that the companies and law firms work with, Katz said.

### More to Be Done

Hispanic Bar Association President **Eric**

**Dominguez**, an attorney at the Costa Mesa-office of **David Hirson & Partners LLP**, said he agrees more must be done to increase diversity at OC law firms. He said he believes the number of Latino attorneys at law firms here is much smaller than the percentage of the Hispanic population in Orange County. The Orange County Bar Association doesn’t track statistics on the number of ethnic attorneys working for local law firms, Executive Director **Trudy Levindofske** said.

The Hispanic Bar works to increase diversity by focusing on mentorship and scholarships for Latino law students. At a March 4 fundraiser, the association gave out \$20,000 in scholarship funds, part of about \$90,000 in scholarships it’s awarded over the past five years.

The association formed in the 1970s and has more than 130 members. ■



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