

Call to Action

Sara Lee's General Counsel: Making Diversity A Priority

By *Melanie Lasoff Levs*

For some committed general counsel, the standard talk about diversity is only a starting point. Recently, many corporate attorneys decided it was time to demand specific actions and results—with very real consequences.

In spring 2004, Sara Lee General Counsel Roderick Palmore created "A Call to Action: Diversity in the Legal Profession," a document reaffirming a commitment to diversity in the law profession and taking action to ensure that corporate legal departments and law firms increase the numbers of women and minority attorneys hired and retained. And if law firms don't, the document states, "We [the undersigned corporate legal department representatives] further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse." (See the sidebar in this article for the complete text.)

Palmore wrote the Call to Action to build on a previous manifesto: former BellSouth General Counsel Charles Morgan's "Diversity in the Workplace: A Statement of Principle," written in 1999. "In that [document], signatories espoused an interest in diversity and the principle of diversity, which was a fabulous thing at the time," Palmore says. "But it struck me that not enough has happened. The progress of the profession—and more specifically the progress of large law firms—had stagnated."

The Call to Action takes the Statement of Principle a step further, Palmore adds. "Its purpose is to take the general principle of interest in advancing diversity and translate that into action, into a commitment to act on, to make decisions about retaining law firms based in part on the diversity performance of those law firms."

Discussion around the need for a Call to Action began in November 2003, when a group of general counsel gathered at the invitation of the Minority Corporate Counsel Association (MCCA®), and the Association of the Corporate Counsel (ACC). This forum, hosted by the two organizations at Howard University Law School for minority law students at DC area law schools, was an opportunity for general counsel to share lessons learned. In preparing for the event, the general counsel, many of whom met for the first time in connection with the Howard program, lamented that so little diversity progress has been made and that a jump start was needed. Thus, Palmore resolved to take the lead.

In creating the document, Palmore had one main objective: brevity. "I didn't want a long detailed document that talked about how to go about designing a program and that sort of thing," he explains. He focused on three major elements: the principle interest in diversity; law firms' diversity performance, especially hiring and retention; and the commitment to limiting or eliminating law firms that were not interested in diversity initiatives. After writing a first draft, Palmore circulated it to several colleagues who are equally committed to the cause—including those who attended the Howard program and attendees at a meeting of the Associations of General Counsel (AGC), held in spring 2004—and incorporated their comments into the final version.



**"...we will need to reexamine those relationships where progress has not been achieved with a view of placing work elsewhere."
-Thomas L. Sager**

By September 2004, Palmore began formally circulating the document to legal departments throughout the country. He contacted the American Bar Association, which offered to email the document to its extensive list of general counsel. The MCCA, the ACC, and the AGC also sent email blasts to their members about the Call to Action. As a result, Palmore received dozens of emails from general counsel, as well as faxes and letters, asking for their names to be put on the list of companies supporting the initiative.

In about a month, general counsel from 60 companies already had signed on, including Shell Oil (whose general counsel, Cathy Lamboley, was recently elected as the new chair of MCCA's board of directors), General Motors, Marriott, Dow Chemical, Aon, American Airlines, Merck,

UPS, MCI, PepsiCo, and Sears. By November 2004, the boards of directors of both ACC and MCCA made a decision to formally endorse the Call to Action, and establish a web site designed to support the initiative, www.CLOCalltoAction.com.



**"We need to use constructive and creative means to ensure that all of our firms make immediate and lasting advances in the area of diversity in the profession."
-Roderick Palmore**

"It was what I was hoping for—I'm thrilled," Palmore says about the widespread support and number of companies who have signed onto the document. He says while he has not thought about an end date, "There probably should be one, but it's premature to put one on it. I'd like as many general counsel of big and small companies to sign up as would like to."

In 1992, DuPont led a similar initiative when it began using diversity as one of four criteria to determine which law firms and suppliers to hire, according to Thomas L. Sager, DuPont's vice president and assistant general counsel. Over a three-and-a-half-

year period, the legal department interviewed hundreds of firms and suppliers "and chose those we felt were aligned or committed to the same vision we had in those four areas," Sager says. The department's other criteria included dedication to a long-term strategic relationship, alternative fee arrangements, and new uses of technology.

Once DuPont chose its law firms, the company helped them further their goals through initiatives such as minority job fairs, benchmark surveys, and incentives. In the first quarter of 1996, DuPont began with approximately 34 firms and four suppliers; today there are about 42 law firms and 10 suppliers who have promised to be active in those four areas, according to Sager. "We've been a player in this area for awhile," he says, adding that it was a no-brainer for a company like DuPont to support Palmore's document because a vast majority of employees there believe in the cause. "We were very much aware of Rick and his leadership and thought his vision was the right one and the appropriate one. There has been a lot of talk on the subject [of diversity] but advances have only been incremental for most [companies and law firms]."

Palmore's Call to Action has pushed DuPont to think about its own diversity programs in a new way, Sager explains. "We need to use constructive and creative means to ensure that all of our firms make immediate and lasting advances in the area of diversity in the profession. Failing that, we will need to re-examine those relationships where progress has not been achieved with a view of placing work elsewhere," he says, citing potential probationary measures with firms that do not comply with diversity benchmarks and placing more DuPont billing with minority-owned firms. "Through accountability," Sager adds, "you get results."

A diverse law firm working for a company's diverse legal department achieves those results, says Arnold Pinkston, general counsel of Eli Lilly and Co., who signed Palmore's Call to Action. "As a global corporation, we benefit tremendously from a broad spectrum of perspectives that can be achieved by having people from as widely diverse backgrounds as possible working with us," he says. "After all, we serve a global population. How can we hope to understand the needs and concerns of customers around the world without incorporating their views into the very fabric of our operations?"

Gary F. Kennedy, senior vice president and general counsel for American Airlines, Inc., agrees that a diverse workforce reflects its customers. "To position ourselves to receive the best ideas, the best resources, and the best people, it is essential that we include a mix of ideas and perspectives," he says. American Airlines has 88,000 employees spread over four continents.

In fact, Palmore's Call to Action complements a diversity program already in place at American Airlines, Kennedy explains. The company's Minority Corporate Counsel Program, started in 1995, focuses on diversity within majority firms, increasing the company's use of minority- and women-owned businesses, and participating in more community outreach in the minority legal community.

Palmore's document reiterates American Airlines' efforts, Kennedy adds. "While some of our firms have done a nice job of staffing women and minority lawyers on our matters, we have found that progress, particularly in the area of minority lawyers, has been slower than we would like to see," he says. "I thought it was essential that we also sign this letter to publicly reemphasize our continued interest and commitment to diversity."

Documents such as Palmore's are a step in the right direction, says Brian M. Nurse, senior legal counsel for PepsiCo Inc., which also signed the document. But, he cautions, "As with any other initiative, there needs to be full support and effort within the organization initially from senior management on down, followed by a continuing effort to demonstrate to law firms that it is imperative for them to distinguish themselves in the area of diversity in order to transact business with companies that view diversity as a way of life."



"The call on law firms to up their diversity efforts may not be effective unless it affects their bottom line and/or their client base."

-Nica Val-Hackett

At PepsiCo, diversity begins with a mindset, Nurse continues. "We want our workforce to reflect and represent our customers and the communities where we engage in business," he says. Signing the Call to Action ensures that the rest of the PepsiCo community understands that mindset. "The obvious extension to that is having our vendors, suppliers, consultants, and advisors, including law firms, reflect and represent the same thing."

Nica Val-Hackett, counsel in the Aon law department, agrees. The company's general counsel Cameron Findlay also signed the Call to Action. "The call on law firms to up their diversity efforts may not be effective unless it affects their bottom line and/or their client base," she explains. "Therefore, if law firms are satisfying

their clients' needs without having a diverse work force, the law firms will have little reason to be as responsive to a call to up their diversity efforts, unless their clients demand that they institute diversity and inclusion policies and/or programs." Like Nurse, Val-Hackett will be critically looking at law firms' response to the Call to Action to determine whether their diversity commitments are meaningful and sustainable over time.

Halliburton holds its law firms accountable and Palmore's Call to Action solidifies the message, says Susan M. Ponce, vice president and chief counsel, ESG International, Halliburton Law Department. Halliburton's general counsel, Bert Cornelison, learned of the document from Palmore during a meeting of the AGC, she says. What would the company like to see come from the document? "We would like to see our law firms view diversity not as a 'have to' or a challenge, but as an opportunity to change the way we all practice law for the better," Ponce says. "Lawyers can be seen as risk-averse, but diversity should be seen less as a risk and more as a tool to creating and maintaining a sophisticated legal practice."

International Paper also had a law firm diversity program in place when it signed onto Palmore's Call to Action. In 2001, the legal department established the Lighthouse Award, which rewards outside counsel who actively support the department's commitment to diversity. "The Lighthouse Award recognized outside counsel not only for routinely assigning women and minorities to International Paper matters, but also for assisting the department in achieving its diversity goals," says Nicole Walthour, senior counsel, litigation. "We will continue to recognize the efforts of such law firms by strengthening our relationship with them."

For the past two years, the International Paper legal department also has committed to assigning at least 20 percent of all new matters to diverse law firms or attorneys. "As a result of this commitment, we have had the opportunity to retain women and minority lawyers who had not previously worked on International Paper matters," Walthour continues. The company has strengthened long-standing relationships with minority-owned law firms as well. "The letter demonstrates to outside counsel that in-house legal departments view diversity as a key measure of their performance and expect that outside counsel will take an active role in creating meaningful opportunities for women and minorities."

Most companies that signed the Call to Action are sending a survey or letter to each of their law firms, requesting them to take diversity seriously, asking about their practices, and calling for changes if they are needed.

For example, Intel's legal and government affairs department is sending letters to its outside law firms to determine their stance on the diversity principles when handling Intel matters, says Rose Deggendorf, managing counsel for mergers and acquisitions.

"When we complete that survey process this quarter, we will look at the statistics in terms of how these firms are doing and then set targets for them to achieve in terms of overall firm numbers," she explains. The company will annually monitor the progress of those firms.

PepsiAmericas already belongs to organizations devoted to increasing diversity in the legal profession, explains Jason Brown, senior counsel. But when the company's vice president for legal, W. Scott Nehs, received the Call to Action from Palmore, "We made the commitment [and signed it] without hesitation," Brown says. "The Call to Action takes us to the next level by displaying our commitment to diversity as a determining factor in counsel selection," Brown says. The company further agrees with Palmore that the legal profession "has generally reached a plateau and must be encouraged to raise the bar," Brown continues. "Law firms consistently promote their devotion to 'exceptional client service.' We're sending the message that service to PepsiAmericas must include diversity as a top priority."

Brown hopes firms working with PepsiAmericas will take the message to heart. "The more companies that participate in this pledge, the greater the effect will be upon diversity in law firms across the country," Brown predicts. "We hope the Call to Action will be a catalyst for change and ensure that the legal profession becomes a greater reflection of our global community."

That's why action is so important, explains Deborah Canty, associate counsel for IKON Office Solutions. Its general counsel, Don Liu, signed the document because, Canty says, "He had sensed that there's something that needed to be done beyond the original statement of 'We need to do something.' He had sensed that we needed to do more than just talk about making changes—we need to make changes."



"Those firms that survive that process are going to need to show us that, amongst other things, they have an inclusive pool of people engaged in our work and an inclusive pipeline of people engaged in their firm."

-Cornell Boggs

Every year, Liu sends a letter to the law firms that represent the company, asking about diversity statistics and emphasizing the need for diverse lawyers to work on IKON matters, she says. While Liu will continue that practice, Canty says she would like to see the Call to Action lead to more dialogue between companies and law firms, as well as a reevaluation of hiring standards and retention practices.

These steps are already underway at Tyco, says Cornell Boggs, vice president and general counsel for Tyco Plastics and Adhesives, one of the five operating segments of Tyco International, whose executive vice president and general counsel, Bill Lytton, signed Palmore's document. Like many other companies, Tyco also signed the Statement of Principles. Boggs calls that document "an outstanding launch to focus on diversity initiatives. It really presented the seeds to begin to facilitate conversations in this area. That was an excellent beginning."

But Palmore's document adds some measurable goals and information to guide both corporate legal departments and law firms to achievable results, Boggs says. Tyco, which recently hired a diversity vice president and created a diversity council, is requesting proposals from its firms, and has made clear that diversity is a factor. "Those firms that survive that process are going to need to show us that, amongst other things, they have an inclusive pool of people engaged in our work and an inclusive pipeline of people engaged in their firm," Boggs says. "If it's important to us, we hope it's important to them as well."

A Call to Action-Diversity in the Legal Profession

In 1999, the chief legal officers of about 500 major corporations signed a document entitled Diversity in the Workplace-A Statement of Principle. The Statement evidenced the commitment of the signatory corporations to diversity in the legal profession. In particular, it was intended to be a mandate for law firms to make

immediate and sustained improvement in this area. Unfortunately, however, all objective assessments show that the collective efforts and gains of law firms in diversity have reached a disappointing plateau.

As Chief Legal Officers, we hereby reaffirm our commitment to diversity in the legal profession. Our action is based on the need to enhance opportunity in the legal profession and our recognition that the legal and business interests of our clients require legal representation that reflects the diversity of our employees, customers and the communities where we do business. In furtherance of this renewed commitment, this is intended to be a Call to Action for the profession generally and in particular for our law departments and for the law firms with which our companies do business.

In an effort to realize a truly diverse profession and to promote diversity in law firms, we commit to taking action consistent with the referenced Statement. To that end, in addition to our abiding commitment to diversity in our own departments, we pledge that we will make decisions regarding which law firms represent our companies based in significant part on the diversity performance of the firms. We intend to look for opportunities for firms we regularly use which positively distinguish themselves in this area. We further intend to end or limit our relationships with firms whose performance consistently evidences a lack of meaningful interest in being diverse.

To Palmore, having the quick support and commitment from his fellow legal department representatives has been crucial. The next steps for this initiative are still in the planning stages. "When I conceived of this," Palmore explains, "my notion was the good faith of my general counsel colleagues that once they made commitment, they'd honor it. At this stage, I want to focus on getting it out there and getting the commitments rather than leaping ahead and saying, 'We're going to test you in two years.' That seems a little heavy-handed."

Palmore does, however, have a sense of what he'd like to see come of the Call to Action. "We'll end up with a more diverse profession. That sounds a little simplistic but that's the objective," he says. And that objective is clear: "I would like to see law firms and law departments that look more diverse. I'd like to see more folks of color and women in leadership positions generally," he adds. "I'd like to see an environment in which everyone has an appropriate opportunity to let their talents flower."

Melanie Lasoff Levs is a freelance writer based in Atlanta, Ga.

A Call To Action-Signatory Responses of 72 Companies As of December 1, 2004

| Company | Name | Company | Name |
|---------------------------|---------------------|---------------------------------|-------------------------|
| 3M Center | Richard F. Ziegler | Limited Brands, Inc. | Douglas L. Williams |
| AAA Michigan | Richard White | Lockheed Martin Corporation | Frank H. Menaker, Jr. |
| Abbott Laboratories | Jose de Lasa | Marriott International, Inc. | Joseph Ryan |
| American Airlines | Gary F. Kennedy | MCI | Anastasia D. Kelly |
| Aon Corp. | D. Cameron Findlay | Merck & Co., Inc. | Kenneth C. Frazier |
| ArvinMeritor, Inc. | Vernon G. Baker, II | New York Life Insurance Company | Sheila Kearney Davidson |
| Avaya Inc. | Pamela F. Craven | Oracle | Dan Cooperman |
| BB&T Corporation | M. Patricia Oliver | P&G | James J. Johnson |
| Bear Stearns & Co., Inc. | Michael Solender | PepsiAmericas, Inc. | W. Scott Nehs |
| BJ's Wholesale Club, Inc. | Kellye L. Walker | PepsiCo, Inc. | David Andrews |
| Boeing | Douglas G. Bain | Pfizer | Jeffrey B. Kindler |

A Call To Action-Signatory Responses of 72 Companies As of December 1, 2004

| | | | |
|----------------------------------|----------------------|---|----------------------------------|
| Cardinal Health | Paul S. Williams | Pitney Bowes | Michele Mayes |
| Clear Channel Communications | Andrea Levin | PPG Industries | James C. Diggs |
| Computer Sciences Corporation | Hayward D. Fisk | Puget Energy, Inc. | Jennifer O'Connor |
| Del Monte Foods | James G. Potter | Qwest Communications International Inc. | Rich Baer |
| Dover Corporation | Joseph W. Schmidt | Rick Engineering Company | Dennis Stryker |
| DuPont Company | Stacey J. Mobley | Sara Lee | Roderick Palmore |
| Dynegey Inc. | Carol Graebner | SBC Communications Inc. | James D. Ellis |
| Eli Lilly & Co. | Robert A. Armitage | Sears | Andrea Zopp |
| Federated Department Stores Inc. | Dennis J. Broderick | Shell Oil Company | Cathy Lambole |
| Gap Inc. | Lauri Shanahan | Spherion Corporation | Lisa G. Iglesias |
| General Motors | Thomas Gottschalk | Starbucks Coffee Company | Paula E. Boggs |
| Goodyear | Tom Harvie | Starwood Hotels & Resorts | Kenneth S. SiegelWorldwide, Inc. |
| Halliburton Company | Bert Cornelison | The Dow Chemical Company | Richard L. Manetta |
| Harley-Davidson, Inc. | Gail Lione | The Finish Line, Inc. | Gary Cohen |
| Hewlett Packard | Ann Baskins | The TJX Companies, Inc. | Jay H. Meltzer |
| Honeywell | Peter M. Kreindler | The Williams Companies, Inc. | James J. Bender |
| IKON Office Solutions, Inc. | Don H. Liu | TIAA CREF | George W. Madison |
| Intel Corporation | Tom Dunlap | Tyco International Ltd. | William Lytton |
| International Paper | Maura A. Smith | Tyson Foods, Inc. | J. Alberto Gonzalez-Pita |
| ITT Industries | Vincent A. Maffeo | Union Pacific Corporation | J. Michael Hemmen |
| JM Service Center LLC | Caren Snead Williams | Unocal Corp. | Samuel H. Gillespie III |
| Johnson Controls, Inc. | Jerome D. Okarma | UPS | Allen E. Hill |
| Kellogg Company | Gary Pilnick | Viacom | Mark C. Morrill |
| KeyCorp | Paul N. Harris | Wal-Mart | Thomas Mars |
| | | Well Choice, Inc. | Linda V. Tiano |

From the *January/February 2005 issue* of Diversity & The Bar®

Facebook Pushes Outside Law Firms to Become More Diverse

By ELLEN ROSEN APRIL 2, 2017

Like other Silicon Valley giants, Facebook has faced criticism over whether its work force and board are too white and too male. Last year, the social media behemoth started a new push on diversity in hiring and retention.

Now, it is extending its efforts into another corner: the outside lawyers who represent the company in legal matters.

Facebook is requiring that women and ethnic minorities account for at least 33 percent of law firm teams working on its matters.

Numbers alone, however, are not enough, under a policy that went in effect on Saturday. Law firms must also show that they “actively identify and create clear and measurable leadership opportunities for women and minorities” when they represent the company in litigation and other legal matters.

Those opportunities “include serving as relationship managers and representing Facebook in the courtroom,” Facebook’s general counsel, Colin Stretch, said in an interview. The legal department, he said, has for the last few years been working on increasing diversity at all levels.

“Firms typically do what their clients want,” he said. “And we want to see them win our cases and create opportunities for women and people of color. We think the firms are ready — our articulation gives not just permission but a mandate.”

For Facebook, the move on outside lawyers is happening even as the company’s efforts at improving diversity in its own work force have so far shown little progress.

According to statistics released last year, blacks and Hispanics last July accounted for only 3 percent each of senior leadership, and women made up an additional 27 percent. Hiring for the 12 months beginning with July 2015 showed something of an improvement: Of those newly recruited to senior leadership posts, 9 percent were black, 5 percent were Hispanic and 29 percent were women.

To improve those numbers, Facebook announced last year that it would focus on recruiting and retention. The company is also establishing programs to help underrepresented college students, as well as younger students in public schools nationwide, develop interests in coding and engineering. In addition, Facebook is reaching out to families who want to learn more about programming.

And when it comes to improving diversity among its outside lawyers, Facebook is part of a growing trend.

A number of general counsels across corporate America are pressing their outside firms to make their teams more diverse — in terms of ethnicity, gender, sexual orientation and even disability — at all levels of seniority, not just among junior associates.

MetLife says it is announcing a new policy this month; HP in February adopted a more stringent program. The moves are an acknowledgment that the numbers of women and minorities at law firms have barely budged over the past 20 years.

“Law is the least diverse white-collar profession,” said Jean Lee, the chief executive of the Minority Corporate Counsel Association, an organization that focuses on the hiring, retention and promotion of diverse lawyers. “A lot of companies made a concerted effort to increase diversity internally, and now they are demanding diversity at the firms they use.”

“One of the challenges in the legal profession is that, despite all of the focus, the lack of diversity is a stubborn and persistent problem,” said Kim Rivera, HP’s general counsel. “We think we can help if we can be clear and unambiguous and hold firms financially accountable.”

HP now requires its outside law firms to have at least one diverse so-called relationship partner or at least one “woman and one racially/ethnically diverse attorney each performing at least 10 percent of the billable hours worked on HP matters.” (A woman who is also a minority will cover the requirements as long as she bills the requisite 10 percent.)

Failure to comply, under the policy, would result in a 10 percent “diversity holdback” of fees, but with a one-year grace period.

Ms. Rivera said the reaction to the new policy had been positive. “I’ve gotten dozens of calls and meeting requests largely asking how to partner with us to have the program succeed,” she said.

Zakiyyah Salim-Williams, the chief diversity officer for Gibson, Dunn & Crutcher, which counts both HP and Facebook among its clients, said she was not fazed by the new requirements.

“We have a large number of diverse lawyers and we always try to staff our teams to reflect that,” she said.

Mr. Stretch of Facebook says its legal department will work with outside law firms in their efforts, tracking results, not surprisingly, through a variety of metrics.

It’s not just tech companies that are pushing their outside counsel. MetLife’s general counsel, Ricardo Anzaldúa, will meet this month with representatives of some of the 50 firms the company retains to review an initiative to spur retention and sponsorship of women and diverse lawyers.

Under the program, the firms “must make sure that the junior diverse talent has sponsorship among the senior lawyers and that they get the best coaching and nurturing they can provide.” MetLife will evaluate the results in 2018; underperforming firms will have six months to improve or be dropped.

Mr. Anzaldua's mandate echoes his own in-house initiatives. "A few years ago we began to identify and coach those with high potential to become the future leadership pipeline," he said. "While the initiative doesn't exclude white men, the proportion of women and people of color in that pipeline is more than 60 percent, reflecting the fact that we have an influx of talented women and people of color in the lower ranks."

Some companies take a more fluid approach. While Verizon Communications has no numerical target, its general counsel, Craig Silliman, said, "diversity of the team is one of the specific criteria we use when we bid out a matter," in addition to strategic approach, cost and other factors.

Morgan Stanley's chief legal officer, Eric Grossman, in addition to encouraging diverse teams, also annually names one of its outside law firms as the recipient of a leadership award in diversity and inclusion. Firms vie for the award, which depend on a variety of factors.

"We put a lot of weight not just on the diverse and female attorneys who work on Morgan Stanley matters, but also on how many diverse lawyers they have in the firm and the depth of their sponsorship programs they have to promote overall diversity. We recognize that it just doesn't happen on its own," he said.

The possibility of a fee reduction or being dropped from the roster of approved firms could be an effective tool to make it happen.

"Companies are now using a carrot and stick approach because the carrot approach alone didn't work," said Ms. Lee of the Minority Corporate Counsel Association.

A version of this article appears in print on April 3, 2017, on Page B2 of the New York edition with the headline: Facebook Pushes Outside Law Firms on Diversity.

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OPENING STATEMENTS

General counsel say bold moves like HP's diversity mandate are necessary to achieve lasting change

POSTED MAY 1, 2017, 2:30 AM CDT

BY LIANE JACKSON ([HTTP://WWW.ABAJOURNAL.COM/AUTHORS/64674/](http://www.abajournal.com/authors/64674/))

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Kim Rivera. Photo Courtesy of HP.

Achieving diversity in BigLaw has proved an uphill battle for advocates of inclusion. But many general counsel—who are uniquely positioned to influence the dynamic of legal teams—have chosen to direct their business to firms that show a commitment to diversity.

Kim Rivera, chief legal officer and general counsel at HP, says new tactics are in order. “Despite decades of sustained effort, we’re not demonstrating any kind of sustained practice for diverse lawyers,” Rivera says. “We’re past the point of continuing to talk about it and are doing more bold things, pushing boundaries, pushing the envelope to come up with better ideas.”

For Rivera and her team, this meant implementing a groundbreaking program that leverages the power of the purse. HP’s “diversity holdback mandate”

(http://www.abajournal.com/news/article/hp_general_counsel_tells_law_firms_to_meet_diversity_mandate_or_forfeit_up/) allows the company to withhold up to 10 percent of billed invoices from law firms that don’t meet or exceed minimum requirements for diverse staffing.

“For people like me—I’ve been working on diversity and inclusion in one fashion or another for over 20 years,” she says. “Now I have this rare, wonderful platform of support ... to tell law firms we work with: This is important to us. It’s so important to drive performance and innovation that it’s going to be mandatory.”

HP’s initiative builds on the work of general counsel who’ve maintained pressure on outside counsel to create more opportunities for female and minority lawyers. Former Wal-Mart GC Tom Mars and Roderick A. Palmore, formerly general counsel at Sara Lee and General Mills, are just two of many who worked within, and outside of, their organizations to promote change. Mars terminated Wal-Mart’s relationship with firms that didn’t meet diversity targets, and in a 2004 “Call to Action” letter, Palmore urged his peers to commit to ending or limiting relationships with firms that lacked a “meaningful interest in being diverse.”

Last August, the ABA House of Delegates passed Resolution 113 (https://www.americanbar.org/news/reporter_resources/annual-meeting-2016/house-of-delegates-resolutions/113.html), calling on corporate legal departments to use their purchasing power to increase economic opportunities for diverse attorneys. Two dozen in-house counsel from top U.S. companies, including McDonald’s, CBS and Verizon, signed a letter pledging to uphold the resolution and urged other GCs to utilize the ABA’s model diversity survey to accurately measure the effectiveness of diversity and inclusion in the legal teams they engage.

As businesses cater their sales strategies to a growing diverse demographic, they are seeking contractors who reflect the community at large. A wealth of research has demonstrated that diversity benefits the bottom line. One study published by the market research house Acritas found that law firms offering “very diverse teams” tend to receive a 25 percent greater share of legal spending than nondiverse teams.

But research supporting the business case for diversity has had minimal impact on law firm hiring and retention practices, although general counsel have been steadily employing the carrot—and the stick.

“I think GCs need to keep up the pressure in any way they can,” says Arin Reeves, a former lawyer and the founder and president of Nextions, a research and consulting firm in Chicago. “It’s the structures in firms that don’t support this. The structures in firms are too heavily weighted toward people’s comfort zones. As long as you’ve got systems of retention and

advancement—especially promotion, and promotion into leadership in firms—that are incredibly subjective, comfort-zone-based systems, everything else is going to nibble around the edges.”

Rivera says she’s seen an immediate effect from HP’s initiative, with the teams coming to pitch business “more diverse than ever before.” But it’s only the first step—Rivera is collaborating with other GCs and looking at ways to expand the program.

“How can we help smaller and medium-sized practitioners? How can we help firms rethink the traditional economic structures that have been a barrier to diversity? But I want to walk before we run. I want to build something that’s sustainable, and then we can build upon it as we go.”

Correction

The print version of “HP Mandates Diversity,” May, should have stated that the ABA House of Delegates passed Resolution 113 last August.

The *Journal* regrets the error.

This article originally appeared in the May 2017 issue of the ABA Journal with this headline: “HP Mandates Diversity: General counsel say bold moves are necessary to achieve lasting change.”



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Driving Diversity and Inclusion from the Inside Out

By Malvina Longoria, General Counsel, Strategy and Transformation, Mastercard
And Vanessa Watson, Senior Managing Counsel, Mastercard

Even after years of continued efforts from the best and brightest to drive diversity and inclusion in the legal profession, *The Washington Post* and other media outlets have given law the dubious distinction of being the “least diverse profession.”¹ While this certainly is disappointing, some organizations, including Mastercard, are taking it as a call to action.

The American Lawyer 2015 Diversity Scorecard reported that “minorities gained little ground” from the prior year. Similarly, Law360 wrote in May 2016 that US law firms have failed to move the needle on racial diversity.² Chicago-based lawyer and freelance journalist Liane Jackson noted in the *ABA Journal* that more than 40 percent of law school graduates are women, but they represent only 18 percent of equity partners, and earn 80 percent of what their male counterparts earn in Big Law.³ Advancing diversity in the legal profession in the United States continues to be a challenge to say the least.

Recognizing the gravity of the situation, in late summer 2016, the House of Delegates of the American Bar Association adopted Resolution 113, urging all providers of legal services, including law firms and corporations, to expand and create opportunities at all levels of responsibility for diverse attorneys. It also urges law firm clients to assist in the facilitation of opportunities and to direct a greater percentage of the legal services they purchase, both currently and in the future, to diverse attorneys.

This past September, the ABA Diversity & Inclusion 360 Commission wrote to the chief legal officers of the Fortune 1000 companies, including Mastercard, asking them to join a group of other general counsels who had signed on to support Resolution 113. The ABA resolution also included a diversity model survey for law firms which requested companies adopting the resolution to implement with their legal services providers.

Mastercard’s commitment to diversity and inclusion is well documented and recognized. In 2016, the company ranked seventh on *DiversityInc*’s Top 50 Companies for Diversity, the fourth consecutive year among the top 10. That commitment to diversity extends to engagement with suppliers. In particular, Mastercard’s Law and Franchise Integrity (LFI) group is leading the way within the company to promote diversity among its legal services suppliers.

Early in his tenure, Mastercard General Counsel Tim Murphy recognized the imperative to transform the LFI group to keep pace with the rapidly changing technology, regulatory and competitive landscape facing the payments industry.

As part of the LFI transformation – and approximately two years before Resolution 113 – Murphy and his management team had already taken an intentional approach toward ensuring that the LFI group reflected the diversity of its customers, cardholders and the communities where Mastercard operates. The team identified opportunities for improvement across supplier diversity, recruitment and training, delivering a requirement that a diverse slate of talent be considered for each open position, and that a certain percentage of legal spend be with diverse suppliers.

In 2016, Mastercard established a panel of preferred legal services providers for its North American operations. The Law and Franchise Integrity group saw this North America Panel (NAM Panel) as an important milestone in its internal transformation journey. The panel is important because it changes

the way Mastercard engages with law firms, bringing discipline and rigor, and also reinforcing the commitment to diversity.

In order to ensure a diverse representation, Mastercard engaged the National Association of Minority and Women Owned Law Firms (NAMWOLF), an organization dedicated to promoting diversity in the legal profession by “fostering successful relationships among preeminent minority and women owned law firms and private/public entities.”⁴

NAMWOLF is a nonprofit trade association founded in 2001 based on a view that the most effective way to increase diversity in the legal profession is for corporations to increase retention and use of minority and women-owned law firms. According to NAMWOLF, data shows that the traditional way of engaging minority and female attorneys in majority owned firms has not been very successful. NAMWOLF is comprised of over 155 AV-rated law firms across the nation, which represent major corporate clients.⁵ “Minority and women owned law firms provide a more welcoming environment for ex Big-Law attorneys unhappy with the lack of diversity at large law firms” and “give their attorneys opportunities to attract clients frustrated with the legal industry’s race and gender problem,” says NAMWOLF CEO, Joel Stern.⁶

NAMWOLF and Mastercard

NAMWOLF had already done some of the leg work needed to help Mastercard diversify its NAM Panel, and there began the start of a beautiful partnership. Through the relationship with NAMWOLF, Mastercard sought out certified diverse firms to apply to be on its NAM Panel. In the end, six NAMWOLF firms were selected for the NAM Panel, which represents 20 percent of the law firms on the panel. All six were firms that Mastercard had not worked with in the past; therefore there was more work to do in order to ensure that the in-house legal team got acquainted with the firms and their capabilities.

In addition to adding the firms to the NAM Panel, Mastercard hosted two onboarding sessions for the law firms. The first one-day session introduced all the NAM Panel firms to Mastercard. The second session was for the firms that were new to Mastercard (six NAMWOLF firms) and gave these firms an opportunity to introduce themselves to the company. Through two CLE sessions and speed networking sessions, the Mastercard in-house legal team was able to get to know the NAMWOLF firms better. The NAM Panel was launched in October 2016, and it has been providing legal services to the company since that time.

Diversity Beyond Mastercard

Mastercard is not alone in their efforts to address this challenge. In preparing this article, we reached out to other corporate law departments that have taken steps to drive diversity among their law firm suppliers. Walmart Stores Inc. General Counsel Karen Roberts is one of the original signatories of ABA Resolution 113. Walmart’s Alan Bryan, Senior Associate General Counsel, Legal Operations - Outside Counsel Management, indicated the Walmart legal department’s program seeking and measuring diversity and inclusion among its law firms has been in place for over 11 years. Last year, Walmart announced that it spent approximately \$189 million with diverse attorneys at majority and minority law firms between fiscal years 2012 through 2016. Accenture committed to direct 5% of its US legal spend to minority- and women-owned law firms and also reviews its outside counsel composition as to minority and women and as to the lawyers they put to work on Accenture matters.⁷ Prudential has been working

with NAMWOLF for over 10 years and values the NAMWOLF firm solicitation process, which involves NAMWOLF staff conducting preliminary due diligence to help select firms that can do what in-house counsel wants. Prudential hired 3 NAMWOLF firms in 2016 using this NAMWOLF solicitation process. Under the leadership of Bank of America's General Counsel, the Legal Department instituted an annual award to recognize firms that partner with the Bank on diversity and inclusion related issues, provide the Bank with diverse legal support and promote diversity initiatives within their own communities. Firms that demonstrate the deepest commitment to diversity are selected as finalists for the award. All finalists are interviewed and subsequently recognized for their achievement at a celebration event where the General Counsel presents the award to the winning firm. The winner is selected based upon specific criteria including: statistics on how the firm staffs Bank matters with diverse attorneys, a law firm self-evaluation about their commitment to diversity and inclusion, and an interview with the finalists about their commitment to diversity both within their firms and within their communities. Law firms are competitive by nature and this award, coupled with the Bank's annual performance review which addresses progress on diversity, has significantly contributed to positive change within Bank of America's outside counsel firms.

Continuing the commitment

By the time Mastercard received the letter regarding ABA Resolution 113, the LFI team was poised and ready for the commitment to support the ABA initiative by affirmatively signing on. Starting in 2017 and moving forward, Mastercard will use the ABA Model Survey to properly and objectively evaluate its NAM Panel firms along diversity and inclusion measures and as a basis to recognize those firms that are committed to diversity and inclusion.

Mastercard will continue to transform the way it procures legal services from suppliers, including continuing to drive diversity and inclusion in the legal profession.

The ABA Resolution 113 which now has over 65 signatories is looking to start a movement among corporate clients to call law firms to task on their commitment to diversity and inclusion.

Following are *10 Things Corporate Law Departments can do to promote Diversity among their outside counsel*:

- 1. Include certified diverse law firms in any preferred law firm provider panel*
- 2. Make sure your in-house legal staff gets to know the diverse firms and their capabilities and areas of practice*
- 3. Pledge a significant percent ($\geq 5\%$) of your outside legal spend with certified diverse suppliers*
- 4. Develop standards for those of your outside firms who are not certified diverse for recruiting and retaining diverse talent and for staffing your matters with that talent*
- 5. Evaluate your outside firms on their commitment to recruit, retain and staff your matters with diverse talent*
- 6. Put your money where your mouth is—make sure the firms that don't demonstrate that commitment understand that there will be consequences*
- 7. Don't make promises you don't keep—if a firm doesn't demonstrate the commitment, implement the consequences*
- 8. Hold your in-house staff to the same commitments relative to working with certified diverse firms and recruiting and retaining diverse talent*

9. *Sign on to ABA Resolution 113*

10. *Implement the ABA survey as a means of evaluating your outside firms along diversity lines.*

¹ “Law is the least diverse profession in the nation. And lawyers aren’t doing enough to change that”, by Deborah L. Rhode, *The Washington Post*, May 27, 2015; and www.law360.com/articles/795764, “The Least Diverse Profession.”

² www.law360.com/articles/794900, “US Law Firms Fail to Move the Needle on Racial Diversity.”

³ “Minority women are disappearing from Big Law--and here's why”, Posted Mar 01, 2016 12:15 AM CST, by Liane Jackson.

⁴ www.namwolf.org/?page=missionvision

⁵ www.namwolf.org/?page=missionvision

⁶ <http://myemail.constantcontact.com/NAMWOLF-August-Newsletter.html?soid=1102932850664&aid=xfbOdYwTUfM>

⁷ www.law360.com/articles791280, “GCs Urged to Show Law Firms A Tough Hand On Diversity”.



BY MEGHAN TRIBE

INCLUSION **CLAUSE**

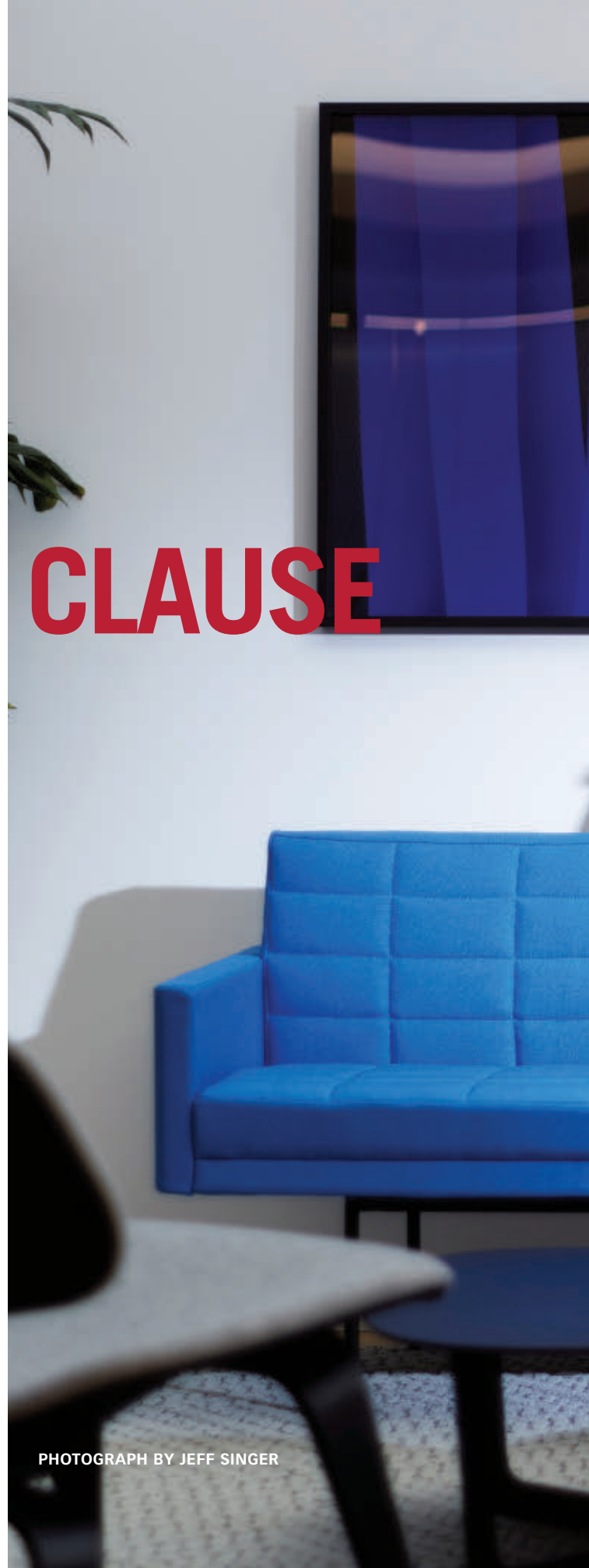
GCs ARE THREATENING TO WITHHOLD FEES
IF FIRMS FAIL TO STAFF DIVERSE TEAMS.
BUT WILL IT WORK? AND IS IT FAIR?
NOT EVERYONE AGREES.

EVEN AS SOME GENERAL COUNSEL OF MAJOR U.S. CORPORATIONS take a harder line with Big Law on diversity, the results of our Diversity Scorecard show that the proportion of minorities in large law firms continues to stagnate.

Minority lawyers working in Am Law 200 firms and NLJ 250 firms stood at just 15.6 percent in 2016, up from 15.0 percent in 2015. The percentage of minority partners among the firms also saw only incremental growth, up only 0.4 percentage points to reach 8.6 percent last year.

Trying to boost those percentages, especially in the partner ranks, general counsel at Facebook Inc., Hewlett-Packard and Metropolitan Life Insurance Co. have all announced in recent months initiatives that will require more diversity among their outside counsel—or put those firms at risk of losing fees.

Other diversity mandates have been pushed by corporate GCs for almost two decades, but improvement has been slow. In 2000 the Diversity Scorecard found that large U.S. law firms were 9.7 percent minority; almost 20 years later, that proportion has increased by just 6 percentage points. By contrast, the proportion of minorities in the United



PHOTOGRAPH BY JEFF SINGER



HP GENERAL COUNSEL KIM RIVERA MADE WAVES WITH HER PLAN TO WITHHOLD FEES FROM FIRMS THAT DON'T MEET HER DIVERSITY REQUIREMENTS.



RICARDO ANZALDUA, GC OF METLIFE, ASKED FIRMS TO SUBMIT THEIR PLANS FOR IMPROVING DIVERSITY BY JUNE 2018.

2015, African-Americans comprised only 3.0 percent of Big Law attorneys: 3.9 percent of nonpartners and 1.9 percent of partners.

FOR THE FOURTH CONSECUTIVE YEAR, WHITE & CASE TOPS the Diversity Scorecard rankings. (Each firm earned a score that is based on its percentage of minority lawyers plus its percentage of minority partners.) Of White & Case's 656 lawyers in the United States in 2016, 33.4 percent were minority lawyers, including 20.6 percent of U.S. partners. These percentages are down slightly from 2015, when the firm reported that 34.1 percent of its attorneys and 22.3 percent of its partners in the U.S. belonged to a minority group.

"We've had a kind of institutional ethos of diversity for many years," says Raoul Cantero, global executive partner for diversity at White & Case, citing the firm's global identity.

In addition, White & Case has had several clients, which the firm declined to name, that have required or encouraged the firm to staff its matters with diverse attorneys, Cantero says: "For many years, we've understood that our clients come from diverse backgrounds, diverse cultures, diverse thoughts and obviously diverse countries and we've recruited in order to serve those types of clients."

Fragomen, Del Rey, Bernsen & Loewy, a New York-based firm that specializes in immigration, held the No. 2 spot for the third year in a row. Minority attorneys represented 29.4 percent of the firm's 312 U.S. attorneys, an increase of 0.1 percent from last year. Wilson Sonsini Goodrich & Rosati again ranked third in diversity, followed by Fenwick & West, which rose from fifth place to fourth and displaced Los Angeles-based Wood Smith Henning & Berman, which dropped from the top five to No. 18. Curtis, Mallet-Prevost, Colt & Mosle rounded out the top firms, jumping from 10th last year to fifth this year.

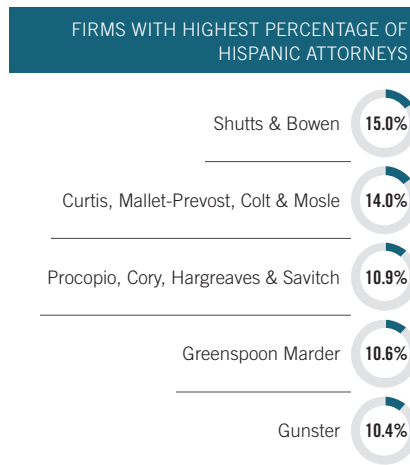
Farther down the rankings, a few firms made big gains on the diversity front last year. Greenspoon Marder made the biggest leap this year, jumping to No. 45 in the rankings from No. 110, thanks in part to increases in its Hispanic and Asian-American head counts. Proskauer Rose added close to 40 minority partners and associates, which helped the New York-based firm jump up the rankings to No. 65 from No. 128 the year prior. Baltimore-based Miles & Stockbridge also leapt up the rankings from No. 145 to No. 104, thanks to increases in its

States increased about 13 percentage points from 2000 to 2015, according to data from the U.S. Census.

The small gains registered in this year's Diversity Scorecard were not evenly distributed among different minority groups. Asian-American lawyers remain the best-represented minority group in large law firms, comprising 6.9 percent of Big Law lawyers, up from 6.7 percent in 2015. The proportion of Asian-American nonpartners increased by 0.2 percentage points to 9.9 percent. Asian-American partners also saw growth, up to 3.3 percent of all Big Law partners from 3.0 percent the year prior.

The total number of Hispanic attorneys increased by 0.2 percent to 3.7 percent. There were similar gains among partner and nonpartner ranks, to 2.6 percent and 4.5 percent, respectively.

However, there was no change in the total percentage of African-American attorneys across all levels. In 2016, as was the case in





Asian-American and Hispanic head counts.

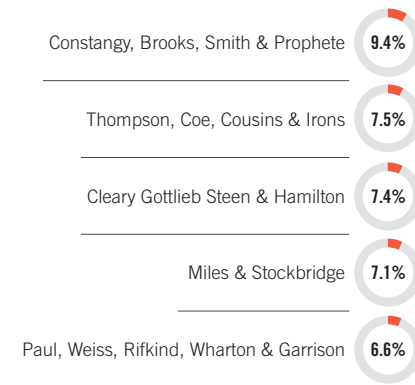
There were also some steep falls. Kelley Drye & Warren had the largest decline, dropping 43 places from No. 42 to No. 85. The firm's percentage of minority attorneys fell from 18.5 percent in 2015 to 17.1 percent last year, due in part to decreases in the number of Hispanic and Asian nonpartners at the firm. "At Kelley Drye, diversity and inclusion are core values [and] our dedication to these values extends to all levels from recruitment to staffing client matters," says Kelley Drye managing partner Lew Rose in an emailed statement. "Numbers change every year, but our commitment to diversity has never been stronger."

Due to decreases among its Asian-American nonpartner ranks as well as its African-American and Hispanic partner ranks, Reed Smith also had one of the biggest drops in the rankings, falling from No. 79 to No. 119. In 2016, the percentage of minority lawyers at the firm dipped to 13.1 percent from 14.8 percent the year prior. The firm's minority partner percentage dropped from 9.8 percent to 9.2 percent.

"I'm taking a whole new look on everything we do in terms of diversity and inclusion," says John Iino, the recently-appointed global chair of diversity and inclusion at Reed Smith. "My mission is to transform our culture to a culture of inclusion where we support nurture, celebrate and reward diversity," Iino says, which will include measuring diversity metrics across each practice group at the firm that are specifically tied to management bonuses.

"THE LEGAL PROFESSION SHOULD BE, IN MY VIEW, AT THE forefront of understanding that you should fundamentally

FIRMS WITH HIGHEST PERCENTAGE OF AFRICAN-AMERICAN ATTORNEYS



reflect the entire population," says Kim Rivera, chief legal officer and general counsel of HP. "It's hard to create a system that is experienced, fair, just and equal by all when it overwhelmingly underrepresents major portions of the people that it affects."

Rivera and HP made waves in February when the company announced a new diversity mandate, requiring that its outside firms have at least one diverse relationship partner on its matters or have one woman or "racially/ethnically diverse attorney" performing at least 10 percent of the billable hours. If a firm after a year fails

to meet HP's staffing requirements, the technology company will withhold 10 percent of its fees.

"My department [has] been focusing on diversity and inclusion and wanted to talk about what we could do that was innovative, different and bold that would help address what we view as a very stubborn problem that the legal profession and particularly Big Law has been unable to solve despite the focus and attention of lots of people for decades," Rivera says of the initiative.

HP's new mandate differs from earlier efforts like Microsoft Corp.'s program of bonuses for hitting diversity benchmarks. "[This] was meant to focus on creating an incentive for diverse individuals in law firms, [and] in particular big law firms, to make sure that a chunk of our book of business is being funneled to them to give them the opportunity to do our work and to develop their careers," Rivera says.

In April, Facebook and MetLife followed suit, adopting similar plans to help firms develop their minority talent. Facebook's policy, which requires that women and ethnic minorities account for at least 33 percent of teams working on

ENCOURAGING DIVERSITY: A HISTORY

1999: Charles Morgan, then general counsel of BellSouth Corp., aims to send a message to law firms with his "Diversity in the Workplace: A Statement of Principle." He and other chief legal officers pledge that in distributing work to outside law firms, they will give significant weight to the firm's commitment to promoting diversity in the workplace. More than 500 general counsel sign on.

2004: Out of what he described as frustration with slow progress of minorities in large firms, Roderick Palmore, who was then GC at Sara Lee Corp. and is now senior counsel at Dentons, issues "A Call to Action." Signatories promise to try to give more work to firms that made strides in their diversity efforts, and say that they will "end or limit" relationships with firms that showed "a lack of meaningful interest in being diverse."

2005: Wal-Mart Inc. asks outside firms to include at least one woman and one person of color for consideration as the retailer's relationship partners.

2015: Microsoft Corp. announces it will pay annual bonuses of up to 2 percent to firms that meet specific diversity targets in their leadership ranks.

2016: The American Bar Association passes Resolution 113, which urges corporations and law firms to create and expand opportunities for diverse lawyers, and simultaneously proposes the ABA Model Diversity Survey to gather demographic information about firms across all levels.

— M.T.



MACY'S GC ELISA GARCIA RUNS A LEGAL TEAM THAT IS 65 PERCENT FEMALE AND 25 PERCENT MINORITY.

attorneys accounting for 24.6 percent of the firm's U.S. attorneys and 14.3 percent of its partnership ranks. For years, Orrick has been accommodating diversity requests from clients like Microsoft and Intel Corp., which has shifted the way the firm approached diversity, Zuklie says. "I don't think we staff a matter today without thinking about the diversity of the team—and we're not alone in that," Zuklie says.

Leslie Spencer, co-chair of Ropes & Gray's diversity committee, says mandates like these require firms be more thoughtful in their assignments, give diverse attorneys the experience needed to better serve clients and provide a better path to partnership. "Getting folks on high-profile matters, putting them in front of clients—that type of exposure goes a long way," Spencer says.

BUT ARE DIVERSITY MANDATES LIKE THOSE INTRODUCED BY HP, Facebook and others really the solution to Big Law's diversity problem?

A partner and head of diversity and inclusion at an Am Law 100 firm who requested anonymity for the story says no. Rather, the partner says, diversity mandates like these point the finger at Big Law for a systemic problem that starts well before minority law students even begin their careers. "The tone [of the mandates] is that they think we're being discriminatory," the partner says. Rather than clients making Big Law the "bad guy," clients should work to promote a partnership and dialogue that could effectuate change in diversity in Big Law, the partner says.

Robert Grey, senior counsel at Hunton & Williams and president of the Leadership Council on Legal Diversity, an organization founded to promote the diversity dialogue between clients and firms, wholeheartedly disagrees. "Clients always stimulate activity, whether it's a customer for a corporation or a client for a law firm, [you're] always motivated

by people who spend money with you," Grey says. And when the public demands that a corporation become more diverse or reflective of the population it serves, the company diversifies, Grey says.

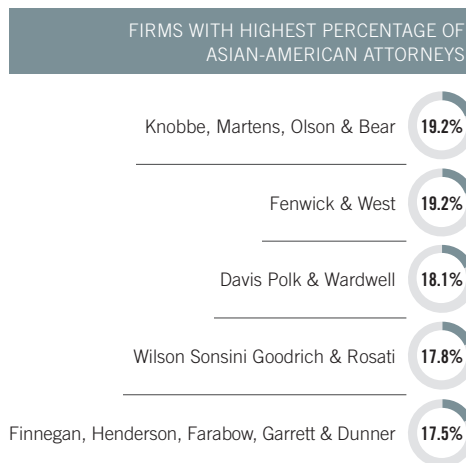
"Big Law has remained constant in terms of the way it has operated in the past because it's not a retail kind of operation and so nobody is asking it to do anything," Grey says. "We get comfortable working with the people we know, people that look like us, people that went to the same law schools [and] it becomes almost like inertia [be-

its matters, also mandates that firms create clear and measurable leadership opportunities for women and minorities.

Under MetLife's new policy, each law firm must present the company with its plan to develop and retain diverse talent by June 2018, MetLife's general counsel Ricardo Anzaldúa says. If the plan is deemed unacceptable by the insurance company, the firms will have until December 2018 to revise its plans—or risk being cut by the company. "If you believe, like we believe, that you cannot have the best, highest performing teams unless you have diversity, then you want the teams that are fielding your work to be diverse," Rivera says.

Orrick, Herrington & Sutcliffe global chair and CEO Mitch Zuklie says he welcomes the pressure from corporate clients to staff matters with diverse teams, in that it reinforces the need to solve the diversity conundrum in Big Law. "While we've made great progress, I think progress everywhere, including at our firm, is slower than it needs to be and I think these types of measures at least force a dialogue," Zuklie says.

On this year's Diversity Scorecard, Orrick jumped from No. 13 to No. 8, with minority





cause] homogeneous societies are easier to deal with than diverse societies.”

As customer demands for diversity change the demographic makeup of their clients, firms may feel even more pressure to diversify their ranks. “Macy’s customers are an extremely diverse group [and] the more we internally look like our customers, the better we can serve our customers,” says Elisa Garcia, general counsel of Macy’s Inc. “When 65 percent [of my internal team] are women and 25 percent minority, my external team has to reflect that as well.”

Macy’s has specific diversity objectives for its outside firms, and like many clients, it mandates that firms identify the ethnicity and race, among other criteria, of the attorneys working on its matters in its e-billing system, Garcia said. Diversity objectives vary for each firm, but a portion of each firm’s bonus is directly affected by the firm’s failure to meet that goal. “I’ve never fired a firm for not having a diverse group on my team, but I have shifted work away from folks,” Garcia says.

Longtime diversity champion Tom Sager, former general counsel at E. I. du Pont de Nemours and Co. and now general counsel at Ballard Spahr, cautions that without teeth and follow-through, Big Law could still be having the same discussions about diversity several years from now.

“You can demand all you want,” Sager says, “but if you don’t have a way of demanding accountability, it’s just a press release.”

Email: mtribe@alm.com.

METHODOLOGY

The Diversity Scorecard records the average number of full-time-equivalent minority attorneys—Asian-American, African-American, Latino or Hispanic, Native American and self-described multiracial attorneys—at Am Law 200 and National Law Journal 250 law firms in the calendar year 2016. Lawyer counts are average full-time-equivalent (FTE) figures. Partner statistics include both equity and nonequity partners. Nonpartner figures include associates as well as special counsel, of counsel and other staff attorneys. The survey does not include contract attorneys. The heading “Other Minority” includes Native Americans and attorneys who said they were multiracial. Lawyers of Middle Eastern heritage are counted as nonminority attorneys for the purposes of this survey.

Prior to 2009, Diversity Scorecard rankings were based only on the minority percentage of all U.S. attorneys. Starting in 2009, we revised our rankings to stress the importance of hiring and promoting minority attorneys to partnership positions. Each firm’s diversity score is calculated by adding the minority percentage of all U.S. attorneys at the firms surveyed to the minority percentage of all U.S. partners at those firms.

A total of 42 Am Law 200 and NLJ 250 firms declined to provide us with numbers. The Am Law 200 firms that did not submit their diversity numbers were: Arnall Golden Gregory, Boies Schiller Flexner, Chadbourne & Parke, Dinsmore & Shohl, Fox Rothschild, Jeffer Mangels Butler & Mitchell, K&L Gates, Littler Mendelson, and Williams Mullen. —Daniel Masopust

THE DIVERSITY SCORECARD

White & Case heads our annual Diversity Scorecard for the fourth year in a row, followed by Fragomen, Del Rey, Bernsen & Loewy and Wilson Sonsini Goodrich & Rosati. Of all 219 firms in the Scorecard, only these three have a partnership that is at least 20 percent minority.

| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|---------------------|------------------|-------------------------|------------------------|----------------------|
| 1 | 1 | White & Case | 54.00 | 33.4% | 20.6% | 656 |
| 2 | 2 | Fragomen | 51.60 | 29.4% | 22.2% | 312 |
| 3 | 3 | Wilson Sonsini | 47.40 | 27.1% | 20.3% | 719 |
| 4 | 5 | Fenwick | 43.30 | 29.6% | 13.7% | 302 |
| 5 | 10 | Curtis | 42.30 | 23.3% | 19.0% | 150 |
| 6 | N/R | Procopio Cory | 40.90 | 25.0% | 15.9% | 156 |
| 7 | 9 | Cleary Gottlieb | 40.20 | 29.3% | 10.9% | 628 |
| 8 | 8 | Munger Tolles | 38.90 | 20.8% | 18.1% | 194 |
| 8 | 13 | Orrick | 38.90 | 24.6% | 14.3% | 579 |
| 10 | 13 | Milbank | 38.70 | 25.8% | 12.9% | 467 |
| 10 | 12 | Morrison & Foerster | 38.70 | 23.6% | 15.1% | 702 |
| 12 | N/R | Best | 38.60 | 20.4% | 18.2% | 186 |
| 12 | 6 | Knobbe Martens | 38.60 | 24.1% | 14.5% | 286 |
| 14 | N/R | Kobre & Kim | 38.40 | 19.6% | 18.8% | 46 |
| 14 | 16 | Paul Weiss | 38.40 | 24.9% | 13.5% | 899 |
| 16 | 19 | Paul Hastings | 38.10 | 26.2% | 11.9% | 700 |
| 17 | 11 | Carlton Fields | 37.90 | 20.0% | 17.9% | 320 |

| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|---------------------|------------------|-------------------------|------------------------|----------------------|
| 18 | 18 | Davis Polk | 37.70 | 27.4% | 10.3% | 720 |
| 18 | 4 | Wood Smith | 37.70 | 22.6% | 15.1% | 212 |
| 20 | 20 | Finnegan | 37.20 | 24.8% | 12.4% | 278 |
| 21 | 21 | Debevoise | 37.10 | 27.5% | 9.6% | 460 |
| 22 | 6 | Lewis Brisbois | 35.70 | 20.2% | 15.5% | 1,135 |
| 23 | 15 | Shearman & Sterling | 35.20 | 25.0% | 10.2% | 387 |
| 24 | 17 | Irell | 34.70 | 14.8% | 19.9% | 112 |
| 25 | N/R | Bowman and Brooke | 34.50 | 19.8% | 14.7% | 177 |
| 25 | 24 | Shutts & Bowen | 34.50 | 19.0% | 15.5% | 252 |
| 27 | 23 | Simpson Thacher | 34.00 | 25.4% | 8.6% | 796 |
| 28 | 39 | Ropes & Gray | 33.90 | 22.8% | 11.1% | 881 |
| 29 | 44 | Sedgwick | 33.60 | 19.9% | 13.7% | 247 |
| 30 | 27 | Haynes and Boone | 33.00 | 21.3% | 11.7% | 513 |
| 31 | 31 | Covington | 32.80 | 20.9% | 11.9% | 714 |
| 32 | 39 | Gordon Rees | 32.70 | 18.3% | 14.4% | 656 |
| 33 | 26 | Fish & Richardson | 32.40 | 19.3% | 13.1% | 341 |
| 34 | 52 | Sheppard Mullin | 31.90 | 21.3% | 10.6% | 627 |



| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|---------------------|------------------|-------------------------|------------------------|----------------------|
| 35 | 35 | O'Melveny | 31.70 | 22.1% | 9.6% | 571 |
| 36 | 29 | Weil | 31.50 | 22.1% | 9.4% | 695 |
| 37 | 87 | Rutan & Tucker | 31.40 | 21.4% | 10.0% | 143 |
| 38 | 53 | Thompson Coe | 31.20 | 18.3% | 12.9% | 186 |
| 39 | 46 | Cadwalader | 31.10 | 21.6% | 9.5% | 347 |
| 40 | 32 | Gunster | 30.90 | 15.4% | 15.5% | 180 |
| 40 | N/R | Hanson Bridgett | 30.90 | 15.8% | 15.1% | 158 |
| 42 | 25 | Willkie | 30.20 | 21.7% | 8.5% | 475 |
| 43 | 38 | Arnold & Porter | 30.10 | 18.4% | 11.7% | 607 |
| 43 | 33 | Gibson Dunn | 30.10 | 19.9% | 10.2% | 1,059 |
| 45 | 110 | Greenspoon Marder | 29.90 | 19.1% | 10.8% | 197 |
| 46 | 44 | Cooley | 29.80 | 18.3% | 11.5% | 785 |
| 46 | 30 | Manatt | 29.80 | 18.7% | 11.1% | 324 |
| 46 | 28 | Squire Patton | 29.80 | 16.0% | 13.8% | 651 |
| 49 | 42 | Wachtell | 29.70 | 19.8% | 9.9% | 245 |
| 50 | 77 | Constangy Brooks | 29.60 | 17.8% | 11.8% | 180 |
| 51 | 48 | Skadden | 29.30 | 21.4% | 7.9% | 1,371 |
| 52 | 58 | Hogan Lovells | 28.70 | 20.3% | 8.4% | 1,034 |
| 52 | 61 | Sidley | 28.70 | 18.4% | 10.3% | 1,519 |
| 54 | 46 | Sullivan & Cromwell | 28.60 | 20.0% | 8.6% | 646 |
| 55 | 39 | Pillsbury | 28.50 | 17.2% | 11.3% | 551 |
| 56 | 70 | Jackson Walker | 28.10 | 16.5% | 11.6% | 347 |
| 56 | 65 | Kasowitz | 28.10 | 17.5% | 10.6% | 263 |
| 56 | 51 | Perkins Coie | 28.10 | 16.9% | 11.2% | 919 |
| 59 | 37 | Akin Gump | 28.00 | 16.0% | 12.0% | 693 |
| 59 | 79 | McDermott | 28.00 | 15.9% | 12.1% | 725 |
| 59 | 67 | Schiff Hardin | 28.00 | 16.4% | 11.6% | 282 |
| 62 | 50 | Quinn Emanuel | 27.90 | 16.7% | 11.2% | 581 |
| 63 | 62 | DLA Piper | 27.80 | 17.5% | 10.3% | 1,248 |
| 63 | 65 | Latham | 27.80 | 18.7% | 9.1% | 1,554 |
| 65 | 70 | Crowell & Moring | 27.70 | 18.4% | 9.3% | 404 |
| 65 | 128 | Proskauer | 27.70 | 20.3% | 7.4% | 627 |
| 65 | 60 | Wilmer | 27.70 | 18.2% | 9.5% | 798 |
| 68 | 55 | Kilpatrick Townsend | 27.60 | 19.4% | 8.2% | 547 |
| 69 | 49 | Holland & Knight | 27.50 | 15.7% | 11.8% | 1,014 |
| 70 | 62 | Patterson Belknap | 27.30 | 17.9% | 9.4% | 180 |
| 71 | 55 | Jackson Lewis | 27.10 | 16.2% | 10.9% | 757 |
| 72 | 57 | Kirkland | 27.00 | 16.9% | 10.1% | 1,481 |
| 73 | 70 | Hughes Hubbard | 26.80 | 19.0% | 7.8% | 263 |
| 74 | 73 | Hinshaw | 26.70 | 15.1% | 11.6% | 481 |
| 74 | 53 | Ogletree Deakins | 26.70 | 17.2% | 9.5% | 734 |
| 76 | 58 | Akerman | 26.50 | 15.3% | 11.2% | 595 |
| 76 | 87 | Cravath | 26.50 | 19.3% | 7.2% | 461 |
| 76 | 68 | Greenberg Traurig | 26.50 | 14.8% | 11.7% | 1,626 |
| 76 | 86 | Wiley Rein | 26.50 | 16.3% | 10.2% | 240 |
| 80 | 64 | Allen Matkins | 26.30 | 14.8% | 11.5% | 166 |
| 81 | 73 | Baker Botts | 26.20 | 17.0% | 9.2% | 609 |

| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|---------------------|------------------|-------------------------|------------------------|----------------------|
| 81 | 121 | Strasburger | 26.20 | 13.8% | 12.4% | 193 |
| 83 | 108 | Stephoe | 25.90 | 15.9% | 10.0% | 327 |
| 84 | 95 | Baker McKenzie | 25.80 | 16.7% | 9.1% | 694 |
| 85 | 42 | Kelley Drye | 25.50 | 17.1% | 8.4% | 292 |
| 86 | 87 | Dechert | 25.40 | 18.2% | 7.2% | 611 |
| 86 | N/R | Gardere | 25.40 | 14.6% | 10.8% | 199 |
| 86 | 69 | Jenner & Block | 25.40 | 17.1% | 8.3% | 478 |
| 89 | 79 | Vinson & Elkins | 25.20 | 16.1% | 9.1% | 543 |
| 90 | 85 | Norton Rose | 25.10 | 16.3% | 8.8% | 721 |
| 91 | 91 | Morgan Lewis | 25.00 | 16.7% | 8.3% | 1,614 |
| 92 | 83 | Winston & Strawn | 24.80 | 16.0% | 8.8% | 715 |
| 93 | N/R | Buchalter Nemer | 24.70 | 14.2% | 10.5% | 190 |
| 94 | 93 | Mayer Brown | 24.60 | 15.7% | 8.9% | 870 |
| 95 | 105 | Ballard Spahr | 24.50 | 14.3% | 10.2% | 529 |
| 95 | 92 | Jones Day | 24.50 | 14.7% | 9.8% | 1,610 |
| 97 | 90 | Alston & Bird | 24.30 | 16.9% | 7.4% | 768 |
| 97 | 82 | Foley & Lardner | 24.30 | 15.7% | 8.6% | 836 |
| 99 | 99 | Williams & Connolly | 24.20 | 15.6% | 8.6% | 325 |
| 100 | 76 | Andrews Kurth | 24.10 | 15.2% | 8.9% | 317 |
| 100 | 126 | Arent Fox | 24.10 | 17.0% | 7.1% | 335 |
| 100 | 98 | Nixon Peabody | 24.10 | 15.2% | 8.9% | 618 |
| 103 | 101 | Duane Morris | 24.00 | 13.6% | 10.4% | 613 |
| 104 | 143 | Lewis Roca | 23.80 | 13.9% | 9.9% | 251 |
| 104 | 145 | Miles & Stockbridge | 23.80 | 14.7% | 9.1% | 211 |
| 106 | 97 | Stroock | 23.70 | 16.3% | 7.4% | 273 |
| 107 | 78 | Winstead | 23.50 | 13.4% | 10.1% | 327 |
| 108 | 94 | Goodwin Procter | 23.30 | 16.1% | 7.2% | 795 |
| 109 | 112 | Davis Wright | 23.20 | 14.7% | 8.5% | 497 |
| 110 | 112 | Shook Hardy | 23.10 | 14.2% | 8.9% | 468 |
| 111 | 104 | Bryan Cave | 23.00 | 14.3% | 8.7% | 795 |
| 111 | 96 | King & Spalding | 23.00 | 14.2% | 8.8% | 837 |
| 111 | 136 | Troutman Sanders | 23.00 | 14.5% | 8.5% | 617 |
| 114 | 118 | Foley Hoag | 22.70 | 15.9% | 6.8% | 228 |
| 114 | 116 | Mintz Levin | 22.70 | 13.8% | 8.9% | 444 |
| 116 | N/R | Dykema | 22.60 | 13.6% | 9.0% | 407 |
| 117 | 99 | Buckley Sandler | 22.50 | 19.7% | 2.8% | 140 |
| 117 | 120 | Locke Lord | 22.50 | 14.4% | 8.1% | 702 |
| 119 | 79 | Reed Smith | 22.30 | 13.1% | 9.2% | 1,139 |
| 120 | 83 | Schulte Roth | 22.20 | 15.9% | 6.3% | 334 |
| 121 | 108 | Hunton & Williams | 22.00 | 12.8% | 9.2% | 605 |
| 122 | 110 | Cahill | 21.70 | 14.4% | 7.3% | 290 |
| 123 | 130 | Kramer Levin | 21.60 | 14.0% | 7.6% | 299 |
| 124 | 114 | Baker & Hostetler | 21.50 | 12.2% | 9.3% | 920 |
| 125 | 140 | Robins Kaplan | 21.20 | 13.0% | 8.2% | 211 |
| 126 | 133 | Fisher & Phillips | 21.10 | 14.1% | 7.0% | 319 |
| 126 | 125 | Sutherland | 21.10 | 13.5% | 7.6% | 371 |
| 128 | 105 | Lowenstein Sandler | 20.90 | 15.4% | 5.5% | 274 |



| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|---------------------|------------------|-------------------------|------------------------|----------------------|
| 129 | 143 | Kaye Scholer | 20.80 | 12.6% | 8.2% | 317 |
| 130 | 123 | Bracewell | 20.60 | 12.3% | 8.3% | 343 |
| 131 | 146 | Goldberg Segalla | 20.50 | 13.0% | 7.5% | 280 |
| 132 | 105 | Seyfarth | 20.40 | 13.3% | 7.1% | 805 |
| 133 | 103 | Vedder Price | 20.30 | 12.6% | 7.7% | 274 |
| 134 | 126 | Dorsey | 20.20 | 13.0% | 7.2% | 442 |
| 134 | 135 | Kutak Rock | 20.20 | 11.4% | 8.8% | 486 |
| 136 | 119 | Venable | 20.10 | 12.9% | 7.2% | 611 |
| 137 | 141 | GrayRobinson | 20.00 | 11.3% | 8.7% | 300 |
| 138 | 128 | Katten | 19.70 | 12.4% | 7.3% | 579 |
| 138 | 115 | Wilson Elser | 19.70 | 12.8% | 6.9% | 725 |
| 140 | 116 | Chapman and Cutler | 19.50 | 11.1% | 8.4% | 225 |
| 141 | 139 | Blank Rome | 19.30 | 13.3% | 6.0% | 562 |
| 141 | 149 | Dickinson Wright | 19.30 | 11.2% | 8.1% | 367 |
| 143 | 141 | Loeb & Loeb | 19.10 | 12.5% | 6.6% | 289 |
| 144 | 137 | McAfee & Taft | 18.90 | 9.0% | 9.9% | 178 |
| 144 | 132 | Snell & Wilmer | 18.90 | 10.7% | 8.2% | 409 |
| 146 | 179 | Sherman & Howard | 18.60 | 10.3% | 8.3% | 185 |
| 147 | 131 | McGuireWoods | 18.30 | 11.4% | 6.9% | 947 |
| 147 | 134 | Pepper Hamilton | 18.30 | 10.9% | 7.4% | 485 |
| 149 | 123 | Fried Frank | 18.20 | 15.5% | 2.7% | 388 |
| 150 | 161 | Honigman | 17.80 | 9.4% | 8.4% | 276 |
| 151 | 138 | Miller Canfield | 17.10 | 10.5% | 6.6% | 201 |
| 152 | 155 | Quarles & Brady | 16.50 | 10.0% | 6.5% | 453 |
| 152 | 165 | Thompson & Knight | 16.50 | 10.9% | 5.6% | 264 |
| 154 | 153 | Ice Miller | 16.30 | 9.2% | 7.1% | 285 |
| 155 | 165 | Polsinelli | 16.20 | 10.1% | 6.1% | 758 |
| 156 | 150 | Stradley Ronon | 16.10 | 9.7% | 6.4% | 216 |
| 157 | 186 | Stoel Rives | 16.00 | 10.8% | 5.2% | 359 |
| 158 | N/R | McGlinchey Stafford | 15.80 | 10.1% | 5.7% | 199 |
| 159 | 162 | Drinker Biddle | 15.70 | 11.1% | 4.6% | 555 |
| 160 | 157 | Day Pitney | 15.50 | 11.7% | 3.8% | 265 |
| 161 | 164 | LeClairRyan | 15.40 | 9.6% | 5.8% | 347 |
| 162 | 151 | Archer & Greiner | 15.30 | 7.3% | 8.0% | 178 |
| 163 | 168 | Phelps Dunbar | 15.20 | 8.0% | 7.2% | 250 |
| 163 | 189 | Saul Ewing | 15.20 | 9.9% | 5.3% | 252 |
| 165 | 162 | Brownstein | 14.70 | 8.2% | 6.5% | 213 |
| 166 | 176 | Womble Carlyle | 14.60 | 9.2% | 5.4% | 465 |
| 167 | 148 | Choate Hall | 14.40 | 10.6% | 3.8% | 156 |
| 167 | 175 | Thompson Hine | 14.40 | 8.6% | 5.8% | 342 |
| 169 | 180 | Barnes & Thornburg | 14.30 | 8.9% | 5.4% | 532 |
| 170 | 180 | Thompson Coburn | 14.10 | 8.3% | 5.8% | 347 |
| 171 | 188 | Lane Powell | 13.90 | 10.1% | 3.8% | 169 |
| 172 | 151 | Brown Rudnick | 13.80 | 9.9% | 3.9% | 149 |
| 173 | 197 | Moore & Van Allen | 13.20 | 7.8% | 5.4% | 282 |
| 174 | 158 | Morris Manning | 13.10 | 7.0% | 6.1% | 164 |
| 174 | 146 | Smith Gambrell | 13.10 | 8.0% | 5.1% | 199 |

| 2016 DIVERSITY RANK | 2015 DIVERSITY RANK | FIRM NAME | DIVERSITY SCORE* | % OF MINORITY ATTORNEYS | % OF MINORITY PARTNERS | TOTAL U.S. ATTORNEYS |
|---------------------|---------------------|------------------------|------------------|-------------------------|------------------------|----------------------|
| 176 | 187 | Buchanan Ingersoll | 13.00 | 10.2% | 2.8% | 441 |
| 176 | 153 | Hall Render | 13.00 | 6.8% | 6.2% | 207 |
| 178 | 155 | Baker Donelson | 12.90 | 8.0% | 4.9% | 742 |
| 178 | 182 | Holland & Hart | 12.90 | 8.5% | 4.4% | 460 |
| 178 | N/R | McCarter & English | 12.90 | 9.0% | 3.9% | 367 |
| 178 | 178 | Nelson Mullins | 12.90 | 8.1% | 4.8% | 515 |
| 182 | 170 | Cozen O'Connor | 12.60 | 8.2% | 4.4% | 550 |
| 182 | 159 | Gibbons | 12.60 | 6.8% | 5.8% | 177 |
| 184 | 200 | Michael Best | 12.20 | 6.8% | 5.4% | 204 |
| 184 | N/R | Taft Stettinius | 12.20 | 7.3% | 4.9% | 372 |
| 186 | 170 | Husch Blackwell | 12.10 | 8.0% | 4.1% | 612 |
| 187 | 184 | Faegre Baker | 11.90 | 8.2% | 3.7% | 629 |
| 188 | 176 | Armstrong Teasdale | 11.50 | 7.6% | 3.9% | 223 |
| 189 | 185 | Shumaker | 11.10 | 5.9% | 5.2% | 236 |
| 189 | 195 | White and Williams | 11.10 | 8.2% | 2.9% | 233 |
| 191 | 199 | Frost Brown | 10.90 | 7.0% | 3.9% | 447 |
| 192 | 183 | Vorys | 10.80 | 5.7% | 5.1% | 371 |
| 193 | 205 | McElroy Deutsch | 10.40 | 7.8% | 2.6% | 249 |
| 194 | 174 | Bond Schoeneck | 10.20 | 5.6% | 4.6% | 268 |
| 195 | 201 | Harris Beach | 10.10 | 6.5% | 3.6% | 215 |
| 196 | 211 | Porter Wright | 9.50 | 5.3% | 4.2% | 190 |
| 196 | 196 | Shipman & Goodwin | 9.50 | 7.4% | 2.1% | 172 |
| 198 | N/R | Robinson & Cole | 9.40 | 7.3% | 2.1% | 198 |
| 199 | 216 | Hinckley Allen | 9.20 | 5.1% | 4.1% | 145 |
| 200 | 214 | Goulston & Storrs | 8.90 | 7.0% | 1.9% | 177 |
| 201 | 201 | Stinson Leonard | 8.60 | 5.2% | 3.4% | 413 |
| 201 | 209 | Sullivan & Worcester | 8.60 | 4.7% | 3.9% | 134 |
| 203 | 192 | Burr | 8.40 | 5.1% | 3.3% | 279 |
| 204 | 208 | Fredrikson & Byron | 8.30 | 5.8% | 2.5% | 278 |
| 204 | 213 | Lathrop & Gage | 8.30 | 7.1% | 1.2% | 265 |
| 206 | 204 | Adams and Reese | 8.00 | 5.6% | 2.4% | 257 |
| 207 | N/R | Benesch | 7.80 | 4.7% | 3.1% | 169 |
| 208 | 206 | Bass Berry | 7.70 | 6.0% | 1.7% | 268 |
| 209 | N/R | Varnum | 7.60 | 4.1% | 3.5% | 171 |
| 210 | 212 | Roetzel & Andress | 7.50 | 5.6% | 1.9% | 161 |
| 211 | N/R | Bradley Arant | 7.40 | 5.2% | 2.2% | 482 |
| 211 | N/R | Fennemore Craig | 7.40 | 4.1% | 3.3% | 194 |
| 211 | 210 | Nexsen Pruet | 7.40 | 5.0% | 2.4% | 185 |
| 214 | 198 | Clark Hill | 7.30 | 5.4% | 1.9% | 313 |
| 215 | N/R | Morrison Mahoney | 6.80 | 4.3% | 2.5% | 163 |
| 216 | 219 | Warner Norcross | 6.60 | 4.0% | 2.6% | 227 |
| 217 | 217 | Barclay Damon | 6.20 | 4.7% | 1.5% | 272 |
| 218 | N/R | Stites & Harbison | 5.90 | 4.1% | 1.8% | 171 |
| 219 | N/R | Stephoe & Johnson PLLC | 4.90 | 3.4% | 1.5% | 305 |

*The Diversity Score was calculated by adding a firm's percentage of minority attorneys in U.S. offices to its percentage of minority partners in U.S. offices. Lawyer counts are average full-time-equivalent (FTE) attorneys in U.S. offices for 2016.