

**From the Denver Business Journal**

**:<http://www.bizjournals.com/denver/print-edition/2013/06/14/is-law-firm-diversity-taking-a-step.html>**

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## **Leaders in Law**

# **Is law-firm diversity taking a step backwards in Colorado, as some would say?**

Paula Moore, Special to the Business Journal

When federal Judge [Wiley Y. Daniel](#) practiced law in the private sector in the 1980s and 1990s, he saw more African-American attorneys and law firm partners than today. He served as a partner at now-defunct Gorsuch Kirgis LLP, once one of metro Denver's largest law firms.

"I think we've seen some backward steps in recent years. ... I really think law firms have not found a comfortable way to deal with diversity and inclusion on a long-term basis," said Daniel, who's a senior judge in the U.S. District Court for the District of Colorado and acted as the court's chief judge from 2008 to 2012.

Many minority attorneys, judges and other legal practitioners observe that while barriers have come down in the profession, change remains slow with stagnation and even backsliding.

The recent recession, chipping away at affirmative action, and business diversity programs being less of a priority nationwide have hindered diversity, they say.

But many metro Denver law firms contend they believe in diversity and have programs to recruit and cultivate African-American, Hispanic, Native American, gay/lesbian/bisexual/transgender and other minority lawyers.

Data from the Washington, D.C.-based National Association for Law Placement Inc. (NALP) for 2012 show 6.4 percent of Denver law firm partners are minority, while 13.8 percent of associates are minority.

Nationwide, 6.7 percent of law firm partners are minority, as are 20.3 percent of associates.

Of the 10 Denver-area law firms with the most minority lawyers, Holland & Hart — the market's largest law firm with 200 attorneys total — had 25 minority lawyers for 12.5

percent minority participation, according to the Denver Business Journal's 2013 Law Firms list.

[Bryan Cave HRO](#) reported the lowest minority participation of the group, at 7 percent, with six minority lawyers of 87 total.

Riggs Abney Neal Turpen Orbison & Lewis' Denver office had the highest percentage of minority participation on the list at 25 percent — seven minority attorneys out of 28. Based in Tulsa, Okla., Riggs Abney calls itself a full-service law firm that prides itself on public service.

Most local law firms contend they have diversity efforts with top-down commitment starting with the managing partner, actively recruit minority attorneys and law school graduates, and work to help minorities achieve leadership positions.

Difference between diversity, inclusiveness

Many firms belong to the Center for Legal Inclusiveness (CLI) of Denver, which aims to make the legal profession more diverse through education, and have signed the center's Pledge to Racial and Ethnic Diversity in Colorado Law Firms to show their dedication to meaningful change.

CLI distinguishes between diversity and inclusiveness, which sometimes are used interchangeably.

Diversity focuses primarily on recruiting, while inclusiveness relates to an organization's culture and efforts to retain minority attorneys.

"CLI is a helpful network for us because it includes other law firms, corporate legal departments and people on inclusiveness committees," said [James Pinto](#), an intellectual property attorney at Brownstein Hyatt Farber Schreck, one of metro Denver's largest law firms, and co-chair of the firm's inclusiveness and diversity committee as well as CLI board chairman.

"Joining CLI is one concrete thing we've done that has led to other things."

Other Brownstein diversity/inclusiveness efforts include in-house training on the topic for attorneys, a mentoring program and an associate-development program.

The firm also regularly surveys attorneys about whether they're getting the support they need, including the issue of inclusiveness. It participates in community work to help create the next generation of law students from kids attending middle and high school, including participating in the Denver Urban Debate League.

"It's concrete and specific actions we've undertaken in the last four to five years to help *further inclusiveness* that have been key to long-term success of diversity efforts. ... It takes rolling up your sleeves and getting involved in the community," said Pinto, who's of Chilean descent.

## Frustrated at current jobs

Such efforts are needed because attorneys of color often lack meaningful work, mentors, feedback and advancement opportunities, according to a 2011 CLI survey of Denver-area associate attorneys. For those reasons, 48 percent of associates surveyed said they planned to leave their firms in the next 18 months.

Good news from the survey included that two-thirds of respondents said their managing partners were “visibly committed to diversity and inclusiveness,” and 90 percent believed nondiverse attorneys at their firms support diversity.

Also to the good, according to Denver attorneys: Minority attorneys now can be found in virtually all practice areas, from criminal law to in-house counsel at corporations, and in the judiciary.

They go into the profession for many of the same reasons as nonminority lawyers — prestige, good pay, the chance to help people navigate the legal system — but for some, especially first- and second-generation immigrants, there’s more pull to help others.

The Denver area’s major law schools, at the **University of Colorado Boulder** and **University of Denver**, both promote diversity. CU’s minority enrollment, for example, has risen to 29 percent from 17 percent of total enrollment since mid-2003, according to the school, and it’s one of the few universities in the country with an American Indian law program.

Boulder also is home to the 43-year-old Native American Rights Fund, the country’s oldest and largest nonprofit law firm focused on defending the rights of Indian tribes, groups and individuals.

But law schools had a tough time attracting minority students during the economic downturn, according to attorneys. “You had fewer diverse admissions by law schools, therefore fewer opportunities for law firms to find minority graduates,” said [Carolyn McIntosh](#), partner and diversity committee member at Patton Boggs in Denver.

Colorado sees more diversity on the bench these days because of state leaders’ efforts, said [Jordan Fox](#), member and director of the inclusiveness council at Sherman & Howard of Denver as well as a CLI board member.

“The last few governors have wanted to create a diverse bench,” said Fox, whose wife is state appeals court judge Maria Teresa “Terry” Fox.

Ultimately, one of the biggest drivers of what law firms do is their clients. More companies, governments and other organizations believe greater diversity/inclusiveness in their own operations leads to greater creativity and better performance, and want their attorneys to mirror that strategy, according to Daniel.

“It’s the right thing to do, and it feels good,” [Peter Gould](#), Patton Boggs’ new Denver managing partner, said of diversity. “But it also makes good business sense, and clients are demanding it.”

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## **State of Diversity**

Data released in December 2012 by the Washington, D.C.-based National Association for Law Placement Inc. (NALP), which works to improve the careers of legal professionals, shows minority attorneys made small gains last year. For example:

- In 2012, minorities made up 12.9 percent of attorneys at law firms polled nationwide, up from 12.7 in 2011.
- Minorities accounted for 6.7 percent of partners in the country's major law firms last year, up from 6.6 percent in 2011 and 2.6 percent in 1993, the first year the NALP has comparable data.
- Among associates, minorities accounted for 20.3 percent in 2012, which is up from 8.4 percent in 1993.
- In 2012, Denver law firms reported 6.4 percent minority partners and 13.8 percent minority associates. By comparison, Dallas had 6.7 percent minority partners and 18.5 percent associates, and New York City had 6.9 percent minority partners, with 24.3 percent minority associates.

Source: NALP