

TEXAS LAWYER

April 23, 2012

An **ALM** Publication

Pass/Fail

Bar Groups Release Austin Law Firm Diversity Report Card

by MARY ALICE ROBBINS

Diversity remains an elusive goal for some Austin firms.

While seven of the capital city's 20 largest firms received a grade of "A" for their efforts to recruit and retain minority attorneys in 2011, five received failing grades on the "2011 Austin Law Firm Diversity Report Card" issued recently by three minority lawyer groups.

Two other firms also received "Fs" on the report card because they did not respond to the survey from the Austin Asian American Bar Association (AAABA), the Austin Black Lawyers Association (ABLA) and the Hispanic Bar Association of Austin (HBAA).

The Austin firms that received "A" grades are Baker Botts; Wilson Sonsini Goodrich & Rosati; Andrews Kurth; Jackson Walker; Brown McCarroll; Thompson, Coe, Cousins & Irons; and Bickerstaff Heath Delgado Acosta.

The firms that received "Fs" are Dubois, Bryant & Campbell; Graves Dougherty Hearon & Moody; Bracewell & Giuliani; McGinnis, Lochridge & Kilgore; and Haynes and Boone. Bracewell & Giuliani, Haynes and Boone, and McGinnis, Lochridge also received failing grades on the minority lawyer groups' 2007 report card.

Issued on March 23, the 2011 report card evaluates and provides a grade for the 20 largest Austin firms based on the percentages of minority attorneys and partners. Alex S. Valdes, an Austin shareholder in Winstead and chairman of the committee that compiled the report card, says 70 percent of a firm's score is based on the percentage of minorities in its attorney ranks and 30 percent is based on the percentage of its minority partners.

"This is just a way to hold firms accountable," Valdes says of the report card.

Valdes says minorities comprise 14 percent of the attorneys licensed to practice in Travis County. A firm must exceed that threshold to receive an "A" on the report card, he says. A firm receives a failing grade if its number of minority attorneys and partners results in a weighted total of less than 8 percent.

The ABLA and the HBAA began grading Austin's largest firms in 2000 and issued report cards on an annual basis for eight years. Austin solo Aurora Martinez Jones, the ABLA's president, says the last report card issued was for 2007.

"I hope by reviving the report card, we can start having some dialogue about how we can fix this situation so we can have less 'Fs' in the future," Jones says.

According to the 2011 report card, 121 minorities were among the 876 attorneys at the 20 firms at the time of the survey. The report card also shows that 43 minorities were among the 457 partners reported by the firms last year.

AAABA president Julie Chen, an attorney for the Texas State Teachers Association, says the report card provides a way for companies and consumers to see if the diversity at firms reflects how diverse they think the attorney ranks should be.

"I think it's an important tool," Chen says.

Highs and Lows

The Austin office of Baker Botts scored the highest on this year's report card, reporting 12 minorities among its 60 attorneys and three minorities among its 20 partners for a weighted total of



18.5 percent.

Gavin Villareal, an Austin partner in Baker Botts and a member of the firmwide diversity committee, says the firm's efforts begin with recruitment but also involve the training and mentoring of new lawyers.

"It's not enough to get minority lawyers in the door," Villareal says. "They need to be trained and mentored to succeed."

Villareal says the firm has affinity groups in which minorities can discuss work issues and advancement. The firm also invites all its minority attorneys to diversity forums — the most recent one was held in Dallas in May 2011 — so they can network with each other.

Haynes and Boone scored the lowest of any firm that responded to the survey for the report card, with only one minority among its 20 Austin lawyers and no minority partners.

An emailed statement from Felicity Fowler, a partner in Haynes and Boone's Houston office and the firm's diversity chairwoman, states in part: "The minority

numbers in our Austin office do not reflect the overall success of our diversity program. One reason that the numbers are lower is because we have not had a summer program in our Austin office for the past several years.”

According to Fowler’s email, Haynes and Boone has several programs to help with recruitment, retention and promotion of minority attorneys. Those include the Minority Associate Sponsor Program, which pairs minority associates with members of the firm’s board of directors and other senior management partners, Fowler notes.

At the Austin office of McGinnis, Lochridge, there are four minorities



Baker Botts'
Gavin Villareal



Doug Dodds of
McGinnis,
Lochridge &
Kilgore



Bracewell &
Giuliani's **Tim**
Wilkins

among the 62 attorneys, including two minorities among the 42 partners, the report card shows.

Doug Dodds, McGinnis, Lochridge’s managing partner, says he is concerned by the firm’s grade.

“We’re very committed to diversity,”

Dodds says. He notes that McGinnis, Lochridge is a sponsor of the Austin Bar Association Diversity Fellowship Program,

which each year enables 10 minorities who are first-year law students at the University of Texas School of Law to have internships at firms or governmental entities.

Dodds says McGinnis, Lochridge’s ratio of minority attorneys has improved since it reported the data for the report card. The firm hired a Hispanic associate in December 2011, he says.

Tim Wilkins, managing partner of Bracewell & Giuliani’s Austin office, says a clerical error caused his firm to receive a failing grade. The report card shows Bracewell has two minorities among its 23 attorneys and no minority partners. But Wilkins says the data submitted for the report card failed to include a minority attorney who also is a partner. He says his firm’s grade should be a “C.”

There is not likely to be a

change in Bracewell’s grade, however. In an emailed statement, the committee notes that it relies on the responding firms to verify the accuracy of the information provided. A representative of each firm signs a form to certify that the firm’s responses are “true and accurate,” Valdes writes.

Wilkins says Bracewell’s numbers continue to improve. The firm recently made offers to three associate candidates, including two minorities, Wilkins says. One of the minority associate candidates will join Bracewell on April 23.

“Diversity and inclusion are very important to us,” Wilkins says.

As noted on the report card, Dubois, Bryant received a failing grade because two of its 26 attorneys and one of its 19 partners are minorities. Scott Lineberry, managing partner at Dubois, Bryant, did not return two telephone calls seeking comment.

Graves Dougherty also received an “F” on the report card, which shows that five minorities are among its 70 attorneys and two of the 50 partners are minorities. Michael Whellan, the firm’s managing shareholder, did not return two telephone calls.

The report card shows that Davis & Wilkerson and Lloyd Gosselink Rochelle & Townsend did not participate in the survey.

Davis & Wilkerson president David Wright says the reason his firm did not participate in the survey is because it doesn’t fit in the same category as some of the larger firms that have recruitment programs. “We don’t have any kind of active recruitment program,” Wright says.

The firm had participated in the 2007 report card.

Lloyd Gosselink principal Lambeth Townsend says his firm has not participated in the survey for the report card for several years. “There’s no particular reason, other than we don’t participate,” Townsend says.

2011 AUSTIN LAW FIRM DIVERSITY REPORT CARD

Number of Minority Lawyers at Austin’s Largest Law Firms

Firm	Grade	Attys* (Min.)	Partners (Min.)	Weighted % Total++
Baker Botts	A	60 (12)	20 (3)	18.50%
Wilson Sonsini Goodrich & Rosati	A	39 (8)	8 (1)	18.11%
Andrews Kurth	A	40 (8)	15 (2)	18.00%
Jackson Walker	A	89 (17)	51 (7)	17.49%
Brown McCarroll	A	55 (10)	42 (6)	17.01%
Thompson, Coe, Cousins & Irons	A	33 (6)	18 (2)	16.06%
Bickerstaff Heath Delgado Acosta	A	25 (4)	20 (3)	15.70%
Winstead	B	48 (6)	32 (4)	12.50%
Vinson & Elkins	C	88 (13)	24 (1)	11.59%
Scott, Douglass & McConnico	C	45 (6)	33 (2)	11.15%
Fulbright & Jaworski	C	86 (10)	32 (3)	10.95%
Locke Lord	C	40 (4)	24 (3)	10.75%
DLA Piper	C	27 (3)	11 (1)	10.51%
Dubois, Bryant & Campbell	F	26 (2)	19 (1)	6.96%
Graves Dougherty Hearon & Moody	F	70 (5)	50 (2)	6.20%
Bracewell & Giuliani	F	23 (2)	11 (0)	6.09%
McGinnis, Lochridge & Kilgore	F	62 (4)	42 (2)	5.94%
Haynes and Boone	F	20 (1)	5 (0)	3.50%
Davis & Wilkerson	F	Did not participate		
Lloyd Gosselink Rochelle & Townsend	F	Did not participate		
TOTALS		876 (121)	457 (43)	12.48%

* Information provided by individual law firms.

Grading Scale
 14% and above = A Excellent
 12% to 13.99% = B Good
 10% to 11.99% = C Needs Improvement
 8% to 9.99% = D Unsatisfactory
 Less than 8% = F Failing

++Weighted % Total = (% of minority attorneys among all attorneys x .7) + (% of minority partners among all partners x .3)

Source: Austin Asian American Bar Association, Austin Black Lawyers Association and Hispanic Bar Association of Austin.