



**Austin Affinity Bar Associations and Travis County Women Lawyers Association
Issue 2015 Law Firm Diversity Report Card – August 9, 2016**

In what has become an annual tradition, the Austin Affinity Bar Associations comprised of the Hispanic Bar Association of Austin, the Austin Black Lawyers Association, the Austin Asian American Bar Association, the South Asian Bar Association of Austin, and the Austin LGBT Bar Association have issued the Austin Law Firm Diversity Report Card.

This year, for the first time, the above-mentioned Bar Associations have partnered with Travis County Women Lawyers Association to include data on the hire, retention, and promotion of women at major law firms in the Austin, Texas area. The result is a more robust report card that outlines both racial and ethnic diversity, as well as gender diversity within the Austin legal community.

This year, the Diversity Report Card Committee requested information from 28 of the largest law firms in Austin. Of these 28 firms, 24 submitted responses, which have now been evaluated and provided a grade. This grade is based on the percentage of minority attorneys in each firm as well as the percentage of minority partners in each firm, recognizing those firms that have done particularly well in retaining and promoting minority attorneys to partnership level.

The Diversity Report Card Committee (DRCC) is excited to time the release of the 2015 Report Card with a reception that will be generously hosted by Gardere Wynne Sewell, LLP on Tuesday, August 9, 2016 at 600 Congress Avenue, Suite 3000 from 5:30pm – 7:30pm. The event will be a great opportunity for our local law firms to engage in the ongoing conversation of Austin's growing diversity and why it matters for the legal community.

The DRCC has again factored in data on attorneys who are openly lesbian, gay, bisexual or transgender (LGBT). Of the 24 firms that responded, only eight firms (Gardere Wynne Sewell LLP, Husch Blackwell, LLP, The Fowler Law Firm PC, Baker Botts, LLP, Jackson Walker, Scott Douglass & McConnico, LLP, Norton Rose Fulbright, and Graves Dougherty Hearon & Moody PC) indicated that they have openly LGBT attorneys. The DRCC is encouraged by this report, as it reflects two more firms than last year's count, but it is the belief of the Committee that the 2015 Report Card does not reflect the true number of LGBT attorneys in the Austin area, and it hopes that through release of this report card and continued efforts from both the LGBT affinity bar and law firms, this will become less of an issue in the years to come.

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

In the interim, the DRCC has decided that to provide the most accurate assessment of total Minority attorneys for each participating firm, and to further the overall mission and purpose of the Report Card, the final grade for each firm will not increase by more than one letter as a result of the inclusion of LGBT data. This procedure was adopted with direct input from the Austin LGBT Bar Association. Seven out of the eight firms referenced above did not see a letter grade increase with the LGBT data factored into the report card (and five out of those seven with no increase already had an A grade prior to inclusion of LGBT data). One firm, Graves Dougherty

Hearon & Moody PC, would have gone from a D to a B with this data factored in, and as a result, received a C grade in this year's report card, which is in line with its 2014 results.

Robert Vela, Austin LGBT Bar Association President commented, "The Austin LGBT Bar Association would like to thank the Diversity Report Card Committee for including LGBT attorney numbers in the report card again this year. Since the committee began collecting this data, the number of firms reporting LGBT attorneys has increased. Indeed, this year 8 firms report having openly LGBT attorneys, as compared to 6 firms last year. While we still believe that this represents an undercounting of LGBT attorneys, the collection of these numbers has been an important step in encouraging law firms to welcome and actively include openly LGBT attorneys amongst their ranks. Furthermore, this year, 78% of Austin law firms reported that they have some procedure to count openly LGBT attorneys, and 92% have policies and procedures prohibiting workplace discrimination on the basis of sexual orientation. Firms, however, have not been so quick to prohibit workplace discrimination on the basis of gender identity – only 67% of firms have policies prohibiting such discrimination. Over 62% of Austin firms have health insurance plans that exclude transition-related care for transgender employees, and very few firms (just 13%) have supporting policies or guidelines pertinent to a workplace gender transition. While Austin firms are making progress, there is still much work ahead. We look forward to working with the Austin legal community to continue to ensure that LGBT persons within law firms are accepted and welcomed."

Notwithstanding the LGBT percentage reporting limitations, for the 2015 report, the Diversity Report Card Committee maintained its computation methodology from the previous year. This means that in order to receive an "A" grade on this year's report card, a law firm's Austin office must meet or exceed the percentage of minority attorneys that comprise all attorneys licensed to practice law in Travis County, which is fifteen percent. Those falling below seven and a half percent receive a failing grade. Consistent with prior report cards, the 2015 Austin Law Firm Diversity Report Card is again weighted in favor of law firms that have larger numbers of minority partners.

Judge George Thomas, Vice-Chair of the South Asian Bar Association of Austin (SABAA), offered the following thoughts, "Diversity in the legal community has obvious benefits with regards to growing a client base and meeting the needs of an increasingly global legal network. However, an often overlooked benefit of diversity in law firms is that people of different backgrounds, with varying experiences, will bring new ways of thinking to established approaches to both legal strategy and client development. This ability to innovate is what fosters ultimate success and the Diversity Report Card allows our legal community to accurately gauge where it stands in pursuit of that goal."

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

In addition to this detailed breakdown in ethnic and racial diversity reporting, the DRCC is proud to include, for the first time in its history, detailed data regarding women attorneys and partners within these same law firms in Austin. The Minority Bar Associations felt it was extremely important to include this information to garner a more complete picture of the status of women in the law, thereby creating a more accurate and informative report card. Because it remains a priority of the DRCC to promote racial and ethnic diversity in the Austin legal field, the inclusion of data on women attorneys and partners was not factored into the overall letter grade awarded to participating law firms. Instead, the Committee is releasing two reports, one that reflects the letter

grade achieved through racial and ethnic diversity (and including LGBT numbers) and another that reflects the percentage of women associates and partners (both equity and non-equity) at each major law firm in the city. The DRCC believes that this reporting is extremely critical and looks forward to continuing release of this information in the years to come.

Lessie Gilstrap Fitzpatrick, the Immediate Past President of the Travis County Women Lawyers Association (TCWLA), commented, “TCWLA appreciates the opportunity to participate in the 2015 Law Firm Diversity Report Card which, for the first time, has compiled statistics relating to women attorneys in Austin. According to the ABA, women have been enrolling in law school in equal numbers to men for nearly twenty years. Despite the influx of women into the profession, women still occupy only a small percentage of the equity partnership ranks of law firms. And the ABA reports that women equity partners at the 200 largest law firms earn, on average, 80% of their male counterparts. The national trend regarding the proportion of women practicing law is reflected in these local survey results. While women attorneys are strongly represented as associates, the percentages of women sharply decline at the equity partnership level at most firms. There remains much work to do to close the gender gap in our profession. However, we are encouraged that being included in the Diversity Report Card is a step toward recognition of these issues in our local legal community.”

Now in its fifth consecutive year, the DRCC is pleased to report that the total number of minority attorneys employed by the city’s largest firms has increased from 173 in 2014 to 195 in 2015. These numbers are inclusive of LGBT attorneys. This is a considerable increase from the 121 minority attorneys reported in 2011. The DRCC is encouraged with the positive growth in law firm diversity, and hopes that next year even more law firms will engage in this process and participate in the Report Card. Unfortunately, there are still a number of large law firms who have declined to respond to the survey request, which reflects either a position that diversity is not a priority for the firm, or that there is a lack of interest to publicize its actual attorney demographics. Nonetheless, the DRCC will continue to reach out to these firms in hopes of allaying any fears or apprehensions that they may harbor regarding the Report Card. The DRCC recognizes that we are all attorneys working for the best interests of the public that we serve. Part of this service is having important discussions about challenging issues such as diversity in the Bar.

Laurie Velasco, President of the Austin Asian American Bar Association (AAABA), commented, “Austin’s rapid growth, both in terms of population and as a leader in the global market, makes it imperative that its legal community reflects the same diversity and culture. I am pleased that the Diversity Report Card includes data on women attorneys, including minority women attorneys, for the first time this year. AAABA applauds all of the firms that responded, even if they did not make an ‘A.’ The fact that these firms conducted a review and submitted responses shows that they recognize the importance of the Diversity Report Card.”

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

Andrews Kurth LLP
Baker Botts LLP
Duggins Wren Mann & Romero, LLP
The Fowler Law Firm, PC
Gardere Wynne Sewell LLP
Husch Blackwell, LLP
Jackson Walker LLP
Lloyd Gosselink Rochelle & Townsend, PC
Thompson, Coe, Cousins & Irons, LLP
Vinson & Elkins LLP
Wilson Sonsini Goodrich & Rosati PC

Five law firms received failing grades, including four that did not respond to the survey request. The 2015 Report Card includes a full list of firms that participated, as well as those who failed to respond to the survey request.

Anthony Arguijo, President of the Hispanic Bar Association of Austin (HBAA) stated, “HBAA thanks the Committee for its effort in putting together this year’s report. The Diversity Report Card reminds us that diversity in our profession must remain a focal point and that those committed to diversity must be vigilant. This year’s report shows continued improvement toward increasing law firm diversity. There’s always more work to do, but HBAA applauds the progress that has been made and commends the Committee and the Minority Bar Associations for their continued commitment to increasing law firm diversity.”

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

McGinnis Lochridge
Munsch Hardt Kopf & Harr, PC
Locke Lord, LLP
Lloyd Gosselink Rochelle & Townsend, PC
Jackson Walker, LLP
Graves Dougherty Hearon & Moody, PC
Armbrust & Brown, PLLC

President of the Austin Black Lawyers Association (ABLA), Robynn Fletcher, commented, “We applaud those firms that have worked to improve their Diversity Report Card ranking and acknowledge the importance of law firm diversity to our community, however, we continue to be dismayed in the lack of increase in the hiring and retention of African American attorneys at these firms as a whole. We all must work harder than ever to make sure that African American attorneys that we know will be employed at these firms.”

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

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

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