

LAW FIRM SURVEY ON RECRUITING DIVERSE LAW STUDENTS

ANALYSIS AND SUMMARY

Who are the respondents?

- Received 42 responses.
- About 90% of respondents were large firms (firms having more than 500 attorneys).
- The majority of respondents (approximately 70%) were from the East Coast, approximately 20% were from the West Coast, and the remaining were from the Midwest.
- All respondents either host or participate in career-related diversity programs for law students.

Definitions of Diversity

Most law firms (52%) did not have a definition of “diversity” for their law school diversity recruiting. About 48% of law firms surveyed have a definition of “diversity” for their law school diversity programs.

Examples of how firms defined “diversity”:

- “Be a member of one of the racial/ethnic groups set forth by the Equal Employment Opportunity Commission or be a member of the lesbian, gay, bisexual, and transgender (LGBT) community.”
- “Diversity programs encompass the following: color and diverse ethnicities, sexual orientations, gender identities and expressions, nationalities, disabilities, religions, and other diverse backgrounds.”
- “As an international law firm, diversity is an essential part of the firm’s success. [The firm’s] inclusive environment allows the diversity of firm personnel to thrive. It takes diverse perspectives to examine client issues from many angles in order to find the best solutions. Contributions by all members of the firm, regardless of their race, color, religion, sex, age, sexual orientation, gender identity or expression, national origin, citizenship, disability or background are welcomed and valued.”
- “We are committed to equal employment opportunity and diversity in the workplace. Our firm has a diversity committee that created subcommittees to focus on areas of diversity. They include the following: Gender; Race, Ethnicity, National Origin; LGBT; Veterans; and Attorneys with Disabilities.”
- “Our definition of diversity is broad and encompasses race, gender, ethnicity, those who are gay, lesbian, bisexual or of a transgender experience, as well as those of differing social, religious or economic backgrounds, or those who may be underrepresented or perceived to be underrepresented within the law school community or the legal profession.”
- “...diversity is not simply a philosophy; it is about who we are and how we do business, both with our clients and with each other. We strongly believe that diversity in perspectives, backgrounds and experiences enhances the quality of work and augments our lives, and we are resolute in our mission to continue to weave differences into the fabric of the firm. We have determined that diversity is the best, most effective way of conducting business in today’s global marketplace. Multifaceted and multicultural differences encourage new ideas and fresh viewpoints and foster a creative problem-

solving environment, which supports our collaborative approach in the workplace. Moreover, they allow us to meet the full spectrum of our clients' needs and demands, especially as the firm maintains and advances its global footprint."

Credentials

We asked respondents how GPA is treated when evaluating applications to their diversity programs. The majority of firms surveyed (62%) said they do NOT accept a lower GPA for diversity programs. However, 21% of those surveyed said they will accept a lower GPA. A number of respondents indicated that GPA is just one factor of many considered when evaluating applications to diversity programs. Here are a few examples of those comments:

- "We take everything into account, including GPA."
- "GPA is considered in the same way it would be for any hiring process."
- "We look for the best candidate. GPA is only one of many considerations."
- "We will accept a lower GPA only with respect to the SCBA Diversity Fellowship Program by which 1L summer associates are assigned to participating firms."

Demographics and Categories

Next, we asked law firms *whom* they target for law school diversity programs.

- All firms surveyed (100%) said they seek Blacks/African Americans and Latinos/Hispanics.
- Not all firms surveyed said they seek East Asian, South Asian, racial minorities who are women, LGBT or Native American students through these programs. Here is a closer look at those responses:
 - 95% of firms surveyed said they seek East Asian students.
 - 95% of firms surveyed said they seek South Asian students.
 - 95% of firms surveyed said they seek women students who are racial minorities.
 - 93% of firms surveyed said they seek lesbian, gay and bisexual students; a slight fewer (91%) of firms surveyed said they seek transgender, trans, and genderqueer students.
 - 90% of firms surveyed said they seek Native American students.
- The majority of law firms surveyed (64%) said they seek Caucasian women.
- Most law firms surveyed also seek students with physical disabilities (60%), to be distinguished from the percentage of firms that said they seek students with mental health/learning disabilities (29%).
- About half of firms surveyed said they seek students who are veterans (50%).
- Racial minorities who are also international students did not receive the same response rate as non-international racial minorities. Only 38% of respondent firms indicated that they seek international students who are racial minorities.
- Religious diversity as a category (students self-identifying as Muslims, Jewish, Buddhists and "other religious groups") received an average response rate of 22% (with the highest percentage of firms saying they seek Muslims at 26% and the lowest percentage of firms seeking the other groups at 21%).
- A small percentage of respondent firms indicated that they seek first generation students in higher education through their diversity programs – 23%.

- Approximately 21% of respondent firms indicated that they seek students of lower socioeconomic status for their diversity programs.
- Other groups that were specifically listed on the survey who appear to be least sought by the respondent firms for their diversity programs include:
 - Caucasian international students (12%);
 - Older students (10%);
 - Caucasian allies of students who identify as LGBT (7%);
 - Students married to, the children of, or the parents of racial minorities (7%);
 - Children or parents of those who identify as LGBT (7%);
 - Caucasian allies of racial minorities (e.g. Caucasian members of BLSA) (5%);
 - Students with a particular life philosophy (5%);
 - Left-handed students (5%); and
 - Students of higher socioeconomic status (2%).
- Firms expressed a commitment not to discriminate against any students and emphasized that the goals of their diversity programming is not to exclude anyone, “but to ensure we are being as inclusive as we can be.”
- Most firms surveyed (79%) said they receive applications from candidates who do not fit their definition or view of “diversity” for their law school diversity programs. Most firms surveyed (62%) said they will consider these candidates, and only 5% of firms indicated that they wished such students did not apply and that they exclude their materials. Nearly half of the firms surveyed (48%) said they will treat applicants who do not fit their definition of “diversity” or view of “diversity” the same as all other applicants. Another 17% of firms surveyed said they would consider these applicants, but give their applications less weight. Finally, 26% of firms surveyed said they have selected an applicant who falls outside of their definition of “diversity” through a diversity program or diversity job fair. One comment indicated that if students apply through a diversity program but do not qualify for the diversity program because they are outside of the firm’s definition of diversity, but are ultimately hired, the firm considers them to be a “regular hire.”

Survey Comments

In response to the question, “How can law school career advisors help your organization as they work with you on your diversity program?” we received the following answers:

- “Explain that diversity programs serve the law firms as an additional channel through which targeted students can apply. These programs are not designed to limit the opportunity for those students who are not targeted.”
- “Encourage ethnic/racial minority law students to participate in the diversity job fairs. This gives them early access to firms before OCI begins.”
- “[Law schools can help] by asking what definition of diverse we use for our program, or by asking what groups of students we wish to meet.”
- “Provide students with tools to help them hit the ground running faster in their first term. Many of the diverse students are the first to attend law school and they need a little more help ramping up. Provide an optional summer class to teach them about an outline, writing a brief,

how to study, citation, and so forth. Consider producing grades earlier. It makes it so much tougher for law firms when we don't have grades with applications. Unless NALP moves the start date for 1L recruitment, all firms will continue to struggle with candidate selections.”

- “Help advertise firm diversity programs, initiatives and scholarships.”
- “Law schools can ensure that our diversity fellowships are properly advertised and distributed to diverse student organizations.”
- “Understand the culture of the Firm; understand how we view and support inclusion...”

TAKEAWAYS FOR LAW FIRMS

1. **Consider having a definition of “diversity” that sets out the demographic the firm seeks to recruit through its diversity programs or, if the firm does not have a definition, identify the student demographic it seeks on application forms.** Why does it matter that more than 50% of firms surveyed do not have a definition of “diversity” for their law school diversity programs? Because clear definitions of “diversity” are one of the best tools available to law schools to know whom to target for a firm’s diversity program. Law schools and law students need direct guidance as to whom each firm is targeting. If a firm is still not interested in defining “diversity,” another way to help schools and students is to indicate in application materials whom the firm seeks for their diversity programs. As noted in this study, there is a spectrum for definitions of “diversity.” It ranges from expressly stated EEO categories, to no stated categories with just an affirmation of the firm’s business case for the value of diversity. Such affirmations, while very important, provide little guidance to law schools or students as to whom a firm is targeting for these programs.
2. **Understand that law schools are generally forbidden from excluding students from job opportunities or deciding which students qualify for particular career-related programs.** Law schools may have different approaches to handling information about diversity programs for students. Many law schools choose not to have a diversity definition at all for themselves. With an obligation to help all students with their careers, law schools generally operate within a policy of inclusion, which requires that they do not adopt a restrictive definition of diversity. From the schools’ perspective, career counselors support any student that self-identifies as diverse or even advocates for diversity in some way. As a result, schools are generally compelled to ensure that all students are free to participate in diversity programs that fall within the same policy of inclusion.
3. **Communicate your definitions and diversity goals with law schools.** Since law schools usually cannot deny anyone access to diversity programs nor force such programs upon students, the best law schools can do is offer guidance to students using what employers have communicated about these programs, and point to former participants as examples of the firms’ targeted demographic. Students must decide for themselves whether to participate or not. It would be helpful to law schools for law firms to understand the schools’ policies on diversity and get clear on what firms should expect in terms of a law school’s ability to restrict or disseminate such information.
4. **Some of your competitors may be broadening their definitions of diversity beyond traditional “EEO categories” when recruiting law students.** While many law firms continue to focus on racial and ethnic minorities when it comes to diversity recruiting, most of the firms that we surveyed said they also target LGBT students, women (including Caucasian women), and students with physical disabilities. Approximately half of the firms surveyed said they seek veterans through their diversity recruiting programs, and some firms also said they seek students with mental health/learning disabilities, differing religious groups (Muslims, Jews, Buddhists), students of lower socioeconomic status, and first generation students attending higher education. Even still, a small percentage of firms surveyed (less than 12%) also said they

seek Caucasian international students, older students, Caucasian allies of racial minorities/students who identify as LGBT, students who are married to/children of/parents of racial minorities, children or parents of those who identify as LGBT.

5. **Understand how this generation of law students may see themselves as diverse in different ways than previous generations, which may account for why so many students outside of traditional EEO definitions of diversity apply and feel qualified for such programs.** Besides the fact that diversity programs provide great opportunities that any student would likely be interested in, a very helpful resource in explaining what law schools are seeing in students is the report by Christie Smith and Stephanie Turner, “The Radical Transformation of Diversity and Inclusion: The Millennial Influence”:
<https://www2.deloitte.com/content/dam/Deloitte/us/Documents/about-deloitte/us-inclus-millennial-influence-120215.pdf>. This report states on page 6 that “while millennials value the ideals of diversity and inclusion just like their generational counterparts, they fundamentally define constructs differently, and therefore, have different expectations relating to engagement, empowerment, and authenticity at work.” Further, on page 7, the report states, “In other words, millennials frame diversity as a means to a business outcome, which is in stark contrast to older generations that view diversity through the lens of morality (the right thing to do), compliance, and equality.” “Respondents in the Generation X and baby boomer generations most commonly define diversity as representation of and fairness to all individuals and their various identifiers of gender, race, religion, ethnicity, and sexual orientation. While older generations aim to ensure that the mix of people on a team accounts for all of the above identifiers, millennials look past these identifiers to focus on the knowledge, experience, and unique insights individuals bring forth.”

TAKEAWAYS FOR LAW SCHOOLS

1. **Encourage firms to have a definition of “diversity” that sets out the demographic the firm seeks to recruit through its diversity programs or, if the firms do not have a definition, encourage firms to identify the student demographic they seek on their application forms.** As stated above, why does it matter that more than 50% of firms surveyed do not have a definition of “diversity” for their law school diversity programs? Because clear definitions of “diversity” are one of the best tools available to law schools to know whom to target for a firm’s diversity program. Law schools and law students need direct guidance as to whom each firm is targeting. If a firm is still not interested in defining “diversity,” another way to help schools and students is to indicate in application materials whom the firm seeks for their diversity programs. As noted in this study, there is a spectrum for definitions of “diversity.” It ranges from expressly stated EEO categories, to no stated categories with just an affirmation of the firm’s business case for the value of diversity. Such affirmations, while very important, provide little guidance to law schools or students as to whom a firm is targeting for these programs.
2. **If not stated, contact law firms to inquire about definitions and diversity goals.** Not all law firms have definitions of diversity or stated diversity goals. It is up to law schools to ask if a target demographic for a firm’s diversity program is not clear. It would be helpful to law firms for law schools to understand why a firm might not have a definition of “diversity” or have a stated list of demographics it targets.
3. **When no further guidance regarding a diversity program’s targeted demographic is provided, especially encourage your students who are interested and self-identify as Black/African American and Latino/Hispanic to apply for law firm diversity programs.** Since all firms surveyed (100%) said they seek Blacks/African Americans and Latinos/Hispanics, we believe this demographic should be especially encouraged to apply for such programs. Furthermore, as one respondent noted, “Encourage ethnic/racial minority law students to participate in the diversity job fairs. This gives them early access to firms before OCI begins.”
4. **When no further guidance regarding a diversity program’s targeted demographic is provided, law schools should also encourage students who self-identify as other racial minorities or as LGBT to apply to diversity programs.** Given that more than 90% of respondents said they seek students who self-identify as other racial minorities and LGBT, it is also prudent to encourage your students who self-identify as East Asian, South Asian, racial minorities who are women, LGBT and Native American to apply for these programs.
5. **For any of your students who self-identify as Caucasian women and question whether diversity programs are just for racial minorities, our research shows that a majority of law firms are seeking them for diversity programs.** The majority of law firms surveyed (64%) said they seek Caucasian women for their diversity programs.
6. **Continue encouraging diverse candidates, who may not otherwise meet a firm’s GPA requirement, to apply for a firm’s diversity program.** The majority of firms surveyed (62%) said they do NOT accept a lower GPA criteria for diversity programs. However, 21% of those

surveyed said they will accept a lower GPA. Given that there is a chance a firm may accept a lower GPA, it may be worth your students trying. Also, for any diverse students who are concerned that diversity programs represent a means for a “less qualified” candidate to get in, you might share with them that many firms do not accept lower GPAs and that some believe that GPA is just one factor of many considered when evaluating applications to diversity programs.

7. **Law schools should not discourage any interested candidates from applying to law firm diversity programs, regardless of whether the advisor believes the student fits within the firm’s definition of diversity or not.** Our research shows that most law firms (62%) said they will consider candidates who fall outside of the firm’s definition of diversity, nearly half will treat them the same as all other candidate and that some (26%) will even hire such candidates.
8. **Consider relaying this information to your students, which are all direct quotes from law firms:**
 - a. “Explain that diversity programs serve the law firms as an additional channel through which targeted students can apply. These programs are not designed to limit the opportunity for those students who are not targeted.”
 - b. “Encourage ethnic/racial minority law students to participate in the diversity job fairs. This gives them early access to firms before OCI begins.”
 - c. “Understand the culture of the Firm; understand how we view and support inclusion...”