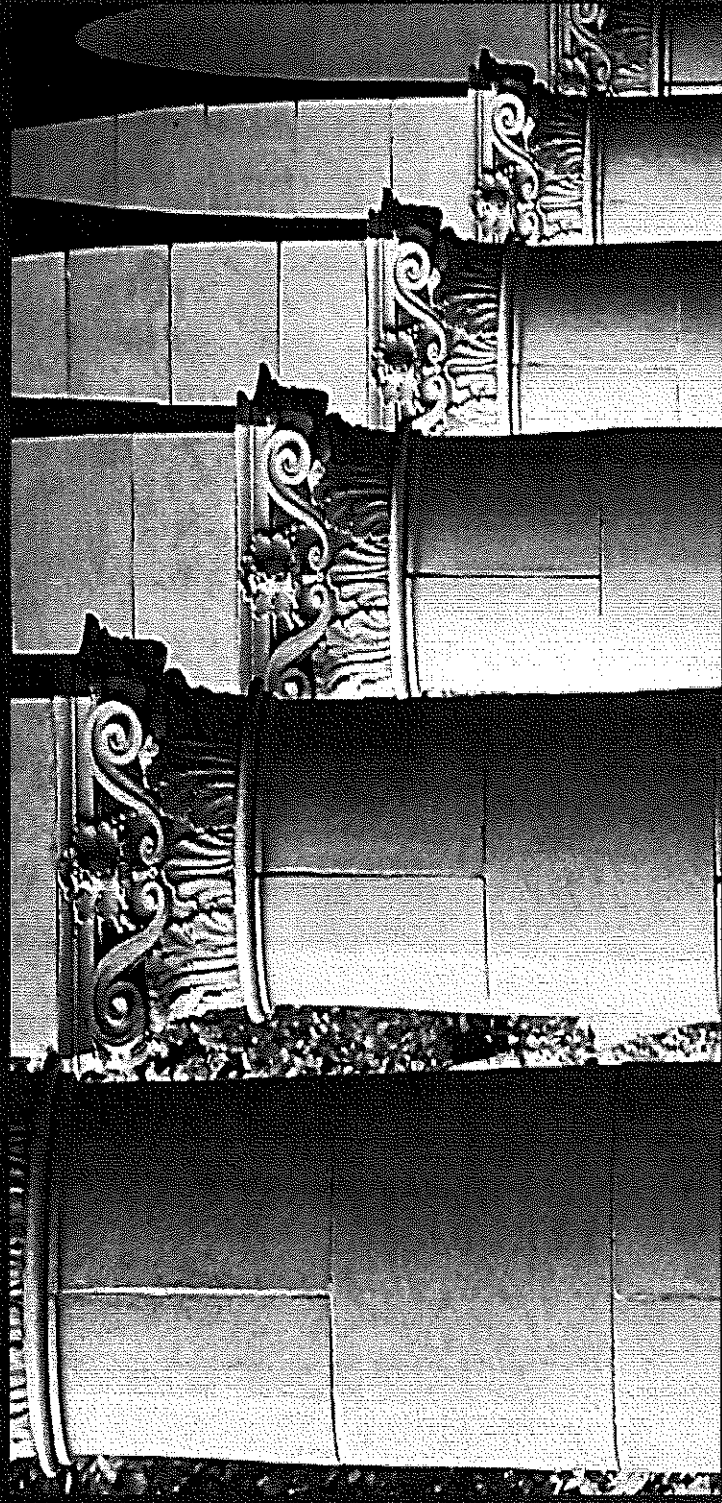


# Workers' Compensation Lawyers Association Ethics Update



Mark F. Ambrogi, ARLC

# Agenda



- Overview of Lawyer Regulation in Illinois and the Investigation and Disciplinary Process
- Top Legal Ethics Trends for 2019
  - #1: Uniformity of Ethics Rules
  - #2: Malpractice & Succession Planning
  - #3: Law Firm Cyber Security
  - #4: Sexual Harassment in the Profession
  - #5: Lawyer Health and Wellness
  - #6: Civility
- ARDC Resources

# Review of a Lawyer's Conduct



- Civil
- Contempt
- Criminal
- Regulatory (ARDC)

# Investigative Process

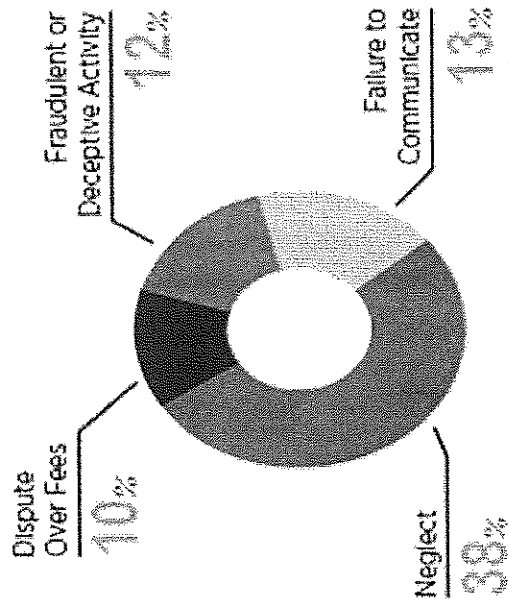
- Confidential Investigation – S.Ct.R. 766(a)(1).
- Docketed and assigned to a Commission lawyer to review.
- Lawyer-respondent required to respond in writing to Commission’s request for information – Com.R. 53.
- Closure by ARDC communicated to complaining witness and lawyer-respondent – Com.R. 54.
- Expungement of investigative records three years after closure in most cases –S.Ct.R. 778.
- Immunity for persons communicating with ARDC – S.Ct.R. 775.



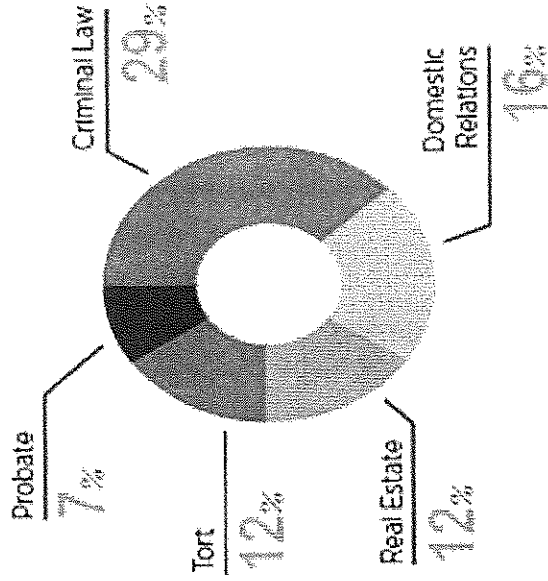
## INVESTIGATIONS

**5,199** grievances, a **3.7%** decrease over the prior year and continuing a five-year trend of decline.

**73%** of grievances arises out of a breakdown in attorney-client relations:

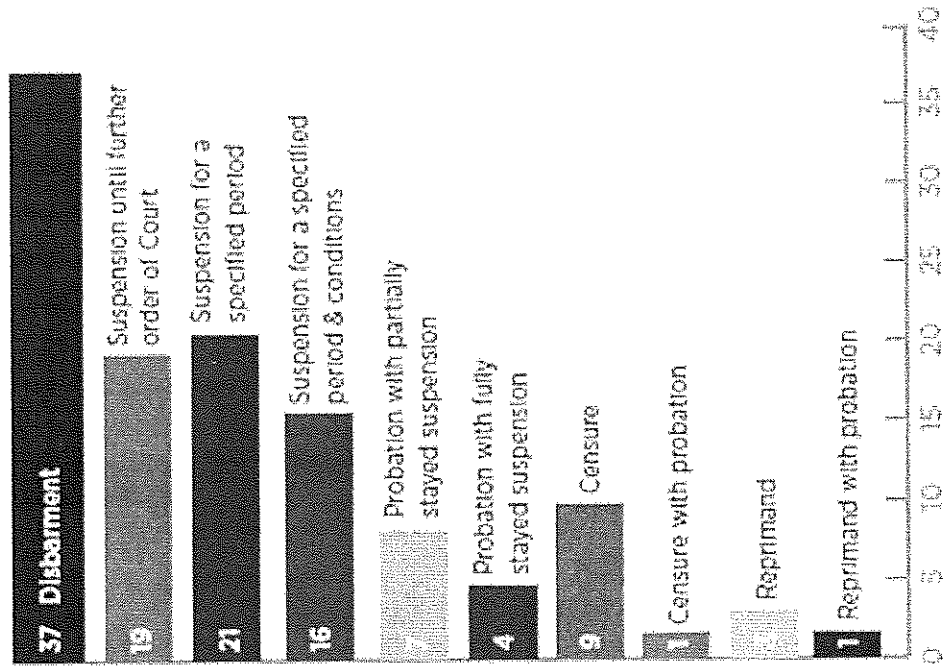


Top four practice areas are:

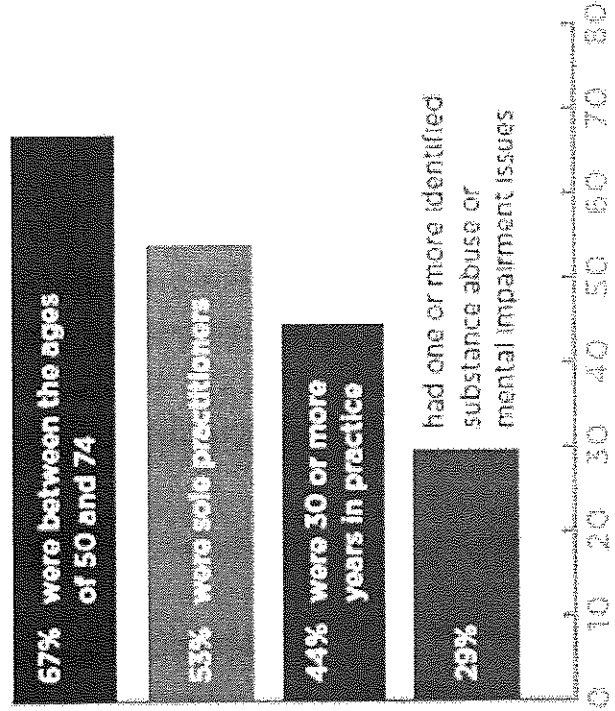


## SANCTIONS

**118** lawyers were sanctioned by the Illinois Supreme Court in 2017.



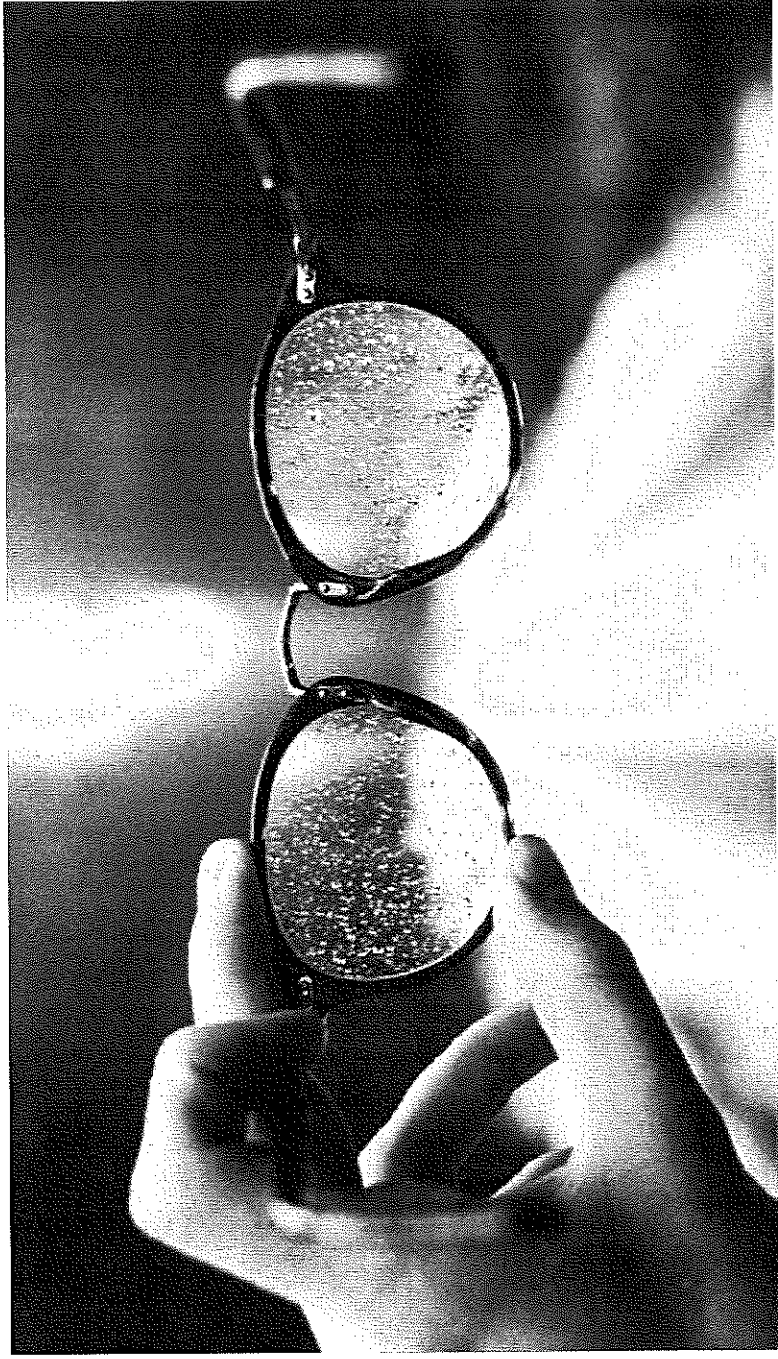
## DISCIPLINED LAWYERS IN 2017



# What Factors Cause an Investigation to Lead to a Formal Complaint?

- Client or third party harm
- Pattern of misconduct on the part of the respondent
- Dishonest or fraudulent conduct
- Lack of remorse
- Not cooperating with the ARDC investigation

# Legal Ethics Trends for 2019



# Trend #1: Uniformity of Ethics Rules



# Chicago Daily Law Bulletin.

## State adopts Uniform Bar Exam for '19

BY SARAH MANSUR

LAW BULLETIN STAFF WRITER

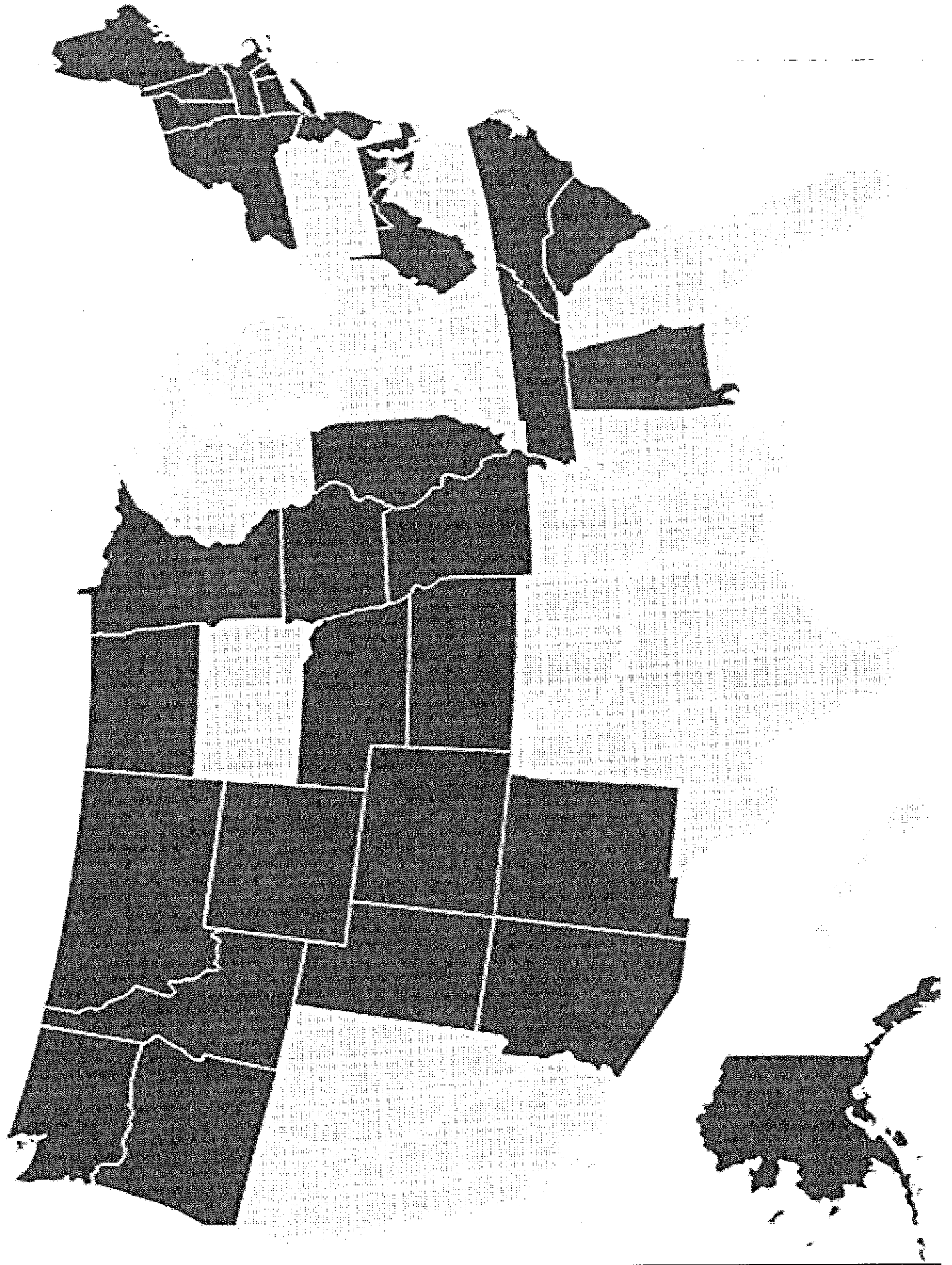
Starting next year, the Uniform Bar Exam will be offered in Illinois, the Illinois Supreme Court announced Friday.

The exam allows test takers to transfer scores among the 29 other states that also accept the exam as passage to practice law. It will replace the Illinois Bar Exam.

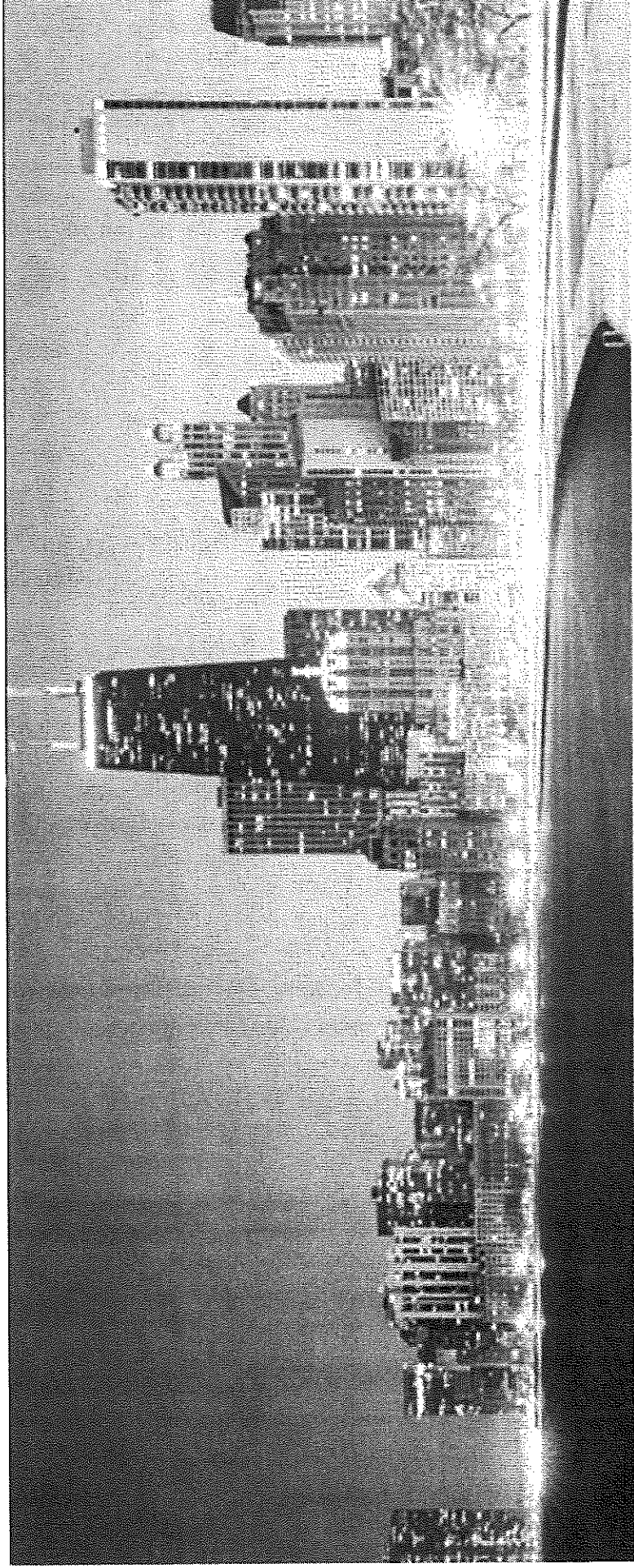
"With a majority of jurisdictions in the United States now administering the Uniform Bar Exam, the time seemed right to adapt to a legal landscape that demands more flexibility and recognizes multijurisdictional practice," Chief Justice Lloyd A. Karmeier said in a news release announcing the new

policy





# Trend #2: Malpractice and Succession Planning



## ILLINOIS LAWYERS

94,778 registered lawyers • 68% located in Illinois • 48% located in Cook County



# Practice Settings

## Active Status Lawyers Who Practice

Practice Setting	Number Responding	Practice Size % of Total
Private Practice	49,444	68.6%
Corporate In-house	10,080	14.0%
Government/Judge	8,209	11.4%
Other	2,297	3.2%
Not-for-profit	1,428	2.0%
Academia	604	1.1%
Total	72,062	

# Malpractice Disclosure Data

Practice Size	% Malpractice Responses	No
Solo Firm	5,718 41.5%	
Firm of 2-10	212 1%	
Firm of 11-25	159 3.3%	
Firm of 26-100	143 2.8%	
Firm of 100 + Attys.	11,985 97.0%	
<b>Total</b>	<b>49,444</b>	<b>100%</b>

**41.5% of  
 Sole Proprietors Have  
 No Malpractice  
 Insurance**

# Top Five Reasons Solos Have No Coverage

Reason for No Malpractice	% of Responses
Nature of practice involves minimal risk of liability	47.0%
Cost of malpractice insurance too high	27.2%
Assets insufficient to require malpractice insurance protection	6.8%
Assets adequately protected without malpractice insurance	4.9%
Never considered or deferred consideration of malpractice insurance	3.0%

# Top Five Solo Practice Areas with No Insurance

Practice Area of Law	% of Responses
Real Estate	21.0%
Criminal	16.6%
Estate Planning/Probate	14.3%
Corporate	11.3%
Domestic Relations	11.1%

STATE OF ILLINOIS  
HOUSE OF REPRESENTATIVES  
100TH GENERAL ASSEMBLY

HOUSE RESOLUTION NO. 0828  
OFFERED BY REPRESENTATIVE TOM DEWEES

WHEREAS, The practice of law in the State of Illinois places attorneys in a position of power when they are assisting clients in their times of need; and

WHEREAS, Out of the roughly 13,500 solo practitioners in this State insurance; 9% of small firms do not maintain malpractice

Illinois

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the ARDC to look into further amending Supreme Court Rule 756 to require Illinois attorneys to disclose to prospective and current clients if and when the attorney's malpractice insurance has lapsed; and be it further

(100-0828)

WHEREAS, It would be beneficial for clients and attorneys, who may face subsequent legal repercussions, to be made aware when attorneys become uninsured; and

WHEREAS, This is a subject within the purview of the ARDC, the ISBA, and the judiciary branch; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRETH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the ARDC to look into further amending Supreme Court Rule 756 to require Illinois attorneys to disclose to prospective and current clients if and when the attorney's malpractice insurance has lapsed; and be it further

RESOLVED, That suitable copies of this resolution be given to the ARDC.

Adopted by the House of Representatives on May 10, 2018.

*Timothy D. Mape*  
TIMOTHY D. MAPE  
CLERK OF THE HOUSE



*Michael J. Madigan*  
MICHAEL J. MADIGAN  
SPEAKER OF THE HOUSE

**RESOLVED, That suitable copies of this resolution be given to the ARDC.**



RENE

# Succession Planning Data

Practice Size	Lawyers in Practice	Practicing Responses By	Not Sure
Solo F		42%	
Fir		9%	
Firm of 2		2,513	48.8%
Firm of 100 + Attys.		4,296	34.8%
		1.7%	
	49,444	18,096	15,104
<b>Total</b>		<b>32.9%</b>	<b>30.5%</b>

**76.7% of Sole Proprietors Have No Written Succession Plan, 6.1% Don't Know**



# Top Five Practice Areas for Solos With No Written Succession Plan

Practice Area of Law	% of Responses
Real Estate	27.1%
Estate Planning/Probate	19.7%
Criminal	16.6%
Domestic Relations	14.2%
Corporate	12.6%



ILLINOIS STATE  
BAR ASSOCIATION

Charles J. Neathrop  
General Counsel

Barley T. Felts  
Executive Counsel

Committee Secretary  
Supreme Court Rules Committee  
222 N. LaSalle Street  
13<sup>th</sup> Floor  
Chicago, IL 60601

July 17, 2018

Re: ISBA Proposal to Adopt a New Supreme Court Rule regarding Succession Planning

Dear Committee Secretary:

On behalf of its more than 29,000 lawyer members, the Illinois State Bar Association ("ISBA") respectfully submits to the Supreme Court Rules Committee a proposal to adopt a new Supreme Court Rule and Committee Comments related to lawyer succession planning. The proposed new rule is attached. The ISBA urges the Committee to review it and recommend its adoption to the Court.

The proposed rule: (1) requires all active Illinois lawyers engaged in the private practice of law in Illinois to designate a lawyer (or other entity) to carry out certain authorized activities in the event of the designating lawyer's disability *or*, in the alternative, certify that the lawyer has corporate or estate documents in place authorizing someone to carry out those activities; (2) requires lawyers to maintain a readily available list of passwords and security protocols to access the lawyer's electronic files; (3) identifies a number of limited activities that the designated representative is authorized, but not required, to undertake in the event of the designating lawyer's inability to continue practicing law; (4) provides legal protections for the designated representative when acting under the rule's limited authority; (5) makes clear that a lawyer's existing succession or corporate documents control the disposition of that lawyer's practice; and (6) makes clear that the authorized activities under the proposed rule are limited, and that a designated representative's role is not to take over a practice.

As the lawyer population ages, the need for proper succession planning is becoming more important. However, it is also important to have procedures in place to address unplanned life events impacting a lawyer's practice. During the development of this proposal, many lawyers

# Proposal 18-11

**Proposal Seeks to Create New Supreme  
Court Rule 781 to Address  
Lawyer Succession Planning**

## **Why?**

**Purpose of the rule is to ensure that a lawyer's clients are not prejudiced in the event of a lawyer's unanticipated death, disability, or other event that makes a lawyer's continued representation of a client reasonable unlikely or impossible.**



**Among Other Provisions, the Proposal:**

- (1) Would require all active lawyers engaged in the private practice of law to designate a lawyer, or other entity, to carry out certain authorized activities in the event of the designating lawyer's disability or, in the alternative, certify that the lawyer has corporate/estate documents in place authorizing someone to carry out those activities;**
- (2) Would require lawyers to maintain a readily available list of passwords and security protocols to access the lawyer's electronic files;**
- (3) Identifies a number of limited activities that the designated representative is authorized, but not required, to undertake; &**
- (4) Provides legal protections for the designated representative when acting under the rule's limited authority.**

# ILRPCs on Succession Planning

- **Comment 5 to Rule 1.3 Diligence:**

To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan . . . that designates another competent lawyer to:

- review client files;
  - notify clients of the lawyer's death or disability;
- and
- determine need for immediate protective action.

# ILRPCs on Succession Planning

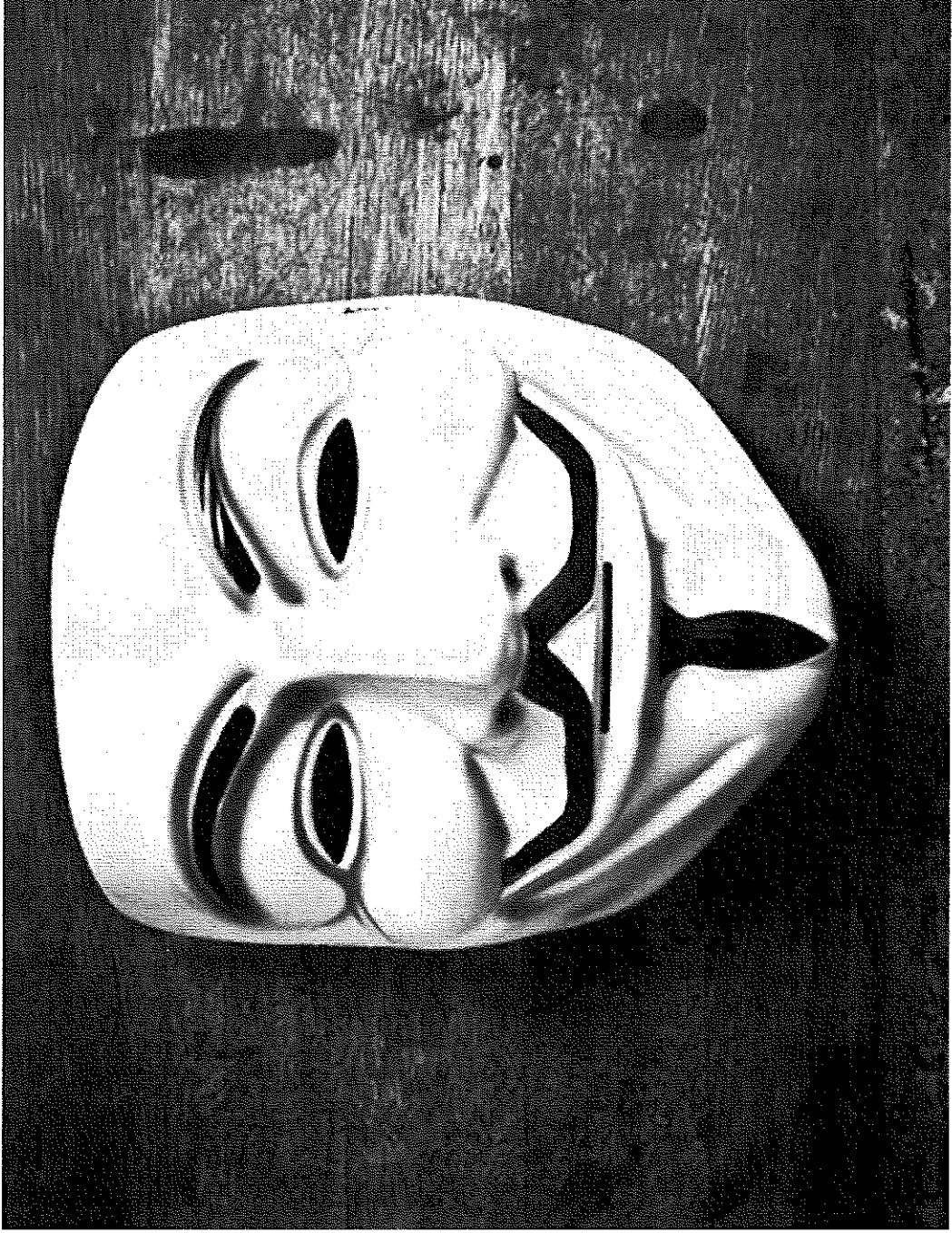
- **Rule 1.15(a)(8) Trust Account Rule:**  
A lawyer shall... (8) make appropriate arrangements for the maintenance of the records in the event of the closing, sale, dissolution, or merger of a law practice.

# ILRPCs on Succession Planning

- **Sale of a Law Practice – Rule 1.17**

A lawyer or a law firm may sell or purchase, and the estate of a deceased lawyer or the guardian or authorized representative of a disabled lawyer may sell, a law practice, including good will...

# Trend #3: Law Firm Cyber Security





# The Florida Bar News

Advertising Rates • Classifieds • Attorneys Exchange • Archives • Subscribe • Journal

June 15, 2010



News HOME

## Hackers loot lawyer's trust account

*'Trust no one; maintain a high degree of skepticism; and review your bank accounts daily'*

By Mark D. Killian  
*Managing Editor*

It was a typical Monday at the office for Kimberly Graus, until she made a chilling discovery. Someone hacked her computer, gained control of her passwords, and emptied \$35,000 out of her trust account.

"It is horrible," said Graus, a sole practitioner in Bradenton who has been working feverishly since the May 10 heist to mitigate the damage.

"These unauthorized wires were sent from my bank account through my bank's online system, which has three layers of password logins that must be made before a wire can be sent," Graus said.

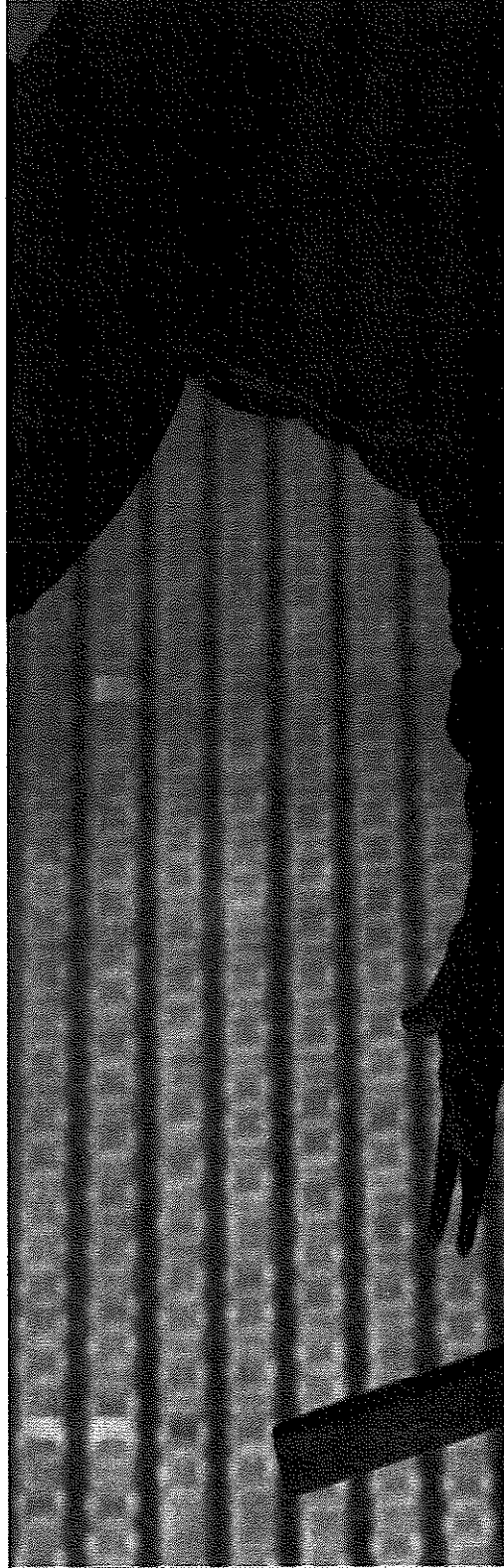
"The bank says my IP address was the source of the wire order, but since I did not do it, it is likely that someone hacked my system and stole my passwords as I logged them in."

In all, the hackers made four wire transfers out of Graus' trust account. Quick work by Graus and the security team at Superior Bank in Bradenton were able to pull back three of the four electronic transfers — which will eventually be returned to Graus — but were too late to intercept a \$9,500 transfer to somewhere

MENU

RECENT POSTS

SECRET



Photographer: Chris Rabin/Bloomberg

## Chicago Law Firm Accused of Lax Data Security in Lawsuit

December 9, 2016

AUTHORS



SHARE

Twitter

Facebook

LinkedIn

Email

Related articles

Secret of the judge

A federal judge on Friday unveiled a long sealed proposed class-action complaint that accused the law firm, Johnson & Bell, of failing to take adequate steps to protect the data on its servers.

The case is currently proceeding in confidential arbitration and the complaint was filed in April by the plaintiff's firm Edelson P.C. on behalf of two of Johnson & Bell's onetime clients, Jason Shore, a California resident, and Coinabul, a Wyoming limited liability company.

Johnson & Bell is a Chicago-based firm with about 100 attorneys and was ranked as the 365th largest law firm in the country, according to The American Lawyer.

The complaint refers to Johnson & Bell "as a data breach waiting to happen" and claims the firm marketed itself as using top data security to protect its clients' information but in fact had numerous lapses, including — according to the complaint — an online time-keeping system that had not been updated in 10 years. Jay Edelson, the founder of Edelson P.C., said his firm has been conducting a wide-ranging investigation of law firms, and that he anticipates other judges may soon unseal lawsuits his firm filed

### CYBERSECURITY

## Email scam targets lawyers with fake disciplinary warnings, bar announcements

POSTED JULY 23, 2014 02:05 PM CDT

BY STEPHANIE FRANCIS WARD

 Like 114  Share

 Tweet

 Share 192

 Print 2 points

Lawyers across the country should be on the lookout for phishing emails, which purport to be about new discipline investigations.

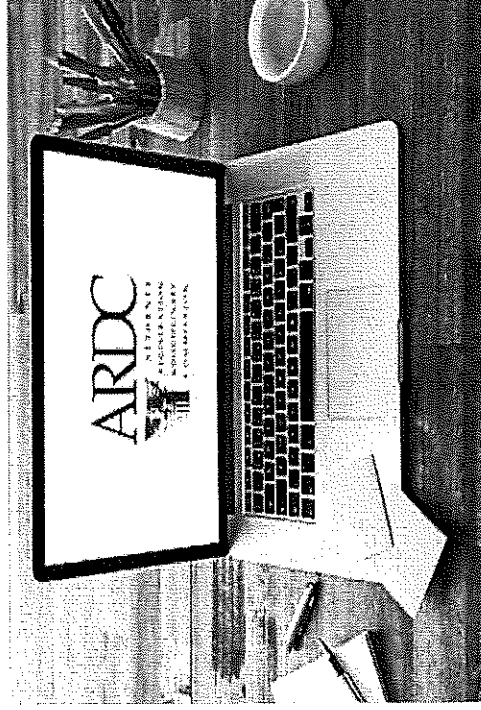
More than 50 attorneys have received the emails, which have links to malicious software, says Molly Flood, research and information manager with the ABA's Division for Bar Services. She suspects that senders get email addresses through the websites of state bars that also handle attorney regulation.

About 20 Nevada lawyers have received the emails over the past month, says Kimberly Farmer, the state bar executive director. Some emails referenced discipline complaint notification in the subject line, while others said the recipient had not paid his or her bar dues. The communications were signed by presidents of bar associations other than Nevada, which Farmer says was a tip off to members that something was amiss.

California bar members also got emails about an alleged discipline matter, and those communications appeared to be signed by David J. Pasternak, the bar president, a communications manager told the ABA Journal.

# Why are law firms a favorite target for hackers?

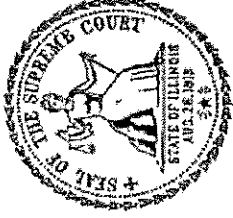
- Viewed as less secure back doors' to clients' information
- One-stop shop for many clients' information
- Treasure trove of valuation information
  - client intellectual property;
  - personally identifying information;
  - payment card information;
  - case and litigation strategy; and
  - a firm's own sensitive information (bank accounts, etc.).



# Getting the Word Out ARDC e-blasts

To date, ARDC has sent out six different e-mail blasts to the profession including

- E-Mail Scams and Lawyer Trust Accounts;  
and
- E-Mail Targeting Lawyers with False  
Disciplinary Grievance.



## Supreme Court of Illinois

October 15, 2015

### **SUPREME COURT REVISES RULES IN LIGHT OF TECHNOLOGY ADVANCES AND PRACTICE DEVELOPMENTS**

The Illinois Supreme Court announced today the adoption of several rule changes designed to bring attorney ethics rules up to date with advances in technology and developments in global legal practices.

Adopted October 15, 2015, effective January 1, 2016

# RULE CHANGE

## **IRPC 1.1, COMMENT 8**

### **MAINTAINING COMPETENCE**

To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **INCLUDING THE BENEFITS AND RISKS ASSOCIATED WITH RELEVANT TECHNOLOGY**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

# 27 States Have Adopted a Duty of Technology Competence

- Arizona
- Arkansas
- Colorado
- Connecticut
- Delaware
- Florida
- Idaho
- Illinois
- Iowa
- Kansas
- Massachusetts
- Minnesota
- New Hampshire



- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Pennsylvania
- Tennessee
- Utah
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

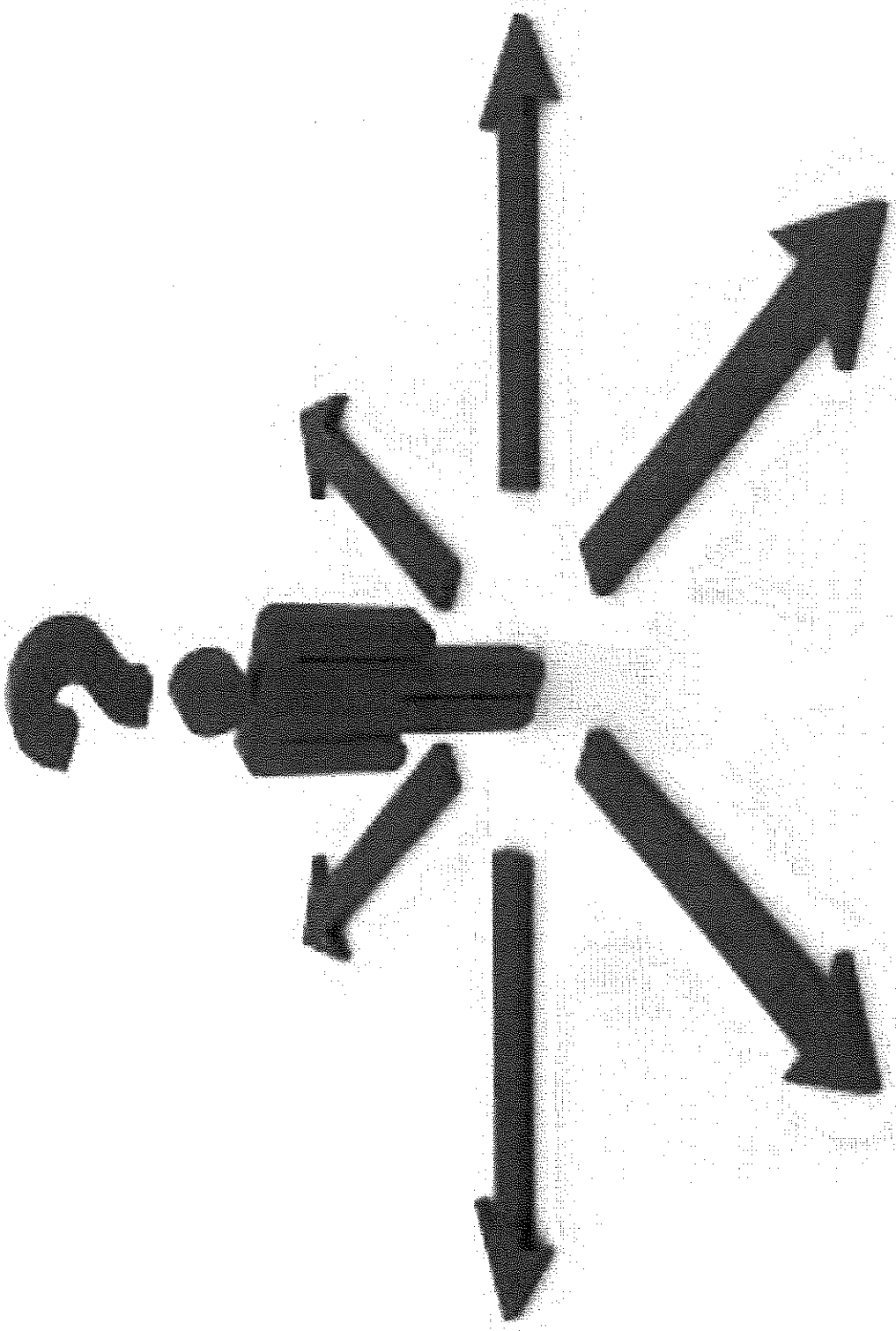


# RULE CHANGE

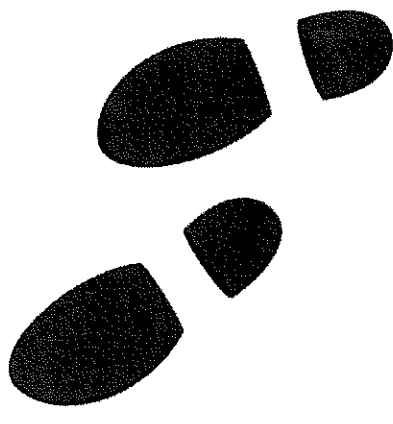
## **IRPC RULE 1.6**

(e) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.

# Defining “Reasonable”



# Reasonable Steps



- Understand the nature of the threat;
- Understand how confidential client information is transmitted and where it is stored;
- Understand and use reasonable security measures;
- Determine how electronic communications about client matters should be protected;
- Label confidential client information;
- Train lawyers and nonlawyer assistants in technology and information security; and
- Conduct due diligence on vendors providing communication technology.

# Email – Need to encrypt?

## ABA Formal Op. 477 (May 11, 2017)

- Duty of confidentiality requires taking reasonable measures to prevent inadvertent or unauthorized access to client information.
- Special security measures when:
  - required by agreement with client;
  - required by law; or
  - when nature of information requires a higher degree of security.
- Updates 1999 formal opinion that told lawyers they could use unencrypted emails for routine communications with clients.
- Outlines what those reasonable measures should include.

# Trend #4: Sexual Harassment: The #MeToo” Effect



# craigslist

post to classifieds

Lawyer posted the following job description for a legal secretary for his law firm on the adult gigs classified ad section of Craigslist.

Loop law firm looking to hire am [sic] energetic woman for their open secretary/legal assistant position. Duties will include general secretarial work, some paralegal work and additional duties for two lawyers in the firm. No experience required, training will be provided. Generous annual salary and benefits will be provided, including medical, dental, life, disability, 401(k) etc. If interested, please send current resume and a few pictures along with a description of your physical features, including measurements. We look forward to meeting you.

One woman responded to the ad.

Lawyer defined what “additional duties” would be required.

...in addition to the legal work, you would be required to have sexual interaction with me and my partner, sometimes together sometimes separate. This part of the job would require sexy dressing and flirtatious interaction with me and my partner, as well as sexual interaction...we've actually hired a couple of girls in the past for this position... But they have not been able to handle the sexual aspect of the job later... So since that time, we've decided that as part of the interview process you'll be required to perform for us sexually... Because that aspect is an integral part of the job, I think it's necessary to see if you can do that, because it'll predict future behavior of you being able to handle it when you have the job.

Lawyer was suspended 1 year, UFO for lying to the ARDC and bringing the legal profession into disrepute about the ad and neglecting two immigration cases. He was not represented and did not appear at the disciplinary hearing.

*See In re Chowhan, M.R. 24851, 2009 PR 00053 (Ill. 2011)*

**In re Herbst, M.R. 29686, 2017PR91  
(Feb. 2019)**

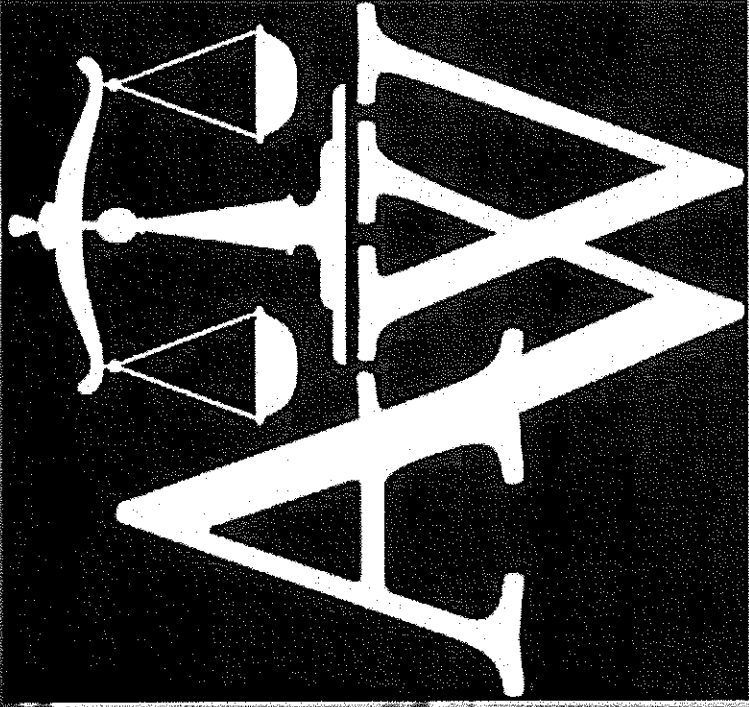
- Placed a video flash drive in a hidden location in a co-worker's office without that person's knowledge or consent.
- Recorded images of co-worker in various stages of undress while he was changing.
- 2 year suspension, UFO





# State of Iowa v. Abraham K. Watkins No. 17-0183 (Iowa June 29, 2018)

LAW OFFICE OF ABRAHAM WATKINS



# ILRPC Rules

- **Rule 1.8(j)**
  - A lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced.
- **Rule 8.4(b)**
  - Committing a criminal act that reflects adversely on the lawyer's honest, trustworthiness or fitness as a lawyer...
    - E.g. Solicitation of a sexual act: 720 ILCS 5/11-14.1
- **Rule 8.4(j)**
  - violate a federal, state or local statute or ordinance that prohibits discrimination based on race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status by conduct that reflects adversely on the lawyer's fitness as a lawyer...
    - Act committed during employment
    - Prior adjudication required.

# ABA Model Rule Limiting Harassing or Discriminatory Conduct

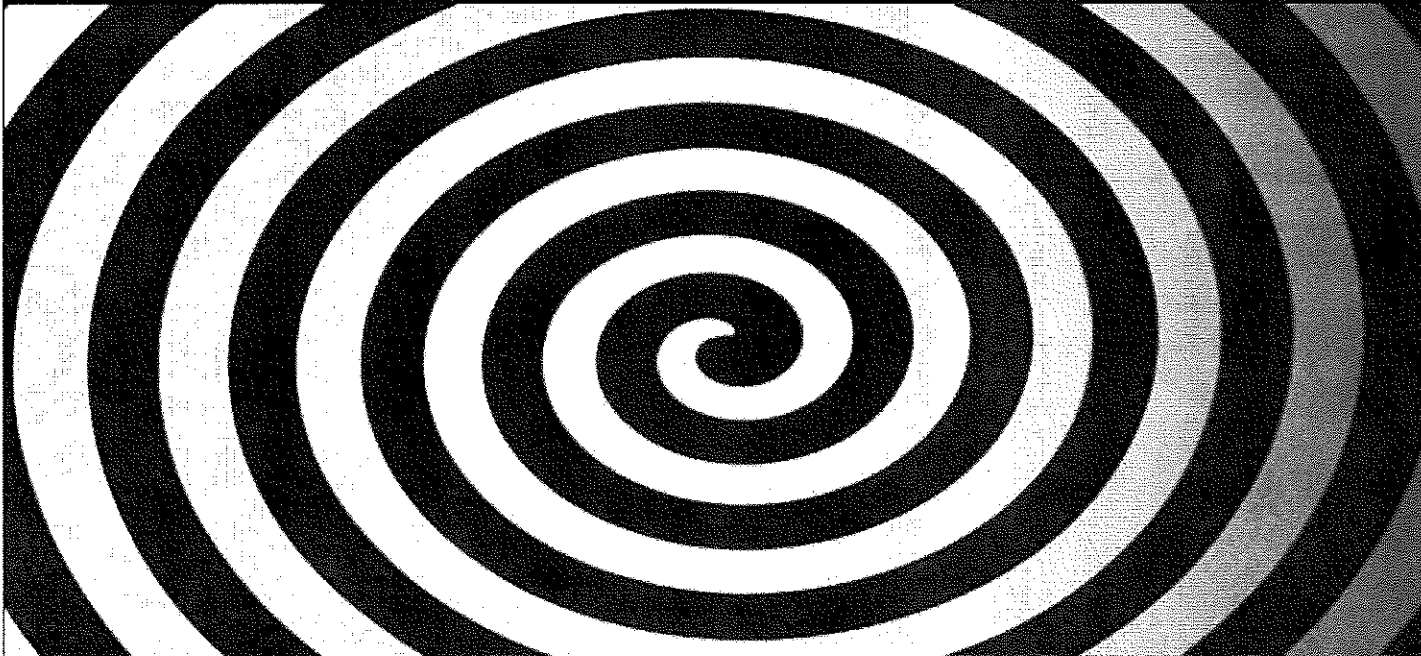
## ABA Model Rule 8.4(g)

(g) engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

- Adopted by ABA in 2016
- Only Vermont has adopted
- Several states have declined, incl. Illinois



A tendency  
to  
melancholy...  
let it be  
observed,  
is a  
misfortune,  
not a fault.

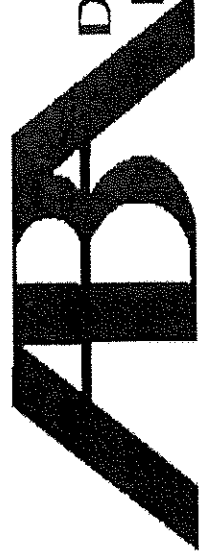


At least 25% of Illinois lawyers facing formal disciplinary charges before the ARDC are identified as suffering from addiction or mental illness.





Hazeldean Betty Ford  
Foundation



Defending Liberty  
Pursuing Justice

## ABA, Hazeldean Betty Ford Foundation Release First National Study on Attorney Substance Use, Mental Health Concerns

CENTER CITY, MINN. (February 3, 2016) —A new, landmark study conducted by the Hazeldean Betty Ford Foundation and the American Bar Association Commission on Lawyer Assistance Programs reveals substantial and widespread levels of problem drinking and other behavioral health problems in the U.S. legal profession.

Posted online this week in the Journal of Addiction Medicine, the study reports that 21 percent of licensed, employed attorneys qualify as problem drinkers, 28 percent struggle with some level of depression and 19 percent demonstrate symptoms of anxiety. The study found that younger attorneys in the first 10 years of practice exhibit the highest incidence of these problems. The print edition of the journal will be available in mid-February



# 3. JAMES W. GLASGOW WILL COUNTY STATE'S ATTORNEY

**Will County Drug Court brings new prosecutor,**

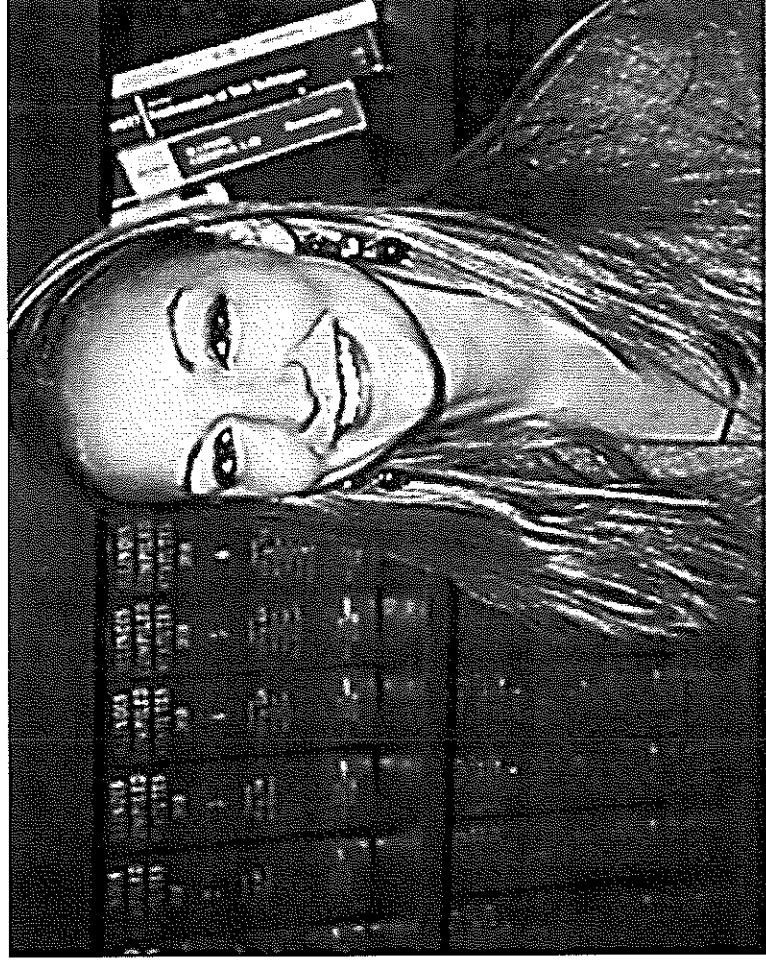
**State's Attorney Glasgow full circle**

Press Release

July 14, 2011

JOLIET – Eleven years ago, 18-year-old Elizabeth Johnson's lifelong dream of becoming an attorney nearly went up in smoke.

She had fallen in with a bad crowd and was hanging around a drug house that had been targeted by police. She was abusing marijuana and on the verge of graduating to harder drugs. And she had been arrested for felony disorderly



ASA Elizabeth Johnson

# Former Prosecutor, Drug Court Graduate, Charged With Possessing Drugs

Her boyfriend — who is on home detention for a federal drug and weapon case — reportedly called the cops on her.

Elizabeth  
Ann  
Johnson,  
M.R. 29329,  
2017PR00056  
(Ill. May 24, 2018)





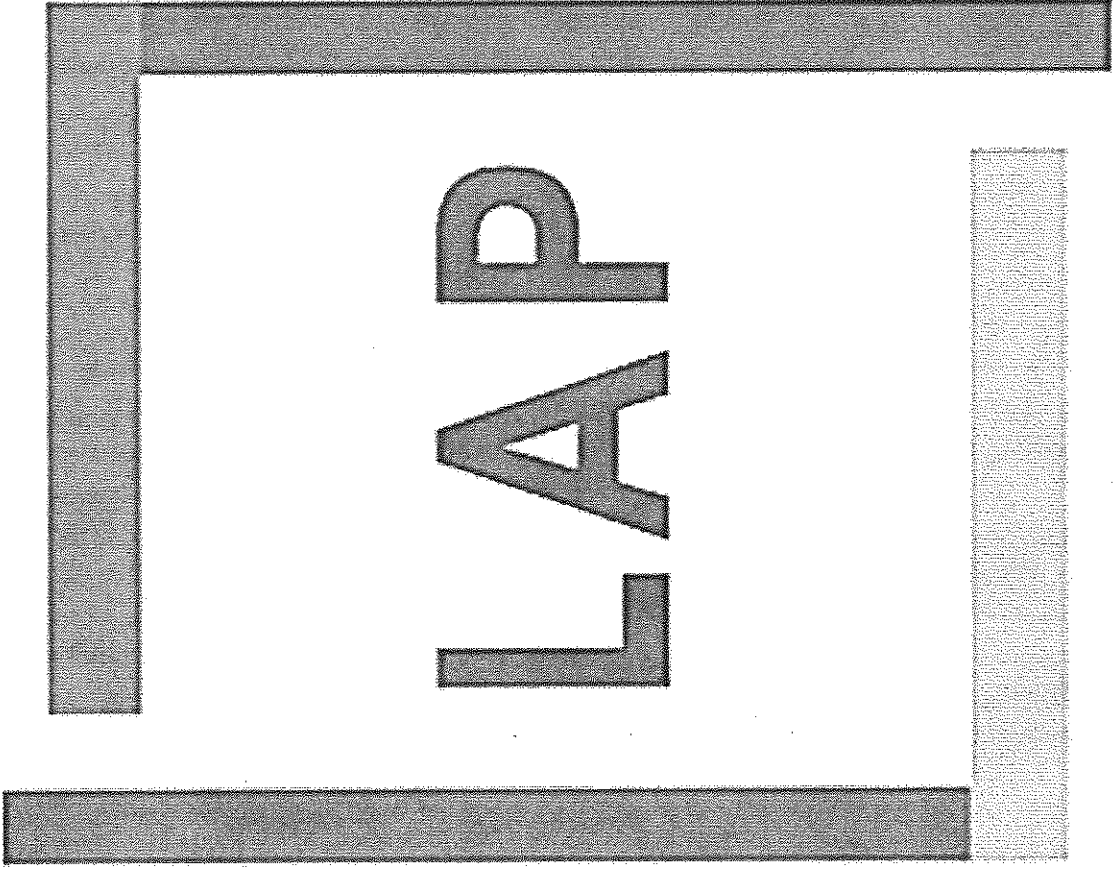
# **CLE REQUIREMENT OF DIVERSITY/INCLUSION AND MENTAL HEALTH/SUBSTANCE ABUSE Supreme Court Rule 794(d)**

Supreme Court Rule 794(d) to requires all Illinois lawyers subject to the MCLE requirements complete one hour of diversity and inclusion CLE and one hour of mental health and substance abuse CLE as part of the professional responsibility CLE requirement.

-The amendment does not affect the total number of hours required to fulfill the professional responsibility requirement, which remains at six, or the total number of CLE credits required in each two-year reporting period, which remains at 30.

-Lawyers may alternatively continue to fulfill the required six hours of professional responsibility CLE by completing the Illinois Supreme Court Commission on Professionalism's Lawyer-to-Lawyer Mentoring Program, as set forth in Illinois Supreme Court Rule 795(d)(11).

(amended April 3, 2017, eff. July 1, 2017 & begins with attorneys with the two-year reporting period ending June 30, 2019)



LAWYERS'  
ASSISTANCE  
PROGRAM

# IRPC 1.6

## **RULE 1.6 Confidentiality of Information**

(d) Information received by a lawyer participating in a meeting or proceedings with a trained intervener, or panel of interveners of an approved lawyers' assistance program, or in an intermediary program approved by a circuit court in which nondisciplinary complaints against judges or lawyers can be referred, shall be considered information relating to the representation of a client for purposes of these Rules.



## SUPREME COURT RULE 766

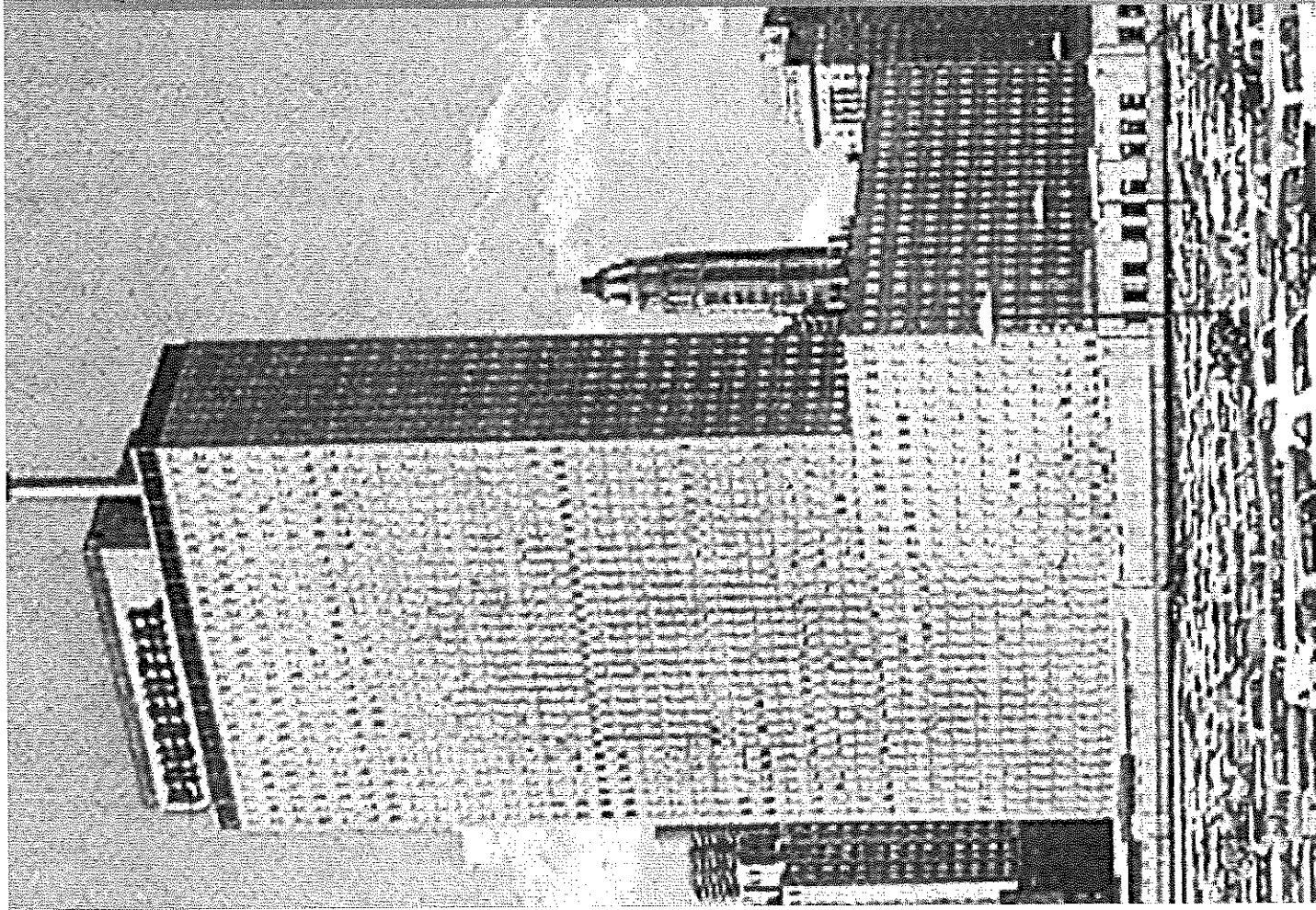
### **Referrals from ARDC to LAP**

Since 2006, authorizes ARDC to refer a lawyer to LAP despite an otherwise confidential investigation when there is reasonable cause to believe that a lawyer is, or may be, addicted or abusing alcohol or other chemicals or is, or may be, experiencing a mental health condition or other problem that is impairing the lawyer's ability to practice law.

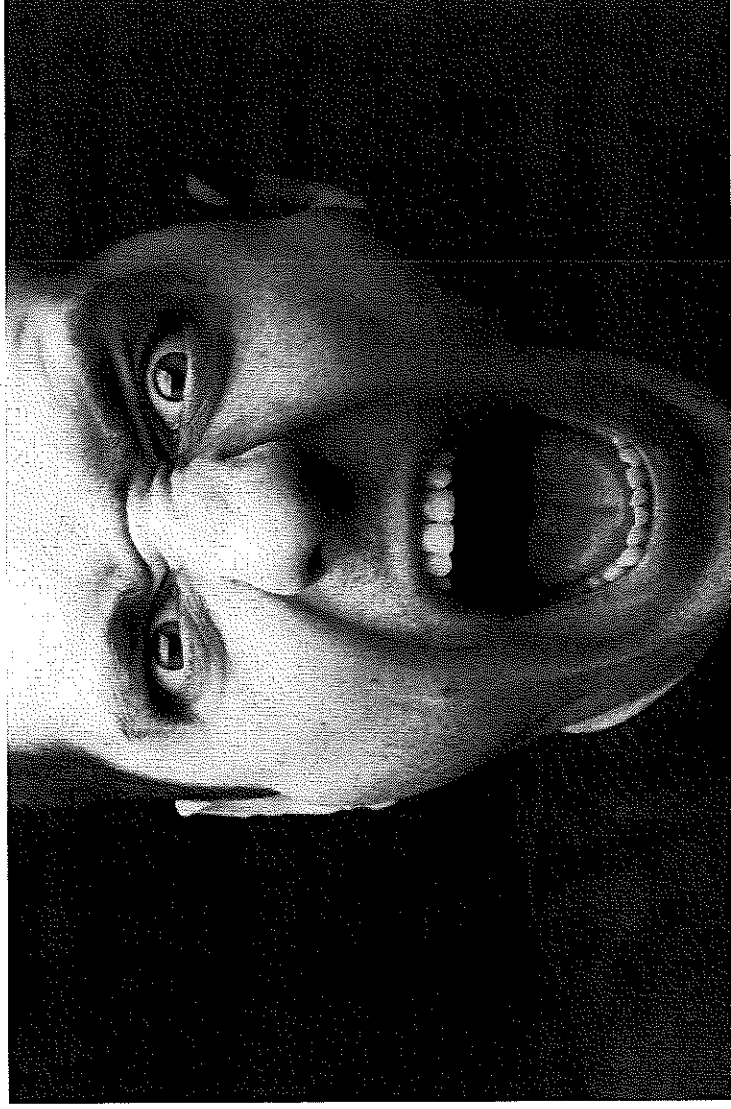


# ARDC MONITORING

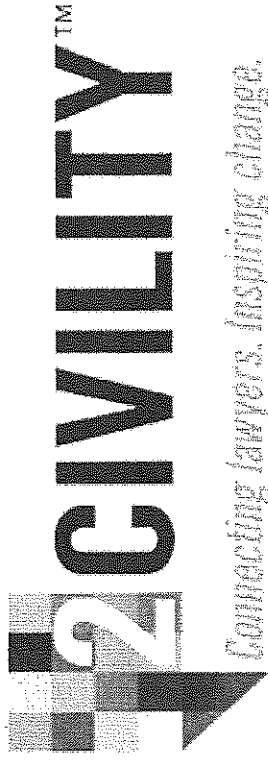
Over 100 lawyers are being monitored by the ARDC Probation Unit for substance abuse and mental health concerns, law office management issues, or restitution conditions.



# Trend #6: Civility in the Legal Profession



Illinois Supreme Court Commission on Professionalism



Hc

Our  
Illinc  
in SE

[Home](#) » [Media](#) » [Press](#) » [Results of 2014 Survey on Professionalism Released](#)

# Results of 2014 Survey on Professionalism Released

Posted on May 28, 2015 by 2Civility

## Lawyers' Opinions on Civility in the Legal Profession

**POLL: Would you describe your  
colleagues as:**

- Very Civil/Professional**
- Civil/Professional**
- Neutral**
- Uncivil/Unprofessional**
- Very Uncivil/Unprofessional**

**91% of survey respondents describing their colleagues  
as **civil/professional** or **very civil/professional****

**POLL: Have you experienced an incident of uncivil or unprofessional behavior in the last 6 months?**

**Yes.**

**No.**

**85% experienced uncivil or unprofessional behavior in the last 6 months**

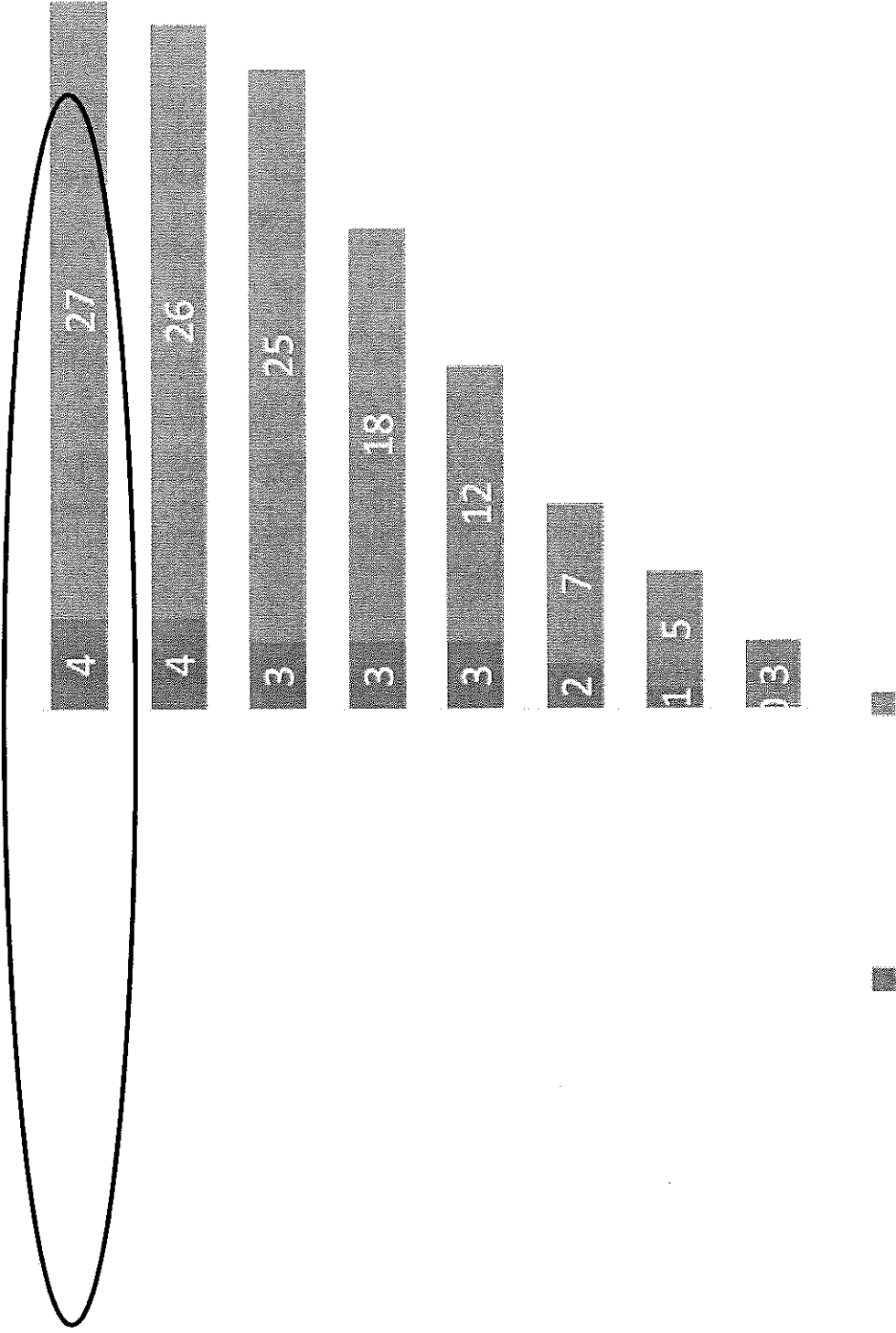
## Three broad types of unprofessional behavior identified:

- Prejudice:
  - inappropriate comments about a lawyer based on race, age, or gender
- Rudeness:
  - sarcastic or condescending attitude, or belittling language; and
- Strategic incivility:
  - misrepresentation or stretching the facts, playing hardball, or indiscriminate or frivolous use of pleadings or motions.

• Strategic was #1



# Venue/Settings of Uncivil Behavior



Top suggestions raised by respondents to improve civility:

- imposing or enforcing consequences through the court system;
- training on civility/professionalism;
- mandatory continuing legal education on civility/professionalism;
- educating judges to better deal with incivility;
- increasing law school professionalism training; and
- creating a mechanism for reporting to the ARDC or other tribunal.

# Meaning of “Incivility” Under the IL Rules of Professional Conduct

- Taking action that merely serves to harass or maliciously injure another (R. 1.2(f); 3.1, 3.2 & 3.3)
- Using means to embarrass, delay or burden another (R. 4.4); obtaining/obstructing evidence by violating another's rights (R. 3.3, 3.4 & 4.4)
- Conduct prejudicial to the administration of justice; discriminatory treatment of others (R. 3.3 & 8.4(a)(5))
- Bringing the courts or legal profession into disrepute (S.Ct.R. 770)

# ”Incivility” Complaints Brought to the ARDC

- Does the asserted misconduct pose a serious threat of undermining the public’s confidence?
- Typical example of a when a lawyer will be asked to respond:
  - the lawyer used foul or threatening language *toward* someone in the presence of others or in writing;
  - the context involved the practice of law; and
  - the language or conduct crosses a threshold of unreasonableness.

# Prosecutions

Characteristics of some cases prosecuted:

- History of multiple claims of unprofessional behavior;
- Physical harm or serious threats to do so;
- Use of foul or threatening language documented by letter, transcript or other writing;
- Diminished professional objectivity (lawyer took case too personally or was *pro se*); and/or
- Underlying problem of mental or substance impairment.

# In re Drew Randolph Quitschau

M.R. 29444, 2017PR00084 (Ill. Sept. 20, 2018)

- Lawyer, licensed 13 years, was partner in Bloomington firm;
- Creates **FACEBOOK** account under fictitious name: 'John Kollengrade';
- Lawyer uses account to post false/negative review of another Bloomington attorney;
- The other lawyer, Jane Doe, is a partner at another Bloomington firm;
- Lawyer opposed Doe in over 20 legal proceedings in McLean County over the years;

# More Quitschau

- Later, Lawyer creates false reviews of Doe's legal abilities and posts them on **Martindale.com** and **Lawyers.com** websites;
- Soon after, Lawyer registers Doe's name with the **Obesity Action Coalition**, so that Doe would receive materials from that organization. He provides her name, e-mail and business address;
- Doe starts receiving e-mails and regular mail and a lap-band kit was delivered to her law office;



# The Story Continues

- Lawyer completes an online registration in Doe's name for **Diabetic Living**, a monthly magazine devoted to helping individuals with diabetes to live fuller, healthier lives;
- Doe starts receiving the organization's monthly magazine and materials related to diabetes;

# Still More M.R. 29444

- Lawyer completes an online registration in Doe's name for **Pig International**, a global nutrition and health publication relating to the pork production industry;
- Doe starts getting daily e-mails from **Pig International** and other pork industry organizations, and hog-related magazines were delivered by regular mail to her law office;

www.VAIAgNet.com

100 YEARS  
WATTS

# Pig International

Nutrition and health for profitable pig production

## Nutrition

- Boosting piglet immunity with colostrum
- How to train gilts for electronic sow feeding systems

## Health

- Managing livestock antibiotic resistance with diagnostics
- 6 major piglet diarrhea causes and their management

# Yet More...

- Lawyer completes an on-line registration in Doe's name for **Auto Trader**, an online marketplace for car shoppers and sellers;
- As a result of Lawyer's actions, Doe received multiple telephone calls and e-mails from local auto dealerships.



# More, More, More...

- Lawyer charged by ARDC with engaging in conduct involving dishonesty, fraud, deceit or misrepresentation;
- ARDC Hearing Board concludes Lawyer “wanted to harass, hurt and make fun of” Doe;
- Board found Lawyer did not have sudden burst of anger/short-term lapse of sound judgment due to an adverse incident;
- Conduct lasted over lengthy period of time and, at hearing, Lawyer acknowledged that Doe had done nothing to justify his “retaliatory harassing behavior.”

# Bottom Line

- Board troubled by fact that, although Lawyer believed that stress arising from handling family law cases was a factor in causing misconduct, he still continued to handle such cases;
- Board recommends suspension of 6 months UFO. Supreme Court agrees.

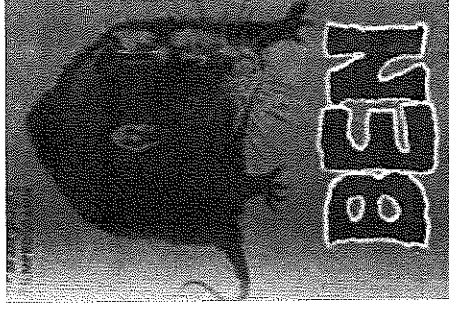


# Best Practices: Dealing with Incivility

- Don't take it personally otherwise you risk becoming part of the problem.
- Make a record.
- Involve the judge of the behavior impairs the administration of justice.
- Involve the ARDC or LAP if there are serious concerns about a lawyer's mental fitness.
- Talk it out with others. *E.g., ARDC Ethics Inquiry Program*



# Duty to Report Lawyer Misconduct (a/k/a “Himmel” duty): Rule 8.3



Rule 8.3 sets forth the **mandatory** duty as follows:

(a) A lawyer who [1] knows that [2] another lawyer has [3] committed a violation of Rule 8.4(b) or (c) shall [4] inform the appropriate professional authority.

\*\*\*

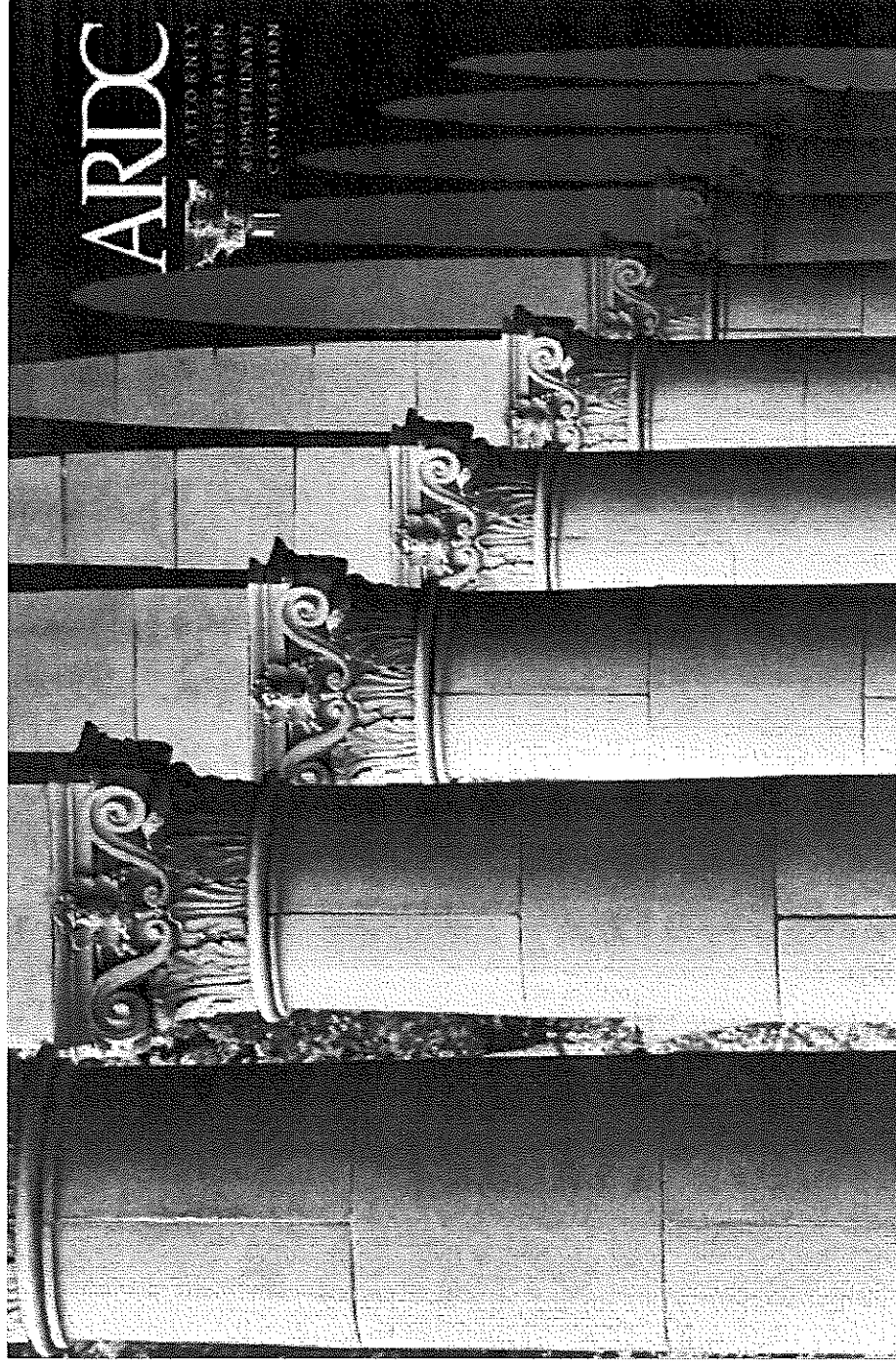
(c) This Rule does not require disclosure of information otherwise protected by the attorney-client privilege or by law or information gained by a lawyer or judge while participating in an approved lawyers' assistance program or an intermediary program approved by a circuit court in which nondisciplinary complaints against judges or lawyers can be referred.

# Duty to Report Lawyer Misconduct (a/k/a “Himmel” Duty)

## Elements:

- Knowledge
- Based on unprivileged information
- Criminal or fraudulent conduct
- Report to ARDC

# ARDC Resources



**☆ Rules of Professional Conduct  
& Disciplinary Law**

ARDC website at: [www.iardc.org](http://www.iardc.org)

**☆ Guidance on the Rules & IL Lawyer's Professional Duties**

Call the ARDC Ethics Inquiry Hotline:  
312-565-2600 (Chicago); 217-546-3523 (Springfield)

**☆ FREE online CLE seminars at ARDC web site:**

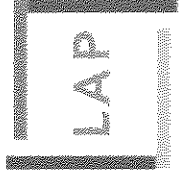
<https://www.iardc.org/CLEseminars.html>

**☆ Lawyers' Assistance Program:**

1-800-LAP-1233

**☆ Talk it out with other lawyers**

See RPC 1.6(b)(4)

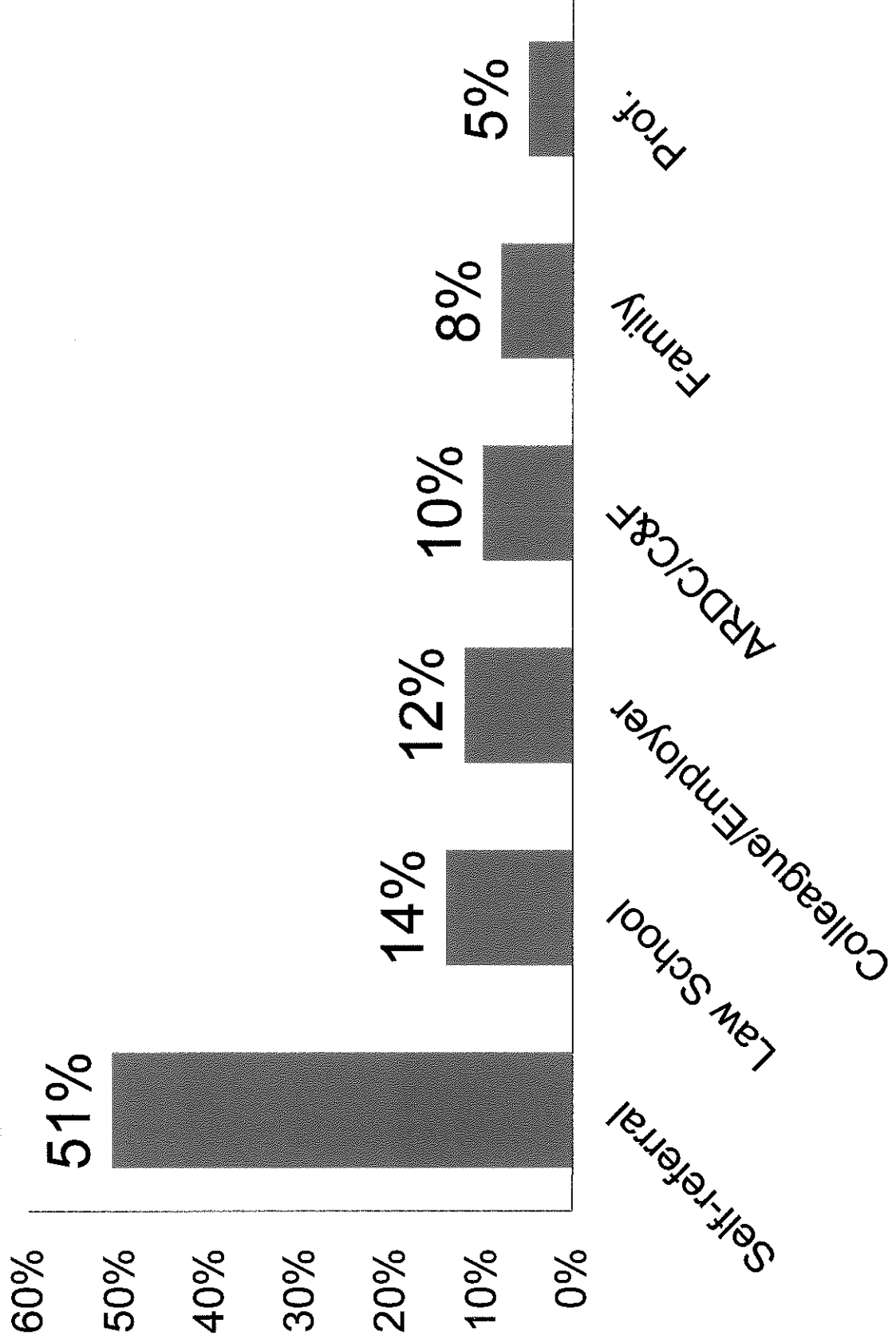


LAWYERS'  
ASSISTANCE  
PROGRAM

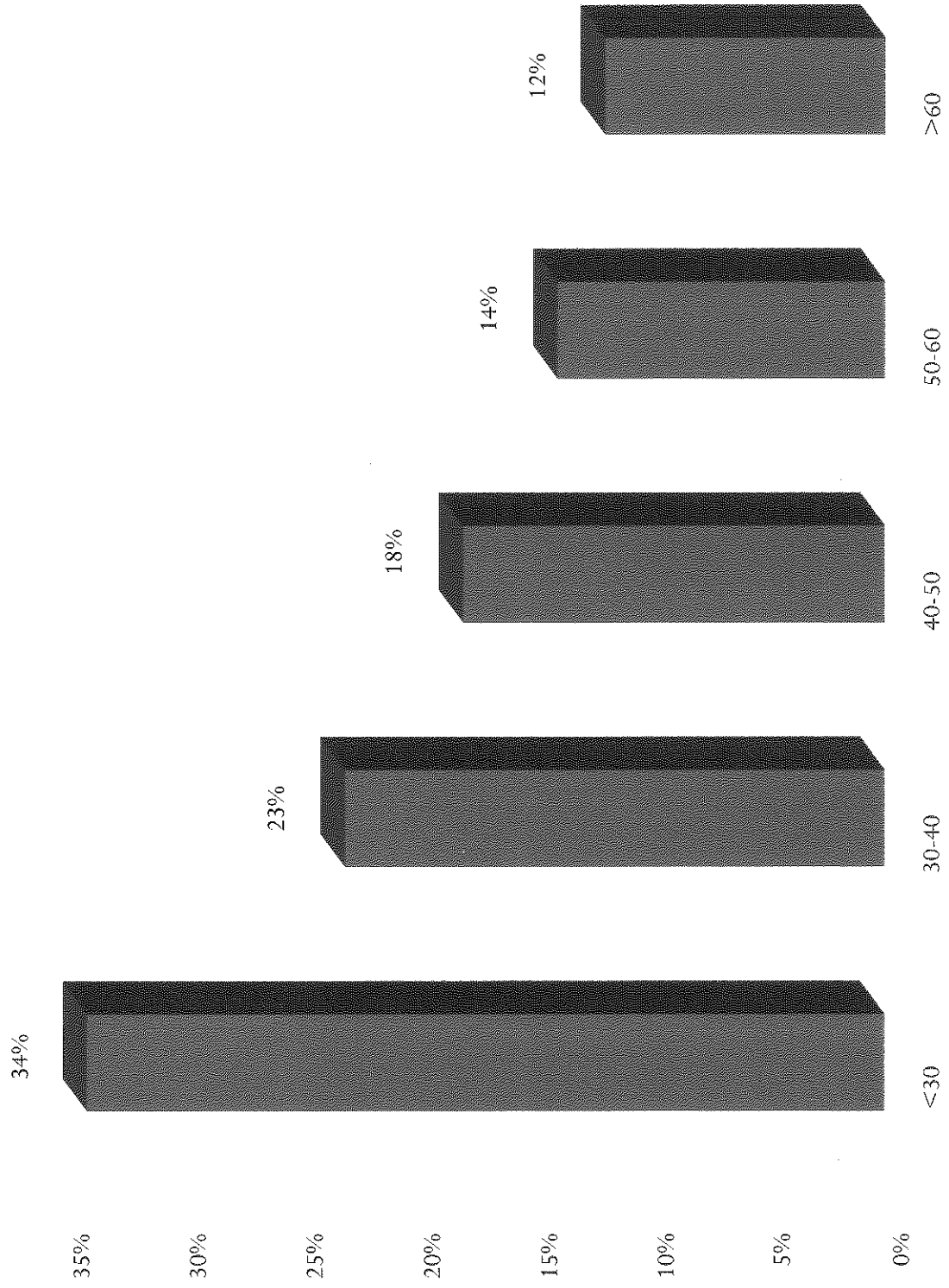
# Recognizing, Understanding, and Referring a Colleague in Need

Illinois Lawyers' Assistance Program  
20 S. Clark Street, Suite 450, Chicago, IL  
1-800-LAP-1233

# How Clients Got to LAP

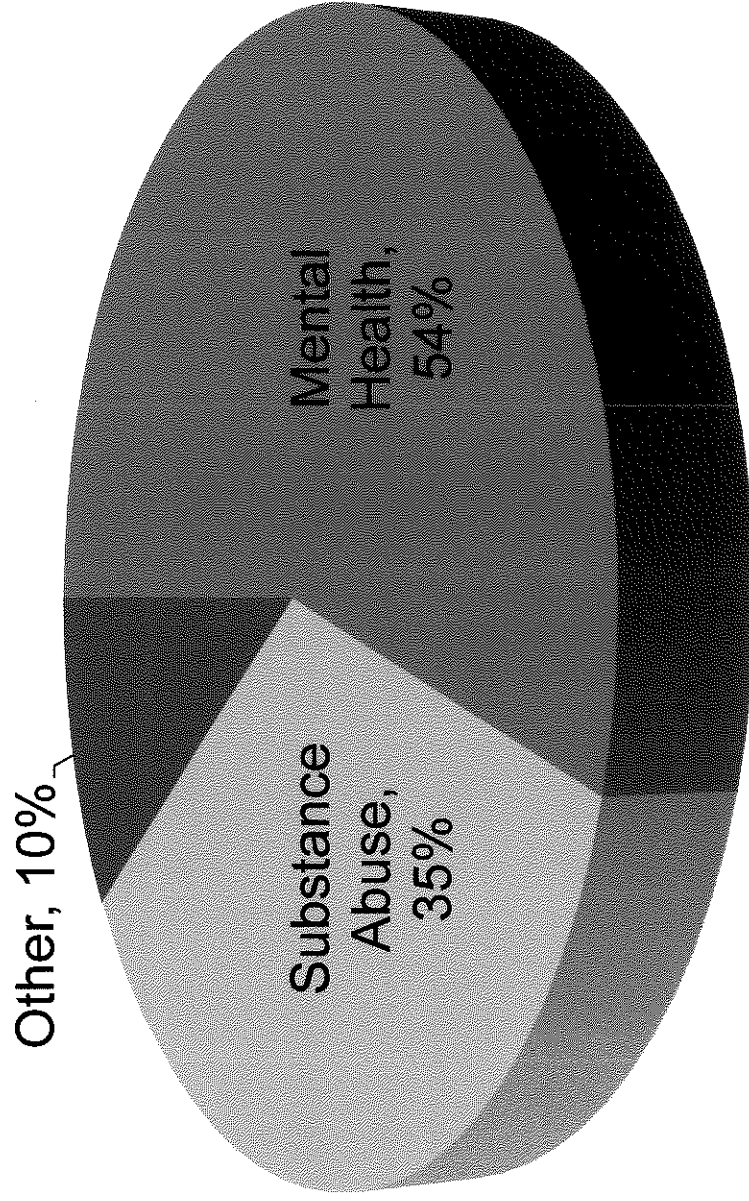


# Age Range of LAP Clients



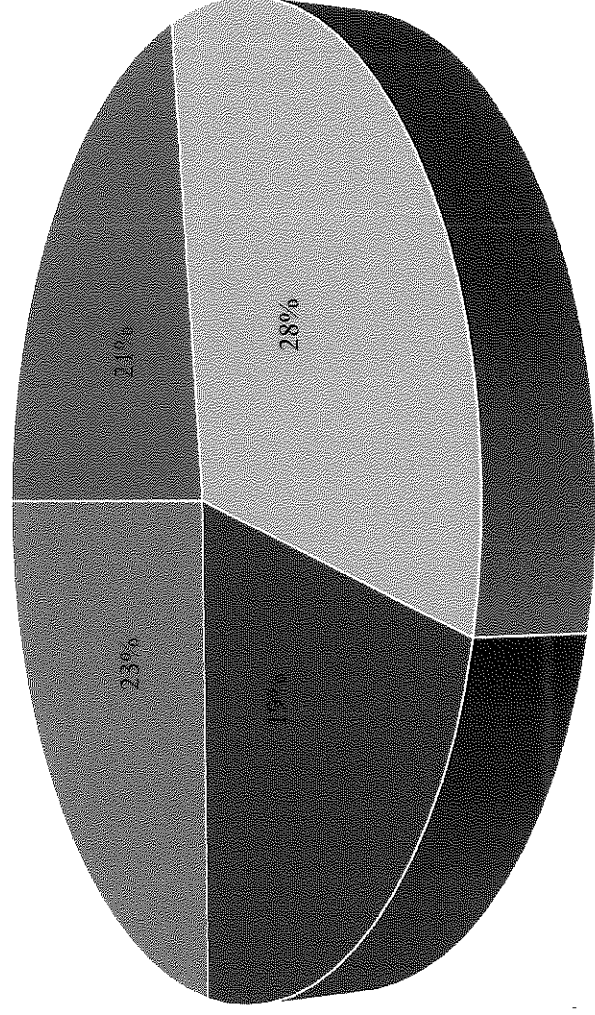


# Issues

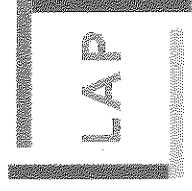


# 2016 National Study of 12,825 Licensed Employed Lawyers Funded by ABA, Hazelden Betty Ford Foundation

2016 ABA-HBF Study

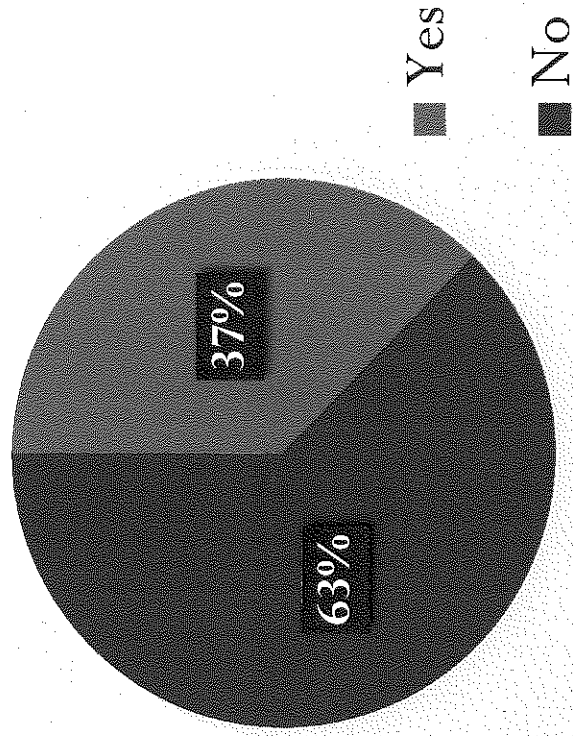


■ Alcohol   ■ Depression   ■ Anxiety   ■ chronic stress

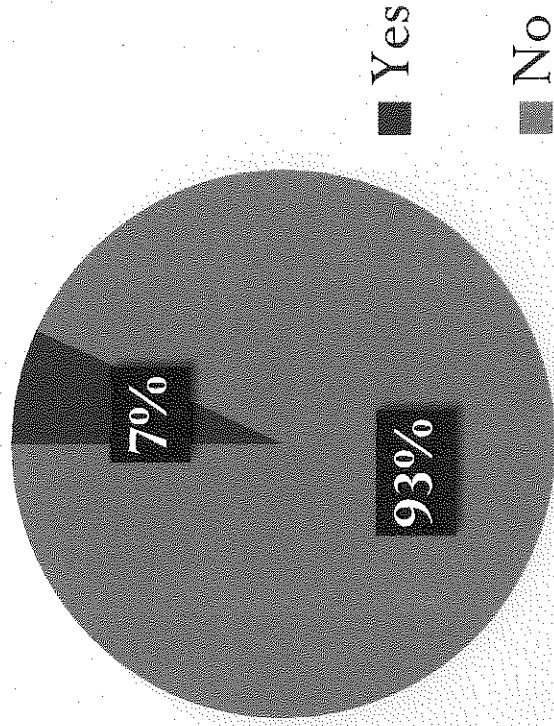


# Reported Treatment Rates from Study

**% Received Mental Health services, treatment or help**



**% Received AODA services, treatment or help**





Individual Factors

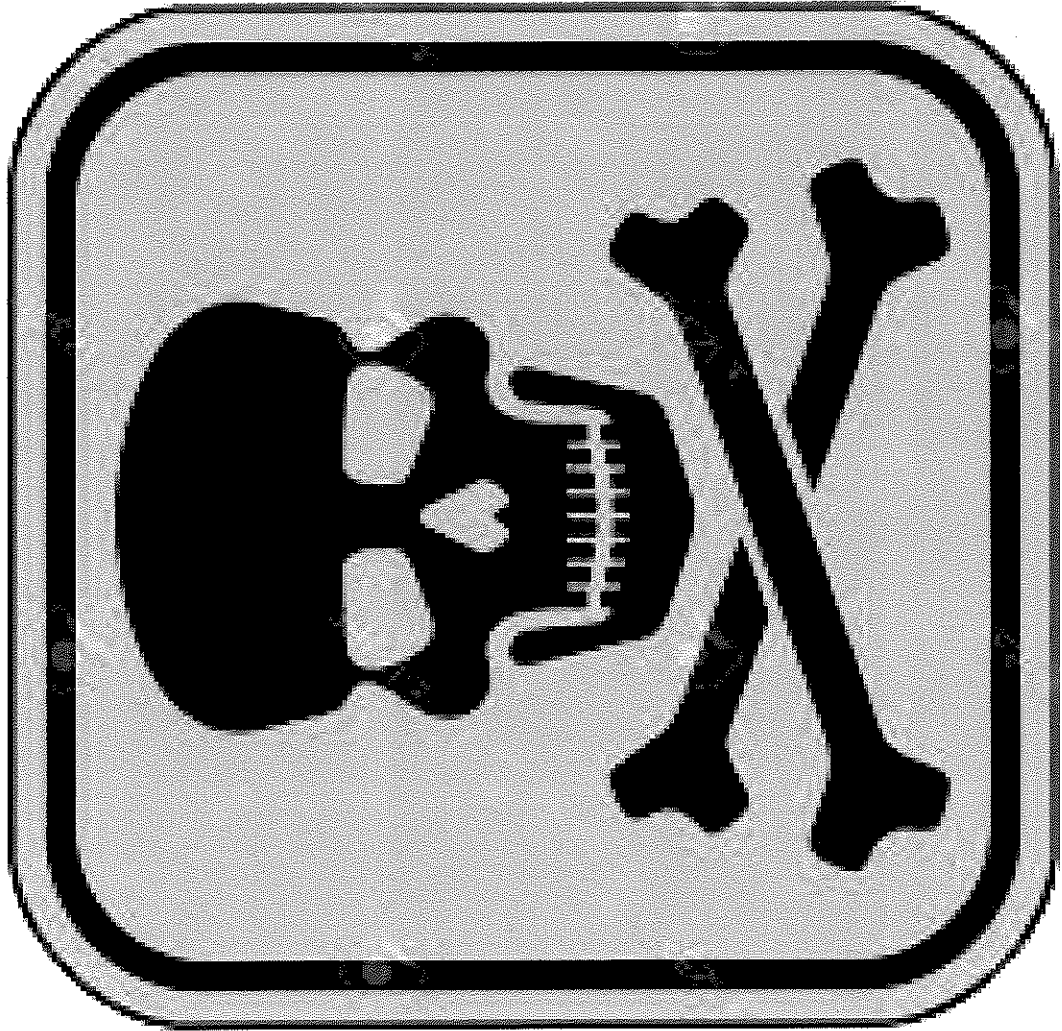
- Pessimism
- Competitive Nature
- Perfectionism

Life Situation Factors

- Spouse/Partner
- Children
- Health
- Finances
- College/Law School Debt

Organizational Factors

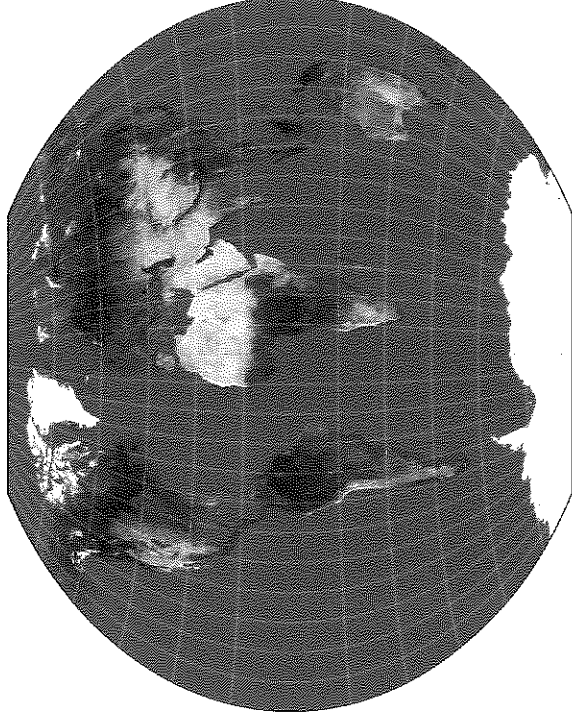
- High pressure, little credit
- Zero sum game
- Excessive work load
- Client expectations
- Definition of success



Substance Abuse: What to look for

## Follow the MAP

(Pacione & Belleau, ABA Solo Practice Journal, May 2015)





# Substance Abuse: What to look for

## Follow the MAP

(Pacione & Belleau, ABA Solo Practice Journal, May 2015)

1. **M**ood or attitudinal disturbances
2. **A**pppearance or physical changes
3. **P**roductivity and quality of work

unexplained trembling

Irritability

Increased worry

Fatigue

# Anxiety

headaches

digestive problems

Perfectionism

Decrease in productivity

Rumination

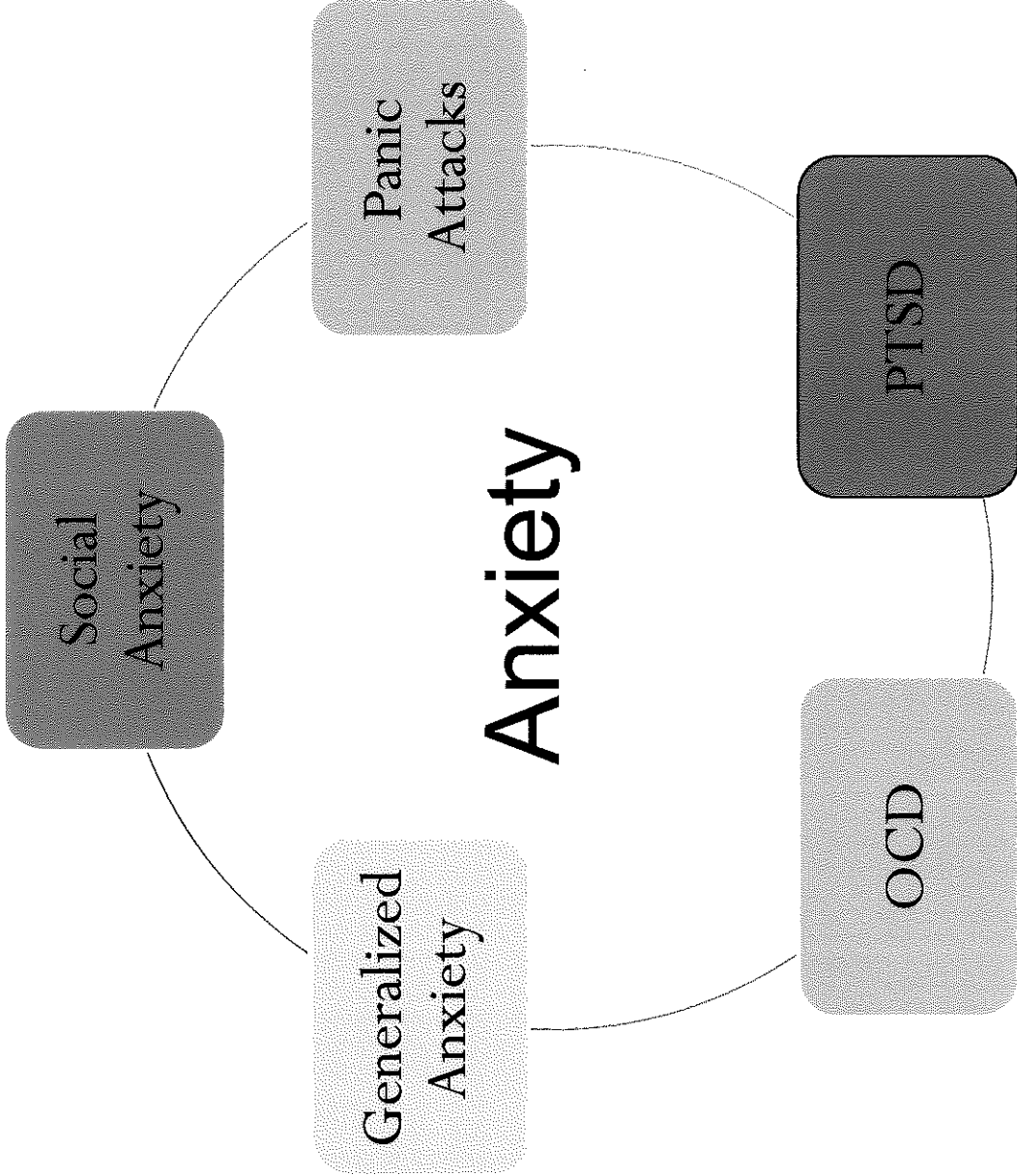
Unexplained pains

## Listen for:

- “I can’t cope.”
- “Get off my back.”
- “I can’t come in today.”
- “I need more time to get this done.”
- “I’m scared I will get fired.”
- “I just couldn’t get it done.”



# Anxiety



Thoughts/plans/attempts of  
suicide

Changes in appetite

Fatigue

# Depression

Feelings of worthlessness  
or guilt

Changes in sleep

Difficulty thinking, concentrating or making decisions

Loss of interest in previously enjoyable activities

# Listen for:

- "I don't feel right"
- "I feel like I am on an emotional rollercoaster."
- "I just don't feel like doing anything. Nothing is fun anymore."
- "I just can't get things done on time anymore."
- "I have to constantly redo everything over again."
- "I can't get anywhere on time and I just want to be left alone."
- "I have a hard time feeling happy or interested in anything these days."





Giving away possessions

Acquiring means to commit suicide  
(buying a gun, stockpiling  
prescriptions)

Declining performance  
and interest in work

Dis-regulation of sleeping and eating  
habits

Thoughts or feelings about suicide

# Suicide

Feelings of worthlessness  
or guilt

Despondent mood or  
alcohol or drug use

Making a plan  
(where, when, how)

Isolation

Expressions of hopelessness, powerlessness,  
worthlessness, shame, guilt, self-hatred,  
inadequacy

Loss of interest and participation  
in social activities, hobbies,  
relationships

## Listen for:

- “What’s the point?”
- “I can’t get out of bed anymore.”
- “I don’t see a future with me in it.”
- “I hate being a burden.”
- “My family would be better off without me.”
- “I just want to be left alone.”
- “I have nothing to live for or to be excited about.”
- “I feel hopeless and worthless.”



## What Not to Do

- Do not argue about the “right or wrong” of suicide
- Avoid platitudes like:
  - “You have so much to live for”
  - “It will be better tomorrow”
- Do not discount their problems
- Refuse to be sworn to secrecy

# What to Do

(CSSRS: Columbia Suicide Severity Rating Scale)

- **ACE Card questionnaire**

- A**sk

- C**are

- E**scort

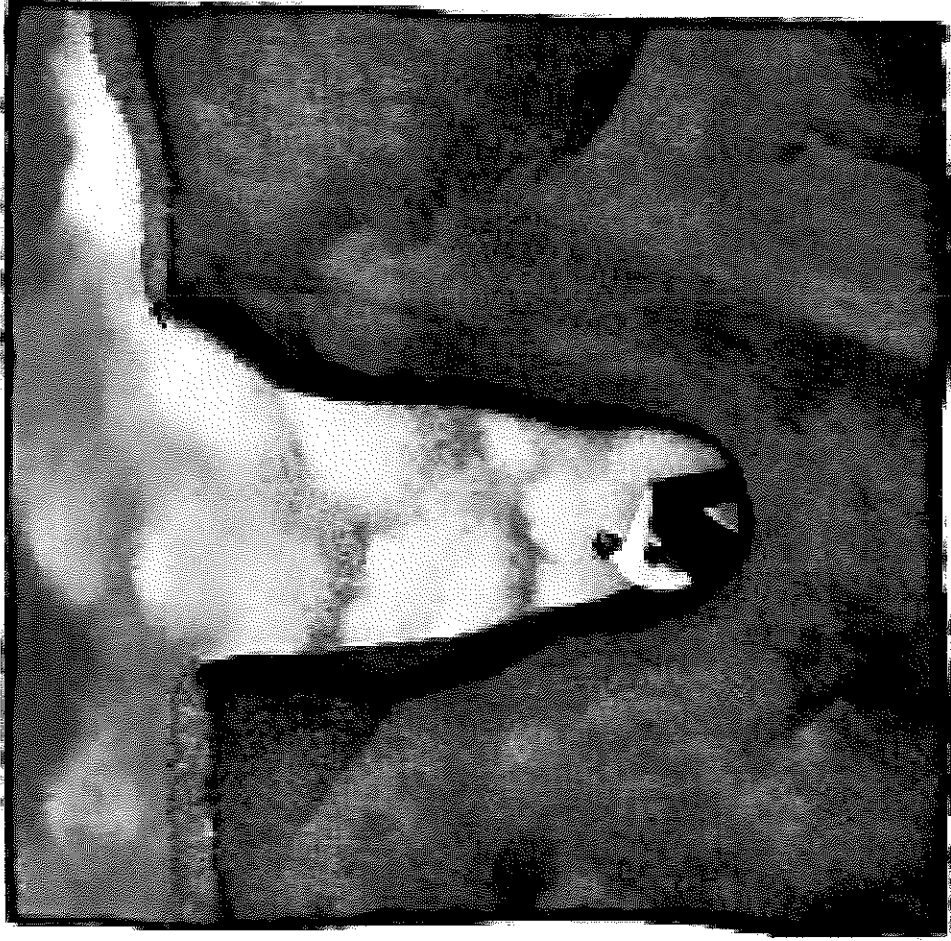
- **Only 6 questions**

- **Designed for peers**

		In the Past Month
<b>Answer Questions 1 and 2</b>		
1) Have you wished you were dead or wished you could go to sleep and not wake up?	YES	NO
2) Have you actually had any thoughts about killing yourself?		
<b>If YES to 2, answer questions 3, 4, 5 and 6</b>		
<b>If NO to 2, go directly to question 6</b>		
3) Have you thought about how you might do this?		
4) Have you had any intention of acting on these thoughts of killing yourself, as opposed to you have the thoughts but you definitely would not act on them?		
5) Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?		
<b>Always Ask Question 6</b>		
6) Have you done anything, started to do anything, or prepared to do anything to end your life?		
<small>Examples: Collected pills, obtained a gun, gave away valuables, wrote a will or suicide note, held a gun but changed your mind, cut yourself, tried to hang yourself, etc.</small>		

Any YES must be taken seriously. Seek help from friends, family, co-workers, and inform them as soon as possible. If the answer to 4, 5 or 6 is YES, immediately ESCORT the person to Emergency Personnel for care.

What it feels like





What to say



Impaired judgment

Increased isolation

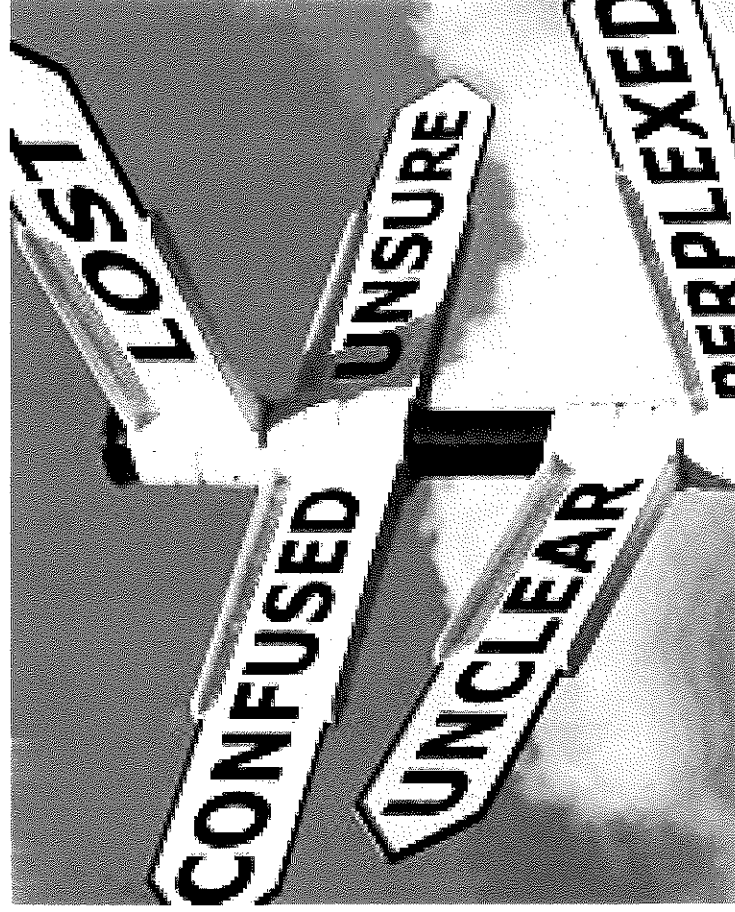
# Cognitive Issues

Decreased ability to plan  
ahead

Decrease in ability to  
make and keep plans

Decreased ability to organize information/plan  
ahead

## Look out for:



- “How do I do this again?”
- “Can you show me how to do this one more time?”
- “I’m not interested in doing that anymore.”
- “Oops I am not sure how that happened.”
- “I forgot to put that on my calendar.”
- “I’m having a hard time understanding this right now.”

**REFERRING**

## Why LAP

- Free
- Confidential
- Familiar with legal environments
- Services tailored to judges, lawyers and law students (i.e. support groups)
- Peer Support
- Referrals for Character and Fitness issues

## Talking to someone about LAP

- Call or email LAP. We will coach you on what to say to your colleague
- Show them the LAP website/social media
- Highlight LAP's guaranteed confidentiality
- Say:
  - ☐ "Calling LAP is easy, free and totally confidential. No one has to know."
  - ☐ "Let's call LAP together right now." (and dial the phone)
  - ☐ "Do you want me to call LAP for you?"



## What happens next

- If the person is willing to come in or be contacted an assessment will be done and a treatment/action plan created
- If the person is not willing, then LAP will:

Reach out to the person and invite them to come in.

Contact trained LAP Volunteers (bound by confidentiality) who may already have a relationship with the person to see if they can help connect the person with LAP.

Intervention

# ILLINOIS LAWYERS' ASSISTANCE PROGRAMS

Always Free + Confidential

## WE CAN HELP WITH

Stress - Anxiety - Grief  
Depression  
Career Transitions  
Addiction - Substance Abuse  
& Much More

## Services tailored to the legal profession:

- > Short-term counseling
- > Support Groups
- > Referrals
- > Interventions
- > Help with ARDC Concerns

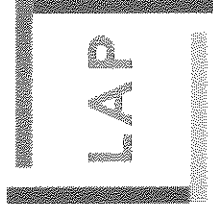
### CONTACT US//

Email// [gethelp@illinoislap.org](mailto:gethelp@illinoislap.org)  
Phone// 312-726-6607

[www.illinoislap.org](http://www.illinoislap.org)

### STOP BY OUR OFFICE//

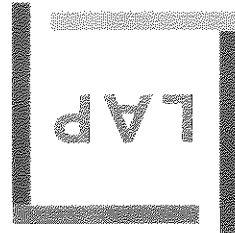
20 S. Clark St., Suite 450  
Chicago, IL 60603



LAWYERS'  
ASSISTANCE  
PROGRAM

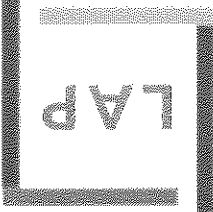
# Recognizing, Understanding, and Referring a Colleague in Need

LAWYERS' ASSISTANCE PROGRAM



## Agenda

- I. Introduction about LAP (5 minutes)
  - a. What is the Illinois Lawyers' Assistance Program?
  - b. What can we help with and confidentiality.
- II. Attorneys are a vulnerable population (10 minutes)
  - a. Study results: Attorneys and seeking help.
  - b. Study results: Who are the most at risk attorneys?
  - c. Why attorneys are particularly vulnerable.
- III. Substance Abuse (5 minutes)
  - a. Warning signs.
  - b. What to do when you spot the warning signs for substance abuse.
- IV. Anxiety (10 minutes)
  - a. Clinical symptoms.
  - b. How to spot anxiety in an office setting.
- V. Depression (10 minutes)
  - a. Clinical symptoms.
  - b. How to spot depression in an office setting.
- VI. Suicide (10 minutes)
  - a. Clinical symptoms.
  - b. What to do.
  - c. What not to do.
  - d. ACE questionnaire.
- VII. How to refer someone to LAP (10 minutes)
  - a. Talking to a colleague about LAP.
  - b. Calling LAP with a colleague for whom you are concerned.
  - c. Anonymously calling LAP about a colleague you are concerned about.

<p><b>CLE PRESENTATION DESCRIPTION</b></p>	 <p>LAWYERS' ASSISTANCE PROGRAM</p>
--	--

**Recognizing, Understanding, and Referring a Colleague in Need (1 credit)**

Recent studies have confirmed that the overwhelming stress that is commonplace in our legal profession disproportionately results in attorneys suffering higher levels of depression, anxiety, addiction, and other serious issues at rates much higher than those seen in the general population. Participants in this program will learn:

- Why attorneys are a vulnerable population;
- The common mental health and substance abuse issues faced by our colleagues;
- The signs and symptoms of those issues; and
- What to do when you identify a colleague in need.

See Reverse for Questions that Can Save a Life

**ESCORT FRIENDS AND FAMILY**

**CARE FOR FRIENDS AND FAMILY**

**ASK FRIENDS AND FAMILY**



**ACE CARD**



**DON'T LEAVE THE PERSON ALONE.**  
**STAY ENGAGED UNTIL YOU**  
**MAKE A WARM HAND OFF TO**  
**SOMEONE WHO CAN HELP.**



person to Emergency Personnel for care.

Any YES must be taken seriously. Seek help from friends, family, co-workers, and inform them as soon as possible. If the answer to 4, 5 or 6 is YES, immediately ESCORT the

In the Past Month	<p><b>Answer Questions 1 and 2</b></p>
YES NO	<p>1) Have you wished you were dead or wished you could go to sleep and not wake up?</p>
	<p>2) Have you actually had any thoughts about killing yourself?</p>
<p><b>If YES to 2, answer questions 3, 4, 5 and 6</b>  <b>If NO to 2, go directly to question 6</b></p>	
	<p>3) Have you thought about how you might do this?</p>
	<p>4) Have you had any intention of acting on these thoughts of killing yourself, as opposed to you have the thoughts but you definitely would not act on them?</p>
	<p>5) Have you started to work out or worked out the details of how to kill yourself? Do you intend to carry out this plan?</p>
In the Past 3 Months	<p><b>Always Ask Question 6</b></p>
	<p>6) Have you done anything, started to do anything, or prepared to do anything to end your life?</p> <p>Examples: Collected pills, obtained a gun, gave away valuables, wrote a will or suicide note, held a gun but changed your mind, cut yourself, tried to hang yourself, etc.</p>

**Linda S. Pieczynski** served as Deputy Chief of the Criminal Division during her years at the DuPage County State's Attorney's office. She served as municipal prosecutor for numerous villages and cities in DuPage County, Illinois during her career as a prosecutor. She now devotes her legal practice to teaching and writing. Subjects covered include criminal law, juvenile law, and the legal aspects of code administration including building, property maintenance, fire and zoning codes. She conducts trainings nationwide for the International Code Council (ICC). She is the author of Illinois Criminal Practice and Procedure 2d, West and the bimonthly newsletter, Roll Call News, which provides up to date information on new legislation and caselaw to law enforcement personnel and attorneys. She has authored numerous code related books.



**DIVERSITY AND ETHICAL  
CONSIDERATIONS OF WOMEN IN  
THE LEGAL PROFESSION**

---

By Dina M. Ninfo

Treasurer, Women's Bar Association of Illinois

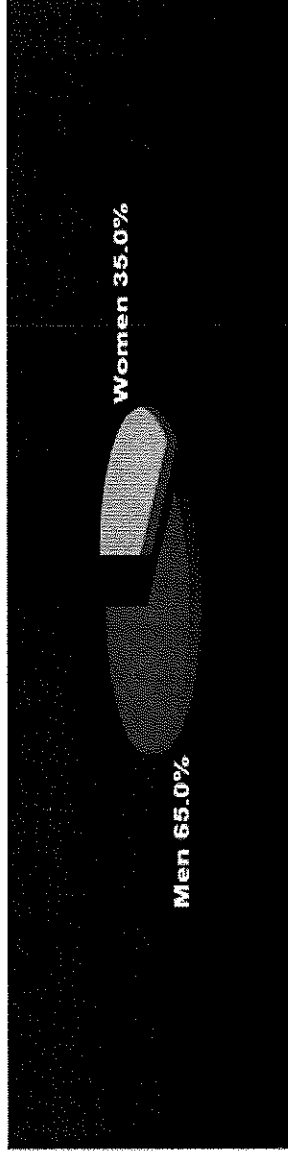
# GENERAL STATISTICS OF WOMEN IN THE LAW

## A Current Glance at Women 2018

### ABA Commission on Women in the Profession

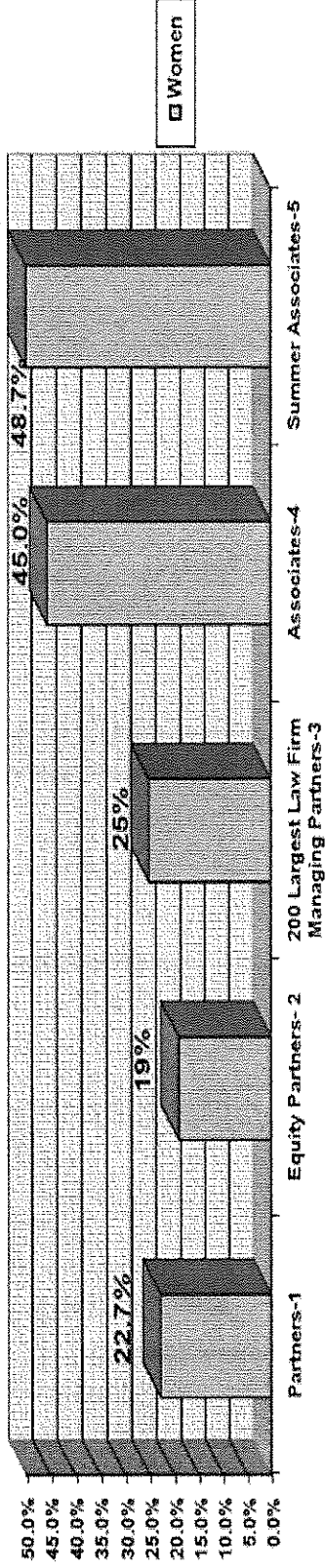
#### 2017 Statistics

## Women in the Legal Profession



American Bar Association Market Research Department, October 2017. This figure represents the 46 states that reported demographics data for resident and active attorneys as of 12/31/2016.

## Women in Private Practice



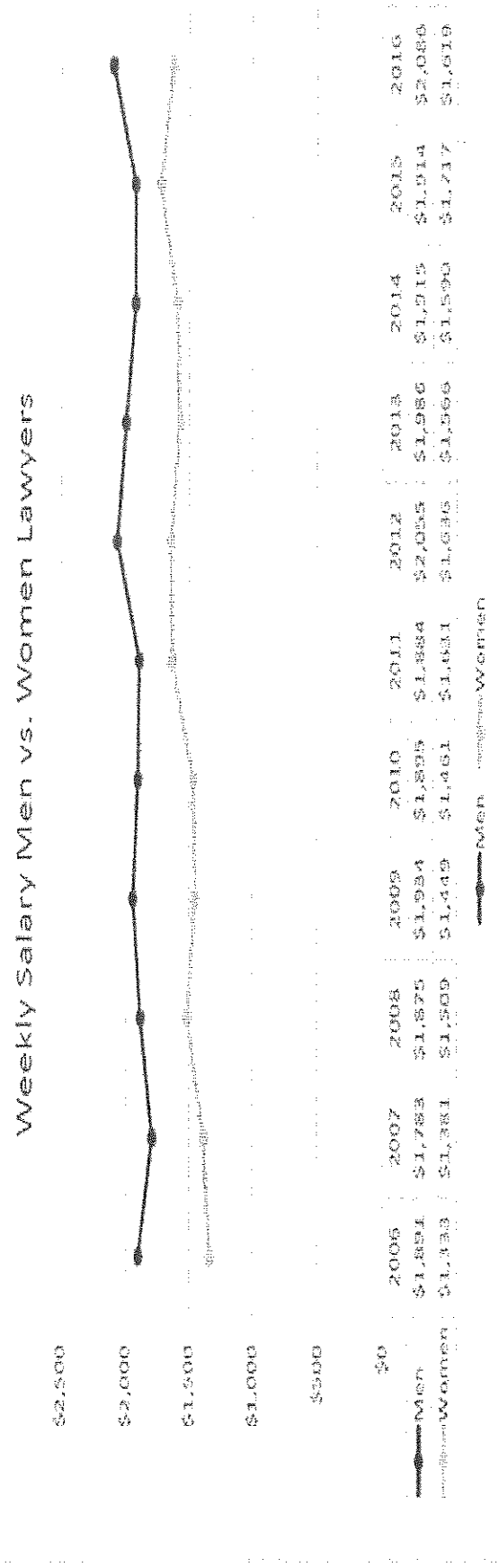
©2018 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association

A Current Glance at Women 2018  
ABA Commission on Women in the Profession  
2017 Statistics

- Women comprise 35% of the legal profession  
(slight decrease from 36%)
- Partners in private practice 22.7%  
(slight increase from 20%)
- Equity Partners in private practice 19%  
(slight increase from 18%)
- Managing Partners in largest 200 law firms 25%  
(increase from 18%)

©2018 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association

INEQUITY IN PAY  
 A Current Glance at Women 2018  
 ABA Commission on Women in the Profession  
 2017 Statistics  
**Weekly Salary Men vs. Women Lawyers**



Women lawyers' weekly salary as a percentage of male lawyers' salary:

2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
70.5%	77.5%	80.5%	74.9%	77.1%	86.6%	79.6%	78.9%	83.0%	89.7%	77.6%

2016 Bureau of Labor Statistics, *Median weekly earnings of full-time wage and salary workers by detailed occupation and sex*. [www.bls.gov/cps/cpsaat30.htm](http://www.bls.gov/cps/cpsaat30.htm)

©2018 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association

# INEQUITY IN PAY

A Current Glance at Women 2018  
ABA Commission on Women in the Profession  
2017 Statistics

- Women % of Men Salary 77.6% in 2017  
(About the same as 2016)
- Women Equity Partner in 200 Largest Law Firms % of Men Salary  
94% in 2017  
(About the same as 2016)

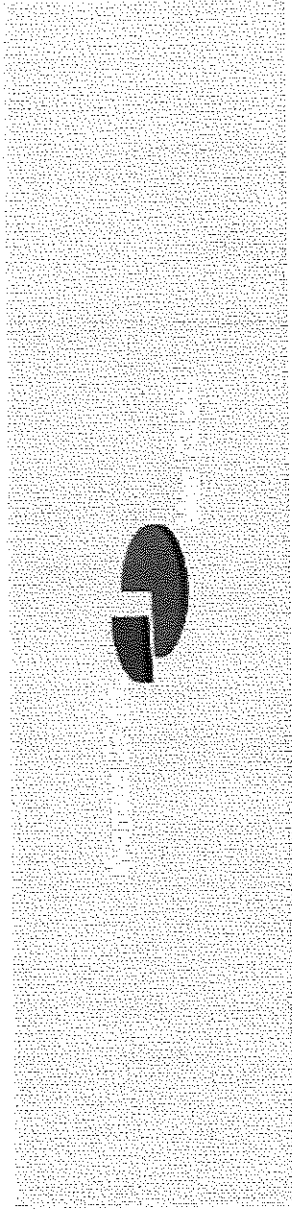
©2018 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any or portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association

# WOMEN IN THE JUDICIARY

## Representation of United States Federal Court Women Judges

Type of Court	Total # of Seats	Women	% of Women
United States Supreme Court	9	3	33.3%
Circuit Court of Appeals (Active) <sup>1</sup>	160 (active)	59	36.8% <sup>2</sup>
Federal District Court Judges (Active) in the U.S. <sup>3</sup>	570 (active)	194	34% <sup>4</sup>

## Total Representation of Women - Federal & State Judgeships



©2018 by the American Bar Association. Reprinted with permission. All rights reserved. This information or any or portion thereof may not be copied or disseminated in any form or by any means or stored in an electronic database or retrieval system without the express written consent of the American Bar Association



# DIVERSITY IN THE LEGAL PROFESSION

## Minority Corporate Counsel Association (MCCA)

Table 1. Overall Law Firm Demographics\*

Demographic	2L Summer Associates	Associates	Of Counsel	Non-equity partners	Equity Partners	All Partners	All Lawyers
White/Caucasian	67.46%	74.54%	86.69%	87.33%	90.90%	89.94%	82.64%
Asian American	13.57%	11.85%	5.25%	3.82%	3.56%	3.63%	7.51%
Hispanic/Latinx	6.78%	5.15%	3.22%	3.48%	2.54%	2.80%	3.90%
African-American/Black	7.86%	4.53%	2.85%	2.65%	1.87%	2.08%	3.27%
Multiracial	3.64%	3.14%	1.41%	1.03%	0.67%	0.77%	1.91%
Alaska Native/American Indian	0.29%	0.19%	0.20%	0.18%	0.12%	0.13%	0.17%
Native Hawaiian/Pacific Islander	0.03%	0.09%	0.03%	0.13%	0.07%	0.08%	0.08%
Openly LGBTQ	5.16%	3.73%	2.20%	2.01%	1.92%	1.95%	2.77%
Individuals with Disabilities	0.26%	0.43%	0.64%	0.39%	0.39%	0.39%	0.44%
All Racial Minorities	32.18%	24.95%	12.97%	11.29%	8.82%	9.48%	16.84%
All Women	49.88%	46.22%	40.23%	30.36%	20.64%	23.26%	35.70%
Women of Color	18.48%	13.96%	7.03%	4.88%	2.81%	3.37%	8.57%

\*Unless otherwise indicated, all data in charts and tables reflect the most recent 2018 survey results.

2018 MCCA Law Firm Diversity Survey - FULL REPORT ATTACHED

*“Reprinted by permission of the Minority Corporate Counsel Association and Vault. All rights reserved.”*



# INEQUITY IN PAY

## REASONS WHY THE DISPARITY EXISTS

- **Employer Bias**
- **Lack of Anti-Discrimination Policy**
- **Unwillingness to Negotiate**
- **“Motherhood” Penalty**

## WHAT CAN WE DO

- **Enactment of Anti-Discrimination Policies and Open Lines of Communication**
- **Transparency of Pay Scale**
- **Mentor/Mentee Programs**
- **Flexible Work Schedules**

## **EQUALITY PAY ACT - WAGE HISTORY**

### **Amends the Equal Pay Act of 2003**

Prohibits an Employer from:

- (1) screening job applicants based on their wage and salary history
- (2) requiring that an applicant's prior wages satisfy minimum or maximum criteria
- (3) requesting or requiring disclosure of prior wage or salary history as a condition to being interviewed or considered for employment
- (4) gathering salary history from current or former employers of an applicant

## **EQUALITY PAY ACT - WAGE HISTORY**

### **LEGISLATIVE HISTORY**

- Has been introduced to the House multiple times and has been subject to veto or the bill has died
- HB0881 – introduced on 1/24/19 and is currently with the rules committee
- Governor Pritzker issued an Executive Order on 1/15/19 for the State of Illinois to review its Pay Plan to eliminate bias generated by asking employees for salary history
- This was a focus of his platform – will likely pass

# Public Act 100-1140

- Amends the Equal Pay Act of 2003
- Prevents an employer from discriminating between employees by paying wages to an African American employee at a lower rate for the same or similar work at a job that requires equal skill, effort and responsibility performed under similar work conditions
- Went into effect on 11/20/19

# **HB - 4953**

- Requires 1 hour of anti-sexual harassment training for any individual renewing a professional state license
- Includes professions such as teachers, doctors and real estate agents
- Effective 112019

## **ILLINOIS RULES OF PROFESSIONAL CONDUCT**

### **RULE 4.4: RESPECT FOR RIGHTS OF THIRD PERSONS**

(a) In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person, or use methods of obtaining evidence that violate the legal rights of such a person

# **ILLINOIS RULES OF PROFESSIONAL CONDUCT**

## **RULE 8.4(d): MISCONDUCT**

It is professional misconduct for a lawyer to:

(d) engage in conduct that is prejudicial to the administration of justice

## **RULE 8.4(j): MISCONDUCT**

- Current Illinois Rule 8.4(j) only prohibits misconduct that violates a federal, state or local statute or ordinance that prohibits discrimination
- The misconduct must also reflect adversely on the attorney's fitness as a lawyer
- Additionally, it will only become a violation once a court or administration has found that the lawyer is guilty of engaging in an unlawful discriminatory act



# ILLINOIS RULES OF PROFESSIONAL CONDUCT

## ABA Proposed Rule 8.4(g): MISCONDUCT

Violation to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status in conduct related to the practice of law

### Comment

[3] Discrimination and harassment by lawyers in violation of paragraph (g) undermine confidence in the legal profession and the legal system. Such discrimination includes harmful verbal or physical conduct that manifests bias or prejudice towards others. Harassment includes sexual harassment and derogatory or demeaning verbal or physical conduct. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature. The substantive law of anti-discrimination and anti-harassment statutes and case law may guide application of paragraph (g)

- Debate revolves around free speech and that this Model Rule applies to conduct outside of the practice of law including operation of a law firm, bar association

## ANTI SEXUAL HARASSMENT CAMPIAGNS

### #MeToo

- Most well-known for the social media campaign that began in October 2017, to demonstrate the widespread prevalence of sexual assault and harassment, especially in the workplace
- Women all over the world shared their experiences on social medial to illustrate how widespread and common the issue is

## **ANTI-SEXUAL HARASSMENT CAMPAIGNS**

### **Time's Up**

- Backed by over 300 actresses, writers and directors, this campaign aimed to fight sexual harassment in all workplaces, focusing mostly on the film industry
- This campaign aims to raise millions of dollars to fund legal support for male and female victims of sexual harassment in the workplace
- Campaign calls for gender inequality and the imbalance of power to be addressed in the film industry, and others

## **ANTI-SEXUAL HARASSMENT CAMPAIGNS**

### **Illinois Say No More**

- Anti sexual harassment campaign that was started by an open letter to the press that addressed the prevalent sexual harassment in Illinois politics
- HJR0083 - resolution introduced by State Representative Sara Feigenholtz in the Illinois House of Representatives urging lawmakers to actively change the culture that breeds sexual harassment in Illinois politics
- House amendment 2 to SB402 - legislation introduced by Speaker Michael Madigan to reform and tighten the processes by which women report sexual harassment in the capitol, to ensure the wide-spread enactment of anti-sexual harassment policies, to increase the attendance at sexual harassment training by constitutional officers, legislators, state employees, and lobbyists, and to penalize those who are found to have violated anti-sexual harassment policies. Also resulted in an Inspector General being appointed for the first time in years

REAL LIFE EXAMPLES OF SEXUAL HARASSMENT  
IN THE LEGAL PROFESSION

**Overt Sexism**

**Soft Sexism**

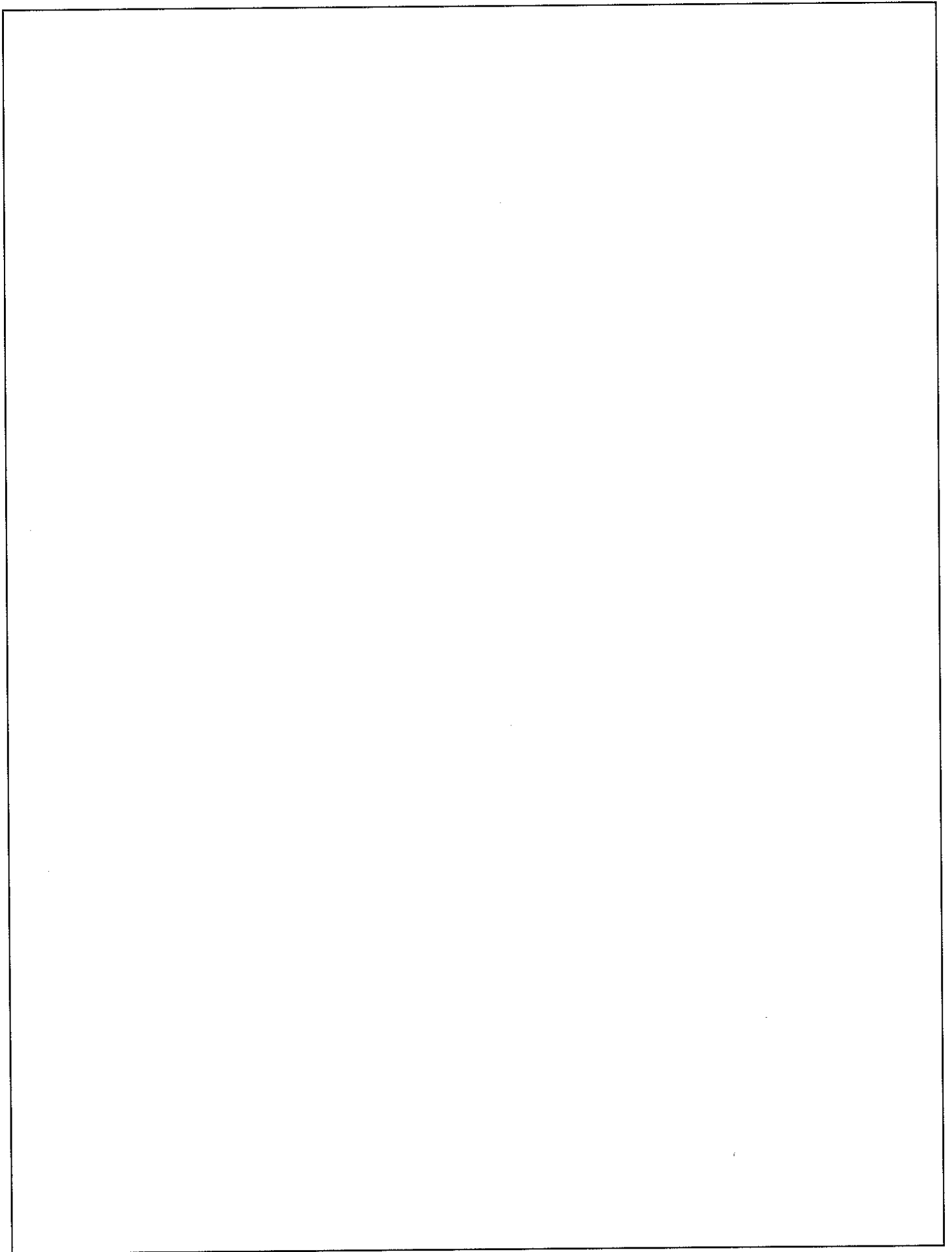
**Combating the Environment of Discrimination  
as a lawyer**

**Combating the Environment of Discrimination  
as an Owner or Managing Partner of a Law  
Firm**

A 3D illustration of a diverse group of stylized human figures in various colors (brown, grey, white, black) standing on a circular, white, raised platform. The platform is set against a dark grey background that looks like a floor. The figures are arranged in a loose circle, representing a diverse group of people.

**2018 VAULT/MCCA LAW FIRM  
DIVERSITY SURVEY**

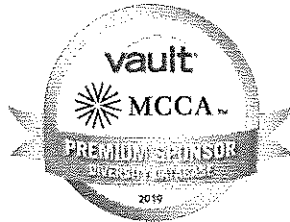
**Vault/MCCA Law Firm Diversity Survey  
2018 Report**





## Law Firm Sponsors and Underwriters

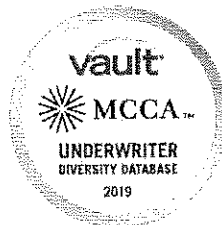
The Vault/MCCA Law Firm Diversity Survey and the publication of this report are made possible through the generous support of the following law firms:



### Premium Sponsors

Alston & Bird LLP  
Arnold & Porter Kaye Scholer LLP  
Cleary Gottlieb Steen & Hamilton LLP  
Eversheds Sutherland (US) LLP  
Kirkland & Ellis LLP

Kobre & Kim LLP  
Mayer Brown LLP  
Morgan, Lewis & Bockius LLP  
Orrick, Herrington & Sutcliffe LLP  
Paul Hastings LLP



### Underwriters

Akin Gump Strauss Hauer & Feld LLP  
Allen & Overy LLP  
Clifford Chance US LLP  
Covington & Burling LLP  
Cravath, Swaine & Moore LLP  
Davis Polk & Wardwell LLP  
DLA Piper LLP (US)  
Fenwick & West LLP  
Fried, Frank, Harris, Shriver & Jacobson LLP  
Gibbons P.C.  
Goulston & Storrs PC  
Haynes and Boone LLP  
Hogan Lovells US LLP  
Hunton Andrews Kurth LLP  
Kramer Levin Naftalis & Frankel LLP  
Latham & Watkins LLP

McGuireWoods LLP  
Morrison & Foerster LLP  
Neal, Gerber & Eisenberg LLP  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
O'Melveny & Myers LLP  
Proskauer Rose LLP  
Ropes & Gray LLP  
Schulte Roth & Zabel LLP  
Shearman & Sterling LLP  
Simpson Thacher & Bartlett LLP  
Stroock & Stroock & Lavan LLP  
Sullivan & Cromwell LLP  
Weil, Gotshal & Manges LLP  
Willkie Farr & Gallagher LLP  
WilmerHale  
Womble Bond Dickinson (US) LLP

## MCCA Board of Directors

### **A. B. Cruz, III**

Board Chair  
Former Senior Vice President, Enterprise Shared  
Services  
Chief Legal Office

### **Stuart Alderoty**

Board Chair-Elect  
Executive Vice President, General Counsel &  
Corporate Secretary  
CIT Group, Inc.

### **Ricardo Anzaldua**

Executive Vice President &  
Special Legal Adviser to the CEO  
Freddie Mac

### **Damien Atkins**

Senior Vice President, General Counsel & Secretary  
The Hershey Company

### **Craig B. Glidden**

Executive Vice President & General Counsel  
General Motors Company

### **Kirkland L. Hicks**

Executive Vice President & General Counsel  
Lincoln Financial Group

### **Duane D. Holloway**

Senior Vice President, General Counsel,  
Chief Compliance Officer & Corporate Secretary  
United States Steel Corporation

### **Sandra Leung**

Executive Vice President & General Counsel  
Bristol-Myers Squibb Company

### **Linda Lu**

Senior Vice President, Property & Casualty  
Legal Personal Lines  
Nationwide Insurance Company

### **Suzan A. Miller**

Corporate Vice President & Deputy General Counsel  
Intel Corporation

### **Samuel M. Reeves**

Senior Vice President, General Counsel  
Walmart International Legal  
Walmart

### **Robin H. Sangston**

Vice President, Chief Compliance & Privacy Officer  
Cox Communications, Inc.

### **Dawn Smith**

Executive Vice President & Chief Legal Officer  
McAfee

### **Richard J. Wallis**

Vice President & Deputy General Counsel  
Microsoft Corporation

### **Neil Wilcox**

Senior Vice President & General Counsel  
Enterprise Shared Services  
USAA

### **Michael T. Williams**

Former Executive Vice President,  
Chief Legal Officer & Secretary

### **Simone Wu**

Senior Vice President, General Counsel,  
Corporate Secretary & External Affairs  
Choice Hotels International, Inc.

## MCCA Corporate Officers

### **Joseph Centeno**

General Counsel and Assistant Corporate Secretary  
Shareholder and Co-chair of Labor, Employment,  
Benefits & Immigration Department  
Buchanan Ingersoll & Rooney, P.C.

### **Paula J. Schauwecker**

Corporate Secretary  
Principal  
Beveridge & Diamond, P.C.

## MCCA N-Gen (Next Generation) Advisory Board

**Rima J. Alaily**

Assistant General Counsel  
Microsoft Corporation

**Anne Lee Benedict**

N-Gen Advisory Board Chair  
Executive Vice President, Chief Legal Officer & Secretary  
Summit Materials, Inc.

**Terrance J. Evans**

Partner  
Duane Morris LLP

**Samantha C. Grant**

Partner  
Sheppard Mullin Richter & Hampton LLP

**Alice Hsu**

Partner  
Akin Gump Strauss Hauer & Feld LLP

**LaTanya Langley**

Vice President & General Counsel  
BIC International

**Corporate Secretary**

**Danielle Villoch**

Associate Attorney  
Gibson, Dunn & Crutcher LLP

**Kevin R. Lyn**

Partner, Diversity Committee Chair &  
Patent Team Leader  
Wombie Bond Dickinson (US) LLP

**Rodney C. Pratt**

Vice President, General Counsel & Corporate Secretary  
Converse Inc.

**Reginald M. Rasch**

General Counsel – Head of Legal  
Rakuten USA, Inc.

**Krishna Veeraraghavan**

Partner  
Sullivan & Cromwell LLP

**Charles H. Wilson**

N-Gen Advisory Board Vice Chair  
Shareholder  
Littler Mendelson P.C.

**Teonta A. Williams**

Senior Associate General Counsel  
UnitedHealthcare Corporation



## Table of Contents

Index of Tables and Charts .....	2
The Vault/MCCA Law Firm Diversity Survey .....	3
2018 Vault/MCCA Survey Results .....	4
Minority Lawyers .....	5
Women .....	6
Women of Color .....	9
Individual Racial/Ethnic Groups .....	10
Asian American .....	11
Hispanic/Latinx .....	12
African-American/Black .....	13
Multiracial, Alaska Native/American Indian and Native Hawaiian/Pacific Islander .....	15
LGBTQ Attorneys .....	16
Individuals with Disabilities .....	16
Part-time Attorneys .....	17
Appendices .....	18
Methodology .....	19
Tables .....	20
Participating Law Firms .....	26

Copyright ©2018 Vault and Minority Corporate Counsel Association. All rights reserved. Vault and the Minority Corporate Counsel Association hereby grant permission for copies of materials herein to be made, in whole or part, for classroom use in an institution of higher learning or for use by not-for-profit legal service organization, provided that the use is for informational, non-commercial purposes only and any copy of the materials or portion thereof acknowledges original publication by Vault and the MCCA, including the title of the publication, the name of the author, and the legend: "Reprinted by permission of Vault and the Minority Corporate Counsel Association. All rights reserved." No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior written permission of the publisher. To request permission, contact MCCA's Education Team at [education@mcca.com](mailto:education@mcca.com).

Nothing contained herein is to be considered as the rendering or legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials and any attachments or related materials herein are intended for educational and informational purposes only.

## Index of Tables and Charts

### Tables

Table 1. Overall Law Firm Demographics .....	4
Table 2. Demographics of US Population Compared to JD Enrollment, Summer Associates and Law Firm Attorneys .....	12
Table 3. Attorney Departures among Largest Racial/Ethnic Groups as Percentage of their Overall Law Firm Population.....	13
Table A1. Changes in Law Firm Demographics since 2007.....	20
Table A2. Minority Lawyers .....	21
Table A3. Female Lawyers .....	22
Table A4. African-American/Black, Asian and Hispanic/Latinx Lawyers .....	23
Table A5. Multiracial, Alaska Native/Native American and Native Hawaiian/Pacific Islander Lawyers .....	24
Table A6. LGBTQ Lawyers and Attorneys with Disabilities.....	25

### Charts

Chart 1. Minority Lawyers: Hires, Departures and Promotions over Time .....	5
Chart 2. Women in Leadership Roles .....	6
Chart 3. Women: Hires, Departures and Promotions over Time .....	8
Chart 4. Women of Color: Hires, Departures and Promotions over Time.....	8
Chart 5. Attorney Representation by Race and Gender .....	9
Chart 6. Law Firm Attorney Population, by Race/Ethnicity .....	10
Chart 7. Attorney Representation by Demographic.....	11
Chart 8. Minority Representation among Law Firm Attorneys: 2007–2017 .....	14
Chart 9. Minority Representation among Partners: 2007–2017 .....	14
Chart 10. Percentage of Attorneys Working Part-time Schedules .....	17

## The Vault/MCCA Law Firm Diversity Survey

November 2018

For more than a decade, Vault and the Minority Corporate Counsel Association (MCCA) have worked with law firms across the country to collect information about their diversity and inclusion initiatives, including detailed demographic breakdowns of law firm populations by race/ethnicity, gender, sexual orientation and disability status, as well as qualitative information outlining law firm initiatives and goals with respect to diversity and inclusion, and how management is held accountable for achieving those goals.

First introduced in 2004 to support the Chief Legal Officers' Call to Action to advance diversity in the legal profession, the annual Vault/MCCA Law Firm Diversity Survey has become an essential tool for measuring diversity progress in law firms. More than 220 law firms nationwide participate in the survey each year, representing more than 90 percent of the AmLaw 100 and a majority of the NLJ 250.

In 2009, Vault and MCCA launched the Law Firm Diversity Database (<http://mcca.vault.com>), an online resource to make the information provided by law firms more widely available to the legal community. All individual responses to the most recent Vault/MCCA Survey are available in the Diversity Database. The database also maintains an archive of demographic data collected since 2008, presenting a uniquely detailed and comprehensive portrait of diversity progress in the legal profession. Access to the Law Firm Diversity Database is provided at no charge to encourage accountability and meaningful partnerships between clients and firms. We applaud the firms who participate in our survey annually and the clients who use our database to reward opportunities to those firms who are making meaningful efforts to improve.

This report, compiled by Vault, highlights industry-wide findings from the most recent Vault/MCCA Survey conducted in the spring of 2018. It is based on information reported by 232 law firms, the majority of whom have taken part in the survey every year since 2008. Demographic statistics were reported as of December 31, 2017.

We thank all the law firms who have taken the time to complete the survey, the corporate legal departments who have been the driving force behind this initiative, and the database sponsors without whose generous financial support this project would not be possible.

Sincerely,

Vera Djordjevich  
Managing Director, Research & Consulting  
Vault Inc.

Jean Lee  
President & Chief Executive Officer  
Minority Corporate Counsel Association

## 2018 Vault/MCCA Survey Results

The latest Vault/MCCA survey results reflect a continuation of many of the trends observed over the last several years:

- Law firms are bringing in more people of color but are less successful at retaining them.<sup>1</sup>
- Despite some clear advances for minority lawyers as a whole, progress is uneven among the different racial/ethnic groups.
- Women are making greater inroads into partnership and leadership roles, but minority women enjoy fewer of these successes than their white colleagues.
- Even with the gains recorded over the last decade, especially among new associates, demographic changes have been slow to trickle upward, as law firm partners remain overwhelmingly white and male.

Table 1. Overall Law Firm Demographics\*

Demographic	2L Summer Associates	Associates	Of Counsel	Non-equity Partners	Equity Partners	All Partners	All Lawyers
White/Caucasian	67.46%	74.54%	86.69%	87.33%	90.90%	89.94%	82.64%
Asian American	13.57%	11.85%	5.25%	3.82%	3.56%	3.63%	7.51%
Hispanic/Latinx	6.78%	5.15%	3.22%	3.48%	2.54%	2.80%	3.90%
African-American/Black	7.86%	4.53%	2.85%	2.65%	1.87%	2.08%	3.27%
Multiracial	3.64%	3.14%	1.41%	1.03%	0.67%	0.77%	1.91%
Alaska Native/American Indian	0.29%	0.19%	0.20%	0.18%	0.12%	0.13%	0.17%
Native Hawaiian/Pacific Islander	0.03%	0.09%	0.03%	0.13%	0.07%	0.08%	0.08%
Openly LGBTQ	5.16%	3.73%	2.20%	2.01%	1.92%	1.95%	2.77%
Individuals with Disabilities	0.26%	0.43%	0.64%	0.39%	0.39%	0.39%	0.44%
All Racial Minorities	32.18%	24.95%	12.97%	11.29%	8.82%	9.48%	16.84%
All Women	49.88%	46.22%	40.23%	30.36%	20.64%	23.26%	35.70%
Women of Color	18.48%	13.96%	7.03%	4.88%	2.81%	3.37%	8.57%

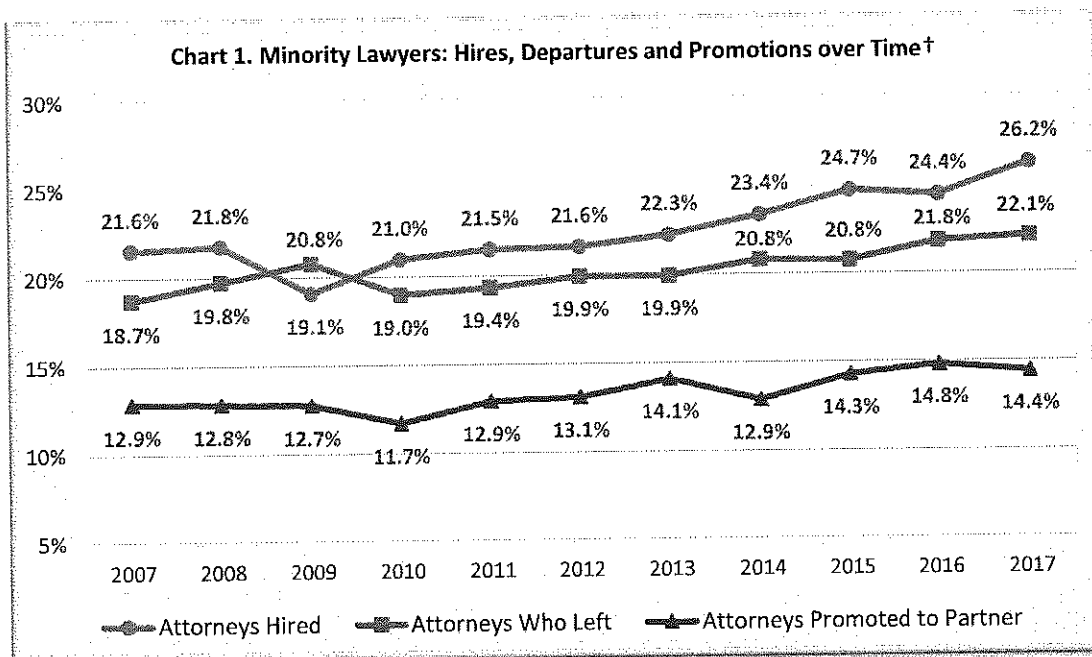
\*Unless otherwise indicated, all data in charts and tables reflect the most recent 2018 survey results.

<sup>1</sup> For the purposes of this report, the terms "minority" and "person of color" refer to individuals identifying with one or more of the following racial/ethnic groups: African-American/Black, Hispanic/Latinx, Asian American, Alaska Native/American Indian, Native Hawaiian/Pacific Islander and Multiracial.



## MINORITY LAWYERS

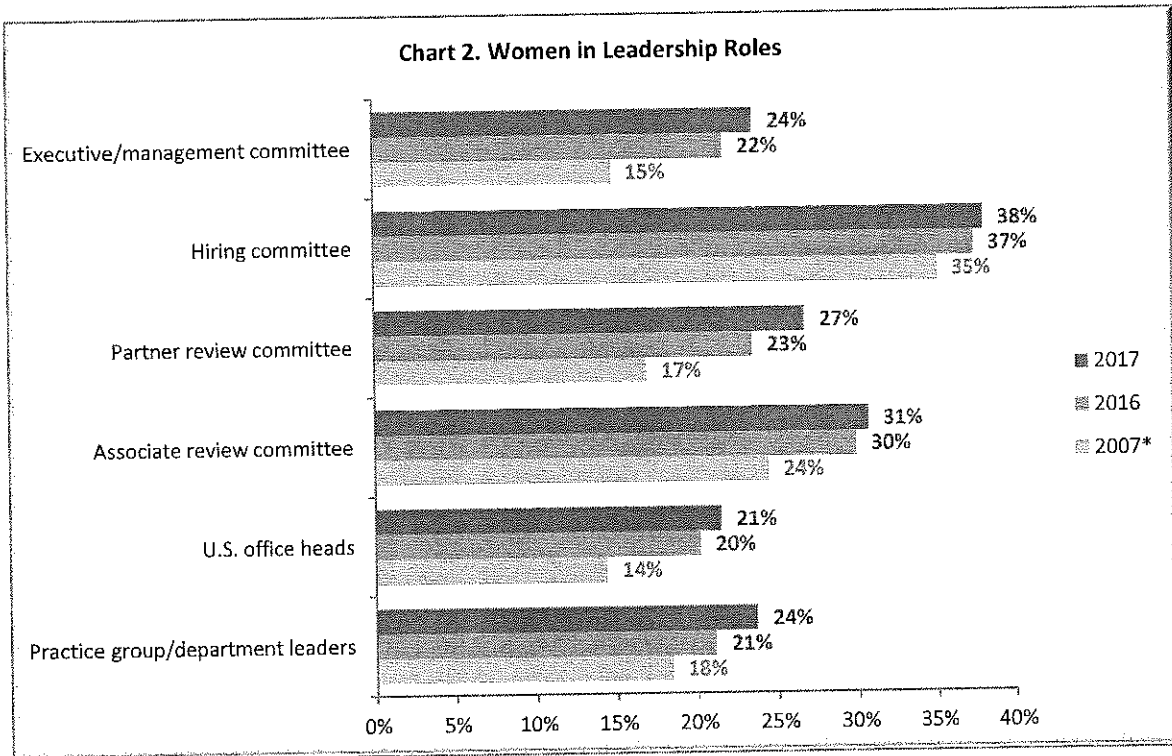
- Nearly 17 percent of law firm attorneys are members of a racial or ethnic minority group. This figure, which is almost a percentage point higher than last year, continues a steady upward trend.
- Minority representation is growing at all levels, from associates to partners to those in positions of leadership. Since 2007, representation of minority lawyers among law firm partners has grown three percentage points, from 6 percent to 9 percent. Attorneys of color now represent 25 percent of associates and 13 percent of counsel. More than 9 percent of attorneys who serve on management or executive committees are minorities. These figures are all higher than those reported in previous years.
- Law firms are recruiting more lawyers and law students of color, and women make up the majority of these new hires. Among new attorneys hired in 2017, 26 percent were people of color. Approximately 32 percent of the 2017 summer class were minorities, which is a percentage point higher than the year before and six points higher than 2007.
- At the same time, however, that law firms are bringing in more people of color, racial minorities still represent a disproportionate—and growing—segment of the lawyers who leave their firms. Minority lawyers represented 17 percent of lawyers employed by firms in 2017 but 22 percent of the attorneys who left their firms. Among associates, that number climbed to 28 percent. These figures are the highest reported in 11 years, including during the peak of the recession, when minorities were hit particularly hard by layoffs.
- Overall, the number of minority attorneys promoted to partner has grown over the last decade, from less than 13 percent in 2007 to more than 14 percent in 2018. Nevertheless, lawyers of color are still much less likely to be partners than white lawyers: 46 percent of white attorneys are partners, compared to 24 percent of minority attorneys.



†Represents percentage of minority lawyers among attorneys hired each year (incoming associates as well as laterals), compared to percentage of minority lawyers among attorneys who left their firms that year (associates, counsel and partners) and to percentage of minority lawyers among attorneys promoted to partnership.

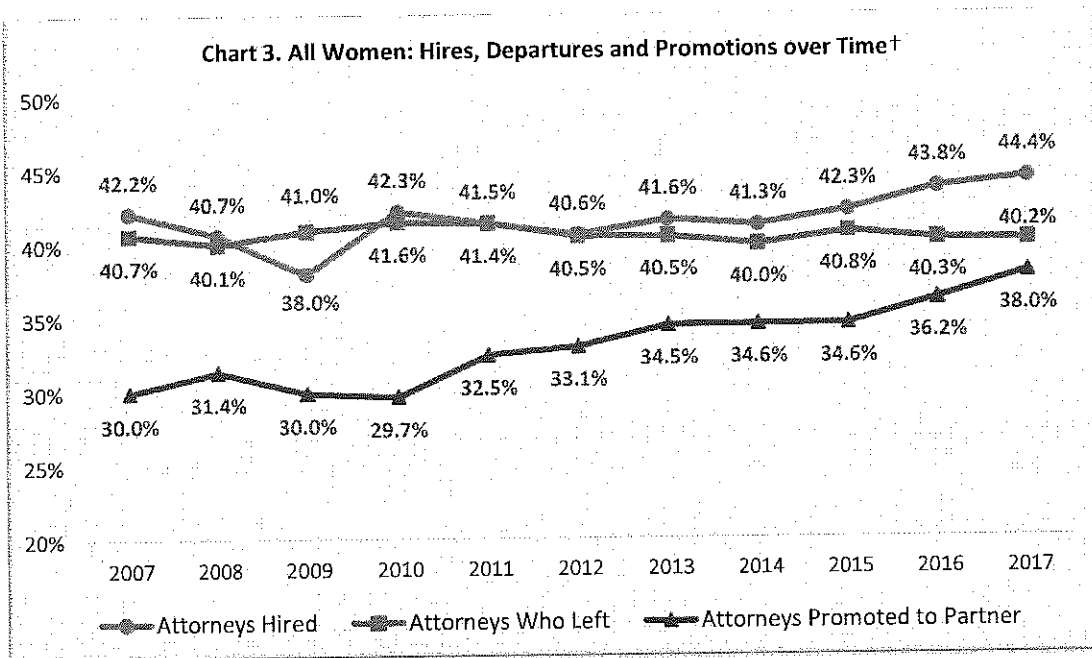
## WOMEN

- While the increases are not dramatic and most firms are far from gender parity, the number of women in law firms has grown over time. According to the latest data, close to 36 percent of law firm attorneys are female, up from 35 percent in 2016.
- Women represented more than 44 percent of all lawyers hired in 2017, also a slight uptick from the previous year. And just about half (49.9%) of the 2L summer associates at surveyed law firms last year were women—the highest number reported to date.
- Women make up more than 46 percent of law firm associates and 23 percent of all partners. Although their representation remains higher at the non-equity level, the number of women equity partners has also grown and, for the first time since Vault and MCCA began collecting this data 14 years ago, now exceeds 20 percent.
- The rising number of female partners can be attributed to increases in both lateral hiring and promotions. In 2017, women represented 38 percent of attorneys promoted to their firms' partnerships, a gain of nearly two percentage points over 2016 and significantly higher than the 30 percent reported for 2007. Law firms also brought in more female partners as laterals than they have in the past: 28 percent of lateral partners hired in 2017 were women, compared to 24 percent in 2016. And even though women are better represented in the non-equity ranks, many of the new female partners are equity partners. Women represented 29 percent of all new equity partners in 2017, a figure higher than any previous year.
- Women also hold more leadership positions than they did in the past, serving in increasing numbers on law firm executive committees, as heads of office and practice leaders. Almost 24 percent of management committee members are female, as are 24 percent of attorneys leading practice departments and 21 percent of U.S. office heads.

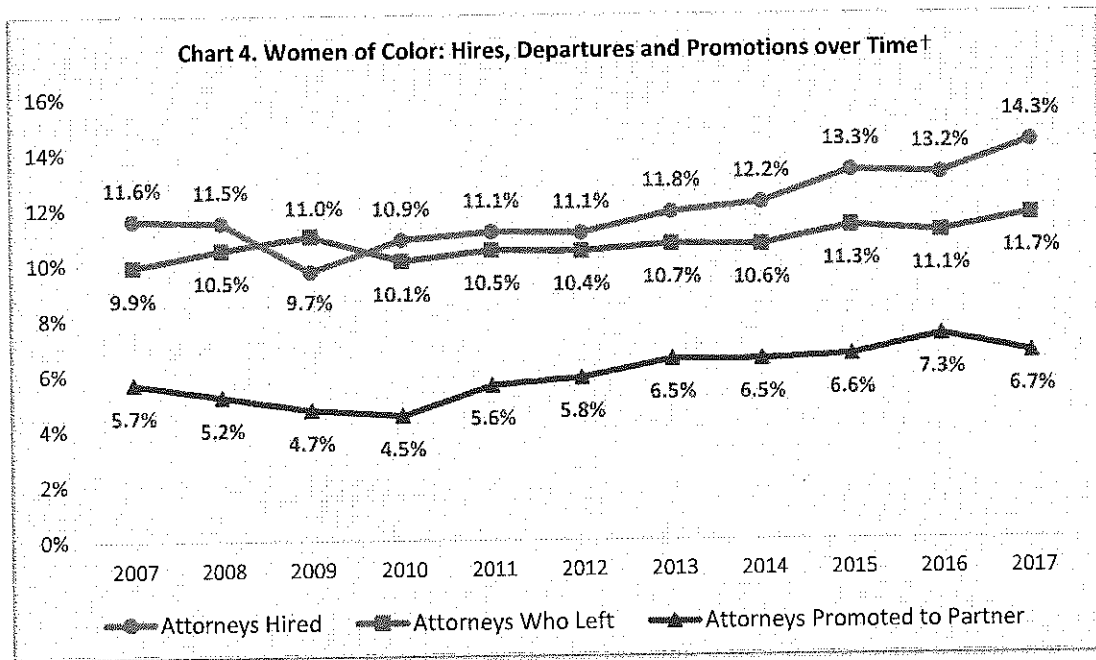


\*2008 for US office heads and practice leaders

- When it comes to retention, the results also show some progress—at least for white women. The overall percentage of women among attorney departures has hovered between 40 and 41 percent for most of the last 11 years. However, since 2010, when more than 31 percent of attorneys who left their firms were white women, that number has slowly declined and, in 2017, dropped below 29 percent. Unfortunately, the number of women of color leaving has increased over that same period. In 2010, 10 percent of lawyers who left their firms were minority women; in 2017, that number was closer to 12 percent.
- Although associate attrition numbers have fluctuated since the recession, the overall trend is similarly downward for white women and upward for women of color. Women represented 46 percent of all associates who left their firms in 2017, and a third of those were women of color. In 2010, more than 34 percent of associates who left their firms were white women; that number dropped to 31 percent in 2017. Meanwhile, minority women represented 13 percent of associate departures in 2010 but more than 15 percent in 2017.



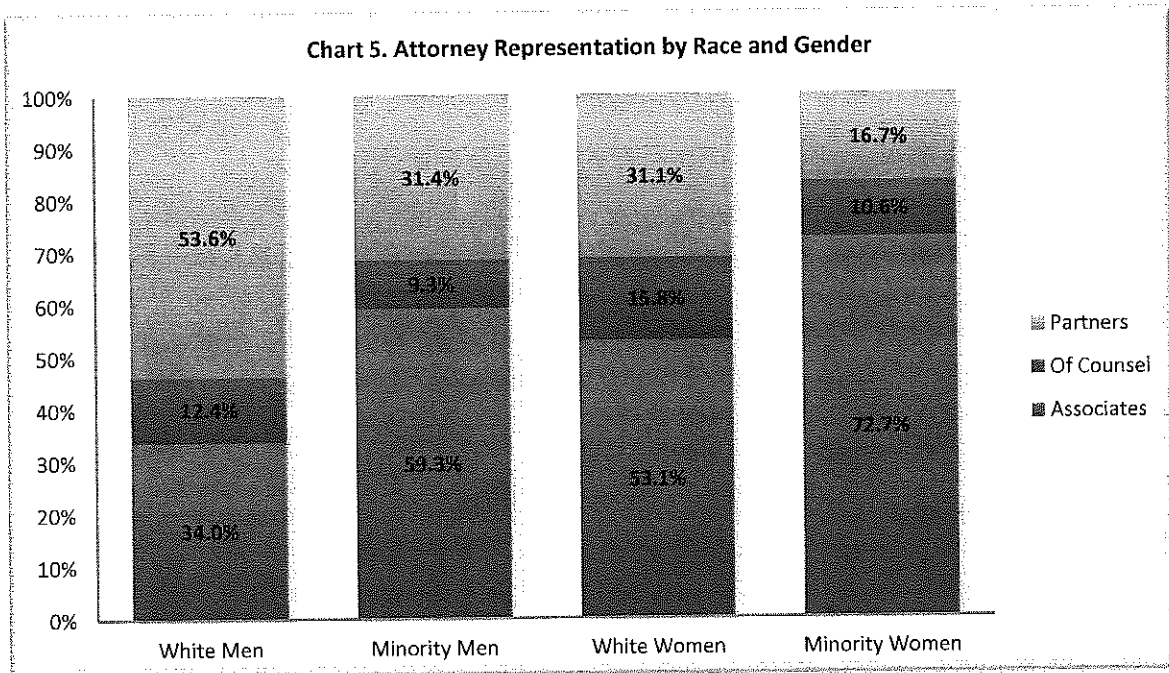
As attrition has slowed among female attorneys, law firms have stepped up the hiring and promotion of women. Progress is less obvious for women of color, however, among whom departures have increased.



†Represents percentage of women among attorneys hired each year (incoming associates as well as laterals), compared to percentage of women among attorneys who left their firms that year (associates, counsel and partners) and to percentage of women among attorneys promoted to partnership.

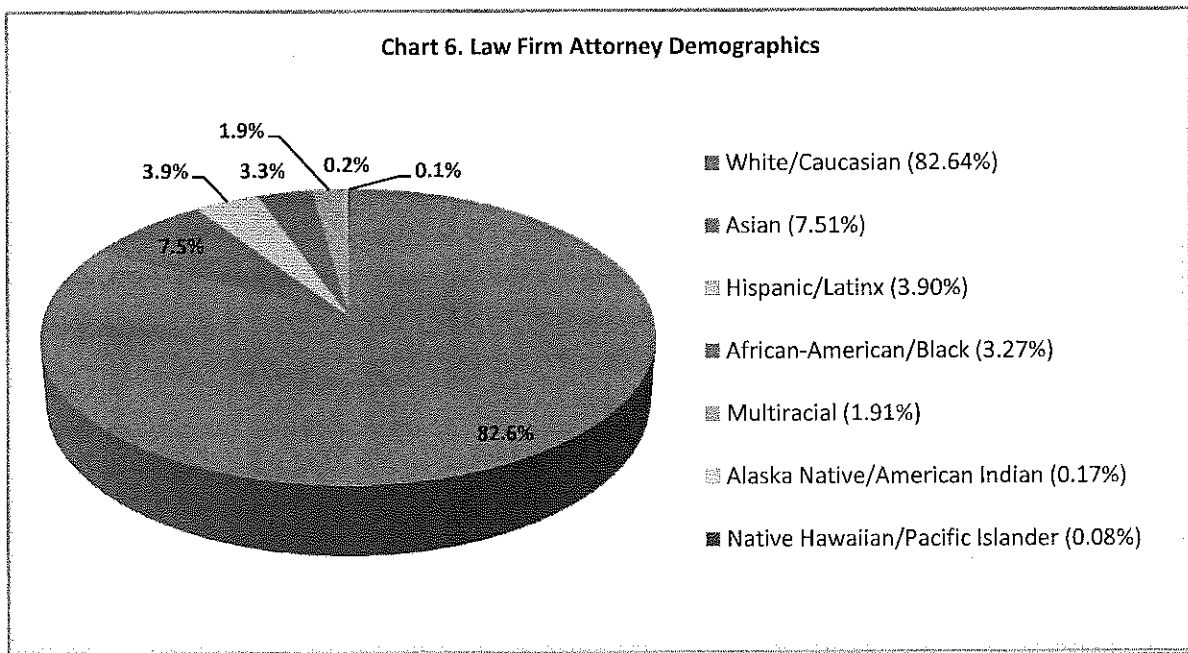
## WOMEN OF COLOR

- While the number of minority women in law firms is growing, at least a little, at all attorney levels, women of color remain underrepresented as law firm leaders and overrepresented among the attorneys who leave their firms.
- Roughly one in four women at surveyed law firms is a member of a racial/ethnic minority group. According to the latest results, women of color represent more than 8 percent of all lawyers and 14 percent of associates. Both numbers are higher than any reported in the last 11 years.
- Representation of women of color at the partnership level has also grown, from under 2 percent in 2007 to more than 3 percent in 2017. Minority women represent close to 3 percent of equity partners and 5 percent of non-equity partners.
- Women of color are being hired in greater numbers than minority men and make up a larger share of the associate population. Minority women represent 14 percent of associates, compared to 11 percent for men. More than 14 percent of attorneys hired in 2017 were women of color, up from 13 percent in 2016. And over 18 percent of 2L students who summered at law firms last year were minority women, compared to 14 percent for minority men.
- Yet, in the upper echelons of firm hierarchies, minority women face both a gender gap and a racial divide. Although a majority of the attorneys of color in law firms are female, women of color are far less likely to be partners than either minority men or their white colleagues of either gender. While 54 percent of white men are partners, and 31 percent of both white women and minority men are partners, only 17 percent of minority women are.
- The seeming limits on opportunities within their own firms may be contributing to the increase in attrition among women of color. As the number of white women leaving firms has declined over the last several years, the number of departures among minority women continues to climb. In 2007, 10 percent of lawyers who left their firms were minority women; in 2017, that number was closer to 12 percent. In 2017, more than 15 percent of associates who left firms were women of color, the highest number to date.



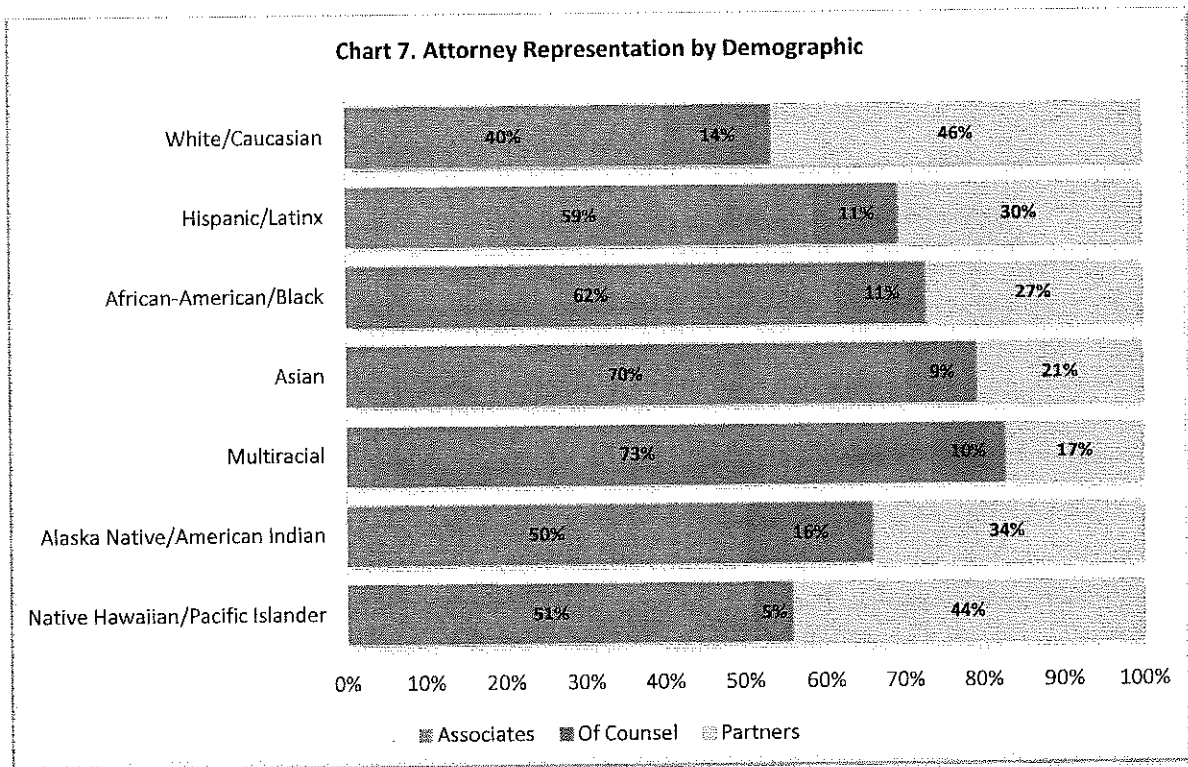
## Results by Race/Ethnicity

- The Vault/MCCA Survey collects information for seven different racial/ethnic groups: White/Caucasian, African-American/Black, Hispanic/Latinx, Asian American, Alaska Native/American Indian, Native Hawaiian/Pacific Islander and Multiracial. Although results for all attorneys of color are often combined, the survey data reveals disparate levels of progress among these groups.
- Last year's report highlighted some of the differences in progress among individual minority groups, trends that have largely continued in this year's survey. Although Asian Americans represent the single largest racial minority group, they are the least likely to be partners at their firms. Hispanic and Latinx lawyers are the most likely, and their overall numbers have grown steadily over time, although they remain low compared to their representation among the U.S. population as a whole. Progress for African-American lawyers has been the most elusive, as their hiring remains below pre-recession levels and they continue to leave their firms at a higher rate than other groups.



## ASIAN AMERICAN

- Although law firms hired fewer Asians into their 2L summer classes last year than they had in 2016, the number of Asian American attorneys has increased in nearly every other category. More than 7 percent of law firm attorneys are of Asian background, and Asians represent almost 12 percent of law firm associates.
- The number of Asian partners has also slowly increased over the last decade, from just over 2 percent in 2007 to more 3 percent in 2017. Yet their numbers remain disproportionately low, even compared to other minority groups. Asians represent almost 45 percent of all attorneys of color but just 38 percent of all minority partners. Twenty-one percent of Asian lawyers are partners, compared to 27 percent of African-American attorneys and 30 percent of Hispanic/Latinx lawyers.
- The data shows similar underrepresentation in law firm management. Asian attorneys represent under 3 percent of executive committee members—less than either black or Hispanic/Latinx attorneys, even though the number of Asian lawyers at these firms is more than that of African-American and Hispanic/Latinx lawyers combined.
- That said, the number of Asians promoted or hired into law firm partnerships has steadily grown at a greater rate than other minority groups. At almost 7 percent, the percentage of Asians among promotions in 2017 is nearly 2 percentage points higher than it was back in 2007. Asians also represent 6 percent of partners hired laterally in 2017.
- More than 11 percent of all new lawyers hired in 2017, including starting associates as well as laterals, were of Asian descent—the highest figure to date. Summer associate numbers have shown more variation over the years. Asians represented more than 13 percent of 2L summer associates in 2017, which is somewhat lower than the prior two years.
- While overall attrition among Asian lawyers dropped slightly in 2017, there was a slight increase in departures at the associate level. Asian Americans represented under 10 percent of all attorneys who left their firms in 2017 and almost 13 percent of associate departures.



## HISPANIC/LATINX

- After Asian Americans, Hispanic and Latinx attorneys represent the largest minority group in law firms. Although the overall percentage of Hispanic/Latinx attorneys remains relatively small, at just under 4 percent, their numbers have slowly but steadily risen over the last decade. According to the latest survey results, Hispanic and Latinx attorneys represent 5 percent of law firm associates and almost 3 percent of partners.
- Law firms have been hiring more Hispanic and Latinx law students into their summer programs over the last decade. In 2007, 4 percent of 2Ls at law firms were Hispanic/Latinx; by 2017, that number approached 7 percent. Lateral hiring has also increased, and in 2017 more than 5 percent of all new lawyers hired were Hispanic or Latinx.
- Promotion figures have varied over the years, and in 2017 Hispanic/Latinx attorneys represented 3.5% of the lawyers promoted to partner, lower than the previous two years, when it was closer to 4 percent. Nevertheless, Hispanic and Latinx attorneys are still more likely to be partners than either African-Americans or Asian Americans. More than 30 percent of Hispanic/Latinx lawyers are partners, compared to 27 percent of African-Americans and 21 percent of Asians.
- Attrition is another area where figures have fluctuated over the years. But the latest survey results show an uptick in the number of Latinx lawyers leaving their firms. Hispanic/Latinx attorneys have generally represented about 4 percent of attorney departures, but in 2017 that number approached 5 percent. Among associates, the figure, which had hovered between 4 and 5 percent, climbed to 6 percent.

**Table 2. Demographics: US Population Compared to JD Enrollment, Summer Associates and Attorneys**

Demographic	US Population <sup>2</sup>	JD 1L Enrollment <sup>3</sup>	2L Summer Associates <sup>4</sup>	Law Firm Attorneys <sup>5</sup>
Female	50.8%	52.3%	49.9%	35.7%
White/Caucasian	60.7%	60.3%	67.5%	82.6%
Asian	5.8%	6.0%	13.6%	7.6%
Hispanic/Latinx	18.1%	13.3%	6.8%	3.9%
African-American/Black	13.4%	8.6%	7.9%	3.3%
Multiracial (Two or More Races)	2.7%	3.5%	3.6%	1.9%
Alaska Native/American Indian	1.3%	0.6%	0.3%	0.2%
Native Hawaiian/Pacific Islander	0.2%	0.2%	0.03%	0.1%

<sup>2</sup> Source: US Census 2017

<sup>3</sup> Source: ABA Annual Questionnaire reports, 2017 reporting Fall 2017 JD 1L enrollment (posted 04/02/2018)

<sup>4</sup> 2L law students in law firm summer programs in 2017, according to 2018 Vault/MCCA Survey

<sup>5</sup> All associates, of counsel and partners as of 2017, according to 2018 Vault/MCCA Survey

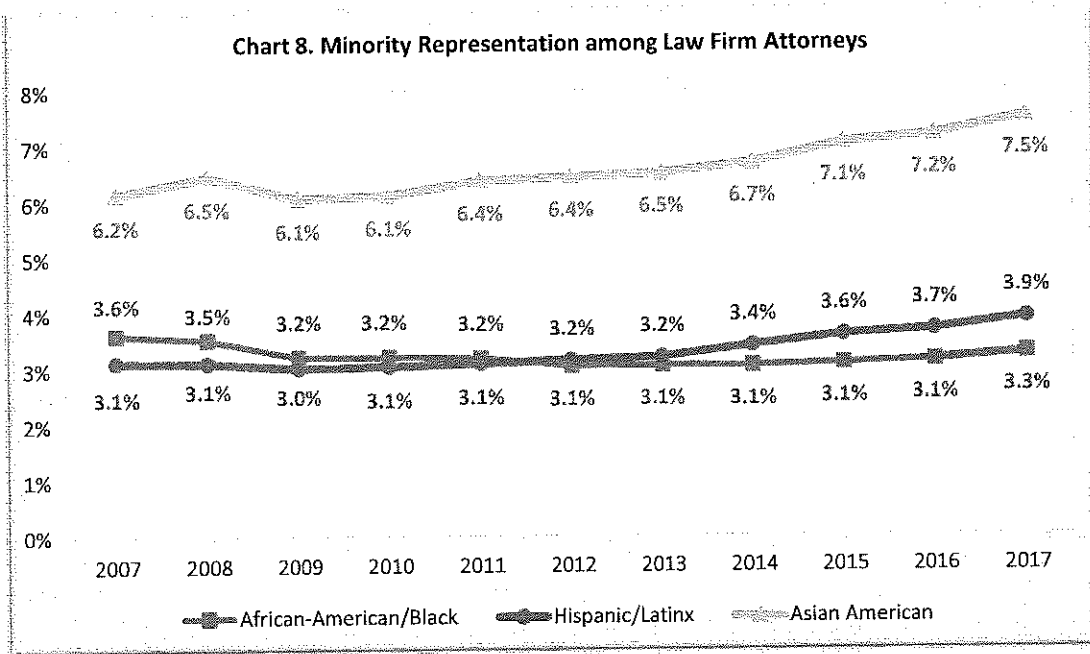


## AFRICAN-AMERICAN/BLACK

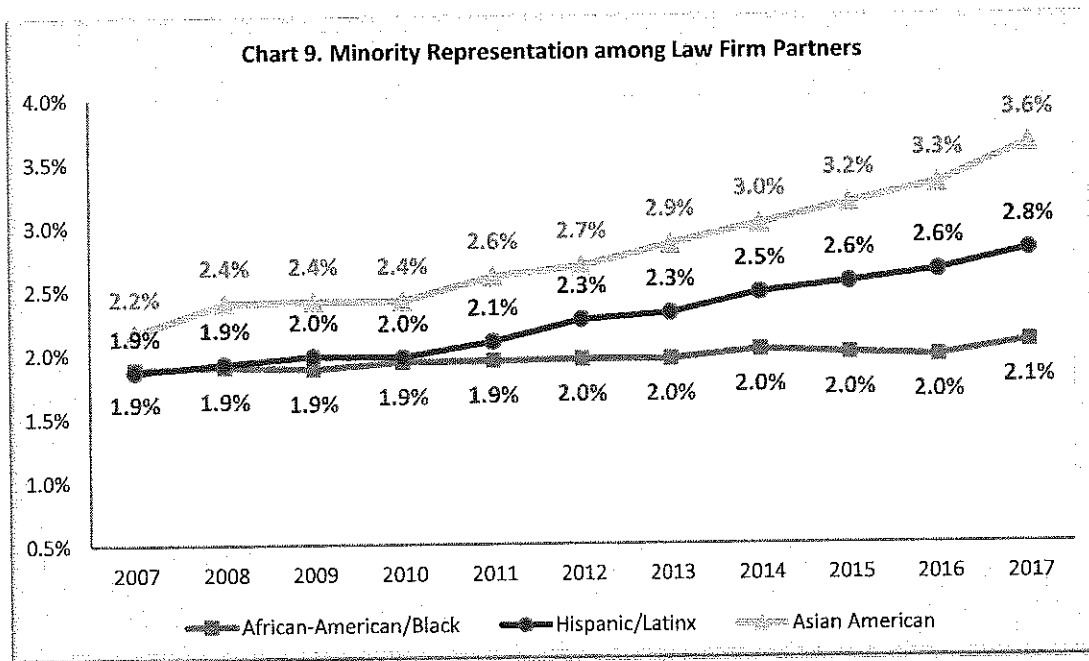
- Alone among the three largest minority groups, the numbers of African-American/Black attorneys hired and promoted remain lower than they were prior to the recession. Black lawyers have represented about 3 percent of law firm attorneys for nearly a decade. At 3.3%, the latest figure is somewhat higher than the previous year (3.1%) but still lower than it was back in 2008 (3.5%). Although the latest results show a slightly higher percentage of African-American/Black associates than the previous year, the figure is still only 4.5%, lower than it was back in 2007, when more than 5 percent of associates were African-American.
- As the legal profession has collectively made greater diversity a goal, data reported by law firms show higher percentages of historically underrepresented groups among new partner classes than within the current partnership. For example, women represent 23% of current partners but 38% of those promoted in 2017, and Asian Americans, who represent 3.6% of current partners, made up 6.7% of the 2017 partner class.
- But those signs of progress are less evident in the results for African-American/Black lawyers. Last year's report noted that, at 2.3%, the representation of black lawyers among attorneys promoted to partner was the lowest to date. That figure, which remains unchanged in the latest results, also varies little from current partnership demographics. Just under 2.1% of law firm partners are black, a number that has barely moved in the last 10 years.
- Retention also remains an issue among African-American/Black attorneys. Overall, the percentage who leave their firms has been declining over the last decade, although African-Americans represented a slightly higher number of associates who left their firms in 2017 than the previous year (5.7% compared to 5.6%). But even with slowing attrition rates, departures among black lawyers—especially women—continue to outpace those of other minority groups as well as white lawyers.
- One positive sign in the latest survey results is that the 2017 class of summer associates included the highest percentage of black law students to date. Almost 8 percent of 2Ls at surveyed law firms last year were black. And among new attorneys hired, that number climbed over 5 percent for the first time since 2008.

**Table 3. Attorney Departures among Largest Racial/Ethnic Groups in 2017  
As Percentage of their Overall Law Firm Population**

	African-American/ Black	Asian American	Hispanic/Latinx	White/Caucasian
<b>All Attorneys</b>	14.1%	12.8%	12.7%	9.4%
<b>Men</b>	13.4%	12.1%	12.2%	8.8%
<b>Women</b>	14.7%	13.4%	13.2%	10.5%



As the population of Asian and Hispanic/Latinx lawyers has gradually increased over time, the number of African-American/Blacks in law firms has fallen. Representation of Hispanic/Latinx and Asian American attorneys among partners has also grown, while the number of black partners has remained more static.



## MULTIRACIAL, ALASKA NATIVE/AMERICAN INDIAN AND NATIVE HAWAIIAN/PACIFIC ISLANDER

- In addition to African-American/Black, Hispanic/Latinx and Asian American, other racial minority groups for which the Vault/MCCA survey collects data include multiracial lawyers (individuals who identify as two or more races), Alaska Native/American Indian attorneys and Native Hawaiian/Pacific Islanders. Although most of the law firms surveyed now report demographic data for all seven groups, not all have separately tracked numbers for multiracial attorneys and Native Hawaiian/Pacific Islanders, classifications that the EEOC introduced to its reporting requirements in 2007.
- Because of these reporting anomalies and because the data for these three groups are relatively small, it is difficult to assess changes over time.
- Of the three groups, individuals who identify with more than one race represent the largest. Of the more than 100,000 attorneys at surveyed law firms, fewer than 2,000 identify as multiracial. But their numbers have been increasing over time. Multiracial lawyers now represent just under 2 percent of all lawyers, 3 percent of associates and less than 1 percent of partners.
- Relative to their overall numbers, multiracial attorneys are even less likely to be partners than Asians or other minority groups, but their representation has been growing. In 2016, 15 percent of lawyers identifying with more than one race were partners at their firms; in 2017, that number reached 17 percent.
- Alaska Natives and American Indians make up less than 0.2% of attorneys at surveyed law firms (171 out of 103,331 lawyers), including 0.2% of associates and 0.13% of partners.
- Native Hawaiians and Pacific Islanders are the smallest racial group for which survey data is collected, representing just 0.08% of lawyers—82 attorneys—across surveyed firms. More than 40 percent of those attorneys (36) are partners.

## LGBTQ ATTORNEYS

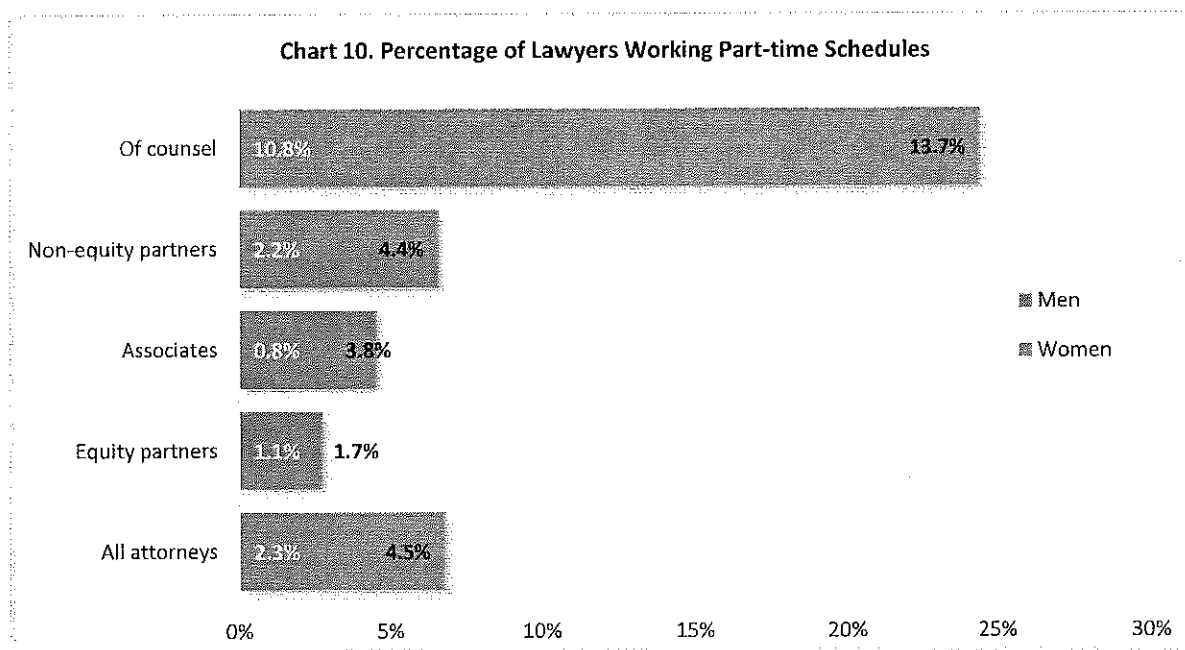
- The numbers reported for openly lesbian, gay, bisexual, transgender and queer attorneys at law firms continue to grow. Increased reporting of LGBTQ figures may have had an impact on the percentages reported, so not every numerical increase necessarily translates to an actual increase in the LGBTQ population. The vast majority of law firms surveyed in 2018—94 percent—reported data for LGBTQ attorneys.
- According to the latest survey results, openly LGBTQ lawyers represent almost 3 percent (2.8%) of law firm attorneys, the highest figure reported to date. The number of associates rose from 3.3% in 2016 to 3.7% in 2017, and almost 2 percent (1.95%) of partners now identify as LGBTQ.
- Law firm data also indicate that more openly LGBTQ lawyers are being hired and advancing to partnership. Among the 2L summer associate class, more than 5 percent were openly LGBTQ, and 2.7% of partners promoted in 2017 are LGBTQ.

## INDIVIDUALS WITH DISABILITIES

- While the Vault/MCCA Survey solicits information on individuals with disabilities, underreporting makes it difficult to draw reliable conclusions about their representation in law firms. Thirty percent of law firms surveyed do not track or report disability information. The numbers that were reported, while still quite small—well below 1 percent—are trending upward.
- According to the latest survey results, individuals with disabilities represent 0.44% of law firm attorneys, not much more than the 0.42% reported last year, but notably higher than the 0.15% reported 11 years ago when Vault and MCCA first began collecting this data.
- Of the 453 attorneys with disabilities recorded in this year's survey, 171—nearly 38 percent—are partners, 43 percent are associates and 19 percent are of counsel.

## PART-TIME ATTORNEYS

- According to this year's survey, almost 7 percent (6.8%) of law firm attorneys work a part-time schedule. That figure is a little higher than last year (6.5%). Roughly two-thirds (66.0%) of those lawyers are women. Forty-seven percent of attorneys with part-time schedules are of counsel, 30 percent are associates and the rest are divided among equity and non-equity partners.
- Nearly one in four attorneys in the position of counsel works part time. Part-time schedules are less common among associates and least reported among partners. This year's results show that less than 3 percent of equity partners work part time.



## Appendices

## Methodology

- Findings are based on law firm responses to the annual Vault/Law Firm Diversity Survey. Survey results for the years 2007 through 2017 are available online in the Law Firm Diversity Database (<http://mcca.vault.com>). Data for years prior to 2007 is available in an earlier version of the database, at <http://mcca.vault.com/LawDiversity/>.
- All data reported is based on calendar year. The most recent survey, soliciting data as of December 31, 2017, was distributed in the spring of 2018 and published in August 2018.
- More than 220 law firms participate in the survey each year, representing more than 90 percent of the AmLaw 100 and Vault Law 100, and a majority of the NLJ 250. The most recent survey includes data for 232 law firms.
- The Vault/MCCA Survey is administered by Vault.com. The results are compiled and the annual report is written and produced under the direction of Vault's managing director of research and consulting, Vera Djordjevich.
- The survey collects demographic data for permanent attorney staff in the United States and uses the following definitions:
  - **Associate:** A non-partner lawyer who has no ownership rights or responsibilities but who has an opportunity to become an owner; associates are employees of the firm and are considered on partnership track, even if they ultimately leave the firm or are not chosen for partnership.
  - **Summer associate:** A law student, usually between second and third year (called a 2L, in that case), who serves as a law associate for the summer and is supervised by a lawyer or lawyers.
  - **Equity partner:** An attorney, generally referred to as a partner, member or shareholder, who has the right to share in the profits of the firm.\*
  - **Non-equity partner:** A law firm employee who has been promoted from associate to a tier of partnership in which the lawyer does not share in the profits or capital of the firm; this position is often an intermediate step toward full equity partner. (Law firms with more than one tier of partnership were asked to provide equity and non-equity partner data separately, although a small number of firms refused to publicly disclose equity/non-equity breakdowns.)\*
  - **Of counsel:** A lawyer, who may be known as of counsel, counsel, special counsel, staff attorney or senior attorney, who is neither an associate nor a partner; the lawyer does not currently share in the firm's profits but might be on a track that enables consideration for partnership. He or she is a permanent employee of the firm and not a temporary or contract attorney. This category may also include an attorney who has retired from a partnership position but remains an employee, sometimes on a part-time basis.
  - **New hire:** An attorney who has joined the firm sometime during the year indicated on the table (e.g., in 2012); this includes all first-year associates, laterals and partners (both equity and non-equity). It does not include summer associates.
  - **Minorities:** Those whose race is other than White/Caucasian, including the following categories designated by the Equal Employment Opportunity Commission: African-American/Black (not Hispanic or Latinx); Hispanic/Latinx; Alaska Native/American Indian; Asian; Native Hawaiian/Other Pacific Islander; and Multiracial (those who identify with two or more of the above races).
- Where the findings refer to all law firm attorneys, the figures include only those permanent attorney staff defined above: i.e., associates, equity partners, non-equity partners and of counsel.

*\* The majority of law firms surveyed have more than one tier of partnership, although not all disclosed the number of equity vs non-equity partners, instead combining the figures into a single category.*

## Tables

**Table A1. Changes in Law Firm Demographics: 2017 vs 2016 vs 2007**

Demographic	Year	percentage drop / percentage increase						
		2L Summer Associates	Associates	Of Counsel	Non-equity Partners	Equity Partners	All Partners	All Lawyers
White / Caucasian	2017	67.46%	74.54%	86.69%	87.33%	90.90%	89.94%	82.64%
	2016	68.38%	75.60%	86.94%	89.37%	91.29%	90.79%	83.58%
	2007	73.43%	78.96%	89.43%	91.17%	93.65%	93.06%	85.72%
Asian American	2017	13.57%	11.85%	5.25%	3.82%	3.56%	3.63%	7.51%
	2016	14.79%	11.51%	5.21%	3.65%	3.20%	3.32%	7.18%
	2007	12.88%	9.96%	3.43%	3.00%	1.90%	2.16%	6.15%
Hispanic / Latinx	2017	6.78%	5.15%	3.22%	3.48%	2.54%	2.80%	3.90%
	2016	5.92%	4.85%	3.25%	3.24%	2.42%	2.64%	3.69%
	2007	4.08%	4.33%	2.35%	2.21%	1.75%	1.86%	3.13%
African-American / Black	2017	7.86%	4.53%	2.85%	2.65%	1.87%	2.08%	3.27%
	2016	6.57%	4.41%	2.72%	2.44%	1.80%	1.97%	3.14%
	2007	7.27%	5.11%	3.32%	2.78%	1.60%	1.88%	3.62%
Multiracial	2017	3.64%	3.14%	1.41%	1.03%	0.67%	0.77%	1.91%
	2016	3.48%	2.90%	1.27%	0.85%	0.50%	0.59%	1.70%
	2007	1.23%	1.05%	0.36%	0.21%	0.20%	0.20%	0.64%
Alaska Native / American Indian	2017	0.29%	0.19%	0.20%	0.18%	0.12%	0.13%	0.17%
	2016	0.21%	0.20%	0.19%	0.20%	0.13%	0.14%	0.18%
	2007	0.37%	0.22%	0.11%	0.16%	0.15%	0.15%	0.18%
Native Hawaiian / Pacific Islander	2017	0.03%	0.09%	0.03%	0.13%	0.07%	0.08%	0.08%
	2016	0.08%	0.08%	0.05%	0.08%	0.03%	0.04%	0.06%
	2007	0.12%	0.12%	0.08%	0.09%	0.03%	0.04%	0.08%
Openly LGBTQ	2017	5.16%	3.73%	2.20%	2.01%	1.92%	1.95%	2.77%
	2016	4.64%	3.28%	2.28%	1.67%	1.81%	1.77%	2.50%
	2007	2.01%	1.98%	1.25%	1.17%	1.16%	1.16%	1.58%
Individuals with Disabilities	2017	0.26%	0.43%	0.64%	0.39%	0.39%	0.39%	0.44%
	2016	0.20%	0.39%	0.60%	0.42%	0.40%	0.40%	0.42%
	2007	0.05%	0.13%	0.24%	0.16%	0.17%	0.16%	0.15%
All Racial Minorities	2017	32.18%	24.95%	12.97%	11.29%	8.82%	9.48%	16.84%
	2016	31.06%	23.95%	12.67%	10.46%	8.07%	8.70%	15.95%
	2007	25.95%	20.78%	9.66%	8.45%	5.62%	6.30%	13.81%
All Women	2017	49.88%	46.22%	40.23%	30.36%	20.64%	23.26%	35.70%
	2016	48.99%	45.80%	39.83%	30.15%	19.81%	22.52%	35.03%
	2007	46.53%	44.66%	35.63%	26.17%	16.05%	18.46%	33.10%
Women of Color	2017	18.48%	13.96%	7.03%	4.88%	2.81%	3.37%	8.57%
	2016	17.30%	13.36%	6.78%	4.59%	2.48%	3.03%	8.08%
	2007	14.63%	11.65%	4.78%	3.11%	1.52%	1.90%	7.01%



Table A2. Minority Lawyers among Surveyed Firms

MINORITY LAWYERS			
As of 12/31/2017	All	Men	Women
<b>Overall Law Firm Demographics</b>			
All Attorneys (associates, partners, of counsel)	16.84%	8.27%	8.57%
Associates	24.95%	10.99%	13.96%
All Partners (both equity and non-equity)	9.48%	6.12%	3.37%
Equity Partners	8.82%	6.01%	2.81%
Non-equity Partners	11.29%	6.41%	4.88%
Of Counsel	12.97%	5.94%	7.03%
<b>Recruitment &amp; Promotion</b>			
2L Summer Associates	32.18%	13.70%	18.48%
All Attorneys Hired (laterals and starting associates)	26.24%	11.92%	14.32%
Lateral Associates	27.65%	12.08%	15.57%
Lateral Partners	15.87%	9.86%	6.01%
Lateral Of Counsel	18.96%	8.79%	10.17%
Partners Promoted	14.41%	7.72%	6.69%
All New Equity Partners (both promoted and lateral)	14.72%	9.12%	5.60%
<b>Attrition (attorneys who left their firms)</b>			
All Attorneys (associates, partners, of counsel)	22.10%	10.41%	11.69%
Associates (all levels)	28.32%	12.66%	15.66%
Junior Associates (1st- and 2nd-years)	32.29%	15.46%	16.83%
Midlevel Associates (3rd-, 4th- and 5th-years)	29.30%	12.38%	16.92%
Senior Associates (6rd-, 7th-, 8th-years and above)	25.73%	11.82%	13.90%
Equity Partners	9.88%	6.67%	3.21%
Non-equity Partners	12.95%	7.98%	4.97%
Of Counsel	14.96%	6.78%	8.19%
<b>Membership on Management-Level Committees</b>			
Executive/Management Committee	9.54%	6.52%	3.02%
Partner Review Committee	9.20%	6.30%	2.91%
Associate Review Committee	11.23%	6.64%	4.59%
Hiring Committee	17.48%	8.96%	8.53%
Diversity Committee	40.40%	21.06%	19.33%
<b>Other Leadership Roles*</b>			
U.S. Office Heads	9.30%		
Practice Leaders	8.67%		

\*Gender-specific data is unavailable

Table A3. Women among Surveyed Firms

ALL FEMALE LAWYERS			
As of 12/31/2017	All Women	White Women	Women of Color
<b>Overall Law Firm Demographics</b>			
All Attorneys (associates, partners, of counsel)	35.70%	27.13%	8.57%
Associates	46.22%	32.25%	13.96%
All Partners (both equity and non-equity)	23.26%	19.89%	3.37%
Equity Partners	20.64%	17.84%	2.81%
Non-equity Partners	30.36%	25.48%	4.88%
Of Counsel	40.23%	33.20%	7.03%
<b>Recruitment &amp; Promotion</b>			
2L Summer Associates	49.88%	31.40%	18.48%
All Attorneys Hired (laterals and starting associates)	44.43%	30.11%	14.32%
Lateral Associates	46.13%	30.56%	15.57%
Lateral Partners	27.84%	21.83%	6.01%
Lateral Of Counsel	44.42%	34.25%	10.17%
Partners Promoted	38.03%	31.34%	6.69%
All New Equity Partners (both promoted and lateral)	29.10%	23.50%	5.60%
<b>Attrition (attorneys who left their firms)</b>			
All Attorneys (associates, partners, of counsel)	40.23%	28.53%	11.69%
Associates (all levels)	46.59%	30.94%	15.66%
Junior Associates (1st- and 2nd-years)	44.72%	27.89%	16.83%
Midlevel Associates (3rd-, 4th- and 5th-years)	47.07%	30.15%	16.92%
Senior Associates (6rd-, 7th-, 8th-years and above)	46.86%	32.95%	13.90%
Equity Partners	21.56%	18.35%	3.21%
Non-equity Partners	30.10%	25.13%	4.97%
Of Counsel	37.61%	29.42%	8.19%
<b>Membership on Management-Level Committees</b>			
Executive/Management Committee	23.63%	20.61%	3.02%
Partner Review Committee	26.73%	23.83%	2.91%
Associate Review Committee	30.66%	26.08%	4.59%
Hiring Committee	38.08%	29.55%	8.53%
Diversity Committee	48.04%	28.71%	19.33%
<b>Other Leadership Roles*</b>			
U.S. Office Heads	21.49%		
Practice Leaders	23.67%		

\*Race-specific data is unavailable

**Table A4. African-American/Black, Asian American and Hispanic/Latinx Lawyers  
Among Surveyed Firms**

As of 12/31/2017	African-American/Black			Asian American			Hispanic/Latinx		
	All	Men	Women	All	Men	Women	All	Men	Women
<b>Law Firm Demographics</b>									
All Attorneys	3.27%	1.54%	1.73%	7.51%	3.54%	3.97%	3.90%	2.15%	1.76%
Associates	4.53%	1.90%	2.63%	11.85%	5.11%	6.74%	5.15%	2.48%	2.67%
All Partners	2.08%	1.29%	0.79%	3.63%	2.26%	1.37%	2.80%	1.94%	0.85%
Equity Partners	1.87%	1.20%	0.67%	3.56%	2.29%	1.27%	2.54%	1.90%	0.64%
Non-equity Partners	2.65%	1.53%	1.12%	3.82%	2.18%	1.64%	3.48%	2.06%	1.42%
Of Counsel	2.85%	1.15%	1.69%	5.25%	2.32%	2.93%	3.22%	1.65%	1.57%
<b>Recruitment &amp; Promotion</b>									
2L Summer Associates	7.86%	2.85%	5.01%	13.57%	5.68%	7.89%	6.78%	3.37%	3.42%
All Attorneys Hired	5.39%	2.27%	3.12%	11.59%	5.27%	6.32%	5.66%	2.75%	2.91%
Lateral Associates	5.59%	2.18%	3.41%	12.34%	5.32%	7.03%	6.36%	3.07%	3.29%
Lateral Partners	3.46%	1.95%	1.50%	5.91%	3.71%	2.20%	4.41%	2.90%	1.50%
Lateral Of Counsel	5.84%	2.23%	3.61%	7.02%	3.35%	3.67%	3.41%	1.97%	1.44%
Partners Promoted	2.26%	1.03%	1.24%	6.74%	3.55%	3.19%	3.50%	2.16%	1.34%
All New Equity Partners	2.70%	1.50%	1.21%	6.23%	3.62%	2.61%	3.76%	2.70%	1.06%
<b>Attrition (attorneys who left their firms)</b>									
All Attorneys	4.63%	2.08%	2.55%	9.61%	4.29%	5.32%	4.96%	2.63%	2.33%
All Associates	5.73%	2.47%	3.25%	12.86%	5.50%	7.36%	5.99%	2.90%	3.09%
Junior Associates	6.95%	3.33%	3.62%	15.17%	7.14%	8.02%	6.75%	3.33%	3.42%
Midlevel Associates	5.63%	2.52%	3.10%	13.81%	5.67%	8.15%	5.86%	2.56%	3.30%
Senior Associates	5.34%	2.08%	3.26%	10.96%	4.67%	6.28%	5.81%	3.06%	2.75%
Equity Partners	2.14%	1.32%	0.82%	3.62%	2.22%	1.40%	3.37%	2.55%	0.82%
Non-equity Partners	3.26%	2.06%	1.20%	4.29%	2.74%	1.54%	3.95%	2.40%	1.54%
Of Counsel	3.44%	1.24%	2.20%	5.99%	2.54%	3.44%	3.16%	1.92%	1.24%
<b>Membership on Management-Level Committees</b>									
Executive/Management Committee	3.06%	2.13%	0.93%	2.70%	1.69%	1.01%	3.14%	2.25%	0.89%
Partner Review Committee	2.66%	2.13%	0.53%	2.71%	1.50%	1.21%	3.15%	2.23%	0.92%
Associate Review Committee	2.68%	1.51%	1.17%	4.76%	2.59%	2.17%	2.85%	1.80%	1.05%
Hiring Committee	5.03%	2.50%	2.53%	6.25%	3.27%	2.98%	4.33%	2.48%	1.85%
Diversity Committee	14.25%	7.72%	6.53%	13.80%	6.61%	7.19%	9.63%	5.59%	4.04%

**Table A5. Multiracial, Alaska Native/Native American and Native Hawaiian/Pacific Islander Lawyers  
Among Surveyed Firms**

As of 12/31/2017	Multiracial			Alaska Native/American Indian			Native Hawaiian/ Pacific Islander		
	All	Men	Women	All	Men	Women	All	Men	Women
<b>Law Firm Demographics</b>									
All Attorneys	1.91%	0.92%	0.99%	0.17%	0.08%	0.09%	0.08%	0.04%	0.04%
Associates	3.14%	1.39%	1.75%	0.19%	0.08%	0.11%	0.09%	0.04%	0.05%
All Partners	0.77%	0.49%	0.27%	0.13%	0.08%	0.05%	0.08%	0.05%	0.03%
Equity Partners	0.67%	0.49%	0.18%	0.12%	0.07%	0.05%	0.07%	0.06%	0.01%
Non-equity Partners	1.03%	0.50%	0.53%	0.18%	0.10%	0.08%	0.13%	0.03%	0.09%
Of Counsel	1.41%	0.71%	0.70%	0.20%	0.09%	0.11%	0.03%	0.01%	0.02%
<b>Recruitment &amp; Promotion</b>									
2L Summer Associates	3.64%	1.66%	1.98%	0.29%	0.15%	0.15%	0.03%	0.00%	0.03%
All Attorneys Hired	3.21%	1.47%	1.74%	0.33%	0.15%	0.18%	0.07%	0.02%	0.05%
Lateral Associates	3.10%	1.39%	1.71%	0.20%	0.10%	0.10%	0.07%	0.03%	0.03%
Lateral Partners	1.60%	1.05%	0.55%	0.40%	0.25%	0.15%	0.10%	0.00%	0.10%
Lateral Of Counsel	2.36%	1.12%	1.25%	0.33%	0.13%	0.20%	0.00%	0.00%	0.00%
Partners Promoted	1.54%	0.82%	0.72%	0.21%	0.05%	0.15%	0.15%	0.10%	0.05%
All New Equity Partners	1.64%	1.06%	0.58%	0.29%	0.14%	0.14%	0.10%	0.10%	0.00%
<b>Attrition (attorneys who left their firms)</b>									
All Attorneys	2.42%	1.14%	1.28%	0.39%	0.23%	0.16%	0.09%	0.04%	0.05%
All Associates	3.25%	1.43%	1.82%	0.41%	0.31%	0.10%	0.08%	0.05%	0.03%
Junior Associates	3.03%	1.37%	1.66%	0.39%	0.29%	0.10%	0.00%	0.00%	0.00%
Midlevel Associates	3.61%	1.40%	2.21%	0.31%	0.16%	0.16%	0.08%	0.08%	0.00%
Senior Associates	2.99%	1.49%	1.49%	0.51%	0.47%	0.04%	0.12%	0.04%	0.08%
Equity Partners	0.49%	0.49%	0.00%	0.25%	0.08%	0.16%	0.00%	0.00%	0.00%
Non-equity Partners	0.94%	0.60%	0.34%	0.34%	0.17%	0.17%	0.17%	0.00%	0.17%
Of Counsel	1.81%	0.90%	0.90%	0.45%	0.11%	0.34%	0.11%	0.06%	0.06%
<b>Membership on Management-Level Committees</b>									
Executive/Management Committee	0.48%	0.32%	0.16%	0.12%	0.08%	0.04%	0.04%	0.04%	0.00%
Partner Review Committee	0.53%	0.29%	0.24%	0.10%	0.10%	0.00%	0.05%	0.05%	0.00%
Associate Review Committee	0.80%	0.63%	0.17%	0.11%	0.09%	0.03%	0.03%	0.03%	0.00%
Hiring Committee	1.60%	0.54%	1.06%	0.20%	0.11%	0.09%	0.07%	0.05%	0.02%
Diversity Committee	2.34%	0.97%	1.37%	0.30%	0.10%	0.20%	0.08%	0.08%	0.00%

Table A6. LGBTQ Lawyers and Attorneys with Disabilities among Surveyed Firms

As of 12/31/2017	Openly LGBTQ			Individuals with Disabilities		
	All	Men	Women	All	Men	Women
<b>Overall Law Firm Demographics</b>						
All Attorneys	2.77%	1.92%	0.86%	0.44%	0.29%	0.15%
Associates	3.73%	2.56%	1.17%	0.43%	0.26%	0.17%
All Partners	1.95%	1.37%	0.57%	0.39%	0.29%	0.10%
Equity Partners	1.92%	1.38%	0.55%	0.39%	0.31%	0.07%
Non-equity Partners	2.01%	1.36%	0.65%	0.39%	0.21%	0.18%
Of Counsel	2.20%	1.51%	0.70%	0.64%	0.40%	0.23%
<b>Recruitment &amp; Promotion</b>						
2L Summer Associates	5.16%	3.24%	1.92%	0.26%	0.15%	0.11%
All Attorneys Hired	3.50%	2.39%	1.11%	0.28%	0.17%	0.11%
Lateral Associates	3.44%	2.25%	1.19%	0.31%	0.18%	0.13%
Lateral Partners	1.60%	1.20%	0.40%	0.00%	0.00%	0.00%
Lateral Of Counsel	1.71%	1.44%	0.26%	0.39%	0.33%	0.07%
Partners Promoted	2.73%	1.75%	0.98%	0.36%	0.31%	0.05%
All New Equity Partners	2.22%	1.50%	0.72%	0.14%	0.14%	0.00%
<b>Attrition (attorneys who left their firms)</b>						
All Attorneys	2.37%	1.57%	0.80%	0.34%	0.25%	0.09%
All Associates	2.99%	2.05%	0.94%	0.28%	0.18%	0.10%
Junior Associates	4.50%	2.84%	1.66%	0.68%	0.49%	0.20%
Midlevel Associates	3.14%	2.33%	0.81%	0.23%	0.08%	0.16%
Senior Associates	2.24%	1.45%	0.79%	0.16%	0.16%	0.00%
Equity Partners	0.91%	0.41%	0.49%	0.16%	0.16%	0.00%
Non-equity Partners	1.46%	0.86%	0.60%	0.43%	0.34%	0.09%
Of Counsel	1.81%	1.19%	0.62%	0.62%	0.51%	0.11%
<b>Membership on Management-Level Committees</b>						
Executive/Management Committee	1.81%	1.05%	0.76%	0.20%	0.12%	0.08%
Partner Review Committee	1.50%	0.58%	0.92%	0.34%	0.24%	0.10%
Associate Review Committee	2.02%	1.11%	0.91%	0.37%	0.28%	0.09%
Hiring Committee	3.38%	2.23%	1.15%	0.38%	0.16%	0.23%
Diversity Committee	8.87%	5.64%	3.23%	0.61%	0.25%	0.36%
<b>Other Leadership Roles*</b>						
U.S. Office Heads	2.00%			0.50%		
Practice Leaders	1.92%			0.36%		

\*Gender-specific data is unavailable.

**Participating Law Firms**  
**2018 Vault/MCCA Law Firm Diversity Survey**

<p>Adams and Reese LLP Akerman LLP Akin Gump Strauss Hauer &amp; Feld LLP Allen &amp; Overy LLP Allen Matkins Leck Gamble Mallory &amp; Natsis LLP Alston &amp; Bird LLP Archer Norris, PLC Arent Fox LLP Armstrong Teasdale LLP Arnold &amp; Porter Kaye Scholer LLP Axinn Veltrop &amp; Harkrider LLP Baird Holm LLP Baker &amp; McKenzie, LLP Baker Botts LLP Baker, Donelson, Bearman, Caldwell &amp; Berkowitz, PC BakerHostetler Ballard Spahr LLP Barack Ferrazzano Kirschbaum &amp; Nagelberg LLP Barnes &amp; Thornburg LLP Beveridge &amp; Diamond P.C. Blank Rome LLP Boies Schiller Flexner LLP Bookoff McAndrews, PLLC Bowman and Brooke LLP Bracewell LLP Bressler, Amery &amp; Ross, P.C. Bricker &amp; Eckler LLP Brinks Gilson &amp; Lione Bryan Cave Leighton Paisner LLP Buchalter Buchanan Ingersoll &amp; Rooney PC Burns &amp; Levinson LLP Burns White LLC Cadwalader, Wickersham &amp; Taft LLP Cahill Gordon &amp; Reindel LLP Calfee, Halter &amp; Griswold LLP Cantrell, Strenski &amp; Mehringer, LLP Carlton Fields Carothers DiSante &amp; Freudenberger LLP Chapman and Cutler LLP Choate, Hall &amp; Stewart LLP Cleary Gottlieb Steen &amp; Hamilton LLP</p>	<p>Clifford Chance US LLP Constangy, Brooks, Smith &amp; Prophete, LLP Cooley LLP Covington &amp; Burling LLP Cozen O'Connor Cravath, Swaine &amp; Moore LLP Crowell &amp; Moring LLP Davis &amp; Harman LLP Davis Polk &amp; Wardwell LLP Davis Wright Tremaine LLP Debevoise &amp; Plimpton LLP DeCaro Doran Siciliano Gallagher &amp; DeBlasis LLP Dechert LLP Dentons Dinsmore &amp; Shohi LLP DLA Piper LLP (US) Dorsey &amp; Whitney LLP Drew Eckl &amp; Farnham LLP Drinker Biddle &amp; Reath LLP Duane Morris LLP Dykema Gossett PLLC Epstein Becker &amp; Green, P.C. Eversheds Sutherland (US) LLP Faegre Baker Daniels LLP Farella Braun + Martel LLP Fenwick &amp; West LLP Finnegan Henderson Farabow Garrett &amp; Dunner, LLP Fish &amp; Richardson P.C. Fisher Phillips Fletcher Yoder PC Foley &amp; Lardner LLP Foley Hoag LLP Fox Rothschild LLP Fried, Frank, Harris, Shriver &amp; Jacobson LLP Galloway, Johnson, Tompkins, Burr &amp; Smith, APLC Gentry Locke, LLP Gibbons P.C. Gibson, Dunn &amp; Crutcher LLP Goldberg Segalla Goodwin Procter LLP Gordon Rees Scully Mansukhani, LLP Goulston &amp; Storrs PC</p>
---	---

Gray Plant Mooty  
Greenberg Traurig, LLP  
Greensfelder, Hemker & Gale, P.C.  
Groom Law Group, Chartered  
Gust Rosenfeld PLC  
Hall & Evans, LLC  
Hanson Bridgett LLP  
Harrity & Harrity, LLP  
Haynes and Boone LLP  
Hinshaw & Culbertson LLP  
Hogan Lovells US LLP  
Holland & Hart LLP  
Holland & Knight LLP  
Hughes Hubbard & Reed LLP  
Hunton Andrews Kurth LLP  
(formerly Andrews Kurth Kenyon)  
Hunton Andrews Kurth LLP  
(formerly Hunton & Williams LLP)  
Husch Blackwell LLP  
Ice Miller LLP  
Jaburg Wilk  
Jackson Lewis P.C.  
Jackson Walker L.L.P.  
Jenner & Block LLP  
Jones Day  
Jones Walker LLP  
K&L Gates LLP  
Kasowitz Benson Torres LLP  
Katten Muchin Rosenman LLP  
Kaufman Dolowich & Voluck LLP  
Keating Muething & Klekamp PLL  
Kelley Drye & Warren LLP  
Kilpatrick Townsend & Stockton LLP  
King & Spalding  
Kirkland & Ellis LLP  
Knobbe, Martens, Olson & Bear LLP  
Kobre & Kim LLP  
Kramer Levin Naftalis & Frankel LLP  
Kutak Rock LLP  
Lane Powell PC  
Latham & Watkins LLP  
Lathrop Gage LLP  
Lewis Roca Rothgerber Christie LLP  
Linklaters LLP  
Littler Mendelson P.C.  
Locke Lord LLP

Loeb & Loeb LLP  
Lowenstein Sandler LLP  
Manatt, Phelps & Phillips, LLP  
Mayer Brown LLP  
McCarter & English LLP  
McDermott Will & Emery LLP  
McGinnis, Lochridge, & Kilgore L.L.P.  
McGlinchey Stafford  
McGuireWoods LLP  
Michael Best & Friedrich LLP  
Milbank, Tweed, Hadley & McCloy LLP  
Miles & Stockbridge P.C.  
Miller & Martin PLLC  
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.  
Moore & Van Allen PLLC  
Morgan, Lewis & Bockius LLP  
Moritt Hock & Hamroff LLP  
Morrison & Foerster LLP  
Morrison Mahoney LLP  
Munger, Tolles & Olson LLP  
Neal, Gerber & Eisenberg LLP  
Nelson Mullins Riley & Scarborough LLP  
Nilan Johnson Lewis PA  
Nixon Peabody LLP  
Norman, Wood, Kendrick & Turner  
Norton Rose Fulbright  
Ogletree, Deakins, Nash, Smoak & Stewart, P.C.  
O'Melveny & Myers LLP  
Orgain Bell & Tucker, LLP  
Orrick, Herrington & Sutcliffe LLP  
Parsons, Lee & Juliano, P.C.  
Patterson Thuenete IP  
Paul Hastings LLP  
Paul, Weiss, Rifkind, Wharton & Garrison, LLP  
Pepper Hamilton LLP  
Perkins Coie LLP  
Pettit Kohn Ingrassia Lutz & Dolin PC  
Phelps Dunbar LLP  
Phillips Spallas & Angstadt LLP  
Pillsbury Winthrop Shaw Pittman LLP  
Pomerantz LLP  
Potter Anderson & Corroon LLP  
Proskauer Rose LLP  
Quarles & Brady LLP  
Quintairos, Prieto, Wood & Boyer, P.A.

Rathbone Group, LLC  
Reed Smith LLP  
Reinhart Boerner Van Deuren S.C.  
Reminger Co., LPA  
Richards Layton & Finger, PA  
Robins Kaplan LLP  
Robinson Bradshaw & Hinson, P.A.  
Rodey, Dickason, Sloan Akin, & Robb, PA  
Ropes & Gray LLP  
Rumberger Kirk & Caldwell  
Russell & Oliver, PLC  
Ryley Carlock & Applewhite  
Saiber LLC  
Sanchez-Medina, Gonzalez, Quesada, Lage, Gomez & Machado, LLP  
Saul Ewing Arnstein & Lehr LLP  
Schiff Hardin LLP  
Schulte Roth & Zabel LLP  
Seyfarth Shaw LLP  
Shearman & Sterling LLP  
Sheppard Mullin Richter & Hampton LLP  
Shook, Hardy & Bacon L.L.P.  
Sidley Austin LLP  
Simpson Thacher & Bartlett LLP  
Skadden, Arps, Slate, Meagher & Flom LLP  
Smith Haughey Rice & Roegge  
Smith Moore Leatherwood LLP  
Snyder, Clark, Lesch & Chung, LLP  
Squire Patton Boggs LLP  
Steptoe & Johnson LLP

Sterne, Kessler, Goldstein & Fox, P.L.L.C.  
Stinson Leonard Street LLP  
Stoel Rives LLP  
Stroock & Stroock & Lavan LLP  
Sullivan & Cromwell LLP  
Sulloway & Hollis, PLLC  
Taylor, Keller & Oswald, PLLC  
The Cavanagh Law Firm  
Thompson & Knight LLP  
Thompson Coburn LLP  
Thompson Hine LLP  
Thompson, Coe, Cousins & Irons, LLP  
Troutman Sanders LLP  
Vedder Price  
Venable LLP  
Vinson & Elkins LLP  
Vorys, Sater, Seymour and Pease LLP  
Wachtell, Lipton, Rosen & Katz  
Walters Balido & Crain LLP  
Weil, Gotshal & Manges LLP  
White & Case LLP  
Wiley Rein LLP  
Williams Mullen  
Willkie Farr & Gallagher LLP  
WilmerHale  
Wilson Elser Moskowitz Edelman & Dicker LLP  
Wilson Sonsini Goodrich & Rosati  
Wilson Turner Kosmo LLP  
Winston & Strawn LLP  
Womble Bond Dickinson (US) LLP