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The Law Trails Other Professions in Ethnic Diversity

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The law is diversifying at a much slower rate than are other professions, according to a study commissioned by Microsoft Corp.

Between 2003 and 2012, the percentage of African American and Hispanic attorneys inched up by a mere 0.8 percent, and they now account for just 8.4 percent of attorneys in the country, according to the report, which Microsoft released on Tuesday. ([Download the report here.](#))

That growth was outpaced by the increase in those same minority groups among auditors and accountants, physicians and surgeons, and financial managers.

“Unless the legal profession makes faster progress, it will miss the dynamism and creativity that diversity brings to other fields,” Microsoft General Counsel Brad Smith wrote in a blog post about the study. “We risk failure in having a profession that is as diverse as the country we serve—a prerequisite for healthy legal service for a democracy.”

The percentage of African American and Hispanic financial managers nationwide grew from 13.3 in 2003 to 18.9 in 2012—up by nearly six percent overall. Similarly, their percentage among physicians and surgeons rose by 2.5 to 12.3 nationwide. The ranks of African American and Hispanic auditors and accountants saw less growth, increasing by 1.2 percent, but those groups still account for 16.5 percent of all accountants and auditors.

Microsoft zeroed in on those three other professions because they have broad education or licensing requirements, similar to the juris doctor and the bar examination.

“We’re really struggling with how to think about the pipeline, and we got quite interested in seeing how other professions are doing and what they might be doing that we could do ourselves,” said Mary Snapp, deputy general counsel at Microsoft.

The study found that African Americans and Hispanics are underrepresented in all four professions as compared to the U.S. population as a whole, but that the gap between the law and the three others is actually worsening.

That’s despite more than a decade of efforts throughout the legal profession to diversify, from pipeline projects and fellowships to leadership programs and diversity initiatives in law firms and legal departments.

The study points to a number of reasons for the lag, among them that licensing passage rates are higher in other professions, that loan forgiveness is more available, and that the law lacks national scholarships on the same scale as medicine and business. The most recent study by the Law School Admission Council of race and bar passage rates found that minorities had a higher failure rate on the bar exam than their white counterparts, the Microsoft report notes.

Improving diversity in the law would require the involvement of every corner of the profession, from professors and administrators at undergraduate universities to law firm leaders, the study concluded. While Microsoft has plenty of long-term goals for improving diversity in the profession, it would like to focus on bar passage rates first, Snapp said.

“We would like to convene a group of law firms, law department and law deans to discuss bar passage, which is one way we think

we can make a difference in the immediate future,” she said.

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