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This article recently appeared in the *Lawyers Club News*, July/August 2005.

2005 Equality Survey Results

by Tina M. Fryar and Paula Rosenstein

The Lawyers Club Equality Committee has completed its 14th annual survey of San Diego's private firms ("private sector") and public agencies ("public sector"). A summary of the data collected is included as an insert in this newsletter and is also available on the Lawyers Club website (www.lawyerclubsandiego.com). As in past years, the results of the survey illustrate the progress female attorneys have made in the San Diego legal community over the past year.

Methodology

The data set forth in the survey was compiled from information voluntarily provided to Lawyers Club by private law firms with 15 or more attorneys in their respective San Diego offices and by public agencies in San Diego. The foregoing entities provided the information in response to a questionnaire Lawyers Club disseminated during the Spring 2005 time frame. If a private firm did not return a completed questionnaire, Lawyers Club compiled the data set forth in the survey based on information obtained from the firm's website or Martindale Hubbell listing. If a public agency did not return a completed questionnaire, Lawyers

Club compiled the data set forth in the survey based on information obtained from the agency's most recent Equality Survey response. Although some private firms may have multiple office locations, the survey results reflect information relating to each firm's San Diego office only.

Private Sector Results

Gender Diversity

As of Spring 2005, 32% of all attorneys in the firms included in the private sector survey were female. Of the partners and associates in those firms, 20% and 44%, respectively, were female. When compared to last year's survey results, the percentage of total female attorneys increased by 1%, the percentage of total female partners remained unchanged, and the percentage of total female associates increased by 3%.

In 10 of the 41 firms included in this year's survey, the percentage of female attorneys exceeded 40%. (Last year, the percentage of female lawyers exceeded 40% in 9 out of 40 firms.) The firms containing the largest percentage of female lawyers were Wilson Petty Kosmo & Turner

(68%), Baker & McKenzie (52%), Best Best & Krieger (50%), Koeller Nebeker Carlson & Haluck (50%), Mulvaney Kahan & Berry (50%), Paul Hastings Janofsky & Walker (49%), Littler Mendelson (47%), Sullivan Wertz McDade & Wallace (47%), Klinedinst (42%), and Kimball Tirey & St. John (41%). In five of the foregoing firms (Baker & McKenzie, Koeller Nebeker Carlson & Haluck, Littler Mendelson, Sullivan Wertz McDade & Wallace, and Wilson Petty Kosmo & Turner) female lawyers also occupied leadership positions within the firms' San Diego offices.

This year, there were 4 firms in which the percentage of female partners exceeded 40%. (This is consistent with last year's results in which the percentage of female partners exceeded 40% in 3 firms.) The firms with the largest percentage of female partners were Wilson Petty Kosmo & Turner (75%), Baker & McKenzie (45%), Koeller Nebeker Carlson & Haluck (43%), and Best Best & Krieger (42%).

There were 8 firms (1 more than last year) in which the percentage of female associates exceeded 60%. The firms with the largest percentage of female associates were Littler

Mendelson (100%), Sullivan Wertz McDade & Wallace (80%), Mulvaney Kahan & Berry (75%), Solomon Ward Seidenwurm & Smith (67%), Wilson Petty Kosmo & Turner (67%), Best Best & Krieger (64%), Baker & McKenzie (63%), and Kimball Tirey & St. John (62%). In 10 firms (6 more than last year), the percentage of female associates fell within the range of 50-55%.

Ethnic Diversity

For the second year in a row, the survey questionnaire included questions regarding the numbers of "non-white" (e.g., African American, Hispanic, American Indian, Alaskan, Asian, Pacific Islander, etc.) attorneys in private firms. In 21 of the 27 firms that responded to the questions, the percentage of non-white attorneys was less than 15%. Of those 21 firms, 4 of them (1 less than last year) had no non-white attorneys at all. There were only 6 firms in which the percentage of non-white attorneys was equal to or exceeded the 15% mark. The firms with the largest percentage of ethnically diverse attorneys were Littler Mendelson (29%), Wilson Petty Kosmo & Turner (21%), Fish & Richardson (20%), Baker & McKenzie (17%), Cooley Godward (17%), and DLA Piper Rudnick Gray Cary (15%).

There were only 3 out of the 27 firms in which the percentage of non-white female attorneys exceeded 10%. The firms with the largest percentage of ethnically diverse female attorneys were Littler Mendelson (18%), Wilson Petty Kosmo & Turner (16%), and Baker & McKenzie (14%). In 5 of the 27 firms, the percentage of non-white female attorneys fell within the range of 5-8%. Those 5 firms are Cooley Godward (8%), Fish & Richardson (8%), Solomon Ward Seidenwurm & Smith (8%), DLA Piper Rudnick Gray Cary (7%) and Procopio Cory Hargreaves & Savitch (5%). The percentage of non-white female attorneys in the remaining 19 out of 27 firms was 4% or less. Of those 19 firms, 9 had no non-white female attorneys at all.

Survey of Parental Leave Policies

For the fourth year in a row, the survey questionnaire included questions regarding private firms' policies on parental leave and part-time and flex-time work options. Of the 41 firms included in the survey, 23

responded to the foregoing questions. Like last year, a cluster of firms led the way with regard to maternity leave by providing their female attorneys with up to 3 months of paid leave. The firms offering the most generous leave periods were Baker & McKenzie, DLA Piper Rudnick Gray Cary, Fish & Richardson, Heller Ehrman, Lerach Coughlin Stoia Geller Rudman & Robbins, Littler Mendelson, Luce Forward Hamilton & Scripps, Morrison & Foerster, Seltzer Caplan McMahon & Vitek, and Sheppard Mullin Richter & Hampton. In some cases, the amount of paid leave available to an attorney fluctuated depending on her length of employment with the firm. In 16 of the 23 firms, part-time or flextime employment options were available. Such arrangements were offered and/or administered by the firms on a case by case basis.

Public Sector Results

The San Diego Volunteer Lawyers Program ("SDVLP") held on to its first place position in the public sector survey for the third year in a row. Of the attorneys at SDVLP, 82% are female, an increase of 5% from last year's figures. Appellate Defenders jumped two positions from last year into the second place slot with 74% female attorneys. Family Law Facilitators dropped from its second place slot last year into third place this year with 71% female attorneys, a 4% decline from last year.

In five agencies, the percentage of female attorneys was equal to or exceeded the 50% mark: Superior Court (Research Attorneys) (69%), Court of Appeal (Research Attorneys) (63%), Legal Aid (63%), City Attorney's Office (63%), and San Diego Unified Port District (50%). When compared to last year's survey results, the percentage of female attorneys in those agencies remained the same, except for the percentages at the Superior Court and Legal Aid, both of which declined by 3% and 8%, respectively.

Federal Defenders, which gained the most ground last year, lost significant ground this year and dropped from 10th place to 12th place thereby erasing much of its gain. Similarly, the District Attorney's office, which moved up three places last year, has dropped two places this year and is currently back in 10th place.

Even while not responding to the survey since 2001, the U. S. Attorney's office still managed to end up in last place as it has for the past four years now with only 41% female attorneys. Last year, we saw some bright spots with increases in the percentage of women in top level legal positions and increases in the percentages of female lawyers overall. This year we saw a 4% drop in females in top level positions, which took the statistics down to 39% -- almost back to their 2003 percentage of 38%. We also saw a 1% drop in the overall percentage of female attorneys, which brings that figure back to 48%, its 2003 number.

With Carl Poirot's retirement from SDVLP and his replacement with a woman, the overall agency head percentage increased from 33% last year to 40% this year. While we are sorry to see Mr. Poirot leave, we wish SDVLP and his successor all the best and challenge them to maintain their 1st place status in our annual survey. The public agencies in San Diego still have a long way to go before achieving parity, and it is disappointing to see last year's modest gains reversed. We are hopeful that 2006 will bring much needed improvements for all of the agencies.

Comment

As we noted last year, private firms and public agencies must continue to ensure equal opportunity for women in order to attract, retain, and promote the most qualified individuals. As part of that effort, firms must create and implement policies that enable their employees to balance professional demands with personal responsibilities. Some firms and agencies have already successfully implemented options such as job sharing, flex-time, telecommuting, and part-time work schedules. Lawyers Club encourages San Diego's private firms and public agencies to continue exploring innovative strategies to eliminate the barriers to equal participation and advancement of women in the law.

Lawyers Club extends its thanks to the firms and agencies participating in this year's survey.