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INSIGHT ON DIVERSITY

Slight Gains—The Struggles of the African-American Female Attorney

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Special to the Legal

Recently, an article in Legal affiliate The American Lawyer examined the results of a report published by the National Association for Law Placement (NALP), which summarized the upside—and downside—of law firm diversity efforts nationwide. This article concluded that while “slight gains” had been made, there remained broad minority underrepresentation nationally. Unfortunately, evidence also demonstrates that the “slight gains” are not equally distributed among underrepresented groups, and that African-American female associates are making gains at a slower pace than their diverse colleagues. As an African-American woman myself, I am witness to the impact of the slight gains from the inside, and can attest to the impact of the modern awareness of the lack of diversity and that it is a problem worthy of a solution.

The article’s characterization of diversity gains as “slight” was no exaggeration. According to the NALP Report, “representation of ... African-Americans among partners has barely budged [since 2009] and



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was 1.83 percent in 2017, almost flat compared with 2016, and not much higher than the 1.71 percent figure in 2009.” Nearly a decade of diversity and inclusion efforts nationwide have resulted in an increase of just over one tenth of one percent in African-American representation in partnership positions. One-tenth of one percent.

Drill down deeper for a more shocking result. Representation of African-American female partners increased less than one-tenth of 1 percent, with 0.66 percent representation in 2017 and 0.57 percent in 2009. The results are even worse in Philadelphia, which came in lower than the national averages on both fronts, with African-Americans comprising 1.32 percent of partners in law firms, and African-American females a paltry 0.44 percent. These statistics reveal that not

even one out of every 100 partners in law firms across the country is an African-American female. And this trend has unfortunately continued for at least the past nine years.

The statistics paint an even more dismal picture for African-American associates. Representation of African-American associates dropped by over one-third of one percent from its 2009 level, with 4.66 percent representation in 2009, and 4.28 percent in 2017. Likewise, representation of African-American female associates dropped by over one-half of one percent, with 2.93 percent representation in 2009, and 2.42 percent in 2017.

This dire snapshot is not a representation of our country at large, and often not representative of our client base. Why, then, is it a representation of our legal community? Assuming nothing would change, what conclusions could I, or any African-American female associate, reasonably draw regarding a career trajectory? While I applaud the great effort it has taken to achieve even “slight gains,” I offer my own experience—and those of other African-American women who have been included—in the hope of being a part of the solution.

“There is no diversity without inclusion,” said Danielle Banks, an African-American female partner at Stradley Ronon Stevens & Young, immediate past chair of Stradley Ronon’s diversity committee, and past co-president of the Philadelphia Diversity Law Group. Failing at inclusion efforts is counterproductive and will only produce a short-lived change, “and what we are looking for is a lasting change.” However, a long-lasting change requires retention. “It is one thing to recruit diverse attorneys,” continued Banks, but “if you do not have efforts to include them in the firm, they are merely part of the machine, not part of the enterprise.”

Inclusion, if it results in retention, can mean a win-win-win: for the firm, underrepresented attorneys, and clients. This translates into business growth. Marilou Watson, an African-American female partner at Fox Rothschild, co-chair of the life sciences practice, and former co-chair of Fox Rothschild’s diversity committee, believes that “law firms and corporations certainly recognize the increased value to their clients and business when they have a diversity of practice groups and experiences to offer. It is equally as important to recognize that their value is increased when they offer a diversity of individuals, thoughts, and perspectives to provide the best service and products to their clients.”

Drawing upon my own experience, I can share that inclusion efforts cannot fall solely on the shoulders of partners and senior-level attorneys. Inclusion requires diverse attorneys to step outside of their comfort-zones, embrace their firm and the legal community as a whole, and perform in a positive and impactful, yet authentic way. This may include becoming involved in the local Bar and

community, or making often awkward and uncomfortable—yet important—introductions of yourself to judges, partners, and senior-level colleagues.

Though diverse attorneys may share membership in underrepresented classes, each of us is unique and brings a unique perspective. For instance, I may be the only associate at Stradley Ronon to bring the unique combination of a neuroscience degree, financial sector background, almost a decade of trial and litigation practice, and a lifetime of the African-American female experience.

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If I fail to find the strengths and value in any of these attributes, I fail to be authentic and I decrease my own value to my firm, our clients, and my professional development. Keeping true to my authenticity gave me the ability to connect with many victims when I served as a prosecutor, and to effectively communicate with juries as I prosecuted crimes of a sexual or violent nature, including homicide. Had I hidden or downplayed any one of my attributes, and conformed to the “norm,” I would have sacrificed my authenticity, hampered these connections, and likely decreased my overall success.

Underrepresented attorneys must use the full spectrum of their diversity to differentiate themselves and demonstrate their unique value. Equally, partners, counsel and senior-level

associates—of all backgrounds—must not be satisfied with just hiring underrepresented attorneys. They must measure their firm’s success by how well they have cultivated an environment that allows diverse attorneys to maximize their talents and truly succeed, with clear paths from associate to partner. This will not only assist in the advancement of the diverse attorney, but will also increase the diverse attorney’s satisfaction with his or her career advancement, which as a result will produce benefits for clients and the firm.

As an African-American female associate aspiring to be partner, it can be intimidating to see statistical snapshots such as those produced by the NALP. Yet I am optimistic. I believe that as we focus on a combination of recruitment and inclusion of underrepresented attorneys, we will begin to see the seeds that Banks, Watson, and many others have been planting continue to grow. With continued efforts, the legal community’s “slight gains” of the last 10 years can be turned into a much more diverse future. •