

**TAB Research Roundtable**  
Research Study Summary Report

***The Path to Advancement for Diverse Attorneys:  
Business Acumen***

---

Directed By  
Tina Shah Paikeday

With

Isabel Cortes  
Yen Ling Shek  
Poonam Raj Singh  
Nathan Wadhvani

Advised By  
Professor Subodh Bhat

---

September 19, 2013

**TAB Research Roundtable  
Research Overview  
September 19, 2013**

### **Introduction**

Law firms in the new millennium have experienced tremendous growth through both global expansion and merger activity, and the landscape is a very competitive one in which effective business management is critical to survival. A focus on the business of law was at the center of best practice strategies to advance women and minorities at law firms. The incoming talent pipeline has become more diverse not only in terms of race, gender and sexual orientation, but also in terms of generational values, family structure and models for household, child, and elder care taking responsibilities. The industry talent model has shifted from a historical apprenticeship model to a professional services talent model, and some law firms are developing new business and related staffing models to better serve the needs of both clients and a diverse workforce. In our research across best practice firms, we found this focus on managing law firms as business enterprises translates into business acumen thus serving as a critical success factor for diverse law firm talent. In our interviews with minority and women partners at best practice firms, business acumen was at the core of their success including an aptitude for client businesses, the leadership ability to generate new business, and teamwork skills needed to effectively work in partnership with clients, colleagues and family. Key findings from the research study are included in this summary report.

### **Research Purpose**

Women have represented at least 20% of law school students since 1975, and nearly 40 years later they represent 47% of law school students after peaking at 50% in 1993. While women represent 45% of law firm associates today, they represent only 20% of all partners and 15% of equity partners in US law firms. Minorities today represent approximately 25% of law school students and 20% of law firm associates but only 7% of all partners and 5% of equity partners at law firms nationwide. Given that the US population and workforce served by law firm leaders continues to diversify, what can law firm leaders do to enable a higher proportion of women and minorities to become law firm leaders?

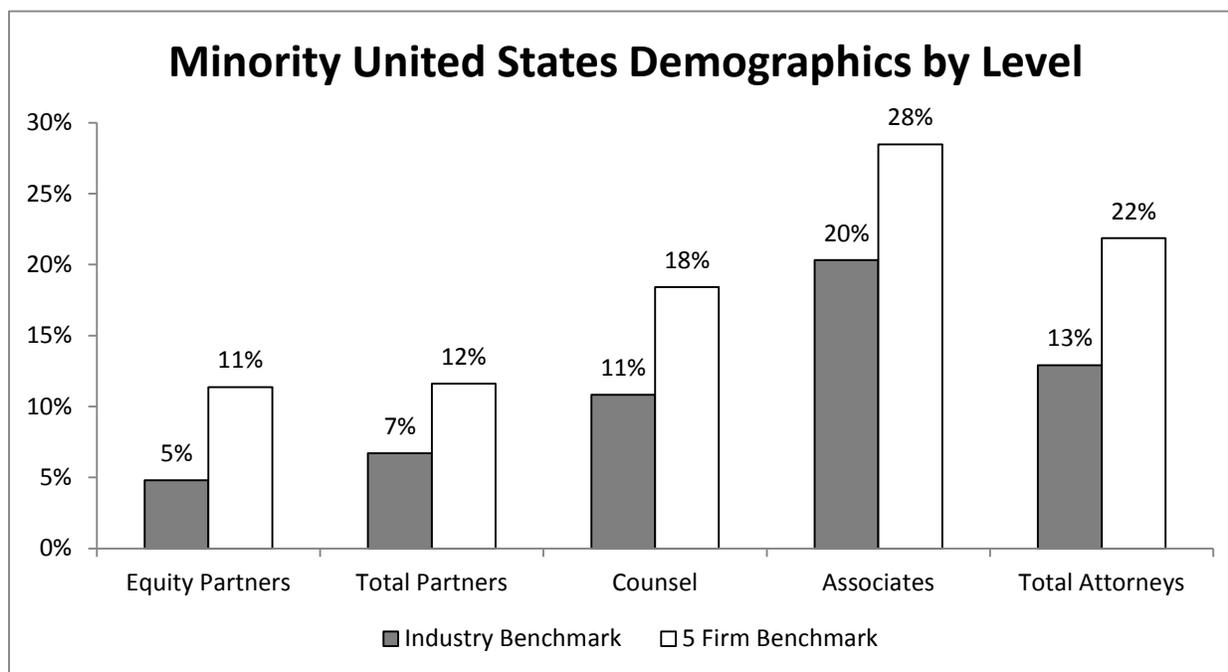
Many attorneys take themselves out of the leadership pipeline after practicing for just a few years because they do not see themselves succeeding as partners at large law firms. A wide variety of perceived and real obstacles exist on the path to partnership, and some of these obstacles pose acute challenges for women and minorities. The purpose of the 2013 *TAB Research Roundtable Research Study* is to advance diversity in the legal profession by identifying successful practices at large law firms which address perceived and real obstacles that women and minorities face as they decide whether to stay the course to partnership or seek alternate career paths. We recognize that at times, the best fit for any particular attorney will not be within the partnership at a firm, and so we were also interested in learning about solutions for systematic management of wanted attrition from the partnership pipeline including the role of alternative tracks, systemic placement outside a firm, and the role of alumni networks.

### **Research Methodology**

An analysis of industry demographics was conducted initially to identify demographic trends. The data sources for this study include the following: American Bar Association Total JD Enrollment, 2012; The American Lawyer, AmLaw 100 Survey, 2012; The American Lawyer Diversity Scorecard, 2012; California

Lawyer, California 50 Survey, 2012; NALP, Women and Minorities at Law Firms –2012; NALP Update on Associate Attrition, 2012; and National Law Journal, NLJ 250 Survey, 2012.

The success metrics we used to identify best practice firms for this study include female and minority representation at the partnership level. All national benchmarks in this research report are based on NALP data for the period ending 12/31/2012, and all California and Silicon Valley data benchmarks are based on *California Lawyer* California 50 data for the period ending 6/30/2012. The corresponding metrics for the five firm benchmarks have been provided by best practice firms. Each best practice firm exceeded one or more industry benchmarks as specified in individual cases. The five best practice firms profiled in this research study have collectively outperformed national and California industry benchmarks for the percentage of minority partners and associates as well as California retention rates for all attorneys and national retention rates for minority associates. The “5 Firm Benchmark” below is an average across all 5 best practice firms.



**Note:** The majority of best practice firms in this research study have a single tier equity partnership.

Qualitative data was collected through interviews with diverse attorneys and alumni as well as talent management and diversity leaders at selected best practice firms. We also analyzed quantitative demographic and exit data across firms to further supplement our understanding on reasons for departure and alternate jobs. We conducted interviews with diverse attorneys and alumni to test our hypotheses about possible real and perceived obstacles including work-life balance, implicit bias and business development challenges. We also conducted interviews with talent management and diversity leaders to test our hypotheses about ways to address partnership obstacles for women and minorities who are less likely to see role models like themselves including individual diversity related counseling, individual career development management, and individual skills assessment and feedback. Key findings from these interviews are summarized in this report.

**TAB Research Roundtable  
Research Participants  
September 19, 2013**

The national law firms selected to be profiled as best practice cases in this study are ones that outperformed relevant Talent Advisory Board partnership diversity benchmarks. These best practice firms include Cooley LLP, Fenwick & West LLP, Latham & Watkins LLP, Orrick, Herrington & Sutcliffe LLP, and Wilson Sonsini Goodrich & Rosati PC. We extend our sincere appreciation to the following individuals for their significant contributions to this research as well as over two dozen anonymous diverse partners and alumni from these best practice firms:

Firm	Name	Title
Cooley LLP	Mark Pitchford Celia Barenholtz Whitty Somvichian Lori Mason Carrie Wagner	Administrative & Legal Practice Partner Partner & Partner Nomination Committee Leader Partner & Diversity Committee Chair Of Counsel and Director of Professional Development Director of Attorney Recruiting & Diversity Programs
Fenwick & West LLP	Kathryn Fritz Felix Lee Andy Kim Cheri Vaillancour Julieta Stubrin	Managing Partner Partner and Diversity & Inclusion Committee Co-Chair Partner and Diversity & Partnership Review Committee Member Chief Professional Development Officer Director of Attorney Recruiting and Diversity
Latham & Watkins	Ora Fisher Karen Silverman Linda Inscoe Adrian Davis Sarah Fellows	Co-Vice Chair and Executive Committee Member San Francisco Office Managing Partner Partner and Associates Committee Member Chief Attorney Development Officer Manager of Attorney Recruitment & Development
Orrick, Herrington & Sutcliffe LLP	Neel Chatterjee Laura Saklad Kris Greene Whittney Fruin	Managing Partner, Silicon Valley Office Chief Legal Talent Officer Senior Manager of Diversity & Inclusion West Coast Career Coach
Wilson Sonsini Goodrich & Rosati PC	Jerry Birn Caz Hashemi Rico Rosales Stacey Layzell Chris Boyd Stacey Trzesniewski	Member and Co-Chair of the Member Nominating Committee Member and Co-Chair of the Career Development Committee Member, Employment Law Practice Senior Director of Human Resources and Office Administration Senior Director of Professional Services National Law Recruiting Manager

**TAB Research Roundtable  
Industry Benchmarks  
September 19, 2013**

The data sources for the following industry benchmarks include: California Lawyer, California 50 Survey, 2012; NALP, Women and Minorities at Law Firms –2012; NALP Update on Associate Attrition, 2012. All national benchmarks are based on NALP data for the period ending 12/31/2012, and all California and Silicon Valley data benchmarks are based on *California Lawyer* California 50 data for the period ending 6/30/2012.

<b>Female United States Demographics by Level</b>	<b>Industry Benchmark</b>
Equity Partners	15%
Total Partners	20%
Counsel	38%
Associates	45%
Total Attorneys	33%
<b>Female California Demographics by Level</b>	<b>Industry Benchmark</b>
California Partners	22%
California Associates	48%
California Non-Partner Track Associates	58%
Silicon Valley Partners	25%
Silicon Valley Attorneys	34%

<b>Minority United States Demographics by Level</b>	<b>Industry Benchmark</b>
Equity Partners	5%
Total Partners	7%
Counsel	11%
Associates	20%
Total Attorneys	13%
<b>Minority California Demographics by Level</b>	<b>Industry Benchmark</b>
California Partners	12%
California Associates	29%
California Non-Partner Track Associates	30%
Silicon Valley Partners	14%
Silicon Valley Attorneys	27%

<b>Retention</b>	<b>Industry Benchmark</b>
CA Attorneys	84%
US Associates - Total	83%
US Associates - Men	83%
US Associates - Women	83%
US Associates - Caucasians	84%
US Associates - Minorities	78%

<b>US Departed Associates - New Position</b>	<b>Industry Benchmark</b>
Other Firm Attorney	40%
In-House Attorney	21%
Public Sector Attorney	11%
Non-Attorney Position	5%
Not Employed	11%
Unknown	12%

**TAB Research Roundtable  
Key Findings  
September 1, 2013**

The detailed conclusions of this study are organized into five main areas: (1) Selection and Retention, (2) Work Assignment, (3) Career Development, (4) Partnership Election, and (5) Alternate Career Paths. This public report summarizes key research findings based on the following best practice case examples which are included in this report:

1. Fenwick's Intentional Pipeline and Retention Management Yields Diversity Results
2. Minority Members Succeed with Authenticity at Wilson Sonsini Goodrich & Rosati
3. High Growth Contributes to Diversity in the Equity Partnership at Latham & Watkins
4. Mentors Give Women and Minorities Coveted Informal Feedback to Advance at Cooley
5. Orrick Leverages Data to Pioneer Mass Career Customization in the Legal Industry

The key findings in this report are further substantiated in a confidential presentation including relevant best practices from other industries and top 10 law firm best practices for TAB Research Roundtable members at the annual best practices meeting organized by Talent Advisory Board.

### **Selection and Retention**

Best practice strategies for selecting attorneys most likely to stay and succeed long-term include clearly defined selection processes and criteria, an intentional focus on filling the pipeline, and effective retention management through the use of metrics, programs and assigned responsibility. Behavioral interviews that identify relevant past experiences have enabled the selection process at several firms to focus on assessing skills that will help new lawyers succeed within law firms while also broadening the pool of candidates beyond just those with the best grades. One of the relevant skills for partner success is business development aptitude, and several best practice firms focused on assessing this skill even at the law student level. Additionally, a screen for long-term interest in business and technology was important rather than focusing entirely on the best intellect. An intentional focus on filling the pipeline with diverse attorneys on the front end and keeping them in the pipeline has contributed to the success of some best practice firms exceeding industry averages at the partnership level. A relentless focus on metrics to measure key retention indicators by gender and race was also present at several best practice firms – including measures assessing turnover, reasons for departure, and job destinations, as well as identifying possible reasons for departure and likelihood to leave by conducting internal associate surveys. Some firms assigned responsibility for retaining diverse attorneys in the pipeline to achieve results. Based on interviews with alumni across the five firms, we found that one of the most common reasons for potential departure is seeking more work-life satisfaction. We learned that career coaches, affinity groups, and confidential partner mentors who help with addressing work-life issues are helpful programmatic resources for attorneys to receive coaching on how to communicate effectively in addressing perceived bias and to navigate decisions about intertwined personal and professional choices. Work-life satisfaction was achieved through a myriad of alternative work arrangements, although the majority of diverse partners we interviewed work full-time schedules and do not bear primary household responsibilities. Helping individuals find solutions is critical for firms to keep the pipeline full at the senior associate level as attorneys decide whether to stay on the path to partnership.

### **Work Assignment**

One of the main implicit bias challenges facing diverse associates, validated through alumni interviews, is the lack of access to high quality work assignments with client development opportunities. We found three main work assignment models: free market, assigned sub-groups, and intermediation. Firms with free market systems provide attorneys with the most opportunity for diverse projects, client and team experience, while those firms with sub-groups centered around clients offer the most accessible mentorship opportunities through regular interaction between a set of partners and associates. A third model leverages a group work assignment coordinator and/or diversity liaison who can be critical to ensuring that diverse attorneys who may not have access to informal networks receive high quality work assignments. In order for intermediation to be successful, it is important to follow best practice strategies for key elements such as assignment of responsibility, background of intermediary, level of operation, reporting and responsibilities. Regardless of which system is used, we saw that choice work assignments often involved high levels of client interaction leading to the development of important client relationships in the short-term and business development in the long-term. Our research identified that some firms assigned sub-groups at the entry level while others assigned sub-groups after the junior associate level. An unassigned system in early years not only enables an associate to try practice areas but also find the right fit with a group of partners who would serve as good mentors for the long-term at a particular firm. We believe that broad exposure to find the right mentors is critical as is regular interaction with a particular group, mentors, and support staff over time. These interactions can provide an environment fostering authenticity, trusting relationships, and a team-based support structure. Regardless of the work assignment method, diverse partners consistently reported that the quality of their work assignments was critical to career development and that the practice area and specialization they selected significantly impacted their business development strategies.

### **Career Development**

Through the interviews we identified that continued career development at the partner level was as critical as certain foundational decisions in achieving career satisfaction and success. For example, the choice of practice area can affect not only intellectual interests but also work-life goals and business development success. Those who have found the right fit often refer to a mentor who helped them better understand the big picture considerations or a role model who exemplified the most suitable fit for intellectual, work-life and business development goals. Some best practice firms have begun to implement competency based evaluation processes that include self-reviews in which individuals create career development plans and work with their mentors to identify long-term goals and chart experiences that will enable them to achieve such goals. The self-reviews often feed into the formal evaluation process. One of the ways in which some best practice firms have addressed potential implicit gender or racial bias in the formal evaluation process is to involve associates in review or management processes in order to increase the transparency of decision-making and enable associate ownership over career development issues. Diversity committee members or liaisons have also been assigned responsibility in some firms to monitor the performance of diverse attorneys through aggregate and individual performance metrics and promotion decisions. In addition, informal feedback in the development process has also been cited as critical to development, though women and minorities rarely receive informal feedback because their supervisors, who tend to be in the majority, may be reluctant to provide it in light of these differences. At some best practice firms, mentoring relationships have formed through which women and minorities have been able to receive the critical individualized feedback they need to develop without waiting for the formal review cycle at which time it can be untimely and sometimes surprising especially around soft skills such as business development potential. These relationships also enable the sharing of upward feedback to help disrupt implicit biases.

### **Partnership Election**

Based on interviews of multiple diverse partners at each firm, the following combined factors were identified as most critical for their election to the partnership across the firms: exceptional client service, strong group or senior level sponsorship and a strong business case for practice development. Once diverse senior associates overcome concerns about work-life or implicit bias in work assignment or performance evaluations, business development became the key area of focus. In Silicon Valley in particular, there is a proportionately higher percentage of both female and Asian partners – both groups that have self-identified through our interviews with common personality stereotypes such as being relatively more quiet or modest which may be at odds with the stereotypical rainmaker approach to developing business through networking. An important best practice in formal training about business development was to provide information about alternate styles to traditional rainmaking as many diverse partners felt that their personalities fit better with such styles. Those responsible for the partnership election process at these firms identified that the following factors were critical in enabling the election of diverse attorneys: a nomination process that brings diverse perspectives to the table in determining the initial candidate slate, a deliberative election process that eliminates implicit bias from the process, and an intentional focus on decisions about diverse candidates. The intentional focus can include scrutiny of any sub-standard diverse attorney reviews, a proactive review of the partnership pipeline for diverse candidates, and a discussion of ways in which individual diverse candidates can seek the skills they need in order to advance to the partnership. Once elected to the partnership, some junior partners expressed concern about developing a sustainable book of business as an equity partner. Many relatively junior partners were well on their way to building out successful practices by identifying authentic and unique business development styles that provide a good fit with individual personalities and preferences as well as identifying incremental sources of business by leveraging networks through diverse attorney and specialized bar associations. However, we believe there is more work to be done to ensure the success of diverse partners at more senior partnership levels.

### **Alternate Career Tracks**

The best practice firms we profiled had a wide mix of strategies for those attorneys who did not seek the partnership path. Some operated on the more traditional up-or-out model, while others offer formal alternate career tracks. In our interviews with diverse attorneys, we identified both women and men who sought a greater work-life balance by electing alternate career paths such as career associate positions, which can help to reduce administrative responsibility or offer greater schedule predictability by focusing on a particular type of work. Most firms offer the Counsel position at a senior level as an alternative to partner for those who wish to minimize business development responsibility while providing senior level legal guidance to clients. We see evidence through retention metrics that such positions have led to a decision by women in particular to remain at large firms rather than opt out to in-house or other positions since many women still bear primary household, childcare and eldercare responsibility. Ultimately, nearly one fifth of associates leave law firms each year, creating a large pool of alumni at all firms. Some best practice firms offer formal outplacement services for departing attorneys to find new positions. All best practice firms strive to maintain relationships with alumni as they leave the firm, and many have re-hired departed attorneys as “boomerang” hires who discover that alternate choices may not be as good as the overall opportunity afforded by law firms. Best practice strategies also include a professional network of alumni who maintain relationships to work together on career and business development opportunities. Those with more developed alumni systems host events as well as portals to post jobs and maintain professional relationships, which contribute to the creation of a business development ecosystem.

**TAB Research Roundtable  
Research Study Sponsors  
September 19, 2013**

The research study has been conducted by an independent third party Talent Advisory Board and has been generously underwritten by Cooley LLP, Fenwick & West LLP, and Wilson Sonsini, Goodrich & Rosati P.C.

**About Cooley LLP**

Cooley's 700 attorneys have an entrepreneurial spirit and deep, substantive experience, and are committed to solving clients' most challenging legal matters. From small companies with big ideas to international enterprises with diverse legal needs, Cooley has the breadth of legal resources to enable companies of all sizes to seize opportunities in today's global marketplace. The firm represents clients across a broad array of dynamic industry sectors, including technology, life sciences, health care, venture capital, clean energy, real estate and retail. Diversity is a core value and priority at Cooley. The firm is dedicated to maintaining a truly diverse workplace that values and celebrates differences. True workplace diversity, however, goes beyond hiring people of different backgrounds; we offer all employees the tools, training and mentoring they need to succeed, and we embrace the importance of diversity on our client teams. This enables every individual to balance work and family obligations, to look beyond the firm's four walls, fostering community involvement and participation in local and national diversity initiatives, and to become leaders and contributors in our communities. Cooley's Diversity Committee was created to help the firm to reflect the diversity present in our communities. Cooley's management works with the Diversity and Hiring Committees to promote communication and understanding throughout the firm, and to maintain a diverse and inclusive workforce for all employees. The firm has an active LGBT affinity group, as well as strong diversity fellowship programs and summer internship opportunities for students with diverse backgrounds. Cooley is proud to have been awarded the Women in Law Empowerment Forum (WILEF) Gold Standard Certification in both 2012 and 2013, a certification that emphasizes the leadership roles achieved by female equity law partners. The firm has also been recognized as a "Best Law Firm" and "Best Company" by *Working Mother* magazine.

**About Fenwick & West LLP**

Established in 1972, Fenwick & West works closely with technology and life sciences companies that are changing the world through innovation. The firm has more than 40 years of experience crafting innovative solutions to the business challenges that arise at the intersection of technology and the law. Fenwick & West clients, who range from start-up ventures to global enterprises, value our attorneys' deep industry experience and understanding of their technologies. The firm is ranked by *Minority Law Journal* as one of the top five most diverse law firms in the United States. The Diversity and Inclusion Committee at Fenwick & West works closely with the attorney recruiting department to increase outreach at law schools targeted to diverse student communities and Fenwick has been actively involved in various groups and activities that work to promote diversity both in the legal profession and the community, including the Asian American Bar Association, Bay Area Lawyers for Individual Freedom (BALIF), the ABA Section of the Litigation Committee for the Minority Trial Lawyer and the Minority Corporate Counsel Association. The Firm has implemented diversity training, mentoring, assignment tracking and recruiting initiatives in order to strengthen diversity. In its efforts to embrace diverse heritages, the Firm hosts cross-cultural celebrations, including Cinco de Mayo, Chinese New Year and Juneteenth.

**About Wilson Sonsini Goodrich & Rosati**

Wilson Sonsini Goodrich & Rosati is the premier provider of legal services to technology, life sciences, and growth enterprises worldwide. We represent companies at every stage of development, from entrepreneurial start-ups to multibillion-dollar global corporations, as well as the venture firms, private equity firms, and investment banks that finance and advise them. As a law firm that serves a dynamic, diverse and innovative client base, we are well aware of the value that diverse viewpoints, diverse experiences, and diverse backgrounds bring to an organization. We aim to attract, mentor, and retain the best legal talent from all backgrounds, and foster a culture in which all employees are empowered to achieve their maximum potential. More than a third of our partners and over half of our associates are women or belong to a racial, ethnic, or gender minority group. We frequently have been recognized for our commitment to diversity: In 2013, the firm ranked No. 3 in *The American Lawyer's* Diversity Scorecard—which annually recognizes the achievements of the nation's 250 largest and highest-grossing law firms—with 26 percent minority attorneys and 20 percent minority partners. Internally, women and minority attorneys hold leadership positions on key management committees, including the board of directors, the Policy Committee, the Nominating Committee, the Compensation Committee, and the WSGR Foundation's board of trustees. Further, the firm is actively involved in several external programs promoting diversity, including the Asian Law Caucus, Bay Area Lawyers for Individual Freedom, the Silicon Valley Japanese Entrepreneur Network, and the Forum for Women Entrepreneurs & Executives, and the WSGR Foundation has provided financial support to numerous diversity-focused organizations, including the Asian Law Alliance, the Equal Justice Society, La Raza Centro Legal, and the National Center for Lesbian Rights. In addition, in 2008 the WSGR Foundation began providing support for the California Bar Foundation's Diversity Scholarship Program, to assist incoming first-year law students from groups historically underrepresented in the legal profession who have committed to attend a California law school and have a financial need and a desire to make an impact in the community. For more information, please visit [www.wsgr.com](http://www.wsgr.com).

**About Talent Advisory Board Inc.**

With the social mission of fostering a greater understanding between people of diverse backgrounds, Talent Advisory Board Inc. is a boutique research and consulting firm focused on advancing workforce diversity. The firm's researchers and consultants have experience in human resources strategy, diversity programs and employee research, and they provide leading edge diversity research and management consulting services to law firms. The firm uses an analytical approach to solve the most challenging diversity problems including recruiting, retaining and advancing diverse legal professionals. Talent Advisory Board enables diversity to be a powerful asset for clients to leverage for competitive advantage. The firm is minority-owned and woman-owned. For more information please visit [www.talentadvisoryboard.com](http://www.talentadvisoryboard.com).

We extend our sincere appreciation to the following individuals for their contributions to the research:

Tina Shah Paikeday, Managing Director  
Yen Ling Shek, Senior Consultant  
Poonam Raj Singh, Senior Consultant  
Nathan Wadhvani, Data Analyst  
Isabel Cortes, Research Analyst  
Subodh Bhat, Research Advisor

This case example dated September 19, 2013 was prepared by Talent Advisory Board Inc. for the 2013 TAB Research Roundtable Research Study entitled *The Path to Advancement for Diverse Attorneys: Business Acumen*. The firm below was selected for inclusion as a major law firm which outperformed at least one benchmark for female and minority partner representation derived by Talent Advisory Board Inc. from the following data sources: National – NALP; California – *California Lawyer* CA 50; Silicon Valley – *California Lawyer* SV 33.

## Fenwick’s Intentional Pipeline and Retention Management Yields Diversity Results

Fenwick & West outperforms the benchmark average for minority partners in the U.S., California, and Silicon Valley. A full pipeline of racial minority associates has contributed to the firm’s partner level minority representation. The firm has also experienced relatively high retention levels, particularly for women.

Diversity Demographic (%)	Large Law Firm Benchmark	Fenwick & West	Year Ending
SV Minority Partners	14%	17%	6/30/2012
CA Minority Partners	12%	14%	6/30/2012
US Minority Partners	7%	11%	12/31/2012
SV Minority Attorneys	27%	31%	6/30/2012
CA Minority Associates	29%	37%	6/30/2012
US Minority Associates	20%	35%	12/31/2012
US Female Associate Retention	83%	86%	12/31/2012

Senior leaders feel that the work on diversity is progressing, as reflected in the investment to continue to strengthen the pipeline. The commitment towards continuous learning and improvement is an important reason for the firm to increase its diversity standards. Managing Partner, Kate Fritz, speaks to the importance of “being intentional every step of the way to disrupt bias and privilege inherent in the system. It takes time and discipline to break these unconscious and deeply embedded norms.” She says the firm has taken strong first steps and is building a reputation in the industry, but feels that there is always more to be done to increase diversity in the firm.

### Selection and Retention

The selection of attorneys at Fenwick & West has evolved to a structured process with different components. Julieta Stubrin, Director of Attorney Recruiting & Diversity, explains that over the past few years Fenwick has begun to focus on behavioral interviews, has modified interview questions, and has changed the evaluation questions. These changes have led to a broader pool of candidates who wish to pursue careers at Fenwick & West. In addition to these changes, Stubrin highlights the importance of

filling the pipeline and the work that has been done to ensure that more diverse attorneys are welcomed at the firm. Engaging with diverse law student organizations, increasing diversity in the summer associate class, and connecting with diverse associates through affinity groups has been essential for selection and retention. For example, reduced hours associates have formed an affinity group in which they can share practical advice, discuss messages they want to send to senior leaders, and find support in one another.

The Diversity Committee is also a major force in matters of retention. Felix Lee, Partner and Diversity Committee Co-Chair, says that the committee has helped the firm to keep the pipeline full by focusing on metrics to help identify and reveal where the pipeline needs more assistance. At Fenwick & West, the minority pipeline has become stronger over the years, and there are, in particular, several minorities at the partner level. One Asian partner believes that the stereotype of the “quiet, modest Asian” is not as relevant as it may have been before because the firm has demonstrated acceptance of diverse leadership styles, and because having a “critical mass” of Asians in the partnership creates role models and builds on itself over time.

### Work Assignment

Attorneys refer to the work assignment structure at Fenwick as a “free market system.” Through the firm’s free market system for work allocation, attorneys proactively develop relationships with partners who provide repeat business. Chief Professional Development Officer, Cheri Vaillancour, says that although the firm does well in providing high quality work, there is more progress to be made about how work assignments are distributed.

### Career Development

The firm has created a sponsorship and mentorship program which assists associates in solidifying their skills. Vaillancour states that her team defined areas in which particular diverse associates would get more support, such as meeting clients or identifying particular skill-building opportunities. Particular partners who have a reputation for working well with associates are selected to be sponsors in the program. Associates and mentors can also reach out confidentially with questions or issues to an assigned program staff member. Fritz cites that the success of this program relies on the quality of the

relationships formed between mentors and associates. Several diverse attorneys at the firm also spoke to the importance of having mentors. For example, a diverse attorney describes a mentor who was supportive and extended invitations to client lunches, provided intentional learning opportunities, and even suggested partners with whom to network and build relationships.

The ability to build new business is imperative to career development and to staying on track toward partnership. Traditional forms of business development in law firms generally include public speaking, networking, journal writing, and proactive client relationship building. There is a stereotype that one must be extroverted, competitive, and even aggressive to effectively build business – a stereotype that may favor particular personalities and backgrounds. Although Fenwick & West still relies on traditional methods to business development, the firm also makes room for individuals to build new business in different and new ways. For example, one female associate speaks to the encouragement received to take a more collaborative approach to business development. A minority partner talks about the importance of developing a long-standing credible reputation that creates internal referrals, which has been his primary way to generate new business. Finally, a diverse attorney recalls an important conversation with a mentor where the associate realized the importance of working with mid-size companies, as opposed to larger ones, to increase the chance of attaining new business and taking on increased leadership roles.

### **Partnership Election**

Partner Andy Kim serves both on the Diversity and Partnership Review Committees where he is attuned to diversity issues. According to Kim, the partnership election process is an intentionally deliberative process which helps to filter and remove bias although “diversity” is not a stated criteria for partner election. The Partnership Review Committee, comprised of partners from across all practice groups, undertakes a process under which they gather information and provide it to the partners before the formal partner vote occurs. The process spans many months, and includes meetings with practice groups, individual partners, the

candidates, and the firm’s Executive Committee. As a result of this iterative and deliberative process, the partnership as a whole is able to provide input and receive a broad amount of information about the candidates from a wide range of sources to consider in connection with the partnership formal vote.

### **Alternate Career Paths**

Career paths are individually crafted at the mid-sized firm to be responsive to the needs of individuals. The Senior Counsel position was created in the mid-90s as an alternative to partner track for those who are highly skilled but did not want to pursue a traditional partnership role. Senior Counsel typically have no business development and fewer administrative responsibilities. In addition to the Senior Counsel position, the firm has developed new business models of attorney staffing. These business models have attracted a wider pool of attorneys, including through Fenwick’s DMR and FLEX programs which were launched to meet client needs. DMR is an internal discovery and diligence team that offers a predictable schedule to participating attorneys, something attractive to an alternate segment of the labor market. The FLEX program attracts attorneys with seven to eight years of experience (including in-house) and deploys them on temporary in-house assignments to companies with a need for temporary internal support. Both programs attract a diverse group of attorneys. In this and other ways, the firm is innovating to intentionally manage and yield diversity results.

Source: Fenwick & West LLP: Kathryn J. Fritz, Managing Partner; Felix Lee, Partner and Diversity & Inclusion Committee Co-Chair; Andy Kim, Partner and Diversity and Partnership Review Committee Member; Cheri Vaillancour, Chief Professional Development Officer; Julieta Stubrin, Director of Recruiting and Diversity; Diverse Attorney and Alumni Interviews; [www.fenwick.com](http://www.fenwick.com); NALP, *Women and Minorities at Law Firms - 2012*; NALP, *Update on Associate Attrition - 2012*; and *California Lawyer* California 50 Survey, 2012; Talent Advisory Board Inc. Research 2007-2013.

This case example dated September 19, 2013 was prepared by Talent Advisory Board Inc. for the 2013 TAB Research Roundtable Research Study entitled *The Path to Advancement for Diverse Attorneys: Business Acumen*. The firm below was selected for inclusion as a major law firm which outperformed at least one benchmark for female and minority partner representation derived by Talent Advisory Board Inc. from the following data sources: National – NALP; California – *California Lawyer* CA 50; Silicon Valley – *California Lawyer* SV 33.

## Minority Members Succeed with Authenticity at Wilson Sonsini Goodrich & Rosati

Wilson Sonsini Goodrich & Rosati outperforms the national, California and Silicon Valley benchmark average of minority partners, counsel, and associates. The firm significantly surpasses the national retention rate for minorities.

Diversity Demographic (%)	Large Law Firm Benchmark	WSGR	Year Ending
US Minority Associate Retention	78%	86%	12/31/12
US Minority Partners	7%	20%	12/31/12
US Minority Counsel	11%	18%	12/31/12
US Minority Associates	20%	31%	12/31/12
CA Minority Partners	12%	21%	6/30/12
CA Minority Associates	29%	32%	6/30/12
SV Minority Partners	14%	19%	6/30/12
SV Minority Attorneys	27%	29%	6/30/12

At Wilson Sonsini, attorneys are not shy about their ambitions, including membership aspirations. Several minorities have immigrant or entrepreneurial backgrounds which are helpful in enabling them to take ownership of career and business development. Once they arrive at the firm, it is a place where they can continue to take ownership of their careers through the impactful Associates Committee. As they continue along the path to membership, the firm offers fifth-year associates training in practice development styles that best fit with their personalities. Minorities benefit from a sub-group work assignment structure that effectively pairs minority attorneys with sponsors who can effectively mentor them through the member election process.

### Selection and Retention

National Law School Recruiting Manager Stacy Trzesniewski focuses on building a pipeline of diverse law student recruits, including African Americans and Latino/as, with a particular focus on events at UC Berkeley and Stanford Law Schools. The events include small group dinners and lunches where candidates can meet minority attorneys in an informal setting. The recruiting team tracks the diversity of law student recruits at each stage of the pipeline to measure callback-to-offer and offer-to-acceptance yields in order

to identify key trends. Chris Boyd, Senior Director of Professional Services, states that to measure turnover and reasons associates leave the firm, exit interviews are conducted during which associates are asked for feedback about the decision to depart. A report is also generated monthly to closely monitor turnover levels and departing attorney destinations. This data is reviewed for trends both overall and by gender and ethnicity.

Wilson Sonsini assesses potential fit using behavior-based interviews to focus on demonstrated skills in the selection process. Of the four main categories, “Working with Clients” is one – signaling that the firm does consider the potential for client service excellence and business development skill even upon entry into the firm for law school hires. Some relevant characteristics identified during the interviews include being “enterprising” and “ambitious” – among many others. One minority member comments that being bashful about ambition is not necessary at the firm, which can be important in being authentic and asking for what one needs for guidance on the membership track. Another minority member comments that the stereotypical “rainmaking” networking style is not preferred by many diverse attorneys, but finding business through existing client relationships has been an equally successful approach in their own practice. Understanding the business development aspect of membership is essential for prospective candidates and another minority member comments on the biggest challenge to becoming a member, stating “there has to be a business case for a person.”

### Work Assignment

The work assignment process at Wilson Sonsini is specific to each practice group. Associates get their assignments from members who lead their specific groups, which builds relationships of trust. One minority member explains that the structure at the firm made it easy to get assignments and the support received was important in the continued decision to remain at the firm. This type of system has been beneficial in ensuring that minorities do not fall through the cracks in the work assignment process. Later in their careers, the sub-group structure nurtures the development of close mentoring relationships that can be critical as senior associates enter the member election process and can benefit from sponsorship by senior members. A minority member recalls having a senior associate mentor

who was critical in providing work for him and “selling him internally.”

### **Career Development**

Senior Director of Human Resources and Office Administration Stacey Layzell comments on the Career Development Committee performance review process, which has two parts. The first part gives attorneys the opportunity to display their achievements and skills and identify areas they would like to enhance. The second part consolidates feedback from members. Wilson Sonsini provides a Professional Development Guide for each of the largest practice groups specifying expected skills at the junior, mid, and senior associate levels to assist associates in planning their own development. The guide is practice area specific and outlines expectations for professional skills and substantive legal knowledge. Caz Hashemi, a partner and a co-chair of the Career Development Committee, comments that the associate review grading system is based on three grade levels: below expectations, good, and excellent, which is reserved for the 5<sup>th</sup> year and above.

The Associates Committee coordinates with Human Resources to plan both career development and social experiences for associates. The Associates Committee also conducts a bi-annual survey to measure associate satisfaction. An associate and co-chair of the Associates Committee highlights that, “the emphasis for committee members is to represent the different practices, as well as gender, race, and sexual orientation diversity.” The Associates Committee enables associates to take ownership of their career development early in their careers at the firm.

Professional development academies take place at the 1<sup>st</sup> year, 3<sup>rd</sup> year, 5<sup>th</sup> year, and 7<sup>th</sup> year. The focus of the 5<sup>th</sup> Year Academy is on client and matter management and practice development, including different styles of business development such as the “rainmaker,” referring to an attorney who generates business from new clients through networking; the “point person,” who enhances business by managing client relationships and providing high quality service; the “hired gun,” who brings in new clients by building a brand in a specific legal area; and the “brain surgeon,” who is a highly expert technical specialist who works with firm clients. Attorneys

are encouraged to identify and cultivate a practice development style that best suits their practice and personality.

### **Partnership Election**

Jerry Birn, member and co-chair of the Member Nominating Committee, states that the committee is composed of a dozen members who are chosen by the Board of Directors with a focus on diversity in practice group, race, and gender. Candidates are eligible for membership beginning in their seventh year post-J.D., provided that they have worked at the firm for at least three years, and electing candidates can be intense and rigorous, states Birn. Each year, the process begins in September with about 50 to 60 candidates who are eligible for membership. The Member Nominating Committee considers quantitative data such as hours worked, clients served, and billings generated. Additionally, qualitative data is considered as practice groups submit rationale memos and committee members interview every member. The process concludes in early December when the committee recommends a slate of nominees for review by the Board of Directors. One member who served as a mentor to a recently elected minority member states that the culture at Wilson Sonsini is one in which people are free to be themselves and that the firm does not have a lot of management and process which is good for entrepreneurs and perhaps consistent with the firm’s high representation of minority members.

### **Alternate Career Paths**

As an alternate path, Wilson Sonsini’s counsel position has a high percentage of minorities. Confidential counseling is offered for associates to discuss internal solutions before considering looking for employment outside the firm. Although this counseling is not specific to diversity issues, work-life and alternative work arrangements are common issues. Outplacement is managed through an outplacement and career transition firm that provides comprehensive, strategic, and effective career transition plans for attorneys who decide to leave the firm. Wilson Sonsini also has an extensive alumni network and website that enables attorneys to find employment opportunities with clients and contributes to the creation of a business development ecosystem.

Source: WSGR: Jerry Birn, Member and Co-Chair of the Member Nomination Committee; Caz Hashemi, Member and Chair of the Career Development Committee; Rico Rosales, Member; Stacey Layzell, Senior Director of Human Resources and Office Administration; Chris Boyd, Senior Director of Professional Services; Stacey Trzesniewski, National Law Recruiting Manager; Diverse Attorney and Alumni Interviews; [www.wsg.com](http://www.wsg.com); NALP, *Women and Minorities at Law Firms - 2012*; NALP, *Update on Associate Attrition - 2012*; and *California Lawyer* California 50 Survey, 2012; Talent Advisory Board Inc. Research 2010-2013.

This case example dated September 19, 2013 was prepared by Talent Advisory Board Inc. for the 2013 TAB Research Roundtable Research Study entitled *The Path to Advancement for Diverse Attorneys: Business Acumen*. The firm below was selected for inclusion as a major law firm which outperformed at least one benchmark for female and minority partner representation derived by Talent Advisory Board Inc. from the following data sources: National – NALP; California – *California Lawyer* CA 50; Silicon Valley – *California Lawyer* SV 33.

## High Growth Contributes to Diversity in the Equity Partnership at Latham & Watkins

Latham & Watkins outperforms the national industry benchmarks for minority and female attorneys at the equity partner level.

Diversity Demographic (%)	Large Law Firm Benchmark	Latham & Watkins	Year Ending
US Minority Equity Partners	5%	6%	12/31/2012
US Female Equity Partners	15%	17%	12/31/2012

The firm’s growth in both new and existing offices has contributed to the growth of the partnership and has created an opportunity for the firm to be diverse at the highest levels. Lateral hiring has been important to fuel this growth, and the firm’s extensive lateral hiring and on-boarding process is reflected in the success of diverse attorneys at the equity partnership level. Diverse attorneys believe that the firm is a meritocracy and that a colorblind attitude is also present in the environment at Latham & Watkins.

### Selection and Retention

The selection process for associates is extensive, including for lateral associate hires. The vast majority of incoming associates are law school hires, and they participate in what Sarah Fellows, Manager of Attorney Recruitment and Development, describes as a very compressed on-campus process. Despite the industry’s recent compression on timelines, students who continue after on-campus interviews to Latham offices participate in an extensive interview process during a half-day period. Interviewers are selected based on the candidate’s practice area interests, as well as other areas of interest where they are seeking more information, such as, the firm’s commitment to diversity, work-life balance, training, and mentoring.

Equity Partner, Ora Fisher, is a member of the firm’s Executive Committee and Co-Vice Chair of the firm, and she leads the firm’s efforts to hire lateral partners who make up roughly half of the firm’s partnership. She explains that for lateral hires the selection process is extensive because firm leaders want to ensure that those who come to the firm are well equipped to meet high client delivery standards in an environment that is team-oriented, transparent and meritocracy-oriented. Fisher describes the

process and mentions that lateral candidates meet about fifty Latham partners as part of the process and as a by-product become very integrated into the firm upon joining.

When asked about retention, Fisher described a new Women’s Leadership event at the 5<sup>th</sup> year associate academy which took place in Chicago most recently. From interviews with several female partners, it became apparent that each adopted a different work-life strategy that fueled decisions to continue to stay at the firm. Such strategies included a wide range from stay-at-home spouses who care for children and households to decisions to forgo or postpone children to fully outsourced care and household solutions. Karen Silverman, Managing Partner of the San Francisco Office, believes that an open conversation about work-life issues and solutions is critical for retention.

### Work Assignment

For incoming associates, there is an “unassigned” system – associates do not specify a practice area in order to have broader exposure based on interest before identifying an area for specialization. This system can be important for retention as associates have some time not only to understand areas of law that are intellectually most interesting but also those areas that are most compatible with work-life choices. After the second year, the firm has assigned work coordinators who are often junior partners who aim to distribute work evenly within a group. In other cases, associates receive work from partners they work with or from the groups they work with. Diverse partners reflected back on their experiences as associates and said that partners noticed good work and a strong work ethic and were as a result inclined to invite associates to work with them.

### Career Development

Karen Silverman is a role model and has been successful because she takes the opportunities that come along and exemplifies merit in every occasion. Silverman also comments on how in her leadership role, it is important to help women to see how their assets can be used to help develop their careers. She says that women are often good at business development because it involves reaching out to networks, and they need to be reminded of their skills. Another woman partner, who has successfully developed a book of business at the

firm, discusses her strategies for becoming an expert in an area and a go-to person in the industry. Women Enriching Business (WEB) is a forum at the firm for these and other women to create opportunities to encourage business.

Mentorship has also been very important for some associates who are now partners, and one female partner commented that a mentor helped by elaborating on how the partnership election process actually works. This partner says that becoming partner was not a goal she had in mind, but the decision was influenced due to the informal feedback received from her mentors and other leaders who helped in her career development plans. Another minority attorney mentioned that two senior associates who were mentors contributed to a successful experience at the firm.

Adrian Davis, Chief Attorney Development Officer, is a key staff member who supports the Associates Committee, which is “one of the biggest and most institutionalized systems at the firm,” says Fisher who joined the Associates Committee when she was a 4<sup>th</sup> year associate. Associates participate in the management of the firm, and this form of self-governance is evidenced by the firm’s (1) committee structure, (2) open book culture and (3) transparent review process. The Associates Committee has input on career progression and bonuses and is comprised of about half partners and half associates representing almost every office. The Associates Committee is responsible for associate reviews and evaluation, work assignments, policies affecting associates, and associate bonus allocation. Most importantly, the Associates Committee is included in the partnership election process and makes partnership recommendations.

### **Partnership Election**

Before the partnership election process formally begins, a career development plan is initiated by associates at the sixth year. During this period, associates write their career plan, revise it, and share it with other partners and mentors. The career plan focuses on an associate’s career, businesses development plans, and the ability to contribute to the firm. The partnership election process formally commences during the 7<sup>th</sup> year when associates receive a track call to inform them whether or not they are being considered

for partner or counsel positions. A final track call is made by the summer of the 8<sup>th</sup> year informing each candidate of a decision on counsel, income partner, or equity partner positions.

The Progression Sub-Committee is part of the Associates Committee and is composed of about 25 members including half partners and half associates. Associates at Latham have a unique opportunity to be part of the process and know what to expect if they later enter the nomination process. Linda Inscoc, Partner and member of the Progression Sub-Committee, says that for associates who are being considered for partnership, questionnaires are distributed to the relevant supervisors, office and practice chairs. In total there are approximately 150 files reviewed annually, and each file is assigned to a member of the Progression Sub-Committee. At the end of the data collection process, the Progression Sub-Committee meets for one week, and each committee member is responsible for presenting his or her assigned files to the committee. After the files are presented, the committee members make recommendations on which candidates can proceed to partnership or to counsel. Once the recommendations are submitted, the progression sub-committee meets again and revises the candidate’s files one more time. After the final meeting, the final partnership and counsel recommendations are announced to candidates. Inscoc, whose practice focuses on employment law, comments that the extensive nature of the process contributes to the removal of bias from the process, which can be especially important in the election of women and minority equity partners.

The selection process for partnership is performance based. A minority partner who was also a lateral hire, comments on the partnership track and says that the culture at the firm is based on merit and the election process focuses on the individual not on who knows who. One female partner commented on the fact that business development potential was important in the election process, especially for equity election.

### **Alternate Career Paths**

Latham & Watkins runs on a traditional up-or-out model. If associates are not advancing, Latham often provides assistance with placement outside the firm. There is a limited role for Counsel, but very few staff or career associate positions exist. Alumni stay in touch through a LinkedIn group and events.

Source: Latham & Watkins: Ora Fisher, Co-Vice Chair and Executive Committee member; Karen Silverman, San Francisco Office Managing Partner; Linda Inscoc, Partner and Associate Committee and Progression Sub-Committee member; Adrian Davis, Chief Attorney Development Officer; Sarah Fellows, Manager of Attorney Recruitment and Development; Diverse Attorney and Alumni Interviews, [www.lw.com](http://www.lw.com); NALP, *Women and Minorities at Law Firms - 2012*; NALP, *Update on Associate Attrition - 2012*; and *California Lawyer California 50 Survey, 2012*; Talent Advisory Board Inc. Research 2007 and 2013.

This case example dated September 19, 2013 was prepared by Talent Advisory Board Inc. for the 2013 TAB Research Roundtable Research Study entitled *The Path to Advancement for Diverse Attorneys: Business Acumen*. The firm below was selected for inclusion as a major law firm which outperformed at least one benchmark for female and minority partner representation derived by Talent Advisory Board Inc. from the following data sources: National – NALP; California – *California Lawyer* CA 50; Silicon Valley – *California Lawyer* SV 33.

## Mentors Give Women and Minorities Coveted Informal Feedback to Advance at Cooley

Cooley outperforms the national, California and Silicon Valley benchmark averages of female and minority partners.

Diversity Demographic (%)	Large Law Firm Benchmark	Cooley	Year Ending
US Minority Partners	7%	9%	12/31/12
CA Minority Partners	12%	13%	6/30/12
SV Minority Partners	14%	15%	6/30/12
US Female Partners	20%	22%	12/31/12
CA Female Partners	22%	24%	6/30/12
SV Female Partners	25%	29%	6/30/12

In many organizations, women and minorities rarely receive informal feedback because their supervisors, who tend to be in the majority, are reluctant to provide it in light of these differences. Therefore, diverse employees must usually wait until the formal feedback cycle and are often surprised by the deferred and untimely feedback. At Cooley, a transparent culture of mutual trust creates an environment in which mentors are able to provide timely, informal feedback and critical calibration as women and minorities proceed along the path to partnership. Partner candidates not only understand the general process for partner election, but also believe that their mentors provide critical information and feedback about their individual prospects for partnership. The partnership election process itself is an effective one for identifying attorneys who will do well in client development contexts, and the firm’s incoming attorney selection process initially screens for business development skills, as well.

### Selection and Retention

The selection process at Cooley is based on assessing long-term fit including business development potential. Director of Attorney Recruiting and Diversity Programs, Carrie Wagner, explains that two of the criteria in the selection process are “Entrepreneurial” and “Business Mindset.” Behavioral interviewing techniques are used to gain a better understanding of candidates and remove bias from the process. Mark Pitchford, Administrative and Legal Practice Partner, indicated that diversity issues at the firm are transparent and instead of focusing on a

candidate’s gender or ethnic background, the hiring committee focuses on demonstrated behaviors. For example, if a person has previously overcome substantial obstacles, it may indicate that they are better equipped to achieve success in the high expectation environment of a large law firm, explained Pitchford. The firm has also implemented an internal Associate Satisfaction Survey to collect feedback from existing attorneys on issues of importance to them. Finally, many women and minority partners referenced being part of a team as critical to achieving work-life goals and remaining at the firm. They truly believe that colleagues support each other to manage work and family responsibilities.

### Work Assignment

Ensuring that female and minority attorneys receive a fair allocation of assignments in comparison to all attorneys is addressed through work coordinators who are assigned for each specific department. The coordinators are partners who work with associates to provide them with work according to their interests, as well as client needs. One minority partner and work assignment coordinator explained that his job is to “give associates a broad range of experiences and opportunities.” The work assignment coordinators are particularly important for minority attorneys who may not have the same access to informal relationships to receive work assignments. Attorneys are also expected to advocate for themselves and take the initiative to ask for assignments related to their area of interest.

### Career Development

Director of Professional Development, Lori Mason, explains that career development is influenced by mentorship relationships at Cooley. A formal career plan begins at the fifth year and associates start the plan in their assigned practice groups. Although there is no official mentorship program firm wide, many attorneys receive informal feedback from partners they work with who they consider mentors. Certain offices and practice groups also have more formal mentoring programs, and the Diversity Committee assists with identifying good pairings for minority attorneys. Mentoring the next generation of lawyers is vital for the future of the firm, explains Whitty Somvichian, Partner and Diversity Committee Chair, so that attorneys ultimately give back in the same way they were supported. A female partner stated that a mentor encouraged her decision to remain at Cooley despite some

challenges along the path to partnership. Another minority partner elaborated on how mentors were critical in not only providing support in the partnership election process but also providing a realistic perspective on individual prospects.

Although no confidential counselor is on staff, women are paired with confidential mentors through the Women's Initiative Network (WIN) and a variety of topics are discussed including advancement, work-life goals and business development strategies. One female partner shared that she develops much of her business from existing client relationships, industry expertise, and internal referrals. She also mentioned that her business development style is influenced by her strong work ethic, and the relationships she has maintained with clients over time have also assisted her in generating new business. Another woman partner said that she develops new business through client referrals because of the quality of the work she has delivered. And a minority partner says that both legal expertise and relationships through minority bar associations have been critical sources of new business. It appears that each of these partners has adopted a unique style that fits with their practice and personality.

### **Partnership Election**

Pitchford designed the firm's current partnership election process. Since associates are now on a nine-year partnership track, many candidates go through a preview cycle of the election process to become familiar with it before formally being considered. Previous partner candidates who completed the process believe that the process is rigorous. Celia Barenholtz, Partner Nomination Committee (PNC) Leader, describes the partnership election process as extensive, which is beneficial for reducing bias. Somvichian says that the Diversity Committee does not provide recommendations to the Partner Nominating Committee, but the Diversity Committee includes partners from all Cooley offices, all of whom have access to associate reviews and are able to scrutinize any sub-standard reviews for diverse attorneys, both during the normal associate review process and specifically in connection with the partnership nomination process.

The PNC is composed of thirteen members who use ten criteria to evaluate potential candidates. One such criteria, practice development, has received more emphasis in recent years. Each summer Pitchford creates a list of potential partner candidates based upon seniority, skills and business needs. Candidates in the partnership process create a business development plan and a memorandum outlining their case for partnership. Annually, each of the approximately 12 candidates is interviewed by the entire PNC. Thereafter, the committee meets by phone every 1-2 weeks to vet candidates. Final recommendations are made to the Management Committee which then approves the final list of partner candidates who will be submitted for vote.

Diverse attorneys who are now partners shared their experiences and commented on the partnership election process and business development emphasis. One minority partner explained that the partnership process was very challenging, but decided to follow through with it because Cooley "is a great environment, has very inclusive culture, and the firm is personal." Another woman partner explained that in the election process, business development skill was critical and she was fortunate to have good client relationships based on her strong work ethic and her respect for clients. A minority attorney shared the experience of completing the partnership election process and stated, "The best way to include minorities is to make them feel as if they are not a minority."

### **Alternate Career Paths**

Cooley does not have a formal non-partner track. The alumni network is a way to stay in touch with attorneys who went in-house or to other firms, or who chose to leave the legal profession for other careers. Cooley coordinates events where attorneys can meet and network to find mutually beneficial opportunities. Alumni also have an alumni portal where they can post jobs and continue to cultivate relationships across firms, professions, and experiences. LinkedIn is another professional social network that is well utilized by alumni and attorneys at the firm. The culture is a strong one, which causes many to maintain relationships over the long-term.

Source: Cooley: Mark Pitchford, Administrative and Legal Practice Partner; Celia Barenholtz, Partner and Partner Nomination Committee Leader; Whitty Somvichian, Partner and Diversity Committee Chair; Lori Mason, Counsel and Director of Professional Development; Carrie Wagner, Director of Attorney Recruiting and Diversity Programs; Diverse Attorney and Alumni Interviews; www.cooley.com; NALP, *Women and Minorities at Law Firms - 2012*; NALP, *Update on Associate Attrition - 2012*; and *California Lawyer* California 50 Survey, 2012; Talent Advisory Board Inc. Research 2011-2013.

This case example dated September 19, 2013 was prepared by Talent Advisory Board Inc. for the 2013 TAB Research Roundtable Research Study entitled *The Path to Advancement for Diverse Attorneys: Business Acumen*. The firm below was selected for inclusion as a major law firm which outperformed at least one benchmark for female and minority partner representation derived by Talent Advisory Board Inc. from the following data sources: National – NALP; California – *California Lawyer* CA 50; Silicon Valley – *California Lawyer* SV 33.

## Orrick Leverages Data to Pioneer Mass Career Customization in the Legal Industry

Orrick outperforms the national and Silicon Valley average industry benchmark of minority partners and attorneys. The firm is also experiencing success retaining a higher than national industry level of women attorneys. Women at the firm have a higher than industry benchmark level of participation in Of Counsel and Career Associate non-partner track positions.

Diversity Demographic (%)	Large Law Firm Benchmark	Orrick	Year Ending
US Minority Partners	7%	10%	12/31/2012
US Minority Associates	20%	30%	12/31/2012
SV Minority Partners	14%	16%	6/30/2012
SV Minority Attorneys	27%	31%	6/30/2012
CA Non-Partner Track Female Associates	58%	64%	6/30/2012
US Female Counsel	38%	44%	12/31/2012
US Female Associate Retention	83%	87%	12/31/2012

The fact that diverse lawyers can take advantage of the firm’s innovative talent model in developing a semi-custom career development plan with the assistance of the firm’s Diversity Liaisons and Career Coaches has enabled Orrick to build a strong pipeline of minority attorneys on the path to partnership. Further, the firm can retain diverse attorneys who choose to stay at the firm on alternate career paths. Orrick uses data at every step to analyze and develop innovative models in advancing diversity and inclusion. Diverse leadership and a transparent culture in the Silicon Valley office have contributed to attracting a very large pipeline of minorities in that office.

### Selection and Retention

Kristin Greene, Orrick’s Senior Manager, Diversity and Inclusion, says “The firm’s annual ‘Dive/In’ Day celebration is an event that celebrates diversity and inclusion in all Orrick offices worldwide.” During this event, there is a series of panel discussions, short films, guest speakers, and social events. The purpose of the event is to bring clients, attorneys, and staff members together to discuss diversity topics and learn about each other as well as develop relationships that are important for fostering

inclusion and therefore retention. Similarly, affinity groups and forums are structured to encourage open discussion about issues of concern for particular groups. Partners from such groups often serve as liaisons to the firm’s Board and local Diversity Committees, which focus on strategies to recruit and retain diverse attorneys.

Orrick continues to invest in outreach to diverse law students through many avenues including the annual Bay Area Diversity Career Fair, which the firm founded in 2005 under the leadership of Silicon Valley Partner and IP Business Unit Co-Leader, Neel Chatterjee, who as a senior partner helps to set the tone of the culture in the Silicon Valley office. Two minority partners cited the importance of a good cultural fit, the “collegial” Silicon Valley culture, and the ability to participate fully with their spouses in the care of their homes and families when deciding to join Orrick. They also discussed the importance of the firm’s reputation in sectors that were appealing to them, which would become critical as they began to develop business.

Once diverse associates enter the talent pipeline, Orrick’s diversity and inclusion and lawyer development teams use sophisticated practices and tools to measure a variety of retention and development metrics for diverse attorneys including turnover levels and departure destinations. The data is used by the Diversity and Inclusion and Women’s Initiative Chairs to discuss the progress and development needs of women, minority and LGBT lawyers so that they continue to succeed and remain at the firm.

In addition to measuring progress, Career Coaches are on staff to work with attorneys, on a confidential and voluntary basis, on topics of importance to them and issues of concern regarding their careers and lives. Orrick’s West Coast Career Coach, Whitney Fruin, is a Professional Certified Coach who provides coaching on a wide variety of issues to empower attorneys, including communicating to get the experiences they want, business development strategies, and work-life related issues including choices about partnership and alternative tracks. Attorneys often share personal goals and aspirations, and Fruin serves as a resource to identify key issues and review choices that can also help to increase retention levels. For example, one attorney believes that the current senior role as Of Counsel is important in enabling the enjoyment of

an important quality of life financially and personally without the demands of developing business on top of billing hours.

### **Work Assignment**

Diversity Liaisons, as described below, play a key role in ensuring that diverse attorneys are receiving quality work assignments that enable them to develop their skills. Although there is a process for work distribution at Orrick, mentorship and sponsorship relationships also form within groups to ensure attorneys receive challenging work and the necessary support for their careers. One minority attorney who was interviewed describes his mentor as someone who endorsed his work to other partners who were then comfortable providing assignments. The quality and quantity of work assignments is measured for all associates including diverse associates in aggregate.

### **Career Development**

Laura Saklad, Chief Talent Officer and U.S. Executive Director, identifies two approaches that are offered to help associates plan the development of their careers as they become more senior: (1) engaging in a dialogue with talent model mentors using knowledge and skills benchmarks as a roadmap for development and (2) completing an in depth self-evaluation to assess career development before the review cycle. These self-reviews and discussions feed into the annual review process. Each practice group has a Diversity Liaison who is a partner that is designated to become familiar with each diverse associate in the group and to participate in review discussions to ensure that diverse associates do not fall through the cracks. After the evaluation has been completed with the input of Diversity Liaisons and the review has been delivered, the final review is also sent to talent model mentors who have follow-up discussions with associates and help plan career development action items.

Performance level data is analyzed in aggregate for diverse attorneys including an analysis of reviews, bonus distributions and promotion rates and timing. Individuals are tracked throughout the various stages of the pipeline starting at entry-level positions and continuing through to the firm leadership pipeline. The individual specific information is used by the Diversity and Inclusion and Women's Initiative Chairs to meet

with business unit and practice group leaders to discuss the progress and development needs of specific individual diverse attorneys as they continue to progress at the firm.

### **Partnership Election**

The process begins with each practice group leader compiling a roster of senior associates and of counsel in the partnership pipeline. Subsequently, all practice group leaders and office leaders meet with a wide and diverse body of partners to discuss who should be on the list for consideration, including particular attention to the women and minority partner pipeline. Practice group leaders meet with the proposed candidates and then have a solid list of candidates who can move on to the next stage of the process. Careful attention is paid to each candidate's business plan for how they will support the growth of their practice area, their office and the firm.

Before partners are elected, diversity is considered and taken seriously. One minority partner shared his experience in the partnership election process and discussed how his focused aspiration to develop business through external diverse networking organizations materialized in a way that supported his election. Another minority partner says that his decision to become partner came after his involvement with a large matter in which partners saw his client development potential and encouraged him to pursue the partnership track. He received good guidance from his mentors who made the process and his prospects transparent for him. Sponsorship by senior partners was critical in the election of both partners.

### **Alternate Career Paths**

The ability for an attorney to choose from a variety of roles, work-life choices, and development tracks appears to be appealing to attorneys who otherwise might choose to leave the firm. The impact of these choices is perhaps best measured by higher than average participation in Career Associate and Of Counsel positions and higher than industry standard retention levels for women. A Career Associate mentions that this role enables more choice about how much work to take on to ensure work-life balance. Attorneys that are considering leaving Orrick have the ability to meet with a coach before making their decision.

Source: Orrick: Neel Chatterjee, Partner and IP Business Unit Co-Leader; Laura Saklad, Chief Talent Officer and U.S. Executive Director; Kristin Greene, Senior Manager, Diversity Inclusion; Whitney Fruin, Career Coach; Diverse Attorney and Alumni Interviews, [www.orrick.com](http://www.orrick.com); NALP, *Women and Minorities at Law Firms - 2012*; NALP, *Update on Associate Attrition - 2012*; and *California Lawyer California 50 Survey, 2012*; Talent Advisory Board Inc. Research 2010-2013.