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## IT'S NOT ME; IT'S YOU: BIG LAW HAS BEEN FAILING ITS BLACK ASSOCIATES

JUSTIN J. HILL\*

### INTRODUCTION

On May 25, 2020, George Floyd was murdered by a Minneapolis police officer as other officers passively stood by.<sup>1</sup> Following the death of Mr. Floyd, protests erupted in cities throughout the United States, demanding justice for his death and demanding change from the systemic racism that has plagued the United States since its inception. As a result of this tragedy, a variety of institutions nationwide began reevaluating their diversity initiatives and considering new efforts toward improving diversity.

On June 18, 2020, Wells Fargo CEO Charles Scharf sent out a company-wide memo announcing new diversity initiatives amid the nationwide Black Lives Matter protests following Mr. Floyd's death.<sup>2</sup> In an effort to provide an explanation for the minimal Black representation in management positions at Wells Fargo, Scharf stated, "While it might sound like an excuse, the unfortunate reality is that there is a very limited pool of Black talent to recruit from."<sup>3</sup> Scharf immediately received backlash for his remarks and eventually issued an apology for his "insensitive comment," blaming it on his "own unconscious bias."<sup>4</sup>

Scharf is not the only person to blame low Black representation on an absence of qualified Black talent. In fact, the idea that there is an absence of qualified Black candidates has been a longstanding myth in

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<sup>1</sup> See *George Floyd: What Happened in the Final Moments of His Life*, BBC (July 16, 2020), <https://www.bbc.com/news/world-us-canada-52861726>.

<sup>2</sup> Jemima McEvoy, *Wells Fargo CEO Apologizes For Saying There's A 'Limited Pool of Black Talent'*, FORBES (Sept. 23, 2020, 11:11 AM), <https://www.forbes.com/sites/jemimamcevoy/2020/09/23/wells-fargo-ceo-apologizes-for-saying-theres-a-limited-pool-of-black-talent/?sh=5cc844974622>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

the professional world.<sup>5</sup> In 2020, forty-one percent of board members across the United States attributed low diversity among board members to a lack of qualified candidates.<sup>6</sup> This may seem like a reasonable explanation for low diversity to some, but there is a critical assumption underlying such an excuse. It assumes that simply because a company is not able to find Black candidates, they do not exist. It completely disregards the possibility that a company's diversity efforts in hiring practices may be ineffective.

The truth is that there are ample qualified Black candidates, but corporate America has often been ineffective at finding them. This is especially true in the legal profession. In fact, the legal profession is among the least diverse of all professions.<sup>7</sup> In 2021, about 5% of all lawyers were Black, another 5% Hispanic, 2% Asian, another 2% multiracial, and the remaining 85% were white.<sup>8</sup> These numbers have been practically stagnant for the past ten years.<sup>9</sup> Despite relatively consistent proportions of Black lawyers and an increasing demand for diversity in the legal profession, there has been minimal progress in diversifying many of the nation's largest law firms.

Many of the nation's top law firms proclaim diversity and inclusion as core values. For example, Baker McKenzie says that diversity and inclusion are "foundational to our culture and strategic vision."<sup>10</sup> Jones Day boasts that they "aggressively pursue hiring, retaining, and developing lawyers from historically underrepresented groups and backgrounds."<sup>11</sup> However, over the past ten years, the

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<sup>5</sup> Sheryl Estrada, *The Talent Textbook: A Lack of Black Talent Is a 'Longstanding Myth'*, HR DIVE (Oct. 7, 2020), <https://www.hrdiver.com/news/the-talent-textbook-a-lack-of-black-talent-is-a-longstanding-myth/586523/>.

<sup>6</sup> PWC, TURNING CRISIS INTO OPPORTUNITY 27 (2020), <https://www.pwc.com/us/en/services/governance-insights-center/assets/pwc-2020-annual-corporate-directors-survey.pdf>.

<sup>7</sup> See Allison Laffey & Allison Ng, *Diversity and Inclusion in the Law: Challenges and Initiatives*, ABA (May 2, 2018), <https://www.americanbar.org/groups/litigation/committees/jiop/articles/2018/diversity-and-inclusion-in-the-law-challenges-and-initiatives/>.

<sup>8</sup> AM. BAR ASS'N, ABA NATIONAL LAWYER POPULATION SURVEY 4 (2021), [https://www.americanbar.org/content/dam/aba/administrative/market\\_research/2021-national-lawyer-population-survey.pdf](https://www.americanbar.org/content/dam/aba/administrative/market_research/2021-national-lawyer-population-survey.pdf).

<sup>9</sup> *Id.*

<sup>10</sup> *Our Commitment to Diversity & Inclusion*, BAKER MCKENZIE, <https://www.bakermckenzie.com/en/aboutus/diversity> (last visited Dec. 16, 2020).

<sup>11</sup> *Diversity*, JONES DAY, <https://www.jonesday.com/en/firm/diversity?tab=thecommitment> (last visited Dec. 16, 2020).

number of Black associates at big law firms has virtually remained the same.<sup>12</sup>

Despite advertising diversity as a core value, there has been minimal growth in Black representation at big law firms.<sup>13</sup> The increased emphasis on diversity compared to the actual results produced by these efforts suggest not that there is a shortage of Black talent, but maybe that diversity initiatives implemented by big law firms are not working. This Article takes a deeper look into the impact of diversity and inclusion efforts set forth by big law firms and legal organizations throughout the United States and suggests that the low representation of Black associates in big law firms is not due to an absence of Black talent, but a cultural issue within big law firms that fails Black law students and associates.

Part I explores the history of Black people in the legal profession.<sup>14</sup> It gives an overview of landmark Supreme Court cases that led to the integration of law schools and briefly describes the racial landscape of the legal profession following law school integration. Part II examines the current presence of Black attorneys in big law firms and describes some of the diversity initiatives implemented by big law firms and local bar associations.<sup>15</sup> Part III suggests that the low number of Black associates in big law firms is not caused by a small pool of qualified Black candidates, but the result of a culture that disproportionately disadvantages Black law students and associates.<sup>16</sup> It does so by explaining some of the criteria that big law firms value when considering new associates coming out of law school and how this disadvantages Black students. It also describes the obstacles many Black associates experience in big law firms and how these obstacles impact attrition rates among Black associates. Part IV provides three solutions big law firms can utilize to make the culture within their firms more inclusive, effectively improving the experience for Black associates and increasing diversity within big law.<sup>17</sup>

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<sup>12</sup> See NAT'L ASS'N FOR L. PLACEMENT, 2019 REPORT ON DIVERSITY IN U.S. LAW FIRMS 16 (2019), [https://www.nalp.org/uploads/2019\\_DiversityReport.pdf](https://www.nalp.org/uploads/2019_DiversityReport.pdf) (analyzing trends in diversity at big law firms, including the presence of Black associates and partners in big law firms from 2009 to 2019. In 2009, the percentage of Black associates in big law firms was 4.66%, and in 2019, the percentage of Black associates in big law firms was 4.76%).

<sup>13</sup> For purposes of this Article, "big law firm" means those law firms on the AM Law 100 list, or the top 100 law firms in terms of gross revenue. See *The 2021 Am Law 100: Ranked by Gross Revenue*, THE AMERICAN LAWYER, <https://www.law.com/americanlawyer/2021/04/20/the-2021-am-law-100-ranked-by-gross-revenue/> (last visited Jan. 22, 2022).

<sup>14</sup> See *infra* Part I.

<sup>15</sup> See *infra* Part II.

<sup>16</sup> See *infra* Part III.

<sup>17</sup> See *infra* Part IV.

## I. THE ROAD TO INTEGRATION

Historically, just like every other aspect of society in the United States, the legal profession has been segregated. In its early years, the American Bar Association (ABA) had a long-standing practice of only selecting white men as members.<sup>18</sup> In 1912, the ABA officially restricted its membership to white lawyers after inadvertently accepting William Henry Lewis, the first Black assistant U.S. attorney general, into the association.<sup>19</sup> Thus, in 1924, after years of being denied admission into the ABA, a group of Black lawyers founded the National Bar Association (NBA) for Black lawyers.<sup>20</sup>

Segregation in the legal profession extended to law schools as well. After emancipation, most law schools refused to admit Black students.<sup>21</sup> Most Black lawyers had to self-teach or secure apprenticeships with white lawyers.<sup>22</sup> Howard University School of Law, established in 1869, was the first law school created to provide Black citizens a legal education.<sup>23</sup> Prior to Howard's establishment, there is only evidence of one Black student attending a white law school.<sup>24</sup> After Howard opened its doors, many other privately-owned law schools were established to educate Black students; however, only two of these remain open today.<sup>25</sup>

The era of state-funded law schools for Black students began in 1939 when Lincoln University was established in Missouri.<sup>26</sup> However, this was done deliberately to avoid integrating law schools.<sup>27</sup> One year

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<sup>18</sup> *ABA Timeline*, ABA, [https://www.americanbar.org/about\\_the\\_aba/timeline/](https://www.americanbar.org/about_the_aba/timeline/) (last visited Jan. 9, 2022).

<sup>19</sup> *Id.*

<sup>20</sup> *History of the NBA, NAT'L BAR ASS'N.*, <https://www.nationalbar.org/NBAR/about/history/NBAR/content/history.aspx> (last visited Jan. 13, 2022).

<sup>21</sup> J. Cunyon Gordon, *Painting by Numbers: "And, Um, Let's Have a Black Lawyer Sit at Our Table"*, 71 *FORDHAM L. REV.* 1257, 1273 (2003).

<sup>22</sup> See Victoria Brown-Douglas, *Is It Time to Redefine the Negro Lawyer?*, 25 *J.C.R. & ECON. DEV.* 55, 57 (2010).

<sup>23</sup> Mary Wright, *Mission Accomplished: The Unfinished Relationship Between Black Law Schools and Their Historical Constituencies*, 39 *N.C. CENT. L. REV.* 1, 2-3 (2016).

<sup>24</sup> *Id.* at 10.

<sup>25</sup> *Id.* at 3-4. Currently, there are six historically Black law schools operating in the United States. The two private Black law schools that remain open today are Howard Law School in Washington, D.C. and Miles Law School in Birmingham, AL. The other four state-established Black law schools are North Carolina Central University, the Thurgood Marshall School of Law at Texas Southern University, Southern University Law Center, and Florida A&M University School of Law. *Id.*

<sup>26</sup> *Id.* at 4.

<sup>27</sup> *Id.* at 4-6.

prior, the U.S. Supreme Court established the “separate but equal” doctrine as it pertains to law schools.<sup>28</sup> In *State of Missouri ex rel. Gaines v. Canada*, an otherwise qualified Black man was denied admission to the University of Missouri School of Law solely because he was Black.<sup>29</sup> His denial was premised upon the fact that it was “contrary to the constitution, laws and public policy of the State to admit a negro as a student in the University of Missouri.”<sup>30</sup> At the time there were no law schools in the state of Missouri that admitted Black students.<sup>31</sup>

Justice Hughes, writing for the majority, declared that “the admissibility of laws separating the races in the enjoyment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State.”<sup>32</sup> In other words, Justice Hughes explained, the State had no particular duty to supply Black citizens with a legal education, but when white citizens were afforded the privilege, Black citizens were also entitled to facilities for legal education that were “substantially equal” to those provided for white citizens.<sup>33</sup> The Court concluded that the State must either establish a substantially equal institution for Black students to receive a legal education or admit Black students to the University of Missouri.<sup>34</sup> Thus, to avoid admitting Black students into the University of Missouri, the State elected to build a “separate but equal” law school for Black students.<sup>35</sup>

After *Gaines*, three additional cases arose before the U.S. Supreme Court challenging segregation in law schools. The first occurred in 1948 and initiated the departure from the “separate but equal” doctrine in law schools.<sup>36</sup> In *Sipuel v. Board of Regents of University of Oklahoma*, an admittedly qualified Black woman was denied admission to the University of Oklahoma School of Law solely

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<sup>28</sup> See *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337 (1938) (holding that a qualified Black student could not be denied admission to the only law school in Missouri as there were no equivalent schools); see also *Plessy v. Ferguson*, 163 U.S. 537 (1896) (establishing the “separate but equal” doctrine by upholding a Louisiana statute requiring equal, but separate accommodations for white and Black passengers on public railway cars).

<sup>29</sup> *Gaines*, 305 U.S. at 342-43.

<sup>30</sup> *Id.* at 343.

<sup>31</sup> *Id.* at 345.

<sup>32</sup> *Id.* at 349.

<sup>33</sup> *Id.* at 349-51.

<sup>34</sup> *Id.* at 352.

<sup>35</sup> Daniel T. Kelleher, *The Case of Lloyd Lionel Gaines: The Demise of the Separate but Equal Doctrine*, 56 J. NEGRO HIST. 262, 267-68 (1971).

<sup>36</sup> *Sipuel v. Bd. of Regents of Univ. of Okla.*, 332 U.S. 631, 631-33 (1948).

because she was Black.<sup>37</sup> Similar to the University of Missouri in *Gaines*, the University of Oklahoma was the only public law school in the State of Oklahoma.<sup>38</sup> In a brief opinion, the Court determined that Black students were entitled to the legal education afforded by State institutions.<sup>39</sup> Thus, the University of Oklahoma was ordered to admit Black students and provide Black students the same privileges as all other applicants.<sup>40</sup>

The next time the U.S. Supreme Court reviewed the issue of segregation in law schools was in 1950. This time, the Court considered the constitutionality of the “separate but equal” doctrine in law schools.<sup>41</sup> In *Sweatt v. Painter*, a Black man was denied admission to the University of Texas solely because he was Black, but there were no other law schools in Texas that accepted Black students.<sup>42</sup> The trial court continued the case for six months in order to afford Texas officials time to establish a “substantially equal” law school for Black students, but when the new school opened he refused to enroll.<sup>43</sup> The question presented before the Court was whether it was constitutional for a state to distinguish between different races in professional and graduate education in a state university.<sup>44</sup> Justice Vinson, writing for the majority, explained that the law is a practical profession and “cannot be effective in isolation from the individuals and institutions with which the law interacts.”<sup>45</sup> Justice Vinson emphasized the value in being able to express and exchange differing ideas with regard to the law.<sup>46</sup> Ultimately, the Court concluded that segregated law schools are inherently unequal and unconstitutional.<sup>47</sup>

The same day *Sweatt* was decided, the U.S. Supreme Court issued another opinion with regard to segregation practices of students within integrated professional schools. In *McLaurin v. Oklahoma State Regents For Higher Education*, a Black student was admitted into the University of Oklahoma Doctor of Education program on a segregated basis.<sup>48</sup> He was required to sit outside the classroom during instruction

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<sup>37</sup> *Id.* at 632.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.* at 633.

<sup>41</sup> *Sweatt v. Painter*, 339 U.S. 629, 635 (1950).

<sup>42</sup> *Id.* at 631.

<sup>43</sup> *Id.* at 632.

<sup>44</sup> *Id.* at 631.

<sup>45</sup> *Id.* at 634.

<sup>46</sup> *Id.*

<sup>47</sup> *Id.* at 636.

<sup>48</sup> *McLaurin v. Okla. State Regents for Higher Educ.*, 339 U.S. 637, 640 (1950).

and eat lunch at a designated table in the cafeteria at a different time than other students.<sup>49</sup> The Court considered whether a state may administer an admitted student different treatment from other students solely because of his race.<sup>50</sup> Justice Vinson, writing for the majority, expressed that differential treatment handicaps a student's ability to effectively receive instruction.<sup>51</sup> "Such restrictions impair and inhibit his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession."<sup>52</sup> The Court concluded that Black students must receive the same treatment as students of other races.<sup>53</sup>

Although law schools had formally been integrated, the practice of law generally remained segregated for long after. Many established white law firms refused to hire Black lawyers, which created a barrier for Black lawyers aspiring to enter private practice.<sup>54</sup> Thus, many early Black lawyers focused on contributing to movements within the Black community such as political, social, educational, and economic justice.<sup>55</sup> Black lawyers were the leading advocates against racially restrictive laws during the Civil Rights Movement.<sup>56</sup> At the same time, Black lawyers were virtually absent in the corporate setting. Black lawyers did not begin to emerge in large corporate law firms until the late 1960s and early 1970s.<sup>57</sup> By 1996, Black lawyers made up about 2.4% of associates in corporate firms and just over 1% of partners.<sup>58</sup> Although the number of Black lawyers in law firms has grown over the years, the progress has been minimal.<sup>59</sup>

## II. THE CURRENT LANDSCAPE OF BLACK LAWYERS IN BIG LAW FIRMS AND EFFORTS TO IMPROVE DIVERSITY

Over the past twenty years, there has been nominal growth in the percentage of Black lawyers in big law firms. In 2019, Black lawyers

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.* at 638.

<sup>51</sup> *Id.* at 641.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 642

<sup>54</sup> J. Clay Smith, *Career Patterns of Black Lawyers in the 1980s*, 7 NAT'L BLACK L.J. 75, 77 (1981).

<sup>55</sup> Wright, *supra* note 23, at 7.

<sup>56</sup> *Id.*

<sup>57</sup> Smith, *supra* note 54, at 77.

<sup>58</sup> David Wilkins & G. Mitu Gulati, *Why Are There So Few Black Lawyers in Corporate Law Firms? An Institutional Analysis*, 84 CAL. L. REV. 493, 502 (1996).

<sup>59</sup> NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 6.

made up just 4.76% of associates at big law firms, and 1.97% of partners at big law firms.<sup>60</sup> On the other hand, white lawyers made up 74.56% of associates and 90.45% of partners.<sup>61</sup> Thus, in over twenty years, the percentage of Black associates has only increased by a mere two percentage points, and the percentage of Black partners has virtually remained the same.

Even more troubling is the small number of Black lawyers in positions of power at big law firms, especially since most Black lawyers that do make partner are at the bottom of the partnership hierarchy.<sup>62</sup> Generally, law firms have two tiers for partnership. Non-equity partners—those who have no share in the profits and losses of the firm and no decision-making power, and equity partners—those who share the profits and losses of the firm and hold decision-making power within the firm.<sup>63</sup> In 2014, about 30% of the nation's largest Am Law 100 firms had either zero Black equity partners or just one.<sup>64</sup> Moreover, in 2017, only 1.6% of all Black partners were equity partners.<sup>65</sup> All others were non-equity partners.<sup>66</sup>

As Justice Vinson highlighted in *Sweatt*, the legal profession is ineffective without the input of all individuals with whom the law interacts, and the ability to exchange various points of view on different topics and issues is critical to the profession.<sup>67</sup> Realizing the issue with homogenous representation within the law, big law firms have put emphasis on increasing diversity among their associates and partners.<sup>68</sup>

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<sup>60</sup> *Id.* at 5-6.

<sup>61</sup> *Id.* at 11 (showing that as of 2019, only 2.55% of partners are people of color, and only 25.55% of associates are people of color).

<sup>62</sup> David Wilkins, *Partners Without Power - A Preliminary Look at Black Partners in Corporate Law Firms*, 2 J. INST. STUD. LEGAL ETHICS 15, 22 (1999).

<sup>63</sup> *Id.* at 16.

<sup>64</sup> Debra Weiss, *Only 3 Percent of Lawyers in Big Law Are Black, and Numbers Are Falling*, ABA J. (May 30, 2014), [https://www.abajournal.com/news/article/only\\_3\\_percent\\_of\\_lawyers\\_in\\_biglaw\\_are\\_black\\_which\\_firms\\_were\\_most\\_diverse](https://www.abajournal.com/news/article/only_3_percent_of_lawyers_in_biglaw_are_black_which_firms_were_most_diverse).

<sup>65</sup> DESTINY PEERY, 2017 ANNUAL SURVEY REPORT: NAWL THE PROMOTION AND RETENTION OF WOMEN IN LAW FIRMS 3 (2017), <file:///C:/Users/rlwin/Downloads/2017%20NAWL%20Survey%20Report.pdf>.

<sup>66</sup> See generally Wilkins & Gulati, *supra* note 58 (discussing the lack of power Black partners have as compared to white partners in big law firms and its direct effect on retention, and providing suggestions on how to reverse this trend); Vitor M. Dias, *Black Lawyers Matter: Enduring Racism in American Law Firms*, 55 U. MICH. J.L. REFORM 101, 134-35 (forthcoming December 2021) (using qualitative and quantitative data to find that “making equity partner within a law firm continues to be dominated and shaped by race”).

<sup>67</sup> *Sweatt v. Painter*, 399 U.S. 629, 634 (1950).

<sup>68</sup> See Wilkins & Gulati, *supra* note 58, at 584 (quoting FED. GLASS CEILING COMM'N, U.S. DEP'T OF LABOR, GOOD FOR BUSINESS: MAKING FULL USE OF THE NATION'S CAPITAL 2 (1995))

In efforts to achieve this goal, many local bar associations across the United States have implemented measures specifically geared toward enhancing diversity within their communities.<sup>69</sup>

Local bar associations have issued action plans to law firms and legal organizations within their communities to encourage diversity and inclusion. The Association of the Bar of the City of New York issued a Statement of Diversity Principles to those within the New York City legal community.<sup>70</sup> The statement recognizes the significance of diversity and the value that it brings to the legal profession and asserts that the Association “pledge[s] to facilitate diversity in hiring, retention and promotion of attorneys and in the elevation of attorneys to leadership positions within our respective organizations.”<sup>71</sup> The statement declares that signatories must take active measures towards enhancing diversity, such as establishing a diversity committee, setting formal goals, participating in diversity training, and implementing diversity enhancing programs.<sup>72</sup> To date, the statement has 163 signatories throughout the New York City legal community, including Am Law 100 firms Alston & Bird, Jones Day, King & Spalding, and Kirkland & Ellis.<sup>73</sup>

The Los Angeles County Bar Association published its “Statement of Goals and Principles for the Legal Profession with Respect to Recruitment, Retention, and Promotion of Attorneys that are Members of Historically Underrepresented Groups” in 2015.<sup>74</sup> According to this statement, signatories must engage in diversity-enhancing practices, such as appointing at least one diversity liaison, encouraging attorneys within their organization to organize and participate in diversity initiatives, and monitoring the success of their

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(“[M]ost business leaders’ are aware of the economic value of a diversified workforce and therefore recognize that ‘they simply cannot afford to rely exclusively on white males for positions of leadership.’”)

<sup>69</sup> *Id.* at 595.

<sup>70</sup> See *Statement of Diversity Principles*, N.Y.C. BAR, <http://documents.nycbar.org/files/StatementofDiversityPrinciples.pdf> (last visited Nov. 26, 2021).

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.* See also *Signatories to the New York City Bar Statement of Diversity Principles*, N.Y.C. BAR, <http://documents.nycbar.org/files/SignatoryList.pdf> (last visited Jan. 6, 2022) (providing a list of all law firms and corporations in New York City that are signatories to the Statement of Diversity Principles).

<sup>74</sup> L.A. Cnty. Bar Ass’n Comm. on Diversity Pro., *2015 Statement of Goals and Principles for the Legal Profession*, L.A. CNTY. BAR ASS’N (Nov 18, 2015), <https://www.lacba.org/docs/default-source/committees/diversity-in-the-profession/statement-of-goals-and-principles.pdf>.

initiatives.<sup>75</sup> They must also implement at least three practices listed in the List of Best Diversity Practices, also published by the bar association.<sup>76</sup> To date, there are twenty-one signatories throughout the Los Angeles legal community, including Am Law 100 firms Sidley Austin, Holland & Knight, and Lewis, Brisbois, Bisgaard & Smith.<sup>77</sup>

Local bar associations have also implemented specific initiatives directed at encouraging diversity. The Cleveland Metropolitan Bar Association (CMBA) has an Inclusion & Diversity Committee that considers diversity a core value and commits itself to “promot[ing] inclusion and diversity within the legal profession, justice system and the wider community.”<sup>78</sup> The CMBA hosts career fairs and diversity pipeline programs for students in high school, college, and law school.<sup>79</sup> The program for law students, the Minority Clerkship Program, provides minority law students the opportunity to work as law clerks or summer associates in law firms, legal departments, and government agencies during the summer following their first year of law school.<sup>80</sup>

The Nashville Bar Association hosts similar initiatives. It has a Diversity Committee that implements programs to “provide employment opportunities, assist with career development and professional advancement, and increase the number of diverse students attending and successfully completing law school.”<sup>81</sup> It hosts an

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<sup>75</sup> *Id.*

<sup>76</sup> *Id.*; L.A. Cnty. Bar Ass’n Comm. on Diversity Pro., *2015 List of Best Diversity Practices for the Legal Profession*, L.A. CNTY. BAR ASS’N (Nov. 18, 2015), <https://www.lacba.org/docs/default-source/committees/diversity-in-the-profession/best-diversity-practices.pdf> (providing a list of diversity practices grouped in categories, including recruitment, sponsorship/mentorship, compensation/evaluation, lawyer development, and diversity committees and initiatives. Examples of practices include encouraging hiring personnel to identify which underrepresented groups the firm has had difficulty recruiting and establishing outreach programs to grow associates from that group; establishing a formal mentoring program for all first-year associates; fostering strong relationships between members of underrepresented groups and represented groups; and providing monetary incentives for partners to sponsor the careers of associates from underrepresented groups.).

<sup>77</sup> L.A. Cnty. Bar Ass’n Comm. on Diversity Pro., *Law Firms/Legal Departments That Have Proudly Adopted LACBA’s Pledge to Promote Diversity in the Legal Profession*, L.A. CNTY. BAR ASS’N, <https://www.lacba.org/about-us-menu/diversity-in-the-profession/firms-that-adopted-the-pledge-to-promote-diversity-in-the-legal-profession> (last visited Jan. 9, 2022) (providing a list of all law firms in Los Angeles County that are signatories to the bar association’s pledge to promote diversity).

<sup>78</sup> *Inclusion & Diversity*, CLEVELAND METRO. BAR ASS’N, <https://www.clemetrobar.org/?pg=InclusionDiversity> (last visited Oct. 26, 2021).

<sup>79</sup> *Id.*

<sup>80</sup> *Minority Clerkship Program*, CLEVELAND METRO. BAR ASS’N, <https://www.clemetrobar.org/?pg=MinorityClerkship> (last visited Nov. 26, 2021).

<sup>81</sup> *Diversity Committee*, NASHVILLE BAR ASS’N, <https://www.nashvillebar.org/?pg=DiversityCommittee> (last visited Dec. 14, 2020).

internship program for rising and graduating high school seniors that allows minority students to work in law firms, governmental law offices, and other legal organizations.<sup>82</sup> It also hosts a minority job fair that affords minority law students the opportunity to interview with employers for summer law clerk and summer associate positions in the Nashville legal community.<sup>83</sup>

In addition to diversity initiatives implemented by local bar associations, individual law firms have implemented their own diversity initiatives. BakerHostetler, one of the largest law firms in the United States, has an Inclusion and Diversity Committee that conducts “targeted recruiting of minorities” and participates in diverse professional and community activities.<sup>84</sup> They established a Diversity Task Force in 1994 that focuses on growing diversity within the firm.<sup>85</sup> The firm also offers the Paul D. White Scholarship Program that provides first- and second-year minority law students an opportunity to receive a paid summer internship and a stipend toward law school expenses at the end of the summer.<sup>86</sup>

Sidley Austin, another one of the nation’s largest law firms, has a Diversity and Inclusion Committee that strives to recruit, retain, and promote outstanding lawyers from diverse backgrounds.<sup>87</sup> Sidley Austin hosts pipeline programs that mentor students from elementary school through law school.<sup>88</sup> Sidley Austin also provides a Diversity & Inclusion Scholarship that gives second-year law students the opportunity to receive a \$25,000 scholarship and a position as a summer associate.<sup>89</sup>

This is just a snapshot of the diversity initiatives established throughout the legal profession. While these initiatives may appear to

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<sup>82</sup> *Id.*

<sup>83</sup> *2021 Damali Booker 1L Minority Virtual Job Fair*, NASHVILLE BAR ASS’N, <https://www.nashvillebar.org/?pg=events&evAction=showDetail&eID=89361> (last visited Dec. 14, 2020).

<sup>84</sup> *Inclusion and Diversity*, BAKERHOSTETLER LAW, <https://www.bakerlaw.com/diversity/firmdiversity> (last visited Dec. 14, 2020).

<sup>85</sup> *Commitment to Diversity*, BAKERHOSTETLER LAW, [https://www.bakerlaw.com/files/Uploads/Documents/Diversity/Diversity\\_1-6-10.pdf](https://www.bakerlaw.com/files/Uploads/Documents/Diversity/Diversity_1-6-10.pdf) (last visited Oct. 26, 2021).

<sup>86</sup> *Paul D. White Diversity Scholars Program*, BAKERHOSTETLER LAW, <https://www.bakerlaw.com/diversity/firmdiversityscholarship> (last visited Jan. 6, 2022).

<sup>87</sup> *Diversity and Inclusion Committee*, SIDLEY, <https://www.sidley.com/en/diversitylanding/diversity-committee> (last visited Dec. 14, 2020).

<sup>88</sup> *1L Diversity Mentorship Program & Pipeline Programs*, SIDLEY, <https://www.sidley.com/en/diversitylanding/pipeline-programs> (last visited Dec. 14, 2020).

<sup>89</sup> *Sidley Diversity & Inclusion Scholarship for Summer 2021*, SIDLEY, <https://www.sidley.com/en/diversitylanding/sidley-diversity-and-inclusion-scholarship> (last visited Dec. 14, 2020).

be good ideas, they have proven largely ineffective. From 2009 to 2019, the number of Black associates in big law firms went from 4.66% to 4.76%, and the number of Black partners went from 1.71% to 1.97%.<sup>90</sup> Despite diversity initiatives across the board, over the past ten years the number of Black associates and partners in the country's largest law firms has virtually remained the same.

### III. THE PROBLEM IS A CULTURE IN BIG LAW FIRMS THAT IS NOT CONDUCTIVE TO BLACK ASSOCIATES

To start, the problem is not a limited pool of qualified Black candidates. In 2019, about 8% of law students in the United States were Black, and 4.76% of associates at big law firms were Black.<sup>91</sup> That same year, about 62% of law students were white, and 74.56% of associates at big law firms were white.<sup>92</sup> A proponent of the "limited pool theory" may argue that big law firms only have 8% of law students to choose from, and the percentage of Black associates in big law is proportionate to the overall percentage of Black lawyers. However, the percentage of white associates at big law firms exceeds the percentage of white law students by 120%, and the percentage of Asian associates at big law firms exceeds the total number of Asian lawyers by about 600%.<sup>93</sup> Apparently, the number of white law students and Asian lawyers has not limited their presence in big law firms. Thus, there must be some other factor beyond the "limited pool theory" contributing to the absence of Black associates in big law.

The absence of Black lawyers in big law firms is largely the result of a cultural issue within these firms that begins in law school recruiting.<sup>94</sup> When considering potential candidates, firms often value "signals," such as class rankings and participation in law review, as a substitute for personal qualities, such as hard work and perseverance, because they are easily observable, but not necessarily because they represent valuable job skills.<sup>95</sup>

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<sup>90</sup> See NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 3, 16.

<sup>91</sup> Gabriel Kuris, *What Underrepresented Law School Applicants Should Know*, US NEWS (June 8, 2020), <https://www.usnews.com/education/blogs/law-admissions-lowdown/articles/what-underrepresented-law-school-applicants-should-know>. See also NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 3.

<sup>92</sup> Kuris, *supra* note 91. See also NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 5.

<sup>93</sup> NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 17; ABA National Lawyer Population Survey, *supra* note 8 at 4. Asian Americans make up only 2% of all lawyers but just over 12% of associates in big law and about 4% of partners in big law firms. *Id.*

<sup>94</sup> See Wilkins & Gulati, *supra* note 58, at 554-55.

<sup>95</sup> See *id.*

Veteran lawyers have expressed that these signals have very little correlation to a successful legal career. A study published in 2011 by the American Bar Foundation concluded that about fifty-five percent of lawyers who began practicing in 2000 felt that the first-year law school curriculum was not helpful in their transition into practice, and just over fifty-seven percent believed that the first-year curriculum was not helpful in their current job.<sup>96</sup> Another study published in 2013 by the National Conference of Bar Examiners concluded that skills such as oral communication, attention to detail, and interpersonal skills were more frequently used and more important to newly practicing lawyers than the law school curriculum.<sup>97</sup> Other qualities that have proven to be important to a successful legal career include compassion for clients, willingness to listen, perseverance, and good judgment.<sup>98</sup> Despite the findings that certain personal qualities have a stronger correlation to a successful legal career than class rankings, many big law firms only consider students in the top ten percent of their class. Although basing hiring decisions on these signals may be more convenient for those on a hiring committee, this practice has the effect of disproportionately disadvantaging Black law students.

Generally, an institution's racial demographics directly impact the experiences of individuals that fall into the minority.<sup>99</sup> This is particularly true in law schools, where Black students are often the only or one of few Black students in classes of well over fifty students. This often results in Black students experiencing a two-fold phenomenon known as hyper-invisibility or hyper-visibility.<sup>100</sup> Hyper-invisibility

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<sup>96</sup> Robert Nelson, *After the JD: The Future(s) of Lawyering: Young Lawyers Assess the Value of Law School*, AM. BAR FOUND. (Feb. 12, 2011), <https://perma.cc/2HYN-BCH5>.

<sup>97</sup> See Susan M. Case, *The NCBE Job Analysis: A Study of the Newly Licensed Lawyer*, 82 BAR EXAMINER 52, 55 (2013) (providing an entire list of skills that newly practicing lawyers found more useful than the law school curriculum, including listening, professionalism, critical reading and comprehension, knowing when to ask questions, organization skills, written communication, and others).

<sup>98</sup> Ramzy Ladah, *What Makes a Good Lawyer? Common Traits of Successful Attorneys Today*, ABRAHAM LINCOLN UNIV. (June 17, 2019), <https://www.alu.edu/alublog/what-makes-a-good-lawyer/>.

<sup>99</sup> See Jonathan P. Feingold & Doug Souza, *Measuring the Racial Unevenness of Law School*, 15 BERKELEY J. AFR.-AM. L. & POL'Y 71, 71-74 (2013) (discussing the concept of "racial unevenness" in law schools throughout the United States and the different ways in which it manifests). Generally, racial unevenness describes the particular burdens that are unique to certain individuals because they belong in the racial minority that members in the racial majority do not experience. Racial unevenness is prevalent in the law school setting and lies on a spectrum ranging from overt racism to environmental and institutional factors within a given law school. Ultimately, it has drastic impacts on students' performance that fall in the minority regardless of ability, talent, or work ethic. *Id.*

<sup>100</sup> *Id.* at 85.

occurs when professors and white students seemingly ignore Black students and are reluctant to engage or solicit substantive input from them.<sup>101</sup> On the other hand, hyper-visibility occurs when excessive attention is placed on students of color, including Black students, when race enters a conversation.<sup>102</sup> One of the most common consequences of this experience is the tendency of members of the majority group to impose harmful stereotypes on Black students.<sup>103</sup>

Particularly, Black students are often subconsciously affected by negative stereotypes about their intelligence.<sup>104</sup> It has been proven that a cognitive burden emerges when an individual takes on a challenging task where failure would validate a known negative stereotype about them.<sup>105</sup> As previously stated, big law firms often place a high value on class rankings, commonly hiring only those students in the top ten percent of their class. At most law schools, particularly in first-year courses, grades are based on one final exam taken at the end of the semester. This makes top performance on final exams critical for any student who wishes to land a job at a big firm. However, Black students carry the added burden of this “stereotype threat,” and, unfortunately, it most often impacts the most intelligent students.<sup>106</sup> Thus, many Black students are often overlooked for positions at big law firms because “time-sensitive first-year examinations are likely to underestimate the talent” of Black students.<sup>107</sup>

The racial demographics of law firms also impact minority associates. The Black associates that are hired by big law firms suffer from high attrition rates, and very few are promoted to partner and other leadership positions.<sup>108</sup> The key to success and upward mobility in a law firm is building relationships within the firm and finding a mentor.<sup>109</sup> Black lawyers consistently report difficulty finding mentors who are willing to assign them meaningful work, training, and career support to ascend within the firm.<sup>110</sup> Often times, white men—the overwhelmingly dominant demographic of law firm leadership—feel more comfortable

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<sup>101</sup> *Id.* at 85-86.

<sup>102</sup> *Id.* at 86.

<sup>103</sup> *Id.* at 85.

<sup>104</sup> *Id.* at 91-92.

<sup>105</sup> *Id.* at 91.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*

<sup>108</sup> See Wilkins, *supra* note 62, at 20-21; Wilkins & Gulati, *supra* note 58, at 568-70.

<sup>109</sup> Wilkins & Gulati, *supra* note 58, at 568

<sup>110</sup> *Id.*; Deborah Rhode, *Diversity and Gender Equity in Legal Practice*, 82 U. CIN. L. REV. 871, 881-84 (2018).

in working relationships with other white men.<sup>111</sup> This natural affinity in conjunction with common stereotypes about Black intellectual inferiority make it difficult for Black associates in big firms to find supportive mentoring relationships.<sup>112</sup> Most of the time, the Black associates that do ascend within the firm have found a way to transcend this challenge.<sup>113</sup>

Not all Black associates choose to persevere through these undue burdens. According to psychologist David A. Thomas, some high-potential minorities become discouraged and demotivated when they witness their white colleagues receive valued assignments and promotions before them.<sup>114</sup> This causes many Black associates to leave big firms for other roles such as in-house counsel, government positions, and partnerships in small firms.<sup>115</sup> Black associates aspiring to ascend to partnership at big law firms should not be forced to remain at big law firms long enough to endure the covert obstacles of being Black in big law in addition to the natural challenges of becoming partner.

The culture within big law firms also undermines their diversity and inclusion efforts. Most efforts put forth by law firms are surface level rather than deep-rooted and do not resolve these cultural issues. For example, many law firms and legal organizations have established diversity and inclusion committees, but their main focus is diversity—although largely ineffective—and they neglect *inclusion*.<sup>116</sup> The two may seem similar, but there is a difference. Diversity is defined as “the condition of having or being composed of different elements.”<sup>117</sup> Thus, a law firm can boast that it is diverse simply by having *some* representation of associates from various backgrounds. This does not necessarily include Black associates.<sup>118</sup> Even if associates from different races, nationalities, and religions were completely segregated

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<sup>111</sup> *Id.* at 569.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> David Thomas, *Race Matters*, HARV. BUS. REV., Apr. 2001, <https://hbr.org/2001/04/race-matters>.

<sup>115</sup> Wilkins & Gulati, *supra* note 58, at 22-23.

<sup>116</sup> See Stephanie Khan, *Better Diversity Begins with an Inclusive Culture*, AVADO (Sept. 3, 2019), <https://www.avadolearning.com/blog/better-diversity-begins-with-an-inclusive-culture/>; Phil Wahba, *Want Progress on Diversity? Link It to Your CEO's Pay*, FORTUNE (Apr. 6, 2021, 6:00 AM), <https://fortune.com/2021/04/06/corporate-diversity-and-inclusion-linked-to-ceo-pay-nike-apple-mcdonalds-chipotle-google-uber-microsoft-intel-firstenergy/>.

<sup>117</sup> *Diversity*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/inclusion> (last visited Dec. 15, 2020).

<sup>118</sup> See NAT'L ASS'N FOR L. PLACEMENT, *supra* note 12, at 28 (showing that nationwide, people of color make up 25.44% of associates at big law firms while Black associates make up 4.76% of associates. In fact, Asian Americans comprise almost half of all attorneys of color at 12.17%).

within the firm and had no interaction with each other, it could still technically be considered diverse. However, this alone does not comprise an inclusive environment. Inclusion is defined as “the act of taking in as part of a whole.”<sup>119</sup> Inclusion requires more than simply being comprised of diverse individuals, but also a sense of unity and acceptance.<sup>120</sup> Thus, inclusion occurs when a law firm is not only diverse, but those diverse individuals are able to intermingle, share ideas, receive equal opportunity, be respected, and feel welcome despite their backgrounds.

Consequently, less than half of all professionals, regardless of their race or ethnicity, think their companies' diversity efforts are effective.<sup>121</sup> In the legal profession, despite big law firms' push for diversity, one study found that diversity and inclusion ranked as one of the least desirable non-billable activities.<sup>122</sup> According to the study, about 73% of high-performing lawyers in big law either don't have or don't want diversity and inclusion responsibilities or would prefer to drop the responsibility entirely.<sup>123</sup> Lawyers consistently prioritize activities such as client development, business development, and practice development over diversity and inclusion, likely because those activities are tied to compensation.<sup>124</sup> This possibly explains why big law firms' diversity efforts have been largely ineffective.

The subtle aspects of a law firm's culture can have a strong impact on a Black associate's experience in a law firm.<sup>125</sup> This experience can impact performance and even willingness to stay.<sup>126</sup> If an associate's experience is positive and she feels valued, she will likely perform better and be more willing to stay. However, if her experience is negative and she does not feel valued, she will be more willing to leave. Simply implementing initiatives to increase the number of diverse associates within big law firms is not enough. According to the New York Times, “[i]f corporate America wants to create a more equitable and inclusive workplace . . . it needs not a Band-Aid but an

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<sup>119</sup> *Inclusion*, MERRIAM-WEBSTER.COM, <https://www.merriam-webster.com/dictionary/inclusion> (last visited Dec. 15, 2020).

<sup>120</sup> Khan, *supra* note 116.

<sup>121</sup> COEQUAL, BEING BLACK IN CORPORATE AMERICA: AN INTERSECTIONAL APPROACH 8 (2019), [https://www.talentinnovation.org/\\_private/assets/BeingBlack-KeyFindings-CTI.pdf](https://www.talentinnovation.org/_private/assets/BeingBlack-KeyFindings-CTI.pdf).

<sup>122</sup> Vivia Chen, *Top Performing Lawyers Dread Diversity Work, Study Finds*, BLOOMBERG LAW (Dec. 3, 2021, 1:27 PM), <https://news.bloomberglaw.com/us-law-week/top-performing-lawyers-dread-diversity-work-study-finds>.

<sup>123</sup> *Id.*

<sup>124</sup> *Id.*

<sup>125</sup> See Kristen P. Jones et al., *Subtle Discrimination in the Workplace: A Vicious Cycle*, 10(1) INDUS. & ORG. PSYCH 51, 51-53 (2017).

<sup>126</sup> COEQUAL, *supra* note 121, at 7.

intervention.”<sup>127</sup> Big law firms need to take an honest internal inventory and implement more initiatives aimed at improving inclusivity and firm culture.

#### IV. SOLUTIONS

Ultimately, the misconception that there is a limited number of qualified Black candidates is neither accurate nor sufficient grounds for the low number of Black associates in big law firms. Big law firms pride themselves in being the best at what they do, but fall short at what many of them claim to be a core value: improving diversity and bringing in Black associates. In order to bring in and retain more Black associates, and improve diversity, changes must be made.

Currently, eighty-four percent of directors from companies nationwide think more should be done to promote diversity, and many lawyers criticize the effectiveness of law firm diversity initiatives.<sup>128</sup> One suggestion is for big law firms to begin tying compensation incentives to diversity efforts. Currently, about thirty-nine percent of directors across the nation support linking executive compensation with diversity goals, and this has been a growing idea among big law firms.<sup>129</sup> Many big law firms, such as Baker McKenzie and Ropes & Gray, have started allowing certain diversity efforts to be billable and count toward bonus thresholds.<sup>130</sup> In 2019, Baker Botts began linking practice group leader and partner compensation to diversity and inclusion efforts, and has since been recognized for their meaningful inclusion practices and activities as well as year-to-year diversity representation progress.<sup>131</sup> The advantage of incentivizing diversity efforts is that it will encourage

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<sup>127</sup> Laretta Charlton, *Study Examines Why Black Americans Remain Scarce in Executive Suites*, N.Y. TIMES (Dec. 9, 2019), <https://www.nytimes.com/2019/12/09/us/black-in-corporate-america-report.html>.

<sup>128</sup> PwC, *supra* note 6, at 4; *The Corporate Legal Department: Diversity & Inclusion*, PRIORI (2022), <https://www.priorilegal.com/resources/legal-topics/the-corporate-legal-department-diversity-and-inclusion#law-firm-diversity-initiatives>.

<sup>129</sup> PwC, *supra* note 6, at 4; Sara Merken, *New law firm commitments include goal that ties partner pay to diversity*, REUTERS (Sep. 30, 2021, 12:56 PM), <https://www.reuters.com/legal/legalindustry/new-law-firm-commitments-include-goal-that-ties-partner-pay-diversity-2021-09-30/>.

<sup>130</sup> Staci Zaretsky, *Biglaw Firm Offers Associates Unlimited Billable Hours For Diversity & Inclusion Work*, ABOVE THE LAW (Apr. 22, 2021, 1:42 PM), <https://abovethelaw.com/2021/04/biglaw-firm-offers-associates-unlimited-billable-hours-for-diversity-inclusion-work/>.

<sup>131</sup> Merken, *supra* note 129; Tom Orewyler, *Baker Botts Named an 'Inclusion Blueprint Champion' by Diversity Lab*, BAKER BOTTS (Dec. 20, 2021), <https://www.bakerbotts.com/news/2021/12/baker-botts-named-an-inclusion-blueprint-champion-by-diversity-lab>.

partners and those with power to develop diversity efforts that produce deep-rooted results.<sup>132</sup>

Another solution is to assign all Black associates a mentor. To have a realistic chance at growth within the ranks in big law, it is key for associates to have a mentor among the firm's partners and senior associates.<sup>133</sup> Mentorship provides associates with the proper training, access to challenging work, and advice necessary to succeed.<sup>134</sup> Black associates often face challenges finding mentors because mentor-mentee relationships are usually developed organically based on cultural commonalities and shared experiences.<sup>135</sup> Often times, Black associates do not share the same commonalities and experiences as their majority white colleagues. Thus, assigning mentors will alleviate the difficulties of finding a mentor. Additionally, in order to encourage an effective mentor-mentee relationship, firms should mandate regular meetings during work hours and establish agendas for each of these meetings. To stimulate genuine relationships, firms should also encourage mentors to have informal meetings with their mentees outside of work hours.

Lastly, firms should depart from relying so heavily on signals such as class rankings. It has been consistently proven that there is little correlation between high class rankings and success in the practice of law, and this practice disproportionately disadvantages Black law students.<sup>136</sup> Rather than relying so heavily on class rankings, firms should reevaluate their hiring process to assess qualities that have a stronger connection to success in the practice of law such as work ethic and communication skills. For example, consider a student that has an average GPA, but served on the executive board of the law school's Black Law Student's Association, participated in externships

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<sup>132</sup> Molly Huie, *ANALYSIS: Law Firm Diversity—How It's Going, and a Way Forward*, BLOOMBERG LAW (Nov. 1, 2021, 3:01 AM), <https://news.bloomberglaw.com/bloomberg-law-analysis/analysis-law-firm-diversity-how-its-going-and-a-way-forward>; Chen, *supra* note 122.

<sup>133</sup> Wilkins & Gulati, *supra* note 58, at 568; Joyce B. Link, *Mentoring Diverse Associates: We Must 'Walk the Talk'*, 240 THE LEGAL INTELLIGENCER 103, [http://www.mmwr.com/wp-content/uploads/2009/11/1109\\_mentoring\\_diverse\\_attorneys.pdf](http://www.mmwr.com/wp-content/uploads/2009/11/1109_mentoring_diverse_attorneys.pdf); Orlando R. Richmond Sr., *Effective strategies for finding—and retaining—talented nonwhite and female lawyers: A black partner's perspective*, FORTUNE (June 12, 2020, 9:00 AM), <https://fortune.com/2020/06/12/law-firm-diversity-inclusion-solutions/>; Deborah Rhode & Lucy Ricca, *Diversity in the Legal Profession: Perspectives from Managing Partners and General Counsel*, 83 FORDHAM L. REV. 2483, 2504 (2015).

<sup>134</sup> Link, *supra* note 133.

<sup>135</sup> *Id.*, See Wilkins & Gulati, *supra* note 58, at 568-69.

<sup>136</sup> See Wendy Nelson Espeland and Michael Sauder, *Rankings & Reactivity: How Public Measures Recreate Social Worlds*, 113 AM. J. SOC. 1, 13-15 (2007); Wilkins & Gulati, *supra* note 58, at 524-27 (explaining that good lawyering is a skill that cannot be reduced to principals or rules that can be taught in a classroom. Rather, it is the product of external factors and an individual's character, insight, and experience).

throughout the school year, and participated in community service projects, all while taking a full course load. This could possibly explain a lower GPA and give insight into a candidate's work ethic, compassion, interpersonal skills, and other traits that have a higher correlation to succeed in law practice.

#### CONCLUSION

The first step towards improvement for big law firms is recognizing their shortcomings and disposing of the "limited Black talent" excuse. The truth is that there is a plethora of qualified Black talent; big law firms just have to dispose of some outdated practices and put forth the effort to seek out Black associates. By reevaluating the culture within their firms, revamping their diversity efforts, and implementing these suggestions, big law firms can effectuate change within their firms and build a more inclusive environment for all.