



**The Asian American Bar Association  
of the Greater Bay Area presents**

**A Toolkit Examining  
“A Portrait of Asian Americans  
in the Law 2.0”**

March 2023

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## Overview: A Portrait of Asian Americans in the Law (Portrait Project)

- In 2017, California Supreme Court Justice Goodwin Liu, the American Bar Foundation, the National Asian Pacific American Bar Association, and other key contributors prepared [\*A Portrait of Asian Americans in the Law\*](#), a novel study and report regarding Asian Americans in the legal profession.
- In the years since, the Asian American community has experienced a series of major events, including a rise in anti-Asian hate and violence, increased attention to discrimination generally, and a global pandemic.
- Accordingly, in 2022, the authors released [\*A Portrait of Asian Americans in the Law 2.0: Identity and Action in Challenging Times\*](#) (“Portrait Project”) [https://www.americanbarfoundation.org/uploads/cms/documents/abf\\_portrait\\_project\\_2.0\\_final.pdf](https://www.americanbarfoundation.org/uploads/cms/documents/abf_portrait_project_2.0_final.pdf).

Source: Portrait Project at 2.

## Overview: Portrait Project 2.0: Summary of Major Findings

- “Asian American attorneys indicated **greater engagement** with **social and political issues**, along with a desire to **change and improve society.**”
- “Underrepresentation of Asian Americans in the **top ranks of the legal profession** persists. But there has been **notable progress** in the appointment of **federal judges** and in the ranks of **general counsel**, and law school enrollment has rebounded somewhat from a 20-year low.”
- “**Greater institutional support** would likely **reduce barriers** to advancement and improve the professional lives of Asian American attorneys.”

Source: PP at 2-4 (emphasis added).

## Overview: Barriers and Obstacles to Career Advancement

Survey respondents were provided a list of “barriers to career advancement,” and these four barriers were selected most often by respondents, across all years of experience and type of practice:

- **Lack of formal leadership training: 42.1%**
- **Inadequate access to mentors and contacts: 37.6%**
- **My work goes unrecognized: 34.9%**
- **Limited opportunities to develop better skills: 32.5%**

Of the survey respondents, 84% of women reported experiencing at least one barrier to career advantage, compared to 78% of men.

Source: Portrait Project at 52-53.

## Overview: How to Use this Toolkit

- This toolkit digests major findings in the Portrait Project 2.0 report for AAPI attorneys representing four major audiences: law students, private practice: law firms, private practice: in-house lawyers, and public service.
- The toolkit highlights observations specific to each of these audiences, as well as suggestions for action items for attorneys in each group to consider implementing to support AAPI career development.
- We also encourage use of this toolkit as a catalyst for conversations in various organizations to discuss how to best support the career development of AAPI attorneys.



# **LAW STUDENTS**

## **Major Findings**

# Law Students: Enrollment

- Asian Americans were the fastest-growing group in law school from 1999 to 2009.
- Enrollment declined by 23.5% from 2011 to 2021.
  - Asian American enrollment declined more than any other racial/ethnic group following the Great Recession.
- **Caveat:** Compared to other racial groups, a higher percentage of the Asian American law students enrolled in the top quintile of schools (36% for Asian American students, compared to 22% for Black students, 18% for Latinx students, and 24% for white students).

Source: Portrait Project at 11-14.



# Law Students: Reasons for Lower Enrollment

- When asked for the main factors that might prevent them from going to law school, “among undergraduates considering law, 18% of Asians, 14% of Blacks, 10% of Hispanics, 9% of Whites, and 10% overall selected ‘[l]ittle advancement opportunity in the field/takes too long to move up.’”
- A lack of familiarity with legal careers among family may play a large role in lower enrollment.
- Future earning potential and lack of growth opportunities.

Source: Portrait Project at 12-13.

# Law Students: Motivation/Mentorship/Post-Graduation

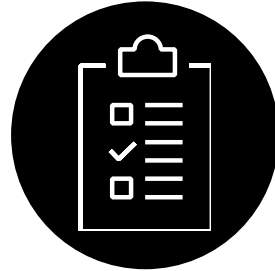
- **Main Motivators for Attending Law School (as of 2022 survey):**
  - (1) To develop a satisfying career;
  - (2) To change or improve society;
  - (3) Intellectual challenge.
- **Note – motivation to change or improve society:** This motivation was ranked *fourth* most common among 2016 respondents compared to *second* most common among 2022 respondents.
- **Mentorship:**
  - 33% of 2022 survey respondents reported having no mentors at all in law school.
  - Respondents had difficulty finding mentors “due to compositions of their law school faculties and the small number of Asian Americans in the legal profession generally.”
- **Exit Paths:** 65% enter law firm, 7.5% government, 6.4% public interest, and 7.2% clerkship (lowest among all racial groups).
- **Clerkship:** the likelihood of clerking is positively associated with having mentors in law school. Asian Americans comprised 5.8% of federal clerks and 6.3% of state clerks.

Source: Portrait Project at 15-17, 22-23, 26.

# Law Students: Action Items

- ☑ Share prelaw program opportunities and engage with prelaw programs as mentors.
- ☑ Utilize online professional platforms to connect with attorneys who are in your areas of interests and who may not be in the same location.
- ☑ Develop a network of friends and colleagues who will support and encourage your efforts and goals in the profession.
- ☑ Meet and develop a relationship with the career center and your advisors early. Let them know your areas of interest and seek recommendations and networking opportunities.
- ☑ Participate in internships/externships to obtain practical experience, build your résumé, and expand your network.
- ☑ 46% of 2022 survey respondents said a key reason for attending law school was to seek to change or improve society, but relatively few said they were motivated to pursue law in government/politics or become influential, so there is a need to explore other avenues in engaging/encouraging this motivation for society improvement.

Source: Portrait Project at 16-17.





**PRIVATE PRACTICE:  
LAW FIRMS  
Major Findings**

## Law Firms: Asian Americans have the highest associate-to-partner ratio over the last 20 years

- Law360's survey reported in 2021 that the ratio of non-partners to partners was:
  - 3.12 for Asian American attorneys;
  - 2.86 for African American / Black attorneys;
  - 2.57 for Hispanic /Latinx attorneys;
  - 1.12 for White attorneys.
- The disparity is also apparent at the associate-to-equity partner ratio.
  - In 2020, Asian Americans comprised 4.3% of equity partners at major firms as compared to 90% of equity partners who are White.

Source: Portrait Project at 28-29.

## Law Firms: Asian American women are more likely to be associates and less likely to be partners

- Consistent with the data seen across other minority groups, Asian American women are more likely to be associates and less likely to be partners.
  - According to 2020 data from the 2020 Vault/MCA Law Firm Diversity Survey Report, Asian American women made up 7.4% of associates and 1.8% of partners, as compared to Asian American men who made up 5.1% of associates and 2.5% of partners.
  - Asian American women, however, made up 3.9% of attorneys promoted to partner in 2020, slightly higher than 3.5% for Asian American men.

Source: Portrait Project at 30.

## Law Firms: Women surveyed were far more likely than men to report factors that blocked their “access to success”

- A 2019 ABA study based on input from 1,200 attorneys practicing for at least 15 years showed women surveyed were far more likely than men to report factors that blocked their “access to success.”
  - Women reported in higher numbers “being overlooked for advancement, being denied a salary increase or bonus, feeling treated as a token representative for diversity, lacking access to business development opportunities, being perceived as less committed to her career, or lacking access to sponsors.”
  - In a 2020 study, The Institute for Inclusion in the Legal Profession reported the breakdown of total matters assigned to women, disaggregated by race and ethnicity based on survey response.

Source: Portrait Project at 31.

## Law Firms: Asian Americans receive the least business when compared to their colleagues

- Over half of the matters assigned to diverse outside counsel were assigned to White women lawyers who were given primary responsibility for the matters. Asian Americans received the least business.
- “Most of the racial/ethnic minority groups fell most frequently into the range of receiving ‘more than zero, but less than 10%.’ In the next tier, 10% - 24%, Hispanics, followed by African Americans, fared best while Asian Americans and Native Americans did not receive that amount of business from any of the respondents.”
- African American and Hispanic women received a very small amount of the work assigned to women, and Asian American and Native American women received “almost none.”

Source: Portrait Project at 31.



## Law Firms: Asian Americans are less represented than other groups at the management level

- Asian Americans comprised **7.8% of all attorneys** in the 2019 Vault/MCCA survey data
- But held only **4.1% of seats** on executive management committees
  - Making Asian Americans **less represented** than other groups at the **management level** compared to their size within the overall law firm population.

Source: Portrait Project at 30.

# Law Firms: The attrition rate for Asian Americans is disproportionately high

- Similarly, consistent with the data seen across other minority groups, the attrition rate for Asian Americans is disproportionately high.

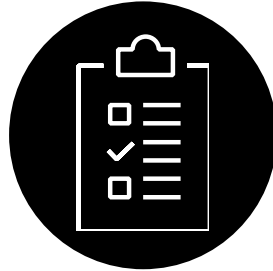
Minority Group	Percentage of attorneys in 2019 Vault/MCCA survey	Percentage of attorneys reported leaving their firms
Asian	7.8%	10.4%
Black	3.7%	5.8%
Hispanic	4.4%	2.5%

- Attrition rates among minority attorneys of color are most pronounced at the associate level. MCCA's 2020 survey revealed that Asian Americans comprised 12.8% of associates who left their firms that year, compared to 7.9% of African American/Black attorneys and 6.7% of Hispanic/Latinx attorneys.

Source: Portrait Project at 31-32.

# Law Firms: Action Items

- ✓ When seeking out mentorship from partners and other senior lawyers within the firm, be prepared to ask meaningful and insightful questions to maximize and gain from their experience. Be a prepared mentee.
- ✓ Actively seek opportunities to work on matters with other AAPI attorneys.
- ✓ Be an active and enthusiastic member of your law firm's AAPI affinity network and seek opportunities to host networking events to reach more attorneys at the law firm. If your firm does not have one, consider request to create one.
- ✓ Find external and internal public speaking opportunities (such as training sessions, speaking on panels, etc.) to grow your network and demonstrate leadership skills.
- ✓ To expand your network, actively engage with AAPI attorneys and clients (including those at a similar level of seniority as you) on matters that you are working on.
- ✓ Don't hesitate to be more vocal in the workplace and find opportunities to present your work product.





# **IN-HOUSE LAWYERS**

## **Major Findings**

## In-House: The number of AAPI general counsel in the Fortune 1000 has almost doubled in the last decade

- According to the 2021 MCCA Fortune 1000 GC Survey, the number of AAPI general counsel in the Fortune 1000 has **almost doubled** in the past decade.
  - In 2009, among the GCs of Fortune 1000 companies, only 19 were AAPI.
  - In 2020, among the GCs of Fortune 1000 companies, 45 were AAPI.
- There was a 6.25% increase in the number of AAPI women: in 2020, of the 296 women GCs, 17 were AAPI.
- Among racial or ethnic minority groups in 2020, AAPIs had the highest number of GCs in a single sector, the consumer services industry.

Source: Portrait Project at 34; Minority Corp. Counsel Ass'n, 2021 MCCA Fortune 1000 GC Survey.

## In-House: Asian Americans are more likely to choose to work for the business sector

- According to *After the JD study*, compared with other ethnicities, a large percentage of Asian Americans choose to work for the business sector (including in-house counsel positions as well as positions not practicing law) both two years and 12 years after bar admission.
  - 14.5% of Asian Americans were in the business sector two years after bar admission—a greater percentage than for Black, Hispanic, or White attorneys.
  - 27.5% in this sector a decade later—a greater percentage and a greater increase than for Black, Hispanic, or White attorneys.

Source: *After the JD: Third Results of a National Study of Legal Careers* 21 tbl.2.1 (2014), at 74 tbl.9.1.

# Potential Obstacles to Career Advancement for In-House Lawyers

AAPI in-house lawyers should consider the following questions that may help address the four main barriers cited by survey respondents:

## **Leadership Training:**

- What kind of leadership training would be useful in assisting in career advancement in-house?
- Is that training available through the company?
- What about bar associations?

## **Mentors and Contacts:**

- Are there mentors within your company who can provide advice about career advancement?
- Can you find mentors at other companies, including those with prior experience at your company, who can give you advice on career advancement?
- Can you find mentors from bar associations, alumni associations, etc.?

# In-House: Potential Obstacles to Career Advancement

AAPI in-house lawyers should consider the following questions that may help address these barriers:

## **My Work Goes Unnoticed:**

- Who are the people at your company who should know about your successes for career development purposes?
- What avenues are there for your work to be shared with them?
- Do you have a “boast buddy,” elevating your achievements and vice versa?

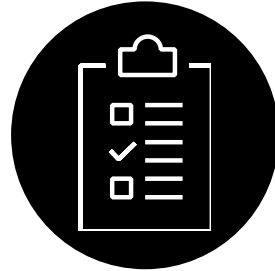
## **Limited Opportunities to Develop Skills:**

- What kinds of skills would be useful for your career advancement goals?
- Are there other avenues to develop those skills, such as leadership positions in external organizations, if not within your specific job responsibilities?



# In-House: Action Items

- ✓ Join your local bar association or affinity bar associations (like NAPABA) (<https://www.napaba.org/page/Affiliates>) with a focus on participation in leadership programs and mentorships.
- ✓ Seek to develop affinity networks within companies, if such networks are not already established. Include AAPI attorneys in diversity programs and leadership development programs.
- ✓ Create formal and informal mentorships for AAPI attorneys in the same legal department and across companies. Provide more junior in-house attorneys with tools to cultivate their own mentors outside of formal programs.
- ✓ Encourage AAPI attorneys to find public speaking opportunities to build their expertise and network outside of the company.
- ✓ Seek to develop connections with AAPI students in law schools and AAPI attorneys in law firms and public service to leverage your strength in private companies, build a safety network for yourself, and advocate diversity and inclusion and more opportunities for AAPI attorneys in the entire legal community.
- ✓ Sponsor AAPI law students as summer interns so they are exposed to in-house careers early.





# **PUBLIC SERVICE**

## **Major Findings**

## Public Service: Prosecutors

- AAPIs are severely underrepresented in these roles.
  - In 2019, eight of 2,396 elected prosecutors were AAPI.
  - In 2021, 5.8% of AUSAs were Asian (up from 5.2% in 2016).
  - In October 2022, only one US Attorney was AAPI.
- Even in some areas with large AAPI populations, such as Manhattan, the number of local AAPI DAs has *decreased* since 2016.
- 33.3% reported being “very satisfied” with their current employment.
- The lack of AAPIs in these roles is especially concerning given the recent rise in reported anti-Asian hate and violence.

Source: Portrait Project at 4, 18, 36-37, 47.

# Public Service: Public Defense and Public Interest

- Public Defense and Legal Aid
  - Visibility into public defender demographics is limited.
  - The DOJ's Survey of Publicly Appointed Defense Attorneys is expected soon.
  - 28.6% reported being "very satisfied" with their current employment.
- Public Interest Organizations
  - 50% reported being "very satisfied."

Source: Portrait Project at 37, 47.



# Public Service: Federal Government Attorneys

- Since 2016, there has been little progress in Asian representation among government attorneys:
  - 7.0% in 2021 (up from 6.7% in 2015).
- Representation at higher ranks of government has been mixed:
  - In 2021, Asians comprised 7.3% of GS-11 attorneys and 6.7% of GS-15 attorneys.
  - In 2016, Asians comprised 9.0% and 5.6%, respectively.
- 55.3% reported being “very satisfied” with their current employment:
  - 46% of state government attorneys were “very satisfied.”

Source: Portrait Project at 38-39, 47.

# Public Service: Federal and State Judiciary

- There has been notable progress in federal judgeships.
  - Asians comprised 6% of judges in 2021 (up from 3.4% in 2016).
  - An additional 25 Asian Americans were appointed as Article III judges, bringing the total to 62.
  - 18.5% or 15 of 81 judges appointed by President Biden were Asian.
- Progress in state courts has been much slower.
  - As of May 2022, only nine of 340 state high court judges were Asian American (up slightly from eight in 2016).
  - California and New York have seen signs of limited increases in representation.
- 69.8% reported being “very satisfied” with their current employment.

Source: Portrait Project at 3, 42-44, 47.

# Public Service: Clerkships

- Law students in general see clerkships as aspirational, regardless of academic record.
  - White students prefer clerkships over their minority classmates.
  - Students from high socioeconomic status backgrounds prefer clerkships over their counterparts.
- AAPI students become more interested in clerkships over the course of law school.
- The proportion of AAPI law clerks has remained relatively static over the last 25 years:
  - 5.8% of federal clerks and 6.3% of state clerks in 2021.
  - 6.4% of federal clerks and 4.5% of state clerks in 1995.

Source: Portrait Project at 18, 21.



# Public Service: Clerkships and Mentorship

- The likelihood of clerking is positively associated with having mentors in law school.
  - 30% of respondents who clerked had two+ mentors
  - 25% had one to two mentors
  - 12% had no mentors
- First-generation law students and lawyers were more likely to report not knowing as law students about the importance of mentorship to their future careers.
- Those who found mentors in law school or later reported great benefits from those relationships.

Source: Portrait Project at 22-23.



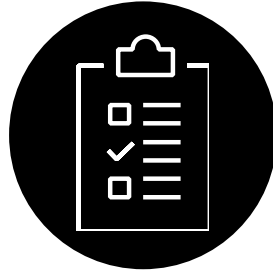
# Public Service: Potential Obstacles to Career Advancement

- AAPI law school graduates choose criminal law at lower percentages than their peers.
- No data exists about the representation of AAPI lawyers in public defense.
- AAPI law students, particularly first-generation students, may not know about the importance of clerkships and mentorship.
- Women are less likely to obtain federal clerkships, despite having a stronger preference for clerkships than men.
- AAPI students may have no mentors in law school at all, particularly where there is a lack of AAPI faculty.

Source: Portrait Project at 21-23, 36-37.

# Public Service: Action Items

- ☑ Mentorship and Sponsorship
  - Actively seek mentorship within *and* outside the AAPI community.
  - Actively offer mentorship to AAPI lawyers and students.
  - Support your AAPI colleagues by recognizing their contributions.
  
- ☑ Clerkships
  - Those considering clerking should speak to their law school career offices and mentors for guidance.
    - Law school career offices often have a list of unpublished clerkship spots, and they may provide support even if you have graduated.
  - Register for state or federal clerkship alerts.



# RESOURCES

## Further Reading

- [Jacqueline Bell, \*Law360's Diversity Snapshot: What You Need to Know\*, Law360 \(July 25, 2022\), \[https://perma.cc/B25Q-DXHA\]](https://perma.cc/B25Q-DXHA).
- [Minority Corp. Couns. Ass'n & Vault, \*2020 Vault/MCCA Law Firm Diversity Survey Report 27 tbl.A4\* \(2020\), \[https://perma.cc/RF4RZKLS\]](https://perma.cc/RF4RZKLS).
- [Minority Corp. Couns. Ass'n, \*Law Firm Diversity Survey 7\* \(2021\), \[https://perma.cc/6XBW-ZLC7\]](https://perma.cc/6XBW-ZLC7).
- [Roberta D. Liebenberg & Stephanie A. Scharf, \*Am. Bar Ass'n, Walking Out The Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice 7-8\* \(2019\), \[https://perma.cc/3ZX4-PB9D\]](https://perma.cc/3ZX4-PB9D).



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The logo for Morgan Lewis, featuring the text "Morgan Lewis" in white, sans-serif font centered within a solid purple rectangular background.

Morgan Lewis

The logo for Sidley, featuring the text "SIDLEY" in a bold, blue, sans-serif font.

SIDLEY



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**THANK  
YOU**