

**Clearing the Bar:  
Race and Gender Among Orange County Attorneys**

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Honors Thesis

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## Introduction

In a nation that celebrates the rule of law, lawyers are essential to the theory and practice of America's justice system. As William Jennings Bryan put it, "Next to the ministry I know of no more noble profession than the law... Its principles ennoble and its practice elevates" (Bryan 1900, p. 36).

Of course, the legal profession can also be a lucrative career. The median attorney makes \$135,740 annually; those at the 75th percentile make \$208,980. In comparison, of all occupations in the United States, the annual mean wage was \$61,900 ("Occupational Employment and Wage Statistics" 2022). A lawyer's level of pay, in many cases, essentially gives those pursuing a career in the field a ticket to the middle or upper class. The law also comes with a certain level of prestige and reputation. In 2022, there were only 1,327,010 lawyers in the entirety of the United States ("ABA survey finds 1.3M lawyers in the U.S." 2022).

American lawyers also have much more power in other spheres of society, more so than in many other countries. Robert Stevens writes that American lawyers "wield far greater power in politics, business, labor, and even social reform than in other common-law countries" (Stevens 2001, p. xiii). The fact there are few practicing lawyers, that lawyers need two different degrees followed by the passage of the Bar exam, *and* that they have far-reaching power in multiple segments of society, breeds admiration and respect. In an international YouGov poll about various professions' relative prestige, it found that in the United States, 61% of people would be happy to have their children become a lawyer (Smith & Ballard 2021).

Moreover, lawyers are behind some of the largest deals between billion-dollar companies. Whether it was Elon Musk's 44 billion dollar deal to acquire Twitter or Microsoft's 69 billion dollar takeover of Activision Blizzard, a team of lawyers has been behind it (Tribe 2022). In state

courts alone, over 100 million court cases are filed every year (“Judges in the United States”). The outcomes of these cases (whether a plea deal is reached, someone is determined to be guilty, etc) are largely impacted by some type of lawyer. In essence, with lawyers’ wide-reaching and powerful influence, comes their prestige and others’ reverence for them.

Yet between the lofty aspirations and attractive compensation is a less-than-idyllic history. Judges, lawyers, and other officers of the court have been around as long as the United States. Naturally, its evolution is closely intertwined with America’s. The laws dictating how women and people of color were classified and what jobs they could hold explicitly prevented them from entering the legal profession. As a consequence, the profession was completely dominated by white men. Now, even though there may not be explicit laws that prevent these groups from becoming lawyers, barriers for them still remain because of a legacy from the times when they were unambiguously outlawed from entering the field. These barriers (as numerous as they can be) are largely based on an individual's racial and gendered identity.

The process of becoming a lawyer, with the exception of a few states, requires going to law school. Given this, law schools are thus feeder institutions into the legal field. In law school, women outnumber men, making up 55% of students (“Women in The Legal Profession”). In American society, women make up 51% of the population. This data however does not similarly transfer to the amount of female lawyers. Women are actually underrepresented in the legal profession, making up only 38% of American lawyers (still a 5% growth from 33% 10 years ago) (“ABA survey finds 1.3M lawyers in the U.S” 2022).

The underrepresentation of particular demographics continues with race. Black people make up 5% of the legal profession even though they make up 13% of the US population. For

Hispanics, they are underrepresented too, comprising just 6% of the profession but 19% of the population (“ABA survey finds 1.3M lawyers in the U.S” 2022).

Women and minorities' underrepresentation is not just in the legal field as a whole. It also arises in a liberal, diverse state like California. California is often cited as the state ahead of the curb in terms of progressiveness but even the statistics in this state show similar levels of underrepresentation. In California, Hispanic people only make up 6% of California attorneys yet are 36% of California's population. Black people make up only 3% of attorneys but are 6% of the population. Women are more represented as a group but they are still underrepresented (49% of the state's population but only 44% of attorneys) (“Diversity of 2022 California Licensed Attorneys”).

Educational opportunities are often cited as an equalizing force, but law schools have tended to reflect society as much as push it forward. The pipeline of being an undergrad, going to law school, taking the Bar exam, and then eventually becoming a lawyer is a grueling process that surely weeds out people along the way. This, however, is not always done based on merit.

The Law School Admission Test (LSAT) is one of the two options that students must take in order to get into law school. The results of this test, along with one’s undergraduate GPA closely align as the two most important factors in determining admission to law school. Law professor Diane Curtis writes that “there is no real dispute that the LSAT plays the largest role in all of these, with undergraduate GPA being a close second” (Curtis 2019, p. 313). Law Schools’ emphasis on LSAT scores thus leads schools to have target scores that they heavily consider for admission purposes. Maintaining or improving these scores speaks to a school’s “selectivity, which factors into both the inherent attractiveness of the school and the most popular rankings of law schools” (Curtis 2019, p. 314).

Law School's heavy reliance on this standardized test further detrimentally affects the demographics who historically have done worse on the test, and so also harms their chances of admission (Taylor 2019). For black students, their average score out of 180 was 142, which is 11 points lower than the average for White and Asian test-takers of 153 (Taylor 2019). This discrepancy is in part due to standardized tests (like the LSAT) advantaging applicants from higher socioeconomic backgrounds and disadvantaging those from lower socioeconomic backgrounds (McKeon 2022). In 2019, Black families' median income was \$24,100 and Hispanic families' \$36,100 compared to White families' \$188,200 (Bhutta et al., 2020).

The focus on test scores, test scores being dependent on wealth, and the drastic racial wealth disparity present, severely put people of color at a disadvantage and thus illustrates discrimination within law schools themselves. Even the financial toll that law schools demand in forms of tuition puts the legal field out of reach for many. The expensive process of law schools becoming accredited causes "law schools to pass on significant costs to law students, in many cases over \$200,000 to obtain a law degree, precluding many minorities whose families have fewer resources" (Nance & Madsen 2014, p. 289). Despite these forms of discrimination in law schools, whoever gets through the process and becomes a lawyer becomes a major piece of American life.

The fabric of any democratic society depends on individual rights, due process, and impartial justice. This is necessarily intricate work, and its operations require specialized knowledge. Lawyers ensure due process rights are not violated and enshrine the protections of the individual. Professor Curtis also writes, "it is lawyers who draft, enforce, interpret, and apply the laws and regulations that carry out the constitutional mandates of governance at every level in our federal system" (Nance & Madsen 2014, p. 310). Without lawyers and other members of

the law field, no one would be properly equipped to argue on behalf of someone or something against more powerful entities. Furthermore, lawyers also have the power to punish individuals and other bodies for the violation of rights and laws. Without them arguing using facts, logic, and outlined powers, the masses would be oppressed by larger and more powerful institutions. It is for these reasons that lawyers are sometimes acknowledged as defenders of democracy - for good reason.

The history of the law, its configuration, and the paths toward the field, all provide insight into the complexity of the law field in general. To narrow down on these complexities, I will be analyzing the legal field with regard to Orange County. It is California's third most populous county and is comprised of some of the most well-known and affluent cities. Its access to wealth and its notoriety makes it a particularly interesting field study that will be discussed further.

### **Literature Review**

The history of the legal field is part and parcel of America's history. The legal field today looks much different than how it was during the beginning of American jurisprudence, during colonial times. Lawrence Friedman argues that this point in time saw a partial shift away from English Law and toward a new system: encompassing some of the past while creating a new legal system for each colony (Friedman 2005). Furthermore, the initial generations of lawyers were apprentices, who had previously worked under a lawyer that was already in practice. Friedman states that this was used as a "control device" as it "kept the bar small" and because "older lawyers were in firm command" (Friedman 2005, p. 56). The lack of a major framework of lawyers is also due to how they were regarded in the seventeenth century. Lawyers were not generally seen as professionals since many practiced law part-time and held other jobs. It wasn't until the eighteenth century that lawyers were seen as professionals and law schools became

more prominent. Early, primarily private law schools in the nineteenth would emerge “as outgrowths of the law office of practitioners who had shown themselves to be particularly skilled as teachers” (Stevens 2001, p. 3). Many of these private law schools would merge with already established universities like Yale and the University of North Carolina (Stevens 2001, p. 5). Today, law schools dominate the path toward becoming a lawyer as only four states in America allow individuals to take the bar exam without having completed law school.

The history of law schools is one that has followed the progression (or like thereof) of the United States. After the Civil War, black people were still not granted the rights and opportunities they deserved. Racist American policies “perpetuated black disfranchisement, segregated schools... (and) proscription of participation in the legal-political process” (McNeil 1979, p. 284). With very limited places to study law, black people were confined to Historically Black Colleges like Howard Law School. In 1903, Howard graduated 381 of the approximately 780 black lawyers in the nation and “during the first third of the twentieth century, (was) the major supplier of Blacks formally trained in the legal profession” (McNeil 1979, p. 286). Even now, sixty-nine years after the desegregation of schools, black people are still severely underrepresented in law school and as lawyers.

Women too faced discrimination due to the larger gendered dynamics of the country. In the late nineteenth century, women were outright excluded from many law schools, especially the most competitive schools on the East Coast. Throughout this time women were also excluded from state bars and were not allowed to practice law (Katz et al., 2023). These forms of alienation not only placed barriers in front of women who wanted to practice law, but also made the legal field vastly controlled by white men.



The history of the legal field may be presented as one with little opportunity for minorities and for women, but the progress of law firms must also be mentioned. Although of course, the legal field has gone through its periods of alienating certain groups, the legal field has in truth grown in terms of diversity. The 1970s saw the beginning of the increase in women in the legal field. At only 3% of the legal profession in 1970, women saw a growth of 35%, standing at 38% of the profession in 2022 (“Women in the Legal Profession”).

For race, while only nominal changes between the years 2010 and 2020, almost all minority groups saw some type of increase in percentage. Black people stayed at 5%, Hispanic people were 5% (an increase of 1%), and Asian people were 2% (up 0.4%) (“Lawyers by Race and Ethnicity”). The period between 1997 and 2004 was another significant period of growth as “the number of white male partners in Am Law 100 firms increased by about 15% -- partnerships increased by over 60% for blacks, 100% for Hispanics, and 130% for Asians” (Sander 2005, p. 1806). Even with this growth in women and people of color, however, discrimination based on these factors still persists.

One of the main problems constantly discussed, regarding the law field, is the lack of racial and gendered diversity. Simply put, women and people of color are underrepresented, especially in higher positions. In 2021, Debra Cassens Weiss showed how despite women making up a majority in law schools, they make up only about 23% of equity partners in United States law firms. The intersectionality between race and gender provides even starker figures. Women of color composed about 20% of first-year law students but only 9% of law firms and only 3% of equity partners (Weiss 2021). Based on data on 2020 law firm demographics, “Black and Hispanic attorneys constituted between 2% and 3% of non-equity partners and 4% to 6% of

associates within firms” (Robert 2022). This is preceded by about 9% of first-year law students being Hispanic or Latinx, and about 8% being black (Ward 2022).

The journey to becoming a lawyer within a private law firm is far from easy, especially for women, but further difficulties arise for them once they actually get there. Specifically with women, after they eventually get past the various barriers in front of them, they are then often seen as “tokens,” since men still outnumber them. As such, Jean E. Wallace and Fiona M. Kay point out Rosabeth Moss Kanter’s proportional rarity theory that “token women” are likely “to have their missteps noted and the significance of these amplified; to be isolated as a social out-group and therefore miss out on informal and professional networks; and to be encapsulated into roles that undermine their status” (Wallace & Kay 2012, p. 391).

Fiona M. Kay and John Hagan also argue that firm partners might have attempted to take advantage of female lawyers because they “assumed women would work diligently for a number of years, servicing prestigious clients and billing at high levels, and then would leave their initial years of career investment to raise families, forfeiting the coveted partnership ranks to men” (Kay & Hagan 1999, p. 519). Not only women feel the effects of a lack of other women in the workplace though, as it can affect lawyers in a more general sense. In a study done by Wallace and Kay, they found that “in firms where women are tokens, lawyers report receiving significantly less emotional and informational support from their colleagues than lawyers working in firms where more women are employed” (Wallace & Kay 2012, p. 399). A main point of emphasis being shown in this literature is that women’s minority status can lead to their careers becoming harder and their work environments becoming less friendly to everyone.

Another problem that women face is due to gendered stereotypes that still plague law firms. The propensity for people, especially men, to see women as mothers first, present added

challenges to those women who do indeed have children. Motherhood is seen almost universally as being extremely time-consuming and many believe that motherhood will be prioritized over all else. The consequence of this is that women's coworkers will instead talk to, support, and lend advice to male coworkers that they feel are more hardworking and deserving of these types of validation (Wallace & Kay 2012, 394). This thinking seeps its way into law firms, causing these women to "encounter personal hostility, (becoming) disliked, and (to) feel less supported by their colleagues," all because they have violated the norm of "intensive mothering" (Wallace & Kay 2012, p. 390). With women in the law field, sometimes being seen as both mothers and tokens, women often have to make their way through this "double penalty," in order to stay within the law field (Wallace & Kay 2012, p. 391).

When it comes to people of color, part of the reasoning behind their underrepresentation in law firms is that they often have to be overqualified to get respect and the same positions that white men can achieve. Mark Rust claims that in order for someone black to be considered by large private law firms, they "have to have impeccable credentials, be on the law review, and preferably come from an Ivy League school. With white students these high achievements are helpful, but they aren't essential" (Rust 1984, p. 20). The need to be overqualified presents minority applicants with added barriers which can explain why there is still a lack of diversity within many law firms. Even when black people do become lawyers, they are still not given the respect that they deserve. George Chen asserts that they "are far too often assumed to be defendants when they enter courtrooms to defend their clients or prosecute criminals" (Chen 2015, p. 29). This type of implicit bias, which are biases that people can show even though they do not explicitly mean to, can have effects on how an attorney's work is judged. Studies have even been found to show that Black, Asian, and Hispanic attorneys' work was judged more

harshly than their white counterparts (Chen 2015). With people of color having to work harder to get to the places they want, and with biases that are hard to fix, their careers face obstacles in ways that they might not have considered when they went into the field.

The experiences of women within law firms can be similar to the experiences of black and brown people. Both have barriers that make getting to private law firms difficult and as earlier stated with women, these barriers influence their interactions with their coworkers. In a study to determine the factors leading to overall satisfaction, many reports have been collected showing that black people were less likely to meet with partners for things like meals outside of work (about 54% of white associates met for meals with partners compared to only 27% of black people). Moreover, only about 47% of white associates yearned for more mentorship by partners whereas about 70% of black associates and 71% of Hispanic associates desired the same things (Payne-Pikus et al., 2010). The lack of mentorship for minorities by partners stems from believed stereotypes of the weaknesses of minority lawyers. In consequence, Richard Sander argues that “few minorities get the careful mentorship, challenging assignments, and other opportunities that allow them to prove their value to the firm. Minority associates therefore tend to be stuck with routine work leading nowhere, and most leave the firm long before being formally passed over for partnerships” (Sander 2005 p. 1766).

This study's results align closely with another study's findings, showing that only 23% of white associates wish to leave their law firm in the next year while 50% of black associates and 54% of Hispanic associates wish the same thing (Payne-Pikus et al., 2010). Sander claims that higher attrition rates of Black people stem from their lower grades in law school but it should be noted that even so “Sander does not actually find or report large observed racial/ethnic disparities in performance inside firms” (Payne-Pikus et al., 2010). Nevertheless current literature widely

still agrees on the high attrition rates of minorities. This hence helps explain why there are so few racial minorities in higher positions and why many do not stay long enough to reach these positions.

As mentioned earlier, the intersectionality between race and gender presents difficulties that people may not always recognize. With two identities that have historically been discriminated against, black women face unique problems that other discriminated peoples do not. Black women have long been stereotyped as angry and violent, and they have long been cognizant of this stereotype as well. In an interview with a black female lawyer, she stated, “Well, the choice I made early on was that I did not want to be stereotyped as sort of the ‘big, black, angry woman’” (Pratt 2012, p. 8). In recognizing this stereotype, black women have to often downplay their true personalities, becoming very reserved and controlling of their emotions (Pratt 2012). Although assertiveness and strength are widely known to be positive and desirable traits and are almost expected of lawyers, black women are unable to exhibit these personalities. Since these characteristics are qualities and black women can not exude them, standing out in their field becomes even harder. They are simply not afforded the “luxury” of being who they often are.

Much of the literature referenced here points to how discrimination is present in the law field and notes how it affects minorities’ careers. The question scholars and authors wish to further answer is: why is diversity actually needed? Douglas E. Brayley and Eric S. Nguyen say that diversity is needed for two main reasons. For moral obligations and for financial incentives. For moral obligations, the need to promote diversity is the “just or right thing to do for legal professionals” especially since current inequalities in firms are the remainings of a system of “slavery and segregation” (Brayley & Ngyuen 2009, pp. 8-9).

On the financial side, in a study done by these two, they found that their “results demonstrate empirically that diversity, revenue, and profitability are inextricably linked” and that “highly diverse law firms generate greater revenue and turn higher profits than their peers, even after controlling for hours, location, and firm size” (Brayley & Ngyuen 2009, pp. 19, 36). Some possible reasons for these results could be a client's demand for diversity, attorneys being more productive in a heterogeneous environment, and lawyers wanting to go to a firm that is in fact diverse (Brayley & Ngyuen 2009). All in all, diversity is shown to cause good business while also being an effect of good business since “profitability may circle back to drive diversity by giving firms additional resources to invest” (Brayley & Ngyuen 2009, p. 36).

Given the literature reviewed, women and people of color still must battle their way through added obstacles despite progression within the law field. A large part of this is due to the underrepresentation that still troubles America's attorneys. To understand this in a more specific and narrow sense I endeavor to discover how represented different groups are within top law firms in Orange County. Specifically, this research study will answer the following question: *to what extent do attorneys in top law firms reflect the populations in which they reside?*

## **Research Design**

In order to answer my research question, I used Orange County as a specific case study. I found the three largest law firms in the county and looked at the attorneys that they employed. To determine the largest firms, I based it on how many attorneys each firm had. The largest firms were Knobbe Martens, Rutan & Tucker, and Sheppard, Mullin, Richter & Hampton.

Knobbe Martens is one of the nation's largest law firms with a total of 137 attorneys in their Orange County office. Their specialty is in intellectual property and technology but their work spans into physics, pharmaceuticals, entertainment, and engineering. Managing partner

Steve Nataupsky says that “(their) diversity inspires intellectual creativity” (Knobbe Martens - “About Us”). Identifying the lawyers in this firm was quite easy as they had every attorney’s position, education, and picture very neatly laid out under their “Professionals” page.

Rutan & Tucker, a full-service law firm focusing on litigation, real estate, land use, etc has a total of 131 attorneys working in their OC office. Their commitments (explained on their firm website) are said to be to diversity, inclusion, and equal opportunity (“Rutan’s Diversity Commitment”). Identifying these lawyers was similar to Knobbe Martens’ lawyers since there was a similar layout but a few profile pictures were missing. If this was the case I looked them up on LinkedIn and looked at their profile pictures *there*. Even on LinkedIn, profile pictures were still missing, so for two attorneys, I was not able to identify their race.

Lastly, Sheppard, Mullin, Richter & Hampton have 86 attorneys working in their OC office. They are also a full-service firm, focusing on advertisement, healthcare, transportation, etc. They too claim on their website to be committed to creating a welcoming and diverse environment and have accumulated multiple diversity awards (Sheppard Mullin - “Diversity & Inclusion). Like the previous two firms, identifying each attorney was fairly simple. Only one attorney did not have their profile picture on their firm site nor on LinkedIn, at the time when I collected the data, so I was unable to record the race of this attorney.

The commitments and statements that are proudly displayed on each firm’s website were noted because it makes the data collected even more insightful. With this, I can compare their words to their actions and practices to see if the two are compatible or at odds with each other.

Together, I collected data on a total of 354 attorneys with the three firms having an average of 118 attorneys working for their Orange County offices. Although these firms have

many more attorneys working for different offices nationwide, for the purpose of this study, I only included the attorneys actually working in Orange County.

Obviously, identifying people's race visually is prone to error. The logic for this approach, however, is that this is how most people - employers, colleagues, jurors, and so on - infer race. Of the attorneys studied, they all would fall into the following categories: White, Black, Latinx, and Asian. An individual's race was recorded in part to see how the demographics relate to the number of individuals of a certain race in the state of California, those coming out of law school, or those having already passed the bar exam.

After first looking at the race of each attorney, I then looked at their gender. I recognize that what I identified them as might not be what they identify as but for this study the way that I identified them, is most likely how those around them would identify them. Moreover, how the world sees them will influence how they are treated which once again, is part of what I am inquiring about as a part of this study. Each attorney was recorded as either male or female.

Concurrently while I identified the race and gender of every attorney, I also recorded details about where they attended law school. For the vast majority of all the attorneys, education (and year of completion) were displayed on their profiles on their respective firm's websites. For the few that were not displayed, I looked their names up on LinkedIn. To confirm that they were the correct person, I ensured that their firm name was on their profile.

In terms of the position of the different attorneys, their job description for the most part was also on their profiles on their respective firm websites. From there, whichever category they fit into, was recorded - whether they were an associate or if they had already made partner. Along with this, I collected the year they were hired as an associate and if they indeed made partner, I also recorded when they did so. Some of them had actually been brought into their



firms as a summer associate before being officially hired as an associate so that was noted when applicable. For those whose job description was not in their firm bios, I again used LinkedIn to fill in this gap of information.

The combination between race, gender, education, and position captures a suite of important traits about each lawyer, and it allows me to characterize the broader population of attorneys. For example, I wanted to see how many people of color or women (or both) were promoted to partner, compared to white men. Education comes into play because of how important it is to law firms when they are hiring. This for the most part is agreed upon but through the collection of this kind of data, I would be able to find out if education was even more of a influencing factor to a minority group than it is to a majority group. These four different components, of course, work together, but based on known research already done, they are bound to have different effects on one another depending on one's background.

Although a case study with a fairly large amount of data points in Orange County will give an accurate representation of the demographics in large-scale law firms, this study still has some limitations present. To answer my research question, I looked at attorneys who have already become associates and partners in a law firm. I did not do a case study or interview people who might have wanted to become a lawyer but did not because of some type of barrier placed in front of them. As a consequence, to measure definitively how many people are essentially locked out of the law field becomes difficult. Nevertheless, the data gathered still shows stark differences in representation. It also calls attention to and questions what measures have been put into place to ensure that the identities of attorneys at least somewhat matches the greater population, whether it is in a city, county, or state.

The factors measured as a part of this study are in fact quantifiable but they are not an exhaustive list of important elements when entering the law field. There are many virtues that can help an individual enter into and promote within the field. Virtues like tenacity, charisma, stamina, etc can give someone more of an opportunity to get hired by a law firm. However, these virtues are not associated with race or gender. Regardless, even though these components can not be quantifiably measured (and thus presenting some limitations to this project) the components that *were* measured still provide insight into distinct and powerful characteristics.

## **Results**

Across the three different law firms in Orange County (Sheppard Mullins, Knobbe Martens, and Rutan and Tucker) 354 lawyers were found to have worked in their Orange County Offices. 86 lawyers worked for Sheppard Mullins. 137 lawyers worked for Knobbe Martens. 131 lawyers worked for Rutan and Tucker.

I recorded the overall population of Orange County in order to compare it with the demographics of the three law firms studied. In 2010, there were 540,834 (18%) Asian people, 44,000 (2%) Black people, 1,012,973 (34%) Latinx people, and 1,328,499 (44%) White people. Ten years later, there was an increase in every demographic except for white people. In 2020, there were 706,838 (22%) Asian people, 49,304 (2%) Black people, 1,086,834 (34%) Latinx people, and 1,198,655 White people (38%) (See Figure 8).

When analyzing gender, I found that women were incredibly underrepresented. There were a total of 110 (31%) females compared to 244 (69%) males (See Figure 2). For Rutan and Tucker, there were 43 (33%) females and 88 (67%) males. Knobbe Marten's composition was made up of 33 (24%) females and 104 (76%) males. There were also 34 (40%) females and 52 (60%) males working for Sheppard Mullins' Orange County office. The overall representation of

male and female is thus shown to be quite similar to the male vs female breakdown for each of the three law firms.

In terms of race, study-wide, there were a total of 5 (1%) black attorneys (See Figure 1). Sheppard Mullins had 4 (80%), Knobbe Martens' did not have any black lawyers, and Rutan and Tucker had 1 (20%). There were a total of 21 (6%) Latinx lawyers for the entirety of the study (See Figure 1). Sheppard Mullins had 4 (19%), Knobbe Martens' had 8 (38%), and Rutan and Tucker had 9 (43%). There were also a total of 64 (18%) Asian people (See Figure 1). Sheppard Mullins' had 11 (17%), Knobbe Martens' had 33 (52%), and Rutan and Tucker had 20 (31%). The vast majority of the attorneys collected were white. For the entire project, I found that there were 261 (74%) white lawyers (See Figure 1). Sheppard Mullins had 66 (25%), Knobbe Martens' had 96 (53%), and Rutan and Tucker had 99 (38%).

Every racial group, compared to the racial makeup of Orange County and with the exception of white people, was underrepresented to different extents. The group that was most underrepresented was Latinx people (34% of the total OC population but only 6% of attorneys recorded).

When calculating to find the intersectionality between race and gender I found that for Asian lawyers, there was almost an even split between male and female - 31 (9%) female Asian lawyers and 33 (9%) female Asian lawyers. Black lawyers also saw almost an even split - 3 (1%) females and 2 (1%) males. Of Latinx lawyers, 6 (2%) were female and 15 (4%) were male. White lawyers had the largest gender disparity with 69 (20%) white females and 192 males (55%) (See Figure 3).

The education level of each lawyer further divided each identity. Almost every school that was recorded was nationally ranked. Of the Asian lawyers, 33 (52%) went to a top

25-ranked law school and 31 (48%) did not. Of the black lawyers, 2 (40%) went to a top 25-ranked law school and 3 (60%) did not. 11 (52%) Latinx lawyers went to a top 25-ranked law school and 10 (48%) did not. Lastly, 131 (50%) White Lawyers went to a top 25-ranked law school and 129 (50%) did not (See Figure 4). When considering sex and education, the results were similarly split between those who went to a top-25 law school and those who did not. 49 (45%) females went to a top-25 school and 61 (55%) did not. For males, 130 (53%) went to a top-25 law school and 113 (47%) did not (See Figure 5).

The data on the split between top-25 law school graduates and non-top law school graduates suggests that school ranking may not have as much of an influence on who gets employed in the largest law firms in Orange County. This is somewhat surprising in light of research on the so-called “Jackie Robinson effect” - the finding that African Americans often overperform white colleagues in similar positions (Anzia and Berry 2011). While current literature might claim that education does have a stronger impact, those pieces are often done on a much larger scale and not just on Orange County as was done for this case study.

Lastly, the positions of every lawyer within their given law firm also provided data based on gender and race. Of Asian lawyers, 28 (44%) had already made Partner, and 36 (56%) had not. 2 (40%) Black lawyers had also made Partner, and 3 (60%) had not. Of the Latinx lawyers, 11 (52%) had made Partner, and 10 (48%) had not. 184 (71%) White lawyers had made Partner and 76 (29%) did not (See Table 6). For female lawyers, 48 (44%) of them had already made Partner while 62 (56%) did not. For males, there was a much larger discrepancy between those who made Partner and those who did not - 179 (74%) were partners, and 64 (26%) were not (Table 7).

The lack of both racial and gendered diversity could result from several different forces. Overt racism in discrimination is one possible explanation as those who hire incoming lawyers might possibly just not want to diversify the field in order to stick with the status quo. Another possibility is that implicit biases still detrimentally affect minority groups getting hired. In this case, law field bosses would not explicitly exclude minorities but discrimination might still manifest in their decisions on who to hire. Conversely, though, the most contributing factor to a lack of diversity could be due to a minority group's unwillingness to work in a county that has historically had a reputation for being a predominantly white county. Nonetheless, the reality behind this underrepresentation is probably some type of combination of all these factors.

The comparison between the demographics in Orange County in 2010 and 2020 does show that Orange County is in fact getting more diverse. With this in mind, and assuming that those who have not yet made partner will eventually do so and those who are already partners will eventually retire, partnerships in the future could also possibly become more diverse. This is a possibility for the future because white non-partner lawyers make up only a small part of the total of white lawyers (26%), so when these non-partners become partners and the already partners retire, white partners may not be such a large bloc. Furthermore, the general makeup of Orange County attorneys could also become more diverse since all the different minority groups have been increasing in sheer numbers and in the percentage of total attorneys.

## **Conclusion**

Orange County has long been stated to be a very white, nondiverse county by not only those who live there but also by others living outside of the area. On the contrary, however, Orange County is actually a very diverse county with a rising population of minorities and

historically underrepresented groups. This has made an Orange County case study distinctly interesting.

Going into this project, I wondered how much of a role race and sex played within Orange County law firms - that is, I wanted to find out if the attorneys serving the population were in some sense reflective of it. After collecting the identities of over 300 attorneys working in the three largest law firms in Orange County, I concluded that they in fact were not represented in the ways that might have been expected, based on their overall population in the county.

The results of my findings saw that every minority group was underrepresented to a certain extent and that some were even severely underrepresented. Black people are already a very small part of Orange County (1.55%) and yet their makeup of law firms is even smaller (1%). Moreover, Asian people were also underrepresented - 22% of the overall population vs 18% of lawyers recorded. Latinx people were by far the most underrepresented group as they made up only 6% of attorneys recorded despite making up 34% of Orange County. White people were massively over-represented as they made up 74% of attorneys recorded but only made up 38% of Orange County.

The underrepresentation of groups was also not only seen with race. Women were severely under-represented since they could be expected to make up about half of OC attorneys but only made up 31% of attorneys recorded.

Drilling deeper, we can better see the relationship between diversity and seniority - i.e., partnership. On the one hand, seeing more diversity among associates could portend a more diverse future. On the other hand, seeing firms' most senior ranks were also the least diverse

could signal diversity is relegated to the lower ranks. My data cannot resolve which interpretation is correct, but it can clarify the fork in the road that top firms must confront.

The benefits of a more diverse and equitable environment for attorneys are thoroughly shown through the emotional impact on the people they serve *and* on the productivity of attorneys themselves. There are thus good reasons to believe diversity in the legal profession matters for clients, colleagues, and for justice. Professional diversity does not happen by luck or by accident, however. On the contrary, personal and professional networks have a way of reproducing biases and cementing differences. For these reasons, the law field needs a sustained, intentional effort to build a more diverse bar - one that starts in school, extends into law school, weaves into internships and hiring, and ultimately manifests itself in partnerships. With these efforts, the entirety of the law field has a greater opportunity to be reflective of the people they both serve and represent.

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## Figures

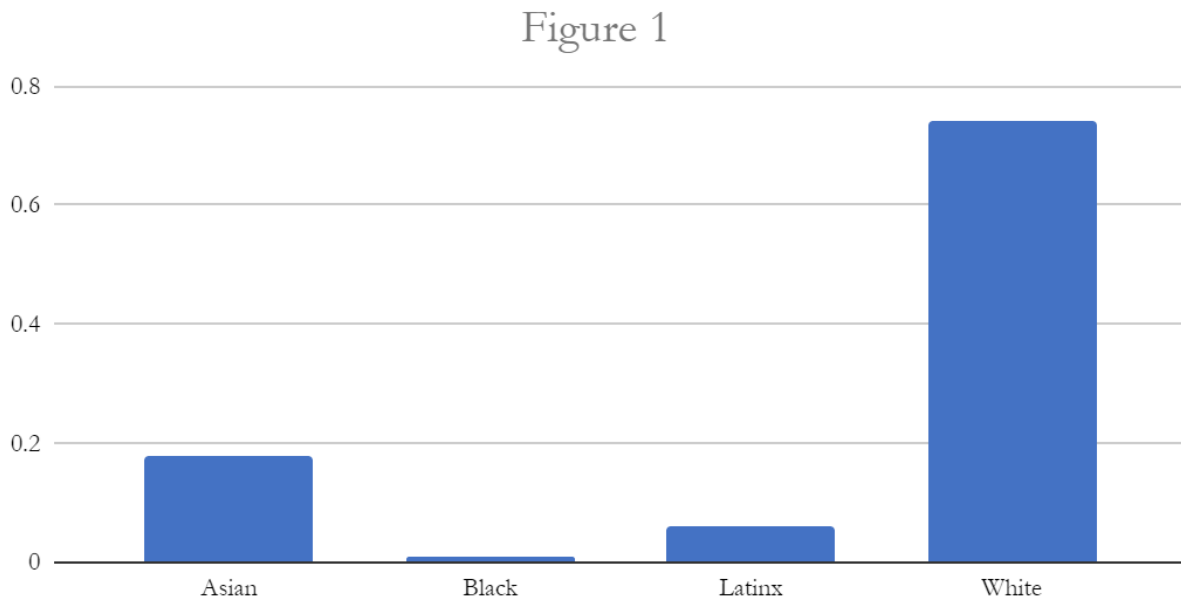


Figure 1: This figure shows the racial breakdown of the attorneys from the three law firms recorded.

Figure 2

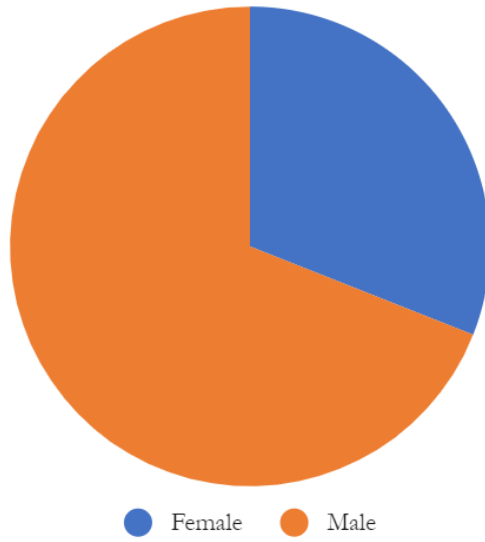


Figure 2: This figure breaks down every lawyer recorded, based on sex.

Figure 3

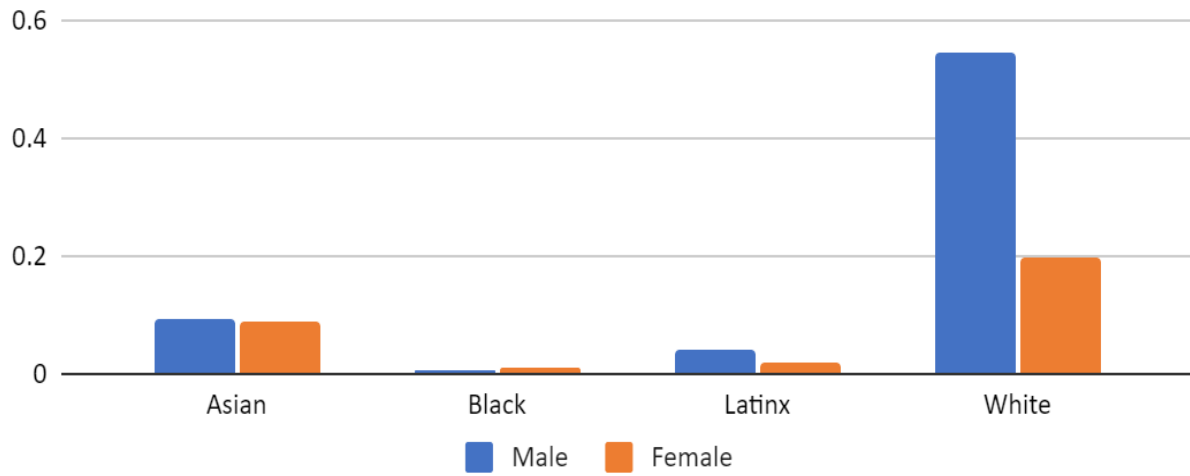


Figure 3: This figure notes the breakdown of both sex and race for all attorneys recorded.

Figure 4

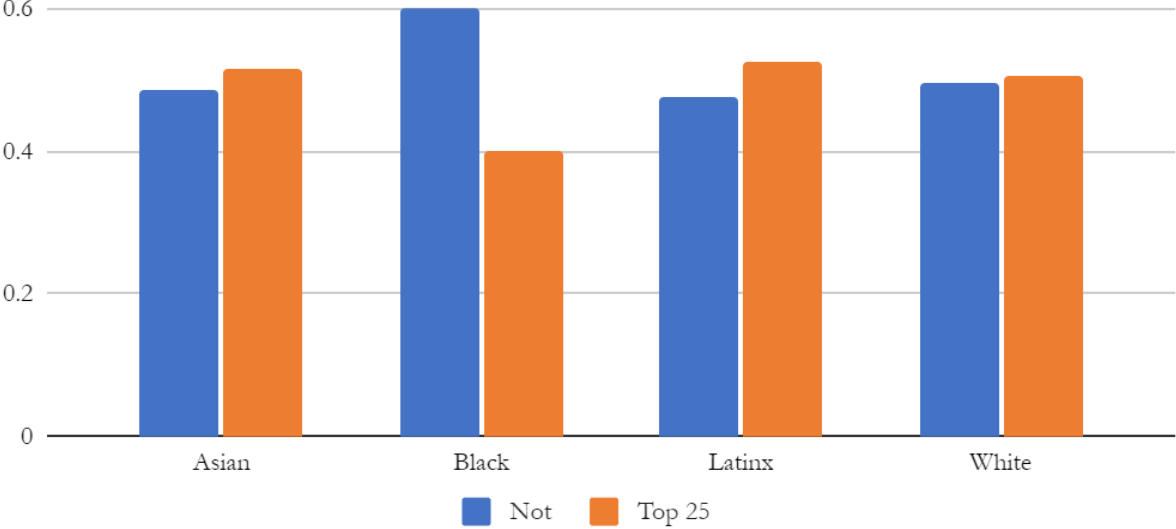


Figure 4: This figure differentiates the attorneys who graduated from a top 25 law school and those who did not, based on race.



Figure 5

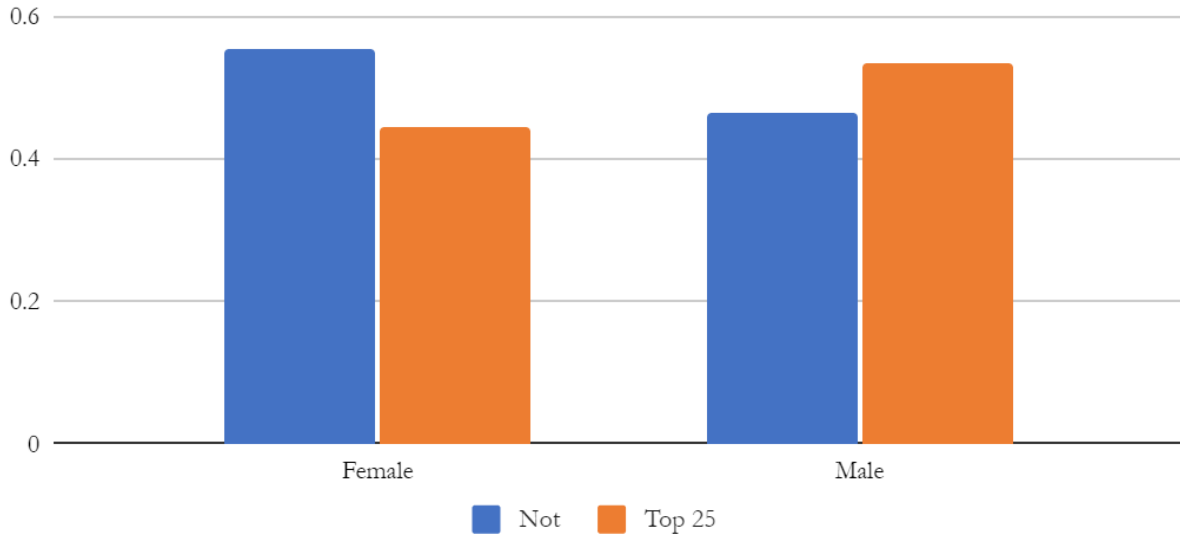


Figure 5: This figure differentiates between the attorneys who graduated from a top 25 law school and those who did not, based on sex.

Figure 6

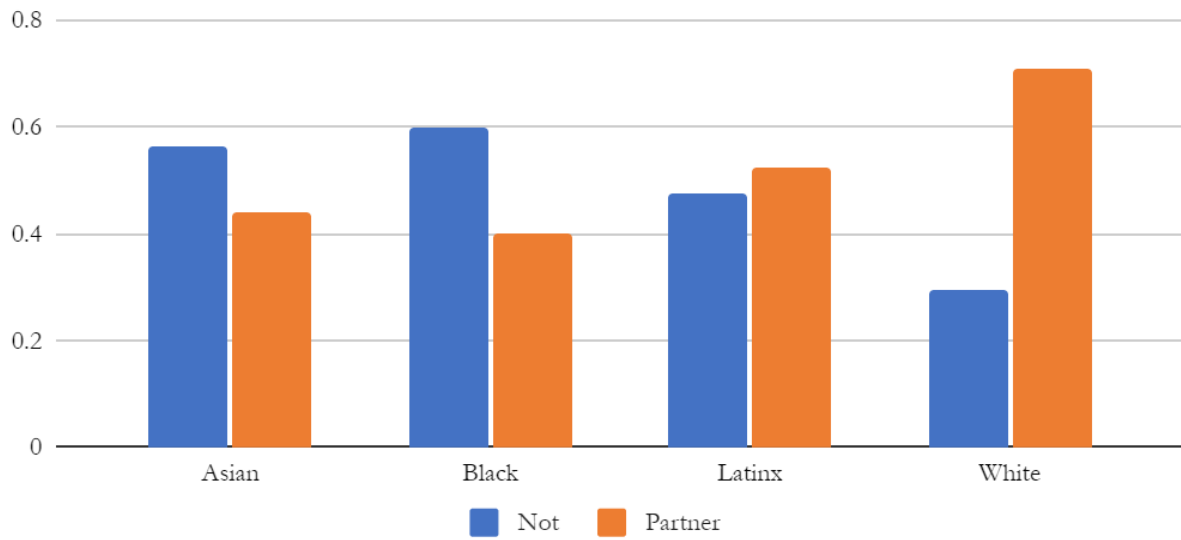


Figure 6: This figure compares the position of all attorneys recorded, based on race.

Figure 7

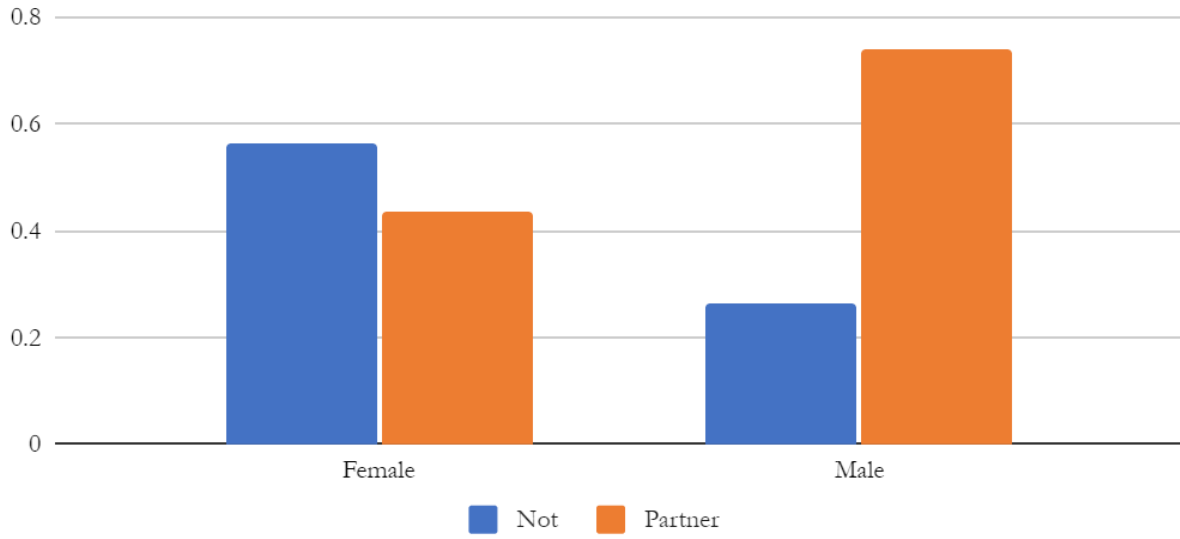


Figure 7: This figure compares the position of all attorneys recorded, based on sex.

Figure 8

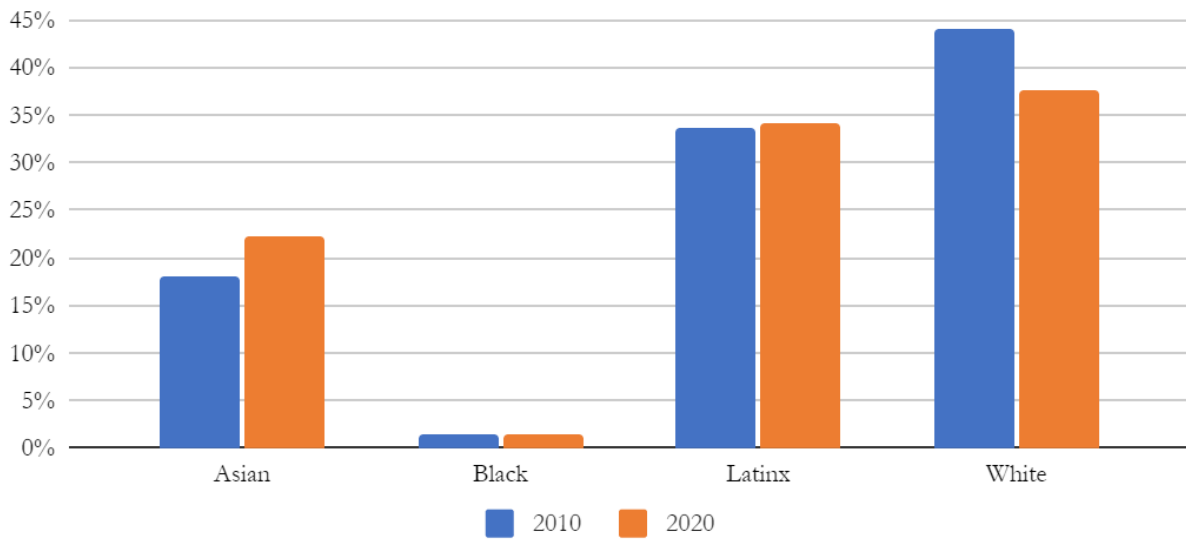


Figure 8: This figure compares the overall population of Orange County in 2010 to the overall population of Orange County in 2020