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The Big White Apple Are New York firms too pale?

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New York's law firms lead the legal profession in just about every field -- except diversity. According to several minority lawyers and headhunters, that's largely because clients complain about the shortage of attorneys of color at their Manhattan-based counsel. Some law groups have recently launched initiatives to boost minority hiring in the city. But observe whether these latest projects will be any more successful than past efforts.

"A lot of New York firms still haven't recognized diversity as an issue," says Coudert LLP partner Darrell Gay. "A lot of others are aware it's out there, but have chosen to ignore it." Gay, who headed DSGay Law Group before joining Coudert in 2003, is a former chairman of the diversity committee of the Association of the Bar of the City of New York (ABCNY).

According to the latest statistics from The National Association for Law Placement, Inc. (NALP), minorities composed just 4 percent of partners at Big Apple firms in 2003, the same as the national average. (NALP's figures are for firms of all sizes.) By contrast, lawyers of color made up 6-8 percent of the partner pool in Los Angeles, San Francisco, and San Jose. Miami classifies itself as a partnership base more than 19 percent minority.

Miami and California firms also beat their New York peers when it comes to hiring minority associates. According to NALP, in 2003 attorneys of color represented 38 percent of Miami's; 21-26 percent in L.A. and the San Francisco Bay Area; and 19 percent in Nevada.

Some observers have suggested that California and Florida firms benefit from their large local populations. According to the latest U.S. Census Bureau estimates, Asians made up 27 percent of residents in the San Francisco metropolitan area and 31 percent in San Jose, compared with only 10 percent in New York City. Almost two-thirds of Miami's population is Hispanic, compared with only one-quarter of the Big Apple's.

But that argument is undercut by a look at African Americans. The percentage of blacks in New York City is two to three times higher than what's found in the Bay Area and L.A. Yet statistics showed that blacks made up 1.1 percent of the partners at Big Apple firms, compared with 1.2 percent in Los Angeles and 1.2 percent in San Francisco.

Besides, local limitations rarely bother most New York-based businesses, which usually consider themselves as pacesetters for the nation, even the world. So why don't the city's firms show the same better-than-anyone-else fervor when it comes to diversity?

Headhunter Ron Jordan thinks it's because Manhattan lawyers are already successful. The measure that matters to them -- profitability. Jordan is a recruiter at Carter-White & Smith, which specializes in the placement of minority lawyers nationwide. He notes that New York law firms regularly dominate The American Lawyer's annual survey of the country's wealthiest law firms because clients hire Manhattan firms regardless of how many minority lawyers they hire. "If [diversity] doesn't affect their bottom line, they figure, 'Why do it?'"

The fact that New York firms are national leaders by a different yardstick also has an impact on minority hiring, according to recruiter Edna Messick. She says that students from top schools (with the exception of Stanford University and the University of California at Berkeley) flock to Big Apple firms, which as a result can adhere to hiring criteria that can disprove and exclude minorities. Messick, who focuses on finding attorneys of color for in-house positions, is a former managing director of American Lawyer Media's Diversity Publishing Group.

But it's not just rookie minority attorneys who have a harder time getting in at New York firms, Messick says. Partners of color looking to make a lateral move also have to cope with higher expectations than they'd find in the rest of the country. Messick explains that Manhattan firms require partners to have a book of business of around \$2 million, versus \$700,000 in other cities. Minority partners frequently can't meet New York's threshold, in part because they're new to the business world and lack extensive contacts.

While these negative factors may drive minority attorneys away from New York, Jordana Greenberg sees it as a positive attraction that's drawn them to the West Coast, at least in the past. The late nineties, he explains, forced firms in the San Francisco Bay Area and Seattle to raise their recruiting standards in order to meet their ever-expanding demand for associates. They hired a lot of minority attorneys in the process, and many remained even after the dot-com economy crashed. "The whole tech boom opened doors like nobody's business," Jordana says. "It opened people's eyes to the fact that it's not always the ones from the best law schools who are the best [lawyers]."

For over a decade New York firms have signed on to a succession of diversity initiatives. More projects were rolled out at the end of 2003 -- the first from the New York County Lawyers Association (NYCLA) and the second from ABCNY. As in the past, firms enthusiastically endorsed the initiatives, each of which attracted more than 70 signatories. Where partners have concentrated on recruitment, the latest projects focus on retention. In particular, ABCNY intends to set up an Office for Diversity that, among other functions, will monitor the retention of attorneys of color -- something that few firms track. The association is currently searching for a director and hopes to have the office up and running by this summer.

James Castro-Blanco, the manager of professional development and training at Shearman & Sterling, notes that minority retention rates are "shockingly" low at many firms. Once he starts keeping statistics, Castro-Blanco hopes firms will take the next step and ask why the numbers aren't better.

But given the lackluster results for New York's previous diversity projects, some observers wonder whether the latest projects will do any better. Former ABCNY diversity chairman Gay says that although he's pleased by certain aspects of the association's program, he's disappointed it isn't more aggressive. Four years ago, for instance, San Francisco's largest law firms departments pledged that minorities would compose 12 percent of their partners or senior attorneys by the end of 2005, and 35 percent of their associates or junior lawyers. The ABCNY program, by contrast, doesn't set hard targets.

That's because some ABCNY members were worried law firms wouldn't sign on to the diversity effort if it was too tough, Gay says. "They didn't want to go as far as San Francisco," he explains. "There was too much concern about offending the law firms." Gay regrets this, explaining, "I'd rather have two firms sign on to something that forces them to take real action than have 100 firms sign on and do nothing."

Echoing a commonly held view among diversity experts, Gay says that the push to hire attorneys of color needs to come from firms' clients. General counsel at some companies in the rest of the country have started to require that their outside counsel show a real commitment to diversity. But though New York companies may request minority figures from their firms to become a factor in selecting counsel, Gay says: "Asking for information means nothing unless you follow it up."

If and when clients do, however, New York firms may finally decide that they need to diversity, too.

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