

# Portrait Project 2.0: Asian Americans in the Legal Profession



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# Presentation Overview

I. Original Portrait Project

II. Portrait Project 2.0

III. Updated 2022 Report

# Acknowledgments

The Portrait Project received generous support from the American Bar Foundation, National Asian Pacific American Bar Association, the Oscar M. Ruebhausen Fund and Dean Heather Gerken at Yale Law School, and Northwestern University Pritzker School of Law. The project also received financial support from the Asian American Bar Association–Bay Area, Asian American Bar Association of New York, Asian American Law Fund of New York, Asian Pacific American Bar Association–Silicon Valley, Arnold & Porter, Davis Polk, Davis Wright Tremaine, Haynes & Boone, Latham & Watkins, Silvia Chin, Carol F. Lee, and an anonymous donor.

# 2017 Report



## A Portrait of Asian Americans in the Law

ERIC CHUNG  
SAMUEL DONG  
XIAONAN APRIL HU  
CHRISTINE KWON  
GOODWIN LIU

YALE LAW SCHOOL  
NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION  
2017



# NAPABA

National Asian Pacific American Bar Association

[www.apaportraitproject.org](http://www.apaportraitproject.org)



# ***ABF AFTER THE JD (AJD) STUDY***

- **National Surveys** – representative sample of lawyers in the US who began practice in the year 2000
- **Three Waves** – Single cohort, longitudinal design (contacts in 2002, 2007, 2012)
- **Findings** – Examines who – and with what capital endowments – pursues various professional strategies following their legal education, how individuals go about doing so, and the professional outcomes that result in the first 12 years of practice

# CHICAGO

The University of Chicago Press

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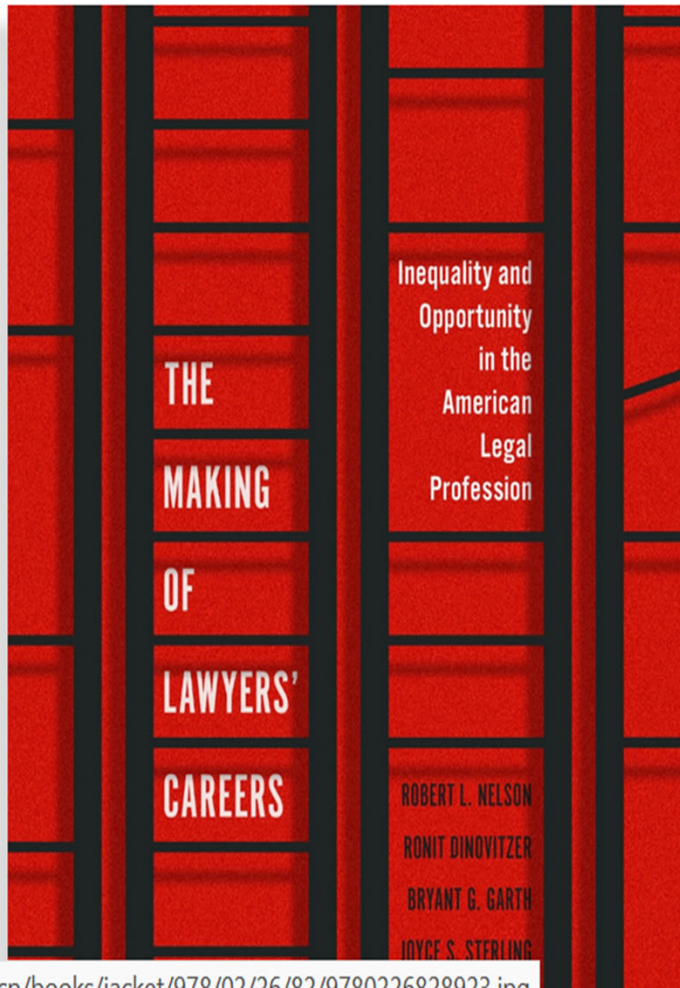
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# The Making of Lawyers' Careers

Inequality and Opportunity in the American Legal Profession

[Robert L. Nelson](#), [Ronit Dinovitzer](#), [Bryant G. Garth](#), [Joyce S. Sterling](#), [David B. Wilkins](#), [Meghan Dawe](#), and [Ethan Michelson](#)

An unprecedented account of social stratification within the US legal profession.

How do race, class, gender, and law school status condition the career trajectories of lawyers? And how do professionals then navigate these

# A Portrait of Asian Americans in the Law

ERIC CHUNG · SAMUEL DONG · XIAONAN APRIL HU · CHRISTINE KWON · GOODWIN LIU







Tuesday, July 18, 2017

# A Portrait of Asian Americans in the Law





# 2017 Report – Key Findings

I. Law School Enrollment Decline

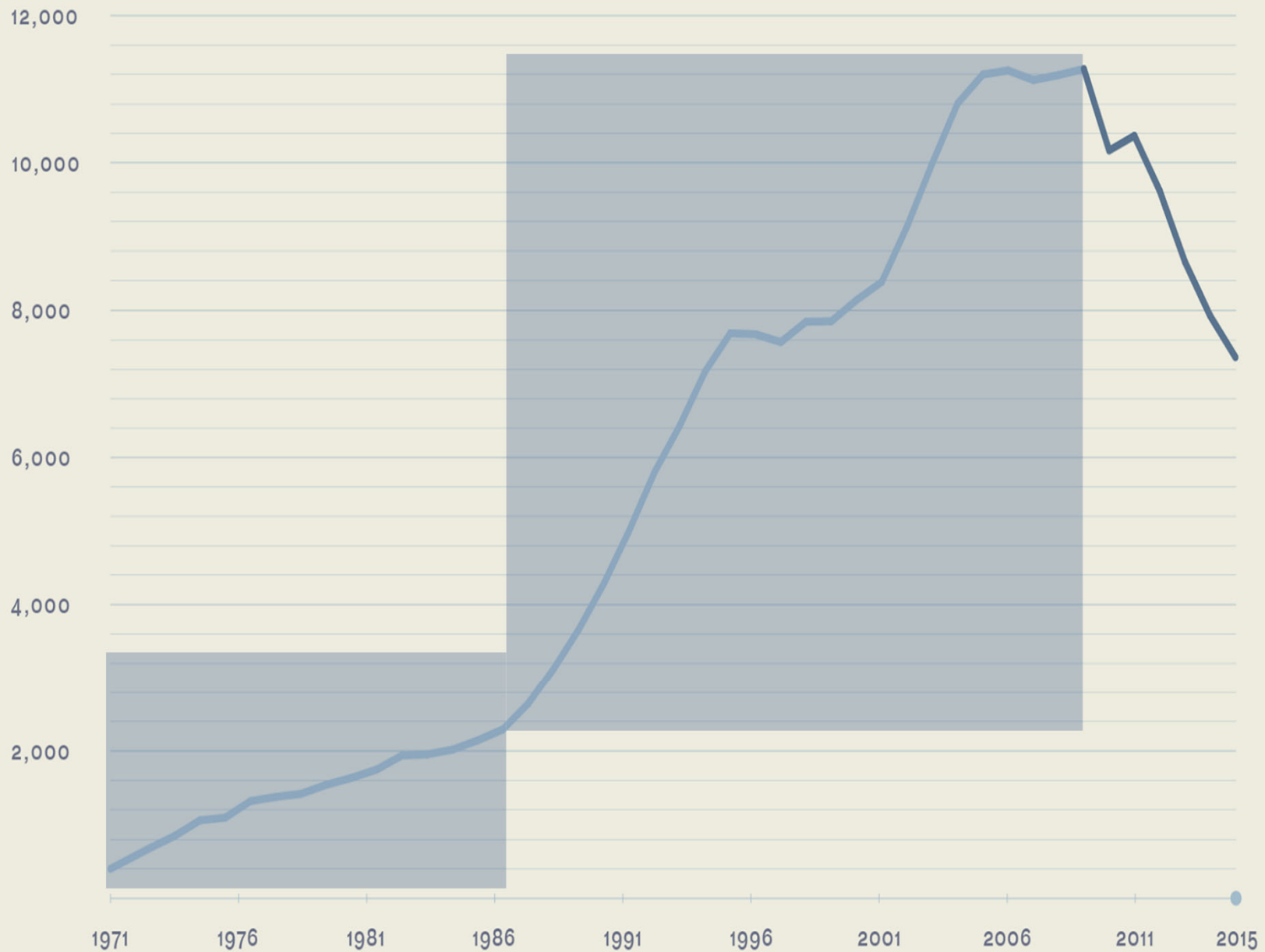
II. Limited Diversity in Judicial Clerkships

III. Law Firm Attrition/Mobility

IV. “Bottleneck” in Leadership Ranks

# ASIAN OR PACIFIC ISLANDER J.D. ENROLLMENT, 1971-2015

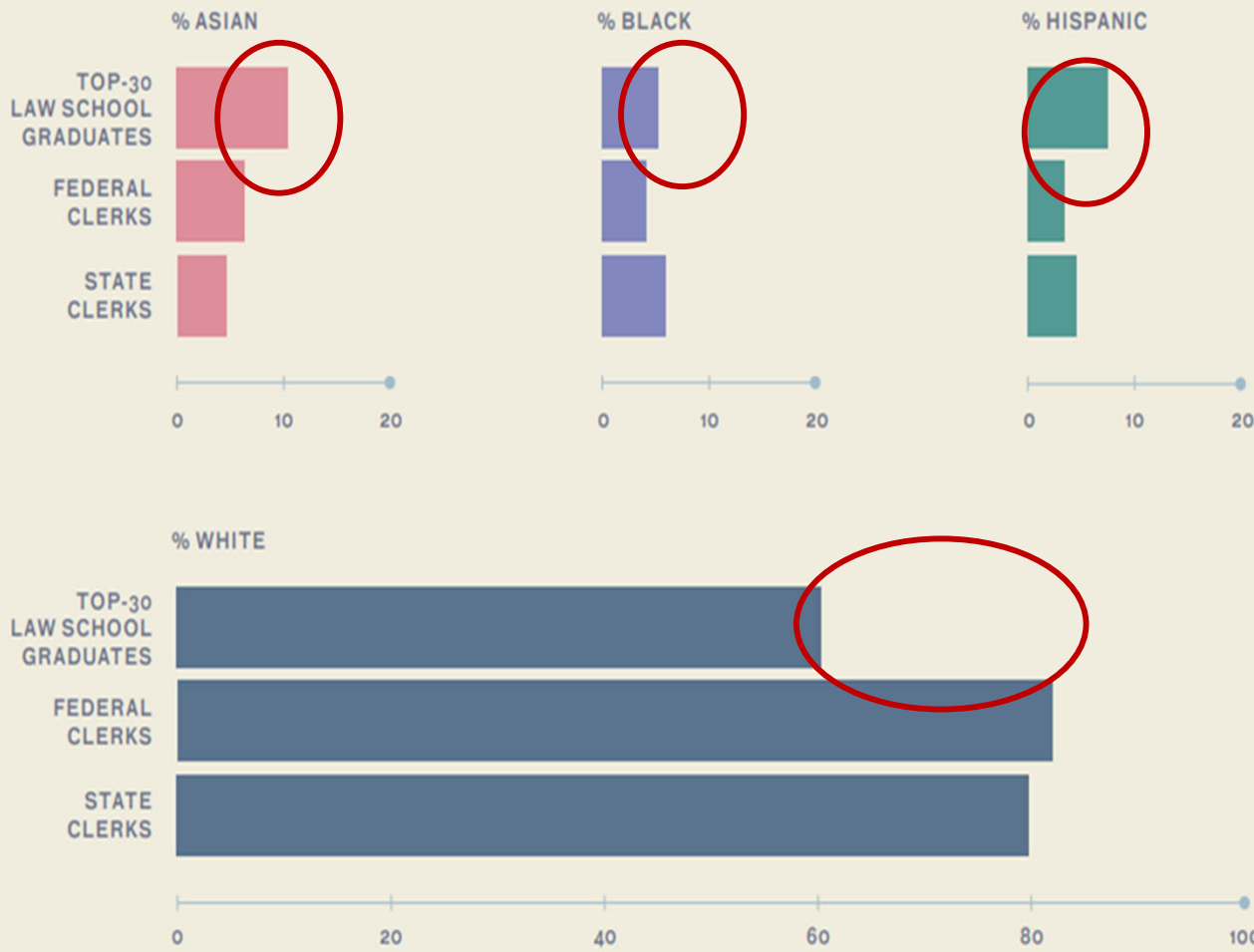
SOURCE: American Bar Association



# RACIAL/ETHNIC DISPARITIES IN CLERKSHIPS

## TOP-30 LAW SCHOOL GRADUATES AND JUDICIAL CLERKSHIPS, 2015

SOURCE: American Bar Association; National Association for Law Placement; U.S. News & World Report



Minority law students get **disproportionately fewer clerkships** relative to their numbers in top 30 law schools

Meanwhile, white law students get **disproportionately more clerkships** relative to their numbers

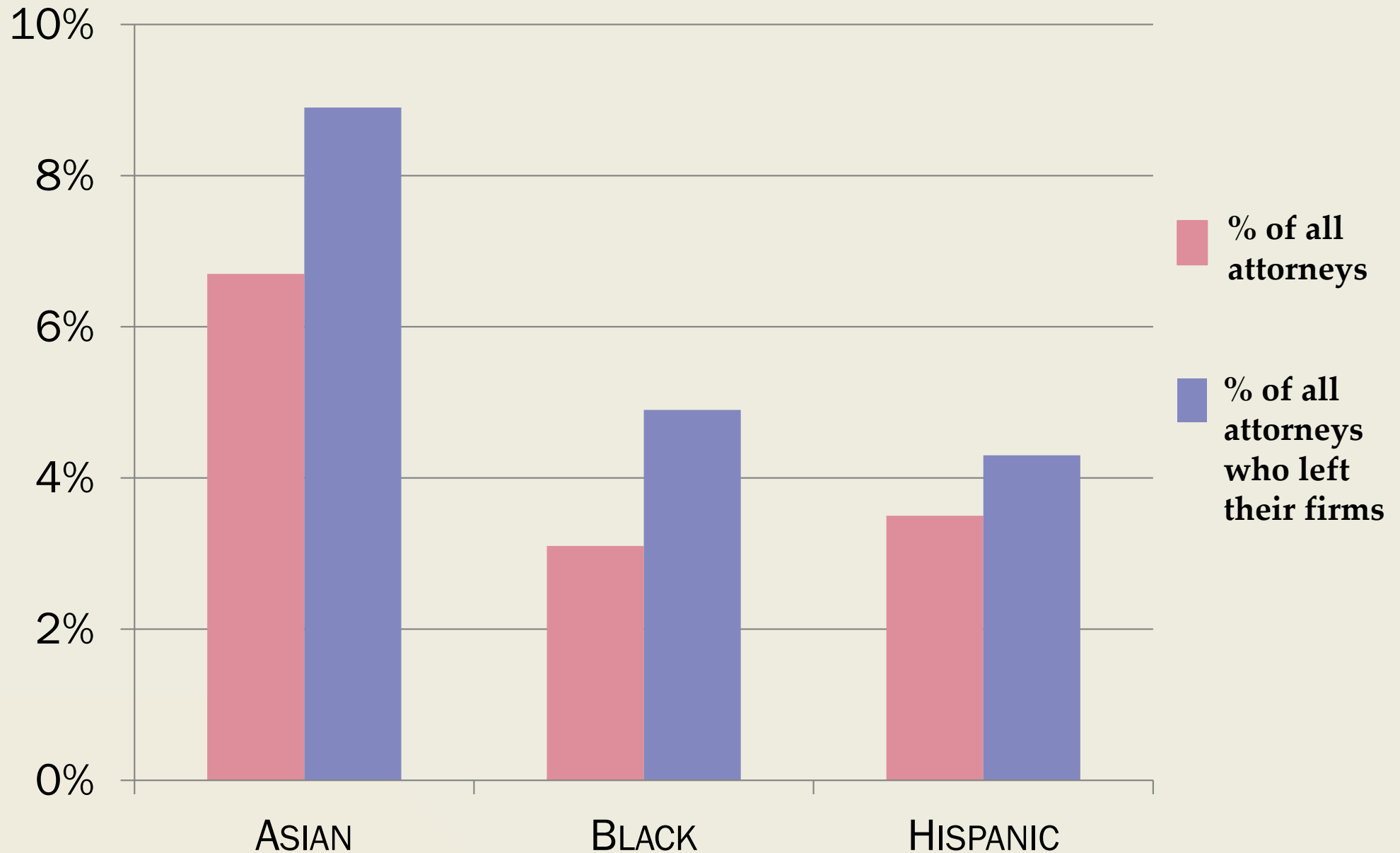
# DEMOGRAPHICS OF LAW FIRM ATTORNEYS, 2015

RACE/ETHNICITY	RATIO OF ASSOCIATES TO PARTNERS
ASIAN	3.65
BLACK	2.36
HISPANIC	1.88
WHITE	1.01

Source: Law360 Minority Report



# ATTRITION RATE IN LAW FIRMS, 2014



Source: Minority Corporate Counsel & Vault Law Firm Diversity Database

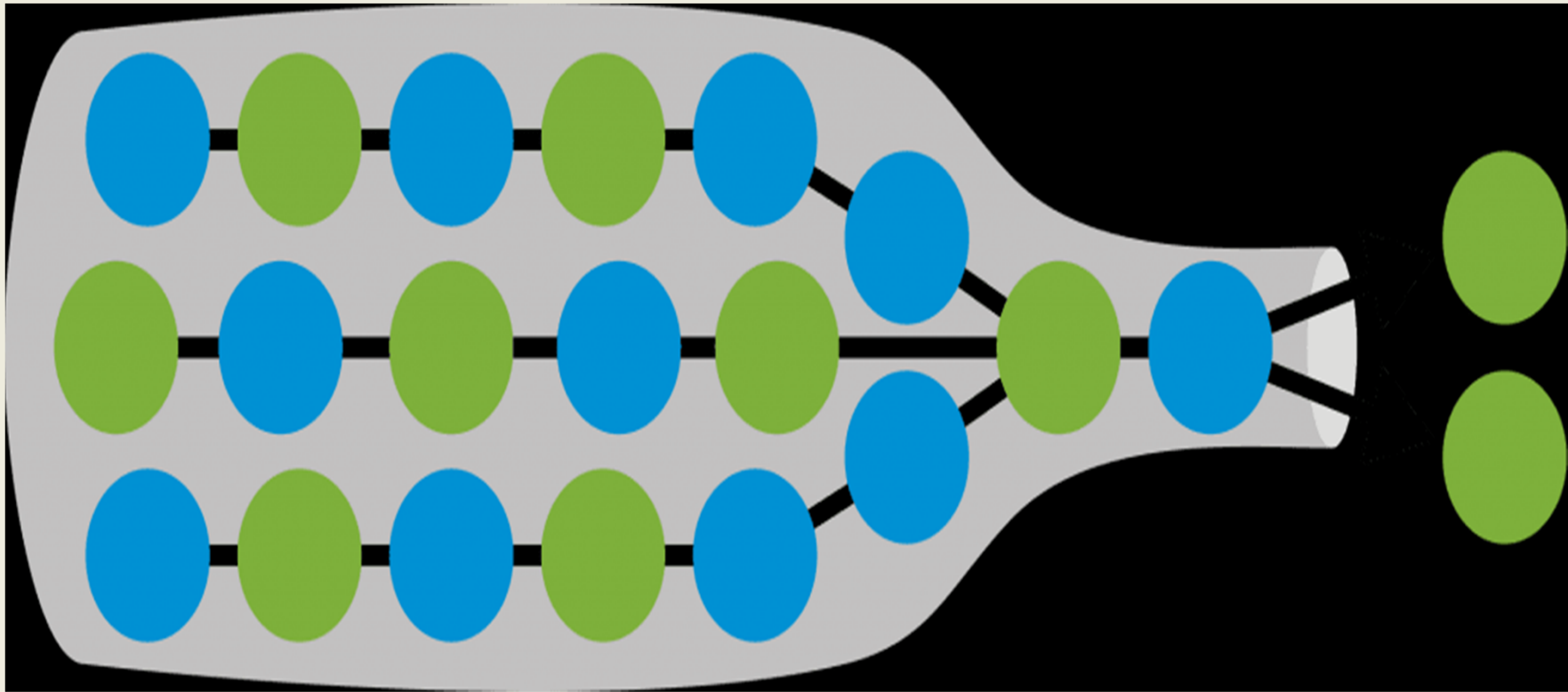
# FIRM ATTRITION/MOBILITY

- Asian-Pacific Americans (APA) have the highest attrition rates and highest associate-to-partner ratio among all racial groups (3.7 for APAs vs. 0.86 for white attorneys)
- Potential reasons for attrition: job dissatisfaction, obstacles to advancement, perceived discrimination, . . . or success/happiness elsewhere?
- Potential landing spots: in-house, government, business, non-equity partnerships, non-profits

The Portrait Project (2017), 18.

Gita Wilder, *Are Minority Women Lawyers Leaving Their Jobs?* (2008); Steven Keeva, *Unequal Partners* (1993); and Sharon Foley, et al., *The Perceived Glass Ceiling and Justice Perceptions: An Investigation of Hispanic Law Associates* (2002).

# The Professional Bottleneck



# Public Sector Leadership

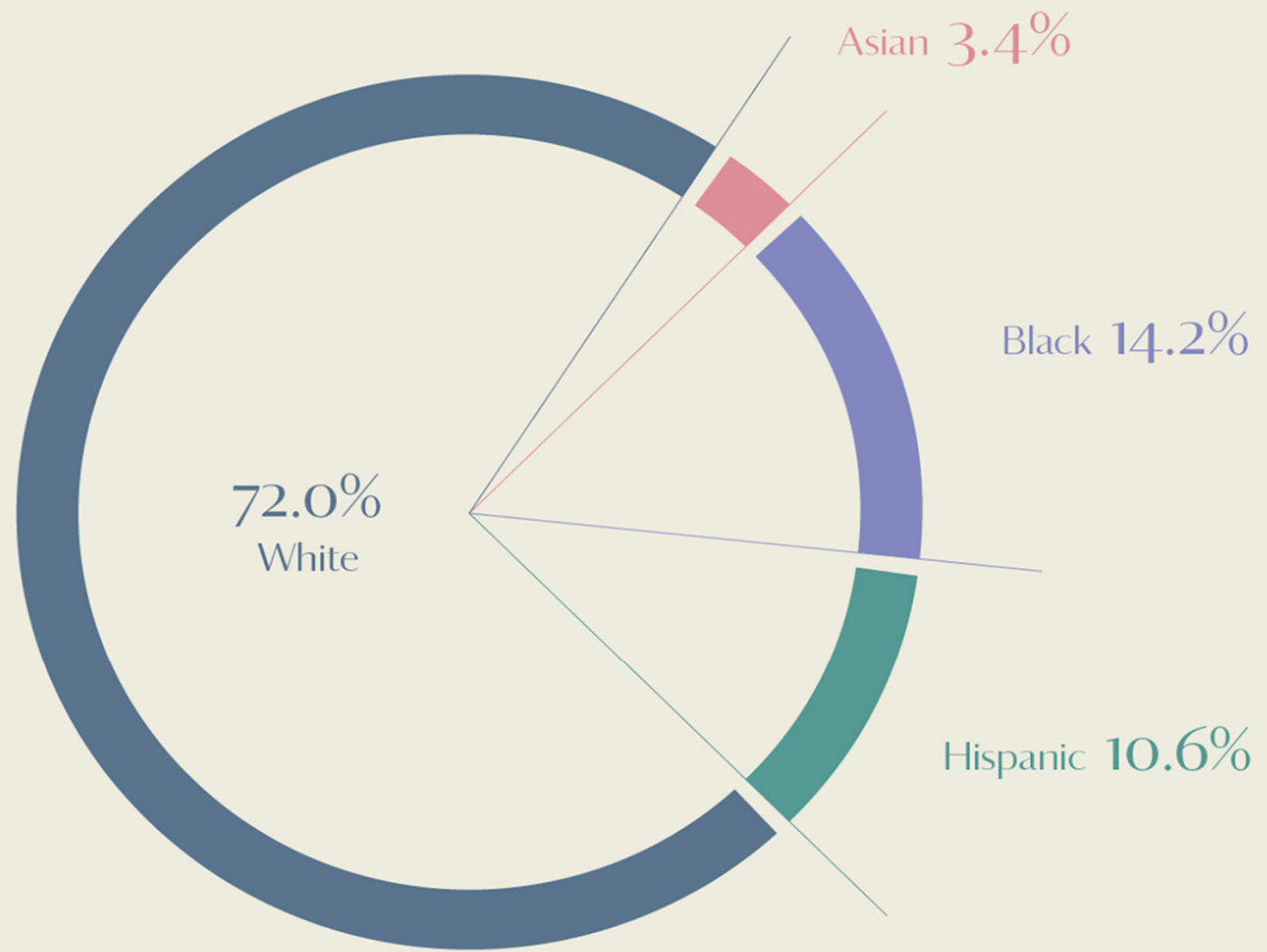
4 2,437  
OF  
ELECTED PROSECUTORS IN  
THE UNITED STATES IN 2014  
WERE ASIAN AMERICANS

3 94  
OF THE  
UNITED STATES ATTORNEYS IN OFFICE  
IN 2016 WERE ASIAN AMERICANS



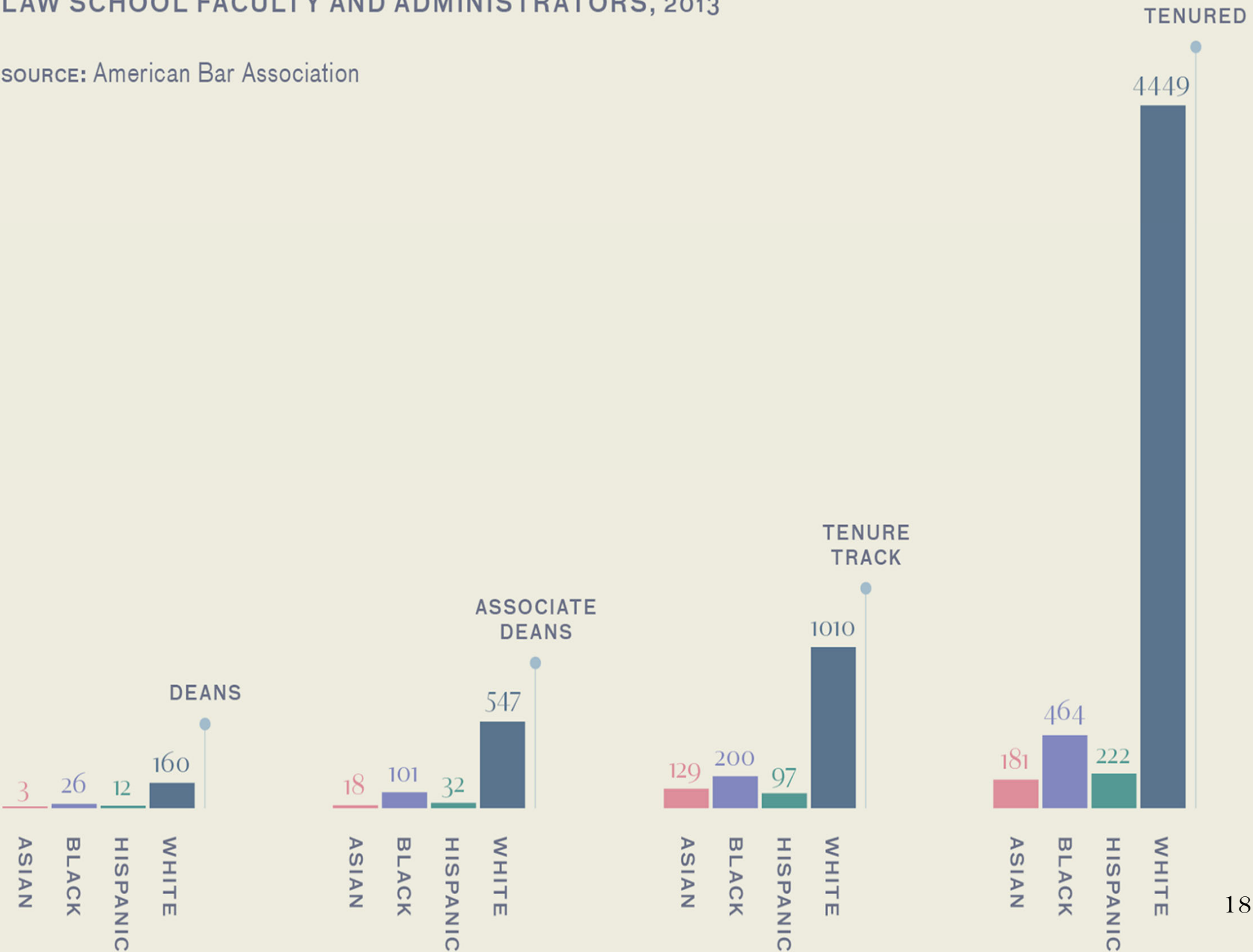
## FEDERAL JUDGES, 2016

SOURCE: Federal Judicial Center

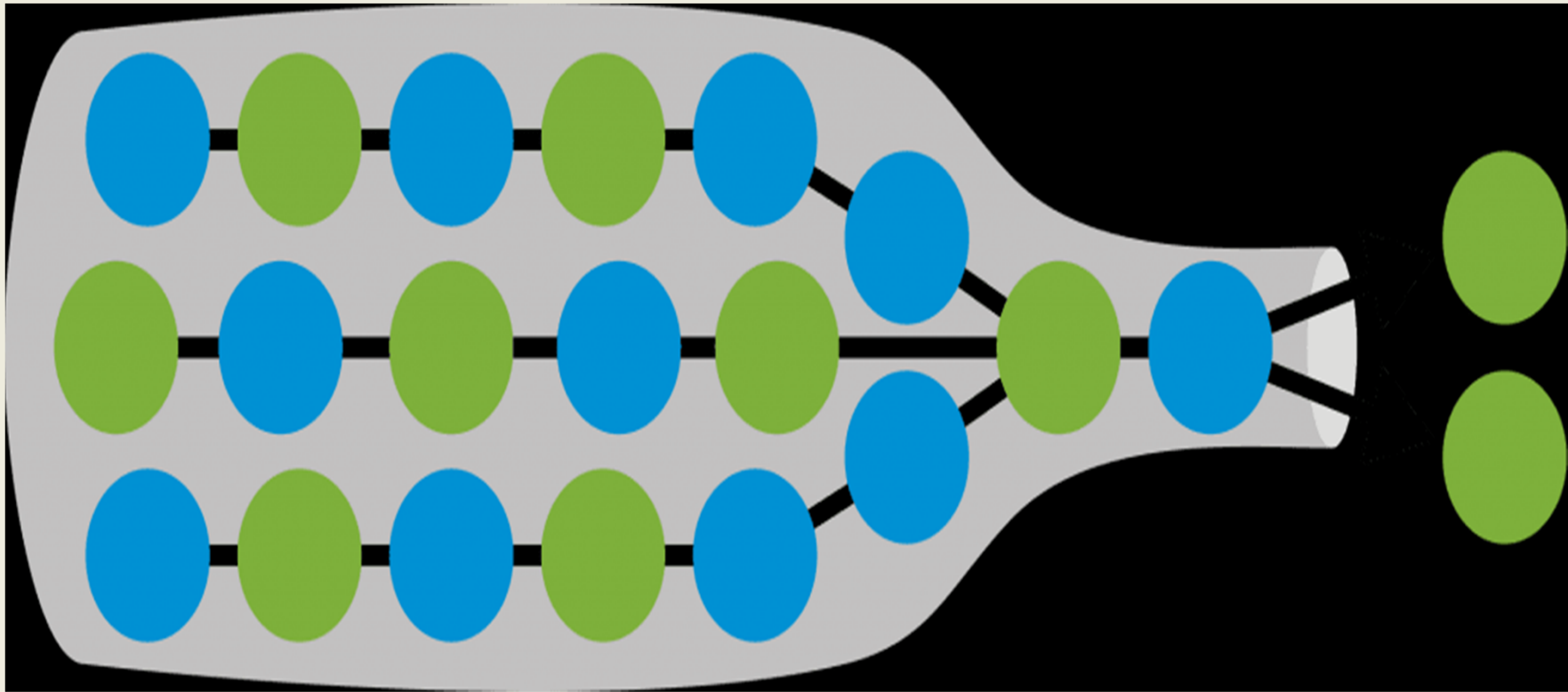


# LAW SCHOOL FACULTY AND ADMINISTRATORS, 2013

SOURCE: American Bar Association



# The Professional Bottleneck



## The Washington Post

Law schools are filled with Asian Americans. So why aren't there more Asian judges?

## Los Angeles Times

**Op-Ed** There are more Asian American lawyers than ever — but not in the top ranks

Bloomberg Law

## Big Law Business

**Asian Americans Still Face Barriers In Legal Industry**



What's Keeping Asian-American Lawyers From Ascending The Legal Ranks?



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# Asian-Americans Facing Challenges In The Legal Industry

By **Goodwin Liu and Ajay Mehrotra**

Since the 1990s, Asian-Americans have been the fastest-growing minority group in the legal profession. Not only are they the largest minority group in big law, Asian-Americans also account for a significant portion of today's diverse law students, making up roughly seven percent of total law school enrollment.

Despite these growing numbers, there is a conspicuous dearth of Asian-American leaders in the profession. A recent study funded by the National Asian Pacific American Bar Association and Yale Law School, entitled A Portrait of Asian Americans in the Law (Portrait Project), documents the



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# A Portrait of Asian Americans in the Law: 2.0

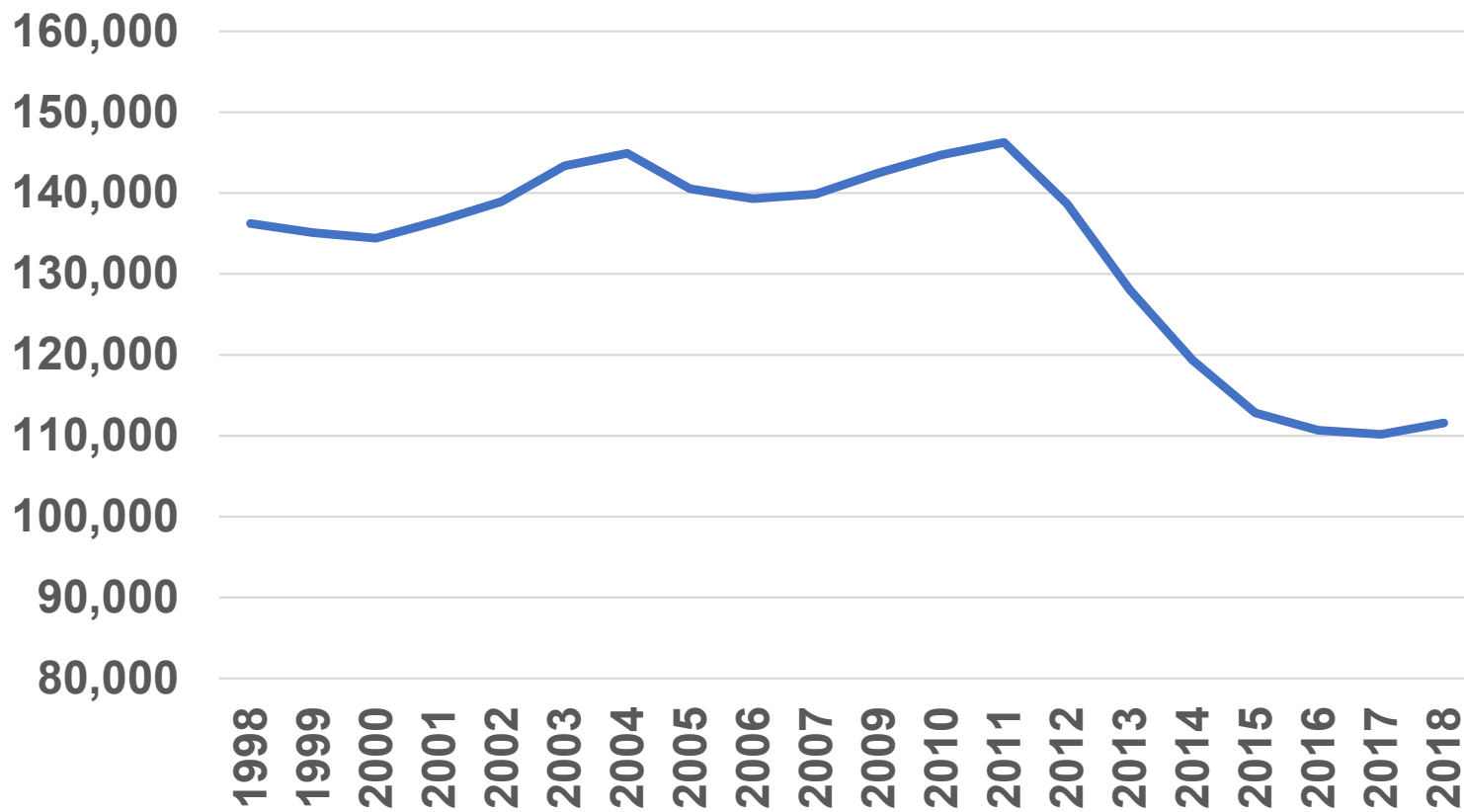
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# Portrait Project 2.0

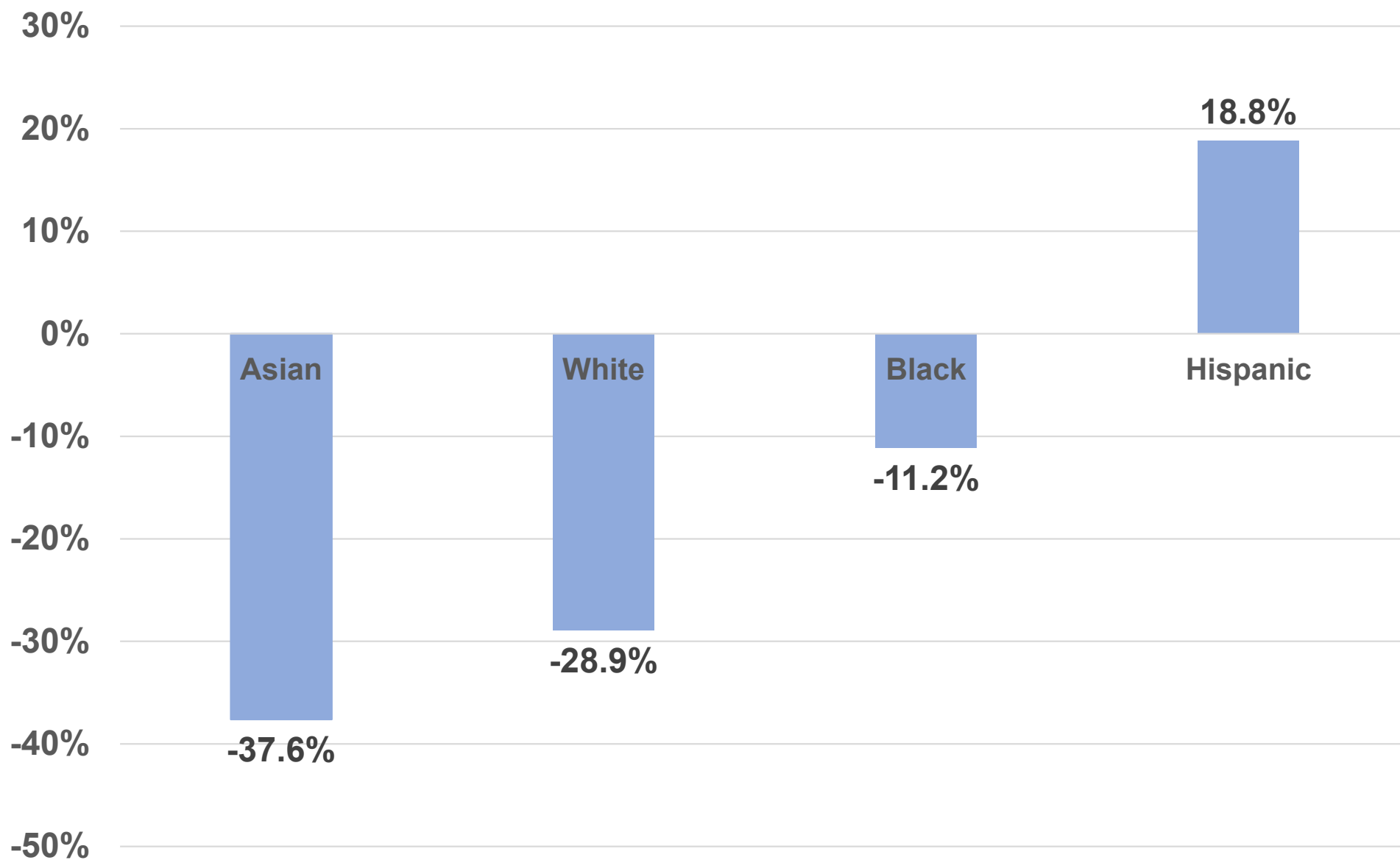
## Research Questions

1. Law School Enrollment Decline
2. Judicial Clerkship Disparity
3. 2022 Updated Report
4. Law Firm Attrition/Mobility
5. Public Sector/Academy/  
Non-Profit Leadership

**Total J.D. Enrollment, 1998-2018**

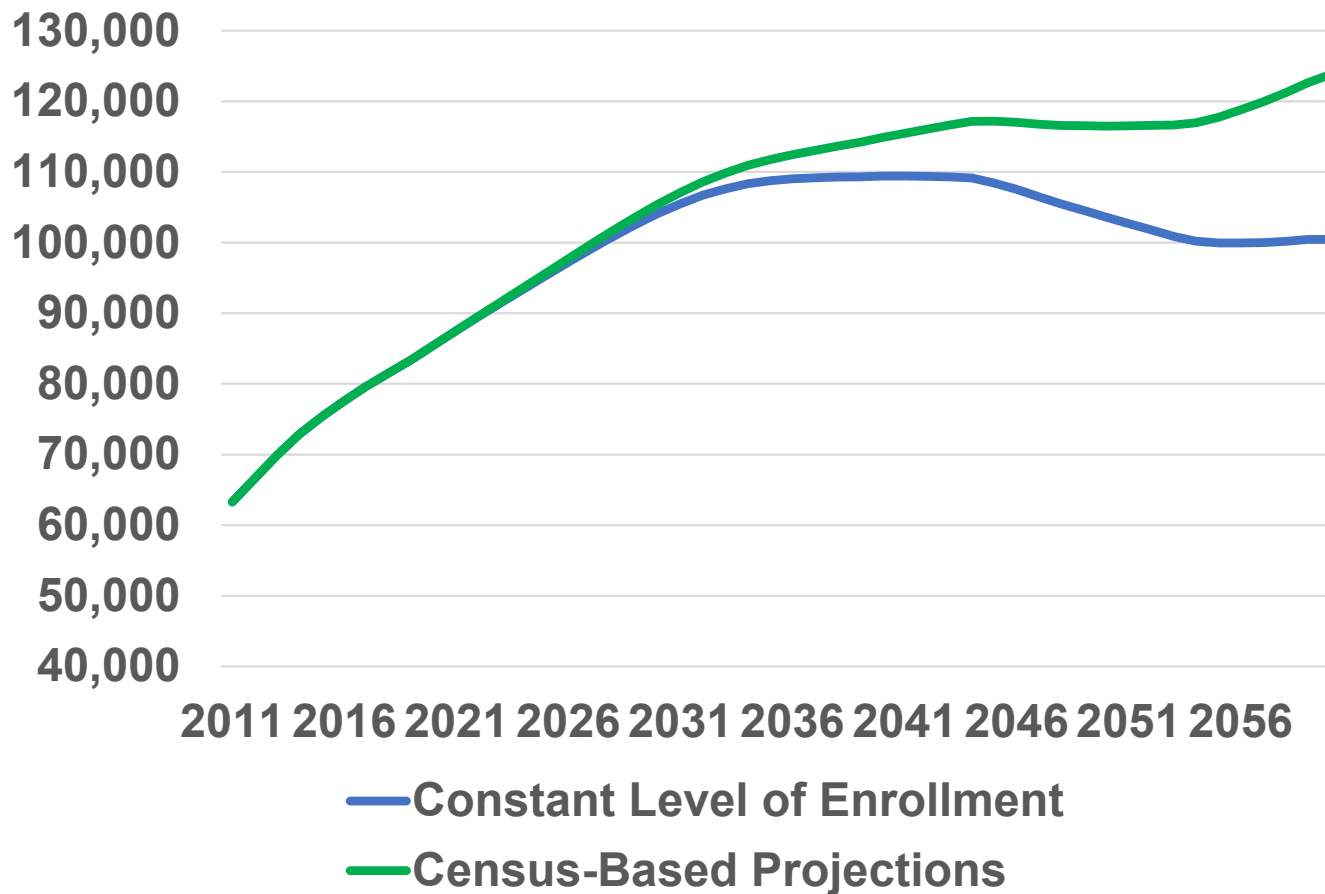


## Percentage Change in Enrollment, 2009-2018





## Projected Number of Asian American Lawyers, 2011-2060



Source: Li, Yao, Liu, *Who's Going to Law School?* 54 UC Davis L. Rev. 613 (2020)

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# A Portrait of Asian Americans in the Law 2.0



TYLER DANG · KATHERINE FANG · BENJI LU · MICHAEL TAYAG · GOODWIN LIU

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AMERICAN BAR FOUNDATION · NATIONAL ASIAN PACIFIC AMERICAN BAR ASSOCIATION





# Portrait Project 2.0 Updated Report – Key Findings

- **“Bottleneck” Persists** — Asian Americans remain under-represented in the top ranks of the legal profession
- **More Federal Judges and GCs** — Notable progress in the appointment of federal judges and in the ranks of general counsel
- **Rebound in Enrollment** — Law school enrollment has rebounded somewhat
- **Greater Social Engagement** — Asian American attorneys indicated greater engagement with social and political issues, along with a desire to change and improve society.
- **Need for Greater Institutional Support** — would likely reduce barriers to advancement and improve the professional lives of Asian American attorneys.

# Employer Types by Race/Ethnicity, 2020

SOURCE: National Association for Law Placement

	PRIVATE PRACTICE	GOVERNMENT	PUBLIC INTEREST	CLERKSHIPS	BUSINESS
ASIAN (n=2,120)	65.0%	7.5%	6.4%	7.2%	12.3%
BLACK OR AFRICAN AMERICAN (n=2,050)	45.9%	16.1%	11.8%	8.8%	14.8%
LATINX (n=2,867)	57.9%	11.4%	12.5%	8.1%	8.5%
WHITE (n=17,903)	56.6%	11.4%	8.1%	12.9%	9.7%



# Ratio of Associates to Partners at Law Firms

- Asian American attorneys: 2.93
- African American/Black attorneys: 2.21
- Hispanic/Latinx attorneys: 2.0
- White/Caucasian attorneys: 0.81

# Demographics of Law Firms, 2020

SOURCE: Minority Corporate Counsel Association Diversity Survey Report

	ASSOCIATES	EQUITY PARTNERS	ALL ATTORNEYS
ASIAN AMERICAN	12.6%	4.3%	8.6%
AFRICAN AMERICAN/ BLACK	5.3%	2.2%	4.2%
HISPANIC/LATINX	6.2%	2.8%	4.7%
WHITE	72.2%	89.6%	79.8%

## Asian American Women

- More likely to be associates and less likely to be partners
- More likely than men to report factors blocking “access to success”
- Less likely to have primary responsibility over matters assigned to diverse outside counsel

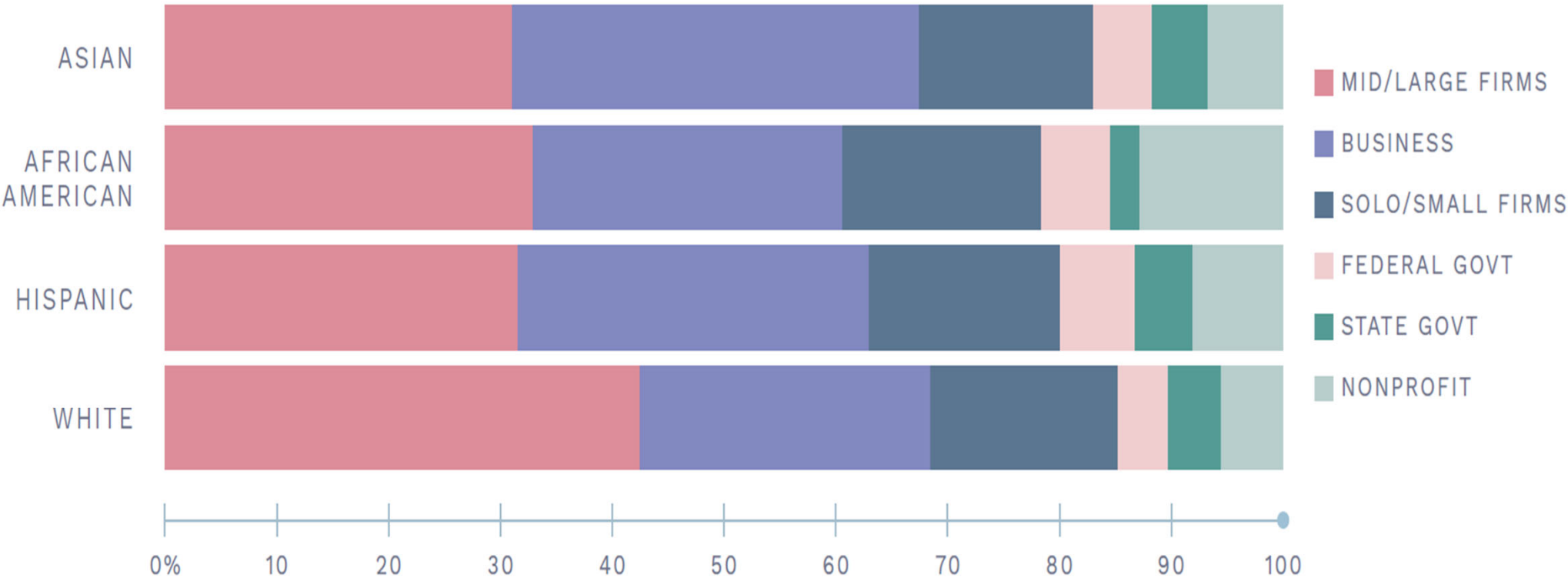
# Percentage of Lawyers in Business Sector by Race/Ethnicity, 2012-13

SOURCE: American Bar Foundation; NALP Foundation for Law Career Research and Education

	ASIAN	BLACK	HISPANIC	WHITE
2 YEARS AFTER BAR ADMISSION	14.5%	7.6%	8.4%	8.5%
12 YEARS AFTER BAR ADMISSION	27.5%	19.5%	15.3%	19.9%

# Employment Settings 12 Years into Practice Among Lawyers Who Were at Midsize to Large Firms in Second Year of Practice, by Race/Ethnicity, 2012-13

SOURCE: American Bar Foundation



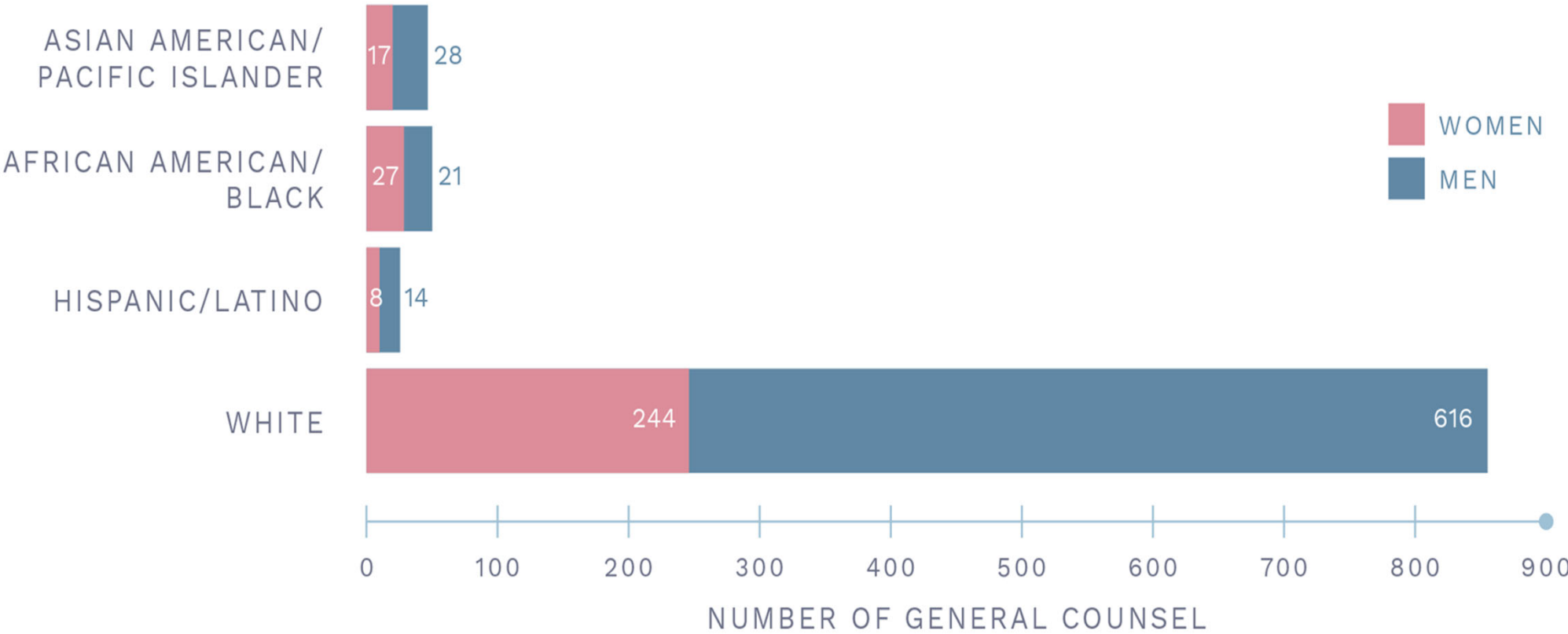
## Corporate Counsel

- Asian Americans more likely than other groups to leave firms for the business sector
- Asian American and Pacific Islander (AAPI) general counsel in Fortune 1000 companies:
  - 19 in 2009
  - 45 in 2020



# Demographics of Fortune 1000 General Counsels, 2020

SOURCE: Minority Corporate Counsel Association



# Mobility: Remaining Research Questions

- What accounts for the high attrition rate of APA attorneys at major law firms?
- Where do APA attorneys go after leaving law firms?
- What challenges and opportunities do APA attorneys encounter within corporate legal departments?

# Mobility: Possible Hypotheses

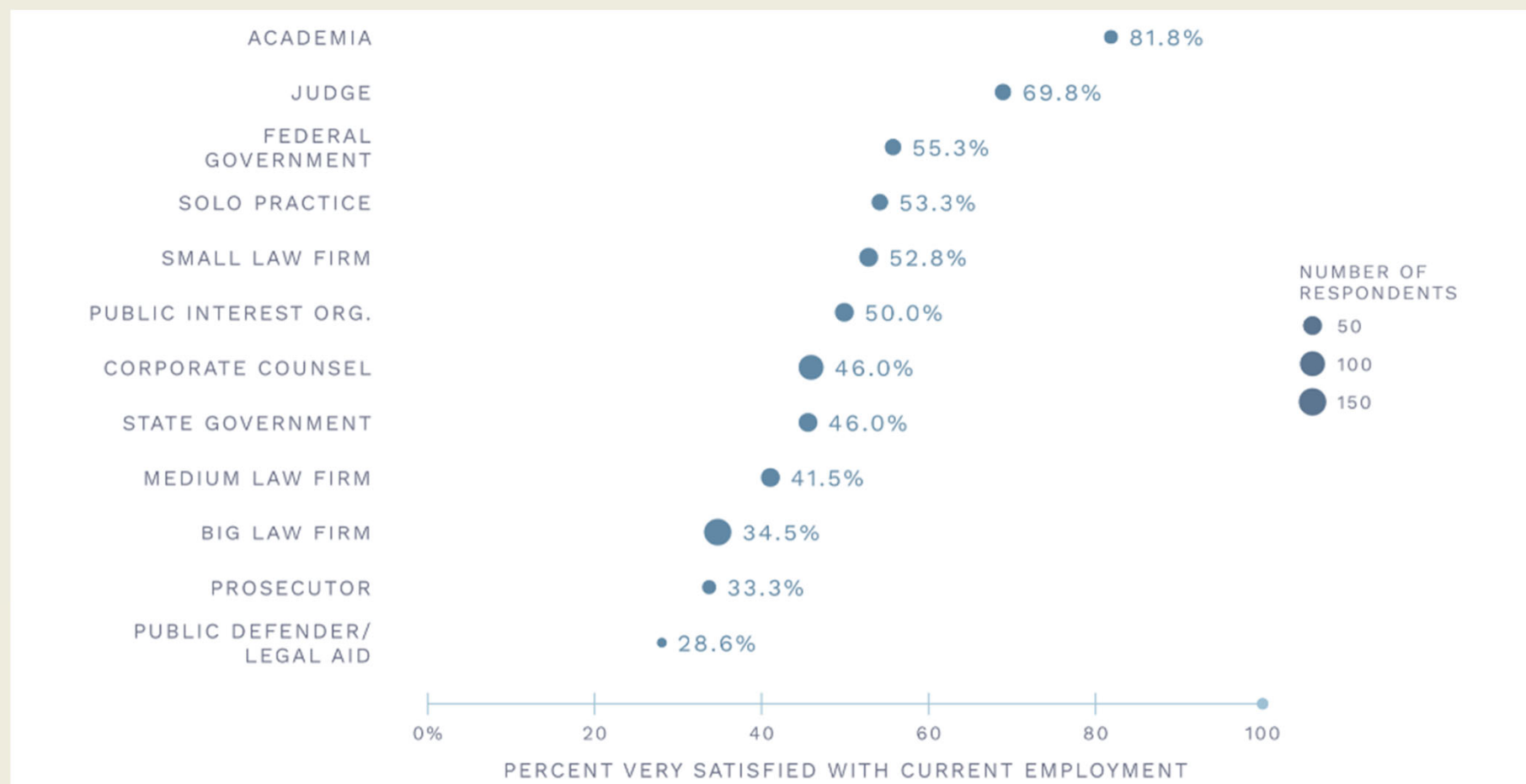
- **PUSH Factors in Attrition/Mobility**
  - Limited substantive experiences and business development opportunities
  - Limited focus on attorney wellness, or diversity, equity, and inclusion
  - Hours and firm culture

# Mobility: Possible Hypotheses

- **PULL Factors in Attrition/Mobility**
  - Potential for more desirable work/life balance
  - Greater perceived potential to break into leadership ranks of organization
  - Greater opportunity to engage with business strategy and decision-making

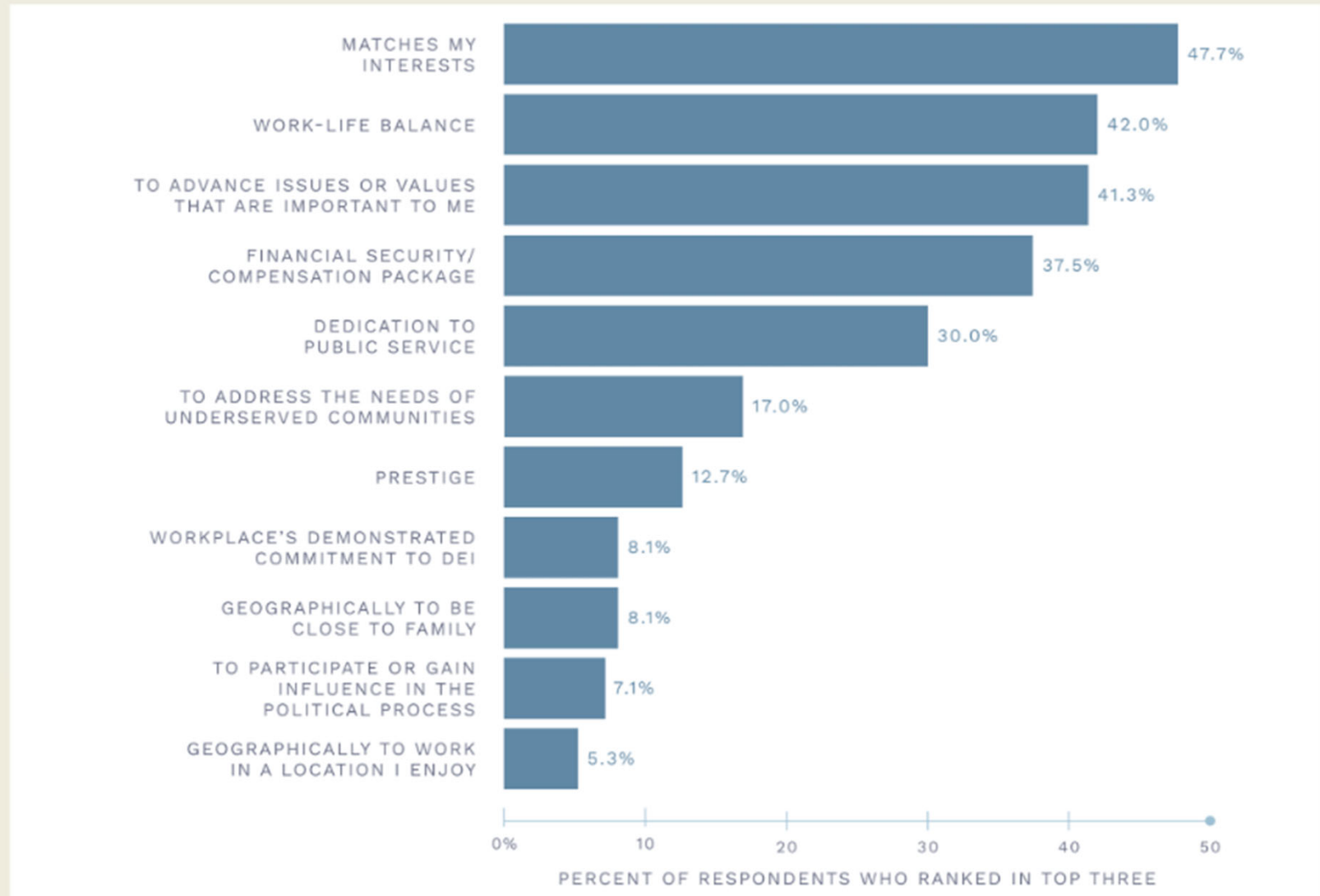
# Satisfaction with Current Employment by Practice Setting

SOURCE: 2022 Portrait Project Survey



# Motivations for Changing Practice Settings

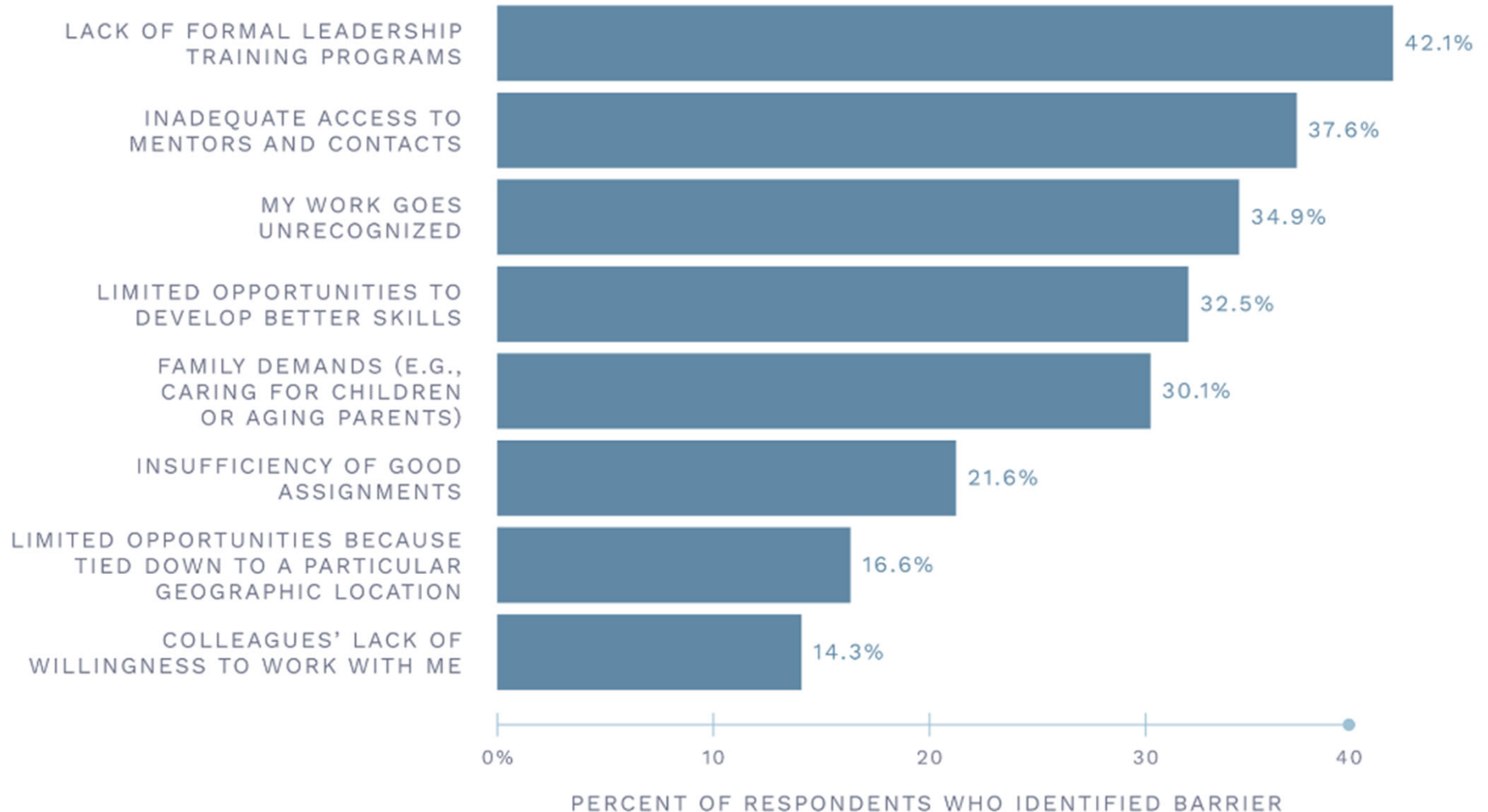
SOURCE: 2022 Portrait Project Survey





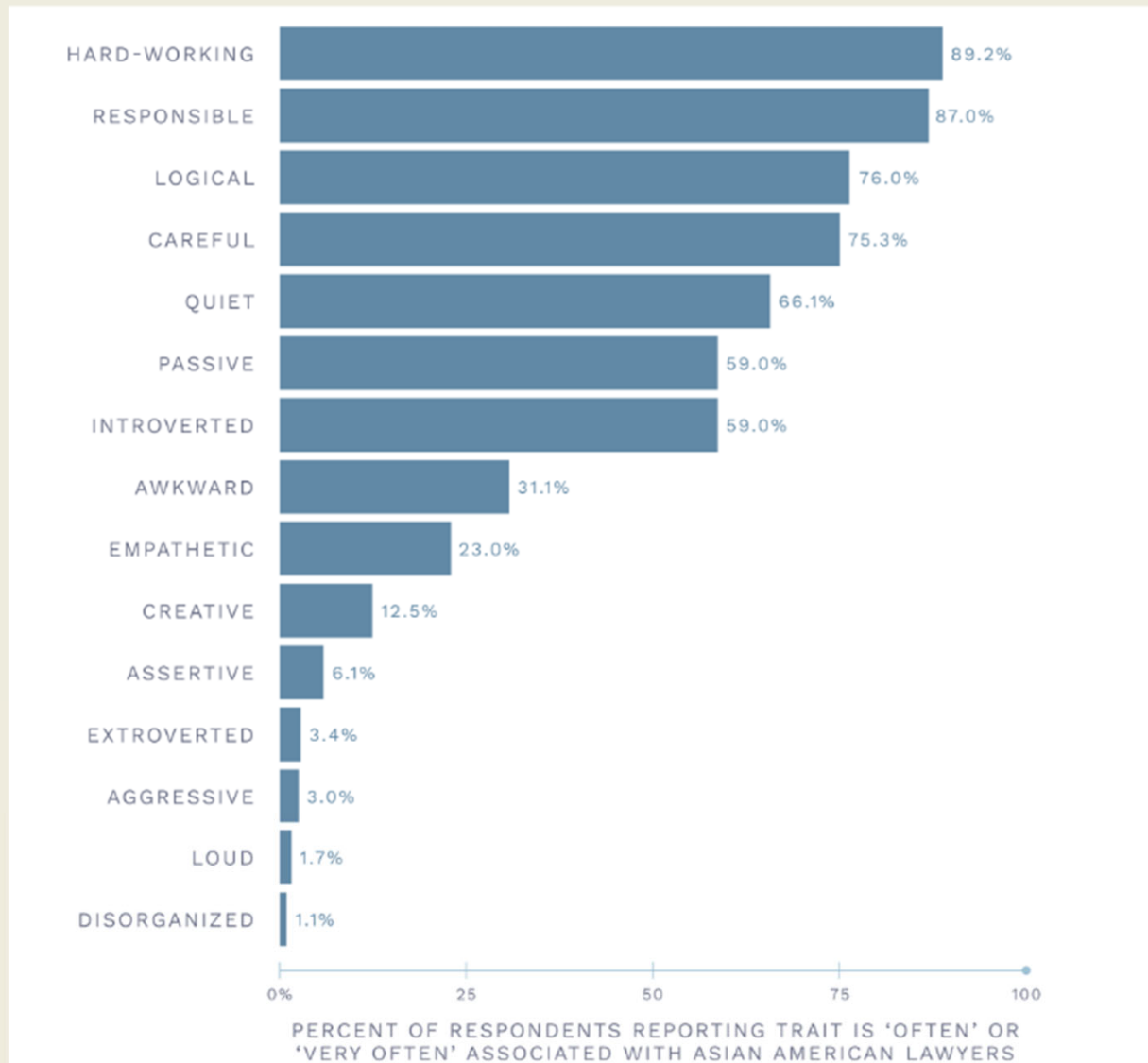
# Perceived Barriers to Career Advancement

SOURCE: 2022 Portrait Project Survey



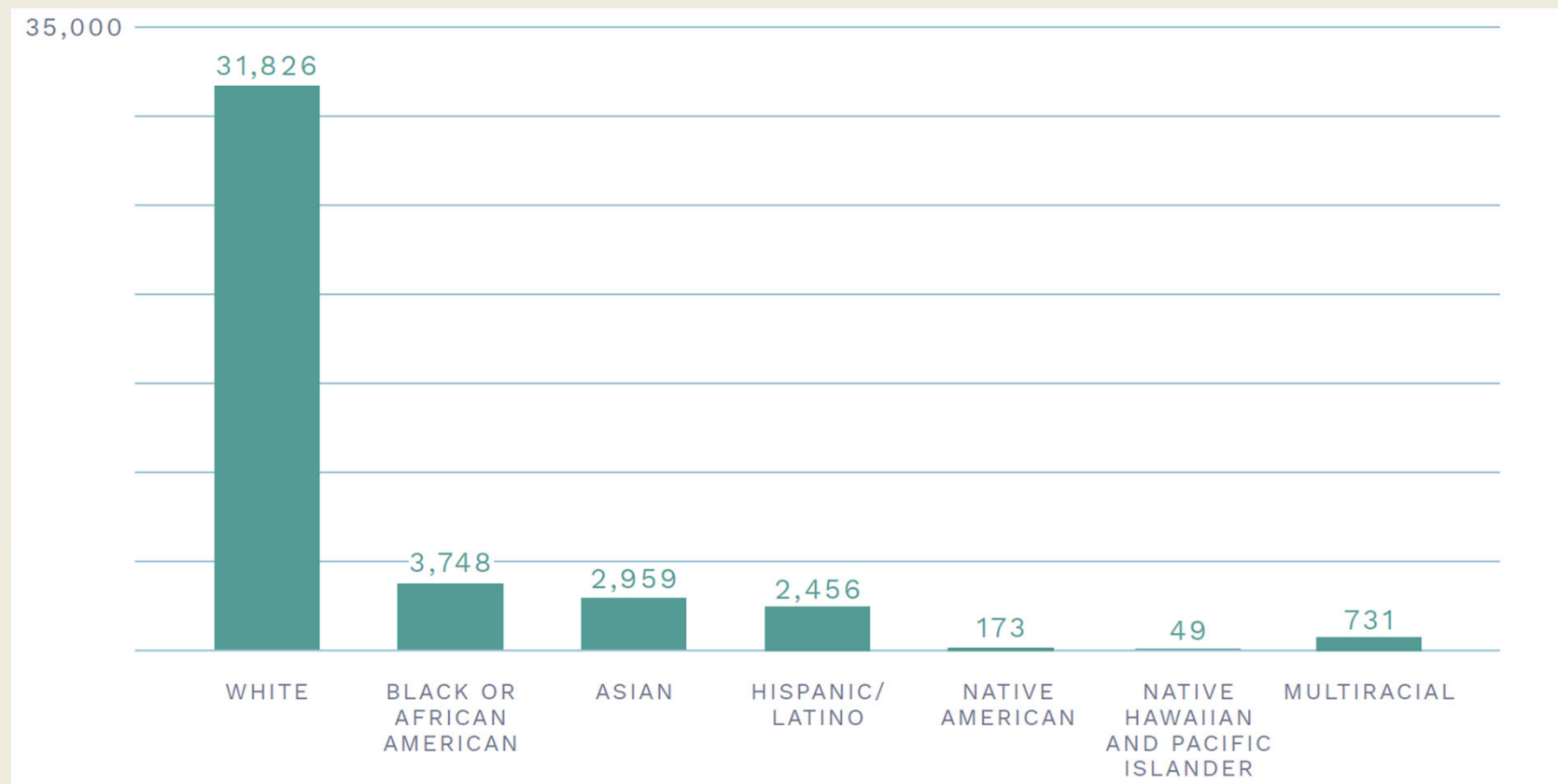
# Traits Associated with Asian American Lawyers

SOURCE: 2022 Portrait Project Survey



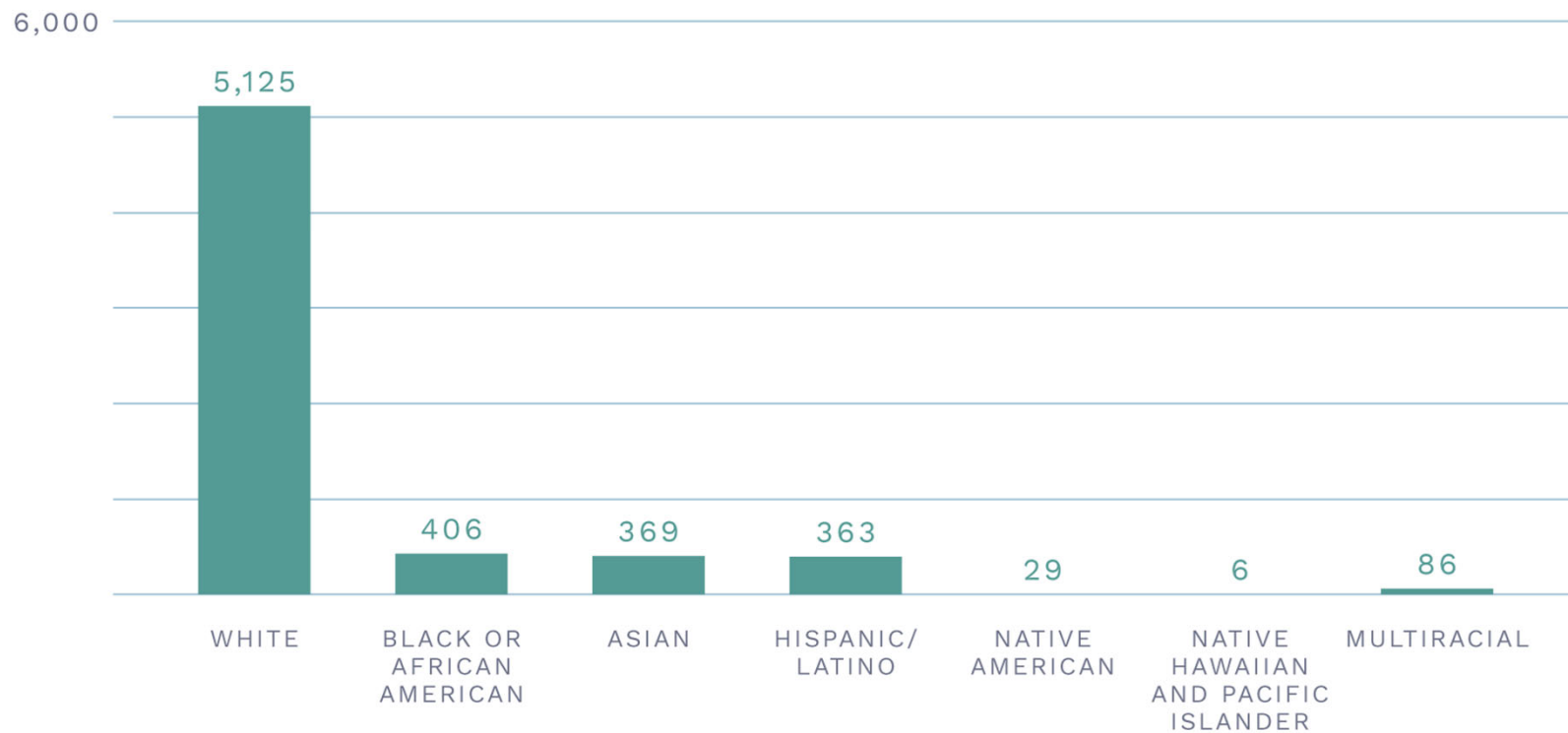
# Demographics of “General Attorneys” in the U.S. Government, 2021

SOURCE: Office of Personnel Management, Federal Workforce Data, Diversity Cubes Dec. 2021



# Demographics of Assistant U.S. Attorneys, 2021

SOURCE: Office of Personnel Management, Federal Workforce Data, Diversity Cubes Dec. 2021



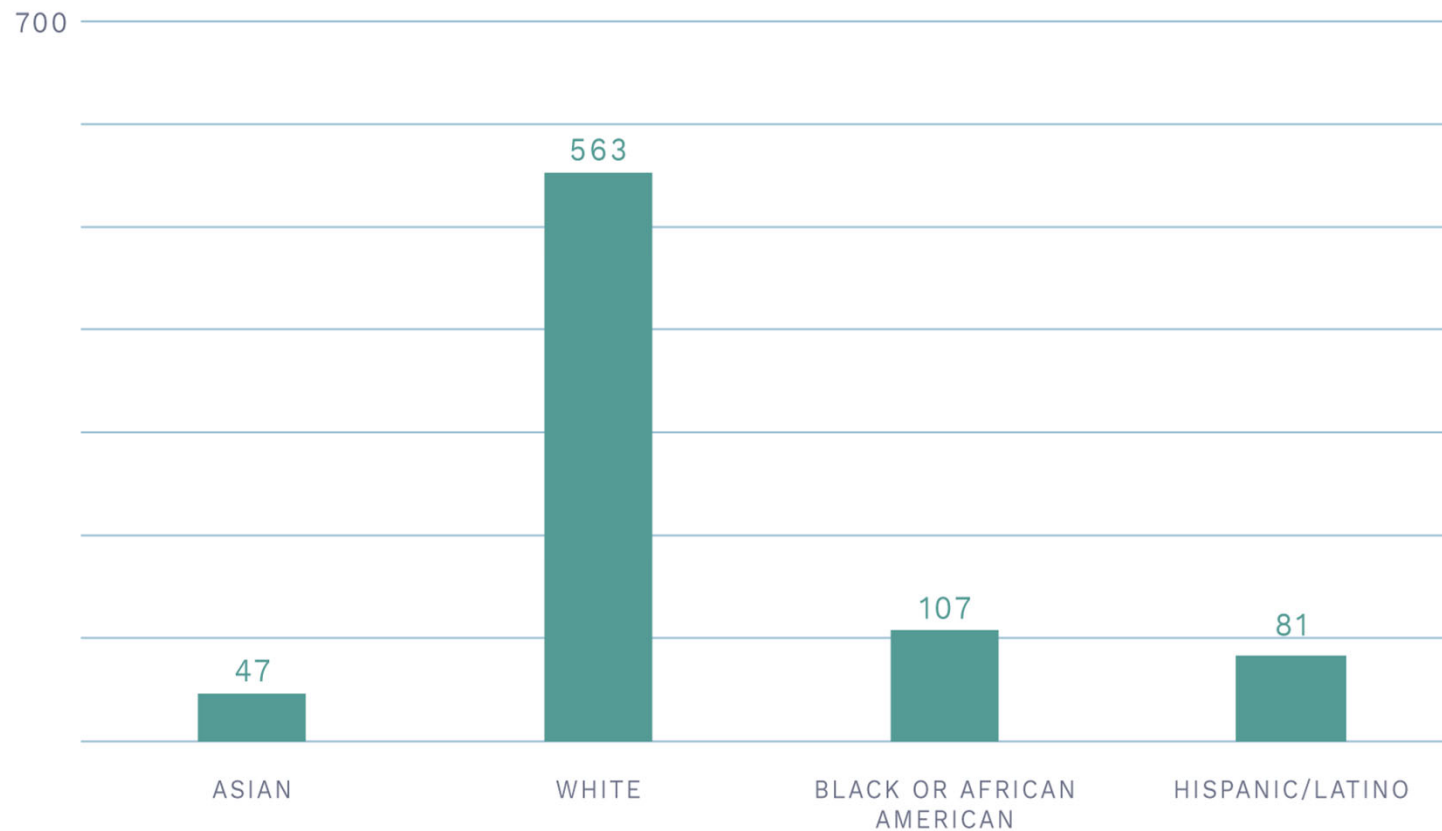
# 8

of 2,396 elected prosecutors  
in the United States in 2019  
were Asian Americans

SOURCE: Women's Donor Network, PP 2.0

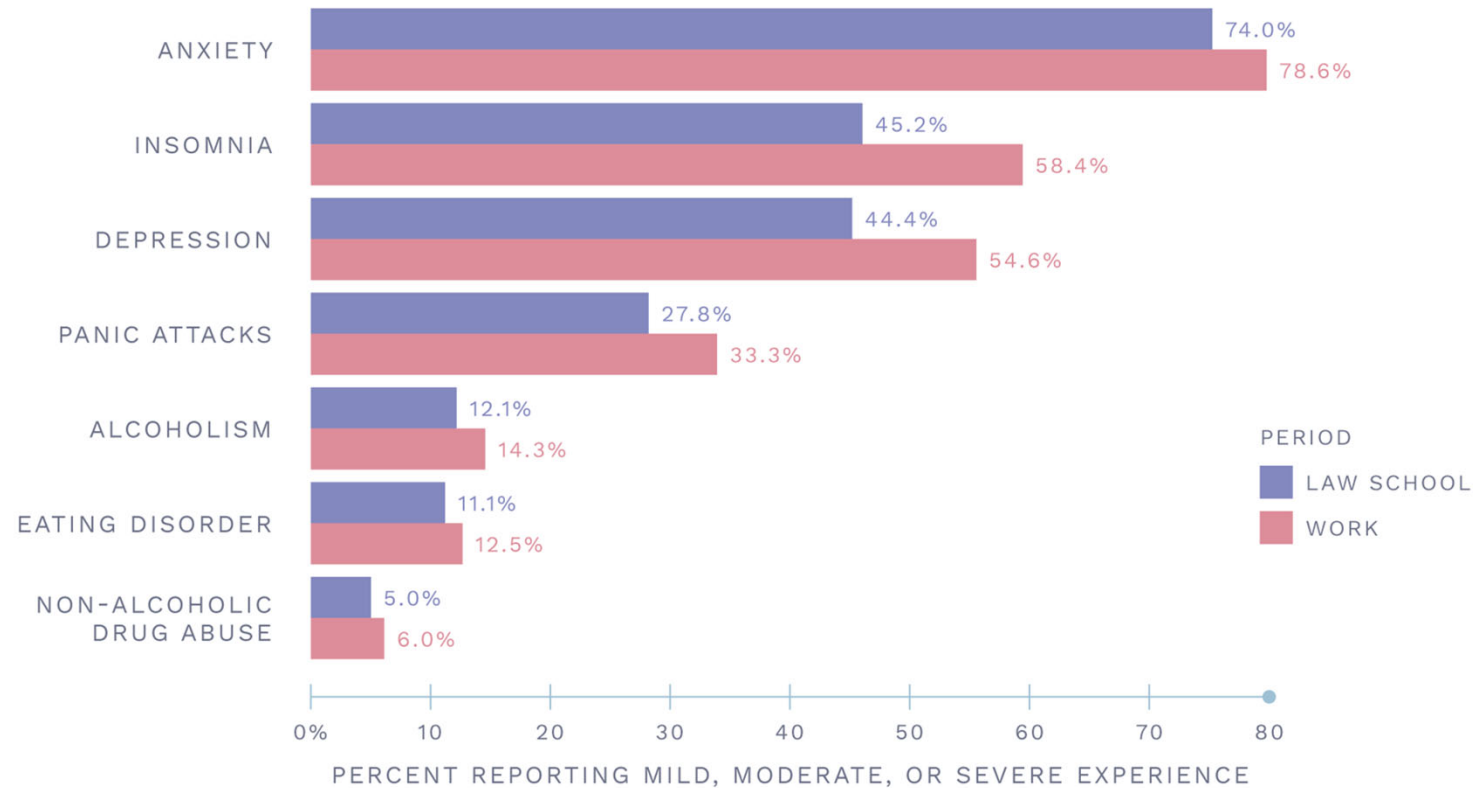
# Federal Judges, 2022

SOURCE: Federal Judicial Center



# Mental Health

SOURCE: 2022 Portrait Project Survey





# Thank You

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# Enrollment Study–Summary

- Asian enrollment has declined almost 40% in the past decade — more than any other racial or ethnic group.
- The decline in Asian (and white) enrollment is most pronounced in the bottom tiers of schools.
- After decades of sharp growth, the number of Asian lawyers is expected to stagnate in 10 to 15 years.

# Clerkships: Key Research Questions

- **How and why do success rates vary among different racial/ethnic groups & gender?**
  - Possible factors: lack of mentorship, law school performance (grades, law review), family/cultural values, career goals, perception of clerkships
  - Possible factors: law school performance, differences in number, timing, and range of applications, level of faculty support, criteria applied by judges

# Clerkships: Possible Hypotheses

- **Three possible inflection points:**
  1. Law Student Preferences/Perceptions
    - family/cultural values, career goals, perception of clerkships, financial considerations, etc.
  2. Law School Influence
    - Level of faculty and staff support and guidance
  3. Judicial Preferences
    - Criteria applied by judges